UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS

FIRST SESSION

VOLUME 135—PART 15

SEPTEMBER 13, 1989 TO SEPTEMBER 26, 1989

(PAGES 20241 TO 21761)

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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATE—*Wednesday, September 13, 1989*

(Legislative day of Wednesday, September 6, 1989)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *if thou do at all forget the Lord thy God,* * * * *I testify against you this day that ye shall surely perish. As the nations which the Lord destroyeth before your face, so shall ye perish; because ye would not be obedient unto the voice of the Lord your God.*—Deuteronomy 8:19, 20.

God of our fathers, Lord of history, Ruler of the nations, in light of the political ferment worldwide and the growing awareness of America's unprecedented political system, help us to hear the sober warning of Moses. Thank Thee for the "faith of our fathers" who believed in the separation of church and state but refused to separate God from government. Thank Thee for their self-evident conviction that all are endowed by their Creator God with inalienable rights which government is to secure.

As America supports the universal struggle for freedom, let us not forget the biblical, spiritual roots of our greatness. God-given rights impose upon government an inescapable mandate to secure those rights. Communism rejects faith in God and consequently rejects human rights. As the issue of freedom grows, help us to appreciate this fundamental difference and remember, with renewed commitment, the God whom to forget threatens national ruin.

In the name of the Lord of life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 1989.

To the Senate:

Under the provision of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SCHEDULE

Mr. MITCHELL. Mr. President, following the time of the two leaders, there will be a period of morning business until 9:30 with Senators permitted to speak up to 5 minutes each.

The Senate will at 9:30 resume debate on H.R. 3015, the Department of Transportation appropriations bill, at which time the Lautenberg perfecting amendment No. 728 to the committee amendment, which prohibits smoking on all domestic flights, will be considered.

For the information of Senators, the Senate will be in recess today between the hours of 12:45 p.m. and 2 p.m. so that Senators may join with our House colleagues in Statuary Hall for a memorial service for the late Congressman Mickey Leland.

Upon reconvening at 2 p.m., we will return to the transportation appropriations bill. Votes are possible throughout today's session with respect to this measure.

In addition, I indicated yesterday it is my intention to turn today to the FSX veto override legislation, and I hope to propose a time agreement with respect to that in the near future.

It is also my hope that the Senate may, if it can be cleared, consider today the conference report on the energy and water appropriations bill.

CLEANUP OF THE ALASKAN OIL SPILL

Mr. MITCHELL. Mr. President, at the end of this week, Exxon will halt its oil spill cleanup operations in Alaska.

The president of Exxon recently maintained in a letter to the Los Angeles Times that "the treatment of all impacted shorelines by September 15 will go a long way toward mitigating the environmental impacts of the spill."

It remains unclear whether Exxon will make any further effort to remove oil from contaminated shorelines of Prince William Sound and the Gulf of Alaska.

It has made no commitment to provide field teams this winter to prevent oiling of clean shorelines and sensitive resource areas.

Exxon has agreed to return next spring to survey shorelines, but has been unwilling to concede that any further cleanup will be necessary.

Exxon's position is untenable. And the administration has largely acquiesced to it.

The administration has not insisted on winter field teams to prevent the oil from causing further environmental damage, and it has joined Exxon in taking a wait-and-see attitude toward next spring.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

EPA Administrator Reilly said on "Meet the Press" this past Sunday that he "very much hope[d]" that Exxon will be able to deal with the oil pollution incidents that will occur over the winter, and, he said, that "Exxon is going to have to go back in the spring, as they intended to do, and survey what the problems are. And then, if there is remaining work to be done, to do it."

Mr. President, the administration should not place itself in the position of hoping that Exxon will prevent further environmental harm this winter. It should make sure that Exxon meets this responsibility.

And the administration should not presume that no further cleanup may be needed. It must demand, instead, that Exxon agree now to continue the cleanup next spring unless the administration determines at that time that further cleanup is not necessary.

There is compelling evidence that the administration must exert greater leadership to ensure continued cleanup of the Nation's worst oilspill.

The Alaska Department of Environmental Conservation maintains in a letter to the Coast Guard on August 23 that "Exxon has fallen short of their stated objective to 'leave all shorelines in Prince William Sound and the Gulf of Alaska environmentally stable so that no threat remains to wildlife, fish or persons subsisting from these resources.'"

According to the State of Alaska, "oil has penetrated over 2 feet deep on some beaches and continues to bleed into the open water causing sheens. Wildlife fatalities, especially birds in the Kodiak area, continue to increase. Fresh tar balls regularly wash up on previously treated or uncontaminated shorelines. Fisheries continue to be harmed throughout the spill area."

"This evidence," the State of Alaska continues, "clearly indicates that the shorelines are not environmentally stable."

Under the Clean Water Act, the President has the authority to ensure the spilled oil is removed properly. Therefore, I believe that the President should specifically determine whether the shorelines of Prince William Sound and the Gulf of Alaska have been thoroughly cleaned so that no threat remains to the public health or welfare, including fish, shellfish, wildlife, shorelines and beaches.

The State of Alaska is convinced that Exxon "has not met this objective nor are they likely to achieve it before the winter season."

The State "does not presently consider any shoreline segments to have received final treatment."

Indeed, Exxon speaks only of the miles of shoreline that have been treated; no figures are provided by Exxon with respect to the number of miles of cleaned shoreline.

If the President concludes, as the State of Alaska has, that the oil still poses a threat to the public health or welfare, then I urge him to use the authority and prestige of his office to ensure that Exxon continues the cleanup until such time as he specifically determines that further removal of oil is no longer needed—no matter how many months or years that takes.

The people and natural resources of Alaska deserve no less.

I realize, as does the State of Alaska, that Exxon's cleanup effort must be scaled back and modified to ensure the safety of its workers in the face of adverse fall and winter weather conditions.

But Exxon should be required to provide small, well-trained and properly equipped strike forces through the fall and winter that can respond to oil washed from shores to prevent damage to sensitive areas and to avoid contamination of clean or previously treated shorelines.

Exxon also must be held to a firm commitment now to continue shoreline cleanup in the spring of 1990. The corporation should only be allowed to end cleanup operations next year if President Bush specifically determines at that time that no further removal of oil is necessary.

Recent action by the Senate will ensure in the future that a company responsible for an oilspill stays on the job for as long as it takes to remove the oil.

Just prior to the August recess, the Senate overwhelmingly approved legislation which comprehensively revises and strengthens current law covering oilspill prevention, cleanup, liability and compensation for damages.

Under this legislation, the President is expressly authorized to order a company responsible for an oilspill to continue cleanup until the President determines that the spilled oil has been removed. If a company fails to carry out this order without sufficient cause, it could be fined an amount equal to three times the cost of the damage caused by the spill.

In the case of a spill such as that from the *Exxon Valdez*, the fine under the Senate bill could exceed $5 billion.

This provision, which is modeled after the approach taken to cleanup of toxic waste under Superfund, will ensure that no company walks away from oil that it has spilled until it is completely cleaned up.

The administration must hold Exxon to this same standard.

Mr. President, I reserve the remainder of my leader time and I reserve the leader time of the distinguished Republican leader as well.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

DEATH OF REPRESENTATIVE MICKEY LELAND OF TEXAS

Mr. MITCHELL. Mr. President, on behalf of the distinguished Senators from Texas, Senators Bentsen and Gramm, the Republican leader, Senator Dole, and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 176) relative to the death of Representative Mickey Leland, of Texas.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 176) was agreed to, as follows:

S. Res. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Mickey Leland, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEATH OF REPRESENTATIVE LARKIN I. SMITH, OF MISSISSIPPI

Mr. MITCHELL. Mr. President, on behalf the distinguished Senators from Mississippi, Senators Cochran and Lott, the Republican leader, Senator Dole, and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 177) relative to the death of Representative Larkin I. Smith, of Mississippi.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 177) was agreed to, as follows:

S. RES. 177

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Larkin I. Smith, late a Representative from the State of Mississippi.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARLES HUDSON GRIFFIN

Mr. COCHRAN. Mr. President, today the State of Mississippi mourns the passing of one of our finest and most distinguished public servants. Charles Hudson Griffin, who served as a Member of Congress for 5 years and whom I succeeded in the House of Representatives, died this past Sunday at his home near Utica, MS.

He was a good friend who provided great help to me when I began my service as a Member of our State's congressional delegation in 1973.

He served from July 1, 1949, until January 15, 1968, as a member of the staff of Congressman John Bell Williams from Mississippi. During those years, Charlie Griffin was like an additional Member of Congress for our State.

When Congressman Williams became Governor in 1968, his able assistant was chosen to succeed him, and Congressman Griffin served as a hardworking member of the Banking Committee.

Everybody liked and respected Charlie Griffin. He represented our State with great skill and conpetence. He was progressive in many ways, and as a member of the Banking Committee he supported Federal housing programs, one of the first Members of Congress from Mississippi to do so.

When he retired from Congress in 1973, he became the secretary of the Mississippi State Senate. An important guiding force in State government, he retired only 6 months ago, having decided to spend his remaining years on his farm near Utica. His untimely death came when he was just 63 years of age.

We are all going to miss him. We loved him. We appreciated him. No one was more selfless, no one tried to do more to help others in representing our State's interests.

He was truly a unique human being. I know the Senate joins me in mourning his passing and in extending sincere condolences to all members of his family, particularly his wife, Angie.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

TRANS-ANTARCTIC EXPEDITION

Mr. DURENBERGER. Mr. President, I rise on the first of what I expect to be many occasions to bring to my colleagues' attention and the Nation the great adventure that is taking place right now at the bottom of the Earth. As I speak, six men from six different countries—the United States, France, the Soviet Union, Japan, China, and Great Britain—are dogsledding their way across Antarctica. It is called The Trans-Antarctic Expedition. The team is led by Will Steger from Ely, MN, and Dr. Jean-Louis Etienne of France.

Their goal is to be the first team to traverse the Antarctic continent without mechanical assistance. And they are going the long way. They are going from the tip of the Antarctic Peninsula to the South Pole through to the Soviet community of Mirnyy. This will be a 7-month, 4,000-mile effort.

It began in earnest on July 27, 1989, from Seal Nunataks, which is a nondescript point on the Larson Ice Shelf of the Antarctic Peninsula. The expedition's goal is to educate the world about the vast wilderness and its critical role in our global environment while demonstrating the power and the spirit of the human being and of international cooperation.

Mr. President, many of us share these goals. I would like to do my part to assist these brave men to achieve their objectives. Thus in the following weeks until the conclusion of the trek in March 1990, I plan to provide the Senate with a weekly update on the expedition.

In addition, I will introduce my colleagues to the members of the expedition, explain why they are undertaking such an arduous task, and describe the risks they are taking and how they meet their daily challenges.

Finally, I intend to bring to the Senate's attention the importance of Antarctica to our global well being. Despite its unfriendly weather, its rugged terrain, the continent is very sensitive to man's touch.

Today is day 49 of this expedition. So far the team has traveled 405 miles and is nearing the end of the most dangerous part of the trek, the Peninsula crevasses. Crevasses are gorges that can be hundreds of feet deep but are frequently covered by a thin glaze of ice that can easily collapse under the weight of a 1,000-pound sled.

Two weeks into the trek, about 5 weeks ago, Victor Boyarsky, who is the member from the Soviet Union went to untangle his dog team when the ice gave way under him, and he almost fell into a very deep crevasse. Luckily, he was able to grab hold of the dog harness, and he hung suspended over the crevasse until the other team members pulled him to safety.

Since that incident, the team members tie themselves to the sleds. Until recently, the weather conditions have proved relatively mild, despite the fact the team is now traveling in the Antarctic winter. Temperatures are around minus 27 Centigrade. Several ground storms have stopped the team from traveling for several days at a time. They had winds recorded up to 65 miles an hour. Although it rarely snows in Antarctica, the winds can blow what snow there is into a blizzard. Storms can last for just a few hours, or they can last for days.

For the last couple of weeks, the team has been traveling around the Weyerhauser Glacier, which, at nearly 6,500 feet in elevation, divides two battling air masses. Thus, with the low temperature dominant, the weather is ugly, and the team cannot move. This was the case last Thursday, day 43.

When the high pressure system dominates, the skies are clear, and they can see for almost a hundred miles. These conditions make for excellent travel. On Saturday, the team was able to sled a record 28 miles. Along the way, the team has stashes of food, which are flown in and placed ahead of the team. On one occasion, the wind had blown snow over the stash so the team could not find it. Although that could have been life-threatening, the team conserved the food they had until they reached the next stash.

In the remaining seconds I have I will introduce the expeditions leader, Will Steger, an old friend of mine from Ely, MN. He operates a dog breeding and training camp, and practically all of the dogs pulling the sleds in the Antarctica were bred, raised, and trained at his northern Minnesota home. He has been dogsledding for 23 of his 43 years, logging 14,000 miles of Arctic travel. In 1986 he led the first confirmed dogsled expedition to the North Pole.

Steger, along with Jean-Louis Etienne, envisioned this expedition. I will tell that story on another day. They have been working for the last 2 years raising money and working out the immense logistics of the trek. They selected the members of the Trans-Antarctic team and are responsible for its success or failure.

These are but a few of the details of the trip, an incredible undertaking, one of those rare adventures that we read about only in history class. It requires physical and mental toughness, planning, vision, and dedication.

These men have it, and the expedition does, and I hope we will all enjoy their success over the coming months.

Mr. President, I yield the floor.

PRODUCT LIABILITY REFORM

Mr. DOLE. Mr. President, I rise today in support of S. 1400, the Product Liability Reform Act.

S. 1400 was introduced last July by Senators KASTEN, DANFORTH, INOUYE, and ROCKEFELLER. I commend these Senators for introducing the bill and I am proud to announce my own cosponsorship.

THE LIABILITY CRISIS

During the past several years, this country has suffered through what is truly a liability crisis. I know that many manufacturers in my own State of Kansas are simply unable to keep up with the rising costs of insurance—costs that have now risen to dizzying heights. I also know that many U.S. companies today halt the development of potentially beneficial products simply out of a fear that they will spend more time in the trial room than on the assembly line.

These are the unfortunate—but practical—realities. They are also the real-life manifestations of a number of disturbing trends in the area of product liability law.

For example, we have seen a trend toward strict liability, regardless of the fault or negligence of the manufacturer of a product and regardless of contributory negligence on the part of the person who has been harmed. We have also seen a trend toward larger and larger jury awards—awards that often include more than compensation for economic loss. While some of these amounts make sense as true compensation for loss, let's face it: some of these amounts are actually disguised attorneys' fees. And one cannot deny that there are immense inconsistencies in the handling of product liability cases from State to State and from jury to jury—inconsistencies that often encourage court shopping by prospective plaintiffs.

THE LITIGATION CRAZE

So it comes as no surprise that the number of product liability lawsuits in this country has skyrocketed. Ten times as many product liability lawsuits were filed in the Federal courts against American companies in 1988 than in 1973. In addition, more than 19,000 companies were lead defendants in these suits.

We should also remember that excessive litigation does not discriminate between wealthy corporations and small, vulnerable operations. Everyone—from the mom and pop store on the corner to the billion-dollar corporations on Wall Street—must pay a surcharge on their insurance to pay for rising costs, astronomical verdicts, and huge legal fees. And in the end, the real victims are the American consumer and the American worker.

A STEP IN THE RIGHT DIRECTION

Mr. President, the Product Liability Reform Act is a big step in the right direction. It represents a serious, considered effort to take on a problem that admittedly has no easy answers. And it would establish a number of principles in the area of product liability law that, I believe, will help to reduce the incentives for unnecessary, frivolous litigation.

A NATIONAL PRODUCT LIABILITY STANDARD

Most importantly, the Product Liability Reform Act will establish a uniform national standard for product liability. I supported this approach for the general aviation industry when I recently cosponsored the General Aviation Accident Liability Standards Act of 1989, which was introduced by my distinguished colleague from Kansas, Senator KASSEBAUM. I believe the time has now come to establish a uniform national product liability law for all of our manufacturing industries. Uniform standards are absolutely essential if we are to bring some rationality and predictability back into a system of liability allocation that is clearly not serving the public interest.

CONCLUSION

It is my understanding that the European Economic Community intends to develop its own uniform product liability law prior to 1992. Mr. President, we should take the EEC's cue. S. 1400 will help to ensure that we are not left flat-footed when it comes to ensuring the continued ability of U.S. manufacturers to compete in the world markets.

A. BARTLETT GIAMATTI

Mr. DODD. Mr. President, A. Bartlett Giamatti was buried last Wednesday in New Haven. Bart was my friend and I will miss him. Bart was also a grand citizen of Connecticut and our community is diminished by his loss.

It is indeed true that Bart Giamatti was a renaissance man. President of Yale and Commissioner of baseball, Spenserian scholar and president of the National League, husband, father, educator; he lived in his one life the lives of many.

Bart's life was a tribute to the pursuit of excellence in endeavors of the mind, the body, the spirit. He had great faith in the traditions and institutions borne of human endeavor—so long as those traditions and institutions were not built or sustained at the price of individual freedom. In Bart's view, the human mind needed to be free in order to find its own limits. Then, through that understanding, through what he termed the exploration of a dynamic compound of opposites does one find one's own compass and secure one's contribution to the building of our common society. He was wary of limits other than those we discover ourselves and warned that the outside force that includes can also definitely exclude, that the desire for something more perfect can, in its very intensity, deny the freedom it would affirm.

Bart Giamatti's love might have been baseball, but his passion was education. He championed education—a liberal arts education—and like the Greeks before him, reminded us that education is the necessary precondition to political freedom. Education is a lifelong process whose purpose, in his own words, was to free the mind rather than enclose it.

But, he asked us not to take education for granted saying that educaiton, with a sense of history at its core, does not magically confer freedom of mind and spirit. Education must be a process that we work at, a process that society recognizes as fundamental to its existence. We must, each as individuals, and as part of the larger fabric of our civilization, pursue our education with great energy. It is, he said by the pursuit of learning for its own sake, by the pursuit of truth wherever it may lie, by the pursuit of these limits which must be learned in order to be surpassed; by these pursuits the mind and spirit are exercised.

Bart Giamatti leaves a precious legacy—to his loving family, to his colleagues and students at Yale, to the countless fans of baseball, to students of Spenser, to all who value education as fundamental to the preservation of the society we create and share with our brothers and sisters.

Bart also leaves a particular legacy to those of us in public life and challenged us—as much as he challenged any group—to stay true to what it is we have been asked by our fellow citizens to do. Bart Giamatti admired politics and those drawn to public service—so long as those so chosen never forgot the limits of their power. Political power is not a natural force, he taught us. He exorted us always to think historically, to remember the lessons of the past. It is far better, he said, to conceive of power as consisting in part of the knowledge of when not to use all of the power you have. Far better to be one who knows that if you reserve the power not to use all your power, you will lead others far more successfully and well, for to restrain power is in effect to share it. To share power is to give power to those who do not have it.

As politicians, we are not, as Bart often said, solo operators for whom everything is simple because we are disconnected from those who entrusted us with power on their behalf. Rather, we must be connectors—between those that elected us and the government and democracy we seek to preserve. It's our noble challenge to forge consensus and manage the competing and complementary interests that make our Nation as great as it is.

I thank Bart Giamatti for all that he was and all that he has given us. For my part, I will do my best to preserve his legacy and remain true to its challenge.

DEATH OF REPRESENTATIVE MICKEY LELAND

Mr. DODD. Mr. President, I rise today to express my sadness on the tragic death of my friend and colleague, Congressman Mickey Leland of Texas. Through the trying week of Mickey's disappearance, I, along with thousands of others, remained hopeful that he would somehow return safely. I prayed that his strong will and character—that same character and will that kept Mickey alive—would bring him through. Sadly the elements were too much against him, and I now mourn the death of a friend.

Mickey was on a mission of humanity, a venture far from unique for him. Many, many times before, Mickey traveled to African villages and refugee camps giving his help and his heart to aid in the effort to feed the people of Ethiopia. He was our Government's and our country's representative to those suffering in Africa, showing that America does care.

Aside from his admirable efforts for those starving in Africa, Mickey Leland dedicated his work and life to the poor here at home, as well. He was this Nation's leader in fighting the homelessness, poverty, and hunger that continue to plague too many in our Nation. Were it not for Mickey, many less fortunate Americans would be without access to food stamps and job-training programs.

Mickey's death is a personal loss because he was a very good friend. Mickey and I served together in the House of Representatives, and through our close relationship I gained the utmost respect for Mickey as a colleague and as a public servant. he never compromised the needs of those he represented, and he worked adamantly for his constituents in Houston and for the entire Nation.

I would frequently look to Mickey for advice or just for a friendly sign of assurance, something Mickey had for everyone.

I am far from alone when I say that I will miss Mickey dearly. We will remember him for all he did and all he gave. I will always admire him for his dedication to the lives of others, sometimes at great personal sacrifice. The life of Mickey Leland is where the true human spirit will live forever.

In a final noble contribution to this perfect world, Mickey met death as he challenged life—risking his life for the lives of others.

I offer my condolences to the family, friends, and staff of Congressman Leland and share with them in their loss. I will miss a fine leader and a dear friend.

THE 1,642D DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that it is now 1,642 days that Terry Anderson has been held captive in Beirut.

I ask unanimous consent that a U.S. News & World Report article of March 6, 1989, on acts of terrorism be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IRAN'S AGENTS OF TERROR

As police and federal agents review scores of threats against bookstores and the publisher of Salman Rushdie's *The Satanic Verses*. American intelligence officials are concerned that Iran, whipped once again to an anti-Western fervor by the Ayatollah Khomeini, can make good on its death sentence on Rushdie and the promoters of his book. Iran's involvement in terrorism has never been seriously called into question, but it is only recently that intelligence specialists have been able to sort out some of the tangled means by which it has exported violence worldwide. "The Iranian network in the U.S. is the most dangerous and troublesome of all the terror groups in the U.S.," says L. Carter Cornick, head of the Washington-based Counter-Terrorism Consultants and a former FBI counterterrorism agent.

Iran seems to inspire some terrorist acts simply by virtue of its ability to whip the faithful into a frenzy. Other actions have been painstakingly planned. The danger now is a volatile new combination of professional terrorists able to draw from a deepening pool of religious zealots and pious Moslems genuinely offended by the Rushdie novel. Iran's overseas missions are recruiting stations, supply depots and command posts for terrorist operations. But the lines of authority in Iran's hierarchy of terror are maddeningly vague to the intelligence agencies charged with unraveling them. A diagram of the terror network prepared for former Defense Secretary Caspar Weinberger half facetiously had Khomeini reporting directly to God. Beneath the Deity and the imam, though, things were still a mystery and, until just about a year ago, no one outside Iran could make much sense of the multiple, overlapping chains of command that extended, tendrillike, from Khomeini to at least four government ministries and, ultimately, around the world.

A PLACE FOR POLITICS

Now, many of the details have been filled in, and the picture alarms even as it intrigues. Terrorist activities no longer are confined to the Middle East and Europe. Small networks of Iranian agents, who can provide guns, passports and explosives, are in place, hidden among about 30,000 Iranian exiles in the U.S., intelligence officials say. And some ordinary Moslems here, aroused over the perceived insult to Islam in the Rushdie book and propelled by Khomeini's call to arms, might take them up.

The danger, while real, is by no means automatic. The improved intelligence on Iran helps gauge the scope of a terrorist threat, but it also illuminates the deep political and ideological splits among Teheran's leadership. For months before the Rushdie affair, visitors had been returning with encouraging word of a sea change. And there was evidence—freed hostages and improved ties with Britain, France and West Germany suggesting that pragmatists led by parliament-leader Ali Akhar Hashemi Rafsanjani were in the ascendance. But with the demonstrations against the Rushdie book in India and Pakistan, some Western analysts suspect hard-liners in Teheran counterattacked, waving the blasphemy in front of Khomeini like a red flag in the face of a bull. Now, he has forced the pragmatists to backpedal and loosed a whirlwind abroad, and it is clear that the unfortunate Rushdie is not the only one in peril.

The West has dealt before with rumors of Libyan "hit squads" and Shiite hang-glider attacks, but the evidence of a credible threat now is persuasive. The State Department has documented Iranian involvement in some 33 terrorist actions around the world last year. While that number is down from the 44 documented in 1987, the incidents of 1988 indicate an impressive ability to project terrorism almost anywhere in the world. Iranian-backed groups were implicated, for instance, in assassinations of three Saudi Arabian diplomats in Turkey, Pakistan and Thailand, and in an attack on a Saudia Airline office in Lagos, Nigeria. And while the inquiry into the sabotage of Pan Am flight 103 is still far from complete, the hand of Iran already has shown itself. A little known pro-Iranian group known as the Guardians of the Islamic Revolution claimed responsibility for the attack. Just a few months earlier, a group using the same name admitted blowing up the car of a German businessman whose company had sold missiles to Iraq, with whom Iran was at war. A year before that, the same group claimed responsibility for hijacking an Air France jet in an attempt to free five persons imprisoned in France for attempting to murder former Iranian Prime Minister Shahpour Bahktiar. Like Rushdie, Bahktiar had been marked for death in a religious order, called a *fatwa*, issued by the Ayatollah. It is not known whether the Guardians of the Islamic Revolution is simply another empty name designed to confuse police and intelligence experts. But evidence from the wreckage of the Pan Am jet suggests that the bomb that blew it up was being used in West Germany by an Arab group, the Popular Front for the Liberation of Palestine-General Command. Late last year, members of the group began meeting in Lebanon with Hezbollah terrorists and members of the Iranian Revolutionary Guards Corps. Intelligence sources also confirm that the leader of the PFLP-GC, a Palestinian extremist named Ahmed Jibril, visited Teheran recently to celebrate the 10th anniversary of the Iranian revolution.

The "Great Satan," the emblem of all that is detestable in fundamentalist Iran, seems to have remained strangely untouched at home by Teheran-backed terrorists. But that is not entirely the case. Nearly 10 years ago, an Iranian exile, Ali Akbar Tabatabai, was murdered in a suburb of the nation's capital by a man identified in court papers as a former security guard of the Iranian-interests section of the Algerian Embassy. The man, Daoud Salahuddin, has never been brought to trial and now lives in Iran. And just over five years ago, a group of Iranian-backed Lebanese terrorists targeted anti-Khomeini Iranians in Seattle. Detailed of this incident have not previously been disclosed, but government sources told *U.S. News* that the FBI had infiltrated the group, an American chapter of Lebanon's infamous Hezbollah. The group had purchased a supply of gasoline and planned to bar the doors of a concert hall in which the anti-Khomeini Iranians were to hold a rally, then set the building ablaze. FBI agents intervened a day before the rally and prevented the tragedy, though they say they were unable to arrest any of the group because that would have revealed "sources and methods."

FILLING THE "TALENT POOL"

Intelligence officials say there are roughly 30,000 Iranians now in the U.S. on student visas and concede the actual number of "students" may be much higher. Law-enforcement officials say the pro-Khomeini Moslem Student Association has several thousand members, for example, but many are not going to school. The number of hard-core operatives who might be mobilized for terrorist acts from Iranian student groups is thought to be fewer than 1,000, but State Department officials, while expressing concern about the national-security implications of such people, say they cannot deny them visas.

The worry is that the "talent pool" of those willing to join the fray against the perceived enemies of Islam has now been greatly expanded. It is doubtful that Moslems will be heeding the call to arms en masse. Most who live in the U.S. are fervently anti-Khomeini, and in any case, his appeal is only to those of the Shiite sect. Nevertheless, if even a few are drawn to the cause by the Rushdie affair, they could be manipulated by professional agents intent on causing trouble. "They could say, 'Rushdie's in that house over there; he's on that airplane there,'" says a Pentagon official who has spent years gathering information on Iranian terrorist activities in the U.S. and abroad. "The effect would be generalized havoc." Iran's agents can locate the targets and supply the tools, the ways and means of defending the faith.

With religious passions running high, the potential for this kind of chaos is there, officials say. Eighteen months ago, after the Navy began escorting ships through the Persian Gulf in defiance of Teheran, Iranian officials asked for a list of options for retaliation. Iranian agents started eyeballing potential American targets, including some in the United States. But Iran never acted, perhaps because the State Department warned it stiffly, through diplomatic channels, that the Navy's guns in the Gulf could be turned on targets other than isolated oil rigs.

TERRORISTS AND TOUR BUSES

Iran-backed terrorism has followed a clear pattern in the 10 years since a horde of young "students" overran the U.S. Embassy in Teheran. After the Israeli invasion of Lebanon in 1982, Iranian Revolutionary Guards moved into Lebanon's Bekaa Valley to recruit its down-trodden Shiite Moslem population to the Islamic revolution. Intelligence intercepts indicated that the Iranian Embassy in Syria, headed by a man named Ali Akbar Mohtashemi, financed and directed the fledgling terror network. Orders came from the Revolutionary Guards then headed by Mohsen Rafiq-Doust; from Hosein Sheikholeslam, a former California college student who had been promoted to deputy foreign minister after helping lead the U.S. Embassy siege, and from a variety of mullahs who answered directly to Khomeini.

In the beginning, intelligence officials say, there was little disagreement in Teheran about the usefulness of terrorism. Activities were coordinated by the secret Supreme Defense Council, originally created to direct the war against Iraq. According to the CIA, council members now include Khomeini, his son Ahmed, Rafsanjani, President Ali Khamenei, Foreign Minister Ali Akbar Velayati and a few other senior officials. But these men do not always agree on when and how to practice terrorism. Lately, intelligence officials say, while pragmatists have engineered the release or sale of French and West German hostages in Lebanon, Khomeini's designated successor, Hosein Ali Montazeri, has been trying to hold the line against accommodation with the West, opposing, for example, any attempt to free the nine American hostages in Lebanon. Khomeini's outrage over *The Satanic Verses* may thus represent a significant advance by the radicals.

If that is true, Iran's victory over the West in Lebanon will serve as a model for what may be coming. It was in Lebanon that the Iranians, led by Mohtashemi, Sheikholeslam, and Rafiq-Doust, created the prototype of today's terror network and turned it against the U.S. Embassy, the Marine barracks and more than a dozen Americans taken hostage. The suicide bomber who killed 241 U.S. servicemen was trained in Iran. The driver who blew up the U.S. Embassy annex rehearsed at the Sheik Abdullah Barracks, the Revolutionary Guards base, where a model of the U.S. mission's defenses had been erected. Satellite photographs revealed the tire tracks in the dirt.

In the beginning, the terrorists' hired guns got paid top dollar by Teheran, and the government even bused Iranian tourists in Syria to Sheik Abdullah, to see the world's most elaborate terrorist training camp. For a time, the barracks, in the Bekaa Valley, was home to some of the American hostages, including former Beirut CIA station chief William Buckley, who was kept blindfolded and chained in a villa just outside the walls. But no matter how outrageous the evidence of Iran's role in the murder and kidnapping of Americans in Lebanon, the Reagan administration never attacked the Sheik Abdullah Barracks or the Iranians' communications center at the nearby al-Khayyam Hotel. After the Iranian-supported hijacking of TWA Flight 847 in 1985, aides to the Joint Chiefs of Staff got wind of a meeting among several senior Iranian terror officials and their Lebanese cohorts and proposed leveling the barracks with a conventionally armed cruise missile fired from a submarine in the Mediterranean. The Joint Chiefs rejected the idea; too barbaric, they said. Among other things, the Revolutionary Guards members assigned to the barracks were living there within their families.

THE USE OF EMBASSIES

The pattern of using hired non-Iranian surrogates has rapidly expanded outside the Middle East. Intelligence officials say Sheikholeslam, in charge of approving the assignments of embassy personnel, was able to place close associates in missions in West Germany, France, Italy and Switzerland to carry the fight against the West to its own turf. Other embassies, mostly in nations such as Pakistan with large Moslem populations, have attracted an unusually large number of "diplomats" with terrorist credentials. At the same time, the Ministry of Islamic Guidance has established Iranian "culture clubs" around the world. Pakistan alone has four of them; U.S. officials believe the Iranians encouraged the anti-American protests there against *The Satanic Verses*.

Iranian embassies in Asia, Africa and Europe have been involved in planning terrorist acts, sometimes using diplomatic facilities, U.S. officials say. Many of the embassies, besides the normal complement of diplomatic personnel, have at least one Revolutionary Guards officer who reports directly to Teheran.

The lines of communication remain scrambled, but there is little doubt that some Iranian "diplomats" have been cruelly effective. Iranian agents, often Revolutionary Guards officers or diplomats, usually recruit non-Iranian to survey potential targets, read license numbers and examine security. The agents then fly in trained terrorists, often Lebanese Shiites, to carry out operations.

A TORCH FOR THE CITY OF LIGHT

In 1986, a wave of bombings rocked Paris, killing 11 and wounding 275 others. Tunisian Shiites helped lay the groundwork, and Lebanese terrorists did most of the dirty work. Less than a year later, Sunni Moslems from Tunisia with enough liquid explosive to destroy several city blocks were arrested by French police. Their handlers turned out to be two senior officials at the Iranian Embassy. There has *never* been much doubt about who gives the orders. Last year, after Lebanese terrorists hijacked a Kuwaiti jumbo jet, one of the terrorists ordered the plane to the remote Iranian city of Mashhad, then told the pilot: "You don't have to tell the control tower; they know we're coming."

Before the Rushdie affair, Iran's most recent target was Saudi Arabia, which aroused the Ayatollah's ire after riots during the annual pilgrimage to the holy city of Mecca left more than 500 Shiite pilgrims dead in 1987. But it may be that Teheran, with its renewed hatred for things Western, now will turn its sights once again on Europe and, perhaps, the United States. Rejecting the ideas of the "sold-out liberals" in Teheran and reviving once again the chant of "Death to America," Khomeini last week seemed to foreclose any reprieve for his enemies.

So far, however, Iran has seldom been willing to take direct action in the "Great Satan's" front yard. Even with operatives in place here and a number of Shiite Moslems inflamed by the Rushdie book, Iran may remain cautious. Now, if he wants to, though, the Ayatollah can strike simply by stirring the passions of a devoutly religious people who still hold that it is a good thing to die for one's most cherished beliefs.

DECADE OF TERROR—BOMBINGS, MURDERS, KIDNAPPINGS AND HIJACKINGS

Iran and its surrogates are suspected of or responsible for these incidents—

Nov. 4, 1979: Seizure of U.S. Embassy in Teheran; lasted 444 days.

April 18, 1983: Car bombings of U.S. Embassy in Beirut; 63 killed.

Oct. 23, 1983: Suicide bombings of U.S. Marine and French barracks in Beirut; 241 Americans, 58 French died.

Nov. 4, 1983: Car bombing of Israeli post in Lebanon; 60 died.

Dec. 12, 1983: Car-bomb attacks against U.S. and French embassies in Kuwait; 7 killed; 17 terrorists jailed.

Jan. 18, 1984: Murder of Malcolm Kerr, president, American University of Beirut.

Feb. 7, 1984: Assassination of former Iranian Gen. Gholam Oveisi in Paris.

March 7, 1984: Kidnapping of CNN reporter Jeremy Levin; escaped in 1985.

March 16, 1984: Kidnapping of CIA Beirut station chief William Buckley; died in captivity in June, 1985.

May 8, 1984: Kidnapping of the Rev. Benjamin Weir; released in September, 1985.

Sept. 20, 1984: Truck bombing of U.S. Embassy annex, Beirut; 14 killed.

Dec. 3, 1984: Hijacking of Kuwait Air Flight 221 to Teheran; two State Department officials murdered.

Jan. 8, 1985: Kidnapping of Father Lawrence Martin Jenco; freed in 1986.

March 16, 1985: Kidnapping of AP reporter Terry Anderson; still a captive.

June 9, 1985: Kidnapping of Thomas Sutherland, dean of American University of Beirut; still a captive.

June 14, 1985: Hijacking of TWA Flight 847. U.S. Navy diver murdered.

July 22, 1985: Bombings of Northwest Orient office, synagogue in Copenhagen.

Dec. 7, 1985: Bombings of two department stores in Paris.

Sept. 9, 1986: Kidnapping of American Frank Reed in Beirut; still a captive.

Sept. 12, 1986: Kidnapping of Joseph Cicippio in Beirut; still a captive.

September, 1986: Series of bombings in Paris; 9 killed, 163 wounded.

Oct. 21, 1986: Kidnapping of American Edward Tracy. Still a captive.

Jan. 20, 1987: Kidnapping of Church of England envoy Terry Waite in Beirut. Still held hostage by Hezbollah.

Jan. 24, 1987: Kidnapping of Beirut University College Profs. Jesse Turner, Alan Steen, Robert Polhill and Mithileshwar Singh, Singh freed 1988.

June 17, 1987: Kidnapping of ABC journalist Charles Glass in Lebanon; escaped from his captors in August, 1987.

July 24, 1987: Hijacking of an Air Afrique jet. One French citizen killed.

Feb. 17, 1988: Kidnapping of Marine Lt. Col. Richard Higgins, a U.N. observer in south Lebanon. Still a captive.

April 5, 1988: Hijacking of Kuwaiti Airlines Flight 422. Two murdered.

Spring, 1988: Worldwide terror campaign against Saudi Arabia.

PAPERWORK REDUCTION ACT REMAINS IMPORTANT TO SMALL BUSINESS

Mr. DIXON. Mr. President, last Thursday, the Small Business Committee's Subcommittee on Government Contracting and Paperwork Reduction, which I have the privilege to chair, held a hearing to review the recent implementation of the Paperwork Reduction Act of 1980. I would like to share with my colleagues what we were told during that hearing, and call to their attention a serious matter that will shortly confront some of our colleagues during a conference with the House.

Witnesses representing many segments of the small business community reminded us that the burden of Government paperwork is a priority item for the small business community, and a substantial concern to all segments of the business community. For the small business community, it remains a basic priority item because excessive Government regulation and unreasonable paperwork requests can literally contribute to the failure of small business concerns. It is important to the business community, at large, because it detracts from productivity and competitiveness.

The witnesses reminded us that controlling excessive Government paperwork through the enactment of the Paperwork Reduction Act was a key recommendation of the 1980 White House Conference on Small Business. They emphasized the small business community's continued support for the act's vigorous application so as to restrain Government's virtually insatiable appetite for information and regulation. They furnished us numerous recent examples of how the Office of Information and Regulatory Affairs [OIRA], the small office within OMB that is the focal point for the act's implementation, had successfully used the Paperwork Reduction Act of 1980 to protect the small business community from unnecessary and unreasonable paperwork burdens flowing from regulations proposed by various departments and agencies. They called upon the Congress to permanently reauthorize OIRA, to strengthen the act's public protections, and to more frequently oversee the act's vigorous application.

Mr. President, During this same hearing, a very disturbing situation was called to the attention of the Committee on Small Business. The current authorization of the Office of Information and Regulatory Affairs expires at the end of this month. Opponents of the Paperwork Reduction Act and OIRA were successful in having a provision included in the House-passed version of the fiscal year 1990 Treasury, Postal Service, and general government appropriations bill, H.R. 2989, which would specifically deny any funding to the Office of Information and Regulatory Affairs until it is reauthorized. This would effectively terminate the implementation of the Paperwork Reduction Act and the protections which it affords the public at large and the small business community.

Such an outcome is simply unacceptable. It is unacceptable to the small business community. Not surprisingly, it is unacceptable to the administration. And, Mr. President, it is unacceptable to many in this body. Today, a letter to that effect was delivered to the chairman and ranking minority member of the Subcommittee on Treasury, Postal Service and General Government, my friend from Arizona, Mr. DECONCINI, and my friend from New Mexico, Mr. DOMENICI, signed by me and 11 of my colleagues, including Senators GRASSLEY, NUNN, BOSCHWITZ, HARKIN, KASTEN, BOREN, STEVENS, KERRY, BOND, LIEBERMAN, and LOTT.

According to press accounts, this provision was to be an attention getter sponsored by those opposed to the Paperwork Reduction Act and OIRA, presumably to accelerate the legislative pace to that desired by its proponents. In that regard, I believe that it was unnecessary. However, it did certainly attract attention, but possibly not with the result intended. The small business community, and their supporters in Congress, the business community at large, and the administration, will be working hard to assure that the universally supported goal of effectively restraining the growth of Government paperwork is not sacrificed to attain other narrow and transitory goals.

At the present time, legislation to reauthorize OIRA and amend the Paperwork Reduction Act, is being drafted by the Committee on Governmental Affairs, and it Subcommittee on Government Information and Regulation. Two hearings on the shape of such legislation have been conducted by the subcommittee. A staff discussion draft is being circulated for comment. The process is ongoing.

Similarly, in the House the Committee on Government Operations, and its Subcommittee on Legislation and National Security, is focused on the undertaking, having conducted numberous hearings on the overall issues. Representative JOHN CONYERS, chairman of both the Legislation Subcommittee and the full Government Operations Committee, has circulated a discussion draft. Representative FRANK HORTON, ranking minority member of both the subcommittee and the full committee, and a primary House sponsor of the legislation that became the Paperwork Reduction Act, has an alternative proposal in preparation. Clearly, difficult issues are being confronted. Differing goals and differing purposes will have to be reconciled. Agreement will not be easily reached. However, such a situation does not provide an adequate justification to deprive the public of the current protections of the Paperwork Reduction

Act by effectively terminating the act as well as OIRA.

Whatever the specific outcome of those legislative deliberations, the small business community remains dedicated to the protection afforded by the Paperwork Reduction Act of 1980, and to a strong and effective Office of Information and Regulatory Affairs. Together with sustained congressional oversight, they believe, as do I, that a strengthened act and a dedicated watchdog office clearly afford the best hope for some effective restraint on the Government's natural propensities to heap paperwork burdens and regulations on the public at large, and the small business community in particular.

Mr. President, I ask unanimous consent to print in the RECORD the text of the Washington Post article relating to this subject, a letter to Senators DECONCINI and DOMENICI from myself and several members of the Committee on Small Business, and a letter to Congressman WHITTEN from the Office of Management and Budget.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1989]

BATTLE LOOMS OVER RENEWAL OF FEDERAL PAPERWORK REDUCTION ACT

(By Albert B. Crenshaw)

Americans spend billions of hours a year filling out government forms, and the burden is particularly heavy on businesses. One estimate puts the business cost of government red tape at $166 billion annually.

So the battle that now looms over the renewal of the Paperwork Reduction Act is of more than passing interest to business owners and managers.

The law, first enacted a decade ago, expires every three years and must be reauthorized by Congress. The deadline is now at hand, and unless Congress acts the act goes off the books Sept. 30.

In addition, a House-Senate conference committee is about to take up legislation that would cut off money to operate the Office of Information and Regulatory Affairs (OIRA), which administers the act.

While there is wide agreement that government paperwork ought to be minimized, there is equally wide disagreement over what paperwork is essential.

The outlook for the Paperwork Reduction Act is complicated further by charges that it has been used by the Reagan and Bush administrations as a backdoor way to bottle up regulations or to thwart the collection of data on such subjects as minority participation in various government programs.

Jay Plager, administrator of the OIRA, which is part of the Office of Management and Budget, told a Senate Small Business subcommittee hearing last week that his office has lopped 500 million hours off the nation's annual paperwork burden.

He and a group of small business representatives told the subcommittee chairman, Sen. Alan J. Dixon (D-Ill.), that the act and his office provide valuable protections for business in general and small business in particular and should be retained.

They noted that a classic Washington imbroglio would emerge if OIRA's funds are cut off. Plager pointed out that all government requests for information from the public must go through his office and receive approval in the form of a number that is then printed on each form. The law allows the public to ignore any information request that lacks such a number.

Thus, if OIRA is put out of business, no new information-gathering activity could begin because there would be no one to affix the required number.

"We would still have the law but no cop to enforce it," Dixon said.

"Chaos would probably occur," Plager replied.

Critics, however, say the potential fund cutoff is meant more as an attention-getter than as a serious attempt to exterminate OIRA.

Gary D. Bass of OMB Watch, a nonprofit group that monitors the executive branch, said small business and the OIRA critics, "are both right and . . . both wrong."

"The problem is not that OMB has too much or too little power, it's that they've used it inappropriately, or misused it," Bass said. While officials have stifled legitimate information collection, they have at the same time done little to protect business from the Treasury and other agencies that impose the greatest paperwork burden, he said.

Bass said that under President Ronald Reagan and now under President Bush, agencies that have the least impact on the public in terms of paperwork—the Environmental Protection Agency and the department of Labor, Housing and Urban Development, and Health and Human Services—have had the hardest time getting regulations and forms approved. On the other hand, those departments that have the most impact, such as Defense and Treasury (parent of the Internal Revenue Service), have had the easiest time with OIRA.

In this fiscal year more than 20 percent of the requests for approval by HUD, Labor and EPA were denied, withdrawn or took more than six months to approve, according to OMB Watch, whereas only 5.9 percent of Treasury's and 7.5 percent of Defense's had that much trouble.

"Our problems do not contradict concerns that small businesses have expressed," Bass said. Unnecessary paperwork remains a serious problem that OMB should be addressing, he added.

Dixon and Rep. Norman Sisisky (D-Va.), a House Small Business Committee member who testified at the hearing, said they have heard the complaints but have no personal knowledge of their validity.

Plager denied that anyone in the administration has ever suggested that his office should engage in any skulduggery.

"Our job is not to keep federal agencies from getting information," he said.

Dixon, small business representatives and the critics agreed that continuing, stronger congressional oversight is called for, and that argues against permanent reauthorization of the act, Bass said.

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, September 8, 1989.

Hon. DENNIS DECONCINI,
Chairman
and
Hon. PETE V. DOMENICI,
Ranking Minority Member, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR DENNIS AND PETE: The House-passed version of H.R. 2989, Fiscal Year 1990 Treasury, Postal Service, and General Government Appropriations bill contains a provision which would specifically deny any funding to the Office of Information and Regulatory Affairs (OIRA) after the expiration of its current authorization on September 30, 1989. We strongly urge you to steadfastly oppose this House provision during the forthcoming Conference.

Yesterday, our Subcommittee on Government Contracting and Paperwork Reduction held a hearing to receive testimony on the recent implementation of the Paperwork Reduction Act of 1980 (PRA). Witnesses representing many segments of the small business community emphasized their continued support for the Act's vigorous application to contain Government's insatiable appetite for information and regulations. They furnished numerous recent examples of how OIRA, the small office within OMB that is the focal point for the Act's implementation, had successfully used the PRA to protect the small business community from unnecessary and unreasonable paperwork burdents proposed by various departments and agencies.

These representatives of such national small business groups as the Small Business Legislative Council, National Small Business United, and the Small Business Council of the US Chamber of Commerce reminded the Subcommittee that the enactment of PRA and the establishment of OIRA were key recommendations of the 1980 White House Conference on Small Business. Similarly, the small business community strongly supported the reauthorization of OIRA and the strengthening of the Act in 1986. Once again, they called upon Congress to strengthen the Act, oversee its vigorous application, and permanently reauthorize OIRA.

Currently, reauthorization legislation is being crafted by the Committee on Governmental Affairs, and its Subcommittee on Government Information and Regulation. Clearly, this process will not be completed by Septemberr 30th. We can see no reason to terminate OIRA while this effort is underway. On the contrary, the small business community strongly urges us to maintain OIRA so that it may continue to implement the protections afforded to the public by the PRA.

On behalf of the small business community, we will offer whatever support we can to assure that this unwarranted provision is not included in the Conference Report for H.R. 2989.

Sincerely,

Alan J. Dixon, Chairman, Subcommittee on Government Contracting and Paperwork Reduction; Charles E. Grassley, Ranking Minority Member; Sam Nunn, U.S. Senator; Rudy Boschwitz, U.S. Senator; Tom Harkin, U.S. Senator; Robert W. Kasten, Jr., U.S. Senator; David L. Boren, U.S. Senator; Ted Stevens, U.S. Senator; John F. Kerry, U.S. Senator; Christopher S. Bond, U.S. Senator; Joseph I. Lieberman, U.S. Senator; Trent Lott, U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 8, 1989.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As the Treasury-Postal Appropriations bill proceeds to conference, I want to inform you of a matter relating to funding of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget.

The House-passed version of the Treasury-Postal bill contains a provision stating that none of the funds made available by the Act shall be available to fund OIRA until authorized by law. The Senate-passed version of the bill does not contain this provision.

The authorization of appropriations to OIRA to carry out the Paperwork Reduction Act expires on September 30, 1989. However, the Paperwork Reduction Act itself is permanent law and does not expire on September 30th. The Act generally requires that paperwork requests be approved by OMB. It also contains a public protection provision, which states that (with certain exceptions) the public may not be penalized for failing to respond to a government information request that does not bear an OMB control number. Thus, if the funds for OIRA are cut off, OIRA will not be able to approve government paperwork requests or assign control numbers, although the law that requires such approvals and control numbers and that protects the public from requests that do not have them, will continue in force. New government requests for information could not be approved, and the public would not have to respond to them.

This would cause a chaotic situation, calling important government information activities to a halt or raising serious issues of their validity. For example, it would disrupt provision of new and revised forms used in the application process for social security programs. It would halt new IRS forms needed for the 1989 tax year, again raising serious issues in view of the public protection provision.

Neither the House Government Operations Committee nor the Senate Governmental Affairs Committee has drafted an authorization bill for markup. Moreover, the House and Senate Committees have expressed fundamental disagreements about the structure of such a bill. So it is extremely unlikely that an OIRA reauthorization bill could be passed by both Houses before October 1, 1989. I therefore urge that the conference adopt the Senate-passed version, which does not contain the bar on availability of funds for OIRA. OIRA would then be able to continue to administer the Paperwork Reduction Act with the funds (up to $4,500,000) provided in the bill.

The problem outlined above will still continue, however, even in the event the Senate version is adopted, if the funds for OIRA are deleted or OMB's appropriation is otherwise reduced. If the funds available to OMB to administer the Paperwork Reduction Act are reduced, OMB will not have the resources necessary to review the many paperwork requests submitted by the agencies. This would severely disrupt the government's ability to obtain information. Quite simply, since the Paperwork Act will continue in force, OMB needs the funds to administer it.

It is my hope that the Senate position on this provision will be adopted, and that OMB will be provided the funds necessary to carry out the law.

With best regards,

RICHARD G. DARMAN,
Director.

PAPERWORK REDUCTION ACT

Mr. KASTEN. Mr. President, I would like to join my friend and colleague from Illinois in expressing strong support for the reauthorization of the Office of Information and Regulatory Affairs [OIRA], and my concern about a House provision which would effectively ban OIRA's funding.

I commend the Senator from Illinois for holding hearings before the Small Business Committee on this issue. No issue is more important to the small businesses of this Nation than that of Government paperwork.

OIRA is the division of OMB which is responsible for carrying out the mandate of the Paperwork Reduction Act. That mandate is an important one—without the Paperwork Reduction Act the steady stream of regulations coming from Washington would soon become an overwhelming tidal wave of redtape.

OIRA serves an invaluable check on the regulatory impulses of Washington bureaucrats. With OIRA, agencies no longer have free rein to draft incomprehensible regulations. Instead, OIRA must sign off on such proposals, with an eye toward the ability of small businessmen to interpret them.

Even with OIRA in place, we still have far too many ridiculously complex regulations. Section 89 of the Internal Revenue Code is a good example. In fact, I would like to see the Paperwork Reduction Act, and OIRA, significantly strengthened. But that is not the issue today.

The question today is twofold. First, is it wise policy to ban funding for OIRA for 1 year? What would be the practical effect? Simply put, the effect would be devastating. No new regulations may be issued without an authorization number from OIRA. If OIRA cannot operate during fiscal year 1990, then the regulatory process is frozen in place for a whole year. While that may be a free-market economist's dream, it is not sound public policy.

The second question is whether or not OIRA should be reauthorized. I think the answer is clearly "yes." As flawed as the Paperwork Reduction Act may be, OIRA still serves as the only check on the Washington bureaucracy. The small business community of this country wants OIRA reauthorized, the President wants OIRA reauthorized, and the Senate Small Business Committee wants OIRA reauthorized.

I hope the full Senate agrees with our position, and that we can soon vote to reauthorize the Office of Information and Regulatory Affairs and stop the funding ban. The small businesses of this Nation deserve no less.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The ACTING PRESIDENT pro tempore. The Senate will now resume the consideration of H.R. 3015, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd Amendment No. 727 (to committee amendment beginning on page 5, line 22), to provide additional funds for drug programs.

(2) Lautenberg Amendment No. 728 (to committee amendment beginning on page 71, line 6), to permanently ban cigarette smoking on domestic airline flights.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 728

Mr. DURENBERGER. Mr. President, on the matter before us, I rise in support of the amendment that was offered and included in the Appropriations Committee's bill that would extend the current prohibition on smoking on short-haul domestic flights to cover all domestic airline flights.

I believe that such a ban will do nothing but enhance the quality and health of the environment for the flight attendants and the crews of thousands of airline passenger planes in the United States who are required to spend most of their days and their evenings working within the confines of these things we call airplanes but which are so essential to our economic survival and our recreational survival as a people.

Mr. President, in my 11 years as a representative of the people of my State, I, like all of my colleagues, spend more than my fair share of time not only crisscrossing this country by airplane but about a thousand mile trip each way between my home in Minnesota and my home here in Washington, DC.

I found it very interesting how much you can learn from the people who do it as a livelihood. I found, for example, in the last couple of months, flight attendants on the particular airline that is the only one that serves us between Minnesota and Washington, DC, Northwest Airlines, have been concerned about all the efforts that are taking place back in my State of Minnesota to do something about the recycling or the minimization of waste.

For example, on several occasions flight attendants have pointed to the plastic, if you will, off of which I am required to eat in the section of the airline in which I am required to fly, and on one occasion they asked me to come out at the end of the flight and just see the volume of waste generated by the necessity for 100-and-some people to have a lunch or dinner on this single flight on that single day, and they asked me the simple question, which is, Why is there so little waste coming out of the first-class section where they dine off china, silver, and glass and the kind of things that need to be cleaned up for the next flight and all of this waste coming off of the tourist section? And you multiply that by the experiences that we all have day by day by day and you know why the Senator from New Jersey and I and those who are members of the Environment and Public Works Committee are going to be struggling with the reauthorization of the Resources Conservation Recovery Act on how to minimize waste in America, how to do something about the 1,100 to 1,200 pounds of waste that each American generates every single year which no longer has a place in America as our landfills fill up.

Anyway, I have not thought what I was doing on the airplane until the flight attendant brought it to my attention.

We all had these various experiences, but several years ago the problem of secondary inhalation for all of these flight attendants was brought to my attention, and so I decided even before I heard my colleague from New Jersey was thinking about trying his previous effort at a 2-hour ban to spend a little time on each flight just talking to the flight attendants, not the passengers.

Passengers complain all the time. The passengers want it perfect on the flight. They do not want people drinking next to them or smoking next to them; they do not want babies next to them, and they do not want people of over 200 pounds next to them, all this sort of thing.

I spent my time, the better part of the year in fact, interviewing flight attendants on all of these flights. I found at least 90 percent of the flight attendants insisted that we take this occupational health problem off the airplanes if we possibly could do so. The other 10 percent were all smokers, and after they served meals, you could find them in the back of the airplane inhaling their own smoke as well as inhaling other people's smoke.

So, Mr. President, with that kind of practical experience I guess I did not feel that I needed a whole lot of studies, although there certainly are studies on the impact on people of smoking, and I will not try to recount all of those. I think the Senator from New Jersey and others probably will.

I just want to speak from the reality of my own experience. After a year of talking to flight attendants on every flight about this and having this common experience, and it never varied, 90 percent of them said—I mean they would all admit it is an occupational health problem but the 10 percent who smoke are the ones who said, "I would rather you did not ban it because it is a convenience to me to be able to smoke toward the end of a 2-hour flight, particularly if it is a long flight."

So it was not difficult for me to come to the conclusion a couple years ago that the proposal of the Senator from New Jersey to ban smoking on flights of 2 hours or less was meritorious. I did and I think we all basically agreed.

The same airline that I mentioned earlier, Mr. President, undertook to ban smoking on all of its domestic flights. I suspect there is some evidence the people are choosing not to fly Northwest if they have a choice. Many of us do not have a choice. People in Detroit do not have a choice. People in the Memphis area do not have a choice. People in the Twin Cities do not have a choice.

I suspect you will find where there are smokers those flying more than 2 hours may select an airline other than Northwest. In other words, 2 years and a half flying Northwest constantly with people who do not smoke, including a lot of people who do smoke when they get off a plane or just before they get on, has led me to believe that people with an addiction to tobacco can tolerate periods of times like the periods in which they are being entertained in a music hall, periods in which they are going to the movie, periods in which they are going to a long church service.

There are periods of time in which they can tolerate the nonuse of their addiction, in this case an addiction to tobacco.

It seems to be a common experience with most of the people who have been flying this airplane, therefore, including the smokers that they can abandon this addiction for periods of time.

So I have come to the conclusion, Mr. President, and my colleagues, that it would be appropriate for us to support the Senator from New Jersey and to support the majority of the members of the Appropriations Committee who voted to keep the consumption of tobacco in the form of cigarette tobacco, smoking in general, off of the domestic airlines.

But I do not do it for the common reason which is let us ban smoking entirely, let us start with the airlines, and let us just eliminate it entirely. I am not approaching it from that standpoint.

I do not approach it from the standpoint that when passengers on an airline decide they do not like to smoke, then they have a right to get rid of that smoke. Others may disagree on that one. There may be evidence that passengers are affected adversely. I do it because there are people on every one of these airline flights who must be there or there will not be an airline flight, and I do it because I believe strongly in the need to advance occupational health and occupational safety.

In this case, we have a clear case of occupational health in all of the flight attendants, in particular, those who are occupied a large part of the time in the rear part of these cabins of these aircraft. I do not believe there is any doubt and I do not think we have to wait for all the scientific evidence if the flight attendants themselves believe they have a problem. I think we know we have a problem.

There is evidence. There is a scientific report published this year in the Journal of the American Medical Association which confirms the harmful effects cigarette smoke can have on people traveling in modern aircraft. There are other studies at the National Cancer Institute and the EPA.

But as I said, these studies merely confirm what our experience, those of us who travel a lot, will tell us, that we, to the extent that we can, need to do all that we can to protect those who have no other form of protection other than this particular ban.

For those who would say, "Well, this is just a beginning. Now you have banned it on airplanes; you are going to go someplace else," I say no. I stand here as a person who, with all of the work that I do in the health area, should be pounding my fist and saying: By gosh, let us get rid of all tobacco. Let us get rid of every addictive drug or chemical in America.

But I am not doing that, Mr. President. I think that the problems of addiction need to be dealt with as problems of addiction. And whether it is tobacco, whether it is narcotics, whether it is alcohol, whatever it is, there is a way to deal with that. Simply banning the substance, to the degree that these are legal substances, tobacco, and alcohol, and so forth, to my way of thinking is not the way to deal with the problem.

So, I do this for the employees of all the airlines in this country. I note that the provision is supported by the American Lung Association, the American Cancer Society, the American College of Obstetricians and Gynecologists and the Association of Professional Flight Attendants.

I think the American public substantially supports this current ban. I would guess something in the neighborhood of 65 to 70 percent of the public would like to see the ban extended. For that reason, I urge my colleagues to retain this provision in the legislation as reported by the committee.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I always like to have my colleague from Minnesota, with whom I serve on the EPW Committee, on my side on an issue because he makes a persuasive case in almost every instance on matters that we share a common interest in, particularly those that affect the health and well-being of our citizens.

We work very closely on things like clean air and Superfund, and other environmental issues, and there could not be a clearer case than the quality of the environment in an enclosed cabin on an airplane. You cannot open the windows. Maybe if you could, then we would not have to do what we are doing here today.

A newspaper in my State, the largest newspaper in the State of New Jersey, the Newark Star Ledger, had a cartoon and it had the smoking seats on the wings. I guess if we could establish that kind of a framework, why, it probably would be acceptable. We would not have to ban smoking in airplane cabins.

But I think the Senator from Minnesota makes some very interesting observations, and that is when you see it, you believe it. When the cabin crews talk to you about the problems they have, about the respiratory problems they have, about the discomfort that they endure, it is very clear that these people are having really unpleasant experiences.

Yesterday, there was an editorial in USA Today that made a reference to a woman named Cathy Gilbert-Silva. She was the subject of a news report on a national network last night as well. She is a woman who never puffed on a cigarette, a flight attendant. For 20 years the editorial says—and I paraphrase a little bit here—she has had to breathe the smoke of the people she serves. Though I read this in the Record yesterday, I think it is worthy of repetition. "When she had polyps removed from her vocal chords recently, her doctors told her that she had the lungs of a two-pack-a-day smoker." This woman was sick. She was sick from inhaling other people's smoke. It is not fair.

The Senator from Minnesota was very clear and I agree with him. We are not here to regulate personal habits. That is not the job of the U.S. Senate. Thank goodness we have those freedoms in this country. You do as you please as long as you do not impose danger or cause problems for others in the society. You are allowed to drink. You are allowed to sit at home and drink. You can get drunk as a skunk if you would like. But you are not allowed to get in a car and go out and drive for one very obvious reason: Because in addition, perhaps, to the fact that you may go out and kill yourself, you may kill another person.

How many times have we all seen the morning paper, like when we saw the innocent child, hand held by her mother, run down in Virginia by a driver who was intoxicated. You have no right to damage the health and well-being of other citizens as you pursue your habit. Do as you please within your own home, within your own environment.

And it is the same thing here. People have a right to smoke. I am not going to get into that debate. If they choose to do it after seeing the overwhelming evidence, overwhelming evidence that smoking is destructive to your well-being and if you do not die from it—I do not know what other condition creates a disease called emphysema besides smoking. And if you have seen a person with emphysema and see how disabled they become and how nonparticipatory their lives become, it is a real serious condition.

So we are at a point here where we are saying, "Smokers, smoke if you will, but not in the confined space of an airplane."

The crews hate it. Most of the passengers hate it. It adds safety problems to air travel. It causes extra cost because I am told by very responsible people in the airline industry that the job of cleaning an aircraft is considerably greater when there has been smoking there on a regular basis. It adds weight to the plane, it adds cost to the fuel consumption. So we have a real problem.

We heard from our distinguished colleague yesterday from the same State that the occupant of the Chair comes from, North Carolina. He made an appeal based on the economic reality of the individual who grows tobacco for a living. That is a significant concern for the people who represent those individuals from those States and I recognize that. We are not trying to take away their opportunity to make a living.

I submit that if preventing smoking for 5 or 6 hours in an airplane cabin is the end of an industry or the end of a business, then beware and look for another way to make a living. If on the other hand, they are saying that when you smoke and it is an inconvenience for everyone else who travels with you and please spare the others the discomfort, it is a reasonable request in my judgment and in the judgment of many.

I think if we ask around here, those who are supporting this amendment, whether they want to put the tobacco industry out of business, I think they would say no.

That is not the mission of this amendment or this bill. The mission is very simple: Give all Americans who fly or who work in the aircraft a chance to breathe easier. It is pretty simple.

So, when the Senator from Minnesota and so many others have spoken in support of this committee amendment, it confirms simply that they are responding to the requests, to the information, to the pleas that they get from their constituents and others across the country who say: Listen, I have to fly. I love to fly, it gets me there sooner. It gets me there more conveniently. It gets me on my way. But, please, permit me to do it under conditions that do not jeopardize my health.

(Mr. BRYAN assumed the chair.)

Mr. SANFORD. Will the Senator yield?

Mr. LAUTENBERG. I will yield for a question, if the Senator has a question. Otherwise I will soon be finished with the floor.

Mr. SANFORD. I have several questions.

Mr. LAUTENBERG. If the Senator will withhold I will be finished in just a minute and apparently we will have a lot of time to discuss this issue, and the Senator will have more than his share. If there is a single question, I would be glad to respond.

Mr. SANFORD. I think the Senator yesterday and today has brought a good deal of foolishness to this argument, if I may be permitted to say so, Mr. President.

Mr. LAUTENBERG. Mr. President, I do not yield for a statement. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. If the Senator from North Carolina will be patient there is, I understand, a fair amount of time allotted to this discussion. There is no time agreement.

Mr. SANFORD. I wanted to ask the distinguished Senator, Mr. President, about how he relates the scientific evidence to the story about a woman getting cancer and attributing it to the equivalent of two packs a day? That is in the Record twice.

Does the Senator really think that is scientific evidence?

Mr. LAUTENBERG. Mr. President, I respond to my distinguished colleague and friend from North Carolina by stating very clearly that I did not present this as scientific evidence. I presented that as anecdotal evidence. This is in a newspaper, a responsible publication. It is a national publication. They cite the example. They name the woman. I saw her interviewed on television.

If the Senator would choose to erase the record that was produced in the news media here and there, that is something he would have to take up with them. Not with me. I am repeating something that is clearly in the public domain.

In terms of scientific evidence, scientific support, we can look back to 1986, not too long ago.

And, by the way, if the distinguished Senator, educated, Governor, distinguished U.S. Senator from the State of North Carolina, someone held in high esteem not only by his colleagues but people across the country, would be kind enough, as is his wont, to make certain that the things that he discusses are accurate and reliable and would simply look at the Journal of American Medicine report in February 1989, he would see that both EPA and the National Cancer Institute, not frivolous organizations by a long shot, reported that we cannot separate smokers from nonsmokers in an airplane by dividing a section and permit the nonsmokers to breathe smoke-free air. And they refer back to two reports done in 1986 by the National Academy of Sciences and the former Surgeon General, Dr. Everett Koop, someone considered by most to be a reliable scientist, unbiased, by most. It reports the facts as they are. Everett Koop, distinguished physician, scientist, Surgeon General——

Mr. **SANFORD**. May I interrupt?

Mr. **LAUTENBERG**. No, Mr. President, I have the floor.

The **PRESIDING OFFICER**. The Senator from New Jersey has the floor.

Mr. **LAUTENBERG**. The Surgeon General reports and says that passive smoking is injurious to one's health, in some cases, it is almost as direct a consequence as to the smokers themselves.

In the same year, 1986, the National Academy of Sciences, an unbiased organization, reports that passive smoking is injurious to one's health.

There have been 40,000 studies in the last 30 years related to the harm that cigarette smoking does.

Why do we have warning labels on the packages? Not because some printing company had a deal and had a logo they wanted to stick on there. They did it because there was enough evidence that people ought to know that they are taking a risk.

I do not want to get this debate into the smoking issue in general. We are talking about airplanes. We are talking about little space. We are talking about space, sometimes as narrow as a phone booth.

I have seen many smokers, and you are talking to an ex-smoker here. The reason I stopped, I will tell my colleagues very directly. My youngest daughter was 6 years old. She saw me light a cigarette. This is now 18 years ago. She said: "Daddy, why are you smoking?" I said, "Because I enjoy it."

She said, "But I learned in school if you smoke you get a black box in your throat, and I love you; I do not want you to have a black box in your throat."

That child brought sense to me. It was not scientific, it was anecdotal, directly, in my home.

The fact is that we are not discussing the entire smoking issue. That will continue to be discussed here. What we are talking about is a prohibition for a limited few hours.

Right now we have 63 percent of passengers in this country unable to smoke for 2 hours. I have not seen any suicides. I have not heard any dire results. There have been 100-and-some cases out of 450 million passenger movements. We had 113 disputes over whether or not someone should be allowed to smoke.

So, Mr. President, it is obvious, it has not been disruptive. It has not been disruptive to aviation or commerce. Once again, maybe someone steps off an airplane after an hour and 59 minutes and smokes a couple of packs of butts. That is their privilege, that is their right.

But for now what we are saying is that this ban, this 2-hour ban has been so well received, so popular—and I do it on my own polling basis. Whenever people learn that I was one of those who authored the 2-hour ban, that is the best applause line that I get.

The fact is that when it comes to identifying me with that 2-hour ban on smoking, I have had people walk up and say: "Thank you, Senator." One woman said: "I have not been able to fly in years because of an asthmatic condition irritated by cigarette smoke." She says, "If I fly in an airplane where people are smoking, it does not matter where I sit or where they sit, when I get off that airplane, I am out of it for a few hours." She said: "At least now I can see that it is a 2-hour flight, during a 2-hour flight, and what I do is I plan my trips so I take 2-hour legs instead of a nonstop flight for 4 or 5 hours."

What we are talking about is the rights of the majority. We are not talking about a minority group who wants to impose their habits on others. We treat them like a minority group that might want to drive a car intoxicated. We say to them: No, you cannot do it. And you cannot holler fire in a theater, the classic example. There are certain rules of behavior that you have to observe in a society that is civilized and organized.

This issue will be decided by the vote in the U.S. Senate and the result of a conference with the House and the vote taken in the House. I, for one, would like to see this issue voted upon right now. We will see. We will see where the votes are. We will see where the representation is for the constituents across the country. And I think my friends from the States where there is a protest against this legislation ought to be willing to say: OK, we will let the representatives of the American people make their decision, cast their votes, and see whether or not they are on the right side or the wrong side of the issue.

But we are not able to do that, Mr. President. We have seen delays, heard speeches, and heard talks about the rights of the minority—the minority being the smoking population.

We have heard from the tobacco industry people. I had the opportunity last night to appear in a debate on a national television program in which a representative of the tobacco institute said that 60-to-1 people opposed the 2-hour smoking ban across this country.

Though it is not permitted by the rules, Mr. President, I submit to you, if you get any group of 10 or 20 people, we could go through this gallery and this Senate and ask everyone how they feel about it. You will never get 60 to 1 who would say, no, we want to continue inhaling other people's smoke in an airplane. No. It is nonsense. The arguments, the delays are the prerogative and the decision of those who support smoking in airplanes.

I just, for one, would like to end the debate; give the American people, through their representatives, a chance to speak on the issue. I hope, Mr. President, that before this day is over that the American people will have a chance to see their representatives stand up and talk about or vote on this issue.

I yield the floor.

Mr. **SANFORD** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized.

Mr. **SANFORD**. Mr. President, I regret that we could not carry on a debate or discussion because I think that is one of the best ways for the Senate to bring light to a point. We could stand here and make speeches one after the other. We really do not get into the kind of exchange that helps bring light to an issue.

I certainly apologize for interrupting the distinguished Senator from New Jersey, but I had hoped we could examine some of these points as we went along.

For example, of course, there has been scientific evidence that smoke gathers in a small space, like an airplane cabin, but at the same time nothing was said about the facilities for circulating the air and keeping it clean. The airlines have not quite done their part of the job. Certainly, those facilities for cleaning the air are not available but ought to be done regardless if anyone is smoking on a plane.

I have, just in the last week, picked up a bad cold from traveling on a plane that contained no smokers; the fact being that all kinds of germs gather, and all kind of hazards.

I was sorry that I was presiding, Mr. President, at the time my distinguished colleague from Minnesota was speaking because he talked about irritating situations—people who come on the plane half dressed.

I remember a story of two people traveling on a plane and one turned to the other and said, "Well, one of our deodorants is not working." The other fellow said, "It must be yours because I do not use any."

We can have all kinds of unpleasant conditions, but the Senator is talking about a substantial right of a substantial number of people. Our distinguished colleague from Minnesota threw out the suggestion that 10 percent of the attendants smoke. I do not know where he got that figure. I would guess it is closer to 30 percent. Whatever it is, there is a lot of misinformation, a lot of emotion and saying it was 10 percent. He said, "Well, they do not matter." Of course 10 percent matters. That is the difference in this country than most other countries of the world. We think 10 percent does matter. We think minorities do have rights, and in this particular situation, the minorities, in this case smokers, are forced to give up their rights on short flights, which seems reasonable. But to put this kind of prohibition on someone doing something that is perfectly proper and legal that can be contained with the proper air-conditioning system that ought to be there anyhow is simply not in keeping with our concept of fair play.

The whole Bill of Rights, its bicentennial that we celebrate next week, deals with the rights of minorities. Of course, the majority does not rule. The majority governs, but the majority does not have the right to dismiss minorities, not in the United States.

As this particular situation is being discussed, the Department of Transportation is in the process of doing a study: What is it? What do we want to do in way of keeping a clean air atmosphere in an airplane cabin? Well, what we want to do is to keep out the kind of pollution that comes from people in a crowded place, breathing out air that is certainly not fit for immediate consumption until it disperses. What are we doing for that kind of environment? That report is not in, and if we hastily pass this and do away with the need for the report, the report never will be in and we never will know that maybe something else is causing the kind of a health hazard that ought to be considered.

So it is not stopping smoking on long flights that is important; it is cleaning up the atmosphere within that cabin that is important. That is the question that we need now to look to. That is the question that we need to put to the airlines. That is the question that we need especially to put to the airlines during this period of deregulation when airlines do not have to do anything they do not want to do.

So, Mr. President, I am not arguing the merits of smoking and not smoking. I am not arguing really the point that we need to protect an industry. I certainly intend to protect the farmers of North Carolina, who I think have been pushed around unnecessarily. I do not think we need to do something for popular acclaim that hurts any minority. I think the fair play here would be to simply set this aside until we have the study specifically designed to look at the health hazards of flying in the contained space of an airplane cabin. That is what we are undertaking to get. When we get it, let us come back and take reasonable, rational action.

I am bothered because I am bothered always when we make a decision in this body on the basis of an emotional reaction. Usually, it is not a good decision. This is supposed to be a deliberative body. How can we be a deliberative body, having ordered a study, if we are too impatient to await the preparation of that study? So my suggestion is that we stand by until we have that report. And when we have that report to this specific problem—it has nothing to do with the hazards of smoking, it has to do with this specific problem of the airplane cabin. I think simply we ought to wait for that. Mr. President, I will have things later today to say if this debate continues. I now yield the floor.

Mr. **LAUTENBERG** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from New Jersey is recognized.

Mr. **LAUTENBERG**. Mr. President, with all due respect to my distinguished colleague, the DOT study that was requested in 1987, due to come out the beginning of 1990, will be of interest.

But, Mr. President, we do not need any more studies to confirm the attitudes, the feelings, the concerns of the American people about flying in a smoke-filled atmosphere. You have no choice in an airplane. There are restaurants today that ask you, do you want to sit in the smoking or nonsmoking section, high ceilings, air-conditioned, airflow, and even that a lot of people object to. They would like to sit in a totally nonsmoking environment. The minority, in this case identified as smokers, cannot go into a movie theater, a concert hall today in most cases and smoke a cigarette. If it is a long opera and takes 5 hours, you may get a break but, we cannot do that in an airplane. If you go to the movies and the movie is 3 hours, very few people get up and run out and smoke. They do not smoke in that theater. They observe the rules.

In this country, you are allowed under certain conditions to own guns, but how you use them is very carefully directed. As I said earlier, you are allowed to drink but you are not allowed to drink and drive because you can hurt somebody.

So what we are discussing is not a further encroachment on the rights of the minority. We are discussing the protection of the majority. Those people who choose not to smoke should not have to smoke. That is what we are saying in the case of smoking on airplanes. You have to smoke whether you like it or not because the guy next to you or behind you one row is smoking. And it does not matter in which part of the airplane you are.

The study concluded by the EPA and the National Cancer Institute that was reported in the Journal of the American Medical Association of February ran a very specific test. They found that nonsmokers who flew in an airplane where there was smoking carried traces of the nicotine in their bodies 3 days after they left the flight. Well, that is pretty telling evidence. This was conducted in a scientific environment with all the rules applying. So there is no doubt about the fact in my mind, supported by all kinds of evidence, that passive smoking is injurious, or at least threatening to one's health. We do not need another report to confirm that.

If someone is lying on the ground in obvious pain or bleeding, we do not say, "well, let's not get to that person until we get some x rays." We get to it immediately. People in the country are sick and tired of having to breathe other people's smoke, and it is really outrageous for most when they have to sit in an airplane cabin and do it.

Yes, we will be looking at that report and if that report refutes all the other information that we have received over all these years, I would be more than willing to listen to the presentation of that report that says we ought to redirect our thinking and take away all the nonsmoking rules that exist. But while we are waiting for that report, we are going to work to make the environment more comfortable for those who have to fly.

I hope, Mr. President, that everyone recognizes here that this was not introduced willy-nilly or, as my colleague from North Carolina, the senior Senator, said, pellmell because of a whim. It was attended to because the appropriations bill that we are working on has come from the House of Representatives, where appropriations bills originate. They have a smoking reference in that bill.

We took this opportunity to expand that smoking prohibition, and that is why it is being debated today. That is why I hope ultimately it is going to be approved overwhelmingly in this body, so that the message is very clear across the country that we want to create an environment which is comfortable and healthy for all those who have to use this essential means of transportation.

I yield the floor.

Mr. FORD. Mr. President, this debate is becoming very interesting. We find that our distinguished colleague from New Jersey injects the National Rifle Association into the debate. It is strange that——

Mr. LAUTENBERG. May I correct the record. The record will not reflect on the Rifle Association.

Mr. FORD. Well, the inference is to the National Rifle Association.

Mr. LAUTENBERG. Not so.

Mr. FORD. Guns are associated with the National Rifle Association. He brings that into it. He brings law enforcement in, directed to driving your automobile, a man lying on the ground, bleeding from something else. What do you do about it? Just let him lie there? Of course not. Those are things that I think are irrelevant.

Then we talk about some of these reports that come out. The Rand report will be out, and that will probably change some minds. Also, he said if the report from the DOT—April is the date I think it is supposed to be—refutes all of the statements he has made here today, he will listen.

Well, that just says he still has his mind made up. It does not make any difference what the report says. He has a position. Now, does he say if this report refutes everything, well, I will accept it? No, we did not hear that. He said, I will listen. It means it is going to be very difficult to change his mind.

That is what we have with most people who have made their final blast, after leaving the last administration. We not only had it from General Koop, we also had it from other areas of Government—they made it their final blast going out, made it a swan song. So they say a lot of things, a little harsher maybe, because they do not know they have to stay in; it is over.

So we talk today about rights. I would venture to say that the 2-hour ban has saved the airlines real money. The reason I say that is because they probably—I say probably; we are waiting for the report. I cannot say. We are all speculating a little bit here today—that the filters are not running at full force. We want what the problems are in the cabin. If you eliminate one of the ingredients and the rights of 25 percent, whatever percentage it might be, you say that we have lost the ability to make a valid study.

The predictions are the studies will not change what we already have. I do not have a crystal ball. I am not able to make those kinds of scientific judgments, and I doubt seriously any of my colleagues in the Senate have the scientific background to say these are things you do and the end results are going to be there and whatever the end results are, they are perfect.

Legislation on an appropriations bill. He talks about the House making reference in the bill they sent over. Well, the House on three separate occasions in three separate committees said no to this. They made it 2-hour permanent. They were even trying to jump over a committee to go to the Rules Committee, and it did not work.

So we find the emotion here. I am sure we are going to vote not based on the rules and precedents of the Senate. We are going to vote on emotion here today. When you do that, as my friend, the junior Senator from North Carolina said, you make a decision on emotion—probably wrong.

I have heard from some of my lawyer friends that the courts are designed to suppress the will of the majority rights, but it also is designed to protect the minority. What we find here is a committee on which a good number of our Senate colleagues serve made a judgment under the committee of jurisdiction that we ought to have this study. And one of the proponents of that study is a nonsmoker that has to travel a long way. That individual wanted to know not only about smoking but the quality of air in the cabin of that airplane in addition to what might have been put into the air from smoking a cigarette.

Of course it is ironic that my distinguished colleague from New Jersey admits if he was in my place he would be doing the same thing that I am doing. But he is not, and I am not in his place. We both will do what we think is best. I am sure if we get into some chemical companies or pharmaceutical companies or things of that nature and begin encroaching on them we will find him taking the same kind of position that some of the other Senators here will be taking today.

It is just whose ox is getting gored, I guess. How much economically this will hurt the industry I do not know.

Mr. President, I represent 105,000 farm families in my State alone that have since the beginning of the State raised tobacco. You know what George Washington said. "If you cannot send money, send tobacco." It has been there for a long, long time. It is heredity. It is part of the country, part of the operation. It is going to be difficult for those who are slowly but surely pushing us into a corner. There are full-page ads by the AARP saying "tax cigarettes" so we can pay for catastrophic health.

We hear the distinguished Senator here trying to work out increased money for drugs—"tax cigarettes," you know. It is just get them. Well, maybe you will someday but not as long as I have an opportunity to fight will it be easy.

I understand counting. I can count the votes very well. But I also know the rules of the Senate, know the procedures, and can make it a little bit harder, a little bit longer, and a little more trouble in order to do something that I think is an imposition upon the constituents I represent. We were in the back of the plane for a long time. We had many airline officials say that they liked the procedure they had.

If you had more nonsmokers than smokers, even now you can make a whole plane nonsmoking if it is over the 2 hours, and you have one airline that says, "No one smokes on our plane." I have not seen any increase in income for that airline. I do not know that they are doing much better now that they have said no smoking. Maybe they were in such bad shape before they made that decision they had to do something but nevertheless, according to the reports, if you try to look at income, I do not think it has increased any. They have a right to choose.

So, Mr. President, I know that you can take individual cases but I suggest to my good friend if he would just sit in the lobby of an airport, watch those stewardesses come off the airplane and sit down and smoke a cigarette, just sit in the lobby of an airport and watch the pilots come off the plane, sit out there in the smoking area and smoke a cigarette. Then we get so many complaints from them that this is the thing they point the finger at—that they are in real trouble. They just hate to smoke but yet they step off the airplane, stand not in a much larger area, and smoke.

He says he gets applauded when they find out who he is. I do not get boos when they find out who I am.

So if I would listen to the debate and how great he is, then probably I would have suspected I had been booed. So far so good.

And those who want to smoke, like to smoke, and abide by the rules are getting along fine. I think they are trying to prove something—that they just cannot stand a 5-hour flight. Sure, you can. You can stand 2 hours. I have been getting through church for a long time—that is just a little over an hour—without smoking a cigarette. I fly 2 hours without smoking a cigarette. That is fine.

I have been smoking for 50 years. Sure, one of these days I will probably have a health problem and they will blame it on those nasty old cigarettes, but for 50 years.

I have watched my distinguished friend around here in the last 16 years since he has been here smoking cigars. Oh, yes.

So it is everybody's choice here. It is what is emotional at the time, and the mistakes we make using emotional decisions without thinking through it.

But we are going ahead and voting. I understand what may or may not happen. But we are doing something in addition. I have been around here now going on 15 years. Not many times do we take away the jurisdiction of another committee. We are not supposed to do that. That is one of the reasons we have the rules. That is one of the reasons the Parliamentarian designates the committee or committees that would consider legislation. We try to find some little reference that gives an opportunity to go ahead and do certain things.

We are getting to the point, I think, where it does not make much difference what the rules say. As long as you have 51 votes you can do anything you want to. But you have to have 60 to stop a filibuster. When you get that, then you have 100 hours or whatever. Then you can make people vote on postfilibuster rules that we have gotten into.

There are a lot of people who like to read. I watched the Senator read the statutory provisions of several areas in that great big book, and as long as he could read, it did not mean a thing about the issue before us. We were not debating the issue. But the Commerce Committee has been doing its job.

So when we bring a position to the Senate floor, we have done everything we know to do to find the answers and say, "Here we are, here is our judgment; we respect the decision of the Senate." We are spending half a million dollars on this study. Nobody objected to the study at the time that we advocated it. So now we are going to say it does not make any difference what you spend, we are not going to pay any attention to that. Well, the shoe will be on the other foot one of these days, and everybody will be reminded of what happened.

We are spending taxpayers' dollars to try to find a scientific answer to the problems of quality in an airplane cabin. Oh, we will hear, yes, we have had a lot of studies and reports, that sort of thing. But when you put it all together for one reason, and you make that study for a reason, and then we say we do not need it—we are within 7 months, I guess. If the Senator from New Jersey is right—he said January—we are within 4 months. It does not make any difference to him even if that study came out and refuted everything, it would not change his mind, but he would be willing to listen.

I am beginning to wonder how much money we spend around here to try to find answers and then nobody pays any attention to it. So we are going to spend $500,000 of taxpayers' money trying to find a scientific answer that does not mean anything; it does not mean anything.

So, Mr. President, I argue more for my right as a member of the Commerce Committee, my right under the procedures of the Senate authority. I argue more for that right of my fellow Senators than I do about the question. Sure, I have not heard anything about that this morning or yesterday, but you will before the day is over.

I suspect the chairman of the Commerce Committee is right to challenge it under our rules. The Senator has a right to do something else, that is true. We always have ways to get around it. There is a precedent for overruling the Chair, sure, but the Chair will make a decision based on the rules of the Senate. That decision will be right. And then the Senate has a privilege, opportunity, and right to override the Chair. I think the Chair is getting some advice now.

Nevertheless, some of these things will come back to bite us. I wonder how the rights of the minority in this case could be protected. I just wonder. I wonder how the rights of the minority in this case can be protected. No one has ever thought about anything, no one has ever offered anything, no one has ever said anything. It is about other people that they are worried about, 72 percent or whatever it is. That leaves 28 percent.

Where are the folks thinking about the rights of the minority here? I have not heard that in all this debate, except those few of us that think we ought to be protected. We are not. We are not being protected. I thought that is what this place was all about. The majority governs, but the minority's rights are protected under the majority governing.

So, Mr. President, I wish my colleagues would at least give some consideration to working out something that would protect the rights of the minority. I think maybe we have an opportunity to accommodate both, but we will never know. Once a law is a law, it is awful hard to take it off the books. If we would wait for the study, have 2 hours permanent, wait for the study and then debate the issue, quality cabin air, or the quality of airplane cabin air, we may find we want more stringent filter systems, better and bigger filter systems, even without smoking. We may want something different, even without smoking.

Under the circumstances, we might find a way to accommodate those of us who enjoy smoking. But we are not finding that kind of situation where people are willing to try to help. It is all or nothing at all, all or nothing at all. So we find ourselves in a position of trying to do the best we can under the circumstances to try to sustain the right of the minority, the right of committees. So we hear a lot that they have a right to choose.

For the last 2 days I have heard that—"the right to choose." Well, there is no right for a smoker to choose. He can either get on one airline with no smoking or another airline with smoking, over the 2 hours. Under this bill, there is no choice. They say there is no choice for the other group. Well, there is no choice for those who want to smoke either, except wait.

So, Mr. President, I hope that we can find some way that we can work out a reasonable position so that all of us can have an opportunity to at least make a gesture of trying to help. It is not black and white. The print is black or white. Either you get it put to you fully, or you do not.

I hope that there will be some compassion today. We have heard that word used in the last couple of days, "compassion." That is well and good. But we hear more than smoking this morning. We hear the other items that might be floating around in the air, and there is no nicotine jamming up the valves on those planes.

I was surprised at the huge aircraft with these wonderful filter systems, that a little smoke by two or three rows in the back would gum up the filter system.

I have been accused of a lot of things but it is funny to be accused that smoking a few cigarettes would jam up and clog up these huge filters on airplanes. One, maybe they are not big enough. Two, they may not be at full tilt. Three, they may not be working right. You know, we do not really know and no one really cares except those of the minority who would like to smoke on aircraft. No one really cares.

We hear isolated cases. Sure, one person; protect one person with asthma. That is fine. I do not have anything but compassion. My sister has asthma. And I understand asthma very well. But we get one case of one lady who talked to him. She can now fly, but maybe I cannot. Whose rights are there? Maybe I want to smoke and ride on an airplane. I cannot. So, therefore, I do not fly anymore.

So, why am I any different than someone else? Why are you any different or she any different or others any different than someone else?

I do not see where anybody is trying to work it out. It is either just all or nothing. We have a 2-hour ban. I am willing to make that permanent. I have no problem with that. I would accept it without any problem and then work on a proposal that would at least give us an opportunity to try to work out what is fair to both sides.

But we do not find that. Maybe with the length of conversation this morning with the points made we can move this legislation along and get the appropriations bills out. This is almost a $12 billion bill. And this is one side issue that really should not be on this legislation. It is holding up the appropriations bill. We want to get our budget done by the beginning of the fiscal year. We want our reconciliation by October 15.

But no, we have to put amendments like this on the bill, knowing full well that when it came out of the subcommittee, to the full committee, to the Senate floor what is happening now would happen. So there is no interest there in trying to get the appropriations bill done. They cannot get a budget ready.

There is a lot more at stake here than just the issue of smoking on an airplane. So we find now these 2 days have elapsed and probably the rest of the week in trying to get a $12 billion appropriations bill out of the Senate and a $1 trillion budget is delaying the whole process.

I say, Mr. President, I knew full well that this debate would occur on the Senate floor when it was put on in subcommittee, when it went through the full committee, and out here. So now 2 days have elapsed, really 3 days; this week is gone for all practical purposes. We have the FSX override; we have a few other little things that we can expect this week.

So without taking any more time I will save my time for later on because there will be more time today, Mr. President, and I hope we could work out something so this appropriations bill can go forward and we can go ahead and do the kind of work that needs to be done for the Department of Transportation and related agencies for the fiscal year starting September 30. Today is the 13th, I believe. So we have 17 more days and eight more appropriations bills to get out. And this one we will hold up, will take basically a week to get through, and it is $12 billion, as I understand it, of a $1 trillion budget.

There is more at stake here, I think, than just the question of smoking on airplanes. It is a question to get the budget so the rest of the world can work. Then we will have a continuing resolution, something we do not want. So we keep going on.

I say this with all due respect, that this was known. They even knew this was going to happen when it was put on in the committee. They expected that. There is no question about that.

So I am not sure that those who put this package together are trying to get the budget done. They are the ones who are delaying the budget and the appropriations bills.

If you had left this alone and let the Commerce Committee work its will and have the study and come and debate the issue, we would not be here today. This bill would have been passed. It did not even have a whimper in the subcommittee. There was not a whimper about right, wrong, this much or that. There was not any discussion about the bill itself. The only discussion in the full committee was a point of order on the smoking issue. Everything else was cleared. We would have passed this day before yesterday probably by voice vote.

Now we have the drug amendment on it, and I do not think that will take long. Everybody around here votes for more money for the new program for drugs. If it is drug-related, you get a big majority, and rightfully so.

But the holdup on this bill is for something that does not belong on it. The only discussion in the full Appropriations Committee was on this issue. It is not WENDELL FORD's fault it is being held up. WENDELL FORD helped get the study. He did his work on the Commerce Committee. The chairman of the Commerce Committee did his work. We are ready for that report and to discuss the issue directly.

Why, it may wipe out all the other reports, as the distinguished Senator from New Jersey says, and he will begin to listen to the other side. He said that. It is in the RECORD. He said he would listen. He has not changed his mind. He is convinced.

Mr. President, it is not this Senator who is holding up the appropriations bill. They knew. They forced me into it after we tried as hard as we could to make the right decisions, to find the answers, so that when we brought something before the Senate, it would not be something that people who are for this amendment would say they will not be willing to change their mind and listen.

So, Mr. President, I yield the floor, because I know there are a lot of notes being passed back and forth here about what I said, and I am sure there will be some room for additional debate.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I listened with interest——

Mr. FORD. Excuse me. I have to go smoke.

Mr. LAUTENBERG. I listened with interest to the Senator from Kentucky, for whom all of us here not only have respect but affection. He is a fighter, he is known as a fighter for his State and the issues in which he believes.

There is no doubt about where WENDELL FORD stands on an issue. He never vacillates. He is very direct and he is respected for it. He calls it like he sees it.

Unfortunately, this time he is wrong. Delay, I think some poet must have said, is in the eyes of the beholder. Perhaps I am paraphrasing. The delay is not really material at this moment. This applies to an appropriations bill that takes effect October 1 of this year. It carries us for the next fiscal year.

The Senator from Kentucky said he had to go have a smoke, but he did make a comment earlier that when he goes to church, he does not smoke. So I perhaps can get my colleagues together, and we can buy some sermons on tape for the distinguished Senator from Kentucky that he can take on the airplanes, and thereby mollify his nervous or anxiety condition.

Mr. FORD. Mr. President, will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. FORD. The only point I was making to the Senator is there is no question those of us who have been smokers for a long period of time are not so addicted that we cannot get through church, we cannot get through the 2 hours, or we could not get through the 5 hours. That is the point I was trying to make.

The Senator does not have to give me any tapes. We have plenty of Baptist preachers preaching and I can watch them on television all hours of the day.

Mr. LAUTENBERG. Not in the airplane.

Mr. FORD. I am content with that, and I want to save the Senator that expense.

Mr. LAUTENBERG. I have not relinquished the floor.

Mr. President, I call attention to the fact that I have the floor. I yielded to my distinguished colleague, and as he suggested through his remarks, there may be a lot of time devoted to the discussion of this issue. He was very specific.

When you talk about things like that in this body, there are code words. We understand them very clearly.

The code words say we are going to talk, talk, talk, talk. It does not say we are going to take care of the issue. It does not say we want to give the American people the benefit of a decision made here. No, no. We want to defer that. We do not want to address the issue. We do not want to discuss it and vote on it.

For the information of my colleague from Kentucky, I was at the Appropriations Committee. I do not miss those meetings. I am chairman of the subcommittee. We had a vote on whether or not this amendment should be included to address the House bill on appropriations. It was clearly overwhelmingly supported. We went to the full committee. We did debate the issue.

The distinguished Senator from South Carolina, the chairman of the

Commerce Committee, made the point very clearly about the jurisdictional factor. It was debated. It was voted upon. The amendment presented before the Senate carried 18 to 11. That is a pretty decisive victory. And there is a great deal of respect for the members of the Commerce Committee, chairman Senator HOLLINGS and the chairman of the Aviation Subcommittee, Senator FORD. The fact is that the issue, when decided by a vote, was carried overwhelmingly.

The Senator from Kentucky also made reference to the fact that there is an airline, Northwest Airlines banned smoking on domestic flights. And contrary to the belief of the Senator from Kentucky, the fact is that their ridership is at record levels.

You do not have a choice. If you want to fly the nonsmoking airline and go to Dallas. I do not know whether they fly to Dallas or someplace remote. You have to fly to Minneapolis if you want to fly the nonsmoking airline. So you cannot get to whatever city it is that they do not serve, Dallas or Louisville or Atlanta; I do not know their full routing. So you do not have the choice.

The thing that my colleague also discussed was the report that was requested as a result of the debate. It was a concession to those who opposed the 2-hour ban. That was not developed initially as part of the legislation. It was a concession. We will await that report. I said I would listen.

But we did not mind spending millions of dollars on studies by the National Cancer Institute, which every taxpayer in the country pays. We spent millions of dollars on other studies. The National Academy of Sciences studied it. The Surgeon General studied it. They studied it. No one complained about the millions of dollars that were being spent then that said tobacco smoking is bad for you and it is especially bad if you do not want to smoke and you have to because you are sitting in the confines of an airplane cabin. I did not hear any complaints about those millions of dollars.

So what we are looking at is something I will have to call smoke and mirrors, to use the phrase. We are not looking at the issue.

I would appreciate it if the people who were opposed to this issue would make the argument, make the points of order. We are prepared to deal with those. The Senate provides for disagreement. Amendments can be offered from the floor. That is perfectly acceptable. There is a basis for challenge and there is a basis for disagreement, but we settle it according to the rules.

The one thing we ought to do is deal with the issue and not talk about reading from long dissertations or books or, as happened in the past here, phone books. Let us not fog up the air with that kind of stuff. Let us get on to the issue. Those who do not want the issue heard on its merits want to obscure it by lots of other conversation. I say that if they have a case to make, they ought to make it and let us vote on it.

But that is not likely to happen. We will endure. We do not succumb to threats. We do not succumb to pressures about how we are going to deal with it, perhaps the overtones of a filibuster. We do not succumb to that. The issue is going to have to be decided on its merits.

I respect each one of those who oppose. They have a constituency to take care of. If they believe that this is wrong, so be it. But the Senate has a process for determining that, and it is finally resolved in a vote.

So, Mr. President, we will be here longer than the occupant of the chair is going to be here today.

At this point, I yield the floor.

Mr. BURNS. Mr. President, I do not want to enter in the debate this morning on smoking or nonsmoking, as far as airlines is concerned. I thought it was ironic that Northeast Airlines would surface today because living in Montana we get the feeling out there that if you die and you are fortunate enought to go to heaven, you are going to have to change planes in Minneapolis. And if the esteemed Senator from New Jersey wants to fly though Minneapolis, I do not think that should be willed upon anyone because we have to go though there a lot. We have had some bad experiences there. But, nonetheless, we are getting them worked out.

Mr. President, I am pleased to rise today in support of the Appropriations Committee's recommendation of $35.5 million for fiscal year 1990 for the provision of essential air service [EAS] to communities that would not be served but for this funding.

Congress has continually expressed its support for EAS. The committee's recommendation merely provides for the resources necessary to fund EAS at its current service level, not the funding necessary for higher service levels.

I concur with the committee in placing the highest priority on sufficient funding to continue the basic EAS program so that supplemental funding is not required as it was in fiscal year 1989.

I represent the State of Montana and we have seven rural communities that could be affected by any cutbacks in EAS subsidies. If EAS is terminated or cut back, crucial medical services and supplies would be severely curtailed as some rural Montana communities depend on air service for weekly visits from medical technicians. The great distances from medical centers to many of Montana's small cities prevent medical technicians from visiting patients in these communities by surface transportation—their only alternative is by air. To give an idea of the great distances between communities in Montana it is helpful to keep in mind that the distance from the northwest corner of the State to the southeast corner is farther than the distance from Washington, DC to Chicago.

Similarly, many small businesses that are located in rural communities depend upon regularly scheduled air service to maintain links with their customers and others. If EAS is terminated, many people will lose their jobs in what are already economically depressed areas. The small businesses and farms in eastern Montana rely on air service for delivery of goods, and the loss of it would impair their ability to prosper or possibly even survive.

Regularly scheduled air service is a fact of life in 20th century America, and those areas without such service labor under a tremendous handicap. Montana has been particularly hard hit in the transportation services arena. Montana has lost the service of a major portion of its rail capacity, Amtrak service, bus service, and trucking industry. The threatened loss of EAS would continue a downward spiral in the quality of transportation services available to the people of Montana.

I am very aware of the budget deficit problems that need to be dealt with by this Congress. But cutting EAS to many rural communities is not the place to start. It further hurts the economy of those States most in need of an economic boost.

I urge my colleagues to support continued funding for EAS at current service levels.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I have a parliamentary inquiry. Have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment, on the second-degree amendment.

Mr. LAUTENBERG. Mr. President, we have heard from interested Senators in the last couple of days here; we have heard a lot of their viewpoints and arguments. We have been through about 4 hours of debate now. I was asked to suspend any action on this until 1 hour after we were in this morning at 9:30 a.m.

We have been patient, Mr. President, but we should not sit here and waste time when this issue is an important one. We have a Transportation bill. The Transportation bill includes $750 million worth of drug-fighting resources, the Coast Guard, Department of Transportation, and NTSA.

How long are we going to say we are for the fight against drugs and refuse to act on something like this? If we have a debate or disagreement, let us discuss something and vote on it. But to suggest that while our aviation system is under attack because it is inadequate for the volume of traffic, we need highway, bridge repairs, and all kinds of things.

This morning we heard from one of the opponents of the amendment that we were delaying things. Well, we are prepared to take action. I hope that we have heard what we are going to hear. I am ready to go to a vote. I would like to hear from any of those Senators that are interested in this so we may get on with it and so that we can deliver what we are obligated to deliver in terms of funding for the transportation system, including the part that is directly designed to interdict drugs.

Now, I do not think it is fair to the American people or fair to this body to delay any more than we have to. Every Senator has a right to object and to debate, and every Senator has a right to do as he pleases. But for us to sit here while the clock ticks and the quorum calls are being offered, I think is not only destructive to the process, but it is also delaying what is an eventual outcome, that is, a vote, decision on this issue. I see the Senator from North Carolina is on his feet.

I yield the floor.

Mr. HELMS. Am I recognized?

The PRESIDING OFFICER. Does the Senator from New Jersey yield.

Mr. LAUTENBERG. Yes.

Mr. HELMS. I thank the Chair.

Mr. President, do you know what Senator LAUTENBERG reminds me of? He reminds me of a fellow who shot and killed his mother and father and asks for mercy on the grounds that he is an orphan.

Mr. LAUTENBERG. Mr. President——

Mr. HELMS. I did not interrupt the Senator. I ask the Chair to protect my right to hold the floor without interruption.

The PRESIDING OFFICER. The Chair will maintain order.

Mr. HELMS. Let us get it straight on the record. Senator LAUTENBERG is chairman of the Transportation Subcommittee of the Appropriations Committee. Using his right—and I do not contest that at all; I do not protest it at all—he introduced in that committee a little old provision which he knew was legislation on an appropriations bill. He knew it.

Do you know why he did it? Because he is scared to death of FRITZ HOLLINGS and the Commerce Committee. He does not want this matter to be considered, and I do not want all of this stuff to roll forth like somebody is holding up this bill. If he will pull out that provision, he can pass this bill on a voice vote right now.

Now, the little old sign on the Archives Building says "What is past is prologue." Maybe you have seen it. A friend of mine was in a taxicab not long ago, and he stopped at a stop sign, and he thought he would have a little fun with the taxi driver. He read out the words, "What is past is prologue," and he said, "Driver, what does that mean?"

The driver did not hesitate a minute. He said, "That means you ain't seen nothing yet."

I say to Senator LAUTENBERG that he ain't seen nothing yet. He cannot get by with all of this folderol about somebody else delaying this bill. What he is complaining about is that we are not going to let him roll us. He may end up rolling us, but he will know he has been in a fight.

I say again today what I said yesterday, that I have never advocated smoking; my family does not smoke. But I have nearly 30,000 tobacco farmers in North Carolina to whom I made the commitment that I would protect their interests as long as I was in the U.S. Senate, and I am going to do that.

Now, if Senator LAUTENBERG is willing to let this go to the Commerce Committee and let the report be studied—a report which this Congress ordered and for which the taxpayers have paid—if the committee agrees with him, fine. We have had our day in court.

But the truth is—and I say this with all friendliness toward the Senator from New Jersey—he was trying to circumvent the process of the U.S. Senate. No other face can be put on it.

We are not about to vote on this thing right now, one way or another. I serve notice that I am putting in a quorum call, and I will not allow it to be called off. If you want to get a quorum, we will go through that routine.

Presently, I am going to speak to the majority leader and the minority leader about a little proposal to end this. I do not know whether they will be interested, but we do have the rule about legislation on an appropriation bill; and as far as I am concerned, on this issue we are going to respect that rule. I may get defeated on it. Senators may vote against the rules as they are clear to be, but that is up to them. I do not like the way this has been done. I do not want more sanctimony about holding up a bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Mr. President, will the Senator withhold so that I can direct an inquiry to him?

Mr. HELMS. As long as I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from North Carolina has his right to the floor.

Mr. LAUTENBERG. Has he yielded the floor, Mr. President?

Mr. HELMS. I have not yielded.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. REID. The Senator from Nevada asked permission to direct a question to the Senator from North Carolina.

Mr. HELMS. Yes, sir.

Mr. REID. I have an amendment on this bill I would like to offer. It should not take long. I was asked to come over earlier today, but we have been tied up in the Nixon impeachment proceedings. I simply could not get here. That was completed about 15 minutes ago. I wonder if the Senator would see fit to withhold the call of the quorum so I can complete this. It should not take more than 10 minutes.

Mr. HELMS. I say to the Senator, as he well knows it will be necessary to set aside the pending amendment, and if Senator LAUTENBERG is willing to do that, I certainly have no objection.

Mr. REID. I would remind the Senator from New Jersey this is an amendment that has been agreed upon and it should take just a short period of time.

Mr. LAUTENBERG. If there is unanimous consent that we return to the pending business, then I would have no objection to the Senator's offering his amendment.

Mr. HELMS. I have no objection, just so long as the Senator from Nevada is recognized to offer the amendment.

The PRESIDING OFFICER. The unanimous-consent request detailing what he wants to do needs to be propounded to the Senate.

Mr. REID. Mr. President, I ask unanimous consent that the pending matter before the Senate be——

The PRESIDING OFFICER. Does the Senator from North Carolina yield for that purpose only, without losing time or place, to the Senator from Nevada?

Mr. HELMS. Exactly what I said to the Senator from Nevada I say to my distinguished friend, the occupant of the Chair.

Mr. REID. Mr. President, I ask unanimous consent that the pending matter be set aside so the the Senator from Nevada can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Thank you very much, Mr. President.

I express my appreciation to the Senator from North Carolina and the Senator from New Jersey.

AMENDMENT NO. 730

(Purpose: To reduce the incidence of discharge of wastes from rail passenger equipment owned and operated by the National Railroad Passenger Corporation)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER** (Mr. KERREY). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 730.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Of the funds made available to the Federal Railroad Administration under the head "Railroad Research and Development", $500,000 shall be available to identify suitable toilet and waste retention technologies that do not discharge onto tracks to be be included as part of future year passenger car acquisitions. The Federal Railroad Administration shall report its findings to the appropriate Committees within nine months after passage of this Act.

Mr. REID. Mr. President, I offer this amendment for me and for Senator BYRAN of Nevada.

I rise today to offer this amendment which I understand has been cleared by both sides.

This amendment will curb the dumping of waste from Amtrak passenger cars onto tracks. As incredible as it sounds, all Amtrak passenger cars dump their wastes onto tracks. Old, so-called heritage cars dump the waste directly onto the tracks. These heritage cars are used primarily in the western part of the United States.

In the East, most of the cars have temporary holding tanks that grind up the waste and dump it only when trains reach speeds in excess of 35 miles-per-hour. Whether it is the old heritage cars or most of the cars in the eastern part of the United States they all dump the waste directly onto the tracks.

This practice, is defended on three grounds by Amtrak. I might add, Mr. President, that since I came to the Congress and served in the House of Representatives, I have fought all of the cuts for Amtrak. I believe that it is important that this country have a transportation triad, so to speak. So people will be able to drive passenger cars, the Government spends lots of money on highways. I believe it is important that we have a good air transportation system in this country as we do, and the Government, spends money to help construct runways and other things that relate to air travel.

Therefore, I think it is important—and I have always voted accordingly—that we maintain a passenger rail system. So my criticism of Amtrak relating to their dumping waste on the railroad tracks does not have anything to do with my basic support of Amtrak. I believe in the passenger rail system.

Amtrak defends the dumping of waste on three grounds. One, Amtrak says this practice has been used by railroads ever since they started hauling passengers over 100 years ago. Furthermore, Amtrak points out that many other nations allow passenger trains to dump directly onto tracks.

Mr. President, this argument is not a good one. The public, that is the public that knows about it, is for the lack of a better word, outraged over the dumping of waste and they certainly want it stopped in the United States, caring little what is done in other nations.

The second point of defense on the part of Amtrak is to point to several studies made by the then-HEW in the 1970's showing there is no epidemiological evidence that the practice is creating a health problem. Frankly, I find this conclusion difficult to swallow. Who really knows what diseases passengers on Amtrak trains may be carrying? Think for a minute what we are talking about. A train driving down the railroad tracks—it does not matter where it is—simply dumps its tanks. When the tanks get full in the East they dump them if they go 35 miles an hour. In the West it does not matter. When someone is using the lavatory on the train it is dumped on the tracks no matter where it might be.

There are examples of where people have been hit with the waste.

In June 1988, as an Amtrak train was crossing the Willamette River in Oregon it sprayed the crew working on the bridge, not to mention the Willamette below. These men, of course, were very concerned about what happened to them.

In Nevada, we have a similar concern. The Amtrak route follows the Truckee River for approximately 35 miles. Waste, untreated waste, is being sprayed along side of the Truckee and into the Truckee River. The rains will bring it down even if it did not hit directly into the river. This mighty little river that provides the major supply of water for Reno should not be treated that way. And in Nevada, as in many others States, small towns and isolated individuals often rely on ground water for their water supply. Some of the waste dumped by Amtrak undoubtedly seeps into the groundwater.

There is no question that it is the case. Amtrak's third point of defense is the cost of retrofitting. Amtrak says retrofitting their fleet to place storage tanks on train cars will be too expensive. Retrofitting the entire fleet will cost over $100 million, money Amtrak simply does not have. This argument certainly is not compelling.

Members of the Senate I am sure would find it difficult to convince someone recently sprayed by Amtrak that the cost of retrofitting cannot be defrayed by a very, very slight increase in ticket costs spread over the next several years. But, every penny at Amtrak counts—and these pennies are stretched thin. I know this to be the case, because we have had this experience in Nevada.

Amtrak was going to discontinue service to a town called Caliente, a town 160 miles north of Las Vegas. They were going to do it based on cost considerations. But after explaining to Amtrak how important this service was they, of course, agreed to maintain the service. But in order to maintain services to big cities and small towns alike Amtrak needs its entire appropriation to fund operations, track improvements and fleet modernizations. Retrofitting will force Amtrak to discontinue service to many small towns and delay their ambitious modernization program.

Nevertheless, Congress must act. In September 27, 1988, the House Government Operations Subcommittee on Government Activities and Transportation heard testimony on this issue. State health and environmental officials from Utah, Oregon, Arkansas, California, Idaho, Louisiana, Nebraska, New Mexico, Nevada, New York, North Carolina, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin were joined by many unions and privately held railroads in expressing their opposition to spraying. Oregon and Florida have taken matters into their own hands and filed suit against Amtrak to stop this practice in their States. Ironically, most States have banned the dumping of wastes from all forms of conveyance, yet Amtrak is specifically exempted from meeting Federal laws that would prevent it from dumping wastes.

Concern in the States is building to a very high level that may threaten the efficient functioning of our Nation's only passenger rail transportation system. And, as I have already stated, I believe it is a good passenger rail transportation system. Congress must therefore act today to treat waste from Amtrak as they are treated from other forms of conveyance. Planes and buses must store wastes. Even in many ports, the Navy is required to hook into municipal sewer systems to discharge their waste.

My amendment rationally addresses this issue. It does not require retrofitting and it does not specify areas where waste cannot be dumped. It does, however, direct the Federal Railroad Administration to make funds available for research into effective and suitable toilet and waste retention technologies that do not dump waste onto tracks and report to Congress on this research within 9 months. This new technology will be developed with a view toward employing it on passenger cars acquired in future years.

Mr. President, it is our responsibility to end the unesthetic and, what most States believe to be unhealthy practice of dumping waste onto tracks. I will be watching Amtrak's progress in this area very carefully and will return to the floor if it becomes apparent they are not taking appropriate steps to eliminate this unhealthy and unseemly practice.

I urge my colleagues to support this amendment.

I do, Mr. President, submit to the manager of this bill that I believe it has been cleared by both sides.

Mr. LAUTENBERG. We have no objection to this amendment.

Mr. D'AMATO. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 730) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 728 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 71, LINE 16

The PRESIDING OFFICER. The pending question is amendment No. 728 offered by the Senator from New Jersey to the second excepted committee amendment on page 71.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LAUTENBERG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have now had the opportunity to consult with the distinguished Republican leader and the Senators participating in the pending matter.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2 p.m., following the recess that will occur under the previous order, the pending business be the FSX veto override; that there be 3 hours of debate on that matter equally divided between the majority and minority leaders or their designees, with 30 minutes of the majority's time to be under Senator DANFORTH's control; that no motions be in order; and that when all time is used or yielded back, the Senate without any intervening action or debate proceed to an immediate vote on whether or not the President's veto shall be sustained.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Now, Mr. President, it is my intention, shortly, to send a cloture motion to the desk on the pending matter, and as soon as I do so, I am going to ask unanimous consent that the vote on the cloture motion occur tomorrow as opposed to Friday as would occur under rule XXII.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon second excepted Committee amendment on page 71, on line 6 to line 12, pertaining to smoking on airplanes:

George J. Mitchell, Patrick Leahy, Kent Conrad, Brock Adams, Paul Sarbanes, Bob Kerrey, J.J. Exon, Bob Graham, Frank Lautenberg, Tom Daschle, Dale Bumpers, Don Riegle, Harry Reid, Paul Simon, Max Baucus, Barbara A. Mikulski.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the cloture motion just filed occur tomorrow, all other provisions of rule XXII to be observed with respect thereto.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2 p.m.

Mr. MITCHELL. Mr. President, will the Chair withhold for a moment?

Mr. HELMS. I thank the Senator, and I thank the Chair.

What about filing of amendments, if any?

Mr. MITCHELL. It is my understanding that since the cloture motion applies to a first-degree amendment, the second-degree amendments may be filed until 1 hour prior to the vote. I ask the Chair whether or not that is correct.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Very good.

Mr. MITCHELL. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HOLLINGS].

FSX CODEVELOPMENT PROJECT—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the President's veto message on Senate Joint Resolution 113, the FSX codevelopment project, which the clerk will report.

The assistant legislative clerk read as follows:

A veto message on S.J. Res. 113, a joint resolution, to prohibit the export of certain technology, defense articles, and defense services in connection with the codevelopment and coproduction of the FSX aircraft with Japan.

(The text of the President's veto message is printed on page 16919 of the CONGRESSIONAL RECORD of July 31, 1989.)

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER (Mr. DIXON). All time for debate is limited and controlled. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I raise a point of parliamentary inquiry as to the point of this debate. Is the time evenly divided, 90 minutes to the two sides?

The PRESIDING OFFICER. May I respond to the distinguished Senator from Indiana by advising him that my understanding of the time of division is that 1½ hours are accorded those supporting the override of the President's veto, 1 hour of that to be in the control of the Senator from Illinois for the majority, one-half hour to be in the control of the Senator from Missouri [Mr. DANFORTH], and the other 1½ hours to be under the control of the manager opposed to overriding the veto, the Senator from Indiana.

But may I yield for a moment to see if there is any correction to that? I am advised that my representation to the distinguished Senator from Indiana is correct.

Mr. LUGAR. I thank the Chair. I yield myself as much time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized for as much time as he may require.

Mr. LUGAR. Mr. President, the debate today focuses on the issue of whether President Bush's veto of Senate Joint Resolution 113 is to be upheld. I opposed the resolution that we are discussing today at the time that it came onto the floor. And I will try to fill in for Members part of the context for the debate that we had on that day.

Members may recall that we were discussing the FSX agreement with Japan, the agreement for a fighter aircraft to be codeveloped and coproduced by the United States and Japan. This agreement having been negotiated with the Japanese by President Reagan's administration, negotiations continued with President Bush and members of his Cabinet.

Additional elements of the agreement came to the floor and were part of the FSX agreement that we debated the same day we debated this resolution.

The initial agreement by President Bush and Japan on the FSX was affirmed by this Senate by a vote of 52 to 47. The debate that we had immediately thereafter took up some of the aspects of the FSX agreement and attempted to put them into legislative language, which included, in sense of the Congress, some mandatory language and some direction to the President with regard to consultations, specifically involving the Secretary of Commerce.

President Bush has taken a very strong point of view on this subject in conferences with Senators and in public statements that he has made and in portions of the veto message that I will quote during the course of my presentation.

President Bush believes that the powers of the President would be infringed upon in the event his veto were overridden. He feels strongly and seriously about that. He has briefed Members of the Senate who have been active in this debate about his concerns.

I share those concerns, and one of the basic questions that Members will have to resolve today is the extent to which the President of the United States should be affirmed in his role as the chief spokesman, the chief formulator, the chief negotiator for our foreign policy, albeit with the advice and consent of the Senate at many stages of the formulation of that policy.

In vetoing Senate Joint Resolution 113 on July 31, 1989, President Bush noted that the "resolution is neither necessary to protect the interest of the United States, nor consistent with long-standing requirements of the Arms Export Control Act. Further, the resolution contains binding provisions that unconstitutionally infringe on the powers of the Executive."

That is the end of the quote from President Bush.

More specifically, the President cited the resolution's unprecedented, absolute prohibition on sales or retransfers of the FSX weapon system or any of its major subcomponents codeveloped or coproduced with the United States. In the President's words:

> This prohibition is inconsistent with the current agreement with Japan and goes beyond the current requirements of the Arms Export Control Act, which permits such sales or retransfers, but only if the written approval of the United States Government is first obtained. This requirement of prior consent completely protects U.S. security and other interests.

The President also justified his veto on the grounds that the provisions of the resolution conflict with the President's proper authority under the Constitution. Noting that the Constitution vests in the President executive power which includes the exclusive authority to conduct negotiations on behalf of the United States with foreign governments, the President stated:

> S.J. Res. 113 violates this fundamental constitutional principle by purporting—in binding legislative language—to direct the United States and Japan to conduct negotiations if co-production of the FSX is sought, and by purporting to define in advance both the form and substance of any resulting agreement.

President Bush declared that in the conduct of negotiations with foreign governments, it is imperative that the United States speak with one voice and that the Constitution provides that single voice be that of the President. The President also recognized in his veto message that Congress has authority under the Constitution to regulate commerce with foreign nations. However, he noted specifically that the Congress "may not use that authority; that is, to regulate foreign commerce, to intrude into areas entrusted by the Constitution exclusively to the Executive." He went on:

> * * * I cannot accept binding provisions like those in S.J. Res. 113 that would tie my hands in the exercise of my constitutional responsibilities.

Third, in explaining his veto of Senate Joint Resolution 113, the President noted that the Constitution's vesting of executive power in the President requires that the President exercise 'supervisory authority and control over the internal deliberations of the executive branch. However, by seeking to codify the role of the Commerce Department in monitoring the implementation of the codevelopment agreement and in negotiating any coproduction agreement, the President declared that Senate Joint Resolution 113:

> * * * intrudes on this constitutional principle by purporting to direct a particular executive department (DOD) to solicit and consider comments or recommendations from another department (Commerce) and to make certain recommendations to the President. The resolution also purports to require the President to consider these recommendations. Such provisions interfere with executive branch management and infringe on the President's authority with respect to deliberations incident to the exercise of executive power.

The Chair will recall from the debate on the FSX agreement and Senate Joint Resolution 113 that we discussed the value of legislation which requires the President of the United States who has, after all, appointed a Secretary of Defense, a Secretary of State, and a Secretary of Commerce, to consult with these persons and to take seriously what they have to say. But Senate Joint Resolution 113 that we are discussing today because of the President's veto, in fact does just this, and the President objects that the executive branch is his to supervise.

Fourth, the President objected to that provision in Senate Joint Resolution 113 that requires that General Accounting Office [GAO] to report regularly on Japan's compliance with provisions which prohibit transfers of FSX technology to its civilian aerospace sector or to other countries. According to the President, that reporting requirement:

> * * * would inject the General Accounting Office, a legislative entity, into the execution of the FSX program in a highly intrusive manner. It would require the GAO, for example, to track within the Japanese aerospace industry all application of technology involved in the development of the FSX, including technology developed solely by Japan. Such a role, tantamount to intelligence gathering, is inappropriate for a legislative entity, and poses a clear and significant risk of legislative entanglement in functions assigned under our Constitution to the executive branch.

The President concluded that the FSX Program will bolster Japan's self-defense capability, strengthen our overall alliance with Japan, and allow Japan to assume a larger share of the common defense burden. But to reopen discussions now under the terms of Senate Joint Resolution 113 for additional and needless changes can only damage the prospects for a successful agreement. If this occurs, the President declared:

> * * * substantial injury to the United States-Japan security relationship is likely and the considerable strategic and commercial benefits to the United States will be lost. This compromising of U.S. interests is simply not acceptable.

The principle differences between the terms of Senate Joint Resolution 113 (S.J. Res. 113) and the present memorandum of understanding with Japan on the codevelopment of the FSX weapon system and related understandings concern three provisions in section 2 of the joint resolution. These provisions impose conditions or prohibitions on:

First of all, sales or retransfers of the FSX weapon system or subcomponents codeveloped or coproduced with the United States;

Second, transfers of critical engine technology; and

Third, the U.S. workshare.

With one exception, the provisions of Senate Joint Resolution 113 pertains to the coproduction phase of the FSX Program. They nevertheless have immediate significance for at least two reasons. First, although the focus of negotiations with Japan has been with respect to the initial phase of the program—codevelopment—agreements or understandings have been reached on some coproduction aspects. Second, the U.S. Government could not embark on a program that clearly assumes U.S. participation in a follow-on coproduction phase without seeking mutual agreement regarding new and exceptional legislative restraints or prohibitions on significant coproduction issues. Thus, Senate Joint Resolution 113 would in effect compel the United States to initiate negotiations on these restrictions prior to entering into codevelopment of the FSX.

The point, Mr. President, is clearly that although the case has been made that the FSX agreement has occurred and some process is being implemented to it, is the President's judgment and my own, that substantial new negotiations would have to be initiated on these restrictions prior to getting into the codevelopment itself, the initial phase of the arrangement, quite apart from the coproduction side.

PROHIBITION ON SALES OR RETRANSFERS OF FSX AND SUBCOMPONENTS

Now we use the term "MOU", meaning memorandum of understanding, subsequently, to include an absolute prohibition on sales or retransfers for the FSX weapon system or any of its major subcomponents, codeveloped or coproduced with the United States. It should be reiterated that this prohibition relates not only to the coproduction phase but also to codevelopment.

Under the MOU with Japan, which in fact incorporates the requirements of the Arms Export Control Act, there is no flat prohibition on such sales or retransfers.

I make that point again, Mr. President, for the benefit of Members because questions have been raised as to whether the Arms Export Control Act now stops these sales or retransfers that Members were worried about with the FSX. I simply make the point that there is no flat prohibition. As a matter of fact, it is a bargaining point.

However, the MOU does provide that no defense articles, defense services, or technical data provided from the U.S. Department of Defense or U.S. industry, or developed from such articles, services or technical data will be sold or transferred to or used by any third party without the prior written consent of the United States that is the law now. A similar provision would typically be included in any coproduction MOU.

That is the law now. And a similar provision would typically be included in any coproduction MOU.

Moreover, this specific prohibition in Senate Joint Resolution 113 could preclude the sale by Japan of wholly Japanese-developed components. Such a constraint is not to be found in the current MOU and goes far beyond the requirement of U.S. involvement.

To straighten out the point again, Mr. President, I am contending that Senate Joint Resolution 113, which we are discussing today and which the President has vetoed, as I read that legislation, calls for specific prohibition which could preclude Japan from the sale of wholly Japanese-developed components.

Current law does not do that nor does the current agreement with Japan which reaches beyond that. In short this specific prohibition of Senate Joint Resolution 113 is completely unnecessary to protect the U.S. security and other interests because the law already does that, the Arms Export Control Act. If enacted to override a Presidential veto, which we are discussing today, it would eliminate the authority to approve any sale or retransfer by Japan in addition to items covered by the resolution, including transfers that are innocuous or that might advance United States interest without seeking and obtaining additional legislation.

That, Mr. President, may have been an unintended effect of Senate Joint Resolution 113, but it does throw into some jeopardy, it seems to me, the agreement that has been reached, and clearly is an example of the sort of thing that would have to be renegotiated with the Japanese.

Senate Joint Resolution 113 also requires as a prerequisite to proceeding with coproduction of the FSX that the United States negotiate a memorandum of understanding with Japan which prohibits the transfer to Japan of critical engine technologies, such as hot section and digital fuel control technology.

Although the transfers of such technology is not addressed in the current MOU, the current agreement between Japan and United States, the effect of mandating, as Senate Joint Resolution 113 would do, a specific prohibition against such a transfer is to force the United States Government to reenter negotiations with Japan to insure agreement on this critical issue.

The United States could not in good faith begin the codevelopment program which explicitly contemplates a subsequent coproduction phase unless it reopened discussions to address such a significant issue on which the United States would have little or no flexibility.

In short, although this specific condition of Senate Joint Resolution 113—the legislation that was vetoed by the President—purports to apply to the coproduction phase, it would be neither logical nor equitable for the United States to put off this issue until the coproduction phase has been reached. Such legislative direction as contained in Senate Joint Resolution 113 is not to be preferred at this time. It is impossible, in 1989, to prejudge what specific technology transfers might or might not be in the best interest of our country in 1994, and we should not attempt to do so, as Senate Joint Resolution 113 mandates that we do so.

Furthermore, Mr. President, Senate Joint Resolution 113 contains a sense-of-the-Congress provision that total United States coproduction work share shall not be less than 40 percent, including the value of manufacturing spare parts and support systems which are part of the lifetime maintenance cost of the FSX.

In accordance with the exchange of letters between Secretary Baker and Ambassador Matsunaga, the Japanese Ambassador to the United States, the United States production work share will be approximately 40 percent. Secretary Baker, after the Bush administration came into office, approached the Japanese and in the exchange of these letters achieved a major point that President Bush sought; namely, that our work share be approximately 40 percent. But, Mr. President, the word "approximately" is a very important one, as I shall try to illustrate.

The inclusion of spare parts within the work share calculations is not contemplated under the current memorandum of understanding between the Japanese and ourselves and has not been discussed with Japan. It is simply included in Senate Joint Resolution 113 arbitrarily by the Congress. Inclusion of spare parts in the calculation is also unrealistic since it would stretch achievement of the work share now over 20 years. Why? Because the spare parts come in as the old parts wear out. So we are not dealing with the initial development or production; we are dealing down the trail over at least a generation.

The resolution requires that the Japanese provide 40 percent of the production to the United States throughout the life of the program. A fighter aircraft remains in inventory for two to three decades. During that time it will undergo major changes, including new engines, avionics, and radar. It is unreasonable to demand a production guarantee on whole new systems which will not be developed until the next century. For example, when the United States purchased the Harrier jump jet for the Marines and the Hawk trainer aircraft for the Navy, known as the T-45 Goshawk—both planes designed and produced in the United Kingdom, I might add—the United States conducted its own development program and demanded that the aircraft be produced in the United States. Certainly, neither the Congress nor the Department of Defense would have consented to give the British any guarantees as to a production share of all of the replacement parts as well as new equipment for the aircraft until the year 2015. The Japanese Government is unlikely to so agree on behalf of the United States. Therefore, we have another point of substantial negotiation before we ever get to the coproduction situation.

To be sure, this condition is in the form of a sense-of-the-Congress provision and technically is not legally binding. However, the clear legislative intent, the importance of the debate in the Senate, was clearly that the executive branch would make every effort to achieve this 40 percent work share percentage, not only at the beginning but in the replacement of the spare parts and for the entire lifetime of the aircraft system 20 or 30 years down the trail. This provision would cast serious doubts on the practical ability of the United States Government to proceed without seeking to impose these legislative conditions on Japan.

And I say that since we have already noted it in the legislature of this country imposing those conditions, albeit in this case a sense of the Senate. Both our President and the Japanese could well conceive that it could be in legislative form where the votes are there clearly to obtain that kind of a stipulation.

The exchange of letters between Secretary Baker and Ambassador Matsunaga represents the second instance in which the United States has attained a more advantageous clarification on production work shares. I mention that point because the Reagan administration arrived at an agreement with the Japanese and that has been improved upon at least twice subsequently, the latest being the Matsunaga-Baker exchange. The President conveyed his acceptance of these clarifications to the Government of Japan and it would be inappropriate to ask for yet further clarification. To do so could reflect negatively on the authority of the President and the Secretary of State to negotiate agreements with foreign Governments. And it could also call into question the reliability of the United States as a negotiating partner.

I appreciate, Mr. President, that Members will argue that if you keep working at this, you may try to get a better and better arrangement. Having come to one agreement, the United States has, through negotiating skills in the Bush administration, had two further bites at the apple.

(Mr. ADAMS assumed the chair.)

Mr. LUGAR. Mr. President, this is not only in relationship to our negotiating posture with the Japanese. It now comes down to our reliability as a negotiating partner, to be able to strike and hold to a deal.

Mr. President, in an effort to ensure representation of United States commercial interests in further dealings on the FSX between the United States and Japan, Senate Joint Resolution 113 specifies a place for the Commerce Department at the bargaining table. It also specifies a role for Commerce in the internal deliberations of the Federal departments on this issue.

The administration of President Bush questions whether the role of the Commerce Department in further dealings on the FSX should be prescribed by the Congress. The President has stated in his veto message he is the supervisor of his Cabinet, of the executive branch.

He questions the role of Congress to pass on the legislation and the role of one of his Cabinet officials. The Congress does indeed under the Constitution have the power to regulate commerce with foreign nations. As a practical matter, Congress has generally delegated the administration of trade policy to the executive branch. Congress has also sought in the past to legislate on the structure of the trade policymaking process, witness the trade bill we passed last year.

When President Bush assumed office, he asked the Department of Defense and he asked the Department of Commerce to undertake a joint review of the FSX agreement. Not only did this review satisfy the vast majority of potential concerns or questions Commerce had regarding technology transfers, but it also resulted in an understanding as to the appropriate roles for each of these Cabinet officials and agencies in any future review process.

Significantly, the purpose of the review called for by President Bush was twofold. First, to ensure that problems raised by the nondefense agencies regarding trade, competitiveness, and industrial base impacts on the proposed technology flows were fully resolved before the administration notified Congress of the FSX agreement.

Second, President Bush established interagency procedures to ensure that these nondefense agencies will be fully involved in the process of formulating, negotiating, implementing, and reviewing agreements with foreign industries relating to research, development, dual-use equipment, or items relating to the U.S. industrial base.

Understandings have been reached between the Departments of Defense and Commerce that both Departments shall participate in the process of negotiating, renegotiating, or amending agreements with foreign governments and reviewing agreements with foreign industries relating to research, development, or the production of defense equipment, dual-use equipment, or items relating to the U.S. industrial base.

Specifically, I quote from the review President Bush called for:

> Commerce shall participate fully in the DOD process for providing policy instructions, coordination, oversight on the transfer of technology and other trade, economic, and industrial base issues associated with the FSX.
>
> Commerce shall have a full participation and concurrence role in this process, but not a veto. At the discretion of Commerce, it may also participate in the Technical Steering Committee for the FSX in an observer capacity. The FSX implementation model may serve as the basis for establishing the future involvement of Commerce in subsequent memorandums of understanding.

The report also went on to instruct the Secretary of Defense to notify the Secretary of Commerce of the intent to begin negotiations on any MOU prior to the opening of those negotiations with a foreign government.

In this process, consultation is understood to mean the ability and the right to provide views, opinions, recommendations, and to have these fully reflected or accommodated in the resultant decision or course of action. It does not imply a veto. It does mean that the process will entail a good faith effort, and that differences will be reconciled at appropriate levels and that any differences may be taken to the Secretaries of Commerce and Defense for resolution.

In short, Mr. President, procedures have been developed by this President to ensure the Department of Commerce is continually and fully involved in the negotiations and/or amendment of this or future defense production MOU's in order to make certain that any impacts on the U.S. trade, competitiveness, and the industrial base are fully considered.

Mr. President, when the Senate debated the FSX agreement, we discussed the military benefits that will accrue to the United States from the codevelopment and coproduction of that weapons system with Japan.

These included, for review, interoperability with United States aircraft and systems; the enhancement of United States-Japan security relationship vis-a-vis the Soviet Union and other potential hostile powers in the Pacific area; third, the relatively quick replacement for the F-1 as opposed to an indigenous aircraft production by Japan; and, fourth, the establishment of a precedent for a future major military technological flow back to the United States; fifth, the maintenance of United States direct involvement in Japanese military growth; and sixth, United States access to concurred whole wing process and miniaturized phased array radar, assuming successful codevelopment of FSX in these areas.

Supporters of Senate Joint Resolution 113 may not believe the resolution's provisions require a reopening of negotiations. However, the administration of President Bush as well as the Government of Japan believe that if the President's veto of this resolution is overridden the current FSX agreement will have to be modified or otherwise clarified. And that is a very important point to consider.

We are not passing on a very superficial bill, as it has often been characterized. We are talking about renegotiation of the FSX agreement that we have affirmed by a vote of 52-47.

Any override of the President's veto of Senate Joint Resolution 113, and thus entry into force of that resolution's provisions would hold significant political implications for Japan also.

I shall not speculate, Mr. President, on the politics of another country. It is difficult enough to analyze the politics of this country. Let me just say, those of us who believe the FSX agreement, as negotiated by President Bush's administration is important, and that the United States must stay involved with Japan in the production of this aircraft. The alternative is for Japan to proceed alone. And there are strong interests in Japan, fully prepared to do that.

Members, during that debate, diminished the Japanese ability to do that very rapidly and suggested we were giving away billions of dollars of technology. But it seems to me, the majority of us felt that the Japanese are fully capable, if not this year or the next, in the intermediate stages of developing independent aircraft. And that will not be in their interest, ultimately, or our interest. As we look at peace in the Far East, as we look at the relationship that has evolved, in which the United States has worked with Japan and the Japanese have agreed that that cooperation should continue and that we would be fully involved in their aircraft industry.

I would simply point out, Mr. President, that during the Japanese election, very strong nationalistic themes surfaced. For the moment, as indicated by the recent visit of Prime Minister Kaifu, current Japanese leadership very much wishes, despite all the difficulties we have had with this agreement, to proceed and to find and to reap the advantages that both of our countries saw.

Mr. President, to be very candid, during the debate on the FSX, sentiment on the floor in my judgment was ambivalent. There was a strong voice of reason which said: As members of the U.S. Senate, we are concerned about the Japanese trading relationship. We are deeply troubled by the huge deficits we have with Japan. We are deeply troubled by technological developments in Japan, and whether we are dealing fairly in terms of our exports and our service industries. We are not sure how that relationship is going. And we know that back home in our States, many of our constituents are deeply troubled about this and they are telling us that and writing us about it.

So, Members said it would be irresponsible, even then, to simply reject the agreement that President Bush had worked out with the Japanese, even after additional bites of the apple.

But we can have it both ways. The agreement will proceed, but then we will pass a little resolution after that and sort of nibble away at this. We will say in a sense of the Senate that 40 percent of this has to be produced here; that there can be no giveaway of secrets and technology; and that the Secretary of Commerce has to be consulted whether the President wants to or not.

You can argue on the one hand that these are items already encompassed in law or in the agreement; that the President has thought of these things; that he has talked to his Secretary of Commerce; that Secretary Baker already has an understanding on 40 percent, more or less, of production; that there is already legislation covering the giving away of secrets; and, yes, you can argue this legislation does not mean a whole lot at all. If you argue that way, or course, you say why pass it?

The reason it was passed was that some Members, I fear, said we just agreed upon an aircraft codevelopment coproduction with the Japanese that may give our constituents a little bit of disquiet. Why not pass in the same afternoon another piece of legislation that purports to take it back a little bit, to throw a few zingers into this relationship and to affirm the role of the Congress as a very important player in trade policy, even to the point of causing renegotiation of these agreements, however many bites of the apple it requires?

It was a course of action passed by a fairly large majority. The President of the United States has simply asserted, as I summarized this afternoon, that it will not work. The Congress does have a very important role in the commerce of the country, a very important role in the checks and balances. We have the privilege, if we wanted to, to say no to the memorandum of understanding, to shoot down in a straightforward way the FSX deal if we had wanted to do that.

That was the reason we were having the initial debate. And we have a full role of doing that as these agreements come along. That was not our choice, Mr. President. We affirmed that the deal ought to occur. What we did after that, in my judgment, was mischievous in that we attempted to undo what we had done and to claim that we had really not undone a thing; that, in short, we were simply affirming a few things the President had already stood for or stiffening up his backbone a little bit, putting into some legislative language those things that might not have been so apparent to him.

But in doing so, in Senate Joint Resolution 113, which we are discussing today, my contention is that we overreached. We have GAO in an intelligence function monitoring Japanese compliance. It is clearly an unacceptable situation, I would gather, to the Japanese, perhaps unintended, but that is the way the joint resolution reads. We have indicated that we cannot negotiate in some areas, that the law tries to provide security for these agreements and that it already gives us the ability to do so. I do not think it is to our benefit. It may have been unintended. That is the way the joint resolution was drafted, the way it was passed and the language the President vetoed.

Finally, Mr. President, it seems to me it is important for Members to understand that the parties to the FSX agreement have already proceeded with its implementation since we passed it several months ago. Mitsubishi Heavy Industries has paid General Dynamics the first installment of the FSX license fee in July 1989. In turn, General Dynamics delivered the initial portion of the F-16 technical data package to Mitsubishi also in July 1989.

At the end of August 1989, the first meeting of the technical steering committee took place in Tokyo. Members should also understand that they will have another opportunity to express themselves on the FSX issue if and when the coproduction agreement between the United States and Japan is negotiated. That is some ways down the trail. We are talking now about the codevelopment agreement. That is what we affirmed initially.

When the President submitted the current MOU and related understanding with Japan on the FSX to the Congress, the Senate defeated the proposal to disapprove the agreement and affirmed President Bush's agreement. As an afterthought, in my judgment, the Senate then approved Senate Joint Resolution 113, which we are discussing today, with perhaps many Members that day imperfectly misunderstanding the differences in the conflicts between the contents of the Bush-Japanese agreement on the FSX and then the conditions or prohibitions contained in the following legislation, Senate Joint Resolution 113.

As promised, President Bush vetoed that joint resolution and we are discussing today the override. To override that veto and to superimpose the conditions and prohibitions contained in that resolution on an already accepted, partially implemented agreement could endanger the prospects for a successful FSX Program and be certainly potentially injurious to future cooperative defense efforts between Japan and the United States, which I and many Members believe are important for the future of the security of this country and the Far East.

So for these reasons, Mr. President, I am hopeful that President Bush's veto will be sustained; that Members will think carefully throughout this debate, not only with regard to this legislation but as precedence in terms of executive-legislative relationships and the specific agreement we have affirmed. I thank the Chair.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DIXON.** Mr. President, may I first respectfully inquire about the time consumed by my distinguished friend, the manager on the other side?

The **PRESIDING OFFICER.** The Senator from Indiana controls 46 minutes.

Mr. **DIXON.** I thank the Chair. Mr. President, I ask unanimous consent, which I hope my friend on the other side would cooperate, to depart from this subject matter briefly to give to my friend, the distinguished Senator from Hawaii, an opportunity to speak for approximately 3 minutes as though in morning business?

The **PRESIDING OFFICER.** Is there objection? Hearing no objection, it is so ordered. The Senator from Hawaii is recognized for 3 minutes.

PEACE STUDIES REPRESENT A GLOBAL COURSE

Mr. **MATSUNAGA.** Mr. President, today I am privileged to be the Senate host to 35 graduate students from 15 countries who are embarking on a year-long global odyssey. These cosmopolitan scholars will be searching out the nature of human conflict and its resolution. They seek knowledge on how peace can be achieved.

This noble "field study" is being undertaken by Germany's only private university, the Universitat Witten/Herdecke in association with Bard College, the International Honors Program, and the Institute for Peace at the University of Hawaii. Academic director for this peace voyage is Dr. Johan Galtung, professor of peace studies at the University of Hawaii and professor of social sciences at the Universitat Witten/Herdecke.

Their program represents a global course in peace studies, Mr. President, and it begins this week here in Washington, where the students will be exposed to perspectives on U.S. foreign policy at various Embassies and through discussion sessions at the World Bank and other institutions as well as with Members of Congress. Next week the students travel to New York to observe the United Nations before flying to Europe where their studies will take them to London, Moscow, West Berlin, and Witten/Herdecke. By year's end they will have visited Israel and Cairo as well as India. Next year they will visit Vietnam, Thailand/Malaysia, China, and Japan before taking up studies at the University of Hawaii's Institute for Peace in Honolulu. The course also will include a visit to Mexico in May before concluding in a return visit in late May to New York City, where a publication of its findings will be issued. During the travels students will acquire 32 credit hours from 6 separate courses in addition to 2 noncredit seminars.

Mr. President, by virtue of the involvement on the part of the University of Hawaii's Institute for Peace, this Senator has a personal interest in the success of this undertaking. It exemplifies the type of worldwide, catalytic stimulation in the cause of peace that those of us who championed the U.S. Institute of Peace envisioned for the organization. As a means of congratulating Professor Galtung and his student group, and so that my colleagues and others may gain a greater appreciation for the dynamics of their undertaking, I ask unanimous consent that an article on the subject written by Susan Manuel, which appeared August 11, 1989, in the Honolulu Star-Bulletin entitled "Assignment Peace," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Aug. 11, 1989]

ASSIGNMENT: PEACE

(By Susan Manuel)

Imagine spending a year traveling around the world to find out why people fight and how they find peace.

University of Hawaii professor Johan Galtung will lead 35 students from 15 countries this fall on an orbiting university to gain "understanding of the totality of the human condition."

Students of music and dance, medicine, economics and political science will probe conflict between and within countries in ways books and lectures cannot.

"It is huge," concedes Galtung, who is used to thinking big, having visited 120 countries and worked in 60.

Galtung is a renowned scholar who has been teaching at UH through the Peace Institute for the past two years.

"Peace studies is global and holistic. Holistic I can do on the blackboard. But global you can only do this way . . . In addition to imparting knowledge, we're imparting skills."

If not world peace, Galtung's great experiment may lead to the creation of an institution that repeats the tour every two years. Students have been able to spend college years abroad or attend floating universities, but this tour is the first to link culture and politics in a search for solutions to international problems. "I'll be blazing the trail," he says.

While traveling to Washington, D.C., New York, London, Moscow, Geneva, Israel, Vietnam, Thailand, China, Japan, and Mexico, students will work in teams, each adopting a project—the treatment of children, for example—to explore from country to country.

In West Berlin they'll attend classes at University Witten Herdecke while living with German families. Later they're to study at the Gujarat Vidyapith, founded by Mahatma Gandhi in Ahmedadbad, India. The year starts winding up with an intensive course at the UH Institute of Peace, followed by a week in Mexico City learning about Central America.

They'll also carry a heavy course load. Subject include "World Politics of Peace and War" "Human Needs, Human Rights and the Environment," Theories of Conflict, "Theories of Peace," International Economic Relations" and "Gandhiism."

The tour's theme is conflict, big and small. But absent is any mention of nuclear war. Instead the sub-text is environmental: "In one thing the (world's) 5 billion human being participate," says the perspective: "the exploitation of natural resources on a small and fragile planet."

"I never believed in nuclear destruction," explains Galtung. "I'm still afraid of (detonation) in some Third World country. But that Big One between the United States and the Soviet Union—never.

"Nuclear weapons have not deterred war. There have been 184 wars since 1945. But nuclear weapons have deterred nuclear war.

"We are recognizing natural resources as problem No. 1. In my country, there's no longer talk about an East-West conflict, a strong military, how bad the U.S. is. Everybody talks about toxins.

Students will tackle delemmas like this: "Everybody's saying Brazil must stop cutting down the rain forest. Brazil says (to the critics), 'When you have planted 5 billion trees, then we'll stop." It's a good argument.

The best part of the students' experience may be the "long evenings with themselves and people who aren't important leaders," digesting morning talks with important leaders. "Very intense," grins Galtung. "I see the participants on this trip getting deep into their souls and bodies."

This month the University of Hawaii Press is publishing Galtung's "Peace and Development in the Pacific Hemisphere," "Nonviolence in Israel and Palestine" and "Solving Conflicts." That makes Galtung author of more than 50 books and 1,000 articles.

Last month he was in China, Mongolia and North Korea. This month, before school starts, he'll take a quick trip to Norway to run for Parliament on the Green Party ticket. He says his chances are slim but the exposure may help.

"Environment and basic human needs and solidarity all over the world with the downtrodden. That's my platform. The solution could be socialist, capitalist or something new."

Two years ago Galtung was awarded Sweden's Right Livelihood Award, the "alternative Nobel prize" that acknowledges work that involves "healing our planet and uplifting humanity."

On his tour, students—average age 23-24—will start out with some Galtung theories, but he wants them to find their own solutions.

He gives the impression, cheerfully, that intellectual restraint doesn't come naturally.

But he's selected young leaders, some self-defined, who together may represent "a greater concentration of arrogance" than ever assembled. And he wonders "how many murders and how many marriages" could happen during the intensive year.

Students from Hawaii taking "World Politics of Peace and Conflict—Peace with Peaceful Means" include Joshua Cooper, Terry Kessel, Kecia Kubota, Malia Robinson, Deborah Rohrbach, Prabbas Chandra Sinha and Galtung's son Fredrik.

Galtung hopes students will find as much knowledge in the streets as in diplomatic meetings and books: That's the point of visiting hot spots.

When he was 22, a visit to the Soviet Union became "a revelation to see they are human beings." But three years later he led a student demonstration against the Soviet embassy. "You don't become pro-Soviet (from a visit) but you have a deeper understanding."

He can still be surprised by peoples' unpredictable paths out of their dilemmas.

In India he was shocked to find Hindu casteless, or untouchables, converting to Islam.

"I thought how stupid of me. Saudi Arabia is paying to save souls! You see how each group squeezed finds something. It's fascinating theology with heavy politics."

After 30 years of studying it, he's concluded that the Israeli-Palestinian conflict is one "between right and right" that can be resolved only when two states are established.

There are wrong sides in other struggles, "but you see both sides have a valid point and you try to see if it can be interpreted, implemented.

"Zimbabwe: In the early stages it became clear whites wanted not to run the country, but to have security, to continue economically and survive.

"Sometimes it's a redefinition which brings about transcendence. You change circumstances so both parties get something."

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. MATSUNAGA. I yield the floor and in so doing I thank both the majority and minority floor managers.

FSX CODEVELOPMENT PROJECT—VETO

The Senate continued consideration of the joint resolution.

Mr. DANFORTH. Mr. President, of the time that I have been allotted under the time agreement, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for such period of time.

Mr. DANFORTH. Mr. President, I think it is important at the outset for us to recognize what today's debate is not about, as well as what it is about.

What it is not about is the FSX arrangement. We decided nearly 4 months ago in a vote on the Dixon resolution of disapproval that we were going to proceed with the FSX agreement. That agreement is in place. That debate, for better or worse, is behind us. There is absolutely no doubt that the FSX agreement is going forward. As the Senator from Indiana pointed out in his remarks, technology already has been transferred by General Dynamics to Japan under that agreement. Money already has been received by General Dynamics from Japan under that agreement.

Thus, the issue is not whether we are going to undo the FSX agreement. It is in place. It will not be undone. It cannot be undone.

Second, the issue before us has nothing to do with the details of the FSX resolution. I believe it is fair to say that there is virtually no detail of the agreement about which the administration has expressed any truly serious reservations whatever. As a matter of fact, one of the remarks made by the Senator from Indiana is, why go forward with this? It could be argued that there is nothing to this resolution. I think if any Senator were to go through the details of the FSX resolution, he would find that there is very little that is controversial in that legislation. So this debate is not about those details.

What is the debate about? The debate is about the relative powers of the President and the Congress in international trade matters. That is what this debate is about. Over the last 2 days, yesterday and the day before, the Wall Street Journal carried front-page articles about the view that has been expressed within the administration, and by the President himself, that certain Presidential powers are being eroded by Congress. Those articles pointed out that the President is desirous in certain cases to draw the line between Congress and the President and to assert Presidential authority.

This debate before us is about the drawing of lines. This debate is about where lines are drawn.

Several months ago, Senators LUGAR, BRYD, and I met with the President in the Oval Office. At that time, he expressed concern about the FSX resolution as it related to Presidential authority, and I believe he used the words "draw the line."

That is what we are talking about today, the drawing of lines between the President and the Congress in matters relating to international trade. We are debating what should be the role of the President and what should be the role of Congress in these vital matters.

It is my contention that if the President is correct in his view of this resolution, if the President is correct in his view of where the responsibility of the Congress lies in international trade matters, then the President has succeeded in dramatically shifting where the line has historically been drawn, not only under the traditions of the Congress and the history of trade legislation, but also under the Constitution of the United States.

Now, Mr. President, as a general principle, many of us, the Senator from Missouri included, have been very interested and very concerned about the problem of Congress eating away at Presidential power. Senator BOREN and I have written op-ed pieces, twice for the Washington Post about Congress micromanaging foreign policy matters. I am very aware of that problem, very concerned about that problem, and on several occasions also have spoken out about it on the floor of the Senate.

However, the issue that is presented by this veto is the reverse of congressional incursions on the power of the Presidency. If the President is correct in his anaylsis and if we agree to that analysis in this veto vote, then the result will be a very substantial rollback in the authority of the Congress of the United States, a very substantial shift in the ground, a very substantial change in the role of the Congress relating to international trade.

Mr. President, the issue is constitutional. Article I, section 8, of the Constitution of the United States says, "Congress shall have power to regulate commerce with foreign nations."

That is all the Constitution says. It does not say that the President has that power. It says that the Congress has that power.

I recognize that many of us, and particularly on my side of the aisle, want to do everything we can to support our President. We want to give him victories. We want to make him look strong. But in doing so, it would be a violation of our own oath of office if we were to agree that the role of Congress in international trade is something less than the Constitution of the United States says it is.

The fact is that the resolution that was passed by the Congress dealing with the FSX agreement was very minimal legislation. As a matter of fact, many Members of the Senate viewed it as little more than cover, as little more than a reason for voting against the Dixon resolution of disapproval.

The vote on the Dixon resolution of disapproval was 52 to 47 against the resolution. The vote on the FSX resolution that is now before us was 72 to 27. Nine Republicans—including myself—voted against the Dixon resolution of disapproval and then voted for this FSX resolution. It was viewed as cover.

Mr. President, I want to touch very briefly on the details of the FSX resolution that the President vetoed. It has four main components, and I would like each Senator to focus on these four components and ask himself or herself, "Does this amount to an overreach by Congress into the authority of the President?"

The core, of the FSX resolution is sense-of-the-Senate language expressing the view of the Congress as to the share of production that the United States should have when the airplane goes into production. This is totally nonbinding sense-of-the-Congress language. Mr. President, surely it does not amount to an overreach by the Congress in the Presidential responsibility to state Congress' view of the negotiating position that might be taken by the President in nonbinding sense-of-the-Congress language.

Second, the FSX resolution includes two basic restrictions on technology transfer: First, the transfer of engine technology to Japan; and second, the subsequent transfer of technology by Japan to third countries.

As far as I know, these two restrictions are not really controversial with the administration at all. I understand that administration, in its negotiations with Senator BYRD about the content of this resolution, initially said it had no problem with respect to prohibitions on the transfer of engine technology. And with respect to transfers to third countries, this is already covered by the Arms Export Control Act. So it is noncontroversial.

Mr. President, it is not exceptional for the Congress of the United States to prohibit technology transfers to other countries or to modify or control those technology transfers. We have done it under the Arms Export Control Act. We have done it under the Export Administration Act. We have done it by preventing the transfers of Stinger missiles to countries in the Persian Gulf. We have done it in the AWACS agreement with Saudi Arabia.

The FSX resolution then calls for reports by the General Accounting Office to the Congress.

Mr. President, the word "micromanaging" has been used to describe what Congress is doing to the President. If the President vetoes legislation on the basis that Congress is asking its own agency, the General Accounting Office, to furnish us reports, then the question must be: Who is micromanaging whom?

Clearly, Congress has the power and should have the power to ask the General Accounting Office for any report we want to receive. Examples abound of Congress asking the GAO for reports, yes, about foreign policy. In fact, earlier this year Congress received a report from the GAO about military coproduction agreements.

Finally, Mr. President, the role of the Commerce Department: We provided in this resolution that the Commerce Department should be consulted, have a consultative role, should be able to make recommendations to the President about the effects of this agreement. But the President does not have to agree with the findings or the recommendations of the Commerce Department.

Why did we put that provision in the legislation? We put that provision in the legislation because when the original FSX agreement was negotiated by the Reagan administration, it was done solely by the Department of Defense. The commercial interests of the United States received no attention whatever. The Commerce Department, U.S. Trade Representative's Office, had nothing whatever to do with those negotiations.

I think it was reasonable for the Congress in this resolution to say that the Commerce Department should have at least a role at the negotiating table, particularly since in the aerospace industry any transfer of technology clearly has commercial implications for the future of our country. This is an industry that has been targeted by Japan for future development. It is not an exception for Congress to ask departments of the executive branch to weigh in, to make reports, to sit down at the table, and even to make recommendations to the President of the United States. It is not overreaching. In fact, the very foundation of our trade law is based on a series of reports by various agencies and departments to the President.

Section 201, just as one example of the Trade Act of 1974, is the so-called escape clause provision, and provides that the Commerce Department make a report to the President which the President must consider. It is hardly unconstitutional, and if we now say that kind of thing is unconstitutional then I would say we have undermined the very basis of the trade laws that are now on the books.

Mr. President, it is especially the role of the Congress of the United States under our Constitution to be the watchdog of the commercial interests of the United States. The commerce clause itself spells that out. Congress has the power to tax. Congress has the power to impose duties, Congress has the power to borrow. The Congress has the power to coin money. Congress has the authority under our Constitution to deal with matters that relate to the economic well-being of the United States. That is our role under the Constitution. We are obliged to perform that constitutional responsibility. It is a good and wise place to put the responsibility in the Congress because of our special relationship, our dealing, our representation of the economic well-being of our own constituents.

If Congress is to be pushed out of the picture of international trade by not even being permitted to pass resolutions dealing with the sense of the Senate or to ask for GAO reports, if Congress cannot even do that, then, Mr. President, what can Congress do? What is the authority of Congress in international trade?

Mr. President, again I have repeatedly taken the position in op-ed pieces and statements on the floor of the Senate about the role of the President.

I support this President. I believe in a strong Presidency. I believe that the relationships between Congress and the President are best served by a process of consultation and forbearance. But I do not believe that relationship is served, and I do not believe that the authority of the Presidency is served by drawing lines in the sand, and by trying to muscle the other fellow off the beach. That is what I believe is happening in this veto.

I believe the President is drawing the line in the sand. I believe that line is designed to exclude the Congress of the United States from matters relating to foreign trade. I believe that it is a basic change in the constitutional responsibility of the Congress, and I believe for that reason that it serves the interests of our country and our constitutional responsibility to override the Presidential veto.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. GORTON. Mr. President, will the Senator from Missouri yield to me?

Mr. DANFORTH. Mr. President, as I understand the Senator from Washington wants to proceed for about 10 minutes. I have already spoken to the Senator from Illinois. It is my understanding that both of us will yield 5 minutes to him.

The PRESIDING OFFICER. Is that agreeable to the Senator from Illinois?

Mr. DIXON. That is agreeable, may I say to the Presiding Officer.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, during the winter and spring of this year, on three separate occasions, I spoke on the floor of the Senate in favor of the FSX agreement with the Government of Japan. I was disturbed during the course of that debate with what seemed to me thinly veiled anti-Japanese sentiments expressed by at least some opponents of the agreement.

But even more important than my decision was the fact that I found the agreement made by the Bush administration with the Government of Japan to be a creative, appropriate, and mutually beneficial settlement of what was a difficult issue between two countries; a settlement which was to the benefit of both the interests of the United States and of the Government of Japan. I have not changed my view on that subject in any respect whatsoever.

After Senate approval of the FSX resolution, I voted against Senate Joint Resolution 113, the veto of which we are dealing with today. I voted against this resolution partly because it seemed to me to be unnecessary after the passage of the underlying resolution of approval and partly because it seemed to me to be inappropriate to take away at least in part with one hand what we had just granted with the other.

Had the President vetoed Senate Joint Resolution 113, Mr. President, solely on the grounds that it stated or called for unwise policies, I believe that I would have voted consistently with my earlier vote to uphold the veto of the President of the United States. But the President did not do so. He has put this issue on a different level. In his veto message, he said, and I quote from it in part:

> The resolution also conflicts with the President's proper authority under the Constitution. The Constitution vests executive power in the President. Executive power includes the exclusive authority to conduct negotiations on behalf of the United States with foreign governments.
>
> While of course the Congress has the authority under the Constitution to regulate commerce with foreign nations, it may not use that authority to intrude into areas entrusted by the Constitution exclusively to the Executive.

Mr. President, that is not what the Constitution of the United States says. Article 1, section 8 of the Constitution, provides:

> The Congress shall have Power To regulate Commerce with foreign Nations.

If as the President claims that article 1, section 8 authority of the Congress cannot be exercised at all on any subject on which negotiations have been carried on by the President or by persons representing the President, then article 1, section 8 has practically no meaning, no force, or no effect.

That is an erroneous interpretation of the Constitution in my view, so deeply erroneous that it requires a vote to override this veto.

I join with all of my colleagues on this side of the aisle and with many of those on the other side of the aisle in commending the job which the President of the United States has done during the first roughly 8 months of his administration. I deeply admire the President for his personal and character qualities. I support the President of the United States in what he wishes to do for the United States.

But, Mr. President, I admire the Constitution of the United States more than I do this or any other President. I have taken an oath to support the Constitution of the United States. I have taken no such oath to support the President of the United States.

As a consequence, when I am faced with such a demand, the demand outlined in this veto message, a demand that is designated to reverse 200 years of history and the plain meaning of the Constitution, I find myself inevitably led to the conclusion that I must reject that demand. I cannot agree to stripping from the Congress a clear and explicit power that it derives directly from article 1, section 8 of the Constitution. Even though I agree with the President on his policy goals in this particular regard.

More important than personal respect, more important than party, more important even than the views on a particular issue, is the absolute necessity to follow the Constitution of the United States and to reflect and to respect the separation of powers under that Constitution.

A Congress respectful of its own authority, Mr. President, should and must override this veto.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I yield 5 minutes to the distinguished chairman of the Foreign Relations Committee, the senior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I hope very much that the Senate will decide to override the President's veto of Senate Joint Resolution 113, relating to the cooperative arrangement with Japan regarding the FSX weapon system.

I regret that we are forced to reconsider this issue. The measure under renewed consideration is a compromise carefully forged on a bipartisan basis and adopted after the Senate decided that it did not wish to enact an outright prohibition on the codevelopment arrangement under which Japan and the United States would cooperate in the development of an aircraft derived from the F-16. Following committee hearings, it was clear that certain safeguards would be in order. A number of my fellow Members and I believe that the United States should only proceed with the arrangement if certain requirements were clear. The Senate agreed in a 72 to 27 vote.

Mr. President, the purpose of the resolution is to ensure the Governments of the United States and Japan clearly understand that the Congress insists upon strict standards in the joint development phase, as well as in the coproduction phase, should the FSX project proceed into production.

Our resolution would apply an important standard in the codevelopment phase. The resolution would require that all technology, defense articles and defense services provided to Japan by the United States Government or any United States corporation or entity to codevelop the FSX shall be subject to the requirements of section 3 of the Arms Export Control Act. This would make certain that the controls regarding third-party transfers normally applied to regular sales would be applied fully to the codevelopment.

In an unprecedented and, possibly, precendent-setting arrangement such as this, it is crucial to be absolutely certain that these safequards are assuredly in place.

The resolution would apply the same requirements regarding third-party transfers with regard to any coproduction phase. Moreover, the resolution expressly prohibits the sale or retransfer by Japan of the FSX weapons system or any of its major subcomponents that may be codeveloped or coproduced with the United States. This would ensure that the FSX weapon will by utilized solely in Japan's national defense and not be ultimately in competition with United States aircraft on the international market.

In addition, the resolution would prohibit the transfer to Japan of critical engine technologies. This prohibition would include, but not be limited to, hot section and digital fuel technologies. This prohibition is consistent with an assurance given to the Committee on Foreign Relations by Secretary of Defense Richard B. Cheney. The amendment serves the important purpose of making this assurance a matter of law. This will safeguard against any Japanese effort to proceed alone with engine production instead of purchasing the engines or obtaining them through a carefully constructed licensed coproduction agreement with us.

Finally, with regard to controls, the resolution expresses the sense of the Congress that any coproduction memorandum of understanding should specify that the United States share of the total value of that coproduction shall not be less than 40 percent of the value, including spare parts and support. This will make clear the importance that Congress attaches to the assurances given in the April 28, 1989, exchange of letters between Secretary of State Baker and the Japanese Ambassador, Nobuo Matsunaga.

In his veto message, the President took particular exception to what he called, an absolute prohibition on sales or retransfers of the FSX weapon system or any of its major subcomponents codeveloped or coproduced with the United States. I find this concern hard to understand. Secretary of Defense Richard Cheney, assured the Foreign Relations Committee regarding the possibility of sales of the aircraft, "the Japanese are not now nor are they likely to be—obviously, we do not know absolutely for certain, but nor are they likely to be in the business of exporting weapons. They do not do that as a matter of national policy."

I believe that that is a correct portrayal of Japanese policy and that the policy is wise. There is nothing in this resolution inconsistent with the policy. It merely requires that the Japanese not sell the new aircraft. While I would agree that we do not normally place such a requirement, I do not understand why in this case it should be particularly troubling. Moreover, if there is a hidden message in all of this that the Japanese do intend to put the aircraft on the world market we should run as fast as we can from this deal and do it right now.

The President points out that the written approval of the United States would be required before the Japanese could sell the aircraft. Given the past history of third-country transfers with executive branch approval so often readily given, this is a very small reassurance and hardly warrants consideration as a substitute for a plain and outright prohibition on sales of this aircraft by Japan to other nations.

Mr. President, as I noted when we originally considered this matter, I regret that this has been such a contentious and troubling issue. That need not have been the case. And, I would also note that I do not believe the President has been well-served or well-advised in his decision to veto Senate Joint Resolution 113. The resolution is a serious and bipartisan effort to set reasonable standards for this sale. It does no meaningful violence to the President's prerogatives.

Clearly, the previous administration did not do at all well either in consultations with Congress or in coordinating internally among its own departments regarding FSX. As a result, a deal was formulated which raised a number of concerns whether our national security, foreign policy, and economic interests had been properly served. President Bush was quite correct to direct a reevaluation, after hearing of congressional and executive branch concerns. The reevaluation lead to further discussions with the Japanese and side letters of April 28. I hope the administration now realizes that a better handling of the negotiation from the start would have obviated the need for the subsequent fixes, and, even, for Senate Joint Resolution 113 and this discussion now.

We and the Japanese have many interests in common and should be interacting with greater harmony. The contentiousness and suspicion which has been brought about in our economic and commercial relations has clearly infected our political and security relationship. The Japanese Government and industry must see congressional approval of Senate Joint Resolution 113 as a clear warning that the economic and commercial relationship must change substantially—and as soon as possible—for the better. It is intolerable for us to be, in effect, the guarantors of Japanese security interests and have Japan still reluctant to give a fair deal on the economic front. We have stood by them and intend to continue doing so. As we do so, however, we must be treated honestly and fairly.

If this is understood here in Washington and in Tokyo, I would hope that the Japanese will make it clear to us that they will comport themselves so as to quickly allay the fears and concerns now evident. If so, the debate will be markedly different several years from now when the Congress is asked to approve a coproduction arrangement for the FSX. I would hope by then the concerns and mistrust so evident now will have been replaced by economic, commercial, diplomatic, and security relationships marked across the board by mutual trust and fairness.

Mr. LUGAR. Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, I rise in support of the President's veto of this onerous legislation. I do not believe that we would be having this debate today, very frankly, if the real issue was the FSX Program. We are not really debating this program. We are reacting to a growing fear of Japan's economic success, and to much broader issues in terms of the burden we bear in defending the free world relative to the effort of Japan. The FSX, in my view, has become the scapegoat for economic and burdensharing issues, and that is, indeed, unfortunate.

I strongly believe that we do need to debate our economic and military relations with Japan. I believe that Japan needs to act to help offset the current trade deficit, and needs to understand—as do the other newly industrialized nations of Asia—that the United States cannot indefinitely finance the economic growth of other States at the cost of a massive trade deficit and its own economy.

I have recently joined my colleagues authoring burdensharing legislation that calls upon Japan to assume 100 percent of the cost of deploying United States forces for the defense of Japan. I have previously sponsored legislation calling upon Japan to increase its economic aid and to target that aid to help improve the security of the free world.

I have never, however, endorsed Japan bashing and I will not endorse it now. Japan has emerged as one of our most important allies. It is a stable democracy and a major economic power. The differences between us must be dealt with by debating and discussing the real issues involved, not by using a single major negotiation as a foil for asking Japan to accept terms we would never accept ourselves, and which we would never ask of any other ally.

We, for example, would never have accepted the strings the Byrd resolution places on the FSX sale when we bought the Harrier VSTOL fighter for the Marines, and the T-45 Goshawk as a trainer for the Navy, from the British. We would never agree to an open ended commitment that demanded that the United States pay another nation 40 percent of the cost of producing an aircraft for its entire life. Those of us that know the business, know that a successful fighter program has a life of from 20 to 30 years, and undergoes major changes in the process.

We would never accept dependence on another nation for our aircraft technology when we could easily turn to other nations for much more favorable terms, and we can hardly blame the Japanese if they act as we would. We need to understand that the chances are very good if this resolution passes that the Japanese will turn to other nations and make a better purchase. The Saudis have done this in somewhat similar circumstances, and so have other nations when we have tried to impose untenable conditions upon the terms of agreements that we offer.

We are the leading advocate in the world of free competition, and we would seek the best deal available. Yet, the Byrd resolution would confront Japan with terms that are far less favorable than those it can obtain from Britain and France. It also would tie costs and strings to the FSX deal that make a "go it alone" approach to fighter development far more desirable to Japan.

The Byrd resolution may well, in fact, drive Japan to do precisely what its supporters most fear, the Japanese can develop their own fighter aircraft, with the enormous technological base that exists in that country. They can and will develop their own aircraft if necessary, and the United States will then lose all control, over the technology that goes into that aircraft. The United States will have driven Japan into direct competition with the United States in a business that now generates an enormous amount of money and which helps correct the serious trade imbalances that create our trade deficit.

In fact, the Byrd resolution would put strings on the FSX which our other allies would never have accepted in previous coproduction sales. We would never have had a European production group for the F-16 if we had taken this approach to the competition for a European standard fighter. We would never have brought Belgium, Denmark, the Netherlands, and Norway together in an effort that now will build a total of 517 F-16 aircraft, with immense economic benefits to the United States, if we had attempted to treat them in the way this resolution treats Japan. We would never have sold 160 F-16C/DS for coproduction in Turkey. Our present trade surplus of nearly $18 billion annually in defense and aerospace trade is dependent on our willingness to sell on competitive terms that allow buyer states to improve and develop their own industries.

We would never trust a state that went back on a hard negotiated deal, and we are going back upon a deal, Mr. President, when we pass this legislation.

We would never accept an agreement that failed to respect our reputation, and our conduct in executing previous agreements. The resolution implies a deep distrust of Japan, but Japan has a long history of acting as a major and highly responsible customer. The current effort to put strings on the FSX ignores the fact that Japan has long coproduced and modified the F-15, AH-1S, E-2C, CH-47, and other United States aircraft. In fact, if we examine Japan's latest defense budget, we find that nearly 10 percent of that $29 billion budget goes to procure Japanese defense agency aircraft that represent some form of cooperative effort with the United States.

It is for all these reasons that I strongly oppose the current resolution and support President Bush's veto. The resolution threatens the FSX Program, our future defense sales to Japan and other states, and our burden sharing and other trade efforts. It exemplifies the reasons that the Congress should not attempt to micromanage the President's ability to conduct negotiations with foreign governments, particularly when this is clearly a Presidential prerogative.

The resolution contains an unprecedented and absolute prohibition on sales or retransfers of the FXS and any major subcomponents. This prohibition is unacceptable by the standards of past U.S. military sales and memorandums of understanding with foreign countries, and goes far beyond the current development memorandum of understanding, and far beyond the requirements of the arms export control act.

It attempts major changes in a negotiation after the fact. There is no prohibition on such sales and transfers under the current memorandum of understanding. There is instead a requirement that Japan obtain the written consent of the United States Government prior to proceeding with such transactions. This agreement is consistent with the terms of the arms export control act, and provides the United States with the protection it needs in a way that a sovereign foreign state can accept.

There also is no reason to rigidly demand that the U.S. share should be not less than 40 percent in the production phase. This formula is far too rigid for an undeveloped aircraft, and the inclusion of spare parts in the work-share calculation has not been previously contemplated or discussed with Japan. The United States already has a firm commitment that Japan will give it approximately 40 percent of the work share and this is enough.

As for the technology transfer issues, these have alreay been debated for months and the risks involved are clearly minimal. There is no reason to tie the President's hands by legislating an interagency review of the FSX memorandum of understanding. This needlessly infringes upon the President's authority, and adds the requirement that the GAO—a legislative entity—should be injected into the execution of the FSX Program.

It is also ironic that we should be debating the risks of this kind of technology transfer at a time when the U.S. Air Force and Navy are moving toward far more advanced fighter technologies than are involved in the FSX, and when the Senate Appropriations Committee, in deferring funding for the national aerospace plane, should have recommended that we engage in a strong cooperative program including Japan. That, Mr. President, indeed proposes a far greater level of technology transfer than is involved in the FSX agreement.

In short, the end result of the Byrd resolution is to reopen discussions with Japan for additional and needless changes. It can only act to threaten the prospects for a successful agreement, United States and Japanese relations, and United States aerospace and defense exports to the entire world.

More generally, the Byrd resolution represents yet another attempt to interfere with the proper execution of executive power. The Constitution vests the President with exclusive authority to conduct negotiations with foreign governments. The resolution implies that the United States cannot negotiate with one voice. It ties the President's hands in negotiating with foreign governments. It effectively says that the Congress can suddenly force the renegotiation of an existing codevelopment agreement at any time, and establish preconditions that define the form and substance of fuure memorandum of understanding negotiations. The resolution sets a precedent that is as bad as its immediate impact.

In conclusion, Mr. President, let me again state that there are real trade and burden-sharing issues that we need to urgently address with Japan. Making the FSX a scapegoat, however, is scarcely a substitute for such negotiation. Further, it is the kind of scapegoat that will ultimately do far more damage to U.S. trade and U.S. ability to negotiate with foreign states, than it can possibly be worth.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DIXON. Mr. President, may I first respectfully inquire about the amount of time left to my distinguished friend, the manager on the other side?

The PRESIDING OFFICER. The Senator from Indiana controls 37 minutes.

Mr. DIXON. I thank the Chair.

Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. BREAUX. Mr. President, I thank the distinguished Senator from Illinois for yielding to me. Mr. President, I would say to the American people that this sale of advanced technology of the F-16 fighter airplane, which is generally recognized as one of the most sophisticated fighter airplanes in the world, that this sale to the Japanese is not only a bad deal for America, it is a very dangerous deal for America. I think it is appropriate that we quote the great political philosopher Pogo on this point and suggest: "We have met the enemy, and they is us."

We talk on a day-to-day basis in this Congress as to why the Japanese are always in the forefront, beating us at technology and the scientific areas that they are involved in. Is it any wonder why they are beating us when we have agreed to sell them the technology and the secrets of the world's most advanced fighter aircraft so that they can take our technology and our know-how, and then move on to a second and third generation airplane, which is what they are going to do, which is what they have done in television and radios and electronics and semiconductors, throughout the last several decades? And we wonder why they are ahead of us?

It is very simple. We are helping them bury us technologically and economically, and we sit here in this Congress and discuss why we have $56 billion trade deficit with the Japanese. This is one of the reasons why we have a $56 billion trade deficit, which is never going to be changed until we start getting a little smart here in this country.

Some say, well, we are selling it to them. Big deal. We are selling it to them for $500 million. It cost the American taxpayer $7 billion to develop the technology. This is not a sale; it is a garage sale; it is a fire sale; we are literally giving them the technology almost for nothing that we have paid for in order to develop it here in this country.

So, I would suggest that this is a dangerous deal for the American public, it is a bad deal for the taxpayer, and it is no wonder, we have the problems that we are having.

Some people say: Well, we have some side letters that the Japanese have agreed to include in the package which will ensure that we will get to produce a part of the plane. Why is it not in the main agreement? We have had experiences with side letters with the Japanese before, and shortly after it is no longer convenient for them to follow what the side letters said, they rejected the side letters and we were left literally holding the bag at a tremendous economic loss to our country.

So, I would suggest that the President has made a tremendous mistake and if we are going to get tough in trade, we are going to need to do more than just talk about it. Here is one of the first examples of a concrete effort on the part of the Congress to bring about a fair trade situation, a level playing field which heretofore we have not operated with in dealing with the Japanese.

I am for helping our Japanese allies, of course. But I am not for helping them bury us economically by literally giving them the technology that we have spent billions of dollars to develop here in this country, so that they can take our technology and then use it to develop other aircraft which we will eventually be buying from them.

That is not good trade policy. We are shooting ourselves in our own foot, and people wonder why we have problems and a trade deficit of $56 billion with the country of Japan? This is one of the reasons why. We have done it in radios, we have done it in automobiles, we have done it in steel, we have done it in fiber optics, and with this action today, we are getting ready to do it in advanced airplane and aerospace design.

It is a tragic mistake if we do not override the President's veto of a resolution that at least gives the United States an opportunity to say that, yes, we will help you but, no, we will not help you bury us economically in the trade area. It amounts to a virtual giveaway of America's technology. It is a tremendous mistake.

The only way we could help rectify it is with the resolution offered by the distinguished chairman of the Appropriations Committee, and led on our side by the Senator from Illinois, Senator DIXON.

I enthusiastically join him in recommending we override this veto and sit down with the Japanese and negotiate an agreement that is fair to America and fair to our taxpayers as well as the country of Japan. Right now we have a dangerous agreement and it should be overridden.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, if I may have one moment, please?

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DIXON. Mr. President, President Bush did not need to veto Senate Joint Resolution 113; it is a modest piece of legislation which puts simple, reasonable, conditions on the codevelopment and coproduction of the FSX fighter aircraft.

As my colleagues know, I have argued against the agreement which permits Japan to codevelop a new version of the F-16. I believe it hurts American aerospace employment, and hurts the American firms involved in the codevelopment and coproduction of the plane.

The technological cost is just as serious. We transfer valuable technology to Japanese firms and receive no technology in return that we do not already have.

There is no way, Mr. President, that this deal will ever add up to a plus for the United States. I originally felt that the only sensible solution was to scrap it. Since that was not possible, I agreed to a set of more modest provisions which were adopted with broad bipartisan support.

Regrettably, the President has chosen to veto even these limited provisions.

Some argue that the resolution constrains the administration in its conduct of foreign policy. I would like to remind the administration and the Senate that, under our constitutional system of government, the legislative branch also has an important role to play.

While the administration is responsible for setting foreign policy, the Constitution calls for the Senate's advice and consent to any treaty. Further, under article I, section 8, Congress has explicit authority to regulate commerce with foreign nations. It is this role that the Constitution demands that we exercise again here today.

This Senator has not sought a fight with the administration. I have not been interested in tying the administration's hands. I have been concerned about the impact this agreement will have on the future of our aerospace industry and our overall international competitiveness.

There can be little question that the negotiations leading up to the memorandum of understanding were handled poorly. The Commerce Department was left out. The Defense Department insisted on viewing the proposed FSX sale as a defense agreement, rather than a trade issue.

Trade, however, is what the FSX agreement is all about, something that Japan understood from the beginning. The Japanese were not just interested in improving their national security; if that was their chief concern they would have purchased United States-built fighters off the shelf. That would have been much cheaper and more cost effective. It would have been more in accord with the Japanese Constitution, which forbids that nation from maintaining armed forces with offensive capabilities. And it would have been more in accord with longstanding Japanese policy against exporting arms.

The reason they are willing to spend double the price for a U.S.-built fighter, and the reason they are willing to build fighters that they will not export, is simple—they want to use this fighter to help develop their civilian aerospace industry.

The Japanese are serious about building a commercial aircraft industry; nobody would deny that. The U.S. Trade Representative, who is now recorded as being in favor of the FSX agreement, reported the following:

> The Japanese Government plans to make aircraft production one of Japan's major industries within 20 years. This would mean direct competition with the U.S. aerospace industry which is the largest in the non-Communist world. Japanese competition could come earlier in the rotorcraft and aircraft components industries. * * * [I]f Japan's target goal is met, future lost sales to the U.S. industry would be significant although now impossible to quantify.

That is the International Trade Representative of the United States speaking.

In the world market for commercial airliners, the extremely high costs involved in developing and producing these planes make the ability to raise capital absolutely critical to success. Thus, the very deep pockets of Japanese industry—especially when backed by the Japanese Government—will make Japan unusually well suited to compete in this market.

What Japan's competitiveness in the airplane parts business has not provided Japanese industry with is an understanding of systems integration—the art of fitting together all of the tremendously complex systems that go into a modern jet aircraft. The FSX project requires the modification of virtually every system involved in the aircraft. Aircraft analysts argue that this is one of the most difficult tasks in the development of any plane, and of fighters in particular. If the FSX can be made to fly, the Japanese will take a quantum leap forward in this area of aircraft manufacturing.

Already, the Japanese aircraft industry has become a major competitor as a manufacturer and supplier of aircraft parts.

Currently Japan provides 10 percent of the content of a Boeing 747 and 25 percent of the content of a Boeing 767. In contrast, it is very interesting to note that the European airbus has no Japanese content. Aerospace is one of our top foreign exchange earners. Because of its vital relationship to our national security and our domestic economy, we cannot afford to take any action which jeopardizes its future.

Yet, in my view, that is just what we have done. We in the Senate are sometimes charged with acting like 100 Secretaries of State. Let me say that I assure the President and all supporters of the FSX sale that this Senator harbors no visions of being Secretary of State. One is enough. Congress simply wants to fulfill its constitutional responsibilities. I hope that the President will view the Senate and House actions as adding strength to the proposed FSX sale. I regret to say that it appears as though the administration viewed our actions as a roadblock. The FSX sale is an example of the complex situations facing American negotiators. Defense sales are not only of interest to the Defense Department, Mr. President. The Commerce Department, the U.S. Trade Representative, and others all have relevant interest in sales that have important economic, as well as national security, consequences, for our Government.

It should be noted the FSX agreement is the first major military codevelopment program between the United States and Japan and it will not be the last. The first step should be—this is one I stress, Mr. President—the first step should be a model for the future. It is my belief that with the addition of the provisions of Senate Joint Resolution 113, the FSX agreement will be stronger.

The President, in his veto message, stated that the sale will bolster Japan's self-defense capability, strengthen our alliance with Japan, and allow Japan to assume a larger share of the common defense burden. All those goals are laudable, and they ought to be pursued. The question has always been, though, whether the FSX deal, as agreed to by the United States and Japan, constitutes the very best deal. I believe it does not. Without the additional safeguards provided in Senate Joint Resolution 113, the FSX project sets a bad precedent.

Let me state again that the resolution, as adopted 72 to 27, was not designed to impede the administration or Japan, nor was it intended to kill the FSX Program altogether. Instead, this resolution was aimed at increasing executive branch leverage when the time comes to negotiate a coproduction agreement and in ensuring that the trade and the economic interests of our country are safeguarded.

I do care deeply about the state of U.S. trade. I care about trade deficits. I care about the future of the U.S. commercial aircraft industry. So it is with a deep sense of disappointment, Mr. President, that I stand here today to urge my colleagues to undertake the difficult task of overriding the veto of our President. It is never an easy decision, regardless of the party to which one belongs. But the time has come for the Senate to advise the President on this agreement and undertake its role and responsibility as a regulator of international commerce. For this reason, Mr. President, I urge my colleagues to override this veto.

Mr. President, may I respectfully inquire about the time consumed?

The PRESIDING OFFICER. The Senator just consumed the 10 minutes he allocated to himself. Who yields time?

Mr. HEINZ. Will the Senator yield 5 minutes?

Mr. DIXON. I am delighted to yield 5 minutes to the distinguished Senator from Pennsylvania.

Mr. HEINZ. Mr. President, on July 31, President Bush vetoed Senate Joint Resolution 113, a joint resolution expressing the sense of the Congress that the President take certain measures to ensure that United States commercial and technological interests were served regarding the proposed codevelopment of the so-called Fighter Support Experimental [FSX] with the Government of Japan.

To be sure, because this program also involves questions of national security, I find the task of opposing the President of the United States unpleasant. But, to paraphrase William Blake, I have taken a position not for the sake of convincing those who cannot understand it, but for the sake of defending those that do.

So today, I must oppose the President both on the merits of the issue at hand and on the constitutional issues raised by the President in his veto message.

With respect to the latter, the Senator from Missouri [Mr. DANFORTH] is addressing them in greater detail. I support his position. The Constitution is clear in its assignment of the regulation of interstate and foreign commerce to the Congress. The entire basis of the President's authority to control exports, for example, rests on the statutory authority of the Export Administration Act and the Arms Export Control Act—authority explicitly granted him by the Congress. When the Export Administration Act expired for a few months in 1984 and 1985, the President was able to maintain our control structure only by declaring a national emergency—pursuant to other authority he was explicitly granted by Congress—the International Emergency Economic Powers Act.

There is no question, then, that the basis for the President's authority in these areas proceeds from statutes enacted by the Congress. There is likewise no question that the constraints imposed on this deal by the Congress are well within the parameters of interstate and foreign commerce, as the Senator from Missouri makes clear.

To support the President on this veto, therefore, is to deny to Congress authority given it by the Constitution which it has exercised for 200 years. If we take this step I predict—and it is not that difficult a prediction to make—we will regret it and regret it deeply. We will have allowed the President to redefine virtually all international economic activity as foreign policy and therefore not subject to the Constitution's commerce clause.

Let me now say a few words about the other reason for opposing the President's veto, and I want to make it clear where this Senator was before and during the Senate debate and votes on the FSX.

I voted to support Senator DIXON's resolution of disapproval at the outset, in part because I believed, as I said in the pages of the Washington Post and on the Senate floor, that this was a bad deal commercially for America and in part because of the absence of an explicit technology transfer safeguard regime to protect those technologies and technical data to be transferred to Japan under the agreement. A majority in the Senate saw it differently and voted to defeat the resolution of disapproval.

But there was a sense of victory in this defeat. The administration, acting on the Senate's concerns with the financial and technological aspects of the agreement, reopened the negotiations and obtained additional clarifications and concessions that made it possible for this body, including myself, to seek an accommodation with the administration.

Senate Joint Resolution 113 was that accommodation. Senate Joint Resolution 113, as my colleague from Missouri, Senator DANFORTH, says, is "so modest that it is difficult to imagine what would be left of Congress' power to regulate foreign commerce should a veto of the resolution be sustained."

The renegotiated agreement strengthened the U.S. share, and in our minds, this was a step in the right direction. The renegotiated agreement, however, did not go far enough, but it was enough to convince me—and 71 other Senators—to continue to seek the right formula which this body could support. Senate Joint Resolution 113 was that formula.

Ironically, there is much that I can agree with in the President's veto message, except the decision to veto Senate Joint Resolution 113. The President says that he is committed to the protection of U.S. security, economic and technological interests.

So am I.

The President says that the program is in the strategic and commercial interests of the United States and will contribute to our security and that of a major ally.

I agree.

The President says that the program will not jeopardize our commitment to the continued excellence of the U.S. aerospace industry.

Here, I cannot agree.

I have spent the last 6 months attending hearings on the state of the U.S. industrial base, and I have concluded that America is at a crossroads regarding its defense industry. Time does not permit a detailed exposition of the direction the U.S. aerospace industry is headed, but a recent statement by an industry spokesman that cuts in research and development Government funding "could hurt U.S. aerospace firms as they fight to maintain market share against a growing number of technically capable foreign competitors" heightens my concern.

As submitted by the President, the FSX deal would have enhanced near term economic and military interests of this country. But it's the long haul we need to worry about, especially in the Senate. This body's unique role, conferred by the longer terms we serve, is to look further into the future, to spot the reefs and shoals ahead, and to set a course that avoids them. If we do not override this veto, this country will sail into harm's way. We will have begun the process of chipping away the lead our Nation now enjoys in aerospace because the FSX deal is not some aberration. It is the way this country does business.

Deals such as the FSX will contribute to the demise of the competitiveness of the U.S. aerospace industry globally. I predict that in 10 to 20 years, the U.S. aerospace industry will join its sister firms in electronics and telecommunications in appealing to the Congress for financial support to keep it alive.

Is it asking both governments too much to sit down and negotiate a safeguard regime comparable to the United States-Japan supercomputer safeguard regime? The supercomputer safeguard regime not only specifies the design of the building housing the supercomputer, but certain buyers are not allowed even to look at the supercomputer machine, much less operate it. We should not treat our next generation fighter technology with any less care.

Finally, the reason the Congress insisted on assisting the task of monitoring the technology transfer program to the GAO is because the administration refused to do so. If the administration assumes this responsibility, and shares this information with the Congress, this Senator is prepared to cooperate with the administration to work out a solution.

The time has come for this administration and this Congress to enter into a dialogue on the truth forged by twin deficits and indebtedness, namely that this country's national and economic security interests are intimately intertwined today and will be tomorrow. And finally, the time has come for the executive branch to work with the Congress in a collegial—not confrontational—manner to draw up a masterplan for technology transfer which includes both national and economic security considerations. It is time to remove the uncertainties in U.S. technology transfer policy, and I suggest that the FSX is a useful starting point.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. LUGAR. Mr. President, let me respond to arguments that have been offered in this debate with regard to the constitutional issue involved. A number of Senators have stated with some passion that even though they respect the President of the United States and support and agree with most of his policies, they simply cannot stand by and see the Congress stripped of the authority given under article I, section 8 of the Constitution.

I submit, Mr. President, that the President of the United States does not propose to strip the Congress of any constitutional authority whatsoever. During my initial statement, I tried to delineate very carefully that the President in his veto message purely recognized as the congressional prerogative its role in the commerce of this country. Specifically, the President is making the argument that after he and his administration negotiate with a foreign country, with the one voice that our country must have in those negotiations, the product of those negotiations then comes to the Senate of the United States, as it did with regard to the FSX agreement. We had the opportunity at that point on that day in that debate and the debate on the resolution of the distinguished Senator from Illinois to disapprove the work of the President. We could have accepted the point of view of the Senator from Illinois. All of the points with regard to our aircraft industry, what we are giving or not giving to the Japanese, the full gamut of that relationship was expressed during that debate.

But the Senate voted by 52 to 47 to reject the resolution of disapproval of the distinguished Senator from Illinois. In effect, the Senate fulfilled this constitutional responsibility. The President did not claim he could dictate the agreement, or that he could proceed on and forget the Senate. Clearly, he submitted to the Senate this agreement and the Senate by a majority vote affirmed the President's work.

I think that is a very important point to make, Mr. President, because now the President of the United States does come along and say with the Senate having accepted his work, the Senate now wants to insist that the GAO, the Government Accounting Office, go over to Japan, audit the Japanese and try to note any security violations; that we mandate not only 40 percent of the work share in production—according to our estimates in the debate last time, more than $2 billion worth of exports from this country to Japan—not only do we want 40 percent of the work, but we want 40 percent of everything that happens for the next 30 years. Our own aircraft industries have made the point, Mr. President, that they might not want to be tied up with this particular project for the next 30 years.

In our interest to try to solve the trade problem with Japan, and we are interested in that, is the Congress, in its meddlesome way, prepared to mandate that our firms do some things they might not wish to do just to make our point?

The President is saying this is fiddling around with an agreement after it is a done deal. This is intruding into the Presidential prerogative after you have submitted your agreement and it has been ratified to try to have a third and fourth bite at the apple.

Mr. President, it just seems to me important as we are trying to argue, as some have, that we are giving things away to the Japanese, that we are building up their aircraft industry, and that they are vaulting ahead in terms of commercial competition. This is not consistent with very direct testimony given in a letter on the letterhead of the Aerospace Industries Association. Now, the Aerospace Industries Association includes in its list of membership every major aircraft manufacturer in this country, and many firms providing support to these principal firms. I shall not read all of these, but the accompanying letter written by Mr. Don Fuqua, who is the president of the Aerospace Industries Association and former Member of the House, written to me on August 3, 1989, strongly supports the FSX agreement. I quote from a part of that letter. He said.

> During the debate on the FSX our association consistently tried to make two points. While we would have preferred off-the-shelf purchase of a U.S. aircraft, neither the executive branch nor the industry believe that to be a realistic attitude. Second, the Japanese, with the second largest economy in the world, will develop an aerospace industry with us or without us. The challenge is to find a way to work with the Japanese in the aerospace field while maintaining Japan as the single most important overseas market for U.S. aerospace products. We believe the FSX arrangement accomplishes those objectives.
>
> The protracted debate over the FSX program has been very unsettling for the Japanese. It will encourage them to spend more of their resources to develop greater independence from the United States and to look to Europe as an alternative partner. We are already getting reports—

This letter is dated August 3, 1989—

> that in the past few weeks a number of approaches have been made by a number of aerospace companies to their European counterparts. An override of the President's veto would simply accelerate that process and would quite likely torpedo the FSX arrangement.
>
> Constitutional issues aside, it is simply impractical to try to make commitments on production sharing over a 20 year life cycle of a jet fighter or to require Japanese companies and the Government to be monitored by the GAO over the same period.

Now, Mr. President, this is coming from the Aerospace Industries Association of the United States. It is a realistic appraisal of our competitive elements and our ability to export and our ability to deal with the Japanese situation.

Mr. Fuqua has said, even since we had the debate, there is evidence the Japanese have moved toward Europe, toward seeking greater independence. Mr. Fuqua makes the point as a representative of U.S. aerospace manufacturers, along with all the other manufacturers, that the Japanese will proceed with or without us.

The point made by my colleagues that we are simply giving it away is simply invalid. The Japanese are going to build aircraft. Our question is will we be here with them, attached to them, in their factories, in their research or will they do it themselves or with others?

Now, we ought to be, we can be in on the deal unless we foul it up with mischievous legislation which imposes on top of the agreement we have already ratified agreements or stipulations that are clearly impossible.

Mr. President, I simply must reiterate this point with regard to the precariousness of the negotiating situation because in a "Dear Colleague" letter written on July 11, 1989, signed by many Senators but the leading names are ROBERT C. BYRD, JOHN C. DANFORTH, ALAN J. DIXON, and JOHN HEINZ, they make this point in a paragraph, and I quote. They say:

> This legislation was designed to be a constructive contribution to the United States policy on the FSX project. It does not require renegotiation of the co-development agreement and it will not delay initiation of the project. It does not impose any restrictive conditions that have not already been clearly understood by both parties.

Mr. President, I would simply say that the President of the United States and I would believe that statement is in error. It will, indeed, require negotiation. It could jeopardize the entirety of the agreement. Respectfully, I would say it is not a very constructive contribution to U.S. policy. I would say it was designed, as a matter of fact, to make the FSX arrangement very difficult, if not impossible. I would simply assert further, Mr. President, if that is the intent historically, it seems it will have been misguided with regard to interest of our aircraft industry, our workers, our jobs, our exports, and certainly our security arrangements with Japan. This is serious business, Mr. President, in which we are engaged.

I would simply say for the moment that we note one further thought with regard to Japanese reaction to the debate already ensuing.

We note that in 1988 Japanese defense research and development totaled about 2.35 percent of their budget, of their defense budget. On May 16 of this year, the Association of Japanese Industries issues a very unusual public statement calling for the percentage to be increased next year to at least 5 percent so as to be on a par with West Germany.

I would point out that this increase by the Japanese of a percentage of their defense budget for research and development is highly unusual and tracks with what the U.S. Aerospace Industry Association mentions in the letter from Mr. Fuqua. The Japanese have been listening to the debate. They are intent to pursue a more independent course. It is obvious. I think it is dangerous, ultimately, to the security arrangements we have with them as well as to our own aircraft industries participating as they wish to do.

I simply add as a final point in this argument that the idea of the FSX agreement was not a Japanese idea. It was our idea. It was President Reagan's response. The Japanese desired to push ahead independently and build the aircraft that they wanted for their defense. We insisted, in the United States, that we are partners with Japan in the security of the Pacific and, as partners, we ought to proceed together. We insisted on that, Mr. President. The Reagan administration and the Bush administration have insisted upon sticking with Japan.

There are, as I pointed out earlier, many voices in Japan which suggest in the event we do not want to do so that is fine with them. We are not giving away favors. We are insisting on an arrangement which we believe is important for us, for them, for security in the Pacific in that arrangement for many years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the time of the quorum call which I asked for be charged equally to both sides involved.

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Mr. President, I have no objection. May I say for the information of my colleagues that Senator BYRD is to be here momentarily as my colleague presiding knows. He was in a conference on another subject matter. He is on his way. Senator LEVIN is coming down from S-407 where he is on a conference between the two Houses and will be here momentarily. Senator SHELBY is on his way.

I apologize, but each Senator is performing an important legislative function at the moment. Each has been called and each is on his way. But I have no objection at all to the unanimous-consent request of my colleague.

The PRESIDING OFFICER. No objection having been heard, the unanimous-consent request will be complied with, and time will be equally charged.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, might I be recognized for not to exceed 5 minutes?

The PRESIDING OFFICER. Is there objection to the Senator from North Dakota being recognized as though in morning business?

Mr. LUGAR. Parliamentary inquiry: The Senator is asking for time in morning business?

Mr. CONRAD. The Senator from North Dakota is requesting time on the measure pending. I request time from the Senator from Illinois, who controls time on our side.

The PRESIDING OFFICER. He yields 5 minutes to the Senator from North Dakota. I apologize. I did not know that was his purpose.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I find the veto of the President deeply troubling. I find it troubling on two counts. First is the constitutional issue. The U.S. Senate has a clear role and a clear responsibility. The Constitution compels it. This veto undermines it.

So on that issue alone, I argue to my colleagues that we have a responsibility, a constitutional responsibility, to preserve the role of the U.S. Senate with respect to the issue before it.

Second, Mr. President, on the merits of the case itself, I think we must have serious questions on the President's judgment in raising the veto. It makes me wonder what is going on in our country. Is no one paying attention? Two weeks ago, it was announced that for the first time, the worldwide assets of our friends in Japan now exceed the worldwide value of American assets; the first time.

Mr. President, in this country, since 1982 we have gone from being the largest creditor nation in the world, more countries owing us more money than any other country on the globe, to being the largest debtor nation. Today America is the largest debtor nation in the world. I repeat that: America is the largest debtor nation in the world.

In the last 8 years, we have seen a tripling of the national debt in this country, a fourfold increase in the trade deficit, and now we have become the largest debtor nation in the world.

The pattern is clear, Mr. President. We cannot pay our own bills, but we are overpaying the bills of our allies in Europe and Japan, borrowing the money from them to do it, and we watch helplessly as industry after industry is taken from us in world competition: Cars, computers, cameras. There has been one shining light—the aerospace, aircraft industry, where we have led the world.

Now we take an approach of agreeing to a deal in which we hand over at cutrate prices the technology that we have developed to remain a world leader. It makes no sense. It makes no sense to have entered into this deal, and now when the Congress takes on its constitutional responsibility with modest offsets, the defenders of another position, including the President, are saying no, no, go slow; the President might veto. Veto he has.

Mr. President, 20 years from now, a book may well be written "While America Slept." This will be one sad chapter in that book if the Senate of the United States does not stand up today and reject the veto of the President.

I urge our colleagues to stand up and be counted today.

I thank the Chair, and I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 6 minutes.

Mr. LEVIN. I thank the Chair.

Mr. President, I regret President Bush has chosen to veto the joint resolution, the FSX resolution. This resolution contains an unmistakable message that the United States Congress will not allow Japan to exploit the benefit it receives from this deal to build an aerospace industry that in the future is going to undermine our aerospace industry.

I believe it is unfortunate that the Senate did not vote to totally disapprove the FSX deal that was negotiated by the administration. I really feel that deal should have been rejected in toto. We should have pressed the Japanese to answer the question of why they want to spend millions more to produce a new fighter aircraft when our United States-built F-16 will meet their needs. But the resolution of disapproval failed by a narrow margin.

In order to provide at least partial protection for the rights of U.S. industry and American workers, a large majority of the Senate and the House voted for the compromise that the President has now vetoed. This resolution attempts to give some modest protection to our interests. After the resolution of disapproval failed, this became the sole alternative to allowing the original agreement to enter into effect with no protection for American industry. The President has written that these protections are unnecessary. I think the President should read the reports of some of his own executive branch departments.

One passage in the 1989 report entitled the "National Trade Estimate: Report on Foreign Trade Barriers," which is produced by the U.S. Trade Representative, the President's own trade representative, reads as follows under the category of aerospace:

> Japan has targeted its aerospace industry for development. A coherent Japanese plan is in effect * * * and the Japanese Government plans to make aircraft production one of Japan's major industries within 20 years. This would mean direct competition with the U.S. aerospace industry which is the largest in the non-Communist world. Japan is still a leading importer of U.S. aircraft. But if Japan's target goal is met—

According to the President's own trade representative—

> future loss sales to the United States industry will be significant although now impossible to quantify.

We have a long history of coproducing aircraft with the Japanese, but we never before worked with them on the design and development of a military aircraft. This agreement will allow them to work in concert with one of the masters in U.S. aerospace industry, General Dynamics, in the design, development, and manufacture of a highly sophisticated aircraft.

I have little doubt that even if stringent technology transfer restrictions are observed, by being apprenticed to General Dynamics in this project, the Japanese will learn more that is useful to their commerical aircraft industry in a shorter period of time than they would have on their own.

When they have have acquired enough knowledge to sustain a productive domestic commercial aerospace industry, the United States aerospace industry can kiss away the Japanese market. Aircraft trade is one of the few areas where the United States enjoys a big surplus with Japan as well as worldwide. United States exports in aircraft and components to Japan have risen significantly over the past few years. For example, in 1988 we exported $2.87 billion in aircraft and related items to Japan while we imported just $425 million in these items from Japan.

But, we must remember that the United States has a $5 billion trade deficit with Japan. Our trade deficit with Japan is larger than the next five largest trade deficits we have with other nations. This deficit has arisen even in part because the Government of Japan has a policy of putting up trade barriers to protect their domestic industries and keep our products out. This policy was highlighted in the Trade Representative's report which alleged that there are currently over 30 trade barriers constructed by the Japanese Government against our products.

If Japan constructs a viable commerical aircraft manufacturing industry, you can be sure that United States products will be kept out of Japan and we can then add a few more billion to our present trade deficit, further eroding our economic and national security.

I am afraid that the Japanese have once again proved that they do not view our trade relationship as a two-way street. By purchasing the F-16 Japan could have delivered quickly on their promise to accept more responsibility for their own defense, and they could have reduced the massive trade deficit that we have incurred with them.

Mr. President, the haunting question that surrounds the debate is why won't the Japanese buy our F-16? We buy their cars, we buy their VCR's, we buy their cameras, we buy other products that they make. Why won't they buy our F-16?

Perhaps a more important question is why do not we tell them that if they will not buy what we produce, like the F-16, we are not going to be able to buy much or as much of what they produce. Why do we let them get away with not buying our planes, which we produce better than they produce, when we buy their products so freely? The buck stops here, right here in the Congress, and if we do not accept this responsibility today and override this veto, we are going to lose billions of bucks in future losses to this economy.

I thank the Chair and I yield the floor.

The PREISIDNG OFFICER (Mr. Robb). The Senator's time has expired.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 10 minutes to the distinguished Senator from Wyoming [Mr. Wallop.]

Mr. WALLOP. Mr. President, I thank the Senator from Indiana, and I must say I come here with some amazement at the quivering fear that I discovered in some of my colleagues about the ultimate decline of America and how there is nothing left for us but a quiet submission to Japan and by doing this it is not a quiet submission but a loud submission, and I say nothing is further from the truth.

I rise in complete support of the President's veto. At one level, I am absolutely puzzled as to why we are here spending the Senate's time on this matter. The appropriate mechanism for dealing with this FSX issue is a resolution of disapproval. The Senate considered such a resolution, offered by Senator Dixon, when this issue was last on the floor. The Senate rejected the resolution of disapproval overwhelmingly.

Mr. President, in passing what amounts to a resolution of approval with conditions, the Senate is tampering with the delicate balance of powers set up by the Founders in the Constitution. The President is vested with the power to supervise and control internal deliberations of the executive branch. The section in this resolution which legislates procedures for interagency review of the FSX MOU's interferes with executive branch management and infringes on the President's authority with respect to deliberations incident to the exercise of executive power. Moreover, the reporting requirement imposed by the resolution injects the GAO, a legislative entity, into the execution of the FSX Program in a highly intrusive manner.

Clearly, Mr. President, it is tempting for the Senate to seek to work its will through this unconstitutional mechanism. But lest we forget, this body jealously guards its own constitutional prerogatives. By circumventing the proper procedures, do we not jeopardize, if only in an incremental way, our own rights to be the only legislative body that has jurisdiction to provide its advice and consent to treaties? Do we not cede some of our power to the House? My answer is clearly "yes," and so should it be of others.

Mr. President, on the substance of this issue, I support the FSX codevelopment arrangement completely. I support it because it is in our interest. I do not accept the claims of the proponents of this veto override that this resolution will merely improve the deal. This resolution places the entire FSX Program at risk by requiring the reopening of negotiation on issues for which an agreement or understanding has already been reached.

Mr. President, other Senators have gone into the details of the actual MOU more extensively than shall I. Rather, I ask my colleagues to consider the obvious consequences if we fail to sustain this veto and the FSX agreement collapses: The very thing some Senators say they are seeking to prevent will be guaranteed. The Japanese will find another country or group of countries more than willing to join them in a codevelopment deal.

I might say, Mr. President, that the Congress of the United States singlehandedly resurrected the European aerospace industry by its behavior in certain sales in the Middle East. The Japanese having found this other country we will then be faced with a fighter whose technology is not subject to the strict controls and leverage that the FSX arrangement gives to America. We will have a loss of potentially $2.5 to $3 billion in U.S. business.

We will have fostered a further resurgence of the European aircraft industries—something the Congress has already practically single-handedly promoted—by pushing the Japanese into the arms of the French or the British, or a European consortium. We will have burst the bubble of United States-Japanese defense cooperation and set the stage for further development schemes that totally exclude United States participation.

Mr. President, is this what we really want to do?

Mr. President, I am struck by the irony in the timing of our deliberations here today. We stand railing against a codevelopment deal with one of our allies, the Japanese, while the Department of Commerce is undertaking the largest decontrol of militarily relevant technologies to the Soviet Union and the East bloc—our enemies, Mr. President—since the halcyon days of détente in the 1970's. We have seen the recent decontrol of personal computer technology in which the Secretary of Defense felt that his concerns and warnings about the potential military value of this decontrol to the Soviet Union were not heeded.

Mr. President, when the FSX deal first came to the attention of the Senate, there was much talk about the "process" breaking down. Some charged that the concerns of the Department of Commerce were not well-heeded by the Defense Department, that somehow the interagency process had broken down. I shared some of those concerns. I worked with several of my colleagues to see that there was adequate attention given to this matter by the Department of Commerce and that the interagency review of the deal was thorough.

Today, the interagency process in another area—technology decontrol—is breaking down. It is breaking down in the decontrol of militarily relevant technologies to the Soviet Union.

The Department of Commerce is failing to provide the Department of Defense or the intelligence community with timely notification that it is initiating foreign availability studies. These agencies, in many cases, are being advised of these assessments after they have been essentially completed by Commerce. They are then given an inadequate period to respond, as little as 5 to 10 days. This is totally inconsistent with the intent of Congress, which envisioned DOD and intelligence community inputs being incorporated from the outset of these studies.

Is it not ironic that while we pass statute after statute forcing the Department of Defense to include, consult, inform and everything else under the sun with the Department of Commerce, by law, Commerce can completely ignore the recommendations of the Department of Defense on technology decontrol, as it did in this case?

Mr. President, in the case of the recent computer decontrol, the foreign availability study was based on highly suspect information about Hungarian computer manufacturing that was supplied, not by United States intelligence, but by the Hungarian Government itself. Indeed, Mr. President, where intelligence assessments differ from those developed by the Commerce Department, the former have been given short shrift.

Mr. President, following on the heels of the computer decision—a decision that was made possible by a dubious foreign availability study conducted by the Department of Commerce—are decontrol decisions linked to no fewer than 23 different militarily critical technologies. These include optical fiber cable, polysilicon, side-sonar scanners, antifriction bearings, gallium-arsenide chip technology, wire bonders, even more capable 32-bit personal computers, and highly sophisticated machine tools.

Mr. President, take the case of machine tools, because herein lies the irony. While everybody is worried about what Japan may be doing to this airplane, we are providing to our enemies a deal that provides the promise to strengthen the defense capabilities of those enemies while we ignore a deal that provides the promise to strengthen our defense capabilities in the Pacific and provide substantial technology flow-back to this country—we are about to decontrol machine tools at the five micron level that will allow the Soviet Union to do the very close tolerance machining necessary for today's highly efficient and effective combat and military transport aircraft. That is what we should be worrying about. The Department of Commerce will tell us that the Europeans are pushing for a three micron decontrol and that they are "holding the line." But that is the wrong approach. Instead of worrying about this FSX deal we should be focusing our attention on the billions of dollars of taxpayers money this decontrol could require if the Soviet Union is able to upgrade its own military aircraft production techniques as a result.

Mr. President, I ask my colleagues to consider what they do if they override the President's veto. We overturn the existing mechanisms for responsible congressional oversight of executive branch arrangements like this FSX deal. We cede the power of the Senate to the House of Representatives. We drive an ally into the hands of some European aircraft consortium, the result of which will be the exact outcome that the opponents of the FSX deal seek to prevent. We deprive American business of a potential $3 billion in sales to Japan at a time when the Congress is railing about the balance of trade between our two countries.

And finally, Mr. President, I ask my colleagues on both side of the aisle to consider, given what is occurring in the decontrol of critical technologies to the East bloc, is this really the technology security issue we ought to be debating today? I say no, and I urge my colleagues to uphold the President's veto and vote against this resolution to override.

I yield the floor.

Mr. FORD. Mr. President, on behalf of the floor manager, I yield 5 minutes to the distinguished Senator from Alabama [Mr. SHELBY].

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY] is recognized for 5 minutes.

Mr. SHELBY. Mr. President, I rise to express my disappointment over the veto of Senate Joint Resolution 113 by President Bush and to support the effort to override this action. The purpose of this legislation was to send a message to the Japanese that as allies, we have to work together. We also wanted to make it clear to the Bush administration that it was about time they developed a little backbone in dealing with nations around the world and especially Japan.

As my colleagues know, I was proud to join my good friend, the senior Senator from Illinois, in attempting to kill this project. We fell just a few votes short of doing just that. We made this effort because we felt that the FSX agreement was a bad deal. I still think it is a bad deal.

However, the amendment offered by Senator BYRD made this agreement a little more palatable. It prohibits the transfer of vital jet engine technology to Japan and prohibits the sale or retransfer by Japan of the FSX weapon system or any of its major subcomponents codeveloped or coproduced with the United States. These safeguards are to be elements of a second memorandum of understanding negotiated between the United States and Japan. In addition, the amendment contained a sense of Congress that in the memorandum of understanding for production, no less than 40 percent of the work share of the aircraft, including the value of the lifetime costs of the aircraft, be allocated to the American manufacturers. This body adopted the Byrd amendment by the overwhelming margin of 72 to 27.

Members of this body will say that this legislation represents another attempt to kill the FSX agreement. They say that this legislation, as it is now configured, is an intrusion on the powers of the President of the United States. But, when a President and his administration negotiate a flawed deal, then it is the right and duty of the Senate to act in the best interest of our Nation. That is what we are trying to do here. We will have made a bad deal better if we get the votes today.

We have been paying the price for the defense of Japan for the last 40 years.

The American people realize that. If you do not believe it, just go out and listen.

In the meantime Japan has grown into an economic giant. Last year, the United States trade deficit with Japan was over $55 billion. Thus, buying F-16 fighters off the shelf would have shown that Japan was willing to work toward lowering this deficit. The least they could have done—as a show of good faith—was buy our aircraft. The Government of Japan was unwilling to take this step.

The United States and Japan assign different meanings to the term "national security." To the U.S. national security means guns and missiles and alliances with our allies. To the Japanese national security is defined in terms of industrial competitiveness. In this case, we bent to the Japanese definition of national security. The United States will not gain any military advantage from the FSX deal. But, the Japanese will be even more competitive.

Mr. President, it is apparent that the Bush administration is unwilling to stand up to our trading partners. At the very least, this legislation would provide additional leverage in dealing with the Japanese. It would give the administration the impetus to go back and negotiate a better deal. To achieve this goal we must first vote to override the President's veto. I intend to do just that and encourage my colleagues to do likewise.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Illinois.

Mr. DIXON. May I respectfully inquire from the Chair as to the amount of time still allotted for this Senator managing for the majority.

The PRESIDING OFFICER. Sixteen minutes and ten seconds and counting.

Mr. DIXON. May I say that I understood I had 16 minutes left. I have talked to the manager on the other side.

My dilemma is that 10 minutes is to be accorded to the President pro tempore, who as you know is chairman of the Appropriations Committee. He is downstairs in a major markup. He has advised he is detained for 5 minutes. Five minutes is for the majority leader and he is detained on the same business. I was going to use the 1 minute to close.

My colleague indicated that he would have no objection to a unanimous-consent request that I suggest the absence of a quorum and no time be charged to either side. And I wonder if he would further indulge me, in view of the fact the Senator from Nevada is here and would like to talk for about 2 minutes, to let him talk for about 2 minutes under a unanimous consent and then I would suggest the absence of a quorum until such time as the majority leader and distinguished President pro tempore can come here for the brief time still allotted them?

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. If the Senator would yield for a moment? Will the Senator yield for a question?

Mr. DIXON. Yes, of course.

Mr. LUGAR. I would like to inquire if the distinguished Senator from South Carolina might also be recognized on my time for 2 minutes at this point. But by accommodating those Senators, perhaps those speeches could occur and the time might be preserved.

Mr. DIXON. I ask unanimous consent, Mr. President, 2 minutes be allotted to the distinguished Senator from Nevada and 2 minutes to the distinguished senior Senator from South Carolina before I suggest the absence of a quorum.

The PRESIDING OFFICER. Who yields time, specifically?

Mr. DIXON. I yield 2 minutes to the Senator from Nevada, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada [Mr. Bryan] is recognized for 2 minutes.

Mr. BRYAN. Mr. President, I rise to address a matter of great concern to the long-term health of the Nation's economy.

I strongly opposed the original FSX agreement with Japan for two reasons: First was my simple concern that the United States taxpayers supported and financed the development of the existing F-16's technology, estimated to be a $7 billion investment, and there is no indication that the United States will receive even a fraction of that value in return under the proposed agreement.

The agreement amounts to giving, at United States taxpayer's expense, hard earned technology to Mitsubishi at little or no cost to this Japanese firm.

Even more important, however, is the threat the proposed agreement poses to the health of one of our strongest industrial export sectors—aerospace production. The United States enjoyed an aerospace trade surplus of $17.9 billion in 1988 by exporting $26.9 billion worth of commercial and military aircraft last year.

This deal poses a long-term direct threat to one of the few success stories in the United States horrendous trade picture.

It has been said that, "Those who cannot remember the past are condemned to repeat it." We should learn from our history.

If this debate were occurring in the late 1950's, we might be debating about automobiles.

If this were the 1960's, the subject might be consumer electronics.

If this were the 1970's, we might well be discussing semiconductors.

Now, in the late 1980's, with our competitiveness in many industries already mortally wounded, we are giving away technology in one of the few areas where the United States continues to enjoy a clear technological and production advantage over our all of our international competitors.

Unfortunately, the resolution to disapprove this agreement, in its entirety, failed by a narrow margin. Under the leadership of the distinguished Senator from West Virginia, the Congress exercised its authority over foreign commerce and provided protection for the U.S. trade interests as by:

First, prohibiting the transfer of jet engine technology to Japan, and prohibiting the transfer of FSX technology or aircraft by Japan to third parties;

Second, expressing the sense of the Congress that no less than 40 percent of the FSX work program, including maintenance costs, should go to U.S. manufacturers;

Third, assuring an oversight role by the Secretary of Commerce; and

Fourth, providing for annual GAO reports to Congress.

These protections are important. Moreover they send an important message to all our trading partners and economic competitors that the Congress of the United States will no longer place our economic interests behind other national priorities.

Our Nation clearly enjoys a worldwide advantage in military and commercial aircraft production and that is a national asset that we must strive to preserve, not just give away. An override of the President's veto will send a signal that future agreements with our international competitors—such as the Korean fighter proposal—will be scrutinized with the United States economic interests in mind, not just smooth foreign relations.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina for 2 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the resolution to override the President's veto of Senate Joint Resolution 113.

In May, this distinguished body conducted a lively and extensive debate on the merits of the agreement to codevelop and coproduce the FSX aircraft with Japan. The consensus of the Senate was that the agreement was in the best interest of the United States. Although we agreed that it was in our best interest, my distinguished colleagues added provisions that require complete substantial renegotiation of the agreement. I objected to these restrictive provisions when my colleague from West Virginia introduced them and agreed with the President on his veto of them.

The provisions of Senate Joint Resolution 113 place the entire FSX program at risk by reopening the negotiations on issues for which an agreement has already been reached. They also question the trust of an ally—an ally that is willing to assume a greater share of its own defense and willingly increased its commitment in support of the 63,000 servicemen and servicewomen stationed in Japan.

Mr. President, the Senate has just approved a $305 billion Defense authorization bill. In it we call on Japan to assume a greater share of its defense. The FSX agreement will allow Japan to do so. It will also add $2.5 billion and 22,700 man years of employment to our economy. In my judgment we cannot forego these gains.

Mr. President, I urge my colleagues to support the President and sustain his veto. To vote otherwise would not only deny our Nation a significant economic gain, but also usurp the President's constitutional authority to negotiate agreements with foreign governments.

The PRESIDING OFFICER. Who yields time?

If no Senator yields time, time will be subtracted equally from each of the three parties.

The Chair recognizes the Senator from Illinois [Mr. Dixon].

Mr. DIXON. Mr. President, after a conference between all parties I ask unanimous consent that the time for the vote on the FSX override question be set at 5:15, rather than 5, with the understanding that on this side, the distinguished President pro tempore, Senator Byrd, wants to speak for 10 minutes; the majority leader has waived his time.

I understand Senator Danforth has 10 minutes remaining.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I inquire of the Chair, does our side have 10 minutes remaining likewise at this point?

The PRESIDING OFFICER. The Senator has 10 minutes and 23 seconds, minus whatever time we subtracted, which will be about 10 minutes at this point.

The Chair would also notify Senator Dixon that his time remaining is 12 minutes 35 seconds, minus whatever few seconds that were subtracted, and Senator Danforth has about 10 minutes, give or take a few seconds.

Mr. DIXON. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request that the vote for this particular matter be moved from 5 p.m. to 5:15 p.m.?

If not, that is the order of the Senate.

The Chair recognizes the Senator from Missouri, Senator Danforth.

Mr. DANFORTH. Mr. President, it is my understanding the unanimous-consent request was the vote be postponed until 5:15 and further that, in the interim, there be a quorum call, which time is not charged to anyone.

The PRESIDING OFFICER. The Chair will interpret that as a request for modification of the original request to include a nonchargeable quorum call. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, I reserve the right to object on the basis that, with the 5:15 vote stipulated, there are only 35 minutes remaining until that time.

My calculation is that 12 minutes remain to the distinguished Senator from Illinois, 10 to the Senator from

Missouri, 10 to me, which adds up to 32.

In the event that we do not charge time against anyone we will come to a moment in which there is not very much time left and arbitrarily, someone will gobble up the reminder of that time.

So I would respectfully suggest that time be charged against each of the three components, and as Members come and wish to be recognized we will subtract it from our allotment.

The PRESIDING OFFICER. The Chair will interpret that as a modification of the unanimous-consent request. Is there objection?

If not, any time taken up in a quorum call will be charged equally between the three parties. That will be the order of the Senate.

The Chair would note the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield as much time to the distinguished leader as he may require from the time that I have remaining.

The PRESIDING OFFICER. The Senator has about 6 minutes remaining.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Republican leader is recognized for such time as he desires up to 6 minutes.

Mr. DOLE. Mr. President, I thank the Chair and I thank my distinguished colleague from Indiana [Mr. LUGAR].

A BIPARTISAN DRUGS PLAN

Mr. DOLE. Mr. President, we have had a meeting, Senator MITCHELL and myself, and we will be trying to sit down with groups of Senators to work out some agreement on drugs, drug funding, drug strategy, sitting down also with members of the administration so that we will hopefully be able to come together in a bipartisan way, as we should, on such important legislation.

I have just met with Senator MITCHELL. He has already made such an announcement to the press, but I wanted to confirm what he said. My own view is that the Bush plan does not need any changes, but if there are good suggestions and if we can get some agreement between the President and Congress, then obviously that is fine. So that is where we are.

FSX CODEVELOPMENT PROJECT—VETO

The Senate continued with the consideration of the joint resolution.

Mr. DOLE. Mr. President, I believe that President Bush is right both in his objections to Senate Joint Resolution 113, and in his support for the final agreement to codevelop the FSX fighter aircraft with Japan.

Senate Joint Resolution 113 interferes with the executive authority of the President in an unprecedented manner. What this resolution does is wrap a congressional straitjacket around the President. It tells him when he must consult with, and listen to, his Secretary of Commerce. As my colleagues are well aware, I am second to none in my admiration for Secretary Mosbacher. However, the Congress may not decree that his view must be adhered to by the President of the United States.

In addition, the resolution imposes unlawful and unnecessary preconditions on future negotiations between our President and another government. Such negotiations are the exclusive prerogative of the executive branch.

Now, even the distinguished Senator from West Virginia in his considerable wisdom cannot know what concessions will be in the best interests of this Nation 2 years from now when a coproduction agreement for the FSX will be negotiated. Moreover, at that time, the Senator from West Virginia like Senators from every other State will be able to vote to approve or disapprove that agreement. Senators, of course, can make their views known to the President and to the public throughout this process. It is clearly premature to vote on those negotiations in advance.

Similar objections apply to the provision of the resolution which prohibits any transfer of FSX technology by Japan. Those transfers will need the prior approval of the United States under current law.

Finally, the resolution improperly inserts the General Accounting Office into foreign relations by requiring it to monitor the activities of a sovereign government. Again, the executive branch is the constitutionally appointed overseer of international agreements. Congress can obtain better information from the appropriate agencies in a constitutional manner. This provision of the resolution is particularly counterproductive.

Mr. President, I believe that the FSX agreement is in the best interests of this country. It enhances national security by providing Japan with increased capacity for its own defense in a manner which further cements its alliance with the United States. It guarantees the United States approximately $2.5 billion in revenues from Japan and over 23,000 man-years of skilled employment.

And contrary to widespread allegations, it does not threaten our leadership in aerospace. None of the technology transferred under this agreement will aid the Japanese in developing a competitive civilian aviation industry. The airframe technology is 15 to 20 years old and not suitable to wide body commercial aircraft. The avionics will be developed by Japan and shared with the United States. And we will not transfer sensitive engine technology, even during the production phase.

Mr. President, this resolution would set a dangerous precedent—it is a meddling, micromanaging mistake. And it must be rejected.

Mr. President, I do not think we change any votes at this point. It is going to be very close. I wanted to renew this call for bipartisanship. We hear a lot about it, read a lot about it; we do not see too much of it, particularly coming from that side. We welcome every little crumb we get. But this is very important. This is President Bush's first veto.

I read the papers and I find he has an approval rating of 67 percent, 73 percent, It kind of makes me believe the people are behind him; they believe he is doing the right thing. All he needs today is 34 percent—34 percent approval rating in the Senate is all he needs and that will sustain the veto.

I know we are involved here with a colleague on this side and a colleague on that side. They are outstanding Members, Senator BYRD and Senator DANFORTH, and I do not have any quarrel with them, but I certainly do not have any quarrel with President Bush. I had a couple quarrels a few years with President Bush, but those are ended. That is history. I am here today to support him. I want him to win not because he is President Bush but because he ought to have the right as the Chief Executive to make certain arrangements with other countries.

I want to commend the distinguished Senator from Indiana for his articulate arguments in support of the President's view.

So I just hope that in the final analysis we can take a look at that. There have been changes made; improvements were made. We have a better deal than we had because Members on both sides of the aisle did not like the original deal. So there has been change. It seems to me the President has met us halfway. This is very important to him. He is President of the United States and deals with Japan, and I do not think it serves the President's interest for us to see if we can somehow roll him today in the Senate.

Mr. President, the resolution would set a bad precedent. It is meddling. It is not legislating. It is not constructive.

It is micromanaging, and it must be rejected. I hope the President's veto will be sustained.

I yield back any time I have. I thank the Senator from Indiana.

Mr. LUGAR. I thank the leader.

The PRESIDING OFFICER. The Senator has 1 minute 34 seconds remaining. Who yields time?

Mr. LUGAR. I yield 1 minute to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 1 minute.

Mr. MURKOWSKI. I thank my colleague. As one Senator and member of the Foreign Relations Committee who has spoken out a number of times on his concern over the FSX agreement, I think it is fair to note that I rise today supporting our President and intend to vote to sustain. The significance of the debate relative to this matter is that substantial changes were made in the manner in which 40 percent of the work in the development of the FSX would be negotiated as opposed to a lack of a firm understanding prior to that.

Mr. President, when the FSX agreement was initially presented to Congress in March 1989, I joined 11 of my colleagues in urging the President to renegotiate certain aspects of the agreement to ensure that it would in no way compromise the long-term competitiveness of our commercial aerospace industry. Specifically, I sought clarifications to ensure the agreement contained adequate safeguards to prevent the transfer of certain U.S. technology, and a requirement that the United States would obtain approximately 40 percent work share in the codevelopment phase of the FSX project.

In late April, the President succeeded in clarifying these two aspects of the agreement and it was again submitted to Congress for approval. After extensive congressional hearings on May 16, by a vote of 52–47 the Senate rejected a resolution disapproving the FSX agreement. The Senate then voted 72–27, in favor of a substitute resolution approving the agreement. Mr. President, at that time, I voted in favor of the Byrd amendment. I believe that the Senate's vote on the Byrd resolution has sent a strong message to the White House and to the Department's of State and Defense that Congress will speak out on trade matters that we find inequitable.

Mr. President, our message has been received by the President, and he has taken it to heart. Now, the ultimate responsibility must rest with the President. He must be held responsible to the Congress and the Nation to see that in the course of codevelopment and production of the FSX that the interests of the United States are protected. I have received every indication from the President that he intends to do just that, and for this reason, I am voting to sustain the President's veto.

Mr. PRYOR. Mr. President, President Bush has made a serious mistake by vetoing Senate Joint Resolution 113, in which Congress asked for simple restrictions on the sale of F-16 fighter technology to Japan. I plan to vote today to override his wrongheaded veto.

The original agreement worked out by the Bush administration to transfer $7 billion worth of F-16 technology to Japan so that Japan could build its own so-called FSX fighter was wrong. Our aircraft industry is one of the last major global industries in which we have an edge on our international competition. The F-16 giveaway puts us in the position of possibly losing this lead.

The Congress should have prohibited this sale entirely but the best we were able to do was to place commonsense restrictions on the sale.

The restrictions and conditions we are voting to sustain today include a prohibition on the transfer to Japan of critical engine technologies or the sale of United States technologies to third countries by Japan, a recommendation that 40 percent of the work generated by Japan's FSX production be allocated to appropriate United States manufacturers, and a requirement that appropriate United States Government agencies monitor the transfer of F-16 technology to ensure that United States commercial interests are protected.

Mr. President, these are simple conditions for the FSX deal, especially when we remember that the taxpayers spent $7 billion developing the F-16.

Mr. President, this is not a pro- or anti-Japan issue. Japan is an important friend that we value greatly. If Japan values our friendship similarly, they will understand that this is a debate about protecting an important American industry and hard-earned technological advances.

The Japanese are beating America in many aspects of the international trade race. I do not think we should hand over to them our lead in this area. We should seek to make this FSX deal not only fair for Japan but fair for the United States.

Mr. President, I urge my colleagues to override President Bush's veto.

Mr. HEFLIN. Mr. President, I rise today to encourage my colleagues to join me in voting to override President Bush's veto of the joint resolution concerning the proposed development of the Japanese FSX fighter plane. From the beginning, I had reservations about the transfer of technology to the Japanese to enable them to build the FSX fighter. In my judgment, the transfer of advanced fighter technical data to the Japanese could have severe long-term economic and national security consequences.

Article 1, section 8, of the Constitution of the United States of America, states that the Congress shall have the power "to provide for the common defense and general welfare of the United States," as well as "To regulate commerce with foreign nations." In my judgment, this resolution regulating the exchange of technical information with Japan lies clearly within the boundaries of the enumerated powers of Congress.

As I said when this joint resolution passed the Senate, I still see nothing in this deal which would be in the United States' best interests. The Japanese could achieve the same protection by purchasing the already proven F-16 fighter planes. These F-16's would offer the Japanese a savings of about $30 million per plane, so obviously, they have some additional motivation to develop their own plane.

The aviation industry remains one area where the United States maintains a large comparative advantage over the rest of the world. Why should we throw away this advantage by handing the Japanese this technology on a gold platter? Clearly, the Japanese Government's willingness to squander their scarce-already defense dollars indicates that they are being driven by the ulterior motive of developing a competitive aviation industry.

I ask my colleagues to join me in voting to override President Bush's veto of this important joint resolution concerning the proposed transfer of technology to Japan. In my judgment, American ingenuity and know-how rank among our most valuable and prized national assets. We should not underestimate these commodities and should protect them as we would the livelihood of our citizens. By protecting these ideas we are protecting our country and preserving a vital American industry.

Mr. HELMS. Mr. President, I am obliged to oppose the President's veto of this measure and I do so with regret. It gives me no pleasure to find myself in disagreement with him. This issue for the production of the FSX airplane has a history and it is not a good one. The original proposal, which was negotiated last year, was a bad deal. I will say this for the administration people: when it was brought to their attention last January, they recognized the original proposal's deficiencies and took corrective action.

What we are doing in this legislation is no more than codifying the proposals which the administration has made to the Congress on the FSX. The administration says its negotiating goal for the production phase is 40 percent U.S. content; the resolution provides for 40 percent. The administration says it isn't going to give away the so-called hot section of the engine; the resolution restricts that transfer. Finally, the administration agrees that the Commerce Department should be at the bargaining table for the production phase; the resolution provides for that.

Mr. President, today's Journal of Commerce has a remarkable journey down the past record of negotiations with the Japanese. Richard Lawrence quotes past statements by American Government officials such as the following: "We would like to see Japan become an importing superpower; not just an exporting superpower." The statement was dated 1986 but similar statements are being made today.

I am not criticizing either this administration or its immediate predecessor. Our problems in negotiating with the Japanese span several decades and several administrations, Republican and Democratic.

Sad experiences have shown us that we have to keep the feet of any administration to the fire when it comes to negotiating with Japan. Otherwise our negotiators come home with nothing.

The terms of this resolution are not radical; they are modest. They would provide the administration with much needed negotiating leverage with Japan on this and future defense arrangements.

Mr. President, I ask unanimous consent that an article by Mr. Richard Lawrence in the September 13, 1989, issue of the Journal of Commerce be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPANESE TRADE TALKS REVISITED

WASHINGTON.—Mull this over, please:

"High-level working talks between Japan and the United States began July 21 to discuss economic structural adjustments. The talks cover seven major topics, including investment aimed at expanding internal demand in Japan, savings and others aimed at correcting the foreign trade imbalances between the two countries. . . . Conclusions are to be reached as early as next spring."

The report is dated 1986.

And what about this? The U.S. undersecretary of state for economic affairs said, "We would like to see Japan become an importing superpower, not just an exporting superpower."

So Allen Wallis told a meeting here on April 23, 1986.

Sound vaguely familiar? Isn't that what President Bush confided to the world 10 days ago, as he bade farewell to visiting Japanese Prime Minister Toshiki Kaifu? And didn't a high-level U.S. government group only a week ago meet with Japanese officials on "economic structural adjustments?"

Yes, it's happening all over again.

Between 1982 and 1985, you may recall, there were no less than seven Japanese "action programs" to promote imports into Japan. Subsequently, Haruo Maekawa, a former Japanese central banker, delivered to then-Prime Minister Yasuhiro Nakasone two reports urging further reforms toward this end. In 1987, Mr. Nakasone reassured then-President Reagan of his plans to carry them out.

Meanwhile the U.S. dollar, at least partly as a result of U.S. and Japanese government actions, fell markedly against the yen in another attempt to the right the U.S.-Japanese trade imbalance.

Still, the U.S. merchandise trade deficit continues to hover in the $50 billion a year range.

Small wonder that skepticism envelopes the latest U.S. administration drive to correct the U.S.-Japanese imbalance. The drive constitutes a fresh attempt to "restructure" not only the Japanese economy but also Japan's society. In the process, it might also restructure Japan's politics.

Among the U.S. goals: alter basic Japanese inter-corporate relations, streamline Japan's market distribution system, make more productive use of Japanese land, make Japanese prices more market-responsive and offer Japanese citizens more leisure time. U.S. officials also are trying to encourage the Japanese to relax their budgetary policy and spend more on housing, roads, sewers and other infrastructure—a suggestion they have been trying to press for years.

By this time next year, the two sides are due to conclude the talks by announcing some substantive results, it is hoped. The scope of the changes urged and the political environment in Japan, however, lend the exercise a touch of unreality.

Many of the kinds of reforms the United States expouses, Japanese experts say, would create nasty political problems for the reigning Liberal Democratic Party, already shaking from financial and other scandals.

The reforms could undermine the party's support by farmers, cooperatives, retailers, wholesalers and manufacturers. Is Japan's Socialist Party, the Liberal Democrat's major opponent, an alternative to be welcomed by the United States? Highly unlikely.

Even if the Japanese government were to implement much of what the United States proposes, would it do much to reduce the U.S.-Japanese imbalance? It's hardly clear that it would, and if it did, the impact would be years in the making.

Arguably, the U.S.-Japanese trade imbalance is a built-in phenomenon and not restructurable.

The United States has twice the population of Japan. Moreover, U.S. per capita income, some estimates indicate, remains substantially higher than Japan's.

The United States is just a much bigger, more affluent market. And Japan's population is not growing, but aging.

Then there's the U.S.-Japanese product mix. Japan, relatively bereft of natural resources, must concentrate on higher-value production and export. This appears to give Japan the higher return per unit of export.

At the same time, Japan, as the economists say, is less import-elastic than the United States, because much of its purchases are basic materials. Its imports are less likely to reflect competitive changes.

There's the matter, too, of relative productivity. Overall, the Japanese may be only about three-fourths as productive as Americans. But in manufacturing, where the trade problem lies, the two countries are about equally productive, economists say.

The trouble is, Japanese manufacturing productivity has been steadily rising, twice as fast as U.S. productivity.

What will the new U.S.-Japanese talks generate? William Barnds, president of the Japan Economic Institute, a local research group, believes there's about as good a chance that the Japanese will undertake policy reforms as that the United States will enact reforms.

He says the best hope, at least for the near term, is a Japanese commitment to bolster public works spending.

Mr. BIDEN. Mr. President, I support the override of the President's veto of the FSX resolution (S.J. Res. 113) and I urge my colleagues to do the same.

I had hoped that Congress had laid this issue to rest 4 months ago when it overwhelmingly approved this resolution by a vote of 72 to 27. Quite frankly, I was surprised and disappointed by the President's veto of this legislation.

When this issue first arose last spring, I strongly opposed the FSX deal. I believed it was fundamentally flawed because it was based on a faulty, and defeatist, premise: That if we didn't agree to the FSX deal, Japan would go off and develop a fighter on its own. Starting from that premise, I argued, placed us in a losing position from the start.

Unfortunately, my efforts—and the efforts of many others in Congress—to derail the FSX failed, and the FSX codevelopment agreement will go forward.

Fortunately, however, Congress decided to improve this agreement by adding certain conditions, such as ensuring that certain critical technologies possessed by the United States will not be transferred, by urging that the coproduction agreement provide a U.S. workshare of at least 40 percent, and by codifying the role of the Commerce Department in monitoring the implementation of the agreement.

These additions to the agreement, to be sure, are quite modest. Quite frankly, I would have preferred additional restrictions. But even these modest provisions—which received wide support from both sides of the aisle—have met with a veto from the President.

The President's arguments against this resolution are not, in my view, convincing. For example, the President objects to the provision which calls for a new agreement between the United States and Japan before the production phase of the FSX goes forward. This is hardly an unreasonable provision, and does nothing that was not previously understood by both parties.

In fact, the side letters exchanged by Secretary of State Baker and Japanese Ambassador Matsunaga on April 28, 1989 already calls for a new memorandum of understanding [MOU] before the production phase. Ambassador Matsunaga's letter reads:

> When the FSX development program succeeds and moves on to the production phase, arrangements, including an MOU for the production phase, will be signed between Japan and the United States before any FSX production can take place.

Another objection of the President is that the provision requiring regular reports from the General Accounting Office [GAO], would:

> Inject a * * * legislative entity into the execution of the FSX Program in a highly intrusive manner * * * and poses the clear and significant risk of legislative entanglement in functions assigned to the executive branch.

This objection, in my view, is absurd. This provision merely requires reports from the GAO, the investigative arm of Congress. We do not tell the GAO to instruct the executive branch how to implement the FSX agreement. We are simply asking that the GAO watch the implementation of this agreement closely.

And we have a good reason for making this request. Previous aircraft agreements with Japan are not reassuring when it comes to the protection of important American technology. For example, in 1978, the United States and Japan agreed to coproduce the F-15. The memorandum of understanding for this arrangement specifically listed U.S. technology which would not be releasable for national security reasons. However, since 1978, Japan has repeatedly requested and successfully negotiated release of much of this technology.

In the face of these facts, the administration apparently expects Congress to blindly accept assurances that this experience will not be repeated. Well, Congress should not, and must not, accept such assurances. It is simply prudent to demand that the GAO examine this agreement on a continuous basis.

Mr. President, the resolution approved by Congress greatly improves the FSX agreement, and assures that vital U.S. technology will be protected. It is, quite simply, an insurance policy. I strongly urge my colleagues to support the override of the President's veto.

Mr. BINGAMAN. Mr. President, I rise today to express my support for overriding President Bush's veto of Senate Joint Resolution 113, the FSX resolution. I have been following this issue for a long time now, and I believe the FSX resolution is both right on the substantive merits and an appropriate exercise of the Congress' authority to regulate foreign commerce under the commerce clause of the Constitution.

We all know that intended policy often gets lost by the bureaucracy over time in the course of implementation. That is expecially true when there are strong internal and external forces fundamentally opposed to the policy. This is why we saw fit to incorporate the administration's stated intent on the FSX deal into law.

The fact is that the President does not disagree with the specific constraints the Congress would place on the FSX agreement by this resolution. That is not the argument being carried to us today.

The President does not want the U.S. share of FSX production to be less than 40 percent. Neither does the Congress. The President does not want to transfer to Japan commercially sensitive technology, such as engine hot-sections, and neither does the Congress. The President does not want technology to only flow from the United States to Japan. He wants the United States to receive technology flow from Japan back to the United States Congress agrees. We are, therefore, in complete agreement with the President on the critical issues in the FSX agreement. By enacting Senate Joint Resolution 113, Congress has, in effect, strengthened the President's hand in future negotiations with Japan on FSX production. The President recognizes this, and, in his veto message, he has not objected to the codification of these specifics into the FSX resolution.

Rather, the President has vetoed Senate Joint Resolution 113 largely on the grounds that the Congress is infringing on the prerogatives of the executive by involving itself in the outcome of negotiations on behalf of the United States with foreign governments. This, the President asserts, is an unconstitutional action on the part of the Congress.

I believe the President has been poorly advised on this issue. Article I, section 8 of the Constitution provides the Congress with the authority to regulate foreign commerce. The Congress has always exercised this authority with a heightened sense of responsibility. If we were to fail to exercise our authorities with respect to the FSX, we would be shirking our duties under the Constitution and we would be accomplices in the erosion of the constitutional powers of the Congress to regulate foreign commerce. Congress and the executive branch must work together as coequal partners—each exercising its constitutional authority—in a bipartisan and cooperative manner to develop these policies. The implications of the constitutionality argument, therefore, go well beyond the FSX case. If the President's veto is sustained, Congress will be an active participant in the cession of authority from Congress to the executive branch. It will not be easy to recapture this authority.

Therefore, Mr. President, I urge my colleagues to join together with me, and override this veto.

Mr. McCONNELL. Mr. President, as the first U.S. Senator to support President Bush in his campaign for that office, I am reluctant to oppose him in most instances, especially on an issue which he is willing to use his veto powers. But, I say to my colleagues, the President is wrong on this issue.

I share the view of several of my colleagues that the modest nature of the FSX resolution we placed before the President this spring did not warrant his veto.

The provisions of this resolution were so modest that it is difficult to understand what would be left of Congress' power to regulate foreign commerce should this veto be sustained.

Clearly, Congress has the power to restrict the transfer of technology to other countries. Article I, section 8 of the Constitution provides that "The Congress shall have Power * * * to regulate Commerce with foreign Nations."

Furthermore, this resolution is but a sense-of-the-Congress resolution. In the resolution Congress states its views, in a nonbinding form, on the negotiating position we should take in pursuing an agreement on coproduction of the FSX.

I do not believe that this resolution represents an intrusion in the relationship between the President and his Cabinet. Specifying a role for the Commerce Department in the FSX agreement is fully consistent with Congress' normal participation in trade matters. Our trade laws are replete with designations of particular departments to do particular jobs. In this regard, the FSX resolution is absolutely normal.

Finally, I am convinced that Japan's prior record illustrates a lack of governmental oversight of control over technology transfer. Therefore, the technology risks are great. A case in point was the Toshiba incident. That egregious incident made many of my constituents in Kentucky very angry. Toshiba sold sensitive quieting technology to the Soviets, enabling their submarines to go undetected by U.S. sonar. A more recent, but similarly illustrative and damaging event was the role Mitsubishi Heavy Industries played in the production of the Libyan chemical plant.

Mitsubishi Heavy Industries, the very company which chooses to do business with Libya, is a prime contractor for the FSX.

I am also convinced that the Japanese want to develop their own commercial transportation industry. Imagine this. It is the year 2010 and the Japanese aerospace industry is thriving on the advanced technology gained from the United States in the 1989 FSX deal. Japan has become the United States' most competitive rival—even taking clients away from the United States aerospace industry.

I do not want to provide the Japanese with a better aircraft than they could develop on their own because of this deal. It would create a competitor more quickly and will exacerbate the United States-Japanese trade imbalance.

Trade is a two-way street. This is a one-way deal. It is a one-sided flow of technology and production—and it sure isn't flowing our way. While I favor improving relations with the Japanese, I do not think that this should be done at the expense of America's economic competitive edge. On trade matters, the Japanese have demonstrated that they are not fair. If the Japanese need these planes, why don't they buy them like we buy their VCR's—right off the shelf. To help reduce the trade deficit, the Japanese could and should just buy our F-16.

For these reasons, I will vote to override the President's veto.

Mr. ROCKEFELLER. Mr. President, I am outraged by the President's veto of Congress' resolution on the FSX. It is critical that our Government nail down every possible advantage for the American aerospace industry in the codevelopment and coproduction of the FSX. It is vital that we fully understand all conditions of this arrangement. This resolution authored by my senior colleague from West Virginia, Senator BYRD, did precisely that, and all of us in this body should be extremely grateful to him. It is imperative that we override this veto today.

Quite frankly, the executive branch has a poor record in its history of negotiating with Japan. We reach an agreement and then walk away from the table satisfied that the negotiating process is over and the agreement will be executed, just as happens when we deal with most other countries. Incredibly, we haven't yet learned that Japan is different. We go home smiling and satisfied. The Japanese walk away from the table, but they then head back to their offices to develop their strategy for the next stage of what they consider a never-ending bargaining process. They never stop pressing for advantage. Inevitably, in telecommunications, in forest products, case after case, 6 months or a year or 2 years later, we suddenly realize that the market we thought had opened was still closed, that the barrier we thought had been removed was still there in another form, that the good intentions in the negotiations had not been translated into concrete change.

In this resolution, the Congress simply tried to nail things down, to put some specific numbers in the agreement, to make it clear what we had agreed to so that there would be fewer misunderstandings in the future. We tried to assure that there would be follow up and monitoring throughout the course of the agreement.

This resolution does not require renegotiation of the agreement. It imposes no delay on the start of codevelopment and coproduction. It does, however, provide the executive branch with better tools to maximize the benefits received by the United States.

It is high time that we understood that trade, technology, economic, and financial matters have become vital in defining the U.S. national interest. We can no longer afford a defense policy that excludes these crucial aspects of our national strength. The FSX issue forced us, for the first time, to blend defense interests with equally critical economic interests. And this resolution will help assure that these vital economic interests will be protected. I urge my colleagues to vote to override the President's veto.

The PRESIDING OFFICER. The time for the opponents has expired.

Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, I want to respond to the comments of the distinguished minority leader, Senator DOLE.

Mr. President, I am behind the President. I consider myself one of his staunchest supporters, and I have been especially behind him in matters relating to the prerogatives of the Presidency.

I have written op-ed pieces. I have made speeches on the floor of the Senate. I believe I have been one of his strongest advocates.

Mr. President, I did not pick this fight. I did not want this fight. I did everything I could think of to avoid this fight. I called up the Chief of Staff, Mr. Sununu, and I called up Roger Porter. I asked them if there was any way we could have ways to finesse this whole situation.

I asked for a meeting with the President. I went to the White House. I presented him with a memo explaining our position. I did not want a confrontation. It is not our side of this argument that is asking for a confrontation between the White House and the Congress.

If you read the two stories in the Wall Street Journal, it is something that has been thought up in the administration, I think primarily by Mr. Boyden Gray. It is viewed as some sort of test, but it is not a test to preserve existing Presidential power. It is a test which would contract existing congressional power. It is a statement by the administration that Congress should simply get out of the way in trade matters; that even a sense-of-the-Senate resolution is too much for Congress, that even a request for a GAO report is too much for Congress to do, that we should just get out of the way, that it is not our business.

But, Mr. President, it must be our business. It is our constitutional responsibility, and it is more than that. If Congress gets out of the way, if Congress' only role in trade policy is a consultative role, and advisory role, then the result of that is that the economic and commercial interests of this country will almost always be shunted aside within the administration, almost always trade will come last, and almost always it will be a bargaining chip in the hands of the State Department and the Defense Department.

It is not just the Bush administration. I have been here under three Presidents. Always, the complaint by Congress is in every administration it comes last. The role of the Congress must be to try to elevate the economic interests of the United States in our dealings with other countries. That is the position of the Congress. That is the role of Congress. And if we do not fulfill that responsibility, no one else is going to do it.

It is not going to be done in the Pentagon. It is not going to be done in the State Department. It is no going to be done in the National Security Council. Always, it is going to be in the name of better relations, let us make this concession or that concession.

Some say that the role of Congress is to send messages to Japan, Korea, or to whomever. I have never really believed that. I think it is useless to try to send messages to other countries from Congress. The role of Congress always in my opinion is to send messages to the administration, whatever administration, to make sure that the economic interests of this country, the interests of our constituents, are weighed in or heard.

That is all we try to do with this FSX resolution, to raise the visibility of the commercial concerns of the United States. We did it in a modest way, sense-of-the-Congress language, GAO report, a role for the Commerce Department at the negotiating table, and already agreed-to restrictions on technology transfer.

That is all we did. It was modest. It was a modest, quiet statement of congressional concern for the commercial interests of the United States. The position of Mr. Boyden Gray and others in the administration is even that is too much, even that modest voice for the commercial interest is too much: Get out of our way.

Under the Constitution, we cannot get out of the way. I would love to do everything that I could for my President. I respect him very, very much.

But, Mr. President, I cannot agree to giving up a responsibility which is constitutionally ours.

The PRESIDING OFFICER (Mr. GORE). The Senator's time has expired. The Senator from Illinois is recognized for the 6 minutes remaining.

Mr. DIXON. Mr. President, I reluctantly rise to close for this side. I hoped that the distinguished President pro tempore could do that. He is the sponsor of the resolution that has been vetoed and is presently being debated. I am sure every Senator knows he is the distinguished chairman of the Appropriations Committee. They are in markup. He cannot be here.

Let me simply say this in closing, and in urging my colleagues on both sides of the aisle to vote to override the veto of the President.

I say with every concern for the good wishes of my friend from Indiana when I make these remarks that one thing he suggested I must take very strong issue with. He suggested several times that the vote on my resolution of disapproval, which was 52 to 47 against that resolution, was in effect an affirmation of the memorandum of understanding between the United States and Japan by the Senate.

I reject that out of hand. Every Senator who was here at the time remembers that Senator DANFORTH spoke against my resolution of disapproval. The distinguished senior Senator from Texas, the chairman of the Finance Committee, spoke against my resolution of disapproval. The distinguished senior Senator from Rhode Island, the chairman of the Foreign Relations Committee, was opposed both in the committee and on the floor to my resolution of disapproval.

Why? Because in every case they said they would support a reasonable and fair memorandum of understanding that protected American workers, that protected the secrecy involved in this agreement with Japan so far as transferring technology to other countries, and that further was protective of American interests.

When the vote was taken on my resolution it was defeated 52 to 47 but I would remind my colleagues that then 72 Members of the Senate knew full well that behind my resolution of disapproval was a resolution by the Senator from West Virginia, a resolution that approved of the FSX agreement but put very tight constraints on it. So those 72 people voted for a memorandum of understanding substantially altered in form.

I am going to conclude immediately, and yield the remainder of my time to the distinguished senior Senator from West Virginia, the President pro tempore, who is the sponsor of this resolution. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois [Mr. DIXON].

Mr. President, I regret the President's decision to veto Senate Joint Resolution 113, and I resist framing this debate in terms of a struggle between the executive and legislative branches. This should not be some kind of turf battle. The preservation of a healthy U.S. industrial base and U.S. competitive edge in leading technologies, such as aerospace, is too important to get into turf battles.

When the administration first presented the FSX agreement to Congress, many Senators, myself included, expressed grave reservations about the wisdom of such a deal. But, by a narrow margin, the Senate chose not to block that codevelopment agreement. I accepted that judgment on the part of the Senate and offered an amendment to strengthen the deal for America, and to provide support to the President in any future negotiations concerning this project.

Whenever our country appears to be divided in its approach to our adversaries, or even, as with Japan, our allies in connection with economic and commercial matters, we are vulnerable. The Japanese have proven adept at finding opportunities to deviate from agreements signed with the United States, and on several occasions, simply violated those agreements. The semiconductor and telecommunications cases are two recent examples. So it has proven very difficult to negotiate airtight, predictable agreements with the Japanese. Many questions were raised about various aspects of the initial FSX deal, and were continued to be raised even after various clarifications were obtained by the President from the Japanese earlier this year.

There is nothing in the FSX legislation this body passed overwhelmingly, and the other body passed overwhelmingly, that has not been clearly stated as administration policy already. Every provision, if implemented fully, would help guard against eroding key aspects of the FSX program we deem essential. If I were the President, I would have pocketed this raisin, and used it to advantage to ensure that the FSX deal comes out the way we all would like. This resolution adds support for the President's position, and adds to his leverage, and that was the purpose behind it when I offered the amendment. By rejecting this offer of support, the administration unintentionally is inviting the Japanese to begin challenging those critical protections for United States technological leadership that we all agree on. It tempts the Japanese to play a game of divide and weaken.

I believe the President's hand is strengthened if this joint resolution is passed over his objections. The provisions of the resolution are reasonable and modest. They ratify the key aspects of the policy on the FSX that have already been articulated by the President, and they enhance American leverage. Strong leverage, firmly anchored in congressional support, is clearly needed in implementing deals negotiated with the Japanese. A veto of this bipartisan resolution sends the wrong signal to the Japanese. I hope that we can correct that today in this body with a vote to override, and let us send the right signal to the Japanese.

I thank the distinguished Senator for yielding to me.

I yield the floor.

The PRESIDING OFFICER (Mr. GORE). All time for debate has expired. The vote was set by unanimous consent for the hour of 5:15 p.m.

The Chair notes the absence of a quorum.

The legislative clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 5:15 p.m. having arrived, the question is, shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory.

The legislative clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 66, nays 34, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—66

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Bryan
Bumpers
Burdick
Byrd
Coats
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wilson
Wirth

NAYS—34

Armstrong
Boschwitz
Bradley
Burns
Chafee
Cochran
Dole
Domenici
Durenberger
Garn
Gramm
Grassley
Hatch
Hatfield
Humphrey
Jeffords
Kassebaum
Lott
Lugar
Mack
McCain
McClure
Murkowski
Nickles
Packwood
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 66 and the nays are 34. Two-thirds of the Senators present and voting, not having voted in the affirmative, the joint resolution, on reconsideration, fails of passage.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 3015, which the clerk will report.

The legislative clerk read as follows:

An act (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is the Lautenberg amendment, No. 728, to the second excepted committee amendment.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, now that the managers are present and the distinguished Senators from North Carolina and South Carolina are present, it is my intention that the managers will now proceed to complete action on those amendments remaining to the transportation appropriations bill, or those matters pertaining to it, other than the previously pending Byrd amendment and the subject raised with respect to tobacco by the distinguished Senators from North Carolina and South Carolina, the amendment by the Senator from New Jersey.

I inquire of the present Senators, and any other Senators listening, whether there is any objection to so proceeding in the expectation that discussions underway between myself and the distinguished Republican leader may result in withdrawal of the Byrd amendment pending an agreement on disposition of that matter and the cloture vote now scheduled for 1 hour after the Senate convenes in the morning.

And I further inquire of the managers as to whether it will be necessary to have rollcall votes on any of the matters remaining, other than the two to which I have referred.

The answers to these questions will permit me to advise Senators as to whether it is necessary to remain further this evening for possible rollcall votes.

Mr. HOLLINGS. Mr. President, I want to be understood clearly. Do not let the picture show I am sitting next to the Senator from New Jersey because I am not agreeing with him at all, although I have the greatest respect for my distinguished colleague.

In all seriousness, Mr. President, I have on behalf of the Committee on Commerce a point of order to be made. I was awaiting the debate today and, of course, have been engaged in four different appropriations subcommittee markups, votes, and otherwise. I did not want the cloture vote to forestall that particular point of order. I understand it will not. It can be made after the cloture vote with respect, under rule 15, that the smoking amendment is a serious matter of primary jurisdiction of the Committee on Commerce. I do not make that point at this particular time, but I do not want to mislead the leadership and the distinguished managers of the bill with respect to the intent on this Senator's part as the chairman of the Committee on Commerce.

Mr. LAUTENBERG. Will the majority leader yield?

Mr. MITCHELL. Certainly, I do.

Mr. LAUTENBERG. To just confirm that which is being discussed here that tonight we will be taking up the issues remaining, excepting the Byrd and Lautenberg amendments so described and that no points of order will be raised this evening.

Mr. MITCHELL. That is precisely what I was asking. That is understood then.

Now, on the second part of my question, which will enable me to advise Senators as to the remainder of the evening, can the managers now advise as to whether any of those remaining matters, other than the two that have been specifically mentioned, will require rollcall votes, because if not, then I could now announce to Senators that there will be no further rollcall votes and Senators could adjust their schedules. We have to finish those this evening and, if they are going to take votes, we ought to proceed with dispatch and get the votes out of the way as soon as we can.

Mr. LAUTENBERG. It is my understanding and I am willing to say that there will not be a need for rollcall votes.

Mr. MITCHELL. May I ask of the minority manager?

Mr. D'AMATO. I do not believe there will be a necessity. I believe there are about eight amendments, six we have already signed off on. Two may have technical impediments. At the worst, we would be able to move without rollcall votes. It is not a guarantee, unless someone presses.

Mr. LAUTENBERG. I think the majority leader needs better assurance than that.

Mr. D'AMATO. I certainly am not going to press for any rollcall votes. I do not think there will be any. There is one I am aware of. I do not believe there will be.

Mr. MITCHELL. Is there an amendment ready to be pursued at this moment? Is there a Senator ready to pursue one?

May I suggest we proceed to take the Pryor amendment and, during that time, if the staffs of the managers could contact each of the other Senators who have one of those amendments pending, by the time that is completed, that is, within the next 10 minutes or so, and could apprise me of the results of that, I could advise all Senators as to tonight's schedule.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are now ready to accept amendments as described by the majority leader, and the first of those is an amendment that the Senator from Minnesota would like to propose. I would like to yield for the purpose of hearing his amendment.

AMENDMENT NO. 733

(Purpose: To make available grants for the soundproofing of private schools in noise impact areas surrounding airports)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendments are temporarily set aside and the clerk will report the amendment of the Senator from Minnesota.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 733.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other law, funds appropriated or made available by this Act or any other Act, for purposes of section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)), may also be expended for soundproofing of private schools in a noise impact area surrounding an airport which, on the date of the enactment of this Act, has submitted a noise abatement plan pursuant to Federal Aviation Regulation 150 but such plan has not, as of such date, been acted on by the Secretary of Transportation. The expenditure of such funds pursuant to this section shall be at the discretion of the Secretary of Transportation, and in accordance with regulatory requirements applicable to soundproofing of public schools under section 104(c).

Mr. BOSCHWITZ. Mr. President, this amendment would make a minor change in the Aviation Safety and Noise Abatement Act of 1979, which was amended by the Senate in 1987.

In short, Mr. President, section 104 of the act authorizes the Secretary of Transportation to make grants to soundproof schools that are adversely affected by airport noise.

Following the passage of this legislation in 1979, grants from the program were used to put soundproofing in many schools and hospitals around the country. Congress considered it important that schoolchildren be allowed to pursue their education without the distraction of airplane noise throughout the day.

When Congress amended this act in 1987, however, the amendment included the phrase "public building" in determining who would receive grants. Since that time, we have heard of instances in which private schools, including church-connected or parochial schools, have been denied funding for noise abatement, while public schools in the same area have been soundproofed.

I do not believe that was the intent of Congress, Mr. President, and this amendment will simply clarify the language to allow private schools in high noise areas to receive grants under this soundproofing program.

Mr. LAUTENBERG. Mr. President, I have no objection to this. I understand that my colleague, the ranking member of the subcommittee, has no objection.

Mr. D'AMATO. We have no objection, Mr. President.

Mr. LAUTENBERG. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 733) was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 734

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk in a the nature of a technical correction and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendments are set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 734:

On page 33, line 14, delate the word "Lake".

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 754) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 735

(Purpose: To strike directed scorekeeping provisions)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It is a technical amendment requested by Mr. SASSER, the chairman of the Budget Committee.

The PRESIDING OFFICER. Without objection the pending amendments are temporarily set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. SASSER, proposes an amendment numbered 735.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, beginning with line 16, strike all through "as amended" on line 23.

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 735) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 736

Mr. LAUTENBERG. Mr. President, we have an amendment that I understand is going to be proposed by the Senator from Arkansas. I ask that he be heard on his amendment.

Mr. PRYOR. Mr. President, I thank the distinguished manager, the Senator from New Jersey.

Mr. President, I do have an amendment. I send it to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendments will be temporarily set aside and the clerk will report the amendment of the Senator from Arkansas.

The legislative clerk read as follows:

The Senator from Arkansas, [Mr. PRYOR] proposes an amendment numbered 736.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . (a) Not more than $16,371,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Transportation.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Transportation shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(C) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. PRYOR. Mr. President, this is one more in a series of amendments that I have offered to the continuing chain of appropriations bills coming through the Senate at this time.

I must say that all of the amendments that I have offered on the subject of consultants and attempting to reduce the number of consulting dollars we spend outside of the Federal agencies and by the Federal agencies have been accepted by the managers on the prior bills. This, of course, Mr. President, applies to the Department of Transportation appropriations bill.

The House of Representatives appropriated $11.7 billion for the Department of Transportation. The Department of Transportation, Mr. President, has 63,754 Federal employees. For the years 1987 to 1989 the Department of Transportation reported 9,800 contract actions in the private sector. This includes modification, it includes task orders. In 1987, according to the General Accounting Office, the Department of Transportation spent $227.6 million on private consultants. This again, Mr. President, was for the year 1987.

The Department of Transportation recently issued a very interesting contract to a private consulting firm. Listen to this. The Department of Transportation last spring had a contract with a consulting firm for the total of $970,000—almost $1 million—for the study of the role of drugs in fatal car crashes.

Well, you might think, Mr. President, that that would be an appropriate study, especially with President Bush's drug war and the discussion about the war on drugs. However, this same issue, on which the Department of Transportation has just spent $970,000 to study, has been studied exactly 141 times since 1970. These are the types of contracts, Mr. President, that we are trying to oversee, we are trying to check, and we are trying to actually see to whom these contracts go and why they are necessary.

In section 1114 of title 331, the Department of Transportation has requested for this coming fiscal year $16,371,000 for consultant use. All my amendment says, Mr. President, is that of this $16,371,000 they are requesting is all they are going to get and all they can expend.

If we use 1987 figures and see what they have requested for 1990 appropriations, we will see a reduction of some $211 million in outside private consultant use.

Mr. President, year after year Federal agencies inaccurately report what they are spending on consultant services. The reason we have Appropriations Committees is so they can examine an agency's proposed spending. However, if the agency understates their costs, then that agency is depriving the Appropriations Committees and Congress as a whole of their ability to make informed decisions.

To give the agency an accurate idea of what it is actually spending on consultant services, the amendment also requires the Secretary of Transportation to submit a quarterly report to Congress and the Comptroller General on the funds obligated and expended by the Department during that quarter. This report will provide the Congress with information on the types of services we are buying. Furthermore, the report will contain the reason the agency felt that no Federal worker could perform these jobs. The Comptroller General is then requested to review the reports submitted by the Secretary and make any recommendations that he sees fit.

Mr. President, let me emphasize that this year I am proposing to use the figures on consulting services the agencies themselves sent up to the Congress. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this simple approach will enable us to assure the taxpayers that the Federal Government is carefully monitoring the way we are spending their money.

I think that this is a good amendment, Mr. President. Once again, this series of amendments has been accepted by other managers of other appropriations bills as they have come to the Senate floor, and I am very hopeful we will obtain acceptance by the managers and support by the full Senate.

Mr. PRYOR. Mr. President, at this point I yield the floor.

Mr. LAUTENBERG. Mr. President, this amendment is perfectly acceptable and I, if it has not been said, urge acceptance of the bill. I am looking to my colleague to see if he has any problems with this amendment.

Mr. D'AMATO. Not only do I not have any problems with the amendment, I am pleased to support it.

Mr. LAUTENBERG. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 736) was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I thank both distinguished managers of the bill, the Senators from New Jersey and New York, for accepting this amendment. I very much hope that in conference they will insist on this amendment. I think it is a good amendment. I think it is timely and once again I am very grateful.

Mr. LAUTENBERG. Mr. President, I say to the Senator from Arkansas that we respect his diligence in pursuing this matter. The fact is that there have been instances of consulting contracts that appear to be unproductive in their final determination and costly in the process, and I thank the Senator from Arkansas [Mr. PRYOR] for his constant pursuit and diligence in these matters and thank him very much for his contribution.

Mr. MITCHELL. Mr. President, will the Senator yield briefly?

Mr. LAUTENBERG. I am happy to yield to the majority leader.

Mr. MITCHELL. Mr. President, I have now discussed the matter with both the majority and minority managers and am advised that they anticipate being able to dispose of all of the remaining amendments without the necessity for any further rollcall votes. Is that correct? I pose the question to the minority manager.

Mr. D'AMATO. The majority leader is correct.

Mr. MITCHELL. Accordingly, Mr. President, there will be no further rollcall votes this evening. Prior to the time that the Senate goes into recess this evening, I will announce the schedule for tomorrow morning, but for the benefit of Senators who may be leaving, we anticipate that there will be a rollcall vote on the energy and water appropriations conference report tomorrow morning shortly after 10 a.m. to be followed immediately by the cloture vote that would otherwise occur 1 hour after the time the Senate convenes tomorrow. So Senators should be aware that two rollcall votes are expected tomorrow morning sometime shortly after the hour of 10 o'clock.

Mr. President, I thank the managers for their cooperation, and all of the other Senators for their cooperation. I yield the floor.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. EXON. Mr. President, I offer—first, what is the pending business before the Senate, I ask the Chair?

The PRESIDING OFFICER. The pending business before the Senate is, at this time, the Lautenberg amendment to the Department of Transportation appropriations bill.

Mr. EXON. I am prepared to offer an amendment, I advise the Chair, not to the Lautenberg proposal, but to the bill as a whole.

I am asking the Chair if it would be appropriate for me to offer this amendment at this time so it could be printed in the RECORD.

I explain to the Chair I am doing this at this time because there is a possibility of a cloture motion. I wanted to reserve the right that this amendment be offered and considered sometime appropriately. I do not wish to be cut out of the pending consideration of the cloture petition.

Would it be proper and is it in order for the Senator from Nebraska to offer an amendment to the bill at this time to temporarily set aside the measure currently before us?

The PRESIDING OFFICER. The Chair will advise the Senator from Nebraska that he has the right to offer the amendment for printing, but it would take unanimous consent to set the Lautenberg amendment aside.

Mr. EXON. I ask unanimous consent that I be allowed a matter of 60 seconds for the purpose of introducing the amendment. I will not ask for action on it at the present time.

Mr. D'AMATO. Mr. President, I reserve the right to object. I would have to see the amendment and have an opportunity to check it.

Mr. LAUTENBERG. I, too, do not like to ever say no to our distinguished colleague from Nebraska. But I would like the opportunity, and it is required, very frankly, based on the understanding that we had when the unanimous-consent request was made, and it listed a certain number of amendments which were going to be considered.

In fairness to the Senator from Nebraska, we would have to see and agree between us whether or not that amendment is acceptable.

The PRESIDING OFFICER. The Chair would advise the Senator from Nebraska, should he desire to send his amendment to the desk for the purpose of printing of the amendment, that this does not take unanimous consent. But if the Lautenberg amendment is set aside, actually unanimous consent is needed.

AMENDMENT NO. 737

Mr. EXON. I thank the Chair for the explanation. I only gave my explanation so I would send a clear signal to the managers of the bill that I was not trying to interrupt the flow of business. Since I do not need unanimous consent, since I have the floor, I send an amendment to the desk and ask it be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be printed in the RECORD.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Section 10301(c) of title 49, United States Code, is amended by inserting ", except that the member may not so continue to serve more than one year after the date on which the member's term would otherwise expire under this subsection" immediately before the period at the end of the third sentence.

(b) The amendment made by subsection (a) shall take effect on November 1, 1989.

Mr. EXON. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 100-204, announces the appointment of the following individuals from the private sector to the U.S. Commission on Improving the Effectiveness of the United Nations: the Honorable Jeane Kirkpatrick and the Honorable Alan Keyes.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. Pursuant to the provisions of 22 U.S.C. 276, as amended, and the order of the Senate on August 4, 1989, empowering the President of the Senate, the President pro tempore, and the majority and minority leaders to appoint commissions, boards, and committees authorized by law or by the Senate, the Chair announces the appointment by the Vice President on August 11, 1989, of the Senator from Tennessee [Mr. SASSER] to the Senate delegation to the Fall Interparliamentary Group Meeting, held in London, England, September 4-9, 1989.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 738

(Purpose: To authorize the Secretary of Transportation to guarantee certain loans)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of Senators LEVIN, PRESSLER, HARKIN, DURENBERGER, SIMON, and BOSCHWITZ, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for Mr. LEVIN (for himself, Mr. PRESSLER, Mr. HARKIN, Mr. DURENBERGER, Mr. SIMON, and Mr. BOSCHWITZ), proposes an amendment numbered 738.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, or any other law, the Secretary of Transportation shall, during fiscal year 1990, under his authority under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831), guarantee and make commitments to guarantee obligations of railroads incurred for rehabilitation and improvement of facilities of equipment, acquisition of new railroad facilities, or refinancing of existing debt, but in no event shall such guarantees exceed $50,000,000 in the aggregate. For purposes of this section, no obligation shall be guaranteed and no commitment shall be made to guarantee any obligation issued or purchased by the Federal Financing Bank, or any other Federal entity.

Mr. LAUTENBERG. Mr. President, this is an amendment that the Senators named have been urging upon us. We did have an objection raised at first to the amendment based on the scoring developed by the Budget Committee. That has since been reviewed and now we find that there will not be a budget problem.

I invite Senator PRESSLER who has been urging the adoption of this amendment now to speak on behalf of the amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, this amendment gives the Secretary of Transportation the authority to guarantee loans up to a total of $50 million for the rehabilitation and improvement of facilities or equipment, acquisition of new railroad facilities, or refinancing of existing debt.

I wrote this amendment to the transportation appropriations bill to resurrect a program that potentially can breathe new life into the shortline and regional railroad movement. I appreciate the cooperation of the chairman and ranking member in agreeing to this amendment.

To demonstrate the need for this loan guarantee program, established by section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (or the 4-R Act), I need only to tell the story of the Dakota, Minnesota, and Eastern [DM&E] Railroad. The DM&E serves South Dakota, North Dakota, Minnesota, and Iowa.

The railroad began operations in 1986 on track that otherwise would have been abandoned. Railroad service to over 100 communities would have ground to at halt if the DM&E had not been created. Today, the railroad is hauling mainly farm and food products on over 1,000 miles of track.

Unfortunately, this new carrier is caught in a financial trap. The purchase price, rehabilitation costs and working capital debt have created a crushing debt burden for the railroad. As a new startup company, the DM&E's acquisition debt carried a short repayment period and high interest rates. These were the only terms available in the private market at the time.

The situation has been complicated by the recent drought that has deteriorated the railroad's traffic base. The DM&E is in a cash flow bind. Other regional railroads that came into existence as an alternative to abandonment are in very similar situations. The DM&E is not unique.

With the availability of section 511 loan guarantees, the DM&E debt can be refinanced over a 25-year period at essentially the cost of money to the Government. This refinancing could yield an immediate cash flow benefit of up to $4 million annually for the company.

Because these loan guarantees would be processed through private financial institutions rather than the Federal Financing Bank, this amendment has no budgetary impact. The Federal Railroad Administration does not oppose this loan guarantee program.

Mr. President, one of the brightest spots in our Nation's transportation scene has been in the area of our regional railroads.

Many years ago, I served as a member of the National Transportation Policy Planning Board which issued a report on the condition of our Nation's infrastructure. At that time, our railroads were in a shambles.

Since that time, we have had the development of regional and shortline railroads, as well as the resurgence in railroads across the country.

All taxpayers have an interest in the survival of railroads because it will help move our products, keep our country more competitive, take the pressure off the interstate highways, and benefit sound transportation policy.

It is not just the Midwest. Indeed, just this past weekend, I was in the State of Maine meeting with a group of people about shortline railroads. I know throughout our country that the large States have shortline railroads—in New York, New Jersey, and California. There are several in the South. It is a resurgence. But some of them need the opportunity, after going through a rough period of time to have some reasonable financing alternatives. This amendment will help open that door.

Mr. President, I conclude by thanking the chairman and the ranking member very much for their consideration. I know many of my colleagues have also supported this amendment. As the original drafter of this legislation I am very appreciative of the cooperation that we have received from the chairman and ranking member.

Mr. D'AMATO. Mr. President, I congratulate the Senator from South Dakota for his perspicacity and persistence in moving forward with this legislation.

It is not only important to his region of the country but to many others as well. I might point out that a number of the small regional railroads and shortline railroads, such a the Delaware & Oswego Railroad in New York State, will also have the opportunity of being beneficiaries of this program to revitalize small railroads.

Let me commend the Senator and his colleagues for pressing forward in this matter, and let me congratulate the chairman of the subcommittee for lending his prestige and his support to help revitalize these smaller, older railroads that need this help. In the long run this loan guarantee program will pay great dividends to the commerce of our country and to our environment as well.

Mr. LAUTENBERG. Mr. President, I too want to congratulate the Senator from South Dakota. He has been a persistent advocate here and these railroads are in need of help. We are pleased that we were able to get this done in such a way that we do not have to take funds from another source to do it.

With that, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 738) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table,

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed at this time to set aside the pending amendment for the purpose of the Senator from Nebraska offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. EXON. I am glad to yield for a question.

Mr. LAUTENBERG. Just so we can get a fix on the time structure that we are dealing with, does the Senator have a set amount of time that he needs?

Mr. EXON. I would advise my colleague from New Jersey that I will be brief. No longer than 5 to 7 minutes.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

AMENDMENT NO. 737

(Purpose: To limit the period during which an Interstate Commerce Committee member may serve after the member's term of office has expired)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 737.

At the appropriate place, insert the following:

SEC. . (a) Section 10301(c) of title 49, United States Code, is amended by inserting ", except that the member may not so continue to serve more than one year after the date on which the member's term would otherwise expire under this subsection" immediately before the period at the end of the third sentence.

(b) The amendment made by subsection (a) shall take effect on November 1, 1989.

Mr. EXON. Mr. President, one of the most contentious issues during the last two Congresses was a proposal to amend the Staggers Rail Act of 1980. As my colleagues know, the Staggers Act was the landmark legislation which substantially deregulated the rail industry, while retaining a measure of regulation for captive shipments and to ensure the retention of competition. The Interstate Commerce Commission was charged with implementing the act and regulating in areas where market forces could not otherwise be expected to fill the void.

The Staggers Act is generally viewed as an extremely successful piece of legislation. After more than a decade of economic failure, the Staggers Act served to revitalize the rail industry. The quality of service to most shippers improved dramatically. However, not all shippers were satisfied. Some argued forcefully that the ICC was too slow to act in implementing the protections intended in the Staggers Act. In an effort to address this problem, key Members of the House and the Senate introduce legislation to amend the Staggers Act to ensure that the protections intended under the 1980 act were in fact enforced and available to those who felt themselves in a difficult position.

After extensive debate and numerous hearings, the Staggers Act issue came to a vote before the Commerce Committee in September of last year. By a vote of 10 to 9, the committee defeated legislation to amend the act. I voted with the majority against the proposed legislation—the so-called CURE bill. I further argued against the bill in my role as Surface Transportation Subcommittee chairman. Our hearings had led me to conclude that there is nothing inherently wrong in the Staggers Act that cannot be corrected by an Interstate Commerce Commission which correctly interprets the act as Congress intended. And with one new commissioner confirmed by the Senate last August, one additional commissioner whose term expired at the end of 1987 and with the ICC Chairman's term expiring at the end of 1988, we had before us the immediate prospect that the markup of the five-member ICC would be changed. In my view, it was—and is—far more preferable to address any problems with the implementation of Staggers through the appointment process, rather than through amendments which could disturb the delicate balance that was struck in the 1980 legislation.

In my opinion, last year's narrow defeat of the CURE bill in the Commerce Committee was the direct result of the prospect of changes in the markup of the ICC. However, 1 year after the committee's action there has yet to be a way to make the changes because of the makeup of the ICC.

Two of the Commissioners whom we expected to be replaced continue to serve on the commission. One is serving 20 months beyond the expiration of his term.

I simply state, Mr. President, that in my view this is unacceptable and certainly seriously undermines the arguments that were made last year in defeating the CURE bill, and one of the reasons, as I explained, that I voted against the CURE bill.

Had I known there was going to be this long a delay, I very likely would have voted otherwise.

My amendment would bring the practice of the ICC in conformity with the practice at a number of other independent commissions, including the Consumer Product Safety Commission, the FERC and the Postal Rate Commission.

This amendment would ensure that members of the ICC could not serve indefinitely on the ICC after their terms expired. Which has been the case, obviously, with the history that I have just cited.

This amendment would limit Commissioners to serving in their appointed term plus a maximum of 1 additional year. It seems to me that is very lenient.

What we are saying is, if we have terms for Commissioners, recognizing that for a variety of reasons, sometimes, there are delays, the delay cannot be longer than 1 year.

Another way of putting this, Mr. President, would be that a person serving as a member of the ICC with the explicit term in his appointment, would be able to serve 1 additional year after his term has expired. It seems to me that that is plenty long.

This would force the White House and the Senate to ensure that replacements are nominated and confirmed in an orderly fashion, as the terms expire on the Interstate Commerce Commission. Adoption of this amendment would help us avoid further problems like those that we face today.

I would also suggest it would serve to fulfill the commitment that was made a year ago in debating the proposed Staggers Act revision.

Mr. President, I know there are other Senators, including Senator Hollings who is chairman of the full committee which has the ultimate authority over these nominees, who share my concern about what is currently going on and the games that are being played with the appointments to the Interstate Commerce Commission. I believe many Members share my belief in this amendment.

As one of the key votes against the legislation to revise the Staggers Act, Chairman HOLLINGS is also supportive of the need to ensure that the promise of new Commissioners is fulfilled.

It is further my understanding that Chairman HOLLINGS would eagerly support scheduling ICC confirmation hearings, after we are presented with nominees for the two positions currently held by the Commissioners whose terms have already expired. We cannot in good conscience act on a sole nominee that is before us, when there are two terms that have expired.

It is incumbent upon us to ensure that the two new Commissioners appointed to fulfill these critical positions represent the proper balance. The chairman and I share mutual interest in seeing that this occurs and that the confirmation hearings are scheduled expeditiously; as soon, Mr. President, as we see both of the nominees from the White House.

Mr. President, the reasons for my amendment are clear. I also believe it represents sound policy and will serve the long-term interest of our Nation's vital transportation network.

Mr. President, I urge my colleagues to join me in support of this amendment.

The **PRESIDING OFFICER.** The Senator from Wisconsin.

Mr. **KASTEN.** Mr. President, I would like to commend the Senator for this amendment. But at the same time I am going to speak in opposition to it, because I share his concern about this nomination process and I want to say, people on our side of the aisle are as frustrated as people on my colleague's side of the aisle, on a number of these nominations before us in the Commerce Committee and particularly the ICC.

When we learned of the Senator's amendment I contacted the administration and I said I believe the amendment has merit. Somehow we have to get off the dime on these appointments. They came back to me and said that they will, within a period of 2½ or 3 weeks, I understand, come before us with the nominees and that the process can then go forward.

If this amendment were to pass now, we would find ourselves with two Democratic and one Republican ICC member left. And I think that would be a result that would create confusion. Maybe for a couple of weeks they could do something or another, get into a fight with the administration, but overall I do not think that would be good business.

But because of the fact that the Senator has brought this amendment forward, we now, I believe, are getting some action downtown, So, I want to congratulate him for what he is doing. I think that my colleague has gotten them off the dime.

It is my understanding representatives of the administration have either been in touch with the Senator or his staff. They should have, at least. We have not had an opportunity to discuss this. But, I assure him that action is being taken and, in fact, we will get ourselves out of this logjam that we find ourselves in now.

I would rise in opposition to the amendment. I believe it is not necessary and I also think some of the problems that would be created by the amendment as written would be things that could come back to haunt us in the future.

But the fact is, simply by bringing this question up, we have already made progress and I thank my chairman on the Surface Transportation Subcommittee for that effort.

The **PRESIDING OFFICER.** The Senator from Nebraska.

Mr. **EXON.** Mr. President, I thank my distinguished friend and colleague from Wisconsin for his remarks. I first want to say it had never crossed my mind until he made the statement that if this amendment would pass we would find ourselves with a majority of Democrats, at least temporarily on the Commerce Committee. I want to assure him that that thought had never crossed my mind.

I am not sure that it is entirely accurate because I believe that at the present time we only have one of the Commissioners that I referenced in here, whose term does not expire until the end of this particular year. I believe at the present time there is another commission member—and I may stand corrected on this—who has been over the 1-year term. Which I think more than anything else cites the great difficulty and great concern that this has casued.

What this has allowed the administration to do, Mr. President, is just not to send up nominations and therefore thwart the oversight role of the Congress of the United States. And especially, as the Senator from Wisconsin knows full well, it thwarts the basic intent of that critical 10-to-9 vote that we had in the Commerce Committee last year.

I think probably the only reason that CURE bill did not pass at that time was that myself and others, and I believe also my friend from Wisconsin, made the argument at that time: Let us not pass a CURE bill. Let us solve this through the appointive process.

We cannot solve it through the appointive process if we have continued delay.

I thank him very much for his information that the White House has been in contact. They have not been in contact with me since this, although I have heard from some sources that they did get wind of the fact that something like this was coming and I think it is very appropriate that the Senator announced the objections of the administration to the proposal.

I would simply say this is not aimed specifically, though, at this particular incident. It just seems sound to me, Mr. President, that we have a law on the Interstate Commerce Commission, as we have in other laws affecting other appointive commissions, that no one can serve beyond 1 year beyond their appointive term for whatever reason.

Therefore I would hope that action here today very possibly will bring the attention of the White House, to the point that they will move ahead as they should, and should have a long time ago with these appointments, I still think that the measure before us, which would prevent anything like this from happening again beyond 1 year, is a good measure.

Mr. D'AMATO. Mr. President, I am wondering if my distinguished colleague from Nebraska, given the explanation of our colleague from Wisconsin, would be willing to withdraw his amendment at this time so I would not have to raise a point of order. I think he has made a point. I think his message has gotten through. I think the administration will be moving on this. I would much prefer to proceed in that manner if my colleague would deem it appropriate.

Mr. EXON. Let me ask the Senator from New York, he mentioned a point of order. I presume under these circumstances, as I had anticipated, that a point of order could be raised against this amendment being new legislation on an appropriations bill; is that what the Senator had in mind?

Mr. D'AMATO. That is correct. Pursuant to rule XVI, it would be considered legislation on an appropriations bill. I believe the point would properly stand. I certainly do not want to raise that if my distinguished colleague would agree to withdraw the amendment. I think he has made his point, and I think he has done it admirably.

Mr. EXON. Mr. President, if I can respond, I fully anticipated there might be a point of order raised against this amendment in this fashion. Had there not been, I think we could have gotten this passed. Under the rules, the Senator from New York or any other Senator would be fully within his right to raise a point of order about this legislation being improperly on an appropriations bill.

While I do not know for certain how the Chair would rule on such a motion, I would anticipate from past history that the Chair would very likely rule in favor of the point of order if it were raised by the Senator from New York.

I do not wish to delay this matter any further. Indeed, we have made a point. I simply say, Mr. President, if I could make it very clear that I reserve the right and will be offering this as an amendment to other bills that are pending, coming down the schedule for consideration in the U.S. Senate; that at the appropriate time, I very likely would offer this amendment again, not only from the standpoint of forcing the administration to do what they should be doing anyway, but to correct occurrences in the past. With that understanding, I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Nebraska has withdrawn his amendment.

Mr. LAUTENBERG. Mr. President, before the Senator from Nebraska leaves the floor, I, too, would like to offer my compliments to him for his persistence in a matter that he sees as troublesome and obstructive to the appropriate operation of the ICC. I thank him for withdrawing the amendment and recognize that we will be hearing more about this matter in the future. I look forward to working with him on the matter, concerned as I always am.

Mr. EXON. Mr. President, I thank very much my colleague from New Jersey for his kind comments, and the consideration of my colleague from New York, and the kind comments and suggestion made by my friend from Wisconsin, who is the chairman of the Surface Transportation Subcommittee with whom I work very closely on ICC and all other matters with regard to transportation.

AMENDMENT NO. 740

(Purpose: To provide for a three-year program to resolve Amtrak employee workplace injury claims under State workers' compensation laws rather than under the Federal Employers' Liability Act (FELA))

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 740.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . The Rail Passenger Service Act is amended by adding at the end thereof the following new title:

"TITLE XI

"LIABILITY FOR INJURIES

"SEC. 1101. DEFINITIONS.—For purposes of this title only, the following terms shall have the meaning specified below:

"(1) 'Primary entitlement to benefits' means the combined entitlement of any employee of the Corporation to annuities or other benefits under (A) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), (B) the railroad Unemployment Insurance Act, (45 U.S.C. 351 et seq.), (C) the Social Security Act (42 U.S.C. 301 et seq.), (D) any publicly funded benefits program, and (E) any program of retirement, disability, or medical benefits paid for in whole or in part by the Corporation.

"(2) 'Principal place of employment' of an employee of the Corporation means the State in which the employee normally reported for duty at the time when the events occurred that caused or contributed to the injury or death that is the subject of a work-related claim. Notwithstanding the preceding sentence, if an injury or death giving rise to a work-related claim is caused by cumulative events or is determined to be an occupational disease, the principal place of employment with respect to such claim shall be the State in which the employee normally reported for duty at the time the claim was filed. If there is no single State where the employee normally reported for duty, the principal place of employment shall be the State in which the office of the employee's immediate supervisor was located.

"(3) 'Railroad' means any railroad, transportation authority or other entity with which the Corporation has contracted for provision of services or use of tracks and facilities, and includes the officers, agents, servants, subsidiaries, and employees of such organizations.

"(4) 'Work-related claim' means a claim against the Corporation or a railroad by or with respect to an employee of the Corporation for injury, death, or occupational disease arising out of and in the course of the employee's employment.

"(5) 'Workers' compensation law' means the legal standards and procedures established in a State for handling claims by or with respect to employees in general in that State for injuries or death arising out of and in the course of their employment, but shall not include legal standards or procedures limited to one or more specific industries, trades, or professions.

"SEC. 1102. EMPLOYEE INJURIES.—

"(a) Notwithstanding any provision of law excluding railroad employees from coverage by a State's workers' compensation law or authorizing a railroad employee to bring a tort claim against a railroad, any work-related claim shall be governed by the workers' compensation law of the State in which the employee's principal place of employment is located. An employee shall be entitled to benefits under a workers' compensation law only to the extent that the amount of benefits under such law exceeds his or her primary entitlement to benefits.

"(b) The provisions of the Federal Employers' Liability Act (45 U.S.C. 51 et seq.) shall not apply to work-related claims governed by this title, and the applicable State workers' compensation law shall be the exclusive remedy with regard to work-related claims by employees of the Corporation against the Corporation or a railroad.

"(c) This title shall apply to (1) all work-related claims caused in whole or in part by activities that occurred in the course of the employment relationship and occurred between October 1, 1989, and September 30, 1992, and (2) all claims for occupational disease filed during the period commencing with the date of enactment of this title and ending three years after the date of enactment of this title and ending three years after the date of enactment.

"(d) Notwithstanding any requirements contained in the workers' compensation law of any State, including requirements for bonding and licensing, the Corporation shall be deemed qualified to self-insure for workers' compensation coverage under the laws of all States, and no State shall deny workers' compensation benefits to an employee of the Corporation based upon a failure of the Corporation to comply with such qualification requirements.

"(e) Notwithstanding section 306(n) of this Act or any other provision of law to the contrary, the Corporation shall be subject to the workers' compensation taxes and assessments of a State in the same manner and to the same extent as any other self-insured entity doing business within the State that is governed by the workers' compensation law of that State.".

Mr. KASTEN. Mr. President, this is simple amendment. It is the same one I submitted to the desk so it would not be called out of order if we get cloture. The amendment would provide a 3-year program to provide an Amtrak employee injury plan under State compensation law rather than under the Federal Employers' Act.

As a result of discussions at the Commerce Committee markup of the Amtrak authorization bill in 1988, a hearing on the Federal Employers' Liability Act [FELA] was held by the Surface Transportation Subcommittee on June 22, 1988, and testimony from interested parties was heard. This was the first reexamination of the FELA system by any congressional committee in many decades.

FELA is an 80-year-old law which is the worker's compensation system for the railroad industry. It was developed before any of the States had adopted their workers' compensation laws.

Conditions in the industry and society have changed markedly since 1908.

At the beginning of the century, the railroads were the dominant industrial employers and the working conditions were very dangerous.

Since then all States have adopted workers' compensation laws and each one of those has chosen to adopt a system based not on the assessment of fault for workplace injuries, but on a no-fault concept.

These State compensation laws cover all other employees of industry, including the employees of the airlines, truck and bus industries.

It is important to note that what this amendment does, and does not, do.

It does provide for a 3-year study period during which jurisdiction over only Amtrak employee claims for on-the-job injuries would be transferred to the various State workers' compensation systems based on the no-fault concept.

Currently, such claims are resolved under the 80-year-old, fault-based FELA system.

During this period employees of Amtrak would be covered in the same fashion as the employees of the other transportation industries except maritime and those of general industry.

During this period facts will be able to be developed as to the reasonableness of treating these employees any different from those of other industries or modes. After 80 years, and the adoption of 50 State laws based on the no-fault concept such a study is warranted.

The study would provide facts as opposed to the current rhetoric by the parties opposed or favoring the retention of FELA.

Further, this study period automatically sunsets after the 3 years, unless extended by the Congress.

This amendment does not change the FELA coverage of the vast majority of rail employees in the rail industry.

This policy decision should have the benefit of the type of study that my amendment proposes.

This amendment would not effect rail safety in that we have rail safety laws which are primary here.

Further, the rights of third parties such as Amtrak passengers and others to seek redress for their injuries in the courts would not be at all effected by this amendment.

Regarding rail safety, it is important to note that the advertised nature of the FELA system actually interferes with the labor/management cooperation that is so essential to providing workplace, and general, safety in the rail industry.

According to the National Safety Council's executive vice president, Charles Hurley, "Labor/management cooperation is an essential foundation for good maintenance and safety procedures in all forms of transportation."

Under FELA where fault determines recovery, or no recovery, we have a system where both sides are pointing the finger at the other rather than this cooperation which is so important.

Mr. Claytor testified that FELA is a barrier to this cooperative spirit Amtrak has worked hard to achieve.

Mr. Capon, the executive director of the National Association of Railroad Passengers has stated in a letter to the chairman of the subcommittee that, "We know of no convincing link between FELA and rail safety. * * *"

This amendment has been a part of Amtrak's legislative proposals for several years and has the support of the administration.

In addition to the administration, we have also received letters of support from the National Industrial Transportation League, the Nation's oldest and largest association of shippers, the American Short Line Railroad Association, the Regional Railroads Association, the Association of American Railroads, the Railway Progress Institute, the National Association of Railroad Passengers, and various other parties. I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,
GENERAL COUNSEL,
Washington, DC, April 17, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Administration, I would like to advise you of the Department's views on S. 462, a bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The bill authorizes an increasing federal subsidy for the National Railroad Passenger Corporation (Amtrak) as follows: $630 million for Fiscal Year 1989; $656 million for Fiscal Year 1990; $684 million for Fiscal Year 1991; and $712 million for Fiscal Year 1992.

The federal budget deficit demands that we carefully consider all options to reduce federal expenditures. Secretary Skinner has testified before the Appropriations Committee that our goal is to build a strong rail passenger system that is self-sufficient for the long term. He indicated his belief that, while Amtrak has made outstanding progress over the last eight years in reducing costs and increasing revenues, there is an additional potential for Amtrak to improve its operating ratio. Continued improvement requires that Amtrak become more efficient and have the equipment and infrastructure to provide comfortable, safe service. However, given budget constraints, we need to look to both public and private sectors for financing.

S. 462 is not consistent with the goal set out by the Secretary in that it authorizes increasing levels of federal subsidy. The Administration would only consider a bill that authorized declining Amtrak subsidies beginning in Fiscal Year 1990 and that included provisions to help Amtrak reduce operating costs.

We understand that an amendment may be offered to S. 462 to permit Amtrak to convert from Federal Employees Liability Act (FELA) coverage to a no-fault-based state worker's compensation system. That would be of significant assistance in reducing operating costs, and the Administration would support such a change to the bill.

The Department also urges the Committee to consider other statutory changes to reduce Amtrak's operating costs. For example, as Amtrak has proposed, it should be provided the same special treatment accorded "publicly funded rail carriers" providing commuter service under the Railroad Unemployment Insurance Act (RUIA) to repay the RUIA fund only the amount of employment and sickness benefits paid to Amtrak employees. Amtrak should also be authorized to charge commuter authorities the full operating and maintenance costs for their use of the Northeast Corridor, and states should be required to pay 100 percent of losses on 403(b) intrastate and 403(d) commuter trains operated by Amtrak at the request of a state and solely for the benefit of its residents.

The Office of Management and Budget advises that, from the standpoint of the President's program, there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,

ROSALIND A. KNAPP,
Deputy General Counsel.

THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, OFFICE OF THE EXECUTIVE VICE PRESIDENT,
Washington, DC, April 17, 1989.
Hon. FRITZ HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HOLLINGS: The National Industrial Transportation League, the nation's oldest and largest shippers' transportation trade association, takes this opportunity to respectfully urge your support for an amendment which will be offered during tomorrow's markup session.

This amendment, to be offered by Senator Kasten, would allow Amtrak to undertake a three-year pilot project during which its employees would be covered by a state workers compensation program, rather than the outmoded Federal Employers Liability Act.

Unlike the general business workers compensation plans, FELA is a fault-based system. It requires costly litigation to prove the facts of the accident and to apportion blame. In all other programs, the focus is on the timely treatment and rehabilitation of the injured employee.

As a result, more and more federal dollars are going to the FELA program at a time when there are substantially fewer Amtrak workers. This does not make good policy or good sense as we try to control the deficit by curtailing spending wherever possible.

The League believes the three-year trial plan does make sense. It is a rational way to determine whether the trial attorneys or the railroads are correct in their assessment about the virtues and vices of FELA. It also offers Congress the opportunity to control spending without prejudicing workers' rights.

The League thanks you for this opportunity to present the views of the shipping community. It looks forward to working with you and your staff on this important issue. If you have any questions or wish to discuss the matter further, please do not hesitate to contact me or M.J. Fiocco of my staff.

Sincerely,

JAMES E. BARTLEY,
Executive Vice President.

THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, OFFICE OF THE EXECUTIVE VICE PRESIDENT,
Washington, DC, April 17, 1989.
MEMBERS,
Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR: The National Industrial Transportation League respectfully requests your support for the amendment Senator Kasten will be offering during tomorrow's consideration of Amtrak reauthorization legislation.

This amendment would allow the railroad to engage in a three-year pilot project during which its workers would be covered by state workers compensation programs, rather than the more costly and antiquated Federal Employers Liability Act.

The reasons for our support of the Kasten Amendment are outlined in the attached letter to Chairman Hollings.

If you have any questions or wish to discuss the matter further, please do not hesitate to call.

Sincerely,

JAMES E. BARTLEY,
Executive Vice President.

THE AMERICAN SHORT LINE RAILROAD ASSOCIATION,
Washington, DC, April 14, 1989.
Hon. ROBERT W. KASTEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: The American Short Line Railroad Association, on behalf of its nearly 350 member roads, wishes to lend its full support to the proposal by Amtrak to remove itself from the jurisdiction of the Federal Employers' Liability Act (FELA) and place itself instead within the jurisdiction of the state workers' compensation systems for a three-year test period. FELA was enacted in the early part of the 20th century when railroading was an entirely different environment in which to work. Today, rail employees are still covered by FELA while nearly every other employee—including those of rail competitors—are covered by state workers compensation systems, and at a cost substantially less than that borne by railroads.

It is high time to bring the rail industry up-to-date in terms of employee liability and provide a means of compensation for injuries that is similar to that in competitive modes. As a minimum, Congress should allow Amtrak to develop concrete data as to what would actually happen during a three-year experiment with its employees under state workers' compensation. Please vote to approve Amtrak's proposal at the markup session Tuesday before the Committee on Commerce, Science, and Transportation.

Sincerely,

THOMAS C. DORSEY.

REGIONAL RAILROADS OF AMERICA,
Washington, DC, April 17, 1989.
Hon. ROBERT KASTEN,
Washington, DC.

DEAR SENATOR KASTEN: This is to express the strong support of Regional Railroads of America for the Kasten Amendment to remove AMTRAK from the jurisdiction of the Federal Employers Liability Act (FELA) and place that carrier under the state workers' compensation systems for a three-year experimental period.

The 81-year-old FELA system is very expensive and it creates adversarial relationships between labor and management. While injuries have declined, the costs have risen dramatically. (See attached chart.)

In this country, there are over 450 small railroads which handle more than one-third of all railroad traffic. More than 250 of these carriers have been created in recent years as an alternative to abandonment. Small railroads are the lifeline for thousands of communities and if they are driven out of business they are gone forever. FELA is Russian roulette for regional and short-line railroads such as those represented by our association. Sometimes the gun may shoot a blank and the injured employee receives nothing. An excessive award could prove fatal to a small carrier. In both instances, the system fails.

It is the position of RRA that FELA should be repealed and railroad employees be placed under the same workers' compensation systems that serve the other 113 million employees in the United States. However, we know there are strong advocates for FELA among the FELA bar and others and feel the Kasten Amendment is a modest and fair compromise. The data which will result from the AMTRAK experiment will provide an honest basis for comparing the two systems.

Sincerely,

DAVID HUGHES,
Chairman.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, DC, April 4, 1989.
Senator ROBERT W. KASTEN, Jr.,
Ranking Minority Member, Surface Transportation Subcommittee, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: Last year the Association of American Railroads testified before the Surface Transportation Subcommittee in support of a proposal to remove Amtrak from the jurisdiction of the Federal Employers' Liability Act (FELA) and place that carrier within the jurisdiction of the state workers' compensation systems for a three-year experimental period. This year, Amtrak is once again advancing this proposal for the Committee's consideration. I would like to reaffirm the AAR's support, on behalf of the railroad industry, for this proposal.

As Amtrak has pointed out, FELA is an excessively and needlessly expensive system for compensation workplace injuries. And, in the case of Amtrak, this needless cost is borne by the taxpayer. I can report that in 1988 the railroad industry as a whole experienced another sharp increase in the cost of FELA, and I am sure that this will be reflected in Amtrak's 1988 cost numbers. In defiance of logic FELA's costs continue to rise in the wake of declining industry employment and a drop in accident rates. Clearly, any law which results in such a financial drain to both the taxpayers and industry warrants congressional action.

No doubt the Committee will hear arguments that even implementation of Amtrak's modest proposal will endanger the safety of railroad workers and the general public. To reiterate the main point of the AAR's prior testimony, the claim that FELA enhances rail safety is completely without merit.

FELA, of course, only covers employees, and any member of the general public who is harmed as a result of the negligence of a railroad can seek recompense through state tort law. This right would be wholly unaffected by repeal or modification of FELA. From a liability standpoint, the real incentive to safeguard the public comes from the potential for direct liability. In fact, the third party liability that could arise from a serious railroad accident (like the 1987 Chase, Maryland accident) would so dwarf FELA liability as to render the latter inconsequential.

In truth, the notion that FELA provides any safety incentive is ludicrous. If anything, the opposite is true. Because FELA is a fault-based system with a comparative negligence feature, it provides both employer and employee with an incentive to obscure the true causes of workplace accidents. Both parties know that any admission of fault can have a negative impact on their litigation posture. This would not be the case under the workers' compensation system as compensation is paid without regard to fault. Under FELA, the potential for every workplace injury to give rise to an adversarial relation between the railroad and its employee has a detrimental effect on workplace safety, as well as labor relations.

Despite cries to the contrary, railroads are not inherently dangerous, warranting differential treatment from other industries. A review of industrial safety published by the Bureau of Labor Statistics reveals that relative to other industries, particularly heavy industries, the railroad industry's safety record is good. Apart from humanitarian considerations, railroads have plenty of incentives to keep their operations safe, such as liability to the public, loss of lading, and damage to equipment. If nothing else, particularly for a service industry like the railroads, it makes good business sense to run a safe operation.

FELA is clearly out of step with accepted compensation theory, yet until the hearings last year before this Subcommittee, it had not come under congressional scrutiny for 50 years. At the very least, Congress should permit a real-world analysis of what the result could be under state worker's compensation. Amtrak's proposal will provide that opportunity. The railroad industry believes, even more strongly than last year, that the Committee should recommend Amtrak's proposal as part of the authorization process.

Sincerely,

W.H. Dempsey,
President.

Railway Progress Institute,
Alexandria, VA, April 14, 1989.

Hon. Ernest F. Hollings,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Chairman Hollings: On behalf of the Railway Progress Institute, the international association of the railway and rail rapid transit and supply industry representing some 140 member companies that supply equipment and services to the nation's railroads and rail rapid transit system, I write to you in support of Amtrak's request for a three-year exemption from the Federal Employees Liability Act.

As Mr. Claytor testified at the Amtrak authorization hearing held by your Transportation Subcommittee on April 6, it cost Amtrak $49.3 million in 1988 to pay and administer FELA claims. The total spent for the entire railroad industry was over $800 million with as much as 40 percent of that amount going not to the injured employee but for attorneys and litigation fees.

Handling employee on-the-job injury claims through a state, no-fault compensation system is a much more efficient and even-handed manner of compensating the employee as every injured employee regardless of fault is compensated. Under the litigious FELA system, an injured employee making a most sympathetic case to a jury is usually well compensated while another employee with the same injury not making as effective a case might get nothing. The most glaring example of the strange occurrences stimulated by FELA is the minor Amtrak derailment in December 1988 in Colorado where no passenger injuries were reported but all fifteen, on-board employees filed FELA claims.

Certainly, this is a controversial issue; and there are strong supporters who feel FELA not only is more equitable for the employees but also enhances safety. It seems to us that the three-year test proposed by Mr. Claytor is an ideal method to determine in a a no-fault compensation system does, in fact, work for Amtrak. Those who call this just the "camel's nose under the tent" are over-reacting as Amtrak's proposal would require positive action by Congress after the three-year test to continue the exemption.

My sincere thanks for considering our views when the Amtrak authorization legislation comes before your Committee April 18.

Sincerely,

Robert A. Matthews,
President.

National Association
of Railroad Passengers,
Washington, DC, April 17, 1989.

Hon. J. James Exon,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: Thank you again for the opportunity to testify on the Amtrak authorization last week, and for your support of the funding levels in S. 462.

This is to reiterate our opposition to the administration's suggestion of changing the law to require states to pay 100% of Section 403(b) train costs, and our support of Amtrak's legislative recommendations. The latter include:

Changing the law to treat Amtrak as commuter rail carriers already are under the Railroad Unemployment Insurance Act—premiums to be based on Amtrak's individual record, not on the whole industry's average unemployment record;

Prohibiting award of punitive damages by a court or jury against Amtrak or commuter rail authorities. Carriers would continue to be liable for special damages (supported by specific bills) and for general damages that reflect pain and suffering and are especially important where permanent injuries occur. (Punitive damages are intended to "make an example" of the defendant.);

Preventing secondary boycotts against Amtrak (or, as I suggested in my testimony, at least protecting Amtrak from boycotts inspired by airline labor problems); and

Exempting Amtrak from Federal Employers' Liability Act for a 3-year trial period.

Thank you for considering our views.

Sincerely,

Ross Capon,
Executive Director.

Mr. KASTEN. Also, Mr. President, the National Taxpayers Union is in support of this amendment. Finally, concerning Amtrak's appropriation for Federal funding of Amtrak in the amount of $615 million, this amendment could save perhaps as much as $20 million in operating costs while providing for the coverage of employee injuries.

I hope that this amendment, Mr. President, will be adopted.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise in strong opposition to Senator Kasten's amendment. The amendment provides Amtrak with a temporary exemption from the Federal Employers Liability Act [FELA].

The proposal is designed to test the impact of relying on workers compensation laws in the railroad industry. But this is not a test: It is the first step toward a permanent exemption for Amtrak and the eventual repeal of the FELA for the entire railroad industry.

The FELA has worked remarkably well for over 80 years. There is no need to change this law and I oppose any efforts, including so-called test projects, to amend the application of the FELA.

This amendment is an assault on employee safety and an insult to fair compensation. This amendment poses safety risks.

Despite industry claims to the contrary, railroading is a very dangerous industry. From 1975 to 1985, on average, nearly 50,000 railroad workers were injured and 86 workers were killed each year in rail accidents. That does not include the over 1,200 nonemployees who are killed each year in train accidents. In such a dangerous industry, it makes absolutely no sense to eliminate an effective safety incentive.

The railroads claim they are much safer now so there is no longer any need for the FELA. But the GAO has refuted these claims. In a 1989 study of safety at five railroads, including Amtrak, the GAO found "substantial underreporting and inaccurate reporting of injury and accident data." The GAO concluded that these findings cast "doubts on the degree to which safety, as measured by declines in injuries and accidents, has improved."

In addition, current Federal Railroad Administration penalties do not provide meaningful safety incentives. The chances of uncovering safety problems are low because there are not many Federal inspectors: The average track inspector is responsible for over 5,600 miles of track. Even where defects are uncovered, the average penalty is only $276, a mere slap on the wrist.

The threat of fault-based compensation provides a powerful incentive to improve rail safety. Railroads have taken steps in recent years to increase workplace safety in part because of the presence of the FELA. For example, several workers in Indiana developed respiratory problems after using a new electrical tag process. The workers filed actions under the FELA that led to corrective action by the railroad.

In another instance involving Amtrak, a worker nearly lost his leg while replacing rails on a very hot day. He filed suit under the FELA. The settlement of his case contributed to a change in Amtrak procedures so that such work was no longer performed under those dangerous conditions.

That is why this issue goes beyond the narrow interests of labor and management.

This amendment may produce more dangerous working conditions and a greater chance of injury and death.

The FELA is designed to help people and protect workers. It guarantees justice to injured railroad workers and their families. Railroad workers who lose life or limb in horrible accidents must receive fair compensation. We cannot put a price tag on an arm, a leg, or a life. We cannot pay family members enough to console them when they lose a loved one in a railroad accident. I know that from firsthand experience: As a lawyer in Ohio I represented injured workers and the families of deceased workers under the FELA.

But the fairest way I know to decide how to compensate injured victims is to let a jury decide the question. The FELA allows an injured railroad worker to have his day in court—to go before a jury of his peers to prove if anyone was at fault and to determine compensation.

Under the test proposed by this amendment, compensation for injured Amtrak workers would be calculated using an arbitrary, pre-set schedule. With a rigid schedule, there will be no finding of fault, no room for compassion, no understanding of the human suffering involved, and no opportunity to exercise wisdom or judgment.

As between a schedule and a jury, I put my trust in the people from the community to reach a fair and just result. The jury will be able to tailor compensation to the individual case, based on fault, the extent of a worker's injury and the impact of that injury on a worker's life.

If the FELA exemption reduces safety incentives and leads to arbitrary compensation, then why even consider such an amendment? Amtrak's major argument for this "test" exemption is that it will save money: The estimates range from $2 million to $17 million per year.

The Amtrak appropriation is nearly $600 million. If we accept the highest estimates, we are talking about saving less than 3 percent per year. I have grave doubts that this amendment will save any money.

But even if there are small savings, why is it that the first place executives look to save money is to take it away from injured workers?

If money is saved by this amendment it will come directly from the pockets of workers who have been injured on the job.

According to the GAO, the average award under the FELA was a mere $5,400. Under a no-fault system that average award, for the same type of injuries, may be reduced to $3,900. That is not a savings that is an insult.

Despite Amtrak's claims, this amendment likely will not save any money. I believe any potential savings will be eaten up by higher administrative and litigation costs. Instead of a uniform system of compensation, there will be 50 different State schedules. Railroad workers are transient by the nature of their work, which will lead to difficult questions over which State law applies.

The commissioner of the Minnesota Department of Labor indicated in a letter opposing this exemption, that relying on 50 different State laws "would likely cause mistakes and delays in payments of injured workers and could increase administrative costs."

Amtrak also argues that an exemption from the FELA will create savings by reducing attorney's fees. But as the GAO documented, under the FELA, attorneys represented workers in only 11 percent of the cases. Under the workers compensation systems studied by GAO, attorneys were involved in some 6 percent of the cases. Thus there is not a great difference in attorney representation under the FELA and State systems.

Moreover, there are hidden costs in State systems that do not exist under the FELA. For example, Amtrak likely would be required to contribute to residual payment funds and would have to establish new monitoring systems to track periodic payments.

In sum, exempting Amtrak for the FELA will: First, lead to arbitrary, unfair compensation; second reduce a powerful railroad safety incentive; and third, will result in new hidden costs that could more than offset any suposed savings.

It is a wrong-headed proposal that should be defeated.

Mr. LAUTENBERG. Mr. President, I regret that I was unable to be on the floor at the time that the amendment by the Senator from Wisconsin [Mr. KASTEN] was offered. I am appreciative of the fact that Senator METZENBAUM, the Senator from Ohio, made the point of order in my absence. This issue has been debated in the Commerce Committee, lost there on a tie vote, and although on the surface it would seem to save Amtrak money, it would do so at the expense of rail workers.

Rail work is a dangerous profession and frequent injuries, often very serious debilitating injuries occur.

The adoption of the Kasten amendment could have limited the ability of the injured employees to gain compensation for any injuries ocurred on the job.

I stand second to no one in my support of Amtrak. In the face of administration attempts to eliminate funding we have increased Amtrak support as was noted in the debate in this bill of $615 million and it is designed to help Amtrak improve its already commendable record for financial performance, but additional funds or savings should not be had at the expense of Amtrak's workers.

Mr. HATCH. Mr. President, I appreciate the concerns raised by the Senator from Wisconsin. I think this is a complex and difficult issue and one to which he has obviously given considerable amount of time and attention.

I must oppose the amendment offered by Senator KASTEN, however, for a couple of reasons.

First, his amendment, as I understand it, is limited to Amtrak, even though current coverage of the Federal Employers' Liability Act is much broader. Even if FELA should be substantively reformed, I think that this type of piecemeal change is not an appropriate way to proceed in this area. It is not clear, for example, why Amtrak should be singled out for action, even if there is a basis for reviewing this act in its current form.

Further, I must also acknowledge a broader concern I have with respect to a reform or revision of the current systems under FELA and the impact such a revision would have on employee safety in the rail industry. I am not persuaded at this time that even the limited effort here today is appropriate given: First, the potential for serious injury in the railroad industry; and second, the extent to which many have argued that FELA, a fault-based reparations system, encourages both employers and workers to take safety precautions.

Thus, whereas I appreciate many of the concerns raised with regard to FELA, I would oppose even the limited modification proposed here today.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. **METZENBAUM** assumed the chair.)

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. EXON. Mr. President, I rise to oppose the Kasten amendment which would remove Amtrak from coverage under the Federal Employers' Liability Act, known as FELA.

Senator KASTEN serves as the ranking minority member of the Surface Transportation Subcommittee which I chair. More often than not, my colleague and I agree on transportation matters, especially as we are both from Midwestern States with large rural areas. However, on this one particular issue, unfortunately, we must part company and I must oppose his amendment.

I simply point out, Mr. President, that this identical amendment was proposed in the Commerce Committee and, after extensive debate, discussion, and hearings was voted down.

FELA has been in effect since 1918. There is a burden of proof that should be met before we mess around with the remedies for injured employees. I do not think that burden of proof has been met, especially since the employees themselves are strongly against this change.

My main concern on this issue is that, above everything else, employees get treated fairly. Working on a railroad is still a hazardous job.

Proponents say this amendment would save Amtrak money. But I do not want to see savings come from injured and disabled workers. I am and always have been a strong backer of Amtrak.

Whether FELA is the best injury compensation system for rail employees is disputed between railroad labor and management. The employees strongly prefer what they have now and are not asking for this amendment. Maybe someday railroad labor and management will achieve more consensus on this subject. In the meantime, I do not think Congress should jump into the middle of this, especially with an amendment that is being offered on the bill that has already been turned down by the committees of jurisdiction.

In addition, I have some specific concerns about the amendment itself. While my understanding is the amendment intends to place the employees under State workers' compensation laws, there are concerns that State law changes would still have to be made before this would be acceptable for consideration.

I should mention that the Nebraska Workers' Compensation Court, which administers workers' compensation in Nebraska, contacted my office to let me know of technical concerns which may not have been adequately covered by this amendment. I do not know the answers to the questions, but it points out that we should not be bypassing the committee process in this technical area.

Mr. President, I urge the opposition of my colleagues to this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. EXON assumed the chair.)

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, on behalf of the manager of the bill, Senator LAUTENBERG and myself, I raise a point of order that this is legislation on an appropriations bill in violation of rule XVI, paragraph 4, I think it is.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin, in the opinion of the Chair, does propose legislation on an appropriations bill in violation of rule XVI, paragraph 4, and therefore the point of order is sustained by the Chair and the amendment falls.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I understand that the amendment falls, and I regret that. I want to point out that the issue was discussed and the amendment did fail in the Commerce Committee but it failed on a tie vote, 10 to 10.

There will be a vehicle, not an appropriations bill, like this, in which legislation such as this will be appropriate, whether it is the Amtrak reauthorization bill or another bill, there will be an opportunity, so I understand.

I agree with the ruling of the Chair. This is legislation on an appropriations bill, but it was the only opportunity so far, and we have not been able to bring up the Amtrak reauthorization bill or other bills to which this amendment would be germane.

I am optimistic. I think we have close to a tie vote right now on the floor of the Senate. I am also optimistic and hopeful about the concerns raised by the Workmen's Compensation Board, to which the Senator from Nebraska referred. I should say I had similar concerns expressed to me by our Wisconsin workmen's compensation people. I look forward to working with them to determine exactly what kind of technical problems might be associated with putting, for a trial period, the Amtrak employees under workmen's comp. So we have some work to do.

I understand the ruling of the Chair, but we are going to be back to discuss this issue in this legislative session.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 741

Mr. STEVENS. Mr. President, I have an amendment at the desk which I ask be considered at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 741.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"SEC. . Notwithstanding section 402(d) of the Surface Transportation Safety Act of 1982 (P.L. 97-424, 96 Stat. 2155), for states which have received only development grants under this section and which participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under this section for fiscal year 1990 which provides that the aggregate expenditure of funds of the state and political subdivisions thereof, exclusive of federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved."

Mr. STEVENS. Mr. President, this is a very short amendment but it is one of great importance to us.

In 1981 and 1982, my State had an experimental demonstration program under the Motor Carrier Safety Assistance Program. As a matter of fact, it was one of the demonstrations that led to that program being expanded later.

For 2 years, we developed an enforcement program to really be a significant one. We spent in 1981 and 1982, $89,000 each year. Those were periods of fairly high levels of activity in motor carrier activity in my State. Since that time, there has been a collapse in the economy, as most people know, due to the problems in the industry, a total reduction in the movement by this type of motor carrier equipment.

The problem exists now that in order to qualify for a grant of about $225,000 under this act for next year Alaska would have to pay the $890,000 again because the base years under this program are in fact 1981 and 1982.

The effect of this amendment is to suspend for 1 year until the time that the new authorization act is passed the requirement that States such as Alaska—there may be one or two others that will qualify for this. Instead the amendment has been approved by the Federal Highway Administration people. It also has, according to my staff, been cleared out with the authorizing committee because it is temporary legislation. And it will enable Alaska to continue to have a safety program under this act but have it under the matching formula which is normal for that size minimum grant that we are authorized to obtain but for the language that requires compliance with the 1981-82 level of expenditures in the past.

I believe the managers of the bill are willing to accept the amendment. I submit the amendment on that statement.

Mr. LAUTENBERG. Mr. President, we have looked at the amendments proposed by the Senator from Alaska. These amendments are those that we can accept. We commend him for his interest here, for the design of his amendments, and it would be agreeable to us to have these amendments.

Mr. D'AMATO. Mr. President, we have no objection. I understand the Commerce Committee has cleared it jurisdictionally. We have no objection to it.

Mr. LAUTENBERG. Mr. President, just one sidebar on this. That is that it is cleared, but if we can, if the Senator from Alaska agrees, make if not a condition at least have the record clearly reflect the fact that it is acceptable to the chairman and the ranking member of the Commerce Committee.

Mr. D'AMATO. I have been advised that both sides of the Senate Commerce Committee, which has jurisdiction, have cleared this.

Mr. STEVENS. Mr. President, that is my understanding also. I offer it on that basis. If that proves not to be the case, I will be happy to withdraw it.

Mr. LAUTENBERG. I urge adoption of the amendment, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 741) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 742

Mr. STEVENS. Mr. President, I have another amendment at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Stevens] proposes an amendment numbered 742.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"SEC. . 50TH ANNIVERSARY OF THE ALASKA HIGHWAY.

"Since 1992 marks the 50th anniversary of the construction of the Alaska Highway, the first and only road link between Alaska and the contiguous United States; and

"Since the construction of the Alaska Highway across Canada was an enormous feat of engineering, accomplished in less than a year; and

"Since the Alaska Highway played a key part in the progression of Alaska from a territory to a State; and

"Since Project 92, the celebration of the 50th Anniversary of the Alaska Highway in 1992, is to be a major international event involving the United States, Alaska, and Canada; and

"Since Project 92 is designed to recognize the historical significance and heritage of the Alaska Highway and its contribution to the development of Alaska and Canada: Now, therefore, be it

"Declared that it is the sense of the Senate that the United States Department of Transportation should join with the State of Alaska and the Great Alaska Highways Society in planning the celebration of the 50th anniversary of the Alaska Highway as well as appropriate improvements of the Highway.

Mr. STEVENS. Mr. President, this is a sense-of-the-Senate amendment, but it is very significant for us in Alaska because it recognizes the 50th anniversary of the construction of the Alaska Highway. Many people do not realize the Alaska Highway is the only land access to Alaska. It was completed during World War II in a period of less than 9 months, despite the fact that in the 20 years preceding the initiation of the highway in 1942, Alaskans had sought the construction of that highway. It took the war effort to justify the expenditure of funds to build it through Canada and into my State.

I am hopeful that as a result of this—I hope the managers of the bill will join me—that the Department of Transportation will take a look at this, and decide what the Federal highway people can do in conjunction with the Government of Canada, and the provincial governments involved, to have a significant action taken to not only celebrate the 50th anniversary of the Alaska Highway, but to see to it that it is put into usable condition and maintained as it should be as a linkup through our neighbor to the north into our farthest northern State.

I hope we adopt this. It is the sense-of-the-Senate Amendment.

I hope my colleagues will agree with me it would be in order in the Record to ask the Department of Transportation to continue its meetings with the highway people that work in our neighboring nation, work for the Government of Canada and for the Provinces of Canada, particularly the Yukon Territory people and see to it if we cannot come up with a meaningful program that will as I say restore this highway to its use.

I have driven it now some 10 times in my lifetime. I can tell the Senate that each experience is a new one because of the status of this highway. It needs a great deal of repair and work. It takes a joint effort of our two governments to bring that about.

We believe the historical significance now of the 50th anniversary ought to give that momentum to this effort to restore and recondition the Alaska Highway so it can be enjoyed by all Americans who want to come north.

I submit this on that basis, Mr. President.

Mr. LAUTENBERG. Mr. President, I have no objection to this amendment. I think it is appropriate. I commend the Senator from Alaska for offering it and with the acquiescence of my colleague, the ranking member of the subcommittee, I urge its adoption.

Mr. D'AMATO. Mr. President, I am pleased to join in urging adoption of this amendment. I commend Senator Stevens. I think he points out something that is absolutely necessary. The Department of Transportation should be encouraged in the strongest terms to undertake the kind of review and the kind of work necessary to restore this great link between our country, Canada, and our farthest State to the north.

So I hope that this is an appropriate time to urge him to undertake this, and I hope we are expressing this in a very strong way so they get the sense of urgency.

The PRESIDING OFFICER (Mr. Lieberman). Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I thank my colleagues and I thank the Chair for his courtesy.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 742) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE COMMITTEE ON THE BUDGET

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 3015, the Transportation appropriations bill and has found that the bill is under its 302(b) allocation in budget authority by $35.109 million and under its 302(b) allocation by $.137 million.

I compliment the distinguished manager of the bill, Senator Lautenberg, and the distinguished ranking member of the Transportation Subcommittee, Senator D'Amato on all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Transportation appropriations bill and I ask unanimous consent that it be inserted into the Record at the appropriate point.

There being no objection, the table was ordered to be printed in the Record, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 3015—TRANSPORTATION COMMITTEE—SPENDING TOTALS (SENATE-REPORTED)

[In billions of dollars]

	Fiscal year 1990	
	Budget authority	Outlays
302(b) BILL SUMMARY		
H.R. 3015, Senate-Reported (new BA and outlays)	11.9	10.2
Enacted to date	0	17.9
Adjustment to conform mandatory programs to resolution assumptions	−(1)	−(1)
Scorekeeping adjustments		+(1)
Bill total	11.9	27.9
Subcommittee 302(b) allocation	12.0	27.9
Difference	−(1)	−(1)
Bill total above (+) or below (−):		
President's request	+11.9	+.9
House-Passed bill	−(1)	−.1
House 302(b) allocation	−(1)	−(1)

SENATE BUDGET COMMITTEE SCORING OF H.R. 3015—TRANSPORTATION COMMITTEE—SPENDING TOTALS (SENATE-REPORTED)—Continued

[In billions of dollars]

	Fiscal year 1990	
	Budget authority	Outlays
SUMMIT CAP SUMMARY		
Defense (050) spending in bill	0	0
Allocation under defense cap	0	0
Difference	0	0
International affairs spending in bill	0	0
Allocation under international affairs cap	0	0
Difference	0	0
Domestic discretionary spending in bill	11.5	27.4
Allocation under domestic cap	11.5	27.5
Difference	—(1)	—(1)

[1] Less than $50 million.

Source: Prepared by Senate Budget Committee staff.

Note: Details may not add to totals due to rounding.

TASMAN CORRIDOR EXTENSION

Mr. CRANSTON. I would like to engage the distinguished chairman in a colloquy regarding an issue that is of great importance to the San Francisco Bay area. It is an issue that the chairman and I have been working together on for several months.

On April 25, 1989, the Urban Mass Transportation Administration [UMTA] issued a notice of proposed rulemaking that would prevent Federal funding for the development of more than one transportation corridor within an area covered by a single metropolitan planning organization.

As chairman of the Subcommittee on Housing and Urban Affairs, which has jurisdiction over mass transit programs, I am pleased that the bill now before the Senate would prohibit the implementation of this policy.

Cities should not be penalized simply because they are in the same metropolitan planning organization. The San Francisco Bay area is a prime example of why this is so. The bay area is covered by one metropolitan planning organization, "The Metropolitan Transportation Commission." But the bay area includes several distinct centers of population and employment, and the bay area also includes several independent transit agencies that have separate sources of capital and operating funds.

The Tasman corridor extension of the Santa Clara County light rail system would be affected by UMTA's proposed single corridor development policy because it shares the bay area metropolitan planning organization with BART. BART does not serve Santa Clara County. This is a clear example of why the single corridor policy does not work.

Although H.R. 3015 prohibits the implementation of this policy, it unfortunately does not provide any funding for the Tasman project.

As you know, I had requested an earmark of $2 million for preliminary engineering of the Tasman corridor extension. Although this request is small, it is a key element of the bay area agreement on mass transit extensions. Without this earmark for the Tasman project, the entire agreement could be placed in jeopardy.

I was considering offering an amendment to provide the small earmark required by this important project. But I have discussed this matter with the distinguished floor manager, and I will not offer my amendment if there is good reason to believe that, ultimately, this bill will not jeopardize the Tasman corridor extension project.

Given the delicacy of this situation, I would appreciate knowing his opinion of the project, its merits and its prospects in conference.

Mr. LAUTENBERG. I appreciate the support of the Senator from California for the Appropriations Committee's opposition to the single corridor development policy.

In answer to his question, the Tasman project is very worthwhile. It will link San Jose to the densely populated and fast growing high tech areas to the north. The Tasman corridor extension should substantially increase ridership and relieve congestion on area roads. UMTA recently approved an alternatives analysis [AA] for the Tasman project. Preliminary engineering work could begin as soon as June 1990, when the AA is scheduled to be finished.

House conferees should be aware of the strong feelings of the Senate Authorizing and Appropriating Committees against the single corridor development policy. The Senate position in conference will reflect our opposition to this policy.

I thank the Senator from California for his leadership on mass transit policy and on behalf of his State. I would appreciate any assistance he can provide in communicating to the House California delegation the Senate position on the single corridor development policy and the Tasman project.

I am sure it is well within the scope of the conference to reject the administration's single corridor development policy and to provide an adequate earmark for the Tasman project, for which the Senator from California has worked so diligently.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

Mr. COATS. I would like to commend my distinguished colleagues Senators LAUTENBERG and D'AMATO for their hard work on this year's transportation appropriations bill.

I rise to share my strong support for the Indiana industrial corridor safety demonstration project. The Hoosier Heartland Highway is vital to communities throughout the Wabash River Valley, enhancing safety and promoting economic growth. It exemplifies stresses that our highway system experiences as industrial growth reaches into new corridors. Substandard roads become major trucking lanes, and improvements often cannot keep pace with the increased use.

Last year $1 million was provided to promote development of this major Indiana roadway. This seed money helped to forge a working partnership with State and local interests. As the managers know, the House bill included $2.4 million for the project. While the Senate bill does not earmark money for House funded projects, I urge their continued support in conference.

Mr. LAUTENBERG. I thank my colleague from Indiana for his remarks. Highway capacity and safety are critical issues confronting our national transportation system. I will certainly consider your project when we meet with the House conferees on this bill.

Mr. D'AMATO. This project looks for ways of utilizing modest investments to enhance safety, which is an important priority in our national transportation agenda. I appreciate my colleague's advocacy and will remember the needs in Indiana during our conference with the House.

ESSENTIAL AIR SERVICE PROGRAM

Mr. CONRAD. Mr. President, I thank the chairman for taking the time to listen to my concerns about the Essential Air Service Program. This program is critical to the continuing economic health of my State, and many small communities throughout the Nation. In North Dakota, three communities—Jamestown, Williston, and Devils Lake—receive subsidies under Essential Air Service.

I know of the subcommittee's, and the full committee's commitment to the EAS Program. I was pleased to see the committee's generous appropriation of $35.5 million for the EAS Program. I know in this period of fiscal austerity, every decision is difficult. I offer my strong support of this appropriation level, and hope that overwhelming Senate approval of this level will send a strong message to the House that we must fully fund the EAS Program. I appreciate the hard work my colleague from New Jersey has put into this bill.

Yesterday, Mr. President, I learned some disturbing news. Mesaba Aviation, Inc., which serves two EAS points in my State—Devils Lake and Jamestown—announced its intention to discontinue service to these cities due to uncertain funding. As the Senator can well imagine, this is quite disturbing to the communities affected. They have worked very hard to develop a relationship with this carrier—the airport executives have, the community has—and the service is working well. Boarding on the airline has steadily increased; there are planned expansions of local businesses partly based on consistent access to air transport.

Mesaba has also shown its commitment to the community. It was with regret that they filed an intent to terminate service. They noted that they have "enjoyed working with these communities and civic leaders." However, in an uncertain environment, they feel they cannot continue. Mesaba has a request pending with the Department of Transportation which they have not had an answer to—partly due to uncertainties about the level of funding for the fiscal year 1990.

Mr. President, I know the chairman too is concerned about this situation. Is it his understanding that Senate levels of EAS funding would most likely allow for the continuance of EAS service to all those communities now being served?

Mr. LAUTENBERG. I thank the Senator from North Dakota for raising this point. As he knows, the Senate Appropriations Subcommittee on Transportation, and the full Senate Appropriations Committee, is very committed to the EAS program. We believe that the House passed appropriation of $12.4 million will not provide adequate resources to continue EAS in many of the communities that currently receive subsidy. In fact, 62 of the 110 cities in the United States that received subsidy in 1989 would not receive service in 1990 under the House proposal.

However, the Senate appropriation of $35.5 million should allow all current obligations to be continued. I cannot make any commitment to the Senator from North Dakota regarding the pending Mesaba request with the Department of Transportation; however, the Senate level of funding should be sufficient to continue service to all communities now receiving EAS subsidy. In fact, the Senate level of appropriation includes a small amount to fund new points that are willing to provide a local match.

Mr. CONRAD. If I might continue this discussion for just a moment. I believe this situation raises another issue: uncertain funding.

As the distinguished Senator from New Jersey knows very well, funding for the EAS program has been a persistent source of controversy: It has been proposed for elimination by the administration, substantially cut by the House Appropriations Committee, and underfunded to the point of needing a supplemental appropriation for continuance. I believe this near-yearly battle is extremely hazardous. Carriers cannot rely on their contracts, communities cannot rely on their needed air service, and many rural communities face the threat of isolation if EAS proponents lose one of these battles.

Businesses hoping to expand in rural communities must have reliable air service. I know he agrees that preventing these yearly battles is an admirable goal—communities, carriers, airport authorities will be able to plan for the future.

Mr. President, has the committee given any thought to the long-term funding of the EAS program?

Mr. LAUTENBERG. The Senator from North Dakota makes a very good point. Uncertain appropriations levels are very difficult for air carriers to deal with. The Appropriations Committee is extremely interested in developing ways to solve this problem. A number of proposals have been brought forward, but we have not yet found a solution.

A solution for this year is to impress upon the House the importance of this program, and insist on their acceptance of Senate appropriation levels. Both myself, and the distinguished appropriations Chairman, Mr. BYRD, from West Virginia, will seek the full Senate appropriation for the EAS program in negotiations with the House conferees.

Mr. CONRAD. I thank my friend from New Jersey. I know he has worked hard to assure that this bill contains the appropriate balance of priorities. Again, I know of the difficult choices that must be made in an appropriations bill and I applaud his commitment to and expertise on transportation programs.

I must say that the importance of Essential Air Service to North Dakota cannot be overstated. In Devils Lake and Williston, small manufacturing firms have captured military contracts. They may be forced to close their doors without Essential Air Service. The Williston Oil Basin is a crucial part of this Nation's search for energy independence. Without air service, this national goal could be jeopardized.

Again, I thank my distinguished colleague for allowing me the opportunity to raise these issues.

COAST GUARD'S ENVIRONMENTAL PROGRAMS FOR THE GREAT LAKES

Mr. LEVIN. Mr. President, on September 6, 1989, the Subcommittee on Oversight of Government Management, which I chair, held a hearing on spills of oil and toxic chemicals into the Great Lakes. That hearing revealed that the Great Lakes now suffer hundreds of spills each year. Last year, the total figure was 492.

While most of these spills have been small in volume, the Great Lakes have also suffered major discharges. In 1984, for example, a storage facility in New York spilled 1 million gallons of oil into the Great Lakes. In 1980, an onshore pipeline in Michigan ruptured, spilling 215,000 gallons of gasoline into the Lakes. And there have been many other incidents as well. The fact is that the Great Lakes are exposed on a daily basis to a large volume of petroleum products and toxic chemicals, and they are vulnerable to multimillion gallon spills.

The hearing disclosed another disturbing fact as well—since 1986, spills in the United States waters of the Great Lakes have almost doubled, while spills in Canadian waters have fallen by half.

We asked our witnesses to explain these opposite trends—why spills in our waters are increasing at the same time spills in Canadian waters are decreasing. While no one had a complete answer, it became clear that an important part of the answer was the dramatic decline in our Federal spill prevention programs.

The 1980's has seen tremendous growth in Coast Guard responsibilities including military preparedness and drug interdiction, and the Coast Guard has shifted its focus away from marine safety and environmental protection programs. The Coast Guard has, for example, reduced its marine safety personnel in the Great Lakes by 30 percent—in the Detroit office, the personnel cuts have reached 60 percent. Nationally, vessel inspections have dropped from about 40,000 in 1979 to about 17,000 in 1988. Inspections of port facilities have dropped from about 15,000 in 1979 to about 5,000 in 1988. The same decline has occurred in the Great Lakes district. The Coast Guard has terminated programs to trace Great Lakes spills through routine aerial surveillance and harbor patrols. And EPA's key spill prevention program for the Great Lakes, requiring facilities that store oil in bulk to implement spill prevention plans, has experienced the same dramatic cuts in funding and performance.

At the same time these Federal programs have declined, in the last 3 years, spills in U.S. waters of the Great Lakes have almost doubled. These trends must be reversed.

The tragic oilspill in Valdez, AK, has shown us how one major spill can disfigure a coastline for years to come. It has shown us how important it is to protect our natural resources.

The Great Lakes are a particularly precious national resource. They contain almost 95 percent of the fresh surface water in the United States. They are the largest inland bodies of freshwater in the world. They provide drinking water for almost 23 million people. Almost one-fifth of United States manufacturing and one-half of Canadian manufacturing are along Great Lakes coastlines. The Lakes support billions of dollars' worth of tourism and fishing, due to their sheer beauty and abundance. We cannot continue to subject this irreplaceable resource to hundreds of spills of hazardous materials each year. We must act now to reduce the threat that spills pose to the future of the Great Lakes.

One of the first steps we need to take is to reverse the decline in Federal spill prevention programs. Prevention is still our best and most cost-effective defense against the damages that spills can cause.

For this reason, I am gratified to see that, in the bill before us, appropriations for Coast Guard environmental programs have increased from about $147 million in 1989 to about $168 million for 1990. That's an increase of about 14 percent. As the chairman knows it is sorely needed and I want to commend his subcommittee and the full appropriations committee for making this allocation. It is not only a wise investment in our resources, but also it meets a critical need in the Great Lakes, where we have to take action now to stop the rapid rise in spills of oil and toxic chemicals.

Is it the committee's intention that the $168 million appropriated for Coast Guard environmental protection programs be spent on such critical matters as reversing the increase in Great Lakes spills?

Mr. LAUTENBERG. The Senator is correct. That is exactly the type of effort that these funds are intended to support. I commend him on his recent hearing—in fact, the series of hearings he has held this year—on protecting and restoring the Great Lakes. The Lakes are a fragile ecosystem and a key source of freshwater for this country. The Coast Guard needs to do all it can to protect them from spills of oil and toxic chemicals, including reviving its Great Lakes marine safety and environmental programs.

Mr. LEVIN. I thank the chairman. He has done a tremendous job on this bill, balancing a wealth of concerns for the environment, safety, health, cost effectiveness, drug interdiction and a great many other concerns that affect the management of our transportation systems. He has included the Great Lakes in his agenda, and we appreciate his attention to the pressing concerns of America's fourth coastline.

BRIDGE DISCRETIONARY FUNDS

Mr. PRESSLER. Mr. President, the Transportation Appropriations Committee report identified 10 bridges that are to be given priority consideration by the Secretary of Transportation for participation in the Bridge Discretionary Fund.

I would like to draw the chairman's attention to another bridge, the Forest City Bridge in South Dakota, that warrants priority treatment. The State of South Dakota has requested $16.8 million in discretionary funds for the Forest City Bridge on U.S. 212 crossing the Missouri River west of Gettysburg, SD. A major landslide threatens the closure of the roadway approach and the bridge itself.

Mr. President, closure of this bridge would result in a 170-mile round trip detour to cross the Missouri River. An emergency closure device is in place and will close the bridge to traffic in the event of sudden catastrophic landslide movement.

U.S. 212 is a major interstate truck route between Minneapolis, MN, and Billings, MT. The bridge is a necessary structure for western and northwestern South Dakota, including the Cheyenne River Indian Reservation. South Dakota has never received bridge discretionary funds.

I believe the Forest City Bridge warrants priority attention and I ask if it is the committee's intent that the Forest City Bridge receive the same priority treatment as if it were listed in the report.

Mr. LAUTENBERG. The Senator from South Dakota is correct that the committee has directed the Secretary of Transportation to give priority designation, consistent with existing criteria, to several bridges which serve as major links for both intrastate and interstate commerce and which directly impact the economic development of an area. The State of South Dakota's application for the Forest City Bridge project is equally deserving of priority consideration. The Secretary of Transportation should give priority designation to the Forest City Bridge discretionary fund application as submitted by the South Dakota Department of Transportation.

Mr. D'AMATO. I agree with the Senator's identification of the Forest City, SD, bridge as a priority project.

PROPOSED CONTROL TOWER, LUIS MUNOZ INTERNATIONAL AIRPORT

Mr. JOHNSTON. Mr. President, I wanted to bring to the attention of the Senate a project whose need was addressed in the Appropriations Committee report but for which funding was unfortunately not provided in this bill because of budget constraints. This project, the proposed new air traffic control tower at the Luis Munoz Marin International Airport in San Juan, PR, is critically needed.

The San Juan international airport has become the major aviation gateway to the Caribbean in recent years and is one of the fastest growing hubs in the United States. Over the last 3 years, this airport has enjoyed a growth rate of 20 percent and now ranks among the top 30 airports in the United States in total passengers served. Some 8.2 million passengers were served in fiscal year 1989 alone and it is projected that this passenger load will double—to between 14 and 16 million passengers—by the year 2010. Two major carriers, American Airlines and Eastern Airlines, have established hubs at this airport in the last 3 years. Other carriers, including Delta and TWA, have plans to expand service this year and both USAir and Pan Am intend to inaugurate service by December 1989.

The airport is of course key to the important tourism component of Puerto Rico's economy. Moreover, Puerto Rico's Government Development Bank estimates that the airport's economic impact on Puerto Rico is $2 billion annually. To both encourage and accommodate the projected growth in aviation activity at the airport, the Puerto Rico Ports Authority and the airlines have jointly prepared airport development plans which call for significant new construction at the airport. These plans include the planned $100 million expansion of American Airlines terminal facilities, a new $36 million international terminal, a new hotel, a multilevel parking structure and expanded arrival and departure roadway systems. Several of these projects are already in the advanced development stage and are anticipated to be completed by 1992.

Bringing these plans to fruition, however, depends upon the construction of a new air traffic control tower. The existing 33-year-old structure has been found by the FAA to be inadequate to handle ground traffic control activities at the new terminals safely due to line-of-sight restrictions. The future capacity and development of the airport will be seriously constrained without a new tower since the FAA will not control aircraft in any area of an airport where the view of the airfield pavement is obstructed.

All essential planning and design work for the new control tower is complete. Engineering consultants retained by the Ports Authority of Puerto Rico have determined that a new 219-foot control tower is required to provide for safe and unobstructed line-of-sight to all aircraft movement areas, and that it should be located optimally in conjunction with construction of the new American Airlines gates and concourse. The airlines serving Puerto Rico concur in this assessment and support the poposed plans. In addition, the FAA airports district office in Orlando has agreed with the proposed location, and since the new tower will be close to the site of the old tower a lengthy environmental assessment will not be required.

The only remaining obstacle is the availability and timing of FAA funding for the tower. Timing is critical. The normal FAA funding process for new towers takes 3 to 5 years, while the major terminal improvements at San Juan international airport will be completed in 2 years. In particular, the American Airlines terminal expansion which will incorporate the new tower is slated to begin in March 1990 and will be completed by October 1991. It is absolutely essential to the success of the airport's development plans that the new tower be in place when this project comes on line so that the new terminal can be fully utilized when it is completed. If normal FAA funding procedures are followed, however, the new tower will not be completed and operational until several years after the new and expanded terminal facilities are in place. This would prevent both the airport and Puerto Rico from realizing the full economic potential of these considerable investments.

The transportation appropriations bill now before us contains no funds for this project. During full committee markup of this bill, there was some discussion about this matter and I believe the members of the Appropriations Committee acknowledged and generally agreed that this tower is urgently needed and that it is important to expedite its construction. However, because of the very tight budget ceilings we face, we simply were unable to do more than direct the FAA to report back to us by January 1, 1990, with recommendations for expediting the financing and construction of this tower. I hope my colleagues will join me in impressing the urgency of this project upon the FAA and in encouraging them to do their utmost to enable construction of this tower to begin as soon as possible and in the 1990 fiscal year.

Mr. McCLURE. Mr. President, I would like to indicate my support for the comments my colleague Senator JOHNSTON has made regarding the Federal Aviation Administration studying and evaluating an air control tower at the Luis Munoz Marin International Airport in San Juan, PR, and the completion of such a study by January 1, 1990.

During the full Appropriations Committee markup on this subject, we discussed the urgent need for this tower and the importance of expediting its construction. In the legislation we are now debating, we have directed the FAA to report back to Congress by January 1, 1990, with recommendations for expediting the financing and construction of the air control tower. I would impress upon my colleagues the urgency of the project, and hope that the FAA be well aware of our request to enable construction of this tower in fiscal year 1990.

INTERMODAL URBAN DEMONSTRATION PROJECT

Mr. BOSCHWITZ. I would like to ask the distinguished chairman if he would take a couple of minutes to discuss the intermodal urban demonstration project? In Minnesota we call it the Hiawatha corridor project. It's a high-density four-lane urban highway that will connect the Minneapolis/St. Paul International Airport with downtown.

Mr. LAUTENBERG. I am well aware of the project of which the Senator from Minnesota speaks and would be happy to discuss it.

Mr. BOSCHWITZ. Congress in 1974 authorized $53 million in Federal money for this project. Since then, $33 million has been appropriated for engineering, design, and construction. In July 1988 construction on the project officially began. This year the supporters of the Hiawatha project requested $10 million for fiscal year 1990, which the House appropriated.

I am sure that my colleague from New Jersey would agree that once an authorized project is under construction it is not efficient if it is interrupted or delayed, it would only add to the final cost.

Mr. LAUTENBERG. The Senator from Minnesota is correct and I do not want to see any worthy project delayed for lack of Federal funds.

Mr. BOSCHWITZ. When the House and Senate go to conference on the Transportation appropriations bill, I urge that the chairman accede to House version so that the necessary construction funds for the Hiawatha corridor project will not be interrupted.

I thank the distinguished chairman for this discussion.

INTERMODAL DEMONSTRATION PROJECT

Mr. DURENBERGER. Mr. President, in reviewing the committee report accompanying the fiscal year 1990 transporation appropriations bill, I notice that the committee has not concurred with the House request that $10 million be made available for the Hiawatha Avenue demonstration project. This oversight, if left uncorrected in conference with the House of Representatives, could jeopardize the tremendous progress we have made on this project over the past few years.

As the distinguished chairman and ranking member may recall, we discussed this project during last year's debate on the fiscal year 1990 DOT appropriations bill. While my two colleagues could not guarantee that they would recede to the House position on this project in last year's continuing resolution, I knew that the Senators from New Jersey and New York were indeed receptive to Minnesota's needs.

My question to the chairman and ranking member is whether they might indicate how this project is likely to fare in conference with the House.

Mr. LAUTENBERG. Mr. President, in response to the question raised by my good friend from Minnesota, I suspect that the absence of funds for this critical project has more to do with the difficulties created by the insufficient 302(b) allocation than the merits on the project. As the Senator knows, this project happens to be located in this district of a member of the House subcommittee, and I suspect that he will fight extremely hard to see that this project is retained in conference.

Mr. D'AMATO. Mr. President, I concur with the chairman's observations. As is evident from previous bills and this year's extremely tight budget allocation, it was necessary for our subcommittee to avoid funding House projects in the Senate bill. However, it is likely that the Senate may accept some House projects in conference and, given the advanced stage of this project, its chances are very good. For my part, I promise I will do everything I can to see that the Senator's request is addressed in conference.

Mr. DURENBERGER. Mr. President, I thank my two colleagues for engaging in this colloquy with me. I realize the difficult choices they had to make in putting this year's bill together, and know that you will try your best to accommodate the House on this project.

FISCAL YEAR 1990 DOT APPROPRIATIONS ACT

Mr. DURENBERGER. Mr. President, in reviewing the committee report accompanying the fiscal year 1990 Transportation Appropriation Act, I wish to enter a colloquy on several issues of concern to me and my constituents.

First, I wish to thank the distinguished chairman of the subcommittee for including Minneapolis-St. Paul International Airport on the list of airports to be given priority attention in the FAA's allocation of airport discretionary funds during fiscal year 1990.

Second, I would note that the subcommittee's report accompanying this legislation focuses attention on the need for additional airport capacity within the Nation and for State and local planning efforts to help achieve that important objective.

I am pleased to inform the chairman of the subcommittee that the Minnesota State Legislature has recently passed comprehensive legislation designed to improve facilities for the existing Minneapolis-St. Paul International Airport [MSP] and to determine whether and in what timeframe a successor airport in that hub area is needed for capacity and environmental purposes.

Beyond the new airport planned for Denver, CO, and Austin TX, Minnesota is now in the forefront of activity to determine what airport capacity will be needed over the next 30 years to serve our Twin Cities metro area and the State. I commend our Governor and the legislature for their forward thinking and I am certain the Metropolitan Airports Commission [MAC], the governmental sponsor of our system of airports, and the Metropolitan Council, the agency charged with planning in the Twin Cities metro area, will provide the information required by the legislature.

In addition to the Commission's updating the master plan for the existing MSP airport and further developing that facility as appropriate, the Metropolitan Council must designate a search area for the new airport by 1992. By 1996 the Metropolitan Airports Commission must select a site for a major new airport. The legislature would then determine whether and when a new airport would be needed and authorize land acquisition. The legislature may decide to reserve the site for future use or to begin construction as necessary.

I have two questions for the chairman of the subcommittee. First, may some of the additional Airport Improvement Program funds that your bill would make available above the budget's $1.35 bullion funding level for fiscal year 1990 be allocated by the FAA for the multiyear airport capacity planning activities mandated by the State of Minnesota? I refer specifically to the MSP master plan update and the new airport feasibility study activities.

Mr. LAUTENBERG. I was pleased to hear from the distinguished Senator from Minnesota that the State is undertaking a comprehensive study of airport capacity needs in the Twin Cities metropolitan area for a 30-year period and is studying the potential need for a replacement airport at some time in that planning horizon. New airline airports, as we all know, are hard to plan for and hard to get constructed. But they must be justified and the views of local airport user groups must also be considered.

As to the availability of Federal funding for this planning process, the Senator is correct. Although $100 million of the committee's additional fiscal year 1990 allocation to the AIP Program will be used for airport capacity projects, additional funding will be available for a variety of purposes, including airport system planning. I hope that he can participate fully in the Minnesota process the Senator has described to us over the period of these studies.

Mr. DURENBERGER. I thank the chairman for his answer to my first question. If I may inquire further, may we assume that the FAA will work closely with local airport operating and planning agencies to provide Federal input in all the relevant FAA areas of expertise, such as air traffic control, traffic forecasting and analysis, and environmental impacts? I am told that the FAA established a special team of experts to work closely on the new Denver airport project and that this coordinated effort saved much time and effort for all concerned.

Mr. LAUTENBERG. That would seem to make a lot of sense. The FAA of course would review the revised MSP Airport master plan in any event. As to the more difficult task of compiling information as to the need for a replacement or additional hub airport, I would hope FAA could provide the same type of coordinated help for Minnesota's effort that it has for Denver.

Mr. DURENBERGER. Again, I thank the chairman for his answers and for his leadership in the difficult transportation policy and funding matters that are included in the fiscal year 1990 DOT Appropriations Act. I commend his efforts and will be pleased to support this important legislation.

MEETING THE NEEDS OF PENNSYLVANIA

Mr. HEINZ. Mr. President, I want to take this opportunity to commend Senators LAUTENBERG and D'AMATO for their achievement in crafting an excellent bill with a limited amount of available dollars. Despite fiscal constraints, this bill appropriates for fiscal year 1990 a total of $11.9 billion, an increase of $1.1 billion over last year, to meet our critical transportation needs.

Nearly $6 billion will be appropriated to the Federal Aviation Administration to increase the capacity of airports and to provide for increased safety through the hiring of 695 additional air traffic controllers and the improvement of air traffic control centers and towers.

The sum of $1.9 billion will be appropriated for the Urban Mass Transportation Administration to improve the mobility of millions of Americans, reduce traffic congestion, and improve traffic management.

Under this bill, the Federal Highway Administration will have a total program level of roughly $12 billion to continue its mission of constructing new roads, maintaining the current system of highways and bridges, and enforcing Federal requirements relating to motor carrier safety and the movement of dangerous cargo.

These are among the many important programs which are funded under this bill. Other, equally important ones, such as increased funding for railroad safety and funding for the Coast Guard's vital role of stoping drugs at our borders are also included.

This bill also means roughly $750 million in Federal assistance to my State, Pennsylvania, to help it meet its essential infrastructure needs:

The sum of $175 million in mass transit assistance to improve Pennsylvania's mobility demands and lessen the impact of vehicle congestion. As more and more vehicles clog our roads, they also spew increasing levels of pollution into the air we breathe. Federal transit assistance, is, therefore, not only sound transportation policy, it is also sound environmental policy.

The sum of $500 million in highway and bridge funds. Pennsylvania is the Keystone State for many things, but more than anything it is the key to the movement of goods to market and people from point A to point B. But Pennsylvania's roads and bridges are in severe disrepair. Southwestern Pennsylvania alone has 4,789 bridges of which 1,866 are deficient.

The sum of $60 million will be provided to improve Pennsylvania's air system.

I am especially grateful to the members of the committee for their sensitivity to Pennsylvania's needs: $7.3 million will be available to the State from the interstate transfer account for the Mon-Valley Southern Expressway and the Ohio River Boulevard. The Southern Expressway exemplifies a highway investment to stimulate economic development. Hundreds of construction jobs will be generated and the greater accessibility the highway will provide removes a major obstacle to the Mon-Valley's redevelopment.

The committee has also recognized Pennsylvania's two international airports ongoing capacity enhancement projects by affording them priority: Greater Pittsburgh and Philadelphia. Serving two distinct markets these airports have embarked on ambitious construction efforts.

Construction of the $567 million Midfield Terminal at Greater Pitt will increase systemic capacity nationwide and the project has substantial non-Federal financial support.

Philadephia has initiated a major, 6-year capacity enhancement and modernization program which also requires substantial Federal support. The program is estimated to cost approximately $27 million.

I am especially grateful to the committee for the priority designation given to the Belle Vernon Bridge on Interstate 70 in Washington/Westmoreland Counties. The bridge carries an estimated 32,200 vehicles per day and is the only viable route over the Monongahela River in this area.

Unfortunately, like many of our Nation's bridges, this bridge is severely structurally deficient. The total cost of rehabilitating this bridge is $21.5 million of which $16.4 million is eligible for Federal funds.

Mr. President, I again want to thank the members of the Appropriations Committee, especially Senators LAUTENBERG and D'AMATO, for their thoughtful consideration of my requests for Pennsylvania and for putting together a balanced transportation bill.

PRIORITY REPLACEMENT OF KELLER MEMORIAL BRIDGE

Mr. SHELBY. Mr. President, the Senate Transportation Appropriations Subcommittee report identified several bridges that are to be given priority consideration by the Secretary of Transportation for participation in the bridge discretionary fund. I wish to draw the attention of all Senators and in particular the attention of the distinguished manager of the Department of Transportation and related agencies appropriations bill now before the Senate to another bridge, the Keller Memorial Bridge in Decatur, AL, that also warrants priority treatment.

It is my understanding that the State of Alabama has requested approximately $14 million in discretionary funds to replace the Keller Memorial Bridge which spans the Tennessee River in the vicinity of Decatur, AL. There is a serious need for replacement of the Keller Memorial Bridge. The bridge, which was originally constructed and opened to traffic in 1926, now receives an average of 31,948 vehicles per day, with the predicted average traffic for 2005 at 40,100 vehicles per day according to the Alabama Highway Department. As the lone drawbridge on the Tennessee River, Alabama Highway Department officials fear that the bridge is structurally unable to continue handling the heavy traffic loads.

The Keller Memorial Bridge is an important link between Morgan County and rapidly expanding north Alabama. However, the antiquated structure that has served for 62 years as that vital connection between the north and south banks of the Tennessee River is now a detriment to the entire area. For these reasons, I believe that the 63-year-old Keller Memorial Bridge warrants priority attention.

The distinguished senior Senator from Alabama, Mr. HEFLIN, and I ask the distinguished manager of the Department of Transportation and related agencies appropriations bill if it is the Senate Appropriations Committee's intent that the Keller Memorial Bridge receive the same priority treatment as if it were listed in the committee report.

Mr. HEFLIN. Mr. President, I wish to join my colleague from Alabama in requesting that the Keller Memorial Bridge replacement be given priority consideration by the Secretary of Transportation for participation in the bridge discretionary fund.

I would like to also thank the Senator from New Jersey and the Senator from New York for their assistance on this matter. I know that solely because of time constraints, the Appropriations Committee was not able to consider this matter when the bill was before the committee; and I certainly appreciate their efforts at this time.

Mr. LAUTENBERG. My good friends from Alabama are correct. The committee has directed the Secretary of Transportation to give priority designation, consistent with existing criteria, to give several bridges which serve as major links for both intrastate and interstate commerce and which directly impact the economic development of an area. The State of Alabama's application for the Keller Memorial Bridge replacement is equally deserving of priority consideration. The Secretary of Transportation should give priority designation to the Keller Memorial Bridge discretionary fund application as submitted by the Alabama Highway Department.

Mr. D'AMATO. I agree with Senator LAUTENBERG's identification of the Keller Memorial Bridge replacement in Decatur, AL, as a priority project.

Mr. SHELBY. I thank my good friends from New Jersey and New York for their assistance in addressing this important situation.

ESSENTIAL AIR SERVICE

Mr. DURENBERGER. Mr. President, I rise today to engage in a brief colloquy with the distinguished chairman and ranking member of the Senate Appropriations Subcommittee on Transportation.

First, I would like to express my sincere appreciation for Senator BYRD's dogged championing of the essential air service [EAS]. His efforts this year have permitted the continuance of this vital transportation link between the smaller, economically depressed rural communities and the more robust metropolitan areas. As my distinguished colleagues know too well, many of our Nation's more remote communities have not shared in the economic resurgence of our Nation. A key component to retaining and fostering economic activity is to ensure that all communities have comparable transportation acces to the Nation's economic hubs.

I know that it has been a tough task for the committee. First, fighting for an emergency supplemental appropriation needed to maintain existing EAS obligations during this fiscal year and then, continuing their vigorous efforts to preserve current levels of EAS service in fiscal year 1990. I commend the committee's efforts and I relay to them my sincere appreciation for their hard work.

I know that Chair and ranking member share my deep disappointment with the House's paltry $12.4 million appropriation for EAS in fiscal year 1990 and its unwise scale back of service from 110 communities to 48. While I regret that budgetary constraints have made it politically impossible to expand service to communities authorized by Congress in 1987, I am still committed to providing adequate air service to these communities as soon as feasible. On the whole, I am pleased that the Senate's Transportation appropriations bill provides $35.5 million funding level which is sufficient to continue existing EAS service.

However, I also know that this provision will face tough opposition from the House conferees. I ask the Chair and ranking member if I can get their assurance that they will tenaciously insist on the Senate's $35.5 million funding level for EAS in the conference report?

Mr. LAUTENBERG. I appreciate hearing from my Minnesota colleague his comments on the importance of the $35.5 million funding level for the essential air service. While New Jersey is not affected by the Essential Air Service Program, the continued provision of the essential air service is very important to other members of my subcommittee and Senator DURENBERGER can have my assurance that I will do all that I can to ensure that the final conference committee report will appropriate $35.5 million for the Essential Air Service Program.

Mr. D'AMATO. I thank my colleague from Minnesota for the comments regarding the importance of the Essential Air Service Program. While I have communities which would still receive EAS funding under the provision of the House's Transportation bill, I can appreciate his grave concern for the communities in Minnesota which would lose their service if EAS is not funded at the $35.5 million level. For my part, I will do everything that I can to see that the Senator's request is addressed in conference.

Mr. DURENBERGER. Mr. President, I thank my two colleagues for engaging in this colloquy with me. I realize the difficulty they will face in conference in retaining the Senate's position and I know that they will do their best to prevail on this issue.

ESSENTIAL AIR SERVICE

Mr. KOHL. Mr. President, I would like to raise with the managers of the bill a question concerning the essential air service provisions contained in this legislation.

As the managers know, the fiscal year 1989 supplemental appropriations legislation enacted earlier this year contained language curtailing, as of October 1, 1989, the subsidy for essential air service to communities for which the subsidy per passenger is greater than $300. One of the communities affected by this language was Beloit/Janesville, WI, whose per passenger subsidy was $633 in fiscal year 1988. In expectation of the termination of the subsidy in October, the carrier involved, Apex Airlines, discontinued its service to the Rock County Airport in August of this year.

Given that the average per passenger subsidy under the Essential Air Service Program is approximately $40, I am not inclined to defend a subsidy under this program in excess of $300 for any community, including Beloit/Janesville, WI. I support the efforts on the part of the managers of this bill and others, particularly my colleague from Wisconsin, Representative LES ASPIN, to seek a solution to excessive subsidies being made under this program.

However, I would not want to see the Beloit/Janesville community, or any other community that had per passenger subsidies in excess of $300 in fiscal year 1988, precluded in the future from essential air service if such service could be provided by an air carrier at a rate more clearly in line with the national average for the program. I would therefore ask the managers of the bill whether the language contained in the fiscal year 1989 dire emergency supplemental appropriations legislation or any provision in this bill precludes in any way the community of Beloit/Janesville, WI, from being eligible for the Essential Air Service Program in fiscal year 1990 should it be possible for the community to engage the services of an air carrier at a per passenger subsidy of less than $300.

Mr. LAUTENBERG. The language contained in the fiscal year 1989 supplemental appropriations legislation prohibited subsidies from being paid for service from any subsidized EAS point in the contiguous 48 States after September 30, 1989, that exceeds $300 per passenger based on the most recent fiscal year data available to the Department of Transportation. The bill before us, recognizing the congressional intent in this area, presumes the continuation of subsidization of essential air service to communities at which the subsidy per passenger is under $300.

I would say to the Senator from Wisconsin that I do not believe anything in this bill, or the language in the fiscal year 1989 supplemental appropriations legislation, precludes the eligibility for subsidization in fiscal year 1990 of essential air service to communities included under this program in fiscal year 1989, such as Beloit/Janesville, WI, should it be possible for the community to engage the services of a new air carrier or renegotiate the services of the existing air carrier at a subsidy rate in fiscal year 1990 within the $300 per passenger limit. I should point out, however, that the level of funding in fiscal year 1990 is based on the Department's estimate of what the Essential Air Service Program would cost under current law without service to Beloit/Janesville, WI.

Mr. KOHL. I appreciate the chairman's comments. I understand that there is, in the bill, approximately $1 million in discretionary funding for the program. Should a contract be negotiated in fiscal year 1990 with an air carrier for service to Beloit/Janesville within the confines of the $300 limit, is the Senator of the opinion that Beloit/Janesville would be eligible for funding from these discretionary funds?

Mr. LAUTENBERG. Yes, I believe that, in that circumstance, Beloit/Janesville would be eligible to compete with other communities for that discretionary funding.

Mr. D'AMATO. I would agree with the position taken by my colleague from New Jersey, Senator LAUTENBERG.

Mr. KOHL. I thank the managers of the bill for their clarification of this matter.

TRUCKING SAFETY

Mr. METZENBAUM. I wonder if the Senator from New Jersey would clarify a provision in the committee report on H.R. 3015 concerning research and development on trucking safety.

Mr. LAUTENBERG. I would be pleased to respond to the Senator's questions.

Mr. METZENBAUM. The committee report includes a recommendation for $500,000 for research and education on trucking safety, including driver fatigue issues, drug abuse, and other issues. The committee report directs that the funds should go to a not-for-profit entity. Is it the view of the Senator that any nonprofit entity is eligible to apply for the grant funds?

Mr. LAUTENBERG. The Senator is correct, that any nonprofit entity which is interested and which meets the criteria listed on page 64 of the committee report would be able to apply for such funds.

Mr. METZENBAUM. So, for example, if a nonprofit agency in the State of Ohio, or in any State for that matter, wished to conduct research on the trucking safety issues identified in the committee report, that institute could apply to the Department of Transportation for funds?

Mr. LAUTENBERG. It is my understanding that the funds are to be awarded on a competitive basis through the Department of Transportation and that any nonprofit entity meeting the criteria would be eligible to apply for the funds.

Mr. METZENBAUM. Is it the Senator's understanding that the funds could be awarded to several different not-for-profit entities?

Mr. LAUTENBERG. The Senator is correct.

Mr. METZENBAUM. I thank the Senator.

PROPOSED MULTISTATE HIGHWAY

Mr. BUMPERS. Mr. President, I would like to join with my colleague from Arkansas, Senator PRYOR, to urge the support of the Senate for the multistate highway proposed to run from Shreveport, LA, to Kansas City, MO. In the Federal-Aid Highway Act of 1987, section 166, the Secretary of Transportation was directed to report to Congress on the feasibility and necessity of constructing a 503.2-mile multistate freeway facility to AASHTO design standards from Kansas City, MO, to Shreveport, LA. The Federal Highway Administration found the project feasible.

By joining with I-49 running from I-10 at Lafayette, LA, to I-220 in Shreveport, this multistate highway will provide the only continuous freeway link from the Nation's heartland to the Gulf of Mexico. The proposed multistate highway, designed to run through Missouri, Arkansas, Texas, and Louisiana, and adjacent to eastern Oklahoma and Kansas, would be the only north-south freeway in the 500-mile gap between I-35 and I-55. I wish to go on record that I strongly support this project and that I will work closely with the Department of Transportation in the coming fiscal year to find necessary funds to begin the preliminary engineering study. I urge Chairman LAUTENBERG and the ranking member, Senator D'AMATO, to join with Senator PRYOR, my other colleagues from the region, and me in this effort.

Mr. PRYOR. Mr. President, I rise in full support of the proposal to construct a transportation link between the cities of New Orleans, LA, and Kansas City, MO, and I join with my colleagues in requesting the support of the distinguished floor manager of the bill, Chairman LAUTENBERG of New Jersey.

Section 166 of the Federal-Aid Highway Act of 1987 directed the Secretary of Transportation to report to the Congress on the feasibility and necessity of constructing a proposed multistate highway freeway facility between Kansas City and Shreveport, LA. On March 31, 1988, the Secretary of Transportation submitted copies of the report, prepared by the Federal Highway Administration, to both Houses of Congress. The report determined the technical feasibility of the route.

Mr. President, there is no doubt that this project will be a tremendous asset to my State of Arkansas. It will foster millions of dollars in land development while serving as a magnet for tourists and recreational pursuits. Most importantly, with the opening of new market areas for raw processed products, new commercial aid industrial pursuits will be created.

The amount of money needed now for preliminary engineering studies is very small indeed. I am hopeful, with the support of the Senate Committee on Appropriations, the Department of Transportation can be presented to allocate the necessary $2.5 million from within available funds, thereby allowing us to maintain the budgeting spending levels already established within the bill.

I sincerely appreciate the assistance and support of our very able chairman, the distinguished Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleagues for their efforts in bringing this important project to the attention of the Senate. I look forward to working with the Senators from Arkansas in hopes that adequate funding can be secured to begin the preliminary engineering and design work.

PERMANENT 2-HOUR SMOKING BAN

Mr. FOWLER. Mr. President, I rise in support of a Ford amendment to the Senate Transportation appropriations bill.

I am certainly aware of the concerns about health and air quality on airliners that have arisen over the years, especially for the airline crews who spend such long hours confined as passive smokers in airliner cabins.

Yes, we need to address these concerns. I am not certain, however, that a complete ban on any smoking at all is necessary to resolve the issue, or that this is the appropriate time to consider one.

The Department of Transportation is presently conducting a comprehensive scientific study of airliner cabin air quality. In testimony this summer, the DOT said the study would be completed around the first of next year. I think it makes sense to wait for these empirical results before passing broader legislation on this subject.

The Ford amendment does strengthen our efforts to protect the health of airline passengers by making permanent the current temporary 2-hour ban, which has been tried and has worked well.

The permanent 2-hour ban addresses concerns about the impending expiration of the temporary ban, without overreaching what we know about the dangers of passive smoke on airliners. The House, which has held the only legislative hearings on the subject, last month considered and rejected the same total smoking ban now being proposed in the Senate. The Ford amendment adopts the same proposal, a permanent 2-hour ban, which was voted out of the House Committee on Public Works and Transportation and added to the House Transporation appropriations bill.

I believe the Senate should adopt a similar measure now. Then, when we have the DOT report and the Commerce Committee, which has legislative jurisdiction here, has explored the issue—then we can craft a proposal as stringent as proven necessary based on these findings. The least we can do is give this issue the true deliberation it deserves before we adopt the most extreme measure possible.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that no other amendments or motions be in order to H.R. 3015 the Transportation appropriations bill, with the exception of the pending committee amendments, the pending Lautenberg amendment No. 728, any other amendment relating to a ban on smoking during airline flights, any amendments filed with respect to the amendment on which cloture was filed, and in accordance with provisions of rule XXII and the pending Byrd amendment No. 727.

I further ask unanimous consent that if the Byrd amendment No. 727 is not withdrawn, the two leaders acting jointly after mutual consultation may declare this unanimous-consent agreement modified to permit the offering of additional amendments related to the issue of funding the war against drugs after the Byrd amendment has been disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 6:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses, thereon, and appoints Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. AUCOIN, Mr. BEVILL, Mr. ATKINS, Mr. WHITTEN, Mr. REGULA, Mr. MCDADE, Mr. LOWERY of California, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 737. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes;

H.R. 982. An act to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service Fund, and for other purposes;

H.R. 996. An act to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes;

H.R. 2358. An act to authorize appropriations for fiscal year 1990 for the Civil Achievement Award Program in Honor of the Office of the Speaker of the House of Representatives, and for other purposes;

H.R. 2666. An act to establish a Mildred and Claude Pepper Scholarship Program;

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes;

H.R. 2978. An act to amend section 700 of title 18, United States Code, to protect the physical integrity of the flag; and

H.R. 2986. An act to amend title 5, United Stated Code, to clarify the provisions relating to the composition of any performance review board making recommendations concerning performance awards for career appointees in the Senior Executive Service.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 737. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 982. An act to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service Fund, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

H.R. 996. An act to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2358. An act to authorize appropriations for fiscal year 1990 for the Civic Achievement Award Program in Honor of the Office of the Speaker of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

H.R. 2978. An act to amend section 700 of title 18, United States Code, to protect the physical integrity of the flag; to the Committee on the Judiciary.

H.R. 2986. An act to amend title 5, United States Code, to clarify the provisions relating to the composition of any performance review board making recommendations concerning performance awards for career appointees in the Senior Executive Service; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of September 12, 1989, the following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2666. An act to establish a Mildred and Claude Pepper Scholarship Program; and

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 13, 1989, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 109. Joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 13. A bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowance paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes (Rept. No. 101-126).

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 2990. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-127).

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 2916. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-128).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

Kenneth B. Kramer, of Colorado, to be an Associate Judge of the United States Court of Veterans Appeals for the term of fifteen years; and

John J. Farley, III, of Maryland, to be an Associate Justice of the United States Court of Veterans Appeals for the term of fifteen years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. LAUTENBERG, and Mr. GRASSLEY):

S. 1613. A bill to temporarily suspend the duty on tamoxifen citrate; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. GARN, and Mr. GRASSLEY):

S. 1614. A bill to amend the Housing and Community Development Act of 1974 to revise and improve the community development loan guarantee program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S. 1615. A bill to authorize a certificate of documentation for the vessel *Da Warrior;* to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1616. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Crili;* to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. MURKOWSKI, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. KASTEN, Mrs. KASSEBAUM, Mr. MCCAIN, Mr. LUGAR, Mr. DOMENICI, Mr. ARMSTRONG, Mr. SIMPSON, Mr. SPECTER, Mr. WILSON, and Mr. JEFFORDS):

S. 1617. A bill to promote democratization and reform in Poland and Hungary through development of the private sectors, labor market reforms, and enhanced environmental protection, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOSCHWITZ:

S. 1618. A bill to amend the Internal Revenue Code of 1986 to allow less frequent deposits of payroll taxes for employers of certain lower paid employees; to the Committee on Finance.

By Mr. BOSCHWITZ (for himself and Mr. SYMMS):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail liquor and beer dealers, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 1620. A bill for the relief of Korshida (Kushi) Begum; to the Committee on the Judiciary.

By Mr. GORE:

S.J. Res. 196. Joint resolution to establish the month of October, 1989, as "Country Music Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN (for himself, Mr. GRAMM, Mr. MITCHELL, and Mr. DOLE):

S. Res. 176. Resolution relative to the death of Representative Mickey Leland, of Texas; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. LOTT, Mr. MITCHELL, and Mr. DOLE):

S. Res. 177. Resolution relative to the death of Representative Larkin I. Smith, of Mississippi; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. GARN, and Mr. GRASSLEY):

S. 1614. A bill to amend the Housing and Community Development Act of 1974 to revise and improve the community development loan guarantee program; to the Committee on Banking, Housing, and Urban Affairs.

COMMUNITY ENTERPRISE REVITALIZATION ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation which will reenergize cities and towns across our Nation. With the demise of the Revenue Sharing and the Urban Development Action Grant Programs, the reductions in community development block grant funding, and constraints on tax-exempt municipal financing, our cities have been left on their own to generate jobs, development, infrastructure, and social opportunities. It is time that the Federal Government restate its commitment to economic opportunity in our urban and rural communities.

Senators GARN and GRASSLEY have joined me in this effort. I appreciate their support for our Nation's communities.

This legislation, the Community Enterprise Revitalization Act of 1989, is not a rehash of old economic development programs. During a time of deficits and budget constraints, we must look for more effective and creative solutions to our economic development problems. I believe that this legislation is an innovative solution to the lack of economic opportunity in communities throughout the Nation.

First and foremost, I would like to commend Congressman RIDGE for his dedication and interest in this issue. Congressman RIDGE, who represents Erie, PA, has introduced the Community Enterprise Revitalization Act of 1989 in the House. This legislation, H.R. 2779, has 32 cosponsors from both sides of the aisle. These cosponsors represent rural and urban communities across the Nation. The chairman of the Committee on Banking, Housing, and Urban Affairs, Congressman GONZALEZ, is a key supporter of this legislation. Congressman RIDGE should be commended for devising such a simple, yet creative, solution to our economic development problems at a time of serious fiscal constraints.

This legislation expands and builds upon the Section 108 Loan Guarantee Program. This program currently provides CDBG entitlement communities with a source of financing for economic development and infrastructure projects which are frequently too large to be financed from annual grants or other means. Under section 108, local governments sell notes to private investors, pledge their future CDBG grants as security, and have HUD guarantee the loans. The risk is placed on the local governments by having them pledge their CDBG grants as security.

The Section 108 Loan Guarantee Program is not a direct subsidy, requires no Federal outlay, and has not had a default in its 14-year history.

This program has been an essential tool for communities around the Nation. In my own home State of New York, the Section 108 Program has leveraged over $108 million in private financing for economic development activities in Albany, Binghamton, Buffalo, Cheektowaga, Newburgh, Niagara Falls, Rochester, Syracuse, Troy, and Utica since 1979. In addition, the program has been instrumental in Maryland, Oklahoma, Georgia, California, Ohio, Pennsylvania, and Texas.

My legislation would reaffirm the discipline of the Section 108 Loan Guarantee Program, and also would maximize the potential uses of the program. Specifically, the legislation would allow small cities and rural communities to access the program. Currently, only CDBG entitlement communities—larger urban centers—are eligible to use the program. This policy discriminates against smaller communities which have serious economic development problems.

Second, the legislation gives special priority to projects in Federal and State designated enterprise zones. Enterprize zones were established in the Housing and Community Development Act of 1987. Secretary Kemp has made enterpise zones one of his top six priorities. My legislation reaffirms the importance of enterprise zones by giving special priority to economic development projects in designated enterprise zones.

Third, this bill would allow a community to use the Section 108 Loan Guarantee Program to construct low-income housing. Currently, the program may only be used for CDBG-eligible activities. This includes rehabing housing, but not constructing new housing. The greatest problem that many communities face is affordable housing. This legislation would provide flexibility for communities to use this program to build housing which may be essential for business development and employment opportunities.

Fourth, the bill expands the amount of financing that a community can receive through the program. Currently, a community is limited to only three times the amount of its CDBG allotment. My legislation would expand this amount to five times the CDBG allocation.

Fifth, my bill would provide additional flexibility to a community to repay the loan. Currently, the Section 108 Program will only guarantee a loan that is repaid in 6 years. This limitation puts a great deal of pressure on localities, causing many of them to not participate in the program. This legislation would increase the loan repayment period to 10 years.

Last, this legislation would require the Secretary of HUD to carry out training and information activities regarding the Section 108 Program. This program has had very limited use around the Nation, mainly because communities have been unaware of the program and unsure of how to use the program. This provision aims to overcome these obstacles to broaden the use of the program.

This legislation has the strong support of interest groups from around the Nation. The National League of Cities, the U.S. Conference of Mayors, the National Community Development Association, the National Association of Counties, the National Congress of Community Economic Development Organizations, the National Association of Housing and Redevelopment Officials, and the International Downtown Association have endorsed the bill.

The introduction of this legislation is extremely appropriate for today. The fiscal year 1990 Senate VA-HUD-independent agencies appropriations bill restored the 68 percent funding cut for the Section 108 Loan Guarantee Program. The House had reduced funding for this program to $46 million in credit authority. The Senate bill restores the Section 108 Program funding to the fiscal year 1989 level of $144 million. As a member of the VA-HUD-Independent Agencies Subcommittee, I was pleased to advocate for this program and ensure that it could continue to be an effective tool for economic development.

I believe that the Section 108 Program has proven itself to be an effective mechanism for generating private investment into our communities. At a time when we desperately need the help of the private sector to generate jobs and development, the Section 108 Program appears to be one which we should support and enhance. As a Senator from a State with both urban and rural communities, I am pleased to introduce legislation that promotes economic opportunities for all types of communities around our Nation.●

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1616. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Crili*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF THE VESSEL "CRILI"

● Mr. GLENN. Mr. President, I rise today on the behalf of myself and Senator METZENBAUM to introduce legislation to provide a certificate of documentation for employment in the coastwise trade for the vessel *Crili*.

The *Crili* is a 40-passenger vessel built in the United States in 1977 by Hamilton Steel in Dania, FL. The vessel was placed under British registry and operated as a pleasure craft out of the Cayman Islands until 1982. At that time the vessel was purchased by a Delaware corporation, placed under U.S. flag and operated as a pleasure craft out of Palm Beach, FL. The *Crili* was recently purchased by the Southern Ohio Executive Yacht Charters, Inc. This company intends to operate the *Crili* out of Cincinnati, OH, as a corporate charter vessel.

Under current law the vessel cannot obtain a certificate of documentation for employment in the coastwise trade from the Coast Guard because of the foreign registry in its chain of ownership. Congress has the authority to waive the provisions of this law.

Mr. President, we believe that this vessel should be allowed to operate on the Ohio River and ask the Senate to consider this legislation.●

By Mr. DOLE (for himself, Mr. MURKOWSKI, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. KASTEN, Mrs. KASSEBAUM, Mr. MCCAIN, Mr. LUGAR, Mr. DOMENICI, Mr. ARMSTRONG, Mr. SIMPSON, Mr. SPECTER, Mr. WILSON, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1617. A bill to promote democratization and reform in Poland and Hungary through development of the private sectors, labor market reforms, and enhanced environmental protection, and for other purposes; to the Committee on Foreign Relations.

POLAND AND HUNGARY DEMOCRACY ACT

Mr. DOLE. Mr. President, I am pleased today to introduce legislation to implement the initiatives for Poland and Hungary, announced by the President during his visit to those two countries in July.

Joining me as original cosponsors are Senators MURKOWSKI, BOSCHWITZ, DURENBERGER, KASTEN, KASSEBAUM, MCCAIN, LUGAR, DOMENICI, ARMSTRONG, SIMPSON, SPECTER, WILSON, and JEFFORDS.

Mr. President, this is an important, timely initiative. It says to Poland, and to the world: The United States stands ready to help any nation that makes a decision to turn from communism to freedom; from a statist economy to a free market economy.

This bill authorizes $146 million for expenditure over the next 3 fiscal years—$119 million for Poland, and $27 million for Hungary—in three areas.

For the development of private sector enterprise, it authorizes $100 million for Poland, and $25 million for Hungary.

For labor training, it authorizes $4 million for Poland, and $1 million for Hungary.

For environmental projects, it authorizes $12 million, with planned spending of $11 million in Poland and $1 million in Hungary.

This is an important initiative, both in its substance, and in its timing.

I have recently returned from Poland, and last week reported to the Senate in detail on my observations there. One thing that very much impressed me was the universal understanding of every Pole I met—including Polish Communists—that Poland's only hope for a brighter economic future lies in greater reliance on the private sector.

The engine of Poland's economy is "running on empty." Among its many other problems—an irrational pricing system, runaway inflation, a touch-and-go food situation—none is more important in terms of long-run development than the fact that there is virtually no private savings and investment. Why? For the simple reason that there is no confidence in the banking system, and no appealing private investment opportunities.

The President's private enterprise fund aims at sparking the kind of private sector initiative that can have a "multiplier effect" in the economy—providing immediate investment opportunities and jobs, which in turn creates corporate and personal income that will "roll over" into additional new investment and jobs. No public sector aid offers that kind of promise.

In Hungary, the aim is the same, and the promise of return is probably even greater. Hungary already has the most active and successful private sector in the Communist bloc. The additional boost of the Hungarian-American private enterprise fund will add another "push" to what already is a strong Hungarian drive to change from a statist, into a private enterprise-driven economy.

The labor initiative is also effectively focused on real needs. Poland, in particular, faces an enormous, multifacted challenge in the labor field.

Politically, solidarity's challenge is to evolve from an oppositionist labor union—into the leading force in the government.

Economically, it must sell its membership on the need for short-term sacrifice, in order to improve the prospects for long-term gain—while at the same time retraining Poland's labor force in the techniques and technology that are relevant to a private sector economy.

I was accompanied on my visit by our Secretary of Labor, who happens to be my wife—so we had the occasion to discuss many of these labor issues in some detail with the Polish leadership. They are anxious for our in-put, and I can assure the Senate that our Labor Department is prepared to go at the task "hammer-and-tongs" as soon as this legislation is approved.

Finally, the President's initiatives include important new programs in the environmental field. Specifically, we are targeting on programs to make an important contribution to upgrading the quality of the air and water in one of Poland's largest, most historic, and environmentally most devastated cities—Krakow.

Mr. President: As I said in my statement last week, Poland—and, truly, Hungary as well—are at historic crossroads. Both of those countries are undertaking remarkable experiments in greater freedom politically, and greater reliance on free markets economically.

We have a big, big stake in the results of those grand experiments. If those experiments work—if those two countries accelerate on their current paths toward greater freedom and prosperity—there will be less chance of war in Europe; and it will give a major boost to the struggle for greater freedom going on throughout the Communist bloc.

It is in our national interest to do what we can to make these experiments work. Providing timely, effective assistance to help democracy take root, and to move the economies of those countries in the direction of free markets, is an excellent investment in our own security, and in the cause of freedom we cherish.

Mr. President, I view this package as a beginning. I have already indicated my belief that we should scour our budget carefully, to see if we cannot come up with some additional resources to send another timely signal of American support for the "Mazowiecki" government now. I have reason to believe that exact process is going forward in the executive branch now, and I would hope for some additional announcement soon.

Meanwhile, I hope this package will enjoy prompt and favorable committee consideration, and that we will soon have the opportunity on the floor to signal our support for freedom and free enterprise in Poland and Hungary—by passing this legislation.

Mr. President, I ask unanimous consent to include the following in the RECORD: The text of the bill; a section-by-section analysis; and a letter sent to me by the President, urging prompt congressional action on the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Poland and Hungary Democracy Act of 1989".

TITLE I.—ENTERPRISE FUNDS IN POLAND AND HUNGARY

AUTHORIZATION OF FUNDING

SEC. 101. For the purpose of promoting development of the Polish and Hungarian private sectors, including small businesses and joint ventures with United States and host country participants, and to promote policies and practices conducive to private sector development, through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures, there are hereby authorized to be appropriated to the President the following amounts, which shall remain available until expended:

(1) $100 million to support a Polish-American Enterprise Fund; and

(2) $25 million to support a Hungarian-American Enterprise Fund.

Such funds may be made available to the organizations designated by the President in accordance with section 102 and used for the purposes of this Title notwithstanding any other provision of law.

PRIVATE ENTERPRISE FUNDS

SEC. 102. (a) The President is authorized to designate two private, non-profit organizations, which for the purposes of this Title shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (the "Enterprise Funds"), as eligible to receive funds and support pursuant to section 101 upon determining that such organizations have been established for the purposes stated in section 101. Each such Enterprise Fund may be governed by a Board of Directors including private citizens of the United States and the respective host country.

(b) Nothing in this Title shall be construed to make the Enterprise Funds agencies or establishments of the United States Government, or to make the officers, employees or members of the Board of Directors of the Enterprise Funds officers or employees of the United States for the purposes of Title 5 of the United States Code.

GRANTS AND SUPPORT FOR THE ACTIVITIES OF THE ENTERPRISE FUNDS

SEC. 103. (a) Funds appropriated to the President pursuant to section 101 shall be granted to the Enterprise Funds by such executive agency as the President shall designate (the "Agency")—

(1) to enable the Enterprise Funds to carry out the purposes specified in section 101, taking into account such considerations as internationally recognized worker rights, human rights, environmental factors, United States economic and employment effects and likelihood of commercial viability of the activity receiving assistance from the Enterprise Funds, and

(2) for the administrative expenses of each Enterprise Fund.

(b) Notwithstanding any other provision of law, the Enterprise Funds may hold grant funds appropriated pursuant to section 101 in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in section 101, and to retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(c) The Agency shall have authority, notwithstanding any other provision of law, to use up to $300,000 in each fiscal year of funds from such program account or accounts of that Agency as the Agency may determine for the purpose of carrying out functions under this Title.

(d) Executive Branch departments or agencies shall have authority to conduct programs and activities, and to provide services, in support of the activities of the Enterprise Funds, notwithstanding any other provision of law.

(e) In addition to assistance authorized in section 101, commodities eligible for programs of assistance under section 416(b) of the Agricultural Act of 1949 and under Title II of the Agricultural Trade Development and Assistance Act of 1954 may be made available to, or for the benefit of, the Enterprise Funds, notwithstanding the requirements of section 416(b)((7) of the Agricultural Act of 1949 or any other provision of law, for sale or barter to generate local currencies to be used by the Enterprise Funds for the purpose stated in section 101 hereof.

ELIGIBILITY OF THE ENTERPRISE FUNDS FOR GRANTS

SEC. 104. (a) Grants may be made to the Enterprise Funds under this Title only if the Enterprise Funds agree to comply with the requirements specified in this Title.

(b) The Enterprise Funds may provide assistance pursuant to this Title only for programs and projects which are consistent with the purposes set forth in section 101.

(c) No part of the funds of either Enterprise Fund shall inure to the benefit of any Board Member, officer or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(d) The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by section 104(g).

(e) The financial transactions undertaken pursuant to this Title by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(f) The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records, as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(g) Not later than March 31 of each year, each Enterprise Fund shall publish an annual report for the preceding fiscal year. The report shall include a comprehensive and detailed report of the concerned Enterprise Fund's operations, activities, financial condition, and accomplishments under this Title.

TITLE II—LABOR MARKET TRANSITION

TECHNICAL ASSISTANCE

SEC. 201. The Secretary of Labor, in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

AUTHORITIES OF THE SECRETARY OF LABOR

SEC. 202. In carrying out the responsibilities enumerated in section 201, the Secretary of Labor may—

(1) provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary of Labor may deem appropriate regarding free labor markets and labor organizations;

(2) accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this Title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States: *Provided*, That gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), as amended;

(3) enter into arrangements or agreements with appropriate departments, agencies and establishments of Poland and Hungary; and

(4) enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

CONSULTATION WITH APPROPRIATE OFFICERS

SEC. 203. In carrying out the responsibilities established by this Title, the Secretary of Labor shall seek information and advice from, and consult with, appropriate officers of the United States.

CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES

SEC. 204. For purposes of this Title, consultation between the Secretary of Labor and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. app.).

AUTHORIZATION OF TRANSFERS

SEC. 205. Notwithstanding any other provision of law, from the funds appropriated or available to the Department of Labor, the Secretary of Labor is authorized to transfer and to obligate the following amounts for the purposes of carrying out this Title:

(1) $4,000,000 for technical assistance to Poland, and

(2) $1,000,000 for technical assistance to Hungary,

Funds so transferred shall be available for obligation immediately.

TITLE III—ENVIRONMENTAL INITIATIVES

ENVIRONMENTAL PROTECTION AGENCY AUTHORITIES

SEC. 301. In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as he may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

AUTHORIZATION OF TRANSFERS

SEC. 302. The Administrator of the Environmental Protection Agency is authorized to use up to $3,000,000 in each of fiscal years 1990, 1991, and 1992, of funds appropriated under Title VI of the Clean Water Act to carry out the purposes of this Title. The Administrator may also use up to $1,000,000 appropriated to the Environmental Protection Agency under other authorizing statutes to carry out the purposes of this Title.

ACTIVITIES IN POLAND

SEC. 303. The Administrator shall cooperate with Polish officials and experts to—

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

ACTIVITIES IN HUNGARY

SEC. 304. The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED POLAND AND HUNGARY DEMOCRACY ACT OF 1989

I. INTRODUCTION

The proposed Poland and Hungary Democracy Act of 1989 (the "Bill") provides new authorities needed to strengthen efforts by U.S. Government departments and agencies to promote development of the private sector, implement labor market reforms, and protect the environment in Poland and Hungary.

The bill is composed of three titles. Title I consists of an authorization of funds to be granted to a new Polish-American Enterprise Fund and to a new Hungarian-American Enterprise Fund (the "Enterprise Funds") to promote development of the Polish and Hungarian private sectors. This Title authorizes the President to designate two private, non-profit organizations, referred to as the Enterprise Funds, to receive as grants the funds authorized for appropriation by this Title. Each Enterprise Fund is to be a private, non-profit organization governed by a Board of Directors including private citizens of the United States and either Poland or Hungary. As entities established privately rather than by statute, the Funds will have the independence and flexibility needed in order to promote private sector development in each country, as well as to receive contributions in support of their activities from non-U.S. Government sources. It is preferable and appropriate that these Funds undertake the activities of promoting private sector development in the respective countries rather than for the United States Government to assume that role.

Title I of the bill provides that each Enterprise Fund shall use the grant funds authorized by the Bill to support private sector development through loans, grants and other mechanisms. Title I also authorizes Executive Branch departments and agencies to conduct programs in Poland and Hungary in support of Enterprise Fund activities.

Title II of the bill authorizes and directs the Secretary of Labor to provide technical assistance to Poland and Hungary to implement labor market reforms and to facilitate economic adjustment and reform. This Title authorizes transfers of funds for these purposes.

Title III of the bill authorizes the Administrator of the Environmental Protection Agency (EPA) to undertake environmental protection activities in Poland and Hungary. This Title specifically directs the EPA Administrator to assist in efforts to improve air and water quality in Krakow, Poland, and to establish a regional environmental center in Budapest, Hungary.

II. PROVISIONS OF THE BILL

Section 1. Short title

This section provides that the bill may be cited as the "Poland and Hungary Democracy Act of 1989".

TITLE I—ENTERPRISE FUNDS IN POLAND AND HUNGARY

Section 101. Authorization of funding

This section authorizes $100 million to support a Polish-American Enterprise Fund, and $25 million to support a Hungarian-American Enterprise Fund (the "Enterprise Funds"), for the purpose of promoting development of the Polish and Hungarians private sectors as well as policies and practices conducive to private sector development. Funds made available to the Enterprise Funds may be used for loans, grants, equity investments, feasibility studies, technical assistance, training, and other measures.

Section 102. Private enterprise funds

This section authorized the President to designate two private, non-profit organizations, referred to as the Enterprise Funds, to receive the funds authorized in section 101 of this legislation. Each Enterprise Fund may be governed by a Board of Directors including private citizens of the United States and either Poland or Hungary. The Enterprise Funds are not agencies or establishments of the United States.

Section 103. Grants and support for the activities of the enterprise funds

This section provides that the President shall designate an Executive Branch agency (the "Agency") to grant the funds authorized by this legislation to the Enterprise Funds to carry out Enterprise Fund purposes, taking into account internationally recognized worker rights, human rights, environmental factors, United States economic and employment effects and the likelihood of commercial viability of the activities assisted by the Funds, and for the Enterprise Funds' administrative expenses. The Enterprise Funds may hold grant funds in interest-bearing accounts and retain interest earned on such accounts for program purposes.

This section further provides that the Agency designated by the President to administer grants to the Funds may use up to $300,000 each fiscal year from Agency program accounts to carry out the Agency's administrative functions relating to the Funds. Notwithstanding any other provision of law, Executive Branch departments or agencies may conduct activities and provide service in support of the activities of the Enterprise Funds.

This section further provides that in addition to assistance authorized by this Title, commodities eligible for programs of assistance under section 416(b) of the Agricultural Act of 1949 and Title II of the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480) may be made available to the Enterprise Funds, or for the benefit of the Enterprise Funds, for sale or barter to generate local currencies for use by the Enterprise Funds for private sector development, notwithstanding requirements in section 416(b)(7) of the Agricultural Act of 1949 and other provisions of law.

Section 104. Eligibility of the enterprise funds for grants

This section sets various financial and administrative controls on grants provided to the Enterprise Funds.

Grants may be made to the Enterprise Funds under this Title only if the Enterprise Funds agree to comply with the requirements in this Title.

The Enterprise Funds may provide assistance only for programs and projects consistent with the purposes of section 101 of this legislation.

No board member, officer or employee of the Enterprise Funds shall benefit from the funds except as salary or compensation.

The accounts of each Enterprise Fund are to be audited annually by independent certified or licensed public accounts.

The General Accounting Office (GAO) may audit the financial transactions of the Enterprise Funds so long as the Enterprise Fund is in receipt of United States Government grants.

The Enterprise Funds are directed to ensure that each recipient of assistance from an Enterprise Fund keeps separate financial and other records needed for an effective audit, and that the Enterprise Funds or their representatives have access to all documents of recipients of Enterprise Fund assistance pertinent to such assistance.

Finally, each Enterprise Fund is directed to publish an annual report by March 31 on the activities, financial condition, and accomplishments of the Enterprise Fund during the preceding fiscal year.

TITLE II—LABOR MARKET TRANSITION

Section 201. Technical assistance

This section directs the Secretary of Labor, in consultation with representatives of American labor and business, to provide programs of technical assistance to Poland and Hungary that are designed to assist Poland and Hungary in the implementation of labor market reforms, and to facilitate adjustment during the period of economic transition and reform.

Section 202. Authorities of the Secretary of Labor

This section provides specifically that the technical assistance provided by the Secretary of Labor to Poland and Hungary under section 101 may include assistance in establishing programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small business, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary of Labor considers appropriate regarding free labor markets and labor organizations.

This section also authorizes the Secretary of Labor to accept in the name of the Department of Labor, and to employ or dispose of in furtherance of the purposes of the section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States. This authority is provided on the condition that gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)

This section authorizes the Secretary of Labor to enter into arrangements or agreements with appropriate departments, agencies and establishments of Poland and Hungary in order to carry out activities under this Title, and to enter into arrangements or agreements with appropriate private and public sector United States parties and international organizations.

Section 203. Consultation with appropriate officers

This section requires the Secretary of Labor to seek information and advice from, and to consult with, appropriate officers of the United States in carrying out activities under this Title.

Section 204. Consultation with labor and business representatives

This section provides that consultation, as provided by Section 201, between the Secretary of Labor and representatives of United States labor and business shall not be subject to the Federal Advisory Committee Act (5 U.S.C. app.).

Section 205. Authorization of transfers

This section authorizes the Secretary of Labor to transfer from funds appropriated or available to the Department of Labor $4 million for activities undertaken pursuant to this section with regard to Poland and $1 million for activities with regard to Hungary.

TITLE III—ENVIRONMENTAL INITIATIVES

Section 301. Environmental Protection Agency authorities

This section authorizes the Administrator of the Environmental Protection Agency

(EPA) to undertake environmental protection activities, such as educational, training, and technical assistance programs, in Poland and Hungary.

Section 302. Authorization of transfers

This section authorizes the transfer of up to $3 million in each of fiscal years 1990, 1991, and 1992, from funds appropriated for the State Revolving Fund under the Clean Water Act, and up to $1 million from other funds, for the purposes of carrying out this Title.

Section 303. Activities in Poland

This section directs the EPA Administrator to work with Polish officials and experts to establish an air quality monitoring network and to assist in the improvement of water quality and the availability of drinking water supplies in the Krakow, Poland, metropolitan area.

Section 304. Activities in Hungary

This section directs the Administrator to work with Hungarian and other official and private parties to establish a regional environmental center in Budapest, Hungary.

THE WHITE HOUSE,
Washington, DC, September 7, 1989.

HON. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Thank you for stopping by Kennebunkport to share thoughts on Poland. I also appreciate your letter of August 28 and the letter you delivered from Lech Walesa. I agree entirely that the latest dramatic events in Poland call for prompt US action. That is why I am writing you and other Congressional leaders to explain the legislation we are submitting and to seek your support in moving it forward as quickly as possible.

The Administration is forwarding a legislative proposal entitled the "Poland and Hungary Democracy Act of 1989." It would authorize $100 million for a Polish-American Enterprise Fund and $25 million for a Hungarian-American Enterprise Fund; a Labor Initiative for Poland and Hungary; and an Environmental Initiative for fighting air and water pollution in Krakow and establishing an Environmental Center in Budapest. This initiative could be added to pending legislation to authorize the Overseas Private Investment Corporation to operate in Poland and Hungary, and grant Poland tariff treatment under the Generalized System of Preferences.

During the August recess, the Administration has been working in consultation with Congressional staffs, on legislation for the Enterprise Funds. These would be managed and directed by the private sector, as befits initiatives aimed at capitalizing and invigorating Polish and Hungarian private enterprise. Although the authorizing legislation and grant agreements will ensure control over the uses to which the Funds can be put, I believe it important to create flexible mechanisms that can move quickly and to engage the vitality and creativity of the American private sector in this effort. In this way, the Funds can have an impact far beyond the initial outlay we propose.

The Labor Initiative is similarly important. Economic reform, which is central to our ability to help the Poles and Hungarians help themselves, will cause major dislocations of the work forces. These disruptions could fuel labor unrest at a time when the Polish and Hungarian governments need public support for their reform measures. Our initiative will provide help where it is needed: job retraining, improved labor mobility, and technical assistance.

Our Environmental Initiative targets two particularly important needs: combating pollution in and around Krakow, the cultural heart of Poland, and creating an Environmental Center in Budapest to study ways of cleaning up the Danube. Funding for the Krakow initiative will be borne in part by the Department of Energy, which will reprogram $10 million in the coming fiscal year for retrofitting coal-fired plants in the Krakow area. It is also vitally important for the United States to support the view that economic and environmental progress must go hand in hand.

These measures, together with others we are taking in cooperation with our European allies, are part of a broad package of economic measures to support economic reform and democratic change in Poland and Hungary. We recognize that no amount of Western assistance can substitute for efforts the Polish and Hungarian governments have to undertake, and we must ensure that our support is conditioned on real progress toward economic reform. We also recognize that the United States cannot bear the entire burden of Western support. That is why we proposed at the Paris Economic Summit a mechanism for "Concerted Action" in support of democratic change in Poland and Hungary—a proposal that is now reality through the "Group of 24" industrialized democracies convened under the auspices of the EC Commission. Along with other members of the "G-24," we have already met twice in Brussels, with another meeting scheduled for September 26. You will appreciate that the historic changes in Poland over the past few weeks have lent a new urgency to our efforts. The new Polish government under Prime Minister Mazowiecki will face enormous difficulties in implementing economic and political reform at a time of sharply rising inflation, but it will also have historic opportunities to build a new Poland and in so doing help bring about a new Europe. There may be but a small window of opportunity for us, together with our European partners, to render quick and effective support. It is vitally important that we seize the historic moment.

The Administration announced last month that the United States will provide Poland with up to $50 million in food aid in the coming fiscal year, and we are working with other members of the G-24 to coordinate our emergency food assistance to cushion the impact of the decontrol of food prices. The Administration is also reviewing a full range of options for further economic assistance. And I should add that we may soon be seeing similarly dramatic changes in Hungary that will call for prompt reappraisal of our assistance measures.

Meanwhile, however, it is among my highest priorities to turn into reality the measures already announced for Poland and Hungary. I urge you to lend your support in moving this legislation forward, and I look forward to working with Congress toward that end.

Sincerely,

GEORGE BUSH.

By Mr. BOSCHWITZ:

S. 1618. A bill to amend the Internal Revenue Code of 1986 to allow less frequent deposits of payroll taxes for employers of certain lower paid employees; to the Committee on Finance.

DEPOSIT OF FICA TAXES FOR CERTAIN EMPLOYEES

● Mr. BOSCHWITZ. Mr. President, today I am introducing legislation which will assist small local governments with filing Federal tax withholdings, Social Security, and Medicare payments. Lately I have been contacted by many township officers regarding the quarterly, or sometimes monthly, filing of Social Security, Medicare, and Federal taxes.

These small local governments have some officials, for example township officers, who are very much part-time workers and may be making as little as $50 per month. Oftentimes, because their wages are so low, the Federal taxes that must be filed for such employees amount to less than $1. It seems ridiculous to require these small units of government to file and pay monthly taxes on such small amounts.

My bill, Mr. President, would permit these small government employers—defined as having a population of less than 5,000—to file taxes once every 6 months for those employees who earn $3,500 or less per year. This will include Federal taxes and both the employer's and the employee's portions of Social Security and Medicare.

Also, government employers would not be required to withhold or deduct Federal taxes, or the employee's portion of Social Security and Medicare, if the employee earns less than $600 per year. The individual employee would be responsible for paying these taxes when due. The employer would, however, still have to file the employer's portion of Social Security and Medicare, but only once a year.

Mr. President, the State of Minnesota, which I am proud to represent, has many small local governments which can be benefited by this bill. I am certain Senators representing rural States like mine, will find this a very practical way to assist small government entities who otherwise must comply with a very cumbersome withholding schedule. I urge my colleagues to support the bill.●

By Mr. BOSCHWITZ (for himself and Mr. SYMMS):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail liquor and beer dealers, and for other purposes; to the Committee on Finance.

RETAIL LIQUOR AND BEER DEALERS TAX

● Mr. BOSCHWITZ. Mr. President, today I am introducing legislation which, if enacted, will provide much needed tax relief to owners of small businesses that sell liquor and beer. Currently, individuals wishing to sell beer or liquor are required to obtain State and Federal authorization and pay a special occupational tax for the privilege of doing so. Unfortunately, many of these retailers, especially small, seasonal operators, were unaware of the Federal requirement.

The authority to collect the special occupational tax on retail liquor and beer dealers was transferred from the Internal Revenue Service [IRS] to the Bureau of Alcohol, Tobacco and Firearms [ATF] in 1987. At that time the tax was also raised from $24 a year for beer dealers to $250 a year. Because of the increased amount of tax being generated, the ATF began enforcing tax compliance more vigorously than the IRS had enforced it. For many of the small business owners, their letter from ATF advising them of past due taxes owed was the first they had heard of the Federal occupational tax.

Mr. President, I have received numerous letters from grocers, resort owners, and other alcohol retailers in Minnesota on this issue. One of my constituents, who owns a fishing resort in northern Minnesota, recently received a notice from ATF informing him he owed $1,100 for unpaid taxes, interest, and penalties since 1978. He had never heard of the tax before receiving the ATF notice. I also heard from a grocer who sells beer. ATF had notified him that he owes over $1,400 for special occupational taxes and penalties dating back to 1974. There are hundreds of similar cases in my State alone.

Last spring I contacted Nicholas Brady, Secretary of the Treasury, expressing my concern over this special occupational tax. I informed him I felt the retroactive aspect of the tax was unfair in light of the fact that so many small businesses were unaware of its existence. Secretary Brady responded that it is AFT's policy to seek payment for all years of operation. This is because there is no statute of limitations on this tax when no return is filed; thus, the tax can be assessed and collected at any time, including interest and penalties.

My bill, Mr. President, would establish a reasonable 3-year statute of limitations on the collection of these taxes for those individuals able to establish reasonable grounds for nonpayment in prior years; that is, good faith ignorance of the tax. For an eligible taxpayer, no taxes could be collected for the period preceding July 1, 1986. Further, any taxes for the period prior to July 1, 1986, but assessed after December 31, 1987 and before the date of enactment, would be abated. Taxes for the period prior to July 1, 1986 that were collected between the above-mentioned dates would be credited or refunded to the taxpayer as an overpayment.

Mr. President, I want to stress that the provisions in this legislation are not available if the individual knew of, but simply refused to pay, the special occupational tax. Rather, it will be available only to those taxpayers who can furnish ATF with such evidence as it may require to establish bona fide lack of knowledge.

As ranking minority member of the Small Business Committee, I am particularly interested in the second provision included in my bill. It would lower the tax from $250 a year to $100 a year for small retail dealers. A small retail dealer is defined as a beer or liquor retail dealer which has gross alcohol sales of not more than $10,000 per year. For example, one resort in my State, which is open 5 months of the year, sells about 200 cases of beer during that time. Yet, under current law, it is required to pay the same tax as its much larger, year-round competitors.

The small, seasonal resort operators will have two choices under the current tax structure: Raise their prices to offset this tax, or terminate their limited beer and alcohol sales. If forced to terminate such sales, it will make it that much harder for them to compete with large, year-round operations.

I believe lowering the tax to $100 a year for small retail dealers and placing a reasonable 3-year statute of limitations on the tax for all retail dealers would be just and equitable, especially for small retailers. I encourage my colleagues to support this legislation.●

By Mr. GORTON:

S. 1620. A bill for the relief of Korshida (Kushi) Begum; to the Committee on the Judiciary.

RELIEF OF KORSHIDA BEGUM

● Mr. GORTON. Mr. President, today I am introducing a bill to address the tragic situation of a young girl residing in the State of Washington.

Last year, 9-year old Korshida (Kushi) Begum was brought to the United States to live with her older sister and her husband, an American citizen. Her happy beginning soon turned sour, as Kushi's brother-in-law then sexually and physically abused Kushi. He has since been tried and convicted of that crime, and Washington State officials have placed Kushi in a foster home.

Since her parents in Bangladesh have not abandoned her and therefore she is not legally adoptable, and since she is no longer living with relatives, she is threatened with deportation under immigration law.

Understandably, Kushi, her new foster parents, and virtually all of her adopted community of Hoquiam, WA, want otherwise. They all want Kushi to stay. To complicate matters, the wishes of Kushi's parents, who live in a remote village, are not clear.

Time is required, and the law that INS must follow does not give the agency the flexibility to take the time and the extra steps that may be needed to unravel this case. Compassion dictates that the wishes of Kushi's natural parents, her foster parents, the Moslem community in the State and Kushi herself be sought and weighed. The tragic and compelling circumstances of Kushi's plight have turned her case into a media event. Rumor and emotion have supplanted fact and procedure. The case is trying enough, without these additional pressures on the family.

So, Mr. President, I must intercede with the extraordinary step of a private bill. I do so by acknowledging that, for me, such a step is unusual. But I find these circumstances rare indeed.

And I further acknowledge that one principal effect of introduction is to stay deportation during the time that the bill is under consideration by Congress. I want Kushi, her foster parents Bob Martin and Betsy Seidel, and all their friends in Washington State to know that they will have time to work this out, to do what's best.

This bill grants a 1-year stay of deportation proceeding from the date of enactment. It does not deprive Kushi's natural parents of any rights. And it specifically directs the Attorney General to ensure that Kushi's natural parents are fully informed of the facts pertaining to Kushi's welfare, and prevents any action prior to such steps being taken.

Finally, Mr. President, I wish to commend the handling of this case so far by the INS. The Seattle regional office of the INS, headed by Richard Smith, and Pam Corrozza, Assistant Director, has displayed great sensitivity and professionalism in this case, and have been very helpful to my staff and to members of the community. Theirs is a tough job, well done.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. STAY OF DEPORTATION.

Notwithstanding the existence of any ground for deportation of which the Deparment of State or Department of Justice acquired knowledge on or before the date of enactment of this Act and notwithstanding the expiration of her visa, Korshida (Kushi) Begum shall not be subject to deportation until the date that is 1 year after the date of enactment of this Act.

SEC. 2. RIGHTS OF NATURAL PARENTS.

(a) Nothing in this Act shall be construed as prejudicing any rights that the natural parents of Korshida (Kushi) Begum may have regarding the immigration status of Korshida (Kushi) Begum.

(b) The Attorney General shall take steps to ensure that the natural parents of Korshida (Kushi) Begum are fully informed of the facts relating to the welfare of Korshida (Kushi) Begum and shall take no action relating to her right to remain in the United States until such steps have been taken.●

By Mr. GORE:

S.J. Res. 196. Joint resolution to establish the month of October 1989, as "Country Music Month"; to the Committee on the Judiciary.

COUNTRY MUSIC MONTH

● Mr. GORE. Mr. President, I am pleased to introduce, along with my distinguished colleagues, Senators Jim Sasser, Dale Bumpers, and Howell Heflin, a resolution to designate October 1989 as Country Music Month. This resolution underscores the contributions of country music—an authentic American art form—to American culture.

With its roots in the American folk songs and spirituals sung on front porches and around camp fires, the first country music reflected the strength and vitality of our young, ambitious Nation. Country music as most of us know and appreciate was born in 1923 when Fiddlin' John Carson made the first successful country music recording. Today country music superstars perform for countless live audiences and are heard on over 2,000 radio stations nationwide.

And, while Nashville, TN, is heralded as "Music City, U.S.A., Country Music Capital of the World," country music is enjoyed by people throughout the United States. In fact, people in the audience of the Grand Ole Opry travel an average of 450 miles one way to enjoy the sounds and stories of greats such as Roy Acuff, Minnie Pearl, Ricky Skaggs, and Randy Travis. They travel these distances because no matter where they're from—farm or small town or large city—country music is in tune with their everyday experiences. Country music expresses the human emotions we all share: love of family; faith in God; pride in country; reverance for nature.

I grew up in Smith County, TN, listening to the Grand Ole Opry and following the legendary careers of so many country music stars. As a child, I came to understand the enormous impact country music had on so many people, and how it touched the lives of music lovers throughout the country.

The Country Music Association first officially celebrated Country Music Month in November 1964. The first Presidential proclamation recognizing October as Country Music Month was issued in 1970. Presidential proclamations have been received every year since. I urge my colleagues to support this resolution to commemorate this special 25th Country Music Month.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 196

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's hsitory, accompanying the gowth of the Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas October, 1989, marks the 25th annual observance of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October, 1989, is designated as "Country Music Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

● Mr. SASSER. Mr. President, I rise today to join with my colleague from Tennessee, Mr. Gore, in introducing a joint resolution designating October as Country Music Month.

Mr. President, country music is uniquely American music. It speaks of the culture that we all share. Its songs tell of the American experience. They relate real experiences in the everyday lives of our people—happiness, sorrow, jobs, family.

In 1923, Fiddlin' John Carson made the first successful country music recording. Since then country music has expanded from its rural and small-town roots to its present popularity as a mainstream art form. According to the Country Music Association's latest survey, the largest segment of the country music audience are well-educated, affluent professional families of the cities and suburbs.

My hometown of Nashville, TN, is the center of the country music industry. I am pleased to see that Americans across the country are learning what we in Tennessee have known all along—that country music is American music.

The number of country radio stations in the United States has grown from 81 in 1961 to more than 2,000 today. The number of members of the Country Music Association has grown from 233 in 1958 to more than 7,000.

The Country Music Association, founded in 1958, has been instrumental in increasing the popularity of country music both in the United States and indeed around the world. Together with the Grand Ole Opry, they cosponsor Fan Fair. This annual country music festival is held each June in Nashville. It provides an opportunity for country music fans to meet their favoriate stars and to attend several concerts over the course of the week.

Mr. President, I am proud that my State has helped make country music America's music. I call on my colleagues to join us in cosponsoring Country Music Month.●

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. Thurmond, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Rhode Island [Mr. Pell], the Senator from Minnesota [Mr. Boschwitz], the Senator from Minnesota [Mr. Durenberger], the Senator from Louisiana [Mr. Johnston], the Senator from Louisiana [Mr. Breaux], the Senator from Hawaii [Mr. Matsunaga], the Senator from Nevada [Mr. Reid], the Senator from Alaska [Mr. Murkowski], the Senator from Georgia [Mr. Nunn], and the Senator from Florida [Mr. Graham] were added as cosponsors of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 260

At the request of Mr. Moynihan, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 366

At the request of Mr. Baucus, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 366, a bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes.

S. 458

At the request of Mr. DeConcini, the names of the Senator from Rhode Island [Mr. Pell] and the Senator from Wisconsin [Mr. Kohl] were added as cosponsors of S. 458, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes.

S. 486

At the request of Mr. Bentsen, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of S. 486, a bill to authorize the Secretary of the Interior to construct and test the Lake Meredith salinity control project, New Mexico and Texas, and for other purposes.

S. 511

At the request of Mr. Inouye, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 534

At the request of Mr. Thurmond, the name of the Senator from Indiana [Mr. Coats] was added as a cosponsor of S. 534, a bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes.

S. 543

At the request of Mr. Simon, the names of the Senator from Minnesota [Mr. Durenberger], and the Senator from Virginia [Mr. Robb] were added as cosponsors of S. 543, a bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that act, and for other purposes.

S. 685

At the request of Mr. Metzenbaum, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 685, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pensions plans and to provide for an explicit exception to such rules for employer reversions meeting certain requirements.

S. 721

At the request of Mr. Baucus, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 721, a bill to amend title XIX of the Social Security Act to provide coverage for certain parental and postnatal care services, and for other purposes.

S. 933

At the request of Mr. Harkin, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 1081

At the request of Mr. Lautenberg, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 1081, a bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families.

S. 1191

At the request of Mr. Hollings, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 1191, a bill to authorize appropriations for the Department of Commerce's Technology Administration, to speed the development and application of economically strategic technologies, and for other purposes.

S. 1380

At the request of Mr. Wilson, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 1380, a bill to amend title 31, United States Code, to increase both citizen participation in and funding for the war on drugs by directing the Secretary of the Treasury to issue Drug War Bonds, and for other purposes.

S. 1406

At the request of Mr. Heinz, the names of the Senator from Alabama [Mr. Shelby], the Senator from South Carolina [Mr. Thurmond], and the Senator from Washington [Mr. Gorton] were added as cosponsors of S. 1406, a bill to amend the United States Housing Act of 1937.

S. 1430

At the request of Mr. Kennedy, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1443

At the request of Mr. Ford, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 1443, a bill to designate Bowling Green, KY, as an urbanized area.

S. 1454

At the request of Mr. Dodd, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 1454, a bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, and for other purposes.

S. 1547

At the request of Mr. Bumpers, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 1547, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1553

At the request of Mr. McCain, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 1553, a bill to grant the power to the President to reduce budget authority.

S. 1560

At the request of Mr. Burns, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1583

At the request of Mr. Bentsen, the names of the Senator from Oklahoma [Mr. Boren], the Senator from Arkansas [Mr. Pryor], and the Senator from Georgia [Mr. Fowler] were added as cosponsors of S. 1583, a bill to amend the Disaster Assistance Act of 1989 to ensure that the net value of any crop planted to replace a crop for which disaster payments were received is considered when reducing the amount of such payments to avoid double payments.

SENATE JOINT RESOLUTION 14

At the request of Mr. Thurmond, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 102

At the request of Mr. D'Amato, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of Senate Joint Resolution 102, a joint resolution designating September 1989 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 138

At the request of Mr. Leahy, the name of the Senator from Maine [Mr. Mitchell] was added as a cosponsor of Senate Joint Resolution 138, a joint resolution designating October 16, 1989, and October 16, 1990, as "World Food Day."

SENATE JOINT RESOLUTION 175

At the request of Mr. D'Amato, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Idaho [Mr. Symms], the Senator from Missouri [Mr. Bond], the Senator from Mississippi [Mr. Cochran], the Senator from Utah [Mr. Garn], the Senator from Georgia [Mr. Nunn], the Senator from Iowa [Mr. Grassley], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of Senate Joint Resolution 175, a joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 177

At the request of Mr. Bond, the names of the Senator from Alabama [Mr. Shelby], the Senator from Maryland [Mr. Sarbanes], the Senator from North Dakota [Mr. Burdick], the Senator from Alaska [Mr. Stevens], the Senator from North Carolina [Mr. Helms], the Senator from Indiana [Mr. Coats], the Senator from Maine [Mr. Cohen], the Senator from Iowa [Mr. Grassley], the Senator from Alaska [Mr. Murkowski], the Senator from Kansas [Mrs. Kassebaum], the Senator from North Carolina [Mr. Sanford], the Senator from Colorado [Mr. Wirth], the Senator from Virginia [Mr. Robb], the Senator from Texas [Mr. Bentsen], the Senator from Hawaii [Mr. Matsunaga], the Senator from Illinois [Mr. Dixon], the Senator from Ohio [Mr. Glenn], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 177, a joint resolution designating October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. HATCH, the names of the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. WIRTH], the Senator from California [Mr. WILSON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Montana [Mr. BURNS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], the Senator from Georgia [Mr. FOWLER], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 28, 1990, and ending on December 2, 1990, as "National Home Care Week."

SENATE JOINT RESOLUTION 187

At the request of Mr. HATCH, the names of the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 187, a joint resolution to designate the periods commencing on November 19, 1989, and ending on November 26, 1989, and commencing on November 18, 1990, and ending on November 25, 1990 as "National Adoption Week."

SENATE JOINT RESOLUTION 188

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating the week of October 23, 1989, through October 29, 1989, as "Eating Disorders Awareness Week."

SENATE JOINT RESOLUTION 190

At the request of Mr. HEINZ, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 190, a joint resolution designating April 9, 1990 as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 195

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. SASSER], the Senator from Nevada [Mr. BRYAN], the Senator from Utah [Mr. GARN], the Senator from Arizona [Mr. MCCAIN], the Senator from Vermont [Mr. JEFFORDS], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to establish drug committees of the two Houses of Congress.

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to establish a joint drug committee in the two Houses of Congress.

SENATE RESOLUTION 170

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Resolution 170, a resolution to establish a drug committee in the Senate.

SENATE RESOLUTION 176—RELATIVE TO THE DEATH OF REPRESENTATIVE MICKEY LELAND, OF TEXAS

Mr. MITCHELL (for Mr. BENTSEN, for himself, Mr. GRAMM, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution, which was considered and agreed to:

S. RES. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Mickey Leland, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 177—RELATIVE TO THE DEATH OF REPRESENTATIVE LARKIN I. SMITH, OF MISSISSIPPI

Mr. MITCHELL (for Mr. COCHRAN, for himself, Mr. LOTT, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution, which was considered and agreed to:

S. RES. 177

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Larkin I. Smith, late a Representative from the State of Mississippi.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION AND RELATED AGENCIES APPROPRIATION, 1990

REID (AND BRYAN) AMENDMENT NO. 730

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . Of the funds made available to the Federal Railroad Administration under the head "Railroad Research and Development", $500,000 shall be available to identify suitable toilet and waste retention technologies that do not discharge onto tracks to be included as part of future year passenger car acquisitions. The Federal Railroad Administration shall report its findings to the appropriate Committees within nine months after passage of this Act.

HELMS AMENDMENT NO. 731

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3015, supra, as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of this Act, the provisions of this Act regarding smoking on airlines shall take effect 90 days after the date on which such language is reported to the Senate by the Committee on Commerce, Science and Transportation.", and

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KASTEN AMENDMENT NO. 732

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill H.R. 3015, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . The Rail Passenger Service Act is amended by adding at the end thereof the following new title:

"TITLE XI

"LIABILITY FOR INJURIES

"SEC. 1101. DEFINITIONS.—For purposes of this title only, the following terms shall have the meaning specified below:

"(1) 'Primary entitlement to benefits' means the combined entitlement of any employee of the Corporation to annuities or other benefits under (A) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), (B) the Railroad Unemployment Insurance Act, (45 U.S.C. 351 et seq.), (C) the Social Security Act (42 U.S.C. 301 et seq.), (D) any publicly funded benefits program, and (E) any program of retirement, disability, or medical benefits paid for in whole or in part by the Corporation.

"(2) 'Principal place of employment' of an employee of the Corporation means the State in which the employee normally reported for duty at the time when the events occurred that caused or contributed to the injury or death that is the subject of a work-related claim. Notwithstanding the preceding sentence, if an injury or death giving rise to a work-related claim is caused by cumulative events or is determined to be an occupational disease, the principal place of employment with respect to such claim shall be the State in which the employee normally reported for duty at the time the claim was filed. If there is no single State where the employee normally reported for duty, the principal place of employment shall be the State in which the office of the employee's immediate supervisor was located.

"(3) 'Railroad' means any railroad, transportation authority or other entity with which the Corporation has contracted for provision of services or use of tracks and facilities, and includes the officers, agents, servants, subsidiaries, and employees of such organizations.

"(4) 'Work-related claim' means a claim against the Corporation or a railroad by or with respect to an employee of the Corporation for injury, death, or occupational disease arising out of and in the course of the employee's employment.

"(5) 'Workers' compensation law' means the legal standards and procedures established in a State for handling claims by or with respect to employees in general in that State for injuries or death arising out of and in the course of their employment, but shall not include legal standards or procedures limited to one or more specific industries, trades, or professions.

"SEC. 1102. EMPLOYEE INJURIES.—

"(a) Notwithstanding any provision of law excluding railroad employees from coverage by a State's workers' compensation law or authorizing a railroad employee to bring a tort claim against a railroad, any work-related claim shall be governed by the workers' compensation law of the State in which the employee's principal place of employment is located. An employee shall be entitled to benefits under a workers' compensation law only to the extent that the amount of benefits under such law exceeds his or her primary entitlement to benefits.

"(b) The provisions of the Federal Employers' Liability Act (45 U.S.C. 51 et seq.) shall not apply to work-related claims governed by this title, and the applicable State workers' compensation law shall be the exclusive remedy with regard to work-related claims by employees of the Corporation against the Corporation or a railroad.

"(c) This title shall apply to (1) all work-related claims caused in whole or in part by activities that occurred in the course of the employment relationship and occurred between October 1, 1989, and September 30, 1992, and (2) all claims for occupational disease filed during the period commencing with the date of enactment of this title and ending three years after the date of enactment.

"(d) Notwithstanding any requirements contained in the workers' compensation law of any State, including requirements for bonding and licensing, the Corporation shall be deemed qualified to self-insure for workers' compensation coverage under the laws of all States, and no State shall deny workers' compensation benefits to an employee of the Corporation based upon a failure of the Corporation to comply with such qualification requirements.

"(e) Notwithstanding section 306(n) of this Act or any other provision of law to the contrary, the Corporation shall be subject to the workers' compensation taxes and assessments of a State in the same manner and to the same extent as any other self-insured entity doing business within the State that is governed by the workers' compensation law of that State.".

BOSCHWITZ AMENDMENT NO. 733

Mr. BOSCHWITZ proposed an amendment to the bill H.R. 3015, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other law, funds appropriated or made available by this Act or any other Act, for purposes of section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)), may also be expended for soundproofing of private schools in a noise impact area surrounding an airport which, on the date of the enactment of this Act, has submitted a noise abatement plan pursuant to Federal Aviation Regulation 150 but such plan has not, as of such date, been acted on by the Secretary of Transportation. The expenditure of such funds pursuant to this section shall be at the discretion of the Secretary of Transportation, and in accordance with regulatory requirements applicable to soundproofing of public schools under section 104(c).

LAUTENBERG AMENDMENT NO. 735

Mr. LAUTENBERG proposed an amendment to the bill H.R. 3015, supra, as follows:

On page 33, line 14, delete the word "Lake".

LAUTENBERG (FOR SASSER) AMENDMENT NO. 735

Mr. LAUTENBERG (on behalf of Mr. SASSER) proposed an amendment to the bill H.R. 3015, supra, as follows:

On page 42, beginning with line 16, strike all through "as amended" on line 23.

PRYOR AMENDMENT NO. 736

Mr. PRYOR proposed an amendment to the bill H.R. 3015, supra, as follows:

SEC. . (a) Not more than $16,371,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Transportation.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Transportation shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subjection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

EXON AMENDMENT NO. 737

Mr. EXON proposed an amendment to the bill H.R. 3015, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) Section 1031(c) of title 49, United States Code, is amended by inserting ", except that the member may not so continue to serve more than one year after the date on which the member's term would otherwise expire under this subsection" immediately before the period at the end of the third sentence.

(b) The amendment made by subsection (a) shall take effect on November 1, 1989.

LAUTENBERG (FOR MR. LEVIN AND OTHERS) AMENDMENT NO. 738

Mr. LAUTENBERG (on behalf of Mr. LEVIN, Mr. HARKIN, Mr. PRESSLER, Mr. DURENBERGER, Mr. SIMON, and Mr. BOSCHWITZ) proposed an amendment to the bill H.R. 3015, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, or any other law, the Secretary of Transportation shall, during fiscal year 1990, under his authority under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831), guarantee and make commitments to guarantee obligations of railroads incurred for rehabilitation and improvement of facilities or equipment, acquisition of new railroad facilities, or refinancing of existing debt, but in no event shall such guarantees exceed $50,000,000 in the aggregate. For purposes of this section, no obligation shall be guaranteed and no commitment shall be made to guarantee any obligation issued or purchased by the Federal Financing Bank, or any other Federal entity.

LAUTENBERG AMENDMENT NO. 739

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed to the bill H.R. 3015, supra, as follows:

In the pending committee amendment on page 71 strike all after the word "deleting" and insert the following: "in 49 U.S.C. App. 1374(d)(1)(A), all after the words 'any scheduled airline flight' and inserting in lieu thereof, 'segment, commencing 95 days after the date of enactment of this Act, in air transportation or intrastate air transportation, which is between any two points in the United States, and' ".

KASTEN AMENDMENT NO. 740

Mr. KASTEN proposed an amendment to the bill H.R. 3015, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . The Rail Passenger Service Act is amended by adding at the end thereof the following new title:

"TITLE XI

"LIABILITY FOR INJURIES

"SEC. 1101. DEFINITIONS.—For purposes of this title only, the following terms shall have the meaning specified below:

"(1) 'Primary entitlement to benefits' means the combined entitlement of any employee of the Corporation to annuities or other benefits under (A) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), (B) the railroad Unemployment Insurance Act, (45 U.S.C. 351 et seq.), (C) the Social Security Act (42 U.S.C. 301 et seq.), (D) any publicly funded benefits program, and (E) any program of retirement, disability, or medical benefits paid for in whole or in part by the Corporation.

"(2) 'Principal place of employment' of an employee of the Corporation means the State in which the employee normally reported for duty at the time when the events occurred that caused or contributed to the injury or death that is the subject of a work-related claim. Notwithstanding the preceding sentence, if an injury or death giving rise to a work-related claim is caused by cumulative events or is determined to be an occupational disease, the principal place of employment with respect to such claim shall be the State in which the employee normally reported for duty at the time the claim was filed. If there is no single State where the employee normally reported for duty, the principal place of employment shall be the State in which the office of the employee's immediate supervisor was located.

"(3) 'Railroad' means any railroad, transportation authority or other entity with which the Corporation has contracted for provision of services or use of tracks and facilities, and includes the officers, agents, servants, subsidiaries, and employees of such organizations.

"(4) 'Work-related claim' means a claim against the Corporation or a railroad by or with respect to an employee of the Corporation for injury, death, or occupational disease arising out of and in the course of the employee's employment.

"(5) 'Workers' compensation law' means the legal standards and procedures established in a State for handling claims by or with respect to employees in general in that State for injuries or death arising out of and in the course of their employment, but shall not include legal standards or procedures limited to one or more specific industries, trades, or professions.

"SEC. 1102. EMPLOYEE INJURIES.—

"(a) Notwithstanding any provision of law excluding railroad employees from coverage by a State's workers' compensation law or authorizing a railroad employee to bring a tort claim against a railroad, any work-related claim shall be governed by the workers' compensation law of the State in which the employee's principal place of employment is located. An employee shall be entitled to benefits under a workers' compensation law only to the extent that the amount of benefits under such law exceeds his or her primary entitlement to benefits.

"(b) The provisions of the Federal Employers' Liability Act (45 U.S.C. 51 et seq.) shall not apply to work-related claims governed by this title, and the applicable State workers' compensation law shall be the exclusive remedy with regard to work-related claims by employees of the Corporation against the Corporation or a railroad.

"(c) This title shall apply to (1) all work-related claims caused in whole or in part by activities that occurred in the course of the employment relationship and occurred between October 1, 1989, and September 30, 1992, and (2) all claims for occupational disease filed during the period commencing with the date of enactment of this title and ending three years after the date of enactment.

"(d) Notwithstanding any requirements contained in the workers' compensation law of any State, including requirements for bonding and licensing, the Corporation shall be deemed qualified to self-insure for workers' compensation coverage under the laws of all States, and no State shall deny workers' compensation benefits to an employee of the Corporation based upon a failure of the Corporation to comply with such qualification requirements.

"(e) Notwithstanding section 306(n) of this Act or any other provision of law to the contrary, the Corporation shall be subject to the workers' compensation taxes and assessments of a State in the same manner and to the same extent as any other self-insured entity doing business within the State that is governed by the workers' compensation law of that State.".

STEVENS AMENDMENT NO. 741

Mr. STEVENS proposed an amendment to the bill H.R. 3015, supra, as follows:

At the appropriate place in the bill insert the following:

"SEC. . Notwithstanding section 402(d) of the Surface Transportation Safety Act of 1982 (Public Law 97-424, 96 Stat. 2155), for states which have received only development grants under this section and which participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under this section for fiscal year 1990 which provides that the aggregate expenditure of funds of the state and political subdivisions thereof, exclusive of federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved."

STEVENS AMENDMENT NO. 742

Mr. STEVENS proposed an amendment to the bill H.R. 3015, supra, as follows:

At the appropriate place in the bill insert the following:

"SEC. . 50TH ANNIVERSARY OF THE ALASKA HIGHWAY

"Since 1992 marks the 50th anniversary of the construction of the Alaska Highway, the first and only road link between Alaska and the contiguous United States; and

"Since the construction of the Alaska Highway across Canada was an enormous feat of engineering, accomplished in less than a year; and

"Since the Alaska Highway played a key part in the progression of Alaska from a territory to a state; and

"Since Project 92, the celebration of the 50th Anniversary of the Alaska Highway in 1992, is to be a major international event involving the United States, Alaska and Canada; and

"Since Project 92 is designed to recognize the historical significance and heritage of the Alaska Highway and its contribution to the development of Alaska and Canada: Now, therefore, be it

Declared that it is the sense of the Senate that the U.S. Department of Transportation should join with the State of Alaska and the Great Alaska Highways Society in planning the celebration of the 50th anniversary of the Alaska Highway as well as appropriate improvements of the Highway."

HELMS AMENDMENT NO. 743

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3015, supra, as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of this Act, the provisions of this Act regarding smoking on airlines shall take effect 90 days after the date on which such provisions are reported to the Senate by the Committee on Commerce, Science, and Transportation.", and

NOTICES OF HEARINGS

COMMITTEE ON VETERAN'S AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Senate and House Committees on Veterans' Affairs, are scheduled to hold a joint hearing on September 19, 1989, in 334 Cannon House Office Building at 9 a.m. to hear the legislative presentation by the American Legion.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 13, 1989, at 10 a.m. to hold a hearing on the physical desecration of the flag.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, September 13, 1989, at 10 a.m. to conduct hearings on the tied aid credit warchest of the Export-Import Bank of the United States.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. **LAUTENBERG.** Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 13, 1989, to hold hearings on the structure of international drug cartels.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. **LAUTENBERG.** Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, September 13, 1989, at 9:30 a.m. The committee will hold a hearing on the impact of certain current tax laws on small business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. **LAUTENBERG.** Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to consider the nominations of Kenneth B. Kramer and John J. Farley III, to be Associate Judges of the U.S. Court of Veterans Appeals on Wednesday, September 13, 1989.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO LARRY FUDA AND THE CREW OF PIEDMONT FLIGHT 1489

● Mr. **ROCKEFELLER.** Mr. President, last month, on August 2, a Piedmont Airlines jet with 94 passengers and 6 crew members made an emergency landing in Greensboro, NC. The jet was en route from National Airport here in Washington, DC, to Charlotte, NC. Just minutes away from arrival in Charlotte, the pilot reported that the landing gear could not be lowered. After attempts were made to shake loose the gears and use up fuel, the plane was able to successfully make an emergency landing, dragging the left wing and engine along the runway. Without a doubt, the skill of the pilot and crew of that aircraft saved the lives of those aboard the severely crippled plane.

The pilot of that plane, Piedmont flight 1489, was Larry Fuda, a native West Virginian, and a graduate of Montcalm High School in Mercer County. Along with his family, friends, and all of our fellow West Virginians, I am deeply proud of the expertise and mastery Larry displayed in his maneuvering of that jet. The passengers quoted in the newspapers' accounts reported "worse landings on regular flights" and that the landing was "just as smooth as if he was on wheels." To be able to pay tribute to a fellow West Virginian for displaying such skill and courage in the performance of his job gives me enormous pleasure and a great sense of pride.

Mr. President, I trust that my fellow colleagues, as Members of one of the largest airline frequent flyer groups in this country, will join me in commending Larry Fuda and his crew for their heroic efforts on August 2. It was a job superbly done.●

FREE SONS OF ISRAEL

● Mr. **D'AMATO.** Mr. President, it gives me great pleasure today to honor a significant anniversary of the oldest Jewish Fraternal Benefit Order in the United States, the Free Sons of Israel. This year they are celebrating their 140th anniversary on October 29 through November 5, 1989.

The Free Sons Order was the culmination of a dream of a small group of Jews who felt the need of a friendly home in spacious America. Their desire to be together was the spark that ignited the noble goal of brotherhood. As stated in their constitution:

> The object of this order shall be to assist its members in translating into practice our spiritual heritage and freedom; to help Jews to freedom both here and abroad; to advance the principles of human equality on a world-wide basis; to join experience in human understanding with the advances in social sciences and communications and the influence of laws to achieve these ends; to protect Jews from oppression and, as practicing free sons, to render fraternal aid and assistance to its members.

Since 1849 it has grown tremendously. The Free Sons Order is comprised of some 42 subordinate lodges with a membership of about 10,000 men and women of the Jewish faith. The Free Sons of Israel is continuously contributing to the Jewish community and world. The members of the order raise money for the State of Israel, contribute books on Jewish festivals and customs to the public school libraries, sponsor scholarship funds, and contribute to the United Jewish Appeal.

It is with great pleasure that I honor the Free Sons of Israel in their celebration. I commend this group for all of their fine work and dedication in serving the Jewish community.

Mr. President, I am honored to recognize this most significant anniversary and I wish to convey my congratulations to the Free Sons of Israel on their 140th anniversary, and I wish them the best of luck for another successful 140 years.●

REPORTS OF COMMITTEE ON ENERGY AND NATURAL RESOURCES PERTAINING TO H.R. 1529, H.R. 419, S. 558, AND S. 855

● Mr. **JOHNSTON.** Mr. President, on August 30, the Committee on Energy and Natural Resources filed reports to accompany H.R. 1529, an act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri; H.R. 419, an act to provide for the addition of certain parcels to the Harry S Truman National Historic Site in the State of Missouri; S. 558, the Lechuguilla Cave Study Act of 1989, and S. 855, the Cave Research Institute Act of 1989.

At the time these reports were filed, the Congressional Budget Office had not submitted its budget estimate regarding these measures. The committee has since received these communications from the Congressional Budget Office, and I ask that they be printed in the RECORD in full at this point.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 558, the Lechuguilla Cave Study Act of 1989, as ordered reported by the Senate Committee on Energy and Natural Resources, August 2, 1989. Assuming appropriation of the necessary funds, enactment of this bill would increase federal outlays by about $150,000 over fiscal years 1990 and 1991.

S. 558 would direct the National Park Service (NPS) to revise the existing management plan for Carlsbad Caverns National Park to include a study of methods to protect and interpret Lechuguilla Cave. The bill would authorize the appropriation of whatever sums are necessary for this purpose. Based on information obtained from the NPS, CBO estimates that the agency would spend about $100,000 and $50,000 in fiscal years 1990 and 1991, respectively, to conduct the required study.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 855, the Cave Research Institute Act of 1989, as ordered reported by the Senate Committee on Energy and Natural Resources, August 2, 1989. Enactment of this bill would increase federal outlays by about $250,000 a year, assuming appropriation of the necessary sums.

S. 855 would direct the National Park Service (NPS) to establish the Cave Research Institute. The institute would function as an operational base, educational laboratory, and information clearinghouse for cave research. Section 4 of the bill would require the NPS to develop an operating plan for the institute, including estimates of needed staffing and funding. Section 5 would authorize the appropriation of whatever sums are necessary to carry out these provisions.

Assuming appropriation of the necessary funds, CBO estimates that the NPS would spend about $250,000 in each of fiscal years 1990 and 1991 to establish and operate the institute.

Enactment of this bill is not expected to have any impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1529, an act to provide for the establishment of the Ulysses S Grant National Historic Site in the State of Missouri, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, August 2, 1989.

H.R. 1529 would establish the Ulysses S Grant Natoinal Historical Site and would authorize the Secretary of the Interior to accept donation of certain property (known as White Haven) at the Missouri site. Section 4 would authorize the appropriation of whatever sums are needed to carry out the purposes of the act. According to National Park Service preliminary assessments, the agency may need to spend up to $1 million to restore donated property, including associated planning costs. The agency expects to spend an additional $400,000 a year to operate and maintain the site.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 419, an act to provide for the addition of certain parcels to the Harry S Truman National Historic Site in the State of Missouri, as ordered reported by the Senate Committee on Energy and Natural Resources, August 2, 1989. CBO estimates that the enactment of this legislation would cost the federal government less than $250,000, probably in fiscal years 1990 and 1991, assuming appropriation of the necessary sums

H.R. 419 would authorize the Secretary of the Interior to acquire by purchase or donation three houses (and associated lands) adjacent to the existing national historic site. For any property not donated to the federal government, the Secretary would be directed to pay fair market value, less the value of any tenancy rights granted to current owners. For this purpose, the act would authorize the appropriation of $250,000.

Of the three properties, two are currently owned by relatives of the former president. The third, which is currently vacant, would be purchased for use as the historic site's administrative center. While formal appraisals are not yet available, preliminary assessment of the area by the National Park Service (NPS) indicate an average value of about $65,000 per property, or $195,000 in total. In addition, the NPS would incur costs for appraisals, title documentation, relocation, and other administrative activities, for a total estimated acquisition cost of $250,000. Costs could be lower, since selling prices are still being negotiated, and formal appraisals taking the condition of the properties into account may produce lower values. Moreover, some property may be donated, which would reduce total purchase costs considerably.

Operation of the new administrative center is expected to increase federal costs by about $15,000 a year. Costs to operate and maintain the other two properties are not expected to be significant. Finally, while not authorized by this act, one-time construction costs to stabilize the vacant property are estimated at about $75,000. Other development costs cannot be estimated at this time.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

ANNE BRUNSDALE, CHAIRMAN, U.S. INTERNATIONAL TRADE COMMISSION

● Mr. PACKWOOD. Mr. President, Anne Brunsdale, the Chairman of the U.S. International Trade Commission, recently traveled to Europe and presented several speeches on a variety of international trade issues. One speech that I found particularly provocative was a speech Chairman Brunsdale gave to the Trade Policy Research Centre in London, England. In this speech, Chairman Brunsdale makes several important observations about the operations of countries antidumping and countervailing duty laws. I would like to share these observations with my colleagues and ask that the speech be included in the RECORD.

The speech follows:

UNFAIR TRADE PRACTICES: PRESENT CONCERNS AND FUTURE DIRECTIONS

It is a pleasure to be here this afternoon to express my views on the regulation of international trade within the GATT system, my own agency's role in that process, and possible future directions.

But, before I get underway, I should say that the United States International Trade Commission is an independent agency explicitly designed not to have a policy role. Moreover, the Commission is composed of six independent Commissioners who rarely speak with one voice. So I must tell you that I speak only for myself, and not for the Commission as a whole or for the U.S. government.

The International Trade Commission operates in two broad areas. First, as the U.S. government's nonpartisan "think tank" on trade-related issues, we prepare analytical studies at the request of Congress and the executive branch. For example, we are now completing two studies concerning the impact of EC-92 on American interests.

Our second broad area of endeavor is the adjudication of commodity-specific trade complaints. This involves several distinct activities. First, we deal with domestic industry complaints against imports that infringe on the intellectual property rights of U.S. producers (Section 337 of the Trade Act of 1930). In this area we complement the U.S. Trade Representative's role in defending U.S. intellectual property rights outside the U.S. market. Second, as makers of the determination on whether fairly traded imports are a "substantial cause of serious injury" to domestic producers, we are the gatekeeper in the U.S. implementation of safeguards measures under Article XIX of the GATT (Section 201 of the Trade Act of 1974).

Third, we are responsible for making the injury determinations in antidumping and countervailing duty investigations in the United States (Title VII of the Tariff Act of 1930). It is in this role that we are probably best known to our overseas friends, and I will focus my remarks today in this general area.

Antidumping and CVD actions are playing an ever-increasing role in international trade. Recent U.S. antidumping cases, such as bearings and small business telephone systems, involve hundreds of millions, even billions, of dollars in trade. In the EC, while the number of cases has fallen the volume of trade affected has also increased dramatically. The decision to levy antidumping duties against products produced in screwdriver plants is also indicative of a growing role.

Historically, the use of AD and CVD actions has been limited to a small group of countries. The United States has, for many years, been the single predominant user of countervailing duties, accounting for over 80 percent of all CVD cases instituted over the 1980-1986 period. And four antidumping code signatories (the U.S., the EC, Canada, and Australia) accounted for over 99 percent of all reported antidumping cases over the same period.

More recently, the mix of actors has started to change, especially in the antidumping area. Brazil, South Korea, Finland, and especially Mexico have increased their activity. After recently addressing a U.S. audience, I was approached by a representative of a major U.S. computer manufacturer who was concerned about the increasing use of antidumping rules against her company's exports from the United States. Japan, disturbed with the treatment afforded to its own exports, is also reported to be considering a more active use of these tools.

Undoubtedly, the increasing world-wide popularity of antidumping and CVD actions is, in part, a testimony to the success of the GATT in reducing or eliminating many trade barriers. Today, these actions provide virtually the only GATT-sanctioned mechanisms for imposing unilateral tariff increases without having to compensate affected trading partners.

It is for these reasons that AD and CVD rules deserve close scrutiny. Today, I would like to share three observations with you.

As a first point, I find it striking that antidumping rules forbid the international application of business strategies that are perfectly acceptable in domestic commerce. The use of antidumping rules to hobble foreign competitors, though allowed by GATT, is inconsistent with the thrust of pro-competitive policies for internal commerce widely in favor throughout the world.

As noted by Brian Hindley in a recent Financial Times article, current procedures for calculating the difference between home market and export prices in dumping cases can lead to findings of large dumping margins even where no price discrimination exists. However, it is important to recognize that even where dumping is real, it rarely violates common standards for internal competition. If, for example, it is not considered anticompetitive or unfair for a New York firm to offer its product at a lower introductory price in Los Angeles so as to gain a foothold in that market, why is it fair, or efficient, to use U.S. antidumping rules to keep a Toronto firm from using the same strategy? And if we bear in mind that Canadian antidumping rules may similarly restrict the New York firm's choice of a pricing strategy for penetrating the Toronto market, it is clear that antidumping rules tend to reinforce the dominance of domestic firms in their respective national markets.

It should be stressed that, around the world, the clear trend in matters of internal policy has been toward economic liberalization. Over the past 15 years, the United States has virtually abandoned detailed price and market-entry regulation. On this side of the Atlantic, the United Kingdom has been a leader in recognizing the benefits of deregulating the marketplace. And certainly it has not been alone. The European Community's single-market initiative has multiple political and economic underpinnings, but certainly one key thrust is deregulatory in nature, aiming to encourage increased efficiency through greater competition within Europe.

The trend towards more stringent international trade regulation runs counter to this tide. We should all be wary, for trade regulation can have the same deleterious effect on efficiency and consumers' interests as the internal regulations now being swept aside.

My second observation is that the increasing globalization of production and investment has greatly reduced the effectiveness of the standard remedies available under AD and CVD rules. As a result, protection seekers have pushed to use AD and CVD rules in new and creative ways.

How has globalization affected the AD and CVD area? For one thing, domestic producers will gain little or nothing by having antidumping or countervailing duties on some foreign suppliers if other foreign suppliers who are trading fairly at the same market prices are prepared to expand their production. It was such concerns that led the U.S. steel industry to "trade in" its complaints against unfair imports in exchange for a comprehensive program of voluntary restraints on both fair and unfair imports.

Sometimes, it is possible to use dumping or CVD remedies to raise domestic prices above world market levels. Even then, however, domestic producers will fail to benefit if their customers are globalized. Such customers can simply move offshore to avoid being placed at a cost disadvantage vis-a-vis their own competitors. And that, of course, leaves the protected industry with high prices but no customers. Just such a concern led the U.S. semiconductor industry to drop its antidumping action against Japanese producers in favor of an arrangement under which Japanese chip producers pledged to adhere to agree-upon "fair" prices for sales both inside and outside the U.S. market.

On the supply side, artificially high prices are an open invitation for globalized foreign sellers of protected products to set up production operations within the protected market. This is exactly what happened following a recent U.S. dumping case involving floppy computer disks in which a 55-percent antidumping duty was imposed. While these outcomes may or may not be desirable—an issue I won't address here—we should consider whether the use of dumping and CVD laws to generate arrangements of this kind is appropriate.

My third observation is that there are important differences in national implementation of AD and CVD rules. Since each nation observes the practices of others, approaches that arise in one quarter often migrate to another. For example, the EC's treatment of export sales below a constructed-cost value as a dumping violation in cases where a foreign supplier's export market prices exceed those in the home market was motivated by the earlier U.S. adoption of a similar standard. In such an environment it is critical to ensure that emulation proceeds in a direction that incorporates the best rather than the worst of each system.

A comparison of the U.S. and EC systems shows that each has its strengths and weaknesses.

One important feature of any AD/CVD implementation is its transparency—that is, the extent to which those involved in actions are aware of procedures that are applied consistently across cases.

Procedurally, the U.S. AD/CVD process is very transparent. Determinations on the dumping margin and on injury are made separately, the first by the Department of Commerce and the second by the International Trade Commission. Both Commerce and the Commission issue written decisions detailing the reasoning behind their decisions, and both are subject to judicial review.

The EC system, by contrast, is relatively opaque. Here, the decision-making process is all rolled into a single bureaucracy at the Commission. The domestic industry considered for injury is that defined by petitioners; and the experience of domestic producers that do not join in the complaint is not considered. Counsel for opposing parties do not have access to confidential business information, as they do in the U.S.—which means that it is impossible for counsel to target each others' arguments directly in presenting their cases to the Commission. The extensive use of confidential "undertakings" to resolve dumping complaints represents a further reduction in transparency. Finally, the decisions published in the Official Journal provide much less information than ours—which include a complete summary of the record of the investigation.

A second area of comparison is the scope of activities subject to action. In the United States, AD and CVD actions are limited to imports and merchandise. As part of the 1988 Trade Act, Congress considered, but rejected, extending the law to dumping in third-country markets and to what is called input dumping—i.e. the use of foreign producers of inputs purchased at unfairly low prices. The U.S. has not yet made domestic assembly operations of foreign concerns or services such as shipping subject to antidumping (or antidumping-style) rules. But, in view of recent EC actions bringing such activities under the antidumping umbrella, I would expect movement in this direction in the United States and also in other countries, including those who are neophytes in the antidumping arena.

A final area of comparison is the nature of the injury test and the injury analysis. In my country, the meaning of the phrase "material injury by reason of the unfair imports", which is pivotal in the application of Article Six of the GATT, remains a matter of dispute. Some Commissioners and practitioners believe our laws require "maternal injury" to be based only on the condition of the domestic industry without regard to the impact of dumped or subsidized imports. In this approach, impact is considered only for purposes of determining whether imports are a cause of injury. Others, myself included, hold that only injury caused by the dumped or subsidized imports is relevant in applying the maternal injury test. As of now, our national courts have accepted both views.

On paper, EC rules are cleaner than those in U.S. law. The only injury to be considered is that resulting from the dumping of imports subject to an investigation. Yet, rules on paper and rules in practice are two different things. Antidumping decisions published in the Official Journal often fail to present a convincing analysis demonstrating that the required casual link exists. Also, they often fail to take explicit account of the sensitivity of overall demand to prices and the degree of substitutability between imports and domestic products; and they do this despite the crucial roles of these factors in establishing any casual link between the imports and injury to domestic producers. Together with the inherent flexibility built into the EC rules, the lack of explicit analysis raises concern that antidumping procedures are being used in pursuit of larger industrial policy objectives, rather than as a narrow remedy for specific unfair trade practices.

What then can be done to ensure that, as we observe and emulate each other, the worldwide standard of practice rises rather than falls?

First, we all must recognize that the push towards greater restriction on the part of import-sensitive domestic interests can be a double-edged sword. Restriction directly hurts not only consumers but also the competitiveness of downstream industries. Taking account of the likelihood of emulation, it can also severely damage our export interests.

Second, we could offer a positive example to our trading partners by ensuring that our procedures are as transparent, as analytically rigorous, and as objective as possible.

Third, we must address the sometimes excessive use of administrative discretion by national authorities. To the extent that existing GATT dispute settlement procedures seem unlikely to be effective, we might consider other approaches. The way in which problems of this kind are dealt within the U.S./Canada free-trade agreement might be instructive. Under that FTA, appeals of cases in each country are made with respect to the laws of that country, but are heard by a binational panel of judges.

The anticipation—and apprehension—about the 1992 process that have commanded world-wide attention over the past two years are felt on two distinct levels. One group of concerns relates to the impact of 1992 on the climate within the Community for multinational businesses. My remarks today have focused on the other set of concerns, those involving the effect that the unification process, or the philosophy underlying it, might have on the European attitude towards world trade.●

HAIL TO THE EX-CHIEF

● Mr. **HATFIELD**. Mr. President, in a collection of essays I commissioned several years ago to commemorate the 50th anniversary of President Herbert Hoover's inauguration, University of Kansas historian Donald McCoy remarked that "former holders of high political position constitute an aristocracy, a kind of American House of Lords, if you will, that has considerable impact on society."

President Hoover brought an impatience with bureaucracy, a steadfast commitment to humanitarian principles and a vision of a world beyond war to bear on a wide variety of endeavors in the decades after he left the Oval Office. The man who even today is maligned by historians and politicians alike spent most of his 90 years as a creative and compassionate public servant. From singlehandedly convincing President Harry Truman to mobilize the U.S. Army for relief work in the aftermath of World War II to vastly enhancing the efficiency of the Federal Government through the Hoover Commission, President Hoover did indeed have a considerable impact on society.

Today, with the same impatience, dedication and vision, President Jimmy Carter "has emerged as the best ex-President the U.S. has had since Herbert Hoover."

In "Hail to the Ex-Chief," Time magazine's Stanley Cloud paints a portrait of two extraordinary public servants: Jimmy and Rosalynn Carter. We do not yet know if history will understand President Carter better than it understands President Hoover, but in the lives of world leaders and Third World farmers alike he and his wife have made a difference.

I commend the article—and the Carters' steadfast witness—to my colleagues.

The article follows:

HAIL TO THE EX-CHIEF

(Despite all his troubles in the White House, Jimmy Carter (yes, Jimmy Carter) may be the best former President America has ever had)

(By Stanley E. Cloud)

In Ojubi, Ghana, on a sweltering African afternoon, James Earl Carter Jr. sits at one end of a large grassy field and acknowledges the applause of farmers gathered around the perimeter. Many of the farmers have samples of their harvest in baskets before them—corn, sorghum, squash, fruit. Large clouds play tag in the blue sky overhead, while at the opposite end of the field, the stern chiefs of several local villages sit dressed in traditional robes, each carrying a staff topped by a gilt talisman of his authority. On a platform in front of Carter, a local agricultural official in tan trousers and a T shirt bends to speak into a microphone. "President Carter," he says, "we are very grateful to you. Because of what you have done, for the past two years maize has been very wonderfully produced in this area. This is wonderful. In fact, we love you."

Jimmy Carter grins.

Jimmy Carter is a happy man. Despite everything—despite his disappointing presidency and the Iran hostage crisis, which helped deliver him into Ronald Reagan's eager hands; despite the scorn of various pundits and self-appointed guardians of Washington society; despite his own manifest and manifold weaknesses as a politician; despite "lust in my heart," "malaise" and "killer rabbits"—Carter has discovered life after the White House. More than that, he has redefined the meaning and purpose of the modern ex-presidency. While Reagan peddles his time and talents to the highest bidder and Gerald Ford perfects his putt and Richard Nixon struggles to gain a toehold in history, Carter, like some jazzed superhero, circles the globe at 30,000 ft., seeking opportunities to Do Good.

And finding plenty of them. One moment he's in China, trying to mediate between the leaders in Beijing and their unhappy Tibetan subjects. The next he's in Panama, prowling the streets before dawn on election day, paying a surprise call on the vote counters—bellowing at them in his "modest" Spanish, "Are you honest people, or are you thieves?"—and emerging to denounce Manuel Noriega for "taking the elections by fraud." Then, almost before you know it, Carter is swooping down on sub-Saharan Africa, trying to help eradicate disease or persuade farmers to enlist in the Green Revolution. And this week, in Atlanta, the former President is to convene negotiations—after a year of personal diplomacy—between the Marxist-Leninist government of Ethiopia and the Eritrean rebels to end a quarter-century of civil war.

With all this activity, Carter has emerged as the best ex-President the U.S. has had since Herbert Hoover, another one-termer whose failures in office did not prevent him from decades of productive public service afterward. In a way, Carter has used the White House as a stepping-stone to better things and better days. Says Carter: "As President, I wouldn't have had time to do all the things I'm doing now."

Busy as he is, Carter, who will turn 65 next month, and his marginally less hyperactive wife Rosalynn, who turned 62 last month, do manage to find time for more traditional pastimes: tennis on their backyard court in Plains, Ga., for example, and early-morning jogs wherever they may happen to be. The Carters also still read a fair amount. He was so impressed with John le Carré's new novel, *The Russia House*, that he's rereading *Tinker, Tailor, Soldier, Spy* and wishing he could meet the author; she has just completed Gabriel García Márquez's *Love in the Time of Cholera*. And there is bird watching in Africa, fly-fishing from Colorado to the Andes, and furniture making in Carter's home workshop in Plains, where he has turned out, among other handsome pieces, the canopied four-poster bed he and Rosalynn—whom he often calls "Rosie"—share.

But leisure time has never been that important to Carter. If he and Rosalynn, having written no fewer than six books between them since 1981, are giving their word processors a rest for a while, both still teach Sunday school whenever they're home. And both periodically don their carpenter's aprons, pack up their hammers, saws, and chisels, and travel to the South Bronx or Philadelphia or, next year, Tijuana, Mexico, to help build low-cost housing. More than anything else, the picture of Jimmy Carter wearing a baseball cap, faded jeans and running shoes, and helping build a new house, like a good neighbor at a Georgia barn raising, captures the essence of his ex-presidency.

Not that he and Rosalynn haven't had their share of defeats and sadness: the closely spaced deaths in 1983 of his younger sister Ruth of cancer and his famous mother Miss Lillian, followed by the loss of his antic younger brother Billy last year. Even so, in the couple's 1987 book, *Everything to Gain*, Rosalynn wrote, "If we have not achieved our early dreams, we must either find new ones or see what we can salvage from the old. If we have accomplished what we set out to do in our youth, then we need not weep like Alexander the Great that we have no more worlds to conquer. There is clearly much left to be done, and whatever else we are going to do, we had better get on with it."

It is a lesson the Carters learned the hard way. After the dramatic improbability of Carter's victorious 1976 presidential campaign, losing the 1980 election to Ronald Reagan was a terrible blow. The incoming First Couple didn't make things any easier. During the transition, the Reagans suggested that the Carters should vacate the White House early to give Nancy more time for redecoration—a notion the Carters rejected out of hand. "We were elected to serve a full term," says a still angry Rosalynn, "and we were going to serve a full term." Carter was wounded again when he and fellow former Presidents Nixon and Ford, recruited to represent President Reagan at Anwar Sadat's funeral, were assigned to the relatively cramped tail section of Air Force One. So the three ex-Presidents, none of them then comfortable in the others' presence, sat in nervous silence for most of the long trip to Cairo. (On the way back, however, Carter and Ford began forming what became a close friendship.)

Adjusting to life back in Plains was something of a trial as well. The Carters worked, successfully, to reverse the damage that hucksterism and celebrity had done to the tiny Georgia hamlet. And Jimmy puttered in his workshop and began organizing his papers in preparation for writing his 1982 memoir, *Keeping Faith*. Otherwise, there seemed little to do but brood. The famous Carter peanut warehouse had long since sold, for $1.2 million. The 2,000-acre Carter farm—actually, it's two farms—was largely worked by lessees. With enforced idleness came more self-doubt and self-pity. Says a friend: "Carter was pretty much of a pain in the ass at that time. He needed a lot of hand holding and reassurance."

The creation of the Carter Presidential Center in Atlanta turned out to be crucial to his self-rehabilitation. With his usual obsessive attention to detail, he envisioned the center not just as another presidential library but as a clearinghouse of ideas and programs intended to solve international problems crises. The idea became reality when the center was established at Emory University in 1982, and even more so when its permanent headquarters opened in 1986. Located on 30 acres of woods and gentle hills in the Virginia Highlands section of Atlanta, it consists of four low-profile, circular pavilions connected by interior walkways and exterior colonnades, all in a modern, neo-federalist style with faint echoes of the White House and fainter echoes of Jefferson's Monticello. Inside, the Carters have adjoining offices, plus a small but comfortable apartment. Apart from the library and museum, operated by the Federal Government, the Carter Center, with an annual budget of $16 million and a staff of 125, is financed by private donations, mostly from abroad.

The center's many programs form the agenda of Carter's ex-Presidency. Notable among them is Global 2000 Inc., an international aid organization aimed at improving disease control and agricultural productivity in Third World countries. The work is enhanced by the leadership of Norman Borlaug, an agronomist whose efforts to bring the Green Revolution to India and Pakistan won him the Nobel Peace Prize in 1970, and Dr. William H. Foege, the Carter Center's executive director, who played a major role in the worldwide eradication of smallpox. Global 2000's principal financial backer is Ryoichi Sasakawa, 90, a Japanese multimillionaire industrialist whose checkered résumé features extreme-right-wing imperialist activities in Japan during the 1930s, but whose later years have been devoted largely to supporting charitable causes.

The key to Global 2000 and the center's other programs is Carter himself. His hair may be thinner and grayer these days, his face more deeply etched, but he is plainly in charge. As a former President, he is able to gain access to foreign leaders, thereby often ensuring his programs the kind of high-level support on which success depends. On a ten-day trip to Africa in July, Carter—the first active U.S. President ever to set foot in the sub-Saharan part of the continent—swept from the Sudan to Ethiopia, back to the Sudan and on to Zimbabwe, Zambia, Nigeria and Ghana. The warm receptions he received from the heads of government were doubtless prompted in part by the many trappings of power he brought with him, including Secret Service protection and an opulent, private Boeing 727, complete with crew and a walnut-paneled double bedroom. (The plane is donated by the London-based Bank of Credit and Commerce International, another Carter Center backer.) Carter, the unassuming Plains populist who once banned *Hail to the Chief* and famously carried his own suit bag, retains a modest personal style but today seems far more comfortable with his perks. Still, as he said shortly after arriving in Africa, "I didn't come here in a position of leadership. I came in a position of follow-ship."

In Addis Ababa, where he stayed in Haile Selassie's decaying old palace, he spent two hours with Ethiopia's President Mengistu Haile Mariam putting the finishing touches on arrangements for this week's peace talks. In the Sudan, Carter had an hour with Lieut. General Omar Hassan Ahmed el Bashir, who only four weeks earlier had overthrown the elected government of Prime Minister Sadiq al Mahdi, to urge negotiations in that country's civil war. In Zambia, Carter lunched at the statehouse with President Kenneth Kaunda, one of the last of the old African independence-movement leaders, who hailed his guest as "not only a great person but a great servant of God and man," while, outside, impalas and peacocks roamed the grounds and private golf course.

Four years ago, when Carter, Borlaug and Sasakawa began trying to bring the Green Revolution to Africa, they signed up a paltry 40 farmers in four countries—the Sudan, Ghana, Tanzania and Zambia. This year there are 85,000, plus uncounted others who, while not officially participating, have begun to use the same improved seeds, fertilizers and farming methods that have yielded such impressive results for their neighbors—300% to 400% increases in corn, sorghum, and millet. Although Carter needs and seeks the support of the governments in the countries where his programs are established, his team stresses local administration and the direct involvement of small-scale farmers, whose minds have been focused wonderfully by recent African famines.

At a 200-acre farm in Ojubi, about an hour's drive from Ghana's capital, Accra, Carter inspected a new corn crop literally as high as an elephant's eye. With a farmer's knowing touch, he plucked ears from the stalks, peeled back the husks and admired the golden kernels. This year 46 farmers are working the plot of dry yet newly fertile land. But Carter made a point of introducing one of only two farmers who were involved when the project began in 1987, a woman named Sarah Dazi. "As you know," Carter said with his large and famous smile, "in our country the women also take the lead." From there he proceeded to a nearby celebration of Global 2000's early success. He posed for pictures with farmers and their wives and applauded as brilliantly clad stilt dangers gyrated on their 15-ft. thin wooden limbs to the rhythms of a native band. Later, Carter was installed with great pomp as an honorary village chief. To signify his new office, he was given a chief's robe and a hand-carved wooden stool decorated with tribal symbols of *nyanasapow* (cooperation).

For Carter, improved agricultural output is closely linked to the disease-control measures he is also promoting. Seriously ill farmers, he reasons, cannot plant and harvest. Polio and river blindness are two major afflictions that the team hopes eventually to eliminate. But as a demonstration project, Global 2000 has first targeted the vulnerable life cycle of the Guinea worm. Once common in many parts of the world, the worm, which is ingested in drinking water drawn from ponds, is today confined to a belt across central Africa and the subcontinent, where it severely incapacitates some 10 million people each year. The Carter Center hopes to eradicate the Guinea worm in six years, maily by educating villagers to filter or boil pond water before drinking it and by providing deep wells to replace freshwater ponds. Progress has already been made. Carter visited villages in Nigeria and Ghana that have, with Global 2000's assistance, virtually wiped out the worm. In a Nigerian village, he stood beside the local pond, under a canopy of lush green trees, and reminded the villagers that the pond was still infested with the worm's nearly invisible larvae. While photographers snapped pictures, he urged the villagers not to drink from the pond unless they first used the fine-mesh filters distributed by Global 2000. Besides him stood a small boy, his leg badly swollen with a Guinea-worm infection.

Not all the villages, Carter visited were completely satisfied with his help. In one, following the usual dancing and singing, the chief rose to speak. "You arrived last year from out of the blue," he said to Carter, "and you gave us a well and a pump." The village appreciated that. But there was this one small problem. Because the well is only 40 ft. deep, it goes dry three months out of the year. "We know that you, Mr. President," said the chief, "will not be happy with a half-measure solution to our problem." On the spot, Carter convened a meeting with his advisers and promptly announced that the well would be drilled to 70 ft. The chief smiled. The villagers cheered.

Next morning the former President began the return trip to Plains. He was relaxed and voluble about his new life, about his future plans (he will never run again for public office, he insists), about the problems he had as President ("Ted Kennedy had a vendetta against me"), and about Africa. "I find Africa to be the most challenging and intriguing of any place in the world," he said. "It's fascinating to meet with so many first- and second-generation revolutionaries." Carter has no natural enemies anymore, which is liberating. If he sometimes accepts money from donors with dubious backgrounds—Sasakawa, for example, or the Bank of Credit and Commerce International, which has been indicted on money-laundering charges—no one complains, at least not if the money goes to worthy causes.

In many ways, of course, Carter is the same old Jimmy: still indiscriminate with superlatives ("very wonderful"), still using what a former aide calls his "One Hundred Ways to a Better Vocabulary" approach to public speaking, still wearing the same kind of seven-league, heavy-soled wing tips he always has. But he's lost the hard edge. He's productive again, and seems finally at peace with conflicts between his well-known born-again Christianity and his life as a public man. Says he on that sometimes touchy subject: "My Christian faith is just like breathing to me or like being a Southerner or an American. It's all part of the same thing—the sharing, the compassion, the understanding, the dealing with the poor and the destitute and the outcasts." If there is a bit of the white man's burden in that and if Carter sometimes falls victim to Christianity's age-old Catch 22, the sin of pride, well, it doesn't seem very important in the scale of things.

And you get the feeling that maybe this is what he thought the presidency would be like—all good works, no Ted Kennedys or Tip O'Neills or bureaucrats or special interests—when he set out from Plains many years ago, naively determined, against the odds, to make a difference.●

MILES EPLING, THE AMERICAN LEGION'S NATIONAL COMMANDER

● Mr. ROCKEFELLER. Mr. President, I am very proud to congratulate my fellow West Virginian, Miles Epling, who has recently been elected "National Commander of the American Legion."

Miles Epling is an outstanding veterans' leader and public servant. He is an American hero. Miles Epling served as an infantryman in the United States Army in Vietnam and lost both legs as a result of stepping on a land mine—a wartime tragedy. Miles has overcome a disability that would have overwhelmed most of us. He is an active dedicated community leader and effective veterans advocate.

I am sure my colleagues will join me in paying tribute to Miles Epling's achievements and his commitment to public service. In addition to his outstanding work in the veterans' community, Miles serves his local community as the circuit clerk of Mason County, WV.

As a member of the Senate Veterans' Affairs Committee, I look forward to working closely with Miles on veterans' issues. I am honored to have the opportunity on September 19 to introduce this extraordinary West Virginian, Miles Epling, to the members of the House and Senate Veterans' Affairs Committees during our joint session.

West Virginia has a valiant record of military service because of the many young men and women who have been willing to serve in our country's Armed Forces despite the personal costs and dangers. We are proud of our service record and proud of our distinguished veterans. I know I speak for the State of West Virginia in congratulating Miles Epling, the new "National Commander of the American Legion."●

● Mr. D'AMATO. Mr. President, I rise today to join Senators HATCH, BOND, and HEINZ in cosponsoring S. 1545, a bill to assist other countries in the development of their domestic industrial standards.

In recent years, international competitiveness has become a central focus of U.S. industry, Government, and academia. While there has been significant industry leadership on the issue of competitiveness, there exist instances where it is necessary and appropriate to look to the Federal Government for assistance. One such area of vital importance is the assistance in development by foreign countries of domestic industrial and production standards.

Developing countries worldwide are currently undertaking the adoption of standards for thousands of products. At present, the United States is not participating in this process. S. 1545 would remedy this situation by creating a pilot program to fund the dispatch of U.S. personnel to countries that have requested standards assistance from the United States. The bill would authorize the appropriation of $250,000 to be expended on a matching basis with private sector funds.

The benefits to America's competitive position worldwide would be greatly enhanced by full and aggressive participation in domestic standards development by foreign entities. Harmonization of foreign product standards with U.S. standards would pave the way for increased export of American made products. It has been estimated that standards harmonization with Saudi Arabia alone could result in a $500,000,000 annual increase in United States exports and 15,000 new United States jobs. Because trade is a two-way street, moreover, harmonization of standards would also aid those developing countries in export of products to U.S. markets, and in turn further their economic development.

Opportunities to seize the initiative are being squandered. The United States, for example, has failed to respond to a 3-year standing invitation by the Saudi Arabian Standards Organization [SASO] to take part in a massive standardization effort. While this country stands idly by, other countries with whom we compete commercially are vigorously pushing the adoption of standards favorable to their own domestic industrial interests. Finland, Germany, Great Britain, India, Japan, and others have all sent standards specialists to SASO.

The time to act, Mr. President, is now. The benefits resulting from this measure should be self-evident. The amount of funds authorized is minuscule in comparison to the economic rewards available. Standards development is a function particularly suited to governmental action, and it is a task we cannot afford to ignore.

Mr. President, I urge my colleagues to join in cosponsoring this measure. This is an opportunity to strike a bold stroke for American competitiveness. We must not let it pass us by.●

GOV. RICHARD HUGHES' 80TH BIRTHDAY CELEBRATION: A TRIBUTE TO A GREAT PUBLIC SERVANT

● Mr. BRADLEY. Mr. President, I rise today to draw attention to a special event taking place in the State of New Jersey. On September 17, 1989, friends and family members will come together to celebrate the 80th birthday of former Gov. Richard Hughes.

Governor Hughes is one of the most successful politicians and dedicated public officials to ever serve the people of New Jersey. He is the only person in the history of the State to serve as both Governor (1962-70) and Chief Justice of the New Jersey Supreme Court (1973-79). Governor Hughes' impressive career of public service spanned a period of 50 years.

As two-term Governor, his legislative record included an overhaul of the State's education system and innovative measures in the areas of civil rights, Medicare, and the war on poverty. He created the Nation's first State Department of Community Affairs. Under Governor Hughes, the New Jersey Department of Higher Education was created, State aid to education tripled, and the State's first medical college was established. He was one of the first elected officials to recognize the pressing need to improve our public educational system. In 1968, Governor Hughes oversaw the creation of the Hackensack Meadowlands Commission in northern New Jersey. This unique and innovative land use jurisdiction has responsibility for the orderly development of 14 municipalities in Bergen and Hudson Counties. As part of the operational structure of the Commission, Governor Hughes pioneered a tax revenue-sharing formula. Use of this formula is unique in that it allows the Commission to combine a best use policy for land development with an equitable distribution of revenues from ratables to the 14-member municipalities.

In 1963, as a member of the executive committee of the National Governors' Conference, he worked closely with President Kennedy on civil rights issues. Governor Hughes continued to be called upon to play a role in national policy creation under President Johnson, as an adviser for LBJ's War on Poverty. In 1967, Governor Hughes was the driving force behind the Glassboro summit between President Johnson and Soviet Premier Aleksei Kosygin. When a stalemate developed between the two leaders over the location of a proposed summit meeting, Governor Hughes successfully ended the impasse by suggesting Glassboro State College in New Jersey as a compromise between Kosygin's insistence on a New York location and LBJ's preference for a Washington location. Without the Governor's intervention this successful summit meeting might never have taken place.

Governor Hughes' legislative foresight and inspired leadership won him the support and admiration of the citizens of New Jersey. His popularity is best reflected in his landslide reelection victory in 1965. He won reelection by, what was at that time, the largest margin in the history of the New Jersey gubernatorial election. In that year, Governor Hughes also brought with him into office the first all Democratic legislature in 50 years.

Beyond all of Governor Hughes' many achievements, his greatest accomplishment is the relationship he built and still enjoys with the people of New Jersey. When Governor Hughes first took office in 1962, New Jerseyans quickly recognized and responded to his warm and caring spirit. Over the years, this bond has continued to grow. Governor Hughes is a beloved public figure in the State of New Jersey.●

THE 250TH ANNIVERSARY OF THE FOUNDING OF POINT PLEASANT, PA

● Mr. HEINZ. Mr. President, I rise today to join the citizens of Point

Pleasant, PA, in the celebration of the township's 250th year anniversary.

This beautiful spot on the Delaware River, 50 miles north of Philadelphia, is home to about 700 residents and a rich historical tradition.

As I stand here in Washington and recognize this happy anniversary of Point Pleasant, I am reminded that in the past, two notable Washington residents used to partake of the treasures that are found in Point Pleasant. Presidents Grover Cleveland and William McKinley visited Point Pleasant frequently to fish for shad.

The village of Point Pleasant dates its origins to the granting of a ferry charter across the Delaware River in 1739. Named in 1828 by Joseph Hough, the Postmaster, Point Pleasant comprises an area originally known as Lower Black's Eddy to the south and Pearson's Landing to the north of Tohickon Creek.

An important year in the development of Point Pleasant was 1831 with the opening of the Delaware Canal. By the mid 18th century economic development and prosperity flowered, four large hotels were operating and the village of Point Pleasant had become the largest and one of the most important canal towns north of New Hope. The Delaware Canal operated for exactly 100 years, ceasing commercial operations in 1931.

The 1850's also saw the erection of two of the villages most significant buildings: The Point Pleasant Baptist Church was built in 1853, and the public school near the top of Ferry Road—now Val Sigstedt's stained glass studio—was built in 1856.

After the decline of canal traffic in the late 1800's, Point Pleasant became a vacation and resort center. Fishing continued to be good, and was pursued both commercially and for pleasure.

Mr. President, it is indeed a pleasure to join in congratulations and best wishes on the occasion of Point Pleasant's 250th birthday.●

PATTI ARMSTRONG, WINNER OF JACKIE M. GRIBBONS LEADERSHIP AWARD

● Mr. JEFFORDS. Mr. President, the Vermont Chapter of the American Council of Education recently named Patti Armstrong, director of sponsored programs at the University of Vermont, as the 1989 recipient of the Jackie M. Gribbons Leadership Award. This annual award recognizes a woman leader in higher education who has demonstrated leadership ability and effectiveness, served as a model for aspiring professionals, developed innovative programs and activities in higher education, and has contributed significantly to her profession.

Regrettably, this award comes at a time when Patti has announced that she and her family will leave Vermont to explore new horizons. I wish her well in her endeavors and thank her for her efforts to improve opportunities for women in the State of Vermont.●

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS; CONSIDER CONFERENCE REPORT ON H.R. 2696; VOTE ON CLOTURE MOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, September 14, and that following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m. tomorrow, the Senate consider the conference report on H.R. 2696, the energy and water appropriations bill, and that the conference report be considered under a 25-minute time limitation with the time controlled as follows: 3½ minutes for Senator JOHNSTON, 3½ minutes for Senator HATFIELD, 3 minutes for Senator GARN, and 15 minutes for Senator BRADLEY, and that it be in order for the Senate to concur in the House amendments to the Senate amendments reported in disagreement en bloc prior to the vote on the conference report; that no other amendments or motions be in order, and that a vote occur on the conference report at 10:25 a.m.

I further ask unanimous consent that immediately following the vote on the conference report on H.R. 2696, a vote occur on the motion to invoke cloture on the committee amendment to the Transportation appropriations bill, H.R. 3015, prohibiting smoking on all domestic flights, after waiving the mandatory live quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, pursuant to Senate Resolutions 176 and 177, in memory of Congressmen LELAND and SMITH, until 9:30 a.m., Thursday, September 14.

There being no objection, the Senate, at 8 p.m., recessed until Thursday, September 14, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1989:

THE JUDICIARY

EDWIN L. NELSON, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE J. FOY GUIN, JR., RETIRED.

G. THOMAS VAN BEBBER, OF KANSAS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF KANSAS VICE RICHARD D. ROGERS, RETIRED.

DEPARTMENT OF JUSTICE

DONALD BELTON AYER, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE HAROLD G. CHRISTENSEN, RESIGNED.

DEPARTMENT OF LABOR

MARY STERLING, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE SALVATORE R. MARTOCHE, RESIGNED.

WILLIAM JAMES TATTERSALL, OF PENNSYLVANIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID COURTLAND O'NEAL.

PEACE CORPS

BARBARA ZARTMAN, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE EDWARD A. CURRAN, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, September 13, 1989*

The House met at 10 a.m.

Rabbi Edward Paul Cohn, senior rabbi, Temple Sinai of the city of New Orleans, New Orleans, LA, offered the following prayer:

We pray in the words of the Psalmist:

Zeh Hayom Asah Adonai Nagilah V'nism'cha Vo!

This is the day which the Lord has made, let us rejoice and be glad in it.

Heavenly Father, in these soul-stirring times, O Lord, when from one corner of the world to the other, the hope of liberty and the hunger for freedom are being proclaimed and celebrated, let us give great thanks for the privilege which is ours to live in this day and age.

Bless Thou, the people of this glorious land of liberty and democracy; all of our Nation's leaders, and each one of the Representatives who serve in this distinguished House. May they successfully labor to address the pressing and complex issues of our times with insight, with compassion, and with wisdom—

For the blessing of all and for the hurt of none;
For the abundance of all and for the scarcity of none;
For the life of all and for the distress of none.

Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I the Journal stands approved.

PLEDGE OF ALLEGIANCE

The **SPEAKER**. Will the gentlewoman from Ohio [Ms. KAPTUR] please come forward and lead the House in the Pledge of Allegiance.

Ms. **KAPTUR** led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 419. An act to provide for the addition of certain parcels to the Harry S Truman National Historic Site in the State of Missouri; and

H.R. 1529. An act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2136) "An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon.

RABBI EDWARD PAUL COHN, TEMPLE SINAI, NEW ORLEANS, LA

(Mrs. BOGGS asked and was given permission to address the House for 1 minute.)

Mrs. **BOGGS**. Mr. Speaker, I rise to offer my expression of gratitude to Rabbi Edward Paul Cohn, for the beautiful prayer with which he has opened our session today. Rabbi Cohn, born in Baltimore, received his B.A. degree from the University of Cincinnati, his master's from Hebrew Union College and his doctorate from the St. Paul School of Theology. He has served in Atlanta, Macon, GA, Kansas City, MO, and in Pittsburgh, PA.

In 1987 he came to us in New Orleans as rabbi of the prestigious Temple Sinai to lead a congregation with a long and distinguished history of service to our city and our State.

This year is one of special preparation for the auspicious celebration of Temple Sinai's 120th anniversary, the length of days of Moses' life and worthy of the comparison.

Steeped in the tradition of significant leadership carried forward in recent years by my good friends the late Rabbi Julian Leibelman and Rabbi Murray Blackman, Temple Sinai is fortunate to have Dr. Cohn as rabbi at this precious moment in its history.

Rabbi Cohn is married to the lovely former Andrea Levy and they have two daughters, Jennifer and Debra.

We regret that they are not with us today, but we are pleased to have with us the presence of Dr. Cohn's parents, Rebecca Weiner Cohn and Rudolph J. Cohn, who are celebrating a very special wedding anniversary, and his aunt and uncle, Gertrude Weiner and Ben Weiner.

Welcome, and thank you, Dr. Cohn.

NATIONAL FARM SAFETY WEEK

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **SMITH** of Nebraska. Mr. Speaker, September 17-23 has been designated "National Farm Safety Week." It is an opportunity to note that farmers and ranchers, America's most productive workers, are faced with an unusually high risk of traumatic death and injury.

During 1988 there were more than 1,500 agriculture-related deaths and 140,000 disabling injuries.

While all industries average 9 accidental deaths per 100,000 workers, agriculture registers 48 per 100,000 workers.

Although my State is, thankfully, often below the national average, this year 10 Nebraska lives have already been lost in farm accidents.

These casualties attest to the occupational risks on the farm, but they also underline one of the critical deficiencies of rural health—emergency medical and trauma care.

Each day, rural residents die from survivable injuries because they are isolated, living miles from doctors and hospitals.

The Government can help by assisting communities develop and improve emergency medical services. The Rural Health Care Coalition has put forth a plan H.R. 1587 that would address the problems of financing emergency medical systems and recruiting quality personnel to staff them.

Farm accidents may also be the result of lax safety regulations. One Federal response would be mandating the use of roll-over-protection structures on all new tractors and providing economic incentives for their installation on older machinery. This would help reduce the No. 1 farm-accident killer—tractor rollover.

First and foremost, however, preventive education programs for occupational health and safety will be key to improving farm safety. The U.S. Department of Agriculture, through its

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

cooperative extension network, modestly funds an effective farm safety program. We can build on its success to save more rural lives.

As I have reminded my colleagues so often, U.S. farmers and ranchers provide this Nation with the most abundant, diverse, cheapest, and safest food supply in the world. In return, let's consider what we can do to make their work safer.

I urge my colleagues to give this issue their every consideration during Farm Safety Week.

I HOPE PRESIDENT BUSH AND DRUG CZAR BENNETT ARE LISTENING

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I hope that President Bush is listening this morning and also drug czar Bennett. I would like to say to them that fighting this all-out war on drugs with slingshots is not going to be enough.

I was so disappointed in the President's message last week because he offered no immediate relief to communities like my own.

In his message, he did not say anything about making available Federal properties nor vacant military bases nor other facilities to relieve the critical overcrowding that faces us in our prisons and jails. That is our greatest obstacle in getting offenders off the streets.

Just in my home county, our jail capacity is 296 persons. In July this summer, the prison population averaged 370 prisoners. It reached an all-time high of 427 prisoners during the month. In August the jail took an all-time high of 500 prisoners.

Now this cannot continue when over 65 percent of those people that are incarcerated have substance abuse problems.

□ 1010

We cannot wait for the few new prisons that the President says will be built for 2 years from now to solve the problem. Those responsible for selling, using, and distributing cocaine, crack, and other illegal drugs are getting away with murder—and they know it.

This Executive order that the President has signed is supposed to make military facilities available to relieve our local jails. But in the President's order, he gives them a year from now to report. Mr. President, that is not good enough. Our communities need help now. We need to get criminals off the streets now. The President ought to put some heat under his own administration to get them to open available vacant military bases and Federal properties now, not next year. Isn't leadership what Presidents are for?

SO-CALLED USER FEES ARE UNJUST

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, in the next few weeks we will be debating reconciliation legislation and I wanted to bring a particular provision to your attention. The House and Senate Labor Committees included new user fees for employee benefit plans filed with the Department of Labor.

I have heard from numerous companies across America and from my congressional district and I wanted to share a few of the comments with you.

From Hickory Springs Manufacturing Co.:

> These "user fees" would be imposed on programs we voluntarily maintain for our employees for the "privilege" of filing information reports required by law. In effect, the House Education and Labor Committee has decided that, as an additional cost of maintaining an employee benefit plan, we must pay an extra tax every year in addition to high costs we already pay to maintain and operate the program.

From Tom Brooks Chevrolet-Buick:

> Surely had there been a proposal to charge a "user fee" to the American taxpayer for the "privilege" of filing the annual form 1040 or the business community for filing the 1120, such a proposal would have been soundly rejected by Congress. It is clear that such a fee would have met with massive resistance at home.

From Edwards Clinic:

> Certainly the fiasco surrounding Section 89 should have alerted Congress to the need to go slowly and with a great deal of care in the employee benefit area. The arbitrary selection of employee benefit plans as a vehicle to reduce the deficit by forcing such plans to pay a new tax is reprehensible.

As the reconciliation process continues you can count on my opposition to this provision which I wholeheartedly believe is detrimental to the expansion of our voluntary private pension system.

REJECT PROVISIONS IN SENATE INTERIOR APPROPRIATIONS BILL

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, I rise today to express my concern about provisions relating to our national forests in the Senate Interior appropriations bill which will soon be in conference committee. These provisions threaten the basic rights of citizens to enforce our Nation's environmental laws, and the continued existence of a significant portion of the ancient forests of the Pacific Northwest, by prohibiting Federal courts from granting temporary injunctions to halt timber sales while the legality of sales is being determined.

Mr. Speaker, over the August recess I visited several of our national forests in the Northwest where logging created a patchwork landscape of trees and clearcuts. I spoke with area residents, including Forest Service officials, who agree that the proposed harvest of 8 billion board feet by October 1990 is totally unrealistic.

I appreciate the economic difficulties which face the Northwest, but that does not justify the Senate language preventing enforcement of our laws. In effect, this Senate legislative act would be a legislative ax which fells the Environmental Policy Act, the Endangered Species Act, and other important statutes.

I urge my colleagues to reject the dangerous provisions in the Senate Interior appropriations bill.

FOREIGN AID PACKAGE FOR POLAND

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, in December 1981 Soviet tanks rolled into Poland, and the imposition of martial law against Solidarity and the Polish people took place. Who would have believed that at the end of this decade we would see Solidarity and their leadership actually seated following a fair and open election? Just yesterday we saw Tadeusz Mazowiecki formally become Prime Minister of Poland.

Foreign aid is something which in this House is very criticized by many, and within this country it is not terribly popular. But, we clearly have responsibility to assist the first government in history to negotiate itself from Communist totalitarianism to a democratic form of government. We have a responsibility to help these people, and I hope very much we will speedily put together a package which can see a dramatic economic market-oriented turnaround. It is going to take time, and I hope the people of Poland will be patient, and I hope the people of the free world will be patient. If we are, Mr. Speaker, I'm confident that we can see success.

POLAND

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, I want to congratulate the new Prime Minister of Poland. Let me also congratulate the Polish people for the significant achievements toward democratic reform, human rights, and to address the economic dilemma. Their struggle has not been easy, and the road to success remains treacherous.

However, the courage, determination, and wisdom of the Polish people will enable them to ultimately prevail in their efforts to achieve full democracy and economic success.

Nevertheless, we and the other free countries have a responsibility to help the Polish people during this critical time. The security and economic interests of the United States are greatly advanced by a free Poland. Poland is also the key to greater freedom throughout Eastern Europe.

Debt rescheduling, basic food and medical aid, Export-Import Bank credits and guarantees, greater IMF and World Bank involvement are essential to the development of the private sector economy in Poland.

I call on my colleagues to seize this unprecedented opportunity to usher in an era of freedom and to ensure the forces of communism and repression continue their retreat.

A PLEDGE TO LARKIN SMITH

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I did not intend to be here this morning. This is a presentation that would have been given by my late colleague, Larkin Smith of Mississippi. Before his untimely death, he had embarked on a series of 1 minute presentations to point out, with his career background in law enforcement, that the Congress, in establishing the drug czar program to coordinate all of our efforts against the war against crime and drugs, should, first, coordinate itself. That dozens of committees and subcommittees had jurisdiction over the War on Drugs Program.

In fact, in my last presentation on the House floor just before our recess for the district work period, since I have a background in law enforcement, I commended Representative Smith on making these presentations and bringing this matter to the attention of the Congress. Since Congressman Smith cannot complete the presentations himself, because of his tragic death, those Members who were elected with him in the freshman class intend to complete the presentations for him. I want to bring to the attention of the House that the Science, Space, and Technology Committee is one more committee that has jurisdiction potentially over the war on drugs because, among other things, science and technology is involved in surveillance equipment, as one example.

Mr. Speaker, I serve on the Committee on Science, Space, and Technology. I think this is a very important committee for the Nation, and I am proud to serve on it. However, I think this committee, like every other committee and subcommittee, should surrender their jurisdiction in the war against drugs to one committee of the Congress so that we can be as coordinated as we want the entire Nation to be in this important struggle.

CONGRESS MUST RESIST CONTINUING RESOLUTION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the fiscal year is fast approaching its end as of October 1, and the Congress of the United States has completed only 1 of the 13 appropriation bills that it is mandated to do. That means we are facing again that monster known as the CR, the continuing resolution.

I have vowed, as have many others, that we could no longer, after the tragedies of the past, support that process which brings about a short-term CR here and another one later, allowing all kinds of mischiefs to be played in the imbedding of resolutions and special interest favors into these large CR's.

I have introduced legislation to say that when a fiscal year ends and an appropriation bill has not been completed, last year's appropriation for that same cycle will repeat itself, thus giving Congress time enough to work on amending or mending whatever ills might be in the last year's appropriation, but not to go into a CR.

Mr. Speaker, I will oppose the CR, and I will go before the Appropriations Committee, the Ways and Means Committee, the gym, or anyplace in order to convince Members that we cannot tolerate the CR again this year.

OUR COMMITMENT IN THE WAR ON DRUGS

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, the President has recently laid out the goals of his national campaign to rid this Nation of what I and many others consider to be its most serious threat—illegal drugs. The question that arises with this or with any other national goal is how to achieve it.

We must not as Federal policymakers simply present goals and leave it to others to attain them. We must commit ourselves to providing the resources needed to assist those in the front line of the antidrug campaign. That means manpower, muscle, and money.

The term, "war on drugs," gets used a lot around here. It is catchy. It makes a good 30-second sound bite on the 6 o'clock news. Unfortunately, it accurately describes in a few words the complexity of the task ahead. More importantly, it reflects the urgency of the job that we have to do.

What we must do and what this administration must remember is that we cannot engage this enemy without a full commitment to defeating it. Our priority must reflect this concern.

Sadly, Mr. Speaker, in my opinion, the President's proposal falls short in this effort. The American people want to go on the attack, and those of us who are in Congress are ready to march.

PROVIDING THE MEANS TO FIGHT DRUGS

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the war on drugs has been declared and the strategy has been outlined. We now have 6 months to fine tune that basic policy. Although Colombia grows much less coca than it produces, it is the world's marketeer of cocaine. On the other hand, in Peru and Bolivia, growing of coca is one of the primary sources of income and employment for the campesinos—peasants. However, in all three countries, the local drug police, not the military, have the primary responsibility to eradicate the drug trafficking. These agencies need appropriate equipment and the training to operate and maintain that equipment. Make no mistake, this is a land war and each drug agency has different needs to be addressed. Fighter planes and air transports are fine as a show of strength and commitment on the part of the United States. That commitment, I might add, is not being questioned. However, drug police have no need for this heavy armor at the present time. To fight this land war, the drug officials need more personal guns, communication equipment, jeeps, basic computer data systems, local reconnaissance information, et cetera. Most importantly, they need the training on how to effectively operate and maintain this basic equipment. The more the drug police can improve their own firepower and intelligence gathering, the more effective they will become. They need the money and equipment we have given them, but training is the most important.

Our responsibility is to guarantee that each country's drug traffic fighting agency is supplied with appropriate and adequate means in the fight against drugs.

HOW TO CHANGE A PUSSYCAT INTO A TIGER

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, let me direct my remarks to the President. Mr. President, we appreciate your new strategy on drugs. You labored for 6 months, you mightily labored and brought forth a pussycat. And that is OK, because the pussycat wants to fight drugs.

The problem is, how is this pussycat going to do in a real world full of tigers? The reality is that it is not going to do so well unless we make this pussycat a little bit stronger and a little bit tougher, because right now it does not have enough of the qualities necessary to engage in a real battle against those tigers and to win that battle. And we can do it, but we have to be willing to admit the truth.

We have to spend more, and we do not have to raise taxes to spend more. Most Democrats and most Republicans believe that. We have to come to grips with reality and understand that we have countries around this world that are not producing or not growing, but still are helping the drug trafficking.

We need to hear about Mexico, what you are going to do about Western Europe and the cocaine problem, why you are pulling $40 million out of juvenile justice programs, and why you are pulling $300 million out of targeted refugee aid to help with financing.

And, Mr. President, yours is really not a $7.8 billion program; it is only a $1.7 billion program, because this body has already agreed, by authorizing and appropriating $6.06 billion of that money for next year without your plan. We needed more from you than just the $1.7 billion with the set-offs.

We are going to produce that. We hope that you will decide to feed your pussycat and make your pussycat into the tiger that is needed to win the war on drugs.

BETTER EXPLANATIONS SOUGHT IN U.S.S. "IOWA" TRAGEDY

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, the Navy still has some explaining to do regarding the deaths of 47 sailors on the U.S.S. *Iowa*. Frankly, their account of what happened when the gun turret exploded just does not ring true. The families of the sailors who lost their lives must still be wondering whom to believe and what really happened, as are most Americans.

If the Navy's account is correct, then what assurances are they giving that this will not happen again? What obligation do they have to the families of the deceased? Why have they not been able to come up with a better case explaining this tragedy? What kind of screening procedures exist to weed out potentially unstable individuals?

Mr. Speaker, first the Navy accused an apparently innocent sailor of being homosexual and implicated him in the disaster. Then, the Navy switched gears calling it accident. Finally, they directed the blame at a dead man. Forty seven sailors are dead in a naval disaster and we have no answers. America deserves better.

□ 1030

TAXPAYER-PAID BIRDCAGE LINERS?

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, the congressional newsletter controversy continues.

The other body, without regard for partisan politics, has passed a legislative appropriations bill that prohibits Members of Congress from sending any unsolicited franked mass mailings after October 1. This would restrict use of the frank by permitting its use only in response to constituent requests.

Does the American public want to continue to see our smiling faces and artfully written, thinly disguised campaign materials sent to their homes up to 6 times each year at taxpayer expense? I doubt it.

Does the American public even read these colorful, four-page mass mailed newsletters? I doubt it.

Have newsletters touting our latest legislative accomplishments and how we have played a part in every measure to come down the pike become expensive, taxpayer paid birdcage liners? Without a doubt!

If the House accepts the other body's measure, our constituents will still remain informed. Reporters will still interview us. Our news will be covered. The pen, the camera and the microphone will continue to record our every move. All our constituents have to do is turn that dial or lift that page to see our latest pronouncement about the legislative well-being of our Nation.

I urge my fellow Members to agree to the other body's ban on the use of the frank for mass mailings. The only ones to miss our newsletters will be the caged canaries.

NATIONAL DRUG CONTROL STRATEGY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the President's national drug control strategy has been out on the street just over a week now. While we in the Congress have had a chance to formulate our own views on the plan—let us not overlook our constituents' views.

I had a chance recently to speak with someone back home who is on the front lines of the war on drugs—a prosecuting attorney from a Republican county. This conservative DA says he welcomes the President's drug plan, as we all do, but he said flatly, we need more resources.

And that's the bottom line—lack of money.

If we want our cops to catch the drug pushers and users, we need more police and that costs money. If we want prosecutors to successfully convict these criminals, our DA's need additional help—manpower, and that costs money. If we want more judges to sentence the criminals, that costs money. And if we want more prison cells to put these criminals away for a long time, that too is going to cost a lot more money than what President Bush is proposing.

I'm afraid the same can be said about the resources committed by the President for drug prevention, treatment, and education programs. They are all underfunded and inadequate.

The President says he is committed to fighting this war—that's all well and good. But unfortunately, the President's national drug control strategy clearly shows he's not willing to adequately arm his troops.

ARMING THE WAR ON DRUGS

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, when American troops hit the beaches on D-day to fight the scourge of nazism, they were armed with more than a schedule full of photo opportunities and a vestful of speeches.

They were armed with the weapons and resources to get the job done.

Those who will fight America's war on drugs deserve no less.

Unfortunately, the President's drug plan falls far short of that standard.

We need a real war on drugs, not a phony war.

We need an all-effort, not a half-way effort.

The war on drugs will be fought against some of the most treacherous, violent, and vicious criminals and thugs in the world. This is no time for timidity.

The President's Press Secretary—I see in today's paper—suggests that we in Congress who want to strengthen this effort are merely carping.

May I suggest to the President that it is not carping to point out that, as the plan now stands: 75 percent of the pregnant women who are addicted to drugs in this country won't be able to get the treatment they need; 75 percent of the children under age 16 won't be able to get the treatment they need; education programs will fail to reach millions of school kids; thousands of ships and planes carrying illicit drug cargoes will continue to cross U.S. borders because DOD interdiction efforts remain frozen at current levels; and the Nation's criminal justice system will continue to be short of prosecutors, judges, and jails.

May I suggest to the President that this is an effort which requires the effort of all of us—not just the Republicans and not just the White House public relations staff.

This is a battle which must be fought and won. What the Nation needs now are the tools to get the job done, not another speech, another photo opportunity, and another round of press releases.

COMMODITY FUTURES IMPROVEMENTS ACT OF 1989

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 235 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 235

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2869) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes. The first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. Such substitute shall be considered as read. All points of order against such substitute for failure to comply with clause 5(a) of rule XXI are waived. It shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative de la Garza or his designee. All points of order against such amendment for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original test. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GEJDENSON). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 235 is an open rule providing for the consideration of H.R. 2869, a bill which would improve the regulation of the futures market.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The bill shall be considered under the 5-minute rule.

The rule further makes in order the Agriculture Committee amendment in the nature of a substitute now printed in the bill as original text to be considered as having been read. Clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, is waived against the substitute.

The rule makes in order an amendment by Chairman DE LA GARZA or his designee. Clause 7 of rule XVI, prohibiting nongermane amendments, is waived against the amendment.

Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, early this year, a Federal investigation began turning up instances of fraud in the futures industry. The Commodity Futures Improvements Act is a response to these reported abuses.

H.R. 2869 amends the Commodity Exchange Act in several fundamental ways. It would improve the regulation of the futures and options traded under rules and regulations of the Commodity Futures Trading Commission.

Registration standards for all exchange floor traders would be established. Practices which may lead to the abuse of outside customers of the marketplace would be restricted. And exchange audit trails to detect and prevent such practices would be reinforced.

H.R. 2869 would establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, and regularize the process of authorizing appropriations for the Commodity Futures Trading Commission.

It is essential that our Nation's farmers, small investors, and businesses have complete confidence in the regulation of our markets. H.R. 2869 will help provide that confidence.

Mr. Speaker, to my knowledge there is no controversy over this rule. It is an open rule. The amendment to be offered by Chairman DE LA GARZA would merely correct an inadvertent error made during consideration of the savings and loan conference report.

House Resolution 235 is an eminently fair rule providing for open and full discussion of a bill important to our Nation's financial security. I urge the adoption of House Resolution 235 so we may proceed to consideration of this legislation.

□ 1040

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the Agriculture Committee chairman, the gentleman from Texas [Mr. DE LA GARZA], and the ranking Republican, the gentleman from Illinois [Mr. MADIGAN], for their work on this bill. Their committee was faced with a difficult problem, and they have produced a fair and workable solution.

Evidence of the problem surfaced in January of this year when the U.S. attorney in Chicago announced that a grand jury would begin to consider evidence of fraud developed in a 2 year undercover operation by the FBI at two commodity exchanges. Since that time a substantial number of futures traders have been indicted. Just this week it was reported in the Wall Street Journal that:

> The Commodity Futures Trading Commission, in a major enforcement action, accused two options brokerage firms of using fraudulent, high pressure sales tactics to bilk customers out of hundreds of millions of dollars.

Mr. Speaker, Congress should act to make certain that Americans trading in the commodity futures market are not cheated.

This bill is a major step in that direction. Among other things, it includes a requirement that each contract market maintain an audit trail sufficient to rapidly reconstruct an accurate record of transactions.

The bill provides a 3-day cooling off period for new customers solicited by telephone.

It increases penalties for violations.

Mr. Speaker, the administration supports House passage of this bill. But will seek various amendments in the Senate to ensure that the efficiency and competitiveness of U.S. futures markets are preserved.

The provisions of this rule have been fully explained. I will only note that the rule protects a nongermane amendment to be offered by the gentleman from Texas [Mr. DE LA GARZA]. As the gentleman from Texas explained to the Rules Committee, this language was included in the savings and loan bill as it passed the House, but was inadvertently dropped in conference. The amendment would give the Farm Credit Administration the same flexibility in setting salaries that a number of other agencies already have. As Chairman DE LA GARZA explained to the Rules Committee, he cleared this with the only other committees affected, the Banking Committee and the Post Office and Civil Service Committee.

Mr. Speaker, since this is an open rule, the House will have an opportunity to make any further changes it deems necessary. I will support this rule so that the House can get down to business and move this important legislation. Congress should act to ensure honest commodity futures market for Americans.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The **SPEAKER** pro tempore. Pursuant to House Resolution 235 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2869.

The Chair designates the gentleman from Florida [Mr. SMITH] as chairman of the Committee of the Whole and requests the gentleman from Iowa [Mr. SMITH] to assume the chair temporarily.

☐ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2869) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, established registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes, with Mr. SMITH of Iowa (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN** pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am highly pleased to present to the House for its consideration H.R. 2869, the Commodity Futures Improvements Act of 1989, legislation designed to reform the regulation of the Nation's futures markets and to insure the integrity of its markets.

Let me say that the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], the distinguished ranking minority member, the gentleman from Missouri [Mr. COLEMAN] and all the members of the subcommittee and the staff have done perhaps what I think is one of the most indepth investigations and oversight on any item of legislation which our committee has handled, at least since I have been chairman.

Let me say that no stone was left unturned, that diligent research, investigation, meetings in the field and in Washington were held with expert advice from the industry, from the Commission, from the GAO and everyone who would lend a hand.

☐ 1050

We come to the Members, as always not with the perfect piece of legislation, but assuring the Members that this is the consensus arrived at after the most exhaustive assessment of the situation.

Let me add that this was the normal timeframe for us to do this legislation. What happened in Chicago, we had to look at some of the areas, and we addressed that issue. But that was not what triggered the reauthorization of the CFTC, the Commodities Futures Trade Commission, rather, the timeframe stipulated that we reathorize this year.

Mr. Chairman, I commend the distinguished gentleman from Oklahoma [Mr. ENGLISH], the ranking member, the gentleman from Missouri [Mr. COLEMAN], and all the other members of the subcommittee.

We proudly bring to the Members this piece of legislation. Let me just quote one item that appeared in the Washington Post of September 5, 1989. I quote:

> The bill provides the most sweeping changes in futures regulation since the Commodities Futures Trading Commission was created.

This is where we start from this morning, and I would hope that our colleagues would support the work of the subcommittee and of the committee.

There will be several amendments. This is an open rule. We come to the floor allowing every Member to express their views or offer amendments as they see fit. We think we have handled every circumstance to the limit that we could arrive at consensus. Some of the amendments that will be presented this morning can be accepted, I assume, and some we might not be able to accept.

All of the people, all of the Members who have concerns, we can have a dialog. We can assure them that their interest, their expertise and their suggestions can and will be incorporated into our actions regardless of whether they offer amendments or not or whether their amendments are accepted or not.

I would hope that we can deliberate on this issue during the time of debate, go into the amendment procedure and finish this day with what I think would be a tribute to this House and to this membership for the way that they have supported us and our committee.

I assure the Members that our committee brings to them our intention that the Members work with us continually into the future in the areas that we might yet need to address, for the subcommittee and its chairman will continue aggressive oversight of this issue and hopefully we will be able to get together with our colleagues in the Senate and come up with a final version of the bill as soon as possible.

Mr. Chairman, earlier this year I asked subcommittee Chairman GLENN ENGLISH to carefully review the operations of the Nation's commodity exchanges and to recommend to the Committee on Agriculture legislation to enhance the regulation of these markets and to ensure the protection of the users of the markets. H.R. 2869 is the result of many long hours of work by Chairman ENGLISH, the subcommittee ranking minority member TOM COLEMAN, and all of the members of the Committee on Agriculture.

H.R. 2869 represents a watershed in the development of the regulation of the Nation's commodity futures markets. The bill was unanimously reported to the Committee on Agriculture by the Subcommittee on Conservation, Credit, and Rural Development, and was ordered to be favorably reported to the House by a voice vote.

Rather than take the House's time reciting the bill's provisions in detail, I will simply emphasize a few highlights of the legislation.

DUAL TRADING

The bill will prohibit the practice of dual trading in any futures contract market with an average daily trading volume of at least 7,000 contracts. The Commodity Futures Trading Commission would be required to exempt a contract market from this prohibition if the contract market can demonstrate that its surveillance systems are fully verifiable and can detect trading violations attributable to dual trading. This provision is designed to encourage the commodity futures exchanges to develop surveillance systems that are accurate as humanly possible. Nevertheless, the Commission will retain the authority of further restrict or completely prohibit dual trading.

AUDIT TRAIL

The bill will require each contract market to maintain an audit trail including the information necessary to rapidly reconstruct an accurate record of the transactions executed on the contract market. The time of execution of such transactions must be verifiable and must be stated in 1-minute increments beginning not later than 1 year, and 30-second increments beginning not later than 3 years, after enactment of the bill.

A board of trade's audit trail for all of the contract markets designated for that board of trade must comply with the 1-minute and 30-second recording requirements before the Commission can designate the board of trade as a contract market for any new contracts. Once again, this provision is designed to urge commodity futures exchanges to comply with the audit trail requirements in order to be eligible to bring new futures contracts to market.

TELEMARKETING FRAUD

H.R. 2869 will require each registered futures association to specify supervisory procedures regarding telephone solicitations that it will impose on certain member companies. Such procedures must include a 3-day cooling-off period during which a member who solicited a new customer by telephone to open a futures or options account may not trade such account on behalf of the customer.

INSIDER TRADING

The bill will make it a felony for exchange employees or certain other persons to use or disclose certain material, nonpublic information. A violation of this prohibition will be punishable by a fine of up to $500,000, plus any profits realized from such use or disclosure, and imprisonment for up to 5 years.

CONTRACT MARKET EMERGENCY ACTIONS

H.R. 2869 will require each contract market to make every effort practicable to give the Commission prior notification of any emergency action proposed by the contract market. The bill will also require the Commission to notify the contract market and the House and Senate Agriculture Committees of its approval or disapproval of the emergency action within 10 days, or as soon as practicable, after the Commission receives such notification. This provision came about, in part, in light of the recent emergency action by the Chicago Board of Trade to require traders in the soybean futures market to liquidate certain futures market positions. This amendment is designed to ensure that the Commission and the contract market work together closely during such a market emergency.

COMMISSION REGULATORY ENHANCEMENTS

The Commodity Futures Trading Commission submitted a number of recommendations for amendments to the Commodity Exchange Act to the Committee, including amendments to provide for cooperation between the Commission and foreign futures authorities, the registration of floor traders by the Commission, increased flexibility in the imposition of civil money penalties, and nationwide service of process and venue in private rights of action brought under the act. All of these amendments are included in H.R. 2869 as reported by the committee.

Mr. Speaker, it is no secret that the Nation's commodities exchanges are facing tough times. The indictment by the Justice Department of 46 commodities traders in Chicago last month has tarnished the industry's reputation and called its integrity into question. However, we should remember that the overwhelming majority of futures traders are honest, hardworking people, that provide a vital service to the Nation's financial markets.

H.R. 2869 is a comprehensive bill that will send a clear signal to the futures markets that we are serious about providing for the effective regulation of these important financial markets, ensuring the integrity of these markets, and protecting the public interest.

I would once again extend my congratulations to Chairman ENGLISH and ranking minority member TOM COLEMAN for their fine work on H.R. 2869, and urge my colleagues to support this legislation.

BRIEF EXPLANATION

H.R. 2869 will amend the Commodity Exchange Act [Act] to prohibit dual trading by a floor broker in any contract market in which the Commodity Futures Trading Commission [CFTC] has determined the average daily trading volume to be equal to or greater than a threshold trading level. The bill will establish the threshold trading level at 7,000 contracts, but the CFTC may increase or decrease the threshold trading level if a change is warranted, considering the effects of the prohibition against dual trading on price volatility, bid-ask spreads, or the public interest.

The CFTC must exempt a contract market from the dual trading prohibition if the contract market can demonstrate that its surveillance systems and procedures, including its audit trail: First, can detect those instances of trading violations attributable to dual trading; and second, is fully verifiable.

The CFTC will retain the authority to further restrict or completely prohibit dual trading.

The bill will also limit trading among members of broker associations.

The bill will require each contract market to maintain an audit trail including such information as the CFTC determines necessary to rapidly reconstruct an accurate record of the transactions executed on such contract market. The time of execution of contract market transactions must be verifiable and must:

First, be stated in 1-minute increments beginning not later then 1 year after enactment of the bill; and

Second, be stated in 30-second increments beginning not later than 3 years after enactment of the bill.

A board of trade's audit trail for all of the contract markets designated for that board of trade must comply with the 1 minute and 30 seconds recording requirements before the CFTC can designate the board of trade as a contract market for any new contracts.

H.R. 2869 will require each registered futures association to specify the factors it will consider in determining whether to require a member to adopt special supervisory procedures regarding telephone solicitations. Such procedures must include a 3-day cooling off period during which a member who solicited a new customer by telephone to open a futures or options account may not trade such account on behalf of the customer.

The bill will require the CFTC to continue to request the assistance of and cooperate with the appropriate Federal agencies in conducting investigations, including undercover operations, under the Commodity Exchange Act.

The bill will require a system of contract market disciplinary committees and a schedule of major violations of the rules of contract markets or registered associations. The bill will prohibit any person found to have committed a major violation of such contract market rules from service on the governing board or a disciplinary committee of any contract market or registered futures association. The bill will also require that outside members comprise at least 20 percent of the governing boards of contract markets and registered futures associations.

The bill will require the registration of floor traders, enhance the CFTC's and contract markets' authority to disqualify registrants, and provide for the suspension of registration and trading privileges for the nonpayment of civil money penalties. The bill will also require that registrants attend periodic ethics training sessions.

The bill will provide for nationwide service of process and venue for parties bringing a private right of action under the act.

The bill will require each contract market to monitor closely the trading activities of any person granted a hedging exemption to ensure that such person does not obtain a position in excess of such exemption.

The bill will increase the penalties for certain felony violations of the act from $500,000 to $1 million for corporations and similar legal entities, and from $100,000 to $500,000 for individuals.

H.R. 2869 will require each contract market to make every effort practicable to give the CFTC prior notification of any emergency action proposed by the contract market and require the CFTC to notify the contract market and the House and Senate Agriculture Committees of its approval or disapproval of the emergency action within 10 days, or as soon as practicable, after the CFTC receives such notification.

The bill will make it a felony for exchange employees or certain other persons to use or disclose certain material, nonpublic information. A violation of this prohibition will be punishable by a fine of up to $500,000, plus any profits realized from such use or disclosure, and imprisonment for up to 5 years.

H.R. 2869 will require the General Accounting Office to study the delivery points for futures contracts for agricultural commodities. The bill will also require the CFTC to conduct a study of the competitiveness of U.S. futures exchanges compared to those in foreign countries.

The bill will authorize the CFTC to cooperate with, offer investigative assistance to, accept information from, and disclose certain information to, foreign futures authorities.

The bill will authorize appropriations for the CFTC in the amount of $40 million for fiscal year 1990 and $44.5 million for fiscal year 1991.

COMMODITY FUTURES TRADING
COMMISSION,
Washington, DC, September 12, 1989.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you will recall, on January 23 and July 17, 1989, we submitted for consideration by the House Agriculture Committee our recommendations for amendments to the Commodity Exchange Act. As explained in those submissisons, these amendments would enhance the enforcement of the Act by providing for cooperation with foreign futures law enforcement authorities, nationwide service of process and venue in private rights of action, flexibility in imposing civil monetary penalties and registration of floor traders. I am pleased that H.R. 2869 as reported by the Committee includes all of these proposals.

Title III of the bill would permit the Commission to assist foreign futures authorities. The bill's definition of foreign futures authority includes a broad range of authorities, including independent governmental regulatory agencies, executive agencies, local governmental authorities, self-regulatory organizations and criminal authorities that administer or enforce rules or regulations as they relate to futures and options matters.

In particular, the bill would permit the Commission to conduct investigations upon the request of a foreign futures authority without regard to whether the facts stated in the request constitute a violation of U.S. law. To facilitate the development of a working relationship with authorities that have the broadest legal mandate to oversee futures and options matters, it is expected that the Commission will act upon such investigative requests from a single authority or only a few authorities in each country, instead of from a wide range of self-regulatory organizations with varying responsibilities. In providing assistance, the Commission would be required to consider the public interest and the agreement of the foreign futures authority to provide reciprocal assistance to the Commission. The Commission believes that investigative assistance from foreign authorities would be a powerful tool in effectively enforcing the Commodity Exchange Act in investigations that require the gathering of information from foreign sources. The Commission expects the availability of its assistance to foreign futures authorities to act as a strong inducement to these authorities to obtain similar authority to assist the Commission. As you are aware, the proposed investigative authority closely parallels the authority obtained by the Securities and Exchange Commission last year in section 6 of the Insider Trading and Securities Fraud Enforcement Act of 1988.

In addition, Title III's amendment to section 8(a) of the Act provides protection from compelled disclosure of information identified in good faith to the Commission by a foreign futures authority as protected from such disclosure under foreign law. However, section 8(a) does not preclude the disclosure of such information in the proceedings referenced therein. This protection from compelled disclosure is necessary to achieve the full measure of effective cooperation with foreign futures authorities in enforcement matters, and is consistent with other provisions of section 8 of the Act which already protect certain categories of information from public disclosure, in accordance with subsection (b)(3)(B) of section 552 of title 5, United States Code.

Section 209 of H.R. 2869 would amend the Act to authorize nationwide service of process in private actions brought under section 22 of the Act, the provision which permits customers to seek damages for violations of the Act. The amendment would empower U.S. district courts sitting anywhere in the United States to whether the plaintiff can establish that the defendant had minimum contacts with the state in which the U.S. district court is located. The proposal also includes special venue provisions for section 22 actions to grant plaintiffs greater choice in their selection of the particular forum in which to bring their action.

The amendment is promoted by a 1987 Supreme Court decision which ruled that authorization for nationwide service of process in private actions was not inplicit in the Commodity Exchange Act. As a result, without this amendment plaintiffs may be precluded from suing non-U.S. defendants anywhere in this country. And as against U.S. defendants, private plaintiffs will be subject to the burden and expense of providing that the defendant is amenable to service under a state "long-arm statute," and, failing this, they may be relegated to suing in an inconvenient forum. This amendment would place commodity futures customers on the same footing as securities customers, in circumstances where there arises a need for resort to federal litigation, because the federal securities laws expressly provide for nationwide service of process.

Section 207 of H.R. 2869 would amend the Act to (1) eliminate the requirement that CFTC consider a wrongdoer's financial circumstances in assessing a civil penalty and (2) provide that if the wrongdoer does not pay the penalty when due, his existing registration with the CFTC would automatically be suspended and the wrongdoer would automatically be prohibited from trading on all exchanges. This provision will facilitate and provide more flexibility to the Commission's administrative law enforcement process in selecting appropriate sanctions and will provide additional statutory incentives to wrongdoers to pay penalties promptly. Congress has already provided such incentives in connection with unpaid reparations judgments.

Under existing section 6(d) of the Act, the Commission must not only consider the gravity of the violation in imposing a monetary penalty, but also evidence relating to the penalty's effect on the wrongdoer's net worth or ability to continue in business. Because this type of evidence is generally controlled by respondents, the Commission has required them to come forward with a showing that a proposed penalty is excessive in light of their net worth or ability to continue in business. Respondents that did not wish to produce such evidence have been permitted to waive the financial inquiry mandated by the Act. The Commission has viewed its waiver approach as consistent with Congress' intention that respondents have protection from excessive civil penalties. However, disputes over the proper application of section 6(d) have generated considerable litigation, including several appeals to the Courts of Appeals. This litigation itself has been an additional burden on the Commission's enforcement program.

Some courts have interpreted the law less flexibly than the Commission and have required development of an evidentiary record on net worth or ability to pay whenever the Commission imposes a civil monetary penalty in an adjudicatory proceeding. This is particularly difficult when the respondent, who possesses the information, fails or refuses to provide the evidence for the record.

Another troubling aspect of the net worth inquiry has come to light where a respondent claims insolvency. Specifically, a United States bankruptcy court has blocked the Commission's prosecution of an administrative case, in part because the court was persuaded that the Commission's obligation to consider net worth would interfere with the respondents' personal bankruptcy reorganizations. The Commission has appealed that decision.

Thus, the Commission believes that the statutory requirement to consider financial circumstances has been misconstrued to become an inhibition to effective enforcement of the Act and shoud be deleted as provided by section 207 of the bill. This deletion would not limit the Commission's discretion to consider factors relevant to the remedial purposes of existing section 6(d). These factors may include: (1) the harm to other persons resulting from the violation; (2) monetary or other benefit to the wrongdoer; (3) whether there has been any restitution made to persons injured; (4) prior sanctions imposed by the CFTC or other authorities; (5) factors tending to show mitigation or rehabilitation; and (6) the need to deter the wrongdoer and others from committing these violations.

Registration of floor traders as provided by section 205 of H.R. 2869 would also assist law enforcement. Historically, floor traders have not been required to register under the Act because they do not handle customer trades or money and because exchange rules have established criteria governing their access to the floor. However, if floor traders collude with brokers in violation of the Act or of Commission regulations, they should be subject to the same regulatory sanctions. By requiring floor trader to register, the bill would subject them to statutory disqualification and fitness requirements like other registrants.

Thank you very much for your consideration and assistance during this year's reauthorization process.

Sincerely,

Wendy L. Gramm,
Chairman.

Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Oklahoma [Mr. English].

Mr. ENGLISH. Mr. Chairman, earlier this year we were all stunned by the report that the FBI had for the past 2 years conducted undercover operations on the floors of two of the major exchanges in this country. At that time the Committee on Agriculture was organizing, and the chairman of the Committee on Agriculture urged that I and the ranking minority member as well as the members of the subcommittee conduct an inquiry into adequacy of the regulatory system for the futures industry.

The gentleman from Missouri [Mr. Coleman] and I launched an inquiry, not into who was guilty of wrongdoing, but to examine the overall system itself. To determine what is working, what is not working, and what is needed to be addressed with regard to any legislation pertaining to the reauthorization of the Commodities Futures Trading Commission. This inquiry took place over some 6 months and was conducted not only by the staff of the subcommittee but included representatives of the General Accounting Office as well as investigators who were borrowed from other Members of Congress as well as other Government agencies. They did an outstanding job in discovering the shortcomings of the system. The groundwork that was laid by those people produced the basic framework for this legislation.

In July the gentleman from Missouri [Mr. Coleman] and I jointly introduced the legislation that we have before us today and every member of the subcommittee as well as the entire Committee on Agriculture made contributions to this effort. I appreciate the study and the attention that the Members have put forth.

I think it should also be pointed out, Mr. Chairman, that last Friday the General Accounting Office announced the results of its study which had been requested by the other body, and that report uncovered nothing that had not been revealed by our own inquiry. Therefore, anything covered by the GAO report to the other body has been considered for this legislation.

I think it also is important to point out that this legislation passed the House Committee on Agriculture on the very day that the U.S. attorney in Chicago brought forth some 46 indictments of individuals charged with wrongdoing. I think that it also should be known that those who are most familiar with that particular investigation have reviewed this legislation, and it is my understanding that there is nothing that was uncovered by the FBI investigation that has not been dealt with in this legislation, at least to the extent that it is possible through new law.

I think what we have before us is a very good bill, a very solid bill, and I might say, Mr. Chairman, perhaps the news media have best underscored what this legislation is all about when they describe it as the toughest, most sweeping legislation to affect the futures industry since the creation of the Commodities Futures Trading Commission some 15 years ago.

We are very proud of this legislation. We feel that it certainly will do much to address any shortcomings. It will toughen up the Commodities Futures Trading Commission. It will provide authorization for much-needed additional resources, particularly in the area of carrying out investigations. It provides the authority for the CFTC to conduct the kind of undercover operations on a regular basis that the FBI conducted over the past 2 years. It sets up some very rigid requirements with regard to the standards that we will accept as far as being able to detect wrongdoing by the system.

It certainly puts the exchanges on notice, that if in fact, they intend to expand their business, adopt new contracts, have new contracts approved, they are going to have to meet some very rigid requirements.

I think that there is no question that the entire futures regulatory system has been tremendously strengthened by this legislation.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the gentleman from Oklahoma and also the gentleman from Missouri [Mr. Coleman] for what they have done with this legislation.

When the act was first passed in 1974, it passed the House in good shape. It went to the Senate, and they amended it. They weakened the bill. Dual trading, insider trading, a number of other things were taken out of the bill which should not have been at that time, but that was the best we could do, and in conference it was adopted that way. Ever since then we have been trying to get dual trading prohibited or at least restricted and a number of other things, but there has been nothing done until this year.

I commend the gentlemen, both the gentlemen, and the committee, for what they have done here to try to strengthen this bill. I am not going to say that further strengthening is not desirable, but I understand that one can only do about so much at one time. I just think that they have done a good job, and this is the first time I have really seen an effort, frankly, by the committee to strengthen the weaknesses in this act.

□ 1100

And with this I think that you can go to the conference and come back with maybe even a little stronger bill. As you know, there are a few places I have pointed out where it could be strengthened, especially with regard to insider trading.

Another thing I would like to point out is that at the time this act was passed we never dreamed that the underlying commodities involved would be in most contracts other than agricultural commodities. That is the reason it is named the Commodity Futures Trading Commission, not the "Stockbrokers Futures Trading Commission." So this has brought forth a whole new perspective that needs to be looked at.

Over 100 contracts have been approved. So the Commodity Futures Trading Commission has a big job. Anything we can do to reduce the hours that they have to put in to monitor these contracts ought to be done, especially when the invitation is there to cheat. They should not have to be there on the job every minute watching to see whether or not cheating is being done. When it can be done, it should be prohibited ab initio.

So I want to commend the gentleman for what he has done. I support the bill.

I will have one amendment. I wish it was possible for two or three others, but I will have one amendment.

I thank the gentleman.

Mr. ENGLISH. I thank the gentleman who certainly has long been recognized for his great expertise in this area, as one of the founding fathers of the Commodity Futures Trading Commission. So we appreciate his input.

Also, as the chairman of the committee has stated, Mr. Chairman, we do not intend to let this matter drop after the passage of this legislation.

We feel that in order for this legislation and for the regulatory system to work to the degree that we would all like, it will be necessary for us to conduct vigorous oversight throughout the implementation of this legislation and beyond.

Let me also say that in an effort to strengthen this legislation, Mr. Chairman, the Commodity Futures Trading Commission will have a permanent status, much the same as the Securities and Exchange Commission and other Government agencies.

We have found that constant reauthorization every 3 or 4 years has had a weakening effect. It raises doubts about its continued existence.

But the underlying fact, Mr. Chairman, is that we have got to have a tough, strong, hands-on regulator, an arm's-length regulator. One that will vigorously exercise its responsibilities and that will assure the American public that any time they are trading in the futures industry they will be protected.

It also should be underscored, Mr. Chairman, that this industry is no longer a national industry; it is one that is trading worldwide.

It is now in competition with similar exchanges throughout the world and its trading is moving toward a 24-hour-per-day operation. It is truly an industry that is growing by leaps and bounds.

As the gentleman from Iowa so aptly noted, we need to make certain that the regulatory system itself, constantly adjusts to the new reality that we face in the futures industry.

But I simply wanted to say again, Mr. Chairman, I appreciate the tremendous support we have gotten from the members of the subcommittee as well as the full Committee on Agriculture. I particularly want to commend my colleague, the ranking member, the gentleman from Missouri [Mr. COLEMAN], for the outstanding work that he has done on this legislation.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what started out to be a simple routine reauthorization of the Commodity Futures Trading Act has become a thorough review of not only that agency but also the entire futures markets and how they are conducted in this country. And the reason for that of course stemmed from what has already been discussed, that is an undercover investigation, a so-called sting operation which was publicly disclosed when subpoenas were issued in Chicago to a number of people who had connections with the two exchanges in Chicago, who were brokers and traders.

When that became public, much speculation followed. What is fact is that the FBI, Justice Department, and CFTC personnel had been undertaking this endeavor for some time.

That has now resulted in 46 indictments of traders in Chicago.

This bill is not just an attempt to react to that situation but it is in fact an attempt to help restore public confidence to these markets and to assure the highest integrity that these markets must demand and must have if they are going to continue to operate in this country.

Mr. Chairman, I therefore rise with much pleasure to support this bill before us today. I want to also extend my commendation to the gentleman from Oklahoma [Mr. ENGLISH], the chairman of our subcommittee who very diligently pursued the investigation as well as the legislative response to it.

This is a bipartisan effort. It has taken many, many hours of making sure that what we do here today is correct and right.

I also want to commend Chairman DE LA GARZA for expeditiously moving this bill through the committee and on to the floor.

I want to thank the gentleman from Illinois [Mr. MADIGAN] understanding and consideration of this Member as he attempted to work with and, in a bipartisan fashion, to formulate a bill which impacts upon our Nation's futures markets.

While there may be provisions in this bill that frankly I would not have included, I agree now with this bill, that we need to have a reform-minded, get-tough policy. We have brought such a vehicle to the floor this morning for your consideration. I urge my colleagues to support it as I support it.

The Agriculture Committee has long recognized the values of futures markets in this country to our national economy and we recognized that when we wrote the bill. I believe it also clearly understands it is time for Congress to complete the work in mandating certain reforms in the law.

These amendments to the Commodity Futures Trading Act, while giving certain flexibility to the Commodity Futures Trading Commission and retaining the vital concept of self-regulation, will mean a tougher regulatory atmosphere at the Nation's commodity futures exchanges. I think that is the underlying premise of this bill, a get-tough regulatory policy.

This bill moves forward the work of the CFTC in getting the exchanges to toughen their own audit trail system. I know you recall just 3 years ago when we had the last reauthorization on the floor, that the CFTC proposed certain new regulations to require the exchanges to enhance the audit trails, their trade recordation systems.

During the 1986 reauthorization our own House committee report recognized the importance of the suggestion that we have an active audit trail.

But 3 years later the exchanges still have not reached the stated goals of the CFTC's chairman at the time, Dr. Susan Phillips.

Dr. Phillips said then that the transactions on each exchange must be recorded to within 1 minute of execution and that the CFTC should be able to verify that exchanges are in fact recording accurately at least 90 percent of all trades executed on the exchanges. That was in 1986.

This bill goes even further than that.

Now, Mr. Chairman, this bill combines a carrot-and-stick approach that is designed to curb certain kinds of trading practices until each exchange verifies that its total surveillance system is accurate enough to detect trading abuses.

It does this by prohibiting the so-called dual trading activity to take place in a contract market. Any contract which trades at a daily average rate of 7,000 contracts or more must have in place a verifiable surveillance operation which can detect trading abuses that may be associated with dual trading.

Now dual trading, for those of our colleagues who are not familiar with the system, is when a person can go into a pit in Chicago or New York or Kansas City or Minneapolis or wherever the exchange is located and trade for themselves and for other clients and customers. That in itself is not necessarily bad. What is bad and what can be and has been associated with this practice is where the person trades for his own account in front of the customer's account, and, too, can impact negatively their customer's account. And conversely they might be able to enrich themselves having the knowledge of what the market is doing and what their customer's orders may be doing to the market and impacting the market.

□ 1110

This is so-called dual trading. We want to make sure that this activity, if it does take place, takes place in an atmosphere where the CFTC, the regulator, can find any sort of abuses associated with that activity. This goes to the audit trail issue. Exchange audit trails must meet the 1-minute standard under this bill within 1 year of enactment. Within 3 years, the standard narrows to 30 seconds; within 5 years, the CFTC must report to the Congress on whether an accurate trade recordation system may be captured in real time. Every contract market on each exchange must meet the audit trail standards or be ineligible for new contract designations. That is quite a carrot. If an exchange does not do this, they cannot have new contracts approved for their exchange. We do not want to prohibit new contracts, we just want to make sure that the current contracts are well regulated and that there are no abuses in the system.

This should be sufficient to get the exchanges to make the necessary changes to ensure this accurate, verifiable audit trail system.

I want to say, Mr. Chairman, that the audit trail systems currently in place at the exchange, even in their current form, are useful tools for the officials at the CFTC and for the public. The trading data was used extensively for analysis of transactions that occurred on both the futures and the stock markets in the days back at the market break or so-called "crash" in October of 1987.

The Committee on Agriculture does not criticise the value of the work that the exchanges have made to beef up their capability in this area, to track and record trade executions. This bill is not a bill to punish exchanges for any alleged abuses which individual traders have made on their own and have been indicted for. I want to make that clear.

Mr. Chairman, this bill permanently reauthorizes the CFTC as an agency which will not have to come back to the Congress every 2, 3, or 5 years to be reauthorized. I think this is a very important statement that this Commission has come of age, that it will be on the same basis as the Securities and Exchange Commission, for example, on the securities side. We have faith in this Commission, in this agency, to do a good job. We have given it the regulatory tools to do a good job. We will maintain strong oversight capacity of this agency, and through the appropriation process we will assure the direction of what it is doing. However, it is a permanent reauthorization.

Mr. Chairman, I am not going to speculate on what amendments may be offered today. We can take them up as they come. However, I will say once again, in closing, that this is a bipartisan bill. It is a good bill. It is reform minded. It is strong. It is tough. It is time that the Members here recognized that we have an obligation to protect the public interest. I think we have done it with this bill. Again, I have worked with the chairman, the gentleman from Oklahoma [Mr. English]. I have valued that relationship, and I am proud of the product we have brought forth today on the floor of the House.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I thank the gentleman for yielding, and at the outset, if I may, I would like to comment to both the gentleman from Missouri and the gentleman from Oklahoma about the degree of respect that I have for the two of them for the work that they have done under very difficult circumstances. Of course, my comments would also extend to the chairman of the full committee, the gentleman from Texas [Mr. de la Garza], because this bill was processed through that subcommittee and to the full committee at a difficult time in light of the FBI investigations going on, and other things to which reference has been made here this morning.

I do, at this point, wish to ask a couple of questions of the gentleman from Missouri, the gentleman in the well, who is a cosponsor of this bill. I do that because, as the gentleman knows, being a very accomplished lawyer, when court suits arise as a result of various legislative enactments, the record made on the floor of the House is one of the three things that judges traditionally will look to. So in that regard, I think the record is important both with regard to the audit trail provisions in the bill, and also the dual trading prohibitions provisions.

I would like, at the outset, to first ask the gentleman with regard to this audit trail provision, and the requirement that it be verifiable or fully verifiable, if the gentleman would be able this morning to quantify in some way what the sponsors of the bill intend when they describe the necessity that the audit trail be verifiable; are you talking about 100 percent capability, 90 percent capability? What does the gentleman have in mind?

Mr. COLEMAN of Missouri. There was some discussion about whether or not the word "fully" should precede the word "verifiable" as we marked up the bill. It may be, in fact, surplus language. If one is verifiable, one could assume that it is going to be totally verifiable. Fully verifiable, I think, leaves no doubt, and I believe the committee report language shows that we are not building in any tolerance for error, but in any human endeavor that we have, we must assume that there may be some human errors involved. Even Ivory soap is only "99.44 percent pure."

Having said that, we feel we have a higher degree of verifiability required than, for example, the previous Commission Chairman who suggested that a 90-percent level would be acceptable. Therefore, I think it is very clear that we want to require the verification, which simply means we can go into a computer system and be able to verify the accuracy of the information contained therein, and the procedures as well as the timeliness of the information that was contained therein.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. English], who is the author of the original language.

Mr. ENGLISH. Mr. Chairman, the gentleman makes an excellent point. There are three key phrases that have to work together. The gentleman is absolutely correct when he states, and as is stated on page 45 of the report language, there is no sort of tolerance level. The next two key words, "to the degree that it is humanly and technologically possible." So, basically, what is being said is this language that the CFTC and the Congress is saying that we do not accept the violations. We do recognize, however, that there may be human error, and human error is counted for. It is also recognized that technology can only go so far. So it is to the degree that is humanly and technologically possible, whenever we use this phrase of "100 percent detection." So the 100 percent is tied with, to the degree that is humanly and technologically possible.

Mr. MADIGAN. Will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Illinois.

Mr. MADIGAN. If I may pursue that point with the gentleman who has the time, may I assume then, on the basis of the comments made, both by the gentleman from Missouri and the gentleman from Oklahoma, that if the Commodity Futures Trading Commission at some point in time determines that an 89 percent factor or a 90 percent factor or a 91 percent factor is at that point in time the best that is humanly and technologically possible, that this would then be able to allow the exchanges to move ahead in whatever the exchanges were contemplating?

Mr. COLEMAN of Missouri. My understanding is that would be the case.

We have stayed away from percentages because I think it is inappropriate, and the language we have given to the CFTC is more appropriate to make those decisions and indicate that the state of technology changes by the day, and once computer systems are up, human error goes down. It is a combination.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. I simply say that the key words, again, are "technologically possible" in that kind of a situation.

Obviously, the state of technology is changing, and one of the points that I think makes this a very strong section is that we are never really settled for what is acceptable today. What may be technologically possible today to achieve through the systems that are available to people through the technology that is available to people, is going to be outstripped in what may be here 5 years from now. The exchanges have to constantly improve.

However, again to the degree that it is humanly and technologically possible, that system has to be able to catch 100 percent, to the degree that is humanly and technologically possible.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I thank both the gentleman from Oklahoma and the gentleman from Missouri for their explanation of their intentions in that record.

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Mr. Chairman, if the gentleman will yield further, I wish to insert at this point in the RECORD a letter I have received from the Department of Justice relating to an amendment that may be offered later:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C. September 12, 1989.

Hon. EDWARD R. MADIGAN,
Ranking Minority Member, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MADIGAN: This is to reiterate the views of the Department of Justice regarding amendments to H.R. 2869, the proposed Commodity Futures Improvement Act, which were adopted by the Subcommittee on Conservation, Credit and Rural Development on July 26, 1989 and deleted by the full Committee on August 2, 1989. We understand that the amendments may be offered again when H.R. 2369 is considered on the floor of the House. These amendments, previously offered by Congressman Tallon, would enact criminal sanctions for an abuse arising from dual trading on futures exchanges. Under these amendments, "front running," in which a broker trades for his own account ahead of his customers, would be prohibited specifically and a knowing violation of that prohibition would be punishable as a felony.

As we previously indicated, the Department reviewed the amendments and determined that the existing antifraud provisions of the Commodity Exchange Act as well as the mail and wire fraud provisions of Title 18 provide ample statutory authority to proceed against front running offenses. Moreover, prosecution of front running offenses would not be facilitated by these amendments. Front running is in our opinion a violation of the Commodity Exchange Act and Title 18 and thus is adequately addressed by existing law. Accordingly, we urge the defeat of any effort to adopt these amendments when the measure is considered by the full House.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

But more importantly, my second question deals with the question of the prohibition of what is referred to as dual trading. I do not want to go into a discussion of the exemptions from the prohibitions that are allowed in the bill, but I am curious about the treatment with regard to that prohibition that would be visited upon different exchanges in the United States.

In earlier remarks here this morning the gentleman from Iowa [Mr. SMITH] has made reference to dual trading and the conditions that can result from dual trading activity. I note that in the bill there would be one set of procedures to prohibit dual trading on some markets that would not obtain with regard to other markets. If the activity, as I understand it, on a given market in a given contract was below a certain monthly volume, dual trading in that contract would be allowed on that exchange.

My concern is, if there is a belief or a consensus here that dual trading has the potential to be an evil thing, why would we say that this potentially evil thing cannot occur on one market but can occur on another market? I do not understand that distinction, and I wonder if the gentleman could help me with that.

Mr. COLEMAN of Missouri. Mr. Chairman, I appreciate the question. Let me take a stab at it, and then I will yield to the gentleman from Oklahoma [Mr. ENGLISH].

I believe the volume cut-off that we had was 7,000 average daily contracts. I believe it is computed on a monthly basis, but the 7,000 figure that you mentioned is what it was. That was arrived at because of the liquidity issue.

We wanted to make sure that we do not inhibit liquidity in a contract and, therefore, ban dual trading outright in a small number—that would be 7,000 or fewer—of contracts on an average daily basis.

Having said that, also those smaller volume contracts can better verify and track all of the audit information necessary.

There is really no problem in those pits. The problem with dual trading is only when the possible abuses arise because of the high volume of contracts being traded at certain times of the trading day, so that you can get away from that or get into trading ahead of your customer for your own account prior to his and somehow discriminate against him and advantage yourself.

But nobody has said—and I mentioned this in my opening statement—that dual trading per se is inherently bad. It is just when it is abused, and it can be more abused and camouflaged and masked when you have a high number of contracts being traded. That was the reason for the 7,000 cutoff, because we can see that there are abuses in dual trading. At the same time, you can dual-trade under this bill if you have a system setup that can show fully the verifiability of your audit trail.

So what we are trying to do is give them the carrot, that is, let the exchange come up to the level where they can meet that requirement, and they can dual-trade.

I might say, on behalf on what is happening—and already we are moving the exchanges in this direction—that the Chicago Mercantile Exchange and the Chicago Board of Trade, as the gentleman knows, just recently announced a joint effort in which they are going to spend million dollars of their own money to have hand-held computers, if you will, on the trading floor where they can record instantaneously in real time the transactions that occur. That is what our goal is. We have moved them to that goal. But I believe that as they move toward that goal, we ought not to wink at it or suggest that dual trading should go on until they can come up with a system that is fully verifiable.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I think the gentleman from Missouri has done a good job of explaining it. Basically, it comes down to the fact that these provisions are oriented toward objectives, and the objective is to eliminate or at least put in place a system that will detect abuses that might occur under dual trading.

The so-called cutoff really had two justifications. One is that it is generally perceived that unless a contract is mature and liquid, then the liquidity is in serious question. So with the smaller contracts, with less trading, the question of liquidity arises. We wanted to make certain there was a safety margin built in.

It is not the objective of this legislation to destroy any contract markets. So the level of 7,000 and above is generally perceived to be a mature, liquid contract, if it meets that requirement.

The other part of it is that generally speaking, it is easier to detect wrongdoing when we have low volumes of trading, obviously, because there is not much activity and not as many people trading in those circumstances. But the real objective is not to eliminate dual trading. The real objective of this legislation is to be able to detect abuses that occur under dual trading, and once that is the case and the CFTC finds that the requirements under this legislation are meant to be able to make that kind of detection, the exchanges are free to continue dual trading.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would like to add just one perspective here. I do not think there is any reason for exceptions to dual trading prohibitions on large exchanges in large volumes, but I think when someone walks into a small market, he should know, when there is a small number of people there that might match his offer, that they are probably going to offset their risk at a bigger exchange.

So that is the reason. I do not know what the number ought to be, but if they walk into a small market, then it is somewhat like he is going to his broker. He ought to expect that there is some dual trading there, and he has an opportunity then to do his own surveillance in that instance, where he would not in his own exchange with a big volume.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman.

Mr. MADIGAN. Mr. Chairman, if the gentleman will yield just briefly for one further question, is it my understanding, then, that the gentleman from Missouri and the gentleman from Oklahoma intend that on the smaller markets where dual trading would be allowed under the provisions of the bill, the activity on those markets with regard to an audit trail also would be verifiable to the same extent that they are on the larger markets, or do the gentlemen just assume that that is the case?

Mr. COLEMAN of Missouri. Mr. Chairman, let me yield to the chairman of the subcommittee for an answer.

Mr. ENGLISH. I am sorry, Mr. Chairman, but would the gentleman please repeat that question? I am not sure I understood it.

Mr. MADIGAN. I would be happy to, if the gentleman from Missouri would yield further.

Mr. COLEMAN of Missouri. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, my question goes to permissiveness on the smaller markets with regard to dual trading and the question of the accuracy of the audit trail or the verifiability of the audit trail on the larger markets. My question is this: Do the gentleman from Oklahoma and the gentleman from Missouri intend that the audit trail on the smaller markets be the same degree of verifiability as they intend it would be on the larger markets, or do they just assume that it is going to be of the same standard of verifiability?

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, it has generally been found that the practice has been, at least to this point——

Mr. MADIGAN. Mr. Chairman, if the gentleman will allow me to interrupt, I am not asking about what is generally found; what I am asking for is the gentlemen's intention.

Mr. ENGLISH. I understand. I think, too, that the gentleman needs to have a little bit of history, and then I will be happy to get to the intention part.

Basically, we have found that it is much easier with regard to the smaller markets to reconstruct and keep track of what is taking place, not because they have any better systems, but again because of the volume issue, which goes back to my previous answer, but as far as the intent, no, the intent is that it would apply across the board to all exchanges. All would have to meet the standards.

It may be easier for some of the smaller exchanges to meet those standards than it is for the larger exchanges, or it may be easier for some of the contract pits that have lower volume to meet them than it would be for the bigger ones. We probably have one exchange that could come very close to meeting those standards now, but they have very, very little volume. But the standard is intended to apply across the board.

Mr. COLEMAN of Missouri. Mr. Chairman, let me respond further. I have a copy of the bill before me now. I was down here answering questions before without having the bill.

I think the situation is even a little bit more flexible or perhaps more restrictive, depending on how the Commission were to handle it. But here on page 6, notwithstanding the 7,000 exemptions the gentleman is asking about, we have given and authorized the Commission to determine and further define terms, conditions, and circumstances under which such dual trading shall be conducted, notwithstanding the 7,000 exemptions.

So in fact, they could put in the same standard that the larger volume contracts have, or they could make some lesser standards, again providing flexibility to the regulatory agency where there does not seem to be an opportunity. We thought this was a more appropriate way of going about it rather than hamstringing everybody by legislative fiat.

□ 1130

Mr. ENGLISH. Mr. Chairman, will the gentleman yield for one further point on that?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I think one other aspect, too, is again this legislation is oriented toward results, not in attempting to dictate to any one exchange as to how they get there. Because of the differences that we have as far as the markets are concerned and the exchanges vary to such a great degree, this legislation is designed to allow the exchange to reach that point in a manner that they find to be most effective. I think that is certainly in keeping with the recognition that there are major differences between these exchanges.

Mr. COLEMAN of Missouri. Furthermore, Mr. Chairman, I think the axiom, "If it's not broke, don't fix it," also applies. We have not seen any evidence whatsoever that there is anything wrong with these smaller exchanges in these contracts, 7,000 or fewer, that requires a heavy-handed approach under this legislation. So, by implication we should not suggest that there is by the gentleman's question.

Mr. MADIGAN. Mr. Chairman, would the gentleman yield further?

Mr. COLEMAN of Missouri. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I apologize for belaboring this, but sometimes the answers one is given beg other questions.

So, in what I hope would be my final, and I ask this question because the possibility exists now as a result to this legislation that some activities or some actors reponsible for those activities might choose to move from one exchange to another because of the provision in the legislation, and my question would be: Is it the desire then of the two gentlemen who are the sponsors of this bill to have the CFTC in the event of the discovery of some improper activity on one of these smaller exchanges to shut down that exchange with regard to dual trading?

Mr. COLEMAN of Missouri. Mr. Chairman, if the Commission finds that under the terms that we have provided for, which have great flexibility to do so, and finds that determination, they can do that, yes.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I think the other point is very clearly, if the CFTC is unable to insure the public that they can be protected, they have that responsibility to do so today. I think what we are insisting on here is we are providing, as the gentleman from Missouri [Mr. COLEMAN] stated in his opening remarks, a carrot and stick approach. It is our hope through offering a carrot; namely, the possibility of acquiring new contracts, that they will take this action. However should they refuse to take the action to give us the possibility of, and I should not say "possibility," but making sure that we can to the degree that is humanly and technologically possible detect all types of errors, and I should not say "errors," all types of wrongdoing, then in effect what we are saying is that, yes, they are to shut the exchange down. But I think what we are going to find is, given the broad range of contracts, what is likely to happen is it would be a contract in itself. It will be a certain pit because within each exchange, and particularly this is true of the larger exchanges, they have got a large volume difference. It would be much easier for exchanges to meet these requirements in some pits than it will in others, so there is no balancing out, there is no averaging out. It is a pit-by-pit case.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank both the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Illinois [Mr. MADIGAN].

Mr. ENGLISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Chairman, I understand that the gentleman from Missouri [Mr. COLEMAN] wishes to engage in a colloquy.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman many of us have been asked about the intent of section 213 of the bill. Generally, it would codify existing rules banning CFTC personnel and exchange members and staff from knowingly trading for their own benefit on the bases of confidential information obtained during the performance of their regulatory duties. It would also prohibit the disclosure of material nonpublic information, by a principal or employee of a given firm, about commodity transactions of that firm to third persons for trading purposes unrelated to the firm's legitimate business.

The latter provision has raised concern among co-ops, country elevators, and regional grain and brokerage companies, as to how much and what kind of routine market information they can continue to pass on to their members and customers.

I would like to ask the gentleman from Oklahoma, the chairman of our subcommittee, if he would clarify the purpose of this subsection.

Mr. ENGLISH. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Missouri for raising this issue. One of the things that has concerned a number of Members has been the fact that farmers and small public investors often seem to be the last to know about information which bears on the direction of the markets. Now I will be the first to admit there is nothing this Congress can do to completely resolve that. One thing we can do about it, however—and this provision does so—is stop people who are privy to their employer's nonpublic trading intentions from selectively leaking that information to the personal benefit of a chosen few at the expense of everyone else.

I compliment the bipartisan efforts of the two gentlemen from Iowa who have authored this provision, and I yield to them for further clarification of its intent.

Mr. NAGLE. Mr. Chairman, if I may reclaim my time, I appreciate both the gentleman's compliment and his own contribution to the successful inclusion of this important section in the bill. First, let me say the gentleman from Oklahoma is correct.

The disclosure prohibition is designed to prevent a kind of privatization of secret corporate trading information. This activity benefits only those fortunate enough to have an inside benefactor who will selectively lead critical market information about his firm's intentions or positions. Presumably, of course, the benefactor gets something in return. Trading on that information, which is completely unrelated to the legitimate business of either the insider's employer or the recipient of the information, abuses the purpose of the futures markets and ought not be tolerated.

Let me be even more specific by way of example. If Nagle Grain Co. transacts a large sale of wheat to the Soviet Union, this bill makes it a criminal felony for a Nagle employee to trade for his own account on the basis of that information. The bill also makes it a felony for him to pass that information to his brother-in-law so that he, or they together, might take extra advantage of the news for their own personal benefit before the rest of the market knows about it.

There are many variations of that example which I could give, but in a nutshell, that is what this provision is designed to stop.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I think country elevators were mentioned here. I want to point out that this applies only to reportable positions. I do not know of any country elevator that ever has a reportable position. I do not think that employees of country elevators need to be concerned about this at all.

Mr. NAGLE. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] is correct. Subsection C states quite specifically that the normal dissemination of information that is a legitimate business purpose of the business entity is not prohibited.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will continue to yield, if it is a country elevator or smaller than the reportable requirements, it is not going to have an impact on the market anyway. So, we are talking about large positions here.

Mr. NAGLE. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] is correct.

Mr. GRANDY. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the distinguished gentleman from Iowa.

Mr. GRANDY. I too appreciate the compliment of the gentleman from Oklahoma, and I join my colleague from Iowa in thanking both he and the gentleman from Missouri, the ranking member of our subcommittee, for their active support of this provision.

I only want to add to the excellent summary my colleague has provided by saying we have no intention of disrupting the vital and constant exchange of information which is the lifeblood of the most efficient agricultural markets in the world.

Dozens, if not hundreds, of firms spend millions of dollars gathering as much information as can possibly be gathered every day about weather conditions, available transportation, supply factors, demand factors and countless other variables which impact commodity prices in the cash—and therefore also the futures—markets. Much of this effort directly benefits producers and small agribusinessmen. Without this kind of information, small market users would be at a serious disadvantage compared to larger players with enough resources to obtain similar information on their own.

Our amendment requires the CFTC to adopt implementing regulations within 1 year. We expect those regulations will make clear that the traditional exchange of cash and futures market information during the constant intercourse that takes place literally around the clock between producers, processors, merchants, and users, will not be disrupted by this provision.

□ 1140

It is the surreptitious inside deals we intend to stop. The amendment is aimed at people who would usurp material nonpublic information from the privileged vantage of their place of employment and convert or disclose it for their own personal gain unrelated to the legitimate commodity business of their employer.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank all these gentlemen for their responses. This colloquy should reassure not only those in the grain business who may have had concerns, but also those in all the other areas of commerce who use the futures markets to offset risks. We intend on the committee to carefully monitor the CFTC's development of these implementing regulations to ensure they conform to this legislative intent.

Mr. ENGLISH. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Chairman, first of all, I want to compliment the gentleman from Texas [Mr. de la Garza], the gentleman from Oklahoma [Mr. English], the gentleman from Missouri [Mr. Coleman], and the gentleman from Illinois [Mr. Madigan]. They have done a good job on this bill under very difficult circumstances, the indictments in Chicago and all sorts of public concerns that have arisen and they have produced a good piece of legislation.

This futures industry is important to America. It plays a vital role in our modern economy and is a model for the rest of the world. It is part of our global economy; however, in order to make sure it functions well and functions honestly, we have to provide public confidence in these futures market. That is what this bill tries to do. It expands the responsibilities of Commodity Futures Trading Commission to regulate the futures market.

The seventies and eighties were a period of extreme deregulation in America. The financial deregulation we saw with respect to our banks and savings and loans produced a very chaotic and extensive burden for American taxpayers.

We also saw the effects of some of that same deregulation as it affected our futures and securities industries. This bill, while not reregulating the futures industry, toughens up the market surveillance and enforcement of our futures laws.

The gentleman from Oklahoma [Mr. English] has taken the lead to make sure that the American people believe that the futures markets are honest. That is the heart of this bill, to make these markets honest so that farmers and ranchers and users of the markets know that they are safe. I think the American people need to realize that we have done some good things in this bill to give them that confidence; however, I am concerned that the CFTC may not have the resources to adequately implement these new initiatives, these market surveillance initiatives and these enforcement initiatives, recognizing that the heart of this bill is enforcement, to make sure the law is being adequately enforced so that we do not have any more scandals on any of the futures exchanges.

Therefore, I will offer an amendment requiring an independent assessment by the General Accounting Office of the adequacy of the CFTC's resources, and I will examine possible or alternative ways to finance the activities of the CFTC, including transaction or user fees. It is a study. It is not a mandatory requirement, but we want to make sure that they have the resources to do their job well.

Mr. Chairman, I rise in strong support of H.R. 2869, the Commodity Futures Improvements Act of 1989. I want to commend the chairman of the subcommittee, Mr. English, for a thorough and exhaustive examination of the issues surrounding the reauthorization of the Commodity Futures Trading Commission and the chairman of the full Agriculture Committee, Mr. de la Garza, for bringing this legislation to the floor in a timely fashion.

Mr. Chairman, I have long been a strong supporter of the futures industry. I believe that it plays a vital role in our modern economy, and U.S. futures industry is a model for the rest of the world, indeed, it is an integral part of our global economy. Our markets are in fact the world's markets.

To make sure we retain that preeminent role, we have to make sure that the users of these markets have utmost confidence in their integrity. I believe this legislation will help bolster that confidence. It is no secret that over the last several months, many have raised questions about the markets. While serious, legitimate questions have been raised, I am confident that these investigations will show that there are no fundamental problems with the markets; however, the investigations do show that constant vigilance is the price of confidence.

This legislation will make several important strides in that area. Before addressing specifically the amendment I will be offering, let me note one other amendment which the full committee offered during its consideration of the legislation. This amendment will make sure that market users do not abuse the exchange and CFTC rules with respect to hedging and speculative limits.

The Commodity Exchange Act permits users who are also producers, processors, exporters, or otherwise have a legitimate need to hedge their cash market positions in the futures markets to exceed the position limits that otherwise apply. It is my concern however that with that exemption in hand, some market participants, if not policed carefully, might abuse that exemption from the position limits. That amendment which I offered during committee consideration and which is contained in that bill will require the exchanges to monitor traders to make sure that positions they acquire are not excessive and bear a relationship to their legitimate hedging needs. I believe it will give the exchanges an important new tool in preventing potential market distortions.

This amendment, like so many other provisions of the bill, will make severe demands on the resources of the CFTC. Through its actions, in addition to the requirements imposed by the Congress through this legislation, the CFTC will be much more actively involved in overseeing and regulating the industry. Also, as the industry grows and becomes more complex, the demands on the CFTC are going to continue to grow.

I want to make sure that the CFTC has the resources it needs to implement adequately these initiatives. As I noted earlier, I believe the regulatory structure of the CFTC is fundamentally sound, so long as the regulatory structure is rigorously enforced. Adequate enforcement will take an adequate budget, for staff and new technology./

The amendment I am offering will require an independent assessment of the adequacy of the CFTC's resources and will, specifically, examine possible alternative ways to finance the activities of the CFTC. For example, the securities industry contributes to the operations of the Securities and Exchange Commission and as activity in that industry increases, and the demands of the SEC increase, so do these contributions and thus the demands of the SEC.

While I am not saying this is the only way to go with the CFTC and I appreciate the theoretical argument that to ensure truly independent regulation, the regulator's source of financing should be separate and independent from the regulated industry, I also believe we should not overlook possible alternatives, to exclusive reliance on appropriated funds, to meet the financial needs of the CFTC under this legislation.

My amendment will require the General Accounting Office to conduct a study of the resource needs of the CFTC under this bill and to study whether an assessment on transactions regulated by the bill would enable the CFTC to acquire the resources it needs to better regulate the industry. In conducting the study, the CFTC will have to pay special attention to the interests of market users, including the agricultural producers of the commodities traded on our futures exchanges. In asking the GAO to conduct the report, it is also my hope that the Congress will receive a balanced, unbiased view on whether we should implement such a financing plan in the future.

Mr. Chairman, I want to close by reiterating my strong support for this bill and to urge my colleagues to support the amendment I am offering and also the legislation as a whole.

Mr. ENGLISH. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Chairman, I rise in support of H.R. 2869, the Commodity Futures Improvements Act of 1989. As a member of the Agriculture Committee, I know that my colleagues worked hard to move this important legislation through the committee and to the floor today.

If passed into law, the provisions of this bill would increase the responsibilities of the CFTC and require improved self-regulation by the futures industry. This legislation would put in place mechanisms to improve the accuracy and verifiability of transactions excuted on a contract market.

I offered an amendment to this legislation, in committee, which was adopted. The provision would require the exchanges to make every attempt to give the CFTC prior notification of certain emergency actions. It further requires the CFTC to notify the House and Senate Agriculture Committees and the exchanges of its approval or disapproval of the emergency action within 10 days.

I would like to point out to the membership that the CFTC is the Government watchdog expressly established to monitor the contract markets and in my opinion, should be fully involved in certain emergency actions. There should be no doubt that the CFTC is the body charged with ensuring that emergency actions are appropriate.

Mr. Chairman, I feel that we should do all that we can to ensure that the CFTC play a more active role in regulating the exchanges, especially in light of the emergency actions involving the July soybean futures contracts and the indictments of commodity traders in Chicago. The existing language in H.R. 2869 enables the CFTC to be the full-fledged oversight partner that it should be.

I commend the gentleman from Texas [Mr. DE LA GARZA] the chairman of the Agriculture Committee, the gentleman from Oklahoma [Mr. ENGLISH] the chairman of the Agriculture Subcommittee on Conservation, Credit and Rural Development, and the ranking members of the full and subcommittees, Mr. MADIGAN and Mr. COLEMAN, for their hard work in bringing this legislation to the floor. The markets, farmers, and taxpayers deserve to have this legislation enacted, and I urge passage of the bill.

Mr. ENGLISH. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I rise to speak on H.R. 2869. Though I have many concerns about this legislation, I commend the efforts of the chairman of the Agriculture Committee for the extensive efforts he and his subcommittee have undertaken to understand the complexities of the futures industry. However, although I know that this is a piece of legislation that has been thoroughly investigated, I do have some concern about the legislation.

First of all, let me say that I have a great deal of concern about the continuous bashing of the Chicago Board of Trade and the Chicago Mercantile Exchange, which happen to be in the Seventh Congressional District of Illinois that I represent. Many efforts have been made on their part, as you are well aware, to see to it that some of the practices that took place in the past are not happening at this time.

I think the gentleman from Illinois [Mr. MADIGAN] has expressed many of the concerns that I have, and so I will not enumerate those at this particular time; however, I do think that this legislation is being a bit too heavy-handed in its approach and that we are attempting to microregulate the Commodities and Futures Exchange. For instance, the bill specifies that at least 20 percent of members on an exchange's governing board must be outsiders. Clearly this is an area where the exchanges can be allowed to use their discretion and best judgment to determine the makeup of their governing boards. To balance the legislative approach we are taking, I urge the CFTC to be flexible in the new rulemaking authority it is being granted. I am further concerned that with stifling regulatory constraints, innovation in our markets could be stymied, leaving the door open for competitors in Japan and Europe to seize more of the United States market share. Our futures industry is strong and holds its own against international competition. However, we cannot expect our exchanges to continue to hold their strong posture if we micromanage their operations. I support oversight and regulation of the industry, and feel that due to the extremely esoteric nature of futures contracts, we must do all that we can to maintain the integrity of the markets and ensure continued public confidence, but we must not do so at the expense of the health and stability of the industry. Too many people seem to think that change can be brought to the futures industry at a drop of a hat and without thorough consideration of the consequences.

Finally, I commend the exchanges for the efforts they have undertaken on their own to fortify the markets and bolster their integrity. I think it is a testament to the already strenuous policing of the industry and the exchange's own diligence in self-regulation that even stronger legislative measures were not proposed. Ordinarily, this would have been a time for the wolves to howl for extensive changes in regulation, but because of the strength of the markets, activist enforcement of regulations by the CFTC and the exchanges themselves, we see that Draconian measures are not called for.

I look forward to continuing to work with the Agriculture Committee toward the betterment of our futures industry.

Mr. PENNY. Mr. Chairman, I support H.R. 2869, the Commodity Futures Improvement Act of 1989. This legislation will strengthen the oversight of this country's commodity futures industry and improve safeguards against fraudulent trading practices.

The commodity exchanges play an important role in this Nation's agricultural economy. Recent events at several of the futures exchanges and the subsequent response by the Commodity Futures Trading Commission have indicated, however, that something is amiss in the regulation of the futures markets.

The Agriculture Subcommittee on Conservation, Credit, and Rural Development held a number of hearings to look into these problems and recommend improvements in the regulation of the industry. Already, several of the exchanges have announced changes in their operations and the CFTC has agreed to look into the problems of industry self-regulation.

A result of the subcommittee's work, this bill will address the problems that have come to light in the commodity futures industry, will strengthen the Federal oversight of the futures exchanges, and will protect the interests of those persons who participate in the futures markets.

I applaud the hard work by the subcommittee chairman, Mr. ENGLISH, the ranking member, Mr. COLEMAN, and the subcommittee staff who have produced a tough bill that will directly and immediately address the concerns we have about regulation of the futures industry. We are sending a strong message to the commodity exchanges and traders that business as usual on the trading floors is no longer acceptable to those people most affected by the futures markets, the farmers and ranchers of this country.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and shall be considered as having been

read and open to amendment at any point.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Commodity Futures Improvements Act of 1989".

(b) Table of Contents.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

Sec. 101. Dual trading.
Sec. 102. Trading among members of broker associations.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

Sec. 201. Audit trails.
Sec. 202. Telemarketing fraud.
Sec. 203. Undercover operations and enforcement.
Sec. 204. Self regulatory organization disciplinary committees and governing boards.
Sec. 205. Required registration of floor traders.
Sec. 206. Enhancement of registration requirements.
Sec. 207. Enforcement of civil money penalties.
Sec. 208. Ethics training for registrants.
Sec. 209. Nationwide service of process and venue.
Sec. 210. Monitoring of hedge exemptions.
Sec. 211. Penalties for felony violations.
Sec. 212. Contract market emergency actions.
Sec. 213. Prohibition against insider trading.
Sec. 214. Study of delivery points for agricultural commodity contracts.
Sec. 215. Competitiveness study.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

Sec. 301. Definition of foreign futures authority.
Sec. 302. Subpoena authority.
Sec. 303. Cooperation with foreign futures authorities.
Sec. 304. Investigative assistance to foreign futures authorities.
Sec. 305. Disclosure of information received from foreign futures authorities.
Sec. 306. Disclosure of information to foreign futures authorities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

Sec. 401. Authorization of appropriations.
Sec. 402. Technical amendments.
Sec. 403. Effective date.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

SEC. 101. DUAL TRADING.

(a) Prohibition.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended by—

(1) redesignating subsection (2) as subsection (b); and

(2) amending subsection (1) to read as follows:

"(a)(1) The Commission shall issue regulations to prohibit dual trading by a floor broker in any contract market in which the Commission determines that the average daily trading volume is equal to or greater than the threshold trading level established pursuant to this paragraph. For the purposes of this subsection, the threshold trading level shall be seven thousand contracts, based on a six-month moving average of the number of contracts traded daily on such contract market. The Commission may provide for increases or decreases in the threshold trading level for specific contract markets if, in the judgment of the Commission, such a change is warranted. In determining whether such a change is warranted, the Commission shall consider the effects of this paragraph on the liquidity of the contract market, price volatility, bid-ask spreads, and the public interest. Any action by the Commission to adjust the threshold trading level of a contract market pursuant to this paragraph shall be reported to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 3 days after the Commission takes such action.

"(2) The regulations issued by the Commission to implement paragraph (1) for such contract market shall—

"(A) define the term 'dual trading';

"(B) specify the methodology by which the Commission shall determine the average daily trading volume of contracts on a contract market;

"(C) provide for transition measures, as determined necessary by the Commission to prevent market disruption or to protect the public interest, for a contract market when the average daily trading volume on such contract market increases to or above, or decreases below, the threshold trading level;

"(D) provide that a floor broker may dual trade in a newly designated contract market until the average daily trading volume on such contract market has increased to or above the threshold trading level;

"(E) provide for limited exceptions, as the Commission determines necessary, to the prohibition against dual trading required by paragraph (1) with respect to spread trades and trades to correct errors;

"(F) provide that a floor broker affected by paragraph (1) shall indicate prior to the opening of trading for any given trading session whether such floor broker shall trade solely for such broker's own account or solely for customers' accounts for the entire trading session, with limited exceptions as determined by the Commission pursuant to subparagraphs (E) and (G); and

"(G) provide that a customer may designate an individual floor broker to execute such customer's orders for future delivery and trade for such broker's own account, notwithstanding the provisions of paragraph (1), if such customer, not less than once annually, executes a written form so designating such broker by name;

unless the Commission determines with respect to the subparagraph involved that the action required by such subparagraph is unnecessary because of action taken by the Commission pursuant to paragraph (3). Such regulations may also provide that if the average daily trading volume on a contract market increases to or above, or decreases below, the threshold trading level, any change in the status of dual trading otherwise required by paragraph (1) may be delayed or suspended if the Commission determines that such increase or decrease is a temporary, unusual occurrence.

"(3) Notwithstanding paragraphs (1), (2), and (4), the Commission shall, as it determines necessary, make a determination from time to time, by rule, regulation, or order, whether or not dual trading, as that term may be defined in regulations issued by the Commission, by a floor broker may be allowed in contract markets where such trading is not prohibited pursuant to paragraph (1). If the Commission determines that dual trading by a floor broker shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such dual trading shall be conducted. Any such determination shall, at a minimum, take into account the effect of dual trading on the liquidity of trading in each contract market. Nothing in this subsection shall be construed to prohibit the Commission from making separate determinations for different contract markets when such are warranted in the judgment of the Commission, or to prohibit contract markets from setting terms and conditions more restrictive than those set by the Commission.

"(4) The Commission shall issue an order to exempt a contract market from the provisions of paragraph (1) if the applicable board of trade can demonstrate to the Commission that the surveillance systems and procedures, including but not limited to the audit trail, for that contract market—

"(A) can detect those instances of trading violations that the Commission determines to be attributable to dual trading; and

"(B) are fully verifiable.

The Commission shall approve or deny any application by a board of trade for such an order no later than sixty days after receipt of the application. The Commission shall submit a report of the issuance of any such order to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than three days after the issuance of such order.".

(b) Regulations.—(1) The Commodity Futures Trading Commission shall issue the regulations required by section 4j(a)(2) of the Commodity Exchange Act, as added by subsection (a), no later than two hundred and seventy days after the date of enactment of this Act. The Commission shall issue regulations to implement section 4j(a)(4) of such Act, as added by subsection (a), no later than two hundred and forty days after the date of enactment of this Act or thirty days before the issuance of the regulations required by section 4j(a)(2), whichever occurs earlier.

(2) If, no later than two hundred and seventy days after the date of enactment of this Act, a board of trade submits an application to the Commission for an order for a contract market pursuant to section 4j(a)(4) of the Commodity Exchange Act, the Commission may, pending the completion of its review of such application, temporarily waive the application of section 4j(a)(1) of such Act to that contract market if the Commission determines that there is a likelihood that the contract market meets the conditions of section 4j(a)(4) of such Act.

SEC. 102. TRADING AMONG MEMBERS OF BROKER ASSOCIATIONS.

(a) Prohibition.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j), as amended by section 101(a), is amended by adding at the end the following:

"(c) It shall be unlawful, pursuant to regulations issued by the Commission—

"(1) for a member of a broker association, for or on behalf of any customer, to execute a transaction such that another member of the same broker association, trading for such other member's own account, or the account of the association, takes the opposite side of such transaction;

"(2) for any member of a broker association to trade with another member of the same broker association, whether such brokers are trading for such brokers' own accounts, for customers, or for the account of the broker association, if such transactions in any month total more than 25 per centum of the total number of transactions of such broker; and

"(3) for any member of a broker association to engage in such other practices as the Commission determines necessary to prohibit or curb abuses, and otherwise to protect the interests of customers from potential trading abuses by members of broker associations.

Such regulations shall include a definition of the term 'broker association' and may provide for exceptions from the provisions of this subsection in the case of trades executed through trading systems in which the identity of the opposite broker is unknown at the time of the trade. Nothing in this subsection shall be construed to prohibit the Commission or contract markets from prohibiting trading by broker associations or their members or from setting terms and conditions for such trading that are more restrictive than those set by this subsection.".

(b) Regulations.—The Commodity Futures Trading Commission shall issue regulations to implement section 4j(c) of the Commodity Exchange Act, as added by subsection (a), no later than two hundred and seventy days after the date of enactment of this Act.

(c) Report to Congress.—The Commodity Futures Trading Commission shall determine whether the public interest would best be served by placing alternative restrictions on trading by broker associations and their members, and whether broker associations or trading by broker associations should be prohibited. The Commission shall submit a report describing its determination and containing any recommendations by the Commission for regulatory or legislative initiatives to implement such recommendations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than two hundred and seventy days after the effective date of the regulations required under this section.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

SEC. 201. AUDIT TRAILS.

(a) Audit Trail Requirements for Contract Markets.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by redesignating subsections (1) through (6) as subsections (a) through (f), respectively;

(2) in subsection (b), as so redesignated—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2)(A) Each contract market shall maintain or cause to be maintained by its clearinghouse a single record that shall show for each futures or options trade the transaction date, time of execution (as required by subparagraph (B)), quantity, and such other information as the Commission determines necessary. Such record shall enable such contract market to rapidly reconstruct an accurate record, as determined by the Commission, of the transactions executed on such contract market.

"(B) For the purposes of subparagraph (A), the time of execution of a transaction shall be verifiable and shall—

"(i) be stated within an increment of no more than 1 minute in length, beginning not later than one year after the date of enactment of the Commodity Futures Improvements Act of 1989; and

"(ii) be stated within an increment of no more than thirty seconds in length, beginning not later than three years after the date of enactment of the Commodity Futures Improvements Act of 1989.

"(C) The Commission shall submit a report on the status of compliance with the standards imposed by this paragraph to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate within one hundred and eighty days after the expiration of the one-year and three-year periods specified in subparagraphs (B)(i) and (B)(ii), respectively.

"(D) The Commission shall—

"(i) determine whether the record required by this paragraph has enabled the affected contract markets to rapidly reconstruct an accurate, verifiable record of the transactions executed on such contract markets, as determined necessary by the Commission to provide for the effective enforcement of the applicable provisions of this Act and the rules or regulations thereunder;

"(ii) determine whether the recording and reconstruction of the time and sequence of trades can more accurately represent the real times of such trades through the use of improved technologies or other means and determine whether any regulatory or legislative changes would be necessary or appropriate to implement such improvements; and

"(iii) report in writing its findings pursuant to this subparagraph to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than five years after the enactment of the Commodity Futures Improvements Act of 1989."; and

(3) in subsection (c), as so redesignated, by striking "subsection (2)" and inserting "subsection (b)".

(b) Audit Trail Compliance as Condition for Contract Market Designation.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by—

(1) indenting the left margin of subdivisions (a) through (g) by 2 ems;

(2) striking "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", and "(g)", and inserting "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", and "(7)", respectively; and

(3) adding at the end the following:

"(8) When such board of trade demonstrates that every contract market for which such board of trade is designated complies with the requirements of sections 4g(b)(2)(B)(i) and 4g(b)(2)(B)(ii) of this Act.".

SEC. 202. TELEMARKETING FRAUD.

Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

"(s) Each futures association registered under this section shall, subject to the approval of the Commission pursuant to subsection (j), adopt a rule specifying the factors it will consider in determining whether to issue a summary member responsibility action or other disciplinary action to require a member to adopt special supervisory procedures relating to telephone solicitations for new futures or options customer accounts. Such procedures shall require at a minimum that, with respect to an individual with no previous futures or options trading experience who was solicited by telephone, the member may not enter any order for such individual for a period of not less than three days after the individual signs the required acknowledgment of receipt of the applicable risk disclosure statement.".

SEC. 203. UNDERCOVER OPERATIONS AND ENFORCEMENT.

Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end the following:

"(2) In conducting investigations authorized under this subsection or other provision of this Act, the Commission shall continue, as the Commission determines necessary, to request the assistance of and cooperate with the appropriate Federal agencies in the conduct of such investigations, including undercover operations by such agencies.".

SEC. 204. SELF REGULATORY ORGANIZATION DISCIPLINARY COMMITTEES AND GOVERNING BOARDS.

(a) Disciplinary Committees and Major Violations.—Section 8c of the Commodity Exchange Act (7 U.S.C. 12c) is amended—

(1) by redesignating subsections (1) through (4) as subsections (a) through (d),

(2) in subsection (a), as so redesignated—

(A) by striking "(A)" and inserting "(1)"; and

(B) by striking "(B)" and inserting "(2)";

(3) in subsection (c), as so redesignated, by striking "subsection (2)" each place it appears and inserting "subsection (b)";

(4) in subsection (d), as so redesignated, by striking "subsection (1)" and inserting "subsection (a)"; and

(5) by adding at the end the following:

"(e)(1) The Commission shall issue regulations to require the establishment of a system of contract market disciplinary committees. Under such system, each board of trade designated as a contract market shall—

"(A) establish one or more disciplinary committees which shall be authorized by such board of trade to determine whether violations of the rules of the board of trade have been committed, to accept offers of settlement, and to impose appropriate penalties;

"(B) provide that disciplinary committees established pursuant to subparagraph (A) be composed of members of the board of trade, or staff members of the board of trade, such that the committee, or any hearing panel formed by the committee to conduct disciplinary hearings, shall be composed of a majority of persons who are of a different trading status than the respondent; and

"(C) provide that a hearing panel formed by the committee to conduct disciplinary hearings may be composed of fewer than the total number of members of the committee.

"(2) For the purposes of paragraph (1), a disciplinary committee member's trading status shall be determined by whether such member is a—

"(A) floor broker or floor trader;

"(B) member of the board of trade other than a member who acts primarily as a floor broker or floor trader; or

"(C) staff member of such board of trade.

"(f)(1) The Commission shall issue regulations requiring each contract market to establish and make available to the public a

schedule of major violations of any rule within the disciplinary jurisdiction of such contract market.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any individual who is found to have committed any major violation from service on the governing board of any contract market or registered futures association, or on any disciplinary committee thereof.".

(b) Registered Futures Associations.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21), as amended by section 202, is amended by inserting after subsection (q) the following:

"(r)(1) The Commission shall issue regulations requiring each registered futures association to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such registered futures association.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any member of a registered futures association who is found to have committed any major violation from service on the governing board of any registered futures association or contract market, or on any disciplinary committee thereof.".

(c) Outside Representation on Governing Boards.—(1) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by—

(A) striking "and" at the end of paragraph (11); and

(B) adding at the end the following:

"(13) Ensure that outside members, as defined in regulations issued by the Commission, comprise at least 20 percent of the governing board of such contract market.".

(2) Section 17(b) of the Commodity Exchange Act (7 U.S.C. 21(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph 3 by striking "or" at the end;

(B) in paragraphs (3)(D), (4)(A), (4)(B), (4)(C), (4)(D), (4)(F), (5), (6), (7), (8), (9), (9)(A), (9)(B), and (9)(D) by striking the period at the end and inserting a semicolon;

(C) in paragraphs (4)(E), (9)(C), and (10) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(11) at least 20 per centum of the members of the governing board thereof are outside members, as defined in regulations issued by the Commission.".

(d) Regulations.—The Commodity Futures Trading Commission shall issue the regulations required by sections 5a(13), 8c(e), 8c(f), 17(b)(11), and 17(r) of the Commodity Exchange Act, as added by this section, no later than one hundred and eighty days after the date of enactment of this Act.

SEC. 205. REQUIRED REGISTRATION OF FLOOR TRADERS.

(a) Definition.—Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after the sentence beginning "The words 'floor broker'" the following: "The words 'floor trader' shall mean any person who, in or surrounding any 'pit', 'ring', 'post', or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell solely for such person's own account any commodity for future delivery on or subject to the rules of any contract market.".

(b) Floor Trader Registration.—Section 4e of the Commodity Exchange Act (7 U.S.C. 6e) is amended to read as follows:

"Sec. 4e. It shall be unlawful for any person to act as floor trader in executing purchases and sales, or as floor broker in executing any orders for the purchase or sale, of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Commission as such floor trader or floor broker and such registration shall not have expired nor been suspended nor revoked.".

(c) Registration Procedure.—Section 4f(1) of the Commodity Exchange Act (7 U.S.C. 6f(1)) is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(d) Reports; Books and Records.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(1)), as so redesignated by section 201(a)(1), is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(e) Jurisdiction of the States.—(1) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a-2(1)) is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(2) Section 6d(8)(A) of the Commodity Exchange Act (7 U.S.C. section 13a-2(8)(A)) is amended by inserting ", floor trader," after "floor broker".

(f) Commission Authority To Register Floor Traders.—Section 8a(1) of the Commodity Exchange Act (7 U.S.C. 12a(1)) is amended by striking "and floor brokers" and inserting "floor brokers, and floor traders".

(g) Refusal To Register.—(1) Section 8a(2)(C)(i) of the Commodity Exchange Act (7 U.S.C. 12a(2)(C)(i)) is amended by inserting "floor trader," after "floor broker,".

(2) Section 8a(2)(D)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(2)(D)(ii)) is amended by inserting "floor trader," after "floor broker,".

(3) Section 8a(3)(E)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(3)(E)(ii)) is amended by inserting "floor trader," after "floor broker,".

(h) Regulations.—The Commodity Futures Trading Commission shall issue any regulations necessary to implement the amendments made by this section no later than one hundred and eighty days after the date of enactment of this Act.

SEC. 206. ENHANCEMENT OF REGISTRATION REQUIREMENTS.

(a) Injunctions.—Section 8a(2)(C)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(2)(C)(ii)) is amended to read as follows:

"(ii) engaging in or continuing any activity where such activity involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, gambling, or any transaction in or advice concerning contracts of sale of a commodity for future delivery, concerning matters subject to Commission regulation under section 4c or 19 of this Act, or concerning securities".

(b) Certain Violations of Law.—Section 8a(2)(D)(iv) of the Commodity Exchange Act (7 U.S.C. 12a(2)(D)(iv)) is amended by—

(1) inserting "1001," after "152,";

(2) striking "or" after "1342,";

(3) inserting "1503, 1623, 1961, 1962, 1963, or 2314," after "1343,"; and

(4) inserting ", or section 7201 or 7206 of the Internal Revenue Code of 1986" after "Code".

(c) Other Violations of Law.—Section 8a(2)(E) of the Commodity Exchange Act (7 U.S.C. 12a(2)(E)) is amended—

(1) by striking "by any court of competent jurisdiction," and inserting "in a proceeding brought"; and

(2) in clause (i) by inserting "chapter 96 of title 18 of the United States Code," after "1977,".

(d) Registration Revocation Based on Inaccurate Statements.—Section 8a(2)(G) of the Commodity Exchange Act (7 U.S.C. 12a(2)(G)) is amended by—

(1) striking "subparagraphs (A) through (F) of this paragraph," and inserting "this paragraph and paragraph (3),";

(2) striking "material" the first place it appears and inserting "materially"; and

(3) striking "application" and inserting "application or any update thereto".

(e) General Felony Convictions.—Section 8a(3)(D) of the Commodity Exchange Act (7 U.S.C. 12a(3)(D)) is amended by—

(1) inserting "pleaded guilty to or" after "person";

(2) inserting a comma after "section" the first place it appears;

(3) striking "within ten years preceding the filing of the application or at any time thereafter,";

(4) striking ", including a felony"; and

(5) striking ", more than" and inserting "more than".

(f) Special Felony Convictions.—Section 8a(3)(E) of the Commodity Exchange Act (7 U.S.C. 12a(3)(E)) is amended—

(1) by inserting "pleaded guilty to or" after "person";

(2) by striking "within ten years preceding the filing of the application for registration or at any time thereafter"; and

(3) in clause (iv) by inserting ", or section 7203, 7204, 7205, or 7207 of the Internal Revenue Code of 1986" after "Code".

(g) Registration Denied or Conditioned Based on Inaccurate Statements.—Section 8a(3)(G) of the Commodity Exchange Act (7 U.S.C. 12a(3)(G)) is amended by—

(1) striking "material" the first place it appears and inserting "materially";

(2) striking the comma after "application";

(3) inserting "or any update thereto," after "application";

(4) striking "thereunder, or" and inserting "thereunder,"; and

(5) inserting "or in any registration disqualification proceeding" after "Commission".

(h) Non-Federal Criminal Conduct.—Section 8a(3)(H) of the Commodity Exchange Act (7 U.S.C. 12a(3)(H)) is amended by inserting ", in a United States military court," after "State court".

(i) Existing Restrictions on Memberships.—Section 8a(3)(J) of the Commodity Exchange Act (7 U.S.C. 12a(3)(J)) is amended by—

(1) striking "or" after "association," the first place it appears;

(2) inserting "or any foreign regulatory body that the Commission recognizes as having a comparable regulatory program," after "organization," the first place it appears;

(3) striking "or" after "association," the second place it appears; and

(4) striking "organization;" and inserting "organization, or foreign regulatory body;".

SEC. 207. ENFORCEMENT OF CIVIL MONEY PENALTIES.

(a) Money Penalties.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8 et seq.) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting "(a)" after "Sec. 6.";

(3) in subsection (a), as so redesignated, by striking "paragraph (a)" and inserting "subsection (b)";

(4) in subsection (d), as so redesignated—

(A) by striking "paragraph (b) of this section" and inserting "subsection (c)"; and

(B) by striking "section 6(b) of this Act" and inserting "subsection (c)"; and

(5) by amending subsection (e), as so redesignated, to read as follows:

"(e)(1) In determining the amount of the money penalty assessed under subsection (c), the Commission shall consider the appropriateness of such penalty to the gravity of the violation.

"(2) Unless the person against whom a money penalty is assessed under subsection (c) shows to the satisfaction of the Commission within fifteen days from the expiration of the period allowed for payment of such penalty that either an appeal as authorized by subsection (c) has been taken or payment of the full amount of the penalty then due has been made, at the end of such fifteen-day period and until such person shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

"(3) If a person against whom a money penalty is assessed under subsection (c) takes an appeal and if the Commission prevails or the appeal is dismissed, unless such person shows to the satisfaction of the Commission that payment of the full amount of the penalty then due has been made by the end of thirty days from the date of judgment on the appeal—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

If the person against whom the money penalty is assessed fails to pay such penalty after the lapse of the period allowed for appeal or after the affirmance of such penalty, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.".

(b) Conforming Amendments.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) in section 2(a)(1)(B)(iv)—

(A) in subclause (I) by striking "section 6(b)" and inserting "section 6(c)"; and

(B) in subclause (II) by striking "section 6(a)" and inserting "section 6(b)";

(2) in section 5(6), as so redesignated by section 201(b)(2), by striking "paragraph (b) of section 6" and inserting "section 6(c)";

(3) in section 5b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(4) in section 6a(1) by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(5) in section 6b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(6) in section 8a—

(A) in the first proviso to paragraph (2) by striking "section 6(b)" and inserting "section 6(c)";

(B) in the second proviso to paragraph (3) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in paragraph (4) by striking "section 6(b)" each place it appears and inserting "section 6(c)";

(7) in section 14(e) by striking "paragraph (b) of section 6" and inserting "section 6(c)"; and

(8) in section 17—

(A) in subsection (b)—

(i) in paragraph (3)(B) by striking "section 6(b)" and inserting "section 6(c)"; and

(ii) in paragraph (4)(F) by striking "subsection (b) of section 6" and inserting "section 6(c)";

(B) in subsection (i)(4) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in subsection (o)(4) by striking "section 6(b)" and inserting "section 6(c)".

SEC. 208. ETHICS TRAINING FOR REGISTRANTS.

(a) Mandatory Training for Registrants.—Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended by—

(1) inserting "(a)" after "Sec. 4p."; and

(2) adding at the end the following:

"(b) The Commission shall issue regulations to require new registrants, within six months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or State law, rule or regulation.".

(b) Regulations.—The Commodity Futures Trading Commission shall issue the regulations required by section 4p(b) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act.

SEC. 209. NATIONWIDE SERVICE OF PROCESS AND VENUE.

Section 22(c) of the Commodity Exchange Act (7 U.S.C. 25(c)) is amended to read as follows:

"(c) The United States district courts shall have exclusive jurisdiction of actions brought under this section. Any such action shall be brought not later than two years after the date the cause of action arises. Any action brought under subsection (a) of this section may be brought in any judicial district wherein the defendant is found, resides, or transacts business, or in the judicial district wherein any act or transaction constituting the violation occurs. Process in such action may be served in any judicial district of which the defendant is an inhabitant or wherever the defendant may be found.".

SEC. 210. MONITORING OF HEDGE EXEMPTIONS.

(a) Monitoring by Contract Markets.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (1) by striking "subparagraphs 2 (A) and (B)" and inserting "paragraphs (1) and (2) of subsection (b)";

(2) in subsection (3) by—

(A) striking "subsection (1)" and inserting "subsection (a)";

(B) striking the last sentence; and

(C) adding at the end the following:

"The Commission shall issue regulations to require each contract market to monitor closely the trading activities of any person granted an exemption from subsection (a) under this subsection to ensure that such person has not acquired or is not maintaining any position in excess of any position limit established pursuant to this section other than what is shown to be a bona fide hedging position, or otherwise exempt pursuant to this section, or otherwise acts in a manner inconsistent with the conditions for an exemption granted under this subsection. If the contract market determines that such person has acquired or is maintaining a position in excess of any position limit established pursuant to this section other than what is shown to be a bona fide hedging position, or otherwise exempt pursuant to this section, or is otherwise acting in a manner inconsistent with the conditions for such exemption, the contract market shall notify such person and take such action as is appropriate under the circumstances. Nothing in this subsection shall be construed to affect the authority of the Commission or a contract market to act immediately to restrict such person's transactions or positions in accordance with the limits established under this section.";

(3) by redesignating subsections (1) through (5) as subsections (a) through (e), respectively; and

(4) in subsection (b), as so redesignated, by redesignating paragraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) Regulations.—The Commodity Futures Trading Commission shall issue the regulations required by section 4a(c) of the Commodity Exchange Act, as so redesignated by subsection (a), no later than one hundred and eighty days after the date of enactment of this Act.

SEC. 211. PENALTIES FOR FELONY VIOLATIONS.

Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) in subsection (a)—

(A) by striking "$500,000" and inserting "$1,000,000"; and

(B) by striking "$100,000" and inserting "$500,000";

(2) in subsection (b)—

(A) by striking "$500,000" and inserting "$1,000,000"; and

(B) by striking "$100,000" and inserting "$500,000";

(3) in subsection (d) by striking "$100,000" and inserting "$500,000"; and

(4) in subsection (e) by striking "$100,000" and inserting "$500,000".

SEC. 212. CONTRACT MARKET EMERGENCY ACTIONS.

(a) Prior Commission Notification Required.—Section 5a(12) of the Commodity Exchange Act (7 U.S.C. 7a(12)), as amended by section 204(c), is amended by striking the last 2 sentences and inserting the following: "The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a two-thirds vote of its governing board, make a rule (hereafter in this section referred to as an 'emergency rule') effective on a temporary basis without prior Commission approval, or without compliance with the ten-day notice requirement under this paragraph, or during any period of review by the Commission, if the contract market makes every effort practicable to notify the Commission of such emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. If the contract market does not provide the Commission with such notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with such notification and explanation at the earliest possible date. The Commission may delegate the power to receive such notifica-

tion and explanation to such individuals as the Commission determines necessary and appropriate. Within ten days of the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall approve or disapprove such emergency rule and submit a report justifying its approval or disapproval of such emergency rule to the affected contract market, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If such report is submitted more than ten days after the Commission's receipt of notification of such an emergency rule from a contract market, the report shall include a full explanation and justification as to why submission within such ten-day period was not practicable. Nothing in this paragraph shall be construed to limit the authority of the Commission under section 8a(9); and".

(b) Regulations.—The Commodity Futures Trading Commission shall issue regulations to implement section 5a(12) of the Commodity Exchange Act, as added by subsection (a), no later than ninety days after the date of enactment of this Act. Until the effective date of such regulations, any regulation of the Commission that implements the last two sentences of section 5a(12), as such sentences were in effect immediately before the date of enactment of this Act, shall remain in effect.

SEC. 213. PROHIBITION AGAINST INSIDER TRADING.

(a) Prohibition.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by adding at the end the following:

"(f) It shall be a felony for any person who is an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association to willfully use or disclose, in violation of a regulation adopted by the Commission, for any purpose other than the performance of such person's official duties as such employee or member, any material, nonpublic information obtained in the performance of such duties. Such felony shall be punishable by a fine of not more than $500,000 plus that amount of any profits realized from such use or disclosure made in violation of this subsection, or imprisonment for not more than five years, or both, together with the costs of prosecution.

"(g)(1) It shall be a felony for any individual willfully, and in violation of a regulation issued by the Commission, to use as the basis for any commodity contract transaction for the account of such individual any material, nonpublic information as to one or more present or anticipated cash commodity transactions or commodity contract transactions by any person of whom such individual is a principal or employee, if such present or anticipated transactions, in the aggregate, are in amounts greater than the reporting levels specified by the Commission pursuant to section 4i. Such felony shall be punishable by a fine of not more than $500,000 plus that amount of any profits realized from such use in violation of this subsection, or imprisonment for not more than five years, or both, together with the costs of prosecution.

"(2) For purposes of paragraph (1)—

"(A) the term 'commodity contract transaction' shall mean any transaction in a contract for the purchase or sale of any commodity for future delivery, or in any option to purchase or sell any commodity or any such contract, made or to be made on or subject to the rules of any contract market; and

"(B) the term 'principal' shall mean a general partner, officer, director, or individual occupying a similar status or performing similar functions, and any holder or beneficial owner of 10 per centum or more of the outstanding shares of any class of stock of the person.

"(h)(1) It shall be a felony for any individual willfully, and in violation of a regulation issued by the Commission, to disclose any material, nonpublic information as to one or more present or anticipated cash commodity transactions or commodity contract transactions by any person of whom such individual is a principal or employee if—

"(A) such transactions, in the aggregate, are in amounts greater than the reporting levels specified by the Commission pursuant to section 4i;

"(B) such disclosure is with the intent that any recipient of the information engage in commodity contract transactions on the basis of the disclosed information; and

"(C) such disclosure is unrelated to the legitimate business of the person of whom the individual is a principal or employee.

Such felony shall be punishable by a fine of not more than $500,000 plus that amount of any profits realized from such disclosure in violation of this subsection, or imprisonment for not more than five years, or both, together with the costs of prosecution.

"(2) For the purpose of paragraph (1), the terms 'commodity contract transaction' and 'principal' shall have the same meaning as specified in section 9(g).".

(b) Regulations.—The Commission shall issue regulations to implement the amendments made by this section not later than three hundred and sixty days after the date of enactment of this Act.

SEC. 214. STUDY OF DELIVERY POINTS FOR AGRICULTURAL COMMODITY CONTRACTS.

(a) Study.—The Comptroller General of the United States shall conduct a study of the provision for, and functioning of, delivery points regarding contracts of sale for future delivery of any agricultural commodity to determine whether the objectives of section 5a(10) of the Commodity Exchange Act are being achieved. The study shall also examine such issues as—

(1) whether the objectives of such Act relative to such delivery points need to be revised;

(2) whether the availability and adequacy of storage facilities for agricultural commodities at such delivery points affect prices;

(3) whether the number, accessibility, and volume of storage facilities at such delivery points contribute to consistency and reasonableness in price discovery in the contract market; and

(4) such other issues relating to such delivery points as the Comptroller General determines relevant to the efficient operation and improvement of contract markets for agricultural commodities.

(b) Report.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

SEC. 215. COMPETITIVENESS STUDY.

No later than eighteen months following the enactment of this Act, the Commodity Futures Trading Commission shall study the competitiveness of boards of trade over which it has jurisdiction compared with the boards of trade (or their foreign equivalent) over which foreign futures authorities, as defined in section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)), have jurisdiction, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of its findings with respect to—

(1) the overall competitive status of United States boards of trade in the world market;

(2) a comparison of applicable statutes, rules, or regulations as they relate to futures and options administered and enforced by the Commission and those administered and enforced by foreign futures authorities;

(3) any trends in, or movements of, volume of futures and options trading to or from United States boards of trade during the period of the study;

(4) whether the trends or movements, if any, were the result of the adoption of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States; and

(5) any recommendations the Commission may have as a result of its study to enhance the competitive status of United States boards of trade in the world market that will not impair customer confidence in United States boards of trade.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

SEC. 301. DEFINITION OF FOREIGN FUTURES AUTHORITY.

Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2), as amended by section 205(a), is amended by adding at the end the following: "The term 'foreign futures authority' means any foreign government, or any department, agency, governmental body or regulatory organization empowered by a foreign government to administer or enforce laws, rules, or regulations as they relate to futures or options matters, or any department or agency of a political subdivision of a foreign government empowered to administer or enforce laws, rules or regulations as they relate to futures or options matters.".

SEC. 302. SUBPOENA AUTHORITY.

The third sentence of section 6(c) of the Commodity Exchange Act (7 U.S.C. 15), as so redesignated by section 207(1), is amended by inserting "or for purposes of any action taken under section 12(f) of this Act," after "under this Act,".

SEC. 303. COOPERATION WITH FOREIGN FUTURES AUTHORITIES.

Section 12(a) of the Commodity Exchange Act (7 U.S.C. 16(a)) is amended by inserting after "thereof," the following: "any foreign futures authority, any department or agency of a foreign government or political subdivision thereof,".

SEC. 304. INVESTIGATIVE ASSISTANCE TO FOREIGN FUTURES AUTHORITIES.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

"(f)(1) On request from a foreign futures authority, the Commission may, in its discretion, provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation which it deems necessary to determine whether any person has violated, is violating, or is about to violate any laws, rules or regulations relating to futures or options matters that the requesting authority administers or enforces. The Commission may conduct such investi-

gation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of the laws of the United States.

"(2) In deciding whether to provide assistance under this subsection, the Commission shall consider whether—

"(A) the requesting authority has agreed to provide reciprocal assistance to the Commission in futures and options matters; and

"(B) compliance with the request would prejudice the public interest of the United States.

"(3) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign futures authority, or made on behalf of such authority, for necessary expenses incurred by the Commission, its members, and employees in carrying out any investigation, or in providing any other assistance to a foreign futures authority, pursuant to this section. Any payment or reimbursement accepted shall be considered a reimbursement to the appropriated funds of the Commission.".

SEC. 305. DISCLOSURE OF INFORMATION RECEIVED FROM FOREIGN FUTURES AUTHORITIES.

Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by adding at the end of subsection (a)(1), as so redesignated by section 203(1), the following:

"The Commission shall not be compelled to disclose any information or data obtained from a foreign futures authority if—

"(1) the foreign futures authority has in good faith determined and represented to the Commission that disclosure of such information or data by that foreign futures authority would violate the laws applicable to that foreign futures authority; and

"(2) the Commission obtains such information pursuant to—

"(A) such procedure as the Commission may authorize for use in connection with the administration or enforcement of this Act; or

"(B) a memorandum of understanding with that foreign futures authority;

except that nothing in this subsection shall prevent the Commission from disclosing publicly any information or data obtained by the Commission from a foreign futures authority when such disclosure is made in connection with a congressional proceeding, an administrative or judicial proceeding commenced by the United States or the Commission, in any receivership proceeding commenced by the United States or the Commission, or in any proceeding under title 11 of the United States Code in which the Commission has intervened or in which the Commission has the right to appear and be heard. Nothing in this subsection shall be construed to authorize the Commission to withhold information on data from Congress"; and

(2) by adding at the end of subsection (b) the following: "This subsection shall not apply to the disclosure of data or information obtained by the Commission from a foreign futures authority.".

SEC. 306. DISCLOSURE OF INFORMATION TO FOREIGN FUTURES AUTHORITIES.

Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended—

(1) in the fifth sentence—

(A) by inserting "or any foreign futures authority" after "jurisdiction," the first place it appears; and

(B) by inserting "foreign futures authority," after "such"; and

(2) in the last sentence—

(A) by inserting "foreign futures authority or to a" after "information to a";

(B) by inserting "foreign futures authority," after "disclosed by such"; and

(C) by inserting "or foreign futures authority" after "or agency thereof".

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this Act—

"(1) $40,000,000 for fiscal year 1990; and

"(2) $44,500,000 for fiscal year 1991.".

SEC. 402. TECHNICAL AMENDMENTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) by striking "commission" in—

(A) section 4a, as amended by section 210(a), each place it appears other than in subsection (d) as so redesignated;

(B) section 6(b), as so redesignated by section 207(a)(1), each place it appears;

(C) section 6(c), as so redesignated by section 207(a)(1);

(D) section 13(c);

and inserting "Commission";

(2) in section 4b—

(A) by redesignating subdivisions (A) through (D) as subdivisions (i) through (iv), respectively;

(B) by striking "(a)", "(b)", and "(c)", and inserting "(A)", "(B)", and "(C)", respectively;

(C) by inserting "(a)" after "SEC. 4b.";

(D) by inserting "(b)" before "Nothing in this section or"; and

(E) by inserting "(c)" before "Nothing in this section shall";

(3) in section 4c(d)(2)—

(A) in subparagraph (A)(iv) by striking "(15 U.S.C. 78c(a)(12))" and inserting "(15 U.S.C. 78c(a)(12)))"; and

(B) in the matter following subparagraph (C) by striking "section (2)(a)" and inserting "section 2(a)";

(4) in section 4j(b), as so redesignated by section 101(a)(1), by striking "within nine months after the effective date of the Commodity Futures Trading Commission Act of 1974, and subsequently" and inserting a comma;

(5) in section 6(c), as so redesignated by section 207(a)(1), by striking "offending person." and inserting "offending person";

(6) in section 6(c), as so redesignated by section 207, and in section 8(f) by striking "subpena" and "subpenas" each place they appear and inserting "subpoena" and "subpoenas", respectively;

(7) in section 6a, as amended by section 207(b)(4), by redesignating subsections (1) and (2) as subsections (a) and (b), respectively;

(8) by striking "the Secretary of Agriculture or"—

(A) in the first sentence of section 6(b), as so redesignated by section 207(a)(1);

(B) in the first sentence of section 6(c), as so redesignated by section 207(a)(1); and

(C) in section 13(c);

(9) in section 8a—

(A) in paragraph (5) by striking "and" at the end; and

(B) in paragraph (7) by striking "matters as:" and inserting "matters as—";

(10) in section 14(g) by striking "fifteen months" the second place it appears and inserting "15-month";

(11) in section 17—

(A) in subsection (a) by indenting the left margin of paragraphs (1) and (2) by 2 ems; and

(B) in subsection (l)(2)(B)—

(i) by striking "the Commodity Exchange" and inserting "this"; and

(ii) by striking the period at the end and inserting "; and";

(12) by striking section 21;

(13) in section 22(a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "clauses (A) through (D)" and inserting "subparagraphs (A) through (D)"; and

(ii) in subparagraph (D) by striking "clause (B)" and inserting "subparagraph (B)"; and

(B) in paragraph (2) by striking "17b(10)" and inserting "17(b)(10)"; and

(14) by striking section 23.

SEC. 403. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

This is to inform our colleagues that we ran out of time on general debate. Other Members who wanted to participate in the debate could not be allotted time, but we are under an open rule and under the 5-minute rule they can avail themselves of time for whatever comments they might wish to make, or they may incorporate them into their amendments if they have amendents. I have taken this time for that purpose.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chaiman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of title II of the bill insert the following new section:

SEC. . STUDY OF ASSESSMENTS ON TRANSACTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether—

(1) it is feasible to fund some or all of the enforcement and market surveillance activities of the Commodity Futures Trading Commission, as required by the amendments to the Commodity Exchange Act made by the Commodity Futures Improvements Act of 1989, through the imposition of an assessment on commodity futures and options transactions executed pursuant to the Commodity Exchange Act; and

(2) a program of assessment-based funding for some or all of such enforcement and market surveillance activities would better provide resources to the Commodity Futures Trading Commission to enable the Commission to—

(A) protect the interests of market users (including hedgers and speculators), producers of commodities traded on the futures markets, and the general public; and

(B) maintain and enhance the credibility of such futures and options markets.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the

Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the Comptroller General's determinations pursuant to subsection (a), together with any appropriate recommendations for the implementation of such a program of assessment-based funding for some or all of the Commodity Futures Trading Commission's enforcement and market surveillance activities.

In the table of contents, insert the following item in the appropriate place:

Sec. . Study of assessments on transactions.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I have discussed this amendment with the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN].

The purpose of this amendment is to ask the General Accounting Office to do a study on the imposition of an assessment on commodity futures and options transactions executed pursuant to the Commodities Exchange Act. It is essentially a study of user fees as a way to fund part or all of the Commissions enforcement activities. This amendment is not a user fee on transactions, but is a study of whether such a user fee would be appropriate.

The reason for this amendment has to do with the fact that in this bill we have created significant additional enforcement and market surveillance activities for the CFTC to monitor futures trading in this country. I am concerned that the agency may not have enough resources to do the job well, and if the CFTC does not have the necessary complement of market surveillance and enforcement staff, then the legislation will not be very meaningful in protecting the public interest. What this amendment would do is to allow an arm of Congress, the GAO, to look at it to determine in fact whether these additional resources would be needed and whether a user fee would be appropriate or not.

This is not to pre-judge this issue. This issue was fairly controversial when it was raised several years ago, but the amendment does reflect that the gentleman from Oklahoma [Mr. ENGLISH], the gentleman from Missouri [Mr. COLEMAN] and others have worked very hard to give the CFTC additional responsibilities to enforce the futures laws. I just want to make sure that those regulators have enough resources to do their job correctly, and that is the purpose of my amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for yielding to me.

Let me say that the legislation as it stands now increases substantially the authorization for funding of the CFTC. There is no question that the CFTC needs substantial strengthening.

□ 1150

The aspects that are contained within the legislation as it stands now really increases that number as rapidly as the CFTC felt that they could digest those numbers.

We need additional enforcement. I think the gentleman's study is a good idea.

As he knows, I have traditionally opposed user fees, but in this case we have to make sure the funding is there, and I think a user fee study would be a useful tool to certainly have in hand.

Mr. GLICKMAN. Mr. Chairman, it might also be a little bit of an incentive to make sure the appropriation which is contemplated in the gentleman's bill gets accomplished.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I do not oppose the gentleman's amendment, but I want the record to show that without prejudging what the report might come back as, we are in a very important time here internationally where our markets compete with overseas markets, and, in fact, there is a great concern that some of ours may be moving offshore to Tokyo, London, and elsewhere, and as the General Accounting Office studies this matter, that they ought to take into consideration the competitive factor that if in fact user fees are recommended or there is a conclusion drawn, the impact on our competitive position internationally. We do not want to lose what we have here, which are the main markets of the world.

Mr. GLICKMAN. I agree with the gentleman. I would hope that that would be part of the legislative history. I would say that the biggest factor, in my judgment, to ensure that people use our futures markets is that they are in fact honest markets.

Mr. COLEMAN of Missouri. If the gentleman will yield further, that has nothing to do with user fees. We are trying to make these markets honest, and the highest integrity, and the gentleman is absolutely right. I do not think what we are doing is going to force people offshore.

As I said, the additional costs and burden of user fees are quantified. Therefore, it might make a difference.

Mr. GLICKMAN. I have no objection to what the gentleman says.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words and I rise in support of H.R. 2869.

Mr. Chairman, I rise in support of H.R. 2869, the Commodity Futures Improvement Act. As a member of the Committee on Agriculture, I have been carefully watching the activity of the CFTC. The CFTC trading process is a complicated one and due to these complexities, we have found that some of the trading has not been conducted according to the rules of the market.

Consequently, the necessity of this bill is clear. The CFTC needs the additional powers written into his legislation to more closely monitor trading activity and practices. H.R. 2869 establishes higher standards of practice by brokers and offers a closer check on potential fraud.

Farmers deserve better and this is our opportunity to ensure that their money is properly accounted for. When farmers invest their hard earned money, it should be with the satisfaction that it is going into the market and not into a broker's pocket. Not all brokers abuse the current system but better auditing and monitoring of all transactions should clear up any problems that currently exist.

I am pleased that the board of the Chicago Exchange have decided to investigate their internal problems. I am convinced that their investigation in conjunction with this new legislation will certainly clear up any misappropriation of our farmers funds. I encourage your support of this well crafted legislation.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is the proper time for me to get up to make some comments regarding the entire bill, because it also relates a little bit to the amendment that is offered and now before us.

I want to join with those who have commended the distinguished chairman of our subcommittee and the ranking member. If there is a best-of-time, worst-of-time scenario in which to reauthorize the CFTC, this year has to be that year. A new sitting chairman of a subcommittee could not be asked for a worse environment to deal with a more complicated piece of legislation than the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN] have had to deal with this year. I think they both deserve a great deal of credit for bringing out a very comprehensive bill.

I think it is going to be echoed today in the lack of significant or substantive amendments that are going to be offered. I am not going to spend a lot of time focusing on the different areas that have been changed in this bill as we move to a more permanent reauthorization.

I think that it is important to recognize that we were not only trying to deal with the investigations now ongoing in dealing with the issue of trader confidence and trader protection, but I think we are also trying to respond to the issue of growth. Obviously there has been a significant growth since 1986 in the amount of transactions and contracts that have been conducted.

Third, I think as the amendment now before us so reflects, we also need to deal with a much broader issue that is a concern of mine and is the one area that I brought to the gentleman from Oklahoma [Mr. ENGLISH] that I felt we were lacking in the committee print that was provided to us, and that was responding to the international competition, recognizing that it was my amendment that was offered that created an 18-month study by the Commodity Futures Trading Commission on the competitiveness of our boards of trade compared with foreign boards.

Anybody who is at all involved in the whole issue of futures transactions knows that we are now seeing 24-hour trading in some places. We are seeing clearly the emergence of various Tokyo and London exchanges coming over here. The potential for traders and brokers to be moving from one exchange to the other, and especially in commodities to be moving from one trading place to another becomes very, very important, and I think it is absolutely essential that one area in addition to the consumer protection is the area of modernization relative to the international marketplace that exists.

Like my ranking member, the gentleman from Missouri [Mr. COLEMAN], I certainly have no opposition to the amendment offered by the gentleman from Kansas, but I do think it is important as that study is being done by GAO that we also be sensitive to the study that we are asking the CFTC to do in regard to international competition.

There was a question raised as to why we asked the CFTC rather than GAO to conduct this particular study, and I think it is important for the record that everyone understand that it is the CFTC that is now working with the international exchanges. They are meeting with them periodically. They are working with them. They are being given the authority under this legislation to work with them in various investigations relating to fraud, et cetera.

I think it is important that we, on a monitoring basis, continue to see the proper role of the CFTC here as well as what GAO may look at in terms of resources and financing.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I want to commend the gentleman for the fine contributions he has made to this legislation. Certainly he was a big help in developing it, and I think certainly the fine work he has done needs to be underscored, and I deeply appreciate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: At the end of title II of the bill add the following new section:

SEC. . QUALIFICATIONS OF COMMISSIONERS.

Section 2(a)(2)(A) of the Commodity Exchange Act (7 U.S.C. 4a(a)(1)) is amended by striking the second and third sentences and inserting the following: "The Commission shall be composed of five Commissioners who shall—

"(i) be appointed by the President, by and with the advice of the Senate; and

"(ii) each have demonstrated knowledge in futures trading or its regulation, or the production, merchandising, processing or distribution of one or more of the commodities or other goods and articles, services, rights, and interests covered by this Act.

In nominating persons for appointment, the President shall seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to such areas.".

In the table of contents, insert the following item in the appropriate place:

SEC. . Qualifications of commissioners.

Mr. ENGLISH. Mr. Chairman, in the original legislation creating the Commodities Futures Trading Commission, this language exists:

> In nominating persons for appointment, the President shall seek to establish and maintain a balanced Commission including, but not limited to, persons of demonstrated knowledge in futures trading or its regulation, and persons of demonstrated knowledge in the production, merchandising, processing, or distribution of one or more of the commodities or other goods and articles, services, rights and interests covered by this act.

Mr. Chairman, there is no question that the original intent of this particular provision was that the President would, recognize and respond to it, but of the 15 Commissioners who have been appointed since this act was enacted, 7 had demonstrated knowledge at the time of the appointment. There is no question that we have had some very fine people who have been appointed to these positions, but the issue that faces us is whether or not we are going to continue this process of on-the-job training for Commissioners.

Given the new responsibilities and certainly given the needs for strong enforcement, we simply cannot continue with an on-the-job-training program for Commissioners as they are appointed to the CFTC.

Mr. Chairman, with that in mind, this particular amendment would require that there would be a demonstrated ability by the Commissioners in one of these categories and areas. I think that under the circumstances that was the original intent of the legislation, and this makes certain that is going to be the case.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, if I might just briefly question the gentleman again with regard to intent. We all want to have very qualified people serving on these Commissions.

I am not sure what these particular things would require, so if I may, I would like to ask the gentleman whether he would consider someone who had served on the Committee on Agriculture of the House and/or Senate for a number of years to be qualified under the terms of his amendment.

Mr. ENGLISH. Reclaiming my time, certainly, if he served as Chair of the Conservation, Credit and Rural Development Subcommittee, I would think so.

Mr. MADIGAN. If the gentleman will yield further, what about if he had been ranking member of the full committee?

Mr. ENGLISH. And ranking minority member.

Mr. MADIGAN. If the gentleman would yield further, would a farmer who had been an active trader on one or more of these exchanges for a number of years be considered by the gentleman to be qualified under the terms of this amendment?

□ 1200

Mr. ENGLISH. Indeed, that would be one of the individuals who would be recognized.

Mr. MADIGAN. Or if the gentleman will yield further, someone employed by one of the grain companies who has responsibility for buying and selling for the grain company on the market would be qualified?

Mr. ENGLISH. If that individual certainly had demonstrable knowledge, there is no question.

Mr. MADIGAN. I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ENGLISH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NAGLE

Mr. NAGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NAGLE:

SEC. . PROHIBITION ON VOTING BY INTERESTED MEMBERS.

Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by inserting at the end the following:

"(14) ensure that no member of a governing board or committee thereof votes on any rule, as defined in paragraph (12), if, as determined in accordance with regulations promulgated by the Commission—

"(A) the member;

"(B) a legal entity of which the member is an officer or employee;

"(C) a legal entity in which the member owns a substantial interest; or

"(D) a legal entity which is the parent or subsidiary of any legal entity specified in subparagraph (B) or (C);

has a direct financial interest in the subject matter of the rule. Any member prohibited from voting on a rule pursuant to this paragraph shall not be included in determining whether there has been a two-thirds vote of a governing board for purposes of paragraph (12). For purposes of this paragraph the term 'legal entity' includes a corporation, partnership, sole proprietorship or joint venture."

On page 18, line 9, strike "Ensure" and insert "ensure".

On page 18, line 12, strike "market." and insert "market; and".

On page 34, line 13, strike "and".

Mr. NAGLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NAGLE. Mr. Chairman, in offering this amendment I have to reflect on the process of the markup and the testimony that the House subcommittee and full committee received.

At the time of the Chicago Board of Trade, the CBTC decision to force an Italian firm to liquidate a position, we made inquiries as to whether or not any of the members of the Chicago Board of Trade's governing body, their board, in fact had a position on the market that would be directly impacted on by the decision, by the ruling, and I inquired of the director, Wendy Gramm, of the CBTC whether or not any employer of a board member had a position. We received very evasive answers.

We were told by one of the major grain exchanges that they did not, in fact, have a position. As we were told that there was no way that it could be determined if they did or did not have a position, as to who was long or show who was short. As a matter of fact, I specifically asked the CFTC director, Wendy Gramm, whether or not we could tell who won and who lost, and she assured me it would not be possible to tell.

On Monday in the other body during the consideration of this legislation it came out that in fact six CBTC directors, firms, employers, or employers' firms owned by others had direct positions in the market that were positively impacted by the rulemaking decision.

CFTC, in an article in the Wall Street Journal, announced they saw nothing wrong with that.

What my amendment is meant to do is simply prohibit that employer from having an employee on the board, and have them make a decision on a rulemaking in which that employer has a direct and substantial interest.

CFTC has not found anything wrong with that practice in the past, and I say it is wrong. If it is not wrong in fact, it is wrong because it gives the appearance of impropriety. It is very, very difficult to go out and convince a farmer in Iowa to go out and have confidence in the market if Cargill is voting on rules that affect positively or in fact adversely impact their position.

So my amendment very simply says that if you are on the board and your employer or a company who owns your employer or a subsidiary of a parent corporation or a parent corporation has a position that will be affected, you should recuse yourself.

It does not provide for criminal penalties for failure to do so. But it makes it absolutely clear and certain that we will not allow the appearance of impropriety in the rulemaking process of the various exchanges, and it is for that purpose that I offer this amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, we have no problem with the amendment. We think that it is a good addition to the legislation, and on this side, pending the approval of the chairman of the subcommittee, we are prepared to accept the amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I am happy to yield to the gentleman from Oklahoma, chairman of the subcommittee.

Mr. ENGLISH. Mr. Chairman, I want to say I think the gentleman has a very fine amendment, an excellent addition to this legislation, and I deeply appreciate his contribution and the fine work that he and the other gentleman from Iowa do. I think it is outstanding, and I just want to commend him for his amendment and for the fine work he has done on this bill.

Mrs. SMITH of Nebraska. Madam Chairman, I move to strike the last word.

Madam Chairman, although I have reservations over certain aspects of this legislation, today I rise in support of H.R. 2869, the Commodity Futures Improvement Act of 1989.

I congratulate the subcommittee chairman, Mr. ENGLISH, and the ranking minority member, Mr. COLEMAN, for their ability to sift through the extremely complex issues that surround the futures industry and develop a bill that strikes at the heart of my concern with the commodity futures market—trading abuse.

And I commend my colleagues on the Agriculture Committee for their close attention and timely action on this legislation, which I hope will prevent future illegal and unfair trading practices.

H.R. 2869 takes a number of positive and important steps toward protecting the many producers in my district who have written to me and expressed deep concern over the effects of fraudulent activities in futures trading on cash market prices. Farmers and ranchers do not have the resources to adequately and accurately monitor the market for possible illegal and unethical practices.

I believe that requiring all floor traders to register with the Commodity Futures Trading Commission [CFTC], and strengthening the Commission's ability to oversee trading activities is one of the most positive aspects of this legislation.

To ensure the integrity of our commodity markets, penalties to deter illegal and fraudulent activities should exist and must be used.

The Agriculture Committee has properly developed tougher penalties and provided greater powers of enforcement to the CFTC, and allowed private individuals a better opportunity to recover possible damages.

I applaud the committee's decision to require training in ethics.

In light of the scandals and so-called white collar crimes that bombard the evening news, it might be beneficial if a great many people were required to learn right from wrong—ethically and legally.

Although we may all agree that more steps should have previously been taken to root out trading abuses—such as trading ahead of customers and prearranged trading—we must resist the temptation to micromanage our agencies. We should be very careful to instill the wishes of Congress without creating unnecessary rigidity in the law.

The CFTC has the statutory power under current law to undertake a rulemaking process whenever a problem area is identified. This process allows the greatest flexibility for effectively protecting the interests of farmers and other market participants, while at the same time developing standards that are appropriate for the industry as a whole.

There is little doubt that the practice of dual trading may lead to trading abuses; however, the practice of dual trading is very important for enabling specific contract markets to properly serve as price discovery mechanisms. Statutorily defining a volume level at which dual trading would be allowed may not appropriate.

The audit trail requirements proposed in H.R. 2869 are another example of inappropriate statutory requirements. Requiring all contract markets traded within an exchange to meet rigorous, verifiable accuracy standards before new contracts can be designated could prevent new and potentially important products from being introduced—curtailing our ability to compete in global markets.

The United States faces increasing competition from foreign markets, and we must maintain the proper climate for meeting that challenge.

We should utilize the expertise of the CFTC and allow them to assess an exchanges overall performance before designating new contracts. Setting improper standards for performance is contrary to our goal of creating effective methods for reducing commodity price volatility.

During the past three decades, futures markets have expanded to virtually all areas of significant economic activity that involve free price movement and price volatility. In today's global marketplace, futures markets have become a critical element in matching supply with demand.

We must step carefully and purposefully in our efforts to regulate the commodity markets so that we build on previous success and do not impede future progress.

In 1974, we created the CFTC to serve as our technical expert for understanding commodity markets, and to ensure market integrity and fairness. We all desire to protect the public from illegal and unethical trading practices; however, we must use the most appropriate avenues to serve those interests.

Although I offer my support for H.R. 2869, I am concerned that we may be establishing certain inappropriate, improper, and inflexible statutory requirements that will create as many problems as they solve and will require Congress to return to this issue too soon in the future.

Again, I thank my dedicated colleagues, Mr. ENGLISH and Mr. COLEMAN, and the members of the Agriculture Committee for their hard work on this matter of great importance to the members of my district.

I urge my colleagues to vote for H.R. 2869, the Commodity Futures Improvement Act of 1989.

Mr. COLEMAN of Missouri. Madam Chairman, I move to strike the requisite number of words and rise only to say that this side accepts the amendment offered by the gentleman from Iowa [Mr. NAGLE].

The CHAIRMAN pro tempore (Ms. SLAUGHTER of New York). The question is on the amendment offered by the gentleman from Iowa [Mr. NAGLE].

The amendment was agreed to.

Mr. TALLON. Madam Chairman, I move to strike the last word.

Madam Chairman, I congratulate the chairman of the Agriculture Committee and the subcommittee chairman as well the minority chairmen for their hard work on this bill. A great deal of study and hard work went into this legislation and I believe the product is one that will ensure greater consumer confidence and market stability.

Throughout the consideration of this bill, I have shared with fellow members of the committee my concern that we make it as difficult as possible under the law for floor brokers and futures commissions merchants to defraud a customer by trading ahead or withholding an order. Deliberately trading ahead or withholding a customer order is fraud under section 4(b) of the Commodities Exchange Act and will be prosecuted as such by the U.S. attorney in Chicago.

My interest is in making it easier to prosecute on the grounds of trading ahead or withholding an order in the future by designating these as specific criminal offenses in addition to fraud. Not only would this narrow the definition of fraud with regard to trading ahead by floor brokers but this would also clearly restrict trading ahead or withholding an order by FCM's and their employees, who are not currently prohibited from trading ahead by CFTC rules.

My original intent was to offer an amendment to this effect this morning. However, some concern has been expressed that language narrowing the definition of fraud may be interpreted in the Chicago prosecution as invalidating it. To prevent this possibility, I am not going to offer my amendment now. But I plan to introduce and actively promote this legislation once the Chicago investigation has been completed and I hope that I can count on the subcommittee chairman and Members support.

□ 1210

Mr. ENGLISH. Madam Chairman, will the gentleman yield?

Mr. TALLON. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Madam Chairman, I just want to say that I do not think there is any question as far as the sentiment of the committee is concerned, and I would think the sentiment of the entire Congress, is along the lines the gentleman is talking about. As he well knows, there are prosecutions taking place, indictments have come down. As soon as that is cleared out of the way so there is no question of in any way muddying the water, I want the gentleman to know that I intend to hold hearings and look into the legislation that he has. I think certainly in spirit everyone is with him.

Mr. TALLON. I certainly want to thank the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], who has done such an outstanding job on this legislation, and I look forward to working with him on this in the future.

Mr. COLEMAN of Missouri. Madam Chairman, will the gentleman yield?

Mr. TALLON. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Madam Chairman, I thank the gentleman for yielding.

We have had our differences over the gentleman's amendment in committee. I have always said that the gentleman has the highest and most positive motive for offering his amendment. And I agree with what the chairman said. I agree with what the gentleman from South Carolina [Mr. TALLON] has said, that trading ahead of your customer is in fact a violation of the antifraud section of the current law which is incorporated into this bill. The gentleman is absolutely right; the 46 indictments pending in Chicago, I believe every one of them has, as part of the charge, trading ahead as interpreted under the antifraud section of the law.

So the gentleman is absolutely correct. We do not need to do anything additional.

We do not need to jeopardize pending cases by questioning and raising the guestion as to whether or not we included this originally.

We all agree that we included it originally. What the gentleman wants to do is to make it easier in the future, at a future date when these investigations have culminated and proper notice has been given to the Justice Department so that they can wrap up these investigations and prosecutions.

I thank the gentleman for withholding this amendment on the floor and thank him for yielding.

Mr. TALLON. I thank the ranking member of the subcommittee, the gentleman from Missouri [Mr. COLEMAN], and commend him for the diligent and hard work he has done on this legislation.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa:

On page 7, line 7 insert after "paragraph (1)" the following: "If the Commission determines that such exception is in the public interest and".

Mr. SMITH of Iowa. Madam Chairman, the purpose of this amendment is to require the CFTC to find that any exemption from CFTC regulations prohibiting dual trading is consistent with the public interest before the exchange can qualify for the exception. Smaller exchanges are exempt so the legislation refers to larger exchanges.

As this section is currently drafted, a contract market is entitled to an exception to the dual trading prohibition if it can demonstrate that its surveillance system and procedures are adequate to detect violations and are fully verifiable. Any exception would result in many hours of additional work to assure that the exchange remains qualified for the exception. Until or unless an exchange employs a fully computerized system, I don't believe an exception could be justified but my amendment would make it clear that the CFTC's principal goal and function is to regulate the futures industry in a way that protects the public interest in these important financial institutions and that before the CFTC issues an order granting an exception to any exchange under this section that the CFTC makes a determination that the public interest is also protected.

Mr. ENGLISH, one of the sponsors of this legislation, and the chairman of the subcommittee with jurisdiction over this bill has repeatedly and I believe correctly asserted that the purpose of this legislation is to ensure that we have a fair system for regulating commodity futures transactions that recognizes that protecting the public interest is the first priority. I believe that this amendment is consistent with that purpose.

Mr. ENGLISH. Madam Chairman, will the gentleman from Iowa yield?

Mr. SMITH of Iowa. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Madam Chairman, I think the gentleman is absolutely correct. There is no question there should be no action taken by the exchanges unless it is in the public interest. That is one of the founding requirements, I think, for the exchanges' very existence. I think the gentleman makes a good point by underscoring that once again.

Mr. COLEMAN of Missouri. Madam Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Madam Chairman, we certainly support what the gentleman is doing and have no opposition to it.

Mr. MARKEY. Madam Chairman, I move to strike the last word and I rise in support of the amendment.

Madam Chairman, I rise in very strong support of the gentleman from Iowa's amendment. I think it represents a very important contribution increasing enforcement in this area.

I also would like to compliment the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA] and the subcommittee chairman, the gentleman from Oklahoma, [Mr. ENGLISH] who have aggressively put together a piece of legislation today which I think should be supported by all Members.

In looking at Mr. SMITH's amendment, I think that we have to reflect also upon related issues that have to be dealt with if we are to get at the heart of what has been uncovered through the 46 indictments of commodity traders in Chicago just weeks ago. We must ultimately correct what it was that these traders were exploiting in the trading system and discover why such an attractive opportunity existed for so many traders to defraud investors across this country.

On August 2, 1989, according to the Chicago Tribune,

> [a] Federal grand jury charged 46 commodity traders * * * with systematically cheating hundreds of customers, in Chicago's futures markets in the first indictments from one of the most sweeping financial fraud investigations in history.

News of these indictments had been publicized earlier in the year. The exchanges, the regulatory authorities, the U.S. Congress, the General Accounting Office initiated reviews of trading and surveillance systems to ascertain what systematic and regulatory shortcomings allowed such illegal activity to flourish.

On Friday of this past week the General Accounting Office released its findings before the Senate Committee on Agriculture.

Senator LEAHY requested that the GAO examine the audit trail system in place at the exchanges and put forth recommendations to improve such systems to prevent ongoing and future market abuses.

Here is what the GAO concluded:

> Weaknesses in controls over futures trading provide dishonest floor participants with the opportunity to cheat customers by noncompetitively executing orders and to conceal this cheating by manipulating the recorded price and time of trades.* * * [M]ost of the types of abuses alleged in the Justice Department indictments could also have been detected and documented with independent, precise, and complete timing of trades. CFTC needs to require that the exchanges achieve this result. To the extent that trade timing and, therefore, sequencing remain imprecise, surveillance systems that use this information will have limited ability to detect trading rule violators.

The piece of legislation which we are considering on the floor at this time unfortunately has been put together in a timeframe which has made it impossible to include the GAO recommendations. That is understandable.

However, it is the full intention of the Senate Agriculture Committee to include the recommendations of the GAO concerning this audit trail issue.

It is my hope that the conference committee will be able to work out language to eliminate the regulatory black hole which has been exploited by the 46 traders who have been indicted and by others who have not been apprehended.

I think that the GAO's recommendations can be worked out over the next several weeks, even though it was difficult to do so in the short timeframe provided for consideration of the House bill.

Mr. ENGLISH. Madam Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Madam Chairman, I think the gentleman is correct. Certainly we want as precise, as independent, as complete a system as we possibly can have, if we can figure out exactly what that definition is. I think that is a goal we ought to go for.

I think it also needs to be recognized that certainly the legislation that we have before us would move us to the definition that the General Accounting Office has defined, namely to the extent that we have announcements by the two largest exchanges in this country that they are going to a handheld computerized system which is, as I understand it, while the GAO cannot define what they mean, this would fit in it, whatever a complete and precise definition may be.

□ 1220

The CHAIRMAN pro tempore (Ms. SLAUGHTER of New York). The time for the gentleman from Massachusetts has expired.

(On the request of Mr. ENGLISH and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. The other point, that while we are moving rapidly in that direction, obviously, as far as the futures industry is concerned, and it appears that that definition is already on the way of being met, I think we have also to make sure, and I know the gentleman is interested in dealing with the securities industry as well. It is my understanding that the securities market, that 20 percent of the volume of the New York Stock Exchange and American Exchange would meet that definition, which means 80 percent would not. Fifteen percent of the trades in the Chicago Board of Options Exchange would meet that definition. Only 7 percent of those of the National Association of Securities Dealers. There is a lot of room on both sides of the security and futures industry as far as dealing with that, and I hope the gentleman is coming here offering that he will work with Members, and can give Members assurance that we will see that same kind of precision, and the same kind of far-reaching efforts coming forth from his own subcommittee as we have had coming forth from this subcommittee.

Mr. MARKEY. Madam Chairman, if I could reclaim my time, the gentleman from Oklahoma is precisely correct. What we find right now is, across the securities and the futures market, regulators are relying on the honor code. We are relying on the individual trader, who has an economic interest in the outcome of the trade, in being honest with regard to his relationships with the customer. So I agree with the gentleman, improvements have to be across the board, and I am glad the subcommittee chairman has identified and agreed to rectify problems in this bill, and, to the extent possible, use these reforms as a model for other marketplaces. I would emphasize the point made by the gentleman from Oklahoma, that the GAO did undertake a comparison between the securities and futures markets and found that a percentage of security transactions already meet the standard advocated by the GAO—namely, that such trades are independently, precisely, and completely recorded. In addition, the GAO found that the futures exchanges were spending approximately $10.7 million on regulatory budgets and staffs, while the securities exchanges were spending $165.2 million.

I firmly believe that the securities markets have attained higher standards on terms of audit trails, and that the futures exchanges should follow suit.

We have a system that works something like this: There are cards that have to be filled out on the floor. The cards indicate trading information—the amount, and a time bracket, but the card is left in the hands of the trader. The trader then, in the course of the day, has the ability to modify the time bracket and trading information on the trading card, in a way that could be to his benefit, and in such a way would be able to protect himself against losses that might affect his own business.

So what we are trying to do now is to cut down the amount of time and opportunity that the trader would have to alter the time that the trade occurred and other information, so that such information would be locked in. The audit trail standard which is in this present bill, is to be able to verify trades within a 1-minute standard, with the goal to get down to 30 seconds. But what we have to ask in addition is, how much time do we want traders to have in order to hand trading information in? Do we want such information in their possession, or do we want to independently verify what they have stated happened which affects investors' money. I think what we have to really achieve as our goal is to get the recording of such trading information to 1/100 of a second.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. In essence, what we are trying to do is make sure that the traders are forced to put down the exact time in which the trade occurred, so that there is confidence that the marketplace is protecting the investor over the trader.

What I would like to suggest to the gentleman is that this goal should apply across the entire financial marketplace, and ought not just be required in the Chicago marketplace. It ought to be uniform. I understand the difficulty in trying to come up with definitions at this time that would define with precision, what "independently" means and what types of technologies we might be encouraging. But I think it is very important that we establish unequivocally as our goal that we restore investor confidence in the marketplace, and that the trader not be able to alter a trade for his benefit, ex post facto, after the fact, to the disadvantage of an investor. As long as we make that our unequivocal goal to adopt the GAO recommendation that trades be independently, precisely and completely recorded—I would be happy.

Madam Chairman, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman has raised very important matters here. Until we get computerized trading, we will have the problem. That is the answer to it. In the meantime, let me recall that a few years ago, I believe it was some of the staff down at the CFTC Commission that suggested, they suggested that the pencil or the pen that they used have at the top ends of it a little clock, and a little stamp. All they had to do was turn it upside down and stamp the time. That was ridiculed. Members cannot believe how they ridiculed it. It is still a better idea than anything they have come up with.

Mr. MARKEY. I thank the gentleman, and yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. If the gentleman will proceed, I have some comments after the gentleman concludes.

Mr. ENGLISH. Madam Chairman, if the gentleman will yield, I will be happy to work with the gentleman, and hopefully we can bring the securities industry regulation up to the level that we find in this legislation for futures industry.

Mr. MARKEY. The gentleman will work with Members to include the GAO recommendations?

Mr. ENGLISH. If the gentleman will yield, we are always happy to work with everyone.

Mr. DE LA GARZA. Madam Chairman, I move to strike the requisite number of words.

I rise primarily to thank and commend our distinguished colleague from Iowa, and say that we have no problem with his amendment. As a matter of fact, we think that it is a welcome and forceful addition to our legislation. Our commitment is, and I appreciate the gentleman from Massachusett's concern, we share his concern. We have tried to address, to the utmost possible, those concerns in the legislation before the Members.

This amendment adds a little bit more. The goal, of course, is the same: that we would like for the public to be protected to the *n*th degree if at all possible. There is a mechanical function to it, even the fastest computer has its failures, so it is very easy for Members sometimes to say this is what we would like done, but whether it can be done or not remains to be seen. So we need to proceed as best we can to the utmost that we can, to continue working to that ultimate goal.

Correcting human error, we cannot do. Many thousands of years ago it was written in stone, "Thou shall not kill." Every country in the world has incorporated this into their basic law, "Thou shall not kill." They are doing so every day. So the propensity of the human element for weakness in some areas connot be eradicated, but our concern and our commitment here is that we would provide the commission, and hopefully will implement in the trading pits, and in the futures industry, the tools necessary to limit that element to the *n*th degree.

The gentleman from Iowa has been very diligent in working with Members on this legislation. His advice and counsel has been of utmost value. We would be very happy to accept his amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAUKE

Mr. TAUKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUKE:

At the end of title II, add the following:

SEC. 216. INVESTIGATION OF CERTAIN TRADING IN SOYBEAN FUTURES.

(a) INVESTIGATION.—The Comptroller General of the United States shall conduct an investigation to determine with respect to each person who was a member of the board of directors of the Chicago Board of Trade on July 11, 1989—

(1) whether such person voted in favor of the order issued on July 11, 1989, by the Chicago Board of Trade to compel the sale

of certain contracts of sale of soybeans for delivery in July 1989; and

(2) such person's holdings at the end of July 9, 1989, at the end of July 10, 1989, and at the end of July 11, 1989, of—

(A) contracts of sale of soybeans for delivery in July 1989; and

(B) options on such contracts.

(b) Report.—Not later than January 1, 1990, the Comptroller General shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report—

(1) stating the results of the investigation required by subsection (a); and

(2) containing recommendations regarding any legislative or administrative action considered by the Comptroller General, based on such investigation, to be appropriate.

In the table of contents, insert the following after the item relating to section 213:

Sec. 216. GAO investigation of certain trading in soybean futures.

Mr. TAUKE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TAUKE. Madam Chairman, I want to take this opportunity to commend the chairman of the subcommittee, the gentleman from Oklahoma, and the ranking Republican, the gentleman from Missouri for the outstanding work they have done on this legislation. I think that this legislation is a major step forward in restoring public confidence in the commodities market.

Madam Chairman, as Members know, that confidence was shattered to some extent on July 11 when the directors of the Chicago Board of Trade ordered the emergency sale of large holdings of dry soybean futures. That order, obviously, has been the subject of a good deal of discussion since that time, and the chairman of the Commodity Futures Trading Commission and I have had several conversations relating to it, and the CFTC has investigated and is investigating what happened during that period in July.

However, information that I have received personally, and quite by happenstance from a number of people who have been directly involved in trading on the Board of Trade, had suggested to me that there may be problems with the way in which the CFTC has conducted that investigation. Therefore, this amendment calls for the General Accounting Office to, in essence, review what the CETC is doing, and determine for itself exactly what happened, and whether or not there were improprieties connected with the July 11 order.

□ 1230

So, Madam Chairman, I hope that the committee will accept this amendment to have the GAO investigate this incident.

Mr. de la GARZA. Madam Chairman, will the gentleman yield?

Mr. TAUKE. I am happy to yield to the gentleman from Texas.

Mr. de la GARZA. Madam Chairman, we appreciate the gentleman's concern, and we will be very happy to work with him. I wonder, however, if I might not explain to the gentleman, in order that we might not put an additional burden on the legislation, that we already have an amendment that requests a GAO report. We were going to do so nonetheless in some areas of concern, and if I could assure the gentleman that his request would be incorporated into our request to the GAO, I wonder if that would take care of his interest. That would be our commitment that the content of his amendment and his desire would be incorporated in our request to the GAO with other matters.

Would this satisfy the gentleman's concern?

Mr. TAUKE. Madam Chairman, my objective is simply to get the GAO to look at it, and I would be very pleased to have the support of the gentleman in assuring that that would be established. I am not insisting that it be included in the legislation as long as it can be assured that the GAO will do it.

Mr. ENGLISH. Madam Chairman, will the gentleman yield?

Mr. TAUKE. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Madam Chairman, I would also point out that there is report language on the bill as it stands right now. I concur with what the chairman of the committee is saying, that we should get the GAO in it. We also have the CFTC in the report language that is charged with this responsibility as well. So I do not think it hurts to have both the CFTC and the GAO look at it.

Mr. TAUKE. Madam Chairman, I thank the gentleman from Oklahoma.

As I pointed out earlier, in essence what I want to make certain of is that the GAO is looking at what the CFTC is doing to insure that the investigation is complete.

Madam Chairman, with the assurances of the chairman of the committee that this would be included in a request for a broader study, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Ms. Slaughter of New York). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. de la GARZA. Madam Chairman, I move to strike the last word.

Madam Chairman, we have covered the extent of explanation of the legislation, we have engaged in the colloquys that have been offered, and the amendments that Members have offered have been addressed. We find ourselves in an awkward situation, in that we have a member of our committee who was to have offered several amendments, and we had agreed with him that we would protect him. Unfortunately, he had to be absent from the floor for a few minutes here during this time. We have been asked by the leadership to rise, whether we have concluded or not, at 12:45 in order that Members might participate in the memorial service to our dear departed colleague, Mr. Leland.

Mr. ENGLISH. Madam Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Madam Chairman, I just want to say that with regard to our colleague, the gentleman from Louisiana [Mr. Huckaby], he did have three amendments he wanted us to look at. We are carefully weighing those amendments, and I think they could be disposed of rather quickly. But I do think the chairman of the committee is correct, that the proper thing to do is to protect the gentleman from Louisiana and give him the opportunity to offer his amendments.

Mr. de la GARZA. Madam Chairman, I have been informed that the leadership will allow us to conclude this legislation after the Leland memorial. All that would be left would be the amendments to be offered by the gentleman from Louisiana [Mr. Huckaby] and they, I think, can be disposed of promptly.

So with that, Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker pro tempore [Mr. Tallon] having assumed the chair, Ms. Slaughter of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2869) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, September 12, 1989, the Chair declares the House in recess subject to the call of the Chair to allow Members to attend the memorial service for the late honorable Mickey Leland of Texas. The recess will continue until approximately 2 p.m. Bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until approximately 2 p.m., subject to the call of the Chair.

☐ 1425

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BOGGS) at 2 o'clock and 25 minutes p.m.

COMMODITY FUTURES IMPROVEMENT ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 235 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2869.

☐ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2869) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes, with Mr. AUCOIN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENTS OFFERED BY MR. HUCKABY

Mr. HUCKABY. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HUCKABY:

At the end of title II of the bill insert the following new section:

SEC. . MONITORING OF MARGINS ON EQUITY INDEX INSTRUMENTS.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, and 4a) is amended by adding at the end the following:

"(12)(A) The Commission shall monitor the margin level initially required and subsequently maintained on any contract of sale for future delivery of a group or index of equity securities (or any interest therein or based upon the value thereof) to ensure that such margin level is sufficient—

"(i) to maintain the integrity of the futures markets; and

"(ii) to protect the public interest.

"(B) If the Commission determines that such margin level on any such contract presents a clear and present danger to the interests specified in subparagraphs (A)(i) and (A)(ii), the Commission shall, after consultation with the relevant contract market, take such action as it deems necesary to ensure that such margin level is sufficient to protect such interests. If the Commission takes action pursuant to this subparagraph with respect to any contract market, the Commission may, notwithstanding the provisions of section 5a(12), require such contract market to submit all rules, as defined in section 5a(12), relating to the setting of levels of margin to the Commission for the Commission's prior approval or for review in accordance with the ten-day notice provisions of section 5a(12).".

In the table of contents, insert the following item in the appropriate place:

Sec. . Monitoring of margins on equity index instruments.

At the end of title II of the bill insert the following new section:

SEC. . MONITORING OF INDEX ARBITRAGE TRADING.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, and 4(a) is amended by adding at the end the following:

"(12)(A) The Commission shall monitor arbitrage trading, including the use of computers to execute such arbitrage trading, on contracts of sale for future delivery of a group or index of equity securities (or any interest therein or based upon the value thereof) to ensure that such arbitrage trading does not—

"(i) threaten the integrity of the futures markets;

"(ii) create excessive volatility in the futures markets; or

"(iii) otherwise adversely affect the public interest.

"(B) It is the sense of Congress that if the Commission determines that such arbitrage trading presents a clear and present danger:

"(i) to the integrity of the futures markets;

"(ii) of creating excessive volatility in the futures markets; or

"(iii) of otherwise adversely affecting the public interest;

the Commission should take such action pursuant to its existing authority as it deems necessary to ensure that such arbitrage trading does not present such a clear and present danger.".

In the table of contents, insert the following item in the appropriate place:

Sec. . Monitoring of index arbitrage trading.

At the end of title II of the bill insert the following new section:

SEC. . COMPUTERIZED FUTURES TRADING.

(a) STUDY.—The Commodity Futures Trading Commission (hereinafter in this section referred to as "the Commission") shall conduct a study to determine—

(1) whether it is or may be feasible for all, or substantially all, trading in futures and options subject to the jurisdiction of the Commission under the Commodity Exchange Act to be conducted by a system of computers or by other electronic means; and

(2) whether such a system of trading would enhance access to the futures and options markets by potential market participants, improve the ability of the Commission to audit the activities of the futures and options markets, reduce the opportunity for trading abuses, and otherwise be in the public interest.

(b) REPORT.—Not later than two years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

(c) PILOT PROGRAM.—Effective two years after the date of enactment of this Act, the Commission shall establish a pilot program to collect information on, and encourage, the use of computers and other electronic means to effect trading in the futures and options markets within the regulatory jurisdiction of the Commission.

In the table of contents, insert the following item in the appropriate place:

Sec. . Computerized futures trading.

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUCKABY. Mr. Chairman, I have three amendments pending before the committee at this time. Two of these amendments regard the commodity futures trading as far as equity index futures contracts are concerned.

As the gentleman from Iowa pointed out this morning, we call this a commodity futures trading commission, but we have evolved today into numerous other type contracts. I will give my colleagues an example.

I have in my hand this morning's Wall Street Journal. There is page after page of stock lists, the New York Stock Exchange. Then over here is one little column titled "Futures." Yesterday there were more dollars traded right here than in the entire New York Stock Exchange combined. That takes place every day in the United States. More dollar volume is traded on the S&P 500 futures in Chicago than the entire New York Stock Exchange.

Back prior to October 1987 that volume doubled. Today one can buy a $175,000 contract, S&P futures contract in Chicago for $9,000, 5 percent margin requirement.

One of the amendments that I have pending before us simply states that the CFTC shall monitor the margin levels required by the Chicago Mercantile Exchange for the S&P 500 Index and other such type futures indexes, and shall see that such margin levels are sufficient to maintain the integrity of the futures market and to protect the public interest.

A second amendment does the same in the area regarding index arbitrage and says that the CFTC shall monitor the activities of index arbitrage to protect the public interest.

And finally, Mr. Chairman, the third amendment requires a feasibility study of computerized futures trading to authorize the computerized futures trading pilot project in the future.

I would suggest that we are approaching the time that we evolve into computers during trading instead of the open cry pit system that we have today. This is the first step to move in this direction.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Chairman, with regard to the gentleman's first amendment I did want to clarify it. There is a provision in there that would state that should the Commission take this emergency action that changes could not be made in margins without the approval of the Commission, there the gentleman is speaking only of lowering the margins, is that not correct? If the exchange found it necessary under those conditions to increase the margins, he would not object, is that correct?

Mr. HUCKABY. Yes, the gentleman is absolutely correct.

Mr. ENGLISH. This would apply only in that type of situation in which the Commission had previously taken action?

Mr. HUCKABY. Yes, that is correct. The Commission is required first of all to consult with the exchange and then if they cannot reach agreement then they take action and then after that action is taken for the exchange to take any other action lowering, only lowering, would they have to go to that, just as the gentleman pointed out.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the chairman, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

I thank the gentleman for his cooperation in working with us in drafting the amendments so that they might comply with what we perceive to be the intent. We will be very happy to accept the amendments on this side pending further colloquy with members of the minority, the ranking minority member and the chairman of the subcommittee, and if there be any further question by the chairman of the subcommittee getting that in order, then we will be happy to accept the gentleman's amendments.

Mr. MADIGAN. Mr. Chaiman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I asked the gentleman to yield so that I might very briefly engage the distinguished chairman of the full committee in a brief colloquy.

As I understand we are under some time constraints here because there is business coming behind this that people have been waiting on. My understanding of where we are right now is that we have agreed so as to expedite the procedure, we have agreed to accept the amendments en bloc by the gentleman from Louisiana with the understanding that as the process goes forward and we approach the conference, if we can find language that more clearly addresses the objectives of the gentleman from Louisiana, that the distinguished chairman of the committee and myself will be receptive to looking at that language.

Is that the understanding of the gentleman from Texas?

Mr. DE LA GARZA. If the gentleman would yield further, that is the understanding, that if any better language or more concise language or more finite language to express the intent that all of us agree on, that we would be receptive to that language.

Mr. MADIGAN. If the gentleman would yield further, with that understanding and recognizing the desire to move along here, I would raise no objection to the amendments en bloc.

Mr. HUCKABY. I thank the gentleman.

As the gentleman from Missouri is concerned, and the gentleman from Illinois, existing authority as we understand it only applies for emergency situations, emergency being defined when a market has been cornered or adverse impact by a foreign government.

This amendment attempts to go beyond that to protect the public interest, which is what I think we all desire and feel that the regulatory agency of this Congress should do.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Chairman, as previously stated, I am not going to make an issue of the gentleman's amendments. I do not think, still, that I agree with him on the first one. We will try to make it better in conference if that is possible.

I just want to understand that we are not confusing margin requirements in the futures industries and trying to somehow equate them with margin requirements in the securities industries. They are two different types. The securities margins are a down payment on the stock in question, it is a credit arrangement. In the futures industry it is basically a performance bond to make sure both buyer and seller can perform the contract.

The CHAIRMAN pro tempore (Mr. AUCOIN). The time of the gentleman from Louisiana [Mr. HUCKABY] has expired.

(By unanimous consent Mr. HUCKABY was allowed to proceed for 2 additional minutes.)

Mr. HUCKABY. I continue to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman.

So under the understanding we have I will not oppose or object to the gentleman's procedure; but at least let the record show that I am not totally supportive of what the gentleman is doing. I frankly do not think we have had a need. We have not had evidence presented to the committee that this needs to be done in this particular bill. I hope that we will be able to resolve this in conference.

The gentleman's amendment at first glance appears harmless enough, but subparagraph (B) gives the Commission control of margin-setting authorities. The CFTC now has that authority only if it should declare a market emergency.

The setting of margins is a key to the operation of futures markets, and this self-regulatory obligation of the exchanges should be left exactly where it now is—with the exchanges.

Following the 1987 market break, each regulator and the Congress looked carefully at the role of futures margins. While the Brady report examined margin-setting authorities and ultimately recommended that margins should be consistent across markets, the Presidential Working Group later repudiated that recommendation.

Let me quote from the Working Group's report:

> While margins requirements may be thought to serve a variety of purposes, the crucial one analyzed—by the Working Group—is the setting of margin requirements to yield a reasonable level of protection against default, i.e., prudential maintenance margins.

I do not understand why we need to get into the discussion of margins today. They have been thoroughly examined. Even though we use the term "margins" in both securities and futures markets, they are completely different. Securities margins is a downpayment on the price of the stock; it is a credit arrangement. As the Working Group noted—for those of my colleagues who are not familiar with the Presidential Working Group on financial markets, let me add that this group is composed of the Chairman of the Federal Reserve, Under Secretary for Finance in the Treasury Department, and Chairmen of the CFTC and the SEC: Federal financial regulators at the highest levels—futures margins guard against adverse price movements that might cause a market user to default. Futures margins are a performance bond required of both buyers and sellers, and when in conjunction with futures markets' marking to the market each day, daily settlement in other words, futures margins to make certain that market obligations are settled in full at the end of each day.

In the securities markets, final settlement takes place in a week; in futures markets, if a trader does not meet a margin call by the beginning of the next trading day, he is out of the market.

Because of this role of futures margins, they are adjusted constantly, based on current market conditions as well as historical data. As the Chicago Board of Trade noted in a report dated December 1987, during the first 10 months of that year, it made 163 margin changes on 79 separate occasions. The Commission is not in a position to adjust margins when conditions demand it.

Quoting the Working Group once again:

> The purpose of prudential margins is maintaining the financial integrity of the obligation, i.e., assuring that market participants who take positions in securities, futures, or options can fulfill their obligations to brokers and other intermediaries so that brokers and clearinghouses can fulfill their obligations as well.

During the biggest market move in our Nation's history, futures margins worked well. No traders defaulted; the integrity of exchange clearinghouses was maintained. There is no reason to change this vital relationship between the Commission and the exchanges. I oppose the amendment.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Louisiana [Mr. HUCKABY].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment authorized by the Committee on Rules.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA:

SEC. . AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 3132(a)(1)(D) of title 5, United States Code, is amended by inserting "the Farm Credit Administration" after "Corporation,".

Mr. DE LA GARZA. Mr. Chairman, this is an amendment that has been agreed to. It was inadvertently left out of the Savings and Loan Institutions Report.

The committee agrees that we should move forward with it. The Committee on Rules has authorized us to do so.

Mr. Chairman, I would urge my colleagues to adopt the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARNARD) having assumed the chair, Mr. AUCOIN, Chairman pro tempore of the Committee of the Whole on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2869) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes, pursuant to House Resolution 235, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. de la GARZA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 228]

YEAS—420

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh

McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—0

NOT VOTING—10

Conyers
Courter
Florio
Ford (TN)
Garcia
Molinari
Nielson
Schroeder
Smith (VT)
Young (AK)

Mr. WHEAT and Mr. DANNEMEYER changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read. "A bill to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes.".

A motion to reconsider was laid on the table.

☐ 1500

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2869, COMMODITY FUTURES IMPROVEMENTS ACT OF 1989

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2869), the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2869, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. REGULA moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 2788, be instructed to agree to the amendment of the Senate numbered 168 and to address the concerns contained in Senate amendment numbered 153.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] is recognized for 30 minutes.

Mr. REGULA. Mr. Speaker, I have 30 minutes, and the gentleman from Illinois [Mr. YATES] has 30 on this motion. I intend at the appropriate time, as requested by the gentleman from California [Mr. ROHRABACHER], to yield 15 minutes of my time to him or to his designated speakers for debate only.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield for a question?

Mr. REGULA. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield to me for the purposes of offering an amendment that would set standards in keeping the National Endowment for the Arts funding from going to obscene and indecent art?

Mr. REGULA. Mr. Speaker, I will not yield at this time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] is recognized for 30 minutes.

Mr. REGULA. Mr. Speaker, in my motion to instruct there will be two items covered. I will address each of these in order.

The first item is the Byrd amendment. The Byrd amendment was not included in the House bill. It is an extensive amendment, and I will describe the impact of it.

Mr. Speaker, in 1980 I offered an amendment to all 13 appropriations bills that required that the use of public funds for consulting services be a matter of public record. This amendment was adopted in each of the appropriation bills, and it has become part of the bills since that time.

I mention this as background because I have had a strong interest in sunshine in terms of consultants and lobbyists and an interest in making sure that the information concerning these is out front. My original amendment was prompted by disclosure of abuse, waste, conflicts of interest and the use of private contractors and consulting services.

Mr. Speaker, the existing problem—and we have seen a lot of it in the HUD discussions—is the question of the integrity of the process by which the Government awards grants and contracts. The Byrd amendment supplements my 1980 amendment. I would point out, as the Repository, my largest local newspaper headlined an editorial recently, as follows, "Lobbying Reform Priority Item," and the editorial goes on to say:

[From the Canton (OH) Repository, Aug. 28, 1989]

LOBBYING REFORM PRIORITY ITEM

When Congress goes back to work after its summer recess, one item of business to be considered will be a proposal to toughen disclosure laws for lobbyists and ban the use of federal funds to pay for lobbying activities.

Before Congress adjourned for its summer break, Sen. Robert Byrd, D-W.Va., attached an amendment to a Department of the Interior appropriations bill that would require the changes in the lobbying process—the first major revision in more than four decades.

If the amendment survives outside sniping and a Senate-House conference committee, and becomes law, it will not eliminate all the negatives in the lobbying process. But it will at least help those who are interested to keep track of influence peddling, and it certainly will reduce the number of tax-supported peddlers.

Lobbyists aren't going to like the provision in the amendment that requires anyone soliciting grants, contracts, loans or other federal favors to report the name of the private lobbyists obtained to help in the process, the amount lobbyists are to be paid and for what.

Present laws are so riddled with loopholes that the millions of dollars paid to influential Republicans as consulting fees in the Hud scandal are not reportable. And such tainted fees can be paid with tax money.

That would all change with the adoption of the Byrd amendment.

Even though the American League of Lobbyists agrees that reform is needed, it says the Byrd proposal should be set aside until a comprehensive review is made by Congress.

The fact is reforms were proposed a decade ago and the league had a hand in killing them.

Some concern has been expressed that the Byrd amendment would hurt small social-service agencies, cities and counties competing for federal grants. Not true. These agencies can still lobby just as hard as before, and they can get their legislators to lobby their causes. The Byrd amendment merely prevents them from using federal funds to pay private lobbyists.

We've had enough of the private fixing, inside maneuvering and sleazy deals that secrecy and cronyism produce.

We would like to see Congress hop on this right away after its recess. The reform is long overdue.

Mr. Speaker, I think it should be included all along the way, and I might say that it not only impacts on the Interior bill, but it impacts on all Federal funds. It does not inhibit or prohibit lobbying allowable under present law. The present procurement regulations prohibit Federal funds from being used for lobbying or grants. What the Byrd amendment does is to put sunshine on these by making this information available to the public.

Mr. Speaker, the Byrd amendment is very important. The Byrd amendment will supplement what Congress began in 1980 by having the same kind of information available in terms of lobbying efforts on behalf of bills.

Mr. Speaker, I think it is a very important amendment. That is the reason that among other things I have this motion to instruct.

The second part of my motion is to instruct the conferees to address the concerns expressed in the Helms amendment. Absolutely no one in this body supports any type of obscenity or pornography funded by tax dollars. We abhor this. I abhor it. We all abhor it. Mapplethorpe and Serrano were outrageous examples of misjudgment on the part of NEA and those who were delegated to make these grants.

However, Mr. Speaker, I would have to say in fairness to NEA that that these are two out of 85,000, grants awarded since the endowment was authorized in 1965.

□ 1510

Out of 85,000 grants, two have gone sour. I deplore that fact. We all do, but I think the question is not whether we should do something about this problem, but it is how to accomplish that objective.

Unfortunately, I could not include in my motion to instruct language on how to do it, because it would have been subject to a point of order.

If this motion to instruct is agreed to, I will urge the conference very strenuously to establish an independent commission to be appointed by the President.

This commission would be created to review the question of what standards, procedures and guidelines should be applied to public funding of the arts and humanities, particularly in dealing with the subjects of pornography, obscenity and denigration of religion, with the requirement that there be a report back in 3 months. This will not only be helpful to our committee, it will be very helpful and constructive to the NEA and to the NEH, and very importantly, to the authorizing committee.

I would point out to my colleagues that the National Endowment for the Arts has to be reauthorized in 1990 or we can no longer fund it. There is where we should address this problem in addition to some language in our own bill.

The proponents of the Helms amendment portray it as a vote for or against public funding of obscene art. Let me point out to you, my colleagues, that the Helms amendment goes far beyond the National Endowment for the Arts and the National Endowment for the Humanities. What I propose in my motion to instruct, if it is agreed to, would be to limit any new standards to the arts and the humanities. The Helms amendment would apply to parks, forests, the Department of Energy, the Bureau of Land Management, the Fish and Wildlife Service, the Bureau of Indian Affairs, the trust terrorities, the Smithsonian, the Kennedy Center, and to probably hundreds of colleges and universities that receive some form of grant through the Interior bill. It would apply to the Woodrow Wilson Center. It would apply to Wolf Trap. It would apply to the Zoo. It would apply to the Washington cultural groups. It would apply to the Indian health facilities. It would apply to Indian education, and there are probably many others, because the Helms amendment covers the entire $11 billion that is expended in the Interior appropriations bill, funding a multitude of agencies.

I think it is very important that we zero in on the problem. I am strenuously opposed to tax funding for any form of obscenity or pornography or any of the things that are covered in the Helms measure; but I think we need to do it in a constructive way. We need to do it in a way that will work.

So, Mr. Speaker, I urge my colleagues to support this motion to instruct. We need the Byrd amendment to insure that we know what is happening, that we avoid the HUD's of the future. Also we need strong language in the bill to prevent any future exhibits such as Mapplethorpe and Serrano in the arts and the humanities. Two out of 85,000 is still two too many, and let us not let this happen again.

Mr. YATES. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I support the motion of the gentleman from Ohio [Mr. REGULA].

We should support the Byrd amendment in conference. We do support it now in principle. There will have to be much discussion and a great number of possible amendments that we will consider during the conference on the Byrd amendment, but essentially I think it presents the kind of approach that we want to support.

Now, Mr. Speaker, with respect to the so-called Helms amendment, which the gentleman from Califorina [Mr. ROHRABACHER] supports, I would like to say that this is another form of the kind of death for the NEA that the gentleman from California [Mr. ROHRABACHER] attempted to persuade the House to accept when our bill was on the floor. At that time the gentleman from California [Mr. ROHRABACHER] offered an amendment to kill all funding for the NEA. The difference from his approach at that time is that in this instance, in supporting the Helms amendment, the gentleman proposes a lingering death for the NEA and for the humanities, which is totally unacceptable.

I indicated that there has been a distortion of the amendment. The gentleman from California [Mr. ROHRABACHER] in his letter to Members of the House, his Dear Colleague letter, has said that he will make the vote on the previous question a question on pornography. Those who support the previous question will be branded as supporting pornography by the gentleman from California [Mr. ROHRABACHER] and those who support him. Well, that is a distortion, an outright distortion of what the Helms amendment contains. Nothing is further from the truth.

Let me read the Helms amendment to you. It is not only addressed to the NEA. Listen to this. This was an amendment that was made to the general provisions of the Interior appropriations bill, not just the NEA, which was the target of the attacks in the House of Representatives. Senator HELMS puts it in the general provisions so that it is applicable to all of the Interior appropriations bill, and listen to what the Helms amendment does. It says this:

> None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate or produce—

Whatever that means—

> (1) Obscene or indecent materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children or individuals engaged in sex act;

That is the pornographic part of it.

> (2) Material which denigrates the objects or beliefs or the adherents of a particular religion or nonreligion.

What is a nonreligion? Is it the Manson cult in California, for example, by the killer, Charles Manson? Is this a nonreligion? Could you speak against that under this amendment? Is that pornography? Obviously, it is not pornography.

I continue with the Helms amendment:

> (3) Material which denigrates, debases or reviles a person, group or class of citizens on the basis of race, creed, sex, handicap, age or national origin.

Is that pornography? Not at all. So the Helms amendment goes way beyond the question of pornography and establishes a broad and sweeping pattern of censorship, not just for the NEA, not just for the NEH, but listen to the list of the other agencies that would come beneath the weight of the Helms amendment: The National Gallery of Art. Could the National Gallery of Art continue to show its Renoirs? Could it continue to show its Matisses? Could it continue to show its Degas, all the art that all the world has acclaimed and which is bringing such fabulous prices on the art markets? And yet some of them would fall within the restrictions, the censorship of the Helms amendment. The Smithsonian Institution would be covered by this amendment. Not only the art galleries, but all the publications of the Smithsonian Institution; the Institute for Museum Services, the National Park Service, the pamphlets put out by the National Park Service would have to be reviewed for each of these restrictions; the National Forest Service, the Indian Health Service come before our agency.

A very interesting question is presented in Indian health and hospitals. Could the pamphlets put out by Dr. Koop be distributed when they discussed AIDS?

Mr. Speaker, I am delighted to see my friend, the gentleman from Illinois [Mr. HYDE], on the floor. Will the gentleman permit me to finish my statement, and then I will yield to him.

The SPEAKER pro tempore (Mr. BROWN of California). The time of the gentleman from Illinois [Mr. YATES] has expired.

Mr. YATES. Mr. Speaker, I yield myself another 5 minutes, after which I will yield to my friend, the gentleman from Illinois [Mr. HYDE].

The Holocaust Memorial Council and about 20 other agencies which are funded under the bill; the Holocaust Memorial Council, can you say anything against the Nazis, a group of those hating race, under this bill?

More than that, Mr. Speaker, what have all the other agencies in the Interior Department done that they should be placed within the purview of this restriction, this band of censorship that Mr. HELMS proposes?

There were two NEA grants out of 4,000 in fiscal year 1989 which have caught everybody's attention because of what has been declared to be pornographic; two grants out of 4,000.

□ 1520

The amount of taxpayers' money that is invested in the two grants is $45,000, which was recognized by the House in cutting NEA funds by $45,000 when the bill was before the House. The amount of taxpayers' money that was spent for these abusive pictures, to use the term some have used, totals approximately one-tenth of one-quarter of 1 percent of the $170 million appropriation.

With respect to what the Helms amendment will do, the expanse of the amendment is enormous. Its consequences are unknown, except it would appear that every publication in whatever form issued or approved by the agencies funded in the bill would have to be reviewed carefully to assure they do not violate the Helms restriction. Every college or university in the country which gets a grant under the Interior bill would be required to observe the amendment's restrictions. If any of the money could be used for its publications or activities, any college in the country that comes before the NEA or the NEH or the libraries, would have to observe the restrictions in the Helms amendment. Every museum in the country, and I spoke about the National Gallery of Art a moment ago, and every museum in the country which receives Interior funding, as it does under the Institute of Museum Services and under NEA, would have to review every artifact it displays, either new or in its permanent collection, to determine if there is a breach of the Helms restrictions, like the National Gallery of Art's masters.

Mr. Speaker, this is the start of George Orwell's Big Brother, the start of George Orwell's Big Brother. This is the Communist approach to art. That is what the Helms amendment brings forward.

I ask the House: Is that the kind of censorship that we want to create?

I urge Members of the House to let our committee go to conference, let us negotiate freely without having to bear the burden of supporting the Helms amendment, and there are many important matters in dispute without worrying this much about the Helms amendment.

There are 168 matters in dispute in the conference between us and the Senate. For all we would know, judging by what we read in the papers, judging by what we see in the letters by the gentleman from California [Mr. ROHRABACHER], this is the only amendment that counts. There are 168 amendments that are in dispute including these questions that we have to worry about.

The first question is that the Senate bill is $80 million below our bill, and we have to bring down our bill to come within the Senate bill. Second, the Senate has stricken out just about every grant for land acquisition or for construction that was placed in the bill on behalf of Members in the House. We have to protect the interests of the Members, and, Mr. Speaker, we have to worry about that.

Third, there is the possibility of the new Byrd amendment that we have read about in the papers which proposes an additional $2.2 billion to be taxed against every agency in all of the budget bills, so we would have to endure in the Interior bill approximately another $50 to $75 million cut that we have to deal with.

We have all of these various problems with which we have to deal. Please, do not burden us with the weight of the Helms amendment.

Mr. Speaker, I urge the Members to vote for the Regula motion, and I urge them to support the previous question.

Mr. Speaker, I yield myself 1 additional minute.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. YATES. Mr. Speaker, I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman very much, my colleague and dear friend.

Mr. YATES. Mr. Speaker, I am glad to see the gentleman from Illinois [Mr. HYDE] looking so thin again.

Mr. HYDE. Mr. Speaker, I thank the gentleman.

Mr. YATES. And enjoying such good health.

Mr. HYDE. Mr. Speaker, let me make two comments in all candor to my dear friend.

I concede the Helms amendment may well be an imperfect vehicle. Very few things are perfect.

Mr. YATES. That is an understatement.

Mr. HYDE. But let me say to my friend, and I may be wrong, but I wish to assert this in any event, that viewing a crucifix submerged in urine may well be somebody's idea of first-amendment expression or art. I understand that. But I would suggest the emotive response would be quite different if it was a Star of David submerged in urine. I dare say that if it was a bust of Martin Luther King, it would last about a minute and a half, and the gentleman would be here leading the fight to bar that kind of abuse.

Mr. YATES. I am leading the fight. I see the point that the gentleman is making. I am just as opposed to the crucifix in the jar of urine as I would be to a Star of David or to Martin Luther King's image in a jar of urine, and I have told the House and I have told others that this artist missed his mark and made a mistake. I said that there are two mistakes that were made, two mistakes out of 4,000 grants.

What other agency of the Federal Government has such a fine record? There is not any that does not make a mistake.

Mr. HYDE. Was it Justice Powell or Justice Potter Stewart who said, "I can't define pornography, but I sure know it when I see it"?

Mr. YATES. That was Justice Potter Stewart.

Mr. REGULA. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Ohio [Mr. REGULA]. I agree that we should instruct the conferees on this bill to make certain that Federal funds are not used for lobbying. However, those are not the only instructions the conferees should have.

Mr. Speaker, American taxpayers are furious that their hard-earned money can be spent on so-called art that is obscene, indecent, blasphemous and racist. If we pass the gentleman from Ohio's motion to instruct without my amendment, we will be abrogating our responsibility, our sacred trust, to see that the dollars taxed away from our hard-working citizens are spent effectively and for ends consistent with their moral standards.

Mr. Speaker, a few weeks ago, I stood before the House and offered a simple amendment to the Interior apropriations bill. My amendment would have struck all Government funding of the National Endowment for the Arts.

Those who truly oppose Government control of the arts should oppose Government funding of the arts. Money for the arts should be left with the people, rather than taxed away, so they can make their own free determination as to what art they will or will not support, rather than giving that power to the state. But if the Government does tax away our people's hard-earned money in the name of supporting the arts, at the very least, standards should be set so that those funds are not used to subsidize obscenity or indecency, or used to denigrate someone's religion, or race, or sex.

Opponents of my amendment suggest that establishing standards for the use of taxpayer's money is a form of censorship. What kind of cocamamie logic is that? The question is sponsorship, not censorship. At a time of high deficit spending, when it is difficult to provide funds for the health needs of our elderly and for prenatal care, spending the taxpayer's dollars on art is itself questionable. Spending it on obscence or indecent art, or art that insults one's religion, is outrageous.

There has been a great deal of posturing on this issue. One wonders how many of those who are aggressively opposing the setting of these standards would be doing so, if it had been a photo of Martin Luther King or a symbol of the Jewish faith that had been submerged in a bottle of urine at taxpayers expense.

Now we hear that the Helms language, which passed by the Senate without opposition, is too broad, unclear, a threat to legitimate art and freedom of expression. This strawman argument is being used to oppose the setting of any standards. The language of this amendment is direct, clear and understandable. It prohibits the use of tax dollars, and I quote,

> To promote, disseminate, or produce (1) obscene or indecent materials, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or (2) material that denigrates the objects or beliefs of a particular religion or non-religion; or (3) material which denigrates, debases or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin.

If there are some in this hall who have trouble understanding this clear and direct language, I am certain there are voters around this country who are willing to explain it to them in the next election. Americans believe in freedom of speech, but let there be no doubt, the American people do not want their tax dollars spent on obscenity and indecency or for denigrating christianity or any other religion.

In defense of Federal involvement in the arts, we have heard that the vast majority of funded projects are upstanding and of unquestioned value. If this is true, what is wrong in setting standards so our Federal tax dollars are used for those projects, rather than being drained off to sexually explicit projects, or projects that denigrate religion, or racial groups?

If my amendment passes and is accepted in the conference report, the NEA will still be free to subsidize those many other invaluable creations that are not obscene or indecent, that do not denegrate people's religion, race, sex or handicap. The NEA will still be free to give our tax dollars, as they have, to those who are culturally uplifting our society by throwing paper maché out of an airplane window, in an attempt to sculpture the sky.

And then there is the lady in my own congressional district who tells me she is receiving an NEA grant to promote poetry reading for the homeless. Our tax dollars could even again be spent for submerging a photo of Senator HELMS in a bottle of urine, a political comment that no doubt reflects its creator's intellect, values, and ability to communicate rather than that of Senators HELMS.

Yes, the NEA could still sponsor submerging photos of myself or Senator HELMS or any other politician, but they could not use our tax dollars to put a crucifix of Jesus Christ in a bottle of urine, or denigrate any other religion; and do not tell the American people that they are bigoted, or tyrannical for insisting that standards be set so their hard earned tax dollars are not used for such trash and mean spirited invective against, race, religion, sex or handicap.

Time magazine said that had Federal authorities chosen to do so, they could have prosecuted Robert Mapplethorpe for child pornography. Other projects sponsored by the NEA, have included drawings of homosexual orgies, beastiality, and a Statue of Liberty turned into a transvestite, complete with male sex organs.

Why in the world are we permitting Federal tax dollars to be used to finance such trash? How in the name of representative government can anyone oppose the setting of standards to prevent this obscene misuse of tax dollars?

The censorship argument is without merit. Artists can do whatever they want on their own time and with their own dime. We, on the other hand, have a responsibility to see that tax dollars are spent for the betterment of our country.

A vote for the previous question is a vote against standards that will prevent our tax dollars from being used for obsenity, indecency, and attacks on religion or race. I call on my colleagues to vote against the previous question. Let us have accountability, standards, and a proper use of Federal tax dollars.

□ 1530

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I support the statements made by the previous speaker.

Mr. Speaker, we have the opportunity today to send a message to the National Endowment for the Arts [NEA] regarding the way Congress and the American people feel about certain taxpayer funded art exhibits.

Some in the art community have taken great offense to the concept that Congress should have any say in the type of art that may be exhibited by the NEA. Somehow these individuals feel that such interference stifles creative ability and free artistic expression. Frankly, I have no sympathy at all for that argument. I have seen some of the pictures that were apparently displayed at the Mapplethorpe exhibit, and I have seen description of others. This "art" is in my humble opinion absolutely obscene.

Although I do not honestly see how any of the pictures described in the NEA exhibit can even remotely pass for art, the question is does the public want to have their tax dollars spent for such a display. If an art museum wants to display such art and pay to exhibit it out of its own funds or through admission fees, that is one thing. However, having the NEA display art at taxpayer expense, which 99.9 percent of Americans would categorically define as obscene garbage, is quite another matter.

Congress has the right to husband the expenditure of public funds. If the public does not want its money spent on a certain type of "art" then it is certainly the prerogative of Congress to so inform the NEA that it does not want taxpayer dollars spent in that fashion.

Mr. Speaker, I am submitting an editorial from Frederick E. Hart which appeared in the August 22, 1989 Washington Post which raises some interesting points with regard to this issue and the general debate over the nature of contemporary art. I believe my colleagues will find the article worth reading.

CONTEMPORARY ART IS PERVERTED ART

(By Frederick E. Hart)

The air is becoming suffocatingly pungent with the incense of pious indigation from the art world concerning Congress' reaction to the way the National Endowment for the Arts is spending taxpayers' money.

What is taking place is yet another perverse manipulation of the public by the contemporary art establishment. The public, through its instrument, Congress, has reached to the baiting and taunting of its sense of decency by the art world through its instrument, the NEA. Underneath its outrage, the art world can barely contain its secret delight at this publicity bonanza featuring a heroic scenario of free spirits versus troglodytes.

What eludes the public is the current philosophy and practice of art, which not only delights in but thrives on a belief system of deliberate contempt for the public. In order to understand this, you have to understand the values of art today and how contemporary art is intellectually packaged for the marketplace. To grasp this is also to grasp the sorry moral condition of art today and how this is shriveling art, making it less and less a meaningful endeavor.

Since the beginnings of bohemianism in art in the late 19th century, rejection by the public has become the traditional hallmark of what comes to be regarded as great art. An offended public is a critical necessity for the attainment of credentials by any artist. The idea that art and artist must be initially misunderstood and rejected has become doctrine in the mythology of great art, and consequently it has become one of the primary criteria in evaluating the historical importance of a given artist. The art world embraced this fable in the late 19th century and has been running hard with it ever since.

There is, however, a critical difference between then and now. Life in the late 19th century was heavily regimented by strict societal mores: the public expression of emotion and sexuality was severely repressed. When art and literature broke through those layers of repression, people were offended, outraged and ill at ease about the truths they discovered about themselves. But we live in a different world. Today, "repression" is a bad word. Nothing is ever, ever repressed. Everything is discussed, analyzed and ventilated by people ranging from Phil Donahue in the morning to Larry King at night, day in and day out. It's gotten damned hard if not almost impossible to offend anyone anymore.

But art persists. Every artist worth his salt yearns to create works of art that are (mistakenly perceived, of course) so offensive, so insulting to the public as to earn him a clear judgment of genius for his success at being misunderstood.

It has become the intense pastime of contemporary art to pursue controversy, the bigger the better, as a form of art. But the artist has had to reach farther and deeper to find some new twist with which to offend. A simple-minded little sophomoric gimmick of making people walk on the flag to make a cute point arouses vast passion and national controversy—for which artist and art world pat each other on the back.

What is really going on is the cynical aggrandizement of art and artist at the expense of sacred public sentiments—profound sentiments embodied by symbols, such as the flag or the crucifix, which the public has a right and a duty to treasure and protect.

When one looks back at the majestic sweep of art in history and its awesome and magnificent accomplishments, how nasty and midget like are so many of the products and so much of the philosophy of contemporary art by comparison. Once, art served society rather than biting at its heels while demanding unequivocal financial support. Once, under the banner of beauty and order, art was a rich and meaningful embellishment of life, embracing—not desecrating—its ideals, its aspirations and its values.

Not so today.

Look about you. The artlessness of contemporary life has come about because of a breakdown in the fundamental philosophy of art and who it is created for. The flaw is not with a public that refuses to nourish the arts. Rather it is with a practice of art that refuses to nourish the public. The public has been so bullied intellectually by the proponents of contemporary art that it has wearily resigned itself to just about any idiocy that is put before it and calls itself art. But the common man has his limits, and they are reached when some of these things emerge from the sanctuary of the padded cells of galleries and museums and are put in public places, where the public is forced to live with them and pay for them.

If one visited a town or a city in Renaissance Italy, the motive of art and its resulting products would come off entirely differently. Art was not then thought of as an end in itself but as another form of service. When the Italian peasant looked about, he saw an array of dedicated embellishments from his church to his public buildings, fountains and plazas. The artwork, which was exquisitely created, embraced his values, his religious beliefs, his history, his aspirations and his ideals. It was meant to give enrichment through its artistry but, more important, to give purpose through its meaning. It was, as Dante called sculpture, "visible speech." It was not created for art's sake but for his sake.

The measure of achievement in art was determined by the degree to which that art was considered ennobling. Art and society had achieved a wonderful responsibility for each other. Art summarized, with masterful visual eloquence born of a sense of beauty, the striving of civilization to find order and purpose in the universe. This service to truth was more important than the endeavor of art itself. And it was this dedication to service that gave art its moral authority.

This moral authority is the critical element by which a society regards art either as an essential and meaningful part of life, as in Renaissance Italy or, as today, a superfluous bit of fluff, mainly indulged in by a small snobbish minority. Art is regarded by contemporary society much the same way architects now regard art—not as an essence, but as a high-rent amenity.

The most touching and noble impulse toward "visible speech" in recent times was the short-lived creation of the Statue of Democracy in Tiananmen Square. Natively executed, it was nonetheless a wonderful display of the unique ability of art to embody and enhance concisely and movingly a deeply felt public yearning for an ideal of a just society. The profound meaning the statue had for tens of millions of people gives the art a value and moral authority of profound significance.

In ancient Greece, which generated 2,500 years of Western art, there existed no distinction between aesthetics and ethics in the judgment of a work of art. Works of art achieved greatness by embodying great ideas, as well as by sheer mastery of the medium. The inspiration and the motivation for that mastery were in the nobility of the ideas pursued.

It is the contemporary renunciation of the moral responsibility of art that is the source of the recent hostilities between art and public. The cutback of funds by Congress is a graphic display of the public's declining conviction of the importance of art, caused by a self-absorbed art that has lost all sense of obligation to the public good and the betterment of man. It is possible to live without art, and if the nourishment provided by art continues to be so nauseating, life without art will become, for some, desirable.

If art is to flourish in the 21st century, it must renew its moral authority by philosophically and fundamentally rededicating itself to life rather than art. Art must again touch our lives, our fears and cares. It must evoke our dreams and give hope to the darkness.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, should Federal funds be given to assemble a photography exhibit that contains child pornography? I do not think so, and I believe most of my colleagues will agree.

The National Endowment for the Arts disagrees, however. They paid $30,000 in taxpayer money for such a display, calling it art. That is why 106 of us wrote to the NEA demanding tougher grantmaking guidelines.

The NEA, however, told us in essence we do not know much about art, and that we should mind our own business. The people I represent disagree. That is why I urge support for the motion to instruct conferees to adopt the Senate amendments to the Interior appropriations bill providing guidelines for the NEA.

This is not a question of censorship. It is a question of whether or not the public is going to be forced to subsidize artworks that offend the ethical or moral sensibilities of the vast majority of Americans.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Ohio [Mr. REGULA].

This motion will give the House an opportunity, for the first time, to address a very important issue that was included in the Senate-passed bill. The "truth-in-lobbying" amendment authored by the chairman of the Senate committee is an important first step in restoring public confidence in American governmental institutions.

The ethical crisis that we've seen unfold on the pages of newspapers across the country takes many forms, and one aspect is addressed by this Senate amendment. The perception exists—whether true or false—that our Government is up for sale, that a well-paid political machine in Washington will ensure success in the legislative process or in influencing executive branch decisionmaking.

This amendment is not the final answer to the ethical crisis in America. It only addresses a small part of the problem, and frankly the amendment may need a bit of reworking. But it sends a clear message that the Congress views the current situation with distress and that a watchful eye is focused on those intent on abusing the system.

In closing, let me say to the gentleman from California that I recognize his sincerity in wanting to offer a motion to instruct on the Helms amendment. He has put a tremendous amount of time and energy into this issue, and I respect his right to raise these serious questions. However, I oppose his motion at this time for two reasons.

First, as I have already mentioned, the truth-in-lobbying provision is an important issue that ought to be considered by the House free and clear from any intervening issues. Second, I have grave concerns about the impact of this censorship provision. We have a tradition in this country of independent thought and freedom of cultural expression, and we should preserve that.

Now that does not mean that I or any Member who opposes the Helms amendment supports taxpayer-funded pornography. That is ridiculous. The examples cited by my friend from California involve two grants. Together these grants account for less than three one-hundredths of 1 percent of the total 1988 arts endowment budget. In fact, since it was created 25 years ago, the NEA has awarded over 85,000 grants, and less than 20 have been considered controversial. It just does not make sense to stifle the works of thousands across the country in every congressional district for the mistakes of a few.

Mr. Speaker, I strongly support the motion offered by the gentleman from Ohio, and I urge all Members to vote in favor of ordering the previous question. It is a good-government vote all the way.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BROWN of California). The gentleman will state it.

Mr. WALKER. Mr. Speaker, we are in the process of discussing certain artworks which have been paid for by taxpayers' money. What would be the ruling of the Chair should those particular artworks be brought on the floor for display as a part of the debate? Can the Chair tell me that?

□ 1540

The SPEAKER pro tempore. The Chair would respond that it would be the intention of the Chair under rule I to prevent any activity which would disrupt the decorum of the Chamber and he would rule such action to be a disruption of the proper decorum of the Chamber.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

So, in other words, the material that we are talking about is so bad that it would disrupt the decorum of the House if this were displayed and so, therefore, the Chair would have to rule against that display, is that correct?

The SPEAKER pro tempore. The Chair would rule as the Chair has already stated.

Mr. YATES. Mr. Speaker, with further reference to the gentleman's inquiry, I think part of the Chair's decision is based, is it not, on the fact that the Mapplethorpe show contains 150 photographs out of which only 5 or 6 are controversial and that if the material is shown, all of it should be shown and not just the controversial part of it?

The SPEAKER pro tempore. The Chair is trying to make it clear that he is ruling only on the decorum of the Chamber, not on the content of the material.

Mr. WALKER. But the material is such that the Chair believes that it would violate the decorum of the Chamber, is that correct?

Mr. YATES. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair has that belief and would so rule if certain materials are displayed during debate.

Mr. WALKER. I thank the Chair.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Let us see where we are now.

Mr. YATES, on behalf of the opposition, says that we do not believe in censorship but, to Mr. ROHRABACHER, "You will not be permitted to offer your amendment."

Mr. YATES. On behalf of what? If the gentleman would yield, on behalf of what opposition? I am opposed to Mr. ROHRABACHER's motion. Am I the opposition?

Mr. DANNEMEYER. I think the gentleman is in the position of being opposed to ROHRABACHER, right?

Mr. YATES. That is correct.

Mr. DANNEMEYER. And then the gentleman is saying he does not believe in censorship, right?

Mr. YATES. That is correct.

Mr. DANNEMEYER. But then the gentleman does not believe in censorship, right?

Mr. YATES. That is correct.

Mr. DANNEMEYER. But the gentleman does not want to let him offer his amendment, right?

Mr. YATES. For the reason that I do not believe in censorship, I do not think so.

Mr. DANNEMEYER. That is where I do not follow it.

Mr. YATES. If the gentleman wants to meet me after the discussion I will be glad to explain it to him.

Mr. DANNEMEYER. I thank the gentleman very much.

You know, the movie "Cabaret" that depicts the Weimar Republic during the 1920's just before its collapse tells the story of what is going on in this whole issue. That movie depicted the growth of the toleration of homosexuality in Germany in the era that we are talking about. Let us not kid ourselves. The toleration of pornography and homosexuality is not the decline, the cause of the decline of a civilization; it is the symptom of a moral decay in a society that has lost the ability to say that there are standards in this world that governed mankind down through time and that are valid, traditional family values, where we have the courage as leaders of the country to stand up and say what is junk, what is good literature, what is pornographic, and what we are going to tolerate.

Mr. ROHRABACHER has eloquently pointed out he does not care what happens in this country, what people do with their own money in the form of art. But when they come to the Congress of the United States and they want Federal taxpayers' money, we have the responsibility of saying under what conditions that money would be expended.

I am prepared to suggest it is perfectly appropriate for us to adopt this language and defeat the previous question.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the chairman for yielding.

Mr. Speaker, I support the Regula motion, and I hope we will support the previous question. I think perhaps it would be helpful if we put today's debate in the perspective of the debate last month.

The very people who are not seeking to legislate in an appropriations bill objected to the efforts of the chairman, Mr. YATES, and the ranking member, Mr. REGULA, to put new restrictions on the NEA, to hold it more accountable for the grant process, to hold the NEA Administrator directly accountable.

It was the gentleman from California who objected and said we are going to legislate in an appropriations bill. Now he comes to us and says, "Well, this isn't censorship, but I have got all kinds of legislation I want to pursue."

The same gentleman last month said, "I am not for censorship. I am just against all public arts funding."

Now he comes and says, "I am for all this kind of restriction on procedure."

I have to be very honest, the history of this shows such inconsistency that it lends me to question, quite frankly, the ethics involved in the process of debating a matter of ethics.

Now I want the record to show that in my case I was among those who communicated with the NEA my personal and strong objections to the funding of the Serrano project.

And I happen to believe that there are distinctions in censorship in terms of the Bill of Rights and making reasonable distinctions in terms of the use of public funds.

I believe the chairman does, and I believe Mr. REGULA does. That is why they tried to bring it in their bill. That is why they brought this issue forth again in their instructions to the conferees. I believe in those distinctions.

I was offended by the Serrano exhibit.

I am offended personally, I have to say, by the Mapplethorpe exhibit.

I want to speak very personally and perhaps—I hope—not offensively to other Members in this body. I am an evangelical Christian. I have every reason to be particularly enraged. But my Lord said let you aye be aye and your nay be nay. I am opposed to the duplicity that I think has surrounded this entire debate beginning last month.

I will not be collared into being a complicit partner in what I view personally to be moral duplicity in terms of how the issue has been brought to this House. I will not squander my reputation as one concerned with Judeo-Christian ethics on a procedure which I think is built on fabrication and falsehood.

Let us put an end to political phariseeism and vote for the political question. Let us put a vote against political pornography and vote for the previous question. And above all, let us stand by the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA], who have taken the slings and arrows for every Member of this body, who have suffered distorted attacks and misrepresentation as to what their position has been on this issue all along.

Let us uphold our chairman and ranking member. I urge a vote for the previous question.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. COLEMAN], the ranking member of the subcommittee of the Committee on Education and Labor which has the question of NEA authorization.

Mr. COLEMAN of Missouri. Mr. Speaker, just to clarify the record, the gentleman from California [Mr. DANNEMEYER] is talking about the context of our vote and trying to represent that this somehow is the Weimar Republic. Let me remind my colleagues what followed the Weimar Republic in Germany. It was National Socialism. So if you want to put it in the historical context, that may be the road that we are going down if we are going to support the Helms amendment by defeating the previous question.

Now I want to stipulate and I want the record to show that I am against obscenity, I am against including indecent material at public funding. But who is to say what is obscene and what is indecent? Are we going to have every agency out here in this bill determining on their own what is obscene and what is indecent?

We are going to have 10,000 pieces of litigation going to the Supreme Court to make these decisions. How much money are we going to dissipate on these types of issues in these agencies?

Let me remind my colleagues where we are: We are in conference. Do you know how much we cut off of the appropriations bill? We cut $45,000 off the appropriations here, which represented the two showings in question. That is how much the grants were for. We did it here on the floor of the House. The majority of you voted for it.

What did the other body do? They cut $450,000 out of the arts, which was nine times more than we did and nine times more than the two questionable exhibits in question.

Now we have already settled this matter. We have taken the money away. We have prohibited, at least the other body did, for 5 years from these two organizations, the so-called Southeastern Center for Contemporary Art and the Institute for Contemporary Art at the University of Pennsylvania, that subversive organization, the University of Pennsylvania; they have taken that money away. So they are prohibited from coming in here and doing it again.

Now the gentleman from Ohio is trying to put together some commission, some review panel independently to try to get us out of the mess we are in.

We may end up with Mr. ROHRABACHER'S hope, and that is the total destruction of Federal support for the arts.

□ 1550

We may be there. Whether we may be there by authorization which we need to take up in our committee next year because maybe we can never find a way out of this issue, and maybe we ought to if that is the case. I will not prejudge it.

Right now we have a real question, and that is, we are in conference. Four hundred and fifty thousand dollars is cut, $45,000 has been cut over here. We have settled this issue. There are some who do not want the arts to be funded. Members had their choice. Members had their votes. Members lost it overwhelmingly before, and I say this is a red herring, and any Member who tries to characterize my vote, and I am talking to my side of the aisle, as being in favor of obscenity and pornography, those Members deal with me off the floor on that one.

The SPEAKER pro tempore [Mr. MOAKLEY]. The gentleman from Ohio [Mr. REGULA] has 10 minutes remaining, and the gentleman from Illinois [Mr. YATES] has 12 minutes remaining.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AuCOIN. Mr. Speaker, as I listened to the gentleman from California, who wants Members to defeat the previous question and vote for instructing the conferees to adopt the Helms amendment, I got the impression that the National Endowment for the Arts is a rogue elephant spewing out money across the country to spread filth and pornography to every community. I thought the gentleman from Massachusetts [Mr. CONTE's] remarks and the remarks of the gentleman from Michigan, and the remarks of the gentleman from Missouri [Mr. COLEMAN] answer that question extremely well.

In the 25-year history of that agency, 80,000 grants have been granted, and only about 2 dozen controversies have ever arisen. Now, those are the facts.

This is no rogue elephant. This is an agency that gives grants to artists who are producing art which improves the caliber of lives in communities across the country that otherwise would not have a chance. Unfortunately, there are some who want to create a political issue out of two mistakes made in the last year's funding process. I think that is a very sad thing that Members would cripple an agency to score some political points. I hope the Members will not go along with that, and will resist that tactic.

I have in my hand a letter from Joe Cash a professor of English, and the head of the department of languages at McNeese University in Louisiana. He made a very important point in this letter. He indicated that the issue is not standards which the gentleman from California suggests, it is the question of who will sit in this new academy that will provide the judgments that Mr. HELMS wants Members to impose on works of art around the country? Who will decide? Who will these people be that will grant these judgments?

I think that is an important question. Who will be the thought police that will enforce these works of art? I leave the answer to that question to my colleagues to answer, because I think that should chill every Member of the House.

In the same letter from this professor from the State of Louisiana who is the head of the Department of Languages at McNeese State University, he makes an interesting point. He said:

> After reading the specific details of the proposed amendment, I could not help wondering if even the Bible could pass the test.

He said:

> Few books of lasting value and merit contain more sordid, violent, or sexual-filled passages than it does. Consider the sensuality of the Song of Solomon; the rape of Dianah and the deceitful slaughter of the Hivite men; the adultery of the psalmist David with Bathsheba and the murder of her husband; and the daughters of Lot who got their father drunk on wine so that they could "lie with him" in order to "preserve the seed" of their father by bearing children who would become the founders of the Moabite race.
>
> Any amendment which is so broadly written that its standards call into doubt the acceptability of the Bible should be defeated. I urge my colleagues to support the motion of the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, the moral infrastructure of our country has been eroding at an ever-increasing pace over the last 20 years because of intellectual dancing on the head of a pin over obscenity, decency, and in the case of what brought this to the House's attention, blasphemy.

Now the Tuesday papers in the town carried an article that a National Endowment for the Arts funded show in Phoenix had the picture of a Member of Congress in a jar of amber fluid. Whether or not it was urine or not, only the people who do this with NEA money know. That was just Monday of this week. What a disgrace. One of our colleagues immersed in a jar of urine. When it was done with Jesus Christ, what many Members consider to be our Redeemer, the Son of God, and that did not get tempers up here, then it is understandable why on both sides of the aisle some of our Constitutional scholars are willing to set aside these blasphemous affronts and still dance on the head of a pin in eroding the moral structure of our country.

There is the headline. In the lobby are pictures that the Sergeant at Arms took down, and I agree they should have been taken down. However, how do we fight something so insidious, so inherently evil? If it goes in the RECORD, people object. If you put the pictures in the lobby, they have to be taken down because some child may walk by the outside, or we may have some Members of this Chamber still so innocent of heart that they do not want to look at this Mapplethorpe pederasty child molestation type of child pornography out there, let alone some of the examples of blasphemy against Jesus Christ.

Not one Senator, not even the distinguished gentleman, Mr. METZENBAUM from Ohio, would voice a nay vote in a voice vote over in the other Chamber. I will not characterize any Member's vote, but I hope we win, and we win big, and support the language of the Senator from the other body. Members owe it to themselves to look at that scum out there in the lobby that they have to hide behind the curtains.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that Members should avoid reference to Members of the Senate in debate.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I support the arts. I question no Member's motives. I question no Member's votes. I do not think any Member approves of the filth that the NEA funded, even if it is one one-hundredth of 1 percent, and if Members do not think it is filth, all that Member has to do is go out and look.

I rise today to ask my colleagues to vote against the previous question on the motion to instruct conferees to agree to the Byrd amendment. I would like to stress that I am not opposed to the gentleman from Ohio [Mr. REGULA's] amendment. I, too, believe that the House conferees should accept the Byrd amendment. Federal funds should not be used to pay a lobbyist to influence the award of a Federal grant, contract, loan, or cooperative agreement.

If we will instruct the House Conferees to accept the Byrd amendment, I believe that we should also instruct them to accept the Helms amendment. After all, isn't it just as bad to use Federal money to fund offensive art as to allow lobbyist to influence the use of Federal money? I do not see any difference. Both are obscene in my mind, and both should be stopped.

Opponents of the Helms amendment argue that by approving this amendment we will be putting the Federal Government in the position of censoring art—of deciding what is and is not acceptable art. The issue here is not one of censorship. The issue is how Federal funds should be used. As Members of Congress we have a right to decide how taxpayers money will be spent. The language of the Helms amendment does not tell any artist what he or she may or may not depict in his or her work. Artists would still be free to produce whatever material they want.

Senator HELMS' provisions simply sets standards for the use of Federal tax dollars. Setting standards for the use of taxpayers money is not a new practice here.

I believe that the majority of American people do not want their tax money used to fund this obscene and indecent artwork. The Federal Government is not obligated to fund this material and we must agree to the Helms amendment to stop this funding from continuing.

I ask Members only to read the Helms amendment. Simply read it. It speaks of use of Federal funds and no restrictions on the scum that caused the Helms amendment. If those do not know what it means when we say material which denigrates, debases, or reviles a person or group, go look at the pictures. That is all I am asking Members to do.

Mr. YATES of Illinois. Mr. Speaker, I just wanted to indicate that I yielded time to the gentleman from Texas [Mr. HALL], knowing he was speaking in support of the Rohrabacher amendment. I thought he presented an interesting case.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

□ 1600

Mr. RICHARDSON. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, if the gentleman will yield, I will be glad to enter into a colloquy.

Mr. RICHARDSON. Mr Speaker, I commend Senator BYRD for his well-meaning efforts to respond to abuse by certain Federal contract consultants. I agree that Congress must move decisively to end such abuse. However, Indian tribes in my district have expressed concerns that the Byrd amendment could have a detrimental impact upon Indian tribes who operate social service programs for their members under the Indian Self-Determination Act, and other Federal laws. Would the chairman be willing to enter into a colloquy to discuss this matter with me?

Mr. YATES. Yes, I would be more than happy to enter into a colloquy with the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, more than any other segment of society, Indian tribes depend upon Federal funding for their daily operations. Passage of the Indian Self-Determination Act allows tribes to apply for social service grants and contracts and directly operate programs for their members rather than have the Federal bureaucracy do it for them. I fear the Byrd amendment could disrupt this successful program by prohibiting tribal contractors from using appropriated funds to pay employees to influence agency officials in order to extend, renew, amend, or modify social service grants or contracts. Many of these modifications, extensions, and renewals are routine and necessary to the successful operation of social services by Indian tribes.

Mr. Speaker, I would hope that, in fashioning a solution to abuse in other sectors of the Government, we not unintentionally overturn our longstanding policy of self-determination for native Americans. Do I have the gentleman's agreement that he will take into account the unique situation of native Americans, and seek to protect their activities in conference, including the use of statutory language if necessary?

Mr. YATES. Mr. Speaker, if the gentleman will yield, I understand his concern about the possible detrimental impact the Byrd amendment could have on the current operation of Indian social service grants and contracts. I will seek to protect these activities in conference, to include the use of statutory langauge if need be.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for his response. All I am trying to do is insure the amendment does not have a detrimental impact upon tribes which operate social service programs for their members under the Indian Self-Determination Act.

Mr. REGULA. Mr. Speaker, may I inquire, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman from Ohio [Mr. REGULA] has 8 minutes remaining, and the gentleman from Illinois [Mr. YATES] has 5 minutes remaining.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me say that I support the Regula motion to instruct. It is a good motion and a necessary motion, and it ought to be supported. But in point of fact, the world will little note nor long remember the Regula motion if it were not for the fact that today it has drawn heat by the efforts of the gentleman from California [Mr. ROHRABACHER] to amend it on this issue.

This issue is of major concern to this Nation and the people of this Nation. We have seen the passions aroused by this issue. The dollar magnitudes are little; the principles are large.

What of this motion that would be offered by the gentleman from California [Mr. ROHRABACHER]? What we are trying to do is to make an agency of the Federal Government understand that they exist by virtue of the grace of this Congress, that they receive their appropriations by virtue of the grace of this Congress and that they must comply with the will of this Congress. They are not a free-agent agency. They cannot operate by their will alone.

It is not a matter of what artists will or will not produce. It is a matter of what an agency will do by way of spending under the supervision of this Congress the taxpayers' dollars, and it is only a matter of who is going to govern responsibility, with a sense of decency, with a sense of sensitivity, and with respect to the people who provide this money, and who is going to be responsible for the expenditure of the money.

Yes, Mr. HELMS has a perfect right to offer such language that defines the limits within which such expenditures will be made. We do it all the time. Yes, we have it within our prerogative to endorse such an effort, and, yes, this agency, like all other agencies, can only exist if it recognizes that we have created its right to exist. It is a fiduciary responsibility, it must comply, and it does not receive a blank check from the American people.

Mr. Speaker, let me again remind the Members that this is not an issue of censorship. The agency exists. We do have today in existence an agency of the Federal Government that defines which art is worthy to support and which is not. We are only saying that that agency must conduct the affairs of the American people with a sensitivity for the feelings of the American people.

Mr. REGULA. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of the Regula amendment.

Mr. Speaker, let me also say this: Some very fine and honorable gentlemen have risen in this Chamber to express a concern about the potential of censorship. I believe I share that concern about censorship in this body, but let me make this point: Denying someone the opportunity to offer an amendment is censorship. We do not advance the cause of freedom, we do not advance the cause of opposing censorship by refusing to allow an idea to be voted upon.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I rise in support of the Regula motion.

Mr. Speaker, we have two different approaches here to a very serious problem, a problem of two grants that were made that should not have been made and that shocked and offended, I believe, all of us.

One approach is the Regula approach, which would allow the conferees the freedom and the opportunity to use the peer review system that has been used remarkably well for 86,000 grants over a period of 25 years and that refines and adjusts that to assure that Federal moneys will not be used to finance something which shocks and offends the general value system.

The Rohrabacher approach, however, as evidenced by the Helms amendment, would replace that peer review system by a censorship committee that would get away from the Potter Stewart concept, which is that it is impossible statutorily to define what is obscene or what is blasphemy. As Potter Stewart said, "I cannot define pornography, but I know it when I see it."

The peer review system uses that concept and says we should have the President appoint people who can make those judgments and do it in the context of preserving and protecting freedom of artistic expression.

What we are really talking about here is hypocrisy, because while people objected, as I did, to the Mapplethorpe and Serrano exhibits, proponents of the amendment and proponents of eliminating the funding of the arts because of those exhibits went themselves and used taxpayers resources to reproduce the Mapplethorpe exhibits and to mail them to congressional offices.

I will have to say that in my office I had a summer student intern, a young woman, who was especially shocked to open my congressional mail and find this under the congressional frank. What we are talking about is a situation where the National Endowment for the Arts has advanced pornography and called it art and people strongly objected to that, as I do, but then Members of Congress used that spare resource, those taxpayer resources, to produce and disseminate pornography. They called it pornography, and then they called that righteousness. That is hypocrisy.

Mr. REGULA. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. Rohrabacher].

Mr. ROHRABACHER. Mr. Speaker, we have heard the words "duplicitous" and "hypocrisy." We have been called Nazis and censors. The fact is that no one is calling for a censorship committee. We are talking about setting standards that will prohibit the use of taxpayers' money for sponsoring obscene and indecent art.

All of us can talk all we want about being opposed to the using of taxpayers' money for the supporting of obscenity and indecency, but unless we are willing to do something about it, those words do not mean anything to the American people.

Mr. Speaker, the American people are watching. They are asking for a "no" vote on the previous question, and they are asking for standards to do this.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Green], a member of the full committee.

□ 1610

Mr. GREEN. Mr. Speaker, I rise to ask my colleagues to vote for the previous question. I do so for two reasons.

First, Mr. Speaker, it seems to me that we are entitled to a vote, up or down, on the position that this House wants to take on the Byrd amendment on academic lobbying, and we are entitled to that vote unencumbered by another extremely controversial position; namely, support for the Helms amendment. The only way under our rules that we can put the House on record with respect to the Byrd amendment is to vote yes on the previous question, and then vote yes on the Regula motion unamended, and everyone ought to understand that.

I say to my colleagues, "If you want to stand up to fight academic lobbying, the only way to do that is to vote yes on the previous question and then yes on the Regula amendment. If you vote no on the previous question, we never get a vote, just on the Byrd amendment, and we ought to understand that. Mr. Speaker, that is absolutely critical.

The second point I want to make is that the Helms amendment is so broad that it is hard for me to see how anyone can support it. How could my colleagues support an amendment which would prevent the depiction of Bible stories, as has previously been pointed out, an amendment which would prevent the depiction of anatomically correct Cupids, an amendment which would give an Ayatollah Khomeini or the like the right to veto the grants of the National Endowment of the Arts? It is absurd, and that is the difficulty one gets into in trying to get into the censorship business.

So, Mr. Speaker, I urge my colleagues to vote yes on the previous question, and let us give us an up-or-down vote unencumbered by a foolish Helms amendment. Give us an up-or-down vote on the issue of the Byrd amendment and this whole question of academic lobbying that we have been plagued with these many years.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. Williams].

Mr. WILLIAMS. Mr. Speaker, I rise in support of the motion by the gentleman from Ohio [Mr. Regula], and I urge my colleagues to vote yes on the previous question.

Mr. Speaker, the half-baked language of the Senate amendment is, make no mistake about it, iron-clad, copper-riveted censorship. There may be some short-term political coinage in voting against some bizarre photographs of the moment, but the long history of this House rejects this kind of censorship.

My colleagues, do not be timid. Vote against censorship. Vote yes on the previous question.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Weiss].

Mr. WEISS. Mr. Speaker, when the National Endowment for the Arts and Humanities was created, there was a clear demand dictated by the Congress of the United States that political considerations and politics ought to be kept out of the decisionmaking process. We ought to adhere to that philosophy.

Mr. Speaker, the argument that this is not censorship fails, if my colleagues read, as the distinguished chairman, the gentleman from Illinois [Mr. Yates] said, what in fact this language says. The Helms amendment says it pertains to material which denigrates objects or beliefs or which denigrates, debases, or reviles persons or people. I looked up the definition in the dictionary in the back of the Hall: to cast aspersions on the character or reputation or to lower esteem by a verbal attack. Do we want to get into that business at this stage of the game?

My colleagues, vote yes on the previous question. Let us not have a repeat of Helms in the House of Representatives.

The SPEAKER pro tempore (Mr. Moakley). The gentleman from Ohio [Mr. Regula] has 3 minutes remaining, and the gentleman from Illinois [Mr. Yates] has 1½ minutes remaining. The gentleman from Ohio has the right to close debate.

Mr. YATES. Mr. Speaker, I will permit the gentleman from Ohio [Mr. Regula] to close debate.

Mr. REGULA. Mr. Speaker, I think it is important that we get this all in perspective as we approach the vote on this issue. We have heard a lot of debate. I have tried to be fair. I have given half of my time to those on my side who have a different point of view.

However, Mr. Speaker, what my motion to instruct does is two things. First, it instructs the conferees to support the Byrd amendment. This is to provide full disclosure on the use of Federal funds for lobbying this body, and it applies to all Federal spending. I think this is necessary.

Mr. Speaker, in 1980 I put in a similar amendment for consultants. We have seen what happened on the HUD cases. We have been embarrassed by it as a nation. We do not want it to happen again, and the Byrd amendment is critical in my judgment as far as establishing a national policy.

My colleagues, a vote for the previous question is a vote for the Byrd amendment. It is a vote for sunshine in terms of lobbyists. It is a vote for full disclosure.

Mr. Speaker, I recognize the concerns that have been expressed here on the arts. I have the same concerns. But we must be careful how we address those concerns. I would point out that even the conservative Heritage Foundation in their publication "Mandate for Leadership Policy Management" for a conservative administration recognized the uniqueness of the arts. Quoting from that document:

> A rigorous attempt must be made to allow art, whatever its sources of funding, to exist in a free market place of aesthetic ideas because art does not move in obedience to social dictates, because it cannot be planned in advance, and because it grows according to its own (mostly unarticulated) rules, it must be granted an existence independent from the proclaimed social goals of the state.

I have been a hairshirt on the Appropriations Committee on the NEA, but the Helms amendment goes far beyond the NEA. It goes to the Bureau of Indian Affairs. It goes to the Kennedy Center, to the Smithsonian, to the Park Service, to the Forest Service, to the Trust Territories. Some Governor out in Samoa would have to decide whether he was violating the Helms amendment, and it reaches out to colleges and universities. Probably a couple hundred of them at least get money coming through this bill. They would have to examine their libraries. They would have to examine their publications. They would have to police their professors to be sure that they in no way violated the so-called Helms amendment.

My colleagues have talked about standards on the Helms amendment. There are no clearly defined standards. It does not say how standards would be enforced. What are these standards, and how are they enforced? Are we going to name a czar for the United States that is going to decide whether an Indian chief speaking to his tribe is violating the Helms amendment?

My colleagues I can see all kinds of enormous problems. Proponents of the Helms amendment have tended to focus on the National Endowment for the Arts and ignore the fact that this amendment reaches far beyond that, and I think it would create enormous problems for a lot of people and my colleagues' constituents. Almost all of us would have a university or a college that could be subjected to the Helms amendment. Former President Ronald Reagan may have said it best in 1985 when he said:

> Artists have to be brave; they live in the realm of idea and expression, and their ideas will often be provocative and unusual. Artists stretch the limits of understanding. They express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious; they are free to make both horrendous mistakes and glorious celebrations. Where there's liberty, art succeeds. In societies that are not free, art dies.

I say to my colleagues, If you listened carefully to my motion to instruct, I said that we would instruct the conferees to take into account the concerns expressed by those who are for the Helms amendment, the concerns in Amendment 153. I urge you to vote for the previous question. I urge you to vote for the previous question and by so doing to instruct the conferees to take into account the concerns expressed in the Helms amendment as well as to stop the lobbying without accountability.

Mr. TALLON. Mr. Speaker, at issue before us is the question of whether or not Congress should be funding, through the National Endowment for the Arts, controversial works of art that some find repulsive.

Certainly, it is impossible to justify to taxpayers why Congress is funding many of these controversial works when the money could be spent on other worthwhile projects.

When the House considered H.R. 2788 I supported an amendment introduced by Congressman STENHOLM to restore all but $45,000 of the NEA budget—an amount equivalent to the funding for the two controversial projects. I firmly believe that the Government should not patronize art that the majority of Americans find esthetically offensive. I supported the Stenholm amendment because I believed it to be adequately punitive. It deleted funding for the Mapplethorpe and Serrano projects. To go beyond this is to threaten the many worthwhile projects sponsored by the NEA. To go beyond this is to step into the bounds of censorship.

Why use a sledgehammer to kill a gnat?

Fortunately for us, discussion of censorship and what is and is not art have been mostly avoided, because these are issues that have never been clearly defined.

When Michelangelo created his statue of David, it was thought to be scandalous. Van Gogh died alone and destitute because people dismissed his art. Now what do we think of these works?

People travel from around the world just to admire the statute of David, and Van Gogh's work sells for record millions.

Obscenity and indecency are topics that the Supreme Court has been grappling to define over the years—and only because they have been forced to decide in several cases.

We must be clear on this: We cannot let political pressure kill the arts.

The National Endowment for the Arts has provided an excellent forum for the arts development. They participate in everything from school projects to private shows to educational television. They have become indispensable to the art world.

And, in our haste to deal with things that are wrong in this world, let us not upset the things that are right.

Mr. CHANDLER. Mr. Speaker, I support the motion instructing conferees to accept the Senate-passed Helms amendment concerning grants for the arts.

While I am an advocate of Federal art funding, I support this motion because I believe taxpayers should not foot the bill for art that reasonable people would find offensive.

My constituents have told me in scores of letters and personal meetings that they do not want their tax dollars spent on artistic trash. I understand their outrage. I don't want my tax dollars spent on artistic trash, either.

Members on the other side tell us the Government has no right infringing on artistic freedom or imposing censorship on works it doesn't like. Would they also tell us that the Government has no right to ask that certain standards be met when it awards a grant for education, public works, or social services? Of course it has the right. Why should the arts be treated differently.

If artists want to produce works that shock or offend average Americans, let them do it at their own expense.

Mr. REGULA. Mr. Speaker, I move the previous question on the motion to instruct.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 264, nays 153, not voting 13, as follows:

[Roll No. 229]

YEAS—264

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Bateman
Bates
Beilenson
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hughes
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ray
Regula
Rhodes
Richardson
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schneider

Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NAYS—153

Anderson
Applegate
Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bennett
Bentley
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Callahan
Chandler
Chapman
Clarke
Coble
Combest
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
Derrick
DeWine
Dickinson
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Fawell
Fields
Flippo
Gallegly
Gaydos
Gekas
Gillmor
Goodling
Grant
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Hefner
Herger
Hiler
Holloway
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Jones (NC)
Kasich
Kolter
Kyl
Lagomarsino
Leath (TX)
Lewis (FL)
Livingston
Lloyd
Lukens, Donald
Marlenee
Martin (IL)
Martin (NY)
McCollum
McCrery
McEwen
McMillan (NC)
McNulty
Michel
Miller (OH)
Montgomery
Moorhead
Murphy
Myers
Ortiz
Packard
Parker
Parris
Pashayan
Patterson
Petri
Pursell
Quillen
Ravenel
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (CT)
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tanner
Tauke
Tauzin
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Yatron
Young (FL)

NOT VOTING—13

Broomfield
Conyers
Courter
Dixon
Florio
Garcia
Gingrich
Ireland
Molinari
Nielson
Schroeder
Smith (VT)
Young (AK)

□ 1637

Mr. ENGLISH and Mrs. BENTLEY changed their vote from "yea" to "nay."

Messrs. BERMAN, LENT, PAXON, and MOLLOHAN changed their vote from "nay" to "yea."

So the previous question was ordered.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. REGULA].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. REGULA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 3, not voting 17, as follows:

[Roll No. 230]

AYES—410

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
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Hawkins
Hayes (IL)
Hayes (LA)
Hefley
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Holloway
Hopkins
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Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
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Kasich
Kastenmeier
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Leach (IA)
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Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
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Neal (MA)
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Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
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Poshard
Price
Pursell
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Rahall
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Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
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Torres
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Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NOES—3

Dingell
Fawell
Weiss

NOT VOTING—17

Berman
Broomfield
Conyers
Courter
Dixon
Early
Florio
Garcia
Gingrich
Molinari
Mrazek
Nielson
Rostenkowski
Schroeder
Smith (IA)
Smith (VT)
Young (AK)

□ 1655

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MOAKLEY). Without objection the Chair appoints the following conferees: Messrs. YATES, MURTHA, DICKS, AUCOIN, BEVILL, ATKINS, WHITTEN, REGULA, MCDADE, LOWERY of California, and CONTE.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Mr. Speaker, is it in order for this Member to thank the Chair for the excellent way in which he conducted the hearing?

The SPEAKER pro tempore. If he does it by letter.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to instruct conferees on the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I was absent on the afternoon of September 13, 1989. Had I been present, I would have voted as follows:

Roll No. 228: commodity futures regulation, H.R. 2869: "yea."

Roll No. 229: previous question on fiscal year 1990 Interior appropriations: "yea."

Roll No. 230: instruction of conferees on fiscal year 1990 Interior appropriations: "yea."

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
Washington, DC, September 12, 1989.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule X, clause 4(e)(2)(E), Representative Chester G. Atkins, a member of the Committee on Standards of Official Conduct, has submitted an affidavit of disqualification in the matter of Representative Barney Frank.

Enclosed herewith is a copy of Representative Atkins' affidavit, along with a copy of a motion adopted by the Committee at its meeting on September 12, 1989.

This letter is to notify you and request that you designate a Member of the House to act as a member of the Committee in any Committee proceeding relating to the matter of Representative Barney Frank.

Sincerely,

JULIAN C. DIXON,
Chairman.

Enclosures.

HOUSE OF REPRESENTATIVES,
Washington, DC.

Chester G. Atkins, being duly sworn, deposes and says:

Pursuant to House Rule X, clause 4(e)(2)(E), I hereby state I am unable to render an impartial and unbiased decision in connection with any Committee proceeding relating to the conduct of Congressman Barney Frank.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

CHESTER G. ATKINS.

MOTION, SEPTEMBER 12, 1989

Pursuant to House Rule X, clause 4(e)(2)(E), the Committee on Standards of Official Conduct approves and accepts the affidavit of disqualification submitted by Representative Chester G. Atkins in any Committee proceeding relating to the conduct of Representative Barney Frank.

DESIGNATION OF MEMBER TO SIT WITH AND ACT AS A MEMBER OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN THE MATTER OF REPRESENTATIVE BARNEY FRANK

The SPEAKER pro tempore. Pursuant to rule X, clause 4(e)(2)(E), the Chair announces that the Speaker designates the gentleman from Ohio [Mr. STOKES] to sit with and act as a member of the Committee on Standards of Official Conduct in all committee proceedings relating to the committee's investigation in the matter of Representative BARNEY FRANK of Massachusetts.

□ 1700

ORDER OF BUSINESS

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that the special order that is designated on today for the gentleman from New Hampshire [Mr. DOUGLAS] be scheduled to immediately follow that granted to the gentleman from Mississippi [Mr. MONTGOMERY].

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SOLID WASTE TRANSPORTATION ACT

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, today I have introduced the Solid Waste Transportation Act to stop the unwanted flow of out-of-State garbage into a privately owned landfill in Virginia.

The Kim-Stan Landfill in Selma, VA, was sold last year, and the new owners began accepting garbage from other States, now amounting to 65 tractor trailer loads of trash each day! They're building a mountain of garbage that will leach out foul and dangerous liquids for years.

This landfill is bad news for the residents of Selma. They don't want this operation in their backyard, but they've been told there's nothing they can do.

Well, there is something Congress can do about the Kim-Stan landfill and operations like it around the country. My bill would make it possible for States to decide whether they want to accept out-of-State garbage, and would require every State to develop a plan for dealing with their own trash.

The Kim-Stan landfill is operating today against the wishes of local government and everyone who lives near it. It is a glaring example of why we need a new law to regulate the interstate transport of solid waste.

The Solid Waste Transportation Act will amend the Solid Waste Disposal Act to place certain restrictions on the interstate disposal of solid waste. The bill will require every State to adopt a solid waste management plan. The plan, which must cover a 20-year period, must, first, identify the amount and type of waste the State expects to generage; second, certify the State's capacity to handle its own solid waste; and third, identify the volume of solid waste it expects to reduce by source reduction and recycling.

The plan can only include provisions for exporting waste to other States if the State can justify that it doesn't have the capacity to dispose of it within its own borders. (This would require States presently exporting trash to address the issue of handling their own waste before shipping it out of State.)

The bill gives the Environmental Protection Agency 12 months to promulgate regulations for enforcing the bill and an additional 12 months for each State to prepare a plan and submit it to the EPA.

After the EPA approves a State's plan, two actions are prohibited in that State: First, disposal of waste outside the State other than in accordance with its approved plan; and second, treatment or disposal of solid waste in that State other than in accordance with the approved plan.

The bill will require each State to establish a permit program for sites that complies with the State plan and would prohibit the disposal of waste at any facility that didn't have a permit.

This bill will give any State that has an approved plan the authority to place limitations on the amount of solid waste that is transported into the State, including a prohibition on the transportation into the State of all solid waste originating from other States, and a prohibition on certain types of waste, such as medical waste.

The bill will also establish some record keeping requirements so that sources and types of waste can be identified. It would first, impose record keeping requirements on the transporters of the solid waste, second, limit shipments of waste to facilities that have a permit; require shipments of waste to be accompanied by a manifest form that includes the name and address of the transporter, the name and address of the generator of the waste being transported, a description of the type of solid waste being transported, the quantity of waste being transported, and the name and address of the facility that's to receive the waste. This manifest form would be kept at the facility where the solid waste is received and would be available for inspection. The bill also includes inspection and enforcement provisions. If a State fails to submit a plan for approval or fails to have its plan approved by the EPA, that State would incur a civil penalty not to exceed $5,000 for each day after the deadline that it is not in compliance.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solid Waste Transportation Act".

SEC. 2. INTERSTATE TRANSPORTATION AND DISPOSAL OF SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF SOLID WASTE.

"(a) STATE PLAN.—(1) Each State shall prepare a plan in accordance with this section for the management in the State of all solid waste generated in the State. The plan shall cover a 20-year period and shall provide that the State, directly or through regional or local planning units—

"(A) shall identify the amount of solid waste by waste type that is reasonably expected to be generated in the State or accepted from another State for disposal in the State during the next 20 years;

"(B) shall establish a process to assure the availability of facilities with adequate capacity to treat (through recycling or other treatment) or dispose of such amount of solid waste in a manner that is protective of human health and the environment; and

"(C) shall identify the volumes of waste planned to be reduced through source reduction and recycling.

"(2) The plan may include provisions for disposal outside the State of solid waste generated in the State only if the State determines that the State does not have, and cannot develop within a reasonable period of time, the landfill or other capacity to handle the disposal of such waste in the State. If such out-of-State waste disposal is included in the plan, the plan shall provide for the establishment of such enforcement mechanisms as may be necessary to prevent the out-of-State disposal of waste in amounts that are in excess of the amounts provided for in the plan.

"(3) Not later than 12 months after the date of the enactment of this section, the Administrator shall promulgate regulations to carry out this section. Such regulations shall include such criteria for approval of plans as the Administrator considers necessary.

"(4) Not later than 12 months after regulations are promulgated to carry out this section, each State shall prepare a plan as required under paragraph (1) and submit such plan to the Administrator for approval.

"(b) APPROVAL OF PLAN.—Upon receipt of a plan from a State under subsection (a), the Administrator shall evaluate the plan and shall approve or disapprove the plan.

"(c) PROHIBITION ON ACTIONS NOT IN ACCORDANCE WITH PLAN.—Upon approval of a plan for a State, the following actions are prohibited in that State:

"(1) Disposal of waste outside of the State in a manner other than in accordance with the approved plan.

"(2) Treatment or disposal of solid waste in the State in a manner other than in accordance with the approved plan.

"(d) STATE PERMITS.—Upon approval of a plan for a State, the State shall establish a permit program under which the State shall issue permits to facilities in the State that comply with all applicable requirements of the approved plan (including protection of human health and the environment) and with all applicable requirements of State law. After the establishment of such a permit program in a State, the transportation of solid waste for treatment (including recycling and incineration) or disposal, or arranging for such transportation, treatment, or disposal, at any facility that has not been issued a permit is prohibited.

"(e) STATE AUTHORITY TO RESTRICT ACCEPTANCE OF SOLID WASTE ORIGINATING IN OTHER STATES.—(1) Subject to paragraph (2), any State that has an approved plan under this section may place limitations on the amount of solid waste that is transported into the State for purposes of disposal, including—

(A) a prohibition on the transportation into such State of all solid waste originating from other States; and

(B) a prohibition on certain types of waste, such as medical waste.

(2) The authority under paragraph (1) may be used only if the plan of the State justifies the imposition of such a limitation or prohibition on the basis of lack of capacity in such State to handle the disposal of solid waste generated in such State.

(f) RECORDKEEPING REQUIREMENTS.—(1) Any person who transports any quantity of solid waste in excess of 100 pounds from one State to another State for purposes of disposal in the other State shall register with both the Administrator and with the State in which the solid waste will be disposed of.

(2) Each shipment of waste described in paragraph (1) may be transported only to a facility with a permit under a State permit program established under subsection (d).

(3) Each shipment of waste described in paragraph (1) shall be accompanied by a manifest form. At a minimum, the manifest form shall include the following information:

(A) The name and address of the transporter.

(B) The name and address of the generator of the waste being transported.

(C) A description of the type of solid waste being transported.

(D) The quantity of waste being transported, including the number and type of containers.

(E) The name and address of the facility designated to receive the waste.

(F) Such other information as the Administrator or the State may require by regulation.

(4) The manifest form shall be kept at the facility at which the solid waste is received. Such forms shall be available for inspection pursuant to subsection (g).

(g) AUTHORITY TO INSPECT.—(1) For purposes of enforcing the provisions of this section, any person who generates, transports, treats, disposes of, or otherwise handles solid waste shall, upon request of any officer, employee or representative of the Environmental Protection Agency or of a State—

(A) furnish information relating to such waste; and

(B) permit such officer, employee, or representative to have access to, and to copy, all records of such person relating to such waste.

(2) For purposes of implementing the authority of this subsection, such officers, employees, and representatives may enter at reasonable times any establishment or other place where solid waste is or may have been treated, disposed of, or otherwise handled and to inspect and obtain samples from any person of any such waste or of any container or label for such waste.

(h) ENFORCEMENT.—A State that fails to submit a plan under subsection (a), or fails to have such plan approved by the Administrator, shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such a violation continues shall constitute a separate violation.

(i) SUBTITLE C HAZARDOUS WASTE.—Nothing in this section shall apply to any hazardous waste subject to the provisions of subtitle C of this Act.".

(b) TECHNICAL AMENDMENT.—Section 1001 of the Solid Waste Disposal Act is amended in the table of contents by inserting after the item relating to section 2008 the following new item:

"Sec. 4010. Interstate transportation and disposal of solid waste.".

FUNDING THE WAR ON DRUGS

(Mrs. BOXER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and include extraneous matter.)

Mrs. BOXER. Mr. Speaker, President Bush has launched a war on drugs, and we are glad. I like his speeches, but I do not like hypocrisy.

If the President thinks that more and more words and speeches will cure the drug babies and the drug addicts and jail the pushers and the kingpins, he is in for a rude shock. And he should know better; after all, he has been in charge of the drug war for 8 years.

In April, President Bush killed our transfer of funds from the star wars program to the drug war program. He said we did not need this priority shift, even though Vice President QUAYLE has admitted that the original star wars program was really political jargon.

We need more than political jargon for this drug war or it will be a 100-years war and we will lose it at that.

Our local Gannett paper has put it well in an editorial, and I am going to include that editorial in the RECORD. It said: "More of the same in the so-called war on drugs isn't good enough."

It goes on to say that President Bush's budget director "offered a glimpse at some of the cuts that could be made to finance the Bush plan: $50 million from subsidies to rid public housing of drugs and $40 million from grants for juvenile justice programs."

Mr. Speaker, they conclude by saying this: "If Bush thinks it's okay to make such cuts to pay for his plan, the Nation is in for a long deepening drug crisis."

Mr. Speaker, the text of the complete editorial is as follows:

[From the Marin Independent Journal, Sept. 8, 1989]

MORE NEEDED TO FIGHT DRUGS

More of the same in the so-called war on drugs isn't good enough, President George Bush's attempt at a new strategy would direct 70 percent of its effort to law enforcement. That would be at the expense of drug education, prevention and treatment programs that already get short shift.

Bush also called for stiffer sentences for everyone caught by beefed-up drug forces—international drug dealers as well as occasional users. In effect, Bush admitted that programs to stop drugs at the border have failed. Instead, he wants to switch the focus to the street.

The president's earnest tone about the scourge of drugs sounded sincere, but his attempt to talk tough only underscored the hollowness of his effort to to do something effective about the problem. Without significant new revenue and bold, imaginative programs, the drug problem is certain to continue to grow. Bush at least can't be charged with throwing money at the problem; his plan called for a 9 percent boost in spending to combat drugs next fiscal years.

Perhaps Bush meant it when he said the drug problem is "the toughest domestic challenge" faced in decades, but we wonder what he'd say about the crises in the economy and education if he were to face them.

Bush, the man who coined the phrase "voodoo economics," assured the nation it can pay for his plan "without raising taxes or adding to the budget deficit." His budget director, Richard Darman, offered a glimpse at some of the cuts that could be made to finance the Bush plan: $50 million from subsidies to rid public housing of drugs and $40 million from grants for juvenile justice programs.

If Bush thinks it's okay to make such cuts to pay for his plan, the nation is in for a long deepening drug crisis.

SECTION 89 REPEAL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, we have had rather accurate reports floating around the Chamber that section 89 is, indeed, about to be repealed. That is, the latest news reports indicate that the chairman of the Committee on Ways and Means, and members of the Committee on Ways and Means themselves are eager to finally end the agony we have been under, going on section 89, and agree to the repeal. We cannot tell at this juncture whether the chairman of the Committee on Ways and Means will have that done within the chamber of the Ways and Means itself, or whether later it will be debated on the floor. We who are eager for the repeal of section 89 will make sure that one way or another we are going to get a final vote on that measure.

I urge other Members to accompany me when the time comes to the Committee on Rules so that if the Committee on Ways and Means itself has not acted to fully repeal it as part of their reconciliation package, to accompany me to urge the Committee on Rules to allow an amendment to accompany the reconciliation bill when we reach the floor, so that we can do the final work of repeal of section 89.

This development, as it were, has come about because of the strong momentum of our small businessmen and large business corporate people who have seen right from the start the entangling capacity that the section 89 has, not only for the bookkeeping purposes, not only for the tax purposes, but for the rank-and-file members of the working force who can be adversely affected by the passage of section 89. Why? Not only because of the complicated features of section 89, but because many employers will have opted to eliminate health plans altogether for rank-and-file employees, should section 89 go into effect.

This is good news for everyone—for the working fellow, for the owner of a company, for the accountants who have to do all this analysis that section 89 compels, for the Members of Congress who are responding to the will of the people back home to do something about this odious measure, and now the news reports are good. However, we are not going to rely completely on the news reports. I want Members to help me proceed before the Committee on Rules.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I appreciate the gentleman yielding.

We are receiving calls from our district. As Members know, President Bush delayed the implementation of section 89 only until October 1. These policies that these small companies have in my district are concerned. They want to be in compliance.

I wonder if the gentleman thinks we will be able to act in some manner before October 1, or what should their position be with respect to being in possible violation of the law?

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his question. I believe very strongly that either way, our people will not have to comply with section 89, because even if full repeal does not occur, we have already acted through the Committee on Appropriations, both here in the House and as I understand, in the Committee on Finance over in the Senate, to at least allow a 1-year postponement of the effective date of compliance.

So either way we want to repeal, and we think we can do it before October 1 if everything works out well, but even if it should not, the other part, that 1-year moratorium, as it were, probably would go into effect.

Mr. CALLAHAN. If the gentleman will further yield, under these circumstances, does the gentleman think we ought to possibly contact President Bush and ask him to extend the October 1 deadline, say, to November, so we can have an opportunity to act because these businesses are in a bad position at this point?

Mr. GEKAS. Yes. While the gentleman and I are having a colloquy about this, we will begin the request, saying the Treasury Department should, by regulation, postpone the effective date, if it is within their power to do so. That will not keep Members from moving headstrong into repeal.

Mr. CALLAHAN. If the gentleman will further yield, I think we should encourage the Treasury or whomever to go ahead and extend this, to give these people an opportunity. We are having people who are saying they must notify their insurance companies of cancellations of policies, and we need to give them that extension, to afford people the time to act within the next 30 or 45 days, but we need to have an announced extension of the delaying of 89, and we need that announcement relatively soon.

Mr. GEKAS. We will do that. I ask the gentleman to join me in that effort.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and received permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader to inquire as to the program for tomorrow.

Mr. GEPHARDT. I thank the gentleman for yielding. The program will begin at 10 in the morning, and the effort will be to appoint conferees for the defense conference. There will likely be two votes. There will likely be a motion to instruct, and there could well be a rollcall vote; and a motion to close the conference. That requires a rollcall vote. Since we come in at 10, it is my belief we can finish the business around noon.

Mr. MICHEL. Mr. Speaker, I appreciate the information.

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the remarks I am about to make be considered as part of the special order which was taken by the distinguished gentleman from Texas [Mr. BROOKS], yesterday, in memory of Representative Mickey Leland.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1710

MINE DISASTER AT WILLIAM STATION MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, this morning at approximately 9:30 a.m. c.d.t. methane gas exploded underground in a coal mine in western Kentucky, killing 10 miners and injuring at least 2 according to reports I have received from the Mine Safety and Health Administration here in Washington and the Kentucky State Police.

The underground mine disaster at Pyro Mining Co.'s William Station Mine near Wheatcroft in Webster County, KY, which is in my congressional district, was the Nation's worst coal mine disaster since 27 miners were killed in 1984 in a mine in Utah.

While reports of the accident continue to develop, it is known that rescue teams were working inside the mine.

Early reports indicate that 13 miners were in the vicinity when the explosion occurred. Three miners are said to have escaped.

The mine, which employs about 350 miners, is about 140 miles southwest of Louisville and 35 miles southwest of Evansville, IN.

The mine is a highly mechanized longwall operation.

In longwall mining, a mining machine continuously moves a cutter from side to side along a long exposed coal face.

As the cutter is moved forward, with conveyors which remove the lossened coal, hydraulic jacks are positioned to support the newly exposed mine roof. Behind the jacks, the layers of rock that form the roof are allowed to collapse.

In closing, Mr. Speaker, I extend to the families and friends of these 10 brave coal miners who were killed today my sincere and heartfelt sympathy.

I urge my colleagues in the House to be reminded of the dangers our Nation's coal miners encounter each day and to take the necessary steps with me to ensure that our Federal and State governments are doing everything we can to prevent such a terrible accident such as this from reoccurring.

□ 1720

AMERICAN COMPANIES WILL NOT JOIN JAPAN IN DEVELOPING NEXT SUPERSONIC JET

The SPEAKER pro tempore (Mr. SARPALIUS). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the matter of the transfer of F-16 technology to Japan in a codevelopment agreement is of major interest to this country. Although many factors are at play here, the major issue, at this eleventh hour should be—what data is already in the possession of the Japanese?

A recent magazine story from inside Japan reports that in 1979 a MITI employee working in the United States for the Japanese External Trade Organization—a man named Motoo Shiina—transferred the plans for the F-16 plane to Moscow. Craig Spence, the American lobbyist who worked with Shiina, recently told an American reporter that Shiina not only gave the Russians the plans, he also gave them to Mitsubishi.

Seems reasonable to me. Certainly, if a MITI employee had plans for a major United States defense aircraft which he would sell to the Russians, then he would not slight his own companies.

These stories would explain not only the stunning breakthrough of the Russians on the Mig-29 and the SU-27, but it would also explain Mitsubishi's independent attitude toward our attempted controls over the export of F-16 technology. Japan has stated all along that if we control "too much", they will "go it alone." They do not "need" our "black box."

I bring this to the floor today, Mr. Speaker, because I am frankly puzzled that these stories are out—in print both in Japan and in America—and there seems to be no official investigation into what—to me—are very grave charges.

Mr. Spence claims that he was aware of the microfilming of the F-16 plans—plans which are to be in the basis of the projected jointly developed new plane—the FSX. Since Mr. Shiina reportedly purchased the house in which Mr. Spence lived and entertained during much of his career as a high profile Washington lobbyist, there seems little reason to doubt his story.

And I'm sure, good investigators would be able to locate the microfilming operation. And to question people who had control of those plans back in 1979 as to how they could have gotten away.

I have a hundred questions I would like to ask—coming up on this possible codevelopment deal—but, none of my committees have oversight.

It is a rather amazing thing that all of the circumstantial evidence that has surfaced never made people question what was happening. The Russian breakthrough in manufacturing—in the late seventies—which enabled them to handle carbon technology—for a lighter, faster aircraft was "accepted" by the West as nothing short of miraculous.

The Russian aircraft engine hasn't changed. It's the same old Russian engine it alway has been, ah, but the differences are in the wings and the tail of the craft—just like the F-16.

And then there is the more recent behavior of Mitsubishi toward our wonderful F-16. Pretty cavalier, if you ask me. They seemed really not to be too interested in whether we "gave" it to them or not. And then when we began to talk about "controlling" source codes—the black box, they announced they didn't need it. They would "supply" their own.

The big question to me—and it should be to a lot of people—is whose black box will they be working from to develop their own.

If you think these speculations are harsh, too many Japanese leaders have gone down in recent years in the clouds of scandal involving corporate payoffs to not accept "payoffs" as being part of the Japanese business ethic.

Toshiba sold milling machines to the Soviets. Mitsubishi and several other Japanese firms have been involved in Libya in the efforts to build poison gas plants. Hitachi was willing to purchase stolen IBM technology in the early 1980's and so it has been in the history of our dealings with modern Japan.

This story fits into a pattern which increasingly becomes believable.

I have been against the sale of the F-16 to Japan. And, if it is going to go—it certainly must be controlled as closely as possible. The General Accounting Office reports that our past performance in coproduction efforts with other countries are grim. In every instance we have given away much too much, always more than the original agreements called for. Every single time we have been guilty of sloppy oversight and carelessness.

This agreement must signal a turnaround in the country's attitude toward the value of its wonderful technologies! And the signal should not only be going to Japan, but to the rest of the world.

Therefore, Mr. Speaker, I was very heartened by the announcement yesterday in the Seattle Post-Intelligencer newspaper which said Boeing and other American companies have declined to join the Japanese and Europeans in the consortium to develop the next generation supersonic airplane. The Battelle Institute, organizer of the consortium, said that the Americans' refusal may thwart development of the plane to succeed the Concorde. The U.S. manufacturers, Boeing and McDonnell Douglas and Pratt & Whitney and General Electric, came to the conclusion that there did not seem to be a driving need for an independent organizing body for putting together a consortium, and this was said by Mike

Henderson, Boeing's manager of high-speed civil transport.

"We decided that if the supersonic airplane was to be built, the American manufacturers could build it, and if there was a good reason to have a consortium, we could put it together ourselves," he said.

While some have interpreted the move as an attempt by domestic manufacturers to protect their proprietary technology, Henderson said Boeing was motivated more by a lack of firm plans for the next-generation jet.

But at least, Mr. Speaker, they are now thinking of America first, and I would like to place the rest of this article into the RECORD at this point.

The text of the article is as follows:

[From The Seattle (WA) Post-Intelligencer, Sept. 12, 1989]

BOEING BOWS OUT OF HSCT

(By Susan Smith)

Boeing and other American companies have declined to join the Japanese and Europeans in a consortium to develop the next-generation supersonic airplane.

The Battelle Institute, organizer of the consortium, says the Americans refusal may thwart development of a plane to succeed the Concorde.

"The U.S. manufacturers—Boeing and McDonnell Douglas and Pratt & Whitney and General Electric—came to the conclusion that there didn't seem to be a driving need for an independent organizing body for putting together a consortium," said Mike Henderson, Boeing's manager of high speed civil transport (HSCT).

"We decided that if the supersonic airplane was to be built, the American manufacturers could build it, and if there was a good reason to have a consortium, we could put it together ourselves," he said.

While some have interpreted the move as an attempt by domestic manufacturers to protect their proprietary technology, Henderson said Boeing was motivated more by a lack of firm plans for the next-generation jet.

"Battelle did a very nice job organizing some symposiums, but as far as going the next step—Battelle being the organizer of a consortium—there didn't seem to be a necessity for that, especially since we are as unsure about the airplane as we are," Henderson said.

Plans for the consortium have been brewing for the past three years at Battelle's Center for High Speed Commercial Flights in Columbus, Ohio.

Director James Loomis said he had letters of intent from five European and four Japanese companies to participate, but their cooperation was contingent upon an American airframe and engine manufacturer joining in.

"General Electric was prepared to do so, and they helped in promoting the program in the U.S. among airframe manufacturers, but their efforts were not successful," Loomis said. "Without them, the idea of international cooperation is kind of a hollow point."

Loomis declined to name any of the companies involved, but two European concerns often mentioned in connection with the HSCT are British Aerospace and Aerospatiale in France. The Japanese also have committed billions to develop such a plane.

Battelle, which calls itself the world's largest private research and development company, has spent about $770,000 so far on the project and will now "pull back out of a heavy investment mode," Loomis said.

He learned that the American companies would not participate about three weeks ago and is awaiting a response from the Japanese and Europeans.

The high-speed transport, which would travel at between two and three times the speed of sound, could cost more than $17.5 billion to develop and would sell for $250 million to $400 million apiece. The companies were looking at six or eight years to get the consortium in place.

The cost and effort alone, Loomis said, would make it difficult for one company to undertake such a project.

But the lack of cooperation when it comes to cross-border landing rights and certification might be even more of an obstacle, he said.

"There are a good many of the companies worldwide that feel that there is no playing field now, no game rules, and that means that this airplane will be subject to blackmail," Loomis said. "It will be difficult for any country, or two countries, to have access for operating in countries that did not have a piece of the action."

Loomis, while disappointed, said he knew from the start that the American companies would be the most difficult to convert.

For one thing, Boeing and McDonnell Douglas are doing just fine as it is with huge backlogs for subsonic jetliners, and may not have the incentive to develop a new product before they need to.

For another, he pointed out that the American airframe manufacturers, while working with subcontractors abroad, have yet to undertake true cross-cultural joint ventures.

"If you've been in the driver's seat in the past, you might need extra persuasion that the time is right for doing something differently," he said. "There is a lot of maneuvering and positioning right now. Maybe they feel that if they go it alone they will be operating from a stronger position downstream somewhere."

Boeing's Henderson said, however, that the company has not ruled out joint venturing with a foreign concern.

"What we saw in our studies was that there is nothing about a supersonic airplane that we wouldn't do in the same way as other large commercial airplane products," he said. "that doesn't mean that it would or wouldn't be international. . . . We are not far enough along in defining a business plan to know whether or not it would be a good idea."

Boeing has about 70 people in Seattle working on the concept. The company has said it will be early next century before environmental, economic and technological bridges are crossed that would make the plane a reality.

A new supersonic jet would be designed to fly faster and farther and carry more people than the 13 Concordes expected to be retired by around 2000. But new technology will be required to cut down on noise and questions will have to be answered about depletion of the Earth's ozone layer, Boeing has said.

Mr. Speaker, I hope my congressional colleagues who also are heartened by this announcement will join in commending these companies, and, Mr. Speaker, as I yield back the balance of my time I want to join in with the remarks of my colleagues regarding the late Mickey Leland and also with those coming up by the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Mississippi [Mr. PARKER] and the gentleman from New Hampshire [Mr. DOUGLAS] regarding also the loss of the late LARKIN SMITH. Mickey Leland and LARKIN SMITH were killed, oddly enough, in airplane accidents about 1 week apart. They are great losses to this body.

Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO LARKIN SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I have taken this time today to pay tribute to our friend and colleague, LARKIN SMITH, and my colleague, the gentleman from New Hampshire [Mr. DOUGLAS] also has an hour's time if that would be necessary.

Mr. Speaker, it was a month ago today that LARKIN SMITH lost his life in an aircraft tragedy, and the date was August 13. I happened to be with LARKIN SMITH that night at a baseball ceremony for the Dixie Youth Baseball in Hattiesburg, MS. We talked about the sadness of Mickey Leland, that he had been lost several days before, and I happened to mention to LARKIN that I wanted him to be careful and that we, all Members, should be more careful when we traveled, and when we traveled that we should not drive too fast on the two-lane highways, and we should be careful in flying by not taking unnecessary chances. I told him that the people at the other end understood if we did not get there on time or if we did not make it at all. He laughed. He nodded. However, Mr. Speaker, he made no comments.

Last week a memorial service was held for LARKIN here on Capitol Hill, and the church was filled with Members, staff, and friends, who were there to pay respects to one of the truly bright rising stars in this House of Representatives.

□ 1730

I was honored that his wife, Sheila, gave me the opportunity to speak at the memorial service. I feel a great personal loss because LARKIN was my friend. We feel a great loss in the Mississippi delegation as well.

LARKIN was an easy person to like. He had such a wonderful laugh that could win you over to his side of the argument.

LARKIN was a Member of Congress for only 7 months, but he was making a difference. He brought a unique experience to this House.

He was former policeman. He was a sheriff. He knew firsthand about the drug problem and he had some definite ideas on how to improve the way that we are fighting the drug war.

I went to the funeral on the Mississippi Gulf Coast, I might point out, Mr. Speaker, over 22 Members of this House were there, including the Minority Leader, the gentleman from Illinois [Mr. MICHEL] and the gentleman from New York [Mr. WEISS]. BOB MICHEL served on his subcommittee and LARKIN SMITH also served on that subcommittee. He came the longest distance and it was a problem for those 22 Members in that the House was not in session and they had to get their own means of transportation to get to that funeral, so it was certainly appreciated by Sheila and the family and by Members of the Mississippi Congressional delegation, that the 22 Members would come to the Mississippi Coast and pay their respects for LARKIN.

We were all impressed by the number of police officers and law enforcement officers who were there to honor LARKIN SMITH, one of their own. They were devastated by the loss of this great person. They saw in LARKIN that as a law enforcement officer, as a policeman on the street, that you can move out in this country, that you can get to higher planes if you so desire. LARKIN had proven to them that you can move in high public official positions. When LARKIN went down, they were just devastated.

He was unique in that he sought a seat on the Judiciary Committee and became the first non-lawyer in the Judiciary Committee. He really offered a lot to that committee, as well as to this House, because he had been on the streets fighting drugs.

Mr. Speaker, we will miss our friend, but we will have the wonderful memories of his work and as a Member of this body. He will mainly be missed for his warm friendship that he made with a number of us in the short 7 months that he was here.

Mr. Speaker, I will hold up on my remarks to yield in my hour to some of my colleagues who have been patiently waiting to make some comments.

Mr. MICHEL. Mr. Speaker, we often refer to the House of Representatives as a microcosm of the country, drawing men and women from all walks of life to serve. Unfortunately as it is in life, so it is in death.

When one has served as long as I have, we're all too frequently called upon to experience the grief and sorrow of losing a dear friend. And in most cases, one whom we might never have come to know were it not for the nature of our job.

I believe it's worth noting that at least to this Member, we've lost an inordinate number of our colleagues over the years to plane accidents and I suspect it's because we do take chances in our efforts to cover as much ground in as little time as possible.

Such was the case with LARKIN SMITH and yes with MICKEY LELAND too. We owe it to their memory to at least take heed. And even then, we have no assurances of what God's plan may be for us.

Because the Congress was in recess there were many of LARKIN'S colleagues who could not attend the funeral, but there were a number of us from both sides of the aisle who were there, and it was a beautiful service.

It had to be one of the largest funerals I've attended, held as it was in the Civic Center of Biloxi. Floral remembrances completely encircled the arena.

In addition to the outpouring of Mississippi citizens, there were a host of law enforcement officals who came from neighboring States to pay their respects.

There was no question but that LARKIN was most popular, loved, and well respected with the home folks.

For those of us who attended from afar, we learned that the professional law man and legislator we had come to know in Washington, was so much more as a citizen and family man at home.

He came to us with personal integrity, a moral vision, and a friendly, warm personality.

As Republican leader, I watched with pride as LARKIN SMITH moved into his congressional responsibilities with the ease and grace of one to the manner born.

I watched in admiration as he took the floor for a series of 1-minute speeches, outlining in detail the twisting path that antidrug legislation has to take through a maze of committees.

He knew we needed a better system if we were going to seriously fight drugs. He informed us with the facts and persuaded us with his sincerity.

It is given to very few of us to make such a good impressiion in such a short time. His leaving us so suddenly, so tragically, makes his loss the harder to bear.

When we think of his potential, of the esteem in which he was held, of the great promise for his future, we can only recall the words of the poet:

"For of all sad words of tongue or pen The saddest are these: 'It might have been!' "

And yet I believe we are wrong if we think the gifts he brought to us are gone.

I believe his personal strength, his vision, his love of family, his country, his State, and his district left an indelible mark on all who were fortunate enough to know him.

Today, we honor his memory. But it is more important to remember he honored us with his friendship and graced the institution of the House with his fine work.

The true mark of a good legislator is the quality of the work he does, not the quantity of years he serves.

By that standard LARKIN achieved a level of excellence that any congressional veteran would envy. It is his legacy to us.

We certainly are going to miss him and our unbounded sympathy goes out to Sheila, Tracy, the other members of the family, and to LARKIN'S staff.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. PARKER], one of our colleagues and also who attended the funeral and made some remarks at the memorial that was held here this last week.

Mr. PARKER. Mr. Speaker, I thank my friend, the chairman from Mississippi, for yielding to me. It was indeed an honor to take part in the memorial service for LARKIN.

There are few times in a person's life when one is able to meet and know someone who is special simply because he understands. LARKIN SMITH was just such a friend. LARKIN understood there was a distinct difference between the past, the present, and the future. He understood that life is ever-changing. That life is dynamic. That life is always in turmoil because time brings change and change brings turmoil. However, he also understood that there are constants. He understood that the more the world changed—the more we, as a society, needed those constants.

He understood, to a large degree, because he remembered. He remembered when there was a time when children needed stability; he remembered when our young needed parameters and needed to be assured that life is not all uncertainty. He knew that some things are permanent and you can count on them. He remembered when a handshake was a contract that no one would break—he remembered when being faithful to your word was more important than any gain you could ever imagine. He remembered when wealth was only important if you could do good for your fellow man. He remembered and knew that for every right an individual enjoys, there is a corresponding responsibility. He remembered when a man was a man and acted as a man and accepted responsibility as a man because it was his duty. He remembered a time when an individual would be punished if he committed a wrong. He remembered a society which felt a person should receive that punishment. He remembered a time when being a good, decent person was a goal that was self-initiated, rather than some perception-oriented facade that you hired ad agencies to create—yes, LARKIN SMITH was special.

There are many trees in the forest. Some are tall, some are short, some are weak, some are strong. All of them are important. Occasionally, you find a large, healthy tree—a tree whose shade spreads out and gives protection to all who are under its limbs. There is a peace in that place—a peace that one enjoys and recalls with contentment.

LARKIN SMITH was just such a tree. His influence touched and protected many people. His branches were massive. His shade was unbounded.

Suddenly, that large tree has now fallen. The opening that is left is much larger than we thought. The full extent of his branches, we never quite comprehended. Now, when we look at the forest, we know that it is forever changed and we are sad.

But, the good news is that there are young, healthy saplings underneath. They are many. They are strong. They are not as large, but they are healthy. They have been nurtured and protected by those massive branches. They now must and, I believe they are ready, to grow on their own. We thank Larkin Smith, for what he gave. He gave when we didn't even know we were taking. His influence will be felt for good throughout our lives. For that, we will always be grateful.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Mississippi, my colleague and Larkin's colleague.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. Callahan].

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Mississippi for yielding to me.

Mr. Speaker, last month was a painful reminder that in life there is death, in death there is sorrow, and in sorrow there are memories—some very fond, special memories.

The news spread rather quickly that Congressman Larkin Smith of Mississippi had been involved in a tragic airplane crash on Sunday evening, August 13.

The first reports were simply that Larkin's plane was missing. Early indications were that a plane had gone down but there was no evidence of a fire or explosion. Everyone wanted to believe that Larkin was going to be OK.

But, unfortunately, our hopes were dashed when the numbing news came on Monday morning that, in fact, Larkin's plane had crashed and there were no survivors.

Coming so soon on the heels of the tragedy involving another colleague, Congressman Mickey Leland, of Texas, the news of Larkin Smith's death was almost too hard to believe.

Larkin's district in Mississippi is a lot like mine in Alabama. In fact, the two districts border each other, and as a result of many mutual interests, we had become good friends during his short time here in Congress. You could say we were like next-door neighbors.

But much of the Larkin Smith story predates his days here on Capitol Hill. You see Larkin was first and foremost an officer of the law. That's where he got his start, and by his own admission, that was his first love.

And from all accounts, Larkin must have been a darn good lawman. In fact, I would go so far as saying that Larkin Smith was probably one of the finest men to ever wear a badge.

As a young boy looking toward the future, Larkin wanted to be an FBI agent when he grew up. Unfortunately, financial hardships at home as well as an accident that left his brother paralyzed delayed his career in law enforcement. And although he never became that FBI agent he had always dreamed of being, to suggest he was anything but a winner would be a serious mistake.

Larkin Smith devoted 23 years of his life to law enforcement. He climbed to the rank of police chief for the city of Gulfport and was later elected sheriff of Harrison County and this background provided a tremendous foundation to what would almost certainly have become a brilliant career in Congress.

He was elected to Congress just last November, replacing Trent Lott who moved over to the U.S. Senate, and he came to Washington with a smile on his face as broad as the Mississippi River itself. In fact, some of his friends joked that this was the real Mr. Smith who was finally coming to Washington, referring to the 1939 movie starring Jimmy Stewart.

Larkin loved living and was having the time of his life here in his new surroundings, the U.S. House of Representatives. But Larkin Smith was no actor.

He was a sincere, genuine, and devoted man of the highest integrity and principles. He stood for what was right in America and when Larkin Smith gave you his word about something, you knew you could go to the bank on his promise.

In just 7 short months, he had quickly earned the respect of his peers on both sides of the political aisle. In fact, he was the only nonattorney to sit on the prestigious Judiciary Committee and in addition, he was one of only two Republicans named by the Speaker to serve on the National Advisory Commission on Law Enforcement.

During his days in Washington, Congressman Larkin Smith was already making a name for himself as a leading advocate of stronger anticrime and related antidrug efforts. He knew from firsthand experience how to successfully wage a war on drugs and his insight in this area would have been most beneficial to our Nation had he lived.

As some of you may know, I appear on a television show each Sunday morning when Congress is in session, reporting back to the residents of my district. Joining me on the program is my friend Congressman Earl Hutto, and since he was sworn into office in January, Larkin Smith.

I will never forget the first TV show that we taped early in the new year. Larkin was making his initial appearnace and just like I had been a few years before, he was as stiff as a board—uncomfortable with the bright lights, the microphones, and the cameras that zoom right up in your face.

But in no time Larkin had turned into a pro, taking his turn hosting the show and grasping the issues of the day as though they had been the better part of his life. He was a rising star on the political horizon and was well suited to become a real leader, both in the Republican party and for our Nation as well.

Larkin Smith's last official act before his plane crashed was throwing out the first ball at a Little League baseball tournament in Hattiesburg, MS. He was truly an all-American.

Naturally, those of us who knew Larkin are going to miss him the most. He is survived by his widow, Sheila, his daughter, Tracy, and his grandson, Bryce Anthony. They are a fine family and have suffered a tremendous loss. No words of condolences or expression of sympathy can truly help ease their pain or fill their void right now.

Mr. Speaker, this special order is most appropriate, for indeed, Larkin Smith made his mark here in Congress. But I think one of the most fitting tributes to Larkin was a small arrangement of flowers that was delivered to his funeral. For the record, those flowers were sent by a group of inmates Larkin Smith had put in jail back when he was sheriff. Those prisoners just wanted Larkin's family to know that they, too, had lost a man they respected.

Larkin Smith was a good man. He was my friend. And we are all better people because of him.

□ 1740

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his very fine statement. He certainly knew Larkin Smith, and he covered a wonderful range of what Larkin was involved in.

Mr. Speaker, I yield to the gentleman from New York [Mr. Weiss], who also came to know Larkin quite well in that I know Larkin was the ranking minority member on the Human Resources and Intergovernment Relations Subcommittee of the Committee on Government Operations.

Mr. WEISS. Mr. Speaker, I thank my friend for taking this special order and for yielding time to me.

Mr. Speaker, in the few months that Larkin Smith was in the U.S. Congress, I did come to know him as a man of sincere conviction and remarkable dedication to the service of his constituents and to his country.

His reasoned advocacy and warmth will be missed by all of us.

I had the privilege, as the gentleman from Mississippi [Mr. Montgomery] says, of serving with Larkin on the Committee on Government Operations and worked closely with him in his role as ranking minority member on the Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege of chairing.

Even though we sometimes had different positions on the matters before the committee, LARKIN was an exceptionally sophisticated freshman member, especially in his ability and willingness to work with varying points of view. I came quickly to respect him, and it was evident that he would be one of the new rising stars in the House.

The Committee on Government Operations, as my colleagues know, is an oversight committee, and what was most impressive about LARKIN SMITH, brand new to the Congress of the United States, not having been in a legislative body before, was his ability to grasp almost instinctively that that committee really was not a committee addressing issues from a partisan point of view but from an institutional point of view, and from the very beginning, although we may have had policy differences, there was never any question of his support of the work of the committee and of the work of the subcommittee.

When we had issues relating to matters of health and welfare and scientific research, which was benefiting supposedly competitiveness of American industry but in fact was benefiting the competitiveness of international companies which were not focused on the United States, he quickly understood the institutional role that we were playing on that committee.

As is too often the case, it was not until LARKIN died that I learned much about his distinguished career as a chief law enforcement officer and county sheriff and his long-time crusade against corruption and illegal drugs. As I sat with my wife among his many colleagues who attended his funeral in Mississippi last month, I was genuinely touched by the character of this man as it was seen by his friends and family and members of his community, this man who had left public school at an early age in order to care for others in his family but who nevertheless had the perseverance to continue on and complete his college education at age 35.

One need only meet and listen to LARKIN's wife, Sheila, to realize where he must have gained much of his strength. She gave one of the most remarkable and moving eulogies that I have ever had the privilege of hearing. She said in the course of her comments that as difficult as it was to bear LARKIN's loss, she was consoled somewhat by the fact that she knew that those past 7 months with his service in Congress and the birth of his grandson were among the happiest months of LARKIN's life. He was obviously a hero to his family and to his community.

Mr. Speaker, I know that many Members had not really had enough opportunity to know LARKIN SMITH as well as they would have liked. I feel fortunate to know that I had that opportunity, and I certainly came to respect and like what I did know.

He will be missed in my subcommittee and in the Congress and, of course, especially in his community and by his family.

Again, I thank the distinguished gentleman for yielding time to me.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York for his comments on LARKIN SMITH and for his comments on Sheila Smith. I was, like the gentleman, very, very impressed with the remarks at the funeral and also at the memorial service up here. She is a strong person. She is working with this sadness in her own way, and I agree with her; she says that LARKIN is in heaven, and that is where he belongs, and he is looking down at us tonight.

Mr. WEISS. They were a remarkable couple.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

□ 1750

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from New Hampshire [Mr. DOUGLAS] for arranging this very appropriate special order to pay tribute to our colleague, Congressman LARKIN SMITH. This has been a very sad time in this Congress having lost two of our great statesmen, and it does make one recognize the fragility of life and the need for remembering the inspiration that they have given to us.

Mr. Speaker, even as a freshman Member of Congress, LARKIN SMITH was able to have a profound effect on this body. As a sheriff of Harrison County in his native Mississippi, LARKIN pursued his dedication to the promotion of law enforcement activities and the protection of individual rights. When he arrived in Washington, LARKIN sought to continue his efforts in this area, through his involvement to eradicate the scourge of drugs across our country.

I first had a chance to meet LARKIN upon his arrival to Congress during the freshman orientation. I was impressed by his desire to serve from the very first. Unfortunately, I only had the privilege of serving with him for 7 short months. Yet, in his short term in the House, LARKIN was able to make many friends on both sides of the political aisle and was known for his thoughtfulness and reasonableness on many of the difficult issues which confront us as legislators. His enthusiasm was clear and his commitment to serve the people of the Fifth District of Mississippi was evident. Tragically, it was that very same commitment that took LARKIN from us. At the time of the crash of his small-engine aircraft, he was returning to Gulfport from Hattiesburg, where he tossed out the first ball at a Little League baseball tournament.

Although his tenure in Washington was short, LARKIN had built up a great reservoir of goodwill and developed a deep sense of camaraderie within Congress. I, and my fellow colleagues, will miss him tremendously. We will remember his wife, Sheila, and his daughter, Tracy, in our hearts and prayers.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to thank the gentlewoman from Maryland for being here tonight and taking time. I know she had a schedule over in Maryland, and Sheila appreciates very much her being here.

Mr. Speaker, I yield to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I appreciate very much the gentleman from Mississippi arranging this special order so that we may pay tribute to our departed friend, LARKIN SMITH.

One of the great rewards of serving in Congress I believe is the friendships we gain here and being able to know people, to work with them. Very early in his tenure I was introduced to LARKIN SMITH, and, as has been alluded to by our colleague from Alabama, SONNY CALLAHAN, we do a television program on channel 5 in Mobile, AL that reaches the district of all three of us. With the election of TRENT LOTT to the Senate we were wondering just who this person was who would be coming in to Congress and working with us on our congressional report television program.

Of course when LARKIN SMITH did come, both Sonny and I were delighted because he is an easy fellow to work with. He has that big kind of broad smile, and although he might have been a little slow starting, he is one who wants to do something methodically. He worked hard to come to grips with the many issues that we face here in Congress. So at the outcome LARKIN did not say a whole lot on our television program, but as we moved along from week to week one could see him gaining confidence, and with his knowledge that he had gained and was gaining on many of the issues, he was a very valued member of our television program.

So Members can imagine the shock I received when in the Soviet Union with our delegation from the House Armed Services Committee we first received word about the downing of the plane of our colleague from Texas, Mickey Leland, and then almost on the heels of that to hear about the fatal plane crash involving LARKIN SMITH. We were all deeply saddened.

LARKIN was one who had gained a lot of experience in law enforcement, as has been pointed out. He came up through the ranks. He worked hard.

He is the kind of person that we like to have making laws because he understood I believe the average person. He believed in a law and order society, and dedicated his life to law enforcement.

So he was a good addition to the Congress. We shall all miss him very much. I would like to extend my deepest sympathy to his wife Sheila, his daughter Tracy, and his grandson Bryce. It was a great privilege and honor to serve with LARKIN SMITH, although it was all too short a time.

Mr. MONTGOMERY. I thank the gentleman for his comments.

Mr. Speaker, I yield to my colleague, the gentleman from Mississippi, Mr. MIKE ESPY, also a colleague of LARKIN'S.

Mr. ESPY. Mr. Speaker, I thank the gentleman from Mississippi for calling this special order to give us a chance to reflect on the life and the contribution of our good friend and our colleague, LARKIN SMITH.

Mr. Speaker, I join my colleagues as we express our sorrow and loss over the death of fellow Mississippian U.S. Representative LARKIN SMITH.

For just over 20 years, LARKIN SMITH, 45, dedicated his life to public service. As according to the Gospel of Matthew: "Well done, thou good and faithful servant."

While most of us in Washington knew LARKIN as a Congressman, he was best known in his Fifth Congressional District as a lawman. For 20 years, he wore a badge. He served as Gulfport chief of police from 1977 to 1983 and Harrison County sheriff from 1984 to 1988.

LARKIN SMITH, the sheriff, won credit for cleaning up an office haunted by scandals. At his funeral, officers from throughout Mississippi and surrounding States came to honor one of their own—he was going to represent them in Washington. Some inmates of the Harrison County Jail, sent flowers to his funeral, indicating he was respected even by those he disciplined.

He came to Washington in January and for about 8 months he faithfully represented his constituents living in southern Mississippi. As the robust freshman Congressman swiftly rushed to his meetings and appointments on the Hill, you knew he was a dedicated public servant.

Though we were of different parties, LARKIN SMITH and I were working together on issues to benefit Mississippi. We had just flown together while in Mississippi. We enjoyed discussing the diverse needs of our State. Though our districts have different needs, Mr. SMITH backed my rural development initiatives and my Mississippi Heritage Corridor Act. I supported his drug interdiction and anticrime package.

There is no doubt that LARKIN SMITH brought to Congress a solid law enforcement background, which is needed as we develop our antidrug legislation.

I am saddened by the loss of this fellow Mississippian, friend and Congressman. To his wife, Sheila, and daughter, Tracy, I offer my prayers.

Mr. MONTGOMERY. Mr. Speaker, I would like to comment that I know the gentleman was on a hunger mission following up what Mickey Leland had done, and after he heard what had happened to LARKIN, he took about 20 hours of bad plane connections and he got there right at the funeral, but he was determined to come, and the family, as well as his own delegation appreciates that.

Mr. ESPY. I just wanted to pay tribute to LARKIN, and I thank the gentleman for yielding.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from Missouri [Mr. HANCOCK].

□ 1800

Mr. HANCOCK. Mr. Speaker, before I begin, I just want to say thank you to my colleague from Mississippi for organizing this special order in honor of our late colleague, LARKIN SMITH. It is right and fitting that we honor him here tonight.

As freshman Congressmen, LARKIN and I were in the same class. LARKIN'S office was also just around the corner from mine. I had the opportunity to observe him at work. There is no question but that he was well on his way to greatness.

When I think of the type of people we need in the Congress today, LARKIN SMITH comes to mind as a perfect example.

He was an honest, decent, caring family man who well represented the common sense, conservative values of his constituents. He was a man of honor and integrity.

The legacy that LARKIN SMITH will leave with us, however, will be his unending and principled fight against illegal drugs. Both as a law enforcer and a lawmaker he dedicated himself to winning this war.

As has been mentioned, one of his most important efforts was to consolidate the bizarre maze of congressional committees claiming jurisdiction over the drug war.

LARKIN was tired of the publicity-seeking on this issue. He wanted action. That is why he championed Congressman BILL PAXON'S bill to reform our oversight of the national drug crisis.

Perhaps one of the most fitting ways to pay tribute to him is to follow through on the cause that so moved him. We must continue the fight, even though we have lost a great ally and friend. In his name and memory, we must carry on.

Mr. MONTGOMERY. I thank the gentleman.

Mr. Speaker, LARKIN SMITH thought much of the gentleman from Missouri [Mr. HANCOCK]. They were both in the same class.

Mr. Speaker, I yield to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. I thank the gentleman from Mississippi, SONNY MONTGOMERY, for taking out this special order for our deceased colleague LARKIN SMITH. I thank the gentleman for taking time to yield to this Kentuckian to pay tribute to his friend from Mississippi who was killed in the tragic plane crash of August 13.

Indeed all of us in the House, as we were in different parts of the country, even beyond the country, some in Russia, during August were shocked to first hear about Mickey Leland's tragedy and the tragedy that befell so many with him on that plane in Ethiopia. It seems just a few days later that we heard then of the missing plane of LARKIN SMITH and they found the plane and they found the pilot and LARKIN SMITH both dead.

It is sobering for all of us in the House who travel frequently by plane to realize how uncertain life is and how dangerous it is for the flights we take. Only today my staff lined my wife Carol and me to fly up on the Saturday, September 23, from Evansville, IN, to Fulton, KY, to Murray, KY, to Madisonville, KY, to Henderson, KY. We could not tell you right now who the pilots are or what kind of a plane it is that we are going to be headed toward that plane when we land in Evansville early Saturday morning on the 23d; the chances we take.

These two tragedies certainly caused us to be more careful and to realize that these both were killed in the service of their country, first Mickey Leland over in Ethiopia, and, yes, LARKIN SMITH, doing what so many of us do, going to most of the things we are invited to, trying to be of service.

He was there to pitch out the first ball of the Little League all-stars game in Hattiesburg, MS. That night following the game he got on a single-engine plane with one pilot and the plane crashed on his way to Gulfport, MS.

Yes, LARKIN SMITH served only 7 months in Congress. Obviously by the many who speak to his good life and service for our country this evening, he was well liked both by Republicans and Democrats. It was a joy for me to know him and to work with him during the 101st Congress.

To his wife Sheila, to his daughter Tracey, to his grandson Brice and other members of the family, naturally, all of us extend to them our sympathy, our prayers and wish God's richest blessings on them all.

In closing, Mr. Speaker, I would say that knowing of LARKIN SMITH'S devotion to law enforcement and the lessening of the crime problem and the vanishing of the drug problem, knowing of his outstanding service in southern Mississippi as the chief law enforcement officer and sheriff for his home county and knowing of his devotion to the problems of crime and drugs here in the House, the best monument that we can provide LARKIN SMITH would be for us to pass meaningful legislation this year, to see to it, as President Bush and others have urged us, to help wipe out this serious, serious problem of drugs which LARKIN SMITH spent so much of his time fighting.

May the memory of LARKIN SMITH always be that he was one of the pioneers who helped us in the House to realize that we need to do more to wipe out the drug problem in our country.

I thank the gentleman for providing me this time.

Mr. MONTGOMERY. I thank the gentleman from Kentucky.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. I thank the distinguished gentleman from Mississippi for yielding this time to me.

I would like to briefly pay tribute to my friend and colleague, LARKIN SMITH. I first met LARKIN SMITH when we attended a candidates school here in Washington in June of last year. He and I, I felt, hit it off right from the start.

We came from adjoining States, we came from somewhat similar backgrounds, with his in law enforcement and mine as a criminal court judge.

We got together again at the orientation for new Congressmen in December. After that we saw each other on an almost daily basis when the House was in session.

Our offices were on the same floor of the Cannon Building.

I counted LARKIN SMITH as one of my very best friends in Congress.

Everyone liked LARKIN SMITH. He was one of the finest men I ever knew and was well on his way to becoming a great Congressman and a true leader of this House.

My grandfather was a farmer and carpenter in Scott County, TN, and had his own Presbyterian church there. As I mentioned recently at the congressional prayer breakfast, he never missed a day at Sunday school or church for 63 years from the time he came back from the Spanish-American War until shortly before his death in 1961.

He knew the Bible backward and forward. One time I came across a note that my grandfather had made and he had written on these notes my favorite battle verse from Micah 6:8. As many people know, that verse leading into it says, "The Lord does not want from us a thousand lambs or even 10,000 rivers of oil, as great as that would be, or even the sacrifice of our first-born." Micah 6:8 says, "It shows you, o man, what is good and what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God."

I said at the prayer breakfast recently I thought that verse summed up the entire Bible. What the Lord wants from us is to be fair and to be kind and to be humble and to realize that if we achieve any greatness in this world, that it comes not from our meager talents or abilities but from the good gifts of a great God.

I think that verse can sum up the life of LARKIN SMITH.

He did justice. He was a fair man. There is no question that he was a kind man, as some have mentioned here, even to the prisoners who served in his jail. He certainly was a humble man. He did not boast or take a lot of credit for things that he did or for the successes that he had achieved.

My favorite quote of all time is from Theodore Roosevelt. He said the credit goes to the man in the arena, the man whose face is marred by dust and sweat and tears, the man who strives and falls short again and again because there is no effort without shortcoming and failure, but the man who in the end, if he succeeds, knows the triumph of high achievement. And with that verse, if he fails, he fails while daring to do greatly, so that he knows that his place will never be with those cold and timid souls who know neither victory nor defeat.

I think what that quote says is that it is not always important whether we win or lose, that is not the most important thing in life. But the most important thing is to be involved and to participate and to be in the arena.

LARKIN SMITH was such a man. He was in the arena. He tried to make, in his own way, to make this country a better place in which to live. I know this, I certainly will miss him personally, and I know this country will miss him and I extend my sympathies to his family and I appreciate very much Mr. MONTGOMERY yielding this time to me to say these words about LARKIN SMITH.

Mr. MONTGOMERY. The gentleman mentioned about the congressional prayer breakfast. I recall that the gentleman spoke there and it was most helpful to all of us. Really about the last thing that I said to LARKIN SMITH, being with him that night on August 13, we talked, as I said, about being careful, and he said to me, "Save my place at the prayer breakfast, Thursday a week."

□ 1810

I will be there and look forward to seeing the gentleman. That was the last thing I recall. He always came to that prayer breakfast and sat toward the back. He really enjoyed the prayer breakfast.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN]. I yield to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for taking out this special order on our colleague and friend, LARKIN SMITH. LARKIN was more than a colleague and a freshman Congressman to me. We had become friends because we were neighbors. I got to know him quite well, because we had the common things between each other—we are both from the South, both had law enforcement in our background, and often I rode home with LARKIN when we were in session late at night. All the trips home we would talk about that common interest in law enforcement, and he always shared the sheriff and the chief of police's perspective. I would put in the prosecutor's perspective, and we had a great joy in talking about those things of interest.

He certainly was a leader in this war on drugs. It is an area in our country that his leadership and his knowledge and his eloquence not only in this House but throughout our country will be missed.

The thing I appreciated so much about LARKIN, the big, burly, former sheriff, and former chief of police, he had a tremendous personality and sense of humor, and he demonstrated his love for children in so many ways. To me it was personal, because he and his wife, Sheila, would drive by in front of the house, and my son, Brad, or daughter, Mary, would be in the front and he would yell out, "Hey, boy," or, "Hi there, young lady," to my daughter. My children loved LARKIN SMITH, and they were as hurt as all the Members in this House when their neighbor and friend met his death.

I guess the time that I appreciated his humor the most was we were all freshmen, and had not even taken the oath of office, and sitting around talking about this much discussed pay raise that we were to talk about, that was going to come up in January. It was all Members-elect, sitting there that had their different theories and ideas and discussions and reasonings about what they were going to do, and it got my turn and I felt compelled that I had to say something, and so I said, in my best southern voice, "I am going to say I am LARKIN SMITH from Mississippi and I favor the pay raise," at which time he got a grin and he said, "Boy, I am still sheriff, and I will be until January 3, and you get on television and around a newspaperman and say that, and I will arrest you," and from then on LARKIN SMITH and I had a great relationship. I appreciated his humor so much.

He had a tremendous compassion, a person of strength. I heard the reputation about his integrity in Mississippi, taking over a sheriff's office that by reputation was ridden with disgrace, and he straightened that out and brought his kind of integrity to that office.

I was fortunate that I could attend his funeral, and it was truly a remarkable thing to see the Mississippians, both in law enforcement and those people he protected that filled that Coliseum, and showed their love and respect and affection for LARKIN SMITH, and the way they did feel, but even more tremendous than that was, driving from the funeral service at the Coliseum to the cemetery, and seeing the highway lined with people holding flags of our Nation, American flags, and the symbol of our Nation, that LARKIN loved and respected so much, and to see the people from all walks of life, some in swimming suits because the drive was right there on the beautiful Gulf of Mexico, and to see all walks of life standing there to show their respect for LARKIN SMITH, drove home absolutely to me what a great man this was, and for the people of Mississippi to stand out for long periods of time, that amounted to several hours, to show their respects on his final trip, made me so proud that I could tell people that LARKIN SMITH was my friend. He packed so many good contributions to the people of Mississippi into those few short years, and I am just proud to say he was my neighbor. I will miss my neighbor as all Members are going to miss LARKIN, because he was a good man.

I appreciate the gentleman from Mississippi [Mr. MONTGOMERY] yielding and say we are certainly going to miss LARKIN. The gentleman from Mississippi knew him as well as any Members did.

Mr. MONTGOMERY. Mr. Speaker, I would like to recognize the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, as we all know, on Sunday night, August 13, Congressman LARKIN SMITH, of Mississippi, was killed in a small plane crash while traveling within his district. Coming on the heels of the death of Congressman MICKEY LELAND, the twin tragedies serve to remind us that public service is not always a desk job in a safe office. LARKIN SMITH's death has a more profound impact for me, however. Not only was he a fellow freshman Republican, he also served with me on the House Judiciary Subcommittee on Administrative Law and Governmental Relations. LARKIN SMITH was a dedicated servant of the people who wanted to make a difference, and one of the strongest accomplishments that he had in his all too brief career here was to bring his strong sense of commitment in the war on drugs to the U.S. Congress.

As chief of police for the town of Gulfport and later as sheriff for Harrison County, LARKIN brought with him a clear sense of what needs to be done in the war on drugs. One of his biggest concerns was the lack of a coordinated approach to the war on drugs that should have been coming from Washington. For 28 days, with one example each day, LARKIN wanted to bring this problem of the unending maze of regulatory bodies to our attention. His hope was to bring to Members attention the incredible maze that our drug policy must pass through in order to become law. It was obvious that LARKIN believed in what he was speaking about. His forceful manner in showing us what should be common sense to all was both noble and effective.

Of course, LARKIN was unable to finish his important work. However, his efforts did not go unnoticed among his fellow Members. I would like to call to the Members' attention the fact that many of us in the freshman Republican class are continuing to give 1 minute speeches each morning, trying to bring home the message. It is a fitting tribute to a man who cared so much about the war on drugs. But a more fitting tribute would be to adopt the proposals that LARKIN made to streamline the process on regulation and oversight of our drug war. Both Congressman SMITH and myself were original cosponsors of the bill to establish a single committee with jurisdiction over the war on drugs. I urge all members to work immediately toward its adoption.

I will always remember LARKIN as a sincere man who believed in himself and cared deeply for America. My heart goes out to his family, who has endured this tragic loss. Their loss is our loss as well. We shall miss him deeply.

Mr. MONTGOMERY. I thank the gentleman from Florida.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank my colleague for calling this special order for our good friend, LARKIN SMITH. Obviously, our friendship with him, for some Members outside of Mississippi was cut short so tragically, but in the very short time LARKIN was here, he made a positive impression on all Members with his good humor, which many colleagues have referred to, his hard work, and deep commitment.

When he arrived it was clear he loved being in Congress. It was a real triumph for him to be here, and he would make his mark. He would make it in a way that we would all remember. We did not realize it would be so short.

LARKIN, as the chairman of the subcommittee, the gentleman from New York [Mr. WEISS] stated, was the ranking minority member on the Subcommittee on Human Resources and Intergovernmental Relations, on which I serve. We have already heard of his fine work on that committee, but I wanted to add my comments that it was such a pleasure to work with him because even though we disagreed on almost every issue, he conducted his work diligently and in such a gracious manner. Although we disagreed, he was never a person to be disagreeable.

□ 1820

Mr. Speaker, we used to have a little contest, two of them. One was to make sure; we would match and compare votes to make sure that we had not voted the same by accident, and we used to also have a little contest to see which of us could get our calls returned by the administration quicker. I hope LARKIN won that contest.

But in any case, as my colleagues can tell, it was a joy to work with him, and because he conducted himself so graciously and with such good humor, he had tremendous communication with Members on both sides of the aisle.

The strength of his commitment; he was admired for the strength of his commitment, which has been mentioned, to stop the flow of illegal drugs flooding our Nation. As we all know, prior to being elected to Congress, we have heard over and over that LARKIN was a sheriff, and he served on the White House Conference for a Drug-Free America. As we work to serve the youth of our Nation by combating drugs, we can do it knowing that we are carrying on LARKIN's agenda.

My sincere condolences go to his wife, Sheila, and his family. LARKIN SMITH died in the services of his country. We will miss him fondly and will work for the goals he set for himself and for us all. I know that he is a proud son of Mississippi, but I thank God that he had a chance to receive national recognition for his work, and I know that made him happy.

To my colleagues: It is obvious that this is a sad week for us, special orders for Mickey yesterday, special orders for LARKIN today. To my colleagues who are so driven by their concern and commitment for our country, I join those who have said, "Be careful."

Mr. Speaker, it was an honor and a pleasure to work with LARKIN SMITH. He will be sorely missed.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI], and what she said at the last, well, this was just a freak accident, but Members have to be more careful. We could have more sadnesses that we have had here in the last 30 days. Sometimes we think we have to get there, but the people, as I said, at the other end, they understand if we cannot make it.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, it is clear from the affection for LARKIN that is being demonstrated on both sides of the aisle that even though God's time may have been up for him, it has had a sad, sad effect on all of us in this respect, and admiration and love for him crosses the aisle, and so to our colleagues, "Your time may be up." God may want to take you home, but you take a little bit of each of us when you go. So, please, please, be careful.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. Speaker, I also want to compliment the gentleman from Mississippi [Mr. MONTGOMERY] and thank him for setting aside this time that we might speak on behalf of LARKIN SMITH. I think today, as the gentlewoman from California [Mr. PELOSI] has pointed out, that the love and care we have for LARKIN transcends philosophies. I say, "Whether you are a conservative or a liberal, you knew when you met LARKIN that you met a man of character, decency, and he had a way about him that you just loved him and cared for him."

So, Mr. Speaker, it is with a great loss that I share the sentiments of the rest of the colleagues here about LARKIN.

As my colleagues know, when I thought about speaking about LARKIN, there is one thing that came to mind about him. He seized the day for Our Heavenly Father. In this respect he thought and acted each day with a reverence for life and for his fellow man and woman. He had a way when we were with him in a group of making fun, and he helped us to not take ourselves so seriously and to look upon him and the way he joked about others and himself to create this bond of friendship. It was unique, and I know in our freshman class we had several freshman social functions, and one was at my colleague's, the gentleman from Vermont [Mr. SMITH], house in Virginia, and several of the jokes that he gave to us at that time almost put us in tears. I mean it was just a wonderful evening because of his friendship and because of his humor, and we have all spoken about it.

Mr. Speaker, I think that that sense of humor is something that we will all sorely miss here today.

In addition to helping us not take ourselves too seriously, he sort of lightened the load, not just with his humor, but by his way of approaching the problems. He talked about priorities in America. He talked about drugs, and he talked about the criminal justice system.

As my colleagues know, I had the honor of putting his name into nomination at the committee on committees on the Republican side. He wanted to be on the Committee on the Judiciary, and, as my colleagues know, Mr. Speaker, everybody on that committee is a lawyer, and LARKIN SMITH was an individual who was not a lawyer, but with his broad background in criminal justice he was appointed. So, I had that honor during the committee on committees. He seemed to have a sense of Congress, and like the gentlewoman from California [Ms. PELOSI] said, he just relished in this job.

Several times I went up to his office in the Cannon Building and visited with him, and talked about the job, and I got a lot of good pointers from him as a freshman. I think he made my job improve because of his insight.

I would just like to conclude by wishing my condolences and offering my sympathy to Sheila, his wife and family, and just say, "God bless you, LARKIN. We miss you very much."

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from Florida [Mr. STEARNS] and, Mr. Speaker, I have about 3 minutes left.

Mr. Speaker, let me close by some quotes and some Bible statements that I made at LARKIN's memorial when we had it here in Washington, and these quotes remind me of our friend today, and I quote:

"It matters not how a man dies, but how he lives."

From Revelation 14, "Blessed are the dead which die in the Lord. They may rest from their labors, and their works do follow them."

And I close with the verses and the writings of Paul in Second Timothy which describe LARKIN.

"I fought the good fight. I have finished the race. I have kept the faith."

TRIBUTE TO LARKIN SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire Mr. DOUGLAS] is recognized for 60 minutes.

Mr. DOUGLAS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from New Hampshire [Mr. DOUGLAS] for arranging this tribute to a very fine colleague and fine Member of Congress.

Mr. Speaker, I rise today to join with others in the House in remembering our colleague, LARKIN SMITH.

I did not know LARKIN before he came to Congress, but I had the opportunity to attend the seminar for freshman congressmen with him and learned more about LARKIN and we both regularly attended the Thursday morning prayer breakfast.

Regularly we would see each other in the center aisle at the back of this Chamber, and talk about what was going on in our lives. Neither LARKIN nor I had ever served in a legislative body before and I benefited from sharing his views and experiences. In short order, I came to like and respect LARKIN, and because he was a genuine, hardworking person who was here because he cared, and because he truly wanted to make a difference.

LARKIN was not with us for long, but it was long enough to recognize that there was a man who could have made a superb contribution to the Nation. LARKIN brought to the House a new perspective in our efforts at drug eradication. As Harrison County sheriff, he had worked in the field in this never-ending war. As an experienced law-enforcement officer the contributions he could have made to the work of the Judiciary and Government Operations Committees can only be imagined. What need not be imagined, however, is that they would have been very real, very concrete, no-nonsense initiatives.

He was so concerned about the drug menace, and our need to be more effective in battling it. He spoke on the floor, time after time, about some of the inefficiencies that we needed to know about and correct. He would have taught us so much, if it had not been for his tragic accident.

It was apparent to everyone who knew LARKIN SMITH that, from his first day on the job, he was deeply committed to moving forward the interests of his constituent and the work of the committees on which he served. He would undoubtedly have served as a model for future members, as a legislator dedicated to the service of his district, the Nation, and especially of future generations.

Our hearts go out to LARKIN's wife Sheila and to his daughter Tracey and grandson Bryce. We will miss LARKIN very much.

□ 1830

Mr. DOUGLAS. Mr. Speaker, I appreciate the gentleman's remarks.

I just wanted to thank the gentleman from Mississippi [Mr. MONTGOMERY] for working with us in what I think has been an excellent tribute tonight.

Mr. Speaker, I yield to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Hampshire for yielding to me.

I would also like to thank the distinguished chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for calling this special order.

This has been a tumultuous year for this Congress, for this House. We have all suffered as we watched the events of this year occur. LARKIN noticed these changes and these events, along with the rest of us. We, as freshmen, felt that this has been an exceptional year and we commented on it, on the changes that had taken place in the House. Little did LARKIN know that he would become part of the tumult that has affected this House. This House has been called a living body, an organism similar to the society that we represent. To lose an individual of LARKIN's character and ability is a tragedy in any community.

Mr. Speaker, I am honored to stand today to pay tribute to the late Representative LARKIN I. SMITH of Mississippi, a man I knew a short time as a fellow freshman Representative and a strong spokesman for our war on drugs.

Before his swearing-in on January 3 this year, LARKIN was the Sheriff in Harrison County, and before that he was Chief of Police in his hometown of Gulfport. He made drugs a campaign issue like no one else could.

I remember a videotape that was shown at a freshman dinner held before we all took the oath of office. It was a campaign commercial of LARKIN in his uniform on a police boat, setting out to patrol his area of responsibility in the Gulf of Mexico. His words were strong. He was committed. He wanted Federal involvement, more money for interdiction. He wanted to fight in the war on drugs. To him that meant keeping drugs out of the country. LARKIN SMITH was the motivator in a coordinated effort among Gulf Coast States to stop the flow of drugs into the United States.

He never lost that drive once the voters of his district chose to send this humble and likable man to the Nation's capital to represent them. The depth of his commitment to fight the war on drugs is an inspiration for me.

His strength of character and the impression he made on me in such a short acquaintance make it all the easier for me to support the President's new initiative against the scourge of drugs in America.

I want to take this opportunity to send publicly my condolences to LARKIN's wife Sheila, his daughter Tracy and his young grandson. He was a good man and we will miss him here where he did a rare thing by making an impact in such a short period of time.

Mr. DOUGLAS. Mr. Speaker, I appreciate the gentleman's remarks on behalf of our departed freshman colleague.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. POSHARD] who is a Member of this freshman class.

Mr. POSHARD. Mr. Speaker, I thank the gentleman from New Hampshire and my freshman colleagues for giving me an opportunity to participate in this special order and tribute to our friend, LARKIN SMITH.

Mr. Speaker, LARKIN SMITH and I came to Congress together as Members of the 1989 freshman class. It has been well-stated here how LARKIN was considered a rising star here in the Congress, a man able to match his skills to his ideals, and now we can only guess as to what great things he would have accomplished.

As newcomers to the Congress, LARKIN and I spent some time together at our orientation sessions, as we were both trying to learn how to be the best possible Representatives we could be to our districts. We sat next to each other at the freshman orientation conference on issues at Harvary University for an entire week. It was there that I got to know LARKIN and to talk to him about a lot of different things, sometimes on issues, but most often about other things that we cared a lot about.

I remember one thing that LARKIN expressed to me was how difficult it was going to be to find a way to spend time with his family now and how much he really wanted to try to do that. I learned there firsthand about his commitment toward stopping the drug epidemic that is sweeping this Nation. His background in law enforcement has been well-stated here, and that was certainly part of his motivation, but I believe there was something much deeper at work in LARKIN SMITH.

When you talked to LARKIN, you knew that he absolutely loved the gulf coast area which he represented here in the Congress. He was very angry at the drug pirates that were moving in because they have been forced out of other places. He was a man who saw his community at risk, and he decided he was not going to take that without a fight. It is one thing to say that we should fight the war on drugs, but it is another to step up to the firing line, and that is where LARKIN SMITH could always be found in this war on drugs.

He died in a plane crash while he was trying to reach the people of his large rural district. I can relate to that, because my district in southern Illinois is a couple of hundred miles from one end to the other, and the temptation to try to be in two places at the same time is tremendous. Obviously, you cannot do that, so you make up a schedule that is tight and sometimes unforgiving. When LARKIN SMITH died, he was trying to give the people of his district what he promised them, service, despite all the potential risks to his personal safety, and I am sure the good people of Mississippi appreciate his sacrifice.

Mr. Speaker, when someone dies, they leave behind a family, and LARKIN SMITH loved his family more than anything else he knew or did. Our hearts go out to them in this time of grief.

Mr. Speaker, LARKIN was just a good and decent man. He was just a very solid human being, and I know he is the kind of person that people ought to feel proud to send to represent them in this Congress. I know the people of Mississippi do. We are going to miss him a great deal here, and again I appreciate this opportunity to participate.

Mr. DOUGLAS. Those were great words and I know the folks in Mississippi will appreciate those comments.

Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania [Mr. GEKAS], who is also a member of the Judiciary Committee and someone who knows LARKIN from having served with him at least in that capacity, among many others.

□ 1840

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. I also add my thanks to the gentleman from Mississippi for cojoining with the gentleman from New Hampshire to make this hour possible for us.

LARKIN, that is a unique name for a unique man. I had never heard the name before, LARKIN. Perhaps we will never hear it again. Perhaps he will be the only Member of Congress in the history of the United States who will have the name of LARKIN attached to his honored role or call in the Congress. LARKIN, it means a spirited, high-soaring individual with great gallant who would influence the atmosphere around him. That is a pretty good description of our friend, LARKIN SMITH.

As a matter of fact, the dictionary—and I am taking some liberty in describing the lark—calls it a songbird of the Old World, and LARKIN was our songbird as it were of the Old South, combining the chivalrry and the gentlemanliness and the demeanor of the Old South and the courage of the New South.

LARKIN was a joy to be with and was properly given the name LARKIN by his parents and his family.

It is true that my short friendship with LARKIN was curtailed by the tragic events, but that friendship was a meaningful one even for that short time, and as it has been mentioned, his brief service on the Committee on the Judiciary bore fruits almost immediately, engaged in some of the heavier debates of that committee right from the start and was involved in the maneuverings and the negotiations that always accompany a good committee's work.

Yes, his flight, the flight of our songbird, has been ended, but he did soar to a high place in our minds and in our hearts, and the atmosphere that he flew around and matched with his own spirit has made us all better Members of Congress.

Mr. DOUGLAS. Mr. Speaker, I thank the gentleman for those remarks. We appreciate it.

Mr. Speaker, I yield to the distinguished delegate from American Samoa, the gentleman from American Samoa [Mr. **Faleomavaega**].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from New Hampshire for giving me this time to say a few words. Also, I thank the distinguished chairman of the Committee on Veterans' Affairs, also, the dean of the delegation for Mississippi, my good friend, the gentleman from Mississippi [Mr. **Montgomery**].

Mr. Speaker, I find this to be a very unpleasant experience, especially as a new Member here in this great institution, of having to give speeches, and it was just yesterday that I was here in the well and trying to share my thoughts of how much my friend, Mickey Leland, meant to me, and now today I have had to do the same for another dear friend whom I have had the opportunity to meet and to learn from his very much, not only in drug enforcement but in other aspects of our living here in this great place in Washington.

As a member of the freshman class, I had the privilege of getting to know **Larkin Smith** at our orientation course last January at Harvard University Schools of Government. I found him to be a very warm, friendly, and happy person. His charm and warmth made me feel welcome in this hectic and sometimes cold and unfriendly place like Washington, DC.

Mr. Speaker, the saddest thoughts that I have on **Larkin**'s death are that he was so young and just starting a great political career. His previous service at levels of law enforcement are to his credit. He brought a unique perspective to this body, and that perspective will be sorely missed. I learned a lot from this man about drug enforcement.

Mr. Speaker, we have a saying in the islands about a fish, and the first part of the fish, when it starts to rot, is the head, and one of the things that I learned from **Larkin Smith** is what we need to do in these drug enforcement problems that we have sometimes, we need to go after the drug barons of America if we are really serious about doing anything about stopping this insane problem that we are facing here in this country.

Mr. Speaker, I would like to conclude this tribute with the following scripture lines that I feel touch on the life of this committed and dedicated public servant:

> Behold, my soul delighteth in the things of the Lord; and my heart pondereth continually upon the things which I have seen and heard.
>
> My God hath been my support; he hath led me through mine afflictions in the wilderness; and he hath preserved me upon the waters of the great deep.
>
> He hath filled me with his love, even unto the consuming of my flesh.
>
> He hath confounded mine enemies, unto the causing of them to quake before me.
>
> Behold, he hath heard my cry by day, and he hath given me knowledge by visions in the nighttime.
>
> And by day have I waxed bold in mighty prayer before him; yea, my voice have I sent up on high; and angels came down and ministered unto me.
>
> Rejoice, O my heart, and cry unto the Lord, and say: O Lord, I will praise thee forever; yea, my soul will rejoice in thee, my God, and the rock of my salvation.
>
> May the gates of hell be shut continually before me, because that my heart is broken and my spirits is contrite! O Lord, wilt thou not shut the gates of thy righteousness before me, that I may walk in the path of the low valley, that I may be strict in the plain road!
>
> Yea, I know that God will give liberally to him that asketh. Yea, my God will give me, if I ask not amiss; therefore I will lift up my voice unto thee; yea, I will cry unto thee, my God, the rock of my righteousness. Behold, my voice shall forever ascend up unto thee, my rock and mine everlasting God. Amen.

I pay this special tribute to you, **Larkin Smith**, a true gentleman, not only from the South but representing this great country of ours.

Mr. DOUGLAS. I thank the gentleman for those very, very excellent remarks, and I know as fellow freshmen, there are a number of us who still want to speak.

Mr. Speaker, I yield to one of my distinguished colleagues from New England, from the little State of Rhode Island, the gentleman from Rhode Island [Mr. **Machtley**].

Mr. MACHTLEY. Mr. Speaker, I thank the gentleman for yielding. I want to thank the gentleman and the distinguished gentleman from Mississippi [Mr. **Montgomery**] for giving us the opportunity to talk about our friend and for some of us, our classmate and our leader, **Larkin Smith**.

Many of us give speeches about many subjects in this very historic Chamber. None is more difficult than to talk about the loss of a friend, talk about the loss of a colleague, particularly when that loss occurs at the beginning of his career, a career which has so much hope, so much greatness in store.

Larkin Smith, I know, had a great relationship with his God, and he understood a personal relationship which few people are ever able to obtain. I think it is that personal relationship which permitted him to enjoy and accept life and accept the things which life provides for us, often tragic, often unexpected.

It is difficult for us within our limited experiences and with our limited knowledge to articulate and explain death. We are saddened by death, and we are saddened at the loss of a good friend.

Opportunities like this help us reflect, to search inside our hearts, and to try and articulate and to grow and to learn from his life and even from his death.

Larkin and I came from different States. Until we were elected to Congress, we did not know one another. We came from different backgrounds and had different experiences. We both came to this Congress with the hope that we might make this country a better place for our efforts here.

None was more committed to making this country better than **Larkin Smith**. **Sheriff Larkin Smith**, he came to this Congress committed to a moral fiber. He came committed to integrity and to his family. He was a kind and he was a great man. He stood for law and order, and his life reflected that.

He spoke daily here as I stand with charts about a menace to our society which none of us had the experience that he had, the personal experience of being a sheriff dealing with drugs on a daily basis. There are few of us who have a vision for our own lives and few of us who have a vision for this country. Unfortunately, there are even fewer who work toward that vision.

□ 1850

Larkin Smith was one of those lucky individuals who had a vision for this country and for himself, and was able to work toward that vision.

Today we paid tribute earlier to Mickey Leland who recently passed away. I went to that service and came to this floor with the hope of giving a tribute to these late Congressmen. But like in their life, they gave to me in their death spiritual encouragement to continue to carry on the things which were important to them and which are so important to our country.

We are all saddened by both of their deaths. We will miss **Larkin Smith**'s strength and his commitment, his purpose. We will miss his good nature and his love of country and his love of Mississippi. We will miss his friendship.

As a fellow member of the Prayer Breakfast, I know **Larkin Smith** is still giving. He is still going strong, giving speeches, only now his audience are the great former Members of this institution who preceded him to that special House chamber in Heaven. We are better for having known **Larkin Smith**. The world is better for his life.

Our prayers today and always are with his family as they put their life together without their dear father and friend. Our freshman class, this Congress and Mississippi, and the whole country will miss LARKIN SMITH.

Thank you, LARKIN, for your life. It was important for all of us.

Mr. DOUGLAS. I thank the gentleman for his comments. I know tomorrow morning when the Prayer Breakfast meets that RON and LARKIN and a number of us including myself attend regularly, we are going to be saddened by the fact that we will not have that great smile and booming voice that we always used to enjoy having greet us.

Mr. Speaker, at this time also to give some of his personal observations and remembrances, I yield to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New Hampshire, and of course the distinguished gentleman from Mississippi for making this opportunity possible. Obviously I would like to associate myself with all of the fine testimonial that has been made on behalf of LARKIN by our classmates and other colleagues in this body.

I think that it is very hard to express the depth of feeling, and it may be hard for people to understand in the 10 months or so or the 7 months or whatever it was, the different spans of time that we knew LARKIN, how strong a bond, how meaningful a relationship had developed with him. I will never forget his camaraderie or his friendship.

We were part of the fifth floor Cannon gang together up there on freshman row sharing the frustrations of the elevator, the frustrations of not quite enough space to take care of staff, and all of those other little things that we got a chance to talk about from time to time, and laugh about when we got all through commiserating about our minor little problems.

I guess I can express as so many of us can that there are gaps, there are already gaps in our day, significant gaps that come from the loss of LARKIN, whether it is at the Prayer Breakfast, whether it is just walking back. Quite often I used to seek LARKIN out. He was good company to walk back with, and to get the latest stories, and to hear the latest news from Mississippi, and it was a good walk back to the fifth floor in the Cannon Building. And he often made it a lot more pleasurable than it would have been otherwise.

LARKIN and I shared some background in common being from Florida, and being a product of local government service. In that sphere I had seen firsthand some of the law enforcement problems and drug-related crime problems, their effect on the quality of life in our communities, the cost to our pocketbooks, to our citizens and to our communities as that terrible plague has come about upon us. LARKIN and I were very serious about it. I do not think we ever took ourselves very seriously, but we were very serious, and I always would say, "LARKIN, I am going to chase them out of my district and chase them up to your district." And he said, "I'm ready. You send them up and we will catch them, and we will put them in jail." And he did, and he would still be doing it if he were here.

We talked about a lot of issues in the Southern Caucus and about the gulf coast issues particularly. I think LARKIN and I were actually on somewhat opposing sides of an issue that is still before us on the turtle-excluder devices on our shrimpers. I think of the discussions that we had on that, and I have a district that is very partial to making sure that the turtles get a fair break, and LARKIN was making sure that the shrimpers get a fair break. The good part of that is that with a lot of good humor, and a lot of understanding, of equity, I think that LARKIN came up with a workable solution to it that both the turtle champions and the shrimpers can embrace. I hope that is a piece of legislation we are going to get to see more of before we are through.

There is just no doubt that that kind of approach, even though we came at it from a different side, LARKIN made easier with his humor and with his special understanding.

I really got a glimpse of just how special that understanding was when we traveled down to Gulfport and Biloxi for the remarkable service at the civic center there. Others have spoken of this today, and it is hard to express. I think perhaps that the two law enforcement officers who escorted us back to our plane, and we were flying commercially and had a tight schedule, and they escorted us back to the airport so that we could make our plane, they were very tight-lipped, of course, and very saddened by the event, and the only comment they made was to the effect that folks thought a lot about LARKIN down in that part of the world, and they said it in such a way that you knew that they meant it, and that they knew if you disagreed with them you would be wise not to say so. Of course, I do not think there would be anybody who would have disagreed, certainly nobody who knew LARKIN.

I guess that as we have gone along, the other memories that I have being a freshman and sharing some of the wonderful revelations that come to freshmen as they come to this town, and to this marvelous institution, and accept their responsibilities and take up their tasks, we all learn things, and we get together once a week or so and try to share them. And we do it in a way that we try and be helpful to each other. I think LARKIN had a special knack for finding out some of the things we needed to do, and some of the things we needed to avoid, and he shared them in such a good, neighborly and thoughtful way that I think he has probably saved all of us a lot of embarrassment at one point or another. I know that some things that are happening in my office now would not have been happening unless LARKIN had brought them to our attention.

So I think finally I would like to offer my condolences to his constituents, to all of the people of Mississippi, of course, who showed their love and respect for this man by filling that civic center so dramatically, and for the tenderness and the feeling of that memorial service. And of course to his wife, Sheila, and Tracey, and Bryce, may God bless them all.

Mr. DOUGLAS. I thank the gentleman very much.

Another neighboring State of Mississippi is Louisiana, and the gentleman from Louisiana [Mr. HOLLOWAY] is someone who I know all of us in the freshman class have looked to for his inspiration, especially in the area of child care where he has been one of the leaders who has inspired a lot of us with his alternatives. It is a pleasure to yield to my distinguished colleague from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. I thank the gentleman from New Hampshire as well as also my neighboring friend from Mississippi. I will just make it very brief because we have said many good things about LARKIN, and I am a person that is very hard to impress, one who would not go to the next corner to see Paul Newman or anyone else, but LARKIN impressed me as an individual. He really impressed me and his wife, Sheila, impressed my wife so. I am sorry that we did not get to know them better than we did.

This Chamber has many champions for many causes. Our friend from Mississippi [Mr. MONTGOMERY] is definitely a champion for the veterans of this country. Our friend from Florida who just passed away, Mr. Pepper, was definitely a champion for the senior citizens of this country. The gentleman from Pennsylvania, Mr. CURT WELDON, is very definitely the champion for the fireman of this country, and I say very much so that LARKIN SMITH would have been a champion for the law enforcement officers of this country, a group who really needs a champion at this point, because I think they are unfairly treated at times. When we speak of brutality, so often we would rather have 100 murders sometimes I think than accept that we had one brutality. So I think LARKIN was very badly needed in this country, someone who would have offered something to championing a cause for law enforcement officers of this country.

I thought a great deal of just getting to chat with him here on the floor. But the one thing that I will end in remembering was we had rumors that, and I guess we could not call him an American, but that Greg Johnson was going to be here to burn another flag on the grounds of the Capitol. And of course it drew a big crowd of us. But as the crowd dwindled down, the picture I have is LARKIN and myself signing autographs of a couple of children there, and we were probably the last two left over in front of the Methodist building, but we were there, and if he would have come out, we would have taken the flag away from him. I do believe LARKIN was there with the same support that I had, and that he would not have burned that flag on the grounds of this Capitol.

□ 1900

So that is the picture that I have that I will be left with, as a reminder of LARKIN. I have to say he was a great American.

I thank the gentleman for yielding.

Mr. DOUGLAS. I thank the gentleman for his comments. We appreciate them.

I think we will all remember that get-together over there that would have been quite a surprise if Gregory Lee Johnson had decided to burn his second flag.

Mr. Speaker, at this time I yield to another freshman colleague, someone who has the same good humor and spirit that LARKIN had and who loved him, I know, as a brother and a fellow freshman, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. I want to express my appreciation to my colleagues from Mississippi and New Hampshire for making this tribute possible. It is hard to imagine that LARKIN is not going to be with us. I mean I feel such a sense of loss, and I know our whole class feels such a sense of loss. But I recall the very first moment that LARKIN SMITH became a part of my consciousness. I was looking through the documents concerning our freshman class and certainly LARKIN's picture was there, and I looked at it and then at his background.

I said to myself, "Oh, boy, just what we need, a sheriff from Mississippi." And I fell right into the media-generated stereotype of Southerners, especially southern sheriffs.

I expected to meet a yahoo, somebody with a red neck and no mind.

When I got to our first freshman meetings I guess I was a little standoffish. Then listening to LARKIN, just meeting that man once, just absolutely overwhelmed that negative stereotype.

He was a wonderful and decent and caring human being. This is a man who grew up as a law enforcement person, a person involved in law enforcement, having to deal with force, having to deal with the criminal element. Yet, he had kept such a positive spirit about himself. The positive nature that LARKIN just gave to those around him was something that we could draw on from LARKIN. Even today, every time I walk into this Hall and miss that positive spirit, and I look over, looking for that head of gray hair, sitting here thinking I could sit down beside him and have my spirits lifted.

LARKIN was a lawman in his life. In his 25 years of adulthood he spent that time fighting for honesty, for justice and for American liberty. He asked for honesty because LARKIN, as we know, was a lawman who risked his life and gave his career to cleanup organized crime in his own county, in his own area of Mississippi. We knew that he knew that honesty was so important to a public official. He fought for justice. He was committed not just to getting the criminal but protecting the innocent. That is what justice is all about in this society. It is not just putting the guilty people away in jails; it is making sure that those innocent people are protected. That was part of LARKIN's positive spirit that you could sense about him every time you talked to him about whatever issue it was.

He was a man dedicated to human liberty.

What does America stand for? That is what LARKIN SMITH stood for. He was proud to be an American. I know that LARKIN understood law enforcement better than anybody else in the freshman class and perhaps better than anybody else here on the floor of the House of Representatives.

He knew that the law should not be focused on criminals but it should be focused also on protecting the innocent. But to the degree that force was exercised, he knew that the law had to be effective in dealing with criminals.

I remember talking about the AK-47 issue, he managed to take members of the Committee on the Judiciary to a firing range and had a shooting contest between an AK-47 and a shotgun, just to demonstrate to people on the Committee on the Judiciary the difference between these weapons and what it meant in terms of taking these weapons out of the hands of the criminals and the issues that confronted us dealing with gun control.

He knew that government itself had to be effective at the top here in Washington, DC, if we were going to fight an effective war against drugs. We have all heard that today in these tributes to LARKIN, that he was committed to making sure that we could manage this fight in this war against drugs more effectively, trying to make sure that all of the authority that is now dispersed amongst so many committees here in the House of Representatives could be brought together into one committee.

Mr. Speaker, I would just close by saying that I feel a great personal loss that LARKIN is not with us. I know that Sheila, Tracy, Bryce are feeling a sense of loss that we cannot imagine, but I do feel a sense of loss and I empathize with them. I feel a loss not only for myself, but I feel a loss for America because I know that as I continue in my career and I hope to be here for a few years, perhaps 10, God willing, with the voters voting, but I know that during that entire career I will be thinking what would LARKIN SMITH be doing here, what contribution would he be doing?

So we have a sense of loss today for those of us who knew him and a sense of loss for his family certainly, but we have a sense of loss for America and for his constituents.

LARKIN, wherever you are, God bless you, we will not forget you. Your life is really worth something. We just feel a sense of pain that you are gone, and I know that when we all die we will see you up in Heaven. God bless you, LARKIN.

Mr. DOUGLAS. I yield to my colleague from New Hampshire, someone who has been very helpful to me and a great inspiration for conservative values in our Granite State, my distinguished colleague BOB SMITH.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

Mr. Speaker, it is a very sad time to have to be here to remember our colleague who was such a great person. I think one of the things I will always regret is the fact that I did not get to know him better.

The freshman class had a lot of esprit de corps, the best that I have seen in any freshman class since I have been here. Certainly I think better esprit de corps than we had in our own freshman class a few years ago.

But I think what bothers me the most about the passing of LARKIN SMITH is the fact that he was everything good about America. He was everything good about the people who serve in this institution. He was everything good about the American people. He was a patriot, a great patriot. The gentleman from New Hampshire's story about the flag, I remember State day so well and that story is such a great story. But he was a tough law-and-order man, a sheriff.

As DANA ROHRABACHER said, you get the imagery of this tough southern sheriff, yet and even more important, he was kind, he was compassionate, he was gentle. You remember him as a loving, caring father and husband.

That gives so much dimension to this man that we all love so much.

I guess a way to put it would be that he had it together. I think that as we send our condolences today, remembering Larkin, we send condolences to Sheila and her family.

I tried to think as I listened to previous speakers, I was trying to think of something that Larkin would like to write if he could write his own epitaph.

I just came up with these three or four lines.

I think it would be: Larkin Smith loved his God, he loved America, he loved Mississippi, he loved Sheila and his family and he served them all very well.

I thank the gentleman for yielding.

Mr. DOUGLAS. I thank the gentleman. My colleague I think has summed up very well the essence of our good friend and departed colleague, Larkin Smith.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Weldon].

□ 1910

Mr. WELDON. Mr. Speaker, I thank the gentleman for yielding, and I thank my good friend and colleague, the gentleman from Mississippi [Mr. Montgomery], for joining with Members in this special order to pay tribute to an outstanding Member of this institution, and someone whose reputation, hard work, and dedication will long be remembered by the Members of this body, as well as by the American people.

In coming to Congress, one of the nice things about this institution is that Members are able to meet, interact with a wide diversity of individuals representing all walks of life in America, all backgrounds, and all professions. We have teachers, educators, lawyers, military personnel, housewives. We have those who work as community activists, and we have people like Larkin Smith who dedicated his life, and others who had dedicated their lives, to protecting all Americans in their work in law enforcement.

I think that the people that have the most credibility in this body in speaking to specific issues, are those who have a specific hands-on background before coming to this body and dealing with the problems which they are so closely identified with. That was the special thing about Larkin. Larkin was a career law enforcement individual. When he talked about the problems of crime and drugs, it was not because it sounded good in a political commercial or because it was the right thing to say, but because the American people were concerned. It was because here was a man who had dedicated his entire life to working on the concerns, and his local community involved with criminal activities, with those who would break the law, with the enforcement of our legislation, and our laws, and with the problems of drugs and drug dealing. It was natural that when Larkin came to Washington, he would take up this issue and be a champion. The reason why, in such a short period of time, less than 8 months, that Larkin Smith was able to grab so much interest and support from the Members of this body is because Larkin had credibility. He knew the issues inside and out. He had been there, down there where the rubber meets the road, working on the problems that law enforcement officers all across America have to deal with on a day-in and day-out basis. He arrested drug dealers, was involved in tense situations, and those kind of experiences are what relate best to helping Members solve America's problems.

Larkin Smith truly was a special person in this body. He was someone that we all looked up to and admired, but perhaps even more importantly, he was a symbol for the law enforcement community, across America. He was someone the average police officer, the sheriff, a district attorney, could identify with, because he was someone who had really spent a great deal of his time working in a very firsthand real way in dealing with these problems with a local community. We are going to miss that. We will miss that special expertise and special dedication.

Another group of people that Larkin identified with very quickly, and this group of people I feel very strongly about, are those millions of people across America who dedicate their lives to the fire and emergency services network. One of the first things that Larkin did when he came to Washington besides working on law enforcement issues, was to lend his effort to support, support mechanisms, and to support new initiatives to help his volunteers and paid fire and emergency service people back home in his State. They recognized him for that effort. I think because police and fire and emergency services tend to go together. I can recall Larkin, time and again, coming to me and saying, "Curt, what can I be doing to help not only the people back in my district but across America, who are serving our citizens during times of emergency?" Larkin Smith was that kind of a person.

The most vivid memory of Larkin Smith that I have, I think has been captured forever by the Congressional Quarterly, the weekly publication that comes out here in Washington, distributed across America, that focuses on our activities as legislators in Washington. The July 22 issue of Congressional Quarterly, they captured the essence of Larkin Smith. If Members get a copy of that issue, Members will see a photograph, on the section entitled "Law and Judiciary," and a headline identifying House Republicans all out to extinguish a flag threat, when the burner of the American flag, from Texas, came to Capitol Hill and threatened to burn the flag on the steps of the Capitol. There in the newspaper is a photograph of Larkin Smith with the Supreme Court Building behind him and the American flag over his head, carrying a portable fire extinguisher and saying, "Let that fellow dare come up the steps of the Capitol, or dare come to the Supreme Court steps, and I guarantee you that flag will be extinguished before he can begin to ignite it." That was Larkin Smith, out there, once again, using those experiences that made him the kind of man that he was, and allowing Members to remember him for the kind of person that he had become, in our minds, and who will continue to provide the spirit and the ability to motivate Members as we go on and continue our jobs as legislators in this body. A true American, a true patriot, and one who really was the essence of knowing how to deal with a problem in a very real way here in Washington, where sometimes we get caught up in our own concerns, not realizing the impact that we can and should be having locally.

It was a real honor for me to know Larkin Smith, and while he has passed on and while my heart goes out to his wife and to his daughter and for his grandchild that he loved so dearly, Larkin Smith is going to stay with Members, for as long as all of us Members are in the body, as well as the spirit of Mickey Leland and those others who have gone on before us.

Let me say, Larkin, that we will continue to fight the strong fight because of what you did for these Members and because of the spirit that you provided for these Members in helping these Members to better understand the problems of these people in America who are trying to come to grips with law enforcement issues, and with the drug problem that we are suffering across our Nation.

Mr. DOUGLAS. Mr. Speaker, as I remember it, the gentleman from Pennsylvania [Mr. Weldon] was also in that photograph, was he not?

I do appreciate that, because I think it means a lot that the uniformed services that Larkin served in and, of course, that the gentleman from Pennsylvania worked so hard for, and the fire caucus were here tonight.

Mr. Speaker, I yield to another freshman colleague, someone who I know worked well and closely with Larkin on a number of projects, the distinguished gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, I could not help but think when I was listening to the distinguished gentleman from Pennsylvania, that when he died and when a flag was draped over his coffin, there could have been no more suitable use of our American flag than to honor such a man.

If anyone who had known LARKIN SMITH, and I know many people watching on C-SPAN from Mississippi did know LARKIN, as they worked to get him here, if these people had the opportunity to get to know LARKIN SMITH, he probably would have been their best friend. His office, as it turned out in our freshman class, was just down the hall from mine, and I used to drop in on him once in a while and he on me during the week. He had that infectious personality, that wry wit, genuine concern for others that is the mark of the truly likable person. As a result, he was a natural in politics. People just loved him, and so did we, all of us freshman classmates.

So the discovery, when we were on our August recess, that he had died in a plane crash, could not have come as a more hurtful shock to all Members, and we were scattered, his classmates, all over the country. Quickly, we were in telephone contact, and in the 7½ months that we had been together, we had already grown close. This tragic occurrence brought Members even closer together still. For half a day, all we knew was that LARKIN's single engine plane had disappeared, disappeared from radar screens about 9:25, on Sunday evening. It was not until the next morning that we found out, for certain, that he had hit a tree and he had been killed instantly in a small plane.

President Bush personally directed the personnel from Kessler Air Force Base in their ground search, and the Customs Service, with which LARKIN used to work in drug interdiction. More than 500 people spread out in that effort, and each new detail and news report came as a surge of electricity to all. Of course, in the end, we found out LARKIN was no longer to be here. Just 7½ months after our journey started together, one of our fellows is gone, but this tragedy, I think, has brought all Members closer together than ever before.

We will all remember LARKIN as someone who towered among the Members of this body. His beliefs were so strong, and his arguments in behalf of those beliefs so strong that each Member could not help but feel that we were proud to be part of LARKIN's team. I think we have discussed tonight, and Members have heard about the series of 28 speeches that he began, because he was so discomfited as a member of the law enforcement community for 23 years, that up here on Capitol Hill we were setting up road blocks, getting in the way on the war on drugs and in this series of speeches he pointed out the more than 80 committees and subcommittees and task forces were hampering the efforts of our drug czar, Bill Bennett. I still remember the day he took the floor and challenged the Members, Members on both sides of the aisle, with the following words which I would like to quote verbatim.

> Mr. Speaker, with the recent introduction of the Administration's comprehensive crime bill, I would like to take this opportunity to issue a challenge to my distinguished colleagues on both sides of the aisle.
>
> It has become increasingly apparent that the war on drugs and crime cannot be fairly characterized as such. What we are currently waging is, at best, a public relations campaign. The war on drugs, in my opinion, has not even begun.

□ 1920

Mr. Speaker, imagine LARKIN SMITH, this big guy, this Mississippi county sheriff, standing out here and challenging all the Congress and saying this.

> We need to reduce the bureaucratic mire of 80-plus congressional committees overseeing the work of the drug czar into one single oversight committee. The lines of command need to be clearly drawn, and the battle plans must be laid. Congress has the opportunity to seize the offensive and to declare a sunset for the end of this war on drugs and crime.
>
> I urge my fellow soldiers not to grow weary, but to put on the full armor of battle. If we are serious about the scourge of drugs and crime in our nation, we would be advised to adopt General MacArthur's admonition to Congress in 1951, when he stated: In war, there is no substitute for victory.

LARKIN, we are not going to grow weary. We will remember your words. We are going to fight on in your name and in your stead, all of us, the freshman Members of your class, and I hope and I know all of us here today hope and pray that we will be successful in those efforts because they meant so much to LARKIN, to the people of Mississippi who sent him here and to all the people of America.

Mr. DOUGLAS. Mr. Speaker, I want to conclude by thanking the gentleman from Illinois [Mr. LIPINSKI] who was kind enough to allow my special order to follow the special order of the gentleman from Mississippi [Mr. MONTGOMERY], and I know that it meant that he had to wait longer. I appreciate it because I think it enabled us to work together, the gentleman from Mississippi [Mr. MONTGOMERY] and I, to enable each side of the aisle, as well as freshmen and other Members, to get the flow and the continuity of what has been 2 hours of tribute to someone who only served 7 months in this Chamber.

Mr. BROOKS. Mr. Speaker, I want to take this opportunity to join my colleagues in expressing our sense of deep sadness at the death of our friend and colleague, Congressman LARKIN I. SMITH.

Congressman SMITH joined this body at the beginning of the 101st Congress after a 22-year career as a law enforcement officer in Mississippi. He was the chief deputy sheriff of the Pearl River County Sheriff's Department from 1966 through 1972. He served as chief investigator in the Harrison County Sheriff's Department from 1972 to 1977. From 1977 to 1983, LARKIN SMITH was chief of police of the Gulfport Police Department and in 1984, he became sheriff of Harrison County, MS, a position he held until entering the House of Representatives.

It was my honor and privilege to have Congressman SMITH on my House Judiciary Committee. He was an outstanding member of my committee and because of his background in law enforcement, he served on both the Subcommittee on Crime and the Subcommittee on Criminal Justice.

During his short time on my committee, he became known as a hard-working, concerned member who brought a wealth of experience to our discussions about the American criminal justice system.

The people of Mississippi's Fifth District had a very capable Representative here in Washington who demonstrated repeatedly a spirit of determination to pursue goals important to his constituency.

My deepest sympathy is with his wife, Sheila, and his child, Tracy.

Mr. NATCHER. Mr. Speaker, I enjoyed serving in the Congress with our friend, LARKIN SMITH. Although he was with us just a short time he, from his character, his achievements and his faithful service, impressed all of the Members of the House of Representatives.

In every position he held, either private or public, he achieved distinction and his service in all of his assignments was marked by a high sense of conscience and duty. He was always a gentleman and sincerely believed that if you take care of the health of your people and educate your children, you continue to live in the strongest country in the world.

I want to extend my deepest sympathy to his lovely wife and to the members of his family.

Mr. HORTON. Mr. Speaker, today we pay tribute to a second colleague who perished in a plane crash during the August recess, though LARKIN SMITH had only served in the House for about 7 months, he had already shown promise as one of the standouts of the freshman class of the 101st Congress.

As the ranking Republican on the Government Operations Committee, I was happy when LARKIN came to the panel as a newly elected Member of Congress. The day he was given his assignment on Government Operations, he called me to find out how he could best serve on the committee as well as to make several suggestions for the committee to investigate. His initiative told me right then that he was a Member with a great deal of potential.

My first impressions of LARKIN lead me to conclude that he was the right man to be selected as the ranking Republican on the Subcommittee on Human Resources and Intergovernmental Relations. Yes, as a freshman, LARKIN SMITH was selected to serve as the ranking Republican on a subcommittee. In fact, he was the only freshman afforded this opportunity. Already, LARKIN SMITH was beginning to stand out among his peers.

Since his election, I have come to know LARKIN well. What impressed me during his short time in the House and on the Government Operations Committee was his ability to be an effective legislator and negotiator. His effectiveness as a legislator stemmed in part from his ability to gain the respect of his colleagues from both sides of the aisle. He knew when to negotiate and compromise to achieve a solution and he knew when to hold firm to his principles. His ability to balance these two demonstrated his maturity as a legislator.

LARKIN was also working hard at home in Mississippi for the citizens of the Fifth District. From day one, he worked hard to save Mississippi's Army Ammunition Factory which employed many people from his district. He realized the importance that this plant held for his constituents in terms of jobs and its importance to the Nation as a whole since its closure meant that the Pentagon was going to become more dependent on foreign manufacturers. This is just one example of his efforts.

On August 13, 1989, the House of Representatives lost one of its rising stars with the death of LARKIN SMITH. The people of Mississippi's Fifth Congressional District lost their outstanding man in Washington. Both groups benefited greatly for having been served by LARKIN SMITH even if only for a short time. He was gaining respect and recognition from both groups who saw tremendous potential for leadership in him. And while we are all saddened that he is no longer with us, we can find some solace in having been given the privilege of knowing him.

My wife Nancy and I want to extend our most heartfelt sympathies to LARKIN's wife, Sheila, and his family. I know you are proud of him for he certainly made a difference.

Mr. SPENCE. Mr. Speaker, I want to thank my dear friend and colleague, SONNY MONTGOMERY, for taking this special order to pay tribute to the Honorable LARKIN SMITH, whose untimely passing has shocked all of us who were privileged to have known him.

As so many of our colleagues have pointed out, LARKIN was truly a rising star in our midst. He was incredibly energetic and devoted to his job, and from every indication it was obvious that he was going to make a mark on Congress and the Nation. It is just difficult to understand why someone so young and promising could be taken from us when he was just launching a career. Nevertheless, in a brief span of time he inspired us with his love of country and devotion to duty.

It is indeed ironic that at the time of LARKIN's tragic death, the Nation's attention was focused on the President's initiative in the war on drugs, a war that LARKIN not only advocated but helped to launch. He was a law enforcement officer without equal, and his career in law enforcement was characterized by an unrelenting struggle against illegal drugs and the criminals involved in this activity.

Mr. Speaker, all of us are going to miss LARKIN SMITH very much, just as his friends and constituents in Mississippi's Fifth Congressional District are going to miss him. Like his immediate predecessors, our good friend Senator TRENT LOTT and the late William Colmer, chairman of the Rules Committee, LARKIN SMITH was a distinguished son of the great State of Mississippi, and the people of Mississippi can take solace in the fact that he represented them well and carried on in the finest traditions of that State. To his family and friends, I extend my heartfelt sympathy and condolences at this sad time.

Mr. HUGHES. Mr. Speaker, it is with great sadness that I rise to join in paying tribute to our late friend and colleague, Congressman LARKIN SMITH of Mississippi.

Although LARKIN only served in the Congress for some 7 months prior to his tragic death on August 13, I had the opportunity to get to know him very well. That's because LARKIN was a member of my Subcommittee on Crime, and we worked together on many important drug abuse and law enforcement issues.

As a former sheriff, LARKIN brought a unique perspective to our subcommittee. He understood the needs of our law enforcement officers, and the problems of our criminal justice system, because he spent most of his adult life in that field. He had the respect and support of our Nation's law enforcement community because he was one of them. When LARKIN spoke, it was not only for himself, but also for the hundreds of thousands of police officers, judges, and other law enforcement officials who put their lives on the line every day to help defend our country against crime. When LARKIN died, every police officer in America lost a great friend.

LARKIN first joined my subcommittee last January, and I'm proud to say that we hit it off at once. Even though we didn't agree on every issue, LARKIN was my kind of guy—a tough, no-nonsense law and order practitioner. You never had to wonder about where LARKIN stood on an issue because he always told you face to face. He had the courage to stand up for what he believed in and he never compromised his integrity. LARKIN had all the qualities of greatness in a Federal legislator. There's no question in my mind but that he had a brilliant career ahead of him in Congress.

Underneath the tough demeanor, however, LARKIN had a great sense of humor. I kidded him constantly about his love of street sweepers, which is a type of semiautomatic weapon, and he always enjoyed the joke. He was that rare kind of individual who knew when to take things seriously and when to have a little fun.

Just last week the Crime Subcommittee held its first hearing on President Bush's new antidrug strategy. It saddened me greatly to look down the aisle and see an empty seat at LARKIN's desk, for there was no one in the Congress who wanted to be there more than LARKIN.

LARKIN's goal in Congress was to have a hand in developing a national strategy to fight drugs: a strategy that would cut through the rhetoric, the turf battles, the politics, the bureaucratic infighting and simply get the job done. We're going to do that this year, and I regret very much that LARKIN won't be here to see his dream realized.

LARKIN SMITH was a great friend, a devoted husband and father, and a strong believer in God. I'm grateful that I had the opportunity to work with LARKIN and to get to know him. Like so many other people who knew and admired LARKIN, I'm going to miss him very much. Thank you.

Mr. SUNDQUIST. Mr. Speaker, I join my colleagues today to mark the passing of one who had too little time among us. LARKIN SMITH came to Washington excited about being in Congress, about being in a position to do good for his friends and neighbors back home. You could see the enthusiasm he brought to the task. You could feel the honest conviction he brought to the issues he took on, like the fight against drugs.

Many of us regarded LARKIN as a man well on his way to a productive, even distinguished career in the Congress. It is our loss, and the country's loss, that he died in the prime of his life. Let it be said, however, that he served honorably in this House and kept faith with the people who sent him to Washington.

My condolences to the Smith family and to the many who called LARKIN a friend. I know this House is a bit better for LARKIN's service and that we are diminished by his passing.

Mr. QUILLEN. Mr. Speaker, I have long had a special interest in the district represented so ably by LARKIN SMITH. When I was first assigned to the Rules Committee back in 1965, that district was represented by Bill Colmer of Mississippi. When he retired as chairman of the Rules Committee in 1972, that seat was taken by TRENT LOTT who became a member of the Rules Committee a few years later. After he decided to run for the Senate, TRENT used to keep those of us who served with him on the Rules Committee posted as to how the campaign of his prospective successor, LARKIN SMITH, was coming along. So, Mr. Speaker, I had a special interest in him before he was even elected to Congress.

In the short time he was here LARKIN got off to a strong start. He was the only nonlawyer serving on the Judiciary Committee.

As a former sheriff, he had front-line exposure in fighting the war on drugs and he was putting that experience to good use in Congress. He spoke out frequently on the need for additional steps to deal with the problem of drug abuse in this country.

In his last day in the House, LARKIN made a 1-minute speech stressing his concern about the ability of our current House committee structure to deal with the drug problem. He noted that "80 committees, subcommittees, select committees * * * have jurisdiction over our national drug strategy * * *." He concluded as follows:

> I call on my colleagues on both sides of the aisle today to join me in supporting bills in the House and the Senate to put the drug war jurisdiction under one single committee.

Mr. Speaker, LARKIN SMITH was right in expressing concern about the ability of our committee structure to meet the challenge posed by drug abuse. We should pursue our fight against drugs with renewed zeal, in his memory.

Mr. Speaker, I join my colleagues in extending sympathy to LARKIN's wife, Sheila. His untimely death was a terrible loss to his family, his district and our Nation.

Mr. BLILEY. Mr. Speaker, today we are paying tribute to our colleague and friend Congressman LARKIN I. SMITH, who tragically died in a freak plane accident exactly 1 month ago today. I had a personal fondness of LARKIN, not only because he was a fellow southerner with a background in city government like myself, but because he chose to sit on the Select Committee on Children, Youth and the Family during his first term in Congress.

Many have called LARKIN SMITH a rising star in the freshman class. It is unfortunate that he had only 7½ short months to show his leadership abilities as a Member of Congress. During that brief period he showed us his great potential.

A former sheriff from Gulfport, SMITH understood that to beat the country's drug problem we have to be tough on criminals. He had already offered the benefit of his experience in law enforcement to his colleagues, working with his fellow members on the Judiciary Committee to formulate a bill that would once and for all stop the national scourge of drugs. Congress will feel a definite loss as we strive to pass a new drug policy, for LARKIN would have played an important role in those negotiations.

More than anything else, I admired LARKIN's zest for life. He had gusto and wasn't afraid to show it. It showed in the seriousness with which he approached his job as a Congressman. It showed in the way he loved his country. It showed in his belief in justice. And it showed in the way he loved his family, his country and his God.

Mr. LOWERY of California. Mr. Speaker, former Speaker of the House Tip O'Neill wrote of being a freshman Congressman in his book, "Man of the House"

> In these days, new members, like children, were expected to be seen and not heard. Our job was simple and basic: learn the ropes, follow the party line, and pay attention to what's going on around you.

Many have adhered to those strictures over the years. But LARKIN SMITH was not one of them. He arrived in Congress 8 months ago with a burden of commitment on his shoulders that would not allow him to keep silent. He was a foot soldier in the drug war and he came to Congress armed with an eloquence that brought that war into the Chamber. We listened and we learned. And we only wish he could have continued.

But perhaps that is the challenge he leaves: for the Congress to see beyond legislation to the people it affects—to see the drug tragedy through the eyes of a man who spent 23 years in law enforcement. LARKIN knew from the firsthand experience the scourge of drugs on the lives of everyone touched by them. He saw the devastation to families, the cost of lives and careers, and the grip of crime on the addict—all because of drugs.

LARKIN SMITH could not keep silent, and neither should we.

Mr. Speaker, I counted LARKIN as a friend and looked to him as a leader on the issue of the drug war. Katie and I express our regard and our deep sympathy to his wife Shelia, their family and to all his supporters and friends.

Mr. WOLF. Mr. Speaker, I rise today to salute our late colleague, Congressman LARKIN SMITH.

His death on August 13 was a great tragedy. It was a tragedy for his family and everyone who loved him, and the unfulfilled promise he leaves behind is a tragedy for this House and this Nation.

LARKIN SMITH was a law enforcement officer for 20 years. During his career he served as the Chief of police of Gulfport, MS, and was most recently sheriff of Harrison County.

He built his reputation as a tough and creative leader. He helped clean up a scandal-plagued sheriff's office and served on the White House Conference for a Drug-Free America.

LARKIN SMITH came to Washington just in time to help America with her fight against crime and illegal drugs. This House was expecting to rely on his firsthand law enforcement experience to guide us in shaping national antidrug policy.

He provided a great service to the House by pointing out the great number of committees and subcommittees that maintained competing jurisdictions over antidrug policy. He wanted to streamline the process so that we could move faster in our efforts to combat illegal drugs.

LARKIN SMITH challenged this Congress. He challenged us to work harder against the violence and drug abuse that affects every community in this country.

Mr. Speaker, we must accept that challenge.

I want to extend the sympathy of this House to Congressman SMITH's wife, Shelia, and their family, and say to them that LARKIN SMITH made a difference.

Mr. GILMAN. Mr. Speaker, I rise to pay tribute to one of our distinguished fallen colleagues, Congressman LARKIN SMITH of the Fifth District of Mississippi. Though only a Member of the House for a brief 8 months, LARKIN had made an impression on his colleagues that will last far beyond his House tenure.

As a senior figure in the Mississippi law enforcement community, LARKIN SMITH brought with him extensive expertise and a fresh perspective that will be sorely missed in the Congress. As the Harrison County sheriff for 5 years from 1984–89, LARKIN was heralded for his efforts in spearheading the creation of the Blue Lightning Strike Force, a multijurisdictional task force established to interdict illegal narcotics coming across the borders of Mississippi, Louisiana, and Alabama. LARKIN's accomplishment is evidence of his creative thinking, and it was this potential which was recognized when LARKIN was bestowed the honor of being the only nonlawyer appointed to serve on the House Judiciary Committee. He also served on the National Advisory Committee on Law Enforcement.

Tragically, LARKIN's potential was never afforded the time necessary to blossom into full fruition, yet it is evident that LARKIN has left a lasting legacy for the House of Representatives, for the State of Mississippi, and for our Nation. To LARKIN's wife, Sheila, his daughter, Tracy, and his grandson, Bryce, our hearts go out during this difficult period. We wish them the comfort of knowing that LARKIN was highly regarded by his colleagues as a good man, a great legislator, and an outstanding citizen.

Mr. BUECHNER. Mr. Speaker, there are many soldiers who do not wear uniforms, there are many battles which are not fought on battlefields, and there are many losses in these wars which are not recorded casualties. Today we mourn a man whose crusade sought to liberate America from the shadow of drugs. LARKIN SMITH, of Mississippi devoted himself to protecting America from crime, and that fight took him from a patrol car to the U.S. House of Representatives. Although his death was not on the front lines, his commitment should undoubtedly mark him as one of the heros in this fight.

The tragedy of LARKIN's death is in no way lessened by the fact that he was new to Congress, for there are many Members of this body who missed the opportunity to get to know him. LARKIN was not a lawyer, nor a career civil servant; he had no desire to serve political purposes. Rather, LARKIN was a county sheriff who had grown weary of seeing our Nation stumble in the face of a mounting drug problem, and took what he perceived as the best possible course of action to fight it.

A longtime veteran of the real war on drugs, LARKIN came to Washington and was immediately a strong vice in the legislative theater of this war. His attempts to bring light to the scope and gravity of the drug problem were not limited to his district, as he tried to rally national support for this undeclared war. As our Government finally moves this problem to the forefront of the national agenda, I believe that somewhere LARKIN is heartened by the fact that he played an important role.

Perhaps as we mourn the loss of our colleague from Mississippi, we can once again be reminded of the principles for which he stood, not only for a drug-free America, but the traditional values that have shaped our society. Regardless of politics, we cannot help but admire his constant fight for a better America, and these principles will undoubtedly survive him.

Mr. Speaker, as this assembly honors LARKIN, I would simply state that he was a man with the courage to fight for his convictions, and though he is no longer among us, he may rest assured that we will continue his fight. LARKIN SMITH was a good man, he was my colleague, and he will be missed.

Mr. BENNETT. Mr. Speaker, I was deeply touched, as were all Members of the Congress, on account of the tragic death of our colleague, Representative LARKIN SMITH. Although he had only a short time in Congress, he demonstrated real leadership here and we are all going to miss him as will his constituency and the country.

Our deepest sympathy goes out to his family. We know his loss is very personal to them; and it is also very personal to each Member of Congress since we know of his fine service and comradeship here in our daily work in Congress. I particularly enjoyed visiting with him each Thursday morning in the House Prayer Breakfasts.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to the late LARKIN SMITH, who died so tragically during the August congressional recess.

LARKIN was an outstanding person and a bright addition to the U.S. House of Representatives.

I was most impressed with LARKIN from the occasions I had to talk with him. He was sincere, knowledgeable, and concerned for the welfare of his constituents he so ably represented.

Although he was a new Member of Congress, LARKIN exerted his leadershjip in the field of law enforcement.

The Congress has lost a rising star. We will miss LARKIN and we will not forget his contributions to our Nation.

Mr. MAZZOLI. Mr. Speaker, the accidental deaths of two of our colleagues during the August recess has cast a sobering pall over the House Chamber.

First, came the death of Representative Mickey Leland of Texas, and then, in the same week, came the death of Representative LARKIN SMITH of Mississippi. These tragic losses—both by plane crashes—remind us vividly of the fragility of life and the sacrifices which may accompany one's devotion to public service.

Although LARKIN SMITH's tenure in the House was brief, the time he served with us showed great promise and an eagerness to conquer the complex as well as the more mundane aspects of his new responsibilities as a Member of the House of Representatives. He had "taken the bit" and was well on his way to establishing a solid career in the House.

I had the privilege of serving with LARKIN on the Judiciary Committee's Crime Subcommittee, where a good deal of our time and energy has been devoted lately to legislation fighting the epidemic of illegal drugs across our Nation. LARKIN SMITH has been a valuable asset through this process.

His extensive background in law enforcement and practical, hands-on knowledge brought unique insight to the subcommittee's deliberations. Undoubtedly, he would have continued to aggressively make important contributions serving on the Crime Subcommittee and the full Committee.

The qualities which endeared him to his constituents and earned him wide respect in his native Mississippi were much in evidence here in Washington. And, I am confident that if allowed the opportunity, LARKIN would have built upon a record of achievement in the House which would have received only greater respect and pride at home. I hope that the "can-do" spirit which LARKIN SMITH brought to his responsibilities as Member of the House will continue to flourish here.

At this time of great sadness, I know that I join with all Members of the House in expressing our deepest sympathies to LARKIN's family and friends.

GENERAL LEAVE

Mr. DOUGLAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. SARPALIUS). Is there objection to the request of the gentleman from New Hamsphire?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, Harry Truman said once that: "If you want a friend in Washington, DC, buy a dog."

Mr. Speaker, I do not have a dog, but I have LARKIN SMITH, and that is the real friend that I have and had here in this city.

As my colleagues know, it is a month since his death. This is the 13th, and he died on August 13. I felt a special affinity to LARKIN because we served together on both of our committees, both on the Committee on Government Operations as well as the Committee on the Judiciary, and we sat next to each other in those two committees.

I know the printed word will never pick it up in the manner in which he used to say it, but I always enjoyed my mornings when the sheriff would turn to me and say: "Judge, how are you doing today?"

Mr. Speaker, he always clapped me on the back with a tremendous hand, and I of course then had to banter with him as the sheriff, and that was pretty much a ritual we had every day either on the Committee on the Judiciary or the Committee on Government Operations. LARKIN and I had both been involved in the court system, but in different roles; he as sheriff, me as a judge, and we respected and understood each other. We also respected and understood the different roles that are required of a judge and of a sheriff.

Frankly, Mr. Speaker, with all the lawyers we have got on the Committee on the Judiciary, we are going to miss that sheriff and his input especially as we begin looking into the President's crime and drug initiatives.

I really wish we had LARKIN with us, and all I can say, LARKIN, is I hope we can keep that in mind as we go through our deliberations. It was LARKIN, as my colleagues know, and most of the speakers here have alluded to it, who led the fight to consolidate the war on drugs so that we could actually have a war on drugs rather than a skirmish.

I would like to place into the RECORD immediately following my remarks what appeared in the RECORD on August 3. That was the day before we adjourned in August, and it was a special order, or rather it was a 1-minute that LARKIN and I were doing on the drug war. I know that just 1 day before we finished in August we were still talking about that very subject, and the freshman intends to keep this up because LARKIN's legacy, at least one of them that we all know, is his concern that frankly we not have 80 different committees and subcommittees picking around trying to fight a war. We need one committee to do it.

However, Mr. Speaker, most of all I will just miss his friendship, his good humor. All of us in the freshman class will. All of us who are Members of this body will miss LARKIN, and I know the people of Mississippi will also miss him. He is someone who I am very confident would have gone on to serve in the other body at some point and would have always provided great inspiration. He will not be here to do that, but we who remain will provide, I hope, some of the leadership, some of the inspiration, from our colleague, LARKIN SMITH.

The remarks mentioned follow:

[From the Congressional Record, Aug. 3, 1989]

CONGRESS MUST TRULY FIGHT THE DRUG WAR

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, for 28 days, the gentleman from Mississippi [Mr. SMITH] has been rising and will rise to point out that this House has not yet entered the drug war. In fact, we are not even fighting a good skirmish yet.

We have 28 standing committees and 46 subcommittees spread over this so-called drug war. I just wanted to praise the gentleman from Mississippi for pointing out that by the time we get back here in September and Mr. Bennett gives us his action plan for that drug war, it is going to be fanned out over so many committees nothing is going to be done.

(If World War II had been fought that way, one committee would deal with helmets, one committee would do tanks, one would do jeeps, another would do uniforms, and we would probably still be fighting World War II.

I think it is obvious that we need one committee, as the gentleman from Mississippi has pointed out. He is one of the few Members who has actually has to fight the drug war when he served as sheriff, and I think we ought to listen to him, and we ought to act, and we ought to make this House streamlined so that we can enter the drug war rather than pretend we are fighting the drug war.

□ 1930

THE UNITED STATES IRON CURTAIN—OUR IMMIGRATION POLICY

Mr. SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, today's newspapers made interesting reading—both for what was there and what was not.

The front page of the New York Times had a story about thousands of East Germans escaping communism—fleeing to the West, first through Hungary and then Austria.

There was not any story, however, about people fleeing democracy—escaping into the Iron Curtain—that says a lot.

To those who have watched in horror the refugee camps in Southeast Asia and Africa, it made interesting reading that the refugee camps for East Germans have job want ads posted. According to a recent survey by the West German Government, those fleeing from the East are disproportionately young—educated and skilled. Over half are under 30 years old and over 80 percent under 40 years old; 86 percent have completed job training and 87 percent actually held a job the day they fled their country.

This talent drain from East Germany is turning into an unexpected boon for West Germany and is ending fears that Soviet bloc refugees can only be a drain on the West German economy.

It was interesting to read the story—also on the front page of the New York Times—warning us that unless preventative steps are taken soon, American colleges and universities will face a major shortage of faculty members in the next several years. Such a shortage will again hurt America's chances to compete in the 21st century. A dwindling available work force that will not be as highly educated as other industrial nations will injure America's competitive edge.

I also found the placement of this story interesting—right next to the story about the quality of people fleeing East Germany and I had to wonder what contributions these and other Soviet bloc refugees could offer our country.

There was more interesting reading in the Washington Post today. A column by Ben Wattenberg which surrounded a picture of a blindfolded Statue of Liberty. It is worth reading.

[From the Washington Times, Sept. 13, 1989]

THE UNINVITED

(By Ben Wattenberg)

"Professor Einstein, I understand that you have a background in science. But we don't have enough officials at our consulate to process your request to come to America."

"I'm sorry Mr. Iacocca. I'm sure you would work hard in America, and so would your children. But we have this budget deficit, and it costs $7,000 per immigrant. Too bad."

"Heinz Kissinger? Hello there young fellow! Sorry, you can't come in. If we put more consular officials in Europe, the Europeans would put more in America—and some of them might be spies."

"You say you're a tailor, Mr. Muskie? Nice. But if we let too many people in, some of the immigrants might be spies. Can't do it."

"Sorry, Dr. Teller, we're turning you down because New Zealand would accept you."

Such are some of the bizarre sorts of reasons offered today by the U.S. State Department as they craft policies that would have the effect of keeping Soviet Jews and evangelical Christians, Poles, Hungarians and other Europeans out of America.

Spies? Consular officials? Is this serious? Is $7,000 too high a cost for Toscanini, a John F. Kennedy, a DiMaggio, a Salk or a Cuomo?

If you like an America without Michael Dukakis, Anthony Fauci, Martina Navratilova, Mikhail Baryshnikov and Ted Kennedy, you'll love recent government immigration philosophy.

Democrats, finally sensing an issue that is both good policy and good politics, are responding. After years of losing votes of ethnic East Europeans, they may have found a good cause.

The proximate cause of the current maximum myopia is the Russian Jewish situation. But it is only the latest symptom of an on-going government mentality—in the White House and Congress—devoid of imagination, not thinking about what makes nations great, viewing immigration as a problem not a promise.

Like the Poles and the Hungarians, the Soviets are now easing up on emigration, at least for Jews and evangelical Christians. The Israelis want the Jews to come to Israel, but most Soviet Jews want to come to America. The State Department, and a few American Jewish organizations, agree with the Israelis that many Russian Jews should not be granted U.S. refugee status—in effect pushing them to Israel.

Is this in the American interest? No. Nor is our current policy of denying refugee status to Poles and Hungarians. Immigrants, particularly skilled immigrants from Europe, are an asset to America.

In the 1950s, more than 70 percent of American immigrants were from Europe—it's now 16 percent. Today, it is much harder for Europeans to get into America than it is for Asians, Hispanics and Moslems.

Non-European immigration has been good for America, but many Americans are nervous about the changing complexion of the nation. That can poison the climate for immigration—from everywhere. An America with low immigration will stop growing. A no-growth America in a growing world will not be the dominant superpower of the next century.

Despite appearances, we're also too stingy on non-Europeans. Have we been hurt by people like Colin Powell (father from Jamaica) or I.M. Pei (China)?

Perhaps politics will bail us out. Democratic Rep. William Lipinski, of Illinois, from a heavily ethnic area of Chicago, and Majority Leader Richard Gephardt of Missouri have written President George Bush recommending a one-year bump of 100,000 in the refugee total from the Soviet Union and Eastern Europe. That would help accommodate Poles, Jews and other Europeans. Significantly, at the press conference releasing the letter, Democratic National Committee Chairman Ron Brown issued his own statement of vigorous support.

More important, opinion at the House immigration committee is increasingly leaning toward a short-term immigration boost. The long-range view at the committee is a wise one: Revise America's immigration code, permanently raising the number of immigrants, particularly short-changed Europeans. That would welcome future generations of Einsteins and DeMaggios.

Later in the article he wrote—perhaps politics will bail us out—for those people trapped behind the crumbling Iron Curtain, I hope so—but for our country's sake it shouldn't have to be this way.

As I read and watch and listen to the developments behind the Iron Curtain, I'm struck by what I am not reading. I am not reading about what the United States is offering to those longing to be free. And I find that the most interesting.

Has America become so bankrupt that we no longer can offer anything except rhetoric? Last week a spokesman for our State Department, commenting on the refugee issue, said that East Germany should realize that their form of government is bankrupt—people are leaving because East Germany has nothing to offer.

That is it—that is all we have to offer—editorial comment.

Today, on Capitol Hill, Jewel Lafontant, a spokesperson for the Bush administration said, and I quote,

> Just because the United States fought for that right does not mean we must accept all refugees of the world.

Nice, huh—what were we fighting for—what have we spent billions of dollars for—why did we do the Berlin airlift—or go to war in Korea? The list goes on. Did we do all this just so we could tell the people we were fighting to protect and liberate? Well, we are glad you're free—just don't think about moving into my neighborhood.

I said earlier that it would be unfortunate to have politics bail us out. I would rather arrive at doing the right thing the right way. This should not become a partisan issue—but if that is the only way to have the right thing happen, so be it.

Last week I was joined by Congressman RICHARD GEPHARDT, DNC Chairman Ron Brown and various ethnic leaders in proposing an initiative to the President to deal with the issue of Eastern European immigration.

We sent him the following letter:

HOUSE OF REPRESENTATIVES
Washington, DC, September 7, 1989.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: The liberalization under way in Eastern Europe and the Soviet Union is living proof that despite years of communist suppression, the flame of freedom has never been extinguished for the peoples of the Soviet Bloc nations. In fact, it is the dream of freedom which led to Mikhail Gorbachev's Glasnost and the positive revitalization we see today in Eastern Europe.

For the most part, positive developments in Eastern Europe and the Soviet Union have been met by supportive Amercian reactions, such as successful nuclear arms reductions and the easing of military tension in Europe.

However, one aspect of Glasnost, the liberalization of emigration policy has gone largely unanswered by an appropriate United States reaction. While many great leaders, such as Lech Walesa in Poland, are guiding their homeland towards democracy and freedom, we must not forget that religious and political persecution still exists behind the Iron Curtain. Hundreds of thousands still look to the West as the only opportunity for true freedom of thought and action. Attesting to this fact, 108,342 residents of the Soviet Union and Eastern Europe applied for refugee status with United States consulates from October 1988 through June 1989. A far greater number of disenchanted Eastern Europeans have fled to Western European countries like West Germany, Austria, Greece, and Italy. West Germany alone has accepted over 180,000 from the Soviet bloc, including 120,000 Poles, since January 1989.

Unfortunately, the gates to America for those who have suffered under communist regimes are closed. While the United States reaction to Glasnost has greatly improved relations with Soviet Bloc governments, it has done little for the individuals, those who choose to leave communism when given the chance. United States immigration policy, primarily its preference system, greatly disfavors Eastern Europeans. 74,000 immigrants from Eastern Europe and the Soviet Union entered the United States between 1981 and 1988, only 3 percent of our Country's total. The preference system, which focuses on family reunification and professional skills, is a generally correct approach to immigration. However, it has prevented American policy from reacting to the increase in emigration from Eastern Europe. Given the overwhelming contribution of Eastern European immigrants to our Country, we believe this imbalance must be corrected.

With one stroke of your pen, Mr. President, you can take the first step towards affording the refugees from the Soviet Union and Eastern Europe the freedom they deserve. You can provide the political and religious dissidents of the Soviet Bloc the same compassion and refugee privilege which President Reagan afforded political and war refugees of Southeast Asia. We call on you to use your authority [granted by Section 207(b) of title VIII of the U.S. Code 1157(b)] to create a 12-month refugee category for those who have fled communist regimes in the Soviet Union and Eastern Europe. The United States should immediately grant refugee status to 100,000 such emigres, with refugees from each captive nation represented in the total.

The United States has granted refugee status to approximately one million people since 1980, yet only 66,000 Soviet bloc refugees have benefited. While there has been significant political and social liberalization in most Eastern European nations since 1985, the notion that persecution, human rights abuses and denial of basic freedoms no longer exists is simply untrue. Ongoing suppression and persecution in these communist countries justifies America's acceptance of Eastern European and Soviet nationalist refugees.

While a one-year refugee category does not solve the long running imbalance disfavoring Eastern Europe in America's refugee policy, it is a necessary first step. The strong Eastern European-American communities in the United States will help accommodate the influx of 100,000.

Finally, we believe you should address the long term imbalance and the current refugee situation with two important steps. First, the United States should immediately open negotiations to discuss free emigration policy with the Soviet Union, stressing that legitimate liberalization and openness must include free emigration for Soviet Bloc citizens. Second, we urge you to submit to Congress a plan, such as the one outlined above, which would provide Soviet Bloc emigres with refugee status to allow them deserved freedom in America.

Just as the Soviet Union could not extinguish the flame of freedom in their captive peoples' hearts, the United States must not allow the flame of hope, freedom, and opportunity, symbolized by our Statue of Liberty, to be extinguished. We ask that you rekindle the flame of hope for hundreds of thousands in Eastern Europe longing to be free.

We look forward to cooperating with you to ensure the success of this initiative.

Sincerely,

WILLIAM O. LIPINSKI.

RICHARD GEPHARDT.

I want to underscore that last line—the offer made by myself and the majority leader to cooperate in this initiative. Although today's statements by the Bush administration seem to say we are not interested, I want to say, Mr. President, the offer still stands. But if it takes politics to bail this out, so be it.

Since 1965, the basis of the U.S. immigration policy has been the preference system, which focuses on family reunification and job skills. While this is a correct focus for our immigration policy, it has created a great imbalance, disfavoring immigrants from Eastern Europe.

Following are some facts on immigration:

[Fact Sheet]

Immigration to the U.S. from Eastern Europe and the USSR decreased over 50 percent from 27,480 in 1982 to 12,838 in 1987.

While Europe accounted for 72.3 percent of U.S. immigrants in the 50's, and 62.4 percent in the 60's, only 16 percent of U.S. immigrants came from Europe between 1981 and 1987. Only 4% were from Eastern Europe.

During this same period, total immigration has increased from an average of 251,000 a year in the 50's to 601,000 in 1987.

These numbers do not indicate the true extent of emigration of refugees from Eastern Europe:

West Germany alone has accepted 180,000 Soviet Bloc refugees from January to July 1989, including 120,000 Poles.

Under the Refugee Act of 1989, the President may specify an additional number of refugees to be allowed into the United States during the succeeding 12 month period.

This authority was used by President Reagan in 1988 to allow 15,000 Eastern Europeans into the United States.

In 1980 alone the United States admitted 168,000 refugees from Southeast Asia. Between 1980 and 1984, over 500,000 refugees from Southeast Asia were authorized.

What is this country all about? Last year the Pledge of Allegiance was made a political issue by the opposition party.

I read where pollsters for the Democratic Party say that Republicans have captured the symbols of God, flag and country.

Capturing is one thing—understanding apparently is another.

The last line of the Pledge of Allegiance reads: For liberty and justice for all.

Liberty—the dictionary defines liberty, in part, as freedom from unjust or undue government.

Do those who have captured the symbol of the Pledge of Allegiance really want to change from all to only certain people—or say this only applies to people already here?

I would remind Ms. Lafontant what the inscription on the Statute of Liberty says:

> Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these homeless, tempest-tost to me, I lift my lamp beside the golden door.

Last year President Reagan and then Vice President Bush stood before our Statue of Liberty with Mikhail Gorbachev for a photo opportunity. I wish our leaders had used that moment for more than a photo opportunity. Remembering what this lady represents, they should have put freer immigration policy on the table for discussion with Mr. Gorbachev.

I also wish that President Bush, in formulating his present position, had remembered those words inscribed on the Statue of Liberty. I doubt that He would have reached the same position. He would not have allowed his spokeswoman to tell Congress that "just because the United States fought for people to be free, doesn't mean we must allow them to live here."

Last week, along with millions of other Americans, I watched David Frost interview President Bush. In a dramatic and emotional moment during that program, President Bush predicted that the Berlin Wall, the symbol of the Iron Curtain, would come down in our lifetime.

He spoke about the feeling that swelled up inside of him during his last visit to Hungary, as their Chief of State handed him a piece of barbed wire which had been used to shut its border to the West—a piece of the Iron Curtain, through which thousands now legally flee West.

President Bush is right to swell with pride. Democracy is winning. People who yearn to be free still look to the United States of America as the place to realize freedom and opportunity.

For the people of Eastern Europe who have suffered almost 50 years of political oppression, who dream of freedom and opportunity, tearing down the Iron Curtain will not be enough. For even with it down, any attempt to immigrate to the United States, will be blocked by yet another curtain. A curtain constructed not by Communists in an attempt to prevent people from leaving, but by Americans acting in such a way to prevent people from entering.

This curtain is our immigration policy. A policy which has been more successful in blocking entrance into our country by Eastern Europeans, than the Iron Curtain has been in preventing them from fleeing oppression in the Eastern bloc.

Just as the Soviet Union could not extinguish the flame of freedom in their captive people's hearts, the United States must not allow the flame of hope, freedom, and opportunity, symbolized by our Statue of Liberty to be extinguished. Even during a period when our budgetary restrictions are increasingly impacting our ability to conduct our foreign policy—we can still act with boldness.

President Bush, with one stroke of his pen, has the power to tear down our immigration paper curtain, and to rekindle the flame of hope for those hundreds of thousands of Eastern Europeans still longing to be free.

It is time to return to our historical mandate. It's time to rekindle the flame of the Statue of Liberty. She stands ready.

□ 1940

CHANGING THE RULES OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 60 minutes.

Mr. UPTON. Mr. Speaker, I rise this evening on the first of what we expect to be many special orders during the next couple of weeks to talk about changing some of the rules, trying to tell the American public a little bit about what goes on in Congress, and that is going to take a long time. I know, because of the weather and the lateness of the hour, we may not have as many Members as we originally thought we would have come this evening, but we will certainly see what happens this evening.

Mr. Speaker, there is something that really has gone wrong in the House. Why do legislators seem to have so much trouble legislating? Why do we seem so unable and often so reluctant to confront the most important issues of the day? Why does it seem that we lawmakers cannot make decent laws?

We on the Republican Leadership Task Force on Congressional Reform headed by our good and able colleague, the gentleman from Oklahoma [Mr. EDWARDS], are trying to address these problems. We may not have all the answers, but we think we can identify some of the roots of our problems.

We are tying to bring these to the Speaker's attention as well as to the American public through these special orders that will be seen on Wednesday night for the next couple of weeks.

One of the key problems, and the issue that we are going to address this evening, is what we call bottled-up bills. These are bills that have been drafted, they have been advertised and introduced, and often the American public supports them in large magnitude. Yet, they are not seen again for months and months and months if ever.

I want to talk about some of the bottled-up bills and some of the issues that I have been referring to. Just to give an idea of how deeply this problem runs, here are some of the bills that are now tied up in committee: balanced budget amendment, constitutional amendment to balance the budget. Last year, last session of Congress, the 100th Congress, we had 235 cosponsors of this important bill, 235. The American public knows we are a body of 435, and if we have 218 on any issue it is going to win. That is a lock. Two hundred thirty-five cosponsors, yet we were never able to bring this legislation up on the House floor for debate, or certainly even not for a vote, and I think that is wrong.

This year already in the 101st Congress, 243 cosponsors, yet again, to my knowledge, we have not even had a hearing in the Committee on the Judiciary let along anyone holding their breath hoping that we would have a debate or even a vote on the House floor. The American public supports this legislation, a constitutional amendment to balance the budget. Seventy-five to eighty percent of Americans, when asked that question, are going to say yes; yet, here on the House floor, the greatest deliberative body in the world, terrific democracy, we are never able to even bring this legislation up for debate on the House floor. It is bottled up in committee.

Section 89: We have gotten a lot of letters, certainly in my office, and I am sure in other offices, up on the House floor, and in the House we have had a tremendous number of hearings, and business interest groups, whether it be the Chamber of Commerce or the National Federation of Independent Business People or whatever, section 89, people know what it means. It comes up in town meetings all across certainly my district in Michigan, and I am sure across the country.

We had hearings in our Small Business Committee, in fact, just today. We had Governor Baliles of Virginia come and testify on competitiveness and what the State Governors' associations are doing, and in my remarks, as I commented to the Governor, and we talked a little bit about section 89 and how this was an issue that Congress had grossly mismanaged. It was included in the tax bill of 1986. No one knew that it was going to be there, and it was going to be terribly destructive to businesses, small businesses particularly across our great land.

We had hearings in our Small Business Committee even last January before most people knew what it was. Three hundred fifteen cosponsors, and it took us forever, and we actually had to work on a parliamentary procedure to get legislative activity on an appropriation bill, something that is clearly against the rules of this House and is often subject to a point of order, but we were able to win. We were able to say no funds in that appropriation bill for the Department of the Treasury shall be used to implement section 89. We won because we had forced so much attention on that issue, but we really never were able to debate the merits of the issue. Again, it had been bottled in committee, in this case, the Committee on Ways and Means, and we never were able to get it up until we used the appropriation method to finally, hopefully get it defeated.

Comprehensive Crime Control Act of 1989: I will say it is certainly a relatively important measure that President Bush has supported and sent it up to the Hill again. Here it is the middle of September and no action at all taken.

Let us talk a little bit about the line-item veto. I spoke at a couple of groups today, one, the American Business Conference downtown, CEO's from across the country. They raised the line-item veto.

I spoke at another conference this afternoon, the Northeast-Midwest Coalition, where we were able to get business and education leaders from around the Northeast and Midwest, and somehow again the line-item veto came up.

Even Mike Dukakis, and I have said this on the House floor, Gov. Mike Dukakis of Massachusetts in 1988 in the Presidential campaign came out in favor of the line-item veto. President Bush obviously supports the line-item veto. So did Ronald Reagan.

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So do a large number of our colleagues here in the House, both Republicans as well as Democrats. Yet again, the chances of this legislation getting out of committee, coming up for a vote on the House floor are slim to none, and I think is wrong. They are bottled up in committee.

Take our environmental laws the last couple of years, and of course I am hopeful that we will have some action taken on renewing the Clean Air Act, some action taken on acid rain, important issues for the American public, for the United States, even for our relations with our neighbor to the north, Canada. Yet again all of this legislation has not gotten out of committee. We have known about the problem. Heaven knows, we know about the problem with acid rain in the northeast, yet we were never able to really get hearings out of the committee, get it debated here on the House floor. And it took President Bush's leadership, bipartisan leadership I must say, to finally put a package together, send it to the House and to the Senate, and hopefully later this year we are going to see some action taken on that bill.

Last year in the 100th Congress, boy, I can remember talking about closing those unneeded military bases across this land. I was here on this floor with my good friend, the gentleman from Texas, Mr. DICK ARMEY, on a number of occasions. The Defense Department has come out year after year for decades talking about the need to close unneeded military bases. I can remember on Christmas vacation out in Utah, Salt Lake City, skiing in the wintertime last year, and they have a place out there called Fort Douglas, and I know we have run this through the mill before, but here was a fort built in the 1860's to defend the stage coach trails against the Indians, and yet it is still a military installation in 1989, 130 years later. The Defense Department had tried to close it for years and it was able to stay open.

We saw other bases around the country with the same story. I do not mean to pick on the folks out in Utah if they are watching this evening, but let us let the military make some decisions on their own. If they say they do not need some bases, let us let them close them down. We need to save some money.

In effect, the savings that came out was $5 billion, that is "b" as in boy, and certainly we can use those savings not only for our general Federal budget, but also in the Defense budget as well.

Again, time after time, year after year, this bill was bottled up in committee. We were not ever able to get it out on the House floor, and finally, miraculously so, through the tenacity of our good friend, the gentleman from Texas, Mr. DICK ARMEY, we were finally able to bring this measure up for a vote. And of course it passed overwhelmingly.

But that is not the issue. It should have come up years ago. It should not have come up last year. It should have been dealt with way before I even entered this Congress. And in fact we almost had a test vote later on on the defense bill earlier this summer. Some people thought that they would try and renew the debate on that bill, maybe they could get enough votes, that no funds shall be spent, implemented or spent to fund the implementation of that bill, and we were able to defeat it because Members knew they would have to be on record as opposing the very same thing this body decided to do last year.

I will talk about a little case of our sophomore class. We are a pretty close sophomore class, our Republican class here, those who came in the 100th Congress. We decided to take up a little challenge this year. We wanted to have our own project that we could try and claim a little credit for maybe, called the Social Security earnings test limitation, that needed to be changed. This is not a new idea. We did not try and steal the idea from anybody. It has been around here for a long, long time. In fact, the gentleman from Texas, Mr. BILL ARCHER, our ranking member on the Ways and Means Committee, has introduced this legislation year after year for probably 20 years, or maybe not quite that long.

I want to read a couple of things here. Elderly workers today are currently losing 50 cents in Social Security benefits for every dollar in wages above the earnings limit, reflecting a marginal tax rate of, if you can imagine this, senior citizens working part-time jobs of a 50-percent marginal tax rate. That is wrong, and that in fact is one of the reasons why so many of the elderly have abandoned the workplace, because the Federal Government has imposed those extraordinarily high marginal taxes on the wages that they earn.

For some middle-income elderly workers, Federal taxes take at least 75 cents out of each additional dollar of wage income. In fact, if the retirement earnings penalty were eliminated, like we would like to do, at least 700,000 elderly folks, by some estimates, would come into the workplace. That is a marvelous idea.

Mr. SMITH of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to my good friend, the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman for yielding and want to commend him for calling this to the attention of the American people, because this is a very serious problem in this institution. There is a great deal of should I say hypocrisy too, because I share the frustrations the gentleman has with the pieces of legislation he is discussing, and of course there are many others, and I know the gentleman will be getting to them.

But the interesting thing is many Members get off the hook, so to speak, with their constituents by saying that they cosponsored that bill, and "I cannot understand why we cannot get a repeal of the Social Security earnings limitation. I have cosponsored it," they tell their constituents. But did they go down into the well and sign what is called a discharge petition which provides that this legislation will get unbottled, if you will, and be able to get to the floor for a vote? I think one of the things that constituents of all of us should understand is through this procedure, which is perfectly legitimate as a procedure, we can in fact get these pieces of legislation that we would like to vote on, and the gentleman named a few, certainly the balanced budget amendment, the earnings limitation, and so many others, we could get them to the floor, but in fact we get more Members who are willing to cosponsor but frankly are unwilling to sign the discharge petition.

Of course, as the gentleman knows, the big argument about the discharge petition is if it is a bad piece of legislation we do not want it to get to the floor. But the truth of the matter is, if the American people show in survey after survey, poll after poll, or indicate to us that they would like this legislation considered, I think they deserve that consideration. That is not happening in this institution, and I want to commend the gentleman for calling that to the attention of the American people with his special order.

Mr. UPTON. That is a very, very good point. I will take the case of section 89. As I indicated, and we checked this morning, 315 cosponsors have signed on to repeal section 89. Nearly every businessman and woman across the country is aware of this terrible situation of the burden that it is going to impose. It is going to act the opposite way that Congress intended the legislation to help those who are uninsured. It is just rotten, let us just put it out that way. We have 315 cosponsors. If we had a vote it would pass by a majority, and that is certainly more than a majority.

I am sure when Members of Congress write their constituents they say oh yes, I am a cosponsor, but when you ask whether they signed the discharge petition, it was only this summer, probably in July when I found out about it, and I was only the 89th person, which I was glad to be No. 89 on the discharge petition to repeal section 89. Only 89 Members of Congress were willing to go down to the well and put their name down in ink saying that they would like to discharge the committee, and that is what it stands for, a discharge petition to discharge the committee of its responsibility, abrogate the responsibility and bring it actually to the House floor for a vote. So many constituents may write to the Members and the Members may reply that oh, yes, they are a cosponsor, but that does not mean anything, it really does not, not until they put their name on the line on the discharge petition on an important issue like that, an issue that means for some life and death.

Mr. SMITH of New Hampshire. If the gentleman will yield further, I think the interesting thing is that certainly the Founding Fathers in writing the Constitution and laying out the legislative responsibilities of the Congress of the United States had no intention of something coming up in the rules of the House which would deny the American people the right to get an up or down vote on an issue of concern to them.

□ 2000

I think that all of us ought to take a good look in the mirror in terms of some of the legislation that we know ought to be brought out here, ought to be voted on. If we lose the vote, fine, but we get the vote.

That is why the discharge petition I think is an abused rule in this House because it is abused to the extent that it is not used; that if more people did use it and those same people who cosponsor legislation, especially when we get over 218 Members—and obviously when you get 218 Members who agree to support a piece of legislation, there is no parliamentary reason why that piece of legislation cannot get to this House floor for a vote because it is a majority of the Members. If they say they support it, they ought to back up that support by going down in the well and signing that petition saying if it is good enough to have 218 representatives of the American people to say they want it passed, then why can we not get it to the floor for a vote?

Theoretically, we should get it to the floor and we should get a minimum of 218 votes. It does not happen on many, many pieces of legislation which the gentleman has so eloquently described. This is very, very frustrating because as in the case of the base-closing legislation, when we finally get it to the floor we have wasted hundreds of millions of dollars in taxpayers' money, in that particular case because we did not get it to the floor soon enough.

There are many other bases other than the one in Utah that the gentleman described. That is very frustrating.

I think the American people need to know this and need to realize that each Member, each one of us should be held accountable for following through on what we say we do.

This cosponsor stuff, you know, there is a great emphasis in this place on cosponsorship. The "dear colleague" letters say, "I invite you to cosponsor this," or, "I invite you to cosponsor that;" that does not mean anything if you are not willing to back it up with action here by saying, "I feel so strongly about this bill, yes, I cosponsored it, but secondly, I am willing to see that the American people get an up or down vote on it."

Now we cannot deal with every piece of legislation; if you get a bill with only 15 cosponsors, that does not deserve to get to the floor. When you get 218 or more, the gentleman mentioned on one they had over 300——

Mr. UPTON. Yes, on section 89 repeal, 315 cosponsors.

Mr. SMITH of New Hampshire. And we cannot get a vote.

Mr. UPTON. We really had to use—sort of out-fox the opposition, sneak it in, we were finally able to get it in on an unusual parliamentary procedure.

Mr. Speaker, the gentleman made a very good point talking about fairness. We know that as Republicans we are in the minority, 106 Members out of roughly 435. Now we are talking about fairness. Sure if we have a partisan vote on an issue we will probably lose every time. One hundred seventy-six votes is all we are going to get.

But we were elected to make tough choices. We were elected to make decisions, not to avoid them.

So we lose. It is going to hurt us all, all us Republicans; when we go to bed at night we would wish that we had won this battle or won that battle. But at least we would have the opportunity to bring it up for our constituents across the country who would have an opportunity to see how their Congressman or Congresswoman voted on a particular issue. Things should not be bottled up because they do not want a vote. I think that is wrong.

That is one of the things that hopefully will come out of these special orders that we are taking, particularly on bottled-up bills; to get them out.

The American people know what a constitutional amendment to balance the budget means, they know about section 89 and other things. We have a strong majority in the Congress which has been involved in most of the Presidential campaigns the last couple of times and there is no reason why we should not have a vote on these issues, debate them right here on the House floor. So we lose. Maybe we will lose some of those issues. But at least we have the opportunity to bring it up on the House floor instead of taking a special order like this evening where our colleagues are going to have to read about tomorrow in the CONGRESSIONAL RECORD.

Mr. SMITH of New Hampshire. On the line-item veto, this particular piece of legislation has overwhelming support of the American people. It is so obvious. I know when I walk through my district and discuss the line-item veto, especially with the business folks——

Mr. UPTON. It comes up every time.

Mr. SMITH of New Hampshire [continuing]. Every person who runs a small business, from a mom-and-pop store to a big company, will tell you the same thing, "Why can't we have the line-item veto? Why can't we have fiscal responsibility?"

The answer is because the leadership does not want fiscal responsibility because then they have to be accountable. It is easier to deficit spend when you are not accountable.

This line-item veto is directly linked to the fiscal problems that we have today.

As you well know, and the gentleman has been here during some of these years, the clashes that this Congress has had with President Reagan and now with President Bush over fiscal matters, over what the priorities are, what they should be, should not be, the truth of the matter is the Constitution and certainly the Founding Fathers never meant that the President of the United States should get an omnibus bill, a huge supplemental, if you will, with all of these things in it, that he cannot line out anything out of it without losing the entire bill.

That certainly was not the intent. The people in here know that. The American people know that.

I think that is why just that particular item, the line-item veto, were we to have the courage collectively, in this institution to go down in that well and sign a discharge petition that says, "We want to vote on the line-item veto," it would put pressure on a lot of Members who may not want to vote on it but who will have to vote on it if we bring it down here. And we would win that vote.

So this is a perfect example of a powerful few, a powerful few in this Congress who control the destiny, in this case the fiscal destiny of America.

That is exactly what is happening. I think if more people know that, there may be more pressure on some Members to get down there and sign these discharge petitions.

Again let the chips fall where they may.

I think also—and this is why it is so important that the gentleman is doing this special order—it also I think is going to make us more honest as Members in terms of what we sign onto in terms of legislation.

Somebody told me I think the first few weeks that I was in the Congress that if we had a rule that every time a Member introduces a bill we have to take away 10, we will probably be much better off. We have more bills and laws than we can enforce now.

It would probably be better to remove them.

But the fiscal responsibility is what the American people want out of this place. Yet time after time after time we do not exercise it on vote after vote after vote. And then when we get the opportunity because we have the support of some of our colleagues to have a piece of legislation which will force us to have fiscal responsibility, or at least if we are not willing to in the case of the line-item veto to give the President the power to do it, we are unwilling to go down and sign the petition to do it. The truth of the matter is we should not have to sign a petition. We should be willing to listen to the American people and bring it up. But it does not happen.

I hope sometime before we leave, the gentleman and I and others, before we leave this House of Representatives, that we will see some fiscal sanity and one way to get it would be to do what the gentleman suggests, which is to bring these bills to the floor for a vote.

The American people certainly owe the gentleman a great debt of gratitude for bringing this to their attention.

Mr. UPTON. I know, as I wish the gentleman well in his career, that the audience may not know he is a potential candidate for the other body, the lower body, I should like to add. I hope that we undertake some real fiscal constraint and change some of these rules before we leave the House.

You know, an interesting point, I know we talked a little bit about bills that are introduced; I have had some people actually come up to me and say, "Fred, why don't you double your salary and for every bill you introduce, subtract $10,000 and the country would be a lot better off." I think they are probably right.

You know, the gentleman brings up the continuing resolution. I can remember 2 years ago, about December 23, at 1 in the morning, we were all wondering if we are going to have to do our Christmas shopping here in the District of Columbia instead of going back to Michigan or New Hampshire or anyplace else, wondering whether we were going to have to actually spend it with our families, with airline reservations as they were and all that.

They were working on this massive continuing resolution, 13 appropriation bills, 600 pages of documents. No one knew what was in those.

Six hundred pages is about like this. They brought it out, something like three copies were available, one for our side of the aisle, the Republicans, one for the Democrats, and one for the Speaker. It sat right here on this desk. People came and thumbed through it, trying to see if their projects were in it. I remember looking at—and I used this example before when I actually ended up with, as I walked away, the cloakroom people said I could take the bill, stuff it underneath my chair and haul it all the way home and look at it on the airplane the next morning going home for Christmas. I can remember finding the Department of Army budget in there. There had been a typo in that Army budget. It was $16 million, "m" as in Mary. That would not make one payday for the Department of the Army. It was supposed to be $16 billion.

Thank goodness some clerk had taken a pen and put a little line off to the side and added three zeroes in the margin. Well, we would not have caught that in the hour of the day that we had it, 1:30 in the morning, on page 364. They could have put people's names and phone numbers, girlfriends' and boyfriends' names, people just jotted down and they could actually have been enacted into law. That is one reason why we need the line-item veto. In fact, they are still discovering things that were in the bill, just like section 89.

□ 2010

I was not here to vote yes or no on the tax reform bill of 1986. I was not in Congress. However, I can assure Members, the gentleman from New Hampshire was here. He did not know about section 89 when the bill was up for an up or down vote.

Mr. SMITH of New Hampshire. If the gentleman will yield, the catastrophic health insurance is a perfect example. The same people who were out there crusading for this bill saying it was the greatest thing for the senior citizens since sliced bread, and here we now hear the same people saying, many of them, saying it was a mistake. "We made a mistake." Why was a mistake like that made? As Members know, the mistake was made because we did not do our homework first, or listen to our constituents. If we asked the senior citizens of America, they would have said, "I don't need a surtax of 15 percent on top of the money that I already paid Uncle Sam, when my tax return is due." They would have told Members, but they were not asked. So we are reactive, rather than proactive, reacting to undo the damage done to senior citizens of this country. With this piece of legislation, bad piece of legislation, section 89, we are trying to undo the damage it has done to business. We are reacting to these things, and it happens because these bills are not thought through, and when Members get a good one, one that 80 percent of the American people want, we cannot even get it voted upon, let alone get it passed.

It is reprehensible.

Mr. UPTON. Mr. Speaker, those are good examples the gentleman from New Hampshire is talking about with section 89 and catastrophic health. We know and see the mail that comes in. I sign all my Washington mail. I see all my letters that come in from my constituents in the Fourth District of Michigan. That is the No. 1 concern, without a doubt, more than anything else.

I had a reporter with me this afternoon for a lunch on a number of issues. We talked about catastrophic health, which was the No. 1 issue in terms of numbers of letters of concerned individuals in my district. It affects every person over the age of 65 years old, but yet unlike what we learned in poly sci 101 or ninth grade civics, as a Member of the U.S. Congress or State legislature or whatever, boy, Members have power and can offer amendments and change bills. It ain't that way.

Mr. SMITH of New Hampshire. If the gentleman will yield, how many people, Members, go back home and say to their senior citizen constituencies, "If we could only get that bill repealed"?

The truth of the matter is there is legislation in by our colleague, the gentleman from Illinois [Mr. Fawell] and some other Members, that will repeal that legislation. That has not had the opportunity to have action yet, although it is being worked on. It took a lot of action from a lot of senior citizens.

Mr. UPTON. We just about had one Member of the Illinois delegation run over because they were so angry with him with regard to what was going on, from what some of the news accounts were saying.

However, again, here is a cause, Fred Upton is not on the Committee on Ways and Means. Neither is the gentleman from New Hampshire [Mr. Smith] or most Members and colleagues in this great institution. We all get mail. Yes, we all have ideas and bills that we have cosponsored, but try to get it to the House floor and fixed. It has trouble getting bottled up in the committee, and it is unlikely to have a vote.

Take the situation of tonight here and Social Security. I tell my constituents it is not going to happen. They look at me with a blank stare. "Why not, you are a Member of Congress?" I say it will not get out of committee. Fred Upton, and I know I look rather youthful, 36 years of age, can be here 50 years, and I will not be because my wife will kill me. Regardless of that fact, it is not going to come up because it is bottled up in committee. Yes, they had a hearing, but it is not going to come out.

The focus of this debate, another clear example of a good issue that the American public knows about. We will never discuss the merits or demerits of that legislation here on the House floor.

Let me say a couple of other things, and my colleague from Pennsylvania is here, and I thank him for coming across as it is still raining outside. I know it is wet.

Mr. Speaker, I yield to the gentleman from Pennsylvania, [Mr. Weldon].

Mr. WELDON. Mr. Speaker, I thank my colleague and friend, and I thank my good friend also from New Hampshire [Mr. Smith], for his support in this special order on a very timely and critical and important issue—not just to the operation of this body, but the future financial well-being of this country, and that is our inability to get access to legislation that strong support, and in some cases overwhelming support from the Members of this body, and yet this cannot be considered on the floor for an up-or-down vote.

That is a tragic case when Members talk about the world's most prestigious deliberative body, that we cannot proceed with a piece of legislation that has overwhelming support of the majority of the people, representing the majority of the people in this country. The Members have given outstanding cases and excellent examples of bills, most of which I have cosponsored, including the balanced budget amendment, line-item veto, and efforts by our friend, the gentleman from Pennsylvania [Mr. GEKAS] to deal with section 89, and a number of other issues that really are on the front burner in terms of concern by the American people. We have to change this process.

I am here tonight to share in your special order and highlight one specific issue that I attempted to deal with in the last session in cooperation with all of my colleagues who are members of the now sophomore class. My first year in office I became aware of the ability of members of the Committee on Ways and Means to place what are called rifle shot single taxpayer targeted relief provisions onto bills anonymously. These provisions benefit individual citizens or very small selected groups of citizens and companies, and in fact, have cost the Government on a continuing basis, millions and hundreds of millions, and in some case billions of dollars of lost revenues. In finding this out, in my first year of office, I brought it to the attention of my colleagues in the Republican freshmen class and suggested perhaps as a class project we could take up this initiative and attempt to deal with it and to bring some light into this process that I felt was desperately needed.

We put together what was called the Targeted Tax Relief Disclosure Act of 1988, a very simple bill, a bill that ended up with almost 90 cosponsors in the last session of this body. The bill simply said that any Member of Congress who wishes to give five or fewer taxpayers a special interest tax break, would have to identify themselves up front, so that we would know who was putting the provision in the bill, would have to identify the beneficiary of the specific provision or beneficiaries; and third, would have to identify the estimated amount of fiscal loss that would occur to the U.S. Treasury because of this rifle shot tax provision.

Now, that to me, and I think to most American people, sounds like common sense if we are going to give a tax break to five or fewer taxpayers, why not let the American people know why we are doing it. Why not identify this Member of Congress. My point, and the point of our freshman class, was not there are not times when a special transition rule, as they are often called when we have changes in the tax law, are not necessary and could not be defended. I, myself, could see cases where I could defend a company's specific hurt caused by a change in the tax law, but I would be more than happy to stand down in the well and defend my actions in requesting that special assistance, and I would hope that my colleagues would have the decency and the fairness to consider that action with me. All that our bill said, and it says this session, because it is reintroduced, is to get Members to look at these targeted tax provisions up front. Let Members know who they are going to, and let Members know the cost to the American taxpayer. Today we have no such ability.

The Philadelphia Inquirer in a Pulitzer-prize-winning series in May of 1988, after we developed the Targeted Tax Relief Disclosure Act, did a 6-day series that estimates that in one bill, the 1986 Tax Reform Act alone, there was in excess of $10 billion—not millions—$10 billion of targeted tax relief giveaways that were all inserted anonymously. In fact, in most cases, no one could even identify who the beneficiaries of these targeted tax giveaways were. Here we are, in the floor of the House, and Members all the time crisscrossing America, saying to the American people, is not a tragedy what Ronald Reagan and George Bush did in terms of spending more money? Is it not terrible the way that we misuse the Federal dollar? We hear about the $500 toliet seats and the hammers in the military, why have we not heard about the $10 billion in targeted tax giveways? Why has that not been a front issue with the American press and the American media, and why do these kinds of special interest provisions go on and on, totally unchecked, and all done anonymously?

We tried to stop that in the last session. We developed collectively, among our class, a piece of legislation. We introduced it, and until this point in time and in the last session entirely, we were not even given the consideration for a hearing in the appropriate committees of jurisdiction.

□ 2020

Mr. Speaker, I argued the merits of the bills and amendment to the Budget Reconciliation Act, and again I was turned down by the standing Rules Committee by a 2-to-1 margin not being allowed to offer this bill as an amendment, simply to identify these anonymous tax provisions that are given especially on tax bills and tax legislation.

Again we have reintroduced this bill. We had almost 90 cosponsors in the last session. This session we are already over 50 cosponsors, and with some additional effort I feel confident that we will very aggressively go over 100 cosponsors for this very important piece of legislation.

But once again it does not matter how many cosponsors we get. We will continuously see the leadership thwart our efforts to bring this commonsense legislation to the forefront so the American people can see and judge it on its merit.

What is the downside of this legislation? Well, to be honest with my colleagues, I do not know any downside. If there is a transitional rule or a single taxpayer, rifle-shot provision that is worth fighting for, all we are saying is, "Fight for it in the open, and allow everyone to know who we are fighting for up front, not do it anonymously because, when you do it anonymously and when no one knows who put it in, and who is benefiting and what the cost is, obviously no one is there to take the blame."

What are some of the examples? In the 1986 Tax Act we had an $8 million tax break for a couple of wealthy individuals to refinish a 562-foot cruise ship at the expense of the American people. We had a $500 million tax break for an oil company in violation of the Federal security laws, and can anyone justify to me why we gave anonymously an $8 million tax break to a company which built two ships in Japan that are today hauling foreign cars, Toyotas specifically, to our American ports?

Mr. Speaker, we hear people rail about foreign trade problems. We hear people rail about the way we spend our tax money, yet here are specific provisions, all of which and each of which were inserted anonymously in tax legislation that eventually passed through this body and the other body and eventually became law.

One might say, "Well, why didn't the President wipe those out?" He has no ability because he does not have line item veto, so we could blame the President all we want. He does not have that authority to take that type of action. We need basic reform.

We are not saying that this is any one group of people engineering this. What we are saying is the leadership has got to open up and allow us to consider these items on the floor, if a majority of the Members agree with the provision, to vote it up or down, and if it is defeated, fine. We walk away knowing that in good conscience we have debated the issue.

However, Mr. Speaker, what frustrates so many of us on both sides of the aisle is the fact that we just cannot get these issues up to the floor for consideration for debate and for final vote up or down, yea or nay, and that is a real tragedy especially when we are talking about the greatest democracy on the face of the Earth.

So, I applaud my colleagues for their efforts. I would hope that this special order will convey the feelings that many of us have in terms of dealing with this problem, not just here, but with our citizens across America, to let them know the real story, and perhaps we can begin to see some action take place to try to change some of these efforts that we are trying to bring up and deal with.

Mr. UPTON. Mr. Speaker, my friend, the gentleman from Pennsylvania [Mr. WELDON] makes a very, very good point about his idea, his important piece of legislation. I was proud to be a cosponsor, both in the 100th Congress and again now in the 101st Congress, and to just take his example one step further, earlier this year we voted on an S&L bill, and we had to resort to a parliamentary procedure on one of the amendments. It is a motion to recommit, which is terribly technical for most of the folks out there in the United States listening this evening, but we had a motion to recommit with instruction that was offered by my good friend, the gentleman from Iowa [Mr. LEACH], and his motion of instruction included the provision that there can be no special interest provision in that S&L bill. They were not able to get this bill up on the House floor. We are not able to hold hearings, and debate it, and vote it up or down on the merits of it and let the Members stand behind that vote, yea or nay.

Mr. Speaker, we had to resort to a parliamentary procedure devised at the last minute so as to not tip our hand to be superseded by another amendment, thus not allowing this idea to come up, and we had a vote on eliminating those special interest provisions benefiting one or two specific S&L's because of a member on the committee from a particular State, or whatever the reason. No one even knew how many S&L's or how many special provisions were in that bill when it came up because again it was late at night when we dealt with this thing, no line item veto, and it passed overwhelmingly.

In fact, Mr. Speaker, as the votes started coming up, those watching that evening saw that it was pretty close, and all of a sudden our side took the lead and said, "Well, this thing is going to win," and people started changing their votes. In fact, one of my friends on the other side started waving a white handkerchief.

Mr. WELDON. Mr. Speaker, the gentleman from Michigan [Mr. UPTON] makes a very good point. I recall the evening very well because it was a late night session. As that amendment came up in a similar manner, removed special interest single provisions from that S&L bill, we saw the individual Members of the House jump off of that yea vote on that issue, or on the nay vote, like mice jumping off of a sinking ship because they knew it was going to pass overwhelmingly. I think there were less than 10 Members who eventually disagreed with us on that issue of removing special interest provisions, and I think that shows the overwhelming support in this body once we get the issue up for consideration on debate.

Mr. Speaker, the problem is we cannot get it up.

Mr. UPTON. Mr. Speaker, that is the very point we are trying to make this evening, whether it is the line-item veto, or constitutional amendment to balance the budget or, as my colleagues know, let the Members stand and be identified for those special interest provisions.

I had one 2 years ago. I protected a company in our district. They were working on a retirement plan. They had been for years. All of a sudden there was a Tax Code change that they did not know about. They were not large enough for lobbyists, to have their own special lobbyists. They clearly had the paperwork and the legal expertise and had gone about this for a long, long time, and all of a sudden out of the blue, gosh, there was a change, and it would have maybe taken 700 or 800 people out of a job, that pension fund.

Mr. Speaker, I would have been glad to stand up, and no problem at all. I went to the committee members on the Committee on Ways and Means. I told them why and got my delegation of Republicans and Democrats alike to support my provision, Indiana and Michigan as well. It is very important to our economy, and we were able to get it changed, and it was fair, and I am not afraid to stand up and say, "We saved hundreds of jobs that might have gone someplace else."

Mr. WELDON. Mr. Speaker, the gentleman from Michigan [Mr. UPTON] raises a good point. He says that he is proud of the effort that he took there because, the reasoning and the logic behind the action that he took, he could readily justify in the light of public scrutiny, and what we are saying very clearly, and I think have to repeat continuously, is that there are specific times where transition rules are necessary because changes in the tax laws do adversely affect one, two or three individuals or companies, and those special cases deserve to be considered.

Mr. Speaker, what we are saying is: Do this in the light of public scrutiny so that we can really weigh those issues and not have to unfairly try to defend an investigative paper like the Inquirer when it comes up with a whole series of these, most of which cannot be properly defended.

I thank the gentleman from Michigan [Mr. UPTON] for his efforts, and I thank him for yielding time to me.

Mr. UPTON. Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from Michigan [Mr. UPTON] for yielding.

As I listened to the debate between the gentleman from Michigan [Mr. UPTON] and the gentleman from Pennsylvania [Mr. WELDON], it was very interesting that the types of legislation, when a piece of legislation is something that a majority of the American people want, like the balanced budget amendment or the line-item veto, we cannot get it to the floor. And when there is a piece of legislation that has some bad provision in it, the same minority, small, powerful minority in the Congress that keeps that legislation from getting to the floor, this same minority, when it does allow a piece of legislation to come to the floor, uses what is called the closed rule to keep us from amending it and taking out the bad provisions from it.

So, again I think it further emphasizes that one of the real needs for reform in the U.S. Congress is to move the power away from a select few and move it out among all of us the way the Founding Fathers meant it to be.

We represent, each of us, approximately 500,000 people, and nobody has any more power than anybody else in terms of how they represent those constituents. Nobody is any better than anybody else. We might get elevated to different positions of power, committee chairmen, ranking committee members and all that, but we still represent approximately the same number of constituents, and it is not fair when a select few can say that this legislation will come. It is not decided by all of us, by a majority. It was not denied by a majority. It was simply decided by a few, and then when it is decided, it comes to the floor, and by the closed rule says, "You can't vote to take this or that out or to put something in."

□ 2030

Sometimes there are ample opportunities for amendments, but many times, as these gentlemen both know, we do not have any opportunity for amendments. I think the gentlemen's analysis on those special privileged tax credits certainly makes the point.

Mr. UPTON. Talking about that Rules Committee is very important. You know, most of my constituents, I imagine, do not know about the Rules Committee; nine Democrats, four Republicans. Every bill practically that comes to this House floor, unless we suspend the rules, which is a special procedure meaning a two-thirds vote instead of a simple majority, has to go through that Rules Committee. They decide what amendments, if any, can be offered. We are going to save that for another evening in the next couple weeks.

Let me just make one other point and then I will yield back the balance of my time.

This year we have seen another issue that is going to be coming up, I hope, this campaign finance reform. We really need that in this institution. I have been talking about it for a number of years since I have been in office, even before I was in office. Let us hope that we get that issue up here on the House floor so we can debate it in time for the 1990 elections. That is going to be another special order that we will take up in the near future as well, but whether it is the constitutional amendment to balance the budget or the Crime Control Act or the line-item veto or acid rain legislation, clean air, closing military bases or earnings limitations on Social Security, all these, the idea of my good friend, the gentleman from Pennsylvania, on identifying those rifle shot special interest provisions, all of them are very decent, well thought out ideas that I think generally the American public, certainly in my district, would strongly support; yet as Members of Congress, we are really only offered this chance after hours, with the House out of session, to really come in and talk about them a little bit, get a little lively debate going. I wish we could have a few of my colleagues from the other side participate and make some arguments. Some have in the past, and they say, "Boy, that line-item veto, you do not want to give the administration all that power."

Well, we get a chance to have an override vote. That happens every now and then. As an example, I voted to override Ronald Reagan's veto on the clean water bill a couple years ago. I believe in clean water. That happens. We overrode that vote with a resounding majority; 20 or 30 people voted the other way around. That happens. If someone thinks they have an idea that is taken out on the line-item veto, let them stand up in this well and defend it, be identified and defend it, especially if the administration says no, Republican or Democrat down there. That is why I was pleased to see that both Mike Dukakis as well as George Bush supported the line-item veto, and I saved that Washington Times headline when it came out in October of 1988.

Some of these issues do have bipartisan support. They have to when we have 176 Republicans and we get 315 Members of this institution that cosponsor the repeal of section 89 and 243 for the constitutional amendment to balance the budget.

Mr. Speaker, even though we in this House may disagree vigorously on important issues that these bills represent, we all know that we ought to have, and we learned back in school as well, that we need a fair and open shot at debating the issues. Let them stand or fall based on some of those votes and let us then return to our districts and defend ourselves, yea or nay.

We strongly urge members of our caucus to urge that the House move forward and get this key legislation out in the open for debate so that we can all do the job that we were elected to do.

Mr. Speaker, in closing, because I know there are Members who want to speak yet this evening, and the staffs are here and the hour is getting quite late, and I will make this request.

Mr. GOSS. Mr. Speaker, we are taking time today to discuss a matter of extreme importance to the ability of this great body to carry out the Nation's business in an efficient and democratic way.

Today we are here to discuss the very mechanics upon which the House of Representatives was founded—we are here to discuss the legislative process.

In civics classes across the Nation, our children learn about how a bill becomes law in the U.S. Congress. Beginning with an idea, a bill is written, it is introduced and referred to a committee in the Congress. Then it is considered, revised, and—eventually—brought to the floor of the House for full debate and a vote.

That's how it's supposed to work.

Now I haven't been in Congress very long, but in my brief tenure, I have become increasingly troubled by the fact that many important topics are not being debated fully and openly on the floor of this House, but are instead being kept bottled up indefinitely behind the closed doors of House committees.

Many of these are issues that are of utmost importance to this country—issues that affect our economy, our environment, our families—issues that the American people care a great deal about and expect us to address.

Let me offer one important example—although there are many that could have been chosen to illustrate the point that our legislative process has become bogged down by excessive partisan maneuvering.

But I have an example that is, I think, not only timely but certainly hits very close to home for me and my constituents in southwest Florida.

Since I took office in January, the public outcry over the Medicare Catastrophic Health Act has reached a crescendo. Our Nation's seniors are fed up—and they are demanding that the Congress take the bull by the horns and address the issue.

Well, as we all know, those of us fighting to repeal or drastically modify the Catastrophic Health Care Act have faced a steep uphill battle that often seemed impossible to win.

We've tried every legislative maneuver in the books to bring the subject up on the House floor—in full public view—for open discussion, honest disagreement, and eventual resolution.

But so far we've been stopped dead in our tracks by a leadership that refuses to allow the democratic process to work as it should.

In fact, my colleagues and I have become so frustrated with our inability to achieve a floor debate on the issue of the Catastrophic Health Care Act that we've set in motion our last resort—a little used, seldom successful procedure to force leadership to bring the subject up for a vote before the full House called a discharge petition.

It's a real shame that such extreme efforts should be necessary to achieve a floor debate on this issue.

So today I join with my colleagues in urging the House leadership to reopen our legislative process and allow bills of national significance a fair and complete hearing on the floor of this House.

After all, that is the democratic way.

Mr. BALLENGER. Mr. Speaker, I take the floor today to share my concern and express my outrage over the practice of the liberal democratic leadership to "bottle up" in committee, legislation that has the overwhelming support of the American people.

The most blatant example of this suppression of the people's will is the balanced budget amendment (H.J. Res. 268). This legislation has 243 cosponsors and yet it has been sitting in the Judiciary Committee since mid-May with no action taken.

House Joint Resolution 268 would require the President to submit a balanced budget for each fiscal year, and Congress and the President would agree by joint resolution on a single revenue estimate. An exception to this rule would require a three-fifths vote in both Houses or a declaration of war. A call for higher taxes would be voted on by both Houses and require a majority vote. A two-thirds vote in the House and Senate would be required to submit a constitutional amendment to the States for ratification.

Numerous opinion polls demonstrate that a constitutional amendment requiring a balanced budget has the support of over 75 percent of the American people. It is outrageous that the liberal Democratic leadership of the House of Representatives, also known as the people's House would thwart the will of the people.

This legislation deserves a fair hearing before the House. Perhaps the legislation remains "bottled up" in committee because the Democratic leadership is afraid of what might happen. We are not being fair to the American people if we fail to debate and vote on this issue.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. SARPALIUS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE SO-CALLED WAR ON DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of New Hampshire. Mr. Speaker, I do not intend to use the full hour this evening, but I would like to shift gears a bit, based on the previous special order, and go back to something that has been in the headlines of late, and that is the so-called war on drugs. I want to take a little different approach tonight, rather than to talk about the problems of drugs. I think we all know what they are and how serious those problems are, but I would like to take a look at the method of dealing with it at the Federal level.

President Bush recently announced his national drug control strategy. It was a comprehensive and a good plan to fight, and I believe finally win the war on drugs. For years and years, we have had rhetoric, lots of rhetoric, about the war on drugs, but we have not had any action to speak of. The President of the United States, Mr. Bush, laid it on the table loud and clear. He said,

> You know, there is a problem in this country and if we are going to deal with it and we are going to win this war, we have got to work together to do it.

It is not going to take a huge grant of x number of billions of dollars from the Federal Treasury. It is going to take cooperation. It is going to take partnership. It is going to take people working together. It is going to take the casual user of drugs who has to stop. It is going to have to take the criminal, the drug lord, and the guy that sells it on the street, we have got to stop them, put them in jail, keep them from selling anymore. It is going to take a concern and a compassion for those who are addicted as we try to help them, and it is going to take a monumental effort on the part of all of us through the education process to see that our children do not get afflicted by this horrible scourge.

Now, how do we do that? How do we accomplish these goals? Well, President Bush said it very well when he said:

> We have to work together. I want the individual in the community, I want the business leaders in the community, I want the parents in the community, I want the parents and the kids in the community, I want the state and local governments and the Federal Government working together to solve this problem.

President Bush's package calls for nearly $2.2 billion in antidrug funding at the Federal level for fiscal year 1990. Let us discuss briefly what these fundings include. There is $200 million in funding for State and local law enforcement, an increase in funding of more than $500 million for treatment and education, and an increase of almost $200 million in funding for military and law enforcement assistance to support efforts to eradicate drugs in the nations where they are grown and, of course, Columbia is very much in the news these days.

But in all honesty, Mr. Speaker, I have been disgusted by the response of some of my colleagues about the President's plan. The President barely made it out of the Oval Office before he was assaulted by indeed the so-called opposition response, assaulted by calls for more money and higher taxes.

Well, right away, the opposition before even giving the President the opportunity to let this thing unfold, to let the American people digest what he said, we get the response, "More taxes." We have heard it over and over again from our good friends on the other side, my liberal friends, who say, "We need more taxes."

Well, if you look back over your lifetime and you think about how many times your taxes went down, compared to how many times they went up, I think you are going to say that they went up a lot more often than they went down. Government spending has gone up and your taxes still went up and we still have a drug problem and we still have a lot of other problems, including a deficit, a huge one, a debt today of almost $3 trillion.

The official response of the other party was to ignore the President's request for a bipartisan effort to fight this problem. We all know that the drug problem in America is not a partisan issue.

□ 2040

Democrat kids, Republican kids, liberal kids, conservative kids, we all face these problems. Some of the opposition said it is not tough enough. It is not bold enough. It is not imaginative enough. These are some of the words that were used.

I am not sure just how much money it takes to be tough and how much it takes to be bold. If the President had requested $10 billion, some would say it should have been $20. If he had requested $20, some would have said $40. So I think the response was already designed, was already put together. It was just filling in the blanks, "Whatever the President says, we will say it was not enough." That is essentially what happened. Everyone knows it, and I know it.

What does imaginative mean? One does not have to have very much imagination to figure out what imaginative means. It means more taxes, pure and simple, more taxes on the American people. That is what the opposition wants. That is what the response to a bipartisan statement made by the President of the United States asking for the support of the American people, all of us, liberal, conservative, Republican, Democrat, men, women, black, white, whatever to work together, together with a national commitment to resolve this crisis.

We have now framed the debate. If we do not raise taxes, we cannot fight the drug problem. That is essentially what the opposition has said. The only way we can finance the war on drugs is with a major tax increase. As a matter of fact, a number of bills have already been introduced to do just that. We do not have enough money to fight the drug problem, so we have to raise taxes.

The last 8 years, Federal revenues have increased. One says, well, not enough. $517 billion in 1980 to $900 billion in 1988, and nearly $1 trillion this year. That is a lot of new revenues. How much more do the American people have to take in taxes?

There are some who say we ought to pay more. That is not the problem. The problem is priority.

What do they want to spend the money on? We have enough money. I want to spend it to balance the budget, reduce the debt, and to prioritize for programs like drug enforcement that we ought to be prioritizing that we are not prioritizing, because, frankly, we are demagoging it rather than working to solve it.

Let us use an example. The other body passed an amendment last week, and I commend them for it, that would transfer some $45 million, $45 million from congressional mass mailings to a drug treatment program for pregnant women. We are now getting started. But what has happened to that proposal here in the House? We are trying to bottle it up, as my colleague from Michigan pointed out so well in the last special order.

This is a case where some in this House want really badly to bottle up that particular provision which passed in the other body recently. Why? Very simple. We do not want to lose the advantage of $45 million in mass mailings, unsolicited mass mailings.

I support that provision, because drug treatment for pregnant women is more important than self-fulfilling mailings of Members of Congress, but it is easier to say ignore that, keep spending the money on the mailings, keep getting reelected and demagog in the well and to the constituents and say that we need more tax money to fight drugs.

That is the tip of the iceberg. That is only $45 million. In my view, there is a long, long list of programs that we can afford to reduce. I am going to mention some of them here tonight. People do not have to agree with my priorities. All I am saying is it is not a question of revenues, higher taxes. On the contrary, it is a question of priorities. If people do not agree with my priorities, let it come to the floor for a debate, Mr. Speaker, so that we can decide what priorities we want, and I think we will find that the American people will tell Members of Congress that the priority they want is drug-fighting, not mass mailings, to use an example.

Let us look at some more. A 10-percent cut in the amount that this House has appropriated for Amtrak in 1990, a 10-percent cut, not wiping the program out, but a 10-percent cut, could save more than $60 million. Amtrak is roughly $600 million. That is a subsidy that we provide so that wealthy and middle-class Americans can ride the train to work and home. I love trains. I ride Amtrak myself. But should the taxpayers subsidize my ride? They do every time I ride it. That is not right. I believe that the taxpayers would want me to take some of that money, if not all of it, and fight the war on drugs or reduce the deficit or do something that is more positive than subsidizing wealthy people and middle-income people riding the train.

We see again, no, we do not talk about that up here. We do not talk about a $20 million cut or a $40 million cut or a $2 million cut or a $2 cut in Amtrak.

We talk about higher taxes. We have to solve the drug problem, we cannot cut Amtrak, we cannot cut mass mailings, so we have to raise taxes so we can fight the drug war. Hypocrisy. A 20-percent cut in Amtrak would be $120 million.

Bear in mind, the President's provision or the President's proposal was to find $2.2 billion roughly in new revenues, more money for the drug fight, not new revenues, but money for the drug fight. Here is a good chunk of it right there in Amtrak and mass mailings. If we take all of the money out of Amtrak, which I would support, we could fund one-fourth of what is needed.

Let us stick with the 10- to 15- to 20-percent cut. We could get roughly $100 million to $120 million to fight drugs.

There are more. The President proposed recently eliminating the Economic Development Administration. The EDA was created to provide Federal financial aid to severely depressed areas, a worthwhile goal. I am not opposed to that. Unfortunately, it is no longer used for just that. It now dispenses money to virtually every area of the country regardless of their economic condition. That is a fact. The EDA, quite frankly and quite bluntly, is not as important as the war on drugs. Spending can be cut in that program.

Reducing funding for EDA, again, by 10 percent would save $19 million. That is enough to fund the President's proposed increase in support for prisons in his proposal. EDA money to communities that do not need it or money for Federal prisons to put the drug addicts in jail where they belong. It is our choice. But we do not get the choice.

The other side says higher taxes. We need more taxes. We would rather spend the $19 million for EDA and raise taxes.

If we eliminated EDA, an option which I favor and have supported on this floor in the past, we would save $190 million, enough almost to finance the President's proposed increase in international drug assistance, almost enough to fund the international drug assistance request of the President.

We could also reduce or eliminate funding for Legal Services Corporation. For years this program has been a very controversial one in part because it has been heavily involved in political lobbying and other forms of political activity. A 10-percent cut in this program from last year's level would provide us with an additional $30 million, just a 10-percent cut. I am not wiping the program out. It is almost enough to fund the President's proposed increase in funding for U.S. marshals. Here we go again, a political activity and legal assistance, a very controversial program, or Federal marshals, new marshals for drug enforcement, law enforcement against drugs.

Do we make that choice? No. Let us raise taxes; that is what the other side says; we do not have any money; got to raise taxes.

□ 2050

Another program has been the subject of a great deal of controversy, the National Endowment for the Arts. This year the House has provided $170 million for the NEA. A simple 10-percent cut in this program would mean $17 million more for the war on drugs, half of what is needed to finance the President's proposed increase for the Department of Education antidrug programs, half of what the President needs for that if we cut out 10 percent of the National Endowment for the Arts.

Some say we do not want to cut the arts in this country. The National Endowment for the Arts sponsored the famous or infamous Mr. Mapplethorpe's exhibit. So what we have chosen to do is say to the American people, and I want to make this very clear because this is exactly what we are doing, Mr. Speaker, we have said we prefer to fund, we prefer to fund an artist with our taxpayer dollars who urinates in a bottle and places a crucifix in that bottle and displays it as art. We prefer to fund that rather than fund the war on drugs. And then we say we need to raise taxes on the American people to continue funding.

That is what we are saying. People may not like that, they may not like to hear the truth, but let us call it like it is, because that is exactly what we are saying.

Do the American people want their tax dollars spent on this stuff? I ask my colleagues to read their mail. They know the American people do not, and they know they would like us to spend it on drug enforcement or almost anything else other than that.

Some people say that is censorship. It is not censorship at all. It is sponsorship. Do the taxpayers of this country have a right to determine what they want to spend their money on? You bet they do, and it is about time some of the Members in this body understood that, that they are the ones that we are supposed to be representing, not the other way around. They want their children to be educated against illegal drugs. They would rather have that than some artist on display, so-called artist with that disgusting material that I already mentioned.

Again, we could reduce funding in community bloc grants, another example. This program is supposed to be targeted to the Nation's neediest urban communities. Unfortunately, that is not how the program works.

The Congressional Budget Office complains that the entitlement component of the program now provides aid regardless of need, regardless of need. Let us go to 5 percent now and take away the 10 percent, let us go to 5 percent, and a mere 5-percent cut in the amount that the House has appropriated for this program would achieve $150 million in savings to put toward the drug program, more than enough, more than enough to fund the President's increase for DEA, FBI, and the Coast Guard.

What is the response of our liberal friends? They do not want to take the money away from the community bloc grant program. They want to continue to give it to communities that do not need it, and they want your tax dollars so that they can fund DEA, the FBI, and the Coast Guard. That is what we are doing.

Domestic programs. Some say that is all these conservatives in the House ever talk about, cutting all of the domestic programs. This may surprise Members, but there is a heck of a lot more we could look at. There is a lot of room to reduce spending on foreign aid and in a number of other international programs.

As another example, a 10-percent cut in funding for international organizations, including the United Nations, could achieve $70 million in savings, almost enough to finance the President's proposed increase for drug prevention programs under the Department of Health and Human Services, almost enough to fund his increase, just in that amount of money. As a matter of fact, Members might be interested to know that a large number of the countries that are in the United Nations do not even vote with us more than 30 percent of the time, and they get a lot of funding and of foreign aid. The gentleman from Illinois [Mr. CRANE] has a bill, H.R. 1148, which would limit United States contributions to the United Nations. We could take that money and put that into the drug fight, but no, no, that is not the answer, is it? That is not what our friends on the other side say. They say no, no, we do not want to take money away from countries that bash us in the United Nations, bash us constantly in the United Nations all of the time. We would rather continue to give them that money and take it away from the farmers, take it away from drug enforcement, take it away from the other necessary areas, the poor people in our country. We would rather give to to those countries and raise taxes.

They love to do that in this place, and they have been doing it very well.

A 10-percent cut in funding for international financial institutions such as the World Bank would result in savings of $160 million, a 10-percent cut, $160 million, enough to fund the proposed increase in funding for drug treatment programs under HHS. Think of that, enough to fund the drug treatment programs under HHS.

But no, we do not do that. We continue to fund, excessively in my opinion, the World Bank who makes bad loans and then asks the taxpayers to pay for them when they lose the money. No, we continue to do that, not to put the money in drugs and then say to the American people we need a tax increase, we need you to reach in your wallets and help us in this drug fight because we do not have the money.

The war on drugs, my colleagues, is going to give us a lot more return on our investment than the World Bank, who makes bad loans all across this globe.

Lest anybody think I have not included military programs, I am sorry to disappoint, but here it goes. The Pentagon is not sacred. There are a large number of areas in the Defense Department that could be cut with the savings being transferred to the war on drugs.

First, we have a billion dollar plus funding for the F-14B, a fighter that the administration did not request, does not believe is needed for national security, and if we adhere to the administration's funding request we could save $570 million on that plane alone, which is enough to fund more than half of the President's $867 million proposed increase for the Federal prison system, half of it.

Why is this plane in there? Because somebody builds that plane in a Member's district, and they think that is more important than the drug fight, and because they feel that they are going to get the tax increase from the American people, and then they will be able to keep their plane, keep the contract in their district, get their plane, get the money for the drugs and the taxpayers will ante up.

We could require our allies, my colleagues, to pick up a larger share of our common defense burden. We ought to require additional allied support for United States bases overseas, in Europe and Japan and other places around the globe. The CBO estimates that $3.2 billion could be saved in 1990 alone, 1990 alone $3.2 billion if our allies increased their spending on base operation support such as utility costs and providing base security. Just that alone, utility costs and base security, $3.2 billion.

But no, no, we do not deal with that, do we? We do not say we can get $3.2 billion out of this area of our budget, out of the Pentagon, and we can put that $3.2 billion in on the drug fight. But no, we do not do that. We need a tax increase. The American people will ante up so we will ask for a tax increase, and then we can keep this waste and at the same time get the $3.2 billion if we get the tax increase. And if we do not get the tax increase, we will rail on George Bush. We will say it is George Bush's fault if we do not win the war on drugs. And before that it was Ronald Reagan's fault that we did not win the war on drugs. Ronald Reagan was accused of everything from African mumps to dishpan hands to you name it, he was accused of it. Some even said he was responsible for AIDS. It is preposterous, but those are the kinds of things that are said, when the truth of the matter is, the truth of the matter is the President's proposal is sound. Our budget has the money, and if we do not want to put it in drugs, then how about putting it on the deficit? Would it not be nice if we put some of this money on to the deficit around here in addition to fighting the war on drugs?

Mr. Speaker, I do not expect every Member of Congress or all of the American people to agree with the cuts that I have outlined. That is not the point.

□ 2100

The point is that new taxes are not needed to fight the drug fight, they are not needed to fight any fight. We do not need more revenues.

We will spend it and we will not reduce the deficit and we will be right where we were before.

As I said before, you may have disagreement on priorities, that is fine, I welcome the opportunity to debate. I am sorry there are not Members here to debate me, to come down here and say, "Well, you are wrong, SMITH; I don't agree with you on this particular cut, but here is where I would cut."

Or it would be nice if some of my colleagues who favor this tax increase could come down here and be courageous enough to say so in front of the American people.

The idea of across-the-board cuts is more appropriate than a tax increase. It is not the best solution, it is not. It is not the best solution to best understand our dilemma.

Let me give you an analogy: Imagine if the Federal Government is a library and it is filled with thousands of different books. You walk into the library and the shelves are all full. The librarian is forced to make changes in order to find more space.

A new library is out of the question. There are two options available. The first and the most reasonable, remove several unpopular books from the library, make room for new volumes. The second option is take one page out of every book. That alternative would create space but it would destroy the integrity of the library.

Well, that is what we are doing, we are just destroying the integrity of the library. We are not dealing with the problem in a forthright manner. We are saying we need more taxes, we need more money, we need to spend more money, waste more money. Money is not the answer. This drug problem in this country has gone right to the heart of America. It has gone to the moral fiber of this country.

The casual user is just as bad as the drug kingpin because without demand there would not be any supply.

Across-the-board cuts are easy, we can do it to everything, but that is not the answer. That is not the way to do it. We ought to have the courage to prioritize. We ought to have the courage to say that, "My kids' safety from a drug kingpin is more important than a subsidized ride by the taxpayer on Amtrak trains. My kids' safety from drugs is more important than funding nations in this world who do not pay us back. My kids' safety is more important than funding block grants to communities that do not need it."

But we do not get the opportunity to make those choices. We frankly, for want of a better word, really mislead the American people by saying, "Mr. President, we need more taxes."

How wrong that is.

I commend George Bush on this issue. He said it like it is. He told the truth. He said, "We are not going to whip this problem, we are not going to win this war uness we make this commitment together to do it."

Yes, we need money, of course we need money; but we need the help of every single man, woman and child in this country to make the commitment to be drug-free, to set the example in our business, in our homes, in our families, in our churches, in our communities, in our States, in our country.

If we do that, combined with a good prioritization of money that we have already there and the courage to move that money around where it belongs in the drug fight and not raise taxes, we will whip this problem and the American taxpayer and the American people will be better for it.

Mr. Speaker, the illegal drug crisis is ravaging this Nation. There is virtually no city or town in our Nation that has not been touched by it.

If we are serious, we should be willing to sacrifice some outdated, unnecessary or marginally useful programs to fund it.

Mr. Speaker, I urge my colleagues to do just that, give us the opportunity on the floor of this House to debate those priorities that I mentioned. If not those priorities, other priorities. I am willing to take my chances.

I am willing to have my opportunity to debate. If I lose on one of my priorities, I am willing to take the chance that we might lose on a priority I might not like to lose on, but in any case there are priorities that need to be made.

The ones I outlined are not as important as the drug fight.

So I call on my colleagues to dispense, to dispel this talk of taxes, new taxes, to fight the war on drugs and be honest with your constituents, be honest with the American people and say, "We can win this war on drugs by making the commitment and using the tax dollars that this country, the American people have already so generously given this Congress to work with." We have, frankly, not been very good at spending it in terms of responsible spending.

That is the problem in this country, fiscal irresponsibility. That is the problem in this Congress.

I call on my colleagues to move away from the talk of new taxes and move into the fight against drugs.

The war on drugs, as outlined by President Bush, need not be a war upon the pocketbook of the American taxpayer.

GENERAL LEAVE

Mr. SMITH of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. SARPALIUS). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, each day on September 26 and 27.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. WISE, for 60 minutes, today.

Mr. DINGELL, for 60 minutes, on September 14.

Mr. LIPINSKI, for 60 minutes, on September 18.

Mr. WISE, for 30 minutes, on September 20.

Mr. SARPALIUS, for 60 minutes, on September 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous material:)

Mr. SCHAEFER.

Mr. SCHUETTE.

Mr. CRANE.

Mr. GREEN.

Mr. LIGHTFOOT.

Mr. SCHULZE.

Mr. MCEWEN.

Mr. GEKAS.

Mr. HUNTER.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. MARKEY.

Mr. CROCKETT.

Mr. DYMALLY.

Mr. OLIN.

Mr. KANJORSKI in two instances.

Mr. ACKERMAN.

Mr. FLORIO.

Mr. MARTINEZ.

Mr. TORRICELLI.

Mr. FOGLIETTA.

Mr. HAMILTON in two instances.

Mr. COLEMAN of Texas in two instances.

Mr. MAZZOLI.

Mr. MONTGOMERY.

Mr. TALLON.

Mr. MANTON.

Mr. FUSTER.

Mr. KANJORSKI.

Mr. SKAGGS.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992.

ADJOURNMENT

Mr. SMITH of New Hampshire. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, Thursday, September 14, 1989, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 2748. A bill to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 101-215, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3027. A bill to provide liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, to improve oil pollution prevention and response, and for other purposes; with an amendment (Rept. 101-241, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committees on Foreign Affairs and Post Office and Civil Service discharged from further consideration of H.R. 2748; H.R. 2748 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHUMER (for himself, Mr. MORRISON of Connecticut, Mr. FRANK, and Mr. MAZZOLI):

H.R. 3259. A bill to amend the Immigration and Nationality Act to provide for adjustment of status, without regard to numerical limitations, for certain H-1 nonimmigrant nurses and to establish conditions for the admission during a 5-year period, of nurses as temporary workers; to the Committee on Judiciary.

By Mr. FRANK:

H.R. 3260. A bill to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims of persons under the age of 18 years; to the Committee on Judiciary.

H.R. 3261. A bill to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims of persons under legal disability; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 3262. A bill to repeal the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LEHMAN of California (for himself and Mr. HILER):

H.R. 3263. A bill to authorize appropriations for the Bureau of the Mint for fiscal year 1990; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCDADE:

H.R. 3264. A bill to prohibit disposal of solid waste in any State other than the State in which the waste was generated, to require a refund value for certain beverage containers, to require a study on degradable materials and recycling, and to establish an office of recycling research and information in the Department of Commerce; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. MARKEY (for himself and Mr. Rinaldo):

H.R. 3265. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARTINEZ:

H.R. 3266. A bill to amend the Job Training Partnership Act to enhance access to services for those individuals with the greatest need for skills training assistance so that such individuals may contribute to the mainstream work force; to the Committee on Education and Labor.

By Ms. OAKAR (for herself, Mr. Glickman, Mr. Rahall, and Ms. Kaptur):

H.R. 3267. A bill to amend the Immigration and Nationality Act to provide for temporary protected status for Lebanese nationals; to the Committee on the Judiciary.

By Mr. OLIN (for himself and Mr. Boucher):

H.R. 3268. A bill to amend the Solid Waste Disposal Act to place certain restrictions on the interstate disposal of solid waste; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 3269. A bill to require random drug testing of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. STENHOLM (for himself, Mr. de la Garza, Mr. Madigan, Mr. Huckaby, Mr. Coleman of Missouri, Mr. Glickman, Mr. Marlenee, Mr. Volkmer, Mr. Stangeland, Mr. Hatcher, Mr. Roberts, Mr. Tallon, Mr. Emerson, Mr. Staggers, Mr. Morrison of Washington, Mr. Olin, Mr. Gunderson, Mr. Penny, Mr. Lewis of Florida, Mr. Stallings, Mr. Robert F. Smith, Mr. Nagle, Mr. Combest, Mr. Jontz, Mr. Schuette, Mr. Johnson of South Dakota, Mr. Grandy, Mr. Harris, Mr. Herger, Mr. Campbell of Colorado, Mr. Holloway, Mr. Espy, Mr. Walsh, Mr. Sarpalius, Mr. Grant, Ms. Long, Mr. Dyson, Mr. Lancaster, Mr. Watkins, Mr. Kolbe, Mr. Weber, Mr. Stump, Mr. Thomas of Georgia, Mr. Richardson, Mrs. Smith of Nebraska, and Mr. Hammerschmidt):

H.R. 3270. A bill entitled, "The Farm Animal and Research Facilities Protection Act of 1989"; to the Committee on Agriculture.

By Mr. TAUKE (for himself, Mr. Penny, Mr. Craig, and Mrs. Martin of Illinois):

H.R. 3271. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. HORTON (for himself and Ms. Slaughter of New York):

H.R. 3272. A bill to amend title XVIII of the Social Security Act with respect to the terminology used in the notices to nonparticipating physicians providing services for which payment is denied; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHULZE:

H.J. Res. 404. Joint resolution designating the period of September 15, 1989, through September 23, 1989, as "American Mushroom Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. SOLOMON introduced a bill (H.R. 3273) for the relief of Oliver L. North; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. Akaka, Ms. Slaughter of New York, Mr. Hawkins, Mr. Bonior, and Mr. Towns.

H.R. 109: Mr. Volkmer.

H.R. 149: Mr. Cox.

H.R. 169: Mr. Solomon and Mr. Coble.

H.R. 214: Ms. Pelosi.

H.R. 215: Mrs. Kennelly, Mr. Brown of California, Ms. Pelosi, Mr. Dicks, Mr. Lantos, and Mr. McNulty.

H.R. 358: Mr. Solomon.

H.R. 425: Mr. Stokes, Mr. Neal of North Carolina, and Mr. Miller of Washington.

H.R. 567: Mr. Anderson and Mr. Johnston of Florida.

H.R. 645: Mr. Bennett and Mr. Swift.

H.R. 697: Mr. Solomon.

H.R. 702: Mr. Bustamante, Mr. Fauntroy, Mr. Owens of New York, and Mr. Fuster.

H.R. 775: Ms. Slaughter of New York.

H.R. 794: Mr. McCloskey.

H.R. 864: Mr. Cox and Mr. Solomon.

H.R. 1074: Mr. Faleomavaega, Mr. Madigan, and Mr. Lewis of California.

H.R. 1094: Mr. Barnard.

H.R. 1112: Mr. Crockett.

H.R. 1140: Mr. Rowland of Connecticut, Mrs. Boxer, and Mr. Wise.

H.R. 1207: Mr. Rinaldo.

H.R. 1237: Mr. Bustamante, Mr. Oberstar, Mr. Hayes of Louisiana, Mr. Payne of New Jersey, and Mr. Machtley.

H.R. 1292: Ms. Slaughter of New York.

H.R. 1307: Mr. Wolf, Mr. Cox, Mr. DeWine, and Mr. McCrery.

H.R. 1441: Mrs. Johnson of Connecticut.

H.R. 1454: Mr. Ackerman, Mr. Atkins, Mr. Bates, Mr. Berman, Mr. Boehlert, Mr. Borski, Mr. Bosco, Mrs. Boxer, Mr. Brooks, Mr. Bryant, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Cardin, Mr. Carper, Mr. Chapman, Mr. Clay, Mr. Clement, Mr. DeFazio, Mr. de Lugo, Mr. Dellums, Mr. Dixon, Mr. Downey, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Engel, Mr. English, Mr. Espy, Mr. Evans, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frost, Mr. Garcia, Mr. Gejdenson, Mr. Gilman, Mr. Gray, Mr. Guarini, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Hiler, Mr. Hochbrueckner, Mr. Holloway, Mr. Hoyer, Mr. Hughes, Mr. Jacobs, Mr. Jones of Georgia, Mr. Jones of North Carolina, Mr. Kanjorski, Ms. Kaptur, Mr. Kasich, Mr. Kennedy, Mr. Lancaster, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Long, Mr. Manton, Mr. Martinez, Mr. Markey, Mr. McCloskey, Mr. Mfume, Mr. Moody, Mr. Morrison of Washington, Mr. Mrazek, Mr. Murtha, Ms. Oakar, Mr. Oberstar, Mr. Olin, Mr. Ortiz, Mr. Owens of New York, Mr. Pallone, Mr. Parker, Mr. Payne of New Jersey, Mr. Payne of Virginia, Ms. Pelosi, Mr. Perkins, Mr. Price, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Ridge, Mr. Roe, Mr. Savage, Mr. Sawyer, Mr. Schumer, Mr. Slattery, Ms. Slaughter of New York, Mr. Smith of Florida, Mr. Solarz, Mr. Staggers, Mr. Studds, Mr. Tallon, Mr. Tanner, Mr. Tauzin, Mr. Torres, Mr. Torricelli, Mr. Traficant, Mrs. Unsoeld, Mr. Visclosky, Mr. Walsh, Mr. Waxman, Mr. Wheat, and Mr. Wilson.

H.R. 1564: Mr. Rohrabacher, Mr. Roe, Mr. Wilson, and Mr. Rhodes.

H.R. 1632: Mr. Evans, Mr. Jacobs, Mr. Boucher, and Ms. Kaptur.

H.R. 1699: Mr. Fuster, Mr. Emerson, Mr. Wolpe, Mr. Walsh, Mr. Mollohan, Mr. McNulty, Mr. Panetta, Mr. Hughes, Mr. McEwen, and Mr. Fish.

H.R. 1730: Mr. Fawell and Mr. Bilirakis.

H.R. 1870: Mr. Schuette.

H.R. 2043: Mr. Campbell of California and Mr. Traficant.

H.R. 2170: Mr. Kasich and Mr. Edwards of Oklahoma.

H.R. 2285: Mr. Solomon.

H.R. 2294: Mrs. Smith of Nebraska.

H.R. 2328: Mr. Solomon.

H.R. 2406: Mr. Sikorski.

H.R. 2460: Mr. Solomon.

H.R. 2611: Ms. Slaughter of New York.

H.R. 2647: Mr. Atkins, Mr. Torres, and Mr. Scheuer.

H.R. 2700: Mr. Petri.

H.R. 2765: Mr. Armey, Mr. Bustamante, Mrs. Collins, Mr. Courter, Mr. Crane, Mr. DeFazio, Mr. Dickinson, Mr. Dornan of California, Mr. Feighan, Mr. Frost, Mr. Gallegly, Mr. Green, Mr. Lagomarsino, Mr. Lantos, Mr. Donald E. Lukens, Mr. McGrath, Mr. Miller of Washington, Mr. Murphy, Mr. Pallone, Mr. Rhodes, Mr. Rinaldo, Mr. Rohrabacher, Mrs. Schroeder, Mr. Shaw, Mr. Shays, Mr. Sikorski, Mr. Towns, Mrs. Unsoeld, Mr. Walker, and Mr. Yatron.

H.R. 2782: Mr. Saxton.

H.R. 2852: Ms. Pelosi, Mr. Atkins, Mr. Panetta, Mr. Wolpe, Mr. Moakley, Mr. Bustamante, Mr. Kennedy, Mr. Wheat, and Mr. DeFazio.

H.R. 2856: Mr. Tauke and Mr. Parker.

H.R. 2857: Mr. Tauke and Mr. Parker.

H.R. 2876: Mr. McNulty.

H.R. 2911: Mr. Chapman.

H.R. 2958: Mr. Buechner, Mr. Mrazek, Mr. Wyden, Mr. Bilbray, Mr. Bonior, Mr. Mineta, Mr. Jones of North Carolina, Mr. Towns, Mr. Levine of California, Mr. Morrison of Connecticut, and Mr. Solarz.

H.R. 2968: Ms. Slaughter of New York.

H.R. 2995: Mr. Atkins.

H.R. 2997: Mr. Dymally and Mr. Campbell of California.

H.R. 3004: Mr. Davis, Mr. Olin, Mr. Price, Mr. Quillen, and Ms. Schneider.

H.R. 3030: Mr. Dickinson, Mr. Kyl, Mr. Payne of New Jersey, Mr. Gekas, Mr. Rangel, and Mr. Pashayan.

H.R. 3037: Mr. Hawkins, Mr. Hughes, and Mr. Downey.

H.R. 3051: Mr. Paxon, Mr. Dannemeyer, Mr. Lagomarsino, Mr. Denny Smith, Mr. Rinaldo, Mr. Pallone, Mr. Hansen, Mr. Walker, Mr. Hyde, Mrs. Meyers of Kansas, Mr. Smith of New Jersey, Mr. Leath of Texas, Mr. Bennett, Mr. Whittaker, Mr. McGrath, Mr. Gilman, Mr. Poshard, Mr. Walsh, Mr. Lewis of Florida, Mr. Oxley, Mrs. Martin of Illinois, Mr. Hancock, Mr. English, Mr. Madigan, Mr. Nelson of Florida, Mr. Chapman, and Mr. Gingrich.

H.R. 3066: Mr. Penny, Mr. Dellums, and Mr. Jontz.

H.R. 3082: Mr. Lancaster, Mr. de Lugo, Mr. Kolter, Mr. Derrick, and Mr. Tallon

H.R. 3107: Mr. Roybal, Mr. Towns, Mr. Smith of Florida, Mr. Roe, Mr. Miller of California, Mr. Frost, and Mrs. Collins.

H.R. 3109: Mr. Roybal, Mr. Towns, Mr. Smith of Florida, Mr. Roe, Mr. Miller of California, Mr. Frost, and Mrs. Collins.

H.R. 3145: Mr. Jontz and Mr. Kolter.

H.R. 3156: Mr. Schaefer.

H.J. Res. 133: Mr. Stark, Mr. Walsh, Mr. Montgomery, Mr. Hubbard, Mr. Payne of New Jersey, Mr. Pickle, Mr. Murtha, Mrs. Johnson of Connecticut, Mr. Russo, Mr. Moody, Mr. Clarke, Mr. Vento, Mr. Atkins, Mr. Dyson, Mr. Hopkins, Mr. Livingston, Mr. Rinaldo, Mr. Tauke, Mr. Dornan of California, Mr. Hyde, Mr. Weldon, Mr. McCollum, Mr. Perkins, Mr. Ireland, Mr. Owens of Utah, Mr. DeFazio, Mrs. Saiki, Mr. Hayes of Louisiana, Mr. Costello, Mr. McHugh, Mr. Poshard, Mr. Stokes, Mrs. Morella, Mr. Sabo, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Spence, Mr. Miller of California, Mr. Wolpe, Ms. Oakar, Mr. Kasich, Mr. Skelton, Mr. Martin of New York, Mr. Fawell, Mr. Gallegly, Mr. Jones of North Carolina, Mr. Cardin, Mr. Borski, Mr. Donnelly, Mr. Fuster, Mr. Lewis of Florida, Mr. McCloskey, Mr. Murphy, Mr. Tallon, Mr. Wilson, Mr. Boucher, Mrs. Bentley, Mr. Berman, Mr. Pallone, Mr. Traficant, Mr. Traxler, Mr. Brennan, Mr. Hayes of Illinois, Mr. Vander Jagt, Mr. Ravenel, Mr. Smith of Iowa, Mr. Tauzin, Mrs. Byron, Mr. Dellums, Mr. Applegate, Mr. Mfume, Mr. Valentine, Mr. Hoyer, Mr. Sawyer, Mr. McDermott, Mr. Courter, Mr. Hawkins, Mr. Schumer, Mr. Darden, Mr. Smith of Texas, Mr. Flake, Mr. Torricelli, Mr. Skaggs, Mr. Browder, Mrs. Lowey of New York, Mr. Wyden, Mr. Clinger, Mr. Chapman, Mr. Miller of Washington, Mrs. Unsoeld, Mr. Gekas, Mr. Michel, Mr. Roth, Mr. Bateman, Mr. Saxton, Mr. Ortiz, Mrs. Kennelly, Mr. Bryant, and Mr. Scheuer.

H.J. Res. 241: Mr. Schiff, Mrs. Johnson of Connecticut, Mr. Owens of Utah, Mr. Davis, Mr. Nagle, Mr. Pursell, Mr. Berman, Mr. Harris, Mr. Skaggs, Mr. McNulty, Mr. Buechner, Mr. Ford of Michigan, Mrs. Boggs, Mr. Kostmayer, Mr. Yatron, and Mr. Coyne.

H.J. Res. 255: Mr. Owens of Utah, Mr. Aspin, Mr. Quillen, Mr. Nowak, Mr. Roe, Mr. Skelton, Mr. Murtha, and Mr. Murphy.

H.J. Res. 278: Mr. Conyers, Mrs. Martin of Illinois, Mr. Sarpalius, and Mr. Hayes of Illinois.

H.J. Res. 320: Mr. Annunzio, Mr. Bennett, Mr. Bilbray, Mr. Boehlert, Mr. Brooks, Mr. Bruce, Mr. Clinger, Mr. Dellums, Mr. Downey, Mr. Faleomavaega, Mr. Gilman, Mr. Gordon, Mr. Gray, Mr. Kastenmeier, Mr. Lipinski, Mr. Mfume, Mr. Nagle, Mr. Nowak, Mr. Panetta, Mr. Pickett, Mr. Quillen, Mr. Richardson, Mr. Rinaldo, Mr. Russo, Mr. Sabo, Mr. Sangmeister, Mr. Sisisky, Mr. Skaggs, Mr. Smith of Florida, Mr. Solomon, Mr. Staggers, Mr. Volkmer, and Mr. Whitten.

H.J. Res. 345: Mr. Bevill, Mr. Callahan, Mr. Courter, Mr. Flippo, Mr. Harris, Mr. Kasich, Mr. McEwen, Mr. Pallone, Mr. Pursell, Mr. Pickle, Mr. Ravenel, Mr. Smith of Texas, Mr. Spence, Mr. Ford of Michigan, Mr. Dickinson, Mr. Stump, Mr. Costello, Mrs. Martin of Illinois, Mr. Wilson, Mrs. Boggs, Mr. Spratt, Mr. Hayes of Louisiana, Mr. Evans, Mr. Livingston, Mr. Henry, and Mr. Tanner.

H.J. Res. 346: Mr. Lightfoot, Mr. Gallo, Mr. Feighan, Mr. Fawell, Mr. Bevill, Mr. Bliley, Mr. Pallone, Mr. Manton, Mrs. Collins, Mr. Frenzel, Mr. Quillen, Mr. Wolf, Mr. Dyson, Mr. Smith of Florida, Mr. Kastenmeier, Mr. Oberstar, Mr. Sisisky, Mr. Barnard, Mr. Bilirakis, Mr. Jones of North Carolina, Mr. Walsh, Ms. Kaptur, Mr. Martin of New York, Mr. Horton, Mr. Frost, Mr. Fazio, Mr. Whittaker, Mr. Bustamante, Mr. Florio, Mr. Burton of Indiana, Mr. Coble, Mr. Clement, Mr. Evans, Mrs. Byron, Mr. Neal of North Carolina, Mr. Dornan of California, Mr. Broomfield, Mr. Bennett, Mr. Dwyer of New Jersey, Mr. Lipinski, Mr. Rinaldo, Mr. Bosco, Mr. Bates, Mr. Crockett, Mr. Callahan, Mr. Cardin, Mr. Bateman, Mr. Ireland, Mr. Hayes of Louisiana, Mr. Sabo, Mr. Donald E. Lukens, Mr. Weiss, Mr. Henry, Mr. Traficant, Mr. Traxler, Mr. Emerson, Mr. Schuette, Mr. Rowland of Connecticut, Mr. Tauzin, Mr. Engel, Mr. Guarini, Mr. Valentine, Mr. Lagomarsino, Mr. Faleomavaega, Mr. Kennedy, Mr. Tanner, Ms. Pelosi, Mr. Hammerschmidt, Mr. McCollum, Mr. McNulty, Mr. Yatron, Mr. Montgomery, Mr. Richardson, Mr. Livingston, Mr. Hefner, Mr. McGrath, Mr. Owens of Utah, Ms. Long, and Mrs. Morella.

H.J. Res. 352: Mr. Costello, Mr. Bliley, Mr. Fauntroy, Mr. McGrath, Mr. Bevill, Mr. Skelton, Mr. Parris, Mr. Natcher, Mr. Schuette, Mr. Payne of Virginia, Mr. Lantos, Mr. Borski, Mr. Frost, Mr. Hubbard, Mr. Hammerschmidt, Mr. Dymally, Mr. Tallon, Mr. Darden, Mr. McEwen, Mrs. Collins, Mr. Clement, Mr. Walsh, Mr. Rangel, Mr. Lipinski, Mr. Horton, Mr. Wolpe, Ms. Kaptur, Mr. Evans, Mr. Hayes of Louisiana, Mr. Fazio, Mrs. Bentley, Mr. Carper, Mr. Fuster, Mr. Dornan of California, Mr. Inhofe, Mr. Espy, Mr. Towns, Mr. Volkmer, Mr. Skeen, Mr. Wolf, Mr. Donald E. Lukens, Mr. Matsui, Mr. Ritter, Mr. Frenzel, Mr. Pursell, Mr. Annunzio, Mr. Kildee, Mr. Rinaldo, Mrs. Saiki, Mr. Thomas of Georgia, Mr. Gonzalez, Mr. Richardson, Mr. McDade, Mr. Fawell, Mrs. Patterson, Mr. Smith of Texas, Mr. Obey, Mr. Jones of North Carolina, Mr. Lancaster, Mr. Pickett, Mr. Schaefer, Mr. Jacobs, Mr. Russo, Mr. Chandler, and Mr. Engel.

H.J. Res. 369: Mr. Wilson and Mr. Lantos.

H.J. Res. 373: Mr. Bruce, Mr. Tauke, and Mr. Petri.

H.J. Res. 378: Mr. Mrazek, Mr. Evans, Mrs. Collins, Mr. Sisisky, Mr. Ackerman, Mrs. Kennelly, Mr. Bustamante, Mr. Kolter, Mr. Fazio, Mr. Owens of New York, Mr. Frost, Mr. Shays, Mr. Guarini, Mr. Fuster, Mrs. Boxer, Mr. Walsh, Mr. Engel, Mr. Rangel, Mr. Lantos, Mr. Feighan, Mr. Donald E. Lukens, Ms. Kaptur, Mr. Faleomavaega, and Mr. Miller of California.

H.J. Res. 389: Mr. DeFazio, Mr. Evans, Mr. Faleomavaega, Mr. Manton, Mr. Packard, Mr. Spence, and Mr. Whittaker.

H. Con. Res. 140: Mr. Rogers and Mr. Nielson of Utah.

H. Con. Res. 162: Mr. Ridge, Mr. Edwards of Oklahoma, and Mr. Lowery of California.

H. Con. Res. 191: Mr. de Lugo, Mr. Panetta, and Mr. Upton.

H. Con. Res. 194: Mr. Levine of California, Mr. Fawell, Mr. Solarz, Mr. Horton, Mrs. Lowery of New York, Mr. Pallone, Mr. Paxon, Mr. Henry, Mrs. Johnson of Connecticut, Mr. Penny, Mr. Leath of Texas, Mr. Hughes, Mr. Brown of California, Mr. Inhofe, Mr. Frank, Mr. Gordon, Mr. McGrath, and Mr. Brennan.

H. Res. 191: Mr. Paxon and Mr. Cox.

H. Res. 206: Mr. Oxley, Mr. Atkins, Mr. Payne of New Jersey, Mr. Cooper, Mr. Costello, Mr. Garcia, Mr. Inhofe, Mr. Kennedy, Mr. Manton, Mr. Markey, Mr. Carper, Mr. Morrison of Connecticut, Mr. Hancock, Mr. Smith of Florida, Mr. Ford of Tennessee, Mr. McDermott, Mr. Green, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Emerson, and Mrs. Lloyd.

H. Res. 231: Mr. Paxon and Mr. Cox.

EXTENSIONS OF REMARKS

UNITED STATES SHOULD SUPPORT CENTRAL AMERICAN PEACE PLAN

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. CROCKETT. Mr. Speaker, on August 7, the second anniversary of the Esquipulas peace process, the five Central American Presidents, meeting in Tela, Honduras, signed a historic agreement for the demobilization and repatriation or resettlement of the Nicaraguan Contras based in Honduras.

If honored, this agreement would end a long and painful—if not to say disgraceful—period in our history. The Central American leaders are again showing us a way out of the problems that our own misguided policies have created.

Everyone recognizes that U.S. support is crucial to the success of the Tela agreement. The Contras were created as an act of U.S. policy, and it is U.S. policy with respect to this agreement that will largely determine whether or not the Contras comply.

I urge the administration to give the agreement its full support, and to indicate to the Contras that we expect them to avail themselves of the opportunity to repatriate or resettle within 90 days. That is the will of the Central American leadership, the Nicaraguan opposition, the American people, and—I am confident—the majority of this House.

I include at this point editorials from the New York Times and the Boston Globe that support this position:

[From the New York Times, Aug. 8, 1989]

MR. BUSH, ALONE ON NICARAGUA

Central American's five Presidents ended their meeting in Honduras yesterday with a workable plan for demobilizing the contras and ending civil war in Nicaragua. They called for disbanding rebel camps in southern Honduras by Dec. 8. This would be 90 days after the stationing of international monitors in the jungles to oversee compliance and deter cross-border raiding.

The Bush Administration strongly opposed this outcome, arguing that the contras should be kept in the field until the Nicaraguan elections promised for next Feb. 25. President Bush can continue this opposition, look foolishly isolated and lose besides. Or he can join the diplomatic enterprise fully and work toward free and fair elections.

Last week the Sandinistas negotiated an electoral pact with opposition parties in Nicaragua. The Sandinistas assured them access to the media, guaranteed suspension of military conscription and endorsed international supervision of the elections. In return, 20 opposition groups joined in calling for disbanding of the contras before the vote.

These parties included many Nicaraguans who support democracy and want good relations with the U.S. But President Bush's policy seems to ignore them. In turn, Mr. Bush is being isolated. At the Tela conference just concluded, even Honduras, though heavily dependent on Washington, bolted from the U.S. camp. Hondurans backed the early disbanding of the contras. Sensibly, they fear that if rebel camps are not closed quickly, the contras will become a danger to Honduras.

Nor does Mr. Bush's drive to keep the contras going have much resonance in Congress. Secretary of State Baker reached agreement with Congressional Democrats in March on renewing non-military aid to the contras until November. But the Administration cannot expect more than that.

If Mr. Bush wants to flail at these internal and external realities, he will earn the gratitude of some American conservatives. But he will accomplish little for democracy in Nicaragua. Surely United States interests can be satisfied by a genuinely free election in that country. Surely Mr. Bush can use this opportunity to work with, not against, Central Americans.

[From the Boston Globe, Aug. 10, 1989]

A POST-CONTRA OPPORTUNITY

The Ronald Reagan era of Central America policy is over, but the George Bush era has not yet begun. The president appears to be drifting toward acceptance of the new reality, which includes a Nicaraguan government that is earning international support by playing a constructive role in the regional peace process. Yet Bush has not yet taken any initiative to shape the future. It is time for him to do so.

At the Honduras summit meeting in which the five Central American presidents called for dismantling the contras, Bush was handed an opportunity that he should seize. No one expects him to acknowledge defeat, although the Central American accord, which defies administration policy, could be interpreted as such. But why not choose the path Sen. George Aiken suggested during the Vietnam War: declare victory and call it quits.

The agreement struck in Honduras has finished the contras. Its crux is the commitment to disband the US-backed force under the auspices of a verification commission to be established by the United Nations and the Organization of American States.

Like each earlier step in the regional peace process, however, implementation depends on the willingness of the United States to cooperate. The contras' disarmament and relocation will be voluntary. The administration has plenty of wiggle room to drag the process out for a few more months.

The graceful course of action would be to quit stalling and climb on board the peace train. Bush should articulate a post-contra alternative that is ethical, more forward-looking and more effective.

For Bush to persist in trying to maintain the contras as a fighting force is a clear violation of the Central American consensus. It is time to stop sending nonlethal military aid to the contras in camps along the Honduras-Nicaragua border and, instead, use the funds for resettlement assistance to induce contra foot soldiers to go home.

It is time to ease up on the Nicaraguan economy by ending the trade embargo (which the anti-Sandinista opposition in Managua has been complaining about for years). An even more positive step would be to stop blocking loans from international lending institutions such as the Inter-American Development Bank. Recovery of the Nicaraguan economy would stimulate the regional economy and stanch the flow of refugees, including former contras, into the United States.

Finally, it is time to throw the weight of US policy behind a negotiated settlement of the civil war in El Salvador. Unraveling the Salvadoran situation has taken a back seat to the intervention in Nicaragua. As the contra war ends, however, diplomatic resources are being freed up. They could be used in El Salvador, and if Bush endorsed such an effort, chances for a negotiated settlement would increase.

Until the eve of the Honduras meeting, State Department officials were maneuvering to keep the contras intact until the Nicaraguan elections in February. Secretary of State James Baker lobbied President Oscar Arias of Costa Rica with the pathetic argument that disbanding the contras would provoke thunder on the American right wing. Treating Central America as a bone to be tossed to the right wing is what got the Reagan administration into trouble in the first place.

Leaders like Arias, who are pro-American, oppose the contra war because it has destabilized and impoverished the region. What was referred to as low-intensity conflict in the US, where there were no casualties and little economic impact, has been experienced with high intensity on the receiving end.

The Arias peace process has given Bush an opportunity. Arias gives Bush the benefit of the doubt by interpreting ambiguous signals as if they represent a clear change of course.

"It must be very difficult," Arias said, "after having belonged to the Reagan administration for eight years, to have recognized that he was wrong and through simple pragmatism to say, 'OK, let's give peace a chance."

Bush has not yet said that in unequivocal terms. He could get the right message across gracefully, however, by backing a negotiated peace in El Salvador and by ending the trade and credit embargo, thereby helping Nicaragua to rebuild.

RESPONDING TO CHANGE IN THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

August 1989 into the CONGRESSIONAL RECORD.

RESPONDING TO CHANGE IN THE SOVIET UNION

Awesome upheaval is occurring in the Soviet Union. Communism has failed and Soviet leaders know it. They are shifting their top priority from military might to economic and political reform. Because the Soviet Union is preoccupied with its internal problems, the military threat it poses to the West is declining.

The U.S. confronts not a public relations battle with Soviet leader Gorbachev, but a momentous political challenge: how best to take advantage of change in the Soviet Union. We stand at what is potentially a great turning point in history. The Soviet Union's problems provide not a cause for self-congratulation, but an opportunity to limit the expensive military competition between NATO and the Warsaw Pact. Our goal should be to reshape the basic U.S.-Soviet relationship in order to diminish tensions and ease, if not erase, the dividing lines between East and West that have dominated international life since 1945.

The President has said that "we seek the integration of the Soviet Union into the community of nations." I agree. It is time to engage the Soviets in an across-the-board dialogue, to test them as they continue their reforms. The President should not just await Gorbachev's next dramatic gesture, but should himself exercise leadership. The greater risk for U.S. policy is not that it will be too bold, but not bold enough.

The President's May 1989 proposal to reduce conventional forces in Europe was a creative first step in meeting the new Soviet challenge. We want a balance of forces at lower levels in Europe. This will require large Soviet reductions as well as some U.S. troop cuts. We should negotiate this reduction as part of a process of East-West political change rather than cut U.S. forces unilaterally.

The U.S. should also restore momentum to the stalled strategic arms reduction talks (START). The toughest problem in START is strategic missile defenses, and the U.S. should seek a 10-year extension of the 1972 Anti-Ballistic Missile (ABM) Treaty. The traditional interpretation of the ABM Treaty—with its restraints on development, testing and deployment of anti-missile systems or their components—serves U.S. interests. It will help us to maintain strategic stability as we pursue research on new defense technologies. Agreement on the future of the ABM Treaty would help break the current deadlock in negotiations and pave the way to a landmark START accord.

The time is ripe for other arms control agreements. U.S. and Soviet negotiators recently made progress in Geneva toward a multilateral ban on chemical weapons. The Soviets have expressed new concern about nuclear, chemical, and ballistic missile proliferation, and we should encourage them to join and strengthen existing international control efforts. The two sides should also wrap up talks on verification of the 1974 U.S.-Soviet Threshold Test-Ban Treaty, so that the President can move quickly to seek Senate ratification.

We should ease restrictions on U.S.-Soviet trade in response to greater pluralism in Soviet society. This should include a temporary waiver of the Jackson-Vanik Amendment, to allow the Soviet Union Most-Favored-Nation trading status. While it is not in our interest to provide subsidies to the Soviets, we should expand non-strategic trade. Western exports of consumer goods can help strengthen Soviet constituencies in favor of reform. Safeguards on U.S. technology exports remain necessary, but higher fences around fewer goods should be our aim.

The current climate in relations is also favorable for progess on bilateral questions, such as resolving construction problems at the U.S. Embassy in Moscow, opening consultates in New York and Kiev, and settling maritime boundary issues in the Bering Sea. We should encourage an expansion of U.S.-Soviet exchanges, including scientific and technical exchanges of mutual benefit.

The cold war as we have known it—characterized by tense relations, political hysteria, and perpetual diplomatic deadlock—is receding. The rise of Gorbachev does not mean the end of U.S.-Soviet rivalry, but the beginning of a new chapter. A process of fundamental change is underway, and whoever leads the Soviet Union will be forced—like Gorbachev—to address its serious economic and political ills. The debate within the Soviet Union is about the scope and pace of change, not the need for change.

Within the Alliance, the debate is how much to help Gorbachev, and what to ask for in return. The West should not use this period of Soviet weakness to humiliate Gorbachev: we would risk a backlash from a proud people and nation. We should keep in mind that the Soviet Union still has sufficient economic and military strength to make life easier, or harder, for us.

The West can neither manage Soviet reforms nor save Gorbachev. Nor should we try. Problems such as restructuring the domestic economy, taming the bureaucracy, and quelling nationality unrest are ones Soviet leaders must face alone. But it should be our preference that they succeed in creating a more humane and pluralistic society. We want to encourage Soviet reforms because western interests are at stake—in arms control, in trade, and in opening new channels of contact between East and West.

Soviet reforms make life for the U.S. more difficult in some respects. The old superpower "rules of the game" no longer apply, and the new ones are not yet clear. We will have to adjust to a relationship of growing cooperation and continuing rivalry with the Soviet Union—and more diplomatic surprises from its leaders. While the world may be less predictable, the changes now underway in the Soviet Union can help to make it more peaceful.

FREEDOM OF IDEAS AND THE NEA/FUNDING CONTROVERSY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to bring to your attention an article written by Sheldon Hackney, president of the University of Pennsylvania, which was printed in the university's facility publication, Almanac, on September 5, 1989. Mr. Hackney's article sheds a revealing light on the many questions surrounding the NEA controversy.

The Institute of Contemporary Arts, where the Mapplethorpe exhibit originated, is affiliated with the University of Pennsylvania. As part of the University, ICA shares our commitment to the unfettered exploration of ideas and expression of differing points of view and artistic vision.

In applying for NEA funding to support the Mapplethorpe show, ICA provided the NEA with complete information on the nature of the artist's work, including photographic slides. The funding was granted in full accordance with NEA's established procedures.

The Senate's language would bar ICA from federal funding for five years, effectively restricting ICA's ability to continue as a viable presenter of the visual arts in America.

Such punitive legislation would set a dangerous precedent for ICA—and for all of academia. Such a step would have an extraordinarily chilling effect not only on any museum or arts organization considering a project that might be controversial, but on anyone carrying out federally-funded, peer-reviewed research.

The issue is not whether Mapplethorpe's images are pornographic or Serrano's sacrilegious. The question is whether our government, having decided to support the arts, should suppress certain forms of expression in an attempt to cleanse public discourse of offensive material. It is perfectly fair for legislators to denounce Mapplethorpe and all he stands for, and it is within bounds for them to criticize the ICA and NEA. This is part of the American way. They should not, however, use the power of the public purse to limit the public's intellectual and cultural life. It is ironic that at the same time we are applauding democracy movements around the world some members of our congress seek to limit expression in the Land of Liberty.

If there is a program of governmental subsidies, and there certainly needs to be, competition for support should be open to all artists on the basis of their merit as artists as judged by qualified people in the field. When the NEA was originally established, Congress wisely took great care to keep politics and elected officials out of the process of awarding grants. Indeed, the enabling legislation scrupulously prohibits the NEA from considering the content of a work of art in reaching decisions about awards. It would be a terrible mistake for Congress to undermine the careful and serious evaluation process that the NEA currently uses. The result, if not an Orwellian nightmare, inevitably will be a morass of erratic judgments, sanitized programs, and mediocrity.

Such an approach is not risk free. Some people or groups will be offended from time to time, but our Founding Fathers decided long ago that the rewards of freedom were well worth the risks. In the current controversy, the trade-off is clear; the price of excellence and a vibrant artistic scene is the risk of occasional offense to someone's sense of what is appropriate to display or say in public.

We will be much better off in the long run if we recognize that to some people, often curiously enough those who believe themselves to be the strongest proponents of democracy, some art is dangerous, as are some ideas. Yet, the best protection we have found for democracy is an unregulated market in expression. Such a fundamental commitment to intellectual freedom has served us well for more than 200 years; it is our best hope for the next 200, as well.

A TRIBUTE TO MR. RAY COTE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. HUNTER. Mr. Speaker, this pays tribute to one of America's most distinguished flyers, Mr. Ray Cote of El Cajon, California, who will formally retire as Manager of Flight Operations at Teledyne Ryan Aeronautical in San Diego on December 31, 1989.

Ray Cote's career in aviation exemplifies the art and science of manned flight and characterizes with dramatic appeal those qualities for which he has distinguished himself.

Born at Woonsocket, RI, Mr. Cote was introduced to flying as a naval aviator in 1943 at age 18. He served aboard carriers during World War II assigned as a fighter pilot to F4U Corsairs, F6F Hellcats and F8F Bearcats, the last of the propeller-driven Navy fighter aircraft to be used in aerial combat.

On the close of World War II, Ray Cote continued his aviation career as a pilot in air freight, skywriting, and flight instructor, only to return to active service in 1951 as a Navy flight instructor assigned to North Island Naval Air Station. He was subsequently assigned as an instructor in French Indo-China to teach French aviation personnel to fly amphibian aircraft.

Like thousands of other Korean veterans, Mr. Cote resumed his civilian career with the end of hostilities, returning to air freight, aerial survey and flight instruction in the private sector. He subsequently became a corporate pilot with Pacific Automation, Douglas Aircraft, and came to San Diego in 1964 to join Ryan Aeronautical Company in the position he currently holds.

Those accomplishments as a professional pilot distinguish Mr. Cote's career as one of dedication and fulfilling achievement. There is yet another sector within aviation in which he has distinguished himself.

Ray Cote is an air race pilot of legendary status in America. At age 64, he is the second oldest active pilot of sanctioned formula one midget air racing. In this 26th year of air racing by Mr. Cote, he has completed 11 National Air Races at Reno, NV, as first place winner in international formula one competition. The world's most famous race plane in that category, "Shoestring", is permanently enshrined at the San Diego Aerospace Museum as the most distinctive aircraft of its kind.

Not content with the championship status in a field of endeavor that is recognized as the world's fastest motor sport, Ray Cote has completed building a new formula one race plane, "Alley Cat" and has resumed competition in air racing at the national level.

Mr. Cote also possesses distinctions as an engineering test pilot assigned to the world's first motor-glider of its kind, the Ryan "Cloudster". He also test-piloted the replica Ryan "Spirit Of St. Louis", compiling 7 flight hours as the only pilot to fly that world-famous monoplane before its investiture at the San Diego Aerospace Museum.

At the time of his retirement, Mr. Cote will have logged nearly 30,000 hours of flight in aircraft ranging from the 1927 "Spirit Of St. Louis" replica to prop and jet-powered fighter aircraft, gliders, race planes, seaplanes, helicopters and corporate planes.

I am deeply proud and privileged to acknowledge the professional aviation contributions that have been made by Ray Cote. His career distinguishes all who pursue the disciplines and demands of a profession in which the horizons are truly unlimited.

NEWSMEDIA REPORTS OF CONGRESSIONAL TRAVEL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. DYMALLY. Mr. Speaker, in the past, the media have gone to great lengths to project to the public that overseas travel, by the Members of Congress, is nothing more than frivolous junkets at the taxpayer's expense.

For many of us, who take the time to travel, at the expense of being away from our constituents and/or families, this angle is not new. Despite this criticism, we make these visits because we believe that it is important to learn firsthand about the issues America faces in a world we share with other peoples and nations.

It is unfortunate, however, that major newspapers feel compelled to resort to attacks on Member's travel. This unnecessarily undermines public confidence in Congress.

Mr. Speaker, the following letter to the editor of the New York Times which is yet to be published, was sent by one American who had the opportunity to personally experience what we do during overseas travel, in the service of this great Nation.

I am certain that many others have written similar letters on behalf of other Members of Congress.

Hopefully, other Members will publish similar letters in the RECORD so that the public is not left to the mercy of the editors' judgments of what is fit to print about Members of Congress.

[Letter to the editor]

COMMONWEALTH OF PUERTO RICO,
August 21, 1989.

To the Editor:
The New York Times,
229 West 43rd Street,
New York, NY.

SIR: In a table accompanying "Congressional Trips: Political 'Junketerring' or Serious Business?" (Aug. 16) Rep. Mervyn Dymally of California is listed as one of the Members of Congress "who took the most foreign trips at taxpayer expense during the 1987-88 term."

Although reporter Andrew Rosenthal noted that "many (of these foreign trips) are serious missions that even those most hardened critics of Congressional travel consider legitimate," I assume space precluded outlining the purposes of the travel of the members listed.

I am an 18-year resident of the Caribbean and as a consultant on Caribbean affairs with the Government of Puerto Rico I travel extensively in the region. During the 1987-88 term reviewed in the article I had the opportunity to come in contact with Rep. Dymally on three of his trips:

In September 1987 Rep. Dymally participated in a hearing of his House Western Hemisphere Affairs Subcommittee on Caribbean development legislation in Barbados where testimony was heard from over 20 regional representatives;

In April 1988 Rep. Dymally met with Prime Minister A.N.R. Robinson in Trinidad & Tobago (where Dymally was born), attended an economic development conference in Barbados and held discussions with Prime Ministers John Compton (of St. Lucia) and James Mitchell (of St. Vincent & the Grenadines) in their countries;

In July 1988 Dymally was a guest of honor at the 13-member Caribbean Community (Garicom) Heads of Government Summit in Antigua and subsequently held two hearings (in the U.S. Virgin Islands and Puerto Rico) of the House Census & Population Subcommittee of which he was then chairman.

Rep. Dymally does not represent me but I very much appreciate his frequent visits to, concern for and continuing advocacy of the Caribbean in the U.S. House of Representatives. These visits to the region provide him with invaluable hands on, up to date knowledge of an area which is vital to the United States. Many Caribbean people are grateful that Rep. Dymally has not forgotten where he was born and represents the Caribbean as well as his California district.

JOHN COLLINS.

BOOSTING U.S. INVESTMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 13, 1989, into the CONGRESSIONAL RECORD.

BOOSTING U.S. INVESTMENT

A major challenge facing policymakers is to boost U.S. long-term investment. Private investment in new plant and equipment, as well as public investment in education, research, and infrastructure, is central to future productivity growth. Besides wrestling with the perennial problem of how to find the needed funds for public investment, the Congress has given a lot of attention lately to tax incentives designed to boost private investment. Yet one proposal currently under serious consideration in the House is the wrong approach.

Strong investment is one of the keys to future U.S. competitiveness. However, net private investment in the U.S.—investment beyond that needed just to replace assets like factories and machinery that are wearing out—has fallen in recent years. Net private investment has averaged 4.7 percent of GNP from 1980-88, compared to decade averages of 7.1 percent in the 1960s and 6.9 percent in the 1970s. The decline in investment has slowed productivity and caused middle-class incomes to stagnate. The fact is the less we invest today, the poorer we will be in the future.

Currently under consideration in the House tax-writing committee is a proposal to boost private investment by lowering the top tax rates on capital gains (currently 28 percent and 33 percent) to roughly 20 percent, but only for two years. After 1991, the top rate would be 28 percent, and capital gains would be taxed only to the extent that they exceeded inflation. This proposal is gaining strength in the Congress because it would pull in revenue in 1990, as people holding appreciated assets cash them in to take advantage of the termporarily lower rates. Tax committees have had difficulty finding revenue elsewhere to meet the revenue requirements of the 1990 budget.

In my view this is the wrong approach. It involves a quick windfall to the Treasury at the expense of future tax collections. It would worsen the federal budget deficit over the long term, and is another example of the "smoke and mirrors" budgeting trap we have gotten overselves into. Its primary benefit is to those who invested in the past, when our major emphasis should be trying to encourage new investment. In addition, its benefits would go disproportionately to the well-to-do. By one estimate, people making more than $200,000 would get an average tax saving of $25,000, while the four-fifths of Americans making less than $50,000 would get an average saving of $20. It gives the wealthy back the biggest tax loophole that was eliminated in order to pay for the lower overall tax rates they received in 1986.

The idea of trying to encourage long-term, productive investment is a good one, but I believe that there are better ways of doing it. One important way would be to keep the tax code as free from distorting tax subsidies as possible, to lessen misleading signals sent to businessmen on how to allocate scarce resources and to prevent the funneling of funds into unproductive tax shelters. The Tax Reform Act of 1986 removed several major tax loopholes, and it seems to have helped. Since passage of the 1986 Act, net investment has increased slightly each year. We should, at the least, avoid the temptation to again muddy up the tax code with provisions that could reinvigorate tax shelters, and we should try to build on the past progress of limiting loopholes.

Besides removing tax incentives for unproductive investment, we should consider making changes in the tax code to encourage long-term investment, such as indexing capital gains so that long-term investors are taxed on their real gains rather than simply gains due to inflation. Another idea that has been suggested would be to lower the capital gains rate for investments that are held for longer periods, and to raise it for short-term holdings. Yet overall, we must be aware of the limitations of such tinkering. Economists point out that specific tax incentives have not in the past been an effective means of increasing investment significantly, and have generally not worked out as well as policymakers had expected.

A much more important step to encourage productive investment would be for the Congress and the President to make real progress on the federal budget deficits. Cutting the deficits—which continue to hover around $150 billion annually—will allow real interest rates to come down, and hence increase the attractiveness to businessmen of making productivity-enhancing investment. Investment in new plant or equipment that makes sense at 7-8 percent interest rates might make no sense at 12-13 percent. Over the years, private-sector decisions to increase or decrease investment have been much more sensitive to changes in overall interest rates than to changes in specific tax provisions. When real interest rates went up in the early 1980s, net investment dropped sharply, despite the pro-investment tax breaks that had just been enacted. Likewise, investment has improved recently with the easing of interest rates. Getting the federal budget deficits down to allow further decreases in interest rates would be one of the most important steps Washington could take.

Finally, we need to expand the pool of national savings, which can then be used for productive investment. The U.S. saving rate has fallen from 7-8 percent of GNP during the 1950s and 1960s to less than 3 percent during the 1980s. Americans are currently not saving enough to finance the investment in factories, machinery, and other improvements that boost productivity and generate income. Steps that would help increase our saving rate—besides reducing the government's "dissaving" through its deficit spending—include expanding the current U.S. savings bond program, keeping overall tax rates low, and educating Americans on the importance of savings to our national economy.

Increasing the level of investment will not, by itself, guarantee economic growth. Growth will also depend upon factors such as management of the economy and trade policy, and whether the investment is made wisely and creatively, channeling the increased savings into the most productive sectors. Improving our record of investment will help build a sound American economic foundation for years to come.

APATOSAURSUS OR BRONTOSAURUS? A QUESTION OF SCIENTIFIC LITERACY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. BROWN of California. Mr. Speaker, many in this body may not be aware that in 2 weeks, on October 1, the U.S. Postal Service plans to release a series of four stamps depicting prehistoric animals. As a staunch advocate of science education, nothing could please me more than to see the Federal Government, through the Postal Service, encourage interest in science and palenotology. However, it seems that scientific integrity was far from the Postal Service's intent when it designed and printed these stamps. Specifically, one of the stamps is mislabeled. As any schoolchild will tell you, the creature labeled "Brontosaurus" on one of the stamps is in fact an "Apatosaurus."

The issue was first brought to my attention by a woman in my district named Ruth Kirkby, who with her husband runs the Jurupa Mountains Cultural Center in Riverside, CA. This center has a display of dinosaur statues. In true David and Goliath fashion, Ruth has waged a relentless battle with the Postal Service in order to correct this error. What she has encountered goes beyond mere bureaucratic redtape and departmental apathy. She has encountered an agency which is so concerned with marketing and promotion that it is willing to cater to ignorance. In short, the Postal Service did not seek out good scientific advice when reviewing the designs for these stamps, and when it became aware of its error chose to continue with its planned schedule for printing and distribution until it was too costly and too late to correct the mistake.

In 1874, paleontologist O.C. Marsh discovered the bones of a giant dinosaur in Colorado. Scientific nomenclature is basically a first-come-first-served business, and since the creature Marsh discovered was believed to be the first of its kind, he was entitled to choose its name. He called the beast Brontosaurus, which means thunder lizard. One hundred years later scientists realized that a dinosaur called Apatosaurus, which had been discovered prior to 1874, was actually the same creature uncovered by Marsh. Due to the traditions of scientific nomenclature, the name "Brontosaurus" was officially dropped, and "Apatosaurus" adopted as the correct scientific term. Since 1974 children across the world have learned about the Apatosaurus, which, ironically, means deceptive lizard.

This is not a matter of which name is more correct. Brontosaurus is wrong; Apatosaurus is right. The Postal Service was aware of this distinction, yet decided to use the incorrect name because, as Assistant Postmaster General, William T. Johnstone, wrote to me.

> The majority of those postal customers who purchase stamps are more familiar with the name "Brontosaurus."

To intentionally promote a scientific misnomer goes against everything I have been working toward in the Congress. In recent months I have introduced legislation intended to improve scientific literacy in our country through grant programs at undergraduate institutions, and through education and outreach programs at science museums. Considering that our Nation is wrestling with the challenge of improving education, I believe this decision by the Postal Service to intentionally print the wrong name sets a very poor example. How do you explain to a child that what she learns in her classroom doesn't apply to the real world outside?

To Ruth Kirkby, this decision is an affront to her lifelong efforts to educate the children of southern California. Few people who live in or around Riverside are not familiar with the Jurupa Mountains Cultural Center. Mrs. Kirkby and her husband have transformed more than 100 acres of their own land into a giant, outdoor museum for children, and scattered the mountains with life-sized dinosaur replicas which millions of drivers can see from the highway. The Kirkbys have created a program which amplifies what children learn in school. To a small child visiting the cultural center, a dinosaur is transformed from a colorful picture on a page into an immense, breathtaking creature which once roamed the Earth. Ruth Kirkby was delighted to learn about the Postal Service's dinosaur stamp series, until she spotted the unbelievable error herself.

Mrs. Kirkby has gained the support of a host of scientists, educators, and reputable groups such as the Smithsonian Institution—which has criticized the Postal Service for preferring "cartoon nomenclature to scientific nomenclature"—and the Paleontological Society. Despite her efforts, the deficit-ridden Postal Service has already invested more than a quarter of a million dollars in printing not only these stamps but also promotional T-shirts, and cannot absorb the substantial costs of recalling the erroneous dinosaur stamp.

Mr. Speaker, this type of embarrassing error is the result of carelessness and ignorance, the very sort of ignorance which educators in our country battle with every day. I believe that the Postal Service, which is highly subsidized by the American taxpayers, owes it not only to educators like Ruth Kirkby but also to every citizen, to make whatever reparation is possible at this point. Although I would like to see the stamp recalled and corrected, our current fiscal situation makes such action difficult. However, I believe it is incumbent on the Postmaster General to acknowledge publicly and repeatedly that Apatosaurus is the scientifically correct term for this dinosaur, and to disseminate information to that effect as widely as possible. Only by such action can he partially mitigate the damage being done to scientific literacy by this Postal Service error.

POLLY DiGIOVACCHINO NAMED PRESIDENT OF NATIONAL ASSOCIATION OF BANK WOMEN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. FLORIO. Mr. Speaker, I am pleased to bring to the attention of my colleagues the selection of Ms. Polly DiGiovacchino of Princeton, NJ, as national president of the National Association of Bank Women, Inc. [NABW]. Thirty-thousand strong, the association will undoubtedly grow and prosper under the guidance and stewardship of Ms. DiGiovacchino as she begins her tenure at the NABW convention in September.

Polly DiGiovacchino is a vice president with Chemical Bank of New Jersey. As manager of residential mortgage and new business programs, Polly has increased dramatically the real estate production for the bank's portfolio. Her responsibilities with Chemical Bank include the design and implementation of programs targeted to specific markets and working with other senior personnel to increase mortgage production. It is apparent that her professional history has served her well.

This recognition is indicative of the unique commitment that Polly has made not only to the NABW, but to the future of the banking industry, as well. The mission of the NABW, as many of my colleagues are aware, is to promote the professional, personal and economic goals of women in the banking industry. Certainly, by highlighting the concerns of the industry, with specific focus upon women, the financial community benefits immeasurably. It is clear that the selection of Polly as president is proof of her dedication to the mission of the Association and the respect she has gained from its more than 30,000 financial executives and professionals.

Mr. Speaker, I respectfully request that my colleagues join me in paying tribute to Polly DiGiovacchino as she begins her tenure as president and wishing her well through the remainder of her term.

CHILDRENS' SQUARE, U.S.A.

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. LIGHTFOOT. Mr. Speaker, I rise today to focus the attention of the House on a program in my district which I believe is both innovative and effective. Childrens' Square, U.S.A., located in Council Bluffs, IA, is a home for children and adolescents. In many cases, the residents of Childrens' Square are young people who lack confidence and self-assurance. This often results from a lack of social skills. To redress this problem, Dr. Andrew Ross, president of Childrens' Square, and Ms. Marjabelle Stewart, a nationally renowned expert on etiquette have developed a unique program designed to teach youngsters how to properly handle various social situations. The program covers topics ranging from personal grooming to dining out. By exposing these young people to situations that are unfamiliar to them, it is hoped that they will gain a greater measure of self-respect and confidence in their ability to deal with new situations.

In addition, I think we are all aware of the necessity for good manners and social expertise in the business world. These young people can use these skills to help them get ahead in their professional careers. And I believe we are also aware of how much easier it is for young people to deal with the pressures of alcohol and drugs when they have confidence in, and respect for, themselves. To summarize, it is my view this program has many and various benefits and it is one which similar institutions may wish to consider. I will be happy to provide my colleagues with additional information on this program.

A TRIBUTE TO THE WINNERS OF THE READING, MA, EXEMPLARY TEACHER AWARD

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MARKEY. Mr. Speaker, at a time when America strives to compete internationally, we must do everything possible to foster growth in our Nation's greatest resource, our children. In this regard, I would like to take a moment to highlight a noteworthy program in the Seventh Congressional district of Massachusetts—the Reading Exemplary Teacher Award and this year's winners—Bill Carne and Anna Normand O'Brien.

This teaching award was recently brought to the attention of President George Bush by my good friend, Massachusetts State Representative Geoffrey Beckwith as an example of private initiative at its best. It is presented annually to two outstanding teachers of the Reading school system who are selected for their excellence in teaching, commitment to students within and beyond the classroom, and specific contributions to the improvement of classroom instruction. Since the award was first given in 1986, several teachers have been honored for their singular commitment to students. The Reading Exemplary Teacher Award was established and funded by Dorothy and Arnold Berger, residents of Reading, MA, in order to encourage excellence among the teachers of their community. I applaud the success of this program and congratulate and thank the Bergers for their generosity in this effort to inspire teachers to strive for quality education in our schools.

It is unfortunate that contemporary America too often undervalues the efforts of our teachers. Our foremost international economic competitors—Japan and Germany, revere teaching as one of the most honorable and desirable of professions. If we are to maintain our position of scientific, technical, and industrial leadership, we must do whatever possible to promote excellence in education. The Reading Exemplary Teacher Award is an important step in this direction.

Candidates for the award are selected from a list of nominations from fellow teachers. Members of the selection committee, comprised of the school administration and teachers from all levels of education, interview each candidate as part of a long and intensive process. This year's winners were Bill Carne who has been dedicated for 23 years to teaching science at Parker Middle School, and Anna Normand O'Brien, a tireless professional who has brought liveliness to her U.S. History and World Studies classes at Reading Memorial High School. Past winners of the award include Emery Debeck, David Williams, Barbara Kelly, Jack McHugh, Bruce Appleby, and Gaynell Knowlton.

I salute each of the recipients of this award, all of whom represent the highest ideals of professional service and dedication and I hope to see hardworking members of the teaching profession follow their example.

I am certain my colleagues in the House of Representatives will join me in my tribute to these outstanding teachers. We extend our thanks to the Bergers and to all other concerned citizens who place a high premium on education, the key to the future of our Nation.

JOHN FLYNN RETIREMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. GEJDENSON. Mr. Speaker, it is with great pleasure that I rise to ask Congress to recognize the career of a distinguished individual, a true friend, and one of my first supporters, John J. Flynn. After more than 30 years of active involvement in the labor movement and in politics, John Flynn retired as Director of the United Auto Workers Region 9A in June of 1989.

John overcame the odds to win election to his union's international executive board in June of 1986. His stunning victory capped a career of service to the members of the United Auto Workers Union. As the union's highest ranking official in the Northeast, John is credited with building strength and unity amongst local unions as well as developing a number of programs which increased political activism among union members. Further, he has been a key force in bringing labor and community activists together to work for progressive social change.

John first joined the staff of the UAW in 1965 and continually held the position of political director for New England and New York until his election as the region's director. He earned a reputation for innovative programs which mobilized UAW members for political and social causes.

Prior to joining the staff, John served as executive vice president of UAW local 422 in Framingham, MA and was shop committee chairperson of his General Motors warehouse unit. From 1956 until 1960, John was president of the Framingham Central Labor Council, AFL-CIO and in 1958 he was elected chairman of the UAW-General Motors National Truck and Coach Council by his fellow General Motors workers throughout the United States and Canada. John became a UAW member in 1953 when he helped to organize his workplace into UAW Amalgamated Local 422.

John's love of politics extended beyond his work within the UAW. He served as a member of the Democratic National Committee for 10 years and was a Democratic National Convention delegate in 1980, 1984, and 1988. A man of principle, John always stood by his beliefs even when it put his own position at risk. A vocal and ardent advocate of fairness and equality, he urged the Democratic Party to remain true to its commitments. He was devoted to the democratic process within the Party and fought to increase grassroots access.

In 1980, John was instrumental in forging an electoral coalition between a group of union and community activists in Connecticut which formed the Legislative Electoral Action Program [LEAP]. He served as the coalition's president unitl his retirement. Under John's leadership, LEAP developed as the major progressive force in Connecticut politics.

John played a major role in helping to replicate the successful LEAP model in other New England States. In 1987 he brought regional representatives from labor and community organizations as well as progressive elected officials to meet with UAW members in Black Lake, MI. This historic Black Lake Conference spawned the creation of four new statewide electoral coalitions and the establishment of the Northeast Network of Progressive Elected Officials.

The son of Winifred and Cornelius Flynn, John is a first generation American, born in Roxbury, MA on August 20, 1924. He served two tours of duty in the U.S. Marine Corps; 1943–1946 and 1951–1952. In 1947, John made one of the best decisions of his life and married Ruthe Doherty. John retired from his position in the UAW, anxious to spend more time with his wife, his children—Denise, John, Brian, and Donna—and his grandchildren.

I hope you will join with me in wishing peace and contentment to a man who has given so much to the labor movement, to the Democratic Party, to the causes of economic and social justice, to the future of the country.

THE WORKFORCE 2000 JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1989

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MARTINEZ. Mr. Speaker, the Workforce 200 report—prepared by the Hudson Institute for the U.S. Department of Labor—demonstrated that racial and ethnic minorities, women, and older Americans will compose the majority of new entrants into the work force during the next century.

Unfortunately, our current job training programs inadequately train many of these new entrants who happen to lack basic skills. Indeed, both the General Accounting Office and the Department of Labor's JTPA Advisory Committee say that those who need job training the most are receiving it the least.

The distinguished chairman of the Committee on Education and Labor and I have responded to this crisis by introducing H.R. 2039—the Job Training Partnership Act Amendments of 1989. H.R. 2039 will make better use of the $3.8 billion JTPA Program by targeting the least job ready for job training while increasing our focus on at-risk youth.

To meet the challenge Workforce 200 has set for us, it is my desire to build on the foundation laid by H.R. 2039. For that reason, I am introducing today H.R. 3266—the Workforce 2000 Job Training Partnership Act Amendments of 1989.

Those who need job training the most are new entrants to our work force who lack basic skills. H.R. 3266 makes certain that the least job ready of the new work force receives job training by requiring half of JTPA participants to have multiple barriers to employment.

In the next century, the largest group by age in our work force will be older Americans. H.R. 3266 would ensure job training allocation for older Americans be retained at current service levels.

By the year 2000, half of our work force will be women and almost all households living in poverty will be headed up by women. Since child care is a crucial link in providing job training to these women, H.R. 3266 encourages job training providers to offer child care to JTPA participants. Moreover, H.R. 3266 would boost the number of women participating in the Job Corps Program by raising the number of nonresidential participants on the condition that new enrollees be women and that child care be provided to participants.

If we want to get at-risk youth out of the drug force and into the work force, alternatives must be available to young people. H.R. 3266 offers an alternative to youth who are most at risk by providing seed money to innovative programs which offer job training to juvenile offenders.

While reviewing JTPA I have become particularly concerned about the delivery of JTPA services to Indians and Native Americans. H.R. 3266 addresses this concern by fine tuning the administration of JTPA Indian and Native American Programs so that it is more sensitive to employment and training needs on reservations.

Finally, I am concerned by reports from the Department of Labor's Office of Inspector General that JTPA programs be made more financially accountable. To meet the needs of Workforce 2000, the JTPA Program must maximize the management of finite job training dollars. That is why H.R. 3266 would require the use of basic Federal procurement standards in the administration of our training programs.

Mr. Speaker, it is tragic that many new entrants to the work force lack the basic skills they will need to survive. Members of our new work force want to work, they want to pay their taxes and they want to help maintain our industrial competitiveness into the year 2000 and beyond. The Workforce 2000 Job Training Partnership Act amendments will enable these workers to realize their goals through better access to job training. Our society can only benefit by such an occurrence.

H.R. 3266

A bill to amend the Job Training Partnership Act to enhance access to services for those individuals with the greatest need for skills training assistance so that such individuals may contribute to the mainstream workforce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Workforce 2000 Job Training Partnership Act Amendments of 1989".

(b) REFERENCES.—References in this Act to "the Act" are references to the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

SEC. 2. DEFINITIONS.

Section 4 of the Act is amended—

(1) by inserting "the Association of Farmworker Opportunity Programs," after "Jobs for Youth," in paragraph (5); and

(2) by adding at the end thereof the following:

"(29) The term 'participant' means an individual who has been determined to be eligible for participation in programs authorized and funded under this Act and who is enrolled in and is receiving services from such programs. The date of entry to the program shall be the first date, following intake, on which the participant started receiving subsidized employment, training, or services funded under this Act.".

SEC. 3. TERMINATION CREDIT FOR JOB PLACEMENT.

Section 106(b)(2) of the Act is amended by adding at the end thereof the following new sentence: "For those participants which do not acquire employment until 3 months after their termination from the program, the service provider shall not receive credit for a positive termination unless such employment is related to the training provided or is the result of direct placement assistance made available by the service provider.

SEC. 4. LINKAGE OF TITLE II YOUTH AND JOB CORPS PROGRAMS.

(1) by adding at the end of subsection (d)(3) the following new sentence: "In prescribing such variations in performance standards for youth, the Secretary shall prescribe variations that provide incentives for programs that refer youth from title II program to the Job Corps program, and vice versa, or that coordinate title II programs with Job Corps programs."; and

(2) by inserting at the end of subsection (e)(1) the following new sentence: "In prescribing such variations in performance standards for youth, the Governor shall prescribe variations that provide incentives for programs that refer youth from title II programs to the Job Corps programs, and vice versa, or that coordinate title II programs with Job Corps programs.".

(b) Additional Service Requirements.—Section 203 of such Act is amended by inserting at the end of subsection (b)(4) the following new sentence: "In providing services to youth under this title, the State Job Training Coordinating Council and the service delivery area shall make reasonable efforts to coordinate the delivery of such services with the delivery of services pursuant to part B of this Act.".

SEC. 5. EXCESS COSTS/PROGRAM INCOME.

Section 108 of the Act is amended by adding at the end thereof the following new subsection:

"(f) Revenue in Excess of Costs.—For all governmental and nonprofit recipients, all revenue in excess of costs (as such term is defined by the Office of Management and Budget Circular Number A-87 as in effect on September 1, 1989) shall be—

"(1) treated as program income;

"(2) retained by the service delivery area; and

"(3) expended on the function or activity which originally produced revenue in excess of cost so long as such expenditures are allowable and appropriate activities for programs under the Act and in accordance with the cost limitations of this Act.

This subsection shall not apply to this Act unless States are allowed to expend at least 20 percent of their annual allocation on administrative costs.".

SEC. 6. FISCAL CONTROLS AND ACCOUNTABILITY.

(a) Definition of Profit.—Section 4 of the Job Training Partnership Act (29 U.S.C. 1503) is amended by adding at the end the following new paragraph:

"(30) The term 'profit' means any revenue in excess of expeditures.".

(b) Limitations on Certain Costs.—(1) Section 108(a) of the Act (29 U.S.C. 1518(a)) is amended by striking "15 percent" and inserting "20 percent".

(2) Section 108(b) of the Act (29 U.S.C. 1518 (b)) is amended by striking "30 percent" and inserting "35 percent".

(3) Section 108 of the Act is amended by adding after subsection (e) the following new subsection:

"(f) The Secretary shall comprehensively define all cost categories.".

(c) Procurement Accoutability.—(1) Part D of title 1 of the Act is amended by adding at the end the following new section:

"PROCUREMENT

"Sec. 174. (a) Any recipient, subrecipient, or service provider receiving funds under this Act shall adequately demonstrate that it has complied with the following procurement standards:

"(1) The recipient, subrecipient, or service provider shall use its own procurement procedures and regulations, provided that such standards are at least as restrictive as the standards identified in this section and other applicable Federal law.

"(2) The recipient, subrecipient, or service provider shall not engage in any conflict of interest, actual or apparent. No employee, officer, or agent of such recipient, subrecipient, or service provider shall participate in the selection, or in the award or administration of a contract supported by Federal funds if such a conflict would be involved. The Secretary shall establish regulations outlining which activities create a presumption of such a conflict and providing for penalties, sanctions, or other disciplinary actions for violations.

"(3) The recipient, subrecipient, or service provider shall maintain records sufficient to detail the significant history of a procurement. Such records shall include, but are not necessarily limited to, rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

"(4)(A) All procurement transactions shall be conducted in a manner providing full and open competition. The Secretary shall establish regulations outlining examples of situations considered to be restrictive of competition.

"(B) The recipient, subrecipient, or service provider shall have written selection procedures for procurement transactions, Such procedures shall ensure that all solicitations (i) incorporate a clear and accurate description of the material, product, or service to be procured, and (ii) identify all requirements that the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

"(b) The Secretary shall issue regulations (1) outlining the conditions under which procurement by noncompetitive proposals may be used, and (2) requiring cost analysis, including verification of the proposed cost data, the projections of the data, and the specific elements of cost and profit. For purposes of this subsection, procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

"(c)(1) The Secretary shall issue regulations requiring each recipient to perform a cost analysis and a price analysis in connection with each procurement action, including contract modifications. The method and degree of such analysis shall depend upon the facts of the particular procurement situation.

"(2) If a profit or fee is included in the price, any recipient shall negotiate profit as a separate element of the price for each contract. The Secretary shall issue regulations outlining factors to be considered in determining the reasonableness of any profit.

"(3) The cost plus a percentage of cost method of contracting shall not be used.".

(2) The table of contents for such part is amended by adding after the item relating to section 173 (as redesignated by subsection (d)) the following new item:

"Sec. 174. Procurement.".

(d) Recordkeeping.—Section 165 of the Act (29 U.S.C. 1575) is amended by adding at the end the following new subsections:

"(d) Each recipient, subrecipient, and service provider shall, for the duration of the grant, subgrant, contract, or other agreement, maintain records of revenues and expenditures.

"(e) All expenditures of funds received under this Act shall be recorded and reported in the proper cost categories.".

(e) Technical Amendments.—(1) The second section 172 of the Act (as added by section 714(e) of Public Law 100-628), relating to construction of provisions of the Job Training Partnership Act, is redesignated as section 173.

(2)(A) The item in the table of contents of such part relating to such section is amended to read as follows:

"Sec. 173. Construction.".

(B) Such table of contents is further amended by inserting after the item relating to section 171 the following new item:

"Sec. 172. Presidential awards for outstanding private sector involvement in job training programs.".

(f) Notice of Proposed Rulemaking.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Labor shall issue a notice of proposed rulemaking with respect to this section and shall allow not less than 60 days for public comment. Final regulations shall be issued not later than 6 months following such date of enactment.

SEC. 7. SERVICES FOR OLDER WORKERS.

(a) Allocation.—Section 202(b)(2) of the Job Training Partnership Act is amended to read as follows:

"(2) For each fiscal year, there shall be available to carry out section 124, relating to training programs for older individuals, an amount at least equal to the amount available to carry out such section for the preceding program year.".

(b) Representation on SJTCC.—Section 122(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) At least one member of the State council shall be the chief administrative officer from the State agencies primarily responsible for administration of programs for older Americans or a representative or designate of such officer.".

(c) Performance Standards.—Section 106 of such Act is amended—

(1) by adding at the end of subsection (d)(3) the following new sentence: "In prescribing such variations in performance standards for older workers (including those enrolled in training programs under any title of this Act which are coordinated with programs under title V of the Older Americans Act of 1965) the Secretary shall waive performance standards requiring full-time (rather than part-time) employment, and shall also waive performance standards relating to wage at entered employment."; and

(2) by inserting at the end of subsection (e)(1) the following new sentence: "In prescribing such variations in performance standards for older workers (including those enrolled in training programs under any title of this Act which are coordinated with programs under title V of the Older Americans Act of 1965), the Governor shall waive performance standards requiring full-time (rather than part-time) employment, and shall also waive performance standards relating to wage at entered employment.".

(d) Eligibility.—Section 124 is amended by adding at the end thereof the following new subsection:

"(e) Participation by an individual under title V of the Older Americans Act shall not preclude eligibility for programs under this Act.".

SEC. 8. CHILD CARE.

(a) Reservation of Funds.—Section 202(b)(3) of the Job Training Partnership Act is amended by inserting after subparagraph (B) the following new subparagraph:

"(C) One percent of such allotment of each State for each fiscal year shall be available to service delivery areas that offer child care services to the children of participants under this title.".

(b) Delivery of Child Care Services.—Section 203(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(2) Child care.—(A) Each State job training coordinating council and service delivery area shall make reasonable efforts to encourage job training providers to provide child care services to the children of individuals participating in training programs under this title, at minimal cost to such participants.

"(B) In providing the services required by subparagraph (A) of this paragraph—

"(i) the job training provider shall make particular efforts to hire older workers and any other participant under this Act who desire on-the-job training in early childhood development education as made available under subparagraph (C) of paragraph (1) of this subsection; and

"(ii) the service delivery area shall make available training in early childhood development education to older workers and any other participants under this Act.

"(C) Child care services established under this paragraph shall comply with all licensing and regulatory requirements (including registration requirements) applicable under State and local law.".

(c) Selection of Service Providers.—Section 107 of such Act is amended by adding at the end thereof the following new subsection:

"(e) In selecting service providers under this section, the service delivery area shall take into account the extent to which the service provider makes child care services available to participants under this Act.".

SEC. 9. ELIGIBILITY BY MULTIPLE BARRIERS.

Section 203(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) Not less than 50 percent of the participants in programs in a service delivery area receiving assistance under this title shall be individuals who have 2 or more of the following barriers to employment—

"(A) reading or mathematics below the 8th grade level;

"(B) a history of long-term public dependency on programs of public assistance;

"(C) a substantially limited or substantially unsuccessful work history.".

SEC. 10. ADMINISTRATION OF NATIVE AMERICAN PROGRAMS.

(a) Personnel.—Section 401 of the Act is amended by adding at the end thereof the following new subsection:

"(k)(1) There shall be in the Department of Labor a Division of Indian and Native American programs which shall be responsible for administering Native American employment and training programs.

"(2) The Director of such Division shall have experience with the operation of Native American employment and training programs. The Director shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the Native American Job Training Programs Advisory Council.

"(3) The Director of such Division shall—

"(A) administer the provisions of this section, including the selecton of the recipients of funds and the monitoring of all programs authorized by this Act specifically for the benefit of Native Americans;

"(B) be responsible for the development of all policies and procedures related to the implementation of such programs;

"(C) coordinate the development of policy and procedures for all employment and training programs within the Department relating to services for Native American workers.

"(4) The Director of such Division shall report directly to the Assistant Secretary for Employment and Training.

"(5)(A) All professional staff of such Division shall have field experience in the daily operation of service and training programs for Native Americans. The Secretary shall give a preference to Indians, Native Alaskans, and Native Hawaiians in all personnel actions within such Division. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code. The Secretary shall take such additional actions as may be necessary to promote the recruitment of Indians, Native Alaskans, and Native Hawaiians to positions in the Division.

"(B) The provisions of this paragraph shall apply to all personnel actions taken after the date of enactment of this subsection.

"(C) The Secretary shall provide a one-time preference for qualified individuals who are not Indians, Native Alaskans, or Native Hawaiians and are serving within such Division on the date of enactment of this Act and who desire to take another position within the Department for which there is a vacancy.".

(b) Consultation.—Section 401 of the Act is further amended—

(1) in subsection (h)(1), by inserting "the Native American Human Investment Council and" before "representatives of Indians and other Native Americans"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) There is hereby established a Native American Human Investment Council (hereinafter in this subsection referred to as the 'Council') which shall consist of not less than 17 Indians, Native Alaskans, and Native Hawaiians appointed by the Secretary from among individuals nominated by Indian tribes of Indian, Native Alaskan, and Native Hawaiian organizations. The Council's membership shall represent diverse geographic areas and include representatives of tribal governments and of nonreservation Native American organizations who are service providers under this Act with experience in operating job training programs. A majority of the members of the advisory committee shall have recent field experience in the daily operation of the program authorized under this section.

"(2) The Council shall be chaired by a Council member elected by a majority of the Council's membership. The Council shall meet not less than twice each program year.

"(3) The Council shall——

(A) solicit the views of a wide variety of tribes and Native American groups, including those operating employment and training programs funded under this section, on issues affecting the operation and administration of such programs;

"(B) advise the Secretary with respect to all matters concerning the implementation of programs under this section and other programs providing services to Native American youth and adults under this Act;

"(C) submit written proposals with respect to the design and implementation of performance standards developed under subsection (h) of this section, to which the Secretary shall respond in writing;

"(D) advise and make recommendations to the Secretary with respect to any services obtained by the Department through contracts or arrangements with non-Federal agencies or entities which involve the program authorized by this section;

"(E) evaluate the effectiveness of Native American job training programs and make recommendations with respect to the improvement of such program;

"(F) submit to the Secretary a list of nominees for the position of Director of the Division of Indian and Native American Programs whenever a vacancy in such position occurs;

"(G) report to the Congress no later than January 1 of each year on the progress of Native American job training programs and recommendations for improving their effectiveness; and

"(H) provide notice of rule making on performance standards for at least 30 days in advance of the formal comment period.

"(4) Members of the Council shall serve without compensation but shall be entitled to reimbursement for their expenses in the performance of their duties. The Secretary shall provide the Council with such administrative support as may be necessary to the performance of its functions.".

SEC. 11. JOB CORPS PARTICIPATION.

Section 427(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary may grant a waiver with respect to the Job Corps centers in any region to exceed the limitation contained in paragraph (2) by an additional 10 percent, subject to the following conditions:

"(A) Any increase in the number of nonresidential participants (above the limitation in paragraph (2)) shall be filled by women, for the purpose of fulfilling the requirement in section 437(a) of this Act.

"(B) Any Job Corps centers granted such a waiver shall make available child care to the children of Job Corps participants at minimal cost to such participants.

"(C) In providing such child care, such center shall make particular efforts to hire older workers and any other participants under this Act who desire on-the-job training in early childhood development education, as made available under part A of title II of this Act and title V of the Older Americans Act of 1965.

"(D) Any Job Corps center granted such a waiver shall make particular efforts to ensure that the children of those nonresidents allowed to participate in the Job Corps program under subparagraph (A) receive child care.

"(E) Child care service established under this paragraph shall comply with all licensing and regulatory requirements (including registration requirements) applicable under State and local law.".

SEC. 12. JUVENILE OFFENDER DEMONSTRATION PROJECTS.

Part D of title IV of the Job Training Partnership Act is amended by inserting after section 456 the following new section:

"JUVENILE OFFENDER DEMONSTRATION PROJECTS

"Sec. 457. (a) Award.—From not less than $2,000,000 of the amount available to the Secretary under section 352(b), the Secretary shall award not more than 10 grants to service delivery areas for the establishment and operation of juvenile offender demonstration projects.

"(b) Priority to Areas With High Proportion of Juvenile Offenders.—In awarding funds under this section, the Secretary shall give priority to service delivery areas serving demonstration target areas with high proportions of juvenile offenders.

"(c) Counseling and Supervision.—Any demonstration program funded under this section shall—

"(1) incorporate an alcohol and drug abuse counseling program; and

"(2) provide close supervision and counseling and followup to each participant by qualified personnel from the time of the participant's enrollment until 6 months after the participant's enrollment has ended.

"(d) Minimum Duration.—Any demonstration program funded under this section should provide no fewer than 6 months of service to participants.

"(e) Eligibility for Services.—In addition to the general requirements of parts B and C of title II of this Act, enrollment in projects under this section shall be made available to youth who have been referred to service providers by schools, youth commissions, the courts (preadjudication), and after care programs (post detention).".

SEC. 13. LABOR MARKET INFORMATION.

(a) State Labor Market Information Programs.—Section 125(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) provide training and technical assistance to support comprehensive career guidance and student/client outcome activities for local programs assisted under this Act.".

(b) Cooperative Labor Market Information.—Section 462 of the Act is amended by adding at the end thereof the following new subsection:

"(g)(1) The Secretary shall engage in research, demonstration, or other activities, including those which might be carried out by States, designed to determine the feasibility and applications of various methods of organizing and making accessible nationwide information on the quarterly earnings, establishment and industry affiliation, and geographic location of employment in order to permit the use of such information in the design and evaluation of education and training programs. The Secretary shall then implement such a system across the States to assist employment and training and economic development activities.

"(2) In cooperation with the National Occupational Information Coordinating Committee, its member agencies, and the States, the Secretary shall determine appropriate procedures for establishing and maintaining such information in a longitudinal manner and appropriate policies for making such information available for policy research or program evaluation purposes (or both), while ensuring the confidentiality of information and the privacy of individuals.

"(3) Individual anonymity must be respected at all times in the activities described in this section. No record or information contained therein collected or maintained for research or statistical purpose under this section or funded under this section may be used in individually identifiable form to make any decision or take any action directly affecting the individual to whom the record pertains, except within the context of the research plan or protocol, or with the specific authorization of such individual. An individual research subject identified in the information disclosed shall have a legal right of action against the person, institution, or agency disclosing the information, the person, institution or agency seeking disclosure, and in the case of a court order, the person who applied for such an order.

"(4) The Secretary shall make a report to Congress no later than 24 months after the enactment of this Act which shall describe the steps that have been taken and the schedule for any remaining steps necessary to implement the provisions of this section.".

(c) Special Federal Responsibilities.—Section 463 of the Act is amended—

(1) in subsection (a), by inserting "the Secretary of Health and Human Services," after "the Secretary of Education,"; and

(2) by adding at the end thereof the following new subsection:

"(d) The Secretary, acting through the National Occupational Information Coordinating Committee, shall report to Congress no later than 24 months after the date of enactment of this subsection, and biennially thereafter, listing recommended common and complementary data elements and their definitions, containing an analysis of the benefits of their adoption and the implications for State and local purposes, and identifying plans and schedules for developing and maintaining this common core of data. The Secretary shall consult with experts and practitioners at the Federal, State, and local levels in the various program areas in fulfilling the requirements of this subsection.".

(d) National Occupational Information Coordinating Committee.—Section 464 of the Act is amended—

(1) in subsection (a)(1) by striking "more than $5,000,000 is authorized to be reserved" and inserting "less than $6,000,000 will be available";

(2) in subsection (a)(2) by striking "for Manpower, Reserve Affairs, and Logistics" and inserting "Force Management and Personnel";

(3) in subsection (b)(2) by inserting after "given special attention to" the following: "career development and"; and

(4) in subsection (b)(5) by inserting after "any aspect of occupational and career information systems" the following: "and coordination and compatibility of human resources data systems operated by Federal agencies or the States or both, including systems to assist economic development activities and where appropriate provide support to States in the implementation of such system enhancements.".

(e) Labor Shortages.—Title IV of the Job Training Partnership Act is amended by inserting after section 465 the following new section:

IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES

"Sec. 466. (a) Identification of Labor Shortages.—

"(1) Methodology.—The Secretary, in consultation with the Secretary of Education, shall develop a methodology utilizing, to the extent feasible, available data bases to annually identify existing and projected national and regional labor shortages.

"(2) Labor shortage description.—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

"(A) the intensity and duration of each labor shortage;

"(B) the supply and demand of workers in occupations affected by the shortage;

"(C) industrial and geographic concentration of the shortage;

"(D) wages for occupations affected by the shortage;

"(E) entry requirements for occupations affected by the shortage; and

"(F) job content for occupations affected by the shortage.

"(3) Federal-state cooperative data.—States may participate in activities conducted under this section to obtain supplemental information regarding regional, State or local conditions. States wishing to participate shall sign an agreement developed by the Secretary. A participating State shall review and give permission for release of results from State items gathered under this provision prior to the release of such data. The State shall pay for the supplemental State and local information, and all items included at the request of a State shall be clearly indicted.

"(b) Publication of National Labor Shortages.—

"(1) In general.—Not later than the date that is 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish a list of national labor shortages as determined under subsection (a).

"(2) Distribution of publication.—The Secretary shall make the list referred to in paragraph (1) and related information available to—

"(A) students and job applicants;

"(B) vocational educators;

"(C) employers;

"(D) labor unions;

"(E) guidance counselors;

"(F) administrators of programs established under this Act;

"(G) job placement agencies;

"(H) appropriate Federal and State agencies; and

"(I) other interested parties and agencies.

"(3) Means of distribution.—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including the Job Bank established under the Wagner Peyser Act and appropriate electronic means such as the Interstate Job Bank.

"(c) Development of Data Bases.—

"(1) Research.—The Secretary shall conduct research and develop data bases to—

"(A) improve the accuracy of the methodology referred to in subsection (a); and

"(B) make recommendations to identify labor shortages by region, State, and local areas.

"(2) Report to Congress.—

"(A) In general.—The Secretary shall report the progress of the research and development conducted under paragraph (1) to Congress at the same time the Secretary issues the annual publication under subsection (b).

"(B) Content of report.—The report referred to in subparagraph (A) shall specify steps taken under this Act and by government education, training, and employment programs to reduce national labor shortages that have been identified under subsection (a).

"(d) Annual Plan.—

"(1) In general.—After the Secretary identifies labor shortages under subsection (a), the Secretary shall prepare and submit to Congress an annual plan that specifies actions to be taken by the Secretary to reduce labor shortages and recommends action for—

"(A) Congress;

"(B) Federal agencies;

"(C) States;

"(D) employers;

"(E) labor unions;

"(F) job applicants;

"(G) students;

"(H) career counselors; and

"(I) other appropriate parties.

"(2) ACTIONS SPECIFIED IN REPORT.—The actions referred to in paragraph (1) may include—

"(A) assisting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

"(B) providing career counseling and assessments to guide potential employees into occupations experiencing a labor shortage;

"(C) accelerating education and training in occupations experiencing a labor shortage;

"(D) offering education incentives to increase federally funded training in occupations experiencing a labor shortage;

"(E) enhancing education and training curriculums for occupations experiencing a labor shortage;

"(F) offering monetary incentives, such as tuition scholarships, work study, apprenticeships, student loan forgiveness, and tax incentive, to attract employees to occupations experiencing a labor shortage;

"(G) intensifying equal opportunity employment activities;

"(H) providing housing, child care, and transportation to attract employees to occupations experiencing a labor shortage;

"(I) restructuring jobs to reduce labor requirements or to attract employees to occupations experiencing a labor shortage, or both;

"(J) increasing automation to provide needed services to employers;

"(K) targeting immigration to provide more employees for occupations suffering from a labor shortage; and

"(L) assisting economic transition.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,500,000 for the first fiscal year beginning after the date of enactment of this section and $500,000 for each fiscal year thereafter.

"(f) DEFINITION OF LABOR SHORTAGE.—For purposes of this section, the term 'labor shortage' means a situation in which, in a particular occupation, the amount of labor supplied is less than the amount of labor demanded by employers.".

(e) DATA ELEMENTS.—Section 463 of the Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary, acting through the National Occupational Information Coordinating Committee, shall report to Congress no later than 24 months after the date of enactment of this subsection, and biennially thereafter, listing recommended common and complementary data elements and their definitions, containing an analysis of the benefits of their adoption and the implications for State and local purposes, and identifying plans and schedules for developing and maintaining this common core of data. The Secretary shall consult with experts and practitioners at the Federal, State, and local levels in the various program areas in fulfilling the requirements of this section.".

IN RECOGNITION OF FORMER MIDLAND COUNTY SHERIFF DETECTIVE JOHN LAPP

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Detective John Lapp, Jr., who, on September 8, 1989, retired after 25 years of dedicated service with the Midland County, MI, Sheriff's Department.

John began his law enforcement career on September 8, 1964, when he joined the department as a patrol officer. Five years later he transferred to the detective bureau, where he worked until his retirement.

During John's investigative years, he distinguished himself in the community and among his coworkers as tenacious in both narcotics and arson investigations. He was involved in Midland's first kick-in-the-door drug raid in 1970 and also participated in the county's first LSD and heroin raids. He also investigated arson and vandalism crimes committed during a 1974 strike at the Dow Chemical Company.

John's work in drug enforcement led to what he describes as his most satisfying case. Acting on a tip that a young boy was living with his mother in the midst of a reputed drug house, John arranged for a drug informant to visit the home. After the informant was able to purchase drugs, John cooperated with State narcotics officers to arrest the woman. Eventually, the boy's father was given custody and the child grew up to be a successful adult.

John has always been active in using his expertise to assist the community. He is a member of the International Association of Arson Investigators and serves on the board of the Michigan chapter of that organization. John organized the Midland County fire investigation task force and trained the county's arson and fire investigators. He is also Midland County's firearms instructor and has worked extremely hard to intensify firearms training for sheriff's deputies and reserves.

John's children have followed in their father's footsteps. His son is a lieutenant with the Michigan State Police and his daughter is a security worker for a power plant in Utah. His daughter-in-law was the first female Michigan State trooper selected Trooper of the Year.

Mr. Speaker, distinguished colleagues, I ask that you join me in saluting John Lapp, Jr., for his fine service to the Midland County Sheriff's Department and to his community. I know we all wish John and his wife Joan the very best for the future.

THE 50TH ANNIVERSARY OF HIS ORDINATION: REV. CHARLES W. LUSHER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. McEWEN. Mr. Speaker, I rise today to recognize a significant milestone in the life of the city of Chillicothe, OH, and one of its most selfless citizens, Rev. Charles W. Lusher. Very shortly, on September 21, 1989, Reverend Lusher will be celebrating the 50th anniversary of his ordination into the ministry, and I encourage you and our colleagues to join in the celebration of his life of service.

Reverend Lusher is pastor emeritus of Chillicothe's Tabernacle Baptist Church, and members of his congregation have described him as a "people's pastor." By that description, one might presume that he displays an interest in and dedication to his fellow man that goes well beyond his considerable responsibilities as a community spiritual leader. And that presumption is correct, when one learns of the wide range of activities in which he has participated throughout his life.

To be sure, the Tabernacle Baptist Church family has been the most direct beneficiary of Reverend Lusher's hard work and devotion. Building on the foundation of an Ohio University and seminary education, followed by service as a chaplain in the Army Air Corps in World War II, he has brought comfort to men in battle and to parishioners on Main Streets throughout Ohio. His sectarian duties also have extended to numerous church-related associations and leadership groups. Clearly, his church has been his central focus in life.

But Chillicotheans of all faiths know Reverend Lusher, and they have grown accustomed to encountering him in any number of places outside the shadow of his church. You might see him at a nursing home, at school assemblies or at Rotary Club functions. Here is a man who has given freely of his time to run youth athletic leagues, Boy Scout troops, Alcoholics Anonymous Chapters and many other community programs.

One of his many friends calls Reverend Lusher a man of judgment who is never judgmental. That is the quality that makes him a favored source of wise counsel for those in need, in doubt or in trouble.

Mr. Speaker, as Members of a body that is elected to serve the public, we and our colleagues can benefit greatly from the fine example of service that Reverend Charles Lusher has set, and continues to set each day. I hope you and our colleagues will join Reverend Lusher's wife, Dixie Lee, his four sons, family and many friends and me in congratulating his life of achievement, and wishing him happiness in the future.

HISPANIC HERITAGE MONTH

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. COLEMAN of Texas. Mr. Speaker, it is with great pleasure that I rise today in observance of Hispanic Heritage Month. Since 1968, our Nation has annually paid tribute to the rich and diverse history and achievements of Hispanic Americans in a week long celebration. September 15, 1989 marks the beginning of the first annual month long commemoration of Hispanic Heritage.

As the fastest growing minority group in the United States, Hispanic Americans share a culture whose influence in our country dates back hundreds of years, with traditions adopted from Spain, Central America, and the Aztec and Mayan Indians, to mention just a few. In my own hometown of El Paso, on the Mexico-Texas border, a strong Hispanic influence has always been felt. From the Mexican food we enjoy and the Spanish we hear spoken on the streets, to the Mariachi music we listen to and the paintings we have seen by artists like Manuel Acosta and Rudy Montoya, we are a community enriched and enlightened by the contributions which have been made by Hispanic Americans throughout the years. These contributions are enjoying an appreciation today not only in selected communities like El Paso, but all over the country, as a new Latin spirit surfaces in the mainstream of American culture.

Since 1980, the number of Hispanics has risen by 30 percent to the current figure of 19 million individuals. While that number is expected to continually increase through the year 2000, it is important that during our month long celebration we do not forget those in the community of 19 million who have housing, employment, educational, or health related needs which have not been met. While we strive to advance recognition of Latino contributions in our society, we must also seek solutions to the high poverty and illiteracy rates afflicting our Hispanic brothers and sisters. Hispanics have traditionally contributed the highest number of at-risk students when compared with their non-Hispanic counterparts—a fact which places the need for quality education in a position of top priority for the Hispanic community. Our commitment today to better education will not only provide improved individual opportunities but will guarantee a brighter economic future and a skilled work force for our Nation.

We all have an obligation to promote our Nation's knowledge and understanding of the Hispanic spirit and tradition which is fast becoming cemented in our own culture. Towards this effort, the Congressional Hispanic Caucus will be sponsoring two hearings, one in cooperation with the Environment and Labor Subcommittee on the subject of minority business, and the other in cooperation with the Select Committee on Children, Youth, and Families dealing with Hispanic children and families. The Hispanic Caucus will also be sponsoring a round table discussion on higher education within the Hispanic community later in October. In addition, I urge all my colleagues to take an active role within their own communities during this important month.

NATIONAL POW/MIA RECOGNITION DAY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. PRICE. Mr. Speaker, I rise today to pay tribute to a brave group of Americans, those thousands of American servicemen who have been held captive in our country's wars. Some 15 years after the Vietnam war, 2,338 American servicemen and civilians are still unaccounted for. This Nation is grateful for their courageous and selfless service, and we have set aside a national day of remembrance in their honor.

Congress recently passed a resolution designating September 15, 1989, as "National POW/MIA Recognition Day." I was proud to cosponsor this resolution. I feel strongly that we cannot let the issue die. We must not forget, and we must not abandon our efforts to determine the fate of our MIA's and POW's.

This national day of recognition also sends an important signal to the Vietnamese Government, and to the rest of the world. We've begun to get more information from Southeast Asia about the status of our missing servicemen and civilians. In the last year, Vietnam and Laos have begun to respond to American concerns about MIA's and POW's; only Cambodia has refused to cooperate. But we continue to get unofficial accounts about POW's still in Vietnam. Clearly, we need more information, more cooperation on the part of Southeast Asian governments and continued attention focused on this issue.

The pain of the Vietnam war continues for the families, friends, and loved ones of those still unaccounted for. By setting aside a day of special remembrance, we in Congress demonstrate our solidarity with these men and their families in their long and painful struggle.

HONORING NEW JERSEY'S FORMER GOVERNOR RICHARD J. HUGHES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. GUARINI. Mr. Speaker, I rise today to pay tribute to New Jersey's former Governor and former Supreme Court Chief Justice Richard J. Hughes.

Governor Hughes is one of this Nation's great leaders. His commitment to the public good and honest government are unmatched. His entire career is a testament to his sense of justice, compassion for those who need help, and dedication to the pursuit of excellence.

Governor Hughes' distinguished career commenced in 1939 when he became an assistant U.S. attorney in New Jersey. His career on the bench began in 1948 when he was appointed judge of the Mercer County Court. He subsequently served as judge of the law division of the Superior Court of New Jersey (1952–57) and of the appellate division (1957). In 1957, Governor Hughes left the bench for private practice.

He returned to public service in 1962 upon his election as Governor. He served as New Jersey's chief executive for two terms, until 1970. He then served as chief justice of the New Jersey Supreme Court from 1973 to 1979. In 1979, he became counsel to Stearns, Weinroth & Petrino, which merged with Hannoch Weisman in 1988.

He currently serves as a director of the American Judicature Society and a Fellow of the American Bar Foundation. He serves as cochairman of the Martin Luther King Commemorative Commission and is a member of and spokesman for the Sight and Life Committee of the New Jersey State Bar Association and the New Jersey Bicentennial Constitution Commission.

Governor Hughes attended St. Charles College and St. Joseph's College. He received his LL.B. from the New Jersey Law School (now Rutgers University) in 1931. He is a member of the Mercer County, New Jersey State, and American Bar Associations.

Richard Hughes was instrumental in bringing the 1967 summit conference between President Johnson and Soviet Premier Aleksei Kosygin to Glassboro State Teachers College in New Jersey. He served as chairman of the President's National Advisory Panel on Insurance in Riot-Affected Areas of the National Advisory Commission on Civil Disorder in 1967.

At the Democratic National Convention in Chicago in 1968, he served as chairman of the credentials committee and of the 82-member New Jersey delegation. He has served as chairman of the Equal Rights Commission and as a leading spokesman for the Nation's Democratic Governors. He is also widely respected as an innovator in the fields of urban affairs and education.

During his two terms as Governor, Richard Hughes provided New Jersey with visionary leadership and a record of achievement unmatched in our State's history. Some highlights of his two terms include: the establishment of two State medical colleges; creation of a distinct New Jersey Department of Education; creation of the Nation's first State department of community affairs; laying the foundation for the Hackensack Meadowlands Commission, which led to the planned development of 18,000 acres of land and the eventual construction of the Meadowlands Sports Complex; and implementation of the country's toughest air and water pollution laws.

Governor Hughes' wife, the late Betty Sullivan Murphy Hughes, will always hold a special place in the hearts of those who knew her. Their 10 children and grandchildren are an important part of the Hughes' legacy. I know they will be proud when New Jersey honors Richard Hughes on his 80th birthday on September 17, 1989, at the Princeton Hyatt Regency in Princeton, NJ.

Richard J. Hughes' long career will forever be a standard of achievement and high ethical conduct and an example to all who pursue a life of public service. His ability to find solutions to seemingly intractable problems made him one of the Nation's greatest Governors. His deep understanding of the law made him a superior supreme court chief justice. His understanding, compassion and quick wit continue to make him a source of strength and comfort to all who know him.

It is my pleasure to join with my colleagues here in the House of Representatives in honoring Governor Hughes' career and continued commitment to public service.

A CONGRESSIONAL SALUTE TO CARMEN PEREZ

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. ANDERSON. Mr. Speaker, I rise today and pay tribute to an outstanding individual and a truly tireless public servant. Carmen Perez will be honored by the Long Beach League of United Latin American Citizens for her many years of service to the community and to the Democratic Party. This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment.

Ms. Perez, whose career in public service has included State and national offices, began in Long Beach, CA, as a community aide and then as a community relations assistant in the Long Beach Unified School District. Exposure to the education environment motivated her to earn an associate of arts degree in social services and later a bachelor of arts degree in political science. She put these degrees to good use as a patient relations specialist at Los Angeles County/U.S.C. Medical Center. And, in 1980, Gov. Jerry Brown appointed her to serve a 4-year term on the narcotic authority parole board.

Carmen is currently assistant chief deputy to Los Angeles County Supervisor Kenneth Hahn. She brings to this position many years of experience in party politics. Carmen has served as the vice chair of the Southern California Democratic Party, as well as the vice chair of the California Democratic Party from 1980 to 1988. Carmen also held a prestigious position on the Democratic International Board for the National Endowment for Democracy. She was the only Latina to serve in these positions. Recently, she held the distinguished position as a vice chair of the National Democratic Committee, while simultaneously cochairing of the DNC Rules and By-Laws Committee. She was also a member of the rules committee for the 1984 Democratic National Convention in San Francisco.

Also very active in the Hispanic community, Carmen has served as treasurer and chair of the Hispanic Caucus of the Democratic National Committee. Her concern of the role of women in politics has prompted her to become active in the Harbor/Long Beach Mujeres Coalition and in the Comision Femenil of Los Angeles.

Somehow Carmen has found the time to sit on numerous boards and committees including the United Way, the Long Beach Chicano Political Caucus, the Los Angeles Chicano County Employees Association, the East Long Beach Neighborhood Center/Centro de la Raza. Perhaps her most rewarding role of all has been mother to four lovely young adults, Cynthia, Elizabeth, Laura, and Buddy.

My wife Lee joins me in extending our congratulations and appreciation to Carmen Perez and her family. She is truly a remarkable individual who has devoted her time and energies to her enriching the lives of those around her. We wish her all the best in the years to come.

U.S SUGAR PROGRAM

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. STENHOLM. Mr. Speaker, in 1988 a Cambridge Reports survey found that 75 percent of U.S. consumers favored continuing the current U.S. Sugar Program of supporting prices by limiting imports of foreign sugar. Over 70 percent agreed that the program benefits U.S. producers and consumers by promoting stable prices and ample supplies of sugar. Yet Sugar Program critics claim that it is unfair to U.S. consumers.

In 1974 and 1989, when sugar prices skyrocketed, consumers were furious, and they let Congress know it. So why aren't they complaining about sugar prices now? Perhaps it's because sugar is a bargain under the current Sugar Program. The average American buys 20 pounds of sugar per year for use at home. At 35 cents per pound, that costs $7. Last year, an American consumer had to work just 2 minutes and 20 seconds to earn the price of a pound of sugar.

Sugar prices look even better when inflation to taken into account. From 1980 to 1987, the Consumer Price Index increased by 38 percent. But retail sugar prices dropped 17 percent, and corn syrup prices went down even more. The 55 percent high fructose corn syrup used in soft drinks cost 23 percent less in 1987, despite inflation.

Sugar Program critics claim that reducing the sugar loan rate will save consumers money. A typical candy bar uses three-quarters of an ounce of sugar. In 1987, that sugar cost a candymaker 1.1 cents. Reducing sugar prices by 6 cents per pound would save 0.3 cents per candy bar. A 6-cent drop in sweetener prices for a 16-ounce cola would save 6 cents. Those savings just don't get passed on to consumers.

Consumers aren't easily fooled. Look at the change in the prices they've paid, and it's easy to see why they support current sugar policy and why 85 percent of those in the Cambridge poll believe that food manufacturers don't reduce their prices even when the cost of ingredients like sugar goes down.

JUDGE ROBERT J. GALVAN TO RETIRE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to give recognition in the Halls of Congress to a dedicated individual in my congressional district who is retiring after 20 years of service as judge of the county court at law of El Paso County, TX.

Judge Robert J. Galvan, a native El Pasoan, has for this length of time rendered his services to my community in El Paso, where I know he will be missed. I personally have known Judge Galvan for many years, having been acquainted with him during my tenure as assistant county attorney and later as first assistant county attorney, and I am proud to consider him one of my friends.

Professionally, Judge Galvan should be recognized for reaching the level of education and a coveted judgeship at a time when not very many Hispanic-Americans were able to attain these. Following his graduation from Cathedral High School in El Paso, Judge Galvan attended the University of Texas at El Paso and later completed his law degree at Southern Methodist University in Dallas in 1949, where he was a member of Delta Theta Phi Law Fraternity. Upon his admission to the Texas bar, he practiced law with his brother, also an attorney, Frank J. Galvan, for the next 20 years in the law firm of Galvan & Galvan.

In 1957, he was appointed to serve the city of El Paso as first assistant city attorney, a position he held for 7 years. He was also elected to revise the charter of the city of El Paso on the city charter commission, and was appointed to the city planning commission. In 1963 Texas Governor John Connally appointed him to serve on the Good Neighbor Commission for a 6-year term, which he also served as vice chairman.

Aside from his service on the bench, Judge Galvan's interest in helping other residents in our community is evidenced by the many examples of public service he rendered. He has worked, for instance, on the United Way Campaign, Boy Scouts, the East El Paso Kiwanis Club and is a member of the board and past president of Our Lady's Youth Center. He holds membership in a number of professional organizations, including the Texas State Bar Association, American Bar Association, El Paso Bar Association, American Judicature Society, National College of Probate Judges, American Academy of Judicial Education, National College of the State Judiciary and Mexican-American Bar Association.

This weekend, as Judge Galvan nears his retirement from the bench, I will be attending an event recognizing his many contributions, and I am pleased to insert this recognition publicly in the CONGRESSIONAL RECORD. May his future endeavors be both as personally fulfilling and benefical to the community as his service for the past 20 years as Judge of the county court-at-law has been. I know that many El Pasoans join me in wishing him the best of luck.

AGENT ORANGE CLAIMS UNFOUNDED SAYS RANCH HANDER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MONTGOMERY. Mr. Speaker, there has been renewed criticism of the Federal Government in recent weeks regarding the agent orange controversy and the claims of some veterans that they are due compensation for medical conditions they presume are related to exposure to the herbicide in Vietnam. It is an issue that is both emotional and complex and one that is not likely to be resolved to everyone's liking. Still, we are seeking facts upon which to base any legislative remedy.

Service connection for disability claims relating to agent orange must be predicated upon determination of significant statistical association between dioxin exposure and various diseases as shown by scientific and medical studies. The Department of Veterans Affairs chose not to appeal a court order to implement such standards for agent orange claims. Numerous veterans' organizations have applauded this decision and, as a result, some 30,000 claims dating back to 1985 will be reviewed.

Further, on July 10 of this year, during a hearing before the House Veterans' Affairs Committee, the Centers for Disease Control announced that results of its comprehensive cancer study of Vietnam veterans will be submitted to the committee next spring. This study, mandated by the Congress, should have the statistical conclusions we need to expedite our responsibilities in this matter.

These developments represent the Federal Government's sincerity in doing the right thing in the matter of agent orange compensation. In the meantime, the Congress has established an entitlement to hospital care—and is working on the same for outpatient care—for any veteran who might have been exposed to agent orange, which amounts to any veteran who served in the theater.

Mr. Speaker, I would like to share with my colleagues a recent letter I received from a Ranch Hander, one of the 1,269 individuals who were assigned to Air Force units directly involved in the spraying of agent orange to defoliate enemy cover—Operation Ranch Hand. These men were generally exposed to herbicides for up to 10 to 12 hours a day, 5 to 6 days a week, for periods of at least 1 year, which made them the most heavily herbicide-exposed group of United States military personnel in Vietnam.

SAN JUAN CAPISTRANO, CA,
August 25, 1989.

Rep. G.V. MONTGOMERY,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: Congratulations on your position relative to paying benefits for Agent Orange exposure without conclusive evidence of dioxin-caused health problems.

As a Ranch Hand commander during a Jan 68–Jan 69 tour of duty, I was certainly among the most heavily exposed personnel to Agent Orange. As you are undoubtedly aware, the study being managed by the Air Force to date has found no evidence of dioxin being a cause of human health problems. Without question the Ranch Hands, both air and ground crews, represent the most pertinent group for study and after approximately eight years of extensive examinations, conducted by non-governmental agencies, there is no evidence that dioxin has caused any health problems among the squadron members.

When one considers that certain facts are continually being ignored relative to potential exposure to Agent Orange against the Ranch Hand group exposure it becomes difficult to accept the multitude of claims as other than a continual rip-off of the government and, ultimately, the taxpayers.

For example, fact number one: the tour of duty in Vietnam for all services was one year. Those that returned for a second or even third tour rarely went back to their original area of assignment. Secondly; the areas sprayed in Vietnam were originally under enemy control and since the herbicide was effective for approximately 12–18 months there was no reason to spray an area more than once in a 1½ to 2 year period. Also, other herbicides were also used such as White, Blue and Purple. Orange was used only from March 1965 to early 1970. Third; consider the spray pattern. The normal target area was 900 feet wide by eight miles long. Dioxin was created in Orange as a "trace contaminant" on the order of two parts per million. When computerized out this relates to the 1000 gallons dispersed on a normal mission to one drop of dioxin per square foot reaching the ground where it could be contacted by troops. After ground contact degradable conditions—sunlight, rain, wind, ground absorption—and absorption through clothing must be considered.

Finally, thousands of ground troops were sprayed directly with malathion without their knowledge. Since it was stickier with a more disagreeable odor many troops were convinced they were recipients of a defoliant instead of a malaria control pesticide.

When the foregoing, and much, much more, is put together and considered without the emotional and political machinations (organizational leaders and lawyers have made careers out of Agent Orange—and, unfortunately, congressmen and senators have succumbed to veterans claims) there is little evidence left to support unfounded claims against the government.

As a veteran (32+ years of service) I am unqualifiedly in favor of veterans receiving all that is due them based on their service but I am firmly against any compensation or special attention begin given those claiming problems relating to exposure to Agent Orange.

I trust that you will continue your efforts to assure that veterans claims are completely justified.

Sincerely,

ARTHUR F. MCCONNELL, JR.

LEBANESE TEMPORARY PROTECTED STATUS ACT OF 1989

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to provide temporary protected status for Lebanese nationals in the United States. While the vast majority of Lebanese nationals in the United States want to return to their homeland, the extremely violent situation in Lebanon prevents them from returning safely.

I wish to especially thank Representative DAN GLICKMAN for his help.

Our country should act compassionately as a temporary safe haven for those who are here until it is safe for them to return. Our current Immigration and Naturalization Service policy does not adequately address their need for a safe haven. My legislation would create a temporary protected status to allow the Lebanese to stay in the United States temporarily.

The level of violence in Lebanon is so extreme that it is difficult for many of us in the United States to comprehend. For example, on April 4, during the night over 5,000 shells hit the Christian areas alone, and an additional 3,000 shells hit Muslim districts. Since the hostilities escalated last March, over 600 people have been killed and over 2,500 people have been wounded, most of them civilians. Each person in Lebanon is not only endangered by the heavy shelling but is also endangered by other forms of factional violence.

Current U.S. policy does not adequately address the need of Lebanese nationals in the United States for a temporary place of refuge. The treatment of cases varies greatly and Lebanese nationals in the United States are denied extended voluntary departure [EVD] status. In 1985, the INS reissued its 1976 policy memorandum which encourages immigration officials to view sympathetically individual requests for extended voluntary departure status, on a case-by-case basis, whenever such requests are based on compelling humanitarian need. The implementation of this policy is largely at the discretion of the regional INS office and the treatment of this case depends on how sympathetically an individual's case is reviewed by that office. As part of the case-by-case review, the INS may and does offer an extended voluntary departure status to Lebanese nationals for only 30 days. The district director has the authority to grant a Lebanese national extended voluntary departure status for up to 1 year. However, a decision to grant extended voluntary departure for 1 year is unusual. Thirty days of extended voluntary departure status is only a token offer of a safe haven. In the past 30 days, the situation in Lebanon has grown worse not better. It is unlikely that the situation will grow dramatically safer in the next 30 days.

In addition, this program is underutilized because of a deliberate lack of publicity. The INS does not publicize this program, because it fears that it would act as a magnet and attract more Lebanese to the United States. Regrettably, this lack of publicity has prevented many Lebanese from knowing about the extended voluntary departure program until after their visa has expired. In my district, if they apply for EVD after their visa has expired, (that is, after they are "out of status"), their application is usually rejected.

My legislation would create a new temporary protected status for Lebanese nationals who are currently in the United States. It would provide them with the temporary haven that they need without acting as a magnet to Lebanese outside the United States, because this bill would address the needs of only the Lebanese who are currently in the United States.

Lebanese nationals would be required to register with the Immigration and Naturalization Service, and the INS would issue work permits to them so that they would be able to sustain themselves while they are in the United States. However, they would be barred from most forms of Federal aid and all forms of State assistance. These people would be designated under temporary protected status for the next 2 years. After that time, the Attorney General would have the authority to revoke the status by publishing a notice in the Federal Register. The Attorney General would review whether to continue to offer Lebanese nationals extended voluntary departure every 6 months.

The Lebanese Temporary Protected Status Act of 1989 will provide Lebanese nationals in the United States with a much needed temporary haven. I urge my colleagues to support this important piece of legislation.

HONORING FRANK J. PRINCIPE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MANTON. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues the contributions that Francis J. Principe has made to his community and his industry. Frank is an outstanding member of the Maspeth community of the Ninth Congressional District of New York. Unfortunately, I will not be able to attend a dinner his friends are holding in his honor this evening.

Francis J. Principe was born in Brooklyn of Italian parents on December 5, 1909. He attended Manual Training High School in Brooklyn while his father was commissioner of public buildings of the city of New York. He graduated with honors from Cornell and then joined his father and uncle building the first FHA two-family homes in the United States. These homes, which are located in Queens, still stand. Frank and his wife, Virginia, live in one of these homes.

Before founding Principe-Danna with Frank Danna in 1946, Frank Principe completed the FHA homes, built sewers and railroad projects, and served the war effort as a supervisor of an aluminum plant in Maspeth.

Principe-Danna grew into a major cement company in the New York area and Frank Principe developed into one of world's leading authorities on cement. Frank traveled widely to lecture on the assets and uses of cement in construction and, cited its capacity for beauty and flexibility as well as its reliability.

Mr. Speaker, when Frank Principe was 75, he started the West Maspeth Development Corp. in an effort to stop western Queens from losing jobs and infrastructure. He has never been afraid to take on the city administration on behalf of Maspeth's interests. He took on the MTA and stopped potentially dangerous trains from being run through the area. At the same time, he completed amendments to the New York City Building Code, served as an officer of the Ready-Mix Group, which he founded, and attended every hearing on the new weight laws to ensure that the voice of the industry was heard.

Frank Principe is now approaching 80 and still going strong. Many of his current awards have come from his peers in the construction industry. He recently received a plaque that reads "For always maintaining the highest standards of integrity and honesty, we thank you."

Mr. Speaker, I ask my colleagues to join me in saluting Francis J. Principe for his dedication to his community and his industry.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MARKEY. Mr. Speaker, today I join with Congressman MATTHEW J. RINALDO in introducing legislation to authorize appropriations for activities of the Federal Communications Commission. The bill authorizes $109,831,000 for fiscal year 1990 and $117,831,000 for fiscal year 1991, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1990 and 1991.

Our Nation is in the midst of a communications revolution. The rapid emergence of telecommunications technologies is spawning exciting, new communications products and services and stimulating the development of domestic and international market opportunities. Innovations like HDTV, PCTV, artificial intelligence and supercomputers are blurring the technical and regulatory lines between communications and computers. Fiber optic cable soon will be bringing integrated voice, video, and data services to Nation's businesses, institutions, and homes. This revolution will affect the way we live, do business, and to a great extent determine America's position in the world economy.

In this environment, the role of the FCC is critical to promoting a competitive market place, providing timely and effective regulation, and encouraging the continued development of efficient, innovative communications facilities and services. This independent agency must have the resources needed to implement congressional policies, to regulate the dynamic, burgeoning telecommunications industry and to carry out its statutory responsibilities to promote the public interest.

Over the past 2 years, however, FCC's workload has increased, while its staff and resources have declined. Last year, for example, FCC had to absorb various pay and health benefit cost increases that amounted to roughly 5 percent of its budget, which equals the level of discretionary funds for equipment, supplies, maintenance, printing, travel, and so forth. When 80 percent of the Commission's appropriation is committed to employee salaries and benefits, and totally nondiscretionary expenses such as rental of office space consume another 15 percent, the 5 percent in discretionary funding is significant.

To absorb the fiscal year 1989 cost increases I noted, the Commission had to reduce its full-time, permanent employee staff by 120. Budget and staff reductions from fiscal year 1988 had already increased application processing times; delayed staff productivity initiatives; and delayed technical improvements needed to monitor new technologies, identify and eliminate interference, and respond to complaints. As a consequence of the fiscal year 1989 staff reductions, the Commission anticipates: Additional increases in the time required to act on new applications; delays in the introduction of new services; increased complaints of interference; and further reduced enforcement activities.

The funds authorized for appropriation in this bill provide the Commission with the resources needed to restore a portion of its staff, 40; increase staff productivity through enhanced automation; purchase new technical equipment to replace obsolete and worn-out equipment used in the field operations and engineering and technology activities; and undertake other program improvements. The funds authorized are consistent with the Commission's needs and the needs of our Government in maximizing the benefits the public derives from our Nation's communications facilities and services. I urge my colleagues to support this legislation.

A TRADITION OF PROUD SERVICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. GEKAS. Mr. Speaker, I would like to draw the attention of my colleagues to a group of individuals in my district that have every right to be very proud. On September 22, 1989, the Port Treverton Volunteer Fire Company, in Port Treverton, PA, will be celebrating its 40th anniversary. The date marks four decades of exceptional service and compassion.

The fire company was established after a disasterous fire in Port Treverton on August 9, 1949. The fire that summer day, caused by spontaneous combustion, destroyed three homes, Herrold's General Store, and an abandoned church. But the citizens of Port Treverton realized that preparedness was necessary to protect their town in the future.

One month after the fire, the new volunteer company purchased its first fire truck from the New Blooomfield Fire Company for $1,800. It was a used, but completely equipped pumper. Public donations paid for the truck and volunteers set up shop in a tiny restaurant named Fred's Place. Later, the Port Treverton Elementary School was converted for use as a firehouse.

In 1961, the fire company bought a new truck for $13,700. Seven years later, another one was added at a cost of $18,000.

A bid has recently been let to purchase a custom-built engine/pumper truck with a 1,250 gallon water tank. The approximate cost is $143,000.

By 1982, the Port Treverton Volunteer Fire Company had built a new firehouse that even included a social room. Because the community joined together to raise money and help with construction, there was no debt incurred for this $60,000 project.

Important to the fire company and the community is the ladies auxiliary, established in 1951. The purpose of the auxiliary is to aid and support the fire company in its various endeavors. Over the years, this vital organization has proven to be a stalwart in the Port Treverton community. In 1979, the first emergency medical technicians became affiliated with the fire company. These skilled individuals also provide essential services to the citizens of Port Treverton.

Today, 40 years after its founding, the volunteer fire company is stonger and more cohesive than ever. It continually strives to improve services, and citizens look forward to many more decades of the selflessness and courage demonstrated by volunteers since the company's inception. At this point, supporters are involved in raising funds for a new fire truck. Whereas that first truck in 1949 cost just short of $2,000, the company expects to incur a debt of $90,000 in order to purchase a vehicle in 1989.

But the Port Treverton Volunteer Fire Company will prevail over this temporary obstacle as it has many throughout the past 40 years. As we celebrate the anniversary of this organization, we celebrate the resilience, courage, and generosity of spirit that represents the best qualities that America offers.

DO LONGER JAIL SENTENCES REDUCE CRIME?

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. SKAGGS. Mr. Speaker. Over the weekend, reports were published about the unprecedented increase in prison population during the first half of the year. The number of inmates went up over 7 percent in 6 months—a rate which would double the prison population in 5 years if sustained. The surge in incarceration primarily reflects the recent legislative and judicial movement toward longer sentences. With this kind of dramatic development, it makes sense to check that we're accomplishing what we intended and that it's worth the price. And the price is certainly significant, at $25,000 per inmate per year on the average.

An article in the September 10, 1989, Washington Post by Michael Gottfredson and Travis Hirschi is a particularly concise and cogent assessment of what drives crime rates in America and how effective we can expect longer sentences to be in reducing crime. I hope my colleagues will take a few minutes to read it, and ask that it be reproduced at this point in the RECORD.

WHY WE'RE LOSING THE WAR ON CRIME

(By Michael Gottfredson and Travis Hirschi)

President Bush's long-awaited national strategy to combat the drug problem puts great faith in the potential of conventional law-enforcement strategies and governmental intervention. The Democrats' response differs chiefly in degree, not in kind, with the high ground seeming to belong to those who would spend more.

But the hard-line programs proposed by the president—more prisons, more prosecutors, more hardware for the border patrol, more law enforcement officials, more drug testers—taken together, will have little impact on the crime rate or the drug problem.

The $8 billion earmarked by President Bush for the New War on Drugs would go atop the $44 billion already spent each year at all levels of government for police and prisons—along with tens of billions more for customs agents, judges, probation and parole officers.

Since the early '70s and the backlash against Great Society programs, everyone seems to agree that the key to crime and drug abuse is to be found in the criminal justice system—in the workings of the police, courts and prisons—and not in economic or social conditions. This consensus has powered the immense growth in law-enforcement organizations, anti-crime programs (e.g., drug testing, "career-criminal" units, mandatory sentencing), and the number of people in jails and prisons.

According to the federal Bureau of Justice Statistics, expenditures for criminal justice in the last few years have increased four times as rapidly as for education, and twice as rapidly as for health and hospitals. Since 1980, the number of adults behind bars has doubled. As of January, 627,000 adults were incarcerated in federal and state prisons. The latest figures show that 1 adult in 55 is under some form of correctional supervision.

But all the effort and money have not bought relief from crime. According to FBI figures, the crime rate peaked about 1980, declined for a few years, and then increased for the past four years. (The mild downturn of the early '80s resulted from the aging of baby-boomers. The peak age of incarceration comes a few years after the peak age of crime. This fact, coupled with tougher sentencing policies, accounts for the increase in the numbers incarcerated.)

No one can substantiate the slightest reduction in drug use or the rate of crime as a consequence of increases in expenditures in the '80s, and there is no reason to think these failed government programs will now work simply because even more money is thrown their way. In fact, there are good reasons to believe otherwise. The latest scientific research on crime and drug use does not accord with the law-enforcement image of criminals and drug dealers as sophisticated, cunning, persistent and highly organized. Nor does it support the view that strengthening the crime-control apparatus is our only hope.

In fact, the research paints quite a different picture. Studies of the most common criminal events show that they are generally acts of force, fraud or mood enhancement in the pursuit of immediate self-interest. The typical burglary or robbery takes little effort, little time and little skill.

The typical burglar takes advantage of opportunities of the moment; he lives in the neighborhood and victimizes easy targets—such as houses with unlocked doors—carrying away whatever seems of value. The typical car thief finds a car with the keys in the ignition and drives until the gas tank is empty. The typical drug user is satisfied with whatever drug is available at a suitable price. Consequently, most lavish police operations involving costly high-tech hardware are irrelevant to reducing the number of typical crimes. Solid research studies show that most ordinary crimes can be prevented by the presence of even the most minor obstacles: locks on doors, keys taken out of ignitions, reduced late-night hours for convenience stores, and the like.

Nor do the crime data indicate that putting more cops on the street will decrease the frequency of offenses. Daily life presents practically limitless opportunities for crime or drug use. As a result, prevention by policing is nearly impossible. In fact, a growing body of research documents the negligible impact of police patrols in lowering the crime rate.

Moreover, it is becoming clear that criminals and drug abusers are also less complex and less driven than current policies suggest. Indeed, two facts about offenders are directly at odds with the assumptions found in law-enforcement policies. Unless these misconceptions are corrected, there is little hope for efficient and realistic crime policy.

RANDOM PATTERNS

The first fact is this: Offenders are extraordinarily versatile in their choice of criminal and deviant acts. That is, the same people who use drugs also steal cars, commit burglaries, assault and rob others and drive recklessly. Indeed, they are so versatile that knowing their prior offenses does not permit us to predict what crimes they will commit in the future. Despite decades of study, criminologists have failed to discover meaningful numbers of criminal specialists—people who commit particular crimes to the exclusion of others.

For example, when researchers at the University of Pennsylvania followed to age 30 nearly 10,000 boys born in 1945, they discovered virtually no pattern or specialization in each individual's offenses recorded in police files.

The versatility of offenders goes beyond conventional crime categories to include alcohol abuse, spouse and child abuse, accidents, truancy from school and work, and sexual promiscuity. Research repeatedly shows that these behaviors are consistently found together in the same people. A celebrated study by Lee Robins at Washington University tracked over 500 children referred to a guidance clinic over the course of 30 years, comparing them with a control group. As adults, the clinic children were more likely to be arrested for a wide variety of offenses, more likely to be divorced, to be unemployed, to be on welfare, to use alcohol excessively and to be hospitalized for psychiatric problems.

What explains this amazingly dependable correlation among such diverse acts? We believe it is a common element: All of them produce immediate pleasure without regard to potential long-term consequences. This general tendency to engage in such acts we call "low self-control."

Indeed, recent research into offender motivation casts doubt on the standard explanations of drug use and criminal behavior, and on the supposed connection between them. It suggests instead that when adolescents use drugs they are merely seeking an immediate good feeling—and that no deeper social, psychological or economic motives are involved.

Thus, in committing auto theft, the offender is not pursuing upward mobility, doing what his culture requires him to do or pondering the possibility that a third felony on his record will make him eligible for career criminal sentencing. Instead, he is merely seeking easy transportation in a good looking car. If auto theft and drug use go together, it is not because one is the cause of the other, but because both produce immediate benefits for an offender who pays little attention to long-term costs. This directly contradicts two basic assumptions of contemporary law enforcement: that fear of lengthy prison terms deters offenders from their acts; and that a war on drugs can be separated from a war on crime in general.

A TIME FOR EVERY PURPOSE

The second problematic fact about criminal behavior is that all forms of drug use and crime decline sharply as offenders grow older. This phenomenon has proven astonishingly stable through time. Early in this century, the British criminologist Charles Goring reported that age statistics of conviction "obey natural laws of frequency."

Current research reaffirms Goring's findings: The age-distribution curve of crime in the United States today is virtually identical to the one produced by English convicts over three-quarters of a century ago. That is, the propensity to commit crime increases very rapidly thoroughout adolescence, peaks in the late teens, then declines quickly and steadily throughout adulthood.

The implications for current drug and crime policy are profound. The deadline in crime and drug use with age is so steep that it overwhelms most crime-control strategies that focus on the offender, such as incarceration and rehabilitation. After all, if the vast majority of offenders are teenagers, and if they rapidly quit using drugs and committing crimes of their own accord, what is the point of incarcerating them well into adulthood, or, for that matter, treating them after the problem is over? The present fascination with ever-longer sentences and abolition of parole implies enormous expenditures for almost no payoff in terms of crime reduction.

The age effect is so strong and so obvious to correctional officials that it tends to undermine the resolve to hold prisoners "for the rest of their natural lives." After 30 years in prison, what danger does the 50-year-old "career robber" pose to society? The rate of robbery in that age group is one-fiftieth the rate for 17-year-olds. More to the point of the proposed drug sentencing policies (and arguments about large financial benefit from imprisonment), what can be the advantage of adding 10 years to sentences that already exceed the active life of the typical offender? Why lock up drug offenders well beyond the age of active substance abuse? Taxpayers may be fooled into thinking they are safer with longer sentences, but when these sentences keep offenders behind bars into middle age (at an average cost, per year, of $25,000 per offender), they should keep their hands more firmly on their wallets.

BRINGING THE WAR HOME

Any potentially successful plan to combat crime must acknowledge that individual differences in the tendency to commit crimes and use drugs remain reasonably stable over the life course. People who do these things when they are very young tend to do them as adolescents, and to have higher rates than others as adults. People who abstain as adolescents, on the other hand, tend to abstain throughout life. Even when the "crime years" are essentially over, those active as adolescents will be found to have relatively high rates of noncriminal deviant behavior—such as excessive drinking, marital problems and employment instability. For example, psychologists studying aggression have discovered that differences in the rate of pushing, shoving, and disobedience at age 8 are reasonably good predictors of criminal convictions at age 30.

The president's drug plan conspicuously ignores the notion of prevention. Yet the stability of differences from early childhood suggests that any worthwhile crime or drug policy must focus on the early years of life; that wars on crime and drugs, if they are to be successful, must target children.

H.R. 181

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. SCHAEFER. Mr. Speaker, I am pleased to announce my support and cosponsorship of H.R. 181, the Notch Baby Act of 1989. This measure would correct the disparity in Social Security benefits received by 7 million Americans born in the years 1917 through 1921, the Notch years. This is the same measure I cosponsored in the 100th Congress, but which was never acted upon.

The Notch babies have campaigned long and hard to bring about changes in the benefit laws that have penalized them for being born in certain years. In 1972, Congress increased Social Security benefits and provided for automatic cost of living adjustments [COLA's], which are annual increases based on the rate of inflation. However, due to the rampant inflation of the 1970's, benefits rose to unintended levels. The Social Security amendments of 1977 created a new formula to bring benefits into line. In order to avoid an abrupt change in the benefits of those nearing retirement, a 5-year transition formula was included, creating the Social Security Notch. However, for those born in the years 1917 through 1921, benefits were as much as $100 a month lower than those of retirees born before the Notch, even though they had identical work records.

Under H.R. 181, those who reached the age of 62 in the years 1979 through 1983 would receive increased benefits of $24.2 billion over 10 years. This new formula would bring benefits more in line with the intent of Congress in 1977. The increased benefits would not endanger the Social Security Trust Fund, but would merely delay its attainment of 1 year's reserve by only a few months.

This measure represents an equitable and responsible solution to the Notch issue. It provides a fair increase in benefits for those born in the Notch years, while not endangering the solvency of the Social Security System. I urge my colleagues to join me in supporting the Notch Baby Act of 1989.

TRIBUTE TO HON. HERBERT TENZER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. GREEN. Mr. Speaker, I should like to pay tribute to one of our former colleagues, the Honorable Herbert Tenzer, on the occasion of his retirement as chairman emeritus of the board of trustees of Yeshiva University. Mr. Tenzer is a distinguished philanthropist and civic leader.

His achievements in the area of community service are extensive. During his two terms in the House—1964 to 1968—Mr. Tenzer was a sponsor of landmark legislation that spearheaded an attack on cancer, heart disease, and stroke. He provided dynamic leadership to programs for the elderly, handicapped, and poor. He organized and chaired Rescue Children, Inc. which cared for more than 2,200 orphans after World War II and reunited many of them with relatives. He also served as president of the National Council to Combat Blindness.

As well as being a philanthropist, Mr. Tenzer has worked hard for the Jewish community. In turn, the Jewish community has honored him for his efforts by bestowing upon him the American Israel Friendship Medal, the Dr. Harris J. Levine Memorial Award from Bnai Zion, and the Statesman Award from the Synagogue Council of America. He has also received the Man of the Year Award of the National Conference of Christians and Jews.

The Herbert and Florence Tenzer Yeshiva University Fellows Program has been established in tribute to the man whose inspired leadership has turned Yeshiva University into an internationally respected educational institution.

I hope that my colleagues will join me in praising and wishing the best for Mr. Tenzer and his family.

LEGISLATION TO AMEND THE SOCIAL SECURITY ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. HORTON. Mr. Speaker, today, I joined my colleague Congresswoman LOUISE SLAUGHTER, in introducing a bill to amend the Social Security Act. The need for this legislation has arisen over a controversy surrounding the language in letters denying certain Medicare claims. Many of our colleagues in the House of Representatives have heard complaints about the use by regional Medicare carriers of letters denying claims by nonparticipating physicians because they are "medically unnecessary." These letters have angered both physicians and their patients by calling into question the judgment of skilled health professionals.

Our legislation would amend title XVIII of the Social Security Act. While maintaining the legal standard on which claims are covered by Medicare, this bill requires that notices of denial specifically indicate why the service does not qualify for Medicare coverage. Quite simply, it makes sense to explain that Medicare does not cover the specific treatment used rather than to make a blanket statement that the treatment was "medically unnecessary."

This legislation enjoys the support of the American Medical Association and I urge all of my colleagues in the House to join us cosponsoring this important legislation.

STATEHOOD RISKS WEIGHED IN PUERTO RICO PLEBISCITE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. FUSTER. Mr. Speaker, once again I want to point out to my colleagues relevant information about the matter of a congressionally authorized political status plebiscite in Puerto Rico which would be held in the summer of 1991. As you may know, enabling legislation for the plebiscite was approved August 2 by the Senate Energy and Natural Resources Committee, which is the committee of jurisdiction in the other body.

Now the bill must be reviewed by the Senate Finance Committee and by the House Interior and Insular Affairs Committee. As you know, the bill would offer voters of Puerto Rico a choice between statehood, independence, or an enhancement of the existing commonwealth status, which I favor. Although congressional sanction of such a plebiscite bill was not necessary, all parties in Puerto Rico felt such approval was needed so that Congress would be in a position to assure implementation of whichever of the three status options won in a referendum.

The following article, by the nationally syndicated columnist Georgie Anne Geyer and which appeared as the lead column in the "Commentary" section of the Washington Times of September 12, is a perceptive and worthwhile statement as to whether or not statehood is viable in Puerto Rico once a transition period is over.

The article follows:

[From the Washington Times, Sept. 12, 1989]

PUSHING PUERTO RICO? RISKS OF STATEHOOD WEIGHED

(By Georgie Anne Geyer)

Late last January, I sat in a Washington restaurant with the attractive governor of Puerto Rico, Rafael Hernandez Colon, when with great excitement he broke a historic story to this journalist.

"The question of the ultimate status for Puerto Rico has been an unresolved question since 1898," he said smiling. "It is now unacceptable to continue the controversy. We've decided to resolve it."

With this challenge, Mr. Hernandez then made the public call for a plebiscite in Puerto Rico, in order to resolve the status of the island definitively: How confidently he placed the unique Puerto Rico/U.S. commonwealth relationship—which in 37 years of singular innovation has given the little island the highest per capita income in Latin America—up against either statehood or independence. Today, eight months later, the picture is murky beyond anyone's anticipation.

In Congress, this Puerto Rican issue has become, as the plebiscite bill's able sponsor, Democratic Sen. J. Bennett Johnston Jr. of Louisiana tells me, "one of the most interesting issues in the U.S. Congress today. It involves a range of issues, from political to economic to emotional to citizenship to national defense. It is vital to the people of Puerto Rico, and it is interesting as a measure of how we feel about ourselves. How do we feel about self-determination in the American family?"

In Puerto Rico itself, the emotional issues supporting statehood, at least at this moment, are out front. San Juan Star columnist Alex Maldonado recently wrote on the confusions many Puerto Ricans feel: "You can kill yourself explaining to someone the realities of our industrialization and its huge dependence on the economic incentives unique to the commonwealth arrangement. But then someone else comes along and says something that seems irrefutable: If all the 50 states are rich, how can becoming the 51st state make Puerto Rico poorer?" Well, in fact, it not only can, but almost surely will!

The Puerto Rican New Progressive Party, or the Statehood Party, has pushed the idea, often demagogically, that the island-as-state would be in for an immediate bonanza of federal programs. This appeal has been strengthened by the totally inappropriate and publicly expressed enthusiasm of the Bush administration for statehood. But even this supposed economic appeal of statehood is true only as far as it goes.

Mr. Johnston provides the economic projection that Congress has made: "Over the years, there is no question that statehood would cost Puerto Rico and make money for the U.S. Treasury. Suffice it to say that in the first two years, statehood would cost the Treasury money; from three years and beyond, it would make money for the U.S."

Commonwealth backers paint the future more bleakly. Because Puerto Rico's prosperity has been totally based upon its "special relationship" with the United States, and in particular the special tax inducement for industries under Section 936 of the Internal Revenue Code, the loss of that tax privilege could doom Puerto Rico's prosperity.

A commonwealth spokesman presents the bleak position of Mr. Hernandez and his Popular Democratic Party: "At the end of four years of bonanza, the bottom would drop out. As soon as statehood passed, most industries would pull out. In the second phase, labor-intensive industries would collapse; then capital-intensive ones would go. Last, the pharmaceutical industries would go in five to 10 years. If the economy does collapse, the unemployment rate would go from 13 percent to 14 percent now, to 40 percent to 50 percent, and Washington would have to pick up the bill. Americans are completely ignorant of the impending disaster."

At this moment, were the plebiscite to be held today (instead of 1991 as scheduled) there is little question that the statehooders would win. And indeed, nobody is saying they do not have the right to win, if the Puerto Rican people really understand the consequences of statehood and want it under those real terms.

But until now, virtually nobody has really been honest with them—from President George Bush, who has himself pushed only the statehood relationship, to the economic reports of the Statehood Party, to many congressmen who have presented Puerto Rico only with pro-statehood economic data.

In the 1940s, before commonwealth, the same Puerto Rico that is now the most amazingly industrialized part of Latin America was commonly derided as the "poorhouse of the Caribbean." The looming danger with statehood is that the island could again become "poorhouse of the Caribbean" in barely two generations.

AMERICAN MUSHROOM WEEK

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. SCHULZE. Mr. Speaker, within the Fifth District of Pennsylvania is the largest single area for mushroom growing in the United States. From July 1, 1988, to June 30, 1989, this industry, in Chester County alone, generated $179 million in revenue.

This valuable commodity is important not only for the economy of Pennsylvania, but for the Nation as well. Because of its importance, more people should be made aware of the many virtues which the mushroom holds—from its ability to spruce up any meal of the day, to its nutritional value in a sensible eating regimen.

As I did last year, I am again proposing a joint resolution for observance of the American Mushroom Week, to take place September 15–23, 1989. This event includes visits to mushroom houses and will educate those unfamiliar with this vital industry. More importantly, however, American Mushroom Week will provide a clearer understanding of how valuable the mushroom can be not only in our daily diet, but to our Nation's economy as well.

HONORING THE 10TH ANNIVERSARY OF THE WOODHAVEN KIWANIS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of the most hardworking and respected social service organizations in the Woodhaven community, the Kiwanis. On September 23, 1989, the Woodhaven Kiwanis will host a dinner dance in honor of the club's 10th anniversary.

The Woodhaven club belongs to an international organization, composed mostly of successful career persons, devoted to assisting the disadvantaged in our society. Since its foundation in 1979, the Woodhaven Kiwanis has made its mark on its community by performing many important services.

Among these community-minded efforts are the annual blood drive, which has kept the blood banks in local hospitals well supplied with over 350 pints of blood; computers donated to neighborhood schools and the Woodhaven/Richmond Hill Volunteer Ambulance Corp. have helped both educate and save lives; its "center for special needs" has alleviated some of the difficulties facing disabled people by providing them with physical therapy and the opportunity to socialize through organized games and outings; and finally, its "toys for tots" party in 1988 brought Christmas to 250 disadvantaged children who may not have had one.

In the last decade, the club has gone from strength to strength. In the past year alone, it has increased its membership by 35 percent.

One reason for these successes is that during its formative stages the club was well served by a number of distinguished presidents from Saul Dovi, the first president, through Frank DeRasi to Dr. Paul Fish, the current president, each displaying the strong leadership necessary to a young and growing club. I am confident that its incoming president, Frank Lombardo, will offer the same kind of leadership to take the club to even greater heights in the future.

In this day of immediate gratification and self-interest, it is a pleasure to witness an organization like the Kiwanis prove that the spirit of philanthropy is alive and well. I call on my colleagues in the House of Representatives to congratulate the Woodhaven Kiwanis on its 10th anniversary and wish the club continued success in the future.

JOSEPH S. GANS, SR., RECEIVES HUMANITARIAN AWARD FROM PENNSYLVANIA CHAPTER OF UNICO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Joseph Gans for his years of dedicated service to local civic and charitable organizations. Mr. Gans is being presented the Humanitarian Award by the Hazleton, PA, Chapter of UNICO during a program on September 15, 1989. UNICO is an organization devoted to promote unity, neighborliness, charity, and opportunity within the community.

During his years of service, Mr. Gans has been a key organizer in coordinating efforts between Service Electric Cable TV Co., Inc., and the Easter Seals Society for Greater Hazleton to ensure the success of the Easter Seals regional telethon for the past 3 years. The telethons have raised more than $300,000 for the Hazleton Easter Seals Society. In addition, for the past 10 years, Joe Gans has been involved with the telethon for the Hazleton Chapter for the American Cancer Society.

Joe Gans is a graduate of Hazleton High School and attended the Hazleton Technical School of Electronics. He also graduated from Raytheon and studied electronics at Scranton University and Pennsylvania University. He served 2 years with the U.S. Army in the European Theater of Operations.

He is involved with the Hazleton School Authority where he served as treasurer and is past director of the Greater Hazleton Chamber of Commerce. Mr. Gans has served as director of the Hazleton Lions Club and is a member of the Lions Eye Bank Association, a member of the Institute of Electrical Electronic Engineers, and a member of the board of trustees of the Hazleton-Saint Joseph Medical Center.

This award is not the first award Joe Gans has received. He is well known throughout the community as being a dedicated and involved contributor, and has been recognized by a number of groups. He has received the American Cancer Society Division Citation Award, 1989; Mount Nittany Society Award, 1989; Pennsylvania Cable Television Association Community Service Award, 1986; National Cable Television Association Award, 1985; Pennsylvania Award—Pennarama, 1984; Maryland-Delaware Vanguard Award, 1984; and the Nittany Lion Award—Pennarama, 1979.

I have had the opportunity to work with Joe by taking part in a number of the charity fundraisers he has organized. I am personally aware of the amount of time and effort that goes into every one of his projects. He devotes himself entirely to the project at hand, sparing nothing to reach the ultimate goal.

Joe Gans has been a great business success. In my mind, however, he has reached the pinnacle of success not because of what assets he has, but what he has done with those assets. When there is a need in the community, Joe is the first to be there with a helping hand.

I consider it a high honor to not only represent Joe Gans in the U.S. House of Representatives but to count him as one of my personal friends. I know my colleagues in the House of Representatives will join me in paying tribute to Joe Gans and agree with me when I say that it is men like Joe who contribute to the strength and success of our communities.

PERSONAL EXPLANATION

HON. BEN JONES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. JONES of Georgia. Mr. Speaker, I was absent from the House on September 12 on official business when roll call votes Nos. 225, 226, and 227 were taken. These were the votes on H.R. 2696, the Energy and Water Development Appropriation for fiscal year 1990; H.R. 2978, Flag Protection Act of 1989; and H.R. 982, Postal Reorganization Act Amendments of 1989. I wish to have the record show that had I been present, I would have voted "yea" on H.R. 2696, "nay" on H.R. 2978, and "yea" on H.R. 982.

BRUCE SEATON RECEIVES ADMIRAL OF THE OCEAN SEAS AWARD

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. TORRICELLI. Mr. Speaker, it gives me great pleasure to announce to you and our colleagues that W.B. (Bruce) Seaton, chairman of American President Cos., has been awarded the 1988 Admiral of the Ocean Seas Award. This award, presented by the United Seamen's Service, is the most prestigious honor given by the U.S. maritime community. Mr. Seaton is being recognized for his role in advancing the role of U.S. flag vessels in ocean shipping and for his contributions to the American seafaring community.

Bruce Seaton, a former U.S. Navy officer, has served as chief executive officer of American President Cos. and its subsidiary American President Lines since 1983. American President Lines is a major international container-shipping company serving the Pacific Basin. Other businesses of American President Cos. include domestic/intermodal freight transportation brokerage, stevedoring, cargo consolidation, and real estate development.

Mr. Speaker, Bruce Seaton is a true visionary in the U.S. maritime industry. Recognizing the importance of a vigorous merchant fleet to our economy and to national security, he has built an integrated operation to move cargo across both land and water. America's future as a trading nation depends on the efficient movement of goods from source to destination, and Bruce Seaton plays a vital role in creating this transportation network of the future.

Bruce Seaton's award is well deserved; I join his friends and colleagues in wishing him well on this occasion and success in his future endeavors.

THE NATIONAL DAY OF THE TAIWANESE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. CRANE. Mr. Speaker, I wish to draw my colleagues' attention to the forthcoming National Day of the Taiwanese on October 10, 1989. This is a most important day for them, very much like our July 4 Independence Day.

Taiwan is fortunate to have had a number of eminent past and current leaders. Much of Taiwan's success today—whether economic, political or diplomatic—became possible because of the vision and leadership of Generalissimo Chiang Kai-shek, President Chiang Ching-kuo and the current president, Cornell-educated Dr. Lee Teng-hui.

It is especially important to note that President Lee has not only successfully implemented the many programs initiated by the late President Chiang Ching-kuo, President Lee has also embarked upon many new economic and political initiatives since January 13, 1989.

Economically, Taiwan is enjoying spectacular growth, averaging close to 10 percent a year for the last decade; politically, Taiwan is now a country of multipolitical parties, and diplomatically, Taiwan has upgraded existing relationships with many countries and established formal diplomatic ties with the Bahamas and Grenada—all within the last 12 months.

Mr. Speaker, let's say to our friends in the Republic of China: Splendid work so far and we look forward to seeing even greater accomplishments from you in the years to come.

CHILDREN OF POVERTY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1989

Mr. MOAKLEY. Mr. Speaker, during the August break, I had a chance to catch up on my reading. I read an article that moved me so deeply that I felt I had to share it with my colleagues. This work, from the September 1989 issue of Life magazine, is entitled "Children of Poverty: Growing Up at 215 Washington Street, Portsmouth, OH." I have read many, many reports, studies, and statistics about poverty, but I found this account to be particularly powerful. There has been much talk on how to fight the war against drugs, both by the administration and the Congress. It's important that we realize that part of such strategy should include a strong policy to help the many in this country who are poor. I hope all my colleagues will take a few minutes to read this touching piece.

The article follows:

CHILDREN OF POVERTY

My name is Carrie Ellen Copas. I was born in 1979. My birthday is on August fifteenth. I am from Portsmouth, Ohio. And I have lived in the same place the whole time. And some people think I'm ugly and some people think I'm pretty. Sometimes I think I'm pretty and sometimes I think I'm ugly."

Carrie Copas lives with her mother, stepfather and three brothers in a two-bedroom rented apartment on the second floor of a mud-brown building on Washington Street, two blocks from the town hall and across the street from the Ramada Inn, the Star Service Station and Castle's used car dealership. The house, believed to have been built as slave quarters in the early 1800s is bounded on three sides by vacant lots. It is listed on the official Ohio Historic Preservation register as "demolished." It has four small apartments—all but one rented by relatives of Carrie's—six bedrooms, 12 beds, a sagging roof and dozens of holes in its walls, windows, screens, doors and floors. It is home to 10 children, nine adults, four dogs, six cats and an indeterminate number of mice.

NINETEEN PEOPLE IN A HOUSE BUILT FOR SLAVES

I'm Carrie's cousin. Chuck Riley. I'm thirteen and I live in the same building Carrie lives in but in Apartment 2. I don't have a middle name because my real name is Charles Riley III. Today at school we went to activity class with Mr. Bonzo and we had to draw pictures. I drew a dog on a porch sitting on a rug. Underneath it I wrote, 'If you can't keep up with the big dogs, stay on the porch.' But I can keep up with anybody if I want to. I'm fast. I can run."

Chuck Riley's parents separated three years ago. "If Chuck were living in my house, with the kind of support my kids get," says a teacher at Chuck's school, "he could be getting A's and B's." Instead, he gets C's and D's and has trouble sitting still in class. But Chuck is known as a survivor. At four feet two and 65 pounds, he walks with a swagger that makes people notice him. He has a 28-customer paper route after school, eats alone when he gets home, does his own laundry—when he can't talk his sister Jenifer into doing it for him—and fills out every free contest entry form he finds, in hopes of winning a family portrait, a trip to an amusement park, a car.

A FAMILY OF SIX ON $610 A MONTH

At 6:30 the morning sunlight filters through the torn screen on the front door of Apartment 2. Chuck Riley and his 17-year-old brother, Mike, are asleep, side by side, on a thin foam pad on the living room floor, wedged between the coffee table, black-and-white television set and easy chair. It has been their "bed" ever since Uncle Ernest arrived from Cincinnati two months ago, taking the tiny, windowless mud-room for his bedroom. Chuck's dad and stepmother sleep in the apartment's only other bedroom, their bed abutting that of Jenifer, 12, who shares hers with eight-month-old Tiffany. Chuck and Mike share the living room floor with Bambam the dog, Puppie the cat and her four kittens. On one side of Chuck's head is a two-foot stack of newspapers for his route; on the other side is a deposit of cat dung.

Upstairs, in Apartment 4, Carrie Copas rummages through the battered dresser she shares with her stepfather, mother and brother Jamie, three. Her mother and Jamie are still asleep, a few feet away, on top of the covers of a twin bed. Her stepfather, Jake Holsinger, 49, is waking her older brothers, Mike, 16, and Jef, 14. They sleep in a bunk bed in a 10-by-10 room furnished with a table lamp on the floor and cardboard boxes for bureaus. Mike lies on the top bunk on an old yellow blanket, no sheets; Jeff is curled up around a sleeping bag on the lower bunk. The grapefruit-size hole in the window next to his head has been there for two years. "We put plastic over it and freeze to death in the winter," says Mike.

The children of 215 Washington Street—Chuck, Mike, Jenifer and Tiffany; Carrie, Mike, Jeff and Jamie—are not alone. At last count 13 million American children were growing up poor—one in every five. Since 1969 child poverty rates have risen from 14 to 20 percent, adding three million more youngsters—enough to populate a city the size of Chicago. From the children at 215, we can get an idea of what it is like to grow up poor in America in 1989. Like most American poor children, they are white, they do not live in a metropolitan area, their parents don't own a house, and their family's income is less than what the federal government says is necessary to survive.

By 7:30 Carrie has showered and dressed herself. Her hair still wet, she marches into the living room and hands her mother a king-size container of Queen Helene Styling Gel. Dorothy Copas, 37, her eyes droopy from sleep, sits her daughter on the tattered couch and runs the gooey stuff through Carrie's long curly hair. It is a morning ritual; so, too, is the spoonful of Robitussin she feeds her daughter. Carrie has a persistent cough that her living conditions encourage. Many of the windows are cracked or broken, the screens have patches upon patches, and in summer the mosquitoes are merciless. A ceiling fan whirs overhead, pushing stale air around the rooms. Most of the furniture is yard-sale secondhand, and the living room rug is so threadbear that Dorothy has taken to mopping it. "We're the fifth family to live on this," Dorothy says of the carpet. "And that means it's been down at least ten years, 'cause we've been here eight."

Dorothy ties a blue ribbon into Carrie's hair and pushes her up. "Hurry and get yourself some coffee," she says. If Carrie misses the school bus, she won't get to school. Jake and Dorothy don't own a car, there are no public buses in Portsmouth, and there is certainly no money for a cab.

In the kitchen Carrie pours hot water in her mug of instant coffee. On the stove are a few biscuits and a half empty pan of chicken gravy left over from last night's dinner. It is the end of the month. The welfare and General Assistance checks have been spent; the food stamps are gone. The refrigerator is empty save for a gallon of milk, a half-dozen eggs, a jar of mayonnaise and three packages of Hostess Ding Dongs. The cupboard holds only a sack of beans, a bag of flour and a box of instant potatoes. A 25-pound container of Fischer lard sits on the wobbly table. This will be the family's only food until next month's checks and stamps arrive five days from now. They have no bank account. Jake's wallet is empty; Dorothy's purse contains $1.50, three cereal coupons and a package of Tic Tac mints.

Dorothy Copas and Jake Holsinger support their family of six on a meager monthly budget: $464 from welfare and $146 from General Assistance (paid to Jake for working 26 hours at odd jobs for the city). Their income—$610 per month, $7,320 per year—is 25 percent of the average family income and almost $9,000 less than what the U.S. government says a family of six needs to get by. By the time Dorothy pays the bills (in cash)—in a typical month, $157 in rent, $56 for gas, $50 in electricity, $27 for the phone, $14 for the TV cable—there is $306 left for clothes, household supplies, transportation and emergencies. With $304 in food stamps, Dorothy gets her family through by careful coupon clipping, stocking up on hot dogs and bologna, and often waiting for an uncle to drive 80 miles down from Columbus to take her shopping at a discount grocery in a neighboring town. By the end of the month, it's hard for the children to pass up half a box of crackers that the mice have already gotten to. Carrie, sitting in church late one Sunday morning, admits that she would like bacon, eggs and toast for breakfast.

Things are little better downstairs in the Riley apartment. Chuck's father, Junior Riley, a self-employed dry-wall taper, makes just enough to keep the family off welfare and food stamps, but less than the federal poverty standard of $1,348.33 a month for a family of six. Chuck and Jenifer qualify for free breakfasts and lunches at school, and baby Tiffany gets milk and cheese from the federal Women, Infants and Children (WIC) program. But Junior has been watching television for most of the previous three weeks—out of work. "The only money we've got left is what I have in my pocket and stashed around the apartment," he says. "About $100. Good for a week."

Sometimes the children will contribute some change they've saved to the end-of-month hunkering down. They earn money by collecting cans, mowing lawns or running errands for Warren McCloud, who lost his legs in a steel mill accident in 1946 and now lives in a ground-floor apartment at 215 Washington Street. "Sometimes I tell him to forget about paying me, when he hasn't got the money," says Jeff. "I like winters more than summers, because you can shovel snow in the winter," says Mike Copas. "And I'm the best snow shoveler in town." Mike hides his money under his mattress so little Jamie won't find it. "But I don't like to," he says. "Mice get under it. I hate them things. They get in your food. Poop in it. I 'bout puke when that happens. They got in one of my old shoes once and had babies in it."

Chuck makes $8.64 a week on his newspaper route, but quickly points out that "thirty cents of that is for insurance. In case I break a leg or die. It'll pay half my funeral costs." Last year Chuck won a $100 gift certificate from the Daily Times for signing up the most new subscriptions. He shared his prize with his sister Jenifer. They used all the money to buy clothes. On a recent can-collecting mission, Carrie earned enough to buy a pair of purple jellies at the Dollar Store. "Guess how much they cost?" she asks Jake. "Three ninety-nine."

Although the children of 215 have little to call their own, perhaps more telling than what they have is what they don't have. They get no allowance. They have no portable radios or tape players, no footballs or baseball gloves, no dress shoes, no Levi's jeans and no Nike Air sneakers. They have never been to a movie or taken a vacation. They have never been on a plane, a train or a Greyhound bus. They never eat out—even at fast food places. They've never been to the Dreamland swimming pool, which is only a mile away but costs $4.

Chuck and Carrie's prospects, like those of many children in the southern Ohio county of Scioto, are getting worse, not better. Located within 500 miles of half the nation's population and two-thirds of its manufacturers, Portsmouth is both heartland and no-man's-land. When Jake and Dorothy grew up here in the '50s, Portsmouth was a bustling city of 50,000. The steel mills employed more than 5,000 people, and two shoe factories operated around the clock with three shifts each. "People didn't live high," says Dorothy Justus, who has taught in Portsmouth's schools for 31 years, "but this was a working place. People made a decent living." Today most of the factories have shut, and Portsmouth's population is down to 23,000. Its unemployment rate is at 13 percent, and an estimated one-third of its children live below the poverty line.

Carrie Copas sits in the second row of her third-grade classroom at Abraham Lincoln Elementary school. Her feet barely touch the floor. She looks past the days of the week and months of the year neatly chalked on the blackboard. Outside the windows, clouds drift across the blue sky. Carrie never volunteers to speak in class because she stutters. "She is much smarter than her grades would show," says her teacher, Molly Glockner. (Carrie has one B, five D's and five S's.) "But considering what she has to contend with at home, I'm amazed that she does as well as she does. She always gets her homework done, though not always correctly. She gets far behind because most of the time she's in another world."

During recess, although she is athletic and loves to skip rope and ride the swings, Carrie stands by herself against the schoolhouse wall while her classmates play. "The rich children won't let Carrie play with them because she's poor," says her mother, Dorothy, who dropped out of school after eighth grade. "Not real dirt-poor, but poor. They just make fun of her. I don't know why. Jeff and Mike, they're having problems too. The other kids have better shoes on and all this. And they make fun of 'em."

One of poverty's most sinister effects is the toll it takes, directly and indirectly, on a child's health. Government statistics indicate that poor children are almost twice as likely to suffer health problems. At three months, Carrie was hospitalized with pneumonia and "almost died," according to Dorothy. Chuck missed three weeks of school last semester with the flu. Mike Copas, who at 95 pounds is 30 pounds underweight for his 16 years, stays home from school with colds and coughing spells. And last spring a routine exam revealed elevated levels of lead in Jamie's blood. Doctors believe it came from his swallowing paint flaking off the porch railing. "Lead poisoning in children can damage the brain at a very critical time," says Dr. Mary Ellen Mortensen of Children's Hospital in Columbus, where Jamie is being treated. "Motor skills, language skills, cognition are all impacted, often permanently. Jamie's lead level is quite serious." Because they have no car, Dorothy and Jake pay Junior $15 to drive them to Columbus for Jamie's treatment.

After school Carrie sits on the metal stairs leading to the front door of her apartment, a schoolbook resting on her knees, trying to do her homework. She writes furiously—using her left hand for math, spelling and English, her right hand for multiplication tables and handwriting. Jamie scrambles up and down the stairs, jostling her. Chuck pesters her from the sidewalk. "Shut up!" says Carrie without looking up. "Or I'll hit you in your privates!"

Perhaps the most difficult task for the children of 215 is to find space for themselves. In both households, doors are left unlocked and no one knocks. Cousins and brothers and sisters, aunts and uncles, wander into each other's homes at will. Yet despite the cramped and public quarters, each child has managed to eke out a private corner. Chuck looks after a section of the living room wall where he has hung a picture of his newspaper subscription award ceremony alongside an autographed 8-by-10 glossy of his favorite country-western crooner, Earl Thomas Conley. ("He's from Portsmouth!" Chuck brags.)

On the wall of the bedroom she shares with her infant sister, father and stepmother, Jenifer has mounted a blackboard that she uses to write messages: "Six days of school left!!!" And without any help, Carrie gets herself up every Sunday morning at seven, scrubs her white high-top sneakers, puts on a pretty dress and catches a bus to church. She has a perfect attendance record in her Bible-study group. "I like to hear stories about Jesus," she says.

STRIVING TO STAY PROUD

Children have different ways of measuring poverty. "Rich kids have a lot of pencils," says Carrie, who maintains that there's only one poor person in her class: "Me." The worst thing about being poor, says her brother Mike, an eighth-grader at Grant Middle School, is "no money. No food hardly. All we got now is crackers and milk. Don't have nothin' else." Jeff, a seventh-grader, says, "I get embarrassed when people know that we get welfare. People make fun of people on welfare. They start hittin' on you. I don't like it. But welfare helps a lot with the food." Chuck Riley simply denies he's poor and says he knows only one poor person in all of Portsmouth. "He's a country-western singer and always wearing sloppy clothes," he says. "He's on the radio sometimes and you see him just walkin' around town." Jenifer admits that she is reluctant to visit her Aunt Tina in Columbus, because "all the kids up there spend money. And I don't have any."

Small pleasures are savored by the children of 215: a popsicle, a newborn kitten, a pie made with berries from the mulberry trees that grow in the dirt lot out back where the families hang their laundry. A promise by Jake to take the children fishing makes everyone giddy with anticipation for a week. Long sticks wrapped with tangled line are hauled out of corners and endlessly cast in and out of trees. Bottles and cans are collected to pay for a package of lures. Carrie scrounges for worms, digging furiously with her hands. All week she nurtures her panful of earth with abundant doses of water. Then on Saturday the children troop across Second Street and two blocks to the muddy Ohio River. For three hours they haul in bass after tiny bass while Jake and Dorothy—neither of whom can swim—squirm with worry from the bank. Although the river yields nothing big enough to keep, the kids have so much fun that Jake has a hard time herding them home at sundown.

What are the children's dreams for their future?

Mike Riley: I'm going to the Navy, be on one of them aircraft carriers. They put you through high school and everything. Then I will go into the Air Force.

Jeff Copas: I want to be a fisherman and make $400 to $500 a week and live in Miami in a big house. Not apartments, nooooo. A full house. Five bedrooms in case I get married. TVs in three rooms—living room, front room, my room. The kids would have bunk beds. And if they wanted TV, I'd get them one of those 16-inch ones. And they'd get any kind of fishing pole they wanted. I'd have a Lamborghini and a huge swimming pool open 24 hours a day. I'd only charge 35 cents for people to swim though, 'cause people don't hardly have any money.

Jennifer Riley: I want to be an artist or train horses. I also want to be a mother and have a kid and a husband. Not just any kind of husband. And I don't want to live here. I want to live someplace where it's pretty. Where you don't have to listen to all this traffic. Somewhere I can have a horse. I'd like to have just a normal house. In one of those small towns, country towns—if they have 'em any more, Western towns.

Mike Copas: Real soon I want to get me a job and make some money to help buy food for the family.

Chuck: It's between policeman, Marine or horse jockey. I'd like to carry guns. But my dad says you can make a lot of money as a jockey.

Carrie: I want to be a dancer and be rich. [How rich?] A thousand dollars. Enough to buy a stereo.

Finally, Dorothy Copas has a simple wish for the children. "I want the best for them," she says. "Just like a rich person does."

According to estimates by the Children's Defense Fund, if present economic trends continue, by the year 2000, one in four American children will be poor. "More and more children are growing up into poverty," says Sue Hagerty, head of Scioto County's Department of Human Services. "They don't know any other way of life. We have to find a way to break the cycle. Children are just innocent victims."

At one in the morning, the house is quiet. Occasionally, a tractor-trailer rig groans by outside. In the living room of Apartment 2, a dull light bounces off the walls. Chuck Riley, in the bathing suit he has worn for the last several days, sits by himself, his head resting on the sofa arm, his nose six inches from the television screen. When the horror show ends, Chuck pulls himself up and unrolls the piece of foam rubber onto the floor. He lies down, three feet from the front door, his face still pointed at the television set. His next day's newspapers are stacked nearby. By two he has drifted off, sprawled in the glow of the television, with a thin blanket for cover. Upstairs, Peanut the pupy pulls a sock out of Jake's shoe and thrashes it around the living room. Everyone is asleep. And Carrie's steady breathing suggests that she is finally in a real dreamland. The children of 215 Washington Street have found their own private spaces—at least for a few hours.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 14, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

9:00 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 321, to clarify and strengthen certain provisions of the Buy Indian Act, H.R. 498, to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and S. 1364, to establish a joint Federal Commission on policies and programs affecting Alaska natives.
SR-485

Conferees
Closed conference on H.R. 2461, to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology and Space Subcommittee
To resume hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.
SR-253

Judiciary
To hold hearings on the annual refugees admission levels.
SD-226

9:45 a.m.
Select on Indian Affairs
To hold hearings on S. 496, to increase the percentage of amounts allocated for vocational training for Indian and Native Hawaiians under funds reserved for State vocational education assistance.
SD-562

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. Agricultural programs, focusing on livestock and poultry.
SR-332

Commerce, Science and Transportation
Communications Subcommittee
To hold hearings on minority ownership of broadcast stations.
SD-628

Foreign Relations
To hold hearings on the nominations of Richard Wood Boehm, of the District of Columbia, to be Ambassador to the Sultanate of Oman, William Andreas Brown, of New Hampshire, to be Ambassador to Israel, and Mark Gregory Hambley, of Idaho, to be Ambassador to the State of Qatar.
SD-419

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1096 and S. 1336, bills to provide for the use and distribution of funds awarded to the Seminole Indians, and S. 1526, to authorize the State of Oklahoma and certain Indian tribes to enter into an agreement regarding the exercise of State jurisdiction over a portion of Indian country located in Comanche County, Oklahoma.
SR-485

SEPTEMBER 19

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review airline safety issues.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

9:30 a.m.
Governmental Affairs
To hold hearings on S. 971, to authorize and encourage Federal agencies to use certain techniques for the prompt and informal resolution of disputes.
SD-342

10:00 a.m.
Foreign Relations
Business meeting, to consider S. 195, Chemical and Biological Weapons Control Act, S.J. Res. 162, urging the Nobel Commission to consider awarding Nobel Prize recognition for achievements in preservation of the world environment, S. Res. 122, supporting universal child immunization, and convening a world summit on children, and pending nominations.
SD-419

11:00 a.m.
Judiciary
To hold hearings on the imposition of the sentence of death.
SD-226

SEPTEMBER 20

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review airline competition.
SR-253

Foreign Relations
To hold hearings on proposed legislation to provide assistance to Poland and Hungary.
SD-419

10:00 a.m.
Armed Services
To hold hearings on the nomination of Gen. Colin L. Powell, USA, for reappointment in the grade of General and for reassignment as Chairman of the Joint Chiefs of Staff.
SR-325

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1253, to more clearly define the rights of artists and to clarify the copyright statute.
SD-226

2:00 p.m.
Judiciary
To hold hearings on the nomination of Stanley E. Morris, of the District of Columbia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.
SD-226

SEPTEMBER 21

9:15 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposals for a Pacific basin forum.
SD-419

9:30 a.m.
Governmental Affairs
To hold hearings to review the Administration's national drug control strategy as it affects State and local governments.
SD-342

Rules and Administration
To hold hearings on the nominations of Joan D. Aikens, of Pennsylvania, and John Warren McGarry, of Massachusetts, each to be a Member of the Federal Election Commission.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on feedgrains.
SR-332

1:30 p.m.
Small Business
To hold hearings to examine the impact of enterprise zones on small business growth and development.
SR-428A

SEPTEMBER 22

9:15 a.m.
Veterans' Affairs
To hold hearings on the nomination of Rauol L. Caroll, of the District of Columbia, to be the General Counsel of the Department of Veterans Affairs, Edward T. Timperlake, of Virginia, to be Assistant Secretary of Veterans Affairs (Congressional and Public Affairs), and other pending nominations.
SR-418

10:00 a.m.
Foreign Relations
To hold hearings on the nominations of Luigi R. Einaudi, of Maryland, to be the Permanent Representative of the U.S. to the Organization of American States, with the rank of Ambassador, Eric M. Javits, of New York, to be Ambassador to the Republic of Venezuela, and Thomas F. Stroock, of Wyoming, to be Ambassador to the Republic of Guatemala.
SD-419

SEPTEMBER 26

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Jerry R. Curry, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation.
SR-253

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine U.S. Government anti-narcotics activity in South America.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on rice.
SR-332

Foreign Relations
To hold hearings on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Treaty Doc. 100-20).
SD-419

2:15 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on natural gas supply and deliverability.
SD-366

SEPTEMBER 27

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 952, to stimulate the design, development, and manufacture of high definition television technology.
SD-562

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine U.S. Government anti-narcotics activity in South America.
SD-342

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the current state of the tourism industry.
SR-253

SEPTEMBER 28

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on national science and technology policy.
SR-253

Governmental Affairs
To hold oversight hearings on the implementation of the Inspector Generals Act.
SD-342

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on hydroelectric regulation under the Federal Power Act.
SD-366

2:00 a.m.
Select Committee on Indian Affairs
To hold hearings on S. 1124, to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional Native American religious practices.
SR-485

SEPTEMBER 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on the national science and technology policy.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to review the Department of Interior report to Congress concerning the Coastal Barrier Resources System.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine U.S. Government anti-narcotics activity in South America.
SD-342

OCTOBER 3

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the Japanese space industry.
SR-253

Foreign Relations
To hold hearings on U.S. policy options toward South Africa.
SD-419

OCTOBER 4

10:00 a.m.
Foreign Relations
To continue hearings on U.S. policy options toward South Africa.
SD-419

OCTOBER 18

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the international decade of natural disaster reduction.
SR-253

OCTOBER 19

2:00 p.m.
Select Committee on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian land.
SR-485

OCTOBER 26

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on the protection of water quality.
SR-332

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on cotton.
SR-332

NOVEMBER 2

2:00 p.m.
Select Committee on Indian Affairs
To hold oversight hearings on Indian health facilities.
SR-485

CANCELLATIONS

SEPTEMBER 14

9:30 a.m.
Special Impeachment Trial Committee
To continue hearings in the matter relating to the impeachment of Judge Walter L. Nixon, Jr.
SH-216

2:00 p.m.
Special Impeachment Trial Committee
To continue hearings in the matter relating to the impeachment of Judge Walter L. Nixon, Jr.
SH-216

SEPTEMBER 15

9:30 a.m.
Special Impeachment Trial Committee
To continue hearings in the matter relating to the impeachment of Judge Walter L. Nixon, Jr.
SH-216

2:00 p.m.
Special Impeachment Trial Committee
To continue hearings in the matter relating to the impeachment of Judge Walter L. Nixon, Jr.
SH-216

HOUSE OF REPRESENTATIVES—*Thursday, September 14, 1989*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

SEPTEMBER 13, 1989.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Thursday, September 14, 1989.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert Favre, United Methodist Church, Chappell, NE, offered the following prayer:

Lord, You created the world and You have provided a way for us to govern ourselves. We pray for those who have been selected by the people to govern. Grant, we beseech You, that those who have been so elected may be of one mind to establish justice and promote the common welfare of all our people. Endow all the Members of Congress with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of the public good and human brotherhood. Cleanse our public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined people, that we may do Your will on Earth as it is done in Heaven. In Jesus Christ's name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DURBIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 106, not voting 43, as follows:

[Roll No. 231]

YEAS—281

Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Aspin
Atkins
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Clarke
Clement
Coleman (TX)
Collins
Combest
Conte
Cooper
Costello
Coyne
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hoagland
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Parker
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wolpe
Wyden
Wylie
Yates

NAYS—106

Armey
Baker
Ballenger
Barton
Bentley
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Fawell
Fields
Gallegly
Gekas
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hawkins
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McGrath
McMillan (NC)
Michel
Miller (OH)
Moorhead
Murphy
Nielson
Oxley
Parris
Pashayan
Paxon
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Walker
Weber
Whittaker
Wolf
Young (FL)

NOT VOTING—43

Ackerman
Anthony
AuCoin
Barnard
Broomfield
Chapman
Conyers
Courter
Cox
Crockett
Dingell
Dixon
Dwyer
Dyson
Edwards (OK)
Flake
Florio
Ford (MI)
Garcia
Hertel
Horton
Johnson (CT)
Laughlin
Leath (TX)
Livingston
Machtley
Manton
Markey
McCrery
McCurdy
Molinari
Morrison (WA)
Oakar
Panetta
Payne (NJ)
Smith (VT)
Stallings
Towns
Vucanovich
Williams
Wise
Yatron
Young (AK)

☐ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. Thomas A. Luken). The gentleman from Ohio [Mr. Gillmor] will lead us in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 558. An act to revise the general management plan for Carlsbad Caverns National Park to study methods to protect and interpret. the internationally significant Lechuguilla Cave, and for other purposes;

S. 855. An act to direct the Secretary of the Interior to establish a cave research institute;

S. 931. An act to protect a segment of the Genesee River in New York; and

S. 940. An act to designate segments of the East Fork of the Jemez River and of the Pecos River as components of the National Wild and Scenic Rivers System, and for other purposes.

The message also announced that pursuant to Senate Resolution 128, 100th Congress, the President pro tempore, upon the recommendation of the majority leader and the minority leader, appoints Mr. Symms, as a member of the committee to receive and report evidence in the impeachment of Judge Walter L. Nixon, Jr., judge of the U.S. District Court for the Southern District of Mississippi, vice Mr. Hatch, resigned.

The message also announced that pursuant to section 276, title 22, of the United States Code, as amended, and pursuant to the order of the Senate on August 4, 1989, empowering the President of the Senate, the President pro tempore, and the majority and minority leaders to appoint commissions, boards, and committees authorized by law or by the Senate, the Chair announces the appointment by the Vice President on August 11, 1989, of Mr. Sasser, to the Senate delegation to the fall Interparliamentary Group Meeting, held in London, England, September 4 to 9, 1989.

The message also announced that pursuant to Public Law 100-204, the Chair on behalf of the Republican leader, appoints the Honorable Jeane Kirkpatrick and the Honorable Alan Keyes, from the private sector, to the U.S. Commission on Improving the Effectiveness of the United Nations.

THE REVEREND ROBERT FAVRE

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I am honored and proud to introduce our guest chaplain today, Rev. Robert E. Favre, Jr., of the United Methodist Church in Chappell, NE, my own hometown and to welcome his wife Betty and son John who are with us today.

Although he cannot claim Nebraska to be his native State, Reverend Favre embodies all the strong and fine qualities for which his adopted State is known.

Since his ordination 32 years ago, Reverend Favre has been administering to the spiritual, emotional, and practical needs of Nebraskans with indefatigable energy and an unquestioned devotion.

Reverend Favre has answered his call to serve on both a local and a national level. Assuming the role of a church leader, Reverend Favre has frequently represented his ministerial community at national church policy-forming conferences, including the Board of Christian Unity and Interreligious Concerns.

At home, Reverend Favre's work has earned him the Meritorious Service to 4-H Award, an organization that provides practical educational opportunities for rural youth. It is within this environment that Reverend Favre feels his work is most valuable. In his own words, "Most rewarding is seeing the development of young people who become competent, well-rounded individuals."

Reverend Favre and his wife, Betty, have made spiritual guidance and community ministration the center of their lives, and, along with their three children, provide the town of Chappell, as well as the entire State of Nebraska, with an excellent example of a morally vibrant lifestyle.

It is a true honor to have a man of such strong dedication and devotion come to this House to inspire us with a beautiful and significant prayer.

RE-REFERRAL OF H.R. 3160 TO COMMITTEE ON FOREIGN AFFAIRS AND COMMITTEE ON AGRICULTURE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the bill (H.R. 3160) to provide additional food assistance to Poland in the form of donated surplus agricultural commodities held in the Commodity Credit Corporation, originally referred solely to the Committee on Foreign Affairs, be jointly re-referred to that committee and to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ASSESSMENT OF THE IMPACT OF THE BUSH DRUG PROGRAM

(Mr. SABO asked and was given permission to address the House for 1 minute.)

Mr. SABO. Mr. Speaker, I would like to call to the attention of the Members a new study by the Democratic Study Group on the impact of the Bush drug program on State and local governments.

The fact is that as we address the drug problem in this country, the most upfront people in dealing with the problem are those in State and local government. Ninety-seven percent of the arrests in this country for violation of the drug laws occur at the State and local level, and the bulk of the education programs to prevent drug abuse occurs at the State and local levels. Most of the drug rehabilitation programs occur at the State and local levels. But if we would take a look at the Bush program, what we would find is that 23 States would actually lose money.

□ 1030

Forty-three States would have over half of their new moneys taken away.

Mr. Speaker, it clearly is a program that is simply sleight of hand. It gives to one pocket and takes away from another pocket. It is hardly a step forward.

WE MADE A MISTAKE

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, like the rest of my colleagues, I returned from the recess in which we had an opportunity to have quite a few town meetings, and to hear from real people and to find out what their concerns are. Unlike the gentleman from Minnesota [Mr. Sabo], it was not the concern with drugs. That was not the main concern. It was not the economy.

Mr. Speaker, when I looked out, I saw in these town hall meetings the predominant color of the hair was white and gray. These were the senior citizens of America who came to us and said, "We cannot tolerate, nor live with, the catastrophic plan that was passed by this House."

My colleagues, I know that we can defend it, and I know that we can say that we did not make a mistake. But in fact we did make a mistake.

There has been a resolution passed unanimously by this body expressing a sense of Congress that we made a mistake. We have one problem in correcting it, and that is the American Association of Retired People has refused to say, "Let us let the people and their membership know that they have made a mistake."

Mr. Speaker, I implore them today to look at these petitions, these petitions of thousands of Americans that say we made a mistake. I ask them to join us in correcting this mistake in coming up with a fair and equitable plan for all Americans' catastrophic needs.

LET US CARRY THE GOOD WORK OF MICKEY LELAND AND LARKIN SMITH

(Mr. McNULTY asked and was given permission to address the House for 1 minute.)

Mr. McNULTY. Mr. Speaker, the House of Representatives recently lost two of its finest Members in airplane disasters. Larkin Smith of Mississippi was a member of our freshman class. Like my father, he was a former sheriff who was dedicated to improving the criminal justice system. He had a special interest in the war against illegal drugs, and we will certainly miss his sensitivity and expertise as we continue to address our No. 1 domestic problem.

Mickey Leland of Texas was my dear friend. When I traveled with him to Ethiopia and Sudan earlier this year, I saw first-hand the depth of his commitment to eradicate the scourge of hunger from the face of the Earth and he was making significant progress!

As a result of the agreements he reached on that April trip, he is directly responsible for saving tens of thousands of lives in southern Sudan. Mickey, we love you and we miss you. The best way we can demonstrate that, is to carry on with your good work—and that we shall do.

COMMUNITY DRUG PROFILE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, in the war on drugs, we now have a policy, and we are fine tuning that policy and developing a strategy. An effective strategy, however, needs tactics that are developed at the base or community level. What is now needed is a drug user and resource profile from each city and town in America, which outlines the specific problem of their problems and needs. It is the responsibility of the mayors, police chiefs, city administrators, county prosecutors and county sheriffs, and treatment officials in every city and town in America to work together to air their problems and resources. Then they must coordinate their strategy to win this war on drugs. The most effective way to begin this process is each city to profile their individual community in order to develop an assessment of their particular situation and ability to deal with it.

This profile should include: A database of drug users and their degree of usage; a list of available treatment facilities and their capacities; and local law enforcement capabilities including available jail space. Once these profiles are completed, a community's strategy can be implemented and the needed additional funding can be spent more efficiently. Communities must get tough with drug abusers.

A community must know the extent of their problem and the resources they have. The drug war will not be won on the national level; it will be won on the front lines of each individual city and town around the country.

Each individual who is arrested for drug use should be required to undergo a drug screening by a professional counselor, who would then make an evaluation and recommendation. They would be given two choices; treatment, or mandatory jail, fines, and/or confiscation of assets.

There should be no other option for the drug abuser, especially the repeat offenders. But tougher sanctions cannot be imposed without profiles of each community's particular problems, capabilities and needs.

PRESIDENT BUSH'S DRUG PROGRAM

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the details on President Bush's drug program just arrived on Capitol Hill, and I say, "Mr. President, your drug war is not a surrender, it is a retreat."

To finance a drug war of $499 million, the President cuts Federal assistance to State and local governments by $604 million.

For example, Mr. Speaker, in my home State of Illinois we receive $22 million from President Bush's drug efforts, and then we lose $23 million in other critical Federal programs. In the name of fighting drugs the President calls for cuts in juvenile delinquency programs.

So I say, "Mr. President, you beg our children on television to do the right thing, and then you call for cuts in those programs designed to keep those kids in school. You beg the poor not to despair and turn to drugs, and then you call for cuts in the programs to create jobs in America's inner cities. Mr. President, you want to spend Federal dollars to make American public housing drug-free, but then you call for cuts in housing funds for operation and maintenance. Mr. President, America needs drug wars more than star wars. We need programs that save young men and women of America more than Minuteman and missiles. Our kids are more likely to lose their lives and freedoms to drugs than communism."

BUSH DRUG PLAN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, turn on, tune in, drop out. That was the pro-drug message advocated by many in the loony left during the 1960's and 1970's. I have a suspicion that it is many of these same hypocrits who are criticizing President Bush.

Mr. Speaker, it ill behooves those doing nothing to criticize our Commander in Chief, who at least is trying to do something. President Bush is right when he says that the United States does not have a drug problem because the American people are undertaxed, but those guys want a tax increase, and that is what this is all about today.

Mr. Speaker, more taxes do not rebuild the American family. More taxes do not strengthen our churches. More taxes do not get people involved in their communities.

The President has a good plan to fight drugs. Let us stop this partisan bickering and their attempting to get a tax increase, and let us support the President of the United States.

MAKING SURE IN THE WAR ON DRUGS

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, let me say to the gentleman from Indiana [Mr. BURTON], "wrong, wrong, wrong again."

I say "Mr. President, you know it's time for you to understand that it's not tax increases we're so worried about. What we are so worried about, particularly in those States that you can see from this chart that have some of the biggest drug problems, the most severe drug problems anywhere in America are in States like Florida, and Texas and the District of Columbia. All of us understand that's where you made the biggest cuts. What kind of sense does that make, Mr. President?"

Mr. Speaker, it does not make any sense. Let me give my colleagues an example.

Twenty-seven million dollars was added in President Bush's drug plan for Texas for law enforcement and for treatment centers. Yet he took $37.7 million away from our immigration funds. He took an additional $12.2 million away from EDA. He took $2.6 million away from juvenile justice grants.

Mr. Speaker, all of us understand that that is not the way to go about fighting the war on drugs. We all agree that we have got to do this together, and we need to have a coordinated plan of attack if we are going to do it. We cannot just do one thing and then take money away from another.

LEGISLATIVE LINE-ITEM VETO ACT OF 1989

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, I have joined my distinguished colleagues, Mr. TAUKE and Mr. PENNY, in introducing the Legislative Line-Item Veto Act of 1989.

The purpose of this legislation is to restore fiscal responsibility to the budget process by providing the President more power to cut spending.

Under current law, the President can propose to Congress that previously allotted budget authority be rescinded if he determines it to be excessive. For the President's recission to take effect, it has to be approved by a joint resolution of Congress within 45 days of submission. In other words, all Congress needs to do to veto the President's action is ignore it.

Our bill would allow Presidential rescissions submitted with his annual budget to take effect in 20 days, unless Congress specifically disapproves it in a joint resolution.

The legislation would also allow the President to cut spending from any appropriations bill he has signed into law within 20 days of having done so. Again, Congress would have 20 days to disapprove the proposed cuts.

I do not believe that enhancing recission authority will solve all our economic difficulties. But it could be an important tool for both the President and the Congress.

Making the necessary decision to solve this budget mess will take political courage. We must be courageous enough to stick by unpopular budget reductions and exercise the will to seek additional reductions. The Legislative Line-Item Veto Act will help restore fiscal responsibility to our budget process.

□ 1040

STATE AID CUT BY PRESIDENT BUSH'S DRUG PROGRAM

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, since the President introduced his drug plan last week, he has been telling us how much our State and local governments will benefit from his plan to fight the drug war.

What President Bush is not telling us is how much this drug plan will cost these same entities as a result of his decision to pay for his program by cutting funds for important and proven efforts which are tackling some of the most critical problems at the State and local level.

He will tell you that States and local governments will receive $499 million under his plan. But what he is not telling you is that to pay out the $499 million, he will be taking $604 million from other vital State and local assistance programs.

Under this scenario, many of the States with the largest drug problems will lose the most. For example, California will gain $51.7 million under the President's drug plan but will lose nearly four times that amount in funding for other programs.

And if you think California is the exception, take a closer look. Forty-three States and the District of Columbia would lose half of their new drug moneys through cuts to other programs. Twenty-three of these States and District of Columbia would lose more than they would gain.

Over 95 percent of felony crimes are dealt with in the State and local courts, so we need to financially help them fight the drug epidemic. But let us not create more problems for them in the process. If we are going to win the war on drugs, then we will need a better strategy than merely shuffling domestic funds. Robbing Peter to pay Paul is not the solution.

STOP TALKING AND START WORKING ON THE DRUG PROBLEM

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to urge my colleagues on both sides to put away partisan rhetoric and political posturing and work together to fight the war on drugs. Obviously, we are going to have our philosophical and procedural differences on how to fight and fund different antidrug programs; but as in any war, we should respect our Commander in Chief and show a united front supporting his leadership. President Bush has presented the first coordinated multipronged national drug strategy. William Bennett, his drug policy director, is well-qualified to oversee its implementation.

Drugs are ubiquitous in American society. In my congressional district, they are in Alvaredo, TX, where a 4-year-old child was offered marijuana cigarettes several weeks ago. They are in Bryan, TX, where last week five crack houses were bulldozed by the city of Bryan. They are even in my home town of Ennis, TX, where several months ago over two dozen drug dealers were arrested at one time.

Mr. Speaker, it is time to stop talking and start working.

PRESIDENT'S NOBLE AIMS ON DRUGS COULD MISFIRE

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today I stand before the House as a casualty of President Bush's so-called war on drugs.

Friendly fire from the White House will soon be responsible for a fourfold loss of Federal funding in my home State of California. For every dollar that will come into my State to fight the war on drugs, $4 will be taken from the very programs which are today actually fighting the scourge of narcotics.

President Bush promised to help us fight the drug makers and the drug dealers. President Bush promised to reduce drug-related crime on our streets, and the power of drug cartels to ruin American lives.

Instead, President Bush is fighting his best allies: The local programs which are leading the charge to free our Nation of illegal drugs.

California will lose money for juvenile justice assistance, for promoting economic development, for reducing unemployment, and for operating public housing—programs that are essential, in the long run, from exacerbating the drug problem.

Mr. Speaker, it seems to me that the President has set noble aims but cannot get the right target in his sights.

The American people need help to fight drugs. What we do not need is a misfire from the White House.

THE SYMPTOMS ARE GROWING WORSE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, for the first time ever, foreign businesses are making more profit off their U.S. operations than U.S. firms are making overseas.

This deficit is a benchmark of our slipping status as a world power.

For 10 years, the Government has sucked up capital to feed our budget deficit. We invited foreign interests to set up business in America and bring their capital. Now, we are addicted to this foreign investment.

Today we wake up to find foreign corporations siphoning more service sector profits out of the United States, than U.S. firms are making overseas.

Just like manufacturing, foreign corporations have figured out the service sector game, and they are good at it.

Meanwhile, here we sit poised to pass another CR, and ready to accept another year of huge deficits.

Mr. Speaker, let us read the handwriting on the wall. We are becoming a second rate power because of our inability to govern responsibly.

PRESIDENT BUSH'S MISGUIDED WAR ON DRUGS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, we have been hearing a lot about the war on drugs today. In my home State of Texas on this map outlined in red is a big loser under President Bush's war on drugs. President Bush is granting Texas or would ask that Texas receive $27 million in new funds for State and local governments; at the same time he would take away from State and local governments in Texas $52 million. Texas would lose $25 million for State and local governments in the war on drugs; $37 million for programs for newly legalized immigrants would be eliminated; $12 million for the Economic Development Administration grants would be eliminated in Texas; $2.6 million for juvenile justice.

What do these programs do? Look at juvenile justice. Among other things, these grants have been used for antidrug projects.

There is the Economic Development Administration. This provides grants to State and local governments and guaranteed loans to private ventures in an effort to promote development and reduce unemployment.

The war on drugs in my State of Texas is misguided and will cost my State $25 million.

CONGRESS NEEDS ONE STANDING COMMITTEE TO OVERSEE WAR ON DRUGS

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to honor the commitment to streamline the legislative maze of drug legislation begun by our late colleague from Mississippi, Larkin Smith.

Today, I highlight the 17th committee that has jurisdiction over drug legislation. I focus our attention on the Ways and Means Committee which has legislative authority over the Customs Service and interdiction, trade, tariffs, and most-favored-nation status. These issues under this committee and the previous 16 committees previously mentioned would be more efficiently addressed under one committee.

Congress needs one standing committee to oversee this war on drugs. I urge my colleagues to cosponsor Mr. Paxon of New York's resolution establishing a permanent standing committee on narcotics abuse and control. To quote Larkin Smith, "If we want a true war on drugs, we will pass the Paxon bill and put our efforts behind one committee that has the power to get something done." Let's coordinate and unify our efforts.

The time to act is now. We must stop attacking the President and begin working with him and drug czar Bill Bennett toward more positive avenues to stop the drug epidemic.

DEATH PENALTY FOR DRUG LORDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Fairfax County Court convicted a 17-year-old drug dealer for the murder of a 30-year-old woman. This drug dealer made orphans out of four of her children, all over a $75 drug debt owed.

The sad part is that these kids will have to grow up not only without a mother, they will have to go to work and pay to keep this bum in jail. It will cost $50,000 a year to keep him in prison, and if he kills a security guard he will get another life sentence.

Mr. Speaker, we do not need a tax increase. We do not need to bankrupt the American people. It is time for the death penalty for drug smugglers who bring in tons of cocaine, people who kill our policemen, and we have 20,000 murders a year. Congress tolerates it and we keep getting more of it.

Mr. Speaker, we do not need a tax increase. Congress has got to do its job.

□ 1050

PRESENTATION OF PLAQUES COMMEMORATING AMERICANS WHO GAVE THEIR LIVES IN THE SOUTH PACIFIC

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, during our break I had the honor of accompanying one of our distinguished majority chairmen, the gentleman from New York [Mr. Solarz], my good friend, on a trip to South Pacific nations, nations where there is a great reservoir of good will to the United States, but they wonder where we have been the last few decades.

One of the poignant moments in that trip was to pick up two plaques on the island of Tarawa, the atoll of Tarawa, the small island of Betio where 1,143 marines, sailors and coast guardsmen had died in the first assault of the island-hopping campaign across the Pacific. We presented those plaques, the gentleman from New York [Mr. Solarz] and myself, to the Marine Corps this morning in front of the Iowa Jima Memorial.

Mr. Speaker, in looking up at that beautiful flag flying over the most beautiful memorial in all the world for any service for any fighting man, and actually represents any person who shed blood for the freedom of the free world, I looked at the red in that flag, and I thought about the blood of those young sailors and coast guardsmen, particularly the marines, over a thousand of whom gave their lives to bring peace to the South Pacific.

I thank the gentleman from New York [Mr. Solarz] for taking me on this fabulous trip to Guadalcanal and Tarawa, and I hope all of the Members will go to see those great plaques from that battle as they are installed in the Navy Yard in the Marine Museum.

TOUGH OILSPILL LEGISLATION WILL BE ADDRESSED NEXT WEEK

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, tomorrow is the day that Exxon has designated that it will leave Prince William Sound.

After spilling millions of gallons of oil in Prince William Sound and befouling the waters of that sound and killing hundreds of thousands of birdlife and wildlife and polluting the waters and the beaches of that sound, Exxon today is in the newspapers congratulating itself for the fantastic and miracle cleanup of Prince William Sound. The tragedy is, as Exxon gets ready to leave Alaska tomorrow, the beaches are not clean, the waters are not clean, the wildlife is not safe, and yet Exxon is leaving Prince William Sound with the approval of this administration and with no real chance to come back in the spring.

Exxon will not commit itself to the fact that it will come back in the spring and clean up the beaches that are yet to be cleaned. What Exxon has done is said that they have treated these beaches and that their obligation is over. This is wrong.

Next week this House will address oilspill liability. We will introduce tough legislation to deal with the Trans-Alaska Pipeline and with Prince William Sound.

TRUE AGENDA OF PROABORTION FORCES REVEALED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it has been interesting this morning to hear a number of our colleagues assailing the President's drug program, several of whom have yet to bring their own offices into compliance with the drug program that this Congress passed last year.

Mr. Speaker, I would like to address another topic this morning. The proabortion forces in this country have often characterized themselves as being on the side of choice. They rail against prolife supporters who they claim are for Government interference in private matters.

Molly Yard, head of the National Organization of Women, may have let the proverbial cat out of the bag and revealed the true agenda of the proabortion forces.

In a recent edition of the magazine National Review, Molly Yard was quoted as praising the abortion policies of the People's Republic of China. China, we all know, uses forced abortions as a part of its population limitation program. Molly Yard regards this policy as being one of the world's most intelligent programs.

Mr. Speaker, forced abortion is not choice. Forced abortion, as a policy, is what every freedom-lover should fear most. Forced abortion is the opposite of freedom, the opposite of choice. It is called coercion.

THE RADIATION OF AMERICA CONTINUES

(Mr. THOMAS A. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS A. LUKEN. Mr. Speaker, what is a DOE weapons plant?

Mr. Speaker, 80,000 rusted and leaking barrels of radioactive waste mixed with hazardous chemicals litter the landscape at the Department of Energy's nuclear weapons plant at Fernald, OH. Thousands of pounds of radioactive pitchblende sit in two crumbling silos there. Local wells have already been contaminated, yet the Department of Energy does nothing and has yet to do a single thing.

What does the Department of Energy do? We have 10-point plans and 5-year plans and we have tiger teams. The tiger teams have turned out to be teams of pussycats.

The tiger teams have reported that Fernald is totally out of compliance as the other weapons plants, but we knew that. We continue to know that.

In fact, the coverup of environmental crimes at Fernald and at other plants continues.

In testimony before the committee which I chair, DOE deliberately created the impression that the tiger teams included FBI. The fact is there are no prosecutions. There have been no prosecutions for 40 years. As a matter of fact, private citizens are prosecuted, and it is time for the Federal polluters to be prosecuted also.

WILL WINTER WINDS WHISK OIL AWAY? OR MAKE EXXON CLEAN THE SOUND

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, almost 6 months ago Exxon earnestly promised to clean up the Nation's worst oil spill, even if it meant staying in Prince William Sound through the summer. Well, the summer is over and the beaches, wildlife, and water are still slick with crude. Exxon has not finished the mammoth task of removing the oil, yet it still plans to pack up all its equipment and workers tomorrow, hoping that the winter's high seas and cold winds will whisk the oil away.

This is wishful thinking, not reality. Nor is it acceptable. Winter weather in Alaska will force an end to much of the cleaning efforts, but Exxon has an obligation to remain. Exxon should keep some workers and equipment in Valdez, taking advantage of the good weather whenever possible. At a minimum, we need an unequivocal promise that crews will be in place in the spring to continue the clean up, a promise that is missing now.

The spill has been a matter of life and death for the birds, mammals, and fish in the Sound as well as for the citizens whose livelihood depends on clean water for fishing.

As long as that threat remains, Exxon must remain on the job doing its utmost. Anything less is unacceptable.

SUPPORT LEGISLATION TO TAKE AWAY TAX DEDUCTION FOR NEGLIGENT OILSPILLS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, in following up on Exxon, I just want to say that also Exxon plans tomorrow to celebrate, to celebrate the cleanup of Prince William Sound and the fact that they are leaving today. Mr. Speaker, we might as well celebrate the ayatollah Khomeini's birthday at the same time.

Mr. Speaker, I will tell the Members how I am going to celebrate: I am going to go to the Committee on Rules. I am going to ask the Committee on Rules for a rule to reconciliation that I can bring an amendment out on the floor and ask that their right to deduct this at the taxpayers' expense be taken away from them and all oil companies for any negligent act.

Mr. Speaker, I think this is absolutely ridiculous, and it galls me to think that these companies can get away with this. They can go in and desecrate the environment and then be rewarded by taxpayers' dollars.

People ought to be outraged on this and should write to their Congressmen and tell them about it and tell them to support it.

There have been 95 million gallons spilled between 1984 and 1989, and I think that is something to think about.

DRUG WAR PLAN DOES NOT WORK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I know that the Reagan-Bush administration never had a commitment to fight the war on drugs.

Back in 1987, in spite of all the rhetoric and hot air here in Washington, my local community received a total of $313,000 for law enforcement, expanded law enforcement. That is not even enough to keep an additional six police officers on the street. Then, under the Reagan-Bush administration the following year, in 1988, they have cut law enforcement moneys by 75 percent, leaving our community with total help from the Federal Government of 78,000 additional dollars for fighting the war on drugs, not even enough to keep one additional officer on the street.

In the President's new proposal, he said he is going to cut the juvenile justice moneys, so essential to our community where our local Child Study Institute, where juvenile offenders are housed, is full up to the seams. There is no room to put these kids. They are sleeping on the floors.

In addition to that, he proposes cutting the subsidies for public housing where gangs are prowling.

I say to the President, "Mr. President, go back to the drawing boards. Your plan does not work."

EXXON TREATING TAXPAYERS AND CONGRESS LIKE CHUMPS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, tomorrow Exxon leaves Alaska 6 months after the sorry affair which began with their negligence. They tell us they have treated beaches. They do not say "cleaned;" they have treated them, treated them so that the rocks in many cases look like this. I cannot take it out of the bag because I cannot handle it because of the oil that is still of it.

I will tell the Members what has been treated here: the Congress of the United States and the taxpayers of the United States are being treated like chumps by the Exxon Co., because they have gone up there, they have thrown money at the problem, they have not resolved the problem, and they are now, despite their earlier promises, saying, "Well, maybe we will not come back because we think we have thrown enough money at it, and now we are going to ask you, the taxpayers of the United States, to underwrite those costs, because we are going to deduct every penny we spend no matter how wasteful or ineffective that penny was despite our negligence."

The job is not yet done.

□ 1100

Revoke their capability of charging the rest of us through their tax deductions and make them go back in the spring. That is what this Congress has to do.

BUSH DRUG POLICY

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, last night a network news report singled out Florida as one State especially hurt by President Bush's long awaited national drug control policy. Like many of you, I am encouraged that the President has put the moral force of his office behind the drug problem, but I am confused and disappointed by his approach.

As a product of the Florida Legislature, I understand the fiscal problems the State faces. Florida has been in the thick of the war on drugs. But we are also fighting a losing battle to keep up with the needs of a population that has increased as much as 300 percent in many areas. Here the President's plan falls apart.

He's taking over $6 million from the State of Florida that we'll never see in any form.

The States are being shortchanged in efforts to fight the war on drugs, and they are being condemned in the effort to provide adequate housing.

The States are being shortchanged in the war on drugs, and they're being sideswiped in the effort to provide quality transportation.

The States are being shortchanged in the war on drugs, and they're being hindered in the effort to deal with the thousands of immigrants crossing our borders every day.

The war on drugs is a war we must fight and it is a war we must win, but we can not fund it by gutting the State treasuries.

STATES ARE LOSING MORE THAN THEY GAIN UNDER FEDERAL ALLOCATION OF DRUG FUNDS

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, I too rise to congratulate the President for bringing the Nation's attention to the war on drugs. I was home just recently, though, and I would like to report to the President some discouraging news.

The gangs have moved in, even to my own home town of El Dorado, AR. Arrests are being made; we have young kids making $4,000 and $5,000 in half a day selling crack cocaine.

Yet when I analyze your drug program that you have submitted to the Congress for passage, here is what I have found: Under your plan, State and local governments will receive $499 million for some programs while Federal assistance to States will be cut by $604 million.

Mr. President, you are giving it on one hand and you are taking more away on the other.

Forty-three States lose Federal assistance equal to more than 50 percent of their new antidrug funds. My own State of Arkansas was cut drastically under the formula for funding under the previous plan passed. Under your plan we even lose more funds.

Mr. President, help rural America fight drugs.

THE TERRIBLE TRAGEDIES IN THE COMMONWEALTH OF KENTUCKY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, two terrible tragedies have befallen the Commonwealth of Kentucky in the last 2 days.

Yesterday 10 coal miners in Webster County died in a coal mine accident. Just today, just moments ago I am told from home that a gunman entered the Standard Gravure Building, which happens to be across from my Federal building, opened fire with an automatic weapon, killing at least 5 people, including himself, and wounding 14 people.

First, of course, we extend to the families of the bereaved, the coal miners and those who were killed today in Louisville, our condolences and deepest sympathies.

On another note, the horror really here is that both could have been prevented. One very well might have been prevented by enforcement of coal mine safety standards and the other could have been possibly prevented if an assault weapon had not come into the hands of this individual person.

If in fact this fact situation is as I have reported correct and an assault weapon was used, I would like to think that possibly the Congress would act in support of the President in the prohibition and banning of this kind of weapon.

NEW LEGISLATION TO HELP OUR HOSPITALS

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, today I am introducing legislation that would allow hospitals to use their Medicare and Medicaid account receivables as security for borrowing funds from financial institutions.

Many hospitals are experiencing serious cash flow crunches. These crunches are occurring because of slow payment on the hospitals' account receivables from third-party payers, including Medicare and Medicaid.

Banks are often willing to provide short-term financing—and to do so at preferred interest rates—if the borrower assigns its account receivables to the bank.

Unfortunately, hospitals cannot take full advantage of such short-term borrowing arrangements. This is because under Federal law hospitals are prohibited from assigning their Medicare and Medicaid account receivables to a third-party financial institution as a means of securing financing for their operations.

My bill would modify existing Federal law to allow hospitals to use all their account receivables—including Medicare and Medicaid—as security for borrowing. Hospitals, therefore, will be in a better position to obtain the amount of capital they need during cash flow crunches.

I invite my colleagues to join me in supporting this needed legislation.

ANOTHER COAL MINE DISASTER: 10 KILLED

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, 10 western Kentucky coal miners, constituents of mine, were killed yesterday in the worst American mine disaster since 27 miners were killed in 1984 in Utah. Three more men were injured yesterday.

The explosion occurred at 9:15 c.d.t. yesterday at Pyro Mining Co.'s William Station Mine near Wheatcroft in Webster County, KY.

It was the third explosion in this particular mine in the last year. Last September, two men were injured.

In 1986, in the same mine, a coal miner was killed in a methane blast touched off by explosives.

Pyro Mining Co. says yesterday's explosion occurred 1,000 feet underground.

I want to pay tribute to these 10 coal miners who died yesterday.

The names, ages, and hometowns of these 10 are as follows:

Lynn Ashmore, 31, Slaughters; worked in mines 9 years.

Kenneth Reed, 32, Slaughters; worked in mines 9 years.

Mark Hedges, 31, Morganfield; worked in mines 12 years.

Roger Clifford, 32, Morganfield; worked in mines 10 years.

Rick Ferguson, 34, Madisonville; worked in mines 7 years.

Curtis Scott, 47, Madisonville; worked in mines 11 years.

Terry Harris, 39, Providence; worked in mines 8 years.

Anthony McElroy, 36, Providence; worked in mines 8 years.

Ernest Stewart, 40, Mortons Gap; worked in mines 8 years.

James Tinsley, 36, Marion; worked in mines 10 years.

Clifford, Hedges, Reed, and Scott were foremen. The others were general underground workers.

I urge the U.S. Mine Safety and Health Administration and my colleagues in the 101st Congress to work toward adequate mine safety standards. Let's enforce our current regulations and laws and work toward more rigid safety standards.

Let's determine to see to it that no more coal miners are killed in the future.

Thereby, we'll know that these 10 western Kentuckians did not die in vain.

APPOINTMENT OF CONFEREES ON H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. ASPIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2461) to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. Torricelli). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dickinson moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2461 be instructed to insist on section 3501 of the House bill, stating the sense of Congress with respect to the Arms Control Negotiations and United States Military Acquisition Policy.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. Dickinson] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. Aspin] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to have the text of the section 3501 inserted in the Record preceding my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of section 3501 is as follows:

TITLE XXXV—ARMS CONTROL

SEC. 3501. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MILITARY ACQUISITION POLICY.

(a) Findings.—The Congress finds as follows:

(1) The Government of the United States is currently engaged in a wide range of arms control negotiations in the area of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the NATO allies issued a "Comprehensive Concept on Arms Control and Disarmament" which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) President Bush has stated that arms control is one of the United States highest priorities in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warwaw Pace conventional forces.

(5) The United States position on chemical weapons, originally presented by President Bush in 1984, continues to be the centerpiece of the chemical weapons negotiations under way in Geneva which have as their goal the global elimination of all chemical weapons.

(b) Sense of Congress.—It is therefore the sense of Congress that—

(1) The President of the United States should be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

(2) The Congress of the United States fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to United States arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry; and

(3) The Congress should refrain from taking legislative actions which undermine United States negotiating positions at existing arms control negotiations through attempting to impose budgetary or other limitations or restrictions intended to force the executive branch to undertake new arms control negotiations or unilaterally restricting the development or production of weapon systems by the United States solely for arms control purposes sought by the Congress but not yet negotiated by the Administration.

Mr. DICKINSON. Mr. Speaker, in explanation of the motion to instruct, when the bill passed the House, that is the Defense bill, there was included therein a motion made by Mr. Broomfield to support the President in his arms control agreements. If I might just read some of the highlights. It passed without a rollcall vote. It was a sense-of-the-Congress resolution that says that the Government of the United States is currently engaged in a wide range of arms control negotiations in the area of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence-building measures.

□ 1110

President Bush stated that arms control is one of the highest priorities of the United States in the area of security and foreign policy, and that the United States will pursue a dynamic, active arms control dialog with the Soviet Union and other Warsaw Pact countries. The United States has already made major proposals at the conventional forces in Europe talks convened March 6, 1989, which would result in a dramatic reduction in the United States and Soviet Warsaw Pact conventional forces. Also, a position on chemical weapons originally presented by President Bush in 1984 continues to be the centerpiece of chemical weapons negotiations.

Therefore, the resolution says the sense of Congress that President Bush should be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, multilateral, significant reductions in military forces.

The Congress of the United States fully supports the arms control efforts of the President and encourages the United States and the Soviet Union to respond favorably to the United States arms control proposals which require the Soviet Union to reduce the massive quantitative superiority in military weaponry, and that the Congress should refrain from taking legislative actions which undermine the United States' negotiating positions as the arms control negotiations are attempting to impose budgetary or other limitations or restrictions, intending to force the executive branch to undertake new arms control negotiations or unilaterally restrict the development or production of weapons systems in the United States, solely for the arms control proposals resolved by the Congress, but not yet negotiated by the administration. Simply put, Mr. Speaker, we are supporting the President in his endeavor to bring about a meaningful arms control negotiation on Geneva with the Soviet Union. I think it is a good sense of the Congress resolution which is not necessarily binding, or at least puts Members on record in support of the President in his current endeavors. I would move a favorable vote on my motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ASPIN. Mr. Speaker, I do not oppose the motion to recommit, but let me just say that I commend the gentleman from Alabama. The amendment that he is talking about was the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD], at the time of the consideration of the bill before the House, and I certainly agreed with it at the time, and it was put into our bill by unanimous consent, virtually. We did not have a recorded vote on it. It was agreed to by both sides.

I think it is a very good amendment. I certainly hope that we are going to be able to bring it back from conference with that amendment into it, and I urge the support of the proposal of the gentleman from Alabama.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKINSON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, quickly, I want to say that even in this morning's newspaper, there is reported progress in basically three areas: One is progress in chemical weapons, and actually being able to reach some agreement on a site verification of chemical weapons, which would be a fabulous agreement if it could be achieved; it looks like it can. We are making progress on the nuclear test ban treaty that has been talked about for so long, and it looks like that is possible. I think the President really seized the initiative in the area of conventional force reduction, and I think we are in strong position there.

I wish the administration would sharpen their position more on strategic systems, because I do not think we are as clear and as sharp as we ought to be, and as well-defined as where we want to go in those negotiations. I think the gentleman from Alabama [Mr. DICKINSON] is absolutely right with these instructions to conferees. I think we should support the President. I think we are making progress in a number of areas that give Members reasons to be very optimistic, and we should do it in a bipartisan way, but I hope that the administration can, perhaps, do a little bit better in the strategic areas in terms of where we want to come out.

I think this is an excellent instruction, and I am glad the gentleman from Alabama [Mr. DICKINSON] has done it.

Mr. DICKINSON. Mr. Speaker, I have no further requests for time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion to instruct offered by the gentleman from Alabama [Mr. DICKINSON].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Speaker will appoint conferees upon his return.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON DEPARTMENT OF DEFENSE AUTHORIZATION BILL WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. ASPIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ASPIN moves that pursuant to rule XXVIII6(a) of the House rules, the conference committee meetings between the House and the Senate on H.R. 2461, the fiscal year 1990 Department of Defense authorization bill, be closed to the public at such times as classified national security information is under consideration, *provided however*, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 1 hour.

Mr. ASPIN. Mr. Speaker, this is a request for a closing of the conference. It is something that we do every year. The necessity for closing the conference, of course, is that we have to close certain sessions of the conference because we will be discussing, at the conference, matters of national security and classified information. Under the rules of the House, we need to come here to get the permission of the House to close the conference, and under the rules of the House it is a mandatory recorded vote.

Therefore, I would urge all Members to vote "aye." We will be as judicious as we can in the authority that has been granted to members by this motion, but it will be necessary to have some closed sessions. I urge the House to vote "aye" on the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

Under the rule, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 396, nays 1, not voting 33, as follows:

[Roll No. 232]

YEAS—396

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)

Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—1

Weiss

NOT VOTING—33

Ackerman
AuCoin
Barnard
Broomfield
Conyers
Courter
Crockett
de la Garza
Dwyer
Dyson
Edwards (OK)
Florio
Garcia
Horton
Hunter
Hyde
Laughlin
Leath (TX)
Livingston
Manton
Markey
Marlenee
Mavroules
McCurdy
Molinari
Morrison (CT)
Myers
Smith (VT)
Towns
Vucanovich
Williams
Wise
Young (AK)

□ 1138

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2700

Mr. FOGLIETTA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2700.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1140

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I have asked for this time for the purpose of receiving the legislative calendar for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Georgia for yielding to me.

Mr. Speaker, next week on Monday, September 18, the House will meet at noon, but there will be no legislative business.

On Tuesday, September 19, the House will meet at noon and we will have recorded votes on suspensions. There will be seven suspension bills, but the votes will be postponed until after debate on all suspensions. The bills are as follows:

H.R. 3000, Fastener Quality Act.

H.R. 1495, Arms Control and Disarmament Act authorization, fiscal years 1990 and 1991.

H.R. 1487, State Department Authorization Act, fiscal years 1990 and 1991—agreeing to Senate amendments with an amendment.

H.R. ——, Defense Production Act of 1950 extension.

H.R. ——, continuation of the performance management and recognition system.

S. 940, to amend the Wild and Scenic Rivers' Act, designating segments of the East Fork of the Jemez and Pecos Rivers in New Mexico.

H.R. 2835, to provide for the relocation of certain facilities at the Gateway National Recreation Area.

On Wednesday, September 20, the House will meet at 10 a.m. to consider H.R. 1659, the Aviation Security Act of 1989, under an open rule, with 1 hour of debate.

On Thursday, September 21, the House will meet at 10 a.m. to consider H.R. 1465, Oil Pollution Prevention, Response, Liability, and Compensation Act of 1989, again subject to a rule.

On Friday, September 22, the House will meet at 10 a.m. to consider H.R. 1759, the National Aeronautics and Space Administration Multi-Year Authorization Act of 1989, under an open rule, with 1 hour of debate.

I would say to the gentleman that the bill that is scheduled for Friday may be moved to Wednesday, depending upon whether or not the aviation security bill actually comes on the floor. We are not certain at this point as to whether or not it will.

In any event, the bill on Friday, if it is considered on Friday, would be, we believe, a short piece of legislation and Members could expect to leave at an early hour.

Mr. GINGRICH. Mr. Speaker, if I may say to the majority leader, let me first of all stay on that topic and ask if there is a possibility and the gentleman's leadership decides it could move what is currently an open rule, 1 hour of debate bill, from Friday to Wednesday, so that Members would be able to finish Thursday night, I suspect, particularly for the west coast, and as I understand it the Interparliamentary Group that is trying to have a meeting that weekend, that would be very advantageous and the earlier they could know for scheduling purposes and airline purposes, the better. Is there any likelihood that we might be able to move the Friday bill either to Wednesday or Thursday, since it is only a 1-hour debate, open rule bill, and it is relatively noncontroversial?

Mr. GEPHARDT. We will certainly explore that possibility and if that can be done, we will make that announcement as early as we possibly can.

Mr. GINGRICH. I have also been asked to inquire from our side if it is possible to determine this early when votes might start on Monday, the 25th, only from the standpoint of scheduling and if Members might expect that any votes on Monday, the 25th, would occur as late in the day as possible and possibly after 4 o'clock. I think again from a California and Midwest standpoint, it is advantageous to be able to buy the tickets early and to know as early as possible when they can come back.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, the situation is this. We are trying to bring up and finish the reconciliation bill in that week. If we are able to do the rule on Thursday or Friday so that we would not have that vote, there is a long general debate period and that could well eat up most of Monday; however, if we cannot do that, we would have to have the rule on that day, we would have to have a rule vote fairly early in the day, so that is the kind of consideration we are dealing with.

Again, we will let Members know that information as soon as we possibly can.

Mr. GINGRICH. If I might ask the majority leader two other things. One of the bills which a number of Members on our side are very concerned about is the Nuclear Regulatory Commission, where there is an amendment by the gentleman from Pennsylvania [Mr. RITTER], which I understand has been passed by the Committee on Energy and Commerce and which would potentially save the taxpayers $6 billion in writeoffs for the Shoreham Nuclear Plant.

Is there any indication on the gentleman's side, this bill as I understand it has been pending for at least 2 months, and it is a bill which has a very, very important amendment to it; is there any possibility that the gentleman's side might schedule that in the near future?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, I do not at this point have an answer. We will explore it and communicate with the gentleman.

Mr. GINGRICH. Good. Lastly, the President, as the gentleman knows, is very concerned about the drug and crime package which he has sent up here. I notice that the gentleman's side had a number of exciting 1-minute speeches earlier today talking about the importance of drugs as an issue.

Our understanding is that the President's drug and crime package which went to the Judiciary Committee months ago and which the gentleman from Illinois [Mr. MICHEL] wrote a strong letter about in June, that that has still not been referred to the subcommittee and that hearings have still not been scheduled. Is it possible to enlighten the House at large on what might happen to the President's drug and crime package in the Judiciary Committee?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, that bill is still in committee. I think it is the intention to look at those issues again in light of the President's drug package which has been presented to the Congress and the country, and I am sure that it will get adequate consideration in a timely manner in conjunction with the drug bill.

Mr. GINGRICH. Mr. Speaker, I thank the majority leader.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TUESDAY, SEPTEMBER 19, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, September 19, 1989.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 18, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EMERGENCY MEDICAL SERVICES WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 133) designating the week beginning September 17, 1989, as "Emergency Medical Services Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DELAY. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 133

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment as developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the States;

Whereas the designation of Emergency Medical Services Week will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 17, 1989, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 133, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CHICAGO'S 24TH ANNUAL GENERAL VON STEUBEN PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, September 17 will mark the 259th anniversary of the birth of Gen. Friedrich Wilhelm von Steuben, a professional soldier and military expert of extraordinary capabilities, who ably served our country as inspector general of the Continental Army during the Revolutionary War.

On Saturday, September 16, the United German-American Societies of Greater Chicago, under the able leadership of its president, Karl Laschet, will hold their 24th annual General von Steuben Day Parade in downtown Chicago to commemorate this great soldier's birth. The parade will step off at Wacker Drive and Dearborn Street at 11 a.m., and proceed to the reviewing stand at the Daley Center. The parade will include championship bands, drum and bugle corps, color guards, baton corps, and German choirs and military contingents, and will feature floats highlighting the contributions of German-Americans to the growth and strength of the United States.

Also in conjunction with this celebration the United German-American Societies of Greater

Chicago will sponsor its annual German Festival beginning Friday evening and ending Sunday at the Ludwig Mies Van Der Rohe Plaza at Leland/Western and Lincoln Avenues in Chicago. This festival will include traditional cultural programs as well as German food and music. Two bands from Germany will join in the celebration.

In recognition of the contributions of Americans of German descent to the strength and greatness of America, I was glad to add my name as a cosponsor to House Joint Resolution 104, a bill to designate October 6, 1989, as "German-American Day," and a copy of that resolution follows:

H.J. RES. 104

Whereas the tricentennial of the arrival of the first German immigrants to the United States was celebrated on October 6, 1983;

Whereas such day was proclaimed by the President to be German-American Day in honor of the contributions made by German immigrants to the life and culture of the United States;

Whereas such contributions should be recognized and celebrated every year; and

Whereas the German-American Friendship Garden, symbolic of friendly relations between West Germany and the United States, was dedicated in the District of Columbia on October 6, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1989, is designated as "German-American Day". The President is requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

During his early career, General von Steuben served in the Prussian Army, and in recognition of his service, King Frederick the Great appointed him to general staff duty at the royal headquarters. At age 47, he arrived in America in 1777, after having been recruited by Benjamin Franklin as a volunteer for service in General Washington's Continental Army.

Von Steuben reported for duty at Valley Forge, in February 1778, where he was given responsibility for the professional training of the Army. His ability and success in molding the Continental Army into an effective American fighting force was rewarded on April 30, 1778, when General Washington appointed him inspector general of the army with the rank of major general.

During the winter of 1778-79, von Steuben wrote the "Regulations for the Order and Discipline of the Troops of the United States." This publication, known as the "blue book," served as the official Army manual until 1812, and through the use of this manual, von Steuben transformed an Army of irregulars into a disciplined and organized fighting force. In recognition of his achievements, the State of New York awarded General von Steuben a $16,000 estate, and the Congress granted him a pension of $2,500 for the rest of his life.

Mr. Speaker, on the occasion of commemorating the courage and heroism of Gen. Friedrich von Steuben, it is a genuine pleasure for me to send my greetings and best wishes to the German-Americans who reside in the 11th Congressional District of Illinois which I am honored to represent, and to Americans of German descent all over this Nation, who are celebrating the many lasting contributions of men and women of German ancestry to our country.

AMERICAN BUSINESS: BEWARE OF FOREIGNERS BEARING GIFTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, have you ever heard of the expression "Don't let this happen to you"?

In times of war it was used to warn young recruits against the threat of trench foot and other diseases. Today it is being directed toward our Nation's young people in an attempt to alert them to the horrors of a drug-filled life.

Well, recently I discovered that this venerable phrase has yet another application—one directed not at a group of individuals but to American businesses. For our Nation's firms are also at great risk—menaced by foes who mask their guile and trickery under a facade of following legitimate business practices.

The enemies I speak of are a special breed of foreign corporations—led by questionable businessmen who seem to use any means and crush any opponent to penetrate the U.S. market.

Some are small companies, others are huge multinational giants—but each is willing to cheat to wipe out American companies so that they might take their place in our market. They preach mutual cooperation but practice a strategy of deception which can lead American businesses to the brink of financial ruin.

If you have any doubts about this, just ask my constituent Fred Valerino, Sr., president of Pevco Systems, International [PSI] Inc. For—unfortunately—this is a subject on which he has become an unwilling expert.

Pevco is a small, family owned and operated company that deals in the sale and manufacture of pneumatic tube systems. With the advent of more advanced information relaying methods, Pevco remains one of the few firms in the country with the technical know-how to produce such systems.

In September 1987 Pevco was contacted by Mr. Kurt W. Michaelis of Thyssen, a multibillion dollar West German corporation. Mr. Michaelis stated that his firm was interested in establishing a joint marketing and distribution agreement with Pevco.

Imagine Pevco's initial excitement upon receiving this offer. Pevco—a tiny American business—and Thyssen—an international giant—working together? The opportunities seemed boundless.

Mr. Valerino traveled—at his own expense—to Stuttgart to discuss a United States marketing arrangement for Pevco to distribute two of Thyssen's products. Soon a verbal agreement had been reached and Pevco began to establish a service network.

Everything seemed perfect. Thyssen asked for and Pevco provided privileged financial, company profile, pricing, engineering, and marketing information—everything you'd expect a legitimate business partner to supply. After all, why else would a company provide such privileged information to another firm unless it intended to proceed with a business partnership?

The only thing missing, however, was financial backing from Thyssen.

Instead the company decided to hold formal execution of the contract submitted by Pevco in abeyance until it purchased AGVT—another American firm associated with the pneumatic tube industry. Once Thyssen had cut through all of the legal red tape involved in this acquisition—corporate representatives explained—the firm would assume its share of all financial responsibilities, Thyssen Nicials told Mr. Valerino.

Pevco accepted this explanation and continued to obey the 1987 verbal agreement it had made with Thyssen throughout the first 3 months of 1988. It continued to provide the West German firm with privileged customer information, engineering expertise, and sales strategy. It also hired additional personnel knowledgeable in the field—all in accordance with Thyssen's direct wishes. By April nothing had changed, and Pevco—having almost exhausted its own cash resources—was beginning to get worried.

They contracted Thyssen/AGVT and requested a letter explaining the exact status of their relationship. Kurt M. Michaelis promised to send such a letter via Federal Express. That letter was never received.

From there, things only got worse.

Thyssen, for the first time, requested that Pevco provide a letter of credit which would require $300,000 in cash—even though they knew that Pevco had exhausted its cash pursuing Thyssen's product line as well as with various other expenses.

Thyssen also requested that Pevco provide more information and a strategic outline to AGVT to assist in its penetration of the marketplace. Still Thyssen had yet to contribute one red cent toward its financial responsibilities—continually using the excuse that its acquisition of AGVT had caused an unavoidable delay.

Soon, however, Pevco learned what the real reason of the delay was.

Pevco discovered that—during the entire period that it was furnishing Thyssen with sensitive R&D, sales information, and skilled personnel—

Thyssen had maintained a relationship with Pevco's competitor, violating the nondisclosure agreement it had made with Pevco months before.

Simply stated, Mr. Speaker, Pevco had been duped.

Thyssen had—on the pretext of arranging a business deal with Pevco—tricked the smaller company into providing it with privileged information which would allow it to penetrate the United States market. It conned Pevco into handing over $600,000 in R&D and related expenses.

And Pevco is still suffering the consequences of Thyssen's questionable business tactics—even a year after their relationship was officially terminated.

Pevco is still paying for a service network requested by Thyssen. Pevco is still paying for employment contracts of former employees—even though they now work for Thyssen. And Pevco must sit and watch Thyssen market the products which are the result of the R&D that Pevco paid for and developed.

Mr. Speaker, the swindling of Pevco is indeed a sad tale, an unfortunate episode in the history of the small business—forever trying to escape being devoured by corporate giants.

But its real value comes not as a sad story, but as an example to other American businesses. For there are many other Thyssens out there—corporations who routinely resort to trickery and deceit to achieve their own ends. Firms who export fraud as much as they do any product.

Only one good thing can come out of Pevco's misfortune, and it is if American business learns to beware of foreigners bearing gifts. Don't let what happened to Pevco happen to you.

AMENDING WORLD WAR II CADET NURSE CIVIL SERVICE CREDIT ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

Mr. **SLATTERY.** Mr. Speaker, during the 99th Congress, the World War II Cadet Nurse Civil Service Credit Act (Public Law 99-638) was signed into law. It allowed women who were employed by the Government and who had served in the U.S. Cadet Nurse Corps during World War II, to credit the time they served in the Cadet Nurse Corps toward their Civil Service retirement.

Today, I am introducing legislation which allows those women who retired from service before the World War II Cadet Nurse Civil Service Credit legislation was enacted, to receive credit toward their Civil Service retirement for the time they served as U.S. cadet nurses during World War II.

Many women who had served as long, if not longer, than their counterparts who were employed by the Government as of the date of the bill's enactment simply happened to retire months or even days before the bill was signed into law. They should receive credit for the time they spent in the Cadet Nurse Corps just as their counterparts who still remain in service.

The fact of the matter is that there is no reason why any cadet nurse who answered the call of her country to serve in a time of need, should be denied credit for the time in service which she provided.

The women who served in the U.S. Cadet Nurse Corps provided two-third's of this country's nursing service during World War II. They deserve this retirement credit. This law will give it to them. I urge my colleagues to support this legislation.

REMEMBERING THE HOSTAGES IN LEBANON

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. **DORNAN** of California. Mr. Speaker, I am only going to use about a minute of my special order today, because this is a getaway day and a lot of staff would like to wrap up their affairs for this week.

Mr. Speaker, in coming back from the break, my first remarks on the House floor were about our hostages in Lebanon. We do not even know if they are all in Lebanon. We assume they are in dungeon cellars in a city that is being hit with artillery back and forth on a scale that only would be equaled in World War II or Korea. We may find them hidden or that they have been hidden all these years up on the Bekaa Valley in areas under the control of the Syrian Army.

□ 1200

I just believe that somebody in this Chamber at least once a week should get up and remind our colleagues that the Associated Press bureau chief was captured on March 16, 1985, by terrorists, and that if the terrorists say they are doing it in the name of Allah, or Mohammed, or God, they are wrong. Mohammed said you must treat a prisoner of war as well as you treat yourself and your own body, and that does not mean to torture them, to lynch them, to beat them to death as they did our CIA chief in that area, William Buckley, over a 2-year period until his lungs collapsed from the fluid from the constant beatings to his chest and to his face. The assassination of our librarian, Peter Kilburn, thrown in an alley. At least his family in California were able to get his body back. He was 26 years of age. And this fake lynching or mock lynching of a dead body. It was probably a more horrible death for Rich Higgins, our marine, Nobel Prize winner for the Nobel Prize for Peace for him and the commander and all of the men that wore the beret of the United Nations forces in Lebanon, and those uniformed forces there. He was probably tortured to death trying to extract information from him that he did not have, because unlike Mr. Buckley he was involved in an open matter, the unified United Nations peacekeeping forces in Lebanon. It was not any type of an intelligence-gathering operation, and there is nothing worse than torturing somebody who cannot give you the information that they are torturing you for.

So when they hung his tortured body and tried to pretend it was a lynching, videotaped it, and the terrorist thug touches his feet to spin the body on the rope, and that piece of film was shown last night in Ted Koppel's special on how video cameras are affecting communications in this country, I pictured Robin Higgins, Marine Corps major at home watching the only nonfiction on that night, ABC's hour show that started at 10 o'clock last night, and Major Higgins turns on to watch the impact of video filming, typhoons, hurricanes, plane crashes, the gun turret explosion on the Iowa, and then all of a sudden Mr. Koppel, and I am not faulting him, but then he said there was the picture taken by home video, and there her beloved husband, Rich, is twisting there in full color on videotape that comes out of the terrorist dungeons in Lebanon.

Terry Anderson has been there since March 1985, 4½ years on September 16, a couple of days from now, 4½ years. World War II for the United States from Pearl Harbor, December 7, to May 8, 1945, which ended on Harry Truman's birthday, that is 3 years, 5 months and 1 day, less than 3½ years to go from scratch with no defense built up in this country, with the draft winning by one vote in this very Chamber on this floor, and we went in 3 years, 5 months and 1 day to the crushing of Adolph Hitler. He had committed suicide 9 days earlier.

Then 99 days after that until the end of the war in Europe, in 99 days we had a cessation of fighting on August 15, 99 days after the last of the two atom bombs in the Pacific theater of the war. So 3 years, 5 months and a day, and 99 more days and World War II was over. We have conquered Mussolini, Tojo and his warlords, and Adolph Hitler almost from scratch. And here we are 4½ years later, Terry Anderson rotting in some dungeon, and the terrorists claim they are doing it in the name of the same God that the three major religions of the world share.

Then a few days later on June 9 of 1985, here is another. Tom Sutherland is a man who went over to take over at the agronomy department at the American University in Beirut to help teach our brothers and sisters in Lebanon how to feed their children in that war-ravaged area. He was not out of the airport 20 minutes. So that means 4 years and 3 months, 4 years and 4 months ago the man had 20 minutes in the nation of Lebanon and 4 years and 4 months in some slimy dungeon.

I am calling United Airlines once to book a flight home from Los Angeles to this city, and the young lady, the small female voice said, "Is this Congressman DORNAN? This is Joan Sutherland. Thanks for listing my dad on the House floor." She is one of the booking agents for United Airlines. I said. "How is your mom?" She said, "Oh, she lives in Lebanon. She has been over there to be close to my dad for almost 4 years." Her home is in Colorado. Is this incredible? An American wife has to live in a war-torn area for 4 years to feel some nourishing closeness to her husband.

And, of course, we have the six other hostages, all of them older than my 56 years. Four of them are 57 years of age. I think about when I get an ache or a pain, or I am feeling hungry from the work pace around here and I forget to eat, and I get a headache or something, and I think of all of these guys, four of them all a year older than I am, who are rotting over there in some dungeon, eight American hostages.

I know President Bush thinks about them every single day, because he told me he does, and he is a man of great heart and generous spirit. I do not know how we are going to crack this thing. But when we get our American hostages out, we had better devise a policy for the future that the minute an American is touched that we go back to the thinking of President Teddy Roosevelt who said once that this Nation is a republic. We do not have a king and every individual citizen is as important, every man, woman, and child is as important as the President himself. And if the President of the United States were captured by terrorists in Beirut, if they blew up an airplane, killed the whole Secret Service, and pulled off a miraculous kidnaping, the greatest since Richard the Lionhearted, and were to have George Bush in a prison dungeon in Lebanon, that is how important I think each of those eight American hostages is, and that is how important I think George Bush thinks they are.

But he is trapped. He is boxed in. How do you pull off a rescue operation, and then they kill all eight of them? What have we accomplished then?

Mr. DORNAN. I remember sitting in Saigon in the backyard of the late great Gen. Clayton Abrams, the Abrams for which our M-1 tank is named after, a fine officer. I sat right in his backyard near Tan Son Nhut Air Base, and I had four wives of missing-in-action pilots, one Marine Corps wife who went on to be president of the League of Families, and three Air Force wives. Not one of those courageous ladies I have traveled with around the world ever got their husbands back. As a matter of fact, of 17 wives and mothers I traveled with, not one ever got their husband back, and for some of them it was suspected to be pretty good odds that they were alive and in captivity.

I often wondered if the Communists in Hanoi would have been so cruel as to punish every wife or mother who ever traveled? We saw the Pope, we saw Indira Gandhi, we went to Romania and other Communist countries, Egypt, Israel, we went into Bangkok, and we even went into Laos and Cambodia, and we visited hospitals to see other men who were suffering, fellow fighting men of their husbands. Not one ever came home.

But in Clayton Abrams' backyard he said, "I will tell you ladies something. We have overhead photography close up of caves where we know American pilots are held." And he said, "We even have some photographs where we think we see a man in a T-shirt waving at us." But he said, "The caves were we believe they are held they have automatic weapons and machine guns pointed into the caves. If I take my best people, and I have my very best people working on this, and we take our most courageous young rangers, and we send them in and insert them into these caves for a rescue operation, what good does it do if they kill everyone before they reach the cave, kill the prisoners?"

That was the tough problem that the late, four-star general, Clayton Abrams worked. I just wonder what would happen to the problem if he had it to rework and he were alive. I believe that he would try to insert a rescue mission into that area. Do the Members know why? It is because we never got one man back anyhow. For all we know there are some who are still alive. That took place in 1973, and they have rotted for 16½ years on top of their 7 years, 5 years, 9 years, or however many years in captivity. Would we take our chances with some kind of a night operation, some kind of James Bond kind of operation with paratroopers coming in at night to try to get them out? It has worked in the past in some rescue operations rather than waiting for the perfect circumstances, which we waited for and never got. So we never got any of them back.

So I think of that example of Clayton Abrams telling these four wives, and me there, a Reserve Air Force officer, volunteer civilian, escorting, and I did it on my own, no military help, raised the money, set the bookings, took them on this trip around the world, and did it a couple more times.

Now I am back to square one. I still wear my POW bracelet for my best friend in the Air Force, last in Laos May 18, 1965, known prisoner for almost 5 years, David Hrdlicka. He disappeared off the face of the Earth. We have pictures of him, tape recordings of him begging to figure out a diplomatic way to get him released. And occasionally I will intersperse his bracelet with other bracelets, those of Tom Sutherland or Terry Anderson to keep the hostage issue in Lebanon alive. I do not want my colleagues to forget that as great and powerful and as strong a Nation as it is, and I will be conferee on the Defense Department conference bill between the House and Senate, as strong as we are, spending almost $300 billion a year, we cannot figure out how to legitimately get these eight Americans who are hostages in Lebanon out of this horrible suffering country.

Before I yield back the balance of my time, Mr. Speaker, Let me say something else. As a Roman Catholic, I find a genocide of Catholic Christians is going on right now in Lebanon. When my Jewish friends from Israel say to me how can your country with all of the Christians in our Nation stand by and watch the slaughter of the Christian community in Lebanon, it is a genocide of a whole group of people, the Mennonite Catholics there and other Christians, and I said I do not know how we can stand by and watch it happen. They said, "Well, I will tell you one thing. We wouldn't stand by ever again and watch Jews slaughtered like that anywhere in the world." And that is a little nation of 3 million people, not 200 and almost 50 million people which is what we will be in a few more months.

□ 1210

I do not understand what the foreign policy is to not put pressure on Assad. I met with him alone for 1 hour and 10 minutes in Damascus and begged him to release the hostages. He told me, "I will have good news for you, Congressman, in 2 weeks." Two and a half weeks later they released Father Martin Jenco, a Catholic priest captured several years before.

I do not know what the story is with Assad, why we cannot put pressure on Syria to stop them from shelling, with World War II-sized and bigger artillery weapons, 155-millimeter artillery pieces, 180-millimeter mortars, 270-millimeter mortars built by the Soviets, to siege major cities, and they are pounding the Christian area in Beirut right out of existence. And in the midst of all this chaos and mayhem and death, little boys and girls are being blown away who have never known anything but shelling if they are under 9 years of age, we have eight American hostages held in these dungeons.

It is absolutely incredible, and I do not think any American should be able to sleep at night when any American anywhere in the world is being assassinated by some drug lord in South America, when 8,000 people are rotting in cells in Communist Nicaragua, and the Ortega brothers are fixing up how to rig this election in such a way that we may be tempted to sign off on it next February 25.

Or how we can sleep when Americans in what we call the Holy Land are rotting in dungeons for a year longer than it took us to crush Adolph Hitler.

Please, not only pray for these men but if you can come up with some diplomatic way to put the right surgical pressure on these people who claim to be doing this in the name of God, Allah, then write to me, write to some Congressman or write to your own Congressman or write to the President of the United States with your idea. We cannot go on like this for another 4½ years, can we, until we reach the length of captivity of Maj. Floyd Thompson in Vietnam, who was there for 9 full years before the B-52's came over and told Hanoi that they were not going to keep our prisoners for another 9 years?

Well, 4½ years is halfway to 9. I do not want to relive the ugliness of the missing-in-action experience in Vietnam.

So let us try to figure out, as Americans, with all of the strength that our taxpayers give us, how to apply the right diplomatic pressure to get these Americans turned loose in Vietnam.

Some 1 minute, Mr. Speaker. I apologize.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROOMFIELD (at the request of Mr. Michel) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNulty) to revise and extend their remarks and include extraneous material:)

Mr. Slattery, for 5 minutes, today.

Mr. Levine of California, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mrs. Bentley) and to include extraneous matter:)

Mr. Henry.

(The following Members (at the request of Mr. McNulty) and to include extraneous matter:)

Mr. Fazio in two instances.

Mr. LaFalce.

Mr. Florio.

Mr. Markey.

Mr. Kanjorski.

Mr. Borski.

Ms. Pelosi.

Mr. Bates.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 558. An act to revise the general management plan for Carlsbad Caverns National Park to study methods to protect and interpret the internationally significant Lechuguilla Cave, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 855. An act to direct the Secretary of the Interior to establish a cave research institute; to the Committee on Interior and Insular Affairs.

S. 931. An act to protect a segment of the Genesee River in New York; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. SLATTERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingy (at 12 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, September 18, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

1675. A letter from the Secretary of Education, transmitting final regulations—projects with industry, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1676. A letter from the Acting Administrator, General Services Administration, transmitting copies of prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1677. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child; to the Committee on Ways and Means.

1678. A letter from the Secretary of the Treasury and President and Chairman Export-Import Bank, transmitting the administration's recommendations on the tied-aid credit practices of other countries, pursuant to Public Law 100-418, section 3302(c) (102 Stat. 1383); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

1679. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation approving the location of the Memorial to the Women Who Served in Vietnam; jointly, to the Committees on House Administration and Interior and Insular Affairs.

1680. A letter from the Secretary of Health and Human Services, transmitting the report on independent rural health clinics, pursuant to 42 U.S.C. 13951 note; jointly, to the Committees on Ways and Means and Energy and Commerce.

1681. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1991, pursuant to 45 U.S.C. 231f(f); jointly, to the Committees on Energy and Commerce, Ways and Means, and Appropriations.

1682. A letter from the Secretary of State, Secretary of Labor, and Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to promote democratization and reform in Poland and Hungary through development of the private sectors, labor market reforms, and enhanced environmental protection, and for other purposes; jointly, to the Committees on Foreign Affairs, Education and Labor, and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORGAN of North Dakota (for himself, Mr. Leath of Texas, Mr. Staggers, Mr. Fuster, Mr. Poshard, Mr. Richardson, Mr. Jontz, Mr. Olin, Mr. Morrison of Washington, Mr. Johnson of South Dakota, Mr. Davis, Mr. Weber, and Mr. Vander Jagt):

H.R. 3274. A bill to fund the essential air service program from the Airport and Airways Trust Fund, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. GIBBONS (for himself, Mr. Rostenkowski, Mr. Murtha, Mr. Regula, Mr. Schulze, and Mrs. Johnson of Connecticut):

H.R. 3275. A bill to implement the steel trade liberalization program; to the Committee on Ways and Means.

By Mrs. MARTIN of Illinois (for herself, Mr. Clinger, Mrs. Smith of Nebraska, Mr. Walker, Mr. Fauntroy, Mr. Jacobs, Mr. Wolpe, Mr. Lagomarsino, Mrs. Kennelly, Mr. AuCoin, Mr. Rhodes, Mr. Pease, Mr. Dannemeyer, Mr. Atkins, Mr. Bunning, Mr. Shaw, Mr. Slattery, Mr. Brown of Colorado, Mr. de Lugo, Mr. Fawell, Mr. Frank, Mr. Kolbe, Mr. Campbell of Colorado, Mr. Ballenger, Mr. Bliley, Mr. Crockett, Mr. Glickman, Mr. Hamilton, Mrs. Morella, Mr. Owens of New York, Mrs. Saiki, Mr. Gilman, Mr. Porter, Mr. Evans, Mr. Nagle, Mr. Neal of North Carolina, Mr. Upton, Mr. Gunderson, Mr. Bryant, Mr. Johnson of South Dakota, Mr. Carper, Mr. Sikorski, Ms. Schneider, Mr. Walsh, and Mr. Garcia):

H.R. 3276. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, handicap, national origin, or age in employment in the legislative or judicial branches of the Federal Government; and to establish the Employment Review Board composed of senior Federal judges, which shall have authority to adjudicate claims regarding such discrimination; jointly, to the Committees on Education and Labor, House Administration, and the Judiciary.

By Mr. MILLER of California (for himself and Mr. Durbin):

H.R. 3277. A bill to improve Federal laws relating to the trans-Alaska pipeline system, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. SCHUMER:

H.R. 3278. A bill to increase the affordability of homeownership for the first-time home buyers and promote the development of low-income rental housing; jointly to the Committee on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. SHAW:

H.R. 3279. A bill to amend the Job Training Partnership Act to require accreditation or certification of providers of training and education under that act; to the Committee on Education and Labor.

By Mr. SLATTERY (for himself, Mr. Whittaker, Mr. Davis, Mr. Roe, Mr. Bilirakis, Mr. Glickman, Mr. Valentine, and Mrs. Meyers of Kansas):

H.R. 3280. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. Shumway):

H.R. 3281. A bill to extend the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND of Georgia:

H.J. Res. 405. Joint resolution to provide for the designation of the month of October 1989 as "National HIV and AIDS Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress that illegal aliens should not be counted in the 1990 decennial census for purposes of congressional reapportionment; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

248. The SPEAKER presented a memorial of the Legislature of the State of Oregon, relative to congressional salary raises; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. Machtley, Mr. Stump, Mr. Gingrich, Mr. Towns, and Mr. Rogers.

H.R. 557: Mr. Solomon and Mr. Donald E. Lukens.

H.R. 558: Mr. Johnson of South Dakota, Mr. Upton, and Mr. Wilson.

H.R. 586: Mr. Yates.

H.R. 1181: Mr. Clinger, Mr. Bosco, Mr. Towns, Mr. Gallo, and Mr. Rogers.

H.R. 1399: Mrs. Kennelly, Mr. Robinson, Mr. Williams, Mr. Bates, and Mrs. Saiki.

H.R. 1400: Mr. Flippo, Mr. Hopkins, Mr. Murphy, Mr. Sarpalius, Mr. Schaefer, and Mr. Mollohan.

H.R. 2121: Mr. Shuster and Mr. Nagle.

H.R. 2190: Mr. Ackerman, Mr. Hall of Ohio, Mr. Kanjorski, Mr. Oberstar, Mr. Payne of New Jersey, Mr. Rangel, and Mr. Synar.

H.R. 2302: Mr. Faleomavaega.

H.R. 2303: Mr. Faleomavaega and Mr. Mrazek.

H.R. 2642: Mr. Young of Florida.

H.R. 2687: Mr. Faleomavaega.

H.R. 2711: Mr. Fish and Mr. Pickett.

H.R. 2795: Mr. Jontz and Mr. Bustamante.

H.R. 2807: Mr. Parker.

H.R. 2932: Mr. Parker, Mr. Atkins, and Mr. Morrison of Washington.

H.R. 2954: Mr. Payne of New Jersey.

H.R. 3093: Mr. Lantos, Mr. Markey, Mr. Martinez, Mr. Savage, Mr. Sabo, Mr. Dingell, Ms. Slaughter of New York, and Ms. Pelosi.

H.R. 3223: Mr. Fauntroy, Mr. Slattery, Mr. Smith of New Hampshire, Mr. Payne of Virginia, and Mr. Walsh.

H.J. Res. 133: Mr. Matsui, Mr. Eckart, Mr. Hastert, and Mr. Feighan.

H.J. Res. 364: Mr. Ackerman, Mr. Bateman, Mr. Bennett, Mr. Bilirakis, Mr. Blaz, Mr. Bliley, Mrs. Boxer, Mr. Bruce, Mr. Clay, Mr. Coleman of Texas, Mr. Costello, Mr. DeFazio, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Erdreich, Mr. Fields, Mr. Flippo, Mr. Frost, Mr. Gallegly, Mr. Gonzalez, Mr. Hall of Texas, Mr. Hefner, Mr. Hughes, Mr. Hyde, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Kasich, Mr. Kennedy, Mr. Kolter, Mr. Lancaster, Mr. McCrery, Mr. McGrath, Mr. McNulty, Mr. Manton, Mrs. Meyers of Kansas, Mr. Mollohan, Mr. Mrazek, Mr. Owens of New York, Mr. Oxley, Mr. Pallone, Mr. Parris, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Richardson, Mr. Rinaldo, Mr. Roe, Mr. Rowland of Georgia, Mr. Shaw, Mr. Smith of New Jersey, Mr. Tallon, Mr. Whitten, Mr. Wilson, Mr. Wolf, and Mr. Upton.

H.J. Res. 400: Mr. Annunzio, Mr. Armey, Mr. Atkins, Mr. Ballenger, Mr. Bartlett, Mr. Bateman, Mrs. Bentley, Mr. Blaz, Mr. Bliley, Mr. Boehlert, Mrs. Boggs, Mr. Bonior, Mr. Brown of Colorado, Mr. Buechner, Mr. Bunning, Mr. Burton of Indiana, Mr. Carr, Mr. Chandler, Mr. Coble, Mr. Coleman of Missouri, Mr. Conte, Mr. Coughlin, Mr. Dannemeyer, Mr. de la Garza, Mr. DeLay, Mr. Dellums, Mr. Dickinson, Mr. Dornan of California, Mr. Dreier of California, Mr. Edwards of Oklahoma, Mr. Ford of Michigan, Mr. Frenzel, Mr. Gallo, Mr. Gaydos, Mr. Gekas, Mr. Gingrich, Mr. Gonzalez, Mr. Gray, Mr. Green, Mr. Gunderson, Mr. Hammerschmidt, Mr. Hastert, Mr. Hefley, Mr. Herger, Mr. Hopkins, Mr. Houghton, Mr. Hoyer, Mr. Hunter, Mr. Hyde, Mr. Ireland, Mrs. Johnson of Connecticut, Ms. Kaptur, Mr. Kennedy, Mr. Leach of Iowa, Mr. Lent, Mr. Lightfoot, Mr. Madigan, Mr. McCollum, Mr. McDermott, Mr. Michel, Mr. Miller of California, Mr. Miller of Washington, Mrs. Morella, Mr. Morrison of Washington, Mr. Mrazek, Mr. Natcher, Mr. Packard, Mr. Petri, Mr. Quillen, Mr. Rangel, Mr. Regula, Mr. Rhodes, Mr. Richardson, Mr. Ridge, Mr. Roberts, Mr. Robinson, Mrs. Roukema, Mr. Rowland of Connecticut, Mrs. Saiki, Mr. Schiff, Mr. Schulze, Mr. Shaw, Mr. Shumway, Mr. Slaughter of Virginia, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mrs. Smith of Nebraska, Ms. Snowe, Mr. Studds, Mr. Stump, Mr. Thomas of California, Mr. Upton, Mr. Vander Jagt, Mr. Walgren, Mr. Watkins, Mr. Weber, and Mr. Young of Florida.

H.J. Res. 401: Mr. Anthony, Mr. Bilbray, Mrs. Boggs, Mr. Browder, Mr. Chapman, Mr. Clay, Mr. Coble, Mrs. Collins, Mr. Dellums, Mr. Donnelly, Mr. Frost, Mr. Glickman, Mr. Gray, Mr. Harris, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Jontz, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. McCrery, Mr. Markey, Mr. Neal of Massachusetts, Mrs. Patterson, Mr. Price, Mr. Sawyer, Mr. Stokes, Mr. Tallon, Mrs. Unsoeld, Mr. Craig, Mr. Lancaster, Mr. Leath of Texas, Mr. Hefner, Mr. Parker, Mr. Gejdenson, Mr. Dreier of California, Mr. Lipinski, Mr. Pallone, Mr. Engel, Mrs. Kennelly, and Mr. Derrick.

H. Con. Res. 48: Mr. Staggers.

H. Con. Res. 123: Mr. Nelson of Florida, Mrs. Saiki, Mr. Panetta, Mr. Wise, and Mr. Yatron.

H. Res. 18: Mr. Smith of Texas, Mr. Madigan, Mr. Hansen, Mr. Clinger, Mr. Weber, Mr. Bates, Mr. Smith of New Hampshire, Mr. DeWine, Mr. Leath of Texas, Mr. Hyde, Mr. Coleman of Missouri, Mr. Ritter, Mr. Dickinson, Mr. Miller of Ohio, Mr. Pashayan, Mr. Molinari, Mr. Fish, Mr. Grandy, Mr. Duncan, Mr. Gilman, Mr. McGrath, Mr. Stump, Mr. Gingrich, Mr. Pursell, Mr. Kasich, Mr. McCandless, Mr. Stangeland, Mr. Parris, Mr. Robinson, Mr. Morrison of Washington, Mr. Grant, Mr. Baker, and Mr. Ridge.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2700: Mr. Foglietta.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1659

By Mr. SOLOMON:

—Page 25, after line 12, insert the following new section:

SEC. 218. INCREASE IN MAXIMUM REWARD FOR INFORMATIOIN CONCERNING INTERNATIONAL AVIATION SECURITY.

Section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended to read as follows:

"(c)(1)(A) Except as provided in subparagraph (B), as reward under this section may not exceed $500,000.

"(B) A reward under subsection (a) of this section concerning international terrorism related to international aviation security may not exceed $2,000,000.

"(2) A reward of $100,000 or more under this section may not be made without the personal approval of the President or the Secretary of State.".

—Page 25, after line 12, insert the following new section:

SEC. 218. REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM AND NARCOTICS TRAFFICKING.—Section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended to read as follows:

"(c)(1) A reward under subsection (a) of this section may not exceed $2,000,000.

"(2) A reward under subsection (b) of this section may not exceed $2,000,000.

"(3) A reward of $100,000 or more under this section may not be made without the personal approval of the President or the Secretary of State.".

SENATE—*Thursday, September 14, 1989*

(Legislative day of Wednesday, September 6, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

Mr. WIRTH. Today's prayer will be offered by guest chaplain, the Reverend Leon Kelly, assistant pastor, Maranatha, Denver, CO.

The Reverend Leon Kelly, assistant pastor, Maranatha, Denver, CO, offered the following prayer:

PRAYER

Let us pray:

Opening Scripture, 1 Timothy 2:1-3: *I exhort, therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God, our Savior.*

Heavenly Father, we thank Thee for life and the joy of living. For it is life that brings us to the point of decision. Thou hast bestowed upon us the privilege of choice. Some choices are made with very little thought, and there are times when our choices demand much thought and consideration and are made with greater care.

Father, remind us of the fact that we cannot sidestep our responsibility nor the results of our choices, for many will have eternal consequences. Let us learn from those of the past who have made carnal choices which ended in their destruction.

Father, our land is being plagued with drugs and violence. Give us the wisdom to deal with our future, the courage to ovecome our opposition, and continual strength to give direction to our young.

Father, we thank You for the victory because we are claiming it done in Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10 a.m. in which Senators may speak for up to 5 minutes each.

At 10 a.m. the Senate will consider the conference report on the energy and water appropriations bill under a 25-minute time limitation, with a vote occurring on the conference report at 10:25 a.m.

Immediately following that vote, and after waiving the mandatory live quorum, the Senate will proceed to vote on the motion to invoke cloture on the committee amendment to the transportation bill. Therefore, Mr. President, the Senate will conduct two rollcall votes beginning at 10:25 this morning. Senators are alerted to the possibility of other votes today, and that votes could occur—indeed, are likely to occur—well after 7 o'clock this evening.

THE PRAYER OF THE REVEREND LEON KELLY

Mr. MITCHELL. Mr. President, I want to extend my thanks to the Reverend Kelly for his opening prayer.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the balance of my leader time, and I reserve the full leader time of the distinguished Republican leader.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Colorado is recognized.

Mr. WIRTH. I thank the majority leader. I thank you very much, Mr. President.

THE PRAYER OF THE REVEREND LEON KELLY

Mr. WIRTH. I am proud that today's invocation was given by the Reverend Leon Kelly of Denver, CO. Reverend Kelly is the director of Open Door Young Gang Alternatives. In his role at the Open Door, the reverend has built a reputation—a well deserved reputation—for turning gang members from their life of crime to productive and positive lifestyles.

I had the opportunity to spend an afternoon with Reverend Kelly last weekend. We toured neighborhoods that have suffered the scourge of drugs and seen the devastation brought by rival gangs. Even in the midst of neighborhoods long neglected, there is an obvious sense of hope—hope brought by the work of Reverend Kelly. He is someone who instills a real sense of self-worth and self-esteem in persons too many times forgotten by the rest of society.

I believe Denver, and all of us, owe Reverend Kelly a great deal of thanks for the work he does with disadvantaged youth. Because of the dedication and commitment of Reverend Kelly, I know the youth of Denver, and Colorado, has a better future ahead of it.

In addition, Mr. President, it is very appropriate for Reverend Kelly to be with us today. The timing is extraordinary—at a time when this body, the Congress of the United States, and the country overall, is wound up in the debate and discussion about the drug program, working with the executive branch to see if we can work out not only an appropriate kind of budget support for this but the kind of alternative, the kind of depth of program that we are going to need across the board, treatment to education, to work with gangs, to interdiction—the whole overall package that has to be done. It is very appropriate that Reverend Kelly's words be with us as we embark upon that today, and I want to thank him particularly on behalf of my colleagues for joining us today.

I thank you very much, Mr. President.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. WIRTH. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the Chair.

(The remarks of Mr. KASTEN pertaining to the submission of Senate Concurrent Resolution 69 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

REMARKS OF HOWARD H. BAKER, JR., UPON RECEIVING THE AMERICAN LEGION DISTINGUISHED SERVICE MEDAL

Mr. DOLE. Mr. President, recently my good friend, and our former colleague, Senator Baker, received the American Legion's Distinguished Service Medal. I commend the remarks he made on that occasion to the Members of the Senate. They provide timely advice that American foreign and military policy needs to exhibit patience and maintain a long-run view of world events. We should not rush to judgment and declare momentary trends as major historical watersheds.

I ask unanimous consent that Senator Baker's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF HOWARD H. BAKER, JR., ON RECEIVING THE AMERICAN LEGION DISTINGUISHED SERVICE MEDAL, SEPTEMBER 6, 1989, BALTIMORE, MD

Thank you, Commander Gierke.

Let me say first of all that it's a pleasure to be with my friends in the American Legion once agian, and I am most grateful and deeply honored that you have chosen me to receive your Distinguished Service Medal.

I must also say that while I'm proud of my military service in World War II, I believe I've had just about enough reminders lately that I'm old enough to have fought in a war that started fifty years ago.

And I will say further that when I look at the extraordinary success of modern Germany and Japan, it's sometimes hard to remember who won the war.

But when I look at Poland, and Hungary, and the Baltic States, and even the Soviet Union today, I cannot help thinking that not only did we win the war in the 1940's, but we're still winning it in the 1980's.

Indeed, the current intellectual fashion in Washington is an essay in which a bright young man at the State Department argues that we may be witnessing "not just the end of the cold war, or the passing of a particular period of postwar history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."

I think it goes a bit far to say that we have reached "the end of history," or even that western-style democracy is about to be universally accepted.

But it is certainly true that the student protests in Beijing, the victory of Solidarity in Poland, the growing reform movement in Hungary, the independence movements in the Baltic states of Estonia, Latvia and Lithuania—and even the creation of a marvelously rambunctious people's parliament in Moscow—are dramatic manifestations of what is truly a universal "yearning to breathe free."

And it is increasingly obvious that, as Franklin Roosevelt once said, "the democratic aspiration is not a recent phase of human history. It is human history."

Even so, I believe we declare victory in "the long twilight struggle," of which President Kennedy spoke, at our peril.

For a while we are clearly dealing with a new kind of Soviet leader—one of the most impressive men I have ever met, and surely one of the most revolutionary—we must also deal with the fact that he leads an enormously powerful country which may not always wish to follow where he wishes to lead.

We must deal with the fact that while democracy is the idea whose time has come in Europe today, it is as vulnerable in much of Asia, Latin America and the Middle East as the young man who stood down a column of Chinese tanks.

And we must deal with the fact that even in those countries where the passion for democracy is strongest today, the political leadership is generally ill prepared to meet democracy's demands for economic and civil liberty, or with the revolution in expectations which has seized their citizenry.

The response of these leaders has ranged from wariness in Warsaw to tanks in Tiananmen Square. The question we must ask ourselves is, how should we respond?

I believe, first of all, that we should take the good advice of the Secretary of Defense, Dick Cheney, who has quite rightly urged us not to give away our overcoats on the first sunny day in January.

We must remain fully prepared to defend ourselves, our interests and our values in a world that remains full of danger.

I believe Secretary Cheney has submitted the most honest and well-reasoned defense budget ever to emerge from the Pentagon.

And I would urge my former colleagues in the Congress to endorse that budget for what it is: a serious effort to defend this country with maximum strength and minimum waste in a time of severe budgetary constraint.

Second, I think it is important that we understand the nature of the leaders—and the led—in the countries vying for our attention today.

To this end, I am going to Warsaw later this month with a group of present and former American politicians to talk about democracy with the leaders and the people of Poland.

They want to know how a political process as cumbersome and boisterous and self-satisfying as ours produces the kind of economic and social progress the United States has generally enjoyed, and I have about two weeks to figure it out myself.

This is really a bigger problem than it may at first seem, because in most of the countries where democracy is pushing its fragile flower through the concrete today, there is little experience with political or social freedom to guide them.

In China, where a political state has existed for 4,000 years, officials still say their citizenry isn't "ready" for democracy, that the peasant class is illiterate, that there isn't the innate respect for law that exists in our country, and that government by the consent of the governed simply won't work in a country of a billion people—even though it has worked relatively well for India's 800 millions.

The Chinese seem to prefer a system in which Ronald Reagan would be considered a promising young man, a system in which being well-born is all but essential to membership in the Communist Party, a system which favors the few at the expense of the many more thoroughly and systematically than the coldest capitalist ever dreamed possible.

And in the Soviet Union, where one-man rule has been a fact of life for over a thousand years, the notion of pluralism may take some time to really catch on.

It will not necessarily please you to know that the man who rules the Soviet Union today, Mikhail Gorbachev, is one of the most impressive men I have ever met.

I have seen him "up close and personal" several times since I first met him at the funeral of his mentor Yuri Andropov in 1984. During his summit meetings with President Reagan while I was White House chief of staff, I found him to be the most well-prepared foreign leader I encountered.

At several points in conversations with the President, Mr. Gorbachev would bring out a notebook full of facts and figures written in his own hand, look briskly at his notes, and press a point based on the information he had summoned from this "briefing book" of his own devising.

He knows when to charm and when to menace, and how to do both very well. A leader as experienced and unsentimental as Margaret Thatcher declares appreciatively that she can "do business" with this man, and I will stipulate that if he wanted to, he could be the best businessman in America.

But as Richard Nixon reminds us, you don't get to be general secretary of the Communist Party if your commitment to Communism is in doubt. Gorbachev's isn't, and it's important that we all remember that.

We may say that communism has failed, that we've won the Cold War, that democracy is the wave of the future. But Gorvachev, who says many extraordinary things, isn't saying that, and until he says it—and several of his successors say it—I say we had better keep our guard up and our defenses strong.

This is surely an exhilirating and hopeful time, especially in eastern Europe. But it was a hopeful time in China, too, until June 4, and the world has brutal ways of mocking our hopes.

Hemingway said, "the world breaks everyone, and afterward many are strong at the broken places." Poland is strong today, and we must help her grow stronger. And so it must be with her neighbors in Europe, in Asia, in Africa, in Latin America, wherever there are people yearning to breathe free.

I am encouraged by much of what I see in the world today. I am worried about much that I cannot see. I hope that we will stay as well prepared as Gorbachev always is, for I believe this is the only way to keep the peace and the freedom we have won at great price.

I know you share that hope and that commitment, and I am honored to be in your company.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the time for morning business has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1990—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of the conference report on H.R. 2696, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of September 7, 1989.)

The PRESIDING OFFICER. All time for debate will be controlled in the following manner: Mr. Johnston, 3½ minutes; Mr. Hatfield, 3½ minutes; Mr. Garn, 3 minutes; and Mr. Bradley, 15 minutes.

Who yields time?

Mr. JOHNSTON. Mr. President, I am pleased to submit the conference report on the disagreeing votes of the House and Senate on the bill H.R. 2696, making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes.

This is the first conference report of the 13 annual appropriation bills to be presented to the Senate for its consideration. The conference report has been printed and appeared in the Congressional Record of Thursday, September 7. The conference report and the accompanying statement of the managers is self-explanatory and I will not undertake a detailed statement on the conference report.

At the outset, let me express my warm appreciation to the Senator from Oregon [Mr. Hatfield], the ranking minority member of our committee, for his unfailing cooperation and assistance. I also want to thank the distinguished chairman of the Senate Appropriations Committee, Senator Byrd, who is also a member of our subcommittee, whose leadership has been very important in all appropriations measures this year; and all of the Senate conferees for their work on this measure.

A special word of commendation to our House colleagues led by the distinguished chairman of the House committee, Mr. Bevill, and the distinguished gentleman from Indiana [Mr. Myers], the ranking minority member. Our House friends are always fair and considerate. They represent the House position, of course, but we are always glad to meet with them and to work out the differences between the two bodies of this appropriation measure each year. It is always difficult to settle complex matters but it is a pleasure to work with our House colleagues, who always exhibit a spirit of cooperation and fairness in working out these matters for the good of the country.

Mr. President, the conference totals on this bill are within the 302(b) allocation for both budget authority and outlays. The total amount of new budget obligational authority is $18,555,427,000. This is over the Senate-passed bill by almost $105.9 million. Most of this is due to the splitting of the allocations on the Defense 050—atomic energy defense activities appropriations. The House had a higher allocation and appropriation than we did in the Senate. This has been increased by splitting the allocation by about $94 million in budget authority and $58 million in outlays.

Mr. President, this is a fine conference report. I am proud of the work of our committee under such budget constraints. I do not plan to go into any further detail on the bill amounts and unless a Member has a question or comment, I plan to move the adoption of the conference report.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum and ask unanimous consent that that run proportionately against all to whom time has been allocated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I want also to commend the excellent staff work which we have had on the bill on the majority staff: Proctor Jones, the long-time veteran and expert on this committee; Dave Gwaltney, who has done the real work on this bill; Gloria Butland, who is a great veteran and a strong right arm; and also on the minority side, who act in a very bipartisan manner working together with us; Gary Barbor and Dorothy Pastis, who have done such excellent work. I think the Senate ought to know what good work they do. We can all rely upon them to be fair as well as to be experts in this field. I certainly appreciate it, and I know my colleagues do as well.

I reserve the remainder of my time. I suggest the absence of a quorum with the same stipulation as last time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENTRAL UTAH WATER PROJECT

Mr. BRADLEY. Mr. President, last year in the final days of the last Congress, the Senate passed Public Law 100-563. Section 4 of that bill was never considered by the committee with jurisdiction, the Energy and Natural Resources Committee. When the full details of that section were brought to my attention this summer, I asked the General Accounting Office to conduct an independent appraisal of the legal character and fair market value of all the property, contractual and other interests that are granted or exchanged or somehow dealt with in the bill—again, a bill that never got a hearing in the authorizing committee. I received GAO's preliminary report last Wednesday evening and it was made available to the Utah delegation and other members on Thursday. It was available to the Appropriations Committee conference. Senator Johnston announced his opposition to Amendment 44 of title II of the conference report as a result of the GAO study but the conference approved it anyway. I think the approval was a mistake and I state my opposition to it now in the clearest terms possible.

Mr. President, I ask unanimous consent that the entire GAO study be printed in the Record.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

GENERAL ACCOUNTING OFFICE,
Washington, DC, September 6, 1989.
Hon. BILL BRADLEY,
Chairman, Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate.

DEAR MR. CHAIRMAN: As requested, this letter provides information in response to your July 10, 1989, letter and subsequent discussions with your office on the compensation provided to the Strawberry Water Users Association (SWUA) under P.L. 100-563. SWUA is currently operating the Bureau of Reclamation's Strawberry Valley Project. Specifically, you asked us to determine the legal character and economic value of SWUA's rights and interests to be acquired or transferred under Section 4 of the act, including all properties and improvements, and about the land rehabilitation costs covered by Section 4. To meet your needs, this letter contains what information we were able to gather through early September 1989.

We reviewed the legislative history of the Strawberry Valley Project and a 1979 Court of Claims decision, and met with solicitors from the Bureau's Salt Lake City, Utah, Regional Office and Department of the Interior in Washington, D.C. In addition, we reviewed records, documentation, and reports at the Bureau's Salt Lake City Regional and Provo, Utah, projects offices, met with officials from the Bureau, the Forest Service's Uinta National Forest, and the Strawberry Water Users Association. We also visited the Strawberry Valley Project. Because of time constraints, we did not review SWUA's grazing and recreation contracts nor the Bureau's procedures for approving such contracts. Also, we did not discuss this letter with Bureau officials and others.

In summary, based on information we obtained, SWUA does not have title to the project lands. It does, however, have the limited right to obtain revenues from the surface and subsurface uses of these lands. If the United States were to remove such rights, SWUA would be entitled to compensation. In our opinion, this compensation should be limited to the revenues lost because existing contracts were not completed. On this basis, lost revenues are negligible. The $2.884 million already paid to SWUA in 1986, plus the benefits the act provides to SWUA—a $15 million authorization for its contractual surface rights, title to potentially valuable commercial land, future grazing privileges, and retention of its contractual subsurface rights—substantially exceed the economic value of such contracts. Moreover, the act does not hold SWUA liable for costs to rehabilitate project lands which have deteriorated as a result of SWUA's poor management practices.

BACKGROUND

The Strawberry Valley Project was one of the earliest Bureau projects. Authorized by the Secretary of the Interior on December 15, 1905, under the provisions of Section 6 of the Reclamation Act of 1902, the Bureau began construction of the Strawberry Valley Project in 1906. The Strawberry Reservoir was substantially completed by 1915, and the first water was delivered in 1916.

The Act of April 4, 1910, authorized that approximately 56,870 acres be acquired from the Uinta Indians for the Strawberry Valley Project. The act further provided that the purchase price for these lands be included in project construction costs, which would be paid by the owners of the lands irrigated. The acreage could also be used to generate revenues in the form of rental payments, which would be credited on the owners behalf to the construction costs. The title, management, and control of these lands would transfer to the owners when they paid the major portion of the project's construction costs.

The Fact Finder's Act of 1924 provided for transfer of operation and maintenance of a water project to a water users association whenever two-thirds of the irrigated area was covered by water rights contracts with the Department of the Interior. Net profits derived from leasing of project lands for grazing and farming, operation powerplants, and other activities were to be applied first to project construction cost, then to operation and maintenance, and finally as the water users directed.

SWUA was organized in 1922 as a Utah nonprofit corporation to, among other purposes, contract with the Bureau to operate and maintain the project and repay outstanding construction costs. Pursuant to the Fact Finder's Act, SWUA entered into a contract with the Bureau in 1926, which was modified in 1928, to manage and operate most of the Strawberry Project.

The Bureau retained project oversight responsibility. The contracts specifically provided that title to project lands would not pass to SWUA. In 1940, the association entered into its current contract, which also provided that title to project lands remained with the United States. In 1974, SWUA completed repayment of the projected construction costs, which included the cost of the 56,870 acres of project lands acquired from the Uinta Indians.

SWUA has obtained revenues principally through fees received under agreements with its members who graze their cattle and sheep on allocated acreage, from recreational use, and under timber and oil gas development leases. SWUA members had constructed camping sites, small cabins, and other recreational facilities on lands adjacent to their reservoir.

The Colorado River Storage Project Act of 1956 authorized construction of the Central Utah Project which is comprised of six units, the largest being the Bonneville Unit Soldier Creek Dam, part of the Bonneville Unit, is located 7 miles downstream of the original Strawberry Dam, and was completed in 1973. When it is completely filled in the 1990s the Strawberry Reservoir will be enlarged from 8,400 to 17,120 surface acres.

As part of this enlargement, the Bureau transferred management of 25,990 acres, which included both the management of recreation on the reservoir and the surrounding lands, from SWUA to the Department of Agriculture's Forest Service under an Interim Management Agreement dated February 2, 1982. The Bureau also built SWUA new grazing and recreational facilities on higher lands adjacent to the enlarged reservoir. In June 1984, the Forest Service assumed operation of the 25,990 acres. SWUA believed they should be compensated for lost revenues from this acreage, and in 1986, the Bureau paid SWUA $2.884 million for revenue losses from recreation and grazing

As early as the mid-1960s, recreation and fish and wildlife interests alleged that SWUA was poorly managing project lands. To address growing concerns over the condition of the lands, an ad hoc committee was formed in June 1987, consisting of SWUA, the Bureau, the Forest Service, a state of Utah wildlife resource agency, and the Utah Wildlife Leadership Coalition, a special interest group. After a year of deliberating ownership and management issues regarding the future of the project lands, the committee concluded that it would be in the best interest of all to by out SWUA's contractual surface rights at fair market value, excluding 95 acres to which SWUA would acquire title.[1]

P.L. 100-563, enacted October 31, 1988, generally incorporated the agreements reached by the ad hoc committee. Section 4 of the Act authorized the transfer of administrative jurisdiction of 56,775 acres of project lands to the Forest Service within 15 days of payment of compensation to SWUA for its contractual surface rights and interests, including sand and gravel, on this land. Compensation and other benefits under section 4 include:

Authorization for appropriation of $15 million to SWUA for relinguishing its contractual surface rights and interests, including sand and gravel, in the 56,775 acres of project lands;

Fee title (ownership) to 95 acres, together with improvements, in a northwest section of the project lands (the Bureau deeded this land to SWUA on May 4, 1989);

SWUA's first right of refusal for grazing privileges on 30,785 acres of project lands, and if permitted under the grazing rehabilitation plan, on the remaining 25,990 acres;

Retention of SWUA's contractual rights to issue oil, gas, coal, and mineral leases, excluding sand and gravel, on project lands; and

Assumption by the Forest Service of responsibility for project land rehabilitation. The act authorized a total appropriation of $3 million over 5 years. SWUA will not be liable for any costs associated with this rehabilitation.

LEGAL CHARACTER AND VALUE OF SWUA RIGHTS

On the basis of documents we reviewed and discussions with Department of the Interior solicitors, we have concluded that the United States, not SWUA, owns the project lands. In *Strawberry Water Users Association v. United States*, 611 F.2d 838 (1979), the Court of Claims held that as result of its 1928 and 1940 contracts with the Department of the Interior, SWUA conveyed or relinguished to the United States any legal or equitable property interest in project lands. Consequently, SWUA was not entitled to compensation under the Fifth Amendment of the United States Constitution for the value of project lands taken to be used as part of the Central Utah Project.

Under the 1940 contract—which implements the 1910 and 1924 acts—SWUA may obtain revenue from the use of project lands through leasing and other activities approved by the Department of the Interior. SWUA has received revenues paid under annual contracts for livestock grazing and recreation, and for timber and oil and gas development activities under lease. We are presently unaware of any other understanding or arrangement between the Department and SWUA providing prior approval or authorization for SWUA to contract or lease project lands for any project compatible purpose. Because SWUA does not appear to have an unrestricted right to obtain future revenues from project lands, it is not entitled to compensation for the loss of such revenues. Therefore, the value of SWUA's rights would be limited to the revenues that SWUA lost because existing contracts were not completed.

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[1] The original 56,870 acres of Strawberry Valley Project lands include 95 acres to which SWUA acquired title in 1989, plus 56,775 acres composed of 25,990 acres of recreation lands and the remaining 30,785 acres.

On this basis, SWUA's compensation in 1986 should have been negligible. Although we did not review the grazing and recreation contracts, it is nevertheless reasonable to assume that net revenues generated in 1986 closely approximated the value of the annual contracts. According to SWUA's financial statement for the year ending September 30, 1986, SWUA had net revenues of $3,615 for grazing on all project lands and suffered a $13,140 loss from recreation activities.

It also appears that compensation for the remainder of SWUA's contractual rights would be negligible. SWUA's financial statement for the year ending September 30, 1988, showed that net grazing revenues were about $1,100.

COMPENSATION IN 1986 NOT BASED ON REVENUE LOSS FROM EXISTING CONTRACTS

In 1986 the Bureau paid SWUA $2,883,000—$1,895,900 for relocating grazing and $987,900 for recreation revenue losses on 25,990 acres of project lands. These amounts, however, represent potential revenues that SWUA could have received from the lands if it held the lands in perpetuity. Instead, we believe the compensation should have been limited to revenues that SWUA lost because existing contracts were not completed.

Our preliminary analyses of Bureau records indicated that in setting compensation, the Bureau selected factors resulting in the highest amount of compensation to SWUA. For example, the Bureau used SWUA's $54 relocation cost per animal unit for the 4.5 month grazing season as the basis for compensation; it had also considered (1) $40, which SWUA described as the grazing fair market value and (2) $17-$20, which SWUA was charging its members for the 1981 grazing season.[2] The Forest Service charged $5.98 for the 1986 grazing season.

The documentation we obtained did not explain the reasons for the Bureau's decisions in determining compensation for grazing and recreation. A Bureau official told us that the $54 cost it used to calculate the 1986 compensation was negotiated with SWUA.

COMPENSATION FOR SWUA'S CONTRACTUAL SURFACE RIGHTS UNDER P.L. 100-563

The June 1988 appraisal, prepared by an independent appraiser for SWUA, does not support the $15 million compensation authorized for SWUA's contractual surface rights and interests in the 56,775 acres of project lands. The appraisal valued SWUA's remaining surface rights on the basis of the fair market value of the fee-simple interests at $11.5 million, after reducing the appraisal by the $2.884 million SWUA had recieved in 1986. However, because the title is held by the United States, we believe that an appraisal based on the fee title cannot be used to estimate the value of SWUA's contractual surface rights.

An appropriation of $15 million would have the effect of paying SWUA twice for its right to generate revenues from grazing and recreation on the 25,990 acres.

SWUA testified in June 1988 before the Senate Subcommittee on Water and Power that the $15 million compensation was based on the 1988 appraisal. In August 1989 SWUA officials advised us that the $15 million was derived from a negotiated settlement. They said the funds were needed to retire the outstanding debt of $9.5 million on Bureau bonds, whose proceeds SWUA used to rehabilitate project facilities; the $5.5 million would be used to pay the federal and state taxes on the compensation.

NON-MONETARY COMPENSATION IN P.L. 100-563

SWUA received title to a 95-acre parcel

As part of the compensation provided in P.L. 100-563, SWUA received title to 95 acres of project lands traversing U.S. Highway 40, the most direct major route from Salt Lake City. Neither the Bureau nor SWUA appraised the value of the 95 acres.

Located on the 80-acre parcel situated north of the highway are SWUA's site office and herder facilities, including several cabins and corrals. The Bureau relocated these facilities in 1986 as part of the enlargement of the Strawberry Reservoir. The 15-acre parcel south of the highway adjoins the existing Forest Service visitors center and is zoned commercial. It is the future site of SWUA's motel and convenience store facility, which have already been approved by Wasatch County. A Forest Service and a Bureau official told us that once the Strawberry Reservoir is filled, the 15-acre parcel will be adjacent to the shoreline.

First right of refusal

P.L. 100-563 entitles SWUA to retain the first right of refusal to grazing privileges on 30,785 acres of project lands, and if permitted under the grazing rehabilitation plan established by the Forest Service, on the remaining 25,990 acres.

When Forest Service reopens the project lands to grazing after rehabilitation, SWUA will be able to resume grazing by exercising its first right of refusal. If it does so, SWUA would benefit financially because the 1986 compensation provided SWUA $54 per animal unit grazing season, whereas the Forest Service charged only $8.37 per animal unit for the 1989 grazing season. Conceivably, all Forest Service grazing leases on these lands could be assigned to SWUA. SWUA would also benefit from the Forest Service rehabilitation program in that the improved grazing conditions would most likely allow SWUA to graze more animals.

Subsurface rights

SWUA retained its contractual rights to issue oil, gas, coal, and mineral leases, excluding sand and gravel, on project lands. Neither the SWUA appraisal nor the Bureau have determined the value of the subsurface rights. SWUA has entered into mineral leases in the past, but Bureau officials advised us that no subsurface leases currently exist.

SWUA NOT LIABLE FOR LAND REHABILITATION COSTS

According to Bureau and Forest Service officials, the Strawberry Valley Project lands need extensive rehabilitation. The poor condition of the land was documented in a July 1984 Forest Service report by a fisheries biologist for the Uinta National Forest (entitled Aquatic Habitat Management/Rehabilitation on Strawberry Reservoir Tributary Streams), and in the August 1986 draft Strawberry Valley Project Land Management Plan by the Bureau's Utah Projects Office. The 1986 report noted that historically, SWUA practiced season-long (June through October) grazing of Strawberry Valley pastures, which resulted in the overall deterioration of the range and general environment.

The combination of overgrazing and herbicide treatments had a detrimental impact on riparian areas—the thin strips of vegetation bordering the reservoir and streams—that are important habitat for wildlife. Eroding stream banks contributed significantly to the silt load of streams, reduced water quality, and increased the nutrient loading of the reservoir, which added to the general degradation of the fishery resource.

The 1984 Forest Service report provided an action plan to rehabilitate project streams at a 10-year cost of $1.025 million. The plan included the reintroduction of riparian vegetation and bank stabilization. The Forest Service also prepared a preliminary 5-year $2.8 million estimate used to suport the $3 million authorization in P.L. 100-563. This estimate included $2.2 million for stream channel and riparian rehabilitation, and $0.6 million for a range development plan. Forest Service officials told us that a detailed rehabilitation plan with related costs will be developed once funds are appropriated.

We hope this information is useful to your Subcommittee. If you would like to discuss any of these matters further, please call me on (202) 275-7756.

Sincerely yours,

JAMES DUFFUS III,
Director, Natural Resources Management Issues.

Mr. BRADLEY. To summarize, the GAO concluded that the package of compensation substantially exceeds the fair market value of the Water Users Association's interests, which the GAO described as "negligible." The GAO analysis confirms that last year's bill provides the Water Users Association with a taxpayer-funded windfall.

In light of this understanding of the situation, I have asked GAO to continue their analysis and produce a final report for congressional review. I intend to pursue other legislative options based on the information we have in hand and will receive from GAO and other sources.

Moreover, this highly questionable arrangement has raised my concerned that other elements of the central Utah project may not be designed or administered in the public interest. I am advised, in fact, that proposed project features would grant additional taxpayer-subsidized benefits to the Strawberry Water Users Association. I intend to apply the most exacting degree of scrutiny to any—and I underline any—future proposals for central Utah project construction and funding, if such proposals are made. I urge my colleagues to read the GAO report and join with me in future reviews of the central Utah project.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, time will continue to run.

Mr. HATFIELD addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon, Mr. HATFIELD.

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[2] An animal unit is generally defined as a 1,000 pound cow, a horse, or 5 sheep.

Mr. HATFIELD. Mr. President, I want to be very brief in my remarks and simply congratulate our subcommittee chairman, Chairman JOHNSTON, and Senator BYRD and the full committee for their leadership and cooperation in the energy and water development appropriations bill for fiscal year 1990, H.R. 2696.

As with all the appropriation measures in this bill, we had to make some very difficult choices between funding for the needs of today, such as with drought and flood assistance, and the needs for tomorrow, such as energy and scientific research.

I believe, with the indulgence of all the members of the committee and the entire Senate, we have been able to achieve an appropriate balance in these urgent requirements.

Mr. President, another constant balance we seek, and we have been, I feel, failures on this part of our subcommittee activity, is a balance between the nuclear weapons program which is not in the defense budget but in this energy and water budget, and the natural resource and other activities and programs under the jurisdiction of this subcommittee.

We have seen over the last 9 years a constant ratcheting down of the domestic needs in the fields of resource management, water development, port programs, the infrastructure of this country whose maintenance we are charged with through the Corps of Engineers. All of these other activities have been ratcheted down, ratcheted down in our distorted fashion, reaching a point of almost reaching a question of morality of the priorities in this country.

Constantly the nuclear weapon program escalates and escalates and escalates. Would that we could put E equals MC squared as a genie back into the bottle, but we cannot do that. But certainly I think we are going to have to find some very definite strategy to learn to control our lust for weapons, the insatiable appetite of the Pentagon for more and more deadly weapons that we have to fund out of the hard-earned money of our taxpayers at the same time we see the diminution of the human resource needs, the natural resource needs, the infrastructure needs of this country.

I want to take any and every occasion that I have given to me to raise this issue. One of these days, this Senate will have a debate. And that debate will be: What are our stewardship responsibilities over the resources that we have under our responsibility? And we will debate that issue and that will be known as the great debate. It will come upon us, even if we do not want it to come upon us, because as we see the deficit rising, we see the demands for programs like drug wars to meet the challenge of these metastasized cancers in our country today.

As we meet today in a joint effort between the Democrats and Republicans to find ways to fund the drug programs, we are ultimately going to have to come back to the fundamental, underlying issue: Is it a shortage of resources or is it the misappropriation of resources that cause us these financial deficit problems, and problems to fund the important, necessary programs?

The PRESIDING OFFICER. The time allocated to the Senator from Oregon has expired.

Mr. HATFIELD. I thank the Chair. We have allotted more dollars for waste cleanup in weapons facilities but we never should have gotten into this problem to begin with, from my perspective. I thank the chairman, again, of our subcommittee for his extraordinary leadership and our outstanding staff as well.

Mr. HATFIELD. Who yields time?

The Senator from Utah [Mr. GARN].

Mr. GARN. Mr. President, an issue has been brought up in this bill concerning the Strawberry Water Users, and particularly the issue of the payment of $15 million. I do not intend to take more than a couple of minutes to explain this, only to say that this has been a longstanding dispute, of more than two decades, of the management of some 36,000 acres of land by Strawberry Water Users.

It is the desire of everyone concerned to see this land transferred to the management of the Forest Service, feeling it would have much better stewardship and be much better taken care of. Over 2 years of negotiations, the agreement was worked out by all the parties concerned—environmentalists, sportsmen, the Bureau of Reclamation, the Forest Service, Strawberry Water Users.

In my 15 years in the Senate, there has never been a time when I have seen a controversial issue worked out in a more satisfactory manner, simply because everyone has agreed. So I have been puzzled that it has been attacked by some as being excessive.

There is a GAO report that indicated that they felt the $15 million was too much for the contractual rights involved. They may be right. It is difficult to assess the value of contractual rights, grazing rights. But the GAO cannot possibly assess the difficulty of this problem and the controversy and place any dollar value on it.

I submit that settling this type of controversy to the satisfaction of all of the very disparate groups interested in this is well worth it, particularly when it has not been mentioned that the $15 million is taxable; $5.5 million of that will immediately come back to the Federal Treasury.

Second, by law, the $9.5 million certainly does not go to anybody's personal profit. It goes back to the Strawberry Water Users Association. That has some 1,500 stockholders and by law it must be utilized for the improvment of their system.

We make grants-in-aid all the time for water districts, sewer districts, that are direct grants to various local entities that are far more than this amount of money.

I feel this is an extremely good compromise, a good deal for the taxpayes, a good deal for all of the parties concerned in Utah. So I will continue to insist that it stay in the bill as a solution to a very difficult and long-standing controversial problem.

I also would ask unanimous consent at this point that a response to the GAO report dated Septebmer 6, 1989, be printed in the RECORD, as well as a press release from the Utah Wildlife Coalition, saying Strawberry is critical to CUP's fish and wildlife plan and to environmental mitigating in this particular project.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

RESPONSE TO GAO REPORT DATED SEPTEMBER 6, 1989

Page 1, Para. 3—In summary, based on information we obtained, SWUA does not have title to the project lands. It does, however, have the limited right to obtain revenues from the surface and subsurface uses of these lands. If the United States were to remove such rights, SWUA would be entitled to compensation. In our opinion, this compensation should be limited to the revenues lost because existing contracts were not completed. On this basis, lost revenues are negligible.

Response: SWUA is entitled in perpetuity to the use, possession, management and control of the SVP Lands. The 1940 contract is in perpetuity and such possessory and use rights will continue into the future unless and until title is transferred to SWUA by Congress as intended under the 1910 Act, at which time SWUA would obtain complete ownership. The United States has retained legal title to the SVP lands and under Article 14(f) of the 1940 contract, all contracts by SWUA affecting the project require the approval of the Secretary of the Interior, i.e., Reclamation. The SVP lands are not held by SWUA at the whim of Reclamation. Any decision by Reclamation to approve or disapprove SWUA's proposed use of the SVP lands is reviewable by the courts under the Administrative Procedures Act (5 U.S.C. § 704). The administrative decision to approve or disapprove will be set aside if it is found to be arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law (5 U.S.C. § 706). Article 14(f) further provides that

"So far as permitted by law and not otherwise herein provided, the Association shall have all of the rights and privileges, under any and all such contracts, that the United States now has or would have if this contract were not in effect."

Accordingly, SWUA is entitled to near fee surface value as compensation for the relinquishment of its surface rights and interests. Furthermore, by its July 12, 1989 Resolution, SWUA resolved that SWUA will not, under any circumstances, relinquish its contractual surface rights and interests in the 56,775 acres of SVP lands until payment of the entire $15,000,000 is made in accordance with Section 4(e)(2) of Public Law 100-563. The foregoing position of SWUA is supported by the following:

(a) *Act of April 4, 1910,* provided that "all right, title and interest of the Indians in the said (SVP Lands) are hereby extinguished, and the title, management and control thereof shall pass to the owners of the lands irrigated from said project whenever the management and operation of the irrigation works shall so pass under the terms of the Reclamation Act.

(b) *Senator Sutherland's Letter 12/31/1915* to SWUA stated—"I went over the provisions of the law with Assistant-Secretary Jones and he assured me that the Interior Department had not the remotest idea of interfering with the rights which the law grants you and he agreed with me that the law gave you a vested right in these lands. I drew it myself with great care with the intention to accomplish this result. * * * Under this law there is no doubt that the Interior Department has no power to interfere with the status of these lands and my opinion is that even Congress itself could not deprive you of the rights conferred because those rights have become vested by payment."

Note: In the 1979 Court of Claims decision it admonished that "Statements made by a bill's author 5 years after enactment form a hazard base for inferring the intent of an earlier Congress." (p.p. 847, 848)

(c) *1926 Repayment Contract*—

(i) Article 11 provides "* * * there is hereby transferred to the Association (SWUA) under the conditions herein stated, the care, operation and maintenance of the entire Strawberry Valley project in Utah and all appurtenances thereunto belonging, except the Mapleton and Springville lateral and the High Line Canal."

(ii) Article 22 (watershed lands) provides that (net) receipts from watershed lands shall be collected by the Association under subsection I of Section 4 of said Act of December 5, 1924 (Fact Finders Act). The 1910 Act is quoted in part and provision is made that the title, management and control of said purchased land is not to pass to the Association under the Act unless and until at least 51 percent of the Project construction cost is paid to the United States.

(d) *1928 Repayment Contract*—Article 10 provides that "the 1926 Contract is modified to the extent that the care, operation and maintenance (management and control but not the title) of the SVP lands is transferred to the Association and "may collect and use the receipts from any contracts now existing or which may hereafter be made by the Association provided said receipts shall be distributed as specified in Article 22 of said contract dated September 28, 1926 * * *."

(e) *1940 Repayment Contract*—Article 20 provides that notwithstanding the 1910 Act, title to the SVP lands, redesignated as grazing lands, shall be retained by the United States until otherwise provided by Congress and that the management and control of the SVP lands shall remain with SWUA subject to the default provisions of Article 34.

(f) *Solicitors Opinion (M-36051) dated December 7, 1950*—Concluded on page 7 that the history of the SVP lands "* * * seems to demonstrate unequivocally that it was the intent of Congress to provide in the 1910 Act for an immediate transfer of the beneficial interest in the watershed lands to the landowners of the Strawberry Valley project and for the ultimate transfer to the landowners of legal title to the watershed lands." He concluded on page 8 thereof

"* * * I believe that, although legal title to the watershed lands is still in the United States, the beneficial interest in these lands is vested in the owners of the lands irrigated from the Strawberry Valley project."

(g) *Associate Solicitors Opinion dated November 14, 1968*—Concluded that it would be legally appropriate for the United States to take possession of that portion of the SVP lands for the enlargement of Strawberry Reservoir (another Reclamation project as distinguished from non-Reclamation purposes), but that such resumption of possession could be viewed as a partial breach or modification of the 1940 contract (p. 3).

(h) *Solicitors Opinion M-36863 (dated August 8, 1972)*—Concluded that SWUA was entitled to compensation for the loss of revenues from the SVP lands resulting from the enlargement of Strawberry Reservoir. The solicitor noted

"The lands formerly designated as "watershed" lands were thereafter to be called "grazing" lands. Management and control of said lands, as well as care, operation and maintenance of the project were to remain in the Association, but title to the grazing lands * * * was to be retained by the United States until otherwise provided by Congress." (p. 516)

"The 1940 contract also provided that the Secretary would retain supervisory authority over the project." (p. 517)

"* * * the 1940 contract was effective to modify the rights that the water users might have under the 1910 Act." (p. 517)

"By the same token, the 1940 contract was effective to bind the Secretary to the bargain he had made with the water users" (p. 517)

In modifying the December 7, 1950 opinion, the Solicitor (1972) stated

"Although the water users clearly have an interest in these lands they do not, in our opinion, have a "beneficial" interest * * * in the classical law-of-trusts sense. Whatever its rights might have been under the 1910 Act, those rights were redefined in the 1940 contract" (p. 522)

Note: As to the above Solicitor's opinions, the 1979 Opinion of the Court of Claims stated "These memoranda (opinions) demonstrate the continuing intermixture of concepts related to the right to a current credit for net profits provided by the 1910 act with concepts that involve a future transfer of title to the watershed lands." (p. 852)

(i) *Regional Solicitors Opinion dated October 9, 1981*—On compensation to be paid to SWUA resulting from the enlargement of Strawberry Reservoir states

"3. The Association would be entitled to be made whole for loss of revenues from the lands used for the Central Utah Project, however, it would not be entitled to compensation for any loss of revenues for uses of project lands that the secretary determined are incompatible with project uses.

"6. The revenues from grazing lands would include recreation uses, timber sales, grazing leases and oil and gas revenues and are subject to the above limitation."

(j) *Acting Regional Solicitors Opinion dated July 30, 1986*—Concluded that under the 1940 Repayment Contract, the United States transferred to SWUA all obligations imposed upon the United States in all (existing) project contracts and all rights and privileges under any and all such contracts that the United States now has or would have if the contract were not in effect. It also notes that a decision by Reclamation to approve or disapprove is reviewable by the courts under the Administrative Procedures Act (5 U.S.C. § 704) and the administrative decision to approve or disapprove will be set aside if it is found to be arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law (5 U.S.C. § 706).

Pages 3, Para. 1—The contracts specifically provided that title to the project lands would not pass to SWUA.

Response: The contracts provide that title to the SVP lands shall be retained by the United States until otherwise provided by Congress (Art. 20, 1940 Contract).

Page 5, Para. 1—the Court of Claims held that as a result of the 1928 and 1940 contracts * * * SWUA conveyed or relinquished to the United States any legal or equitable property interest in the project lands.

Response: The underlying issue was whether the self-executing provisions of the 1910 Act transferring title to the SVP lands to SWUA had occurred, thereby vesting legal or equitable title in SWUA. The Court of Claims concluded that such had not occurred since SWUA had not paid a major part of the construction charges by 1940 and under the 1940 Contract SWUA had waived its right to have title to the SVP lands so transferred. Accordingly, it held that under the 1940 Contract SWUA conveyed or relinquished and was divested of its legal or equitable title and could not recover for taking of the SVP lands under the Fifth Amendment by reason of the enlargement of Strawberry Reservoir. However, the Court refused to rule on SWUA's rights to future revenues or distribution of profits since SWUA was not suing to recover damages for a breach of any contractual right.

Page 5, Para. 4—Because SWUA does not appear to have an unrestricted right to obtain future revenues from project lands, it is not entitled to compensation for the loss of such revenues. Therefore, the value of SWUA's rights would be limited to the revenues that SWUA lost because existing contracts were not completed.

Response: Article 14(f) of the 1940 Contract specifically provides that "the Association shall have all of the rights and privileges under any and all such contracts, that the United States now has or would have if this contract were not in effect." Article 10 of the 1928 Contract specifically provided that SWUA "may collect and use receipts from any contracts now existing or which hereafter be made by the Association, provided said receipts shall be distributed as specified in the 1926 contract." While the same language was not specifically incorporated into the 1940 Contract, it has been so construed since the 1986 settlement was based in part on loss of the future revenues for grazing and recreation. Likewise, the August 8, 1972 Solicitors Opinion concluded that

"Since there is no contradictory direction under either the 1940 contract or subsection I, the revenues from the grazing lands and the Governments investment in the power system would continue to be credited after repayment of project construction costs in the same was as they had been credited before." (p.p. 518, 519)

Under footnote 1, the November 14, 1968 Associates Solicitors Opinion to the extent inconsistent with the foregoing conclusions was superseded. (p. 519)

Page 5, Para. 3, 4—On this basis, SWUA's compensation in 1986 should have been negligible . . . It also appears that compensation for the remainder of SWUA's contractual rights would be neglible.

Response: Both are premised on the erroneous conclusion that SWUA is not entitled to future revenues. The foregoing is contrary to the Solicitor's opinions as noted above. The 1940 contract transferred the possession, use, management and control of the SVP lands to SWUA in perpetuity and the only basis on which the United States could resume possession short of breaching the contract would be for SWUA to default in its payments or to manage the SVP lands in violation of the contract under Article 34.

Page 6, Para. 3—The June, 1988 Appraisal, prepared by an independent appraiser for SWUA, does not support the $15,000,000 compensation * * *

Response: The $15 M equates to $9.15 M after payment of $5.85 M in federal taxes ($5.1 M) and state taxes ($.75 M). It does not compensate SWUA for $1.491 M in taxes on the 1986 settlement as the 2/2/88 Strawberry Valley Agreement outline provides. Effectively, the $15 M would net SWUA only 80% ($9.15 M divided by $11.5 M) of fee value of the lands and only 70% ($15 M divided by $21.3 M) of the compensation provided for in the 2/2/88 Agreement Outline.

Page 6, Para. 1—Instead, we believe the compensation should have been limited to revenues that SWUA lost because existing contracts were not completed.

Response: The foregoing is predicated on the erroneous conclusion, as noted above, that SWUA is not entitled to future revenues.

Page 6, Para. 4—An appropriation of $15 Million would have the effect of paying SWUA twice for its right to generate revenues from grazing and recreation on the $25,990 acres.

Response: The $11.5 M appraisal was the net value after subtracting the $2.884 M 1986 settlement. The $15 M (which should have been $21.3 M) was needed for SWUA to pay federal and state taxes which were to be exempt under the 2/2/88 Agreement Outline. Accordingly, the foregoing GAO conclusion is clearly erroneous.

Page 7, Para. 2—A Forest Service and Bureau official told us that once the Strawberry Reservoir is filled, the 15-acre parcel will be adjacent to the shoreline.

Response: The 15 acres will not be shoreline property, but will be at least 1/4 mile from the shoreline of the enlarged Strawberry Reservoir when filled to capacity.

Page 8, Para. 3—The 1986 report noted that historically, SWUA practiced season-long (June through October) grazing of Strawberry Valley pastures, which resulted in the overall deterioration of the range and general environment.

Response: The Strawberry Valley Project is and has been managed by SWUA with the supervision of Reclamation. Historically, the SVP lands have been inspected annually by Reclamation and SWUA and any deficiencies reported by Reclamation have been corrected by SWUA. At no tme did Reclamation advise SWUA that the SVP lands were being mismanaged. The SWUA Grazing Committee is comprised of ranchers and their very livelihoods depend on the productivity of the lands. Their many years of experience has taught them good land management for productivity. SWUA emphatically denies any mismanagement. Accordingly, the Ad Hoc Committee agreed that SWUA should be held harmless for any rehabilitation costs in the 2/2/88 Agreement Outline which is incorporated into PL 100-563.

STRAWBERRY CRITICAL TO CUP FISH & WILDLIFE PLAN

The chairman of Utah's largest sportsmen/conservation group said today that the transfer of Strawberry Valley lands from the Strawberry Water User's Association to the U.S. Forest Service is essential to the improvement of critical fish and wildlife habitat in the area and to wildlife mitigation components of the Central Utah Project funding authorization.

Bob Nelson, of the Utah Wildlife Leadership Coalition said the objectives of the CUP fish and wildlife program rest heavily on the elimination of the Strawberry Water User's Association claims in Strawberry Valley.

Nelson stated that Rep. Wayne Owens' recent amendment to the CUP funding legislation, which would change the timing of the $15 million payment to the water users, and the resultant dispute which has developed between Owens and Senator Jake Garn has cast doubt on the future of the agreement which would eliminate water user claims to the Strawberry lands. But Nelson says a solution may be available to satisfy Rep. Owens' concerns while keeping the water users committed to the buyout agreement. Nelson has spoken with officials of the Bureau of Reclamation, the Forest Service, the Utah Division of Wildlife Resources, and the Strawberry Water User's Association about a funding compromise which could resolve the problem.

The original agreement between the Utah Wildlife Leadership Coalition, which represents 48 sportsmen and conservation groups statewide, and the Bureau of Reclamation, the Forest Service, the Division of Wildlife Resources and the water user's called for the transfer of the Strawberry Valley lands to the Forest Service after the water user's were compensated by an undetermined amount for their claims in the valley. A subsequent agreement between the water user's association and federal government officials set the amount at $15 million and provided that the funds come from the first-available CUP fish and wildlife mitigation money in 1990.

Rep Owens is concerned that putting the $15 million compensation package first on the mitigation list would jeopardize other fish and wildlife projects for which committments have been made. The Owens House amendment would delay the land transfer for at least one year. The water users have made it clear that they will not relinquish their interests in Strawberry Valley until payment of the entire $15,000,000, is made. Senator Garn and Rep Howard Nielson insist that the agreements with the water users must be met before the dispute over strawberry lands can be settled.

Nelson said the compromise solution would provide sufficient funding for both the buyout of the water user's claims and for previously scheduled 1990 fish and wildlife mitigation projects for CUP. He says officials have agreed, in concept, with a package which would derive funds from unused mitigation dollars from 1989, from unspent 1990 construction funds and from excess 1990 mitigation funds which will not be spent due to cancelled construction. The net cost from the funds which concerns Owens would be approximately $6 million instead of the original $15 million in 1990. Nelson said the compromise suggests clearly that real flexibility exists among the players and that cooperation among members of the Utah congressional delegation and the Bureau of Reclamation can produce a solution.

Nelson said he believes that other concerns registered by sportsmen and conservation groups about ensuring that any settlement produce a public benefit comensurate with the amount being paid to the water users can be dealt with more easily than the more thorny funding source problem. The surface management issues which have also caused concern among outdoorsmen will certainly be dealt with by the Forest Service management plan.

Nelson stated that honest people can disagree over the amount of compensation for the water users but his proposed compromise which reduces by nearly two-thirds the impact on 1990 wildlife mitigation funds should be supported. Two years of intense negotiations between conservation and sportsmen groups and the Strawberry Water User's Association have produced the first real opportunity to resolve a very serious public lands management issue. Every effort should be made to take advantage of the opportunity because failure to do so would only make the problem much worse. The proximity of the Strawberry Valley to the population of the Wasatch Front makes it the most important fish and wildlife resource in Utah. The Uinta National Forest is prepared to rehabilitate and manage the land for it's outdoor values. It is a resource of incredible importance to future generations of Utahns and should be managed with that fact in mind.

Nelson stated that the fish and wildlife initiatives by Rep Owens during the last two years, support of recent migitation alternatives by Senator Garn and the increasing willingness of the Bureau of Reclamation and Congress to resource fish and wildlife requirements has created an environment within which the Strawberry land dispute can finally be solved. Sportsmen and conservationists are finally seeing a serious effort to repair the incredible damage done to public lands by construction of the Central Utah Project. The Strawberry issue should be resolved as soon as possible so we can move forward with other important fish & wildlife mitigation issues.

COLLABORATIVE UNIVERSITY PROJECTS IN NUCLEAR MEDICINE

Mr. SASSER. Mr. President, my good friend, the senior Senator from Alabama, and I rise to discuss with the manager of the bill the language in the conference report which directs the Department of Energy to support universities working collaboratively in the development of two advanced medical technologies, NMR spectroscopy and positron emission tomography, or PET. I would note that the Institute of Biomedical Imaging at the University of Tennessee Medical Center in Knoxville has already initiated such a collaborative effort with a comparable center at the university of the two technologies referenced in the conference report.

Mr. HEFLIN. I want to join with my good friend from Tennessee in discussing this matter with the distinguished chairman. The center at UAB which the Senator referenced is the Center for Nuclear Imaging Research. This center is currently being developed with support from DOE, and when fully operational it will contain the most powerful whole-body NMR instrument at any medical center in the world. I also know personally the center's director, Dr. Gerald Pohost, who is one of the world's leading authorities in this important and exciting new technology. Dr. Pohost is enthusiastic about the mutual benefits to both centers growing out of this collaboration.

Mr. SASSER. I thank my good friend from Alabama, and I would like to inquire of the distinguished chairman whether the conferees had in mind the kind of collaboration which the Senator and I have discussed very briefly here today?

Mr. JOHNSTON. I appreciate the remarks of my two good friends. The collaborative project they have described fits exactly with the intent of the conferees. By supporting this kind of collaboration, the Department of Energy cannot only speed the development of these new technologies, but can also strengthen both research centers and thereby broaden our Nation's capacity in these critical fields of medical science.

REHABILITATION OF THE ST. GEORGE'S BRIDGE

Mr. ROTH. Mr. President, I rise today to ask for clarification of certain report language relating to repairing the bridge at St. George's, DE.

Mr. JOHNSTON. I will be happy to do so.

Mr. HATFIELD. I understand the importance of this issue to the State of Delaware, and am prepared to address the Senator's concerns.

Mr. ROTH. Mr. President, I would like to briefly describe the cause of my concerns. The State of Delaware is transected by the Chesapeake and Delaware Canal. The canal is more an inconvenience than a benefit to the State of Delaware. The canal was built in 1827, and was acquired by the Federal Government in 1919. Three highway bridges and a railroad bridge cross the canal in Delaware. The three highway bridges were built, and are owned, operated, and maintained by the Corps of Engineers.

The Army Corps of Engineers asserts that the bridge which crosses the canal at St. George's, DE, is in need of major repair. However, the State of Delaware's transportation engineers and those of the Federal Highway Administration disagree with the corps on the type of repair that this bridge requires. The Corps of Engineers believes that a major rehabilitation is necessary. The State of Delaware believes that a less costly repair of the bridge will be sufficient. This is because the State of Delaware believes that a new bridge must be built across the canal at St. George's, DE. The State and the FHWA believe that less dramatic repairs to the existing bridge can maintain high safety standards and minimize traffic disruptions until either the replacement bridge is opened or an adequate detour route is available.

The Senate Appropriations Committee included in its committee report accompanying the energy and water appropriations bill for fiscal year 1990, language which directed the corps to undertake two initiatives. The first action the committee took was to make the funds available for the rehabilitation of the bridge on the condition that the corps, in conjunction with the State and the Federal Highway Administration develop a plan of action to minimize the traffic disruptions over the bridge, and review the timing of the rehabilitation effort.

Mr. President, I wish to indicate to the distinguished manager of this bill that the State has attempted to get the corps' cooperation in this effort without success. The report language is important to finally gain the corps' cooperation on this issue. This determination would be made pursuant to the recommendation of a joint review team which would assess whether a full rehabilitation or a less costly version is needed.

Our second initiative was to make funds available for review of the design the State has prepared for the new bridge, from the rehabilitation funds because of our expectation that a major disruptive repair can be avoided. However, these funds would not be available for the design review if the corps, the State, and the FHWA determined that all of the funds were necessary for the rehabilitation.

Mr. President, the conference report language is different from what is contained in the Senate committee report. Would the chairman explain to the Senate what effect, if any, the conference report language will have on our two initiatives addressed in the Senate committee report?

Mr. JOHNSTON. The conference report is not intended to change what was stated in the Senate committee report.

I will say to my friend from Delaware, that I know everyone is concerned about safety including the Federal Government and the State of Delaware.

I understand that the State of Delaware may disagree with the Corps of Engineers on the type of repairs needed to be made to the bridge. While the corps has the ultimate responsibility in determining both the condition of the bridge and the repairs necessary to make the bridge safe for traffic, we as the appropriation committee feel strongly that the corps would not spend dollars unnecessarily for a major rehabilitation when lesser funds would ensure safety to the traffic, and not greatly disrupt Delaware transportation. While the committee is not qualified to make a judgment or determination as it relates to the safety of the bridge, we expect the corps to defer action on the major rehabilitation until a joint review or an independent review of the safety and engineering issues can occur. I am informed that the corps cannot possibly begin the project for at least 60 days because of needed preparation. This is ample time for such review.

However, since this is a major route through Delaware, we expect the corps to work with and to consult with the State of Delaware to determine what repairs are needed and to minimize the disruption of traffic using the bridge.

The question of authority or obligation to construct a new bridge is an issue which will have to be addressed in the future.

Mr. ROTH. I thank the Senator for his answer. While I, too, cannot make a decision on the safety requirements of the current bridge, I would hope that the corps would not opt for a major rehabilitation to prejudice the State's quest for a new bridge. The conference report also states—

> That the corps should undertake a review of the design developed by the State of Delaware for a new bridge when the Federal Government's role in the construction of a replacement bridge has been clarified.

Should the corps interpret that to mean that it can only review the design of a new bridge after the authorization issue has been settled? I may add that we had previously authorized the corps to review the design however, up to now the corps has taken no action to review the design.

Mr. JOHNSTON. The sentence the Senator quotes would be ineffective if 100 percent of the funds available for rehabilitation were spent, leaving nothing to spend on the review. Obviously, it is the intention of the conferees that both the design review and the rehabilitation decisions be made concurrently. They both bear on one another, and they both draw on the same appropriation. The review should not be delayed in as much as the conferees expressly stated in the conference report their view that, indeed, a new bridge is needed at St. George's, DE.

Mr. ROTH. I thank the distinguished manager of this bill for his clarifications.

Mr. HATFIELD. I have listened to the remarks of the chairman, and I concur with his explanation.

Mr. BIDEN. I thank my friend from Louisiana for his explanation.

Mr. President, I would like to ask the distinguished chairman of the Environment and Public Works Committee a few questions on language contained in the conference report on H.R. 2696 with regard to the St. George's Bridge. Since the question of the obligation of the Federal Government to construct a new bridge at St. George's is still under review, and the authorizing committee obviously has an interest in this issue, the chairman's thoughts should be available for the record.

Mr. President, the report states—

> The conferees are aware of the need to construct a replacement bridge for the St. George's bridge in Delaware.

Does the authorizing committee agree with that assessment?

Mr. BURDICK. Yes. Traffic over the St. George's Bridge has increased to the level that the existing bridge is no longer sufficient. The design of the existing bridge precludes expanding the number of lanes. That is why a new bridge is needed, to provide an adequate crossing over the canal.

Mr. BIDEN. That brings me to my second question. The conference report also directs the corps to—

> Undertake a review of the legislative authority and alternative proposals for Federal participation.

This question may be partly resolved as part of the obligation issue, but without prejudging that outcome, I would like to ask the chairman if the conference report allows for the possibility that the Federal Government may be obligated to fully fund construction of the replacement bridge.

Mr. BURDICK. I agree that no one should prejudge the outcome of this issue. This situation appears to be unique, and questions have been asked which are not yet answered. While federally assisted bridge replacements in recent years have been funded at 50 percent, it is certainly possible that the special circumstances of this case may warrant a greater Federal participation. The Corps of Engineers should certainly study all options, including full Federal funding.

By the same measure, there is also the possibility that the corps may not be responsible for the full cost of the bridge. If that proves to be the case, and I would note that no one is absolutely sure how all this will work out, a different funding schedule must be developed.

The report language is intended to help find an answer to these questions since it is fairly evident that we will be addressing this situation in the upcoming year.

Mr. BIDEN. If I could ask one final question of the chairman. Is it his understanding that the corps actions on the rehabilitation of the existing bridge shall have no effect on corps role in the replacement bridge? In other words, no actions the corps takes on repairs to the existing bridge will affect their responsibility with regard to the replacement bridge.

Mr. BURDICK. The Senator is correct. The corps responsibility with regard to the replacement bridge will not be altered by any repairs, or the schedule of them, on the existing bridge at St. Georges.

Mr. BIDEN. I thank the chairman. As he may know, the counsel to the Senate Judiciary Committee has prepared a response to the corps memorandum. I, quite frankly, believe the corps has an obligation to build the replacement bridge, but I do recognize that it is an unusual situation. I thank the chairman for his clarification of the report language.

Mr. ROTH. I thank the distinguished chairman of the Environment and Public Works Committee for his comments. I am pleased to have the chairman's cooperation in clarifying how the committee views the situation with regard to the St. George's Bridge.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, in accordance with the unanimous-consent agreement, I move that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 2, 7, 9, 10, 12, 22, 24, 25, 31, 37, 38, 39, 40, 41, 42, 44, and 56.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The amendments of the House to the amendments of the Senate are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Rillito River, Arizona, $350,000;

Antelope Creek, Lincoln, Nebraska, $100,000;

Elm Creek, Nebraska, $75,000;

Jeffersonville, Indiana, $125,000;

Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas, $750,000;

Sainte Genevieve, Missouri, $50,000;

Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, $300,000;

Lake George, Hobart, Indiana, $100,000

: *Provided further,* That not to exceed $25,500,000 shall be available for obligation for research and development activities

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize funds previously appropriated under the Flood Control, Mississippi River and Tributaries account to prepare the most cost effective plan to provide the authorized level of protection for flood damage reduction for the entire city of West Memphis, Arkansas, and vicinity, without regard to frequency of flooding, drainage area, and amount of runoff: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize previously appropriated funds together with funds appropriated herein to complete in fiscal year 1990 the engineering and design on the Port Sutton Channel, Tampa Harbor, Florida, project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds appropriated herein for preconstruction engineering and design of structures to restore the riverbed gradient in the vicinity of Mile 206 of the Sacramento River, California, in accordance with the plan contained in a Final Feasibility Report, dated 1989, by the Glenn Colusa Irrigation District and the California Department of Fish and Game, on Fish Protection and Gradient Control Facilities

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$997,400,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Beaver Lake, Arkansas (Water Quality Enhancement), $1,100,000;

Red River Emergency Protection, Arkansas and Louisiana, $2,000,000;

Manatee County, Florida, $5,000,000;

Maalaea Small Boat Harbor, Hawaii, $600,000;

Little Calumet River, Indiana, $2,400,000;

Ouachita River Levees, including Bawcomville Levee, Louisiana, $400,000;

Westwego to Harvey Canal, Louisiana, Hurricane Protection, $1,100,000;

Atlantic Coast of Maryland, Maryland, $8,200,000;

Cape Girardeau-Jackson, Missouri, $500,000;

Missouri National Recreation River, Nebraska and South Dakota, $620,000;

Papillion Creek and Tributaries, Nebraska, $2,500,000;

Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000;

Shinnecock Inlet, New York, $5,300,000;

Roanoke River Upper Basin, Virginia, $200,000;

Kissimmee River, Florida, $4,000,000;

Sarasota County, Florida, $2,000,000;

Roseau River (Duxby Levee), Minnesota, $200,000;

Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, $1,570,000;

Acequias Irrigation System, New Mexico, $2,000,000;

Grays Harbor, Washington, $13,000,000;

Small Boat Harbor, Buffalo Harbor, New York, $1,000,000:

Provided further, That notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Guadalupe River flood control project in the San Jose area using $750,000 of the funds herein appropriated.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$17,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete the one-time repair and rehabilitation of the Maeystown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, Number 2, Illinois, subject to the cost-sharing provisions of Public Law 99-662: *Provided further,* That with $4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further,* That with $5,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts, in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of $17,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas: *Provided further,* That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River in accordance with the provisions of Public Law 99-662 using funds previously appropriated for the Cleveland Harbor, Ohio, project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall use $300,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662; Sec. 401; and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project and for compliance with the directions given to the Secretary of the Army in the fiscal year 1988 and 1989 Energy and Water Development Acts, Public Laws 100-202 and 100-371, respectively, regarding the construction of this project, and the Secretary is directed to use $2,000,000 to award continuing contracts in fiscal year 1990 for construction and completion of Lock and Dam 4, Phase I, and Lock and Dam 5, Phase I; and of which $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the lands for the Red River Waterway project; and with funds provided in this title or previously appropriated to the Corps of Engineers, the Secretary further is directed to fund previously awarded and directed construction contracts and to award continuing contracts in fiscal year 1990 for construction and completion of each of the following features of the Red River Waterway: in Pool 1, Vick Revetment Extension; Saline Bend Dikes, Blakewood, Pump Bayou, and Grand Lakes Reinforcement and Dikes. The Federal cost for construction of the Louisiana and Arkansas Railway Bridge near Alexandria, Louisiana, authorized in Public Law 98-181 shall be increased to a limitation of $25,770,000 (July 1, 1983, price levels) in order to avoid disruption of the Colfax Creosoting Company

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991: *Provided further,* That using previously appropriated funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the local interests for the Federal share of the cost of relocation of U.S. Highway 71 bridge in St. Landry Parish, Louisiana, carried out by local interests as authorized by section 824 of Public Law 99-662: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,500,000 of previously appropriated funds to initiate and complete construction of a land side seepage berm to correct a project deficiency at the Mississippi River, Memphis Harbor, Tennessee

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$1,377,504,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by Section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army, using $1,300,000 appropriated herein under the General Investigations account and funds appropriated hereafter, to complete the design of the project so as to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of Tropical Storm Agnes of 1972.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "110".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "111".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "112".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "113".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "114".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$11,530,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: *Provided further,* That in accordance with P.L. 100-563, there is authorized to be appropriated under Section 8, of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g), $15,000,000 as compensation to the Strawberry Water Users Association which shall be available only for such compensation and must be used for Strawberry Valley Reclamation Project purposes. Of the amounts appropriated hereafter (including funds previously appropriated for FY 1989) under section 8 of such Act, the first $15,000,000 shall be paid to the Association. Upon receipt of such compensation, the Association shall relinquish all of its contractual surface rights and interests, including sand and gravel, in the 56,775 acres of Project Lands.

Nothing in this Act shall delay the transfer of Strawberry Valley Project lands under the terms and conditions of Section 4 of P.L. 100-563.

During the Fiscal Year 1990, the Bureau is authorized to utilize funds surplus to construction needs under Section 5 of the Act of April 11, 1956 (70 Stat. 107; 43 U.S.C. 620d), if available, (Bonneville Unit only), to accomplish the purposes and objectives of Sections 3 and 4 of P.L. 100-563.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $346,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided,* That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund: *Provided further,* That of the amount herein appropriated not to exceed $5,000,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which $1,000,000 is to be available for the University of Nevada-Reno to carry out infrastructure studies related to nuclear waste, and of which not more than $1,000,000 may be expended for geology and hydrology studies carried out by the University of Nevada system and not more than $1,000,000 may be expended for socioeconomic and transportation studies: *Provided further,* That not more than $6,000,000, may be provided to the State of Nevada, at the discretion of the Secretary of Energy, to conduct appropriate activities pursuant to the Act: *Provided further,* That not more than $5,000,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further,* That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further,* That of the amount appropriated herein, up to $10,000,000 shall be made available to the University of Nevada, Las Vegas (UNLV), to provide computing resource to the State of Nevada to carry out its independent analyses and oversight responsibilities under the Nuclear Waste Policy Act of 1982 and for use by UNLV. The funds shall be made available by direct payment to UNLV in the amount of the purchase price of a supercomputer or coupled minisupercomputers. UNLV shall take title to and assume ownership of the computer hardware and software that are purchased with these funds.

Mr. JOHNSTON. I move to reconsider the vote by which the motion was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO SENATE REPORT 101-75

Mr. BYRD. Mr. President, in order to expedite the final action on the conference report on the fiscal year 1990 energy and water development appropriations bill, the Committee has allocated $58 million in outlays from savings to be made in the Defense appropriations bill. The final conference outcome increased outlays for atomic energy defense activities by that amount.

On behalf of the Committee on Appropriations I submit the following modification to Senate Report 101-75 and ask unanimous consent that it be printed in the RECORD.

There being no objection, the modification was ordered to be printed in the RECORD, as follows:

MODIFIED ALLOCATIONS TO SUBCOMMITTEES (MODIFICATION TO SENATE REPORT 101-75)

The Committee on Appropriations submits the following modification to its report, Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1990, Senate Report 101-75, in compliance with section 302(b)(1) and section 302(e) of the Congressional Budget Act of 1974, as amended.

The discretionary and total outlay allocation of the Energy and Water Development subcommittee is increased by $58 million.

The discretionary and total outlay allocation of the Defense subcommittee is reduced by $58 million.

Mr. BRYAN. Mr. President, although I did not object to this measure being agreed to without a rollcall vote, there is an aspect of the legislation that I feel compelled to address. As my colleagues know from my prior statements on this issue, this bill contains funding for a Federal program that has gone far astray, and which is eminently unfair to Nevada.

Every Member of the Senate is familiar with the decision made in the closing days of Congress in 1987 to single out Yucca Mountain in Nevada as the only candidate site for the Nation's high level waste dump. That action, unfair as it was toward my State, was a last, desperate attempt to rescue a DOE program with a more than 30-year history of false starts and failures.

Now, in the legislation before us, the State of Nevada's independent funding to review DOE's program has been placed under the control of the Secretary of Energy. In light of the mismanagement of so many DOE programs that has recently been exposed, to restrict the independent oversight of a program charged with disposing of the most toxic and lethal waste products ever created by mankind is absurd.

The State of Nevada has long suspected that the technical flaws at Yucca Mountain would eventually disqualify that site from consideration as a deep geologic dump for high level radioactive wastes. After years of detailed scientific study, the state's claims, one by one, have been validated—by independent scientific experts.

The fact that we as policymakers have to face, now or later, is that the geology, hydrology, and volcanic characteristics of the Yucca Mountain site will eventually cause Yucca Mountain to be abandoned from consideration as a high level waste dump.

If that decision is made soon, we can chart an alternate course for the disposal of the Nation's high level waste, and restore scientific credibility to the process. We can also save billions of dollars for the taxpayers and utility consumers of the country.

If we ignore the growing scientific evidence, we will waste billions of dollars—even with declining waste projections current estimates of this program's costs have increased from $23 billion in 1983 to $33 billion or more in constant 1987 dollars; already over $3 billion have been wasted.

We will then find ourselves near the end of the century with no answer to the high level radioactive waste problem that the country has failed to solve since commercial nuclear power generation began in the 1950's.

During the years since the passage of the original Nuclear Waste Policy Act DOE's egregious mismanagement of major programs has become clearly apparent. We have a chance to redirect one of those programs now, instead of a costly bailout, cleanup, or crisis being forced on the taxpayers later.

Important technical developments have occurred since the targeting of Yucca Mountain in 1987.

Independent scientists have come forward with data and analysis that supports and strengthens the State's case that Yucca Mountain can never safely succeed as a high level waste repository, nor ever be licensed by the Nuclear Regulatory Commission.

The ironic twist is that the more successful the State's efforts to uncover the flaws of the site, the more restrictive the Department of Energy, and now the Senate Energy Committee, become with the funds to continue independent State oversight of this program that was provided for in the original act.

In the legislation before you, the majority of funds to be utilized for the State's independent study of Yucca Mountain are restricted, under the authority of the Secretary of Energy, only to be released if some vague standard of cooperation by the State is determined to exist by the Secretary.

Given DOE's myopic and misguided management of this program and others, such a restriction defies rational policy. The independent technical funds that the State can utilize to do its own analysis and confirmatory studies of Yucca Mountain may be the only safeguard the country has to avoid wasting billions more without solving this environmental crisis.

As the technical doubts grow, the pattern from past experiences is repeated, and the agency that brought you Rocky Flats, WIPPS, Savannah River, and a more than $100 billion cleanup in our defense weapons plants, is once again calling the technical shots despite the independent evidence that the path they are pursuing is fatally flawed.

Expecting the citizens to pay for one costly program failure after another is unreasonable. From the examination of the Lyons, KS, salt site of the early 1970's through today—two decades later—the DOE's track record on this issue is littered with expensive failures.

Reality—scientific, technical, economic, and political—indicates the existing program is flawed and radioactive waste storage at Yucca Mountain should never occur. It is not in the public interest to pursue a costly policy destined to fail.

On Wednesday, June 28, 1989, the Secretary of Energy was quoted in the New York Times extensively about the critical problems that DOE currently faces. He acknowledged that the Department ignored the recommendations made by the National Academy of Sciences relative to the waste isolation pilot project near Carlsbad, NM, and indicated that the information available from DOE sources on various programs was so incomplete or slanted that it was inadequate for making management decisions.

On Yucca Mountain specifically, he said:

> It has been a nightmare for me to try and unravel the background sufficient to make some decisions.
>
> It's been very confusing, and each day is revealed to me some new technical information.

The time is right to bring order and scientific credibility to a process that has gone far astray. We can save U.S. citizens billions of dollars, and effectively send to the public a message that it is no longer a time of business as usual at the Department of Energy. Unfortunately, in approving the restrictions in this bill, the Senate is sending the opposite message.

This bill contains many programs I support. Atomic energy defense programs, including the Nevada test site, are funded at $9.66 billion; $2.22 billion fund energy supply research and development; $1.66 billion fund defense waste clean up and environmental restoration. For water projects the Corps of Engineers receives $3.15 billion and the Bureau of Reclamation $977 million. I could not object to these national priorities being acted on as expeditiously as possible.

However, the bill's unfairness to Nevada in the Radioactive Waste Program is bad policy and personally repugnant to me both as a citizen and as a legislator.

SUPERCONDUCTING SUPER COLLIDER

Mr. BENTSEN. Mr. President, the superconducting super collider will be the largest, most advanced scientific instrument ever built and the biggest industrial project the State of Texas has ever seen. The SSC will put the United States on the cutting edge of technological advances gained from increased knowledge of the basic forces in the universe. The project will not only create a large number of jobs in Texas but will attract the world's best scientists to work on expanding the frontiers of human knowledge and understanding.

Our country must make investments today, particularly in science, if we are to guarantee our future ability to compete in a world of rapidly evolving technology. I would argue that we should be increasing our R&D efforts in order to remain competitive with out international trading partners. But, some frontiers of knowledge can only be explored with complex and costly equipment and teams of skilled scientists.

I am acutely aware of the need to reduce the Federal deficit and restrain expenditures. But, just as we make room in the budget for critical national defense programs and for meeting basic human needs, we also must provide for basic research to secure American leadership in science and technology. Such leadership is essential for our economic growth, our industrial competitiveness, and our national security. The SSC is a key element in a comprehensive program for scientific excellence.

For these reasons, I am especially proud of the bipartisan effort that went into securing congressional approval of the $225 million which will allow construction of the SSC to begin this year, and I will be looking forward to the groundbreaking ceremony during the coming year. I am especially grateful for Senator JOHNSTON'S leadership and support on this issue as chairman of the Energy and Water Development Appropriations Subcommittee.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, the unanimous-consent agreement does not require a rollcall vote; am I correct?

The PRESIDING OFFICER. The unanimous-consent agreement does not call for a rollcall vote; that is correct.

Mr. JOHNSTON. Mr. President, I think Senators throught we would have a rollcall vote because one had been orally requested, but the oral request has now been removed. So it will not be necessary to have a rollcall vote.

So, Mr. President, I ask unanimous consent that it be in order to consider the matter prior to the hour of 10:25.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the conference report to H.R. 2696.

The conference report was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd Amendment No. 727 (to committee amendment beginning on page 5, line 22), to provide additional funds for drug programs.

(2) Lautenberg Amendment No. 728 (to committee amendment beginning on page 71, line 6), to permanently ban cigarette smoking on domestic airline flights.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The assistant legislative clerk read as follow:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon second excepted Committee amendment on page 71, on line 6 to line 12, pertaining to smoking or airplanes.
>
> George J. Mitchell, Patrick Leahy, Kent Conrad, Brock Adams, Paul Sarbanes, Bob Kerrey, J.J. Exon, Bob Graham, Frank Lautenberg, Tom Daschle, Dale Bumpers, Don Riegle, Harry Reid, Paul Simon, Max Baucus, Barbara A. Mikulski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the second excepted committee amendment, on page 71, on lines 6 to 12, pertaining to smoking on airlines, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. LEAHY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—77

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bryan
Bumpers
Burdick
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gore
Gorton
Graham
Harkin
Hatch
Hatfield
Heinz
Humphrey
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lugar
Mack
Matsunaga
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wilson
Wirth

NAYS—21

Bond
Breaux
Burns
Byrd
Ford
Fowler
Gramm
Grassley
Heflin
Helms
Hollings
Inouye
Johnston
Kasten
McClure
McConnell
Sanford
Sasser
Symms
Wallop
Warner

NOT VOTING—2

Leahy
Lott

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I understand that the pending second-degree amendment must fall because it does not satisfy the technical germaneness rules under cloture.

I ask the Parliamentarian whether that is so or not.

The PRESIDING OFFICER. The Senator from New Jersey is correct. The amendment is nongermane and, therefore, it does fall.

AMENDMENT NO. 739

(Purpose: To amend the committee amendment on smoking on airplanes)

Mr. LAUTENBERG. Mr. President, I call up amendment No. 739 and ask that it be read, please.

The PRESIDING OFFICER (Mr. DIXON). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 739.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. HELMS. I do not want to object. Let him read the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

In the pending committee amendment on page 71:

Strike all after the word 'deleting' and insert the following: "in 49 U.S.C. App. 1374(d)(1)(A), all after the words 'any scheduled airline flight' and inserting in lieu thereof, 'segment, commencing 95 days after the date of enactment of this Act, in air transportation or intrastate air transportation, which is between any two points in the United States, and' ".

Mr. LAUTENBERG. Mr. President, I have called up a second-degree amendment to the pending Committee amendment upon which cloture was invoked. It simply delays the effective date by 5 days.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUTENBERG. Am I correct that the pending business is now the committee amendment on page 71 and the second-degree amendment which I called up?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Also, Mr. President, a further inquiry: It is, I think, clear that both amendments are legislative in nature. But is it not true that were a point of order made under rule XVI that the amendments were legislation on an appropriations bill, the defense of germaneness would be available to this Senator because the pending amendments meet the threshold test for germaneness under rule XVI?

The PRESIDING OFFICER. The germaneness defense would be available and the Senate would decide the issue.

Mr. LAUTENBERG. Mr. President, a further inquiry: The basis for finding that a germaneness defense lies in this: the House bill contains a legislative provision to which the pending amendments could be conceivably germane. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, as my colleagues have just heard the pending amendment, the amendment that has been debated here over the last 2 days, does meet the threshold test for germaneness.

Now I make this point for my colleagues to make it clear that the pending committee amendment, in accordance with the Senate rules, does have a place on this bill and that the Senate has a right to act on it as part of this bill.

This is important because the House of Representatives, where appropriation bills originate, often include legislative provisions on its appropriation measures.

When such items are included on the House bill, it is important that the Senate be able to respond to those provisions.

Clearly, the authorizing committees provide the usual means of enacting legislative provisions.

I sit on an important authorizing committee, the Committee on Environment and Public Works. I respect the rights and the duties of the authorizing committees to do their work.

But, Mr. President, there are times when our colleagues in the House decide, in accordance with the rules and procedures of that body, to include legislative provisions on appropriations bills.

For that reason, the Senate has determined time and time again that the Senate can include legislative provisions germane to underlying House provisions.

It happens all the time. It is part of the process. And that is the kind of case that we have before us.

But, Mr. President, in this case, with the amendment now pending before the Senate, the Senator from South Carolina has indicated that he may raise a point of order that is not often made. In that case, he would not be objecting that this is legislation on an appropriations bill under rule XVI. If he did that, there would be, as we described, the defense of germaneness.

Instead, he has indicated that he will make a point of order under rule XV, paragraph 5. That rule says that a committee amendment cannot contain significant matter outside the jurisdiction of the committee proposing it.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUTENBERG. If a point of order is made under rule XV, paragraph 5, against this amendment, and if it were sustained, then once committee amendments are dispensed with and the bill is open to amendment from the floor, the identical amendment could be offered from the floor, and then it would not be subject to a point of order under rule XV.

Is that correct?

The PRESIDING OFFICER. The Senator from New Jersey is correct.

Mr. LAUTENBERG. Further, if that amendment were offered, and an objection were heard that it was legislation on an appropriations bill, the amendment would then meet the threshold test of germaneness.

Is that not so?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. So I would tell my colleagues what that means is that those supporting a point of order under rule XV are saying that an individual Senator, acting from the floor, could offer an amendment to address the underlying House provision, which is clearly legislative. On the other hand, the Appropriations Committee, which holds hearings, which deliberates in markup, acting upon the collective wisdom of its members, cannot.

Mr. President, I submit that this does not make sense. Yes, in general, rule XV promotes an important policy: The protection of committee jurisdiction. I do not quarrel with that. But in the special case we have here, it does not make any sense. When the House has chosen to include language on an appropriations bill and when the Senate committee proposes a committee amendment to which a germaneness defense would apply, it makes no sense to give a single Senator acting from the floor greater power than the committee charged with reporting the bill.

I want to let my colleagues know, and I want to be very clear, that if the Chair rules in favor of the point of order, I intend to appeal that ruling and put the matter before the Senate.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUTENBERG. Such an appeal would not, I assume, be debatable under cloture?

The PRESIDING OFFICER. The Senator from New Jersey is correct.

Mr. LAUTENBERG. So I am taking the time of the Senate now to say why it should vote in support of such an appeal.

I would note that the distinguished Senator from South Carolina is not only the chairman of the Commerce Committee, an important committee, a commitee which he heads with distinction, but he also chairs the Subcommittee on Commerce, Justice, State, and the Judiciary of the Appropriations Committee. I am pleased and honored to serve on that subcommittee with him.

That subcommittee's bill includes important provisions, legislative provisions, within the jursidiction of other committees like the Small Business Committee and the Judiciary Committee.

I cannot imagine that those provisions were included to end-run an authorizing committee. I cannot say whether they would be found germane to House provisions or not, but I know that they would be subject to a rule XV point of order.

The issue is not about defending jurisdiction. It is about whether we are going to defend the rights of nonsmokers on airplanes.

Those who would support the point of order have not won the debate on the substance of the issue. The vote on cloture, 77 to 21, shows an overwhelming support for a smoking ban on airplanes. So the opponents would chose instead procedural red tape.

The Senate should be clear on the issue that will soon be before us when it is asked to vote on a ruling of the Chair under rule XV. The Senate has long accepted germane amendments to House legislation on an appropriation bill, and that is all I ask it to do now. The issue is very simple. It is: Are we going to ban smoking in airplanes or do we wnat to stall? Do we want to force those who want to fly smoke free to wait for the air to clear or do we act now? Is it time to say we finally had enough talk and it is time to vote on the substance of the issue?

Mr. President, the committee system is safe. The health of the flying public is not.

When I ask the Senate to appeal the ruling of the Chair I will ask the Senate, "Are you ready to ban smoking on domestic airline flights, or do you want to spend more time for talk and delay?

The Senate has already spoken very clearly on this issue in the vote we just concluded. We ought not to waste any more time. If and when a point of order is made, I say again, I will appeal the ruling of the Chair if the Chair sustains the point of order. I hope that my colleagues will support the smoking ban issue and vote with me. I yield the floor.

Mr. DANFORTH. Mr. President, I support the substance of the amendment that has been offered by the distinguished chairman of the Transportation Appropriation Subcommittee.

However, I am the ranking member of the Committee on Commerce, Science, and Transportation. It is the Commerce Committee that is the committee of jurisdiction. The chairman of the Commerce Committee, Senator HOLLINGS, has raised a point of order. He has raised the point of order to urge the Senate to follow its procedures.

The chairman of the Commerce Committee has given his assurances to the Senate that this issue will be dealt with in a timely manner. He has asked for an opportunity to hold hearings. He has asked for an opportunity to examine the results of the Department of Transportation's study on this issue ordered by the Congress at the time of passage of the original 2-hour airline smoking ban. On the basis of jurisdiction, I support my chairman in his request.

Mr. KOHL. Mr. President, I support the principle and intent of rule XV which is designed to protect the jurisdiction of the Senate's committees. In this particular case, on the merits, I believe the ruling of the Chair is correct: the amendment before us does infringe on the jurisdiction of the Commerce Committee.

Despite that fact, in this particular case, I intend to vote to overturn the ruling of the Chair. I do so for two reasons.

First, as the distinguished Senator from New Jersey indicated, he could—under the rules—get the same issue before the Senate, using a different procedural route. It would, however, take an additional 2 or 3 days before we returned to the same place we are now. I see no reason to spend the time getting back to where we are—especially since we have so much work to do before the beginning of the fiscal year on October 1 and the Gramm-Rudman-Hollings sequester deadline of October 15.

Second, and more importantly, I think the intent of rule XV was to prevent raids on committee jurisdiction within the Senate. I certainly support that goal. But we also need to understand that when the House of Representatives initiates legislation on an appropriation bill, the Senate needs to respond—otherwise we would be giving the House the power to initiate action without the Senate, through the Appropriations Committee, being able to respond. If we sustained the ruling of the Chair we would, in effect, be restricting our ability to respond to the House since that response would most probably be initiated by the Appropriations Committee rather than the authorizing committee of jurisdiction. Accordingly, when the Senate is responding to legislation initiated by the House in an appropriation bill, the motive of rule XV—protecting committee jurisdiction—has to be balanced against the greater interest of protecting the right of the Senate to respond to the action of the House.

I simply want to make it clear for the record that my vote in this case is not a vote to overturn rule XV or weaken the committee system. It is simply a recognition of the fact that we face some particular circumstances in this case. So, while I would be inclined, in other situations, to support efforts to enforce rule XV, given the two arguments I have made, I do not believe that it ought to apply in this situation.

Mr. HOLLINGS. Mr. President, our distinguished colleague from New Jersey, the chairman and manager of the bill, has prevailed. He does not want debate, so he calls for cloture; he says we have heard enough debate. And then before I could even talk he started debating.

So I intend momentarily to make the point of order, as I gave the Senate notice last evening. When I make that point of order, I hope no one comes down here and says let us have consent to argue and start debating about it. Because my point of order is strictly in defense of the rules. My point of order is to preserve the process and order of this body. It is not a question, here, of smoking or not smoking on airlines.

And, incidentally, if the Senator and his staff research our subcommittee report on this matter of legislation on an appropriation bill, let me state up front that I put that provision on at the request of the chairman of the relevant authorizing committee. And if a point of order is made about it, I hope it is sustained that we do not legislate. But when I get a request from a chairman, I try to respond properly, particularly to the authorizing committees, because that is what the rules and the procedures are carefully outlined for, in order to get due process in this Senate.

The truth of the matter is the process has been corrupted by the politics. We have degenerated into government by political poll. What a contrast to the Founding Father's original conception of the Senate. It was George Washington who said to Thomas Jefferson "We pour legislation into the Senatorial saucer to cool it." Washington was drinking tea with his guests and, of course, his point was that the U.S. Senate's responsibility was to calm the heat and passion of legislation that may occur from time to time in the popularly elected body, the House of Representatives. Similarly, at the Constitutional Convention, James Madison said that the Senate should serve as a "necessary fence."

Yet I must observe, with great regret, that far from serving as a necessary fence, we have become a necessary farce. The polls have taken over. We cannot wait patiently on the processes and the procedures. Rather than act with all deliberate speed, we act with all deliberate panic.

The Senator from New Jersey has shown a preference for legislative ambush rather than government by the time-honored committee process. And he is hardly alone. The pattern is well established. We leave in August to attend to our duties in our home States and, without hearings or consultations or correspondence, they line up the votes.

And when we come back, bam, bam, bam, you have a subcommittee not just legislating but taking over your particular jurisdiction. That is exactly why we have both the legislating rule XVI and the jurisdictional rule XV. Yet the votes are lined up, and Senators sit there with a box of proxies and no one is listening.

I say the Senate has become a farce because again and again we subvert the traditional processes for reasons of political expediency. Gramm-Rudman-Hollings—worked for 2 years, 1986 and 1987. But when we got to the 1988 summit agreement with President Reagan, we threw all responsibility to the wind, fashioned a fraud, whereby this present fiscal year the deficit is supposed to be $136 billion, but instead will come in at $161 billion. And, by the way, we have agreed to just hide $14 billion off budget for the S&L bailout. The U.S. Senate said put it off budget, just issue bonds. The House of Representatives responsibly said let us keep it on budget. But the intemperate Senate embraced the gimmick of off-budget. We no longer serve to cool the passions. Instead, we stake the passions, we are a superconductor transmitting the passions of the moment into instant legislation.

It was Winston Churchill who said, "Nothing is more dangerous than to live in the temperamental atmosphere of a Gallup Poll, constantly taking one's temperature or feeling one's pulse." He said, "The only safe course, the only duty is to try to do what is right."

And that is my advice this morning, that we do what is right. Are we going to be a body of ambush and sleight of hand, or are we going to honor the process and make sure that this particular issue is properly considered?

I am amazed that some in leadership positions have taken the position that we should forget about the committees, forget about the process.

Let me address this particular issue so everyone can get in step and know exactly what we are talking about. I do so knowing full well that this is a fixed jury. The votes are there. Indeed, I can tell you right now that my colleague, the distinguished Senator from North Carolina, was criticized yesterday on the floor as responsible for the delay. It is the Senator from New Jersey who is responsible for this delay. He is the one who put this provision in, not the Senator from North Carolina.

That is why we got into the extended debate and that is why they voted cloture.

As early as the 98th Congress, legislation introduced by Senator INOUYE was adopted and signed by President Reagan, and it called on the Transportation Department to solicit the National Academy of Sciences for a study on airline cabin air quality.

Mr. President, not only did they come along in 1986, 2 years later when that study was completed, but they submitted that report to the committee's Aviation Subcommittee, of which our distinguished colleague from Kentucky is the chairman at this particular time.

We held hearings back in the 99th Congress, and at that time, after those hearings, they found that the evidence was incomplete and equivocal. The Department of Transportation asked for more research before it could comment on the issue of banning smoking aboard commercial airlines. And who do you think joined in requesting that additional Department of Transportation study? The Senator from New Jersey. Indeed, he provided the taxpayer money.

He said: "I am anxious about it, too." And he wrote a letter on October 22, 1987, and said:

DEAR MR. SECRETARY: This responds to former Secretary Dole's request of September 25, 1987, to reprogram $450,000 within the Transportation, Planning, Research, and Development account "for the collection and analysis of data in support of a possible rulemaking on airline cabin tobacco smoking." As described in your letter, the proposed analysis would be conducted in two phases. The first would seek to ascertain the impact of tobacco smoking on cabin air quality under varying flight and cabin ventilation conditions. The second would assess the implications for the health of passengers and crew of the observed contaminant levels.

The National Academy of Sciences' recommendation that smoking be prohibited on all domestic commercial flights, of course, is based on its comprehensive review of extant research on airliner cabin air quality as required by Public Law 98-496. Further specification of the harmful effects of passive smoking in the airliner cabin environment could be useful in devising a well defined approach to the implementation of the Academy's recommendation, as your letter suggests. The precise direction of the proposed study, though, is unclear from Secretary Dole's letter. Surely there can be no doubt that smoking on airlines significantly diminishes cabin air quality and poses a risk to the health of those exposed to it. True, the Academy's Committee on Airliner Cabin Air Quality concluded that further research is required to determine the exact magnitude of the health risks involved. But this Committee had no doubts that existing evidence on the effects of passive smoking warranted a ban on smoking in airliner cabins.

Therefore, the Committee will not object to the requested reprogramming subject to assurance that the proposed study will in fact meet the tests of scientific objectivity and will address the lacunae in health effects research identified in the Academy's study. Before proceeding, the Department should provide for the Committee's review a plan of study endorsed by the Academy that identifies the objectives, scope, and methodology of the data collection and analysis. This plan should include a schedule for the timely completion of the research and the promulgation of a final rule. The Committee expects that the results of the study will be available for review as soon as possible consistent with the requirements of scientific procedure. In the meantime, we wish to be kept apprised of the progress of the research and of any problems or delays that may be encountered.

Sincerely yours,

FRANK R. LAUTENBERG,
Chairman,
Senate Appropriations Subcommittee on Transportation and Related Agencies.

Mr. President, my distinguished colleague not only wrote the letter approving the follow-on study, but he provided taxpayer money for the study that is going on now, this minute. And he also said, "Before proceeding, I want to make sure this is a deliberate study and not a hasty one."

We thought, frankly, that the study was a little too deliberate. Who is the "we"? This Senator, from South Carolina; the Senator from Wisconsin [Mr. KASTEN], ranking member of our Consumer Subcommittee; the Senator from New York [Mr. D'AMATO]; the Senator from Louisiana [Mr. BREAUX]; the Senator from Tennessee [Mr. SASSER]; and others.

We wrote the Secretary on May 27 and said:

> DEAR SECRETARY BURNLEY: We would like to express our thanks to the Department of Transportation for expanding its study on airline cabin air quality to identify any and all contaminants that may be present in the airline cabin environment. Your study should enhance the ability of all concerned to reach knowledgeable and well-informed decisions on these issues in the future.
>
> However, we are concerned the study will not be completed until May or June 1990 at the earliest; and, even then, there is no provision for a report to be made on the findings into a rulemaking procedure, if required. The provisions of recently enacted legislation to ban smoking on flights of two hours or less for two years will expire in April 1990. At that time Congress will consider whether to extend these provisions, modify them, or let them expire.
>
> We believe it is imperative that results of your study be available, if possible, to the Congress several months prior to the scheduled expiration of the ban so that further debate on the airline cabin air quality issue may be undertaken in a timely manner. We understand that individuals experienced in this kind of study feel the study could be compressed by at least five months without diminishing its scope or quality. Therefore, enclosed for your consideration is what would appear to be a more reasonable study completion schedule.
>
> The results of your study will affect the flying public for many years to come. If the study timing can be reduced, and a report issued upon completion of Phase II, Congress can conduct its debate based upon the greatest possible body of information.
>
> Thank you for your consideration, and we look forward to your response.

As I said, several Senators signed that particular letter.

The point, Mr. President? We asked that the Department accelerate the study by at least 5 months so we could have deliberate consideration of the report before the expiration of the ban itself in April 1990. Then, Mr. President, the Secretary wrote back in June of 1988, to Secretary Burnley and he said this:

> Thank you for your letter regarding the Department's planned study of airliner cabin air quality. I share your concern that the study be completed in time to provide Congress with the best possible information on this issue, prior to the expiration of the current statutory ban on smoking aboard airliners. We are revising the program schedule.
>
> As I am sure you are aware, the study schedule was lengthened in order to comply with a Congressional request that we also measure and ascertain the health risk from possible pollutants beyond those attributable to smoking. Because of the innovative nature of the work being proposed and the need to ensure the scientific validity of the study, we believe it is possible to make only slight cuts in the time allowed for executing the substantive aspects of the study. On the other hand, we estimate that we can accelerate the acquisition cycle and reduce somewhat the time necessary to award the procurement. Thus, the overall schedule has been trimmed to reflect a minor contraction in the study's duration and a decrease in the times allotted for solicitation and award. Under this new schedule, we would expect to complete the study in 21 months. This is subject, of course, to the offerors' acceptance of these time constraints as consistent with our desire for a quality product.
>
> Having just received approval of our project plan by the House and Senate Transportation Appropriations Subcommittees, we are initiating the procurement process. Under our accelerated schedule, we anticipate that the final report of the study would be due March 1, 1990, or about 7 weeks prior to the expiration of the smoking ban. It is also worth noting that the report on contaminant levels will be available by October of 1989.
>
> Enclosed is our new program schedule for your information.

And the Secretary includes that particular schedule.

It is important to note that a report on contaminant levels under the contract will be available when? Next month. Here is a gentleman who knows this, yet who is putting these preemptive provisions on the bill, who cannot wait. He says we have to pass the law now. Earlier, he asked for the study, put the taxpayer money in for the study, programmed in the delay, and now, by gosh, he says forget about the study, override it all. Then he points at the Senator from North Carolina and the Senator from South Carolina saying we are delaying. Why give the money for the study in the first place? He knew we were not even going to get the contaminant level study until next month.

Then, Mr. President, we have a letter in December from the Assistant Secretary for Policy and International Affairs to our distinguished colleague from New Jersey, the chairman of the Subcommittee on Transportation, dated December 30, 1988:

> DEAR MR. CHAIRMAN: Knowing of your committee's continuing strong interest in our proposed study of airliner cabin air quality, I am pleased to advise you that the Department awarded a contract today to Geomet Technologies, Inc., of Germantown, Maryland, for execution of the study. The contract requires Geomet to collect data on the pollutants and contaminants found in airliner cabins, to assess the health risk they present to airliner occupants, and to analyze mitigation strategies. The risk assessment and mitigation portions of the contract will be subcontracted to Versar, Inc., of Springfield, Virginia, Geomet's parent company. Geomet was selected as best from among six offerors.
>
> We greatly appreciate the constructive suggestions which your committee provided on the study plan an the Request for Proposal (RFP), which became the basis for this procurement. We expect to be able to forward to you the results of the study and our own recommendations early in 1990.

Yes, the Senator put in a bill and wrote a letter requesting a hearing. We also had copies of the correspondence to the distinguished chairman of the Transportation Committee and to this Senator as the chairman of Commerce, Space Science, and Transportation.

Right to the point, we have been working. We would not schedule that hearing before completion of the follow-on study. We would have been accused of being premature. So why provide a half million bucks of the taxpayers' money, order up a thorough study so no doubts will remain, delay action, and then come here piggybacking amendments onto an appropriations bill that lacks jurisdiction? And why point to the responsible authorizing committee as being irresponsible, as causing delays, and then that long explanation of rules about legislating on appropriations? That is not my point.

I make my point under rule XXV, the Committee of Commerce, Space Science, and Transportation. The amendment to permanently ban smoking relates to the regulations of civil aviation and falls directly under jurisdiction of the Committee on Commerce, Science, and Transportation.

Mr. President, this is a matter of extreme importance. If you would look at rule XV, paragraph 5. It says:

> It shall not be in order to consider any proposed committee amendment other than a technical, clerical or conforming amendment which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

So therein you see, Mr. President, it is a significant matter. This is the one thing my distinguished colleague from New Jersey and I can agree on: It is significant. Most assuredly, he would have to agree it is within the jurisdiction of the authorizing Committee on Transportation dealing with civil aviation.

I certainly have the highest regard for Senator LAUTENBERG of New Jersey. He has done an outstanding job and continues to do an outstanding job. He is my kind of Senator.

Had I known of the Senator's plan to push this amendment in the bill, I would have told him, "Wait a minute, we are not even going to get the pollutant segment of the study, which you demanded with your staff and with your money, until October, so maybe we can have a preliminary ban, just get something done this year if that is what you want to do. I will go along." I respect Senator LAUTENBERG and his interest in this matter, but nothing was really said about that.

Instead, we came back from the August recess under the gun to get all the appropriations bills out by October 1, so we would not have to resort to a continuing resolution, and here we have an ambush. The votes are there, the markup is there, and bang.

This is not simply legislating on an appropriations bill. They are also violating jurisdiction. It is the question to the Senate whether we are going to go along with this practice of policy by ambush.

I was amazed even further when the Democratic Policy Committee put out, on September 13, the day before yesterday, in its update on the Department of Transportation appropriations bill, nothing about the rules of jurisdiction applying in this matter.

I think it is important in the Senate that we respect the rules and cut out the monkeyshine. We demean and diminish the body. I have witnessed it to despair. As former chairman of the Budget Committee, for example, I almost go into a funk when I contemplate how the budget process is distorted.

Senator Muskie, Senator Bellmon, myself and others sat down and we went entirely into the various budgets. We no longer do any of that deliberate hearing and seeing and listening and learning in the authorizing committee. I told my distinguished colleague from Tennessee, Senator SASSER, our chairman, I thought he was head of the CIA. I could not find him all year. Then I looked up on TV and he was over at the White House on a Friday afternoon saying that a deal is a deal and, bam, bam, we had a budget. Nothing about hearings or anything else of the kind. What do you do? They just take the Post Office off budget or take the S&L bailout off budget. They just go right on down the list, falsifying the figures. They order the Department of Defense to advance the payday by one day to put it into the previous fiscal year. They put the S&L bailout off budget.

It is one grand charade. Then you hear these folks downtown tell us we have to get new ideas, new ideas. On the contrary, what we need is old ideals. We need to return to responsibility as a body. We need to cool the tempers and not inflame them. We need to go deliberately by the committee authorizing procedure and not let the Appropriations Subcommittee just take it all over, or much less the task forces. They do not like the committee procedure so they get a task force on this and a task force on that, and a task force on everything else. And every time you think you are going to have a hearing with deliberation, with experts in the field, then they cook up another task force. Everyone is hitting and running and identifying with pollster politics.

And that is what we are going to be voting on here. We are going to be voting, as I understand it, when we make the point under rule XV, that this is a significant matter not within the jurisdiction of the subcommittee of appropriations or the full Committee on Appropriations.

I would make the same point of order to the House matter. I would make it to this particular amendment at this time. Indeed, I am prepared to make it on my own bills. But we have to decide whether we are going to cross the Rubicon, forget about due process, and just say "sooey pig," everybody come in and put in what you want, get yourself a task force, get yourself a TV, 7 o'clock news, grin, and say, "I am concerned."

That is a sorry game. No wonder the Congress lacks integrity or character. No wonder our reputation amongst the people is so low. We are a sham and a fraud. Instead of the "necessary fence," as Madison said we were intended to be, the Senate is becoming a farce. And you can hear all the little arguments that they make up about legislating on an appropriations bill. That is not rule XV. I hope when the Chair rules that we will sustain this Chair. And incidentally, let us have no more debate now because Senator LAUTENBERG and his allies are the ones who prevailed on cloture. They are the ones who did not want debate. I voted against that.

I want the Senate to sober up. I want them to settle down. I want them to adhere to the rules and cut out this pell-mell, anything-you-think-you-can-get mentality.

I think the Lautenberg provision is totally out of order. I am confident my distinguished friend knows that. I understand his attempt because he feels very strongly on this matter. I feel equally as strong against allowing this body to be diminished day after day, and the Senators are contributing to the diminution by this kind of exercise.

Mr. President, I ask unanimous consent that the four letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 22, 1987.

Hon. JAMES BURNLEY,
Acting Secretary, Department of Transportation, Washington, DC

DEAR MR. SECRETARY: This responds to former Secretary Dole's request of September 25, 1987, to reprogram $450,000 within the Transportation, Planning, Research, and Development account "for the collection and analysis of data in support of a possible rulemaking on airline cabin tobacco smoking." As described in your letter, the proposed analysis would be conducted in two phases. The first would seek to ascertain the impact of tobacco smoking on cabin air quality under varying flight and cabin ventilation conditions. The second would assess the implications for the health of passengers and crew of the observed contaminant levels.

The National Academy of Sciences' recommendation that smoking be prohibited on all domestic commercial flights, of course, is based on its comprehensive review of extant research on airliner cabin air quality as required by Public Law 98-496. Further specification of the harmful effects of passive smoking in the airliner cabin environment could be useful in devising a well defined approach to the implementation of the Academy's recommendation, as your letter suggests. The precise direction of the proposed study, though, is unclear from Secretary Dole's letter. Surely there can be no doubt that smoking on airlines significantly diminishes cabin air quality and poses a risk to the health of those exposed to it. True, the Academy's Committee on Airliner Cabin Air Quality concluded that further research is required to determine the exact magnitude of the health risks involved. But the Committee had no doubts that existing evidence on the effects of passive smoking warranted a ban on smoking in airliner cabins.

Therefore, the Committee will not object to the requested reprogramming subject to assurance that the proposed study will in fact meet the tests of scientific objectivity and will address the lacunae in health effects research identified in the Academy's study. Before proceeding, the Department should provide for the Committee's review of plan of study endorsed by the Academy that identifies the objectives, scope, and methodology of the data collection and analysis. This plan should include a schedule for the timely completion of the research and the promulgation of a final rule. The Committee expects that the results of the study will be available for review as soon as possible consistent with the requirements of scientific procedure. In the meantime, we wish to be kept apprised of the progress of the research and of any problems or delays that may be encountered.

Sincerely yours,
FRANK R. LAUTENBERG,
Chairman, Senate Appropriations Subcommittee on Transportation and Related Agencies.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 27, 1988.

Hon. JAMES H. BURNLEY IV,
Secretary, Department of Transportation, Washington, DC.

DEAR SECRETARY BURNLEY: We would like to express our thanks to the Department of Transportation for expanding its study on airline cabin air quality to identify any and all contaminants that may be present in the airline cabin environment. Your study should enhance the ability of all concerned to reach knowledgeable and well-informed decisions on these issues in the future.

However, we are concerned the study will not be completed until May or June 1990 at the earliest; and, even then, there is no provision for a report to be made on the findings at that point. Rather, the Department plans to move directly into a rulemaking procedure, if required. The provisions of recently enacted legislation to ban smoking on flights of two hours or less for two years will expire in April 1990. At that time Congress will consider whether to expand these provisions, modify them, or let them expire.

We believe it is imperative that results of your study be available, if possible, to the Congress several months prior to the scheduled expiration of the ban so that further debate on the aircabin air quality issue may be undertaken in a timely manner. We understand that individuals experienced in this kind of study feel the study could be compressed by at least five months without diminishing its scope or quality. Therefore, enclosed for your consideration is what would appear to be a more reasonable study completion schedule.

The results of your study will affect the flying public for many years to come. If the study timing can be reduced, and a report issued upon completion of Phase II, Congress can conduct its debate based upon the greatest possible body of information.

Thank you for your consideration, and we look forward to your response.

Sincerely,

Thad Cochran, Bob Kasten, Alfonse D'Amato, John Breaux, Fritz Hollings, Mitch McConnell, Jim Sasser.

THE SECRETARY OF TRANSPORTATION,
Washington, DC., June 14, 1988.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR FRITZ: Thank you for your letter regarding the Department's planned study of airliner cabin air quality. I share your concern that the study be completed in time to provide Congress with the best possible information on this issue, prior to the expiration of the current statutory ban on smoking aboard airlines. We are revising the program schedule.

As I am sure you are aware, the study schedule was lengthened in order to comply with a congressional request that we also measure and ascertain the health risk from possible pollutants beyond those attributable to smoking. Because of the innovative nature of the work being proposed and the need to ensure the scientific validity of the study, we believe it is possible to make only slight cuts in the time allowed for executing the substantive aspects of the study. On the other hand, we estimate that we can accelerate the acquisition cycle and reduce somewhat the time necessary to award the procurement. Thus, the overall schedule has been trimmed to reflect a minor contraction in the study's duration and a decrease in the times allotted for solicitation and award. Under this new schedule, we would expect to complete the study in 21 months. This is subject, of course, to the offerors' acceptance of these time constraints as consistent with our desire for a quality product.

Having just received approval of our project plan by the House and Senate Transportation Appropriations Subcommittees, we are initiating the procurement process. Under our accelerated schedule, we anticipate that the final report of the study would be due March 1, 1990, or about 7 weeks prior to the expiration of the smoking ban. It is also worth noting that the report on contaminant levels will be available by October 1989.

Enclosed is our new program schedule for your information.

Identical letters are being sent to Senators Thad Cochran, Robert W. Kasten, Alfonse M. D'Amato, John B. Breaux, Mitch McConnell, and James R. Sasser.

With warmest regards,

Sincerely,

JIM BURNLEY.

DOT CABIN AIR QUALITY STUDY SCHEDULE

Action	Original schedule		Revised schedule	
	End of month	Duration next activity (months)	End of month	Duration next activity (months)
Final congressional approval	0		0	
		1.5		1.0
RFP issued	1.5		1	
		2.5		2.0
Proposals due	4		3	
		3.0		3.0
Award Phase I contract	7		6	
		10		9.5
Phase I completed	17		15.5	
		1.0		0
Award Phase II	18		15.5	
		6.0		5.5
Phase II completed	24		21	

DEPARTMENT OF TRANSPORTATION,
OFFICE OF THE SECRETARY,
Washington, DC, December 30, 1988.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Knowing of your committee's continuing strong interest in our proposed study of airliner cabin air quality, I am pleased to advise you that the Department awarded a contract today to Geomet Technologies, Inc., of Germantown, MD, for execution of the study. The contract requires Geomet to collect data on the pollutants and contaminants found in airliner cabins, to assess the health risk they present to airliner occupants, and to analyze mitigation strategies. The risk assessment and mitigation portions of the contract will be subcontracted to Versar, Inc., of Springfield, VA, Geomet's parent company. Geomet was selected as best from among six offerors.

We greatly appreciate the constructive suggestions which your committee provided on the study plan and the Request for Proposal [RFP], which became the basis for this procurement. We expect to be able to forward to you the results of the study and our own recommendations early in 1990.

Sincerely,

GREGORY S. DOLE,
Assistant Secretary for Policy and International Affairs.

Mr. HOLLINGS. Mr. President, I make a point of order on the pending matter under rule XV that it contains significant matter not within the jurisdiction of the committee proposing such amendment.

Mr. LAUTENBERG. Mr. President, I suggest the balance of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I understand the point of order having been made, the Senator from New Jersey being prepared to request an appeal of the ruling of the Chair once made, that the subject is not debatable at this time. Is that correct?

The PRESIDING OFFICER. That is correct. The majority leader is correct.

Mr. MITCHELL. Mr. President, this is an important matter, both the substance of the issue before the Senate, important to both sides in the debate, as well as the procedure and the possible precedential effect on the operations of the Senate. These are complex interrelated rules. This could be considered by some to be a novel circumstance.

It is a subject which arose, ironically, after debate on the same subject 2 years ago. The then majority leader, now chairman of the Appropriations Committee, Senator BYRD, whose dedication to this institution is, I believe, known and admired by all Members of the Senate, addressed the Senate at that time on the question of the procedure involved and the possible effects upon the operation of the Senate.

In view of the importance of the matter, I accordingly, Mr. President, ask unanimous consent that, in consideration of the fact that the distinguished Senator from South Carolina has had the opportunity to address the Senate and did so for approximately 35 minutes with respect to his point of view prior to making his point of order, Senator BYRD be permitted to address the Senate for 15 minutes on the subject as I have just outlined.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I tried my best to give time to Senator BYRD and Senator LAUTENBERG, and all Senators, to debate. I voted against cloture because Senator LAUTENBERG insisted on cloture and took away the time of debate. So I have to object.

The PRESIDING OFFICER. Objection heard.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The amendment reported by the committee does contain significant matter within the jurisdiction of another committee in violation of rule XV, paragraph 5. The point of order is sustained.

Mr. BYRD addressed the Chair.

Mr. LAUTENBERG. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, will the distinguished Senator from South Carolina object to my having 5 minutes?

Mr. HOLLINGS. I object to having any Senator having any minute. I made that clear ahead of time before the cloture was made. I even talked to the majority leader about it. I said:

You folks are shoving cloture. He is the one who insisted on cloture.

Mr. BYRD. I did not vote for cloture.

Mr. HOLLINGS. I regret that I have objection.

Mr. BYRD. I did not vote for cloture. I voted with the Senator from South Carolina.

Mr. HOLLINGS. I then, therefore, really regret it.

Mr. BYRD. I regret it also, because this is a very important precedent that the Senate is going to be making. It is going to affect future appropriations bills. The Senator is a distinguished member of the Appropriations Committee. I would hope that we would have at least 5 minutes for someone to speak in support of the appeal. I ask unanimous consent that I may have 5 minutes.

The PRESIDING OFFICER. The Senator from West Virginia requests unanimous consent for 5 minutes to respond.

Mr. HOLLINGS. The Senator from South Carolina objects.

Mr. BYRD. Mr. President, I am sorry the Senator has objected. I urge the Senate to support the appeal to overturn the ruling of the Chair, and after that action is taken, then I will take my hour.

I suppose I can have an hour under the rule, which I am entitled to. I will take sufficient time out of it to lay down the legislative history on this, so the Parliamentarians in the future and the Senate will have some guidance as to the action the Senate will take.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

The question is, Shall the decision of the Chair stand as the judgment of the Senate. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays, 65, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—34

Bentsen
Breaux
Bryan
Burns
Cochran
Danforth
Dole
Domenici
Ford
Gore
Gramm
Heflin
Helms
Hollings
Humphrey
Inouye
Jeffords
Kassebaum
Kasten
Kerry
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Robb
Rudman
Sanford
Shelby
Symms
Thurmond
Wallop
Warner

NAYS—65

Adams
Armstrong
Baucus
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Coats
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Fowler
Garn
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heinz
Johnston
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Wilson
Wirth

NOT VOTING—1

Lott

So, the ruling of the Chair was overruled.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the ruling of the Chair was overruled.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, today, I rise in support of the ban on smoking on airline flights contained in H.R. 3015, the 1990 Transportation appropriations bill. I agreed to cosponsors S. 519 which is similar to this provision of H.R. 3015 because of the health hazards of smoke to those confined on airplanes.

Current law prohibits smoking on flights of 2 hours or less. This provision makes the prohibition permanent and extends it to all airline flights. Because of the significant health hazards to persons exposed to smoke, I support a smoke-free environment in the air.

Studies by the Environmental Protection Agency and the National Cancer Institute have indicated that nonsmokers on flights are exposed to the same levels of nicotine as are smokers. Pregnant women, individuals with respiratory problems, and newborn babies all are subjected to the hazardous aftermath of cigarette smoke.

This provision only prohibits smoking on airline flights where confinement is required and where individuals who choose to breathe clean air are unable to escape the smoke.

Some may argue that supporters of this prohibition are against the tobacco industry. I am not against the tobacco farmer who produces one of the major agricultural crops in my State. I have supported measures to expand the export potential of tobacco in foreign markets, including Korea, Thailand, and others. Selling tobacco contributes favorably to our balance of payments with other countries. The most recent figures indicate that in 1988, the United States exported about 35 to 40 percent of its domestic crop. Tobacco made a positive contribution of $3.5 billion of the United States balance of payments in 1988. Furthermore, I have opposed recent proposals to increase taxes on tobacco products.

These points have nothing to do with the issue here. I cannot in good conscience refuse to support a measure which is calculated to protect peoples' health in confined places. The bill should have little effect on farmers but great effect on airline travelers. It concerns the health of the people of our Nation.

Mr. McCONNELL. Mr. President, I wish to voice my opposition to the provision to impose an absolute ban on smoking aboard all domestic airline flights. I believe that at this point in time any measure to extend the smoking ban beyond the current restrictions is inappropriate.

Nearly 2 years ago the Senate Appropriations Committee approved an amendment to ban smoking on all scheduled domestic airplane flights of 2 hours or less. During the subsequent debate on the Senate floor it was those very proponents of the ban who suggested that following a trial period this Congress would review the ban and determine whether to continue it, amend it, or expand it. Mr. President, we have not reviewed that action taken in 1987 and changing the current law in any way is premature and does not follow due process.

I am sure that all of my colleagues agree that this is very important legislation, and because of its importance we need to be presented with all of the facts. What some are attempting to do is expand the ban on smoking on airline flights without the opportunity of holding any type of hearing to review what we have learned from the current temporary ban.

The Department of Transportation is presently conducting a comprehensive study of airline cabin air quality—including the effects, if any, of smoking aboard aircraft. Since last April, the DOT contractor team has been collecting data and taking actual measurements of both environmental tobacco smoke and a variety of other cabin air contaminants. A scientific team will then conduct a health risk assessment and analyze a range of options. Mr. President, I believe that we should have the benefit of this study before we enact any broader measures.

It is interesting to note that when the House of Representatives spent more than 10 hours in hearings—in which experts on both sides of the issue testified—the House Committee on Public Works and Transportation rejected a total ban. Also, I remind my colleagues that when the House was faced with this issue a second time they decided to continue the current 2-hour ban. It is interesting to note that the House has spent more time on this issue and held hearings, yet they continue to suggest a different resolution from what is being pushed through the Senate.

I would also point out that this legislation does not provide for any flexibility for the airline industry. There is no provision that would allow for an airline carrier to accommodate the individuals who choose to smoke. There is no flexibility nor incentive for the industry to develop any new technology that could improve airline cabin air quality. I believe that we are moving too fast without full consideration of the facts.

It was interesting in earlier discussions this morning to note the concern over individuals' rights. We have been given the benefit of many polls that indicate the majority of people are in favor of the extension of the ban. But what about the rights of the minority. The distinguished Senator of New Jersey mentioned that smoking is not allowed in most theatres or opera houses. The difference is that if an individual does choose to smoke they may excuse themselves and have the freedom to leave the area to go outside and smoke. It is obvious to me that this same freedom of leaving the area is not afforded a passenger on an airline traveling 600 miles per hour at 30,000 feet in the air.

Mr. President, there is not much that I can add to this debate that has not already been discussed. I would like to only make three points before I yield the floor.

First, I believe we are attempting to pass legislation without the benefit of having a hearing that obtains views from both sides of the issue.

Second, there will be no flexibility nor incentive for the industry to adopt any changes in new technology that would afford all passengers a cleaner environment and allow individuals the freedom to smoke.

Finally, the rights of those in this country that chose to smoke are once again lost. The difference in this situation is those individuals have not other options but refrain from smoking for the duration of the flight. They can not excuse themselves from a restaurant table or a seat during a play. They are faced with a loss of their rights to smoke for the duration of the flight.

Because this issue is important to so many people I suggest that a hearing be held and more thought go into any final decison. Mr. President I yield the floor.

Mr. GLENN. Mr. President, as a cosponsor of legislation to ban smoking on all domestic flights, I am pleased that this proposal is included in the Transportation legislation we are considering today. I urge my colleagues to join me in opposing all challenges to expanding the current smoking ban on flights of 2 hours or less.

Study after study shows that smoking kills. It is estimated that almost 400,000 smokers die annually due to the link between cigarettes and such deadly diseases as lung cancer, emphysema, and heart disease. Another 5,000 people die from the effects of passive smoking which is a particular problem for nonsmokers in the confined space of airplanes. Experts tell us that the simple separation of smokers and nonsmokers aboard airplanes does not sufficiently diminish the nonsmokers' exposure to airborne tobacco smoke. I believe that we must protect both nonsmokers and in-flight crew from the health hazard of passive smoking. Further, polls have shown that 84 percent of all airline passengers, both smokers and nonsmokers, support the existing ban, and that two-thirds of the public support extending the ban to cover all domestic flights.

I commend my colleague from New Jersey, Mr. LAUTENBERG, for his leadership on this issue, and I am pleased to join the medical and scientific communities of this Nation in supporting a ban on smoking on all doemstic flights. I urge my colleagues to support our efforts to combat smoking—the single largest preventable cause of death in our country.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New Jersey to the committee amendment.

The amendment (No. 739) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, the Senate has taken an action which requires some explanation. The Senate overturned the ruling of the Chair. I voted to overturn the ruling of the Chair. I did not do that lightly. I think there should be an explanation in the RECORD, however, as to why that was done so that the Parliamentarian in the future and Senators in the future will have some legislative history that will indicate why the Senate overturned the ruling of the Chair.

My good friend, Senator HOLLINGS, did not allow me to speak 5 minutes on the appeal. He had a right to object. I do not question his right to object. But I will take a little time later in the day so that there will be some legislative history for future guidance to the Senate and to the Chair and to the Parliamentarian.

I do have a meeting in my office right now that was to begin at 12 o'clock, so I will not do that just now. But it will be done and I hope Senators will listen to my statement or read it in the RECORD.

I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my understanding now, having discussed the matter with the managers and the principal advocates of the issue that we have just been debating and voting on, that there will be no further amendments to the Transportation appropriations bill and that the only remaining amendment is the Byrd amendment relating to drug funding.

As all Senators know, discussions are underway with a view toward reaching an agreement that would result in Senator BYRD withdrawing that amendment from this bill. We anticipate that will occur. That would clear the way for final passage of this bill, there being no further issues with respect to this bill.

But we will have to defer final passage until we resolve the issue with respect to the Byrd amendment.

That being the case, the Senate will have completed action in effect on the Transportation appropriations bill. The next measure which I had intended and still hope to bring before the Senate then was the D.C. appropriation bill.

The report on that was filed shortly after noon yesterday. Under the Senate rules, any Senator who wishes to do so may object to its being brought before the Senate until shortly after noon tomorrow.

I have discussed this with several Senators interested and involved who have specific issues that they are concerned about. I hope that we will be permitted to go forward with the D.C. appropriations bill, with the understanding that any Senator who wishes to do so obviously has the opportunity to fully explore whatever issues he or she wishes to on that bill, and discuss any amendment or offer any amendment that they wish.

Inability to move forward on the D.C. appropriations bill would present us with a situation where we have completed action, in effect, on the Transportation bill, but are unable to move forward on a Thursday, the day we have generally set aside for devoting to work, until noon tomorrow.

If that happens, then our common interests, which I believe every single Senator shares, in completing action on all of the appropriations bills prior to the end of the fiscal year—an already difficult task—will be much more difficult and will virtually guarantee long, perhaps all night sessions next week and next weekend.

I have discussed this with the Senator from Colorado. I know he has a concern, and I want to give him an opportunity to express that concern fully. Following that, I will request consent to proceed to the D.C. appropriations bill.

I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, if the Senator would yield, my concern is I have an amendment which I think needs some consultation. In fact, I can expedite the proceedings of the Senate if we consult first rather than proceed on the amendment first.

Upon reflection, however, I have no objection if the leader wishes to go to the bill and take up other amendments. In discussing it earlier, the leader did indicate to me he would be willing to withhold final action on the bill until we have had a reasonable chance to talk to everybody involved.

I am ready to offer my amendment or amendments, but my desire is to be sure that everyone who is interested in it is aware of it, and perhaps we can speed things up in that way.

So if the leader would like to proceed, I will not object to proceeding to the bill, nor do I have any desire to delay final action. But I may ask him to withhold while we consult all around on a couple of amendments that are pending.

Mr. MITCHELL. I am grateful to the Senator.

Mr. ARMSTRONG. Let me just add, the reason this somewhat unusual request on my part is occasioned is because the bill is not technically qualified under the rule, and we had been banking on the normal amount of time just to run our trap line. We will start to do that immediately, and hope to do it this afternoon. But if we are not able to do it, I might ask the leader to put off conclusion of the bill until tomorrow.

Mr. MITCHELL. I thank the Senator.

Mr. DOLE. Will the majority leader yield?

I would also indicate, we are trying to clear on this side H.R. 1502, which is the D.C. police, which I understood the majority leader might want to take up even before the D.C. appropriations bill.

We are hotlining that. I will have information for the majority leader very soon. That will just take a very brief time. We hope to be able to offer that to the majority leader, too.

Mr. MITCHELL. I think that is an excellent idea by the Republican leader.

Mr. CRANSTON. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. CRANSTON. It has been brought to my attention this morning that there is a need for a technical amendment to the transportation bill which I think would be viewed as that. It requires no additional expenditure of funds. It simply authorizes the local government to purchase a right-of-way.

If it is viewed as technical I would like to be able to bring that up before we pass the bill.

Mr. MITCHELL. I certainly have no objection, and I suggest the Senator discuss that.

Mr. CRANSTON. I will do that. I appreciate that. I will talk to the people handling the bill.

Mr. MITCHELL. Mr. President, the distinguished Senator from North Carolina has just advised me that he wants a few minutes to check something on the D.C. appropriations bill and asked me to withhold the unanimous-consent request.

If the Republican leader would remain, perhaps what I can do is get unanimous consent on the D.C. police bill now and go to that.

Mr. DOLE. Fine.

Mr. MITCHELL. And then with the understanding that in just a few moments either I or someone acting in my behalf will get consent for the D.C. appropriations bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may turn to the consideration of H.R. 1502, a bill to provide for additional D.C. police officers.

I further ask unanimous consent that when the bill is considered, it be under the following time limitations: 30 minutes on the bill, including the committee substitute, to be equally divided between Senators SASSER and HEINZ or their designees; that the only other amendments to be in order are the two amendments by Senator SASSER, one a technical amendment, and, two, an amendment providing for the police corps pilot program, the time for which is to come out of Senator SASSER's bill time; no other amendments or motions are in order, except for motions to reconsider and table; 40 minutes to be under the control of Senator LEVIN for debate only, and when all time is used or yielded back, the Senate proceed to third reading, and vote on final passage without any intervening action or debate.

Mr. DOLE. We have no objection.

Mr. MITCHELL. Just one moment, Mr. President; would the Chair withhold for one moment?

Mr. President, I am advised that the managers are discussing with Senator LEVIN the possibility of an amendment by him, so I would amend this to include provision for a possible third amendment, to be a Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, did the Senator say a Levin amendment? That would be relevant? A relevant amendment?

Mr. MITCHELL. Yes, it would have to be.

Mr. DOLE. And it could include a second-degree, if needed?

Mr. MITCHELL. Yes. As modified to conform to my answers to the questions of the distinguished Republican leader, I renew the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I therefore ask unanimous consent that the existing consent agreement with respect to the transportation bill be modified to preclude any further amendments on the subject of smoking and, Mr. President, I ask unanimous consent that any rollcall vote ordered between now and 5 p.m. occur not earlier than 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, both foregoing requests are agreed to.

The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that after dispositioin of H.R. 1502, a bill to provide for additional D.C. police officers, that the majority leader, after consultation with the minority leader, may turn to the consideration of H.R. 3026, the D.C. appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MITCHELL. Would the Senator yield for just one moment? Just so there is no misunderstanding, I modify my request that the authority to move to the measure just addressed be for me, the majority leader, or his designee in my absence, after consultation with the distinguished Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask that the pending transportation appropriations bill be set aside, and there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield the floor and I thank my distinguished colleague from Kentucky for his patience and forbearance.

The PRESIDING OFFICER. The Senator from Kentucky.

COMMITTEE RESPONSIBILITIES

Mr. FORD. Mr. President, if you lose your good humor around this place you might as well go home. I am going to try my best to try to keep my humor. Hopefully it is good as long as I am in this body.

Mr. President, I had a dual interest in the last vote as it related to the overriding of the decision of the Chair. Coming from a tobacco State, trying to defend those constituents that I represent, knowing full well the outcome, it was something like—you arrive at an age when knowing that a fight you are going to lose is better than no fight at all. I hope I have not arrived to that age yet, but I suspect I am getting fairly close.

Having this dual interest, then, in tobacco, and the second part of that interest, after 15 years in the U.S. Senate, having served 15 years on the Commerce, Space, Science and Transportation Committee, I arrived at the lofty position of chairman of a subcommittee.

Some of those who have not been around here quite that long may not understand what I am saying. But eventually they will. I have worked awful hard as chairman of the Aviation Subcommittee to do some things that are appropriate for safety and at the same time be fair to all parties involved.

I have worked diligently to attempt to work out a study as it relates to cabin air on airplanes. There are some people who are violently opposed to smoking who have concerns about the quality of air in the cabin of an airplane, and they are part of the study and the reason for the study that is now underway, a scientific study, at the insistence of the Senator from New Jersey.

As we are closing in on the report, which was supported by $500,000, approximately, of taxpayers' money, we have made a decision without the report, and we made a decision without the chairman of the subcommittee having an opportunity to see it to carry out the obligations that have been given to him to bring to his colleagues of the full committee and on to the Senate.

I was very pleased to see that all of those in the well during the vote on the point of order made by the distinguished Senator from South Carolina and chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, that with all that pressure, there were still 34 Senators who stood up in support of the ruling of the Chair. That tells me there is some sentiment in this body for the jurisdictional position of a committee and the responsibilities that the rules give the committees.

So, Mr. President, I want to just say that there is some frustration on this Senator's part as it relates to the responsibility he has been given and accepted gladly and waited almost 15 years to receive through seniority. I came here and was indoctrinated by the leadership on how to proceed, even almost how to dress in the Chamber: Dark suits, white shirts, red tie. Do not overdress; do not be sporty. Have some etiquette in the Senate. I took that seriously. I read my rules. I presided over the State senate in Kentucky. I knew something about presiding; I knew something about the rules and appreciated those. We had a precedent here that was in addition to what we had when I presided over the senate in Kentucky. I know we will get an hour's report on why and the reasons for support of overturning the ruling of the Chair later on today, and I respect the most learned Senator we have as it relates to the rules, but there is some personal feeling tempered justice with mercy, if nothing else, as it relates to an individual's hard work up to the point where you are ready to move, or close to it, and then have the rug almost pulled out from under you. There is something wrong about that, Mr. President.

I am talking for myself now and other Senators may talk for themselves. I have a tremendous staff who has worked hard trying to do a good job. I think it takes the wind out of the sails of the staff to have them work months and months and months and then, all of a sudden, from another unrelated committee an amendment is placed on a bill and that work is for nought. So I not only speak for myself now, Mr. President, but I speak for those young people I work with who have dedicated long hours, day and night, weekends, giving up their Saturdays and Sundays in an attempt to do a good job. That is the way it is, they say. If you get 51 votes here, you can do most anything. If you get 60 votes, you can get cloture. If you get 67 votes, you can override a veto. We lacked one vote yesterday. It is disappointing to 66 of us who voted to override. We just needed one more. Like I heard a Presidential candidate say, he can touch it with his fingernails. We can touch a veto override with our fingernails. It is disappointing. Life, I guess, is full of disappointments.

I am of the opinion, Mr. President, that if this continues, the hard work we did several years ago day after day to reduce, reform, and refine our committee system, to reduce it from a large number down to just a couple dozen, to be sure that they had the proper nomenclature under those committees as to the jurisdiction, we made very clear, I think, at that time. I think Senator Adlai Stevenson, Senator Stevenson was the lead point man when we changed all that. We worked hard. I thought he left a pretty good legacy here just by reorganizing the committee structure of the Senate.

So, Mr. President, I am disappointed twice today. Once the disappointment was not too much of a shock because I expected it. I can count votes. It is easier sometimes than others, and so the vote, as it related to smoking on airlines, was a foregone conclusion, but I think there was a principle involved.

They say, oh, well, the language is in the House bill and we are perfectly within our rights to do that. Sure; I am sure they will find somewhere in there that they can make a judgment. Judgments are opinions. Everybody has an opinion. You have to have 51 votes to sustain your opinion or judgment. Sometimes it is easier than others.

So if I can do nothing for myself, I hope I can do something for others to at least give them a warning that all their work and their labor for months, staff's work and labor for months, wake up one day and it is on another bill in another committee and what you have been working toward is over. Spending taxpayers' money in order to have a scientific judgment made—I doubt seriously if there are many in this Chamber who have the scientific ability to make the studies that this Chamber asks for. I think it was a waste of taxpayer's money, or will be, because of what has happened.

And so I alert the younger Senators who have come on since I have. Maybe they understand it. I think it is time that if you give responsibility, it ought to be there. I have seen this Chamber work when jurisdictional problem and debate was on this floor and every chairman stood up for the chairman that was making the point because they did not want it to happen to them when the time came for their point of order.

I do not know who voted how except my vote on that last vote, but I will guarantee chairmen did not stick with chairmen on that last vote or ranking Members did not stick with chairmen on that last vote. And so we are doing it unto ourselves.

I hope there will be time to reflect on that vote and that judgment. Maybe it is time we give consideration to changing the committee system. Maybe it is time we make the Senate as a whole the Appropriations Committee. That would not be farfetched, because the Senate now is being the Appropriations Committee. So why not just make the Senate as a whole the Appropriations Committee, maybe have the Senate as a whole as the Finance Committee, maybe the Senate as a whole another committee and we just not worry about the committee system at all.

Maybe that will be good because it will limit all the trivial things that we make into large things and we would not be concerned with other things.

Mr. President, I apologize for taking so much time, but I do think it is time we rethink this. Maybe the other side will be the chairmen and they will have the same consideration. But we are now chairmen of committees and jurisdiction is being taken away, in my opinion.

Of course, I am sure I am going to be told I am wrong because the Senate said I was wrong. But at least there are 34 of us who stood tall, in my opinion, and defended the committee system and the jurisdiction, assigning of rules.

There is not much you can do in the Commerce Committee as it relates to appropriating funds; there is not much you can do in the Energy Committee about appropriating funds. All you did do is authorize them.

There was a pretty fast meeting in the subcommittee on Department of Transportation and related agencies appropriations bill for 1990. The only discussion that I know of—and there may have been more—was the point of order on jurisdiction as it related to the ban on smoking. Everything else was all cut and dried. I am not used to that. Somehow or another we just cannot agree that easy.

So, Mr. President, I am going to be looking at possibilities, and as chairman of the Rules Committee I think I may have some time to look at the procedures of the Senate. I whetted my appetite a little today as it relates to that and so we will see what we see.

I thank the Chair for its patience and yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

I have listened with great interest to the comments by my friend from Kentucky. I have enjoyed working with the Senator on this, and he and I both knew what the ultimate result would be. There was a principle to be defended, but I say to the Senator I think I received an engraved invitation from Senator LAUTENBERG and 64 other Senators.

I used to be pretty active in the business of working on appropriations bills. I have introduced, and succeeded with many of them, a number of amendments on appropriations bills, a couple times this year. But the invitation reads: Senator LAUTENBERG and 64 other Senators cordially invite Senator HELMS to proceed with legislation on appropriations bills.

That was the message. But that was not the important message to me. The important message was that Senators stood in this well and voted to reverse the Parliamentatian who had given an obviously correct ruling on the amendment.

I do not do that. I do not think Senators can go back through the record and find any instance where I have voted to overrule the Chair. There may be one somewhere, but I do not recall. That was the mistake, and it was a mistake that was not necessary to be made because the orderly procedures of the Senate were working, and the Senate would have acted on the issue Senator LAUTENBERG raised in the Appropriations Committee with his legislation on an appropriations bill, which is clearly against the rules of the Senate.

So I do not believe this was the Senate's finest hour today, but we will move on and comity will be restored. I regret some of the rather disappointing exchanges, but the Senate is bigger than that. The Senate will survive.

I think it was Winston Churchill who described the United States system as "the worst system on earth except all the rest."

So we will proceed, but I hope that we will not frequently overrule the Chair when the Chair is right with respect to the rules of the Senate. If we go down that road, then the Senate becomes meaningless in terms of what the Founding Fathers intended it to be.

Mr. President, I thank the Chair for recognizing me, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. KOHL). Without objection, it is so ordered.

CAPITAL GAINS

Mr. BOSCHWITZ. Mr. President, during this session of morning business, I would like to address the question of changes that are being proposed in capital gains rates which are now being argued and debated, particularly in the House; and it seems that there will be some changes made in the way capital gains are subjected to taxation. I want to register my approval of those changes. Hopefully the rates on capital gains will come down, and this will have many positive effects on the economy. I will summarize that in a different speech at a different time.

I would like to, however, address the question of whether or not these gains inure to the rich. As I read the comments that are made by many people in many editorials, they say that capital gains by and large inure to the rich, and is that true? I must tell you that I am not sure, but let me tell you about some of the exemptions from capital gains taxation.

Some of the exemptions from capital gains taxation, really perhaps would swing the answer to the question: Do capital gains inure principally to the rich? It would really move it in that direction. For instance, capital gains on pension funds are exempted from taxation, and a huge amount, the largest amount of the funds that people have in their pensions and an enormous percentage of the savings of this country are locked up in pension funds. Yet, the capital gains that benefit those pension funds are exempted from taxation, so that they do not count in making the analysis of whether or not the capital gains benefits one sector of society or another.

Second, the largest asset that most Americans have is their home. In the event that they sell their home and buy a new home and that new home costs more than they have sold the old home for, that, too, is exempted from taxation. So in transaction that involve the largest assets of most Americans, their homes, most of that is exempted from taxation as well.

Indeed, if you are over 55, in the event that you sell a home and do not reinvest it at all, as many people do, then they have the largest gain in their lifetime; $125,000 of that gain is exempted from taxation. So when you take away all these gains and do not count them in the pot, perhaps it is true that the remainder of the gains do inure in the majority to the rich. I do not know if that is the case, but perhaps they do. It may well be that after you exempt the largest number of capital gains from the largest assets held by the American people, those that remain that are taxed as capital gains, the gains of investors, may indeed inure to the rich.

Who are the rich? Well, let us take a guy who is a farmer and has 300 or 400 acres and has farmed them for 25 or 30 years—not an uncommon situation—and over that period of time, the value of his real estate, which is his principal asset, has risen. In the year he sells his farm, he is among the rich, but only in that year—probably only in that year in his lifetime, is he among the rich—and that definition is people who have incomes in excess of $100,000 or $200,000 a year.

It does not take a very big farmer to have income more than that when he sells his principal asset. It is the product of 25 years of his or her work for 20 or 30 years, a long-term product of many years of work. In that 1 year, he or she certainly should be among the rich. So, for this once in a lifetime transaction, that year, that person is counted among the rich, and that transaction is also put among those who are deemed to be wealthy in our society.

One of the things that surprises me is that all concede that lowering the capital gains rate will increase revenues, at least in the first couple of years. I think it will increase revenues in the longer run, but nevertheless, all concede that many billions of dollars will be raised in the first couple of years.

Why then, if the money does indeed come from the rich, who many think should be taxed to a larger degree than they are now taxed, why do those same people who want to tax the rich oppose lowering the capital gains rates and collecting $10 or $15 billion from the people who they have defined as being well to do? I say lower the rate and let us sock it to them. If they are the rich ones who have the ability to pay the tax, let us get some of their money, and let us not oppose the lowering of the capital gains rate, as some do.

I see that my friend, the chairman of the Finance Committee, is now on the floor of the Senate. We can raise $10 or $15 billion and take that money from people in our society who can afford it, and I think we all should be supportive of it. It would be my hope that a capital gains measure that would lower the rate for a couple of years and index it will indeed be passed.

So from my standpoint, I hope the indexing goes back a little bit and does not just start with the legislation. Let me also comment that I believe that capital gains is a different type of income than income that arrives in a paycheck every 2 to 4 weeks. Capital gains, first of all, by and large reflect inflation. A paycheck does not reflect inflation, unless there is rapid inflation that takes place during that 2 or 4 week timeframe. It is a very different form of income. In addition, it reflects a gain on capital that results from after tax income in the first place.

How is capital accumulated? Capital is accumulated from after tax income. And you are taxing the income of income once again, and that is very different than a paycheck that comes on a biweekly basis.

So capital gains reflects the investment of after tax income and, in my opinion, therefore, should have a different rate of taxation than the paycheck that comes on a biweekly basis.

Let me also say that capital gains is a voluntary transaction. It is not, again, like a paycheck that comes in a very regular manner. Whether or not somebody is going to make a sale is very much dependent on the inclination that person has. He does not have to take a capital gain. A person can take a piece of property on which he has a gain and go to a bank and increase the loan that he has on it, thereby replenishing the cash that he or his company needs, without making a sale. That would be a nontaxed transaction.

In my business, we own a building on which we are making just that kind of decision. If we sell the building and encounter a large capital gain, not only from the standpoint of the Federal Government but also the State, or should we just go to the bank or the insurance company and refinance that building and not have a capital transaction at all?

We would not add anything to the net worth of the company. We would increase the amount that the company is leveraged, but we would avoid some rather sizable taxes. Capital gains is a very voluntary act. Therefore, in the event you want that voluntary act to occur, the Government should give some incentive to have that voluntary act occur.

When I was in business, whenever we wanted to increase sales, we would lower the price. If you lower the price, you make a smaller margin on each sale, to be sure, but you are supposed to have more transactions. So it is with a capital gains tax. If you lower the price you will have more transactions, and in this case, the price is the tax that is imposed by the Federal Government. If you lower the rate, you are surely going to have more transactions. That is certainly what we experienced every time the rate has been lowered, or conversely, every time the rate has been increased.

In December of 1986, the number of transactions, again all voluntary transactions, which took place was remarkable. I believe that the Federal Government had a windfall of $20 billion or $25 billion out of the taxes by the taxes it received from the transactions that took place at the very end of 1986, just before the higher rate of tax went into effect on January 1, 1987.

It is a very voluntary transaction. There are alternatives to selling and realizing the capital gains, and therefore the voluntary nature of the transaction really is underlined.

In addition to that, it is different from regular income, so to speak, the biweekly paycheck, because capital gains is tied to investment for economic activity, investment for new business, investment for the creation of new jobs, and therefore has a particularly important economic impact.

For all of these reasons, I feel that a capital gains transaction should be treated differently for tax purposes than ordinary income. For those who say that income is income and it does not matter what the source, I disagree. I think that our economy would be well-served by lowering the capital gains rate, that the Government would receive additional revenues, that additional investments and additional job creation would result, and we would become more competitive with other world economies.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Ohio.

Mr. **METZENBAUM.** Mr. President, I did not intend to speak at this moment, but having heard my friend and colleague from Minnesota speak to the subject of reducing capital gains taxes. I have been around here long enough to know that there is always such a persuasive argument made to reduce taxes.

I remember when capital gains taxes were far higher than the highest rate being paid today for taxes generally. I remember when they continued to come down, I think if my recollection serves me right, from something like 48 to 28 percent, and I believe lower than that at a subsequent point.

The argument is made that that is going to bring in a windfall of dollars. The fact is that reducing the capital gains tax is nothing more than giving billions of dollars away to the very richest people of this country.

There are people in this country who are fighting to make a living, who are striving to be able to pay the rent, the food, the clothes, and to educate their children. Those are the people who are being taxed and carrying the burden of our Government.

It is an unbelievable reality that if you make over $175,000 a year, your taxes go down in this country. What an absurdity. What an absurdity.

There is now the proposal to reduce the capital gains tax. The rich get richer. Just provide more money for those who already have so much and do nothing for those who have so little. It will be a bonanza.

Why was there a big bonanza when the law was changed? Because they knew there was going to be a higher rate when we eliminated the capital gains tax, but the taxes were reduced. There was no outcry against eliminating capital gains taxes at that point, because taxes were being reduced across the board. We now come back to take care of those very few in this country who wheel and deal in the stock market.

Oh, yes, there are some who make a profit by having built a company and holding it for a number of years. But the reality is that reducing the capital gains taxes is nothing more than a giveaway to the rich. Write it any way you want. Spell it any way you want. Argue for it any way you want. But when all is said and done a very small segment of the people in this country, very small, will be the beneficiaries and the rest of the people of this country will be called upon to pay the tax burden.

This is a subject that has bothered me. It has concerned me. I expect to speak to the subject at some length within the next several days but I could not sit here and hear the distinguished Senator from Minnesota talk about what a great thing it would be for this country to reduce the capital gains tax and not feel impelled to at least indicate that there are some of us in this body who feel every bit as strongly and maybe a little bit more strongly than does he about the lack of virtue of reducing the capital gains tax.

It would not be good for this country. It would be good for the rich. It would not be good for the average American, and I hope that this Congress does not see fit to do it. It would be the wrong thing.

I yield the floor.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Minnesota.

Mr. **BOSCHWITZ**. Mr. President, I did not realize I was going to get such a spirited response from my friend from Ohio. But he often gives spirited responses, so let me comment on what he said if I may.

I did not speak about reducing the capital gains taxes. I talked about increasing the amount of dollars that the Government received. I talked about reducing the capital gains rate of taxation. It is the rate that we want to reduce for the reasons that I outlined. It is not the total amount of money that the Government receives. As a matter of fact, all of us agree, as I mentioned, at least in the first 2 years—I believe as in the succeeding years as well—but at least in the first 2 years more money will come into the Federal Treasury in large amounts, $10 to $15 billion. If this money actually does come from the rich, as I said in my statement, then those who want the rich to bear a bigger burden of the taxes in this country, a bigger share of the taxes, then they should welcome a reduction in the capital gains rate because then the well-to-do will create more transactions. And really they are created, they are voluntary transactions, and they will pay more taxes.

It is not clear to me entirely why my friend from Ohio and others object to having the rich pay more taxes in this country. But they are so imbued with the idea that if you lower the capital gains rate that you will somehow be advantaging the rich that they oppose, even though more moneys will inure to the benefit of the Government.

But the other elements of it, the investment to the economy, the job creation that would occur, the ability to be competitive with other countries that, by and large, in the industrial world either have no, or much lower capital gains rates than we do so that we attract capital, because as you look at the American capital it is important that we create more jobs in this country and sustain the economic growth pattern that we have.

Again I see that my friend from Ohio is now engaging in a separate conversation. But I believe that if he wants to have more money come to the Federal Treasury from the rich he should support a lowering of the capital gains rate, not a lowering of capital gains taxation, rather an increase of capital gains taxation through a lowering of the rate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ADAMS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

TERRY ANDERSON'S CAPTIVITY

Mr. **MOYNIHAN**. Mr. President, today marks the 1,643d day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a very revealing, very important piece entitled "My Life as a Hostage" and written by David Jacobsen—once a hostage himself—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times magazine, Mar. 1, 1987]

MY LIFE AS A HOSTAGE

(By David P. Jacobsen with Ray Perez)

At 10 minutes past 8 on the cool, clear morning of May 28, 1985, David P. Jacobsen of Huntington Beach was kidnaped at an intersection near the American University Hospital in Beirut. Jacobsen, the hospital's administrator, was forced into a van by six gunmen after a brief scuffle. He had visited California just weeks earlier and was expected back again in less than a month for his son's wedding. But it would be almost a year and a half before Jacobsen would see California again. In the meantime, he would live the ordeal of a Mideast hostage, held captive in turbulent West Beirut by Shia Muslims hoping to force the release of compatriots imprisoned in Kuwait. Today, dozens of foreigners are held hostage in Lebanon, pawns in the religious and political warfare that has torn that country apart. Among them are two Americans—Terry A. Anderson, a correspondent for the Associated Press, and Thomas Sutherland, acting dean of agriculture at the American University—whom Jacobsen befriended in captivity. Here, Jacobsen for the first time paints a detailed portrait of their world.

RABBITS IN A CAGE

Our first room was about the size of the living room of a two-bedroom apartment. It had little wooden partitions to block the view. I was kept blindfolded, but I could tell there were other hostages. I didn't know how many, but I could hear them being asked, "Are you hungry?" When I was taken to the toilet, I had to step over their bedding.

I was chained and put to the floor and told to remain silent. My clothes had been taken from me during interrogation, so I just had my underwear and a cotton tablecloth that served as a blanket. It has little fringes on the end. Fortunately, it wasn't cold. (The weather in Beirut is some of the finest around, similar to Santa Monica's.) Though I was chained by my right ankle and right hand, I was able to turn and to do push-ups and even leg lifts. I couldn't do situps, but sometimes after I was taken to the toilet, I'd say, "Hey, I need some exercise," and would jog in place for a couple of minutes.

After five weeks, I was taken to another room, this one about 12 feet wide, with high ceilings. I had my blindfold on and was chained, but after the door was locked I lifted my blindfold to see where I was. A guy was sitting in the other corner, peeking through his blindfold. It was Terry Anderson.

We were alone for a month, and during the day, when the door was locked, we chatted very quietly. Anderson had 74 days' seniority on me as a prisoner and had picked up a little information. We knew there were Americans next door, and Anderson—who had reported on their kidnapings for the Associated Press—had guessed that they were Father Lawrence Martin Jenco and the Rev. Benjamin Weir.

The guards brought us a Bible, but I didn't have glasses so everything was just a fuzz. Anderson had his glasses, but they were broken. Even so, he would read the Bible to me an hour a day when we were permitted to have it.

Our third room brought us all together. We were moved there in July, 1985, when the shelling in Beirut got too close. Waiting for us was Tom Sutherland. I knew him from the university, but not all that well. The guards were going to put Jenco and Weir in another room, but we said, "Hey, stay with us. The more the merrier."

So the five of us were finally together, and each of us had a chaise lounge pad. The room was just big enough to fit four pads abreast, with one at the foot. Each day, we were allowed to go to the toilet one by one. We had 15 minutes to take a shower, wash our clothes, empty our urinals, get fresh water and clean our plastic bowls, spoons and cups. The guards got very unhappy if it was 16 minutes, because there were five of us, and the whole procedure took up at least an hour and 15 minutes of their time.

We were not permitted to see our captors. We had instructions to put on our blindfolds whenever they came in the room. When we heard them coming down the hall, we put on our masks. It wasn't a pleasant experience. It was hell. But they weren't pulling out our fingernails. They weren't breaking our bones. They weren't torturing us. We were just kept like rabbits in a cage, without any privileges. We lost all of our freedoms except two: the freedom to think and the freedom to pray.

The first time Anderson and I saw the sun, we weren't even outside. We were taken to a window and permitted to look out for a few minutes. I saw bottle-brush trees and eucalyptuses and was reminded of California. There was a little breeze. Later, we were taken outside to exercise in an enclosed patio, but we were blindfolded most of that time.

Still later, we were kidding the guards: "Is there still a moon, are there still stars out there?" It had its effect. They got permission to take us outside, one at a time, on a beautiful evening. When it was my turn, one of the militias had fired a flare that lit up the sky. A purple ball of light was slowly coming down, and I could see the mountains of Lebanon. There were stars and the moon. It was like a religious experience.

ONE DAY AT A TIME

We had been taken captive separately, and each of us dealt with his confinement on his own terms. But we also came to rely on one another for emotional and psychological support as the days stretched into weeks, and then months. Like all of us, I suppose, I never thought I'd be in as long as I was. In fact, I thought I'd be getting out within the first month, in time to return to Huntington Beach for my son Paul's wedding. As it turned out, I spent that day chained to the floor.

To help myself through the hours, I spun an elaborate fantasy. I pretended I was with my family, getting ready to go to the wedding and doing all the things the father of the groom doesn't have to do. In my mind I went to St. Bonaventure's Church on Springdale Street and saw my future daughter-in-law coming in. In my mind I drove down to the Huntington Harbour Club for the reception. I spent the whole day lost in my fantasy of what was happening thousands of miles away.

I did the same thing on my son Eric's birthday, July 3. And on my dad's birthday, July 9, I mentally drove up to see him and spent some time. For the hospital, I prepared budgets and construction plans, new programs and services. Always, I tried to think of the good things in my life, the people I loved.

Father Jenco and I played a game to keep ourselves going. At the beginning of a week, we'd agree that we were certain to be released that Saturday night. When it got to be Saturday night and we weren't released, we'd snap our fingers and say: "We goofed. It's not this Saturday, it's *next* Saturday." It was just a game, of course, but it gave us at least a little hope each week that the next weekend would be our last locked up.

Every morning we'd put our pads against the wall and do stretching exercises. Then we'd walk. We'd walk around and around, lost in our thoughts. Anderson made sets of beads by tying knots in string he pulled out of the plastic mat on the floor, and I think that he and Father Jenco used the beads to say the Rosary. I love musicals, so every day I'd sing a Broadway musical to myself—from "Evita" all the way back to "Oklahoma!"

We all had a good sense of humor, and one day we jokingly decided to put together a hostage kit that every American should carry in case they were kidnaped overseas. All of us literally had tears running down our cheeks from laughter.

As the rookie hostage, Tom Sutherland bore the brunt of most of our jokes. He is a very gentle man, but he was very meticulous. The guards would bring a big plastic bag of Kleenex, and as the supply got lower and lower, Sutherland—who has oily hair and an oily forehead—would fret that he would not get more when they were gone. He'd literally try to ration the Kleenex to us.

Occasionally I'd sneak some tissues out of the bag, fold them up and stick them under Sutherland's pad. In the morning, when we'd lift up the pads to walk, the rest would look at Sutherland in a funny way as if to say: "Hey, Tom, are you like an alcoholic storing away your bottle? You're storing away your Kleenex?"

But Sutherland is a great teacher, and made life bearable by instructing us in genetics and agro-economics. We also had church services, two a day. Ben Weir, a Presbyterian minister, conducted one, and Father Jenco, a Roman Catholic priest, the other. We named our church the Church of the Locked Door. Each service took 45 minutes to an hour. For a while we kept a calendar on paper, writing down anything significant that happened—when the leader of our captors, Haj, visited us, or when the guards said something would be brought to us.

Later, when I was put in isolation, I was afraid I'd lose track of time. So I took a medication vial and moved it along the floor tiles between the wall and door. Before I went to sleep, I'd move the container to the next square so that when I awoke I'd know which day it was. For the date, I saved olive pits. I put one pit in the corner each day, until I had accumulated enough for a month.

JUST FOUR YOUNG MUSLIM KIDS

The people who held me are Lebanese. They are not Syrians, they are not Iranians, they are not Iraqis, they are not Egyptians, and they are not Libyans. They are Lebanese and they are Shia Muslims. They take orders from no one.

They honestly didn't realize the harm they were doing to our lives. "We've been good to you. We've taken good care of you. We haven't hurt you," they told us. They were just four young Muslim kids earning $25 to $50 a month to support their families. It was a job to them.

The squad leader could be very calm, but he was a volcano ready to explode. He was short—a little kid—and he wore these little tennies. He used to make good Arabic coffee for us.

Once he bought a new gun. It was the size of a Magnum, the kind only Clint Eastwood could carry. He showed it to Terry Anderson because Anderson had been in the Marine Corps six years. "That gun is too big for you," Anderson said. "You've got to get a gun your size." That upset the guard—but he got rid of the gun. He needed both arms just to lift it. It *was* too big for the kid.

When Anderson and I were together, Haj once philosophized with us (through an interpreter) about liberty, peace, justice and democracy. He was upset because the U.S. government would not talk with him about his group's demand for the release of 17 Muslims held in Kuwait.

"Nobody will talk. We want to solve this," he said. So we suggested that he release one of us. "One way you can do it, Haj, is just let us go," we said. "We'll tell them." We talked about the impact that would have. We argued that one of us could go out and tell the world that the Shias weren't really evil people—that we weren't being tortured and abused. Then Haj left.

When the five of us were together, Haj came in again and asked, "Is there anything you want?" We asked for a transistor radio, and he sent it. We were supposed to have it all the time, but the guards only gave it to us twice a day for about an hour. We would pick up the Voice of America, the BBC and the local English-language station, and Ben Weir translated some Arabic.

Haj came back again after we had been moved to the third room. "You know, we're going to let one of you go," he said. "You decide who it should be." We did, but Haj rejected our recommendation. (Until the others are released, I don't want to say who that was.) Instead, he spoke to Ben Weir in Arabic. Weir got very upset and kept saying, "Oh, no, no. Oh, no, no."

Weir was told that he would be released, even though he felt that others should go instead. On Sept. 14, 1985, he left. It gave Anderson and me some hope. "Well, you know, Haj is reasonable," we said. "We told him to let somebody go, and he did."

We were put into a news isolation in February, 1986. Our radio was taken away, and we were denied newspapers and magazines. When we asked why, we were told, "You're just asking too many questions and you know more than we do. We don't have time to do our work if you are always asking questions."

I believe the real reason was that Anderson's father had died that month. To this moment, I suspect, Anderson still doesn't know about his dad or that his brother, Glenn, died of cancer a week after making an emotional, videotaped plea for Anderson's release. He had not been told when I was with him, and I have no reason to believe that the Shias would tell him now. It could well be that they imposed the news embargo so they would not hurt him. They did have some compassion.

A BOND THAT OVERCOMES

I know more about Terry Anderson, and he knows more about me, I think, than any other human being. Anderson is an extremely liberal Democrat; I am a conservative Republican. Anderson is a journalist who believes that everyone has a right to know; I'm a hospital administrator and believe firmly in the rights of privacy. I enjoy sports; Anderson couldn't care less about athletics. We differed on virtually everything—from philosophy to foreign policy—and we'd get into tremendous arguments. But he is still my brother and I still care for the man. On the outside, as free men, I don't think either of us would have selected the other as a friend. But there's a bond that overcomes our differences.

We were a diverse group. Ben Weir is a Presbyterian minister who has taught more than he has preached. Tom Sutherland is a Presbyterian layman. Marty Jenco is a Servite priest, and Terry Anderson a Catholic layman. I was born a Lutheran, though now I consider myself simply a good, solid Christian.

When one of us was depressed or discouraged, we always knew how to bring him up. Some needed kindness and cheering up. I learned that when Sutherland was down, I had to make him mad. When he got mad, you'd know he was over his depression. Sometimes Sutherland would have disagreements with Anderson and Father Jenco. Then I would side with Sutherland.

There was one hostage none of us was able to help. He was William Buckley, the CIA's station chief in Beirut, who Vice President George Bush, in January, said had died in captivity. Although I never saw him, I think I heard him die on June 3, probably of congestive heart failure.

That night, I heard a prisoner hallucinating and throwing up. He was coughing severely and sounded as if he had pneumonia. The guard came to me because I was associated with hospitals. I urged himn to take the man to a doctor immediately. He said that was impossible, that it just couldn't be done, so I suggested that they at least get fluids into him and give him a wide-spectrum antibiotic—things I'd overheard doctors say over the years.

They didn't do anything for him. There was continued coughing, delirious talking, then a kind of gurgling, followed by silence. Then there was a rush of commotion and noise, somebody being carried out—all the attending sounds of death.

DAYS OF EMOTION

Before the news embargo began, Anderson and I were able to learn bits and pieces about how our captivity was being handled back home. Occasionally, the guards wouldn't turn their television down quickly enough, and we would catch a tantalizing phrase or comment. (For a couple of weeks, they'd bring the TV set into our room so we could watch "Three's Company." The frustration then was that we couldn't turn it off.)

One night, we heard former Secretary of State Henry A. Kissinger on the radio. He said: "Well, there are several things I could advise the President to secure the release of the American to secure the release of the American hostages, but in the last resort they are going to have to use their own resources to get out."

I was sitting in my underwear on a pad. The room had no windows. There was a double lock on the door. An armed guard was outside the door, and another armed guard was watching him down the hall. I said: "My God, Henry, what resources do I have? What resources do you think I have?" The others reacted the same way. Other than the day I was kidnapped, that was the low point.

After Weir was released, the four of us remaining had occasional access to the radio. We heard very little about our situation, and we knew that we'd been forgotten. It wasn't like the hijacking of TWA Flight 847 in June, 1985. There weren't any TV cameras zooming in on our hell, with everybody watching the high drama.

I suggested that we use an old political technique: Write an open letter and print it in the newspaper. We debated for days and days and finally decided to write to President Reagan and to the Archbishop of Canterbury, Robert A. K. Runcie. We had heard on the BBC a hint that Runcie would be interested in helping resolve the hostage problem. (We also had a chance to write to our families. I wrote a total of seven letters to my children; they received three.)

We were trying to light a fire, to create a sense of urgency. We realized that the President of the United States had more things to do than deal with four hostages. But we wanted to be higher on the list of priorities.

When Weir was released, we had some optimism. It will be difficult to convince me that Anderson's and my hours of philosophizing with Haj did not play a major role in Weir's release. Anderson and I did that. We also had hints from the guards that Terry Waite, who had been sent to Lebanon by the archbishop, was making progress. Within hours after he arrived in Beirut, he got confirmation that we were alive and well. He obviously was talking to the right people.

Surprisingly, the four of us—Father Jenco, Terry Anderson, Tom Sutherland and I—didn't just collapse when Waite's negotiations fell through. We merely shrugged our shoulders. In fact, we had hope—at least we knew that a major effort, a sustained effort, had been made. We never once lost faith that we were going to be free. Never once.

Ten months later, on July 26, 1986, Father Jenco was freed. I rejoiced for him, but his release became the catalyst for a series of events that brought some of my darkest days in captivity.

With this release, though, there was no discussion. Our captors just came in and made us think we were all leaving. "You have to be quiet. Get ready," they said. "You'll go out one at a time into the bus." We assumed that they were taking us to a Red Cross exchange. In fact, they had brought us each shoes, trousers and a shirt. "You're all going to go, so if you have a beard, shave it off," they said. "If you don't have a beard, grow one." They didn't want us to be identified leaving the building.

I went first. But I wasn't taken out of the building; I was simply marched into another room. Then Anderson and Sutherland came in, and I knew Father Jenco was going home.

I was taken out of the room and asked to make a videotape that would be released to Lebanese television. Anderson and Sutherland learned that Father Jenco had been released when they heard me say it while I was making the tape. They were blindfolded, sitting in the same room against the wall.

Some days later, we were allowed to see my tape as it had appeared on TV. The clip included footage of Father Jenco after he had reached Syria. As I spoke, lettering flashed on the screen. Jacobsen, it said, apparently was trying to send a coded message when he made the tape. I thought, "Oh, boy, trouble's coming."

The guards were very unhappy. They yelled and screamed and threatened. I was angry with the news media's irresponsible speculation. So was Terry Anderson. When he got out, Anderson said of his colleagues in the press, "Skin is coming off."

One day in September, one of the Shias who spoke English said to me, "I want you to write a letter," which they would use to pressure the Reagan Administration to negotiate. He gave me an outline of points I was to cover, and I wrote it. In it, I complained that the Administration was working to free U.S. journalist Nicholas Daniloff from the Soviet Union but was ignoring our plight. The Shia was back within an hour. He said: "It's no good. We don't trust you. We are going to rewrite it. You are going to write it down exactly as dictated. You are going to spell it like we tell you. You are going to punctuate it like we tell you."

I did as they said. One of them checked it word for word, sentence for sentence. It was exactly as they dictated, but I warned them that the outside world would know the words weren't mine.

Sure enough, when the letter made its way into print, the news media circled all the grammatical mistakes, and my captors accused me of deliberately inserting them. The guard who spoke English did not speak up and tell his superiors that it had been written exactly as he dictated it. They were angry because they thought I had sent out another coded message and embarrassed them before the entire Arab world.

So they took me to another room and beat my feet with a rubber hose. They were giving me a pretty good working over. I thought, "They are just going to do more until they get some emotion out of me," I didn't want them to think I was a G. Gordon Liddy type, so I started to say, "Ouch, it hurts," and "Hey, stop it" and "Why are you doing this?"

Eventually they stopped. I was put in isolation on Sept. 19, 1986, in a little room six feet square. It was dark except for light coming through the transom, but I had nothing to read anyway. I did a tremendous amount of exercise.

When I awoke early one morning in October, I had the overpowering feeling that I was going to be released. It wasn't a dream—just a tremendous, powerful feeling that I was going to get out on Saturday, Nov. 1, or Sunday, Nov. 2, 1986. It was so powerful that when I went to bed on Saturday night, I knew that I was going to be going home in several hours.

I had just fallen asleep when I heard a noise in the guards' room, followed by the shuffling of feet. A stranger came in my room and said, "Mr. David, we're happy you're going home. You'll be going home in a couple of hours. But first we have to move everyone." They were always concerned that their location—and their identities—would be discovered. They think the United States has photographs of them all, that there is a CIA agent lurking behind every Shia.

I had always known that the day of my release would be the most dangerous time of my captivity, because I would be exposed in a very violent city. There is metal in the air in Beirut. There are stray bullets. I could fall right in the middle of a gun battle or be kidnaped again upon release.

I was released in the area of the old, bombed-out American Embassy in West Beirut, which is not occupied except by a security force. I walked too far, overshooting the embassy by about 200 meters. One of the Shias tapped me on the shoulder and told me that I'd walked too far, to turn and walk back. For a moment I thought, "Oh no, I'm being kidnaped again."

The ambassador had to organize a convoy to get me out of West Beirut. On duty at the new embassy in East Beirut were 23 Lebanese of the same religious factions that have been warring for years—Sunni, Shia, Druze and Christian. The embassy asked for volunteers to go from East to West Beirut, through the shelling and sniper fire, to bring out an American. There were 23 on duty, and all 23 came.

That was a day of emotion, a day of excitement. After 17 months, I finally was walking along the corniche, seeing that gorgeous Mediterranean and smelling that air, seeing the ships at sea and the people jogging along the street or drinking coffee at the cafes.

I was happy, but I wasn't doing cartwheels. I'm still in chains until Sutherland and Anderson are out. I don't have nightmares now. I sleep well and exercise hard. I lead a constructive life. But those guys are still heavy on my mind, and I can't forget their situation. It was my situation for 17 months, and I pray that it won't be theirs much longer.

HOMELESS CITIZENS VOTE

Mr. KENNEDY. Mr. President, I want to call my colleagues' attention to an article in the New York Times earlier this week entitled "Gently Urging the Homeless To Vote." Much has been said on this floor about the need to help the homeless, and certainly much more needs to be said—and done. Homelessness is one of America's greatest shames. Children and grandparents, blacks and whites, men and women are sleeping on the streets of America tonight and every night. Congress, the administration, and the States must do more to assist these Americans, and we cannot afford to wait.

But this week, in New York City, and perhaps unnoticed in other communities of America, some of the homeless decided not to wait for us. They voted. It matters not for whom they voted, or whether they voted in Democratic of Republican primaries. They voted. These citizens, who have perhaps the greatest reason of all to believe that they are the unseen and unheard Americans of our time, stood up and were counted. They voted. The press report is a heartwarming account of pride, persistence, and patriotism, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 13, 1989]

GENTLY URGING THE HOMELESS TO CAST VOTES

(By Felicia R. Lee)

Malcolm Mack is a man without a family, a job or a home. But yesterday morning he did something that many New Yorkers more comfortably situated neglected to do. He voted.

"It's got to do with what you call it—the Constitution," Mr. Mack said, as he walked to his polling place on West 41st Street. "Someone told me by voting you get a lot done for you."

Mr. Mack was one of the hundreds of people reached yesterday by a loosely organized nonpartisan group called Homeless Voter '89. They estimate that from 10,000 to 20,000 of the city's 60,000 homeless people are registered voters. They also estimate that from 30,000 to 50,000 of the city's homeless are eligible to register to vote in the general election.

The goal of Will Daniel, the group's director, and his 30 volunteers is to register homeless people, educate them about the voting process and then prod them to vote.

MANY REGISTERED LONG AGO

Prodding was on the top of Mr. Daniel's agenda yesterday. He made the rounds of churches, homeless shelters, soup lines and places like Grand Central Terminal to find eligible voters. The final results were impossible to measure. Most people said they planned to vote later in the day.

"I'm a little discouraged by not being able to find people I can take to the polls," Mr. Daniel said.

Still, there was interest. Many of the homeless people approached yesterday had registered long before they fell on hard times, and they were not certain if they could still vote. Others pulled out worn voter registration cards and asked the location of their polling place. Still others eagerly filled out yellow registration cards so they could participate in the November general election.

Many said they gave a church, a post office or a shelter as their address so they could vote.

"Every time I register I don't get a response," complained William Henry, a homeless man. "I gave a church address. I want to vote. I want to vote for Dave Dinkins."

Standing in a soup line in Chelsea, Vincent Wright, said he was a disabled Vietnam veteran. He is homeless and has not worked for 20 years. He wanted a ride to East Harlem to vote for Manhattan Borough President David N. Dinkins.

"It's time for a change," he said. "He's going to give me an address like he's got one."

Mr. Daniel said many homeless people hunger for change. "They definitely need to help themselves," he said. "Lasting change comes through participation in the process."

It was a little before 7:30 A.M. when Mr. Daniel met Mr. Mack in the morning breakfast line at St. Francis of Assisi Monastery and Church at 135 West 31st Street. Mr. Daniel quickly walked down the line and asked people if they remembered it was Election Day and if they planned to vote. Most shook their heads no, but many thumbed through a blue and white pamphlet entitled "You Don't Need a Home to Vote."

Mr. Mack, 36 years old, said he abused drugs and alcohol. In January his friend kicked him out of the apartment they shared. Since then, he has spent most nights in a subway station.

Yesterday, all Mr. Mack wanted was a chance to vote for Mr. Dinkins. He found the location of his polling place from Mr. Daniel, who lugged several thick books listing polling places.

"I'm voting for Dinkins, hoping somewhere down the line it will open up something for the homeless," Mr. Mack said.

At the Open Door Drop-In Center at 401 West 41st Street Mr. Daniel had little luck. A man named Ricky, who said he did not want to give his last name, said he would vote later.

His friends shrugged and laughed when they were asked about voting. They said they did not see how it could make much difference in their lives.

"I think everybody should vote," Ricky said. "I want to see a mayor do something for everybody. Do something before election time. They start picking up drug dealers around election time—that's not right."

Mr. Daniel then roamed the halls of the Port Authority Bus Terminal at Eighth Avenue and 41st Street. Most of the people he encountered were apathetic or hostile.

The long lunch line at the Church of the Holy Apostles at 296 Ninth Avenue, near West 28th Street, proved to be fertile ground. Mr. Daniel registered 15 people for the general election and told dozens of others the location of their polling places. They promised to vote and seemed touched that someone cared about their opinion.

Charlie Ray, a homeless man, shyly approached Mr. Daniel. He pulled out a voter registration card but said he did not know where to vote. He said he did not remember the last time he voted.

"I'm a little reluctant because I'm not familiar with the procedure," he said.

His polling place turned out to be a school only blocks away, on 24th Street. Once there, Mr. Ray needed the assistance of two poll workers Martha Rodriguez, a Democrat, and Frances Martinez, a Republican. He said he could not clearly see the names on the ballot and felt a bit overwhelmed by the choices.

Mr. Ray, who said he had been on the street a long time, was ecstatic as he left the voting booth.

"I feel like a citizen," he said.

ADMINISTRATION PROPOSES NEW AID FOR POLAND

Mr. DOLE. Mr. President, I am very pleased to advise those Senators who may not already have heard that the administration just a few moments ago announced a new food aid initiative for Poland—$50 million in additional food aid for fiscal year 1990.

I ask unanimous consent that the White House announcement of this new initiative be printed in the RECORD.

It will include, I think, from us—and it is also in tandem with the package of $140 million from the European Community—but it will include meat, corn, butter, oil, cotton, sunflower, rice, and other matters that are food items that are deeply needed and urgently needed in Poland.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT, SEPTEMBER 14, 1989

I am pleased to announce today that the United States will offer to provide additional food and commodity aid to the Polish people. Subject to consultations with the Polish government, we are prepared to offer an additional $50 million in assistance in FY 90. This amount would be in addition to the $50 million already announced on August 1st. Together with the $8.4 million in emergency food aid in FY 89, this new aid brings to $103.4 million the total of U.S. food/commodity assistance.

Our effort works in tandem with the $140 million of agricultural aid pledged by the EC as part of the coordinated effort called for by President Bush at the recent Paris Economic Summit.

We expect to offer quantities of meat, corn, butter, butter oil, cotton seed/sunflower oil, cotton and rice.

The Administration intends that the food aid will support long-term reform of the Polish agricultural system by providing much needed commodities during a transitional period toward a market economy. The food shortages and extremely high prices in Poland in recent weeks have placed a heavy burden on the Polish people. We expect that shipments of the new assistance will arrive in time for the difficult winter months.

This new assistance is one element of our continuing efforts, working with our allies and others, to support the process of change that is underway in Poland. It underscores our continuing commitment to assist the Polish govenment and people in their efforts to introduce market market principles and to build a private sector that will enable Poland to invigorate its economy.

Mr. DOLE. Mr. President, this new package will bring total food aid to Poland announced by the administration to $108.4 million; and the total aid package—food plus other forms of aid—to nearly a quarter of a billion dollars over 3 years. At this time of budgetary crisis in our own Government, that is a big, big commitment—but a well-justified one.

Yesterday, I introduced the legislation to implement the President's original proposal, made during his historic visit to Poland and Hungary. In that statement, and on other occasions since my visit to Poland in August—including in a meeting with President Bush in Kennebunkport—I have urged the administration to undertake some new initiative for Poland. I am very pleased at this quick response.

The President's original proposal was made at a time when Poland—while taking some important steps in political reform—still had a Communist-dominated government. It seemed to me important to signal our intent to do more for a democratic government then we had intended for a Communist regime.

I also felt we should take some action quickly—to signal our political backing for the Mazowiecki government. As I indicated on my report to the Senate on my trip, every Polish leader I met said the new governments honeymoon would be short. Unless it shows some concrete results quickly, it could risk losing vital political momentum—and that, in turn, could jeopardize the whole democratic experiment in Poland.

Prime Minister Mazowiecki put it best, when he said to me: "Anyone who gives now, gives twice."

So, in my view, the stakes are high. And this administration initiative will have an impact beyond just the dollar value of the package.

It will be a clear signal to Poland, and around the world, that we are prepared to take special steps to support the new government. It will help that government get over the hump of its initial months in office. It will help Poland get through the upcoming winter with stable food supplies.

It is a good decision; some additional political insurance for the new Mazowiecki government, and a good investment in democracy and economic reform in Poland.

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT

Mr. ADAMS. Mr. President, the request I am about to propound has been cleared by the Republican side and is a unanimous-consent request that has been cleared by all parties.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1502, calendar item No. 231, the D.C. police authorization bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1502) to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL OFFICERS AND MEMBERS FOR THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

(a) In General.—Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end thereof the following new subsection:

"(c)(1) In addition to the amounts authorized to be appropriated under subsection (a), and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits and necessary equipment) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia, $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

"(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits and necessary equipment) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of the authorized level of the department, for fiscal year 1989, of 4,055 officers and members.

"(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate.

"(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate that the District of Columbia has implemented for such fiscal year a community-oriented policing system in the District of Columbia.".

(b) Effective Date.—The amendments made by this section shall take effect October 1, 1989.

SEC. 3. DEVELOPMENT OF CLASSIFICATION SYSTEM FOR INDIVIDUALS CONVICTED OF CRIMES IN DISTRICT.

(a) Assistance From Bureau of Prisons and National Institute of Corrections.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall request the Director of the Bureau of Prisons and the Director of the National Institute of Corrections to provide the District of Columbia with technical assistance and training in the development of a criminal recordkeeping and classification system, which will provide the basis for a uniform strategy for managing and evaluating the processing in the District of Columbia's criminal justice system of individuals convicted of crimes in the District of Columbia.

(b) Information Included in System Data Base.—The recordkeeping and classification system described in subsection (a) shall include a data base continuously updated to provide current information on the prison population of the District of Columbia, including, but not limited to, the following:

(1) Aggregate inmate profiles and classifications based on individual records and files.

(2) Escape and other risk assessments for individual inmates.

(3) Ongoing counts of the number of persons at various stages of processing in the criminal justice system.

(4) Projections for future prison populations.

SEC 4. USE OF PROCEEDS OF FORFEITED PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

Section 502(d)(3)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33-552(d)(3)(B), D.C. Code) is amended by striking "shall be used to finance programs" and inserting "shall be used, and shall remain available until they are so used regardless of the expiration of the fiscal year in which they are collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs".

SEC. 5. DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT PARTICIPATION IN THE NATIONAL CRIME INFORMATION SYSTEM.

(a) Dissemination of Adult Arrest Records to Law Enforcement Agents.—(1) Notwithstanding any other provision of law, the District of Columbia Metropolitan Police Department shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division of the Federal Bureau of Investigation. Such dissemination shall be done without cost and without the authorization of the persons to whom such records relate.

(2) Any records disseminated under this section shall be used in a manner that complies with applicable Federal law and regulations.

(b) Definitions.—For purposes of this section—

(1) the term "member of the court" shall include judges, prosecutors, defense attorneys (with respect to the records of their client defendants), clerks of the court, and penal and probation officers;

(2) the term "law enforcement agent" shall include police officers and Federal agents having the power to arrest; and

(3) the term "unexpurgated adult arrest records" shall include arrest fingerprint cards.

AMENDMENT NO. 747

(Purpose: To make technical amendments to the bill reported by the Committee on Governmental Affairs)

Mr. ADAMS. Mr. President, I send an amendment to the desk on behalf of Senator Sasser and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. ADAMS], for Mr. SASSER, proposes an amendment numbered 747.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike lines 19 through 21 and insert the following:

(a) Paragraphs (3) and (3a) of section 502(d) of the District of Columbia Uniform Controlled Substances act (sections 33-552(d)(3) and (3a), D.C. Code) are amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) redesignating paragraph (3a) as paragraph (3); and

(3) reordering the paragraphs so that paragraph (3), as redesignated, precedes paragraph (4), as redesignated.

(b) Section 502(d)(4)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33-552(d)(4)(B), D.C. Code), as redesignated by subsection (a), is amended by striking "shall be

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 747) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 748

(Purpose: To provide for the implementation of a police corps pilot program in the District of Columbia and the State of West Virginia)

Mr. ADAMS. Mr. President, I send an amendment to the desk on behalf of Senator SASSER and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. ADAMS], for Mr. SASSER (for himself and Mr. BYRD) proposes an amendment numbered 748.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. 6. POLICE CORPS PILOT PROGRAM.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "Administrator" means an Administrator of the Police Corps program appointed pursuant to subsection (b);

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to subsections (i) and (j); and

(5) the term "participating law enforcement agency" means—

(A) in the case of a participant selected for the Police Corps program under regulations prescribed by the Administrator described in subsection (b)(1), the Metropolitan Police Department of the District of Columbia; or

(B) in the case of a participant selected for the Police Corps program under regulations prescribed by the Administrator described in subsection (b)(2), the West Virginia State Police (or such other law enforcement agency as the superintendent of the West Virginia State Police may designate).

(b) APPOINTMENT OF ADMINISTRATORS.—There shall be two Administrators of Police Corps programs pursuant to this decision, to be appointed as follows:

(1) the Chief of the Metropolitan Police Department of the District of Columbia shall appoint a person in the Metropolitan Police Department to serve as an Administrator; and

(2) the Superintendent of the West Virginia State Police shall appoint a person in the West Virginia State Police to serve as an Administrator.

(c) RESPONSIBILITIES OF ADMINISTRATORS.—Each Administrator shall be responsible for the administration of a Police Corps program pursuant to this section and shall have authority to promulgate regulations to implement this section.

(d) EDUCATIONAL ASSISTANCE.—(1) Each Administrator is authorized to pay the educational expenses of up to 25 participants in the Police Corps program, by—

(A) entering into an agreement to repay, and repaying, an educational loan of a participant; and

(B) entering into an agreement to repay, and repaying, a participant for educational expenses paid out of the participant's funds.

(2) Except for payments of interest on an educational loan, repayment under an agreement made pursuant to paragraph (1) shall be made following completion of a participant's course of educational study and service as required by this Act.

(3) Repayment of an educational loan made pursuant to paragraph (1) may be made in the form of direct payment to a lender or reimbursement of a participant for payments made to a lender.

(4) An educational loan that may be repaid under paragraph (1) is a loan made pursuant to or in connection with a Federal, State, local, or private loan or loan guarantee program designated by an Administrator and other loans that meet terms prescribed by such Administrator by regulation.

(e) ADMISSION OF APPLICANTS.—An applicant may be admitted into the Police Corps program either before commencement of or during the applicant's course of educational study.

(f) PAYMENT OF EDUCATIONAL EXPENSES.—(1) An Administrator may agree to repay an educational loan and to reimburse a participant for expenditures made prior to or after the time that a participant applies for admission to the Police Corps program.

(2) The amounts of educational expenses that an Administrator may pay under this section are limited as follows:

(A)(i) The amount of educational expenses incurred by a participant to cover the cost of an academic year of study that an Administrator may pay is limited to $10,000.

(ii) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of educational expenses incurred by a participant to cover the cost of such calendar year that an Administrator may pay is limited to $13,333.

(B) The amount of educational expenses incurred by a participant to cover the cost of undergraduate study is limited to $40,000 in the aggregate, regardless whether the time of study exceeds 4 years.

(g) ADMINISTRATOR'S OBLIGATION TO PAY.—(1) An Administrator's obligation to pay a participant's educational expenses under this section shall be void, and such Administrator shall be entitled to recover from the participant the amount of any interest on an educational loan that such Administrator has paid, if the participant fails to complete satisfactorily—

(A) the course of educational study undertaken by the participant; and

(B) service as required by subsection (o), unless the failure is the result of death or permanent physical or mental impairment.

(2) For the purpose of paragraph (1), a participant shall be deemed to have completed satisfactorily—

(A) an educational course of study upon receipt of a baccalaureate degree (in the case of educational expenses incurred to cover the cost of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of educational expenses incurred to cover the cost of graduate study); and

(B) service in a participating law enforcement agency upon completion of 4 years of service on the force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the force.

(3) As a condition to payment of educational expenses of a participant who fails to complete a course of educational study or service as a result of permanent physical or mental impairment, an Administrator may require the participant to perform appropriate alternative community service.

(h) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's gross income shall not include any amount paid as educational assistance under this section.

(i) SELECTION OF PARTICIPANTS.—Participants in the Police Corps program shall be selected on a competitive basis under regulations prescribed by each Administrator.

(j) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in the Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the participating law enforcement agency, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the participating law enforcement agency shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the participating law enforcement agency;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the participating law enforcement agency before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the participating law enforcement agency, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under subsection (o), and such a participant shall be subject to the same benefits and obligations under this Act as other participants, including those stated in paragraph (1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of subsection (o), such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(k) RECRUITMENT OF MINORITIES.—Each Administrator shall make special efforts to seek and recruit applicants from among members of racial and ethnic groups whose representation in the participating law enforcement agency is substantially less than in the population of the District of Columbia (in the case of the Administrator described in subsection (b)(1)) or of the jurisdiction of the participating law enforcement agency (in the case of the Administrator described in subsection (b)(2)). This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (i) and (j).

(l) ENROLLMENT OF APPLICANTS.—(1) An applicant shall be accepted into the Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(m) LEAVE OF ABSENCE.—(1) A participant in the Police Corps program who requests a leave of absence from educational study or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason, including temporary physical or mental impairment, may be granted such leave of absence.

(2) If a participant who has taken a leave of absence pursuant to paragraph (1) fails or is unable to resume educational study or service after the expiration of the leave of absence, the provision of subsection (f) shall apply.

(n) IN-STATE TUITION.—At least 50 percent of the applicants admitted to the Police Corps program must qualify for and be obligated to pay no more than the in-State tuition rates at the institutions they attend.

(o) SERVICE OBLIGATION.—(1) Upon satisfactory completion of a participant's educational course of study (in the case of a participant taking a baccalaureate degree) and prior to commencing or continuing graduate study (in the case of a participant who desires to do graduate work), and upon meeting the requirements of the participating law enforcement agency, a participant shall be sworn in as a member of the participating law enforcement agency and shall serve for 4 years as a member of such agency.

(2) A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the participating law enforcement agency, including those contained in applicable agreements with labor organizations and those provided by law.

(3) If the participating law enforcement agency subjects a participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under this section, the Administrator may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, upon satisfactory completion of that service, provide assistance pursuant to this section.

(4) The participating law enforcement agency may decline to offer a participant an appointment, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures.

(5) A participant in the Police Corps program shall, while serving as a member of the participating law enforcement agency, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the participating law enforcement agency.

(p) REPORTS TO PRESIDENT AND CONGRESS.—Not later than April 1 of each year, each Administrator described in subsection (b) shall submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program administered by such Administrator, broken down according to the levels of educational study in which they are engaged and years of service they have served with the participating law enforcement agency (including service following completion of the 4-year service obligation);

(2) describe the structure and progress of the program; and

(3) discuss the perceived strength and weakness of the program and any proposals for changes in the program.

(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia and to the State of West Virginia to carry out this section, for fiscal year 1990, such sums as may be necessary to carry out the provisions of this Act, and for each fiscal year thereafter such sums as may be authorized in the annual authorization Act for such year.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 748) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 749

Mr. ADAMS. Mr. President, I send an amendment on behalf of Senator LEVIN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for Mr. LEVIN, proposes an amendment numbered 749.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 15, strike out "of the authorized" through "4,055" on page 9, line 16, and insert in lieu thereof "of 4,355".

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 749) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, the amendment I have offered to H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989, would ensure that the District government pays for its promised 300 police officers before it hires the additional 700 police officers authorized by this bill. By including this requirement, we are making sure that the District government lives up to its commitment, made earlier this year, to hire 300 additional police out of the D.C. budget and not substitute our commitment of 700 police for their earlier promise.

I expressed my reservations during the committee markup on this legislation. In particular, I noted my concern over the special treatment this bill appears to give the District of Columbia in the drug war. The District of Columbia should get its money to fight drugs either through the normal budget process in which we determine the level of the Federal payment, or through a nationwide grant program, which makes such money available to all drug-plagued cities.

Last year we passed a major drug bill. Part of that legislation provided a pool of money to be distributed on a formula basis to the States and local governments with each State getting a minimum of $500,000 and additional moneys based on population. The District of Columbia was eligible for its share of that pot and in fact received $731,000. These grants could be used for additional personnel, equipment, training, and technical assistance in combating the drug crisis. That is the appropriate method for distributing funds which address nationwide problems. Actually, the formula for these funds did not include crime rate as a factor, and maybe it should have so that cities like the District of Columbia and Detroit could have gotten a larger share. That's one way anti-drug money can appropriately be directed to the District of Columbia.

The other is through the Federal payment, and the process that was followed in approving these 700 slots was not ideal. As I understand the history of this bill, the District of Columbia did not initially ask for more money from the Federal Government for additional police. The D.C. Council recommended or approved—out of D.C. funds—an increase of 300 police. In response to questioning at a Senate hearing on the D.C. drug crisis, the D.C. chief of police was asked how many police he could use, and he said 700. That proposal, then, took on a life of its own. At one point it appeared that some of the 700 federally funded police would substitute for some of the 300 D.C. funded police. My amendment would preclude that from happening. In any event, Mr. President, the appropriate way for an increase in police officers to be handled is through the District's annual request for its Federal payment. This bill was not part of that process and thus has the appearance of being special treatment. I don't think that serves any of us well.

The District of Columbia obviously has one of the worst drug problems in the country, and it needs assistance in some form. But many cities need such assistance. We are plagued with crack houses in my hometown of Detroit, MI, too. In 1988, the Detroit police made 10,321 narcotic-related arrests. We, too have children killing children over drugs and cocaine-addicted mothers and fathers simply turning their backs on their families for drugs. Miami, Los Angeles and New York, and many other cities face a similar crisis. Interestingly enough, while the District of Columbia apparently now has the highest murder rate in the Nation, it is 16th in the overall crime rate, Detroit is 8th, and Atlanta is 1st.

The Governmental Affairs Committee Permanent Subcommittee on Investigations held hearings in Atlanta and Macon, GA, earlier this year on the drug crisis there, and the testimony was dramatic. One small business in rural Georgia found through preannounced drug testing that almost half of its employees tested positive for drugs. There is a major, but often unattended, drug crisis in many of our rural communities as well.

But there is a question as to whether or not more police are the answer. The D.C. criminal justice system is already overloaded by the current number of arrestees. I haven't seen satisfactory data to prove that the court and penal systems in the District of Columbia could adequately handle the additional cases that 700 police officers would bring. I'm not sure that the problem is so much the lack of our ability to arrest individuals in the District of Columbia, as it is our inability to successfully prosecute and seriously punish the offenders. The prisons are bulging and are, in fact, under court order because of overcrowding.

Moreover, the Washington Post has recently described a human services department that is in shambles. It appears to be totally inadequate to respond to the tragedy that the drug crisis is causing for D.C.'s child victims. The Post reports that more than half of the child welfare system's authorized social work positions are vacant and that those social workers they do have are enormously overburdened. "Babies born to drug-addicted mothers," the Post reports, "are lingering in local hospitals, although they are healthy and ready to be discharged. Other children are crammed into crowded and unlicensed foster care homes. Sometimes children are lost within the system because of a defective computer tracking system."

Later on the article continues, "[T]he drug crisis and its impact on children is a national problem. But unlike some other jurisdictions that have obtained additional money and larger staffs to battle the crack epidemic, top administrators in the District's child welfare system have not yet geared up." The article goes on to say that one of the reasons for the current situation in the child welfare system is that it has been "plagued by major budget problems." I am pleased to note that Senator ADAMS has included additional money in the D.C. appropriations bill for drug treatment and child-related services, in addition to the 700 police officers.

Finally, Mr. President, I certainly recognize our role in adequately funding the District of Columbia. The presence of the Federal Government in the District not only affects the District's tax base but imposes unconventional demands on its city services as well. I understand that. And I am concerned over the recent figures that show a drop in the Federal Government's share of support for the District of Columbia. The Federal payment as a percentage of the D.C. budget has dropped from 26.7 percent in 1975 to 16.4 percent in 1988. I think that level of support should be reexamined to determine if we really are paying our fair share.

But having said that, I do not think a separate bill for the District of Columbia, outside the normal budgeting process, is the preferable way to handle D.C. issues. The District of Columbia did not ask for these additional 700 police during its normal budget request. That is when this issue should have been addressed, but it was not. By failing to follow the normal legislative process for D.C.'s budget, we appear to be giving the District of Columbia favored treatment in the drug war. On closer examination, I do not believe that is true. The District of Columbia's budget request should have included a request for an additional 700 officers. But it did not and the city should not suffer for the failings of the process. I am pleased however, that by adopting my amendment, we have made sure that there is no possibility that the Federal Government is stepping in to pay for what the District of Columbia had already planned on paying for—namely the additional 300 police.

Mr. SASSER. Mr. President, I am pleased to bring before the Senate two amendments to H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989.

The first amendment, which is purely technical, corrects a misnumbering of two paragraphs in the District of Columbia Code, which deal with the disposition of proceeds from assets forfeited in drug cases. This rendered those provisions internally inconsistent, a preexisting oversight that was discovered in drafting section 4 of H.R. 1502 which amends one of the paragraphs in question.

My second amendment adds section 6 to H.R. 1502, to authorize a pilot test of a national "police corps" proposal. The National Police Corps Program is the subject of S. 1299, introduced by myself and Senator SPECTER, of which I am proud to be a coauthor.

The police corps legislation is similar to the Reserve Officers Training Corps Program, which provides educational benefits for college students who make the commitment to serve in our Nation's Armed Forces for a specified period after graduation. Under the police corps bill, a participating student would agree to serve for 4 years as a law enforcement officer upon the completion of his or her educational study. The Government, in turn, would guarantee the repayment of the participant's educational loans and expenses in the maximum amount of $10,000 per year and $40,000 in the aggregate. This repayment could be directly to the lender, or to the participant in the case of expenses directly incurred. The Government's obligation to repay would mature only when the participant has satisfactorily completed both the course of educational study, and service in a law enforcement agency.

What my amendment does is to authorize a pilot test of this Police Corps Program involving up to 50 positions. Half of these would be available to the Metropolitan Police Department of the District of Columbia as the participating law enforcement agency. The other 25 pilot program positions will be available to participating law enforcement agencies in the State of West Virginia, either the State police or other law enforcement agencies designated by the superintendent of State police.

The District of Columbia and the State of West Virginia will each have an administrator for their respective portions of the Pilot Test Program. Participating students will have to meet the same requirements for admission as any other trainee of the participating law enforcement agency. Upon graduation and commencement of service, they will be subject to the same rules and discipline as other officers of the force on which they serve.

Just as the ROTC Program has provided our Nation with thousands of fine military officers, I am confident that the police corps proposal will attract many accomplished, intelligent, and dedicated young people to the service of law enforcement. The pilot test afforded by my amendment will give us an early opportunity, as we consider S. 1299, to publicize the program and learn more about how it will work in practice. It will augment the law enforcement requirements of our Nation's Capital, which is the essential purpose of H.R. 1502. At the same time, by encompassing a less urban state, the pilot test will retain a limited scope and yet permit comparison of the program's appeal in a diversity of geographic areas.

The inclusion of a police corps pilot test in H.R. 1502 was previously discussed in the Subcommittee on General Services, Federalism, and the District of Columbia, which I chair, and in the full Committee on Governmental Affairs. I wish to thank my distinguished colleague from Alaska, Senator STEVENS, for his cooperation and assistance in formulating the pilot program which is embodied in my amendment.

Mr. HEINZ. Mr. President, I am pleased to rise in support of H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989. This bill authorizes the appropriation of additional Federal funds totaling $127.3 million in fiscal year 1990 through fiscal year 1994. Seven hundred officers will be added to the Metropolitan Police Department of the District of Columbia under this authorization.

This legislation takes other important steps in responding to the troubling crime battlefield found in our Nation's Capital. These steps include calling for the implementation of a community-based policing system in the District of Columbia, a pilot police corps program, and the development of a classification system for individuals convicted of crimes in the District.

This bill will help the District do a better job in enforcing the law here, but it will also require the District to become part of the nationwide anticrime fight. As a result of an amendment I offered in full committee, the District of Columbia Metropolitan Police Department must participate in the Federal Bureau of Investigation's [FBI] National Crime Information System.

The District's Duncan Ordinance prohibits the Washington Metropolitan Police Department from transmitting its arrest records, including arrest fingerprint cards, to the FBI's Identification Division. The District of Columbia is the only jurisdiction in the Union that has such an ordinance.

In short, if an individual has an arrest record in another State and is picked up for a crime committed in Washington, DC, the District of Columbia is unable to verify the person's identification since law enforcement records are not fully shared with the FBI's Indentification Division.

I ask my colleagues to consider the following example. An escaped felon is wanted by police in District of Columbia in connection with the murder of an elderly woman. If this individual flees to Pennsylvania and is arrested for some reason, the Pennsylvania authorities have no means at their disposal to check whether the person in their custody has a record with the District of Columbia. A wanted felon, in this example, could go free because the Duncan Ordinance severely curtails the exchange of national law enforcement data—leaving another criminal on our streets.

Mr. President, I am sure my colleagues in the Senate will agree that enactment of this legislation and repealing the Duncan Ordinance will not help take a bite out of crime in the Nation's Capital but put more teeth into law enforcement across the country.

Mr. GLENN. Mr. President, I rise to support H.R. 1502, a bill authorizing funds for 700 new policemen in the District of Columbia. H.R. 1502 addresses a problem we often talk about here in Congress: Crime. It also gives us a chance to do more than just contemplate, bemoan, or study our crime problems. This bill puts 700 crime fighters on the streets of our Nation's Capital.

I commend Senator SASSER for his hard work on H.R. 1502. Without his diligence and concern for the city of Washington, we would not have before us today this necessary measure.

Crime—and especially crime related to the illegal drug trade—is a plague in almost every major city in America. The Committee on Governmental Affairs, which has jurisdiction over the District of Columbia, has focused this year on the District's drug related crime problems. In a hearing before the full committee, witnesses testified that the first step in solving these problems is reclaiming the District's streets for lawful citizens. Simply stated, that means more patrols—patrols of community groups, of interested citizens, and, most importantly, of dedicated policemen.

As he has testified before many committees, and as he has demonstrated by his actions, the new D.C. Chief of Police, Isaac Fulwood, is committed to increasing police presence in the high-crime areas of the District. However, he is attempting to do so with a law enforcement team which, when it reaches its authorized size later this year, will include almost 1,000 men less than it did in the 1970's. H.R. 1502 remedies this shortfall and, I hope, gives Chief Fulwood the resources he needs to carry out his ambitious and necessary plans.

I support H.R. 1502 because it is a direct response to the District's crime program. There are no shortcuts to safe streets. The authors of this legislation in the House, and its champions in the Senate, have realized this. I commend them for acting so promptly on their realization.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1502), as amended, was passed.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

OUR FLAG

Mr. FORD. Mr. President, 175 years ago today the words to our national anthem—"The Star Spangled Banner"—were written. It was a period of national peril. Our young country was invaded by a foreign enemy who threatened our citizens and their livelihood, and attempted to destroy several of our major cities. Here in Washington this Capitol Building and the White House were burned by the British.

Mr. President, in terrible times like those, our forebearers needed things they could count on and unifying symbols they could rally to. They had one in the flag.

Nearly two centuries later the threat of this Nation is not as obvious, but the need of our citizens and the need of our Nation's leaders is no less great. The flag is one symbol that we can look to in our struggles and find hope—one symbol we can see in our daily work and find common purpose.

Mr. President, I am pleased to announce that on this anniversary of the writing of "The Star Spangled Banner" the Joint Committee on Printing is publishing once again the booklet called "Our Flag." In the past it has been one of the most frequently requested congressional publications, but it has not been reprinted for more than a decade. This revised edition retells the history of the flag's development—how Congress chose the Stars and Stripes and how the stripes came to be limited to 13, and how our Nation and flag grew together. In a period of our history when our highest court is telling our people what they can get away with and what they don't have to do to fulfill their duties as citizens, this little book tells you what you can do if you respect and love our flag.

I am very pleased that each Senator will receive a supply of these books. One Senator has already received thousands of requests for the reprint. I am proud of the staff of the Joint Committee on Printing. They have done an excellent job. It is up to date. Even Speaker FOLEY's picture is in it. Remarks about Congressman Pepper are included.

It is a book that primarily is issued and reprinted for our children. I hope that everyone who is watching us today, with a child or grandchild who would like to have this book, will see their Congressman or Senator to see if they will be able to get one. There will be only 300,000 of them. We may have to reprint. I hope we do, Mr. President, have to reprint it.

Hopefully, this booklet will begin to strengthen the fiber that has held this country together for so long. I thank my distinguished colleagues for allowing me a couple minutes to bring this to the attention of the Senate.

I yield the floor.

Mr. ADAMS. Mr. President, we thank the Senator from Kentucky for his fine remarks. It was a great pleasure to be present while he made them.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990

Mr. ADAMS. Mr. President, under the previous order of the Senate, I am pleased to call up at this time H.R. 3026, the bill making appropriations for the District of Columbia.

The **PRESIDING OFFICER**. Pursuant to the previous order, the clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1990, and for other purposes, namely:

Federal Payment to the District of Columbia

For payment to the District of Columbia for the fiscal year ending September 30, 1990, $430,500,000: *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

Federal Payment for Water and Sewer Services

For payment to the District of Columbia for the fiscal year ending September 30, 1990, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, **[**$34,740,000**]** *$8,685,000,* as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

Federal Contribution to Retirement Funds

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

Transitional Payment for Saint Elizabeths Hospital

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), $15,000,000.

Criminal Justice Initiative

For an additional amount for the design and construction of a prison within the District of Columbia, $20,300,000 to become available October 1, 1990: Provided, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison.

The $50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1989, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison: *Provided,* That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further,* That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison.

DRUG EMERGENCY

For a Federal contribution to the District of Columbia, $31,772,000, to remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $112,971,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated $6,726,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $818,000 shall be derived from the general fund and not to exceed $5,908,000 shall be derived from the earnings of the applicable retirement funds: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That of the $150,000 appropriated for fiscal year 1990 for Admission to Statehood, $75,000 shall be for the Statehood Commission and $75,000 shall be for the Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That no part of these funds shall be used for lobbying to support or defeat legislation pending before Congress or any State legislature.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $137,913,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia: *Provided further,* That up to $275,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single-room occupancy initiative.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 130 passenger-carrying vehicles for replacement only for police-type use and 29 additional passenger-carrying vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, **[**$833,206,000**]** *$861,191,000*: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That not to exceed $26,000 shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accreditation organization: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during fiscal year 1990 in relation to the Lorton prison complex. Such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: *Provided further,* That the staffing levels of each two-piece engine company within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect**[**,-until final adjudication by the relevant courts or October 1, 1990, whichever occurs later**]**: *Provided further,* That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services which are performed in emergencies by the National Guard in a militia status and which are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursements to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituing payment in advance for the emergency services involved: *Provided further, That of the funds provided to the District of Columbia Superior Court $2,600,000 shall remain available until expended: Provided further, That of funds provided to the Department of Corrections $36,311,000 shall be for the expense of housing D.C. Code violators in Federal Bureau of Prisons facilities, including $5,064,000 of payments previously forgiven.*

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, **[**$689,353,000**]** *$691,120,000,* to be allocated as follows: **[**$500,579,000**]** *$502,346,000* for the public schools of the District of Columbia; $86,300,000 for the District of Columbia Teachers' Retirement Fund; $76,088,000 for the University of the District of Columbia; $18,849,000 for the Public Library; $3,527,000 for the Commission on the Arts and Humanities; $3,440,000 for the District of Columbia School of Law; and $570,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1990, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further, That funds provided under this head in Public Law 100-202 (101 Stat. 1329-94) to match private contributions to the District of Columbia Public Schools Foundation shall be available until September 30, 1989.*

HUMAN SUPPORT SERVICES

Human support services, [$825,898,000] *$827,918,000*: *Provided,* That $18,611,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That of the funds provided for the D.C. General Hospital subsidy, $646,000 shall be used to provide health care to homeless persons.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $223,898,000, of which not to exceed $3,600,000 shall be available for the School Transit Subsidy: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $7,874,000: *Provided,* That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual Convention Center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act To provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act To authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $251,474,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $218,872,000 general fund accumulated deficit as of September 30, 1988, $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both): *Provided,* That if the Federal payment to the District of Columbia for fiscal year 1990 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, approved December 12, 1985), as amended, the percentage (if any) by which the $20,000,000 set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order: *Provided further,* That all net revenue the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia et al., CA 10080-87 (court order filed November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $10,997,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $2,569,000.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of $2,000,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $6,100,000, within one or several of the various appropriation headings in this Act.

PERSONAL SERVICES ADJUSTMENT

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14 in the amount of $31,550,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $134,650,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 to 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act To authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That $10,556,000 shall be available for project management and $26,319,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That $20,300,000 *of the $134,650,000* shall be available solely for the Correctional Treatment Facility *to be constructed in the District of Columbia which is financed with Federal funds appropriated to the District of Columbia for fiscal year 1991*: *Provided further,* That $547,000 for the Department of Recreation and $3,080,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1991, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1991: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $199,382,000, of which $34,964,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,700,000, as authorized by An Act Authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided,* That the requirements and restrictions which are applicable to general fund capital improvement projects and are set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further,* That of the

$27,085,000 in water and sewer enterprise fund operating revenues for pay-as-you-go capital projects, $1,200,000 shall fund new authority in the fiscal year 1990 capital budget and $25,885,000 shall fund prior year capital budget authority.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for fiscal year 1982, approved December 4, 1981, (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,600,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation title from its own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $1,600,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personnel compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1990, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds [38,475] *39,569*.

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1991, shall be transmitted to the Congress no later than April 15, 1990.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 123. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization

Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1989 shall be deemed to be the rate of pay payable for that position for September 30, 1989.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

Sec. 126. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

Sec. 127. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency and the District's best interest.

Sec. 128. No later than 30 days after the end of the first quarter of fiscal year 1990, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1990 revenue estimates as of the end of the first quarter of fiscal year 1990. These estimates shall be used in the fiscal year 1991 annual budget request. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 129. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), is amended by striking out "sold before October 1, 1989" and inserting in lieu thereof "sold before October 1, 1990".

Sec. 130. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 131. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sec. 132. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act which are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

[Sec. 133. None of the funds available to the District of Columbia government shall be used for any purpose involved in billing individual agencies or establishments for water and water services and sanitary sewer services traditionally funded under the account "Federal Payment for Water and Sewer Services" unless and until existing statutes (sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, Public Law 364, approved May 18, 1954 (68 Stat. 101; D.C. Code, sections 43-1552 and 43-1612), are amended to specifically provide for such billing.**]**

Sec. 133. (a) It is the purpose of this section to improve the means by which the District of Columbia is paid for water and sanitary sewer services furnished to the Government of the United States or any department, agency, of independent establishment thereof.

(b) Section 106 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 102; D.C. Stat. 43-1552) is amended by—

(1) striking in subsection (a) all that follows the sentence beginning with "Payment shall be made as provided in subsection (b)"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990 and thereafter, the government of the District of Columbia shall bill directly on a quarterly basis and in advance for water services provided to all buildings, establishments, or other places owned by the Government of the United States. Bills for each such building, establishment, or place shall be directed to the Federal department, independent establishment, or agency responsible for paying other utility charges for the location. The District government shall adjust its individual billings to reflect actual usage of water services not later than 2 years after the conclusion of each quarter.

"(2) Each Federal department, independent establishment, or agency responsible for making payments described in paragraph (1) for utility services to buildings, establishments, or other places shall pay from funds available to it, quarterly on the first day of each fiscal quarter to the account in the United States Treasury designated or established for 'Federal Payment for Water and Sewer Services,' the amount billed by the District government for water services to be furnished. Amounts in the account shall be made available to the District government on the 5th day of each fiscal quarter but in no case later than 30 days after payments are received from Federal agencies.

"(3) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(c) Section 212 of the District of Columbia Public Works Act of 1954 (68 Stat. 108; D.C. Stat. 43-1612) is amended by—

(1) striking in subsection (a) all that follows ": Provided, That"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990 and thereafter, the government of the District of Columbia shall bill directly on a quarterly basis and in advance all buildings, establishments, or other places owned by the Government of the United States for the sanitary sewer services it receives. The District government shall adjust its individual billings to reflect actual usage of sanitary sewer services not later than 2 years after the conclusion of each quarter.

"(2) Each Federal department, independent establishment, or agency responsible for making payments described in paragraph (1) for utility services to buildings, establishments, or other places shall pay from funds available to it, quarterly on the first day of each fiscal quarter to the account in the United States Treasury designated or established for 'Federal Payment for Water and Sewer Services,' the amount billed by the District government for sanitary sewer services to be furnished. Amounts in the account shall be made available to the District government on the 5th day of each fiscal quarter but in no case later than 30 days after payments are received from Federal agencies.

"(3) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(d) The first sentence of subsection (d) of section 207 of the District of Columbia Public Works Act of 1954 (68 Stat. 106) is amended to read as follows: "Whenever a property upon which a sanitary sewer service charge is a public park, or uses water from the water supply system of the District for an industrial or commercial purpose in such a manner that the water so used is likewise not discharged into the sanitary sewage works of the District, the quantity of water so used and not discharged into the sanitary sewage works of the District may be excluded in determining the sanitary

sewer service charge on such property, if such exclusion is previously requested in writing by the owner or occupant thereof.".

(e) The amendments made by this section shall take effect January 1, 1990.

SEC. 134. (a) The paragraph under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriation Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), is amended—

(1) by striking the 10th proviso; and

(2) in the 11th proviso, by striking "1144, as well as in the Old Georgetown Historic District:" and inserting "1144:".

(b) The 11th proviso referred to in subsection (a)(2), as amended by such subsection, shall not apply with respect to any activity relating to a lottery, raffle, bingo, or other game of chance sponsored by, and conducted solely for the benefit of, an organization which is described in section 501(c)(3), and exempt from tax under section 501(a), of the Internal Revenue Code of 1986.

SEC. 135. No funds appropriated in this Act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

SEC. 136. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 137. For the fiscal year ending September 30, 1990, and for every fiscal year thereafter, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.]

SEC. 137. Section 11-903, District of Columbia Code, is amended to read as follows:

"§ 11-903. Composition.

"The Superior Court of the District of Columbia shall consist of a chief judge and fifty-eight associate judges."

SEC. 138. Of the funds appropriated in Public Law 100-202 for carrying out part B of title VII of the Higher Education Act that remain available for obligation, $6,700,000 shall be awarded without regard to section 701(B), section 721(B), and section 721(C) of said Act to the consortium of institutions of higher education in the Washington, D.C. metropolitan area for the purpose of constructing and equipping an academic research library to link the library and information resources of the universities participating in the consortium.

SEC. 139. Section 132, as contained in section 101(c) of Public Law 100-202 is hereby rescinded.

This Act may be cited as the "District of Columbia Appropriations Act, 1990".

Mr. ADAMS. Mr. President, I am pleased to present the District of Columbia appropriations bill for the fiscal year 1990 to the Senate. It has been a great pleasure to work with Senator GRAMM on this through the subcommittee and full committee level.

This bill contains recommended Federal funds for the various payments in lieu of taxes and in services rendered to the Federal Government.

The bill also includes nearly $3 billion in locally generated revenue from the taxpayers of the District of Columbia. It is very important to remember that we form just one part of the revenue base of the District of Columbia. The bill presented here is within the 302(b) allocation budget authority and outlays for the District of Columbia Subcommittee.

In addition, we are $18.9 million below last years appropriated level. Mr. President, I will briefly highlight the bill and the work of the subcommittee.

The chairmanship of the district subcommittee is always a challenge. But I suspect this year it is more of a challenge than most. I approach this task with the long history of involvement with the District government, and a conviction that the problems of the District of Columbia are not isolated. I drew, as chairman the Subcommittee on Constitutional Law of the District of Columbia Committee for the House of Representatives, the charter that is known as the Home Rule Charter in 1973. So I have had some familiarity with the District, and I believe that the problems of the District are not isolated problems. They are the problems of any urban city in the United States.

At the top of that list are drugs and crime. Drugs and crime are everywhere. I recently visited a hospital ward in Seattle devoted to crack babies—the innocent victims of this plague. I rode with the police in Seattle and in Takoma through drug infested neighborhoods. The problems in my State are not as bad as the problems in the District of Columbia. But they will become bad if we do not stop this scourge now.

The subcommittee has spent most of its time at hearings, and in informal meetings discussing the problem of crime and drugs in the District of Columbia. I have a strong belief that we have to work with the District government to make the streets of our Capital City as safe as possible. I believe in home rule, and I do not want to run the District of Columbia. But I do want to help the District of Columbia.

Washington, DC has been hit with an unprecedented epidemic of crack abuse, and this has brought with it terrifying violence. This white plague is responsible for a wave of murders that have received national attention. Whole neighborhoods have been taken over by the thugs who sell and use these drugs. We cannot allow the streets of our Nation's Capital to be taken over by the drug lords.

The subcommittee talked at length with the leadership of the District government. We heard from the police, the judges, the corrections department, and those in the front lines trying to treat and rehabilitate addiction. We talked with those from the school board interested in trying to educate and prevent the start of crack addiction.

We have looked at the very considerable resources which the District government is spending, both on the war on drugs and trying to take back the streets. And we have looked for areas where we, the Congress, can target additional resources. Our philosophy from the start has been that our first priority regardless of what we may think on all other subjects must be to take back the streets. We cannot, and we will not, Mr. President, surrender any part of this city to drug pushers and addicts.

We have included in this bill $31.8 million in targeted funds for the emergency that drugs have caused in the District. This is a District drug emergency. The money as appropriated would fund the following:

First, 700 new police. We have just passed that bill authorizing the 700 new police and this bill will fund it. We need to increase police visibility on the streets in order to close down open-air drug markets and stop the violence. In 1969 Washington, DC, had over 5,000 police officers. The 700 new police recommended along with the 300 locally funded will return the Metropolitan Police Department to 1969 levels. The recommended bill includes $23 million to fund these police for fiscal year 1990.

Second, the court system is in dire need of help to deal with the increased number of drug felons. We simply cannot be left with arresting people and not have the full process work so that the streets are not only cleaned but remain clean. The subcommittee is recommending $4.8 million for the courts. This includes funds for eight additional judges. Drug offenders must be tried and punished as swiftly as possible after arrest.

Third, prisons. The subcommittee has approved the District's request for $42 million in authority for the District to borrow in the municipal bond market to construct an 800- to 1,000-bed facility at Lorton. Additional borrowing authority of $22 million is provided to plan three other prisons. We have also done everything we can in the committee to expedite the construction of the new correctional facility in Southeast Washington that was authorized, unfortunately to say, 3 years ago. It has languished. I want to compliment Senator GRAMM and all the other members of the committee for their unified action in helping me and the other authorities to start this prison moving because it is the first one that could be on line.

Fourth, drug treatment. Law enforcement has been emphasized because it is necessary to stabilize the streets. But the long-term battle will not be won unless we can treat and rehabilitate addicts. We are providing $2 million to begin a program to provide treatment on demand for addicts who are pregnant. Too many crack addicted babies are born in Washington, DC. Our first goal should be to try to save these innocent children.

Last, we are recommending an additional $1.3 million for the D.C. school system to expand afterschool programs, particularly in high-risk neighborhoods. We have to give our children an alternative to the enticement of drug activity on the streets.

What I have outlined above, Mr. President, will not solve the problem of drugs in Washington, DC. We hope that it will help a city government which is already spending an ever-increasing amount of money on the drug problem. The subcommittee will expect the District's Director of Drug Control Policy to coordinate and implement these recommended programs.

Senator GRAMM and I have agreed that we will hold hearings in 1990 to ensure that these resources are being spent as appropriated on time and for the projects which have been authorized, and for which money has been provided.

The remainder of the Federal funds portion of the bill, Mr. President, I will describe now. There is the regular portion of the bill, and it fits within the budget guidelines that have been provided to the committee and subcommittee.

First, there is a $430.5-million payment that is the Federal payment to the District of Columbia. Second, there is a $52 million amount for the Federal contribution to the various retirement funds in the District. These were authorized, Mr. President, and some Members may not know this, many years ago, but we did not fund the retirement fund for the police and fire departments through many years when this city did not have home rule and for a period thereafter. We are trying, as is the city, to be certain those retirement funds are appropriately funded.

Fifteen million dollars is appropriated as the next-to-the-last installment on the payment to the District for the extraordinary costs associated with taking over the operation of St. Elizabeths Hospital. This was required by a law passed by this Senate and this Congress, and the operation of St. Elizabeths is now moving into the control of the District, and this is the next-to-the-last installment.

Eight point seven million is appropriated for the first quarter of payments for water and sewer services to the Federal Government.

Mr. President, this is a new program that has been recommended for many years by the Office of Management and Budget and which the Senate subcommittee and full committee are recommending be adopted now. What it does is represents a reduction of more than $26 million below the House allowance for this purpose, and a departure from past practices. Since 1954, the Federal Government has simply made a lump sum payment, in lieu of charging to the various entities of the Federal Government in the District. It is a lump sum payment to the District for services.

Three years ago the President recommended that the District bill each Federal agency for these services. We have looked to this proposal and agree that now is the time to make the change. Therefore, we have included sufficient funds to make the first quarter payment in a lump sum, and it included language authorizing the District government to begin billing and receiving payment from the various Federal agencies beginning on January 19, 1990.

Let me close by thanking Senator GRAMM for his cooperation and support during this progress. We do not agree on everything, and that will become apparent; we disagree with good grace and humor. I thank the other members of the subcommittee for their hard work on a task that is very rarely rewarded.

Before I yield the floor, I want to thank the members of the committee for their interest, cooperation and support this year, and, in particular, the distinguished chairman on appropriations, Senator BYRD, who has provided us with leadership and guidance and made certain that we brought these bills on time to the floor. I am very grateful to them and to the members of the staff who have assisted us.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order under rule 16 shall have been considered to have been waived, if the request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I now wish to yield the floor for any statement Senator GRAMM may wish to make and, once again, to indicate to him my appreciation for this bill moving rapidly to the floor.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. I thank our distinguished chairman for his leadership on this bill, Mr. President. I think that I can summarize my views very quickly. I think Senator ADAMS has gone through the bill in some detail.

First of all, I think it is important to note that this bill is within our 302(b) allocations, which, converted into English, means that it fits the budget that we adopted, and the budget that we set out as our target.

Second, I think it is important to note that in terms of outlays, last year we had in Federal payments $556,910,000. This year, we have $538,027,000.

In addition, we have implemented a fundamental reform, and I want to congratulate our chairman for his support of that reform. That is a reform whereby we are going to have the District of Columbia bill Federal agencies for their sewer and water, rather than making up some fictitious figure to be negotiated out by politicians. I think it is vitally important that we move toward a more business-like relationship with the District of Columbia.

Next, we have in this bill reimposed apportionment requirements in relation to the District of Columbia, so that the District of Columbia, in the Federal outlays we make to it, is treated as all other areas receiving funding from the Federal taxpayer, so that the Federal Government has oversight and management in relation to the timing of those payments.

Finally, and most important, Mr. President, this is an appropriation bill that is committed to imposing law and order in the District of Columbia. It commits resources and combines that with a mandate to get on with the job of building a new prison, to put these hoodlums that ravage the law-abiding citizens of the District of Columbia in jail and to keep them there.

Second, we commit resources, and a lot of resources, to hire 700 new police officers to, again, enforce the law. In addition, we provide additional funding to engage in drug education and drug rehabilitation.

So in the District of Columbia appropriation bill, you can debate forever on the merits or lack thereof in the bill, but clearly this bill is a step toward greater fiscal restraint, greater efficiency in the managing relationship between the Federal Government and the District of Columbia, and then intensification of our commitment to enforcing the law and to protecting law-abiding citizens.

As our distinguished chairman said, I am not interested in being Mayor of the District of Columbia. It does not look like a very good job to me, looking in from the outside, and I have not sought that job.

We have tried, very effectively, I think, on a bipartisan basis, to do the Federal job and to leave the running of the city of the District of Columbia up to those who are elected here.

Let me say, Mr. President, that I do believe that with the resources that we have provided, that having participated in providing more money for law enforcement officials, more money for prisons, more money for education, more money for drug rehabilitation, I commend to the government of the District of Columbia an effort on their part to reorder the priorities of the use of their local tax moneys for these same purposes. I commend to them strong mandatory sentencing.

It is outrageous, given the terrible crimes and brutal murders that occur in the District of Columbia, that there is no death penalty here, even for killing a police officer. The level of sentences being handed out by courts is moving in the wrong direction, with lower sentences and fewer numbers of years served.

I hope we have moved to at least give them the capacity to correct that, with the providing of money for prisons.

Finally, Mr. President, let me say I am sure there are a lot of controversial items here I think the final controversial item that we will address on the floor, Senator ADAMS and I decided if you are going to have a big shootout, why do it twice.

So, clearly, a point of contention in this bill is: Should we have a prohibition, since Federal funds are used throughout the District of Columbia? And it is like throwing one more piece of lead into a big pot of melted lead; all of it gets mixed up.

Should there be a prohibition against using, in essence, directly or indirectly, the taxpayers' money in funding abortions when the mother's life is not in danger? That is the outstanding issue. I am sure my colleagues have seen it.

The President has said that unless this language is corrected, that he will veto the bill. Obviously, much of the contention here on the floor is going to be directed at this issue.

Let me conclude by saying that I enjoyed having an opportunity to work with our distinguished chairman. We have had lots of hearings; we have heard from a lot of people. Our problems in the District of Columbia are very serious problems.

I think it is important for us to remember that this is the Nation's Capital. If we cannot address these problems here, we are going to have a very difficult time addressing them anywhere else.

I think we have committed the resources. We have given the District of Columbia the tools. Will they use those tools efficiently? Obviously the voters of the District of Columbia will have an opportunity to look and see how they do that job and hold them accountable and that is what the democratic process is about.

I commend our chairman. I enjoyed working with him. I think we have worked well together in trying to keep it on the offensive, not on the political side of what is going on in the District of Columbia, and the basic objective we have is to provide the Federal funds to defray the costs incurred as a result of tax liability that is not paid here.

I commend the chairman. I enjoyed working with him. I have not worked on these bills in the past; it has not been an opportunity that has been imposed on me by our fellow colleagues. But I think it is basically a bill that has many strong points. I am hopeful that we can correct this last problem with it on the floor and that as a result we will eliminate the controversy and the President can sign the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I know of no amendments on this side. As Senator GRAMM indicated, there may be amendments from the other side.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

Mr. WILSON. Mr. President, I rise to offer an amendment. Before I do, I wish to give credit where it is due. Recently, the Washington Post has run a series; in 3 consecutive days, they have told a chilling story of the explosion of crack as an epidemic here in the District of Columbia and what its implications have been in terms of the children of this District.

The first of these articles contained a headline, "Abuse, Neglect Rising in D.C. Drugs Ravage Home Life."

The second installment bore the headline, "Boarder Babies"—meaning those who have been abandoned—"Linger in Hospitals. Drug Users Abandon Their Infants."

The third in this series entitled "The Crack Legacy" bore the headline "Sitting on a Time Bomb Waiting for Kids To Die"—that being a quote from a District of Columbia Child Welfare Services worker. And the headline below is "D.C. Child Welfare Services Overmatched."

Mr. President, this is an ugly story. It is a story that demands attention. Perhaps to put it in simplest terms, I will simply quote the first three paragraphs of the last installment.

This is a series by Marcia Slacum Greene, Washington Post staff writer, and she wrote in the concluding installment:

> Children whose families have been ripped apart by the District's crack cocaine epidemic are being victimized twice: once by the drug scourge and again by a child welfare system beset with long-standing operational problems.
>
> More than half of the system's authorized social work positions are vacant. Social workers, who have found that drug cases defy traditional solutions and demand enormous commitments of time, are handling average caseloads of 61 families each, one of the highest of any major city. One D.C. worker has been assigned to oversee 117 families with 221 children.
>
> The system's mandate to determine promptly whether a child is in danger is not being carried out. Last month, the agency had a stack of uninvestigated cases involving 771 children.

Mr. President, I ask unanimous consent that this series from the Washington Post, "The Crack Legacy," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1989]

ABUSE, NEGLECT RISING IN DC—DRUGS RAVAGE HOME LIFE

(By Marcia Slacum Greene)

An increase of crack-cocaine addiction in Washington has brought an unprecedented surge in the number of children being abused, neglected and mistreated.

Parents seeking the next crack fix have abandoned their young children in the streets and in hospitals. They have sold food stamps and their children's clothes for drug money. A few even have sold their children as prostitutes.

Like children of war, the neglected youngsters wipe their tears, eat what they can find and spend hours—sometimes days—at home alone. Authorities have found 6-year-olds taking care of 2- and 3-year-olds, and preschoolers begging neighbors and strangers for food. Some children have been beaten, burned or sexually abused. A few have died.

These damaged children are among the newest and most helpless victims of crack cocaine, which has created more profound changes in human behavior than any other illegal drug in recent history, including heroin, PCP and the more traditional form of cocaine powder. It alters brain chemistry to such an extent that it makes addiction almost a certainty, usually in a matter of months.

More so than with other drugs, crack addicts are found among young mothers, with small children, few child-rearing skills and no spouse to share their load. In their extended families, even some of the grandparents are addicted.

"I've been a police officer for 20 years and for the first time I'm seeing kids born without families, including a mother," said Sgt. Peter D. Banks of the D.C. police youth division. "No one is teaching them any moral values. Nobody is giving them any love. Nobody is holding them."

The effects are seen throughout the system. Nearly half of the neglect and abuse cases entering D.C. Superior Court are drug related and illegal drugs are a factor in the majority of some social workers' caseloads. In more than half of the nearly 6,000 neglect or abuse reports received from October to June, drugs, including alcohol, were a factor.

Experts believe there are many more drug-related child neglect and abuse cases that are going undiscovered. As it is now, many children living in drug environments are coming into the system only after someone stumbles upon them. Social workers making their rounds, police on drug raids and concerned neighbors are increasingly finding these children by accident.

Police conducting a drug raid at a Southeast Washington apartment last October found a girl and a boy—ages 2 and 4—asleep on a urine-soaked mattress, covered with roaches and "so filthy that the dirt could be scraped off of them," according to court records. The floor was littered with broken furniture and an eight-inch-deep layer of clothing. Rats were everywhere.

The only food in the apartment was a moldy substance in an oven. When questioned, the children's mother, who carried a wad of cash, said she could not remember when she last fed the children. The police bought food from a street vendor and watched as the children devoured it so quickly they feared the youngsters might choke.

Addicted parents' loss of their sense of responsibility is increasingly leaving children in traumatic situations that were rare just a few years ago.

One drug-addicted mother left her three children, ages 3, 2 and 1, in an apartment building closet for hours so she could get some free time. They were found there at 3 a.m.

Last year, three boys, ages 14, 8 and 6, whose parents bought and used drugs in front of them, thought they were going to be massacred by drug dealers when police, with guns drawn, entered the Northeast Washington apartment during a drug raid, according to court records. The oldest child testified that he cooked meals for his brothers and described his home as having a bedroom for his parents, a bedroom for the children and a drug room.

In his televised anti-drug speech last week, President Bush spotlighted the case of 7-year-old Dooney Waters, a Prince George's County boy whose life in a crack house was chronicled in The Washington Post this summer. "No child in America should have to live like this. Together, as a people, we can save these children," Bush said.

The District's child welfare system is just one of many across the country and the region that are struggling to save them.

"The most victimized children have come within the last three years, and they are under the age of 7," said District child psychiatrist Alberta Vallis. "This is the next generation, and so many will grow up not adhering to any value system that you won't be able to build enough prisons to house them."

Neglected and abused children in the District have remained largely hidden because of confidentiality laws that keep their identities and the details of the cases from the public. The Washington Post obtained permission to review 100 family court cases, provided the names of the children were not disclosed.

Although the laws are aimed at protecting the victimized children, they also have the effect of creating an invisible web where new patterns of neglect and abuse and shortcomings within the child welfare system are shielded from outside scrutiny.

In addition, some cases are undetected because many of the at-risk children are not in school or may not receive regular health care, removing two groups of professionals—teachers and doctors—who often are the first to detect child neglect and abuse.

Nevertheless, hundreds of children whose parents are drug abusers have been referred to the Child and Family Services Division of the D.C. Department of Human Services, which provides child protective services and, when necessary, places children in foster care. But in a self-assessment, the agency concluded that staffing shortages last year made it difficult "to provide even a minimum level of services and care" to children and their families.

D.C. Social Services Commissioner Barbara Burke-Tatum said the city not only has a shortage of social workers, but also is finding that its traditional methods are inadequate to deal with families troubled by myriad social problems, including drugs, homelessness and mental illness. As a result, she said, "We just can't keep up."

Burke-Tatum said she lacks sufficient data to know whether crack cocaine has had a significant effect on the child welfare system. She noted that the system does not separate cases in which the parents were involved with illegal drugs from cases involving alcohol.

The social workers who work with the children, however, readily say they are overwhelmed because of a rise in drug cases. They say they are engaged in triage prioritizing cases in a desperate attempt to get to the worst ones, only to see the less severe cases later turn into major problems. Often, children enter the system only after they are harmed.

"We don't worry about the children who can get up and walk because they can beg in the streets or at the next-door neighbors," said an investigator with a backlog of 50 cases. "We will leave them with anyone who will take them, related or unrelated. To be honest with you, we don't have time to go back and check to see what happens to them."

Neighbors of these drug-riddled families are becoming surrogate parents who often are the first to encounter hungry children, the first to realize the extent of the problem.

Catherine Graham, for instance, listened for about a year for the timid knock of an upstairs neighbor who was just tall enough to reach the doorknob in his apartment. While his mother slept, the 3-year-old would seek out Graham. His greeting was often direct: "I'm hungry."

Graham, a resident at a Southeast public housing complex, recalled those visits recently, telling how she fed the child breakfast cereal, snacks and greens. She would watch him eat "like he was trying to store it up inside 'cause he didn't know when he was going to eat again," she said.

When his mother, an alleged crack user, forbade the child to go inside Graham's apartment for food, the boy, who wore the same grimy clothes for weeks at a time, would stand outside her door like a Dickensian character and plead: "Please, Cath. Can I have some bread?" He would run to play clutching slices of bread.

Last December, shortly after the child's fourth birthday, Graham said, she called the city's child protective services agency, the apartment building's rental office and a D.C. Council member after the boy showed her two welts on his back. The protective services agency promised to send someone, but no social worker ever interviewed her, Graham said. Soon, the child stopped coming.

In January, after overhearing an older child in the apartment building tell his playmates to come see the little boy upstairs because "he messed up," Graham felt a chill, slipped on her shoes and went upstairs. After she persuaded the little boy, alone and crying, to open his apartment door, his appearance "brought tears to my eyes and put a pain in my heart," she said.

"His face was black and blue," Graham continued. "One eye was closed. He had raw sores on his stomach, legs and back. His cheek was broken, his nose was broken. He looked like somebody's punching bag."

Graham took the boy to her apartment and called the apartment manager, who immediately called police. When the child left the hospital, he was placed in an emergency shelter for children.

The boy's mother, a woman in her mid-twenties who had completed a computer training class before her alleged drug involvement began, and her girlfriend were charged in the D.C. Superior Court's criminal division with assault with a dangerous weapon and cruelty to children. The mother was also charged with neglecting to provide food, clothing and shelter for her son. Her case is pending.

The court system, which received 609 new child-neglect cases last year, is bracing for a record 1,000 new cases this year, largely because of the impact of drugs.

D.C. Superior Court Judge Geoffrey M. Alprin, deputy presiding judge of the family division, who handled the neglect calendar between October and March, said he was outraged by the drug factor.

"In so many of these cases, we were coming across young children that we never knew about before, in the context of a drug raid," Alprin said. "We were seeing the conditions that they live in and how badly they are treated. My eyes were opened. We as a community are missing these children."

Some of the parents in those cases have histories of drug abuse; many are unemployed and under stress, and have poor parenting skills. Child-care professionals said the addition of crack cocaine has made the parents unpredictable and their children extremely vulnerable. Some of those children are showing up in some unlikely places.

Last August, a woman pumping gas about 10 p.m. at an Amoco service station on New York Avenue NE noticed a toddler standing beside a man she assumed was his father. When the man left without the boy, the woman watched the barefoot child head toward the traffic on Bladensburg Road. She ran after him. The child, who had wandered into the station alone, turned out to be 23 months old.

A door-to-door search by police located the toddler's grandmother. She said the child had been in the custody of his mother, who frequently went to the Northeast neighborhood to get high. During the time police were trying to identify the boy, the mother had told the grandmother that he was being cared for by relatives in Virginia.

Some drug-addicted parents leave their children for days with friends or strangers, which sometimes makes it difficult for authorities to determine who neglected or abused a child.

One woman referred for drug treatment told child welfare workers that she had no idea who sexually abused her 2-year-old daughter, who had contracted gonorrhea.

In March, a mother went to buy drugs and left her 1-year-old boy—who was dressed in a yellow designer jogging suit and expensive British Knights sneakers and wore a gold chain around his wrist—with two acquaintances, one of them an addict whose name the mother didn't know.

After the mother had been gone for four hours, the addict called the child protective services agency, but got inpatient when no one came immediately. The woman left the child on a street corner, called police and said she found an abandoned boy on the way to the store. Police picked up the child, but were unable to locate the mother for two days. A source said the child was subsequently returned to his mother.

Since January parents or relatives have been charged or convicted in the deaths of at least seven District children under the age of 12. One of the greatest fears of child-care workers is that the city may begin to see more children die because of their parents' crack cocaine use.

Although the District does not keep official records of deaths due to neglect or abuse, a group studying the issue for the Mayor's Committee on Child Abuse and Neglect plans to recommend the establishment of a formal child death review committee.

"We're concerned that some children have died of neglect or abuse and have not been counted," said Mirelle B. Kanda, head of the study group and director of child protection for Children's Hospital. "I have a concern that more children may die. The indicators are there and are more pervasive in families where there is drug use."

U.S. Attorney Jay B. Stephens said his office has prosecuted several "bone-chilling" child death cases, including at least three in which illegal drug use has been alleged.

Crack cocaine is a key issue in legal motions filed in the case of Padrica Caine Hill, a District woman charged in April with killing two of her children and trying to kill a third.

When Hill's husband arrived at his home in Northeast Washington, he found the body of 8-year-old Kristina Caine in the basement and the body of 4-year-old Eric Hill Jr. on the living room sofa, both with clotheslines wrapped around their necks. Jennifer Hill, a 2-year-old, was still alive in an upstairs bedroom with a clothesline around her neck. Jennifer survived and told police "Mommie hurt Jennifer," according to court records.

A defense attorney's motion states that Hill was "heavily under the influence of crack" when her children died and, according to Hill's own statements, had been smoking crack for a day and a half.

Stephens said he is concerned about the potential danger for children whose parents are drug addicts.

"The cases really demonstrate the tragedy of drug abuse," Stephens said. "It makes the case that drug abuse is not a victimless crime."

There is little debate about what the problem means for the future of some of the neglected children.

"Some of the medical problems we can heal," Kanda said. "What neglect does to their self-esteem and personalities is more serious. Neglected kids have internal scars that may last for the rest of their lives."

Children entering foster care are much angrier than ever, according to some long-time foster parents.

One foster mother purchased Popeye punching bags so the children could vent their frustration. One 5-year-old foster child, whose mother used drugs, became so angry about having to visit her mother that she stuck sharp objects into the walls. Her foster mother took the little girl back to social workers when the child began tearing up her own clothes.

Child psychiatrist Vallis, who sees about 100 neglected or abused children a year, said that many of her nursery school clients are born to drug-addicted mothers and are incapable of verbalizing their wants and unable to follow instructions.

"They should have an attention span that will allow them to stick to one thing for 20 to 30 minutes," Vallis said. "Some of them can stay with it for 20 or 30 seconds. Depending on the neurological [damage] it sometimes takes a year or two to settle them down."

Child counselors also say that some young children neglected by drug-addicted parents are overly aggressive and engage in socially unacceptable behavior. Vallis said children at her therapeutic nurseries are not allowed to go to the bathroom alone because they have begun to engage in sexual acts. At one emergency child-care facility, counselors discovered 4-year-olds engaged in oral sex.

Betty Phifer-Ames, an assistant corporation counsel for the District who prosecutes neglect and abuse cases, says that for many of the children she sees, all signs of innocence are long gone.

"When we do get foster homes [for these children], they are dealing with kids who are used to seeing people have sex in front of them, who are not used to bathing in any regular fashion, who are not used to eating," Phifer-Ames said. "We see an increase of sex abuse cases, and others are starting to prostitute their daughters."

In some cases, the psychological damage to abused children makes it difficult for them to adjust normally.

When one 3-year-old District child entered foster care after his mother abandoned him at a bus station, he greeted strangers with: "I hate you and I want to kill you."

Before he was abandoned, the child's mother, according to official records, had suffered from mental problems and his grandmother had been accused of physically abusing him. He also had lived in vacant buildings, bathing in public restrooms.

Even after the boy was safe and well cared for in a foster home, his past haunted him.

When his foster mother took another foster child to the hospital and returned home without him, the little boy, who vividly remembered being abandoned, confronted her: "You threw (him) away," he whined over and over. During a show-and-tell session in Sunday school, the child told his class that his foster brother had been thrown out in the trash. The foster mother had to get permission for the child to see the boy in the hospital.

After being adopted by his foster parents, the boy's emotional state improved. But even with the security of a permanent home, the child still has bitter memories.

When his adoptive father's mother asked him to call her "grandma," the request unleashed an old pain. "If I call you grandma," the child responded, "does that mean you can burn me?"

[From the Washington Post, Sept. 10, 1989]

GRANDMOTHER STRUGGLES TO PICK UP WHERE PARENTS LEFT OFF

(By Marcia Slacum Greene)

When Patricia A. Gordon's son called from Lorton Correctional Complex to say that he was concerned about whether his girlfriend, who he said was a drug user, would look after their three children. Gordon's initial reaction was to not get involved.

Gordon, 44, had reared her four children, now adults, alone after separating from her husband and considered it meddlesome to interfere with another woman's family.

In the past, her only visits with the children had been at her house. She was unprepared for the living conditions when she went to visit them.

"I could not believe what I saw. I thought I was walking into a story," Gordon said of visiting there last November. "The children had dirt caked on them. There was no food in the apartment. The apartment was dirty, the floors, the walls, and it looked vacant with a board up over a broken window."

She told the children's mother, who was pregnant, that she would take the children, and the mother agreed. Now, the three grandchildren, ages 2, 3 and 4, are living with her, as is the baby born in January. She agreed to take care of not only her grandchildren but also the woman's 6-year-old daughter, who is not related to Gordon.

As Gordon sat recently in the living room of her two-bedroom apartment at Langston Terrace, a public housing complex in Northeast Washington, it was as if she were trying to help her grandchildren recapture lost love. She bounced the baby girl on her lap while smothering her with kisses, disciplined the mischievous 2-year-old boy who tried to walk across the sofa and promised to get the oldest a bandage for a barely visible scratch.

As the 3-year-old, whose eyes are almost closed because of a vision problem, moved across the room, his head slightly lifted so he could see where he was going. Gordon watched him closely, then impulsively pulled him to her and hugged him tightly.

As the crack cocaine epidemic continues to wreak its havoc on families in the District and throughout the region, grandmothers—traditionally the anchors for troubled families—are being called upon more and more often to step in and pick up the pieces, according to workers in the child welfare system. But even as the problem grows deeper, they say, the ability to rely on the extended family structure is becoming less of a sure thing.

Many grandmothers cannot afford to raise their grandchildren or already have taken in two or three children and refuse to take another. In some cases, grandmothers, many of them young women who were teenage mothers, also are addicted to crack cocaine.

And family members who are willing to assume the responsibility for the children of their crack-addicted relatives find that a new set of daunting challenges awaits them.

Gordon said she has been told by doctors that all of her grandchildren are high-risk babies who have or are likely to develop medical problems or learning disabilities as a result of their mother's drug use. She does not fully understand what such an assessment could mean for the future, but she is painfully aware of existing medical needs.

Gordon said the 7-month-old baby was born with cocaine withdrawal symptoms. The 3-year-old's vision problem, she said, may require surgery. Most of the children have not yet received all of their required immunizations. In July alone, Gordon took the children to 15 medical appointments.

"They are my grandchildren, and I think it is my responsibility," she said. "I would not have gotten them if their parents were able to care for them."

When she first took the children home last November, Gordon quit her part-time job as an office cleaner because she could not pay a babysitter. She said she told District social workers that she would take care of the children but that she needed financial assistance. Because of a misunderstanding on her part, Gordon did not realize she had to apply for the funds, and the money never came.

After using up her savings, Gordon said, she had about $5 left. She returned the children to their mother, believing she had no choice.

In January, after the youngest grandchild was born, the children's father called once again to ask Gordon to intervene. In March, she took the children home with her. This time, she relied on donations from local charities for food and clothing.

In April, the D.C. Department of Human Services began providing homemaker services so that Gordon could leave home to shop, do the laundry and take the children for medical appointments. Gordon now receives $480 a month from the Aid to Families with Dependent Children program

Gordon has no idea how long she will be taking care of her grandchildren, but says she has considered the possibility that she may be involved until they are grown.

"These kids need a chance. I want to give them the chance that their mother and father don't seem to be mature enough to give them," Gordon said. "I feel God is not going to fail my grandchildren."

[From the Washington Post, Sept. 11, 1989]

"Boarder Babies" Linger in Hospitals—Drug Users Abandon Their Infants

(By Marcia Slacum Greene)

In a quiet room at Howard University Hospital, there is a healthy 7-month-old baby who has spent her entire life there.

The mother smoked crack cocaine during her pregnancy and abandoned the child a few days after she was born, leaving hospital officials an address for the child's grandmother, who already had three of the woman's children.

After months of being unable to locate the mother, the hospital staff realized last month that the woman had returned as a patient. When social workers confronted her, the mother gave no reason for abandoning her baby, made no apologies and signed papers making her daughter a ward of the city.

Then, without visiting her baby, the woman left the hospital.

The baby and dozens of other District children are residents of the ad hoc orphanages of the 1980s—local hospitals that have become the only safety net for children who are sometimes abandoned before they are named.

The children, who are medically ready to be discharged but have no place to go, are called boarder babies, and their number is growing.

Although the problem has been recognized nationally, boarder babies are a new phenomenon for the District. Hospitals used to have only one or two of them a year. Since January 101 such children have been boarders in seven D.C. hospitals, including 41 on hand during one week in August when The Washington Post conducted an informal survey.

Nurses at these hospitals try to fill the parental void. At D.C. General Hospital, for example, they name the children for their own, cuddle them whenever they can and record developmental milestones in baby books.

Howard nurses remember to put fresh ribbons in the girls' hair and throw six-month birthday parties. Most of the babies' clothes, including special outfits for holidays, come from the doctors and nurses.

And when the babies move to other parts of the hospitals, it is the nurses who cry.

Unwanted by drug-addicted parents, the babies linger in hospitals because the District's operationally troubled child welfare system has failed to locate enough foster care and adoptive homes for them.

As a result, there is an increasing number of babies, some of them as old as nine months, who have never seen the sun or felt the wind, who have never slept in a darkened room, whose only form of human bonding is with a changing sea of doctors and nurses.

Some of the babies are developmentally behind, and their futures are fraught with uncertainty.

Beyond the human toll on the babies and on the limited nursing staffs, the financial costs are enormous: $100,000 a year or more for each child.

The hospitals have picked up most of the costs, which vary widely depending on whether a hospital includes medical treatment or just the cost of sheltering the babies. During the past eight months, costs ranged from $60,000 for six babies at the Washington Hospital Center to more than $3 million for 41 babies at Howard.

Howard Hospital has had the largest number of boarder babies, and at D.C. General, one-fifth of the women in labor have acknowledged using drugs—twice as many as in 1987. Administrators at both hospitals have pushed vigorously for a citywide solution.

"I think it is a crisis that has to be attended to," said Jaynes Rice, administrator for Howard Hospital, who worked with boarder babies in New York City years ago. "I don't believe there is an understanding of how easy children can be institutionalized. We are going to do something. We don't intend for these kids to be reared in this hospital. That is not a threat. That is a reality."

D.C. Social Services Commissioner Barbara Burke-Tatum, whose agency oversees neglected, abused and abandoned children in the District, said she had not heard the term boarder baby until April.

Since then, she has met with local hospital administators and questioned whether some hospitals have given a true picture of the boarder baby population. Burke-Tatum said she found that some of the children described as boarder babies at Howard and another hospital, which she declined to name, were not medically ready to be discharged. In other cases, she said, hospitals had not notified the child welfare system in a timely fashion about some of the children.

Burke-Tatum said that many of the hospitals have not clearly understood what steps to take to get the District government involved. She said her staff is now providing that direction.

"We are not a legal kidnapping service," Burke-Tatum said. "Everybody in the world who is on drugs, I cannot walk in there and take their child. Life doesn't work that way. If we get a complaint of abuse or neglect or I have gone so far as to say if they think . . . that neglect is possible, I am willing to make the moves then."

Records kept by Howard indicate that in most cases, the Social Services Commission was notified about a boarder baby within days after the child was born or ready for discharge.

"If they can demonstrate that they acted quickly when cases were brought to their attention, then they can put the blame on the hospitals," said Antoine Fomufod, director of newborn services as Howard. "If you had only three or five babies who are well, it's too many babies. But the hospitals are dealing with overcrowding [in the nurseries]. Our hospital is lucky that we have not had epidemics of infection. It is a problem that could explode at any time."

Meanwhile, boarder babies have altered the hospital atmosphere.

In the nurseries, cribs have joined the traditional bassinets, Rattles, dolls, swings and playpens add a day-care center touch. Once places where sleeping was the chief activity, nurseries now have floor mats for babies who are beginning to crawl.

The older chidren have changed the working environment. At a nurses' station on Howard Hospital's sixth floor recently, nurses finished paperwork and doctors conferred while two boarder children watched it all. One, a 6-month-old girl, laughed as she rocked in a blue Fisher-Price swing perched beside the front desk. The other, a wide-eyed, 14-month-old girl, sat in a highchair and eagerly tried to keep an eye on her overdue lunch and every visitor who walked by.

For each of the boarder babies at Howard, there is a tragic story in which the main character is a mother whose crack-cocaine addiction has stripped her of the desire or the ability to care for her child.

The 14-month-old girl at the nurses' station had been at the hospital for 10 months. Both her grandmother, who brought her to the hospital, and her mother are drug abusers. The girl was referred to the city's child welfare system for placement last October. Since then, she has learned to walk and talk in the hospital.

In one pediatric ward, chubby, 6-month-old twin boys are still in residence even though their mother announced at their birth that she wanted to give them up for adoption. The mother, a cocaine user who has a lengthy history of substance abuse, has three other children in the child welfare system.

In the nursery, a boy and girl, ages 2 months and 1 month, were born to cocaine addicts. The mother of the boy told hospital staff that she wanted to take him home, but city officials ordered the hospital not to release the baby because two other children had been taken from the mother because of her drug use.

The other mother already had two children in foster care and had abandoned a child born a year ago. When her most recent child was born, the hospital could not find her for a month. She turned up one day and asked when the baby could go home, but has not been seen since.

Medical staffs at the hospitals stress that their facilities are detrimental to healthy children.

Boarder babies are in danger of contracting diseases from sick children. But even more troubling is the prospect of raising children in nurseries that are neither designed nor staffed to give babies the kind of nurturing they should receive.

Mirelle B. Kanda, director of child protection for Children's Hospital, said that even a healthy child kept in an institution such as a hospital for long periods may never relate to people.

"It can damage the child's personality in terms of being able to develop lasting relationships with others," Kanda said. "It can also lead to antisocial behavior. People who don't identify with other human beings can harm others and not feel any guilt."

Hospital officials say the longer the babies remain in the hospital, the more withdrawn they become. At first, the babies eagerly reach out to the daily parade of doctors and nurses who tend to them. But when the sea of faces continues to change and the staff dashes away to take care of the sick children, some boarder babies sense rejection and begin to withdraw.

Busy hospital staff members have devised creative ways to fill the dual role of parent and nurse.

One day this summer, a healthy, 5-month-old girl at D.C. General grinned at a nurse who was making faces at her and tugging at her dress. A card taped above the baby's bed reminded the nurses of what kind of developmental activities they should expect for a child that age: "Five months. . . . Sits with slight support. . . . Reaches for toys when beyond reach . . . If you put a mirror in front, baby will move toward it."

"Children need space, and you can't always place them on the floor because it is not safe," said Regina M. Milteer, a D.C. General pediatrician. "Even with the best of care, they are still developmentally delayed."

"It's a tremendous amount of pressure on already understaffed nurses," Mehnur Abedin, director of nursing for D.C. General, said of the boarder baby problem. "This [nursery] would be a day-care center if it were not in a hospital. We need to break the cycle and restore the family units. [The mothers] are having too many free babies and going scot-free and leaving the babies with me."

But while the goal is for each child to have a permanent home, making such arrangements has not been easy. If the child welfare system is convinced that a child has been neglected or abandoned, it can file a court petition to have the child placed in foster care. It also can seek to have the child adopted once parental rights have been relinquished or once it has been determined that the child cannot be returned home or to relatives.

No information was available on where the babies removed from District hospitals by the child welfare system have been placed.

In June, the D.C. Commission on Social Services and Howard Hospital took out advertisements in local newspapers, decrying the fact that about 50 infants and young children are "lingering" in the city's hospitals and appealing for adoptive and foster parents.

"Please open your home and your heart," the advertisement said. The children "are in desperate need of loving families, just like yours, who can give them a home either temporarily or permanently."

Meanwhile, officials at the St. Ann's Infant and Maternity Home in Hyattsville, where the city contracts for emergency care for infants, have noted their own boarder baby phenomenon as the stay for some children at the facility has increased from several months to a year or longer.

In April, according to a source, the home had 12 children who had been there more than a year. In some cases, the home's administrators have sent letters to the District's Human Services Department, warning it that some children are being harmed by the longer stays.

At least two letters were written on behalf of a girl who arrived at St. Ann's in August 1987 at age 3 months. In July 1988, St. Ann's asked city officials to provide the child with a "more permanent and nurturing setting." Two months later, St. Ann's sent another letter saying that the child had received no visitors or phone calls and there had been no inquiries about her status in a year. "If she continues to be institutionalized," the letter warned, "she will most likely suffer emotional problems in the future."

Nearly eight months after the last letter and more than a year and a half after the child was first placed at St. Ann's, an official of the Human Services Department told a judge that the city would put the child in a foster home.

As of last week, the girl was still at St. Ann's.

BOARDER BABIES IN D.C. HOSPITALS

Hospital	Number in August	Total for 1989
D.C. General Hospital	9	15
Georgetown University Hospital	2	13
George Washington University Medical Center	4	8
Greater Southeast Community Hospital	8	14
Howard University Hospital	14	41
Providence Hospital	1	4
Washington Hospital Center	3	6
Total	41	101

Note—Other hospitals in the District reported having no boarder babies.

Source: Area hospitals.

[From the Washington Post, Sept. 12, 1989]

"SITTING ON A TIME BOMB WAITING FOR KIDS TO DIE"—D.C. CHILD WELFARE SERVICES OVERMATCHED

(By Marcia Slacum Greene)

Children whose families have been ripped apart by the District's crack cocaine epidemic are being victimized twice: once by the drug scourge and again by a child welfare system beset with long-standing operational problems.

More than half of the system's authorized social work positions are vacant. Social workers, who have found that drug cases defy traditional solutions and demand enormous commitments of time, are handling average caseloads of 61 families each, one of the highest of any major city. One D.C. worker has been assigned to oversee 117 families with 221 children.

The system's mandate to determine promptly whether a child is in danger is not being carried out. Last month, the agency had a stack of uninvestigated cases involving 771 children.

Babies born to drug-addicted mothers are lingering in local hospitals, although they are healthy and ready to be discharged. Other children are crammed into crowded and unlicensed foster care homes. Sometimes children are lost within the system because of a defective computer tracking system.

"The child welfare system in Washington is in an ongoing state of crisis as severe as that experienced by many of the homes from which the system is removing children," the American Civil Liberties Union said in a lawsuit filed against the District in June.

D.C. Social Services Commissioner Barbara Burke-Tatum, who overseas the system, acknowledged in a recent interview that it has major problems. Until changes are made, a child at risk in the District, she said, is a child in "bad shape." For now, Burke-Tatum said: "It is not a system that I would like to be in."

A Washington Post review of more than 100 court cases and interviews with scores of professionals over four months found that children of crack addicts are entering the system at an alarming rate. Consumed by drugs, the parents are not feeding, clothing or supervising their children, many of whom are being discovered during police drug raids.

The drug crisis and its impact on children is a national problem. But unlike some other jurisdictions that have obtained additional money and longer staffs to battle the crack epidemic, top administrators in the District's child welfare system have not yet geared up.

While D.C. social workers maintain that they are inundated with cases involving crack cocaine, Burke-Tatum said she cannot yet say that the drug is having an impact on the child welfare system because she has no statistics that she can trust. "I'm not going to hang my name on any figures unless they have been substantiated," she said.

Social workers on the front line who are pushing for change are more conclusive.

"Prevention is not a word that exists in our agency anymore," said Thomas Wells, a District social worker who has become a spokesman for his colleagues. "When we define tragedy, it is not a child's failure to thrive. It is either they are maimed to the point they will never recover or they are dead."

THE SYSTEM

The District's child welfare system is part of the Department of Human Services, the city's largest agency with about 10,000 employees and a budget of nearly $1 billion. In recent years, the agency has been plagued by major budget problems, contracting scandals, program inefficiencies and persistent vacancies at the top levels.

The Child and Family Services Division of the department—which administers programs for 6,500 children, including protective services, foster care and adoption—has been without a chief for two years and currently has vacancies in three other key management jobs.

While the agency has been grapping with leadership problems, the number of children alleged to be neglected or abused has climbed steadily, to more than 8,000 in 1988.

Child advocates such as Joyce Thomas, present of the D.C.-based Center for Child Protection and Family Support, maintain that for nearly a decade efforts to force the city to hire adequate staff have failed. The city has allowed more than half of the 113 social worker positions in the division to remain vacant. Overall, the division has a 41-percent vacancy rate.

In recent years, annual reports show that operational problems worsened until the agency declared in fiscal 1988 that staffing shortages made it difficult for it "to provide even a minimum level of services and care to neglected and abused children and their families."

Burke-Tatum, former administrator of the Massachusetts workfare program, who became head of the District's Social Services Commission in November, maintains that the city's child welfare system is no worse than those in other metropolitan areas. But she acknowledges that the District is receiving more children at a time when her staff is overwhelmed.

"Somebody may sit here and tell me that 'I have visited everybody on my caseload,'" Burke-Tatum said. "There is no way in hell I would believe that because they don't have enough people, they don't have enough time, they don't have enough resources. That is one of the basic problems."

The Child and Family Services Division already has one of the fastest-growing budgets in the city, and is currently receiving $54 million. Much of the total goes to paying for foster care placements—putting children in local family homes as well as sending them to costly out-of-state facilities.

Burke-Tatum said the division needs even more money to respond adequately to a new crop of children whose medical, emotional and behavioral problems are more severe.

But because of the city's budget problems, the division cannot fill an empty position or hire a single new worker without special permission. In May, Burke-Tatum asked Mayor Marion Barry for an additional $1.8 million to hire 150 social workers. The request was denied.

CASELOADS

On good days, some District child social workers merely feel frustrated overwhelmed. The bad days mean handling one crisis after another—being unable to visit families because of a shortage of agency cars, or baby-sitting for children who need to be placed in foster homes when none are available.

Until an administrator discovered the practice and stopped it, some social workers were so swamped that they allowed clients visiting the office to answer telephones.

One worker with a caseload of 60 families and about 130 children said he handled the cases by "ignoring most of them."

Another caseworker summed up the helplessness many feel this way. "I don't go to work. I go to war. If we help a child, it's by accident."

Those sentiments were voiced over and over again in interviews with 20 current and former social workers. Only one agreed to have his name used; the rest said they feared retaliation if they spoke on the record.

New allegations of abuse and neglect also are being ignored even though by law the city is required to initiate investigations on all cases within 24 hours.

In August, agency officials said, there was a backlog of 185 cases involving 771 children that either had not been investigated or had not been completed. Some social workers said the backlog was closer to 300 cases.

Burke-Tatum said that last November one worker was found to have 70 cases stacked in a drawer, none of which had been investigated. She did not say how long they had been there, but said they since have been investigated.

Some workers say case-juggling prevents them from intervening on time.

In one case, four children in a family were suffering from malnutrition before they finally were placed in foster care, even though the system had known for two years that the children were being neglected, according to court records.

About 8 p.m. on a cold February night in 1987, the oldest child in the family, a 9-year-old girl, ran away from home and dialed 911 from a telephone booth. She begged police for help, saying that her mother was on drugs and not feeding her or her three siblings.

Before that night, Protective Services had intervened after receiving several reports that the children were begging for food and being left alone, and that the mother was abusing drugs. A social worker had provided support services for the family and repeatedly warned the mother that her children could be taken away, according to court records.

Nevertheless, by the time the girl called police, malnutrition had stunted the growth of one of her brothers.

Workers fear that the size of the caseloads has reached a lethal level.

"It's like sitting on a time bomb waiting for kids to die," said one worker. "When you hear that a child died, you rush to your caseload to see if it is one of yours."

That nightmare almost came true for one caseworker in May.

For a month, Deborah Hill, a client, had called a social worker up to seven times a day, complaining that she was hearing voices and seeing her face change, according to a source familiar with the case. The social worker, who handles crisis cases and was assigned to 67 cases with 140 children, had visited Hill's home twice during that time and referred her to several programs that provide in-home services, as well as to a psychiatrist. In the end, none of those efforts was sufficient.

On May 6, according to charges filed against her, Hill told her 7-year-old daughter that she "would be going to heaven to see her grandmother" and then allegedly forced the child to swallow an overdose of drugs. Hill, who was indicted on charges of intent to kill and cruelty to children, has plead not guilty and is scheduled for trial in October. The girl was hospitalized and is now in the custody of relatives.

DIFFICULT CASES

Even if the system operated efficiently, some social workers say, it is now encountering cases so complicated and situations so unpredictable that Child Protective Services cannot be held responsible.

Drug cases, in particular, pose more difficult problems.

Often when drug-addicted parents are reported for abusing their children, a visit to the home does not yield the evidence authorities need to make a case in court.

One such case involves a woman with a drug habit, mental problems and 12 children. At one time or another, 11 of them have been in the child welfare system.

The mother tried to give one child to a security guard at the city's Reeves Municipal Center. Last spring, a mail carrier found another child abandoned on the steps of a shelter for the homeless.

"She never made herself available for any services, so we tried to take care of the kids the best we could," said a former social worker.

Another case illustrates the unpredictable dangers facing some children.

Social workers had intervened in a custody dispute over a child whose mother was in jail on drug charges. But the agency had no legal authority to get involved when the same woman had another child—this one born with cocaine in her system while the mother was incarcerated—because the woman had placed the baby in a grandmother's care.

The baby, Tawanda Wicker, was 7 weeks old when she was pronounced dead on arrival at Greater Southeast Community Hospital last September.

Her grandmother, Evelyn Wicker, told authorities that she had fed Tawanda and changed her diaper less than an hour before calling for help at her Southeast apartment. Wicker also said that during the two weeks that she cared for the child, she fed Tawanda every three hours and changed her diaper twice a day, according to official records.

An autopsy report stated that Tawanda had been dead for four to six hours before Wicker called for help and apparently had not been fed for days. The autopsy concluded that Tawanda died from competing causes: diaper rash "ulcerated all the way to the bone," starvation and blunt force trauma to the head.

"I have done what I could. . . . The baby is an addict, and the baby was thrust upon me. I had this burden thrust upon me," Wicker told authorities, according to court records. She has been indicted by a grand jury on charges of second-degree murder and cruelty to children.

TRACKING CHILDREN

For nearly a year, a foster couple tried to convince child welfare workers that the city had forgotten it had placed a child in their home, according to a source familiar with the case.

Although the foster parents received monthly payments for the child, no social worker had ever visited her. When the foster mother inquired about whether the city planned to return the child to her home or put her up for adoption, the woman was told that the city had no record of the child.

Eventually, records were found showing that the child's biological mother had given up the baby shortly after delivery. By this time, the child was 16 months old.

Social workers and administrators say the city's Child Welfare Tracking System, designed to keep vital information on children, does not work or provides unreliable information.

Several days a month, the computer system is down, forcing the staff to keep track of more than 2,000 foster children on index cards, workers say.

Lawyers who represent children in D.C. Superior Court have complained angrily that some children who were voluntarily placed on a 90-day emergency basis have been kept in foster care for years, without a judge's approval or representation by a lawyer.

District officials recently determined that of the 125 children now in emergency care, 96 have exceeded the 90-day limit.

The computer system also generates monthly payments to foster parents and is the only way the city can establish claims for federal reimbursement for foster care costs.

An internal Human Services Department memorandum estimated in April that the city's foster care program may be losing up to $18 million a year because of poor record-keeping.

PLACEMENT PROBLEMS

Foster care is the child welfare system's chief method of protecting children who have been removed from their homes, but in recent years demand has far outstripped the supply. During the past six months, about a dozen children have slept overnight in makeshift beds and on the floor of the Child and Family Services Division's intake office because there was no place else to put them.

The system has an average of 2,200 foster children in placement each month and on some days has had only two openings in its inventory of 329 foster homes.

Although the city spent $37,000 to recruit foster and adoptive parents during the current fiscal year, only 10 new homes were added at a time when the city needs at least 80 new homes.

Burke-Tatum said the city does not have an effective marketing plan for foster homes and, because of record-keeping problems and constant changes in the population, it does not always know how many homes are violating their licenses by caring for too many children.

Meanwhile, the shortage has created havoc.

"Due to placement problems, some workers are doing things like taking a child from a drug-addicted mother and placing them with an alcoholic father," said one social worker.

Statistics show that more District children are entering foster care and staying longer, an average of nearly five years. Some children are being bounced from home to home.

Mae Harris, a 58-year-old foster mother who lives in Mount Rainier in Prince George's County, said that the District told her she is allowed to have only four foster children, but that frequently she is asked to take more temporarily.

In April, Harris already had seven foster children in her care when the agency asked her to keep three more girls because no one else would take them. For three nights Harris had 10 foster children plus her own four adopted children.

"The kids have to have a place to stay," Harris said. "If I figure I couldn't handle them, I would not let them come into my home."

City licensing regulations are supposed to limit the number of foster children placed in one home. But here, too, there are problems.

Harris's home is not licensed. Neither are the other 102 foster homes that the District has established in Maryland. In response to a Washington Post inquiry, agency officials said that only six foster homes were overplaced as of June. But the city's own child welfare monitoring unit has found that as many as 25 of the 60 to 100 homes visited a month are overplaced, according to a source familiar with the process.

[From the Washington Post, Sept. 12, 1989]

States, Cities Begin To Tackle Problem

Jennifer Clarise Johnson of Sanford, Fla, was convicted in July of delivering cocaine to infants after two of her children were born with traces of cocaine in their systems. A judge ruled that the method of delivery was the umbilical cord.

Prosecutors, aware of the state's growing population of cocaine-addicted babies charged Johnson, 23 under a law usually applied to drug dealers.

Cocaine babies—Florida alone expects to have 10,000 this year and experts estimate that up to 375,000 are born nationwide each year—are but one of a myriad of problems that illegal drug use has inflicted on child welfare systems throughout the country.

Some cities, such as New York, Los Angeles and Miami, have been in the midst of the problem for several years. The District, which experienced the crack epidemic later than those jurisdictions, is now seeing the impact on its children.

Federal and state governments have yet to write the policies and develop the programs necessary to save the next generation of children.

They say the need to address multiple problems—drug addiction, homelessness, parenting skills, teenage pregnancy—has made it difficult to create national models.

"Even the rural communities are talking about the drug problem and how pervasive it is," said Beverly Jones, a program consultant for the American Public Welfare Association. "Along with the drugs, people are seeing unpredictable violence and behavior. With parents who are using crack, workers spend most of their time just trying to find out where they are, and trying to have a rational conversation with them almost becomes impossible."

Marica Robinson Lowry, director of the American Civil Liberties Union's Children's Rights Project, said the current crisis stems from a failure to prepare for what she called predictable changes, as well as the absence of tough management practices.

NEW APPROACHES

Florida, New York and California, all states with large urban areas that were hit early by crack epidemics, are ahead of the rest of the country in trying new approaches.

Florida, for example, has sought to eliminate delays in investigating neglect allegations—a problem in the District and a number of states—by creating one statewide hot line. Now, the 105,000 reports of child abuse and neglect that come into the central registry in Tallahassee annually are entered directly into a new computer system.

If it is not notified within 24 hours that a case has been assigned and an investigation initiated, it flags the case.

"That's accountability," said Peter Digre, deputy secretary in the Florida Department of Health and Rehabilitative Services.

Another major problem is the number of cases social workers are required to handle. A recently revised national standard calls for caseloads of 12 to 17 families per worker, but in many cities the average is 25 families or more. The District has one of the highest averages in the country, with 61 families per worker.

Although some cities have hired or plan to hire additional social workers, officials in other jurisdictions argue that getting more caseworkers is only a first step.

In 1980, the federal government mandated that states avoid removing children from their homes unless absolutely necessary. Social workers have found that in dealing with crack-addicted parents, it often is impossible or unwise to reunite families.

As a result, in the past two years some jurisdictions have reported a phenomenal increase in the number of children requiring foster care.

An attendant national shortage of such homes has prompted some child advocates to call for the return of orphanages as a means of handling this new population of children.

"Many of these children are going to have to be raised into adulthood," said Michael Weber, director of the Hennepin County Community Services Department in Minneapolis. "If the only alternative is seven or eight babies in a home with a single foster parent, the care might be worse than a lot of the orphanages that people fought to close."

In Los Angeles County, where 200 drug-exposed children are born each month, officials have created three group nurseries. At a cost of $2,300 to $2,500 a month a per child, the babies are cared for in the homes until they are medically stable enough to return to their families or enter foster homes.

New York City has seen a doubling of the number of children, about 200 a day, entering foster care. In response, the city has aggressively recruited new foster parents, 9,071 since 1987.

That has allowed it to reduce the average hospital stay for its boarder babies—which number about 400 a month—from 36 days to five days, said Suzanne Trazoff, child welfare administration spokeswoman.

Some of New York's approaches are controversial. In 1986, the city created an "extended placement process" whereby some children spend the night in foster care homes and return to field offices the next day, a one-two step that is repeated until a permanent placement is found.

The city's Legal Aid Society filed a class action lawsuit on behalf of a group of children in the overnight placement system, citing two brothers who were placed 80 times in 3½ months.

Nevertheless, New York maintains that it has made solving the problems a priority, increasing the child welfare budget from $403 million in 1985 to $1.07 billion for 1990. "We are still up against staggering numbers, and I can't tell you that the problem has been solved," Trazoff said.

MD'S SUPPORT NETWORK

In the past four years, some states, including Maryland, have established networks of family resource centers aimed at breaking the cycle of poverty and protecting at-risk children.

Maryland's 11 family support centers, operated by Friends of the Family, a nonprofit corporation, target teenage parents through a variety of programs that promote self-sufficiency and provide such services as child-development screening, recreation for the children and classes in parenting, job skills and budgeting. The centers provide home-like environments in communities where parents who drop in are assisted by a paid staff as well as professional volunteers.

During the past three years, The Parenting Place of Annapolis, one of the network's centers, has provided services to 500 families, including teenage mothers and fathers and young girls from the community, who liked the programs and wanted to know, "Do you have to have a baby to come?" said founding Director Carlesa Finney.

"This gives you someplace to go other than the streets," said Phyllis Coleman, a 20-year-old mother of two. "I see kids 4 and 5 hanging out in the streets and their mothers are home and don't know or don't care where the children are. I can come here and talk to Carlesa about anything. If she can't fix it, she can make me feel better. It's great to have someplace to lay my problems down instead of holding them in." —Marcia Slacum Greene

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How D.C. Compares to Other Cities

Average Caseloads for Social Workers in Long-Term Foster Care:

Baltimore: 90 child protection workers (those who offer continuing support when children are still in the home) and 82 foster care workers, each handling an average of 25 family cases.

Chicago: 437 child welfare workers for (or follow-up social workers—they work with children who are still in the home and also those in foster care; they handle cases that have already been investigated and evaluated as needing intervention), each having an average of 57 family cases. There is an average of 2.7 children in each case.

Detroit (includes Wayne County): 186 foster care workers averaging 25 family cases each.

District of Columbia: 62 of 113 social worker positions are filled (as of June 30). Each worker averages 61 family cases involving 136 children.

Miami (includes Key West): 58 foster care workers, each having an average caseload of 28.1 children.

New Orleans: 66 foster care workers, having average caseloads of 28 families each.

New York: 268 family service units (workers who handle cases after an investigation reveals family problems calling for outside supervision), averaging 18.4 families each. Foster care is contracted to 67 nonprofit agencies.

HOW TO BECOME FOSTER OR ADOPTIVE PARENTS FOR DISTRICT CHILDREN

The District has an acute shortage of foster homes. The city needs homes for infants and toddlers, young mothers and their infants, and therapeutic foster homes, which provide care to children with special emotional, developmental or physical needs. The D.C. Department of Human Services also has 63 children waiting to be adopted.

Requirements for foster parents:

Age: Foster parents must be at least 21 years of age, but not older than 60 at the time of their application. They may be married or single.

Residence: Foster parents may live in Washington, Maryland or Virginia, within a 25-mile radius of the District. The residences must meet city licensing standards for foster homes and be free of safety hazards and lead paint. Foster parents may own their home or rent an apartment or house.

Health: Foster parents must submit a doctor's certificate verifying that they are in good physical health. All household members must be free of communicable diseases.

Pay: Foster parents are paid $307 a month for health children under the age of 12 and $321 for healthy children over the age of 12. There is a larger monthly allotment for some children who have special needs, including physical or emotional handicaps. Foster parents must have sufficient income to meet the needs of their own families.

Requirements for adoptive parents:

Residence, age, health: Requirements are the same for adoptive parents. The adoption process is lengthier and includes a more complicated selection process for the parents.

Interested? Anyone interested in becoming a foster or adoptive parent for District children should call the D.C. Department of Human Services at 727-3161 between 8:15 a.m. and 4:45 p.m. for information.

REPORTING ABUSE AND NEGLECT

Here are some common questions about suspected child abuse and neglect, and what happens when a case is reported in the District. The answers are based on the manual of operations used by social workers in the child and family division of the D.C. Department of Human Services:

How does the District determine whether a child is neglected? Children are considered neglected if they are given excessive responsibilities to care for the home or younger children; if they are forced to beg or steal; if they are malnourished, emaciated or denied adequate food; if they are left alone or abandoned; if they do not have adequate clothing and shelter; or if they are deprived of love and security.

How does the District determine whether a child is being abused? Unexplained bruises, welts, burns and fractures can be indicators of physical abuse. Children who are sexually abused, may have difficulty walking or sitting, or have pain or itching in the genital area.

What should someone do who believes a child is being abused or neglected? The Department of Human Services receives complaints on a 24-hour reporting hot line, 727-0995. Although callers are encouraged to give their names and addresses, such information is not required to file a complaint. The caller will be expected to give the nature and extent of the alleged neglect or abuse, including whether the child is believed to be in immediate danger.

What happens after the District receives a complaint? By law, a child social worker must initiate an investigation within 24 hours. If the allegations are substantiated, another social worker is assigned to the case. If the child is in immediate danger, the police department's youth division is called to remove the child from the home. Social workers are supposed to provide family support services that will make it possible for children to remain in their homes safely. The city needs court permission to keep a child in the system for an extended period.

Where does a child who is removed go? Neglected or abused children removed from their homes are placed in foster homes, group homes, emergency institutions, or with relatives or friends based on what the agency deems appropriate. When social workers are satisfied that the situation that led to the abuse or neglect has been corrected and that there is no danger to the child, the child is returned home. When children cannot be returned home safely or placed with a relative, they remain wards of the city until they are adopted or reach age 21.

Mr. WILSON. Mr. President, I will simply say that what these articles state in the eloquent and stark prose of Ms. Slocum Greene is that there is within the District, as there is unhappily across the Nation, a crisis, a crisis in what they have termed the crack epidemic that is manifesting itself in a variety of ways but in no more painful and, frankly, in no more threatening way for the future, not only of the afflicted children but for the future of this Nation, than in the neglect of these children. And, in the fact, that we are seeing abuse both through the umbilical cord and the actual abuse and neglect of children by parents who are so in the thrall of this addiction that they are incapable of functioning as mothers; indeed, as some have told me, after going through rehabilitation, incapable while they are using drugs of functioning as human beings.

Mr. President, these are people who need help. The focus of this amendment is upon their children who are in need of special help and, indeed, what we need is to deal with this problem in a preventive fashion so that we do not have mothers abusing substances during pregnancy, giving birth to drug-exposed children.

To give you an idea of why it is that Ms. Slocum Greene and other authorities are referring to this as a crack epidemic, you have only to look at the birth rate statistics of hospitals here in the District of Columbia. At D.C. General Hospital, in 1987, of the newborns in that hospital, 1 in 10 was the child of a mother using drugs during pregnancy. That figure in 2 years has doubled, which is to say that now 1 in 5 live births are of a child drug exposed. And drug exposed, Mr. President, is a euphemism that includes those who are addicted, those who have suffered permanent and irreversible damage of a severe nature, including mental retardation, physical deformities, developmental disorders of a kind that are manifesting themselves now in the school system in terms of behavior disorders and learning dysfunctions.

So we have what I think is justifiably described as an epidemic. Indeed, as one of the medical authorities within the District of Columbia has termed it, in time we can perhaps deal with the immediate health problems, but the emotional scars will last a lifetime.

Mr. President, in these pages are recounted several individual case histories. The author of this work was permitted by the District of Columbia to examine 100 case histories and to chronicle what it was she found in those records provided she did not violate the privacy of the families involved, that being a matter of law. So she has used pseudonyms in order to protect those whose identities are required by law to be protected.

But what I will tell you, Mr. President, far more important is that we protect those children. As this article entitled "The Crack Legacy" says, the D.C. child welfare services are simply overwhelmed; they are overmatched. It is a wonder, I suppose, Mr. President, given the fact that this crack phenomenon has burst upon America in a way in which we were clearly unprepared.

What has happened, in short, Mr. President, in constrast to the IV drug use with which we have been too long familiar, crack has become the poor man and the poor woman's drug of choice, because it is dirt cheap. It is within reach of the poorest of Americans, and it seems to have a peculiar appeal for young women of childbearing years. The result has been the use of this drug, which is far more addictive than IV drug use, has led to what is correctly described as an epidemic. The use of the drug is far more widespread. The addiction is far more tenacious. The effects of the drug are particularly insidious, especially as it relates to the effect upon maternal instinct.

Some years ago, not very long, two boarder babies a year were the experience of all the hospitals in the District of Columbia. By boarder babies, Mr. President, I refer to those who have gone through withdrawal, who are no longer in need of intensive care treatment in the nurseries of these hospitals but who remain in those hospitals for two reasons—first, because they have been abandoned by their mothers. One of the most insidious things about the use of crack is the destruction of the maternal instinct in so many women. This series records time and again the circumstances of abandonment of these children. In one case mentioned in this article, a mother returned for medical help for herself, was confronted by the nurses as the missing mother of one of the boarder babies. She acknowledged that the baby was her own, expressed no interest in the child, finally signed papers allowing its placement, and left.

Mr. President, we are facing a phenomenon for which we are, again, unprepared.

When Senator KOHL, the junior Senator from Wisconsin, recently held hearings, in the Governmental Affairs Committee, on the phenomenon of substance abuse during pregnancy, one of his most eloquent witnesses was the director of public health of his home city of Milwaukee. In the course of his eloquent testimony, the director of public health made a prediction. He predicted the return to America of an institution which we thought we had consigned to history, the orphanage. He said in effect that because of the tremendous difficulty of placing these crack babies, in many instances abandoned and in too many seriously permanently impaired, there will be a grave difficulty in finding an adequate number of foster homes and that the likelihood, given the explosion in their increase and the duty of placing them, will be the need for some kind of an institutionalized system of care.

This is not without precedent. Indeed, the article recounts the experience of a professional, now present in the District of Columbia, who has had some experience before in New York City.

What is clear is at the present moment, the District of Columbia is in desperate need of some kind of plan to deal with this phenomenon for which they clearly have been unprepared to deal and for which they have made a grossly inadequate response.

Our purpose should not be to embarrass the administration of the city. It is, instead, to prevent the danger that is so clearly spelled out in this series of articles and to assist, if we can. So what we have done in this simple amendment is to require that within a year from now the Commissioner of Social Services, who has this responsibility for the District of Columbia, will, through the work of a task force that she can appoint, come back to us with specific recommendations and with a specific plan that will detail how the District will provide care for these abandoned or otherwise abused children for whom foster care has not been found within 6 months of their birth.

The reason for that, Mr. President, is probably obvious but it has been very well spelled out in the remarks quoted by one of the leading nurses in one of the District of Columbia hospitals. She has stated that there is grave danger to these children in remaining too long as boarder babies in the hospitals. The danger is one that is obvious to health professionals. In an overcrowded nursery the possibility of the outbreak of some infection is such that it could lead to literally a peril to all of the 41 children who at the time this article was written were boarder babies—41, Mr. President—at the Howard University Medical Center.

There is, beyond that, the developmental danger to these children. In place of a parent, they have a succession, an ever-changing sea of faces, people who care about them, nurses and physicians, but not a single person with whom they can bond.

Among the developmental problems reported by the professionals who were consulted for this report, there is a phenomenon that the children who are placed in these foster homes after they have had this experience are angry little children, 3, and 4, and 5 years old, so angry that they destroy their own clothes, so angry that they are incapable of conducting themselves without disrupting preschool classes, incapable of learning.

So the time, Mr. President, for action was yesterday, and we are obliged not to, as the President has termed it, look the other way.

We are obliged because we have a responsibility to see to it that the District comes to grips with this problem. It is not just because of the tax dollars that are involved. The Federal taxpayers are involved. They support Howard University Hospital with about $21 million. It is not a great deal of money. I do not know what portion of that actually goes for this. Taxpayers are involved in the support of the D.C. General Hospital, $46 million annually. The same observation applies.

But let me give you an idea of what the cost is of this kind of neonatal intensive care.

For the 41 children at Howard University, it is now over $3 million.

It is estimated that a child that has spent 9 months in that neonatal intensive care ward, or any nursery, can wind up costing well over $100,000.

The cost, I might add, of rehabilitation, which is not cheap, is far less than that. Two or three of these substance abusing mothers could go through a Phoenix House type rehabilitation for the same cost as trying to deal with the withdrawal and the neonatal care of one of these infants.

In instances, here within the district, we have had a situation where a child has been since 1987 in what is supposed to be an emergency maternity and child care facility, and still the Department of Social Services has been unable to deal with that phenomenon.

Mr. President, you and others will be relieved to learn I am not going on.

You will, I think, agree that this situation is not one that we can allow to go on.

There are more points to be made. But I will simply say that the District is doubtless not alone because the crack epidemic has touched many other parts of the Nation. It certainly has touched my home State.

I have stood on this floor before and recited the unhappy statistics that relate to Los Angeles County in terms of the growth in the number of drug exposed children there. As a physician at the UCLA-Harvard Hospital recently stated, it is a logarithmic group, one that is estimated in the Los Angeles County Hospital by the chief of gynecology and obstetrics to achieve the incredible number of 10,000 births annually by 1991.

But here we have a direct responsibility because the Nation's capital is a Federal enclave. So we have a peculiar responsibility that we do not have elsewhere. It is also true that the problem is particularly grave here, and that it is particularly in need of response.

AMENDMENT NO. 750

(Purpose: To require the District of Columbia Commissioner on Social Services to establish a task force to develop a plan to improve treatment of infants who were exposed to maternal substance abuse during pregnancy)

Mr. WILSON. Mr. President, I send to the desk an amendment that will, I hope, not just focus attention but focus in a concentrated fashion that leads to the development of the kind of plan that clearly is now lacking. With that plan, with the professionals who have been quoted in this series involved, it seems to me that we have a much greater hope to at least begin on a solution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 750.

Mr. WILSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . TASK FORCE ON SUBSTANCE ABUSING PREGNANT WOMEN AND INFANTS EXPOSED TO MATERNAL SUBSTANCE ABUSE DURING PREGNANCY.

(a) IN GENERAL.—The Director of the Department of Human Services of the District of Columbia (referred to as the "Director") shall establish a task force, to be known as the District of Columbia Task Force for Coordinated Service to Drug-Exposed Infants (referred to as the "Task Force"), to develop a plan for the most efficient and effective delivery of services to substance abusing pregnant women and infants who were exposed to maternal substance abuse during pregnancy, including recommendations to ensure maximum cooperation between service providers.

(b) Members.—(1) The Director shall appoint no more than fifteen persons to serve on the Task Force, including persons with experience in treating substance-exposed infants, representing the following organizations and disciplines:

(A) Child protection and welfare.

(B) Local hospitals.

(C) Health care professionals, including drug treatment specialists, public health experts, primary care providers, and child development specialists.

(D) Public safety and justice.

(E) Public education.

(F) Community-based organizations serving substance abusing pregnant and post partum women and their infants.

(G) Public housing officials.

(H) Other human support services.

(2) In addition to the members of the Task Force appointed pursuant to paragraph (1), the U.S. Attorney or a designee of the U.S. Attorney shall be a member of the Task Force.

(3) The Director or the designee of the Director shall act as chairman of the Task Force and provide such clerical support as the Task Force requires.

(c) Report.—Not later than 1 year after the date of enactment of this Act the Task Force shall submit a report to Congress making findings and recommendations for legislative or other action, and including a specific plan detailing how the District will provide for the care of abandoned or otherwise abused infants for whom foster homes have not been found within six months of birth; and a timetable for implementing its recommendations.

(d) Termination.—The Task Force shall terminate on submission of its report in accordance with subsection (c).

Mr. ADAMS. Mr. President, we have examined the amendment presented by the Senator from California. I wanted to point out to the Senator from California that we are very much in support of what he is doing. I do not know whether he was here earlier but we have added funds in the amount of $2 million to begin a program to provide treatment on demand for addicts who are pregnant to prevent crack-addicted babies.

So we are very much in support of the task force that the Senator has recommended here, and on this side we will be willing to accept the amendment of the Senator from California, and we commend him for his efforts in doing this. It gives direction to the moneys that we have suggested be appropriated.

Mr. WILSON. Mr. President, I thank the distinguished majority manager. I was not on the floor at that time. I was ignorant of the action taken. I must say that I not only thank the Senator, but I commend him because the money that is allocated for that purpose is going to the real root of the problem. All that I am discussing here flows from our failure to deal in a preventive way, as indeed that $2 million is directed.

To the extent that we are able to prevent this tragedy, we will not have to worry about the adequacy of an availability of foster care. The kind of abuse and neglect that we have seen will in fact not occur because we will have prevented the addiction that has created this tragedy.

So the Senator not only thanks him for his accommodation, but far more importantly, I thank him for that action because it is precisely what is necessary. I thank my friend from the State of Washington.

Mr. ADAMS. I know of no objection.

Mr. KOHL. Mr. President, I became aware of the amendment to establish a task force within the District of Columbia on pregnant substance abusing women and their infants shortly before my distinguished colleague from California [Mr. Wilson] presented it. I was pleased to offer some suggestions to strengthen my colleague's amendment, suggestions which he was kind enough to accommodate. I think the amendment is a much better amendment as a result and am therefore pleased to cosponsor it.

I also want to commend the distinguished floor manager of the D.C. appropriations bill, Mr. Adams, for adding $2 million in treatment funds for pregnant substance abusing women within the District of Columbia. As I learned at a governmental affairs hearing I chaired on this issue on July 31, the plight of pregnant women seeking drug or alcohol treatment within this city is pitiful. As commissioner of public health Reed Tuckson testified, every month D.C. ambulances pick up 20 pregnant women so ill from drug abuse that they need emergency medical treatment. Births of drug exposed infants at D.C. hospitals are staggering, ranging from 33 percent at Greater Southeast Hospital, 40 percent at Howard University Hospital, to 60 percent at D.C. General. And the infant mortality rate here—now twice the national average—has soared directly as a result of maternal substance abuse.

Mr. President, the District of Columbia is not the only city in crisis due to substance abuse by women of childbearing age. In my own city of Milwaukee, 500 pregnant women will need drug treatment this year alone. Yet as I learned at a field hearing I chaired there earlier this week, there is only one residential treatment program for women and children in the entire State of Wisconsin. At present, that program—Meta House for women and children—is only able to treat eight women and their children. If that isn't an alarming statistic, I don't know what is.

Mr. President, we must look at ways to create coordinated services for high-risk women and infants. And the D.C. task force which this amendment creates will help do that. But we must also ensure that drug treatment and targeted prevention programs are available for the women and children who need them most. And toward that end, I look forward to continuing to work with my colleagues to address the pressing problems of substance abusing women and their infants.

Mr. SIMON. Mr. President, I rise to support Senator Wilson's amendment to the D.C. appropriations bill, aiming to bring coordinated and comprehensive services to substance abusing pregnant women and their children. As each of us has seen in our States, simply the numbers of different agencies and programs that can and must get involved with this special population works against providing services smoothly and efficiently.

My State of Illinois has had such a coordination of services for the past year. Illinois is no different than any other State or area in the country: increases in infant mortality rates, incidence of child abuse, neglect, and abandoned babies resulting from substance abuse by a parent, usually the mother. Illinois was facing the same problems so vividly described in the recent Washington Post series on this problem, the same problems faced by Los Angeles, Des Moines, New Orleans, Cheyenne, Joliet, IL, Gainesville, FL and Newark, DE. Urban, rural, big town, small town, the problems are there—too many babies, too many pregnant women without assistance and options, too few treatment facilities and no coordination of services. The interrelationships between drugs, abuse, and dysfunctional families is too clear. And to treat all of these means bringing together the full force of all the agencies and programs within a State, or a city in this instance, needed to help individuals and their families begin functioning again.

As with the Illinois model, it is time for us to recognize the need to provide a multiagency cooperative approach. The Task Force included in Senator Wilson's amendment is a solid and necessary first step to ensuring that this will occur in Washington, DC. I also hope it is the first step in seeing this type of congressional direction and guidance going to all 50 States as well.

Again, I am pleased to join in support of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 750) was agreed to.

Mr. ADAMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. ADAMS. We are aware of no further amendments on this side, Mr. President. We have been informed by the other side that there may be one more amendment.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, it is not unusual for the Senate to spin its wheels and waste time. Indeed, the very consideration of this bill is a waste of time, because the President has indicated unequivocally that he is going to veto it. It is virtually certain that the House lacks sufficient votes to override the veto.

This bill is dead.

It is dead because whatever good provisions it may contain and however necessary it may be, ultimately, to pass an appropriations bill for the District, the bill contains some very, very bad language, from the President's point of view, and from mine, and from the point of view of many others, in the area of abortion.

Mr. President, President Bush, as is well-known, opposes abortion on demand. This bill contains language which provides for abortion on demand in the District of Columbia. The President has said that in its present form, he will veto the bill.

As I have noted, the House is all but certain to sustain that veto. This bill contains a provision that will allow for taxpayer funding, taxpayer funding of abortions, conducted for any reason, any reason at all, or for that matter, no reason at all.

The bill will fund—or would, if it became law in its present form, which is highly unlikely—about 3,600 such abortions on demand during the next fiscal year here in the District of Columbia. To be sure, the bill prohibits the use of Federal funds to perform abortions, except in certain cases, such as where the life of a mother is threatened or in the event of rape or incest. But the bill permits use of so-called local funds to pay for any and all abortions; that is, funds derived from local taxes or local sources.

We have been through this controversy before on the D.C. appropriations bill, year after year. Some will say that it is an infringement upon home rule for the Senate to seek, or for that matter, to prohibit the District from spending locally derived moneys to pay for abortions.

That argument, as I have said in past years, and as others have said, is utter bunk, because the Constitution requires that the Congress act as the legislature for the District of Columbia. Even under the home rule statute, Congress explicitly and unequivocally reserved to itself the powers of legislation wherever it chose to exercise them.

The Congress appropriates all funds which are expended by the District of Columbia, including funds derived from local taxes. That is our responsibility, not only our prerogative, but our responsibility. The point is unassailable. The Constitution reserves that power to the Congress, and nothing has ever changed that circumstance.

Well, fortunately, Mr. President, notwithstanding the awful language of this bill, the American public has selected yet another President who opposes abortion on demand. The President has made it clear that he will veto this bill.

And just to underscore the point, let me read an excerpt from an August 2 letter which the President sent to the chairman of the House Subcommittee on the District of Columbia.

The President said:

> If a bill presented to me presents the use of appropriated funds to pay for abortions, other than those where the life of a mother would be endangered if the fetus were carried to term, I will veto it. I urge Congress to vote to protect the lives of America's unborn children.

This bill is going to be vetoed, and millions of Americans will silently compliment President Bush for his principle and his courageous stance, because those millions of Americans recognize the self-evident that abortion kills human beings, recognize as self-evident that the offspring of human beings are human beings, and biologically, they can be no other. So we, the millions who oppose abortion on demand, are left puzzled when some refuse to regard prenatal infants as human beings.

Well, Mr. President, I might ask the question, what defines a human being, anyway? Is it appearance? Who among us looks today as we looked 30 or 40 years ago, and who among us will look in 20 or 30 years as we look today? The fact is that we all change markedly during the course of our natural lives. So, clearly, it is not appearance which defines human beings or humanness.

Is it viability? Some like to use that word, some like to use viability itself as the benchmark for determining what is a human being. Let me just point out if one must breathe on one's own to be a human being, then what were those precious creatures that we used to put in iron lungs during the polio epidemic—now thankfully a matter of the past—who could not breathe on their own, who were not viable in that sense? They were human beings, obviously.

Must one be sensate to be a human being? If that is the case, to fall into a coma is to be ruled out of the human race. Must one be wanted by others to be a human being? If so, then I suggest that Mother Teresa and her colleagues are wasting their time on nonhumans in Calcutta.

There is just no way around it, Mr. President. If one is conceived of human parents, one is a human being. One is a human being right from the start, however inconvenient that may be to modern society. Embryo, fetus, infant, child, adolescent, adult, these are just labels that describe certain stages of life.

Is adolescence any less human than an adult? Of course not. Is a child any less human than an adolescent? Of course not. Is an infant any less human than a child? Of course not. Then why is a fetus less human than a child? I wish someone would come to the floor and tell me that.

The fact of the matter is that the offspring of human beings are human beings, and every abortion, each and every abortion kills a human being. Some Senators are prepared to make exceptions and to accommodate abortion and even fund abortion where the life of the mother is in danger, and others are willing to do so in the case of rape and incest.

I want Senators to know before they vote on this bill that this bill contains language which is wide open and will fund abortions for any reason, under any circumstance, or for no reason at all. It is abortion on demand, clear and simple.

The President opposes it and is going to veto the bill, and almost certainly the House will sustain that veto. Ultimately, of course, we are going to have to have an appropriations bill for the District, just as we did last year. Last year, just as this year, and I suppose for every year for the last 10 years or so, there has been a big wrangle. Ultimately, last year, in conference—I should say on the floor of each House—the language ultimately, after a big struggle, which was agreeable to both sides and the President was ultimately reached. That is what will happen this year after this is vetoed and the veto is sustained; we will get a sensible bill, one that the President can support. It will not be this one.

I urge Senators who have registered their disapproval of abortion in past years, and in particular on this D.C. appropriations bill, to vote against it, and to do so knowing that the President will stand behind those negative votes and in fact will veto the bill itself.

Mr. President, I yield the floor. Inasmuch as no Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I add to my remarks by reading into the RECORD a statement of administration policy, dated September 13, yesterday's date. This is in regard to the bill before us, H.R. 3026, District of Columbia appropriations bill for fiscal year 1990.

> The Administration strongly objects to the bill, as passed by the House and reported by the Senate Appropriations Committee. The reported bill deletes language included in the FY 1989 District of Columbia Appropriations Act that prohibits the use of appropriated funds for abortion except where the life of the mother would be endangered if the fetus were carried to term. We urge the Senate to restore this language in the FY 1990 bill. In a letter dated August 2, 1989, the President stated that the absence of this language would result in his veto of the bill.

Mr. President, I do not intend to offer such an amendment. Such amendments have been offered in the past on the D.C. appropriations bill. But the certainty of the President's veto is so absolute that there is little point in doing so. It would be a further waste of the Senate time frankly to take such a vote. We would of course want a rollcall vote. Otherwise there would be no point to it. That would consume time. We are not going to do that.

The President made a statement of policy that he was going to veto the bill. It is dead. This bill is not even breathing. It may be a little warm but will not be for long. It is not breathing. It is done for. It is going to have to be redone and a new bill will have to be written. That will be easy indeed, by striking abortion language and providing something the President can support and then it will zip through. No doubt it contains very good measures.

I heard the Senator from Washington in his disclosure with the Senator from California discussing very good drug provisions as I was observing the proceedings on my TV monitor before coming to the floor.

To be sure the bill contains good provisions, but it is fatally flawed and it is dead. It is going to be vetoed, and I urge Senators to vote against it. Then we can get down to the business of writing a bill that is consistent with good policy and human rights and one which the President will sign.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1624 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SASSER. Mr. President, the Senate Budget Committee has examined, H.R. 3026, the District of Columbia appropriations bill and has found that the bill is under its 302(b) allocation by $12 million and hits its 302(b) outlay allocation exactly.

I compliment the distinguished manager of the bill, Senator ADAMS, and the distinguished ranking member of the District of Columbia Subcommittee, Senator GRAMM, on all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the District of Columbia appropriations bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 3026, SEPT. 13, 1989

[In billions of dollars]

	Fiscal Year 1990	
	Budget Authority	Outlays
LEGISLATIVE BRANCH COMMITTEE—SPENDING TOTALS		
302(b) bill summary:		
H.R. 3026, Senate reported, (new budget authority and outlays)	0.5	0.5
Enacted to date	+(1)	+(1)
Adjustment to conform mandatory programs to resolution assumptions	0	0
Scorekeeping adjustments		
Bill total	.5	.6
Subcommittee 302(b) allocation	.5	.6
Difference	−(1)	0
Bill total above (+) or below (−):		
President's request	+(1)	+(1)
House-passed bill	+(1)	+(1)
House 302(b) allocation	−(1)	−(1)
Summit Cap summary:		
Defense (050) spending in bill	0	0
Allocation under defense cap	0	0
Difference	0	0
International affairs spending in bill	0	0
Allocation under international affairs cap	0	0
Difference	0	0
Domestic discretionary spending in bill	.5	.6
Allocation under domestic cap	.5	.6
Difference	−(1)	0

[1] Less than $50,000,000.

Note.—Details may not add to totals due to rounding.

Source: Prepared by Senate Budget Committee Staff.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I rise to bring my colleagues up to date on actions taken last year by the Senate with respect to religious liberty in the District of Columbia. And, having done so, it is my intention shortly to propound an amendment to the pending D.C. appropriations bill.

Mr. President, last year the Senate acted on a measure which came to be known as the religious liberty amendment. It arose in the first place because of a completely unforeseen situation, or at least a situation that was certainly not foreseen by me or anyone to whom I talked about it in advance, the facts of which are quite simple.

A homosexual group asked a Catholic university in the District to provide homosexuals with university recognition, with support, facilities, and so on.

It was not a surprise that the university in question turned down this request. In fact, it would have been almost unthinkable for the university to do otherwise because the university, let me say it again, is a Catholic university, is a religious institution which is founded and which has been supported over the centuries by a church which teaches that homosexuality is a sin.

Let me just say before the discussion gets any further, the question which will be propounded in my amendment is not whether you believe homosexuality is a sin. It is not whether you are for or against homosexuality. That is a question that is worthy of debate on some occasion. It is not the issue which I bring before you today nor is it the subject which we amended a year ago when we considered this matter.

The point is that the Catholic Church teaches that homosexuality is a sin, so when a group of homosexual students, who were students at this university, asked the university, indeed demanded of the university that they be granted special status, a form of university recognition, the right to use university facilities, the mailing list, and so on, the university said no. Because if they had done otherwise they would have been unfaithful to the very creed which led to the establishment of the university in the first place.

I suppose that it is not surprising, given the general cultural norms today, that the students, instead of taking "no" for an answer went to court. And that is when the surprise began to unfold. Because the court found, in a major setback for religious liberty, that the university could be, at least under certain circumstances, required to grant recognition, status, support, both tangible and moral support, to the homosexual student group.

Mr. President, let me make it very clear that the university in question, which was Georgetown, was not engaged in homosexual bashing. The university was not trying to pick a fight with homosexuals. The university was not denying to homosexual students the right to enroll, to be a part of the classrooms, to take part in the life of the university, or even to form an organization which was devoted to advocating and promoting homosexual causes, purposes, and ideals.

Where the university drew the line was at granting university recognition and support, in other words putting the imprimatur of the university on something which they did not believe in and which, in fact, the church of which the university is an outgrowth, teaches to be sinful.

The point is that this is not a homosexual issue. It is a religious liberty issue. At the time—this is now, oh, well, more than a year ago—many, many newspapers editorialized on the subject, though I think none more perceptively than the Rocky Mountain News which wrote the following editorial.

They asked the question:

> Can the government force a religious organization to subsidize practices contrary to its fundamental beliefs? In most of the country, no; in Washington, D.C., yes.
>
> The District of Columbia's highest court has upheld a local statute that requires Georgetown University, a Catholic institution, to provide the same "tangible benefits" to organizations of homosexual students as to other student groups.
>
> The ruling will require Georgetown to give homosexual groups equal treatment when they apply for free mailing services and cash grants from the university's treasury. That treasury, of course, comes largely from students, alumni and others who believe that homosexual practices are morally wrong and would not have their money support them.
>
> Freedom of speech is not at issue: The homosexuals are already allowed to disseminate their beliefs and even use the university's meeting rooms. But they insist that those who disagree with those beliefs must not merely tolerate them, but help spread them. It is as if a racist group were to demand subsidies from the NAACP.

The Rocky Mountain News concluded—correctly and very aptly in my opinion:

> This ruling allows one well-organized pressure group to pulverize the First Amendment's guarantees of religious freedom. That freedom has to include the right not to support, financially or otherwise, those groups whose views and practices are held to be morally repugnant.

Mr. President, that was the situation a year ago which prompted the Senate to consider and to act upon, and our colleagues in the House to agree to, an amendment the practical effect of which was to require that the D.C. City Council amend a certain portion of the D.C. Human Rights Act dealing with this subject. Broadly speaking, that provision of the D.C. Human Rights Act simply says that you cannot discriminate against homosexuals. Whether or not that is good public policy I think is open for question, but that is not the issue that was addressed in our amendment last year, nor the question I seek to raise today.

I personally think it is wrong, I think it is indeed deeply offensive, it is an outrage, in my view, for a local governing body, a city council, whoever it is, to say to any employer, public or private, that they have to give preference to, or protected status to, or they may not discriminate against a person who practices homosexuality if it is their deeply held belief that such behavior is morally wrong.

Mr. President, I did not propose to amend the D.C. Code with respect to the broad mill run with respect to civic organizations, private enterprises, units of governments or secular schools or universities. What I did offer an amendment to take care of is about 3 dozen religious schools in the District of Columbia who, it seems to me, are entitled to be considered separately as a matter of public policy. I happen to think the provision of the District of Columbia Human Rights Act is probably unconstitutional and, in due course, would probably be struck down by the U.S. Supreme Court. It is just unthinkable to me that the U.S. Supreme Court, under any kind of foreseeable construction, would permit the District of Columbia City Council, or any city council, to require a religious institution to give aid, comfort, and subsidy to an organization devoted to purposes which are directly contrary to the purposes for which the religious institution was founded and exists.

So I suppose one thing we could have done is leave that matter to work its way through the courts. The reason I did not choose to do that was twofold: First of all, because Georgetown had been in court for 8 years, had spent hundreds of thousands of dollars and, according to published accounts, was subject to all kinds of formal and informal threats and coercions and, in addition, because other religious schools in the District of Columbia might find themselves in the same boat perhaps facing years of trials and appeals, and it just did not seem to me that was necessary.

Second, the District of Columbia is a unique piece of geography in the governmental scheme of things in that we are the legislative body for the District of Columbia. We are not just innocent bystanders. Our situation is not the same as if Congress or some Member of Congress would happen to see an injustice being perpetrated in Virginia or North Dakota or Minnesota or Ohio or the State of Washington. We are the people who are responsible, and when an injustice like this comes to our attention, we ought to do something about it.

So the amendment which we adopted simply said that the District of Columbia had to amend the Human Rights Act to specify that that portion of it does not apply to religious institutions. In fact, if I may, I would like to read briefly from the portion of language which Congress sought to compel the District of Columbia city counsel to enact, and I do now quote. This is what we adopted in part last year:

> (b) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:
>
> "(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—
>
> "(A) the use of any fund, service, facility, or benefit; or
>
> "(B) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

Let me say two or three things about the amendment we adopted last year. First, Georgetown University did not ask me to do it. In fact, there is some reason to believe that at least some of the people of Georgetown University would have preferred that the issue had never arisen because after fighting the matter through for 8 years in court, they finally gave up in exhaustion having spent hundreds of thousands of dollars in attorneys' fees and in an action which proved to be very controversial among members of the governing board of Georgetown, the alumnae, students and everybody else, and they just finally signed a consent decree.

Having done that, it was the position of the Georgetown administration that whatever came of this amendment, which is called the religious liberty amendment, sometimes known as the Georgetown amendment, whatever came of it, whether it was voted up or down, whatever the result, they intended in good faith and, so far as I know, intend in good faith to continue to abide by the terms of that consent decree.

Even those who within the university may not have agreed with it have not disputed at least to me that the university is morally bound, is honor bound to uphold what they have agreed to. Whether that was provident, wise or improvident and unwise I leave to others to judge. That has been a subject of discussion in some quarters. That is not why I rise here today. That is not my problem.

Georgetown is not the moving party here. It was not the moving party a year ago. May I say just for the information of my colleagues and anybody who is interested, so far as I am aware, I have not even been contacted by Georgetown. Perhaps members of my staff have been contacted, but I am not aware that in any way they have expressed any interest in any amendment that might be offered on this subject on this bill. That is number one.

Second, this amendment is not the kind of broad, sweeping, national legislation that might well be justified. I am told that there are in isolated places around the country other city councils that have adopted similar offensive legislation. It might be tempting to somebody to try to come up and tilt against windmills every place they appear. I do not think that is necessarily our job.

I really am a States rights man myself. I remember when one of the States had a provision in their constitution that was proving so onerous and burdensome to them that members of the State legislature from that State came to us and begged us to pass legislation overriding their State constitution. It had to do with levels of interest rates. I did not want to do that. It looks to me like if a State government wants to make a mistake, even to do something which I thoroughly disapprove, within very broad limits it is not up to the U.S. Congress to interfere with that.

So my amendment does not do that. It just deals with the District of Columbia and does it only with respect to religious institutions which are covered by this very specific act.

In any case, Mr. President, Senators will remember that last year we did pass such an amendment and it was, after some discussion, agreed to by the committee of conference and was signed into law.

Mr. President, during the time it was in the conference committee, I had occasion to meet with the members of the D.C. City Council and they asked me, could we not somehow negotiate a compromise? And, in fact, I was not unwilling to consider a compromise. In fact, we thought of several different versions of it, but ultimately we did not compromise on it at that point for several reasons, but the nub of their concerns, as I recall them, came down to two points. First of all, they did not agree with the purpose and intent of the amendment. They just did not. That is a fact. I do not know that I am speaking for all the members of the city council, but the ones I met with basically disagreed with my point of view. More than that, however, they objected because the mechanism by which Congress sought to enforce its will on the District of Columbia was a parliamentary procedure that they disapproved of.

Specifically, what we said in the amendment adopted last year was that unless the D.C. City Council voted to adopt the formulation which I read to you a few minutes ago, then the funding for the District of Columbia would be cut off.

It was their belief—I do not agree with their point, but I want to explain it as clearly and as fairly as I can—that it was a violation of their first amendment rights for the Congress to force the city council to enact legislation as a condition of an appropriation.

This is a very significant point. It is an entirely separate point, may I say, from the original purpose of the religious liberty amendment.

It is an important point, however, because Congress frequently uses exactly this technique to obtain compliance of local governing bodies, both public and private, with various proposals of Congress.

Now, in the simplest instance we say to a State government:

> If you do not change your speed limit in accordance with our formulation, we are going to cut off your highway funds.

Or we say to a university:

> If the governing board of your University does not adopt a certain provision, such as an equal opportunity or a fair housing provision, then the funds of the university will be cut off.

We do it all the time.

If the legal theory of which the D.C. City Council tried to convince me were to be sustained, much of the existing body of law by which Congress seeks to regulate certain kinds of activities throughout the country would be overturned.

I do not think that legal argument has too much merit, though I must admit there is a certain attraction to it, particularly for someone of my philosophical bent, because if you will think about it, if that point of view were to prevail, if it were to be determined in this country that Congress cannot use funding as a coercive device to require local policymakers to hew to some particular national standard, then it is very clear that many of the legislative enactments of Congress which are on the books and which are being enforced every day in jurisdictions all over the country would go down the drain. There is no doubt about it.

Well, my colleagues, this is not merely an idle reminiscence, because when that bill was signed into law, the D.C. City Council took the Government to court. They asked for and were granted an injunction barring the enforcement of the order and in effect requiring the release of the funds which were the subject of the amendment. The argument that they made to the court was exactly what I have just outlined to you.

I believe I have fairly described their position. They said Congress could not condition an appropriation on requiring the city council to cast their votes in some particular way. Now, at least in informal discussions, the council did not dispute that the Congress has the right to simply amend the D.C. Code, but they said we could not require them to do something which we had the power to do ourselves. We could not indirectly do something which we have, I believe, the unchallenged authority to do directly.

I do not know of anyone who challenges our authority to legislate in this area. That is clear from the Home Rule Act. It is clear from the U.S. Constitution that we do have the authority to actually amend the D.C. City Code.

Mr. President, I had my lawyers take a look at this case at the time, and they wrote me an erudite opinion in which they concluded it was very unlikely that any court would agree with the contention of the city council.

Let me just say that proves that lawyers are not always right, because the district court for the District of Columbia in fact threw out the amendment which we adopted last year on the ground that the city council had brought before the court.

This matter was appealed to the circuit court of appeals on I think May 19 or perhaps May 20. That matter was the subject of oral argument. The circuit court of appeals has not yet handed down its decision, and I do not know when it will do so, nor in fact if it will do so, because of course the issue becomes moot at the end of the fiscal year.

The amendment we adopted last year as a part of the appropriations bill expires with the expiration of the appropriations bill, and that will be in more or less 2 weeks, on September 30.

So that just brings you up to date on the factual situation.

Mr. President, it is for these reasons that I have been considering whether or not there is a more direct way to address this issue. When I brought the amendment before the body in the first place a year ago, I was not seeking to make it complicated. I was not seeking to solve the problems of other jurisdictions or to go beyond a very narrowly defined problem which was a real emergent problem. In other words, it was not intended to deal with some kind of hypothetical situation or speculative situation. My amendment was aimed at a real abuse which had been the subject of endless litigation in the courts and it was deliberately drafted by its purpose and intent and language to be very narrow, very direct, very discrete, and not very sweeping.

Perhaps because of that, Mr. President, the amendment was warmly approved by everybody from Agudath Israel of America, which is the Nation's largest orthodox Jewish movement, to President Reagan, to the National Association of Evangelicals, a number of thoughtful observers writing in their individual capacity, including John Whitehead of the Rutherford Institute, and James Kilpatrick and Bill Buckley and the Catholic Layman's Committee, and the Christian Legal Defense Committee, the Catholic Standard, the Association of Christian Schools, and an endless number of people who looked at the issue and concluded that the amendment was justified. I am sure it was in part because of their endorsement that the Senate adopted it by an overwhelming margin.

Mr. President, I am really tempted to simply offer the same amendment again and leave the matter to the courts to decide. It is an intriguing legal issue.

However, it seems to me the wiser course is not to precipitate an unnecessary confrontation over the related but basically peripheral question of can Congress compel a local legislative body to enact certain formulations and condition appropriations upon the willingness of these local legislative bodies to do so. There are many, many reasons why that would be a fascinating case to let play out, which is exactly what would happen if we were to reenact this amendment.

Maybe that is what we will do before the day is over. I am not quite sure. That is one possibility. My conviction is that we should not seek to widen the controversy but should continue to try to settle only the issue which came before us, which is are we going to let the District of Columbia government coerce religious institutions and force them to grant material aid and other kinds of recognition to a group which is organized for purposes that are contrary to the faith which prompted the formulation of the institution in the first place.

So with the word of explanation, let me say to the Senate what it is my intention to do. I intend to offer a slightly different amendment than I offered last year. I will offer an amendment which simply will directly amend the District of Columbia Code. I think there is no doubt that we have the authority to do so. We could have done it that way a year ago. In retrospect, it probably would have saved some time in court and we would have been spared this interlude of litigation. But, frankly, it never crossed my mind that anybody would seriously contend, let alone that a court would agree with, the idea which the city council took before the district court and with which the district court did agree.

The reason it never occurred to me is that the way we wrote the amendment was in essence the identical to the way we do it all the time. It was not an unusual formulation. It is my recollection, and somebody might correct me, I believe that in this legislation was a nearly identical formulation having to do with insurance policies for persons who had contracted AIDS. Is that essentially right?

It does not matter. It was something along that line. But the formulation was the same.

I have not gone back to check whether or not this is a parliamentary formulation that we have used 50 times or 100 times or 1,000 times but we have used it over and over again. So it never crossed my mind that would become the item of controversy. But, since it did, I am going to shortcircuit that process. It is my intention, purpose and desire to simply offer this amendment which will amend directly the District of Columbia City Code.

AMENDMENT NO. 751

(Purpose: To protect religious liberty and academic freedom within the Nation's Capital)

Mr. ARMSTRONG. With that word of explanation, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. ARMSTRONG. Mr. President, since the amendment is brief, I would be glad to have the clerk state the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 751.

At the appropriate place in the bill insert the following new section:

SEC. . (a) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

(A) the use of any fund, service, facility, or benefit; or

(B) the granting of any endorsement, approval, or recognition,

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

Mr. ARMSTRONG. Mr. President, I thank the clerk for reading that. It seemed to me worthwhile to read the amendment in full simply because it speaks for itself.

It is a very simple matter. I simply want to reaffirm in a slightly different way and in a format which we think will deescalate the litigation of the policy decisions which Congress made last year. That is to say, that the District of Columbia may not force a religious institution, whether it is a college, a university, primary school, secondary school, or whatever it is, to grant aid and comfort and support to an organization of this character, which really is anathema to the purposes for which the institution was formed and the ideals which sustain it.

Mr. President, I think others may wish to speak on this subject. In fact, I see the Senator from Ohio is here and I believe he may want to speak on another subject. I have no objection to that. My desire is simply to bring the matter to a head and to adopt the amendment when everyone has had a chance to have their say.

ORDER OF PROCEDURE

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, on behalf of the joint leadership, I ask unanimous consent that any rollcall votes ordered today be delayed to no earlier than 6 p.m.

Mr. ARMSTRONG. Mr. President, have other rollcalls been—if the Senator will yield—been ordered?

Mr. METZENBAUM. I do not know.

The PRESIDING OFFICER. The Chair is not aware of any.

Mr. ADAMS. I state at this point that there have been no rollcall votes ordered at this point.

Mr. ARMSTRONG. Is this to accommodate the arrival of some people from out of town?

Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate now go into morning business for a period not to exceed 6 minutes so that the Senator from Ohio may make a statement.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

ASSAULT WEAPONS LEGISLATION

Mr. METZENBAUM. Mr. President, if any of my colleagues were to step into the Senate Cloakroom and read the wire service news reports, they would find that this morning, a man armed to the teeth with an AK-47, and two MAC-10 assault weapons, opened fire and killed 7 innocent people and wounded 12.

This morning it was a disgruntled employee in a Louisville printing plant.

Before that it was a gang member in a speeding car opening fire on a crowded street in L.A.

Or it is a man firing randomly on people in a Florida shopping center.

Or it is bank robbers gunning down FBI agents in Miami.

Or it is a madman turning a California schoolyard into a killing field.

How many more people have to die before the Congress of the United States finds the courage to stand up to the National Rifle Association? How many more senseless slaughters must we endure before we limit a madman's access to assault weapons.

Mr. President, the law enforcement officers of this Nation have come to us for help.

They are outgunned by every two-bit drug dealer. They are pinned down by every psychopath with mass murder on his mind.

Yet for 7 months we've been unable to bring an assault weapons bill to the floor.

We have endured 7 months of NRA distortions and delay.

These are not sporting weapons. These are not hunting rifles, unless someone has declared it open season on human beings.

I cannot help but recall the testimony of Lori Mackey, a teacher who witnessed the Stockton schoolyard massacre. She asked the members of the Judiciary Committee, "Why aren't there laws to protect us from this kind of madness? Does it always have to take a tragedy of this magnitude to get any action? Has there been enough suffering to warrant action now?"

Mr. President, I think there has been enough suffering. We have voted an assault weapons bill out of the Judiciary Committee. Let us bring it before the full Senate and vote on it.

I think it could be stronger, and I will offer amendments to that end. But at the very least, let us debate the bill and vote it up or down. Anything less would be irresponsible. It is time to act—now. One more day's delay—one more death—cannot be explained.

Mr. President, I yield the floor.

At the same time, I want to thank the manager of the bill, and I thank the leader for the minority for yielding me this time.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990

The Senate continued with the consideration of the bill.

Mr. ADAMS. Mr. President, we are returning now to the last amendment of which we have any notice regarding the D.C. appropriation bill. I have just a few remarks, Mr. President. I know of no one else, other than Senator ARMSTRONG, who has already spoken, who wishes to make remarks on this. At the end of my remarks it is my intention to move to table the amendment.

Mr. President, the struggle that has preceded the introduction of this amendment, as pointed out by my colleague, Senator ARMSTRONG, has gone on for over 8 years, and it was settled last year by an agreement between the Georgetown University and the groups that were in opposition. I would like to ask at this time unanimous consent to have printed in the RECORD at this point the letter of March 28, 1988, from Georgetown University, signed by the Reverend Timothy S. Healy, indicating the status of this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY,
Washington, DC, March 28, 1988.

To the Members of Georgetown's Faculty and Alumni:

LADIES AND GENTLEMEN: For the past eight years Georgetown University has been engaged as the defendant in a law suit brought by two groups of homosexual students, one on the University's Main Campus and one at the Law School. This week the University arrived at an acceptable agreement with its opponents for the order that the trial court must issue in this matter. For that reason the University will not appeal the case to the Supreme Court. I am writing to give you the history of this long affair, and also the University's reasons for settling at this point rather than carrying it further.

In 1977, a group of students at the University formed an organization called "Gay People of Georgetown University" (GPGU). In 1979 and again in 1980, GPGU requested and received "student body endorsement," a status requiring approval only by the student government and not by the University. This endorsement entitled the group to advertise in student publications, to apply for lecture funds and granted them a limited use of University facilities. The group, however, wanted more than student body endorsement. It demanded full University recognition. That recognition would have meant that the University endorsed the activities of the organization, and would also have afforded it more extensive benefits, including University funding.

The University rejected GPGU's request for University recognition on the grounds that the group presented a homosexual life-style as morally acceptable. Among the groups' stated purpose was "fostering theories of sexual ethics consonant with one's personal beliefs." The University stated that norms governing sexual conduct were objective, and that Catholicism does not teach a sexual ethic based merely on personal preference. Georgetown emphasized that "while it supports and cherishes the individual lives and rights of its students, it cannot subsidize this cause because it would be an inappropriate endorsement for a Catholic University."

At this point, local government became involved. The District of Columbia has an ordinance called the Human Rights Act. Under that act it would be unlawful discrimination for an educational institution, * * * to deny, restrict, or to abridge or condition the use of, or access to, any of its facilities and services to any person otherwise qualified, wholly or partially, for a discriminatory reason based upon the race, color, religion, national origin, sex, age, martial status, personal appearance, sexual orientation, family responsibilities, political affiliation, source of income or physical handicap of any individual.* * *

Under the same act, sexual orientation is defined as "male or female homosexuality, heterosexuality, and bisexuality, by preference or practice."

Under the provision of the statute, GPGU, joined by the similar group at the Law School, filed suit in the Superior Court of the District of Columbia alleging that the University had violated the Human Rights Act. The District of Columbia itself promptly intervened as a plaintiff to obtain enforcement of the act.

In October, 1983, the Superior Court, in the person of Judge Sylvia Bacon, declared the act unenforceable against Georgetown under the "free exercise" clause of the Constitution. The court found that under Catholic doctrine, to which Georgetown adheres, no one "affiliated with the Roman Catholic Church may condone, endorse, approve or be neutral about homosexual orientation, homosexual life-style or homosexual acts." The trial court thus found that "the District of Columbia Human Rights Act must yield to the Constitution guarantee of religious freedom.

The plaintiffs then went to the Court of Appeals of the District of Columbia. A three-judge panel in July, 1985, reversed the trial court by a vote of two-to-one. That same day, however, the Court of Appeals issued a sua sponte, per curiam order, vacating the panel's opinion and setting the case for en bloc consideration. Twenty-five months after the case was heard en banc, the Court issued its decision in November 1987. Each judge wrote separately, and there was no opinion for the court. The court was shy one judge, and another judge, a former Georgetown dean, recused himself.

Despite its scattering of opinions, however, the holding of the court is clear; the District of Columbia has a compelling interest in eradicating discrimination against homosexuals and that overrides the First Amendment protection of Georgetown's religious objections to subsidizing homosexual right's organizations. The Court of Appeals held as a matter of statutory interpretation that the act does not require Georgetown to give the groups formal University recognition, which the court labeled an intangible. Instead, the court said, "The act only requires Georgetown to grant the groups the tangible benefits associated with University recognition." The court, therefore, recognized the distinction in principle between officially recognizing an organization and underwriting its activities.

It is important at this point to interrupt this narrative, and describe the University's position during this long litigation. At the first trial, and in the endless depositions that preceded it, the thrust of the plaintiff's arguments was for "recognition." The University fought against that thrust and prevailed. When the case came before the Court of Appeals, the plaintiffs dropped the notion of recognition almost entirely, and argued that all they sought were the tangible benefits. These benefits included office space, telephone, copying facilities, access to mailing lists, listing in various handbooks, a mailbox, and the right to apply to student government for an annual budget. The University had long felt that the key issue was recognition, in other words that Georgetown not be obliged to declare that it regarded a homosexual life-style as morally neutral.

The issue of tangible benefits was a more complicated one. First of all, the group enjoyed tangible benefits by its student government recognition, and indeed acquired more of the same kind of benefits by the ancient art of scrounging. Thus the group existed, met in University facilities, used University bulletin boards to advertise its meetings and activities, ran a limited program of activities, and had access to student funds for inviting speakers onto campus. They were also able to borrow telephones, Xerox machines, and other facilities from other student organizations. Since you are familiar with the way Goergetown runs, you know that these "benefits" are normally taken for granted by any group of students. Recognizing that students as citizens have a right to associate in any way they please, the University did not interfere with any of these activities. It has also long accepted as a premise that, provided nothing illegal or obscene transpires, it will not interfere with the presence of speakers on campus, no matter how unacceptable their opinions to the University itself. During these eight years we have had speakers of the ilk an character of Roberto D'Aubission from El Salvador, which demonstrates how consistently the University has held to the principle that Georgetown neither approves nor disapproves speakers that are invited by any group of students or faculty. For all these reasons, the plaintiffs in their presentations to the Court of Appeals were able to make a substantial case that they are simply asking to have, officially, not much more than what they had long enjoyed unofficially. This claim was, in part, the simple truth.

It could at this point be argued that Georgetown should have taken a harder line, and every time the gay groups surfaced, refused them any cooperation, tolerance, or access. Lawyers can make much of this kind of a suggestion, but lawyers don't run universities. Had Georgetown proceeded this way during the past eight years, we might have had a stronger case to present to the Supreme Court, but we might also not have had a university. The groups involved are small, indeed the full roster of members has never, to my knowledge, exceeded 20. But any public harshness or disrespect on the University's part would have been recognized by the rest of our undergraduate and law students as so thoroughly contradicting Georgetown's being and traditions that they would have refused to accept it.

Much more important, Georgetown has long, on Catholic moral grounds, fought all forms of discrimination. It does not discriminate in any improper way in the admission, retention and graduation of students or in the appointment, promotion or tenuring of faculty. In addition, as a Catholic university it has always recognized its pastoral as well as its educational responsibility to each and all of its students. These young people are here and thus are ours—to teach and guide, to cherish and protect, and above all to respect. That pastoral obligation includes as clear a presentation as we can make of human sexuality in all its complexity and beauty as well as in its divine orientation towards the permanent commitment and responsibility of marriage. Our teaching, however, must be set in a climate of respect and understanding for it to be heard and, indeed, for our community to live and flourish. Disrespect, condemnation and harshness seem to us incompatible with correction or even instruction itself.

You are also well aware that the University's responsibilities on the two campuses are different. Students at the Law School are adults, all of them having finished college, and many of them entering two or three years after their bachelor's degrees. In addition, they are a more religiously heterogeneous body. On the Main Campus, where a substantial majority of the students are Roman Catholic, they first come to us at seventeen and eighteen. At this time of life sexual identity is a serious question and, for at least some, is a source of anxiety and trouble. The University's presence in this delicate area of human growth must be principally pastoral. Abstract moral teaching is needed, but may well also appear to those at whom it is directed both as an interference and a disputable one at that. A posture of total intransigence on the University's part might have created more anger among law students, but it would have worked deep and serious trouble among undergraduates. Thus in everything it said and did in this long trial, Georgetown had to remember that its words and actions would be heard and seen by two different groups of students with sharply divergent needs. That is not meant to deny the University's clear pastoral responsibility towards both groups, and above all not to deny the well-established fact that few human beings derive much spiritual sustenance from being clobbered.

To return to the narrative, it was clear that the divided opinion of the Court of Appeals was still 5-to-2 against the University. The court had tried deliberately and with some skill to tailor its decision to what it felt to be the facts of the case. The University itself had, since the opening of the trial, more vigorously defended its right not to endorse a homosexual life-style than it has defended the right to deny quite minimal tangible benefits to these particular student groups. In that sense, the court could have been said to have adopted the University's own distinctions as presented by its counsel.

During the course of the appeal, and certainly after it, the University had tried to negotiate with the plaintiffs to see if the entire question could not be settled out of court. At the early stages of the trial, the plaintiffs' insistence upon formal University recognition made such negotiations impossible. After the decision of the Court of Appeals, this insistence disappeared, and all that the University was obliged to negotiate was a listing of tangible benefits.

On the ancient and honorable grounds that anyone who intrusts his future to a court is a fool, the University tried seriously to negotiate. In those negotiations it had four principal purposes. The first was to make certain that the tangible benefits awarded by the court did not include religious services, or access to the religious facilities and functions of the University. The second objective was to make certain that Georgetown was not unwittingly used as a staging ground for community activities from Washington or elsewhere. The third objective was to avoid any direct advocacy of homosexual acts as well as to preserve the campus from being the scene of any kind of activity that could under normal moral canons be called improper or indecent. The fourth was to prevent any ambiguous use of the University's name to imply that it approves of homosexual life-styles as morally neutral. Over long and difficult negotiations, covering several months, the University has finally achieved an agreement with the plaintiffs which was presented to the trial court as an agreed upon order for it to issue. In the order as it stands, all four of the major goals the University sought in these negotiations are achieved.

The major decisions in the University's conduct of the case were initially made by me and the Chairman of the Board under advice of counsel. In addition, at several meetings of the full Board the status of the case and of the various developing positions was described for all the members. Thus the Board was thoroughly informed through the entire process. When the decision was handed down by the Court of Appeals last November, the executive committee reviewed the entire case, and heard the advice of counsel. At a subsequent meeting of the executive committee, the members decided that the matter ought to be brought to the whole Board, and for that reason petitioned the Supreme Court for an extension of the time allowed for an appeal. At the same time the executive committee requested that counsel prepare a briefing on the issue and asked for a further analysis of the appropriateness of an appeal, of our chances of gaining certiorari from the court, as well as of the probability of the court finding in the University's favor. The Board also asked that a moral theologian prepare a paper analyzing the case from the Church's point of view. Archbishop Hickey had written me several letters, and these too were presented first to the executive committee and then at the Board meeting on March 17th to the entire Board. The whole day was given over to discussing whether or not to appeal to the Supreme Court.

The Board discussion was long and serious, and counsel was present for it. We began by acknowledging that there is such a thing as discrimination against homosexuals, and that as a Catholic institution, in faithfulness to the Church's teaching, we had to support legal efforts, sometimes even imperfect ones, to remedy that discrimination. We also were aware that the Appeals Court had granted us what we claimed was our principal interest, the freedom to refuse official recognition to these groups. The Board had available to it the brief that the University had submitted to the Court of Appeals, and in that brief this was clearly the University's principal concern. The Board also heard arguments pro and con on the state of the case and its suitability for the Supreme Court. We knew that the decision of the Court of Appeals for the District of Columbia might well be cited in other places as an authority, but that it legally bound only institutions within the District, and that it was based upon a very wide-reaching statute, to the best of our knowledge more broadly drawn than any other statute in the nation. It was pointed out to us that Catholic University, with a very different set of facts because of its pontifical status, might very well not be bound by the decision affecting Georgetown.

The conclusion of the Board was that we had a very weak case to present to the court for the following reasons:

(1) The decision granted the University what it said it wanted, and the court manifestly regarded the "tangible benefits" as minor. That perception was justified by the University's own brief.

(2) In order to make a successful appeal, we were advised that we would have to attack the statute itself, as well as plead our rights of free exercise and free speech. The Board felt that a Catholic institution would have difficulty attacking the statute, which while it was perhaps over-inclusive, at the same time addressed a real problem and constituted a reasonable exercise of the District's police powers.

(3) All the members of the Board felt that having treated our gay students during the long course of the trial with sympathy and understanding made it possible for the other side to urge that we sought now to refuse what we had all along freely granted.

(4) Everyone felt that the reaction of the Supreme Court when we asked for a stay in execution indicated that it was not sympathetic to the University's position. As best we can determine the denial of the stay was 7-to-0.

(5) Judge Antonin Scalia recused himself from the discussion of the stay and thus from the case. He is not obliged to give a reason and he did not. The press speculated that as an alumnus of Georgetown he did not wish to be involved in the case. Even with the addition of Judge Kennedy, this left us facing an eight-judge court, and everyone felt that this was not an ideal way to approach the Supreme Court.

(6) As the decision now stands, its binding authority is limited to the District of Columbia and is based on a broadly drafted statute peculiar to the District. If the case were taken by the Supreme Court (many on the Board felt it would not be) and if the court decided against us, a national precedent would be set which could cause much mischief.

For all of these reasons, the Board voted unanimously that it would be best to work out an agreement with the plaintiffs in the case, so that the trial court in issuing its order would take into account those aspects of its work and life that the University sought most to protect. The Board instructed the University to seek such an agreement, and only to appeal to the Supreme Court if it became clear that the agreement would not be forthcoming or that there was little chance of the judge incorporating it into her order.

In the days that followed, an acceptable agreement was reached. It protected the essential elements I have described above, and it was accepted by the judge. Following the instructions of the Board, the University has allowed the last day on which it could appeal for certiorari from the Supreme Court to pass without an appeal.

Needless to say this long and complicated process has been expensive for the University. The legal fees, both our own counsel's and those the court will mandate for opponents' counsel, will be close to three-quarters of a million dollars. Where Georgetown has really been made to pay for its stubborn defense in this suit is in the denial of the tax-exempt bonds to which it was legally entitled. That denial had nothing whatsoever to do with the case: as a matter of fact the denial was plainly illegal up until November of 1987, since up to that date the prevailing court decision was in the University's favor. Over the course of the next thirty years that denial could cost the University somewhere between 30-50 million dollars. As far as I can see, the issuance of tax-exempt bonds from the District of Columbia is now impossible, and the University must look elsewhere or simply take the consequences.

I would also like to comment on the conduct of the Board. Georgetown has a large Board, and only four members were absent from the discussion on Thursday, March 17 . Throughout the five-hour discussion, the Board conducted itself with common sense, courtesy, and a deep care about the religious dimensions of the case. At no point, nor by even the vaguest suggestion, did any member of the Board imply that these religious aspects were unimportant or indeed other than primary. It was a marvelous demonstration of how a serious board understood Georgetown's tradition as a Catholic university and defended it to the best of its ability.

I am sorry that I could not have written a briefer letter, but the matter has been complicated, the history long, and the stakes high. This case is one in which Georgetown has consistently (and at serious cost) upheld Catholic teaching while it sought for practical ways of implementing it pastorally in a university context. Since this is an issue that shows no signs of going away, and since it is one on which the Church has yet fully to develop her thinking, I wanted the faculty and alumni to understand the actions of the University and the reasoning behind them.

No letter from any university president comes without a request. These eight years have been long and divisive. Thanks to the help of many on the faculty they were considerably less divisive than they might have been. This is the kind of case that no one wins, and both sides lose. The University now needs everyone's help to pull its community back together, and to work so that all of Georgetown's people may find themselves, as the poet says, "United by the strife that divided us."

Sincerely,

TIMOTHY S. HEALY, S.J.

Mr. ADAMS. Mr. President, since that time, what has occurred is this matter has been passed on by the Federal district court, indicating that the amendment that had been offered at that time, which was an amendment instructing the Council of the District of Columbia to act in a particular fashion, was a violation of the right of free speech, and, therefore, was unconstitutional.

That matter is still pending. By pending, I mean it is before the court of appeals, and a decision may be rendered on it at any time.

Mr. President, I am opposed to this amendment. I am opposed to it on the basis of home rule or States' rights, and I think they are synonymous in this case. Ideals. We have a city council, and we have a great university in this city, who have had a difference of opinion. They have taken 8 years to settle this difference of opinion, and they have settled it.

What I feel, and this is—with all due respect to my colleague from Colorado, and I do have for him deep respect—to simply make the point after the parties have already settled and decided it. He has every right to do that, and it has been done in this case by amending—not instructing the District council—directly the statutes of the District of Columbia, which provide, through this appropriation bill, that what the Senator from Colorado wants, that the National Capital Religious Liberty and Academic Freedom Act be written into the statute.

Now, this will be litigated, I am certain, to an even greater degree. I would have the opportunity, Mr. President, to potentially make a point of order against this, but that would leave to an appeal of the ruling of the Chair, and I have determined that the better way of doing this would be to move to table this amendment by the Senator from Colorado, and in that fashion, the body can pass on the manner in which they wish to handle it.

I hope that the Members and my colleagues in the Senate will support the tabling motion. I think the parties themselves would like to have this matter stopped. I think it would be for the good of both the status of the law in this area, Mr. President, and the status of the Constitution, which we have carefully tried to follow in drafting a home rule law, that we in the Congress not involve ourselves in direct legislation for District of Columbia matters.

I do not question the power to do that, Mr. President, but I do question the wisdom of doing that. I particularly question the wisdom of doing that on an appropriation bill. I think that if the Senator from Colorado wishes to make a point, and I do not question either his integrity or his desire to make a particular academic and intellectual point, that he go to the particular committees of the Senate that are involved in these matters and place this legislation and this amendment to the legislation of the District of Columbia before those committees, and let those committees have a hearing and debate it further. I would not recommend that there be a hearing, in that the parties themselves have already settled it. But if it is necessary to debate a principle of law and a principle of constitutional law, in particular, I do not mind, as I know the Senator who is presently in the chair does not mind debating points of constitutional law. I do have a little reluctance to debate such points in an appropriation bill, which involves the home rule of the District of Columbia.

It is for those reasons, Mr. President, that I am going to move to table, rather than going to a full-scale debate and a vote on the merits. Unless Senator ARMSTRONG has something further to say, I will withhold my motion to table, because I do not want to cut off anyone, but I have tried to explain the basis by which this manager of the bill wishes to table, rather than raising a point of order, simply letting it run on.

I inquire of the Senator of Colorado, and I notice that Senator NICKLES is here, if they wish to speak, and I hope that their remarks will be gentle on the ears and time of our colleagues, because of the time pressures. I will certainly withhold until they have had an opportunity to make their remarks. Does the Senator from Colorado wish to speak?

Mr. ARMSTRONG. I am grateful, Mr. President, to the Senator from Washington for his courtesy. I do have a few thoughts I would like to close with. I am glad to let the Senator from Oklahoma have his say before I go ahead.

Mr. ADAMS. I withhold so that the Senators may proceed.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I wish to thank my friend and colleague, Senator ARMSTRONG, for his courtesy and for his offering this amendment. I might have a question or two, but first there is no question whatsoever that the legislation that my friend and colleague from Colorado has offered is constitutional.

It is clearly constitutional, and I compliment him for it.

I also want to compliment him on the substance, and the Senator can correct me if I am incorrect—but the substance of the legislation—or I will ask this in the form of a question: Is not the substance of the legislation pretty much codification of what we did on last year's appropriation bill which basically stated it would not be a discriminatory practice from a religious institution to deny their facilities to homosexual groups?

Mr. ARMSTRONG. Mr. President, the Senator from Oklahoma is exactly correct. In fact the operative language is identical to language that was included in the amendment adopted last year.

Mr. NICKLES. I wish to compliment again the Senator from Colorado.

I was ranking Republican on the D.C. Appropriations Committee. Through the Senator's valiant efforts on the floor last year, we had a hotly contested debate over the amendment. But the amendment, if I remember, carried overwhelmingly on the floor of the Senate and we were able to hold this amendment in conference, and it was law. Last year it was on a funding bill. There is a codification of that, which is certainly constitutional.

If one reads the Constitution we in Congress have that right to do so. So I call that to my colleagues' attention, and again I wish to thank the Senator from Colorado for bringing this amendment up. It is almost embarrassing to think that an amendment like this would be necessary but when you look at the activities that have happened by the D.C. Council, unfortunately this is necessary.

So again I compliment the Senator from Colorado and I hope that his amendment will be adopted.

Mr. ARMSTRONG. Mr. President, I am very grateful to my friend from Oklahoma not only for his kind words today, but since he has recalled his membership on the conference committee let me say that he neglected to mention one thing: It is that if he and one or two others on that committee had not stood their ground the Senate would not have been able to prevail on the conference and this similar provision would not have been enacted last year. I am really deeply grateful to him. It was a time of pressure and a time when a lot of things were being settled and it would be easy to let this slide. In fact there was a lot of pressure on him and others to do so. As usual the Senator from Oklahoma stood up to be counted and the results speak for themselves.

Mr. President, I have several points I wish to raise, some directly in response to my friend from Washington. I hope that my colleague from Washington will entertain the thoughts that I am about to raise because I do not want to have any misunderstanding between him and me.

Let me first do an item or two of housekeeping.

First at the request of the Senator from North Carolina I do ask unanimous consent that Senator HELMS be added as a cosponsor on this amendment and I am very honored in having him join me in sponsoring it and do make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Second, the Senator from Washington has inserted in the RECORD a letter from Father Healy and a statement from Father Healy from last year and they are, I think, completely consistent with, and, in fact, I believe they are identical with a statement I made earlier outlining Georgetown's position.

As long as we are putting letters in the RECORD I think I would like to put some letters in the RECORD as well, including a letter from Ronald Reagan on this subject in which he points out it is intolerable that any jurisdiction in this country would force church-related institutions and religious schools to contravene their own religious tenets. I ask unanimous consent that Mr. Reagan's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 15, 1988.
Hon. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR BILL: Your defense of religious liberty through your amendment to the D.C. Appropriations bill was admirable. It is intolerable that any jurisdiction in this country would force church-related institutions and religious schools to contravene their own religious tenets. I applaud your leadership in defending not just religious institutions within the District of Columbia but the freedom of religion throughout this country.

With best regards,
Sincerely,
RON.

Mr. ARMSTRONG. Also I ask unanimous consent to print in the RECORD a letter from Joseph Broadus, a law professor at George Mason University, in which he addresses one of the most important issues here.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGE MASON UNIVERSITY,
Arlington, VA, July 13, 1988.
Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR ARMSTRONG: Thank you. Your effort to restore proper constitutional balance in the District of Columbia is greatly appreciated. The long running saga of the Georgetown case has been deeply disturbing. From the perspectives of freedom of religion and freedom of speech the Georgetown case marks an unfortunate low point in constitutional history.

Whatever the immediate future of your proposal, it has brought this sad and dangerous situation to broader public attention.

Sadly, the Georgetown case is not an isolated episode. It is only the most obvious or dramatic incident in a growing pattern of state intrusion into internal church affairs. I have included copies of other articles that might be helpful to you on this case.

Sincerely yours,
JOSEPH E. BROADUS,
Assistant Professor of Law.

Mr. ARMSTRONG. Mr. President, this is an issue which my friend from Washington raised, and that is a question of whether or not it is an academic exercise or whether or not we are addressing a real and serious problem. It is until it is a settled issue.

The Georgetown part is settled. I said that in my opening statement. They signed a consent decree. Even though they may not be legally bound to honor it, they said they intend to honor the terms of the decree they signed because they think that is their obligation. Listen to what Professor Broadus said. He said sadly the Georgetown case is not an isolated episode.

I am going to ask in a moment consent to put Professor Broadus' letter in the RECORD along with an article which he has written, and he is an authority on this subject by the way, entitled "Georgetown: A Portent of Future Church-State Relations."

I will also ask to have printed in the Record at this point a telegram from James V. Heidinger, who is the editor and executive secretary of Good News, a forum for scriptural Christianity within the United Methodist Church, endorsing the amendment; also a statement of the American Association of Christian Schools; a statement of the Association of Christian Schools International; one from Citizens for Educational Freedom; an article by Joseph Sobran, who has written with great perspicacity on this matter; and finally an editorial from the daily Sentinel of Grand Junction, CO.

Mr. President, far from being an isolated episode, this Georgetown incident demonstrates one of the most disturbing trends in America today. It is this notion that somehow everybody's rights ought to be protected except those who are seeking to exercise religious rights.

I believe that that is not only contrary to good practice; it is deeply violative of the better traditions of our country.

In fact, the founders of our country sought to give to religious belief and religious institutions a special and preferred place in the scheme of things, and in fact they did so.

James Madison did it, I think, very neatly in the way he drafted the first amendment to our Constitution, and so far as I know, that stands not only as the result of law but in fact it stands as the aspiration and ideal of virtually every thoughtful American.

So this is not a settled issue. We are not dealing with something that is abstract. We are dealing with something that is very real, is alive, and which in fact is a growing and continuing problem in America today.

I send this material to the desk and ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

GEORGETOWN: A PORTENT OF FUTURE CHURCH-STATE RELATIONS

(By Joseph E. Broadus)

During the great disturbances of the revolution in Paris, a mob invaded the Cathedral of Notre Dame, the Church of Our Lady. The rioters displaced the icons of the Virgin and, in her place of honor, the mob enshrined the living flesh of a whore and mock-worshiped the woman of easy virtue as their new Madonna.

No single episode more vividly depicts the conflict between the Church, its ethics, and the sexual mores of modern liberalism. Today the conflict continues and the mobs are back. In public demonstrations, homosexual activists have been reported to have insulted the Eucharist to express their contempt for Catholic moral teaching.

More serious, however, are the more subtle assaults which seek to wound not the sensibilities of Christians but their ability to pursue apostolic purpose. Churches across a wide range are under increasing pressure to conform to the "easy-listening" ethics of our time.

As the traditional Catholic message of moral restraint has increasingly clashed with the official morality of anything goes, it was inevitable that new ways would be found to silence or compromise the Church in its apostolic mission. One of the more recent and frightening episodes involves the holding of the District of Columbia's highest court ordering Catholic Georgetown University to adopt the gospel of homosexual liberation.

For almost a decade the university has struggled with demands from homosexual groups that they be accorded official university recognition and funding. The university has refused.

Under Georgetown's scheme of things, official university recognition is saved for groups that advance the school's particular Catholic mission. Funding is viewed as the highest form of endorsement and saved only for groups that make a special contributions to the Faith.

Georgetown refused to fund the groups because it felt they advocated positions in opposition to Church teaching. One of the groups even prepared a constitution saying its goal was to devise a new sexual ethic limited only by personal choice.

Georgetown was particularly hospitable to the groups. Student government granted them charters, and they gained elements of student and faculty support. The groups were permitted to operate on campus. The university simply refused to endorse them and thus let them use the university's name or to give them money.

What happens next can best be explained only by understanding that the District of Columbia, known for its symbols of our national heritage, is very much America's Sodom to San Francisco's Gomorrah. It is, at last count, a town where powerful homosexual activist groups dominate the ruling Democratic Party.

These groups amended the city's Human Rights Ordinance to include sexual orientation, and they have used their political muscle to propel the city into making an example of Georgetown for its refusal to be more permissive about homosexuals.

The university's response to all of this has been, at best, muddled. It has refused to recognize the groups and fought a long legal battle, all in the name of defending Church doctrine. The effort, however, has left some observers skeptical. They suspect Georgetown has been fighting with one hand tied behind its back. First, the university has refused offers of help. It has nearly savaged lobby groups which attempted to move public sentiment against the city's ordinance that created the problem. It has discouraged offers of help in the litigation.

DOCTRINE FOR SALE

An example of this odd behavior is the recent episode involving Fr. Timothy Healy, S.J., Georgetown's president. After the university's recent defeat in the D.C. Court of Appeals, Georgetown's lawyers raced to the U.S. Supreme Court where an accommodating Chief Justice William H. Rehnquist granted the university a stay.

The university could wait until after the U.S. Supreme Court ruled without changing the position on the homosexual groups. Fr. Healy dashed to the District Council to explain how easily he could comply with the District's requirements if the District would only authorize the sale of $127 million in bonds to support university growth.

The council was unmoved. The Supreme Court, however, may have responded. It removed the protective stay. How great could the danger to religious freedom be if the university's president was publicly declaring the situation no cause for alarm?

The response was shock. Was Georgetown serious in the litigation in defense of Church doctrine? Some joked that Catholic doctrine on various issues was for sale. The Church was willing to revise its views on sexual ethics for the economic value of tax-free bonds. Other price lists might be posted.

Meanwhile, university officials moved quickly to aid the homosexual groups in entrenching themselves. An unusually large amount of money was earmarked for appropriation for the homosexuals.

The groups explained that some of the money would be used for propaganda on campus. In short, the Church's money would be taken and used in internal Church politics to undermine the teaching authority of the Church.

Spokesmen for the university were uncommonly uptight. Would the university appeal? They would only say the matter was up to their board. The indications, however, were not positive.

Observers speculated that the entire lawsuit had been a setup. The Jesuits at Georgetown have always favored a more liberal policy toward homosexuals in the Church. Under this theory only fear of Rome, and the threat of lower donations from an outraged alumni community, prevented Georgetown officials from supporting the groups voluntarily. Fighting, but not winning, the lawsuit permitted Georgetown to have its cake and eat it too.

Others suggested the university was just a victim of complex forces within the Church, and the larger society—and that the internal politics of the university made any stronger action impossible.

Clearly, Georgetown was beset by conflict. Key sections of the student body and the faculty supported the homosexuals throughout. Further, the university showed little interest in an aggressive defense. Georgetown officials always appeared curiously more interested in the sensibilities of its attackers than with the possibility that someone would get to rewrite the Gospels.

THE DAMAGE DONE

The application of the Human Rights Ordinance to Georgetown to compel the university to support advocacy of positions it opposes marks a major breakdown in the constitutional protections for freedom of speech and religion.

Homosexual groups and those concerned with freedom of religion are both closely watching the episode. If the precedent established in this case survives, it marks the end of an era of independent churches in America.

The episodes are unique in that a court has never set out to instruct a church on which sermons to preach. In this case, however, the District of Columbia Court of Appeals ignored constitutional and legal precedent to go to matters that are purely religious questions in reaching its decision.

The court held that homosexual orientation was not a factor relevant in judging a person's capacity or commitment for religion. The court presumed it had jurisdiction to weigh such questions.

The law, however, had until this point been clear. Civil courts have no power to reach, let alone answer, ecclesiastical questions.

The U.S. Supreme Court has, for over a century starting with Watson v. Jones in 1872, warned civil courts not to intrude into internal disputes between factions in churches or to in any way second-guess churches on questions of doctrine.

Despite these warnings, courts have repeatedly attempted to substitute their judgments for those of religious bodies. The impulse appears nearly irresistible. When the Serbian Eastern Orthodox Church attempted to oust its North America prelate and reorganized itself into three dioceses rather than one, the civil courts in Illinois presumed to enjoin the move.

The U.S. Supreme Court forcibly rejected the move. Such questions were purely matters for church authorities, the High Court warned.

The Georgetown case is far more disturbing than any of the prior cases. Normally, the dispute is between believers. Here the dispute was between believers, and nonbelievers. The homosexuals had come to Georgetown promising to respect Catholic values. The court elected to order believers to adopt new beliefs to accommodate the sensibilities of nonbelievers.

At the heart of the Court of Appeals decision was a finding that Catholic teaching was antisocial and dangerous, and that the court therefore had a duty to contain it.

The finding itself violates repeated warnings from the Supreme Court that civil courts are not to weigh or pass judgment on religious beliefs.

The court was truly lawless; yet its historic usurpation of power drew little criticism from either the Church or the outside community. It is not only a comment on the corruption of civil authority, but on the curious state of Church leadership.

[From Religious Freedom Alert, March 1988]

GEORGETOWN CASE THREATENS CHURCH INDEPENDENCE

(By Joseph E. Broadus)

Georgetown University was founded in 1789, the same year the Constitution was ratified. Its founder, John Carroll, the first Roman Catholic Bishop in our nation, spoke with a special sense of history and mission for the school: "On this academy rest all my hope for the flourishing of our holy religion in the United States."

Today these words take on an ironic twist. For today, as Georgetown approaches its bicentennial, the University is locked in a legal battle testing whether not only Georgetown but any religious institution in America is free to choose its members, programs and doctrines.

Today all our hopes for an America free of governmental domination of churches rests, to some extent, on the outcome of litigation in which Georgetown has unwillingly become a surrogate for every American of conscience.

For a decade now Georgetown has fought the efforts of the D.C. government, through its Human Rights law, to compel the University to abandon Catholic teaching and to embrace the trendy ethics of the larger society.

Georgetown has refused to recognize or give financial support to groups of gay activists. Historically, Georgetown has reserved recognition as a form of endorsement from the University, and has seen financial support as the highest form of endorsement for groups with a special value to the school's religious mission.

Georgetown University officials have repeatedly expressed fear that recognition and financial support for the gay groups would be seen as an endorsement by the church of their gay lifestyle.

Further, the constitution of one of the gay groups states among its purposes the development of sexual ethics expressive of individual choice. This is particularly offensive to Catholic doctrine which sees sexual ethics as both universal and best expressed through traditional Christian values.

Georgetown has faced a powerful coalition of foes who have identified the case as an opportunity to set precedent in the church-state arena.

In response to all of this Georgetown has been a most reluctant and frequently inapt champion. First, it appears to some observers that the school's liberal Jesuit managers are not overjoyed by a protracted legal battle in defense of aspects of an exacting moral code more popular in Rome.

The dispute has split the student body and put the school at odds with the powerful District government which has held the non-profit's ability to sell bonds hostage as a result of its refusal to cave in to the city's demands.

Further, the conflict has disturbed Georgetown's image of itself as both a great liberal institution of learning, and a protector of great traditions. The controversy has forced these two elements of the institution's identity into disrepair. While the debate may be experienced as one of great substance within the church, a more detailed analysis with more remote reflection might suggest a dispute over style.

Prior to the dispute and even during it, the school has attempted to express a more open style of ministry than is customary with Catholics. The school has retreated on several occasions after the experiments were brought to the attention of central church authorities.

Some suspect that the school's low key response is the product of these complex internal politics. If that is the case, the situation is even more disturbing. In no case should state power be manipulated to settle internal church disputes. Those are matters beyond the state's concern.

Georgetown was then an ideal victim for those looking for a test case. Duty would compel it to resist, but its own politics might prevent it from the sort of broad scale response needed to address a complex and subtle challenge.

Sadly, the precedents emerging from this case have far reaching ramifications. Prior to the D.C. Appeals Court's ruling, no court had ever ordered a religious group to advocate a particular moral position. Nor had any court previously suggested that sexual preference was more important than religious liberty.

The early judicial returns on Georgetown's position were mixed. Georgetown lost on summary judgement on statutory issues, and prevailed after trial on Constitutional issues.

On appeal first to a panel of the D.C. Court of Appeals and later to the en banc or full court, the church school was held in violation of the local law.

This case represents unprecedented and shocking new statements of church-state relations. Chief Judge Mack, in the lead opinion, asserted that sexual orientation was not relevant to either religious capacity or commitment.

The U.S. Supreme Court has made it clear that civil courts have no jurisdiction over religious bodies when it comes to religious doctrine. *See Serbian Eastern Orthodox Diocese v. Milivojevich,* 426 U.S. 696 (1976).

The D.C. Court of Appeals ruling is proof of the warning issued by the Supreme Court long ago in *Watson v. Jones,* 80 U.S. 679 (1871) that it would lead to the "total subversion of . . . religious bodies, if anyone aggrieved by one of their decisions could appeal to the secular courts and have them reversed."

Georgetown's position is well-supported by a strong body of case law governing free speech as well as free exercise. Only last year, the U.S. Supreme Court in *Pacific Gas & Electric* held that a public utility could not be compelled to provide mailing services to a consumer group. This holding was based on the *Abood* case in which the court held a union member could not be forced to support a union's political activities against the member's will in cases involving Campus Public Interest Research Groups (PIRGs). Federal courts have found free speech violations where students were forced to donate money to groups with which they disagreed.

Judge Mack tried to escape the force of these cases by saying that Georgetown was only being forced to give the "tangible benefits" of recognition. Only tangible benefits were involved in *Pacific Gas,* and that was enough to violate the Constitution. If someone gets to use your name, your office, and your money against your will they have forced you into speech against your will.

The next round in this long saga will be the U.S. Supreme Court.

WILMORE, KY, *July 12, 1988.*

MR. ROBERT P. DUGAN, JR.,
NAE Office of Public Affairs, Washington, DC.

We heartily endorse the principle expressed by Senator William Armstrong and the United States Senate which would reject any law which would force an institution to make its facilities available to groups whose lifestyle/values are unacceptable to said institutions. We oppose forcing religious institutions to hire homosexual persons or deal with them in any way as a protected civil rights group or category.

JAMES V. HEIDINGER II,
Editor/Executive Secretary, Good News, a Forum for Scriptural Christianity Within the United Methodist Church.

AACS DEPLORES COURT ORDER REQUIRING RELIGIOUS SCHOOL TO ALLOW HOMOSEXUALS TO ORGANIZE ON CAMPUS

JULY 26, 1988.

James E. Lowden, Executive Director of the American Association of Christian Schools, released today a statement of Dr. Richard Harris, Executive Vice President AACS, which expressed gravest concern about the District of Columbia statute which resulted in a recent appeals court decision ordering Georgetown University to permit homosexual groups to organize on the campus of the Roman Catholic institution. The statement by Dr. Harris pointed out that this intolerable precedent effectively bans religious institutions which enforce historic religious or Biblical beliefs from the nation's capital.

Lowden stated that the concerns expressed by Dr. Harris should be thoughtfully considered by all citizens. "The astonishing rapidity of erosion of religious freedom should concern everyone," he said.

AACS is a service organization for its member schools, but increasingly finds that it must defend against movements that will destroy the right of Christian schools to exist.

Statement of Dr. Richard Harris, Executive Vice President of the American Association of Christian Schools Concerning Homosexuality and Religious Institutions, July 26, 1988

"I consider the Government of the United States as interdicted by the Constitution from meddling with religious institutions, their doctrines, discipline or exercises."—Thomas Jefferson

The American Association of Christian Schools represents 1,200 Christian schools across the nation. Most of these schools are operated by churches. We are concerned with any governmental entanglement with any religious school anywhere because it is necessarily the same entanglement with the religious doctrines of the church.

The U.S. Supreme Court recognized in 1971 in *Lemon* v. *Kurtzman* that a church school is an "integral part of the religious mission of the church." That position is also the doctrinal belief of our member schools and the churches that support them.

We desire that all levels of government know of our strongest possible objections to the District of Columbia ordinance which has resulted in a court order requiring a religious institution, Georgetown University, to allow homosexual groups to organize and use school facilities even though homosexuality violates the religious teachings of the Roman Catholic Church. Enforcement of this ordinance against a religious institution sets an intolerable precedent.

What is at stake here is nothing less than the banning of religious schools in the nation's capitol that enforce religious or Biblical beliefs concerning sodomy. No government entity should even possess, let alone exercise power to commit such an outrageous act.

It is of no consolation whatsoever that religious schools are given the empty reassurance that they are free to teach, but not practice their beliefs that homosexuality is sinful. Such governmental action reduces religious belief to a set of inner feelings that are allowed no free exercise.

Christian schools must not only be able to teach, but they must be able to practice their historic Biblical beliefs without governmental interference. The precedent of the Georgetown case must not only be allowed to spread to other jurisdictions, it must not even be allowed to survive in the District.

Finally the judicial assertion that the "compelling governmental interest" in overcoming "sexual orientation discrimination" outweighs free exercise rights is a dangerous notion that threatens the religious liberty of every citizen. It is difficult, if not impossible, to imagine any more reprehensible attack on both freedom and morality in one court ruling. Congress should act to put an end to this attack at once.

Association of Christian Schools International, National/International Headquarters,
La Habra, CA, July 1988.

Senator Bill Armstrong,
U.S. Senate, Washington, DC.

Dear Senator Armstrong: The Association of Christian Schools International commends you on your amendment that requires the District of Columbia to change its homosexuality discrimination law for religious schools.

ACSI stands with you and the U.S. Senate in your support of the rights of a private institution, especially a religious institution, to set its own rules and policies based on its philosophical beliefs. No school should be forced to advocate or support an opposite moral position. Each institution should be allowed to prevent the imposition of a hostile philosophy which attempts to dictate a different set of moral standards.

We commend the U.S. Senate for its vote in favor of your amendment. We call on the House and Senate conferees to keep your amendment attached to the D.C. appropriations bill.

We also applaud the efforts of the National Association of Evangelicals on your behalf, especially their news conference concerning this critical matter. Please know that we are ready to help in any way we can to support your defense of religious freedom.

Respectfully yours,

Dr. John C. Holms,
Assistant to the Executive Director.

Citizens for Educational Freedom,
Arlington, VA, July 13, 1988.

Hon. William Armstrong,
Senate Hart Office Building, Washington, DC.

Dear Senator Armstrong: This is just to say how much we appreciate your courageous stand in recently prodding the District of Columbia to remedy the serious defects in its civil rights law.

Some people are willing to pursue social gains blindly, destroying wholesale the achievements of the past to enforce marginal and even unwise and illusory gains. They may mean well—some of them—but their totalitarian ideas and zeal for coercion are a threat to American private as well as public life. Repeatedly, across a wide spectrum of social issues, the most simple and foundational elements of American personal and religious freedom are being put in danger today.

Seeing religious groups being forced to host and give de facto approval to homosexual communities you acted in what I'm sure you think of as an ordinary and straightforward response. Perhaps it was ordinary. But if so, we think your wisdom and willingness to act are ordinary examples of why our society has, decade by decade, managed to preserve stability and true social peace while so much of the rest of the world has been brought to ruin by various totalitarian idealisms.

Prior to World War II a small band of British politicians led by Winston Churchill kept England's military options barely alive until events forced a new turn in public opinion and the larger mass of worker politicians followed their long prepared lead.

In our legislatures today a similar encounter is taking place over social issues. The life of the family and religion are in the hands of a strong minority of political leaders who have kept their heads in the high winds of the social policy debates.

Effective and clear-sighted political leadership in a time of confusion is precious, rare and indispensable. Saying this of you, I know I speak for a large number in and around Washington who recognize what you have done, as well as for the thousands of families and friends around the country associated with Citizens for Educational Freedom. Thank you, Senator Armstrong.

Sincerely,

Douglas Alexander,
Executive Director.

[From the Washington Times, July 26, 1988]

Damage Control for G.U.

(By Joseph Sobran)

The House of Representatives is about to vote on a minor but telling measure—an amendment to its annual appropriations bill for the District of Columbia. At stake is our public definition of religious freedom.

In 1977 the District passed a "Human Rights Act" that made "sexual preference" an impermissible basis for discrimination. Eventually the city took the principle to its logical extreme and charged Georgetown University with illegal discrimination for refusing to grant official recognition to homosexual groups.

Georgetown is a Catholic institution, of course, and recognizing homosexual groups would contravene the moral doctrine it is dedicated to. So Georgetown took the case to court. Last year the D.C. Court of Appeals ruled that Georgetown can't be compelled to grant the homosexual groups formal recognition, but is required to grant them the same funding and access to its facilities as it accords to, say, groups devoted to praying the rosary.

The ruling made a mockery of Georgetown's identity as a Catholic institution. But Georgetown dropped the fight, rather than appeal to the Supreme Court, where it probably would have won.

At this point, Sen. William Armstrong, the Colorado Republican, proposed his amendment cutting off funds to the District unless it revises its anti-discrimination code to make room for the right of religious institutions to adhere to their own morals. "This amendment addresses a gross injustice against academic freedom and religious liberty, right here on our doorstep in the nation's capital," says Mr. Armstrong. "At issue is whether a university, founded and funded by a church, should be compelled to support activities at the least that are deeply repugnant to its religious teachings—activities and beliefs which are, indeed, contrary to the very reason for the existence of the university."

The amendment passed the Senate with surprising ease, by a vote of 58-to-33. It faces a tougher vote in the House.

One of its Senate opponents was Connecticut's Lowell Weicker, the Republican who affects moral superiority to his party because of his habit of voting like a Democrat. (His approval rating for Americans for Democratic Action is higher than that of Christopher Dodd, Connecticut's ultraliberal Democratic senator.)

Mr. Weicker called the Armstrong amendment "just good, old fashioned, straightforward bigotry. This thing should go back down the sewer from which it came," he added, with that odd amalgam of pomposity and vulgarity that makes him Lowell Weicker.

If you're old enough—older than 15, maybe—you may recall the days of yore, when homosexual activists assured us that they wanted only tolerance, not approval. But that's an empty distinction if even private and religious institutions aren't allowed to enact their disapproval in their own spheres of activity.

Actually, it's Georgetown that is being denied its "sexual preference": Christian chastity. But nowadays, in Shakespeare's words. "Virtue itself of vice must pardon beg."

The central issue is whether charges of bigotry and discrimination trump traditional claims of liberty, including, as Mr. Armstrong says, religious and academic liberty. Only last year, liberals were worrying about "the right of privacy," allegedly threatened by the monster Robert Bork. But liberalism, except in the area of sexual behavior, has been steadily expanding the domain of the state, while shrinking the arena of privacy to a tiny clearing in a jungle of laws and administrative regulation.

This year's Democratic platform, trumpeting its devotion to "progressive values," says nothing about religion, except for a single perfunctory reference to religion as a category equivalent to "sexual orientation" for purposes of banning discrimination. Its calls for increased aid to education make no mention of private or religious schools.

If Mr. Armstrong's amemdment passes the House, religious and academic freedom will have won a small but essential victory. If it fails, they will take a backseat to homosexuality, and "progressive values" will have carried the day.

[From the Grand Junction Sentinel, July 12, 1988]

RENDER UNTO CAESAR

Colorado Sen. William Armstrong doesn't think two Catholic universities should have to comply with a Washington, D.C., law that requires them to financially support gay rights activities on their campuses.

He's right.

Opponents of his proposal, to withhold federal funding from the city as of the end of the year unless it exempts the universities from its policy of recognizing gays as an official minority group, have accused Armstrong of trying to politicize the issue and of engaging in homosexual-bashing. They're missing the point.

Catholic University of America and Georgetown University have long held a belief, based on their interpretation of the Bible, that homosexual activity is an affront to the Catholic faith. It's irrelevant whether one subscribes to that belief or not.

The schools have a fundamental constitutional right to exercise that religious prerogative in governing student life, particularly when it comes to funding activities. Moreover, the schools' right to religious freedom takes precedence over the city's misguided effort to accord gays rights associated with an officially recognized group entitled to special treatment under discrimination laws.

Armstrong's proposal to withhold all federal funds from the city may seem a Draconian measure, but it's less so than the city's insistence that the schools compromise the tenets of their faith in order to comply with a dubious city law. There's no reason whatsoever that the universities should be forced to spend money paid by all students to support a lifestyle many of them would not condone.

Armstrong should be commended for his effort to free the schools from an "obligation" that most of his constituents—and certainly the schools—do not believe exists.

Mr. ARMSTRONG. Mr. President, I hope my colleague from Washington is listening, because I did not quite understand his point about legislation on an appropriation bill. I understand that some people do not think we ought to legislate on the appropriations bill, but frankly I am surprised to hear the Senator from Washington raise that point.

I have before me the bill that we are now considering, a bill which was reported by Mr. ADAMS from the committee of which he is the chairman, and which contains on page 31 and on page 35, to mention just two places, legislation dealing with the District of Columbia.

On page 31, at section 133, is legislation having to do with water and sanitary sewers; and at section 137, on the subject of judges.

I do not want anybody who might read this RECORD or be listening to this debate to think that somehow, because we are enacting legislation on an appropriation bill, that is an extreme, or dangerous, or unusual, or even, well, it is routine; we do it all the time.

I have not kept score as to what proportion of the appropriations bills that come to the floor contain legislative items, but I will tell you if we ever stopped enacting legislation on appropriations bills, this Government would draw to a conclusion. I mean we just could not function.

Now maybe that is what we ought to do. Maybe we ought to say appropriations are appropriations, and not have any legislation. But that is not the custom; that is not the rule; that is not the way we do business. I just wanted to make the point that on at least two occasions in this very bill reported by the chairman of the committee, we have similar legislative provisions.

So it comes down to a question of how do you feel about the substance. Is this as important a matter as water and sanitary sewers? I happen to think it is. I hold the first amendment dear, and hold the rights of people to be free in the exercise of religion not only dear, but to be sacred.

We do it all the time, and maybe we do it to excess. This is not an unusual example.

Mr. President, I think the issues are well understood. This is a direct, proper, narrowly focused, not very elaborate amendment. On some occasion, I might come back with a more sweeping proposal, but for now my desire is to simply address the problem that we have identified, which is well known and understood by Senators.

So when the Senator from Washington makes the tabling motion, I will ask for the yeas and nays, and I will ask my colleagues to vote against tabling.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, after consultation with the Senator from Washington, it appears to me that we can save some time for the Senate without in any way changing the probable outcome of this amendment. So, based on some discussions we have had, I think perhaps it would not be necessary to have a rollcall. The Senate has voted on this matter a year ago. I do not think the outcome would be any different.

We supported it overwhelmingly at that time. I certainly would be willing to forgo a rollcall because I believe we can go ahead and adopt the amendment by a voice vote. I do not want to sandbag anybody, however.

I do want to say this: It appears to me a rollcall vote is redundant. But if, for any reason, this should come back from conference without the amendment, then there will be an opportunity to offer an amendment and have a rollcall at that time. But to just have a rollcall for the sake of having another in a series of 600 rollcalls for the year, I do not see serves any purpose.

I believe it is the suggestion of the Senator from Washington that we get on with our business, and I agree with that.

Mr. ADAMS. Mr. President, I suggested if the matter was presented as an amendment without a rollcall, it would undoubtedly pass, as it has before, and we could just proceed in that way.

Mr. CRANSTON. I wanted to express my strong opposition to the amendment of the Senator from Colorado [Mr. ARMSTRONG] which amends the civil rights statute of the District of Columbia to weaken its prohibitions against discrimination on the basis of sexual orientation.

When a similar amendment was offered last year, I voted against it. I had been prepared to speak against it today and vote against it again. I am very sorry that it was unexpectedly adopted on a voice vote.

I urge the conferees to delete the amendment.

The Congress of the United States has no business rewriting the civil rights laws of the District of Columbia. As the principal sponsor of the Civil Rights Amendments Act, S. 47, I applaud the District on having a statute that protects the rights of all the residents of the District of Columbia, regardless of their race, color, sex, religion, or sexual orientation.

The statute has been interpreted by the courts in a fair and reasonable manner. The university involved in litigation regarding the statute reached a consent agreement with the gay and lesbian student groups and intends to abide by that agreement notwithstanding the meddling of the U.S. Senate.

Last year's Armstrong amendment was declared unconstitutional. This year's amendment ought to be discarded by the conferees.

The PRESIDING OFFICER (Mr. BINGAMAN). The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 751) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ADAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. I thank the Senator from Washington.

Mr. ADAMS. I thank the Senator from Colorado.

Mr. President, I know of no further amendments to this bill. There has been some suggestion made that Senator HELMS might have an amendment. I hope all Members, including Senator HELMS, if they have an amendment to offer, would do so because I would like to move forward with this bill.

In deference to him, since he is not on the floor at the moment, I will suggest the absence of a quorum. But before I do that I wanted to state that we are ready to complete this bill and therefore we are not—I see the Senator has appeared in the Chamber now, so I will not suggest the absence of a quorum.

Mr. HELMS. Mr. President, I do suggest the absence of a quorum for the moment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 1627 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. Mr. President, just previously, I was not here at the time, the Armstrong amendment was adopted. This is a matter that we voted on a year ago. The Senator from Colorado, I believe, represented that the amendment was adopted fairly decisively last year, and indeed it was. But nonetheless, I am sorry that it is back with us again.

This dispute between the university administration and the students was settled a long time ago. The D.C. courts affirmed that agreement. It seems to me for the Senate to get involved all over again in that matter is out of the jurisdiction of the Senate and really not a proper matter for us to delve into once again. Again, mentioning the fact that the university and the students and the decisions of the D.C. courts are no longer an issue before us.

So, I regret that it came up once again. I am not faulting the managers for accepting it. I guess it passed relatively easily. It passed on a voice vote. It was not put to a test. But I regret, as I say, that it came up once again because I think it is totally unnecessary.

Mr. MOYNIHAN. Will the Senator from Rhode Island yield for a comment?

Mr. CHAFEE. I will.

Mr. MOYNIHAN. I am sure he is aware that Father Tim Healy, who served with such extraordinary ability and with such distinction for so many years as the president of Georgetown University and who had resolved this matter, has now left to become the head of the New York Public Library. So he is not even here to defend himself.

I would like to associate myself with my colleague's remarks. I am hopeful that this amendment will disappear under the Capitol Rotunda as the conferees gather and I am certain it will do so. I should, however, like for the RECORD to show, that had a voice vote occurred, I would have voted no.

Mr. CHAFEE. Well, I certainly hope the Senator is correct. I want to thank my distinguished colleague from New York for those observations.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 752

(Purpose: To transfer $150,000 from D.C. Statehood Commission to the Drug Emergency Fund)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 752.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all beginning on page 6, line 6, through the colon on line 15, and insert the following: *"Provided further,* That an additional $150,000 out of local funds shall remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.".

Mr. HELMS. This amendment strikes the provisions earmarking $150,000 of locally generated funds for the D.C. Statehood Commission, and earmarks those funds, instead, to further the activities described under the "drug emergency" section; that is, "to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases."

Mr. President, earlier this month, on September 5, the President of the United States went on national television for his first broadcast from the Oval Office, to commit this Nation to wage war against illegal drugs, and those who spread this poison across our country and among our children. I think all of us remember that the President held up some bags of crack cocaine, which had been seized within view of the White House.

There is a good chance that somebody was murdered in Washington, DC, at the very moment the President was speaking. If that is the case, you can bet that drugs were at the root of that homicide.

To this day, Mr. President, in 1989, there have been 319 murders in the Nation's Capital; in fact by the end of the year 445 people will be murdered in Washington, DC. There is no way to assess how many innocent people have been caught up and ruined by this vicious cycle of violence.

It is often said, and I agree with it, that the District of Columbia is out of control. Its streets are as violent, in certain sections, as the streets of Beirut. The District leadership, putting it in the most charitable frame of reference, is ineffectual. I recall not long ago the distinguished Senator from New Hampshire, Mr. RUDMAN, likened the District of Columbia to what he called a Third World despotism.

Meanwhile the President of the United States and Bill Bennett are so alarmed at the breakdown of competent government in this city that they have declared a drug emergency. And in response to that emergency, the Federal Government will contribute something like $32 million to try to bring this situation under control.

In return for this contribution by the taxpayers of America, the people of this country expect the District of Columbia, to devote all of its resources—not earmarked for essential human services—to go to the war on drugs.

Looking through this bill, however, I noted that the District of Columbia is not using all of its resources in the war on drugs. For example, and it is that one example that this amendment addresses, this bill earmarks $150,000 in D.C. funds for something called the Statehood Commission and the Statehood Compact Commission.

What is this all about? I will tell you what it is all about. It is fancy language, saying that this money will not be used to lobby Congress, and all those other niceties that we use around this place, to muddy the water and circumvent the issue. Everybody knows what the D.C. Statehood Commission and the Statehood Compact Commission are up to. They want statehood for this parcel of land which lies between the States of Virginia and Maryland.

We all know the implications of that. These folks want two Senators, the same number of Senators that New York has, the State of Washington has, the State of North Carolina has. We know the rest of the story. And we have been down this road time and time again. More than anything else, I think it is a sham.

I remember managing a piece of legislation some years ago. I was standing at the desk of the distinguished Republican leader at the time. And the able Senator from Massachusetts was pushing this concept of statehood for the District of Columbia.

I candidly told him, and this is in the record, that the Senator from Massachusetts knows that this proposition is going nowhere. The people of the United States will not tolerate it and we are wasting the time of the Senate. The American people are not about to change this part of the Constitution. But here we go with $150,000 to give somebody some money to pump up this tired idea and try to sell it. It is not going to be sold to the American people under any set of circumstances.

Mr. President, before we get to the issue of D.C. statehood, I think we ought to make one thing clear: this amendment is not about statehood. It is about priorities. Are we going to spend everything available on the war on drugs or are we going to waste the taxpayers' money on more political pipe dreams and media hype about something that is not going to happen? I reiterate that the American people will never submit to it.

The two boards, the Statehood Commission and the Statehood Compact Commission—I do not know the distinction between the two—these two boards were set up to "promote, educate and advocate" for D.C. statehood. I thought that the job around this place was to promote, educate, and advocate the eradication of drug pushers and drug addicts and hard-core criminals, the people who are killing at a rate in the District of Columbia that has caused this city to be appropriately labeled the murder capital of the world.

One hundred fifty thousand dollars, I acknowledge, is just a fly speck on the overall Federal budget, but it is the principle that is important. Why throw away even $150,000 of somebody else's money on a pipe dream? Or to put it another way, how many police officers could be paid overtime or provided bulletproof vests with this $150,000? How many children could be saved from drugs by putting $150,000, this $150,000, into drug education programs?

I say, Mr. President, if the leaders of this Senate, this Congress, are serious about drugs, we are not going to put up with this kind of allocation of funds. We better start matching our words with action down to the last penny in every appropriations bill that comes before the Senate. There is not one Member of the Senate who could seriously say that funding these two political commissions is more important than fighting drugs.

It is time for the Congress to exercise its constitutional prerogative by ordering the District of Columbia to get involved up to its earlobes in the fight against drugs. For those Senators who want to think about drugs, just as what happened to one of your colleagues who was caught in a crossfire just a short distance from where we are standing here this afternoon. Better still, ask the thousands of innocent children who will never be able to break out of the cycle of death and violence, ask them how they think this $150,000 ought to be spent? You can bet your bottom dollar that they will not say for a Statehood Commission or a Statehood Compound Commission.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I compliment the distinguished Senator from Washington and the distinguished Senator from Texas for the outstanding work which they have done on the District of Columbia appropriations bill. This is a very important bill, although it is not as glamorous as some of the appropriations bills which come before the floor of the U.S. Senate.

Mr. President, during my tenure as chairman of the Appropriations Subcommittee on the District of Columbia from 1983 through 1986, I worked to help establish a model rehabilitation program for District prison inmates. These programs received over $40 million between fiscal year 1984 and fiscal year 1986.

The criminal justice initiative resulted in a significant expansion of educational and vocational offerings for inmates in the custody of the District of Columbia Department of Corrections. The programs include a broad range of academic programs in math, English, and reading, as well as vocational courses such as auto mechanics, brickmasonry, barbering, building maintenance, computer repair, and culinary arts. This initiative also includes a job placement component which introduces the graduates of the programs to potential employers.

As a result of the major infusion of Federal funding, the District of Columbia's Department of Corrections has designated these programs as one of its top budget priorities. Beginning in fiscal year 1987, the District of Columbia assumed full responsibility for funding these programs in its budget. In fiscal year 1988, the District provided $8.5 million to operate the educational programs. The fiscal year 1989 budget includes $11 million and the proposed fiscal year 1990 budget includes $12 million for educational programs with 200 positions. Considering that the District's Department of Corrections appropriated only $1.3 million for education in 1982, this represents a substantial increase in District contributions.

On May 17, 1989, in testimony before the Senate Appropriations Subcommittee on the District of Columbia, Mayor Marion Barry reported that since the expansion began in 1984, these programs have demonstrated increasing and significant progress. The average daily enrollment in academic programs increased from 1,607 in fiscal year 1984 to 3,521 in fiscal year 1988, reflecting a 119 percent increase. For the adult basic education courses, average daily enrollment increased from 528 in fiscal year 1984 to 1,035 in fiscal year 1988. The average daily enrollment in vocational programs grew from 349 to 705 between fiscal year 1984 and fiscal year 1988, an increase of 117 percent. Mayor Barry also noted that since fiscal year 1984, a total of 1,263 inmates have taken the general educational development [GED] exam, 787 of whom received passing grades.

A January 1989 study conducted by the National Institute of Corrections reports a significant improvement in the quality of the District's education and vocational programs, and improvement in their administrative structure as well. The enhanced funding also has had a significant impact on the program's administrative structure through the creation of a computer information management system which allows the Correction Department's educational services division to collect and analyze student information data in a systematic way and on a systemwide basis. The National Institute of Corrections' findings also reflect an increase in staffing levels, as well as an enhancement in staff qualifications. The report also indicated that the number of teaching positions increased from 28 in 1982 to 68 in 1988, while funded vocational positions increased from 16 in 1982 to 40 in 1988. The report concludes that the system has the potential to offer further innovative and effective educational programming for District inmates.

I believe that such programs have proven potential to provide newly-released inmates with job opportunities. A related benefit is the reduction in recidivism by those inmates who participate in these programs. On September 22, 1988, Hallem H. Williams, former director of the D.C. Department of Corrections, reported in a letter that as of August 31, 1988, 73 percent of participating former inmates remained in the community, as compared with 52 percent for those who did not participate in these programs. Mr. President, I ask unanimous consent that Director Williams' letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, as a former district attorney of Philadelphia and member of the National Commission on Criminal Justice Standards and Goals, and currently a member of the Senate Judiciary Committee, I long have worked for enhanced funding to build additional prison cells to house dangerous career criminals for long periods of time. Yet, I also have worked to help provide realistic rehabilitation to first and some second offenders. I also have toured jails throughout the Commonwealth of Pennsylvania and personally have met with inmates enrolled in rehabilitation programs. It is no surprise when an inmate without a trade or skill, a functional illiterate, is released from jail and returns to a life of crime. In this regard, I introduced legislation—S. 59 in the 98th Congress, S. 1190 in the 99th Congress, and S. 181 in the 101st Congress—to encourage States to provide training in a marketable job skill and basic literacy to certain offenders with the potential for rehabilitation.

Sound legislative precedent supports the use of Federal resources to assist States in providing correctional education. In 1984, as a member of the Appropriations Subcommittee on Commerce, State, Justice, I proposed and Congress provided $2.5 million to the National Institute of Corrections for grants to support education programs for adult offenders in State prisons nationwide. The impact of this funding was significant. Fourteen new programs were commenced and are currently self-sustaining, and 13 programs were improved or updated through computer related asssitance, curriculum development, and teacher training. Students and staff have consistently demonstrated increased motivation and improved morale as a result of these new and enhanced academic and vocational programs for inmates.

The National Institute of Corrections reported in 1987, that at least 75 percent of the Nation's prison population is in need of academic, vocational, and life skills education, and this is deemed to be a conservative estimate. Yet only 25 to 30 percent of the inmate population is reported to be enrolled in education programs, full or part time. I believe that correctional systems nationwide can make great progress in rehabilitating their prison populations and east the significant rate of recidivism by providing inmates with effective education programs that offer an opportunity to learn basic skills.

Mr. President, I believe that, while our criminal justice system must be firm with repeat offenders, I also believe that it must be fair with first and some second offenders who have potential for realistic rehabilitation. Through such action, we can help break the "cycle of crime" for many inmates who can become productive citizens in our society. Therefore, I believe the District of Columbia's vocational and education program for inmates is a sound investment to provide marketable skills to prison inmates, and I urge my colleagues to consider its replication throughout our Nation's prison system.

Mr. President, it has long been my view that the answer to the problem of violent crime in the United States is twofold. It is realistic rehabilitation for youthful offenders, for first offenders, and for some second offenders, in order to give them a chance to succeed, and where they fail and become career criminals—and by that I mean someone who has committed three major offenses—then incarceration for long periods of time, even up to life in prison.

It is not possible, Mr. President, in my view to throw away the key in effect for a youthful offender or for a first offender or for a second offender. I do, however, believe that once an individual becomes a career criminal, then it is appropriate to be very tough and to impose life sentences.

In 1984, this Senator authored the armed career criminal bill which provides that anyone who is a career criminal found in possession of a firearm is sentenced to a mandatory sentence of 15 years to life. The term 15 years to life was established because at that time 15 years was a life sentence under the Federal system, with an inmate being eligible for parole after 15 years.

It would seem to me from my days spanning some three decades as an assistant district attorney in the late 1950's and early 1960's and later as the district attorney in Philadelphia from the mid-1960's to the early 1970's, it is vitally necessary to work on rehabilitation for those who can be rehabilitated. If that is not possible, then I think it is for society to exact sentences of long terms and even life imprisonment for those who are career criminals.

It is no surprise, Mr. President, when you have an inmate who is released from jail without a trade or skill, someone who is a functional illiterate, who goes back onto the street, that person would likely return to a life of crime. And that is in fact what has happened.

Therefore, when I was chairman of the Subcommittee for the District of Columbia, it seemed appropriate to me to try to structure a program which would provide such education and such job training to give youthful offenders, first offenders, and second offenders, those in the D.C. jail system, an opportunity for realistic rehabilitation.

This program was initiated in fiscal year 1984 and from 1984 through fiscal year 1986, the Federal Government started out with seed money of some $40 million to get this program running. I am delighted to see that in the budget for the District of Columbia there is $12 million for the educational program with 200 positions, and $11 million was provided in fiscal year 1989, and all the money from the District of Columbia. So once the impetus was provided by the Federal Government, the District of Columbia has carried it forward. It has always been my hope, Mr. President, that the D.C. program would provide a model to the Nation for realistic rehabilitation.

The D.C. program provides programs of a broad range in academia including math, English, and reading as well as vocational courses such as auto mechanics, brickmasonry, barbering, building maintenance, computer repair, and culinary arts. This initiative also includes a job placement component which introduces the graduates of the programs to potential employers.

On May 17 of this year, 1989, Mr. President, an oversight hearing was conducted by the District of Columbia Subcommittee and the chairman was gracious enough to allow me to participate in that hearing. It has been something that I have maintained on a continuing basis since I concluded my work on the subcommittee in 1986. I have kept a close personal view of what has happened because, as I say, I have a very deep interest in seeing this structure as a model program which could serve the Nation as a way of providing realistic rehabilitation.

On May 17, we had testimony which showed that the average daily enrollment in academic programs increased from 1,607 in fiscal year 1984 to 35,121 in fiscal year 1988, reflecting a 119-percent increase. For the adult basic education courses, average daily enrollment increased from 528 in fiscal year 1984 to 1,035 in fiscal year 1988.

The average daily enrollment in vocational programs grew from 349 to 705 between fiscal year 1984 and fiscal year 1988, an increase of 117 percent.

Since fiscal year 1984, a total of 1,263 inmates have taken the general education development exam; 787 of them received passing grades.

A 1989 January report conducted by the National Institute of Corrections reported a significant improvement in the quality of the District's educational and vocational programs and improvement in their administrative structure as well. This was very gratifying, Mr. President, because the program had been off to a rocky start.

That report also showed that the number of teaching positions increased significantly from 28 in 1982 to 68 in 1988, while funded vocational positions increased from 16 in 1982 to 40 in 1988.

These statistics tend to be a little dull, a little cut and dried, but they show a very material difference in the D.C. vocational and educational programs before and after, before the initiative of the Congress of the United States and now where the funding has been picked up by the District of Columbia.

On September 22, 1988, Hallem H. Williams, director of D.C. Department of Corrections, reported that as of August 31, 1988, 73 percent of the participating former inmates remained in the community as compared with 52 percent for those who did not participate in these programs—suggesting that those who have had the programs are in a better position to assume a position in the community as law-abiding citizens.

Mr. President, it is my hope that the correctional program in the D.C. jail will continue to improve, will flourish, will continue to be financed by the District of Columbia. I have high hopes that if we see from education and from job training inmates can make it on the outside when having a job placement program, this program may well serve as a model for the Nation, so that we will not be releasing from our jails those who are functional illiterates without a trade or a skill and those who will very likely return to a life of crime. If society provides this opportunity for the youthful offender, the first offender, and for the second offender to have a realistic chance to make it in society with education, job training, and a job; that person then fails, and becomes a career criminal, then I do not think that society is exacting too high a price to insist on long sentences, up to life imprisonment for career criminals.

That, Mr. President, will require a very substantial increase in the correctional system and prisons in this country, a subject which this Senator has addressed on other occasions, and which is the subject now of the President's anticrime bill, some $1.4 billion being allocated to that important objective. But I do believe that we can win. It is somewhat trite these days to talk about winning wars, but I think we can roll back the face of violent crime in this country if we approach it in a sensible manner, on the one hand rehabilitation, where possible, and where that fails, long sentences including life in jail.

I thank the Chair. I yield the floor.

EXHIBIT 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF CORRECTIONS,

Washington, DC, May 9, 1989.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: In preparation for the May 17 hearing before the Subcommittee on the District of Columbia of the Senate Appropriations Committee, I am enclosing updated information on job placements for Fiscal Years 1987 and 1988 and the first quarter of Fiscal Year 1989.

Tables I, II, and III provide breakdowns of the status of inmates who were placed in jobs and released into the community for each fiscal year. Inmates who have been placed in jobs through work training but are still in the custody of the Department are not included in the data. Tables IV and V provide some comparisons between the relative success of those inmates who were placed in jobs and all other releases.

All of the data continue to indicate that placement in a job upon release has some positive impact on success in the community. This is particularly true when comparing individuals who were placed in jobs upon expiration of sentence with all other releases to expiration. While this raw data clearly points to the positive impact of our job placement efforts in the short run, it is important to recognize that there are many factors which influence long term success in the community after release. We plan to continue to monitor these individuals carefully to identify factors that contribute most significantly to their success.

I am looking forward to reviewing this information with you in more depth at the May 17 hearing. Thank you for your continuing support.

Sincerely,

HALLEM H. WILLIAM, Jr.,
Director.

TABLE I.—CURRENT STATUS OF INDIVIDUALS PLACED IN JOBS

[Fiscal year 1987]

	Job placements	Success [1]		Reincarcerated		
		Number	Percent	Within 6 months	7–12 months	After 1 year
Parole releases	258	157	61	30	36	35
Expiration	55	35	64	11	7	2
Total	313	192	61	[2] 41	[3] 43	[4] 37

[1] For purposes of this report, success is defined as still in the community as of March 30, 1989.
[2] 13 percent.
[3] 14 percent.
[4] 12 percent.

TABLE II.—CURRENT STATUS OF INDIVIDUALS PLACED IN JOBS

[Fiscal year 1988]

	Job placements	Success [1]		Reincarcerated		
		Number	Percent	Within 6 months	7–12 months	After 1 year
Parole releases	433	351	81	49	25	8
Expiration	144	119	83	15	8	2
Total	577	470	81	[2] 64	[3] 33	[4] 10

[1] For purposes of this report, success is defined as still in the community as of March 30, 1989.
[2] 11 percent.
[3] 6 percent.
[4] 1.7 percent.

TABLE III.—CURRENT STATUS OF INDIVIDUALS PLACED IN JOBS

[Fiscal year 1987 (first quarter)]

	Job placements	Success [1]		Reincarcerated		
		Number	Percent	Within 6 months	7–12 months	After 1 year
Parole releases	118	115	97	3		
Expiration	60	57	95	3		
Total	178	172	97	[2] 6		

[1] For purposes of this report, success is defined as still in the community as of March 30, 1989.
[2] 3 percent.

TABLE IV.—COMPARISON BETWEEN "SUCCESS" OF INDIVIDUALS PLACED IN JOBS WITH ALL OTHER RELEASES

[Fiscal year 1987]

	Total releases	Success[1]		Individuals placed in jobs on release	Success[1]		Individuals placed in jobs who also participated in education program	Success[1]	
		Number	Percent		Number	Percent		Number	Percent
Parole	2,339	962	41	258	157	61	121	69	57
Expiration	11,814	4,794	41	55	35	64	16	8	59
Totals	14,153	5,756	41	313	192	61	137	77	56

[1] For purposes of this report, success is defined as still in the community as of March 30, 1989.

TABLE V.—COMPARISON BETWEEN "SUCCESS" OF INDIVIDUALS PLACED IN JOBS WITH ALL OTHER RELEASES

[Fiscal year 1988]

	Total releases	Success[1]		Individuals placed in jobs on release	Success[1]		Individuals placed in jobs who also participated in education program	Success[1]	
		Number	Percent		Number	Percent		Number	Percent
Parole	2,313	1,519	66	433	351	81	256	198	77
Expiration	12,106	6,833	56	144	119	83	38	32	84
Totals	14,419	8,352	58	577	470	81.4	294	230	78

[1] For purposes of this report, success is defined as still in the community as of March 30, 1989.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF CORRECTIONS,
Washington, DC, September 15, 1989.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: In response to your request for information on the education program in the Department of Corrections the following is provided:

Data on the appropriations for the education program was supplied as testimony in the course of the June 28, 1988 oversight hearing. More detailed fiscal information was provided in the package supplied to your staff at the hearing.

Data on enrollment in academic and vocational programs is provided as Attachment I.

The department's Educational Services and Automated Data Processing staff are in the process of compiling information on the status of individuals who were placed in jobs in FY 1987 and FY 1988. Compiling this information requires a manual search of records and is a very time consuming task. The data will be provided as soon as it is available.

Staff are ascertaining the feasibility of determining the employment status and job retention rate for those who secured jobs after release from custody. It may be impossible to supply this type of data since the District of Columbia has no supervision rights or responsibilities over most of these individuals. It is only when they are still in the system, in a community program such as parole supervision, or have returned to custody and provide information covering the period of release, that we are in a position to gather and analyze data.

There have always been some residents released upon expiration of sentence. For these individuals, employment can not be imposed as a stipulation of return to the community. These individuals may or may not be employed at the time of release. When staff determines whether or not some means of tracking individuals not under our supervision is possible we will report this to you.

The department's Educational Services and Automated Data Processing staff are compiling information to compare the success upon release of those who did and did not participate in educational programs. This information also requires manual search of records. The data will be provided as soon as it is available.

The number of individuals who received degrees while incarcerated is supplied as Attachment II. It is not possible to determine those who may have entered the custody of the Department already having college degrees. While we have become aware of certain individuals with degrees due to publicity surrounding their cases, we do not attempt to verify inmate self-reported educational backgrounds. With the volume of individuals entering our system, this task would be well beyond our personnel resources.

As we complete the more complex reporting requirements, which involve manual records searches and original data base development, the results will be forwarded to you. Once again I thank you for your continued interest in and support of our programs. If you have any questions about the data which has been supplied please contact me or have a member of your staff contact Kathleen Byrnes of my Budget Division at 673-7391.

Sincerely,

HALLEM H. WILLIAMS, Jr.,
Director.

D.C. DEPARTMENT OF CORRECTIONS

[Average daily enrollment, academic and vocational programs fiscal year 1985–88]

Fiscal year	Academic only	Vocational only	Academic/vocational
Central Facility			
1985	224	238	50
1986	244	185	56
1987	292	172	76
1988	329	332	73
Detention Facility			
1985	155	22	32
1986	100	22	60
1987	201	20	84
1988	230	18	76
Maximum Security Facility			
1985	139	19	1
1986	119	19	
1987	151	6	15
1988	154	11	0
Minimum Security Facility			
1985	85		14
1986	181	31	8
1987	164		
1988	126		
Occoquan Facility[1]			
1985	299	156	17
1986	330	101	49
1987	426	3	37
1988	564	43	33
Youth Center I			
1985	151		22
1986	78		169
1987	340		146
1988	323		159
Youth Center II			
1985	120		10
1986	139	5	78
1987	373	12	29
1988	249	109	55
SUMMARY			
1985	1,173	435	146
1986	1,191	363	420
1987	1,947	213	387
1988	1,975	513	396

[1] In 1987, the three Occoquan facilities were reorganized into one facility. Statistics for 1985–88 reflect combined enrollments.

HIGHER EDUCATION PROGRAM

[Degrees awarded fiscal year 1985–88]

Fiscal Year	Urban studies	Accounting technology	Computer accounting tech.	Legal assist.	Grand total
Associate Degrees					
1985	5	3	0	1	
1986	4	5	1	0	
1987	2	5	1	0	

HIGHER EDUCATION PROGRAM—Continued

[Degrees awarded fiscal year 1985–88]

Fiscal Year	Urban studies	Accounting technology	Computer accounting tech.	Legal assist.	Grand total
1988	5	5	2	0	
Bachelor Degrees					
1985	1				
1986	2				
1987	0				
1988	3				
Totals	22	18	4	1	45

Government of the District of Columbia, Department of Corrections,
Washington, DC, September 22, 1988.

Hon. Arlen Specter,
U.S. Senate, Washington, DC.

Dear Senator Specter: This letter and attachments provide the information you requested in your September 19 letter.

1. *The current status of the 290 individuals placed in jobs during Fiscal Year 1987; and the number of those who have not been reincarcerated.*

Our manual review of job placement records and current status showed that a total of 313 inmates were placed in jobs through the Education Services Programs—23 more than we had listed in our original report to you. Of that total, 224 or 72 percent had not been reincarcerated as of August 31, 1988. Table I provides a breakdown of the status of the 313 inmates who were released in FY 1987. Of the 258 inmates who were released to parole after job placements, 189 or 73 percent are still in the community. The remaining 55 were placed in jobs upon expiration of their sentences. A total of 35 or 64 percent of those individuals had not been reincarcerated as of August 31.

2. *The number of prisoners who were unemployed upon release from jail (prison); the retention rate for those who found jobs.*

During FY 1987, the Department of Corrections released a total of 3,210 felons of which approximately 710 were not known to be employed upon release. As of August 31, 1988, we had released 2,267 felons of which approximately 640 were not known to be employed when they were released. As I indicated in my September 15 letter, the city has no way of tracking individuals who are released upon expiration of their sentences because there is no requirement for maintaining contact with the Department of Corrections or the Board of Parole. All of the individuals who did not have verified jobs when they left our custody were released upon expiration of their sentences.

3. *A comparison between prisoners released from the program with those who did not participate.*

Table II provides a comparison of the relative success of parole releases who participated in job training programs with parole releases who did not participate in the program. The data show that program participants had a much higher "success rate." As of August 31, 1988, 73 percent of the program participants were still in the community compared with 52 percent of the non-participants.

In order to improve our ability to measure the success of our job training programs, I have asked Mrs. G.H. Washington, Assistant Director for Education, Industrial, and Agricultural Services, to work with my Program Analysis Office to develop a standard system for monitoring success rates of program participants upon release. As we continue to expand these job training programs, it is essential that we also expand our follow-up reporting systems.

I hope this information responds to your questions. Please feel free to call me if you need further information.

Sincerely,

Hallem H. Williams, Jr.,
Director.

TABLE I.—CURRENT STATUS OF INDIVIDUALS PLACED IN JOBS

[Fiscal year 1987]

	Job placements	Success [1]	Reincarcerated		
			Within 6 months	7–12 months	After 1 year
Parole releases	258	189	30	36	3
Expiration	55	35	11	7	2
Total	313	224	41	43	5
Percent	100	72	13	14	1.6

[1] For purposes of this report, success is defined as still in the community as of August 31, 1988.

TABLE II.—COMPARISON BETWEEN PROGRAM PARTICIPANTS/NONPARTICIPANTS [1]

[Fiscal year 1987]

	Total number	Success [2]		Reincarcerated	
		Number	Percent	Number	Percent
Program participants	258	189	73	69	27
Nonparticipants	1,108	580	52	528	47

[1] For purposes of this report, only participants who were released to parole were examined. The pool of nonparticipants used for comparison were all first time parole releases.

[2] Success is defined as still in the community as of August 31, 1988.

Mr. PRYOR. Mr. President, I have offered amendments to the previous appropriations bills to cap consultant spending at the levels requested by the Federal agencies and departments. The District of Columbia is not a Federal agency, and does not, under section 1114 of title 31, request a specific amount for consultant services. Therefore, I will not offer an amendment to this particular appropriations bill.

However, Mr. President, this is not to suggest that the D.C. government does not have problems with consultants. Even a casual reading of the newspapers over the past few years reveals that there is much room for improvement in this regard. I would like to suggest to the Appropriations Committee that they ask the D.C. government in future budget requests to provide the dollar amount that D.C. proposes to spend on consultants for the upcoming fiscal year.

Such a simple procedure will not end all potential abuses. However, I believe that the same lack of accountability and monitoring that exists in the Federal Government also plagues the D.C. government.

Mr. President, again, as this bill does not appropriate funds for any Federal agency I will not seek to attach my consultant amendment to it. However, I do urge the committee to undertake to learn how much of this appropriations goes for the purchase of consulting services.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I think we have concluded debate on the District of Columbia bill. In a moment I expect to ask that the time be allocated at 6 o'clock for morning business for those Senators who wish to participate at that time. There will be such a request made.

Mr. President, Senator Helms had asked for the yeas and nays on his amendment. That was not granted at that time. I have discussed it with him. I ask now for the yeas and nays on the Helms amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I ask unanimous consent that the vote on Senator Helms' amendment occur at 6 p.m. today, that the Senate proceed immediately to third reading and vote on final passage of the bill immediately without any intervening action upon the disposition of the Helms amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

MORNING BUSINESS

Mr. ADAMS. Mr. President, I further ask that there now be a period for morning business not to extend beyond 6 o'clock with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL RESEARCH AND EDUCATION COMPUTER NETWORK

Mr. PRESSLER. Mr. President, last Friday, the White House Office of Science and Technology Policy released a plan for a federal high performance computing program. The plan embraces, with only a few minor differences, Senator Gore's proposal for a national research and education network. I offer my congratulations to President Bush for making this much-needed proposal.

Last May, Senator Gore introduced legislation which would create a high-capacity national research and education network to link up supercomputers and data bases around the country. I support Senator Gore's bill, and I commend my colleague from Tennessee for his foresight and leadership in this area. High performance computing and networks that link up users around the Nation are essential to ensure the United States' economic and technological leadership in the next century.

The United States is in the midst of a transition from an economy based on industrial production to one based increasingly on high technology and information. The national research and education network proposed by Senator GORE, and recently embraced by the administration, has may wide-ranging applications that will improve this country's industrial competitiveness, advance our research on climate and weather, improve our ability to diagnose and cure diseases, improve our ability to predict natural disasters, strengthen our military readiness, and design and build the vehicles that will take us into space.

The network will provide an opportunity for researchers around the country to access data bases in other locations, and to exchange information. It will especially benefit small and remote universities and research institutions that do not have access to supercomputer capabilities and specialized data bases. Currently, sophisticated research tools, such as supercomputers and unique data bases, are available only to a privileged few at major research institutions and large corporations. The proposed network will change this by making supercomputers and on-line data bases available to virtually every university in the nation. For example, South Dakota State University is in the process of developing a biostress laboratory to develop strains of crops and livestock that are resistant to temperature extremes and drought conditions. The results of the research produced in the biostress lab could be placed on-line for ready access by users at other universities that are doing similar types of research.

Eventually, the network will be extended, through private initiatives, to include commercial enterprises. Then, small and medium sized companies will have access to the superior design and computational capabilities that large companies can afford today. Large companies are using supercomputer simulations to save money in designing new products and improving existing products. By eliminating the need for expensive prototypes and models, supercomputers increase the speed and efficiency of product design, reduce production costs, and permit businesses to try more creative and flexible designs. For a small business, the savings that would be generated by using supercomputers could mean the difference between staying in business and succumbing to competition from larger companies and foreign competitors. Small businesses cannot afford to purchase supercomputers. A national computer network will set the stage for access by small businesses to the superior resources of supercomputers.

One of the most important benefits of the network proposed by Senator GORE is that it will give scientific researchers immediate access to data in remote locations. Today, there is increasing concern among scientists and policymakers about the warming of the Earth's atmosphere and the depletion of ozone in the stratosphere. Scientists rely on computer-generated models to make accurate descriptions of the future global environment. NASA's Earth Observing System [EOS] will soon be providing a large amount of data for these models. The land remote sensing data acquired by EOS will be stored at the Earth Resources Observation Systems [EROS] Data Center in Sioux Falls, SD. Advances in technology will enable researchers to display the data on screens, so that the researchers can see immediately—and understand easily—the changes that are taking place, such as changes in cloud cover, vegetation patterns, oil slicks, and holes in the ozone layer. A national network will permit instant access to this kind of technology and data, and provide researchers with the ability to collaborate with scientists at other locations. This will significantly improve our ability to predict and react to changes in our climate and the environment. And because this is not just a national concern, I introduced a successful amendment during the Senate Foreign Relations Committee consideration of the State Department authorization bill, requesting the administration to perform a feasibility study on establishing an international global change data information network.

Over the next several decades, the Earth Observing System will produce data at unprecedented rates. These data must be processed into scientifically meaningful forms, entered into active data bases, made available for research and education to earth scientists throughout the nation and the world, and archived before they can be used by scientists to detect global changes. Existing networks would be overwhelmed by the data that will be produced. Even if these data could be processed and stored in active data bases, the technology does not exist to make them accessible for effective scientific use. The high-performance network proposed by Senator GORE would not only provide the necessary technology to process and analyze the data, but also the capacity to transmit it to users everywhere.

The network will also increase the value of the data that the U.S. Geological Survey is receiving from our Landsat satellites. The EROS Data Center in Sioux Falls archives the pictures that are sent back from the satellites. Since 1971, it has stored over 1 million satellite images on magnetic tape. That represents over 248 trillion bits of data. Government and university researchers and commercial enterprises use the images for a wide variety of applications. Geologists use the data for oil and mineral exploration; civil engineers use them to select construction sites and for land-use planning; mapmakers use them to create accurate and detailed maps; ecologists use them to study environmental changes; the Department of Defense uses them for national security purposes; university researchers use them to monitor insect damage in trees and crops; agricultural specialists use them to predict the size and health of crop yields. For example, researchers at the University of New Hampshire used Landsat images to discover damage from insects that are attacking sugar maples in New England.

Witnesses at hearings on the proposed computer network before the Commerce Committee's Subcommittee on Science, Technology and Space have told us that even with all of these uses, 90 percent of the information that we are receiving from the Landsat satellites is going unused because we do not have the technology and the resources to analyze and examine all of the data. The people that need to use the data being generated by the satellites are distributed throughout the entire Nation. In order to do the research, they must communicate with each other, must be able to access the necessary data, and must be able to generate computer models that can be sent to other researchers.

Immediate access to the data through a national research and education network would significantly increase the productivity of our research. It will permit the users of satellite data to employ modern computer visualization techniques to produce color graphics which can also be transmitted throughout the network. Any government, university, and private researcher could use the Landsat pictures that are stored in South Dakota without having to leave their desks or laboratories. Today, if a scientist at the University of Virginia needed a Landsat image, he would have to order it from the EROS Data Center. The image would be copied onto a tape, and the tape shipped by mail to Virginia. That would take as much as 2 weeks. Sometimes, the scientist will discover that he cannot see what he needs on the images that he received, so he has to order more images. With a network, the scientist could browse through all of the available images until he found just the ones he wanted. That would take less than an hour. Most importantly, the network will permit collaboration among scientists who are physically remote from each other, because many researchers could review the same images at the same time.

President Bush recently announced his plan for America's future in space. One of the elements of his plan is the Mission to Planet Earth, which will use a network of satellites to understand how the Earth's atmosphere, oceans, and living creatures function as a global system. It is one of our most important and critical scientific programs. The satellites will provide scientists with the information they need to make predictions about environmental concerns like the rate of severity of global warming. But we need the resources to analyze the data. Without the capabilities that the national research and education network will provide, we will not be able to take advantage of the information that the satellites send back, and our best scientists will not have ready access to the data.

Senator Gore's plan is an ambitious one. It authorizes $1.75 million in new funding over the next 5 years. Budgets are tight and it will not be easy to find the necessary funding. But this is important technology, and we must find the way to develop it. A computer network across the United States has great potential for increasing the productivity of American industry and stimulating the discovery and exchange of new ideas. Our economic competitiveness and our national security depend on it.

YONKERS, NY, ELECTION

Mr. MOYNIHAN. Mr. President, I rise to congratulate the people of the city of Yonkers on the extraordinary success of their valiant young mayor, Nicholas C. Wasicsko.

Of all the electoral victories in the Nation this week, none is a more important mandate for the rule of law than that of Mayor Wasicsko.

In 1985, a Federal district court found that Yonkers, NY's fourth largest city, had illegally and intentionally maintained segregated public schools and housing. The Court of Appeals unanimously affirmed the ruling in 1987, and, in 1988, the U.S. Supreme Court allowed the ruling to stand.

Soon thereafter I remarked to a delegation of Yonkers citizens dissatisfied with the legal outcome of the case, that we do not have to agree with the Supreme Court but we do have to obey it.

The least we can expect from our elected officials is that they understand and accept the rule of law. In Yonkers, unfortunately, a majority of the city council has not. A striking exception has been the city's 30-year-old Mayor Wasicsko. He has patiently but determinedly worked to bring his city into compliance with the Federal court order in these last 2 years. Mayor Wasicsko has proven himself a man of courage and consequence. A public official with a great future and already a distinguished past.

On Tuesday, September 12, 1989, in a Democratic primary, the voters of Yonkers were offered the chance to stand with Nicholas Wasicsko or against him. The result was an overwhelming victory for the mayor by a ratio of more than 2 to 1. The unofficial tally has the vote at 7,774 to 3,264. It was also a victory for decency, the orderly administration of government, and the rule of law.

I ask unanimous consent that the following article from the Gannett Westchester Newspapers regarding Mayor Wasicsko and the primary election in Yonkers be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From Gannett Westchester Newspapers, Sept. 14, 1989]

YONKERS SIGNALS ITS READINESS TO MOVE BEYOND HOUSING ISSUE

The results of Tuesday's voting in Yonkers, the state's fourth-largest city and home to about one-fifth of the people who live in Westchester County, clearly show more residents are ready to put the housing issue, which has divided their city, behind them.

Two candidates, one Republican and one Democrat, who based their entire campaigns on opposition to court-ordered housing desegregation, were swamped by opponents who addressed a broader range of issues. In the second part of a dual message, Democratic voters gave party leader Ralph Arred a drubbing in three of the four Democratic primary races.

The main event in Yonkers was the Democratic primary between first-term Mayor Nicholas Wasicsko and Dominick Iannacone, a former longtime councilman and county supervisor put up against Wasicsko by Arred.

A political feud, more than the housing court order, was the issue between Wasicsko and Arred. Yet housing did enter the race because Iannacone, in office during the 1970s, was among those responsible for bringing the housing problem about. That, plus Wasicsko's efforts to resolve the housing issue in the best way possible for all, may account for Wasicsko's 2-1 victory. Wasicsko now faces Republican Henry Spallone, the city's most vehement housing opponent, in November.

The only primary in which housing was the major issue was in the 5th Council District, where two opponents made a stunning showing against eight-term Councilman Nicholas V. Longo. Longo won only narrowly over Thomas Dickerson and squeaked by in the Conservative primary over Alyssa Scelza.

Long's marginal win showed that voters in his district are not enthusiastic about his flip-flop record on the housing issue. There will be a Long-Dickerson rematch Nov. 7 because Dickerson has an independent line on the ballot. The Democratic candidate is George Oswald.

In the 1st Council District, Joe Farmer defeated seven-term Councilman Harry Oxman, the party's candidate. This district has a minority population of 85 percent—it was created as a minority district in 1983. Oxman is white and Farmer is black. Farmer also has the Liberal line. The Republican candidate is Ronald Jones, who is also black.

Arred also lost out in the 3rd Council District, where Barbara Cola defeated Thomas Meier, the party's candidate. Cola, widow of longtime Councilman Charles Cola who died in June, campaigned as much against Arred as she did against Meier.

On the Republican side in the 3rd District, John Spencer defeated John D'Agnillo by nearly 6-1. D'Agnillo's campaign was based solely on opposition to the housing order.

The other candidate who used opposition to the housing order as his only issue was Democrat Mel Ellen in the 6th Council District. He was defeated by Ralph Ferraioli, the party's candidate, by nearly 2-1. Ferraioli will meet Edward J. Fagan Jr. Nov. 7.

Mr. ADAMS. Mr. President, that concludes action until the votes occurring at 6 o'clock and the procedure necessary for completing the D.C. bill. At this time, we will return to morning business, and this Senator will yield the floor.

The **PRESIDING OFFICER.** Who wishes to be recognized?

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I take the floor briefly to compliment the chairman of the Appropriations Committee, Subcommittee on the District of Columbia, and also the ranking members—Mr. Adams and Mr. Gramm respectively. This is not an easy assignment for them, and it is in many ways a thankless one. It does require an inordinate amount of time, as much time as is required to handle some of the Appropriations Subcommittee assignments that are not quite so thankless.

I was chairman of the Appropriations Subcommittee on the District of Columbia for 7 years. We are told in the Scriptures that Jacob worked 7 years for Rachel. He received a commitment out of the prospective father-in-law, Laban, that he, Jacob, would be given Rachel if he were to work 7 years in his fields and orchards in labor. Jacob faithfully fulfilled his commitment. But when he went to get Rachel, Laban gave him Leah, who he did not love we are told, and Laban extracted a promise from Jacob that he would work 7 years more at the close of which time he would be given Rachel. So Jacob worked 7 more.

I worked 7 years on the District of Columbia Subcommittee before there ever came an opportunity for me to have an opening on another subcommittee as chairman. It was 7 long years. So I had the longest tenure as chairman of the Subcommittee on the District of Columbia of any chairman of that subcommittee in this century.

But, finally, I emerged as chairman of, I believe at that time it was called, the Deficiencies and Supplemental Subcommittee. It has been a long time back. We do not have a Deficiencies and Supplemental Appropriations Subcommittee now. But at that time, such a subcommittee did exist, and I became chairman of that subcommittee.

I was somewhat glad to be able to move up the ladder and get another subcommittee. But 7 years is a long, long time to be chairman of the District of Columbia Appropriations Subcommittee. There is a song, 7 years with the wrong woman. Well, sometimes I felt that I was spending 7 years in the wrong subcommittee.

But the Scriptures also say that: "whatsoever thy hand findeth to do, do it with thy might."

So I did it with all my might. It was not a pleasant task but it was an important one. As I see it, you cannot always start at the top. One has to start at the bottom.

So I took my assignment seriously. I did my job as well as I could. It did not please everybody by any means. But in due time I became chairman of another subcommittee.

So I compliment the chairman of the Subcommittee on Appropriations for the District of Columbia. I hope he will not have to spend 7 years on that subcommittee, and I say the same with respect to the ranking member, Mr. GRAMM.

It is a small subcommittee but it is an important one because it provides funds for the most important city in our country, the Federal City. The Constitution does not refer to a Federal city. It refers to "the Federal City."

This is the Federal City, and in many ways it is not only the Capital of the United States but it is in many ways the foremost city of the world because it is the seat of the Federal Government, a tripartite Government, the seat of the Nation's Capital, the seat of the three branches of this Government, the three equal and coordinate branches, the seat of the legislative branch which is the foremost of the three branches. It is the people's branch, mentioned in the very first sentence of the first article of the Constitution—the legislative branch, and it shall consist of a Senate, and House of Representatives. Washington is the seat of the Supreme Court, and the seat of the executive branch, the President of the United States, his Cabinet, and the Departments.

So it is an important bill, and we are also told in the Scriptures to take seriously those little jobs that may be given to us to do.

When you do the little job well, at some point in time there may be one who will say, "Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things."

I, again, thank the chairman and the ranking member, and I thank all the Senators on this subcommittee for the good job they did.

I yield the floor.

Mr. ADAMS. I thank the President pro tempore very much for his kind remarks. Long have both of us labored in the vineyard, and I consider this job another one that was as important as some of the others that I have held.

I thank you for your kindness. I yield the floor.

Mr. President, I ask unanimous consent that the vote on the Helms amendment, the D.C. appropriations bill, be delayed to occur no earlier than 6:30 p.m., and that morning business be extended until that time, under the same terms and conditions, and that the same terms and conditions apply to the final passage of the bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered. Who wishes to be recognized?

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I would next ask for permission to speak for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

EXCELLENCE OF IOWA SCHOOLS

Mr. GRASSLEY. Madam President, at times like this, I am especially proud to represent my State of Iowa. Of course, I am always proud of my State, but I can puff out my chest just a little bit more when students in my State out perform students in all other States on ACT test scores.

Once again, Iowa took the top spot for the highest average test score on the American college test.

Iowa held first place last year, too, trailed slightly by Wisconsin. But Senators KASTEN and KOHL can join me this year as Wisconsin managed to tie Iowa's score.

In Iowa, the average test score for all students taking the test was 20.1 points out of a possible 36. This is especially significant because over 60 percent of Iowa students take the ACT exam. That is the highest percentage among States participating in the ACT program.

Not only does Iowa rank first in the average test score, we also rank first for the highest percentage of students scoring over 26 points.

That means that Iowa schools, teachers, parents, and school administrators do an excellent job of encouraging our brightest students and are helping average students to perform at their highest ability.

In addition to ranking first on the ACT exam, Iowa high school seniors also ranked first in performance on the scholastic aptitude test, another measure used by colleges as an entrance requirement.

On the average, Iowa students achieved a composite SAT score of 1,084, out of a possible 1,600. The national average for SAT exams is 903, well under Iowa's score.

Even though taken by only 5 percent of Iowa high school seniors, the SAT is a valuable tool for measuring achievement of the brightest students.

I am pleased with Iowa's achievement on this year's ACT and SAT exams. I must also agree with Dr. William Lepley, director of education in Iowa. Dr. Lepley points out that the significance is the stability in performance demonstrated by Iowa students.

Iowa students out performed all other students on both the ACT and SAT not only this year, but last year, too. In fact, Iowa students have achieved scores which rank either first or second on college entrance test scores ever since these tests have been administered, and that is, of course, for decades.

Why is it so important to obtain high test scores, one might ask? High test scores on college entrance exams are the best objective predictor of admission to and performance in a college or university. And a college degree is the best predictor of successful employment.

I would like to tout the achievement of the students in my State as an example for the rest of the country. That achievement is possible because Iowa citizens have a strong commitment to education.

In spite of relatively modest expenditures, Iowa students get lots of attention and support. Secretary Cavazos has repeatedly said that "money alone is not the answer." Parental support and community support, ever-present in Iowa, are the backbone of real educational achievement.

Madam President, these test scores are the result of that support. Indeed, it is another proud day in my State of Iowa in its educational system.

Madam President, I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment (No. 752) by the Senator from North Carolina [Mr. Helms]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Jeffords], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—2

Biden
Lieberman

NOT VOTING—1

Jeffords

So the amendment (No. 752) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Jeffords], is necessarily absent.

The PRESIDING OFFICER (Mr. Lautenberg). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—56

Adams
Bentsen
Biden
Bingaman
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
Dodd
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Heinz
Hollings
Inouye
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Warner
Wilson
Wirth

NAYS—43

Armstrong
Baucus
Bond
Boren
Boschwitz
Breaux
Burns
Coats
Cochran
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Humphrey
Johnston
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Nickles
Pressler
Pryor
Reid
Roth
Rudman
Shelby
Symms
Thurmond
Wallop

NOT VOTING—1

Jeffords

So the bill (H.R. 3026), as amended, was passed.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. Lautenberg] appointed Mr. Adams, Mr. Fowler, Mr. Kerrey, Mr. Byrd, Mr. Gramm, Mr. Domenici, and Mr. Hatfield conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. Byrd) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1646. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on overseas donations of Commodity Credit Corporation stocks of agricultural commodities and sales and barters of those commodities for fiscal year 1987; to the Committee on Agriculture, Nutrition and Forestry.

EC-1647. A communication from the President of the United States transmitting, pursuant to law, a request for consideration of amendments to the request for appropriations for fiscal year 1990 to implement the National Drug Control Strategy; to the Committee on Appropriations.

EC-1648. A communication from the President of the United States transmitting, pursuant to law, a request for consideration of amendments to the request for appropriations for fiscal year 1990 to provide budget authority to the Federal Deposit Insurance Corporation for funding the FSLIC Resolution Fund; to the Committee on Appropriations.

EC-1649. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on a violation involving the overobligation of an approved appropriation; to the Committee on Appropriations.

EC-1650. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Turkey for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1651. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 61 of title 10, United States Code, to provide that members of the Armed Forces who are on extended leave without pay can be retired under such chapter notwithstanding the nonreceipt of basic pay; to the Committee on Armed Services.

EC-1652. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Effect of the Five-Year Defense Programs for Shipbuilding, Conversion, and Repair on Domestic Private Industry Mobilization Capability" for the years 1989, 1990, and 1991; to the Committee on Armed Services.

EC-1653. A communication from the Secretary of the Treasury and the President and Chairman of the Export-Import Bank of the United States, transmitting jointly, pursuant to law, a report on Tied Aid Credit Practices dated September 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-1654. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of Construction and Facilities resources appropriated to NASA for the acquisition of land needed for groundwater contamination assessment and remediation at White Sands Test Facility, Las Cruces, New Mexico; to the Committee on Commerce, Science, and Transportation.

EC-1655. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report of progress on developing and certifying the Traffic Alert and Collision Avoidance System for the months of April through August 1989; to the Committee on Commerce, Science, and Transportation.

EC-1656. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation approving the location of the Memorial to the Women Who Served in Vietnam; to the Committee on Governmental Affairs.

EC-1657. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for the period April 1 to June 30, 1989; to the Committee on Energy and Natural Resources.

EC-1658. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1659. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the boundary description and classification of the Merced and South Fork Merced Wild and Scenic Rivers within the Sierra and Stanislaus National Forests, California; to the Committee on Energy and Natural Resources.

EC-1660. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review, 1988"; to the Committee on Energy and Natural Resources.

EC-1661. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1662. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the market orientation of the People's Republic of China and U.S. trade laws; to the Committee on Finance.

EC-1663. A communication from the Secretary of State, the Secretary of Labor, and the Administrator of the Environmental Protection Agency transmitting jointly, a draft of proposed legislation to promote democratization and reform in Poland and Hungary through development of the private sectors, labor market reforms, and enhanced environmental protection, and for other purposes; to the Committee on Foreign Relations.

EC-1664. A communication from the Secretary of State, transmitting, pursuant to law, a determination to waive the transfer of foreign assistance funds under the Fisherman's Protective Act; to the Committee on Foreign Relations.

EC-1665. A communication from the Comptroller of the Currency, transmitting, pursuant to law, a report on the adoption of changes to existing pay schedules under the provisions of the Financial Institutions Reform, Recovery, and Enforcement Act; to the Committee on Governmental Affairs.

EC-1666. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Budget Issues—Restructuring the Federal Budget—The Capital Component"; to the Committee on Governmental Affairs.

EC-1667. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of the approval of a proposal for a personnel management demonstration project; to the Committee on Governmental Affairs.

EC-1668. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Disclosure—Legislative Branch Systems Improved But Can Be Further Strengthened"; to the Committee on Governmental Affairs.

EC-1669. A communication from the Chairman of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-1670. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the annual report of the Commission for 1988; to the Committee on the Judiciary.

EC-1671. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation entitled the "Trademark Law Clarification Act of 1989"; to the Committee on the Judiciary.

EC-1672. A communication from the Acting Chairman of the National Endowment for the Arts and Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, documents relevant to claims for losses filed under the Arts and Artifacts Indemnity Act; to the Committee on Labor and Human Resources.

EC-1673. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Projects With Industry; to the Committee on Labor and Human Resources.

EC-1674. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the budget request of the Board for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-1675. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Assistance for Local Education Agencies on Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid); to the Committee on Labor and Human Resources.

EC-1676. A communication from the Acting Commissioner of Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the first annual report on dropout and retention rates entitled "Dropout Rates in the United States, 1988"; to the Committee on Labor and Human Resources.

EC-1677. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request of the Board for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-1678. A communication from the President of the United States Capitol Historical Society, transmitting, pursuant to law, the annual report of the Society for the year ended January 31, 1989; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-313. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE JOINT RESOLUTION NO. 31

"Whereas Congress is considering legislation relating to crop subsidy and deficiency payments; and

"Whereas the 1988 estimates of the Agricultural Stabilization and Conservation Service indicate that 53.3 million acres were taken out of production in the United States, and 3,084,714 acres were enrolled in California resulting in payments in excess of $385,560,000; and

"Whereas farmers may participate under current law in a conservation or set-aside farming program in which a portion of a farmer's base acreage, which is based on farming history, is removed from production for which a subsidy is received; and

"Whereas the farm conservation or set-aside farming program under current law includes no provision for growing rotation crops on the set-aside ground; and

"Whereas emerging technology exists which demonstrate the potential for farmers to farm crops dedicated to producing alcohol for the production of ethanol or biomass as fuel for electrical production; and

"Whereas a 25 percent reduction in carbon monoxide can be demonstrated by substituting 10 percent ethanol in unleaded gasoline; and

"Whereas the production of electricity from renewable plant resources limits the need for increased usage of nonrenewable carbon monoxide-producing fossil fuels; and

"Whereas growing plants on formerly plowed 'down acreage' increases the number of plants taking in carbon dioxide and giving off oxygen through photosynthesis, thus creating a natural carbon filter effect and providing a net decrease in the collective contribution to the greenhouse effect; and

"Whereas scientists in the United States have developed effective and competitive biomass systems and related technologies which could impact favorably on the balance of trade problems facing this country, now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation which permits farmers who are enrolled in government set-aside programs to grow rotation crops dedicated as feedstock for conversion to fuel sources on displaced base acreage, and which provides the following:

"(1) The acreage dedicated to a fuel rotation crop is not deducted from the base acreage of a farmer's program crop in the farm conservation and set-aside program administered by the Department of Agriculture.

"(2) Farmers who plant 'fuel rotation crops' market these crops solely as fuel crops.

"(3) Farmers maintain displaced base acreage as a part of family farming history and do not receive any other form of governmental subsidy for this acreage; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, and to each Senator and Representative from California in the Congress of the United States."

POM-314. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION NO. 26

"Whereas on May 4, 1988, the residents of Clark County and Henderson, Nevada, suffered severe trauma when the Pacific Engineering and Production Company plant exploded, resulting in two deaths and over $75 million in property damage; and

"Whereas the Clark County Commission subsequently directed its staff to detail a three-phase program to reevaluate Clark County zoning methodology for industrial land use, including identification of a more appropriate site for heavy industrial use where heavy and hazardous industries could locate or relocate; and

"Whereas the Governor's 'Blue Ribbon Commission to Examine the Adequacy of Existing Regulations Pertaining to the Manufacture and Storage of Highly Combustible Materials' also made several recommendations supporting the relocation of heavy and hazardous industries to more appropriate sites in Clark County; and

"Whereas Privately owned lands suitable for heavy industrial use, sufficiently isolated from population centers and adjacent to utilities and transportation, are not readily available; and

"Whereas the Federal Government owns over 90 percent of the land in Clark County and the use of under-utilized federal land in the Apex area of the Dry Lake Valley appears to offer the best opportunity to develop a sufficiently remote heavy industry zone; and

"Whereas Clark County is working to acquire sufficient land from the Federal Government to establish a 'Heavy Industrial Park' in the Apex area; and

"Whereas Clark County is assisting and working with Kerr-McGee Chemical Corporation, the only producer of Ammonium Perchlorate left in the country, whose present plant facility is in close proximity to Henderson residential areas; and

"Whereas the proposed 'Heavy Industrial Park' will serve the residents of Nevada and protect the health and welfare of its residents at the least cost by accommodating an existing industry in their relocation efforts, thereby saving jobs; and

"Whereas Creating an industrial park for new manufacturing entities that are of a heavy or hazardous nature and are looking at the State of Nevada as a potential site for location will stimulate economic development; and

"Whereas Legislation has been introduced in Congress (H.R. 1485 and S. 624), which would allow Clark County to acquire 17,000 acres of federal land 15 miles northeast of Las Vegas for a proposed heavy industrial area; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to adopt H.R. 1485 and S. 624; and be it further

"Resolved, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and the members of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-315. A resolution adopted by the City Council of Cooper City, Florida opposing offshore drilling and mining; to the Committee on Energy and Natural Resources.

POM-316. A joint resolution adopted by the Legislature of the State of Oregon; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 26

"Whereas the Legislative Assembly of the State of Oregon pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* That the following (Article) be proposed to the Legislatures of the several States, . . . which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"'(An Article) in addition to, and Amendment to the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the Fifth Article of the original Constitution.

"'Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'"; and

"Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 (70 Ohio Laws 409-10); Wyoming on March 3, 1978 (124 Cong. Rec. 7910; 133 Cong. Rec. S12949); Maine on April 27, 1983 (130 Cong. Rec. H9097, S11017); Colorado on April 18, 1984 (131 Cong. Rec. S17687; 132 Cong. Rec. H6446); South Dakota on February 21, 1985 (131 Cong. Rec. H971, S3306); New Hampshire on March 7, 1985 (131 Cong. Rec. H1378, S3597); Arizona on April 3, 1985 (131 Cong. Rec. H2060, S4750); Tennessee on May 23, 1985 (131 Cong. Rec. H6672, S10797, S13504); Oklahoma on July 10, 1985 (131 Cong. Rec. H7263, S13504); New Mexico on February 13, 1986 (132 Cong. Rec. H827, S2207-8, S2300); Indiana on February 19, 1986 (132 Cong. Rec. H1634, S4663); Utah on February 25, 1986 (132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866); Arkansas on March 5, 1987 (134 Cong. Rec. H3721, S7518); Montana on March 11, 1987 (133 Cong. Rec. H1715, S6155); Connecticut on May 13, 1987 (133 Cong. Rec. H7406, S11891); Wisconsin on June 30, 1987 (133 Cong. Rec. H7406, S12948, S13359); Georgia on February 2, 1988 (134 Cong. Rec. H2638, S5239); West Virginia on March 10, 1988 (134 Cong. Rec. H2492, S4784); Louisiana on July 6, 1988 (134 Cong. Rec. H5783, S9939); Iowa on Feb-

ruary 7, 1989; and Idaho on March 23, 1989; as well as by the House of Representatives of the State of North Dakota on January 26, 1987, and on February 3, 1989; the House of Representatives of the State of Texas on April 23, 1987; the House of Representatives of the State of Illinois on June 22, 1988; and the Assembly of the State of Nevada on March 28, 1989; and

"Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution may still be ratified by states' legislatures as a result of the ruling by the United States Supreme Court in the landmark case of *Coleman* v. *Miller*, (307 U.S. 433 (1939)) in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the amendment's consideration; now, therefore, be it

"Resolved by the Legislative Assembly of the State of Oregon:

"(1) That the Secretary of State shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b; 1 U.S.C. 112; as amended by P.L. 98-497, 98 Stat. 2291) of the action of the Sixty-fifth Legislative Assembly by sending to the archivist one copy of this resolution.

"(2) That the Secretary of State shall also send one copy of this resolution to each member of the Oregon Congressional Delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the Congressional Record."

POM-317. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 32

"Whereas the State of Nevada in 1977 revised its statutes authorizing the penalty of death for the offense of murder in the first degree to conform to the United States Supreme Court's interpretation of the Constitution of the United States; and

"Whereas this revision of the statutes represented the judgment of the people of Nevada, expressed through their elected representatives, that in certain well-defined cases the penalty of dealth should be imposed for the offense of murder in the first degree; and

"Whereas the State of Nevada has been precluded from imposing the sentence of death in cases decided more than a decade ago against prisoners who have repeatedly sought review in the federal courts; and

"Whereas no prisoner has been executed against his will in any of the states within the territorial jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

"Whereas the guilt of the persons sentenced to death in the State of Nevada has been established beyond a reasonable doubt; and

"Whereas the extended and repetitive judicial proceedings that have been responsible for preventing the execution of the sentences of death imposed in the State of Nevada have largely concerned issues that have little, if any, bearing on the reliability of the convictions and the sentences imposed in the trial court; and

"Whereas this interference with state law has been caused by the federal courts, whose process of review is extended and repetitive, as illustrated by the recent decision of a three-judge panel of the Ninth Circuit Court of Appeals in the case of *Neuschafer* v. *Whitley*, 860 F.2d 1470; and

"Whereas the review of state judicial proceedings by federal courts is authorized by 28 U.S.C. § 2254, a provision of the federal habeas corpus statutes, and such review has become a substantial and unjustifiable obstruction of the ability of the states to enforce their laws in an effective and expeditious manner; and

"Whereas public confidence in the law has been seriously eroded as a consequence of seemingly unending review by the federal courts of the decisions of trial courts imposing the sentence of death in Nevada and throughout the United States; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to amend 28 U.S.C. § 2254, the provision authorizing the review of state judicial proceedings by federal courts, to expedite the review of such proceedings in cases where a sentence of death has been imposed; and be it futher

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval.

POM-318. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 46

"Whereas California is home to about one-half million refugees from throughout the world, including Southeast Asia, Eastern Europe, the Near East, and the Soviet Union; and

"Whereas refugees contribute to the nation's and state's cultural diversity and economic growth, in particular in the fields of business, technology, medicine, and education, after making the social and economic adjustments necessary to start a new life; and

"Whereas the Refugee Act of 1980 (P.L. 96-212), recognized the need for refugee transition, and set out a carefully crafted federal and state partnership for assisting new arrival refugees, including full federal reimbursement for 36 months from the refugee's date of entry, after which state and local governments assist with long-term integration; and

"Whereas the foundation of the Refugee Act's partnership has eroded during recent years with the decline in refugee assistance, despite increasing admissions, thereby shifting more costs to state and local governments; and

"Whereas the proposed 1990 federal Budget would reduce the reimbursement period to 15 months from the refugee's date of entry, shift one hundred forty million dollars ($140,000,000) in costs to the states, seventy-five million dollars ($75,000,000) to California alone, and eliminate the Targeted Assistance Program operated under the act; and

"Whereas the international refugee situation and the presence of persons in the United States seeking asylum has prompted proposals for the use of alternative categories for admissions of those for whom federal refugee domestic assistance is needed; and

"Whereas admissions should be fully supported by funding appropriated for that purpose; and

"Whereas reprogramming funds from refugee and immigrant programs pits one group against another and undermines a viable refugee program; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reauthorize the Refugee Act of 1980 in a timely manner; and be it futher

"Resolved, That the United States Department of State should admit persons fleeing persecution in their homelands as refugees pursuant to the Refugee Act of 1980 rather than as parolees or under other immigrant status; and be it further

"Resolved, That the refugee assistance appropriation in the 1990 federal Budget should reflect increased admissions and reimbursement for 36 months from the refugee's date of entry as negotiated in the Refugee Act of 1980; and be it further

"Resolved, That the reauthorization of the act should provide for a continuation of the Targeted Assistance Program; and be it further

"Resolved, That the reauthorization of the act should provide for effective consultation mechanisms, both to ensure government flexibility in responding to emergency situations, and to ensure adequate processing and domestic assistance for newly admitted refugees; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Secretary of State of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-319. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 41

"Whereas the purpose of the United States Census is to count the population of the United States; and

"Whereas the California census undercount in 1980 was estimated to be as high as 3 percent, or twice the national average; and

"Whereas California's population in 1990 is projected to increase by 23 percent from that of 1980; and

"Whereas since 1980, California's population has increased by more than 2 million residents through net immigration; and

"Whereas racial and ethnic minorities are most frequently undercounted, and 48 percent of California's population is comprised of racial and ethnic minorities; and

"Whereas in 1980, California had the largest Hispanic population in the United States, totaling 4.5 million residents and comprising 19 percent of the total state population; and

"Whereas California's Hispanic population will have increased by more than 45 percent by 1990; and

"Whereas based on the estimate by the United States Bureau of the Census that 5.9 percent of the Hispanic population nationally was undercounted in 1980, a total of 268,000 Hispanic residents of California were overlooked in that census; and

"Whereas it is esimated that every uncounted individual costs the State of California $53.58 annually, so that the Hispanic undercount in 1980 cost the state approximately $14 million annually and over $140 million during a 10-year period since 1980; and

"Whereas the census data will determine much of the entitlement for community services for the next 10 years; and

"Whereas the inclusion of otherwise uncounted residents in the census would invariably increase the federal entitlement total for California and its counties, primarily those with large Hispanic populations; and

"Whereas there is danger that the suspicion and fear created by Immigration and Naturalization Service raids for undocumented workers may cause an unknown number of Hispanic residents to refuse participation in any government-sponsored questionnaire, such as the 1990 census, resulting in a continued undercount of California Hispanic residents; and

"Whereas to encourage maximum participation in the 1990 census it is necessary that members of California's Hispanic population feel confident that information gathered for the census is not connected with, or will be used by, the Immigration and Naturalization Service, and that no raids for undocumented workers will be conducted by the Immigration and Naturalization Service from January 1, 1990, until census onsite visits are terminated; and

"Whereas Census day is April 1, 1990, and enumerators will continue to make onsite visits through July 31, 1990; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President and the Attorney General of the United States to direct the Commissioner of the Immigration and Naturalization Service to implement a moratorium on any searches, raids, or sweeps for undocumented workers commencing on January 1, 1990, and ending on July 31, 1990, so as to encourage maximum participation by the Hispanic community and other minority communities in the 1990 census count; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Attorney General, to the Commissioner of the Immigration and Naturalization Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-320. A resolution adopted by the Commission of the City of Miami, Florida relative to recent decisions of the United States Supreme Court; to the Committee on the Judiciary.

POM-321. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Veterans' Affairs:

"Assembly Joint Resolution No. 43

"Whereas returning to the civilian work force after serving in the Armed Forces usually requires additional training and education because in many cases the veteran has served in the Armed Forces during his college years; and

"Whereas educational and training benefits offered by the Federal Government to veterans of the Armed Forces have always been a wise investment because of the benefit society receives as a result of having more of its population possessing higher education, allowing the veteran to obtain better jobs and better pay; and

"Whereas veterans need and deserve the opportunity for a chance to become readjusted to the civilian work force because military skills and training are often not adaptable to the civilian workplace; and

"Whereas, Expiration of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 will leave many veterans without the benefit of being able to use the 10-year period generally granted veterans after release from service in the Armed Forces to use their educational benefits; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature hereby urges the Congress of the United States to extend the deadline contained in the Vietnam Era G.I. Bill to allow veterans of the Vietnam era 10 years within which to use the educational benefits contained therein; and be it further

"Resolved, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 543. A bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that Act, and for other purposes (Rept. No. 101-129).

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 3012. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-130).

By Mr. LEAHY, from the Committee on Appropriations, with amendments:

H.R. 2939. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-131).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 3072. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-132).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 1621. A bill to amend the Domestic Volunteer Service Act of 1973 to provide for programs of national and local significance, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 1622. A bill to promote environmental sector lending by the World Bank; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S. 1623. A bill to designate the Federal plaza located between the Twin Towers of the Oakland Federal Building in Oakland, California, as the "Donald P. McCullum Memorial Plaza."; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 1624. A bill to grant a Federal charter to the National Association of Women Veterans, Inc; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 1625. A bill to designate certain lands in the Los Padres National Forest as wilderness, to designate wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 1626. A bill to establish within the Office of Minority Economic Impact the Department of Energy programs involving loans and grants to enhance the development and operation of minority business enterprises with respect to energy related business, to amend the Nuclear Waste Policy Act of 1982 to permit the investment of certain funds in the Minority Bank Deposit Program of the Department of the Treasury, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. Danforth, Mr. Boren, Mr. Chafee, Mr. Pryor, Mr. Heinz, and Mr. Daschle):

S. 1627. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to governmental bonds; to the Committee on Finance.

By Mr. BENTSEN (for himself, Mr. Packwood, Mr. Moynihan, Mr. Dole, Mr. Armstrong, Mr. Chafee, Mr. Daschle, Mr. Durenberger, Mr. Heinz, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Coats, Mr. DeConcini, Mr. Gore, Mr. Hatch, Mr. Humphrey, Mr. Leahy, Mr. McConnell, Mr. Nunn, Mr. Simon, and Mr. Thurmond):

S. 1628. A bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child; to the Committee on Finance.

By Mr. SPECTER:

S. 1629. A bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killings, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. Chafee, Mr. Burdick, Mr. Durenberger, Mr. Graham, Mr. Jeffords, Mr. Lautenberg, Mr. Lieberman, Mr. Mitchell, Mr. Moynihan, Mr. Warner, Mr. Cohen, and Mr. Cranston):

S. 1630. A bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SIMON:

S. 1631. A bill to make a technical amendment to title 11, United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 197. Joint resolution to designate the month of October 1989 as "National HIV and AIDS Awareness Month"; to the Committee on the Judiciary.

By Mr. SIMON:

S.J. Res. 198. Joint resolution designating November 1989 as "An End to Hunger Education Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. DOMENICI) (for himself, Mr. DOLE, Mr. SASSER, Mr. ARMSTRONG, Mr. BOND, Mr. BOSCHWITZ, Mr. CONRAD, Mr. DANFORTH, Mr. DODD, Mr. EXON, Mr. GRAMM, Mr. GRASSLEY, Mr. HEINZ, Mr. HOLLINGS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. MCCLURE, Mr. NICKLES, Mr. PACKWOOD, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. SYMMS, and Mr. MCCAIN):

S. Res. 178. Resolution commending Gail D. Fosler for her service to the country and the Senate; considered and agreed to.

By Mr. KASTEN (for himself, Mr. DOLE, and Mr. RIEGLE):

S. Con. Res. 69. Concurrent resolution relating to the right of self-determination of the peoples of Latvia, Estonia, and Lithuania, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 1622. A bill to promote environmental sector lending by the World Bank; to the Committee on Foreign Relations.

ENVIRONMENTAL SECTOR LENDING ACT OF 1989

● Mr. HEINZ. Mr. President, today I am introducing the Environmental Sector Lending Act of 1989. This legislation is timely because this Friday the World Bank is expected to announce a new set of environmental assessments and standards for their lending programs.

My legislation would direct the U.S. representatives at the World Bank to propose a 3-year environmental sector lending program to support those nations with a demonstrated commitment to natural resource conservation.

Loans are to be made not for short-term development of irreplaceable resources, but based on the expected return from sustainable use and protection of the resource base. Too often, Mr. President, we have seen sector loans made which take a quick profit but leave behind environmental devastation. The few environmental loans which have been made to date, Mr. President, have been made only as an adjunct and an afterthought to a much larger package. I have in mind the acre road project through Rondonia. At a time when an area of the Amazon equal in size to Belgium is cleared, slashed, and utterly destroyed each and every year, this road project helped make it easier to gut more forest lands.

The Inter-American Development Bank quite rightly suspended payment on that loan, and has since negotiated a new environmental package with Brazil. This is a very welcome step, but had an environmental sector loan been made first, before development, we might have spared ourselves and the world the loss of thousands of hectares.

The World Bank, while it is not a party to the acre project, is looked to around the globe for leadership on lending issues. The steps they take will likely be replicated by other multilateral development banks and private lenders. Together, these institutions provide nearly 90 percent of the developing world's capital.

As the World Bank prepares to make its announcements this coming Friday, I hope they will take note of this legislation and the House companion bill, authored by Congressman JOHN EDWARD PORTER. The Bank should undertake environmental sector lending without any prompting from Congress. I hope they will take such a step and I urge my colleagues to join as cosponsors of this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Sector Lending Act of 1989".

SEC. 2. PROMOTION OF SECTOR LENDING FOR THE ENVIRONMENT.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with other executive directors of the Bank and the management of the Bank and propose that, in order to reduce the future need for bank lending for reforestation and restoration of environmentally degraded areas, the Bank establish a 3-year pilot environmental sector lending program, to be made available to any and all interested countries with a demonstrated commitment to natural resource conservation.

SEC. 3. CRITERIA FOR SECTOR LENDING.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to support through the pilot environmental sector lending program loans and projects based on the estimated long-term economic return which could be expected from the sustainable use and protection of tropical forests, including their value for indigenous people and science, and the value derived from such services as watershed management, soil erosion control, maintenance and improvement of fisheries, water supply regulation for industrial development, food, fuel, fodder, and building materials for local communities, extraction of naturally occurring products from locally controlled protected areas, idigenous knowledge of the management and use of natural resources as well as long-term benefits expected to be derived from maintenance of biological diversity and climate stabilization.●

By Mr. CRANSTON:

S. 1623. A bill to designate the Federal plaza located between the Twin Towers of the Oakland Federal Building in Oakland, CA, as the Donald P. McCullum Memorial Plaza; to the Committee on Environment and Public Works.

DONALD P. MC CULLUM MEMORIAL PLAZA

Mr. CRANSTON. Mr. President, it gives me pleasure to introduce today a bill to designate the Federal plaza between the Twin Towers of the Oakland Federal Building in Oakland, CA, as the Donald P. McCullum Memorial Plaza.

It is gratifying to help bestow an honor as deserving as this one. Judge McCullum gave much to both his profession and his community, and the wide support for this memorial from local representatives and the Oakland legal community is testimony to the breadth of his contribution.

Donald Pitts McCullum was born on January 28, 1928, in Little Rock, AR. He received his BA from Talladega College, AL in 1948 and his JD in 1951 from the Boston School of Law, MA. He was admitted to the Massachusetts Bar in 1953 and the California Bar in 1955.

Between 1952 and 1955, Judge McCullum served as a lieutenant in the United States Naval Reserve during the Korean war. For his service he was awarded the National Defense Medal, the Korean Medal (two engagement stars), and the United Nations Medal.

In addition to his many years in private practice, Judge McCullum served as Deputy District Attorney for Alameda County, as city attorney for Berkeley, and in 1977 was appointed to the Superior Court of Alameda County by Governor Brown. He was elected to Alameda County Superior Court in 1978, reelected in 1984, and served as its presiding judge in 1982 and 1983. In 1984 Donald McCullum served as associate judge pro tempore on the Supreme Court of California.

Judge McCullum gave his time and leadership to numerous organizations, such as the California Judges Association, the National Council of Negro Women, the American Bar Association, the Civil Rights Bar Association, the League of Women Voters, and others. He served as president of the

Oakland NAACP, chairman of the West Coast Region NAACP, and president of the California Association of Black Lawyers. In addition, he was the recipient of many awards for judicial service through his impressive career.

Donald McCullum's commitment to his profession and to the Oakland community was tremendous. The Donald P. McCullum Memorial Plaza would be a fitting and well-deserved tribute to the memory of this exceptional man.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal plaza located between the Twin Towers of the Oakland Federal Building in Oakland, California, shall be known and designated as the "Donald P. McCullum Memorial Plaza".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the Federal plaza referred to in section 1 shall be deemed to be a reference to the "Donald P. McCullum Memorial Plaza".

By Mr. THURMOND:

S. 1624. A bill to grant a Federal charter to the National Association of Women Veterans, Inc.; to the Committee on the Judiciary.

GRANTING A FEDERAL CHARTER TO THE NATIONAL ASSOCIATION OF WOMEN VETERANS, INC.

Mr. THURMOND. Mr. President, today, I am introducing legislation to grant a Federal charter to the National Association of Women Veterans, Inc.

Mr. President, since the inception of this Nation, women have served voluntarily and valiantly in all wars. To date, women have served in every capacity except that of direct combat soldiers. It is extremely timely that this charter should be granted as we mark the 50th anniversary of World War II.

The women of World War II were pioneers, leaving distinct and lasting footprints for their successors to follow. These women were present in every theater of war and worked in every occupation, from clerk to truck driver, to cryptographer, to pilot, to nurse. Three hundred and fifty thousand women served in the military during World War II in the Army, Navy, Marine Corps, Coast Guard, Merchant Marines, and Women's Auxiliary Service Pilots. Seventeen thousand members of the Women's Army Corps [WAC's] served in every combat area overseas. Five hundred and sixty-five WAC's in the Pacific won combat decorations. More than 1,600 Army nurses won combat and noncombat decorations, including Distinguished Service Medals, Silver Stars, Bronze Stars, Air Medals, Legions of Merit, Commendation Medals, and Purple Hearts. More than 2,500 women in the Armed Forces won combat and noncombat decorations during World War II. More than 110 women were held captive for almost 37 months after the fall of Bataan and Corregidor.

During Korea, women again came voluntarily to the service of this Nation. Fron truck drivers to nurses in MASH units, women served proudly and with distinction.

The Vietnam Memorial bears the names of eight women who died in the service of our country during the Vietnam war. Thousands of other women voluntarily entered military service in order to support our national war effort. Nurses and women of all branches of the military served proudly in Vietnam and many still bear the scars of that war.

Today women comprise approximately 10 percent of the military forces which stand ready to defend our country's peace and security. They serve in a volunteer Armed Forces, but their history as volunteers extends back to the Revolutionary War. It is most appropriate at this time in our history that women be counted proudly among our veteran population. Until recently women were invisible veterans, but they must now be given the full status to which they are entitled.

The National Association of Women Veterans, Inc., has among its objectives:

First, uphold and defend the Constitution of the United States;

Second, promote and teach the American way of life;

Third, conduct and publish research on a nonpartisan basis concerning the contributions of women veterans and women currently serving in the military;

Fourth, compile and publish the history of women in military service and to keep that history current;

Fifth, honor outstanding women veterans and outstanding women currently in the military;

Sixth, encourage young women to choose a career in the military;

Seventh, sponsor meetings and seminars for women veterans;

Eighth, improve conditions for women veterans and develop channels of communications to assist women veterans;

Ninth, assist women veterans and other veterans in need of assistance; and

Tenth, consecrate the efforts of the members of the association and women veterans generally to mutual helpfulness and service to their country.

I call upon the Congress of the United States to act upon this legislation and grant to the National Association of Women Veterans a charter as a fully recognized veterans service organization. The National Association of Women Veterans will serve all veterans but will offer a special sensitivity to women veterans and women's issues. I know that many Members of Congress served with dedicated and courageous women in World War II, Korea, the Dominican Republic, Vietnam, or Grenada. I call upon you now to remember and honor these valiant members of our Nation's Armed Forces by supporting this legislation to grant the National Association of Women Veterans a Federal charter.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Association of Women Veterans, Inc., a nonprofit corporation organized under the laws of the State of Georgia, is hereby recognized as such and is granted a Federal charter.

CORPORATE POWERS

SEC. 2. The National Association of Women Veterans, Inc. (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those stated in its articles of incorporation, constitution, and by laws and include a commitment to—

(1) uphold and defend the Constitution of the Untied States;

(2) promote and teach the American Way of Life;

(3) conduct and publish research on a nonpartisan basis concerning the contributions of women veterans and women currently serving in the military;

(4) compile and publish the history of women in military serivce and to keep that history current;

(5) honor outstanding women veterans and outstanding women currently in the military;

(6) encourage young women to choose a career in the military.

(7) sponsor meetings and seminars for women veterans;

(8) improve conditions for Women Veterans and develop channels of communications to assist Women Veterans;

(9) assist Women Veterans and other Veterans in need of assistance; and

(10) concentrate the efforts of the members of the corporation and Women Veterans generally to mutual helpfulness and service to their country.

SERVICE OF PROCESS

Sec. 4. With respect to service of process, the corporation shall comply with the laws of the state in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

Sec. 5. Except as provided in section 8, eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS

Sec. 6. Except as provided in section 8, the board of directors of the corporation, and the responsiblities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

OFFICERS

Sec. 7. Except as provided in section 8, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

NONDISCRIMINATION

Sec. 8. In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

RESTRICTIONS ON CORPORATE POWERS

Sec. 9. (a) No Part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority by virture of this Act for any of its activities.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

Sec. 10. The Corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS: INSPECTION

Sec. 11. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable state law.

AUDIT OF FINANCIAL TRANSACTIONS

Sec. 12. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964, (36 U.S.C. 1101), is amended by inserting after paragraph (72) the following new paragraph:

"(73) The National Association of Women Veterans, Inc.".

ANNUAL REPORT

Sec. 13. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal laws", appoved August 30, 1964 (36 U.S.C. 1102). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER

Sec. 14. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

Sec. 15. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

TAX-EXEMPT STATUS

Sec. 16. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

EXLCUSIVE RIGHT TO NAMES

Sec. 17. The Corporation shall have the sole and exclusive right to use the name "National Association of Women Veterans, Inc.", "The National Association of Women Veterans, Inc.", and "National Association of Women Veterans", and any such seals, emblems, and badges as the corporation may lawfully adopt. Noting in this section shall be construed to interfere or conflict with established or vested rights.

FAILURE TO COMPLY WITH RESTRICTIONS OR PROVISIONS

Sec. 18. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

By Mr. CRANSTON:

S. 1625. A bill to designate certain lands in the Los Padres National Forest as wilderness, to designate wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

CONDOR RANGE AND RIVERS ACT OF 1989

Mr. CRANSTON. Mr. President, today I am introducing the Condor Range and Rivers Act. This legislation designates seven wilderness areas and eight wild and scenic rivers in the Los Pardres National Forest, CA, prime habitat of the magnificent California condor. In all, the bill affords protection for 543,100 acres of national forest lands and 247 miles of river, as recommended by California conservationists.

The largest of the proposed wilderness areas is the Sespe Wilderness. This 280,300 area has rugged mountain and valley terrain, with elevations ranging from 3,750 to 6,730 feet, including 13 peaks over 5,000 feet. From the mountain tops one has spectacular views of the Pacific Ocean and the Channel Islands. Also at these higher elevations one finds stands of mixed conifers, Jeffrey, Ponderosa and Sugar Pine, incense cedar, and Big Cone Spruce. Pinyon-juniper, chaparral, and sagebrush characterize the rest of the wilderness. There are also 53 known archeological sites from the Chumash Indian culture in the proposed wilderness.

In addition, the bill designates the Pinos-Badlands Wilderness comprising 85,000 acres, the Matilija Wilderness comprising 32,000 acres, the Garcia Wilderness comprising 16,500 acres, Silver Peak Wilderness comprising 14,500 acres, and expands the Vantana Wilderness by 63,000 acres and the San Rafael Wilderness by 51,600 acres.

The legislation also adds 55 miles of the Sespe Creek as a component of the National Wild and Scenic Rivers System. This designation would protect the best trout stream in southern California, a unique steelhead fishery, important condor habitat, spectacular rock formations, and opportunities for both primitive and developed recreation. The best remaining free-flowing river in southern California, the Sespe indeed deserves wild and scenic river protection.

The bill also includes 49 miles of Piru Creek, 20 miles of Matilija Creek, 51 miles of Sisquoc Creek, 5.5 miles of Lopez Creek, 16 miles of the Arroyo Seco River, 23 miles of the Little Sur River, and 27.4 miles of the Big Sur River in the National Wild and Scenic Rivers System. Finally, it calls for a study of additional segments of Lopez Creek and the Big Sur and Little Sur Rivers for wild and scenic designation.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Condor Range and Rivers Act of 1989".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act, the following lands in the State of California are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Los Padres National Forest, California, which comprise approximately 280,300 acres, as generally de-

picted on a map entitled "Sespe Wilderness—Proposed", dated September 1989, and shall be known as the Sespe Wilderness.

(2) certain lands in the Los Padres National Forest, California, which comprise approximately 85,000 acres, as generally depicted on a map entitled "Pinos-Badlands Wilderness—Proposed", dated September 1989, and shall be known as the Pinos-Badlands Wilderness; and

(3) certain lands in the Los Padres National Forest, California, which comprise approximately 32,000 acres, as generally depicted on a map entited "Matilija Wilderness—Proposed", dated September 1989, and shall be known as the Matilija Wilderness;

(4) certain lands in the Los Padres National Forest, California, which comprise approximately 51,600 acres, as generally depicted on a map entitled "San Rafael Wilderness Addition—Proposed", dated September 1989, and which lands are hereby incorporated in, and shall be deemed to be a part of the San Rafael Wilderness;

(5) certain lands in the Los Padres National Forest, California, which comprise approximately 16,500 acres, as generally depicted on a map entitled "Garcia Wilderness—Proposed," dated September 1989, and shall be known as the Garcia Wilderness;

(6) certain lands in the Los Padres National Forest, California, which comprise approximately 14,500 acres, as generally depicted on a map entitled "Silver Peak Wilderness—Proposed", dated September 1989, and shall be known as the Silver Peak Wilderness;

(7) certain lands in the Los Padres National Forest, California, which comprise approximately 63,200 acres, as generally depicted on a map entitled "Ventana Wilderness Addition—Proposed", dated September 1989, and which lands are hereby incorporated in, and shall be deemed to be a part of the Ventana Wilderness;

SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. FILING OF MAPS AND DESCRIPTIONS.

As soon as practicable after the enactment of this Act, a map and a legal description of each wilderness area designated in section 2 shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia.

SEC. 5. DESIGNATION OF WILD RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

( ) Sespe Creek, California.—The 55 mile segment from its headwaters to its confluence with the Santa Clara River, to be administered by the Secretary of Agriculture.

( ) Sisquoc River and tributaries, California.—The 33 mile segment of the Sisquoc from its source to the southwest corner of section 23, township 9 north, range 30 west, the 3.5 mile segment of the South Fork Sisquoc from its source to its confluence with the main stem, and the 14.5 mile segment of Manzana Creek from its source to its confluence of the main stem of the Sisquoc, to be administered by the Secretary of Agriculture.

( ) Big Sur River, California.—The 18.9 mile segment from its sources to the boundary of the Ventana Wilderness, to be administered by the Secretary of Agriculture.

( ) Little Sur River, California.—The 15.5 mile segment from its sources to the Los Padres National Forest Boundary, to be administered by the Secretary of Agriculture.

( ) Arroyo Seco River, California.—The 16 mile segment from its source to the Los Padres National Forest boundary, to be administered by the Secretary of Agriculture.

( ) Lopez Creek, California.—The 5.5 mile segment from its source near Gay Mountain to the boundary of the Santa Lucia Wilderness, to be administered by the Secretary of Agriculture.

( ) Matilija Creek, California.—The 20 mile segment from its source to Matilija Reservoir, to be administered by the Secretary of Agriculture.

( ) Piru Creek, California.—The 35 mile segment from its sources to Pyramid Reservoir and the 14 mile segment from Pyramid Dam to Piru Reservoir, to be administered by the Secretary of Agriculture.

SEC. 6. STUDY RIVERS.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraphs at the end:

( ) Big Sur River, California.—The 8.5 mile segment from the boundary of the Ventana Wilderness to the Pacific Ocean.

( ) Little Sur River, California.—The 2 mile segment of the South Fork Little Sur from the Los Padres National Forest boundary to its confluence with the North Fork Little Sur, the 3 mile segment of the North Fork Little Sur from the Los Padres National Forest boundary to its confluence with the South Fork Little Sur, and the 2.5 mile segment of the main stem from the confluence of the North and South Forks Little Sur to the Pacific Ocean.

( ) Lopez Creek, California.—The 5.5 mile segment from the boundary of the Santa Lucia Wilderness to the Los Padres National Forest boundary.

By Mr. DOMENICI:

S. 1626. A bill to establish within the Office of the Minority Economic Impact of the Department of Energy programs involving loans and grants to enhance the development and operation of minority business enterprises with respect to energy-related business, to amend the Nuclear Waste Policy Act of 1982 to permit the investment of certain funds in the Minority Bank Deposit Program of the Department of the Treasury, and for other purposes; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY MINORITY ECONOMIC IMPACT REVITALIZATION ACT

Mr. DOMENICI. Mr. President, I am pleased to introduce today what I choose to call the Mickey Leland Minority Economic Impact Revitalization Act.

This legislation would restructure and boost the Department of Energy's Office of Minority Economic Impact, so as to enhance minority involvement in American science and the development of energy-related technologies.

This office has had some degree of success in the past, and if we can give it some real financing tools and permit it to get involved in encouraging entrepreneurial involvement in science and development of energy-related technologies, we will add considerably to the significance of this relatively small aspect of the Department of Energy. The OMEI has already encouraged significant minority participation in science and technology and, in particular, with respect to education.

It was my privilege to work on this bill and this idea with the very distinguished Member of the House, Representative Mickey Leland, prior to his tragic death. We had completed this work, and he had introduced it just prior to leaving.

I have been following up with it, and I am hopeful that it will proceed through the House. There are a few differences on some aspects of this bill; and some of the extra financing may be a bit controversial, but we clearly want to put some additional money into the effort of helping promote economic development and science and technology development by minorities in my State and other States.

It was a pleasure working with Representative Leland on it. I wish we could have passed it together. It was not a major part of his great involvement in serious issues, but it was a privilege and the first time I worked with him on a measure. I want to acknowledge that it is substantially attributable to his work and the work of his staff, therefore, I am suggesting that this bill be named in his honor.

Mr. President, if we are to remain economically competitive in an increasingly scientific world, we need to use fully all the resources at our disposal—human, economic, and technological. To do this we must bring the capabilities and talent we already have within our Nations laboratories together with the human and economic potential in all Americans.

The measure I am introducing today draws upon the tremendous science and technology resources of the Department of Energy to actively get minorities involved in developing energy-related technologies. This bill aims to help improve minority involvement in areas which are of tremendous economic potential and importance, and with which minorities have traditionally not been much involved.

It is an important endeavor to both develop fully our energy-related technologies but also to assure the benefits of these technologies are enjoyed by all Americans.

To help accomplish this, the Office of Minority Economic Impact [OMEI] was created within the Department of Energy in 1978. The legislation I am introducing today would enhance the capabilities of the OMEI in several key areas.

The first part of this legislation would create a working capital program designed to enhance the development and operation of Energy-Related Minority-Owned Business Enterprises [ERMBE]. When the OMEI was created at DOE, it was intended to research the impact of energy policies and developments on minority communities, as well as improve and expand upon the number of ERMBE's.

While accomplishing the research task, OMEI has been unable to do much to effect the second. This legislation would authorize a $5 million loan fund, and a $5 million venture capital program to help ERMBE's get started and commercialize DOE technologies. This would give OMEI the ability to provide necessary technical and fiscal assistance to help minority businesses move into energy-related fields and develop.

The second part of the legislation would convert the OMEI's current "bid or proposal loan program" into a grant program. OMEI currently loans funds to ERMBE's to help them develop proposals or bids for DOE contracts.

Unfortunately, the program has functioned to hurt ERMBE's since the loans place the ERMBE's in debt without a guarantee of winning a contract. If they do not win the contract they are in a worse financial condition than before the loan. This bill would simply convert the program to an outright grant program.

The last part of this bill is designed to improve upon the current Minority Bank Deposit Program [MBDP] operated by the Department of Treasury. Currently, the Federal Government deposits petroleum overcharge escrow funds it holds into qualifying minority-owned banks.

The Department of Energy administers this program in which the escrowed funds are used to purchase certificates of deposit from minority institutions, thereby making the resulting capital available for use in minority communities.

While currently funded at $35 million, the program could do much more to generate minority economic development if a larger, and more stable, pool of funds could be used by the program. By getting more money for minority banks to lend out, these banks could leverage even more private funds to work in minority communities.

The nuclear waste fund would provide a substantial resource of approximately $80 million, which would also be a very stable funding source. This fund is collected by the DOE and is currently invested in Treasury securities.

This last provision proposes to deposit the nuclear waste fund into the Minority Bank Deposit Program [MBDP]. If deposited in the MBPD, the funds would continue to receive the same rate of interest and be afforded the same FDIC deposit protections.

In closing, Mr. President, I would again like to take this opportunity to salute Representative Leland not only for his work on this important legislation, but also for his work and commitment throughout his career to improve the condition of minorities and all his fellow men.

I hope my colleagues will examine this legislation we have crafted, and I look forward to working with them on this matter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1626

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Mickey Leland Minority Economic Impact Revitalization Act".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "central energy-related minority business enterprise development center" means the management development center established by the Office to create energy-related minority and women-owned business enterprises;

(2) "Department" means the Department of Energy;

(3) "Director" means the Director of the Office of Minority Economic Impact of the Department;

(4) "energy-related" means related to—

(A) the production, distribution, or conservation of any of the Nation's energy reserves with any public or commercial provider of energy or any Federal, State, or local agency requiring energy-related goods or services, or

(B) the commercialization of any research and development effort or technology defined by the central Energy-Related Minority Business Enterprise Center of the Department as energy-related;

(5) "loan committee" means the committee established pursuant to section 103(b);

(6) "minority" means any black American, Native American, Hispanic American, Asian Pacific American, or Subcontinent Asian American

(7) "minority financial institution" means any depository institution described in clause (i), (ii), (iii), (v), or (vi) of section 19(b)(1)(A) of the Federal Reserve Act—

(A) more than 50 percent of the ownership or control of which is held by minority persons; and

(B) more than 50 percent of the net profit or loss of which accrues to minority persons;

(8) "minority business enterprise" means any business enterprise which is at least 51 percent owned by minority persons;

(9) "Office" means the Office of Minority Economic Impact of the Department;

(10) "participating financial institution" means an insured institution, as defined in section 3(h) of the Federal Deposit Insurance Act, that participates under this section in the provision of loans to minority business enterprises that enter into energy-related contracts;

(11) "Secretary" means the Secretary of Energy; and

(12) "venture capital firm or organization" means any financial institution established to provide venture capital funds and services.

TITLE I—MINORITY ECONOMIC IMPACT REVITALIZATION.

SEC. 101. WORKING CAPITAL PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary, acting through the Director, is authorized to establish a working capital program to provide loans and venture capital to minority and women-owned business enterprises. The purposes of such program shall be to—

(1) to commercialize the technologies developed and proven through Department research, development and demonstration efforts;

(2) increase the number of minority and women-owned business enterprises that enter into private and public sector energy-related contracts;

(3) strengthen the competitive and productive capabilities of minority and women-owned business enterprises that conduct business with the Department and its grantees, recipients, contractors, and subcontractors; and

(4) provide start-up capital for minority and women-owned business enterprises in energy-related fields.

(b) ADMINISTRATIONS OF PROGRAM COMPONENTS.—

(1) LOANS.—The loan component of the working capital program shall be administered under the terms of a cooperative agreement entered into by the Secretary with the administrative financial institution selected under section 103 and in accordance with section 105.

(2) VENTURE CAPITAL.—The venture capital component of the working capital program shall be designed and administered by the Secretary through the central energy-related minority business enterprise development center in conjunction with a venture capital partnership established under section 106.

SEC. 102. ELIGIBILITY.

A business entity is eligible to participate in the program established pursuant to this Act if—

(1) such entity is a minority business enterprise or a women-owned business enterprise currently certified pursuant to standards promulgated by the Secretary and administered by—

(A) an agency, department, or office of the Federal Government or of any State or local government, or

(B) an agent or contractor, if specifically designated to certify businesses as minority or women-owned enterprises; and

(2) such entity is—

(A) commencing or is engaged in operations in an energy-related commercial or energy technology transfer enterprise, or

(B) is performing services under an energy-related contract.

SEC. 103. ADMINISTRATIVE FINANCIAL INSTITUTION.

(a) Selection.—The Secretary shall select an administrative financial institution to administer loans to minority and women-owned business enterprises pursuant to section 105. Such selection shall be from among bids submitted to him for such selection.

(b) Functions.—The Secretary, in consultation with the administrative financial institution and the loan committee, shall establish policies and procedures governing loans pursuant to section 105. Such administrative financial institution also shall provide administrative and other support for the loan component of the working capital program.

(c) Loan Committee.—(1) The selected administrative financial institution shall establish a loan committee to review and recommend to the Secretary the approval or denial of applications of loans pursuant to section 105. The loan committee also shall advise the Secretary on such other matters as he should deem appropriate to carry out the purposes of this act.

(2) The loan committee shall consist of a chairman and four other members who shall be appointed, on the advise of the Secretary, by the administrative financial institution.

SEC. 104. PARTICIPATING FINANCIAL INSTITUTIONS.

(a) The Secretary, in consultation with the administrative financial institution, shall establish policies and procedures providing for the participation of financial institutions other than the administrative financial institution in the loan component of the working capital program under this section. A minority business enterprise may request the participation of a specific financial institution with which it conducts business. Other financial institutions may so qualify, at the discretion of the Secretary.

(b) A minority financial institutions participating in the Minority Financial Institutions Deposit Program of the Office shall qualify as participating financial institutions.

SEC. 105. LOAN COMPONENT OF WORKING CAPITAL PROGRAM.

(a) Loan Application Packages.—(1) To apply for a loan under this section, the minority or women-owned business enterprise shall submit its loan application package to the administrative financial institution. Such package shall include any documentation required by the Secretary and the loan committee.

(2) If such package contains incomplete information to the extent that a proper evaluation of the credit history of the business enterprise cannot be made by the loan committee, the administrative financial institution shall return the package to the business enterprise with institutions concerning the information necessary to complete the application package.

(3) The administrative financial institution shall forward completed application packages to the loan committee for its review and recommendation to the Secretary pursuant to section 103(b).

(b) Loan Procedures.—Before a loan request can be forwarded to the Secretary for his approval—

(1) A request for a loan commitment of less than $100,000 shall require the approval of a majority of the members of the loan committee; and

(2) A request for a loan commitment of $100,000 or more shall require the approval of the majority of the loan committee and of the Director.

(c) Loan Terms.—(1) Except as provided in paragraph (2), the term of any loan made under this section may not exceed five (5) years.

(2) The Secretary may approve a loan for a period not to exceed seven (7) years if the loan committee determines that the financial soundness of the minority or women-owned business enterprise warrants such longer term.

(d) Loan Conditions.—The Secretary, on the advise of the loan committee, shall—

(1) require reasonable repayment terms in accordance with the objectives of this Act; and

(2) prescribe regulations concerning default and collection of loans.

SEC. 106. VENTURE CAPITAL PARTNERSHIPS.

Pursuant to the venture capital component of the working capital program under section 101(b)(2), the Secretary may establish venture capital partnerships with venture capital firms and organizations to carry out the purposes of this act.

SEC. 107. TECHNICAL AND ADVISORY ASSISTANCE.

(a) In the event that a minority or women-owned business enterprise needs technical or managerial assistance, it may request assistance through the central Energy Related Minority Business Enterprise Center of the Department.

(b)(1) The Secretary may establish such advisory committees as he deems appropriate to assist him in the performance of their functions.

(2) Members of such advisory committees, other than full-time employees of the Federal government, may be allowed travel expenses, including a per diem allowance in lieu of subsistence (as authorized by section 5703 of title 5, United States Code, with respect to individuals serving in the Federal government without pay) while attending meetings of such committees or while otherwise serving at the request of the Secretary while away from their residences or regular places of business.

(c) The Federal Advisory Committee Act (Public Law 92-463) shall not apply with respect to such committees.

SEC. 109. CONVERSION OF BID OR PROPOSAL LOAN PROGRAM INTO GRANT PROGRAM.

(a) General.—Section 211 of the Department of Energy Organization Act (42 U.S.C. 7141) is amended—

(1) in subsection (c), by striking "shall" each place such term appears and inserting "may";

(2) in subsection (d), by striking "may" each place such term appears and inserting "shall"; and

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary, acting through the Office, shall provide financial assistance in the form of grants to any minority business enterprise under such rules as the Secretary shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent the Secretary considers appropriate.

"(2) The Secretary shall limit the use of such financial assistance to providing funds necessary for such enterprises to bid for and obtain contracts or other agreements.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 110. ADDITIONAL PERSONNEL.

The Secretary is authorized to hire not less than an additional 20 full-time officers and employees to administer the programs authorized under this act.

SEC. 111. COORDINATION OF DEPARTMENT'S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAMS.

The Office of Minority Economic Impact shall coordinate, consolidate, and develop the activities and programs of the Department involving historically black colleges and universities.

SEC. 112. BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM.

The Office of Minority Economic Impact shall coordinate and develop the Minority Financial Institution Deposit Program of the Department of Energy.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) Working Capital Programs.—There are hereby authorized to be appropriated for each fiscal year beginning with fiscal year 1991, not to exceed—

(1) $5,000,000 for the loan component of the program established under section 101(b)(1); and

(2) $5,000,000 for the venture capital component of the program under section 101(b)(2).

(b) Economic Development Program.—There are hereby authorized to be appropriated for each fiscal year beginning with fiscal year 1991, $2,000,000 to carry out an economic development program within the Office involving, among other functions, the establishment and operation of a central energy-related minority business enterprise development center.

TITLE II—NUCLEAR WASTE FUND

SEC. 201. ADMINISTRATION OF NUCLEAR WASTE FUND.

Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking "in obligation of the United States—" and inserting "in—

"(A) obligations of the United States—"

(2) by redesignating subparagraphs (A) and (B), as clauses (i) and (ii);

(3) by striking the period after "borrowings" and inserting a semicolon and "and"; and

(4) by adding at the end the following new subparagraph:

"(B) the Minority Bank Deposit Program of the Department of the Treasury.".

By Mr. MOYNIHAN (for himself, Mr. Danforth, Mr. Boren, Mr. Chafee, Mr. Pryor, Mr. Heinz, and Mr. Daschle):

S. 1627. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to Government bonds; to the Committee on Finance.

NONPROFIT ORGANIZATIONS TAX-EXEMPT BOND REFORM ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce legislation that will undo what ought never have been done: the classification of bonds of private nonprofit educational institutions and hospitals as those of a private activity. I am joined by my distinguished colleague, Senator Danforth, as well as five other Members of the Senate Finance Committee, Senators Boren, Chafee, Pryor, Heinz, and Daschle.

The Tax Reform Act of 1986 imposed the private activity label on

bonds issued on behalf of nonprofit institutions, collectively known as section 501(c)(3) organizations, thereby obscuring the longstanding recognition in the Internal Revenue Code of the public purposes served by these private institutions. Prior to 1986, the tax law treated private nonprofit colleges, universities, and hospitals essentially the same as governmental entities. Governmental units and section 501(c)(3) organizations were both classified as exempt persons, and accorded the benefits of tax-exempt bonds on the same basis. This represented an explicit recognition in the code of the public purposes served by nonprofit private institutions.

The 1986 act's elimination of the exempt person category and the classification of section 501(c)(3) organizations bonds as private activity bonds has put nonprofit institutions in a lesser status, with their tax-exempt financings vulnerable to restrictions devised for commercial undertakings. Most significant among the restrictions imposed in the 1986 act was the $150 million limitation on the amount of bonds that any nonprofit institution—other than a hospital—may have outstanding. We were successful in 1986 in keeping other private activity bond strictures from being imposed on nonprofits—the minimum tax and statewide volume caps, for example. But the classification of nonprofit institutions' bonds as involving a private activity is the heart of the matter. A distinguishing feature of American society is the singular degree to which we maintain an independent sector—private institutions in the public service, if I may borrow a phrase from New York University. This is no longer so in most of the democratic world; it never was so in the rest. It is a treasure; a distinguishing feature of the American democracy. It is a liberty—if I could use a term a medical lawyer might have used—not to be lost in the interstices of the Tax Code. But mark, it will be if we do not act.

In the age of capital intensive science, to name but one aspect of the matter, a generation of financing under the present restrictions will profoundly change the distribution of major research among the leading institutions in this country. If you accept the judgment of the Association of American Universities that its 58 members represent the ranking research facilities of North America, then you will note that just about half—28—are private. Restricting private research institutions' access to capital financing in relation to public institutions will have a predictable, inevitable impact over a generation. In an age of big science, as scientists say, if we were to continue in this mode, we would not recognize higher education. If I can use an example from California, with this kind of differential in capital costs, we would look up one day and find Stanford to be an institution of the greatest quality as an undergraduate teaching facility—with a fine law school and excellent liberal arts degree program—but with all the big science projects in Berkeley, the State institution.

The legislation that we introduce today will restore the status of nonprofit educational and health institutions, making their access to tax-exempt financing equal to that of their public counterparts.

This parity of status had long been embodied in the Internal Revenue Code, in recognition of the public purposes served by private educational, charitable, religious and other section 501(c)(3) nonprofit institutions. In 1968, when Congress first enacted provisions designed to limit the use of tax-exempt financing by private, nongovernmental enterprises, a critical distinction was made. The new restrictions were to apply to the activities of everyone except exempt persons. An exempt person was thereupon defined as:

> (A) a governmental unit, or
>
> (B) an organization described in section 501(c)(3) * * *
>
> [Section 107(a) of the Revenue Adjustment Act of 1968, amending section 103 of the Internal Revenue Code of 1954.]

Now here we had something important. Private educational, charitable and other nonprofit institutions are said to be imbued with a public purpose such that they were specifically equated for tax-exempt bond purposes with sovereign institutions of government in our Federal system. This was an immunity, if you like, of the largest consequence. And this deemed equivalence of 501(c)(3) organizations and governmental units was preserved in all critical respects in subsequent revisions of the law in this area—perhaps most significantly in 1984, when statewide volume limits were imposed on most nongovernmental tax-exempt bonds.

But the principle of permitting tax-exempt bonds for private nonprofit colleges, universities and hospitals on a parity with their public counterparts has never been embraced by tax theorists. Stanley Surrey, and others, were dismayed to see the right to tax-exempt financing extended beyond a very limited range of core governmental undertakings. Indeed, the very concept of tax-exempt finance is objectionable to many tax theorists, as an inefficient—and therefore irrational—means of delivering a Federal subsidy to State and local governments. Faced with the impossibility of eliminating tax-exempt bonds, the task for the theoritician had been to contain their growth. This thinking was evidenced in the tax reform proposals advanced by the Reagan Administration. Both the initial Treasury Department plan of November 1984 and the revised plan endorsed by the President in May 1985 would have cut back on bond volume by completely eliminating tax-exempt financing for 501(c)(3) organizations.

The Senate Finance Committee version of the Tax Reform Act of 1986 rejected this idea, opting to preserve the essential equivalency of 501(c)(3) organizations and governmental units in their access to tax-exempt financing. The House Ways and Means Committee version took a different view, imposing substantial new restrictions on tax-exempt bonds for 501(c)(3) organizations. The House bill placed 501(c)(3) bonds under the statewide volume cap for the first time, made them subject to the alternative minimum tax, and imposed a $150 million cap on the amount of bonds that any single institution could have outstanding—the per institution cap. While the final version settled in the conference rejected the first two House restrictions, the per institution cap and other lesser restrictions were accepted. Alas, the long-standing equivalency of 501(c)(3) organizations and governmental units was compromised—a fundamental mistake, which today we set out to correct.

Our goal is to restore equal access to capital financing between public and private institutions serving in the fields of education, health care and research. And in no small part to re-establish recognition in the Tax Code of the essential public purposes served by private nonprofit institutions. The extent of the private nonprofit sector's contributions in these fields in this country is unique. The beginnings of higher education in America were private sector initiatives. It was almost two centuries before State-sponsored institutions appeared. In time State institutions would enroll the greater proportion of students, but private colleges and universities continue to be vigorous and typically growing institutions. American higher education is unique in the degree to which its major research institutions are private—about an even split—and to the extent that the private sector contains so many of the most sought after small undergraduate institutions.

The role of private nonprofit hospitals is also a central one. Private nonprofit institutions constitute 60 percent of our Nation's community hospitals—nonfederal, short-term, general hospitals—and 70 percent of all community hospital beds. Private nonprofit hospitals provide a disproportionate amount of services on the forefront of medical technology, such as organ transplants, open-heart facilities, radiation therapy, and genetic counselling. Moreover, most of our Nation's medical education and research is conducted in nonprofit hospitals.

Preservation of equal access to tax-exempt financing is a critical element in maintaining the vigor of private initiatives in higher education and health care, for both are now capital intensive undertakings. A recent National Science Foundation study of the country's private Ph.D.-granting universities estimated that more than 26 percent of these institutions' needed capital expansion for research facilities between now and 1991 will have to be financed through tax-exempt bonds. Moreover, of the 19 private universities that rank in the top 50 in research undertakings, 11 have been foreclosed from tax-exempt financing as a result of the $150 million per institution limit, and another 3 anticipate the same result in the next 2 years. The National Science Foundation further estimates that for university research facilities, about $2.50 of needed construction is currently being deferred for every $1.00 planned. Approximately $3.60 in needed repairs and renovations are being deferred for every $1.00 planned.

The future capital needs of private nonprofit hospitals are also extensive. In my own State of New York, nonprofit hospitals will require about $2.5 billion in capital expansion over the next 2 years—for modernization and replacement of facilities, not expansion of bedspace. The comparable figure for public institutions is $1 billion.

Mr. President, the capital needs of private, nonprofit universities and hospitals merit the very serious attention of this body. The most recent report from the Council for Aid to Education, summarizing giving patterns to higher education in 1987-1988, notes that capital gifts are down by $546 million, or 13.4 percent. Senator BOREN has introduced legislation, of which I am a cosponsor, that would restore a full fair market value charitable deduction for gifts of appreciated property to nonprofit institutions. This is one area that merits our study. This bill is another.

Mr. President, we are perhaps the only democratic nation left in which private institutions, not controlled by government, not financed by government, are deeply involved in activities vital to the public good. The legislation that we introduce today will ensure that tax-exempt financing remains available to these most important institutions on a parity with their public counterparts.

Mr. President, I ask unanimous consent that the text of the bill and an explanation of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonprofit Organizations Tax-exempt Bond Reform Act of 1989".

SEC. 2. TAX TREATMENT OF 501(c)(3) BONDS SIMILAR TO GOVERNMENTAL BONDS.

(a) IN GENERAL.—Subsection (a) of section 150 of the Internal Revenue Code of 1986 is amended by striking paragraphs (2) and (4), by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) EXEMPT PERSON.—

"(A) IN GENERAL.—The term 'exempt person' means—

"(i) a governmental unit, or

"(ii) a 501(c)(3) organization, but only with respect to its activities which do not constitute unrelated trades or businesses as determined by applying section 513(a).

"(B) GOVERNMENTAL UNIT NOT TO INCLUDE FEDERAL GOVERNMENT.—The term 'governmental unit' does not include the United States or any agency or instrumentality thereof.

"(C) 501(c)(3) ORGANIZATION.—The term '501(c)(3) organization' means any organization described in section 501(c)(3) and exempt from tax under section 501(a)."

(b) REPEAL OF QUALIFIED 501(c)(3) BOND DESIGNATION.—Section 145 of the Internal Revenue Code of 1986 is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 141(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking "government use" in subparagraph (A)(ii)(I) and subparagraph (B)(ii) and inserting "exempt person use",

(B) by striking "a government use" in subparagraph (B) and inserting "an exempt person use",

(C) by striking "related business use" in subparagraph (A)(ii)(II) and subparagraph (B) and inserting "related private business use",

(D) by striking "RELATED BUSINESS USE" in the heading of subparagraph (B) and inserting "RELATED PRIVATE BUSINESS USE", and

(E) by striking "GOVERNMENT USE" in the heading thereof and inserting "EXEMPT PERSON USE".

(2) Subparagraph (A) of section 141(b)(6) of such Code is amended by striking "a governmental unit" and inserting "an exempt person".

(3) Paragraph (7) of section 141(b) of such Code is amended—

(A) by striking "government use" and inserting "exempt person use", and

(B) by striking "GOVERNMENT USE" in the heading thereof and inserting "EXEMPT PERSON USE".

(4) Section 141(b) of such Code is amended by striking paragraph (9).

(5) Paragraph (1) of section 141(c) of such Code is amended by striking "governmental units" and inserting "exempt persons".

(6) Section 141 of such Code is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) CERTAIN ISSUES USED TO PROVIDE RESIDENTIAL RENTAL HOUSING FOR FAMILY UNITS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this title, the term 'private activity bond' includes any bond issued as part of an issue if any portion of the net proceeds of the issue are to be used (directly or indirectly) by an exempt person described in section 150(a)(2)(A)(ii) to provide residential rental property for family units.

"(2) EXCEPTION FOR BONDS USED TO PROVIDE QUALIFIED RESIDENTIAL RENTAL PROJECTS.—Paragraph (1) shall not apply to any bond issued as part of an issue if the portion of such issue which is to be used as described in paragraph (1) is to be used to provide—

"(A) a residential rental property for family units if the first use of such property is pursuant to such issue,

"(B) qualified residential rental projects (as defined in section 142(d)), or

"(C) property which is to be substantially rehabilitated in a rehabilitation beginning within the 2-year period ending 1 year after the date of the acquisition of such property.

"(3) SUBSTANTIAL REHABILITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), rules similar to the rules of section 48(g)(1)(C) shall apply in determining for purposes of paragraph (2)(C) whether property is substantially rehabilitated.

"(B) EXCEPTION.—For purposes of subparagraph (A), clause (ii) of section 48(g)(1)(C) shall not apply, but the Secretary may extend the 24-month period in section 48(g)(1)(C)(i) where appropriate due to circumstances not within the control of the owner."

(7) Section 141(f) of such Code, as redesignated by paragraph (6), is amended—

(A) by adding "or" at the end of subparagraph (E),

(B) by striking ", or" at the end of subparagraph (F), and inserting in lieu thereof a period, and

(C) by striking subparagraph (G).

(8) The last sentence of section 144(b)(1) of such Code is amended by striking "(determined" and all that follows to the period.

(9) Clause (ii) of section 144(c)(2)(C) of such Code is amended by striking "governmental unit" and inserting "exempt person".

(10) Section 146(g) of such Code is amended—

(A) by striking paragraph (2), and

(B) by redesignating the remaining paragraphs after paragraph (1) as paragraphs (2) and (3), respectively.

(11) The heading of section 146(k)(3) of such Code is amended by striking "GOVERNMENTAL" and inserting "EXEMPT PERSON".

(12) The heading of section 146(m) of such Code is amended by striking "GOVERNMENT" and inserting "EXEMPT PERSON".

(13) Subsection (h) of section 147 of such Code is amended to read as follows:

"(h) CERTAIN RULES NOT TO APPLY TO MORTGAGE REVENUE BONDS AND QUALIFIED STUDENT LOAN BONDS.—Subsections (a), (b), (c), and (d) shall not apply to any qualified mortgage bond, qualified veterans' mortgage bond, or qualified student loan bond."

(14) Section 147 of such Code is amended by striking paragraph (4) of subsection (b) and redesignating paragraph (5) of such subsection as paragraph (4).

(15) Subparagraph (F) of section 148(d)(3) of such Code is amended—

(A) by striking "or which is a qualified 501(c)(3) bond", and

(B) by striking "GOVERNMENTAL USE BONDS AND QUALIFIED 501(c)(3)" in the heading thereof and inserting "EXEMPT PERSON".

(16) Subclause (II) of section 148(f)(4)(B)(ii) of such Code is amended by striking "(other than a qualified 501(c)(3) bond)".

(17) Subparagraph (A) of section 148(f)(7) of such Code is amended by striking "(other than a qualified 501(c)(3) bond)".

(18) Paragraph (2) of section 149(d) of such Code is amended—

(A) by striking "(other than a qualified 501(c)(3) bond)", and

(B) by striking "CERTAIN PRIVATE" in the heading thereof and inserting in lieu thereof "PRIVATE".

(19) Section 149(e)(2) of such Code is amended—

(A) by striking "which is not a private activity bond" in the second sentence and inserting "which is a bond issued for an exempt person described in section 150(a)(2)(A)(i)", and

(B) by adding at the end thereof the following new sentence: "Subparagraph (D) shall not apply to any bond which is not a private activity bond but which would be such a bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person."

(20) The heading of subsection (b) of section 150 of such Code is amended by striking "TAX-EXEMPT PRIVATE ACTIVITY BONDS" and inserting "CERTAIN TAX-EXEMPT BONDS".

(21) Paragraph (3) of section 150(b) of such Code is amended—

(A) by inserting "owned by a 501(c)(3) organization" after "any facility" in subparagraph (A),

(B) by striking "any private activity bond which, when issued, purported to be a tax-exempt qualified 501(c)(3) bond" in subparagraph (A) and inserting "any bond which, when issued, purported to be a tax-exempt bond, and which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person", and

(C) by striking the heading thereof and inserting "BONDS FOR EXEMPT PERSONS OTHER THAN GOVERNMENTAL UNITS.—".

(22) Paragraph (5) of section 150(b) of such Code is amended—

(A) by striking "private activity" in subparagraph (A),

(B) by inserting "and which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person" after "tax-exempt bond" in subparagraph (A),

(C) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) such facility is required to be owned by an exempt person, and", and

(D) by striking "GOVERNMENTAL UNITS OR 501(C)(3) ORGANIZATIONS" in the heading thereof and inserting "EXEMPT PERSONS".

(23) Section 150 of such Code is amended by adding at the end thereof the following new subsection:

"(f) CERTAIN RULES TO APPLY TO BONDS FOR EXEMPT PERSONS OTHER THAN GOVERNMENTAL UNITS.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be construed to provide an exemption from Federal income tax for interest on any bond which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person unless such bond satisfies the requirements of subsections (b) and (f) of section 147.

"(2) SPECIAL RULE FOR POOLED FINANCING OF 501(C)(3) ORGANIZATION.—

"(A) IN GENERAL.—At the election of the issuer, a bond described in paragraph (1) shall be treated as meeting the requirements of section 147(b) if such bond meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—A bond meets the requirements of this subparagraph if—

"(i) 95 percent or more of the net proceeds of the issue of which such bond is a part are to be used to make or finance loans to 2 or more 501(c)(3) organizations or governmental units for acquisition of property to be used by such organizations,

"(ii) each loan described in clause (i) satisfies the requirements of section 147(b) (determined by treating each loan as a separate issue),

"(iii) before such bond is issued, a demand survey was conducted which shows a demand for financing greater than an amount equal to 120 percent of the lendable proceeds of such issue, and

"(iv) 95 percent or more of the net proceeds of such issue are to be loaned to 501(c)(3) organizations or governmental units within 1 year of issuance and, to the extent there are any unspent proceeds after such 1-year period, bonds issued as part of such issue are to be redeemed as soon as possible thereafter (and in no event later than 18 months after issuance).

A bond shall not meet the requirements of this subparagraph if the maturity date of any bond issued as part of such issue is more than 30 years after the date on which the bond was issued (or, in the case of a refunding or series of refundings, the date on which the original bond was issued)."

(24) Section 1302 of the Tax Reform Act of 1986 is repealed.

(25) Subparagraph (C) of section 57(a)(5) of such Code is amended by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(26) Paragraph (3) of section 103(b) of such Code is amended by inserting "and section 150(f)" after "section 149".

(27) Paragraph (3) of section 265(b) of such Code is amended—

(A) by striking clause (ii) of subparagraph (B) and inserting the following:

"(ii) CERTAIN BONDS NOT TREATED AS PRIVATE ACTIVITY BONDS.—For purposes of clause (i)(II), there shall not be treated as a private activity bond any obligation issued to refund (or which is part of a series of obligations issued to refund) an obligation issued before August 8, 1986, which was not an industrial development bond (as defined in section 103(b)(2) as in effect on the day before the date of the enactment of the Tax Reform Act of 1986 (or a private loan bond (as defined in section 103(o)(2)(A), as so in effect, but without regard to any exemption from such definition other than section 103(o)(2)(A)).''; and

(B) by striking "(other than a qualified 501(c)(3) bond, as defined in section 145)" in subparagraph (C)(ii)(I).

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1989.

(2) SPECIAL RULE FOR CERTAIN BONDS ISSUED AFTER DECEMBER 31, 1989.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any bond which—

(i) is issued after December 31, 1989, and

(ii) is part of an issue which is subject to any transitional rule under subtitle B of title XIII of the Tax Reform Act of 1986.

(B) ELECTION OUT.—This paragraph shall not apply to any issue with respect to which the issuer elects not to have this paragraph apply.

EXPLANATION OF NONPROFIT ORGANIZATIONS TAX-EXEMPT BOND ACT OF 1989

PRESENT LAW

The Internal Revenue Code of 1986 ("the Code") generally excludes from income interest on State and local government bonds if the bonds are issued to finance direct activities of these governments (Code sec. 103). Interest on bonds issued by these governments to finance activities of other persons, *e.g.*, private activity bonds, is taxable unless a specific exception is included in the Code. One such exception is for private activity bonds issued to finance activities of charitable organizations described in Code section 501(c)(3) ("section 501(c)(3) organizations") when the activities do not constitute an unrelated trade or business (Code sec. 141(e)(1)(G)).

Classification of section 501(c)(3) organization bonds as private activity bonds

Before enactment of the Tax Reform Act of 1986, States and local governments and section 501(c)(3) organizations both were defined as "exempt persons, under the Code bond provisions, and their bonds generally were subject to the same requirements. As exempt persons, section 501(c)(3) organizations were not treated as "private" persons, and their bonds were not "industrial development bonds" or "private loan bonds" (the predecessor categories to current private activity bonds).

Under present law, a bond is a private activity bond if its proceeds are used in a manner violating either (i) a private business test or (ii) a private loan test. The private business test is a conjunctive two-pronged test. First, the test limits private business use of government bonds to no more than 10 percent of the proceeds.[1] Second, no more than 10 percent of the debt service on the bonds may be derived from private business users of the proceeds. The private loan test limits to the lesser of five percent or $5 million the amount of governmental bond proceeds that may be used to finance loans to persons other than governmental units.

Special restrictions on tax-exemption for section 501(c)(3) organization bonds

As stated above, present law treats section 501(c)(3) organizations as private persons; thus, bonds for their use may only be issued as private activity "qualified 501(1)(3) bonds," subject to the restrictions of Code section 145. The most significant of these restrictions limits the amount of outstanding bonds from which a section 501(c)(3) organization may benefit to $150 million. In applying this "$150 million limit," all section 501(c)(3) organizations under common management or control are treated as a single organization. The limit does not apply to bonds for hospital facilities, defined to include only acute care, primarily inpatient, organizations. A second restriction limits to no more than five percent the amount of the net proceeds of a bond issue that may be used to finance any activities (including all costs of issuing the bonds) other than the exempt purposes of the section 501(c)(3) organization.

Legislation enacted in 1987 imposed low-income tenant occupancy restrictions on existing residential rental property that is acquired by section 501(c)(3) organizations in tax-exempt-bond-financed transactions. These restrictions require that a minimum number of the housing units comprising the property be continuously occupied by tenants having family incomes of 50 percent (60 percent in certain cases) of area median income for periods of up to 15 years. These same low-income tenant occupancy requirements apply to for-profit developers receiving tax-exempt private activity bond financing.

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[1] No more than 5 percent of bond proceeds may be used in a private business use that is unrelated to the governmental purpose of the bond issue. The 10-percent debt service test, described below, likewise is reduced to 5 percent in the case of such "disproportionate" private business use.

Other restrictions

The Code imposes several restrictions on private activity bonds generally that do not apply to bonds used to finance direct State and local government activities. Many of these restrictions also apply to qualified 501(c)(3) bonds.

No more than 2 percent of the net proceeds of a bond issue may be used to finance the costs of issuing the bonds, and these monies are not counted in determining whether the bonds satisfy the requirement that at least 95 percent of the net proceeds of each bond issue be used for the exempt activities qualifying the bonds for tax-exemption.

The weighted average maturity of a bond issue may not exceed 120 percent of the average economic life of the property financed with the proceeds.

A public hearing must be held and an elected public official must approve the bonds before they are issued (or the bonds must be approved by voter referendum).

If property financed with private activity bonds is converted to a use not qualifying for tax-exempt financing, certain loan interest penalties are imposed.

Both governmental and private activity bonds are subject to numerous other Code restrictions, including the following:

The amount of arbitrage profits that may be earned on tax-exempt bonds is strictly limited, and most such profits must be rebated to the Federal Government.

Banks may not deduct interest they pay to the extent of their investments in most tax-exempt bonds.

Finally, interest on private activity bonds, other than qualified 501(c)(3) bonds, is a preference item in calculating the alternative mnimum tax.

DESCRIPTION OF THE BILL

The bill would amend the tax-exempt bond provisions of the Code to conform generally the treatment of section 501(c)(3) organization bonds to that provided for bonds issued to finance direct State or local government activities. Certain restrictions, described below, that have been imposed on section 501(c)(3) organization bonds (but not on governmental bonds) since 1985, and that address specialized policy concerns, would be retained.

Repeal of private activity bond classification for section 501(c)(3) organization bonds

The concept of an "exempt person" that existed under the Code bond provisions before 1986, would be reenacted. An exempt person would be defined as (i) a State or local governmental unit or (ii) a section 501(c)(3) organization, when carrying out its exempt activities under Code section 501(a). Thus, bonds for section 501(c)(3) organizations would no longer be classified as private activity bonds. Financing for unrelated business activities of such organizations would continue to be treated as a private activity for which tax-exempt financing is not authorized.

As exempt persons, section 501(c)(3) organizations would be subject to the same limits as States and local governments on using their bond proceeds to finance private business activities or to make private loans. Thus, no more than 10 percent of the bond proceeds[2] could be used in a business use of a person other than an exempt person if the Code security interest test were satisfied, and no more than five percent ($5 million if less) could be used to make loans to such "nonexempt" persons. By classifying governmental units and section 501(c)(3) organizations into a single category, the bill would eliminate present-law impediments to common financings by eliminating the present-law need for separate bond issues—even when the activities of the parties are closely affiliated.

Repeal of most additional restrictions on section 501(c)(3) organization bonds

Present Code section 145, which establishes additional restrictions on qualified 501(c)(3) bonds, would be repealed, along with the restriction on bond-financed costs of issuance for section 501(c)(3) organization bonds (Code sec. 147(h)). This repeal of Code section 145 would eliminate the $150 million per institution limit on nonhospital bonds for section 501(c)(3) organizations.

Retention of certain specialized requirements for section 501(c)(3) organization bonds

As stated above, certain specialized restrictions on bonds for section 501(c)(3) organizations would be retained. First, the bill would retain the requirement that existing residential rental property acquired by a section 501(c)(3) organization in a tax-exempt-bond-financed transaction satisfy the same low-income tenant requirements as similar housing financed for for-profit developers. Second, the bill would retain the present-law maturity limitations applicable to bonds for section 501(c)(3) organizations, and the public approval requirements applicable generally to private activity bonds. Third, the bill would continue to apply the penalties on changes in use of tax-exempt-bond-financed section 501(c)(3) organization property to a use not qualified for such financing.

Finally, the bill would make *no* amendments, other than technical conforming amendments, to the Code arbitrage restrictions, the alternative minimum tax tax-exempt bond preference, or the provisions generally disallowing interest paid by banks on monies used to acquire or carry tax-exempt bonds.

EFFECTIVE DATE

The bill would apply generally to bonds issued after December 31, 1989.

An exception would permit bonds for which a transitional exception was provided in the Tax Reform Act of 1986 to be issued under the rules currently applicable to those bonds, unless the issuers elected to be subject to the bill's provisions. Such an election would be made on an issue-by-issue basis before the bonds were issued, and would be irrevocable once made.

Mr. DANFORTH. Mr. President, I am proud to support this legislation to aid major colleges and universities and other charitable institutions in their efforts to expand and improve their facilities.

As part of the Tax Reform Act of 1986, Congress placed a cap on the amount of tax-exempt bonds that can be issued by organizations such as charitable groups and private colleges and universities. Because of this legislation, private colleges and universities and other philanthropic institutions may not have outstanding more than $150 million of tax-exempt obligations. The $150 million cap does not apply to bonds, the proceeds of which are to be used with respect to a hospital. This bill eliminates the $150 million cap for all qualified organizations. In other words, this bill will allow private colleges and universities and other qualified charitable institutions to issue tax-exempt bonds without limitation for the purpose of building, expanding, and improving their facilities and equipment. It should be noted that these tax-exempt bonds, will be treated in the same manner as governmental bonds, and that these private institutions will receive this tax-exempt status only with respect to their exempt activities.

Mr. President, every day we are bombarded by reports of our Nation's competitive deficiencies. Our trade deficit grows, jobs are exported while goods are imported, and new technology is increasingly being developed overseas. We are told that our declining position in the world economy is due to, among other factors, a decline in our country's educational system and our research facilities. Japan produces more engineers and scientists per capita than the United States. Both Japan and West Germany spend more of their gross national product on civilian research than the United States. It is said that in order for us to be able to compete effectively with economic leaders such as Japan and West Germany, our society must place more emphasis on educating our children, and must make a bigger commitment to research.

However, it is difficult to ask Americans to make such commitments when we on Capitol Hill have taken steps to devalue such important functions as education and research. Instead of encouraging more students to continue their education, we cut back on Federal assistance to higher education, we eliminated the deductibility of interest paid on student loans, and we tax some student scholarships and fellowships. Instead of working with higher education and industry to develop a joint government-education-industry partnership to get America back on its feet, we raise business taxes, increase the cost of capital, limit incentives for private individuals to make gifts to colleges and universities, and increase the costs of research activities conducted on the campuses of our major private research colleges and universities.

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[2] This limit would be reduced to five percent in the case of disproportionate private use as under the present-law governmental bond disproportionate private use limit.

The bill introduced today certainly doesn't address all of these pressing issues, but it would solve one problem. This bill says that private colleges and universities, as well as other charitable institutions, will be able to seek sorely-needed financing.

In order for colleges and universities to continue to carry out their mission, they need to have access to resources sufficient to fulfill their needs. Tuition cannot be expected to pick up the slack, even though tuition has almost doubled in the 1980s. Indeed, the magnitude of the problem is such that even if tuition doubled again, the unmet facilities' needs could not be funded. Instead, colleges and universities need to be able to turn to the bond market to fund their essential projects. Unfortunately, many premier research institutions are now or will soon be at the $150 million cap. Many millions are needed to fund these schools' pressing capital needs over the next 3 to 5 years. These needs include more research space, library expansion, and rehabilitation of existing structures. Without this bill, colleges and universities will make increased interest payments instead of improving facilities and holding the line on tuition. Let's help our colleges and universities educate our children, not discourage these institutions.

Listen to the words of D. Allan Bromley, Director-designate of the Office of Science and Technology Policy, Executive Office of the President, testifying in front of the Senate Commerce Committee on July 21, 1989:

> A healthy and productive national economy is fundamental to all else that we do. Increasingly it is our know-how that constitutes our edge in an increasingly competitive global market. But to respond successfully to growing pressure from international competitors, we must continue to innovate at a rapid rate. That in turn means both continued investment in research and development, by both the federal and private sectors, and the development of policies and mechanisms to insure the rapid application of research discoveries and the maintenance of a healthy science base. We are unique among the developed nations, for example, in the demands that our private sector make upon our colleges and universities both for new fundamental knowledge and for the young minds trained to use it creatively. But after more than a decade of belt tightening, when even more than ever before is being demanded of them, these institutions find themselves with decaying infrastructures, obsolete equipment and growing shortages of both faculty and students in many important areas. These are problems that we can only ignore at our peril.

At present, at least two dozen private colleges and universities have exceeded the $150 million borrowing level. Further, the National Science Foundation [NSF] predicts that an additional three of the top Federal research and development universities will exceed the cap in the next 3 years. The White House Science Council estimated in 1986 that, at a minimum, $10 billion is needed between 1986 and 1996 for university facilities and equipment. Even more troubling, the NSF reports that for every $1 of construction that is planned, institutions are deferring about $2.50 of needed construction, and for every $1 of repair and renovation that is planned, an additional $3.60 in needed repairs and renovations is being deferred. This is not a trivial concern.

In 1989, Coopers & Lybrand's report, "The Decaying American Campus," confirmed the NSF findings. Of the estimated $60 billion needed to renew and replace aging facilities, more than $20 billion, $7.2 billion represent urgent needs of research universities. Thus, the longer we wait to help these vital institutions, the more troubling and enormous the problem will become. Already, one-third of higher education's physical plants are at least 30 years old. Let me emphasize again that this problem is not solely these institutions' problem; it is our Nation's problem.

Leaders of public colleges and universities, which would not directly benefit from this legislation, endorse the idea of extending this proposed benefit to their private counterparts. Robert L. Clodius, president of the National Association of State Universities and Land Grant Colleges has said that "* * * the cap on private universities merely increases the cost of research at U.S. institutions and must be removed if the United States is to retain its world leadership role." Dr. Hans Mark, chancellor of the University of Texas System, testifying in front of the Subcommittee on Taxation and Debt Management of the Committee on Finance on April 3, 1987, stated that "* * * in recent years, the tax exempt securities market has become an important source of funds for building new laboratories." He went on to state that the $150 million tax cap "* * * will affect many of our nation's foremost research universities, and for that reason we should all be concerned." Although Dr. Mark was testifying with respect to eliminating the cap for research facilities, his concern was based on the recognition that basic research undertaken by our colleges and universities, regardless of whether they are public or private institutions, is essential to maintaining our Nation's leadership position in a world of rapidly expanding technological capabilities. This bill would provide support for this critical activity, by allowing private colleges and universities to further all of their educational objectives more easily.

Others share this view that increased support of higher education will help solve our competitiveness problem. In 1986, the White House Science Council Panel on the Health of U.S. Colleges and Universities submitted its report, "A Renewed Partnership," to the President of the United States. This report emphasizes that increased Federal support of research conducted by our Nation's universities is critical to the health of our economy. The report states:

> We are certainly not alone in recognizing that science and technology are critical to our force. Nations everywhere are investing in these capabilities. We conclude that we must rethink and, in many ways, rebuild the critically important interaction between universities, government, and industry that has served this Nation so well in the past. The federal government-university relationship is too fundamental to the maintenance of our national science and technology base to be taken for granted, and the industry-university partnership is emerging as critical to exploiting that base in order to compete in the world marketplace.
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> One conclusion is clear: our universities today simply cannot respond to society's expectations for them or discharge their national responsibilities in research and education without substantially increased support.
>
> The strength of the nation in trade, defense, and health has been directly related to past investments in science and technology. Our future position in global markets will similarly depend on our willingness to respond to opportunity and to mobilize our strengths today. To this end, we must promote a broad interdisciplinary approach to problem-solving by focusing on university-based centers that will improve cooperative linkages between scientists, engineers, and industry.

This bill addresses only one of the issues that needs to be dealt with as we work to regain our competitive edge in the world, but I believe that it deals with an important issue in a positive, constructive manner.

Mr. President, I join with my distinguished colleague from New York in urging the Senate to act quickly to pass this bill.

By Mr. BENTSEN (for himself, Mr. Packwood, Mr. Moynihan, Mr. Dole, Mr. Armstrong, Mr. Chafee, Mr. Daschle, Mr. Durenberger, Mr. Heinz, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Coats, Mr. DeConcini, Mr. Gore, Mr. Hatch, Mr. Humphrey, Mr. Leahy, Mr. McConnell, Mr. Nunn, Mr. Simon, and Mr. Thurmond):

S. 1628. A bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child; to the Committee on Finance.

SPECIAL NEEDS ADOPTION ASSISTANCE ACT

Mr. BENTSEN. Mr. President, yesterday the Washington Post finished a series on yet another way that children can become victims in American society. It told of a 9-year-old girl, running away from home on a cold February night, dialing 911 from a phone booth, begging the police for help; her mother was on drugs and could not feed her or her three siblings.

It described a mother who told her 7 year old she was going to "heaven to see her grandmother" then forced her to swallow an overdose of drugs. It told of a woman with drug and mental problems, who tried to give one of her babies to a security guard, and left another on the steps of a homeless shelter. It told of a 7 week old, put in her grandmother's charge, found dead—according to the autopsy—from starvation and "blunt force trauma to the head."

Mr. President, nearly a decade ago, Congress enacted legislation designed to provide a stable, nurturing, and permanent family environment for children. That legislation emphasized reunification with the child's family. When that was not possible, it encouraged adoption.

The legislation did not work as well as we hoped. As the Post series makes indisputably clear, social service agencies are swamped with cases of children in desperate circumstances—not only in Washington, but in San Antonio, or Houston, or Dallas. We need to do more to encourage adoption.

That is why I am pleased to join in sponsoring the Special Needs Adoption Assistance Act of 1989. I commend President Bush for his interest in helping these children.

Special needs children are those who are particularly difficult to place. Maybe they are too old. Or mentally handicapped. Or confined to a wheelchair. Or belong to a minority. In 1985 there were about 8,000 children with special needs, waiting to be adopted.

What is the alternative for them? If they cannot find a happy, stable home, they must spend their childhood years in foster care, without security, without continuing care, without the loving attention they need. In some States, the median waiting period for them is over 3 years.

We should encourage the adoption of special needs children. This proposal does just that. It also complements one endorsed by the administration and introduced by me earlier this year; that proposal eliminated discrimination in Social Security benefits for children who are adopted.

Mr. President, the Post article was not entirely grim. It also talked about Mae Harris, a foster mother in Prince George's County. She has four adopted children—and has taken care of as many as 10 at one time. "The kids have to have a place to say," she says.

Ms. Harris is not asking for help. She is doing this out of generosity and a loving heart. As are the families that have opened their homes to adopted children all over this country. If they are willing to help so unstintingly, we should be willing to help them. I encourage my colleagues to join me in cosponsoring this important piece of legislation, and ask unanimous consent that the text of S. 1628 be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Needs Adoption Assistance Act of 1989".

SEC. 2. ADOPTION EXPENSE DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 221 as section 222 and by inserting after section 221 the following new section:

"SEC. 221. SPECIAL NEEDS ADOPTION EXPENSES DEDUCTION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the individual for such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $3,000.

"(2) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) REIMBURSEMENTS.—If a taxpayer is reimbursed for any qualified adoption expenses for which a deduction was allowed under subsection (a), the amount of such reimbursement shall be includible in the gross income of the taxpayer in the taxable year in which such reimbursement was received.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses which—

"(A) are directly related to the legal adoption of a child with special needs by the taxpayer,

"(B) are not incurred in violation of State or Federal law, and

"(C) are of a type eligible for reimbursement under the adoption assistance program under part E of title IV of the Social Security Act.

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (13) the following new paragraph:

"(14) ADOPTION EXPENSES.—The deduction allowed by section 221 (relating to deduction for expenses of adopting a child with special needs)."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 221 and by inserting the following new items:

"Sec. 221. Special needs adoption expenses deduction.

"Sec. 222. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 3. REIMBURSEMENT OF SPECIAL NEEDS ADOPTING EXPENSES TO FEDERAL EMPLOYEES.

(a) REIMBURSEMENT OF SPECIAL NEEDS ADOPTION EXPENSES.—Chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5597. Reimbursement of special needs adoption expenses

"(a) For purposes of this section—

"(1) the term 'qualifying adoption expenses' means reasonable and necessary adoption and court costs, attorney fees, and other expenses, as determined appropriate under regulations prescribed by the Office of Personnel Management, which expenses are directly related to the legal adoption of a child with special needs; and

"(2) the term 'child with special needs' means a child who would be difficult to place with adoptive parents because of a factor or condition, such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps.

"(b)(1) The Office of Personnel Management shall establish a demonstration program under which an Executive agency shall, in accordance with the provisions of this section, reimburse an employee for qualifying adoption expenses incurred by the employee in connection with the adoption of a child with special needs.

"(2) An Executive agency, in order to determine whether or not an adoptive child is a child with special needs, may require an employee who applies for reimbursement under this section to obtain certification from a State or a public or nonprofit private adoption agency that the adoptive child is a child with special needs, and the Executive agency may rely upon such certification in determining whether the employee is entitled to reimbursement of qualifying adoption expenses.

"(3) An employee may not be paid more than $2,000 under this section in connection with the adoption of each child, or more than $5,000 under this section in any calendar year if the employee adopts more than 2 children.

"(c) payment may not be made under this section—

"(1) in any adoption in which one of the adopting parents is the biological parent of the adopted child;

"(2) in any adoption of a child 18 years of age or older;

"(3) in any adoption of a child who, immediately prior to the adoption, was not a citizen or legal resident of the United States;

"(4) in any adoption in which the employee separates from the service before the adoption is final; or

"(5) made payment or for which the employee has been reimbursed under any other adoption program of the United States or of a State of local government.

"(d) Payments under this section shall be made from the same appropriation or account that is available for the payment of the basic pay of the employee to whom payment is to be made.

"(e)(1) The Office of Personnel Management shall prescribe any necessary regulations and provide assistance to Executive agencies in the administration of this section.

"(2) The Office of Personnel Management shall transmit a report to the President and the Congress on the operation of this demonstration program under this section by October 1, 1992.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The subchapter heading of subchapter IX of chapter 55 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IX—MISCELLANEOUS PROVISIONS".

(2) The table of sections of chapter 55 of title 5, United States Code, is amended—

(A) by striking out the item relating to subchapter IX and inserting in lieu thereof the following:

"SUBCHAPTER IX—MISCELLANEOUS PROVISIONS"; and

(B) by adding after the item relating to section 5596 the following new item:

"5597. Reimbursement of special needs adoption expenses.".

(c) EFFECTIVE DATE PROVISIONS.—(1) The amendments made by this Act shall take effect on January 1, 1990, and shall be applicable with respect to adoption expenses incurred on or after that date.

(2) The amendments made by this Act, unless extended by an Act of Congress, are repealed on December 31, 1993, and no reimbursement shall be made for adoption expenses incurred after that date.

● Mr. PACKWOOD. Mr. President, I am pleased to join the distinguished chairman of the Finance Committee, Senator BENTSEN, and several other Members on both sides of the aisle, as an original cosponsor of the President's Special Needs Adoption Assistance Act of 1989.

The legislation would establish a tax deduction of up to $3,000 to help families with the one-time costs of adopting a disabled or other "special needs" child. A special needs child is one whose disability, medical condition, race, or other characteristics have made adoption especially difficult. The bill would also establish a demonstration program under which Federal employees could be reimbursed for up to $2,000 of such costs. The Treasury Department estimates that the bill would cost the Government $3 million per year.

President Bush deserves much credit for focusing our attention on this important issue. This bill will help promote adoption of children who desperately need a stable family setting.

Mr. President, we know that there are many special needs children who languish far too long without the benefit of a permanent, loving family. Perhaps the child has a medical condition or has several brothers or sisters who also need a home. It can be difficult to find an adoptive family for such a child, who may well have lived in several different temporary foster homes.

We also know that the one-time costs of adopting a child can be high, at times exceeding $10,000. Many families may wish to adopt such a special needs child, but find the court costs, attorney fees, and other one-time expenses daunting. These families are making a long-term commitment of support for the child—financially and as loving parents. Both the children and their families would benefit from help with the one-time adoption costs. My hope is that the tax deduction will encourage more adoptions of these special needs children, for whom it is hard to find stable, permanent homes.

I will work hard to bring about enactment of this important legislation.●

By Mr. SPECTER:

S. 1629. A bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killing, and for other purposes; to the Committee on the Judiciary.

TORTURE VICTIM PROTECTION ACT OF 1989

Mr. SPECTER. Mr. President, today I am introducing the Torture Victim Protection Act of 1989 to clearly establish a Federal right of action by both aliens and U.S. citizens against persons engaging in torture or extrajudicial killing under actual or apparent authority of any foreign nation. This legislation is identical to S. 824 which I introduced on March 24, 1987.

The House of Representatives clearly demonstrated its strong support in the 100th Congress by passing this legislation by voice vote.

While virtually every nation now condemns torture and extrajudicial killing in principle, in practice more than one-third of the world's governments engage in, tolerate, or condone such acts. A 1986 United Nations report indicates that torture remains widespread worldwide and may become "the plague of the second half of the 20th century."

These systematic and institutional violations of human rights occur in countries of every political persuasion and in every region of the world. The U.N. report involved 33 countries, including Chile, South Africa, the Soviet Union, Iran, El Salvador, Guatemala, Afghanistan, Uganda, Ecuador, Honduras, Indonesia, and Comoros, a group of islands in the Indian Ocean off Africa. Although national laws may ban torture, the report said, "this moral awakening has not yet had tangible results for everybody."

Mr. President, this bill is designed to provide tangible results—a cause of action for damages for violation of the law of nations condemning torture and extrajudicial killing.

Because of its longstanding commitment to individual rights and the rule of law, the United States has assumed a special responsibility in promoting respect for human rights throughout the world. We have long recognized that if international human rights are to be given legal effect, adhering nations must make available domestic remedies and sanctions to address abuses regardless of where they occur.

When the U.N. Convention Against Torture was adopted without a dissenting vote in the General Assembly in December 1984, Ambassador Richard Schifter, former Alternative U.S. Representative, stated that "* * * the mere setting of standards as we all know, is not enough. There is ample evidence of a wide gulf between lofty words and the unacceptable practices which continue unabated in many parts of the world. One of the most flagrant continuing violations of human rights is torture—a crude violation of everything that we understand by the word 'human.' As long as torture persists further steps are needed to translate our words into action to eliminate this abhorrent practice."

Respect for human rights has been an integral part of our foreign policy for over a decade. In 1974, Congress amended the Foreign Assistance Act to require that security assistance be terminated if the receiving country's government was engaged in human rights violations. Torture is specified as one of those violations. In 1975 the same act was amended to include section 116 which applies restrictions to economic assistance. Then, in 1977, the sale of agricultural commodities under section 112 of the Agricultural Trade Development and Assistance Act was also restricted.

In 1984, after a series of hearings before the House Foreign Affairs Committee and the Senate Foreign Relations Committee on the phenomenon of torture, Congress adopted and the President signed a joint resolution on torture. In reaffirming the United States abhorrence of the use of torture under any circumstances, the resolution calls upon the Congress to develop concrete mechanism by which the United States can combat the use of torture throughout the world. Specifically, the joint resolution calls for the "enactment and vigorous implementation of laws to reinforce the United States policies with respect to torture." Passage of the Torture Victim Protection Act would begin to fulfill that mandate.

The bill clarifies and expands existing law by clearly establishing a Federal right of action against violators of human rights and authorizing suits by both aliens and U.S. citizens who have been victims of gross human rights abuses.

Significantly, this legislation contains several important limitations. Only persons acting "under actual or apparent state authority" would be liable for damages; the courthouse door would not be opened wide to suits based upon any type of violent international crime. In addition, the courts could decline jurisdiction over such suits if it were shown by "clear and convincing evidence" that the claimant had not exhausted "adequate and available remedies" in the nation where the alleged violations took place. Thus, only a limited number of cases are likely to be adjudicated under the proposed statute each year. The legislation, therefore, would have a minimal effect on the caseload of U.S. Federal courts.

The definition of "torture" contained in the bill is derived from the widely recognized definition contained in the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The United States joined the consensus of other nations from around the world in adopting this Convention.

The definition of "extrajudicial killing" is specifically derived from common article 3 of the Geneva Conventions of 1949. Several international instruments incorporate the international consensus that the right to life may not be breached by extrajudicial means—see, for example, American Convention on Human Rights, article 4; European Convention for the Protection of Human Rights and Fundamental Freedoms, article 2, International Covenant on Civil and Political Rights, article 6.

While human rights violators seldom present themselves to their victims while in the United States, providing victims of gross human rights abuses access to the courts is of both practical and symbolic importance. This provision would add a new dimension to U.S. human rights policy by serving notice to individuals engaged in human rights violations that the United States strongly condemns such acts and will not shelter human rights violators from being held accountable in appropriate proceedings. The legislation also would encourage other nations to develop and apply meaningful domestic remedies, clearly the most effective deterrent to continued human rights abuses. Finally, the proposed legislation provides individual victims with the possibility, however remote, of obtaining some measure of justice.

The proposed legislation is based on the principle that human rights violations are not an abstract problem upon which the United States can have little effect. This country can and should become a model for other nations by extending practical remedies to victims of human rights abuses. Accordingly, I urge my colleagues to join us in support of this vital human rights legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Torture Victim Protection Act of 1989".

LIABILITY; LIMITATIONS ON REMEDIES

SEC. 2. (a) Every person who, under actual or apparent authority of any foreign nation, subjects any person to torture or extrajudicial killing shall be liable to the party injured or his or her legal representatives in a civil action.

(b) The court shall decline to hear and determine a claim under this section if the defendant establishes that clear and convincing evidence exists that the claimant has not exhausted adequate and available remedies in the place in which the conduct giving rise to the claim occurred. The court shall not infer the application of any statute of limitations or similar period of limitations in an action under this section.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "torture" shall include any act by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on a person for such purpose as obtaining from that person or a third person information or a confession, punishing that person for an act that person or a third person has committed or is suspected of having committed, or coercing that person or a third person, or for any reason based on discrimination of any kind; and

(2) the term "extrajudicial killing" means a deliberated killing without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. GRAHAM, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MITCHELL, Mr. MOYNIHAN, Mr. WARNER, Mr. COHEN, and Mr. CRANSTON):

S. 1630. A bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient quality standards, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT

Mr. BAUCUS. Mr. President, it is a pleasure today to join my colleagues on the Environment and Public Works Committee in introducing the Clean Air Restoration and Standards Act of 1989.

This bill is an important first step in clearing up the air pollution that is choking our cities. It outlines a comprehensive and effective response to the very serious air pollution problems which our cities are facing.

In testimony before the committee, medical experts declared that we are dealing with a public health crisis. Over 150 million Americans, well over half of our Nation's population, now live in cities with pollution levels that are considered unsafe by EPA and medical experts.

Almost every American city violates the health standard for ozone and carbon monoxide, or both. In addition, many areas violate EPA's recently established health standard for small particulate matter.

The pollution of our air is growing. According to EPA, last summer's ozone levels were the worst in a decade. Many areas reported record high ozone levels and 28 new cities, with 15 million more Americans, violated the ozone standard. This comes at a time when many are questioning the adequacy of the current ozone standard in protecting the health of Americans, especially young children, the elderly, and those whose health is already compromised by respiratory disease.

We need tough new pollution control measures to reverse this trend. And we need them now. Unless tough new measures are adopted, air pollution levels will continue to grow.

There is no doubting that air pollution has serious health consequences. In 1987, Harvard researcher Dr. Haluk Ozkaynak testified before our committee that—

> In every epidemiological investigation that we have performed over the past 6 years, we have repeatedly found a 2- to 5-percent air pollution effect on human mortality and morbidity.

Earlier this year, Dr. Bailus Walker of the State University of New York at Albany's School of Public Health testified that without further action to combat air pollution we could expect, as a conservative estimate, another 100,000 to 150,000 premature deaths per year. This number is significantly higher than the 49,000 people who were killed last year in traffic fatalities.

The health problem is serious and it is pervasive. Ozone pollution causes a wide range of adverse consequences, including chest pains, shortness of breath, coughing, nausea, throat irritation, and susceptibility to respiratory infection. Even more troubling is the growing body of research which indicates that long-term repeated exposure to ozone pollution can permanently scar lung tissue. Ultimately, emphysema or lung cancer may result.

Ozone is particularly harmful to young children who have small, developing airways and those with existing respiratory diseases such as asthma or emphysema.

Carbon monoxide pollution is no less serious. Carbon monoxide interferes with the ability of blood to bring oxygen to the body's tissues. It is especially harmful to the millions of Americans with heart disease and angina. Research also indicates that exposure of expectant mothers to carbon monoxide can cause permanent brain damage in fetuses.

There are those who will argue that the cost of emissions controls is prohibitive. I would argue that the cost of inaction is larger.

The American Lung Association has estimated that the health care costs of air pollution, not including the pain and suffering of those afflicted, is $40 billion annually. This number can only grow with inaction. Added to this are billions of dollars each year in crop and forest damage. Most Americans support strong pollution controls to clean up the air. It is far less expensive to clean up the air now, than pay with our lungs later.

The bill I am introducing with my colleagues today is designed to bring healthful air quality to our cities. It is an effective and practical plan. It is a bill which is supported by State and local air pollution groups. It is a bill which makes clear to industry the steps they must take to reduce air pollution.

The Clean Air Restoration and Standards Act extends the deadlines that these cities have to reach the health standards whole requiring additional control measures of these areas.

Because both motor vehicles and local sources share equally in the creation of the air pollution problem, they must each be part of the solution.

I expect this bill will cut auto emissions by 50 percent by the year 2000. Although auto manufacturers have made significant emissions reductions over the years, the number of vehicles and vehicle miles traveled continues to increase. Therefore, it is important that motor vehicles continue in their progress toward lower levels of emissions.

This bill establishes a number of measures to reduce emissions from motor vehicles. It sets new tailpipe standards for nitrogen oxides and hydrocarbons, both precursers of ozone formation. It establishes a new standard for carbon monoxide under cold weather conditions. It requires the maximum reductions in evaporative hydrocarbon emissions, both while the car is in the idle mode and while it is running.

As a first major step toward controlling greenhouse gases, the bill requires cars to meet—for the first time—a carbon dioxide standard.

Local sources are also asked to do their share. The number and severity of requirements are tailored to the extent of the area's ozone problem.

Ozone areas are divided into 4 groups—moderate, serious, severe, and extreme, and granted extensions which range from 5 to 20 years. Carbon monoxide areas are divided into two groups—moderate and serious with 5- and 10-year deadlines.

Moderate areas which receive a 5-year extension are asked to do a minimal amount. Severe areas which receive a 15-year extension are required to do significantly more. Los Angeles, the only city allowed to have 20 years to clean up its air, must implement the greatest amount of pollution controls. All but moderate areas must meet an annual percent reduction in their emissions inventory.

Areas with more severe problems are also required to prevent increased use of cars from overtaking other emissions control efforts.

Finally, our bill contains tough sanctions for those who fail to submit or implement a State implementation plan, or who fail to achieve their emissions milestones. However, it does not impose the traditional construction ban or a highway fund cut-off for areas which have acted in good faith, but have failed to achieve their attainment deadline.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Clean Air Restoration and Standards Attainment Act of 1989".

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TITLE I—PROVISIONS FOR ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS

DESIGNATIONS OF AREAS

SEC. 101. (a) DESIGNATIONS.—Section 107 of the Clean Air Act is amended by adding the following new subsection:

"(f)(1) Upon promulgation of a new or revised national ambient air quality standard, the Administrator shall designate as attainment, nonattainment or unclassified all areas of the country pursuant to this subsection as expeditiously as practicable, but in no case later than six months from the date of promulgation of the new or revised standard. Such period may be extended for specific areas for up to six additional months in the event the Administrator has, after making reasonable efforts to obtain the relevant information, insufficient information to make the designations. The Administrator shall designate as—

"(A) nonattainment, any area that does not meet (or contributes to ambient air quality in a nearby area that does not meet) the new or revised national ambient air quality standard for the pollutant;

"(B) attainment, any area (other than an area identified in subparagraph (A)) that meets the new or revised national ambient air quality standard for the pollutant;

"(C) unclassifiable, any area that cannot be classified on the basis of available information as having met the new or revised national ambient air quality standard for the pollutant.

"(2) A designation for an area made pursuant to this subsection shall remain in effect until the Administrator redesignates the area.

"(3) Each area which, as of the last calendar year before the date of enactment of this subsection for which data is available, did not meet the national primary ambient air quality standard for ozone or such standard for carbon monoxide averaged over an eight-hour period, is hereby designated by operation of law as nonattainment.

"(4) Until redesignation by the Administrator, each area which—

"(A) is identified in 52 Federal Register 29383 (August 7, 1987) as a Group I area, or

"(B) contains a site for which air quality monitoring data shows a violation of the national ambient air quality standard for PM-10 before the date of enactment of this subsection,

is hereby designated by operation of law nonattainment for PM-10. All other areas of the country not described in subparagraphs (A) or (B) are designated unclassified for PM-10, until such time as the Administrator redesignates any such area. Any designation for particulate matter (measured in terms of total suspended particulates) which the Administrator promulgated pursuant to section 107(d), as in effect before the date of enactment of this subsection, shall remain in effect for purposes of implementing the maximum allowable increases in concentrations of particulate matter (measured in terms of total suspended particulates) pursuant to section 163(d), until the Administrator determines that such designation is no longer necessary for such purpose.

(b) Redesignation.—Section 107(d)(5) of the Clean Air Act is amended to read as follows:

"(5) (A) Based on a request for area redesignation by the Governor of any State, or at any time on the Administrator's own motion, the Administrator may revise the designation of any area or portion of an area in accordance with this section and part D.

"(B) Whenever the Administrator obtains evidence demonstrating that an area exceeds a national ambient air quality standard for any pollutant and is not designated as a nonattainment area for such pollutant pursuant to this section, the Administrator shall, within ninety days of receiving such evidence, propose, and within 180 days promugate by rule, a revised designation of such area as nonattainment for such pollutant, and where applicable, a classification of such area in accordance with part D.

"(C) The Administrator may redesignate a nonattainment area to attainment only if—

"(i) the Administrator promulgates the redesignation by rule, after notice and opportunity for comment;

"(ii) the Administrator determines that the area has attained the national ambient air quality standard;

"(iii) the Administrator has fully approved the applicable implementation plan;

"(iv) the Administrator determines that the improvement in air quality is due to permanent reductions in emissions;

"(v) the Administrator has fully approved a maintenance plan for the area as meeting the applicable requirements of section 110 and part D; and

"(vi) the State containing such area has met all requirements applicable to the area under section 110 and part D.

"(D) the Administrator shall not redesignate any area from nonattainment to unclassifiable.".

"(c) Area Boundaries.—Section 107(c) of the Clean Air Act is amended by inserting "(1)" after "(c) and by adding the following new paragraphs at the end thereof:

"(2) If an area is designated nonattainment with respect to ozone and is located within a metropolitan statistical area or a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), the boundaries of such area are hereby revised by operation of law to include the entire metropolitan statistical area or consolidated metropolitan statistical area, as the case may be. Such boundary revision shall apply for purposes of any State implementation plan revision required to be submitted by any State after enactment of this paragraph.

"(3) In the case of any area which is designated as a nonattainment area for carbon monoxide and is classified as serious pursuant to section 187(a) or this section, the Administrator may, after consultation with the State in which such area is located, modify the boundaries of the area by rule to include the entire metropolitan statistical area or consolidated metropolitan statistical area, as the case may be, if the Administrator determines that such modification is necessary to attain the carbon monoxide air quality standard. Such boundary revision shall apply for purposes of any State implementation plan revision required to be submitted by the State after such modification.".

ENHANCED MONITORING AND INVENTORIES

Sec. 102. Section 108 of the Clean Air Act is amended by adding the following at the end thereof:

"(g) Guidelines For Enhanced Monitoring and Inventories.—Not later than six months after enactment of this subsection, the Administrator shall publish the following:

"(1) guidelines for enhanced monitoring by the State or local air pollution control agencies of emissions of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109, including guidelines governing the frequency, location, and maintenance of monitors; and

"(2) guidelines for improving the inventories of emissions from mobile and stationary sources (including, but not limited to, emissions factors for estimating emissions from stationary sources which emit less than twenty-five tons per year and other area sources) of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109.

Failure by the Administrator to publish guidelines required under paragraphs (1) and (2) shall not affect other applicable deadlines under this Act, including, but not limited to requirements under section 110 or part D.".

TRANSPORTATION GUIDANCE

Sec. 103. (a) Transportation Planning Guidance.—Section 108(e) of the Clean Air Act is amended by deleting the first sentence and inserting in lieu thereof the following: "The Administrator shall, after consultation with the Secretary of Transportation and with State and local officials, within nine months after enactment of the Clean Air Restoration and Standards Attainment Act of 1989 and periodically thereafter as necessary to maintain a continuous transportation-air quality planning process, update the June 1978 Transportation-Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards.".

(b) Transportation Control Measures.—Section 108(f)(1) of the Clean Air Act is amended by deleting all after "(f)" through the end of subparagraph (A) and inserting in lieu thereof the following:

"(1) The Administrator shall publish and make available to appropriate Federal, State, and local environmental and transportation agencies not later than one year after enactment of the Clean Air Restoration and Standards Attainment Act of 1989, and from time to time thereafter—

"(A) information prepared, as appropriate, in consultation with the Secretary of Transportation, regarding the formulation and emission reduction potential of transportation control measures related to carbon monoxide, ozone precursors, particulate matter and toxic air pollutants, including, but not limited to—

"(i) programs for improved public transit;

"(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

"(iii) employer-based transportation management plans;

"(iv) trip-reduction ordinances;

"(v) traffic flow improvement programs that achieve emission reductions;

"(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

"(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

"(ix) transportation management plans for shopping centers;

"(x) programs to limit portions of road services or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

"(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

"(xii) programs to control extended idling of vehicles;

"(xiii) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations; and

"(xiv) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions;".

GENERAL PLANNING REQUIREMENTS

Sec. 104. (a) Submission and Approval of Plans.—Section 110 of the Clean Air Act is amended as follows:

(a) Subsection (a)(1) is amended by striking "nine" where it appears and inserting "twenty-four" in lieu thereof and by inserting the following at the end thereof: "Whenever an area containing all or part of a metropolitan statistical area or consolidated metropolitan statistical area is designated attainment or unclassifiable with respect to a national ambient air quality standard, the Administrator shall, and in other cases may, require the State containing such area to submit an implementation plan (including such emissions inventories as the Administrator may prescribe) that provides for maintenance of such standard for at least twenty years from the date such plan is submitted. Every ten years after submission of the last twenty-year maintenance plan, the State shall submit an updated twenty-year maintenance plan.".

(2) Subsection (a)(2) is amended by striking "four" in the first sentence and inserting "twelve" in lieu thereof.

(b) SAVINGS CLAUSES AND ENFORCEABILITY OF PLANS.—Section 110(d) of the Clean Air Act is amended by adding the following at the end thereof: "Such term includes any portion of an implementation plan which has been submitted by a State and approved by the Administrator. Notwithstanding any other provision of this Act, each provision of such implementation plan (and each permit in effect under such plan) shall remain in effect, and shall be enforced under this Act, until a revision of such plan is approved by the Administrator or a plan is promulgated by the Administrator under subsection (c).".

FEDERAL IMPLEMENTATION PLANS

SEC. 105. Section 110(c)(1) of the Clean Air Act is amended to read as follows:

"(1)(A) The Administrator may, after notice and opportunity for public comment, promulgate regulations setting forth an implementation plan, or portion thereof, for a State whenever the Administrator—

"(i) finds a State has failed to submit an implementation plan or revisions as required by this section or parts C or D;

"(ii) determines that a plan, or portion thereof, submitted by a State is not in accordance with the requirements of this section or parts C or D; or

"(iii) finds that any requirement of a previously approved plan is not being implemented.

"(B) if, two years after the imposition of any sanctions under this section or part D for failure to submit a plan or portion thereof that meets the requirements of this section and part D, a State has failed to submit such a plan, the Administrator shall propose regulations setting forth a plan, or portion of a plan, assuring that the requirements of this Act are met. The plan proposed by the Administrator shall be promulgated after notice and opportunity for public hearing in the State, but not later than one year after the date of proposal, unless, within such period, the State has adopted and submitted a plan which the Administrator has determined is in accordance with the provisions of this section and part D.

"(C) Any plan proposed or promulgated pursuant to this paragraph shall meet all of the requirements of this section and part D, except that an initial plan for a nonattainment area may be promulgated without a demonstration of attainment, provided that such plan is revised by the Administrator not later than three years after the original date of proposal to include such demonstration.

"(D) If, subsequent to the promulgation of an implementation plan by the Administrator, the State adopts and submits a plan, or portion of a plan, which meets all of the requirements of this section and part D, the Administrator may approve the proposed State plan, or portion of thereof, for implementation in lieu of the plan promulgated under this paragraph.".

GENERAL PROVISIONS FOR NONATTAINMENT AREAS

SEC. 106. (a) HEADING.—Part D of the Clean Air Act is amended by inserting "SUBPART 1—NONATTAINMENT AREAS IN GENERAL" immediately after the heading "PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS."

(b) APPLICABILITY.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 170 as follows:

"APPLICABILITY

"SEC. 170. Each provision of this subpart applies as set forth herein, except to the extent it is inconsistent with a provision in another subpart, in which case the provision in such other subpart shall apply.".

(c) DEFINITIONS.—Section 171 of the Clean Air Act is amended—

(1) by amending paragraph (2) to read as follows:

'(2) The term 'nonattainment area' means, for any air pollutant, an area which is designated 'nonattainment' with respect to that pollutant pursuant to section 107."; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'major stationary source' or 'major emitting facility' includes each discrete operation, unit or other activity and each combination thereof that, except as otherwise provided in this part, produces or has the potential to produce emissions of 100 tons or more per year of a pollutant or percursors of a pollutant which contribute to ambient air quality in an area that does not meet the national ambient air quality standard for the pollutant.".

(d) PERMITS.—

(1) Section 172 of the Clean Air Act is amended as follows:

(A) subsection (a) is deleted;

(B) subsection (b) is relettered "(a)", the text following "The" through "subsection (a)" in the first sentence is deleted, and the following is inserted in lieu thereof; "provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area"; and

(C) section 172(a)(6) (as redesignated by subparagraph (B)) is amended to read as follows:

"(6) require permits for the construction and operation of new or modified major stationary sources, and, beginning not later than three years after the date of enactment of the Clean Air Restoration and Standards Attainment Act of 1989, for the operation of all major stationary sources, in accordance with section 173 (relating to permit requirements);".

(2) Section 173 of the Clean Air Act is amended by inserting "(a) CONSTRUCTION PERMITS—" after "SEC. 173.", by deleting "and operate" in the first sentence, and by adding the following at the end thereof:

"(b) OPERATING PERMITS.—

"(1) Each operating permit issued as required pursuant to this part for a new or existing stationary source shall—

"(A) be for a fixed term not to exceed five years and shall require compliance with applicable emission limitations and with such monitoring measures as are appropriate for adequately determining compliance with such limitations;

"(B) require the permittee to submit quarterly reports to the permitting authority containing the results of the monitoring required under paragraph (1) and, no less often then every six months, certification to the permitting authority that demonstrates compliance with the permit. Any report or certification required to be submitted by a permittee under this title shall be signed by a responsible corporate official who shall certify its accuracy.

"(C) require that the permittee promptly report any violations of the permit or other requirements under this Act to the permitting authority and a program for correcting these violations including a schedule for implementation of the corrections; and

"(D) set forth inspection and entry requirements to assure compliance with the permit terms and conditions.

"(2) Applications for any permit to be issued pursuant to this part shall be accompanied by a fee sufficient to cover all direct and indirect costs of developing and administering the permit program.

"(3) Before issuing any permit pursuant to the provisions of this part the State shall provide notice of the application and an opportunity for a public hearing on the conditions to be included in the permit.

"(4) No permit may be issued pursuant to this part if the Administrator within sixty days objects to its issuance as not meeting the goals and objectives of this Act.

"(5) A copy of each permit and certification shall be submitted by the permittee, or by the permitting authority (as determined by the permitting authority), to the Administrator and shall be available to the public in the same manner as is provided for records and reports under section 114(c). No such permit may be issued unless the permitting authority or its agent has conducted a on-site inspection of the source to which such permit is issued. Not later than six months after the enactment of this subsection the Administrator shall publish guidelines for permit programs under this part. Such guidelines may be revised from time to time as the Administrator deems appropriate.".

"(e) OFFSETS.—Section 173 is further amended by adding at the end thereof the following new subsection:

"(c) OFFSETS.—A new or modified major stationary source may comply with any offset requirement in effect under this part for increased emissions of any air pollutant by obtaining enforceable emissions reductions of such air pollutant from other sources in the same nonattainment area. Such enforceable emissions reductions shall be in effect by the time a new or modified source commences operation and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by a greater reduction in the actual emissions of such air pollutant from other sources in the area. Where specific ratios for such offsets are specified in other provisions of this Act, such ratios shall govern. Emissions reductions otherwise required by law shall not be credited as an emissions reductions for purposes of any such offset requirement.".

"(f) PLANNING PROCEDURES.—Section 174 of the Clean Air Act is amended to read as follows:

"PLANNING PROCEDURES

"SEC. 174. (a) For any ozone, carbon monoxide or PM-10 nonattainment area, the Governor of the State containing such areas and elected officials of affected local governments shall, prior to the date required for submittal of the inventories described under sections 182(a), 188(a), and 192(a) jointly review and update as necessary the planning procedures adopted pursuant to this subsection as in effect immediately before the date of enactment of the Clean Air Restoration and Standards Attainment Act of 1989 or develop new planning procedures pursuant to this subsection, as appropriate. In preparing such procedures the State and local elected officials shall determine which elements of a revised implementation plan will be developed, adopted, and implemented (through means including enforcement) by the State and which by local governments or regional agencies, or any combination of local governments, regional agencies, or the State. The implementation plan required by this part shall be prepared by an organization certified by the State for this purpose. Where such an organization has not been designated by agreement, within six months after such date of enactment, the Governor, after consultation with elected officials of local governments and in accordance with the determination under the second sentence of this subsection, shall designate an organization to prepare such plan. Such organization shall include elected officials of local government in the affected area, and representatives of the State air quality planning agency, the State transportation planning agency, the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code, the organization responsible for the air quality attainment and maintenance planning process under regulations implementing this Act, and any other organization with responsibilities for developing, submitting, or implementing the plan required by this part.

"(b) The preparation of implementation plan provisions and subsequent plan revisions under the continuing transportation-air quality planning process described in section 108(e) shall be coordinated with the continuing, cooperative and comprehensive transportation planning process required under section 134 of title 23, United States Code, and such planning processes shall take into account the requirements of this part. The Administrator shall consult with, and make recommendations to, the Secretary of Transportation within nine months from the date of enactment of the Clean Air Restoration and Standards Attainment Act of 1989 on changes to the Department of Transportation policies and planning and programming process that will assist the planning and implementation process of this part.

"(c) In the case of a nonattainment area that is included within more than one State, the affected States may jointly, through interstate compact or otherwise, undertake and implement all or part of the planning procedures described in this section.".

(g) SANCTIONS.—Section 176 of the Clean Air Act is amended by—

(1) inserting in the heading "SANCTIONS AND" before "LIMITATIONS";

(2) deleting subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) amending subsection (a) to read as follows:

"(a) SANCTIONS.—The following actions, as required or authorized by provisions of subpart 2 (relating to ozone and ozone precursors), subpart 3 (relating to carbon monoxide), or subpart 4 (relating to PM-10) are available as specified in such subparts, to the Administrator or the Secretary of Transportation:

"(1) a prohibition by the Administrator on the construction or modification of any major stationary source of the relevant pollutant or pollutants in a nonattainment area;

"(2)(A) a prohibition, applicable to a nonattainment area, by the Secretary of Transportation on the approval of any projects or awarding of any grants, under title 23, United States Code, other than projects or grants specified under subparagraph (B).

"(B) Projects or grants that may be approved, notwithstanding the prohibition in subparagraph (A), are the following—

"(i) capital programs for improved public transit;

"(ii) construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles;

"(iii) planning for and implementation of requirements for employers to reduce employee work-trip-related vehicle emissions;

"(iv) highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;

"(v) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations;

"(vi) programs for inspection and maintenance of vehicles emission control systems;

"(vii) programs for the conversion of publicly-owned fleet vehicles to vehicles that use low-polluting fuels, or to otherwise control fleet vehicle operations and miles traveled;

"(viii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(ix) programs for breakdown and accident scene management, non-recurring congestion, and vehicle information systems, to reduce congestion and emissions; and,

"(x) such other transportation-related programs as the Administrator, in consultation with the Secretary of Transportation, finds would improve air quality and would not encourage single occupancy vehicle capacity.

Notwithstanding the requirements of title 23, United States Code, or any other provision of law, any federal funds made available to a State to carry out the provisions of such title shall be available without limitation to implement the programs and provisions of this subparagraph in nonattainment areas, and the State share shall not be required to exceed 10 percent of the cost of such programs;

"(C) Nothing in this paragraph shall preclude the Secretary of Transportation from approving projects or awarding grants under title 23, United States code, for (i) elimination of highway safety hazards pursuant to sections 130, 152, and 402 of such title, or (ii) rehabilitation or replacement of deteriorated highway bridges, provided that such projects or grants will add no significant additional right-of-way and are determined by the Administrator to be consistent with maintaining air quality;

"(3) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

(h) CONFORMITY REQUIREMENTS.—Section 176(b) of the Clean Air Act (as redesignated by subsection (g)) is amended by deleting the second sentence, by striking "(1)", "(2)", "(3)" and "(4)" where they appear, by inserting "(1)" after "(b)", and by adding the following at the end thereof: "Conformity to a plan means—

"(A) conformity to a plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and

"(B) that such activities will not, considering any growth likely to result from such activities—

"(i) cause or contribute to any new violation of any standard in any area;

"(ii) increase the frequency or severity of any existing violation of any standard in any area; or

"(iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

"(2) Any transportation plan or program developed pursuant to title 23, United States Code, or the Urban Mass Transportation Act shall implement all relevant transportation provisions of any implementation plan approved under this Act applicable to all or part of the area covered by such transportation plan or program. No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to this Act and any implementation plan in effect under this Act. In particular—

"(A) no transportation plan or transportation improvement program may be adopted by a metropolitan planning organization designated under title 23, United States Code, or the Urban Mass Transportation Act, or be found to be in conformity by an air quality planning agency, department or officer until a final determination has been made that emissions expected from implementation of such plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the State's implementation plan, and that the plan or program will, considering any growth likely to result from such plan or program, conform to the requirements of paragraph (1)(B);

"(B) no metropolitan planning organization or other recipient of funds under title 23, United States Code, or the Urban Mass Transportation Act shall adopt or approve a transportation improvement program of projects until it determines that such program provides for timely implementation of transportation control measures consistent with schedules included in the applicable implementation plan;

"(C) no transportation project may be adopted or approved by a metropolitan planning organization or any recipient of funds designated under title 23, United States Code, or the Urban Mass Transportation Act, or found in conformity by an air quality planning agency, or approved, accepted, or funded by the Department of Transportation unless—

"(i) such a project comes from a conforming plan and program;

"(ii) the design, scope, and emissions from such project have not changed significantly since the conformity finding regarding the plan and program from which the project derived;

"(iii) emissions from such a project remain consistent with emissions reduction schedules in the applicable implementation plan; and

"(iv) it is demonstrated, in any case where such a demonstration was not made during the process to determine the conformity of the plan and program from which project derived, that the project is consistent with the provisions of paragraph (1)(B).

The determinations required by this subsection shall be made by Federal, State and local agencies as prescribed pursuant to criteria and procedures which shall be promulgated by the Administrator no later than one year after the date of enactment of the Clean Air Restoration and Standards Achievement Act of 1989. Such procedures shall include a requirement that each State containing an ozone or carbon monoxide nonattainment area shall submit to the Administrator within eighteen months of such date of enactment, a revision to its implementation plan that includes, for each such nonattainment area, criteria and procedures for assessing the conformity of any plan, program or project subject to the conformity requirements of this subsection.

(i) MAINTENANCE PLANS.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 179 as follows:

"MAINTENANCE PLANS

SEC. 179. (a) PLAN REQUIREMENTS.—The maintenance plan required under section 107(d)(5)(C) as a precondition for redesignation of an area shall—

"(1) comply with the provisions of section 110(a)(2);

"(2) provide for the maintenance of the national ambient air quality standard of the relevant air pollutant in such area for a period of twenty years after attainment; and

"(3) include the following provisions—

"(A) an identification of sources, including area and mobile sources, that are expected to contribute to increases in emissions of such pollutant after attainment of a national ambient air quality standard;

"(B) a quantitative estimate of emissions increases from such sources for each three-year period following attainment;

"(C) an identification of transportation control measures, emission control limitations or standards, or permit requirements as may be necessary to limit emissions or permissible emission increases; and

"(D) an identification of contingency measures to be implemented in the event of an exceedance of the air quality standard sufficient to correct any air pollution problem which may lead to redesignation as a nonattainment area.

"(b) PLAN REVISIONS.—Maintenance provisions required by this section shall be updated every ten years and submitted to the Administrator for approval pursuant to section 110 and this part as a revision to the implementation plan.".

ADDITIONAL REQUIREMENTS FOR OZONE NONATTAINMENT AREAS

SEC. 107. Part D of the Clean Air Act is amended by adding the following new subpart at the end thereof:

"Subpart 2—Additional Provisions Regarding Ozone Nonattainment Area

"CLASSIFICATION OF OZONE NONATTAINMENT AREAS

"SEC. 181. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area that did not meet the national primary ambient air quality standard for photochemical oxidants (hereinafter "Ozone") as of the last calendar year ending before enactment of this subpart for which data are available is hereby classified by operation of law in one of the following categories based upon the percentage by which such standard is exceeded:

"Area Classification	Amount by Which Standard Exceeded
Moderate Ozone Nonattainment Area.	Not greater than 20%
Serious Ozone Nonattainment Area.	More than 20% but not more than 50%
Severe Ozone Nonattainment Area.	More than 50% but not more than 120%
Extreme Ozone Nonattainment Area.	More than 120%

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of determining the percentage by which the national primary ambient air quality standard for ozone is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for determining attainment of the standard shall be applicable (including the design value, reference methods, and guidelines for interpretation of ozone air quality standards).

Not later than thirty days after the enactment of this subpart, the Administrator shall publish a notice of the percentages by which the national primary ambient air quality standard for ozone was exceeded in each area referred to in subsection (a).

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the ozone nonattainment areas classified in accordance with subsection (a):

Area Classification:	Applicable Attainment Date (in years after enactment of the Clean Air Restoration and Standards Attainment Act of 1989)
Moderate Area	5 years
Serious Area	10 years
Severe Area	15 years
Extreme Area	20 years

"(d) REFERENCES TO TERMS.—Any reference in this subpart to a 'moderate area', a 'serious area' a 'severe area', or an 'extreme area' shall be considered a reference to a moderate ozone nonattainment area, a serious ozone nonattainment area, a severe ozone nonattainment area, or an extreme ozone nonattainment area as classified under this section.

"REQUIREMENTS APPLICABLE TO ALL OZONE NONATTAINMENT AREAS

"SEC. 182. (a) INVENTORIES.—Not later than one year after the date of enactment of this subpart in the case of each State that contains a nonattainment area or portion thereof classified pursuant to section 181(a), or in the case of a State containing an area subsequently classified nonattainment pursuant to section 107 and this subpart, within eighteen months of such classification, such State shall submit to the Administrator—

"(1) for each such area, a comprehensive, accurate, current inventory of actual emissions in the calendar year of enactment of volatile organic compounds and oxides of nitrogen from all sources in such area. Each such inventory shall be prepared in accordance with the guidance required to be published by the Administrator pursuant to section 108(g)(2), if such guidance is available. Revisions of each such inventory shall be submitted every three years thereafter until the area for which the inventory is prepared is redesignated to attainment; and

"(2)(A) a revision to the State implementation plan that contains a requirement that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds within an ozone nonattainment area or portion thereof in such State provide the State with a statement in such form as the Administrator may prescribe (or the State may prescribe, if the Administrator does not) for classes or categories of sources, showing the actual emissions from that source during the previous calendar year of oxides of nitrogen and volatile organic compounds. The first such statement shall be submitted for the calendar year in which the revision referred to in the first sentence of this subparagraph was submitted to the Administrator. Subsequent statements shall be submitted at least annually thereafter.

"(B) The State may waive the application of subparagraph (A) to any class or category of stationary sources which emit less than twenty-five tons per year of oxides of nitrogen or volatile organic compounds if the State, in its submissions under paragraph (1), provides an inventory of emissions from such class or category of sources based on guidelines provided by the Administrator under section 108(g)(2) (relating to inventories).

"(b) IMPLEMENTATION OF CURRENT REQUIREMENTS.—Each State containing an ozone nonattainment area or portion thereof shall—

"(1) not later than eighteen months after the date of enactment of this subpart, fully implement all provisions of any implementation plan for the attainment of the ozone air quality standard for each such area or areas which have been approved by the Administrator prior to the date of enactment of this subpart, and

"(2) within six months after the date of enactment of this subpart, submit a revision or revisions to the applicable implementation plan to include provisions to correct requirements in (or add requirements to) the plan concerning reasonably available control technology as were required under section 172(b) (as in effect immediately before the date of enactment of this subpart), including a requirement to implement within one year after submission reasonably available control technology with respect to all sources of volatile organic compounds in such area or areas covered by a control technique guideline issued before the date of enactment of this subpart.

"(c) PERMIT REQUIREMENT.—

"(1) Each State containing an area or portion thereof classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after the date of such classification submit to the Administrator a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of volatile organic compounds or oxides of nitrogen located within any such nonattainment area. It shall be unlawful to operate any such major stationary source without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) For the purpose of satisfying the permit program requirement of section 173(c) (pertaining to offsets), the ratio of volatile organic compounds emissions reductions to increased emissions of such compounds in serious nonattainment areas shall be at least 1.5 to 1 and in severe and extreme nonattainment areas, 2 to 1.

"(d) AUTO REGISTRATION LANGUAGE.—Each State containing an area classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after such classification, submit to the Administrator a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after such date of not less than $2.00 for each vehicle registered within such nonattainment area. Such fees shall be collected by the air pollution control agency with primary authority over such sources (as determined pursuant to section 174(a)) and used to develop and implement air pollution control programs pursuant to section 110 and this part. If the Administrator determines that the fee provisions of the applicable implementation do not meet the requirements of this subsection or if the Administrator determines that such agency is not administering and enforcing the fee required under this subsection, the Adminstrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation to the Environmental Protection Agency to carry out activities under this Act.

"REQUIREMENTS FOR SPECIFIC CLASSES OF OZONE NONATTAINMENT AREAS

"SEC. 183(a). REQUIREMENTS FOR MODERATE AREAS.—Each State containing an area classified as a moderate nonattainment area pursuant to section 181(a) or subsequently so classified pursuant to section 107 of this subpart, shall, with respect to the moderate area, submit to the Administrator, by the dates provided, the following revisions to the applicable implementation plan:

"(1) within one year of the date of classification, a revision that requires implementation, within one year of submission of such revision, of requirements in either paragraph (A) or (B)—

"(A) an enhanced vehicle missions control inspection and maintenance program to reduce in-use emissions of volatile organic compounds and oxides of nitrogen from motor vehicles, which program shall achieve a reduction in emissions of volatile organic compounds of at least 4700 tons per million vehicles covered and shall include each of the following elements—

"(i) require coverage of all light-duty vehicles registered in, at a minimum, each metropolitan statistical area (as defined by the Office of Management and Budget) with a population of 100,000 or more according to the 1980 Census,

"(ii) direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components,

"(iii) computerized emission analyzers,

"(iv) if a provision waiving the requirements for repairing the emission control system in the event of failure is included, a provision that such waiver shall apply only when the costs of repair exceed $200,

"(v) enforcement through denial of vehicle registration (except for any program in operation prior to the effective date of this section whose enforcement mechanism is demonstrated to the Administrator to be more effective than the applicable vehicle registration program in assuring that noncomplying vehicles are not operated on public roads), and

"(vi) any requirements the Administrator may prescribe under section 202(j)(3) (pertaining to onboard emission diagnostic systems), or

"(B) a requirement that all persons within the area transferring gasoline to a motor vehicle fuel tank from a gasoline dispensing system use a fill nozzle designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which sell more than 20,000 gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

Any area which is already operating a vehicle emission control inspection and maintenance program or for which the implementation plan, as of the date of enactment of this subpart, includes a specific schedule for implementation of such a program shall comply with subparagraph (A);

"(2) a revision requiring each major stationary source of emissions of volatile organic compounds located in the nonattainment area to pay an annual fee, beginning with the calendar year following the date of classification, of $25 per ton of volatile organic compounds and oxides of nitrogen emitted. Such fee shall be collected by the air pollution control agency with primary authority over such source (as determined pursuant to section 174(a)) and used to implement air pollution control programs pursuant to section 110 and this part. If the Administrator determines that the fee provisions of the applicable implementation plan do not meet the requirements of this paragraph or if the Administrator determines that such agency is not administering and enforcing the fee required under this paragraph, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and which shall thereafter be available for appropriation to carry out to the Environmental Protection Agency activities under this Act;

"(3) an nonattainment area for which the design value is less than .13 parts per million in the year immediately preceding enactment of this subpart shall not be required to comply with the requirements of subsection (a)(1) (pertaining to inspection and maintenance and refueling programs) unless such compliance is otherwise needed to bring the area into attainment with the primary ambient air quality standard for ozone by the date specified in section 181(c). The design value shall be calculated according to the interpretation methodology issued by the Environmental Protection Agency most recently before the date of enactment of this subpart.

"(b) REQUIREMENTS FOR SERIOUS AREAS.—For the purposes of requirements applicable to areas under subsection (c) and this subsection and sections 172 and 173, major stationary sources or major emitting facilities of volatile organic compounds are sources or facilities that produce or have the potential to produce 25 tons or more per year of such compounds. Each State containing an area classified as a serious area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the serious area, make the submissions described under subsection (a) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) an inventory that meets the requirements of section 182(a)(1) and, where all or part of such area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), includes emissions from all sources within such MSA or CMSA, whichever is applicable, plus the twenty-five-mile radius around such area;

"(2) no later than one year after the date of classification, a revision to provide for, and a demonstration that the plan as revised will provide for, within three years after classification, emissions reductions of volatile organic compounds of 12 per cent from actual emissions in the calendar year of classification. Emissions reductions that will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)) may be credited toward the required 12 percent reduction;

"(3) no later than three years from the date of classification a revision which demonstrates, based on photochemical grid modeling or any other analytical method determined by the Administrator, in the Administrator's discretion, to be at least as effective, that the plan, as revised—

"(A) will provide for attainment by the applicable attainment date; and

"(B) will result in volatile organic compound emission reductions from emissions reported in the initial inventory required under section 182(a)(1) equal to 12 percent, averaged over each consecutive three-year period beginning with the fourth year after the date of classification, and extending until the area attains the primary ambient air quality standard for ozone. Such demonstration shall explicitly quantify projections with respect to emissions and necessary emission reductions from motor vehicles, using estimates for growth in vehicle miles traveled, congestion levels, and other relevant parameters that are used by the agency or agencies responsible for transportation planning for the area. Emissions reductions may be credited towards the 12 percent reduction requirement to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)). Any area that achieves an actual reduction in emissions in excess of that required by this subparagraph, as determined by the Administrator, may credit such excess emissions reductions toward the next three-year reduction requirement period;

"(4)(A) beginning one year after the date of classification, annual reports on measures adopted or implemented during the preceding calendar year and any failure to implement measures scheduled for implementation during such year;

"(B) Beginning with the fourth such report and in each third such report thereafter, the State shall demonstrate whether current vehicle miles traveled, congestion levels and other relevant parameters are consistent with those used for the demonstration required in paragraph (2) or for emissions projections pursuant to paragraph (3)(B)(i). Where such parameters and emissions levels exceed the levels projected for purposes of the area's three-year emissions reduction demonstration, the State shall, within one year, develop and submit a revision to the applicable implementation plan that includes a transportation control measures program consisting of measures from, but not limited to, section 108(f) that will reduce emissions to levels that are consistent with emission levels projected in such demonstration. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(e) and with the requirements of section 174(b) and shall include implementation and funding schedules that achieve expeditious emissions reductions in accordance with implementation plan projections;

"(5) within one year of the date of classification, a revision that satisfies the requirements of subparagraphs (A) (pertaining to vehicle inspection and maintenance) and (B) (pertaining to vapor recovery during vehicle fueling) of subsection (a)(1);

"(6) within one year after the date of classification, a revision that contains a permit program which meets the requirements of section 172(a)(6) and section 173, except that for the purpose of satisfying the requirement of section 173(c) (pertaining to offsets) with respect to emissions reductions to increased emissions shall be at least 1.5 to 1;

"(7) a revision that complies with subsection (a)(2) (pertaining to annual emissions fee) except that the revision shall require that the annual fee shall be $100 per ton of volatile organic compounds and oxides of nitrogen emitted, and that if the emissions reductions required pursuant to paragraphs (2) or (3)(B) are not achieved in the area by the dates required by such paragraphs, the fee shall increase to $500 per ton until such time as the required emissions reductions in the area are achieved;

"(8) within twelve months of classificaton, a revision to require implementation of reasonably available control technology for all stationary sources of volatile organic compounds that are not covered by a control technique guideline or listed pursuant to section 185(a) and that have the potential to emit 25 tons or more of such compounds and for all stationary sources of oxides of nitrogen that have the potential to emit 100 tons or more per year of such pollutant. Such revision shall require the implementation of such technology no later than two years after classification and, in the case of volatile organic compounds, shall provide that reductions of 80 percent or more from uncontrolled levels be achieved unless the State determines for a category of sources that such level of reductions is not technologically or economically feasible, in which case the required reduction shall be the maximum that is technologically and economically feasible;

"(9) within one year of the date of classification, a revision that provides that if the area has failed to attain the primary ozone air quality standard by the deadline applicable to the area pursuant to section 181, each major stationary source of volatile organic compounds located in the area shall pay a fee for each calendar year until such standard is attained of $5000 per ton (to be adjusted annually for inflation consistent with changes in the Consumer Price Index) of volatile organic compounds actually emitted during each such calendar year in excess of 50 percent of such compounds actually emitted (as reported in the statement required by section 182(a)(2)) in the calendar year such area was to have attained the primary ozone air quality standard.

"(c) Requirements for Severe Areas.—Each State containing an area classified as a severe area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the severe area, comply with the requirements of subsection (a) and (b) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) a revision to the applicable implementation plan that meets the requirements of subsection (b)(7) (pertaining to permit programs), except that the permit program shall require the ratio of volatile organic compound emissions reductions to increased emissions of such compounds to be at least 2 to 1;

"(2) a revision that complies with subsection (a)(2) (pertaining to annual emissions fees) except that the revision shall require that the annual fee shall be $250 per ton of volatile organic compounds and oxides of nitrogen emitted, and that if the emissions reductions required pursuant to paragraphs (b)(2) or (b)(3)(B) are not achieved in the area by the dates required by such paragraphs, the fee shall increase to $500 per ton until such time as the required emissions reductions in the area are achieved;

"(3) within two years after the date of classification, a revision that identifies and adopts specific enforceable strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or numbers of vehicle trips in such area and to attain reduction in motor vehicle emissions as necessary, in combination with other emission reduction requirements of this subpart, to comply with the requirements of subsection (b)(3)(B) (pertaining to periodic three-year emission reduction requirements). The State shall consider, at a minimum, measures specified in section 108(f) and if the State fails to include any such measure, the implementation plan shall contain an explanation of why such measure was not adopted and what emissions reduction measure was adopted to provide a comparable reduction in emissions;

"(4) within one year after the date of classification, a revision requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 20 percent above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The revision shall also provide that any employer subject to the vehicle occupancy requirement which does not achieve the required vehicle occupancy rate increase within two years after the date the revision is submitted shall be liable to the State for payment of a fee of not less than $50 per month for each employee parking space provided or subsidized by such employer. Any revenue received by a State pursuant to this paragraph may only be spent to develop or implement an air pollution control program as required by section 110 and this part.

"(d) Requirements for Extreme Areas.—

"(1) When all or part of an extreme area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), the boundaries of the extreme area for the purposes of this subpart shall be defined, by operation of law, as the boundary of such MSA or CMSA, as applicable, plus twenty-five miles.

"(2) For the purpose of requirements applicable to extreme areas under this subsection and sections 172 and 173, major stationary sources or major emitting facilities of volatile organic compounds are sources or facilities that produce or have the potential to produce ten tons or more per year of such compounds.

"(3) Each State in which an extreme area or portion thereof is located shall, with respect to the extreme area, comply with the requirements of subsection (a), (b) and (c) and in addition submit to the Administrator revisions to the applicable implementation plan that complies with subsection (a)(2) (pertaining to emission fees) except that the annual fee shall be $500 per ton of volatile organic compounds and oxides of nitrogen emitted.

"(e) Certain Non-Self-Generating Areas.—

"(1) Notwithstanding any other provision of section 181 or this section, a State containing an ozone nonattainment area that does not include and is not adjacent to any part of a metropolitan statistical area or, where one exists, a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), which area is determined by the Administrator to be non-self-generating within the meaning of paragraph (2), shall be treated by operation of law as satisfying the requirements of this section if it complies with regulations promulgated by the Administrator. Such regulations shall be promulgated no later than January 1, 1991, and shall, at a minimum, require compliance with the provisions of section 182 and such other measures as the Administrator determines appropriate to provide for the attainment and maintenance of the national ambient air quality standard for ozone.

"(2) The Administrator may determine an ozone nonattainment area to be non-self-generating if the Administrator finds that sources of volatile organic compounds and oxides of nitrogen emissions within the area do not make a significant contribution to the ozone concentrations measured in the area or in other areas.

FAILURE TO COMPLY OR ATTAIN

"Sec. 184. (a) Failure to Submit an Approvable Plan.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or a Administrator disapproves such plan or revision in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(b) Failure to Implement a Plan.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area (or areas) in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) Failure to Achieve Required Emissions Reductions.—

"(1) Whenever an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3)(B), the Administrator shall—

"(A) impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding);

"(B) perform an annual audit, until such area achieves the required emissions reductions, of the plan and its implementation in such area to determine the reasons the plan is not achieving the required reductions; and

"(C) assure that the provisions of the implementation plan required by subsections 183(b)(8) and (c)(2) (pertaining to increased emission fees) are enforced.

"(2) Whenever an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3)(B), the Administrator may, in the Administrator's discretion—

"(A) lower the quantity of emissions of volatile organic compounds or oxides of nitrogen, or both, that, for such area, defines a source as a major stationary source;

"(B) require, in the case of an area listed as serious under section 181(a), that such area comply with the provisions of section 183(c) (relating to severe areas) and in the case of an area listed as severe under section 181(a), that such area comply with the provisions of section 183(d) (relating to extreme areas).

"(d) Failure to Attain.—For any ozone nonattainment area that fails to attain the primary ozone air quality standard by the date applicable to such area pursuant to section 181, the Administrator shall—

"(1) in the case of a moderate area reclassify such area as a serious area, in the case of a serious area, reclassify such area as a severe area, and in the case of a severe area, reclassify such area as an extreme area. From the date of reclassification each such area shall be subject to the provisions of this subpart, including the attainment date, that are applicable to the classification to which the area has been reclassified; and

"(2) in the case of a serious, severe, or extreme area, assure that the provisions of the implementation plan required by section 183(b)(9) (pertaining to emissions fees for major stationary sources) are enforced.

"ADDITIONAL FEDERAL MEASURES TO CONTROL OZONE POLLUTION

"Sec. 185. (a) Control Techniques Guidelines.—

"(1) Not later than six months after the date of enactment of this subpart, the Administrator shall publish a list of at least twelve categories of stationary sources for which control technique guidelines, in accordance with subsection 108(b), have not previously been published and which the Administrator considers to make the most significant contribution to the formation of ozone air pollution. The categories shall be divided into three groups (with an equal number of categories in each group) and the Administrator shall establish a schedule for publication of guidelines for each of such groups at the time of publication of the list of categories.

"(2) The Administrator shall publish control technique guidelines for sources within the categories listed under paragraph (1). The guidelines shall be published for the first group of such sources within the first eighteen months after publication of the list and for at least one additional group in each succeeding eighteen-month period until guidelines have been published for all listed categories.

"(3) Within thirty-six months after the date of enactment of this subpart, and every four years thereafter, the Administrator shall review and, if necessary, update control technology guidelines including those issued before the enactment of this subpart. The Administrator may publish such additional guidelines as the Administrator deems necessary.

"(b) Volatile Organic Compounds Emissions From Loading And Unloading of Certain Vessels.—Within two years after the enactment of this subpart, the Administrator shall publish a control technique guideline, in accordance with section 108(c), regarding control of volatile organic compound emissions from the loading or unloading of petroleum products on to or from vessels. Such emissions shall be considered to be direct emissions of the onshore terminal for all purposes under this Act.".

"(c) Consumer or Commercial Products.—

"(1) Within two years after the date of enactment of this subpart, the Administrator shall submit to the Congress a final report on emissions of ozone precursors from consumer products which emit significant quantities of ozone precursors, and include recommendations for the control of such emissions.

"(2)(A) Within one year of submission of the report required under paragraph (1), the Administrator shall propose, and within two years of such submission shall promulgate, regulations to aid in the attainment of the ozone ambient air quality standard by decreasing emissions of ozone precursors from classes or categories of consumer or commercial products. Such regulations shall be designed to achieve reductions from the selected product categories to a level equal to the level that would be achieved by the application of reasonably available controls to each such class or category of consumer or commercial products and shall, at a minimum, achieve, within three years after promulgation, reductions in nationwide emissions of volatile organic compounds of three percent below the level of such emissions in the calendar year of enactment of this subpart.

"(B) Such regulations may include any system or systems of implementation as the Administrator may deem appropriate, including but not limited to requirements for registration and labeling, self-monitoring and reporting, prohibitions, limitations, or fees concerning the manufacture, processing, distributions, use, consumption, or disposal of the product.

"(C) The regulations may exempt health-use products for which the Administrator determines there are not suitable substitutes.

"(D) Any fees collected under such regulations shall be deposited in a special fund in the United States Treasury which shall thereafter be available for appropriation, to remain available until expended, to carry out activities of the Environmental Protection Agency under this Act.

"(3) Any standard established under this subsection shall be treated, for purposes of sections 113, 114, 115, 120, and 304, as a standard under section 111.

"(4) The Administrator may, pursuant to regulations, delegate to any State that so requests, administration and enforcement of the regulations promulgated under paragraph (2).

"(5) For the purposes of this subsection—

"(A) The term 'reasonably available controls' means the degree of emissions reduction that the Administrator determines, on the basis of technological and economic feasibility, health, environmental, and energy impacts, is reasonably achievable through the application of any equipment, processes, systems or techniques, including, but not limited to, chemical reformulation, product or feedstock substitution, repackaging, or directions for use, consumption, storage, or disposal.

"(B) The term 'consumer or commercial products' means any substance, product, or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of ozone precursors. The term does not include fuels or fuel additives as defined under section 211; and

"(C) the term 'ozone precursors' means pollutants that contribute to the ambient air concentrations of ozone.

"CONTROL OF INTERSTATE OZONE AIR POLLUTION

"Sec. 186. (a) Ozone Transport Regions.—The area comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia, and the consolidated metropolitan statistical area including the District of Columbia is established as an ozone transport region. The Administrator may add any State or portion of a State to any region established under this subsection or establish other ozone transport regions, consisting of two or more States, when the Administrator determines that the interstate transport of air pollutants from such State or States significantly contributes to concentrations of ozone or ozone precursors in any nonattainment area in another State classified under section 181(a) as a serious, severe, or extreme area for ozone. The ozone transport commission established under subsection (b) for any ozone transport region may remove any State or portion of a State from the region if the commission determines that the control of emissions in that State or portion of a State pursuant to this section will not significantly contribute to the attainment of the primary ambient air quality standard for ozone in any nonattainment area.

"(b) Ozone Transport Commissions.—Not later than six months after enactment of this subpart, the Administrator shall establish an ozone transport region established by the first sentence of subsection (a). Not later than three months after the establishment of any other ozone transport region, the Administrator shall establish an ozone transport commission for the region. Each ozone transport commission shall be comprised of the following members—

"(1) an air pollution control official representing each State in the region, appointed by the Governor or as provided under State law;

"(2) the Administrator (or an employee designated by the Administrator from the headquarters office of the Environmental Protection Agency); and

"(3) the Regional Administrator (or an employee designated by the Regional Administrator) for each Environmental Protection Agency regional office for each Environmental Protection Agency region affected by the ozone transport region concerned. Decisions of each ozone transport commission may be made only by a majority vote of all members other than the Regional Administrators (or designees thereof).

"(c) PLAN PROVISIONS FOR STATES IN OZONE TRANSPORT REGIONS.—Not later than two years after the enactment of this subpart (or nine months after the subsequent inclusion, of a State in an established ozone transport region), each State included within an ozone transport region shall submit a State implementation plan or revision thereof to the Administrator which requires the following—

"(1) that each area in such State that is in an ozone transport region, that is not a nonattainment area, and that is a metropolitan statistical area or part thereof with a population of 100,000 or more, comply with the provisions of section 183(a)(1)(A) (pertaining to vehicle inspection and maintenance programs); and

"(2) that each major stationary source of volatile organic compounds within such State comply with the requirements of section 182(b)(2) (relating to reasonably available control technology).

"(d) ADDITIONAL CONTROL MEASURES.—Upon petition of any State within an ozone transport region, the commission may, after notice and opportunity for comment, require additional emissions control measures to be applied within such transport region if the commission determines such measures are necessary to bring all areas in such region into attainment by the dates provided by this subpart.

"(e) EXEMPT AREAS.—Upon petition of any State within an ozone transport region, the commission may exempt any area within such State from the requirements of subsection (c) if the State demonstrates to the satisfaction of the commission that stationary or mobile sources within the area do not contribute significantly to ozone concentrations in any area classified as serious, severe, or extreme for ozone. The commission shall make a determination under this paragraph within nine months following receipt of a petition. No State may submit a petition under this paragraph after the date one year after the enactment of this subpart (or more than one year after the date on which the State or portion thereof is included within an ozone transport region).

"(f) PETITIONS.—Any State or political subdivision may petition the Administrator to make a determination that any other State or portion thereof should be included within an ozone transport region under this section. The petitioning State shall include with such petition such evidence as is available to it regarding the contribution made by sources located in (or operating in) the State (or portion thereof) which is the subject of the petition to ozone concentrations in the petitioning State. Within 120 days after receipt of any petition under this subsection and after public hearing, the Administrator shall include the State (or portion thereof) within an ozone transport region or deny the petition.

"(g) BEST AVAILABLE AIR QUALITY MONITORING AND MODELING.—For purposes of this section, not later than six months after the enactment of subpart, the Administrator shall promulgate criteria for purposes of determining the contribution of sources in one area to concentrations of ozone in another area which is a nonattainment area for ozone. Such criteria shall require that the best available air quality monitoring and modeling techniques be used for purposes to making such determinations.".

ADDITIONAL REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS

SEC. 108. (a) NEW REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 2:

"SUBPART 3—ADDITIONAL PROVISIONS REGARDING CARBON MONOXIDE NONATTAINMENT AREAS

"CLASSIFICATION OF CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 187. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area which did not meet the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period as of the last calendar year ending before enactment of this subpart for which data are available is hereby classified by operation of law in one of the following categories based upon the percentage by which the standard was exceeded in that area:

"Area Classification	Percentage Exceedance
Moderate	Not Greater than 55%
Serious	Greater than 55%

Any reference in this subpart to a "moderate nonattainment area" or a "serious nonattainment area" shall be considered a reference to a moderate or serious carbon monoxide nonattainment area as classified under this subsection (or as subsequently reclassified under this subpart). Any reference in this subpart to the "carbon monoxide air quality standard" shall be considered a reference to the national primary ambient air quality standard for carbon monoxide averaged over a eight-hour period.

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of calculating the percentage by which the carbon monoxide air quality standard is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for purposes of determining attainment of the standard shall be applicable.

Not later than thirty days after the date of enactment of this subpart the Administrator shall publish a notice identifying the percentage by which each area referred to in subsection (a) exceeds the carbon monoxide air quality standard and the classification of each area as moderate or serious.

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the carbon monoxide nonattainment areas classified in accordance with subsection (a)—

"Area Classification:	Applicable attainment date (in years after enactment of this subpart)
Moderate	5 years
Serious	10 years

"(d) NEW STANDARD.—If the Administrator revises the carbon monoxide air quality standard after the enactment of this subpart, the Administrator shall, within six months after the revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas classified under subsection (a) and shall provide for attainment of such revised standard according to a schedule which is comparable to that specified in subsection (c).

"REQUIREMENTS APPLICABLE TO ALL CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 188. (a) INVENTORIES.—Each State containing a nonattainment area classified pursuant to section 187(a) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of carbon monoxide emissions from stationary and mobile sources located within each such area as provided in the guidelines issued by the Administrator pursuant to section 108(g). The initial inventory shall report emissions occurring in the calendar year immediately preceding enactment of this section or the subsequent year. Any area subsequently classified nonattainment pursuant to section 107 and this subpart shall submit (and update as provided in this subsection) carbon monoxide emissions inventories beginning eighteen months after the date of classification. Guidance for inventory preparation published by the Administrator pursuant to section 108(g) shall contain factors for estimating carbon monoxide emissions from wood stoves and other small combustion sources.

"(b) MONITORING.—The enhanced monitoring program required by section 108(g) shall include the use of mobile monitors for carbon monoxide to determine the geographic extent of any nonattainment problem for such pollutant within an area. Monitoring pursuant to such guidelines shall be commenced in all areas classified pursuant to section 187(a) or subsequently pursuant to section 107 and this subpart not later than eighteen months after such classification. The Administrator may require through guidance or by rule the use of mobile monitoring devices for carbon monoxide in areas designated as attainment areas.

"(c) EXISTING COMMITMENTS.—

"(1) Not later than eighteen months after the date of enactment of this section each State containing an area classified nonattainment pursuant to section 187(a) shall fully implement all provisions of any implementation plan for the attainment of the carbon monoxide air quality standard for such area or areas which have been submitted to the Administrator for approval (whether or not approved) prior to the date of enactment of this section.

"(2) Each State containing an area classified pursuant to section 187(a) shall promptly and fully implement any additional measures not previously proposed by the State but required by subpart 1.

"(d) AUTO REGISTRATION FEE.—Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after such classification submit to the Administrator for approval a revision to the implementation plan for each such area providing for the collection of a tee beginning not later than six months after such date of not less than $2.00 for each vehicle registered within such nonattainment area or areas. The requirement of this section shall not be in addition to any similar fee requirement imposed on vehicle registrations in such area under subpart 2. If the Administrator determines that the fee provisions of the applicable implementation do not meet the requirements of this subsection or if the Administrator determines that such agency is not administering and enforcing the fee required under this subsection, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation to the Environmental Protection Agency to carry out activities under this Act.

"(e) Stationary Source Emissions Fee.—Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after such classification submit to the Administrator a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after the date of submission to be imposed on the owner or operator of each major stationary source of carbon monoxide emissions located within such area. The fee shall be not less than $100.00 for each ton of carbon monoxide emissions allowed in the permit issued for each such source located within a moderate nonattainment area and not less than $250.00 per ton for each source located within a serious nonattainment area. The owner or operator of each such source shall be liable to the State for payment of such fee. The liability for fees to be paid under this subsection shall be in addition to liability for any similar fees imposed under other provisions of this Act. All revenues from any fee collected under this subsection shall be used by the State (or local pollution control agency) to develop and implement air pollution control programs pursuant to section 110 and this part.

"(f) Permit Requirement.—

"(1) Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after the date of such classification submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of carbon monoxide emissions located within any such nonattainment areas. It shall be unlawful to operate a major source of carbon monoxide emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subsection shall require the installation of continuous emission monitoring for carbon monoxide emissions from the source.

"(3)(A) For purposes of this part a major stationary source of carbon monoxide emissions is any stationary source located or to be located in a moderate nonattainment area which emits or has the potential to emit fifty tons or more of carbon monoxide per year or any such source located or to be located in a serious nonattainment area which emits or has the potential to emit twenty-five tons or more of carbon monoxide per year.

"(B) For the purpose of satisfying the requirement of 173(c) (pertaining to offsets) the ratio of emissions reductions to increased emissions in serious nonattainment areas shall be at least 1.5 to 1.

"(g) Attainment Demonstration and Milestone.—

"(1) Each State containing a moderate or serious nonattainment area shall, after notice and opportunity for public comment but not later than 24 months after such area has been designated nonattainment, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate, as provided in section 110 and this part, attainment of the carbon monoxide air quality standard by the deadline for attainment for such area or areas as provided in section 187(c).

"(2)(A) Notwithstanding the provisions of paragraph (1), revisions demonstrating attainment under this subsection shall not be required for any moderate nonattainment area for which the design value in the most recent calendar year immediately preceding enactment of this section did not exceed the carbon monoxide air quality standard by more than 10 percent, provided that, within three months after the date of enactment of this subpart the Governor of such State submits to the Administrator a detailed statement of the measures to be undertaken in such area which will assure attainment of the carbon monoxide air quality standard by not later than thirty-six months after such date of enactment.

"(B) In the event that a moderate nonattainment area for which an attainment demonstration has not been submitted pursuant to subparagraph (A) does not attain the carbon monoxide air quality standard by the date thirty-six months after the date of enactment of this subpart, the State in which such area is located shall, after notice and opportunity for public comment, submit within an additional twelve-month period revisions to the implementation plan for the area making such demonstration and such area shall be subject to all of the requirements of this subpart applicable to moderate nonattainment areas including implementation of a vehicle inspection and maintenance program pursuant to subsection (i) and the deadlines for attainment established by section 187(c).

"(3)(A) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones to be achieved in each year in which an inventory is required under subsection (a) until the area is reclassified attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable to the area under section 187(c). Milestones proposed for inclusion in an implementation plan under this paragraph may be stated as—

"(i) reductions in vehicle miles traveled or vehicle trips in the nonattainment area, or both, during periods when the standard is likely to be violated;

"(ii) reductions in tons of emissions of carbon monoxide emitted annually in the nonattainment area;

"(iii) reductions in the design value for carbon monoxide averaged over an eight-hour period for the area;

"(iv) reductions in the number of exceedances of the national carbon monoxide air quality standard which would be expected to occur each year; or

"(v) any combination of the above.

"(4) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) carbon monoxide emissions in the nonattainment area as reported in the most recent inventory by not less than 5 percent for moderate nonattainment areas and not less than 10 percent for serious nonattainment areas. The revisions shall provide for automatic implementation of the measures in the event the area does not attain the carbon monoxide air quality standard by the date applicable to the area as provided in section 187(c). Contingency measures may be implemented only in part if all measures are not necessary to assure attainment of such standard as determined by the Administrator. Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 190(d)(1).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates specified in section 187(c). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in such revisions be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the carbon monoxide air quality standard by the dates applicable under section 187(c).

"(h) Continuing Audits of Implementation Plans.—

"(1) The Administrator shall conduct an audit of each implementation plan for carbon monoxide for each area designated nonattainment for the carbon monoxide air quality standard to determine whether the State (or local pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (g). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided by subsection (a).

"(2) If the Administrator finds that any provision required by section 110, section 172(a) (1) through (10), section 173 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose the sanctions required by section 190 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (g) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled for achieving the milestone. The Administrator shall also impose the sanctions required by section 190 until such time as the milestone is achieved.

"(i) Vehicle Inspection and Maintenance Program.—Each State containing an area classified nonattainment pursuant to section 187(a) or which contains an area subsequently classified nonattainment and which is required to submit revisions to the implementation plan for such area demonstrating attainment pursuant to subsection (g) shall, not later than one year after the date of such classification, submit a revision to the applicable plan providing for implementation of a vehicle inspection and maintenance program which achieves carbon monoxide emissions reductions of at least 52,000 tons per million vehicles inspected and includes each of the elements in clause (i) through (vi) of section 183(a)(1)(A).

"(k) OXYGENATED FUELS.—Revisions demonstrating attainment submitted pursuant to subection (g) shall contain provisions implementing and enforcing an oxygenated fuels program for each moderate or serious nonattainment area as provided in section 211(e).

"REQUIREMENTS APPLICABLE TO SERIOUS CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 189. (a) TRANSPORTATION CONTROL MEASURES.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain a commitment to implement as expeditiously as practicable each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those which would have been achieved by implementation of such measure or measures.

"(b) EMPLOYER RIDERSHIP PROGRAM.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain provisions requiring employers located in such area to implement programs to reduce work-related trips and miles traveled by employees. Such revisions shall be developed consistent with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 20 percent above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The revision shall also provide that any employer subject to the vehicle occupancy requirement which does not achieve the required occupancy rate increase within two years after the date the revision is submitted shall be liable to the State for payment of a fee of not less than $50 per month for each employee parking space provided or subsidized by such employer. Any revenue received by a State pursuant to this subsection may only be spent to develop or implement an air pollution control program as required by section 110 and this part.

"FAILURE TO COMPLY OR ATTAIN STANDARD

"SEC. 190. (a) FAILURE TO SUBMIT AN APPROVABLE PLAN.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or the Administrator disapproves such plan in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(b)(3) (pertaining to air pollution control program grants).

"(b) FAILURE TO IMPLEMENT A PLAN.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area (or areas) in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) FAILURE TO ACHIEVE REQUIRED EMISSIONS REDUCTIONS.—Whenever a carbon monoxide nonattainment area fails to achieve emissions reductions or a milestone required under section 188(g), the Administrator shall impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding).

"(d) FAILURE TO ATTAIN.—

"(1) The Administrator shall reclassify any moderate nonattainment area failing to attain, as provided in section 187(c), the carbon monoxide air quality standard by the date five years after the date of enactment of this subpart as a serious nonattainment area, and such area shall from the time of reclassification be subject to the provisions of this subpart applicable to serious nonattainment areas. The Administrator may grant a one-year extension of the attainment date established by section 187(c) for a moderate nonattainment area before reclassification provided that the State has fully implemented all provisions in the implementation plan for the area and the area has not exceeded the carbon monoxide air quality standard by more than 10 percent in the two years prior to such date. Not more than two one-year extensions may be granted to any area under this subsection. Within twelve months of reclassification, the State shall submit to the Administrator for approval revisions to the implementation plan for such area as may be necessary to comply with the requirements for serious nonattainment areas.

"(2) In the case of an area classified as a serious nonattainment area in which the carbon monoxide air quality standard is not attained by the date provided in section 187(c), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable nonattainment date plan revisions which provide for attainment of the carbon monoxide air quality standard as provided in subsections (a)(2)(A)(i) and (e) of section 110, and, from the date of such submission until attainment, for an annual reduction in carbon monoxide emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area.

ADDITIONAL REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS

SEC. 109. (a) NEW REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 3:

"SUBPART 4—ADDITIONAL PROVISIONS FOR PM-10 NONATTAINMENT AREAS

"ATTAINMENT DEADLINES FOR PM-10 NONATTAINMENT AREAS

"SEC. 191. (a) DEADLINES FOR ATTAINMENT.—State implementation plans required for any PM-10 nonattainment area under this subpart shall demonstrate attainment as expeditiously as practicable but not later than the date five years after the date on which such area was designated nonattainment for PM-10. The attainment deadline for areas designated nonattainment pursuant to subparagraphs (A) or (B) of section 107(f)(4) shall not extend beyond December 31, 1993. The Administrator may extend the deadline applicable to any area under this subsection upon a showing by the State that—

"(1) attainment within five years is impracticable because measures or technology to reduce PM-10 emissions are not available;

"(2) the State will implement all reasonably available control measures including all measures described in any guidance issued by the Administrator pursuant to section 195; and

"(3) reasonable further progress toward attainment will be achieved and demonstrated at regular intervals until the attainment date as provided in section 192(e).

No extension provided under authority of this subsection may extend for a period beyond the date ten years after the date on which an area has been designated nonattainment.

"(b) NEW STANDARD.—If the Administrator revises the particulate matter air quality standard after the date of enactment of this subpart, the Administrator shall, within six months after such revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas designated nonattainment for PM-10 and shall provide for attainment of such revised standard.

"REQUIREMENTS APPLICABLE TO PM-10 NONATTAINMENT

"SEC. 192. (a) INVENTORIES.—Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of PM-10 (and PM-10 precursors) emissions from stationary and mobile sources located within each such area as provided in guidelines issued by the Administrator pursuant to section 108(g). Any area subsequently designated nonattainment pursuant to section 107 of this subpart shall submit (and update as provided in this subsection) such emissions inventories beginning eighteen months after the date of designation. Guidance for inventory preparation issued by the Administrator pursuant to section 108(g) shall contain factors for estimating PM-10 (and PM-10 precursors) emissions from area and natural sources.

"(b) APPROVED SIPS.—Nothing in this section shall be interpreted to require preparation and submission of plan revisions for areas for which the State has submitted and the Administrator has approved a plan revision pursuant to regulations promulgated on August 7, 1987 (52 Federal Register 29383) provided that such plan revisions otherwise meet the requirements of this subpart.

"(c) STATIONARY SOURCE EMISSIONS FEE.—Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 of this subpart shall not later than eighteen months after such designation submit to the Administrator for approval a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after the date of submission to be imposed on the owner or operator of each major source of PM-10 or PM-10 precursor emissions located within such area. The fee shall be not less than $100 for each ton of PM-10 or PM-10 precursor emissions allowed in the permit issued for the source. The fee shall be not less than $250 per ton of PM-10 or PM-10 precursor emissions allowed in the permit for each source located in an area granted an extension for the attainment deadline pursuant to section 191(a). The owner or operator of the source shall be liable to the State for payment of such fee. The liability for fees imposed under this subsection shall be in addition to liability for any fees imposed under other provisions of this Act. All revenues from any fee collected under this subsection shall be used by the State (or local pollution control agency) to develop and implement air pollution control programs pursuant to section 110 and this part.

"(d) PERMIT REQUIREMENTS.—

"(1) Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 of this subpart shall not later than eighteen months after the date of such designation submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major source of PM-10 or PM-10 precursor emissions located within such areas. It shall be unlawful to operate a major source of PM-10 or PM-10 precursor emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subpart shall require monitoring of PM-10 or PM-10 precursor emissions from the permitted source not less frequently than monthly. The owner or operator shall periodically (but not later than twenty-four hours after any violation is detected) report the results of such monitoring to the State in which the source is located.

"(3) For purposes of this part a major stationary source of PM-10 or PM-10 precursor emissions is any stationary source located or to be located in a PM-10 nonattainment area which emits or has the potential to emit fifty tons or more of PM-10 or pollutants which are precursors of PM-10 per year.

"(4) For purposes of satisfying the requirement of section 173(c) (pertaining to offsets) the ratio of emissions reductions to increased emissions in areas granted an extension of the attainment deadline pursuant to section 191(a) shall be at least 1.5 to 1.

"(e) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing an area designated nonattainment pursuant to section 107 shall, after notice and opportunity for public comment but not later than 24 months after such designation, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate attainment of the PM-10 air quality standard by the date provided in section 191(a).

"(2) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones which are to be achieved in each year in which an inventory is required under subsection (a) until the area is redesignated attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable under section 191(a).

"(3) If a State includes in a plan revision an attainment date for an area which is after the date five years after the date of enactment of this subpart, the State shall commit to implementing each of the guidelines for control technology and measures which the Administrator promulgates pursuant to section 194 for each class or category of PM-10 or PM-10 precursor emission sources in the area. If the Administrator promulgates guidelines which are applicable to such classes and categories of sources after the date on which a plan revision is required by this subsection, the State shall further revise its plan within one year after the promulgation of such additional guidelines to provide for prompt implementation.

"(4) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) PM-10 or PM-10 precursor emissions in the nonattainment area as reported in the most recent inventory by not less than 10 percent. The plan revision shall provide for automatic implementation of the contingency measures in the event the area does not attain the PM-10 air quality standard by the date established pursuant to section 191(a). Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 193(d).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates applicable under section 191(a). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in a plan revision be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the PM-10 air quality standard by the dates applicable under section 191(a).

"(f) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for PM-10 for each area designated nonattainment pursuant to section 107(f)(4) to determine whether the State (or local pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (e). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided in subsection (a).

"(2) If the Administrator finds that any provision required by section 110, subpart 1 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose sanctions required by section 193 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (e) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled. The Administrator shall also impose the sanctions required in section 194 until such time as the milestone is achieved.

"FAILURE TO COMPLY OR ATTAIN STANDARD

"SEC. 193. (a) FAILURE TO SUBMIT AN APPROVABLE PLAN.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or the Administrator disapproves such plan in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(b)(3) (pertaining to air pollution control program grants).

"(b) FAILURE TO IMPLEMENT A PLAN.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area (or areas) in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) FAILURE TO ACHIEVE REQUIRED EMISSIONS REDUCTIONS.—Whenever a PM-10 nonattainment area fails to achieve emissions reductions of a milestone required under section 192(e), the Administrator shall impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding).

"(d) FAILURE TO ATTAIN.—

"(1) The Administrator may, for any area, grant a one-year extension of the attainment date established pursuant to section 191(a) provided that—

"(A) the State has fully implemented all provisions in the implementation plan for the area;

"(B) the area does not exceed the PM-10 standard averaged annually; and

"(C) the area has not exceeded the PM-10 air quality standard averaged over twenty-four hours by more than 10 percent in the two years prior to such date. Not more than two one-year extensions may be granted pursuant to the authority of this subsection.

"(2) In the case of an area designated nonattainment pursuant to section 107(f)(4) in which the PM-10 standard is not attained by the date provided in section 191(a) (and considering any extension provided in subsection (a)), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard as provided in subsections (a)(2)(A)(i) and (e) of section 110, and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area.

"GUIDELINES FOR PM-10 SOURCES

"Sec. 194. (a) Initial Guidelines.—Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate control technique guidelines with respect to reasonably available control technology and best available control technology for PM-10 (and PM-10 precursor) emissions from major stationary sources. At the same time, the Administrator shall publish guidelines with respect to reasonably available control measures and best available control measures for controlling PM-10 (and PM-10 precursor) emissions from area sources which cause or contribute to PM-10 nonattainment. At a minimum, guidelines published under this subsection shall include identification of technology and measures for combustion sources including wood smoke, prescribed burning for silviculture and agriculture and urban fugitive dust.

"(b) Additional Guidelines.—Not later than six months after the date for submission of plans and plan revisions pursuant to section 192(e)(1), the Administrator shall publish a list of all other classes and categories of sources of PM-10 emissions which States have indicated will prevent attainment of the PM-10 air quality standard within five years after the date of enactment of this subpart because control technology is not available. Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish control technique guidelines and guidelines for area sources (as provided in subsection (a)) for each such class or category.".

(b) PM-10 Increments in PSD Areas.—Section 166 of the Clean Air Act is amended by adding the following new subsection:

"(f) PM-10 Increments.—The Administrator is authorized to substitute, for the maximum allowable increases in particulate matter specified in section 163(b) and section 165(d)(2)(C)(iv), maximum allowable increases in particulate matter with an aerodynamic diameter smaller than or equal to ten micrometers. Such substituted maximum allowable increases shall be at least as stringent in effect as those specified in the provisions for which they are substituted. Until the Administrator promulgates regulations under the authority of this section, the current maximum allowable increases in concentrations of particulate matter shall remain in effect.".

OUTER CONTINENTAL SHELF ACTIVITIES

Sec. 110. Title III of the Clean Air Act is amended by adding the following new section after section 236:

"AIR POLLUTION FROM OUTER CONTINENTAL SHELF ACTIVITIES

"Sec. 327. (a) Applicable Requirements.—Not later than twelve months after the enactment of this section, the Administrator, by rule, shall establish requirements to control air pollution from outer continental shelf sources ('OCS sources'). Such requirements shall be the same as would be applicable if the source were located in the corresponding onshore area. Such requirements shall take effect with respect to new or modified sources on the date of promulgation and with respect to existing sources on the date twelve months thereafter. The authority of this section shall supersede any inconsistent authorities established under other law. Each requirement established under this section shall be treated, for purposes of sections 113, 114, 116, 120, and 304, as a standard under section 111.

"(b) State Procedures.—Each State adjacent to an OCS source may develop and submit to the Administrator a procedure for implementing and enforcing the requirements promulgated by the Administrator under subsection (a) for OCS sources. If the Administrator finds that the State procedure is adequate he shall delegate to that State any authority he has under this Act to implement and enforce such requirements.

"(c) Definitions.—For purposes of this section—

"(1) The term 'outer Continental Shelf' has the meaning provided by section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

"(2) The term 'corresponding onshore area' means, with respect to any OCS source, the onshore attainment or nonattainment area that is closest to the source, unless the Administrator determines that another area with more stringent requirements may reasonably be expected to be affected by such emissions. Such determination shall be based on the potential for air pollutants from the OCS source to reach the other onshore area and the potential of such air pollutants to affect the efforts of the other onshore area to attain or maintain any Federal, State, or local ambient air quality standard or to comply with the provisions of part C.

"(3) The terms 'Outer Continental Shelf Source' and 'OCS source' includes any equipment, activity, or facility which (A) emits or has the potential to emit any air pollutant, (B) is regulated or authorized under the Outer Continental Shelf Lands Act, and (C) is located on the Outer Continental Shelf or in or on waters above the Outer Continental Shelf. Activities include, but are not limited to, exploration, construction, development, processing, and transportation. Emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source and the corresponding onshore area, shall be considered emissions from that OCS source.".

INDIAN TRIBES

Sec. 111. Title III of the Clean Air Act is amended by adding the following at the end thereof:

"INDIAN TRIBES

"Sec. 328. (a) In General.—Subject to the provisions of subsection (b), the Administrator—

"(1) is authorized to treat Indian Tribes as States under this Act,

"(2) may delegate to such tribes primary responsibility for assuring air quality and enforcement of air pollution control, and

"(3) may provide such tribes grant and contract assistance to carry out functions provided by this title.

"(b) EPA Regulations.—

"(1) The Administrator shall, within eighteen months after the enactment of this section, promulgate final regulations specifying those provisions of this Act for which it is appropriate to treat Indian Tribes as States. Such treatment shall be authorized only if—

"(A) the Indian Tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian Tribe are within the area of the tribal government's jurisdiction; and

"(C) the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

"(2) Indian Tribes shall not be treated as States for purposes of the last sentence of section 105(c). For any other provision of this Act where treatment of Indian Tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this Act, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of this section and such other provision. Nothing in this section shall be construed to allow Indian Tribes to assume or maintain primary responsibility for assuring air quality and enforcement of air pollution control in a manner less protective of public health or welfare than such responsibility may be assumed or maintained by a State. An Indian Tribe shall not be required to exercise criminal jurisdiction for purposes of complying with the proceeding sentence.".

MISCELLANEOUS AND CONFORMING AMENDMENTS

Sec. 112. (a) Section 106 of the Clean Air Act is amended by inserting—

(1) after "section 107" the following: "or of implementing section 186 (relating to control of interstate ozone air pollution)";

(2) after "program costs of" the following: "any commission established under section 186 (relating to control of interstate ozone air pollution) or"; and

(3) in the last sentence after "such agency" in each place it appears the following: "or such commission".

(b) Paragraph (5) of section 110(a) and paragraph (2) of section 110(c) are hereby repealed and subsequent paragraphs are redesignated accordingly.

TITLE II—PROVISIONS RELATING TO MOBILE SOURCES

EMISSIONS STANDARDS FOR CERTAIN MOTOR VEHICLES

Sec. 201. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) Model Years After 1992.—(1) Effective with respect to the model years specified in tables 1 and 2 below, the regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from motor vehicles and motor vehicle engines in the classes specified in the tables shall contain standards which provide that emissions may not exceed the levels specified in the tables.

"TABLE I.—EMISSIONS STANDARDS FOR GASOLINE AND DIESEL-FUELED LIGHT DUTY VEHICLES

Pollutant	Model years	Standards [1]
NMHC	1993 through 2002	0.25 gpm.
HC	1993 through 2002	0.31 gpm.
HC	2003 and after	0.125 gpm.
NO_x	1993 through 2002	0.4 gpm.
NO_x	2003 and after	0.2 gpm.
CO	2003 and after	1.7 gpm.
PM	1993 and after	0.08 gpm.

[1] Standards are expressed in grams per mile (gpm).

"TABLE 2.—EMISSION STANDARDS FOR GASOLINE AND DIESEL-FUELED TRUCKS AND BUSES

Vehicle or engine type	Pollutant	Model years	Standard [1]
Trucks (3750 lbs or more but less than 5750 lbs, loaded vehicle weight).	NMHC	1933 and after	0.32 gpm.
	HC	1993 and after	0.38gpm.
	NO_x	1993 and after	0.7 gbh.
	CO	1993 and after	4.4 gpm.
Heavy duty trucks	NO_x	1994–2002	4.0 gbh.
	NO_x	2003 and after	2.0 gbh.
	PM	1991–3	0.25 gbh.
	PM	1994 and after	0.1 gbh.

[1] Standards are expressed in grams per mile (gpm) or grams per brake horsepower hour (gbh).

"(2) Effective with respect to model years after 1992, any motor vehicle with a loaded vehicle weight of 3750 pounds or less, as determined by the Administrator, shall be a light duty vehicle.".

CARBON MONOXIDE EMISSIONS AT COLD TEMPERATURES

SEC. 202. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) COLD CO STANDARD.—The Administrator shall promulgate regulations under subsection (a) applicable to emissions of carbon monoxide from light duty vehicles and light duty trucks when operated at 20 degrees Fahrenheit. Such regulations shall contain standards which provide that, with respect to model years 1993 through 1999, emissions of carbon monoxide in the case of light duty vehicles may not exceed 10.0 grams per mile and, in the case of light duty trucks, 13.0 grams per mile. Such regulation shall also contain standards that provide that with respect to model year 2000 and thereafter, emissions of carbon monoxide in the case of light duty vehicles may not exceed 3.4 grams per mile, and, in the case of light duty trucks, 4.4 grams per mile.".

CONTROL OF VEHICLE REFUELING EMISSIONS

SEC. 203. Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6) The Administrator shall promulgate regulations applicable to all motor vehicles requiring that such vehicles be equipped with vehicle-based ('onboard') systems for control of evaporative emissions during refueling. Such regulations shall take effect, with respect to light duty vehicles, beginning in model year 1993, and, with respect to other vehicles, at the earliest date the Administrator determines is feasible, and shall require that such systems provide a minimum evaporative emission capture efficiency of 95 percent.".

EVAPORATIVE EMISSIONS

SEC. 204. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(i) EVAPORATIVE EMISSIONS.—Within 18 months after the enactment of this subsection the Administrator shall promulgate regulations under subsection (a) applicable to evaporative emissions of hydrocarbons, including emissions during vehicle operation, from all gasoline-fueled motor vehicles. Such regulations shall take effect beginning in model year 1994 and shall require the greatest degree of emission reduction achievable by means expected to be available during any model year to which such regulations apply.".

ONBOARD EMISSION DIAGNOSTIC SYSTEMS

SEC. 205. (a) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(j) ONBOARD EMISSION DIAGNOSTIC SYSTEMS—

"(1) Within 18 months after enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) requiring manufacturers to install on all new light duty vehicles and light duty trucks diagnostic systems capable of—

"(A) accurately identifying emission-related systems deterioration or malfunction including, at a minimum, the catalytic converter and oxygen sensor, which could cause or result in failure of the vehicles to comply with emission standards established under this section,

"(B) alerting the vehicle's owner or operator to the likely need for emission-related components or systems maintenance or repair,

"(C) providing access to stored information in a manner specified by the Administrator.

The Administrator may, in the Administrator's discretion, promulgate regulations requiring manufacturers to install such onboard diagnostic systems on heavy-duty vehicles and engines.

"(2) The regulations required under paragraph (1) with respect to light duty vehicles and light duty trucks shall take effect no later than model year 1994.

"(3) The Administrator may by regulation require States that have implementation plans containing motor vehicle inspection and maintenance programs to amend their plans within two years of promulgation of such regulations to provide for inspection of onboard diagnostic systems (as prescribed by regulations under paragraph (1) of this subsection) and the maintenance or repair of malfunctions or system deterioration identified by or affecting such diagnostic system".

(b) The last sentence of section 207(a)(3) of the Clean Air Act is amended to read: "The term 'designed for emission control' as used in the preceding sentence means a catalytic converter, a thermal reactor, an onboard diagnostic system and items monitored or diagnosed by an onboard diagnostic system (as prescribed by regulations of the Administrator under section 202(j)), or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions (not including those vehicle components which were in general use prior to model year 1968 and the primary function of which is not related to emission control).".

(c) The second to last sentence of section 207(b) of the Clean Air Act is amended to read: "For purposes of the warranty under this subsection, for the period after twenty-four months or twenty-four thousand miles (whichever first occurs) the term 'emission control device or system' means a catalytic converter, a thermal reactor, an onboard diagnostic system and items monitored or diagnosed by an onboard diagnostic system (as prescribed by regulations of the Administrator under section 202(j)), or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions.".

EMISSIONS OF CARBON DIOXIDE FROM PASSENGER CARS

SEC. 206. Title II of the Clean Air Act is amended by redesignating section 216 as section 219 and inserting the following new section after section 215:

"EMISSIONS OF CARBON DIOXIDE FROM PASSENGER CARS

"SEC. 216. (a) PROMULGATION OF REGULATIONS.—The Administrator shall promulgate regulations providing for standards applicable to emissions of carbon dioxide from passenger automobiles (as defined in 15 U.S.C. 2001(2)). Such standards shall require that for model years 1995 to 2002, the average of such emissions from passenger automobiles manufactured by any manufacturer shall not exceed 242 grams per mile, and for model year 2003 and thereafter, such average shall not exceed 170 grams per mile.

"(b) APPLICATION OF OTHER PROVISIONS.—The standards under this section shall be subject to the provisions of section 202(d) relating to the determination of useful life, and to the same provisions of section 206 and section 207 as are applicable in the case of standards under section 202, and shall be enforced in the same manner as standards under section 202.".

LOW-POLLUTING VEHICLES

SEC. 207. (a) DEFINITION OF LOW-POLLUTING FUEL.—Section 219 of the Clean Air Act (as redesignated by section 206) is amended by adding the following new subsection:

"(7) The term 'low polluting fuel' means methanol, ethanol, propane, or natural gas, or any comparably low-polluting fuel. In determining whether a fuel is comparably low-polluting, the Administrator shall consider both the level of emissions of air pollutants from vehicles using the fuel and the contribution of such emissions to ambient levels of air pollutants. For purposes of this subsection, the term 'methanol' includes any fuel which contains at least 85 percent methanol unless the Administrator increases such percentage as he deems appropriate to protect public health and welfare.".

(b) STANDARDS AND RELATED REQUIREMENTS.—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(k) LOW-POLLUTING VEHICLES.—

"(1) Within 18 months after the enactment of this subsection, the Administrator shall promulgate specific standards under subsection (a) for motor vehicles which burn low-polluting fuel. Such standards shall apply to the emission of carbon monoxide, formaldehyde, hydrocarbons, oxides of nitrogen, carbon dioxide, and such other air pollutants as the Administrator may identify as a potential threat to public health or welfare. The Administrator may establish different standards for vehicles powered by each of such fuels. Such standards shall take effect in the second model year commencing after the model year in which the standards are promulgated.

"(2) Any standard referred to in paragraph (1) shall require that each vehicle which burns a low-polluting fuel use the best available technology for the control of each air pollutant referred to in paragraph (1), taking costs into account. Such standard shall not permit emissions of any such air pollutant, including evaporative emissions, to exceed the standard applicable to emissions of such air pollutant from comparable gasoline powered vehicles under subsection (a) and shall require that such emissions contribute less to ozone formation.

"(3) Nothing in this subsection shall be construed to prevent the Administrator from certifying (under section 206) any motor vehicle having a multiple fuel capability or capable of burning a mixture of fuels if the vehicle meets the standards under this subsection for each such fuel which it is capable of burning.".

LIGHT DUTY VEHICLE USEFUL LIFE

Sec. 208. Section 202(d)(1) of the Clean Air Act is amended to read as follows:

"(1)(A) in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs;

"(B) in the case of light duty vehicles and light duty engines manufactured in the model year 1995 and thereafter, be a period of use of ten years or 100,000 miles (or the equivalent), whichever first occurs".

WARRANTIES

Sec. 209. Section 207 of the Clean Air Act is amended as follows:

(a) strike out "useful life (as determined under section 202(d))" in each place it appears in subsection (b) and insert in lieu thereof "the warranty period (as determined under subsection (i))";

(b) strike so much of section 207(b) as follows the third sentence thereof;

(c) add the following new subsection at the end thereof:

"(i) Warranty Period.—

"(1) For purposes of subsection (a)(1) and subsection (b), the warranty period, in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year shall be the useful life (as determined under section 202(d)). For the purposes of such subsections, the warranty period, in the case of such vehicles and engines manufactured during model year 1995 and thereafter, shall be the first two years or 24,000 miles of use (whichever first occurs), except as provided in paragraph (2).

"(2) In the case of a specified major emission control component, the warranty period for purposes of subsection (a)(1) and subsection (b) shall be eight years or 80,000 miles of use (whichever first occurs). As used in this paragraph, the term 'specified major emission control component' means only a catalytic converter or electronic emissions control unit, except that the Administrator may designate any other pollution control device or component as a specified major emission control component if—

"(A) the device or component (except in the case of onboard emission control diagnostic equipment required by section 216) was not in general use on vehicles and engines manufactured prior to the model year 1990; and

"(B) the Administrator determines that the retail cost (exclusive of installation costs) of such device or component exceeds $200 (in 1989 dollars, adjusted for inflation or deflation as calculated by the Administrator at the time of such determination).

Nothing in this Act shall be interpreted to mean that parts other than those specified by the Administrator as major emission control components shall be construed to be warranted under this Act for eight years or 80,000 miles.

"(3) Subparagraph (A) of subsection (b)(2) shall apply only where the Administrator has made a determination that the instructions concerned conform to the requirements of subsection (c)(3)."; and

(d) amend subsection (a)(1) by adding the following at the end thereof: "In the case of vehicles and engines manufactured in the model year 1995 and thereafter such warranty shall require that the vehicle or engine is free from any such defects for the period of 2 years or 24,000 miles of use (whichever first occurs), except that for a specified major emission control component (as defined in subsection (i)) such warranty shall require that such component is free from any such defects for the period of eight years or 80,000 miles of use (whichever first occurs).".

NON-ROAD ENGINES

Sec. 210. (a) Definitions.—Section 219 of the Clean Air Act (as redesignated by section 206 of this Act) is amended by adding the following new subsections:

"(8) The term 'non-road engine' means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or which is not subject to standards promulgated under section 111 (pertaining to new stationary sources) or section 202 (pertaining to motor vehicles) or to regulation under Part B of this title (pertaining to aircraft emissions).

"(9) The term 'non-road vehicle' means a vehicle that is powered by a non-road engine and that is not a motor vehicle.".

(b) Subsection (1) of section 219 of the Clean Air Act (as redesignated by section 206) is amended by striking the phrase "new motor vehicles or new motor vehicle engines" every place it occurs and inserting in its place "new motor vehicles, new motor vehicle engines, new non-road vehicles or new non-road engines".

(c) The Clean Air Act is amended by adding a new section 217 as follows:

"EMISSION STANDARDS FOR NON-ROAD ENGINES AND VEHICLES

"Sec. 217. (a) List of Categories.—Not later than twelve months after the date of enactment of this section and after notice and opportunity for public comment the Administrator shall publish (and from time to time revise) a list of all categories of non-road engines and non-road vehicles together with estimates of the contribution of each category to ambient ozone and carbon monoxide levels in nonattainment areas and to total particulate levels.

"(b) Emission Standards.—

"(1) The Administrator shall promulgate emission standards for non-road engines or non-road vehicles of fifty or more horsepower in every category listed under subsection (a) and is authorized to promulgate standards for vehicles or engines of less than fifty horsepower.

"(2) Emission standards promulgated under this subsection shall, at a minimum, require that emissions of carbon monoxide, volatile organic compounds, oxides of nitrogen and particulates, from engines and vehicles covered by this section shall not be greater than the emissions of such air pollutants allowable under section 202 for motor vehicle engines of comparable horsepower using the same fuel, as determined by the Administrator. If there is not a standard for any of such air pollutants under section 202 for a motor vehicle engine of comparable horsepower using the same fuel, the Administrator shall establish standards under this section which are proportional to the standards applicable under section 202 to motor vehicle engines which are closest in horsepower and fuel use to the engine concerned.

"(c) Schedule for Standards.—The Administrator shall promulgate regulations required under subsection (b) as expeditiously as practicable, assuring that—

"(1) emissions standards for engines or vehicles of greater than fifty horsepower in at least one-third of the categories listed under subsection (a) are promulgated not later than three years after the date of enactment of this section;

"(2) emissions standards for such engines or vehicles in at least two-thirds of such categories are promulgated within four years after such date; and

"(3) emissions standards for such engines or vehicles in all such categories are promulgated no later than five years after such date.

"(d) Effective Date.—Each standard under this section shall take effect with respect to engines or vehicles to which the standard applies that are manufactured three years after such standard is promulgated.

"(e) Enforcement.—The standards under this section shall be subject to the same provisions of title II as are applicable in the case of standards under section 202, and shall be enforced in the same manner as the standards under section 202, with such modifications as the Administrator deems appropriate.".

PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

Sec. 211. The Clean Air Act is amended by adding a new section 218 as follows:

"PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

"Sec. 218. The Administrator shall promulgate regulations applicable to motor vehicle engines and non-road engines manufactured after model year 1992 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

MOTOR VEHICLE TESTING AND CERTIFICATION

Sec. 212. (a) Idle Test.—Section 206(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test and idle test mode to the Federal Test Procedure for light duty vehicles. Such modified test procedure shall be used for the certification of light duty vehicles and engines manufactured during or after model year 1992.".

(b) Production Line Testing.—Section 206(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) The Administrator shall revise the regulations under this section regarding selective enforcement auditing of new light duty vehicles (as set forth in section 86.610 of Subpart G of part 86 of title 40 of the Code of Federal Regulations) such that the maximum percentage of failing vehicles that, for purposes of sampling inspection, can be considered satisfactory as a process average for purposes of such selective enforcement audits shall be 10 percent. Such revised regulations shall apply with respect to motor vehicles manufactured after the model year 1991.".

(c) Revision of Certain Test Procedures.—Section 206 of the Clean Air Act is amended by adding the following new subsection:

"(h) Within eighteen months after the enactment of this subsection and at least every four years thereafter, the Administrator shall review and revise as necessary the regulations under subsection (a) and (b) of this section regarding the testing of motor vehicles and motor vehicle engines to insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used, including conditions relating to fuel, temperature, acceleration and altitude. Such revised test procedures shall include testing of evaporative emissions (including running losses) as well as tail-pipe emissions and shall provide for the testing of trucks with a gross vehicle weight rating of 6000 pounds or more in a loaded mode approximating such rating.".

(d) AVERAGING PROHIBITED.—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(e) AVERAGING PROHIBITED.—Each emission standard under this section shall apply to, and be met by, each and every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.".

SEC. 213. (a) USE OF INFORMATION FROM STATE PROGRAMS.—Section 207(c) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.".

(b) RECALL TESTING AT MANUFACTURER'S EXPENSE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(5) If the Administrator has reason to believe that in-use vehicles or engines may not conform to regulations prescribed under section 202, the Administrator may require the manufacturer of such vehicles or engines to pay the costs that the Administrator incurs in procuring and testing such vehicles or engines. Such reason to believe shall be based on data or information available to the administrator, including but not limited to, field surveys, State inspection and maintenance programs and consumer complaints.".

FUEL VOLATILITY

SEC. 214. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) EVAPORATIVE EMISSIONS FROM MOTOR VEHICLE FUELS.—

"(1) The Administrator shall promulgate regulations to reduce evaporative emissions from motor vehicle fuels.

"(2) Regulations under this subsection shall include a standard for gasoline volatility. The standard shall apply to all gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles during the high ozone periods of each year. Effective with respect to gasoline sold in the second high ozone period which commences after the enactment of this subsection, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in Class C areas (as defined by the American Society of Testing Materials as of the date of enactment of this subsection) shall not exceed a Reid Vapor Pressure of 9 pounds per square inch unless the Administrator establishes a lower number which the Administrator determines to be achievable and appropriate for purposes of protecting public health and welfare. The regulations shall require a proportional reduction in areas other than such Class C areas.

"(3) For purposes of regulations referred to in paragraph (2), the high ozone period shall be the period between May 16 and September 15 each year or such longer period as the Administrator establishes for any region to cover periods of potential ozone air pollution in excess of the standard for ozone for the region.

"(4) For fuel blends containing gasoline and 10 percent denatured anhydrous ethanol, the Reid vapor pressure limitation pursuant to this subsection shall be 1.0 pound per square inch greater than the applicable Reid vapor pressure limitations established under paragraph (2): *Provided, however,* that a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder, if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (A) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (B) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).".

DESULFURIZATION

SEC. 215. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(i) DESULFURIZATION OF DIESEL FUEL.—

"(1) Effective October 1, 1993, no person shall manufacture, sell, offer for sale, dispense, transport or introduce into commerce motor vehicle diesel fuel which contains a concentration of sulfur in excess of 0.05 percent (by weight) or which fails to meet a cetane index minimum of 40.

"(2) No later than twelve months after the enactment of this subsection, the Administrator shall promulgate regulations to implement and enforce the requirements of paragraph (1). The Administrator shall require manufacturers and importers of diesel fuel not intended for use in motor vehicles to dye such fuel in order to segregate it from motor vehicle diesel fuel.

"(3) The sulfur content of fuel required to be used in the certification of 1991 through 1993 model year heavy-duty diesel vehicles and engines shall not exceed 0.05 percent (by weight). The sulfur content and cetane index minimum of fuel required to be used in certification of 1994 and later model year heavy-duty diesel vehicles and engines shall comply with the regulations promulgated under paragraph (2).".

LEAD PHASEDOWN

SEC. 216. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(j) PROHIBITION ON LEADED GASOLINE FOR HIGHWAY USE.—Effective January 1, 1991, it shall be unlawful for any person to sell, offer for sale, or introduce into commerce, for use as fuel in any motor vehicle (as defined in section 216(2)) any gasoline which contains lead or lead additives. The Administrator may extend the January 1, 1991, deadline for up to two years, if the Administrator determines that unavailabity of gasoline containing lead or lead additives for such vehicles will reduce the availability of such gasoline for farm vehicles and that alternatives to gasoline containing lead or lead additives are unavailable for use in gasoline powered farm vehicles.".

FUEL QUALITY

SEC. 217. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(k) FUEL QUALITY.—

"(1) Not later than thirty-six months after the date of enactment of this subsection the Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing specifications for fuel quality which will minimize, to the extent economically and technically achieveable, emissions (including evaporative emissions) of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter and hazardous air pollutants over the useful life of vehicles and engines certified for manufacture under this title. Such regulations may prohibit the presence of fuel impurities and other substances or mandate the use of specific additives to achieve the purposes of this subsection. The regulations shall be effective for fuels sold on and after January 1, 1994. In the event that the Administrator does not promulgate the regulations required by this paragraph, effective January 1, 1994 it shall be unlawful to sell, offer for sale or introduce into commerce any fuel for use in a gasoline-powered vehicle unless such fuel contains additives effective in preventing the accumulation of deposits in fuel-injected engines.".

"(2) In order to achieve and maintain attainment of ambient air quality standards, the Administrator may promulgate regulations applicable to fuel refiners, distributors, marketers, or consumers establishing specifications for fuels (including regulations requiring the availability or sale of fuels meeting the specifications in a nonattainment area or areas) to reduce emissions of pollutants subject to a standard under this title or hazardous air pollutants from motor vehicles. In establishing such specifications and availability requirements the Administrator shall consider other environmental effects which would result from production and use of fuels meeting the specifications. The Administrator shall require as part of any specification under this paragraph that there be no increase in emissions of any other pollutant subject to a standard under this title or any hazardous air pollutant by vehicles using the specified fuel. Regulations under this paragraph shall be stated as performance standards and may be satisfied by any fuel which, as certified to the Administrator by the refiner or distributor, achieves comparable emissions reductions and otherwise satisfies the specification.

OXYGENATED FUELS

SEC. 218. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(l)(1) Except as provided in paragraph (2) and effective October 1, 1991 no person shall, during the period from October 1 to March 31 each year, sell, offer for sale, or introduce into commerce in any area classified as nonattainment for carbon monoxide any gasoline fuel for use in a motor vehicle unless the oxygen content of such fuel shall be 3.1 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required, *Provided, that* such exchanges shall not be permitted between sellers located in different non-attainment areas and that the average oxygen content of fuels sold in any area that is non-attainment for carbon monoxide be 3.1 per centum or greater.

"(3) The Administrator may waive, in whole or in part, the requirements of this subsection in any area upon a demonstration by the State to the satisfaction of the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(4) Any person selling oxygenated fuel at retail pursuant to this subsection shall be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that the fuel is oxygenated and will reduce carbon monoxide emissions from motor vehicles.".

MISFUELING

SEC. 219. Section 211 of the Clean Air Act is amended by deleting subsection (g) and inserting the following new subsection:

"(g)(1) No person shall introduce, or cause or allow the introduction of, leaded gasoline into any motor vehicle which is labeled 'unleaded gasoline only,' which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, which is a 1990 or later model year motor vehicle, or which such person knows or should know is a vehicle designed solely for the use of unleaded gasoline.

"(2) Beginning October 1, 1993, no person shall introduce or cause or allow the introduction into any motor vehicle of diesel fuel which such person knows or should know contains a concentration of sulfur in excess of 0.05 percent (by weight) or which fails to meet a cetane index minimum of 40.".

ENFORCEMENT

SEC. 220. (a) TESTING. Section 203(a)(2) of the Clean Air Act is amended by inserting before the semicolon at the end thereof the following: ", or to refuse to pay for procurement or testing under section 207(c)".

(b) TAMPERING WITH VEHICLE EMISSION CONTROLS.—Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser except as may be temporarily necessary in the course of routine proper maintenance; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such person knows or should know that such part or component is being offered for sale for such use or put to such use; or".

(c) CIVIL AND ADMINISTRATIVE PENALTIES.—Section 205 of the Clean Air Act is amended to read as follows:

"SEC. 205. (a) CIVIL PENALTIES.—Any person who violates paragraph (1), (2) or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) of this title shall be subject to a civil penalty of not more than $25,000. Any other person who violates paragraph (3)(A) or any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil-penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3)(A), or (4) of section 203(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any such violation with respect to paragraph (3)(B) of such section shall constitute a separate offense with respect to each part or component. Any such violation with respect to paragraph (2) of such section shall constitute a separate offense with respect to each day of violation.

"(b) CIVIL ACTIONS.—The Administrator may commence a civil action to assess and recover any civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels and fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide), or subsection (e) of section 217 (pertaining to non-road engines and vehicles). Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to assess such civil penalty. In determining the amount of any civil penalty to be assessed under this subsection, the court shall consider the seriousness of the violation, the economic benefit (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(c)(1) The Administrator may assess a civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels or fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide) or subsection (e) of section 217 (pertaining to non-road engines and vehicles), except that the maximum amount of any civil penalty assessed under this paragraph shall not exceed $200,000. Assessment of a civil penalty under this subsection shall be by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Administrator may issue rules for discovery procedures or hearings under this paragraph.

(2) In determining the amount of any civil penalty assessed under this subsection, the Administrator shall consider the seriousness of the violation, the economic benefit (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact on the violator, and such other matters as justice may require.

"(3)(A) Action by the Administrator under this subsection shall not affect or limit the Administrator's authority to enforce any provision of this Act, except that any violation—(i) with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or (ii) for which the Administrator has issued a final order not subject to further judicial review and the violator has paid a penalty assessment under this subsection, shall not be the subject of civil penalty action under subsection (b).

"(B) No action by the Administrator under this subsection shall affect any person's obligation to comply with any section of this Act.

"(4) An order issued under this subsection shall become final 30 days after its issuance unless a petition for judicial review is filed under paragraph (5).

"(5) Any person against whom a civil penalty is assessed in accordance with this subsection may obtain review of such assessment in the United States Court of Appeals for the District of Columbia Circuit, or for any other circuit in which such person resides or transacts business, by filing notice of appeal in such court within the thirty-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion, and such court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of the penalty constitutes an abuse of discretion.

"(6) If any person fails to pay an assessment of a civil penalty imposed by the Administrator as provided in this subsection—

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to 26 U.S.C. 6621(a)(2) from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(7) The Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued under this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, or to appear and produce documents before the Administrator, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof.".

(c) ENFORCEMENT OF SECTION 211.—Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (g), (j) or (l) or the regulations prescribed under subsection (c), (h), (i), or (k) or who fails to furnish any information or conduct any tests required by the Administrator under subsection (b) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation. Any violation with respect to a regulation prescribed under subsection (c) of this section which establishes a regulatory standard based upon a multiday averaging period shall constitute a separate day of violation for each and every day in the averaging period. Such civil penalties shall be assessed in accordance with the provisions of subsections (b) and (c) of section 205.

"(2) INJUNCTIVE AUTHORITY.—The district courts of the United States shall have jurisdiction to restrain violations of subsections (a), (f), (g), or (j) and of the regulations prescribed under subsection (c), (h), (i), or (k), to award other appropriate relief, and to compel the furnishing of information and the conduct of tests required by the Administrator under subsection (b). Actions to restrain such violations and compel such actions shall be brought by and in the name of the United States.".

TITLE III—PROVISIONS RELATING TO ENFORCEMENT

SECTION 113 ENFORCEMENT

SEC. 301. (a) Section 113(a)(1) of the Clean Air Act is amended as follows:

(1) In the first sentence, after "finds that any person", insert the words "has violated or"; and following the words "shall notify the person" replace "in violation of" with "who violated".

(2) In the second sentence,

(A) strike the words "If such violation extends beyond the thirtieth day after the date of the Administrator's notification," and insert in lieu thereof the words "At any time after the expiration of thirty days following the date on which such notice of the violation is issued,";

(B) insert after "of such plan" the following— ", may issue an administrative penalty order in accordance with subsection (d),"; and

(C) insert, at the end of the sentence, the following: ", without regard to the period of the violation. Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(b) Section 113(a)(2) of the Clean Air Act is amended as follows:

(1) Strike the "or" at the end of section 113(a)(2)(A), redesignate subparagraph "(B)" as "(C)", and insert the following new subparagraph (B):

"(B) by issuing an administrative penalty order under subsection (d) of this section, or".

(2) Insert the following new sentence at the end of section 113(a)(2): "Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(c) Section 113(a)(3) of the Clean Air Act is amended as follows:

(1) Insert the words "has violated or" before the words "is in violation of" in the first sentence.

(2) Strike the words "section 111(e) of this title" and all that follows down through "(relating to inspections, etc.), he" and insert in lieu thereof the following new language: "any other requirement of this title including, but not limited to, a requirement of any rule, order, waiver or permit promulgated or approved under this title or for the payment of any fee owed the United States under this Act, the Administrator:".

(3) Strike the words "or he" before the words "may bring a civil action" and insert in lieu thereof the following words: "may issue an administrative penalty order in accordance with subsection (d); or".

(4) Insert after the words "may bring a civil" the words "or criminal".

(d) Section 113(a)(4) of the Clean Air Act is amended by inserting at the end thereof: "An order issued under this subsection shall require the person to whom it was issued to comply with the requirement as expeditiously as practicable, but in no event longer than one year after the date the order was issued, and shall be nonrenewable. No order issued under this subsection shall prevent the State or the Administrator from assessing any penalties nor otherwise affect or limit the State or the United States' authority to enforce under other provisions of this Act, nor affect any person's obligations to comply with any section of this Act, or a term or condition of any permit or applicable implementation plan promulgated or approved under this Act.".

(e) Section 113(a)(5) of the Clean Air Act is amended to read as follows:

"(5) Whenever, on the basis of any available information, the Administrator finds that a State is not acting in compliance with any requirement of the Act relating to the construction of new sources or the modification of existing sources, the Administrator may—

"(A) issue and order prohibiting the construction, modification or operation of any major stationary source in any area to which such provisions apply;

"(B) issue an administrative penalty order in accordance with subsection (d); or

(C) bring a civil action under subsection (b)(5).

Nothing in this subsection shall preclude the Administrator from filing a criminal action under section 113(c) at any time for any such violation.

(f) Section 113(b) of the Clean Air Act is amended to read as follows:

"(b) The Administrator shall, in the case of any person which is the owner or operator of a major emitting facility or a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $25,000 per day for each violation, or both, whenever such person—

"(1) violates any requirement of an applicable implementation plan (such action shall be commenced (A) during any period of federally assumed enforcement, or (B) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of a finding that such person is violating such requirement); or

"(2) violates any other requirement of this title or title III, including a requirement of any rule, order, waiver or permit promulgated or approved under this Act or for the payment of any fee under this Act; or

"(3) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made. Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty, and to collect any fees owed under the Act and any noncompliance assessment and nonpayment penalty owed under section 120 and to award any other appropriate relief. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency. In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party or parties against whom such action was brought in any case where the court finds that such action was unreasonable.

(g) Section 113(c) of the Clean Air Act is amended to read as follows:

"(c) CRIMINAL ENFORCEMENT.—

"(1) Any person who knowingly fails to pay any fee owed the United States under this title or title III shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than one year, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(2) Any person who negligently releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42, and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code, or by imprisonment for not more than one year, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(3) Any person who knowingly violates any requirement or prohibition of this title or title III, including but not limited to a requirement or prohibition of any rule, plan, order, waiver or permit promulgated or approved under those titles shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than five years, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(4) Any person who knowingly—

"(A) makes any false statement, representation, or certification in, or omits material information from or knowingly alters, conceals or fails to maintain or file any notice, application, record, report, plan, or other document filed or required to be maintained or used for purposes of compliance under this Act (whether with respect to the requirements imposed by the Administrator or by a State); or

"(B) fails to notify or report as required under this Act; or

"(C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Act; shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than two years, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(5)(A) Any person who knowingly releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42, United States Code, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code, or by imprisonment of not more than fifteen years, or by both, per day for each violation. Any person committing such violation which is an organizations shall, upon conviction under this paragraph, be subject to a fine of not more than $1,000,000 per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard, a release of such pollutant shall not constitute a violation of this paragraph unless it exceeds such standard.

"(B) In determining whether a defendant who is an individual knew that the violation placed another person in imminent danger of death or serious bodily injury—

"(i) the defendant is responsibile only for actual awareness or actual belief possessed; and

"(ii) knowledge possessed by a person other than the defendant, but not by the defendant, may not be attributed to the defendant;

except that in proving a defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to be shielded from relevant information.

"(C) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(D) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(6) For the purposes of this subsection, the term 'person' includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.".

(h) Current section 113(d) of the Clean Air Act is deleted in its entirety and replaced with the following new section 113(d);

"(d) ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES—

"(1) The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000, per day for each violation, whenever, on the basis of any available information, the Administrator finds that such person—

"(A) violates any requirement of an applicable implementation plan (Such order shall be issued (i) during any period of federally assumed enforcement, or (ii) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of this section of a finding that such person is violating such requirement); or

"(B) violates any other requirement of this title or title III, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(C) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

The Administrator's authority under this paragraph shall be limited to matters where the total penalty sought does not exceed $200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the administrative action.

"(2)(A) An administrative penalty assessed under paragraph (1) shall be assessed by the Administrator by an order made on the record after opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator may issue rules for discovery and other procedures for hearings under this paragraph. Before issuing such an order, the Administrator shall give written notice to the person to be assessed an administrative penalty of the Administrator's proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within fifteen days of the date the notice is received by such person.

"(B) The Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under paragraph (d)(1).

"(3) The Administrator may implement through regulation, after consultation with the Attorney General, a field citation program for appropriate minor violations, which authorizes the issuance of field citations assessing civil penalties not to exceed $5,000 per day for each violation. Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or to request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. Payment of a civil penalty required by a field citation shall not be a defense to further enforcement by the United States or a State to correct a violation, or to assess the statutory maximum penalty pursuant to other authorities in the Act, if the violation continues.

"(4) Any person against whom a civil penalty is assessed under this subsection may seek review of such assessment in the United States District Court for the District of Columbia, or for the district in which the violation is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing a notice in such court within thirty days following the date the civil penalty order is issued under paragraph (2), or the final decision in a hearing under paragraph (3) is rendered, and by simultaneously sending a copy of the filing by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy, or certified index, as appropriate, of the record on which the order or final decision was issued within thirty days. Such court shall not set aside or remand such order or final decision unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion. In any such proceedings, the United States may seek to recover civil penalties assessed under this section.

"(5) If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment or field citation has become final, or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to section 6621(a)(2) of title 26, United States Code, from the date of the final order or decision or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.

(i) Current section 113(e) of the Clean Air Act is deleted in its entirety and replaced with the following new section 113(e):

"(e) PENALTY ASSESSMENT CRITERIA.—

"(1) In determining the amount of any penalty to be assessed under this section or section 304(a), the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(2) A penalty may be assessed for each day of each violation. For purposes of determining the number of days of violation for which a penalty may be assessed under this section or section 304(a), or an assessment may be made under section 120, the violation shall be deemed to commence on the first provable date of violation and to continue each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.".

REVIEWABILITY OF ADMINISTRATIVE ORDERS

SEC. 302. (a) Section 307(b)(2) of the Clean Air Act is amended by adding at the end thereof: "Orders or notices issued under section 113(a), section 167 and section 303, administrative subpoenas under section 307(a), and actions under sections 114, 206(c) and 208 of this Act are not considered final actions for purposes of this section. Such orders, notices, subpoenas and actions shall not be subject to judicial review except in a proceeding commenced by the United States under sections 113, 120, 204 or 205, or in a citizen suit commenced under section 304, to enforce the order, notice, subpoena or action. No such order, notice, subpoena or action may be challenged in any citizen suit under section 304 unless the Administrator and the Attorney General are notified in writing of such challenge.".

(b) Section 307(e) of the Clean Air Act is amended by inserting at the end thereof the following: "Orders or notices issued under section 113(a), section 167 or section 303, subpoenas issued under section 307(a), and actions under sections 114, 206(c) and 208 of this Act may only be reviewed in a proceeding commenced by the United States under sections 113, 120, 204, or 205, or in a citizen suit under section 304, to enforce the order, notice, subpoena or action.".

COMPLIANCE CERTIFICATION

SEC. 303. (a) Section 114(a)(1) of the Clean Air Act is amended by—

(1) inserting ", on a one-time, periodic or continuous basis" immediately before "to (A) establish and maintain";

(2) inserting "audit procedures" immediately before "or methods, (D)";

(3) inserting "procedures or" immediately before "methods, at such locations,";

(4) inserting "during such continuous periods" immediately before ", and in such manner as the Administrator";

(5) striking "and" immediately before subparagraph (E); and

(6) redesignating subparagraph (E) as (G) and inserting the following new subparagraphs: "(E) keep periodic or continuous records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, (F) submit compliance certifications in accordance with section 114(a)(3); and".

(b) Section 114(a) is amended by adding the following new paragraph:

"(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (i) identification of the applicable requirement that is the basis of the certification, (ii) the method used for determining the compliance status of the source, (iii) the compliance status, (iv) whether compliance is continuous or intermittent, (v) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be public information. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement the Act.".

(c) Section 307(b)(1) is amended by inserting "or revising regulations for enhanced monitoring and compliance certification programs under section 114(a)(3) of this Act," immediately before "or any other final action of the Administrator".

CONTRACTOR INSPECTIONS

SEC. 304. (a) Section 114(a)(2) of the Clean Air Act is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)," immediately before "upon presentation of his credentials".

(b) Section 114(c) is amended by striking "except that such record," and all that follows in the subsection and inserting ". Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of the provisions of section 1905 of title 18. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports or information to other officers, employees or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator), or to any State concerned with carrying out this Act, or when relevant in any proceeding under this Act.".

ADMINISTRATIVE ENFORCEMENT SUBPOENAS

SEC. 305. Section 307 of the Clean Air Act is amended by redesignating subsection (a)(1) as subsection (a), and, in that newly designated subsection, striking "or" before "section 202(b)(5)" and inserting ", any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under the Act (including but not limited to section 113, section 114, section 120, section 205, section 206, section 208, section 303 or section 306), or to otherwise carry out the provisions of the Act," immediately after "section 202(b)(4) or 211 (c)(3)".

EMERGENCY ORDERS

SEC. 306. Section 303 of the Clean Air Act, is amended by—

(a) striking "the health of persons, and that appropriate State or local authorities have not acted to abate such sources" and inserting "public health or welfare, or the environment";

(b) revising the second sentence to read "If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment.";

(c) striking the last two sentences in their entirety; and

(d) deleting subsection (b) in its entirety and redesignating subsection 303(a), as amended, as section 303.

CONTRACTOR LISTINGS

SEC. 307. Section 306(a) of the Clean Air Act is amended by—

(a) striking "(1)" after "section 113(c)"; and

(b) inserting at the end thereof "For convictions arising under section 113(c)(2), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(2). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.".

JUDICIAL REVIEW PENDING RECONSIDERATION OF REGULATION

SEC. 308. Section 307(b)(1) of the Clean Air Act is amended by adding at the end thereof the following: "A petition for reconsideration by the Administrator of any otherwise final agency action shall not render the action nonfinal for purposes of judicial review nor extend the time within which a petition for review may be filed, and shall not postpone the effectiveness of the agency action.".

CITIZEN SUITS AND PETITIONS

SEC. 309. (a) CIVIL PENALTIES.—

(1) Section 304(a) of the Clean Air Act is amended by inserting immediately before the period at the end thereof: ", and to apply any appropriate civil penalties (except for actions under paragraph (a)(2)), including those pursuant to a consent judgment, payable to the special fund as established in subsection (g), taking into account the factors listed in section 113(e)".

(2) Section 304 of the Clean Air Act is amended by adding the following new subsection:

"(g) PENALTY FUND.—Penalties received under subsection (a) shall be deposited in a special fund in the United States Treasury for licensing and other services, which shall be available for appropriation, and remain available until expended for use by the Environmental Protection Agency to finance air compliance and enforcement activities.".

(3) Paragraph (2) of subsection 304(c) of the Clean Air Act is amended to read as follows:

"(2) In any action under this section, the Administrator, if not a party, may intervene as a matter of right at any time in the proceeding. In such intervention, the Administrator may substitute himself as the plaintiff with regard to any claim for civil penalties. Upon such substitution, the citizen plaintiff's claims for civil penalties shall abate. A judgment in an action under this section to which the United States is not a party shall not, however, have any binding effect upon the United States.".

(b) UNREASONABLE DELAY.—Section 304(a) of the Clean Air Act, as amended by subsection (a), is further amended as follows:

(1) Paragraph (2) is amended to read as follows:

"(2) against the Administrator where there is alleged a failure to act that violates one or more of the standards set forth in section 307(d)(9), or constitutes unreasonable delay, provided however that a failure to act does not include a written decision not to take action which the Administrator designates, within such decision, as a final action within the meaning of section 307(b)(1); or";

(2) by inserting after "to perform such act or duty," the following: "or to compel agency action unreasonably delayed,"; and

(3) by adding at the end thereof the following: "Where a provision of the Act mandates that the Administrator shall take specified action when certain preconditions are met, the court's power to compel the specified action under paragraph (2) shall not depend in any manner upon whether the Administrator has published in the Federal Register a proposed or final determination that the threshold preconditions are met.".

(c) NOTICE TO THE GOVERNMENT.—Section 304(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator during which time the government may submit its comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.".

(d) DEFERRED ACTIONS.—Section 307(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) Where a final decision by the Administrator undertakes to perform an action, but defers such performance to a later time, any interested person may either challenge the deferral pursuant to paragraph (1) or bring an action at any time under section 304(a)(2) to compel such performance.".

(e) PETITIONS.—Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) PETITIONS.—Any person may petition the Administrator to issue, amend, reconsider, or repeal any regulation or order issued under the authority of this Act. Within twelve months the Administrator shall either grant the petition or issue a final decision denying the petition, except that in the case of a petition for reconsideration under section 307(d)(7)(B), the Administrator shall grant or deny the petition within four months. In any case in which the Administrator grants a petition, the Administrator shall take final action in response to any such petition within a reasonable time.".

ENHANCED IMPLEMENTATION AND ENFORCEMENT OF NEW SOURCE REVIEW REQUIREMENTS

SEC. 310. Section 167 of the Clean Air Act is amended by striking "the construction of a major emitting facility" and inserting "the operation, construction, or modification of a major emitting facility".

MOVABLE STATIONARY SOURCES

SEC. 311. Section 302 of the Clean Air Act is amended by adding the following subsection:

"(t) STATIONARY SOURCE.—The term "stationary source" means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes."

REQUIREMENTS FOR OZONE POLLUTION AREAS

Classification and Deadlines

Classification of ozone nonattainment, amount by which standard exceeded, and deadlines:

Moderate: Not greater than 20%; 5 years.

Serious: More than 20% but not more than 50%; 10 years.

Severe: More than 50% but not more than 120%; 15 years.

Extreme: More than 120%; 20 years.

Inventories

Revised inventories of VOCs and NO_x are required to be submitted by all ozone nonattainment areas within one year of enactment and revisions are required every 3 years.

Current Requirements

Requirements currently in State plans must be fully implemented within 18 months and every area must implement all control technique guidelines published before the date of enactment as well as other reasonably available control technology required by the Act prior to these amendments.

Permits

Five year renewable operating permits are required for all major stationary sources of VOCs and NOx in ozone nonattainment areas.

Auto Registration Fee

Autos registered in any ozone nonattainment area must pay an annual fee of $2.00, the proceeds from which are to be used by the State or local air pollution agency to develop and implement the requirements of the Clean Air Act.

Requirements for Moderate Areas

Areas must implement within one year an enhanced motor vehicle emissions inspection and maintenance (I/M) program if an I/M program is already required or can choose between enhanced I/M or Stage II vapor recovery if no I/M program is already required. The enhanced I/M program must achieve a reduction of at least 4700 tons of VOCs per million vehicles.

Major sources of VOCs and NOx must pay a $25 per ton annual fee to support pollution control activities.

Areas with a design value of less than .13 parts per million of ozone need not implement Stage II or enhanced I/M unless these controls are needed to attain within five years.

Requirements for Serious Areas

Areas must implement all of the requirements applicable to moderate areas (including *both* Stage II *and* enhanced I/M).

The inventory of emissions must cover the entire Metropolitan Statistical Area plus a radius of 25 miles.

Major sources of VOCs area sources that emit or have the potential to emit 25 tons per year or more of VOCs.

The area must achieve, every three years, a 12% reduction in VOC emissions, taking into account growth.

Major stationary sources of NOx (those that emit or have the potential to emit 100 tons per year or more of NOx) must apply reasonably available control technology.

Within three years, the area must submit a plan that provides for attainment within the applicable deadline.

The area must file annual progress reports and, every three years, demonstrate whether transportation emissions are as projected. Where such emissions exceed such projections, the area must submit a transportation control measures program.

Offsets of 1.5 to 1 apply to VOC sources.

Emissions fees are increased to $100 per ton. Fees of $500 per ton apply in cases where the area has not achieved the required percent reduction in VOCs.

A fee of $5,000 per ton (over 50% actually emitted) applies to all major stationary sources in areas failing to meet the ozone standard within the applicable deadline.

Requirements for Severe Areas

The areas must implement all of the requirements of both moderate and serious areas.

Offsets of 2 to 1 apply to VOC sources.

Annual emissions fees of $250 per ton are required.

The area must identify and adopt measures to control emissions from transportation or explain why such measures were not adopted.

Within three years, employers of 100 or more persons must increase average passenger occupancy per vehicle for commuters by not less than 20 percent over the average area occupancy rate or pay a fee of $50 per employee parking space that is provided without cost to the employee or is subsidized.

Requirements for Extreme Areas

The area must implement all of the requirements of moderate, serious and severe areas.

The nonattainment area is defined as the (Consolidated) Metropolitan Statistical Areas plus 25 miles.

Major sources of VOCs are those sources that emit or have the potential to emit 10 tons or more per year of VOCs.

The annual emissions fee is increased to $500 per ton.

Sanctions

Failure to Submit an Approvable Plan: Three possible sanctions apply to a failure to submit an approvable state implementation plan: (1) a ban on construction of major new sources of air pollution in the nonattainment area (current law), (2) a ban on highway funds except for projects that enhance air quality or meet certain safety conditions (modified from existing law to be more explicit about the projects that quality for funding), (3) a discretionary withholding of State air grants (current law).

Failure to Implement a Plan: The same sanctions apply as for failure to submit an approvable plan.

Failure to Achieve Required Emissions Reductions: All areas except moderate areas must achieve a 12% reduction in VOC emissions over a three year period. Failure to meet this reduction requirements triggers the following mandatory sanctions: (1) ban on new source construction, (2) highway funding limitations, (3) an annual audit of the air program, and (4) increases in emissions fees. The following discretionary sanctions also apply: (1) a requirement by EPA to lower the major source definition of sources of VOCs, NO_x, or both; and (2) each area may be reclassified to the next extension area with the accompanying requirements.

Failure to Attain: Each area that fails to attain the ozone standard by the applicable deadline is automatically reclassified to the next category with accompanying deadlines and requirements and must enforce the higher emissions fees requirements.

Federal Measures

Not later than six months after enactment, EPA is required to publish a list of not less than 12 categories of stationary sources for which control technique guidelines will be published. Guidelines for the first 4 categories must be published 18 months after publication of the list and for an additional 4 categories every 18 months thereafter. Not later than two years after enactment, control technique guidelines for loading and unloading of petroleum products onto or from vessels must be published.

Not later than 2 years after enactment, EPA is required to report to Congress and not later than 5 years after enactment must promulgate regulations for control of ozone precursors from consumer or commercial products. Such regulations must achieve a 3% reduction in VOC emissions within three years of promulgation.

Ozone Transport

An east coast transport region from Virginia to Maine is created and EPA is authorized to create other such regions. Areas in such regions must implement a vehicle inspection and maintenance program and must implement all control technique guidelines published before enactment of the amendments.

The transport commission may require additional control measures. Areas in the region may petition to be exempt from the above requirements upon a showing by the petitioning State that the area does not contribute to nonattainment of other areas. Actions of the transport commission must be taken by a majority vote, with voting members being a representative from each State and the Administrator.

PROVISIONS RELATING TO MOTOR VEHICLES

Tailpipe Standards for Motor Vehicles

The bill sets new tailpipe emission standards for various categories of motor vehicles as shown below:

TABLE 1.—EMISSIONS STANDARDS FOR GASOLINE AND DIESEL-FUELED LIGHT DUTY VEHICLES

Pollutant	Model year	Standard [1]
NMHC	1993 through 2002	0.25
HC	1993 through 2002	.31
HC	2003 and after	.125
NO_x	1993 through 2002	.4
NO_x	2003 and after	.2
CO	2003 and after	1.7
PM	1993 and after	.08

[1] Standards are expressed in grams per mile.

TABLE 2.—EMISSION STANDARDS FOR GASOLINE AND DIESEL-FUELED TRUCKS AND BUSES

Vehicle or engine type	Pollutant	Model year	Standard [1]
Trucks (3750 lbs or more but less than 5750 lbs, loaded vehicle weight).	NMHC	1993 and after	0.32 gpm.
	HC	1993 and after	0.38 gpm.
	NO_x	1993 and after	0.7 gpm.
	CO	1993 and after	4.4 gpm.
Heavy duty trucks	NO_x	1994 to 2002	4.0 gbh.
	NO_x	2003 and after	2.0 gbh.
	PM	1991 to 1993	0.25 gbh.
	PM	1994 and after	0.1 gbh.

[1] Standards are expressed in grams per mile [gpm] or grams per brake horsepower hour [gbh].

Carbon Monoxide Emissions at Cold Temperatures

For passenger cars in model years 1993 through 1999, the bill sets an emission standard for carbon monoxide (CO) when the vehicle is operated at 20 degrees Fahrenheit at 10 grams per mile (gpm) and for light duty trucks in that same period, 13 gpm. Beginning in model year 2000, the standard would be 3.4 gpm and 4.4 gpm, respectively.

Onboard Refueling Technology

Beginning in model year 1993 all cars will be required to have onboard technology to capture refueling vapors with a 95% efficiency. The Administrator is to require this technology on other classes of vehicles at the earliest feasible date.

Evaporative Emissions

Beginning in model year 1994, all gasoline-fueled vehicles are to comply with regulations requiring the greatest possible reductions in evaporative emissions of hydrocarbons, including emissions during operation ("running losses").

Onboard Diagnostic Systems

Beginning in model year 1994 all cars and light duty trucks are to have diagnostic systems that identify malfunctions or deterioration in the emission control system and that alert the driver to the need for repair.

Carbon Dioxide Emissions

Passenger cars (as defined in the Motor Vehicle Information and Fuel Savings Act) are required to meet a fleet average standard for emissions of carbon dioxide of 242 gpm beginning in model year 1995 and beginning in model year 2002, a standard of 170 gpm. These emission requirements are roughly equivalent to fuel economy standards of 35 miles per gallon and 50 miles per gallon, respectively.

Low-polluting Vehicles

The Administrator, within eighteen months of enactment, is required to promulgate standards for vehicles that burn methanol, ethanol, propane, natural gas or any other comparably low-polluting fuel.

Useful Life Definition for Cars

Current law defines the useful life of passenger cars as 5 years or 50,000 miles, whichever occurs first. The bill changes the definition of 10 years or 100,000 miles for the purposes of the certification test and for recall period. That is, in order to be sold, auto manufacturers must show that each model is designed to meet emission standards for the longer period of time, and cars on the road are subject to recall throughout the longer time period if EPA finds that a particular model fails to meet standards in use.

Warranties

Currently manufacturers must warrant emission control systems for passenger cars for 5 years or 50,000 miles. The bill extends the warranty coverage for two components of the emission control system—the catalytic converter and computer—to 8 years or 80,000 miles and reduces the warranty period for all other emission control components to two years or 24,000 miles. The new warranty coverage would be effective beginning with model year 1995 vehicles, and the Administrator is authorized to add components to the warranty coverage if (1) a component was not in general use prior to 1990, and (2) if the cost of the component, exclusive of installation costs, is greater than $200.

Non-Road Engines

The Administrator is required to promulgate standards for non-road engines of 50 or more horsepower in phases, beginning three years after the date of enactment and completing the process within five years. The standards would be effective three years after promulgation.

Prohibition on Engines Using Leaded Gasoline

The bill prohibits the production of motor vehicle or non-road engines that require the use of leaded gasoline after model year 1992.

Motor Vehicle Testing and Certification

Idle test. The Administrator is required to promulgate an addition to the certification test procedures to require testing in an idle mode, beginning with model year 1992 vehicles.

Production line testing. The bill changes the percentage of vehicles that can fail a production line emission test before the sale of a particular model must be suspended or cancelled from 40 percent to 10 percent.

Revision of test procedures. The Administrator is required to revise the certification test procedures for cars to reflect more accurately than the current test procedure the actual conditions under which cars are driven, so as to assure that cars in use will control emissions as required by the standards.

Prohibition on averaging. The bill specifies that each and every vehicle sold must meet the applicable emissions standards.

In-Use Compliance—Recall

The Administrator is directed to take into account information from State I/M programs in determining whether a class of vehicles must be recalled to fix emissions system problems.

The Administrator is also given authority to require a vehicle manufacturer to pay the costs of procuring and testing vehicles which there is reason to believe fail to conform to standards when in actual use.

FUELS

Volatility

EPA is to issue regulations limiting gasoline volatility to not more than 9 psi RVP between May 16 and September 15 in class C areas (with proportionate reductions in other areas). The regulations shall allow fuels mixed with 10% ethanol to have an RVP 1.0 psi higher.

Desulfurization

EPA is to issue regulations limiting the sulfur content of diesel fuel sold for highway use to not more than 0.05% by weight beginning October 1, 1993. The regulations shall also include a minimum cetane index of 40 (limiting the aromatic content of diesel fuel to current levels). Heavy duty engines certified for model years 1991 through 1993 may be certified using the low sulfur fuel.

Lead Phasedown

EPA is to prohibit the sale of leaded gasoline for on-highway use beginning January 1, 1991.

Fuel Quality

EPA is to set national fuel quality specifications to minimize emissions of HC, CO, NO_x, particulates and hazardous air pollutants taking economic feasibility into account. If the regulations are not effective by January 1, 1994 all fuel for gasoline-powered engines is to contain an additive preventing the formation of deposits in fuel-injected engines.

EPA may set specifications for fuels sold in areas which have not achieved ambient air quality standards. Emissions of other pollutants may not increase as the result of using the alternative fuel. Refiners could meet the requirements using any fuel blend which could be certified as achieving comparable reductions.

Oxygenated Fuels

All gasoline fuels sold between October 1 and March 31 in any carbon monoxide nonattainment area must contain (on the average) 3.1% oxygen by weight. EPA is to establish a credit program allowing the sale of fuel with less oxygen, if offset by the sale of fuel containing more than 3.1% oxygen. EPA may waive the provision, if it would exacerbate other air pollution problems.

Misfueling

Putting leaded gasoline into cars designed for unleaded gasoline or high-sulfur diesel fuel into highway vehicles is prohibited.

REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS

Designation, design value, and deadline:
Moderate: 14 ppm CO or less. 5 years.
Serious: More than 14 ppm CO. 10 years.

Procedural Requirement for All Areas

Each State containing a carbon monoxide nonattainment area must submit an inventory of CO emissions for the nonattainment area within one year and update the inventory every 3 years thereafter.

All requirements in State Implementation Plans for carbon monoxide nonattainment areas previously proposed, but not yet implemented, must be implemented within 18 months.

All stationary sources emitting more than 50 tons of carbon monoxide in moderate nonattainment areas or 25 tons in serious nonattainment areas must have an operating permit within 3 years. Offsets for new sources emitting more than 25 tons in serious areas are to be at least 1.5 to 1.

The State must impose an annual fee of $2.00 on the registration of each vehicle in a carbon monoxide nonattainment area (unless the owner is already required to pay a fee because the area is nonattainment for ozone).

The State must impose an annual fee of $100 per ton for each ton of carbon monoxide emissions from any sources emitting 50 tons or more in a moderate nonattainment area. The fee is $250 per ton and applicable to source emitting 25 tons or more in serious nonattainment areas.

Control Requirements for Moderate and Serious Areas

Each State with a carbon monoxide nonattainment area must submit a revised State Implementation Plan within two years containing control requirements sufficient to attain the standard by the applicable deadline. Moderate nonattainment areas with a design value of 9.9 ppm carbon monoxide or less may choose not to submit a plan revision provided that they attain within 3 years.

Revised SIPs must include quantitative milestones for each three-year period demonstrating progress toward attainment through reductions in emissions, vehicle miles traveled, vehicle trips or lower design values.

Revised SIPs are to contain standby measures which are to be implemented immediately if an area fails to attain by an applicable deadline or fails to meet a milestone.

EPA is to audit the SIP for each nonattainment area every three years to assure that the plan is being implemented and milestones are achieved.

Each nonattainment area (except moderate areas with a design value of 9.9 ppm CO or less and attaining in three years) must implement an enhanced vehicle inspection and maintenance program achieving a carbon monoxide emissions reduction of 52,000 tons for each million vehicles inspected.

Each nonattainment area must implement an oxygenated fuels program meeting the requirements of title II (fuels sold during winter months must average 3.1% oxygen by weight).

Control Requirements for Serious Areas Only

Each area must implement transportation control measures according to guidelines issued by the Administrator (see planning requirements above) or demonstrate that other measures in the revised SIP achieve equivalent reductions.

Within three years employers of 100 or more persons must achieve average passenger occupancy per vehicle for work trips by employees of not less than 20 percent above the areawide average or pay a fee of $50 for each parking space provided to employees.

Sanctions

Sanctions for failure to submit or implement a SIP, to meet a milestone or to attain the standard are the same as those imposed under ozone nonattainment portions of the bill.

REQUIREMENTS FOR PM-10 POLLUTION AREAS

Designation for PM-10 nonattainment areas and deadlines:

All areas identified by EPA as of Aug. 7, 1987 as a Group I area and any area for which monitoring data shows a violation of NAAQS for PM-10 prior to enactment: 5 years.

In areas where attainment within 5 years is impracticable, the State will implement all reasonably available control measures and reasonable further progress toward attainment must be demonstrated: 10 years.

Inventories

Eact State containing a PM-10 nonattainment area shall submit an inventory of PM-10 emissions from stationary and mobile sources within one year of enactment and every three years thereafter.

Permits

Operating permits are required of all stationary sources emitting 50 tons or more of PM-10 annually. Areas granted an extension of the attainment deadline will be required to offset emissions from new stationary sources of PM-10 by a 1.5 to 1 ratio.

Stationary Source Emissions Fee

An emission fee of not less than $100 per ton of PM-10 emissions from major stationary sources is imposed. In areas granted an attainment deadline extension beyond five years, the fee shall not be less than $250 per ton.

Attainment Demonstration and Milestones

Each State implementation plan shall contain quantitative milestones to be achieved every three years until attainment is achieved. Areas granted an extension must implement all guidelines for control technology and measures promulgated by EPA to reduce emissions of PM-10.

Areas demonstrating attainment must identify one or more contingency measures sufficent to reduce emissions of PM-10 by ten percent from the most recent inventory. If the area is unable to reach attainment, the contingency measures will be automatically implemented.

Audits

EPA is required to audit the implementation of the plan for each PM-10 area at least every three years. If the provisions of the plan are not adequately implemented or milestones not being met, the area will be sanctioned. Areas subject to sanction must submit revised plans identifying measures assuring achievement of the milestone as expeditiously as practicable.

Failure to Comply or Attain Standard

States which fail to submit implementation plans or revisions are subject to a construction ban on new stationary sources of PM-10 emissions, highway funding and air grant sanctions. Areas failing to attain emission reduction milestones are subject to sanctions on construction of new sources and highway funding. Areas failing to attain must submit revised SIP's and reduce PM-10 emissions by no less than five percent annually.

Guidelines for PM-10 Areas

Within eighteen months, EPA is required to issue control technique guidelines for RACT and BACT for PM-10 emissions from major stationary sources. EPA is also required to issue guidelines for controlling emissions of PM-10 from area sources. EPA is directed to give priority to PM-10 problems other than rural fugitive dust.

GENERAL PLANNING PROVISIONS

Designation of Areas

Designations. The bill requires the Administrator to designate the attainment status of all areas of the country within six months of promulgating or revising a national ambient air quality standard, with a possible six-month extension to gather data needed to make designations. The bill, by operation of law, designates the attainment status of areas for ozone, carbon monoxide, and particulate matter (PM-10), based on the latest monitoring information.

Redesignation. The Administrator is required to redesignate an area as nonattainment whenever evidence demonstrates that air quality exceeds a national ambient air quality standard in the area. In order to redesignate an area from nonattainment to attainment, the Administrator must make a number of specified determinations and must approve a maintenance plan for the area.

Area boundaries. The boundaries of an ozone nonattainment area located in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA) are defined by operation of law to be the MSA or CMSA. The Administrator is authorized to extend the boundaries of serious carbon monoxide nonattainment areas to include the entire MSA or CMSA.

Enhanced Monitoring and Inventories

The Administrator is required to publish guidelines for enhanced monitoring of pollutants covered by national ambient air quality standards and for improved inventories of those pollutants.

Provisions Pertaining to Implemention Plans

The bill increases the time for submission of State implementation plans (SIP's) from nine to twenty-four months and the time for EPA to approve initial plan submissions from four to twelve months. The bill also clarifies that SIP provisions that have been approved by the Administrator remain in effect until a subsequent provision is approved.

Federal Implementation Plans

The Administrator is required to proposed, within two years after the imposition of sanctions in a State that has failed to submit an acceptable implementation plan for a nonattainment area, a federal implementation plan that meets the requirements of the Act with one exception: the initial FIP does not have to demonstrate attainment. A revised FIP showing attainment must be promulgated within three years after the date the initial plan is proposed. The initial plan must be promlugated within one year after proposal unless the State acts in the interim to submit an acceptable plan.

Provisions Applicable to All Nonattainment Areas

Permits. In nonattainment areas every major stationary source of a pollutant (or precursor) for which the area is nonattainment must have an operating permit. Certain conditions for permit programs are specified in the bill.

Major stationary source definition. The bill defines major stationary sources to assure that every new or modified emitter of a threshold amount of a pollutant will be subjected to the review and conditions required by law for new or modified sources.

TRANSPORTATION CONTROL MEASURES

Transportation Planning

The bill requires the Administrator to update 1978 transportation-air quality planning guidelines and to provide guidance to States and local governments as to the implementation and effectiveness of measures to reduce total emissions from motor vehicle through programs to reduce vehicle miles traveled, reduce traffic congestion that increases emissions and other measures.

The bill also requires State and local officials in areas that exceed ozone, carbon monoxide or particulate matter standards to update their air quality planning procedures, including transportation planning and directs the Administrator to consult with and recommend to the Department of Transportation (DOT) changes in its policies and procedures to improve their efficacy with respect to enhancing air quality.

Conformity with State Implementation Plans (SIP)

While current law prohibits DOT and regional transportation agencies ("metropolitan planning organizations" or MPO's) from approving any program, plan or project that does not conform to a SIP, the Act does not define what constitutes "conformity". The bill elaborates and clarifies existing law by—

(1) prohibiting MPO's from adopting transportation plans or programs (from which highway and transit projects will be selected by transportation departments for implementation) until officials have determined that emissions resulting from the plan or program are consistent with emissions estimates in the SIP;

(2) prohibiting MPO's and other recipients of funds from the Federal-aid highway program or the Urban Mass Transportation program from adopting a transportation program until officials assure that the program will implement air-quality improvement projects included in the SIP; and

(3) prohibiting the financing or approval of any project under Federal law unless the project is part of a plan and program that conforms to the SIP, and the project has not changed significantly from the time the plan and program were adopted.

Sanctions

Whenever an ozone, carbon monoxide or PM-10 nonattainment area fails to meet certain requirements of the Act that are needed to move toward achieving the health standard by the deadline set in the bill, the Secretary of Transportation is directed to approve use of Federal-aid highway funds only for the specified types of projects that will improve air quality or for limited types of highway safety projects. The State matching share for these projects need not be more than ten percent of the project cost.

Implementation of Transportation Control Measures

Listed transportation control measures. Severe and extreme ozone areas and serious carbon monoxide are required to adopt the transportation control measures listed in section 103 of the bill, including, among others, programs for improved public transit, designation of certain high-occupancy lanes or roads, employer programs to reduce vehicle miles traveled by employees, and traffic flow improvements. If an area does not adopt a specific transportation measure, it must get comparable reductions from another source.

Serious, severe and extreme ozone areas must report ever three years whether vehicle miles traveled, congestion levels, and other parameters relevant for estimating vehicle emissions are consistent with projections of vehicle emissions in the SIP. If actual emissions exceed projected levels in a serious area, that area must adopt transportation control measures from the list in section 103 of the bill.

Employer ridership programs. For severe and extreme ozone areas and serious carbon monoxide areas the bill requires employers of 100 or more employees to develop programs to increase the average vehicle occupancy by employees in commuting trips between work and home by 20 percent. Employers that do not achieve that increase in average occupancy are subject to a fee of $50 per month for each employee parking space the employer provides or subsidizes.

Mr. CHAFEE. Mr. President, I am glad to join as a chief cosponsor of legislation to clean up the air in both urban and rural areas of this country. Over 135 million people live in areas that do not meet health standards for ozone or smog. Fifty-nine urban areas exceed the carbon monoxide health standard, and anywhere from 70 to well over 100 areas—many of them rural—do not meet health standards for small particles, the so-called PM-10 standard.

The bill that my colleagues and I on the Environment and Public Works Committee are introducing today will address these problems. But to do so will not be easy or without cost.

Numerous estimates have been and will be made of the cost of various clean air proposals being considered by Congress. Some of the figures are daunting: Anywhere from $3.5 to $7 or $8 billion annually for acid rain control; $4 to $8 billion for reducing smog and carbon monoxide.

Let me put these numbers into perspective. Americans spend annually $63 billion for alcoholic beverages; $39 billion for soft drinks; $38 billion for tobacco products; $25 billion for jewelry; and $24 billion for candy. I hope that as we consider the bill being introduced and other proposals to clean up the air, we can keep these comparisons in mind.

Almost everyone is affected at one time or another by unhealthy air, and almost everyone must be enlisted in the fight to clean it up. The bill that my colleagues and I are introducing requires something of almost everyone. Auto manufacturers are required to do more, and so are stationary sources. Individuals in unhealthy areas will have to have their vehicles inspected and may find their commuting habits changed. Some products, including cars, may cost a little more. But again for comparison, keep in mind that Americans currently spend $170 billion annually on new vehicles, $80 billion on gasoline, and for all auto-related products and services, a total of $346 billion a year.

A summary of the bill's provisions has been provided by the distinguished chairman of the Environmental Protection Subcommittee. I wish to comment on only a few particular aspects of the legislation.

First, there are many similarities between this bill and the first title of the President's bill, S. 1490. Both require new controls in varying degrees depending on the severity of the ozone, carbon monoxide or particulate air quality problem in particular areas. Both have as their goal the attainment of primary ambient quality standards by stated deadlines, which are similar in the two bills. And both bills establish a regional ozone transport commission in the Northeast to address the serious problem of pollution that is produced in one State and carried into neighboring States, such as my own State of Rhode Island.

Both our bill and the President's bill provide up to 10 years for Rhode Island to attain the ozone health standard. But the State will have to meet tough standards in order to get the extension of time.

There are also differences between the President's bill and the bill my committee colleagues and I are introducing. In general, our bill is more precise in the deadlines it establishes for EPA and State and local officials, and it is more specific in the standards it sets for these officials. Our bill also establishes clear consequencs for States and areas that fail to comply with the requirements of the Act.

This greater specificity is needed if progress toward clean air is to be achieved. Where too many major decisions have been left to air pollution control agencies, progress has been slow. We can look at the 12 years since passage of the 1977 clean air amendments which anticipated that virtually all areas of the country would achieve the health standards for ozone and carbon monoxide by 1987, to see that some politically difficult decisions must be made in the law if real progress is to be achieved.

Perhaps the greatest difference between the President's bill and the committee bill is with respect to motor vehicles. The President's bill has an interesting and innovative initiative to bring about the use of vehicles fueled by alternatives to gasoline. Substantial air quality improvements are attributed to these measures. The committee intends to examine the President's proposal and alternative fuels in general very carefully, because of their great potential for cleaning up the air.

The committee bill, however, is substantially more stringent in its requirements for cleaning up conventional gasoline-powered vehicles. We have included these provisions because it is clear that gasoline-powered vehicles will be the primary vehicles on the road for the next two decades, if not indefinitely. And with the continuing increase in vehicle miles traveled, even a tighter tailpipe emission standard in the early 1990's can be overtaken by increased vehicle use in the following decade.

Mr. President, at this point I would like to depart for a moment from ozone and carbon monoxide concerns to point out a key provision in our bill that is not in the President's bill but that takes a large step forward in addressing another major air pollution issue: global warming. Our bill attacks this problem by controlling carbon dioxide emissions—a major greenhouse gas—from automobiles.

Last June, in Toronto, a group of 300 scientists from 48 countries agreed that CO_2 emissions must be reduced 20 percent in industrialized countries by the year 2005 and 50 percent worldwide by 2050, if we are going to begin slowing down the warming of the Earth's atmosphere.

This call for action is contrasted with a sobering worldwide projection of an increase in automobile miles traveled of 2 percent per year which will result in a huge increase in CO_2 emissions from 2.5 billion tons in 1985 to 11.5 billion tons in 2025.

Since the United States contributes 25 percent of the world's global CO_2 emissions, with U.S. passenger vehicles contributing about 3 percent of the world total, we cannot realistically attain significant CO_2 reductions unless we deal with the automobile.

This legislation calls for a CO_2 standard of 242 grams per mile by 1995 and a standard of 170 grams per mile by 2002.

Although technologies are not specified as to how automakers are to meet these standards, one approach—probably the easiest and most cost-effective—is increasing fuel efficiency. The grams-per-mile standards in the bill are equivalent to a fuel economy level of 35 miles per gallon and 50 miles per gallon, respectively.

So, Mr. President, what we may really be getting here is a double benefit. Reduced CO_2 will finally put us on the road to solving the global warming problem, and increased fuel economy will save hundreds of thousands of barrels of oil per day.

No one is suggesting this will solve the entire global warming problem. But we must start somewhere. The U.S., as the world's largest emitter of CO_2, should take the leadership role on the issue. As with our current tailpipe standards, I predict other countries will also follow suit in controlling carbon dioxide.

The use of the automobile in this country is a major source of a variety of air pollution problems. And it is not enough to ask vehicle manufacturers to improve technology. Transportation planners, elected officials and individuals must all do their part to reduce their automobile's contribution to environmental pollution. And our bill takes steps to spread this responsibility. Employers in heavily polluted areas are required to develop programs to increase vehicle occupancy by employees on their commuting trips to work. Transportation planners and highway builders are required to see that transportation projects are consistent with clean air plans for an area and to fund those projects which are necessary to improve air quality. And in areas that fail to comply with the requirements of the Clean Air Act, highway funds may only be used for selected types of projects that will reduce air pollution.

There is one provision in the bill with which I am not in agreement, and that has to do with vehicle warranties. The bill reduces the warranty for emission control system components from 5 years and 50,000 miles to 2 years and 24,000 miles for all but two components. For those two, the catalytic converter and the electronic computer, the warranty is extended for 8 years and 80,000. It is the reduction in the warranty period that I believe is a disservice to the consumer and that I may propose to change when the committee considers the bill in markup.

Finally, I want to mention that the committee bill has adopted almost all of the enforcement provisions from the President's bill. These are strengthening provisions and are well thought-through to assure that those who fail to meet the law's requirements are called to account.

Mr. President, this is a big and complex bill. My colleagues and I have worked on it for several months and believe that it is a good bill. But it can be made better and will doubtless change some through hearings and markups. We look forward to hearing from other Senators and from the wide variety of interests affected by the legislation. And we look forward to reporting to the Senate a tough, realistic bill that will lead to the first comprehensive clean air legislation enacted since 1977.

Mr. BURDICK. Mr. President, as chairman of the Senate Committee on Environment and Public Works, I am happy to join my colleagues in introducing a comprehensive package of amendments concerning clean air nonattainment areas. This committee has labored for over a decade on legislation to improve the air quality of urban areas across the country. This bill is the product of that lengthy effort.

The primary objective of this bill is to improve the health of every American. This bill builds on the strides made in the past and establishes a workable strategy to bring nonattainment areas into compliance with the minimal standards established by the Clean Air Act.

Today, nearly 20 years after the enactment of the Act, more than 150 million Americans still live in areas with unhealthy air. Smog is not a problem in North Dakota, but it's a problem that concerns everyone in this Nation. Air pollution is the leading cause of lung damage. Every year over $40 billion in health care costs are associated with air pollution. Billions more are lost due to crop damage.

I am proud of the small role I played in enactment of the Clean Air Act of 1970. At that time, in the afterglow of Earth Day, we assumed that air pollution could be easily reduced. Today we know better. Air pollution is pervasive, insidious, and not conducive to quick fixes or silver bullets. This complex and comprehensive bill reflects the nature of the air pollution problems we face. It is a tough bill because we face a tough problem.

This bill is also fair. We haven't played favorites by mandating specific remedies at the expense of others. Unlike other proposals, we haven't tried to centrally plan the future composition of the automotive fleet or allocate fuel markets.

We have been able to reach this milestone because of the efforts of Senators BAUCUS and CHAFEE. Senator BAUCUS established early on a deliberative and consultative process. This bill is the result of numerous member meetings over the course of the past several months. The assistance of the majority leader has been invaluable to this effort. I want to thank all the members of the committee for their contributions. They rolled up their sleeves and made their views known concerning elements of this proposal. This bill may not be perfect, but it represents the collective wisdom of virtually every member of our committee.

This bill is in the national interest. It is vital to the health of every American. If we are truly serious about improving the quality of the air we breathe, this bill is a good starting place. Now let's get on with the task of enacting it. Thank you.

By Mr. SIMON:

S. 1631. A bill to make a technical amendment to title 11, United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

RAILROAD REORGANIZATION PUBLIC INTEREST PROTECTION ACT

● Mr. SIMON. Mr. President, the rail line that is today owned and operated by the bankrupt Chicago, Missouri & Western Railway Co. was chartered in the late 1840's, and passenger service for the citizens of Illinois began moving over that line in the mid-1850's. It was the line Abraham Lincoln used to travel between Chicago and Springfield, IL, and President Lincoln's body was carried over this line to his final resting place in Springfield, IL.

Four owners have operated the line since its inception. The latest is the Chicago, Missouri & Western Railway Co., which was formed as a result of the spinoff of this rail property from the Illinois Central Railroad in April 1987.

That spinoff occurred as part of a highly leveraged transaction. The original loan was in an amount in excess of $85 million, with a total equity contribution of $50,000.

As a result, the Chicago, Missouri & Western Railway Co. was ill-fated from the date of its creation in 1987. It went into bankruptcy less than a year later on April 1, 1988. It is the first major regional railroad to enter into bankruptcy under the new Bankruptcy Code of 1978.

Prior to the enactment of the Bankruptcy Code of 1978, railroad reorganizations were governed by section 77 of the Bankruptcy Act. Many of the major railroads in this country have successfully emerged from reorganization under section 77 of the former Bankruptcy Act. For example, Conrail emerged from reorganization under section 77 of the former Bankruptcy Act, and is now, obviously, a major contributor to the economy of our country.

Section 77 of the old Bankruptcy Act proved to be a successful vehicle for railroad reorganizations in part because Congress recognized as part of section 77, that the public interest in continuing rail service was a coequal factor to be taken into account with the interest of creditors and shareholders in achieving a reorganization plan. Particularly in the early stages of the reorganization, the case law under section 77 made clear, the trustee must be permitted to issue trustee certificates to raise money to permit the railroad to continue operations until there is sufficient time to formulate a reorganization plan that would enable the bankrupt railroad to emerge successfully from reorganization.

The Chicago, Missouri & Western Railway Co. [C&MW], as the first major railroad to undergo reorganization under the new Bankruptcy Code of 1978, for the first time put the railroad reorganization provisions of the new code to the test. They have been found wanting in several respects. Most critically, the provisions relating to the ability of the trustee to borrow money to keep the railroad in operation have proven particularly troublesome.

Congress, in adopting special provisions relating to railroad reorganizations, made clear in section 1165 of the Bankruptcy Code (11 U.S.C. 1165) that with respect to specific provisions relating to railroad reorganizations, the bankruptcy court and the trustee must consider the public interest in addition to the interest of the debtor, creditors and equity security holders. By analogy to this provision, the bankruptcy court in the CM&W case held that the trustee of the CM&W was authorized to borrow up to $14 million from the State of Illinois to subsidize operations and to perform much needed maintenance in order to insure that the railroad would continue in operation. However, on appeal, the U.S. District Court for the Northern District of Illinois in *In re Chicago,* Missouri & Western Railway, Citicorp North America, Inc., and Heller Financial, Inc., v. Murray, No. 88 C 8009 (N.D. Ill. July 18, 1989), held that the public interest in continued rail service could not be considered in determining whether to approve priming loans in the earliest stages of a railroad reorganization. A primary loan is a loan that comes ahead of the existing secured and unsecured creditors of the railroad.

In making this decision, the district court relied upon the fact that Congress enumerated specific sections in section 1165 to which the public interest must apply. The district court went on to hold that the public interest could not be taken into account in other contexts except as expressly enumerated in section 1165. This represented a change from the prior law that existed under section 77 which permitted such priming loans. *See e.g., In the matter of Chicago, Rock Island & Pacific Railroad Company,* 545 F. 2d 1087 (7th Cir. 1976).

As a result of this decision, the trustee of the Chicago, Missouri & Western was cut off from all available State funding. The CM&W's lenders are now pressing to preclude the trustee from having any cash collateral availability—that is, the use of normal accounts receivable. The bankruptcy court is slated to rule on this motion shortly. It has indicated a disposition to rule against the trustee because of the decision of the district court which now binds the bankruptcy court. This would cut off all cash availability to the trustee and would compel the shutdown of the railroad.

The shutdown of the railroad would be disastrous to the State of Illinois and the entire Midwest. Amtrak operates passenger service from Chicago to Springfield to St. Louis over this line. The Illinois cities of Pontiac, Bloomington-Normal, Lincoln, Springfield, Carlinville and Alton would lose all passenger service if this line is terminated. Chicago and St. Louis would no longer be connected by passenger service; an alternative route would prove to be much more circuitous. The Amtrak route from Chicago to Springfield is one of the most heavily traveled Amtrak routes in the country.

In addition, more than 55 Illinois communities would lose all rail freight service along the Chicago, Missouri & Western. Communities throughout Missouri between St. Louis and Kansas City would also lose rail service. This would occur at a critical time when farmers in Illinois and Missouri, having just recovered from a devastating drought last summer and having benefited from more favorable weather this summer, are about to head to harvest. Without rail service across the Chicago, Missouri & Western, vital grain shipments will not be able to occur. Thus, farmers would be precluded from shipping their grain to market at the most critical time of the year.

Accordingly, I rise today to introduce a bill to amend the Bankruptcy Code of 1978 which will clarify and restate the original intent of Congress—namely, that the public interest in continued rail service is to be considered in all aspects of rail reorganizations, as it was under the Bankruptcy Code of 1978. The only exception would be with respect to railroad rolling stock equipment under section 1168 of the Bankruptcy Code, which was also an exception under prior section 77 of the Bankruptcy Act of 1898, as amended.

The purpose of this amendment is not to alter in any way existing law, but to clarify the original intent of Congress when we enacted the Bankruptcy Code of 1978. The need for this clarifying amendment is made manifest by the decision of the U.S. District Court for the Northern District of Illinois in the Chicago, Missouri, & Western Railway case which I have just described which erroneously precluded consideration of the public interest in continued rail service in determining whether to approve priming loans in railroad reorganizations. The holding of the court was contrary to our intent in enacting the Bankruptcy Code of 1978 and is inconsistent with case law on this subject under section 77 of the Bankruptcy Act, which we did not intend to overrule or displace in any way by the adoption of the Bankruptcy Code of 1978.

This is a prudent clarification in the law, even if the threat to rail passenger and freight service along the CM&W were ended tomorrow. We must give the courts clear guidance on this important point of bankruptcy law and national transportation policy. The CM&W case show the potential for havoc that could come from a misinterpretation of our intent in this area.

Mr. President, I urge my colleagues to support this bill because it represents sound policy. I hope the Senate will act promptly because rail service vital to many communities in Illinois, Missouri, and the Midwest depends on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Reorganization Public Interest Protection Act".

SEC. 2. Section 1165 of title 11, United States Code, is amended by striking out "In applying sections 1166, 1167, 1169, 1170, 1171, 1172, 1173, and 1174 of this title," and inserting in lieu thereof "Except with respect to rolling stock equipment under section 1168 of this title, in any proceeding brought under this subchapter,".●

By Mr. CRANSTON:

S.J. Res. 197. Joint resolution to designate the month of October 1989 as "National HIV and AIDS Awareness Month;" to the Committee on the Judiciary.

NATIONAL HIV AND AIDS AWARENESS MONTH

Mr. CRANSTON. Mr. President, today I am introducing Senate Joint Resolution 197, to designate October 1989 as "National HIV and AIDS Awareness Month."

Mr. President, we are now in the 9th year of this epidemic. More than 100,000 Americans have been diagnosed with AIDS and as many as 1½ million Americans may be infected with the HIV—the virus that causes AIDS. There is no vaccine for AIDS. Our only means of preventing further spread of this insidious virus is through education—frank education about how the virus is transmitted and what can be done to prevent its transmission.

EDUCATION WORKS

The number of new infections in San Francisco has dropped dramatically following intensive education efforts. But those efforts must be continued and expanded. They must be ongoing. And, they must be tailored to individuals and populations with various cultural and ethnic backgrounds and languages.

By designating October as "National HIV and AIDS Awareness Month," we will be focusing our Nation's attention on this deadly disease. Education about AIDS is essential to preventing further spread of the disease, to encouraging greater understanding of and compassion for people with AIDS, and to marshaling our Nation's resources to fighting the AIDS epidemic on all fronts—prevention, research, care, and treatment.

Mr. President, I urge all my colleagues to join me in this effort, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 197

Whereas spread of infection with HIV—the virus that causes AIDS and that has already infected an estimated 1 to 1.5 million Americans—is our nation's most serious public health problem;

Whereas the Department of Health and Human Services has projected that, by the end of 1992, the cumulative total of AIDS cases in the United States will have reached 365,000 and 263,000 Americans—men, women, and children—will have died of the disease;

Whereas information, education, and sound public health measures are our primary weapons in the fight to prevent and control the spread of HIV, since today we have neither a cure for AIDS nor a vaccine against the virus;

Whereas if the epidemic of HIV infection and AIDS is not controlled in this country through a major information, education, and public health effort, the burden of human suffering and the economic impact on our society will be devastating and unprecedented;

Whereas informing and educating the American people, including our youth, about HIV infection and AIDS is crucial to preventing and controlling further spread;

Whereas informing and educating the American people will lead to greater understanding of and compassion for people with AIDS:

Whereas preventing further spread of AIDS is a critical component of a comprehensive national response to the AIDS epidemic; now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1989 is designated as "National HIV and AIDS Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities.

By Mr. SIMON:

S.J. Res. 198. Joint resolution designating November 1989 as "An End to Hunger Education Month"; to the Committee on the Judiciary.

AN END TO HUNGER EDUCATION MONTH

Mr. SIMON. Mr. President, today I am introducing a resolution designating November 1989 as "An End to Hunger Education Month." Hunger takes the lives of 13 to 18 million people every year, and three-quarters of these deaths are children under age 5.

We must recognize that hunger and poverty are serious problems that affect all of us, not just those who experience it first hand. The resolution I am sponsoring is an effort to heighten public awareness about the extent of the hunger problem, and encourage folks to respond to the needs of hungry people in this country and around the world.

This week, at a breakfast I hosted for Illinois constituents, two representatives from the Hunger Project joined me. These Illinoisans recently returned from Moscow, where they participated in the Eighth Annual Moscow Peace Marathon on August 12. We should support their efforts, and other efforts like Hands Across America, Live Aid and Comic Relief, to name a few. We also need to recognize and support activities in our States and local communities.

I urge my colleagues to join me in designating November 1989 as "An End to Hunger Education Month."

ADDITIONAL COSPONSORS

S. 435

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. PRESSLER] was added as cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 447

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. COATS] was added as cosponsor of S. 447, a bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year.

S. 524

At the request of Mr. BRADLEY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 720

At the request of Mr. BOREN, the names of the Senator from Nevada [Mr. REID] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 874

At the request of Mr. FORD, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 977

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 977, a bill entitled the "White House Conference on Small Business Authorization Act."

S. 1207

At the request of Mr. PACKWOOD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1207, a bill to amend the Communications Act of 1934 to reform the radio broadcast license renewal process and for other purposes.

S. 1308

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1308, a bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction.

S. 1371

At the request of Mr. SANFORD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1371, a bill to authorize appropriations for rural housing programs and for other purposes.

S. 1506

At the request of Mr. BENTSEN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1986 to limit the ability of corporations to obtain a refund of taxes by carrying back net operating losses arising from excess interest deductions allocable to transactions reducing corporate equity.

S. 1529

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1529, a bill to amend section 337 of the Tariff Act of 1930 to respond to the actions of countries that do not provide adequate and effective patent protection to United States nationals.

S. 1582

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1582, a bill to amend the Foreign Assistance Act of 1961 to provide for certain forms of assistance to Poland to ensure the success of freedom and democracy in Poland.

SENATE JOINT RESOLUTION 4

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 4, a joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the executive and legislative branches of the Federal Government.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990, as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 186

At the request of Mr. MCCLURE, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Washington [Mr. GORTON], the Senator from Nevada [Mr. REID], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 186, a joint resolution designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE CONCURRENT RESOLUTION 69—RELATING TO THE PEOPLES OF LATVIA, ESTONIA, AND LITHUANIA

Mr. KASTEN (for himself, Mr. DOLE and Mr. RIEGLE) submitted the following concurrent resolution which was referred to the Committee on Foreign Relations:

S. CON. RES. 69

Whereas the Baltic states of Latvia, Estonia, and Lithuania gained their independence from the Russian Socialist Federative Soviet Republic in 1918, a fact recognized by the government of the Russian Socialist Federative Soviet Republic in 1920;

Whereas the governments of the Latvian Democratic Republic and the Russian Socilist Federative Soviet Republic (RSFSR) signed a Treaty of Peace in Riga, Latvia on August 11, 1920, in which the RSFSR "establishes the right of self-determination for all nations, even to the point of total separation from the States with which they have been incorporated" and declares that "Russia unreservedly recognizes the independence, self-subsistency and sovereignty of the Latvian State and voluntarily and forever renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia";

Whereas similar treaties were signed by both the Republic of Estonia and the Republic of Lithuania with the RSFSR, on February 2, 1920 and July 12, 1920, respectively;

Whereas the independent republics of Latvia, Estonia, and Lithuania swiftly recovered from the ravages of World War I and became active in the World community, gaining membership in the League of Nations on September 22, 1921 and full recognition by the United States on July 28, 1922;

Whereas the sovereign rights of the independent states of Latvia, Estonia, and Lithuania were violated by the Union of Soviet Socialist Republics in a Secret Protocol to the Nazi-Soviet Treaty of Nonaggression of August 23, 1939, which divided Eastern Europe into Nazi and Soviet "spheres of influence,"

Whereas the Union of Soviet Socialist Republics coerced the governments of Latvia, Estonia, and Lithuania to sign Pacts of Mutual Assistance in October 1939, which stipulated that the "contracting parties undertake not to enter into any alliances or to participate in any coalitions directed against one of the contracting parties" and that "the carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures";

Whereas the Union of Soviet Socialist Republics violated not only those bilateral agreements with the independent Baltic states but also international conventions on the changing of international borders by force when the Soviet Union issued ultimatums to the three independent nations on June 15-16, 1940, demanding the formation of governments to their liking, followed by armed invasions of Lithuania, Latvia, and Estonia on June 16-17, 1940;

Whereas the occupation of the Baltic states was confirmed on July 14-15, 1940, with the irregular and illegal "election" of new parliaments, which then petitioned for admission into the Soviet Union, and these petitions were accepted by the Soviet Union, as follows: Lithuania's on August 3, 1940, Latvia's on August 4, 1940 and Estonia's on August 5, 1940;

Whereas Sumner Welles, Acting Secretary of State, declared on July 23, 1940 that "the devious processes whereunder the political independence and territorial integrity of the three small Baltic republics—Estonia, Latvia and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors, have been rapidly drawing to their conclusion. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force of by the threat of force. They are likewise opposed to any intervention on the part of one state, however powerful, in the domestic concerns of any other state, however weak. The United States will continue to stand by these principles";

Whereas the Government of the United States continues its policy of standing by the 1922 recognition of the *de jure* independent governments in the Baltic states, and of refusing to recognize the forced incorporation of the Baltic states into the Soviet Union;

Whereas the peoples of Latvia, Estonia, and Lithuania have never accepted the occupation of their native lands, and have demonstrated their resolve on numerous occasions since 1940, most notably in the last three years. The most striking demonstration of the desires of the Baltic people took place on August 23, 1989, the fiftieth anniversary of the Nazi-Soviet Treaty of Nonaggression, when nearly 2,000,000 citizens of Latvia, Estonia, and Lithuania joined hands in a 400-mile human chain stretching across the Baltic states from the Estonia capital of Tallinn, through the Latvian capital, Riga, to the Lithuanian capital of Vilnius;

Whereas the people of the Baltic states, through their elected representatives in the Popular Front of Latvia, the Popular Front of Estonia, and the Lithuanian Movement in Support of Perestroika "Sajudis", have declared their desire for the restoration of independence in the Baltic states; and

Whereas even the Communist officials and regimes in each of the Baltic states have begun to respond to the drive for more autonomy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress urges the President—

(1) to raise the issue of the political rights of the Baltic peoples in all diplomatic contacts with the Soviet Union and, more especially, in the talks between Secretary Baker and Foreign Minister Shevardnadze scheduled for later in September 1989; and

(2) to call upon the Soviet Union–

(A) to honor the international agreements it has voluntarily entered into, such as the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the United Nations Declaration of Human Rights, as well as the bilateral agreements it has voluntarily entered into with the independent governments of Latvia, Estonia, and Lithuania,

(B) to allow the people of Latvia, Estonia, and Lithuania their right of self-determination, as guaranteed by the RSFSR in 1920 as well as by the current constitution of the Soviet Union,

(C) to recognize the human rights of all peoples both within the Soviet Union and under Soviet influence, and

(D) to replace the policy of aggressive industrialization in the Baltic states, which has poisoned the land, air, and water of Latvia, Estonia, and Lithuania, with one of environmental responsibility.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. KASTEN. Mr. President, I rise today to introduce a Senate resolution on U.S. policy regarding the aspirations for freedom which are being expressed by the peoples of the Baltic States.

The United States has never recognized the Soviet hegemony over the Republics of Latvia, Lithuania, and Estonia. But the illegal Soviet occupation of these countries has nonetheless remained a sad fact of life in the recent political history of Europe.

But change is coming—change inspired by the aspirations of the Baltic peoples themselves. Late last year, they formed popular fronts to push for independence; just last month more than a million of them joined hands to form a 430-mile human chain of freedom of the shores of the Baltic.

Today—joined by my distinguished colleagues, the Republican Leader and Senator RIEGLE—I am calling upon the Senate to leave no doubt where we as a legislative body stand on the issue of Baltic independence: We stand with the people.

The legitimate striving of the Baltic nations for self-determination must be a keystone of the American position in discussions with Soviet authorities. The issue of Baltic freedom must be raised with particular vigor in the talks between Secretary of State Baker and Soviet Foreign Minister Eduard Shevardnadze next week.

I personally witnessed this striving for liberty when I was in Latvia last month to deliver a lecture on the environment. I saw the people come together to discuss the challenges facing their society, and try to come to grips from the promise and the peril of the coming days of change.

I learned later that the central Communist government in Moscow had dismissed these discussions as an exploitation of openness to further what the government called extremist ends.

There is nothing extremist about human rights. There's nothing extremist about self-determination. On the contrary—these are the building blocks of civilization. And the United States ought to be making this clear in all bilateral contacts with the Soviet Union.

I would like to commend our eminent former colleague, Vice President DAN QUAYLE, for his eloquence on this issue.

Mr. President, a lot of the credit for this resolution belongs to the Latvians, Lithuanians, and Estonians who have become a part of our own American national tapestry. In particular, I'd like to compliment all the Wisconsinites of Baltic heritage who have fought to bring this issue to the forefront of our foreign policy.

To conclude, I hope that all of us in this country will speak with one voice to the Baltic peoples, as they grope haltingly yet inexorably toward the daylight of democracy.

SENATE RESOLUTION 178—COMMENDING GAIL D. FOSLER FOR HER SERVICE TO THE COUNTRY AND THE SENATE

Mr. DOLE (for Mr. DOMENICI) (for himself, Mr. DOLE, Mr. SASSER, Mr. ARMSTRONG, Mr. BOND, Mr. BOSCHWITZ, Mr. CONRAD, Mr. DANFORTH, Mr. DODD, Mr. EXON, Mr. GRAMM, Mr. GRASSLEY, Mr. HEINZ, Mr. HOLLINGS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. MCCLURE, Mr. NICKLES, Mr. PACKWOOD, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. SYMMS, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas Gail D. Fosler has served the Senate as a member of the staff on the Budget Committee for more than 11 years;

Whereas Gail D. Fosler served the Committee as Chief Economist for the Budget Committee from 1981 through 1986;

Whereas Gail D. Fosler has served since January 1987, as Deputy Staff Director and Chief Economist for the Committee's Minority Staff;

Whereas Gail D. Fosler has carried out her difficult duties and responsibilities with the highest degree of professional integrity and dedication; and

Whereas Gail D. Fosler has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Gail D. Fosler is hereby commended for her faithful and exemplary service to her country and to the United States Senate.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AUTHORIZATION

HELMS AMENDMENT NO. 744

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3015, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 71, line 12, before the quotation marks, insert the following:

", however, the provisions of this ban shall not apply to flights after one year unless a bill is recommended to the Senate by the Committee on Commerce, Science, and Transportation, and a similar provision is reported to the House of Representatives by the Committee on Public Works and Transportation to make the ban permanent."

HELMS AMENDMENT NO. 745

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3015, supra, as follows:

On page 71, line 12, before the quotation marks, insert the following:

", however, the provisions of this ban shall not apply to flights that the airlines, using existing power, designate as all smoking flights."

HELMS AMENDMENT NO. 746

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3015, supra, as follows:

At the end of the amendment, add the following:

", however, the provisions of this ban shall not apply to flights after one year unless a bill is recommended to the Senate by the Committee on Commerce, Science, and Transportation, and a similar provision is reported to the House of Representatives by the Committee on Public Works and Transportation to make the ban permanent. and"

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT

SASSER AMENDMENT NO. 747

Mr. ADAMS (for Mr. SASSER) proposed an amendment to the bill (H.R. 1502) to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system; as follows:

On page 11, strike lines 19 through 21 and insert the following:

(a) Paragraph (3) and (3a) of section 502(d) of the District of Columbia Uniform Controlled Substances Act (sections 33-552(d)(3) and (3a), D.C. Code) are amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) redesignating paragraph (3a) as paragraph (3); and

(3) reordering the paragraphs so that paragraph (3), as redesignated, precedes paragraph (4), as redesignated.

(b) Section 502(d)(4)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33-552(d)(4)(B), D.C. Code), as redesignated by subsection (a), is amended by striking "shall be

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SASSER (AND BYRD) AMENDMENT NO. 748

Mr. ADAMS (for Mr. SASSER, for himself and Mr. BYRD) proposed an amendment to the bill H.R. 1502, supra; as follows:

At the end of the bill add the following new section:

SEC. 6. POLICE CORPS PILOT PROGRAM.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "Administrator" means an Administrator of the Police Corps program appointed pursuant to subsection (b);

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to subsections (i) and (j); and

(5) the term "participating law enforcement agency" means—

(A) in the case of a participant selected for the Police Corps program under regulations prescribed by the Administrator described in subsection (b)(1), the Metropolitan Police Department of the District of Columbia; or

(B) in the case of a participant selected for the Police Corps program under regulations prescribed by the Administrator described in subsection (b)(2), the West Virginia State Police (or such other law enforcement agency as the superintendent of the West Virginia State Police may designate).

(b) APPOINTMENT OF ADMINISTRATORS.—There shall be two Administrators of Police Corps programs pursuant to this decision, to be appointed as follows:

(1) the Chief of the Metropolitan Police Department of the District of Columbia shall appoint a person in the Metropolitan Police Department to serve as an Administrator; and

(2) the Superintendent of the West Virginia State Police shall appoint a person in the West Virginia State Police to serve as an Administrator.

(c) RESPONSIBILITIES OF ADMINISTRATORS.—Each Administrator shall be responsible for the administration of a Police Corps program pursuant to this section and shall have authority to promulgate regulations to implement this section.

(d) EDUCATIONAL ASSISTANCE.—(1) Each Administrator is authorized to pay the educational expenses of up to 25 participants in the Police Corps program, by—

(A) entering into an agreement to repay, and repaying, an educational loan of a participant; and

(B) entering into an agreement to repay, and repaying, a participant for educational expenses paid out of the participant's funds.

(2) Except for payments of interest on an educational loan, repayment under an agreement made pursuant to paragraph (1) shall be made following completion of a participant's course of educational study and service as required by this Act.

(3) Repayment of an educational loan made pursuant to paragraph (1) may be made in the form of direct payment to a lender or reimbursement of a participant for payments made to a lender.

(4) An educational loan that may be repaid under paragraph (1) is a loan made pursuant to or in connection with a Federal, State, local, or private loan or loan guarantee program designated by an Administrator and other loans that meet terms prescribed by such Administrator by regulation.

(e) ADMISSION OF APPLICANTS.—An applicant may be admitted into the Police Corps program either before commencement of or during the applicant's course of educational study.

(f) PAYMENT OF EDUCATIONAL EXPENSES.—(1) An Administrator may agree to repay an educational loan and to reimburse a participant for expenditures made prior to or after the time that a participant applies for admission to the Police Corps program.

(2) The amounts of educational expenses that an Administrator may pay under this section are limited as follows:

(A)(i) The amount of educational expenses incurred by a participant to cover the cost of an academic year of study that an Administrator may pay is limited to $10,000.

(ii) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of educational expenses incurred by a participant to cover the cost of such calendar year that an Administrator may pay is limited to $13,333.

(B) The amount of educational expenses incurred by a participant to cover the cost of undergraduate study is limited to $40,000 in the aggregate, regardless whether the time of study exceeds 4 years.

(g) ADMINISTRATOR'S OBLIGATION TO PAY.—(1) An Administrator's obligation to pay a participant's educational expenses under this section shall be void, and such Administrator shall be entitled to recover from the participant the amount of any interest on an educational loan that such Administrator has paid, if the participant fails to complete satisfactorily—

(A) the course of educational study undertaken by the participant; and

(B) service as required by subsection (o), unless the failure is the result of death or permanent physical or mental impairment.

(2) For the purpose of paragraph (1), a participant shall be deemed to have completed satisfactorily—

(A) an educational course of study upon receipt of a baccalaureate degree (in the case of educational expenses incurred to cover the cost of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of educational expenses incurred to cover the cost of graduate study); and

(B) service in a participating law enforcement agency upon completion of 4 years of service on the force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the force.

(3) As a condition to payment of educational expenses of a participant who fails to complete a course of educational study or service as a result of permanent physical or mental impairment, an Administrator may require the participant to perform appropriate alternative community service.

(h) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's gross income shall not include any amount paid as educational assistance under this section.

(i) SELECTION OF PARTICIPANTS.—Participants in the Police Corps program shall be selected on a competitive basis under regulations prescribed by each Administrator.

(j) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in the Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the participating law enforcement agency, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the participating law enforcement agency shall not disqualify the applicant if the applicant wil be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer:

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the participating law enforcement agency;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the participating law enforcement agency before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the participating law enforcement agency, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under subsection (o), and such a participant shall be subject to the same benefits and obligations under this Act as other participants, including those stated in paragraph (1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of subsection (o), such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(k) Recruitment of Minorities.—Each Administrator shall make special efforts to seek and recruit applicants from among members of racial and ethnic groups whose representation in the participating law enforcement agency is substantially less than in the population of the District of Columbia (in the case of the Administrator described in subsection (b)(1)) or of the jurisdiction of the participating law enforcement agency (in the case of the Administrator described in subsection (b)(2)). This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (i) and (j).

(l) Enrollment of Applicants.—(1) An applicant shall be accepted into the Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(m) Leave of Absence.—(1) A participant in the Police Corps program who requests a leave of absence from educational study or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason, including temporary physical or mental impairment, may be granted such leave of absence.

(2) If a participant who has taken a leave of absence pursuant to paragraph (1) fails or is unable to resume educational study or service after the expiration of the leave of absence, the provision of subsection (f) shall apply.

(n) In-State Tuition.—At least 50 percent of the applicants admitted to the Police Corps program must qualify for and be obligated to pay no more than the in-State tuition rates at the institutions they attend.

(o) Service Obligation.—(1) Upon satisfactory completion of a participant's educational course of study (in the case of a participant taking a baccalaureate degree) and prior to commencing or continuing graduate study (in the case of a participant who desires to do graduate work), and upon meeting the requirements of the participating law enforcement agency, a participant shall be sworn in as a member of the participating law enforcement agency and shall serve for 4 years as a member of such agency.

(2) A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the participating law enforcement agency, including those contained in applicable agreements with labor organizations and those provided by law.

(3) If the participating law enforcement agency subjects a participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under this section, the Administrator may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, upon satisfactory completion of that service, provide assistance pursuant to this section.

(4) The participating law enforcement agency may decline to offer a participant an appointment, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures.

(5) A participant in the Police Corps program shall, while serving as a member of the participating law enforcement agency, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the participating law enforcement agency.

(p) Reports to President and Congress.—Not later than April 1 of each year, each Administrator described in subsection (b) shall submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program administered by such Administrator, broken down according to the levels of educational study in which they are engaged and years of service they have served with the participating law enforcement agency (including service following completion of the 4-year service obligation);

(2) describe the structure and progress of the program; and

(3) discuss the perceived strength and weakness of the program and any proposals for changes in the program.

(q) Authorization of Appropriations.—There are authorized to be appropriated to the District of Columbia and to the State of West Virginia to carry out this section, for fiscal year 1990, such sums as may be necessary to carry out the provisions of this Act, and for each fiscal year thereafter such sums as may be authorized in the annual authorization Act for such year.

LEVIN AMENDMENT NO. 749

Mr. ADAMS (for Mr. Levin) proposed an amendment to the bill H.R. 1502, supra, as follows:

On page 9, line 15, strike out "of the authorized" through "4,055" on page 9, line 16, and insert in lieu thereof "of 4,355".

DISTRICT OF COLUMBIA APPROPRIATIONS, 1990

WILSON AMENDMENT NO. 750

Mr. WILSON (for himself and Mr. Kohl) proposed an amendment to the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes; as follows:

At the end of the bill add the following new section:

SEC. . TASK FORCE ON SUBSTANCE ABUSING PREGNANT WOMEN AND INFANTS EXPOSED TO MATERNAL SUBSTANCE ABUSE DURING PREGNANCY.

(a) In General.—The Director of the Department of Human Services of the District of Columbia (referred to as the "Director" shall establish a task force, to be known as the District of Columbia Task Force for Coordinated Service to Drug-Exposed Infants (referred to as the "Task Force"), to develop a plan for the most efficient and effective delivery of services to substance abusing pregnant women and infants who were exposed to maternal substance abuse during pregnancy, including recommendations to ensure maximum cooperation between service providers.

(b) Members.—(1) The Director shall appoint no more than 15 persons to serve on the Task Force, including persons with experience in treating substance-exposed infants, representing the following organizations and disciplines:

(A) Child protection and welfare.

(B) Local hospitals.

(C) Health care professionals, including drug treatment specialists, public health experts, primary care providers, and child development specialists.

(D) Public safety and justice.

(E) Public education.

(F) Community-based organizations serving substance abusing pregnant and post partum women and their infants.

(G) Public housing officials.

(H) Other human support services.

(2) In addition to the members of the Task Force appointed pursuant to paragraph (1), the U.S. Attorney or a designee of the U.S. Attorney shall be a member of the Task Force.

(3) The Director or the designee of the Director shall act as chairman of the Task Force and provide such clerical support as the Task Force requires.

(c) Report.—Not later than 1 year after the date of enactment of this Act the Task Force shall submit a report to Congress making findings and recommendations for legislative or other action, and including a specific plan detailing how the District will provide for the care of abandoned or otherwise abused infants for whom foster homes have not been found within 6 months of birth; and a timetable for implementing its recommendations.

(d) Termination.—The Task Force shall terminate on submission of its report in accordance with subsection (c).

ARMSTRONG AMENDMENT NO. 751

Mr. ARMSTRONG (for himself and Mr. Helms) proposed an amendment to the bill H.R. 3026, supra; as follows:

At the appropriate place in the bill insert the following new section:

Sec. . (a) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

(A) the use of any fund, service, facility, or benefit; or

(B) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

HELMS AMENDMENT NO. 752

Mr. HELMS proposed an amendment to the bill H.R. 3026, supra, as follows:

Strike all beginning on page 6, line 6, through the colon on line 15, and insert the following: "*Provided further,* that an additional $150,000 out of local funds shall remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, September 21, 1989, at 9:30 a.m., in SR-301, to receive testimony on the nominations of Joan D. Aikens, of Pennsylvania, and John Warren McGarry, of Massachusetts, to be members of the Federal Election Commission for terms expiring April 30, 1995. Both nominations are reappointments.

For further information regarding this confirmation hearing, please contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER AND POWER

Mr. ADAMS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate September 14, 1989, 2 p.m., for a hearing to receive testimony on four reclamation bills: S. 53, the Cedar Bluff Unit Reformulation; S. 486, the authorization to construct the Lake Meredith salinity control project in New Mexico and Texas; S. 202, the Lake Andes-Wagner/Marty II project; S. 1121, the authorization for additional appropriations for the Buffalo Bill Dam; and S. 1275, the Leadville Mine Water Treatment Plant.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ADAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 14, 1989, at 2 p.m., to hold a hearing on the physical desecration of the flag.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. ADAMS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 14, at 10 a.m., to hold a hearing on Slepak principles: Guidelines for United States businesses investing in the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ADAMS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, September 14, at 9:30 a.m., for a hearing on S. 1165, congressional civil rights bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. ADAMS. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, September 14, 1989, 10:15 a.m. for an oversight hearing to receive testimony from the Federal Energy Regulatory Commission concerning the potential producing sector impacts of the Commission's proposed policy statement on gas inventory charges [GIC's].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ADAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 14, 1989, at 10 a.m. to hold hearings on the nomination of Richard C. Breeden, of Virginia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ADAMS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on September 14, 1989, beginning at 2 p.m., in 485 Russell Senate Office Building, on S. 1270, to provide an Indian mental health demonstration grant program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ADAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 14, 1989 at 2 p.m. to hold a closed meeting on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"RED SKIES OF '88"

● Mr. BAUCUS. Mr. President, during the summer of 1988, we witnessed the most disastrous wildfire season ever recorded in Montana and the Northern Rockies since the first white explorers, Lewis and Clark, came through the area in 1805. It could be 300 years before this phenomenon happens again.

Photographers, writers, and filmmakers from around the country have tried to capture the events of 1988 and explain why they happened. Much of this attention, understandably, centered around Yellowstone National Park. I applaud these people for the excellent work they have done.

I also would like to call attention to a publication that looks at the overall fire scene of 1988. "Red Skies of '88," published by Pictorial Histories in Missoula, MT, provides the basic information readers need to understand wildfire in both its creative and destructive forms. It also provides a history of wildfire in the West.

I believe this book is especially valuable for those of us who will be considering the future fire policy for our public lands. It contains information on managing wildfire for positive results and explains techniques for fighting wildfire.

"Red Skies of '88" brings us the thoughts and feelings of the folks who were on the line fighting fire. It outlines the dangerous conditions that can confront firefighters and tells us how they are trained to safely handle those conditions. It also lays out the cooperative arrangements that have been forged among Federal, State and local agencies that deal with fires.

I certainly will recommend "Red Skies of '88" for anyone who would like to know more about last summer's events.●

FLOYD VOSLER—OLDEST SURVIVING SEABEE

● Mr. WALLOP. Mr. President, "The difficult we do immediately, the impossible just takes a little longer," is a motto my constituent, Floyd Vosler at the age of 95, invokes quite frequently. Throughout his long life, he has lived up to the challenge of this motto with gusto and determination. To the best of my knowledge, Floyd Vosler is the oldest surviving Seabee in the United States.

During World War II, Floyd was among the experienced carpenters, plumbers, electricians and engineers who were contracted to build naval facilities in the Pacific. In 1942, folks like Floyd were organized into the U.S. Navy construction battalions [CB's] when the use of civilian labor during war was deemed inappropriate. Trained in both construction and combat, the 258,000 Seabees made a notable impact on the war. Because of their importance, the Seabees were retained as part of the postwar naval organization. The Seabees showed their unique origins by wearing the insignia of a flying bee with a sailor's cap, carrying a tommy gun, a wrench and a hammer. In honor of those Seabees who died in war, a special memorial has been erected at the entrance to Arlington National Cemetery.

But, what is most important to Floyd Vosler, however, is the pride and honor felt by his 15 children, 65 grandchildren, 85 great-grandchildren and 10 great-great-grandchildren. They are all very proud of him—as am I. At the age of 95, he is no doubt the oldest surviving Seabee in the State of Wyoming and most likely in the Nation. Just recently, the Vosler family shared with me the following article about Floyd's life and his service to our Nation as a Seabee. Mr. President, I ask that the article be inserted into the RECORD as my colleagues will undoubtedly enjoy learning about Floyd Vosler as much as I have.

The article follows:

THE OLDEST SURVIVING SEABEE? CHEYENNE'S OWN FLOYD L. VOSLER

(By H.E. Remster)

Floyd was born in Techumseh, Nebraska, on January 12, 1894, according to his family's Bible. He left home at the age of 14 because he had to keep quitting school to help his father on the farm so he could save two cents a bushel on the corn. His dad gave him "an education that afternoon when he said 'you can do anything anybody else can do—just do it a little better and take a little longer at it,'" according to Floyd. That has been his motto ever since.

Floyd married Valborg Christensen in Cheyenne. They became the parents of 15 children, during which time Floyd was in the construction business working as a carpenter and contractor.

At the close of World War I, when Floyd was returning home via the troop train, Floyd played dice with other soldiers who were being assigned to Fort Warren in Cheyenne. With his skill and a little luck, Floyd lightened the other soldiers' pockets of quite a few silver dollars. But, after overhearing remarks made by three of the soldiers as to how they would retaliate upon reaching the fort, Floyd stepped off the train at the old Russell Avenue crossing and lit out for the Chistensen Dairy on foot arriving there at 1:00 a.m. with legs worn raw from walking with those silver dollars in his pockets for six miles.

During early military preparations for World War II, Floyd was working as an inspector at the Army Air Base in Pueblo, Colorado, with George Cole, a Cheyenne brick contractor. When their work was finished, they were to be transferred to New Mexico. The Naval Construction Battalion in New Mexico was in the process of being commissioned and opening ratings for experienced construction men was a high priority. Floyd was among the first to enlist. But, a few things precluded his enlistment—not only did he lack a formal education, he was 48 years old with nine children under the age of 18. Nevertheless, he was an experienced construction man, well versed in the trade, and he knew how to lead men. That was what the Navy was looking for—he was appointed as a Carpenter Chief Petty Officer. He took a draft of 20 men from Cheyenne—who were referred to as "the dead end kids"—to Virginia Beach and immediately was told to build a post office. The base was just a prairie then with hardly any buildings. But the motto of the Seabees was, "The difficult we do immediately, the impossible just takes a little longer."

Upon completion of boot training, Floyd and his battalion were shipped to Casabalanca, Morocco—it was the same day that General Rommell was pushed out. The Chief and his men were billeted in an old camel barn with the eating facilities about a couple miles away. They were put to work building airfields and hospitals, which were often bombed the same day they were built. They also laid oil/fuel pipe lines from the beach over the sand for several miles inland. The first airfields were built from perforated steel matting.

The Seabees were not exempted from enemy attacks. Bombs hit the camel barn and three Seabees were killed, but Chief Vosler was not there at the time.

Chief Vosler later transferred down the coast via troop movements to Agadir, Morocco, where he again built airfields, but this time out of poured concrete. Concrete tanks were also built, using Arab labor. They picked out the biggest men and kept them working. They all carried a #10 can with a wire bail on it, filled with wet concrete, to the top of the scaffolding and dumped them into the forms. That is the way the tanks got built.

After finishing the African Campaign with the 20th Battalion, Floyd was sent to Davisville, Rhode Island with the 17th Battalion for a few months. From Rhode Island, he was able to travel to New York and spend some liberty time with his son, Albert, who was then on duty at the Brooklyn Navy Yard.

Chief Vosler was discharged in 1944, and his wife, Valborg, came east to meet him. Together, they went to New York where Albert was able to "show them the sights" for a time before their return to Cheyenne.

Floyd Vosler is a very genial man, well loved by his family and friends, who visit with him at his daily coffee klatsch at his home. Valborg was a charter member of the Cheyenne Navy Mothers Club, and was a faithful attender of meetings at the Naval Reserve Center until she passed away. The club still meets there.

At 95, Floyd is still active and well—busy with his large family and his yard work. To Wyoming's oldest Seabee, I say, "Well done, Chief!"●

THERESA FREDERICKS, POPLAR, MT

● Mr. BAUCUS. Mr. President, too often, it is easier to dwell on the negative stories we hear about young people rather than on the good things. But today I would like to share with the Senate the story of a courageous young woman who deserves our respect and praise.

Fourteen-year-old Theresa Fredericks, of Poplar, MT, was babysitting the evening of July 8, 1989. At 7 p.m., she smelled smoke and saw sparks coming from an electrical outlet. She immediately gathered the two children she was caring for and took them out of the house to safety.

Theresa then reentered the house, called for help and used a fire extinguisher to douse the flames as much as possible. Using skills she learned in Girl Scouts, she unplugged appliances around the fire, being careful not to touch them with her hands. Throughout the entire ordeal, she remained calm—which no doubt helped save the lives of the children and lessen the damage to the house which could have occurred without her actions.

I would like to commend Theresa for her selfless actions. She is an excellent example of a responsible young adult and one we should all be very proud of.

I would also like to commend the thousands of young men and women who participate in scouting today. These people, along with their leaders, are helping our communities by becoming better informed and learning skills which will be useful throughout their lives. In an era when drug use and juvenile crime seems to be on the rise, it's refreshing to see people involved in such a worthwhile activity.●

THE AMERICAN FLAG

● Mr. ARMSTRONG. Mr. President, a friend of mine recently sent me a copy of Monsignor William F. O'Donnell's editorial about the desecration of the American flag. This editorial clearly reflects my feelings concerning this matter. Flag burning is an act of violence against our country. I believe that Monsignor O'Donnell has done a commendable job of illustrating this issue of principle. I ask that this be printed in the RECORD.

The editorial follows:

A VETERAN'S VIEW

For the people of the Old Testament, the ancient Israelites, a person's name was the extension of the person himself. To disparage the name was to disparage the person. It is for this reason that the second of the Ten Commandments, God's divine law, requires us to respect God's name. We obey the Second Commandment by not only showing reverence to God but by showing reverence for His Holy Name. The two cannot be separated.

For all Americans and particularly veterans, our national flag not only represents the nation but in a true sense is an extension of the nation itself. To desecrate the flag is to desecrate the nation. In a recent U.S. Supreme Court decision, the court ruled by a narrow majority (5 to 4) that the deliberate burning of our nation's flag as a form of protest is protected by the freedom of speech clause of the First Amendment. For us such a view is incomprehensible. We see the deliberate destruction of the flag in this manner as directed toward the destruction of the nation. The two cannot be separated.

There are those who would disagree with our view as to what our flag represents. But for those of us who were privileged to serve our nation in the military services, and who with the passage of time have come to realize, more and more, that it was a privilege and not just a duty to serve, the flag is the nation. We recall saluting the flag each time we passed it and it passed us. We recall the solemn moment when the flag was raised, and more particularly when it was lowered at formal retreat parades. We recall seeing it snapping in the wind at sea or on a flagstaff at a newly liberated town or city. When we saw the flag we saw America.

As Americans we repect the right of each person to have and to express freely his own views, even those views that might be in complete variance with ours. But we believe that the deliberate desecration of the flag is something more than the simple expression of free speech. We believe that it is intended to be, and is an act of violence against the nation. We hope and pray that lawmakers and the courts will soon restore the flag of our nation to the pinnacle from which it has been lowered.

Monsignor William F. O'Donnell,
VBOB Chaplain.●

SOUTH AFRICA—ECONOMICS AND POLITICS

● Mr. SIMON. Mr. President, former Senator Dick Clark—a previous and distinguished chairman of the Senate Foreign Relations Subcommittee on African Affairs—brought to my attention the following remarks by Mr. Azhar Cachalia, national treasurer for the United Democratic Front [UDF]. Mr. Cachalia was in the United States in July with the delegation led by Albertina Sisulu, cofounder of the UDF and wife of imprisoned antiapartheid leader Walter Sisulu.

In these remarks, delivered at the Carnegie Endowment for International Peace, Mr. Cachalia presents an illuminating overview of the economic crisis in South Africa, as well as a probing look at the South African Government's political strategy. I urge my colleagues to read them.

The remarks follow:

VERBATIM REMARKS AT CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, WASHINGTON, DC, BY AZHAR CACHALIA, NATIONAL TREASURER FOR THE UNITED DEMOCRATIC FRONT, SOUTH AFRICA, JULY 6, 1989

INTRODUCTION

Azhar Cachalia was born in Scotland in 1956. He came to South Africa when he was about five or six and was educated in South Africa. He earned his law degree at the University of Witwatersrand, Johannesburg. After graduation, Cachalia went to the Legal Resources Center on a fellowship for one year and then he served for two years in a law firm doing a clerkship. He became a partner of Ishmail Ayob, the lawyer for the Mandela family. After one year Cachalia joined the firm of Cheadle, Thompson and Haysom specializing in human rights law. He was a student activist in the late '70s and in the course of his political career has been arrested five times, detained three times, and restricted and banned several times. The last restriction order was lifted just before Cachalia undertook a trip to the United States in late June, 1989, to accompany Mrs. Albertina Sisulu in an official delegation that met with President Bush. Cachalia became a member of the Transvaal Indian Congress and a leading officer of the UDF when it was established in August 1983. He was very active in the movement opposing the tri-cameral elections in 1984 and in 1985 he was elected national treasurer of the Transvaal region of the UDF. He has held that position ever since. He is also the Johannesburg chairperson of the National Association of Democratic Lawyers which is an organization of progressive lawyers playing a role in the pursuit of democracy.

AZHAR CACHALIA: I firstly would like to thank members of the Carnegie Endowment and Pauline in particular for allowing me this opportunity to share some of my ideas with you and some of our feelings on what's going to happen in South Africa, the possibilities. I'm particularly pleased because it's the first time since February 1988 that I am addressing a gathering of more than ten persons having been restricted for the last two years of talking with groups of more than ten. I'm informed that I am a dangerous person so I hope that when people leave here you leave in an orderly way because it will vindicate the South African Embassy's view of some of us if you cause trouble in the streets outside.

I thought I'll use my time this morning to talk about the context in which de Klerk is going to become president. We have heard a lot, I think, in recent weeks, I've heard this in the United States, that this is a new man, that is a younger man in government, that he's got new ideas and he needs to be given a chance and I want to argue that it is vitally important that one understands why the South African government and de Klerk in particular are making some of the sounds they are making at the moment, failing which I think that some very serious mistakes will be made in approaching the South African question particularly for people in the foreign offices around the world.

Now, we believe that South Africa today faces a very serious and mounting economic crisis. It is crisis which has been deepening for the last four years behind a conspiracy of silence but which has now reached a level so critical that it is no longer for the authorities to cover up. As recently as about two months ago, the Minister of Finance, in attempting to justify the introduction of an unpopular package of fiscal measures, responded to his critics warning against the dangers of seeing South Africa's meager foreign reserves disappear altogether and the country sliding into the status of a banana republic. It is a crisis of such proportion that demands drastic action on the part of the regime if it's going to survive. Such action necessitates measures to restore foreign investor confidence and bring foreign capital flowing into the country again. A new strategy is already underway to promote a cleaner image to the outside world but simultaneously to evolve lower key, more subtle forms of oppression in order to maintain physical control of an increasingly dissident population. It is important to understand the nature of this crisis in order to come to grips with its evolving strategy. The origins of its economic crisis are of course intimately linked with the political crisis in the country. Its roots go back many years but more particularly to the mass rejection, political rejection, by the masses of South Africa's people to the tri-cameral parliament and the black local authorities in South Africa. This rejection was expressed by mounting resistance since that time and which was followed by armed invasion of the townships by security forces and that in turn led to the declaration of the first emergency on the 21st of July, 1985.

International reaction was swift, especially within the ranks of the world banking community and other financial systems. Foreign investors moved quickly to sell out their gold shares on the Johannesburg stock exhange and to withdraw accumulated profits, dividends, and interests where possible. Foreign bankers served notice that all loans due for payment would not be rolled over and that no new loans would be considered until political stability had returned to South Africa. These actions of course were undoubtedly influended be general anti-apartheid sentiment but it is certain that the usual criteria applied by the international banking community to guard their interests played a dominant role in their decision. What happened next confirmed the international community's worst fears about the security of their funds in South Africa. Barely six weeks after the declaration of the emergency, South Africa unilaterally announced a moratorium on debt payments and South Africa's once proud credit plummeted to rock bottom where it remains today. Discussions with some major and smaller international banks eventually resulted in South Africa gaining a partial but temporary reprieve until July 1990. About 14 billion dollars of short term debt fell within a stand still arrangement calling for limited repayment until mid-1990, while 10 billion of long term debt fell outside of that standstill net. As of the end of 1988 the total debt in dollar terms had come down from 24 billion to 21.5 billion. But in rand terms it still stands at the 1985 figure of around 61 billion due to the declining value of the rand. What lies ahead are existing repayments obligations of some 5 billion dollars during the period 1989, 1990, and 1991 as well as facing new negotiations when the present arrangement expires around mid 1990, which is next year.

The question, of course, is whether South Africa can meet these obligations, if not it faces bankruptcy. To assess the answer to this questions we need to examine a few factors. The first is that the huge capital outflow which has occurred since the declaration of the emergency in July 1985. South Africa, of course, is normally a capital importing country needing foreign capital for the financing of its industrial growth. Over the last four years it has become, by force of circumstance, a net exporter of capital to the tune of 25 billion dollars. The capital starvation is having serious consequences for economic growth and the potential to provide employment. Yet there seems to be no way to stop the flight of capital while the world wants its loans and investments repaid and lacks confidence in South Africa as a secure investment area.

I would just want to make a point that much has been said about the sanctions campaign, a significant number, a significant amount of percentage of the funds which are being transferred outside the country has in fact occurred because of what South African businessmen are doing, legally and illegally transferring funds outside the country because of their own lack of confidence in the system.

The outflow of capital can come from two sources. Firstly, the balance of payment surpluses on foreign trade and secondly, from foreign reserves. South Africa's balance of payments position at present, a struggle to keep its head above water. The surplus decline from 6.1 billion rand in 1987 to 2.9 billion rand in 1988, a drop of 52%. This was brought about by flagging exports in the face of international trade sanctions and by rising imports, largely of capital goods needed to replace obsolete and worn out parts and machinery. The balance of payment surpluses over the last four years have been insufficient to service South Africa's foreign debt payments and as a result it has been necessary to dip into its foreign reserves. These reserves consist of gold holdings and foreign currency. During the last year the foreign reserves have dwindled by 26% in dollar value and presently stands at 5 billion rand or just under 2 billion dollars. Estimates place this value as representing five to six weeks of imports, a level that only can be described as critically close to bankruptcy. But even this situation is not the whole story. Analysts point out that the South African reserve bank responsible for holding the foreign reserves is itself in debt on a short term outside the standstill net basis to the tune of 1 billion dollars. Thus, the net reserves are not 2 billion dollars but only 1 billion dollars. It is significant that the gold component of foreign reserves has fallen at times recently from 80% to 60%. This indicates the necessity to sell or swap gold for other foreign currencies. Gold holdings dropped from 12 million ounces in 1980 to only 3.5 million ounces at the end of 1988, that's valued at about 1.4 billion dollars. The value of the rand on the foreign exchange market reflects the state of the South African economy in general, and the disastrous level of the foreign reserves in particular. Since 1984 the value of the rand against the U.S. dollar has dropped to less than half. In the last 18 months alone it has lost 34% of its value. The fall in the gold prices is not helping either. The gold price influences both the balance of payments and the value of foreign reserves. Since gold exports account for about 25% of total exports, the gold price is a strong factor. It is estimated that a drop of 50 dollars in the gold price represents a loss to South Africa of 1 billion dollars in foreign exchange earnings annually. The last 18 months has seen a drop in the gold price of over $100. The impact of the gold price and the value of foreign reserves is even more important since gold holdings account for about three-quarters of the reserves. It is also important to note that South Africa is losing its pre-eminence as the Western World's leading gold exporter, its share having dropped from 75% ten years ago to only 40% at present. On the domestic front the important indicators present an even more dismal story. The official inflation rate stands at about 14%, unofficially figures of as much as 34% have been predicted. The growth rate for 1988 was reported at about 3% and expectations for 1989 are about 2%. Given a population growth rate of 2.5% per annum, growth rate per capita is therefore static. Most authorities agree that a real growth rate of 5% at least is necessary just to absorb the 200,000 new job seekers coming on to the market annually. With an estimated 35% of the population unemployed already nothing but a massive injection of foreign capital to stimulate growth and job creation will avert this disastrous situation.

But of course no economic analysis of South Africa would be complete without referring to the extraordinary costs of running apartheid. An examination of the 1988 budget shows that approximately one third of the budget went into the security apparatus, that would be defense, police, prisons, and so on. If you add to this cost the elaborate cost of just running apartheid, running 14 different education systems, running several different parliaments, running several different bantustans, duplicating and triplicating the administration throughout the country. Then, a conservative estimate is that 50% of our budget is consumed simply by fueling apartheid.

In summary, the apartheid government of South Africa then faces a dilemma, it is a crisis of survival. On the one hand it is reluctant to lift the state of emergency and run the risk of losing its grip of control of what it calls the revolutionary situation, no more than a euphemism, of course, for the popular resistance. On the other hand, it cannot afford to continue the state of emergency and so faces certain economic collapse. There can be no doubt that the economic imperatives have already dawned on this government and that they have the struggle to resolve what appears to be an irreconcilable problem, irreconcilable conflict. How do you satisfy foreign investors on the one hand without conceding to the demands of the majority of South Africa's people for a majoritarian democracy on the other?

So, it is quite apparent that a political strategy has already been evolved, having at its end the creation of the impression that apartheid is being dismantled and that the political aspirations of the black majority are being accommodated. But, it can be no more than an impression for there is as yet absolutely no evidence that there is any intention on the part of the nationalist government to give up or even share power. And, this is even apparent after the announcement of a so-called, de Klerk's so called, five year plan.

In discussion later on we may go into this if some people feel we'd like to deal with this area.

So, we would argue that the strategy in operation is twin tracked in its approach. The one track, high profile ostensibly enlightened actions and the other track, low profile repressive actions of a more covert nature than has hitherto been the case. One of the prime examples of this approach is what happened in Namibia. Faced with a severe economic problem, faced with a situation where as a result of the arms embargo and other things that the military balance, at least at the level of air force power had shifted in Angola, the South Africans were then forced to negotiate their way out of that situation and, of course, Namibia is now on track for independence. At the same time, of course, what is not being reported is how the counter insurgency unit in Namibia Koevoet have really changed their uniforms and they are now operating under the banner of the Southwest Africa police, operating in Ovamboland, intimidating, generally causing a whole lot of problems in that area. We understand that Mr. Ahtisaari has raised this with the administration. We don't know what's happening. On the domestic political front, encouraging statements, designed really for external consumption, are being made by cabinet ministers to the effect that the nationalist government is committed to dismantling apartheid and that racial discrimination must be abolished. Simultaneously for the benefit of internal white voter consumption the concept of majority rule is categorically rejected by F.W. de Klerk. Interestingly enough a few weeks ago Secretary of State Baker met with, I don't know if he met or just bumped into, Pik Botha somewhere in Europe and Botha said to him that the South African government is committed to ending apartheid, it's committed to ending white domination and that its going to campaign on that ticket.

On the issue of political prisoners, hopes have been raised after the much publicized releases of Govan Mbeki and Harry Gwala as well as Zeb Mothopeng of the Pan Africa Congress. Nelson Mandela, of course, remains in prison. The leadership of the United Democratic Front that had lead nonviolent opposition to South Africa's policies has just been sentenced a few months ago to periods of 12 and 10 years of imprisonment. There is, at a low key level, systematically a criminalizing of all political activity. I mean in that people like me who are restricted are getting charged, as I left South Africa people were being charged for breaking their restriction orders, for not being at home at 6 o'clock in the evening when the police were there. That, too, has become a political offense in South Africa.

The government responds to worldwide pressure and commutes the sentences in the Sharpville six. More than eighty people are languishing in South Africa's death row prisons in this very moment awaiting execution for one or other offenses, political offenses.

Repression of political opposition is changing in character in response to this twin track approach. This is clearly discernable, there is a clearly discernable drift away from formal state repression towards a reliance on what has, in other countries, come to be known as low intensity conflict involving shadowy vigilante groups, right wing groups, abductions, disappearances, and political assassinations both inside and outside South Africa. Indeed the era of the death squads has arrived in South Africa reminiscent of Chile and Argentina.

Activists who have become internal refugees who are restricted to their homes at night have literally become sitting ducks. Before we left, a month before we left an activist in the Natal area, Mr. Chris Ntuli, who was required to report daily to the police at particular times, walked out of the police station and was gunned down and killed.

So, detention without trial under the emergency regulations has almost ceased. There were few people still being held in terms of a formal state of emergency when we left. It is, of course, that detainees themselves through their mass hunger strike forced the issue but nevertheless official opposition to their release was relatively slight. In fact, Minister Vlok even agreed to meet with dangerous people like me to solve the hunger strike. But this too was done in the interest, I would argue, of a more enlightened image. Arbitrary detention, however. . . . However, arbitrary detention in cells was converted into arbitrary detention at home by means of restriction orders involving more severe curtailment of movement, association, speech and political activity. The South Africans look very reasonable when foreign governments approach them and say "look we're dealing with a revolutionary situation, we'll release the people but you must understand we've been reasonable, we want these people to be integrated into society" (this is the way Mr. Vlok talks incidentally, I mean I must admit I was temporarily seduced by that as well) "so that you must understand that we have a problem so we'll release these people but we are going to have to restrict them." And, of course, foreign governments in wanting desperately and in families and friends of detainees who want people out will say, adopt the attitude alright look release them, we will take the next battle the next time. So that then becomes a major victory and South Africa has then made a major concession to the international community by releasing detainees but in fact the whole tact or the whole purpose of keeping political activity, opposition political activity under the raps in South Africa, under tight control, and there is absolutely no shift from that.

In addition to that, of course, detention under security legislation which we have forgotten still continues behind the usual veil of secrecy, that's under the provisions of section 29 of the Internal Security Act, which also allows for detention without trial.

You will find another thing is that organizations no longer get banned in South Africa and the new euphemism is that they get restricted. So Mr. Vlok in announcing restriction on the UDF will say they're not banned, he hastens to add "they're not banned, they can still keep their books," he says—they can't make any speeches but they can still keep their books. And interestingly enough, he then restricts the national treasurer of the UDF, myself, from even keeping the book of the UDF. In addition, organizations that are not restricted frequently find themselves arrested by security police raids or the victims of bombings, fires, and burglaries. The funeral of a very close friend of mine, Dr. David Webster, assassinated on the first of May 1989 attracted a great deal of international attention which is undoubtedly one of the determining factors in the decision not to restrict or ban the funeral in any way but the very next week the funeral of another unknown activist in Dube, a township of Soweto, was heavily restricted. That funeral probably would not have attracted more than two and a half thousand people, but that was restricted. All other funerals in the townships get restricted. So one may well get the impression that after three years of emergency rule to see a major anti-apartheid demonstration through the cities, through Johannesburg street is, in fact, perhaps an opening up under the emergency. In fact, the reality in our townships is quite a different situation.

Meetings of a political nature which in the past have been banned are broken up by the police. New things happen there. You have a little tea party, attended by something like lets see 50 people, a few ex-detainees and their families. Two hundred police will raid that—videos, heavy weapons and so on. They'll walk into the place and they'll sit, they'll invite themselves. They'll walk around while the proceedings are on, they'll video each and every person. They'll put people up against the wall, and their their names and say "we're not stopping the meeting, you carry on, we're just doing our duty." Now that happens consistently.

So, finally coming to the crucial issue of the state of emergency itself, ironically the fateful step which precipitated the economic crisis facing the apartheid government now caught in its own trap. Can the twin track approach be applied to this situation as well? And in fact the mechanism is already in place for that, assuming that the emergency is lifted in a few months time which may well be possible. Just before the emergency was declared, the Public Safety Amendment Act was passed. The Public Safety Amendment Act allows for the declaration of what they call an "administrative emergency." You declare an unrest area in the Johannesburg area which really allows the security forces the same emergency powers they have under the state of emergency. In fact, to use the words of the preamble to the bill, it says that the Public Safety Amendment at that stage can be used without the declaration, I quote "without the declaration of a state of emergency and the concomitant consequences." So, in fact the stage has already been set for the high profile lifting, the possible high profile lifting, of the state of emergency while all the other mechanisms—the Public Safety Act, all the detention provisions under the Internal Security Act—remain intact. In fact, it is not only arguable, it is a fact that South Africa never really needed the state of emergency to deal with these thousands of activists who have been jailed. What the emergency has really done is, I would argue, imposed a climate of terror in the country, to allow the security forces, it's given them the impression and it's also given them the power to actually do what they want. When I was detained in 1986, one of the first things the police said to me was, "look Mr. Cachalia you are in our hands and you know that we can do whatever we want." And, in fact, at one level that has been the purpose of the state of emergency. Secondly, of course, it gives unfortunately perhaps one of the most uninformed electorates in the world—the white community in South Africa—it gives them a completely false sense of security. We have an emergency, read no evil, see no evil, hear no evil. Don't worry we've got everything in control.

So the emergency is then likely to be lifted in a few months time and at that point—and we can develop this in questioning just now—the internal opposition to apartheid will not only be as strong as it has been but stronger than it has ever been. And we ask where will the international community be on that day? Not, we hope, blinded by the smoke screen of track one with its fine words and seemingly positive actions. Not to be mislead by the apparent reasonableness of de Klerk. Rather, we hope fully alert to the realities of track two and its attempts to hold tightly on to political power. A choice lies before the international community either to sit back passively and watch the steady decline of that society or intervene actively to precipitate the early capitulation of the apartheid government to the process of negotiations in a genuine nonracial democracy. And that can be done while the economic structure of South Africa is still in tact. It lies within the power of the international community, including the United States of America, to pursue the second option and that is to use all possible pressure on the apartheid government.

Thank you.●

ADA, MENTAL IMPAIRMENTS, AND THE PRIVATE SECTOR

● Mr. ARMSTRONG. Mr. President, last Thursday the Senate passed S. 933, the Americans With Disabilities Act of 1989. Before passage, the Senate adopted an amendment of mine (amendment number 722) that will exclude from the definition of "disability" certain sexual disorders, impulse control disorders, and drug-related disorders. Intervening events prompt me now to say something about the history of, and necessity for, that amendment.

In brief, S. 933 protects individuals who have disabilities against discrimination because of those disabilities. Private employers, employment agencies, labor organizations, hotels, restaurants, theaters, stores of all types, schools, and day care centers are covered by the bill. Under the bill, a person has a "disability" if he or she: First, has a physical or mental impariment that substantially limits one or more of the major life activities of such person; second, has a record of an impairment that substantially limits one or more of the major life activities of such person; or third, is regarded as having an impairment that substantially limits one or more of the major life activities of such person.

The language of the bill is comprehensive. All physical and mental impairments that substantially limit a major life activity; for example, caring for oneself, performing manual tasks, seeing, walking, working) are covered, including contagious and infectious diseases. My amendment focused on mental disorders, however.

In its report, the Committee on Labor and Human Resources said:

> A physical or mental impairment means * * * any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
>
> It is not possible to include in the legislation a list of all the specific conditions, diseases, or infections that would constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list, particularly in light of the fact that new disorders may develop in the future. The term includes, however, such conditions [and] diseases * * * as * * * mental retardation, emotional illness, specific learning disabilities, drug addiction, and alcoholism." S. Rpt. no. 101-116 [to accompany S. 933], 101st Cong., 1st Sess. 22 (1989).

The explanation adopted by the committee is essentially identical to current regulations that govern the Rehabilitation Act of 1973 and which define "physical or mental impairment" to mean "any mental or psychological disorder." 29 CFR 1613.702(a) (1987).

In sum, the bill protects "mental impairments", and "mental impairments" means "any mental or psychological disorder." What then is a mental or psychological disorder? The committee refuses to say, but the American Psychiatric Association [APA] is less reticent.

The APA publishes a great, fat book called the "Diagnostic and Statistical Manual of Mental Disorders" that summarizes some of the diagnostic criteria for mental disorders that are used by the psychiatric and mental health professions. The latest version of the Manual is the revised third edition published in 1987 and known as DSM-III-R. The complete list of DSM-III-R classification categories and codes is attached to this statement, but the main categories are as follows:

I. Disorders usually first evident in infancy, childhood, or adolescence;
II. Organic mental disorders;
III. Psychoactive substance use disorders;
IV. Schizophrenia;
V. Delusional (paranoid) disorder;
VI. Psychotic disorders not elsewhere classified;
VII. Mood disorders;
VIII. Anxiety disorders;
IX. Somatoform disorders;
X. Dissociative disorders;
XI. Sexual disorders;
XII. Sleep disorders;
XIII. Factitious disorders;
XIV. Inpulse control disorders not elsewhere classified;
XV. Adjustment disorder; and
XVI. Personality disorders.

When psychiatrists talk of mental disorders they mean the kinds of disorders categorized here. And when psychiatrists testify about the disorders categorized here, judges—who are charged by law with determining what is or is not a "mental impairment"—listen to the psychiatrists.

The Diagnostic and Statistical Manual is cited regularly by judges in various contexts, including, for example, cases dealing with the mental competency of criminal defendants. Relevant "disability rights" cases that have cited DSM include *Doe* v. *New York Univ.*, 666 F.2d 761, 768 (2d Cir. 1981); *Rezza* v. *U.S. Dept. of Justice*, 46 FEP Cases 1366, (E.D. Penn. 1988); *Drew P.* v. *Clarke Co. School Dist.*, 676 F. Supp. 1559, 1561 n.3 (M.D.Ga. 1987); and *Schmidt* v. *Bell*, 33 FEP Cases 839, 846 (E.D.Penn. 1983).

The fact that a "condition" does not appear in DSM does not mean that such condition is not a mental disorder. DSM-III-R's introduction (page xxvi) says, "[C]onditions not included in the DSM-III-R's classification may be legitimate subjects of treatment or research efforts. ***" And, at page xxix, "These diagnostic criteria and the DSM-III-R classification of mental disorders reflect a consensus of current formulations of evolving knowledge in our field but do not encompass all the conditions that may be legitimate objects of treatment or research efforts."

Appendix A of DSM-III-R lists three proposed diagnostic categories that were proposed for inclusion (disorders associated with the menstrual cycle; sadistic personality disorder; and self-defeating personality disorder) that were not included because further study was necessary. The next edition of the manual may include these three diagnoses (or others) as APA-recognized mental disorders, and the next edition may exclude diagnoses that are included in this edition. The idea and definition of "mental disorder" or "mental impairment" is not static.

Similarly, the inclusion of a diagnosis in DSM is not supposed to have any particular meaning for the law:

> The purpose of DSM-III-R is to provide clear descriptions of diagnostic categories in order to enable clinicians and investigators to diagnose, communicate about, study, and treat the various mental disorders. It is to be understood that inclusion here, for clinical and research purposes, of a diagnostic category such as Pathological Gambling or Pedophilia does not imply that the condition meets legal or other nonmedical criteria for what constitutes mental disease, mental disorder, or mental disability. The clinical and scientific considerations involved in categorization of these conditions as mental disorders may not be wholly relevant to legal judgments, for example, that take into account such issues as individual responsibility, disability determination, and competency. DSM-III-R at p. xxix.

Nevertheless, as we have seen, DSM is used and it will continue to be used unless psychiatrists and their combined professional judgments respecting mental disorders are barred from the courtroom.

The Americans With Disabilities Act covers all mental impairments that substantially limit a covered person's major life activities. A private entity that wishes to know what the act might mean with respect to mental impairments would do well to turn to DSM-III-R because that is one reputable place where mental disorders are listed category-by-category, name-by-name. The Senate, and the committee, refused to list the mental impairments that are covered by the act; however, neither the Senate nor the committee left any doubt that the act is intended to cover "any mental or psychological disorder."

Psychiatrists are not the only persons who can define a mental disorder; judges do it all the time. We have, therefore, not only DSM-III-R but a substantial body of case law that defines "mental impairment." S. 933 proposes to take this case law (developed in cases involving the Federal Government or recipients of Federal financial assistance) and apply it throughout the private sector.

In the reported cases, persons with mental impairments often lose their cases because they are found not to be "otherwise qualified" for the position or benefit they seek. On the other hand, sometimes they win. In either case, S. 933 gives persons with mental impairments a statutory basis for a lawsuit whenever a private employer or private provider of public accommodations takes an action that the impaired persons believes is to his or her detriment and based on his or her disability. As the following examples make clear, a statute that protects all mental impairments that substantially limit a major life activity will have the most far-reaching and potentially disruptive effects on private decisionmakers.

Lawsuits based on a person's disability are, in virtually every case, tied tightly to the facts. In asking, "what constitutes impairment?" " is there a substantial limit on a major life activity?" "what makes a person "otherwise qualified?" and, "what constitutes reasonable accommodation?" every fact can be important.

> The question of who is a handicapped person under the Act is best suited to a "case-by-case determination," *E.E. Black, Ltd.*, v. *Marshall*, 497 F. Supp. 1088, 1100 (D.Hawaii 1980), as courts assess the effects of various impairments upon varied individuals. The definitional task cannot be accomplished merely through abstract lists and categories of impairments. The inquiry is, of necessity, an individualized one—whether the particular impairment constitutes for the particular person a significant barrier to employment. * * * *Forrisi* v. *Bowen*, 794 F.2d 931, 933 (4th Cir. 1986).

In the cases that follow, a different fact might have produced a different result. For example, in Forrisi, the case just cited, the employee himself testified that his impairment did not and had not limited his life's activities. A different employee, or a better coached witness, well might produce a different result.

If S. 933 is enacted, private entities that take no Federal financial assistance can be expected to face the same kinds of lawsuits that have been brought already under the Rehabilitation Act. Private employers, prepare yourselves for lawsuits based on the following types of mental conditions!

1. COMPULSIVE GAMBLING

In *Rezza* v. *U.S. Dept. of Justice*, 46 FEP Cases 1366 (E.D. Penn. 1988), the court refused to say that compulsive gambling is not an impairment under the Rehabilitation Act. The Department of Justice, probably in a state of incredulity, moved for reconsideration and lost again. 698 F. Supp. 586. The Department then saw the handwriting on the wall and settled the case, but the terms of the settlement are secret. In *Rezza*, the largest law firm in the world (the Department of Justice) and the richest client in the world (the Government of the United States) had to settle a case rather than carry on a dispute over whether compulsive gambling was a covered disability.

I will have more to say about the Rezza case later in my remarks.

2. ACROPHOBIA (FEAR OF HEIGHTS)

In *Forrisi* v. *Bowen,* 794 F.2d 931 (4th Cir. 1986), the appellate court affirmed the district court's finding that Forrisi's acrophobia did not make him a handicapped individual within the meaning of the act becasue there was no evidence that his condition substantially limited a major life activity. Forrisi had simply testified that he had not been limited by his acrophobia. In other cases, of course, the result will turn on the particular facts and testimony. There are dozens or hundreds of phobias. In addition to heights, the most common simple phobias involve animals (particularly dogs, snakes, insects and spiders, and mice), witnessing blood or tissue injury (blood-injury phobia), closed spaces (claustrophobia), and air travel. In *Barnes* v. *Barbosa,* 494 N.E.2d 619, 40 FEP Cases 1490 (App.Ct.Ill. 1986), a State court applying State law agreed with the State's human rights commission and a lower court that a bus driver with "carbon monoxide phobia" is mentally handicapped.

3. DEPRESSIVE NEUROSIS

In *Doe* v. *Region 13 Mental Health-Mental Retardation Comm'n,* 704 F.2d 1402 (5th Cir. 1983), all parties and courts agreed that, because of depressive neurosis, Doe was handicapped within the meaning of the Rehabilitation Act. The jury found for Doe, but both the district court and the appellate court entered judgment for the defendants because they held that Doe (a mental health worker) was not otherwise qualified. *Doe* is particularly interesting because it pitted a health worker against a health provider; Doe swore she was qualified, Region 13 swore she was not. Who is a judge to believe?

4. PARANOID SCHIZOPHRENIA

In *Franlin* v. *Postal Service,* 687 F. Supp. 1214, 1219 (S.D.Ohio 1988), the court held, "A person suffering from the condition of paranoid schizophrenia that is controllable by the ingestion of medication who does not take such medication is not an 'otherwise qualified' handicapped person." This statement implies that a paranoid schizophrenic who can control his or her condition by medication and who does take such medication would be otherwise qualfied.

In *Swann* v. *Walters,* 620 F. Supp. 741 (D.D.C. 1984), a paranoid schizophrenic who had been dismissed from his job when he lost his security clearance (because he had been convicted of felony sexual child abuse) sued under the Rehabilitation Act. He lost his case because his security clearance had been yanked because of his conviction and he needed the clearance to be "otherwise qualified" for his job. However, the plaintiff was offered another position (not requiring a security clearance) so that his employer could meet the requirement of "reasonable accommodation". If the original position had not required a security clearance or if the plaintiff had never been tried (perhaps witnesses would not agree to testify, for example), the plaintiff presumably would have remained unmolested in his original position because he was protected by Federal civil rights law.

5. MANIC DEPRESSION

In *Matzo* v. *Postmaster General,* 46 FEP Cases 869 (D.D.C. 1987), a manic depressive employee was held not "otherwise qualified" because of her inability to report for work and remain on duty. In *Balzac* v. *Columbia Univ. Press,* 39 FEP Cases 830 (N.Y. App. Div. 1985), a State court applying State law and section 504 held that summary judgment for the employer was not appropriate where an employee was fired on the day he returned to work after being treated for manic-depressive illness. Now, private employers that do not receive Federal financial assistance do not need permission from a Federal judge to deal with a manic depressive employee. ADA will change that.

6. BORDERLINE PERSONALITY DISORDER

In *Doe* v. *New York Univ.,* 666 F.2d 761 (2d Cir. 1981), the court of appeals reversed a lower court order that a medical school admit a student who had a long history of mental problems and was diagnosed as having borderline personality disorder and chronic, neurotic depression. One would think that a medical school had some expertise in admissions criteria and mental illness, but the district court disputed the school's expertise and overruled the school's decision. The court of appeals then disagreed with the medical expert who sat on the lower court and upheld the decision of the school. In *Fields* v. *Lyng,* 48 FEP Cases 1036 (D.C.Md. 1988), the EEOC held that an employee diagnosed as having borderline personality disorder (with obsessive compulsive features and side effects of travel anxiety and kleptomania) was a handicapped person under the Federal law. The district court "refrained from deciding" the issue because the employee was not "otherwise qualified," the court said.

7. SCHIZOID PERSONALITY DISORDER

In *Guerriero* v. *Schultz,* 31 FEP Cases 196, (D.D.C. 1983), a foreign service officer was held not "otherwise qualified" because he could not accept overseas assignments because of his therapy. Persons with schizoid personality disorders who do not have the burdens and responsibilities of a foreign service officer may well be "otherwise qualified" for their positions if the EEOC or a Federal judge says so.

8. SEXUAL DISORDERS: TRANSVESTISM AND TRANSSEXUALISM

In *Blackwell* v. *U.S. Dept. of the Treasury,* 639 F. Supp. 289, 656 F. Supp. 713 (D.D.C. 1986), the district court held that transvestism was covered under the Rehabilitation Act. ("The Department of the Treasury acknowledges that transvestism is recognized by the American Psychiatric Association as a mental disorder. Plaintiff has alleged that the position he sought was eliminated because Treasury officials regarded the fact that he is a transvestite as a handicap. This is enough to state a claim under the Rehabilitation Act." 639 F. Supp. at 290.) The court of appeals vacated the district court's second reported opinion (656 F. Supp. 713) because the lower court misinterpreted the law governing the employee's giving notice of his or her handicap to the employer. *Blackwell* v. *U.S. Dept. of the Treasury,* 830 F.2d 1183, 1183-84 (D.C. Cir. 1987). The appellate court did not disturb the rationale that held tranvestism to be a covered impairment, however.

In *Doe* v. *U.S. Postal Service,* 37 FEP Cases 1867, 1869 (D.D.C. 1985), the court found "that the plaintiff ha[d] state[d] a claim of handicap discrimination under the Rehabilitation Act of 1973" where the plaintiff was a transsexual.

9. STRESS DISORDERS

In *Boyd* v. *U.S. Postal Service,* 32 FEP Cases 1217 (D.W.Wash. 1983), the court assumed that the plaintiff, who may have been suffering from a post-traumatic stress disorder, was a handicapped person under the Act but held that the plaintiff was not a "qualified" handicapped person because of his poor record at work. In *Schmidt* v. *Bell,* 33 FEP Cases 839 (D.E.Penn. 1983), the employee also suffered from post-traumatic stress disorder (or post-Vietnam syndrome) and was held not "otherwise qualified" because of his record of violence. The ADA will provide all employees who are seriously impaired by stress with a Federal cause of action.

10. MISCELLANEOUS MENTAL DISORDERS

In *Majors* v. *Housing Authority of Co. of DeKalb Georgia,* 652 F.2d 454 (5th Cir. 1981), the court of appeals ordered a trial in a case involving a resident of a housing project who was said to be "psychological[ly] and emotional[ly] dependen[t] upon her pet dog." The project had a "no pet" rule. The case was "remanded for a trial on the questions of whether Ms. Majors suffers from a handicap, whether the handicap requires the companionship of the dog and what, if any, reasonable accommodations can be made." Id. at 458.

Earlier I cited the *Rezza* case, the compulsive gambling case. That case provides an excellent example of the way in which a judge approaches the question of mental impairment. In *Rezza*, Judge Ludwig of the U.S. District Court for the Eastern District of Pennsylvania had before him a case involving a former FBI agent who took government money—received by him as part of an undercover operation—and gambled it away in Atlantic City. The agent was dismissed and then sued, alleging that he had been discriminated against on the basis of his handicap of compulsive gambling.

After reviewing the statute, the regulations, and some court interpretations, Judge Ludwig wrote:

> Within this [Rehabilitation Act] framework, the issue is whether plaintiff is an "individual with a handicap." According to affidavits of plaintiff and Robert L. Custer, M.D., a leading expert in the field, plaintiff appears to be a compulsive gambler. Compulsive gambling is now widely recognized as a mental disorder. The most recent Diagnostic Manual of the American Psychiatric Association (DSM-III-R) classifies "pathological gambling" as a disorder, having certain essential features:
>
> "'[C]hronic and progressive failure to resist impulses to gamble, and gambling behavior that compromises, disrupts, or damages personal, family, or vocational pursuits. The gambling preoccupation, urge, and activity increase during periods of stress. Problems that arise as a result of the gambling lead to an intensification of the gambling behavior. Characteristic problems include extensive indebtedness and consequent default on debts and other financial responsibilities, disrupted family relationships, inattention to work, and financially motivated illegal activities to pay for gambling.' American Psychiatric Association, "Diagnostic and Statistical Manual of Stress [sic] Disorders" (3d Ed. Revised 1987)." 46 FEP Cases at 1368 (footnotes omitted).

The judge simply dismissed precedents of the Merit Systems Protection Board which had twice held that compulsive gambling was not a covered impairment. Those "decisions are conclusory," wrote the judge, "and have no precedential value." Id.

As so often happens in these cases, the judge deferred a ruling until he held a trial and obtained more testimony. He gave every indication, however, of being ready to hold that compulsive gambling was a covered disability. Judge Ludwig wrote:

> While "compulsive gambling" or "pathological gambling" may come within the abstract definition of "psychological impairment," the effect upon the person must also be evaluated to determine if there is actual impairment. Here, the facts though not extensively developed, suggest that "major life activities" were affected. Plaintiff's condition is alleged to have required residential treatment. In Arline, hospitalization was considered "a fact more than sufficient to establish that one or more * * * life activities were substantially limited by * * * impairment." Arline, —— U.S. at ——, 107 S.Ct. at 1127. Even so, because the evidence of actual impairment is largely inferential and because a statutory issue persists whether plaintiff was "otherwise qualified"—to continue to be an FBI agent—a ruling on impairment will be deferred." Id (footnote omitted).

Although a final ruling on impairment was deferred, the Department of Justice could see which way the judge was headed and, because litigation is costly and time consuming, the U.S. Government settled the *Rezza* case after first losing its motion for summary judgment and then losing a motion for reconsideration. Unfortunately, we do not know and cannot know the terms of the settlement because they are secret.

Mr. President, if ADA is enacted the private sector will be swamped with mental disability litigation. My amendment excludes some of the mental disorders that would have created the more egregious lawsuits, but my amendment does no more than brush away a handful of the vast numbers of mental disorders and potential mental disorders.

My amendment is not based on hypothetical situations or unlikely scenarios; it is based on the clear language of the bill, the diagnostic knowledge of the psychiatric profession, and numerous legal precedents under the Rehabilitation Act. The amendment is narrow and necessary. If it has a shortcoming it is that it is too narrow, for my amendment will not address many of the mental disorders that are discussed in this speech.

The listing of classification categories and codes follows:

DSM-III-R CLASSIFICATION: AXES I AND II CATEGORIES AND CODES

I DISORDERS USUALLY FIRST EVIDENT IN INFANCY, CHILDHOOD, OR ADOLESCENCE

Developmental Disorders

Mental Retardation (28)

317.00 Mild mental retardation
318.00 Moderate mental retardation
318.10 Severe mental retardation
318.20 Profound mental retardation
319.00 Unspecified mental retardation

Pervasive Developmental Disorders (33)

299.00 Autistic disorder (38) Specify if childhood onset
299.80 Pervasive developmental disorder NOS

Specific Developmental Disorders (39)

Academic skills disorders:
315.10 Developmental arithmetic disorder (41)
315.80 Developmental expressive writing disorder (42)
315.00 Developmental reading disorder (43)
Language and speech disorders:
315.39 Developmental articulation disorder (44)
315.31* Developmental expressive language disorder (45)
315.31* Developmental receptive language disorder (47)
Motor skills disorder:
315.40 Developmental coordination disorder (48)
315.90* Specific developmental disorder NOS

Other Developmental Disorders (49)

315.90* Developmental disorder NOS

Disruptive Behavior Disorders (49)

314.01 Attention-deficit hyperactivity disorder (50)
Conduct disorder, (53):
312.20 Group type
312.00 Solitary aggressive type
312.90 Undifferentiated type
313.81 Oppositional defiant disorder (56)

Anxiety Disorders of Childhood or Adolescence (58)

309.21 Separation anxiety disorder (58)
313.21 Avoidant disorder of childhood or adolescence (61)
313.00 Overanxious disorder (63)

Eating Disorders (65)

307.10 Anorexia nervosa (65)
307.51 Bulimia nervosa (67)
307.52 Pica (69)
307.53 Rumination disorder of infancy (70)
307.50 Eating disorder NOS

Gender Identity Disorders (71)

302.60 Gender identity disorder of childhood (71)
302.50 Transsexualism (74) Specify sexual history: asexual, homosexual, heterosexual, unspecified
302.85* Gender identity disorder of adolescence or adulthood, nontranssexual type (76) Specify sexual history: asexual, homosexual, heterosexual, unspecified
302.85* Gender identity disorder NOS

Tic Disorders (78)

307.23 Tourette's disorder (79)
307.22 Chronic motor or vocal tic disorder (81)
307.21 Transient tic disorder (81) Specify: single episode or recurrent
307.20 Tic disorder NOS

Elimination Disorders (82)

307.70 Functional encopresis (82) Specify: primary or secondary type
307.60 Functional enuresis (84) Specify: primary or secondary type Specify: nocturnal only, diurnal only, nocturnal and diurnal

Speech Disorders Not Elsewhere Classified (85)

307.00* Cluttering (85)
307.00* Stuttering (86)

Other Disorders of Infancy, Childhood, or Adolescence (88)

313.23 Elective mutism (88)
313.82 Identity disorder (89)
313.89 Reactive attachment disorder of infancy or early childhood (91)
307.30 Stereotypy/habit disorder (93)
314.00 Undifferentiated attention-deficit disorder (95)

II ORGANIC MENTAL DISORDERS (97)

Dementias Arising in the Senium and Presenium (119)

Primary degenerative dementia of the Alzheimer type, senile onset, (119):
290.30 With delirium
290.20 With delusions
290.21 With depression
290.00* Uncomplicated
290.1x Primary degenerative dementia of the Alzheimer type, presenile onset,——(119)
290.4x Multi-infarctdementia,——(121)
290.00* Senile dementia NOS
290.10* Presenile dementia NOS

Psychoactive Substance-Induced Organic Mental Disorders (123)

Alcohol:
303.00 intoxication (127)
291.40 idiosyncratic intoxication (128)
291.80 Uncomplicated alcohol withdrawal (129)
291.00 withdrawal delirium (131)
291.30 hallucinosis (131)
291.10 amnestic disorder (133)

291.20 Dementia associated with alcoholism (133)
Amphetamine or similarly acting sympathomimetic:
305.70* intoxication (134)
292.00* withdrawal (136)
292.81* delirium (136)
292.11* delusional disorder (137)
Caffeine:
305.90* intoxication (138)
Cannabis:
305.20* intoxication (139)
292.11 delusional disorder (140)
Cocaine:
305.60* intoxication (141)
292.00* withdrawal (142)
292.81* delirium (143)
292.11* delusional disorder (143)
Hallucinogen:
305.30* hallucinosis (144)
292.11* delusional disorder (146)
292.84* mood disorder (146)
292.89* Posthallucinogen perception disorder (147)
Inhalant:
305.90* intoxication (148)
Nicotine:
292.00* withdrawal (150)
Opioid:
305.50* intoxication (151)
292.00* withdrawal (152)
Phencyclidine (PCP) or similarly acting arylcyclohexylamine:
305.90* intoxication (154)
292.81* delirium (155)
292.11* delusional disorder (156)
292.84* mood disorder (156)
292.90* organic mental disorder NOS
Sedative, hypnotic, or anxiolytic:
305.40* intoxication (158)
292.00* Uncomplicated sedative, hypnotic, or anxiolytic withdrawal (159)
292.00* wtihdrawal delirium (160)
292.83* amnestic disorder (161)
Other or unspecified psychoactive substance (162):
305.90* intoxication
292.00* withdrawal
292.81* delirium
292.82* dementia
292.83* amnestic disorder
292.11* delusional disorder
292.12 hallucinosis
292.84* mood disorder
292.89* anxiety disorder
292.89* personality disorder
292.90* organic mental disorder NOS
Organic Mental Disorders associated with Axis III physical disorders or conditions, or whose etiology is unknown. (162)
293.00 Delirium (100)
294.10 Dementia (103)
294.00 Amnestic disorder (108)
293.81 Organic delusional disorder (109)
293.82 Organic hallucinosis (110)
293.83 Organic mood disorder (111) Specify: manic, depressed, mixed
294.80* Organic anxiety disorder (113)
310.10 Organic personality disorder (114) Specify if explosive type
294.80* Organic mental disorder NOS

III PSYCHOACTIVE SUBSTANCE USE DISORDERS (165)

Alcohol (173):

303.90 dependence
305.00 abuse
Amphetamine or similarly acting sympathomimetic (175):
304.40 dependence
305.70* abuse

Cannabis (176):

304.30 dependence
305.20* abuse
Cocaine (177):
304.20 dependence
305.60* abuse
Hallucinogen (179):
304.50* dependence
305.30* abuse
Inhalant (180):
304.60 dependence
305.90* abuse
Nicotine (181):
305.10 dependence
Opioid (182):
304.00 dependence
305.50* abuse
Phencyclidine (PCP) or similarly acting arylcyclohexylamine (183):
304.50* dependence
305.90* abuse
Sedative, hypnotic, or anxiolytic (184):
304.10 dependence
305.40* abuse
304.90* Polysubstance dependence (184)
304.90* Psychoactive substance dependence NOS
305.90* Psychoactive substance abuse NOS

IV SCHIZOPHRENIA (187)

Code in fifth digit: 1=subchronic, 2=chronic, 3=subchronic with acute exacerbation, 4=chronic with acute exacerbation, 5=in remission, 0=unspecified.

Schizophrenia,
295.2x catatonic, ——
295.1x disorganized, ——
295.3x paranoid, —— Specify if stable type
295.9x undifferentiated, ——
295.6x residual, —— Specify if late onset

V DELUSIONAL (PARANOID) DISORDER (199)

297.10 Delusional (Paranoid) disorder
Specify type: erotomanic, grandiose, jealous, persecutory, somatic, unspecified.

VI PSYCHOTIC DISORDERS NOT ELSEWHERE CLASSIFIED (205)

298.80 Brief reactive psychosis (205)
295.40 Schizophreniform disorder (207) Specify: without good prognostic features or with good prognostic features
295.70 Schizoaffective disorder (208) Specify: bipolar type or depressive type
297.30 Induced psychotic disorder (210)
298.90 Psychotic disorder NOS (Atypical psychosis) (211)

VII MOOD DISORDERS (213)

Code current state of Major Depression and Bipolar Disorder in fifth digit:
1=mild
2=moderate
3=severe, with psychotic features
4=with psychotic features (specify mood-congruent or mood-incongruent)
5=in partial remission
6=in full remission
0=unspecified

For major depressive episodes, specify if chronic and specify if melancholic type.

Bipolar Disorders

Bipolar disorder, (225):
296.6x mixed, ——
296.4x manic, ——
296.5x depressed, ——
301.13 Cyclothymia (226)
296.70 Bipolar disorder NOS

Depressive Disorders

Major Depression, (228):
296.2x single episode, ——
296.3x recurrent, ——
300.40 Dysthymia (or Depressive neurosis) (230) Specify: primary or secondary type Specify: early or late onset
311.00 Depressive disorder NOS

VIII ANXIETY DISORDERS (OR ANXIETY AND PHOBIC NEUROSES) (235):

Panic disorder (235):
300.21 with agoraphobia Specify current severity of agoraphobic avoidance. Specify current severity of panic attacks
300.01 without agoraphobia Specify current severity of panic attacks
300.22 Agoraphobia without history of panic disorder (240) Specify with or without limited symptom attacks
300.23 Social phobia (241) Specify if generalized type
300.29 Simple phobia (243)
300.30 Obsessive compulsive disorder (or Obsessive compulsive neurosis) (245)
309.89 Post-traumatic stress disorder (247) Specify if delayed onset
300.02 Generalized anxiety disorder (251)
300.00 Anxiety disorder NOS

IX SOMATOFORM DISORDERS (255)

300.70* Body dysmorphic disorder (255)
300.11 Conversion disorder (or Hysterical neurosis, conversion type (257)
300.70* Hypochondriasis (or Hypochondriacal neurosis) (259)
300.81 Somatization disorder (261)
307.80 Somatoform pain disorder (264)
300.70* Undifferentiated somatoform disorder (266)
300.70* Somatoform disorder NOS (267)

X DISSOCIATIVE DISORDERS (OR HYSTERICAL NEUROSES, DISSOCIATIVE TYPE) (269)

300.14 Multiple personality disorder (269)
300.13 Psychogenic fugue (272)
300.12 Psychogenic amnesia (273)
300.60 Depersonalization disorder (or Depersonalization neurosis) (275)
300.15 Dissociative disorder NOS

XI SEXUAL DISORDERS (279)

Paraphilias (279)

302.40 Exhibitionism (282)
302.81 Fetishism (282)
302.89 Frotteurism (283)
302.20 Pedophilia (284)
Specify: same sex, opposite sex, same and opposite sex
Specify if limited to incest
Specify: exclusive type or nonexclusive type
302.83 Sexual masochism (286)
302.84 Sexual sadism (287)
302.30 Transvestic fetishism (288)
302.82 Voyeurism (289)
302.90* Paraphilia NOS (290)

Sexual Dysfunctions (290)

Specify: lifelong or acquired
Specify: generalized or situational
Sexual desire disorders (293):
302.71 Hypoactive sexual desire disorder
302.79 Sexual aversion disorder
Sexual arousal disorders (294):
302.72* Female sexual arousal disorder
302.72* Male erectile disorder
Orgasm disorder (294):
302.73 Inhibited female orgasm
302.74 Inhibited male orgasm
302.75 Premature ejaculation
Sexual pain disorders (295):
302.76 Dyspareunia
306.51 Vaginismus
302.70 Sexual dysfunction NOS

Other Sexual Disorders

302.90* Sexual disorder NOS

XII SLEEP DISORDERS (297)

Dyssomnias (298)

Insomnia disorder:
307.42* related to another mental disorder (nonorganic) (300)

780.50* related to known organic factor (300)
307.42* Primary insomnia (301) Hypersomnia disorder
307.44 related to another mental disorder (nonorganic) (303)
780.50* related to a known organic factor (303)
780.54 Primary hypersomnia (305)
Other dyssomnia:
307.45 Sleep-wake schedule disorder (305)
307.40* Dyssomnia NOS

Parasomnias (308)

307.47 Dream anxiety disorder (Nightmare disorder) (308)
307.46* Sleep terror disorder (310)
307.46* Sleepwalking disorder (311)
307.40* Parasomnia NOS (313)

XIII FACTITIOUS DISORDERS (315)

Factitious disorder:
301.51 with physical symptoms (316)
300.16 with psychological symptoms (318)
300.19 Factitious disorder NOS (320)

XIV IMPULSE CONTROL DISORDERS NOT ELSEWHERE CLASSIFIED (321)

312.34 Intermittent explosive disorder (321)
312.32 Kleptomania (322)
312.31 Pathological gambling (324)
312.33 Pyromania (325)
312.39* Trichotillomania (326)
312.39* Impulse control disorder NOS (328)

XV ADJUSTMENT DISORDER (329)

Adjustment disorder:
309.24 with anxious mood
309.00 with depressed mood
309.30 with disturbance of conduct
309.40 with mixed disturbance of emotions and conduct
309.28 with mixed emotional features
309.82 with physical complaints
309.83 with withdrawal
309.23 with work (or academic) inhibition
309.90 Adjustment disorder NOS

XVI PERSONALITY DISORDERS (335)

Note: These are coded on Axis II.

Cluster A

301.00 Paranoid (337)
301.20 Schizoid (339)
301.22 Schizotypal (340)

Cluster B

301.70 Antisocial (342)
301.83 Borderline (346)
301.50 Histrionic (348)
301.81 Narcissistic (349)

Cluster C

301.82 Avoidant (351)
301.60 Dependent (353)
301.40 Obsessive compulsive (354)
301.84 Passive aggressive (356)
301.90 Personality disorder NOS●

FSX CODEVELOPMENT PROJECT

● Mr. ADAMS. Mr. President, I rise in opposition to the President's veto of the conditions Congress voted to attach to the FSX plane agreement with Japan. The agreement with the Japanese government to codevelop and coproduce the FSX fighter aircraft is misguided, as is President Bush's veto of the conditions authored by Senator Byrd.

The United States originally proposed the Japanese purchase existing American built F-16's, but they refused. Consequently, the FSX agreement threatens the future of our industrial base and our ability to maintain competitive leadership in key sectors of our economy that offer high-quality jobs.

There are long-term implications in the technology transfer that takes place when the United States agrees to codevelop and coproduce a highly sophisticated military aircraft. Aerospace technology is one of the few areas where this country retains its place as an undisputed world leader. We have an air defense that ranks second to none. But that does not mean we can afford to become complacent. Nor does it mean we should send messages to our trading partners that they can use our mutual defense commitments to their commercial advantage.

I voted against the FSX agreement when the Senate considered it in May. Although our efforts to kill the agreement failed by a narrow margin, the Senate overwhelmingly adopted a set of reasonable conditions to the terms of the sale. The President vetoed the resolution containing those conditions, claiming they unconstitutionally restrict the Executive's prerogatives in negotiating foreign agreements. On the contrary, I believe it is Congress' duty to participate in the formulation of agreements such as this which so profoundly affect our economy and national defense. I urge my colleagues to override the President's veto, to protect America's national security and to ensure that America's workers will continue to have good jobs.●

GIVING SOLIDARITY A FIGHTING CHANCE

Mr. SIMON. Mr. President, during the August recess, I had the opportunity to visit Poland and meet with officials of the new Government. In my weekly column, I have written an account of my trip and ask to have it reprinted in the Record.

The article follows:

Giving Solidarity a Fighting Chance

On a rare occasion every decade or so, you instinctively know that history is being made in a dramatic way.

That was the case when President Anwar Sadat visited Jerusalem.

And that is the case today in Poland, where there is a chance for a dramatic breakthrough in the nature of government in Eastern Europe.

For the first time ever, a Communist government with the powers of a dictatorship has permitted a free election to take place, and for the opposition Solidarity party to assume much of the responsibility for governing.

Will the new government have the courage to tackle the difficult inflation problem that plagues Poland?

There are still many unanswered questions. And what has been handed over peacefully by the Communists could be taken away, if the present experiment fails.

That's where the United States comes in. We have to help show that this experiment can work.

I spent six days in Poland, my third trip to Poland over the years but my first trip to Poland since being elected to Congress in 1974. I went there this time with the sense that something shattering in its significance had happened, and I came back with that feeling reinforced.

I also came back with the impression that the present experiment could fail if the United States and other nations do not recognize quickly our great opportunity for freedom and peace. If the experiment succeeds, the result could be a dramatic improvement in the quality of life for people everywhere, particularly for the two superpowers (the United States and the Soviet Union) now engaged in an arms race.

Policy making in Poland is now in the hands of Solidarity. The guns are in the hands of the Communists.

I talked to everyone from Lech Walesa, the outgoing, yet thoughtful and reflective Solidarity leader, and the new Prime Minister, Tadeusy Mazowiecki, to the two top Communist officials, President Wojciech Jaruzelski, and the immediate past Premier, Mieczyslaw Rakowski.

Primarily, I visited with Solidarity leaders among the government officials, as well as a number of people not directly tied to the government. The quality of the Solidarity leadership is the most impressive. My instinct is that no government has ever been formed by people of greater talent and perspective since our own nation was founded. Because so many of the new leaders of government were jailed by the Communists, they had an unusual chance to reflect on what they might do if the opportunity to govern ever came their way.

And now it has.

I have suggested a program costing slightly more than $300 million a year. A great deal of money but much less than we are providing to several other countries. And it is one-tenth of 1 percent of our defense budget.

Another way to put it is that its cost is slightly more than one-half the cost of one B-2 bomber. Is freedom in Poland worth that gamble? Of course it is.

If the Polish experiment succeeds, Hungary will soon follow a similar path, and the Soviet Union itself is likely to be changed toward greater freedom.

But we must act quickly.

It is easy to change history for the worse. Now we have a sudden and dramatic chance to change it for the better.●

COMMENDING GAIL D. FOSLER FOR HER SERVICE TO THE COUNTRY AND THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of Mr. Domenici and ask for its immediate consideration.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

The PRESIDING OFFICER. There was a unanimous consent propounded by the majority leader.

Mr. BYRD. Mr. President, I wanted to reserve the right to object, which I, of course, will not. I have parliamentary inquiry as to what the business before the Senate is.

The PRESIDING OFFICER. The business before the Senate is H.R. 3015, the Transportation appropriations bill.

Mr. BYRD. Has that bill been temporarily laid aside?

The PRESIDING OFFICER. It has been laid aside for consideration of two other measures, which have been disposed of.

Mr. BYRD. So it is technically before the Senate. Once the Senate returns to legislative session, it does not—in other words, we will no longer have any morning business, et cetera. The business before the Senate will be the Transportation appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. MITCHELL. Mr. President, before proceeding to the resolution, was the unanimous-consent request which I made regarding recessing until tomorrow morning agreed to?

The PRESIDING OFFICER. Hearing no objection to that request, it is so ordered.

Mr. MITCHELL. I thank the Chair.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 178

Whereas Gail D. Fosler has served the Senate as a member of the staff on the Budget Committee for more than 11 years;

Whereas Gail D. Fosler served the Committee as Chief Economist for the Budget Committee from 1981 through 1986;

Whereas Gail D. Fosler has served since January 1987, as Deputy Staff Director and Chief Economist for the Committee's Minority Staff;

Whereas Gail D. Fosler has carried out her difficult duties and responsibilities with the highest degree of professional integrity and dedication; and

Whereas Gail D. Fosler has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Gail D. Fosler is hereby commended for her faithful and exemplary service to her country and to the United States Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, it was that famous economist John Maynard Keynes who once observed that, "practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist."

That is true. I am now a recipient of Keynes' pronouncement because, today, I am losing the assistance of an economist, one whose theories, interpretations, and analyses, have influenced my thinking deeply on how the great American economy works.

That individual is Gail Fosler, who has been with the Senate Budget Committee for over 11 years. Gail joined the Senate staff to work for our former colleague, Henry Bellmon, when he was ranking minority member.

In 1981, she became the chief economist for the Budget Committee. Later, she served as chief economist and deputy staff director for the Committee's minority.

Gail Fosler now departs to become the chief economist for the internationally respected Conference Board in New York City. Gail has served the Budget Committee—indeed the entire Senate—with distinction over these many years. She will be missed, not only by me and her fellow staff members, but by many others who have come to depend on her insights, her wit, and her invariably optimistic outlook for this great country. Indeed for one who has plied her trade in the field known as the dismal science, Gail has been anything but dismal in her observations and perspectives on how this economy works.

And guess what? She has been right.

I am not sure if cause and effect applies here, but I cannot help but observe that when Gail Fosler came to work at the Senate Budget Committee back in 1978, inflation was running at nearly 10 percent and unemployment exceeded 6.1 percent. Today, as Gail leaves the Senate, inflation is below 3 percent and unemployment is about 5 percent.

If being a slave to "defunct economists" results in these kind of results, then I will gladly remain indebted to Gail D. Fosler.

Mr. President, many Members of the U.S. Senate—principally, though not exclusively those on the Budget Committee, on both sides of the aisle—have shared the experience of learning from the economic head of the Budget Committee's minority staff, Gail Fosler.

She has a master's degree in economics from USC and a vast amount of practical experience. Frankly, I can say for myself it was truly a privilege to be briefed by her regularly about what was happening to the American economy. Her suggestions and her predictions were about as accurate or more so than many economists on the American scene who obviously get an awful lot more notoriety than she did.

She is leaving to take a very significant job in the private sector. A number of Senators—Senator SASSER, the chairman of the committee; Senator ARMSTRONG; Senator BOSCHWITZ; Senator DOLE—and many others, who are listed on this resolution, join me today in asking the Senate to adopt a resolution thanking Gail Fosler for her work. We want to commend her for the many, many months of diligent commitment and service to her country through the Budget Committee and the other committees that sought her advice and through Senators who sought her advice individually.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 322. John C. Weicher, to be an Assistant Secretary of Housing and Urban Development;

Calendar 323. Sherrie S. Rollins, to be an Assistant Secretary of Housing and Urban Development;

Calendar 324. Skirma A. Kondratas, to be an Assistant Secretary of Housing and Urban Development;

Calendar 325. Quincy M. Krosby, to be an Assistant Secretary of Commerce;

Calendar 327. Kenneth B. Kramer, to be an associate judge of the U.S. Court of Veterans Appeals; and

Calendar 328. John J. Farley III, to be an associate judge of the U.S. Court of Veterans Appeals.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

John C. Weicher, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development, vice Kenneth J. Beirne, resigned.

Sherrie Sandy Rollins, of Virginia, to be an Assistant Secretary of Housing and Urban Development, vice Harry K. Schwartz, resigned.

Skirma Anna Kondratas, of Virginia, to be an Assistant Secretary of Housing and Urban Development, vice Jack R. Stokvis, resigned.

DEPARTMENT OF COMMERCE

Quincy Mellon Krosby, of New York, to be an Assistant Secretary of Commerce, vice G. Philip Hughes, resigned.

U.S. Court of Veterans Appeals

Kenneth B. Kramer, of Colorado, to be an associate judge of the U.S. Court of Veterans Appeals for the term of 15 years. (New position—P.L. 100-687)

U.S. Court of Veterans Appeals

John J. Farley III, of Maryland, to be an associate judge of the U.S. Court of Veterans Appeals for the term of 15 years. (New position)

STATEMENT ON THE NOMINATIONS OF KENNETH B. KRAMER AND JOHN J. FARLEY III, TO BE ASSOCIATE JUDGES OF THE U.S. COURT OF VETERANS APPEALS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted to rise today to urge the confirmation of Kenneth B. Kramer and John J. Farley III, to be associate judges of the U.S. Court of Veterans Appeals. It was just yesterday morning that the committee held a hearing on these two nominations, and I and my fellow committee members were impressed with their qualifications, their insights, and their obvious desire and excitement to begin the historic mission of the new Court of Veterans Appeals.

Yesterday's hearing brought us another step closer to the realization of a dream that began in the Senate over a decade ago—to provide for judicial review of VA decisions denying claims for benefits. Now, as we consider the two nominations in this body, we stand at the threshold of completing the process. These nominations, if confirmed, will allow the court to begin operating and fulfill the long-awaited function of serving as a source of justice for veterans.

BACKGROUND

The sustained effort in the Senate over the past 14 years to provide judicial review of VA decisions denying benefits claims has involved tremendous amounts of work by the committee; so, the new court is of special significance to those of us privileged to serve on that committee. I believe that all of the members of our committee, both past and present, who have been involved in the legislation that created the court, and surely the many veterans who have contacted the committee and VA for information about the new court, share the common desire to see the court functioning as soon as possible.

It was just a week ago that the nomination of Mr. Farley was referred to the committee, and we appreciate the speed with which he completed the committee's questionnaires and responded to the prehearing questions which were submitted. Former Representative Kramer, whose nomination was referred to the committee on May 9, returned his responses to the prehearing questions on August 14, during the last Senate recess. Because the law provides for the court to begin operations upon the confirmation of three judges and there is at present only one confirmed judge—Chief Judge Frank Q. Nebeker—we wanted to move forward rapidly with this hearing on the two current nominees.

Regarding the two nominees, many aspects of their respective backgrounds qualify them for the position of associate judge on the new veterans court.

KENNETH KRAMER

Kenneth Kramer, a graduate of the Harvard Law School, served in Congress as the Representative of Colorado's Fifth Congressional District from 1979 to 1986. During that time, he spoke articulately and effectively on behalf of our Nation's veterans and supported legislation to assist them. His time as a U.S. Congressman, as well as his 5 years as a Colorado State representative, has given Ken Kramer ample opportunity to utilize his legal skills within the legislative process.

Currently, Mr. Kramer is serving as the Assistant Secretary of the Army for Financial Management. His responsibilities as chief financial officer of the U.S. Army include the formulation and execution of the Army's $80 billion budget and serving as liaison with Senate and House Defense Appropriations Subcommittees—roles which have also drawn on his previous legislative experience. Of particular pertinence is the responsibility he carries out in deciding upon the settlement of tort claims against the Army. He testified persuasively at our hearing about his special interest in ensuring that the Government is fair and appears to be fair and recounted actions he had taken regarding a particular claim to ensure that all aspects of the claimant's case where thoroughly developed and considered in the administrative process.

Mr. Kramer has also combined his military service with his interest in the rights of veterans. While a captain in the U.S. Army JAG, he gained substantial experience with the broad range of legal problems to which soldiers and their families are exposed.

JOHN J. FARLEY III

Mr. Farley's qualifications are in a different arena but no less impressive. Since he first joined the Department of Justice in 1973, he has gained wide experience and expertise while representing the United States in various tort cases. He said of his work, "the Government, perhaps more so than other litigants, has a duty and a responsibility to compensate those injured by the acts of its employees." He expanded upon this concept at the hearing.

Working his way up through the Civil Division of the Justice Department, Jack Farley, in 1978, was assigned responsibility for the representation and defense of individual Federal employee defendants, which exposed him to the particular needs of individuals who find themselves thrust into the court system. In addition, for much of the past decade, while serving as Director of Justice's Tort Branch, Mr. Farley has served on the faculties of various Federal legal training institutions and has delivered hundreds of presentations on constitutional and common law torts to thousands of Federal officials and employees.

His writings and lectures reflect the legal scholarship which made him first in his class and editor-in-chief of the Hofstra Law School Law Review.

As to his record of military service, while it is certainly a long way from Fort Jackson, SC, where Mr. Farley received his basic training in 1966, to the halls of the Justice Department, where he practices his profession today, the journey has been negotiated with distinction. As a veteran who lost a leg is Vietnam, he knows well the sacrifices made by so many to keep our land free. His four Bronze Star Medals, two Purple Hearts, and the Army Commendation Medal speak volumes about his own personal sacrifices.

Committee examination: I note that the nominees have each completed the committee's extensive nomination and special judicial questionnaires and have answered prehearing questions. Their published writings have been reviewed by committee staff, who have also talked with attorneys with and against whom the nominees have practiced. I reviewed their FBI reports. Nothing was found to bar the confirmation of either nominee.

CONCLUSION

Mr. President, assuming that the Senate votes in support of these nominations—which I certainly do assume—I look forward to the court beginning its work in the very near future.

The new Court of Veterans Appeals symbolizes the fact that those whose service has preserved our government of laws, not of men, are entitled to a full measure of justice in their relations with their Government. I urge the Senate to confirm these nominations in order to allow the court to begin functioning as a testament to the principle that our Nation is indeed intent on providing this further protection to those who have so bravely protected us.

STATEMENT ON THE NOMINATION OF KENNETH B. KRAMER TO THE COURT OF VETERANS APPEALS

Mr. DOMENICI. Mr. President, I am honored to support the nomination of the Honorable Ken Kramer to the new U.S. Court of Veterans Appeals.

I have known Ken Kramer for many years. He is a man of the highest integrity and character, with an outstanding record of public service in the U.S. Army and as a Member of the U.S. House of Representatives.

I know that on the Court of Veterans Appeals, Ken Kramer will serve with honor and distinction.

This new court is good news for veterans. It will provide an opportunity to review VA regulations while preserving the well-regarded VA appeals system. Ken's experience and expertise in these fields will prove an invaluable tool for veterans everywhere.

Let me tell you a little about Ken Kramer. After graduating from Harvard Law School, he served as an Army captain in the Judge Advocate General's Corps, service that earned him the Army Commendation Medal.

After leaving the Army, he was elected to four terms in the House, representing Colorado's Fifth Congressional District. While in the House, Mr. Kramer dedicated himself to national defense matters, gaining a Veteran of Foreign War voting record of 87 percent.

Ken Kramer currently holds the post as the chief financial management officer of the U.S. Army, with responsibility for the Army's $80 billion budget, plus liaison with the House and Senate Defense Appropriations Subcommittees.

Ken Kramer is the founder of the U.S. Space Foundation, a charitable organization seeking to encourage America's future in space. This foundation sponsors symposia of world space leaders as well as a national $25 million public service campaign to explain how the NASA space program benefits us in our daily lives.

Ken Kramer has been involved in politics at every level. He was a member of the Bush for President National Steering Committee, and its Colorado cochair.

I believe this experience and dedication will benefit the Court of Veterans Appeals and the veterans the court will serve.

Mr. President, I am pleased and honored to support this nomination, and I urge my colleagues in the Senate to join me in voting in favor of Ken Kramer's nomination to the new Court of Veterans Appeals.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TOMORROW

RECESS UNTIL TOMORROW AT 9:30 A.M.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, September 15; and that following the time for the two leaders there be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

It is my hope, Mr. President, that at 10:30 we will be able to proceed to the consideration of H.R. 3012, the military construction appropriations bill.

I inquire of the distinguished Republican leader as to whether he will be able to indicate his assent to that tomorrow morning.

Mr. DOLE. I say to the majority leader that I hope I will be in a position to do that. I think we are having our joint meeting at 10, as I understand it, and that would give me an opportunity to discuss that with my colleagues.

Mr. MITCHELL. Fine.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. tomorrow, Friday, September 15, 1989.

There being no objection, the Senate, at 8:15 p.m. recessed until Friday, September 15, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1989:

DEPARTMENT OF AGRICULTURE

ADIS MARIA VILA, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE JOHN J. FRANKE, JR., RESIGNED.

NATIONAL LABOR RELATIONS BOARD

DENNIS M. DEVANEY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1989, VICE MARSHALL B. BABSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

U.S. INFORMATION AGENCY

WILLIAM P. GLADE, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE MARK N. BLITZ, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

CHAPLAIN

To be colonel

HENCY C. IRVIN, [redacted]

JUDGE ADVOCATE

STEPHEN P. DONOHUE, [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

NICHOLAS D. BOLEY, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE U.S. MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B):

JAMES L. KAYS, [redacted]
FLETCHER M. LAMPKIN, JR., [redacted]
LANSE M. LEACH, [redacted]
DANIEL M. LITYNSKI, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 1989:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN C. WEICHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SHERRIE SANDY ROLLINS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SKIRMA ANNA KONDRATAS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF COMMERCE

QUINCY MELLON KROSBY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

U.S. COURT OF VETERANS APPEALS

KENNETH B. KRAMER, OF COLORADO, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

JOHN J. FARLEY III, OF MARYLAND, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

WITHDRAWAL

Executive nomination withdrawn by the President from further Senate consideration, September 14, 1989:

NATIONAL LABOR RELATIONS BOARD

DENNIS M. DEVANEY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1989, VICE MARSHALL B. BABSON, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

EXTENSIONS OF REMARKS

LBJ'S WAR ON POVERTY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. PICKLE. Mr. Speaker, the war on poverty was declared by President Lyndon B. Johnson 25 years ago to realize his personal desire to create more fairness, more equity, and more opportunity for the poor of this Nation. He appointed Sargent Shriver as his field commander, naming him to head up the new Equal Employment Opportunity Commission, and that tremendously talented individual gave great direction and guidance to this worthy program.

Last week, the National Association of Community Action Agencies gathered to celebrate the achievement of Lyndon Johnson, Sargent Shriver, and the legions of foot soldiers who continue to fight the war on poverty today. It was an emotional reunion to remember the program's development and accomplishments, and to marvel that so many of the programs which began as part of President Johnson's "Great Society" are still in operation today.

The principal speaker for this occasion was Jack Valenti, a former Special Assistant to President Johnson and now the president and chief executive officer of the Motion Picture Association of America. He gave a moving remembrance of the spirit and vision that shaped the war on poverty and, Mr. Speaker, I ask that his remarks be reproduced in the RECORD following my comments with gratitude for a job well done.

LBJ'S WAR ON POVERTY—THE HEART HAS ITS REASONS WHICH REASON KNOWS NOT

(Remarks of Jack Valenti)

It is a curious fact, as Paul Johnson wrote, that the most important debate in political history may have taken place not in the Congress, or in our Constitutional Convention or the House of Commons but in the fifteenth-century parish church of St. Mary in Putney, England. There, on 28 October 1647, some forty men gathered. These men were the commanders of the New Model Army, led by Oliver Cromwell. They were in civil war against an intractable King. Cromwell's son-in-law attempted to impose on the group the notion that only men of property should have the right to rule over a democratic England. And then there rose to his feet, a tall, gaunt man, a peasant farmer, by name of Rainborough, who had risen to the rank of Colonel because of his valor and ability on the field of battle.

Colonel Rainborough looked squarely at Cromwell and his son-in-law, General Henry Ireton, and he said: "I think the poorest he that is in England has as much a life to live as the richest he in England." And so it was three hundred and forty-two years ago that cry for opportunity was writ in stone by the living Grace of a free people, the title deeds of freedom which we so value today. Martin Luther King said much those same words, over and again, the poorest he in America has as much a life to live as the richest he, the same words which Lyndon Johnson, by God, determined to make real and true in the brief time he would govern.

We celebrate today the first Great Society shot to be fired and heard 'round the land, LBJ's war on poverty, injustice, and ignorance, when he took up arms on behalf of the old and the sick and the black, the undereducated young and the powerless poor, when he dared to summon the nation to help all those who were pressed against the wall because of circumstances over which they had no control. It was a call that ricocheted through the countryside, stirring a nation, beckoning them to action. It was the beginning of a social, political and economic revolution and what was begun at that time and that place can never be forgotten or ignored. If over the years, the trumpet has been stilled, if the resolve has weakened, if the commitment has been frayed, lose not heart. For like the roots of an enduring tree, it will one day again be resurgent and nourished, and it will grow again. What is right can never be wronged.

I remember, oh how well I remember, for I was present at the creation. I was riding in the motorcade in Dallas on Friday, November 22, 1963 when the world was stunned by a senseless act of mindless malice, when the nation gasped and held its breath, teetering in a kind of mystical collapse. But while the light in the White House may flicker, the light in the White House can never go out. The nation must go on. I flew back on Air Force One with the newly sworn 36th President of the United States. And I was there with two other newly minted members of the White House staff, in the bedroom of his home in Spring Valley that evening until well into the morning of the next day, while LBJ told us what he intended to do now he was President. Out of his melancholy there came an invincibility of spirit. He was going to take his passions to the people, and so infect the Congress and the country that they would follow him to the mountaintop.

I remember his voice. I remember his words. He said: "Now that I got the power, I aim to use it. We're going to pass the Civil Rights bill, we will not compromise, we will not cavil. We have the moral high ground, and so long as we don't retreat we will win. I'm going to make it possible for every boy and girl in this country, no matter how poor, no matter where they come from, or the color of their skin, to get all the education they can take, and the federal government is going to help them do it. I'm going to see to it that Harry Truman's dream comes true, that old people will not have to worry how they will pay their medical bills when they get sick. We're going to eradicate poverty in this country. We're going to do it, because it has to be done."

Though none of we three who listened in rapt attention that night realized it, Lyndon Johnson was defining for us the design of his Great Society.

No piece of that Great Society was more valuable to LBJ than the War on Poverty. I remember during the Christmas holidays in 1963, Johnson's presidency only a few weeks old, he gathered Kermit Gordon, Director of the Budget, Walter Heller, Chairman of the Council of Economic Advisers, Bill Moyers and me and put us in the guest quarters some hundred yards or so from the main house of his ranch in Texas. "I don't want you guys to leave this room until we have a battle plan for ending poverty in America." When finally we emerged, we had a plan and we had a name: The War on Poverty. On January 4, 1964, in his first State of the Union message, President Johnson clanged the bell for all to hear, and the battle was joined.

President Johnson now had to find his field commander, and he didn't have to look too far. Sargent Shriver was, as LBJ liked to say, his first, second and third choice. On February 1, 1964, General Shriver went to war, with his commander-in-chief urging him on, supporting him every bit of the way. This charismatic man, this happy warrior, loyal, warm-hearted, affectionate to friend and foe alike, Sargent Shriver deserves the jubilant gratitude of all those who live in this free and loving land for a brand of effective leadership which is seldom seen in Washington.

With LBJ's customary zeal for the parliamentary unexpected and the politically suitable, he asked Congressman Phil Landrum, of Georgia, to introduce the War on Poverty legislation. It was Johnson at his incandescent best, enlisting a conservative southern Congressman to lock arms with Sarge Shriver, brother-in-law of a slain President, backed by a Texas-born President, marching into unmapped territory, seeking the support of the people as they began to do radical, untried, adventuresome things.

It isn't important how many tongues buzzed around LBJ while he was President. What does count is whether after twenty five years it mattered that what he did when he was in power was in the long term best interests of the people he had by solemn oath sworn to serve.

By that measure, he was eminently successful.

The seedbed he planted in the War on Poverty nourished the land and gave heart to those who were enfeebled. What sprung from that planting was Community Action, an adventure that was both radical and simple, which is to say it proffered to citizens the role of a caring leadership in their own neighborhoods. Precisely what Tom Jefferson would have been proud to have authorized. Out of Community Action came Head Start, Narcotics addiction programs, Neighborhood Health Centers, Legal Service, Upward Bound, Foster Grandparents. And from other departments of the Government there was more: Vista, Job Corps, Neighborhood Youth Corps including in-school, out-of-school and summer program, rural loans. The War on Poverty attacked the ancient enemies of our society across a broad front. It was the first time the might of the government had ever been focused in one huge strike on the ills and the frustrations which had besieged too many commu-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nities in too much of the country for too long.

Was it worth it?

The War on Poverty has been inspected, assaulted, spit on, kicked around, mauled and vilified. Its critics, resplendent in their retrospective wisdom, brandishing their selective data, are eager to issue the last rites. We must admit that in some instances, we went too fast, spent too much, wasted too much. We were, unhappily, too often ambushed in political quarreling.

But the War on Poverty opened the eyes of the nation to the maladies afflicting this society. More importantly it invaded the heart of the nation. That is why the War on Poverty will go on. It has to. What drove LBJ to impassion the public and exhort the Congress was not merely an ornament that a leader wears and then discards casually. What President Johnson could have said if he had ever read Pascal, which he hadn't, was that "the heart has its reasons that reason knows not." This magnificent adventure was not of the head. Few people are animated by fables of the intellect. LBJ's crusade was of the heart, where all great causes are stored. If those who succeeded to power after LBJ had felt in their heart the same passions that inhabited him, we would be farther up the mountain than we are now.

That was what LBJ was speaking of at Howard University in June, 1965, when he uttered the greatest affirmation yet of the cause of human justice. There President Johnson said the objective of the Great Society was "not only freedom but opportunity, not just legal equity but human ability, to fulfill the fair expectations of man." We are failing in that, and the virus of that failure will, in time, contaminate the whole society.

But I am optimistic that the years in front of us will be better than the years recently passed. I believe that President Bush before his first term is over will be hailed as a great captain in the cause of those who are mostly forgotten and dispossessed, those who can see no light at the end of the tunnel, because there is no tunnel. I say that because the champion who will lead this charge must care, care so very much so very deep in his gut, about the vacancy of hope and opportunity. President Johnson used to say he wanted people around him who would weep real tears when they saw a little old lady fall down in the street. Caring, really caring about others, is the prime passion that inflames a leader to do what is just though the way is hard. I know President Bush cares, and when the leader cares he has enough craving in his belly to command the future.

I once wrote in a speech that I had prepared for LBJ a line that he didn't use, but I wish he had. I was trying to sum up what he stood for and I remembered something that a long ago King of England once said: "So long as I have lived I have striven to live worthily. I desire to leave men who come after me a remembrance of good works."

Lyndon Johnson had every right to this sentiment for his achievements are there, for all to see, in the War on Poverty, in the Civil Rights Act of 1964, the Voting Rights Act of 1965, in the Fair Housing Act of 1968, in Medicare, in the Elementary and Secondary Education Act and a hundred other pieces of legislation. It is there and it truly has a worthy claim to greatness. However, as Ralph Ellison once wrote, "because of Vietnam, Lyndon Johnson will just have to settle for being the greatest American president we have ever had for the poor, the old, the sick and the black, but," said Ellison, "that's not a bad epitaph at all."

U.S.S. "WILSON" 408 NAVY REUNION

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. WILSON. Mr. Speaker, today I rise to salute the courageous men of a World War II destroyer named, appropriately enough, the U.S.S. *Wilson*.

This 1,500-ton, Benham class destroyer, launched on April 12, 1939, was named for a gallant seaman, Charles Wilson, who served on a Civil War gunboat during the operations which captured Forts Henry and Donaldson in 1862. This aptly named sailor showed conspicuous courage under fire on the night of April 4, 1862 during the flotilla's passage down the Mississippi River past island No. 10 to New Madrid. During the passage, the valiant Charles Wilson, knee deep in water and exposed to Confederate gunfire, stood on the bow of the gunboat as he took soundings and called out the depths of the river, single-handedly ensuring safe passage for his vessel. The gunboat's participation turned out to be a crucial factor in the Union's capture of island No. 10 and its later operations to the south.

Not unlike the seaman for which their destroyer was named, the crew of the U.S.S. *Wilson* served admirably and courageously during World War II participation in battles including the August 1942 operation "Watchtower" on Guadalcanal, the 1943 assaults on the Japanese-held Russell Islands and Rabaul, and later strikes against Kwajalein, Truk, Guam, and Rota. In 1945, during an assault on Okinawa the *Wilson* saw some of its fiercest action. Five crewmen were lost when a 500-pound bomb and a kamikaze crashed into the decks.

Many "Frances", "Vals", and "Kates' exploded into the sea thanks to the guns of the U.S.S. *Wilson* and many a seaman survived a disabled ship due to the heroism of the *Wilson's* officers and crew. In one case, the liberty ship SS *William Sharon* was a raging inferno after a Japanese aircraft crashed onto its decks. In spite of the threat of exploding ammunition in ready service boxes on board the *William Sharon*, the *Wilson* came alongside the blazing liberty ship fighting the fire and taking on survivors.

After a long career distinguished by 11 battle stars, the U.S.S. *Wilson* was used in the atomic tests at Bikini Atoll and decommissioned on August 29, 1946. She now rests in deep water off Kwajelein.

The remaining crew of that valiant ship are having a reunion September 21–24, 1989 in Washington, DC. On the occasion of this reunion, I would like to commend the men of the U.S.S. *Wilson* for a job well done.

IN HONOR OF WILMA DYER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. FAZIO. Mr. Speaker, I rise to note an important event in the life of a very important person. On August 16, 1989, my good friend and confidant Wilma Dyer celebrated her 70th birthday.

Wilma Dyer was born and raised in the city of Elverta, CA. A first generation American of parents of Scandinavian heritage, Wilma has dedicated herself to improving the quality of life for the citizens of Sacramento County. in reaching out to help her neighbors, Wilma has started movements that reach beyond Sacramento to touch the lives of people all over the Nation.

Wilma has been a tireless advocate for all causes that are good and just. She has started and served as chairperson for many organizations aimed at improving the quality of life for people in the "Tri-Communities" of Elverta, Rio Linda, and North Highlands.

Wilma has served on numerous, nonpartisan governmental boards, including the Rio Linda/Elverta Parks District Board, the Rio Linda/Elverta Community Planning Advisory Council, and the Rio Linda/Elverta Citizens Committee. Never one to sit back and enjoy and honorary position, Wilma has been instrumental in obtaining badly needed services and facilities. It was Wilma who lead the fight to get a traffic signal at the dangerous intersection of Elverta and El Verano Roads. Moreover, Wilma took charge of the local effort to have a post office open in Elverta.

Wilma Dyer has always been someone that the local school officials could always count on her when they needed assistance. Besides handling volunteer tasks, Wilma has always been there to go beyond the call of duty for kids who need special help. She is the treasurer and an active member of the Gangs And Pro-Action Council [GADPAC], an organization dedicated to getting teenagers out of the destructive, violent world of gangs and gang-related activities.

Wilma is always there for others. She epitomizes the terms friend and neighbor. I ask that my colleagues join me today in paying this special tribute to one who has devoted her life to doing good for others.

NATIONAL HIGH SCHOOL ESSAY CONTEST FOR HOSTAGE AWARENESS DAY

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. HENRY. Mr. Speaker, earlier this week, I introduced House Joint Resolution 400, a resolution to establish October 27, 1989, as "National Hostage Awareness Day" in remembrance of the eight American hostages still held in Lebanon. I am pleased to note that in only 3 days time, over 150 Members of the House have joined as cosponsors of this resolution.

In the interim, I am pleased to announce that the Journalists' Committee on Free Terry Anderson has established a national competition for high school students on the topic: "How I Would Cope with Being a Hostage". Essays should be 1,000 words or less, double-spaced, and typed. Deadline for receipt of the essays is October 27, 1989, Terry Anderson's 42d birthday, and his fifth in captivity.

Entries should be forwarded to: Journalists' Committee on Free Terry Anderson, P.O. Box 10404, McLean, VA 22102-0404. All entries must have the name, address, grade level, and age of entrant as well as the name, address, and phone number of the school the entrant attends.

The first-prize winner of this contest will receive $1,000; the second-prize winner will receive $500; and the third-prize winner will receive $250. The winning entry may be published as a column in a national newspaper. I would certainly encourage our high schools to participate in this worthy effort, and comment the Journalists' Committee for their initiative.

TRIBUTE TO THE LATE WALTER J. DUNFEY

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. DOUGLAS. Mr. Speaker, I am taking this opportunity to express my sadness on the recent death of Walter J. Dunfey, a prominent and powerful public figure from New Hampshire.

Walter was thoroughly committed to public service through charities and State and national politics. He was also tremendously successful in domestic and international business, contributing even more to New Hampshire's communities.

His brother Dick and I served together on the New Hampshire Superior Court. I know he and their family will miss Walter very much. The loss of such a strong, able, and dedicated public figure will be felt very deeply.

I would like to submit for the RECORD an obituary from the Boston Globe on September 12, 1989, and an editorial from the Union Leader, Manchester, NH, on September 13, 1989.

[From the Boston Globe]

WALTER J. DUNFEY, 57, COFOUNDER OF HOTEL EMPIRE, PHILANTHROPIST

Walter James Dunfey of the international hotel family, a power in the Democratic Party and a man known for his public service and philanthropies, died at 57 yesterday in Massachusetts General Hospital. The cofounder of Dunfey Hotels, which he helped build into the world-wide company now known as Omni Hotels, died of complications from an aneurysm.

Mr. Dunfey, who lived in Rye, N.H., was prominent in Democratic politics at the national regional and local levels. It was from his office at the Carpenter Hotel in Manchester, N.H., that Sen. John F. Kennedy, a fellow liberal Democrat with Irish roots, launched his presidential campaign in 1960.

As a member of the Democratic National Committee's Hunt Commission, which examined the presidential primary system, Mr. Dunfey is widely credited with playing a leading role in preserving the first-in-the-nation status of the New Hampshire presidential primary.

Mr. Dunfey also served on the Democratic National Committee's Business Council, as well as its convention site selection committee.

On the New Hampshire state level, Mr. Dunfey was instrumental in the Democratic successes of the 1960s and 1970s, acting in fund-raising and advisory roles to candidates. He was a supporter of, and adviser to, the late New Hampshire Gov. Hugh Gallen. Few Democratic candidates attempted major campaigns without his advice and counsel.

Born in Lowell, one of the 12 children of Leroy W. and Catherine Manning Dunfey, Mr. Dunfey attended St. Patrick's School and Keith Academy in Lowell, and the University of New Hampshire in Durham.

Mr. Dunfey and his seven brothers, whose grandfather emigrated from western Ireland around the turn of the century, built a hotel and restaurant empire on a humble start at a Hampton Beach clam stand.

The Dunfeys operated the Statler Hotel and the restored Berkshire Place in New York, as well as the Ambassador East in Chicago, the Shoreham in Washington and the Marquette Inn in Minneapolis. The Parker House in Boston was renovated and restored to profitability by the Dunfeys in the 1970s.

In 1987, he and three of his brothers, John, Gerald and Robert, formed a new family business, the Dunfey Brothers Capital Group, a venture capital and investment company. He continued his involvement in the hotel industry and most recently was involved in some of Ireland's most luxurious hotels, Ashford Castle, Dromoland Castle and the Hotel Sceilig.

Mr. Dunfey and four of his brothers also founded the New England Circle, which provides a forum for speakers on a wide range of social and political issues.

Celebrated for his wit, wisdom, vigor and vision, Mr. Dunfey was active in a broad range of public services. He was the founder and a national director and treasurer of the New England chapter of the American Ireland Fund, a charitable organization dedicated to preserving Irish culture and finding peaceful solutions in Northern Ireland. This year, he and his brothers established the Dunfey Family Fund for Ireland, to direct the family's substantial charitable commitment to Ireland.

In New Hampshire, Dunfey cofounded the Greater Portsmouth Charitable Foundation. He was a past president and current vice chairman of the New Hampshire Charitable Fund, a statewide community foundation overseeing a variety of charitable trusts and endowed funds in New Hampshire.

[From the Union Leader]

WALTER DUNFEY

(By J.W. McQuaid)

Walter Dunfey was a big, gentle, compassionate man who had an Irishman's gift for gab and an Irishman's tender heart.

Dunfey died Sunday, much too young at age 57. His passing is a loss, both to those who knew him and to any in New Hampshire and the nation who appreciate a doer, a participator, an active player in the great game of life.

He seemed to us an unfailingly courteous and hospitable man. While these are qualities necessary to the hotel business in which the Dunfey family prospered, they were qualities that Walter Dunfey would have exuded had he never set foot in Lamies Tavern in Hampton, the Sheraton Wayfarer in Bedford, or the Parker House in Boston.

Dunfey's was a powerful voice in the Democratic Party, yet it will be a telling mark of the man that, in the tributes that will surely be paid to him in the coming days, many will come from political foes.

Dunfey enjoyed his politics and the good fight. He admired all those who were, like him, willing to play the game hard, fair and square; afterwards, there was no personal animus.

New Hampshire, on many levels, is much the poorer for the passing Walter Dunfey. Our condolences go out to his family.

A TRIBUTE TO MS. MARIE LAWS FARRELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Ms. PELOSI. Mr. Speaker, on September 30, 1989, Ms. Marie Laws Farrell will retire from her position as executive vice president of the San Francisco Chapter of the American Institute of Architects. She has championed the cause of architecture for 23 years.

As a tribute to Ms. Farrell, I submit this article written by her associate at the American Institute of Architects in San Francisco, to be included in the CONGRESSIONAL RECORD.

Marie Laws Farrell, Hon. AIA, was appointed the Executive Secretary of the then-named Northern California Chapter in July 1966, when its boundaries encompassed San Francisco, Marin and San Mateo counties, and its membership numbered fewer than 600. Statistics in the intervening years point to a quarter century of steady growth, burgeoning activities and increasing sophistication in the profession's dealings with the public, practice and government. Today, with 2,000 members in San Francisco and Marin counties, it is the fourth largest component of the national AIA, and supports a committee structure addressing scores of activities, from affordable housing, to architecture in education, to attempts to remedy problems with the permit process, and to support of the cultural institutions of this City.

While her accomplishments as a manager, mentor and champion of architecture have directly supported our members and enabled the organization's prosperity, it is to Marie's tribute that the AIA/SF has increasingly looked beyond the immediate boundaries of the profession to serve the public.

Among the countless community programs which have had Marie's imprimatur is the Architects in Schools program, which she helped implement with the non-profit Learning through Education in the Arts Project (LEAP). Now in its fifth year, the Architects in Schools program has influenced several hundreds of schoolchildren by equiping them with the skills and knowledge to perceive and hopefully affect the quality of their environment.

More than a decade ago, our chapter launched a non-profit foundation to enable community outreach through such programs as our Homeless Shelter Project, which has become a prototype for other communities. Through the Foundation, our chapter helped found the new Department of Architecture and Design at the San Francisco Museum of Modern Art, funded in part by our annual Beaux Arts Ball. In large part due to Marie's ministrations, the Foundation now stands independent, serving these and many other programs with the confidence borne of sound beginnings. Also to benefit the SFMMA, in 1978 Marie assisted in the formation of the AIA/SF and Museum's annual Lecture Series, unique in this community as a forum to educate an interested public in the personal philosophies of the profession's most respected practitioners.

Marie's duties as an ambassador for the profession can be attested to by visiting dignitaries from all reaches of the globe who have found through her auspices a lasting and positive impression of our community. This has certainly carried over to the economic benefit of our City, considering that three national AIA conventions have taken place here during her tenure. Responsibility as the "Host Chapter" for each convention—the most recent in 1985—has been taken most seriously by Marie, attested to by our City's record as the most profitable convention site in AIA experience.

The AIA honored Marie in 1976 with the designation of Honorary AIA. Again this year, at the national AIA convention in St. Louis, the AIA recognized Marie by the Citation reprinted below, which speaks for us all:

The American Institute of Architects, through its Board of Directors, is privileged to confer this Citation of Appreciation on Marie Laws Farrell, Hon. AIA, skillful manager, beloved mentor, and champion of architecture, whose quarter-century of inspiration and innovations has forged for the San Francisco Chapter an unmatched legacy of service to the profession and commitment to the public good that will help ensure a brighter future not only for architects but also for the community they serve. May 1989. Signed, Benjamin Brewer, Jr., President; Christopher J. Smith, Secretary.

MELINDA ARCHER: ONE STUDENT WORKING TO WIN THE WAR ON DRUGS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. LEWIS of Florida. Mr. Speaker, given the Nation's recent focus on the drug war and the release of the President's National Drug Control Strategy, I thought it would be appropriate to bring to your attention the efforts of an outstanding 12-year-old student in Port St. Lucia, FL.

Melinda Archer, a seventh-grader at Northport Middle School, was chosen from among more than 5,300 students across the United States who wrote letters to their Members of Congress through the Respecteen program about policy issues concerning today's teenagers.

Many talk about the inefficiencies of our drug fight in our education system. Melinda's thought and awareness of the issue is a shining example of how we are winning the fight. It is my pleasure to share with you Melinda's winning letter regarding a mandatory drug awareness program for parents and students. The letter follows:

MELINDA S. ARCHER,
Port St. Lucie, FL, May 1, 1989.

Representative TOM LEWIS,
Port St. Lucie, FL.

DEAR MR. LEWIS: As a junior high school student, I am very concerned about Florida's drug problem. Every night on the news I hear about the tremendous amount of drugs in the area where I live. Homes are broken into, people are shot, and innocent victims are hurt in drug related incidents. Because of these happenings I feel action should taken at the elementary and junior high levels now. I have an idea for a program I would like you to initiate.

I would like you to begin a mandatory drug awareness program. My program would include parents and students so both would be aware of the rising drug problems. This program would include factual information about drugs, drug abuse, and health problems caused by drugs for both parents and students. Students and parents would have to attend together to finish the program. If they attend the required amount of time, there would be a contract between the parent and the student similar to the alcohol abuse contract. This contract would require either party to go to the other for help in case of drug problem.

To put some strength into this program it would have to be completed in a specified amount of time in order for the student to continue enrollment in school. The schools that meet these program requirements would be declared "drug free" schools and follow up sessions for both students and parents would have to be completed each year.

There has been a lot of talk about drugs but nothing seems to get done. I think strong action such as this should be taken at an early age before serious drug problems exist. I certainly think this program could be one piece of ammunition in the war on drugs.

Sincerely,

MELINDA S. ARCHER.

THE PRESIDENT'S FSX VETO

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. MARKEY. Mr. Speaker, I'm deeply disappointed that yesterday the Senate failed to override the President's veto of the FSX resolution.

When President Bush vetoed the FSX resolution in July he signaled that he cares more about upsetting Japanese diplomatic sensitivities than he cares about preserving the economic health and welfare of this Nation. Yesterday's 66 to 34 vote, in which the Senate failed to override the President's veto by a single vote, was not the Senate's finest hour. I would strongly suggest that all Americans look closely at the results to see how their Senator voted on this important issue.

At the height of the cold war, when the United States stood as the arsenal of democracy and Europe and Japan lay in ruins, there was a valid rationale for transferring American technologies to our Allies to help them bolster the defense of the Free World against Communist expansion.

But in 1989, with Gorbachev in the Kremlin, Lech Walesa's solidarity running Poland, the Iron Curtain swinging open in Hungary, and the prospect of deep cuts in nuclear and conventional arms just around the corner, it makes absolutely no sense for us to be handing our foremost economic competitor the keys to challenging American leadership in yet another industry.

We should continue to work closely with our Japanese and European allies to defend our common security interests. But we shouldn't allow the arsenal of democracy to be exploited as the Sugar Daddy for Japanese or European industry.

It is time for us to recognize that the world is changing and we must change with it. We cannot afford to live in the past and we need to recognize that in today's world preserving national security means more than just defending against military attack. It also means preserving our economic prosperity.

One thing that particularly disturbed me about the President's FSX veto message was his characterization of the FSX resolution Congress adopted. The President complained that the FSX resolution is unprecedented, unconstitutional, and that it trampled on his foreign policy powers by dictating the U.S. position in any future FSX-coproduction negotiations.

I've asked the American Law Division of the Congressional Research Service to prepare a legal analysis of these claims, and CRS found there to be ample constitutional grounds, ample precedent, and no violation of Presidential foreign policy prerogatives in the FSX resolution. I would like to call my colleagues attention to this CRS analysis.

[A copy of the CRS legal analysis follows:]

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, September 1, 1989.

To: Hon. Edward J. Markey.
Attention: Jeff Duncan.
From: American Law Division.
Subject: Analysis of Presidential Veto of FSX Resolution.

Reference is made to your inquiry of August 30, 1989 requesting our comments on various legal points made by President Bush in withholding approval of S.J. Resolution 113, prohibiting the export of certain technology, defense articles, and defense services in connection with the codevelopment and coproduction of a military aircraft with Japan.

The resolution in question consists of five sections and concerns the agreement between the United States and Japan for a new jet fighter—the Fighter Support Experimental or FSX. Agreements of this kind as well as the sale of defense articles and defense services generally are authorized by the Arms Export Control Act (AECA), 22 U.S.C.A. 2751 et seq.

Section 1 of S.J. Resolution 113 subjects the codevelopment portion of the agreement to three specified eligibility requirements of the AECA, namely section 3(a), (c), and (d), 22 U.S.C.A. 2753, which, respectively, require certain assurances in connection with an arms sale, including a cooperative agreement, such as conformity with U.S. security interests, limitations on the use of coproduced defense articles, and restrictions on unconsented transfers to third parties. As these and other eligibility requirements applied to the FSX agreement from the outset, their inclusion in section 1 of S.J. Resolution 113 does not introduce any new element insofar as the codevelopment phase is concerned.

Section 2 imposes a pair of conditions on the coproduction phase if the parties eventually decide to proceed to production of the FSX. Section 2 provides that if the parties agree to coproduce the FSX, the contract embodying the agreement must provide for prohibiting the transfer of vital engine technology to the Japanese and prohibit the Japanese from transferring coproduced FSX aircraft and technology to third parties. The described prohibitions go beyond current legal requirements which condition retransfers on prior written U.S. consent.

A nonbinding provision in section 2 effectively asks that the following coproduction agreement accord no less that 40 percent of the workshare to U.S. concerns.

Section 3 generally requires the General Accounting Office to make periodic reports to specified congressional sources concerning progress in connection with development activities. In particular, the report has to include information bearing on aerospace technology transfers to Japan, to third parties, and to adversaries of the United States and its allies.

Section 4 effectively brings the Department of Commerce into the FSX arrangement presumably in the hope that the Department will help the Department of Defense and other agencies to be more sensitive to the commercial and competitive interests of the United States.

Section 5, a definitions provision, incorporates the definitions of "defense article" and "defense service" of section 47 (3) and (4) of the AECA, 22 U.S.C.A. 2794.

President Bush's veto message denounces S.J. Resolution 113 as unnecessary, unprecedented, and unconstitutional as infringing on his foreign affairs powers. 135 Cong. Rec. S. 9132 (daily ed. July 31, 1989). Our main concern here is on the question of the resolution's legal propriety.

By necessity we assume that the President has reference to the requirement of existing law that conditions retransfers of defense articles and defense services by recipients on U.S. granting prior approval versus the resolution's absolute ban on transfers of certain technologies to and by the Japanese. It seems clear that the President views existing legal safeguards against unwanted technology transfers as being sufficient in the FSX context. It seems equally clear that a majority of the Congress does not share his confidence in this regard. We have no particularly informed opinion in the matter and confine ourselves to noting the obvious, that is, that a total prohibition in the nature of things is likely to be a more significant restraint than a conditional prohibition. In virtually all other respects, this issue is one on which reasonable persons may differ.

The President asserts that S.J. Resolution 113 would impsoe unprecedented requirements on an arms sales agreement authorized by the AECA. His criticism in this regard implicates sections other than section 1, which as previously noted, reasserts already applicable requirements of existing law, at least, as concerns the codevelopment agreement.

Although it is true that the imposition of additional requirements by Congress in connection with an arms sale to Japan is unprecedented, S.J. Resolution 113 is not unprecedented in a principled sense of the term. Congress has felt it necessary on several occasions to go beyond the requirements of the AECA and imposed additional safeguards on particular arms sales, conspicuously on the characteristics of and the purposes for which F-15 aircraft proposed for sale to Saudi Arabia in 1978 could be used, on the use and transfer of AWACS proposed for sale to Saudi Arabia in 1981, and on arms sales to Jordan since 1985. In additon to the annexed May 9, 1978 correspondence signed by Secretary of Defense Harold Brown and the October 28, 1981 correspondence signed by President Ronald Reagan, see sections 130 (Jordon) and 131 (Saudi Arabia) of the International Security and Development Cooperation Act of 1985, 1 *Legislation on Foreign Relations Through 1988* 333, 334, and Public Law 99-162 (Jordon), id. at 697.

These examples not only have a direct bearing on the matter under consideration but illustrate a fundamental fact of constitutional life, namely that Congress has unquestioned power to alter the legal landscape with regards to regulating the arms trade at almost any time. By virtue of Article I, section 1 of the Constitution, "All legislative Powers" are vested in Congress and, as a matter of law, if not parliamentary procedure, may be exercised at any time. "The power to alter or repeal laws is a legislative power." *Peony Park* v. *O'Malley*, 121 F. Supp. 690, 695 (D. Neb. 1954), *Aff'd*, 223 F. 2d 668, cert. denied, 350 U.S. 845. Accordingly, the addition of new conditions on a prospective arms sales agreement—the coproduction agreement as distinguished from the codevelopment agreement is a prospective agreement—is as a matter of law almost always in order. Legally speaking the President in common with any citizen has no vested right in a particular course of administration of the laws or Congress could rarely amend laws within its competence to initially enact.

The President's case in chief against S.J. Resolution 113 is its asserted trenching on his foreign affairs powers, notably his power to conduct negotiations. In support of this assertion he relies chiefly on the resolution's second section which requires that the coproduction agreement contain an absolute prohibition on certain technology transfers. (Note: As previously indicated, the target of a 40 percent workshare for U.S. concerns is not a binding requirement, but a congressionally desired goal which the negotiators of the coproduction agreement are encouraged to obtain in the course of their negotiations.)

While it is generally true that the President as "the sole organ of the federal government in the field of international relations" has virtual plenary and exclusive negotiating authority, *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936), he is not at liberty to "give away the farm" during the conduct of such negotiations with a foreign power. Congress can and frequently has ringed its delegations to him that implicate "this vast external realm" with limits which, notwithstanding his broad powers to negotiate, he cannot exceed. See, for example, limits on agreements that he negotiates under the AECA 22, U.S.C.A. 2751 et seq., under the various trade laws which have authorized him to negotiate reductions in tariff and non tariff barriers, 19 U.S.C.A 2111, and under the Nuclear Non-Proliferation Act of 1978, 42 U.S.C.A. 2151 et seq. These and similar restricted delegations which to all intents and purposes do not differ in principle from that in the AECA as would have been modified by S.J. Resolution 113, have not been seriously challenged on constitutional grounds for many years.

It is important to bear in mind that while the President has independent powers in the foreign affairs area, his authority to engage in arms sales and any of the other previously mentioned activities rest on statutory grants of delegated authority. Whatever authority he may possess in the absence of relevant law on the subject, it seems fairly clear that it is eclipsed and superseded whenever Congress enact laws comprehensively regulating the field. See, e.g., *Consumers Union of U.S. Inc.* v. *Kissinger*, 506 F.2d 136, 153 et seq. (D.C. Cir. 1974). Accordingly, although the resolution under consideration has implications for negotiations, it does not intrude into the field in a separation of powers sense.

S.J. Resolution 113 impacts immediately and directly on the international traffic in arms. As such, it implicates the power of Congress to regulate foreign commerce. U.S. Constitution, Article I, section 8, clause 3. In Chief Justice Marshall's words: "What is this power? It is the power to regulate; that is to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are precribed in the Constitution. . . . If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations . . . is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States." *Gibbons* v. *Ogden*, 9 Wheat. (22 U.S.) 1, 196-197 (1824). The power to regulate foreign commerce includes the power to ban foreign commerce in specified articles or with respect to specified nations altogether. See, e.g., *Butterfield* v. *Stranahan*, 192 U.S. 470 (1904) and *Dames & Moore* v. *Regan*, 453 U.S. 654 (1981).

The President in the exercise of power delegated by Congress must comply with its terms and neither he nor his agents are at liberty to disregard conditions imposed by Congress. The fact that these conditions coincidentally limit the range of presidential negotiating options does not violate separation of powers by intruding into his foreign affairs powers. Thus, presidential claims of independent constitutional authority to negotiate tariff changes have been rejected. Compare *United States* v. *Guy W. Capps, Inc.*, 204 F.2d 665, 659 (4th Cir. 1953), *aff'd on other grounds*, 348 U.S. 296 (1955). The exercise by the President of power delegated by Congress must comply with its terms. "[T]he executive cannot through its communications, manage foreign commerce in a manner lying outside a comprehensive, regulatory scheme Congress has enacted pursuant to its Article I, [section] 8 power." *Consumers Union of U.S., Inc.* v. *Kissinger*, 506 F.2d at 149.

The President's concluding comments implying something untoward and unprecedented regarding the reporting requirement applicable to the General Accounting Office under section 3 and the consultation feature involving the Department of Commerce under section 4, strike us as more atmospheric than substantive. Both seem to have ample precedent. See, e.g., Export Administration Act, 50 U.S.C.A. App. 2401 et seq. (Supp.). The sharing of information within the Executive Branch is not disruptive of its activities and, therefore, unconstitutional on its face, and Congress and, therefore, arguably the GAO on Congress' behalf, may obtain information. Compare *Nixon* v. *Administrator of General Services*, 433 U.S. 441-446 (1977).

RAYMOND J. CELADA,
Senior Specialist in American Public Law.

IN HONOR OF C.R. SMITH

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. PICKLE. Mr. Speaker, last Saturday a group of friends gathered in Annapolis, MD, to celebrate the 90th birthday of former Secretary of Commerce C.R. Smith, who is also the founder of American Airlines. Former First Lady Lady Bird Johnson, her daughters Mrs. Charles Robb and Mrs. Ian Turpin joined a large number of relatives, former American Airlines employees, and friends whose association with C.R. Smith span three-quarters of a century.

C.R. Smith is one of the truly great aviation pioneers of this country, who on his own initiative started and developed an airline recognized today as one of the best in the world. Mr. Smith has known every aviation expert of the last 70 years and I think the entire aviation industry loves and respects this legendary pioneer.

Mr. Smith is a great outdoorsman who has made numerous trips to the West and Southwest over the years. His uncanny eye for art led to a close acquaintance with Will Rogers and Amon Carter of Forth Worth, and through them he became acquainted with artists Charles Russell and Frederick Remington. He has purchased many of their works, donating most of them to collections in Fort Worth and at the University of Texas. These donations are truly a priceless gift to future generations, and Mr. Smith has been just as generous over the years to his family, his friends, and his acquaintances.

C.R. Smith is truly one of America's great senior citizens. Our Nation is indebted to him, and know we all join in wishing him a happy 90th birthday. Mr. Speaker, I ask unanimous consent that Los Angeles Times publisher Tom Johnson's facsimile tribute to C.R. Smith be reproduced in the RECORD immediately following my remarks.

The article follows:

AVIATION PIONEER C.R. SMITH MARKS 90TH BIRTHDAY TODAY

ANNAPOLIS, Md.—Friends gathered here today to celebrate the 90th birthday of C.R. Smith, the retired chairman of the board of American Airlines.

Mr. Smith is an aviation pioneer—a man who had a leading role in the development of both commercial and military aviation.

Mr. Smith was responsible for building American Airlines from a small and unprofitable carrier into a leader in air transportation.

During World War II, he was selected by Gen. H.H. Arnold, commander of the U.S. Army Air Force to aid in the organization of the Air Transport Command (ATC). The ATC was the military airline organized to fulfill the Army's air transportation needs in all theatres. By the end of the war, the ATC had grown to be one of the largest of military commands, with more than 200,000 men and women engaged in its operation.

Mr. Smith served as a major general and deputy commander of the ATC. For his wartime service, he received the Distinguished Service Medal, the Legion of Merit and the Air Medal. He participated in a Presidential Distinguished Unit Citation for the ATC's operation over the "Hump" between India and China. He was named a Commander of the Order of the British Empire for his work with the British military forces.

Born Sept. 9, 1899, in Minerva, Texas, he was educated in the public schools of Amarillo and Whitney, Texas. He majored in business administration at the University of Texas, and some years ago, he was honored by the University as a distinguished alumnus.

Before he entered aviation, Mr. Smith was employed as a bank teller, as bookkeeper at a cotton gin mill, as a public accountant and as a junior officer in a publc utility company.

He went to work in 1928 for Texas Air Transport Inc., an air mail carrier, as treasurer. Later, he was made a vice president of the firm. TAT was merged into a predecessor company of American Airlines.

Mr. Smith learned to fly and held a transport license for many years, but never flew professionally.

In 1934, Mr. Smith became president of American Airlines. He served in that capacity until he resigned to enter military service. He returned as head of American in 1945 and served as chief executive until January, 1968, when he was appointed Secretary of Commerce by President Lyndon B. Johnson. He served in the Johnson Cabinet during the last year of the President's administration.

Mr. Smith was named a partner in the international banking firm of Lazard Freres & Co. in 1969. In addition, he engaged, until 1972, in the business of cattle ranching as a co-owner of the Longhorn Ranch in Ennis, Mont. The ranch produced buffalo and longhorn cattle.

He returned to American Airlines as interim chairman of the board of directors and chief executive officer in September, 1973. He retired in April, 1974, following the election of Albert V. Casey as chairman.

THE ROLLINS CASE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. WILSON. Mr. Speaker, I want to take this opportunity to describe the successful resolution of a lengthy dispute between an American investor and the Government of Jamaica. I am proud to say I was able to help resolve this case, along with several of my colleagues in the other body. I also want to take this opportunity to compliment the American investor for his negotiating style and perseverance. Finally, Prime Minister Michael Manley of Jamaica, should be congratulated for committing himself wholeheartedly, after his February inauguration, to resolving this complex case.

John Rollins, a major American investor in Jamaica, had a serious dispute with the Jamaicans over coastal land ownership. Due to a complex series of financial transactions, Jamaica refused to recognize Mr. Rollins' title of ownership. Rollins tried unsuccessfully for 8 years to resolve the dispute on his own. After the dispute came to my attention, I worked with my colleagues on the Senate Appropriations Committee to express our concern for the rights of American investors in Jamaica. We have closely reviewed aid to Jamaica during the pending resolution of the Rollins case. We felt we had to intervene because the former Jamaican Prime Minister, Edward Seaga, refused to work with Mr. Rollins to find an acceptable solution.

Mr. Manley came to office this year committed to resolve the case in a way that treated Mr. Rollins fairly and which assured a good outcome for Jamaica and its people. The compromise which was reached with the direct involvement of the Prime Minister and the tireless efforts of the Deputy Prime Minister, P.J. Patterson, assured that Mr. Rollins' rights would be protected while leading to major new investment in Jamaica. Rollins donated the real estate property to Jamaica in exchange for a development contract on the land which will include low-income housing for Jamaica's neediest citizens. This project will be administered under the able direction of Vin Lawrence, who directs the Urban Development Corp. in Jamaica.

I want to emphasize that the solution reached is one which will be highly beneficial to the Jamaican people. John Rollins' land dispute was resolved, but Mr. Rollins has committed to undertake major new investment on the disputed land. Mr. Manley forged a deal with Mr. Rollins on terms which will provide major benefits for Jamaica. I applaud both Mr. Manley and Mr. Patterson for excellence in negotiating, and for their commitment to a fair deal for Jamaicans and Americans alike.

IN HONOR OF GREGORY KONDOS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. FAZIO. Mr. Speaker, I rise to pay tribute to Mr. Gregory Kondos, the renown artist, for his years of public service. Gregory Kondos deserves recognition for his accomplishments as a teacher, community activist, and artist.

At 19, Gregory Kondos answered his country's call to duty during World War II by serving in the U.S. Navy from 1942 to 1946. After his service, Gregory Kondos returned to Sacramento to study art. He received both his bachelor of arts degree and master of arts degree from Sacramento State College. In the pursuit of scholarship, Gregory Kondos also completed special study at the art center in Los Angeles and graduate study at the University of California, Davis.

After beginning his teaching career at Elk Grove Union High School as the chairman of the art department, Gregory Kondos accepted a position as an instructor at Sacramento City College in 1956. With over 33 years of teaching experience at Sacramento City College, Gregory Kondos has become an integral part of the pride and history of that institution.

While there have been many opportunities to celebrate Gregory Kondos' contributions to the community, one of his most recent works deserves special recognition. Gregory Kondos has lent his time and considerable talent to create the official poster for the 1989 California State Fair. The oil painting, titled "The Wine Country," features a picturesque Napa Valley winery. "The Wine Country," one of a series of vineyard works by Gregory Kondos, is the State fair's second poster in a commemorative series.

Gregory Kondos' works remind us all of the important role of agriculture as both a link to California's history and an important industry in our State's continued economic prosperity. I want to thank Gregory Kondos for sharing his vision of our agrarian heritage with the people of California.

THE 50TH ANNIVERSARY OF THE RED FLANNEL FESTIVAL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. HENRY. Mr. Speaker, I rise today to pay tribute to my constituents in Cedar Springs, MI, on the occasion of their 50th anniversary of the Red Flannel Festival. Cedar Springs is known today as the world's only "Red Flannel Town."

It all began, Mr. Speaker, in 1936 in the midst of one of this country's most bitter winters on record. During that winter a New York feature writer noted that, "Here we are in the midst of an old-fashioned winter and there are no red flannels in the USA to go with it." But the owners and editors of the Cedar Springs Clipper, known as "The Clipper Gals," were quick to answer the New York writer. Nina Babcock and Grace Hamilton informed the writer that even though Saks Fifth Avenue did not carry red flannels, the merchants of Cedar Springs certainly did. This editorial exchange was then picked up by the Associated Press and the orders began pouring in from all over the country.

The Cedar Springs community saw the opportunity of at least a few years of publicity to follow because of their famous "drop seaters" and they planned a "Red Flannel Day" for the fall of 1939. It has since become an annual event, held the last weekend in September and first weekend in October.

It is noteworthy to this story, Mr. Speaker, that 200 years ago the first formal parade took place in our country. In 1789 George Washington was tendered a huge welcoming parade on the day he took his place as the first President of the United States. On October 7, 1989, at 3 p.m., on the Main Street of Cedar Springs, the Red Flannel Festival Grand Parade will begin, in a spirit, Mr. Speaker, that would bring honor to George Washington—to George Bush—and to any President who has served this great country.

I ask you and my colleagues to join me in congratulating the citizens of Cedar Springs on this very special occasion, and to extend best wishes for many more "red hot" festivals in the years ahead.

CLEAN ENVIRONMENT PROTECTION ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. McDADE. Mr. Speaker, I rise today to introduce legislation that will effectively deal with the problem of municipal solid waste—the Nation's fastest growing environmental crisis. This solid waste crisis is precipitated by a shrinking number of landfills that can accommodate solid waste while the volume of garbage is growing at a monumental rate. The U.S. Environmental Protection Agency estimates that of the 20,000 landfills operating in 1979, more than 13,000 had closed by 1986. Moreover, EPA anticipates that as few as 3,500 landfills will be in existence by the year 1991. When this fact is coupled with the grim reality that municipal solid waste will increase from 150 million tons generated in 1986 to over 200 million tons by the year 2000 one can understand the depth of this crisis. Clearly, the size of this problem was dramatically illustrated by the New York garbage barge that sailed the Atlantic coast and Caribbean for 3 months looking for a site in our country to dump in.

A sad footnote to this crisis is that many communities are becoming the victims of certain States which are unwilling to effectively and safely dispose of their wastes within their own borders. This in particular is a serious threat to the health and environment of States like Pennsylvania. Clearly, this unacceptable situation cannot be allowed to be continued in view of the increasing volumes of wastes that are dangerously incompatible with our ability to dispose of it. Consequently, I am introducing the Clean Environment Protection Act which offers a comprehensive tough approach to this problem by giving State assemblies the ability to inhibit the importation of out-of-State garbage without compromising the Constitution's commerce clause as a means of protecting the health of its citizens.

Additionally, this four part bill includes provisions that will require a study on degradable materials and recycling, establish an Office of Recycling Research and Information in the Department of Commerce and require the recycling of beverage containers. Recycling is seen as a key tool in combating the Nation's growing municipal solid waste crisis. Currently the Nation only recycles about 10 percent of its wastes and sends roughly 80 percent to landfills. A recent report by the Office of Technology Assessment states that the Federal Government can play a key role by disseminating information about recycling as well as providing incentives for creating markets for recycled goods. It is my intention that the Office of Recycling Research and Information that my bill would establish in the Department of Commerce will fulfill this function. Through recycling it is my intent to reduce the need for certain States to send garbage barges into our oceans or waste truck convoys to States or communities that do not want to be the recipients of this envionmental blight.

Righfully, many communities are gravely concerned about the negative impacts of waste disposal, such as: ground water contamination, exposure to toxics due to improper disposal, heavy and unsafe levels of truck traffic that travel through their streets to landfills. I believe there is a fundamental need for a change in the way that this Nation handles the subject of municipal waste. Hopefully, the practice that "my waste is my neighbors' problem" will pass into history and that all States will become responsible partners in protecting our environment and effectively handle their municipal waste problems largely within their borders. The time for action is now so that we may gain a positive control over this problem before our desire to consume overwhelms our ability to protect the health and welfare of our families and children.

The Federal Government can help by giving the States the ability to address some of the immediate problems, such as the importation of waste, while providing long-term guidance on how society can dispose of or recycle its materials and products. I urge my colleagues to join me by supporting the Clean Environment Protection Act.

STIGMATIZING DRUG USE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. COUGHLIN. Mr. Speaker, I believe that an essential element of our war against drugs is teaching people that drug use is a dangerous, illegal activity which brings only despair and death. We must educate our kids at home and in school on the dangers of drugs, but additionally, we must make every effort to stigmatize drug use. People who use drugs, or who think of using drugs, should know that this activity is not cool and that there will be a price paid for their dangerous and foolish experimentation with illegal substances.

The columnist Charles Krauthammer addressed this issue recently in the Washington Post ("Stigmatize Drug Use . . .", September 8, 1989). I commend this excellent article to my colleagues and it is inserted at this point in the RECORD for their review.

STIGMATIZE DRUG USE

(By Charles Krauthammer)

It is not often that a government report speaks of "phenomenology" or the perils of "individual dissipation." Bill Bennett, former philosophy professor and now drug czar of America, speaks that way. The White House drug report, "National Drug Control Strategy," of which President Bush's televised speech was highlights with anecdotes, is Bennett's baby. It is not just the diction that identifies the author. It is the tone of candor and moral seriousness.

The critics are right about the substance of the plan. There is nothing radically new. The Bennett plan calls for a little more of everything (except for border interdiction, a preposterous task for a continental nation). Nor is much more money thrown at the problem: about $8 billion, a mere 10 percent more than what was going into the 1990 drug budget anyway.

The candor begins with the new drug strategy's modest goals: a 5 percent annual improvement in drug use, drug attitudes and drug emergencies. The modesty is an admission of how little $8 billion or $80 billion can buy in affecting drug abuse. It implies a truth that no public official is allowed to utter directly: that drug abuse is a cultural, not a political, problem. The driving message of modern, advertising-soaked capitalism is the instant gratification of wants. It is no accident that drug abuse, which is but a radical form of instant gratification (it bypasses everything and goes right for the brain), should thrive in such an atmosphere.

Against the culture's relentless stimulation of wants, what can government do? Little, but that little can make a difference. Government can set a tone. It can steer attitudes. It can, by force of law and mode of discourse, delegitimize a particular want. It did so with tobacco. It is belatedly trying to do so with cocaine.

It is easy to forget how good a reputation cocaine enjoyed among officials and experts as recently as the '70s. Fifteen years ago, Dr. Peter Bourne, later to become Jimmy Carter's chief of drug abuse policy, described cocaine as "probably the most benign of illicit drugs currently in widespread use. . . . Short-acting, not physically addicting, and acutely pleasurable."

We know better now. But it takes time to change the message. The turn began with Nancy Reagan's "Just Say No" campaign, which was at first ridiculed as makework for an underemployed society lady. But it proved to be an effective first step in the new anti-drug propaganda campaign.

It was only a first step, however, because the campaign lacked an edge. The message was "Just say no, but if you can't come to the Betty Ford clinic." That is where the new moral seriousness comes in. The Bennett plan calls for strict sanctions for even the most casual drug use. It says "Just say no, and if you can't, you lose your driver's license, your scholarship and maybe even your job." For "zero tolerance" to be more than just a slogan, it needs the force of law.

Critics complain that there is too much law, not enough persuasion, in the Bennett plan. It retains the traditional 70-30 split in drug expenditures: 70 percent for law enforcement and 30 percent for education, prevention and treatment. But those who complain that this skews spending to the "supply" rather than the "demand" side of the drug problem make the false assumption that law enforcement has no effect on demand. Of course it does. Millions of Americans who might otherwise have an occasional joint don't—because it is illegal. The threat that an $80 ounce of marijuana will cost $10,000 in fines will do more to dampen demand than "education" programs appealing to people's higher selves to renounce the pleasure of drugs.

Stiff sanctions are the Bennett approach to casual drug use. But that approach will have little effect on inner-city addicts who are already running much greater risks to life and limb than government could impose by civil fine or penalty.

Hence the other element of candor in the Bennett plan: the stark admission that with regard to hard drugs we are becoming, a la Kerner Commission, two societies: middle class casual use, in decline and attackable; inner-city addictive use, rising and resistant.

Democrats complain that not enough is being spent on prevention and treatment for the inner city. I would not be adverse to throwing a few billion prevention and treatment dollars at the problem. I am sympathetic to the notion of treatment on demand for anyone who wants it. But the plain fact is we do not know how to treat crack addiction, and we probably know less about how to prevent drug-taking in the first place. More prevention and treatment dollars might make us feel better without making any difference on the ground.

What will make a difference on the ground is, again, law enforcement. The vast majority of inner-city dwellers are not cocaine users. It is the nonusers whose lives are ravaged when the streets are ceded to drug dealers. What to do? Push the drug trade underground. That does not appeal to our romantic notions of curing root causes. But no one has the sligtest idea how to do that. And in the interim, while "root cause" studies are commissioned and collated, ordinary folk should be able to walk their streets and breathe.

Stigmatize drug use. Punish the user. Supress the street trade. The Bennett program is measured and serious. Modest, to be sure. But it may be as much as government can do. Modesty, when government confronts drugs, is becoming.

CONGRATULATIONS TO THOMAS HOLT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise to congratulate a valued member of the Delaware River community on his receipt of the 46th annual award of the World Trade Association of Philadelphia. Thomas J. Holt, chief executive officer of Holt Cargo Systems, Inc. and its affiliates, will receive the award at the annual World Trade Association of Philadelphia's banquet held on September 20, 1989.

Since taking over his father's small trucking business in 1968, Tom Holt has transferred the business into the largest general cargo-handling operation on the Delaware River. His accomplishments range from revitalizing and developing the dormant former New York Ship Building facility and former Armstrong Cork property into a modern, sophisticated marine port facility to winning the contract to operate Philadelphia's largest pier, the Packer Avenue Marine Terminal.

In a time when the Delaware River port community is looking for innovative ideas and strong leadership, Tom Holt is at the forefront, working hard to expand the amount of import/export tonnage that comes through the Delaware River ports. The maritime industry is vital to the economic viability of the entire Delaware River region, and I for one am happy to have Tom Holt in our corner.

A CONGRESSIONAL SALUTE TO JERRY AND MARGARET ALTER IN HONOR OF THEIR 50TH WEDDING ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a golden anniversary. Jerry and Margaret Alter will be celebrating 50 years of marriage on September 15, 1989. This occasion gives me the opportunity to express my deepest congratulations for their unending commitment to each other, their family, and their community.

It was in the town of Kalamazoo, MI, that Margaret and Jerry first met. They were married on September 15, 1939, at St. Andrews's Episcopal Church in Torrance, CA, and have been active members ever since.

Jerry first worked for a flying school in South Bend, IN, where he made two exhibition parachute jumps in 1929. Then he was a clerk with Thompson Aeronautical, and still later with American Airlines in Kalamazoo, MI, where he first met Margaret.

Margaret Ann Davis was born September 5, 1912, in Kalamazoo, MI. One of seven children, she graduated from Kalamazoo High School and worked as a waitress at the Chocolate Shop before working for the Upjohn Co. She moved to California in 1939, 3 years after Jerry.

From their ensuing marriage, they had a daughter, Judith, on October 28, 1940, but she fell victim to polio on December 5, 1948. They also have a son, John, who is now a practicing attorney in Torrance, where he lives with his wife, Chris.

Their commitment to one another also carries over to their professional lives. Jerry and Margaret own all or part of Remco [Real Estate Management Co.], the successor in interest to the Dominguez Land Co., Alter Development, Alter Realty, Inc., and are partners in a number of real estate investment groups.

Mr. Speaker, in a time where we read continuously about the deterioration of the family and the institution of marriage, it is comforting to know that marriages and families like Jerry and Margaret's still exist. On this, their 50th anniversary, my wife, Lee, joins me in extending our congratulations and admiration. They are truly a remarkable pair. They have devoted their talents and energies to enriching the lives of each other, as well as so many other people. We wish Jerry and Margaret all the best in years to come.

FLORIO HAILS JIM CORBETT AS "BUSINESS PERSON OF THE YEAR"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. FLORIO. Mr. Speaker, I am pleased to bring to the attention of my colleagues a gentleman from southern New Jersey who has been named "Business Person of the Year" for 1989 by the New Jersey Chapter of the Future Business Leaders of America—Phi Beta Lambda, Inc. [FBLA]. The award to James M. Corbett of Cherry Hill was given during the National Leadership Conference of the FBLA held in Orlando, FL, in July of this year.

Jim has served with distinction as assistant district director for minority business with the U.S. Small Business Administration as well as the former executive director of the Farmworkers Corp. of New Jersey, founder of the Southern New Jersey Opportunities Industrialization Center of Camden and as a professor at Camden County College. It is certainly his background in small business consulting that singled him out for this award along with his teaching and counseling at numerous high schools and junior colleges.

Likewise, memberships in a number of civic and professional organizations also point to Jim's commitment to the betterment of himself and his community. This recognition is one that allows his peers to pay tribute to him for all of his efforts, both personal and professional. Mr. Speaker, I respectfully ask that my colleagues join with me in commending Jim Corbett for his leadership and wishing him similar success in all of his future endeavors.

A TRIBUTE TO OUR LADY OF SORROWS CHURCH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to Our Lady of Sorrows Church, its clerical leaders, and all its parishoners and friends on the occasion of its 50th anniversary.

In 1938, a handful of devoted Catholics congregated at the Mercerville Fire House in Mercerville, NJ to celebrate Christmas Mass. A year later, these dedicated followers of Christ had formed a parish that would become known as Our Lady of Sorrows and today is affectionately referred to as OLS.

Mr. Speaker, the determination of the original parishoners of OLS has been rewarded. Today, the church has become a shining example of a Christian community boldly professing devotion to our Lord and Savior Jesus Christ. Moreover, OLS and its parish school have provided thousands of people the precious opportunity to grow in faith, hope, and charity.

Mr. Speaker, it has been my great honor to have attended several masses at OLS, and to have had my son, Michael, baptized there by the late Mon. Edward J. O'Keefe. I also know and have worked with the pastor, the Reverend Daniel Sullivan, whose tireless efforts and spiritual guidance has helped so many in the community. Under Father Dan's able leadership, the parish community has encouraged ardent supporters and defenders of the rights of unborn children, has lent its support to women and families in need, and has provided moral and spiritual support to those suffering the many trials and tribulations of daily life.

Mr. Speaker, tomorrow, Friday, September 15, is the Feast of Our Lady of Sorrows. It is only fitting that on this day the entire parish body will gather together for a special liturgy to celebrate the 50th anniversary of the parish. Many distinguished guests, including the Most Reverend John Reiss, Bishop of Trenton will be in attendance, while many others, including President Bush, Vice President Quayle, and Former President and Mrs. Reagan have paid tribute and given special recognition to the parish either through letters or proclamations. I look forward to attending the mass and joining the parishoners in the celebrations.

Mr. Speaker, I am certain that through the many years ahead this great parish will continue to provide a spiritual oasis—and if necessary, a refuge—for those who call OLS home. May the Lord continue to bless those who proclaim the good news of the Gospel, from the altar to the classrooms, and may many lives be forever enriched by this holy work.

IN HONOR OF TAIWAN'S 78TH NATIONAL DAY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. ESPY. Mr. Speaker, I am glad to share these few words in commemoration of Taiwan's 78th National Day.

As a small mountainous island country, Taiwan has few natural resources and has to import most of the commodities it needs from abroad. On a per capita basis, it is the largest commodities importer in the world. In 1988, Taiwan achieved a level of foreign trade of more than $110 billion and has become the 13th largest trading power in the world.

As for Taiwan's trade with the United States, it is our 15th largest trading partner, and it is a major market for our agricultural and consumer products and chemicals. Last year we raised our exports to Taiwan by more than 70 percent, even though Taiwan continues to enjoy a trade surplus with us.

While no one can say we are pleased with our trade gap with Taiwan, we must acknowledge that Taiwan has spared no effort in trying to reduce that trade surplus with us. At the present time Taiwan's very active "Buy American" procurement team is visiting a number of our States, buying whatever they can. Last year Taiwan was the only country that had a definite, detailed timetable for the elimination of its trade surplus with us.

On September 27, I will meet with a group of agricultural trade journalists from Taiwan to discuss the mechanisms we should use for narrowing our trade gap with Taiwan.

On the eve of Taiwan's 78th National Day—October 10—I'd like to say simply that Taiwan is an economic marvel. Much of the credit belongs to its leadership which includes President Lee Teng-hui, Premier Lee Huan, Foreign Minister Lien Chan, Economic Chairman Fred Chien and former Foreign Minister Ding Moushih, who is now Taiwan's top representative in Washington.

STATE AID CUTS BY BUSH DRUG PROGRAM

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. BATES. Mr. Speaker, I request unanimous consent to address the House for 1 minute and revise and extend my remarks.

Mr. Speaker, last week President Bush proposed a new anti-drug program. While the need is great, it is important to note that under this program, every State in the United States will have a large share of funding that assists the fight against drugs wiped out by reductions made to finance the Bush plan.

Under the Bush plan, State and local governments will receive $499 million, but the plan cuts assistance to State and local governments in other programs by $604 million, a net loss of $105 million. Forty-three States will lose Federal assistance equal to more than 50 percent of their new anti-drug funds.

In San Diego, we need new detention facilities, courtroom space, and law enforcement officers. Cuts proposed by the Bush plan for California are projected to result in Federal funding losses equal to nearly four times the amount the State is expected to receive under the new plan. I urge the President to clearly explain how these losses will benefit the war on drugs.

IN MEMORY OF MAJ. ROBERT COZART, JR.

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. HARRIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a man who made the supreme sacrifice for this country, Maj. Robert Cozart, Jr. On March 20, 1970, Major Cozart was shot down over South Vietnam and declared missing in action. His fate was unknown until a United States Government laboratory identified his remains and those of other United States servicemen declared missing in action from the bodies returned by the Vietnamese in April of this year. After almost 20 years, the uncertainty and waiting are over for his wife and parents, and Robert has been returned home to Tuscaloosa to be laid to rest with proper honor. The pain of their loss is surely tempered by the knowledge that their husband and son served his country with distinction.

Robert was a graduate of the Army Artillery and Missile Officer Candidate School at Fort Sill, OK, class 34-B, 1967, and of the Army Aviation School at Fort Rucker, AL, class of 1969-8. His service honors included the Bronze Star with one Oak Leaf Cluster, the Air Medal, the Good Conduct Medal, the National Defense Service Ribbon, the Vietnam Service Ribbon, and the Republic of Vietnam Medal with W/60 Device. His family received the Purple Heart on his behalf in December 1980.

Robert was a 1965 graduate of Tuscaloosa County High School. At what would have been his 10-year class reunion, Robert's former classmates dedicated a plaque to be hung in the school's halls noting his MIA status and signifying their grief at his absence.

Maj. Robert Cozart, Jr., was a loving husband, a dedicated son, a valuable member of the community, and a serviceman of the highest caliber. Though Robert's time with us was brief, his memory will live on in those who knew and loved him.

SUPPORT FOR THE PRESIDENT'S DRUG INITIATIVE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. CLINGER. Mr. Speaker, I rise today to applaud President Bush for his great initiative and leadership in combatting drug use throughout the United States, and to urge this Congress to unite behind his efforts.

The President's recent actions, highlighted by his address to the Nation from the Oval Office, and his speech broadcast to the schoolchildren of the United States, illustrate his total commitment to continuing and broadening the fight against the use of illegal drugs in America, begun by former President Reagan.

The United States has the highest rates of drug use among the world's industrial nations; approximately 37 million Americans have used an illegal drug in the past year, and as many as 23 million have used an illegal drug in the past month. The effects of this widespread abuse becomes even more astounding when one examines the cost of illegal drug use in the United States. Besides the obvious loss of life that we read about every day in drug related shootings and crime, over $100 billion is lost a year as a result of narcotics abuse in increased health care costs and lost productivity.

In a recent poll, 60 percent of American teenagers cited drug abuse as the biggest problem facing people their age today. In view of this, it was encouraging to see the President communicating directly with schoolchildren, reaching out with words of wisdom to the very future of our Nation—the youth of America, for they are at the very heart of the coalition that can win the war. The President has the right idea, the war on drugs will never be won unless we mobilize the American people.

Conventional wisdom says that we cannot win this war because of too little commitment or too little money or for that matter congressional inaction. What we need now is consensus. The hands and the tools are indeed in place and congressional action abounds. If we can chart a similar course for our enthusiasm and follow the President's lead, we will not fall short of our destination.

TRIBUTE TO JACKIE DeSANCTIS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. BORSKI. Mr. Speaker, I rise today to honor Jackie DeSanctis for her 30 years of dedicated service to the Bridesburg Recreation Center.

A lifelong resident of northeast Philadelphia, Jackie began her service with the center shortly after graduating from New York University in 1959. In her many years of service, she has supervised a wide variety of activities for the center, such as knitting, aerobics, sports, and karate.

Over the years, Jackie has been instrumental in initiating activities for the Bridesburg neighborhood, including a women's club, a women's morning bowling club, and a swim show. She has also devoted additional community service outside of the center to the Bridesburg Nursing School and the Bridesburg Fathers' Club Cougars.

July 27 marked the 30th anniversary of Jackie's service to the Bridesburg Recreation Center. Over the years, she has earned the respect of her friends and neighbors and has made the kind of contribution to her community that all too often goes without recognition.

I join the residents of Bridesburg in northeast Philadelphia in paying tribute to Jackie DeSanctis's 30 years of countless hours of hard work. I am sure she will benefit the Bridesburg Recreation Center with many more years of service.

IN HONOR OF EMERGENCY MEDICAL SERVICES WEEK

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. MANTON. Mr. Speaker, I rise today in strong support of House Joint Resolution 133, legislation I have introduced to designate the third week in September, as Emergency Medical Services Week. I would like to express my appreciation to Chairman RIDGE and subcommittee Chairman SAWYER for bringing House Joint Resolution 133 to the floor. I would also like to thank my colleagues who joined me in cosponsoring this important legislation. I know the emergency medical personnel in their districts appreciate their support of this bill.

Mr. Speaker, Emergency Medical Services Week is designed to recognize the invaluable contributions and dedication of emergency medical services teams across the Nation. EMS teams include emergency medical physicians, paramedics, nurses, technicians, educators, and administrators. Every day thousands of lives are saved because of the work of EMS teams. From the prehospital setting to the hospital emergency department, EMS teams are available 24 hours a day, 7 days a week to provide access to emergency medical care for our citizens.

Every year the medical community's knowledge and expertise in the field of emergency medicine increases. Organizations such as the American College of Emergency Physicians, the National Council of State EMS Training Coordinators and the National Association of Emergency Medical Technicians help emergency personnel remain current with the latest developments in emergency medicine. EMS teams across the Nation also work together to improve and adapt their skills as new methods of emergency treatment are developed.

EMS personnel are a special part of the medical community who are trained to expect the unexpected and may be called upon to treat any illness or injury. They must make rapid decisions on appropriate treatment and the need for hospitalization, often while working under hazardous conditions. Advancements in the specialty of emergency medicine also have greatly contributed to the reduction of deaths resulting from emergency related injuries during the past 25 years.

Mr. Speaker, perhaps because emergency medical services are so reliable, we often take them for granted. Emergency Medical Services Week will afford cities and towns around the Nation the opportunity to honor their local EMS teams for the important contributions they provide the community. Emergency Medical Services Week will also provide EMS teams with an opportunity to educate the public about accident prevention and emergency treatment.

In 1986, 1987, and 1988, the Congress passed legislation recognizing the vital work of EMS professionals. Let us once again honor EMS teams by proclaiming the week beginning September 17, 1989, as Emergency Medical Services Week. I urge my colleagues to join me in supporting this important resolution.

MAINTAINING RELIABLE AIR SERVICE TO RURAL AMERICA

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation which would establish the Essential Air Service [EAS] Program as an entitlement under the Airport and Airway Trust Fund.

As you know, EAS was established to maintain needed air service to small communities and isolated areas. Even though Congress overwhelmingly supported EAS by reauthorizing the program in 1987, EAS supporters have had to wage a yearly uphill battle to fight for EAS funding.

Rural America is continuing to struggle through an economic depression. In order for rural communities to attract new businesses and families, these communities must have reliable and accessible air service. Most businesses simply are not interested in locating in a community that does not have quality air service.

Air carriers are now threatening to abandon service to those communities which are under the EAS Program because of fears that the funds may one day be eliminated.

As an airport and airway trust fund entitlement, EAS will be self-financing and will no longer be subject to annual slashes in the program's budget.

Mr. Speaker, I believe this legislation is necessary in assisting rural America work move toward an economic recovery.

BAJON'S PHARMACY, INC.

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. HOLLOWAY. Mr. Speaker, it is with great pride that I pay tribute today to a business whose success reflects upon its current owner, his predecessors and, indeed, an entire community. The business of which I speak is Bajon's Pharmacy, Inc., which last month celebrated its 100th consecutive year in business in White Castle, LA. I am privileged to represent White Castle in this 101st Congress.

Bajon's Pharmacy, Inc., formerly known as the White Castle Drug Store, is more than simply a business. It is a symbol of continuity and community, one which represents the dedication and hard work of the four pharmacist-owners who have run the business through the generations.

Mr. Speaker, I want to in particular recognize the current owner of Bajon's Pharmacy, Charlton A. Bajon Jr., for continuing a tradition. Since it was established in 1889, the pharmacy has served the small community of White Castle—through times of war and depression, prosperity and goodwill, good times and bad. Such commitment to serving one's neighbors and townspeople is all too rare today. Accordingly, it is with great enthusiasm that I wish Bajon's Pharmacy a happy 100th anniversary day and best wishes for another century of success and prosperity!

LET'S LEARN FROM THE PRINCE WILLIAM SOUND OILSPILL DISASTER

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. BRENNAN. Mr. Speaker, tomorrow Exxon will stop cleanup operations in Prince William Sound, AK, nearly 6 months after the *Exxon Valdez* ran aground and spilled 11 million gallons of oil into the water. It's clear from recent reports that the cleanup is far from complete.

Our Nation's worst oilspill cleanup remains unfinished and Exxon so far refuses to say that they will return in the Spring to resume cleanup and restoration efforts. It has been said that nature will need to finish the oilspill cleanup. However, it wasn't nature's negligence that caused the spill, but Exxon's failure to ensure a competent ship captain operated their oil tanker.

We can learn from this disaster and seek to prevent similar tragedies in the future by enacting tough oilspill prevention and response legislation. The Merchant Marine and Fisheries Committee, on which I serve, will soon complete work on such a bill. This measure will not reverse the damage inflicted to the shores of Prince William Sound, but will enable us to better plan, coordinate, and respond to future oilspills.

We must continue to press Exxon to pursue a responsible course of action by returning to the site of the disaster for further cleanup efforts. They should not place the responsibility for cleaning up the mess they created on nature, since they were at fault.

TAIWAN OBSERVES ITS 78TH NATIONAL DAY

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. LEATH of Texas. Mr. Speaker, as Taiwan observes its 78th National Day on October 10, 1989, it is time for us to take note of this tiny island country's remarkable economic achievements: Its per capita income of more than $6,500, its foreign reserve of more than $75 billion, and its annual economic growth of more than 9 percent for the last decade.

We should also note that Taiwan is deeply appreciative of the economic assistance we have given that country including U.S. economic aid in the 1950's and 1960's as well as a current marketplace for Taiwan's products. To show its reciprocity, the Taiwan Government has an official "Buy American" policy. Previously, 14 major buying delegations have purchased more than $11 billion worth of goods and its 15th procurement team is currently touring the United States to make major purchases of agricultural and industrial products. In addition to its "Buy American" official policy, the Republic of China on Taiwan strongly encourages its private sector to invest in the United States. Formosa Plastics, a chemical and plastics conglomerate is currently investing nearly $1.5 billion in a petrochemicals manufacturing facility in Texas. This plant will provide 10,000 jobs and increase my State's gross product by nearly $2 billion a year.

Mr. Speaker, I had the good fortune of visiting the Republic of China on Taiwan early this year. I was impressed by Taiwan's young leadership: Cornell educated President Lee Teng-hui, Premier Lee Huan and Foreign Minister Lien Chan. It is a very effective team and it's doing an excellent job.

Happy Birthday to Taiwan. We are very proud of you and we treasure your friendship.

RESCUE BORIS KELMAN WEEK

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. KOSTMAYER. Mr. Speaker, on behalf of myself and my distinguished colleague from Washington, Congressman JOHN MILLER, I would like to remind everyone that the Congressional Call to Conscience for Soviet Jews is continuing and needs your help and the help of all our colleagues.

Sponsored by the Union of Councils for Soviet Jews, the purpose of the vigil and our weekly statements on the House floor is to demonstrate our continued, bipartisan concern for human rights in the Soviet Union and to express our support for individuals and families wishing to emigrate to the free world.

One such individual is Boris Kelman and his family of Leningrad. I would like to take this opportunity to participate, in conjunction with the Union of Councils, in the "Boris Kelman Rescue Week," a campaign designed to widely publicize Boris' plight.

Mr. Kelman, a Leningrad cultural and emigration activist leader, his wife Alla, and their two sons, have been in refusal since 1979 for secrets Boris accessed at a job he last held in 1978. On July 13, 1989, Boris and his family received another discouraging message when the Soviet authorities once again refused them visas to Israel, a refusal which will last until they can apply again in 1995.

Mr. Gorbachev has repeatedly stated that no one should be held on secrecy grounds longer than 5 to 7 years. Boris will be held in refusal for 16 years, more than three times the maximum limit the Soviets have announced will be in the new emigration laws.

The Kelman family are practicing Jews, which is yet another reason for the immediate release of this family. Thousands of those facing problems with obtaining permission to leave are harassed and endangered while still in the Soviet Union. Grassroots organizations in the Soviet Union, such as Pamyat, promote anti-Semitic slogans. Anti-Semitism is increasing in the Soviet Union and families like the Kelman's are afraid.

The Kelman's are at the end of their rope. It is our moral obligation to help people like the Kelman's. I lend my voice to those of my colleagues, and urge General Secretary Gorbachev—in the spirit of glasnost and the Helsinki accords, and in gesture of humanity long overdue—to grant Boris and his family permission to emigrate.

THE 1990'S SHOULD BE DECLARED THE DECADE OF THE ENTREPRENEUR

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. LAFALCE. Mr. Speaker, what do foam fire extinguishers, artificial skin and quick frozen foods have in common? They all owe their creation to the energy and daring of economic visionaries—entrepreneurs—whose efforts are consistently helping fuel our Nation's economic growth.

These economic leaders who are willing to risk their economic security to follow a dream are the Pied Pipers of tomorrow's corporations, the leaders who will pioneer new products and jobs and create new exports.

To salute these visionaries, I suggest that the 1990's be declared "The Decade of the Entrepreneur."

As chairman of the House Committee on Small Business, I see firsthand the kind of bold risktakers who have founded small firms, which created 44 percent of our Nation's new jobs between 1976 and 1986. Entrepreneurial activity in the United States generates a substantial share of the innovation in our economy, which in turn is a primary source of improvements in our standard of living. Our competitors abroad also recognize the value of entrepreneurs—the Japanese Government, for instance, spends billions of dollars and has developed a vast array of organizations in support of entrepreneurship.

Who are these entrepreneurs? They may devise a unique idea for a new product, or simply a new and better way to deliver an old one. They are creative, flexible, and unencumbered by stifling layers of management. They embrace new technologies and new processes. They give their employees real responsibilities, and receive a motivated, productive work force in return.

Recognizing the growing significance of entrepreneurs, the Small Business Committee will be holding a series of hearings this fall entitled "The Future of the American Enterprise Economy." These hearings will examine the factors that will shape entrepreneurial activity in the 1990's. Specifically, we intend to explore issues of investment, finance, tax policy, budget deficits, innovation and technology, education, labor markets, and government-university-industry partnerships. Our hearings began yesterday with Governor Gerald Baliles of Virginia outlining strategies to increase the competitiveness of U.S. companies.

I think we in the Federal Government should be doing what we can to encourage the entrepreneurs of the future. These creative men and women need to know that they are crucial to the economic vitality of this country. Therefore, I would like to declare the 1990's "The Decade of the Entrepreneur."

PORTAGE, IN, HOLDS RESPECT THE FLAG CEREMONY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. VISCLOSKY. Mr. Speaker, on Monday, September 18, I will be honored to participate in a Respect the Flag celebration sponsored by the community of Portage IN. I want to commend Mayor Sammie Maletta and all those in Portage who have worked to bring this day to fruition.

This celebration is particularly timely considering the recent House of Representatives' passage of the Flag Protection Act which reaffirmed the meaning of our Constitution and the integrity of our national symbol.

It is in this same spirit that Portage is holding the Respect the Flag ceremony. The patriotic enthusiasm of the people of Portage stands as an exemplary commitment to the values that made this Nation into the strongest democracy that the world has ever seen. While some have chosen to desecrate our Nation's most sacred symbol, the citizens of Portage have opted instead to honor it.

Our flag is not an insignificant piece of cloth, rather it is a powerful symbol that stands to safeguard and protect our natural rights. In war and peace, Old Glory has stood by America for over 200 years and it is proper that we stand by her now.

In conclusion, I salute those involved in this celebration for their spirit, initiative and for a job well done. The Stars and Stripes certainly flies proudly in Portage.

20TH ANNIVERSARY OF COMMUNITY ACTION SENIOR OPPORTUNITIES AND SERVICES PROGRAM

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I invite my colleagues to join me in celebrating the 20th anniversary of the Community Action Senior Opportunities and Services [CASOS] Program of Anne Arundel County, MD. CASOS has been responsible for many changes in the lives of senior citizens over the past 20 years, through its innovation and by mobilizing numerous resources to address the needs of the elderly.

This organization, now reaching into all corners of Anne Arundel County with an impressive coalition of clubs, began in September 1969 when eight part-time outreach workers and a secretary came together under an OEO grant of $30,000. The outreach workers knocked on doors all over the county to identify and inform the low-income and minority elderly, and recruit them into self-help projects which were inspired with the watch words: "Pride and Dignity With Self-Help—We Are Somebody." Today there are 48 CASOS clubs and 4 workshops comprised of 50,000 members 55 years of age and older all living in Anne Arundel County.

Under the Community Action Agency, CASOS gave birth to a myriad assortment of services and programs which have enabled senior citizens to make their community a better place to live. It has established a senior citizens' transportation system which began with the purchase of a minibus with funds raised by members. Today, this system includes four buses which operate throughout Anne Arundel County. In addition, CASOS has worked to establish public housing projects and has brought the Community Development Block Grant for Home Renovations to many seniors in order to affect much needed home repairs. The milestones of CASOS achievements do not end here. CASOS also strives to improve the lives of senior citizens through adult education programs and regular social activities.

Overall, Mr. Speaker, CASOS, through its efforts over the past 20 years, has allowed seniors to control their own destiny. I am proud to have the Community Action Senior Opportunities and Services Program in my district, and would like to commend all of the individuals which have contributed to such a valuable and outstanding program to empower and enhance the lives of Anne Arundel County's senior citizens.

NATIONAL POW/MIA RECOGNITION DAY

HON. NICK JOE RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1989

Mr. RAHALL. Mr. Speaker, I rise in acknowledgment of the "National POW/MIA Recognition Day" tomorrow. We must remember those who to this day continue to serve this country in many ways. Not only did they answer the call of duty, but they served above and beyond the common call of duty. They sacrificed for their families and friends so that those of us who remained in the United States could continue to live safely with our families. Although tomorrow is a day to honor and remember these individuals, one day is not enough. We should carry thoughts of them with us every day of the year, and continue to honor and thank them, as their contribution to this country cannot be overestimated.

I would like to pay a special tribute to the POW's and MIA's from my home state of West Virginia. There are approximately 725 POW's and 26 MIA's from the State, and we are all very proud of the way they have represented us and our country throughout their miiltary careers.

In conclusion, our thoughts should also go out to their families, some of whom suffered during wartime and some of whom still wait for their loved ones to return. For although the intention of this day is to recognize POW's and MIA's, it is also to commend their families who have all displayed remarkable resolve through their own hardships.

POW's, MIA's and family members, we salute you.

SENATE—*Friday, September 15, 1989*

(Legislative day of Wednesday, September 6, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable Richard H. Bryan, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.*—Ephesians 6:12.

God of truth and justice and love, save us from our superficial way of thinking about evil. Forgive our naivete about sin. As Congress and the White House do all in their power to deal with the incorrigible problem of drugs, grant to leadership the profound insight that the root of evil is within the human heart and demands a spiritual, as well as a physical remedy. Help us to realize the limitations of legislation as it confronts pride and greed and lust—as it confronts insatiable appetites which yield only to spiritual power. And remind us, our Father in Heaven, that prayer is essential in this struggle. Lord, teach us to pray. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Byrd].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, September 15, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard H. Bryan, a Senator from the State of Nevada, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Arkansas, the acting majority leader.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, this morning, following the time reserved for the two leaders, there will be a period of morning business until 10:30 a.m., wherein Senators may speak for up to 5 minutes each.

RESERVATION OF LEADER TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the majority leader and the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from South Dakota is recognized.

CATASTROPHIC HEALTH INSURANCE SURTAX

Mr. PRESSLER. Mr. President, the catastrophic health insurance surtax which has come upon our senior citizens is a matter of great controversy. Twice I have voted for the McCain amendment to delay implementation of that surtax.

I believe that virtually all senior citizen organizations in the country endorsed that program when it went into effect, including the American Association for Retired Persons. However, I think that a basic miscalculation was made of the public's attitude and understanding toward this. It has been my feeling that we should delay the implementation of the surtax, find a way to reduce the surtax and broaden the base of those who pay for this program.

Mr. President, it has been a tradition in this country that our social welfare programs are paid for by all the people, not just by one narrow segment. It has been the tradition that if a part of our population needs welfare assistance that it is not paid for just by one narrow group.

This particular surtax for the first time places a special burden just on a narrow group.

Mr. President, I know that we have a budgetary deficit. I know it is very important that we pay for things as we go and that people understand how much these programs cost.

In my State, one of the great challenges is the delivery of health care services. Indeed, later this morning, I am meeting with former Secretary of Agriculture Bob Bergland to see if the Rural Electric Associations [REA's] can get involved in providing medical services in small towns located far from our cities where there are no services.

When the Hill-Burton Act passed in 1946, the goal was to have a hospital emergency room within 30 minutes of every American. If one were caught in the traffic of some of our big cities that might not be possible. But, on a serious note, that was a national goal to have a hospital emergency room within 30 minutes of every American.

That is not true for the western counties of South Dakota. It is not true in many parts of the United States, some urban areas and some rural areas.

The delivery of health care is a very important issue. I will be talking with Bob Bergland about a pilot project for the delivery of health-care services.

However, there is another issue that was brought to my attention at listening meetings I held during the August recess. Over and over again senior citizens raised the issue of the catastrophic health care surtax.

I am pleased that the Finance Committee and other committees are beginning to move toward making some adjustments in this. I think the fact that this surtax was put into effect without widespread public knowledge or understanding is part of the problem. It shows that in a democracy there must be support built at the grassroots level.

I have supported Senator McCain's efforts to roll back this surtax, to delay its implementation. I believe we, as a body, must act on this this fall so that the surtax does not go into effect in 1990. It is true that our people need certain types of health insurance but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we must proceed very carefully to be sure that we are not starting a new tax that just falls on one group of people. Also, we must hold legislative hearings, field hearings, on this matter.

I was honored to be able to hold a field hearing for the Senate Aging Committee in my State of South Dakota. I thank the chairman of the Senate Aging Committee, Mr. PRYOR, for allowing me to hold that hearing.

There were a number of issues raised. There were concerns about the price of prescription drugs, hospitals and nursing homes. But perhaps the central issue that I heard about, visiting informally with senior citizens, was the issue of the catastrophic health insurance surtax.

I join in this effort to roll back the surtax. I am joining Senator McCAIN and others, who have done such a good job of raising this issue. I have written letters to the various members of the Finance Committee. We must recognize that the American people want an adjustment in this surtax. We must recognize that the Congress and indeed, many of the senior citizens groups made a miscalculation when that was passed without the proper groundwork being done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

HARD CHOICES FOR CATASTROPHIC INSURANCE

Mr. PRYOR. Mr. President, I had not planned to speak this morning but, not in response to my good friend from South Dakota, but merely as a further commentary on his very thoughtful remarks relating to the burning issue of catastrophic insurance, I would like to say, Mr. President, first to my friend from South Dakota, as he knows and all of us in this body know, the Finance Committee and the Ways and Means Committee were challenged by our then President, President Reagan, to finance the catastrophic program solely by the beneficiaries. This was the challenge, parameter, and mandate of then President Reagan.

The Finance Committee and the Ways and Means Committee took that mandate literally. Therefore, we tried to shape, to form, and to fashion a piece of legislation that fell within those parameters.

There is no question, Mr. President, that the Senator from South Dakota is so right. There are people who are extremely concerned and angry and upset about the so-called surtax. Many people believe, in the country, Mr. President, that each person who participates in the catastrophic program will be charged a surtax of $800 a person. This is not true.

In fact, only about 4 or 5 percent of the population under this particular bill that we are now dissecting would be paying that amount of money.

I am a member of the Finance Committee. I can assure the Senator from South Dakota that the Finance Committee has taken its responsibilities very seriously. We have been meeting almost daily since we have returned from the Labor Day or August recess, and I must say to my good friend, I do not know that we can fashion a piece of legislation, an omnibus catastrophic program, that will accommodate the desires nor the objections of everyone who would participate in the benefits.

For example, I feel very strongly that the so-called drug benefit should stay in this bill. If everything else is gone, I think the drug benefit is a critical part of catastrophic insurance.

We see that only 3 out of every 10 elderly citizens in America have any protection or any additional insurance that protects them from the spiraling cost of prescription drugs.

We have seen another startling fact. Since 1981, this country has seen a 28-percent increase in inflation rate, Mr. President. However, prescription drug costs have risen 88 percent.

You mention the local pharmacists that you met with in South Dakota. Those local pharmacists are not at fault. They have no alternative except to pass these rising costs on to their customers and to the participants in this program.

These are a necessary part of life, these prescription drugs. I believe that the prescription drug program, even though it is costly, is one I hope will remain as a part of it.

Tuesday, the Finance Committee will meet. I think I can assure my friend from South Dakota that we are making a good-faith, bipartisan attempt. We are working from a new proposal offered by the Senator from Minnesota [Mr. DURENBERGER].

Senator CHAFEE of Rhode Island and myself yesterday offered even a compromise to that plan.

I will just say this in conclusion, Mr. President, I think for the moment, without question, the safe vote and the popular vote would be to vote to repeal it. That is easy.

But what is not easy is the realization that 12 percent of the gross national product of this country is going to be spent for health costs and health care. And if we do not deal with the problem now, we are going to be dealing with it next year, and the year after, and the decade thereafter.

We have to realize that we have some very, very hard choices. They are not going to be easy. But I do want to assure my friend that the Finance Committee is working in a good-faith, bipartisan effort, with the support of President Bush, whose people testified only a week ago that President Bush supported the present catastrophic program as it was written and signed into law last year.

Frankly, I think we are going to have to modify it.

Mr. PRESSLER. I want to compliment my friend from Arkansas, whose leadership has been so effective as chairman of the Senate Committee on Aging, and also on the Finance Committee. I compliment the work that he is doing.

He is absolutely right. It was the plan put forth by President Reagan, Vice President Bush, and strongly supported by now President Bush. I know we are all struggling to find a perfect formula and that is the purpose and spirit of my remarks.

I have made additional speeches and statements on the floor but I wanted to join in the remarks of my friend from Arkansas and compliment him for what he has said this morning.

Mr. PRYOR. Mr. President, I thank the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

REPEAL THE CATASTROPHIC INSURANCE BILL

Mr. ROTH. Mr. President, I have listened with great interest to the comments of my colleagues from South Dakota and Arkansas, for whom I have the greatest respect. I, too, am a member of the Finance Committee and can say that there has been a bipartisan effort to seek to reform the Medicare Catastrophic Coverage Act of 1988.

I would also say that those who have supported catastrophic insurance, have done so in the spirit of seeking to satisfy a health need. But I have to say that in all candor, I think we have failed in providing the kind of legislation desired by the American people.

It was almost exactly 2 years ago when I stood on the floor of the Senate and made a statement about the catastrophic health insurance legislation this body was preparing to pass. At that time, I pointed out what I believed to be serious problems with the bill. As 1 of the 11 members who voted against its passage, I must say that I have come to the firm conclusion, regretfully so, that the only course of action at this time is to repeal the catastrophic health insurance law.

I know that my colleagues who seek to reform it do so in the spirit that they want to correct its defects and still shore the gaps in senior citizens health care coverage. But frankly, as I have listened to the discussions, I do not think we are in a position to do so right now. It seems to me the better approach is for us to repeal this law, and to then set up a special commission to make a careful study of the health programs and the health needs of the American people. But to act now precipitously, I am afraid, will only lead us down the road to further difficulty and further disappointment.

Two years ago, when I said I was opposed to this legislation, and as I said I did so reluctantly, my concerns were focused on several facts. We were making a major departure in the financing of the Medicare Program by means-testing benefits. It seemed then that we were placing an undue financial burden on the very people we were trying to help by imposing a total of five new premiums, including an onerous surtax that, in the first year alone, could be as much as $800 per person with scheduled increases each year; that the benefits attached to this high price tag were, in large measure, duplicative as they were already widely provided by employers, including the Federal Government—and that is a problem that is going to have to be addressed if the reformers want to maintain this legislation; that the fiscal soundness of the program was at best questionable; and that, finally, the bill did little if anything to deal with the most pressing health care need of our seniors—long-term care.

I also predicted if we passed the legislation, "Eventually, when push comes to shove, we will be forced to resort to some type of stopgap action like appointing a special commission to review the situation and make recommendations for remedying the problem." I stand here today, 1 year after enactment, and more than 30 bills have been introduced, ranging from establishing a commission to full repeal of "catastrophic."

Mr. President, it is my intent next Tuesday when the Finance Committee will once again meet on this important matter, to offer a legislative proposal to repeal this law. It is my intent to carry forward with this if we do not succeed in committee, by offering such an amendment on the floor of the Senate.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Is there objection to the Senator proceeding for 5 minutes?

Without objection, the Senator may proceed.

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1632 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

THE REAUTHORIZATION OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973 AND THE 25TH ANNIVERSARY OF THE VOLUNTEERS IN SERVICE TO AMERICA PROGRAM

Mr. DODD. Mr. President, I rise today to recognize the outstanding contribution made by volunteers who participate in the ACTION Agency's programs.

Today, Mr. President, the Senate will consider two legislative items which I have sponsored. One is to reauthorize the Domestic Volunteer Service Act, and also a resolution which recognizes the 25th anniversary of the Volunteers in Service to America, or VISTA, programs.

It was 25 years ago at this very time, Mr. President, that VISTA began. I think all of us appreciate, over the years, what a tremendous contribution VISTA has made and simultaneously, of course, we will be reauthorizing the legislation which will make it possible for that program to continue.

I am pleased to have as my principal cosponsors, Senator DAN COATS of Indiana, the ranking minority member of the Subcommittee on Children, Family, Drugs, and Alcoholism; Senator ORRIN HATCH of Utah, the ranking minority member of the full Committee on Labor and Human Resources; and Senator KENNEDY, the chairman of the full committee. All of these Members and others have a deep commitment to programs that encourage volunteerism and that help address our problems of our citizens who are most in need. Together we have developed a bill which we believe reinvigorates our existing volunteer programs.

I thought it particularly appropriate, Mr. President, that the Committee on Labor and Human Resources marked up both the new omnibus national service organization and the ACTION reauthorization bill in the very same day. I believe as we renew our interest in volunteer services, we should first look to the programs already in place.

Every year, one-half million people in this country give of their time through existing programs run by the ACTION Agency: VISTA and the three Older American Volunteer programs—the RSVP Program, Foster Grandparents, and Senior Companions. This model of locally based volunteers supported by a national program has been tried and tested and found remarkably successful.

In my home State of Connecticut, Mr. President, over 6,000 VISTA volunteers—college students and Older American Program volunteers—give generously of their time and make a tremendous difference in dealing with problems of illiteracy, unemployment, and homelessness, and in helping the frail, elderly, and children with special needs.

In the 25 years since VISTA was first established, our Nation has made progress on many, many fronts. But we still face, Mr. President, the profound challenge of poverty in too many parts of our Nation. In 1987, we are told that the income gap between the very richest of our Nation and the very poorest has hit the widest point in 40 years. Homelessness, as we all know, is at its highest rate since the Great Depression, and one-third of the homeless are families with children. On any given night in the United States, 100,000 children have no home at all. In 1987, the demand by families with children for emergency food assistance increased by an alarming 18 percent in 25 major cities.

The continuing need, Mr. President, and yet untapped resources of millions of potential volunteers argue clearly for strengthening the programs authorized by the Domestic Volunteer Services Act. Thus, S. 1426 significantly expands the scope of these programs.

The proposed authorization levels would provide for twice as many VISTA volunteers as we currently have by the end of the fiscal year 1993. This restoration of the 1975 level of service is more than demanded by today's continuing poverty.

For the Older American Volunteer Programs—and I should add, Mr. President, in that particular area, the recipients of those programs benefit tremendously, but we also know that the volunteers, as they will tell you over and over again, feel in fact they get more out of those programs than the very people they help, and older Americans want to give and want to contribute more. Their programs and involvement will create a new category of grants to address some of the problems of national significance.

The list of priority populations that would be covered would include those who are developmentally disabled, those who suffer from chronic and debilitating illnesses, such as AIDS, and families that need respite care.

We also provide, Mr. President, for expanded programs to help children which had not really been covered in the past or covered as broadly. We cover boarder babies. We have been reading about them lately—these children affected with AIDS or who are drug addicts left in hospitals—teenage parents, special needs children, youth who need special guidance and latchkey children in libraries.

Senator CARL LEVIN of Michigan has also suggested that we provide for retired senior volunteers to tutor educationally disadvantaged children, an idea he has advocated for many years and which we are now pleased, Mr. President, to include as a floor amendment.

Literacy is another area where ACTION Agency has provided important assistance. Based on recommendations from Senator SIMON of Illinois, the bill includes provisions to build on that foundation by increasing the authorization level of the Literacy Corps by including literacy as one of the new programs of national significance and by making available more technical assistance for literacy initiatives.

In the course of the subcommittee hearings, we heard very compelling reports on the ACTION programs and the work that the volunteers do. Unfortunately, we also heard that the VISTA program is not widely known and that local projects often cannot recruit volunteers on their own. Therefore, this legislation calls for considerably greater national public awareness and recruitment activities. We want to see more college-based outreach, creative use of media and promotional materials, and greater involvement at the regional level with a link between local projects and prospective volunteers is most easily made. With these changes, I believe that our existing ACTION programs will be in a much better position to tap into the great reservoir of energy, ability, and talent available for volunteer service.

Mr. President, I would like to thank those who have helped make this reauthorization a thorough and productive process.

In addition to our committee chairman, Senator KENNEDY and many other colleagues, many others provided valuable suggestions and background information: The Associations of Directors of the Old American Volunteer Programs, the Friends of VISTA and the many volunteers who took the time to contact our office.

Mr. President, I also ask my colleagues' support today for the passage of a resolution, as I mentioned earlier, recognizing the 25th anniversary of VISTA, the Volunteers in Service to America component of the ACTION Agency Program.

This program, VISTA, is our domestic Peace Corps, and while it does not achieve the notoriety and special recognition that is always associated with the Peace Corps, domestic volunteers do not have the glamour, I suppose, of traveling overseas. They work in our rural areas and in our cities in this country, oftentimes without the kind of recognition that they deserve. So today we will offer a resolution which recognizes that contribution.

VISTA was created, as we all know, to provide a domestic counterpart to the Peace Corps and was authorized in 1964 as part of the Economic Opportunity Act. The idea was to enlist full-time volunteers to work in communities to eliminate the causes and effects of poverty. Over the past 25 years more than 100,000 Americans have responded to the challenge posed by VISTA, spending at least a year working in low-income communities. Their service has made an enormous difference to those communities and the people within them. Volunteers have built programs to combat hunger, homelessness, illiteracy, drug abuse and a long list of other poverty-related problems. Most importantly, VISTA volunteers have helped others to help themselves, fulfilling the program's goal of self-sufficient anti-poverty goals.

The intent of this resolution is to show congressional recognition of those who have made the VISTA program a success over these past 2½ decades—the volunteers, past and present, the local sponsoring projects, the community members, with whom the projects and volunteer work, and those at the ACTION Agency who have facilitated the volunteer efforts. I also hope that this resolution will help to bring greater visibility to the VISTA Program.

As I mentioned earlier, we were distressed to hear during the reauthorization hearings that the program is virtually invisible. People do want to make a difference. They do want to help fight the desperation of poverty, but they need to know that this program exists and there is a place where they can become involved.

I understand that the ACTION Agency has a number of activities planned around this 25th anniversary, Mr. President, as does the Friends of VISTA organization. I hope that by recognizing 2½ decades of very important work we will inspire even more of our citizens to come forward over the next 25 years. The reauthorization bill provides the framework to enable significantly greater numbers of volunteers to do their part in helping rid our country of the indignity and injustice of poverty.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

CATASTROPHIC HEALTH INSURANCE

Mr. McCAIN. I rise to make a few comments concerning the situation regarding the catastrophic health insurance issue and the way I see it evolving and how it should evolve.

Before I proceed, I should like to acknowledge the support and assistance of the Presiding Officer, Senator SHELBY, for his leadership and work for senior citizens, and I also acknowledge the presence of Senator SIMON, who has become heavily involved in this issue and has taken a leadership role in trying to correct an acknowledged serious mistake made by the Congress of the United States and the executive branch in passing legislation which placed an onerous and burdensome tax on senior citizens. These senior citizens believed that they were receiving benefits that they did not in the way of long-term care, and certainly did not appreciate the extent of the cost for coverage in programs that they either did not need, did not want, or already had.

Mr. President, as recently as 3 months ago, the leadership in the executive branch, the leadership in the Republican Party, and the leadership in the Democratic Party stated unequivocally that nothing would be done to correct this legislation.

We have come a long way in the intervening 3 or 4 months, not because there has been any particular philosophical change, but there has been a firestorm in America on the part of senior citizens in anger over what they view as an incredibly unfair and, indeed, onerous burden which is being placed on them at a time in their lives when many of them are on fixed incomes and are encountering expenses which they never anticipated and, frankly, cannot afford.

I would like to disagree that we are talking about greedy seniors. The most disappointing aspect of this is that due to the ever changing CBO estimates of the cost of this program, that burden on seniors will increase to $300, $400, $500, $600, $700 in the next few years. Already, the original estimates of the cost of this program have gone from approximately $30 billion a year up to $50 billion a year and, indeed, higher.

Perhaps the most glaring example of the new estimates of how this cost is gong to rise is the recent CBO estimates concerning skilled nursing care, which has gone from approximately $400 million to now well over $3 billion, this in only a little over a year since this legislation was passed.

Mr. President, I believe that the change will take place. The Speaker of the House has said the issue will be addressed. Just this week, the White House said there would be some changes made, and I have had enough similar comments from my colleagues who voted against my amendments to give me every confidence an amendment which would bring significant change to this program will be passed by this body and also by the other body.

Let me point out, Mr. President, what I think this change should be. There is now an overwhelming sentiment for outright repeal of this legislation.

I urge the utmost caution before we adopt that position, and here is why. Ronald Reagan promised the American people catastrophic illness insurance. Ronald Reagan and the Congress of the United States promised the American people what I believe they feel they need and deserve. That is protection against a catastrophic illness which wipes out their life savings.

Unfortunately, as this bill wended its way through the congressional process, we saw very good and important—but not absolutely necessary—programs added to this bill, which then led us to the surtax, which then led us to the incredible expense associated with this legislation.

Mr. President, the focus of the anger of senior citizens today is the surtax, and the surtax is what needs to be repealed.

I suggest to this body that the surtax can be repealed and we can still preserve spousal impoverishment protection and catastrophic illness hospitalization with the $4.80 part B, which has already been levied, and I hope that my colleagues will consider such a proposal.

I remind my colleagues, too, there are people in the hospital today who are covered by this legislation covering catastrophic hospitalization. There are seniors facing spousal impoverishment today who are covered by this legislation. I think we better be very careful before we tell them that their hospitalization benefits and their preservation from spousal impoverishment will be destroyed.

Mr. President, there have been comments made by both branches of Government that we, if we do something along the lines of repeal or dramatic reduction, scale back, do away with the surtax, will become reluctant to address the issue of long-term care, which all of us have found is really the No. 1 issue that seniors are concerned about today.

I do not agree with that because I believe that, if we leave this legislation in its present form, we have no way of raising revenues to pay for a very expensive program which long-term care would entail. As we all know, long-term care requires $25,000 to $35,000 a year expenses at the lower end of the cost range.

Mr. President, this week the Finance Committee has been debating and discussing the options available to it. I said at the time of the last vote that we had on my amendment prior to our adjournment that I would be more than eager to observe what the Finance Committee would do in keeping with the commitment made on the floor of the Senate by its distinguished chairman—that they would make substantial and fundamental changes in the program.

I will continue to wait and see what the Finance Committee in its widsom, its experience, and talent decides, but I must say that unless the changes take place are far more significant and far more fundamental than those that I have heard are being discussed in the Finance Committee I intend to come back to the floor to get this issue resolved once and for all. Our seniors have waited long enough. The hour is drawing near, when they will begin to pay and bear this unacceptable burden of increased taxation in the form of this surtax.

Mr. President, there are millions and millions of seniors who want, demand, and deserve this change. I intend to support those changes, and I would strongly recommend that the Members of this body, both on and off the Finance Committee, recognize that we must act and act quickly before this legislation goes into full effect, and the burden is placed on seniors throughout this country, not rich seniors, but practically all seniors who will be bearing an unacceptable burden.

Mr. President, the job of a representative is to represent. It is clear that the voice of the people is in favor of fundamental change. That time has come.

Mr. SIMON. Mr. President, I came over to speak on the VISTA reauthorization, but I want to take just a moment to comment on the catastrophic bill that was voted on and the concerns that are here.

Let me just particularly express my appreciation to the Senator from Arizona [Mr. McCAIN] who has really provided significant leadership on this question. He has performed a service not only to the people of Arizona but the people of this Nation. And I for one am very grateful.

I think there are three points that should be made in terms of the catastrophic. No. 1, the income tax provision is just wrong, period. I read the editorials that say seniors are going to benefit, and therefore people over 65 ought to pay. We do not do that in any other form of the income tax. We do not say if you have children in school then that portion of the income tax goes for education, you are going to have to pay. We do not say to farmers you are going to have to pay for the agricultural subsidy and we will have to put a little extra income tax on you for that. What we do is ask is there a national need? Then we all share the burden. That is the way it ought to be for this particular program which I happen to think is misnamed catastrophic. I will talk about that in a moment.

The second point that the Senator from Arizona makes that I think is extremely important is, right now, if you took a poll, the emphasis would be repealed. Frankly, there are some real protections here for senior citizens that a lot of people are not aware of. If we repeal, we will be doing a real disfavor to the seniors of this Nation.

We simply have to find another means of providing revenue other than income tax, or if it is an income tax, let us make it two-tenths of 1 percent or two-tenths of 1 percent across the board. I do not know how we do it, but I do not want to see a tax on those over 65, people 18 to 25, 30 to 40, or any other age group. An income tax on the basis of age is something we have never done and something we ought to move away from quickly.

If we cannot find any other vehicle, I am for bringing up the McCain amendment saying let us simply postpone the income portion of this for 1 year while we figure out where we are going. I hope we can do better than that. If we cannot find anything else, we ought to do that.

Third, why I call catastrophic a misnomer is because it does not cover the real catastrophe and that is long-term care. You look at those demographic figures and you see where we are headed. We will have to face up to this thing.

I have been pleased to work with the Senator from Arizona a little in kind of the initial steps to try to figure out where we are going on this. Each year, for example, right now we add 12 percent more women over the age of 85 to our population. You do not need to look at those figures very long and you know we are headed for some major problems if we do not protect our people and prepare for them. That is what we ought to do.

When Social Security passed in this Chamber, one of the questions was asked—and when Social Security passed the average American lived to be 58. Someone asked the question on this floor, "what if Americans live to be 75? What is going to happen to the whole Social Security trust fund?" The response was that was living in a dream world. That will never happen. Here we are in 1989 and the average American lives to be 75.

And I see the Presiding Officer from Alabama and the Senator from Arizona, who are both younger than I am, probably appreciably younger than I am. But when I was a boy, it was a very rare thing to read about a couple having a 50th wedding anniversary. Today, it is fairly common because we are living longer. There are a lot of good things. It is not only that we are living longer, but the quality of life is better. But there are problems that go with it, and long-term care we have to face up to.

VISTA

Mr. SIMON. Mr. President, what I really came over to the floor to talk about was the VISTA Program. I want to say very briefly that I appreciate the leadership of the Senator from Connecticut [Mr. DODD] in this whole area. The VISTA Program is a volunteer program that really reaches out to the least fortunate among us. I am pleased to say that the literacy core which I was able to get initiated some few years ago is being kept in the VISTA reauthorization. What the VISTA Program does is to reach out and give hope to people who otherwise frequently do not have much hope. The great division in our society today is not between black and white, not between Hispanic and Anglo, not between rich and poor. It is between people who have hope and people who have given up. What we have to do is give that spark of hope to people. I have seen VISTA do that.

It is not very widely known. If you ask the average person in this country what the VISTA Program is, most people do not have any idea. But it is something that reaches out. One of the things that is happening, unfortunately—there are some good things happening in our country—what is not good is we are increasingly segregating ourselves on the basis of economics. If you do not have enough money, you live just in certain areas. That is not a healthy thing. Small-town America does not do that. That is one of the virtues of very small communities.

But increasingly in urban and suburban America we are segregating on the basis of economics. We are losing that sensitivity to the least fortunate in our society that we ought to have.

The VISTA Program is one of those things that does that.

Mr. President, I think it is extremely important that this program be reauthorized, that we continue to give hope to people. We are spending a lot of time these days on the drug problem, and I have joined in every effort to buttress and make more solid that antidrug problem.

But one of the witnesses before the Judiciary Committee the other day said we are not looking enough to the long-term. I think that is correct. The long-term also means giving hope to people who just live in miserable circumstances, and in that state of hopelessness sometimes, unfortunately, they reach out to drugs as an alternative.

I am not suggesting the VISTA Program is part of an antidrug program, but in a sense it is. What it does do is appeal to the best of us, as the Peace Corps does abroad, and says: Let us help people who really need help.

Mr. President, I do not see any colleagues here wishing the floor. So I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. I ask unanimous consent that the time for morning business be extended until 11 a.m., under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

EXXON LEAVES ALASKA

Mr. LIEBERMAN. Mr. President, today is the day that Exxon leaves Alaska. In the minds of many Americans, the cleanup has really been Exxon's Vietnam. The company is declaring victory and pulling out and leaving a real mess behind.

One company official was actually quoted as saying that the cleanup went so well that he would let his cat walk along any of Alaska's beaches.

Mr. President, as a great American, Johnny Carson said the other night, with all deference to cats, whom I dearly admire, "It is hardly a comforting thought when you think you are talking about an animal that likes to drink in restrooms."

Mr. President, the Wildlife Federation sent all Senators two rocks to illustrate the problems in Alaska. Here is one clean rock that was not touched by oil, the way God intended it to be, as the Wildlife Federation said.

Here is one that Exxon says is clean, and I can tell you, from what is on my hand now, that it is not clean. I could change the oil in my car with what is on this rock.

The fact is that Exxon has done a bad job in Alaska. That proves that we need better laws, laws like the one we passed a few weeks ago right here in this Chamber, that will give the U.S. Government the power to force polluters like Exxon to keep scrubbing until we say it is clean.

As the House and Senate approach a conference on oilspill legislation which was introduced by our distinguished majority leader, I hope that the Senate conferees will stand firm and demand that the tough features of our legislation remain intact.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

NATIONAL POW/MIA RECOGNITION DAY

Mr. DOLE. Mr. President, each day thousands of people visit the Capitol rotunda, and there they see the POW/MIA flag. That flag flies as a sad, but proud, reminder of the sacrifices which brave people made in the defense of our country—in Vietnam, in Korea, and in World War II.

During the 100th Congress I introduced the legislation to display the POW/MIA flag in the Capitol, and my colleagues unanimously joined me in passing that resolution. The flag was unveiled last March, and it will stay there until we have a satisfactory accounting of the fate of all our POW's and MIA's.

The POW/MIA flag is intended to make us pause—and reflect—now and then, on those who have given so much. Today is National POW/MIA Recognition Day—A day for us to do that reflecting.

America must never forget those who have gone missing in the battles to defend our freedom. We are great because of these American heroes, and we cannot rest until every one of them is properly accounted for.

Yes, the situation has improved since Gen. John Vessey's 1987 meeting with Hanoi officials. Vietnam has returned the remains of more than 200 American servicemen to their homeland. And Vietnam has taken part in some joint investigations with the United States.

But a bit of cooperation does not erase the anguish and uncertainty of the families of American servicemen still unaccounted for.

Vietnam and Laos need to know that nothing less than complete cooperation is acceptable to the Nation that these people served. In particular, Vietnam must know that there is no hope of better relations with us unless it comes clean on this issue.

President George Bush underscored his commitment to this goal in his inaugural address. And we here in Congress underscore that he speaks for every—and I mean every—American. This issue knows no politics.

So today, let us look up at that POW/MIA flag in the rotunda, and really reflect. Many of us have defended our country in war, but let us remember those who endured a heavier burden as prisoners of war. Let us recall the special pain felt by the families and friends of those who didn't come back, and especially those who remain "missing in action."

If we remain true to our POW's and MIA's, we honor the freedom and the peace they defended and left to us. If we remember their values, we will always defend this great country which they put above all else.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MITCHELL.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

POLAND

Mr. **MITCHELL.** Mr. President, in the past few months, we have seen unprecedented political change unfold in Poland. Never before has there been such dramatic transformation within a Communist country or greater reason to hope for liberalization and democratization within Eastern Europe.

As recently as 3 months ago, the prospect of a non-Communist government in Warsaw seemed remote. The formal assumption of power just days ago by a non-Communist Polish Government is nothing short of extraordinary.

Extraordinary political changes often are attended by extraordinary opportunities and extraordinary risks. There is an opportunity that Poland could succeed in its democratic transformation and serve as a successful example for all of Eastern Europe. There is a risk that Poland's experiment could fail, perhaps catastrophically.

We in the United States, along with our democratic allies, have long demanded that European States in the eastern part of that continent be free to move toward democracy. During the past 40 years we have repeatedly watched as indigenous efforts for freedom were brutally crushed.

This pattern must be broken. This time, the democratic impulse must take root. Poland must not be allowed to fail for lack of international support. The United States and its democratic partners must do all they can to assist the Polish people in their brave and bold experiment.

The United States has a special role to play. We must exert vigorous leadership in promoting actions and providing economic and moral support for the institutionalization of the movement toward political and economic freedom in Poland.

Now is not the time for small steps or timid measures. It is a time for American leadership.

We have demonstrated such leadership before—in dramatic actions such as the Marshall Plan that rebuilt Europe after World War II, and most recently, in our leadership in organizing a massive multilateral economic aid program to provide $10 billion over the next decade for the Philippines.

This is why I am disappointed by the administration's package of assistance to Poland. We are witnessing a change of historical importance, a change that may auger a dramatic transformation of the political, economic, and security aspects of East-West relations. Yet the administration has barely blinked in response.

The President's package, originally designed to entice a Communist government toward change, is insufficient to support today's non-Communist government in its effort to lead Poland toward democracy. We cannot hesitate or drag our heels. We must embrace and foster the Polish steps toward economic and political reform.

For our efforts to prove effective, there must be two principles guiding the American approach to Poland. These principles—leadership and urgency—are essential in directing and focusing our plan of action.

(1) LEADERSHIP, NOT JUST PARTICIPATION

The United States should be in the forefront of the international effort to assist Poland. While the United States must of course work with existing groups and institutions in the effort to support Poland, we cannot abdicate our leading role in supporting changes that we have urged for the past 40 years. The United States must outline and lead a comprehensive effort to assist Poland in the difficult adjustments which lie ahead.

(2) URGENCY—THE NEED FOR IMMEDIATE ACTION

Just days ago, the Communist Party's dominance of Poland officially ended. This marks the beginning of Poland's restructuring efforts. As members of Solidarity enter the government and assume responsibility for the country's future, they are warning the Polish people that difficult times are ahead and that the economic situation may well worsen before it improves. This indicates the importance of short-term assistance to ease the immediate pain for reform and inspire confidence in the new government's course of action.

While support for Poland should assist the country in its long-term effort to restore vitality and rationality to the economy, we must recognize the political realities facing the new Polish Government. Immediate and significant Western aid will be critical for the political and economic success of the entire restructuring effort. At a minimum, the West must ensure that sufficient food is available in the short run to ease the burdens on the Polish people during this difficult transition.

A COMPREHENSIVE PLAN FOR POLAND

Among the actions which our government should immediately undertake are the following, which would constitute a comprehensive approach to supporting reform and change in Poland.

DEBT RELIEF

The U.S. Government and private banks should state their willingness to defer or convert a significant portion of the nearly $3 billion debt Poland owes the United States and urge other Paris Club members and commercial banks to do the same. Such a massive and coordinated effort is needed to alleviate the immediate and crushing debt burdening Poland.

The United States should lead a comprehensive international examination of the possibilities of creative debt relief, such as debt-for-equity or debt-for-nature swaps, that could convert Polish debt into a means of promoting environmental protection or economic development. One proposal deserving serious consideration is selling to private enterprises, at a discount, Poland's debt to foreign governments. Western businesses could then swap this debt for equity interests in Poland's state-owned industries, thus providing a much-needed infusion of capital and management expertise. The United States should urge our allies to implement such debt conversion ideas, or at a minimum to suspend debt repayment for the remaining $36 billion Poland owes to the West. By significantly reducing Poland's debt burden, governments and business would also facilitate IMF and World Bank commitments to their own significant assistance packages.

PRESSURING THE IMF AND WORLD BANK

It is especially critical that the administration exert leadership in promoting the IMF and World Bank to expeditiously help Poland undertake necessary internal economic reforms. While these institutions understandably weigh their lending decisions with great care, the fact remains that unless and until they support the new Polish Government, the process of economic reform will remain stalled. The United States cannot simply state its support for loans from those lending institutions, as President Bush has done. We must use our influence to push for their immediate action to support the economic austerity program that will soon be proposed by the Polish Government. American influence on the IMF and World Bank could be crucial.

I will urge the American representatives to the IMF and World Bank to move swiftly in response to Poland's dire needs.

OPIC AND GSP

As Solidarity leader Lech Walesa has stressed, the expansion of trade and foreign investment is essential to Poland's economic recovery. Therefore, the United States should include Poland in the list of those countries eligible for Overseas Private Investment Corporation [OPIC] loans, which would encourage American investment within Poland. Similarly, the United States must provide General System of Preferences [GSP] treatment to Poland to encourage trade between our two nations. This is a basic prerequisite for expanding Polish export opportunities. Already, legislation to extend OPIC guarantees and GSP to Poland has been introduced. I am committed to scheduling Senate action on these and other related measures in the near future.

PRIVATE INVESTMENT

President Bush has the right idea in proposing to support private enterprise through a special fund. But his request is insufficient. Senator Simon has proposed a similar private business investment fund and would provide a significant amount of American financial support over the next 3 years. To meet an opportunity of the magnitude Poland presents, the United States must respond in kind, as Senator Simon has suggested. This private investment fund, an idea supported by the new Polish Government, would have a significant financial and structural impact on the Polish economy. I fully recognize the economic constraints we face today. We should aim toward Senator Simon's goal, and if we cannot immediately reach that objective, we should ask our allies to contribute to this fund and, as we did in the case of the Philippines, secure a multilateral commitment to spurring Poland's private sector.

PUBLIC CLEARINGHOUSE

The administration should work directly with the Polish authorities and private business to identify opportunities for individual American investors and experts. As Senator Barbara Mikulski has suggested, we should establish a central clearinghouse in the United States, with a counterpart in Poland, to facilitate the matching of interests and needs between private individuals and businesses in our two countries. This small-scale and person-to-person commitment can go a long way toward enhancing Poland's economic future.

TELECOMMUNICATIONS IMPROVEMENTS

In order to promote investment and increased commercial activities in Poland, vital infrastructural improvements will be essential. One area of considerable need is Poland's telephone system, without which modern commerce is impossible. Senator Simon has suggested that $25 million in United States assistance be made available for telecommunications improvements to help establish the necessary infrastructural for Poland's economic development.

FOOD ASSISTANCE

We should make clear to the Polish people that if they need food, the West will provide it. I am pleased that the President has made an additional $50 million additional commitment of food and has expanded the list of commodities to be provided. This is a first step in what must be an ongoing program coordinated closely with our European allies.

As Senator Leahy has argued, we must undertake a program not just to provide food, but to improve Polish agriculture. He has taken a lead in stressing this dual need and in outlining a long-term program to assist Polish farmers. In the meantime, as the Poles undertake the belt-tightening and sacrifice that economic recovery entails, they will need outside support to ensure that their basic human needs are met during that process.

WESTERN CAUTION COULD DOOM POLAND

There are legitimate reasons to be cautious about aiding Poland before a comprehensive economic stabilization and restructuring program is in place. There is rightful concern that the assistance be used constructively and to the long-term advantage of the Polish people. We have all learned the lessons of the 1970's: Well-intentioned credits in the absence of structural reform only make the problem worse.

But there is a chicken-and-egg problem facing the new Polish Government. Until Poland undertakes stringent economic reforms, Western countries and institutions may be reluctant to provide significant investment, aid and lending. But without extensive Western support, the internal economic restructuring may not succeed.

A step-by-step approach as enunciated by President Bush may be logical, but it overlooks the important psychological and political realities and obscures the enormity of the opportunity before us.

The risks of the United States being overly cautious—of seeming to virtually ignore Poland at a time of its greatest promise—are even greater.

We cannot afford to allow democratization in Poland to fail for want of Western support.

HELPING POLAND DOES NOT THREATEN OTHERS

We need not fear that our actions would be seen, as some have suggested, as luring Poland away from Eastern Europe. By acting boldly to assist the democratization of Poland, the United States and its allies do not threaten the interests of other countries. Indeed, by conducting a responsible program of assistance, we can demonstrate to Poland and to others in Eastern Europe that the West will welcome and support greater democratization throughout the Communist bloc.

I urge President Bush to support these measures with enthusiasm and determination. I hope that he will work with out allies to help galvanize a comprehensive and multilateral approach.

I do not underestimate the difficulties of finding the economic resources to support Poland, but I believe that we can do more than the President has proposed. I am convinced that Democrats and Republicans, working together and with the administration, can go further in providing both financial and moral support to the new Solidarity-led government. I pledge to work with my colleagues and the President toward our shared goal of assisting Poland in its economic and political transition.

Bold steps by Poland deserve bold steps by its friends. We must do everything possible to ensure that Poland's brave experiment succeeds, for it is in our own interest as much as in the interest of every Pole who works for economic and political freedom.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for morning business be extended until 11:05 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, is it possible another Member can be accommodated for about 7 or 8 minutes?

Mr. MITCHELL. Yes, certainly. If I may make just a concluding remark, and then I will be pleased to extend it until such time as the Senator would like. I do want to get consent to proceed to this bill because we are ready to do so.

Mr. WARNER. I thank the distinguished leader. The Senator from Virginia will not take more than 10 minutes

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Mr. President, let me conclude with this observation. What is occurring now in Poland represents the confluence of two historic events. First, for centuries the people of Poland have been occupied and oppressed and denied the right to determine their own future. They have suffered massive invasions from east and west. Their population has been decimated by war inflicted upon them by others. Now is a rare opening, they have the opportunity for self-determination.

The other historic trend is the obvious failure of communism as a system of economic and political organization. People the world over want freedom and economic opportunity. Communism has failed to provide either. For nearly 50 years, the United States has spent hundreds of billions of dollars in the accumulation of the greatest military arsenal in all of human history. We have done so to defend the American people, to defend democracy, to defend freedom and to prevent Communist aggression. We now have the opportunity to participate in the triumph of democracy by means other than force of arms, by the collapse of communism as a result of its own inadequacy.

Is there an American who doubts that if we have the opportunity to achieve freedom through force of arms, if required to do so, we would place no limit on what it would take to get the job done? But now, confronted with a situation in which liberation is occurring by other than force of arms, the administration is reacting with timidity. We must view this as the historic event which it is, as the coming together of two historic trends in a specific time and place which affords an opportunity to democracy and freedom not just in Poland or the United States but throughout the world.

Just as communism failed to hold, if the non-Communist government fails, our interests will suffer.

I believe that all Americans want the new Polish Government to succeed for those reasons, as well as the historic friendship of Poles and Americans. That friendship began during the Revolutionary War in which we gained our freedom with the assistance of many brave Polish citizens, some of whom have become immortalized in our history. They are now represented by the millions of Americans who came from Poland seeking freedom and opportunity, who have achieved it here and whose feelings for their homeland are understandable and admirable.

All of these factors should encourage the United States to move toward a policy that is meaningful and bold in providing assistance to Poland. I look forward to working with the administration and with all of my colleagues, in fashioning an appropriate American response to the historic challenge the Polish people are now undertaking.

Mr. President, I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to remind my colleagues that Terry Anderson's ordeal has not ended. Quite the opposite. Today marks the 1,644th day that he has been held in captivity in Beirut.

I would ask that Members of this body continue to keep Terry Anderson in their thoughts and prayers.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for morning business be extended to 11:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, has my request for consent to extend morning business to 11:15 been granted?

The PRESIDING OFFICER. Yes.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 11:15 the Senate turn to consideration of H.R. 3012, the military construction appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, as the majority leader knows, we have, I think, nine Republicans and nine Democrats who are now meeting in S. 128, Senator BYRD's Appropriations Committee room, to discuss drugs generally, drug funding, strategy, whatever.

At that meeting, early on I asked colleagues on my side if it were agreeable to them to move on to military construction since there are no offsets in the MilCon appropriations bill. It does not deal with the drug program in any way. Therefore, we have no objection to taking up this appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if I may say, I thank the distinguished Republican leader for his cooperation. We are trying to proceed down two tracks. The first is that all of us—every Senator, the President—have an interest in completing action on the appropriations bills prior to the end of the fiscal year. It is a goal to which I have strongly committed myself and to which I know the distinguished Republican leader has committed himself. It would be very difficult to do under the best of circumstances because of the limited time remaining.

The other track is the one to which the Senator referred, the discussion that is presently underway regarding the drug program.

On Tuesday evening, the distinguished Republican leader spoke to me and suggested that we ought to get a group together from each side to discuss that problem and to see if we could not reach agreement on a program to deal with it. After consultation with my colleagues and he with his, a meeting has begun this morning—a group of Senators from each side designated by each of us. There is no agreement. There are no preconditions to the talks, but it is our hope that in good faith and sharing, a common concern for the problem, there will be a result.

Understandably, members of the distinguished Republican leader's party are concerned about the problem that may occur if all the appropriations bills are enacted prior to the conclusion of that discussion because of their desire to accomplish the funding through some offsets as opposed to across-the-board cuts.

What I hope is that in this difficult circumstance where two valid objectives are at least partially in conflict, in good faith we can resolve this and try to move forward on as many of these other appropriations bills as we can, not hopefully to place anyone in a negotiating disadvantage but in a way that will encourage a prompt result.

Mr. DOLE. I do not disagree with that at all. I think on the military construction appropriations, it was clear nobody objected to that. It is not in any way involved. There is no need to hold it up, if we can move it up. We need to finish if we can by October 1.

We have had a cooperative effort on both sides. I cannot recall a time when appropriations bills have moved any more rapidly through the Senate. I commend the majority leader as well as the distinguished chairman of the Appropriations Committee and his counterpart on our side, Senator HATFIELD, from Oregon.

Just one point I failed to make earlier. Discussions have started, and I think it is a position on our side that obviously Congress can improve anything a President sends it—any President. We understand that. The role of our group of nine in the discussions will be obviously representing the President's view on drug policy, drug strategy, drug funding, whatever. But I still believe that we have good representatives on both sides, that we can reach some agreement hopefully in the next few days.

I thank the majority leader.

Mr. MITCHELL. Mr. President, to accommodate my colleague from Virginia, upon whose allotted time we have encroached, I now ask unanimous consent that the Senator from Virginia be recognized to address the Senate for 10 minutes and upon the conclusion of his remarks the Senate proceed as under the previous order to the military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REDUCTION OF TOLERANCE LEVELS FOR DAMINOZIDE RESIDUES

Mr. WARNER. Mr. President, I rise today to bring to the attention of my colleagues a recent action taken by the Environmental Protection Agency [EPA] at my urging, and other Senators, which effectively bans the importation of food products containing daminozide residues. We are perhaps most familiar with the trade name for daminozide Alar.

On May 18, 1989, I was joined by Senators REID, LIEBERMAN, CHAFEE, and RIEGLE in introducing legislation, S. 1061, to accomplish two objectives: First, S. 1061 would ban the sale, distribution, and use of Alar for food products. This action would assure the American consumer that this chemical would not continue to reside in the food chain.

We were particularly concerned with the health and safety of young children. It is well known that children consume a great deal of apples and apple products such as juices and sauces. The apple has been, and I hope it will continue to be, a major source of nourishment for infants and small children.

Second, taking into account the presence of daminozide in food products which had already been harvested, stored, or processed for retail sale, my legislation called for a reduction of the tolerance level for daminozide to zero by authorizing the Food and Drug Administration [FDA] to establish action levels for Alar residues.

This step was necessary because simply banning the use of Alar on domestic crops would not protect the consumer from exposure to this chemical since it could legally be used in foreign countries and imported back into the United States on food products.

In addition, I was concerned about market stability and protecting our Nation's apple growers and processors from being left at a competitive disadvantage with imports of apples and apple products which could continue to be legally imported containing Alar residues.

Shortly after introduction of my bill the EPA and the Uniroyal Chemical Co. reached an agreement whereby Uniroyal voluntarily removed Alar from the American marketplace. I was pleased to see that the voluntary agreement which was reached adequately met the first objective of S. 1061. Indeed, Congress never should be placed in the position of having to make a decision to ban a specific product. That responsibility quite properly rests with the executive branch of Government, be it Federal Government or State government.

But I remained concerned that as long as the second objective of my bill, that which required the tolerance level for Alar residues to be reduced to zero, when unmet Alar residues would still find their way onto American dining tables.

Such a situation, potentially allowing the reentry of daminozide into the American food chain on imported foods, could continue to pose a threat to the American consumer, particularly the young children, as well as to the vitality of the American food industry, particularly the apple industry.

Therefore, in a letter dated June 22, 1989, we urged EPA Administrator William K. Reilly to reduce the tolerance level for daminozide to zero as soon as possible. I am pleased to report that on September 1, 1989, the EPA began such action.

I now hope that confidence in the apple will return soon. It should.

I ask unanimous consent that my June 22 letter, an EPA release dated September 1, 1989, and a letter from Linda Fisher, Assistant Administrator of the Office of Pesticides and Toxic Substances outlining the action to be taken by EPA be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, while I am hopeful that the Alar controversy is now behind us there is still much work ahead to prevent a similar situation from arising again. It is imperative that the American consumer have confidence not only in the safety of our food supply, but also in the Government's ability to effectively implement its pesticide regulatory program. I look forward to working with my colleagues to improve the Federal Fungicide, Insecticide and Rodenticide Act [FIFRA] so that the executive branch can have an effective pesticide regulatory program.

EXHIBIT 1

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, June 22, 1989.

Hon. WILLIAM K. REILLY,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. ADMINISTRATOR: We are pleased that EPA was able to reach agreement with the Uniroyal Chemical Company whereby Uniroyal would voluntarily remove Alar from the American marketplace. We commend your staff for their hard work in helping us to craft our legislation and for their efforts in reaching the agreement. We are also pleased to have provided some legislative leverage to assist EPA in its negotiations.

We remain concerned, however, about Alar residues on food products imported from other countries in which this chemical may continue to be used.

As you know, the legislation which we introduced, S. 1061, is a two part bill. Part One addresses the sale, distribution and use of the pesticide daminozide itself. Part Two of the bill deals with the continuing presence of daminozide in the food chain. We specifically called for a reduction of the tolerance level for daminozide to zero in order to protect and reassure the American consumer that this chemical would not continue to reside in the food chain. Taking into account the presence of daminozide in food products which have already been harvested, stored, or processed for retail sale, the bill would reduce the tolerance level to zero, but would authorize the Food and Drug Administration to establish an action level for Alar residues.

We believe that the agreement reached between EPA and Uniroyal adequately complies with Part One of our bill. However, we believe it is essential that Part Two of our legislation be accomplished for several reasons: (1) continuing presence of residues in food; (2) market stability; and (3) to remove any possibility that our nation's apple growers and processors be put at a competitive disadvantage.

Under the voluntary agreement Uniroyal is allowed to continue marketing Alar for use on food products abroad. Uniroyal has acknowledged that Alar is currently sold in 70 international markets and that sales are higher abroad than in the United States. During the past several months the EPA has determined that Alar poses an unreasonable risk to consumers and that the apple industry has suffered great financial harm due to consumers' fear of Alar. The only way to protect consumers and assure them they are buying Alar-free products is to reduce the tolerance level to zero and establish realistic action levels.

Although the EPA does not have the authority to affect Uniroyal's continued exports of Alar, we hope to insure that American consumers do not continue to find Alar residues in our food, and that our domestic apple products not be put at a competitive disadvantage with imported apple products.

Pursuant to Sections 408 and 409 of the Food, Drug and Cosmetic Act, the EPA has the authority to set new tolerance levels for both raw and processed food. Tolerances set under Section 408 must be set at the level necessary to protect the public health. Those set under Section 409 require a showing that there is a reasonable certainty that the additives will not do harm to consumers. Since it is anticipated that the forthcoming report on daminozide will indicate a link between its metabolite "UDMH" and vascular tumors in laboratory animals and since Uniroyal has removed Alar from the domestic market, this would appear to be an appropriate time for EPA to re-examine the tolerance. We urge the EPA to reduce the tolerance level set for Alar to zero under the Administrator's authority to set tolerances, to ensure that food products, both canned and processed cannot be imported into the United States with Alar residues present.

We withdrew our legislation in response to the voluntary agreement; however, we remain very concerned about Alar residues on imported foods. Since as much as fifty percent of the apple juice concentrate consumed in this country is imported, the risk to consumers and the apple industry is real. We urge EPA to reduce the tolerance level as soon as possible.

Your prompt attention to this important issue is greatly appreciated. We look forward to hearing from you soon.

Sincerely,

JOHN WARNER,
HARRY REID,
JOSEPH I. LIEBERMAN,
U.S. Senators.

[EPA Environmental News, Sept. 1, 1989]

EPA PROPOSES TO REVOKE FOOD TOLERANCES OF DAMINOZIDE (ALAR) IN PHASES

The U.S. Environmental Protection Agency is proposing a phased approach to revoke tolerances for residues of the pesticide daminozide (trade name Alar) on raw agricultural commodities and an immediate revocation of existing tolerances on processed foods and animal feed. Tolerances apply to both domestic and imported foods. While EPA sets tolerances, they are enforced by the Food and Drug Administration (FDA).

Today's proposal will discourage further domestic use of daminozide, establish termination dates for legally acceptable residues of commodities treated in the past and insure that imported foods comply with the same residue requirements as domestic foods.

The proposal calls for initially lowering the daminozide tolerance on apples and processed apple products from the current 20 parts per million (ppm) to five ppm on Nov. 30, 1989. On Nov. 30, 1990, the tolerance would be lowered to one ppm and after May 31, 1991, any detectable level would be illegal. Similar actions are being proposed for the remaining food uses.

The agency continues to believe, based on available data, that the short-term risks of eating apples or other food treated with daminozide are not significant.

Daminozide, a plant growth regulator, has been registered since 1963. It has been used primarily on apples. On fruit trees, daminozide affects flower bud initiation, fruit set and maturity, fruit firmness and coloring, preharvest drop and market quality of fruit at harvest and during storage.

In June, Uniroyal Chemical Co., the sole registrant of daminozide, entered into an agreement with EPA to stop sales and recall all stocks of daminozide food-use products including those held by users. This action by Uniroyal applies only to the United States. Data recently received by EPA confirm the agency's initial findings regarding the carcinogenicity of daminozide's breakdown product, unsymmetrical dimethyl hydrazine (UDMH).

In reducing and revoking tolerances, EPA does not want to force the unnecessary seizure of commodities legally treated with daminozide. Daminozide is usually applied to apple trees in the spring and summer. Residue data on apples from crop field studies show that most apples treated in the spring will have residues at harvest of five ppm or below. Apples treated in the summer show residues at harvest at 10 ppm or below. Any such summer use could result in treated apples being over the five ppm tolerance and therefore subject to seizure. EPA believes, however, that there has been decreased use of daminozide on apples this summer due to Uniroyal's agreement to stop sales and recall daminozide products, the recommendation by the apple growers' trade association to stop use of daminozide, and EPA announcements that it would propose to lower daminozide tolerances this summer.

Fresh apples harvested in the fall may be tolerable for up to a year. The five ppm tolerance on apples would be lowered to one ppm on Nov. 30, 1990. The one ppm would be in effect until May 31, 1991, and would provide tolerance coverage for fresh apple residues found in the 1990 harvest resulting from residue carryover in trees treated in the spring of 1989 and for processed products such as sauce and juice. EPA believes that apple juice or sauce made from apples treated with daminozide in 1989 will have cleared the market by May 31, 1991.

EPA initiated a special review of daminozide in 1984 under the Federal Insecticide, Fungicide and Rodenticide Act after determining that this chemical and/or UDMH caused an increased incidence of cancer in laboratory animals. In May, as part of the special review process, EPA proposed to cancel all registrations for food uses of daminozide because of its potential to cause unreasonable carcinogenic risks to humans. The agency's proposed cancellation action was based in part on a 12-month interim report of a two-year study in mice using UDMH. The final report on this study along with several other relevant studies, is due to EPA by January, after which the agency plans to issue its final regulatory determination on daminozide.

In addition to apples, daminozide is currently registered for use on cherries, nectarines, peaches, pears, peanuts, grapes, tomato transplants and ornamentals. The tolerances being proposed by EPA for the remaining food uses of daminozide are the following: peanuts, currently at 30 ppm, would be reduced to four ppm on Nov. 30, 1989, with a total revocation on May 31, 1991; tolerances for peanut meal, peanut hay and peanut hulls would be revoked on Nov. 30, 1989; sweet cherries currently at 30 ppm and sour cherries currently at 55 ppm would be reduced to 15 ppm on Nov. 30, 1989, with a total revocation on May 31, 1991; grapes, currently at 10 ppm would be reduced to 2.5 ppm on Nov. 30, 1989, with a total revocation on May 31, 1991; peaches and nectarines, currently at 30 ppm would be reduced to 7.5 on Nov. 30, 1989, with a total revocation on May 31, 1991; pears, currently at 20 ppm would be reduced to five ppm on Nov. 30, 1989, with a total revocation on May 31, 1991; all tolerances for tomatoes, processed tomatoes, tomato pomace, meat and meat by-products, milk and eggs would be revoked on Nov. 30, 1989. Even under existing tolerances, the risks associated with alar residues on these crops are considered by the agency to be negligible.

All comments on today's announcement must be received within 45 days of publication in the Federal Register, which is expected within 10 days. Comments should be addressed to:

Public Docket & Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 8, 1989.
Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Thank you for your letter of June 22, 1989, in which you urged the Environmental Protection Agency (EPA) to reduce the currently established tolerances for the pesticide daminozide (Alar) in order to protect the American public from residues in imported foods.

On September 1, the Agency proposed a phased approach to revoking the tolerances for residues of daminozide (copy enclosed). The proposal will lower the tolerance on apples and apple products from the current 20 parts per million (ppm) to five ppm on November 30, 1989. On November 30, 1990, the tolerance would be lowered to one ppm and after May 31, 1991, any detectable level would be illegal. We believe this phased approach will allow those products which were legally treated to move through the chain of commerce without being subject to seizure and still provide adequate public health protection.

Without strong Senatorial support from you and others, we would not have been able to reach a favorable stop-sale agreement with Uniroyal Corporation or moved as quickly to reduce Alar residues in the nation's food supply. We appreciate your help in this matter and look forward to your continued interest and support in implementing the pesticide regulatory program.

Sincerely,

LINDA FISHER,
Assistant Administrator.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Dr. Stanley Z. Koplik, of Kansas, to the Advisory Commission on Student Financial Assistance for a term beginning October 1, 1989.

The Chair, on behalf of the President pro tempore, and upon recommendation of the majority leader, pursuant to Senate Resolution 171 (101st Congress, 1st session), appoints the following Senators as chairman and majority party members of the special delegation of Members of the Senate that shall host an international conference on global environmental issues: The Senator from Tennessee [Mr. GORE], chairman; the Senator from Montana [Mr. BAUCUS]; the Senator from Massachusetts [Mr. KERRY]; and the Senator from Colorado [Mr. WIRTH].

MILITARY CONSTRUCTION APPROPRIATIONS, 1990

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3012, the military construction appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3012) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[$834,222,000]** *$726,075,000*, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed **[$74,420,000]** *$79,420,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[$1,167,750,000]** *$1,151,783,000*, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed **[$84,970,000]** *$79,970,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That none of the funds available to the Department of the Navy in this or any other Act may be utilized to initiate agricultural leases of more than one year's duration on land in or around Naval Air Station Fallon, Nevada.*

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[$1,208,136,000]** *$1,098,249,000*, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed **[$106,000,000]** *$86,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, $18,500,000 is hereby rescinded: Provided further, That, notwithstanding any other provision of law, the Air Force shall provide 250 acres at Arnold Engineering Development Center, Tennessee, for a landfill to be utilized by the Elk Regional Resources Authority.*

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[$531,320,000]** *$468,332,000*, to remain available until September 30, 1994: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[$90,480,000]** *$55,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 100-202, $10,000,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 100-447, **[$20,000,000]** *$11,800,000* is hereby rescinded: *Provided further, That none of the funds appropriated in this Act for Defense Agencies planning and design may be obligated until the Defense Medical Facilities Office initiates design of an aerospace medicine facility as required by the conference report accompanying Public Law 100-447.*

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, **[$424,714,000]** *$462,300,000*, to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$192,533,000]** *$246,830,000*, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$190,890,000]** *$251,480,000*, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$80,505,000]** *$104,000,000*, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$56,600,000]** *$62,400,000*, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$46,200,000]** *$53,200,000*, to remain available until September 30, 1994.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$143,810,000]** *$91,171,000*; for Operation and maintenance, and for debt payment, **[$1,380,600,000]** *$1,368,600,000*; in all **[$1,524,410,000]** *$1,459,771,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$264,769,000]** *$123,873,000*; for Operation and maintenance, and for debt payment, **[$653,816,000]** *$618,200,000*; in all **[$918,585,000]** *$742,073,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$252,735,000]** *$129,000,000*; for Operation and maintenance, and for debt payment, **[$773,300,000]** *$765,800,000*; in all **[$1,026,035,000]** *$894,800,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $600,000; for Operation and maintenance, $20,700,000; in all $21,300,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $5,100,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT

[For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $500,000,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's $2,400,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded.**]**

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive and responsible bid of a United States contractor does not exceed the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 110. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 111. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 112. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 113. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exeeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 114. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 115. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1990, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 116. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 117. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred First Congress.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1990, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1990 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

SEC. 119. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 120. None of the funds appropriated in this Act, except for North Atlantic Treaty Organization Infrastructure funds, may be used for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing from Spain to another country.

SEC. 121. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

[SEC. 122. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than $25,000,000 may be obligated for contract cleaning of family housing units.]

SEC. [123] *122.* None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

SEC. [124] *123.* None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. [125] *124.* Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. [126] *125.* None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 126. (a) Notwithstanding any other provision of law and subject to subsections (b) through (d), the Secretary of the Army (hereinafter the Secretary) shall convey directly to the State of Hawaii without consideration all right, title, and interests in and to approximately 17.8 acres of ceded lands at Kapalama Military Reservation, Hawaii.

(b) Excepting improvements which were installed at the State's own expense, the conveyance authorized under subsection (a) is conditioned upon payment by the State of Hawaii to the United States of the fair market value, as determined by the Secretary, of any improvements on the land authorized to be conveyed under subsection (a).

(c) The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the State of Hawaii.

(d) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 127. (a) SALE OF LANDS.—Notwithstanding any other provision of law, and subject to subsections (b) through (h), the Secretary of the Navy (hereinafter the "Secretary") may sell the following real property together with improvements thereon—

(1) approximately 108 acres in Pearl City, Oahu, Hawaii, known as the Manana Storage Area; and

(2) approximately 14 acres in Pearl City, Oahu, Hawaii, known as Pearl City Junction.

(b) CONDITIONS OF SALE.—

(1) MANANA STORAGE AREA.—The State of Hawaii shall have the right to acquire and the Secretary shall have the authority to sell to the State of Hawaii this property by meet-

ing the terms and conditions set forth in subsection (c).

(2) PEARL CITY JUNCTION.—The Secretary shall have the authority to sell this property through competitive procedures.

(3) Consideration for each sale shall not be less than the fair market value of the property, as determined by the Secretary.

(4) Payment may be by cash or as specified in subsections (c) and (d), as determined by the Secretary.

(c) SALE OF MANANA STORAGE AREA.—

(1) As consideration for any transfer to the State of Hawaii of the Manana Storage Area, the State must—

(a) at a site or sites to be determined by the Secretary, design and construct to the Secretary's specifications and satisfaction: (1) an openable causeway from mainside Pearl Harbor Naval Base to Ford Island; and (2) replacement facilities for those Navy facilities presently on Manana Storage Area; and actually relocate, to the satisfaction of the Secretary, the functions presently on Manana Storage Area; or

(b) provide funds to allow the Secretary to perform the design, construction and relocation specified in subsection c(1)(a); or

(c) provide any combination of the consideration enumerated in subsections c(1)(a) and c(1)(b) above that accomplishes the design, construction, and relocation, at the discretion of, and to the satisfaction of, the Secretary.

(2) If the State of Hawaii constructs the causeway or replacement facilities or any portion thereof, upon the acceptance by Secretary, the State shall transfer complete title to those facilities to the Secretary free of any liens or encumbrances.

(d) SALE OF PEARL CITY JUNCTION.—As consideration for the sale of Pearl City Junction, the Navy shall receive either funds, or actual design and construction of facilities plus relocation, or a combination thereof, as determined by the Secretary, to accommodate consolidation and relocation of the functions on the sale property to other Navy and Marine Corps property. This may include—

(1) relocation and consolidation of functions at Manana Storage Area and Pearl City Junction to common replacement facilities; and

(2) relocation of Marine Corps functions that would be displaced by such consolidation to replacement facilities to be designed and constructed at Marine Corps Air Station, Kaneohe Bay.

(e) USE OF FUNDS.—

(1) The Secretary may use the funds derived from any sale of land under this section to accomplish any of the purposes described in subsections (c) and (d) including any related expenses.

(2) Funds received from the sales of lands under this section may be placed in an interest bearing account by the Secretary until expended and the accrued interest therefrom may be used in the same manner as the sale proceeds.

(3) Any funds which are unexpended after all the actions described in subsections (c) and (d) have been accomplished, shall be available for design and construction of additional support facilities for Naval Supply Center, Pearl Harbor.

(f) LEGAL DESCRIPTIONS OF LANDS.—The exact acreages and legal descriptions of the properties to be transferred to the State of Hawaii or sold under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(g) NOTIFICATION.—The Secretary may not enter into any contract under this section to—

(1) convey title to real property;

(2) provide for design or construction of a causeway to Ford Island, replacement facilities or other support facilities; and

(3) provide for relocation of functions from the properties to be sold until—

(a) the Secretary has transmitted to the Appropriations Committees of the Senate and House of Representatives a report of the details of the proposed transaction; and

(b) a period of 21 days has expired from the date such report has been received by the Committees.

(h) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in agreements entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. SASSER. Mr. President, the military construction appropriations bill for fiscal year 1990 provides $7.707 billion for the purposes of military bases in the United States and worldwide. The bill approved by the Appropriations Committee is within the 302 budget allocation for the budget authority and outlays.

I think most significantly, Mr. President, I would call my colleagues' attention to the fact that this military construction bill for fiscal year 1990 is $1.3 billion under the appropriations enacted last year. So we are enacting a military construction bill this year that will save us $1.3 billion over what we expended last year.

When you correct those figures for inflation, what this means is we have been able to reduce spending for military construction by 18 percent in real terms.

In addition, Mr. President, each individual project in this bill has been authorized and, therefore, the distinguished ranking member, Senator GRASSLEY, and I will not be able to accept any amendments which provide funds for unauthorized projects. They would, of course, be subject to a point of order.

Mr. President, this bill continues the priorities that have been adopted by this committee over the past several years. We have, I think, provided adequately for our most pressing military construction needs. We have altered the priorities in the budget request that came from the President by reducing the amounts requested for unilateral construction—that is for construction at military installations around the world overseas that is to be financed exclusively by the United States. We have reduced the amount that we recommended below that requested by the President. But we have increased funding for what we perceive to be the more cost-effective missions of the National Guard and the various Reserve components in the 50 United States.

Mr. President, this bill provides for no new military construction on the Korean peninsula. The committee is of the opinion that due to the disputes and discussions about whether or not the United States should retain its present force structure in Korea, it would be unwise at this time to move forward with any new construction in that area.

Also, there is no new construction funding in this bill for our bases at Clark Air Force Base in the Philippines, nor Subic Bay Naval Base in the Philippines because, there again, we are in the process or will be in the process of renegotiating leases for these bases which expire in 1991. Given the instability of the Philippines and given the lack of certainty as to whether or not we will be able to negotiate a lease with the Philippine Government to our mutual satisfaction, we have foregone any new construction at both of these bases in the Philippines.

Mr. President, the committee recognizes that there is a large unfunded backlog of needed military construction projects. But we also recognize that in these very tight fiscal times we can provide for only the most critical facilities.

Senator GRASSLEY and myself have looked very closely at all of these requests, and I think he will affirm that we have provided, we think, for the most critial needs while at the same time being good stewards of the taxpayer dollars in the field of military construction.

Let me add, Mr. President, that the best way to make our defense dollars go further, to get a bigger bang out of our defense buck, is to secure a more equitable burden-sharing from our allies. I have stated on the floor of this Chamber on many occasions, when the military construction bill has come to the floor, that the United States needs to secure a more equitable contribution from our allies for our common interests in defending the free world.

We made a number of recommendations in the report to accomplish this goal, and I hope that the leadership of the Department of Defense will join us in more effectively pressing the burden-sharing issue with our allies.

Finally, Mr. President, I point out that this bill provides no funds for the closing of military bases. Jurisdiction over the base closure account in the Senate rests with the Defense Subcommittee and, therefore, any amendments and debate on the issue of base closure should be withheld until the defense appropriations bill comes to the floor next week.

Mr. President, before yielding the floor to the ranking minority member of the subcommittee, I want to take this opportunity to express my appreciation to my distinguished colleague from Iowa, Senator GRASSLEY, for the important work he has done for the committee this year and for his very meaningful contribution. I look forward to working with Senator GRASSLEY on this committee for many years to come.

Mr. President, I yield the floor now for any remarks Senator GRASSLEY might wish to make.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, this is my first year in the position of ranking minority member of this subcommittee, and I want to say that I appreciate very much the cooperation of the chairman, not only in the broad policy issues that I had to discuss with him and the decisions that we had to make, but also in our personal relationship as we worked together. The arrangement was very cooperative and very cordial. That is the sort of environment in which I feel I can contribute to the legislative process, and he has helped me in that regard. So I thank him for all the kind attention he has given to my entreaties to him, whether they be on those broad policy issues or the more parochial issues involved with this legislation. I thank you, Mr. Chairman.

Mr. President, since I voted for this bill in subcommittee and the full committee, I now rise in support of the military construction appropriation bill for fiscal year 1990. The bill before us provides $7.7 billion to the Department of Defense for facility construction, including military family housing construction, and also, Mr. President, for money for the operation and maintenance of that family housing.

I want to emphasize, as I think my chairman did, that the recommendation is within the subcommittee's 302(b) allocation for both budget authority and outlays.

In addition, the bill before us does not include any unauthorized projects. The working relationship between us and the Senate Armed Services Committee, from this standpoint, is again very cordial and appreciative of each other's jurisdictions.

The issue of unauthorized projects is one which the subcommittee chairman, Senator SASSER, and I are in full agreement. We have had to make some difficult decisions because of this matter. We have major differences with the bill passed by the other body, most of which are driven by those differences in whether or not projects in their appropriation bill have in fact been authorized by the Armed Services Committee in the other body.

Let me also say that I think those differences will be worked out in the final analysis. I also want to note that the bill is $1.3 billion under the amount appropriated in fiscal year 1989. This is not due to reductions made solely by the committee, for the President's budget request was $1 billion below last year's appropriations, and in our committee deliberations on 302(b) allocations, an additional 300 million was applied to other national defense (050) functions.

One other major item of interest is that the bill does not include the funding for the implementation of the base closure legislation. This is a point that the chairman has already made, but one that I think we ought to reemphasize, because in the other body that figure is in this bill, and also you need to understand that traditionally it would be in this bill. There is an understanding between us and the Defense Subcommittee of the appropriateness of them doing that, and so Members of this body should expect that discussion to take place on the Defense appropriations bill.

Mr. President, at this point, I want to add my association with the remarks of my chairman as he spoke about the general legislation, as well as on a policy issue that he made in regard to burden-sharing. I associate myself with those remarks also; I have cast votes along that line in previous years, whether on armed services bills or on appropriations bills, in support of that proposition, and hopefully we are moving in that direction.

Once again, for the benefit of me as a new member of this subcommittee, thank you to the chairman for his cooperation, particularly—and maybe this is not something that Members talk about frequently enough on this floor—because I had specific problems relating to issues within my State, and these have been worked out satisfactorily because of the cooperation of the chairman and his response to those needs in my State of Iowa. I hope I have been as fair and equitable to the needs that he had or other Members have had, as well.

I know that as a result of this legislation that there is adequate funding to support new missions and continue with the enormous tasks associated with the modernization of our defense facilities worldwide. Of course, there remains much to be done, but considering everything with this legislation and the budget constraints we are in, we are moving forward very well and will adequately meet those needs.

Mr. President, I yield the floor at this point.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, provided that no point of order shall be considered as having been waived by reason of this agreement, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

Mr. SASSER. I thank the Chair.

AMENDMENT NO. 753

Mr. SASSER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] for himself and Mr. SIMPSON, proposes an amendment numbered 753.

Mr. SASSER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 15, strike "$1,098,249,000" and insert in lieu thereof "$1,122,249,000".

On page 8, line 16, strike "$129,000,000" and insert in lieu thereof "$105,000,000".

On page 8, line 18, strike "$894,800,000" and insert in lieu thereof "$870,800,000".

Mr. SASSER. Mr. President, the amendment that I offer results in no net increase to the appropriations provided in this bill. The amendment that we offer today does provide $24 million for the construction of missile assembly building at F.E. Warren Air Force Base in the State of Wyoming.

The committee had deferred these funds because an MX missile assembly building had already been constructed at Vandenberg Air Force Base in California. However, we have reviewed this project over the past 2 days and have come to the conclusion that there are legitimate arms control reasons for building a new facility at the deployment site at F.E. Warren Air Force Base in Wyoming.

Mr. President, the amendment provides an offset by reducing the amount provided for Air Force family housing improvements by $24 million.

Mr. President, I believe this amendment is satisfactory with Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, if my colleague will yield, it is satisfactory.

In addition to that, I ask unanimous consent to have my name and the name of Senator WALLOP added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACEKEEPER MISSILE ASSEMBLY BUILDING

Mr. WALLOP. Mr. President, I am pleased to be a cosponsor of the amendment of the distinguished Senator from Tennessee. Obviously this missile assembly building for the Peacekeeper is an important project for Wyoming. What Senators may not know is that the Air Force estimates that, without this building, the costs and delays associated with operating the Rail Garrison Program out of the missile assembly building at Vandenburg AFB in California exceed the cost of the new building. Moreover, it makes it easier for the Air Force to support the rail garrison.

Perhaps most important, Mr. President, are the arms control implications. In any monitoring scheme for a future START agreement, missile assembly facilities on both sides will be sites for inspection. The site at Vandenburg AFB also happens to be the location of some of the country's more sensitive military activities. Without the MAB at F.E. Warren AFB, it will be impossible to preclude the Soviets access to Vandenburg. In such a circumstance, the Soviets might be able to discover the nature of those activities, or at a minimum, their presence on the base would complicate carrying them out. Funding the MAB at F.E. Warren eliminates one of the problems, therefore, in setting up a verification regime for START while safeguarding America's secrets.

Mr. President, I want to thank both the defense subcommittee chairman, the distinguished Senator from Tennessee as well as the ranking member for offering this amendment. It is a good amendment, and I urge its adoption.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 753) was agreed to.

Mr. **SASSER.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **GRASSLEY.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNIVERSITY OF NORTH DAKOTA CENTER FOR HEALTH SCIENCES AND AEROSPACE MEDICINE

Mr. **BURDICK.** Mr. President, I commend the subcommittee chairman, Mr. SASSER, for including bill and report language which directs the Defense Medical Facilities Office to comply with the conference report accompanying Public Law 100-447 to initiate design of an aerospace medicine facility at Grand Forks, ND.

It is my understanding that the funds will be provided to the University of North Dakota School of Medicine and used for the initial planning and design of the facility. I ask the chairman if that is the intent of the committee?

Mr. **SASSER.** Yes; that is the intent of the committee.

Mr. **BURDICK.** As the chairman indicates in the committee report, the project was initially provided up to $1,000,000 in the fiscal year 1989 military construction appropriations legislation, but the Department has failed to comply with the congressional directive. The North Dakota congressional delegation has actively sought the release of the funds, and I thank the chairman for his efforts in congressional hearings and in other communications with the Department to seek compliance with Public Law 100-447.

Mr. **SASSER.** The Senator is correct. In hearings earlier this year, the Department was asked to comply with congressional intent and to resolve the issue prior to the committee's consideration of the fiscal year 1990 bill. Since the Department failed to resolve the matter, we have included bill language directing them to provide the funds as required by last year's conference report.

Mr. **BURDICK.** The University of North Dakota, where this facility will be constructed, is already home to the nationally recognized Center for Aerospace Sciences. This fall the University initiated the only nonmilitary hypobaric training—low pressure simulating high altitude—program in the Nation which will be integrated into the school of medicine's aerospace medicine program. This is the first important step in establishing a comprehensive aerospace physiology program.

Mr. President, again I thank the chairman and his subcommittee for the assistance they have provided in initiating this important project.

Mr. **PRYOR.** Mr. President, I have offered amendments to the previous appropriations bills to cap consultant spending at the level requested by the particular department or agency. I intend to offer a similar amendment to the Defense appropriations bill when it comes to the floor.

I will not seek to amend the military construction bill. The reason, Mr. President, is that it is simply not necessary. The funds appropriated by this bill will be used by the Department of Defense. As I have stated, I will seek to amend the Defense appropriations bill and that will serve as a cap on consultant spending for all of DOD.

In short, no money appropriated by this act should be used to exceed the amount DOD requested for consultant services. This limitation should in no way adversely impact upon any project funded by this bill. As I have stated, the limit is $150 million less than the amount figure requested by DOD which was $1.5 billion.

Mr. President, the Federal Government does a poor job of identifying how much money it spends on consulting services. My amendments this year are designed to assist the Government in reaching a greater level of accountability with our tax dollars.

NAVY FAMILY HOUSING

Mr. **PELL.** Mr. President, I am delighted to note that the military construction appropriation bill for fiscal year 1990 provides for the full funding of $13.7 million authorized for the completion of rehabilitation of the Anchorage housing complex at the Newport Naval Education and Training Center, Newport, RI.

The Anchorage housing complex had become an unsightly monument to the vicissitudes of military planning in my State. It was left unoccupied and boarded-up after the Navy withdrew many of its elements from Rhode Island in the early 1970's, and fell into considerable disrepair over the years. Nonetheless, I am advised that nearly all of the structures are sufficiently sound to permit their renovation at a cost considerably less than replacement construction. The funding provided by the bill will provide for improvements to some 220 family housing units.

Now, these renovations are urgently needed because of an acute housing shortage which has resulted from a gradual resurgence of Navy activity in the area. The Navy and DOD payroll in Rhode Island increased by $11.1 million in 1988 over the previous year, and a total of 12 surface ships are now homeported at Newport. Permanent active duty military personnel in the Newport area totaled 5,682 in 1988; in addition, attendance at the 10 schools comprising the Navy education and training center totaled 9,986 over the course of the year.

I understand that there is a continuing shortage of housing, which quite recently amounted to a shortfall of as many as 744 units, for Navy families assigned to Newport, causing an 18-month waiting list for junior officers and enlisted personnel. Many families are obliged to find housing at long distances from the base, necessitating long daily commuting by military personnel.

The full restoration of the Anchorage housing project will make a significant contribution to solving the problem. It is a solution which is long overdue. I applaud the action of the committee in accepting the House provision for this much needed program and I thank the chairman of the subcommittee, Mr. SASSER, for his consideration of my request in this regard.

I might only add that there is a related need that unfortunately could not be met within the scope of this bill, and that is a provision for additional impact education aid for the nearby school districts affected by the increase in family housing.

Earlier this year, I joined in cosponsoring an amendment intended to be offered to the Defense authorization bill which would have provided a modest amount of funding for school construction in school districts impacted by new family housing projects. Unfortunately, circumstances prevented the consideration of that amendment, and the parliamentary rules would have precluded its consideration on this appropriation bill.

I trust there will be other opportunities to revisit the question of increased impact aid in the near future, and I urge the Appropriation Committee to be sensitive to the need for action in this area.

Mr. BIDEN. Mr. President, I will support the Military Construction Appropriations Act before us today. On balance, I believe it is a good bill. It wisely defers proposed spending for some foreign bases in nations where the future of the American military presence is in doubt. For example, the bill deletes funding for construction starts for our facilities in the Philippines, where the future of the United States bases is openly questioned, not only by the population at large, but by many officials in the Government. Deferring construction starts there is a logical step, and I commend Senator SASSER and the Military Construction Subcommittee for this decision.

I do, however, have some reservations about other provisions of the bill. In particular, I am disappointed that the bill does not fulfill the budget request for a new operations command post at Dover Air Force Base. This facility is essential to the ability of this post to function, for it will be the very nerve center of Dover's operation. The present facility is inadequate, as it has serious structural problems and cannot be physically secured.

Since the House of Representatives appropriated full funding for this facility, it is my hope that this money can be restored in the conference committee. It is my understanding that the funds were not included in the Senate bill because this issue is currently being considered by the conference committee on the Defense authorization bill. I look forward to working with the respective chairman and ranking members on these committees to ensure that the construction budget for Dover Air Force Base is restored.

Mr. SASSER. Mr. President, I know of no further amendments to be offered to this bill. I see none of our colleagues in the Chamber and we received no communications that further amendments would be in order.

So, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, before moving any further, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I move that we go to third reading on this bill.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. SASSER. Mr. President, before suggesting the absence of a quorum, I ask unanimous consent that a vote be held on this bill at 11:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The vote will be held at 11:50 a.m.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 11:50 having arrived, under the previous order the question is on passage of H.R. 3012, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mr. GRAHAM] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Kansas [Mrs. KASSEBAUM] would each vote "yea."

The PRESIDING OFFICER (Mr. HARKIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 1, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Gramm
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—1

Hatfield

NOT VOTING—6

Durenberger
Graham
Humphrey
Jeffords
Kassebaum
Stevens

So, the bill (H.R. 3012), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendment to the bill and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. FOWLER, Mr. BYRD, Mr. GRASSLEY, Mr. GARN, Mr. STEVENS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, not to extend beyond 1 p.m., under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO LAND ADJACENT TO ROCKY MOUNTAIN NATIONAL PARK IN COLORADO

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 151, S. 737, a bill to acquire land adjacent to Rocky Mountain National Park in Colorado.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **[***That the***]** *(a) The* Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, or by exchange, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled, "Proposed *Park* Additions, Rocky Mountain National Park", numbered **[**121 80,106 and dated February 1989,**]** *121-80, 106-A and dated May 1989* which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

(b) Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

AMENDMENT NO. 754

Mr. MITCHELL. Mr. President, I sent two amendments to the desk on behalf of Senators WIRTH and ARMSTRONG and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. WIRTH (for himself and Mr. ARMSTRONG), proposes an amendment numbered 754.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike "purchase with donated or appropriated funds, or by exchange,".

On page 2, after subsection (b), insert the following new subsection:

"(c) Notwithstanding the provisions of 16 U.S.C. 192b, the Secretary shall not have the authority to acquire the lands identified in Tract 1127 and 1127B4, Section 23, Township 3 North, Range 73, by the County of Boulder in the State of Colorado, except with the willing consent of the owner thereof, unless said property is being developed or is officially proposed to be developed in a manner which would substantially change its use as a single family residence."

Mr. JOHNSTON. Mr. President, the two amendments are on behalf of Senator WIRTH and Senator ARMSTRONG to S. 737, the Rocky Mountain National Park expansion bill, as reported by the Committee on Energy and Natural Resouces.

The first amendment clarifies that lands or interests in lands that might be added to Rocky Mountain National Park by this bill may only be acquired by donation.

The purpose of the second amendment is to ensure that the Park Services does not acquire certain private lands on the edge of the park as long as the owners do not develop their property in a way that would detract from park resources.

These amendments are supported by both Colorado Senators, and I ask that they be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Colorado.

The amendment (No. 754) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments, as amended.

The committee amendments, as amended, were agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 737), as amended, was passed, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, or by exchange, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled, "Proposed Park Additions, Rocky Mountain National Park", numbered 121-80, 106-A and dated May 1989 which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

(b) Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

(c) Notwithstanding the provisions of 16 U.S.C. 192b, the Secretary shall not have the authority to acquire the lands identified in Tract 1127 and 1127B4, Section 23, Township 3 North, Range 73, by the County of Boulder in the State of Colorado, except with the willing consent of the owner thereof, unless said property is being developed or is officially proposed to be developed in a manner which would substantially change its use as a single family residence.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DOMESTIC VOLUNTEER SERVICE ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 230, S. 1426, Domestic Volunteer Service Act amendments of 1989.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1426) to revise and extend the programs of the Domestic Volunteer Service Act of 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Domestic Volunteer Service Act of 1973.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

Sec. 101. Selection and assignment of volunteers.
Sec. 102. Support services.
Sec. 103. Applications for assistance by previous recipients.

TITLE II—SERVICE-LEARNING PROGRAMS

Sec. 201. Change in general reference to programs.

TITLE III—SPECIAL VOLUNTEER PROGRAMS

Sec. 301. Authority to establish and operate programs.

Sec. 302. Special initiatives.

TITLE IV—ADMINISTRATION AND COORDINATION

Sec. 401. Reports.
Sec. 402. Evaluation.
Sec. 403. Definitions.

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

Sec. 501. Purposes.
Sec. 502. Projects of national and local significance.
Sec. 503. Increase in stipend or allowance; foster grandparent program.
Sec. 504. Promotion of programs.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Health care problems.
Sec. 602. Oath or affirmation.
Sec. 603. Limitation on funds appropriated for grants and contracts.
Sec. 604. Technical and financial assistance for improvement of volunteer programs.
Sec. 605. Special initiatives.
Sec. 606. Special initiatives.
Sec. 607. Administrative costs.
Sec. 608. Amendments relating to partnership agreements addressing the needs of the poor.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

Sec. 701. National volunteer antipoverty programs authorization.
Sec. 702. Priority.
Sec. 703. Administration and coordination.
Sec. 704. Older American volunteer programs.

TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. Amendments to table of contents.
Sec. 802. Technical amendments.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.

SEC. 2. REFERENCES TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended to read as follows:

"(b)(1) The Director shall establish, at a cost of not less than $600,000 from amounts appropriated under section 501 for each fiscal year, national, regional, and State procedures to inform the public of the volunteer service opportunities VISTA provides to Americans from diverse backgrounds, age groups, economic levels, and geographic areas, and to recruit and assign the most qualified applicants to serve in VISTA.

"(2) The Director shall use not less than $200,000 from the amounts appropriated under section 504 for the support of VISTA recruitment activities, such as travel and training expenditures.

"(3) The Director shall appoint a national Administrator of Recruitment and Placement (hereinafter in this section referred to as the 'Administrator'). The Director shall hire, as necessary, additional national, regional, and State employees to carry out recruitment and placement functions in a timely and effective manner. In each region, the Director shall designate at least one regional or State ACTION employee whose duties shall include assisting such region in carrying out the recruitment and application evaluation functions described in this section.

"(4) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers. The procedures for the recruitment, selection, and placement of volunteers shall be carried out by—

"(A) making applications for VISTA service available from national, regional, or State offices;

"(B) informing individuals who request an application of the manner in which applications shall be submitted; and

"(C) forwarding applications received at the national or State office to the regional office representing the State in which the applicant resides.

"(5) Each application shall—

"(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

"(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant; and

"(C) specify the State or geographic region in which the applicant prefers to be assigned; and

"(D) specify—

"(i) the type of project or program to which the applicant prefers to be assigned; or

"(ii) the particular project or program to which the applicant prefers to be assigned.

"(6) The regional or State employees designated in paragraph (3) shall assist in interviewing applicants and evaluating applications. When the interview process of applicants is completed, such employees shall send the applications of the most qualified applicants to the Administrator.

"(7) The Administrator, in conjunction with such regional or State employees, shall engage in public awareness and recruitment activities. Such activities shall include—

"(A) public service announcements through radio, television, and the print media;

"(B) advertising through the print media, direct mail, and other means;

"(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities, including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

"(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), and including such information in all applications and recruitment materials;

"(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

"(G) maintaining and publicizing a national toll-free telephone number through which callers may obtain information about opportunities for service as a volunteer under this part, and request and receive an application for such service.

"(8) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

"(9) The Administrator shall—

"(A) maintain up-to-date information on existing and future VISTA placement opportunities;

"(B) make the final selection of individuals who will serve as VISTA volunteers from the applications sent from the regional offices, and assign the individuals in projects;

"(C) assign applicants within VISTA, to the extent practicable, consistent with the abilities, experiences, and preferences of each applicant as set forth in the application and consistent with the needs and preferences of projects or programs approved for the assignment of such volunteers;

"(D) consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection, with those of the Peace Corps, and to develop joint procedures and activities for the recruitment of volunteers to serve under this part; and

"(E) develop, at the beginning of each fiscal year, an annual plan for the recruitment of volunteers under this part that—

"(i) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

"(ii) identifies methods and goals for the recruitment of volunteers during the existing fiscal year, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals between 18 and 27 years of age (inclusive), recent graduates of institutions of higher education, and special skilled volunteers; and

"(iii) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in clause (i); and

"(iv) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in clause (ii).

"(10) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community-identified needs that cannot be met in the local area, and the individual desires of VISTA volunteers in regard to the

various geographical areas of the United States, should be taken into consideration.

"(11) A sponsoring organization of VISTA may recruit volunteers. The Administrator shall give a locally recruited volunteer priority for placements in a sponsoring organization of VISTA that recruited such volunteer.

"(12) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract may replace such applicant with another qualified applicant approved by the Director.

"(13) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive).".

SEC. 102. SUPPORT SERVICES.

Section 105 (42 U.S.C. 4955) is amended—

(1) in subsection (a)(1), by striking out "$75" both places it appears and inserting in lieu thereof "$100"; and

(2) in subsection (b)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that the average subsistence allowance is no less than 105 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected in each fiscal year.

"(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

"(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

"(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress no more than 90 days after the date of enactment of the fiscal year 1990 appropriation.".

SEC. 103. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

"(a) Duration.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) Consideration of Application.—The Director shall consider each application for the renewal of assistance under this part to any project or program on a case-by-case basis, taking into account—

"(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

"(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) New Project or Program.—The Director shall consider each application for assistance under this part to a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

"(d) Renewal of Assistance.—In considering a request for a renewal of assistance under this part, the Director may not apply the duration of previous assistance against any entity that is—

"(1) functioning as an intermediary between the Director and organizations requesting such renewal and receiving such assistance; and

"(2) utilized by such organizations—

"(A) to prepare and submit applications for such assistance to the Director; and

"(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) Notice.—The Director shall ensure that the provisions of this subsection are included in—

"(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

"(2) any regulation or guideline issued for the program established under this part.".

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

(a) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in the first sentence of section 111(a) (42 U.S.C. 4971(a)), by inserting "and community service" after "service-learning" both places it appears; and

(3) in section 114 (42 U.S.C. 4974)—

(A) by amending the heading to read as follows:

"STUDENT COMMUNITY SERVICE PROGRAMS";

and

(B) in the first sentence of subsection (a), by inserting "and community service" after "service-learning".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

Section 122(d) (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The amount of a grant made, or contract entered into, under this part may not exceed $250,000, unless the Director determines at the end of a fiscal year that a greater amount is required due to exceptional circumstances.".

SEC. 302. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended—

(1) by amending the section heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end thereof the following new subsections:

"(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant, for such activities and projects, under this section in excess of $10,000 shall include data on the appropriate use of funds within the communities where such activities and projects are carried out.".

TITLE IV—ADMINISTRATION AND COORDINATION

SEC. 401. REPORTS.

Section 407 (42 U.S.C. 5047) is amended to read as follows:

"SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

"(1) the annual recruitment plan developed under section 103(b)(5);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

"(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(b);

"(4) a specification of the number of, and the manner that, individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3); and

"(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in section 103(b) during the preceding fiscal year.".

SEC. 402. EVALUATION.

The second sentence of section 416(a) (42 U.S.C. 5056(a)) is amended by inserting before the period at the end thereof the following: ", including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years".

SEC. 403. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by section 673(2) of the Community

Services Block Grant Act (42 U.S.C. 9902(2)).".

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 501. PURPOSES.

Title II (42 U.S.C. 5001 et seq.) is amended by inserting after the heading for such title the following new section:

"SEC. 200. PURPOSES.

"It is the purpose of—

"(1) this title to provide for Older American Volunteer Programs, comprised of the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

"(2) part A, the Retired Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

"(3) part B, the Foster Grandparent Program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

"(4) part C, the Senior Companion Program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.".

SEC. 502. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

"(a) In General.—The Director shall establish, within each program authorized under this title, a program for making grants to support programs that address national problems on a local level.

"(b) Use of Grants.—The recipient of a grant under the program established under subsection (a) shall use such grant to provide creative solutions to urgent problems.

"(c) Awarding of Grants.—

"(1) Establishment of program.—There is established the 'Programs of National and Local Significance' program. Under the program, the Director shall award grants each year to programs administered under this title to respond to an identified community need.

"(2) Awards.—

"(A) In general.—The grants authorized under paragraph (1) may be awarded to both existing and new projects.

"(B) Limitation.—A grant under paragraph (1) may not exceed $150,000 per year.

"(3) Criteria for awarding grants.—

"(A) In general.—Under the program established under paragraph (1), the Director shall award grants based on a demonstration by an applicant that such grant will enable such applicant to uniquely and effectively respond to an identified community need.

"(d) Use of Grants.—A program receiving a grant under subsection (a) shall demonstrate that assistance provided by such grants shall be used to increase—

"(1) the total number of volunteers supported by such projects; and

"(2) the number of volunteers in such projects engaged in responding to the identified community need referred to in subsection (g) for which such grant was made.

"(e) Dissemination of Information.—The Director shall disseminate information on the Programs of National and Local Significance established under this section to field personnel of the ACTION Agency and other community volunteer organizations that request such information.".

"(f) Priority.—Priority for grants under this section shall be given to the following programs of national significance—

"(1) programs that assist individuals with chronic and debilitating illnesses such as immune deficiency syndrome;

"(2) programs designed to decrease drug and alcohol abuse;

"(3) programs that work with teenage parents;

"(4) mentoring programs that match senior volunteers with youth who need guidance;

"(5) adult and school-based literacy programs;

"(6) respite care, including care for frail elderly individuals and disabled or chronically ill children living at home;

"(7) before and after-school programs, sponsored by organizations such as libraries, that serve children of working parents;

"(8) programs working with boarder babies;

"(9) programs serving children who are enrolled in child care programs, with priority given to those serving children with special needs; and

"(10) the provision of care to developmentally disabled adult individuals residing in home and community-based settings including, when appropriate, the involvement of older developmentally disabled individuals as Older American Volunteer Program volunteers.

"(g) Funding.—

"(1) Amounts to be made available.—Notwithstanding any other provision of law, the Director shall make amounts under section 502 available to carry out this section.

"(2) Director.—The Director shall not make grants under this section within a program authorized under this title unless the amount appropriated under section 502 for such program, for the fiscal year that such grants are made, exceeds 105 percent of the amount appropriated for the preceding fiscal year for such program.".

SEC. 503. INCREASE IN STIPEND OR ALLOWANCE.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "$2.20 per hour" the following: "until September 30, 1991, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992"; and

(B) in paragraph (2), by striking out "$2.20 per hour" and inserting in lieu thereof "the minimum hourly rate specified in this sentence"; and

(2) in subsection (f)—

(A) in paragraph (1)(C), by inserting before the period at the end thereof "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Director may not take into consideration, require, or coerce, as a condition of receiving a grant or contract to carry out a project under this part, any applicant for or recipient of such grant or contract—

"(A) to accept or recruit individuals who are not low-income individuals to serve as volunteers under this part; or

"(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.".

SEC. 504. PROMOTION OF PROGRAMS.

(a) Duties of Director.—Section 221 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"SEC. 221. PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS.";

(2) by striking out "Sec. 221." and inserting in lieu thereof "(a) In General.—";

(3) by adding at the end thereof the following new subsection:

"(b) Publicizing the Programs.—

"(1) In general.—The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, encourage greater participation of volunteers, and emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(2) Participation of private organizations and older individuals.—In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C of this title and the involvement of older individuals as volunteers in such programs.

"(3) Funding.—From funds appropriated under section 502, the Director shall expend not less than $250,000 in each fiscal year to carry out paragraph (1).".

TITLE VI—GENERAL PROVISIONS

SEC. 601. HEALTH CARE PROBLEMS.

(a) Assignment of Volunteers.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and".

(b) VISTA Literacy Corp.—Section 109(g)(1) (42 U.S.C. 4959(g)(1)) is amended by adding at the end thereof the following new sentence: "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement".

SEC. 602. OATH OR AFFIRMATION.

Section 104(c) (42 U.S.C. 4954(c)) is amended by striking out "as prescribed in section 2504(j) of Title 22," and inserting in lieu thereof "for individuals appointed to any office of honor or profit by section 3331 of title 5, United States Code, and shall swear or affirm that such individual does not advocate the overthrow of our constitutional form of government in the United States, and that such individual is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization advocates such an overthrow,".

SEC. 603. LIMITATION ON FUNDS APPROPRIATED FOR GRANTS AND CONTRACTS.

Section 108 (42 U.S.C. 4958(a) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) The Director shall notify the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate if, of the funds appropriated for the purpose of this part under section 501, more than 16 percent of such funds for the fiscal year ending September 30, 1984, and for each fiscal year thereafter, must be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 402(12).".

SEC. 604. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 (42 U.S.C. 4993) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by inserting at the end thereof the following new subsection:

"(b) The Director may provide technical and financial assistance to nonprofit organizations conducting operations in more than one area of a State and in more than one State, that are engaged in, or wish to become involved in, activities that have been principally designed to address the problems of illiteracy. Such technical and financial assistance may be provided by grant or contract, and shall be used to enable such nonprofit organizations—

"(1) to prepare and broadly disseminate training and technical assistance relating to the use of volunteers in literacy programs to agencies, organizations, and individuals; and

"(2) to seek new and innovative solutions to literacy problems that involve the more effective and extensive use of volunteers.".

SEC. 605. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended by inserting at the end thereof the following new subsection:

"(c) The Director is authorized to provide technical assistance, by grant or contract, to employers who have established or wish to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs.".

SEC. 606. ADMINISTRATIVE COSTS.

Part D (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

"(a) DETERMINING ASSISTANCE.—

"(1) CONSUMER PRICE INDEX.—

"(A) IN GENERAL.—In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers provided by the Bureau of Labor Statistics, Department of Labor, on the administrative costs of operating the projects for which such assistance will be provided.

"(B) ADJUSTMENTS.—The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

"(2) NOTIFICATION OF APPLICANTS.—The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

"(b) REPORT.—

"(1) IN GENERAL.—The Director shall submit each year, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) SUBSTANCE OF REPORT.—With respect to each of parts A, B, and C of this title, the Director shall include in such report—

"(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent that such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.".

SEC. 607. MULTIPLE-YEAR GRANTS OR CONTRACTS.

Title IV is amended by adding at the end thereof the following new section:

"SEC. 425. MULTIPLE-YEAR GRANTS OR CONTRACTS.

"The Director is authorized to approve an application for a contract or grant to carry out any project under this title for a multiple-year period. The applicant for such contract or grant shall not be required to submit a proposal for the continuation of such contract or grant during such period.".

SEC. 608. AMENDMENTS RELATING TO PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) by striking out "provide for the self-sufficiency of the Nation's poor" and inserting in lieu thereof "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor";

(2) in subparagraph (B) by striking out "or" at the end thereof;

(3) in subparagraph (C) by striking out the period at the end and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.".

(b) LIMITATIONS.—(1) Section 408(b)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(1)) is amended—

(A) by striking out "Grants" and inserting in lieu thereof "(A) Except as provided for in subparagraph (B), grants";

(B) by striking out "new" each place it appears; and

(C) by adding at the end thereof the following new subparagraph:

"(B) After the initial fiscal year that an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program.".

(2) Section 408(b)(3) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(3)) is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking out "$250,000" and inserting in lieu thereof "$350,000"; and

(C) by adding at the end thereof the following new sentence: "Not more than two grants may be made under this section to an eligible entity to carry out a particular program.".

(c) DISSEMINATION OF RESULTS.—Section 408(c) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(c)) is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year that a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and an evaluation of such program so as to provide a model of innovative programs for other eligible entities.".

(d) DEFINITION.—Section 408(d)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(d)(1)) is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farmworkers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year that such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(e)) is amended—

(1) by striking out "is" and inserting in lieu thereof "are";

(2) by striking out "each of the fiscal years 1987, 1988, and" and inserting in lieu thereof "fiscal year"; and

(3) by inserting "and $6,500,000 for fiscal year 1990" after "1989".

(f) REPORT TO CONGRESS.—Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) REPLICATION OF PROGRAMS.—

"(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical problems of the poor that exist in a number of communities.

"(2) Not less than 20 percent of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate programs identified under paragraph (1) in additional geographical areas.

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) a description of programs that received grants under this section during the previous fiscal year; and

"(B) an evaluation of the effectiveness of such programs in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location where such program was carried out.".

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) Volunteers in Service to America.—Section 501(a)(1) (42 U.S.C. 5081(a)(1)) is amended in paragraph (1)—

(1) by striking out "and" after "1988,"; and

(2) by inserting before the period at the end thereof the following: ", $30,600,000 for fiscal year 1990, $39,900,000 for fiscal year 1991, $47,800,000 for fiscal year 1992, and $56,000,000 for fiscal year 1993";

(b) Vista Literacy Corps.—Section 501(a) (42 U.S.C. 5081) is amended—

(1) in paragraph (2)—

(A) by striking out "and" after "1988,";

(B) inserting before the period at the end thereof the following: ", $6,000,000 for fiscal year 1990, $8,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, and $12,000,000 for fiscal year 1993"; and

(2) in paragraph (3), by striking out "1987, 1988, and 1989" and inserting in lieu thereof "1987 through 1993".

(c) Service-Learning Programs.—Section 501(b) (42 U.S.C. 5081(b)) is amended by inserting before the period at the end thereof the following: ", and $1,900,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, $2,100,000 for fiscal year 1992, and $2,200,000 for fiscal year 1993";

(d) Special Volunteer Programs.—Section 501(c) (42 U.S.C. 5081(c)) is amended—

(1) in the first sentence, by inserting before the period at the end thereof the following: ", and $1,100,000 for fiscal year 1990, $1,150,000 for fiscal year 1991, $1,200,000 for fiscal year 1992, and $1,275,000 for fiscal year 1993"; and

(2) in the third sentence—

(A) by striking out the "and"; and

(B) by inserting after "1991" ", $5,250,000 for fiscal year 1992 and $5,500,000 for fiscal year 1993".

(e) Years of Volunteer Service.—Section 501(d) (42 U.S.C. 5081(d)) is amended in subsection (d)—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (c) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(D) 2800 years of volunteer service in fiscal year 1990;

"(E) 3100 years of volunteer service in fiscal year 1991;

"(F) 3600 years of volunteer service in fiscal year 1992; and

"(G) 4100 years of volunteer service in fiscal year 1993.".

SEC. 702. PRIORITY.

Section 501(d) (42 U.S.C. 5081(d)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1990 through 1993."

"(C) In the event that the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.".

SEC. 703. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended—

(1) by inserting "(a) after "Sec. 504."; and

(2) by adding at the end thereof the following new subsection:

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, 20 percent of the total amount appropriated under sections 501 and 502 of this Act.".

SEC. 704. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) Retired Senior Volunteer Program.—Section 502(a) (42 U.S.C. 5082(a)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking out "and" after "1988,"; and

(3) by inserting after "1989" the following: ", $39,900,000 for fiscal year 1990, $43,900,000 for fiscal year 1991, $48,300,000 for fiscal year 1992, and $53,100,000 for fiscal year 1993,".

(b) Foster Grandparent Program.—Section 502(b) (42 U.S.C. 5082(b)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking out "and" after "1988,"; and

(3) by inserting after "1989" the following: ", $70,800,000 for fiscal year 1990, $80,900,000 for fiscal year 1991, $91,700,000 for fiscal year 1992, and $98,200,000 for fiscal year 1993,".

(c) Senior Companion Program.—Section 502(c) (42 U.S.C. 5082(c)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "and" after "1988,"; and

(3) by inserting after "1989" the following: ", $36,600,000 for fiscal year 1990, $39,000,000 for fiscal year 1991, $44,700,000 for fiscal year 1992, and $48,700,000 for fiscal year 1993,".

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in the first section (42 U.S.C. prec. 1951) is amended—

(1) by inserting after the item relating to section 109 the following new item:

"Sec. 110. Applications for assistance by previous recipients.";

(2) by striking out the item relating to the heading for part B of title I and inserting in lieu thereof the following new item:

"Part B—Student Community Service Programs";

(3) by striking out the item relating to section 114 and inserting in lieu thereof the following new item:

"Sec. 114. Student community service program.";

(4) by striking out the item relating to section 124 and inserting in lieu thereof the following new item:

"Sec. 124. Drug abuse education and prevention services and activities.";

(5) by striking out the item relating to the heading of title II and inserting in lieu thereof the following new item:

"TITLE II—OLDER AMERICAN VOLUNTEER PROGRAM";

(6) by inserting after the item relating to the heading of title II the following new item:

"Sec. 200. Purposes.";

(7) by striking out the item relating to section 221 and inserting in lieu thereof the following new item:

"Sec. 221. Promotion of older American volunteer programs.";

(8) by adding at the end of the item relating to part D of title II the following new item:

"Sec. 225. Adjustments to Federal financial assistance.";

and

(9) by striking out the item relating to section 502 and inserting in lieu thereof the following new item:

SEC. 802. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II (42 U.S.C. prec. 5001), by striking out "NATIONAL";

(2) in section 212(b) (42 U.S.C. 5012(b)), by striking out "a community action agency" and all that follows through the period and inserting in lieu thereof "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).";

(3) in section 224 (42 U.S.C. 2054), by striking out "programs" and inserting in lieu thereof "projects"; and

(4) in the heading of section 502 (42 U.S.C. 5082) by striking out "NATIONAL".

"Sec. 502. Older Americans volunteer programs.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective October 1, 1989, or on the date of the enactment of this Act, whichever occurs later.

AMENDMENT NO. 755

(Purpose: To enable volunteers in the Retired Senior Volunteer Program to tutor educationally disadvantaged children)

Mr. MITCHELL. Mr. President, on behalf of Senator Levin, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. Mitchell], for Mr. Levin, proposes an amendment numbered 755.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

On page 55, line 22, strike "and".

On page 56, line 2, strike the period and insert "; and

(11) programs in which volunteers tutor educationally disadvantaged children on basic skills on a one-by-one basis. ".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 755) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COATS. Mr. President, the reauthorization of the Domestic Volunteer Service Act, better known as the ACTION Agency, reinforces the Senate's full support for the many valuable programs which exist under the ACTION umbrella. ACTION's successful history reveals that the goals and ideals of volunteerism are still very much in the minds and works of millions of Americans. Participation is not limited to the fittest or wisest. Every person—regardless of his or her age, sex, race, or income—can play a meaningful role in contributing to the welfare of others. The individual programs which comprise ACTION not only encourage private citizens to pitch in and help, but also demonstrate that a single person can make a difference.

Volunteers under the ACTION Agency work toward meeting many of society's most pressing problems: teaching the illiterate, combating drug use among the young, detering child abuse, working to prevent crime, helping to alleviate poverty, establishing food banks and assisting the elderly. They make these contributions by extending human concern and understanding, supplementing community social service, offering counsel to the troubled, inspiring confidence, and sharing strength and hope to the less advantaged. It is the heart of our Government's conviction that volunteers—be they teenagers working on a student community service project or senior citizens assisting peers under the senior companion program—can help in eliminating loneliness, personal low self-esteem, isolation, and homelessness.

Unfortunately, the excellent work of hundreds of thousands of ACTION volunteers is too little known. This lack of recognition has prompted the Senate to authorize additional appropriations for publicity and recruitment. We are confident that this incentive will provide the ACTION Agency with additional guidance and resources to promote its valuable programs and increase its awareness among the many Americans who know little of this agency and Congress' commitment to volunteer services.

We are also recognizing today, by a Senate resolution, the 25th anniversary of the Volunteers in Service to America. More than 100,000 Americans have volunteered for a year or more under the VISTA Program since 1964. They have contributed to thousands of projects dealing with illiteracy, unemployment, hunger and homelessness. Private initiatives and contributions have also played a major part in the continuation of these projects beyond the commitments made by VISTA volunteers themselves. The VISTA Program has been one of the great undertakings of Americans who desire to contribute to the betterment of the less advantaged. The contributions of these VISTA volunteers are realized long after the volunteer has completed his or her year assignment. No doubt the committed and caring work of the early VISTA volunteers is still being felt today in thousands of cities and rural areas throughout the country.

Mr. President, I would especially like to thank the many organizations and Members who helped bring about this reauthorization in a truly bipartisan and noncontroversial manner. The Association of Senior Volunteers and Friends of VISTA have been particularly helpful. Moreover, Senators DODD, KENNEDY, and HATCH and their staffs have provided a great deal of support and direction in promoting the reauthorization of the Domestic Volunteer Service Act. This reauthorization will allow thousands of Americans to contribute to the well-being of others as well as provide a vehicle to make use of their own skills and talents.

Mr. KENNEDY. Mr. President, I urge the Senate to support S. 1426, the Domestic Volunteer Service Act Amendments of 1989. This legislation will extend and expand the VISTA and Older American Volunteer Programs administered by the ACTION Agency. These programs are the legacy of a national call to service made over a quarter century ago by President Kennedy. They have been a mainstay in the War on Poverty, and provide an excellent foundation for the new commitment to volunteer service embodied in the national service legislation that will soon be considered by the Senate.

Since 1964, over 100,000 VISTA volunteers have served the hungry, the homeless, the illiterate, and those left destitute by illness, natural disaster, or extreme poverty. Supported by a poverty-level living allowance, VISTA volunteers have gone into the heart of Appalachia to work with miners afflicted by black lung disease and to the centers of our most troubled cities to deal with the problems of gangs, drugs, and homelessness. For their efforts, they receive a stipend of $75 a month and the knowledge that they have made a difference in the lives of others.

As an antipoverty program, VISTA does not encourage dependence, but rather, embodies the ideal of self-empowerment. Each volunteer is responsible for recruiting 70 additional volunteers in the community. They do not merely dish out dinner in a soup kitchen—they help the hungry to organize a food co-op that will live on after the volunteers finish their term of service.

Studies have found that each dollar invested in VISTA is paid back threefold. But despite its success, the program has been cut from a high of 4,600 volunteers in 1975 to 2,600 in 1989. Meanwhile, 33 million Americans continue to live in poverty, and more than a third are children.

VISTA is one of our most cost effective tools to fight poverty, and we ought to increase that investment. For this reason, I sponsored legislation along with Senator DODD to raise the authorization level for VISTA over the next 4 years. I am pleased that in the year of VISTA's 25th anniversary, we will renew our commitment to the program by restoring it to its peak level of the past.

The restoration of the VISTA Program calls for an expanded effort to recruit volunteers, especially young adults. Ten years ago, almost half of VISTA volunteers were between the ages of 18 and 27; today fewer than 18 percent fall into that category. This legislation requires that at least 20 percent of volunteers be 18 to 27, and that ACTION improve and extend its recruitment and public awareness efforts.

The reauthorization legislation also includes a new emphasis on projects addressing significant health care problems. It is our hope that the talents and dedication of VISTA volunteers will be directed towards one of the Nation's greatest health care problems—AIDS. People with AIDS are at great risk of losing their jobs, their homes, and falling into poverty. Action is desperately needed—VISTA volunteers can make a difference in the lives of those struggling against this tragic disease, as they have in so many other times of crisis.

In recent years, VISTA has included an emphasis on literacy through the VISTA Literacy Corps. Thousands of Americans have learned to read as a result of this program, and I am pleased that the reauthorization bill will triple the funding of the Corps by 1993.

This legislation also reauthorizes the Older American Volunteer Programs. The oldest of these, the Foster Grandparent Program, will celebrate its 25th anniversary next year. Each year, through these programs, half a million senior citizens work part-time with children and adults with disabilities, with the elderly who are frail, and others in the community who can benefit from the assistance and friendship of older volunteers.

As our population ages, a larger and larger army of senior citizens is waiting to be asked to help America do a better job of meeting its basic needs. At the heart of the reauthorization of the Older American Volunteer Programs are new projects of national and local significance, based on legislation I introduced with Senator Dodd earlier this year. Through this proposal, grantees would receive enhancement awards of up to $150,000 to establish model programs in priority areas—assisting individuals with AIDS, boarder babies, teenage parents, at-risk youth, children in child care, and developmentally disabled adults. Other priorities include programs to provide respite care, literacy tutoring, child care before and after school, and anti-drug and alcohol abuse efforts.

Through the projects of national significance, we hope to generate needed hours of service in key areas and to remind the Nation that senior citizens are an important resource in addressing our most challenging problems. Programs like Family Friends, which provides respite care and support to families with disabled children, and the Grandfriend Project in New York, which pairs senior volunteers with boarder babies, including children with AIDS, are good examples of the kind of efforts we hope will grow through the national significance program. The appropriations subcommittee has included a $9 million increase in the Older American Programs, which we hope will be used, in part, to fund national significance grants.

We have also included the projects of national and local significance and the VISTA restoration provisions in our National and Community Service Act of 1989, which was approved by the Labor Committee on August 2. In this climate of renewed interest in encouraging volunteer efforts, it is fitting that expansion of programs like VISTA and OAVP should be on our agenda.

I commend Senator Dodd for his sponsorship of this legislation. I also welcome the role of Senator Coats and Senator Hatch and their assistance in helping to make the Domestic Volunteer Service Act Amendments of 1989 truly bipartisan. Jackie Ruff of Senator Dodd's staff, Dane Starbuck of Senator Coats's staff, Nancy Taylor, Nancy Wicks, and Susan Whittaker of Senator Hatch's staff, and Shirley Sagawa of my own staff all deserve credit for their work on this legislation. I would also like to thank Lisa Woll, director of Friends of VISTA, Frances Butler, who represents the Older American Volunteer Program Directors' Association, and Nora Manning of the ACTION Agency for their assistance and advice.

I urge my colleagues to support this important legislation.

Mr. GLENN. Mr. President, I am pleased to be a cosponsor of S. 1426, the Domestic Volunteer Service Act Amendments of 1989, which reauthorizes and expands the ACTION Agency volunteer programs. These programs—Volunteers in Service to America [VISTA] and the Older American Volunteer Programs [OAVP], which include foster grandparents, senior companions, and retired senior volunteers—have an impressive history of success in using both young and old volunteers to provide a wide range of services in communities throughout our Nation.

Today there is a growing need for volunteers to combat poverty and to provide vital services for people suffering from illiteracy, homelessness, neglect, frailty, and other problems. And I believe there is a great desire on the part of many people to make use of their talents by doing volunteer work. The legislation we are considering today attempts to expand the volunteer opportunities available through ACTION by providing increased funding to publicize the volunteer opportunities that are available and to recruit and place more volunteers, by providing additional funding to support volunteers, and by providing grants under the Older American Volunteer Programs to address problems of national and local significance.

I would like to briefly discuss two of these problems that have been singled out for priority attention—respite care and care of library latchkey children. Enactment of S. 1426 would give the Director of ACTION new authority to make grants to Older American Volunteer projects to increase volunteer opportunities in these and other specific areas.

Assisting family caregivers, who provide 80 to 90 percent of the care that is being given to older persons, has long been an issue of great concern to me. One way of assisting these caregivers is through the provision of respite services, which allow the caregivers a little time for themselves and often make it possible for them to continue caring for elderly family members.

A recent ACTION study, which was done in response to my amendment to the 1986 reauthorization of the Domestic Volunteer Service Act, found that both Retired Senior Volunteer and Senior Companion volunteers are providing respite services to family caregivers; and the volunteers are deriving a sense of satisfaction from providing these greatly-needed services. However, the report also found that a large number of caregivers who could use assistance are put on waiting lists due to an insufficient supply of volunteers. Establishing respite care as a targeted program should help provide greater emphasis on services to caregivers.

We have heard a great deal about latchkey children—children who return to empty homes after school. More recently, we have learned of the growing number of library latchkey children—children who regularly spend their afterschool hours in public libraries. A 1988 study by the American Library Association indicates that one of the most rapidly developing public library policy issues is what to do about library latchkey children. Although libraries are committed to serving the needs of children, they are not prepared to deal with the great numbers of unsupervised children who, on a regular basis, are spending extended time in libraries as a means of afterschool day care.

I can think of no better way for older Americans to put their talents to use than by helping our Nation's children. Earlier this year, I introduced S. 399, the Intergenerational Library Literacy Act, in an attempt to expand the use of Retired Senior Volunteers to provide literacy and other programs for library latchkey children. This provides a meaningful way for older Americans to share their talents, it greatly benefits the children who receive both assistance in developing reading skills and special attention from an older adult, it helps the staffs of public libraries who are taking time from their other duties to supervise latchkey children, and it is addressing our Nation's growing need for day care given the increasing number of women who are working.

Members of our growing elderly population have a great deal to contribute to our society, and they are doing so in many ways. I am pleased that the legislation we are considering today gives priority attention to certain programs, because of their national and local importance, when determining the best way to use volunteers as resources in our communities. By targeting activities, project directors can benefit from each others' experiences and thus do a better job of recruiting, training and placing volunteers.

Mr. President, I would like to commend my colleagues, Senator Dodd, chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism, Senator Kennedy, chairman of the Labor and Human Resources Committee, and the other committee members for their efforts on S. 1426, and I urge passage of this legislation by the full Senate.

Mr. DOMENICI. Mr. President, I rise today in support of S. 1426, the Domestic Volunteer Service Act Amendments of 1989. This bill reauthorizes the very successful domestic volunteer programs administered by ACTION for fiscal years 1990 through 1993.

Mr. President, I am very pleased to see certain changes included in this reauthorization bill for the service learning programs. While the changes are modest, they are important and, in my mind, a big step toward encouraging students to volunteer in schools. I refer specifically to the Student Community Service Program authorized by S. 1426.

Mr. President, on April 4, 1989, I introduced an initiative that would enable secondary schools to develop programs where junior and senior students could become involved in the lives of other children less fortunate than themselves.

I call my bill "Kids Helping Kids" and it is fairly straightforward. It would provide grants to schools to cover the incremental costs associated with community service endeavors. The bill before us today is not exactly kids helping kids, but it is very similar and has the same objectives.

Mr. President, I am convinced that students who have the opportunity to perform public and community service activities will take that opportunity.

Last evening, there was an ABC special report, "Survival Stories: Growing Up Down and Out." The report highlighted programs for children considered to be at risk of failure in our schools and showed us programs that are working; programs that are helping kids stay off drugs, and programs that are helping kids stay in school.

Mr. President, I was particularly impressed with an initiative in San Antonio TX, the Valued Youth Program. This program is exactly what my bill, Kids Helping Kids, is all about.

The Valued Youth Program gives teenagers at risk of dropping out of school responsibility for tutoring children in younger grades, paying the tutors a small stipend for their work. The results are remarkable; the dropout rate for these at risk students is now less than 5 percent where it was once almost 50. It gives the students a sense of responsibility, a sense of pride, and a sense of worth.

I commend those involved with this program for their fine work.

Mr. President, children understand other children and, given the chance, they will extend a helping hand. The Student Community Service Program authorized is S. 1426 acknowledges this and is an important step in getting students involved in community and social services.

I commend my colleagues on the Committees on Labor and Human Resources for their fine work.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment, as amended.

The substitute amendment, as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the committee substitute, as amended, was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 1312, the House companion bill, be discharged from the Labor Committee and that the Senate turn to its immediate consideration, that all after the enacting clause be stricken and the text of S. 1426, as amended, be substituted in lieu thereof, that the bill be read a third time and passed and the motion to reconsider the vote be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I further ask unanimous consent that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. DODD, Mr. PELL, Mr. HARKIN, Mr. ADAMS, Mr. KENNEDY, Mr. COATS, Mr. HATCH, and Mrs. KASSEBAUM.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1426 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 25TH ANNIVERSARY OF VISTA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be discharged from further consideration of Senate Concurrent Resolution 57, expressing the sense of the Senate regarding the 25th anniversary of Volunteers in Service to America, and ask that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57), to express the sense of the Senate regarding the 25th anniversary of the Volunteers in Service to America.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I rise in support of S. 1426, to revise and extend the programs of the Domestic Volunteer Service Act of 1973. This legislation continues the ACTION Agency programs, programs which have had my support for several years. I have seen and heard of the tremendous impact that ACTION programs have had on my home State of Utah. This bill will strengthen the ability of the ACTION Agency to encourage and support volunteerism in America.

This bipartisan legislation to reauthorize the ACTION Program makes several important changes in the current law—changes that I believe are vital to ACTION's continued effectiveness.

First, this bill authorizes increased funding for public awareness and recruitment activities. I know that this was an area of great importance to Senator DODD. I fully support his interest in increasing the nationwide awareness and recruitment of VISTA.

We know that ACTION-funded volunteers are a cost-effective resource. Particularly during this time of budget deficits and increased emphasis on people helping people, we in Congress have to support expansion of the ACTION programs. Therefore, the second major change in this bill is the authorization of increased funding for both the VISTA and Older American Programs.

The VISTA authorizations in this proposed legislation recognize the contributions made by VISTA volunteers and support significant program expansion. In addition to increasing the number of volunteer service years supported through VISTA, this legislation allows for an increase in both the subsistence allowance and the stipend paid to VISTA volunteers.

This bill also authorizes an increase in program funding for all of the Older American Volunteer programs: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program. Most of this increased authorization is to be channeled through a new initiative called "Programs of National and Local Significance." These programs are intended to encourage communities to identify creative volunteer solutions to resolve nationwide problems on a local level. Some of those areas which may be targeted include drug and alcohol abuse, respite care, and special needs children in child care programs.

This legislation also includes a small increase in the hourly stipend for Senior Companion and Foster Grandparent volunteers and allows for non-stipended volunteers to continue their contributions as well. Older American Volunteers provide a very valuable service to society, and we should recognize and encourage their efforts. This bill also allows for multiyear grant awards to smooth the planning process for these programs and ensure continued service delivery in local communities.

Finally, this legislation increases the authorization levels for ACTION program administration expenses so the agency can effectively leverage the resources.

There have already been a number of new proposals introduced in this Congress to encourage our Nation's volunteer spirit. We should remember that the ACTION Agency was America's first national volunteer program and that it has proven effective over and over again. I thank my able staff member, Nancy Wicks, who worked so diligently on this bill as well as my colleagues for their efforts at developing a bipartisan bill in support of this important agency, and I urge all Senators to join us in supporting it.

● Mr. SIMON. Mr. President, I am pleased to give my strong support to S. 1426, the Domestic Volunteer Service Act Amendments of 1989 and to Senate Concurrent Resolution 57, commemorating the 25th anniversary of the Volunteers in Service to America [VISTA].

The programs authorized under the Domestic Volunteer Service Act remain some of the most effective—in terms of cost and in terms of making a positive impact on individuals and communities—of any programs funded by the Federal Government. They are an illustration of how a small amount of assistance, provided in a way that recognizes and builds upon the abilities of people to help themselves, can accomplish amazing results.

25 YEARS OF VISTA

The Volunteers in Service to America program [VISTA] has a record of achievement that far exceeds its relative weight in the Federal budget. For the past 25 years this remarkable program has provided untold "points of light" to those who live in the deepest shadows of poverty in this country. At a time when the administration and many Members of Congress are looking at the issue of service to the Nation by the youth of this Nation, we should be looking first at the model of VISTA.

When President Lyndon Johnson greeted the first 20 VISTA volunteers at a White House ceremony in December 1964, he told them: "Your pay will be low; the conditions of your labor will often be difficult. But you will have the satisfaction of leading a great national effort and you will have the ultimate reward which comes to those who serve their fellow man." Since that time, more than 100,000 volunteers have spent a year or more of their lives in that difficult but rewarding job.

There is an old proverb that is used often in respect to VISTA, but it bears repeating: If you give a man a fish, you feed him for a day; if you teach a man to fish, you feed him for a lifetime. The philosophy of VISTA that makes it work so well is based on the effectiveness of helping people to help themselves—it works by enhancing rather than denying an individual's dignity and self-worth. In areas from hunger to homelessness to illiteracy, VISTA volunteers are working as catalysts in community efforts to solve these poverty related problems.

Recently on national public radio a former member of the Reagan administration was extolling a project on Kelly Street in the Bronx section of New York. The residents of this decaying community made themselves homeowners through "sweat equity," through their own labor in restoring abandoned buildings. This fiscally conservative commentator was illustrating the fact that large Government programs are not needed to solve some of the toughest poverty problems. She may have been right in some respects, but she overlooked one important fact: That successful project, using the hard work and ingenuity of the recipients themselves, was begun and made possible through the participation of some very dedicated VISTA volunteers.

The "Banana Kelly" project, named for the shape of Kelly Street, is a VISTA project I visited in 1980 as chairman of the House Subcommittee on Select Education, and I will long remember the conditions under which those young volunteers were serving—living and working in an area that resembled a bombed-out section of Europe after World War II. They deserve today to be recognized for their participation in something that is being praised in the national media. It is typical of the unnoticed but significant impact VISTA has made in so many places around the country in the past 25 years.

Mr. President, it makes little sense to me that, today, we have more people living in poverty than we had in 1980 and only about half as many VISTA volunteers to work in helping people overcome that poverty. The reauthorization bill we are passing today will get us back to almost the number of volunteers we had in 1981 by the year 1993. I am hopeful that legislation currently being considered in committee to authorize a number of national service opportunities will result in a further expansion of VISTA in recognition of its contribution to both those who volunteer and to the Nation.

VISTA LITERACY CORPS

As most of you know, I have been looking at the problem of illiteracy we have in this country—a problem that is so great we face a major crisis in providing the literate workers we need to keep our Nation economically competitive with other countries. Estimates are that we have more than 23 million adults in this country who cannot fill out a job application, locate a telephone number is a directory or use a bus schedule because they are functionally illiterate. One of the programs doing a great job in tackling this problem, with only a small amount of Federal support, is the VISTA Literacy Corps, a program I proposed the last time the Domestic Volunteer Service Act was reauthorized. It has become one of the most sought after and successful of VISTA projects.

Based on figures from several literacy projects, it appears that a VISTA volunteer working on the problem of illiteracy recruits and trains an average of 91 community volunteers. In the area of illiteracy, no other Federal program is having more of an impact on community efforts to use volunteers to address this problem. The some 900 VISTA Literacy Corps volunteers—people like Wanda Hopkins from the Cabrini-Green housing project in Chicago—are reaching out to end the cycle of family literacy in places where no other Federal programs have worked. And people's lives are being changed. Gloria Wattles, student of a VISTA Literacy Corps project in southern Illinois, says "Before learning to read, I wouldn't even look at a person or have eye contact because I was so ashamed * * * I just can't express what learning to read has meant to my self esteem."

S. 933 reauthorizes and increases funding for the VISTA Literacy Corps, and I hope our friends on the Appropriations Committee will recognize the major contribution these volunteers are making toward the goal of ending illiteracy in this Nation.

I want to thank the subcommittee chairman, Senator DODD, for his leadership in giving us a reauthorization bill that addresses many of the concerns that have been expressed by those working with the VISTA program. Among those is a subject I raised during the last reauthorization of this bill: the lack of public awareness and recruitment efforts on the part of the ACTION agency for the VISTA program. As Msgr. John Egan of DePaul University stated: VISTA is "the best kept secret in the United States." The amendments targeting specific funds to the purpose of public awareness and recruitment support activities, including training, should ensure that the many young people looking for an opportunity to serve their country in a meaningful way will be able to consider being a VISTA volunteer.

I also thank the chairman for his support of an amendment that will end the current practice of the agency of automatically terminating VISTA projects after their fourth year. This arbitrary practice has penalized some of the most successful VISTA sponsors in this country, such as the DOVE program in Decatur, IL, and the New

York State Literacy Volunteers. The "umbrella" concept has proven to be an effective way to administer VISTA in many communities. The umbrella sponsors have made VISTA volunteers available to many small organizations that would not otherwise have the resources to apply for volunteers independently. It does not make sense to discourage these arrangements. It also does not make sense to penalize sponsors who are successful in institutionalizing projects in one area, such as homelessness, over a period of a few years and who may then be prepared to move into projects in another area such as drug abuse. The amendments in this bill should remedy this situation.

Senator DODD has also included amendments that are based on the Illiteracy Elimination Act I introduced early this year. One amendment is based on the remarkable success the Retired Senior Volunteer Program has demonstrated in illiteracy efforts. Illiteracy is added as an area of national significance for RSVP, and I know these dedicated volunteers will soon be making a much greater impact on illiteracy in communities around the country. In another area, support is authorized to the broad-based organizations, such as Laubach Literacy Volunteers and Literacy Volunteers of America, who can do so much to increase the ability of communities in setting up literacy programs and in using volunteers effectively. The Director of the ACTION Agency is also authorized to provide technical assistance to worksite literacy programs in which employers are trying to increase and improve their use of volunteers. I would like to make it clear that the Agency should make efforts to provide this technical assistance through its State and regional offices where the expertise exists to do so.

Mr. President, both the Older American Programs and the programs authorized under title I of the Domestic Volunteer Service Act, particularly VISTA, have earned our strong endorsement. They have improved this Nation by giving hope and a hand up out of poverty to those who are most in need. VISTA's, RSVP volunteers, Senior Companions, and Foster Grandparents are enriching us as a nation, and we owe them our gratitude and support.●

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPLICATION OF RULE XV

Mr. BYRD. Mr. President, on yesterday, the transportation appropriations bill was before the Senate and the issue at that particular point had to do with the matter of smoking on airlines.

The House had opened the door with legislation on the appropriations bill. The Senate was amending the House language on that subject.

A point of order was made under rule XV of the Standing Rules to the effect that the amendment which came out of the Senate Appropriations Committee violated rule XV, that paragraph which reads as follows:

> It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

Mr. President, am I correct up to this point as to the rule that was being invoked, the point of order that was being made, the paragraph in the rule that was being utilized, and, in general, the subject matter that was before the Senate?

The PRESIDING OFFICER. The Senator is correct thus far.

Mr. BYRD. I thank the Chair.

I was busy all afternoon chairing the Appropriations Committee and marking up three important appropriations bills, and I was engaged all morning today, so I wanted to be sure before I begin here that I am accurately translating the picture that was before the Senate as to the situation at the time of the point of order.

The Senate was about to vote on an appeal of the point of order. The point of order was made and the Chair correctly upheld the point of order.

So, there is no question but that the amendment that was reported out of the Appropriations Committee dealt with a significant matter not within the jurisdiction of the committee, meaning the Appropriations Committee, proposing such amendment. The substance of that matter was within the jurisdiction of the Commerce Committee.

So the point of order was made and the Chair correctly ruled.

I sought to support the appeal of the point of order. The appeal was made by the distinguished Senator from New Jersey [Mr. LAUTENBERG] who was managing the appropriations bill, and he correctly appealed. I sought to address the appeal but was denied that right to do so and, of course, the Senator who objected to my having 5 minutes was within his rights in objecting.

I thought that it was important, however, that the RECORD for the future clearly indicate why the Senate took the action that it did in overruling the Chair, as it was about to do, and the vote on the appeal was 65 to 34 to overturn the ruling of the Chair.

So when the question was correctly put, "Shall the decision of the Chair stand as the judgment of the Senate?" The Senate voted "no," 65 nays, 34 yeas; and the rollcall vote is No. 177 Legislation, in the CONGRESSIONAL RECORD, September 14, 1989, page S11069, for those who will be researching the RECORD in the future.

First, let me say that rule XV has not always been in the Standing Rules of the Senate and the Appropriations Committee has not been a committee from the beginning. As a matter of fact, the first appropriations bill of record was passed in 1789 for $639,000, which was money for the military and for the civil functions of the Government, and for treasury and pensions; it raised those moneys by way of duties, and so on. There was no standing committee.

In the early days, the Senate did its work through select and special committees, and there were committees appointed for every matter that arose. The first such committee was established to come up with Standing Rules of the Senate and that committee was made up of five lawyers. So, in those early days there were many select and special committees.

By 1815, there were perhaps 90 to 100 select and special committees, and they would be appointed for a given purpose. They would report back, be discharged, and when another matter would arise, there would be a new select committee appointed to take care of that matter.

In 1816, the Senate took action to create 11 permanent standing committees, and among those was the Committee on Finance.

And, for the next 51 years the Committee on Finance handled appropriations as well. In 1820, the rules of the Senate were revised to show the number of standing committees that had been created. And by that time, as between 1816 and 1820, 4 additional committees had been created, making a total of 15. The Senate rules were created from time to time by resolution or by unanimous consent. And in later years, by recommendations of the Rules Committee as well.

So, the rules of the Senate were created in many ways over these years.

In April 1789, the first 19 rules were agreed to—2 days later, another rule was agreed to, making 20—in the years that have ensued since, there have been 7 revisions of the rules.

The first general revision was in 1806, the next was in 1820, and then in 1828. Then it was 40 years until the next general revision, 1868, then in 1877, then 1884 and the rules were not again revised and modernized for 95 years. Then, in 1979, through a resolution which I authored, and which was cosponsored by the then minority leader, Mr. Baker, we had the seventh general revision of the Standing Rules of the Senate.

So, in 1820, then, when that revision came along, there were 15 standing committees set forth in the rules.

Well, as time went on, as I say, there was a revision in 1828, then again in 1868. Now, in the meantime, in 1867, the Senate created the Committee on Appropriations. For 51 years the Finance Committee had handled appropriations. But the Senate, saying that there ought to be a division of labor here, created the Committee on Appropriations. And Senator Morrill of Maine was the first chairman. That was in 1867.

Then, in 1868, the rules listed the standing committees and included a Committee on Appropriations, to which all general appropriation bills were to be referred; 1868.

Then, in the 1877 revision one will find a little more said about the Committee on Appropriations. In that instance, bills making appropriations for rivers and harbors were to be sent to the Commerce Committee. And, amendments having to do with rivers and harbors were to be referred to the Commerce Committee before being acted upon.

In 1877, there also began to appear in the rules, phraseology dealing with general legislation, and a prohibition on appropriations bills that had general legislation. But, also, there was a provision in rule 29 that the Senate, by a vote without debate, could determine the relevancy of amendments that proposed general legislation, on general appropriations bills.

So, we saw, then, the Senate saying that the Appropriations Committee was prohibited from reporting out appropriation bills that included general legislation; no legislation on appropriations bills. But, the Senate also said we are going to open an escape window here. The Senate will vote as to whether or not such general legislation on an appropriations bill is germane and/or relevant to the subject matter that is in the bill.

If Senators call up an amendment on the floor that proposes general legislation, the Senate may vote on the relevancy of that amendment and determine whether or not it can go in the bill, even though it is legislation. Let the Senate determine that.

So, there in what was then Senate rule 29, in 1877, we have a good part of what is, today, in rule XVI.

In the revision of 1884, it became rule XVI, 105 years ago, almost as it is today in rule XVI.

Now, in 1885, the House acted to take away from the Appropriations Committee all but six of the general appropriations bills and it gave those appropriations bills to the committees that had legislative jurisdiction. In other words, the Committee on Agriculture would handle the agriculture appropriations bill; the Committee on Military Affairs would handle the Army appropriations bills; the Committee on Naval Affairs would handle the appropriations bills for the Navy, and the Committee on the District of Columbia would handle the appropriations for the District of Columbia and so on.

That was in 1885. By 1895, similar action was initiated in the Senate because Members felt the Appropriations Committee was getting too much power and should be stripped of its control over most appropriations.

So, the Senate moved to take away this power and diffuse it among several of the legislative committees. In 1899, the ferment came to an end with legislation that took away from the Appropriations Committee in the Senate and dispersed among legislative committees all but six of the appropriations bills—a procedure comparable to that of the House.

And so that is the way it was for over two decades, until the Budget and Accounting Act of 1921, which provided that the President of the United States would send up annually a budget, and created a Bureau of the Budget and put it in the Treasury, and the act also created the General Accounting Office, which was an arm of the Congress which was to be independent of the executive branch and would be our own auditing agency. It can audit the executive branch and can investigate all receipts and disbursements of public funds.

When this act of 1921 went into effect, it created a new budgetary situation, and to meet that new set of circumstances, the House and Senate restored the jurisdiction of the appropriations over all of the general appropriations bills. That occurred in 1922. It brought us back to where we were in 1867, when all appropriations were first brought under the control of the newly created Appropriations Committee.

In the Standing Rules of the Senate's 1979 revision, you will not find paragraph 5 of today's rule XV.

The distinguished Senator from New Jersey would like to interrupt me, and I yield for that purpose now.

Mr. LAUTENBERG. I thank the President pro tempore, the distinguished chairman of the Appropriations Committee and my colleague from West Virginia, for yielding for a few minutes, Mr. President, only because I am on my way to New Jersey. But since Senator BYRD has taken the floor and has once again astounded us with his knowledge of the history and the character of the U.S. Senate, let me say that there is not anyone not amazed by the wealth of knowledge that the distinguished U.S. Senator has.

This knowledge comes out of the wealth stored in this individual's intellect and intelligence. I hope those who are seeing and listening to the Senate recognize the treasure that the distinguished Senator from West Virginia is for all of us. His reverence, his appreciation, his understanding of the rules and procedure in this Senate—I do not mean to embarrass the Senator—is second to none. Everyone will acknowledge that. If you ask any Senator who better than anyone else, knows about the Senate, there is not a moment hesitation; they will say Senator ROBERT C. BYRD.

Therefore, while Senator BYRD reviews some of the history that is going to lead up to his discussion of the very important action we took yesterday, I wanted to interrupt for just a minute to compliment him on not only his knowledge but his character. He never trifles in the process under which the Senate operates. He never tramples on anybody else's rights. He will disagree with you on an issue but never will Senator BYRD invade the territory or prerogative of anyone else. That is why he has earned the genuine respect, admiration, and affection of everyone of us in this body.

Therefore, when he supported the overturn of the Chair's ruling, it was a major step. It was a declaration of his view of what was the appropriate thing to do. You will hear it explained more eloquently by the distinguished Senate President pro tempore.

I wanted everyone to know and the RECORD to reflect how hard he worked to get the appropriations bills through. He is the chairman of perhaps one of the most difficult committees to operate in this Senate—13 different bills, each one with its complications, each one with its budget constraints, each one with appeals from the Senators who serve, each one for their own State, each one for their own cause. And yet since ROBERT C. BYRD has been chairman of the Appropriations Committee, each one of us, including the occupant of the chair, who chairs a very important subcommittee, Labor-HHS and this chairman of the Transportation Subcommittee, knew very well that Senator BYRD, the chairman of the Appropriations Committee, was going to demand of us the highest degree of performance that we could give, that we had an obligation to the American people to get these bills through, to process them in an orderly fashion, and to deal within the constraints laid cut by the Budget Committee and the budget agreements.

I just wanted to take this opportunity to publicly acknowledge his help, his guidance, and his leadership in working through a very difficult assignment. I think if we look back at recent history, we will see that not for many years have the appropriations bills moved along as rapidly, with less resource available, than since Senator BYRD has taken over chairmanship of this committee. So I take the opportunity to thank him personally for his help, for his counsel, and for his support in getting this transportation appropriations bill to the point that we have. We had a very contentious amendment in it, one on which people could agree or disagree, but they could not do anything other than follow the procedures supported by the majority of the membership in this significant way. Senator BYRD's leadership in this regard was a critical factor, and I thank the Senator for permitting me to interrupt. Everybody is interested in what the Senator is about to say, but I want to let people know that this Senate and this country are much richer for the services of ROBERT C. BYRD from the State of West Virginia.

I want to be sure that the viewing public or the public sitting in this gallery today understands very clearly that there is no invisible screen from which the distinguished Senator from West Virginia is reading.

Mr. BYRD. Mr. President, I thank my distinguished friend, who renders a very valuable service to the Nation and to the Senate every day. He does an extremely good job on the Appropriations Committee and serves on other committees of the Senate equally well.

Having stated this brief history of the Appropriations Committee and the rules pertaining to the point of order, I shall go directly now to the point of order and the appeal of the Chair's ruling. I do have another appointment, and so I must move on.

As to what happened, if the point of order had been made under rule XVI, the Senate could have made a decision on the question of germaneness or relevancy as has been done so many times. But the point of order was not made under rule XVI; it was made under rule XV. And while that was within the right of the Senator to do, I am sorry that the point of order was made under rule XV.

Rule XV, Mr. President, is to provide protection for authorizing committees against the invasion of their jurisdiction by other authorizing committees. If one will look at the rules of the Senate today, rule XV is titled "Amendments and Motions" and the point of order that was made, was made under paragraph 5 of rule XV.

Rule XVI is the proper rule that deals with legislation on appropriations bills and, as I have stated, it provides the way for the Senate to determine whether or not amendments are relevant, and if its decision is that they are germane, then they are in order. If they are not and the point of order stands, then they are ruled out of order.

But rule XV was not devised to deal with appropriations bills. Rule XVI was devised for that purpose. But rule XV was utilized, and the Senate rendered its decision without any explanation in the RECORD as to why it overturned the ruling of the Chair.

To overturn the ruling of the Chair is a serious matter, and it should not be done lightly or often. The Senate rules, very much like the old common law of England, are built on precedent to a great extent. We have rules that have developed over the years since and prior to 1789. The standing Senate rules of today are not just the product of that committee of five which met in April 1789 and came up with 19 amendments one day with an additional amendment being added the following day. Those rules in many ways came from the Continental Congresses and the Congress under the Confederation.

In the second volume of my book on the history of the Senate, I will have four chapters on the development of the standing committees. I will have at least one chapter on the development of the standing rules, and I trace the rules of today and identify within them the vestigal remains of those first 20 rules and even where some of them were drawn from the 1778 Continental Congress' rules.

Equally important are the precedents interpreting and expanding on the rules. They need to be revered, and we should not change them lightly, nor should we overturn the Chair lightly.

As was correctly said yesterday, the committee system is indeed important in this Senate and we need to protect the committee system. But to quote the Scripture "the disciple is not above his master, nor the servant above his lord." A subcommittee is not above the full committee. A subcommittee is but an arm of the full committee. It might be well, therefore, to remind ourselves of that, so that we do not have 13 autonomous kingdoms within the Appropriations Committee. We have 13 subcommittees, but they are arms of the Appropriations Committee. It is that full Appropriations Committee that is the parent organization. In 1867, when the Appropriations Committee was created, there were 13 subcommittees created. But just as the subcommittees are but the arms of the full committee, the full committees are but the arms of the Senate. It is the Senate that makes the final judgment. So while we must protect the jurisdiction of committees, we also must protect the Senate and its powers and its rights. The reason why the Senate overturned the ruling of the Chair yesterday was to protect the Senate's rights to legislate and to respond to whatever action the House takes in a given situation.

The Senate must not be rendered defenseless by rule XV. In the even that the House puts legislation in an appropriations bill, the Senate must be in a position to react to that underlying legislation that the House has put into the bill. If the House opens the door by adding general legislation to a general appropriations bill, who is to deny the right of the Senate, which is the equal of the House of Representatives, to respond to that action by the House by putting the Senate's stamp of approval thereon or making whatever changes or modifications it wishes to make in the legislation contained in the House appropriation bill?

So while committees are important, without this parent organization, the Senate, we would not have any committees. We must zealously guard the rights of the Senate when it comes to legislation. Were we to have let the Chair's ruling stand, we would have been rendered impotent. To have sustained the point of order would have said the Senate cannot deal with that legislation which came over from the House. We have no right to touch it. We cannot amend it. We can take it or leave it, but we cannot change it.

The legislative process was not for one body alone, except in instances set forth under the Constitution, such as that dealing with treaties. The Constitution does not say that one body only can adopt legislation and the other body does not have a right to amend it. As a matter of fact, the Constitution says that even in the case of revenue-raising measures, which must originate in the House of Representatives, the Senate has the right to amend them. So that is why the Senate could not afford to have that point of order prevail. The Senate would have been rendered defenseless. If the House opens the door and puts general legislation on an appropriations bill, which was the case yesterday, the Senate not only has the right, but it also has a duty to give its attention to that legislation and modify it, change it, amend it in whatever way the judgment of the Senate may direct.

That is why I supported the appeal from the ruling of the Chair. It is always that I want to uphold the jurisdiction of the committees; I am a strong supporter of the committee system. I am also very loath to overturn the ruling of the Chair. But having been denied an opportunity yesterday to explain for the record why the Senate should overturn the ruling of the Chair—and that, indeed, happened—I have taken the floor at this time to explain for the record. There are very few precedents on this point, if any, dealing with rule XV—on amendments to appropriations bills, practically no precedent.

So yesterday we set a precedent, and the Parliamentarians of the future, the Presiding Officers of the future, and the Senators of the future need to understand the legislative history behind the precedent that was set. They should know why the Senate took that action. Otherwise, without my attempting to explain it, future historians, future Senators, Presiding Officers, and Parliamentarians would only have the CONGRESSIONAL RECORD which shows that the point of order was made, and shows a vote by the Senate of 65 to 34 in overturning the ruling of the Chair. That is all they would have with no reasons set forth, and no explanations set forth, as to the Senate's justification for its action.

So, for their guidance, I have explained the reasoning behind the serious action that the Senate took when it overruled that Chair. I did not for a moment support the appeal because of the substance of the legislation—that of smoking on airlines. That did not figure into my vote at all. I have many times voted against overturning the ruling of the Chair on various points of order, and only on a few occasions have I ever voted to overrule the Chair. Now the matter is clear. A precedent has been set—a strong precedent regarding the interpretation by the full Senate of paragraph 5 of rule XV.

PERMANENT RECORD

Mr. President, I ask unanimous consent that my statement of today appear in the permanent RECORD in the RECORD of yesterday, September 14, and that my statement appear appropriately in relation to the vote on rollcall number 177 so those who research the precedent will conveniently have it all in one RECORD. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

MORNING BUSINESS

Mr. BYRD. Mr. President, on behalf of the majorty leader, I ask unanimous consent that there now be a period for morning business for Senators to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator BOSCHWITZ, the Senator from Minnesota.

SENATOR BYRD'S SENATE HISTORY

Mr. BOSCHWITZ. Mr. President, before the distinguished senior Senator from West Virginia leaves, and the former majority leader, I would like to say that I look forward to the upcoming text that he writes, the book that he writes about the Senate rules.

If I might ask for the attention of the Senator from West Virginia, I thank the Senator from West Virginia. I look forward to the text and the treatise that he writes on the Senate rules, and the evolution of the Senate rules, I say to the leader.

He was kind enough to give me a number of copies of the book that he has written about the history of the Senate. I sent them to colleges and scholars in Minnesota. I want him to know here on the Senate floor that many of them—even after the letters that I have forwarded on to him after the initial receipt of those books—a number, many of them, have written to me and talked to me about the scholarly nature of the books that he has written about the Senate. And writing about the evolution and the history of the Senate rules I think will be a magnificent service to the body.

So I want him to know that scholars in Minnesota appreciate the book that he has written, and I believe will appreciate also the expansion that he just mentioned in his earlier speech.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Minnesota. I appreciate his kind remarks concerning volume 1 of the Senate, 1789-1989. I have received some letters from his colleges and recipients of the books. I thank him for disseminating those books to colleges and universities where they will be read, understood, appreciated, and helpful in developing the minds and talents of future leaders of this country.

I am very sorry to have noted in the last day or two how so little history is being taught around the country, and how short it falls from what ought to be taught, because we have a generation being reared that will not fully understand what made this Nation what it is today. They are not being told about its leaders, nor about their backgrounds—maybe a page or two on Abraham Lincoln, as I recall the news account.

I saw, I believe last night, some comment about this on television on the evening news. One young lady said, "Well, all I know about Abraham Lincoln was that he got shot." So the schools are not teaching history as they taught it when I went to elementary school, and to high school. That is too bad.

What I am attempting to do, is to create a greater understanding of what this Senate is, why it came into being, how it came into being, and how it has fulfilled its role under the Constitution over these 200 years, so that we, Senators of today and those who will come after us, and the media can have an institutional memory.

I find it disappointing that Senators, and representatives of the media, are not familiar enough with what has gone on before to fully understand what is happening now, and to have some expectation of what will be happening tomorrow.

It is through history that we can get that grasp and that feeling of how to evaluate the developments of today, and the problems that will occur tomorrow.

Byron said, "History with all her volumes vast, hath but one page." What he was saying was, history repeats itself. History will always repeat itself because history is made by human beings, and human nature being what it is, it is the same old human nature that it was when Adam and Eve were in the Garden of Eden. That human nature does not change. That is why we can expect history to repeat itself.

I thank the distinguished Senator for his comments, I appreciate very much his interest in the volume, and I look forward to his reading volume 2.

Mr. BOSCHWITZ. I say to my colleague and my very distinguished colleague from West Virginia that I have enjoyed reading it. I have not read all of the first volume. I have read a good deal of it. I am interested in the history of this institution. I quite agree with him that an understanding of what goes on today is heightened; indeed one has very incomplete understanding of what goes on today if one does not have a sense of what led to this point and what the history of the Senate is.

I thank the leader.

Mr. BYRD. I thank the Senator.

CAPITAL GAINS REFORM

Mr. BOSCHWITZ. Mr. President, I rise today to extend my congratulations to the House Ways and Means Committee for approving capital gains reform as part of the tax package mandated by budget reconciliation. I especially want to congratulate Congressman ED JENKINS for his leadership on this issue in the House. Congressman JENKINS and I recently received awards from the National Venture Capital Association for our work on capital gains. As evidenced by his recent work in the Ways and Means Committee, he richly deserves that award.

In truth, the capital gains reform package includes a relatively modest decrease in rates. Individuals would be allowed to exclude 30 percent of their gain from taxation. Eligible assets would include things such as securities, real estate, timber, but not collectibles, correctly not collectibles, such as antiques or art.

The exclusion would reduce the top rate from 28 to 19.6 percent, and individuals who sell their assets after 1991 would be allowed to deduct from their capital gains any amount attributable to inflation from January 1992 forward.

These are good steps in the process of bringing this Nation into a more competitive status with respect to capital investment.

Mr. President, if you asked me 6 months ago whether capital gains reform would be approved this year, I probably would have said no. But under the budget agreement, which I helped to fashion, reached between the White House and the Congress, the House and Senate tax committees were instructed to raise a little over $5 billion in new revenues.

Faced with stiff opposition to increasing tax rates or other taxation as a means of raising those revenues, the Ways and Means Committee had to consider capital gains reform because all the tax experts agree that at least in the short term—I believe in the long term as well—a rate reduction will yield about $10 billion in new revenues between 1990 and 1992.

Those people who oppose the lowering of capital gains rates say that they oppose it to a large degree because it inures to the benefit of the wealthy, and, they claim, is unfair to lower- and middle-income taxpayers. What I do not understand, as I have noted, is why they would oppose a rate change that would increase the tax burden on high income taxpayers by about $10 billion, a very significant amount.

Clearly there are many reasons to support capital gains reform aside from the fact it will help reduce the budget deficit. The additional revenues could also be used to pay for the extension or expansion of many popular programs, including credits benefiting low-income workers, developers of low-income housing, and employers who hire disadvantaged workers. Indeed, these and other valuable programs were included in the Ways and Means Committee bill paid for in part by the increase in revenues resulting from the proposed reduction of capital gains rates.

This morning, the New York Times had a long editorial entitled "Soak the Poor; Trash the Economy."

The editorial did not agree with the position that I have just enunciated about capital gains. The editorial states that lowering the capital gains tax rate will increase revenues "as the country's wealthiest families rush to sell appreciated assets before the tax holiday ends."

The editorial writers of the New York Times did not have the advantage of being at the Minnesota State Fair, where I recently spent 11 days. Every year I spend 8 or 9 hours a day at the fair. I have a booth for the purpose of just listening to people, and very often there is quite a line waiting to talk to me.

I want to tell you that many, many people, perhaps 120 people, talked to me during the course of that 11 days about capital gains taxes. One or two spoke about their preference of not lowering the capital gains tax. The other 100-odd people talked to me about lowering capital gains taxes.

I am sure they would be complimented to be characterized as they are by the New York Times as being among the country's wealthiest families, but as I observed them and as I talked to them and as I got a sense of what their business background was, most of them were small businessowners. Very many of them were farmers. They had worked on their properties or their businesses for a period of 25 or 30 years and were now contemplating a sale. If they go foward and sell, they will realize a onetime gain, much of which reflects gains that have come about by inflation.

So to say that these people are the country's wealthiest families, I think is inaccurate. The article also says, and I quote, "After this initial orgy, revenues would fall steadily and sizably."

I do not disagree that after an original rush to sell properties during this 2-year window, there might be a falloff of capital gains revenues.

However, I do not think that the level of capital gains revenues will fall below the rate that would otherwise be anticipated at a higher tax rate. Will they be lower after this 2-year window? Sure, they will be lower, just as they were lower after the capital gains rate was raised in 1987.

There was this "orgy," if that is the right way of expressing it, that the New York Times speaks about, in the months preceding the rise of capital gains rates at the very end of 1986. Likewise, it is likely there will be an increased sale of assets that will occur during this window when rates are reduced.

But the level of capital gains collections will not be lower, in my judgment, at any point while the rate is lower, in comparison to what collections will be if the rate is kept up at a higher level.

Then the Times says that a rate reduction mainly will reward old investments, though later on the editorial states that indexing capital gains is not unfair, because so much of such gains is comprised of inflation. I certainly agree with that.

The editorial also stated, "Moreover, most money for venture capital now comes from pensions and other tax-exempt funds."

The point being that capital gains rate reduction would not be particularly meaningful to those funds because they are already tax exempt.

I made that point yesterday on the floor of the Senate. So many transactions are tax exempt that when one says that capital gains inure to the benefit of the rich, it may be that taxable capital gains inure more to one sector of our society than to another, but one has to realize that most capital gains are exempt from taxation. Pension funds, which are probably the largest pool of capital in our country, today are exempt from capital gains taxation. Further, when one sells a home and purchases a new home at a higher price, the gain is not taxed. If a person over 55 sells his or her home, any gain up to $125,000 is not taxed.

So many kinds of capital gains are exempted from tax that those that remain may indeed inure to one sector of society or another. But I think that, too, is exaggerated.

As I pointed out yesterday, who are the rich? Is the farmer who farms his land for 25 years and then sells his property in a single year among the rich? According to the Times definition, I guess he is. In that 1 year his income might qualify him for that label. But during the other 25 years, during the period that he ran that hardware business or ran that small business, he probably was not among the rich. Now when he sells the asset, the product of his or her lifetime's work, perhaps that year they are among the rich, but should not be so counted.

So Mr. President, I compliment the work of the Ways and Means Committee. I am anxious to see the Senate follow the lead of the Ways and Means Committee. In that regard, I will be encouraging members of the bipartisan Capital Gains Coalition, which I started 2 years ago, to come to the floor during morning business to articulate their reasons for supporting reform.

It is an important issue. It is an issue that will help make this country more competitive. It is an issue that will spur investment and spur job creation.

I look forward to speaking with my colleagues about it in the weeks ahead.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AUTOMOBILE EMISSIONS

Mr. **LEVIN**. Mr. President, Senator Baucus has introduced legislation which would reduce emissions that contribute to the formation of ozone. We all want clean air and we all want to reauthorize the Clean Air Act. I am a cosponsor of the administration's bill to reauthorize the Clean Air Act.

But the bill introduced by Senator Baucus is extreme and it is unworkable. No one will deny that automobiles are part of the problem of ozone pollution or that they shall be part of the solution. The question we face is whether we should take steps to require emission reductions from automobiles that the Environmental Protection Agency has estimated will reduce ozone by about 34 to 37 percent as the administration's bill would require, or whether we take steps to reduce ozone by 36 to 39 percent, which is what would be required by the Baucus bill.

Why not go on with the greater reductions? Because the EPA has estimated that reductions similar to those proposed by Senator Baucus will increase the cost of reducing ozone from automobiles by $6.5 billion a year, compared to the $1 billion a year cost of the administration bill.

I ask our colleagues, Mr. President, when the estimated cost of reducing ozone emissions from cars by about 34 to 37 percent under the administration bill will cost about $1 billion, according to the EPA, should we increase those costs by about $6.5 billion a year to get what will amount to a 2-percent greater reduction? That is a 600-percent increase in cost for a 2-percent increase in benefits.

I believe that is not a reasonable course of action to pursue, and the huge additional cost for the small incremental benefit makes the Baucus bill unbalanced and punitive.

I thank the Chair for his courtesy in waiting. I yield the floor to my friend from Montana.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAUCUS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CLEAN AIR STANDARDS

Mr. **BAUCUS**. Mr. President, I intended to address the Senate on another matter, that is, a matter other than the one addressed by the Senator from Michigan. My intention is—and I will in a few minutes address the Senate on the consequences of the pull out of the Exxon Co. from its cleanup efforts today. Exxon Co. today is withdrawing its cleanup efforts and it is a matter I think the Senate shall be made aware of. The Senate, as well, should be made aware of the consequences of that action.

Mr. President, I do wish to spend a few minutes, though, addressing the main point made by the Senator from Michigan.

Yesterday, I introduced the nonattainment portion of the Clean Air Act. It is clear that this Congress, probably not this year, but this Congress will pass clean air legislation. The President has very courageously and very helpfully indicated his strong support for Clean Air Act legislation in this Congress.

The majority leader and the Speaker of the House are both very interested in the passage of clean air legislation. The combination of the leadership of the Congress combined with the President makes it quite clear that we will pass a bill.

Mr. President, the last major effort to clean up urban smog was made in 1977. At that time the Congress asked those communities and States that had excessive urban smog to meet a 10-year deadline, by the year 1987.

Mr. President, we know that that deadline was not met. Cities and States across this Nation that have dirty air, namely smog, were unable to meet those deadlines. They are unable to do so because the provisions of the act were a bit unrealistic; the difficulty in cleaning up the air was much greater than this Congress expected. As a consequence, the deadlines were not met and this country, today, has a majority of Americans breathing air that is unhealthy as defined by medical experts and the EPA.

As a matter of fact, Mr. President, today many of our children, on hot summer days when zone concentrations are the highest, play and breathe air that does not meet OSHA workplace standards. In fact, the rest of us do, too. That is, we breathe air that would be illegal to work in, on many, many days of the year.

Last summer was about average. The summer before last, 2 to 3 days a week the standards were not attained; in other words the air was so dirty it would violate conditions for air in the workplace.

The bill which I introduced yesterday, which is also cosponsored by the ranking member, Senator John Chafee, of Rhode Island, and cosponsored also by a majority of the members of the Environment and Public Works Committee on a bipartisan basis, is a bill which will enable this country to meet the deadlines that we have set forth and enable this country to cross the finish line on time, allowing cities to meet attainment.

We have learned the lessons from 1977 to 1987. This bill provides different dealines for different degrees of polluted areas, polluted cities; a 5-year deadline for the least polluted, 10 years for the next greatest polluted, 15 years for the next greatest polluted category beyond that, and 20 years for Los Angeles. Not 10 years, as previously provided for, but 5, 10, 15, and 20 years, depending on how great the pollution is.

In addition, there are controls and there are many other matters which I think make this bill more realistic than past efforts; but, also, an effort that will get the job done.

The administration's heart is where it should be. It is moving in the right direction. But in my judgment the administration's bill has too many exceptions. There is way too much discretion left to the EPA. It has provisions such as fleet averaging which, although the goals of cleaning up the air are there, as a practical matter we will not get there.

So this bill makes the hard choices. It makes the hard decisions and does what I think most Americans want, that is, to have air in our cities that finally will be clean; air that is healthy.

Mr. President, I understand the concerns of the Senator from Michigan. He represents Michigan, the State that is known for producing most of the automobiles in this country. The Senator from Michigan is concerned about the cost of this bill.

Mr. President, nothing in life is free. There have been many who have said there is no free lunch. There is no free lunch. Mr. President, it is very clear to this Senator that the price of inaction, the price of not addressing dirty air in this country, is much greater than the price of cleaning up the air.

The American Lung Association, for example, in testimony before our committee, repeatedly pointed out that Americans are spending $40 billion a year because of dirty air; $40 billion a year. In other testimony, medical experts point out that between 2 and 5 percent of Americans suffer premature illness or death because of American dirty air. That is a very heavy price to pay.

Mr. President, we have crop damage because of urban smog, in addition to the health consequences of urban smog.

We have economic costs because of urban smog. If you stack up the price of inaction along with the price of cleanup, it is very disproportionately weighted in favor of cleaning up dirty air.

I submit, Mr. President, I said nothing is free. I see the Senator from Michigan is on the floor, and I am happy he is on the floor, but the costs associated with this bill pale in comparison with the costs of the consequences of dirty air in this country, however you slice it, however you cut it.

Mr. LEVIN. Will the Senator yield? The Senator from Montana and I are old friends, indeed. I look forward to trying to work with him on this bill.

I must say the issue is not whether or not there is action versus inaction. There is going to be action. The question is whether or not the action we take is sensible action and pays off, or whether or not we are going to pay 600 percent more for a 2-percent benefit.

Obviously, the cost of inaction is too great. We cannot tolerate it. We cannot accept smog; we all accept that. The issue is not dirty air versus clean air. The question is whether or not the administration bill, in fact, gives us 98 percent of what the bill of the Senator from Montana gets us for one-sixth of the price. That is the question. That is the one which I understand will be debated in hearings, and I know we will have lengthy debates on the floor. I have been assured by my friend from Montana that there will be hearings on this bill and other bills, and this will take place at some point prior to markup on this bill so that we can have these issues debated.

I could not agree with him more that no one wants, and we cannot afford, dirty air. That issue is going to be whether that small marginal increase that is provided for in this bill over the administration bill can be justified by the cost. That is going to be the great debate here, and a lengthy debate, and I think a worthy debate, because I know my friend from Montana wants to have a healthy economy and we should not take any needless stabs at that economy if they are not justified by the benefit which is achieved.

But I want to also thank my friend from Montana for yielding to me for a moment and also for giving us the assurance that there will be hearings where we will be able to testify on the bill of the Senator from Montana.

I thank my friend.

The PRESIDING OFFICER. The Senator from Montana retains the floor.

Mr. BAUCUS. Mr. President, I thank the Senator from Michigan and very much do agree with the Senator on one point. As I indicated to the Senator earlier today, we will have hearings on the bill. In fact, I expect 6 to 8 days of hearings, practically from dawn until sundown on each of those days, so we can hear all the witnesses and get all the different points of view that people have.

I do agree with the Senator and assure the Senator there will be hearings so all can be heard. That is the only fair, proper way to handle this.

However, I do not agree with the Senator that the cost will be 600 percent more for a 2-percent benefit. I do not agree with the Senator on that point.

Mr. President, the fact is that the mobile sources, basically autos and light trucks, account for 50 percent of the problem, even with increased air emission standards.

Over the years since 1970, 1977 up through today, 1989, even with those efforts, which have very significantly cut back on auto emissions, it is true today auto emissions are 50 percent of the problem or the cause of ozone; 50 percent.

They are 90 percent of the cause of carbon monoxide pollution, and many cities are in carbon monoxide nonattainment; ozone nonattainment—they are still 50 percent of the problem.

Mr. President, I am saying if they are 50 percent of the problem, they must be 50 percent of the solution. I am saying that we have to go that extra effort to get 50 percent of the solution.

In fact, Mr. President, we are not going to get 50 percent of the solution, even with the standards that are in the bill that was introduced yesterday.

I must say, Mr. President, we have to go that incremental difference because we will get to a point in America, if we are going to solve urban air pollution or come close to it, where everybody must contribute to the solution. There are lots of different incremental causes now to urban smog: Autos, standard automobiles, light trucks, heavy trucks. There are large stationary sources; there are small stationary sources. There are a lot of different components that contribute to urban smog.

If we let one group off the hook, then logically others are going to come in and say: "Well, why not us, too? We only contribute a little bit ourselves." Everybody is going to have to contribute.

Mr. President, I also must say we will have this debate much later and it will be more involved at a later point in time. The cost of the first round of tailpipe standards will be $50 a car. That is all, $50 a car. And the cost of the second round of new tailpipe standards is going to be, in my judgment, less than $100 a car.

Mr. President, Let me make this point clear, too. Today, many American automobiles are certified to meet round 2 standards for all emissions. I say, Mr. President, round 2 does not go into effect until after the year 2003 under this bill. Today, there are many autos that are already certified to meet the standards.

Do not forget 1970 when this Congress passed a Clean Air Act, there was no technology available to do what this Congress asked the auto industry to do. They said it could not be done. Impossible. No technology. This Congress said we have to find a way to do it anyway. Do you know what happened? They did it. There was no technology. Then they found it and they met the standards.

I am saying today, Mr. President, the technology, by and large, already exists. The best evidence: Cars today are certified to meet it. They can do it. They will come back and say, "Well, that is not the end use standards. We are only certified to do that but you cannot keep them operating according to those standards."

I am saying, Mr. President, the next 13 years after the year 2003, I bet you dollars to donuts they can find a way to do it and fairly easily. And if they cannot, they will be overrun by the Japanese and other auto producers who are going to find a way to do it.

Again, Mr. President, this is a great debate in the future. I must say strongly, I believe that this bill as introduced yesterday is very good, strong, it is practical, it is common sense, and it gets the job done in a very common sense, practical way. I am very proud to be associated with it.

THE CLEANUP OF THE ALASKAN OILSPILL

Mr. BAUCUS. Mr. President, on March 24 of this year the largest oilspill in U.S. history occurred when the tanker *Exxon Valdez* ran aground on Bligh Reef in Prince William Sound, AK, and spilled 11 million gallons of crude oil into the surrounding waters.

The spill caused widespread and significant harm to the natural environment, including contamination of water, fouling of thousands of miles of beaches and shorelines, and injury to fish, shellfish, and wildlife.

It has devastated the traditional way of life for Alaska Natives who subsist on the fisheries and wildlife resources of Prince William Sound, and the commercial fishing industry and the regional economy have suffered greatly, causing serious, long-term economic harm for many other Alaskans.

Exxon's stated objective in the cleanup of the *Exxon Valdez* spill was to:

> Leave all shorelines in Prince William Sound and the Gulf of Alaska environmentally stable so that no threat remains to wildlife, fish or persons subsisting from these resources.

Today, Exxon will pull the plug on its effort to clean up the 11 million gallons of crude oil that were dumped into Prince William Sound when its tanker struck Bligh Reef 6 months ago.

Exxon says it has fulfilled its commitment to treat all the shorelines it fouled.

But none of these treated shorelines are clean.

As the majority leader pointed out earlier this week, the State of Alaska contends that many of the so-called treated shorelines remain saturated with oil. This oil leaches into the water during high tides and storms and continues to cause environmental and economic harm.

Scientists are concerned that the 5,000 bald eagles that spend the winter in Prince William Sound will feed, and be poisoned, in tideland habitats contaminated by this oil.

Nearly 1,000 sea otters are known to have died as a result of the spill and more than 30,000 dead birds have been found, including 134 bald eagles. That is just found.

Thousands of birds continue to die. Eight hundred to one thousand have been found dead in the Kodiak area each week for the last 6 weeks.

Exxon has sought to discount and discredit the State of Alaska's concerns that treated shorelines continue to pose a threat to fish and wildlife.

The State of Alaska has asked repeatedly that Exxon maintain strike forces through the fall and winter to protect sensitive areas and clean shorelines from oil that is washed from contaminated areas during high tides and storms, but Exxon has made no commitment to provide such field teams this winter.

The State of Alaska repeatedly has asked Exxon to make a firm commitment to continue shoreline cleanup in the Spring of 1990, but Exxon has agreed only to return next spring to survey shorelines and conduct environmental assessments and has been unwilling to concede that any further cleanup will be necessary.

In addition, the President and his subordinates have not insisted that Exxon provide winter field teams to prevent the oil from causing further environmental damage, and they have joined Exxon in taking a wait and see attitute with respect to whether there will be further cleanup in the spring of 1990.

Exxon undoubtedly is pinning a lot of hopes on this winter.

Exxon may be hoping that the stormy weather will finish the cleanup job.

They may be hoping that the coming months will give their team of scientists time to fashion arguments that no further cleanup is needed.

And Exxon may figure that there is always the chance that by next spring the American people will have lost interest in the cleanup.

I do not intend to forget or lose interest and the American people are not going to let that happen. We are going to keep the heat on Exxon to clean up its oil until the threat to Alaska's environment is gone.

I call on the President to join us in speaking out on this issue. Clean Water Act the Congress charged the President.

Under the Clean Water Act—not Exxon—with the responsibility for making sure that oilspills are cleaned up.

The President and his subordinates, in my judgment, have deferred too greatly to Exxon in determining how the cleanup should be carried out.

The administration has repeatedly put itself in the position of responding to Exxon's cleanup plan and trying to coax Exxon into improving it.

The administration has it backwards.

The President should make an independent judgment, in conjunction with the State of Alaska, about what will be needed this winter and next spring to protect and restore the shorelines in Prince William Sound and the Gulf of Alaska.

Then the President should inform Exxon of what it has determined Exxon must do to get the job done.

The President must take whatever actions are necessary to protect sensitive areas from oiling this winter and to continue the cleanup in full force next spring and every spring until he is satisfied that no further oil needs to be removed.

If he is unable to convince Exxon to meet these responsibilities, then he should take over the effort and sue Exxon to recoup the Government's costs.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceeding.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 15, 1989, he had presented to the President of the United States the following enrolled bill:

S. 1075. An act to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1679. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on Tier III Federal Agency Drug Free Workplace Programs; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 635. A bill to prevent the unintended licensing of federally nonjurisdictional pre-1935 unlicensed hydroelectric projects (Rept. No. 101-133).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. 1633. An original bill to amend title 38, United States Code, and the Internal Revenue Code of 1986 regarding the use of Internal Revenue Service and Social Security Administration data for income verification for purposes of laws administered by the Department of Veterans Affairs (Rept. No. 101-134).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 2087. A bill to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes.

H.R. 2088. A bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.

S. 1454. A bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, and for other purposes.

S. 1455. A bill to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act; and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1632. A bill to establish a Federal Strategic Drug Intelligence Center; to the Committee on Governmental Affairs.

By Mr. CRANSTON, from the Committee on Veterans Affairs:

S. 1633. An original bill to amend title 38, United States Code, and the Internal Revenue Code of 1986 regarding the use of Internal Revenue Service and Social Security Administration data for income verification for purposes of laws administered by the Department of Veterans Affairs; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1632. A bill to establish a Federal Strategic Drug Intelligence Center; to the Committee on Governmental Affairs.

STRATEGIC DRUG INTELLIGENCE ACT

Mr. ROTH. Mr. President, the Permanent Subcommittee on Investigations has just held hearings this week on the structure and operations of the international drug trafficking operations. The subcommittee heard testimony from several important witnesses with firsthand knowledge of the structure and methods of operations of these organizations.

One of the most disturbing findings resulting from the subcommittee's 12-month investigation is the tremendous gap in our Government's knowledge about these organizations. Although we have learned a great deal, we have just touched the tip of the iceberg. Moreover, the information our law enforcement agencies and intelligence-gathering agencies do have is not always put to good use. What is clear is that amateur cocaine distributors of 15 years ago have developed into large, sophisticated, illegal conglomerates that routinely terrorize their adversaries whether they be rival gangs or government officials. These groups can easily absorb the costs of destroyed labs and arrests of mid-level traffickers as the cost of doing business. We have learned, in short, that we must change our strategy—we must think smart.

We have been hitting the enemy where it does not hurt. This must change. If we hope to succeed against the cocaine cartels, and we must succeed, we need a new approach to the war on drugs that emphasizes long-term strategy over bang-and-bust tactics. Our efforts thus far are reminiscent of the failed "body count" approach used in Vietnam. In order to identify, attack and dismantle these international drug organizations, we need a new coordinated intelligence strategy which will identify the enemy and its weaknesses. We must target the enemy's vulnerabilities whether it is transportation routes, money laundering or precursor chemicals. No general goes into battle without good intelligence.

The war on drugs is a full-scale war, not a partisan political issue. Now is the time to act, before these narco-traffickers gain control of entire regions of Latin America.

My bill would establish an executive agency called the Strategic Drug Intelligence Center. President Bush's drug strategy calls for a working group to consider the concept of such a center, now. All the witnesses at PSI's hearing this week supported the concept of a National Drug Intelligence Center. Though there may be some debate on the details, there is no debate on the concept. I believe we need to take the concept one step further and create this center. The sooner the center becomes operational, the sooner we can score victories against the enemy.

The purpose of the center is to create a much-needed, centralized computerized data base that will collect and collate information contributed by Federal law enforcement agencies and intelligence-gathering agencies. This information system will provide a comprehensive analysis of the structure and operations of the drug trafficking organizations so that we fully understand the weak chinks in the enemy's armor.

All Federal law enforcement agencies and other appropriate agencies will participate in the center. The center will be managed by an oversight board chaired by the Director of the National Drug Control Policy Board. Heads of participating agencies such as FBI, DEA, Customs, and CIA, will serve on the board. I am not proposing that we duplicate the efforts being made currently. My legislation will simply centralize all the drug intelligence available so that it can be more effectively utilized. It is a common-sense proposal.

The need for a strategic intelligence center is patently clear. Much of the relevant information on the drug organizations the Government possesses is contained in manual files that cannot be used easily or effectively. No single agency has ready access to all the data needed to produce a comprehensive understanding of the international and domestic drug trafficking organizations. This must change. Strategic intelligence is our "lethal weapon" against the enemy. Creation of the Strategic Drug Intelligence Center is the first step toward dismantling the organizations themselves. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Drug Intelligence Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) much of the relevant information the Federal Government possesses related to foreign and domestic drug trafficking organizations is in manual files which cannot be used easily, quickly, or completely;

(2) each Federal agency maintains its own files which, by their nature, are difficult to share with other agencies;

(3) no Federal agency has ready access to all the data needed to produce a comprehensive understanding of the international and domestic trafficking organizations; and

(4) there is no centralized data base of information which can be fully utilized by responsible Federal agencies.

SEC. 3. ESTABLISHMENT AND RESPONSIBILITIES OF CENTER.

(a) ESTABLISHMENT OF THE CENTER.—There is established an executive agency to be known as the "Strategic Drug Intelligence Center" (referred to as the "Center").

(b) RESPONSIBILITIES OF THE CENTER.—The Center shall—

(1) assimilate the collective information, data, intelligence, and analytical capabilities of National Drug Control Program agencies;

(2) produce the most comprehensive possible analysis of the foreign and domestic drug trafficking organizations and their operations;

(3) create and maintain a state-of-the-art computer data base for drug-related strategic intelligence; and

(4) disseminate comprehensive intelligence on drug organizations to appropriate intelligence and enforcement agencies.

(c) DATE OF OPERATION.—The Center shall begin operations not later than 90 days after the Director of the Office of Drug Center Policy submits the plan referred to in section 5.

SEC. 4. MANAGEMENT OF CENTER.

(a) ESTABLISHMENT OF BOARD.—There shall be at the head of the Center a board known as the "Strategic Drug Intelligence Board" (referred to as the "Board") which shall be responsible for the management of the Center. The Director of the Office of Drug Control Policy shall be the chairman of the Board. The heads of the other Federal agencies participating in the Center shall be members of the Board.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(1) allocate the Center's funding;

(2) determine the Center's priorities;

(3) select an executive agent for the Center from among the Board members who shall designate senior managers for the Center, subject to Board approval;

(4) design a format for information to be collected giving due regard to the sensitivity of certain information; and

(5) adopt procedures governing access to information contained in the data bases.

SEC. 5. PLAN FOR CENTER.

Not later than 90 days after the date of enactment of this Act, the Director of National Drug Control Policy shall develop and submit to Congress a plan for the management of the Center which shall include a design and format for each of the data bases to be established by the Center. The plan shall utilize existing intelligence resources and shall not duplicate current information systems.

SEC. 6. PARTICIPATING AGENCIES.

The following agencies shall participate in the establishment of the strategic drug intelligence data bases and shall contribute data as required by the Board:

(1) the Central Intelligence Agency;

(2) the Defense Intelligence Agency;

(3) the National Security Agency;

(4) the Drug Enforcement Administration;

(5) the Federal Bureau of Investigation;

(6) the Internal Revenue Service;

(7) the Immigration and Naturalization Service;

(8) the Customs Service; and

(9) the Coast Guard.

SEC. 7. AVAILABILITY OF INFORMATION.

The information in each data base established by the Center shall be available to appropriate representatives from participating agencies pursuant to the procedures adopted by the Board.

SEC. 8. SECURITY OF CENTER.

The Congress finds that given the nature of the Center's mission, the threat to the Center's facilities and its personnel is of special concern. In order to protect the Center's facilities and personnel, the Board shall take reasonable, necessary actions to provide the appropriate and necessary degree of physical and personnel security.

SEC. 9. REPORTS AND EVALUATION.

Not later than 1 year after the date of enactment of this Act and no later than March 1 of each year thereafter, the Director on National Drug Control Policy shall prepare and submit to Congress a report evaluating the performance of the Center and the participation of each of the contributors to the data bases of the Center.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this Act, there are authorized to be appropriated $100,000,000 for fiscal year 1991 and such sums as may be necessary for each of the 3 succeeding fiscal years, which amounts shall remain available until expended.

ADDITIONAL COSPONSORS

S. 135

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 623

At the request of Mr. HARKIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 623, a bill to amend the Federal Food, Drug, and Cosmetic Act to prescribe labeling requirements for foods which contain vegetable oils and for other purposes.

S. 695

At the request of Mr. PELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 695, a bill to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements; enchancing parental choice; encouraging the study of science, mathematics, and engineering, and for other purposes.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 775

At the request of Mr. SHELBY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 775, a bill to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 849

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Washington [Mr. ADAMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1198

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. LEAHY], was added as a cosponsor of S. 1198, a bill to amend title 17, United States Code, to provide certain rights of attribution and integrity to authors of works of visual art.

S. 1199

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1199, a bill to amend the Social Security Act to improve Medicare and Medicaid payment levels to community health clinics.

S. 1291

At the request of Mr. PELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1291, a bill to extend and amend the Library Services and Construction Act, and for other purposes.

S. 1365

At the request of Mr. COATS, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1365, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and drug-related offenses.

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1426

At the request of Mr. DODD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1426, a bill to revise and extend the programs of the Domestic Volunteer Service Act of 1973, and for other purposes.

S. 1427

At the request of Mr. BOSCHWITZ, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1427, a bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such acts to charity and public agencies, and for other purposes.

S. 1466

At the request of Mr. PRYOR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1466, a bill to amend title XVIII of the Social Security Act to make certain modifications in the Medicare program with respect to payments made under such program to rural referral centers and high Medicare volume hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes.

SENATE JOINT RESOLUTION 186

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 186, a joint resolution designating the week of March 1 through March 7, 1990 as "National Quarter Horse Week."

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS, 1990

SASSER (AND OTHERS) AMENDMENT NO. 753

Mr. SASSER (for himself, Mr. GRASSLEY, and Mr. SIMPSON) proposed an amendment to the bill (H.R. 3012) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 3, line 15, strike "$1,098,249,000" and insert in lieu thereof "$1,122,249,000".

On page 8, line 16, strike "$129,000,000" and insert in lieu thereof "$105,000,000".

On page 8, line 18, strike "$894,800,000" and insert in lieu thereof "$870,800,000".

ACQUISITION OF CERTAIN LANDS

WIRTH (AND ARMSTRONG) AMENDMENT NO. 754

Mr. MITCHELL (for Mr. WIRTH, for himself and Mr. ARMSTRONG) proposed an amendment to the bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado, as follows:

On page 1, line 5, strike "purchase with donated or appropriated funds, or by exchange,".

On page 2, after subsection (b), insert the following new subsection:

"(c) Notwithstanding the provisions of 16 U.S.C. 192b, the Secretary shall not have the authority to acquire the lands identified in Tract 1127 and 1127B4, Section 23, Township 3 North, Range 73, by the County by Boulder in the State of Colorado, except with the willing consent of the owner thereof, unless said property is being developed or is officially proposed to be developed in a manner which would substantially change its use as a single family residence."

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

LEVIN AMENDMENT NO. 755

Mr. MITCHELL (for Mr. LEVIN) proposed an amendment to the bill (S. 1426) to revise and extend the programs of the Domestic Volunteer Service Act of 1973, and for other purposes, as follows:

On page 55, line 22, strike "and".

On page 56, line 2, strike the period and insert "; and

(11) programs in which volunteers tutor educationally disadvantaged children on basic skills on a one-by-one basis. ".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner. The hearings will focus on S. 972, S. 1304, and any other legislation pending before the committee related to the environment, safety, and health aspects of operation of the Department's nuclear facilities.

The committee will hear testimony from the Department of Energy on October 5, 1989, at 9:30 a.m. The hearing will be continued on October 19, 1989, at 9:30 a.m. Both hearings are open to the public and will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Mary Louise Wagner or Teri Curtin at (202) 224-7569.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development in the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 775, a bill to require the Secretary of Energy to establish three centers for metal casting competitiveness research.

The hearing will take place on Thursday, September 21, 1989, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Ben Cooper or Teri Curtin at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, September 15, 1989, at 9:30 a.m. hold a hearing on annual refugee consultation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE OF FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee of Foreign Relations be authorized to meet during the session of the Senate on Friday, September 15, at 10 a.m. to hold a hearing on pending ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on September 15, 1989, beginning at 9 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 321, the Buy Indian Act Amendments of 1989, H.R. 498, the Indian Law Enforcement Reform Act and S. 1364, to establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, to be followed by a hearing beginning at 2 p.m. on S. 1096 and S. 1336, to provide for the use and distribution of funds awarded the Seminole Indians, and S. 1526, to authorize the State of Oklahoma and the Kiowa, Comanche, and Apache Tribes to enter into an agreement regarding the exercise of State jurisdiction over a portion of Indian country located in Comanche County, OK.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate at 10 a.m. on Friday, September 15, 1989, to hold a hearing for the preparation of the 1990 farm bill on livestock and poultry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorize to meet on September 15, 1989, beginning at 9:45 a.m., in 562 Dirksen Senate Office Building, on the Indian Vocational Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Communications Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 15, 1989, at 10 a.m. to hold a hearing on the Federal Communications Commission's minority ownership policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 15, 1989, at 9:30 a.m. to hold a hearing on S. 1067, the National High-Performance Computer Technology Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

POW/MIA REMEMBRANCE AND RECOGNITION DAY

● Mr. LIEBERMAN. Mr. President, today we commemorate Prisoner of War and Missing in Action Remembrance and Recognition Day.

All Americans should pause on this day to recall those true heroes who survived the horrors and hardships of prison camp, and to remember the families of those still missing and who may never be accounted for.

From the brutalities of Bataan, through the cold of Korea, and into the jungles in Vietnam, our soldiers endured the enemy and overcame the odds. We owe them so very much.

Today, the Vietnam era still haunts America. Over 2,000 families still must go to sleep at night wondering if their loved ones are still alive or when their remains will be returned for a decent burial. While we have had some success in our negotiations with the governments of Laos, Cambodia, and Vietnam, more—much more—needs to be done. Indeed, until each and every American is accounted for, no American can be completely free from that war. Their valor and virtue demand out best efforts. To do less cheats these brave soldiers of their due respect and lessens ourselves as caring people.●

POW/MIA'S IN COLORADO

● Mr. ARMSTRONG. Mr. President, Colorado is proud of its contribution to the defense of our Nation. Today, at several gatherings in the State, we will give special recognition to those brave men who have served as prisoners of war or those who are still missing in action. In their honor, and in honor of their loved ones, the following statement will be read. I would like to share it with my colleagues.

The statement follows:

PRICELESS FREEDOM

(By Senator William L. Armstrong)

Today's ceremony commemorates the many Americans who fought for our country in Vietnam, and served as prisoners of war or are still missing in action. These brave men fought so that others living half a world away might experience the same freedoms each of them had experienced from childhood.

To each of them, like many great Americans who went before, freedom came at great cost.

In 1776, the American colonists had little understanding of the price they would pay for their eventual freedom from English tyranny. But pay they did. Remember the thousands who gave their lives on the battlefield * * * or those who froze to death in Valley Forge * * * or the many who suffered wounds or diseases that left them disfigured and in great pain for the rest of their lives. These brave men were the first to demonstrate the true price of freedom.

They were followed by generations of valiant Americans who for centuries have sacrificed their fathers, their brothers, their sons and yes, even their daughters, their homes, their lives, their futures and their fortunes so this priceless gift might be a reality for the men and women of the world. From Japan to Austria and from Iceland to New Zealand, more than one-half of the world's population now lives free from tyranny due to the sacrifices of the people of the United States.

Not one of these lives or any of these hardships was suffered in vain. When looked at individually, such may appear to be the case. But when seen in perspective, each contribution was absolutely essential. Taken together, the magnitude of their accomplishments is overwhelming.

Those who suffered as prisoners of war or are still missing in action in Southeast Asia are the newest addtions to the long line of America's heroes. Hopefully, their sacrifices will be a living reminder of the real costs of freedom. Many challenges still face us. More than one-third of the world's population still lives under the slavery of a tyrannical government. We must continue in their footsteps pursuing freedom for all the world's peoples.

Bernard Malamud put it best when he said, "The purpose of freedom is to create it for others."●

CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT OF 1989

● Mr. LAUTENBERG. Mr. President, I am pleased to join my Senate Environment and Public Works Committee colleagues in introducing the Clean Air Restoration and Standards Attainment Act of 1989. This bill will once and for all establish a tough, comprehensive program to rid our air of the ozone, carbon monoxide, and particulate pollution which plague our Nation.

These pollutants threaten the health of our citizens and our environment. Roughly 150 million Americans in 94 of the Nation's cities live in areas that exceed the existing ozone standard, almost 30 million live in areas that fail to meet the carbon monoxide standard and 21.5 million live in areas that fail to achieve the particulate matter standard. This, even though the standards were supposed to be achieved by 1977. Some citizens have been exposed to ozone levels which exceed the standard established by the Occupational Health and Safety Administration to protect the health of factory workers. And unless tougher measures are adopted to reduce the precursors of ozone, volatile organic compounds and nitrogen oxides, ozone pollution is likely to worsen because of the substantial increase in the use of motor vehicles in the future.

Violations of the ozone health standard can result in lung function impairment, chest pains, shortness of breath, coughing, nausea, throat irritation, increased susceptibility to respiratory infections and in high enough levels, death. Young children are particularly susceptible to both acute and permanent effects of ozone pollution. Ozone pollution also can result in adverse effects on crops, forests, and materials. Carbon monoxide robs the body of needed oxygen and violations of the health standard can result in reduced work capacity and fetal effects. Particulate matter can produce a range of effects from temporary reductions of lung function and increased respiratory symptoms to aggravation of existing respiratory and cardiovascular disease, cancer, and premature death.

In 1988 in New Jersey, the ozone standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard. The entire State is classified as nonattainment for ozone. Northern New Jersey has carbon monoxide levels which exceed the existing standard by over 50 percent. And this despite having some of the toughest air pollution controls in the Nation. Moreover, New Jersey would be in noncompliance even if all emissions in New Jersey were eliminated for a day due because of ozone and ozone precursor pollutants from areas upwind of New Jersey.

It's abundantly clear that the existing Clean Air Act as implemented by the Reagan administration has failed miserably to clean our air. We need to enact legislation with tough, mandatory requirements and which require pollution control in States contributing to standard violations in other States like New Jersey.

The Office of Technology Assessment, in a recently released report, has outlined the scope of the program which we will need to adopt. According to the OTA, currently available control methods, could, if adopted, lower summertime VOC emissions in nonattainment cities in 1994 by about two-thirds of all reductions needed on average to allow nonattainment cities to meet the standard. However, many cities including all cities with design values above 0.16 parts per million of ozone would still fail to achieve attainment.

OTA also identified a number of controls which are needed to address the Nation's ozone problem. These other controls include reducing nitrogen oxides, and VOC evaporation from solvents, adopting transportation control measures to reduce the number of miles driven, switching to alternative fuels which have lower ozone producing potential than gasoline and reducing the transport of pollutants from upwind areas.

Unfortunately, President Bush's proposal fails to adopt the program outlined by OTA. According to the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials, the provisions of the President's bill

"* * * fall far short of what is needed to expeditiously attain and maintain the national ambient air quality standard for ozone." These two groups made a similar finding for the President's carbon monoxide control program. Concerning the President's program to control emissions from motor vehicles, the largest source of both ozone and carbon monoxide pollution, these groups concluded that the program "* * * is inadequate and represents the weakest part of the administration's clear air proposal."

The President's nonattainment program has a number of deficiencies including failing to:

Require the adoption of already demonstrated technology for automobile emissions;

Prohibit averaging of a fleet's emissions which will weaken the already less than stringent standards;

Mandate emission control diagnostic systems, on board refueling vapor controls, and an evaporative running loss standard;

Extend the passenger car standards to the full life of an automobile;

Mandate inspection and maintenance programs in all nonattainment areas;

Require EPA to regulate air toxics from motor vehicles;

Require a minimum level of controls in regional transport areas; and

Move aggressively to regulate the largest remaining uncontrolled sources of pollution.

The President's bill sends the message that we should continue to tolerate unclean air. This is unacceptable.

Mr. President, the Clean Air Restoration and Standards Attainment Act of 1989 we are introducing today addresses these shortcomings in the President's bill and establishes the tough program we need. It addresses both the existing VOC control measures and the additional control measures suggested by OTA as necessary to achieve attainment. It also includes technology forcing standards to reduce automotive emissions. Most importantly to my State, it includes a strong program to regulate pollutants transported from upwind States.

During the Senate Environment Committee's hearings on clean air legislation, I intend to closely examine provisions addressing air toxics emissions from motor vehicles and regional transport of air pollutants.

Mr. President, we have the knowledge and the technology to lower levels of ozone, carbon monoxide, and particulates to safe levels. And the Clean Air Restoration and Standards Attainment Act of 1989 provides the program to reach this objective. I urge my colleagues to support this legislation.●

S. 1630, CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT OF 1989

● **Mr. WARNER.** Mr. President, I am pleased to join as an original cosponsor of S. 1630, the Clean Air Restoration and Standards Attainment Act of 1989, introduced by Senator BAUCUS yesterday. This proposal, which will form an important part of comprehensive clean air legislation, is an ambitious one designed to address the serious urban smog problem this Nation faces.

Mr. President, the State of Virginia is unfortunately among those States containing several areas that are battling ozone and carbon monoxide pollution. This problem has arisen, in large part, because of the congestion that is growing on a daily basis around the State's largest cities and around the Nation's Capital. It is my hope that this legislation, with some appropriate modifications, will go a long way toward solving the problems caused by congestion, so that the health and all Virginians can once again be protected adequately.

Mr. President, while I join as a cosponsor of this legislation, there are some provisions which, in my view, deserve a second look. There remain some serious questions about the costs that some of these new requirements will impose on the citizens of Virginia as well as the American economy as a whole. I plan to focus on this issue during the forthcoming hearings on this legislation. I welcome the thoughtful review by many of the expert witnesses who will appear before the committee during the hearing process and remain open to other views on how to achieve our clean air goals just as effectively at the lowest possible cost to the Nation.

Mr. President, I commend my colleagues, Senators BAUCUS and CHAFEE for introducing this legislation. I look forward to working with them and other members of the committee in the coming weeks to produce a strong, effective clean air bill.●

CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT

● **Mr. LIEBERMAN.** Mr. President, I am pleased and proud to cosponsor the Clean Air Restoration and Standards Act of 1989. I commend Senators BAUCUS and CHAFEE for their outstanding leadership on this bill, which sets forth bold, innovative, and creative approaches for dealing with the public health crisis faced by this country as a result of ozone and carbon monoxide pollution.

In the Clean Air Act of 1970, Congress set a goal that all Americans would breathe healthy air within a decade. We have failed to meet that goal. More than 130 million Americans—60 percent of all Americans—live in areas which exceed the health-based standard for ozone. More than 80 million people live in areas that exceed the carbon monoxide standards.

Ozone pollution—smog—is the country's most persistent pollution problem. It impairs our health and affects the quality of our lives. It shortens our breath, damages our lungs, and keeps us indoors. Last month, some of the top environmental scientists in the United States met in California and concluded that smog can inflict irreversible, permanent injury on people in polluted cities, gradually crippling their lungs and triggering emphysema and chronic bronchitis.

Dr. Robert Phalen, of the University of California, told the Senate Environment and Public Works Committee at a hearing last April: "Ozone is harmful to health, even at relatively low concentrations. It is an unusually toxic chemical." Other doctors have described the impact of ozone on lungs as similar to the effects of cigarette smoking and even mustard gas.

The most vulnerable among us—children under 13 with developing lungs, senior citizens, asthmatics and people with other pulmonary and heart diseases—are the most likely to suffer the human misery caused by smog. A recent study, the "American Asthma Report," indicates that the effects of asthma on children are far greater than previously reported. For example, nearly half of the parents in the study said they felt their children have suffered emotionally because of having asthma. Four out of five parents with asthmatic children said their child's life is restricted by asthma, and nearly half the pediatricians surveyed reported treating more asthmatic children today than 5 or 10 years ago, partly because of worsening air pollution.

But not only the most vulnerable among us suffer the effects of ozone pollution. Recent studies by the Environmental Protection Agency indicate that healthy adults who exercise in air polluted with ozone at levels well below the current health-based standard are extremely sensitive to respiratory diseases and show symptoms which may indicate permanent lung damage. In studies conducted in Los Angeles, researchers found severe lung lesions and chronic respiratory disease in one-fourth of the 15 to 25 year olds.

Smog exacts a huge economic toll, too: According to a study released this month by the University of California, the medical costs of smog in southern California alone reach nearly $10 billion a year. The American Lung Association has estimated that the damages associated with emphysema cost the Nation $45 billion in medical treatment, time lost from work, and loss of future earnings. Smog is also to blame for some $5.3 billion per year in crop productivity losses in the agricultural industry. It is the major reason why crops such as spinach, celery, lettuce, tomatoes, string beans, and cucumbers are no longer grown around Los Angeles.

The effects of carbon monoxide are also potentially lethal. Carbon monoxide pollution reduces the ability of blood to deliver oxygen to the body's tissues. Exposure of pregnant mothers to even modest levels of carbon monoxide may pose the risk of permanent brain damage to the fetus.

The 9 million Americans suffering from heart disease are especially vulnerable to carbon monoxide pollution because their circulatory systems have a limited capacity to transport oxygen to the body. Some experts believe that elevated levels of carbon monoxide pollution trigger heart attacks.

In a recent report, the Office of Technology Assessment concluded that it was critical to implement all steps possible to reduce smog. Even with these steps, areas such as my home State of Connecticut will still fall at least 20 percent short of meeting the standard.

These conclusions are startling and make clear that we must adopt all control methods known today and, of equal importance, find new and creative controls. The bill we are introducing meets this challenge head on.

In my view, the most significant aspect of this bill is that it contains tough controls on those sources which produce most of our Nation's smog and carbon monoxide emissions. Cars and trucks emit 40 to 50 percent of the Nation's hydrocarbons and 45 percent of its nitrogen oxides, which are the two precursors to smog. In many urban areas, these percentages are even higher, and cars are responsible for virtually all the carbon monoxide emissions.

Motor vehicles also account for about 30 percent of all carbon dioxide emissions in the United States. It is undisputed that the amount of carbon dioxide, the principal greenhouse gas, has been steadily building since the onset of the industrial revolution and there is now general agreement that unless we counteract the growing volumes of CO_2, the Earth's atmosphere will heat up within our lifetime and, certainly, within the lifetime of our children. Carbon monoxide from cars also contributes to the buildup of methane, another greenhouse gas contributing to global warming.

Unfortunately, the emissions from cars remain, by far, the single biggest source of urban smog. The Office of Technology Assessment report shows that, even after application of all known controls to all sources, cars and trucks will still be the largest contributors to smog. We are becoming a nation smothered in cars; the number of cars and the number of miles which cars travel are expected to increase by 40 to 60 percent in the next 15 years.

The requirements in this bill are cost-effective strategies for dealing with the emissions from cars. Most important, the bill requires that automakers reduce the emissions from vehicle tailpipes. By 1993, the manufacturers are required to implement, for the entire Nation, the standards which are already required to be met in cars sold in California. These tailpipe standards are so important that the environmental commissioners of 7 Northeastern States, where 35 million people live in areas that flunk the ozone standard, recently acted on their own to adopt California's tailpipe standards.

In this legislation, we are making clear that the American people can drive the cleanest cars possible, regardless of where they live.

The legislation also requires that the automakers, like other polluting industries, continue to do better than they have in the past. The second round of tailpipe standards, which will take effect in 2003—over 13 years down the road—will force the carmakers to develop improved emission controls and help bring more areas into attainment. Fortunately, the auto industry is well on its way toward achieving these standards. Numerous engine families, including large cars, already have been certified—for 50,000 miles—to the levels which this legislation requires be met in the year 2003. And the basic technology needed to produce cars which meet these standards is already in place.

Requiring the second round of standards is intended to ensure that the automakers invest additional resources to refine the technology necessary to meet the standards. The history of the Clean Air Act demonstrates that setting tough standards will force the automakers to develop technology to meet the standards. In 1970, no technology existed at all to meet the act's standards, and the auto industry testified before Congress that it would be forced to shut down if the standards were enacted. We will no doubt hear these cries of pain again this year. Yet, the industry responded to the 1970 law by developing the catalytic converter, and the original standards, as amended in 1977, remain in effect today.

Second, the legislation requires that these tailpipe standards be achieved throughout the actual life of the cars, rather than only half of their life, as required in the current law. This requirement is critical because many cars remain on the road for 100,000 miles or more; more than half of the cars exceed the standards even before reaching 30,000 miles; and emissions from cars after 50,000 miles increase significantly. According to the Environmental Protection Agency, this 100,000 miles provision is among the most cost-effective solutions to pollution control

The legislation contains other important provisions mandating new controls for emissions. For example, it requires EPA to issue regulations controlling gasoline evaporation from parked and running cars. According to EPA figures, this one control measure will reduce emissions of hydrocarbons by 4.2 percent, a larger percentage than is available from almost any other control measures. The legislation also requires that all cars be equipped with onboard diagnostic systems that alert the operator of malfunctions in the car, as California already requires.

In addition to strict controls on emissions from motor vehicles, this bill recognizes that it is critical to implement transportation control measures designed to decrease our reliance on the automobile. Nonattainment areas will be required to include transportation planning provisions in their air quality plans.

The combination of increased numbers of vehicles and vehicle miles traveled and the even greater concentration of our population in urban areas translates into growing gridlock. Programs such as requiring companies to promote ride sharing, designating high occupancy vehicle lanes, and improving traffic flow are critical if we are ever to decrease the emissions of pollutants from automobiles. Even a modest improvement in this area could have dramatic effects, because more than 80 percent of Americans commute to work in automobiles. In the United States, we could save 33 million gallons of gasoline each day and significantly reduce air pollution if the average commuter passenger load were increased by one person.

The bill includes provisions requiring coordination between an area's transportation planning procedures and the air quality planning process. Transportation programs and projects must conform to the requirements of the Clean Air Act. Areas that fail to comply with the act's provisions will be required to spend Federal transportation funds on projects that benefit air quality, such as programs for high occupany road, improved public transit and trip reduction programs.

Finally, I am proud that this is the first proposal amending the Clean Air Act which decisively recognizes that the integration of our energy and environmental policies is critical. By requiring a major reduction in carbon dioxide pollution from motor vehicles, the bill takes a step toward addressing our global warming crisis.

I am pleased to cosponsor this legislation, and I look forward to its passage, so that Americans can begin to look forward to a cleaner and healthier world.●

BETH ISRAEL MEDICAL CENTER'S CENTENNIAL

● Mr. D'AMATO. Mr. President, I rise today to salute one of New York's foremost medical institutions, Beth Israel Medical Center, which celebrates its centennial in November 1989.

Beth Israel stands today as one of the most modern medical complexes in New York City. It is a 945-bed, voluntary, tertiary-care hospital offering a comprehensive range of inpatient and outpatient services, including a world-renowned clinical program in gastrointestinal endoscopy. It is widely recognized for its pioneering work in the treatment of chemical dependency, and for its leadership in research and treatment for the AIDS virus.

Despite its impressive achievements, Beth Israel has humble origins. It was established in 1889 as a makeshift dispensary to meet the health care needs of Jewish immigrants living on Manhattan's Lower East Side. As Beth Israel grew—expanding to encompass a 20-bed inpatient unit in 1891, and establishing a 115-bed inpatient facility in 1902—it never lost sight of its original mission: to deliver the finest quality medical care to those in need.

Today, Beth Israel's commitment to this mission is reflected in its dedication to teaching, research, and patient care. Through an affiliation with Mount Sinai School of Medicine, Beth Israel runs one of the largest teaching programs in New York City, training up to 350 new physicians each year. Beth Israel's current research efforts in infectious diseases, endocrinology, diabetes, cholesterol and heart disease are helping forge new pathways to improved medical care. These worthy endeavors have enabled Beth Israel to attract its greatest asset: a talented and devoted medical staff who are the embodiment of Beth Israel's caring tradition.

Again, Mr. President, I salute Beth Israel on the occasion of its Centennial, and I urge my colleagues to join me in recognition of its outstanding leadership and achievements in the field of medicine over the past 100 years.●

FEDERAL LAW ENFORCEMENT PAY CRISIS

● Mr. DECONCINI. Mr. President, an important element in this Nation's ability to wage an effective war on drugs was missing from President Bush's national drug strategy last week—the salary and compensation of Federal law enforcement officers. Although the President's strategy recommends increases in the number of drug agents, prison personnel, and Border Patrol officers involved in the battle against the drug traffickers and dealers, the President failed to address the critical need to revamp the present wage scale for Federal law enforcement officers.

Last year's comprehensive drug bill included a section that I first introduced in 1987—the establishment of a National Advisory Commission on Law Enforcement to study and report on the inequities in pay and other benefits among officers having similar qualifications, training, and responsibilities. The Commission, which includes representatives from Congress, the General Accounting Office, Justice Department, employee unions, Treasury Department, and Office of Personnel Management, expects to issue its final report by the end of this year.

Mr. President, today I would like to submit into the RECORD recent articles that appeared in the Arizona Republic. The articles written by two veteran reporters, Paul Brinkley-Rogers and Randy Collier, do an excellent job of detailing the increasing number of drug-related corruption cases involving U.S. law enforcement agents and the increasing temptation of bribes from drug traffickers. One of the factors the articles point to in the growing number of drug-related corruption cases is the low pay Federal law enforcement officers receive.

I'm not going to argue that poor pay is any kind of excuse for the law enforcement officers who have gone bad. The point I want to make is that the articles do a good job of documenting the increasing temptations to which law enforcement personnel are exposed, and don't be surprised if the problem gets worse before it gets better. When Federal law enforcement agencies are offering a starting wage of $16,000 to $18,000 and State and local agencies are willing to pay in the neighborhood of $25,000, the Federal Government is going to find it extremely difficult to attract the best and brightest candidates.

I hope my colleagues will read these articles and be ready to support the findings of the National Commission on Law Enforcement Study and the subsequent legislative solution I plan to introduce. The courageous men and women who risk their lives every day in the war on drugs deserve a better salary than one that qualifies them in many instances for food stamps.

The articles follow:

[From the Arizona Republic, Aug. 27, 1989]

TRAFFICKERS RAISE ANTE, DRUG AGENTS CROSS LINE

(By Randy Collier and Paul Brinkley-Rogers)

They make them swear an oath to protect the United States. Then they give them a gun, pay them dirt-cheap wages, send them to the front lines of the drug war and tell them to stay honest.

But there is evidence that many federal lawmen stationed on the U.S.-Mexican border have not been able to cope with the pressure to go bad:

In Bisbee, two Border Patrol agents are accused of shaking down drug smugglers, confiscating their loads of cocaine and marijuana, and then selling the drugs through a Paradise Valley dentist.

In Hidalgo, Texas, three Customs Service inspectors are arrested and charged with taking brides amounting to thousands of dollars from traffickers. In return, the government claims, the inspectors looked the other way while thousands of tons of marijuana and cocaine crosse into the country from Reynosa, Tamaulipas.

In San Ysidro, Calif., internal-affairs investigators for the Customs Service find more than $1 million in the home of an inspector they suspect of taking brides. That inspector now is serving a 16-year sentence.

In Los Angeles, three veteran Drug Enforcement Administration agents are jailed and charged with becoming major figures in an international drug ring. That ring, according to an indictment, was responsible not only for pouring tons of drugs into southern California, but was used to launder untold millions of dollars through Swiss banks.

The pressure comes from sophisticated smugglers who often spend months staking out their prey. They've been known to offer brides worth millions.

Then there is the pressure from family members asking agents and inspectors to look the other way.

Finally, there is the pressure from plain frustration with a war seemingly without end. The criminals get rich, and the lawmen—well, if they are honest, they may drive a pickup truck and have to use food stamps.

The case against fired Border Patrol agents Gary Callahan and Glenn Waltz, both of Bisbee, has not yet gone to trial but other federal lawmen, stunned by the cocaine-conspiracy charges against the two men, already are asking themselves, "Could I go bad?"

It is a question that increasingly haunts the hundreds of Border Patrol Customs Service, FBI and DEA agents assigned to the U.S.-Mexican border, where officers can make drug seizures in one day worth more than their lifetime earnings.

DANGEROUS FRONT-LINE WORK

"The temptation is there," said Rich Ashby, a grizzled customs agent who has been working the Yuma border for 20 years. "The thing that keeps us honest is, first, we're honest to begin with, and, second, we don't want to spend time in prison with some bastard we've already sent to prison."

An estimated one-third of the cocaine and one-half of the marijuana smuggled into the United States moves across the 1,980-mile border in a kind of multimillion-dollar game of blindman's buff, with federal lawmen who can earn as little as $15,000 annually doing most of the hot, dirty and often dangerous front-line work.

Prompted by the arrests of Callahan and Waltz, who are charged with a variety of crimes related to drug shakedowns and large-scale sales, two *Arizona Republic* reporters interviewed dozens of agents last month in cities along the border.

Also questioned about corruption on the U.S. side of the border were Mexican authorities, Arizona, Texas and California officials, a bounty hunter, a private investigator, narcotics smugglers, and former U.S. federal agents.

A picture emerged of heightened concern about the threat of corruption, a pattern of often individual attempts by supervisors to tackle the threat and sophisticated efforts by smugglers to compromise agents.

One Border Patrol agent stationed in McAllen, Texas, was offered $5 million to look the other way as drugs crossed the border, but he refused. The reward for his honesty was ridicule toward him and his family from friends and relatives. He eventually was transferred.

Although there is strong evidence that the lure of riches from the drug trade has not affected most federal lawmen, *The Republic* found that corruption has hit all the agencies involved in fighting the drug war and that the number of reported cases is on the rise.

A major problem, investigators acknowledge, are departmental regulations that require an ironclad case before a supervisor can act against a crooked employee, often leaving dirty cops on the job.

Federal salaries have remained so stagnant that some Border Patrol agents and Customs Service inspectors stationed in California, where the cost of living is high, sometimes have to apply for food stamps. FBI agents, once at the top of the police pay scale, are quitting to become police officers in urban centers like Los Angeles, where the pay is higher.

Many veteran agents who have spent frustrating lifetimes fighting an endless drug war spoke emotionally about friends gone bad, or voiced their suspicions in the salty language of the "border rats," as they call themselves, about corruption in agencies other than their own.

SO DAMN MUCH MONEY

Most corruption cases involve veteran personnel rather than the hundreds of newcomers hired recently to boost the ranks for the latest push in the drug war.

"There's no doubt that the temptation is there from time to time," Ashby said one day last month.

It was 116 degrees outside, and Ashby was cooling off in his office, a converted, no-frills trailer home on the outskirts of Yuma.

Ashby, a former homicide detective from Amarillo, Texas, said temptation may be short-lived, but it is real, even when it lasts for only a minute or two.

"It happens when we sit there and take a look at ourselves and our lives and how we have to live from day to day," he said. "and then we look at the people we're arresting.

"My guys work so damn many hours that their overtime comes out to about 50 cents an hour. They're tired and sleepy most of the time.

"Hell, who wouldn't be if you spent about half your nights sleeping out in the desert waiting for some bastard to come along with a load of dope?

"Then, when they bust somebody, they walk into a house with four Mercedes-Benz cars in the driveway, two or three 40-inch TVs in the house and dinnerware that is made out of gold, not silver.

"And sometime, there's so damn much money laying around that you have to have machines to count the damn stuff," Ashby said as he tipped a baseball cap back so he could scratch his balding head.

"Now, if you're a customs agent or any other kind of cop whose house is mortgaged to the hilt, and whose kids need braces, and whose old lady is threatening to leave because you've been too busy to take her on a vacation for the past three years, the scene can be tempting, even if it's just for a minute."

WE CHECK AND CHECK

Ashby said that during his years as an agent, he has investigated numerous allegations not only against fellow agents but against Customs Service inspectors and other law-enforcement people accused of being dirty.

"We check and check, and they all seem to be just as poor as me," he said. "If someone's dirty down here, they're doing a hell of a job of hiding their money."

Not every supervisor has been so lucky. Billy McFarland, the customs chief at the Port of Hidalgo, Texas, across from the Mexican marijuana-smuggling center of Rynosa, has seen seven of his 70 inspectors arrested during the past year.

Two of them, Roberto Sanchez Pena and Enrique Homer Murillo, both 15-year veterans, were arrested in March and charged with marijuana and alien smuggling and taking bribes. Their trial has been scheduled for Sept. 5.

"There's a pattern they seem to follow," McFarland said. "The ones who go bad aren't the young ones. The young ones are gung-ho and want to do a good job.

"It's the older ones. It's the guys who are having marital problems and are in debt and who are spending a lot of time in bars. The traffickers spot them in the bars and after they get to know them, they offer them a good deal on a car or something like that, with the hope that they'll become friends."

After they strike up friendships, he said, the smugglers slowly wear down insepctors' defenses.

"Then the day comes when someone offers an inspector a bribe to look the other way when a truck or a certain car crosses the border," McFarland said.

It was on a hot, humid morning last month that McFarland came close to tears as he recalled the day Pena and Murillo were arrested. He told how he took their weapons and then used a razor blade to remove the customs patches from their uniforms.

He used such words as "disgraced" and "outcasts" when he referred to turncoats in his own ranks.

Finally, he talked about handcuffing a pair of inspectors gone bad and parading them to a car in which they were taken to jail.

"I wanted every inspector around to see what was happening," he said. "I wanted them to know what happens when someone gets caught."

McFarland, a raw-boned Arkansan who was reared on a farm, took a couple of breaths and stared down at the ground.

"The whole damn thing makes me sick to think about it," he said.

LOTS OF DIRT, LITTLE SOLACE

McFarland found little solace in the fact that up and down the border, there have been dozens of other incidents in which supervisors thought their agents or inspectors were clean, only to find out they had joined the side of the crooks.

The biggest pending case along the border involves three Los Angeles-based DEA agents: Darnell T. Garcia, John A. Jackson and Wayne Countryman.

Garcia, Jackson, and Countryman are facing 36 different federal counts, including money laundering, distribution of drugs, tax evasion and misuse of passports.

Garcia, a high-living martial-arts expert who lived in fashionable Palos Verdes Estates, Calif., was a fugitive until late July, when he was arrested trying to use a fake passport to sneak out of Luxembourg. A wanted poster offering a $20,000 reward for his arrest describes Garcia as having "interests in auto racing, world travel, exotic cars, real estate and jewelry."

According to the indictment, Garcia, Jackson and Countryman, all of whom were veteran DEA agents, had spent the past five years working closer with the traffickers than with their own agency.

Their moonlighting was so profitable that they had to stash more than $1 million in Swiss banks to keep their superiors from knowing how wealthy they had become, according to the indictment.

Agents in ports of entry from the Gulf of Mexico to the Pacific Ocean agree it is one thing to suspect your partner but something else to prove it. And even when proof comes, it is sometimes impossible to believe that a veteran cop with whom they have shared hardships has crossed the line.

Richard "Dick" Clements is a DEA agent with credentials that speak of grit. He led the dramatic arrest in Costa Rica of alleged Mexican drug kingpin Rafael Caro Quintero. Clements is a cop, his friends say, who could bank the kind of streetwise yarns he tells and make a fortune selling them to movie studios.

SOMETIMES YOU SPOT 'EM

He puffed on a cigarette as he spoke to reporters in a security-tight prefabricated building at the border crossing between San Ysidro, Calif., and Tijuana, Baja California. His retirement date is close enough that he is able to talk freely. He doesn't seem to worry about what this immediate supervisor might think.

"Sometimes you can spot 'em, and sometime you can't," he said. "I worked right next to a guy who turned out to be dirty as hell, and it took me a long time to notice anything suspicious."

Clements was referring to a 1982 case involving Special Agent Jeffrey I. Scharlatt, a top man in the Miami office of the DEA.

As Clements tells it, Scharlatt made the mistake of becoming friendly with an informer and then becoming his partner in crime. The informer turned on Scharlatt, and the agent went to prison for four years.

"One time, we were down in Argentina, and I took about $100 to buy souvenirs," Clements said. "But I noticed Scharlatt was buying up everything. He was really flashing his American Express card.

"I asked him how he could afford to buy all the stuff he was buying, and he told me his wife had inherited money. He told me that he never even looked at the bills anymore. He said that paying the bills had become his wife's job."

In August 1982, Scharlatt became the first DEA agent to be charged with a drug violation.

"It was all pretty goddamned sickening," Clements recalled.

Since Clements has been in San Ysidro, he has seen another colleague go bad. In 1984, customs agent Richard Sullivan was arrested and later convicted of laundering money and taking bribes from drug traffickers.

He served four years of a seven-year sentence and is believed to be living in the Chula Vista, Calif., area.

MAJORITY ARE HONEST

Clements and most of the other agents interviewed agreed that wrong-doing involving drugs along the border is widespread. They quickly point out that the great majority of all agents and inspectors are honest but add that since the beginning of law enforcement, there have been some who chose to work for the other side.

For every tale of woe that Clements tells, he has another story about agents so squeaky clean that their greatest fear isn't a bad guy carrying a gun, but the slightest rumor that they might have done something wrong.

"When I was an inspector in Miami, I got a call one night to hop in the car and drive down to the (Florida) Keys," Clements said. "I got to this house, and when I knocked on the door, three agents made me show my identification to them from under the door.

"They were three young agents, and they looked like they had had the hell scared out of them. They'd recovered more than a million bucks, the most money they'd ever seen in their lives, and they wanted a supervisor there to watch them count it."

Probably no group of law-enforcement officers has been accused of corruption as much as Mexican federal police officers. Acknowledging the problem, Mexican officials say they know their own lawmen have run drug-smuggling operations or have succumbed to the threat *"oro o plumbo,"*—"gold or lead?"—made by traffickers seeking cooperation.

But they also say that their American counterparts would be wise to keep an eye on their own officers.

TOUGH MEXICAN PROSECUTOR

Carlos Manuel Salas is a Mexican assistant attorney general assigned in Ciudad Juarez, Chihuahua, specifically to prosecute drug smugglers. American DEA agents in El Paso say Salas has not been afraid to face Mexican traffickers.

He does it in style. On a hot July day, he is wearing an elegant white-silk Italian suit and monogrammed shirt. Secretaries parade in and out of his office, curtsying and addressing Salas as *"Señor Licenciado,"* or "Mr. Attorney."

Mexican federales ring the house. They wear cowboy boots, Levis and tight cotton-knit shirts that show off their muscular arms. No one would ever mistake them for anything other than federales: cops feared for their ruthlessness.

Salas says this is the first time he has had the opportunity to tell American newsmen what he thinks is happening on the U.S. side of the Rio Grande. He wants to plant the idea that there is something amiss, but he wants to do it diplomatically.

"I can't point a finger at any individual on the American side of the border, but I can tell you this: We arrest people all the time in big trucks full of drugs, and we ask them how they have been getting the stuff across the border," Salas said. "They tell us they drive the truck right over the bridge.

"That means someone is either allowing drugs to cross on purpose or someone is being careless. You will have to find out for yourself if someone is bad or someone is lazy."

IMPROVING AGENTS' QUALITY

Customs Service officials in Washington, D.C., says they know they have problems along the border and are studying ways to improve the quality of their inspectors.

One major complaint has been that the agency traditionally has hired inspectors from border towns, allowing them to work at ports where they have relatives on both sides of the border. They are virtually never transferred.

Jose Angel Barron Jr. was one of those inspectors in San Ysidro until he was arrested two years ago for taking bribes and for other drug related offenses. He is serving a 17-year prison sentence at the Federal Correctional Institution in Pleasanton, Calif.

According to agent Everett Jackson, the internal-affairs officer who investigated Barron, the inspector was a respected member of the community until he found himself in financial trouble. He borrowed $5,000 from a smuggler and was hooked.

Barron declined overtures from The Republic to interview him.

Jackson said Barron might not have gotten himself into trouble had he not had such close ties with the community.

"The problem is that blood is thicker than water," said Stanley K. Scott, the DEA agent in charge in dust-blighted Calexio, Calif. "We're always getting a report that a customs inspector is looking the other way while loads are coming into the country, but most of the time, the inspector is as honest as he can be.

"The problem is that the inspector has cousins on both sides of the border. So does his wife. Because of the tradition involved, the inspector is hesitant to stop a relative, because he knows that he will be ostracized by either his or his wife's family."

Sam Banks, acting deputy commissioner of the Customs Service, agreed that a problem exists.

"We are addressing the whole recruitment-selection and assignment system," Banks said. However, we have to recognize that customs needs people familiar with the border environment, which includes culture, language and other skills."

ARRESTS AND RESIGNATIONS THIN RANKS OF FRONT LINE

Since the early 1980s, a growing number of federal law-enforcement officials in the front lines of the drug war have been arrested on a variety of narcotics-case charges. The arrests began on the East Coast in 1982 and worked their way to the West as the region increasingly became a target of traffickers.

Below is a list of major offenders and suspects. Many others accused of more-minor infractions have resigned rather than be prosecuted:

Miami—Dan A. Mitrione, an FBI special agent, pleaded guilty to distributing more than 90 pounds of cocaine and pocketing about $850,000 in 1982. Received 10-year prison sentence.

Miami—Jeffrey Scharlatt, a Drug Enforcement Administration special agent, charged with smuggling and public corruption in 1982. Served four years in prison.

Memphis, Tenn.—Harold "Slim" Lawrence, a DEA special agent, convicted of conspiracy to fly marijuana into Tennessee in 1984. Received a five-year prison sentence.

Boston—David P. Twomey, an assistant U.S. attorney and a former member of the Justice Department's Organized Crime Strike Force, convicted of taking $210,000 in bribes in 1985. Received 16-year prison sentence.

Houston—Frank Robin Jr., an assistant U.S. attorney, convicted of offering information to drug smugglers in return for $200,000. Received 10-year sentence.

Miami—Roger Schow, a DEA special agent, selling information to drug traffickers. Received four-year prison sentence in 1984.

New Orleans—Francis Kinney, supervisory Customs Service agent, convicted of conspiracy to allow a multimillion-dollar load of marijuana into the country in 1985. Received 18 years.

New Orleans—Keith Dearman, supervisory custom agent, convicted of conspiracy to allow a multimillion-dollar load of marijuana into the country in 1985. Sentenced to 18 years.

New Orleans—Sam Edwards, retired customs agent. Recruited Kinney and Dearman at request of marijuana smugglers in 1985. Cooperated with government. Received four-year prison sentence.

San Ysidro, Calif.—Victor Lopez, customs inspector, pleaded guilty to conspiracy to import marijuana and filing a false income-tax return in 1987. Received four-year prison sentence.

San Ysidro—Richard P. Sullivan, a customs agent for 11 years, convicted of corruption and accepting bribes in 1987. Received four-year prison sentence.

San Ysidro—Jose Angel Barron Jr., customs inspector, pleaded guilty to accepting approximately $1 million in bribes to wave marijuana shipments through the border inspection lane in 1988. Received 17-year prison sentence.

Hidalgo, Texas—Roberto Sanchez Pena, customs inspector, charged with smuggling marijuana, transporting illegal aliens and taking bribes in 1989. Awaiting trial.

Hidalgo—Enrique Homer Murillo, customs inspector, charged with smuggling marijuana, transporting illegal aliens and taking bribes in 1989. Awaiting trial.

Los Angeles—Darnell T. Garcia, DEA special agent, charged with a variety of drug offenses, including money laundering and smuggling in 1989. Also charged with tax evasion. Was recently arrested after fleeing the country. Awaiting trial.

Los Angeles—John Jackson, DEA special agent, charged with tax evasion, conspiring with Garcia to launder money, and several other drug offenses in 1989. Awaiting trail.

Los Angeles—Wayne Countryman, DEA special agent, accused of being an accomplice of Garcia and Jackson. Charged with a variety of drug- and tax-related charges in 1989. Awaiting trial.

Miami—Drew Bunnell, a veteran DEA agent assigned to the U.S. Embassy in Quito, Ecuador, charged in 1989 with bribery and 16 additional drug-related charges. Awaiting trial.

Miami—Jorge Billar, a veteran DEA agent assigned to the Miami office. Charged in 1989 with taking bribes from drug dealers. Awaiting trial.

Miami—Alfredo Iglesias, a Miami-based DEA agent arrested in 1989 at the same time as Billar but in an unrelated case involving bribery from drug traffickers. Awaiting trial.

Bisbee—Gary Callahan, Border Patrol agent, charged with conspiracy, possession of cocaine with intent to distribute, witness tampering in 1989. In custody in Phoenix awaiting trial.

Bisbee—Glenn Waltz, U.S. Border Patrol agent, charged with witness tampering in connection with drug case involving Callahan in 1989. Awaiting trial.

VANISHING ACT WAS CINCH FOR SMART AGENT

When he suspected that fellow agents were coming to arrest him last year on drug and money-laundering charges involving millions of dollars, Darnell T. Garcia, a veteran DEA special agent, simply vanished.

Disappearing was easy for Garcia, 42. Trained to be elusive and wily, investigators say, he had a vault full of false passports.

He was captured last month in Luxembourg after seven months on the run and after reported sightings from North Hollywood to Mexico to Spain and even to Australia. He also was a formidable prey, according to those who sought him.

The Puerto Rican native is a tae kwon do master who wrote a best-selling martial-arts book on the esoteric school of fighting in which he specializes. He had taken stunt roles in several popular kung fu movies.

He was, a DEA agent said, "the kind of man who could throw his gun away and tear your head off."

Charged with dealing in cocaine and heroin and with laundering $387,000 in drug money in Swiss banks, Garcia also is accused of avoiding payment of $1.2 million in taxes and penalties connected with the drug sales.

He paid $582,000—in cash—for a home near Los Angeles, where, investigators say, he regularly entertained "thugs" and "models," drove a red Ferrari and chose from a collection of expensive jewelry.

His two alleged co-conspirators turned themselves in when investigators, who had worked three years on a case connecting the three to the theft of $7.5 million in Asian heroin from DEA storage lockers in Los Angeles, came to get them.

But Garcia?

He was not arrested until police in the tiny European nation of Luxembourg picked him up for using a false passport after a tip from Interpol.

In the DEA's Los Angeles-area office, he was known as a loner who defied supervision but who was so street-smart and tough that he was, at times, invaluable.

Garcia's habits had attracted the attention of corruption-wary internal-affairs agents early on.

"But he was smart, very smart," one agent said of him.

"The thing we are trying to deal with as an organization sworn to defend and protect the people of the United States is how we came to hire a guy like this and how he was able to avoid making fatal mistakes for so long."

Garcia and his alleged cohorts—Wayne Countryman and John A. Jackson, also veteran DEA agents—are scheduled for trial Nov. 1 in Los Angeles. All three men are claiming that the case against them was motivated partially by discrimination because they are black.

BAD APPLES FEARED AFTER AGENT'S ARREST

The arrest this month of a senior federal Drug Enforcement Administration official on cocaine-trafficking charges is prompting fears that corruption is penetrating the upper ranks of those involved in the drug war.

The highly decorated official, Edward O'Brien, was assigned to a sensitive post in the DEA's Office of International Programs at the agency's Washington headquarters.

The 18-year DEA veteran, who had worked on the "French Connection" heroin case in the 1970s, was arrested at Boston's Logan International Airport with 62 pounds of cocaine in two suitcases as part of a "sting" operation targeted at him.

The DEA is attempting to determine whether O'Brien has been passing information about DEA operations and investigations to drug-smuggling rings, said Frank Shults, a spokesman for the agency.

Shults said the probe does not involve looking at the possibility that DEA headquarters have been penetrated by drug traffickers or that others in the agency's upper ranks have become corrupt.

But another DEA official, who did not wish to be identified, said, "That is the natural thing to do when somebody like O'Brien goes down. You check everyone in management.

"It doesn't make sense just to check the loyalty of the guys out in the trenches anymore. With the amount of cash involved nowadays, everyone is suspect."

Tom Cash, special agent in charge of the DEA's Miami office, noted that managers also are vulnerable.

"Hell, man, most of the people we come in contact with are millionaires," he said. "Most of them are proof that crime does pay.

"They come up here and spend $2 million for a house and they pay cash. Then we have to deal with them having their lawyer here to do their dirty work and to launder money and not having to talk about it under the attorney-client privilege.

"We arrest these guys, and some of them are convicted and some of them aren't. Sometimes good agents see this day after day, and it becomes too much."

LAMENT OF THE BORDER LAWMAN: "I'M NOT PAID WHAT I'M WORTH"

The worst thing that could happen to federal law enforcement would be an economic revival along the U.S.-Mexican border, especially that long stretch between Brownsville, Texas, and El Paso, according to agents working in the region.

The government doesn't have to worry about what it pays its lawmen who work in Texas because, in some communities, the Immigration and Naturalization Service and Customs Service inspectors are the best-paid people in town, according to Oran Neck, special agent in charge of the Brownsville branch of U.S. Customs.

That's a real tale of woe for the economy in that region, because the salaries of these agents are as low as $15,000, which in some cases makes them eligible for food stamps.

The salaries get better as time on the job increases, but a growing number of disgruntled agents are opting for police departments and sheriffs' offices that pay better, Neck said.

Agents predict that if the economy ever rises along the border and local residents make the same salaries as workers in other parts of the country, the government will find itself without anyone to man the border.

Herb Hawkins, the special agent in charge of the Phoenix FBI office, announced last month that he was going to retire "because I'm not getting paid what I'm worth."

Hawkins recalled when the FBI paid its agents better than any other police agency, but salary gains by other agencies and a stagnating pay scale at the FBI has changed all that.

"I saw a survey of California law-enforcement agencies, and the FBI ranked about 25th," he said. "The Los Angeles Police Department is paying officers much better salaries than we are making."

According to agents along the border, the LA Police Department is gaining personnel from federal Drug Enforcement Administration offices throughout the West.

"It's pretty hard to stay with the government," one agent said. "LAPD is offering agents $40,000 a year and is guaranteeing them that, after the academy and one year on the street, they will be working narcotics."

The starting salary for a DEA agent is $19,493, with $4,000 more if the agent has a master's degree. A prerequisite for working as an agent for the DEA, the FBI or the Customs Service is a college degree.

By comparison, a Phoenix police officer, who is required to have no more than a high-school diploma, starts out as a recruit at $20,000. After about three months, the salary jumps to $24,877.

A patrolman at the top of the salary scale makes $36,858. That salary does not include time-and-a-half for overtime, night differential and a $575 annual clothing allowance.

Starting FBI agents, who must have bachelor's degrees and often have master's degrees, make $32,000 after graduating from the FBI Academy.

"It's pretty tough," said Danny Ralph, a relatively new FBI agent who left the Indianapolis Police Department to join the feds.

Ralph, the case agent who arrested Bisbee-based Border Patrol agents Gary Callahan and Glenn Waltz in a drug case, was recruited by the FBI because of his experience as a narcotics investigator.

"I had to take a cut in salary," Ralph said.

The situation is almost impossible for agents and inspectors who have to live in San Francisco, Los Angeles and other cities where the cost of living has skyrocketed.

In most of those cities, the cost of a small house is more than $100,000, and many agents can't qualify.

One DEA agent, who asked to remain anonymous, said the problem is that the government classifies agents in the same category as "bean counters and paper shufflers who sit around in the offices in Washington."

"Most of them (the bean counters) don't exactly have their lives on the line," he said.

For instance, DEA agents and Forest Service personnel are in the same civil-service classification and earn similar salaries. A bill has been introduced in Congress that would reclassify the various agencies and put the crime-fighting personnel in a separate pay range. Regardless of how Congress acts, it won't be in time to help agents such as Hawkins.

"I'm going to have to retire to make some money," Hawkins said.●

CLARIFICATION OF AMENDMENTS TO THE AMERICANS WITH DISABILITIES ACT PERTAINING TO DRUG USERS

● Mr. HARKIN. Mr President, it has come to my attention that there may be some misunderstanding with respect to a technical amendment to S. 933, the Americans With Disabilities Act, which passed the Senate September 7, 1989. After much negotiation, a carefully crafted amendment dealing with drug use was agreed to by members of the committee, other interested Senators, and the administration.

That agreement was reflected in a new section 104 dealing with drugs and alcohol that was to be offered as an amendment on the floor. As originally drafted, subsection (a) of that section read, "For purposes of this title, the term 'qualified individual with a disability' shall not include any employee or applicant who is a current user of illegal drugs when the covered entity acts on the basis of such use." The last phrase of the subsection was added to make it clear that if the covered entity discriminated against a person on the basis of a disability covered under this act, not on the basis of current use of illegal drugs, that action was still prohibited.

Following the agreement on this language, the managers of the bill and Senator HELMS agreed to an amendment to the Rehabilitation Act of 1973 dealing with the same issue of current illegal drug users, which was offered by Senator HELMS. In order to make the same point that actions based on disabilities covered under this act were still prohibited, that amendment read: "The term 'individual with a handicap' does not include any individual who currently uses illegal drugs, except that an individual who is otherwise handicapped shall not be excluded from the protections of this act if such individual also uses or is also addicted to drugs." Once this amendment from Senator HELMS was accepted, in order to ensure uniformity with the rest of the bill, the Harkin technical amendment to the bill was also modified to substitute this language instead of the original phrase "when the covered entity acts on the basis of such use."

Because many Senators were concerned about the issue of drug use, and relied on the prior language, there is some concern about the significance of this change. Let me assure all Senators and other interested parties, this language was not intended to change the substance of the agreement. The language which has been agreed to previously, and the language which was actually inserted, have the same meaning.

Thus, both the original amendment to the ADA that had been agreed upon, and the language actually inserted to conform to Senator HELMS' amendment, are intended to make it clear that if an adverse action were to be taken against a current user of illegal drugs who was otherwise disabled, to the extent the adverse action was taken on the basis of the disability, the covered entity must comply with the act. Of course, if the action were taken on the basis of the current use of illegal drugs, the disabled person would not have special protection simply by virtue of his or her disability. In other words, current users of illegal drugs, disabled or not, are not protected by this act from actions based on their current use of illegal drugs. At the same time, the fact that a disabled person is a current user of illegal drugs, does not mean that the person is not protected under the act when actions are taken against that individual, not on the basis of the current use of illegal drugs, but on the basis of the disability.

Mr. President, I know that the use of the conforming language has caused some concern and I hope that this explanation in which Senator KENNEDY concurs, will temporarily alleviate that concern. Because of the importance of this issue to my Senate colleagues, I will also request that my colleagues in the other body insert the language originally agreed upon for section 104(a) in lieu of the language that was sent to the House.●

RAFE POMERANCE

● Mr. WIRTH. Mr. President, the Washington Post recently printed an article about an individual known to many of us on Capitol Hill. Rafe Pomerance is an unconventional lobbyist. He has, for more than a decade, had a commitment to one client—the planet Earth.

For more than 20 years, Rafe has raced around the Hill and around the globe on behalf of global environmental protection, lobbying for the original Clean Air Act, founding the National Clean Air Coalition, presiding over Friends of the Earth, and, most recently, working with the staff of the World Resources Institute.

Rafe is unparalleled in his devotion to and enthusiasm for his work, even though it is fraught with disappointments and unfulfilled promises. The global environmental crisis, and global warming, is surely one of the great challenges facing the United States and all nations today. Unfortunately, while public attention has been piqued, public policy has been puckered. We simply have to face up to the environmental problems we have created and begin, now, to address them. And we all should be thankful that Rafe Pomerance is there to remind us of our responsibility to preserve the environmental integrity of our planet.

If any of my colleagues have not met Mr. Pomerance, or have not read this article, I urge you to do so. I firmly believe that we are approaching rapidly the day when environmental issues will dominate the international and diplomatic agenda. When we get there, we will need dedicated and expert environmental diplomats—and most of all, we will need the enthusiasm and conscience of leaders like Rafe Pomerance.

The article follows:

[From the Washington Post, July 17, 1989]

LOBBYIST FOR THE EARTH

(By Dale Russakoff)

Washington, as everyone knows, is a swarm with lobbyists. Stand in a congressional office building on a busy day, and it seems that all the world has one. Food groups, energy sources, diseases, waste products, rich people, poor people, high tech, low tech, animals, vegetables, minerals.

It is as if the country has splintered into millions of pieces, each with its own narrow interest and lobbyist to represent it.

And then there is Rafe Pomerance. At 43, with his rangy walk and lanky frame, with his late-'60s look in this late-'80s town, he appears outside the fray, even above it, almost orbiting it. And for good reason. His client is planet Earth.

Pomerance is Washington's longest-working lobbyist against the greenhouse effect, a subject of global alarm at the Paris economic summit, through which the Earth is expected to warm noticeably by the early 21st century as industrial gases trap heat rising from Earth's surface.

Actually, Pomerance is a lobbyist only in spirit, in that he lobbies the political process to bring his issue to public attention. But to be technical about it (since everything in Washington eventually gets technical), he is a "congressional liaison"—employed by a policy research center, the World Resources Institute, which strictly avoids lobbying for legislation.

He was hired four years ago to try to draw the attention of policymakers to the group's highly technical studies. "At the time, I was thinking: On the one hand, this is a great idea. On the other hand, can this Pomerancian energy really be harnessed in a research center context?" recalled James Gustave Speth, the institute's president.

It was a legitimate question. Pomerance was for almost 10 years an officer and president of Friends of the Earth, an activist environmental group with a reputation for rearing back and swinging hard at anything in its way. He also was a founding coordinator of the National Clean Air Coalition, the environmental movement's premiere lobbying force for the Clean Air Act.

He was known at the time as something of a media hound, given to asking reporters to mention him and his organization in their articles. But a transformation already had begun, ever since a bruising legislative fight over amendments to the Clean Air Act in 1977.

Fearing a burnout, he stepped back from it all by burying himself in scientific studies of acid rain. In the process, he read a study by Gordon MacDonald, chief scientist at the MITRE Corp., saying that the use of coal and other fossil fuels would warm the planet—an early greenhouse warning, all but unnoticed in Washington.

"I was astonished by that—the simple fact that human beings were warming the Earth," Pomerance recalled. "This was so much more profound than the issues I'd been working on. I remember thinking: What right does this generation have to warm up the Earth?"

Pomerance spent several hours with MacDonald. Then the lobbyist in him took over. He took MacDonald to meet Speth, then chairman of President Jimmy Carter's Council on Environmental Quality. Speth, immediately impressed, commissioned a scientific report on the problem. It became one of CEQ's most requested studies. Then Pomerance took MacDonald to the National Academy of Sciences, which did a study, also concluding that global warming was inevitable.

Throughout the Reagan administration, Pomerance plowed familiar vineyards in Congress, stimulating interest among key member of the House and Senate environmental committees that he had lobbied in the old days. Most notably, he was a catalyst for hearings held in 1986 by Sen. John H. Chafee (R-R.I.), which are now seen as a watershed awakening for the nation that put political pressure on the White House to act.

"Without Rafe's involvement, it absolutely would not have been possible to get as much political attention as the issue has," said MacDonald. "A lot of good technical work can be done, but unless it's carried to the people who eventually have to make political decisions, that can be an empty exercise."

Now Pomerance spends down time reading climate studies in everything from the journal of the American Geophysical Union to the Weekly Weather and Crop Bulletin of the Commerce Department. And it is not unusual for him to get five telephone calls an hour from congressional committtees.

It all brings back a moment from his 20s, when he was a very green lobbyist for the Clean Air Act. An experienced union lobbyist and ally picked up a phone, called then-Sen. Birch Bayh (D-Ind.), and was put through to him immediately. "And he said, 'You just have to be around awhile. You have to get to know people.' "●

MILTON PETRIE, PHILANTHROPIST

● Mr. **LAUTENBERG.** Mr. President, I rise to pay tribute to an outstanding man, Milton Petrie. Mr. Petrie is being honored by the American Associates, Ben-Gurion University of the Negev. On September 20, 1989, he will be awarded the degree of doctor of philosophy honoris causa for this exceptional philanthropy.

After finishing high school at the age of 16, he went to work for an Indianapolis department store. He eventually opened his own hosiery store in Cleveland with $5,000, half won by shooting crap. He made a fortune in the womens' apparel industry.

Founder of Petrie Stores Corp., this remarkable man has given generously to many institutions and various charities. Loyal employees have enjoyed his generosity. In addition to their pensions, many have been set up with extra monthly payments of $500 or more for loyal service.

A generous patron of the arts, he donated $10 million to the Metropolitan Museum of Art. His philanthropy has benefited the Beth Israel Medical Center, Sloan Kettering Institute for Cancer Research, the United Jewish Appeal, the Jerusalem Foundation, and many others.

In addition to his philanthropy, Milton is renowned for his magnanimity and soft heart. He reads of people's misfortunes and gives generously to help them out. Here are a few striking examples: A 5-year-old child with leukemia was coming to New York for treatment from Paraguay. To help pay for her medical treatment, her parents had sold their home, but the medical center still required a substantial deposit. Milton paid that and an additional $86,000 for the sick child.

When he read of a young mother whose baby and four children died when the boiler exploded in their apartment building, he gave $12,000 a year for her remaining four children. The son of a policeman, Mr. Petrie has a provision in his will for the purpose of aiding the families of wounded or slain police officers.

Milton Petrie's contributions over the years to so many is a cause for celebration. Admired by family, friends, and colleagues, he is a most deserving recipient of this award. I am proud to congratulate this remarkable man who is an inspiration to all of us.●

ORDERS FOR MONDAY, SEPTEMBER 18, 1989

Mr. **MITCHELL.** Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 1:30 p.m. on Monday, September 18; and that when the Senate reconvenes on Monday, September 18, the Journal of proceedings be deemed to have been approved to date, the calendar be waived, and no motions or resolutions come over under the rule, and that the morning hour be deemed to have expired.

MORNING BUSINESS

I further ask unanimous consent that there be a period for the transaction of morning business for not to exceed 30 minutes at that time with Senators permitted to speak therein for up to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. **MITCHELL.** Mr. President, for the information of Senators planning their schedules, it is my hope to be able to have consideration by the Senate on Monday of the VA-HUD appropriations bill or the foreign assistance appropriations bill.

Mr. President, it is our common interest, every Senator, both parties, Congress and the administration, to complete action on all the appropriations bills for fiscal year 1990 prior to the commencement of that fiscal year. That commencement date is, of course, October 1.

Accordingly, there are 10 working days left between now and then, and we still have to act on 6 appropriations bills in the Senate; and 12 remain to be the subject of conferences and conference reports approved by the Senate and House.

Under the very best of circumstances, this will be an extremely difficult task. It will be very hard to accomplish this. Under anything other than the best of circumstances, it will be an impossible task, and that will serve no one's interests.

I have discussed with my friend and colleague, the distinguished Republican leader, the importance of moving promptly on these appropriation bills. Understandably, there is concern with respect to doing so as to the effect that might have on the discussions that are under way with respect to the drug program. I am advised by those who participated in the meeting this morning on the drug issue that it was a positive, constructive meeting in which a good spirit was displayed on both sides.

Therefore, it is my hope that, as I asked Members of both sides at the opening of that meeting, that there will be an agreement in the near future. However, it is my hope that there will not be a complete suspension of action on appropriations bills while those discussions are underway. That, it seems to me, will be self-defeating for all concerned.

Therefore, I hope that we will be able to proceed with these bills on Monday. It is my intention to move, if I can, to the VA-HUD bill on Monday afternoon and to complete action at that time, and to go to the foreign operations bill.

Even if we do those quickly, we are going to face a very long and difficult challenge to complete action on many of them finally prior to the end of the fiscal year.

So I ask all Senators for their cooperation, for their patience and perseverance. I wish I could be more specific as to Monday's schedule at this time, but I have been unable to gain consent to proceed to those items at this time.

It is my hope that I will gain that consent on Monday and, therefore, Senators will be notified as promptly as possible on Monday, after we come in, as to the schedule for the remainder of that day.

But it is my hope that at 2 o'clock or soon thereafter on Monday, we will be able to go to the VA-HUD appropriations bill or help us move in that direction.

I yield the floor, Mr. President.

ORDER FOR RECORD TO REMAIN OPEN

Mr. **BAUCUS.** Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. today for the introduction of bills and statements.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M., MONDAY, SEPTEMBER 18, 1989

Mr. **BAUCUS.** Mr. President, if the distinguished acting Republican leader has no further business, and I do not see him at this point—I understand he has been notified—and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 1:30 p.m., Monday, September 18.

There being no objection, the Senate, at 2:03 p.m., adjourned until

Monday, September 18, 1989, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1989:

DEPARTMENT OF JUSTICE

Robert W. Genzman, of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years, vice Robert W. Merkle, Jr., resigned.

Michael J. Norton, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years, vice Robert N. Miller, resigned.

Herbert M. Rutherford III, of the District of Columbia, to be U.S. marshal for the District of Columbia for the term of 4 years. (Reappointment.)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ronald G. Hein, of the District of Columbia, to be U.S. marshal for the Superior Court of the District of Columbia for the term of 4 years. (New Position—Public Law 100-690.)

IN THE ARMY

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Edwin H. Burba, Jr. [redacted], U.S. Army.

The U.S. Army Reserve officer named herein for appointment as a commissioned officer of the Army Reserve in the grade indicated, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be brigadier general

Col. Thomas J. Kilmartin, [redacted], U.S. Army Reserve.

HOUSE OF REPRESENTATIVES—*Monday, September 18, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. SKELTON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 13, 1989.

I hereby designate the Honorable IKE SKELTON to act as Speaker pro tempore on Monday, September 18, 1989.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Grant to each of us, O gracious God, the grace to experience the full measure of Your reconciliation and Your peace. As our hearts are open to Your mercy, O God, and as we receive Your free gifts, may we live with every person with the spirit of reconciliation so that the respect we show to each other will better reflect Your good will to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] to lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolutions:

S. RES. 176

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Mickey Leland, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

S. RES. 177

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Larkin I. Smith, late a Representative from the State of Mississippi.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate having proceeded to reconsider the joint resolution (S.J. Res. 113) entitled "Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1502. An act to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department for the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system;

H.R. 3012. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes; and

H.R. 3026. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3012) "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. FOWLER, Mr. BYRD, Mr. GRASSLEY, Mr. GARN, Mr. STEVENS, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3026) "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. FOWLER, Mr. KERREY of Nebraska, Mr. BYRD, Mr. GRAMM, Mr. DOMENICI, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2696) "An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2, 7, 9, 10, 12, 22, 24, 25, 31, 37, 38, 39, 40, 41, 42, 44, and 46, to the above-entitled bill.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 57. Concurrent resolution to express the sense of the Senate regarding the 25th anniversary of Volunteers in Service to America.

The message also announced that pursuant to Public Law 99-498, the Chair on behalf of the President pro tempore, appoints Dr. Stanley Z. Koplik of Kansas, from private life, to the Advisory Commission on Student Financial Assistance for a term beginning October 1, 1989.

STICK IT TO THE MIDDLE CLASS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, last week President George Bush and 19 members of the Ways and Means Committee gave 1 percent of Americans a capital gains tax cut and the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vast majority of Americans—I think 99 percent qualifies as the vast majority—business as usual.

The middle-class in America obeys the rules, sends their sons to war, and pays the lion's share of the taxes. If the capital gains tax cut goes into effect, they will be paying an even greater share of the Nation's taxes.

If you are one of the less than 1 percent who make over $200,000 a year, you will receive 60 percent of the benefits from the capital gains tax cut. President Bush and the Republicans—and now with an assist from some on our side—are great at talking middle-class values while shifting more and more tax burdens onto their shoulders.

Enough is enough. We need to restore fairness and equity to the tax bill when it reaches the floor.

OMNIBUS BREAST CANCER CONTROL

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today to talk about a disease that rarely makes the news—a disease which kills 45,000 women a year—a disease which threatened my life: breast cancer. As many of you may know, I was diagnosed with breast cancer following a routine physical at the beginning of my freshman term in the House. I am very thankful that a mammogram identified my cancer, and that prompt surgery saved my life in 1983. Before that incident, no doctor had even discussed mammography screening with me.

The incidence of breast cancer is growing and breast cancer has been recently upgraded to a chronic epidemic by the Center for Disease Control. For now, the answer is mammography, but only 17 percent of the women who need mammograms annually are currently getting them. Clearly, the tragedy is not just the epidemic of this disease but the epidemic of ignorance accompanying it.

I am introducing the Omnibus Breast Cancer Control Act which consists of four bills and will help to access affordable mammography to women, particularly minorities, the poor, and the medically underserved.

The first bill will require Medicare coverage of annual screening mammograms for women over age 65.

The second bill will require Medicaid coverage of screening mammograms for women 50 to 64.

The third is a resolution targeting the 26 State legislatures which have not passed bills mandating mammography screening for all licensed health benefit providers.

The fourth bill will increase the funding for the communications branch of the National Cancer Institute, to get the word out to women and to their physicians.

In order to accomplish these goals, and future goals, it is going to take a strong and bipartisan effort in the Congress.

Breast cancer is not a partisan issue or a women's issue.

Breast cancer must become a legislative and communications priority in the Government and the private sector.

BLOW TO ANGOLA PEACE TALKS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Angolan peace talks scheduled to resume today in Zaire have been dealt a severe blow. Jonas Savimbi is jeopardizing negotiations despite pleas from the United States to proceed with negotiations.

Savimbi's refusal to negotiate jeopardizes not only the Angolan peace talks, but also the withdrawal of Cuban troops and the peace in Namibia. Indeed, the peace process across southwest Africa lies in the balance. Savimbi's main pique appears to be the mediating role of President Mobuto Sese Seko of Zaire. He goes as far as stating that further talks would be fruitless unless President Mobuto stepped aside as negotiator. It is important that Mr. Savimbi realize what his withdrawal from negotiations means to the peace process in that troubled region. Now, it appears that Savimbi is attempting to find reasons to forestall peace in Angola.

Mr. Savimbi has been the darling of the right and of the Reagan administration. We in the House accepted his good faith effort, his commitment to negotiations. However, despite pleas from Zaire and the United States, he is pulling out of negotiations. One must question what role South Africa may be playing in Savimbi's decision.

Let the record show, today, that peace talks in Angola are severely jeopardized because Jonas Savimbi is refusing to negotiate.

TRAGEDIES IN KENTUCKY

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, tragedies in Kentucky claimed a total of 24 lives last week—10 on Wednesday, 8 on Thursday, and 6 on Friday.

At this very hour, according to an Associated Press account today at 11:15 a.m. e.d.t., a heavily armed 15-year-old boy has taken 12 classmates hostage at Jackson County High School in McKee, KY.

Last Wednesday, it was at Wheatcroft, KY, a coal mining community in my western Kentucky district, that 10 coal miners were killed at Pyro Mining Co.'s William Station Mine.

Last Thursday, a crazed gunman named Joseph T. Wesbecker, armed with an AK-47 assault rifle and other firearms, murdered seven employees of Standard Gravure Corp. at the printing plant in downtown Louisville, KY. Wesbecker injured 13 others, some in critical condition, at the plant before killing himself.

Last Friday, Belinda Yancey, a 34-year-old teacher at Mayfield High School in my hometown and a former neighbor of mine on Macedonia Road there, was killed along with her husband Charles "Chuck" Yancey and relatives in a plane crash near Mayfield airport, killing all six aboard. This was especially bizarre and shocking because Belinda Yancey, a highly respected civic and church leader, was apparently abducted, drugged, and driven to Daytona Beach, FL, by unknown kidnapers after disappearing last Monday in Murray, KY. Upon being found in Florida, her husband and relatives had gone to Florida to bring her home. The planned homecoming turned into a terrible tragedy when the twin-engine Beechcraft plane crashed and burned near the Mayfield airport when the pilot attempted to land in zero visibility weather conditions.

I close by saying that many Kentuckians want Congress to work toward safer coal mines, resolve the serious drug problem which continues to be more severe, and take a new look at gun control legislation, believing that our constitutional right to keep and bear arms surely must not include the possession of AK-47 attack weapons by civilians.

□ 1210

KENTUCKY INCIDENTS POINT UP NEED FOR GUN CONTROL LEGISLATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is my sad duty to inform the House and the public of just what happened in my hometown of Louisville last week. When I appeared on the House floor on Thursday, I informed the House that five people in my district had been killed by a gunman using an AK-47 military style assault weapon. Actually the total carnage is eight, including the killer who shot himself.

This, of course, is a terrible tragedy to my community, my hometown of Louisville, and to the families of the victims.

It seems to me, Mr. Speaker, that this should spur the House of Representatives and the Senate to act on H.R. 467, which is this Congress' version of the Brady 7-day waiting period bill, which, as we know, the House rejected, ironically, almost 1 year before the slayings.

I also hope the House will very quickly take up some version of H.R. 1190 and H.R. 669. Both of these bills would ban domestically produced military style assault weapons.

Mr. Speaker, I believe that now the time has definitely come that we, the House, should take immediate action. The public needs it, and certainly we want to preserve life. One way to do that is to pass these bills.

PROBLEM SOLVING NEEDS MORE FUNDING—NOT MORE TALK

The SPEAKER pro tempore (Mr. Skelton). Under a previous order of the House, the gentleman from New Mexico [Mr. Richardson] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, over the weekend I noticed that President Bush is going to hold an education summit with the Nation's Governors. Out of this meeting, I am sure, will come a lot of pronouncements that will say we need more emphasis on education because without education we are not going to be competitive, and so forth, and so on. But once again, I am sure the issue of resources and leadership will come up.

Mr. Speaker, this is becoming a familiar pattern. The President first inaugurated this Government by media by first announcing clean air proposals. Now, these were generally adequate, but if they were really going to make a difference in cleaning up the dirty air and pollution and acid rain, it was going to take some resources.

Then we had a very positive foreign policy breakthrough. Poland started to veer toward the West, and democracy started opening up in that great country. The President's response was: "Again we welcome it, but we don't have the resources to help you."

On the issue of drugs, we all have heard of the Nation's assault on drugs and what our Government and the President are doing in the media and in many forums around the country. But then again, where are the resources? How are we really going to make a dent when it comes to drugs without more resources, without more equipment, without more funds for our local police, without more emphasis on law enforcement, and without more arrangements with our foreign policy allies like Colombia to help them to make a dent in this drug plague that is not just affecting our country but is spreading across the globe?

Now we have the education summit. We have, once again, the President talking about the need to be more competitive and more education-oriented, and he will probably couple that with drugs and the need for a viable competitive trade strategy. And then the question will be: "Well, Mr. President, this is fine, but again where do we have the funds?"

Mr. Speaker, I was recently on a talk show program where an individual from the other side of the aisle said, "All you Democrats talk about is more money. Whenever there is an initiative, you say we've to have more money or it's meaningless."

Well, Mr. Speaker, I think what we need to do is stop this smoke-and-mirrors thinking that every Government program and every initiative is going to be resolved with existing resources. Government in the White House garden by press release and rhetoric is not going to solve the problem. Meetings with Governors on education to talk about the need to improve our educational system are not going to solve the problem. So what do we do?

Mr. Speaker, the time is critical for us on the Democratic side in the House and in the Senate and for the President to start talking about the real budget deficit. If we are going to make a dent in many of these issues, these educational priorities, these environmental issues, drugs, and foreign policy issues, such as helping Poland, we are going to have to do either one of two things: First, we are going to have to be raising revenues, or second, we are going to have a substantial relocation of our existing priorities as between defense and domestic spending. We cannot have a new drug program by taking away from refugees, from public housing, from the undocumented workers, or from the handicapped. We are not going to have a viable initiative on education by taking away from programs that help people who cannot defend themselves.

Mr. Speaker, let us stop this smoke-and-mirrors. Let us get together and make some real choices in a bipartisan way instead of continuing with this Government by press relations and rhetoric and media.

UPDATE ON THE ALASKAN OILSPILL

The SPEAKER pro temore. Under a previous order of the House, the gentleman from Illinois [Mr. Lipinski] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, on Thursday of last week, at 3 p.m. District of Columbia time, Henry Nowak, Ben Jones, Gerry Sikorski, John Paul Hammerschmidt, Arlan Stangeland, myself, my wife, and Members of the majority and the minority of the Committee on Public Works and Transportation took off for Anchorage, AK. It was a 7-hour flight to the Elmendorf Air Force Base.

□ 1220

Mr. Speaker, we arrived there at about 10, 10:15, D.C. time; that is, 10:15 p.m. It was a long, but enjoyable flight. Fortunately the Air Force did an outstanding job for us.

Quite obviously, the reason for us going out there was to check on the Alaskan oilspill that has been in the news for the past 6 months. The Committee on Public Works and Transportation, which I am a member of, the Committee on Merchant Marine and Fisheries, which I am a member of, has been very deeply involved in legislation pertaining to the oilspill, as has both the House and the Senate since this tragic accident occurred in March, and many of us thought it was time to go up there, and survey the situation, and determine exactly where it was at this particular time, particularly because Exxon had announced that they were pulling out their cleanup efforts last week Friday.

Mr. Speaker, on Friday morning we started off very early with breakfast around 7 o'clock, and at 8:30 we departed from Anchorage by a U.S. Coast Guard plane to Cordova. This was about a 45-minute flight. When we reached Cordova, we suited up in the survival suits, survival helmets, lifejackets, protective boots, for a 40-minute flight by an American helicopter, CH46, to the U.S.S. *Duluth*, which was aiding and assisting in the cleanup in Prince William Sound. When we got to the *Duluth*, we were briefed by a number of individuals out there which I will make reference to later on, and after the briefing we boarded zodiacs. Zodiacs are inflatable rubber, hard rubber, rafts with an outboard motor on them, and they took us on another 5-minute trip from the U.S.S. *Duluth* to the beach.

The island that we went to was Knight Island. We were joined there by the Commander of the Coast Guard, Paul Yost, the on-site Federal coordinator vice admiral, Clyde Robbins, and a host of other individuals. We reviewed the present state of the cleanup operations.

This particular beach that we visited had been cleaned up once. In fact, I will go into that procedure at the present time. First of all, cold water was used to try to wash as much of the oil from the beach back into the water were it was collected in booms, and then there were skimmers there that took up as much as it possibly could. This did not seem to work too well, nor was it too effective.

The next technique that they used was to have hot water under high pressure spray the beach, thereby warming the oil, once again having it run off the rocks into the water where it was again collected in booms, and it was once again taken up in skimmers. This proved to be a little bit more effective than the cold water, but it still was not 100 percent effective.

Another technique that was used was a detergent which was chlorexant which cleaned the surface rocks very thoroughly, but it did not do anything underneath the rocks or down into the ground itself, and in a short time this particular procedure was abandoned because many environmentalists felt that it might be possibly damaging the overall environment, a detergent of this particular nature.

Also on this beach they used a process that they call bioremediation. It is a fertilizer which is sprayed on the rocks, and organisms are accelerated in their growth, thereby eating up the oil. This was only started in August of this year, but it has had, so far, fairly satisfactory results.

We spent about, oh, an hour and a half or so on the beach there. I have to say that I was really very surprised at how much of a wilderness this area is, and also how remote it is. I say to my colleagues: It's really hard to believe unless you're there yourself and realize this. As I mentioned earlier, it took a 45-minute airplane flight, a 40-minute helicopter flight, to get into the particular area that we were visiting and reviewing, and, as I said, one cannot really fully appreciate how far away it is from civilization unless they do this themselves.

After we left the beach, we went back to the U.S.S. *Duluth*, and we had lunch, and the individuals that we had lunch with were the same people who we had met with on the shore including Commander Yost, Adm. Clyde Robbins, the O.S.F.C., who was there. Once again we gained a great deal of information about the spill.

Then we proceeded to backtrack all the way back to Anchorage. We returned to Anchorage about 6:30 or so that particularly evening, if my memory serves me correctly.

The next morning we had hearings in the Captain Cook Hotel. Those hearings commenced under the leadership of the gentleman from New York [Mr. NOWAK], the chairman, at 9:30 and continued until 1:30 in the afternoon. Attending those hearings were Dennis Kelso, the commissioner of the Department of Environmental Conservation for the State of Alaska, Jerry McHugh, a representative of the Cordova District Fisherman's United, Comdr. Ed Thompson, who is the commanding officer of the Marine Safety Office at Valdez, and also Otto Harrison, Exxon general manager for operations in Valdez.

Now Otto Harrison is the man on site for Exxon who has the ultimate authority and responsibility for Exxon's dealing with the oilspill. Commander Thompson is the Coast Guard man on the spot there in Valdez, but he has only come on board within the last month or so, so much of what he was giving us had occurred only in that period of time. He was not up in Alaska when the spill originally occurred or when the first battles began to control the spill. I found Admiral Robbins, the official on-site Federal coordinator, to be enormously well informed on the situation and a very, very great value to us in our investigation up there.

I would like to say that I have found Alaska to be a very beautiful State, and I certainly hope that the problem that occurred up there with the oilspill is not a lasting problem.

Now I would like to go into an article that appeared in the Anchorage Daily News, and it was titled: Once Oil Hit the Water, the Cause Was Lost. I believe that this article is a very good history of what occurred in the oilspill. It is, I believe, based upon my own experience of going up with the people whom I spoke to, a very accurate reflection of what transpired since March 24, and I am now going to quote from that article. Once again it is entitled: Once Oil Hit the Water, the Cause Was Lost, and it appeared in the Anchorage Daily News on September 17, 1989. I quote:

> The battle was lost from the very beginning.
>
> There was never enough machinery or manpower to stem the black tide that gushed from the tanker Exxon Valdez on the morning of March 24, the experts would say later.
>
> Never enough boom to corral the oil. Never enough oil skimmers to suck it up. Never enough barges to haul away whatever oil the skimmers did collect.
>
> Never enough dispersant to break up the slick that spread across Prince William Sound, then out into the Gulf of Alaska on a march for Kodiak.
>
> Never the technology to get the oil off the beaches where it finally ended up.
>
> The people whose job it was to protect the environment were in retreat from Day 1. They fled before the onslaught the way the Germans left Russia in World War II—losing battle after battle and futilely arguing over the merits of dispersants, burning and beach-cleaning techniques.
>
> The debate over beach-cleaning techniques continued all summer. The issue was as simple as one of those during the Vietnam War: Did the village have to be destroyed to save it? Beach cleaners started off using rags to wipe up oil, to avoid harm to delicate intertidal life. It didn't work. The beaches were too remote, the oil too much, the labor force too small.
>
> Inside the Sound, rags gave way to cold-water washing. It didn't work.
>
> The cold water was replaced with hot water. It worked a little better. Not much.
>
> By the end of the summer, crews were going at the beaches with high-pressure, hot-water hoses in an effort to blast the oil away. Most life was dead when the fire hoses were turned off, but the rocks were cleaner.
>
> Not clean yet, but cleaner. Man couldn't get all the oil off. Nature was left the problem.
>
> The Environmental Protection Agency said microbes would clean the rocks. Fortify them with fertilizer, the agency said, and they'll go at it like gangbusters.
>
> It was the first glimmer of hope at the end of a long, black, gooey tunnel.
>
> Here now is a look back down that tunnel:
>
> When the sun came up over North America's biggest oil spill the morning of March 25, the Exxon Valdez was parked on Bligh Reef with a 50-square-mile scrawl of black and brown surrounding it. But the weather was calm and the skimmers, although far too few for the job, were working them.
>
> "Exxon pollution contractors have removed about 1,000 barrels of oil from the Sound with mechanical skimmers and containment boomers," the US Coast Guard reported. "Cleanup is scheduled to continue during daylight hours Sunday."
>
> Exxon's attention was focused on safely offloading the millions of gallons of oil still aboard the Exxon Valdez. The 11 million gallons already on the water were, for Exxon, a secondary consideration.
>
> Attempts to disperse it with chemicals didn't work. More skimmers were sent for. They arrived too late. Three days after the spill, gale force winds raced through the Sound.
>
> The oil was suddenly out of control.
>
> What had been a rearguard action to save the environment turned into a chaotic rout. Within days, the oil had spread across 1,000 square miles of water. The first streamers were already out of Prince William Sound and into the Gulf of Alaska. Booms were failing in the weather. New boom was unavailable. Oil was threatening hatcheries throughout Prince William Sound.
>
> Fisherman fought back, using boats and boom to block the oil from the hatcheries. Later, they would use jerry-rigged booms of driftwood logs. They would use boats to seine skiffs to corral oil, then pick it up in buckets. They would go after it with every sort of low-technology approach that could be devised.
>
> It helped, but it couldn't win the war. As fast as oil was removed, the slick grew. Scientists reported that up to a quarter of the oil evaporated within days, but the three-quarters that remained nearly doubled in size. It swelled as it sucked up water to form a gooey emulsion.
>
> By the first day of April, eight days after the spill, the goo had reached the beaches of Knight, Evans, Naked, Green, Smith and other islands in the western Sound. The front edge of the slick was out into the Gulf as far as the mouth of Resurrection Bay.
>
> By April 4, 12 days after the spill, the oil was spread over 1,600 square miles, and it was beginning to go ashore in a National Park, the first of three national parks it would hit.
>
> Efforts to control or clean up the spill by then were a joke. The DEC reported that skimmers could fill their 1,300 gallon capacity in 38 minutes, but it took two hours to offload the thick emulsification onto a barge.
>
> America had to turn to the Soviet Union for a bigger, better skimmer. The year before a Soviet icebreaker had charged in to save two California gray whales trapped in arctic ice that American Technology couldn't penetrate.
>
> Here was a second chance for a publicity bonanza, but this time the Russians couldn't pull off a success to match that in the ice off Barrow.
>
> But the Russian oil skimmer, like all the other skimmers, had problems. In the end,

it collected about 126,000 gallons of oil and water before it quit.

Not that American technology did any better. The DEC reported in early April that "the viscous, debris-laden oil is very difficult to transfer through the skimmer's integrated pumping systems. The hydrovac system has proven the only effective pumping method for transferring recovered oil to tanker barges." More hydrovacs were ordered. Even with their help little oil was recovered.

"Skimmers are continuing to encounter difficulties due to kelp, logs, sticks and other matter clogging pumping systems," the DEC reported.

K.T. Koonce, senior vice president for Exxon USA, almost got hooted out of the state when an Exxon press release quoted him saying: "Exxon has been quite successful in oil recovery during the last week. We have been recovering about 3,000 barrels per day and are rapidly eliminating the oil remaining in Prince William Sound."

At that rate, most of it should have been sucked up in three months. It wasn't. Most of the oil ended up on the beaches, and the techniques devised to clean it off there never worked any better than skimmers.

Oil so easy to suck up when pooled underground became almost impossible to remove when smeared on the surface of the land.

Exxon removed some of it, all right, and scientists will argue for years about if the techniques used to get it off did more harm than good. High pressure cold water spread oil sediments around. Hot water cooked marine life. High-pressure, hot water probably did both.

Scientists don't know what it means. Some believe the damage was already done by the time the oil reached the beaches anyway.

The initial death toll was huge. The carcasses of more than 30,000 birds would eventually be found, and the U.S. Fish and Wildlife Service would estimate the total mortality at between 75,000 and 150,000. Sea otter deaths would be more than 1,000.

Exxon failed to recognize the damage at first. Company officials thought they had dodged the bullet. They were talking to reporters about a small death toll while scientists were off in the remote corners of the Sound just uncovering the carnage.

On April 5, it would reach the point where the DEC would feel compelled to warn, "The battle is far from over."

Months later, as the caracasses piled up in freezer vans in Valdez, the statement would seem so unnecessary as to sound ridiculous. But in that first week of April, when everyone was busy worrying about the closure of the $10 million Prince William Sound herring season, and the spawning beaches awash in oil, and what it all meant to the multi-million dollar salmon fishery, it was easy to overlook the other critters out in the wild corners of that wilderness.

The birds and sea otters began drowning in oil out of sight of men, and there was nothing anyone could do about it. The remoteness and distance would slow the news of the first deaths, and then the television cameras would reach the carcasses and America would be filled with rage.

Then the same problems that had slowed the news of the first deaths would come to hamper the rescue efforts. The logistics of rescue, and eventually of clean up, became a nightmare all their own.

Of the first 103 otters brought to a rescue center in Valdez, 51 died. Of the first 223 birds, 76 became fatalities. The ones that were saved were mere tokens. The costs were enormous. It was calculated that the cost of each otter saved was $30,000.

Treatment methods improved as the spill progressed, but the bird and otter centers never achieved great success.

While there were people nearly heartbroken by the ecological catastrophe, there were others who saw only dollar signs. There was heavy competition among fishermen to contract their boats to Exxon—the average boat brought its owner $300,000 over the course of the summer. Charter fees skyrocketed everywhere around the sound.

An Anchorage television show dissolved into a discussion about who should be first in line for the $16.69-an-hour beach-cleaning jobs.

And come they did, but there were a lot of hurdles that had to be cleared first.

Exxon and Veco Inc., an oil field service company hired to run the show in the Sound, had to put Alaska's fourth or fifth largest community afloat in a wilderness area. At the peak of activity, there were more than 10,000 people involved, about 3,000 of whom were actually working on beaches.

Floating hotels that come to be called floatels had to be built to house them. Sewage had to be hauled, until a sewage treatment plant was built, and then sewage still had to be barged to it. Groceries had to be shipped or flown in. The activity turned the usually deserted Sound into a construction site.

Boats shuttled from the ports of Valdez, Cordova, Whittier and Seward to the work sites. Armadas of ships and legions of workmen flooded bays that had seldom seen people. Supply lines broke down and necessities had to be improvised. Trade and barter became common.

An army was out there fighting a war, and the lines of supply were as chaotic as those in any war. The supplies that moved over the water were immense.

During the last two weeks of July alone, transportation needs burned up 1.4 million gallons of fuel—more than 10 percent of what the Exxon Valdez spilled—Veco reported. Keeping work crews fed required 9.8 million pounds of groceries, 280,000 chickens, 24 tankers of milk, and the equivalent of 900 cows and 500 pigs.

And that was not all. There were 530 miles of toilet paper used, 564,000 pairs of rubber gloves, 125,000 coveralls, 157,000 sets of rain gear, 65,000 pairs of boots, 225 Zodiac inflatable boats, 275 skiffs, 700 outboards, 350 generators, 490 steam cleaners, 875 pumps, 174 cars and trucks, 147 miles of chain and 1.6 million pounds of laundry.

The Sound throbbed with the noise of mankind all summer. There was the putt, putt of outboards and the deep grumble of diesels on the tugs pulling barges and the hiss of the high-pressure jets used to blast oil off the rocks.

Nobody who was there at the start could have predicted what they would see at the end. On April 11, Exxon had 100 people ashore on Naked Island mopping rocks by hand. Scientists and environmental officials were then discussing whether to use low pressure washing. Everyone was worried about doing more harm to the environment. But popular and political pressures changed that. By the end of April, cold water flushing had begun. By early May, warm-water washing was being tested. By the end of May, beach crews would be engulfed in steam clouds as they attacked the oil with warm, high-pressure water.

Not even that would get all of the oil off. Exxon would repeatedly try for permission to use dispersants to break that tenacious oil free. Environmental agencies would repeatedly deny the requests on the grounds the chemicals were ineffective or did more biological harm than good.

The only acceptable chemical treatment would come from the EPA. Microbiologists experimenting with fertilization would conclude that naturally occurring microbes in Alaska water could be encouraged to devour North Slope crude oil.

By mid-September, there was hope that so-called bioremediation would help clean the beaches.

Once there was talk of Phase One and Phase Two treatment of these beaches. Then it was a discussion of doing "gross cleanup" and coming back to do more later. Now it is a question of whether anyone will come back at all.

Exxon had done gross cleanup on more than 1,000 miles of beach. It has sprayed some heavily oiled beaches with fertilizer. It is hoping nature does the rest. It is hoping there will be nothing to do by spring. Only time will answer that question.

Exxon was slow to react at first. It had only about 700 employees in the state when seals started giving birth on oily beaches back in late April. The residents of Homer wanted the spill federalized and Exxon thrown out. Exxon took months to put enough workers on the coast of the Kenai Peninsula.

But Exxon did mobilize a huge task force. Whether the company was responding to bad publicity of simply being a good, corporate citizen few Alaskans will ever know for sure.

What is known is that Exxon drove Alaska's unemployment rate to lows that hadn't been seen since the days of oil pipeline construction, and it left millions of dollars in the Alaska economy.

Exxon says it will spend $1.2 billion on the spill. A Veco official said it was more like $2 billion, but later retracted that.

However much the actual figure, it was enough to start a mini-boom in Alaska. The population of Valdez, a community of about 3,300, exploded. Tent cities grew up. Childcare became scarce as child-care workers abandoned low-paying jobs of the $16.69 an hour paid beach workers.

Much the same happened in Seward. Both communities complained to Exxon of labor shortages. So did Cordova, and Kenai and Soldotna, and even Anchorage, where help wanted signs sprouted in store windows.

Cordova even demanded Exxon subsidize wages.

"There are people on the waiting list with Veco even though there are job openings at almost every business in town," said Ken Roemhildt, superintendent of North Pacific Processors. How, he wondered, could his business get help at $6 to $8.75 an hour when Veco offered twice that?

"That's the world that was working before Exxon showed up," he said.

Exxon turned that world on its ear. Villagers left their villages to work on the spill.

All over coastal Alaska there were hard feelings between people who made money and people who didn't. Salmon drift netters in Cook Inlet forced to the beaches by tar balls had to sit and watch as set netters along the shores cleaned up on a red salmon run of nearly 6 million fish. In was, for some of the set netters, a golden season. It was, for some of the drifters, a year of living on oil company handouts.

Exxon said early on it would try to treat fishermen fairly. By mid-September, the company had paid $100 million in claims, $75 million of that to fishermen.

Some people said Exxon was trying to buy Alaska. Some said it was all for publicity. Whatever the case, the company's money probably did more to help out those damaged by the spill than its cleanup did to save the environment.

As to the final outcome, it is unknown on all fronts. It will take years to sort out exactly what Exxon's oil did to the environment, and it may take decades for the courts to determine whom Exxon should compensate for the damage.

It has been a summer Alaskans will not soon forget.

□ 1250

That is the end of the article from the Anchorage Alaska newspaper. As I said, I think it is a very fair, well-balanced presentation of what did occur. I have very little to add to that other than what I said at the opening of this special order.

But I do have a few closing comments here.

Some of my colleagues and many of the environmental groups point to the spill as proof that private industry can not be trusted to cleanup after itself. But what is the alternative? This country's growth is dependent on affordable energy. In order to keep it affordable it must sometimes be transported across our environmental treasures. In this case Exxon's annual revenues are over $80 billion. The agency with the authority to supersede Exxon is the Coast Guard, whose 1989 budget is $3 billion. These figures make it clear that the primary thrust in protecting and containing, spills and accidents must come from private industry.

Although the chaotic response during the first week after the spill has rightfully cast a shadow over the oil industry's claim that it can safely operate in fragile environments, this country remains at their mercy. We cannot afford to half such shipping, and cannot accept the loss of our beautiful beaches as the cost. As legislators we must find an answer to this dilemma which places not only responsibility but also incentives for protecting the environment with those who have the resources and ability to do so. The legislation that is currently before Congress does address the question of responsibility. But what about incentive? Exxon is one of the wealthiest companies because it has continually invested in its own future. It has made its bottom line its top priority. By so doing Exxon has created thosands of jobs for Americans and millions of tax dollars for this Government. However, under our current system, protecting the environment they pass, it does not improve their proifts. If we are going to have industry make a serious attempt to protect the environment then we will have to tie such actions to their profits. I have introduced legislation that I believe will accommplish this goal. The Oil Spill Tax Act of 1989 would disallow tax writeoffs for the cost of cleanup unless the company restored the environment to an acceptable level. This is fair legislation and one that already has the support of over 100 of my colleagues.

Later this week I will return to the south side of Chicago to report on my trip to the south side of Alaska. Not many of my constituents have been to Alaska, and I will tell them that despite the spill, Alaska still affords beautiful panoramic views of nature that are just not available in Chicago. But I will also be asked to report on Exxons efforts at cleaning up, and what I and my colleagues are doing to insure that it does not hide from its responsibility. I will have to tell them about boats Exxon hired for up to $8,000 a day, some of which sat idle. I will tell them of the thousands of people who were paid to clean rocks one by one, only to have the oil return with the next tide. And I will tell them about the otters that were saved at a cost of about $40,000 each. It would not be so bad if I could stop there, but there is one more thing that I will have to add. My constituents tax dollars are supporting Exxon in all of these efforts. Many of my constituents cannot afford to send their children to college, because a 4-year program cost $40,000. Many cannot afford a house, a home, because a $40,000 down payment is required. They will be rightfully indignant at the fact that Exxon is getting huge tax breaks for their efforts. Over the past 8 years financial aid for education has dropped, but apparently financial aid to otters has not. My constituents will not understand that their Government considers flying fresh shrimp and lobster in for the ailing otters is an ordinary and necessary business expense. Exxon will jump to cash in on these tax breaks as a matter of fact, not a matter of fairness. And it is most of all fairness that my constituents will be looking for as they follow the events in Alaska.

My trip to Alaska revealed that our current policy creates an atmosphere that puts the financial interests of big business above the proper treatment of our environment and the fair treatment of hard working, tax paying, American citizens. Although it may not have appeared so in later March, the spill in Prince William Sound is a middle America problem, because Exxon's capital gains, are my constituents, and your constituents tax loss. Exxon is being subsidized not for investing in our future or improving their competitive future, but for alleviating the pain they inflicted upon themselves. I hope that my colleagues will join me in changing this policy.

LET'S SUPPORT H.R. 1190

The SPEAKER pro tempore (Mr. SKELTON). Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 60 minutes.

Mr. HUBBARD. Mr. Speaker, last January, Patrick Purdy, using an AK-47 assault rifle, murdered 5 children and wounded 20 others, including a teacher, at a Stockton, CA, schoolyard. Using a 75-round magazine, Purdy got off 106 shots in less than 2 minutes.

Last Thursday, a crazed gunman named Joseph T. Wesbacker, armed with an AK-47 assault rifle and other firearms, murdered seven employees of Standard Gravure Corp. at the printing plant in downtown Louisville, KY. Wesbacker injured 13 others, some in critical condition, at the plant before killing himself.

I would like to read to my colleagues a letter which appeared in a full-page advertisement today in The Courier-Journal, Louisville, KY. The ad was paid for by the Louisville Council on Peacemaking and Religion. The letter is as follows:

SEPTEMBER 18, 1989.

DEAR SENATORS FORD AND MCCONNELL: When the Founding Fathers of this nation sought to protect "the right of the people to bear and keep Arms," it is unlikely they intended to sanction the possession of attack weapons by civilians.

Yet it was one of those weapons, an AK-47, that gunned down 20 victims in downtown Louisville four days ago. Many are dead today; more lay critically wounded in our hospitals, with injuries too nightmarish to describe.

As our duly elected leaders, you are responsible for drawing the line between individual rights and the good of the citizenry as a whole. In the case of automatic and semiautomatic weapons, that should not be a difficult line to draw: Such weapons are more than is necessary for self-defense, they are more than is necessary to hunt wild game. In short, there is no compelling reason for any civilian to legally gain possession of one of these terrible instruments.

Today, as innocent, splintered families throughout the metropolitan area attend the funerals of lost members, or sit at the bedsides of those wounded in the gunfire last Thursday, we feel compelled to say enough is enough. The blame can no longer be placed solely on the psychologically disturbed individuals who find ways to acquire these deadly weapons and who use them with such abandon. The accomplice to the crime is the legality of their acquisition.

I urge you, therefore, to take the lead in the enactment of legislation that will outlaw all private ownership of the class of killing weapons that includes AK-47's, Uzis and all other para-military weapons.

You owe it to the innocent victims, and to all of us who cherish our life and our liberty.

I would also like to read a portion of an editorial which was published last Saturday in the Lexington Herald-Leader. It is as follows:

CRY FROM THE KILLING FIELDS: NO MORE ASSAULT WEAPONS!

The most common description of the Standard Gravure Corp. printing plant after Thursday's terrible tragedy was that it "looked like a war zone."

And well it should—because the weapon and ammunition used by Joseph T. Wesbecker to kill seven and wound 13 innocent and unsuspecting people came straight from the battleground. Wesbecker took a killer's weapon with him into Standard Gravure on Thursday morning, an AK-47 assault rifle; and he used it to kill.

Louisville Police Chief Richard Dotson said the gun—as well as the array of semiautomatic pistols that Wesbecker also carried into the downtown printing plant appeared to be new. It could have been. It's legal to buy assault rifles in Louisville and the rest of Kentucky with no waiting period and from any number of gun dealers.

In truth, though, waiting periods and other lesser gun-control measures are not the real issues here. The real issue is the banning of assault weapons and ammunition.

Earlier this year, President George Bush banned the importation of assault rifles. The president's action was taken in response to the killing of five children and the wounding of 30 other people in a Stockton, Calif., schoolyard. The gunman in that instance also used an AK-47.

The president's action was insuffıcent. So what if we stop importing AK-47s? Similar guns are made right here in the good old U.S. of A., and can be bought with impunity down at the local gun shop. That has to stop.

Don't misunderstand us. It is not the semiautomatic nature of these guns that is most objectionable. Many hunters use semiautomatic rifles; but they don't use the likes of an AK-47, whose ammunition would blow the game to smithereens. It was the destructive power of that ammunition that did so much damage at the Standard Gravure plant.

Somewhere between legitimate hunting rifles and the AK-47, a line has to be drawn. And private sale or possession of all the weapons and ammunition on the AK-47 side of that line must be banned unless we want more of our schoolyards and factories to become killing fields.

Today, I have added my name as a cosponsor of H.R. 1190, which would prevent the importation of and the domestic manufacture of semiautomatic assault weapons with large ammunition feeding devices.

After the January killings in a Stockton, CA, schoolyard and last Thursday's murders in Louisville, KY, by crazed gunmen using AK-47 assault rifles, what more is needed to show the serious need for this legislation?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HERGER) to revise and extend their remarks and include extraneous material:)

Mr. CRANE, for 60 minutes each, on September 26 and 27.

Mr. COLEMAN of Missouri, for 60 minutes, on October 4.

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUBBARD, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HERGER) and to include extraneous material:)

Mr. SHUMWAY.

Mr. COUGHLIN.

Mr. HORTON.

The following Members (at the request of Mr. LIPINSKI) and to include extraneous matter:)

Mr. CROCKETT.

Mr. MCHUGH.

Mr. LANTOS.

Mr. MONTGOMERY

Mr. MAZZOLI.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KANJORSKI.

Mr. BERMAN in two instances.

Mr. DELLUMS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 673. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes; to the Committees on Energy and Commerce and Public Works and Transportation.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

[Inadvertently omitted from the Congressional Record of September 6, 1989]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 7, 1989:

H.R. 1278. An act to reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes;

H.R. 1426. An act to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes;

H.R. 2799. An act to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats;

H.R. 2847. An act to extend by 1 year a program under which the Government is allowed to accept the voluntary services of private-sector executives;

H.R. 3024. An act to increase the statutory limit on the public debt, and for other purposes;

H.J. Res. 221. Joint resolution to designate the week beginning September 1, 1989, as "World War II Remembrance Week"; and

H.J. Res. 390. Joint resolution waiving certain enrollment requirements with respect to the bill H.R. 1278.

ADJOURNMENT

Mr. HUBBARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 19, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1683. A letter from the Director, Office of Dependents Schools, Department of Defense, transmitting the annual test report for school year 1988-89 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

1684. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Assistance for Local Education Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid) pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1685. A letter from the Chairperson, National Council on the Handicapped, transmitting a copy of a special report entitled, "The Education of Students with Disabilities: Where Do We Stand?", pursuant to 29 U.S.C. 781(b); to the Committee on Education and Labor.

1686. A letter from the Chairman, Securities and Exchange Commission, transmitting the 18th annual report of the Securities Investor Protection Corporation for the year 1988, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

1687. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement with the United Kingdom (transmittal No. MC-15-89), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1688. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (transmittal No. MC-18-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1689. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Turkey (transmittal No. MC-22-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1690. A letter from the Acting Administrator, Agency for International Development, transmitting a report on the human immunodeficiency virus/acquired immune deficiency sydrome program of the Agency; to the Committee on Foreign Affairs.

1691. A letter from the Comptroller General, transmitting a report entitled, "Budget Issues: Agency Authority to Borrow Should Be Granted More Selectively" (GAO/AFMD-89-4; September 1989); to the Committee on Government Operations.

1692. A letter from the Comptroller General of the United States, transmitting a report of the results of the audit of the consolidated financial statements of the Veterans' Administration for the fiscal years ended September 30, 1988 and 1987 (GAO/AFMD-89-69); jointly, to the Committees on Veterans' Affairs and Government Operations.

1693. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of the Pueblo of Santo Domingo's judgment funds in Dockets 355-B, 355-F, and 355-H, before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

1694. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to establish a demonstration program for the reimbursement of expenses incurred by Federal employees in the adoption of children with special needs, and for other purposes; to the Committee on Post Office and Civil Service.

1695. A letter from the Comptroller General, transmitting an assessment of five recent reports to Congress by the Secretary of Commerce concerning foreign policy export controls (GAO/NSIAD-89-190; September 1989); jointly, to the Committees on Foreign Affairs and Government Operations.

1696. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil; jointly, to the Committees on Foreign Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 1465. A bill to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes; with an amendment (Rept. 101-242, Pt. 1). Ordered to be printed.

Mr. SWIFT: Committee on House Administration. H.R. 2190. A bill to establish national voter registration procedures for elections for Federal office, and for other purposes; with amendments (Rept. 101-243). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1465. A bill to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes; with an amendment; referred to the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Science, Space, and Technology for a period ending not later than September 19, 1989, for consideration of such provisions of the bill and of the amendments recommended by the Committee on Merchant Marine and Fisheries and by the Committee on Public Works and Transportation as fall within the jurisdictions of those committees pursuant to clauses 1(i), 1(l), and 1(r) of rule X, respectively (Rept. 101-242, Pt. 2). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN (for himself, Mr. Gilman, Mr. Myers of Indiana, and Mrs. Morella):

H.R. 3282. A bill to amend title 5, United States Code, to authorize the continuation of the performance management and recognition system through March 31, 1991, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLAY (for himself, Mr. Bateman, Mrs. Bentley, Mr. Brennan, Mr. Bosco, Mr. Coble, Mr. Davis, Mr. Dyson, Mr. Fields, Mr. Foglietta, Mr. Ford of Michigan, Mr. Gaydos, Mr. Hochbrueckner, Mr. Jones of North Carolina, Mr. Kildee, Mr. Lent, Mr. Lipinski, Mr. Manton, Mr. Martinez, Mr. Miller of California, Mr. Miller of Washington, Mr. Murphy, Mr. Pallone, Mr. Perkins, Mr. Ridge, Ms. Schneider, Mr. Studds, Mr. Tallon, Mrs. Unsoeld, Mr. Visclosky, and Mr. Young of Alaska):

H.R. 3283. A bill to extend the coverage of certain Federal labor laws to foreign flagships; to the Committee on Education and Labor.

By Mr. McMILLEN of Maryland:

H.R. 3284. A bill to amend titles XVIII and XIX of the Social Security Act to permit the use of medicare and medicaid payments as collateral for hospitals; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. VUCANOVICH (for herself, Ms. Snowe, Ms. Oakar, Mrs. Saiki, Mrs. Boxer, Ms. Long, Mr. Horton, Mrs. Meyers of Kansas, Mrs. Morella, Ms. Pelosi, Mr. Lehman of Florida, Mr. Wolf, Mrs. Johnson of Connecticut, Mr. Lagomarsino, Mr. Bilbray, Mr. Towns, Ms. Schneider, Ms. Slaughter of New York, Mr. Neal of Massachusetts, Mr. Walsh, Mr. McNulty, Mrs. Boggs, Mr. Richardson, and Mr. Lewis of Georgia):

H.R. 3285. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Energy and Commerce.

H.R. 3286. A bill to amend title XVIII of the Social Security Act to provide annual coverage of screening mammography for women 65 years of age or older; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HYDE:

H. Con. Res. 196. Concurrent resolution concerning the opening of the Hungarian border to the West; to the Committee on Foreign Affairs.

By Mrs. VUCANOVICH (for herself, Ms. Snowe, Ms. Oakar, Mrs. Saiki, Mrs. Boxer, Ms. Long, Mr. Horton, Mrs. Meyers of Kansas, Mrs. Morella, Ms. Pelosi, Mr. Lehman of Florida, Mr. Wolf, Mrs. Johnson of Connecticut, Mr. Lagomarsino, Mr. Bilbray, Mr. Towns, Ms. Schneider, Ms. Slaughter of New York, Mr. Neal of Massachusetts, Mr. Walsh, Mr. McNulty, Mrs. Boggs, Mr. Richardson, and Mr. Lewis of Georgia):

H. Con. Res. 197. Concurrent resolution expressing the sense of Congress that each State should require health insurance providers in the State to provide coverage for screening mammography in accordance with guidelines established by the National Cancer Institute; to the Committee on Energy and Commerce.

By Mr. Jones of North Carolina (for himself, Mr. Savage, Mr. Frank, Mr. Hochbrueckner, Mr. Bustamante, Mr. Fauntroy, Mr. Bateman, Mr. Fields, Mr. Wyden, Mr. Pallone, Mr. Towns, Mr. Gonzalez, Mr. Lantos, Mr. Davis, Mr. Fascell, Mr. Ravenel, Mr. Brennan, Mrs. Unsoeld, Mr. Ortiz, Mr. Machtley, Mr. Mrazek, Mr. Horton, Mr. de la Garza, Ms. Oakar, Mr. Lehman of Florida, Mr. Hayes of Louisiana, Mr. Spratt, Mr. Carper, Mr. Fazio, Mrs. Boxer, Mr. Price, Mr. Studds, Mr. Saxton, Mr. McCrery, Mr. Spence, Mr. Gallegly, Mr. Scheuer, Mr. de Lugo, Ms. Pelosi, Mr. Hughes, Mr. Roe, Mr. Manton, Mr. Stokes, Mrs. Patterson, Mr. Traficant, Mr. Espy, Mr. Berman, Mr. Mavroules, Mr. Dwyer of New Jersey, Mr. Ireland, Mr. Walsh, Mr. Montgomery, Ms. Snowe, Mr. Henry, Mr. Sawyer, Mr. Donnelly, Mr. Wolpe, Mr. Lagomarsino, Mr. Miller of Washington, Mr. Panetta, Mr. Fuster, Mr. Callahan, Mr. Swift, Mr. Green, Mr. McDermott, Mr. Grant, Mr. Eckart, Mrs. Saiki, Mr. Pickle, Mr. Foglietta, Mrs. Collins, Mr. Dyson, Mr. Goss, Ms. Kaptur, Mr. Derrick, Mr. Fish, Mr. AuCoin, Mr. Neal of North Carolina, Mr. Weldon, Mr. Lancaster, Mr. Shaw, Mr. Bosco, Mr. Feighan, Mr. Hertel, Mr. Garcia, Mr. Tallon, Mr. Clement, Mr. Hutto, Mr. Hall of Ohio, Mrs. Bentley, Mr. Smith of Florida, Mr. Inhofe, Mr. Ray, Mr. Chapman, Mr. Faleomavaega, and Mr. Levine of California):

H. Res. 239. A Resolution to designate the period of September 16 through October 9, 1989, as "Coastweeks '89"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. Bates.

H.R. 150: Mr. Fuster.

H.R. 961: Mr. Payne of New Jersey, Mr. McGrath, Mr. Courter, Mr. Hughes, Mr. Dyson, Mr. Visclosky, Mrs. Byron, Mr. Cardin, Mr. Gallo, Mrs. Boggs, Mrs. Bentley, Mr. Pallone, Mr. Saxton, Mr. Akaka, Mr. Cox, Mr. Eckart, Mr. Rinaldo, Mr. Darden, Mr. Jones of Georgia, Mr. Walsh, and Mr. Bateman.

H.R. 1200: Mr. McCrery.

H.R. 1250: Mr. Evans.

H.R. 1358: Mr. Blaz.

H.R. 1387: Ms. Slaughter of New York.

H.R. 1490: Mr. Espy, Mr. Clinger, Mr. Bryant, and Mr. Dorgan of North Dakota.

H.R. 1515: Mr. Johnson of South Dakota and Mr. Gingrich.

H.R. 1690: Ms. Snowe and Mr. Payne of New Jersey.

H.R. 2008: Mr. Erdreich and Mr. Montgomery.

H.R. 2222: Mr. Smith of Vermont.

H.R. 2290: Mr. McEwen, Mr. Gonzalez, Mr. Martinez, Mr. Wolpe, Mr. Gilman, and Mr. Poshard.

H.R. 2596: Mr. Chandler, Mr. Mavroules, Mr. Stokes, Mr. Lehman of Florida, Mr. Kennedy, Mr. Miller of Washington, Mr. Torricelli, Mr. Fish, Ms. Schneider, Mr. Burton of Indiana, Ms. Oakar, Mr. Kastenmeier, Mr. Foglietta, Mr. Hochbrueckner, Mr. Miller of California, and Mr. Shays.

H.R. 2699: Mr. Nagle.

H.R. 2779: Mr. Bustamante, Mr. Machtley, Mrs. Lloyd, Mr. Faleomavaega, and Mr. Brown of California.

H.R. 2837: Mr. Miller of Washington and Mr. Wolf.

H.R. 2958: Ms. Slaughter of New York and Mr. Oberstar.

H.R. 3001: Mr. Leath of Texas, Mr. Sangmeister, Mr. Lewis of California, Mr. Sikorski, Mr. Donnelly, Mr. Bryant, Mr. Rinaldo, Mr. Lightfoot, Mr. Jones of Georgia, Mr. Bustamante, Mr. Emerson, Mr. Hubbard, Mr. Stenholm, Mr. Dannemeyer, Mr. Marlenee, Mr. Eckart, Mr. Parker, Mr. Frost, Mr. Torricelli, Mr. Schiff, Mr. Madigan, Mr. Lagomarsino, Mr. Gingrich, Mr. Lancaster, Mr. Smith of Florida, and Mr. Lipinski.

H.R. 3002: Mr. Moody.

H.R. 3028: Mr. Jacobs.

H.R. 3071: Mr. Neal of Massachusetts, Mr. Skelton, and Mr. Dorgan of North Dakota.

H.R. 3146: Mrs. Collins.

H.R. 3165: Mr. McCandless, Mr. Shumway, Mr. Leath of Texas, Mr. Solomon, Mr. Traficant, Mrs. Lloyd, Mr. Lipinski, Mr. Goss, Mr. Gingrich, and Mr. Shaw.

H.R. 3267: Mr. Kildee, Mr. Frank, Mr. Conyers, and Mr. Fauntroy.

H.J. Res. 238: Mr. Akaka, Mr. Alexander, Mr. Anthony, Mr. Aspin, Mr. Atkins, Mr. AuCoin, Mr. Baker, Mr. Barton of Texas, Mr. Bateman, Mr. Bates, Mr. Bennett, Mr. Berman, Mr. Bevill, Mr. Bilbray, Mr. Bilirakis, Mr. Blaz, Mr. Bliley, Mr. Boehlert, Mr. Borski, Mr. Bosco, Mr. Boucher, Mr. Brennan, Mr. Brown of Colorado, Mr. Buechner, Mr. Burton of Indiana, Mr. Bustamante, Mr. Callahan, Mr. Cardin, Mr. Carper, Mr. Chandler, Mr. Chapman, Mr. Clement, Mr. Coble, Mr. Coleman of Texas, Mrs. Collins, Mr. Conyers, Mr. Costello, Mr. Coughlin, Mr. Cox, Mr. Coyne, Mr. Craig, Mr. Dannemeyer, Mr. Darden, Mr. de Lugo, Mr. Derrick, Mr. DeWine, Mr. Donnelly, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Emerson, Mr. Espy, Mr. Evans, Mr. Faleomavaega, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Fish, Mr. Flake, Mr. Flippo, Mr. Ford of Michigan, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gallegly, Mr. Garcia, Mr. Gekas, Mr. Gilman, Mr. Gingrich, Mr. Gonzalez, Mr. Goodling, Mr. Grant, Mr. Gray, Mr. Guarini, Mr. Hall of Texas, Mr. Hamilton, Mr. Hancock, Mr. Hansen, Mr. Harris, Mr. Hastert, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Henry, Mr. Hiler, Mr. Hochbrueckner, Mr. Horton, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hunter, Mr. Hutto, Mr. Inhofe, Mr. Ireland, Mr. Jacobs, Mr. Jenkins, Mr. Johnson of South Dakota, Mr. Jones of Georgia, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. Kasich, Mr. Kildee, Mr. Kleczka, Mr. Kolter, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lancaster, Mr. Lantos, Mr. Laughlin, Mr. Lehman of California, Mr. Lehman of Florida, Mr. Lent, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Lipinski, Mr. Livingston, Mr. Lowery of California, Mr. Thomas A. Luken, Mr. Donald E. Lukens, Mr. McCollum, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. McMillen of Maryland, Mr. McNulty, Mr. Machtley, Mr. Manton, Mr. Markey, Mr. Martin of New York, Mr. Martinez, Mr. Matsui, Mrs. Meyers of Kansas, Mr. Mfume, Mr. Miller of Washington, Mr. Mineta, Mr. Moakley, Mr. Molinari, Mr. Montgomery, Mr. Moorhead, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Morrison of Washington, Mr. Mrazek, Mr. Murphy, Mr. Myers of Indiana, Mr. Neal of Massachusetts, Mr. Nelson of Florida, Mr. Nielson of Utah, Ms. Oakar, Mr. Olin, Mr. Owens of New York, Mr. Packard, Mr. Panetta, Mr. Parker, Mrs. Patterson, Mr. Paxon, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Porter, Mr. Pursell, Mr. Quillen, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Ray, Mr. Rhodes, Mr. Richardson, Mr. Rinaldo, Mr. Roe, Mr. Russo, Mr. Sabo, Mrs. Saiki, Mr. Schaefer, Mr. Scheuer, Mr. Schiff, Mr. Schuette, Mr. Shaw, Mr. Shays, Mr. Skaggs, Mr. Skeen, Mr. Denny Smith, Mr. Smith of New Hampshire, Ms. Snowe, Mr. Solomon, Mr. Spence, Mr. Spratt, Mr. Stallings, Mr. Stangeland, Mr. Stark, Mr. Studds, Mr. Stump, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Thomas of California, Mr. Towns, Mr. Traxler, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Walgren, Mr. Walsh, Mr. Weiss, Mr. Weldon, Mr. Wheat, Mr. Whittaker, Mr. Wilson, Mr. Wolf, Mr. Wyden, Mr. Yatron, Mr. Young of Alaska, Mr. Anderson, and Mr. Kolbe.

H.J. Res. 373: Mr. Hoagland, Mr. Clement, Mr. Smith of Florida, Mr. Robert F. Smith, Mr. Molinari, Mr. Anderson, and Ms. Long.

H.J. Res. 400: Mr. Bilirakis, Ms. Pelosi, Ms. Slaughter of New York, Mr. Smith of New Jersey, and Mr. Whitten.

SENATE—*Monday, September 18, 1989*

(Legislative day of Wednesday, September 6, 1989)

The Senate met at 1:30 p.m., and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Preserve me, O God: for in thee do I put my trust.—Psalm 16:1.

Gracious God our Father, looking on the stained glass window in the Prayer Room, contemplating our first President, George Washington, on his knees, with this prayer. Thank Thee, Lord, for the faith of our fathers which in so many ways continually acknowledged their need of Thee and dependence upon Thee. Thank Thee for the inspiration of George Washington, the father of our country kneeling in prayer. Forgive us, Lord, for our waywardness, for assuming we may enjoy the same blessings and benefits while, at the same time, living indifferently to the God in whom they put their trust. Help us to remember their faith, responsible for the national legacy they left us lest, in forgetting, we forfeit all the benefits which accrue from that faith. Help us, Lord, to repent of our forgetfulness and put our trust in Thee.

In Jesus' name. Amen.

The PRESIDENT pro tempore. The Senate will be in order.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

APPROPRIATIONS BILLS ACTION

Mr. MITCHELL. Mr. President, on several years during this decade the Congress has not completed action on the annual appropriations bills prior to the end of the fiscal year. On each of those occasions, the Congress was harshly criticized by the President, a Republican President, for its failure to do so.

Since the first day of this session this year, I have stated publicly on numerous occasions my intention to complete action on all of the appropriations bills prior to the end of the fiscal year. We all know that fiscal year ends on September 30, less than 2 weeks from now.

We have been making good progress in that direction, and although major obstacles remain I believe we can accomplish that objective, an objective which is not in anyone's partisan interest, and is an objective shared by Democrats and Republicans, by the Congress and the President alike. It is an objective that is in the interest of the American people.

However, we are now in a situation where the distinguished Republican leader has been unable to provide his consent to our proceeding to appropriations bills which remain for consideration and disposition by the Senate. I hope and I urge that such consent will be forthcoming today. We are ready to proceed to the VA-HUD appropriations bill, and the foreign operations appropriations bill. And if we take up the VA-HUD bill today, and the foreign operations bill tomorrow we will have completed action on two more appropriations bills by the close of business tomorrow.

I emphasize that those bills still have to go to conference with the House and return to both bodies for approval of the conference report.

Of the 13 appropriations bills, only 1 has worked its way through the entire process. Several others are pending.

If we are unable to obtain consent to proceed to those appropriations bills today and tomorrow it will become extremely unlikely that we will be able to complete appropriations bills prior to the end of this fiscal year, and the responsibility will rest squarely with those who have refused to permit the Senate to consider them. I hope that does not happen. It is a result that serves no one's interests, not the interests of the Democrats, not the interests of the Republicans, not the interests of the Senate, not the interests of the President, and not the interests of the American people.

All of those interests, to the contrary, would be served if we are permitted to proceed to the VA-HUD appropriations bill today, the foreign operations bill tomorrow, and further appropriations bills during the week. And it is my hope that we will be permitted to do so.

I urge again and implore my colleagues to permit us to proceed to such legislation so that the Senate can do the business which by Constitution and law it is charged to do, and which the American people expect it to do.

We simply must establish in this Congress and in this Senate a self-discipline which permits us to complete action on these appropriations bills prior to the end of the fiscal year, each year. That ought to be something that we do regularly and routinely, difficult as it is. I hope very much that will be the case this year. I look forward to gaining that approval from my friend, my distinguished Republican leader, and our Republican colleagues. We stand ready to proceed.

At 2 o'clock, the chairmen of the relevant subcommittees are prepared to proceed to action on that. We can go either with the VA-HUD or foreign operations bill. We want to move forward. We want the Senate to act as it is supposed to act. We want to do the public's business as we are supposed to do the public's business.

So, Mr. President, I look forward to a response, and I hope, expect, and anticipate that it will be a positive response so that we can proceed as I have outlined.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the remaining time of both leaders will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Mississippi [Mr. COCHRAN] is recognized.

FRANK JOYNER RETIREMENT

Mr. COCHRAN. Mr. President, one of the Senate's distinguished, dedicated and loyal employees has retired.

Frank Joyner, manager of the Reprographics Division in the Senate Service Department, has retired after 19 years service to the Senate.

Frank is a native of Mississippi, a constituent of mine and a good friend. He was born and reared in the lake area of Scott County, MS.

He came to the Service Department in August 1970, to work as a pressman on the night shift. A few years later he was promoted to assistant night supervisor of the bulk print and mail section, and he soon moved into the night supervisor's position. Not long after

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that Frank was promoted again, to the post of night superintendent.

After years of hard work and dedication to his job, Frank was elevated in 1986 to the position of manager of the entire Reprographics Division, and he served in that position until his retirement in August.

Frank has personally assisted hundreds of staff members, Senators, and Senate committees in getting printing jobs done, and done well, in a timely fashion. His willingness to lend a "helping hand" or go that extra mile has not gone unnoticed. The Service Department tells us his personnel file contains dozens of letters of appreciation from Senators and staff members.

We send Frank Joyner and his lovely wife off with best wishes for a wonderful retirement and the assurance that they will be missed by all of us here.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized for not to exceed 5 minutes.

Mr. PRYOR. I thank the chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 1634 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, I yield the floor and thank the Chair.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll, the absence of a quorum having been suggested.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise now to inform my colleagues that today is the 1,647th day that Terry Anderson has been held in captivity in Beirut.

I ask that we not forget Terry Anderson or any of the other hostages who continue to be barbarically held from their families and homes.

COMMENDATION OF VISTA'S 25TH ANNIVERSARY

Mr. HATCH. Mr. President, I am pleased to be a cosponsor of a concurrent resolution (S. Con. Res. 57) to commend Volunteers in Service to America [VISTA] for its work in helping combat poverty in our country.

Since the VISTA Program's inception, 25 years ago, more than 100,000 VISTA volunteers have aided in the solution of poverty-related problems. These volunteers, men and women 18 years of age and older, have come from all walks of life, all geographical areas, and all economic levels. They have lived and worked among the poor, served in urban areas, rural areas, or on Indian reservations. They have shared their skills and experience in fields such as drug and alcohol abuse counseling, literacy, employment training, food distribution, shelter for the homeless, and neighborhood revitalization.

These volunteers have enhanced the quality of life for so many. A wide range of community needs have been met in a variety of ways through their volunteer service.

VISTA projects have had a great impact on my home State of Utah. Thirty-eight VISTA volunteers are currently serving Utah citizens. I have been especially impressed by the innovative solutions that have been developed to meet the basic needs of low-income communities. One example is a VISTA project in Salt Lake City. This project offers a unique way of providing food for low-income people who traditionally enjoy eating carp. Sengteck Tan, a VISTA volunteer who grew up in Cambodia, catches carp which are readily available in Utah waters. He then transfers the live carp to holding tanks. Low-income individuals, such as Asian refugees, can then purchase 40 pounds of fresh carp for a cost of $3. A prevalent, inexpensive source of nutritious food has been made available at a nominal cost to low-income people.

This is just one of many examples in which volunteer efforts have aided the poor. Often this service to the poor does not end when a VISTA term of service has been completed. Recently, the Deseret News, a Utah newspaper, interviewed several of the first VISTA volunteers that served in Utah 20 years ago. These former volunteers were profoundly affected by their experience, and they continue to volunteer to help the impoverished.

Mr. President, I am pleased to applaud the VISTA Program and the people that have worked so hard to make it work. It is through volunteerism that so many needs have and will continue to be met in this country.

I urge my colleagues to support Senate Concurrent Resolution 57 to demonstrate Congress' support for volunteer spirit in America.

THE PULLOUT FROM LEBANON: WHY NOW?

Mr. HELMS. Mr. President, I am deeply concerned about the United States diplomatic pullout from Lebanon and its consequences over both the near term and the long term. I am concerned first, that this pullout may impair our ability to conduct an effective policy in the region, and second, that the pullout may lead to a new cycle of violence and terrorism in the region.

On April 18, 1983, a truck bomb destroyed the U.S. Embassy in west Beirut killing 63 people, 17 of whom were U.S. citizens, and wounding another 100 people, 40 of whom were U.S. citizens. Syria and Iran were behind this attack. We did not then pull out our diplomatic representation from Lebanon.

On October 23, 1983, a truck bomb killed 220 U.S. Marine, 18 U.S. Navy, and 3 U.S. Army personnel in a Beirut airport building used as U.S. MNF headquarters and barracks. Syria and Iran were behind this attack. We did not then pull out our diplomatic representation from Lebanon.

On September 20, 1984, a truck bomb killed 20 people, 2 of whom were U.S. military personnel, at the U.S. Embassy annex in Awkar, northeast of Beirut. Syria and Iran were behind this attack. We did not then pull out our diplomatic representation from Lebanon.

For the past 6 months, Syrian shelling has rained down around the American Embassy compound. We did not pull out.

But, Mr. President, last week, when a group of Lebanese Christians conducted a peaceful demonstration in front of our Embassy with placards calling on the United States to take a strong stand against Syrian terrorism, we did pull out our diplomatic representation.

Serious observers of the Middle East regard the pullout as having been based on the thinnest of pretexts and point to a desire by the State Department to embarrass Prime Minister Aoun because he refuses to capitulate to Syria. Prime Minister Aoun's refusal to capitulate to Syria runs counter to the State Department's own policy of capitulation to Syria.

When the Pan American flight 103 was blown up by the Ahmad Jibrial terrorist group, which is based in Syria and which coordinates its terrorist activities with Syrian and Iranian intelligence, we did not pull out our Ambassador from Syria. In fact, while Syria has not had an Ambassador in the United States for more than 3 years, the United States goes to the extraordinary length of maintaining diplomatic representation at the ambassadorial level in Damascus. The message that the State Department is sending to Assad is that Syria can go right ahead and protect terrorist groups that murder Americans and that we will look the other way. This State Department policy amounts to appeasement and capitulation.

Mr. President, Prime Minister Aoun is the legitimate head of government under the Lebanese Constitution. Ambassador McCarthy never presented his credentials to Prime Minister Aoun. The United States, therefore, did not have an Ambassador to Lebanon in the technical sense. The State Department was attempting to discredit Prime Minister Aoun's legitimate government by instructing our Ambassador not to present his credentials. In addition to attempting to discredit the legitimate Aoun government, the State Department has bent every effort to install a Syrian puppet regime in Lebanon by supporting Syrian-controlled candidates and by attempting to split the Christian community.

While we must make every effort to protect the lives of all of our government personnel abroad and the lives and property of American citizens abroad, I am concerned that the pullout may have been ill considered and premature.

This pullout marks the end of a continuous American diplomatic presence which reaches back to 1943 when Lebanon became independent.

This pullout has created a vacuum which the Soviet Union and terrorist states such as Syria, Libya, and Iran will rush to fill.

The United States was the principal factor in bringing an independent Lebanon into being. This pullout signals the failure of American foreign policy in the Middle East. This pullout will, in the view of a number of experts on the region, contribute to a new cycle of violence and terrorism in the Middle East.

On numerous occasions over the past decade, I have spoken in detail about the threat posed to the free world by the terrorist states of the Middle East such as Syria, Iran, and Libya. On numerous occasions, I have warned that the policy of the State Department in the Middle East was not only wrong but also dangerous.

In my view, American diplomacy in the Middle East has been a failure and will continue to be a failure because the central premise of our policy is to work with Syria and the Soviet Union to solve regional problems. This is not to mention the absurd and dangerous policy of accommodation to terrorist Iran which led to the Irangate debacle and still continues despite the deep Soviet relationship with Iran.

Mr. President, nothing could be more counterproductive to American interests than the deeply flawed State Department Middle East policy. Daily experience over the past 15 years has shown the futility of the State Department's policy—terrorism has escalated, Americans lives have been lost, the region has become more and more unstable, countries who are our friends and allies have become less secure.

Henry Kissinger created the pro-Syria policy back in 1975. The United States encouraged the Syrian invasion of Lebanon to stabilize the situation. The United States has stood by for over a decade while the brutal Syrian occupation of Lebanon has created nothing but widespread bloodshed and chaos. Henry Kissinger's personal obsession with his friend Assad has been institutionalized by an unending series of State Department bureaucrats who are unable to create a coherent and effective foreign policy in the Middle East.

Syria, Libya, and Iran have turned Lebanon into an anti-Western battleground and a platform for terrorism against Israel. Because the United States played the major role in bringing Lebanon into being as an independent state our policy toward Lebanon has been internationally regarded as the bellwether of United States policy in the region. It is only logical that these terrorist states wish to destroy Lebanon in order to destroy American credibility and presence in the Middle East.

The State Department has consistently facilitated the policy objectives of these terrorist states by its pro-Syria policy and by its accommodationist policy toward Iran.

Mr. President, I hope that we might restore our diplomatic presence in Lebanon. I fear, however, that our pullout may contribute to an escalation of violence and terrorism in Lebanon which will preclude an early return to Beirut.

Leading experts on the situation expect that Syria will pour arms into its surrogates in Lebanon such as the Amal guerrilla group and that Iran will pour weapons into its surrogates in Lebanon such as the Hezbollah terrorists. At the same time, Syria could remove some of its forward troops near Beirut and put them over into the Bekaa Valley as a ruse to show moderation. Should West Beirut violence explode, Syria would then have a pretext to flood the area once again with its occupation troops in order to stabilize the situation. Of course, the State Department would support the Syria move as it has in the past and thereby facilitate Syrian and Soviet objectives in the area.

Mr. President, the Wall Street Journal editiorialized on September 13, against an American disengagement from Lebanon. The Journal stated, and I quote:

> By now it ought to be clear that in Lebanon disengagement is not a responsible option for America.

I could not agree more.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial entitled Hama, Beirut of September 13 be included in the RECORD at the end of my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. The Washington Times editorialized on September 11 against our Lebanon policy in a piece entitled, Retreat (Again) From Lebanon. The Times editorial stated, and I quote:

> The United States has managed again to humiliate itself in Lebanon. The most recent brush with ignominy took place last week, when we shut down our embassy outside Beirut, on grounds that its workers had been subjected to terrorist threats.

Mr. President, I ask unanimous consent that the Washington Times editorial of September 11 be inserted in the RECORD at the conclusion of my remarks as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Jeane Kirkpatrick in a fine article entitled "Will No One Stand Up to Syria" published by the Washington Post on September 4 stated, and I quote:

> In truth, Syria's occupation of Lebanon is a clear-cut case of aggression.

Ambassador Kirkpatrick in the same article called attention to the Arab League report which blamed Syria for blocking peace. She stated, and I quote:

> A Committee of the Arab League called for a cease-fire and identified Syria as the principal obstacle to peace. The finding was useful in that it removed the last fig leaf of legitimacy from Assad's claim that Syria is acting as an agent of the Arab world. But the report did not stop Syria's destruction of Lebanon.

Mr. President, I ask unanimous consent that Ambassador Kirkpatrick's September 4 article in the Washington Post be printed in the RECORD at the conclusion of my remarks in exhibit 3.

Mr. President, it is time that the United States implements a coherent and effective Middle East policy in the interests of peace and regional stability. The Department of State with its pro-Syria policy is feeding the flames of violence and destruction in the region. It is tragic that the Lebanese people—both Christian and Moslem—are the victims of State Department complicity with Syria and its patron, the Soviet Union.

EXHIBIT 1

[From the Wall Street Journal, Sept. 13, 1989]

HAMA, BEIRUT

(As the bus crosses the Orontes River into this city's old Moslem neighborhoods, the only sound from its Syrian passengers is an occasional muffled gasp. There is rubble in every direction. To the left, many of the buildings have been flattened by artillery fire. Bulldozers now are clearing away the debris. To the right are the empty shells of what until February were homes, shops, apartment buildings, offices and mosques.

This is how a once-bustling big commercial center looks three months after a revolt by militant Moslems were shelled into submission by government troops. Up to 10,000 residents died in the confrontation, according to diplomatic sources, yet little news of the battle or its aftermath has reached the West.)

That was the start of the chilling dispatch filed in 1982 by our Mideast correspondent at the time, David Ignatius, after a rare glimpse of Hama, the city that the Syrian dictator, Hafez al-Assad, destroyed to silence dissent. The population of the Syrian city was reportedly reduced to a sixth of the 300,000 who lived there before the siege. Some estimates put the number who died at 20,000. Yet few seem to remember the fate of the people of Hama.

One group does remember—the Christian community of Lebanon. Since the days in August when the same Syrian dictator who murdered Hama's thousands began moving forward artillery and tanks to within range of Beirut, the Christians have been fleeing his savage artillery. They know that Assad's army is preparing to do to Lebanon's Christian community what it did to the people of its own city of Hama. It is preparing to commit a massacre—in which untold thousands of Christians will die. The scale of the looming disaster is defined by the fact that the beseiged Christian enclave is home for one million people.

Western reaction has been pitiful. Liberal pundits have gone out of their way to blame the Christians' military commander, General Michel Aoun, for provoking a Syrian assault. It would be like blaming the Americans at Bastogne for the German encirclement. In Washington, State Department spokesmen echo this line—or feed it. They seem to feel that by being crueler, bloodier and more determined than the next guy. President Assad has earned the right to dictate the fate of Lebanon. The Bush administration's main policy initiative was to helicopter its few diplomats out of America's Beirut embassy after the embassy was beseiged by resentful Lebanese Christians, egged on, no doubt, by a frustrated General Aoun.

By now it ought to be clear that in Lebanon disengagement is not a responsible option for America. The Reagan administration tried to disengage in 1982, withdrawing the Marines. Desperate Christian militamen then moved in and, in search for Palestinian terrorists, massacred hundreds of civilians at Sabra and Chatilla. The U.S. moved in again, but timidly, and its Marines were blown up in their barracks. Secretary Shultz sought to negotiate honorably with Syria and succeeded only in having the Israelis withdrawn, though they had the one force on our side that was a match in that theater for Assad's troops. Given the opporobrium that was heaped on them the last time they rode to the rescue of the Lebanese, it would be surprising to see the Israelis mount a new rescue.

Somehow the West has been content to leave General Aoun's own force of 20,000 soldiers to get their weapons from the Iraqis, who have their own hatred of Syria and, having disengaged with Iran, are searching for openings against Israel. There will be a high political price to pay in the U.S. if the Syrians perpetrate a Hama-style massacre on Lebanon's Christians. Perhaps the State Department is prepared to let this come to pass. It would be preferable for President Bush to take charge of the administration's Lebanon policy before this curtain falls on Beirut.

Exhibit 2

[From the Washington Times, Sept. 11, 1989]

Retreat (Again) From Lebanon

The United States has managed again to humiliate itself in Lebanon. The most recent brush with ignominy took place last week, when we shut down our embassy outside Beirut, on grounds that its workers had been subjected to terrorist threats.

This sounds plausible enough to those who think of Lebanon as a smoldering patch of earth covered with people who kidnap Westerners for fun, but the facts don't support the stereotype. The Americans in this case left Beirut because they overreacted to a rhetorical question asked by a friend.

Gen. Michel Aoun, the self-styled president of Lebanon, has for months been waging a lonely war against the more than 35,000 Syrian-backed troops in Lebanon. He understands that Syrian leader Hafez el-Assad sees Lebanon as a piece of turf that stands in the way of Mr. Assad's dream to build a "Greater Syria" that stretches all the way to Egypt. He also understands that any victory by Syria's occupying force in Lebanon would mean the end to whatever hope for freedom the Lebanese have.

Gen. Aoun has pleaded for months with the United States for some support in his war against our greatest enemy in the region, Mr. Assad. Yet as missiles rained down on him and his troops, he has gotten little more than "Atta boy!" from the government in Washington. Finally, in desperation he recently asked a question that many of our allies ask these days: "What do I have to do to get a little help, kidnap an American?" That statement, along with a peaceful demonstration at the gates of the U.S. compound by some of Gen. Aoun's supporters, provided an excuse for the American contingent to flee—on what it called a "temporary" basis.

Most analysts consider "temporary" a euphemism for "permanent," Syria already has applauded the move, which it considers a repudiation of Gen. Aoun and his cause. If you read between the lines, you understand that the Syrians also consider the move as a virtual statement of support for Syria's territorial ambitions. Meanwhile, Gen. Aoun and his pro-American forces have tried vainly to explain that they merely were expressing their own exasperation over a U.S. policy that seems to ignore the threat that Syria represents to Lebanon, Jordan, Israel and the rest of the region.

The U.S. withdrawal after the 1983 bombing of our barracks in Beirut did a great deal to lift the spirits and the confidence of terrorists who work with the aid and approval of Mr. Assad. Last week's evacuation of Americans can only encourage Mr. Assad to pursue his dangerous ambitions. If the United States wants to remain even a vaguely serious force for peace and stability in the region, it ought to reopen its embassy soon and make clear that it will work more strenuously than ever to support forces that might make Lebanon truly free—which includes being free of Syrian control.

Exhibit 3

[From the Washington Post, Sept 4, 1989

Will No One Stand Up to Syria?

(By Jeane Kirkpatrick)

Paris.—In March of 1964, Kitty Genovese was stabbed to death in Queens, New York. But not until she had three times fought off her attackers and fled, only to be attacked again—calling all the while for help, although they had seen the attack and heard her cries, they did not want to become involved.

Genovese's name entered American history as a victim—less of her assailant than of public indifference. Those who watched the attack simply did not care enough to exert themselves on her behalf.

In point of fact, people and governments have repeatedly demonstrated a shocking capacity to ignore or deny desperate need when it is inconvenient to respond.

Millions of Jews who died in boxcars and death camps at the hands of Nazis were victims of indifference, as well as deliberate murder. Civilized, democratic governments (including the United States) denied Jews visas and refuge even after the Final Solution had been revealed and the existence of the death camps became known. The appeals for help were simply ignored.

The same sort of passive acceptance of genocide characterized the world's response to Pol Pot's slaughter of 2 million to 3 million Cambodians, the starvation of Ethiopians in Mengistu's forced relocations and the Chinese government's sustained assault on Tibetans. For all their talk of morality, even good governments do not find it much easier than Genovese's neighbors to respond to an inconvenient call for help.

For years, Lebanon has been victimized by Hafez Assad's boundless appetite of a "greater Syria," Syrian troops have occupied more than half of Lebanon and have encouraged factionalism among rival Lebanese groups. As if that were not bad enough, they have permitted the entry and operation of radical Iranian fundamentalists and the most violent of PLO factions.

Obviously, these machinations have hampered the establishment of authority by any Lebanese government. But the efforts of Lebanon's current president, Gen. Michel Aoun, to resist Syria's continuing occupation provoked a most violent response. First, the factions allied with Syria mounted an even more sustained attack on the Aoun government. The situation deteriorated into crisis when Assad threw Syrian troops and artillery into the battle against Lebanese government forces. Syrian mortar has pounded into ruble what was the beautiful and orderly Christian quarter of Beirut.

Throughout the summer, Aoun and other representatives of the Lebanese government have appealed to the world for help. In response, many committees have been formed, diplomatic initiatives have been launched, missions have been dispatched and discussions have been held. Meanwhile, Syria's destruction of Lebanon has proceeded.

A committee of the Arab League called for a cease-fire and identified Syria as the principal obstacle to peace. The finding was useful in that it removed the last fig leaf of legitimacy from Assad's claim that Syria is acting as an agent of the Arab world. But the report did not stop Syria's destruction of Lebanon.

The United Nations Security Council passed a resolution, and the secretary general visited the area in an effort to secure a cease-fire. But neither the resolution nor the visit stopped Syria's destruction of Lebanon.

The European Community established a committee of presidents to seek a cease-fire and dispatched a team to consult.

Mikhail Gorbachev and Francois Mitterrand issued a joint communiqué calling for a cease-fire and appealing to all parties to end the provision of arms to combatants. The soviet foreign minister dispatched a special representative to promote a cease-fire, and France sent a fleet into the area in an implied challenge to Syria's blockage of East Beirut.

The U.S. Department of State deplored the use of heavy Syrian artillery and applauded the work of the Arab League. The pope decried genocide and announced that he would visit Beirut soon. Absolutely everyone has assured everyone else that a political solution is required to this grim military conflict.

And the destruction of Lebanon has continued.

In truth, Syria's occupation of Lebanon is a clear-cut case of aggression. Its relentless bombings and blockade are an example of brutal use of force against a civilian population. It has already reduced the number of Beirut inhabitants from 1.25 million to 200,000.

What is called the "international community" has been no more effective in dealing with Syrian aggression than with terrorism, hostage-taking or Gen. Manuel Noriega's election fraud. The truth is that the international community has no effective means for dealing with those who use force unilaterally. The reason is the same that stayed the witnesses to Kitty Genovese's murder. Other countries don't want to get involved.

So be it.

But those who will not help should at least stop blaming the victim and apologizing for the aggressor—as have some influential people in various Western governments. And those willing to be onlookers at the carnage in Lebanon should not prate about their overwhelming desire to promote peace in the region. There will be no peace until there is an independent Lebanon.

MEDICARE CATASTROPHIC COVERAGE ACT

Mr. PRESSLER. Mr. President, last week I spoke on the need to make changes in the current catastrophic health care plan. Yesterday I saw that the Washington Post ran a major article on the subject which outlined problems with the current catastrophic care plan.

This fall the Senate will consider changes in the Medicare Catastrophic Coverage Act [MCCA]. I am very concerned about the heavy financial burden the catastrophic insurance program places on many retired citizens. On July 11, I testified before the Senate Finance Committee and asked that the surtax be delayed until we had time to straighten out the mess we created. I voted twice, June 7 and July 27, in support of the McCain amendment to delay implementation of the surtax, and indeed was a cosponsor of the proposal.

When this legislation was passed, less than 2 years ago, it was billed by senior citizen groups, the administration, financial experts, and leading scholars as the great solution to the catastrophic care crisis. Both Houses of Congress approved it overwhelmingly. We made a mistake, and it needs to be corrected—soon. In attempting to correct one crisis, we've created another.

I have written to members of the Finance Committee, President Bush, and the Secretary of the Treasury urging that the surtax be reduced.

I see my distinguished colleague, Senator McCain who was featured in Sunday's Washington Post article. I am proud of his leadership on this issue.

Mr. President, as long as Senator McCain is here I might inquire of him what this program is projected to cost. Is it correct that current projections show the cost will be much higher than when the legislation was passed 2 years ago?

Mr. McCAIN. Mr. President, let me first thank my distinguished colleague for his kind remarks. Coming from Senator Pressler, whose reputation as a champion of senior citizen issues is widely known, that is a high compliment. As a key member of the Senate Aging Committee, he has been fighting on behalf of senior citizens for many years.

To answer his question specifically, yes, the current cost estimates for catastrophic coverage are far greater now than in 1987 when the legislation was passed. The original cost was estimated to be $30.8 billion over a 5-year period of time. Current estimates for the period 1989 through 1993 project the cost to be $36.8 billion. However, that is subject to change because the costs of the skilled-nursing home provision and the prescription drug provision are hard to determine. So it could even be worse. Some are now projecting the costs to be near $50 billion.

Mr. PRESSLER. Thank you. Those estimates certainly are enormous.

I think that illustrates a fundamental problem with the way the original catastrophic health plan was presented. The estimates and prognostications of all the experts were fatally flawed. In short, we were given bad numbers. Congress, senior citizen groups, and seniors themselves were sold a bill of goods based on faulty information. The result was a huge mistake, in my opinion.

The high cost of the program and the surtax financing scheme have outraged senior citizens. Implementation of the surtax should be delayed. Mr. President, it was a mistake to enact the original Catastrophic Program. Many of us now want the opportunity to correct that mistake.

Mr. McCAIN. Mr. President, Senator Pressler said it very well. As he knows, nearly the entire Congress voted in favor of this program. Both Houses of Congress approved the measure by overwhelming majorities. We were pressured by nearly every senior citizen group in this country to enact the bill. What began as a proposal by Ronald Reagan to provide seniors with protection from a catastrophic hospitalization, and paid for by a nominal flat premium, was amended and amended until it required a surtax to pay for its costs. What initially enjoyed the support from virtually all quarters, turned out to be a real turkey. I commend Senator Pressler for his thoughtfulness, dedication, and persistence in his tireless attempts to correct this program and for listening to his constituents. Senator Pressler is doing the responsible thing in recognizing that the surtax used to finance the Catastrophic Program needs to be delayed so we can work out a more realistic alternative.

Mr. PRESSLER. I thank the Senator. I fully endorse your efforts to delay implementation of the surtax. We also should take ample time to consider the entire program. It contains many desirable provisions, but they must be reevaluated in the context of a different financing mechanism.

If I could ask my distinguished colleague one more question: Does the Senator think that the Catastrophic Program should be optional under part B of Medicare?

Mr. McCAIN. Of course, I support making the program voluntary. But, many are proposing something very different from voluntary—and calling it voluntary. This I do not support. No, I do not agree with those who support making the Catastrophic Program optional under part B of Medicare. What they are discussing is placing the Catastrophic Program under part B, and forcing seniors who decide to get out of the program to forfeit their right to participate in the existing Medicare part B program—which provides coverage of doctor and outpatient hospital costs. That is not fair. What is more, it is not honest. The Catastrophic Program should be optional as a separate part of Medicare.

Mr. PRESSLER. I thank my distinguished colleague for his efforts on behalf of senior citizens throughout our country. His leadership has been an inspiration to all our colleagues in the Senate. I wish to reemphasize my support for a delay in the surtax and an extensive study of the entire Catastrophic Program. It is extremely important that the senior citizens of this Nation understand that their voices are heard here in Washington.

Mr. McCAIN. Again, I would like to applaud the distinguished Senator from South Dakota for his exemplary and thoughtful leadership on behalf of seniors in South Dakota, and indeed across this country, on this important issue. I appreciate the South Dakota Senator's kind remarks. He has done as much for senior citizens during his years in the Senate and the House as any Member of Congress. He is a tireless advocate for our Nation's elderly. Very few of us have given senior citizens issues the high priority he has. I think it would be fair to say that Senator PRESSLER gives his highest priority attention to the entire range of older American issues, from catastrophic health care to Alzheimer's research to protecting Social Security. He never rests, and I'm proud to have him as an ally in this fight.

Mr. PRESSLER. Mr. President, I thank my distinguished colleague for his insight and kind words. I ask unanimous consent that yesterday's Washington Post article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed as follows:

[From the Washington Post, Sept. 17, 1989]

"CATASTROPHIC" SURTAX SPURS HILL RETREAT

(By Spencer Rich)

Only a year after Congress and the White House congratulated each other on carefully devising a program to shield the elderly from costs of catastrophic illness, the bipartisan-backed law has come under heavy attack from those it was designed to help and faces a major revision or repeal.

Once praised by President Ronald Reagan and congressional leaders as a major social advance that would protect 33 million Medicare beneficiaries from the type of huge medical bills that can suddenly wipe out a lifetime of savings, it has been attacked by many elderly recipients as something "they did not need, did not want and already had coverage for, according to Sen. John McCain (R-Ariz.).

In a Senate speech, Friday, McCain said "there has been a firestorm in America on the part of senior citizens over what they view as an incredibly onerous burden—a mandatory income-related premium that can reach $800 per person this year for better-off recipients.)

Millions of people have written Congress to protest the premium, also called a surtax. The tax-writing committees of Congress are agonizing over ways to cut the surtax and save the program.

The massive protest has occurred even though two-thirds of Medicare recipients have incomes so low that they will pay little or no surtax, and millions with no "catastrophic" protection get a broad package of valuable coverage subsidized by high premiums from those better able to pay.

Sponsors such as Senate Finance Committee Chairman Lloyd Bentsen (D-Tex.) defend the law as a sound concept that needs revision. He has taken the lead in seeking ways to overhaul the program.

Sen. David F. Durenberger (R-Minn.), another sponsor working to revise the program, said the biggest problem may have been "Congress trying to meet a need that the elderly don't preceive they have and asking them to pay for it."

Interviews with scores of Medicare recipients and dozens of members of Congress and staff members indicate that the main source of protest is the roughly 5 million elderly who already have roughly equivalent coverage under policies paid for in whole or in large part by their former employers. Many of those who pay the top premium already have equivalent coverage.

Although about three-quarters of the elderly had some form of insurance to supplement Medicare before catastrophic-illness coverage was passed, many of those policies were grossly inferior to the new benefits, far more costly, or both.

But apparently many of the 5 million who pay little or nothing for equivalent coverage see no benefit from the 1988 law. These include retirees from the federal civil service and their families as well as some retirees from state and local government, the military, the auto and steel industries and some other (usually large) businesses.

"For them it's a dead loss," said Bob Rosenthal, legislative director of the D.C. Federation of the National Association of Retired Federal Employees.

"Some people have coverage and they feel that they're paying for a benefit they already have," said Eric Shulman, legislative director of the National Council of Senior Citizens. Like most organizations of the elderly, the council backed the law last year, but met complaints from members later.

The elderly with equivalent coverage are members of "the most vocal constituency in America," Sen. Daniel Patrick Moynihan (D-N.Y.) said last week. They are most likely to belong to senior-citizen groups, to keep up with developments and to write their lawmakers, others said. And they are complaining most loudly and frequently, legislators said.

But not only those with equivalent coverage are squawking. Millions of others apparently think they are going to have to pay huge premiums when they will pay little or nothing; others say they are satisfied with the private insurance they had, even if it is not as good as the new benefits. They say they instead want insurance to cover long-term custodial care, such as in a nursing home.

Moreover, many elderly people deeply resent the concept of paying a "seniors-only tax," as it has been labeled by former House member James Roosevelt's National Committee to Preserve Social Security and Medicare. Because the benefits are paid for entirely by the elderly, the per-capita levy is higher than it would be if a tax on the entire population financed the program.

Another source of opposition, several sources said, is the "greedy geezer syndrome," under which some elderly believe that they are entitled to a wide range of benefits paid wholly or largely by others. "They want them free," said an official of one organization of the elderly.

A variety of factors led to the current furor:

Congress added many costly benefits to Reagan's original 1987 proposal. That had only two benefits: an increase in the number of Medicare-covered free-hospital days from 60 a year to 365 and a $2,000 cap on an individual's out-of-pocket payments for Medicare-covered doctor and hospital bills. The premium would have been $4.92 monthly for each participant.

The program as passed contained other expensive benefits, including payment for outpatient prescription drugs and better nursing home benefits for treatment of acute illness.

To pay for the benefits, legislators had to determine how to satisfy Reagan's demand that, for the first time, the entire cost of new Medicare or Social Security benefits be paid by beneficiaries. Reagan said he was concerned by the large budget deficit and felt that older people should not burden the young for more benefits.

A flat monthly premium on all 33 million beneficiaries would soon have meant additional $30-a-month premiums—too high for low-income persons.

Congress decided that all Medicare recipients would pay an additional $4 a month, rising to $10.20 by 1993. But based on the principle that better-off taxpayers should pay a higher percentage of income than poorer ones, Congress decided that the 40 percent of beneficiaries with the highest incomes would pay an income-based premium, or surtax, to cover about two-thirds of the new costs. The initial surcharge was 15 percent of a person's federal income tax liability, with a ceiling of $800 for 1989. The surtax rises gradually to 28 percent by 1993 with a $1,050 ceiling.

According to the congressional Joint Committee on Taxation, a typical couple with a gross income of $25,000 to $30,000 would pay surtaxes of $69.75 each in 1989, rising to $77.56 in 1993. In 1993 a couple would reach the $1,050 per person maximum when combined income hit $65,000 to $70,000.

Many people mistakenly think they will have to pay the surtax. The joint committee has calculated that in 1993, 52.4 percent (18.4 million) of Medicare enrollees will have incomes too low for the surtax.

An additional 18 percent (6.5 million) will pay less than $300. Only 10 percent—3.6 million—will pay the maximum of $1,050.

Nevertheless, members of Congress have received letters from many people who mistakenly think they will pay a large surtax. A survey of those who sent protests to Rep. Fortney H. "Pete" Stark (D-Calif.), chief House sponsor of the law, concluded that "30 to 40 percent had major overestimates of surtax liability." One woman's surtax for 1989 is $217, but she calculated "$500 a year to the IRS." Another's is $37 but she estimated $311.

Stark, Moynihan and Sen. John D. "Jay" Rockefeller IV (D-W.Va.) blamed the Roosevelt-led group for stirring up confusion by blanket mailings that emphasize: "This tax could cost couples over 65 up to $1,600 this year!"

But Rep. Harris W. Fawell (R-Ill.), who opposes the law, said his constituents understand it well and are justifiably upset: What they wanted most was long-term custodial home care and nursing-home care; instead they got benefits they say "we don't want and now we have to pay for."

Fawell said the rich won't suffer because the $800 limit protects them from paying a high share of income, the very poor aren't hurt because states pay their premiums and copayments, but "middle-income people think it's a bad deal."

The new program appears to be a bad deal for the 5 million to 6 million elderly who have roughly equivalent private benefits paid by former employers in whole or in part.

The Congressional Budget Office estimated the insurance value of the "catastrophic" benefits at $322 per person in 1993, when the base rate will be $10.20 a month and the top surtax $1,050 a year. The top combined premium thus is about $850 more than the CBO's estimate of its insurance value.

However, the federal government subsidizes the basic Medicare program from general revenues, so someone who overpays for "catastrophic" coverage still ends up a winner. The CBO estimated that the total insurance value of the Medicare package in 1993 will be $4,286. But persons who paid the maximum Social Security/Medicare payroll tax all their working lives, and pay the $10.20 monthly premium plus the $1,050 maximum annual surtax, would have paid $3,018 to Medicare for 1993—a subsidy of $1,268.

Many of those who object to the surtax want to keep basic Medicare benefits with their huge subsidy.

But for many millions, the new "catastrophic" benefits are a good deal. They include the roughly 7 million with no health insurance beyond Medicare and 11.8 million who have an additional policy they buy personally. Those policies usually are not as good as the new coverage, and those that are better generally are far more expensive. Many with employer-provided policies that they pay for in part or in total also are probably better off with the new coverage.

ASPEN INSTITUTE CONFERENCE ON UNITED STATES-SOVIET-EUROPEAN RELATIONS IN DUBROVNIK, YUGOSLAVIA

Mr. SPECTER. Mr. President, during the August recess, I attended the Aspen Institute Conference on United States-Soviet-European Relations in Dubrovnik, Yugoslavia. I believe this conference will be of interest to my colleagues because it dealt with key foreign relations and defense issues which come before the Congress. Those in attendance included nine other Members of the Senate, seven Members of the House, parliamentarians from England, France, Italy, and the Federal Republic of Germany, and scholars and experts from the United States, France, Germany, and Yugoslavia.

General Secretary Mikhail Gorbachev was the principal topic of discussion, reflecting his dominance as an international figure for the past 5 years. We discussed the sincerity of his policies, his chances for survival as the leader of the Soviet Union, and the impact he would likely have on any future Soviet leadership even if he did not continue in his current position.

The general view was that Mr. Gorbachev is sincere in his pursuit of perestroika and glasnost. Most felt that his chances for survival were reasonably good, although that depended upon many unpredictable factors. In the event of his removal from office, the majority view was that "the genie was out of the bottle" so that it was unlikely that his policies could be reversed, certainly not reversed easily even if repressive leadership were to take over in the Soviet Union.

There was a consensus that Mr. Gorbachev has, in fact, already brought a revolutionary change to the Soviet Union. There was some disagreement as to how much change is attributable to Mr. Gorbachev personally, with some support for the thought that the Soviet Union was ripe for change even without Mr. Gorbachev's arrival on the scene. Virtually everyone credited Mr. Gorbachev with being a master politician who has demonstrated the extraordinary talent of being both the leader of the government—those on the inside—and in a sense the spokesman for the dissidents—those on the outside. His performance with the coal miners—in siding with them against the government—was truly remarkable. His mastery is such that he can fire a minister, place the blame on that individual for failures in a particular line of activity, and escape personal responsibility for whatever goes wrong.

There was lively debate as to whether the United States should respond to Mr. Gorbachev on the basis of Soviet capabilities or Soviet intentions as Gorbachev himself expressed them. Surprisingly, at least to me—there was considerable support for the proposition that significant reliance should be on Mr. Gorbachev's stated intentions, or at least, that his intentions should be considered in evaluating Soviet foreign policy. My own view, as I expressed it, was that our calculations should turn largely if not exclusively on capabilities, and that where intentions were an issue we should follow President Reagan's maxim to "trust, but verify."

Another matter we discussed was the U.S. delay in opening the START talks. Some conferees expressed the thought that it was premature to proceed with START until the United States has made its own decision on the mix of MX and Midgetman missiles. My view, as expressed during floor consideration of Secretary of State Baker on January 25, 1989, was that it was important to begin START negotiations at an early date. Traditionally, the congressional experience has been that there are numerous and continuing disagreements within Congress and between Congress and the executive branch as to what the weapons mix should be. Notwithstanding, we ought to proceed with the discussion with the Soviets on START, with an expectation that those discussions would have some impact on whatever emerged as the United States position on weapons.

The European participants expressed some surprise at the position of many U.S. participants on the need for working out a START treaty with all the problems removed—including the protocol on verification—if the treaty ultimately was to be ratified. It is obvious that Members of the Senate and House much better understand the factors which could lead to 34 negative votes in the Senate which could sink any treaty. The skepticism in the Senate on Soviet intentions and reliability, which we feel is shared by the American people, mandates that the verification regime be worked out with oversight in place if such a treaty is to be ratified.

Considerable discussion focused on the Soviet economy. There was general agreement that the U.S.S.R.'s economy is in desperate shape. One discussion leader focused the central question on "what can we do to help the U.S.S.R.'s economy?" Some of us first chose to discuss the more basic question whether we should seek to help. I stated we should consider striking a balance, and do just enough to keep Mr. Gorbachev in office but sufficiently little so as to keep pressure on the Soviet Union to shift as much money as possible from guns to butter. Considering the continuing Soviet arms buildup, providing additional incentives for Soviet disarmament is to the obvious benefit of the United States and the West. There was interesting discussion on the Soviets' movement toward free enterprise institutions without identifying them as such. For example, the Soviets purport to oppose privatization, but talk in terms of long-term leasing—as long as 50 years—which is the virtual equivalent of holding private property.

In this context, I recollected my surprise on my trip to Hungary in January 1989 on hearing Communist Party leader Karoly Grosz and Premier Miklos Nemeth talk about incentives, productivity and a market economy. When I heard that, I commented that their description of reforms in the Hungarian economy sounded more like Adam Smith's "Wealth of Nations" than Karl Marx's "Das Kapital." My hosts indicated pleasure at this observation. I further commented that I was surprised: First, that the efforts to revamp their economy were founded in capitalism; and second, that they were so pleased to be told that.

There was general agreement that the United States and our allies should do all possible to promote SDI II and that SDI meant strengthening democratic institutions. On that subject, we should obviously encourage the Soviet electoral process and inform them about our own democratic institutions. It was suggested that an increase in exchange programs between the United States and the Soviet Union was of obvious importance.

We also discussed West-West problems, and the concept of their being of considerable, if not equal, importance to East-West problems. The distrust of Germany had not abated notwithstanding the lapse of 44 years since the end of World War II. Concern over the possibility of the reunification of Germany persisted. Lord Ismay's dictum was quoted that NATO was designed to keep the United States in and the Russians out and Germany down.

There was consensus that NATO and the Warsaw Pact had succeeded in creating a form of stability since World War II which had never before existed on the European continent. Raymond Aron's 1947 comment "peace impossible, war improbable," was cited because of the grave difficulties of achieving European peace in the past and the improbability that anyone would be foolish enough to start a war.

There was considerable discussion on the changes in the European economy and the impact of the European economic community 1992. Concern was expressed that the economic links between Western Europe and Eastern Europe, and Western Europe and the Soviet Union, may undercut the cohesiveness of the Western alliance. The interesting observation was made that the more the Eastern societies open, the more the Western societies tend to close. The illustration was given that it is much more difficult for a Polish citizen to get an entrance visa in France than an exit visa in Poland.

Similarly, as the United States has persuaded the Soviet Union to release Soviet Jews, and now that that plea is meeting with success, the United States is restricting their entry into our country. The dictum of "peace impossible, war improbable" has suggested a new situation of "communism impossible, democracy improbable."

These brief comments describe the issues of the 4 days of the conference from August 29 to September 1, 1989, but they cannot even begin to capture the flavor of the discussions. It was a change from the hurried pressures of Washington, DC, and the U.S. Senate to be far removed in a conference setting, with 40 participants seated around the table, without telephones and with extended time for dialog, reflection, and argument. The interest in these United States-Soviet-European issues far exceeded the length of the formal sessions, and the conversations continued well afterward into the evenings and other free periods.

Enroute to Yugoslavia, I stopped at Geneva for briefings on the Conference on Disarmament, where the negotiators had just finished their 12th negotiating round since 1985 on chemical warfare. In that briefing, on Saturday, August 26, our negotiators advised that they had just reached an important agreement with the Soviets on the "order of destruction" on existing stocks of chemical weapons. In conjunction with the previous agreements on "challenge inspections" there was a likely final agreement between the United States and the U.S.S.R., subject to confirmation by Washington and Moscow, which could open the door to possible agreements with the other 66 countries attending the Geneva talks.

There was some concern whether certain nations would ever agree to the necessary verification or even concede that they, in fact, possess chemical weapons. Ambassador Max Friedersdorf, who heads the American team, advised that the Soviets were earnest, businesslike and sincerely interested in working out a treaty. That was a sharp contrast to U.S.S.R. attitudes which I had observed in the past.

In the early to mid-1980's, I visited arms control talks in Geneva and found the U.S.S.R. representatives only going through the motions. Our negotiators reported that the Soviets would engage in histrionics and polemics. Their filibusters made U.S. Senators appear short-winded. While Senators did not have the opportunity to sit in on the actual negotiations, we met with our negotiators before and after the sessions to get the flavor of the talks. We did not meet informally with the Soviets at receptions and over dinner.

During one of my visits in 1983, Senator CARL LEVIN of Michigan and I spent a contentious evening with Victor Karpov, the well-known Soviet chief negotiator. After several hours of disagreeing on history, economics and politics, Mr. Karpov paid me the high compliment of saying that he would never vote for me if he lived in Pennsylvania. I shot back saying at least there he would have the chance to vote.

I witnessed a sharp change in Soviet tactics in general after General Secretary Mikhail Gorbachev came to power. In 1987, as part of the Senate observer team, I found Yuri Vorontsov, the Soviet's chief negotiator, as different as night and day from Victor Karpov. That change certainly contributed to the successful negotiation and ratification of the INF Treaty.

Ambassador Friedersdorf commented that the United States decision to produce new binary chemical weapons in 1985 led to the conciliatory Soviet attitude. Historians can debate the relative impact of new United States chemical weapons versus a general shift in Soviet positioning, but there is no doubt about the current U.S.S.R. interest in concluding a treaty.

A United States-Soviet led ban on chemical weapons could be even more important than the INF Treaty because it could set the stage for a multinational treaty on nerve gas which smaller nations have used and might well use again. Approximately 20 to 25 nations now are believed to have the capability to fight with chemicals and nerve gas. It is difficult to determine how many nations have such capabilities. It was only 2 years ago that the U.S.S.R. admitted having chemical weapons—only after the United States initiated plans for binary weapons.

The key to a chemical weapons ban will be verification, just as it was on INF. When INF came to the Senate for ratification, the Intelligence Committee, on which I sit, recommended important changes to guarantee compliance.

Our Geneva representatives were optimistic on final approval from Washington and Moscow on their agreement on "order of destruction." The negotiators had come to terms on the order and timing of destruction of chemical weapon stockpiles. The agreement provides for accelerated Soviet destruction until parity is reached by the eighth year with total destruction after 10 years.

Such an agreement, it is hoped, will be the prototype for a multinational pact. The historic concern over the use of asphyxiating poisonous gas and bacteriological warfare reached a new height with the reported use of chemicals and nerve gas in Laos, Afghanistan and the Iran-Iraq war.

The Conference on Chemical Weapons Use, attended by 146 countries, was held in Paris in January 1989. That conference condemned the use of chemical weapons in violation of international and existing norms. While that action demonstrated a universal abhorrence to chemical warfare, a multinational treaty is necessary to establish the specific prohibitions and provide for verification.

The Geneva Conference provided an effective forum with 40 permanent members and 28 nonmember observers with all the major players including the nuclear superpowers and nations such as Syria, Iraq and Libya. Judging from the fact that the U.S.S.R. only admitted to having chemical weapons about 2 years ago, it doubtless will be difficult to get some nations to admit having such weapons.

The protocols on challenge inspections will pose special problems since the United States has special constitutional limitations on searches without specific probable cause and all sovereign nations are traditionally unwilling to admit surprise inspections. Considerable world public opinion has been mobilized against the use of chemical warfare. Perhaps success will depend less on legal compulsion and more on education accompanied by moral pressure.

By bringing all nations together to jointly condemn the practice, it becomes more difficult to lie about production, storage and/or use of chemical weapons. An international furor followed Libya's efforts to establish a chemical weapons laboratory. West Germany took a public relations pounding after denying and then admitting selling key ingredients to Libya.

Considering the international repugnance to chemical warfare, United States-Soviet leadership could forge a breakthrough on a worldwide ban. Verification will continue to be the key. Given the Senate's insistence on a means to guarantee compliance as evidenced by the INF treaties, all nations should be on notice that any multinational pact will have to contain effective protocols on compliance.

After briefings in Geneva and the conference in Dubrovnik, I made brief stops in Tunisia and Algeria. In Tunisia, the principal focus of concern was the discussions which are ongoing between our embassy representatives and the PLO. In December 1988, Secretary of State Shultz gave authorization for talks with the PLO to be conducted exclusively by our Ambassador to Tunisia, Robert Pelletreau. While Ambassador Pelletreau was absent on the day we spent in Tunisia, we received an excellent, detailed briefing from the Deputy Chief of Mission Shaun Donnelly and political officer Edmund Hull. They advised that there had been four formal sessions on December 16, 1988; March 22, June 8 and August 14, 1989 which lasted from 2 to 5 hours plus 15 to 20 informal sessions.

Our embassy officials told us they felt certain accomplishments had been made, with expressed PLO acceptance of U.N. Resolutions 242 and 338. Also, they said that faction of the PLO controlled by Yassir Arafat had complied with the commitment not to engage in terrorist attacks, although that commitment did not ban cross-border operations against military targets. I expressed my own personal reservations on the current conduct of Arafat and the PLO. They also felt that significant success had been achieved in the return of U.S. citizen Christopher George who was kidnapped in Gaza, held for a short time and then released after U.S. protests to the PLO.

We were further advised that little progress was being made in the United States-PLO discussions with the United States urging that there be negotiations between Israel and the Palestinians who live in the West Bank with those negotiations centering on the election proposals and interim self rule. The PLO countered with their well-known position that there should be an international conference. The United States representatives were further urging the PLO to seek meetings with Israeli officials inside of Israel or any place outside of Israel that such contacts could be made. It was felt that the more contact which could be made, the greater the likelihood that the Israeli Government ultimately might be willing to negotiate directly with the PLO.

I commented that the United States Government had not done an adequate job of informing other nations about PLO terrorism including the murder of the United States Ambassador and Charge in the Sudan in 1973, and other acts of PLO terrorism, such as the murder of Mr. Leon Klinghoffer in the ACHILLE LAURO incident. I pointed out that the sense of the Congress was very much opposed to the PLO at present, just as it was in the 100th Congress when we voted against allowing the PLO to have an office in Washington and against PLO participation at the United Nations.

In addition, we met with Prime Minister Hedi Baccouche and with Chamber of Deputies President Bali and Acting Foreign Minister Sadok Bouziane to elicit their views on prospects for Middle East security, particularly in Israel, the West Bank and the Gaza, and on terrorism. Prime Minister Baccouche argued that Arafat was far more moderate than the United States believes and that the choice is between Arafat or PLO extremists such as Abu Nidal. In regard to Libya and Colonel Qadhafi, Prime Minister Baccouche offered that Tunisia has long opposed Qadhafi. While Tunisia has restored diplomatic relations with Libya, it is moving very slowly in these relations. In condemning terrorism, he supported my proposal for an International Criminal Court to try all terrorists.

Acting Foreign Minister Bouziane noted that the Government of Tunisia has been pressuring the PLO to work toward a negotiated settlement and stressed the need for the United States to pressure Israel to implement U.N. Resolutions 224 and 338 and to participate in an international conference.

Both the Acting Foreign Minister and Chamber of Deputies President Bali condemned terrorism in the strongest terms. Mr. Bali termed my proposal for an International Criminal Court a "good idea" and stressed the need for institutional support.

En route back to the United States, we stopped for 2 days in Algeria. Our principal focus of interest was the Middle East, but in particular the hostage situation in which President Bush has asked Algeria to play a negotiating role. We met a host of Algerian officials including Acting President and Speaker of the National Assembly Rabah Bitat, Prime Minister Kaski Merbab, Finance Minister Sid Ahmed Ghozali and Secretary General of the Ministry of Foreign Affairs, Abdelouahab Abada.

We explained that we had come to Algiers to explore means of freeing United States hostages, including Mr. Joseph Cicippio, a native Pennsylvanian. I commented at the outset that, in its dealings with Iran on the hostage issue, the United States Government was not prepared to engage in deals or trades. Such an approach would only encourage the further taking of hostages. United States Government policy on this had become quite firm in the aftermath of the Iran-Contra affair. The United States Government wanted to see Iran return to the family of nations—a process that could bring tangible benefits to Iran—but there could be no trade or quid pro quo for the release of the hostages. The Algerian officials understood and agreed that there should be no trades where human lives are concerned.

Following President Bush's call to the Algerian Government for assistance on the hostage situation, Algeria began making discrete contacts with all the parties concerned. As further noted in the press, Algerian Ambassadors in Beirut and Tehran, as well as other Algerians were enlisted in efforts to establish contact with the groups holding the hostages.

Secretary General Abada told us that the United States, in confronting the hostage issue, needed to consider two key elements of the situation. The first, he said, was the new atmosphere in Tehran created by Rafsanfani's consolidation of power. There was a receptiveness in Tehran to new ideas that should be encouraged. The second element concerned the wider political environment in the region, including the Palestinian issue and the turmoil in Lebanon. Progress, he said, must be made toward a solution to the root causes of the violence.

Returning to the question of Iranian involvement in the hostage issue, I stated that the United States was very grateful for Algerian efforts to free United States hostages and for the fact that Mr. Joseph Cicippio had not been executed. We also took note of the political evolution in Tehran since the death of Khomeini. I offered a very personal and candid assessment of the situation in the U.S. Senate. The American people simply find it unacceptable for terrorists to take U.S. citizens hostage. The use of U.S. military force is in the first instance an executive branch decision, but after the execution of Colonel Higgins and the threat against Mr. Joseph Cicippio, there had been some consideration in the Senate on the issue of the use of force. This opinion, I noted, was strengthened by the perception that United States bombing of Libya had moderated Qadhafi's behavior in 1986.

The Algerian officials reiterated that the Algerian Government favors the freeing of hostages and would work to this end.

In our trips to Algeria and Tunisia we received excellent briefings from the embassy staffs headed by Ambassador Ross in Algeria and Deputy Chief of Mission Shaun Donnelly in Tunisia. It was very gratifying to find such able foreign service officers representing the interests of the United States. They made us feel welcome, they provided useful information, and they appeared to be doing an excellent job of representing the United States in those difficult posts.

CONCLUSION OF MORNING BUSINESS

The **PRESIDENT** pro tempore. Morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The PRESIDENT pro tempore. The Chair lays before the Senate the pending business, H.R. 3015, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd Amendment No. 727 (to committee amendment beginning on page 5, line 22), to provide additional funds for drug programs.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. MACK. Mr. President, I ask unanimous consent to speak as if in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. I thank the Chair.

(The remarks of Mr. MACK pertaining to the submission of Senate Resolution 179 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent to go to morning business so I may make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL PRISON INDUSTRIES, INC.

Mr. THURMOND. Mr. President, I rise today to call to the attention of the Senate a grave problem for law enforcement created by section 837 of the Defense Authorization Act. This legislation rescinds the preference which Federal Prison Industries, Inc. now has in providing goods to the Department of Defense. If allowed to remain in the Defense authorization bill, it will have a devastating impact on the criminal justice system and on the Federal Bureau of Prisons in particular.

Mr. President, as you are aware, Federal Prison Industries, Inc. is a Government corporation within the Bureau of Prisons. It does business under the trade name UNICOR. Its purpose is to employ inmates in the manufacture of products for sale to the various Federal agencies. Under current law, Government agencies are to turn first to UNICOR to purchase products, provided UNICOR can meet specifications and the items are offered at a fair market price.

The language in the Defense Authorization Act would require that the Department of Defense purchase available products from small business rather than from UNICOR. Since more than half of UNICOR's business is with Defense, and since small business can supply most of these products, UNICOR will lose the business and approximately 8,000 inmates at about 20 institutions, most in high security prisons, will be idled.

Correctional professionals know from experience that idle prisoners are vastly more difficult to manage than busy prisoners. This means that the potential for disorder will go up alarmingly, and that the lives and safety of inmates and staff alike will be jeopardized. That is a chance we simply cannot take.

Mr. President, I would like to point out that the prison population in Federal institutions is now at 161 percent of capacity. The prison population doubled in the 1980's and is projected to double again in the next decade. A significant part of this increase is driven by efforts to curtail drugs and drug trafficking.

It is simply irrational that, at a time when we are expanding the prison population to decide to take away the most important program for controlling and managing prisons. As the President said in his message to the Nation, "this country is at war."—at war with the many drug dealers and users that threaten the fabric of our society. The only way to win this war is to identify, prosecute and incarcerate those that deal in drugs. He emphasized a coordinated strategy. Corrections is an essential part of this strategy. It is at the tail end of the law enforcement process, but this does not mean it is last in importance; on the contrary—it is absolutely vital if the President's initiatives are going to be successful.

Moreover, the legislation is not a competition issue because it is completely unnecessary if we want to preclude undue impact on the private sector. The legislative solution to the competition issue was enacted last term as part of the Omnibus Anti-Drug Abuse Act, Public Law 100-690. This legislation was sponsored in both houses on a bipartisan basis. The House Subcommittee on Courts and the Administration of Justice had detailed hearings, in which groups sponsoring the Dixon amendment testified and were accommodated. It was designed to give the private sector a voice in UNICOR's operations impacting the private sector.

The legislation requires that UNICOR announce all proposed new products and expanded production; that comments on these proposals be obtained from the private sector; and that final decisions on whether there will be undue impact on private sector companies be made by UNICOR's presidentially appointed board of directors.

The call for additional legislation was not accompanied by any explanation of how last term's legislative solution was proved inadequate. Indeed, last year's legislation is now being implemented with significant input from a number of the groups which are sponsoring the Dixon amendment. These procedures need to be given a chance and evaluated. This amendment would dangerously tilt the balance between UNICOR and small business, and in the process make prisons, which are the cornerstone in the criminal justice process, virtually unmanageable.

It makes no sense to adopt the radical approach of this amendment before we have a chance to see whether the carefully crafted approach of last year's legislation has struck the right balance. UNICOR and small business must coexist. What we need is the balance provided by last term's legislation, not the far-reaching impact that this amendment provides.

Another reason that this is not a competition issue is that UNICOR has only an insignificant fraction of DOD business. Small business received $47.5 billion in procurement contracts in 1988, and I am very pleased at that. I have always been a supporter of small business. This figure represents 36.3 percent of the total DOD procurement expenditures of $130 billion. UNICOR's total business with the Department of Defense constituted $200 million, or one-sixth of 1 percent of DOD's 1988 business. In other words, the effect UNICOR has on small business is extremely slight, but the effect on UNICOR and the Bureau of Prisons of the proposed amendment would be devastating.

This is not a competition issue, because UNICOR and small business benefit from each others presence in several ways. UNICOR provides a great deal of business to small business. In the first three quarters of fiscal year 1989, UNICOR purchased approximately $73 million of raw materials and parts directly from small, disadvantaged, minority or female-owned business. Also, UNICOR provides business to small business, by subcontracting with 8(a) set-aside firms. They often do complex yet labor intensive work for them that allows them to be competitive and obtain Government business. Finally, UNICOR relinquishes to the private sector thousands of contracts annually. For electronic division products alone, they waive approximately 2,500 contracts to private firms annually and, over the past year, waived over $75 million worth of business.

The Dixon amendment would cripple Federal corrections when we need to be strengthening it. It would add perhaps $50 million to the taxpayer's bill, as we would have to develop additonal programming and security to make up for the gutted prison work program, which is now self-sustaining. Let us not be stampeded into fixing something that was recently and skillfully fixed, and which is not broken.

Thank you, Mr. President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, is the Senate now in morning business?

The PRESIDING OFFICER. Yes; it is.

CHANGE IN THE EASTERN BLOC

Mr. MITCHELL. Mr. President, last week I expressed my disappointment in the administration's response to the new Polish Government's steps toward greater economic and political freedom. I stressed that the President's reaction to this stunning opportunity has been inadequate and uninspired. I spoke extensively about the need for United States leadership of a coordinated multilateral effort to promote the change occurring in Poland.

Recent administration comments about the Soviet Union and Eastern Europe have convinced me that the problem is deeper than a lack of imagination.

There appears to be a basic ambivalence within the Bush administration about the dramatic transformation now underway in the Eastern bloc.

This ambivalence is difficult to understand.

For over 40 years, the United States has demanded that the Soviet Union change its political system and loosen its stranglehold over the countries of Eastern Europe.

The Western alliance, formed to confront the threat of Soviet totalitarianism, has consistently urged the Soviet Union to decentralize its political and economic system and grant every Soviet citizen to gain the right to speak, to worship, to emigrate freely.

Since World War II, the West has called for an end to Soviet domination of Eastern Europe and has tried to promote greater autonomy and freedom for those Soviet-controlled countries.

There can be no doubt that today, many of our hopes are being fulfilled.

Hungary has removed barbed wire from its borders and allowed thousands of East Germans free passage to the West. The leader of the opposition faction within the Supreme Soviet has met with the President of the United States. A Solidarity-led government has been elected in Poland. Glasnost has produced remarkable change within the Soviet Union.

What we have demanded for over four decades has begun to occur. This is unquestionably a triumph for the United States.

Communism clearly has failed. Democracy is the model for change in much of the Eastern bloc.

This is reason for pride and hope for every American.

Now is the time for the United States to encourage and capitalize upon the changes we have sought for so long.

The administration's timidity in the face of these opportunities is puzzling and dismaying.

Instead of encouragement and engagement, the administration has adopted an almost passive stance. "Show me," the President says. His officials warn of the unpredictability of change, the dangers of the diffusion of power, the possibility that the transformation cannot be sustained.

The Bush administration seems almost nostalgic about the cold war and the rigid superpower relationship that divided the world into two hostile and isolated camps for 40 years.

While this situation may have been stable and predictable, no one could call it ideal. The possibility of our relations with the Soviet Union becoming more complex and cooperative should be welcomed, not feared.

Of course, the evolution within the Soviet Union and Eastern bloc will create new hazards and uncertainties. But as I have said regarding change in Poland, extraordinary political change provides extraordinary opportunity and entails extraordinary risk.

There is no question in my mind that the greatest risk is the failure of continued progress toward democratization and a reversion to the cold war politics of the past.

President Harry Truman from the "show me" State, did not balk at the complexities and uncertainties presented by the close of the Second World War. He demonstrated his vision and leadership by helping the nations we defeated become thriving democratic societies. Had the Truman administration adopted a passive and skeptical attitude toward those vanquished nations, the United States would not have reaped the benefits of integrating Germany and Japan into a free and open political and economic system.

Today, we face the challenge of restructuring relations with countries ravaged not by fascism and war, but by the effects of a Communist ideology that has clearly failed.

Certainly the task of American foreign policy is to devise policies that serve the interests of the United States. For 40 years the United States has demanded the change that is now occurring in the Eastern bloc. Were we wrong? Have we simply changed our minds? I believe that the desire to see greater freedom for the people of the Soviet Union and Eastern Europe—was, and remains, a proper goal of American foreign policy.

The United States should not be afraid of its own success. The administration should actively try to shape the final outcome of the process of change we have demanded for so many years. While the President has called for a policy "beyond containment," he has failed to comprehensively explain or adopt it. There is a pressing need for the President to articulate his vision of where he hopes this transformation will lead and devise an American strategy to help achieve that result.

President Bush must reach beyond the status-quo thinking that appears to dominate administration policy. He must cast aside the ambivalence, the hesitation and the timidity and adopt a more energetic and engaged policy toward the Soviet Union and Eastern Europe.

Engagement means encouraging steps toward independence and democracy in Eastern Europe. After all America has stood for, we cannot be passive bystanders as Poland and Hungary struggle to revamp their failed political and economic systems and control their own destinies. Our commitment to support these nations must go beyond symbolic nods and meager gestures.

Engagement means testing the Soviet Union's self-described new thinking in foreign policy, not putting issues of mutual concern on the back burner. The administration appears to have become complacement about the arms control process, trusting that the Soviets will do the work and provide the results. Particularly in the case of strategic arms negotiations, we cannot afford to stop working to resolve the outstanding issues. We must make hard choices and challenge the Soviets to do the same. We cannot be satisfied with marginal or symbolic progress in arms control; the opportunity for real progress exists and we cannot afford to let it pass.

Engagement means defining what the President has called a Europe, free and whole. This must be based on America's willingness to support the entry of Communist countries into Western institutions once their internal reforms merit such participation. The President should clearly state that he will welcome those countries into the game if they will play by the rules. The President should spell out his desire to see the countries of Eastern Europe, and the Soviet Union, become responsible participants in an international system based on political and economic freedom.

The administration must take responsibility for America's special stake in the transformation of communism. The United States faces an opportunity like that following the last world war, an opportunity to expand a peaceful and prosperous international system. This is a challenge and an opportunity, which, if not seized, we may not have again.

I hope that the administration will reevaluate its caution and adopt a more positive and forceful attitude toward the change underway in the Eastern bloc. The Bush administration's failure to engage in this process, to help mold it to our advantage, would not be looked upon kindly by history, nor by Americans or others of the current day.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **GORTON.** Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. DODD). Without objection, it is so ordered.

Mr. **GORTON.** Mr. President, I ask that I be permitted to proceed as in morning business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

DEFENSE AUTHORIZATION BILL—SENATE AND HOUSE DIFFERENCES

Mr. **GORTON.** Mr. President, last week the conference committee representing the Senate and the House began to meet on the defense authorization bill. To this point, the discussion in that conference committee has been dominated by the four big strategic issues on which the House and Senate differ dramatically: The strategic defense initiative, the B-2, the rail garrison MX, and the small ICBM or Midgetman.

The differences between the two Houses on each of these subjects are substantial. First, those differences are measured literally in billions of dollars. Some $2.7 billion separate the two bodies on these four issues alone. Even more important, perhaps, is the fundamentally different philosophies which divide the two Houses on these four issues.

In the Senate, by and large, we accepted a strategic modernization program, pretty much as requested by the new administration and by Secretary of Defense Cheney, with some minor changes, of course, which have as their twin goals the strengthening of America strategic nuclear deterrent forces, and the strengthening of the American negotiating position in the START talks.

The House, on the other hand, seems to have been guided by a somewhat less lofty philosophy, based less on the requirements of U.S. national security than on the requirements of home district jobs and production lines on military projects. Perhaps one might call that the "absence of a defense philosophy."

Mr. President, the House proposes to cut both mobile ICBM programs, as well as SDI and the B-2. If successful, this will surely undermine the administration's integrated approach to modernization and arms control. While a case can be made for eliminating or reducing one or another of the programs slashed by the House, certainly one cannot make a reasonable case for slashing them all. For example, the House could reasonable state the arguments for only one new ICBM program, but when it cuts both of them this becomes an irrational position that endangers both the prospects for substantive arms reductions and the requirements for U.S. security.

At the same time, we have one more indication today that the administration itself does not place a high value on reaching agreements with the Soviet Union on strategic arms limitation talks in a relatively short period of time. The Washington Post is quoted today as saying, "A quiet informal consensus places strategic arms talks on the back burner."

Interestingly enough, the story goes on to say that some officials of the administration blame Congress for the administration's reluctance to resolve longstanding United States-Soviet disputes on mobile missiles and others, because the administration does not know what the Congress will do with respect to either the MX rail garrison or Midgetman or, for that matter, SDI and the B-2, and that until the administration knows what fate will be dealt to each of these programs here in the Congress, it will be unable to come up with a negotiating policy with respect to the Soviet Union.

Mr. President, it seems to me that the successes in strengthening the forces for peace and security in this world during the course of the last 6 to 8 years have come out of exactly the opposite kind of position on the part of the administration.

In spite of a great deal of controversy, the previous administration took a strong and prominent position with respect to nuclear disarmament, both in the INF talks, and in the initial START talks. At the same time, of course, the administration took a prominent and leadership role in asking Congress for the modernization of both our strategic and conventional forces.

The result of the combination of those two strong policies was a spectacular success, literally the most fundamental change in the Soviet Union and in its attitudes toward defense and toward national security since the end of World War II.

The Soviet Union now, in order to repair an economy damaged by 70 years of a failed Communist experiment, literally seems to want out of the arms race on the best terms that it can possibly get, in order that it may at least begin to turn over a new leaf with respect to consumer economics.

We have, as a result, an unparalleled opportunity, both for the security and peace of the world, and for the removal of some of the burdens of defense, both psychological and economic; and that is an absolutely unparalleled opportunity, which should be grasped in the most decisive possible manner, in my view, on the part of the United States.

I believe that there is a strong rationale for the Senate's position on each one of these strategic issues. The B-2 is necessary, it seems to me, Mr. President, first for our national security, for seeing to it that one vitally important and highly stabilizing element of our nuclear triad remains effective well into the 21st century.

Even more important, perhaps, is the vital and central position of the B-2 program in our START strategy to this point, one which moves away from the missiles and toward the far less destabilizing manned bomber corps.

Mobile ICBM's are necessary to enhance the survivability of the second part of our triad, our land-based strategic deterrent, and I think along with the chairman of our subcommittee, a move toward single warhead missiles, a small ICBM, also adds not only to our security, but to a stabilizing, rather than a destabilizing deterrent.

However, passing some kind of authorization for both mobile missiles seems to me to be a very important tool for this administration with respect to its START negotiations in Geneva.

Finally, severe cuts, cuts of the nature proposed by the House of Representatives to the strategic defense initiative, will undermine our ability to investigate and test the feasibility of defenses which would further strengthen deterrence and security in the world.

Without strong administration leadership, however, Mr. President, without a forceful position taken by administration in connection with the negotiations in Geneva, without a willingness to match some of the dramatic proposals on the part of the Soviet Union with dramatic proposals of our own, we are likely to lose those opportunities.

I am convinced, Mr. President, that is administration more forcefully argued the position which it has already presented successfully to the Senate, though not to the House of Representatives, if it told Members of Congress on both sides of the Capitol how important these positions were to the success of negotiations toward disarmament and toward peace, that the Congress would in fact support the broad outlines of the defense program outlined by the President and the Secretary of Defense earlier this year.

Mr. President, I wish to commend the leadership and the statesmanlike attitude of the chairman of the Armed Services Committee, the distinguished Senator from Georgia, Mr. NUNN, who by and large, I believe, shares the philosophy which I have outlined on the floor here today.

In fact, I think he has often spoken more forcefully than has the administration toward a coherent philosophy of national defense, both from the point of view of the preservation of our own security in a world which is still itself unstable east of the former Iron Curtain, and also from the perspective of providing the strongest possible negotiating posture for the United States of America in negotiations over disarmament, both strategic and conventional in nature.

The possibility for a true bipartisan partnership with respect to our national defense and our disarmament negotiations is still possible. It is most likely if the Congress adopts a defense authorization and appropriation similar to those proposed in the Senate, but it is most likely to adopt those programs if it has strong leadership from the administration both in its messages to the Congress and in its messages to the negotiators from the Soviet Union who are about to appear here in the United States no doubt with new and dramatic proposals.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VOYAGER SPACE MISSIONS

Mr. FOWLER. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 70) commending NASA and the Jet Propulsion Laboratory for the continuing success of the Voyager space mission to the outer solar system.

Mr. FOWLER. I send this on behalf of myself and the distinguished majority leader, Mr. MITCHELL, and the distinguished minority leader, Mr. DOLE. Mr. GORE, the Senator from Tennessee and others.

I ask that they be made original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FOWLER. Mr. President, I rise to put before the Senate this concurrent resolution to commend the most successful space science missions ever achieved by humanity, the Voyager I and II flights to the outer regions of the solar system.

When Voyager II flew by Neptune August 24 of this year, this concluded 12 years of journey and discovery to the outer planets, Jupiter, Saturn, Uranus, and Neptune. In that time, Voyager produced more information about these points in our sky than in all of human history preceding them. Yet, in commemorating them today we must remember that the missions of both Voyager I and II have not been completed, and both spacecraft continue to report back valuable information, as they search for the edge of the solar system.

Exploration is one of the most basic impulses of humankind and one of the strongest threads in the historical record is the travelers' tales returned by Voyagers to new and distant lands. From Marco Polo to Lewis and Clark, these tales not only excited their listeners, but they forever changed perspective and the knowledge which society has received.

So it is with these latest voyagers. Only this time, thanks to the march of technology, we were all along as travelers. We were all there to see the volcanoes on Jupiter's Moon Io. We were all there to marvel at the intricacy of Saturn's ring system. We were all there to look down on the beautiful white and blue cloud patterns of Neptune.

And our global society has been changed by the views from Voyager. We have new models to help us consider the evolution of the solar system and the evolution of our own planet. We can now look at our own Earth in a broader context, and perhaps we will learn a new appreciation for our place in the universe, a place that so far we have found to be unique in harboring life, which sometimes displays its intelligence through a endeavor like the Voyager missions.

The concurrent resolution which I place before the Senate commends the people at NASA and the Jet Propulsion Laboratory who conceived and carried out the Voyager missions so brilliantly. Yet, I would like to add some additional words of praise for others who made this soaring achievement possible: The Members of Congress who had the foresight to approve the mission back in 1972, and fund it since then; the administrations who have, with but one brief exception, supported it; and finally the American taxpayers who have paid for it.

To this last group, I will add that I think we have gotten a pretty good bargain with this particular Federal program: For our $556 million investment, we have gotten not only the planned missions of 5 years to Jupiter and Saturn as originally promised, but have received 7 additional years and two additional planetary encounters.

The second part of the concurrent resolution is at least as important as the commemoration of past achievement: It commits our country to continued leadership and excellence in the field of planetary exploration.

One of the reasons for our success as a nation has been our ability to focus on rapid achievement, on seizing any opportunities which present themselves and turning them to our quick advantage. Yet one of the great challenges facing us as we prepare for a new century, it seems to me, is to expand our time horizons, to focus on longer-term advancement instead of just short-term profit.

Space science is definitely a long-term investment. Many of those in the Congress and the executive branch who initiated the Voyager Program back in 1972 are no longer here to enjoy this payoff which we commend today. Many, indeed, were not even around when the spacecraft were launched in 1977 or when they returned the first data from Jupiter in 1979.

We must act now if the children, and the people, of the 21st century are to experience the same wonder, the same awe, the same inspiration, which the Voyagers have provided to ourselves and our children.

The authorizing and appropriations committees on both sides of the Capital have passed that test this year in approving a strong, but affordable, American Space Science Program. That program will allow us to explore Mars, return to Jupiter and Saturn for a more detailed look, closely examine asteroids and comets for the first time, as well as explore space beyond our solar system. I hope that the Congress will give our approval to these recommendations over the course of the next few weeks.

In closing, I would like to quote some lines from T.S. Eliot which have often been applied to the Voyager mission:

> We shall not cease from exploration and the end of all our exploring will be to arrive where we started and know the place for the first time.

I urge support for this concurrent resolution.

At this time, I ask unanimous consent to have printed in the RECORD a recent statement by Dr. Carl Sagan assessing the Voyager mission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A BENEDICTION FOR VOYAGER 2

(By Carl Sagan)

(Remarks delivered at a celebration of the passage by Neptune of the Voyager 2 spacecraft at NASA's Jet Propulsion Laboratory, Pasadena, CA, August 27, 1989. Carl Sagan of Cornell is Distinguished Visiting Scientist at JPL and a member of the Voyager Imaging Team. He is also President of The Planetary Society—the largest space-interest group in the world—which sponsored the celebration)

Every human culture has rites of passage. They mark the transition from one stage of life to another. We are gathered here to celebrate Voyager's rite of passage. A machine designed, built and operated here at the Jet Propulsion Laboratory has broken free of the Sun's gravity, explored most of the worlds of the solar system, and is now on its way to the great dark ocean of interstellar space. It carries a phonograph record of greetings, pictures, and the world's great music to any beings who might encounter it there.

The men and women responsible are gathered here. You are heroes of human accomplishment. Your deeds will be remembered in the history books. Our remote descendants may live on some of the worlds first revealed to us by Voyager. If so, they will look back on you as we look back on Christopher Columbus.

Voyager left a planet blighted and imperiled by nuclear weapons, climatic change, poverty and injustice. The species that launched her was a danger to itself. But Voyager has given us a stirring cosmic perspective. We have seen evidence of the destruction and reconstitution of worlds. We have witnessed the early building blocks of life assembling themselves. But we have found not a trace, not a hint of life itself. Voyager reminds us of the rarity and preciousness of what our planet holds, of our responsibility to preserve life on Earth.

If we are capable of such grand, long-term, benign, visionary, high-technology endeavors as Voyager, can we not use our technological gifts and long-term vision to put *this* planet right?

Perhaps the Neptune flyby marks not just Voyager's rite of passage, but the beginning of our own: the binding up of the peoples and nations and generations to take care of one another, to cherish the Earth, and bravely to venture forth—in the footsteps of Voyager—to the planets and the stars.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I commend the Senator from Georgia and ask unanimous consent that I be included as a original cosponsor of the concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. I also shorten my remarks by saying that I agree with all of the statements made by the distinguished Senator from Georgia.

I would only add a couple things, and the first one is that the next mission is a very important one on October 12. Atlantis will fly again and will put even a much more sophisticated probe into orbit for its journey back to Jupiter.

When you consider that the original probes were 12 years old, it is remarkable what they achieved. The state of the art has advanced considerably in the new Galileo probe to be able to expand our knowledge incredibly about Jupiter.

I also take particular pride in that mission because Comdr. Don Williams was the pilot of my space mission on *Discovery* back in 1985. He is a fine astronaut. This will be his second flight, and he will have the privilege of being the commander of that particular flight.

Again, I repect, I agree with every word in the statement of the distinguished Senator from Georgia, but in a few moments—I did not even know this was coming up—I came over here to help the distinguished Senator from Maryland to manage the HUD and independent agencies bill.

In light of these marvelous achievements, I feel badly about what we are to do in the next few minutes, a totally inadequate space and science budget, just barely the minimum, and we can look back with pride. And I agree that in 1972 the Congress was incredibly foresighted in doing this.

I am afraid with the way the NASA budget has been going the last 3 or 4 years, that 12 years down the road a Senator will not be able to stand on the floor and say that we are very proud that Congress is addressing issues of future funding for science, not only exploration of the outer planets, but maybe even more importantly, missions to planet Earth that Dr. Sally Ride talked about so much.

We learn a great deal about our own Earth from space, and that project is one that is lacking in terms of funding. We want to learn about the ozone layer and global warming and all sorts of environmental problems coming up.

The budget that Senator MIKULSKI and I will be talking about in a few moments is not adequate to do the job.

I commend the Senator from Georgia and the majority and minority leaders for this concurrent resolution.

Mr. FOWLER. Mr. President, let me thank the Senator from Utah for his kind words, but more importantly, for his leadership in charting first hand the pathways of the heavens and his leadership in more dusty roads here on Earth.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 70) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 70

Whereas Voyager I and Voyager II were launched by NASA to the outer solar system in September and August of 1977, respectively;

Whereas Voyager I's closest approach to Jupiter occurred in March 1979, with Voyager II reaching its closest Jupiter approach in July 1979, and at Jupiter the Voyager spacecraft made numerous important scientific discoveries, including active volcanoes on the Jovian Moon IO; a thin dust ring circling the planet; and three new moons;

Whereas Voyager I's closest approach to Saturn occurred in November 1980, with Voyager II reaching its closest Saturn approach in August 1981, and at Saturn the Voyager spacecraft again made discoveries which increased our knowledge and altered our understanding of the solar system, including the fact that the atmosphere on the Saturnian Moon Titan contains organic compounds in a thick, smoggy haze; the finding that Saturn's ring system was far more dynamic and complex than had been suspected; and the discovery of three new moons;

Whereas after the Saturn encounter the trajectory of Voyager I carried that spacecraft away from the planets and toward the edge of the solar system, while Voyager II was directed on toward additional planetary encounters;

Whereas when launched the Voyagers were only expected to operate for 5 years and to encounter only Jupiter and Saturn, but the design characteristics of the spacecraft (including reprogrammable computers and a long-term energy supply) and the skills and ingenuity of the ground-based support staff enabled the spacecraft to far exceed these original goals;

Whereas Voyager II's closest approach to Uranus occurred in January 1986, representing the first fly-by of that planet, and at Uranus Voyager II gathered unique scientific data on the planet, its rings, and moons, including the discovery of a strange magnetic field with a corkscrew-shaped tail extending millions of miles away from the planet; and the finding that the Uranian Moon Miranda is one of the most geologically diverse bodies in the entire solar system;

Whereas Voyager II's closest approach to Neptune occurred on August 24, 1989, once again representing the first fly-by of an outer planets, and at Neptune Voyager II produced another rich load of scientific discoveries, including an active atmosphere on Neptune, with dynamic cloud and storm patterns, possible "ice volcanoes" on the Neptunian Moon Triton, at least three rings, some of them "lumpy" and "broken," and six new moons; and

Whereas the Voyager journeys mark the most successful mission ever in planetary science, and one of the epic discovery voyages in all of human history, producing vast amounts of scientific data and provoking profound new insights and questions about the solar system and our place within it, and providing immeasurable rewards to the United States in national pride and prestige: now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) The entire NASA/Jet Propulsion Laboratory team is to be commended for its achievement in the Voyager Program of successfully reaching into the depths of the universe and taking great strides in solving the mysteries of the solar system; and

(2) the United States should remain preeminent in the field of planetary exploration, and will continue to support high priority science missions to maintain that leadership.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION, 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2916, the Department of Veterans Affairs and Housing and Urban Development appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I think in fairness to the majority leader and others that I should indicate for the RECORD that we are going to proceed to the consideration of this bill.

There are amendments, and we are going to ask our Members to start the amending process yet this afternoon. I think we have Senator NICKLES, Senator ARMSTRONG, and Senator COATS on our side, and they have been notified, and there may be other Members we may not be aware of. Senator GARN is the manager on our side. He has been here for some time.

We have no objection to proceeding to the bill. I am not in a position to indicate to the majority leader that even if all amendments were adopted, that we could go to third reading and passage of the bill, because it is in some way tied into the negotiations that are going on right now between Republicans and Democrats on funding levels for the drug program.

While I think we have cooperated the best we could with the majority leader, I want to be fair with him and let him know in advance what could occur; hopefully, it will not. Hopefully we can work it out and move along with the appropriations bills and compete every one by midnight, September 30.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Is there objection?

Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $15,367,506,000, to remain available until expended.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), **[**$434,100,000**]** *$501,200,000,* to remain available until expended. Any funds transferred to this account from the Veterans' Job Training appropriation under the authority of section 126 of Public Law 98-151 which were not returned to the Veterans' Job Training appropriation as authorized by section 16 of Public Law 98-77, as amended, shall be available until expended for all expenses of this account, which until March 31, 1990, shall be deemed to include such expenses as may be incurred in carrying out the purposes of section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $13,940,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), **[**$453,000,000**]** *$313,500,000,* to remain available until expended.

During 1990, the resources of the loan guaranty revolving fund shall be available for expenses for property acquisitions and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided,* That the unobligated balances, including retained earnings of the direct loan revolving fund, shall be available, during 1990, for transfer to the loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Secretary of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1990, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1990, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); [$11,561,431,000] *$11,514,546,000*, plus reimbursements: [*Provided*, That of the sum appropriated, $7,220,000,000 is available only for expenses in the personnel compensation and benefits object classifications:] *Provided further*, That of the funds made available under this heading, [$268,882,000] *$278,882,000* is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law, to remain available until September 30, 1991, [$211,000,000] *$221,000,000* plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, [$48,541,000] *$48,112,000*, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1991.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $7,000 for official reception and representation expenses; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; [$805,059,000] *$804,288,000*, including $553,329,000 for the Veterans Benefits Administration: *Provided*, That, during fiscal year 1990, jurisdictional average employment shall not be less than 12,600 for the Veterans Benefits Administration.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$22,249,000] *$21,949,000*.

CONSTRUCTION, MAJOR PROJECTS

[For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $420,249,000, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1990, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1990, and (2) by the awarding of a construction contract by September 30, 1991: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint.]

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $190,266,978, to remain available until expended: Provided, That except for advance planning for projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That the Secretary of Veterans Affairs is hereby directed to enter into a contract for the construction of a medical center and parking facility at Palm Beach, Florida, on a site acquired by the Department of Veterans Affairs. Notwithstanding 38 U.S.C. 5009, funding under this heading shall be available for the entire project including site acquisition. The buildings shall be constructed as designed and approved by the Department of Veterans Affairs. The contract shall provide for the payment of the purchase price (which shall not exceed $121,828,000), and reasonable interest thereon, by either lease-purchase or installment-purchase over a period not to exceed 30 years. The contract shall further provide that title to the medical center and the parking facility shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: Provided further, That the lease shall include such other terms and conditions as the Secretary determines are necessary or desirable to protect the interests of the United States: Provided further, That obligation of funds for the lease-purchase or installment purchase of the medical center and parking facility at Palm Beach, Florida, shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341 and 1502 and 41 U.S.C. 11 and 12: Provided further, That the Secretary of Veterans Affairs is hereby directed to enter into a contract for construction and alteration to modernize the medical center at Nashville, Tennessee, on a site owned by the Department of Veterans Affairs. Funding under this heading shall be available for the entire project. The construction and alteration shall be accomplished as designed and approved by the Department of Veterans Affairs. The contract shall provide for the payment of the purchase price (which shall not exceed $48,000,000), and reasonable interest thereon, by either lease-purchase or installment-purchase over a period not to exceed 30 years. The contract shall further provide that title to the new construction shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: Provided further, That the lease shall include such other terms and conditions as the Secretary determines are necessary or desirable to protect the interests of the United States: Provided further, That obligation of funds for the lease-purchase or installment-purchase for the modernization of the medical center at Nashville, Tennessee, shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341 and 1502 and 41 U.S.C. 11 and 12: Provided further, That the Secretary of Veterans Affairs is hereby directed to enter into a contract for construction and alteration to modernize the medical center at Newington, Connecticut, on a site owned by the Department of Veterans Affairs. Funding under this heading shall be available for the entire project. The construction and alteration shall be accomplished as designed and approved by the Department of Veterans Affairs. The contract shall provide for the payment of the purchase price (which shall not exceed $53,745,000), and reasonable interest thereon, by either lease-purchase or installment-purchase over a period not to exceed 30 years. The contract shall further provide that title to the new construction shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: Provided further, That the lease shall include such other terms and conditions as the

Secretary determines are necessary or desirable to protect the interests of the United States: Provided further, That obligation of funds for the lease-purchase or installment-purchase for the modernization of the medical center at Newington, Connecticut, shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341 and 1502 and 41 U.S.C. 11 and 12: Provided further, That the Secretary of Veterans Affairs is hereby directed to enter into a contract for construction of a 90-bed psychiatric facility at the Department of Veterans Affairs Medical Center, Columbia, South Carolina. The buildings shall be constructed as designed and approved by Department of Veterans Affairs. The contract shall provide for the payment of the purchase price (which shall not exceed $10,600,000), and reasonable interest thereon, by either lease-purchase or installment-purchase over a period not to exceed 30 years. The contract shall further provide that title to the building shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: Provided further, That the lease shall include such other terms and conditions as the Secretary determines are necessary or desirable to protect the interests of the United States: Provided further, That obligation of funds for the lease-purchase or installment-purchase of the 90-bed facility at Columbia, South Carolina shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341 and 1502 and 41 U.S.C. 11 and 12: Provided further, That the Secretary of Veterans Affairs is hereby directed to enter into a contract for construction of a 300-bed facility and 47 surface parking spaces at the Department of Veterans Affairs Medical Center, Temple, Texas. The buildings shall be constructed as designed and approved by Department of Veterans Affairs. The contract shall provide for the payment of the purchase price (which shall not exceed $50,100,000), and reasonable interest thereon, by either lease-purchase or installment-purchase over a period not to exceed 30 years. The contract shall further provide that title to the building and surface parking shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: Provided further, That the lease shall include such other terms and conditions as the Secretary determines are necessary or desirable to protect the interests of the United States: Provided further, That obligation of funds for the lease-purchase or installment-purchase of the 300-bed facility and surface parking at Temple, Texas, shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1341 and 1502 and 41 U.S.C. 11 and 12: Provided further, That funds provided in the appropriation "Construction, major projects" for fiscal year 1990, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1990, and (2) by the awarding of a construction contract by September 30, 1991: Provided further, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): Provided further, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: Provided further, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint: Provided further, That up to $50,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Medical care".

CONSTRUCTION, MINOR PROJECTS
(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, [$113,699,000] *$111,596,000*, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $2,000,000: *Provided*, That not more than $44,136,000 shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes: *Provided further, That not to exceed $200,000 of the funds available shall be used to assist the City of Sturgis, South Dakota, in improving a wastewater treatment plant used by the Department of Veterans Affairs Medical Center, Fort Meade, South Dakota*: *Provided further*, That up to [$15,000,000] *$21,000,000* of the funds provided under this heading may be transferred to and merged with sums appropriated for "General operating expenses" *or "Office of Inspector General"*.

PARKING GARAGE REVOLVING FUND

[For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), $29,375,000 together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care".]

Resources of the Parking Garage Revolving Fund together with income from fees collected shall be available until expended for all expenses authorized by law 38 U.S.C. 5009, except for operations and maintenance costs which will be funded from "Medical Care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 5031-5037), $42,000,000, to remain available until September 30, 1992.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), $4,356,000, to remain available until September 30, 1992.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1990 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1990 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1990 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1989.

GENERAL PROVISION

Section 203(b) of title 38, United States Code, is amended by striking "and the settlement is provided for specifically in an appropriation law" after "Any funds appropriated to the Department of Veterans Affairs may be used for a settlement of more than $1,000,000 on a construction contract only if settlement is audited independently for reasonableness and appropriateness of expenditures" in subsection (b). Also, by inserting "The Secretary shall promptly notify the House and Senate Committees on Appropriations, in writing, of such settlements.", after the first sentence of subsection (b).

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

[(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

[For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $9,145,000,000, to remain available until expended: *Provided*, That of the new budget authority provided herein, $74,652,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $510,633,500 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $2,002,500,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l, of which $2,500,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r); $883,830,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $796,258,750 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), of which $47,302,500 shall be for eligible tenants affected by the demolition or disposition of public housing units (including units occupied by Indian families); $50,000,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f) to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401); up to $318,545,152 shall be for section 8 assistance for property disposition; $1,092,112,375 shall be for use in connection with expiring subsidy contracts; and $1,208,912,500 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further*, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): *Provided further*, That up to $107,617,500 shall be for loan management under section 8; and, any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)), and any amounts from the $1,092,112,375 hereinbefore provided for use in conjunction with expiring subsidy contracts that are used for loan management, shall not be obligated for a contract term that exceeds five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the $9,145,000,000 provided herein, $374,062,500 shall be used to assist handicapped families in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q); and $15,000,000 shall be used for grants under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 et seq.): *Provided further*, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and except as hereinafter provided for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1990, shall be rescinded: *Provided further*, That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: *Provided further*, That up to $14,000,000 of the funds provided under this heading may be transferred and added to sums appropriated for "Salaries and expenses".

[Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by inserting after subsection (a) the following new subsection:

["(b)(1) Each contract for loans (other than preliminary loans) or contributions for the development, acquisition, or operation of public housing shall provide that the total development cost of the project on which the computation of any annual contributions under this Act may be based may not exceed the amount determined under paragraph (2) (for the appropriate structure type) unless the Secretary provides otherwise, and in any case may not exceed 110 percent of such amount unless the Secretary for good cause determines otherwise.

["(2) For purposes of paragraph (1), the Secretary shall determine the total development cost by multiplying the construction cost guideline for the project (which shall be determined by averaging the current construction costs, as listed by not less than 2 nationally recognized residential construction cost indices, for publicly-bid construction of a good and sound quality) by—

["(A) in the case of elevator-type structures, 1.6; and

["(B) in the case of nonelevator-type structures, 1.75.".]

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $6,001,221,225, to remain available until expended: Provided, That of the new budget authority provided herein, $134,373,600 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $386,020,500 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $883,830,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q) and $180,000,000 for amendments to section 8 contracts for projects developed for the elderly and handicapped under section 202 of the Housing Act of 1959, as amended; $1,597,732,500 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), of which $47,302,500 shall be for eligible tenants affected by the demolition or disposition of public housing units (including units occupied by Indian families) and $112,350,000 shall be for certificates to assist in the relocation of other eligible tenants or for project-based section 8 assistance to help implement plans of action approved under title II of the Housing and Community Development Act of 1987; up to $318,545,152 shall be for section 8 assistance for property disposition; and $461,607,273 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); and $1,344,760,000 for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended: Provided further, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): Provided further, That up to $179,362,500 shall be for loan management under section 8; and, any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that is less than five years: Provided further, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: Provided further, That of the $6,001,221,525 provided herein, $324,062,500 shall be used to assist handicapped families in accordance with section 202(h) (2), (3), and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q) and $50,000,000 shall be for amendments to contracts under section 202(h) (2), (3), and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q); and $25,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242) and the immediately aforementioned $25,000,000 shall not become available for obligation until July 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit

Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change; and $50,000,000 shall be used for grants under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 et seq.): Provided further, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and except as hereinafter provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1990, shall be rescinded: Provided further, That 50 percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: Provided further, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: Provided further, That up to $5,000,000 of the funds provided under this heading may be transferred and added to sums appropriated for "Salaries and expenses" for housing activities: Provided further, That $10,000,000 of the funds provided under this heading may be transferred, added to, and merged with, the amount appropriated under the "Community Development Grants" heading in this Act and earmarked for section 107 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for grants to States, units of general local government, and private nonprofit organizations to assist in providing homeownership opportunities for lower income persons, in accordance with such terms and conditions as the Secretary shall specify, notwithstanding the limitations on eligible activities set forth in section 105 of such Act (42 U.S.C. 5305).

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION SUBSIDY CONTRACTS

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $1,091,978,475 to remain available until expended, of which $517,777,500 shall be for existing certificates, $449,149,000 shall be for housing vouchers and $125,055,975 shall be for loan management under section 8: Provided, That funds provided under this section may not be obligated for a contract term that is less than five years.

RENTAL REHABILITATION GRANTS

For the rental rehabilitation grants program, pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o), $130,000,000, to remain available until September 30, 1992*: Provided, That section 311(d) of the Housing and Community Development Act of 1987 is amended by striking "September 30, 1989" and inserting "September 30, 1991".*

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1990 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In fiscal year 1990, $480,106,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided*, That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further*, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further*, That 25 per centum of the direct loan authority provided herein shall be used only for the purpose of providing loans for projects for the handicapped, with the mentally ill homeless handicapped receiving priority: *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further*, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: *Provided further*, That of the direct loan authority provided under this heading, an amount necessary to provide for 250 dwelling units shall be used only for the purpose of providing dwelling units for persons who have contracted the disease of acquired immune deficiency syndrome: *Provided further*, That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1990 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, [$6,000,000] *$5,400,000*, to remain available until September 30, 1991.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), [$1,769,200,000] *$1,795,600,000*.

PUBLIC HOUSING MODERNIZATION

For assistance under section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), for modernization of existing public housing (including public housing for Indian families), not otherwise provided for, $2,000,000,000, to remain available until expended: Provided, That of funds made available under this heading, $2,500,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), and section 106(c) of the Housing and Urban Development Act of 1968, as amended, $3,500,000.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, all uncommitted balances of excess rental charges as of September 30, 1989, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1990, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $350,093,000, to remain available until expended.

During fiscal year 1990, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During fiscal year 1990, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of $75,000,000,000.

During fiscal year 1990, gross obligations for direct loans of not to exceed $88,600,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, *and payments in connection with such obligations are hereby approved.*

NONPROFIT SPONSOR ASSISTANCE

During fiscal year 1990, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $1,100,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During fiscal year 1990, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $83,000,000,000 of loan principal.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, [$125,000,000] *$75,000,000*, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, [$105,000,000] *$130,000,000*, to remain available until expended*: Provided, That $10,000,000 of the funds provided under this heading may be transferred, added to, and merged with, the amount appropriated under the "Community Development Grants" heading in this Act and earmarked for section 107 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for grants to States, units of general local government, and private nonprofit organizations to assist in the provision of not to exceed half of the costs of comprehensive services and shelter for the homeless, in accordance with such terms and conditions as the Secretary shall specify, notwithstanding the limitations on eligible activities set forth in section 105 of such Act (42 U.S.C. 5305), but subject to the Comprehensive Homeless Assistance Plan requirements of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361).*

SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

For grants for supplemental assistance for facilities to assist the homeless as authorized under subtitle D of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $11,000,000, to remain available until expended.

SECTION 8 MODERATE REHABILITATION

SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), $75,000,000 to remain available until expended.

[INTERAGENCY COUNCIL ON THE HOMELESS

[For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), as amended, $1,200,000, to remain available until expended: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.

[FEDERAL HOUSING ADMINISTRATION FUND

[For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $350,093,000, to remain available until expended.

[During fiscal year 1990, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

[During fiscal year 1990, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of $67,000,000,000.

[During fiscal year 1990, gross obligations for direct loans of not to exceed $88,600,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

[NONPROFIT SPONSOR ASSISTANCE

[During fiscal year 1990, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $1,100,000.

[GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[GUARANTEES OF MORTGAGE-BACKED SECURITIES

[During fiscal year 1990, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g) shall not exceed $75,000,000,000 of loan principal.]

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,000,000,000, to remain available until September 30, 1992, of which $50,000,000 shall be derived by transfer from amounts deobligated in fiscal year 1990 in the Urban Development Action Grants account: *Provided*, That not to exceed [$75,000,000] *$64,600,000* shall be available for the discretionary fund established pursuant to section 107 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301)*: Provided further, That $1,500,000 of the $64,600,000 shall be available for a special project under section 107 for infrastructure development on Hawaiian home lands by the Hawaii State Department of Hawaiian Home Lands, notwithstanding the provisions of section 107(d)(1): Provided further, That of such $64,600,000, notwithstanding any requirements or other provision in title I of the Housing and Community Development Act of 1974, as amended, $16,000 shall be available for the communities of Parshall and New Town, North Dakota, for municipal services provided in connection with properties owned by the Fort Berthold Indian Reservation Housing Authority, and $1,752,000 shall be available for West Valley City, Utah, for basic infrastructure in connection with the West Ridge Commerce Industrial Park: Provided further,* That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds set aside in the following [proviso] *proviso or for providing homeownership opportunities using funds that may be transferred in this Act from Annual Contributions for Assisted Housing*) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That $5,000,000 shall be made available from the foregoing $3,000,000,000 to carry out a child care demonstration under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further, That $2,000,000 shall be made available from the foregoing $3,000,000,000 to carry out a neighborhood development demonstration under section 123 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181): Provided further*, That after September 30, 1989, no funds provided or heretofore provided in this or any other appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

During fiscal year 1990, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed [$46,000,000] *$144,000,000* of contingent liability for loan principal.

REHABILITATION LOAN FUND

During fiscal year 1990, collections, unexpended balances of prior appropriations (including any recoveries of prior obligations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1989, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act: *Provided*, That none of the funds in this Act may be used to sell any loan asset that the Secretary holds as evidence of indebtedness under such section 312.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund or the Rehabilitation Loan Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Secretary of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Secretary of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, [$12,000,000] *$13,200,000*, to remain available until expended.

Policy Development and Research

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, [$21,400,000] *$21,000,000*, to remain available until September 30, 1991.

Fair Housing and Equal Opportunity

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $12,753,000, to remain available until September 30, 1991: *Provided*, That not less than $6,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987 *and the demonstration period authorized in section 561(e) of such Act shall be deemed to be September 30, 1990, except for purposes of construing the last sentence of section 561(c)(2) of such Act.*

Management and Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, [$697,098,000] *$746,945,000*, of which [$355,846,000] *$405,693,000* shall be provided from the various funds of the Federal Housing Administration[: *Provided*, That during fiscal year 1990, notwithstanding any other provision of law, the Department of Housing and Urban Development shall maintain an average employment of at least 1,368 for Public and Indian Housing Programs].

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$29,112,000] *$31,065,000*, of which [$6,431,000] *$6,584,000* shall be transferred from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law or other requirement, the City of College Park, in the State of Maryland, is authorized to retain any categorical settlement grant funds, urban renewal grant funds, and land disposition proceeds that remain after the financial closeout of the Lakeland Urban Renewal Project (R-44 No. B-79-UR-24-0001), and to use such funds and proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of College Park shall retain such funds and proceeds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds and proceeds, including any interest.

[Notwithstanding any other provision of law or other requirement, the City of Hartford in the State of Connecticut, is authorized to retain any land disposition proceeds from the financially closed-out Sheldon-Charter Oak, Section A Urban Renewal Project (No. Conn. R-77) not paid to the Department of Housing and Urban Development and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of Hartford shall retain such proceeds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such proceeds, including any interest.

[It is hereby approved in accordance with section 124(c) of the Housing and Community Development Act of 1987 (Public Law 100-242, 101 Stat. 1815, 1847), that as specified in section 124(a) of such Act, accrued interest is forgiven and interest paid shall be returned to the City of Pittsburgh.]

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall approve, subject to availability of funds in project reserves, the use by the Seattle Housing Authority of up to $450,000 from project reserves of the Bay View Tower Project (No. 127-38044) for a program of health care services for the elderly, as determined by the Seattle Housing Authority.

Section 203(b)(2) of the National Housing Act is amended by inserting after "value in excess of $25,000." the first place it appears the following: "Notwithstanding the foregoing, during fiscal year 1990, a mortgage is eligible for insurance under this section if it involves a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed the lesser of—

"(A) a ceiling that equals 95 percent of the median sales price of homes within a time period designated by the Secretary for the State or for a metropolitan statistical area that includes portions of more than one State; or

"(B) except as otherwise provided in this paragraph, the sum of—

"(i) 97 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance; and

"(ii) 95 percent of such value in excess of $25,000.".

Effective on October 1, 1990, section 203(b)(2), as amended by the preceding paragraph, is amended to read as it would without such amendment. The amendment of section 203(b)(2) under the preceding sentence shall have no effect on any action taken or authorized under that section before such amendment.".

Section 404 in title IV, General Provisions of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (Public Law 101-45) is hereby repealed.

The last paragraph under the heading "Administrative Provisions" in title I of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1021) is amended by adding the following new paragraph at the end thereof: "Prior to the implementation of such regulations the Secretary shall make revisions as may be necessary to comply with subsequent enactments of law and to provide for effective and efficient implementation of lead abatement operations under the public housing modernization program.".

TITLE III

INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; [15,000,000] *$14,507,000, to remain available until expended*: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, [$35,500,000] *$35,700,000*: *Provided*, That not more than $325,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

Court of Veterans Appeals

SALARIES AND EXPENSES

For necessary expenses for the operation of the Court of Veterans Appeals as authorized by 38 U.S.C. 4051-4091, $3,000,000.

Department of Defense—Civil

Cemeterial Expenses, Army

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses;

$12,569,000, to remain available until expended.

DEPARTMENT OF DEFENSE—MILITARY

UNITED STATES AIR FORCE, SPACE SHUTTLE LAUNCH ACTIVITIES

For necessary Space Shuttle-related launch activities of the United States Air Force, $217,000,000, to remain available until expended: Provided, That funds under this head shall be transferred to the National Aeronautics and Space Administration for Space Shuttle launch activities, including launch and flight operations, tracking and associated direct and indirect support activities at NASA Centers: Provided further, That the transfer limitation in the immediately preceding proviso shall not apply to funds transferred for advanced launch systems or under existing reimbursement arrangements: Provided further, That funds permitted to be transferred hereunder, shall not be available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; acquisition or purchase, hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; [lease purchase, under a lease purchase contract hereby authorized to be entered into by the Environmental Protection Agency, which lease purchase contract shall have a term not to exceed twenty years and shall provide that title to the property shall vest in the United States at or before the expiration of the lease term, for the Motor Vehicles Emissions Laboratory;] construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed [$7,000] *$5,000* for official reception and representation expenses; [$874,583,000] *$867,483,000*: *Provided,* That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, [$31,734,000] *$31,000,000*, of which $10,317,000 shall be derived from the Hazardous Substance Superfund trust fund: *Provided, That the first proviso of section 509 of this Act shall not be used to offset any reduction of funds made available under this heading.*

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For research and development activities, [$241,500,000] *$234,950,000*, to remain available until September 30, 1991: *Provided*, That not more than $11,600,000 of these funds shall be available for procurement of laboratory equipment: *Provided further, That for program needs, not more than $75,000 per project shall be available for construction, alteration, repair, rehabilitation, and renovation of facilities*: *Provided further*, That up to $5,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Salaries and expenses".

ABATEMENT, CONTROL, AND COMPLIANCE

(INCLUDING TRANSFER OF FUNDS)

For abatement, control, and compliance activities, [$785,000,000] *$829,940,000*, to remain available until September 30, 1991: *Provided*, That up to $10,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Salaries and expenses": *Provided further*, That up to [$2,000,000] *$2,600,000* shall be available for grants and cooperative agreements to develop and implement asbestos training and accreditation programs: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further, That for program needs, not more than $75,000 per project shall be available for construction, alteration, repair, rehabilitation, and renovation of facilities: Provided further, That these funds shall be available for new equipment required to meet programmatic needs*: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949: *Provided further, That of funds made available under this heading, $95,000,000 shall not become available for obligation until September 30, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change*).

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, [$12,000,000] *$11,700,000*, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), [$1,425,000,000] *$1,575,000,000, consisting of $1,325,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and $250,000,000 as a payment from general revenues to the Hazardous Substances Superfund as authorized by section 517(b) of SARA*, to be derived from the Hazardous Substance Superfund, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $82,000,000 during fiscal year 1990, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA, as amended: *Provided further*, That, notwithstanding section 111(m) of CERCLA, as amended, or any other provision of law, not to exceed [$46,500,000] *$44,500,000* of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA, as amended, during fiscal year 1990: *Provided further, That section 9611(c)(12) of the Superfund Amendments and Reauthorization Act of 1986, is amended by striking "$10,000,000" and inserting "$20,000,000"*: *Provided further*, That no more than $220,000,000 of these funds shall be available for administrative expenses.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, $76,000,000, to remain available until expended: *Provided*, That no more than $6,000,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

(INCLUDING RESCISSION)

[For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,024,000,000, to remain available until expended, of which $989,000,000 shall be for title II (other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209) of the Federal Water Pollution Control Act, as amended; $989,000,000 shall be for title VI of the Federal Water Pollution Control Act, as amended; and $46,000,000 shall be for title V of the Water Quality Act of 1987, consisting of $7,000,000 for section 510, $20,000,000 for section 513, and $19,000,000 for section 515:-*Provided*, That, notwithstanding any other provision of law, (1) of the funds appropriated for title VI, the Administrator shall reserve 2 percent of the amount authorized under section 607 for allotment to each State, or $200,000, whichever is greater, for grants to implement nonpoint source programs under section 319; and (2) the reserves under sections 205(j)(1), 205(j)(5), and 604(b) of the Federal Water Pollution Control Act may be, at the discretion of a State, 2 percent of the amount authorized under sections 207 and 607; the funds reserved under section 205(j)(1) and 604(b) in excess of 1 percent of allotted amounts are not subject to the requirements of section 205(j)(3); and the amount used under section 603(d)(7) may be based on the amount authorized under section 607:-*Provided further*, That of the funds appropriated in previous fiscal years under this heading to carry out the purposes of section 206(a) of the Federal Water Pollution Control Act, as amended, $47,700,000 are rescinded:-*Provided further*, That, notwithstanding sections 602(b)(6) or 201(g)(1) of the Federal Water Pollution Control Act, as amended, of the funds appropriated in this paragraph, amounts awarded in a capitalization grant to an agency of any State, including funds transferred pursuant to section 205(m), shall be available for providing assistance in that State for the construction of publicly owned treatment works as defined in section 212 of that Act:-*Provided further,* That, notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted to the State of Texas under section 205 of the Federal Water Pollution Control Act, as amended, the State of Texas is authorized to set aside, at the discretion of the Governor, up to $15,000,000 for the establishment of a special revolving fund for the sole purpose of making loans to residents of colonias in the counties of Cameron, Hidalgo, Zapata, Starr, Webb, Maverick, Val Verde, Terrell, Brewster, Presidio, Hudspeth, and El Paso. Repayment amounts may remain in the special revolving fund for future loans to colonia residents, and funds set aside but not used for loans, including repayment amounts, may be transferred by the State to its general title VI revolving fund. Loans from the special revolving fund shall be made for the purposes of connecting residences to sewer collection systems and making any necessary plumbing improvements to enable such residences to meet existing county or city code requirements. The Texas Water Development Board is authorized to use funds from this set-aside for the administrative expenses of the special revolving fund:-*Provided further,* That, notwithstanding any provision of the Federal Water Pollution Control Act, as amended, from sums appropriated under this paragraph and allotted to the State of South Carolina under section 205, the Administrator shall award a grant under title II for $6,800,000 for construction of a connector sewer line, consisting of a main trunk line and four pump stations, for the Town of Honea Path, South Carolina to the wastewater treatment facility in the Town of Ware Shoals, South Carolina.]

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, the Water Quality Act of 1987, $2,050,000,000, to remain available until expended, of which $1,025,000,000 shall be for title II (other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209) of the Federal Water Pollution Control Act, as amended; and $1,025,000,000 shall be for title VI of the Federal Water Pollution Control Act as amended: Provided further, That of the funds appropriated in previous fiscal years under this heading to carry out the purposes of section 206(a) of the Federal Water Pollution Control Act, as amended, $47,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, after September 30, 1990, amounts deposited in the Licensing and Other Services Fund from fees and charges assessed and collected by the Administrator for services and activities carried out pursuant to the statutes administered by the Environmental Protection Agency shall thereafter be available to carry out the Agency's activities in the programs for which the fees or charges are made *to the extent made available by subsequent appropriation Acts.*

In order to promote the development of innovative technology for the study, mitigation and management of hazardous and toxic substances, the Administrator of the Environmental Protection Agency may lease a portion of the Environmental Technology and Engineering Center located in Edison, New Jersey to the New Jersey Institute of Technology, under such terms and conditions which he determines to be in the public interest, for a term not to exceed ten years. Such lease may be with or without consideration and any compensation received may be used by the Agency to defray costs of providing the space and supporting services.

Executive Office of the President

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, [$861,000] *$1,500,000.*

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109, [$1,200,000] *$900,000: Provided,* That the National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, [$2,027,000] *$2,997,000: Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

Federal Emergency Management Agency

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $100,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; [$141,329,000] *$141,489,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$2,439,000] *$2,709,000.*

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, [$271,160,000] *$277,000,000.*

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $10,734,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $40,303,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities. In fiscal year 1990, no funds in excess of (1) $32,000,000 for operating expenses, (2) $165,000,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $134,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided,* That total administrative costs shall not exceed 3½ per centum of the total appropriation.

General Services Administration

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,360,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $5,200,000. Administrative expenses of the Consumer Information Center in fiscal year 1990 shall not exceed $2,092,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1990 in excess of $5,200,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

Department of Health and Human Services

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,888,000.

Interagency Council on the Homeless

SALARIES AND EXPENSES

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), as amended, $1,100,000, to remain available until expended: Provided, That the Council shall *carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

[For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; $5,203,100,000, to remain available until September 30, 1991: *Provided further,* That of the funds made available under this heading, $384,000,000 is for space transportation capability development only, which amount shall not become available for obligation until April 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further,* That of the funds provided under this heading $98,000,000 shall be made available for the National Aerospace Plane: *Provided further,* That of the funds made available under this heading for space station development, not more than $484,500,000 shall be available for supporting development, operations/utilization capability, and management and integration.]

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; $5,367,600,000, to remain available until September 30, 1991: Provided, That of the funds made available under this heading, $1,850,000,000 is for space station program only, $750,000,000 of which shall not become available for obligation until June 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That of the funds made available under this heading, $384,000,000 is for space transportation capability development only, which amount shall not become available for obligation until April 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That of $2,047,300,000 made available under this heading for space science and applications, only $1,000,000,000 shall be available prior to April 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; [$4,709,600,000] *$4,639,600,000,* to remain available until September 30, 1991: *Provided,* That of the funds made available under this heading, $1,400,000,000 is for space transportation system only, which amount shall not become available for obligation until April 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change[: *Provided further,* That $50,000,000 of the funds appropriated in section 101(g) of Public Law 99-591 for orbiter production shall be available until September 30, 1991, for all expenses of this account].

CONSTRUCTION OF FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, [$384,300,000] *$341,000,000,* to remain available until September 30, 1992: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further,* That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further,* That up to [$35,000,000] *$95,000,000* of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Space flight, control and data communications" and/or "Research and program management": *Provided further, That of the funds made available under this heading, $10,000,000 shall be available only for the construction of the Advanced Solid Rocket Motor Facility in Yellow Creek, Mississippi, that was authorized in Public Law 100-685.*

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, purchase of one aircraft for replacement only (for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; [$1,957,200,000] *$1,982,200,000*: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive: *Provided further, That of funds made available under this heading, up to $500,000 may be transferred to the "Office of the Inspector General".*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,795,000.

ADMINISTRATIVE PROVISIONS

[MINORITY PARTICIPATION IN THE SPACE STATION

[(a) FEDERAL FUNDING.—The NASA Administrator shall, to the fullest extent possible, ensure that at least 10 percent of Federal funding for the development, construction, and operation of the space station be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6))), including Historically Black Colleges and Universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

[(b) OTHER PARTICIPATION.—The NASA Administrator shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the space station by socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6)) and economically disadvantaged women).]

SMALL AND DISADVANTAGED BUSINESS

The NASA Administrator shall annually establish a goal of at least 6 per centum of the total value of prime and subcontracts *awarded in support of authorized programs, including the space station by the time operational status is obtained, which funds will be made available to small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6)), including Historically Black Colleges and Universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).*

To facilitate progress in reaching this goal, the NASA Administrator shall submit within one year from enactment of this Act a plan describing the process to be followed to achieve the prescribed level of participation in the shortest practicable time.

POLAR PLATFORM

Of the funds made available in this Act for space station development, not more than $10,700,000 shall be reduced from the $107,000,000 requested for work performed on or under the work package numbered 3 prime contract (polar platform).

SPACE FLIGHT EXPENDITURES

None of the funds made available by this Act or any prior Act shall be expended if such expenditure would cause total fiscal year 1990 expenditures for Space Flight, Control, and Data Communications programs or activities contained in this or prior year Acts to exceed $4,686,161,000: Provided, That notwithstanding any other provision of law authorizing or appropriating funds or authority for the appropriations items contained in this Act (except that the provisions of 31 U.S.C. 1341(a) and 1517 shall be applicable), not more than $2,772,722,000 shall be expended before October 1, 1990, pursuant to the discretionary budget authority made available by this Act: Provided further, That for flight safety reasons expenditures for Space Shuttle Operations shall not be restricted in any manner in order to accomplish these limitations: Provided further, That the President shall report to the Committees on Appropriations every 90 days on the implementation of this section: Provided further, That pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1990, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1990 shall not exceed $864,000.

ADMINISTRATIVE PROVISION

Section 120 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of law, the Board may exercise the authority granted it by the Community Development Credit Union Revolving Loan Fund Transfer Act (Public Law 99-609, sec. 1, Nov. 6, 1986, 100 Stat. 3475) subject only to the rules and regulations prescribed by the Board.".

[NATIONAL INSTITUTE OF BUILDING SCIENCES

[PAYMENT TO THE NATIONAL INSTITUTE OF BUILDING SCIENCES

[For payment to the National Institute of Building Sciences, $500,000.]

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; [$1,715,000,000] *$1,685,000,000*, to remain available until September 30, 1991 *of which $900,000,000 shall not be available for obligation until April 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided*, That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than [$97,000,000] *$101,400,000* shall be available for program development and management in fiscal year 1990: *Provided further*, That contracts may be entered into under the program development and management limitation in fiscal year 1990 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further, That none of the funds appropriated in this Act may be used directly or through grants, contracts or other award mechanisms, for agreements executed after enactment of this Act, to pay or to provide reimbursement for the Federal portion of the salary of any individual functioning as a Federal employee at more than the daily equivalent of the maximum rate paid for ES-6 for assignments to Senior Executive Service positions, unless specifically authorized by law: Provided further, That notwithstanding the preceding proviso, none of the funds appropriated in this Act may be used to pay the salary of any individual functioning as a Federal employee, or any other individual, through a grant or grants at a rate in excess of $95,000 per year: Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

ACADEMIC RESEARCH FACILITIES

For necessary expenses in carrying out an academic research facilities program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $20,000,000, to remain available until September 20, 1991: Provided, That funds made available under this heading shall not be available for obligation until September 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES—(NON-DEFENSE)

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; [$74,000,000] *$73,000,000*, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies: *Provided further*, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: *Provided further*, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: *Provided further*, That if the vessel contracted for pursuant to the foregoing is not available for the 1989–1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: *Provided further*, That the preceding three provisos shall not apply to appropriated funds used for the lease of the vessel POLAR DUKE[, nor for procurements covered by the GATT Agreement on Government Procurement].

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES (DEFENSE)

For necessary expenses in reimbursing the Department of the Navy, and for other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance, and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; improvement of environmental practices and enhancement of safety; hire of passenger motor vehicles; not to exceed $83,000,000, to remain available until expended: Provided, That funds made available under this heading shall not become available for obligation until September 30, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That receipts for support services and materials provided for *non-Federal activities may be credited to this appropriation.*

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science and engineering education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, [$210,000,000] *$200,000,000,* to remain available until September 30, 1991: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $2,600,000, to remain available until September 30, 1991.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), [$21,260,000] *$27,260,000.*

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $26,313,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1990 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

[FEDERAL HOME LOAN BANK BOARD AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[ADMINISTRATIVE PROVISION

[Until such time as the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation are abolished pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, such Board and Corporation shall take such action as may be necessary to minimize losses at insured institutions (as defined in section 401(a) of the National Housing Act).]

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1990, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101-73 are insufficient, such sums as may be necessary: Provided, That the Chairman of the Federal Deposit Insurance Corporation shall provide a quarterly report to the Committees on Appropriations on the expected total costs to the FSLIC Resolution Fund in fiscal year 1990, with the first such report due on October 15, 1989.

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; *to travel performed by the Offices of Inspector General in connection with audits and investigations;* or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344*: Provided, That 31 U.S.C. 1344(b)(7) is hereby amended to include at the end, "the Administrator of the Environmental Protection Agency; and".*

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment o the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations*: Provided, That this section shall not apply to any part of the appropriations (including transfers) contained in this Act for Offices of Inspector General personnel compensation and benefits: Provided further, That, of the funds provided in this Act for personnel compensation and benefits for the Department of Housing and Urban Development which would otherwise expire at the end of the fiscal year, up to $2,000,000 may be used for other object classifications above the amounts set forth in the budget estimates.*

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section [406] *506*, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. [None of the funds provided in titles I or III of this Act shall be obligated or expended for personnel compensation and benefits payments for any individual serving as a deputy assistant secretary, deputy assistant administrator, deputy assistant director, or deputy general counsel who is appointed: (1) under schedule C as defined under 5 CFR 6.2; (2) as a noncareer, limited term, or limited emergency appointee as defined under 5 U.S.C. 3132; or (3) without regard to civil service rules or regulations. After January 1, 1990, and for the duration of fiscal year 1990, within the Department of Housing and Urban Development, the number of noncareer, limited term, or limited emergency appointees to the Senior Executive Service shall not exceed 10 per centum of the total number of Senior Executive Service positions in such department, unless the Office of Personnel Management certifies in a Report to the Congress that a determination was made to grant a waiver to such limitation in accordance with 5 U.S.C. 3134. The Office of Personnel Management, in consultation with the Office of Management and Budget, shall undertake an expedited review of Senior Executive Service positions in the Department of Housing and Urban Development and report its findings, recommendations, and justification for any waiver determination to the Congress by October 1, 1989] *After January 1, 1990, within both the Department of Housing and Urban Development and the Environmental Protection Agency, the number of non-career appointees to the Senior Executive Service shall not exceed 15 percent of the total number of Senior Executive Service positions, unless the Office of Personnel Management approves a waiver to exceed that limitation upon sufficient justification provided by the agency. The Office of Personnel Management shall report to the Congress prior to the issuance of such a waiver and certify in that report that such a waiver is essential for the agency to fulfill its basic mission and purposes.*

[SEC. 517. None of the funds appropriated under title II of this Act under the heading entitled Community Planning and Development, Community Development Grants, to any department, agency, or instrumentality of the United States may be obligated or expended to any municipality where it is made known to the appropriate official in the department, agency or instrumentality concerned that 3 or more employees, acting on orders of superiors of such municipality, have been convicted hereafter of the use of unnecessary force against nonviolent civil rights demonstrators.]

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990".

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader and I note the presence on the floor of the chairman of the Appropriations Committee.

Let me say that it remains my intention to complete action on all the appropriations bills before the end of the fiscal year, and I hope we are able to complete action on this bill now pending as promptly as possible.

There are, I understand, at least three amendments which will be offered. It is my hope that those who intend to offer the amendments will do so this evening, and that the managers will engage in such debate as necessary. There will be no rollcall votes this evening.

Therefore, I ask that the votes be stacked for tomorrow to permit prompt consideration of this measure, and final disposition of this measure as soon as possible, after which we hope to go to another one.

I have discussed this previously with the distinguished Republican leader. He has identified three prospective amendments by Republican Members. I have asked our staff to canvass Democratic Members to see if there are going to be any amendments, with the same advice and request that they present them and that we be prepared to stack the votes and be ready to move on it tomorrow, in accordance with the prior discussions with the Republican leader.

Mr. BYRD. Will the distinguished leader yield for a parliamentary inquiry?

Mr. MITCHELL. Yes, sir.

Mr. BYRD. Mr. President, I came up to the floor a little late, just in time to hear the shank end of the request.

As I understand it, the transportation appropriations bill will, during the debate, as we go forward on the VA-HUD appropriations bill, retain its status as the pending business. Both measures will be the pending business, but the transportation bill, which has been temporarily set aside for the consideration of the VA-HUD bill, will retain its status, if I may put it in this way, as the pending business No. 1; while the VA-HUD bill is pending business No. 2. Therefore, a call for the regular order—and I do not anticipate doing that, but if it came to a circumstance where that needed to be done—a call for the regular order would, during the pendency of the VA-HUD bill, bring back the transportation appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator from West Virginia is correct.

If there is no further objection, the request of the majority leader is agreed to.

Mr. MITCHELL. My request had been agreed to. We are now simply awaiting the manager of the bill.

Mr. President, I note the distinguished Senator from Utah is here, the Republican manager. We hope the manager will be here momentarily.

Until she arrives, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am proud to bring before this body the Senate's version of H.R. 2916, the 1990 appropriations bill for the VA, HUD, and 20 miscellaneous Federal agencies.

This bill was unanimously reported by the Committee on Appropriations earlier this week.

This legislation contains just over $67,175,000,000 in new budget authority for fiscal year 1990.

About $18.3 billion of this amount is for mandatory appropriations, predominantly for programs in the newly created Department of Veterans Affairs.

The committee's bill is well within its discretionary 302(b) allocation in both budget authority and outlays, by providing $48,691,000,000 in discretionary budget authority and $53,473,000,000 in discretionary outlays.

OVERVIEW

As my colleagues know, this bill is one of the most important and diverse of any of the committee's 13 appropriations bills. It contains about 30 percent of the Federal domestic discretionary budget and a sweeping portfolio of Federal programs.

It funds everything from the health care system for America's 27 million veterans to funding the space and civilian science programs which are the key to our Nation's future.

This year, we received a very large number of requests from Senators and Members of the House. All told, we had 536 requests, totaling $33 billion, and most of them were for earmarks or funding levels well above the budget request.

We could not accommodate all of them. We were asked to retain those and did those we could and those of particular interest or national interest and compelling to local communities.

In addition, we faced four severe challenges from within our 302(b) allocation.

First, our outlay allocation was $700 million below President Bush's request.

Second, President Bush's budget fell short in VA medical care by $600 million in outlays just to retain "current services" at our veterans' health care centers throughout the country.

We followed a procedure or process in which we hope we do not have to come back for an urgent supplemental sometime next year. We tried to step up to what really is the authentic budget request for what our veterans need.

Third, on the eve of the August recess, HUD indicated to us that they had underestimated the number of section 8 contract renewals by a staggering 80 percent.

We reviewed that and found out it was not quite an 80 percent increase, but we were able to absorb a new $430 million in budget authority not originally accounted for in our original allocation.

Fourth, the President's budget proposed a cut of over $300 million in EPA's total budget, and a reduction of $750 million in the construction grants program. This is an important tool for mayors and Governors throughout the country.

So it was our task to craft a bill that balances the various elements of the subcommittee's jurisdiction that was fair and balanced the many competing interests among the subcommittee's 22 agencies.

As a result of these demands, we could not provide funds for every national priority, but we think we have come up with a very good framework.

I want to personally thank all my colleagues who have been so helpful to me, particularly the ranking minority member, Senator JAKE GARN; the full committee chairman, Senator BYRD, who, in his new duty as Appropriations chairman, provided the Senate with effective leadership; and the committee's ranking member, Senator HATFIELD.

When I took over this subcommittee in January, I thought I had a Federal checkbook to look after America's veterans, the homeless, and the astronauts who need to take us to new frontiers, but the more we pored over this, I saw I did not have a checkbook, I had a change purse. We think we have done a good job with this.

Let us talk about some of the things we have done. First, drugs. President Bush asked us to provide $50 million in drug elimination grants for public housing. This subcommittee fully funds the President's request in that area. We believe, as does he, that America's public housing should not be a small business incubator for drug dealers, and we are going to do our part in doing that.

In addition, we provide a total of $90 million for drug treatment funding under VA medical care. These funds will help provide badly needed treatment at the VA's 172 medical centers.

We know the drug treatment facilities are clogged with demand all over the United States. We feel that by funding the VA in this area, we can reach out particularly to the veterans who face this terrible scourge and provide care through the VA network which will provide them excellent medical care, important psychological treatment and the support of their former comrades in arms.

Through the VA, we also recommend $29 billion for the Department of Veterans Affairs budget.

In VA medical care, we are going to provide $773 million more than the Bush budget. We are also going to: Restore staffing levels to make sure that there are enough nurses, doctors, and the appropriate staff.

We are also going to provide $136 million for equipment, materials and supplies particularly looking out for those prosthetic needs.

We are going to provide $83 million for community nursing homes above the President's request; and an extra $6 million for post-traumatic stress disorders.

Mr. President, as I looked over our report on VA, I also noted that there is a typographical error. I ask unanimous consent to clarify that. Under the boxhead for "Medical care" it reads "11,495,546,000." It should read "11,514,546,000."

The PRESIDING OFFICER. Without objection it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Ms. MIKULSKI. We recommend almost $15.2 billion for HUD, an increase of over $2.4 billion over fiscal 1989.

Some might say, "Wow. What is that committee going to do in HUD?" That money primarily went to some fairly well designated areas.

Almost half of this increase, however, is to renew 40,000 section 8 contracts which would otherwise expire. 1990 is the first year for the need for this kind of funding, and as I indicated earlier, HUD underestimated the amount of units in the President's budget by about 80 percent. This is important because if we fail to renew those contracts, the consequences would be that 40,000 families would go homeless because of what we fail to do.

So we had no choice but to absorb this error and also ensure the adequate housing.

We are also going to increase the department staff level to make sure that we have, as part of the reform package, adequate staff to deal with this issue. We will also have major funds to go for rehab for public housing from a Presidential request, a request from Secretary Kemp and also our own authorizing committee so that by making public housing fit for habitation, we can lay the groundwork for tenant management and tenant ownership.

Now for EPA. We recommend $5,628,000,000. This is an increase over what President Bush asked, but it is primarily in the area of supercleaning up America's Superfund sites and also on construction grants, which is really a classy word for sewage and treatment money, but we know that that is what the Governors need; that is what the mayors, county executives and county commissioners need.

We also know that very often we are very good at passing Federal mandates on what local governments should do. EPA's asbestos-in-schools program is a perfect example of that. But we put in $52 million to help meet those Federal mandates.

We are also going to add more money in the nonpoint pollution. This we hope will increase the environmental protection through our Nation and at the same time provide tools at the local level where these things are enforced and need to be implemented.

Mr. President, on the 20th anniversary of Apollo, we are happy to tell you that there is going to be a direct appropriation of $12.3 billion. It is true it is below the President's request, but it is 15 percent over last year's request. We make adjustments with the Air Force to provide for important shuttle activity, but within the amount we have appropriated, the committee has provided some important funding in air and space, a funding framework that we hope will be one that will guarantee our success in space in the future.

We are going to put $1.85 billion in for the space station. We are also going to make sure that we fund $20 million to continue the CRAF/CASSINI new start; $22 million to continue the gravity probe, ozone mapping and many other important kind of things.

Our bill will provide the minimum amount that NASA has said that is necessary to keep the space station program on time and in a form that is useful for science and satisfies our international commitments.

Also, finally, we provide money for NASA personnel.

Again, Mr. President, there is a typographical error here. I ask unanimous consent that I be able to clarify.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, under the box head for "Research and Development," it indicates the committee recommendation is $5,324,600,000. It should read "$5,367,600,000."

This error has no effect upon the bill's scorekeeping.

Then we come to the National Science Foundation. We provide $2,063,000,000 for NSC. It is $140 million over last year's appropriation.

Mr. President, if there is a place I wanted to provide more money, it was there, but we just did not have it. We do hope, though, that this will be important for America's research and science education, and we have been able to do many good things in this.

Let me wrap up by saying we had 22 other independent agencies. We had to look out for Arlington Cemetery to make sure we provide a decent burial site for America's fallen heros. We also wanted to make sure we looked out for opportunities for the very reason they fought and died; that is why we are putting money into a self-help program.

In conclusion, Mr. President, I believe this bill represents a strong, balanced program for the agencies within this jurisdiction. But we are not here to fund agencies. We are here to fund America's future, and that is exactly what we have done. We fund our obligations to the veterans who fought to save this country and our democracy. We meet our obligations to the poor by providing important self-help tools for them to have affordable housing and a way-station to a better life. We protect our environment and then we also provide a framework for scientific exploration that is so important to our future.

So we hope, Mr. President, that when our colleagues scrutinize this bill, they know that under the VA Subcommittee that we provided an excellent piece of legislation.

I urge my colleagues to support this bill.

In conclusion, I ask unanimous consent that the committee amendments be agreed to en bloc and the bill, as amended, be regarded for the purpose of amendment as original text; provided that no point of order under rule XVI shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

Ms. MIKULSKI. Mr. President, I yield the floor for any statement Senator GARN may wish to make.

Mr. GARN. Mr. President, last year I stood before the Senate and started the floor consideration on the HUD appropriations bill for fiscal year 1989, and stated my discomfort with and reservations about the measure the Committee on Appropriations reported. My concerns were rooted in the inadequate 302(b) budget allocation to our subcommittee, which, in my view, prevented the committee from recommending responsible funding levels for agencies within our jurisdiction, especially for the National Science Foundation and the National Aeronautics and Space Administration.

This year I again found myself protesting our committee's section 302(b) budget allocation and, yes, again, I find myself troubled with the substance of the bill now before us.

I should, however, first state to the Senate my appreciation, respect, and admiration for the Senator from Maryland, Senator MIKULSKI, who, as the new chair of the subcommittee has done an excellent job. With sensitivity, insight, and sound judgment she has crafted a bill which seeks to balance diverse but important matters which fall within our subcommittee's jurisdiction.

Unfortunately, because of our inadequate 302(b) allocation, she was forced to balance these critical needs within impossible constraints. In terms of outlays, our budget allocation mandated a $700-million reduction from the levels requested in the President's budget. Add to that the $100 million in outlays flowing from the supplemental, largely for VA medical care, and the demand for a substantial increase for medical care in fiscal year 1990, totaling $500 million above the President's budget, our actual outlay shortfall for our subcommittee is a gigantic $1.3 billion for discretionary activities.

To put these figures in perspective, we could eliminate all new appropriations for the entire Department of Housing and Urban Development and just barely address our outlay shortfall or shut down the entire Environmental Protection Agency or, alternatively, terminate both the Federal Emergency Management Agency and the National Science Foundation.

Mr. President, the fact that this bill manages to hold most of these programs relatively intact and does propose funding for a number of critical initiatives is truly remarkable, and the chair of the subcommittee is to be congratulated. But I must express reservations about some of the steps we had to take to accommodate these needs within the inadequate budget allocation. We were forced to fence the availability of NASA funding to reduce outlays for that agency by nearly $900 million from the President's request. Similarly, we cut NSF and FEMA outlay levels by $100 million. We also were left little choice but to propose a legislative change in the eligibility standards for FHA mortgage insurance which yielded $157 million to accommodate the barely adequate levels reflected in the bill.

This measure has been described as a "remarkable achievement but not one to be proud of." This bill, however, manages to achieve far more than I ever thought possible under our severe constraints.

I would like to repeat a little bit what I said a few minutes ago as I walked on the floor and the Senator from Georgia was submitting a concurrent resolution to commend us for the Voyager missions, both 1 and 2, the remarkable scientific achievement of looking at those pictures of Neptune and the three other planets. I agreed with everything Senator FOWLER had to say about the foresight of those who in 1972 appropriated the money.

Just think of that, 17 years ago Congress had the foresight to say "Let's do that," and appropriated the money. So all these many years later we finally see the results.

That is the major difficulty I have had over the last decade in trying to get adequate funding not just for NASA but for the National Science Foundation and science in general. The reason we struggle with these inadequate budget allocations in relationship to our fellow Senators who head the other subcommittees is the payoff in their budgets is much more immediate, certainly more immediate from a political standpoint. When you have to think that some of the things we are talking about today may not bear fruit for 10, 12, 15, or 20 years down the road, it is more difficult for politicians to look that far into the future. I think that is sad.

I said to the Senator from Georgia, I hope that 12 years down the road—and I do not anticipate being here that long—somebody will stand up on the floor and say thanks to some people in the Congress of the United States back in 1989 for having some foresight. It may be the year 2000, maybe

2005, but, frankly, in light of the budgets, we have had the last 2 or 3 years for science in this country, basic research and development, science education, training math and science teachers, space station, shuttle operations, unmanned probes to the outer planets, I doubt very much a future Congress will be able to say that about us. I feel very badly about how shortsighted we are, but I do congratulate those, along with Senator FOWLER, who had the foresight 17 years ago, 2 years before I came to the Senate of the United States, to look into the future.

So I am troubled, and although, again, I congratulate the Senator from Maryland for putting together the most difficult budget I think this subcommittee has ever had, it is inadequate. It simply does not look to the future. I worry about the future scientific endeavors of this country and where our place will be when other nations such as the West Germans, the Russians, and the Japanese are training far more engineers and scientists.

The issue is far more than a piece of hardware. It is not Galileo, which will be going up October 12 on the shuttle *Atlantis.* I am proud that the commander of that particular flight is Don Williams, an excellent astronaut, who was the pilot of Discovery when I flew in April of 1985. I will be there to see that launch and see my friends go into space with Galileo, which will dramatically increase the knowledge of Jupiter.

But I am really concerned about this gap that is occurring in the basic technological advantage of this country. The thing that has produced an advantage over the Soviets, our allies, and enemies alike, is the great science and technology of this country. All you have to do is pick up the morning paper and read about how we are dropping back in relationship to those countries.

So I wonder, beyond when we are flying a space station or probes to Jupiter in the year 2000 or 2005, what our relative position will be versus these other countries.

In fact, I had a Japanese delegation in to see me a couple weeks ago. I think every one of my colleagues knows how polite the Japanese always are: they do not want to offend. The leader of the delegation said to me, "Senator, I think I know one of the reasons why we are progressing so rapidly in technology and you are losing your scientific base and you have this big trade deficit with us." And I said "Well, go ahead, say it. You will not offend me." He said, "Well in our country we train engineers and scientists. In your country you train attorneys."

Then he pointed out to me that 80 percent of the world's attorneys are in the United States and there are more attorneys in the Washington, DC area than there are in all of Japan.

He makes a very good point. They are concentrating on science and technology. Unless we get back to basics and fund the National Science Foundation and train enough math and science teachers so they can teach the kids in the junior and senior high schools of this country chemistry and physics and algebra and geometry and trigonometry and calculus and those things, we cannot solve the trade deficit and the technology gap. In Congress, we cannot pass laws; we cannot produce protectionist legislation which will solve that problem unless we realize this is a much more fundamental problem, the whole technological and scientific base of this country.

Again, as much as I am pleased with the remarkable job the Senator from Maryland has done on this budget, it is inadequate. It shortchanges the future. It is eating our seed corn. I hope that in the next year or two we can turn this around so in some future Congress, like the Senator from Georgia, a Senator can stand on this floor and say thanks to those who were there in 1989 and 1990 for what they did, and those in 2005 and 2010 can talk about a little foresight, but I do not see very much of it right now.

I yield the floor.

Mr. BYRD. Mr. President, today we are considering H.R. 2916, the Veterans' Affairs and HUD, and independent agencies appropriations bill for fiscal year 1990. This measure provides necessary funding for the Department of Veterans Affairs, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the Environmental Protection Agency, the National Science Foundation, and other independent agencies, boards, commissions, offices, and corporations.

The bill as recommended by the Committee on Appropriations provides $67,175,046,978 for fiscal year 1990. The bill is $4,587,689,078 above the President's request and $2,031,096,978 above the House allowance. For the benefit of my colleagues, I note that $1,800,000,000 of the amount above the President's request and House allowance, is for the committee estimate of the funds requested for the "such sums" appropriation for the "Federal Savings and Loan Insurance Corporation resolution fund." This appropriation is provided pursuant to the savings and loan bailout legislation enacted earlier this year.

With respect to the 302(b) allocation, the bill, as recommended, is within budget authority and outlay ceilings.

I rise to commend Senator MIKULSKI, chairman of the subcommittee, and Senator GARN, ranking member, for their excellent work in accommodating the priorities of the Senate within the constraints of the budget agreement. Their work was greatly assisted by the cooperation of other colleagues on the subcommittee and on the full Committee on Appropriations. But may I emphasize again my compliments, and my thanks as well, with reference to the work that our managers have done.

Senator MIKULSKI is chairing the Subcommittee on Appropriations for the first time. This is her first appropriations bill to be brought to the floor. She has done a tremendous job dealing with the severe budget constraints that have been thrown in the path of her subcommittee, as has been thrown in the path of other subcommittees, which only have so much to go around.

She did not get the 302(b) allocations she would like to have had. Mr. GARN did not feel the allocations were sufficient. They both complained, but they recognized reality for what it is. They suffered the shortcoming and the shortfall of others in the allocations. Yet they took what they had to work with and they did the best they could do. They have come up with a really masterful piece of craftsmanship.

I admire their skill. Senator MIKULSKI is a new member of the Appropriations Committee. I have been on that committee now—this is my 31st year. She is one of the most valuable members of that committee. I like the way she has come in and supported the chairman. After all, we are trying to develop a committee that is a strong committee, one that can demonstrate some self-discipline. She is doing that. I am grateful that she is a member of that committee.

Senator GARN has been on the committee a long time. He speaks his mind. He speaks it forcefully. And usually, if not always, with great reason. After he speaks his mind, he recognizes that we have to go on and do our work.

We have only so much money to work with. We do not have enough to meet all of the demands. But we will do the best we can. That is his attitude as well as Senator MIKULSKI's, to do the best we can within what we have to do with.

So I compliment them and thank them on behalf of the Senate, and the American people who are served by this broad array of appropriations.

I also wish to commend the staff of the subcommittee, Kevin Kelly, Stephen Kohashi, Carrie Simmons, and Dona Pate, as well as Michelle Burkett, Sharon Whitlock, Laura Carew, and Mark Pine. These professionals have worked tirelessly to help to get this measure before us today. The managers have explained in much greater detail the contents of the measure as recommended to the

Senate. Mr. President, I will not attempt to review those highlights here so that we can get down to the business of considering and passing the bill. The bill as reported by the Appropriations Committee deserves the support of the Senate.

Again, with thanks and compliments to both of my managers, the ranking manager and the chairman, may I say with a little bit of additional admiration because she is serving for the first time as chairman, and my greater admiration for Senator MIKULSKI. She conducted hearings, conducted the marking up in the subcommittee, went to the full committee, explained her bill skillfully and well, and we seem to find demonstration of teamwork between these two managers. That bodes well for the future of the committee, for the subcommittee, and for the Senate.

So we are on our way, hopefully, to passing all of the 13 appropriations bills by the 1st of the new fiscal year. We have this week and next, and that is all.

As I say to my little dog Billy Byrd, when I feed him, I give him all that I have and I say "Billy, that's all. There ain't anymore."

So we have this week and next, and we go to the new fiscal year. We can still do it. Certainly, these two managers are trying.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first let me thank the chairman of the full Appropriations Committee, Senator BYRD, for his very kind and generous comments. I do not think we can move this bill without his help and his assistance.

As I said, within the constraints of the summit agreement, it is a very generous allocation to this subcommittee; not adequate, but far more generous than in previous years. And I thank my ranking minority member for the nice comments.

Mr. President, my ranking minority member and I need to confer on some other amendments that will need to be cleared. We are going to identify the noncontroversial amendments so we can continue to proceed with this bill.

Mr. MURKOWSKI. Mr. President, as ranking minority member of the Senate Committee on Veterans' Affairs, I am most pleased to rise in support of H.R. 2916, the proposed Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriations bill, 1990.

I commend Senators MIKULSKI and GARN, the chairman and ranking minority of that important subcommittee of the Appropriations Committee, for their outstanding work on this bill. They have worked hard to send to the floor of the Senate a reasonable bill.

Specifically, with regard to the proposed fiscal year 1990 appropriations for VA medical care, I note that the bill proposes to increase that account by $773 million over the President's request. The total for VA medical-care programs under this legislation is $11.5 billion. This is truly an extraordinary amount of money.

Some Members of Congress will argue that this is not enough. To those I say, we may never have enough to do all we would like. However, we must live within the fiscal realities which we face.

I thank the Appropriations Committee members for their fair treatment of VA programs as outlined in this legislation.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum so the ranking member and I may consult with each other.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 756

Ms. MIKULSKI. Mr. President, first, I have an amendment that I send to the desk and ask for its immediate consideration. It is technical in nature, and it corrects several more technical errors in the bill. It is noncontroversial. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 756.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 23, strike "$6,001,221,225" and insert "$6,001,221,525"

On page 28, line 10, strike "$449,149,000" and insert "$449,145,000"

On page 38, line 1, strike "$1,500,000" and insert "$1,200,000"

On page 38, line 12, strike "$1,752,000" and insert "$500,000"

On page 38, line 17, strike "proviso" and insert "provisos"

On page 45, line 2, strike " ". "

On page 78, line 15, after "United States" insert the following: *Provided further*, That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated for in conection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NUMBERED 757, 758 AND 759

(Purpose: To increase funding for the United States Court of Veterans Appeals and to provide for and fund an extension of the leave-transfer program for certain Department of Veterans Affairs health-care personnel)

Ms. MIKULSKI. Mr. President, I have a series of amendments that have been cleared on both sides on the aisle. I send these amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments en bloc numbered 757, 758 and 759.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of all those amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 757

Increase the sum appropriated for "DEPARTMENT OF VETERANS AFFAIRS, Medical Care" by $392,000.

Decrease the sum appropriated for "DEPARTMENT OF VETERANS AFFAIRS, Medical and Prosthetic Research" by $1,559,000.

Increase the sum appropriated for "COURT OF VETERANS APPEALS, Salaries and Expenses" by $1,000,000 and before the period at the end of that item insert ": *Provided*, That such sum shall be available without regard to section 509 of this Act: *Provided further*, That, of the funds provided under this heading, there shall be transferred to and merged with sums appropriated for 'DEPARTMENT OF VETERANS AFFAIRS, Medical and Prosthetic Research' such amount, not to exceed $1,000,000, as the Chief Judge of the Court of Veterans Appeals determines on or before July 1, 1990, to be excess to the needs of the Court during fiscal year 1990."

At the end of the bill, insert the following new section:

SEC. . The authority of the Department of Veterans Affairs in section 618 of Public Law 100-440 to operate a leave transfer program for employees subject to section 4108 of title 38, United States Code, is extended through December 31, 1989. The provisions of the final sentence of such section 618 shall apply to transferred leave that is unused as of December 31, 1989.

AMENDMENT NO. 758

On page 45, line 17, insert:

Of the funds made available by this Act for Annual Contributions for Assisted Housing, $896,000 shall be for projected-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project.

Amendment No. 759

At the appropriate place insert the following:

POLAND HUNGARY ENVIRONMENTAL ASSISTANCE

(a) *Provided further*, That of the funds appropriated for abatement control and compliance, up to $4 million is to carry out such educational, policy training, research and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments or public or private institutions in protecting the environment in Poland and Hungary.

(b) *Provided further*, That the Administrator shall cooperative with Polish officials and experts to:

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

(c) The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

Ms. MIKULSKI. Mr. President, these amendments deal with three items. The first is one from Senators Cranston and Murkowski over certain things with VA programs; the second is an amendment by Senator DeConcini that deals with an Indian housing issue in Arizona; and third, and not at all least, the Senator from Wisconsin [Mr. Kasten] offers an amendment to deal with EPA, assistance to Poland as part of our agreement. In fact, I wish to cosponsor that amendment, because it is part of the self-help initiative to Poland.

Mr. President, these amendments have been cleared on both sides of the aisle. They are meritorious in nature, and I ask that they be adopted.

U.S. COURT OF VETERANS APPEALS AND LEAVE TRANSFER EXTENSION FOR VA HEALTH-CARE PERSONNEL—AMDT. 757

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am proposing an amendment on behalf of myself and the committee's distinguished ranking minority member, Mr. Murkowski, to the fiscal year 1990 VA, HUD, and Independent Agencies Appropriation Act to achieve two purposes—first, to provide an additional $1 million in appropriations for the new U.S. Court of Veterans Appeals; and, second, to provide for and fund a 3-month extension, through December 31, 1989, of VA's temporary leave-transfer program for certain of its health-care personnel.

According to CBO, the 3-month extension of the leave-transfer program would cost $392,000. Thus, the total of the add-ons in this amendment is $1,392,000. As I will discuss more fully in a few moments, in order to make the amendment outlay-neutral, the appropriation would reduce the appropriation for VA's Medical and Prosthetic Research account—which in this bill is $10 million above the House level and $23.7 million above the administrative's request—by $1,559,000.

U.S. COURT OF VETERANS APPEALS

Mr. President, in legislation enacted last November, the Veterans' Judicial Review Act—Division A of Public Law 100-687—Congress established the U.S. Court of Veterans Appeals. Under that legislation, veterans will finally have the right to judicial review, in the new court, of VA decisions denying claims for benefits.

With the Senate's confirmation of two associate judges last Thursday and the earlier confirmation and appointment of the chief judge, the court will very soon be able to begin operations. Under section 401 of Public Law 100-687, the court was authorized to begin operations on September 1, 1989, but that provision of the new law also requires that three judges be appointed before the court begins operations, and the President did not nominate a third judge until September 6.

Under section 4053(a) of title 38, United States Code, four additional associate judges are authorized, but we have no clear indication from the White House on the timetable for submitting those nominations.

The original budget request for the court, submitted in the President's fiscal year 1990 budget, was for a fiscal year 1989 supplemental of $1,204,000 and for $1,462,000 for fiscal year 1990. Based on further analysis of the court's startup costs, the fiscal year 1989 Dire Emergency Supplemental Appropriations Act provided $3.1 million for the court for fiscal year 1989, with the funds to remain available through fiscal year 1990.

The House of Representatives included in the pending measure $3 million for the court for fiscal year 1990.

However, in a July 27, 1989, letter to the distinguished chairperson of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, Chief Judge Frank Q. Nebeker presented his request that the fiscal year 1990 appropriation be increased to $4,123,000.

Mr. President, I ask unanimous consent that a copy of the chief judge's letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Court of Veterans Appeals,
July 27, 1989.

Hon. Barbara A. Mikulski,
Chair, VA, HUD and Independent Agencies Subcommittee, U.S. Senate, Washington, DC.

Dear Senator Mikulski: In the past few months, as Chief Judge designate of the United States Court of Veterans Appeals, I have made efforts toward preparing a budget for FY 1990 for the new court. Since the court has no antecedent entity from which to anticipate staff and space demands, the budget process necessarily has been quite tentative. Indeed, it is not possible even now to know rental costs, as GSA is still looking for space to house the court. Likewise, other costs can only be estimated. It seems that only some salaries can be projected with certainty.

Despite this unique fiscal situation, the small staff I have chosen, along with many helpful people in other agencies and courts, have drafted a proposed budget for FY 1990. With the recently appropriated $3.1 million in the FY 1989 supplemental—which will carry into FY 1990—plus the $3 million in the House-passed 1990 budget, I now find that an additional $1.23 million will be needed.

I am concerned that those as fiscally conservative as I may think I have abandoned my ways. I assure you this is not the case. My needs for the court spring from the fact that it has no predecessor. Therefore, everything must be acquired new—from furniture and electronic equipment to a court seal. I have estimated the cost of many things from the cost of recent purchases here at the Office of Government Ethics. I assure you that funds will not be expended beyond what is necessary for court "start-up" and operation. Given the size of the court and the fact that it is without historical precursor, I respectfully submit that an additional $1.23 million for FY 1990 leaves the budget within reasonable limits. I recognize that many of the purchases will not recur and that next year the budget may be much less.

Attached is a draft budget which is about as close as I can get given the need to make estimates. I find it exceeds by about $1.23 million the $6.1 million presently available and planned. I will be happy to do whatever else is appropriate to justify this request.

Sincerely,

Frank Q. Nebeker,
Chief Judge.

U.S. COURT OF VETERANS APPEALS BUDGET PROJECTIONS

[Fiscal year 1989–1990, July 27, 1989]

	1989 Budget estimate	1990 Budget estimate	Combined totals
11 Personnel compensation salaries PFT	105,000	2,862,274	2,967,274
Sub-Tot personnel comp	105,000	2,862,274	2,862,274
12 Benefits	20,600	590,000	610,600
13 Incentive awards	0	20,000	20,000
21 Travel	7,650	100,000	107,650
22 Transportation	0	15,000	15,000
23 Rent, Comm, and utilities:			
Rent/buildout	68,000	1,835,000	1,903,000
Telephone	18,000	40,000	58,000
FTS	1,000	20,000	21,000
Postage	800	35,000	35,800
Messenger service	300	1,200	1,500
Printing	1,000	13,000	14,000
Copier service	2,000	25,000	27,000
Reproduction	600	5,000	5,600
Subtotal	91,700	1,974,200	2,065,900

U.S. COURT OF VETERANS APPEALS BUDGET PROJECTIONS—Continued

[Fiscal year 1989–1990, July 27, 1989]

		1989 Budget estimate	1990 Budget estimate	Combined totals
25	Other Services:			
	Contract Service	4,700	60,000	64,700
	Postage meter	400	1,000	1,400
	Guard	4,500	76,000	80,500
	Consultants	6,100	40,000	46,100
	USDA/NFC service	0	100,000	100,000
	Training	1,800	25,000	26,800
	Maintenance	0	3,000	3,000
	Subtotal	17,500	305,000	322,500
26	Supplies	5,000	18,000	23,000
31	Equipment:			
	ADP/PC's	60,000	460,000	520,000
	Postage equipment	8,800	0	8,800
	Fax machine	3,000	0	3,000
	Recording equipment	0	5,000	5,000
	Typewriters	1,400	4,200	5,600
	Power files	17,000	8,600	25,600
	Res. Cmp. terminals	6,000	5,000	11,000
	Lectern/bench/table	10,000	15,000	25,000
	Furniture	40,000	253,500	293,500
	Lib. books/periodical	100	197,000	197,100
	Security devices	0	100,000	100,000
	Subtotal	146,300	1,048,300	1,194,600
	Total estimated costs	393,750	6,932,774	7,326,524

Mr. CRANSTON. Mr. President, unfortunately the subcommittee was unable to provide the funds requested by the chief judge and, in a September 13 letter to me, he stated that it is "absolutely essential" that an additional $1 million be appropriated to the court for fiscal year 1990.

In that letter, the chief judge candidly acknowledged that it is impossible at this point to estimate reliably the caseload that the new court will have. However, he noted that, based on his very recent consultations with the Administrative Office of the U.S. Courts, he is now convinced that his original projections of nonjudicial staffing needs for the court was substantially too low. Thus, he noted his expectation that any reduction in costs resulting from the current delay in the nominations to fill the four remaining judicial posts will be more than offset by the funding requirements for nonjudicial personnel.

Mr. President, I ask unanimous consent that a copy of the chief judge's September 13 letter to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. COURT OF VETERANS APPEALS,
September 13, 1989.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: You have requested my reaction to the fact that the Budget Subcommittee has cut my $4.3 million budget request for the United States Court of Veterans Appeals for Fiscal Year 1990 to $3 million. For the reasons outlined below, I view it as absolutely essential that an additional one million dollars be restored to the FY 1990 budget for the United States Court of Veterans Appeals.

Although no one can predict with any certainty the court's caseload, the best estimates we have received indicate that the minimum annual caseload for the court will be 5,000 cases. Given the attention attendant to the creation of the court, we expect that there will be an initial surge of cases well over the present estimate, although that influx may well taper off in time. During our consultations with the Administrative Office of United States Courts ("AO") to establish appropriate staffing and salary levels in accordance with 38 U.S.C. § 4081(d), enacted August 16, 1989, we have learned that our original projection of non-judicial staffing needs for the court was too low. With the court's minimum expected caseload, we will need to start with a staff of at least 75 non-judicial personnel to ensure the effective operation of the court. If the caseload climbs as high as 10,000 cases per year, the AO anticipates that we will require a staff of 142 non-judicial personnel.

While I perceive no immediate need to build a non-judicial staff of 100 or more personnel, I am convinced from our consultations with the AO that our original staffing plan of 52 non-judicial personnel was substantially too low and that we must have 75 such positions at a minimum to make the court operational. Moreover, because our need for non-judicial personnel is substantially higher than we originally projected, any money saved by the calendar delay in qualifying four additional associate judges and their staff will be more than offset by the greater need for such personnel. Accordingly, I strongly urge that one million dollars of the court's FY 1990 budget request be restored to the budget so that the court can service the litigants and the public in the manner anticipated by Congress and due our veterans.

I reiterate my commitment that if these estimates of personnel and budgetary needs, and of necessity they must be estimates, are in excess of actual need, there will be no effort to expend the surplus monies simply to justify the court's appropriation. I recognize the seriousness of the budget dilemma, but it is my duty to prevent a short fall resulting in closing down the new court in its first year of operation.

One additional request seems at this point to be particularly appropriate. The appropriation for the court contained in the supplemental FY 1989 budget wisely permitted the use of the entire amount of appropriated funds without restriction to an earmarked "personnel/benefits" function. The same provision, I submit, is necessary for the court's FY 1990 appropriations. Such leeway will permit the court to acquire the requisite experience before traditional restrictions are imposed.

I appreciate this opportunity to offer my comments on the court's budget requests and concerns.

Sincerely,

FRANK Q. NEBEKER,
Chief Judge.

Mr. CRANSTON. Mr. President, I strongly believe that the Congress should make certain that the modest amount necessary for the efficient operation of the new court is provided.

Many of us in the Senate and elsewhere worked very hard for more than a decade to provide veterans with the opportunity for judicial review of VA denials of their claims for benefits. In the historic agreement that the House and Senate Committees on Veterans' Affairs reached last year, which resulted in the enactment of Public Law 100-687, judicial review was finally provided for in the form of this new court.

This new court must have the congressional support that, on behalf of the veterans appealing to the court for justice, it so fully deserves. We must not allow the court to be hobbled by an inadequacy of resources that, in the very first year of its operation, could result in undue and unfair delays.

Our amendment would help to ensure that the court gets off to a good start as a first-class tribunal prepared and equipped to provide in a timely fashion the independent review of their claims that veterans were for too long denied.

Mr. President, as I have previously indicated—and as Chief Judge Nebeker acknowledged in his letter to me—there is some chance that something less than the full $1 million that our amendment would provide would ultimately be needed. In that eventuality our amendment provides for the chief judge to make a determination by July 1, 1990, as to any portion of this additional $1 million that is excess to the court's needs in fiscal year 1990. Any such excess would be restored to VA's medical and prosthetic research account.

Mr. President, Chief Judge Nebeker, in his September 13 letter to me, also urged that the fiscal year 1990 appropriation for the court not be subject to the provision in the pending measure, section 509, generally precluding any part of an "appropriation contained in this act for personnel compensation and benefits" being used for any other object classification. In this regard, he aptly noted that the new court has no experience on which to base with any assurance of reliability estimates of personnel versus nonpersonnel costs. Given the relatively informal nature of the request underlying the House-initiated increase and the increase that our amendment would make, it is not clear whether section 509 would actually apply to the amounts provided in these increases—in terms of the intended breakdown between personnel and other object classifications. As a cautionary matter, however, our amendment would make section 509 inapplicable to the court's fiscal year 1990 appropriations in order to provide the court with maximum flexibility in using the available funds in its startup year.

TITLE 38 HEALTH-CARE PERSONNEL LEAVE TRANSFER EXTENSION

Mr. President, under section 618 of Public Law 100-440, the fiscal year 1989 Treasury-Postal Service Appropriations Act, VA has temporary authority, during fiscal year 1989, to conduct a leave-transfer program which allows VA's title 38 employees—primarily physicians, dentists, podiatrists, optometrists, and nurses—to transfer their unused accrued annual leave to other title 38 VA employees who need such leave due to a personal emergency. Such a temporary authority had also been available to title 5 employees of all Government agencies—including VA—when, on October 31, 1988, Congress enacted, in Public Law 100-566, a 5-year leave-transfer program for title 5 employees. This authority, in subchapter III of chapter 63 of title 5, requires the Office of Personnel Management [OPM] to establish a program under which annual leave accrued or accumulated by a specific Federal employee may be transferred to the annual leave account of another specific Federal employee for the purpose of assisting the receiving employee during a time of medical emergency. Subchapter IV of chapter 63 also requires OPM to establish during the 5-year period a leave-bank demonstration project under which employees may voluntarily transfer annual leave to a leave bank from which annual leave may be made available to an employee needing such leave because of a medical emergency.

Although the fiscal year 1989 Treasury-Postal Service Appropriations Act authorized a temporary leave-transfer program for VA title 38 employees, that provision will expire on September 30, 1989, and, due to an oversight, VA title 38 employees were not included in the 5-year program enacted in Public Law 100-566 that I just described.

S. 13, the proposed "Veterans Benefits and Health Care Act of 1989," which the Veterans' Affairs Committee unanimously reported favorably on September 13 includes a provision—section 262—which would require VA to establish a leave-transfer program patterned, to the maximum extent feasible, after the title 5 program. The administration had officially transmitted proposed legislation, which I introduced by request as S. 899 on May 2, to extend VA's title 38 authority for 5 years. The House passed the administration-requested provision in section 106 of H.R. 901.

Section 262 of S. 13 as reported would require the Secretary to establish, or enter into an agreement with OPM to participate in, a leave-transfer program for health-care professionals employed under title 38 such as that provided for in title 5, and provide the Secretary the authority to establish, or enter into, an agreement with OPM to participate in, leave banks for these health-care employees.

I believe that leave sharing is a very helpful and humane means of assisting employees during difficult personal times. Additionally, because many employees do not have the necessary accumulated leave to see them through these crises, they frequently are forced to resign or take leave without pay.

It is now clear that S. 13, a 175-page omnibus measure, will not be enacted by September 30. Therefore, I am seeking to include in the VA-HUD appropriations bill a 3-month extension of VA's temporary authority for the title 38 employees. The enactment of such a provision would give our committee sufficient time to seek the enactment in this Congress of a long-term leave-transfer authority without a disruptive hiatus in the program.

OUTLAY OFFSETS

Regarding the funding aspects of the amendment, I note that the proposed $1 million increase in the Court of Veterans Appeals appropriations would result in outlays of $855,000 in fiscal year 1990, based on CBO's 85.5-percent outlay rate for this account. To offset that outlay cost by a reduction in VA's medical and prosthetic research account, to which CBO applies a 76-percent outlay rate, requires a $1,118,000 reduction in the appropriation to that account.

The leave-transfer-amendment increase of $392,000 in VA's medical care account—the amount CBO estimates is needed for the 3-month extension—would result in outlays of $337,000 in fiscal year 1990, based on CBO's 85.5 percent outlay rate for that account. To offset those fiscal year 1990 outlay costs, the amendment would reduced the appropriation to VA's medical and prosthetic research account by $441,000—the amount CBO estimates is necessary to produce a $337,000 reduction in fiscal year 1990 outlays in that account as a result of the lower outlay rate, 76 percent, for the research account.

CONCLUSION

Mr. President, I thank the distinguished chairperson, Ms. MIKULSKI, and ranking minority member, Mr. GARN of the VA, HUD, and Independent Agencies Subcommittee for their excellent cooperation on this matter and urge all of my colleagues to support this amendment.

GANADO ACRES PROJECT—AMENDMENT 758

Mr. DECONCINI. Mr. President, My amendment authorizes by bill language the HUD Secretary to allocate 30 section 8 certificates from his discretionary section 8 fund to Ganado Acres, a very special 55 unit community-owned housing project on the Navajo Reservation. I want to thank Senator MIKULSKI for her willingness to accept this langauge.

Without this action we would have allowed HUD to misspend nearly a million dollars, and unfairly treat both the Navajo people and its guarantor on this sorely needed housing project. My staff has attempted for months to iron out this problem with HUD to no avail. We are taking this step as a last resort because the success of this project depends on section 8 assistance.

The bill langauge has no budget impact because it is simply allocating certificates already provided for in the Appropriations Act. It will enable low income Indians to rent housing units that were intended for low-income families, but which, because of bureaucratic ineptness, are now only affordable by families earning over $20,000.

Ganado Acres is owned by the Ganado Community Development Corp., a coalition of community groups in a small town on the Navajo Reservation. They are the first and only Indian recipients of a HUD housing opportunity grant or HODG. With virtually no resources and just old-fashioned determination they obtained the grant, which provided about 33 percent of the cost of the first combined low- and middle-income housing project on the reservation. They then persuaded Aetna Life Insurance to loan them the remaining two-thirds, persuaded the Navajo Tribe to lease land for the project at a minimal cost, and persuaded Apache County to serve as the grantee. The construction is 90 percent completed. In sum, this little community has overcome high obstacles to make their projects a reality.

The only thing Ganado did not plan for was the bureaucracy's ability to complicate and confuse. When applying for the HODG they were forced by HUD to use an artificially high definition of a low-income family than was developed to make public housing more accessible to Indians. But when this artificially high standard was applied to the HODG program, it allowed only families earning over $23,000 to afford a low-income three bedroom unit without paying more than 30 percent of their income in rent. This is in a community where the median income is under $12,000. The Ganado community knew this but felt they could get the rents lower by syndicating the project, using the low-income tax credits coupled with this high definition of low income. However, when they tried to do this, HUD switched the definition of low-income family on them, forcing Ganado to use a completely different standard that made the low-income tax credit program unfeasible.

Thus, the rents for the low-income units remain out of the reach of truly low income people, for no other reason than that the community got trapped by HUD's switching of the definition of low income. After communicating with HUD and getting no satisfactory solution, I have concluded that the only way I presently know to correct this problem is for Congress to direct section 8 certificates from the Secretary's discretionary fund to this project. HUD already has a program to direct certificates to specific projects in distress, so there is nothing unprecedented about this. The only thing unique about it is that the reason the project is in distress is solely attributable to bureaucratic inconsistency.

This amendment will alleviate the difficult circumstances now facing the project. Again, I want to thank the committee for its assistance with this project which is critical to the residents of Ganado, AZ, on the Navajo Reservation.

AMENDMENT NO. 759

Mr. KASTEN. Mr. President, today I have offered along with the distinguished subcommittee Chair Senator MIKULSKI, an amendment to establish essential environmental management programs in Poland.

This amendment will create both air and water quality programs for Poland and seek the establishment of a cooperative environmental program with Hungary. The amendment provides specifically for the establishment of air quality monitoring network and the enhanced management of a drinking water program for Krakow.

Poland has some of the most severe environmental problems of all of Europe. Both the air and water quality problems are notorious.

The air quality in many of the urbanized parts of Poland are so severe that they pose not only health and safety problems for man and nature, but also threaten the cultural antiquities of that nation. Artifacts that have survived two world wars and numerous insurrections are being lost to corrosive air pollution.

Water quality in Poland is so bad that as much as a third of the surface water cannot even be used for industrial purposes. There are immense health problems as well.

To combat these problems, the President proposed the establishment of this assistance program. It has the support of the President and EPA Administrator Reilly.

The United States will gain immeasurably through this program. Our environmental managers will be exposed to problems in Poland and Hungary that they are not likely to experience in the United States. Tremendous technical benefits will come to the United States.

I believe this amendment has been cleared on both sides, and I move its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendments (Nos. 757, 758, and 759) were agreed to.

Ms. MIKULSKI. I move to reconsider the vote by which the amendments were agreed to en bloc.

Mr. GARN. I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 760

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 760.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 22, insert before the last "." the following: ": *Provided further*, That none of the funds made available by this or previous acts making appropriations may be expended for the purpose of conducting any proceeding or taking any other action concerning enactment and implementation of section 130A-295.01 of Aricle 9 of the North Carolina General Statutes if such proceeding or action may result in the withdrawal of the authorization for North Carolina to conduct a hazardous waste management program pursuant to subtitle C of the Resource Conservation and Recovery Act or a determination that such program is inconsistent with Federal requirements: *Provided further*, That the Administrator of the Environmental Protection Agency shall report to the Congress not later than September 30, 1990 on any statutory changes which he may recommend to the Resource Conservation and Recovery Act to assure adequate national capacity to treat and dispose of hazardous waste".

Mr. DURENBERGER. Mr. President, the amendment I am offering applies to the EPA portion of this appropriation bill. For some time now the Environmental Protection Agency has been conducting hearings in North Carolina to determine whether the authorization for that State to operate a RCRA hazardous waste program should be withdrawn.

This amendment would prohibit the use of any funds available under this legislation to continue that proceeding. The purpose of this amendment is to support the North Carolina statute and the right of North Carolina to have a hazardous waste program more stringent than Federal regulations. It denies EPA the use of funds to overturn the North Carolina law.

In 1987, North Carolina adopted a statute regulating commercial hazardous waste treatment facilities. That statute is more stringent than the Federal RCRA Program. It requires that discharges of treated wastes from commercial hazardous waste facilities be diluted a thousandfold in the receiving waters. It meant that one particular facility in North Carolina to be built near Lumberton could not be operated as planned.

The owners of the proposed Lumberton facility went to EPA and asked them to intervene against the North Carolina law. They argued that the law interfered with interstate commerce in waste. And EPA did intervene. More stringent State laws are permitted under RCRA, but EPA argued this law was so unreasonable as to be a barrier to safe treatment of hazardous waste. EPA expressed concern that there might not be adequate national capacity to treat and dispose of hazardous waste, if every State put up the kinds of barriers North Carolina had proposed.

EPA lobbied against the bill in the North Carolina Legislature. Then after it was passed, EPA announced that it was commencing proceedings to remove North Carolina's delegated authority to operate a hazardous waste program under subtitle C of RCRA.

Those proceedings involve a series of hearings before an administrative law judge. EPA and the treatment industry are on one side of the table. North Carolina, the community of Lumberton, and some national environmental groups are on the other. If those proceedings find the North Carolina statute inconsistent with the Federal RCRA program, the statute will be overturned and the waste facility as originally proposed may be built.

This amendment would halt the hearings before any final determination could be made. It is limited in its scope only to the North Carolina statute which requires dilution of hazardous waste when discharged to a river above a drinking water intake. Other statutes that might be adopted by North Carolina or other States to ban the importation of waste are not protected. I agree that capacity can be a concern. But I disagree strenuously with EPA's decision to pursue that issue in the context of this State law.

I ask that the Senate adopt this amendment for several reasons.

First, EPA does not have the authority under RCRA to take this action. RCRA specifically authorizes more stringent State programs. It does so as the result of an amendment made by the Senate in 1980 and sponsored by Senator BUMPERS on behalf of an Arkansas community having similar problems. North Carolina was acting within its rights as Congress had intended.

Second, if EPA should succeed in overturning the North Carolina law many States will feel the chilling effects as they consider legislation to toughen their own hazardous waste statutes. Regional EPA officials have lobbied aggressively against a variety of State proposals.

Third, EPA has the authority to deal with any legitimate concern for hazardous waste capacity under a provision added to Superfund and sponsored by Senator CHAFEE. It requires each State to assure EPA that it has adequate capacity to treat and dispose of its hazardous waste for the next 20 years. If the assurance cannot be made, then the State losses access to Federal Superfund cleanup dollars. Any concern that EPA has about the North Carolina hazardous waste program and its capacity to deal with the wastes generated in North Carolina should be addressed under the Superfund provisions. That program, not RCRA, is the proper place to raise the issues which brought EPA into this case.

Fourth, even if one accepted EPA's interpretation of RCRA and believed this hearing had a valid foundation, the North Carolina statute does not bar the importation of hazardous waste. The Lumberton facility, as originally designed, could have been built at several other locations in North Carolina and a modified design with smaller discharges could have been operated in the same location now proposed.

North Carolina is within its rights and has enacted a carefully drawn statute to protect the health of its citizens. EPA should not be forcing the State to expend significant sums to defend this law in a Federal hearing.

Members of the Senate Environment Committee have been involved with EPA on this issue for many months. When the hearings were first proposed we wrote to Lee Thomas, who was the Administrator at that time, and asked him to cancel the hearings. He postponed the actual proceeding and appointed a task force which met with all interests to look at the questions of capacity, consistency, and public health protection under State law.

And the task force recommended that the proceedings be canceled. The task force found that RCRA could not be used in this way. They noted that the Superfund capacity assurance program was designed to deal with these issues. And they found that there was no national capacity crisis which required the urgent concerns that had motivated EPA in the North Carolina case. In August of last year, Mr. Thomas canceled the hearings and most of us believed that was the end of the story.

But when the new administration came in, the industry was back lobbying to have the hearings restarted. And they were. After several communications between members of the Environment Committee and EPA, I have decided that this formal prohibition is necessary to make our views on the intent of RCRA and its applicability to this case clear.

Mr. President, perhaps a more thorough chronology of the events leading up to this amendment would be useful to the Senate at this time.

In 1985, the GSX Corp. proposed building a $24 million hazardous waste treatment plant in North Carolina. The plant would process waste from a GSX landfill in South Carolina that was to be cleaned up because of leaks. It would also process other hazardous waste including 300 different chemical substances discharging 500,000 gallons per day of treated hazardous waste to a POTW and subsequently to the Lumber River 30 miles above the intake for a drinking water system serving 23,000 people.

In 1987, the State of North Carolina enacted a statute applicable to facilities taking hazardous wastes for a fee and discharging above a drinking water intake. It required that the river flow provide a 1,000-fold dilution factor for any such discharge. The Lumber River at low flow cannot provide a 1,000-fold dilution for 500,000 gallons per day so the proposed GSX facility is not in compliance with the statute. A facility located below the drinking water intake, a facility located on a larger river or a facility discharging only 72,000 gallons at this location per day could satisfy the statutory requirements.

At the request of GSX and the hazardous waste treatment industry, EPA Region IV became actively involved in opposing the bill while it was under consideration by the North Carolina Legislature. The Governor also opposed the bill, but has no veto authority in North Carolina. The bill contains a provision repealing the statute, if it is found to be inconsistent with the Federal RCRA Program.

After the statute was passed, EPA scheduled hearings under an administrative law judge to determine whether the statute is inconsistent with RCRA. A State program may be found inconsistent, if it is not based on health or environmental concerns. If it is found inconsistent, EPA may withdraw the State's authority to operate a delegated hazardous waste program. In this case, the North Carolina statute also falls. EPA Region IV is asking that the North Carolina law be overturned, because the regional office believes it interferes with the siting of necessary hazardous waste facilities. The Region IV Administrator, who would otherwise be the decisionmaker in the case, has removed himself from the further involvement.

In early 1988, the leadership of the Senate Environment and Public Works Committee asked Lee Thomas, then Administrator, to discontinue the proceedings against the North Carolina program. The committee asked that Mr. Thomas appear at a hearing. Mr. President, I ask unanimous consent that a copy of the letter from the committee to Mr. Thomas be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, January 22, 1988.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: The Agency has recently initiated an expedited proceeding to withdraw North Carolina's authority under the Solid Waste Disposal Act (RCRA). Normally we concur with expedited determination by the Agency when the drastic step of State program withdrawal is deemed necessary, but in the case of the North Carolina program, we have a number of concerns. Fundamental questions of legal authority and basic fairness require your immediate personal attention prior to the Agency undertaking any further steps towards withdrawal of the State's delegated authority.

The proceeding under way to withdraw the State of North Carolina's RCRA program authority is in violation of the law. Section 3009 states, "Nothing in this title shall be construed to prohibit any State of political subdivision thereof from imposing any requirements, including those for site selection, which are more stringent than those imposed by such regulations." The clear intention of Congress in drafting this section of the law was to assure the right of a given State to go beyond the Federal law in order to meet the specific environmental or other requirements deemed necessary by such State. the State of North Carolina is clearly acting within the intent and reading of the statute in the adoption of a specific State standard. There is, in fact, no basis for the Agency's current action.

It is our understanding that rather than relying on the State stringency requirement in Section 3009, the Agency is utilizing a reading of the State program authorization provision under Section 3006. The Agency is reading the consistency requirement in this provision of the law in contravention of the constraints placed on the entire title by the State environmental protection provisions of Section 3009. The State should not be required to choose between more stringent requirements and State authorization. Section 3009 guarantees that no State will have to make that choice.

While the Agency's legal interpretation of Section 3006 is troubling, a number of other implementation concerns are raised by these proceedings that also require attention. The law requires integration of RCRA with other Federal statutes, to the maximum extent practicable, under section 1006(b). Specific reference is made in the law to the Clean Water Act and the Safe Drinking Water Act. Legitimate environmental concerns have been expressed regarding the Agency's policy on the location of hazardous waste treatment facilities upstream of public water supply facilities; the siting of facilities above high water table areas; and the failure to consider facility permits in conjunction with water effluent discharge permits and associated pretreatment requirements. What is the Agency's policy in regards to integration with other Federal statutes; what steps have been taken to implement this policy; and what specific consideration was given to the above referenced environmental factors in the consideration of treatment facility permits in North Carolina?

We request that your immediate attention be given to the concerns raised in this letter. In order to assist in the evaluation of this important issue, you are requested to provide the Committee with the information requested in Attachment A by January 29, 1988.

The Committee is planning to conduct a hearing to investigate the State implementation of the hazardous waste provisions of RCRA shortly after the beginning of the second session. You are requested to testify at that hearing specifically to discuss the basis for the Agency's action in regards to North Carolina as well as other State implementation issues. We look forward to working with you on this and other important waste issues as part of the Committee's reauthorization of RCRA.

Sincerely,

MAX BAUCUS,
QUENTIN N. BURDICK,
GEORGE J. MITCHELL,
U.S. Senators

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 16, 1988.

MEMORANDUM

Subject: National Review of RCRA and CERCLA Application to Waste Management Capacity Issues.

From: J. Winston Porter, Assistant Administrator.

To: Lee M. Thomas, Administrator.

For the past several months we have had an EPA task force investigating the issues of state legislative barriers to hazardous waste management facilities or practices. This task force has been co-chaired by Bruce Weddle of OSW and Dan Beardsley of OPPE. Other members have included Tom Devine, Tina Kaneen, Louise Wise, Harless Benthul (Region VI), and Jim Scarbrough (Region IV).

The specific charge to the task force was to investigate the potential use of RCRA state program withdrawal and/or the CERCLA 104(c)(9) state capacity certification as tools to deal with inappropriate state or local legislative barriers to hazardous waste management.

The task force has now completed most of its work. Therefore, I wanted to pass along their major findings, as well as my own initial recommendations. Specifically, I will outline the key options investigated, the major findings of the task force, and, finally, my policy recommendations.

OPTIONS CONSIDERED

The task force, following a series of sessions with representatives of the regulated community, states, national environmental groups, congressional staff, and local citizen groups, considered a number of options to address the issue of state legislative restrictions. These options are as follows:

1. Continue to use the state RCRA authorization process in conjunction with the CERCLA capacity certification process. That is, begin RCRA program withdrawal proceedings against states which enact legislation which is inconsistent with the national RCRA program.

2. Restrict the potential use of RCRA state program withdrawal to only very limited, egregious violations of RCRA consistency. Examples would include failure to use the Uniform Hazardous Waste Manifest Form, and restrictions on interstate movement of wastes. The CERCLA capacity certification process would be the major federal tool to ensure adequate state waste management capacity.

3. Inititate rulemaking to more clearly identify when EPA should use the RCRA state authorization process to address the legislative barriers issue.

TASK FORCE FINDINGS

While the task force has not yet reached a consensus recommendation it has developed a number of preliminary findings, including:

It will be increasingly difficult for EPA to determine the difference between a state's "consistency" with the national RCRA programs, and the state's ability to be "more stringent" than the national program.

While the threat of RCRA program withdrawal may be a useful tool to achieve RCRA consistency, EPA has neither the means nor the desire to operate a number of RCRA state programs.

The CERCLA capacity certification process offers a clear statutory tool through which EPA can see that a state has sufficient capacity to manage its own hazardous wastes, and to cooperate with other states in these endeavors.

RECOMMENDATIONS

Under RCRA two of our goals are to have the States, rather than EPA, run the delegated RCRA program, and to ensure that facilities which handle hazardous waste do so in an environmentally sound manner. The use of program withdrawal authorities under RCRA is not the most effective means to attain those goals. The process under the CERCLA capacity certification provision, on the other hand, is compatible with both goals. the CERCLA process also allows us to consider other state programs that affect hazardous waste management capacity. For example, a state's approach to encouraging waste minimization may affect state siting and capacity planning.

Therefore, I recommend that we use the CERCLA capacity certification process as the primary vehicle for addressing capacity issues under RCRA and CERCLA. I further recommend that RCRA program withdrawal remain available to address those situations, where a state refuses to use the Uniform Hazardous Waste Manifest Form, or where a state bans the movement of wastes between states, or in certain other very limited cases.

As noted in my letter of January 6, 1988 to the Governors, key elements of the CERCLA certification are expected to include: (1) an understanding of the state's waste management system, (2) a waste minimization program, (3) an examination of the impact of legislative barriers on waste management facilities and practices.

In summary, I would like for us to work cooperatively with the States to develop necessary waste management capacity, and to make it clear that the required CERCLA capacity certification will be considered very seriously by EPA.

The task force intends to formally present their findings and recommendations to you within the next two weeks. In the interim, please let me know if you have any questions or comments.

Mr. DURENBERGER. Before the hearing could occur, Mr. Thomas acted to postpone the hearings and appointed a task force of EPA and State officials to look at the hazardous waste capacity issues raised by the North Carolina law and recommend a course of action.

The task force made its findings in the summer of 1988. It found that the country is not currently experiencing any hazardous waste treatment capacity problem. It further determined that RCRA is not the appropriate statute to address the issues raised by the North Carolina law. Superfund includes a capacity assurance program which requires each State to demonstrate 20 years of capacity to handle hazardous waste. The task force recommended that EPA's concerns be pursued under Superfund rather than RCRA. Subsequently, Mr. Thomas suspended the North Carolina proceedings.

Mr. President, I ask that a copy of the findings and recommendations of the task force be included in the RECORD at this point.

In April 1989, and after several meetings with industry lobbyists, EPA's new Administrator ordered that the proceedings against North Carolina be restarted. As a result an administrative law judge has been holding hearings over the summer and fall to examine the purposes and effect of the North Carolina law applying to commercial hazardous waste facilities.

Mr. President, I ask unanimous consent that two letters signed by various leaders in the environmental community be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL POLICY INSTITUTE,
Washington, DC, January 28, 1988.

Hon. LEE M. THOMAS,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: We the undersigned environmental organizations urge you to seriously reconsider and halt the action which has been initiated by EPA Region IV to rescind the State of North Carolina's Resource Conservation and Recovery Act authority.

The basic principle of Federal environmental law at issue in the North Carolina proceeding is one which is well established and, in our view, fundamental not only to RCRA but also to other environmental and public health protection programs. Federal environmental law and regulations are to provide a minimum floor of protection for all citizens, regardless of place of residence. State programs may not fall below this floor, but they may improve upon it.

As you well know, this principle is specifically spelled out in the RCRA statute by the Bumpers amendment which states:

"Nothing in this title shall be construed to prohibit any State or political subdivision thereof from imposing any requirements, including those for site selection, which are more stringent than those imposed by such regulations."

In the case of North Carolina, EPA disregards this mandate and argues against a more stringent state law with allegations that a restriction on certain hazardous waste treatment facilities discharging to stream segments designated for public drinking water supply is "inconsistent" with the federal RCRA program.

We are greatly troubled that EPA has decided to press this allegation in spite of the fact that more stringent requirements are specifically protected from preemption and in spite of the fact that the North Carolina law clearly does not act as a bar to the transport, storage, treatment or disposal of out-of-state hazardous waste. EPA appears, in fact, to be so set on satisfying the needs of a particular industry that it also chooses to ignore the fact that the State of North Carolina has embarked on a concerted effort to site a state-owned hazardous waste treatment facility and the fact that the State is among the nation's leaders in waste reduction efforts.

Region IV's action in this matter, as well as EPA's efforts to derail other state efforts to more tightly control the handling of hazardous waste, indicate to us that EPA has adopted a misguided and distorted view of the priorities inherent in the Federal RCRA program.

The paramount purpose of RCRA is protection of human health and the environment. These interests, not the economic interests of particular waste handlers, should be the focus of EPA's regulatory efforts.

As a rationalization for a clearly erroneous reading of RCRA, we have heard the argument that EPA is motivated by concern for assuring adequate waste treatment capacity. We, of course, share the legitimate concern that hazardous waste treatment capacity be available in order to prevent illegal and environmentally unsound disposal practices, including land disposal of hazardous wastes.

However, we strongly recommend to you that the answers to the capacity questions are not to be found in EPA's riding roughshod over state regulatory efforts. Certainly, EPA understands that public confidence in the Federal regulatory program is not high and can be even further diminished by situations such as this. Under current circumstances, the successful siting of facilities clearly depends upon state efforts to enhance the regulatory framework to protect public health and the environment.

As you well know, the states have been directed, under authority of Superfund, to develop plans for addressing hazardous waste capacity needs. It seems fully reasonable to expect that those plans will vary in approach and could work in concert with a whole variety of siting and other restrictions which are more stringent than the Federal RCRA requirements. With the action in North Carolina, however, EPA seems to have signaled that it will prejudge the usefulness of those plans.

EPA's message to the states appears to be that each state must plan to accept facilities of the size, treatment approach and location chosen by potential RCRA permittees. In other words, under EPA's approach, the hazardous waste management industry, not the states, are placed in charge of hazardous waste planning.

Finally, we must speak to another erroneous assumption which appears to underlie EPA's thinking in this matter. EPA appears to take the position that the scrutiny of a state's RCRA regulatory framework that naturally arises once an application has been received should be disallowed. We disagree. Many important environmental and public health issues are frequently not recognized and not considered until after a RCRA application has been received. Thus, the states must retain their authority to make necessary modifications to protection programs after receipt of applications.

If, in fact, the Agency holds to this convoluted "grandfathering" policy, then it appears to us that EPA has decided, unlawfully and unwisely, to deny the citizens and elected officials who are most directly affected by the siting and operation of hazardous waste treatment facilities the opportunity to make needed improvements in the programs upon which their safety and peace of mind will depend.

Again, we urge you to halt the proceeding involving the State of North Carolina.

Thanking you for your consideration of this request, we are

Sincerely,

Velma M. Smith, Environmental Policy Institute; Bill Walsh, U.S. Public Interest Research Group; David Baker, Friends of the Earth; Carol Dansereau, Environmental Action; Susan Boyd, Concern, Inc.; Eric Draper, National Campaign Against Toxic Hazards; A. Blakeman Early, Sierra Club; David Zwick, Clean Water Action Project; Jane Bloom, Natural Resources Defense Council; David Dickson, Izaak Walton League; Ann Strickland, National Auduban Society.

APRIL 20, 1989.

Hon. William K. Reilly,
Administrator,
Environmental Protection Agency,
Washington, DC.

DEAR MR. REILLY: We have just learned of an EPA decision which, if taken to its expected conclusion, would sadly reverse one of the few correct environmental decisions made by the Reagan administration.

The cause of our concern is EPA's announced intention to "restart" the proceeding to rescind the Resource Conservation and Recovery Act authority of the State of North Carolina. We believe that decision is a grave misjudgment that will have significant political and resource ramifications for the Agency.

As seen from the attached letter from national environmental organizations to former-Administrator Lee Thomas, we firmly hold that the proceeding against North Carolina is unwarranted and illegal. The Bumpers amendment to RCRA and the Agency's own regulations regarding RCRA "consistency" make it clear that more stringent state laws with a basis in health and environmental protection are specifically protected from federal preemption.

Given these facts and the Agency's own data on hazardous waste capacity, your predecessor, Lee Thomas, made the wise decision to dismiss the waste industry's nagging pleas and protestations to have the Agency "go after" the North Carolina law. Mr. Thomas, as you know, expressed some concerns regarding hazardous waste capacity issues but correctly decided that those issues are appropriately addressed in other forums, including the hazardous waste capacity assurance planning process established by the most recent Superfund amendments. Mr. Thomas announced this policy decision in an Agency memorandum and committed EPA to this course of action only a few short months ago.

We believe that Mr. Thomas also understood that the questions of hazardous waste capacity, although of considerable interest and importance to EPA, are, for the most part, distinct from the issues in North Carolina. Behind the complex, legal morass in this case is a simple and straightforward public relations maneuver by the hazardous waste treatment industry. In this case, it is a maneuver geared toward winning the pocketboooks of potential investors and intimidating the general public. Industry representatives—weary of dealing with local citizens—wish to "make an example" of North Carolina, showing that citizens cannot beat "city hall," the waste handling industry or, better yet, EPA. The industry has chosen North Carolina for what it presumes will be a public trouncing—not on the merits of the North Carolina case—but merely because North Carolina's statute, with its "self-Destruct" clause, is vulnerable.

Again, we hope that you will reconsider a decision to devote scarce Agency resources to an assault on a legitimate state hazardous waste and drinking water regulation.

We thank you for your attention to this matter and urge you to reconsider this short-sighted decision.

Sincerely,

Michael S. Clark, Executive Director, Environmental Policy Institute; John H. Adams, Executive Director, Natural Resources Defense Council; Peter A. A. Berle, President, National Audubon Society; Jay D. Hair, President, National Wildlife Federation; Michael Fischer, Executive Director, Sierra Club.

Ms. **MIKULSKI.** Mr. President, we have reviewed the Senator's amendment, and we think his points are well taken. The Senator from Minnesota is the ranking minority on the authorizing committee and has a great deal of detailed knowledge on this subject, plus he is an expert on the compliance with the RCRA program.

This is an issue the authorizing committee has tried to resolve for several years, going back to the former Administrator, Mr. Lee Thomas. We think the points have been thoroughly investigated by the authorizing committee, and they are well taken, and as appropriators, we yield to their judgment and we are happy to accept the amendment.

Mr. **GARN** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Utah [Mr. GARN].

Mr. **GARN.** Mr. President, I am certainly sympathetic to the problem of State rights, and allowing them to adopt laws without our interference, so I do not have any objection to the overall principle of what the Senator is trying to accomplish.

I do have some concern about the application during the hearing process rather than after that is completed.

Having expressed that reservation, I will not object to this amendment.

Mr. **DURENBERGER.** Mr. President, reflecting on the remarks of my colleagues, the managers of this bill, I am certainly very grateful to them both.

Because of the history of the one case the manager of the bill, with whom I serve on the authorizing committee and who has distinguished herself not only in this body but in the other on these issues, I respect her judgment a great deal.

As far as my colleague from Utah, we have been on both sides of a variety of States rights issues in the time I have been here. It is the most difficult of all the issues we face. And, yet, I come to learn with respect that there is something about former mayors that all of us have a great deal to learn from, and I appreciate very much this may not be exactly the action that he might have taken, but, in this particular case, I am very grateful to him as the ranking member on the subcommittee for his recommendation.

I urge adoption of the amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 760) was agreed to.

Mr. **DURENBERGER**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. **MIKULSKI**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. **MIKULSKI**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. **MIKULSKI**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Ms. **MIKULSKI**. Mr. President, I apprise my colleagues both here and those who are assiduously doing paperwork in their offices and watching these proceedings what we would like to do this evening and therefore enlist their cooperation.

There are many Senators who indicated they would like to offer amendments. There are some that the ranking minority member and I feel are noncontroversial but we are clearing through the authorizing committees and hope to be able to proceed on them. That is not a whole lot. As to the others, though, there are some Senators who really have a difference with some of the substance which we have done, and we are encouraging any Senator who has an amendment to please come to the floor now so that we could undertake a spirited debate and discussion on these amendments.

It is the majority leader's request, however, that, if we can, we not have votes but that we do have debate.

So, this Senator on behalf of herself and Mr. GARN, who is actually calling a Senator who has an amendment that is quite different than our approach on this bill to essentially come to the floor and join us.

I ask those Senators who have amendments to please come to the floor now. Senator GARN and I are here. Obviously a lot of constituents are not visiting us now. This is a good time for us to step up and present those amendments, have a thorough and rigorous discussion on them so the Senate can work its will later on this week. We really ask the cooperation of our colleagues to do this.

So I said right now we are contacting those which we think are important but noncontroversial and of which we have no policy disagreements and have no funding implications that would jeopardize our 302(b) ceiling, so there is where we are, and I know there are many Senators who feel very strongly about this and we would like to hear from them. We would like to hear from them tonight. I do not know whether there is an Oriole game or not. I would even forgo watching that to do my amendments.

So having said that, we will wait for our staff to tell us what has been cleared, and again we look forward to hearing from other Senators. Having said that, I do suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **GARN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. BRYAN). Without objection, it is so ordered.

Mr. **GRAHAM**. Mr. President, I rise to commend the Senator from Maryland for the job she has done in handling this appropriations measure which funds many critical domestic programs. I realize very difficult decisions had to be made in order to stay within the subcommittee's budget allocation.

I am particularly pleased that this measure includes funding for a very high priority item in Florida, construction of the West Palm Beach VA Medical Center. Florida currently has five VA medical centers. However, with the fastest aging and most severely disabled veteran population in the Nation, the executive director of the Florida Department of Veterans Affairs has estimated that an additional 1,500 VA hospital beds are required to grant Florida veterans "average access" to VA inpatient care. In addition, the VA has recognized a critical shortage of nursing home beds in Florida, particularly in the south Florida area.

When the West Palm Beach VA project was originally proposed, it included a 625-bed medical center and a 240-bed nursing home. In an effort to achieve costs savings, all parties agreed to scale back the medical center to 400 beds. However, OMB has gone a step further and removed the nursing home portion of the project from the administration's request.

Mr. President, VA estimates that Florida will need nearly 7,000 more nursing home beds by the year 2000. We cannot ignore this need. The Senate Veterans' Affairs Committee has twice included funds for the West Palm Beach VA Medical Center and Nursing Home in its medical facility construction resolution.

In considering this appropriations measure on the House floor, an additional $400,000 was added to the administration request specifically for the nursing home. It is my hope that the Senate will be in agreement with the House in sending a clear message that the nursing home must be a part of the West Palm Beach VA Medical Center.

Ms. **MIKULSKI**. I recognize the Senator from Florida's concern about the shortage of nursing home beds in Florida. I understand that the VA continues to support the nursing home portion of this project and that the House has also set-aside funds for this purpose. I will work with the Senator from Florida and the House conferees on H.R. 2916 to ensure that construction of a nursing home, in conjunction with the West Palm Beach VA Medical Center, will proceed as originally planned.

Mr. **GRAHAM**. I appreciate the Senator's support for the Palm Beach VA Medical Center and Nursing Home project. I also would like to express my support for action taken on the House floor to provide design funds for renovation of the 30-bed spinal cord injury unit at the Tampa VA Medical Center.

Mr. President, Florida has the largest spinal cord injury and disease population in the United States. The 70 beds currently in use for spinal cord injuries were originally designed to accommodate psychiatric patients. In response to the great need, these beds were modified to activate spinal cord injury services. The severe space restrictions have never fully met the needs of these patients. According to the VA's 5-year medical facility construction plan for fiscal year 1989-93, "every area of direct patient care (in the current spinal cord unit) is inadequate."

The southeastern region office of the VA ranks this project among the top two priorities of the seven State region.

H.R. 2916, as reported by the Senate Appropriations Committee, does not include the $2.3 million added on the House floor for this project. However, the Senate bill does have $9.3 million over the House in the general design fund. It is my hope that, in conference, the Senate will agree with the House in specifically recommending an appropriation from the design fund for the spinal cord injury renovation project at Tampa VA Medical Center.

Ms. MIKULSKI. I recognize that this project is one of the two top priorities for the VA in the Southeast and will be happy to work with my colleagues in the House to ensure its funding.

Mr. DECONCINI. Mr. President, I want to applaud the Senator from Maryland, who is floor-managing Veterans-HUD-independent agencies appropriations bills for the first time, for her excellent work on the bill.

I was particularly pleased to note that the report on the bill includes language expressing the committee's concern about sole-source suppliers to the National Aeronautics and Space Administration. In fact, NASA may well be placing itself in the position of having to rely on one supplier for its upper stages by failing to extend, or in some way preserve, two options to procure a transfer orbit stage [TOS] capability that allows the transfer of up to 13,500 pounds into high-altitute Earth orbits and planetary trajectories. Without this capability NASA would have to rely solely on an Inertial Upper Stage [IUS] which lacks many of the features of the TOS system.

Is this the sort of situation the Senator was referring to in her report?

Ms. MIKULSKI. Yes, it is.

Mr. DECONCINI. Then it is the Senator's understanding that this report language would require NASA to carefully examine the consequences of a decision to terminate future TOS procurements?

Ms. MIKULSKI. As the Senator describes the factual situation, I believe he is correct.

Mr. DECONCINI. I look forward to working with my colleague from Maryland on this issue. Would it be possible to include language in the statement of the managers on the conference report on the VA-HUD-independent agencies bill highlighting this particular procurement as an example of the future problems that could arise if multiple procurement sources are eliminated?

Ms. MIKULSKI. I will be glad to explore such language with Chairman TRAXLER when we get to conference.

AMENDMENT NO. 761

(Purpose: To express the sense of Congress on joint medical research ventures involving the sharing of costs by the Department of Veterans Affairs and the States)

Mr. GARN. Mr. President, I send an amendment to the desk on behalf of the Senator from South Carolina [Mr. THURMOND] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for Mr. THURMOND, proposes an amendment numbered 761.

Mr. GARN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title V add the following:

SEC. 5 . (a) Congress makes the following findings:

(1) Congress places a high priority on furnishing high-quality medical care to veterans through the Department of Veterans Affairs.

(2) Significant numbers of veterans over 65 years of age are afflicted with Alzheimers' disease, chronic heart disease, diabetes, hypertension, arthritis, and other serious diseases.

(3) In order to find cures for such diseases it is critical to provide adequate resources for the conduct of sustained medical research.

(4) Significant medical research is taking place in numerous Department of Veterans Affairs medical centers around the United States.

(5) Substantially all of the Department of Veterans Affairs medical care system, including medical research, is financed entirely with Federal funding, except in limited circumstances.

(6) The Department of Veterans Affairs resources and other Federal Government resources available for medical research are insufficient to provide the level of medical research necessary to ensure continued advancement in the quality of medical care furnished veterans by the Department of Veterans Affairs.

(7) Joint medical research ventures involving the sharing of costs by a department or agency of the Federal Government and any of the States increase the resources available for financing critical medical research.

(8) The excellent working relationship between the Medical University of South Carolina and the Department of Veterans Affairs medical center in Charleston, South Carolina exemplifies the potential for conducting harmonious and beneficial joint ventures involving medical resources of the Federal Government and a State.

(b) It is the sense of Congress that—

(1) a joint medical research venture involving the sharing of costs by the Federal Government and any of the States is a viable, worthy, and fiscally prudent means for increasing critical medical research; and

(2) the Secretary of Veterans Affairs should consider providing for a joint venture in which the Department of Veterans Affairs and the State of South Carolina share equally the costs of construction, ownership, and operation of a Department of Veterans Affairs and Medical University of South Carolina medical research center.

Mr. GARN. Mr. President, I offer this amendment on behalf of Senator STROM THURMOND. It states that Federal/State medical research ventures are viable, worthy, and fiscally prudent. In addition, this amendment states it is the sense of the Congress that the Secretary of Veterans Affairs should consider providing for a joint medical center, whereby the Department of Veterans Affairs and the Medical University of South Carolina share equally in the construction, ownership, and operation costs of such a center.

It is acceptable on this side, and I believe it is acceptable to the distinguished chairman.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am pleased to offer a sense of the Congress amendment to the Department of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill. This amendment states, very simply, that it is the sense of the Congress that joint Federal/State medical research ventures are viable, worthy, and fiscally prudent. In addition, this amendment states that it is the sense of the Congress that the Secretary of Veterans Affairs should consider providing for a joint medical research center, whereby the Department of Veterans Affairs and the Medical University of South Carolina share equally in the construction, ownership, and operation costs of such a center.

Earlier this year, I introduced a bill—S. 165—which would authorize the joint construction, ownership, management, and operation of a state-of-the-art medical research facility by the Department of Veterans Affairs and the Medical University of South Carolina. This legislation was included on the agenda of a general health care hearing of the Veterans Affairs Committee—a committee I have been a member of since its beginning in 1971. Although there are some who oppose this joint venture, I remain committed to it, because I believe it just makes good sense. I should point out that on July 13 of this year, the distinguished chairman and ranking member of the Veterans Affairs Committee—Senators CRANSTON and MURKOWSKI—wrote a letter to the Secretary of Veterans Affairs requesting an evaluation of this proposed project. This amendment would go one step further, by putting the Congress on record as supporting the consideration of cost sharing ventures, such as proposed in S. 165.

Mr. President, the Department of Veterans Affairs/Medical University of South Carolina project is not your ordinary, 100 percent federally funded construction project. Rather, it is a project in which the State is an equal partner, sharing one-half of the construction, equipping, and operating costs. In this case, the State of South Carolina has committed to providing $12 million for construction, and the land for the facility. In a time of tight fiscal policy, we must leave no stone unturned in exploring new financing options.

Where else in this country do you have an offer of land and money? Nowhere. This is an opportunity that simply should not be allowed to drift to the back burner. We must seize the moment. The amendment I have offered simply expresses the thinking of Congress that cost sharing ventures between the States and the Department of Veterans Affairs are a good idea—they are good for the States and good for the Federal Government. In addition, the amendment expresses the sense of the Congress that the Secretary of Veterans Affairs should consider providing for a joint Federal/State venture between the Department of Veterans Affairs and the Medical University of South Carolina.

Such a venture can provide far-reaching benefits to all the veterans of this country, not just veterans of one region.

As we enter the decade of the nineties, more than 7.7 million veterans will be in the over-65 age category. We must provide the means for treating and curing the many diseases which affect this group—and the way we do that is through high quality research.

Mr. President, to sum it up, cost sharing ventures will provide unique and heretofore unparalleled opportunities for the Federal and State governments to work hand-in-hand on endeavors that have far-reaching benefits for all the veterans of this country. I believe Federal/State ventures represent a reasonable and prudent approach to financing, and I urge adoption of this sense of the Congress amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have reviewed this amendment. Not only have we reviewed it, but very important and prestigious medical personnel from the State of South Carolina have visited us on this. We understand the seriousness of the intent of the legislation, and we are happy to accept this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 761) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, that really sums up the amendments that were both noncontroversial, and we know have been agreed to.

There are several amendments still outstanding, and we know that there is an amendment under consideration by the Senator from Oklahoma. But he wants to be very careful about its fiscal impact, and is now meeting with OMB and others, and therefore is not prepared to offer that amendment.

Am I correct in representing the position of the Republican Senator from Oklahoma?

Mr. GARN. That is correct. I personally talked to Senator NICKLES. He is working on two amendments and will be prepared to offer them tomorrow.

Ms. MIKULSKI. Mr. President, we feel we have exhausted what we can do tonight without being able to proceed on that controversial amendment, and we know that there are two other Senators who wish to offer amendments who are subsequently not available at this particular time.

Mr. GARN. Mr. President, If I could add one other statement for the benefit of our colleagues, we do not anticipate this bill would take long tomorrow; at least from the amendments we are aware of, there should not be long debate. I would hope that our colleagues, if they have any, would certainly notify us this evening, their staffs, if they do have; some of them might be able to be worked out, or certainly no later than the first thing in the morning.

I certainly want to agree with the distinguished chairman of the full committee, Senator BYRD. It is important that the Senate complete our work and pass all of these appropriations bills by the 30th of September. This is my 15th budget cycle in the Senate, and we have never achieved that except one time in 15 years. I think it is time we did it twice. So whatever amendments our colleagues have, we are willing to consider them. If we cannot accept them, we will have votes. But I am sure I speak for the chairman: We would like to proceed and get this bill sent to conference as rapidly as possible. So all the staffs that are listening, if you have amendments—I am not encouraging anybody to create any overnight—let us know tonight or first thing in the morning so we can expeditiously complete this bill and help the majority leader finish all the appropriations bill by September 30.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I thank my colleagues, the distinguished managers of the bill. We will be meeting just shortly with the distinguished Republican leader and the managers to consider the schedule for tomorrow. It is my understanding that there are approximately three or four amendments that may be controverted and require votes tomorrow morning; is that approximately correct?

Ms. MIKULSKI. Maximum.

Mr. MITCHELL. Maximum three or four? Perhaps less. Assuming that those matters can be disposed of in a half day, that is the manager's expectation.

I note the presence of the distinguished Republican leader on the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2869. An act to amend the Commodity Exchange Act to improve the regulations of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes; and

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

The message also announced that pursuant to the provisions of section 4 of Public Law 99-624, the Speaker appoints Mrs. BYRON on the part of the House to the Dwight David Eisenhower Centennial Commission, to fill the existing vacancy thereon.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2869. An act to amend the Commodity Exchange Act to improve the regulations of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes; and to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1249. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 101-135).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Wayne A. Budd, of Massachusetts, to be U.S. attorney for the District of Massachusetts for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. Baucus):

S. 1634. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. Domenici):

S. 1635. A bill to extend the authorization of appropriations for the Water Resources Act for 1984 through the end of fiscal year 1994; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. Boschwitz, Mr. Boren, Mr. Breaux, Mr. Bumpers, Mr. Cochran, Mr. D'Amato, Mr. Heflin, Mr. Johnston, Mr. Kerry, Mr. Lott, Mr. Reid, and Mr. Shelby):

S. 1636. A bill to amend the Internal Revenue Code of 1986 to extend the period for issuing small issue bonds for manufacturing facilities through 1991; to the Committee on Finance.

By Mr. MOYNIHAN:

A 1637. A bill to establish the Social Security Administration as an executive department; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. Boschwitz, Mr. Coats, Mr. Domenici, Mr. Grassley, Mr. McClure, Mr. D'Amato, Mr. Lott, Mr. Symms, Mr. Dole, Mr. Hatch, Mr. McCain, Mr. Wilson, Mr. Burdick, Mr. Gore, Mr. DeConcini, and Mr. Graham):

S. Res. 179. A resolution to express the sense of the Senate regarding the testing of U.S. agricultural products imported by our trading partners of potentially harmful chemicals; to the Committee on Finance.

By Mr. FOWLER (for himself, Mr. Mitchell, Mr. Dole, Mr. Gore, and Mr. Garn):

S. Con. Res. 70. A concurrent resolution commending NASA and the Jet Propulsion Laboratory for the continuing successes of the Voyager space missions to the outer solar system; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. Baucus):

S. 1634. A bill to enhance drug interdiction in rural areas; to the Committee on Finance.

DRUG-FREE RURAL AMERICA ACT

Mr. PRYOR. Mr. President, I applaud President Bush for announcing his plan to combat our Nation's drug problem. Although his overall strategy could have gone further, in my opinion, the President's message to drug dealers was right on target: You will be caught, prosecuted, and punished.

The President was right on target, also, Mr. President, in proposing increased Federal funding for State and local law enforcement, because this is exactly where the drug war is being fought and will be fought in the future.

However, in listening to the President's speech or to Drug Czar Bennett, I think it is very easy to think of the drug problem as something limited to the poor and battered neighborhoods of our Nation's large urban cities. Nothing is further from the truth. The plague of drugs has spread to small cities, towns, and rural areas throughout America.

Let me cite a few examples from my own State of Arkansas. Arrests for the sale and manufacture of cocaine and opium increased 600 percent between 1983 and 1988. In Pulaski County, which surrounds Little Rock, arrests for possession of cocaine and opium have more than doubled between 1987 and 1988.

Los Angeles street gang members have been seen walking the streets of several southern Arkansas communities.

In El Dorado, AR, a town of 25,000, arrests for sale and possession of illegal drugs increased 97 percent in the first 6 months of this year over the same period last year. The El Dorado police chief attributes almost all of this to the introduction of crack cocaine there early last year.

In the past year, drug kingpins have sent at least 35 out-of-State dealers into this small Arkansas community, El Dorado, to peddle drugs. The police cannot keep up: as soon as they arrest some of these dealers, the kingpins just send in reinforcements.

Four brothers from Mariana, AR, a town of 7,000 in the eastern part of our State, ran a crack cocaine ring that stretched all the way to Detroit, MI, until they were recently convicted on drug charges.

In short, no community is safe from illegal drugs and the violent and dangerous criminals who sell them. This fact was recognized last week during the last several days on the drug debate by the distinguished Senator from Montana, Senator Baucus, when he introduced The Rural Drug Initiative Act. This timely and innovative legislation establishes the position of Rural Drug Policy Coordinator within the Drug Czar's office and marshalls Federal resources to fight the drug problem in rural America. I commend Mr. Baucus for this fine proposal and proudly announce my cosponsorship of it today.

In addition, I am introducing a bill entitled The Drug-Free Rural America Act. The Drug-Free Rural America Act will expand the number of rural States designated to receive increased Federal assistance, including many rural States, such as Arkansas, which have a serious rural drug problem. Further, my bill doubles the additional DEA agents to be sent to such rural States. This will increase by 50 percent the number of DEA special agents designated for the State of Arkansas.

My bill is very closely modeled after that proposal introduced by Mr. Baucus last Monday. I am very proud also to announce that he is also a supporter and a cosponsor of the bill that I introduced today.

In sum, rural America can no longer regard the drug problem as a big-city issue. I hope the Drug-Free Rural America Act marks the first step toward meeting the challenge of eradicating illegal drugs from rural America.

By Mr. CHAFEE (for himself and Mr. Domenici):

S. 1635. A bill to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994; to the Committee on Environment and Public Works.

WATER RESOURCES RESEARCH AUTHORIZATION

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator Domenici today to introduce legislation which will reauthorize the water resources research program. The program is managed by the Geological Survey at the Department of Interior and provides grants to 54 water resources institutes at land grant universities across the country.

The funds are used to support research across the full spectrum of water issues. Slightly more than half of the funds are devoted to studying surface water quality. Water supply issues including drinking water systems dependent on ground water sources also receive substantial attention from institute-sponsored research.

Appropriations for the institutes in 1989 is approximately $5 million providing a grant of $105,000 for each of the universities who participate. These funds are matched on a 2-for-1 basis by State funds.

In addition to the institutes, this legislation also supports grants to individual researchers. The funding for this side of the program is also about $5 million per year. In 1987, Interior received 274 applications for these funds, about half of which were related to ground water quality issues.

In my home State the grant to the University of Rhode Island is used to support solicited proposals from URI, Brown and Providence. Grants are reviewed and allocations are made by committees of faculty with four or five grants made each year. The grants may be in the fields including the hard sciences, economics or the social sciences. Surface water quality and drinking water supply issues seem to be the principal topics of interest in the Rhode Island research community.

This program was originally authorized for 5 years when it passed over a Presidential veto in 1984. That authorization expires on September 30 of this year. Both the House and Senate have made efforts to meet the reauthorization deadline. Last year the Senate passed a comprehensive ground water research bill which contained a reauthorization of the water resources research program. The House also passed a reauthorization bill. We were hoping to take care of this program in a conference on ground water research, but were unable to resolve our differences before the Congress adjourned.

This year the Senate ground water research bill was introduced on the first day and once again it contains an reauthorization for this water resources effort. But it appears that bill won't be moving in time to meet the September deadline. Thus, the need for the bill we are introducing today.

There is one important difference between the bill introduced here and legislation which has passed the House already. In this bill the matching rate is 2 for 1, that is, two State dollars for each Federal grant dollar. When the program began the match was 1 for 1. The match was gradually increased to its present rate over several years. The House bill would go back to the 1-for-1 match of the first year of the program. I think maintaining the 2-for-1 match is an important objective because it attracts more dollars to these programs. It obviously can be achieved because it is the policy in place today.

Mr. President, I hope for early action on this bill by the Environment and Public Works Committee. I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO PURPOSES.

Section 103(5) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10302) is amended by deleting "coordinate more effectively" and inserting in lieu thereof: "to promote more effective coordination of".

SEC. 2. AMENDMENTS TO THE INSTITUTE PROGRAM.

(a) Section 104(a) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 20303(a)) is amended by changing "Trust Territory of the Pacific Islands" to "Federated States of Micronesia".

(b) Section 104(b) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 1030(b)) is amended by inserting in the last sentence after the phrase "for the purpose of", the following: "promoting".

(c) Section 104(c) of Public Law 98-242 (98 Stat. 98, 42 U.S.C. 10303(c)) is amended by deleting the period at the end of the subsection, and inserting in lieu thereof: "and thereafter.".

(d) Section 104(e)(1) and section 104(e)(2) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(e) (1)-(2) is redesignated as subsection "(e)"and amended to read as follows:

"(e) The Secretary shall conduct a careful and detailed evaluation of each institute at least once every five years to determine that the quality and relevance of its water resources reseach and its effectiveness as an institution for planning, conducting, and arranging for research warrants its continued support under this section in the national interest. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.".

(e) Section 104(f)(1) of Public Law 98-242 (98 Stat. 99, 42 U.S.C. 10303(f)(1)) is amended by deleting "September 30, 1985, through September 30, 1989" and inserting in lieu thereof: "September 30, 1990, through September 30, 1994".

(f) Section 104(f)(2) of Public Law 98-242 (98 Stat. 99. 42 U.S.C. 10303(f)(2)) is amended by deleting the phrase "section 106 of this Act" and inserting in lieu thereof: "section 104(g) of this Act".

(g) Section 104 of Public Law 98-242 (98 Stat. 99) is amended by inserting the following new subsection:

"(g)(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of $5,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single state and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

"(2) Research funds made available under this subsection shall be made on a competitive basis subject to the merits of the proposal, the need for the information to be produced, and the opportunity such funds will provide for training of water resources scientists or professionals.

SEC. 3. AMENDMENT TO THE MATCHING GRANT PROGRAM.

Section 105(c) of Public Law 98-242 (98 Stat. 100. 42 U.S.C. 10304) is amended by deleting "September 30, 1986, through September 30, 1989" and inserting in lieu thereof: "September 30, 1990, through September 30, 1994".

SEC. 2. REVISION IN TECHNOLOGY GRANT PROGRAM.

Section 106 of Public Law 98-242 (98 Stat. 100. 42 U.S.C. 10304) is amended to read as follows:

"SEC. 106. (a)(1) The Secretary shall make grants in addition to those authorized under sections 104 and 105 for technology development concerning any aspect of water resources including waterrelated technology which the Secretary may deem to be of State, regional, or national importance. Activities funded under this section may be carried out by educational institutons, private firms, foundations, individuals, or agencies of State or local government. Care shall be taken to protect proprietary information of private individuals or firms associated with the technology.

"(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the information transfer and technology needs of the Nation. However, in the case of institutes established by section 104 of this Act no match greater than that required under section 104 may be required.

"(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, facilities of the organization performing any technology development, the importance of the project to the Nation, region, and State concerned, and the potential benefit to be accrued.

"(c) There is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1990, through September 30, 1994, such sums to remain available until expended.".

SEC. 5. REGULATIONS TO REMAIN IN EFFECT.

Section 110 of Public Law 98-242 (98 Stat. 1010 is amended by deleting "Public Law 95-467" and inserting in lieu thereof: "Public Law 98-242, as amended,".

SEC. 6. ADDITIONAL RESEARCH AUTHORIZATION.

(a) At the end of section 106 of Public Law 98-242 (98 Stat. 101), insert the following new section and renumber the subsequent sections accordingly;

"Sec. 107. (a) The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, is authorized to enter into such contracts or cooperative agreements as the Secretary deems appropriate with national laboratories (including Los Alamos National Laboratory) to carry out water resources research, development, and demonstration projects within the authorities of this Act (including the effects of potential climate changes on surface and ground water quality and quantity and the elimination of the contamination of ground water aquifers).

"(b) The water resources research work authorized this section shall be undertaken under such rules and regulations as the Secretary deems appropriate, and shall be carried out in close consultation and collaboration with the institutes established pursuant to section 104 of this title, to the extent such research work affects the state in which the institute exists, and to the extent such institute agrees to consult and collaborate.

"(c) For the purposes of this section, there is authorized to be appropriated to the Secretary for each of the fiscal years ending September 30, 1991, through September 30, 1994, the sum of $10 million, such sums to remain available until expended.".

(b) Section 309(a) of Public Law 98-242, as amended, is amended further by deleting the numeral "1991" and inserting in lieu thereof "1994".●

● Mr. DOMENICI. Mr. President, I am proud to join with my good friend, the distinguished Senator from Rhode Island [Mr. Chafee], in introducing legislation to reauthorize the Federal water resources research program for 5 additional years.

While small in dollars, this is an important program, one on which I have had the honor to work since I first came to the Senate in 1973.

Let me describe some of the specifics of this legislation, which I believe is so very important.

The key component of the program is section 104 of the existing act, which authorizes Federal assistance to the water resources institutes established in each of the States.

This bill continues this support for an additional 5 years at the same dollar level and the same matching level as existing law authorizes during the present fiscal year.

The current match is two non-Federal dollars for each Federal dollar contributed. I know what many leaders within the institute community have urged a return to the 1-for-1 match, which existed in the early years of this program.

But I would point out three distinct advantages to adoption of the 2-for-1 match, which this bill does:

It attracts additional funds into an important program for the same level of Federal commitment.

The 2-for-1 match is supported strongly by the administration. In fact, in its Statement of Administration Policy, issued on June 1, 1989, the White House very specifically urged the Congress to "maintain the current law's non-Federal matching requirement for section 104 noncompetitive university water research institute grants."

The agreement to move gradually from a 1-to-1 match to the present 2-for-1 match was very important, in my view, in the decision by the Congress in 1984 to override President Reagan's veto of the reauthorization of this program.

I believe it is fair to say that without this gradual phasing down of the Federal level of institute assistance, the Congress would have not been able to muster the votes to override the veto, and this program simply would not exist today.

Therefore, this provision continuing the existing cost sharing under section 104, while different from the House bill, may be vital to continuation of the program into the 1990's.

The other aspects of the Chafee-Domenici bill are quite similar to provisions already passed by the House as H.R. 1101.

These include the $20 million per year authorized for continuation of the section 105 competitive research grants, open to the institutes as well as others. The match for these grants continues to be 1 for 1.

The bill also includes a $6 million-a-year technology development program, the same as existing law.

The bill includes a new $5 million-a-year program, at a 1-for-1 match to enable the institutes to study regional and interstate problems. This is a House proposal, and I endorse it.

Finally, the bill includes a new section 107, which I endorse with enthusiasm. This section authorizes major new water resource studies of a regional, even national scope.

The purpose of this section is to involve the national laboratories of the U.S. Government in the work of the water resources problem. I should point out to my colleagues that the Los Alamos National Laboratory has created an expertise that fits in well with the basic thrust of the Water Resources Research Act.

The House version of this legislation—H.R. 1101—has passed with a provision similar in intent to this section. The House version authorizes two very specific studies:

An examination of global warming in relation to water quantity and river flows.

A study of ground water contamination and methods that could be tested to prevent further spread of the contamination, and ways that might be employed to recover existing polluted aquifers.

The language of the section 107 in the bill introduced by the distinguished Senator from Rhode Island [Mr. Chafee] and myself is less precise. It authorizes the work of the national labs, but it does so within the context of the types of other water research authorities within the basic act. I believe that is a wise modification.

Unlike other portions of the bill, this new section 107 would be fully funded by the Federal Government because it is seen as an opportunity to involve the great scientists working in our national laboratories in these and other vital water resources studies.

Another difference with the House bill is the addition of language that ensures cooperation between the laboratories and the water resource institutes in those States where the actual research would take place. I am confident that this was the intent of the House bill, but our language simply clarifies that intent.

In addition, the bill extends for 3 years the authority for studies, under the Water Resources Research Act, of water problems in the high plains States.

Mr. President, I hope the Committee on Environment and Public Works will be able to move rapidly to act on this bill, which is so very close to the House-passed bill, so that we can pass it, go to conference if necessary, and get this bill to the President's desk before the end of the fiscal year.●

By Mr. BRYAN (for himself, Mr. Boschwitz, Mr. Boren, Mr. Breaux, Mr. Bumpers, Mr. Cochran, Mr. D'Amato, Mr. Heflin, Mr. Johnston, Mr. Kerry, Mr. Lott, Mr. Reid, and Mr. Shelby):

S. 1636. A bill to amend the Internal Revenue Code of 1986 to extend the period for issuing qualified small issue bonds for manufacturing facilities through 1991; to the Committee on Finance.

EXTENDING THE PERIOD FOR ISSUING QUALIFIED SMALL ISSUE BONDS FOR MANUFACTURING FACILITIES

● Mr. BRYAN. Mr. President, I rise today to introduce legislation to continue the small-issue industrial development bond program. Unless this Congress acts, this worthwhile program will expire at the end of this year. I am pleased to be joined as original cosponsors of this bill by Senators Boschwitz, Boren, Breaux, Bumpers, Cochran, D'Amato, Heflin, Johnston, Kerry, Lott, Reid, and Shelby.

These bonds, which are now carefully targeted to smaller manufacturers, provide a critical source of the financing necessary for businesses to establish new plants or modernize existing facilities. For many companies, the bonds have become a key component of a trade strategy, offering the only form of Federal assistance to help combat heavily subsidized foreign competition.

By providing smaller businesses with access to capital at competitive market rates, these small-issue manufacturing bonds have created literally thousands of jobs in every part of the Nation, with three-fourths of the bond-financed projects involving expansions of existing facilities. In many instances, the companies could not have gone forward with the project without the availability of the tax-exempt financing.

In my own State of Nevada, as Governor, I found the IDB Program to be an effective tool not only for economic development, but also for economic diversification. Earlier this year, the Nevada Legislature passed a resolution urging the Congress to extend the program noting that it has helped to diversify the economy and create new jobs. Governor Miller recently offered a similar resolution at the Western Governor's Association, which was adopted.

The cost of extending this program is minimal compared with its benefits—$7 million in fiscal year 1990 and $280 million over the next 5 years. That is indeed a small cost for a program that lies at the heart of the economic development strategies of many of our States and that so clearly addresses national concerns about the competitiveness of our small manufacturing sector.

The tax bills of 1984 and 1986 fundamentally changed the program, eliminating perceived abuses, targeting the bonds to smaller manufacturers, subjecting them to a tight volume cap, and requiring greater public participation in the process of deciding which projects should receive tax-exempt financing. The result is a strong, reformed, and responsible program that judiciously allocates scarce Federal resources while satisfying the need for State and local governments for a proven tool for job creation and retention.

I am pleased that the House Ways and Means Committee has already taken action to extend this program. A 2-year extension of the program, the same as we are proposing in this legislation, has been included in the package being considered by that committee. I hope that my colleagues will support this program, and urge the Senate Finance Committee to adopt an extension.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (ii) of section 144(a)(12)(B) of the Internal Revenue Code of 1986 is amended by striking "1989" and inserting "1991".●

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. Humphrey the name of the Senator from Montana [Mr. Burns] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 100

At the request of Mr. Rockefeller, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 100, a bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 461

At the request of Mr. Grassley, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 494

At the request of Mr. Helms, his name was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 849

At the request of Mr. Daschle, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 1053

At the request of Mr. Riegle, the name of the Senator from Arkansas [Mr. Bumpers] was added as a Cosponsor of S. 1053, a bill to amend title V of the Social Security Act to provide for supplemental resources to enhance the delivery of health services to pregnant women and infants.

S. 1150

At the request of Mr. Conrad, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1342

At the request of Mr. Helms, his name was added as a cosponsor of S. 1342, a bill to suspend temporarily the duty on ranitidine hydrochloride.

S. 1353

At the request of Mr. Baucus, the names of the Senator from Arkansas [Mr. Pryor], the Senator from Nebraska [Mr. Exon], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 1353, a bill to enhance drug interdiction in rural areas.

S. 1384

At the request of Mr. Daschle, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1399

At the request of Mr. Sarbanes, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 1399, a bill to improve forest managment in urban areas and other communities, and for other purposes.

S. 1430

At the request of Mr. Kennedy, the names of the Senator from Oklahoma [Mr. Boren], the Senator from North Dakota [Mr. Burdick], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1466

At the request of Mr. Pryor, the names of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of S. 1466, a bill to amend title XVIII of the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to rural referral centers and high medicare volume hospitals located in rural areas to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 1511

At the request of Mr. Pryor, the name of the Senator from Michigan [Mr. Levin], was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1544

At the request of Mr. Sasser, the names of the Senator from Ohio [Mr. Glenn] and the Senator from Massachusetts [Mr. Kerry], were added as cosponsors of S. 1544, a bill to amend the Public Health Service Act to provide for the development of academic leaders in geriatrics through the establishment of centers of excellence in geriatric research and training.

SENATE JOINT RESOLUTION 116

At the request of Ms. Mikulski, the names of the Senator from Wisconsin [Mr. Kasten], the Senator from Indiana [Mr. Lugar], the Senator from California [Mr. Wilson], the Senator from Michigan [Mr. Levin], and the Senator from Connecticut [Mr. Lie-

BERMAN] were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 168

At the request of Mr. MCCLURE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 168, a joint resolution to designate the week of October 2 through 8, 1989, as "America's Gold Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as cosponsor of Senate Joint Resolution 176, a joint resolution to designate September 29, 1989, as "National Siblings of Disabled Persons Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. HATCH, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. MITCHELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 28, 1990, and ending on December 2, 1990, as "National Home Care Week."

SENATE JOINT RESOLUTION 193

At the request of Mr. D'AMATO, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 195

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. GRAHAM], the Senator from Texas [Mr. GRAMM], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the U.S. Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE CONCURRENT RESOLUTION 70—RELATIVE TO THE SUCCESSES OF THE VOYAGER SPACE MISSIONS

Mr. FOWLER (for himself, Mr. MITCHELL, Mr. DOLE, Mr. GORE, and Mr. GARN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 70

Whereas Voyager I and Voyager II were launched by NASA to the outer solar system in September and August of 1977, respectively;

Whereas Voyager I's closest approach to Jupiter occurred in March 1979, with Voyager II reaching its closest Jupiter approach in July 1979, and at Jupiter the Voyager spacecraft made numerous important scientific discoveries, including active volcanoes on the Jovian moon IO; a thin dust ring circling the planet; and three new moons;

Whereas Voyager I's closest approach to Saturn occurred in November 1980, with Voyager II reaching its closest Saturn approach in August 1981, and at Saturn the Voyager spacecraft again made discoveries which increased our knowledge and altered our understanding of the solar system, including the fact that the atmosphere on the Saturnian moon Titan contains organic compounds in a thick, smoggy haze; the finding that Saturn's ring system was far more dynamic and complex than had been suspected; and the discovery of three new moons;

Whereas after the Saturn encounter the trajectory of Voyager I carried that spacecraft away from the planets and toward the edge of the solar system, while Voyager II was directed on toward additional planetary encounters;

Whereas when launched the Voyagers were only expected to operate for 5 years and to encounter only Jupiter and Saturn, but the design characteristics and the spacecraft (including reprogrammable computers and a long-term energy supply) and the skill and ingenuity of the ground-based support staff enabled the spacecraft to far exceed these original goals;

Whereas Voyager II's closest approach to Uranus occurred in January 1986, representing the first fly-by of that planet, and at Uranus Voyager II gathered unique scientific data on the planet, its rings, and moons, including the discovery of a strange magnetic field with a corkscrew-shaped tail extending millions of miles away from the planet; and the finding that the Uranian moon Miranda is one of the most geologically diverse bodies in the entire solar system;

Whereas Voyager II's closest approach to Neptune occurred on August 24, 1989, once again representing the first fly-by of an outer planet, and at Neptune Voyager II produced another rich load of scientific discoveries, including an active atmosphere on Neptune, with dynamic cloud and storm patterns, possible ice volcanoes on the Neptunian moon Triton, at least three rings, some of them lumpy and broken, and six new moons; and

Whereas the Voyager journeys mark the most successful mission ever in planetary science, and one of the epic discovery voyages in all of human history, producing vast amounts of scientific data and provoking profound new insights and questions about the solar system and our place within it, and providing immeasurable rewards to the United States in national pride and prestige: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That it is the sense of the Congress that—

(1) The entire NASA/Jet Propulsion Laboratory team is to be commended for its achievement in the Voyager Program of successfully reaching into the depths of the universe and taking great strides in solving the mysteries of the solar system; and

(2) The United States should remain preeminent in the field of planetary exploration, and will continue to support high priority science missions to maintain that leadership.

SENATE RESOLUTION 179—RELATING TO TESTING AGRICULTURAL PRODUCTS FOR ALAR

Mr. MACK (for himself, Mr. BOSCHWITZ, Mr. COATS, Mr. DOMENICI, Mr. GRASSLEY, Mr. MCCLURE, Mr. D'AMATO, Mr. LOTT, Mr. SYMMS, Mr. DOLE, Mr. HATCH, Mr. MCCAIN, Mr. WILSON, Mr. BURDICK, Mr. GORE, Mr. DECONCINI, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 179

Whereas the Korean government has been testing United States imported grapefruit for the presence of Alar;

Whereas the United States citrus industry does not now nor has ever used Alar in the production of any citrus product;

Whereas attempts by the United States industry to make this fact known in Korea have been futile;

Whereas the series of tests conducted by the Korean government have produced conflicting results, creating confusion among Korean consumers;

Whereas, as a result, Korean consumer groups have successfully boycotted the sale of United States grapefruit in Korea, and the United States has lost a substantial portion of its market in Korea and Taiwan for the 1989 season; and

Whereas, at present, the Korean government has been unresponsive to the concerns of the United States, contending that the boycott is being staged by independent consumer groups and is not the responsibility of the government: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) under the guise of claims that United States citrus is a health hazard, the Kore-

ans have erected a trade barrier to United States citrus imports;

(2) such tactics are unquestionably unfair trade barriers;

(3) the Korean government should immediately condemn the false claims being promoted by the consumer groups that United States grapefruit contains traces of Alar;

(4) the Korean government should ensure that the destabilizing effects of this type of incident do not occur in the future;

(5) the Korean government should abide by the use of standardized tests for the presence of Alar and any other chemical residues, and should use such accepted tests for future testing of any imported products; and

(6) the United States will not tolerate the practice by Korea or any other trading partner of erecting trade barriers to our agricultural products disguised as health claims.

ALAR

Mr. MACK. Mr. President, this past June there were a number of tests that were done in Korea on United States citrus to determine whether there was presence of Alar. At the conclusion of these tests, a number of consumer groups in Korea used these tests to indicate that Alar was present.

United States citrus has never—let me repeat that—never used Alar, and the tests were then continued to be used to indicate to the public of Korea that Alar was present and therefore the citrus was unsafe.

A number of my colleagues and I met with representatives of the Korean Government to point out to them: First, that Alar had never been used; and second, that there should be a response on the part of the Korean Government to indicate to the consuming public that in fact, the citrus was safe.

We were told in essence that that was a consumer issue that was brought by the consumer groups and therefore not the responsibility of the Korean Government. Some of my colleagues in the House, Representative ANDY IRELAND, and Representative TOM LEWIS, introduced a resolution in the House basically condemning the action on the part of the Korean Government.

I determined that point to wait until I had the opportunity to meet with several of the leaders of the Korean Government in Korea, and in fact did so this past August. I met with a number of representatives but specifically I want to talk about a meeting with the Vice Minister of Agriculture that basically said it was not a responsibility of the Korean Government, that it was strictly a consumer issue.

Again, I would raise two points: One, it was a test run by the Korean Government that began this process, and, No. 2, that the consumer groups in Korea do receive partial funding from the Korean Government. Therefore, it is reasonable to assume and reasonable to request that the Korean Government be involved in this issue.

For 3 weeks, the public in Korea was told that there was a danger to the consumption of American citrus without a message coming back from the Korean Government that the information they were being told was inaccurate, was wrong, and was totally false.

Because of the meetings that I had and also with one other document that I was given while there, just one of the items—this is a 1988 policy direction for imports and exports of agricultural, forestry, and fishery products.

This was put out by the Ministry of Agriculture, Forestry and Fisheries of the Korean Government. One of the items on here, one of the statements that is made is that it is the basic directions to restrain, to the extent possible, from importing products that can be produced domestically.

My point is, here is a systematic approach being used to deny United States citrus—particular, Florida grapefruit—from having the opportunity to freely enter the Korean market. For that reason, I am submitting a sense-of-the-Senate resolution today that indicates that this is an unfair trade barrier to U.S. agricultural products.

My resolution states that such tactics are unquestionably unfair to trade barriers and will not be tolerated by the United States with Korea or any of its trading partners.

Mr. WILSON. Mr. President, on behalf of California agriculture and the many citrus growers in my home State of California, I am proud to be a cosponsor of the resolution offered by my colleague from Florida, Senator MACK, condemning Korea for its protectionist trade policies against United States agricultural exports.

This resolution expresses the sense of the Senate concerning recent events in South Korea involving unsubstantiated allegations of Alar detection on grapefruit. The Alar incident and Korea's recent announcement that it was imposing restrictive testing procedures for chemical residues on over 30 United States agricultural products, are outrageous, unfounded, and will seriously hinder United States exports of citrus and other agricultural commodities to that country.

The blocking of United States agricultural imports under the pretense that these products contain levels of harmful chemicals, and are in some way a health risk, is a clear example of a new and effective unfair trade barrier. This novel approach to blocking trade comes in the face of recent trade concessions offered by Korea on a number of United States agricultural products in return for avoiding super 301 trade sanctions. It is clear that these actions are a part of Korea's efforts to retrieve some of these trade concessions recently made to United States agriculture.

The resolution I am cosponsoring with Senator MACK sends a strong and much needed message to the Korean Government—and all of our trading partners—that the United States will not tolerate such protectionist actions.

An overview of the events of the last several months illustrates the alarming effectiveness of Korea's scheme to slow down United States fruit and vegetable exports. This scheme is Korea's newest move to implement its agricultural ministry's stated 1989 policy of restricting, or even halting completely, agricultural imports.

The genesis of the problem began in March of this year when inspectors in Thailand refused a shipment of United States apples because of Alar detections. Considerable publicity in Asia followed this event.

In April, a Korean consumer group known as the Citizen's Alliance collected samples of imported fruits and vegetables, including United States grapefruit, for the purpose of testing them for Alar. Although Korean labs found no Alar traces on the United States grapefruit, they reported that "less than 0.5 ppm of Alar" were found on the fruit since their lab equipment was unable to test accurately below the 0.5 ppm level.

Misrepresentation of this statement by the Citizen's Alliance group, which stated that U.S. grapefruit contained levels of Alar up to 0.5 ppm, led to a national media campaign stating that Alar was found on U.S. grapefruit imports.

Almost immediately, Korean consumers reacted by returning grapefruit to the place of purchase. Korean importers in return canceled orders for United States grapefruit and urged United States shippers to divert United States grapefruit already in transit to other markets. U.S. sales of grapefruit, which amounted to over $7 million in 1988, dropped dramatically to 10 percent of their normal sales volume.

Similar consumer reaction occurred in Taiwan where Taiwan newspapers published the Korean articles. Despite attempts by United States officials to correct the false allegations, United States grapefruit sales there, as well, plummeted to 10 percent of the average sales volume.

Alar, which until recently had been used on apples to maintain their firmness, is not used on grapefruit. There would be no benefit to using Alar on grapefruit because the grapefruit's thick skin would prevent the chemical from seeping into the fruit.

Despite concerted efforts by the United States Government and affected industries to mitigate the harm and prevent trade losses, the fabricated media tactics of Korea's agriculture/consumer groups prevailed. Efforts by the Korean Government to correct the false claims came too little and too late. The only public clarification of the lab report was issued 11 days after the initial media articles.

Further disruption by the Citizen's Alliance group and other domestic agricultural/consumer activists have come in the form of threats against Korean importers of United States agricultural goods and allegations falsely linking Alar and other chemical concerns to a number of United States fruit and vegetable exports including papayas, mangos, avocados, tomatoes, potatoes, soybeans, and grapes, all of which were the subject of recent trade concessions made by the Korean Government. These tactics have been ignored by Korean officials.

A September 5 announcement by the National Pusan Quarantine Office of the Government of South Korea, however, directly indicates the government's hand in this scheme. The new regulations, effective retroactively to September 1, call for Government controlled inspection procedures for chemical residues that require a 25-day testing hold-over period for some 30 United States agricultural exports including rice, barley, corn, beans, potatoes, sweet-potatoes, Chinese cabbage, cabbage, lettuce, spinach, crown daisy, scallion, radish, carrot, onion, red pepper, cucumber, egg-plant, tomato, strawberries, apples, pears, peaches, grapes, grapefruit, lemons, melon, mandarine, persimmon, garlic, and so forth.

This hold-over period is applicable to all 30 of the listed products and to other agricultural products at the request of consumer associations for food groups. Such a practice is tantamount to a ban on imports of perishable products, since their average shelf life, which is less than 14 days, would make them unsalable after that time.

Given the importance of the Korean and Far East markets for United States agricultural exports, the effect of Korea's import policy has been devastating. This most recent trade barrier only adds to the frustrations encountered over the past decade in attempting to achieve liberalized access to that market and nullifies the effect of the trade concessions made to the United States in these product areas.

Korea's efforts to erect veiled trade barriers on agricultural products as health concerns cannot be tolerated. We must insist on immediate and acceptable assurances that the Korean Government will take immediate measures to revise its import restriction policy and abide by reasonable, standardized tests for detecting the presence of Alar and other chemical residues.

AMENDMENTS SUBMITTED

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS, 1990

MIKULSKI AMENDMENT NO. 756

Ms. MIKULSKI proposed an amendment to the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes; as follows:

On page 23, line 23, strike "$6,001,221,225" and insert "$6,001,221,525".

On page 28, line 10, strike "$449,149,000" and insert "$449,145,000".

On page 38, line 1, strike "$1,500,000" and insert "$1,200,000".

On page 38, line 12, strike "$1,752,000" and insert "$500,000".

On page 38, line 17, strike "proviso" and insert "provisos".

On page 45, line 2, strike " "."

On page 78, line 15, after "United States" insert the following: *"Provided further,* That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated for in connection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System".

CRANSTON (AND MURKOWSKI) AMENDMENT NO. 757

Ms. MIKULSKI (for Mr. Cranston) (for himself and Mr. Murkowski) proposed an amendment to the bill H.R. 2916, supra, as follows:

Increase the sum appropriated for "DEPARTMENT OF VETERANS AFFAIRS, Medical Care" by $392,000.

Decrease the sum appropriated for "DEPARTMENT OF VETERANS AFFAIRS, Medical and Prosthetic Research" by $1,559,000.

Increase the sum appropriated for "COURT OF VETERANS APPEALS, Salaries and Expenses" by $1,000,000 and before the period at the end of that item insert ": *Provided,* That such sum shall be available without regard to section 509 of this Act: *Provided further,* That, of the funds provided under this heading, there shall be transferred to and merged with sums appropriated for 'DEPARTMENT OF VETERANS AFFAIRS, Medical and Prosthetic Research' such amount, not to exceed $1,000,000, as the Chief Judge of the Court of Veterans Appeals determines on or before July 1, 1990, to be excess to the needs of the Court during fiscal year 1990.".

At the end of the bill, insert the following new section:

Sec. . The authority of the Department of Veterans Affairs in section 618 of Public Law 100-440 to operate a leave transfer program for employees subject to section 4108 of title 38, United States Code, is extended through December 31, 1989. The provisions of the final sentence of such section 618 shall apply to transferred leave that is unused as of December 31, 1989.

DECONCINI AMENDMENT NO. 758

Ms. MIKULSKI (for Mr. DeConcini) proposed an amendment to the bill H.R. 2916, supra, as follows:

On page 45, line 17, insert:

Of the funds made available by this Act for Annual Contributions for Assisted Housing, $896,000 shall be for project-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project.

THURMOND AMENDMENT NO. 761

Mr. GARN (for Mr. Thurmond) proposed an amendment to the bill, H.R. 2916, supra, as follows:

At the end of title V add the following:

Sec. 5 . (a) Congress makes the following findings:

(1) Congress places a high priority on furnishing high-quality medical care to veterans through the Department of Veterans Affairs.

(2) Significant numbers of veterans over 65 years of age are afflicted with Alzheimers' disease, chronic heart disease, diabetes, hypertension, arthritis, and other serious diseases.

(3) In order to find cures for such diseases it is critical to provide adequate resources for the conduct of sustained medical research.

(4) Significant medical research is taking place in numerous Department of Veterans Affairs medical centers around the United States.

(5) Substantially all of the Department of Veterans Affairs medical care system, including medical research, is financed entirely with Federal funding, except in limited circumstances.

(6) The Department of Veterans Affairs resources and other Federal Government resources available for medical research are insufficient to provide the level of medical research necessary to ensure continued advancement in the quality of medical care furnished veterans by the Department of Veterans Affairs.

(7) Joint medical research ventures involving the sharing of costs by a department or agency of the Federal Government and any of the States increase the resources available for financing critical medical research.

(8) The excellent working relationship between the Medical University of South Carolina and the Department of Veterans Affairs medical center in Charleston, South Carolina exemplifies the potential for conducting harmonious and beneficial joint ventures involving medical resources of the Federal Government and a State.

(b) It is the sense of Congress that—

(1) a joint medical research venture involving the sharing of costs by the Federal Government and any of the States is a viable, worthy, and fiscally prudent means for increasing critical medical research; and

(2) the Secretary of Veterans Affairs should consider providing for a joint venture in which the Department of Veterans Affairs and the State of South Carolina share equally the costs of construction, ownership, and operation of a Department of

Veterans Affairs and Medical University of South Carolina medical research center.

KASTEN (AND MIKULSKI) AMENDMENT NO. 759

Ms. MIKULSKI (for Mr. KASTEN, for himself, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2916, supra, as follows:

At the appropriate place insert the following:

POLAND-HUNGARY ENVIRONMENTAL ASSISTANCE

(a) *Provided further*, That of the funds appropriated for abatement control and compliance, up to $4 million is to carry out such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments or public or private institutions in protecting the environment in Poland and Hungary.

(b) *Provided further*, That the Administrator shall cooperate with Polish officials and experts to:

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

(c) The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

DURENBERGER AMENDMENT NO. 760

Mr. DURENBERGER proposed an amendment to the bill H.R. 2916, supra, as follows:

On page 49, line 22, insert before the last "." the following: ": *Provided further*, That none of the funds made available by this or previous acts making appropriations may be expended for the purpose of conducting any proceeding or taking any other action concerning enactment and implementation of section 130A-295.01 of Article 9 of the North Carolina General Statutes if such proceeding or action may result in the withdrawal of the authorization for North Carolina to conduct a hazardous waste management program pursuant to Subtitle C of the Resource Conservation and Recovery Act or a determination that such program is inconsistent with Federal requirements: *Provided further*, That the Administrator of the Environmental Protection Agency shall report to the Congress not later than September 30, 1990, on any statutory changes which he may recommend to the Resource Conservation and Recovery Act to assure adequate national capacity to treat and dispose of hazardous waste".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing on the appropriate role of methanol as a potential alternative fuel in our future energy policy has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, October 24, 1989, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to discuss the pros and cons of methanol to determine what its proper role should be in a future energy policy.

For further information, please contact James T. Bruce at 224-5052, or Joel Saltzman at 224-7932.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on S. 971, the Administrative Dispute Resolution Act of 1989, on September 19, 1989, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON VETERANS' AFFAIRS AND COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Senate Committees on Veterans' Affairs and Labor and Human Resources are scheduled to hold a joint hearing on September 22, 1989, in SR-418 at 9:15 a.m. to consider the nomination of Thomas E. Collins to be Assistant Secretary of Labor for Veterans' Employment and Training.

Directly following that hearing, the Senate Committee on Veterans' Affairs will meet alone to consider the following nominations to the Department of Veterans Affairs: Rauol L. Carroll to be General Counsel; Allen B. Clark to be Assistant Secretary for Veterans Liaison and Program Coordination; S. Anthony McCann to be Assistant Secretary for Finance and Planning; and Edward T. Timperlake to be Assistant Secretary for Congressional and Public Affairs.

ADDITIONAL STATEMENTS

ETHNIC AMERICAN COMMITTEE TO HOST ALL AMERICANS' GALA

● Mr. LAUTENBERG. Mr. President, I rise today to inform my colleagues of an upcoming special event in Little Falls, NJ. On September 21, the Ethnic American Committee of the Little Falls Democratic Club will hold its 1989 All Americans' Gala to celebrate this country's rich ethnic heritage, and to pay tribute to two Little Falls area individuals for their personal contributions and service to the community.

This annual event is a clear reminder that, as a nation, America is unique in its ethnic and religious pluralism. Across the country, communities like Little Falls are made up of people from different backgrounds and faiths, and that diversity has always been one of America's greatest assets. I wish to acknowledge the 1989 honorees, Helena Mazur Gibbs and Leo J. Ward, who will be presented with a Congressional Citation and the Ethnic American Committee's Distinguished Ethnic Award at this year's gala.

Mrs. Gibbs, a Polish American, had a successful banking career that began as a clerk in the Central Hanover Bank on Wall Street and ended when she retired as vice president and branch manager of the Midlantic Bank of Little Falls. A member of the board of directors of the National Association of Bank Women Officers, Mrs. Gibbs also received the High Achievement Award from the American Bankers Association. In the community, Mrs. Gibbs has chaired fund raisers for the American Heart Association and the Boy Scouts of America, and has actively worked in the Little Falls Women's Business and Professionals Club.

Mr. Ward, an Irish American, is a World War II veteran who served as a Navy combat aircrew member in the South Pacific. Later, Leo Ward entered the U.S. Naval Reserves, serving 24 more years, with two tours of active duty in Korea and 1 year during the Cuban missile crisis. From 1946 until his retirement in 1980, Mr. Ward was employed with New Jersey Public Service Electric & Gas. An active volunteer fireman for many years, Leo Ward is currently a member of the Civil Defense Firemen, American Legion Post No. 121, Veterans of Foreign Wars Post No. 6255, and the Knights of Columbus Council No. 3835.

In honor of these two individuals, the focus of this year's All Americans' Gala will be a celebration of Polish and Irish culture. I want to extend my best wishes to both of the honorees and to everyone attending for a successful and memorable evening.●

GEORGE D. MALKASIAN, JR., M.D.

● Mr. DURENBERGER. Mr. President, George D. Malkasian, Jr., M.D., of Rochester, MN, has recently been named president of the American College of Obstetricians and Gynecologists at their annual clinical meeting. The ACOG is a national medical organization whose more than 28,000 members specialize in the health care of women. Dr. Malkasian has been affiliated with the Mayo Clinic Ob/Gyn Department since 1955. He has been past president of the Central Association of Obstetricians and Gynecologists and the North American Ob/Gyn Society. Dr. Malkasian has also published more than 100 scientific articles on various subjects in ob/gyn. The

ACOG is a distinguished organization dedicated to providing excellent health care for all women. I ask that the text of Dr. Malkasian's presidential address be printed at this point in the RECORD.

The address follows:

QUALITY ASSURANCE: THE CONSCIENCE OF THE SPECIALTY

(By George D. Malkasian, Jr., M.D., President, the American College of Obstetricians and Gynecologists)

If we were some latter day medical Rip Van Winkles who today were being roused from our 20 year sleeps, we would look around us in astonishment. The exhibit halls, at this clinical meeting, would startle us with the advances in technology and knowledge that may only have been dreamed of 20 years ago—if they were dreamed of at all. The uses of ultrasound for both obstetrics and gynecology have gone so far beyond anything we could imagine 20 years ago. We probably would have been considered unrealistic dreamers back then by many of our colleagues if we had predicted where we would be in the technology and art of today's medical world.

And to those of you, we are becoming Fellows of the College today, what will you find if you were to become today's medical Rip Van Winkle and wake up 20 years from now? Today's technology, today's base of knowledge, and today's armamentarium will be looked upon as quaint to the graduates of the year 2009. Because by then, it is not beyond the realm of possibility that we will understand fully the mechanism that triggers labor. We may be able to deal with inherited diseases and conquer them with genetic manipulation. It's not beyond the realm of possibility that we will have an inexpensive, accurate test to find cancer of the ovaries before it becomes invasive. We may even be able to monitor the course of labor with a precision that eludes us today. Just as we, 20 years ago, could not conceive of the exact face of our specialty today, we find ourselves with the same dilemma now: we cannot possibly see the exact face of our specialty 20 years into the future. What we now accept as quality of care, we may find unacceptable one or two decades from now.

A short while ago, the renowned anthropologist Loren Eisely (1) addressed a symposium on man's adaptation to his changing environment. He said then, "The long slow turn of world time . . . has given way in the human realm to a fantastically speeded up social evolution induced by industrial technology. So fast does this change progress that a growing child strives to master the sociological mores of a culture which might, compared with the pace of past history, compress centuries of change into his lifetime." Eisely continued say, "I, myself, like many among you, was born in an age which has already perished. At my death, I will look my last upon a society, which save for some linguistic continuity, will seem increasingly alien and remote . . . I will not merely be old; I will be a genuine fossil embedded in onrushing man-made time before my actual death."[1]

Let's take just one example from our Specialty. Suppose I told you last year that within 20 years, we would have a machine, that would let us predict birth defects such as Down syndrome simply by having the mother and father press their hands on a computer screen. If I said this out loud at a social event, you might smile and make your excuses and try to avoid me for the rest of the evening, because what I have just outlined is outside our present experience and outside the standard of care we offer.

There are ways to detect Down syndrome. We all know them. One way is amniocentesis. And now we have another method called chorionic villus sampling which we did not know about ten years ago. If I predicted a future blood test that could do this, we would still be within the realm of our experience, but hand prints—that's like black magic or voodoo medicine. Gypsies, we know, tell fortunes by reading palms.

But right now in Germany, a group of scientists is developing a computer softwear program and plan to market it next year to allow us to do just that—predict Down syndrome in infants by looking at the whorls on the prospective parents' hands. I don't know if that will work, but I do know that new advances in knowledge and technology will change the way we deliver health care in the future.

Standards of care we used yesterday will obviously change by tomorrow. How much they will change, we can't know with any certainty, but we do know that when we determine what good quality of care is today, we must be prepared to change that definition by tomorrow.

Our society often believes that scientific discoveries and innovative technologies will solve our problems. We know that too often we can overlook the many pitfalls that aren't well articulated with the reports of the discoveries. We need to encourage well conceived clinical trials. Any new technology has to be evaluated on a scientific basis. And, we have to have the courage to discard new technologies when they are more expensive and provide no better care than the old ones. These are just a few of the problems that we and the medical community face today.

There is no question that research, both clinical and basic, has led us to where we are today: with decreased maternal mortality, better understanding of genetics, physiology and pathophysiology. And the public in many instances, expects more of us than we can deliver. How many health care consumers separate science from our ability to deliver effective, appropriate health care?

How can they be expected to when they see 30 and 60-second commercials on television showing the exciting drama of "surgery without the need to perform an operation" advertising the latest miracle of computer tomography by General Electric with the heart-warming conclusion as the breadwinner goes to his waiting wife in the reception area saying with a warm smile on his face, "Everything's O.K. We can go home now?" Broad smile, embrace, fade-out.

How many breakthroughs or great medical discoveries have we seen announced in the evening news in breathless and confident tones reporting on studies or letters published in our prestigious journals? We know, on closer examination, that the studies generally raise further questions about our medical science and knowledge. Does caffeine harm the fetus? Do today's low dose pills increase the risk of cancer of the breast? What are your parents going to think when you give them the thoughtful answers that are at apparent odds with today's headlines and yesterday's sound bites?

And yet, that is the real challenge in determining quality of care—adapting yesterday's standards to tomorrow's science and balancing our science with our patients' expectations today.

With the explosion in medical technology, comes an explosion in costs. Insurance companies, following the federal and state governments' leads are not only deciding where their insured clients can obtain care and what they can pay for it; but are looking for ways of evaluating the quality of care they are buying from providers.

Employers and unions who bear the brunt of paying for health care are beginning to ask questions about the quality of care they are getting for their health care dollar. At the moment, unlike the government and the insurance companies, they lack the data to attempt to make such decisions.

The Joint Commission for Accreditation of Health Care Organizations (JCAHO) has initiated its "Agenda for Change," which in essence is a quality assurance program using indicators to identify potential problems. Some people say, that for lack of standards for quality care, some physicians are being hurt in court because there is nothing against which to judge performance. The AMA is suggesting a study with the Rand Corporation to establish parameters of practice which would suggest various levels of possible care for a given condition.

At last count, 15 of the 24 specialty societies had quality assurance or standards of care activities underway. The American Society of Anesthesiologists, has adopted a set of rigid standards, and in 1988 in Massachusetts where it has been studied, there had been no suits filed for hypoxic maloccurrences against anesthesiologists.

There is no question that significant support exists in government, among consumer groups such as industry and unions, and among health providers for the development of standards and quality assurance systems. We not only should be, but we had better be the leaders in developing these systems.

As early as 1972, this College published "Indices for Use in Peer Review of Obstetric and Gynecologic Practice," followed in 1977 by "Indices for Outcome Audits," 1981 by a publication "Quality Assurance in Obstetrics and Gynecology" and "Standards for Obstetric-Gynecologic Services," the 7th Edition, of which is in press.

Today, the College has an active quality assurance program. It is a two-pronged effort.

The first part of the effort, Voluntary Review of Quality Care Program, grew out of an idea by Dr. William Mixson and is being led by Dr. Ed Gibbs. In this program, trained teams of ACOG Fellows and members of NAACOG serve as peer reviewers for hospital ob/gyn departments that request an evaluation of their departments. The team provides a comprehensive report to the hospital. The report sums up the inquiry data and makes specific recommendations based on the group's review of the data, interviews of key hospital staff, and summaries of the observations obtained from the evaluation of the facility. The report becomes the hospital's property. What they do with it is their responsibility.

Of the first 14 programs evaluated, three issues were seen as problems in all the institutions. First, they had problems with protocols; second, quality assurance activities; and third, all hospitals had education needs. Half of the institutions had problems with forms and documentation, department functioning, staff relationships, 24-hour coverage, facilities, hospital relationships, staffing, and credentials and privileges. Most importantly, only a few contained problem physicians.

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[1] Eisely, L.: Freedom of the Juggernaut. Mayo Clinic Proc. 40:7-21, 1965.

The second part of ACOG's effort to assure quality of care is a Task Force on Quality Assurance, under the leadership of Dr. Irving Meeker. This task force has compiled a manual which is being released this week at this Annual Clinic Meeting. It contains two mechanisms for peer review within a hospital practice setting.

The first of these Clinical Indicators is to be used by people who are not physicians, but abstractors who flag patient charts that contain material indicating a physician should further review and evaluate some aspects of that patient's care. The material could indicate adverse outcomes or events that appear to be out of the ordinary. Examples might be all maternal mortality or all unexpected returns of newly operated patients to the operating room.

In addition to these indicators, or red flags, there are Clinical Criteria for different physical indications. These are the justifications for a procedure as well as clinical steps or activities that should be taken prior to or during a specific procedure. The criteria sets should help review that decision-making process of physicians to determine when a particular procedure is indicated. Also included are contraindications.

The manual is specifically designed to represent a base level of acceptable care below which no facility or practitioner generally should fall. This manual should apply to all hospital departments of obstetrics and gynecology, large and small, urban and rural, which contain a huge range of resources and clinical sophistication. The manual specifically states that the institutions and their departments should develop, within the extent of their resources, additional guidelines that may even require technology that wouldn't be expected to be present in all institutions. Standards based on cutting-edge knowledge and technology are of less value and inappropriate in determining whether particular institutions and/or physicians are providing acceptable care to their patients.

You'll notice that the manual will come to you for use in a three-ring binder. That should send a message all by itself. This manual, as Quality Assurance itself, should be under ongoing review and change.

As the data accumulate, its use in developing physician profiles, department profiles, practice trends and identifying educational needs will become increasingly evident. The data will be more useful in these areas when it can take into account severity of the patient's illness.

Setting standards and establishing quality assurance programs are activities that conjure up on some folks' minds the spectre of the courts and their interpretations of such activities. But defense attorneys tell us that their best defense in court, very often, is the fact that we do have standards. And, they win many more cases than they lose.

Organizations and people taking part in review activities receive immunity under the Health Care Quality Improvement Act of 1986 which The College strongly supported. This immunity from damages applies to actions brought under any federal or state law except those protecting one's civil rights. It has been phased in gradually and will be in full effect in October of this year.

To obtain this immunity, professional review actions must be taken "in the reasonable belief that the action was in the furtherance of quality health care" and after giving adequate due process to any physician involved.

The great thing about The American College of Obstetricians and Gynecologists is perhaps not where it has been or even where it has arrived today, but that we know in the future it will adapt to the changing times. Its efforts in quality assurance are but one phase of its adaptation. The programs ACOG is carrying out are Blue Chip activities. They carry with them some risk but certainly not the risks we could come to by hearing, seeing, and doing nothing. These programs deserve the investment of our concerted, united efforts.

The planning of these programs is difficult. The easy route would be to follow old Rip Van Winkle's example and go to sleep for 20 years in the hopes that when we awaken someone else will have "made things better for us." And, in that interim, without quality assurance programs that change continuously with proven advances in technology and science, our speciality could become stagnant. We would be in danger of offering increasingly poor patient care.

What we want to add to today's care is the best application of science and technology and knowledge as it develops in the future. A changing quality assurance program that provides room for evaluation of new knowledge and technology will help us deliver health care, of which we all can be proud, to all women.●

EQUALIZING HEALTH CARE

● Mr. SIMON. Mr. President, I am pleased to join my distinguished colleagues, Senators KENNEDY, DODD, INOUYE, and SPECTER as original cosponsors of S. 1606, The Disadvantaged Minority Health Improvement Act of 1989. I commend Senator KENNEDY and Congressman STOKES for their work on this important and timely piece of legislation.

The 1988 Health, United States report highlighted disturbing trends in minority health. For instance, the nationwide rate of infant mortality dropped to 9.2 deaths per 1,000 births in 1986 from a high of 20 deaths per 1,000 births in 1970. However, the 1986 infant mortality rate among blacks remained at 18.2—twice as high as that for whites.

In January 1986, the Secretary of the U.S. Department of Health and Human Services received a report from the task force on black and minority health that concentrated on the inequities in the health status of U.S. minorities as compared with all Americans. Excess deaths were defined by the task force as differences in the number of deaths expected if the minority populations had the same age- and sex-specific death rates as the nonminority population.

The task force reported that the life expectancy at birth rose from 74.7 to 74.8 years for the overall population from 1985 to 1986, but the life expectancy for blacks during this same period declined from 69.5 to 69.4 years—the second year in a row the figure has declined.

The task force found six causes of death that, together, accounted for 80 percent of the excess black mortality: Cancer, cardiovascular disease and stroke, chemical dependency, diabetes, homicides, and accidents. Many of those problems, in addition to AIDS, are the reasons why longevity among blacks has been decreasing in recent years.

We need this legislation if we are to begin to address the critical health status of the minority population in this country.

Our bill seeks to provide support for health promotion and disease prevention activities designed to reduce the occurrence of illnesses that are highly prevalent among disadvantaged minorities.

It authorizes the Department of Health and Human Services' Office of Minority Health to coordinate Federal efforts to better understand and reduce the incidence of illness among minority Americans, as recommended in the 1985 report of the Secretary's task force on black and minority health.

It addresses the issue of the underrepresentation of minority health professionals in medical schools throughout the country by establishing new authority and programs under titles VII and VIII of the Public Service Act.

In addition this legislation would coordinate Federal expenditures for health programs of the trust territories of the Pacific Islands.

The authorizations proposed for fiscal year 1990 of $117 million, fiscal year 1991 of $140 million, and fiscal year 1992 of $164 million will greatly assist in the development of programs to address this longstanding and critical concern of our Nation. The time to act is now if we are seriously committed to the well-being of all of our citizens.●

ACKNOWLEDGING PUBLIC POWER WEEK IN McCLEARY, WA

● Mr. GORTON. Mr. President, I rise today to salute Mayor Richard Vatne of McCleary, WA, in his efforts to bring public power to the forefront of our minds through his declaration of October 8 through the 14th as "Public Power Week" in McCleary.

In the late 1920's, one of the most unique grassroot campaigns of the decade took place. Rural constituents in the Pacific Northwest States of Washington and Oregon joined efforts to fight against the monopoly of private power owners and their neglect in providing good electric service. Electric rates were extremely high for people in the city, but the rural consumers were without electricity because the private companies refused to build lines to rural area. In response Initiative 1 was passed in 1930 permitting the people of individual counties to create a public utility district and elect local commissioners.

Public power has been a blessing for the citizens of my State. Because the utilities are owned by the consumers and run on a not-for-profit basis, rates are not only kept down, but any increase in the value of the utility accrues to the consumer. Consumers are aware of current activities involving rate changes, and the service and operation of the utility. Through election of county utility commissioners consumers remain active and involved in the process of electricity sales.

Our public utilities have faced many challenges and we have seen many changes. Some of the most exciting include, the first steps of organizing the public utility districts, the implementation of the Regional Power Act, and the suffering conflict and confusion over the "Whoops"—Washington Public Power System—lawsuits.

Since the days of Franklin D. Roosevelt, Congress has been a key player in the history and formation of today's operating system. Through the development of large dams on the Columbia River and the building of Bonneville Power Administration's huge Federal transmission power grid we have supported a system which is a proven success.

I would like to reiterate my support for our public power district's efforts and commend Mayor Vatne for his enthusiasm and ability to bring this important system to our attention.●

TRIBUTE TO MICHAEL L. SLIVINSKI 1989 GRAND MARSHAL OF THE PULASKI DAY PARADE

● Mr. LAUTENBERG. Mr. President, I rise to recognize Michael L. Slivinski of Linden, NJ, who will be the 1989 grand marshal of the Pulaski Day Parade in New York City. Well known for his years of service to the Polish-American community, Mr. Slivinski was the overwhelming choice of the General Pulaski memorial committee delegates to head this year's parade on October 1.

The honor of grand marshal comes to Mr. Slivinski after much hard work and dedication to the Pulaski Day Parade, a day of pride and celebration for many thousands of Polish Americans. A tribute to the Polish general who laid down his life fighting for America's freedom in the War for Independence, the Pulaski Day is a fitting tribute to the special heritage and many contributions of Polish Americans to American society. A lifelong native of Linden, Michael Slivinski organized that town's Pulaski parade committee chapter and has served twice as chapter president. In the 1983 parade, he was the Linden contingent's marshal. Today, Michael Slivinski continues his efforts as first vice president of the General Pulaski memorial committee.

Michael Slivinski has also distinguished himself for his work on behalf of the Polish Heritage Festival, held at the Garden State Arts Center in Holmdel. At the festival he has served as chairman of the Misses Polonia Presentation and cochairman of the Plaza Mall Show. Michael was rewarded for his good efforts last year when the readers of the weekly Polish-American World voted him their citizen of the year. In addition to his dedication to the Polish-American community, Michael is a civic leader in his hometown, where he is active in United Way fundraising and in his local parish.

This year, the Pulaski Day Parade will highlight a tribute to veterans of World War II, commemorating the 50th anniversary of the Nazi invasion of Poland, and the bicentennial of George Washington's inauguration as the first American President. With his family and friends, I congratulate Michael Slivinski on his special day of honor as grand marshal, and extend to him best wishes for a successful and memorable Pulaski Day Parade.●

SENATOR LIEBERMAN'S VIEWS ON CAPITAL GAINS REFORM

● Mr. KASTEN. Mr. President, I rise today to applaud the courage of a distinguished member of the Senate's freshman class. In the September 11 edition of the Washington Times, Senator JOSEPH LIEBERMAN attacked the unhealthy economic orthodoxy that prevails in the Democratic Party on the issue of capital gains tax cuts—and pointed the way toward an intelligent policy based on incentives, free markets, and economic growth.

I think capital gains reform ought to be a bipartisan issue because it's a jobs issue. If individuals like our colleague Senator LIEBERMAN succeed, it will in fact be a bipartisan issue—and our country will benefit greatly.

I recommend that all my colleagues, Democrat and Republican alike, read this eloquent and convincing article. I consequently ask that it be printed in the RECORD.

The article follows:

COMMON ECONOMIC SENSE

The current argument among congressional Democrats about whether or not to support a capital gains tax cut raises some important, larger questions for our party: Does the national Democratic Party care about economic competitiveness? Does it have a program for economic growth? Can it convince the American people that they will feel economically secure with a Democrat in the White House?

For too long, most Americans have answered those questions in the negative. That, as much as prison furloughs and Pledges of Allegiance, explains the last presidential election and the surge of young upwardly mobile men and women to the Republican Party in spite of their differences with the Republican national platform on a host of non-economic issues.

In the view of too many Americans, the national Democratic Party cares mostly about social policy and not at all about economic policy. American history tells us that, unless we stand for both social progress and economic security, we will not gain the support of a majority of voters. Common sense tells us that without real economic growth we will never have the capacity to meet our society's needs.

That is a lesson I learned during the 1970s, when I was in Connecticut's state government, from Gov. Ella Grasso and others, who understood that what matters most to working people is having a job; that what matters most to small business people is having customers for their goods and services; and that the best way for government to help make that happen is by building a partnership with the private sector and attracting private capital into investment and growth that benefits everyone.

Such an approach worked in Connecticut during the 1970s, just as it has worked at various times in our national history. It is desperately needed once again at this fragile time for America's economy, and Democrats should be leading the way in advocating it.

Since I entered the Senate in January, I have been listening to business people and economists, trying to educate myself on what ails our economy and what can cure it. The descriptions and prescriptions I have heard follow a remarkably consistent pattern. While America is still economically strong and competitive, everyone tells me, the trends are discouraging.

The budget and trade deficits reveal our weaknesses, and further sap our strength. The declining real standard of living of too many Americans is the most widely felt indicator of our troubles and bodes ill for the future.

In today's global economy, I have repeatedly been told, we can regain momentum by balancing the federal budget, increasing our startingly low comparative rate of investment and savings, improving the quality of graduates of our educational system and freeing America's corporate managers from their preoccupation with the short term.

A well-drafted capital gains tax cut is one way to achieve two of those goals: more new investment and longer-term decision-making. The argument of some Democrats against a cut in the capital gains tax—that the rich will benefit more than the rest of us—misses the point and is politically divisive.

Lower- and middle-income people won't realize most of the tax savings for the obvious reason that they have less capital, but they could get something better: a job, if they have none, or a better job if they are underemployed. After all, the whole idea of a capital gains tax cut is to induce people who have capital to move it into new investments that will make America more productive and competitive and benefit all of us with greater economic opportunity and security.

That is why congressional Democrats, for substantive and political reasons, should support a targeted capital gains cut that will stimulate longer-term investment. And if we are serious about economic growth we ought not to stop there. We should also make the research and development tax credit permanent, restore an investment tax credit and improve our awful savings rate by making all taxpayers once again eligible for IRAs, which expert studies show would stimulate a net increase in savings.

That is a program for which there should be bipartisan support in Congress. It is also a program for which there must be strong Democratic support if the national Democratic Party is to be seen once again as a party that values the kind of economic growth and security that most Americans care about every day of their lives.●

HIGH SCORES FOR AMERICAN COLLEGE TESTING IN WISCONSIN

● Mr. KASTEN. Mr. President, I rise today to express my great pride in the young people of Wisconsin. The students in Wisconsin have joined those in Iowa and once again outperformed students in all other States on ACT test scores.

In 1987, Wisconsin took the top spot for the highest average test score on the American college test. In 1988 Iowa held first place, with Wisconsin trailing slightly. This year, Wisconsin tied for first place with Iowa.

Since the University of Wisconsin System began requiring ACT test scores for admission, the numbers of students taking the test have shot up across the State. In 1988-89, 52.7 percent of Wisconsin's high school seniors took the ACT test—compared to 46.3 percent of the senior class the year before.

These high test scores are the result of the hard work of Wisconsin's schoolteachers, school administrators, parents, and the community.

When President Bush prepares for the historic education summit on September 27-28, along with the Nation's governors, I am confident, that Wisconsin will be used as a model of excellence for America's schools.

And finally, Mr. President, let me repeat how proud I am of the outstanding job our students have done. These students are being the best they can be—so hats off to them.●

OIL LEASING FOR THE STRATEGIC PETROLEUM RESERVE

● Mr. JOHNSTON. Mr. President, as our oil imports increase, the Strategic Petroleum Reserve becomes all the more important for our energy security. This past June we passed legislation extending the basic authority of the existence of the SPR. Today, I want to give my colleagues a short status report on events relating to the SPR since enactment of that legislation, Public Law 101-46. My colleagues will recall that the Senate voted to expand the SPR to 1 billion barrels. The House felt it needed more time for this and other SPR-related issues, so as a compromise, the conferees put the SPR expansion issue off until April 1 of next year. A second important issue was how to finance future SPR expansion. The recently enacted legislation mandated a DOE study on the subject.

As for the first issue, I am happy to report that on August 4 Representative Phil Sharp introduced legislation calling for, among other things, SPR expansion to 1 billion barrels. As chairman of the House Subcommittee on Energy and Power, Mr. Sharp will, I am sure, lead the House next year to agree with the Senate to enlarge the SPR to 1 billion barrels.

That brings me to the second issue. That is, how should we finance filling the SPR? Given the current budget climate, I think it is very unlikely that we can achieve the SPR fill rates we need unless we find an alternative means to finance the SPR. The current method of using general revenues to purchase the oil for the SPR presents too tempting a target for budget reductions.

Chief among the alternative financing concepts we directed the DOE to purchase was oil leasing, and the leasing of oil storage facilities as well. I was very pleased to see a recent article of September 12 in the Washington Post entitled, "Saudis Propose Leasing Oil to U.S." The subtitle was, "Unusual Arrangement Discussed to Fill Strategic Petroleum Reserve." I will insert this article in the Record and I urge my colleagues to read it.

The article described a meeting between Saudi Oil Minister Hisham Nazer and Energy Secretary James Watkins and Deputy Secretary W. Henson Moore. The Saudis were said to be discussing a novel proposal to lease their crude oil to our SPR.

The truth of the matter is, as I understand it, the Saudis did not lay down any specific proposal on oil leasing. They, as well as several other oil-producing nations, are merely exploring the concept of oil leasing in discussions with our Government officials. Real negotiation will, I hope, soon ensue. That will be part of an iterative process of negotiation between DOE, the private sector, and foreign governments. The objective is for DOE to determine the best alternative financing package for the SPR and to report back to Congress by February 1 with legislative recommendations.

In my opinion, the significance of this article is not that the Saudis are talking about oil leasing, but that the Secretary of Energy and Deputy Secretary of Energy are talking about it. I am quite pleased to see these two officials personally involved in these discussions. This should lay to rest any speculation about how seriously DOE is taking the concept of oil leasing for the SPR.

The involvement of Secretary Watkins and Deputy Secretary Moore also suggests that DOE's examination of alternative financing is more than just carrying out another mandatory study. The effort appears to have the personal attention of the Secretary. This is fortunate for DOE. In our legislation enacted last June, we put DOE on notice. The statute said that DOE should assume that Congress will pass SPR legislation to have a final plan 3 months later (July 1) for achieving a 1-billion-barrel SPR.

Therefore, Mr. President, I am optimistic about the future of the SPR. I believe that early next year we will have a consensus to expand it to 1 billion barrels and a plan for financing it in an affordable manner.

I ask that the article entitled, "Saudis Propose leasing Oil to U.S.," from the September 12, 1989 issue of the Washington Post, be inserted in the Record at this point.

The article follows:

[From the Washington Post, Sept. 12, 1989]

Saudis Propose Leasing Oil to U.S.

(By Thomas W. Lippman)

Saudi Arabia, looking for extra cash, and the United States, looking for cut-rate oil to fill the Strategic Petroleum Reserve, are discussing a novel Saudy proposal to lease crude oil to this country, government officials said yersterday.

A long-term lease would enable the Saudis to earn revenue for surplus oil that they cannot sell because of production quotas adopted by the Organization of Petroleum Exporting Countries (OPEC). It would enable the United States to acquire oil for the strategic reserve without having to pay market prices for it, according to Energy Department officials and independent oil industry analysts.

The Saudis are actively promoting the arrangement, informed sources said, but the U.S. reaction has been cautious. An agreement to put oil nominally owned by Saudi Arabia under U.S. control for use in an energy emergency has political, strategic and economic implications that have not been thought through, officials said.

Saudi Oil Minister Hisham Nazer discussed the leasing idea last week at a meeting with Energy Secretary James D. Watkins and Deputy Secretary W. Henson Moore. "The Saudis brought it up," Moore said yesterday. "We informed Nazer that his interest is of interest to us, and if he wants to forward a detailed proposal, we'll look at it."

Moore said it was "premature" to discuss the idea in detail because "we're just beginning to work on it." But there is some urgency because the Energy Department is under orders from Congress to develop alternative ways of financing the acquisition of oil for the strategic reseve. A preliminary report is due Oct. 15.

In addition, the U.S. purchase contract with Mexico, which has supplied all the crude for the reserve at market prices for the past two years, expires Nov. 30. Mexican crude is of a sulfurous type known as "sour" but the Energy Department wants a new supplier to maintain a balance of "sweet" low-sulfur and all other types of oil in the stockpile, a department official said.

Moore said yesterday that the leasing proposal is one of many under consideration by an interagency task force, but several analysts said it appears to be the leading contender because Congress appears unwilling to support the Bush administration's preferred solution—selling government oil leases at the Elk Hills and Teapot Dome reserves and using the money to buy oil for the strategic reserve.

The Strategic Petroleum Reserve, created in response to the Arab oil embargo of 1973, contains about 575 million barrels of crude oil stored in salt caverns in Louisiana, an amount equal to less than 80 days' imports at current import rates. It is targeted to grow to 750 million barrels, but both houses of Congress are considering an increase to 1 billion barrels. At today's price of about $18 per barrel and at the current fill rate of about 60,000 barrels a day, an Energy Department official said, it would take 10 years and cost more than $6 billion to reach the higher target.

Kuwait, Venezuela and Norway—which is not a member of OPEC—have also expressed interest in supplying oil to the United States, informed officials said yesterday, but the Saudis have by far the greatest excess capacity, about 3 million barrels a day.

"The Saudis have oil that they won't bring up out of the ground for 100 years. If they can get something for it now, why not?" said a congressional staff member who is involved in planning the strategic reserve's expansion. "And if we can pay less than the cost of buying the oil and still have control over its disposition, that would be all we want."

"Most things that are simple are elegant and this is one of them," said Joseph Stanislaw, a Paris-based OPEC-watcher for Cambridge Energy Research Associates. "For the Saudis it's a simple way of bringing revenue forward without selling oil that would compete in the marketplace. They know it would only be used under extreme conditions."

Edward N. Krapels, president of Energy Security Analysis Inc. of Washington, said leasing is "really a new idea. I've looked at energy security programs in every country, including South Africa, and no one has done this. My position is that if we control the oil and don't have to pay $48.50 for it" when trouble comes, "it would be all right."

The idea of leasing oil was raised in May in Senate testimony by John H. Lichtblau, president of the Petroleum Industry Research Foundation, but attracted little public attention before Nazer's meeting with Watkins and Moore. Now it is the talk of the industry, with government officials and independent analysts asking such questions as:

How would the price be determined? If oil owned by Saudi Arabia but controlled by the United States were sold at the high prices any emergency would bring, who would get the profits? Would the lease be open-ended, or would it be for a fixed term, ending in U.S. ownership? "Where is the point of diminishing returns?" as Moore put it. "When is it better to own rather than lease?" And what would happen to OPEC if its mainstay member entered publicly into an arrangement with the United States that appeared to undercut the organization's production quotas, to the detriment of its smaller members?

The DOE report will only begin the debate.●

DEDICATION OF THE SEARCHLIGHT COMMUNITY CENTER, SEARCHLIGHT, NV

● Mr. BRYAN. Mr. President, today I stand before you to commemorate the dedication of the Searchlight Community Center in Searchlight, NV. These facilities were recently completed through the efforts of several governmental agencies and funding sources, as well as the hard work and dedication of the citizens of Searchlight and the surrounding Nevada communities.

The town of Searchlight, located in the southern tip of the State of Nevada, 50 miles south of Las Vegas, is unique in its history. in 1898, a small group of local miners petitioned to have their mining camp named the Searchlight Mining District. Newspaper articles from the area record that the Searchlight claim name was taken from a well-known brand of matches manufactured by the Diamond Match Co. during that period. Local legend has it that while looking for gold in the area, one miner told his partner that there was gold in the ore they were digging. His partner supposedly argued that if there were gold, they would need a searchlight to find it. It is said that this is the only town in the United States, and maybe the world, to have this name.

Today, the town of Searchlight is home to approximately 650 people, and is the hometown of Nevada Senator HARRY REID. It is with great pleasure, Mr. President, that I applaud the completion of the new Searchlight Community Center, which includes a branch of the Clark County library, a medical clinic, a town board office, and a historic museum.

In 1983, the Wendell Land Sales Trust Fund was created when land which was given to the townsite of Searchlight in 1972, was sold at public auction. In 1986, the Searchlight Town Advisory Board requested the funds from the sale of this land be used to build a new community center. Because of this action, and the dedicated hard work of several members of both the community of Searchlight and Clark County, the town now has the new community center which we are honoring here today.

Mr. President, again it is my pleasure and honor to stand before you today as Searchlight, NV, dedicates its new community center.●

EMERGENCY MEDICAL SERVICES WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 133, designating the week beginning September 17 as "Emergency Medical Services Week."

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 133), designating the week beginning September 17, 1989, as "Emergency Medical Services Week".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DIXON. Mr. President, I rise before you today to commemorate those who perform lifesaving medical emergency actions. These individuals richly deserve our esteem and gratitude every day of the year, and especially during "Emergency Medical Services Week," which is designated as the week of September 17, 1989.

Those who make up the emergency medical service teams—including the physicians, nurses, technicians, paramedics, educators, and administrators, as well as the many devoted volunteers and members of law enforcement, and firefighters and park rangers—work together to serve all of us. Every day, their knowledge, dedication, and efficiency saves lives and helps care for accident victims and the critically ill. Often, these individuals work under adverse, and sometimes dangerous, conditions.

Let us all give thanks to emergency medical service personnel everywhere, everyday.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 133) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 175

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate Joint Resolution 175, the Senate companion, be discharged from the Judiciary Committee and then indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS; RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, September 19; that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each; and that on tomorrow, the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, under the previous order, until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:21 p.m., recessed until Tuesday, September 19, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1989:

DEPARTMENT OF STATE

ALVIN P. ADAMS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DEPARTMENT OF VETERANS AFFAIRS

EDWARD G. LEWIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION RESOURCES MANAGEMENT). (NEW POSITION.)

DEPARTMENT OF JUSTICE

K. MICHAEL MOORE, OF FLORIDA, TO BE DIRECTOR OF THE U.S. MARSHALS SERVICE. (NEW POSITION.)

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

to be lieutenant general

MAJ. GEN. WILLIAM S. CARPENTER, JR., [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent brigadier general

COL. THOMAS F. SIKORA, [redacted], U.S. ARMY.
COL. EUGENE S. WITHERSPOON, [redacted] U.S. ARMY.
COL. FREDRIC H. LEIGH, [redacted], U.S. ARMY.
COL. ROBERT E. WYNN, [redacted], U.S. ARMY.
COL. HAROLD W. NELSON, [redacted], U.S. ARMY.
COL. HARVEY E. BROWN, [redacted], U.S. ARMY.
COL. FRANK F. HENERSON, [redacted] U.S. ARMY.
COL. SALVATORE P. CHIDICHIMO, [redacted] U.S. ARMY.
COL. GEORGE A. LANDIS, [redacted], U.S. ARMY.
COL. DAVID E. WHITE, [redacted], U.S. ARMY.
COL. COLUMBUS M. WOMBLE, [redacted] U.S. ARMY.
COL. HERBERT J. LLOYD, [redacted], U.S. ARMY.
COL. RAY E. MCCOY, [redacted], U.S. ARMY.
COL. KENNETH W. SIMPSON, [redacted], U.S. ARMY.
COL. THOMAS H. NEEDHAM, [redacted], U.S. ARMY.
COL. WALTER L. BUSBEE, [redacted], U.S. ARMY.
COL. JOHN C. THOMPSON, [redacted], U.S. ARMY.
COL. RONALD E. ADAMS, [redacted], U.S. ARMY.
COL. JOHN N. DAILEY, [redacted], U.S. ARMY.
COL. HARLEY C. DAVIS, [redacted], U.S. ARMY.
COL. ROBERT K. GUEST, [redacted], U.S. ARMY.
COL. JAMES S. DICKEY, [redacted], U.S. ARMY.
COL. ROBERT S. HARDY, JR., [redacted], U.S. ARMY.
COL. STANLEY G. GENEGA, [redacted], U.S. ARMY.
COL. CLAIR F. GILL, [redacted], U.S. ARMY.
COL. JOHN M. PICKLER, [redacted], U.S. ARMY.
COL. JOHN M. WATKINS, JR., [redacted], U.S. ARMY.
COL. WILLIAM R. HOLMES, [redacted] U.S. ARMY.
COL. VERNON L. CONNER, [redacted], U.S. ARMY.
COL. GEORGE A. FISHER, JR., [redacted], U.S. ARMY.
COL. JAMES L. WILSON, [redacted], U.S. ARMY.
COL. FREDERICK G. WONG, [redacted], U.S. ARMY.
COL. JOHN W. HENDRIX, [redacted], U.S. ARMY.
COL. GEORGE E. FRIEL, [redacted], U.S. ARMY.
COL. FREDERICK H. ESSIG, [redacted], U.S. ARMY.
COL. JOHN M. KEANE, [redacted], U.S. ARMY.
COL. JOE N. FRAZAR III, [redacted], U.S. ARMY.
COL. JAMES F. BRICKMAN, [redacted], U.S. ARMY.
COL. RAYMOND T. ROE, [redacted], U.S. ARMY.
COL. JAMES W. MONROE, [redacted], U.S. ARMY.
COL. JOHN J. CUSICK, [redacted], U.S. ARMY.
COL. TOMMY R. FRANKS, [redacted], U.S. ARMY.
COL. ERIC K. SHINSEKI, [redacted], U.S. ARMY.
COL. JAMES L. NOLES, [redacted], U.S. ARMY.
COL. ROBERT D. KERR, [redacted], U.S. ARMY.
COL. JOHN N. ABRAMS, [redacted], U.S. ARMY.

EXTENSIONS OF REMARKS

ATROCITIES STILL A PART OF SOUTH AFRICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. DELLUMS. Mr. Speaker, I rise today to bring to the attention of the Members the continuing atrocities being committed in South Africa.

September 13, 1989, marked the 10th anniversary of the independence of Venda, which is a so called homeland in South Africa. This anniversary is not one of celebration, it is one that commemorates 10 years of brutality and corruption.

The people of Venda have been forced into the homeland policy of South Africa which is part of the Governments restricted Group Areas Act. This act separates the people of South Africa according to race as to where they may live.

Some of the people of Venda have been detained. While in detention, they are beaten and tortured. Some have been so severely beaten that they have been, secretly, transferred to hospitals. Also, children have been forcibly taken to camps to ensure their participation in the celebration activities.

Four ministers who were recently released from detention were rearrested, immediately after their release. The request for their new release is presently in the court, waiting for judgment.

These actions are abhorent. They are clear violations of international human rights law. They are violations of our beliefs in the freedom from oppression that we adhere to in a democracy. Clearly, they are violations to the conscience of any person concerned with the mistreatment of any human being.

In closing, I am entering into the RECORD a news release from Africa Watch, a well respected human rights organization, which will give a concise view of the problems in Venda:

MASS ARRESTS IN VENDA: CHURCH ACTIVISTS UNDER FIRE

Security forces in Venda, an "independent" homeland in the far northern Transvaal, in late July arrested more than 200 people, including students, and at least 17 pastors and community activists associated with the Evangelical Lutheran Church, the Ecumenical Confessing Fellowship, and the Mulweli Counseling Center.

Tension in the homeland, usually characterized by a fearfully acquiescent population, has been building since 1988 in response to various factors. These include resentment over the corrupt and harsh rule of traditional chiefs and headmen, and disquiet over a spate of mysterious "ritual" murders. There are allegations that government officials may have been involved in these murders and in August last year, students spearheaded a widespread "stay away" to protest the apparent reluctance of the police to investigate the killings.

On July 17 this year, students called another meeting to protest the mysterious murder of a schoolteacher, Mukosi Mavhina. The meeting, attended by about 10,000 people, also protested homeland rule and the upcoming "independence" anniversary celebrations. On July 10, students marching down the road after a commemoration service for Mr. Mavhina, were attacked by police and whipped with sjamboks (ox-hide whips). Some of the students were badly injured; others were detained.

Faced with the rising tensions, church and community leaders in late July formed the Northern Transvaal Church Workers Conference and at a meeting, decided to petition senior government officials to consult with the residents of Venda, to properly investigate the murders and to call off the "independence" anniversary celebrations.

The next day, police rounded up most of those associated with the petition, including members of the organizing committee of the Confessing Fellowship, an ecumenical organization of Christians opposed to apartheid. Those detained are being held incommunicado in unknown locations. Among the 17 people detained were:

Reverend O'Brien T. Malindi, a Church of Christ Pastor who is organizer of the Confessing Fellowship and is also UDF Northern Transvaal Vice President;

Reverend Phineas Phosiwa, a Pastor of the Evangelical Lutheran Church who is a member of the Organizing Committee of the Confessing Fellowship. Since his detention, it was reported that Phosiwa had been taken to hospital under police guard. In 1981, Phosiwa was detained and severely tortured;

George Phadagi, an anti-apartheid activist who had been detained previously several times;

Reverend Nkhangweleni Rannzwa, a pastor of the Evangelical Lutheran Church and a member of the organizing committee of the Confessing Fellowship;

Aifheli Mukwevho, a member of the Confessing Fellowship and a member of the editorial committee of the group's magazine;

Justice Gundo Lidovho, public education director of the Mulweli Counseling Center, a recently-founded legal aid organization;

Tshifhiwa Maumela, a member of organizing committee of the Confessing Fellowship and a member of the editorial committee of the group's magazine;

William Sihlangu, a Lutheran pastor who is director of Beuster Church Center; and

Solomon Tshitangano, treasurer of the Confessing Fellowship, and a leader of several Lutheran Church youth groups.

Several days after the police swoop, two of those held were reported to have been hospitalized in police custody. They are the Reverend Phineas Phosiwa and Gundo Lidovho.

The Mulweli legal aid center has only been in operation for several months. In April 1989, shots were fired through the windows of the center, which members interpreted as a warning. There have also been several break-ins, although nothing has been taken.

Members of the security forces went to the home of Phanuel Mpaphuli, the secretary of the Confessing Fellowship, who is also the Dependant's Conference field worker for the Northern Transvaal Council of Churches, and waited all night for him to return. He was alerted, stayed away, and continues to be in hiding. Police also attempted to arrest Lutheran pastor Zwo Nevhutalu, who was away from home at the time, and are keeping a 24-hour watch on his home. Tshitangano, who is among those detained, is youth director of Nevhutalu's parish. The pastor's brother, Lusani Nevhutalu, who is director of the Thusanani Christian Center for the handicapped, has received several anonymous threatening telephone calls. In late July 1989, at the time of the police swoops, gasoline was poured on the doors and window sills of his home. Nevhutalu was not at home at the time.

Shortly after the detentions, a planned meeting in Tshakhuma village was violently broken up by security forces. According to witnesses, soldiers randomly assaulted those attending the meeting, including old women and children. A second planned meeting at Mbilwi Lutheran Church was preempted by the police, who sealed off the church.

Africa Watch is deeply concerned about these detentions, as the Venda Security Forces, which cooperate closely with the South African security forces, have a disturbing record of brutality. In October 1981, two policemen were killed in an African National Congress guerrilla attack on a local police station. Following the attack, the Venda National Force detained at least 21 people, including ministers and laymen associated with the Evangelical Lutheran Church. One of those detained was Isaac Tshifhiwa Muofhe, a young salesman and lay preacher. Two days after his detention, Muofhe was found dead in his Venda prison cell. According to post mortem findings, he had died of blood loss as a result of widespread bruising and hemorrhage. An official inquest found two Venda security policemen, Captain Muthuphei Ludwig Ramaligela and Sergeant Phumula Josias Mangaga, responsible for Muofhe's death. In late 1982, the two were charged with murder, but were acquitted for lack of evidence.

Three Lutheran pastors were detained shortly after Muofhe, including the Lutheran Dean of Venda, Simon Tshenuwani Farisani. The dean was subjected to such severe torture, including beatings and electric shock treatment, that he nearly died.

According to a memo prepared by the Detainees Parents Support Committee, an additional two Lutheran Ministers, the Rev. Phosiwa and the Rev. Petrus Phaswane, were similarly treated. The Rev. Phosiwa alleged that on or about January 7, 1982, members of the Venda National Force compelled him to undress and then assaulted him, suffocated him with a wet khaki bag, and administered electric shocks to his head and genitals. The Rev. Phaswane additionally alleged that he was forced to do arduous physical exercises.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dean Farisani was again detained in November 1986 and held until January 1987. In February 1987, he was served with an order restricting him to Venda. The homeland is scattered in three pieces across the Northern Transvaal, and the order effectively cuts the Dean off from the most of his parishes. He left South Africa for medical treatment and is presently living in the United States.

The Lutheran church has deep roots in the area, and a long history of opposition to apartheid, which has earned it the antagonism of the Venda authorities. Although they have not banned the church outright, the government has resorted to indirect attacks.

One tactic, as elsewhere in the country, has been to encourage defections to conservative churches and to nurture the formation of right wing local groupings. One such church, Lutheran ministers say, trains pastors and then sends them back into the area, where they operate independently and are a divisive force. Another tactic, initiated by a group of Venda government officials in 1986, was to try to found a Venda Lutheran Church, controlled by the homeland government. Calling themselves "members of the Lutheran Church in Venda," the officials wrote to Bishop Solmon Serote of the Northern Diocese, demanding that Dean Farisani, Nevhutalu and Phosiwa be transferred out of Venda. Among other allegations, the letter accused the three church leaders of terrorism.

Serote refused to transfer the pastors and several government officials quietly removed their names from the letter. The pastors also threatened a defamation suit. Shortly afterwards, the government backed down, but the harassment continues.

In March 1989, the authorities evicted a Lutheran congregation in Nevhutalu's parish from the school where they had been meeting for many years. In another area, in early 1989, the Lutherans approached the local headman for permission to build a church. He refused, saying "the Lutheran church is no good." After discussions, it emerged the headman feared the Lutherans would steal the local land. He had been told by government agents that this was the case.

Also in March 1989, following a church youth conference, local officials approached the members of a congregation Nevhutalu works with, and told them they must go apologize to the headman, because the young people were singing songs against the government. When Nevhutalu first began work in his parish, all the young people who grew close to him were visited by the police and told to stay away.

Despite the repression, Lutheran and, increasingly, clergy and church workers from other denominations, continue to play an active part in the human rights struggle in Venda. Nevhutalu, who has been a Lutheran pastor in the area for five years, is also chairperson of the Northern Transvaal Ecumenical Confessing Fellowship, and edits the fellowship's magazine *The Voice of the Confession*. The fellowship is also a government target: meetings are frequently disrupted by police and pastors associated with the group interrogated. Mphaphuli, the Fellowship secretary, is frequently threatened and harassed by the police.

The Voice of the Confession is circulated throughout South Africa, and provides a hard-hitting record of repression in the Venda area. The December 1988 issue of the magazine, which investigated the operations of right wing "cultural" organizations in the Northern Transvaal, was banned several weeks after publication. The magazine described the Mphephu Youth Center, named for the homeland's deceased first chief minister, and alleged its purpose is to indoctrinate the local youth. Among other reports was one that revealed indications of police links with Inkatha, the Natal-based Zulu "cultural" organization. Nevhutalu believes that this was particularly threatening.

Nevhutalu is also the youth pastor for the church circuit. In August 1988, students in Venda spearheaded a successful stayaway: the authorities responded by beating, detaining, and torturing those suspected of involvement. Students who were injured were afraid to go to the local hospital for treatment, fearing that the police would search for them there. Nevhutalu persuaded the students to seek medical help by protecting them with his presence and by bringing a photographer to the hospital to document their wounds.

After this, Nevhutalu himself was detained for a day, interrogated, "called names," and released. Although the police did not harm him physically, Nevhutalu has received several indirect death threats. Former detainees have told him the police have said they will not bother to detain him: The next time they would just kill him, reportedly "by separating his head from his body."

WHAT YOU CAN DO TO HELP

Write letters urging the immediate and unconditional release or dropping of criminal charges against any of the individuals whose cases are described in the papers and who are still detained or charged.

Please send politely worded appeals to:

State President P.W. Botha, State President's Office, Private Bag x213, Pretoria 0001, South Africa, (Telegrams: President Botha, Pretoria, South Africa), (Telexes: 3-21695 SA 3-21890 SA: 3-22158 SA).

Mr. H.J. Coetsee, Minister of Justice, Private Bag x81, Pretoria 0001, South Africa, (Telegrams: Justice Minister, Pretoria, South Africa), (Telexes: 3-20678 SA:3-21347 SA: 3-22139 SA), (Faxes: "12212206).

President Ravele, Government Office, Sibasa, Venda, South Africa.

Copies to:

South African Press Association, PO Box 7766, Johannesburg 2000, South Africa.

Ambassador Piet G.J. Koornhof, Embassy of South Africa, 3051 Massachusetts Avenue, NW, Washington, DC 20008.

News from Africa Watch is a publication of Africa Watch, a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Executive Director is Rakiya Omaar; its Research Director is Richard Carver and its Washington Representative is Joyce Mends-Cole.

Africa Watch is part of Human Rights Watch, an organization that also comprises Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein and the Vice-Chairman is Adrian De Wind. Aryeh Neier is Executive Director of Human Rights Watch and Kenneth Roth is Deputy Director.

WATER POLICY REFORMS OVERDUE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. MILLER of California. Mr. Speaker, water policy is increasingly, and appropriately, viewed as a critical component of national resource management.

Decades ago, when many of our water projects were authorized and when many water contracts were signed, there was little competition for the water resource and little concern about inflation or the national debt. Today, all of those issues have changed radically, and so, too, should our thinking about the appropriation management of Federal water resources.

In California, agriculture uses 85 percent of all our water, and project beneficiaries receive lavish Federal taxpayer subsidies, far beyond the benefits enjoyed by farmers who do not receive Federal water. Those subsidies are paid by their agricultural competitors, by power users, and by the general taxpayers who underwrite the subsidies which are not infrequency 90 percent or more or the true cost of the water.

And many of these agricultural users also generate significant problems in the area of environmental quality and resource management by destroying wetlands, depriving fish and wildlife of needed in-stream flows, and contamination from waste water.

In the meantime, urban areas—which have the bulk of the State's population and generate most of the State's economic growth and wealth—are facing imminent water shortages. And while we could address much of the urban shortfall through a reasonable reallocation of agricultural and unallocated water resources, areas, cities also must improve their management practices.

As Robert Gottlieb, a former member of the Metropolitan Water District of Los Angeles, describes in the following article from the Los Angeles Times, we can no longer afford the traditional attitude that the only solution to water supply concerns is to build, divert and mine more water. As with any other resource, responsible management is cheaper and more appropriate than merely generating greater quantities and greater waste.

The article follows:

OUR WATER AGENCIES' HISTORIC GROWTH AGENDA NEEDS A NEW MISSION

(By Robert Gottlieb)

The Southern California water agencies see trouble ahead with both the supply and quality of their product. Consider the following:

The Los Angeles Department of Water and Power has lost another battle in its long-standing conflict with the defenders of Mono Lake over how much water it may divert from this environmentally besieged water system. Although fretful over the higher costs involved, the DWP has increased its requests for water from the Metropolitan Water District, the major wholesaler of "imported" water in the region, to meet anticipated growth.

The MWD, facing its own court-directed proceedings to review the export of Sacramento River water through the Sacramento Bay Delta to Central and Southern California, can take only momentary consoliation from its successful lobbying campaign for the withdrawal of a State Water Resources Control Board staff draft report. The report had called for a new "water ethic" and controls on future exports to protect the Delta and the Bay. Despite the big push from MWD and its agricultural allies in the Central Valley, the likelihood of reduced exports from the North seems greater than ever.

More ground-water wells have become contaminated throughout Southern California—in the Inland Empire, Orange County, the San Fernando Valley, the San Gabriel Valley and the Burbank/North Hollywood area. The costs of cleanup are astronomical—and increasing—for both public agencies and the private companies liable for a share of the costs.

The imported water has its own problems. When chlorinated, it produces a range of "disinfection byproducts," some of which are potentially carcinogenic. The Environmental Protection Agency will put more stringent standards on one of those byproducts and possibly new ones on others. As a result, the water agencies will need to change their treatment methods. The cost estimates for revamping the MWD system alone are at least $200 million.

All this does suggest trouble, but it's trouble that in part relates to what the water agencies see as their mission—meeting the growth demands of the region. This mission dates back to the turn of the century and the great land speculations associated with the first major import system for the region, the Los Angeles Aqueduct. This supply source, which brought water from the Owens Valley to undeveloped lands north of the then-city limits, became the basis for growth, and annexation to the city was the means. "If you can't bring the water to the city, you bring the city to the water," Noah Cross says in the film "Chinatown," and that's precisely what happened as the city limits expanded fourfold in just 15 years.

Next came the Metropolitan Water District, bringing water first from the Colorado River and then Northern California. If you follow the lines of annexation to the MWD—especially its member agencies in San Diego, Orange, Riverside and Ventura counties—you follow the lines of growth in the huge urban mass that stretches from Ventura to the Mexican border.

The water agencies like to say today—now that growth scenarios have become more problematic—that they are not responsible for growth; they only meet the demands. "Babies will be born, after all," is a favorite rejoinder. Yet water agencies continue to induce growth through longstanding pricing policies, a commitment to expanding supplies without evaluating the consequences, and a firm alliance with the urban growth-development complex that has shaped this region. As Tim Brick, a dissident MWD board member has put it, if the water agencies are not involved in growth decisions, then who is?

With some of the traditional water development strategies under siege, the water agencies have begun to search for new programs to accomplish the same goals, and thus protect their mission. But the mission, not just the means, has to be changed to deal with the new water-supply and water-quality realities that the agencies are obliged to confront.

This change of mission should have two primary features.

First, the agencies have to be weaned from their growth agendas and onto a growth management perspective. This requires not just engineering and construction skills but planning insights and close cooperation with air and water quality agencies and other entities confronting the deteriorating quality of daily life in the region. Second, the focus on increasing the water supply has to give way to an understanding that the quality of the water is as at least as high a priority. This means not simply responding to regulations (and frequently opposing them in their formulation) but taking the lead to prevent contamination. The recent opposition of the MWD and local San Gabriel agencies to expansion of a landfill in the Azusa area is a small but important advance.

By moving in these directions, water agencies enter the arenas of planning and public health from which a new mission can be designed. The approach of the water agencies has an immediate bearing on the broader debate over what kind of urban region we will live in, if, in fact, we still have options left to influence that choice.

TROY THOMPSON EARNS EAGLE SCOUT AWARD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. YATRON. Mr. Speaker, today I want to give special recognition to a young man from the Sixth Congressional District of Pennsylvania who has distinguished himself as a member of Boy Scout Troop No. 111 of Pine Grove, PA. The young man I am speaking of is Troy Thompson who will be awarded the Eagle Scout Award on October 22, 1989 for his outstanding achievement as a Boy Scout.

Mr. Speaker, as you know, the Eagle Scout Award is the highest honor a Scout can earn and is illustrative of Troy Thompson's ability to excel in a given situation. I commend Troy for his many accomplishments as a Boy Scout and congratulate him for earning this high honor. Troy's commitment to excellence is manifest in the Eagle Scout Award and he can be proud of the distinction to be bestowed upon him on October 22.

A TRIBUTE TO JANICE KAMENIR-REZNIK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. BERMAN. Mr. Speaker, it gives me special pleasure to rise today to pay tribute to an outstanding citizen of our country, Janice Kamenir-Reznik. She is being honored as the outgoing president of California Women Lawyers [CWL]—one of many prestigious civic responsibilities conferred on her by her peers over the past few years.

Janice is a civic leader and community activist of stature and authority. As president—and before that vice president and judicial evaluations chair—of CWL she has been an outspoken advocate for a variety of key issues. These include the advancement of qualified female judges and fighting courtroom gender bias—about which, at my invitation, she gave valuable testimony to the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice. Janice is also a forceful and articulate leader of the State and national pro-choice and reproductive freedom coalition.

Janice has pioneered a number of child care issues including instigating a series of seminars to train pro bono lawyers to represent providers of care. In her professional life Janice is a leading specialist in Superfund legislation and litigation as well as being a respected practitioner of environmental, land use and real estate law.

In addition to her legal work, Janice is an active member of the Jewish community and was director of the Los Angeles Commission on Soviet Jewry for a number of years. She was also assistant director of the Jewish Federation Council of the San Fernando Valley and her impressive academic credentials include a masters degree from Israel's Hebrew University. Janice's husband Ben, with whom she practices law, is also a distinguished member of the community. Janice and Ben are the proud parents of three children—Samson, Devorah, and Yoni.

Mr. Speaker, I ask my colleagues to join me in acclamation of Janice Kamenir-Reznik, a distinguished community leader, a role model for our children and an exemplary citizen.

TRIBUTE TO DAVID C. RIDER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to David C. Rider, who recently attained the Eagle Scout Court of Honor. This is the highest award anyone in the Scouting Program could hope to achieve.

David is presently a member of the Western Reserve Council, Boy Scout Troop No. 54, which is sponsored by the Bazetta-Cortland Optimist Club. His Scout Master for 6½ years, Jan Poncar, and his assistant, Larry Dubasik, have helped David achieve this well deserved Court of Honor. David has earned a number of merit badges, including Wilderness Survival, Environmental Science, and Citizenship in the Community, the Nation, and the World. The achievements these badges represent expose the Scout to areas of public service and Government. Earning the Eagle Court of Honor prepares young people like David to become ambitious leaders.

David became actively involved in public service through his required Eagle project. He drew plans, obtained materials, and supervised others to building and placing benches around the Optimist Club pond for the use of senior citizens and others who enjoy spending time there relaxing and fishing. The project took about 50 man-hours of work, participation of 18 other Scouts, and the dedication of David.

Mr. Speaker, I would like to take this opportunity to congratulate David C. Rider for attaining the Eagle Court of Honor. David obtained a greater understanding and appreciation of his community and country, not only through his years as an Eagle Scout, but most importantly, through the support and guidance of his parents Deborah and Carl Rider. David has provided a tremendous public service to his community with his Eagle project. After graduating from Lakeview High School in 1990, he hopes to continue to demonstrate his dedication by earning a degree in secondary education and teach others the importance of history and Government. I am honored to represent this outstanding individual.

THE LAWYERS' EMPLOYMENT ACT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. SHUMWAY. Mr. Speaker, the September 11 edition of the Wall Street Journal carried an excellent editorial concerning the Americans With Disabilities Act, entitled "The Lawyers Employment Act." The editorial hits the nail on the head concerning the measure's shortcomings. It is "a swamp of imprecise language" and will "mostly benefit lawyers, who will cash in on the litigation" which is bound to ensue. In fact, the bill seems to go out of its way to encourage lawsuits, most notably by dangling the carrot of punitive damages.

In the interest of conserving time and space, I will allow the editorial to speak for itself:

THE LAWYERS' EMPLOYMENT ACT

The easiest way to get a handle on the "sweeping" Americans With Disabilities Act that the Senate just passed is to consider this: Just days before the vote, in the middle of war-on-drugs weeks, the bill would have made it illegal for employers to discriminate against people who use crack and other drugs. That got removed. Also at the last minute, the Senate struck out language that would have encouraged people to file lawsuits on the grounds that they were about to be discriminated against.

The Americans With Disabilities Act, which breezed through the Senate Thursday, is loopy legislation in a good cause. It starts with the premise that 43 million people are handicapped, about one-sixth of the nation. The bill even declares that a person who is merely "regarded as having an impairment" should be considered disabled. That assertion prompted Senator Bill Armstrong to insist upon an amendment specifically stating that despite the vague wording, pedophiles, transsexuals, voyeurs and kleptomaniacs cannot be considered disabled and protected by the bill. There probably is a bevy of similar groups, beyond Senator Armstrong's imagination, who will be included under this definition, and who will use the act to file lawsuits.

Like so much recent federal lawmaking, the bill is a swamp of imprecise language; it will mostly benefit lawyers who will cash in on the litigation that will force judges to, in effect, write the real law.

Examples of vagueness abound. If the bill passes, as expected, owners of any new or altered buildings will be compelled to make "reasonable" accommodations for the disabled. The bill doesn't explain what "reasonable" entails.

The bill includes three separate definitions of discrimination, which seem to conflict. The most interesting declares that discrimination occurs when a business provides "a service, program, activity, benefit, job or other opportunty that is less effective than that provided to others." Let judges figure out what "effective" means. The bill says a company needn't incur "undue hardship" in meeting the standards.

Judging from the few places in which the bill is specific, the "undue hardship" provision could be pretty hard. For example, the bill does compel bus companies to install wheelchair lifts and toilets for the handicapped on inter-city buses. According to the industry, that will cost between $200 million and $666 million. Industries tend to exaggerate the costs of prospective laws, but even the lower figure is much higher than the entire industry's net annual profits.

In other places where the bill is specific, it takes additional measures to encourage litigation. Plaintiffs will be able to sue not only for the usual monetary damages, but also for punitive damages ranging from $50,000 to $100,000. It is very rare for a civil-rights act to allow punitive damages. In this case, the punitive damages will foster suits, discourage settlements and arm plaintiffs as they negotiate for settlements.

Crafted primarily by Democratic Senators Kennedy and Harkin, the bill is based on the presumption that most Americans are hostile to the disabled and need this sort of blunt coercion. According to this thinking, it is the innate hardheartedness of society that causes the hardships suffered by the disabled; society needs to be redesigned.

This philosophy dovetails nicely with the prevailing idea that Senator Kennedy brings to other civil-rights issues, namely that the U.S. is fundamentally discriminatory. Not surprisingly, Ralph Neas, the affirmative-action spokesman whose specialty is blocking the Bush administration's appointments, is a vocal supporter of the bill.

It is surprising that George Bush and the White House inner circle would ally themselves with this crabby philosophy. They enthusiastically support the bill, even in its earlier, more monstrous forms. Tom Harkin is one thing, but why would this White House so willingly dump such direct costs and a litigation nightmare on small and often struggling companies?

We're certain that most Americans are instinctively sympathetic to the disabled's problems, and are willing to make a good-faith effort to enable them to live full lives. They don't need to be sledgehammered into decency.

There is finally, one positive thing that can be said about this legislation. As usual, the original bill would have exempted Congress from the coverage of any new law for the disabled. But late Thursday night Senator Charles Grassley rose to propose that the bill apply to Congress as well; his amendment carried. The odds are that the amendment will be struck down in the House or in conference. But this alone is a historic occasion, the first time Congress has seriously entertained the idea that it too should live under the vague legal monstrosities it creates and imposes on everyone else. Maybe someone should try to put Congress on the receiving end of the act's first lawsuit.

GEORGE WILL'S INSIGHTFUL ANALYSIS OF THE FOLLY OF AMERICAN CONTACTS WITH THE PLO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. LANTOS. Mr. Speaker, in yesterday's Washington Post, the distinguished and insightful columnist George F. Will discussed the issue of United States contacts with the PLO. Mr. Will raised the very serious doubts about the sincerity of the PLO in accepting the American conditions for the dialog, as well as raising serious questions about the value of our Government's policy toward the PLO.

Mr. Speaker, I ask that George Will's column be placed in the RECORD and I urge my colleagues in the Congress to give it serious and thoughtful consideration.

NO VISA FOR ARAFAT

Nine months after a diplomatic debacle, the United States is in danger of making matters worse. The Bush administration, which is relentlessly and sometimes obnoxiously eager to underscore the obvious—that it is not the Reagan administration—may well pick up where the Reagan administration left off in appeasing the Palestine Liberation Organization.

The question is: What will happen if Yasser Arafat requests a visa to visit his kindred spirits, of which there are all too many, at the United Nations?

Late last autumn, to enable it to do what it had long wanted to do—deal directly with the PLO—the State Department became Arafat's lyricist, coaxing him to sing the right (well, the State Department's idea of the right) words. The three U.S. conditions were recognition of Israel, acceptance of U.N. Resolution 242 and renunciation of terrorism. The PLO did none of the three, but feigned agonies of surrender, so State ruled that it had done all three.

The PLO slightly softened its rhetoric of implacable hostility toward Israel, hostility still enshrined in the PLO covenant, which declares Palestine "indivisible" and vows "elimination of Zionism in Palestine." The PLO "accepted" Resolution 242 (as the PLO misconstrues it to require complete withdrawal to the 1967 borders).

But the PLO accepted 242 in the context of "relevant" U.N. resolutions. These—"Zionism is racism" and the rest—have the cumulative meaning of mandating Israel's destruction.

Today, as 10 months ago, the PLO, speaking to its constituencies, reassures them that its diplomatic maneuvers are merely part of a phased approach to the liquidation of Israel. The two-stage, two-state strategy is to reduce Israel to indefensible borders by means of a PLO satrapy on the West Bank, and then use violence.

Regarding terrorism, the PLO said: We never have used it, we promise to stop using it, and attacks against Israelis are not terrorism. Since then, the PLO has increased terrorism in three ways. There have been more attacks across the border, including squads from the Fatah faction. PLO radio from Baghdad incites and praises terrorism within pre-1967 Israel, such as the act of plunging an Israeli bus into a ravine. And there has been a sharp increase in murders of moderate Palestinians—89 so far—on the West Bank.

Israel has serious plans for accommodating its security needs and Palestinian political aspirations. Israelis cite as a possible model Spain's concessions to Catalan cultural and political autonomy. (Implicit in that analogy is Israeli annexation of the West Bank.) Refugee camps could be replaced by towns for $2 billion—if, say, 10 European nations would put their money (a mere $40 million each for just five years) where their mouths incessantly are. But what moderate Palestinians will come forward to negotiate? They see other moderates murdered, and the United States is worse than merely mute, it is absolving the "umbrella organization."

Concerning whether the PLO is a terrorist organization, State's position is: it cannot be such an organization because we are talking with it, and we are not allowed to talk with terrorists. State also says the PLO is an "umbrella organization" and the Fatah is one faction bound by Arafat's supposed renunciation of terrorism. How does State verify compliance? The point of the PLO "umbrella" structure is to allow appeasement-minded Westerners to say they cannot trace a thread of responsibility for Palestinian terrorism.

Six months ago, Arafat reaffirmed the PLO goal of "the complete liberation of the Palestinian soil and the establishment of a Palestinian state over every part of it." Five months ago the head of the PLO's political department said: "The recovery of but a part of our soil will not cause us to forsake our Palestinian land. . . . We shall pitch our tent in those places which our bullets can reach. . . . This tent shall then form the base from which we shall later pursue the next phase."

Three months ago, the leader of the PLO's second largest faction said: "The establishment of a Palestinian state in the West Bank and Gaza will be the beginning of the downfall of the Zionist enterprise. . . . [Our goal] is the complete liberation of the national Palestinian soil." Last month the Fatah conference in Tunis reaffirmed that the 1948 partition of Palestine was a "crime."

The Bush admininstration, which prides itself on believing that all differences are splitable, cannot imagine implacability and therefore cannot recognize it in the PLO. Or so say critics, who hope they are not proven correct by a visa for Arafat.

TRIBUTE TO BRUCE W. BARREN

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. COX. Mr. Speaker, many thoughtful words are spoken in this Chamber in favor of increasing the productivity, efficiency, and competitiveness of American business. Often, we are asked to look abroad at Japan, the four tigers of Asia, or the rejuvenated Europe 1992 for examples for emulation by American business or industry. Yet as most of us know, we need look no further than our backyards for inspiring examples of business leadership, vision, and wisdom. I am proud, today, to honor one such example, Bruce W. Barren, chairman of EMCO/Hanover Group.

A prominent southern California business and community leader, Dr. Barren has excelled as a "corporate doctor," bringing survival capital to companies in need, applying his corporate expertise to restructure and reenergize businesses. As an investment banker and turnaround specialist, Dr. Barren has been credited with helping save more than 100 individual companies, representing more than 50,000 jobs in California, and the equivalent of more than $1 billion in annualized payroll.

These restructured companies have in turn contributed to our growing export resurgence and to a reduction in American balance of payment deficits.

In addition to providing his hardheaded business remedies to troubled enterprises, Dr. Barren has been generous in the contribution of his time and expertise to State and local civic and governmental organizations with the object of generating business growth and attracting new businesses to the State of California, Orange and Los Angeles Counties. He is particularly noted for his contribution to private sector liaison: "One Stop" California Business, an information exchange involving State, county, and city economic agencies, committees, and commissions.

A certified public accountant—Pennsylvania—and a fellow of the Institute of Chartered Accountants—England, Dr. Barren deserves our congratulations for the example he has set as both a thoughtful citizen volunteer improving his community and a forward-looking businessman helping American business prepare for the competition and challenges of tomorrow.

MILLIONS OF CRIBS FOUND TO BE UNSAFE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. MILLER of California. Mr. Speaker, on July 14, 1984, just before his 2d birthday, Rose Lineweaver placed her son Danny in his crib for a nap and left the room. A few minutes later, when she returned to check on him, Danny was hanging by his neck outside the crib from the crib's cornerpost. Danny apparently had attempted to climb out of his crib, caught the shoulder strap of his shirt on one of the 2-inch decorative cornerpost extensions, and was strangling. He was revived, but is still in a semicomatose condition with permanent brain damage.

Thirty fatal strangulation incidents occurred during the 12 years preceding Danny's mishap, and at least seven more have since been reported, three of them in 1988. Still, crib manufacturers do now warn buyers of the hazards posed by cribs with extending cornerposts and no regulation of crib cornerposts has ever existed.

Voluntary standards set by the American Society for Testing and Materials and supported by the Consumer Product Safety Commission suggest cornerpost extensions of no more than five-eighths of an inch from the upper edge of an end or side crib panel. Yet studies have concluded that even a five-eight-inch cornerpost exposes children to strangulation risks. In November of 1988, a 10-month-old girl in Sitka, AK, was hanged by a cornerpost of half an inch.

The Danny Foundation, a nonprofit corporation founded by the Lineweavers to advocate baby crib safety, has petitioned the Consumer Product Safety Commission to set a regulation prohibiting the manufacturing of new baby cribs with any protruding extensions, recall or retrofit hazardous cribs that remain in commerce and to reduce the risks posed by cribs already in use through advertising warnings and educational programs designed to prevent these devastating and fatal injuries.

I applaud the efforts of the Lineweaver family and the Danny Foundation to bring this serious matter to the attention of the many Americans who are raising young children and those who plan to in the future. I urge the Commission to take further steps to mandate regulations against the production of cribs with extending cornerposts whose only purpose is to decorate. A young child's crib should be made to fulfill its intentions, to be a place of slumber, it should not be linked with tragedy.

ROBERT McLOVICH, JR., EARNS EAGLE SCOUT AWARD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. YATRON. Mr. Speaker, today I want to give special recognition to a young man from the Sixth Congressional District of Pennsylvania who has distinguished himself as a member of Boy Scout Troop No. 124 of Orwigsburg, PA. The young man I am speaking of is Robert McLovich, Jr., who will be awarded the Eagle Scout Award on October 22, 1989 for his outstanding achievements as a Boy Scout.

Robert has been in Scouting for 5½ years and his pursuit of the Eagle Scout Award is highlighted by his earning all 12 skill awards and far more than the required 21 merit badges, all without waiver. In addition, Robert served his troop as assistant patrol leader, scribe, patrol leader, assistant senior patrol leader, senior patrol leader, and leadership corp. Moreover, Robert has earned the prestigious Ad Altare Dei Catholic Religious Award and an Outstanding Service Citation from his unit.

Mr. Speaker, as you know, the Eagle Scout Award is the highest honor a Scout can earn and is illustrative of Robert McLovich's ability to excel in a given situation. I commend Robert for his many accomplishments as a Boy Scout and congratulate him for earning this high honor. Robert's commitment to excellence is manifest in the Eagle Scout Award and he can be proud of the distinction to be bestowed upon him on October 22.

A TRIBUTE TO RICHARD LEYDEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. BERMAN. Mr. Speaker, I rise today to recognize a distinguished business leader and community activitist, Richard Leyden. He is being honored as outgoing president of the Kiwanis Club of Northridge—just one of his many civic activities.

Over the years, Richard has consistently put his commitment to improving the quality of life in our community ahead of personal or material gain. The Kiwanis honored him as their "Volunteer of the Year" for 1988-89. As law and order/fire prevention chair of the Northridge Chamber of Commerce for much of the last decade, he has been and remains at the forefront of efforts not only to battle crime but to provide positive alternatives for young people—from graffiti prevention and Neighborhood Watch to the Lady Beware project and CPR training.

Richard has been a member of the Northridge Pageant Committee for the past 5 years and has been emcee at many local events such as the Civic Appreciation Day and the Tri-Chamber July Fourth Spectacular—an organization of which he is a past and current chairman.

Richard has also been a VIP panelist and fundraiser for Easter Seals, a member of the Red Cross Disaster Team and for many years an adviser to Los Angeles City Councilman Hal Bernson.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of Richard Leyden, a leader in our community and a role model for our children.

TRIBUTE TO THE 59TH ANNUAL UKRANIAN DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the 59th annual Ukranian Day celebration, which symbolizes the many achievements of the Ukranian people, as well as those people of other nations identified with the "Captive Nations Week Resolution."

The "Captive Nations Week Resolution" became Public Law 86-90 in July, 1959. The resolution enumerated 22 non-Russian nations, all with a separate history, culture, and national traditions. These nations were conquered by Communist Russia and forced into joining a group united under Russian control known as the "Union of Soviet Socialist Republics." The resolution authorized and requested the President of the United States to designate the third week in each year as "Captive Nations Week" until freedom and independence have been achieved for all captive nations of the world, including Ukrania.

On August 15, 1989, various Ukranian groups in my 17th Congressional District assembled together to celebrate the 59th annual Ukranian Day. Each individual group contributed in the special observation with various performances and speeches. The program included the following participants: the Ladies Ensemble "Seni Blavati," the pastor at Holy Trinity Ukranian Catholic Church Rev. Chamberlain Leo Adamiak, Vice President Wasyl Prokopyk of UCCA of the Youngstown Chapter, Mr. Myron Lischal, Miss Anna Marczyszyn, Attorney Michael Yurchison, Senator Harry Mishell, Mr. Leonard Yurcho, Mr. Polowischak, and the Reverend Father Walter Wysochansky, pastor at St. Anne's Ukranian Catholic Church in Austintown, OH. Special recognition goes to St. Anne's Ukranian dancers who gave a tremendous performance at the celebration. They include the following participants: Kathy Blazina, Jennifer Mines, Stacy Yacopi, Heather Humenuk, Bobbie McKee, Melissa Sernulka, Elizabeth Rubino, Larisso Woloszyn, Joella Poklemba, Mathew Dreboty, Joseph Patoray, Michael Patoray, and David McKee.

Mr. Speaker, I would like to take this opportunity to congratulate the Ukranian community in Youngstown for their 59th annual Ukranian Day celebration. Their quest for freedom and independence has kept the annual recognition of the Captive Nations alive. I give them my wholehearted support in their quest for liberty. I am honored to represent these outstanding individuals.

SOVIETS MUST RECOGNIZE RIGHTS OF NATIONALITIES

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. COUGHLIN. Mr. Speaker, Americans from all walks of life have viewed events in the U.S.S.R. over the last 4 years with great interest and hope. Soviet President Mikhail Gorbachv has undertaken his perestroika, or restructuring, program and has in the process significantly altered life in the U.S.S.R. The recently instituted Congress of People's Deputies, the members of which were subjected to relatively legitimate elections, has been implemented as a means of offsetting the influence of self-centered Communist Party apparatchiks, promoting further economic reforms, and providing an official forum for long-suppressed Soviet political thought.

While we applaud these and other developments, we cannot help but be deeply concerned about negative trends in the Kremlin's treatment of so-called nationalities questions. With the lifting of Government repression of most free political thought, resentment of past Soviet practices has pushed to the forefront. This completely natural and reasonable phenomenon has been most prominent in the Baltic States of Latvia, Lithuania and Estonia, because they are the most recent Soviet conquests and because they have a history of independence and democratic institutions. The brave peoples of these three states, which were occupied by Stalin's troops in 1940, have stood up for their rights and are working to achieve autonomy from the Soviet central Government. Most recently, their unity and courage have compelled the Kremlin to admit to the existence of the infamous secret protocols of the Molotov-Ribbentrop pact, under which Stalin and Hitler carved up Europe and imposed Soviet rule on the Baltic States.

The success of the Baltic movements, coupled with continuing economic problems and long-festering nationalities issues, have propelled popular movements in other Soviet republics forward. Just this month, a new Ukrainian Popular Movement, known as Rukh, held its inaugural congress. Popular movements are also making their presence felt in Georgia, Armenia, Moldavia, Soviet Central Asia, Azerbaijan, and elsewhere.

The official Soviet response to these developments is troubling. On August 26, the Communist Party Central Committee issued a statement accusing "destructive forces" of whipping up "nationalist hysteria." In Ukraine, the Ukrainian Communist Party, headed by the only remaining Brezhnev-era Politburo member, Volodymyr Shcherbytsky, has made clear its disdain for Rukh and its goals.

With the Communist Party bureaucracy effectively blocking economic reforms to preserve its own authority, continuing economic pressures will help drive nationalities issues to even greater prominence. Lithuanians, Latvians, Estonians, Ukrainians, and others want not only political freedom but also freedom from a failed and useless economic system.

There will be pressures on Mikhail Gorbachev to crack down on nationalist tendencies, especially when the Communist Party meets later this month to debate nationalities issues. I know my colleagues here join me when I express my strong view that the reimposition of measures to repress nationalist sentiments in the various republics by Soviet central authorities would represent a huge blow not only to the future of perestroika but also to relations between the Soviet Union and the United States. I hope the Soviet leadership realizes that it is the central Government that must bend to and be driven by the will of the people, rather than vice versa. Greater political and economic rights for the U.S.S.R.'s constituent republics and citizens will be necessary if the U.S.S.R. hopes to survive its current crises.

PERSONAL EXPLANATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. GARCIA. Mr. Speaker, Due to previous engagements in my district, I was unable to record my votes on September 12 and 13, 1989. Had I been present, I would have voted in favor of H.R. 982, in favor of H.R. 2869, the Commodity Futures Improvement Act, and in favor of the Regula motion on the previous question instructing conferees to the Department of the Interior and related agencies appropriations conference committee.

HAL JACKSON CELEBRATION GOLDEN ANNIVERSARY IN BROADCAST INDUSTRY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. DYMALLY. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation the recognition of a pioneer in the field of broadcasting. Mr. Hal Jackson who is considered the dean of broadcasting in the black broadcasting industry, has had a distinguished career in a variety of entertainment areas. He was a host of a live stage show at the world renown Howard Theater in Washington, DC; the first black to host a television show. When he moved to New York City, he was the only person to host a show on three different stations—WABC, WMCA, and WNJR—daily. He also enjoyed a following of over 4 million nightly listeners on his call-in live jazz show from the famous "Birdland."

Mr. Jackson moved into producing live entertainment specials at such well-known entertainment centers as Carnegie Hall, Palisades Amusement Park, and Astroland.

In his commitment to youth and charitable causes, he founded the Miss Black Teenage American Pageant which is now known as the Miss U.S. Talented Teen Pageant. He also recognized and owned the Washington Bears, the first black basketball team to win the world's basketball championship. He has been actively involved with cerebral palsey, muscular dystrophy, arthritis, and sickle cell anemia telethons. Hal has been honored by several U.S. Presidents for his charitable work.

Mr. Speaker, this gentle and charitable man has lived a life devoted to sharing his gifts with his fellow men and has always found time to help those less fortunate. I urge my colleagues to join me today in recognizing and commending Hal Jackson for his inspiration and unselfish commitment to improving both the quality and quantity of all of our lives.

LUZERNE COUNTY HUMAN RESOURCES DEVELOPMENT DEPARTMENT CELEBRATES 20 YEARS OF COMMUNITY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Luzerne County Human Resources Development Department of Luzerne County, Pennsylvania after 20 years of exemplary service.

The Luzerne County Human Resources Development Department (LCHRDD) has provided valuable employment and training services to the socially, educationally, and economically disadvantaged of the area. The LCHRDD can be applauded for helping over 63,000 individuals in the last 20 years through the Job Training Partnership Act (JTPA).

The LCHRDD helps prepare unskilled youth and adults for jobs in the local labor market. They advise applicants of various JTPA services available including vocational counseling, basic education and a GED program, aptitude testing, on-the-job training, and resumé development.

In addition, the LCHRDD teaches skills to individuals preparing them for work in a variety of areas including word processing, secretarial work, health care technology, licensed practical nursing, welding, auto body work, carpentry, and housekeeping.

The entire staff of the Luzerne County Human Resources Development Department has devoted countless amount of time and energy to the disadvantaged and those who have encountered employment barriers in Luzerne County. They have not only contributed to the development and well-being of the participants in the program but have contributed to the economic strength of Luzerne County by creating a stronger and more skilled workforce.

I know my colleagues in the House of Representatives will join me in honoring and thanking the Luzerne County Human Resources Development Center for their excellent work in serving the needs of the disadvantaged citizens of Luzerne County.

BUSH POLICIES TOWARD POLAND A JOKE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. MILLER of California. Mr. Speaker, we have fortunately moved beyond the tasteless Polish jokes that filled comedians' routines and cocktail banter a few years ago.

But unfortunately, there is a new, and far more troubling, Polish joke today: the absence of a Polish policy by the Bush administration.

The punchlines of the new joke can best be summarized by headlines appearing simultaneously in Friday's New York Times and Washington Post: "U.S. Rejects Increase in Aid for Poland" New York Times, page A-3, September 15, 1989. "Pressed by Congress, Bush Doubles Food Assistance to Poland," Washington Post, page A-28, September 15, 1989.

If readers are confused, it isn't their fault: the confusion stems from the vacillating and unhelpful policies of the Bush administration toward one of the seminal developments in East-West political relations since the German invasion of Poland 50 years ago. Poland is demonstrating what most critics of the Soviet economic and political systems have longed for: the unworkability and noncompetitiveness of socialism.

But ironically, at the hour of greatest opportunity, our own economic system and fiscal condition are in such turmoil that we are not only incapable of presenting a credible alternative, but also of providing the timely assistance Poland's people so desperately need.

At a time when we are spending over $500 million per plane to build the missionless B-2 bomber; when we are sending tens of millions of dollars to bolster a failed policy in El Salvador; when we lavish unprecedented sums on farm subsidies which fail to control overproduction, erosion or farm failures—the administration is able to offer a fraction of the aid the 30 million people of Poland request at their hour of greatest need and our greatest opportunity.

Members and the public should note carefully that at a recent meeting of the National Security Council, the Bush administration not only decided not to expand the $119-million aid package which the President announced before the recent political upheaval, but also specifically rejected proposals to initiate a food airlift and to double U.S. technical assistance. And if that weren't enough, the administration is quietly opposing plans by the World Bank to release $250 million to promote projects in Poland.

Richard Cohen rightly identifies the fiscal paralysis that is preventing us from taking the kind of supportive actions toward the new Polish Government that, for example, our allies in Western Europe are supporting. The plain fact is that the United States is less important a country than it was when Ronald Reagan became President and spent trillions to restore America's might and thus its prestige. Cohen writes in Friday's Post, "[T]he United States has been reduced to a whisper because it is broke * * * The consequences are pitiful: a country armed to the teeth but too broke to go anywhere, and Eastern Europe has to fend for itself."

Yes, I can hear the so-called "fiscal conservatives" responding, "Another typical complaint, spend more money." Well, that isn't the answer. I don't want to spend more, I want to spend some of your money, the money we shower on the military side of defense. Eight hundred million dollars a day for the Pentagon, many times what President Bush is offering to Poland for an entire year. What savings might we anticipate in defense requirements if we are able to support the Polish reform movement—and the reforms underway elsewhere in Eastern Europe and within the Soviet Union itself?

What would an investment of $2 billion—less than 1 percent of our annual military budget—mean to Poland in terms of economic support and political encouragement? Are we really more secure by extending that aid, and promoting Polish political reform, or by building another two or three B-2's, which will spend their expensive and worthless lives sitting on the tarmac or serving as the most expensive flight trainers in history?

And last, what is the cost to this country of turning a deaf ear to the cries from emerging democracy in Poland, particularly if that experiment fails, to the delight of the Soviet and Polish right wings?

Half a century ago, the greatest war in history began with the merciless invasion of Poland. When World War II ended, it was the decision of this Nation, already bled substantially by the costs of fighting the war, to dig into our economic resources deeply to finance the Marshall Plan's economic revitalization of Europe and the preservation of European democracy. Today, as we endure the much-touted economic growth of the last 7 years, can we afford indifference to the changing political face of Eastern Europe?

H.R. 2718, PROTECTING SERVICE EMPLOYEES' RIGHT OF FREE CHOICE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. CLAY. Mr. Speaker, on Thursday, June 22, 1989, I introduced legislation to protect the right of certain service employees to freely choose their own bargaining representatives. The legislation is intended to close a loophole created by the National Labor Relations Board [NLRB] which is contrary to the intent of Congress and the Board's own obligation to protect the right of employees to engage in collective bargaining. Under the current interpretation, employers of certain service workers, many of whom are among the lowest paid workers in the country, are able to unilaterally walk away from their obligation to engage in collective bargaining. H.R. 2718 amends section 9(b)(3) of the National Labor Relations Act to ensure that it is interpreted in a manner that reflects the intent of Congress when it enacted this provision in 1947.

Section 9(b)(3) provides that a bargaining unit is not appropriate when it includes both nonguard employees and "any individual employed as a guard to enforce against employees and other persons rules to protect property of the employers or to protect the safety of persons on the employer's premises." Section 9(b)(3) further provides that no union may be certified as the representative of a bargaining unit of guards if that union admits or is directly or indirectly affiliated with a union which admits nonguards to membership. The language of section 9(b)(3) has been grossly misinterpreted to restrict the rights of a wide range of employees including doormen, desk clerks, lobby attendants, and concierges to mention only a few.

H.R. 2718 would ensure that section 9(b)(3) is interpreted as intended by the Congress. The legislation specifies that section 9(b)(3) is to be limited in its application only to those personnel "whose primary responsibility is to prevent employee disorders and misconduct of employees." Any employee hired for the purpose of ensuring that other employees obey and respect an employer's rules would remain subject to the restrictions imposed by section 9(b)(3).

The language of section 9(b)(3) was included as part of the Taft-Hartley amendments as a result of congressional concern over the decision of the Supreme Court in *NLRB* vs. *Jones & Laughlin Steel*, 331 U.S. 416 (1947). In that case the Supreme Court upheld the ability of the NLRB to certify the United Steel Workers of America as the bargaining agent for the steel plant's guards. The Jones & Laughlin case raised concern in Congress because the same union which represented the regular plant employees would now be certified to represent the plant guards. In the event the union called a strike of the plant employees, it was feared that the guard employees would then face the dilemma of having to choose between their duty to protect the employer's property during a labor dispute and the duty to honor the picket lines of their union. Section 9(b)(3) was enacted for the purpose of overturning the Court's decision in NLRB versus Jones & Laughlin and thereby ensuring that there was no conflict of interest among those employees whose principle responsibility in the event of a labor dispute is to protect the employer's property from fellow employees. The House report accompanying the 1947 amendments directly refers to "plant policemen and guards" and the terms "guards" and "plant guards" are used interchangeably throughout the legislative history.

Despite the fact that Congress' intent was clearly limited to employees with a specific, primary duty to enforce against other employees rules to protect property of the employer, the term "guard" has taken on a life of its own in the decisions of the Board. In addition to the doormen, desk clerks, lobby attendants, and concierges mentioned previously, courier drivers, elevator operators, watchmen, delivery drivers, armored car drivers, and janitors have all been held to fall within the Board's grossly expanded interpretation of section 9(b)(3). None of these employees has any special duty to enforce rules to protect an employer's property against other employees. No where in the legislative history of the Taft-Hartley amendments is there any indication that the Congress intended that janitors, elevator operators, or courier drivers should be restricted in their right to engage in collective bargaining or their right to freely choose their own bargaining agents.

In essence, the Board has held that any employee with a duty to protect property is a guard. An employee, by definition, is one who works on or with the property of another in order to enhance the worth of that property. In failing to limit section 9(b)(3) to those employees with a special and specific duty to enforce rules against other employees, the Board has adopted a standard of applicability that could include all employees.

In 1984, the Board further distorted section 9(b)(3) by ruling that even when an employer has a longstanding history of bargaining with a "mixed guard" unit, the Board will not enforce the act in regard to that unit. The Board, then chaired by Donald Dotson, overturned 37 years of precedent when it decided the case of *Wells Fargo Armored Service Corp.*, 270 NLRB 787. The Board held it would no longer enforce bargaining relationships it was precluded from initiating under section 9(b)(3), regardless of previous bargaining history. Wells Fargo had bargained with a "mixed guard" union for almost 40 years. Then, unhappy with what was happening at the bargaining table, the company simply walked away from the relationship and refused to deal further with the union. While admitting that voluntary recognition of a mixed guard union was not precluded by the act, the Board held that the employer was free to unilaterally terminate the relationship at will. The workers had no recourse in law to protect or maintain their collective bargaining relationship.

The hardships that are visited on workers as a result of the Board's abuse of section 9(b)(3) are serious. Many of these workers are among those most in need of collective bargaining in order to maintain an adequate standard of living. On December 19, 1988, the Subcommittee on Labor-Management Relations held a hearing on the problems that have arisen as a result of the impact of the expanding application of section 9(b)(3). The subcommittee heard from workers and union representatives in the building service industry. Todd Whitrock, a union representative for local 49 of the Service Employees International Union in Portland, OR, told of how 800 members of the local had their right to engage in collective bargaining unilaterally repudiated by their employers.

Jim Hammock of Chicago, IL testified that after 12 years of operating a freight elevator, he was asked to perform front desk and night watchman duties. From 11 p.m. to 7 a.m. he manned the front desk at the office building housing WLS-TV and ABC-TV in Chicago. If someone came to the door, he admitted them and informed the tenant of the visitor. He also accepted deliveries, answered the telephone and watched television monitors. In the event a security alarm went off, he was charged with phoning the police. Mr. Hammock was represented by SEIU and 4 years ago was making $9.50 an hour plus medical benefits and other fringe benefits. At that time, ABC was bought out by Capital Cities and as a result the building changed hands. Capital Cities decided to subcontract Mr. Hammock's job to CPP Pinkerton. As a result, he was classified a guard, he lost his right to be represented by his SEIU local and, while his duties did not change at all, his wages were reduced to $6 an hour with no fringe benefits. Wages for most of Mr. Hammock's colleagues were reduced to $4 an hour without fringe benefits.

The subcommittee heard testimony about janitorial contracts in Chicago and New York who, upon redefining the duties of their employees to include ensuring that doors were locked after the rooms were cleaned and that there were no strangers wandering the building after hours, were able to successfully argue that those employees were now guards. As a result the employer was no longer bound by his collective bargaining relationship. The principle responsibility of the employees did not change. They were hired for the purpose of cleaning and maintaining a building. The redefinition of duties was no more than a legal subterfuge by which the employer could unilaterally revoke the right of his workers to engage in collective bargaining. These are examples of the kinds of abuses that H.R. 2718 is intended to correct.

H.R. 2718 does not seek to repeal section 9(b)(3). Rather it seeks to restore the original intent of the provision. Those employees whose principle responsibility in the event of a labor dispute is to protect the employer's property from fellow employees would still be precluded from inclusion in bargaining units with other employees. Such employees would continue to be restricted to membership in unions that represent only guards. While continuing to address the concerns that led to enactment of section 9(b)(3), H.R. 2718 provides a clear standard as to its coverage. The bill ensures that employees who were never intended to be covered by section 9(b)(3) regain the ability to freely choose bargaining representatives of their choice.

SECTION 89 IS UNFAIR TO WORKERS

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. TAUKE. Mr. Speaker, I bring to your attention a letter that I recently received from a constituent. This letter underscores the need to repeal section 89 of the Internal Revenue Code.

Debate on section 89 has focused on the undue administrative burden and excessive costs incurred by employers to comply with the new law. As my constituent points out, all workers are also affected by this law.

> * * * I want to voice my concern on the subject of Section 89. On June 26, 1989, my employer informed me of this proposal. Effective July 1, they would not continue to include family plan insurance benefits unless the balance of family coverage and single coverage was deducted through payroll deductions. As far as I am concerned, this became a pay cut per month of $120.00 which is a hardship on my family. I had received this benefit package in lieu of a salary increase two years ago.
>
> Myself and other employees at my place of employment are thoroughly outraged with the situation this proposal has created * * *.

The intent of section 89 is to ensure that employee benefits plans do not discriminate against nonhighly compensated employees. The fact is that section 89 jeopardizes fringe benefits packages for workers and their families.

I strongly urge my colleagues to support repeal of section 89.

MICHAEL RUDD RETIRES FROM THE DEPARTMENT OF VETERANS AFFAIRS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. MONTGOMERY. Mr. Speaker, on August 5, Michael Rudd retired after completing a distinguished Federal career following 28 years of service with the Department of Veterans Affairs. Mr. Rudd's entire civilian Federal career has been with the Department. He joined the Veterans' Administration in 1961 as one of the agency's first management interns; and in July 1981, he was appointed to its top personnel position.

As head of the Department's Office of Personnel and Labor Relations, Mr. Rudd directed the personnel program for the second largest department in the Federal Government. The Department employs over 240,000 people working in a wide variety of professional, technical, administrative, and trade occupations in a nationwide network of 173 medical centers, 58 regional offices, 112 cemeteries, 3 data processing centers, and 3 supply depots. Mr. Rudd's responsibilities included the development, implementation, and oversight of department-wide policies and programs in the areas of staffing, position management and classification, pay and benefits, performance management, employee recognition and discipline, executive development and training, and labor-management relations.

In 1981, Mr, Rudd received the "Presidential Rank Award of Meritorious Executive" for his sustained achievements; and in 1986, President Reagan bestowed upon him the rank of "Distinguished Executive."

Before assuming his current position, Mr. Rudd served as Deputy Director in the Office of Personnel and Labor Relations [OP&LR]. He also held the following OP&LR positions: associate assistant administrator for personnel; director, labor management and employee relations service; and chief, labor management relations division.

Mr. Rudd served in the U.S. Army from January 1955 to November 1957. He earned a B.A. with honors from the University of Minnesota and an M.A. in public administration from George Washington University. A native of Minnesota, Mr. Rudd now resides in Arlington, VA.

Mr. Speaker, Mike Rudd was a top manager in Government. The Secretary of Veterans Affairs has lost one of his outstanding employees through retirement and he will be greatly missed. Those of us in the legislative branch who have worked with him, and surely veterans throughout the country, will miss him as well.

Mr. Speaker, the purpose of my remarks today is to let my colleagues know that we have lost an outstanding public servant and to let Mike know how proud we are of his service and to wish him well in his retirement. He deserves the very best that life has to offer. Mike, we thank you for your service.

MORRIS E. SPECTOR ADULT DAY HEALTH CARE PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. ENGEL. Mr. Speaker, on September 22 the Hebrew Hospital for Chronic Sick in my congressional district will be opening and dedicating the Morris E. Spector Adult Day Health Care Program.

Morris E. Spector was a fine man and respected community leader in the Riverdale section of the Bronx. Mr. Spector spent most of his life in public service working as an assistant U.S. attorney, an assistant district attorney, a city court judge and a New York Supreme Court Justice.

Mr. Spector was also dedicated to helping the sick and infirm and served as chairman of the board of Hebrew Hospital for Chronic Sick for 20 years. Mr. Spector's son, David, is the current board chairman. Morris Spector's commitment to helping his fellow man is the reason for the Hebrew Hospital for the Chronic Sick is naming its new Adult Day Health Care Program after him.

As medical technology increases and allows people to live longer, it is important for us to seek new and innovative ways to serve senior citizens. The Morris E. Spector Adult Day Health Care Program helps us achieve this goal because it strives to address seniors' emotional as well as therapeutic needs. Participants in the Morris E. Spector Adult Health Care Program will engage in activities which will contribute to their vitality and help them live independently in the community. This program will provide therapeutic recreation, health education, nurse support services, social work assistance, pharmaceutical services and many other important benefits and activities.

As we celebrate National Adult Day Services Week, I am proud that the Hebrew Hospital for Chronic Sick has established this new and innovative program to help our senior citizens. The creation of the Morris E. Spector Adult Day Health Care Program will go a long way to carrying on his fine work.

ROSMOOR/WALNUT CREEK CELEBRATES 25 YEARS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. MILLER of California. Mr. Speaker, for a quarter century, Rosmoor/Walnut Creek has been a vibrant, creative and innovative community of senior citizens in the heart of the seventh congressional district of California. Although retirement communities have become commonplace throughout much of our country today, Rosmoor was a pioneering concept when it was first proposed in the 1960's, and it has more than exceeded the hopes and expectations of its early residents.

Today, 8,000 senior citizens from all over the United States enjoy the high quality of life at Rosmoor/Walnut Creek. This is a senior community—but it is no retirement community. The residents of Rosmoor, I know from extensive personal experience, are deeply involved in community affairs, politics, sports, and wide range of other activities that make them among the most active and valued residents of our county.

It is little wonder that Rosmoor serves as a model in the development of adult communities nationwide.

Throughout the years I have represented Rosmoor in the Congress, I have often visited meetings of organizations at Rosmoor, and I have each time come away impressive with the vitality and dedication of the members of this unique community. I am delighted to have the residents of Rosmoor as very valued constituents.

I know that the Members of the Congress of the United States join me in saluting the residents of Rosmoor/Walnut Creek and to wish them much continued happiness and success on their community's 25th anniversary.

AN AGENDA FOR HISPANICS

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. FUSTER. Mr. Speaker, as you know, this is National Hispanic Heritage Month. A great many activities are being held across the Nation to celebrate what until this year had been Hispanic Heritage Week. But perhaps in recognition of the increasingly broad sweep of contributions that Hispanics have made to the cultural pluralism of the Nation, the President last year signed into law a bill that designates September 15 to October 15 as Hispanic Heritage Month.

It was my great privilege, Mr. Speaker, to serve as chairman of the Congressional Hispanic Caucus this year. My term ended at the annual banquet of the Congressional Hispanic Caucus Institute, held Wednesday night, September 13, at the Washington Hilton Hotel.

At that time, I spoke to the great many persons assembled and reflected upon the accomplishment and challenges of Hispanics during the year. To that end, Mr. Speaker, I should like to share with my colleagues the address I gave at the banquet.

REMARKS OF JAIME B. FUSTER AT CONGRESSIONAL HISPANIC CAUCUS INSTITUTE BANQUET, SEPT. 13, 1989

Exactly a year ago tonight I was pleased to stand before you to accept the chairmanship of the Congressional Hispanic Caucus. I did so with a deep sense of honor and commitment. I became the first Member of Congress representing Puerto Rico to be so honored.

My election to the chairmanship of this increasingly important Congressional Caucus and our Institute was an indication that we Mexican-Americans, Cuban-Americans, Puerto Ricans and others have far more that binds us together than what separates us. We are Hispanic brothers and sisters with a common heritage, with common problems, with common challenges.

Tonight, I am pleased to pass the chairmanship along to my good friend, Congressman Kika de la Garza of Texas. The Caucus is in good hands.

During the past year, we Hispanics have witnessed a continuation of our important contributions to the pluralistic life of this vibrant nation. For example, one of our own Caucus members, Manny Lujan of New Mexico, was chosen by President Bush to become Secretary of the Interior. And another prominent Hispanic, Lauro Cavazos, was asked by the President to remain in the Cabinet as Secretary of Education.

Both of these men are positive and powerful role models. The fact that not one but two Hispanics have been named to the President's Cabinet is also a significant indicator of the increasingly important role that we Hispanics are playing in the political life of the nation.

It has also been occuring at the Congressional level. This year we set a new precedent when Members of Congress aspiring to leadership positions in the House actively sought out the support of the Hispanic Caucus. Most of those running for the various leadership positions requested and obtained meetings with our Caucus. Representatives of our group were also for the first time asked formally to participate in the nominating procedures that lead to the election of the new leaders. From these events have come commitments from the leadership to name members of the Hispanic Caucus to leadership posts in the House Steering and Policy Committee, in the Whip organization and in other key positions.

We in the Caucus have also met with Ron Brown, the Chairman of the Democratic National Committee, resulting in more Hispanic representation within the DNC.

All of this translates into "clout," into our getting our rightful slice of the pie in the national power structure.

Despite all these accomplishments, much remains to be done. We have our work cut out for us, particularly as we approach a new decade of opportunities, beginning with the new Census to be carried out in 1990.

We must become more involved, at the grass-roots level, in voter registration efforts so that we effectively institutionalize our slice of the pie. We can't afford to slip back in this respect. Look how well we did in the recent special edition in Florida's 18th District to fill the House seat of the late Congressman Claude Pepper. Some 86 percent of Hispanics turned out to elect the first Hispanic woman—and first Cuban-American—to Congress, Ileana Ros-Lehtinen.

In my own district, Puerto Rico, such high voter turnouts, in the 80 percent range, are normal. The Governor of Puerto Rico has launched ambitious efforts to register more Puerto Ricans who live on the U.S. mainland, and those efforts are bearing fruit.

We all know of the remarkable results obtained by the late Willie Velasquez and his Southwest Voters Registration Project. But in general we Hispanics do not vote in proportion to our percentage of the population. To some Hispanics who want to vote, language and cultural differences are real or perceived problems. These, we can and must overcome. To do so will be in the best traditions of American participatory democracy.

Moreover, we 20 million Hispanics have even more of an opportunity to make our growing presence felt with the upcoming 1990 Census, which will no doubt result in considerable redistricting of the House membership. Given the strength of our numbers—our present 8 percent of the nation's population is expected to reach 15 percent by the year 2000—we Hispanics now stand a good chance to elect many more members of Congress by the end of the next decade.

Our growing presence has even more implications for the ever-evolving social fabric of the nation. We Hispanics will play an increasingly important and positive role in the social, economic, political and artistic life of the nation. And there will be no turning back the clock in the process. Very few ethnic groups in the history of America have had such opportunities—and challenges.

Education is always the key to progress in our achievement-oriented society, but we Hispanics have not always plugged ourselves in to the system to the extent we should. Moreover, young Hispanics and other ethnic minorities will increasingly play a more visible role in the not-too-distant future. for example, by the year 2000 about 30 to 40 percent of all college-aged youth will be Hispanic or black. That sector of the population which has traditionally provided the nation's pool of competence—college-aged, economically advantaged, able-bodied, white males—is shrinking. The implications are enormous. So are the opportunities for Hispanic youth. Will our Hispanic youth take advantage of this dramatically new situation? I certainly hope so, but we in the Hispanic leadership must constantly motivate them to do so.

Another challenge we face is an ironic one: the non-Latino population is relatively old and becoming older, while the Hispanic population is relatively young and will remain so. Accordingly to a book recently published by Professor David Haynes-Bautista, director of the UCLA Chicano Studies Research Center, "This means that the burden of support for the elderly, in areas like income support and health care, will fall primarily on the young Latinos, who currently don't have the same earning power as white males."

His thesis is that Hispanic productivity and creativity is the key to the future of an aging society, that Hispanics will increasingly become the mainstay of the labor system in this nation. Thus, Hispanics would by implication play a large role in keeping the Social Security system afloat with our growing monetary contributions to that system. Obviously, that system would become imperiled if Hispanics remain in low-paying jobs.

Finally, my friends, I want to look at the larger picture of Hispanics in America. Understanding of our positions regarding issues such as bilingualism, immigration and equal employment is best enhanced when such issues are considered in relation to the potential that Hispanics have to help this country achieve very important domestic and international goals. Policies aimed at providing Hispanics better educational opportunities or at increasing the number of Hispanics hired in the federal work force then become not only a matter of fair play but also of enlightened self-interest.

Such policies are then appreciated for what they mean not only to ourselves but to the society at large, which hopefully will view them as a means of putting to the best use an important resource available to this nation.

Moreover, we must be involved in national problems, not solely in Hispanic issues. We can never neglect the pressing needs of our own people but their experience is vivid proof that Hispanics have much to gain and to give in the wider context of our society and our economy. Hispanics have become entrepreneurs; our people are moving increasingly into the middle class; our community is intent on climbing the ladder of opportunity, not on subsidies or staying at the bottom.

We must enter fully into the national dialogue on issues such as economic growth, the federal deficit, and education—for the outcome on these issues will shape and reshape the outlook for the Hispanic future. Very often we will find that our concerns are national concerns as well—that there are vital links between the things we care about as Hispanics and the things that matter to us as Americans.

In the process, we Hispanics must do even more: we must actively pursue an agenda for self-affirmation. We must be fully convinced ourselves that our growing numbers constitute a positive factor to American development.

In this regard, we need more institutional means and infrastructure to become better aware of our feats, and to make them better known. We must methodically study our past and present it in an organized, systematic, even scholarly manner and likewise divulge that new knowledge of ourselves.

We should, for example, promote the establishment of expended Hispanic Studies departments in mainland universities.

We must plug into the obvious talent of the academic community to enlarge and broaden our strategies for development. We must find ways to guarantee that Hispanic contributions to society will not remain anonymous nor buried in dusty, unsystematic, archival limbo. We must not be invisible. We must pursue a deliberate agenda for self-affirmation, calling upon the best resources that society has, Hispanics and non-Hispanics alike.

So, we have our work cut out for us. We must "seize the moment," because we Hispanics have, as former President Kennedy once described his mission, a "rendezvous with destiny." Are Hispanics ready for that challenge? I believe we are, and I believe we are on the way toward remaking the very tone and texture of this great nation—and all for the better.

Thank you for the trust you placed in me to serve you.

HONORING THE 10TH ANNIVERSARY OF THE WOODHAVEN KIWANIS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of the most hard-working and respected social service organizations in the Woodhaven community, the Kiwanis. On September 23, 1989, the Woodhaven Kiwanis will host a dinner dance in honor of the club's 10th anniversary.

The Woodhaven Club belongs to an international organization, composed mostly of successful career persons, devoted to assisting the disadvantaged in our society. Since its foundation in 1979, the Woodhaven Kiwanis has made its mark on its community by performing many important services.

Among these community minded efforts are the annual blood drive which has kept the blood banks in local hospitals well supplied with over 350 pints of blood; computers donated to neighborhood schools and the Woodhaven/Richmond Hill Volunteer Ambulance Corp. have helped both educate and save lives; its center for special needs has alleviated some of the difficulties facing disabled people by providing them with physical therapy and the opportunity to socialize through organized games and outings; and finally, its toys for tots' party in 1988 brought Christmas to 250 disadvantaged children who may not have had one.

In the last decade, the club has gone from strength to strength. In the past year alone, it has increased its membership by 35 percent. One reason for these successes is that during its formative stages the club was well served by a number of distinguished presidents from Sal Dovi, the first president, through Frank D'Orazi to Dr. Paul Fish, the current president, each displaying the strong leadership necessary to a young and growing club. I am confident that its incoming president, Frank Lombardo, will offer the same kind of leadership to take the club to even greater heights in the future.

In this day of immediate gratification and self-interest, it is a pleasure to witness an organization like the Kiwanis prove that the spirit of philanthropy is alive and well. I call on my colleagues in the House of Representatives to congratulate the Woodhaven Kiwanis on its 10th anniversary and wish the club continued success in the future.

SUPPORTING SUSTAINABLE DEVELOPMENT: A POPULIST AGENDA FOR U.S.-THIRD WORLD ECONOMIC RELATIONS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. CROCKETT. Mr. Speaker, numerous organizations—including the Committee on Foreign Affairs, on which I have the honor to serve—have been rethinking the U.S. Development Assistance Program in an attempt to identify reforms that would better enable us to achieve the objectives that the program is intended to serve.

A valuable contribution to these efforts occurred on February 6 of this year, when a group of non-Government organizations convened a conference on Capitol Hill on the subject, "Supporting Sustainable Development: A Populist Agenda for U.S.-Third World Economic Relations." A report on the conference was published recently. It identifies many of the shortcomings of our current development assistance programs and points the way toward effective improvements.

I include the report at this point for the information of my colleagues:

SUPPORTING SUSTAINABLE DEVELOPMENT: A POPULIST AGENDA FOR U.S. THIRD WORLD ECONOMIC RELATIONS

The past few years have seen a fundamental shift in the nature of the debate on U.S. and multilateral support for Third World development. Increasing environmental degradation, the creation of a massive Third World debt and the policies designed to reduce it have caused great hardship for the poor and have raised profound questions about the development strategies that the major aid institutions have promoted over the past four decades.

Throughout the Third World, popular organizations are challenging these models and advancing approaches that are rooted in local knowledge and realities. They have been joined in this endeavor by a rapidly expanding number of North American and European organizations whose experience on the ground has shown them the indispensability of local input in the shaping of successful development programs and policies.

In the United States, organizations approaching development from diverse perspectives are actively challenging many of the policies and programs of the major aid and international financial institutions and are working closely with their constituencies and with Congress to fashion policies that reflect this emerging new paradigm. Partnerships have been formed to promote a number of legislative initiatives that, while addressing a variety of Third World matters, are designed to underwrite a process of social change sustained by the involvement, expertise and commitment of the common people.

On 6 February 1989, a conference on "Supporting Sustainable Development: A Populist Agenda for U.S.-Third World Relations" was convened at the Cannon Caucus Room on Capitol Hill. Organized by a committee comprising representatives of The Development GAP, Bread for the World, the Center of Concern, Church World Service/Lutheran World Relief, the Debt Crisis Network, the International Labor Rights Education and Research Fund, the National Wildlife Federation, and the Sierra Club, the forum was designed to provide a critique of the assumptions underlying economic relations between North and South and to present viable alternatives that are emerging from the ground. Broadcast on national television by the C-SPAN network, the one-day conference was attended by over 400 people and sponsored by 54 organizations and 42 Members of Congress. Panelists included persons active in the development field from both the North and the South.

"Supporting Sustainable Development" was a natural outgrowth of a still unfolding process of change. Organizations working together on an issue-by-issue basis came together to present a holistic approach to the support of development that is truly sustainable and that advances social justice. The conference was a significant, but only the latest, step in what is becoming a worldwide movement engendered by popular organizations in the South and supported by their Northern partners.

Opening the conference, Development GAP co-director Atherton Martin emphasized that the North has maintained and exercised control over the development process first and foremost for its own benefit and too often at the cost of the increasing impoverishment, marginalization and alienation of the Third World poor. A long-time grassroots activist and former Minister of Agriculture in his native Dominica, Martin suggested that the North can foster long-term social change only by relinguishing control for the development process and responding to the needs and activities of the poor majority. By way of example, he cited the work of Rep. Geo. W. Crockett, Jr., Chair of the Subcommittee on Western Hemisphere Affairs, who consulted extensively with Caribbean grassroots organizations, as well as with representatives of government, business and other sectors, in the formulation of the Caribbean Regional Development Act, which is currently incorporated in the foreign aid bill approved by the House of Representatives.

Mr. Martin emphasized that the prevailing development strategy is self-perpetuating, as it has led to the justification of still more aid, which, in turn, has resulted in the continued extraction of resources, environmental damage, less self-reliance, increased debt and the deepening impoverishment of the poor. He concluded by challenging the people, aid officials and policymakers in the North to listen to, to underwrite and to join with popular movements in the South that are constructively tackling intensifying development problems and promoting much needed social change.

SUSTAINABLE DEVELOPMENT AND THE ENVIRONMENT

Participants on the day's first panel on development and the environment argued that the prevailing development strategies of the past 40 years have been undertaken at great economic, political, social and environmental cost. Instead of building upon local knowledge, skills and resources to foster a sustainable development process which accommodates the full participation of people in defining and addressing their own needs, these strategies impose short-term solutions derived from an external perspective that is inappropriate in the Third World context. These approaches continue to encourage growth primarily through export production, all too often at the expense of local populations and the natural resource base.

For most of the Third World, the consequences include massive debt, increased vulnerability to changes in the international market, and dependence on Northern expertise and aid. Panelists catalogued additional effects: growing inequality and the marginalization of a majority of Third World people in their own societies; the erosion of self-sufficiency in food production; the degradation of the environment; and the destruction of local culture. Local initiatives have been undermined and, most significantly, truly democratic processes of change have disintegrated.

It was noted that in the Caribbean an emphasis on the production of cash crops for export has resulted in a 1988 food-import bill of U.S. $2 billion. In addition, transportation and other infrastructure have been designed for export production, making it increasingly difficult to diversify agricultural production and satisfy local needs.

One panelist explained that in Korea, a country touted by many as a development success, international competitiveness has been achieved at the cost of increasing inequality and instability. A highly egalitarian economy in 1953, 76 percent of Korea's gross national product is now concentrated in the hands, of thirty corporations whose wealth benefits only a small minority. The rest of the population suffers from exploitative labor policies and unfavorable working conditions, contributing to the world's highest per capita workplace death and injury rate. The Korean economy depends on the U.S. market to absorb 50 percent of its exports. The recent political crisis and the effects of increasing U.S. protectionism, it was asserted, clearly point to the precarious nature of Korea's economic success.

The case of the Green Revolution in India was posed as an example of the failure of current development strategies to build upon local knowledge, skills and resources. The high cost of fertilizers, pesticides, irrigation facilities and high-yield seed varieties has generated immense public and private debt. As land has become more concentrated in the hands of those who are able to buy these components, inequalities have become more profound. Women, who provide the bulk of the labor in food production, are increasingly denied the right to decide what and how they produce.

The prevailing development strategies are build upon the myth that natural resources are abundant and replenishable. In fact, strategies such as capital-intensive agriculture often have a devastating impact upon the environment. The Green Revolution has threatened bio-diversity by promoting the replacement of multiple varieties of local seeds with a few high-yield varieties, and the large irrigation schemes built to accommodate the Green Revolution in India have triggered massive flooding. In Ecuador, banana production has pushed small farmers to slopes where their cultivation causes deforestation.

In contrast to traditional agricultural methods, which tend to help preserve the natural environment (particularly when the poor are operating within more equitable economic systems), the development models being promoted by the North often force countries to erode their natural resource base in order to compete in the international marketplace. The problem is exacerbated by structural adjustment policies, which place an emphasis on the expansion in the volume of exports.

Panelists observed that in spite of or because of these externally defined development policies local people continue to challenge current development strategies by creating alternatives that both satisfy their needs and promote sound environmental practices. Throughout the Caribbean, for example, several cooperatives, peasant movements and women's groups grow, package and market basic foods for that region. In northern Zambia and southern Zaire, Africans are relying on traditional practices of crop rotation, soil fertilization and weed control, which help to maintain food security, envionmental soundness and community cohesiveness.

The panlists remarked that aid institutions and governments are now recognizing the value of indigenous non-governmental organizations in channelling aid to local-level projects. One panelist warned, however, that local groups are not willing to limit themselves to building wells; they are also claiming their right to participate in local and international policy dialogues. The development approach they are demonstrating is based upon placing in the hands of local people control over productive resources, the local environment and their own labor. Most importantly, these people must be able to participate in the decisionmaking that affects their lives.

BUILDING A DEMOCRATIC BASE

The prevailing development strategies have generally concentrated the control and the benefits of economic growth in the hands of an elite class, thus perpetuating the poverty of a majority of people across the South and contributing to social instability, asserted the participants on the second panel on "Peoples' Rights and Social Change." By providing examples of abuses of worker rights, women's rights and the rights of indigenous people, the panelists illustrated how the systematic denial of peoples' rights is a prerequisite for the perpetuation of these development strategies. In many countries, for example, those who try to organize for change face stiff repression.

Panelists also noted that many Third World governments willingly employ exploitative labor and environmental policies or exploit the environment in order to gain a competitive advantage in the international market. In export-processing zones, which generate foreign exchange through the assembling of goods of export and to which foreign investors are attracted with lucrative economic incentives, wages are generally suppressed, working conditions hazardous and trade-union activity prohibited. Elsewhere, the unrestricted use of natural resources to produce export commodities causes environmental degradation and, particularly in the case of the destruction of the tropical rainforest, deprives indigenous peoples of their livelihood. As a result, indigenous knowledge, the basis for rainforest preservation, is being irrevocably lost.

One panelist illustrated how current development strategies reinforce the inequality and marginalization of women. Comprising 60-80 percent of Africa's food producers and the majority of workers in export-processing zones worldwide, women are denied control over their production and are the objects of exploitative labor practices. The failure of current development strategies to adequately address such issues as access to health care and education, as well as security of income, places an increased burden on women and their children. Structural adjustment policies compound this hardship by requiring women to generate even more income at the same time that their access to resources, as well as to social services, is being restricted.

The current situation in Honduras, where the military forcibly denies peoples' control over their labor and resources, is an example of a country where the development model is driven by the exploitation of a majority of the people. This repression of peoples' rights in the name of development led the panelists to question the basic assumptions underlying prevailing growth strategies. Although attempts by people to organize to satisfy their basic needs and advance their fundamental rights often pose a challenge to public and private sector elites benefitting from the development process, economic progress cannot be sustained without the poor majority exercising effective control over its own development.

The panelists suggested that consultation with local populations to determine their needs and the active participation of these people in all aspects of the development process are necessary first steps towards achieving sustainable and equitable development. They stressed, however, that workers, women, indigenous people and others who have been denied control over their own development must ultimately be empowered to exercise such control. One panelist pointed to existing U.S. legislation, which deems the abuse of worker rights an unfair trade practice, as an example of how the North can be supportive of the efforts of those who have systematically been denied their rights, as well as the opportunity to define their own future.

ADJUSTING THE ADJUSTORS

Panelists in the third session, "Adjusting the Adjustors: Multilateral Aid, Debt and Trade," contended that the debt crisis is the consquence of poorly analyzed loans, the promotion of an externally defined development strategy and an overemphasis on export production. Coupled with the increase in Northern protectionism, the shift in terms of trade at the end of the 1970s devatasted the economies of Third World countries that had borrowed money to purchase inputs for their development programs and had hinged the health of their economies to a favorable world market. Capital flight, which is the source of 30-60 percent of today's Third World debt has, along with the mismanagement of resources, compounded this crisis. Meanwhile, major flaws and abuse exist in the design and implementation of many of the development projects financed by the North.

Those that, through their lending and borrowing, fostered the debt crisis—international banks, national governments, Northern and Southern elites, and official multilateral financial institutions—have promoted "solutions" in the form of stabilizations and adjustment policies that reduce government subsidies and social services, severely cut public-sector employment, freeze wages and direct national resources to an expansion of the export sector. Designed to address internal and external financial imbalances, these prescriptions place an even greater burden on the poor, who already bear the brunt of failed development strategies. Panelists concluded that the poor would be better off today had they been left alone, an assertion that can be substantiated by the World Bank's own statistics.

Agreeing that some type of adjustment is needed to solve the global economic crisis, the panelists suggested that non-governmental organizations and grassroots representatives should be involved in an adjustment policy dialogue to provide input and to make clear the effects of various adjustment policies on local populations. It was the panelists' view that, in the meantime, the poor should not be made to bear the burdens imposed by structural adjustment policies, as they were not the ones who incured the debt. Rather than emphasize export production, trade liberalization and cuts in social-sector spending and wages, the panelists advocated that official financial and development institutions promote agrarian reform, social-sector investments, enhanced environmental protection, reductions in military spending and curbs on capital flight. Noting that export-oriented policies are being promoted in Third World countries, they urged that trade relations be restructred so as to provide long-term access to Northern markets at fair and stable prices.

Given that the multilateral banks are not accountable to the Third World poor, nor to the U.S. taxpayers who may have to bail out the commercial banks, panelists advocated partnerships between Northern and Southern groups to challenge current multilateral bank policies. Panelists also suggested that leverage against the World Bank, for example, can be gained by campaigning against funding increases that it has been receiving from the United States and other countries. Some members of the audience concurred with the panelists that, because elites in the North and South benefit from the current system, change can come only through sustained political pressure.

TOWARD THE RESTRUCTURING OF FOREIGN AID

In the day's final session, "Aid for Just Development," the panelists expressed dissatisfaction with the existing U.S. foreign assistance program because of its failure to support the majority of Third World people. They echoed the opinion of the U.S. public, which is interested in assisting poor people overseas but feels the U.S. foreign assistance is not achieving this goal. The panelists located problems with the foreign assistance program not only in the imposition of quick-fix solutions derived from an external perspective but also in the promotion of short-term economic, political and security interests of the United States at the expense of long-term sustainable development in the Third World. The restructuring of foreign assistance requires a total rethinking of the goals and processes of development.

One panelist explained that both the disproportionate level and the nature of security assistance impede and even counteract development endeavors. Comprising military assistance and economic support funds (ESF), the level of security assistance is 23 percent higher today than it was in 1981; by comparison, development aid has fallen by nine percent during the same period. In addition, 60 percent of ESF grants involve cash transfers applied primarily to structural adjustment programs, which hurt the poor, and to balance-of-payments programs. The bulk of ESF funds are difficult to trace. Where they are traceable, they are often misspent. In Pakistan, for example, USAID's own report revealed that ESF monies targeted for development were being employed to offset government military expenditures.

Another panelist argued that food aid, which comprises a significant portion of U.S. development assistance, all too often promotes short-term external solutions and the economic, political and security interests of the United States at the expense of local development. With less than ten percent officially categorized as humanitarian aid, the bulk of our food aid is administered with the aim of decreasing the U.S. agricultural surplus, creating foreign markets and bolstering U.S. allies.

Food aid often undermines local production by flooding local markets and thus depressing prices and, in times of disaster, by forcing farmers to abandon their land to receive rations in feeding or distribution centers. As dependency on food aid increases, countries are encouraged to produce non-nutritious agricultural commodities for export.

Congressional efforts to rewrite the foreign aid bill highlight the government's own discontent with the foreign aid program. While the panelists praised certain aspects of the recently released report by the House Foreign Affairs Committee Task Force chaired by Representatives Lee Hamilton and Ben Gilman, including the inclusion of environmental sustainability as one of the four major objectives of a new aid institution, they expressed serious concerns about the report's content. By failing, for example, to build a mechanism for consultation with local peoples into the proposed aid institution, the Task Force was all but ensuring that the program would be based on U.S. expertise rather than on the knowledge that exists in the Third World.

In addition, the panel observed, the four objectives ascribed to the new aid institution potentially conflict with one another and are not fundamentally different than the 33 outlined in the current aid bill. As conventionally defined, economic growth, for example, tends to cause vast inequalities between rich and poor, impedes social and economic justice and causes environmental damage. Most importantly, the Task Force report does not call for the separation of USAID from the State Department and its short-term policy objectives; if the report's recommendations were to be adopted, declared one panelist, the aid program would run the risk of being even more politicized than it is today.

If development is truly meant to promote self-determination and self-reliance through a process that is participatory, equitable and sustainable, the panel maintained, then it must support and build upon the initiatives taken at the grassroots level. The Africa Famine Recovery and Development Act and the Caribbean Regional Development Act were cited as examples of this approach. In order to achieve a truly sustainable development process, it was recommended by one of the panelist that:

(1) AID be reconstituted as an autonomous public institution;

(2) it build on the work of the smaller aid organizations, such as ADF and IAF;

(3) it incorporate grassroots organizations as equal partners in shaping aid policies, projects and programs;

(4) it be internally decentralized so as to be more responsive in the field;

(5) it be held accountable to those in the Third World that it has been mandated to serve;

(6) less emphasis be given to the quantity of aid, as often the level of aid we provide exceeds the capacity of institutions overseas to utilize it effectively; and

(7) ESF and other political aid should be separated operationally and structurally from development assistance.

CONCLUSION

In the conference's concluding segment, two of the Third World panelists commented that the conference had offered a new generation of thinking committed to a fundamentally different type of development that emanates from the grassroots. The growth of this movement for change requires a fundamental reconceptualization of the development process. Success for this drive requires that control over that process be placed in the hands of the majority of people in the Third World.

Central to this effort is the formation of a new, true partnership between North and South. The final speakers cited the conference as only one step in the process of promoting a broad movement for change. To push this movement forward, they invited the audience to endorse the Unifying Principles (drafted by the conference organizating committee in consultation with Third World NGOs), to participate in follow-up activities and to encourage an active exchange between marginalized peoples of the North and South.

Throughout the conference, panelists demonstrated their agreement on the causes and effects of the failure of prevailing development strategies. Central to the failure of these strategies is the fact that they are defined and generally imposed by the North and designed for the most part to promote short-term solutions to profound and far-reaching problems. The leading development models are built on the assumption that economic growth is most effectively attained through the production of goods for export and through an open international trading system and that the world's natural resource base is renewable. Employed as a mechanism for achieving short-term political objectives, the foreign aid program of the United States is devoted in large part to security assistance and food aid, neither of which encourage self-sufficiency.

The consequences of those short-sighted strategies are manifold. Despite over 40 years of "development" fostered by the North, the countries of the Third World face massive debt, increased vulnerability to fluctuations in the world market (as less than equal players), expanding and intensifying poverty and the steady erosion of their capacity for self-sufficiency. Increasingly, land is being concentrated in the hands of the few, and the environment is being devastated, in part because countries are forced to destroy their own resource base in pursuit of a competitive advantage.

These strategies are not supportive of the right of women to decide what and how they will produce nor of the rights of workers to organize and to work in a safe environment. The crippling Third World debt can also be traced, in large measure, to the implementation of externally defined development strategies. Adjustment and stabilization policies, again defined by the North, place an even greater burden on the poor.

With poverty, instability and environmental degradation on the rise throughout the Third World, it is increasingly evident that externally defined strategies for economic growth have not supported sustainable development. Panelists concurred that the development process must be directed by those it is purported to benefit, the world's poor majority, if it is to be sustainable and equitable. They argued further that, for this shift to take place, a fundamental reconceptualization of the development process is required.

Change is already taking place. Popular organizations in the Third World are challenging the prevailing development models while promoting their own equitable and environmentally sound alternatives. Simultaneously, organizations in the North that have traditionally approached development from diverse single-issue perspectives are now working together to promote these alternatives among policymakers.

The sense of the conference was that consultation with local populations in order to determine their needs is but a necessary first step in the process of promoting long-term social change. What is also required is that approaches to development be built upon local skills and knowledge and, most importantly, the inclusion of local populations in policy dialogue; if the growing impoverishment of the Third World is to be overcome, then people must be party to the decisions that affect them.

Panelists felt strongly the peoples' rights and environmental sustainability are fundamental prerequisites for a sound development approach. Specifically, they recommended that the multilateral development banks and other official aid institutions, promote agrarian reform, social-sector investment, enhanced environmental protection, reductions in military spending and curbs on capital flight. It was also recommended that USAID be reconstituted as an autonomous public agency, which would incorporate grassroots partners and be accountable to a public constituency here and abroad.

Panelists advocated the need for North-South partnerships to challenge the prevailing assumptions about development, promote the alternatives emerging from the ground and build a burgeoning movement for change. "Supporting Sustainable Development" represented an effort to contribute to the building of these partnerships and this movement, to convey a vision of development as seen by the people of the South, and to present a challenge to policymakers from within the halls of Congress to make a fundamental and long-overdue departure from the type of development that has been supported and the manner in which that support is provided.

ANTHRACITE DEATH TOLL CHRONICLED IN HAZLETON MUSEUM

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1989

Mr. YATRON. Mr. Speaker, the Greater Hazleton Historical Society Museum in Hazleton, PA, is currently featuring an exhibit which graphically depicts the hazards associated with coal mining in Pennsylvania. The exhibit is a compilation of data and statistics on coal mining deaths in Pennsylvania's anthracite coal mines since 1870. One of the most startling revelations of this exhibit is the fact that 30,903 men died in these mines between 1870 and 1989.

Mr. Speaker, this exhibit is a stark reminder of the dangers that coal miners face on the job every day. The exhibit also presents other artifacts and memorabilia relating to the coal industry. Recently, in its August 31, 1989, edition, the Hazleton Standard-Speaker ran an article about the coal mining exhibit and included various charts and statistics that are part of the museum display. Mr. Speaker, I include this article in the RECORD so that it may be shared with my colleagues:

[From the Hazleton (PA) Standard-Speaker, Aug. 31, 1989]

ANTHRACITE DEATH TOLL AN ASTOUNDING 30,903

The Greater Hazleton Historical Society Museum is featuring, as a special exhibit for the next two months, the official toll of miners who were killed while working in or around anthracite mines since 1870.

A startling statistic is that 30,903 men died in the mines between 1870 and 1989.

Even more remarkable is the death toll during the 80-year span from 1870 to 1949 when 30,068 miners died due to accidents in or around the mines. This averages out to slightly more than 325 mining deaths each year during those decades.

The museum's display, which is accompanied by memorabilia of King Coal's heyday, shows that the death toll is almost beyond comprehension because the entire anthracite mining area encompasses an area of only about 450 square miles.

The death toll of 30,068 miners between 1870 and 1949 is graphically displayed with a miner's profile for every 500 men who died. There are 60 miner's profiles on display.

Statistics contained in the exhibit are based on Commonwealth of Pennsylvania records kept since 1870.

Considerable research concerning the project was provided by Ed Conrad of the *Standard-Speaker*.

Due to the tragic mining disaster at the Avondale Colliery in Plymouth in 1869, the state legislature took action and directed that a wide variety of mining statistics be recorded on an annual basis.

A total of 110 miners died in the Avondale disaster near Scranton, one of history's worst mining accidents.

Official statistics were first published annually since them.

These statistics include the number of men who were seriously injured annually throughout the hard coal region.

The highest number of deaths in the anthracite region occurred in 1907 when 708 miners died. Meanwhile, 699 lost their lives in 1911, 678 in 1908 and 604 in 1905.

But the official toll of miners killed while working in or around the anthracite region over the years has a very serious shortcoming.

Many miners who died days or weeks after being seriously injured frequently were not included in the death toll

Conrad said his grandfather was severely injured when overcome by gas and suffered at home for more than a year before he finally died. Consequently, he was not included in the official death toll even though his death was directly related to his work inside a mine.

Conrad also said it is not myth that, as longtime miners of yesteryear often used to say, coal mine operators and their superintendents valued their mules more than their men.

"One old miner told me it was simply because losing a mule meant having to buy another one," Conrad said. "If a man lost his life, there was always some poor soul willing to take his place in the mine.

"In fact, one veteran of 50 years of underground mining once told me that he happened to be in the superintendent's office one day when the phone rang and the superintendent was told that there had been a very bad accident in the mine.

"The superintendent didn't ask if any men were hurt or killed," Conrad said. "The old miner told me he was shocked at the superintendent's very first question: 'Did we lose any mules?' "

OFFICIAL DEATH TOLL (1870 TO 1989)

Year	Deaths	Year	Deaths
1870	211	1930	444
1871	210	1931	384
1872	223	1932	243
1873	264	1933	232
1874	231	1934	260
1875	238	1935	267
1876	228	1936	241
1877	194	1937	212
1878	187	1938	223
1879	262	1939	210
1880	202	1940	182
1881	273	1941	189
1882	295	1942	225
1883	323	1943	218
1884	332	1944	171
1885	332	1945	137
1886	279	1946	169
1887	316	1947	165
1888	364	1948	131
1889	397	1949	92
1890	378	1950	86
1891	428	1951	94
1892	418	1952	92
1893	456	1953	59
1894	446	1954	47
1895	421	1955	60
1896	502	1956	54
1897	423	1957	51
1898	411	1958	31
1899	461	1959	46
1900	411	1960	35
1901	513	1961	19
1902	300	1962	26
1903	518	1963	30
1904	595	1964	24
1905	644	1965	8
1906	557	1966	5
1907	708	1967	9
1908	678	1968	13
1909	567	1969	4
1910	601	1970	4
1911	699	1971	2
1912	601	1972	3
1913	624	1973	1
1914	600	1974	2
1915	588	1975	1
1916	565	1976	1
1917	581	1977	11
1918	556	1978	1
1919	636	1979	1
1920	490	1980	3
1921	546	1981	1
1922	300	1982	0
1923	515	1983	1
1924	496	1984	0
1925	401	1995	6
1926	455	1986	3
1927	492	1987	0
1928	447	1988	1
1929	483	1989	0

Note.—The official anthracite mining death list does not include virtually thousands of miners who had lost their lives while working in bootleg—independent—mining operations for many, many years.

DEATH TOLL IN THE HAZLETON AREA IN 1886 AND 1904

IN 1886, 35 AREA MINERS HAD LOST THEIR LIVES, BEING AMONG 279 WHO WERE KILLED THAT YEAR

Date of accident	Number of accident	Name of persons	Occupation	Age	Number of orphans	Name of colliery	Location	Nature and cause of accident
Jan. 20	1	William McGee	Laborer	50	5	Beaver Meadow	Beaver Meadow	Fatally injured by a fall of coal.
Jan. 26	2	Frank Ferry	Laborer	41	3	No. 4	Upper Lehigh	Was killed by a prop falling on him.
Feb. 3	3	William Bray	Miner	36	4	No. 5	Stockton	Killed by a fall of coal.
Feb. 8	4	John Kilkelly	Fireman	28	1	No. 1	Drifton	Killed by a boiler explosion.
Mar. 1	5	Michael Gallock	Outside laborer	28	2	No. 5	Yorktown	Killed by a premature blast.
Mar. 18	6	John Mathey	Outside laborer	30		No. 5	Stockton	Was killed by a fall of clay at stripping.
Apr. 9	7	George Showorskey	Outside laborer	36	3	No. 2	Drifton	Was smothered in culm shute at breaker.
Apr. 17	8	Charles Nowak	Slate-picker	12		No. 6	Treschow	Fatally injured by falling from a trestling.
Apr. 27	9	John Dougherty	Miner	32	5	No. 2	Stockton	Killed by a fall of clod in an airway.
May 15	10	William Gipper	Platform man	65		No. 5	Lansford	Killed; fell into breaker machinery.
June 17	11	Ernest Wagner	Miner	40	4	No. 1	Highland	Killed by a prop falling on him.
June 21	12	Thomas McGee	Miner	38		No. 7	Jeanesville	Was killed by a fall of coal at face of breast.
July 2	13	John Drushauning	Outside laborer	35	2	No. 5	Stockton	Killed by a fall of clay at stripping.
July 15	14	John Wallace	Miner	27		No. 3	Stockton	Fatally injured by mine cars.
July 19	15	Martin Maybe	Foreman	36		No. 2	Stockton	Killed by cars on the slope.
July 20	16	John Voorick	Loader	21		No. 1	Drifton	Fatally injured by cars at breaker.
July 23	17	Nicholas Deffrato	Miner	27		No. 3	Hazleton	Instantly killed by a fall of slate near face of breast.
July 26	18	Michael Sisach	Laborer	23		No. 3	Drifton	Smothered by a rush of coal at bottom of new slope.
Aug. 2	19	George Black	Miner	35		No. 3	Stockton	Killed; fell between mine cars while riding on surface.
Aug. 6	20	Condy Timony	Driver	22		Tomhicken	Tomhicken	Killed; was caught between a mine car and a prop.
Aug. 10	21	Joesph Madzin	Laborer	48	4	Beaver Meadow	Beaver Meadows	Fatally injured by mine cars at stripping.
Aug. 11	22	John P. Gallagner	Miner	30		No. 2	Drifton	Was killed by a premature blast.
Sept. 6	23	Owen McCorry	Miner	60		No. 3	Nesquehoning	Fatally injured by a fall of coal, and died on the 9th.
Sept. 9	24	Fred. Keimbaog	Miner	35	2	Cranberry	Hazleton	Instantly killed by a fall of clod.
Sept. 18	25	Frantz Brighto	Miner	27		Derringer	Derringer	Killed by a premature blast.
Oct. 14	26	Lafay'te Carpenter	Laborer	35		Crystal Ridge	Hazleton	Killed by falling out of a car while being hoisted.
Oct. 16	27	Martin Romansky	Miner	42	6	Oak Dale, No. 2	Jeddo	Killed by a fall of coal at face of breast.
Nov. 4	28	Peter Horrooanus	Laborer	22		Hollywood Strippings	Hollywood	Killed by a piece of coal from a blast while nearly 100 yd. away.
Nov. 13	29	Henry Thomas	Miner	35		No. 3	Nesquehoning	Fatally burned by an explosion of gas; died in a week.
Nov. 16	30	Thomas Jones	Door-tender	16		No. 1	Drifton	Killed; was caught between cars.
Nov. 19	31	Cornelius Gallagher	Miner	67		Beaver Meadow	Beaver Meadow	Fatally injured by fall of clod which knocked him over bottom coal.
Nov. 21	32	George Rice	Laborer	18		Gowen	Gowen	Killed by a fall of slate.
Dec. 18	33	Ralph Speradis	Miner	26		No. 2	Drifton	Killed by a fall of coal.
Dec. 22	34	John Stewart	Miner	35		Sandy Run	Sandy Run	Fatally injured by a fall of coal; died on the 25th.
Dec. 29	35	Patrick Gallaher	Laborer	52		Drifton, Nc	Drifton	Killed; was run over by a locomotive.
Total					41			

Note:—Nationality birth of persons killed and fatally injured as per table no 4: Irish, 11; Hungarines, 9; Americans, 3; Germans, 3; English, 2 Welsh, 2 Polanders, 2; Italians, 11; Total, 35.

IN 1904, 48 AREA MINERS HAD LOST THEIR LIVES, BEING AMONG 595 WHO WERE KILLED THAT YEAR

[Tables listing fatal accidents appear in State department of mining publications]

Date of accident	Name of person	Nationality	Occupation	Age	Married or single	Number of widows	Number of orphans	Name of mine	Nature and cause of accident in brief
Jan. 23	Casimer Baker	Polish	Miner	58	M	1		Cranberry	Instantly killed by fall of rock in breast.
Feb. 2	Martin Snitzer	American	Driver	17	S			Hazleton shaft	Instantly killed; run over by loaded car.
Feb. 4	John Melish	Hungarian	Miner	27	S			Hazleton No. 1	Instantly killed by fall of rock in gangway.
Feb. 4	Joseph Hitchook	Polish	Door boy	16	S			Lansford No. 4	Fatally injured; run over by empty car on gangway.
Feb. 12	John Mlazgar	Slavonian	Miner	22	M	1		Lattimer	Fatally injured by explosion of dynamite.
Feb. 16	Joseph Bower	American	Miner	31	M	1	4	Hazle Brook	Instantly killed by fall of coal from face of breast.
Feb. 22	John Bouchman	American	Driver		S			Upper Lehigh	Fatally injured; run over by cars. Died Oct. 31.
Feb. 26	John Levandoskie	Polish	Laborer	45	S			Highland No. 2	Fatally injured by fall of coal from pillar.
Feb. 29	Frank Maloney	Irish	Laborer	28	M	1		Drifton No. 1 stripping	Fatally scalded by steam from boiler explosion. Outside.
Feb. 29	Emery Pasko	Hungarian	Laborer	34	M	1		Drifton No. 1 stripping	Fatally scalded by steam from boiler explosion. Outside.
Mar. 19	John Nosscil	Slavonian	Laborer	27	M	1	1	Hazle Brook	Fatally injured by falling down slope.
Mar. 24	Michael Chinko	Hungarian	Miner	38	M	1		Beaver Meadow	Fatally injured by fall of coal in crosscut.
Mar. 25	Philip Spina	Italian	Laborer	60	M	1		Coleraine	Fatally injured by a fall of frozen material from slate bank. Outside.
Mar. 26	Peter Kennedy	Irish	Miner	38	M	1	8	Lansford No. 5	Instantly killed by fall of coal in breast.
Apr 20	John Ogurick	Polish	Miner	38	M	1	3	Cranberry	Fatally injured by a fall of coal in breast.
Apr. 26	Andrew McHugh	Irish	Miner	52	M	1	1	Cranberry	Instantly killed by a fall of coal in breast.
May 3	Toney Caput	Italian	Oiler	23	M	1	1	Hazle Brook	Instantly killed by being whirled around a shaft in breaker. Outside.
June 3	Brono Kirka	Polish	Laborer	21	S			Hazleton shaft	Instantly killed by fall of coal in breast.
June 7	Andrew Croopa	American	Patcher	17	S			Beaver Meadow	Instantly killed by being squeezed between car and rib.
June 16	Frank Thrash	American	Laborer	39	S			Eckley and Buck Mt. stripping.	Fatally injured. Caught between bumpers of cars. Outside.
June 23	John Zaramber	Polish	Miner	25	M	1		Harwood	Fatally burned by an explosion of powder.
July 6	Joseph Pasaga	Polish	Door boy	16	S			Lansford No. 4	Fatally injured by being thrown against rib by a concussion of air.
July 23	Mike Shutyack	Hungarian	Laborer	32	M	1		Eckley stripping	Fatally injured; run over by stripping car.
July 28	Stanly Onoscavage	Polish	Laborer	30	S			Highland No. 2	Fatally injured by a piece of rock falling, striking his abdomen.
July 29	George Winsick	Polish	Miner	42	M	1	7	Ebervale	Suffocated by rush of coal in breast.
Aug. 2	George Horwat	Hungarian	Laborer	32	M	1	1	Evans-Coleraine	Instantly killed by rush of coal from pillar.
Aug. 22	John Witkowski	Polish	Miner	48	M	1	2	Gowan Nos. 1 and 3	Instantly killed by fall of slate.
Aug. 26	Frank Kossick	Slavonian	Laborer	29	M	1	1	Upper Lehigh	Fatally injured by a log rolling upon him. Outside.
Aug. 27	James Boyle	American	Laborer	20	S			Lansford No. 9	Fatally burned by an explosion of powder.
Aug. 31	Cornelius Boyle	American	Ass't foreman	35	M	1	3	Beaver Meadow	Suffocated in cave on stripping. Outside.
Sept. 3	John Yackamovish	Polish	Laborer	20	S			Hazleton shaft	Instantly killed by falling down shaft.
Sept. 10	Charles Pierce	Polish	Miner	38	M	1		Beaver Brook	Fatally injured by fall of bone in breast.
Sept. 15	John Morasick	Hungarian	Driver	21	S			Beaver Meadow	Instantly killed by cars at foot of plane. Outside.
Sept. 22	George Kieram	Slavonian	Laborer	21	S			Upper Lehigh	Fatally injured by falling under cars. Outside.
Sept. 22	George Drasher, Jr	American	Miner	23	S			Lattimer	Fatally injured by fall of slate.
Sept. 30	John Szakola	Slavonian	Miner	20	S			Lattimer	Fatally injured by falling down abandoned breast.
Oct. 1	Frank Kilinski	Polish	Miner	33	S			Drifton No. 2	Fatally injured by fall of coal on gangway.
Oct. 4	John Kemsinski	Polish	Patcher	17	S			Highland No. 2	Fatally injured between derailed car and props.
Oct. 13	Enoch Stanovish	Russian	Miner	35	S			Cranberry	Fatally injured by shot which he thought had missed fire.
Nov. 9	Hiram Rimbach	American	Miner	58	M	1		Gowan slope No. 4	Instantly killed by fall of slate in breast.
Nov. 18	Peter Burke	American	Miner	28	S			Lattimer	Fatally injured by falling down breast manway.
Nov. 26	Chas. Harman	Polish	Miner	52	S			Cranberry	Instantly killed by fall of coal in breast.
Nov. 30	Alois Widitz	Austrian	Miner	26	M	1	2	Tomhicken	Fatally injured by fall of coal in breast.
Dec. 4	Henry Heiser	German	Miner	52	M	1	3	Harwood	Fatally injured by fall of rock.
Dec. 10	John Slapots	Hungarian	Miner	41	M	1	5	Lattimer	Instantly killed by returning to what he supposed to be a shot that had missed.
Dec. 12	Mike Linchcofski	Polish	Miner	33	M	1	2	Jeddo No. 4	Fatally injured by fall of coal.
Dec. 24	Herman Dorsch	American	Driver	18	S			Hazleton shaft	Fatally injured; run over by loaded rock car. Outside.
Dec. 28	George W. Shelby	American	Company man	56	M	1		Lansford No. 9	Fatally injured by fall of frozen material on stripping. Outside.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 19, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings to review airline competition and the barriers of competition that now exist in the airline industry.
SR-253

Foreign Relations
To hold hearings on proposed legislation to provide assistance to Poland and Hungary.
SD-419

10:00 a.m.

Armed Services
To hold hearings on the nomination of Gen. Colin L. Powell, USA, for reappointment in the grade of General and for reassignment as Chairman of the Joint Chiefs of Staff.
SR-325

Banking, Housing, and Urban Affairs
Business meeting, to consider pending calendar business.
SD-538

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1253, to more clearly define the rights of artists and to clarify the copyright statute.
SD-226

2:00 p.m.

Judiciary
To hold hearings on the nomination of Stanley E. Morris, of the District of Columbia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.
SD-226

Conferees
On H.R. 2989, making appropriations for fiscal year 1990 for the Department of the Treasury, U.S. Postal Service, Executive Office of the President, and certain independent agencies.
H-164, Capitol

SEPTEMBER 21

9:00 a.m.

Governmental Affairs
To hold hearings to review the Administration's national drug control strategy as it affects State and local governments.
SD-342

9:30 a.m.

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 196, to control emissions of air pollutants from municipal waste incineration units and to provide for safe disposal of ash from such units, and S. 816, to control the release of toxic air pollutants and to reduce the threat of catastrophic chemical accidents.
SD-406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposals for a Pacific basin forum.
SD-419

Rules and Administration
To hold hearings on the nominations of Joan D. Aikens, of Pennsylvania, and John Warren McGarry, of Massachusetts, each to be a Member of the Federal Election Commission.
SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on feedgrains.
SR-332

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
To hold hearings on the nomination of Daphne W. Murray, of Texas, to be Director of the Institute of Museum Services.
SD-430

11:30 a.m.

Foreign Relations
To hold hearings on the nominations of Christopher H. Phillips, of the District of Columbia, to be Ambassador to Brunei Darussalam, and Paul M. Cleveland, of Virginia, to be Ambassador to Malaysia.
SD-419

1:30 p.m.

Small Business
To hold hearings to examine the impact of enterprise zones on small business growth and development.
SR-428A

2:00 p.m.

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 775, to establish three Centers for Metal Casting Competitiveness Research as part of the Department of Energy's energy conservation programs.
SD-366

Foreign Relations
To resume hearings on environmental considerations in shaping economic development policy in the Third World.
SD-419

Select on Intelligence
Closed business meeting, to consider pending intelligence matters.
SH-219

SEPTEMBER 22

9:15 a.m.

Labor and Human Resources
To hold joint hearings with the Committee on Veterans' Affairs on the nomination of Thomas E. Collins III, of Mississippi, to be Assistant Secretary of Labor for Veterans Employment and Training.
SR-418

Veterans' Affairs
To hold joint hearings with the Committee on Labor and Human Resources on the nomination of Thomas E. Collins III, of Mississippi, to be Assistant Secretary of Labor for Veterans Employment and Training.
SR-418

9:45 a.m.

Veterans' Affairs
To hold hearings on the nominations of Rauol L. Carroll, of the District of Columbia, to be the General Counsel of the Department of Veterans Affairs, Edward T. Timperlake, of Virginia, to be Assistant Secretary of Veterans Affairs (Congressional and Public Affairs), and other pending nominations.
SR-418

10:00 a.m.

Banking, Housing, and Urban Affairs
To resume oversight hearings to review the investigation of the HUD moderate rehabilitation program (Section 8).
SD-538

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to review the Subcommittee's report on pesticides and the regulation of EBDC's.
SD-406

Foreign Relations
To hold hearings on the nominations of Luigi R. Einaudi, of Maryland, to be the Permanent Representative of the U.S. to the Organization of American States, with the rank of Ambassador, Eric M. Javits, of New York, to be Ambassador to the Republic of Venezuela, and Thomas F. Stroock, of Wyoming, to be Ambassador to the Republic of Guatemala.
SD-419

Labor and Human Resources
To hold hearings on the nomination of John E. Frohnmayer, of Oregon, to be Chairperson, National Endowment for the Arts.
SD-430

SEPTEMBER 26

8:30 a.m.

Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Jerry R. Curry, of Virginia, to be Administrator of the National Highway

29-059 O-90-16 (Pt. 15)

Traffic Safety Administration, Department of Transportation.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on rice.

SR-332

Foreign Relations

To hold hearings on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment of Punishment (Treat Doc. 100-20).

SD-419

2:30 p.m.

Foreign Relations

To hold hearings on the nominations of Kenneth L. Brown, of California, to be Ambassador to the Republic of Cote d'Ivoire, William L. Jacobsen, Jr., of Washington, to be Ambassabor to the Republic of Guinea-Bissau, and Penne P. Korth, of Texas, to be Ambassabor to Mauritius.

SD-419

2:15 p.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on natural gas supply and deliverability.

SD-366

SEPTEMBER 27

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 952, to stimulate the design, development, and manufacture of high definition television technology.

SD-562

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine U.S. Government antinarcotic activities in the Andean region of South America.

SD-342

Rules and Administration

Business meeting, to consider H.R. 2358, authorizing funds for fiscal years 1990 and 1991 for the Speaker of the House of Representatives Civic Achievement Award Program, S. Res. 99, requiring the Architect of the Capitol to establish and implement a voluntary Senate program of recycling paper, S. Con. Res. 68, authorizing a concert by the American Soviet Youth Orchestra on Capitol grounds, pending nominations, and other legislative and administrative business.

SR-301

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on the current state of the tourism industry.

SR-253

SEPTEMBER 28

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on national science and technology policy.

SR-253

Governmental Affairs

To hold oversight hearings on the implementation of the Inspector Generals Act.

SD-342

10:00 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on hydroelectric regulation under the Federal Power Act.

SD-366

2:00 p.m.

Select on Indian Affairs

To hold hearings on S. 1124, to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional Native American religious practices.

SR-485

SEPTEMBER 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on the natural science and technology policy.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings to review the Department of Interior report to Congress concerning the Coastal Barrier Resources System.

SD-406

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

OCTOBER 3

10:00 a.m.

Foreign Relations

To hold hearings on U.S. policy options toward South Africa.

SD-419

OCTOBER 4

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on the Japanese space industry.

SD-562

Foreign Relations

To continue hearings on U.S. policy options toward South Africa.

SD-419

OCTOBER 18

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the international decade of natural disaster reduction.

SR-253

OCTOBER 19

2:00 p.m.

Select on Indian Affairs

To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian land.

SR-485

OCTOBER 26

9:00 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold hearings on the protection of water quality.

SR-332

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. Agricultural programs, focusing on cotton.

SR-332

NOVEMBER 1

10:00 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on programs administered by the U.S. and Foreign Commercial Service.

SR-253

NOVEMBER 2

2:00 p.m.

Select on Indian Affairs

To hold oversight hearings on Indian health facilities.

SR-485

HOUSE OF REPRESENTATIVES—*Tuesday, September 19, 1989*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 13, 1989.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Tuesday, September 19, 1989.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O loving God, that You care for Your people and provide all good gifts for their lives. On this day we pray that You would support all those with any special need or concern, whatever that need or concern might be, and give to each of us the spiritual strength and confidence that You alone can give. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from California [Mr. HERGER] is recognized to lead us in the Pledge of Allegiance.

Mr. HERGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1312. An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1312) "An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DODD, Mr. PELL, Mr. HARKIN, Mr. ADAMS, Mr. KENNEDY, Mr. COATS, Mr. HATCH, and Mrs. KASSEBAUM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House requested:

S. 737. An act to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado; and

S. Con. Res. 70. Concurrent resolution commending NASA and the jet propulsion laboratory for the continuing successes of the Voyager space missions to the outer solar system.

APPOINTMENT AS MEMBERS OF THE MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The SPEAKER pro tempore. On behalf of the Speaker, and pursuant to the provisions of section 4(a) of Public Law 98-399, as amended by Public Law 99-284, the Chair announces the Speaker's appointment as members of the Martin Luther King, Jr., Federal Holiday Commission the following members on the part of the House:

Mr. WHEAT of Missouri; Mr. SAWYER of Ohio; Mr. REGULA of Ohio; and Mr. COURTER of New Jersey.

PROMOTING TOBACCO PRODUCTS OVERSEAS IS HYPOCRITICAL

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DURBIN. Mr. Speaker, the good news is that Americans are smoking in fewer numbers. The bad news is that tobacco companies are trying to export their tobacco products overseas, and now they are asking for the help of the Federal Government to do so.

As we meet here in the House of Representatives, the tobacco companies are meeting with the United States Trade Representative, trying to encourage them to force Thailand to accept American tobacco products. Specifically, they are asking for the United States to declare it unfair trade practice that the Thai Government will not allow American tobacco companies to advertise on television in Thailand.

Well, guess what? They cannot advertise on television in the United States. If it is the policy of the United States to protect the health of our citizens, the tobacco products cannot be advertised on television, why is it unfair for the Thai Government to take the same position? I think it makes a mockery of the system, and it is hypocritical for the U.S. Federal Government to be promoting tobacco products overseas. Why must the U.S. Government provide a beard for the merchants of death and disease?

INTRODUCTION OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT AMENDMENT

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I rise today to introduce legislation to strengthen Congress' resolve concerning deficit spending. Specifically, my bill would amend the Balanced Budget and Emergency Deficit Control Act of 1985 to incorporate a second trigger mechanism in the Gramm-Rudman-Hollings amendment.

In a recent edition of the New Republic, Robert Kuttner observed that the discipline of this amendment—the sequester—lacks consequences after October 16. You see, it is the estimate of the deficit on that day, and that day alone, which can initiate the dreaded across-the-board spending cuts which Members of Congress assiduously seek to avoid.

However, if deficit spending is harmful on the 16th of October, can it be any less harmful on the 17th of October, or on any day thereafter. Clearly, the answer is "no"!

My legislation establishes consequences for deficit spending beyond October 16, by replicating the existing Gramm-Rudman-Hollings structure. However, the second snapshot moves away from speculative economic as-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sumptions to actual economic performance.

This legislation is long overdue, and I invite each of you to join me as a cosponsor.

INVESTIGATE BURROUGHS WELLCOME CO.

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America has a drug for AIDS victims. It is called AZT. It slows down the multiplication of the AIDS virus in body cells.

Now that sounds great. However, there is one real big problem—it costs $8,000 per year, and when patients add on doctors' visits and tests, it is $12,000 per year. One capsule costs $1.50 and under pressure, they dropped it to $1.20.

Big deal. The trust is, the Burroughs Wellcome Co. is a monopoly, and they do not give a damn about AIDS victims. They are concerned about money. This Congress knows it. The Burroughs Wellcome Co. is lining their pockets with the pain and suffering of AIDS victims. The truth is, does America really have health care, or do we have wealth care? This underscores the problem in America. Health costs are so great, it is not just because of the bona fide costs, it is because of the rip-offs. Congress should investigate the Burroughs Wellcome Co. There is no friendly doormat being let out by that company. They are picking on our most unfortunate citizens.

DRUG PROBLEM MUST WIN AT LOCAL LEVEL

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise again in honor of former Representative Larkin Smith, a leader in the war against drugs, who saw the need for greater involvement and coordination on the local level in order to win this war.

The drug problem will be won at the local level if it is won. We have a national policy and strategy. We now need a local strategy. People are asking—what can I do to help? Local police need to join resources with parents, neighbors, schools, churches, businesses, and local health officials to formulate a clear-cut strategy, which should then be administered with a strong network of community support.

Butler County Police in my Ohio district arrested 73 crack suspects last week in Hamilton, OH, a city of 75,000 people. This required tremendous effort in gathering intelligence and involved 50 officers from both Hamilton and Middletown, Butler County sheriffs, a State agency, the Hamilton County drug abuse reduction task force, and cooperative local officials. After the arrests, the mayor encouraged local agencies to saturate the affected neighborhoods with literature about help for drug users. The city council allocated more funds to fight drugs in the neighborhoods. That's the kind of local coordination needed everywhere.

There are no lone rangers in this battle. It will take coordinated local law enforcement with swift and sure prosecution, coupled with hard-hitting educational campaigns. Let's deal a death blow to drugs and do it where it hurts—at home.

□ 1210

DOMESTICALLY MANUFACTURED ASSAULT WEAPONS SHOULD BE BANNED

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the senseless massacre in Kentucky last week is the latest tragedy resulting from the easy availability of semiautomatic assault weapons.

President Bush's permanent import ban has closed our borders to most foreign-made assault weapons. But without a ban on the domestic production of these weapons of carnage, their use will continue to grow unabated and will aggravate our crime and drug problems.

If the President is to be consistent and if he wants to do what's logical and what's right, then he should support a domestic production ban. Domestically manufactured weapons are a greater threat than imports: they account for 75 percent of the market. They have also become the weapon of choice for drug lords and street gangs, both here in the United States and abroad.

We not only need to move H.R. 1190, the Semiautomatic Assault Weapons Act, legislation dealing exclusively with limiting the easy availability of these weapons, but any comprehensive anticrime bill which we consider should also include these provisions. Unfortunately, the President's own anticrime measure is silent on these rapid fire weapons which can decimate a score of lives in mere seconds.

If we are serious about stopping the drug lords and senseless killings resulting from semiautomatic assault weapons, then we need to enact a ban that will greatly limit the criminal and tragic use of these weapons. how many more lives will be lost before we enact a more effective, permanent solution?

A PROPOSAL TO INCREASE FOOD AID TO POLAND

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, I rise today to commend President Bush on his move yesterday to increase the amount of food aid to Poland. The President had initially requested $50 million of food aid to the new Solidarity-led reform Government in Poland, and he increased that yesterday to $100 million.

I think this is the direction this country should go in to at least match what the Western European nations have announced, that they are going to support 120 million dollars' worth of food aid.

It is extremely important, as Poland goes through this transition period, that there not be riots over food, which have happened before in several instances in the last 10 or 20 years in Poland. It is extremely important that the Government of the United States support the reforms going on but at the same time provide some sort of buffer between the Communist system and a new market-oriented economy.

Mr. Speaker, I urge my colleagues to support H.R. 3160, a bill which I have introduced, to increase food aid for Poland to $120 million.

THE ALASKA OILSPILL—AN AMERICAN TRAGEDY

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, on Friday, September 15, Exxon Oil Co. ceased all cleansing operations in Alaska's Prince William Sound. The prognosis for recovery of our land and marine ecosystems is not good. Scientists tell us it could take up to 50 years for certain animal forms and certain bird forms to be fully restored.

What is even more frustrating, some scientists tell us that any further cleanup will do more harm than good.

This is an American tragedy. Over a thousand miles of magnificent and wild shoreline have been tarred by 11 million gallons of oil. To understand what is involved, that is roughly the equivalent of the coastline from Boston to the Outer Banks of North Carolina.

Throughout the last 6 months the administration has failed to show any authentic leadership in this, our largest environmental catastrophe in this decade. This lack of leadership is evidenced, among other things, by the failure of the administration to bring Exxon to court for damages it has caused the environment and the citizens of Alaska.

Mr. Speaker, there has also been a failure to tighten supervision of the oil giants in Alaska. To be sure that this does not happen again, that must be done.

JAPAN'S POSITION ON CHINESE REFUGEES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, this weekend there was a meeting in China between a delegation led by Maysayoshi Ito, the former foreign minister of Japan, and Chinese Premier Le Peng, and during that meeting the former foreign minister of Japan said that the problems that occurred at Tiananmen Square in China were an internal affair, and that Japan was not concerned about them. That is analogous to people of this world saying to Hitler during World War II, "the problem you have with the Jews is an internal affair, and we are not concerned about it." I think that was a very callous remark that this man made on behalf of the country of Japan.

In addition to that, he informed the Chinese Government that many of the refugees who had fled China for one reason or another were going to be deported and sent back to China. We all know that many of the young dissidents and people who fought against the repression in that country at Tiananmen Square were killed, were murdered or put in concentration camps or reeducation camps. I think Japan should look long and hard at each individual case before they send those young people back to China, because they are likely to be killed.

EXXON LEAVES ALASKA

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, most of our mothers taught us a couple of things: To clean up after ourselves and leave things how we found them. Last Friday, less than 6 months after the *Exxon Valdez* cracked open spewing 72 million pounds of crude into one of the most diverse and sensitive areas in this hemisphere, Exxon pulled out of Alaska, leaving it much different than it found it. Exxon is letting the waves and the tides and the seagulls to clean up after it.

After a C-130 transport, a marine helicopter, the U.S.S. *Duluth*, and a Zodiac raft, we landed on Point Helen's on Friday, and I can report that Exxon has not cleaned up after itself.

This rock can tell us better. It has been cleaned or treated not once but twice, and it still is full of Exxon crude.

Mr. Speaker, it is time for the administration to say that enough is enough—enough broken promises, enough missed deadlines, and enough good intentions. It is probably true that the path to hell is paved with good intentions. It is certainly true that the path from the *Valdez* is paved with Exxon crude, and Americans want Exxon to clean it up.

IN MEMORY OF CHARLES RUSSELL

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, it is very sad to be standing here this morning paying tribute to one of the great sons of my native State Nevada. Charles Russell, a Republican Member of the 80th Congress, and former Governor of Nevada, from 1951 to 1959, Charles was also a close personal friend of mine.

I went to work for "Charlie" when I was in high school and continued while I was in college, when he was publisher of the Ely, NV, Record. He was not only my first editor, he was my mentor. Most people feel fortunate to have one mentor in their career, Charles Russell is responsible for both of the careers in my life—journalism and politics.

It was during these formative years that I realized the meaning of "public servant." Mr. Russell lived a full and active life after his years in office. In 1962 he was appointed assistant to the president of the University of Nevada and remained there until he retired in 1968. Mr. Russell is survived by his loving wife, four sons, a daughter and 13 grandchildren.

Charles Russell is to be remembered as a capable, warm, and decent man. I feel fortunate to have had him as an important part of my life.

PROPOSED STEPS TO PREVENT FUTURE OIL SPILLS

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, last week another 1,600 birds washed upon the shores of Alaska, hundreds of miles of beach remained soiled, and last week Exxon went home. The question now is, what response will we have from the environmental President?

Two months ago 50 Members of this House wrote to the President and asked that he engage in litigation against Exxon immediately for the full cost of the cleanup. This is not for the sake of vengenance but, since the cost to Exxon is so high, to ensure that Exxon and every other oil company in the future will invest in the technology and the personnel to assure us that this never happens again. And what has the response of the administration to our request been? It has been a thundering silence.

Mr. Speaker, I say to the President, Mr. President, until you hold Exxon responsible and it meets its responsibility to the American people, every beach in every State is in jeopardy, and the last casualty of the Exxon oilspill will be your credibility.

□ 1220

COMPREHENSIVE FOOD SAFETY REFORM LEGISLATION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, along with my colleague from Texas, Mr. STENHOLM, I am introducing today comprehensive food safety reform legislation. I am proud to say this sweeping reform has been cosponsored by every member of the House Agriculture Committee.

In recent months, we have seen a great deal of attention focused on food safety, more especially in regard to pesticide use and alleged cancer-causing risk. This bill, the Food Safety Assurance Act, reforms the current pesticide registration and cancellation process, authorizes additional funds for integrated pest management programs, and follows the recommendations of the National Academy of Science by reforming the Delaney clause and establishing a negligible risk contract for pesticides.

Mr. Speaker, we in agriculture must respond and take action to restore confidence in the safety and quality of our food supply. Both statutes that regulate pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, need to be updated and harmonized. In behalf of our farmers, ranchers, and our consumers, I believe this legislation will do that.

WHO IS PAYING THE PRICE OF THE EXXON SPILL?

(Ms. SLAUGHER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, what happens when more than 33,000 birds and 1,000 sea otters are killed by the largest oilspill in U.S. history? What happens when the owner of the largest oil company in the country sends a tanker with a single hull down a 10-mile wide strait but it hits a reef? I'll tell you what happens. The company gets a tax break for its efforts to clean up the disaster it caused.

Is this a good way of doing business? I don't think so.

Where are the demands from the President for a full cleanup, and assessment of damages and compensation for restoration? I haven't heard anything except the Governor of Alaska asking for help.

Instead, the administration and its Environmental Protection Agency, the Justice Department, and the Interior Department have been silent regarding the need for quick action and redress. This is unacceptable.

The Congress needs to do two things. We need to pass comprehensive oilspill legislation that does not preempt strong State laws, that requires double hulls on oil tankers, and that eliminates the business tax deduction that Exxon and others currently enjoy for the costs of cleaning up an environmental disaster. And the Congress needs to show leadership because the administration has not.

EXXON—JUST ANOTHER DRUNK DRIVER

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, well, Exxon has announced it is leaving the scene of the drunk driving accident. And those fearless traffic cops in the Bush administration—what are they doing? Well, they are looking the other way, of course. Shame on them.

This is a tragic case. It was the ultimate DWI—an Exxon ship piloted by a drunk captain runs into a reef in Alaska, dumps millions of gallons of oil in the water, devastates the environment, kills wildlife, and raises havoc with the fishing and tourist industries and the local economy.

Like most drunk drivers, they hung around after the accident, shuffling back and forth, expressing remorse, but one gets the feeling that, had a supertanker been capable of a quick getaway, all that would have been left at the scene of the crime would have been the spilled oil.

But they did stick around for a few months until they thought no one was looking, and now Exxon is pulling out, in effect saying "we've done enough."

It seems to me the Bush administration has a responsibility here to stand up and say "you made the mess, you clean it up." It is time for the Bush administration to show some backbone. When drunk drivers leave the scene of the crime, we expect some hot pursuit.

AVIATION SAFETY

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, today I am introducing the Commercial Airline Engine Safety Monitoring Systems Act of 1989, which is designed to assist maintenance workers in identifying airplane engine components that need replacing before they fail.

To do this, my bill mandates the installation of engine condition monitoring systems on commercial aircraft. The U.S. Navy has attributed two airplane saves and four probables to the use of these systems aboard Navy aircraft.

The Air Force has informed me that its use of these systems had prevented engine failures which would either have degraded their mission capability or caused in-flight engine shutdowns.

Such systems have also reduced maintenance costs on military aircraft, largely because those systems have been so instrumental in detecting engine failure.

In light of the military's positive assessment of this technology, my bill would require its use aboard commercial aircraft. I urge you to cosponsor this bill.

THE EXXON OILSPILL

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, last winter we experienced the largest environmental disaster of the decade—the *Exxon Valdez* oilspill. Over 10 million gallons of oil poured over into the Prince William Sound of Alaska.

To this day we do not know the extent of the damages of this spill. But, we do know that the effects of the spill will be felt for years to come.

As we can tell from the rocks we see today, the beaches are still caked in oil.

Last week, in the midst of rhetoric that that Alaska's beaches had been "treated," and are "environmentally stabilized," Exxon made the announcement that it was shutting down cleanup efforts. It made no promise of returning to finish the job.

And what was President Bush's response? Silence. There was no protest by the environmental President.

Those responsible for the spill must be held accountable for all cleanup costs and damages. The public must not bear this burden.

Exxon must return to continue their efforts as soon as the weather permits. Despite President Bush's silence.

HOW TO CONTINUE OUR HISTORIC ECONOMIC EXPANSION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it is no secret that we are enjoying the strongest, most dynamic economic expansion in peacetime history. It has been said time and time again, it was said throughout the campaign last year, and the news this morning confirmed it once again. We got the very positive indication that inflation is, in fact, under control.

Mr. Speaker, what can we do as a Congress to ensure that this historic economic expansion continues? Well, we can take President Bush's very positive proposal to deal with capital gains and implement it.

Mr. Speaker, one of the problems that we have had is that many people in this House have argued that a capital gains tax reduction will only benefit the rich. It is very clear based on the cut that we saw back in 1978 that it not only will create a strong economic expansion, but in fact can increase revenues to the Federal Treasury.

Mr. Speaker, I hope we move ahead expeditiously with this important legislation so we can continue our historic economic expansion.

CONGRESS MUST PASS OILSPILL LEGISLATION

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I pose the question Ronald Reagan did sometime ago. Are the people of Prince William Sound better off than they were 4 years ago?

What lies ahead for the fishermen? Is there any reason to hope that the damage in Prince William Sound can be erased in our lifetime?

And as the Exxon PR staff waved goodbye last week, I can't help but wonder, is this Nation fed up enough to make sure that a disaster like this never happens again?

In the 1970's, the Government assured us everything would be alright. Now Alaskan's live with a $1.3 billion cleanup that the Washington Post has termed "cosmetic relief."

Mr. Speaker, the President has done nothing to hold Exxon accountable.

So Congress has no choice but to respond. This body must pass tough, enforceable prevention and liability laws.

I urge my colleagues to consider the consequences, when they vote on the oilspill measure next week.

EXXON MUST BE HELD RESPONSIBLE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, as Exxon ends its cleanup of the catastrophic oilspill in Prince William Sound, it is clear that we must enact new legislation to ensure that such a tragedy does not happen again. We have learned from the *Exxon Valdez* that the spill should not have occurred.

What is shocking in the Exxon oilspill episode is that the administration has not exercised its power to bring Exxon to court and hold it liable for the damage it has caused. An administration that cares so little about the liability issue is merely letting the polluters off the hook.

When Congress created the Superfund law in 1986, we stressed that he who caused the damage should pay the price and stressed the issue of corporate responsibility for environmental damage. New legislation should include three principles that are basic to an oilspill liability system which holds corporations that produce and transport oil fully responsible for their management decisions and conduct.

First. Full liability, without artificial caps, for the consequences of oilspills;

Second. Full recovery, restoration, and if necessary, replacement of all damaged and lost natural resources; and

Third. No preemption of stricter State oilspill laws.

Let's hope that our self-proclaimed environmental President begins to show some leadership on the largest environmental disaster of this decade by holding Exxon responsible for the tremendous damage it has inflicted on the environment. If he abdicates his responsibility here, can other environmental failures be far behind?

□ 1230

STOP THE IMPORTATION OF SEMIAUTOMATIC ASSAULT WEAPONS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, last Thursday, a crazed gunman named Joseph T. Wesbecker, armed with an AK-47 assault rifle and other firearms, murdered seven employees of Standard Gravure Corp. at the printing plant in downtown Louisville, KY.

Wesbecker injured 13 others before killing himself.

A ninth victim of the shooting spree died yesterday in Louisville.

Last January, in Stockton, CA, a crazed gunman named Patrick Purdy, using an AK-47 assault rifle, murdered 5 children and wounded 20 others in a schoolyard. Using a 75-round magazine, Purdy got off 106 shots in less than 2 minutes.

Yesterday, I added my name as a cosponsor to H.R. 1190, which would prevent the importation of and the domestic manufacture of semiautomatic assault weapons with large ammunition feeding devices.

Under the second amendment of our U.S. Constitution we the people have a right to keep and bear arms. It is unlikely our founding fathers intended to sanction the possession of AK-47 semiautomatic assault weapons.

"Semiautomatic assault weapons are 20 times more likely to be used to commit a crime than a conventional firearm." Sources for that quote include Cox newspapers and the U.S. Bureau of Alcohol, Tobacco and Firearms.

I urge my colleagues to support H.R. 1190.

FOOD SAFETY ASSURANCE ACT OF 1989

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I am pleased to join the gentleman from Kansas [Mr. ROBERTS] and several of my colleagues in introducing the Food Safety Assurance Act of 1989.

The House Committee on Agriculture will continue to demonstrate through its actions the courage and commitment needed to exercise both its oversight and legislative responsibilities in the highly controversial and extremely complex area of regulatory and public health policy.

Regrettably, our Nation is experiencing a curious case of schizophrenia, as it relates to the contributions of science and technology toward the improvement of agriculture food. In the absence of legislative changes to the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] farmers, food processors and marketers will remain vulnerable to economic disruptions arising from periodic pesticide stories by the media. Central to the food safety issue is the Environmental Protection Agency's [EPA] ability to remove problem pesticides from the marketplace more quickly than current law provides.

The legislation which we are introducing today amends FIFRA by replacing the formal hearing process with an informal rulemaking procedure that incorporates elements of the current special review process. This action is necessary so as to provide the EPA the ability to take expedient action on pesticides that the agency determines pose an unreasonable adverse risk to man or the environment. Moreover, this legislation provides for appropriate scientific review and analyses of pesticides within the shortest timeframe possible.

While an elegant analytical case can be made for consistent treatment of pesticide residues, plain old common sense provides perhaps the most compelling basis for striving toward consistency. The provisions of the Food Safety Assurance Act of 1989 will substantially reconcile within Federal statutes the principal statutory constraints EPA faces in implementing swift action where necessary.

As the National Academy of Sciences reported in "Regulating Pesticides in Food—the Delaney Paradox," it makes no sense to have dual standards for raw and processed foods and for old and new pesticides which have been found to have an oncogenic response in laboratory animals. The concept of negligible risk, equitably applied across the board for raw and processed foods for pesticides where there is evidence of an oncogenic response in animal tests, makes good sense.

I have often stated that pest control products should be used only when you need them. The days of spraying by the calendar are far behind us. With this in mind, this legislation establishes an integrated pest management [IPM] initiative aimed in particular at crops of dietary significance for which few pesticide alternatives exist and for crops with associated pesticides that may pose a greater than negligible risk. Furthermore, as recommended by a recent National Research Council report, this legislation provides for research, education, and dissemination of IPM principles.

The job ahead of us is to keep food safe, and to help the public understand why it's safe. It's a large responsibility, and one that is shared by all of us.

Food safety issues aren't going to go away. If anything, they will intensify. Therefore, the agricultural community needs to be prepared for the debate. This legislation helps meet that responsibility through appropriate research, regulation, and communication.

In sumary, this bill provides not only a solution to the inconsistencies noted earlier, but provides the necessary flexibility to allow recent and future advancements in the science of risk assessment to be applied to the registration of pesticides on food crops. It is not only sound legislative policy, but it demonstrates trust and confidence in the science and the regulatory agencies. Therefore, I hope all my colleagues recognize the importance of this legislation and support the Committee on Agriculture's continued efforts to ensure a safe and abundant food supply for the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the "yeas" and "nays" are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

FASTENER QUALITY ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3000) to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fastener Quality Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the American economy uses billions of fasteners each year,

(2) millions of mismarked, substandard, counterfeit, and other nonconforming fasteners have been sold in commerce to end users in the United States, and their use has dramatically increased the risk of equipment and infrastructure failures,

(3) both the military and civilian sectors of the economy have encountered unnecessary, unwarranted, and dangerous equipment and construction failures, as well as extraordinary expenses, as a result of the use of nonconforming fasteners,

(4) the sale in commerce of nonconforming fasteners and their use in numerous critical applications have reduced the combat readiness of the Nation's military forces, endangered the safety of other Federal projects and activities, and cost both the public and private sectors incalculable sums in connection with the retesting and purging of fastener inventories,

(5) the purchase and use of nonconforming fasteners stem from material misrepresentations about such fasteners made by certain manufacturers and distributors engaged in commerce,

(6) most of the nonconforming fasteners were produced abroad and imported by certain American importing companies that know or should know that the products do not conform to the published standards and specifications to which the manufacturer represents the products have been manufactured or to which the products were ordered,

(7) current fastener standards of measurement evaluate bolts and other fasteners according to multiple criteria including strength, hardness, and composition, and provide grade identification markings on fasteners to make the characteristics of individual fasteners clear to purchasers and users,

(8) current tests required by consensus standards, designed to ensure fasteners are of standard measure, are adequate and appropriate for use as standards in a program of high strength fastener testing,

(9) the lack of traceability by lot number of fasteners sold in commerce is a serious impediment to effective quality control efforts, and

(10) the health and safety of Americans is threatened by the widespread sale in commerce of mismarked, substandard, and counterfeit fasteners, a practice which also harms American manufacturers, importers, and distributors of safe and conforming fasteners, and workers in the American fastener industry.

SEC. 3. TESTING AND CERTIFICATION OF FASTENERS.

(a) REQUIREMENT.—

(1) GENERAL RULE.—No fastener shall be offered for sale or sold in commerce unless it is part of a lot which—

(A) conforms to the standards and specifications to which the manufacturer represents it has been manufactured, and

(B) has been inspected, tested, and certified as provided in subsections (b) and (c).

(2) SMALL LOT EXCEPTION.—(A) Paragraph (1)(B) shall not apply to fasteners which are part of a lot of 50 fasteners or less if—

(i) inspection, testing, and certification as provided in subsections (b) and (c) is carried out, and

(ii) written notice is sent to all purchasers of the fastener, except for retail sellers and retail consumers, detailing the results of such inspection, testing, and certification,

as soon as practicable after sale.

(B) If a fastener is sold under this paragraph, each purchaser of such fastener, except for retail sellers and retail consumers, shall be provided with written notice stating that such fastener has not yet been inspected, tested, and certified as required by this Act.

(b) INSPECTION AND TESTING.—

(1) GENERAL RULE.—The manufacturer of a lot shall cause to be inspected and tested a sample of the fasteners in such lot to determine whether the lot conforms to the standards and specifications to which the manufacturer represents it has been manufactured. Such inspection and testing shall be performed by a laboratory accredited as provided under this Act. The standards and specifications to which the manufacturer represents such lot has been manufactured shall be disclosed by the manufacturer to the laboratory at the time the lot is submitted for inspection and testing under this paragraph. The manufacturer of a lot may perform the inspection and testing required by this paragraph in a laboratory which it owns or with which it is otherwise affiliated, if such laboratory is accredited as provided under this Act.

(2) SAMPLE.—The size, selection, and integrity of the sample to be inspected and tested under paragraph (1) shall be governed by the standards and specifications to which the manufacturer represents the fasteners in the sample have been manufactured, or, if such standards and specifications do not provide for the size, selection, or integrity of the sample, by an appropriate sample plan then published by a consensus standards organization, as the Secretary may determine from time to time. Nothing in this paragraph shall prohibit a purchaser from requiring the inspection and testing of a greater number of fasteners from a lot than is specified in the applicable standards and specifications or in the applicable sample plan.

(c) CERTIFICATION.—If a laboratory performing the inspection and testing under subsection (b)(1) determines, based on the sample examined, that a lot conforms to the standards and specifications to which the manufacturer represents it has been manufactured, the laboratory shall provide to the manufacturer certificates with respect to such lot, in a form to be prescribed by the Secretary by regulation—

(1) stating the manufacturer's name and the lot number,

(2) referencing the standards and specifications disclosed by the manufacturer with respect to such lot under subsection (b)(1) or, where applicable, section 5(c)(1),

(3) listing the chemical, dimensional, physical, mechanical, and other significant characteristics and markings required by the standards and specifications described in paragraph (2) and those revealed by the inspection and testing under subsection (b)(1),

(4) stating whether the lot has been found after such inspection and testing to conform to such standards and specifications, and

(5) bearing the original signature of a laboratory employee or officer determined by the Secretary to be responsible for the accuracy of the certificate and of the inspection and testing to which it relates.

SEC. 4. LABORATORY ACCREDITATION.

(a) ESTABLISHMENT OF ACCREDITATION PROGRAM.—(1) Within 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the National Institute of Standards and Technology (hereafter in this Act referred to as the "Director") shall—

(A) establish a program for the accreditation of laboratories engaged in the inspection and testing of fasteners under section 3,

(B) publish a notice in the Federal Register stating that the National Institute of Standards and Technology is prepared to accept applications for accreditation of such laboratories,

(C) establish conditions under which the accreditation of laboratories by private entities using standards issued by consensus standards organizations shall be deemed to satisfy the laboratory accreditation requirements of this Act, and

(D) establish conditions, no less stringent than those established under subparagraph (C), under which the accreditation of foreign laboratories by their governments shall be deemed to satisfy the laboratory accreditation requirements of this Act.

(2) No accreditation under this subsection shall be effective for a period of greater than 3 years.

(b) LABORATORY ACCREDITATION STANDARDS.—(1) Laboratory accreditation standards issued by one or more consensus standards organizations selected by the Director shall be used to accredit laboratories under the accreditation program established under subsection (a). The Director shall, within 60 days after the date of enactment of this Act, publish notice in the Federal Register indicating which consensus standards organizations' standards will be adopted in connection with such program.

(2)(A) The Director may adopt other laboratory accreditation standards developed by consensus standards organizations in addition to those adopted as described in paragraph (1), and may delete standards adopted as described in this subsection, as appropriate.

(B) The Director shall publish notice in the Federal Register indicating any adoption or deletion of standards under subparagraph (A).

(3) A laboratory accredited under a standard adopted as described in this subsection that is subsequently deleted under paragraph (2) may continue to test fasteners and issue certificates as provided by this Act until the expiration of the period for which the laboratory was accredited.

(c) Operation of Laboratory Accreditation Program.—(1) The Director may hire such contractors as are necessary to carry out the accreditation program established under subsection (a).

(2) Costs to the National Institute of Standards and Technology and to the Secretary for the establishment and operation of the accreditation program under this section shall be fully reimbursable to the National Institute of Standards and Technology or to the Secretary, as appropriate, through fees or other charges for accreditation services under such program.

(d) Ensuring Compliance.—The Secretary shall ensure that—

(1) private entities accrediting laboratories under conditions established under subsection (a)(1)(C) comply with such conditions, and

(2) laboratories accredited by such private entities, or by foreign governments pursuant to subsection (a)(1)(D), comply with the requirements for such accreditation.

The Secretary may require any such private entity or laboratory to provide all records and materials that may be necessary to allow the Secretary to carry out this subsection.

(e) Recommendations to Consensus Standards Organizations.—The Director shall periodically transmit to appropriate consensus standards organizations any information or recommendations that may be useful in the establishment or application by such organizations of standards or specifications for fasteners.

SEC. 5. SALE OF FASTENERS SUBSEQUENT TO MANUFACTURE.

(a) Domestically Produced Fasteners.—It shall be unlawful for a manufacturer to sell any container of fasteners which are manufactured in the United States unless delivery of such container to the purchaser is accompanied by a written notification that the fasteners have been tested and certified by a laboratory accredited as provided in this Act.

(b) Fasteners of Foreign Origin.—It shall be unlawful—

(1) for any person to sell to any importer, and

(2) for any importer to purchase,

any container of fasteners which are manufactured outside the United States unless delivery of such container to such importer is accompanied by an original certificate provided by a laboratory under section 3(c) with respect to the lot from which such fasteners were taken.

(c) Option for Importers and Private Label Distributors.—Notwithstanding section 3(a) and subsections (a) and (b) of this section, delivery of a lot or portion may be made to an importer or private label distributor without the required certificate if—

(1) the manufacturer discloses to the importer or private label distributor in writing the standards and specifications to which the manufacturer represents the lot or portion has been manufactured, and

(2) the importer or private label distributor assumes responsibility in writing for the inspection and testing of such lot or portion.

If the importer or private label distributor assumes the responsibility in writing for the inspection and testing of such lot or portion, the importer or private label distributor shall be deemed for purposes of section 3(a) and subsections (a) and (b) of this section to be a manufacturer, except that the importer or private label distributor shall provide to the laboratory described in section 3(b)(1) the manufacturer's written disclosure made under paragraph (1) of this subsection.

(d) Subsequent Purchasers.—It shall be unlawful for any person to sell any quantity of fasteners to any person who purchases such fasteners for resale at wholesale unless the container is conspicuously marked with the number of the lot from which such fasteners were taken.

(e) Alterations Subsequent to Manufacture.—

(1) General rule.—Any person who significantly alters a fastener so that such fastener no longer conforms to the description in the relevant certificate issued under section 3(c), and who thereafter offers for sale or sells such altered fastener shall be deemed a manufacturer for purposes of this Act and shall cause such altered fastener to be inspected and tested under section 3 or this section as though it was newly manufactured, unless delivery of such fastener to the purchaser is accompanied by a written statement disclosing the subsequent alteration and warning that such alteration may affect the dimensional or physical characteristics of the fastener.

(2) Subsequent disclosures.—Any person who sells an altered fastener and who did not alter such fastener shall provide to the purchaser a copy of the statement required by paragraph (1), except that such statement need not be provided to retail sellers or retail consumers.

(f) Commingling Prohibited.—It shall be unlawful for any manufacturer or any person who purchases any quantity of fasteners for resale at wholesale to commingle fasteners from different lots in the same container.

SEC. 6. MANUFACTURERS' INSIGNIAS.

(a) General Rule.—No fastener which is required by the standards and specifications to which it was manufactured to bear a raised or depressed insignia identifying its manufacturer or private label distributor shall be offered for sale or sold in commerce unless the manufacturer or private label distributor of such fastener has complied with the requirements prescribed by the Secretary in connection with the program established under subsection (b).

(b) Recordation.—The Secretary shall establish, by regulation, a program to provide for the recordation of the insignias of manufacturers and private label distributors described in subsection (a), to ensure the traceability of a fastener to its manufacturer or private label distributor.

SEC. 7. REMEDIES AND PENALTIES.

(a) Civil Remedies.—(1) The Attorney General may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any person who violates this Act.

(2) An action under paragraph (1) may not be brought more than 10 years after the date on which the cause of action accrues.

(b) Criminal Penalties.—(1) Whoever knowingly certifies, marks, offers for sale, or sells a fastener in violation of this Act shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

(2) Whoever knowingly engages in any conduct and thereby fails to maintain records relating to a fastener in violation of this Act shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

(3) Whoever knowingly engages in any conduct and thereby negligently fails to maintain records relating to a fastener in violation of this Act shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both.

SEC. 8. RECORDKEEPING REQUIREMENTS.

(a) Laboratories.—Laboratories which perform inspections and testing under section 3(b) shall retain for 7 years all records concerning the testing and certification of fasteners under section 3.

(b) Manufacturers, Importers, Private Label Distributors.—Manufacturers, importers, and private label distributors shall retain for 7 years all records concerning the testing and certification of fasteners under section 3, and shall provide a copy of any such certificate upon request to any subsequent purchaser of fasteners taken from the lot to which such certificate relates.

SEC. 9. RELATIONSHIP TO STATE LAWS.

Nothing in this Act shall be construed to preempt any rights or causes of action that any buyer may have with respect to any seller of fasteners under the law of any State, except to the extent that the provisions of this Act are in conflict with such State law.

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to limit or otherwise affect the authority of any consensus standards organization to establish, modify, or withdraw any standards and specifications under any other law or authority in effect on the date of the enactment of this Act.

SEC. 11. REGULATIONS.

The Secretary shall within 180 days after the date of enactment of this Act issue such regulations as may be necessary to implement this Act.

SEC. 12. DEFINITIONS.

(a) Definitions.—As used in this Act—

(1) the term "alter" means to alter by—

(A) through-hardening by heat treatment,

(B) electroplating of fasteners having a tensile strength of 150,000 pounds per square inch or higher, or

(C) machining,

(2) the term "consensus standards organization" means the American Society for Testing and Materials, American National Standards Institute, American Society of Mechanical Engineers, Industrial Fastener Institute, Society of Automotive Engineers, or any other standard-setting organization determined by the Secretary to have comparable knowledge, expertise, and concern for health and safety in the field for which such organization purports to set standards,

(3) the term "container" means any package of fasteners traded in commerce,

(4) the term "fastener" means—

(A) a—

(i) screw, nut, bolt, or stud having internal or external threads, or

(ii) flat washer commonly used to perform a load indicating function,

with a nominal diameter of 5 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, which contains any quantity of metal and has been through-hardened, or

(B) except as provided in subsection (b), a screw, nut, bolt, or stud having internal or external threads which bears a grade identification marking required by a standard or specification,

(5) the term "grade identification marking" means any symbol appearing on a fastener purporting to indicate that the fastener's base material, strength properties, or performance capabilities conform to a specific standard of a consensus standards organization or other person,

(6) the term "importer" means a person located within the United States who contracts for the initial purchase of fasteners manufactured outside the United States for resale or such person's use within the United States,

(7) the term "lot" means a quantity of fasteners of one part number fabricated by the same production process from the same coil or heat number and submitted for inspection and testing at one time,

(8) the term "manufacturer" means a person who fabricates fasteners, or who alters any item so that it becomes a fastener,

(9) the term "private label distributor" means a person who contracts with a manufacturer for the fabrication of fasteners bearing the distributor's distinguishing insignia,

(10) the term "Secretary" means the Secretary of Commerce or his designee, and

(11) the term "standards and specifications" means the provisions of a document published by a consensus standards organization, a government agency, or a major end user of fasteners which defines or describes dimensional characteristics, limits of size, acceptable materials, processing, functional behavior, plating, baking, testing, and required markings of any fastener.

(b) SPECIAL RULES FOR FASTENERS.—(1) If standards and specifications are changed to require an additional category of fasteners to bear a grade identification marking, the Secretary shall determine whether such additional category of fasteners are used in critical applications, and only if they are so used shall such category be considered fasteners subject to the requirements of this Act.

(2) If the Secretary determines that an additional category of fasteners not currently required by a standard or specification to bear a grade identification marking, and not otherwise defined as a fastener under this Act, is used in critical applications, items in such category shall be considered fasteners subject to the requirements of this Act.

SEC. 13. EFFECTIVE DATE.

The requirements of this Act shall be applicable only to fasteners fabricated 180 days or more after the Secretary issues final regulations required under sections 3, 4, and 6, except that the Secretary may extend such time period if the Secretary determines that an insufficient number of laboratories have been accredited to perform the volume of testing required. Upon any such extension, and every 6 months thereafter during such extension, the Secretary shall submit a report to the Congress explaining the reasons for such extension and the steps being taken to ensure the accreditation of a sufficient number of laboratories.

The SPEAKER pro tempore (Mr. STENHOLM). Is a second demanded?

Mr. RITTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. ROE], the distinguished chairman of the Committee on Science, Space, and Technology, the coauthor of this bill, and I ask unanimous consent that the gentleman from New Jersey may be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3000, the Fastener Quality Act, is an important piece of legislation that will improve our combat readiness, preserve jobs and industry, and protect the safety of virtually every American.

This fact has been recognized by the more than 150 Members, from both parties, who have joined me in cosponsoring this bill—including the distinguished chairman of the Committee on Science, Space, and Technology, Mr. ROE, who is the coauthor of this legislation, the ranking minority members of our two committees—Mr. LENT and Mr. WALKER—and the chairmen and ranking minority members of the relevant subcommittees—Messrs. FLORIO, WALGREN, RITTER, and BOEHLERT.

H.R. 3000 responds to the urgent need to restore the quality of metal fasteners used in the United States and to establish effective deterrent against the kinds of fraud and abuse that have been perpetrated in connection with the sale of fasteners in commerce.

Havoc has been wreaked in the civilian and the military sectors of our economy by substandard and counterfeit fasteners. The Subcommittee on Oversight and Investigations documented this problem in 5 days of public hearings and a 62-page report issued in July 1988. A continuing series of guilty pleas, criminal indictments, search warrants, and revelations in the press have served to underscore the seriousness of the situation.

Millions of substandard or fraudulently certified fasteners have been installed in nuclear plants, trucks, buses, commercial airliners, high-rise buildings, bridges, and a vast range of military vehicles, aircraft, ships, and nuclear missiles.

No one wants this situation to continue, including responsible elements in the fastener industry. I believe that we have crafted a bill, working in close consultation with all interested parties, that is designed to restore quality, accountability, and traceability to fasteners intended for critical uses.

The bill provides for inspection, testing, and certification, in accordance with standardized methods, of fasteners sold in commerce and used in critical applications.

A sample of each lot of fasteners must be tested by an accredited laboratory to establish conformance of the lot to the standards and specifications followed during manufacture. A domestic manufacturer is to retain an original test certificate for each lot. Importers must receive and retain an original test certificate from any foreign manufacturer, or they may assume the role of the manufacturer by having a sample of the imported fasteners tested after receipt. A copy of the original certificate will be available to any purchaser of domestic or imported fasteners upon request. The lot number is to be marked on any container of fasteners sold for resale.

Where an alteration subsequent to manufacture materially changes the characteristics of a fastener, the fastener must be tested as though newly manufactured or the alteration must be described in writing to the purchaser. The manufacturer's insignia, which is required by the standards, is to be recorded by the Secretary of Commerce to provide traceability.

The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology [NIST], is to establish a laboratory accreditation program for high-strength fasteners. The program will measure the ability of laboratories to meet the laboratory accreditation standards issued by consensus standards organizations. The Director shall establish conditions under which the accreditation of laboratories by private entities or foreign governments can be accepted, and where necessary, may hire contractors to carry out the accreditation program established. Costs of the accreditation program to NIST and the Department of Commerce shall be fully reimbursable through fees for accreditation services.

The program is to be kept up to date by adding or deleting standards as appropriate, and the Secretary shall ensure compliance by private entities or foreign governments, with the conditions established for accepting these accreditations. Civil injunctive relief and criminal penalties for knowingly certifying, marking, or selling counterfeit fasteners are prescribed in the act.

The requirements of the act apply to fasteners fabricated after the effective date, which is 180 days after final regulations are issued and after the Secretary determines that sufficient laboratories have been accredited to carry out the testing.

I would like to recognize the good work that many Members have performed on this bill—in addition to Mr. ROE and those others I have already mentioned—including Mr. WYDEN and Mr. BLILEY of the Oversight Subcommittee. I would also like to specially recognize the gentlewoman from Maryland, Congresswoman BENTLEY, for her pioneering work in this area. We also appreciate the cooperation of the distinguished chairman of the Judiciary Committee, Mr. BROOKS, in helping us craft an appropriate provision on civil and criminal remedies.

Mr. Speaker, I reserve the balance of my time.

□ 1240

Mr. RITTER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today with my friend, the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, to urge my colleagues to support the passage of H.R. 3000, the Fastener Quality Act.

Last Congress, the Subcommittee on Oversight and Investigations and the Subcommittee on Commerce, Consumer Protection and Competitiveness heard testimony that proved beyond a shadow of a doubt that the use of counterfeit and substandard fasteners in our economy was widespread and endangered the health and safety of American consumers.

Mr. Speaker, H.R. 3000 addresses this issue head on. It was crafted on a bipartisan basis, with industry and consumer groups voicing their concerns at the drafting stage. My good friends and colleagues on the Science, Space, and Technology Committee worked closely with this entire process, and the result is a piece of good legislation that protects the American public while allowing American business to maintain its competitive edge.

H.R. 3000 is a partnership between Government and the private sector. It calls for the adoption of voluntary standards that are formulated by industry consensus organizations. In addition, it provides a tracking system to ensure the traceability of fasteners. Last, it requires the testing of all domestic and imported fasteners to ensure that consumers are protected against those few individuals who would put profits before personal safety.

I would like to thank the distinguished committee chairman and subcommittee chairman for taking the lead in holding oversight hearings on this matter and for following up on those hearings with a practical, workable solution.

Mr. Speaker, I support H.R. 3000 because it accomplishes the goals of competitiveness and safety in a manner that imposes strict safeguards for the public welfare with the most minimal governmental intrusion. I urge my colleagues to support H.R. 3000, the Fastener Quality Act.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to call my colleagues' attention to H.R. 3000, the Fastener Quality Act. This legislation is urgently needed to guarantee the quality of nuts, bolts, and other fasteners used in high strength and critical applications. I wish to congratulate several colleagues who were instrumental in the development of this important bill: Chairman JOHN DINGELL of Michigan for his investigative work and legislative initiative, ranking minority members of the two committees, BOB WALKER of Pennsylvania and NORMAN LENT of New York, for their strong bipartisan assistance, and subcommittee chairmen DOUG WALGREN of Pennsylvania and JIM FLORIO of New Jersey and the subcommittees' ranking minority members SHERRY BOEHLERT of New York and DON RITTER of Pennsylvania for their careful work and for building the strong legislative record on which this bill stands.

The United States uses billions of fasteners in buildings, powerplants, bridges, motor vehicles, airplanes, and other equipment each year. High strength bolts are used by the military, the space program, and private industry. The committees have learned that counterfeit and substandard metal fasteners, produced both in the United States and abroad, have pervaded U.S. industry, creating an enormous national safety problem. As a result, both the military and civilian sectors of the economy have experienced dangerous equipment and construction failures, as well as extraordinary expenses.

In 1988 NASA discovered that false certifications had been made for hardware it had procured and it was forced to impound thousands of bolts and conduct an extensive audit of the fastener quality on the space shuttle. The launch of Discovery was threatened as bolts were removed from the shuttle itself. This situation led me to introduce H.R. 336, the Standardization of Measurement Act of 1989 on January 3, 1989. This bill, which requires standardized testing of fasteners in accredited laboratories to control the counterfeit problem, was referred to our committee. A companion bill, H.R. 777, designed to solve the counterfeit fastener problem from a regulatory perspective, was introduced by Chairman DINGELL on February 2, 1989, and was referred to the Committee on Energy and Commerce.

We have worked very closely with Chairman DINGELL over the past 7 months to amalgamate the best features of both bills into H.R. 3000, the Fastener Quality Act. The bill was introduced on July 25, 1989 by the leadership of both committees with wide bipartisan support and 146 cosponsors. On July 26, the Committee on Science, Space, and Technology considered H.R. 3000 and reported the bill without amendment. On August 1, the Energy and Commerce Committee also considered H.R. 3000 and reported the bill without amendment.

The bill provides for standardization of fasteners through accreditation of fastener testing laboratories. It also sets up procedures under which samples of every lot of fasteners designed to be used in critical applications will be tested in these laboratories before they can be sold in this country. Civil and criminal penalties are included to take the financial incentive out of fastener fraud.

Mr. Speaker, industry is well aware of the damage already done by defective fasteners. They are trying to improve the situation with better quality control and other means of assuring their buyers that the fasteners offered for sale meet the specified standards. Buyers are also wary of the possibility of fraudulent markings, and some are performing their own testing or limiting their purchases to known and trusted suppliers. But these measures are not uniform throughout the economy. They create inefficiency and waste in the marketplace and constantly put suppliers on the defensive. This bill will produce cost savings and better safety, a double benefit.

I also want to add that the Congressional Budget Office has informed us that enactment of this act will result in no cost to the Federal Government or to State and local governments.

Today we have an opportunity to help shut down the producers of counterfeit fasteners and to return a measure of safety to our planes, automobiles, bridges, buildings, and equipment. I trust my colleagues will join me in giving this important bill their support.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our subcommittee, the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I rise today to urge support for the Fastener Quality Act, H.R. 3000.

As the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, and the gentleman from New Jersey [Mr. ROE], chairman of the Committee on Science, Space, and Technology, have said, nothing could be more critical for our society than protecting the public from counterfeit bolts and fasteners.

When substandard, and by that we mean weak and subject to failure, when substandard fasteners are found in nuclear powerplants and space-launch equipment, the critical interest we all have in this legislation is clear.

I want to particularly compliment the gentleman from Michigan, chairman of the Committee on Energy and Commerce, for the hearings held in the Oversight Investigation Subcommittee, of which I am a member, and the gentleman from New Jersey, for bringing this legislation to the floor through the subcommittee which I chair on the Science, Space, and Technology side. It is good to see the Congress being able to react directly to the evidence that is presented and come forward with a solution that provides real protection to the public. These two committees worked together in a bipartisan fashion through their leadership. As a result, there are some 46 out of 49 Science Committee members which are cosponsoring this legislation, and most members of the Committee on Energy and Commerce are also cosponsors.

The main feature of the Fastener Quality Act is the requirement that those special fasteners that must perform in special capacities be tested and inspected. The bill limits that inspection and testing to those fasteners that require grade identification markings and those which are given high-strength characteristics by a process called through hardening. We then focused the bill on those fasteners that, when they fail, truly do endanger the public safety and the public interest.

The bill requires that a sample of each lot of fasteners be tested by an accredited laboratory. The National Institutes of Standards and Technology will accredit the laboratories under its own program and will also accept the accreditation of laboratories by private organizations who meet the criteria that are established by NIST for that function. Importers will be able to have samples of imported lots tested the same as a domestic manufacturer, or they will be able to rely on an original test certificate provided by the foreign manufacturer. Those foreign manufacturers' testing processes will have to be certified by the National Institutes for Standards and Technology, so that we in this country can be assured that our criteria are met.

Civil injunctive relief and criminal penalties for violating the provisions of the act are prescribed. I particularly look forward to those kinds of provisions in view of the duplicitous importation of fasteners that are deliberately marked to look like fasteners that are manufactured to strength but, in fact, are not and put such extremely important public interests at risk as we have found in our committee hearings.

Mr. Speaker, this legislation is necessary to restore confidence in the supply of these fasteners and to protect the public safety.

The bill has wide support throughout the industry, as was noted, and does not cost any money because of the self-generating fees involved in the inspection process.

The Fastener Quality Act will advance the cause of elimination of defective fasteners in our society.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the distinguished ranking Republican on the Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I, too, would like to add my congratulations to all those who participated in bringing this bill to the floor.

Mr. Speaker, this is one of those cases where at first blush someone might say Congress getting involved with nuts and bolts probably is a little too much regulation and we ought not be moving into this area. The fact is that this is a very important bill, and we should be taking up this legislation and doing exactly what we are today.

If someone happens to sit out on a highway bridge in a traffic jam and feels that bridge moving underneath them a little bit as the traffic moves on it, they want to make certain that the bolts that are there are the right strength and meet specifications or that bridge is going to collapse. If they happen to be somebody who works in a highrise office building or lives in a highrise condominium, they want to make certain the structure of that is properly bolted together, because it has to move a little bit in the wind.

□ 1250

It seems to me that we have a terrible problem when we find out across the country that some of the things used structurally in these buildings are not up to specifications, and in fact they are very dangerous.

In our hearings we discovered that there is indeed a serious problem with counterfeit and substandard metal fasteners, some produced in the United States, but predominantly abroad, creating a national safety problem.

By my nature, I hesitate to support new regulations on industry. Nevertheless, there is a clear and compelling need for H.R. 3000. This is the most effective and least burdensome way of assuring that existing voluntary manufacturing standards are met. It establishes no new requirements, but only guarantees that existing ones are met by requiring traceability and accountability.

This and the accompanying civil and criminal penalties will foster the prevention of the kind of fraud that has occurred in the past with potentially tragic consequences for the health and safety of the Nation, for our national defense, and for productivity.

Additionally, it should be pointed out that this bill will be at no cost to the Government because the accreditation of laboratories by the Commerce Department's National Institute of Standards and Technology is fully reimbursable.

I might also point out that the administration has no objection to the passage of this legislation.

Mr. RITTER. Mr. Speaker, I thank the gentleman for his excellent statement.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of this legislation. Because of these bad bolts, this country is playing Russian roulette with the health and safety of our citizens. These bogus bolts have spread throughout our country like a virus, eating away at our industrial base. They have surfaced in critical military populations, in the civilian sector, in trucks and in the space program, even in the nuclear plants, and tragically, as this subcommittee has documented, these bad bolts have even led to the loss of life.

I am particularly pleased with the leadership of the gentleman from Michigan [Mr. DINGELL] chairman of the Energy and Commerce Committee, and the leadership of the gentleman from New Jersey [Mr. ROE] chairman of the Committee on Science, Space, and Technology. We are now going to be able to go out after these fleece artists that have targeted our industrial base in this way. I have felt for a long time that ignoring our responsibility to police the market is as bad as overregulating it, so now bolts, when they are sold in this country, are going to have to be inspected and tested, and those who use them in critical sectors, whether it is space installation or in the automotive area are going to have an additional measure of safety.

This bill is long overdue, and I want to commend all of my colleagues who on a bipartisan basis have made it possible.

Mr. RITTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], the ranking member on the Science, Research and Technology Subcommittee on the Science, Space, and Technology Committee.

Mr. BOEHLERT. Mr. Speaker, I want to join my colleagues on the Science, Space, and Technology Committee and the Energy and Commerce in supporting H.R. 3000.

The committees have done an exemplary job of melding the two initial bills that were introduced in response to the alarming pervasiveness of counterfeit and substandard bolts. Each of those bills focused attention on an essential step to rid the economy of this danger, and now they have been joined together to form a comprehensive system.

Our current system reminds me of a "Calvin and Hobbes" cartoon, in which Calvin asks his Dad how the weight limits on bridges are determined. His father gets a wicked gleam in his eye and says, "They drive heavier and heavier trucks over the bridge, and then when it collapses, they weigh the truck and that's the weight limit."

We do much the same thing with bolts. We assume they're adequate, and then we put more and more stress on them, and if something collapses, we sift through the damage and try to sue someone. Only usually we can't because there are often no in insignias to help trace the bolts.

Even a 6-year-old like Calvin could see the folly in this. The American public expects and deserves more protection. And this bill provides it without imposing excessive Government regulation. It gives honest manufacturers and importers of bolts few new responsibilities. H.R. 3000 simply sets up a paperwork trail and an accreditation system to ensure that the standards set by industry actually are adhered to. The bill has industry support for that very reason.

This is a significant bill to guarantee public safety in an area in which, for too long, the only protection has been "caveat emptor."

I wish to congratulate Chairman ROE and Chairman DINGELL for their leadership in advancing this important legislation.

Mr. ROE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of this important measure. The legislation we are considering today will require certain fasteners sold in the United States to conform to certain specifications. Without some standard to ensure quality, Americans face the possibility of injury or loss of life due to fastener failure.

Mr. Speaker, I want to commend Chairman DINGELL who last year investigated this troubling issue. The report released by Chairman DINGELL's subcommittee documented many instances where defective screws, nuts, and bolts were and still are threatening the safety of every American.

While the subcommittee reported on defective fasteners being used on our highway projects, our nuclear energy facilities, and a host of other examples such as heavy trucks and school buses, I would like to concentrate my remarks on the discovery of substandard fasteners being used by the Pentagon.

As a member of the Readiness Subcommittee on the Armed Services Committee, I have been looking into the numerous problems being experienced throughout the Defense Department because of defective fasteners.

Every soldier who flies an aircraft, drives a tank, navigates a submarine, or works at a nuclear facility may be placing himself and his colleagues in danger as a result of the use of substandard bolts imported into this country.

In a report documented last year by the Subcommittee on Oversight and Investigations, numerous failures were found. The seriousness of the findings was so severe that the subcommittee expressed concern over the "disastrous effect on readiness of our Armed Forces because of the defective fasteners installed on a host of Army vehicles and in critical areas on Navy ships."

Among the problems found were: The main gun on an M-60 tank was disabled when it was fired as a result of defective screws. The lives of the crew were endangered, and the Army was forced to deadline 1,200 M-60's for several months as a result; a complete loss of steering in Hum-V vehicles. Seventy-five percent of the 1,000 Hum-V's at Fort Ord, CA were found to have loose bolts in the upper ball joints of their front wheel assembly; and carrier bolts holding the shoes of the track on an M-60A3 tank failed, disabling the tank. This is one of the many bolt failures reported by the 2nd Squadron of the 7th Cavalry in 1987.

While the Defense Industrial Supply Center has assured Congress that these problems are being investigated, recent events show that the progress is slow.

In Texas, the Justice Department indicted Aircom Fasteners Inc. of Arlington, TX and a Japanese manufacturer for selling hundreds of thousands of substandard nuts and bolts to the Defense Department. These bolts were used in various military vehicles and nuclear plants.

Last month in Colorado, the U.S. Customs Service served search warrants on 11 distributors and importers in 4 States alleging the importation of counterfeit and mismarked fasteners. These substandard fasteners have reportedly been responsible for numerous equipment failures.

According to reports issued by the Defense Criminal Investigative Service, these fasteners have found their way into the National Test Facility of the SDI program and several DOD weapons systems.

As a result of this ongoing problem, I was joined by the members of the Readiness Subcommittee in urging Secretary of Defense Cheney to investigate defective nuts and bolts creeping into the military stockpile.

This is a problem that the Pentagon cannot ignore. While the legislation we have before us today will provide for inspection, testing, and certification of fasteners, we must continue to probe this most troubling problem as it pertains to the military.

Mr. RITTER. Mr. Speaker, I think the preceding speakers have pointed out quite well the linchpin nature in the chain of high-performance bolts. We are talking about only those bolts in critical applications, steel bolts, through hardened bolts, and certainly their importance systemically far supersedes the overall volume or the overall value, but they can take a whole system like a tank, or a plan, or a nuclear powerplant and wreck havoc.

Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding the time and also commend him as the ranking minority member on the Consumer Protection Subcommittee on Competitiveness of the Committee on Energy and Commerce, and the two distinguished chairmen, the gentleman from Michigan [Mr. DINGELL], chairman of the Energy and Commerce Committee, and the gentleman from New Jersey, Mr. BOB ROE, chairman of the Science, Space, and Technology Committee for pushing so hard to provide safe and reliable fasteners for use in American products.

As the gentleman from Michigan [Mr. DINGELL] noted, and I thank him for the recognition, substandard industrial fasteners have a been a great concern of mine for some time. However, I have a question I would like to ask the gentleman from New Jersey [Mr. ROE] as the distinguished chairman of the Committee on Science, Space, and Technology. Does H.R. 3000 allow a loophole large enough to drive a truck through by allowing foreign-made bolts to be tested in foreign laboratories that are accredited by foreign governments? By doing this, will we have the fox guarding the chicken coop?

I wanted to call attention to a similar situation that developed not too long ago when the Department of Defense asked for an audit of a French DOD contractor. The audit was done in French, but the firm refused to translate it or release it, and we really did not know what was in there. So what I am saying is are we making certain, Mr. Speaker, that this bill will guarantee that foreign manufacturers are subject to the same rigorous standards and testing faced by American manufacturers?

Mr. ROE. Mr. Speaker, with the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Speaker, I think the gentlewoman raises a very distinct and important point. But I want to reassure her that both committees have been aware of this very important issue and have made the following provisions, if the gentlewoman will note in the bill on the insurance and compliance at section 2, page 11:

> Laboratories accredited by such private entities, or by foreign governments pursuant to subsection (a)(1)(D), comply with the requirements for such accreditation.

□ 1300

(D) further says that to "establish conditions, no less stringent than those established under subparagraph (c)" which would control the direction of the U.S. companies, "under which the accreditation of foreign laboratories by their governments shall be deemed to satisfy the laboratory accreditation requirements of this act."

In other words, it has to be and would be controlled and monitored by our own Secretary of Commerce.

Furthermore, in the report under "Major Provisions," it is stated that the director, and I quote, "shall establish conditions under which the accreditation of laboratories by private entities or foreign governments can be accepted, and where necessary," and so forth and so on.

We believe and appreciate your raising that issue. We believe that the issue that the gentlewoman is concerned about has been met under the terms of the legislation.

Mrs. BENTLEY. Mr. Speaker, I thank the distinguished committee chairman, the gentleman from New Jersey [Mr. ROE].

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mrs. BENTLEY. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I think the gentlewoman makes a very important point. Members will recall that some years ago, and the gentlewoman was very helpful in this, I had asked for a GAO report, based on a report that the Defense Department and Commerce Department put out, on whether or not we could import metal fasteners during a time of national security and time of crisis. I am from an area as the gentlewoman is, that is concerned about these issues. They produce these fasteners with standards that we can at least observe. We did a GAO report on their report because they said in time of crisis, we could still import nuts, bolts, and screws from other countries like Taiwan and West Germany. When we did our GAO report on their report, the administration chose to mark it "confidential" so we could never reveal the report to the American people.

Most of these fasteners are foreign.

Mrs. BENTLEY. Mr. Speaker, I want to thank the distinguished chairman for the assurance that we will be fully protected and also thank the very conscientious chairwoman, the gentlewoman from Ohio, Ms. OAKAR.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I wish to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] for his fine investigative work and leadership which brought this bill into fruition, and brought the problem to light. I also wish to thank the chairman, the gentleman from New Jersey [Mr. ROE], for his full cooperation. I also wanted to commend the gentlewoman from Maryland [Mrs. BENTLEY], Who has been in the leadership on this for many, many months.

The passage of this legislation will surely lead to improving the safety in our Nation's military, in our nuclear plants, in our planes, in our bridges, and I think most importantly, for our Nation's workers. I think it will prevent a lot of on-the-job worker accidents caused by the failure of substandard bolts. Some have occurred in my own district.

I also would like the opportunity to recognize two people from my hometown of Toledo, OH: Ray and Ilene Plummer, who have been instrumental in bringing national attention to this issue. They first made me aware of the ramification of substandard bolts, and worked tirelessly since 1982 with the military, and with Congress, to expose the use of counterfeit bolts. it proves if citizens truly believe what is best for the country and keep at it, they can have an impact at the national level. They should take great pride in realizing that their individual efforts as private citizens have resulted in legislation that will help ensure the public safety.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3000.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3000, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that certain correspondence between myself and the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], concerning jurisdictional matters, be inserted in the RECORD at the appropriate point.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The correspondence referred to is as follows:

COMMITTEE ON THE JUDICIARY,
Washington, DC, July 31, 1989.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I have written today to the Speaker of the House informing him of my agreement not to seek sequential referral of the bill H.R. 3000. I would appreciate your including this letter and my letter to the Speaker in the report on this bill and making it a part of the record during consideration of H.R. 3000 by the House.

With every good wish, I am
Sincerely,
JACK BROOKS,
Chairman.

COMMITTEE ON THE JUDICIARY,
Washington, DC, July 31, 1989.
Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Committee on Energy and Commerce and Science, Space, and Technology have under consideration the bill, H.R. 3000, to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes. Section 7 of H.R. 3000 contains several matters that involve the jurisdiction of the Committee on the Judiciary under Rule X of the Rules of the House. Specifically, this section establishes criminal penalties for violations of the provisions of the bill and authorizes the Attorney General to bring an action in an appropriate United States District Court for appropriate declaratory and injunctive relief against any person who violates the Act.

The Committees on Energy and Commerce and Science, Space, and Technology have consulted with this Committee in formulation of the provisions of Section 7 of H.R. 3000. In order to expedite consideration of H.R. 3000, I am agreeing not to seek a sequential referral of this bill, without, of course, waiving this Committee's jurisdiction over the subject matter in question.

With very good wish, I am
Sincerely,
JACK BROOKS,
Chairman.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 3000, the Fastener Quality Act. I have shared the concerns of many Americans regarding the danger that counterfeit fasteners pose to public safety since I discovered, through participation in a House Energy and Commerce Oversight and Investigations Subcommittee investigation, that substandard bolts were used in a bridge in Wyandotte County, KS. Luckily, the substandard fasteners were discovered before innocent lives were lost. For this reason, I am an original cosponsor of the Fastener Quality Act.

Enactment of this legislation should reduce the danger and costs of fastener failure in buildings, aircraft, motor vehicles, military equipment, and other critical uses. It requires that fasteners used in high strength or critical applications conform to the standards and specifications declared by the manufacturer. Conformity must be demonstrated by tests in an accredited laboratory and on certificates of conformance showing the results of the testing. Civil and criminal penalities are prescribed for the sale in commerce of counterfeit fasteners. In addition, the act provides a mechanism for standardization of high strength fasteners and establishes a testing laboratory accreditation program in the National Institute of Standards and Technology.

The United States uses billions of fasteners in buildings, nuclear powerplants, bridges, motor vehicles, airplanes, and other equipment each year. High strength bolts are used by the military, the space program, and private industry. In recent years, counterfeit and substandard metal fasteners, produced both in the United States and abroad, have pervaded U.S. industry, creating an enormous national safety problem. As a result, both the military and civilian sectors of the economy have experienced dangerous equipment and construction failures, as well as extraordinary expenses.

Since the problem was initially identified, collective steps taken by industry and the Federal Government have proven to be very costly. In some cases, entire inventories have been scrapped and structures have been reassembled. These failures have also led to increased emphasis on supplier quality and receipt inspection. While industry may be able to correct the problem with increased surveillance of fastener suppliers and sole source procurement, this can eventually result in less competition among producers and would provide no protection for the unwary. Existing protections of law governing transactions between buyer and seller have been ineffective in eliminating the dangers created by counterfeit fasteners introduced into our country's infrastructure.

This legislation is designed to ensure that a supply of quality fasteners exists for use in critical applications. It requires final testing of sample fasteners by an accredited laboratory for conformance to standards, specifications, and grade identification markings, before the lot from which the sample is drawn can be sold. The act also requires certificates of conformance to document test results, traceability through a registered manufacturer's make on the fastener, and a lot number identification on the shipping container.

Civil and criminal penalties will encourage compliance. The legislation will provide backing to fastener industry efforts to police its own ranks and to promote competitive sources of supply for fasteners used in critical applications. Quality fasteners used in both the military and civilian sectors of our economy will reduce the dangers of construction and equipment failures, and the subsequent threats to public safety and electronic security.

I urge my colleagues to join with me in supporting enactment of this vitally important measure.

Mr. BLILEY. Mr. Speaker, the Subcommittee on Oversight and Investigation of the Energy and Commerce Committee, on which I am proud to serve as ranking Republican member, conducted an in-depth look into the problem of substandard and counterfeit fasteners that produced some frightening results.

The Defense Industrial Supply Center, which supplies fasteners to the armed services, conducted tests which revealed more than 30 million counterfeit grade 8 fasteners in its inventory, with another 2.6 million stored in Army depots. In addition, the Air Force discovered substandard fasteners that were to be used in flight safety critical applications. The existence of these counterfeit fasteners not only reduced the capability of the men and women who serve our Nation to be fully prepared and combat-ready, but also needlessly and unnecessarily endangered their lives.

Substandard fasteners have also proven to be a cost to the American taxpayer and consumer. Testimony before the subcommittee revealed that American industry has lost millions upon millions of dollars through breakdowns, downtimes, and reconstructions periods. These losses are passed on to the consumer through higher retail costs.

Mr. Speaker, H.R. 3000 addresses this serious problem through a program that provides for the inspection, testing, and certification of fasteners sold in commerce and used in critical applications. It allows for the traceability of fasteners and the accountability of the manufacturer, which should ensure that all fasteners comply with the specifications to which they are represented. Lastly, H.R. 3000 tackles the problem without placing the heavy hand of Government into the marketplace.

I would like to commend the chairman of the committee for his efforts in identifying the issue of substandard and counterfeit fasteners and pursuing this necessary legislative remedy. H.R. 3000 is a good example of the type of legislation that can be produced when we work together—on a bipartisan basis—to solve the problems that face the American people, and I urge my colleagues to join me in supporting the Fastener Quality Act.

Mr. KANJORSKI. Mr. Speaker, I rise today in strong support of H.R. 3000, the Fastener Quality Act of 1989. I firmly believe that this act will enhance the health, safety, and security of the American public.

Fasteners—nuts, bolts, screws, and so forth—are literally the things that hold this country together. Fasteners play an intricate part in almost everything we do. This is exactly why we must assure that every fastener, especially those used in critical areas, is up to par.

H.R. 3000 addresses the problem of counterfeit or substandard fasteners in an effective and well-managed manner. Through the testing, inspection, and certification process that is mandated by H.R. 3000, Congress is taking an active role in seeing that the fasteners used in high strength and critical applications meet the standards required by Society of Automotive Engineers.

This in turn increases the likelihood that the fasteners will hold up during performance.

Mr. Speaker, there have been a number of incidents in which faulty fasteners have been blamed for equipment failure that has led to physical harm or death.

Such failures have occurred in building and construction sites, coal mines, nuclear and fossil fuel plants, highway bridges and guard rails, and commercial trucks and buses.

At one point, it was reported that a number of these faulty fasteners were discovered to have been used by NASA on a space shuttle spacelab mission. Fortunately, these fasteners were discovered and removed before the ship was launched.

Mr. Speaker, I commend my distinguished colleagues from Michigan and New Jersey, Mr. DINGELL and Mr. ROE, for their work on this effort.

Mr. RITTER. Mr. Speaker, I rise today with my good friend, the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, to urge my colleagues to support of H.R. 3000, the Fastener Quality Act.

My colleagues, on both sides of the aisle, have worked effectively to produce legislation that will protect the American public from the effects of substandard fasteners while allowing American business to maintain its competitive edge. Before coming to the floor, H.R. 3000 was carefully considered before both the Energy and Commerce Committee and the Committee on Science, Space, and Technology. I would like to express my personal appreciation to Chairman DINGELL and to Chairman ROE, as well as to Messrs. LENT and WALKER, for their leadership in bringing this legislation forward. Additionally, Chairmen WALGREN and FLORIO of the Subcommittee on Science, Research and Technology, and the Subcommittee on Commerce, Consumer Protection and Competitiveness, respectively, have worked with Mr. BOEHLERT, myself, and members of their subcommittees, to preserve the spirit of bipartisanship that has characterized H.R. 3000 from its inception.

I have a genuine concern for the problems arising from the use of substandard, counterfeit, or improperly marked fasteners. As the sole metallurgist in Congress, I am familiar with terms such as alloying, heat-treatment, and mechanical processing; I know that tragedy can result when fasteners which fail to meet specifications are put into the stream of commerce. We have heard firsthand accounts of accidents and equipment failure caused by faulty or mislabeled fasteners. The potential for disaster is compounded when counterfeit or deficient fasteners are inadvertently used by the military. Readiness and safety are jeopardized when substandard components are used in essential military hardware. Unfortunately, the use of counterfeit and substandard fasteners in our military, and our economy as a whole, is widespread, and endangers the health and safety of Americans.

Mr. Speaker, H.R. 3000 addresses this issue head-on. The bill has been carefully crafted, with industry, military, and consumer groups voicing their concerns at all stages. H.R. 3000 represents a partnership between Government and the private sector. It calls for the adoption of voluntary standards that are formulated by industry consensus organizations, and provides a tracking system that will ensure the traceability of fasteners. Lastly, H.R. 3000 requires the testing of all domestic and imported fasteners to guarantee that those few who put profits before safety will not be peddling their wares to the American consumer.

Mr. Speaker, I cosponsored and support H.R. 3000 because it promotes the goals of competitiveness and safety, while imposing strict safeguards for the public welfare with minimal governmental instrusion.

I urge my colleagues to support H.R. 3000.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL], that the House suspend the rules and pass the bill, H.R. 3000, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEFENSE PRODUCTION ACT AMENDMENT OF 1989

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3281) to extend the expiration date of the Defense Production Act of 1950.

The Clerk read as follows:

H.R. 3281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Amendment of 1989".

SEC. 2. EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1989" and inserting "June 30, 1990".

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Defense Production Act of 1950 is scheduled to expire in 11 days on September 30 and we simply cannot permit that to happen. As former Defense Secretary Caspar Weinberger said, the act is literally the cornerstone of U.S. defense industrial preparedness.

The law, which has been in existence for almost 40 years since the Korean war, provides all of the vital authorities to keep our country's defense industrial base in a constant state of readiness.

Among these authorities are priority performance on Defense contracts and the allocation of critical materials to promote national defense.

In addition, it authorizes various financial incentives to expand our industrial capacity to cope with any potential conflict which might arise.

For example, the production of aluminum was increased fourfold in the United States through these incentives, making it possible to manufacture superior military aircraft and, at the same time, open up myriad new commercial uses for aluminum.

In the case of the Alaskan pipeline—a project which initially fell behind schedule and faced major cost overruns because of shortages of materials and equipment—it actually was completed ahead of schedule at a savings of some $60 million. This beneficial result came about because of the invocation of the authorities of the Defense Production Act.

Even so, Mr. Speaker, the act needs to be updated in light of changing world conditions and the widely reported and continuing deterioration of our defense industrial base. The Subcommittee on Economic Stabilization, which I have the honor to chair, has been diligently looking into potential improvements.

To that end, we have conducted some 20 hearings and heard from 70 witnesses. Major amendments have been introduced in the form of H.R. 486, now pending before the subcommittee.

There also has been new concern in the Senate about the need to modernize the act and plans to consider some key amendments. However, the Senate Banking Committee needs additional time to complete its hearings and go into depth on the consideration of major issues. Unfortunately, the lengthy and detailed examination of the savings and loan crisis has delayed more prompt action on both sides of the Hill.

The legislation before you today, H.R. 3281, simply would extend the Defense Production Act for 9 months until the end of next June. Prior to that date we will present to the House a bipartisan package of major changes to strengthen the U.S. defense industrial base and preserve the capability of this Nation to respond to any defense production challenge.

In the meantime, it is absolutely essential to extend the expiration date of the present Defense Production Act. The Bush administration fully concurs in extending the authorities of the current law. It also has proposed a number of amendments which will be considered as part of the package we plan to offer next year.

The extension of the Defense Production Act will continue all authorities in titles I, III, and VII. Implicit in that action is that expenditures, now authorized at $50 million a year, will also remain at current levels. The House already has approved the same sum for the next fiscal year in the Defense appropriations bill.

I urge the House to approve the legislation (H.R. 3281) before you today to protect our national security and what I regard as our strongest deterrent to war—a defense industrial base subject to U.S. law and preparedness policies.

Mr. Speaker, at this point I include a brief summary of the Defense Production Act provided by the Department of Defense.

SUMMARY OF THE DEFENSE PRODUCTION ACT

(Presented in testimony by Richard E. Donnelly, Assistant Deputy Under Secretary of Defense, before the Subcommittee on Economic Stabilization)

EXISTING DPA AUTHORITIES

The DPA forms the policy hub of our industrial base programs. It provides vital authorities for our industrial preparedness planning programs. it also provides an important part of the underpinning for our efforts to revitalize the industrial base and improve the competitiveness of industries that produce for defense. The degree to which DoD relies on these current authorities for important ongoing programs provides the most compelling argument for extending these authorities. In the following sections, I will briefly describe how we use current DPA authorities.

DECLARATION OF POLICY

The DPA was originally approved after the 1950 North Korean invasion of South Korea to provide authorities to manage the mobilization for this conflict. The Declaration of Policy was revised in 1955 to reduce the emphasis on current mobilization management and to place greater emphasis on maintaining a continuing level of industrial and economic preparedness for emergencies that might arise in the future. DoD's Industrial Preparedness Planning (IPP) program derives its principal authority from this policy statement.

Of particular importance is the proviso that was added in 1980, at the behest of this Subcommittee, to reorient the DPA away from an exclusive focus on mobilization preparedness and to provide a broader focus on preparing "to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which would adversely affect the national defense preparedness of the United States." This is perhaps the strongest statement of legislative intent that our national economy and our national security are intertwined.

TITLE I—PRIORITIES AND ALLOCATIONS

Title I authorizes the President to order priority performance on national defense contracts and to allocate materials to promote national defense. Priority contract performance authority is carried out through the Defense Priorities and Allocations System (DPAS); the controlled materials allocation process also authorized under Title I was recently placed on standby, although the program remains available to be reactivated quickly during an emergency.

Priority contract performance authority is of vital importance both as an emergency preparedness measure and as a tool of day-to-day weapon program management. Priority ratings are routinely applied to most defense programs. Although the priority rating system requires minimal enforcement in peacetime, when schedules are not as urgent as they would be in a conflict or crisis, these ratings nevertheless play an important part in helping to keep important programs on schedule. We have the authority and the procedures in place to take necessary actions to maintain program schedules, and these authorities are used on a regular basis to solve production problems.

These procedures are important whenever we face a supplier problem such as bottlenecks or schedule conflicts. We can work with the supplier to resolve his problems and, if necessary, we can order the supplier to rearrange his production schedules. Precisely because the procedures established under DPAS work effectively, we seldom have to take these sorts of actions. DPAS played an important role in ensuring a continuing supply of ammonium perchlorate to the most critical programs after the accident at one of the two facilities producing this critical component of solid fuel for large rocket motors.

TITLE III—FINANCIAL INCENTIVES TO EXPAND PRODUCTIVE CAPACITY

Title III has been an integral part of the DPA since its original approval in 1950. It authorizes the Federal Government to make purchases, purchase guarantees, loans, and loan guarantees to expand national defense-related productive capacity and supply. After being in an inactive status for many years, Title III was reoriented in 1984 and the program has been revitalized.

The Air Force Systems Command serves as the Executive Agent for the DoD Title III program. Under the terms of an interagency agreement, Title III funds are limited to making purchase guarantees only, and the DPA requires potential Title III projects to meet the following requirements:

The material is essential to the national defense

Title III is the most cost-effective and expedient method to obtain the needed capacity

The private sector will not provide the capacity in the absence of a Title III guarantee

National defense requirements for the material will exceed domestic capacity to produce the material, even after the new Title III capacity comes on line.

The purpose of the Title III program is to develop new domestic capacity for materials needed for current and future weapons systems. Under the guidance of an OSD-chaired Steering Committee, the Title III Program Office has developed effective procedures to identify, select, and manage the most critical projects. Projects have been approved to provide purchase guarantees to develop domestic production capacity for materials such as:

High purity polysilicon for infrared detectors and high-power switching devices

Traveling wave tubes for use in aircraft electronic countermeasures and radars

Accelerated-cooled, direct-quench (AC/DQ) steel plate for use in ships and armor

Silocon-on-insular, silicon-on-sapphire (SOI/SOS) materials for radiation-hardened electronic devices

Discontinuous Silicon Carbide Reinforced Aluminum (DRA) for use in aircraft and missile structures, skins, guidance components, and optical sensing

A variety of advanced composite materials for high-performance aerospace systems

Ceramic bearings for use in engines, missiles, space vehicles, and machine tools

Thermoelectric coolers for use in a variety of infrared, visual, guidance, targeting, and radar systems

Rhenium metal, an advanced alloying element to provide high-temperature heat resistance in aircraft jet engines

Oxide Dispersion Strengthened (ODS) Thin Sheet, a metal with high-temperature heat and corrosion resistance that can be used in aircraft, missile, and space vehicle structures.

This list of projects makes clear DoD's focus in managing this program. If it is given continuing support within Congress, it will play a major role in providing domestic production capabilities that would not exist in the absence of the Title III incentives. Later in the testimony, I will discuss how the Title III program relates to other programs, such as ManTech. The main point I want to make in this section of my statement is that we regard the Title III program as being totally unique in the spectrum of defense industrial base programs. It is a critical part of our effort to bolster defense industrial competitiveness and it is essential to continue the existing authorities in place.

TITLE VII—GENERAL AUTHORITIES

Title VII provides a variety of general authorities that are important for maintaining preparedness. Briefly:

Section 705 provides authorities to undertake surveys of industry capacity and capabilities and requires industry to respond to these surveys. These authorities are routinely used, by the Bureau of the Census among others, to support a variety of important data gathering and statistical analysis efforts.

Section 708 provides the authority to establish voluntary agreements with industry. Voluntary agreements are an important preparedness program; they authorize industry to work together to develop improved preparedness programs, to share data on new production techniques, and to share resources during an emergency to reduce bottlenecks and maximize production. (Subsequently, I will address some changes we are requesting in Section 708)

Section 710 provides the Federal Emergency Management Agency and the civil departments with the authority to maintain a National Defense Executive Reserve to augment the Federal workforce with experienced personnel in an emergency. This allows agencies to undertake training activities under this important preparedness program

Section 721, a new section in 1988, gives the President explicit authority to block mergers, acquisitions, or takeovers of U.S. firms by foreign persons if he determines that the acquisition would threaten or impair U.S. national security.

In summary, the DPA provides a critical underpinning for both our efforts to maintain preparedness for a crisis or conflict and our ongoing day-to-day program to bolster defense industrial competitiveness.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Defense Production Act is a very important piece of legislation, and it is important that we extend the authorization of this legislation today by means of H.R. 3281.

This act was originally enacted as a temporary measure in 1950, shortly after the beginning of the Korean war, to help solve some of the defense mobilization problems that existed at that time. The law contained a wide variety of powers, and many of those powers have expired and are not up for authorization today, but those that have persisted through the years have proven to be very, very important to our overall state of defense preparedness and national security. So it is for that reason that I urge my colleagues to join with us in approving this simple extension of authorization today.

This is not the first time we have extended this legislation. Actually, since the 1950's it has been extended every 2 or 3 years, with some short lapses. The last time we had it before us for an extension was in 1986, when we gave it the extension to September 30 of this year.

Today the act is the sole statutory vehicle for ensuring that our Nation's industrial base is kept ready in peacetime for any sort of national security emergency. Title I of the act provides the Government authority to utilize priorities and allocations for meeting defense needs that are utilized on a ready, ongoing basis.

Title III enables the Government to guarantee loans which are made in connection with Defense contracts or to make commitments to suppliers that it will purchase a certain quantity of an item for a certain price over a stated period of time. It is that title that allows us to put into these contracts some element of stability, which is very important to the suppliers.

Title VII has a variety of very important powers. It enables the Government to authorize voluntary agreements that would otherwise violate the antitrust laws if the agreements are necessary for national security. And also under that title, the National Defense Executive Reserve is organized and trained to fill senior staff level positions during a national emergency.

There are many departments and many agencies of Government that utilize the provisions of this law. Among them are, of course, the Department of Defense, the Bureau of Mines, the Department of Transportation, the Federal Emergency Management Agency, and many others.

All this bill does is change the authorization date from September 30 of this year to June 30 of next year, and the purpose, of course, is to prevent a lapse of an expiration of the important authorities in this act.

The bill does not contain any language from any of the proposed amendments that have been offered as bills or otherwise. It simply extends the expiration date. It does not contain any authorization for appropriation of money, because the appropriation has already been passed by the House in the Defense appropriation bill.

I think when we consider the alternatives to moving ahead with this today, the alternatives which would have some very dire consequences to the national security, all Members will recognize the need for this simple extension and will join the chairman of the subcommittee and myself and others in voting for this bill.

Mr. Speaker, for those reasons I urge the passage of this bill.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentlewoman for yielding this time to me.

Mr. Speaker, I just want to say that I, of course, rise in support of this extension.

I want to point out for the RECORD how ably the gentlewoman from Ohio [Ms. OAKAR] has handled this legislation. She has held hearing after hearing on this particular legislation. Since 1950, when we had the first enactment of this legislation, the Committee on Banking has acted expeditiously on these matters so that the Defense Department and those Americans involved in the defense of this country would be ably secure in their ability to procure not only materials but services. To the credit of the gentlewoman from Ohio, since her assumption as chairman of the Subcommittee on Economic Stabilization, the gentlewoman has been in the vanguard of having seminal hearings. She has been very, very effective in her leadership, and we have reached this point where there has been no problem whatsoever in working out this legislation.

So, Mr. Speaker, I want to close by saying that the gentlewoman from Ohio [Ms. OAKAR] should receive full credit today for her able leadership, and I strongly urge the approval of this extension.

Ms. OAKAR. Mr. Speaker, I thank the chairman of the committee for his gracious and kind remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 3281, which provides for a temporary 9-month extension of the Defense Production Act. This temporary extension is apparently necessary because the Senate is not expected to complete its consideration of a substantive reauthorization bill prior to the expiration of the act on September 30.

I have been a strong supporter of the Defense Production Act in the past and I continue to support this measure because it directs the attention of the President and the Congress toward assessing the status of our defense industrial base and determining what industrial priorities must be preserved and strengthened in the event of an emergency military mobilization. Additionally, DPA provides for joint voluntary agreements between the Federal Government and private industry to share data on production techniques. Perhaps the most critical provision of DPA is the one which gives the President the authority in the most critical situation to block a merger, acquisition, or takeover of a U.S. firm by foreign interests if the President determines that the acquisition would impair U.S. national security.

Mr. Speaker, frankly, I had hoped that we would be at a point today where we could be moving forward with the full reauthorization of the Defense Production Act. I know that the chairwoman of the Banking Subcommittee on Economic Stabilization, Ms. OAKAR, began a series of reauthorization hearings on DPA early this year. The Senate, however, has not moved as promptly on this matter as some of us would have preferred.

I continue to have strong views about the importance of the reporting requirements in DPA relating to the issues of offsets and countertrade in foreign military sales. The fact is that offset agreements have become much more widespread since the last reauthorization of DPA, in large part because so many foreign countries are insisting on these collateral agreements. Thus, before Congress can fully assess the impact of offsets and whether their net effect is advantageous or disadvantageous for our own defense industrial base, we confront a fait accompli; we must have offset agreements because that's the way business is done.

I strongly question the logic of a policy which is driven by such a rationale, especially at a time of shrinking defense budgets when thousands of American workers who work in defense and defense-related industries are losing their jobs as production moves overseas to South Korea, Germany, France, Taiwan, and other countries. Increased foreign contracting and subcontracting translates into lost jobs for American workers and a weakening of the U.S. industrial base. It also means incrased dependence upon foreign producers. In my own State of Minnesota, several thousand employees at Unisys who work in computer manufacturing have lost their jobs and further cutbacks are expected. These displacements will have an impact on our State and local governments which will have to make increased outlays for unemployment insurance claims and for retraining and job placement services and other social support services.

The Minnesota Task Force on Economic Conversion produced a report, titled, "Military Production and the Minnesota Economy," which sought to illustrate the important impact of defense-related industries on our State's economy. This task force was made up of leaders from State government, from the Legislature, and from labor who understand that job losses in defense-related industries will continue to accelerate in the future and that we must act now to develop strategies to respond to this problem. The DPA in its present form does not directly address the emerging issue of economic conversion, but we will certainly be hearing more about this issue as more and more defense workers are affected.

The Pentagon and the administration need to take a broader view of what needs to be done to truly preserve national security. We not only need the best hardware and software to do that job; we also need the best people to manufacture, operate, and maintain that equipment. We need to consider preserving the human resources which are part of our defense industrial base; the men and women who are experienced and skilled in building whatever it is that we need to protect our Nation's security. When the machine tool industry in Ohio is on the ropes, or when computer assembly line workers in Minnesota lose their jobs because production moves overseas, we lose human resources and industrial capabilities which at some time in the future may be very critical.

I urge my colleagues to join me in voting for H.R. 3281 and I look forward to working with my colleagues on the Banking Committee on a substantive reauthorization bill in the future which will begin to address some of these important matters in greater detail.

Mr. Speaker, I commend the gentlewoman from Ohio [Ms. OAKAR] for her thorough hearings and her hard work in this matter, and I hope that we can move forward in 1990 in an orderly manner to provide some policy initiatives that are very much needed.

Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Minnesota for the work he has done in these areas and for being one of the fine members of the subcommittee as well.

Mr. Speaker, I have just one final footnote to add, and this may bring home to us a little of my concern. In terms of the Defense Production Act, the spirit of the act is that anytime we have a crisis we must ensure that we have the equipment to defend ourselves and that we have the industrial base to defend ourselves in a national security crisis situation.

Mr. Speaker, I, like many Members, have expressed some concerns relative to the safety of these battleships that are being used. There are four of them, and one is the U.S.S. *Iowa*. One of my constituents was blamed for that particular accident, or at least the implication was that he may have committed an act that contributed to the accident.

Interestingly enough, if we read the 1,100-page report and if we read the summary statement, we find that by the Navy's own admission, there were absolute unsafe standards, malfeasance, with gunpowder used when it should not have been used in those particular type barrels, et cetera.

I do not think that particular battleship is safe. It is a battleship that was gotten out of mothballs in 1984. It was built and put into action in 1942. I have great concerns about the safety of these ships, particularly these older pieces of equipment, and under the Defense Production Act auspices, in the subcommittee which I chair I have asked for a GAO report on the safety of this particular ship and of three others that are very much like it, and I believe we should let the chips fall where they may.

□ 1320

Mr. Speaker, let the chips fall where they may. I think the American people want to know if we are prepared in a time of crisis to defend our people.

I am also, of course, very concerned about the reputation of a young man who is dead and cannot defend himself and his family. As my colleagues know, it is hard to fight the entire Navy. So, I want to just say that as a footnote to the spirit in which our hearings have been conducted.

In addition, I have to say that we, as the greatest superpower in the world, ought to be prepared in a time of crisis, and that is the spirit of the Defense Production Act. I am very grateful for the cooperation that I have received.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3281.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 3281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE REGARDING SITUATION IN LEBANON

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 128) expressing the sense of the House regarding the situation in Lebanon, as amended.

The Clerk read as follows:

H. RES. 128

Whereas the recent artillery exchanges between Syrian and Lebanese forces and militias have resulted in the death or injury of hundreds of Lebanese civilians;

Whereas such exchanges have destroyed vital sources of civilian food, water, and electricity;

Whereas in recent months, more than 20,000 shells and rockets have fallen in residential areas in Lebanon;

Whereas the deterioration of conditions in Lebanon threatens its territorial integrity and sovereignty;

Whereas the Lebanese civil war has claimed an estimated 125,000 lives since it began in 1975;

Whereas Syria has played a prominent role in the Lebanese civil war;

Whereas the Syrian Government of Hafez al-Assad historically has sought to dominate the Lebanese state and people;

Whereas the Syrian Government of Hafez al-Assad has frequently subverted intra-Lebanese and foreign initiatives designed to peacefully resolve the Lebanese civil war, including the May 17, 1983, initiative by the United States;

Whereas the presence of foreign military and paramilitary forces undermines efforts to establish the authority of a central government in Lebanon;

Whereas the League of Arab States has been asked to mediate the dispute and has called for a cease-fire by the forces fighting in Lebanon;

Whereas the process of reconciliation among the Lebanese is increasingly difficult in the absence of a cease-fire;

Whereas the failure of the presidential elections of September 1988 in Lebanon has deepened the divisions within Lebanese society;

Whereas the United States supports the restoration of the unity, sovereignty, and territorial integrity of Lebanon, the restoration of a central government in Lebanon, and the removal of all foreign forces from and the disbandment of militias in Lebanon;

Whereas the United Nations has demonstrated a historic commitment to working for peace in Lebanon through the presence of the United Nations Interim Force in Lebanon;

Whereas Article 34 of the United Nations Charter empowers the United Nations Security Council to investigate any situation which might lead to international friction to determine whether the situation is likely to endanger the maintenance of international peace and security: Now, therefore, be it

Resolved, That it is the sense of the House that the Government of Syria should be condemned for the violence it has perpetrated against the Lebanese state and people, that Syria should withdraw all of its forces from Lebanon, and that the President should—

(1) call for an immediate cease-fire among the parties in Lebanon and the removal of all foreign military forces and disbandment of all paramilitary forces in Lebanon,

(2) urge all parties in Lebanon to respond to the international call for an immediate cease-fire and to undertake immediate discussions regarding internal reconciliation,

(3) support international efforts, including appointment of special emissaries by the United Nations Secretary General and the League of Arab States, to work with the parties in Lebanon to implement a cease-fire and start a process of internal reconciliation in Lebanon, and

(4) support actions to encourage the fulfillment of the constitutional mandate to elect a new president in Lebanon.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 128, regarding the situation in Lebanon. I would first like to commend the original sponsor of this resolution, my good friend from Ohio, Mr. FEIGHAN, for his tireless efforts to bring this resolution before the House. I would also like to commend the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, for his leadership on this issue.

The situation in Lebanon is intolerable. The artillery exchanges between Syrian and Lebanese forces and militia have resulted in death and injury to hundreds of civilians. This deterioration of conditions in Lebanon threatens its territorial integrity and sovereignty and undermines efforts to establish the authority of a central government.

In this regard, I am encouraged by the recent initiative of the Arab League Tripartite Committees declaration calling for an immediate cease-fire in Lebanon. I am encouraged by the hope that this initiative offers to the people of Lebanon and I commend King Fahd, King Hassan, and President Chadli Bendjedid for the courage they have demonstrated in bringing this initiative to the fore.

Mr. Speaker, this resolution expresses the sense of the Congress that the President should call for an immediate cease-fire; the removal of all foreign military forces from Lebanon; and the disbandment of all paramilitary forces; urges all parties to undertake immediate discussions regarding internal reconciliation; supports the efforts of the United Nations and the League of Arab States; and supports actions that would lead to the election of a new President in Lebanon.

Mr. Speaker, this resolution is very timely. One of the important things that it does is to send a message to the Lebanese people expressing the support of the Congress and the American people. That support is constant, even though the Lebanese recognize the limits on United States assistance, financially and otherwise. While it is unlikely that any settlement to the conflict in Lebanon will be achieved in the near future, we have found over the years that statements of this kind by the Congress can be of considerable value in many areas of foreign policy. While the situation in Lebanon is tragic, this message of hope is a strong and important one. I urge my colleagues to support this resolution.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, let me begin by thanking the chairman of the full committee, the gentleman from Florida [Mr. FASCELL] for moving in such an expeditious fashion that this resolution is before the House, and I also would like to thank the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON] and our chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON] for their very able and valuable assistance in the fashioning of this resolution and its movement through the Congress. I think it is extremely important that we take a few moments today to direct our attention to the tragedy that continues in Lebanon. The country of Lebanon moves ever closer to political and social disintegration.

Mr. Speaker, since the middle of March, the population of Beirut has literally been driven underground. The continual artillery exchanges between Syrian forces and their allied militias and the Christian Lebanese forces and their militias have turned much of the capital to rubble and jeopardized sources of food, water, and electricity.

In April, I introduced this resolution that asks the President to call upon the parties to honor the international call for an immediate cease-fire. The resolution calls for the removal of all foreign forces from Lebanon and the disbandment of all militias. Finally, we ask the President to support the efforts of the Arab League and the United Nations to secure a cease-fire and steps toward internal reconciliation, including the fulfillment of the constitutional mandate to elect a new President.

Mr. Chairman, I attempted to fashion a consensus resolution that would allow us to speak with one voice on the situation in Lebanon. I am happy to say that the resolution now has 90 cosponsors with strong support from both sides of the aisle.

During consideration of the resolution by the Subcommittee on Human Rights, I offered an amendment on behalf of the gentleman from Florida [Mr. SMITH], that condemns Syria for its role in escalating the conflict and calls for the removal of Syrian forces from Lebanon. Assad must know that House rules will not apply in Lebanon. As the Washington Post said in an editorial earlier this year:

> The Syrians have had a complex role in Lebanon, but their current role is easy to comprehend * * * they are conducting massive bombardments of civilian areas. The death toll is in the hundreds * * * by any ordinary standard it is criminal and it must be stopped.

I have always felt that a strong, sovereign Lebanon was not only the desire of the Lebanese people—but something that was very much in the broader interests of the United States. The resolution recognizes that the Lebanese themselves must play a role in taking on the difficult challenges of internal reconciliation. At the same time, the resolution points out that Lebanon deserves to be more than a battlefield. And it acknowledges that the United States has a role in using our substantial influence to bring about a cease-fire to permit the process of reconciliation to move forward.

We applaud the efforts of the Arab League to identify a formula to being a stable cease-fire to Lebanon and have combatting forces step back and disengage. It is important that Syria agree to this plan, and we encourage General Aoun and other Lebanese leaders to support it. It is also crucial that the plan seeks to stop the flow of arms into the country by land and by sea and to start an immediate process of national reconciliation which focuses on holding early Presidential elections and instituting needed political reform. It is in our national interest to support the Arab League efforts and to work with our many friends in Lebanon to implement the plan. This plan represents the best vehicle for achieving our goal and sovereign, free, and independent Lebanon.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 128 which is a strong expression of congressional concern about the tragic and shocking events in Lebanon.

The original version of this resolution was considered by the committee months ago. We are here today to again express our deep concern about events in Lebanon and to call upon the governments of the region to join together to bring peace to a war-ravaged land. Congress is outraged by the continued senseless suffering of the Lebanese people.

Over the weekend, the Arab League announced a positive initiative which calls for an immediate cease-fire as a first step in the process. I think most of us agree that a cease-fire is the most immediate need. Hopefully this would be followed by putting an end to the supply of arms to all parties to the conflict. The new plan calls for the lifting of port blockades, and the convening of the Lebanese Parliament in order to discuss national reconciliation.

Syria must do its part to bring peace to Lebanon. It is time for President Assad to pull his forces back from that engagement, cease the direct supply of arms to the combatants and send the Syrian soldiers home. They are no longer keeping the peace in that country. They have been contributing to the bloody violence there.

All parties to the conflict in Lebanon should carefully and thoughtfully review the Arab League's proposals. More careful reflection of diplomatic alternatives would be a welcomed change to the military solution which has so far provided little hope.

King Fahd of Saudi Arabia and his colleagues in the Arab League deserve our praise for a commendable effort in the name of peace.

I urge my colleagues to support this timely resolution.

□ 1330

Mr. FASCELL. Mr. Speaker, I yield myself 1 minute.

I agree with the gentleman from Michigan in his statements and that of my colleague, the gentleman from Ohio [Mr. FEIGHAN].

I, too, am encouraged by the recent initiative of the Arab League Tripartite Committee, and therefore would once again like to express my appreciation and commendation to King Faud of Saudia Arabia, King Hassan of Morocco and President Bendjedid of Algeria for their timely initiative with regard to the intolerable situation in Lebanon. Therefore, this resolution today is very timely as it again expresses our support for this effort and commends them for their initiative.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the chief deputy whip.

Mr. BONIOR. Mr. Speaker, I thank my friend and colleague, the chairman of the committee, for yielding me this time.

I rise today with strong emotional feelings over this issue.

Mr. Speaker, 7 years ago I had an occasion to take a most extraordinary trip to the Middle East. It was during the Israeli invasion of Lebanon in Beirut. I had dinner one evening at the Ambassador's residence overlooking the city of Beirut with Gemayel's brother who eventually became the President and his father. When I asked Bashir Gemayel, who was a candidate for President at that time, what he was going to do about the Moslem section of Beirut, I will never forget what he said to me. He said, "It's not my problem." Here was a candidate for President of a country who said to me, "It's not my problem."

The next day we went into West Beirut, several of us, during a lull in the bombing. I remembered looking at a piece of land on a street that was bombed and looking at the rubble. As I was visiting it, a car pulled up, a mother and a father and three kids in the back seat. The father got out and started to go through the rubble. I asked him if he lived in the neighborhood and he said, "Yes, I lived in the neighborhood. This is my house. It was bombed last night and my son was killed."

I told him who I was. He told his family. He had a 14-year-old son in the back seat of the car who when he heard that I was an American, and an American Congressman, leaped out of the back seat of the car and came after me. In some way he connected the death of this brother and the loss of his home with our delegation and with me specifically.

That was 7 years ago, 7 years after the civil war started in 1975. Seven years later, 125,000 people killed; since March 800 people killed, mostly civilians, two-thirds of Beirut empty, a generation scarred mentally and physically, and this insanity continues today.

When will we learn? When will we learn that military means are not the solution to this crisis.

Mr. Speaker, I, too, join in calling for a cease-fire, for the withdrawal of foreign troops, Syrian and Israeli troops, the involvement of Iraq, the coming together of all segments of the Christian and Moslem communities; but I also call upon the United States to engage as diplomatically and strongly as we can to try to find a resolution to this issue.

Mr. Speaker, I understand the pain that this country went through in 1984 and 1983 with the bombing of our Embassy, the bombing of our Marines and all the suffering it has caused us, but if you are a great power you do not retreat. A great power engages itself in trying to resolve the problems that confront it. We will not solve the problem of the Middle East if we cannot solve the problem of Beirut, if we cannot play at least a constructive role in solving the problem of Beirut and of Lebanon.

Mr. Speaker, I call upon the administration to reexamine whether or not a safe place can be found for our Ambassador and a crew to support him, and I call upon this administration to engage, as we did in 1982 at a high level, a diplomatic complement to the good works of King Fahd and the other two countries, Algeria and Morocco, that have put forward a plan to end the carnage.

Mr. Speaker, I say to all my Lebanese friends throughout this country that our hearts are with you and we will do what we can to raise this issue to the highest levels of conscience in our society.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the ranking member on the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for this resolution, and I commend the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Florida [Mr. SMITH] for their outstanding work on this important piece of legislation. During the last several months, more than 20,000 shells and rockets have fallen on residential areas in Lebanon. Hundreds have been killed and wounded. Vital sources of food, water, and electricity have been destroyed. The wanton destruction of Lebanon brings feelings of remorse to those of us who respect the history and the rich culture of Lebanon and also admire the many contributions of Lebanese-Americans to our own society.

Lebanon is a nation which in the past has played a critical role in the geopolitical stability of the Middle East. The reinstitution of democratic government and the removal of all military and paramilitary forces are essential to the preservation of Lebanon's territorial integrity and sovereignty.

Yesterday, the Tripartite Supreme Arab Committee announced a seven-point plan calling for a cease-fire in that violence strewn nation. I join my colleagues on the Committee on Foreign Affairs in seeking a return to the security, stability that characterized Lebanon for so many years.

Mr. Speaker, the failure of the presidential elections of September 1988 in Lebanon has deepened the divisions with Lebanese society. We must encourage all parties to end the strife between Moslems and Christians and respond to the international call for cease-fire. The process of internal reconciliation must begin. Accordingly, Mr. Speaker, I strongly urge the adoption of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE], a member of the Committee on Foreign Affairs.

Mr. HYDE. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. FEIGHAN] for his thoughtfulness in calling to our minds, and it cannot be raised enough, the bloody tragedy that is Lebanon, once one of the most beautiful places in the world. Beirut was the Paris of the Middle East and now it is a charnal house, a graveyard.

It is difficult to think what in the world can be done about it. The PLO invaded and started to occupy large portions of Lebanon. The Israelis understandably felt insecure and drove them out. The Syrians were invited in, one of the great mistakes of history, to help secure the peace, and now we have the Christians and the Moslems fighting each other, with Iraq helping one side.

□ 1340

When will it end? Where will it end? The victims are civilians, women, and children that we see occasionally on the newsreels, car bombs. It is an atrocity that stains and besmirches our generation.

Thank God for the Arab League, for King Hassan of Morocco, President Benjedid of Algeria, Algeria which played such an important role in our getting some of our hostages out of Iran a few years ago, King Fahd of Saudi Arabia, because they are a respected group with prestige and with a great interest in peace in that part of the world. They have come forward with their initiative, the tripartite statement which calls for cease-fire, for lifting of blockades, for the beginning of reconciliation, and if this tragedy is ever to end, it has to be in response to such an initiative. All the praise in the world to the Arab League for their constructive, important role in this ongoing tragedy.

Mr. Speaker, let us hope and pray that some common sense will penetrate the forces that are causing fighting and violence, and that we can have some peace. We cannot think about this enough. We cannot draw the world's attention to it too much.

Again, I salute the gentleman from Ohio [Mr. FEIGHAN] and the committee for bringing it to our attention.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I am a Catholic and proud of it, and the issue we are debating today involves the genocide mostly of Catholic Christians in Lebanon. That is why it touches me so deeply.

Here is what John Paul II, the Holy Father, said just a few weeks ago, "Before the eyes of all the world, Lebanon is being consumed by a process of genocide.'

Here I am, a Christian in this Chamber, and my fellow Christians in Lebanon are being genocided. What is one of the instruments being used? A 240-millimeter siege gun, a mortar so big that it is called a block destroyer, a building destroyer, supplied by the Soviets to the Syrians. This is the weapon that killed the Spanish Ambassador to Lebanon. It is no wonder that we thought maybe our Embassy people should be removed.

Mr. Speaker, the Syrians are tearing this country apart. Every word spoken before me has been excellent, but I wonder what effect these words and this resolution will have.

To quote our first Republican President, "It is altogether fitting and proper that we should do this," but I have a feeling that Mr. Assad of Syria, President Assad, has his bathroom lined with these House and Senate resolutions.

What we should be doing is adopting my legislation, H.R. 2797, which would provide for an embargo on Syria, a total embargo on all trade with Syria until this killing stops.

I am circulating a letter today, and I will be on both sides of this aisle trying to get signatures to the President of the United States begging him to bring up this issue when Jim Baker, our Secretary of State, meets with Soviet Foreign Secretary Shevardnadze and when the President meets with Shevardnadze.

The Soviet Union supplies the Syrians with weapons of death and then asks the world to take a new look at them as though they are the new darlings of democracy on the world scene. All the while they continue their combat operations with physical Russian leadership in Angola. They are stuffing weapons into Nicaragua at an unbelievable rate, and they are supplying the weapons and shells to pound a people into oblivion. The Soviets are facilitating the genocide of my fellow Christians in Lebanon.

Of course, we will have a unanimous vote on this resolution. How could it be any other way. But for God's sake, literally and for humanity's sake, let us focus the attention where it belongs—on President Assad of Syria. I met with him for an hour and 10 minutes 2 years and 3 or 4 months ago. The man responds to public pressure, but not enough that a congressional resolution will shame him into bugging out of Lebanon. Like most frail human beings, he wants to be loved in spite of his massacre of 10,000 to 20,000 people at Hama. He got away with killing his own people. And now he is getting away with pounding into bloody rubble one of the world's most beautiful cities, or it was until this killing started 13 years ago. And all we can come up with is another wonderful resolution, heartfelt, well-meant, but ineffective.

Instead of a resolution we should be voting on H.R. 2797, and we should be urging the executive branch to lean hard on the head of the Ukrainian Party in the Soviet Union, Mr. Shevardnadze.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am compelled to make a comment because of the statement that was made with regard to the importance of, and the support for, resolutions which express the intent, or the feelings or the support of the Congress of the United States.

I think that in the anxiety or the zeal to promote a different point of view that an unnecessary denigration of the power and the necessity of the Congress of the United States in passing resolutions and speaking as we do on important international or other matters is not warranted. The truth of the matter is that whenever the Congress speaks, particularly when it is a unanimous matter on a matter as serious as this, there are many people who do listen even though there may be a lack of action in the sense that some people would like, which is to declare war on everybody.

Mr. Speaker, the truth of the matter is that people live on hope, and the one hope is that they will never be forgotten or that their cause will not be forgotten and that it will be particularly remembered by the people of the United States.

I can provide my colleagues with a quick example, because I think it is important in the context of this resolution. Who would have thought 5 years ago that we would have the kind of new dynamics taking place in the change of the relationship between the United States and the Soviet Union and Eastern Europe that exists today?

I recall very well the discussions that took place when I was chairman of the Helsinki Commission as to how futile it was to even have a Helsinki Commission or how improbable it was to make a statement in the Congress of the United States regarding the intolerable situation for the mistreatment of Christians and Jews in the Soviet Union and other Eastern bloc countries. Many felt that we should have been doing something else.

Mr. Speaker, over a period of 8 years, the Commission interviewed every refusenik and every person who managed to make his way out of the Soviet Union that we could, and we found by actual face-to-face negotiations, that the one thing that was current whenever we asked the question, "What else can we do; what should we do"; was a unanimous sense of those we interviewed that the Congress should, "Just keep speaking up. Continue in our support for their position." They said, "We are willing to put our lives and our fortunes and our families on the line. We need to know, however, that the outside world, led by the United States, has not forgotten what it is what we are trying to do."

Such is the case in Lebanon. While that situation remains tortuous, and while some people will gnash their teeth and wring their hands because of the inability of this great country to have any direct influence on other countries such as Syria or Iraq, and while in the zeal and the enthusiasm of the moment we would like to declare war on everybody in order to solve the problem, we know better than that. We are not going to declare war, and that is not the way we are going to solve the problem. There is one thing that we can do, however. We can assure those people who are struggling and who are suffering and who are dying, that the Congress is committed to a peaceful solution in Lebanon. We can assure their families that we in the United States will not forget their cause, that we are joined with other responsible countries such as the Tripartite Committee of Arab League who are seeking a just and lasting peace in Lebanon. We can tell them that we are trying to bring an end to the death and the destruction that is tearing their country apart and are committed to bringing about a peaceful settlement for the people in Lebanon who have suffered such an intolerable tragedy.

Yes, it is extremely worthwhile for us, the Congress of the United States, representing the American people, to once again go on record as saying that we deplore the tragedy, we commiserate in the suffering and that we support the effort to bring about a peaceful solution.

I urge my colleagues to overwhelmingly support this resolution.

Ms. OAKAR. Mr. Speaker, I would like to thank the gentleman from Ohio for offering this timely resolution. Sadly, since the House passed a resolution which I worked on last year, the situation has deteriorated greatly. Our attention to the complex problems there, our Nation's commitment in humanitarian assistance, and our leadership in diplomatic efforts are critical to Lebanon's survival as a democratic nation.

The level of violence in Lebanon is so extreme that it is difficult for many of us in the United States to comprehend. For example, on April 4, during the night over 5,000 shells hit the Christian areas alone, and an additional 3,000 shells hit Muslim districts. Since the hostilities escalated last March, over 800 people have been killed and over 2,600 people have been wounded, most of them civilians. The immediate families of U.S. citizens and residents suffer the constant pain of trying to live in the rubble of Beirut with the fear of what another day of intensive shelling of residential neighborhoods will bring.

The gentleman from Kansas [Mr. GLICKMAN] and I recently introduced legislation to reunify the families of Lebanese-American residents and citizens and legislation to help Lebanese nationals who need a temporary haven in the United States.

On September 11, 1989, we introduced H.R. 3239, the Lebanese-American Family Unification Act, which would permit Lebanese with family members of United States citizens and residents who qualify for visas to come here immediately, rather than wait for up to 6 years because of quota limitations under existing immigration laws. H.R. 3239 will temporarily lift the quota ceiling that has created a tremendous backlog of Lebanese who want to escape the war and come to the United States. They will not come as refugees, but under the sponsorship of family members already in the United States. In addition, this bill will not affect immigration quotas from other countries.

On September 13, 1989, we introduced H.R. 3267, the Lebanese Temporary Protected Status Act. While the vast majority of Lebanese nationals in the United States want to return to their homeland, the extremely violent situation in Lebanon prevents them from returning safely. Our country should act compassionately as a temporary safe haven for those who are here until it is safe for them to return. Our current Immigration and Naturalization Service policy does not adequately address their need for a safe haven.

The Lebanese Temporary Protected Status Act, H.R. 3267, would create a new INS status to allow the Lebanese to stay in the United States temporarily. It would provide them with the temporary haven that they need without acting as a magnet to Lebanese outside the United States, because this bill would address the needs of only the Lebanese who are currently in the United States. The INS would issue work permits to applicants, so that they can support themselves. The Lebanese nationals here under temporary protected status, however, would not be eligible for most forms of Federal aid and all forms of State assistance.

I would like to thank the gentleman from Ohio again for bringing this resolution to the floor and drawing the attention of the American people to this tragic situation. As we all know, our Nation has a great tradition of helping those who are in need and who cry out against their suffering. Earlier this year, the House demonstrated this when my amendment earmarking $7.5 million in humanitarian assistance for Lebanon passed with broad support.

I hope that the American people respond to this tragic situation. The people of Lebanon must not be ignored or forgotten. Our sense of humanity demands that we must try to help them.

Mr. DORGAN of North Dakota. Mr. Speaker, I fear that the daily reports of shelling, death, and destruction in Lebanon have numbed the public and policymakers alike. I wonder if we have given up on working for peace in Lebanon. I worry that we have forgotten the very human dimensions of a strategy that has claimed the lives of some 830 Beirut residents during the artillery duels between warring Moslem and Christian militias. I want to include for the RECORD an article which documents the most recent loss of lives in Beirut.

Some years ago, I called the civil war in Lebanon the "Rubik's cube of U.S. diplomacy." Since then the fighting has not stopped. What has changed is the apparent willingness of our Government to play a role in resolving the conflict. While I don't disagree with U.S. military disengagement, I do object to leaving the hard work of diplomacy solely to other nations.

In fairness to the Bush administration, it does make sense to involve Lebanon's Arab neighbors in the peace process. They can make a contribution to ending the war. In part, this is because Arab nations are not only directly involved in the fighting, but because they are also arming competing sides in the conflict.

However, my impression is that the State Department is counting too heavily on the success of an Arab peace initiative. Precisely because Arab nations have a vested interest in the outcome makes it necessary that other intermediaries play a vigorous part in peacemaking. The United Nations should certainly exert itself toward this end with the full support and backing of our Government. The United States itself should exploit dipomatic contacts with friendly or allied nations like Turkey, France, and Saudi Arabia, all of whom have tangible links with Lebanon and the Moslem world.

Ultimately, all peace negotiations will falter unless warring factions accept a binding cease-fire. Only then can the process of internal reconciliation begin.

Accordingly, I rise in enthusiastic support for the resolution before us today. Not only does it call for an immediate cease-fire, it underscores U.S. support for special United Nations mediation and regional peacemaking efforts. I would also urge the President to heed the resolve of the Congress and join hands in a vigorous effort to rebuild peace in Lebanon.

The article from the September 19, 1989, Washington Post follows:

FOUR BEIRUT CHILDREN DIE IN BUILDING COLLAPSE

BEIRUT, September 18.—Four young children and their father were crushed to death here today when their seven-story apartment building in the Moslem southern suburbs collapsed under heavy overnight artillery fire.

The children's injured mother, the sole family survivor, was pulled from the debris along with the bodies of her husband Salem Mokdad and the children, aged 8, 7, 2 and 10 months.

Relatives gathered at the building, crying and beating their faces while rescuers recovered clothing belonging to the children, a blood stained mattress and a towel.

Other neighborhood residents were believed missing in the rubble of the building, the top three floors of which toppled over and crashed into an adjacent building, killing two more people in their sleep and injuring four others.

The Mokdads were the only family still living in the building, neighbors said. Most others had fled the area to the south or the eastern Bekaa Valley to escape the fierce artillery duels between Moslem and Christian forces across the city. Security sources said the shells that hit the building were fired from the Christian enclave.

Six months of battles between troops of Christian army chief Gen. Michel Aoun and Syrian troops and their Lebanese Moslem allies have killed more than 830 people here and forced at least half of Beirut's 1.5 million population to flee.

Mr. YATRON. Mr. Speaker, I rise in strong support of House Resolution 128, as amended. The Foreign Affairs Committee approved this measure without dissent on July 17.

House Resolution 128 is most timely. It sends a strong, clear message to the Lebanese people that our country will help them in their struggle for the restoration of unity, sovereignty, and democratic central government, which respects and protects basic human rights.

The resolution calls for an immediate cease-fire, the removal of foreign forces, and the disbandment of all paramilitary forces in Lebanon. it also urges the involvement of the international community, the U.N., and Arab League, and condemns Syrian abuses.

Mr. Speaker, Lebanon has been a country in turmoil for over 13 years, and it remains one of the most complicated, intractable, and violent situations in the world. Our previous unsuccessful efforts to bring peace to Lebanon should not discourage us from pursuing new and creative ways to resolve the problems plaguing this troubled land.

I believe House Resolution 128 will advance the process of peace and reconciliation in Lebanon. It is bipartisan and has the support of the administration. I want to commend the resolution's author, Congressman FEIGHAN for his outstanding leadership on this issue. Let me also commend Congressman BEREUTER, ranking member of the Subcommittee on Human Rights and International Organizations, as well as Congressman BROOMFIELD, Congressman HAMILTON, and Congressman LARRY SMITH for their tremendous efforts regarding the tragic problems in Lebanon.

I urge that all my colleagues give this resolution their full support.

Mr. SMITH of Florida. Mr. Speaker, I would like to begin by commending my good friend Representative ED FEIGHAN for his diligence and leadership on this issue. I am certain that the Lebanese crisis would be shorter lived if the principal players in the conflict shared Congressman FEIGHAN'S vision and humanitarian instincts.

Democrats and Republicans in this great body disagree on many issues of the day. Yet there is absolutely no disagreement here that the tragedy which has strangled the Lebanese nation for 14 years is an abhorrence to all civilized people. In the opinion of many of us, the United States Government, as well as other members of the international community which have the ability to influence events in Lebanon, have shied away from taking measures necessary to stop the bloodshed. More to the point, the international community has stood by and watched Syria steal Lebanon from the Lebanese.

Our feeble response to Lebanon's problems has contributed to the anarchy which prevails and has contributed to the tens of thousands of innocent lives lost since 1975. And to make matters wrost, the violence is escalating.

The role of the Syrian Government in the 14-year-old Lebanese civil war has been particularly nefarious. Syrian President Haffez al-Assad intervened militarily in Lebanon in June 1976, on the pretext that the Lebanese political system needed reform. But Assad's military intervention has nothing to do with Lebanese political reform. In fact, it had everything to do with Lebanon's shared border with Israel and Assad's desire to fortify his position at home by a de facto annexation of Lebanon.

The Syrian presence in Lebanon is synonomous with destruction, death, and missed opportunities for peace. Since the inception of the civil war, 125,000 Lebanese have lost their lives; many of these deaths were inflicted directly by Syrian forces and many more by Syrian proxies. Furthermore, Assad has proven to be especially adept at subverting intra-Lebanese and foreign peace initiatives—most notably the 1983 United States plan which ended with the car bombing of the United States Embassy in Beirut and the killing of over 250 United States Marines.

The bottom line is that Lebanon does not stand a chance for peace and reconciliation as long as Assad maintains his poisonous presence there. In a recent article, Dr. Abdallah Bouhabib, the Lebanese Ambassador to the United States, stated the matter rather succinctly: "We strongly believe that the differences among the Lebanese * * * are a direct consequence of occupation. The Syrian attempt to achieve hegemony over Lebanon is preventing the Lebanese efforts toward national conciliation."

Recently, partly at my request the European and Middle East Subcommittee held a hearing as the situation with private citizens representing many groups in Lebanon testifying. The death and destruction consuming Lebanon has been allowed to fester for too long. It is my hope that this legislation will reinvigorate American, Arab, and international efforts to bring a conclusion to this dark and sad chapter in Lebanon's otherwise proud history.

Once again, I commend Congressman, FEIGHAN for his commitment to this issue.

Mr. COYNE. Mr. Speaker, I strongly support House Resolution 128, which expresses the sense of the House concerning the situation in Lebanon.

The resolution, as reported by the Foreign Affairs Committee, clearly describes the situation in Lebanon. The resolution finds that the Lebanese civil war has claimed an estimated 125,000 lives since 1975; the recent artillery exchanges between Syrian and Lebanese forces have resulted in the deaths or injury of thousands of Lebanese civilians; and these exchanges have destroyed vital sources of food, water, and electricity. The resolution also states that Syria has a prominent role in the Lebanese civil war; the Syrian Government has sought to dominate the Lebanese State and people; and the Syrian Government has frequently frustrated efforts to resolve in a peaceful manner the Lebanese civil war.

The House-passed resolution condemned the Government of Syria for the violence commitied against the Lebanese people; called for an immediate cease-fire among the parties in Lebanon; called for the removal of all foreign military forces in Lebanon; urged all parties to respond to a call for an immediate cease-fire; and, expressed support for

> * * * the appointment of special emissaries by the United Nations Secretary General and the League of Arab States, to work with the parties in Lebanon to implement a ceasefire and start a process of internal reconciliation in Lebanon.

Mr. Speaker, the tragic situation in Lebanon must end. The process of peace must begin and we must work toward the establishment of a government in Lebanon which is controlled by the Lebanese people, not by outside forces, and which respects the rights of all the Lebanese.

I think this resolution sets forth a blueprint to achieve this objective. I fully support it.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1350

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution (H. Res. 128) as amended.

The question was taken.

Mr. FEIGHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ARMS CONTROL AUTHORIZATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control Authorization Act of 1989".

TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

Subparagraph (A) of section 49(a)(1) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)(1)(A) is amended to read as follows:

"(A) $35,881,000 for fiscal year 1990 and $37,316,000 for fiscal year 1991; and".

SEC. 102. ARMS CONTROL IMPLEMENTATION AND COMPLIANCE BUREAU.

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an Arms Control Implementation and Compliance Resolution Bureau which would be responsible for—

(1) managing the implementation of existing and future arms control agreements;

(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.

SEC. 103. ARMS CONTROL VERIFICATION WORKING GROUP.

The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

SEC. 104. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

TITLE II—ON-SITE INSPECTION ACTIVITIES

SEC. 201. RESPONSIBILITIES OF ACDA DIRECTOR AND OTHER OFFICIALS.

(a) AMENDMENT TO ACDA ACT.—The Arms Control and Disarmament Act is amended by adding at the end the following:

"TITLE V—ON-SITE INSPECTION ACTIVITIES

"SEC. 61. FINDINGS.

"(a) RESPONSIBILITIES FOR ON-SITE INSPECTION ACTIVITIES.—The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this Act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

"(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

"(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

"(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

"(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

"(b) DEFINITION.—As used in this section, the term 'INF Treaty' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

"SEC. 62. ROLE OF THE ACDA DIRECTOR, THE SECRETARY OF DEFENSE, AND OTHER OFFICIALS.

"(a) IN GENERAL.—The On-Site Inspection Agency shall carry out its responsibilities—

"(1) under the policy director of the Director of the United States Arms Control and Disarmament Agency with respect to arms control;

"(2) under the operational direction of the Secretary of Defense; and

"(3) under the policy guidance of the Secretary of State, the Secretary of Defense, the Director of the United States Arms Control and Disarmament Agency, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and the Director of the Federal Bureau of Investigation, as appropriate.

"(b) CONSULTATIONS.—In furtherance of subsection (a), the Director of the On-Site Inspection Agency shall consult on a regular basis with the officials specified in that subsection.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **BROOMFIELD**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. **FASCELL**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as part of the Foreign Affairs Committee's ongoing jurisdiction over U.S. arms control and national security policy, we authorize the annual appropriation for the Arms Control and Disarmament Agency [ACDA].

Title I of H.R. 1495 as amended authorizes $35,881,000 for fiscal year 1990 for the Arms Control and Disarmament Agency and $37,316,000 for fiscal year 1991.

The objective of the Foreign Affairs Committee historically has been to enhance ACDA's ability to carry out its responsibilities under its mandate for formulating and implementing U.S. arms control policy and for implementing and verifying existing and future arms control agreements.

Committee members have worked together in a truly bipartisan fashion to determine how best to meet these objectives. The committee concluded that in order to meet these objectives additional funds would be needed for external research, personnel, and computer resources.

Title I further states that the Director of ACDA should study and report to the Congress on the advisability of establishing in ACDA an Arms Control Implementation and Compliance Resolution Bureau.

Title I also urges the President to establish a working group to examine verification approaches to a strategic arms reduction agreement and other arms control agreements.

A technical provision is also included in title I which eliminates the need for duplicitous travel orders by ACDA employees which begins in a fiscal year, but is not completed until the next fiscal year.

TITLE II—OSIA

In title II of H.R. 1495, the role of the ACDA Director, the Secretary of Defense, and other officials is clarified as these officials relate to the On-Site Inspection Agency [OSIA].

Specifically, title II states that OSIA will receive arms control policy direction from the Director of ACDA, operational direction from the Secretary of Defense, and general policy guidance from the Secretary of State, the Secretary of Defense, the Director of ACDA, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and the Director of the Federal Bureau of Investigation, as appropriate.

This language reflects the findings of a bipartisan committee staff study mission to various INF Treaty sites and facilities in the United States, Europe, and the Soviet Union earlier this year. This language does not change current law. It reaffirms current law and ACDA's rightful place in directing U.S. arms control policy.

COMMITTEE ACTION

The Foreign Affairs Subcommittee on Arms Control, International Security, and Science held several hearings before marking up H.R. 1495, which was unanimously approved on March 16, 1989. The committee heard from then-ACDA Director Gen. William Burns and Brig. Gen. Roland Lajoie, the Director of the On-Site Inspection Agency.

On March 23, 1989, the full Foreign Affairs Committee met in open session and approved H.R. 1495 by unanimous voice vote and ordered it favorably reported with all members of the Arms Control Subcommittee listed as original cosponsors.

CHAIRMAN ASPIN'S SUPPORT

I am pleased that Chairman ASPIN shares in my support of H.R. 1495 as amended.

H.R. 1495 affirms the longstanding law and congressional intent that ACDA be the lead agency within the Government for arms control policy. It is an attempt to encourage an arms control policy that enhances and preserves U.S. national security interests.

I strongly urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. **BROOMFIELD**. Mr. Speaker, I yield 5 minutes to my good friend and colleague, the gentleman from Alabama, Mr. "BILL" DICKINSON, who is the ranking member of the Committee on Armed Services.

I want to say that the gentleman and I do not often disagree on legislation, but today, because of an interagency jurisdictional disagreement, we are on opposite sides on this issue. But I am happy to yield 5 minutes to the gentleman from Alabama.

Mr. **DICKINSON**. Mr. Speaker, I thank my good friend for yielding time to me.

Mr. Speaker, let me say at the inception that I regret having to challenge my Foreign Affairs Committee colleagues, but I am forced to oppose H.R. 1495 as a result of controversial provisions in title II relating to the On-Site Inspection Agency. The rest of the bill we have no problem with, as it does good things. Only in this one narrow, focused area are we concerned.

After the Foreign Affairs Committee reported H.R. 1495 last May, the Armed Services Committee asked for and received sequential referral. Referral of the bill was justified on the ground that title II authorized $47 million of Department of Defense funds, not State Department, for the On-Site Inspection Agency and reorganized the interagency structure and process that governs OSIA. When the Armed Services Committee considered H.R. 1495 in June, we unanimously voted to strike all of title II, deleting the OSIA provisions.

Now, 3 months later, the version of H.R. 1495 currently before the House no longer authorizes the DOD funds, but still has the objectionable language that would significantly reorganize OSIA's chain of command that our committee unanimously struck.

In my opinion, and that of many who have assessed the impact, title II would implement changes in OSIA that would make its operation unmanageable and unwieldly.

On a broader level, I believe the attempt to manipulate the interagency process to this extent is an unacceptable infringement by the Foreign Affairs Committee on the President's authority to implement the INF Treaty.

The organization in question, OSIA, was established by the President in 1988 to implement the on-site inspection provisions of the INF Treaty. OSIA is situated in and funded by the Department of Defense, not the Department of State, and receives its policy guidance through an interagency process chaired by the National Security Council. The Arms Control and Disarmament Agency [ACDA], to whom the Foreign Affairs Committee would give policy control, is already well represented in this interagency process. While the Director of OSIA is chosen by the Secretary of Defense, he has deputies appointed by the State Department, the FBI, and the Arms Control and Disarmament Agency.

In view of ACDA's carefully-thought-out role in OSIA policy, I have to ask myself why the Foreign Affairs Committee is trying to turn the interagency process upside down. In fact, the Secretary of Defense, the President's National Security Adviser, the interagency community, and even the Foreign Affairs Committee itself in the report accompanying H.R. 1495 argue that the OSIA has performed exceptionally well during its first 18 months of existence.

□ 1400

Now what is the underlying motive to change the present structure? I could go into a number of supposed reasons, but just let me say, first, "If it ain't broke don't fix it." It is not broke. It is doing quite well. There is no reason to change it and to change the organizational structure.

I am not speaking just for myself or the House Committee on Armed Services. We have letters from the Secretary of Defense, Mr. Cheney, from General Brent Scowcroft, head of the National Security Council, and now I also have a letter from the head of ACDA, Ron Lehman, who says that he is opposed to the bill in this form. This is his organization that this provision would affect. He is opposed to it.

Let me read in part from a letter that he has written. He says, "I believe that inclusion of this provision," talking about title II, "would result in a veto of the legislation by the President. I support the administration's position and accordingly ask that title II be deleted from the bill."

Now this is from Ron Lehman, head of the United States Arms Control and Disarmament Agency; the Director himself.

In addition, quoting Secretary Cheney, Secretary Cheney wrote, "Since the Foreign Affairs Committee itself acknowledges that OSIA is functioning well as it was designed, I believe it would be a mistake to change the design. The proposed legislation would undercut my ability," this is the Secretary of Defense, "to manage OSIA effectively." He wrote again in June, "To attempt to reorganize would result in a multiple change of command, a situation that would lead to confusion. The administration opposes the proposed legislation which could have the effect of bifurcating the chain of command," and the President's National Security Adviser, General Scowcroft, wrote, "The mandated changes would have the effect of complicating the On-Site Inspection Agency's ability to function," and so forth.

So we have the Secretary of Defense, the head of ACDA itself, the National Security Council, the administration, the Armed Services Committee, all opposed to this title II. For that reason I would urge a "no" vote on this. I think if we do that, this problem will be laid back and the bill would be in good shape otherwise.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation. I appreciate the comments of my colleague from Florida, the chairman of the Foreign Affairs Committee, DANTE FASCELL. As usual I appreciate the constructive and bipartisan spirit with which the gentleman from Florida approached this bill, particularly his support for my efforts to improve ACDA's arms control verification and compliance capabilities.

Given the recent activity in arms control by the United States and the Soviet Union, this bill is now more important than ever. In many ways it is the heart and soul of our Nation's arms control efforts—it pays the salaries of our negotiators, it provides funds for supporting their efforts in Geneva, Vienna, and Stockholm, and it authorizes funding for the invaluable work of the arms control "backstoppers" who labor in Washington preparing the U.S. position papers for each of these negotiations.

We now have negotiations on strategic offensive systems, space and defense issues, conventional force reductions, a chemical weapons ban, nuclear testing, and conventional confidence-building measures, to name just a few. This legislation pays their bills.

Chairman FASCELL and I have gone over this bill carefully, with great deliberation. The committee has spent a year and a half engaged in extensive committee oversight of ACDA's operations. We have commissioned several GAO reviews of ACDA's operation, as well as an extensive inspector general report on ACDA.

A major finding of the inspector general report was that ACDA's verification capabilities needed to be strengthened. This bill responds directly to that finding. H.R. 1495 increases ACDA's budget in the area of verification research and analysis. In addition, Congressman HYDE has included language calling for the establishment of a Compliance Bureau at ACDA designed to enhance U.S. efforts to effectively resolve future compliance questions. This bill, with its emphasis on verification and compliance, is a responsible effort to prepare our country for the future task of making sure that the Russians live up to their arms control responsibilities.

Finally, the bill includes basic charter language for the On-Site Inspection Agency [OSIA], the agency established by the INF Treaty to monitor Soviet compliance. The administration took exception to the committee's direction that the Nation's Arms Control and Disarmament Agency should provide policy guidance to OSIA. However, I find it difficult to see why all the fuss over the statutory language. The additional language in section 62 simply reflects the status quo operation of OSIA and specifically parallels existing law currently in Public Law 87-297 as amended.

This is a very good bill which deserves your support. Support our negotiators in Geneva. Support verification of arms control agreements. Vote "yes" on H.R. 1495.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman briefly.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for his statement and also that of the chairman of the committee. It seems to me this is good legislation. If we are going to have arms control agreements, we need to have verification of compliance and the assurance that we are going to have that, or else we are going to be very leery about entering into these compacts with the Soviets.

So it seems to me strengthening the process really aids people on both sides of the issue; it aids those who want to see stronger compliance as well as those who are concerned about going too far.

We need to comply.

Mr. BROOMFIELD. That is exactly what we are doing in this bill. I thank the gentleman for his contribution.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, I want to commend the chairman of our committee, the gentleman from Florida [Mr. FASCELL] and its ranking member from Michigan [Mr. BROOMFIELD] for the fine job they have done in bringing forward this important authorization.

I think all of us regret that somewhat of a jurisdictional squabble has arisen. But I think Members should realize this is really a tempest in a teapot because the intention of this legislation is to reaffirm longstanding existing law and congressional intent that the Arms Control and Disarmament Agency be the lead agency within our Government for arms control policy.

In that sense this measure affirms and does not change current law.

This measure reaffirms that ACDA is the primary agency responsible for arms control policy and title II affirms that the onsite inspection agencies' current activities and leaves the current structure and process intact.

In that sense it does not change the chain of command, there is no rejection or change in the interagency process, there is no bureaucracy, no new bureaucracy that is created and there is no change in the current organizational structure of the agency.

This is a good piece of legislation. Members can vote for it knowing that they are furthering the very important goal of arms control policy.

I again commend those who have brought it forward today.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KYL], a member of the Committee on Armed Services.

Mr. KYLE. First of all, Mr. Speaker, I would like to thank the ranking member of the Committee on Foreign Affairs for his willingness to concede some time to me, a member of the Committee on Armed Services, in opposition to the position that he is taking. I appreciate that.

And I am in opposition to this bill and I urge all of my colleagues to vote against it as well, for two reasons.

First of all it would put them right in the middle of what is a jurisdictional dispute between two committees. I do not believe we want to put our colleagues into that position.

But it is much more than that, Mr. Speaker. No one contends that the OSIA, the Onsite Inspection Agency, is not doing its job. Even the Committee on Foreign Affairs recognizes that OSIA is doing a fine job in implementing the INF treaty. So that is not really the issue here.

I would also like to correct something else. The Committee on Armed Services in June voted unanimously in opposition to this legislation.

□ 1410

While it may be true that the committee chairman has subsequently said he would not speak in opposition to this bill or would not oppose it, he does not speak for the members of the House Armed Services Committee who, as I said, have unanimously spoken against this bill and have never been consulted by the chairman of the committee since their action in June.

Moreover, as the ranking member, the gentleman from Alabama [Mr. DICKINSON] has pointed out, this bill is opposed by the President of the United States, the Secretary of Defense, the Secretary of State, the director of ACDA, by the director of OSIA, and by the National Security Advisor, Mr. Scowcroft. If that is true, maybe there is something wrong with this bill.

One of the things that is wrong is that it is going to generate a veto. That ought to be a concern to Members who support the rest of the proposal. As the gentleman from Alabama [Mr. DICKINSON] just read from the letter of Mr. LEHMAN, there will be a veto of this bill if it passes with the title II in it. I do not think we want to see that. This policy guidance is now in an interagency process, and the ACDA is currently participating in that process. So there is no reason why the policy guidance has to be given by this legislation over to ACDA. They are already participating in the process as it is right now.

The answer, of course, unfortunately is that the only reason for it is so that the Committee on Foreign Affairs will have the oversight jurisdiction rather than the Committee on Armed Services. As I said, I really do not believe we should ask our colleagues to get into the middle of this jurisdictional fight. It is a jurisdictional fight. It is wrong, but the ramifications of it are much more serious than the interplay between two committees of the Congress. The ramifications go to the effectiveness of the OSIA and our ability to ensure that the INF treaty is implemented. That is serious business, my colleagues. I urge all Members to oppose this bill, H.R. 1495.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to a distinguished member of the Committee on Foreign Affairs, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I support this legislation, mindful that a very distinguished array of administration heavyweights from the President on down oppose it.

I think this is an example of inner administration discipline. I think a judgment is made, and I would not expect the director of the Arms Control and Disarmament Agency to go against the President or the Secretary of State or any others. I think that ought to be determinative, although important.

As I understand the structure of this legislation arms control policy will still be made by the interagency working group. The same people, under the guidance of the National Security Adviser, the director of Central Intelligence, Secretary of Defense, Secretary of State, Joint Chiefs of Staff, the same people will be formulating the policy.

What this bill changes is who will deliver that policy to the chairman or the director of the Onsite Inspection Agency. Right now, multiple sources comunicate with that gentleman. He gets confused and bewildered because sometimes the information, the directives, the operational information he gets is incoherent. It is difficult. This provides a single chain of command: the director of the Arms Control and Disarmament Agency to communicate the policy formulated by the interagency working group, the same group that does it now, to the chairman of the Onsite Inspection Agency. Now, compliance is one of the most important aspects of arms control. We adopt treaties, we pat ourselves on the back. None of it means anything unless there is compliance, and unless we know that there is compliance. It seems to me under this regime we will have a chain of command that is divided, that is ascertainable, that is coherent; and the policy, when it is formulated, will be communicated and we will have greater reassurance that compliance is, in fact, occurring.

Now, may I say parenthetically, I had Members come to me and say, Gee, you do not want the Committee on Foreign Affairs sticking its nose into arms control. Leave it to the Committee on Armed Services. I got out my handy directory and looked at the members on both committees. I do not see a world of difference in terms of moderates and immoderates. It seems to me the Committee on Foreign Affairs has as much interest in compliance as the Committee on Armed Services.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I do not think I will use the entire 3 minutes. First of all, just let me say to my good friend, the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD] that I commend them for a job well done. This is a good bill.

Second, I almost never oppose my friend BILL DICKINSON whom I dearly admire and respect. Recently he and I spent days on this floor fighting side by side on the Defense Authorization Bill.

But this time he is wrong—let me say to my conservative friends from both sides of the aisle—this bill reaffirms present law and strengthens compliance and on-site verification procedures.

The very reason that conservatives like me helped lead the fight to approve the INF Treaty was because of built-in commitments on compliance and on-site verification.

This bill sets in motion procedures that indicate the conservative support we gave to the INF Treaty.

Mr. Speaker, I rise in support of this measure. H.R. 1495 is a real attempt to give the Arms Control and Disarmament Agency a meaningful function. And, frankly, the administration should pay more attention to arms control compliance. This very month marks the 50th anniversary of the start of World War II—a war which began after every arms control treaty signed over the previous generation had been systematically violated. History teaches that treaties alone are not enough—there has to be appropriate follow-up and verification.

And I believe H.R. 1495 is an important step in the right direction. It provides the necessary funding for increased research and analysis concerning the verification of existing treaties. It provides the necessary computer resources for the ongoing negotiations now taking place, as well as for the preparation of arms control scenarios in the future. Finally, H.R. 1495 calls for the creation of a compliance bureau at ACDA, and it codifies congressional oversight of the onsite inspection agency which was created to monitor compliance with the INF Treaty.

So, we have before us a good bill—a bill which addresses the specific weaknesses which ACDA itself has identified in the present system.

I will conclude, Mr. Speaker, by noting that some objections have been raised against this bill by members on the Armed Services Committee, members whom I greatly respect and whose lead on these issues I usually follow. But, in this instance, at a time when the administration has not produced a credible alternative to this bill, I believe we should go ahead and pass it. The administration's objections seem to be more in the nature of protecting turf than in opposing the substance of what this bill is trying to accomplish.

If you want to strengthen compliance and onsite verification procedures, vote for this bill.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

While we have had a good discussion I simply want to clarify some main points.

First of all, as far as this bill is concerned, there is no new chain command. I think we need to get that clear. We do not reject the interagency process. The U.S. Government could not operate without the interagency process, whether or not it is chaired by the NSC. The normal process is that we designate a lead agency. There is nothing wrong with that. There is no new bureaucracy to be created. There is no change in the organizational structure of the On-site Inspection Agency [OSIA].

Maybe I can help clarify it this way: The Onsite Inspection Agency concept came out of the INF Treaty process. OSIA is performing the arms control, function of implementing the treaty. The administration in looking for the necessary funds and personnel to get the INF Treaty implementation process going decided to send down a budget request, so the money came out of the 050 account or the defense account. The personnel were highly technical people largely in the defense agency at one level or another. When the bill came down it was sent to the Committee on Foreign Affairs because the Arms Control and Disarmament Agency is the parent agency with the legal responsibility under the law for implementation and verification of arms control and disarmament agreements.

□ 1420

Mr. Speaker, the Committee on Armed Services took a look at the bill and said, "Wait a minute. The money and some of the people are coming out of DOD." So they asked for sequential referral.

We engaged in a discussion with the Committee on Armed Services, and as far as the Committee on Foreign Affairs is concerned, we make no claim this year with regard to the right of the Committee on Armed Services to determine the question of funding since it is defense moneys. But then the policy question remains. It is still not clear whether the Arms Control and Disarmament Agency would still have the policy direction under law for the On-Site Inspection Agency. To eliminate that doubt, we wrote this into the bill because arms control policy is the responsibility under law of the Arms Control Disarmament Agency.

We simply wanted to make it clear that the On-Site Inspection Agency, which is performing an arms control function of implementing an arms control treaty should receive its policy direction from the Arms Control and Disarmament Agency, and that as far as the operational policy is concerned, that would be within the Department of Defense and that general policy would still remain within the interagency committee.

I want to make it clear to my colleagues that the reason I am taking this lengthy bit of time to explore the matter is that it is not simply a jurisdictional fight between the Committee on Armed Services and the Committee on Foreign Affairs, because in our judgment that matter has been resolved. We have said to the Committee on Armed Services, "OK, since the money for the On-Site Inspection Agency comes out of DOD, the 050 count, you have a say over that, but on policy matters which affect the Arms Control and Disarmament Agency, that is totally within the jurisdiction of the Foreign Affairs Committee, and we will clarify that that still remains in the committee."

Obviously, downtown, where all this struggle started, by the way, there is objection to that because there are some people who feel, and I think incorrectly, that the whole operation of the On-Site Inspection Agency, policy guidance as well, should also be in DOD. Congress resolved that fight 30 years ago, and all we are saying today is that we should not change that.

So a vote for the bill is to keep things the way they are, since we have, through long experience, found out that that is the wise thing to do. A vote against the bill would simply mean that what we want to do is to go a new route and put policy direction in DOD for arms control. We do not think at this moment that that is a wise thing to do.

They are doing a good job. The gentleman from Alabama is absolutely correct in what he says. So let us not change things. DOD still has a handle. Their voice will be heard regardless, both because they have the money and because they sit on the interagency committee. All I am saying is that we should not change the law with respect to the Arms Control and Disarmament Agency. They have that responsibility under the law.

Mr. Speaker, let us leave it there, and let us clarify it. They can fight it out in the interagency committee, and Congress can step back away from it.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield the balance of my time to the gentleman from New York [Mr. GILMAN], I want to say that I associate myself with the remarks just made by the chairman of the Committee on Foreign Affairs.

I think this bill is too important to be lost on the floor. I hope the Members will give us an opportunity, with the assurance of the committee chairman and myself, that we are going to be working constantly through the entire process. This is just the first part of that process as Congress through the Senate and the conference committee, work on this matter, and we will do everthing we possibly can to accommodate the administration. This is an extremely important bill, and I hope the Members will support it.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. GILMAN].

Mr. FASCELL. Mr. Speaker, I yield 1 additional minute to the gentleman from New York [Mr. GILMAN].

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York [Mr. GILMAN] is recognized for 2½ minutes.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for H.R. 1495, a bill to authorize appropriations for the Arms Control and Disarmament Agency for fiscal years 1990 and 1991. And I commend the distinguished chairman of our Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] for his work on this measure.

This bill reflects over a year and a half of Foreign Affairs Committee oversight over the Arms Control and Disarmament Agency and is our response to three surveys requested by the Committee on Foreign Affairs by the GAO, as well as one committee mandated inspector general report.

In this age of rapid change and developments in the field of arms control, as well as the necessity for the United States to respond to new Soviet initiatives, I believe that this bill sends the right message to the Soviets. This authorization measure demonstrates, unequivocally, that the U.S. Congress is profoundly committed to the critical function of the Arms Control and Disarmament Agency in backstopping our negotiations in Geneva, Vienna, and Stockholm and in providing substantive verification and analysis.

Accordingly, I urge all of my colleagues to support this important measure.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 1495, as amended.

The question was taken.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1497, the bill which was just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

NATIONAL FLOOD INSURANCE PROGRAM AND FEDERAL CRIME INSURANCE PROGRAM REAUTHORIZATION

Mr. ERDREICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2771) to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991.

The Clerk read as follows:

H.R. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) GENERAL AUTHORITY.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(b) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1990" and inserting "September 30, 1992".

(c) ESTABLISHMENT OF FLOOD-RISK ZONES.—Section 1360(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(a)(2)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(d) LIMITATION ON PREMIUMS.—Section 541(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 4015 note) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(e) STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE.—Section 1306(c)(7) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(7)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

SEC. 2. EXTENSION OF CRIME INSURANCE PROGRAM.

(a) GENERAL AUTHORITY.—Section 1201(b) of the National Housing Act (12 U.S.C. 1749bbb(b)) is amended by striking "September 30, 1989" in the matter preceding paragraph (1) and inserting "September 30, 1991".

(b) CONTINUATION OF EXISTING CONTRACTS.—Section 1201(b)(1) of the National Housing Act (12 U.S.C. 1749bbb(b)(1)) is amended by striking "September 30, 1990" and inserting "September 30, 1992".

(c) LIMITATION ON PREMIUMS.—Section 542(c) of the Housing and Community Development Act of 1987 (12 U.S.C. 1749bbb-10c note) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

The SPEAKER pro tempore (Mr. DONNELLY). Under the rule, a second is not required on this motion.

The gentleman from Alabama [Mr. ERDREICH] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama [Mr. ERDREICH].

GENERAL LEAVE

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ERDREICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2771 reauthorizes the National Flood Insurance Program and the Federal Crime Insurance Program for 2 years.

The Flood Insurance Program was enacted by Congress as part of the 1968 Housing and Urban Development Act to provide affordable property coverage for home and business owners in flood prone areas and to encourage sound land-use and development patterns to minimize future losses to private property due to hurricane, flood, and storm damage.

The Flood Program provides adequate coverage to our seacoasts, lake shores, and river banks at affordable rates. It reduces the need for Federal disaster assistance for storm damage to only the most catastrophic storms.

The Crime Insurance Program was established in 1970 to provide affordable property coverage for home and business owners in high-crime areas.

The need for the program grew out of the urban riots of the late 1960's. During that time, private insurers canceled burglary and robbery insurance in urban areas throughout the country because of the increased crime hazard. The program has since acted as an anchor for property owners who would otherwise be forced to leave their homes and communities, contributing to the decline of economic activity and vitality in these neighborhoods.

Both programs are administered by the Federal Insurance Administration, originally part of the Department of Housing and Urban Development, but since 1979, a part of the Federal Emergency Management Agency.

Both programs have traditionally been reauthorized together, and it is urgent that action be taken prior to the end of this month to continue the protection granted by the programs. The Flood Protection Program is particularly urgent at the height of the hurricane season.

Home and business owners have come to rely on the coverage and protection offered by each program. The programs permit affordable protection against the insured hazards, and no suitable alternative exists for policy holders without these programs.

The National Flood Insurance Program currently covers almost 2 million structures located in every State, Puerto Rico, and the Virgin Islands. It is estimated that as many as 11 million structures are eligible for coverage under the program.

The Crime Insurance Program has covered over 80,000 properties nationwide out of 2.5 million eligible properties.

The Committee on Banking, Finance and Urban Affairs unanimously reported H.R. 2771 on June 28 in response to the instructions from the Committee on the Budget as part of the 1990 reconciliation bill. By reauthorizing these programs the committee fulfills its obligation of creating budget savings of over $200 million for both years.

Yet these figures do not begin to measure the longer term savings to the Federal Government produced by enhanced land use in flood prone areas and the economic activity permitted in our neighborhoods.

I urge my colleagues to pass H.R. 2771 to reauthorize these two important programs.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2771 to reauthorize the National Flood Insurance Program [NFIP] and the Federal Crime Insurance Program [FCIP] for 2 years, or until September 30, 1991.

Earlier this year, H.R. 2771 was reported favorably by the House Banking, Finance and Urban Affairs Committee pursuant to the concurrent budget resolution for fiscal year 1990 (H. Con. Res. 106). For purposes of the fiscal year 1990 and 1991 budgets, these two programs are scored as positive, albeit small, contributions to the Federal budget.

Because we are quickly approaching the end of this fiscal year, we face the imminent possibility that we may fail to pass a budget reconciliation bill by October 1. Given the fact that we are in the midst of the hurricane season, and may in fact have a hurricane—Hugo—headed our way, we are naturally eager to avoid a lapse in the authorization of these programs.

While we are proceeding with a simple 2-year extension of the Flood and Crime Insurance programs, I want to assure my colleagues in the House who have a direct interest in these programs, or who have expressed an interest in reforming these programs, that the Banking Committee expects to continue to move forward with legislation to revise and reform both of these programs and I have that assurance from the majority.

Although the National Flood Insurance Program currently is self-supporting for an average loss year, certain Flood Insurance Program issues merit further consideration by the House, including compliance by lenders and homeowners, the possible escrowing of flood insurance premiums, conservation mitigation, better land-use planning and regulations, greater discretion granted to FEMA and the Federal Insurance Administration to set local restrictions, and possible revisions to the Upton-Jones amendment, to name a few.

I want to commend the acting chairman of the subcommittee, the distinguished gentleman from Alabama [Mr. EDREICH] who has conducted the subcommittee's hearings and operations with complete impartiality and fairness.

With regard to the flood insurance hearings, I also especially want to thank the gentleman from Delaware [Mr. CARPER] for the interest he has shown in the program, and for his valuable recommendations on how to improve it. I also want to thank my colleagues who took the time to appear before the subcommittee including Representative FASCELL, Representative JONES, Representative BOGGS, and Representative UPTON for their interest and input. Their recommendations are under consideration, and I am sure the subcommittee will attempt to accommodate their concerns and recommendations in future flood insurance legislation if at all possible.

With regard to crime insurance, I can also appreciate the importance of this insurance to people living in larger urban metropolitan areas with crime problems, especially small businesses and churches in high-crime, inner-city areas. However, like flood insurance, the Federal Crime Insurance Program also has certain flaws that need to be addressed.

As a result of subcommittee hearings held both here in Washington and in New York City, the latter at the encouragement of the gentlemen from New York [Mr. GARCIA and Mr. GREEN] some modifications are needed in the Federal Crime Insurance Program. In particular, we need to address the issue of caps on premiums increase, and methods of increasing local and State participation in providing adequate and affordable crime insurance.

Mr. Speaker, while the administration has certain reservations with both the Flood and Crime Insurance programs, for expediency to avoid a lapse in the reauthorization of these two programs, it does not object to the passage of H.R. 2771 at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. ERDREICH. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I rise to urge the passage of H.R. 2771 and to commend the acting chairman of the Subcommittee on Policy, Research and Insurance, Mr. ERDREICH. This is the first bill reported by the subcommittee and I am proud to say that the acting chairman has found a way to meet the Banking Committee's reconciliation instructions and to find an additional $9 million in savings. I think the gentleman can be proud of his efforts in this regard and I compliment him and all the members of the subcommittee for their work on this legislation.

H.R. 2771 reauthorizes the Flood and Crime Insurance Programs for the next 2 fiscal years. These programs ensure the availability of essential insurance for homeowners and small businesses in communities across our Nation. This insurance is simply not available or affordable in many of our Nation's communities. If these programs were permitted to expire, many homeowners would be left without protection on the biggest single investment of their lives and many distressed communities would suffer an acceleration of the loss of small businesses that offer the hope and promise of economic growth.

This year's budget resolution required that the Banking Committee report legislation achieving a savings of $204 million over the next 2 fiscal years. The legislation before the House today would result in savings of $213 million over the next 2 fiscal years—$9 million more than is required by the budget resolution.

I urge the adoption of the legislation.

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. UPTON], the coauthor of the Upton-Jones amendment.

Mr. UPTON. Mr. Speaker, I also want to commend the chairman, the distinguished chairman, of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], before he leaves for his fine work, both this year, as well as last year. I know we went through what seemed like Herculean efforts to get this bill through last year, and I welcome his chance to renew and again show the improvement that this bill has shown over the last year.

Mr. Speaker, as a Member from the Great Lakes State of Michigan, I am glad to speak in support of the national flood insurance program. In the 100th Congress, I, along with many others, cosponsored a successful amendment to the national flood insurance program which we later labeled the Jones-Upton amendment which fixed serious flaws in the program which negatively affected both homeowners as well as the environment. In the fall of 1986 terribly high water levels occurred and hundreds of homeowners around the Great Lakes with flood insurance policies faced a very difficult situation. Should they preserve their homes and relocate? Should we save the expense? Should we file flood insurance claims? No one really knew what to do, but they decided in oft many cases they actually had to wait to see their house fall into the Great Lakes. What financial incentive did these homeowners have to save their homes to prevent serious environmental problems that occurred when their homes, including the sewage systems, the septic tanks, the garage doors, the aluminum siding, their roofs, washed and tumbled into the Great Lakes? The answer was: None.

□ 1440

The answer was none. To address the problem, a number of us offered financial incentives to the Flood Insurance Program for homeowners to move or demolish their homes before creating environmental disaster, to draw a large payout from the National Flood Insurance Fund. Our proposal was quickly endorsed and embraced by the chairman of the committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. Jones], who was extremely helpful in guiding this proposal through the legislative process.

The legislation which we introduced, H.R. 2500, last year in the 100th Congress became law as section 544 of the Housing and Community Development Act of 1987. Since the enactment of this proposal, the Jones-Upton amendments, the environmental and financially expensive practices of letting homes fall into the lake waters have been replaced by a much better procedure. We saved taxpayers money by relocating structures when we can for a fraction of the cost instead of paying a full claim on the structure. We save money through alternatives of relocation or demolition and also the awards for claims are limited to the lowest of the three values, the value of the policy, the assessed value of the structure, or the actual price paid for the building or home with an inflation adjustor.

In addition, the new policy reduced abuse in the National Flood Insurance Program by requiring homeowners to have flood insurance policies for at least 2 years prior to their claim. Under the old system, a homeowner could literally wait until the afternoon of a storm, file for insurance, determine a policy, and at that point watch their home fall into the lake and file for a claim.

Mr. Speaker, more significantly, the new procedure for filing for flood insurance protects the environment by removing the structures before they actually fall into the water and by requiring homes to be relocated beyond a 30-year setback for more effective flood-plan management.

The new provisions during the first year have worked out very well. We have improved the old National Flood Insurance Program and its value to homeowners. It was set to expire September 30, 1989, only 1½ weeks away.

We have seen over the last year that we have met the test of time, and this bill which extends our improvements for 2 years should be enacted swiftly by the House of Representatives today.

This bill is environmentally sound. It is fiscally prudent and improves immeasurably the former bill which we were able to change only last year.

One further note that I would like to add is that it was very sad news this last weekend that I heard that Donna Asselin, the founder of the Michigan Shoreline Homeowners' Association, whom we worked with very closely in drafting this legislation last year, passed away this last weekend. I am sure that she would have wished that we would see this legislation pass very quickly like we hope to see later this afternoon.

Mr. ERDREICH. Mr. Speaker, I yield 3 minutes to the gentlewoman from Louisiana [Mrs. Boggs], whose husband, Hale Boggs, was deeply involved in the beginning of this legislation, and during her tenure she has been instrumental in maintaining this legislation.

Mrs. BOGGS. Mr. Speaker, I rise in strong support of H.R. 2771, this bill to reauthorize the National Flood Insurance Program and the National Crime Insurance Program.

I rise especially to discuss the National Flood Insurance Program which, all in all, represents excellent Federal policy. It saves the taxpayers money by making certain that those at risk contribute to their own assistance by a policy premium, and it affords the Federal Government the opportunity to impose controls and flood-plain management.

This year the program is 21 years old. It has reached the age of maturity, and having undergone many major modifications during the course of its development, it is now a strong, healthy, grown-up program. The bill before us today reflects all of the changes and emergency implementation added in 1969, the establishment of the flood-risk zones, the limitations on premiums that were added in 1987, and these are structures on land subject to imminent collapse and subsidence sections of the bill.

Mr. Speaker, as the chairman has suggested, I have been involved in one way or another with the flood insurance program since its inception. Not only do I represent a district which has more policies than probably any other congressional district in the country, but Hale, my husband, as the Members have heard, who preceded me in representing Louisiana's Second Congressional District, was really instrumental in the creation of the National Flood Insurance Program. It was he, who added in 1965, an amendment to the Southeast Hurricane Disaster Relief Act, an act that was predicated on the terrible disaster wrought upon us by Hurricane Betsy of that year, equal in difficulties to Hugo that is pounding so many of our neighbors now, and it called for a study of the feasibility of a Federal insurance effort to assist people with terrible losses associated with floods. It was also he who introduced legislation resulting from the recommendations of that study.

Mr. Speaker, the devastation of flooding is very real to us, coming from an area that is entirely low-lying far below sea level and subject to flooding from the Mississippi River and from torrential rains. We recognized that there was an urgent need to provide consistent, reliable assistance to individuals subject to disaster, to spare the Federal Government the huge outlays for outright disaster relief, and to encourage communities, developers, and individual property owners to plan and build responsibly for the mitigation of potential flood damage.

It was out of such concerns envisioned that the National Flood Insurance Program was born by the Housing and Urban Development Amendments of 1968. However, when Hale introduced the legislation in 1967 to create a national program of flood insurance, he was joined by a large number of Representatives from all over the country indicating the problems of funding, that the problems of funding were national in scope. As a matter of fact, he said that this demonstration of unity gives added impetus to solve a problem that is a domestic problem that is national in scope.

Mr. Speaker, H.R. 2771, which represents the needed changes through the years and the diligent attention and hard work of the chairman, the gentleman from Alabama [Mr. Erdreich], and the ranking member, the gentleman from Nebraska [Mr. Bereuter], and the gentleman from Delaware [Mr. Carper], deserves enthusiastic support on a national basis.

Mr. ERDREICH. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. Carper], who has been a valuable member of the Committee on Banking, Finance and Urban Affairs in this effort.

Mr. CARPER. Mr. Speaker, I thank the chairman of our new subcommittee for the opportunity to say a few words today.

We are looking at H.R. 2771. It is a 2-year reauthorization of our National Flood Insurance Program.

As the gentlewoman from Louisiana [Mrs. BOGGS] has said, it is a program that is about 21 years old. It is a program that has problems, and problems that are not being fully addressed, as the gentleman from Alabama [Mr. ERDREICH] and others know. It is not being fully addressed in this legislation, but it will be addressed, I believe, in the course of coming months as we work on supplemental legislation.

As storm Hugo has worked its way through the Virgin Islands and Puerto Rico and is now bearing down on the eastern coast of the United States, we find that our National Flood Insurance Program provides roughly $170 billion worth of coverage for property in our country—$170 billion of coverage—and roughly $55 billion of that is in Florida alone. There is at this time about $500 million in reserves in the National Flood Insurance Program to pay for potential costs from Hugo, or, in the wake of Hugo, Ida, and the list goes on.

It is not a good situation. Less than one out of every five properties that should be insured that are located in flood plains are actually insured today. Something like 50 percent, almost 50 percent, of the claims that are paid go to 2 percent of the properties that are covered, 2 percent that are susceptible to repetitive damages.

During the 21-year history of the program, we see that administrative costs for running the program, when added to the costs of claims paid, actually exceed premiums collected in the program by about $1 billion. Clearly it is a program that has worked not altogether to our satisfaction. It is a program that I think can be improved upon, and I hope it will be in the months ahead with our new legislation.

What might that new reauthorization in the next year or so look like? I would hope that we would encourage the escrowing of insurance premiums for the flood insurance program, just as currently, when lenders make mortgages, escrows may be collected for local property taxes, and escrows are oftentimes collected for other insurance, I believe they should also be collected for flood insurance.

□ 1450

Second, I think it is important for us to identify those properties that are the subject of repetitive damage and to encourage the owners of those properties which are damaged year after year, storm after storm, to take steps to modify those properties, to reduce the risk to them and hence to the drain on the insurance fund and ultimately on the taxpayers.

What we would have them do is floodproof those properties, elevate those properties in some cases, or we would have them relocate those properties. We would offer a carrot and I think we should offer a stick to ensure that the risk to the fund and to the taxpayers is reduced by these repetitive-loss properties, one, by providing access to a low-interest revolving fund for property owners; and two, by saying if the deficiencies are not corrected, if they do not reduce the risk of damage to the property we are going to make them start paying the full actuarial insurance rates for those properties.

We also need to encourage States and local governments to take properties now located in high-risk areas and try to move them out from development, simply put them into recreational areas, into wetlands, into nondevelopmental activities where feasible.

Finally, with regard to erosion, we can actually gauge what erosion has taken place, and we can gauge what the sea levels have increased over the past 50 years and forecast what the erosion is likely to be for the next 50 or 75 years. I think it is appropriate that we encourage State and local governments to not permit development on lands that we believe, strongly believe are likely to be eroded and overtaken by the sea over the next 50 or 75 years.

In conclusion, I commend the gentleman from Alabama [Mr. ERDREICH], chairman of the subcommittee, and the gentleman from Nebraska [Mr. BEREUTER] for bringing this measure to the floor. We do not want to let the program lapse. I look forward to working with them in the months ahead as we try to address some of the remaining deficiencies of the program. Although much has been done in this legislation that we will vote on today, much still remains to be done in the months ahead, there is a great deal more to do, and again I thank the gentleman for yielding time to me.

Mr. ERDRICH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I thank the chairman for allowing me this time.

Mr. Speaker, tonight in Burnet, TX, there will be a meeting of people in the Highland Lakes area of my district to discuss and analyze and seek some relief from the new 100-year floodplain that was established by FEMA. I suppose upward to 500 people may come to that meeting because it vitally affects the residents of that district.

Somehow or another there has been a slippage between the establishment of that level by FEMA and the communication between that organization and the river agency involved, the Lower Colorado River Authority, or perhaps the country and the city agencies there in that area. A lot of people suddenly are being told that the 100-year flood level is now going to be established as an exact spot or point which has caused a lot of people, perhaps 100 of them, to realize that their homes will be under the 100-year flood level.

The fact of the matter is that somewhere between the time that the authorities set about to establish the 100-year flood level and the time that has been advocated for its implementation, a lot of homeowners suddenly find that their property is going to be severely hurt. Without any fault of their own, their property is now deemed as being subject to flooding and, therefore, they cannot get insurance this year, or they cannot sell because that hangs over their head.

I would suggest to the chairman of the committee that this matter ought to be looked into more thoroughly. As I recall it, 1 year or 2 ago the FEMA representative did come into the district and held a meeting, but it was not adequately advertised, it was not emphasized. Participants from the various property sections of the county and the city officials were not there, and the river authority was not directly involved. As a consequence, under the law I think they held a hearing, but somehow or another it was not publicized so that everyone could come forward and participate and have their say. Now 2 years later they are faced with the sudden implementation of this program.

It would seem to me we ought to reexamine our procedure and somehow be certain that all parties involved are given notice in a better form. I do not charge that we have a weak procedure because I am not that familiar with the act, but we certainly want to inform ourselves about it.

I have talked with the FEMA representatives here within the last 30 days several times. The FEMA representatives here have been very cooperative, they have extended their time, and they are going to hold a meeting tonight and not implement their findings for the 100-year floodplain for another 30 days at least. I would hope the law would even give more time if it is needed, and I hope the committee can keep that in mind, because good people are being hurt without any fault of their own in many instances. Perhaps some ought to have known better.

Mr. ERDRIECH. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Alabama.

Mr. ERDREICH. Mr. Speaker, I assure the gentleman from Texas we have been looking at both the mapping and the notice to the communities, and that the subcommittee might take a further look at that, both with the interest of your Texas area in mind and across the Nation to ensure that there is adequate notice and that the mapping procedure is fully disclosed way in advance before such a surprise would occur to any community.

Mr. PICKLE. I cannot say that this was a surprise, but it was taken very lightly, and then all at once a crisis is upon us. We must say that the facts will have to speak for themselves, but Congress cannot legislate the 100-year flood at this point. That is for the engineers and the hydrologists to determine. But full implementation of that policy ought not be made until all affected are told in advance, and it should be a very public affair so that all parties can participate. I think perhaps we have had some slippage here, and other districts may be affected similarly. I would hope that we would look at that very carefully and see if we can give those people all the time possible, and in this instance I hope allow additional time if it is needed.

Mr. BEREUTER. Mr. Speaker, I urge my colleagues to support H.R. 2771.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ERDREICH. Mr. Speaker, I yield myself our remaining time.

Mr. Speaker, I very much appreciate the remarks of my colleagues this afternoon in support of H.R. 2771.

The reauthorization of the insurance programs is sound and it is urgent. The hurricane season is upon us—witness Hurricane Hugo—and the continued availability and affordability of these programs will over time result in a savings of Federal disaster assistance.

I urge my colleagues to support the bill, and thank the distinguished members of my subcommittee and the members of the full Banking Committee for their past support.

Mr. KANJORSKI. Mr. Speaker, as a member of the Policy Research and Insurance Subcommittee, I rise in strong support of H.R. 2771, legislation to reauthorize for 2 years the National Flood Insurance and National Crime Insurance Programs. Passage of this legislation by September 30, 1989, will save U.S. taxpayers $190 million next year alone, and is essential if we are to continue these valuable programs.

Mr. Speaker, I know from personal experience how critical the Flood Insurance Program can be to a community. In June 1972 floodwaters from Hurricane Agnes destroyed billions of dollars worth of property in northeastern Pennsylvania and left tens of thousands of families homeless.

Unfortunately, in 1972 only a handful of homeowners and businesses had any form of flood insurance. As a result, relief efforts had to be built from scratch, and many families lost their homes, their livelihoods, and their life's savings. Today, nearly 10,000 homes and businesses along the Susquehanna River in my congressional district, valued at nearly $1 billion, are protected by the National Flood Insurance Program.

We need only look at this morning's newspaper and TV reports on Hurricane Hugo to know how devastating the power of a hurricane is. As our hearts and our hopes go out to the victims of this most recent natural disaster, we must redouble our efforts to improve the National Flood Insurance Program. We may never be able to stop a hurricane, but through proper planning we can mitigate its damage, and make the rebuilding process easier.

The initial hearings we have held under Chairman ERDREICH leadership have suggested that while the Flood and Crime Insurance programs are valuable and need to be continued, there are also a number of important programmatic improvements we must consider. I am extremely encouraged that our chairman does not intend to let matters rest with the passage of this legislation, but will instead press forward with further hearings and legislation.

As the chairman is aware, after several months of consultations with experts in the flood insurance field, on August 4, 1989, the gentleman from Delaware [Mr. CARPER] and I introduced H.R. 3159, legislation to reform the National Flood Insurance Program.

Our legislation is designed to increase participation by authorizing Federal banking regulators to require that flood insurance premiums be paid through mortgage escrow accounts, by imposing penalites on lenders who fail to ensure that required flood insurance is purchased and maintained, and by requiring lenders to notify borrowers of their flood insurance obligations.

H.R. 3159 also seeks to mitigate losses which result from repetitive flooding of certain highly flood-prone properties. It establishes a system for identifying repetitive loss properties and mitigation options, and then provides economic incentives to property owners to initiate mitigation activities. It also mandates higher actuarially based flood insurance premiums for owners who refuse to take action to avoid repetitive losses.

Finally, H.R. 3159 establishes required erosion setbacks and provides more systematic updates of flood insurance maps.

Mr. Speaker, once we enact today's "must pass" legislation I look forward to working with the chairman and the ranking Republican member, as well as my colleague from Delaware, and others, on comprehensive legislation to improve this already worthwhile program.

The people of northeastern Pennsylvania are prepared to demonstrate to the subcommittee, and to the Congress, how important a good flood insurance program, with widespread participation, is to our economy.

Mr. JONES of North Carolina. Mr. Speaker, I support H.R. 2771. Visit my district, particularly the Outer Banks, and the importance of the National Flood Insurance Program will be clear. This bill extends the program's authorization for 2 years.

Particularly important is the extension of an innovative program which was enacted about 18 months ago. The so-called Jones-Upton amendment is designed to provide immediate assistance for relocation or demolition of structures which are in imminent danger of collapse. Thereby, a total loss insurance claim is avoided, and personal property loss and environmental damage are prevented.

Jones-Upton is not a miracle solution to erosion problems. But it is an extra tool for homeowners and coastal managers to use in coping with the effects of erosion.

Before Jones-Upton, a homeowner was faced with a difficult catch-22. Either pay out of pocket to move the structure, or sit helplessly and wait for the inevitable collapse so that insurance could be collected. Now a flood insurance payment of 40 percent is authorized for relocation of threatened structures. It doesn't take a math scholar to figure that 40 percent is cheaper than 100 percent. This means that we can achieve a good public purpose and save money in the bargain. We don't often have such opportunities.

One hundred ten percent is authorized for demolition, so the savings are not as compelling. However, the added benefits of safety and environmental protection make this aspect still a bargain.

Jones-Upton is not perfect. Early implementation indicates far too much reliance on demolition. We need to encourage more relocation and shortly I will propose changes to accomplish this. The extension provided by this bill will allow time for further evaluation.

I want to thank my colleagues on the Banking Committee, and particularly, Mr. ERDREICH and Mr. BEREUTER, for their support and their receptiveness to new ideas. Under their leadership, I think the House will soon see innovative reforms in the Flood Insurance Program.

I support this bill wholeheartedly and recommend a yea vote.

Mr. ERDREICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DONNELLY). The question is on the motion offered by the gentleman from Alabama [Mr. ERDREICH] that the House suspend the rules and pass the bill, H.R. 2771.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM REAUTHORIZATION ACT OF 1989

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3282) to amend title 5, United States Code, to authorize the continuation of the performance management and recognition system through March 31, 1991, and for other purposes.

The Clerk read as follows:

H.R. 3282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Management and Recognition System Reauthorization Act of 1989".

SEC. 2. REAUTHORIZATION.

Section 5410 of title 5, United States Code, is amended by striking "September 30, 1989" and inserting "March 31, 1991".

SEC. 3. AMENDMENTS RELATING TO MERIT INCREASES.

(a) AMENDMENTS.—Section 5404 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "applicable" in paragraph (1) and inserting "first";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) the term 'second reference rate', as used with respect to the rate of basic pay of an employee, means the rate equal to the sum of—

"(A) the minimum rate of basic pay provided under section 5332 of this title for the grade of the position held by such employee; and

"(B) two-thirds of the difference between the maximum rate of basic pay provided for such grade under such section and the minimum rate of basic pay so provided;"; and

(2) in subsection (c)—

(A) by striking "applicable" in paragraph (1)(A) and inserting "first"; and

(B) by striking subparagraph (B) of paragraph (1) and inserting the following:

"(B) If, on the day before the effective date of an increase under this section, the rate of basic pay of the employee equals or exceeds the first reference rate but does not exceed the second reference rate, and the performance of such employee is rated—

"(i) at the level 2 levels above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to a merit increase; or

"(ii) at the fully successful level or the level 1 level above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to one-half of a merit increase.

"(C) If the rate of basic pay of the employee equals or exceeds the second reference rate on the day before the effective date of an increase under this section, and the performance of such employee is rated—

"(i) at the level 2 levels above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to a merit increase;

"(ii) at the level 1 level above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to one-half of a merit increase; or

"(iii) at the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to one-third of a merit increase."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1989, and shall apply with respect to any pay increase which becomes effective during the 18-month period beginning on that date.

SEC. 4. AMENDMENTS RELATING TO PERFORMANCE AWARDS.

Section 5406(c) of title 5, United States Code, is amended—

(1) by striking subclause (III) of paragraph (2)(A)(i) and inserting the following:

"(III) shall be 1.15 percent for each of fiscal years 1989, 1990, and 1991.";

(2) in paragraph (2)(A)(ii) by striking "of the 5 fiscal years" and inserting "fiscal year"; and

(3) by adding at the end of the following:

"(3) The estimate under paragraph (1)(A)(ii) for fiscal year 1991 shall not take into account any period following March 31 of that year."

SEC. 5. PERFORMANCE IMPROVEMENT PLANS.

(a) IN GENERAL.—Section 4302a(b) of title 5, United States Code, is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) procedures under which any employee whose performance has been rated below fully successful shall be given a performance improvement plan (which shall include, along with such other matters as the agency may consider appropriate, a description of the types of improvements that the employee must demonstrate to attain the fully successful level of performance) and a reasonable period of time to attain that level; and

"(6) reassigning, reducing in grade, or removing any employee who fails to attain at least the fully successful level once afforded the period under paragraph (5).

The provisions of section 4303, relating to the reduction in grade or removal of an employee for unacceptable performance, shall apply with respect to any reduction in grade or removal under paragraph (6)."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1989, and shall apply with respect to any performance determination (under section 4302a(b)(4) of title 5, United States Code) given on or after that date.

The SPEAKER pro tempore. Is a second demanded?

Mr. MYERS of Indiana. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3282, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3282, provides an 18-month extension of the Performance Management and Recognition System which is due to expire on September 30, 1989. The bill also makes some technical changes to the current program.

First, it fixes an error in the present system which has caused fully successful employees to receive smaller merit increases than they would if they were General Schedule employees.

Second, H.R. 3282 extends current law to authorize Federal agencies to provide a minimum of 1.15 percent and a maximum of 1.5 percent of the payroll of covered employees for performance awards.

Third, the bill requires Federal agencies to establish procedures under which any employees whose performance has been rated below fully successful shall be given a reasonable opportunity to improve their performance to the fully successful level or higher. Under this bill, employees who fail to improve to the fully successful level or higher may be reassigned, reduced in grade, or removed.

Mr. Speaker, an extension of PMRS was nobody's first choice—not mine, not the Administration's and certainly not the management associations, including the Federal Managers Association, the Professional Managers Association, and the Social Security Management Association. However, the Director of OPM has indicated to me that an extension would allow her to enlist the assistance of the National Academy of Sciences to make recommendations about what they think an effective merit pay program should look like.

Director Newman has assured me that the management associations will be fully involved in this review process and I look forward to receiving the Academy's recommendations.

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Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume and I rise in support of H.R. 3282, a bill that would extend for 18 months the Performance Management and Recognition System. We all recognize, those of us who have had the responsibility of evaluating our employees or placing some system of compensation in effect that it is a difficult job, making judgments on this. The Federal Government has recognized the same thing, that it has been a difficult job.

There has been some disagreement with the success of PMRS in the past 5 years but all recognize it as a task that needs to be done.

There were some differences between the administration and others. Those differences have been worked out over the past few days about the extension.

We recognize the system has to be fine tuned. The committee has been working on that but has found it difficult to come up with a better system.

So this 18-month extension after September 30 would give the committee an opportunity to examine, along with the administration and all concerned, a better system for evaluating employees.

So, Mr. Speaker, I rise in support of this legislation.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3282, a bill to continue the Performance Management and Recognition System. the Performance Management and Recognition System was established in 1984. The bill extends the system until March 31, 1991.

The legislation also addresses a technical problem. It would cause fully successful employees to receive the same merit increase as an employee under the General Schedule Program.

The extension would allow the Congress and OPM to work out some differences that are as of yet unresolved. There is a need for further input from various affected groups and experts.

Accordingly, I urge my colleagues to support H.R. 3282.

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DONNELLY). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3282.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR RELOCATION OF CERTAIN FACILITIES AT GATEWAY NATIONAL RECREATION AREA, SANDY HOOK, NJ

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2835) to provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, NJ, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELOCATION AND RECONSTRUCTION OF CERTAIN FACILITIES AT SANDY HOOK UNIT, GATEWAY NATIONAL RECREATION AREA.

In order to relocate and reconstruct the trailer court situated on parcel B, as depicted on the map numbered 646/80,004A and dated August, 1989, and to facilitate the modifications of the park's road network the Secretary of the Interior and the Secretary of Transportation are authorized to exchange the administrative jurisdiction over lands situated on parcel A (as depicted on such map) for that portion of the lands situated on parcel B not previously transferred to the Secretary of the Interior pursuant to section 2. No such transfer shall take place until after completion of a final general management plan for the Sandy Hook Unit, Gateway National Recreation Area, and until a cultural and natural resources assessment of the transfer has been completed. The Secretary of the Interior shall prepare such assessment after notice and opportunity for public comment. The Secretary of the Interior and the Secretary of Transportation are each authorized to pay approximately 50 percent of the costs of such relocation and reconstruction.

SEC. 2. MARINE SCIENCES LABORATORY.

In order to facilitate construction of a marine sciences laboratory at the Gateway National Recreation Area, Sandy Hook, New Jersey (as authorized by Public Law 100-515), the Secretary of Transportation shall transfer to the Secretary of the Interior, without reimbursement, administrative jurisdiction over the real property, comprising approximately two acres, designated as the Marine Science Laboratory Assignment on the map of parcel B referred to in section 1.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

THE SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2835, the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year the Congress passed Public Law 100-515, a law that authorized the use of building 74 in the Sandy Hook unit of Gateway National Recreation Area for a marine sciences laboratory to be jointly occupied by the National Oceanic and Atmospheric Administration and the State of New Jersey. The planning and design for that laboratory, to be named the James J. Howard Marine Sciences Laboratory after our late colleague, is now underway.

H.R. 2835, introduced by our colleague Congressman FRANK PALLONE, is needed to allow that construction to proceed. The bill authorizes the exchange of approximately 7 acres between the National Park Service and the U.S. Coast Guard so that land currently under the jurisdiction of the Coast Guard can be used for the laboratory.

Not all of the 7 acres is needed for the construction of the marine sciences laboratory. The National Park Service's draft management plan calls for the relocation of a road that would use part of this acreage. In addition, the exchange will allow the Coast Guard to consolidate its property by the relocation of a trailer park now located here. This would end having some Coast Guard residences separate from the rest of the base.

The committee adopted an amendment which allows for the immediate transfer of the approximately 2 acres needed for the construction of the marine sciences laboratory. It then authorizes the transfer of the rest of the 7 acres after an assessment of the natural and cultural resources located within the area and after the finalization of the park's general management plan. The assessment should include an evaluation of the kinds of resources located there, their condition, and any effects the proposed relocation of the trailer court will have. It should include an evaluation of the new site to ensure that it is not contaminated.

The Park Service and Coast Guard would be required to negotiate the remaining acreage for the exchange, and area of approximately 5 acres. The total amount to be exchanged will be 6.99 acres.

I also want to note that great care should be exercised to assure that the trailer park inhabitants experience the least disruption possible because of the construction of the new marine sciences building. Because both the National Park Service and the Coast Guard will benefit from the trailer park relocation, the costs of the relocation will be split approximately 50-50.

Mr. Speaker, I endorse this legislation and support its passage.

Mr. Speaker, I commend our colleague, the gentleman from New Jersey [Mr. PALLONE] for the way he has handled this measure. He is a new Member but is working hard in doing a good job on this and many other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2835 which would authorize the Departments of Transportation and the Interior to exchange administrative jurisdiction over certain lands within the Sandy Hook unit of the gateway national recreation area in New Jersey.

This legislation is needed to allow for the reconstruction of the National Oceanic and Atmospheric Administration's [NOAA] Marine Science Laboratory. Public Law 100-515 authorized and directed the construction of this lab. The former laboratory building was destroyed by fire in September 1985.

H.R. 2835 will allow the National Park Service and the U.S. Coast Guard to transfer lands between each other so that construction of the lab may take place on land which is partially owned by the Coast Guard.

A second exchange included in this bill would make it easier to construct a new access road to two beach centers within the Sandy Hook unit of the Gateway National Recreation Area. During our subcommittee's hearing on this bill, the Park Service testified that erosion might make access difficult at the southern portion of the Sandy Hook area. If this occurred, access to the northern developed areas, including the site of the marine laboratory, would be hampered.

Mr. Speaker, I commend the gentleman from New Jersey [Mr. PALLONE], Chairman VENTO and his able staffer, Heather Huyck, for their cooperation in moving this bill expeditiously. This legislation appears to be well received by all parties involved. I urge my colleagues to approve H.R. 2835.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE], the principal sponsor of this measure.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to start out by thanking the gentleman from Minnesota [Mr. VENTO] and also the gentleman from California [Mr. LAGOMARSINO] for their extremely helpful cooperation in getting this bill to the floor.

Mr. Speaker, I would like to thank the leadership for allowing the House today to consider H.R. 2835, a bill to provide for the relocation and reconstruction of facilities at the Sandy Hook Unit of Gateway National Recreation Area. It is important that H.R. 2835 be passed today to allow for the reconstruction of the National Oceanic and Atmospheric Administration's Marine Science Laboratory at Gateway-Sandy Hook pursuant to Public Law 100-515. Reconstruction of the lab building was important to my predecessor, James J. Howard, and is appropriately named in his honor. Pending passage of this legislation, a groundbreaking ceremony is scheduled for October 11.

With your permission, I would like to provide some background on the history of the Sandy Hook Lab and I would like to underscore the need for this legislation. The NOAA lab conducts scientific research on pollution in the New York Bight area and is responsible for monitoring the effects of sewage sludge disposal and dredge spoil disposal in the Atlantic Ocean off my congressional district. It is the only NOAA lab between Woods Hole, MA and NOAA's Norfolk Virginia facility.

In September 1985, the Sandy Hook National Marine Fisheries Laboratory was destroyed by fire. Since this time, the lab has been operating from trailers and a former Army barracks owned now by the National Park Service. In May 1987, the State of New Jersey submitted a proposal to the Department of Commerce, National Oceanic and Atmospheric Administration [NOAA] to build a joint NOAA—State of New Jersey facility in close proximity to what remained of the existing Sandy Hook site. The Department of Commerce agreed to the New Jersey proposal in August 1987.

Planning has since been underway between the Departments of Commerce and the Interior and the State of New Jersey to rebuild the lab at Sandy Hook. This process has led to the use of Federal land for a new facility to be combined with the adaptive reuse of historic buildings at Fort Hancock on Sandy Hook. All parties are prepared to move ahead with a design favored by the historic preservation community, the State of New Jersey and the Federal agencies.

This bill would enable the National Park Service and the U.S. Coast Guard to transfer lands between each other so that construction of the lab may proceed on property which is now partially owned by the Coast Guard. There is an immediate need for up to 2 acres of Coast Guard land to be transferred for the use of the NOAA lab. The State of New Jersey cannot begin its plans to sell bonds to help finance construction costs for the lab until this land is transferred to the Park Service.

The Coast Guard will obtain an equivalent 2 acres contiguous to its Sandy Hook station from the Park Service. A second land swap of approximately 5 acres will be exchanged between the Department of the Interior and the Coast Guard, following completion of a general management plan at the Sandy Hook Unit as well as a cultural and natural resources assessment.

This second portion of land—5 acres—will be used by the Coast Guard, in part, for relocation of 16 trailers which house Coast Guard enlisted personnel. The environmental assessment is necessary before the Coast Guard proceeds with plans to relocate utility lines; including sewerage and electrical infrastructures, as well as newly paved roads. The Coast Guard must be assured that its personnel will not be housed on environmentally hazardous property and conservationists must be assured that upland bird habitats are not disrupted as a result of the land swap.

The Park Service will benefit from the total 7-acre land swap by gaining ownership of property located within its historic district. Presently, the Park Service is reviewing the general design plan amendment for Gateway Sandy Hook. This document addresses plans for a modified road network at the park and to prepare for a bicycle trail to follow along the former roadway. The Park Service document recognizes the need for the land transfer between the Coast Guard and the Park Service.

The Coast Guard will benefit by having an additional 7 acres of land contiguous to its Sandy Hook station. This arrangement will provide for a singular and secure military base in the event a national emergency occurs and the Coast Guard is called into military service.

Mr. Speaker, I believe that the transfer of land at Sandy Hook benefits both the National Park Service and the U.S. Coast Guard. Both agencies agree that the land transfer is mutually beneficial and agree to pay approximately 50 percent of the cost to relocate these facilities.

☐ 1510

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

It is obvious that the gentleman from New Jersey [Mr. PALLONE] has done his homework as both a State senator and now a Member of Congress to facilitate the construction of this lab for the benefit of marine science and for the residents of New Jersey. However, on a broad base we all needed that information as this is an important bill.

I urge my colleagues to support it.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DONNELLY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2835, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 128, by the yeas and nays; and H.R. 1495, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

EXPRESSING SENSE OF THE HOUSE REGARDING SITUATION IN LEBANON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution (H. Res. 128), as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution (H. Res. 128) as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 17, as follows:

[Roll No. 233]

YEAS—413

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Williams
Wolf
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—17

Bryant
Courter
Engel
Florio
Garcia
Hall (TX)
Lowery (CA)
Olin
Robinson
Roe
Saxton
Smith (VT)
Weldon
Wilson
Wise
Wolpe
Wylie

□ 1532

Messrs. SCHUETTE, COX, KASTENMEIER, RITTER, and TOWNS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DONNELLY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time in which the vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair postponed further proceedings.

ARMS CONTROL AUTHORIZATION ACT OF 1989

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1495, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 1495, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 170, not voting 13, as follows:

[Roll No. 234]

YEAS—247

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bereuter
Berman
Bilbray
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Buechner
Burton
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Clarke
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Costello
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Grandy
Gray
Green
Guarini
Hall (OH)
Hamilton
Hastert
Hatcher
Hawkins
Hayes (IL)
Henry
Hertel
Hoagland

Hochbrueckner
Horton
Hoyer
Hughes
Hyde
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Manton
Markey
Martin (IL)
Martinez
Matsui
Mazzoli
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Pallone
Panetta
Pashayan
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Richardson
Rinaldo
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Solomon
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Vento
Visclosky
Walgren
Waxman
Weber
Weiss
Wheat
Williams
Wolpe
Wyden
Yates
Yatron

NAYS—170

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bevill
Bilirakis
Bliley
Boggs
Browder
Brown (CO)
Bunning
Byron
Callahan
Chandler
Chapman
Clinger
Coble
Combest
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
Dickinson
Dornan (CA)
Douglas
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fields
Fish
Flippo
Frenzel
Gallo
Gillmor
Gingrich
Glickman
Goodling
Gradison
Grant
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hayes (LA)
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
James
Johnson (CT)
Jones (GA)
Kasich
Kolbe
Kyl
Lancaster
Laughlin
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Machtley
Madigan
Marlenee
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Montgomery
Moorhead
Natcher
Nielson
Olin
Ortiz
Oxley
Packard
Parker
Parris
Patterson
Paxon
Payne (VA)
Penny
Pickett
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland (CT)
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Whittaker
Whitten
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bryant
Courter
Engel
Florio
Garcia
Hall (TX)
Robinson
Roe
Saxton
Weldon
Wilson
Wise
Wylie

□ 1544

Messrs. GRAIG, VOLKMER, GUNDERSON, and ARMEY, Mrs. BOGGS, and Messrs. SHAYS, RITTER, and STEARNS, changed their vote from "yea" to "nay."

Mr. SABO changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

NATIONAL QUALITY MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 204) to designate October 1989, as "National Quality Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, as the cosponsor of this legislation, I rise in strong support of House Joint Resolution 204, introduced by our colleague, the gentleman from Pennsylvania [Mr. RITTER], which designates October 1989 as "National Quality Month."

This resolution will serve as an integral part of the growing movement in our country in which workers and management emphasize quality in the workplace. Not only does this mean improved quality of products but it promotes improvements in the relationships between workers, manufacturers, and consumers.

By designating October 1989 as "National Quality Month," national attention will be drawn to our Nation's past accomplishments and to the enormous untapped potential in our Nation today.

Business, industry, educational institutions, and government must all work together to again establish America as a leader in the world marketplace and as a producer of extraordinary goods and services.

Accordingly I urge my colleagues to join in support of this important resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. RITTER] who is the chief sponsor of House Joint Resolution 204, National Quality Month.

Mr. RITTER. Mr. Speaker, Quality with a capital "Q" refers to a whole new management and work philosophy, based ultimately on common sense and a belief in the value of individual workers fulfilling their potential as members of a larger team. We all know how effective team work can be.

We all know teams win championships.

Quality is a social revolution in the nature of work, and it's important for America to participate fully in it.

In the quality revolution, worker involvement, training, education, teamwork and reward can lead to unprecedented mastery over the job to be done and satisfaction from doing it well.

More and more, workers can become their own managers, with automation or new technology expanding their power.

Hundreds of American companies who have turned to quality have turned from losers to winners. That includes small business to Fortune 500.

Existing winners have done better after turning to quality

Quality as a philosophy of work and business puts less emphasis on direct cost cutting to increase profits. Instead, quality recognizes that continously and perfecting improving the process by which a product is manufactured or a service is delivered leads to products or services which meet customers' needs and expectations.

In short, perfecting the process perfects the product—a simple but stunning conclusion.

Reduced waste, costs, redundancies; increased efficiencies and creativity leads to increased profits.

In the ongoing public debate about our jobs, our national income, our standard of living, and our ability to compete with Japan and other countries, there hasn't been enough focus on putting our own house in order.

Japan has redefined productivity and manufacturing. Not enough Americans understand that the main driving force behind this success is Japan's almost 40-year commitment to continuous improvement and quality. VCR's, compact discs, Toyotas, and now HDTV did not just happen by dumb luck in Japan.

Not enough Americans understand how many jobs have been saved—good

jobs—and wealth created right here at home.

Quality principles originating in America and refined in Japan had a lot to do with it. The primary example of putting our own house in order would be a shift to full participation in the quality revolution.

The quality revolution represents an exciting opportunity to make our workers happier and more productive, our Nation more competitive and our government services at all levels more effective and less costly. This extends to union and non-union workers alike. Some of America's great success stories in quality involves unionized work forces.

Designating October as "National Quality Month" will honor our workers, our organizations and our country's achievements in quality and call attention to the enormous potential for quality to ensure the future competitiveness of American workers and America itself.

Let's make this resolution a part of the revolution.

Thank you, Mr. Speaker.

In closing, Mr. Speaker, I thank my colleagues who have cosponsored House Joint Resolution 204, designating October 1989 as "National Quality Month," in particular the original cosponsor, my colleague, the gentleman from California [Mr. CAMPBELL], and my other colleague, the gentleman from California [Mr. BROWN], and my colleague, the gentleman from New Jersey [Mr. TORRICELLI].

I would also like to thank the gentleman from New York [Mr. HORTON], and again the gentleman from California [Mr. BROWN], who was so helpful in obtaining cosponsorship.

I also thank my colleagues who are submitting statements for the RECORD in support of this legislation.

Mr. ROE. Mr. Speaker, I rise today to encourage my colleagues to join me in supporting House Joint Resolution 204, an initiative to designate October 1989 as "National Quality Month."

My fellow Science, Space, and Technology Committee member, DON RITTER, is to be complimented for his commitment and hard work to bring this resolution to reality. I am proud to be a cosponsor.

We, as policymakers, frequently talk about improving the quality of life for all Americans. It is important to remind ourselves and the Nation that America's quality of life is very much dependent upon the dedication of all Americans to the goal of excellence and quality in every job and task they perform.

We must strive to make the quest for quality a fundamental part of the fabric of our whole American society. Quality education, quality health care, quality research, and quality products.

The National Quality Month resolution is directed toward American businesses and their manufacture of quality products for the world marketplace. This Nation's largest and most prestigious companies are supporting the goal of—quality first and foremost—that is embodied in this resolution.

The competition in global markets is keen and tough and its only going to get keener and tougher. Quality is not a matter of preference, its a matter of survival. The pack of industrial nations is growing. The pace of competition among those nations is quickening with each day.

American companies invented the concept of quality control. We taught it to the rest of the world. It is time we reclaimed our leadership in it by example.

I believe that when you can articulate a goal, when you can name it, you are a lot closer to calling it your own. The National Quality Month resolution defines a national objective that we are committed to reach. It stands as an inspiration and a benchmark. I urge all of my colleagues to join me and DON RITTER to cast a vote for excellence and approve this resolution unanimously.

Mr. CAMPBELL of California. Mr. Speaker, quality should be a given for any American product. Quality comes from pride, and from cooperation. Regrettably, the history of labor-management relations in our country has not been one of cooperation. Rather, drawing upon the hard times, mistrust, and labor strife of the Depression, our national labor laws were written from a presumption of skepticism. Instead of management and labor working together, and learning from each other, the assumption behind our labor laws is that management and labor are fundamentally hostile to each other. Hence, American labor law prevents management from forming or assisting in the formation of a labor union, or labor organization. Whereas we would certainly not urge sham-unions, dominated by management, which were the fear underlying this prohibition, we must work from a new presumption. To be competitive, to make quality products, management needs to learn from labor. And vice versa. And to do this, management and labor should be allowed to interact in an environment of trust, of quality circles.

One fine example of this new means of interaction between labor and management is the NUMMI plant in Fremont, CA. By agreement between the UAW, Toyota, and GM, management and labor form quality circles to produce quality cars. This model should be followed in many other instances in our economy, and appropriate changes in American labor law should be made to allow them. Then, I am sure, American products, the products of American management and American labor, will truly be known throughout the world as quality.

Mr. WALGREN. Mr. Speaker, I rise today to urge my colleagues to support House Joint Resolution 204, legislation that designates October 1989 as "National Quality Month." I am proud to be an original sponsor of this bill and I complement Mr. RITTER for his hard work in shepherding the bill through the legislative process.

National Quality Month focuses attention on what quality can bring to our Nation, and how the absence of quality in our products damages the American economy. It is now widely recognized throughout the world that strong emphasis upon product quality has become the single most important force leading to the economic growth of companies in the international market. More than ever before, buyers recognize that products of some companies are of better quality than the products of other companies.

It is no secret that some U.S. companies are not as competitive in the world marketplace as they were in the early 1960's and 1970's. Usually their companies are not lacking in creative ideas or new products. Their problems are more likely to be with the quality and cost of our products and services. Not long ago, "Made in the U.S.A." was synonymous with the highest possible quality, and foreign made products were frequently thought to be inferior. Too often today the world thinks the reverse is true.

If we want to bring back quality to American products, nothing less than a quality revolution is needed. Domestic companies must devote more time and more resources to promoting quality in their products. They have to decide to make quality leadership a basic strategic goal. That means a policy commitment, made by the managers of the company, to manufacture products that will work when first purchased and will continue to operate with a high degree of reliability over their lifetime.

Fortunately, the initial skirmishes of the revolution have begun. American firms have begun to put quality back in their products, and this resolution is a word of encouragement to those companies. The quality legislation I introduced last Congress and which was cosponsored by many of my colleagues became the Malcolm Baldrige National Quality Improvement Act of 1987 (Public Law 100-107), a measure that originated in our Committee on Science. It established an annual award to honor a select group of companies who have achieved the most impressive gains in quality improvement. In 1988, there were three American companies that won this award, and the 1989 competition is well under way.

Mr. Speaker, if American companies want to have a preeminent position in world markets and to be economically competitive, they must insure that their products are of the highest quality and this will only happen when commitment to quality in all aspects of their business permeates companies from top to bottom. This resolution will focus attention on the importance of quality in American products and their manufacturers, and I strongly urge all my colleagues to vote for it.

Mr. CRANE. Mr. Speaker, for nearly a century, the United States has been recognized as a world leader in technology and manufacturing. Indeed, the vehicle of our success is the free and open market system under which our economy operates. This system has fostered a strong American tradition of providing the highest quality goods for the lowest possible prices.

Recently, our leadership in world markets has been challenged by other nations. Our best response to that challenge is a renewed commitment to quality. It is for this reason I signed on to Mr. RITTER's legislation, House Joint Resolution 204. We Americans ought to celebrate the tradition of quality which placed us in the forefront of the industrial market and encourage a further commitment to that tradition so that we may continue our legacy. Therefore, I ask my colleagues to join me and the 225 cosponsors of House Joint Resolution 205 in designating October as "National Quality Month."

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 204

Whereas the Untied States has been a world leader in producing quality goods and services and the leadership has resulted in a world-wide market for the products of the United States;

Whereas in recent years, the leadership of the United States in producing quality goods has been challenged by foreign competition and the rate of growth of the productivity of the United States is currently less than the rate of growth of the productivity of some of the competitors of the United States;

Whereas a commitment to continuous quality improvement, using recognized quality principles and practices, has been demonstrated to be the most effective way to regain and solidify economic leadership in the world marketplace;

Whereas over the past 5 years, virtually every segment of business and industry in the United States and many units of government have adopted quality management principles and experienced resulting dramatic improvements in productivity;

Whereas the Federal Government promotes quality through such programs as the Malcolm Baldrige National Quality Award of the Department of Commerce, the Federal Quality Institute, the President's Council on Management Improvement, the Productivity Improvement Plan of the Department of Defense, and the Excellence Award for Quality and Productivity of the National Aeronautics and Space Administration;

Whereas regional quality movements have promoted quality management philosophy and quality management principles and have begun to develop a sense of quality consciousness within particular regions of the Nation;

Whereas cognizance of quality, like cognizance of safety, is an attitude that once instilled in individuals becomes ingrained;

Whereas implementation of quality principles in manufacturing and service operations increases productivity through emphasis on waste reduction, defect prevention, and improved reliability of products and services;

Whereas the American Society for Quality Control has been a leader in the development, promotion, and application of quality and quality-related technology since 1946;

Whereas the American Society for Quality Control, together with other national professional organizations, business, industry, government, and academia, is sponsoring activities to observe National Quality Month to promote awareness of the need for quality in production and services throughout the United States; and

Whereas the theme of National Quality Month will be "Quality First", to emphasize that quality is an integral part of the processes that create goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1989 is designated as "National Quality Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERMAN-AMERICAN DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 118) designating October 6, 1989, as "German-American Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. THOMAS A. LUKEN], who is the chief sponsor of House Joint Resolution 104, designating October 6, 1989, as "German-American Day."

□ 1550

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to draw your attention to a very important resolution that officially designates October 6, 1989, as "German-American Day." House Joint Resolution 104 has received the support of more than half of my colleagues in the House, and it is identical to Senate Joint Resolution 118.

As you know, German-American Day has been signed into law for the past 2 years. I introduced this legislation along with Congressman LEE HAMILTON on January 27, 1989, and have worked with the German-Americans in my district and across the country in an effort to obtain the necessary number of cosponsors in the House. In this time, I have been impressed by the dedication and enthusiasm these people have shown.

Since the arrival of the first German immigrants in the United States on October 6, 1683, their number has grown to an estimated 52 million. German-Americans have contributed to the life and culture of the United States over the past three decades. These outstanding people have earned this very special day to pay tribute to their achievements.

I am honored to have been able to introduce this legislation that has received such overwhelming support. This is truly an important sign of recognition and appreciation from the United States Congress to German-Americans across the country.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to rise in support of Senate Joint Resolution 118, legislation to designate October 6, 1989, as "German-American Day." I am pleased to have cosponsored the corresponding House legislation, and I wish to commend the gentleman from Ohio [Mr. LUKEN] for the dedicated leadership which he has shown on this issue.

Mr. Speaker, Senate Joint Resolution 118 will recognize the significant contributions made by German-Americans to every aspect of our society. From progress in the fields of science and medicine, to pathbreaking new advances in engineering and technology, to the artistic achievements in music and literature, the rich ancestry of German-Americans has enhanced our appreciation for living in every conceivable way.

In addition, it is particularly appropriate that we recognize the contributions of German-Americans at this time of rising hope for freedom which is breaking out throughout Eastern Europe. German-Americans throughout the Nation are heartened to see among their forebears back home that the same burning impulse toward liberty and democracy still drives them westward. It is high time that the barriers of the Iron Curtain were long since torn down, and I am pleased to celebrate the bounty of new-found hope and ambition which carries so many East Germans across the border to the West. It is certainly to be expected that these modern-day pilgrims will enjoy the fruits of the intuition and spirit which have characterized the contributions of their countrymen in their new-found homeland here in the United States.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 118

Whereas the Senate of the United States unanimously passed joint resolutions designating October 6, 1987, and October 6, 1988, as "German-American Day";

Whereas President Ronald W. Reagan issued proclamations in 1987 and 1988 acknowledging "German-American Day" and held formal ceremonies in the Rose Garden and Roosevelt Room of the White House;

Whereas the work and contributions to the development and culture of the United States by German-Americans, since the arrival of the first German immigrants in the United States on October 6, 1683, merits a tribute to the achievements of German-Americans;

Whereas German-Americans, as in the past, continue to contribute to the development, life, and cultural heritage of the

United States, and will work for and will support the democratic principles of the Government of the United States and the freedom of all people;

Whereas such contributions should be recognized and celebrated in 1989; and

Whereas German-Americans are interested in having "German-American Day" established as an annual event on October 6: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1989, is designated as "German-American Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIGIOUS FREEDOM WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of Senate joint resolution (S.J. Res. 146) designating the week of September 24, 1989, as "Religious Freedom Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I note that the gentlewoman from Maryland [Mrs. BENTLEY] is the chief sponsor of House Joint Resolution 238, designating the week of September 24, 1989, as "Religious Freedom Week."

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 146

Whereas the principle of religious liberty was an essential part of the founding of our Nation, and must be safeguarded with eternal vigilance by all men and women of good will;

Whereas religious liberty has been endangered throughout history by bigotry and indifference;

Whereas the first amendment to the Constitution of the United States guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution of the United States ensures religious freedom to all of the people of the United States;

Whereas at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanction, to persecution no assistance";

Whereas the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than 1 year before the adoption of the Bill of Rights;

Whereas the letter of President Washington and the Touro Synagogue have become national symbols of the commitment of the United States to religious freedom;

Whereas throughout our Nation's history, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics, and justice;

Whereas religion is most free when it is observed voluntarily at private initiative, uncontaminated by Government interference and unconstrained by majority preference; and

Whereas religious liberty can be protected only through the efforts of all persons of good will in a united commitment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 24, 1989, is hereby declared to be "Religious Freedom Week", wherein members of all faiths or none, may join together in support of religious tolerance and religious liberty for all.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1600

CAPITAL GAINS TAX CUT GIVES SO MANY BENEFITS TO SO FEW PEOPLE

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, one of the most difficult parts of this job is convincing people that there are just no quick fixes to most of the serious problems we face. Today we run a budget deficit that well exceed $100 billion. We continue to purchase goods from overseas without expecting those countries to open their ports to American products. And our failure to properly invest in our education system is creating a generation that will be ill-prepared to compete in the future. These are problems, Mr. Speaker, very serious problems. But President Bush says that a cut in the capital gains rate will change much of this bad news. He implies that before the ink is even dry on his signature, millions of dollars will roll into the Federal coffers, and those millions that don't make it to the local IRS center, will land in all the struggling small businesses, thus creating more jobs. I half expect that he will convince the Bahamas that Hurricane Hugo is heading their way in order to clean the streets.

The truth of the matter is that for many reasons a cut in the capital gains rate is harmful. President Bush says that cutting the rate will spur investment and create jobs. However, a temporary tax cut will reward only those who have already made a profitable investment, and will not affect the thinking of those who must choose whether to invest in the future. A temporary cut will reward only those who are cashing in on the investment game, not those who want to play.

When President Bush does sign a bill cutting the capital gains rate, one thing will be reduced immediately; fairness. I joined with then Vice President Bush, President Reagan, and the other Members of Congress in making a deal with the American public. Our deal said that the overall tax rates would be lowered and the loop holes that the rich took advantage of would be closed. We promised the wealthy, the poor, and the majority in the middle that we were doing this because it was fair. Most of my colleagues on this side of the aisle feel that it is more important to keep our word to the American people, than it is to keep a campaign promise to a small number of wealthy individuals. Obviously, President Bush does not feel this way.

What is most unfair about this proposal is that it gives so many benefits to so few people. There is no denying that this is a benefit for the rich, and only for the rich. According to the Congress' Joint Tax Committee, taxpayers with incomes over $200,000, less than 1 percent of all taxpayers, received three-quarters of the benefits of the old capital gains tax, averaging $42,000 apiece. In the current plan the over $100,000 income group gets 80 percent of the tax savings. This will result in a long-term revenue loss likely to be paid off by the middle class.

George Bush promised a lot on his way to becoming this country's President. He promised to become the education President. He promised to fight a serious war on drugs. And he promised to protect our environment. He has given a lot of rhetoric to all these issues but his greatest success so far has been with cutting the capital gains rate. I believe much of what he spoke about was well founded and very important, I only hope that he will soon put the same amount of work into these important causes, as he has into this one.

COMMERCIAL AIRLINE ENGINE SAFETY AND MONITORING SYSTEMS ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. speaker, today I am introducing the Commercial Airline Engine Safety and Monitoring Systems Act of 1989. This legislation mandates the installation and use of engine condition monitoring systems on commercial aircraft. An engine condition monitoring system, or, EMS for short, is esssentially a computer with electronic sensors that is attached to an aircraft engine. The machine is designed to gather information about certain major engine components while an airplane is in flight. The type of components it monitors are those which are in the engine gas path, those which are oil bathed, and those which are sensitive to rotational vibration.

An example of these components is an engine propeller. Currently, domestic airplane builders are installing the device on newly constructed commercial airplanes.

The device can also be retrofitted on older-model airplanes. This is important because the majority of our commercial air fleet is of this older variety.

The greatest safety and maintenance returns lie in retrofitting these mature aircraft with this state-of-the-art diagnostic technology.

The question is: How much will the purchase and installation of this technology cost? The average cost for this device is approximately $60,000 per plane, that includes both purchase price and installation costs.

The same monitoring system can also be provided on a lease basis, thereby minimizing an airline's capital outlay expenditures to about $1,500 per month per plane.

If an airline company purchased the machinery outright, it would recoup its investment in about 100 flight hours. That's not a long period of time by industry standards.

The reason a company can so quickly recoup its investment is because EMS significantly reduces maintenance costs.

For a long time, maintenance workers relied almost exclusively on ground-based spot inspections of aircraft engines.

This inspection data is kept as a historical record of the specific performance of individual engines on individual airplanes.

Another source of information relied upon by maintenance crews is theoretical component aging estimates provided by manufacturers.

Despite the availability of all this ground-based information, it is still not as reliable nor as useful as actual in-flight engine data.

This is where EMS technology can be of enormous assistance to maintenance workers, because EMS does record and store data about the performance of an airplane's engines while in flight.

This information is readily accessible to maintenance workers, who only need to download this information by simply transferring it onto a computer memory disk and then displaying it on a computer terminal screen.

This means that with EMS technology a maintenance worker can get his hands on actual in-flight engine data as soon as an airplane lands.

This enables a maintenance worker to know immediately on landing how an airplane is performing before this same aircraft is sent off on another flight.

On the whole, EMS devices give maintenance workers that crucial amount of lead time that is necessary to identify if there is a pattern of unsafe performance developing on an engine component before that component actually fails.

That's quite a weapon, that we can add to our arsenal of aviation safety systems.

But don't just take my word for it. Listen to what the U.S. military has to say about the safety-enhancing capability and the cost-effectiveness of engine condition monitoring systems.

The military's assessment of this technology is important, because unlike commercial airlines, the military does install EMS devices on its aircraft.

Some of the beneficial aspects of this technology is demonstrated by the fact that in the November 1988 issue of Mech Magazine—an aviation trade publication—a Navy spokesman noted, and I quote, that:

> So far we credit EMS with two airplane saves and four probables.

Positive expert recommendations like this is what inspired me to write to the Department of the Air Force asking for its official assessment of EMS technology.

My letter was dated August 1, 1989. In my letter I asked the Air Force to verify if EMS helped it reduce maintenance costs and to assess the technology's value as a diagnostic tool.

The Department of the Air Force's reply dated August 24, 1989, states:

> EMS have reduced airplane maintenance costs for the Air Force.
>
> Our experience has shown that EMS are major contributors toward—but are by no means the sole agents responsible for—effective engine diagnostics.
>
> EMS provide significant diagnostic capabilities when used in conjunction with ground-based maintenance management information systems such as the comprehensive engine movement systems.

What the Air Force reply refers to is the fact that EMS is intended to complement the ground-based maintenance systems already in place such as the gathering of historical data about individual components.

The Air Force reply further states that went on to write that the:

> Concurrent analyses of EMS and CEMS data have been instrumental in detecting impending engine failure [* * *].
>
> EMS sensors in the engine gas path collect data which is correlated with the thermodynamic relationships which are indicators of proper engine operation and component health.
>
> Together with the detection of wear particulates in the engine oil and the occurrence of out of norm vibration levels, the gas path parameters can be very effective indicators of impending failures.
>
> Detection of impending failures have, in turn, precluded in-flight engine shutdowns and secondary damage which would have otherwise resulted from catastrophic component failures.
>
> From our perspective, an engine monitoring system can be one of the most important tools enabling diagnostics to mitigate engine failures which would either degrade our mission capability or cause in-flight engine shutdowns.

I believe we can profit from the Air Force's positive experience with EMS technology. We can do this by requiring this same technology to be installed on commercial aircraft, for it is our responsibility as legislators to make air travel as safe as possible. That's why we must require EMS devices on commercial aircraft.

This technology not only saves on money; it saves lives. And I believe this is the type of initiative that this Congress can support on a bipartisan basis.

I hope, therefore, that Members from both sides of the aisle will cosponsor this important legislation.

□ 1610

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET

The SPEAKER pro tempore (Mr. STOKES). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1989. This is the fifth report of the 101st Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1989 (House Concurrent Resolution 168), adopted on June 6, 1988.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985 (House Concurrent Resolution 280, 98th Congress). The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, Gramm-Rudman-Hollings). This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1989, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 268 were printed in House Report 100-662, June 1, 1988.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 268, on June 6, 1988. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this respsonsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

House of Representatives,
Committee on the Budget,
Washington, DC, September 13, 1989.
Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 268, the concurrent resolution on the budget for fiscal year 1989.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by section 311(b) of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 268 were printed in H. Rept. 100-662 (June 1, 1988).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1989 budget resolution, H. Con. Res. 268.

The Energy and Commerce Committee and the Ways and Means Committee have exceeded their targets for new entitlement authority because of the enactment of Public Law 100-360, the Medicare Catastrophic Coverage Act and Public Law 100-485, the Family Welfare Reform Act. The concurrent resolution on the budget for fiscal year 1989 assumed enactment of both pieces of legislation but made no allocations for them. The House report on the Budget Resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the Resolution's section 302 allocations or spending aggregates.

Revenues exceed the revenue floor established by the concurrent resolution on the budget for fiscal year 1989 because of enactment of Public Law 100-360, the Medicare Catastrophic Coverage Act and Public Law 100-485, the Family Welfare Reform Act. Passage of this legislation was assumed in the budget resolution but not reflected in the revenue floor. The budget resolution assumed deficit-neutral catastrophic health and welfare reform legislation, but not a specific dollar amount. As explained in the House report on the budget resolution, the revenue increases in Public Law 100-360 and Public Law 100-485 were intended to offset and make deficit neutral the multi-year spending in those bills. Therefore, it would not be consistent with the assumptions in the Budget Resolution to enact any additional revenue-losing legislation beyond Public Law 100-418, the Omnibus Trade Act and Public Law 100-449, the Canada-U.S. Free Trade Agreement.

Sincerely,

Leon E. Panetta,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1989 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 268, REFLECTING COMPLETED ACTION AS OF SEPTEMBER 12, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,231,700	1,099,700	964,400
Current level	1,248,300	1,111,109	964,889
Amount Under Ceilings			

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1989 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 268, REFLECTING COMPLETED ACTION AS OF SEPTEMBER 12, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Amount Over Ceilings	16,600	11,409	
Amount Under Floor			
Amount Over Floor			489

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate of budget authority for fiscal year 1989, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 268 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate of outlays for fiscal year 1989, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 268 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and that exceeds $489 million in revenues for fiscal year 1989, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 268.

FISCAL YEAR 1989 DISCRETIONARY ACTION BUDGET AUTHORITY, COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House Committee	Current level budget authority
Agriculture	(+429)
Appropriations [1]	(+1,335)
Armed Services	(........)
Banking, Finance, and Urban Affairs	(+12,355)
District of Columbia	(........)
Education and Labor	(........)
Energy and Commerce	(........)
Foreign Affairs	(........)
Government Operations	(........)
House Administration	(........)
Interior and Insular Affairs	(........)
Judiciary	(........)
Merchant Marine and Fisheries	(........)
Post Office and Civil Service	(........)
Public Works and Transportation	(........)
Science and Technology	(........)
Small Business	(........)
Veterans' Affairs	(−4)
Ways and Means	(−79)

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action".

FISCAL YEAR 1989 HOUSE APPROPRIATIONS COMMITTEE, DISCRETIONARY ACTION, COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House Appropriations Subcommittee subdivisions	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	(+394)	(−3)	(........)
Defense	(−249)	(........)	(........)
District of Columbia	(−5)	(........)	(........)
Energy and Water	(+8)	(+3)	(........)
Foreign Operations	(+115)	(−3,632)	(........)
Interior	(+336)	(........)	(........)
Labor, HHS, Education	(+168)	(−33)	(........)
Legislative Branch	(−41)	(........)	(........)
Military Construction	(........)	(........)	(........)
Rural Development and Agriculture	(+87)	(−219)	(+4)
Transportation	(+106)	(........)	(........)
Treasury, Postal Service	(+26)	(........)	(........)
VA/HUD/Independent Agencies	(+390)	(........)	(........)
Total	+1,335	−3,884	+4

Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1989—ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over(+)/under(−) Allocation
Agriculture		+611	+549	+549
Armed Services		+2,234	+2,234	+2,234
Energy and Commerce		+75	+55	+55
Interior and Insular Affairs		+35	+16	+16
Judiciary		+39	+14	+14
Veterans' Affairs	+408	+395	+389	−19
Ways and Means		+1,624	+1,461	+1,461
Undistributed to Committees	+125			

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

Note.—The Energy and Commerce and the Ways and Means Committees have exceeded their target because of the enactment of Public Law 100–360, the Medicare Catastrophic Act, and the completion of H.R. 1720, the Family Welfare Reform Act. The Fiscal Year 1989 Budget Resolution assumed enactment of such legislation but made no allocations for it. The House report on the Budget Resolution explained that such legislation, if deficit-neutral, would be appropriate even though it exceeded the Resolution's Section 302 allocations or spending aggregates.

Further, P.L. 100–418, the Omnibus Trade and Competitiveness Act, provided $111 million of NEA that is scored in the "enacted" column against the Ways and Means Committee Allocation. This amount can be counted against the undistributed $125 million in NEA that was assumed by the Budget Conferees to be available for programs in functions 500, 550 and 600.

U.S. Congress,
Congressional Budget Office,
Washington, DC., September 13, 1989.

Hon. Leon E. Panetta,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1989 budget (H. Con. Res. 268). This report for fiscal year 1989 is tabulated as of close of business September 12, 1989.

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 268	Current level +/− resolution
Budget authority	1,248,300	1,231,700	16,600
Outlays	1,111,109	1,099,700	11,409
Revenues	964,889	964,400	489
Direct loan obligations	24,394	28,300	−3,906
Guaranteed loan commitments	110,954	110,950	4

Since my last report, Congress has cleared and the President has signed Public Law 101-73, the Financial Institutions Reform, Recovery and Enforcement Act and Public Law 101-82, the Disaster Assistance Act of 1989. These actions changed the estimates for budget authority, outlay and revenues.

Sincerely,
Robert D. Reischauer,
Director.

PARLIAMENTARIAN STATUS REPORT 101st CONG., 1st SESS., HOUSING SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 12, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	855,280	708,311	
Other appropriations	594,475	609,315	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,231,420	1,099,291	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Dire Emergency and Urgent Supplemental Appropriations, (Public Law 101–45)	3,548	764	
Financial Institutions Reform Recovery and Enforcement Act (Public Law 101–73)	12,400	10,300	455
Disaster Assistance Act of 1989 (Public Law 101–82)	17	17	
Total enacted this session	15,954	11,071	455
III. Continuing resolution authority:			
IV. Conference agreements ratified by both Houses:			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	([1])	([1])	
Special milk	4		
Food Stamp Program	29		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Special benefits	37	37	
Payments to the farm credit system	35	35	
Payment to the Civil Service Retirement and Disability Trust Fund	(85)	(85)	
Supplemental Security Income	201	201	
Special Benefits for Disabled Coal Miners	3		
Medicaid:			
(Public Law 100–360)	45	45	
(Public Law 100–485)	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	926	747	
Total current level as of Sept. 12, 1989	1,248,300	1,111,109	964,889
1989 budget resolution (H. Con. Res. 268)	1,231,700	1,099,700	964,400

PARLIAMENTARIAN STATUS REPORT 101st CONG., 1st SESS., HOUSING SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 12, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Amount remaining:			
Over budget resolution	16,600	11,409	489
Under budget resolution			

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals.

INTRODUCTION OF BILL TO ENACT INTO LAW THE CIGARETTE ADVERTISING AND SAMPLING CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, 25 years ago, in 1964, the Tobacco Institute—the trade association of the tobacco industry—responded to growing public concern following the initial report of the Surgeon General on the dangers of smoking. At that time, the institute developed a voluntary code to govern the industry's advertising and promotion practices. I regret to tell you, however, that the institute has had no end of difficulty in getting its constituents in the tobacco industry to comply. Today, eight other Members and I are introducing a bill which will give the Tobacco Institute the help that it so richly deserves by putting the force of law behind the code.

THE CODE

The Cigarette Advertising and Sampling Code of 1964 is a promise by the industry that it will not solicit youths in an effort to increase market share. The nine points of the code state simply that advertisements and promotions should not be directed toward individuals under 21 years of age and that advertisements should not mislead youths into believing that smoking is related to socially desirable conditions. It's pretty straightforward stuff and we should be grateful for the Tobacco Institute's leadership in developing these guidelines.

The text of the code is as follows:

CIGARETTE ADVERTISING AND SAMPLING CODE OF 1964

These advertising principles apply to all forms of advertising including vehicle decals, posters, pamphlets, matchbook covers, and point of purchase materials in the United States, Puerto Rico, and U.S. territorial possessions.

1. No advertising shall appear in publications directed primarily to those under 21 years of age, including school, college, or university media (such as athletic, theatrical, or other programs), comic books, or comic supplements.

2. No one depicted in cigarette advertising shall be or appear to be under 25 years of age.

3. Cigarette advertising shall not suggest that smoking is essential to social prominence, success, or sexual attraction, nor shall it picture a person smoking in an exaggerated manner.

4. Cigarette advertising may picture attractive, healthy looking persons provided there is no suggestion their attractiveness and good health is due to cigarette smoking.

5. Cigarette advertising shall not depict as a smoker anyone who is or has been well known as an athlete, nor shall it show any smoker participating in, or obviously having just participated in, a physical activity requiring stamina or athletic conditioning beyond that of normal recreation.

6. No sports or celebrity testimonials shall be used nor those of others who would have special appeal to persons under 21 years of age.

7. Persons who engage in sampling shall refuse to give a sample to any person whom they know to be under 21 years of age or who, without reasonable identification to the contrary, appears to be less than 21 years of age.

8. Sampling shall not be conducted in any public place within two blocks of any centers of youth activities, such as playgrounds, schools, college campuses, or fraternity or sorority houses.

9. Persons who engage in sampling shall not urge any adult 21 years of age or over to accept a sample if the adult declines or refuses to accept such sample.

THE CHEATERS

Unfortunately, the Tobacco Institute has lost the support of its own members in the enforcement of this eminently fair and reasonable code. Everywhere we look, we see cheating.

Tobacco manufacturers have made a common practice of sponsoring sporting events and popular music concerts and handing out free samples. The Chicago Tribune reported on a "Marlboro Country Music Show" a few years ago and observed that "kids who looked no older than 10 were carrying around big handfuls of Marlboro packages as if they were stacks of baseball cards."

Youth-oriented publications like Rolling Stone are filled with cigarette ads that convey strong positive images to our youth. Moviegoer magazine, distributed free at movie theaters around the country, was created by none other than R.J. Reynolds; each slim Moviegoer normally carries five full pages of advertising for RJR's Camel and Salem cigarettes. Not surprisingly, nearly half of all moviegoers are under age 21.

Meanwhile, business magazines and serious news journal contain few imagistic cigarette ads. The ads that are carried in publications with an older readership emphasize facts—filter type or tar and nicotine content—and are frequently in a very plain format without good-looking actors portraying happy smokers. The cigarette industry saves its high-tech, high-glamour advertisments for those who are most vulnerable, our youth.

THE VICTIMS

Our children are under siege, bombarded daily by advertising and promotions which exalts the smoker and exploits the teenage mind.

Charles A. Lemaistre, M.D., president of the American Cancer Society, has said: "Tobacco companies prey upon the insecurities and aspirations of youth, ostensibly offering them the means by which they can announce their maturity. . . . 85 percent to 90 percent of all new smokers start before or during their teenage years. Of those, over 60 percent are hooked before they leave the ninth grade. In other words, today the vast majority of smokers start and become addicted before they are old enough to purchase cigarettes legally. While the overall percentage of teenagers who smoke is down, the average age at which our children are beginning to smoke is getting younger and younger."

William Meyers, a former advertising executive, interviewed over 200 marketing executives and analysts around the country to write an insider's view of the advertising industry. In his book, "The Imagemakers," Meyers discussed the development of the "Marlboro Man" campaign. According to Meyers, "When [George] Weissman assumed responsibility for Marlboro in the late 1950's, [he] felt that a research study of American smoking habits was in order. The results of this investigation were fascinating. The one group of consumers that cigarette manufacturer had neglected was the impressionable young emulators. In search of an identity, these postadolescent kids were just beginning to smoke as a way of declaring their independence from their parents. But until now, marketers had not addressed their special needs. Weissman thought that if Marlboro could somehow appeal to them, then maybe the brand could be turned around and made profitable." And so, the "Marlboro Man" was born. Today, Marlboro is one of the most popular brands among youths who smoke.

THE SOLUTION

Obviously, if the Tobacco Institute had been able to enforce the code among its members, there would be no call for us to act. Now, however, the institute needs our help.

It is time to make the cigarette companies stick to their own standards. I am pleased to be joined today by Representatives HANSEN, BATES, GILMAN, BURBIN, VISCLOSKY, COLLINS, LEVIN, and BOXER in introducing legislation which will enact the tobacco code into law. For the good of our children, I urge my colleagues to support this bill. The text of the bill follows:

H.R. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO FEDERAL CIGARETTE LABELING AND ADVERTISING ACT.

(a) PROHIBITION OF CERTAIN METHODS OF CIGARETTE AND LITTLE CIGAR ADVERTISEMENT.—Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335) is amended—

(1) by inserting "(a)" before "After", and

(2) by adding at the end the following new subsections:

"(b) It shall be unlawful for a cigarette or little cigar advertisement—

"(1) to appear in a publication that has a readership that is primarily (over 50 percent) under 21 years of age, including any school, college, or university publication,

"(2) to suggest that cigarette or little cigar smoking is related to social prominence, success, or sexual attraction,

"(3) to depict an individual who is or who appears to be under 25 years of age,

"(4) to depict as a cigarette or little cigar smoker an individual who is or has been well known as an athlete,

"(5) to depict as a cigarette or little cigar smoker an individual who is participating in, or who has apparently recently participated in, a physical activity requiring stamina or athletic conditioning, or

"(6) to depict as a cigarette or little cigar smoker a celebrity who has a special appeal to persons under 21 years of age.

"(c) It shall be unlawful to distribute a sample of a brand style of cigarettes or little cigars for promotional purposes—

"(1) to an individual who is under 21 years of age,

"(2) in a public place that is closer than 2 blocks from a center of youth activity, including a playground, school, college campus, or fraternity or sorority house, or

"(3) at an event where the majority of individuals in attendance are under 21 years of age.".

(b) Definition of Advertisement.—Section 3 of such Act (15 U.S.C. 1332) is amended by adding at the end the following new paragraph:

"(10) The term "advertisement" means any form of cigarette or little cigar advertising in the United States, including vehicle decals, posters, pamphlets, matchbook covers, and point or purchase materials.".

MORE JAPANESE TAKEOVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. Bentley] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, before I begin my scheduled topic, I would like to bring attention to a recent article that caught my eye in the Baltimore Morning Sun. The title was, "Do Japanese Have the Yen to Take Over a New York Hospital?"

The article follows:

[From the Baltimore Sun July 20, 1989]

Do Japanese Have the Yen to Take Over a New York Hospital?

(By Liz Smith)

The hot rumor sweeping New York's scientific community is that New York University Medical Center-Tisch Hospital may be a target for Japanese investors. Several major Japanese companies have been looking over U.S. medical facilities. New York Hospital-Cornel Medical Center was high on the list, but NYUMC-Tisch could be the first takeover goal.

Leonard Stern, owner of Hartz Mountain Industries, the Village Voice and 7 Days, and who is an NYU trustee, recently helped negotiate a mortgage for a new NYU Medical Center research building from Mitsubishi Bank. This focused attention on the famous medical complex.

Now should the Japanese "buy" NYUMC, this would not entail a change of deed. Instead they would pour tremendous amounts of money into NYUMC and, in exchange, they would expect to have a say—a very big say—in policy.

Some of the NYUMC administration officials are openly courting the Japanese; however, an important holdout in any negotiations is the dean, Dr. Saul Farber. There are those who say he has never quite forgotten fighting the Japanese during World War II. Others simply feel Farber doesn't want policy dictated by any foreign interests.

Now, the first thought that came to mind—before ever reading one word of the article, was: Of course they have the yen—both literally and figuratively—the Japanese have a $20.6 billion trade surplus with the United States, accumulated during the first half of this year. What is a few million dollars to such a wealthy nation?

The article describes the New York scientific communities' uproar over the rumored takeover of the New York University Medical Center and tells of the Japanese search for a university research hospital. Educators, industry, and government officials as well as the scientiic community, should all be distressed by this proposal.

Mitsubishi Bank already has their foot in the door at NYU Medical center—they hold the mortgage for one of the new research buildings. Mitsubishi, an ethically questionable company at best, is the last Japanese company we want gaining influence in our educational research system.

University labs spawn new ideas and technical innovations—if Mitsubishi buys its way into our university system, you can bet your last dollar that they are actually purchasing a bit of policy-making clout.

I was stunned (but not surprised) when I read that some of the New York University Medical Center administration officials are openly courting the Japanese—I hope they realize just what it is they are doing—and are not left standing at the altar.

Mr. Speaker, many times I have stood here before this body and enumerated the pitfalls of selling America to foreign interests. And I realize that it takes two to tango—a buyer and a seller. However, I think a simple warning to those selling our country is in order—let the seller beware.

I have received countless letters from Americans who are concerned about unfair international trade practices. There are cases where American companies sold out to the highest bidder. Japan, and other European companies, are cash-rich and the bottom line is that we are ready to make a fast buck.

However, the sale of American companies to the highest bidder has numerous far-reaching effects. Long-term economic fallout, which we have not yet begun to fathom, comes to mind first.

The sale of Mohawk Rubber Co. to the No. 2 Japanese tiremaker, Yokohama Rubber Co., is one example of the seller not thinking of the long-term effects of his action. A recent article, sent by a constituent from Philadelphia, explains the deal, saying: "Yokohama is the last of Japan's three largest tiremakers to acquire a U.S. tire company."

As you may recall, the largest Japanese tiremaker, Bridgestone Corp. bought Firestone in 1988, and the third largest company, Sumitomo Industries, bought the North American operations of Dunlop Tire Co. in 1986.

This sale may bring in much needed capital to a small group of investors, but overall, the concentrated sale of assets is detrimental to the future competitiveness of U.S. tiremakers. Free traders argue that selling off our assets to foreign interests makes our domestic industries more competitive.

Translated, this means that for an expected improvement in competitiveness, our companies will forfeit future markets and profits. I don't think the long-term costs are worth the benefits. For companies and individuals who have sold or are thinking of selling more of our Nation's assets to foreign interests, the remainder of my time is directed to you—please listen carefully.

SHADOW WARRIORS—WHAT THEY MEAN TO AMERICA

There has been a rash of stories recently explaining the relationship between the United States and Japan. Those stories generally make the point that the Japanese are our ally and, that it is in our best interest to work with them, particularly since Japan owns 40 percent of our debt.

With that as a background for my remarks, I would like to call some other stories to your attention. I want to talk about the themes of these stories because I believe the threat to America's economic welfare is not fully perceived by most of us.

The stories I am mentioning today reveal a threat to the United States from our ally, Japan.

The first story, "Putting Their Country On The Block" and subtitled "'Baby Bankers' Sell U.S. Firms to the Japanese," appeared in the July 10-16 issue of the Washington Post Weekly and showed the naivete of young, 23-year-old bankers who are engaged in Tokyo teaching the Japanese how to takeover American businesses.

Mr. Speaker, under leave to include extraneous matter, I include the material from the Washington Post National Weekly Edition, as follows:

Putting Their Country On the Block: Baby Bankers Sell U.S. Firms to the Japanese

(By Fred Hiatt)

Tokyo—They vacation in Thailand, have suits made in Hong Kong, date Japanese women and spend hours every day on the job in Tokyo, selling America to the Japanese.

Pioneers of a new world economic order, still in their early 20s, recent graduates of the best U.S. colleges, they are the flip side of the U.S. trade deficit with Japan, and they are flocking to this new center of financial might. While Americans at home buy Nissans and Sonys, the growing corps of "baby bankers," in the self-mocking words of one of them, helps Japan channel its dollars back into the U.S. skyscrapers, factories, and other assets.

Several young investment bankers say that it is both exciting and unsettling to serve as acolytes to the new relationship. Their ambivalence, after watching the seemingly unstoppable Japanese economy from close range, echoes an uncertainty that many U.S. policy-makers and voters now display, alternately admiring and blaming Japan, blaming and excusing America for the growing economic imbalance.

"I do have ethical qualms," says Dwight Poler, 23, who helps Japanese investors buy companies in the United States. "Obviously, there's a risk of selling off all of your assets." But Poler notes that Americans complain about over-eagar Japanese investors, his work depends on Americans as eager to sell as Japanese are to buy—and there is no shortage of such Americans.

"It's easy to say the Japanese are awful, or they're buying America on the cheap," says Poler, an Amherst College graduate with the mergers and acquisitions department here of the Morgan Stanley investment banking firm. "But when executives in the U.S. decide to sell [their companies], the come to us and say, 'Make sure you check out the Japanese market, make sure we're not missing out on a high price.' "

According to statistics provided by Morgan Stanley Japan Ltd., Japanese will spend about $14 billion on overseas real estate this year, up from about $1 billion in 1985. Japan's investment in foreign mergers and acquisitions has zoomed from almost nothing four years ago to more than $12 billion last year.

In that same period, Morgan Stanley's Tokyo office, the second-largest U.S. securities firm here, nearly quintupled its staff. From 0.6 percent of worldwide company employees in 1982, the Tokyo office now accounts for 8.5 percent of Morgan Stanley's total employees.

The 10 largest U.S. securities firms here, led by Salomon Brothers Asia Ltd., employed more than 2,700 people at the end of 1988, according to Gavin Anderson & Co. A majority of those workers were Japanese, but a large minority were young Americans here for one to three years, selling stock, trading currency or—like Poler—dealing in U.S. and European assets.

Many of Poler's colleagues and competitors came to Japan for the money or a good time. Although they are here to tap into Japan's astonishing new wealth, they live, ironically, better than they could in New York and far better than Japanese brokers and bankers the same age. "This is the best-kept secret," says Jim Jackson, 24, a Georgetown University graduate specializing in real estate. "We live great lives."

Like many of their friends, Jackson and Poler came to Japan more or less by chance, without speaking Japanese, in part because their companies had trouble recruiting more senior staff from New York for Tokyo duty. "People are either married and don't want to move their families, or they're single and don't want to leave the dating scene for two years," Poler says.

Once here the recent graduates receive cost-of-living allowances that may boost their earning close to six figures and live in central city apartments that, in Tokyo's overheated market, cost $5,000 per month or more to rent.

For many "baby bankers," the Toyko experience is eye-opening and sobering as well as lucrative. Poler, a native of Grafton, Mass., and his friend Benjamin Nye, also 23, a Harvard graduate, used to spend hours debating the merits of their jobs and the implications for America's future.

Often their debates took place on Sunday mornings, when they and a few friends would meet for French toast in Tokyo's most elegant hotel before heading to church. Then, on fine mornings, they would walk slowly home to their posh Roppongi neighborhood through the Aoyama cemetery that is one of Tokyo's few green patches, and their debate would resume.

Poler, who spent much of the past year teaching the Japanese to play the mergers game that was, until recently, quite novel to them, says he is well aware of the debate at home about Japan's economic power.

"Some guy in our church at home came up to my parents and said, "What in God name are you doing, allowing your son to sell America to the Japanese?" Poler says. "He was actually very distressed that I was over here."

On the whole, Poler says he does not share that distress. Japanese buyers so far have pursued only friendly takeovers, he says, and—unlike many U.S. and European buyers—they usually leave management and work force intact. "It's in their interests to protect our interests," Poler says. "They need our markets."

But Nye, who recently left Japan after 15 months, took a less sanguine view during their cemetery walks. Nye, who plans to travel and then enter business school, worked deals in aircraft financing for Paine Webber, persuading Japanese companies to lend money to U.S. airlines that need new jets.

Nye says he arrived "naive" about U.S.-Japan relations, "perfectly ready to blame Americans for making a bad product, for being lazy here." But the longer he watched Japanese business in action, the more he came to see elements of unfairness that U.S. effort cannot overcome. "There are two completely different systems, which is fine, until they start competing against each other," Nye says. "They can buy us, but we can't buy them."

Japan's system, Nye concluded, favors producers over consumers, long-term investment over short-term profit. Company stock is owned in huge blocks by related companies and banks, preventing unfriendly mergers and allowing firms to concentrate on gaining market share in the long run rather than improving quarterly profits.

"Technology, knowledge, the things that allow you to compete in the future—they look at a company as a living thing, and we look at it as an asset," Nye says. "Maybe we're wrong." But Nye says Japan's lifestyle seemed less enviable, much poorer than its statistical wealth. Nye says his Japanese counterpart never took vacations, although theoretically they were entitled to two weeks each year. "It's a joke," he says, "but the joke's on them.

No matter where the blame, Nye says his time in Japan made him fear for America's future. Overconsumption in the United States, combined with a system in Japan that discourages workers from even taking vacations, left him worried that the imbalance will only worsen, allowing Japan to acquire more U.S. assets and giving work to many more young bankers and brokers after him.

"They're accumulating our currency while we buy and buy and buy Japanese goods," he says. "Someday they could call us on it."

Written by Fred Hiatt, the story called the young bankers "pioneers of a new world economic order, who are still in their early 20's and are recent graduates of the best U.S. colleges. They are the flip side the United States trade deficit with Japan, and they are flocking to this new center of financial might."

Hiatt wrote "While Americans at home buy Nissans and Sonys, the growing corps of "baby bankers," in the self-mocking words of one of them, helps Japan channel its dollars back into United States skyscrapers, factories and other assets."

Dwight Poler, 23, of Grafton, MA, one of the young bankers featured in the story explained that "Japanese buyers so far have pursued only friendly takeovers and—unlike many United States and European buyers—they usually leave management and work force intact."

He stated, "It's in their interests—the Japanese—to protect our interests. They need our markets."

A second young man Benjamin Nye, also 23 and a Harvard graduate, expressed some concern upon his return to the United States. He stated he arrived in Japan "perfectly ready to blame Americans for making a bad product, for being lazy here."

"But the longer he watched Japanese business in action, the more he came to see elements of unfairness that United States effort cannot overcome."

"There are two completely different systems, which is fine, until they start competing against each other," Nye said. "They can buy us, but we can't buy them."

The story ended with Nye stating no matter where the blame is, his time in Japan made him fear for America's future. He further explained "They're accumulating our currency while we buy and buy and buy Japanese goods." Nye said "Someday they could call us on it."

Those two young men do not have the experience to put into perspective what their actions mean to the United States. They are just what the story called them "baby bankers," although their actions can be as harmful as if they were 50 to 60 years of age.

These young men have debated their actions and the implications for the future of this country, but another story in the Washington Post, July 16, entitled "A Moscow-Tokyo Bloc?" left no doubt on what drives Japan and, shows how the "baby bankers" actions are part of their agenda.

Written by Rudiger Dornbusch, the second story quoted from the 1985 memoirs of Saburo Okita, a former Foreign Minister of Japan and distinguished opinionmaker on international issues.

It explained Okita in his memoirs gave a striking clue to what drives Japan and "the feelings of those who, in 1943 already recognized the war was lost and looked ahead to the postwar challenges."

Okita wrote in his memoirs about that 1943 thought that "an army in uniform is not the only sort of army. Scientific technology and fighting spirit under a business suit will be our underground army. This Japanese-American war can be taken as the khaki losing to the business suits."

Here, in the second story, we have in one story, a former foreign minister of Japan calling this time a war which would be waged by an underground army in business suits.

The quote from the Washington Post article was disturbing to me because I had just read a story in the May issue of Manhattan, Inc. about "Japan's secret weapon, 'the shadow warriors.'" Written by Edward Klein, the story is subtitled "How the Japanese Are Buying Up New York and the U.S."

In the Manhattan, Inc. story, the author, Mr. Klein, explained to a Japanese businessman in the United States that "We can't figure you Japanese out anymore. We don't know whether you're our friend or our enemy. We see your shadow, but we don't understand your substance."

The Japanese businessman, who is an exporter in the United States, explained about "shadow warriors." He said, "In medieval Japan, the shogun became a public substitute for the secluded emperor."

"Back in the 16th century Japan was torn by incessant civil war, and important warlords, employed men who closely resembled them. These doubles reviewed the troops. They made public appearances. They led men into battle. They were out front while the warlords stayed hidden and protected behind the scenes. They were known as kagemusha—shadow warriors."

Today, Mr. Klein explained, the kagemusha is more than an abstract historic curiosity. You can run into him today in Tokyo or New York, a recognizable type who lives on in a modern and important incarnation.

□ 1620

"The shadow warriors are the shock troops of Japan's campaign to buy into America. They constitute a unique sort of intermediary—a whole army of buffers, front men and stand-ins. They are the men who sniff out the best deals, who make the first approach, who protect the final decisionmakers from mistakes or embarrassments of any kind."

The article explains that some of these shadow warriors are Americans and others are Japanese. The chief Japanese shadow warrior, Hisao Kondo, the president of Mitsui USA. Incidentally, it was a surprise to me to learn that Mitsui first came to America when Ulysses S. Grant was President—and that most of the faces in the company are still Japanese.

The Americans who are shadow warriors for Japan were also listed as the top New York shadow warriors, in addition to the president of Mitsui, USA.

Mr. Speaker, I will include the article entitled "The Shadow Warriors," but first I will just read out these names of the top New York shadow warriors: James Robinson, chairman of American Express; Peter Peterson, chairman of the Council on Foreign Relations and Blackston Group; Robert Ingersoll, former U.S. Ambassador to Japan and special advisor to the Board of Directors of the Japan Society; James Lake, chairman of Robinson, Lake, Lerer & Montgomery, a powerful public relations and lobbying firm in Washington; Isaac Shapiro, a former president of the Japan Society and senior partner of a law firm; Benjamin Lambert, president of Eastdil Realty; Bill Brock, U.S. Trade Representative in the Reagan administration, Stephen Axilrod, vice chairman of Nikko Securities; Joseph Perella, chairman of Wasserstein Perella; and Robert Baldwin, chairman of Morgan Stanley.

First, Mr. Speaker, I include the article entitled "The Shadow Warriors," and that will be followed by the paper entitled "Top New York Shadow Warriors."

[From Manhattan, Inc., May 1989]

JAPAN'S SECRET WEAPON: THE SHADOW WARRIORS—HOW THE JAPANESE ARE BUYING UP NEW YORK AND THE U.S.

(By Edward Klein)

On a recent New York afternoon, I was sitting in an overheated office when a most remarkable-looking man swung through the door on a pair of clacking aluminum crutches. He wore the smile of an Asian cherub over a set of cheery clip-on suspenders, and like many men who have struggled their whole lives against polio, he had an overdeveloped torso and an intimidating grip. Soon after I recovered from his handshake, Hiroaki Sato, the deputy director of the New York office of the Japan External Trade Organization, got directly to the point.

"I don't fully comprehend this sense of anxiety you Americans feel toward Japan."

"It's because we can't figure you Japanese out anymore," I said. "We don't know whether you're our friend or our enemy. We see your shadow, but we don't understand your substance."

Mr. Sato, who promotes Japanese exports by day and translates Japanese poetry at night, must have responded to the idea of shadow and substance. For his mind leapt all the way back to medieval Japan, when the shogun became a public substitute for the secluded emperor. And he introduced the strange concept of the shadow warrior.

"Back in the sixteenth century," he explained, "Japan was torn by incessant civil war, and important daimyo, or warlords, employed men who closely resembled them. These doubles reviewed the troops. They made public appearances. They led men into battle. They were out front while the warlords stayed hidden and protected behind the scenes. They were known as Kagemusha—shadow warriors."

The Kagemusha (kay-gay-moo-shah) is more than an abstract historic curiosity. You can run into him today in Tokyo or New York, a recognizable type who lives on in a modern and important incarnation.

"The Japanese are very concerned about being seen as assertive, confrontation, or even public," says Peter Peterson, the former commerce secretary whose own investment banking firm is owned in part by Japanese. "They don't like to get out in front of a deal."

The shadow warriors are the shock troops of Japan's campaign to buy into America (some would say buy up America). They constitute a unique sort of intermediary—a whole army of buffers, front men, and stand-ins. They are the men who sniff out the best deals, who make the first approach, who protect the final decision makers from mistakes or embarrassments of any kind.

Some of these shadow warriors are Americans (see the box on page 90), and others are Japanese. Today, the most important of the Japanese is a compact, square-faced man with a luxuriant head of silver hair. Despite his fashionable CEO getup—a gray Tripler suit, a Nina Ricci tie, a pair of polished black slip-ons—there is something so perfectly spare and controlled about his movements that he seems, at times, a throwback to old Nippon. You can picture him in a kimono, pruning his bonsai, or dressed in an Imperior Navy tunic, standing on the bridge of an aircraft carrier.

He is the most prestigious Japanese in the New York business community—and, therefore, in the U.S. He is Japan's chief shadow warrior in America.

He was unaware that he was being observed, because he was sitting at the mahogany desk, thirty feet away, with his chair swiveled completely around so that his back was to the door. It must have been a rare experience for a Japanese like *Hisao Kondo,* who bears such weighty responsibilities, to be exposed and yet feel as though he was unseen and unjudged. And so, for this brief moment, the president of Mitsui USA the American subsidiary of the oldest of Japan's fabled trading companies, let down his guard and began to stumble over a speech he was rehearsing out loud.

"Good morning," he said to the window that framed a spectacular view of the cloud-draped upper reaches of the Chrysler Building. "And happy New Year, I hope all of you had a wonderful time during the holidays." He didn't like the way that sounded, so he tried it once again.

"Good morning . . ."

He cracked his knuckles.

"Good morning and happy New Year.* * *"

He hated making speeches. And this one was in English.

At last, he sensed the presence of someone in the room, his neck stiffened, and he swiveled to face the door. There at the threshold stood Yoshihiko Kondo, the general manager of the company's secretariat and Hisao Kondo's personal factorum, a man with whom he shares a last name but no family relationship, unless you happen to agree with the Japanese that, no matter what their station in life, they are all kith and kin.

Y. Kondo, as he is known around the office to distinguish him from the CEO, is sharp featured and bouncy, as thin and graceful as a dancer. Once you understand the depths of his self-discipline and dedication, you begin to believe that, if it ever became necessary, Y. Kondo could probably dance on the walls of his boss's office like Fred Astaire.

"Owhhgh!" Hisao Kondo said.

There then ensued a rapid exchange that sounded—if my once-passable colloquial Japanese still serves—something like this in rough English translation:

"Sorry."

"Eeyehh!"

"Time. Thhsss!"

"Eeyoshh!

"Convenient?"

"Uhhhnnn!"

And that was that. The entire dialogue. Yet it apparently sufficed, for Hisao Kondo immediately rose from his desk and, with Y. Kondo scurrying in his wake, marched smartly out the door and past the desk occupied by his secretary, Evelyn Del Maestro. Evelyn, who has been commuting faithfully from Queens to Manhattan for Mitsui USA for twenty-four years, smiled benignly as she watched them go off—the Asian equivalent of Alexandre Dumas's Corsican brothers, two Kondos who might just as well be blood relatives because they are so in tune they don't need formal language to communicate.

They passed a wall with a large golden Mitsui emblem, a three-hundred-year-old family crest consisting of the ideograph for "three" (*mitsu*) enclosed in a stylized form of the ideograph for "well" (*i*) As they strode down the long hall on the thirty-eighth floor, of the Pan Am Building, they picked up a praetorian pack of vice presidents and general managers, including one exceptionally dapper gentleman whose previous residence in London had left him with a taste for bespoke Savile Row Suits and polo ponies.

Among them, the president and his men had logged over a half-century in Europe and America making money for Mitsui & Co., Ltd., whose interests range from power plants to food-stuffs. When the Japanese speak these days of their desire to become less insular and more international, they have in mind such sophisticated travelers as these members of the House of Mitsui.

Hisao Kondo enterd a crowded conference room and waited to be introduced to the two hundred or so Mitsui executives who had gathered for this occasion. Mitsui first came to America when Ulysses S. Grant was president, but more than a century later, most of the faces around me were Japanese. There was still not much room at the top of this "American" subsidiary for Americans—and practically none for African-Americans and women.

My companion and guide for this event was Shinichi Hurabayashi. If the light and lively Y. Kondo was Mr. Inside, then the grave and sober Hirabayashi was Mr. Outside—a Japanese with a perpetual five o'clock shadow and an equally rare ability to grasp the inscrutable American mind. I had spent a month of lunches trying to persuade Japanese to cooperate with an article about their economic activities in America, but mostly I had been given the polite brush-off. Then, a week or so ago, I had received a phone call from Hirabayashi agreeing to my request that I attend this morning's speech by his boss.

He gave me a photocopy of Hisao Kondo's hand-drafted speech, along with a profuse apology that the corporate-planning department, of which he was the general manager, hadn't had time to have it properly typed. It was one of those bureaucratic slipups that embarrass the fastidious Japanese.

The videotape camera began rolling, recorded Hisao Kondo's speech. His delivery in English turned out to be practically flawless. "The time has come." he said as he neared his conclusion. "for Mitsui to move toward a multiheadquarters system. It means that instead of having headquarters for everything in Tokyo, Mitsui will place control of its operations in the most suitable locations. * * * I would like to pursue the concept of setting up of a new entity called Mitsui Americas, in the form of a holding company encompassing all Mitsui affiliates in the Western Hemisphere."

This struck me as a faintly radical proposal. Japanese businessmen regularly refer to their company as watakushi no uchi, which means "my house." The idea of taking control away from Tokyo headquarters, the focus of all that transferred filial loyalty, and putting it in some foreign country seemed akin to a Japanese child burning down his own home.

After the applause, I shook hands with Hirabayashi, tucked the photocopy of the speech in my breast pocket, and took off for an appointment. Over the course of the next day, I had interviews with a number of Japanese, and with each of them I raised the same question: What do you think Hisao Kondo has in mind about creating a holding company in the United States? In between these interviews, I checked my telephone-answering machine. There was a message from my guide of yesterday, Hirabayashi. I didn't like the nervous tone of voice I detected on the tape, so I called him back right away.

"We have big trouble," he told me.

"What's the problem?" I asked.

"Some people from Mitsubishi have called our office inquiring about Mr. Kondo's concept for a new holding company in America," he explained.

"Yes," I said. "I discussed it with them."

"I hope you haven't gotten Mitsui confused with Mitsubishi," he said. "Mitsubishi's our competitor!"

"I know that." I said. "But, look, you gave me a copy of his speech, and you knew that I was going to use it in my article. So what's all the fuss? I didn't give away any of Mitsui's proprietary secrets."

"That's true," he said. "But we didn't expect to get a phone call from our competition *the next day.*"

"Well, I'm sorry if . . ."

"Oh, that's all right," he said.

"Good," I said, thinking it was all settled.

"So," he said, "we'd like you to return your copy of the speech.".

"Why?"

"Because it's private," he said.

"But I was there as a reporter and I took notes."

"We may have to cancel the whole project with you," he said.

Although I was dumbfounded, I managed to say, "I don't understand."

There was a long pause, then Hirabayashi told me, "Well, these things are hard to communicate."

That was putting it mildly.

Yet another sushi lunch, a steak-and-chivas dinner, and a number of abject apologies later. I patched things up with Mitsui and went on to report this story, which took four months, required nearly eighty interviews, and produced more than four hundred pages of notes.

The New Year's episode at Mitsui—with all its zany, who's-on-first confusion—captures a fascinating truth about the Japanese. The Japanese now have among the world's highest per-capita incomes, the world's second largest number of billionaires, the world's ten richest banks, the world's three biggest insurance companies, the world's four biggest investment houses, the world's most expensive real estate, the world's most potent stockpile of foreign exchange—and yet they find the world puzzling and even distasteful.

The Japanese may run the most brilliantly organized society, but they have never mastered the art of getting along with people who aren't Japanese. So long as they were content to stay cozy on their crowded little chain of islands and deal with the rest of the world through exports, their missing gift for human empathy didn't seem to hurt them very much. Now, however, they are foraging deep into strange and hostile territory, capturing big chunks of America's real estate and manufacturing assets—and they find themselves as hopelessly at a loss when it comes to dealing with us, the indigenous, exotic natives, as we do in dealing with them.

"From now on, the major issue between America and Japan is not going to be trade," says Sadami (Chris) Wada, the chief lobbyist for Sony America. "In just eleven more years, by the end of this century, the Japan Development Bank projects that Japan will have $1.5 trillion in foreign assets, and a lot of that will be in factories and businesses in America. The issue is going to be direct investments. We must launch a crusade to make sure that Japanese investments are not a source of conflict between our two countries."

The problems Hisao Kondo faces in leading this crusade are psychological as well as economic. Most Japanese perceive themselves as being so separate, distinct, and unique that they practically constitute a different species of humanity. And they believe it is because of their racial homogeneity and cultural cohesiveness that they have come through two great national crises in the past 130 years—the forced opening of their feudal society by Commodore Perry and their devastating defeat by America in World War II.

Now, however, the Japanese are suddenly confronted by a third, and possibly the greatest, crisis of their modern era: a rising necessity and demand that they join the rest of the human race. The latest of Japan's upheavals has been brought on by a massive shift in the basic structure of Japanese trade, a shift that has gone largely unnoticed here in America. "Japan is now encountering serious difficulties in finding markets for its exports," writes former ambassador Edwin Reischauer, the dean of America's Japan experts. "The newly industrializing nations with lower labor costs are pushing Japan out of labor-intensive fields, such as textiles and electronics, and into high-technology, capital-intensive areas. But the markets in those fields are largely in the richer, highly industrialized countries like the United States and those of Western Europe, which are themselves desperately clinging to this sort of production. They are not likely to permit directly competitive Japanese imports to continue to grow at the same rate as in the past at the expense of their own industries."

The potential consequences for Japan are enormous. "Within the next six or seven years," says Charles Brady, the senior auto analyst at Oppenheimer & Company, "Japan will lose half a dozen of its automobile-manufacturing companies. The only ones that will probably survive the competition are Toyota, Honda, and Nissan."

To make matters worse, the Japanese are caught in this double bind between Asian upstarts and Western protectionists at a perilous moment in world affairs. Ever since Mikhail Gorbachev appeared on the scene, the world's primary focus of fear has gradually been shifting away from a shooting war with the Soviet Union to an economic war with Japan.

"Everybody's trying to hold off Japan," says Yoshi Tsurumi, a professor of international business at Baruch College. "As long as we Japanese try to play the world out of Japan, we will be squeezed. Now we have to become indigenous in other countries. That's why Hisao Kondo wants to set up a separate Mitsui headquarters here in America—just like Kobe Steel America and Fujitsu Electronics America. Kondo understands that we have to become astute players of the politics, business, and culture of America."

The trouble is the Japanese are woefully inept at "playing" other cultures. "It's true that the Japanese have proved themselves to be very adaptive," says David MacEachron, the former president of the Japan Society, "but what they're confronted with now is more difficult than anything they've ever faced. Their society is so highly structured, so bound by its own very profound rules and regulations, that there's a real question whether they can internationalize in the true sense of the word."

From all sides come warnings that the Japanese are courting catastrophe with their blithe indifference to everyone's economic welfare but their own. Reading these ominous signs, many sophisticated Japanese are beginning to worry that their countrymen have gone too far; during a recent trip to Tokyo, I heard a number of people talk about their baleful new reputation as *Minikui, Nihon-jin*—ugly Japanese.

Some people even bring up the analogy of Pearl Harbor as an example of how the Japanese still fail to think through the consequences of their behavior. "Just before World War II, Admiral Yamamoto, who was the head of our armed forces, opposed the attack on Pearl Harbor," says Jitsuo Hoashi, a commercial designer who has lived for many years in America. "But once the Japanese people started on that road to war, they couldn't stop until it was too late. I wonder now whether we're repeating history, that somehow we won't be able to stop until it's too late again."

But even if some farsighted Japanese understand that their unrestrained competitiveness is dangerous, that hasn't seemed to slow them down. "The trouble is that nations don't change their ways very quickly," says MacEachron. "Many Japanese in their sixties and seventies resent hearing that their tiny island nation is no longer a poor country, that it is now enormously rich and must think in global terms. The real question is whether they have the capacity to begin dealing generously with the larger world within an allowable time frame."

Hisao Kondo seriously doubts that the time for such generosity has come. "We Japanese," he said over a fish dinner at the Gloucester House, "used to have many danna-san in prewar days—rich men with mistresses who spent their money freely. Most of the temples in Kyoto were built with donations from these rich danna-san. In the past, there was a period when Japan felt real rich, inside Japan. But now, compared to the United States, we don't think we're rich enough. When we become very rich, I'm sure we'll change our behavior and think more like danna-san about outside Japan."

In many ways, Hisao Kondo is something of a danna-san himself. He is the first foreigner ever to be elected as a director of the New York Chamber of Commerce and to the blue-chip board of directors of Lincoln Center. Early this year, he joined such luminaries as IBM's chairman John Akers. GE's John Welch, and Allied Signal's Edward Hennessy Jr. as the only foreign member of the corporate-fund leadership group of the Kennedy Center for the Performing Arts.

Since the Japanese like to give everything a label, it is hardly surprising that they have come up with a term, "good corporate citizenship," that means that Japanese companies are trying to sweeten their image by donating more money to worthy philanthropic causes. Last year, for instance, they practically doubled their U.S. charitable donations to $140 million. "There is no tradition of corporation giving in Japan, and certainly there isn't the same sense of civic responsibility, as we know it, here," says Toby Myerson, a specialist in Japanese law at Paul Weiss, where he has a staff of one hundred lawyers working on Japan-related business. "But the Japanese have come to see that making charitable contributions is a local custom to which they must adapt. They also recognize that it's good business."

Over a long working weekend. Hisao Kondo gave me a tour of the two floors Mitsui's branch office occupies in the First Interstate Bank Plaza Building, one of the tallest skyscrapers in Houston's dramatic skyline. "Maybe next time you come," he said, half-joking, "it will be called the Mitsui Building."

The Houston office was the only one of Mitsui's sixteen American branches where the all-important general managers' meeting is conducted in English, which explains why I had been invited. So I found myself sitting at a table with thirteen Japanese businessmen whose watchword seemed to be caution.

At the end of the meeting, Yoshiyuki Kawashima, the senior vice president in charge of the southwest region, gave a little speech in honor of the visiting chief.

"I have worked for Mr. Kondo three times," Kawashima said. "He is a superb manager. I wanted to emulate Mr. Kondo, but our personalities are different. So I wrote down what I call Kondo's Words of Wisdom on a card that I always carry with me."

At that, Kawashima whipped out a card from his inside breast pocket and proceeded to read aloud:

"One, to win the war, it is imperative to establish your strategy.

"Two, always keep your market share in mind.

"Three, plant seeds for future investment.

"Four, you can't create real business if you are worried about friction in the challenging world.

"Five, establish close relations with the leading manufacturers in each area.

"Six, when you have a problem, think that it is an opportunity."

Kawashima looked up, waiting for his boss's nod of approval. Instead, Hisao Kondo said, "You left one out."

"What is that?"

Hisao Kondo smiles and said, "Start small; grow big!"

A few hours later, Hisao Kondo and I were sitting in the first-class cabin of a Continental Airline DC 9, flying back to New York. He slipped off shoes, took off his suit jacket, and unknotted his necktie, and in this relaxed posture he worked feverishly hard to answer my questions about his past. Whenever he was stuck for the right word, he pulled out his pocket-size Japanese-English dictionary, but my American journalist's effort to probe for hidden psychological clues seemed to leave him thoroughly perplexed. Among the Japanese, Ronald McDonald is a much more popular figure than Sigmund Freud.

For instance, at one point he said that his mother had been a strict disciplinarian. "Whenever I did something bad or wrong as a child, I became kind of scared, because I knew that she'd scold me. And when I was really bad, she'd hit me in the face." This memory of corporal punishment is at radical variance with the customary image of the pampered and spoiled child we glean from books about Japan, but Hisao Kondo didn't give it a second thought. Nor did he seem to attach much importance to an episode that would have seared forever the psyche of any American. "At the end of the war, I was a student in a naval academy in the Inland Sea near Hiroshima," he said matter-of-factly. "In August 1945, I heard a tremendous explosion, and when I looked out the window, I could see the mushroom cloud of the atomic bomb."

I waited for more. But that was the end of his story about Hiroshima.

This is not to say he didn't make a sincere effort to accommodate the curiosity I displayed about his past. "I lived a completely different life than my father's life," he said. "After all, my father was a novelist. He wrote under the pen name Settsu Mowa, which is the Japanese transliteration of the French words c'est moi. He was a very Western-oriented man, always seeking something modern, new, European. He had the largest collection in Japan of books about golf, and when he finally ran out of imagination to write novels, he wrote books about golf.

"So," he continued, "my father always stayed home. But when I joined Mitsui, I didn't come home until midnight—I was always out drinking in the Ginza with my colleagues or clients. Also, as a salaried man, I had to be in harmony with the people around me. But as an artist, my father was not the type of man who got along well with other people. He'd ask me, 'How can you pay so much attention to people around you?' You see, he was his own master. This is very rare in Japan. I kind of envied his position."

But he didn't follow in his father's footsteps. Early in his career, Hisao Kondo displayed the organization man's traits that are most highly valued in Japanese business—a fierce competitive spirit and the ability to submerge one's own individuality. This brought him the attention—and, what was more important, the protection—of powerful men who were later to succeed to the chairmanship of Mitsui.

With that kind of support from on high, things went smoothly for many years. But then, in 1980, when he was fifty-three years old and doing extremely well in boom-time Texas as the general manager of Mitsui USA's Houston branch office, Hisao Kondo was confronted with an unexpected crisis. "I was asked to return to Tokyo and switch from the chemical division to the gas division," he explained. "As an American, you may find this hard to understand, but in Mitsui's organization, it is always risky to change groups."

"But you weren't leaving Mitsui," I interrupted. "You were just being transferred within the organization."

"Yes," he said, "but leaving your own group is like leaving home. I knew everybody in the chemical group: I had personal relationships there. This is very important—everything in Japanese business depends on personal relationships. Nobody knew me in the gas department, and let me tell you, strange departments are not always receptive to people from the outside. But I told Eijiro Machida, who was then president of Mitsui USA, 'I leave it to you 100 percent. I'll be willing to go wherever you say.' And Mr. Machida, who was very concerned about my future, apologized to me, and he said, 'The decision has been made—you are going to work for the gas division.' "

His powerful mentors in Mitsui noted with approval that the stoical Hisao Kondo did what he was told without a whimper of complaint. So, while other Mitsui men reaching their midfifties were asked to take normal retirement. Hisao Kondo was tapped for bigger things. He was made a director of the company and then promoted to president of Mitsui USA, the key overseas office that accounts for a healthy chunk of the parent company's $127 billion in annual trading transactions.

Taken together, Mitsui and Mitsubishi—the two largest *sogo shosha*, or general trading companies—book 20 percent of Japan's exports and imports, and by tradition the men who head their American subsidiaries are given the honor of alternating as president of the Japanese Chamber of Commerce of New York. When Hisao Kondo arrived in New York City in 1987, he found it was his turn to assume what had been until then a largely undemanding, ceremonial post.

But it just so happened that 1987 turned out to be a critical year in relations between America and Japan. The trade deficit with Japan—despite the devalued dollar—was running at the staggering rate of more than $164 million a day, or $60 billion a year. And if that wasn't bad enough, Americans were just beginning to wake up to the fact that Japanese companies, flush with appreciated yen, were furiously buying up American assets—everything from half the real estate in downtown Los Angeles to CBS Records. Mitsui itself had made a breathtaking (and unreported) bid of more than $2 billion for the chemical division of Borg-Warner, only to be beaten out at the last minute by General Electric.

When Hisao Kondo assembled key committees of the Japanese Chamber of Commerce at the dank Nippon Club on West 57th Street, he noticed a lot of glum faces around the table. The members had been reading their own bad notices in the American press. Direct investment by Japan was growing at the breathless rate of 40 percent a year. Japan had already surpassed Canada as the third-largest foreign investor in the United States and was about to overtake the Netherlands in the number-two spot. It was just a matter of time before Japan would beat out Great Britain, which has been investing in its former colony for two centuries, as America's largest foreign investor.

"I don't know if American society can adjust to Japan's power," says Jiro Murase, a prominent Japanese-American attorney and a member of the chamber. "Americans are having trouble getting used to being treated not as royalty. How our two nations adjust to this change will be a heavy responsibility of our leaders."

Back in Tokyo, one of those leaders, Sony's Akio Morita, warned his colleagues in Keidanren, the immensely powerful Japanese Federation of Economic Organizations, of the growing backlash in America. "We find these [direct investment] activities to be a positive trend in the continued prosperity of U.S.-Japan economic relations," a Keidanren position paper stated. "But when they occur at such a rapid rate, they are bound to cause unexpected reverberations on the surrounding social environment. . . . When such misperceptions accumulate, they may sow seeds for negative sentiments."

To counter these "misperceptions," Keidanren set up a major public relations project called the Council for Better Investment in the U.S. In short order, a delegation was flying to Washington, where, over a period of three whirlwind days, its members met with an impressive roster of Americans—everyone from Treasury secretary Nicholas Brady and Federal Reserve chairman Alan Greenspan to soon-to-become national security adviser Brent Scowcroft and budget chief Richard Darman, as well as key committee chairman in the Senate and House. At every opportunity, the Japanese conveyed the same message: "Our investments aren't a threat to your country. On the contrary, they create new jobs in America and reduce the intolerable trade deficit."

Word also went out from Keidanren to various corporate groups—or, as the Japanese call them, gurupu—that it was imperative to take action. One of the largest of these gurupu is the Mitsui conglomerate, which comprise a loosely tied cluster of banks, real estate, heavy-machinery, and construction companies as well as the venerable Mitsui trading house itself. Like other gurupu, Mitsui has a president's council that meets once a month, as a sort of super board of directors, for what might politely be called mutual reinforcement. Although the presidents of the Mitsui gurupu always speak in the most general terms when meeting in council, they clearly had ambitious plans of their own for massive foreign investments, and of course their point man in America was none other than Hisao Kondo.

So it wasn't long before Hisao Kondo was getting to know David Rockefeller, the founder of the New York Partnership, and James Robinson, the chairman of American Express and the head of the New York Chamber of Commerce and Industry. And it wasn't too long after that that Hisao Kondo decided to move his residence from the Japanese enclave in Scarsdale to the East Side of Manhattan so he could be closer to the action. He reorganized the Japanese Chamber so it would mirror the structure of the New York Chamber, and he took the bold un-Japanese step of allowing himself to be profiled for this article. Things invariably happen from the top down in Japan's hierarchical society, and once Hisao Kondo granted his cooperation, the walls of resistance tumbled down. Top executives at Sony, Toshiba, Nikko Mitsubishi, Nippon Life, Bank of Tokyo—all were suddenly available for interviews. Hisao Kondo was emerging as Japan's undisputed chief shadow warrior in America.

"Inevitably," Hisao Kondo says, "There must be a certain difference in the way you Americans look at Europeans versus Japanese. You're descendants of Europeans, and you have your origins and roots there and very similar cultures. You have your way of thinking, your way of life, everything in common. So, I think Americans have less negative feelings about European businesses investing in this land, whereas we Japanese come from a completely different culture. It is natural for you to have some prejudice against Japan. I don't think it is racism, but * * *"

He pauses over that thought, adds, "Some people may have racial prejudice * * * but not all * * *" then pauses again.

"I tell the Japanese government that we need to make a more effective PR effort," he continues. "There is already a consensus among conscientious and far-looking Japanese businessmen that something must be done to prevent a backlash against Japan. But we are very clumsy in making public relations about Japan. You Americans are geniuses at presenting yourselves. We Japanese are just beginning to try to change and I hope that that change of attitude will be understood and recognized by Americans."

The Japanese are gearing up through their shadow warriors not only a public relations campaign but a major mergers-and-acquisitions onslaught. "They come in here once a week to pick our brains on M&A," says an American who often fronts for the Japanese. "A lot has already happened. I mean, Bridgestone has bought Firestone and Yasuda Life has bought a chunk of Paine Webber and Dainippon Ink and Chemicals has bought the Reichhold Chemicals and the Bank of Tokyo has bought the Union Bank of California—you know, the kind of transactions you read about in the newspapers. But that's only the tip of the iceberg.

"Now," he continues, "they're positioning themselves for the big push into the future. They're going at it in their own methodical way. They're trying to learn how to play the game. Their targets are financial-service companies, chemical companies, auto-parts companies, food processors and distributors. These target companies are all over the country, but New York City is where the major American investment banks are and where the M&A teams of Japanese institutions are. If they need financing for an acquisition, all they have to do is walk down the street."

In fact, it has become increasingly difficult to discover the details of these Japanese deals. In the last year alone, the number of manufacturing plants in the United States identified as "Japanese affiliated" increased by more than 50 percent from 550 to 837.

"They are very private," says another American, who also acts as a shadow warrior and prefers to stay anonymous. "It's like an onion skin. You peel layer after layer of Japanese ownership of assets in this country, and it grows bigger and bigger than it at first appeared. Forty billion dollars, fifty billion, nobody knows the total figure."

Wherever money talks in America, you will find the Japanese. They provided some $13 billion, or nearly 40 percent of the senior banking facility, to grease the wheels in the buyout of RJR Nabisco. They are engaging in joint ventures with major American producers of steel, electronics, and semiconductors. They are building so-called "greenfields" factories from scratch in parts of America where unions are weak or nonexistent and where the minority proportion of the population is low.

"I have heard the argument that the Japanese won't succeed here in America because of the peculiarity of our culture and its homogeneity" says Yoshio Terasawa, the ranking Japanese member of the World Bank Group. "But I don't agree with this argument at all. We are not a religious people, so we have no transcendent precepts or principles that bar us from taking whatever action is necessary. We can be terribly immoral, if necessary.

"Now," he continues, "in order to make more money and be more competitive, Japanese businessmen will do anything they have to. There are no limits. They may talk about Americanizing their companies to please their American employees, but that is not what they will really do. Big Japanese corporations are going to acquire big American corporations and let them run things so that the Japanese owners will not be visible."

In short, the Japanese-owned American company itself will become the ultimate shadow warrior.

Last fall, just before Americans went to the polls to vote for a new president, Hisao Kondo addressed a mixed audience of American and Japanese. He told them that, since the election hadn't taken place yet, it wouldn't be proper for a foreigner like himself to speak in favor of either George Bush of Michael Dukakis. Therefore, he was left with no choice. "I wish the best," he said, "for President Bushakis."

The audience appreciated the quip. And, in fact, it is hard not to warm up to Hisao Kondo, a man of great charm and grace and good humor.

However, it is equally hard not to wonder what on earth the Japanese think they are up to these days. In great measure, Japan's postwar success story has depended on its close relationship with the United States. It is the United States that has provided Japan both with the military defense of its hard-working population and with the market for its superior goods. Without the United States, there could be no Japanese miracle. As former commerce secretary Pete Peterson puts it. "America and Japan have the economic version of MAD—mutual assured destruction."

The United States has to be held responsible for its own shortsighted economic policies, but it is the Japanese who seem to be threatening to kill the goose that lays the golden eggs. "Sure," says the distinguished economist Walt Rostow, "we look like big slobs living off our capital. But the Japanese have been conducting economic warfare against us, and some very powerful Japanese have loved the game. They're laughing all the way to the bank."

It's a tempting game, but it is also a dangerous one. For if the Japanese continue to treat America with economic scorn, there is a chilling chance that the United States will eventually go into a convulsive protectionist mode. And if that should happen, it will be too late for even the most adept shadow warrior to stave off a major crisis between the United States and Japan.

TOP NEW YORK SHADOW WARRIORS

Since shadow warriors have to be both familiar and comfortable with the customs of this country, they are often Americans, and since they must wield influence, they tend to be powerful figures in the worlds of business, finance, academia, and diplomacy. It would be a mistake, however, to see these people merely as Japanese "hirelings." Quite the contrary, they are, without exception, men of notable accomplishments who have been chosen by the Japanese from a wide field. There are literally hundreds of these Americans who are working, formally and informally, on behalf of Japan.

What do these shadow warriors offer the Japanese? Says Nikko's Stephen Axilrod, "By coming here, I gave Nikko a lot of credibility." And Shearson Lehman Hutton, which has a significant equity partner in the Nippon Life Insurance Co., has set up a M&A training program so the Japanese can acquire more of the credibility—they're learning to do deals themselves.

Many of the American shadow warriors have a genuine admiration for the Japanese. Such is the case with investment banker Joseph Perella. "What do you think is worse for America?" he asks. "Cocaine or Japanese M&A?"

Here, on the basis of my reporting, is a list of the most prominent American *kagemusha:*

James Robinson, chairman of American Express. Robinson's interest in the burgeoning Asian market for financial-service and travel-related businesses has moved him to become deeply involved in Japanese affairs. He is the influential chairman of the capital-fund-drive-campaign committee of the Japan Society, and he's this country's most outspoken business advocate for greater cooperation between the United States and Japan.

Peter Peterson, chairman of both the Council on Foreign Relations and the Blackstone Group, a private investment banking firm. Pete Peterson helped arrange Sony's $2 billion acquisition of CBS Records, and he recently sold 20 percent of Blackstone to Nikko Securities for $100 million. Nowadays he is shopping in Hollywood on behalf of cash-rich Sony, which is eager to buy an American motion-picture studio.

Robert Ingersoll, former U.S. ambassador to Japan and special adviser to the board of directors of the Japan Society. Ingersoll is chairman of the $12 million Matsushita Foundation, which contributes to such causes as public-school reform and Japanese studies.

James Lake, chairman of Robinson, Lake Lerer & Montgomery, a powerhouse public relations and lobbying firm in Washington that represents many important Japanese clients. As a former senior adviser to George Bush, Lake is wired into the current administration. And one of Lake's partners, Linda Robinson, is married to Amex's Jim Robinson.

Isaac Shapiro, a former president of the Japan Society and a senior partner at the law firm Skadden, Arps, Slate, Meagher & Flom. Shapiro, who is known to his friends as "Mr. Japan," was educated in Japan and still speaks fluent Japanese. He tutors Japanese in the legal niceties of mergers and acquisitions.

Benjamin Lambert, president of Eastdil Realty. Lambert sold 50 percent of his firm to Nomura Securities for $50 million. As a result, Eastdil is now considered the top specialist in the United States in securing trophy office buildings for Japanese investors. Eastdil also arranges other investment opportunities for the Japanese, in the form of real estate syndications.

Bill Brock, U.S. trade representative in the Reagan administration. Brock now works the other side of the table as a Washington lobbyist who negotiates on behalf of many Japanese clients.

Stephen Axilrod, vice chairman of Nikko Securities. Axilrod, a staff director at the U.S. Federal Reserve Board for thirty-four years, now charts the economic climate and investment prospects in America for Nikko's Japanese investors.

Joseph Perella, chairman of Wasserstein Perella, an investment banking boutique specializing in mergers and acquisitions. A couple of years ago, Perella sold 20 percent of his company to Nomura, the largest securities firm in the world, for $100 million.

Robert Baldwin, former chairman of Morgan Stanley. Baldwin recently returned to Wall Street as head of Lodestar Group, an investment banking boutique partly owned by Yamaichi Securities.

Just what these shadow warriers who are Americans will be doing for the Japanese is interesting.

The chief lobbyist for Sony America, Chris Wada, is quoted:

> From now on the major issue between American and Japan is not going to be trade. The issue is going to be direct investments.

With the direct investments the story makes the point of the possibility of a backlash against Japan. To avoid that the Japanese are gearing up through their shadow warriors not only a public relations campaign but a major mergers and acquisitions onslaught.

One American was quoted in the story that the recent sales of Firestone, Paine Webber and Dainippon Ink and Chemicals is only the tip of the iceberg for acquisitions. He stated:

> They are positioning themselves for the big push into the future. They're (the Japanese) are trying to learn how to play the game. Their targets are financial-service companies, chemical companies, auto parts companies, food processors and distributors.

The story also pointed out that it has become increasingly difficult to discover the details of these Japanese deals. In the last year alone, the number of manufacturing plants in the United States identified as Japanese affiliated increased by more than 50 percent from 550 to 837.

Another American involved in the financial deals for the Japanese said:

> They are very private. It's like an onion skin. You peel layer after layer of Japanese ownership of assets in this country, and it grows bigger and bigger than it first appeared. Forty billion dollars, fifty billion, nobody knows the total figure.

Just what are the Japanese doing? According to the author Mr. Klein, Wherever money talks in America, you will find the Japanese.

> They provided some $13 billion, or nearly 40 percent of the senior banking facility, to grease the wheels in the buyout of RJR Nabisco. They are engaging in joint ventures with major American producers of steel, electronics, and semiconductors. They are building so-called "greenfields" factories from scratch in parts of America where unions are weak or nonexistent and where the majority proportion of the population is low.

Much of this we already knew, about the business deals with American companies. The intensity some of us were not aware of. We have all nodded our heads and clucked over stories about our economic war, but we have not had it pointed out quite so vividly as it has been in the three stories I have just mentioned.

What is the most revealing about the shadow warriors—and remember that some of them are Americans, is the people they are employed to stand in for. How these warlords in the background do business is important.

What the Japanese can do is explained in the article by Yoshio Terasawa, the ranking Japanese member of the World Bank. He said:

> I have heard the argument that the Japanese won't succeed here in America because of the peculiarity of our culture and its homogeneity.

He went on:

> But, I don't agree with this argument at all. We are not a religious people, so we have no transcendent precepts or principles that bar us from taking whatever action is necessary. We can be terribly immoral if necessary.
>
> Now, in order to make more money and be more competitive, Japanese businessmen will do anything they have to. There are no limits. They may talk about Americanizing their companies to please their American employees, but that is not what they will really do. Big Japanese corporations are going to acquire big American corporations and let them run things so that the Japanese owners will not be visible.

The author concluded:

> In short, the Japanese-owned American company itself will become the ultimate shadow warrior.

I was stunned by the remarks of Mr. Terasawa. Are Americans able to quiet their conscience about their actions and how it affects the future for all Americans? The two young baby bankers obviously did or they would not have been debating and questioning their actions to the future of the country.

Are the older Americans who remember WWII so naive as to not understand what Mr. Okio wrote about an underground army in business suits? Remember he was writing about the plans laid in 1943 for now.

We know the game plan for the Shadow Warriors. We know how to identify them. The article explained who they are, what and how they function. The Japanese openly tell us what they are going to do. Now it is up to us to do something about it.

We can either wring our hands and cluck our tongues, or we can get busy to make a strong industrial America for Americans.

Remember, we are the largest market in the world. If all these foreign countries want access to us, and want to buy our property, then why don't we manage our own business instead of being the largest debtor nation and letting someone else manage our companies so they are American in name only.

The choice is up to us. It is our future and our children's future.

□ 1630

CAL FARLEY'S BOYS RANCH

The **SPEAKER** pro tempore (Mr. LEWIS of Georgia). Under a previous order of the House, the gentleman from Texas [Mr. SARPALIUS] is recognized for 60 minutes.

Mr. SARPALIUS. Mr. Speaker, I am a new Member of Congress, recently elected, came to this body as a Democrat. I had the unique fortune of attending the White House at a reception a few days after the swearing in of our new President. At that time, I extended an invitation to our First Lady, Mrs. Bush, to come to my home. She graciously accepted that invitation and came to my home yesterday. Oh, what a thrill it was to bring her to my home, which is Cal Farley's Boys Ranch, on the celebration of their 50th anniversary of helping boys and girls throughout this country.

Mr. Speaker, I think that we could look at Cal Farley's Boys Ranch as a model, hopefully, for this country in dealing with some of the problems that are facing our young people today, and, oh, what a large amount of problems.

Today we have close to 30 percent of our kids in our public school systems who are quitting school. Think of that. Close to 30 percent of our kids are quitting school. Close to 50 percent of Hispanics are quitting school, 36 percent of the blacks. We must do something about the kids that are quitting school in this country.

The sad thing is that 95 percent of our inmates in our penitentiary system are people who quit school. A high percentage of people on our social programs in this country are people who quit school.

We must put emphasis on education. Education is one of the cornerstones of having a strong, sound country. It concerns me that we take for every tax dollar that we send to Washington, only 2 cents of that is spent on education.

Look at the problems facing our youth. Today there are 30 teenage girls every day that give birth to their third child. The statistics are overwhelming. The problems our children are having today.

Mr. Speaker, I talked to a young 12-year-old girl who told me that she had to carry a gun to school because she was a drug dealer and she needed it to protect herself. She was making $1,000 a day selling drugs, and she was looked upon as somebody that was very popular in her school system. Everybody wanted to be just like her. I remember talking to the juvenile probation officer in my office about this child. I said, "What are you going to do with this girl now? What are you going to do with her now?" The unfortunate thing is that there are not many places in this country that we have to help our kids.

Cal Farley's Boys Ranch is a model. It is something that I hope this country will look at, its story and its success, and hopefully we will follow the example that Cal Farley's Boys Ranch has made for its graduates and for the educational system that they have been able to develop.

Mr. Speaker, I want to tell my colleagues a little bit about Boys Ranch. Let me tell you a little bit about Cal Farley.

Cal Farley was a successful businessman, successful athlete, was a professional wrestler and baseball player. He traveled throughout the country playing professional baseball and finally came to Amarillo, TX, settled there, opened up a business and became very successful in a tire shop called, "One Stop Does It." He was a motivational man. He built his business by unique ideas of attracting commerce.

However, Mr. Speaker, he noticed as a baseball player that after every game there would always be some kids around him that did not have any place to go. One summer he came up with the idea of: "Let's take some of these ideas, and let's get them involved in athletics. Let's set up some baseball teams and some wrestling teams and give things for the kids to do through the summer."

□ 1640

He created what was known as a maverick club in Amarillo, but then he realized that a lot of these kids, at the end of the day, had no place to go. He came up with an idea, "Why not take some of these kids out into the country, far enough out into the country, and let's put in a garden, raise a few vegetables, have a cow, maybe a few chickens and some hogs, and why not keep them there through the summer, let them work, try to see how productive they can become." He took that idea with six boys, and 50 years ago went out into a place 35 miles northwest of Amarillo into an old Western town called Tascosa and moved there into the old courthouse with six kids and started Boys Ranch. He anticipated it would only last through the summer. He had no idea it would be something that he would deal with for the rest of his life.

Oh, I could tell you lots of stories about kids that were sent to Cal Farley, the story of a boy who showed up at the train station with only his name around his neck and a note that said, "Cal Farley's Boys Ranch." I could tell you many stories of kids that came from conditions one would not believe, but he gave them a home and a place to live.

What was a unique about the way he started Boys Ranch was he started out by saying, first, he wanted no government funds, no State funds, no Federal funds. It is not tied to any religion. He wanted it to be supported strictly by the people of this country, people who cared about helping kids.

Cal Farley realized that as he began to grow he had more and more boys, and he had to make a tough decision, whether to stop Boys Ranch and continue his business or to sell his business and devote all of his time to helping kids. Fortunately, the boys won out. He sold his business, continued to promote Boys Ranch and continued to have kids come to him from all over the country.

The popularity of Boys Ranch began to grow and grow, but he was such a genius, because many of these kids who came there were very far behind in school, and many of them had never seen a doctor before, never had their teeth cleaned, and many of them did not have much at all in life. But he gave them school, designed a school system where it had small teacher/student ratios, spent a lot of time with the kids, and he realized that not all of these kids are going to be college graduates, but if we could just teach them a skill and teach them a trade, teach them how to balance a checkbook, teach them to have a strong belief in their God, we could make productive citizens out of them. That was his philosophy. That is what Boys Ranch is today.

If you go around Boys Ranch today, you will find, first, that as you enter Boys Ranch, you will see off to the side what is known as a boys center where they have a bank, a store, soda fountain, Cokes, where kids can come in and get something to drink, and when a new boy comes in, he is first given a new set of clothes, given some money to put in his bank account, he is given a job, and then he is on his own. He is given a bed, three meals a day, church to go to, horses to ride, and he can choose any occupation that he wishes, whether it be learning how to be an electrician, laying brick, cooking in the dining hall, learning to cut hair. Any area that he wants to learn, that opportunity is there for him.

Oh, but let me tell you about some of the successes of Boys Ranch. Yes, I came to Boys Ranch. My dad left me when I was about 10 years old. My mother had a severe drinking problem, had a tough time keeping a job, and I had two younger brothers. I came to Boys Ranch when I was 12 years old. We did not have much at all. I was behind in school, and we really did not have anything. I remember living in a home where we had no running water, no electricity, and the only food we had was food that churches would bring to us. We did not have much.

But we were given a second chance. We were given an opportunity to come to Boys Ranch. When I came there, I had the chance to take advantage of that school system. I was 13 years old, and in the fifth grade. I met all the requirements of being a dropout, of being a failure, but today I stand before you as a Member of the U.S. Congress, and I owe it all because of the ambitions, the desires, and the hard work that Boys Ranch taught me and many other kids who grew up there. Today both of my younger brothers are ministers, Baptist preachers. I tell people that we all three went into politics, but we are very close. We share a lot of things together.

My story is nothing unusual about the successes of Boys Ranch. I know of a boy that I grew up with who never got his high school diploma, but he learned how to frame houses, and today he employes 250 people in California framing apartment houses. I know of another guy that I grew up with that never got his high school diploma, but he employs about 100 people in Florida pouring concrete slabs. Another boy worked in the dining hall, and he owns several Pizza Huts in Fort Worth, TX.

Oh, I could tell you story after story of their successes at Boys Ranch. You can look at the success of their alumni, and that tells the story of Cal Farley's Boys Ranch.

Yes, I have always been proud to call Boys Ranch my home. When I was a senior, I looked up to Cal Farley a great deal. I remember it was on February 19, 1967, and I was asked to give the sermon in church, my first time ever to speak in public, and, oh, I was afraid. I was scared. I came to the church, and I remember Cal Farley coming up to me and put his hand on my shoulder and wished me the best of luck. But he never heard my sermon, because Cal Farley passed away in his pew at the beginning of the services on that morning. I remember I went to my dormitory, and I lay down on my bunk, and I thought here was a man who gave his life to helping other people, to helping kids, and I had hoped that someday I would have an opportunity to help kids as well. I never would dream that that door would open up and give me an opportunity to serve in the State senate and now as a Member of the U.S. Congress.

I never dreamed that someday we would be able to bring the First Lady of this country to come to Boys Ranch and see of its successes. Oh, yes, it is a model. It is a model, something we should look at.

But what is so unique about Boys Ranch is that their cost per boy, the cost per boy is cheaper than any juvenile facility that I have seen in this country. It is a success. They produce about 80 percent of all of their own food, they have their own feedlot, they process their own cattle, have their own dairy processor on milk, vegetables, canneries, process their own honey, raise their own chickens, harvest their own eggs. They produce about 80 percent of their own food.

Why can we not, as a country, look at some of the problems that I just expressed facing our young people today; why can we not begin to put emphasis on dealing with developing a strong educational system? Why do we not focus on the problems of our dropouts in this country? If we ever want to get serious about dealing with the problems in our social programs, the problems in our prisons, the answer is not building more prisons. The answer is in investing in our young people, giving those young people a second chance and an opportunity.

Oh, what a thrill it was, what a thrill it has been this year to see "Boys Ranch" celebrate its 50th anniversary.

Mr. Speaker, I congratulate them, and I congratulate their staff.

Carl Farley used to always say, "You can have lots of nice buildings out here, but it doesn't mean anything unless you have the staff that are willing to give the love and the dedication and set the example that is required to make Boys Ranch a success."

I, as a Member of this body, hope that my colleagues will join me in congratulating Boys Ranch on its 50th anniversary.

□ 1650

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRYANT (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, on September 26, 27, and 28.

Mr. GINGRICH, for 5 minutes, today.

(The following Members (at the request of Mr. NEAL of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. ROS-LEHTINEN) and to include extraneous matter:)

Mr. ARMEY.

Mr. MACHTLEY in three instances.

Mrs. ROS-LEHTINEN.

Mr. LAGOMARSINO.

Mr. Green.

Mr. Archer.

Mr. Horton.

Mr. Baker.

Mr. Hansen.

Mr. Crane.

Mr. Shays.

Mr. Michel.

Mr. Madigan.

(The following Members (at the request of Mr. Neal of Massachusetts) and to include extraneous matter:)

Mr. Roe.

Mr. McNulty.

Mr. Richardson.

Mr. Solarz in two instances.

Mr. Lantos in two instances.

Mr. Traxler.

Mr. Traficant.

Mr. Downey.

Mr. Slattery.

Mr. Bonior in two instances.

Mr. Mrazek in two instances.

Mr. Gray.

Mr. Moody.

Mr. Hoyer.

Mr. Dellums.

Mr. Guarini.

Mr. Edwards of California.

Mr. Aspin.

Mr. Manton.

Mrs. Boxer.

Mr. Miller of California in two instances.

Mr. Crockett.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 737. An act to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. Con. Res. 70. Concurrent resolution commending NASA and the jet propulsion laboratory for the continuing successes of the Voyager space missions to the outer solar system; to the Committees on Post Office and Civil Service and Science, Space, and Technology.

ADJOURNMENT

Mr. SARPALIUS. Mr. Speaker, I move that the House do now adjourn

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 20, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1697. A letter from the Assistant Secretary of Defense for Legislative Affairs, transmitting a copy of the Department's guidance for implementing the President's national drug control strategy; to the Committee on Armed Services.

1698. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a copy of the Secretary's determination that it is in the national interest to grant assistance to Lebanon even though it is in default in payment of certain indebtedness, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

1699. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. MC-10-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1700. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Henry Allen Holmes, of the District of Columbia, Ambassador at Large-designate for Burdensharing, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1701. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by John Giffen Weinmann, of Louisiana, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Finland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1702. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Kenneth L. Brown, of California, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Ivory Coast, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1703. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Charles E. Cobbs, Jr., of Florida, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Iceland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1704. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Michael Ussry, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to Morocco, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1705. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Marion V. Creekmore, Jr., of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Democratic Socialist Republic of Sri Lanka and to the Republic of Maldives, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1706. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Alan Green, Jr., of Oregon, Ambassador Extraordinary and Plenipotentiary-designate to the Socialist Republic of Romania, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1707. A communication from the President of the United States, transmitting notification of his intention to add Hungary to the list of beneficiary developing countries under the Generalized System of Preferences [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 101-94); to the Committee on Ways and Means and ordered to be printed.

1708. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1991, pursuant to 45 U.S.C. 231f(f); jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

1709. A letter from the Secretary of Commerce, transmitting a copy of the interim report concerning the National Trade Data Bank, pursuant to title V, section 5413 of the Omnibus Trade and Competitiveness Act of 1988; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; Foreign Affairs; and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Judiciary. H.R. 45. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Nicaraguans and Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Nicaraguans and Salvadorans, and for other purposes; with an amendment (Rept. 101-244, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2929. A bill to amend the Immigration and Nationality Act to provide for temporary protected status for Chinese nationals and for nationals of other foreign states which are designated by the Attorney General; with an amendment (Rept. 101-245). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 2365. All bill to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment; with an amendment (Rept. 101-246). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Committees on Foreign Affairs and on Interior and Insular Affairs discharged from further consideration of H.R. 1465; referral of H.R. 1465 to the Committee on Science, Space, and Technology extended for a period ending not later than September 20, 1989.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLILEY (for himself, Mr. Dellums, Mr. Parris, Mr. Fauntroy, and Mrs. Morella):

H.R. 3287. A bill to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds; to the Committee on the District of Columbia.

By Mr. BRYANT:

H.R. 3288. A bill to eliminate the requirement for certain refunds or penalties under the Natural Gas Policy Act of 1978; to the Committee on Energy and Commerce.

By Mr. BUECHNER:

H.R. 3289. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a second Presidential order in April of each fiscal year based upon a March report by the Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. BUSTAMANTE:

H.R. 3290. A bill to amend the Federal Aviation Act of 1958 to require the installation and use of engine condition monitoring systems on commercial aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CLARKE:

H.R. 3291. A bill to direct the Secretary of Health and Human Services to treat hospitals located in Henderson County, NC, as being located in Buncombe County, NC, under section 1886(d)(8)(B) of the Social Security Act; to the Committee on Ways and Means.

By Mr. de la GARZA (for himself, Mr. Madigan, Mr. Brown of California, Mr. Roberts, Mr. Stenholm, Mr. Coleman of Missouri, Mr. Huckaby, Mr. Marlenee, Mr. Hopkins, Mr. Hatcher, Mr. Stangeland, Mr. Tallon, Mr. Emerson, Mr. Olin, Mr. Morrison of Washington, Mr. Penny, Mr. Gunderson, Mr. Stallings, Mr. Lewis of Florida, Mr. Johnson of South Dakota, Mr. Robert F. Smith, Mr. Harris, Mr. Combest, Mr. Nagle, Mr. Schuette, Mr. Campbell of Colorado, Mr. Grandy, Mr. Espy, Mr. Herger, Mr. Sarpalius, Mr. Holloway, Ms. Long, Mr. Walsh, Mr. Dyson, Mr. Grant, Mr. Lancaster, Mr. Tauke, Mr. Staggers, Mr. Whittaker, Mr. Jones of North Carolina, and Mr. Volkmer):

H.R. 3292. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. DELLUMS:

H.R. 3293. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia, to provide authority for the District government to appropriate its own budget, to simplify congressional review of District acts, and for other purposes; to the Committee on the District of Columbia.

By Mr. DYMALLY:

H.R. 3294. A bill to authorize distribution within the United States of the U.S. Information Agency film entitled "A Tribute to Mickey Leland"; to the Committee on Foreign Affairs.

By Mrs. MORELLA:

H.R. 3295. A bill to provide that certain prior service with the Central Intelligence Agency be taken into account for purposes of determinations under title 5, United States Code, relating to annuities for law enforcement officers; to the Committee on Post Office and Civil Service.

By Ms. PELOSI:

H.R. 3296. A bill to amend the Federal Water Pollution Control Act to require the President to develop a fish and wildlife response plan, and for other purposes; jointly, to the Committee on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. STARK (for himself, Mr. Hansen, Mr. Bates, Mr. Gilman, Mr. Durbin, Mr. Visclosky, Mrs. Collins, Mr. Levine of California, and Mrs. Boxer):

H.R. 3297. A bill to amend the Federal Cigarette Labeling and Advertising Act to prohibit certain methods of cigarette and little cigar advertisement and promotion; to the Committee on Energy and Commerce.

By Mr. GREEN:

H.J. Res. 406. A joint resolution designating January 31, 1990, as "National Payroll Practitioner Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H. Res. 240. A resolution supporting the efforts of Dobroslav Paraga to bring about increased respect for human rights in Yugoslavia; to the Committee on Foreign Affairs.

By Mr. LEACH of Iowa:

H. Res. 241. A resolution encouraging the Peace Corps to establish a program to impart business skills to the people of Poland and Hungary; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Res. 242. A resolution amending the Rules of the House of Representatives to repeal obsolete provisions extending special privileges to named corporate entities, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

249. By the SPEAKER: Memorial of the Legislature of the State of California, relative to highway safety roadside rests; to the Committee on Public Works and Transportation.

250. Also, memorial of the Legislature of the State of California, relative to action to improve ocean and coastal waters oil spill cleanup capabilities; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FASCELL introduced a bill (H.R. 3298) for the relief of Benjamin H. Fonorow; which was referred to the Committee on the Judiciary.

PRIVATE RESOLUTION

By Mr. DORNAN of California:

H. Res. 243. Resolution to express gratitude to David A. Brody; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. Slaughter of New York.

H.R. 82: Mr. Garcia, Mr. Hall of Texas, Mr. Dicks, Mr. Roth, Mr. Wise, Ms. Pelosi, Mr. Duncan, Mr. Berman, Mr. Bryant, Mr. Spratt, Mr. Donnelly, Mr. Derrick, Mr. Ortiz, Mr. Donald E. Lukens, Mrs. Morella, Mr. Petri, Mr. Williams, and Mr. Lewis of Georgia.

H.R. 239: Mr. Campbell of California.

H.R. 570: Mr. Gray.

H.R. 579: Mr. Herger.

H.R. 624: Mr. Herger and Mr. Shumway.

H.R. 718: Mr. Faleomavaega and Mr. Lewis of Georgia.

H.R. 720: Mr. Frost.

H.R. 855: Mr. Grandy.

H.R. 976: Mr. Atkins, Mr. de Lugo, and Mr. Hayes of Illinois.

H.R. 1024: Mr. Penny and Mr. Sisisky.

H.R. 1046: Mr. Packard and Mr. Armey.

H.R. 1093: Mr. Pallone.

H.R. 1205: Mr. Dornan of California, Mr. Chandler, and Mr. Poshard.

H.R. 1210: Mr. Donald E. Lukens, Mr. Rangel, Mr. Upton, Mr. Skelton, Mr. Faleomavaega, Mr. Parker, and Mr. Parris.

H.R. 1237: Mr. Towns, Mr. Frost, Mr. Lewis of Georgia, and Mr. Rogers.

H.R. 1470: Mr. Jontz.

H.R. 1515: Mr. Houghton and Mr. Smith of New Hampshire.

H.R. 1532: Mr. McNulty.

H.R. 1593: Mr. Oberstar, Mr. Vento, Mr. Solomon, Mr. Neal of North Carolina, Mr. Denny Smith, Mr. Wise, Mr. Faleomavaega, Mr. Bates, Mr. Wolpe, Mr. Bustamante, Mr. Bryant, and Mr. Gekas.

H.R. 1632: Mr. Kolter and Mr. Markey.

H.R. 1730: Mr. Chapman, Ms. Long, Mr. Coble, and Mr. Fields.

H.R. 2060: Mr. Ackerman.

H.R. 2144: Ms. Slaughter of New York.

H.R. 2269: Mr. Hall of Texas.

H.R. 2437: Mr. Gordon, Mr. Bosco, and Mr. Valentine.

H.R. 2465: Mr. Dixon, Mr. Fish, Mr. Horton, Ms. Kaptur, Mr. Lewis of Georgia, Mr. Owens of New York, Ms. Pelosi, and Mr. Ridge.

H.R. 2545: Mr. Brown of California.

H.R. 2547: Mr. Poshard and Mr. Berman.

H.R. 2564: Mr. Kyl and Mr. Sensenbrenner.

H.R. 2661: Mr. Upton, Mr. Petri, and Mr. Goodling.

H.R. 2793: Mr. Mineta.

H.R. 2795: Mr. McCloskey.

H.R. 2918: Mr. Olin, Mr. Bateman, and Mr. Wolf.

H.R. 2959: Mr. Dymally, Mr. Schiff, Mrs. Boxer, and Mr. Chapman.

H.R. 3079: Mr. Lancaster, Mr. Johnson of South Dakota, Mr. Emerson, Mr. Morrison of Washington, Mr. Courter, and Mr. Dannemeyer.

H.R. 3122: Mrs. Boggs, Mr. Bilbray, Mr. Towns, Mr. Lipinski, Mr. Smith of Florida, Mr. Frost, and Mr. Fazio.

H.R. 3141: Mr. Pallone, Mr. Frank, Mr. Smith of Florida, and Mr. Roe.

H.R. 3160: Mr. Walsh, Mr. Lipinski, Mr. Frost, Mr. Borski, and Mr. Dingell.

H.R. 3161: Mr. Towns, Ms. Pelosi, Mr. Smith of Florida, Mrs. Lloyd, Mr. Perkins, Mr. Hatcher, Mr. Dwyer of New Jersey, Mr. Fazio, and Mr. Evans.

H.R. 3171: Mr. Rangel, Mr. Fazio, Mr. Dwyer of New Jersey, Mr. Towns, Mr. Fuster, Mrs. Lloyd, and Mrs. Boxer.

H.R. 3182: Mr. Berman, Mr. Bevill, Mr. Boucher, Mrs. Boxer, Mr. Burton of Indiana, Mr. Fauntroy, Mr. Fuster, Mr. Hughes, Mr. Lantos, Mr. McDade, Mr. Miller of California, Mr. Mrazek, Ms. Pelosi, Mr. Rangel, Mr. Towns, Mr. Walsh, Mr. Wolpe, Mr. Anderson, Mr. Bates, Mr. Beilenson, Mr. Bosco, Mr. Campbell of Colorado, Mrs. Collins, Mr. Dellums, Mr. Dixon, Mr. Durbin, Mr. Fazio, Mr. Hawkins, Mr. Hochbrueckner, Mr. Horton, Mr. Jacobs, Mr. Lancaster, Mr. Lewis of Georgia, Mr. Matsui, Mr. Payne of Virginia, Mr. Roybal, and Mr. Smith of Florida.

H.R. 3223: Mr. Smith of Florida, Mr. Dwyer of New Jersey, and Mrs. Lloyd.

H.R. 3251: Mr. Kolter, Mr. Markey, Mr. Richardson, Mr. Savage, Mr. Fauntroy, Mr. Bosco, Mr. Torres, Mr. Roe, Mrs. Kennelly, Mr. Gilman, Ms. Kaptur, Mr. Fazio, Mrs. Morella, Mr. Clay, Mr. Molinari, Ms. Schneider, Mr. Lipinski, Mr. Neal of Massachusetts, and Ms. Pelosi.

H.R. 3267: Mr. Atkins, Mr. Donald E. Lukens, and Mr. Rowland of Connecticut.

H.J. Res. 19: Mr. Emerson, Mr. Pashayan, Mr. Carper, Mr. Costello, Mr. Oberstar, Mr. Tallon, Mr. Lantos, Mr. McDade, Mr. Dorgan of North Dakota, Mr. Jones of North Carolina, Mr. Whittaker, Mr. Walsh, Mr. Kennedy, and Ms. Slaughter of New York.

H.J. Res. 104: Mr. Durbin.

H.J. Res. 171: Mr. Bliley, Mr. Bonior, Mr. Borski, Mr. Brennan, Mr. Buechner, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. Engel, Mr. Foglietta, Mr. Hawkins, Mr. Hyde, Ms. Kaptur, Mr. Lewis of California, Mr. Lowery of California, Mr. McDade, Mr. Miller of Ohio, Mr. Smith of Florida, and Mr. Fish.

H.J. Res. 206: Mr. Quillen and Mr. Spence.

H.J. Res. 207: Mr. Hefner.

H.J. Res. 209: Mr. Vander Jagt, Mrs. Meyers of Kansas, Mr. Conyers, Mr. Boucher, Mr. Stearns, Mr. Carper, Mr. Dixon, Mr. Bustamante, Mr. Burton of Indiana, Mr. Robert F. Smith, Mr. Gejdenson, Mr. Grandy, Mr. Hansen, Mr. Duncan, Mr. Hiler, Mr. Hubbard, Mr. Inhofe, Mr. Hancock, Mr. McCollum, Mr. McNulty, Mr. Molinari, Mr. Tallon, Mr. Lipinski, Mr. Thomas A. Luken, Mr. Ray, Mr. Weber, Mr. Wilson, Mr. Weldon, Mr. Valentine, Mr. Spence, Mr. Bates, Mr. Bosco, Mr. Manton, Mr. Roberts, Mr. Robinson, Mr. Conte, Ms. Oakar, Mr. Smith of Florida, Mr. Wolpe, Mr. Yates, Mr. Green, Mr. Shays, Mr. Barnard, Mr. Bateman, Mr. Brennan, Mr. Coughlin, Mr. Crockett, Mr. Faleomavaega, Mr. Kasich, Mr. Lewis of Georgia, Mr. Mollohan, Mr. Dyson, Mr. Parris, Mr. Thomas of California, Mr. Gallegly, Mr. Nielson of Utah, Mr. Sabo, Mr. Bilbray, Mr. English, Mr. Levine of California, Mr. Skaggs, Mr. Lowery of California, Mr. Dannemeyer, Mr. Denny Smith, Mr. Rahall, Mr. Henry, Mr. Thomas of Georgia, Mr. Gekas, Mr. Perkins, Mr. Schuette, and Mr. Torricelli.

H.J. Res. 242: Mr. Kolter, Ms. Pelosi, Ms. Oakar, Mr. Shuster, Mr. Jontz, Mr. Florio, Mr. Coughlin, Mr. Brennan, and Mr. Lewis of Georgia.

H.J. Res. 248: Mr. Boehlert, Mr. Conyers, Mr. Derrick, Mr. McNulty, Mr. Miller of Washington, and Mr. Torres.

H.J. Res. 267: Mr. Regula, Mr. Buechner, Mr. Fish, Mr. Petri, Mr. Conte, Mr. Brown of Colorado, Mr. Ritter, Mr. Burton of Indiana, Mr. Dreier of California, Mr. Molinari, Mr. Duncan, and Ms. Oakar.

H.J. Res. 278: Mr. Quillen, Mr. Manton, Mr. McDermott, Mr. Rowland of Connecticut, Mrs. Saiki, Mr. Traficant, and Mr. Hayes of Louisiana.

H.J. Res. 320: Mr. Alexander, Mr. Aspin, Mr. Anthony, Mrs. Bentley, Mr. Bevill, Mr. Bilirakis, Mrs. Boggs, Mr. Bonior, Mr. Bosco, Mr. Boucher, Mr. Brown of California, Mr. Carr, Mr. Chapman, Mr. Clarke, Mr. Cooper, Mr. Cox, Mr. DeWine, Mr. Dicks, Mr. Durbin, Mr. Dyson, Mr. Eckart, Mr. Flake, Mr. Gejdenson, Mr. Goodling, Mr. Gunderson, Mr. Hastert, Mr. Hiler, Mr. Hoyer, Mr. Hutto, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Hyde, Mr. Jones of Georgia, Mr. Kanjorski, Ms. Kaptur, Mr. LaFalce, Mr. Leach of Iowa, Mr. Lewis of California, Mrs. Lowey of New York, Mr. McHugh, Mr. McMillen of North Carolina, Mr. Mollohan, Mr. Moorhead, Mr. Morrison of Connecticut, Mr. Morrison of Washington, Mr. Oberstar, Mr. Owens of New York, Mr. Poshard, Mr. Rahall, Mr. Ray, Mr. Rogers, Mrs. Roukema, Mr. Studds, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Traxler, Mr. Udall, Mrs. Unsoeld, Mr. Upton, Mr. Weber, and Mr. Wolpe.

H.J. Res. 372: Mr. Skeen, Mr. Kasich, Mr. Manton, Mr. Pallone, Mr. Bennett, and Mr. Dwyer of New Jersey.

H.J. Res. 373: Mr. Hochbrueckner, Mr. Markey, Mr. Yates, Mr. Moody, Mr. Tauzin, Mrs. Martin of Illinois, and Mr. Sarpalius.

H.J. Res. 378: Mr. Hoyer, Mr. Miller of Washington, Mr. Kennedy, Mr. Atkins, Mr. Wise, Ms. Long, Mr. Conyers, Mr. Synar, Mr. Gaydos, Mr. Udall, Mr. Brown of California, Mr. Traxler, Mr. McHugh, Mr. Matsui, Mr. Moody, Mr. Dicks, Mr. Weiss, Mr. AuCoin, Mr. Levin of Michigan, Mr. Gray, Mr. Jones of Georgia, Mr. Parker, Mr. Hefner, Mr. Sarpalius, Mr. Clement, Mr. Costello, Mr. Stallings, Mr. Flippo, Mr. Russo, Mr. Towns, Mr. Rahall, Mr. Harris, Mr. Watkins, Mr. Neal of Massachusetts, Mr. Olin, Mr. Hayes of Louisiana, Mr. Kastenmeier, Mr. McMillen of Maryland, Mr. Carr, Mr. Pickle, Mr. Solomon, Mr. Skeen, Mr. McNulty, and Mr. Lewis of Georgia.

H.J. Res. 381: Mrs. Meyers of Kansas, Mr. Kasich, Mr. Whittaker, Mr. Frost, Mr. Thomas of Wyoming, Mr. Boucher, Mr. Sundquist, Mr. Wolf, Mrs. Boxer, Mr. Evans, Mr. Gunderson, Mr. Nelson of Florida, Mr. Wilson, Mr. Whitten, Mr. Engel, Mr. Craig, Mr. Hertel, Mr. Natcher, Mr. McEwen, Mr. Pashayan, Mr. Vander Jagt, Mrs. Bentley, Mr. Martin of New York, Mr. Regula, Mr. Frenzel, Mr. Ford of Michigan, Mr. Gordon, Mr. Gingrich, Mr. Green, Mr. Harris, Mr. Sarpalius, Mr. Hubbard, Mr. Thomas of Georgia, Mr. Skeen, Mr. Hutto, Mr. Synar, Mr. Hall of Texas, Mr. Huckaby, Mrs. Unsoeld, Mr. Sabo, Mr. Manton, Mr. Roberts, Mr. Coleman of Missouri, Mr. Pursell, Mr. Johnson of South Dakota, Mr. Grant, Mr. Slattery, Mr. Stangeland, Mr. Savage, and Mr. Sisisky.

H.J. Res. 396: Mrs. Martin of Illinois, Mr. Fuster, Mr. Dwyer of New Jersey, Mr. Walsh, Mr. Johnson of South Dakota, and Mr. Lancaster.

H.J. Res. 398: Mr. Berman, Mr. Bevill, Mr. Boucher, Mrs. Boxer, Mr. Burton of Indiana, Mr. Fauntroy, Mr. Fuster, Mr. Green, Mr. Hughes, Mr. Lantos, Mr. Lehman of Florida, Mr. McDade, Mr. Miller of California, Mr. Mrazek, Ms. Pelosi, Mr. Rangel, Mr. Towns, Mr. Walsh, Mr. Wolpe, Mr. Anderson, Mr. Bates, Mr. Beilenson, Mr. Bosco, Mr. Campbell of Colorado, Mrs. Collins, Mr. Dellums, Mr. Dixon, Mr. Durbin, Mr. Fazio, Mr. Hawkins, Mr. Hochbrueckner, Mr. Horton, Mr. Jacobs, Mr. Lancaster, Mr. Lewis of Georgia, Mr. Matsui, Mr. Payne of Virginia, Mr. Roybal, and Mr. Smith of Florida.

H.J. Res. 400: Mr. Browder, Mr. Clay, Mr. Clinger, Mr. Craig, Mr. Crane, Mr. Fields, Mr. Garcia, Mr. Goodling, Mr. Hansen, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hertel, Mr. Inhofe, Mr. Livingston, Mr. McCandless, Mr. McNulty, Mr. Martinez, Mr. Molinari, Mr. Nielson of Utah, Mr. Nowak, Mr. Owens of Utah, Mr. Parris, Mr. Poshard, Mr. Price, Mr. Ritter, Mr. Roe, Mrs. Ros-Lehtinen, Mr. Roth, Mr. Sawyer, Mr. Scheuer, Mr. Smith of Texas, Mr. Smith of Vermont, Mr. Sundquist, Mr. Tauke, Mr. Traxler, Mr. Valentine, Mr. Volkmer, and Mrs. Vucanovich.

H. Con. Res. 6: Mr. Gallo, Mr. Rahall, and Mr. Bilbray.

H. Con. Res. 62: Mr. Courter, Mr. Coyne, Mr. Garcia, Mrs. Unsoeld, Mr. Saxton, Mr. Roe, Mr. Rahall, Mr. Dwyer of New Jersey, Mr. Molinari, Mr. Payne of New Jersey, Mr. Savage, Mr. Costello, Mr. Jontz, and Mr. Conyers.

H. Con. Res. 149: Mr. Bruce, Ms. Long, Mrs. Patterson, and Mr. Young of Alaska.

H. Con. Res. 151: Mr. Obey, Mr. Price, Ms. Schneider, Mr. Skaggs, and Mr. Williams.

H. Con. Res. 175: Mr. Rose, Ms. Pelosi, Mr. Kleczka, and Mr. Nagle.

H. Con. Res. 181: Mr. Atkins, Mr. Crockett, Mr. Fascell, and Mr. Gejdenson.

H. Con. Res. 182: Mr. Walsh and Mr. Lagomarsino.

H. Con. Res. 185: Mr. Blaz.

H. Con. Res. 194: Mr. Houghton, Mr. Ackerman, Mr. Owens of New York, Mr. Bosco, Mr. Walsh, Ms. Pelosi, Mr. Scheuer, Mrs. Morella, Mr. Dornan of California, Mr. Moody, Mr. Green, Mr. Sikorski, Mr. Bates, Mr. Fuster, Mr. Chapman, Mr. Torres, Mr. Morrison of Connecticut, Mr. Oxley, Mr. AuCoin, Mr. Mfume, Mr. Owens of Utah, Mr. Fazio, and Mr. Dwyer of New Jersey.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1659

By Mr. BURTON of Indiana:

—At the end of title I of the bill, insert the following new section:

SEC. 107. EXPLOSIVE DETECTION K-9 TEAMS.

The text of section 529 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2225) is amended to read as follows:

"(a) Grants.—The Secretary shall provide by grant for expenses of training and evaluation of dogs for the Explosive Detection K-9 Team Training Program for the purpose of detecting explosives at airports and aboard aircraft. Not later than 180 days after the date of the enactment of the Aviation Security Act of 1989, the Secretary shall extend such program to the largest 50 airports in the United States, as determined by the number of passenger enplanements in calendar year 1989.

"(b) Funding.—There is authorized to be appropriated from the Trust Fund for carrying out subsection (a) such sums as may be necessary for fiscal years beginning after September 30, 1989. Such sums shall remain available until expended.".

SENATE—*Tuesday, September 19, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT H. KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain? * * * For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.*—Jeremiah 2:5, 13.

God of mercy, patient Father in heaven, forgive us. We profess to believe in God but behave as though God is nonexistent. Incurably religious, we follow after vanity and become vain. We follow after emptiness and become empty. We follow after hollow gods and become hollow souls. We seek to quench our thirst at broken cisterns which hold no water when the fountain of living water waits patiently for us to come and drink. Help us, mighty God, with our godless ways so often so contrary to what we profess. In grace and love bring us back to Thyself. In His name who is the fountain of living water and who invites us to come and drink. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT H. KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. **KOHL** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a time for morning business until 10 a.m. in which Senators will be permitted to speak for up to 5 minutes each. At 10 a.m. the Senate will resume debate on H.R. 2916, the VA-HUD appropriations bill.

It is my hope that we can dispose of the remaining amendments to this bill early today and then complete action on it, and it is then my intention to seek consent to move to H.R. 2939, the foreign assistance appropriations bill. Votes are likely to occur today and could occur throughout the day and into the evening.

From 12:30 p.m. to 2:15 p.m. today, the Senate will stand in recess for the party conferences.

Mr. President, I reserve the remainder of my leader time and yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

CEASE-FIRE CALL IN LEBANON

Mr. DOLE. Mr. President, I want to take brief note of the cease-fire call in Lebanon, issued by the Arab League's Tripartite Commission—composed of Saudi Arabia, Morocco, and Algeria.

This is an important initiative—one which I hope all sides in the Lebanese situation will embrace. The members of the Commission deserve great credit for persevering in their efforts to achieve this cease-fire, despite high odds.

This initiative will not solve all of Lebanon's problems. Like others, I am sorry that it does not include a call for the withdrawal of Syrian forces.

But, at a minimum, it does buy some time for Lebanon—time to see if Lebanese from all sides cannot work out some way to start the process of political reconciliation, and to achieve the withdrawal of foreign forces.

While in Morocco in August, I had the opportunity to discuss the Tripartite Commission's work with King Hassan of Morocco. Earlier, I met here with Prince Salman, the brother of Saudi King Fahd, for discussions of the same subject. I encouraged both to continue their difficult task of working out a cease-fire.

I have also discussed Lebanon recently with President Bush, and I know he made very strong representations to the Saudi, Moroccan, and Algerian leaders to continue their work, too.

Their efforts appear to have borne some initial "fruit."

So, again, I commend them for their perseverance. I hope that all parties, inside and outside Lebanon, will accept their call for a cease-fire, implement it in good faith, and turn to the other tasks on the Lebanon agenda—the withdrawal of Syria and other foreign forces, and negotiations among all Lebanese elements on the political future of the country of Syria and other foreign forces and negotiations among all Lebanese elements on the political future of the country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Mr. President, in a few minutes we will be resuming the VA-HUD bill. I require two of my staff members on the floor. Therefore, I ask unanimous consent that Michelle Burkette and Laura Carew have access to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I rise today briefly to report to my colleagues and those who are interested in some of the special capabilities of mankind, to report on the progress made by the Trans-Antarctica expedition.

Today is the 55th day of the Trans-Antarctica expedition. Six men from six countries, and 36 dogs, have traveled over 100 miles since I stood here last Wednesday. They began, as this map indicated, 5 days ago at the western end of Antarctica. They are now progressing on this 4,000-mile trek. Today, they are at the 506-mile mark of their 4,000-mile trek, just beyond what is called Mount Jackson, on the peninsula.

The weather during the last week has not been very easy. Last Tuesday, which was day 48, the team had dug itself out from a snowstorm the previous day, but was able to travel only 15 miles along the peninsula before the winds increased and the visibility worsened to the point that the six sleds lost sight of each other.

When that happens, the men are left with only two options. They keep going to some agreed-upon point, thus risking getting lost from each other, or they stop. On Tuesday of last week, they had to stop.

In the event that they continue and lose sight of each other, they are still for some period of time self-sufficient because each of the sleds is equipped with a tent, sleeping bags, food, and heater fuel.

During the course of the day last Tuesday, one of the men on one of the sleds, Qin Dahe, who is the Chinese member of the expedition, got lost. So he tied himself to his sled, and with the dogs pulling the sled, walked in ever-widening circles until he found the tracks of the other sleds.

On Saturday of last week, the expedition had another close call, again caused by low visibility. Without warning, the first two sleds began to careen down a slick, steep hill which they could not recognize. As they descended, the sleds gained speed and eventually became uncontrollable. The drivers had no way of determining how steep the hill was or where it ended. For all they knew, they were going to end up in a crevasse or go over a cliff; they just could not tell.

What happened was they were on the side of a 900-foot slope and they did not stop until the two sleds, all the dogs, and the two drivers crashed at the bottom of the hill.

Luckily, although everyone was badly shaken, no one was hurt. They picked themselves up and pressed on until 82-mile-an-hour winds forced them to stop. But even stopping for shelter at that point provided little relief, because the driving winds blew ice crystals like sand in Sahara sand storm.

On Sunday of last week, the team found themselves in a similar situation, where they could not see each other. The team lost sight of each other, and in this case what they did was crawl on their hands and knees, searching for tracks of the lead sled.

Someone might suggest that one way to make sure that these six sleds do not get lost from each other is to tie them together, that is to have a rope connection. The problem with the rope connection is that the second team's dogs will chew up the rope between the first and the second sleds; and the third team's dogs will chew the rope connecting them with the second team. So that is not a feasible alternative, either.

Mr. President, this is probably not that unusual a week. The combination of severe weather, life-threatening scares and wet accommodations takes its toll on these men. The group's morale is always at risk. It was so bad last Saturday, for example, that they completely forgot it was Victor Boyarsky's birthday. Victor is the member of the team from the Soviet Union.

So, it is at times like this that the leadership of the team is relied on particularly: Will Steger from Minnesota, and Jean-Louis Etienne from France.

Last week, I introduced Will Steger to the Senate, and today I will introduce Jean-Louis Etienne. Jean-Louis is a 41-year-old physician from Paris, France. His specialty is sports medicine. His hobby is cross-country skiing.

In 1986, he took his hobby of cross-country skiing on a pair of skis all the way to the North Pole, all by himself. On this solo journey to the North Pole, he accidentally ran into Will Steger, from Ely, MN, who was also going to the North Pole on a dog sled.

Imagine the odds, the tens of thousands of miles of barren ice, of two people who had never met who were totally unaware of each other's adventure happening upon each other.

It was at this Arctic meeting that the two men became friends and they began the plans for the first ever Trans-Antarctic expedition. The lure of the expedition was the Antarctic Continent, a barren beauty, and the challenge of crossing its 4,000-mile width.

Mr. President, Antarctica is 5.4 million square miles, larger than China and India combined; 98 percent of this continent is covered by ice, and in many places the ice is 3 miles thick. Scientists estimate that 70 percent of the world's freshwater is locked in this ice.

The world's coldest recorded temperature, minus 129 degrees, in July 1983, comes from a Soviet camp called Vostok. It is about 1,000 miles from the south pole. I suspect it is right out here on this map, because the expedition is supposed to reach this camp in February of next year.

Six men are venturing through this inhospitable land. They have traveled one-eighth of the way in the first 50 days of their expedition. Despite the dangers and challenges they face, severe Arctic weather, their personal discomfort, these 6 people continue to pursue a dream that began in a tent near the North Pole nearly 3 years ago. It is this dedication and bravery to which we pay tribute today.

The Trans-Antarctic expedition is an inspiration, proving that our human ability is only limited by the scope of our dreams and our willingness to pursue them.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AN HONEST BUDGET

Mr. SANFORD. Mr. President, I call attention, once again, to the need for an honest budget. We cannot expect the American public to face the facts unless we give them the facts. But instead of giving the American public the facts, we glibly tell them, year after year, that we are reducing our annual deficits, even though we are actually increasing our annual deficits, year after year.

It is time to stop misleading the American public.

Mr. President, the Senate should lead the way to truth in budgeting by insisting that next year we present an honest budget to the American people.

The budget for 1990 we have just approved claims a deficit of $99 billion. The real deficit is $265 billion. We have hidden $165 billion, and we will do it again next year if the law is not changed to require an honest budget.

Our lack of truthfulness has created a false illusion that all is well. Our lack of real action because of this has helped keep interest rates far too high, which, in turn, has put American businesses at a disadvantage in the world marketplace, making us less competitive a nation.

In a few short years, we will be paying as much in total interest on our debt as we now pay for all of defense. In the fiscal year 1990 budget resolution we adopted earlier this year, we conservatively project that in fiscal year 1992, we will pay $298 billion just on interest to service the national debt.

Our debt and the interest we pay on it jeopardize the financial future of our young people who are under the illusion that they are doing well.

It is time to tell the truth. It is time for real deficit reduction action.

As evidence of what misleading the American public about the deficit causes, I ask unanimous consent that an editorial from Friday's Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RUNNING UP FOREIGN DEBT

Running up bills is a lot more fun than paying them. That's the basic principle of international finance, and once you've grasped it, the United States' present uncomfortable position will be clear to you. Under the leadership of Ronald Reagan, as a direct result of that huge tax cut in 1981, the country has incurred foreign debts of more than half a trillion dollars. The costs of servicing those debts is now accelerating.

This week the Commerce Department published figures for the country's international transactions from April through June. Exports were up once again, rising somewhat faster than imports. That reduced the deficit in merchandise trade—the tangible goods such as airplanes, cars, wheat and oil.

But there is also the trade in intangibles such as tourism and transportation. And there is the cost of servicing the debt. Taken together, the total is called the current account deficit. That's the figure that the country has to finance by borrowing abroad. Service on the debt is now rising, offsetting the falling merchandise trade deficit. The new figures show that the total—the current account deficit—is holding constant at about $120 billion a year with no improvement in sight.

Some of the Reaganites have tried to argue that it doesn't make any difference—that these are just economists' abstractions. That's wrong, for three reasons.

First, not even the United States can borrow forever. Since 1982, Americans have been spending more than they earned. At some point, perhaps not very far in the future, they are going to have to begin to earn more than they spend in order to carry these debts. Debt service will then start to come out of the American standard of living.

Second, to attract the money that finances its current account deficit, the United States has to keep its interest rates high. That puts American industry at a disadvantage in competing with Japan and Germany. But the damage isn't limited to the United States. Those high interest rates pull money out of poor countries as well as rich—from Mexico to Argentina as well as from Japan and Britain. The American hunger for foreign capital has immensely aggravated Latin America's struggle to manage its debts, and is responsible for the cessation of voluntary bank lending to most of the Third World.

Third, there is the political effect of heavy and sustained American borrowing. In an unsentimental world, it's not the borrowers who exercise leadership. Debtors can't expect much political influence over their creditors.

The United States' foreign debts continue to rise steadily. As the debts rise, the cost of debt service rises. Like Argentina, the United States is now borrowing abroad to pay the interest on its past debts.

ONCE IN A LIFETIME

Mr. BOREN. Mr. President, I want to share with my colleagues a moving description of the experience of one high school student from the California School for the Deaf in Riverside, CA. It was written with the assistance of her teacher, Todd Rutherford, who is the kind of educator who is a credit to the highest standards of his profession. Tony's story is about the worth of the Close-Up Program which brings high school students to Washington to see their Government in action. More importantly, it is the story of the spirit of our country and the importance of remembering that we are all part of one human family. In an age of fragmentation and loss of the sense of community it is important to reflect upon the values that bind the United States together and on the importance of kindness and understanding even in this most complex of times.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONCE IN A LIFETIME

(A true story by Tony Strong as told to Todd Rutherford)

An extraordinary thing happened to me while I was in Washington, D.C. this past March with Close Up and I'm not sure I was ready for it to be quite the experience that it was.

Close Up is a week in Washington where we have an opportunity to visit Congress, meet politicians, study issues, and see the impressive monuments and museums. Along with the political and historical aspects of the week we spend a lot of time getting to know students from across the country. It is also an opportunity to meet and share ideas, stories, and experiences with hearing students.

We try not to make differences between deaf and hearing a big deal but we know it always is, especially for hearing kids. When we first arrived at our hotel it was a little awkward because we know we would be roommates with two hearing kids who probably wouldn't know sign language. We wondered if they would accept us and treat us as normal high school students. I use my speech a lot and can talk fairly well but still, it is awkward because I can't always tell what hearing people are saying and they don't always understand me. Most of the hearing kids were fascinated with sign language and tried to learn as many signs as they could, but there are always some kids who just don't care. I guess its true for the deaf, too. Not all deaf students want to bother with hearing people. During our week of Close Up most of the kids did try to get along. Lots of new friends were made and some will be permanent friends.

After a while, though, we do get tired of answering questions about being deaf and about sign language. Maybe not "tired of it" but more that we wish everyone would just go along normally and not worry about it.

Late in the week with Close Up, our program instructor, Moira, took us to the Viet Nam Memorial where the names of 58,000 Americans are inscribed. I was a little anxious about seeing it because I knew my father's name was supposed to be there. Together with Moira, our interpreter Raelynn, and a group of my deaf and hearing friends, we searched the directory for the name Henry H. Strong, Jr. Capt. USN, my Dad. I wanted to find his name on the Wall.

Searching for his name was everything I had not expected, I thought it would be easy. It wasn't easy. It was a bit scary, it was exciting, it was sad, it was an honor, and in many ways it made me very proud of him. And I know my Dad would have been proud of me for finding his name on this memorial. When I did find it high up on the wall I saw the name had a star by it. Dad had been listed as Missing In Action in 1972. I could only imagine all the possibilities of what may have happened to him as an M.I.A. I wanted to do something special to remember this so I laid three red roses there at the base of the wall. I also wanted to get a rubbing of his name on a piece of paper so I could take it home and keep it forever.

It would have been difficult for me to reach Dad's name from the pathway below the wall but my room mate, Brian, a hearing boy from Colorado, volunteered to lift me. He didn't have to do that because I could have found a chair or a ladder to stand on, or tried to lean over the top from the other side but he said he didn't mind. I think he felt it was important for him to be part of this experience, too. I couldn't hear him but others told me that he said I could take all the time I needed. Everyone stayed with me as I got my rubbing and I could tell that I was not the only one becoming emotional. As we walked away from the wall we passed by the statue of the three American Soldiers staring at the names on the wall as if to see their fallen comrades * * * and seeing my dad. It was an overwhelming experience and I could not help but cry. I could see that Moira, Raelynn, my hearing and my deaf friends all had tears coming down their faces. I felt lots of support and understanding from each of them and it was something I'll never forget. Several of the kids talked about their own experiences and relationships with their parents and wondered how they would feel if their father's names were on that wall.

At that moment we realized something very special—something important. It was that all the issues of deafness, of hearing, of communication and sign language, and all the other differences became non-issues. What was important was us. Just kids talking about their dad's.

I don't think anyone expected me to show up at our workshop later that evening. They seemed a little surprised when I arrived ready to participate and to get on with the program. I admit that it was a little hard but we had to get on with the program and with other important things * * * so we did.

(Tony Strong is a senior in the High School Dept. at California School for the Deaf, Riverside.)

THE 1,648TH DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,648th day that Terry Anderson has been held captive in Beirut.

I ask unanimous consent that a May 9, 1989, Associated Press article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TERRY ANDERSON

EDITOR'S NOTE.—The writer worked with Terry Anderson in the Associated Press bureau in Beirut.

(By G.G. LaBelle)

Terry Anderson runs half-crouched along a dusty street in west Beirut and ducks into a bullet-scarred building to interview Moslem militiamen over the noise of gunfire they are trading with enemy Christians.

An hour later he is back in his office, shouting on a faulty telephone line to London for computer equipment to replace the rattling telex that has carried Associated Press stories from the Lebanese capital for years.

That evening he might have guests for dinner. In the midst of a civil war, he was known for providing elegant fare on fine china, followed by lively conversation and Irish coffee with thick dollops of fresh whipped cream.

The AP's chief Middle East correspondent is an intense, aggressive man who was relentless in his effort to cover the travail of Lebanon.

He also tried to maintain a shred of normal life in the chaos of Beirut, and that led to his own travail. Anderson was kidnapped March 18, 1985, from a street in Moslem west Beirut after a Saturday morning game of tennis.

For more than four years after that, he was held in darkened rooms, often chained, a hostage of radical Shiite Moslems whose cause he had tried to report fairly.

Terry Anderson was born in Lorain, Ohio, on Oct. 27, 1947, grew up in northern New York and graduated from Iowa State University.

He first went to Beirut in the summer of 1982 to help cover Israel's invasion of Lebanon, an experienced reporter whose background seemed suited to the story. Anderson had been a Marine combat correspondent in Vietnam and had covered the Far East and South Africa for the AP.

In addition to immersing himself in one of the world's major stories, he was attracted by the burst of energy in Lebanon as the initial stage of the Israeli invasion ended.

Many Lebanese thought the civil war that had begun in 1976 was finally over, that the driving out of Palestinian guerrillas might deliver their country from being a stage for playing out Middle East intrigues.

Anderson empathized with the Lebanese hope of peace and reconstruction, and decided Beirut was the place to be. He returned to South Africa but was back by early 1983, first as AP news editor for the Middle East and then as chief correspondent.

Terry was 36, a bit bulky but very much the Marine in bearing. He wore metal-rimmed glasses and a beard, neatly trimmed. When he talked to someone, he leaned toward them.

He had drive and was willing to take risks to get the news stories of Lebanon: bomb explosions at the U.S. Embassy, militia battles, the effort by radical Shiite Moslem guerrillas to expel Israel's army from the south.

Most terrible of all for Anderson were the twin explosions of Oct. 23, 1983, that devastated the headquarters of the U.S. Marine and French units of a multinational peacekeeping force.

More than 240 Marines and 60 French soldiers were killed. Anderson was one of the first reporters on the scene, reporting the story with a special sadness because of his own past with the Marines in Vietnam.

The multinational force was gone by next spring, along with some foreign journalists, but Anderson felt it was important to stay and report the continuing civil war.

A rebirth of a kind came to him in those months. He quit smoking, started dieting and went jogging with his dog Jolie nearly every day.

Every week or two he would gather colleagues for lunch or dinner at one of Beirut's seafront restaurants, and somehow strawberries and cream would become part of the diet.

This was Beirut and some of the meals were disturbed by gunfire. Jolie, a Rhodesian ridgeback Anderson had brought from Africa, became skittish about the shooting and was sent to the United States.

Terry was working on a story about radical Shiite Moslem fundamentalists when some of them kidnapped him. For the next four years, he was seen only in photographs and videotapes.

In a videotaped message to the three people closest to him—his sister Peggy Say, the mother of his 3-year-old daughter and his father—he said: "Peg, Madeleine and Dad, kiss my daughters for me. Keep your spirits up and I will try to do the same and one day soon, God willing, this will end."

It was a sad reminder of Terry's isolation as a hostage. His kidnappers told him of the birth of his second daughter, Sulome, on June 7, 1985, but not that his father and a brother had died of cancer.

THE DARK LEGACY OF HITLER AND STALIN IN THE BALTIC

Mr. HELMS. Mr. President, the month of September is historically crucial since it marks not only the 50th anniversary of the outbreak of World War II but serves to highlight five decades of an illegal Soviet hold over the Baltic States.

It was on September 1, 1939, that Adolf Hitler not only staged the invasion of Poland but also symbolically celebrated the 1-week anniversary of the signing of the Nazi-Soviet Nonaggression Pact and the secret protocol with Joseph Stalin. No doubt both Hitler and Stalin had plenty to celebrate the first weeks of September.

Both had just agreed to the Nazi-Soviet Pact of August 23, 1939, which both set the independent Baltic nations of Latvia, Estonia, and Lithuania on the inescapable road toward serfdom by the Soviet Union and guaranteed Poland to Nazi Germany. As the war machines of Nazi Germany rolled into Poland the tanks of the Soviet Union were poised and readied to the east of the Baltic States.

In addition, on the 28th day of September 1939 a secret additional protocol to the Nazi-Soviet Pact added the name of the country of Lithuania to the list of Baltic nations assigned to the Soviet Union. With a stroke of the pen, emmisaries of Hitler and Stalin heartlessly agreed to pass the territory of then-independent Lithuania from Hitler to Stalin for a sum of gold.

Through behind-the-scenes and notorious acts such as those between Joseph Stalin and Adolf Hitler, the independent, peace-loving nations of the Baltic were rendered defenseless against the crushing force of the Soviet Red Army which lay to the East. By June 1940 the Soviet Union would swallow three independent states brutally and hungrily in accordance with the provisions of the Nazi-Soviet Pact.

For all these reasons in September 1989 the Senate of the United States should remember the present day prisoners of Joseph Stalin, the children and grandchildren of Baltic people victimized by World War II, who remain captive in today's Soviet Union.

Mr. President, it is obvious in 1989 that the events and the tragedies which were spun off from the Nazi-Soviet Pact of August 23, 1939, have remained in effect 50 years too long. No one recognizes this tragic fact more than the people of the Baltic States.

On August 23, 1989, the people of Latvia, Estonia, and Lithuania filed with conviction into the streets of major cities in Latvia, Estonia, and Lithuania to protest not only the Nazi-Soviet Pact but its illegal consequences—illegal consequences which keep Soviet troops alive in the Baltic and prevent Latvia, Estonia, and Lithuania from true national self-determination. On that day 2 million people formed a striking human chain from the Lithuanian capital of Vilnius to Tallinn, Estonia.

On the anniversary of the pact, the more visible popular fronts of Latvia and Estonia and the Lithuanian Reform Movement, Sajudis, as well other more nationalistic groups, called to the West to remember the three Baltic States as they were between 1918 and 1940 and should be today—independent and westward looking nations on the Baltic Sea.

Mr. President, at this most crucial juncture in their path towards national self-determination, the Baltic people need the West's support more than ever. They need to know not only that the United States does not recognize their forced incorporation into the Soviet Union but also that we are prepared to support their calls for freedom.

Indeed it is time for the United States to reiterate and emphasize its policy of nonrecognition unwaverably. In order to achieve this end I strongly believe that the Secretary of State should raise the issue of the illegal consequences of the Nazi-Soviet Pact in the Baltic States when he meets with Foreign Minister Eduard Shevardnadze in Wyoming later this month.

Mr. President, the Baltic people have been waiting for our support and have been hard pressed to find it. For this reason, a joint statement issued by the Latvian and Estonian popular fronts as well as the Lithuanian Reform Movement, pointedly asked the West, "Have you not noticed our absence?" Mr. President, I ask unanimous consent that the full text of this declaration be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, in response to the popularly supported Baltic demonstrations on August 23, the Politburo of the Communist Party of the Soviet Union, undoubtedly with the support of Gorbachev, issued a scathing denunciation of the Baltic freedom movements.

A statement printed in Pravda responded to last months' findings of the commission of the Lithuanian Supreme Soviet. The findings of the commission incurred the wrath of the Communist Party since it declared the Nazi-Soviet Pact and the secret protocols not only illegal but stated that they directly caused the loss of "Lithuania's sovereignty and independence and the country's forcible incorporation into the U.S.S.R." Mr. President, I ask unanimous consent that the full text of the Lithuanian declaration be printed in full text at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, the response of the Soviet Union to the truth published by the Lithuanian Commission is a harsh warning to the democratic movements. The declaration is couched in threatening language such as, "Things have gone far. The fate of the Baltic peoples is in serious danger. People should know into what abyss they are being pushed by the nationalist leaders. The consequences could be disastrous if the nationalists manage to achieve their goals. The very viability of the Baltic nations could be called into question." Mr. President, I ask unanimous consent that the CPSU statement be printed in full text at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HELMS. Mr. President, no doubt the Communists are confused. Recently, as the Communist Party warned the democratic movements of moving too far, Pravda condemned the defections of Lithuanian Communist Party members to the democratic movements. On the other hand, on August 23 Pravda reported that the Lithuanian Communist Party chief of the Central Committee's ideological department signed a statement in Gotland, Sweden, along with the Lithuanian Freedom League, Sajudis, and the Washington-based Committee for the Liberation of Lithuania, in which Lithuania was referred to as "Soviet-occupied" and that the restoration of Lithuania's independence was the supreme goal for all Lithuanians.

The signing of such document by a Communist Party chief highlights the difficulty Gorbachev is having reining in his Communist comrades in the Baltic States. Pravda's statement was meant to warn the Communist Party that there is no way for Communists to work with the democratic movements since both are moving in irreconcilable and uncompromisable directions. Mr. President, I ask unanimous consent that the "Gotland Communique" be printed in full at the conclusion of my remarks.

Yet despite the new threats facing the democratic movements the resolution of the Latvians, Estonians, and Lithuanians fighting for the self-determination and the freedom they deserve has not been deterred or even slowed down. As a matter of fact, the threats have fortified their convictions. Even after the Communist Party threat and the probability that such threats will continue, the democratic movements are continuing unabatedly toward their goals.

Mr. President, presently the Soviet Union is on its way to delivering a report out of the Congress of People's Deputies on the tragic events of 1939. What has taken so long? What is being hidden? Word of the declaration's contents have already been partially announced by Politburo member Alexandr Yakovlev. Yakovlev contends that the Nazi-Soviet Pact was illegal but continues that the pact does not reflect on the present leadership of the Soviet Union since it was a product of Stalinist, not Leninist principles. The Soviet Union does not see that the "pact or the protocol to it defined the legal and political status of Lithuania, Latvia, and Estonia. The change in status took place by virtue of other circumstances."

Mr. President, the "other circumstances" were a military occupation. By October 10, 1939, the Soviet Red Army was omnipresent in the Baltic States and a spectre of a military occupation weighed deeply. By June 14, 1940, mass deportations of Latvians, Estonians, and Lithuanians to certain death in the gulag had begun which in the end would claim hundreds of thousands of deaths.

In order to justify Moscow's military presence in the Baltic, elections in which no alternative candidates were presented were held under a looming Soviet Red Army menace. Mr. President, the elections of 1940 were a farce. The truth is that the Baltic States were militarily captured.

Mr. President, there is no way for the Soviet Union to possibly justify their presence in Latvia, Estonia, and Lithuania. Presently, the leadership is struggling to cover up the historical injustices committed on the Baltic people which began with the Nazi-Soviet Pact. The Nazi-Soviet Pact offered an excuse for the Red army to occupy the independent Baltic States. Then the mock elections were held through puppet Diets in an attempt to add a layer of legitimacy to the Soviet rule over the Baltic. Such big lies have not covered the truth.

Mr. President, the Baltic people have never recognized the legitimacy of the pact, nor the validity of the elections and they will continue to fight until the illegal consequences of both are reversed.

Mr. President, it is obvious that in 50 years the Soviet Union has been unable to suppress the spirit of the Baltic people for freedom through a military occupation. Therefore, it is in solidarity with the people of Latvia, Estonia, and Lithuania that I am cosponsoring Senate Concurrent Resolution 69.

Mr. President, 50 years after the outbreak of World War II the Baltic people are again asking for our support.

EXHIBIT 1

(The following is a joint statement issued by the Latvian and Estonian popular fronts as well as the Lithuanian Reform Movement, Sajudis, on the 50th anniversary of the Molotov-Ribbentrop Pact. According to a Sajudis spokesman in Vilnius, it was prepared by the Estonian movement and ratified by the Latvians and Lithuanians on or before August 23. Except for the correction of one spelling error, it is presented below unedited, as it was received from Vilnius.)

THE BALTIC WAY

August 23, 1939, inflicted wounds to tens of nations and states. Some of these wounds are still bleeding.

The Hitler-Stalin pact unleashed an attack on Poland, which was destroyed and divided between the signatory states. The Hitler-Stalin pact assigned the three Baltic states to the Soviet sphere of interest. Three member states of the League of Nations were occupied by the Red Army; three independent states ceased to exist. The Soviet Union has done everything to remove the republics of Estonia, Latvia, and Lithuania from the memory and map of Europe, from your libraries and textbooks, your sense of justice, your grief and your minds. Many have let their conscience be lulled and put up with the implementation of the Hitler-Stalin pact even during the last decades of millenium.

This is why we, the three Baltic nations, turn to Europe and the world community today, on the 50th anniversary of the deal, in firm conviction that the democratic majority has retained its moral will-power, sense of justice and willingness to share our assessment: the criminal Hitler-Stalin pact has to be voided! The essence of the Hitler-Stalin pacts and its secret protocols was imperialist division of the spheres of interest between two great powers. On the basis of this criminal deal the Soviet Union unilaterally violated all the international treaties concluded with the Baltic republics, infringed on the historical right of the Baltic nations to self-determination, presented ruthless ultimatums to the Baltic republics, occupied them with overwhelming military force, and under conditions of military occupation and heavy political terror carried out their violent annexation. The Hitler-Stalin pacts and their still-enforced secret protocols were and are aimed at the destruction of sovereignty and independence of other states.

Today, on the 50th anniversary of the deal, we remind all the nations of the world that under international law treaties of this kind are criminal and unlawful from the very moment of signing. This knowledge, which the apologists of imperialism and red fascists have preferred to overlook, has supported and kept us alive despite the decades-long public terror and systematic genocide. We have remained faithful to democracy and human rights even while the colonial power, proceeding from its imperialist interests, set out to annihilate the Baltic nations physically by means of mass murders, deportations of thousands of people to Siberia, and purposeful denationalization of our towns, villages, factories, schools and culture.

The Hitler-Stalin pact is still shaping the Europe of today, our once-common Europe. Yet we are convinced that the European community and democratic forces in the East will unite their voices in support of the demand of Estonia, Latvia and Lithuania that the pact together with its secret protocol be denounced and declared null and void from the moment of signing. Only then will Europe divest itself of the last colonies of the Hitler-Stalin era, and the Baltic nations will get the opportunity to determine their own destiny on the basis of free self-determination.

One may close one's eyes to the Baltic problem, but it will not cease to exist. For us, it is a problem of inalienable human rights; for you, it is a problem of double standards and security; but one way or another, we have to solve it together, proceeding from the principles of international law. A common European home can only be set up if all European nations are granted a free right to self-determination. The Baltic nations have sought ways for restoring their independent statehood in a way that would correspond to the interests of Estonia, Latvia and Lithuania, as well as the Soviet Union, and guarantee security in Northern Europe. In our view stability on the shores of the Baltic must be built on a system of treaties such as was in force before the deal of 1939, and which stems from the peace treaties concluded between the Soviet Union and the Baltic states in 1920. We have searched for a solution, and we have called our solution the Baltic Way.

The Baltic Way is a parliamentary way for the peaceful restoration of our statehood.

The Baltic Way does not represent a threat to anyone.

The Baltic Way will guarantee social security, civil rights and economic progress to all the people in the Baltic republics regardless of their nationality.

The Baltic Way is a way to democracy.

The Baltic Way is the only way to freedom, brotherhood and equality on the shores of our common Baltic Sea.

Every village, town and state has risen again from the ashes of the Second World War—except for the three Baltic states, former member states of the League of Nations. Have you not noticed our absence? Today, nearly half a century later, we are calling out to our friends, in the North and South, East and West: the Baltic states are standing on the threshold of Europe again, Europe greets us today as its long lost sons. As for ourselves, we have never considered ourselves lost. Let us, then, extend hands to one another and walk together along our common way: The Baltic Way is the way of Europe; the Baltic Way is the way of abolishing the last colonial possessions in Europe; the Baltic Way is the way to our common home.

Brothers and sisters in East and West, we are prepared to forget about your double standards, if you will find in yourselves courage to demand the application of the principles of international law not only in Africa and Asia but also in Europe. Let us unite voices and demand that Hitler-Stalin pacts together with their secret protocols be delcared null and void from the very moment of their signing! Let us declare the annexation of Estonia, Latvia and Lithuania unlawful!

We are ready, we are arriving.

EXHIBIT 2

(The Lithuanian official daily "Tiesa" (published by the Lithuanian CP Central Committee, the Lithuanian SSR Supreme Soviet and the Lithuanian SSR Council of Ministers) published the following document in its August 22, 1989 edition. An English translation follows:)

CONCLUSIONS OF THE LITHUANIAN SSR SUPREME SOVIET COMMISSION TO EXAMINE THE 1939 TREATIES BETWEEN GERMANY AND THE USSR AND THEIR CONSEQUENCES

The commission has analyzed the most important questions associated with the creation, execution and some of the consequences of the Soviet-German Nonaggression Treaty of August 23, 1939 and its Secret Supplementary Protocol; the Soviet-German Treaty on Friendship and Borders of September 28, 1939 and its Secret Supplementary Protocol and the Secret Protocol of January 10, 1941. Having examined these international treaties and their consequences for Lithuania, the Commission has determined:

(1) The Secret Supplementary Protocol of the 1939 Soviet-German Treaty of Nonaggression and the later agreements indicated above contradicted the university recognized basic principles of international law and are absolutely null and void, that is, they are invalid from the moment of their signing.

(2) The treaties between Germany and the USSR of 1939–41 and their secret protocols, as well as their enactment, caused the loss of the Republic of Lithuania's sovereignty and independence and the country's forcible incorporation into the USSR.

(3) By creating and executing these unlawful agreements, Germany and the USSR violated the following in regard to Lithuania:

Article 10 of the League of Nations Covenant (the obligation to honor and defend the territorial integrity and existing political independence of all the members of the League of Nations from foreign aggression);

Article 1 of the 1928 Treaty of Paris on Renouncing War as an instrument of National Policy (renouncing war as an instrument of national policy); and Article 2 of the same treaty (the obligation to settle all international disputes solely by peaceful means);

Article 1 of the Peace Treaty of 1920 between Lithuania and Soviet Russia (the recognition of Lithuania's sovereignty and independence), and Article 5 of the same treaty (Soviet Russia' guarantees concerning Lithuania's neutrality);

Article 1 of the Soviet-Lithuanian Nonaggression Treaty of 1925 (the confirmation of guarantees of the inviolability of independence contained in the Treaty of 1920 between Lithuania and Soviet Russia), Article 2 (the obligation to respect the sovereignty and territorial integrity of the Republic of Lithuania), Article 3 (the obligation to restrain from any acts of aggression) and Article 5 (the settlement of mutual disputes through the creation of arbitration commissions) of the same Treaty.

In addition, Germany and the USSR violated their obligations to the Republic of Lithuania as set out in:

Article 4 of the 1939 Treaty between the Republic of Lithuania and Germany on the Transfer of Klaipeda Territory to Germany (the obligation, in the future, not to employ force in mutual relations and not to support third parties if they used force against one of the contracting parties);

Article 6 of the Lithuanian-Soviet Treaty on Mutual Assistance and the Transfer of Vilnius and the Vilnius District to the Republic of Lithuania (the obligation not to create or participate in any coalitions directed against one of the contracting parties), Article 7 of the same treaty (the obligation not to violate the sovereign rights, especially the state, economic, social and defense systems of the contracting parties and not to interfere in their internal affairs).

By means of the Mutual Assistance treaty of October 10, 1939, Lithuania was obliged to allow the entry of Red Army garrisons into the country, lost its status as a neutral state and became dependent on the foreign policy of the Soviet Union.

(4) The great-power designs of the Soviet Union, encouraged by the division of speres of influence and the proposed "territorial-political transformations," and with France collapsing, were embodied in crude pressure against the Republic of Lithuania. Aggression followed.

(5) The Soviet Union's ultimatum of June 14 to the Republic of Lithuania had no juridical or factual justification and was presented to Lithuania accompanied by a direct threat of force and announcing the entry of additional (Soviet) military units in any case. The demand of the USSR to immediately change Lithuania's government crudely violated the universally acknowledged principle of non-interference in the internal affairs of states.

The entry of the Red Army into Lithuania on June 15, 1940 constituted aggression, as defined by Article 2, Paragraph 2, of the 1933 Soviet-Lithuanian Treaty, that is the intrusion of armed forces without a declaration of war into the other party's territory. Red Army units, along with those which had been stationed (in Lithuania) earlier, occupied the most important strategic centers and installations, thus accomplishing the occupation of Lithuania.

(6) Having stationed large armed forces throughout the entire territory of the Republic of Lithuania, the USSR began to un-

lawfully interfere in Lithuania's internal affairs through its officials. The government was changed by manipulating the Lithuanian Constitution then in force and it was forced to hastily organize elections to the Diet. The single platform of the Lithuanian Union of Working People spoke only about Lithuania's independence, the fostering of national culture and social transformations which would be in the interests of the broad masses of people. In this way the purpose of incorporating Lithuania into the USSR was hidden from Lithuania's citizens before and during the elections.

The elections themselves were not free and democratic. After formally correcting the authoritarian Diet elections law of 1936, the authorities adopted the Soviet system of elections without the practice of presenting alternative candidates. The more prominent leaders of potential opposition were arrested and, during the voting, various means of pressure and fabrication were employed. The Diet elected in this fashion became an obedient tool in the hands of plenipotentiaries sent to Lithuania by the Soviet government and did not adhere to the election platform proclaimed to the voters. The declaration on Lithuania's entry into the USSR was an extorted act by a Diet which had no constitutional powers, was accomplished against the will of the citizens of Lithuania, and fulfilled the great-power goals of the USSR. Vyacheslav Molotov confirmed this before the session of the Supreme Soviet of the USSR, which confirmed Lithuania's annexation by stating that the USSR had reclaimed territories it had possessed long ago.

All of this was accomplished by exploiting the political and social tensions which had accumulated during the years of the Nationalist Union regime.

With the introduction of the Stalinist regime in Lithuania, crimes against humanity and war crimes were committed against the Lithuanians and the other nations of Lithuania.

(7) Through secret agreements and aggressive acts, Stalinism and Hitlerism destroyed independent states. The independence of many of these states has already been restored; however, Lithuania, Latvia and Estonia have not yet recovered their independence.

The enactment of the unlawful treaties of 1939–41 between Germany and the USSR is an international crime. The elimination of its consequences is not only an internal matter of the USSR, but also that of Europe and the entire world community of states. It must be settled on the basis of universally recognized norms and principles of international law, above all, on the initiative of those states, or their legal heirs, who are responsible.

(8) The (Lithuanian) People's Diet's "Declaration on the Entry of Lithuania into the Union of Soviet Socialist Republics" of July 21, 1940, and the USSR Supreme Soviet's "Law on the Acceptance of the Lithuanian Soviet Socialist Republic into the Union of Soviet Socialist Republics" of August 3, 1940 are unlawful.

EXHIBIT 3

[From National Affairs, Aug. 28, 1989]

CPSU ISSUES STATEMENT ON BALTIC SITUATION

(PM2708154189 Moscow PRAVDA in Russian, 27 Aug 89 Second Edition p 1)

["CPSU Central Committee Statement on the Position in the Soviet Baltic Republics"—PRAVDA headline]

[Text] The findings of the commission of the Lithuanian Supreme Soviet studying the German-Soviet treaties and their consequences were published in Vilnius on August 22. These treaties were declared illegal and invalid, as were the declaration of the people's Sejm of Lithuania on joining the USSR (July 21, 1940) and the USSR law on admitting the Lithuanian Soviet Socialist Republic into the USSR (3 August 1949).

This was done when a relevant commission of the Congress of USSR People's Deputies is yet to finish its work. Incidentally, the commission was set up at the initiative of deputies from Baltic republics, whose representatives take part in it. This was done in disregard of the fact that the final word belongs to the Congress of USSR People's Deputies, to which the commission will report its findings.

The statement by the commission of the Lithuanian Supreme Soviet is not a special case. It is directly linked with the separatist line which has been pursued in the past months with growing persistence and aggressiveness by certain forces in Lithuania, Latvia and Estonia. Its highpoint came on August 23 when popular fronts and affiliated organizations held a mass action, whose political aim was to incite the peoples of Baltic republics to secede from the Soviet Union.

The CPSU Central Committee sees it as its duty to make the following statement.

The current situation in the Baltic republics is the cause of increasing concern. Developments there affect the vital interests of the entire Soviet people, our entire socialist motherland.

Perestroika paved the way for the rapid growth of the national awareness of peoples, made them confident that they can independently solve the problems of their political, social, economic and cultural life. The national revival of every nation in the great Soviet multinational family, with the use of new possibilities for the free and balanced interaction with other nations of the country, brought about by perestroika, lies in the channel of the policy of the Communist Party and the Soviet State, is one of the bases for renewing our entire society. The recent highly important measures of fundamental significance aimed at strengthening the sovereignty of union republics and filing them with new and real contents pursue exactly these goals.

The Baltic republics actively joined in the process of deep transformation. Workers' collectives got moving and the intellectual forces of all strata of society became active.

But at a certain stage nationalist, extremist groups took advantage of democracy and openness and gradually began to introduce an unhealthy aspect into the development of events.

Having misappropriated the part of true proponents of the national interests, they, step-by-step, steered the course of affairs toward isolating the Baltic republics from the rest of the country and the disruption of long-standing organically formed links with other Soviet Nations. Their positions became more and more openly extremist and separatist. The anti-socialist and anti-Soviet nature of their projects became evident very soon. In some places, organizations resembling political formations of the bourgeois period and the time of fascist occupation sprang up. Intimidation, sheer deception, and disinformation became the practice, and sometimes outright moral terrorizing and defamation of all who disagreed, all who remained true to internationalism and the idea of an integral Soviet Union. Some of the mass information media served as sources fostering nationalistic attitudes.

Abusing freedom of international relations, nationalist leaders contacted foreign organizations and centers, seeking to involve them in what was in fact the internal affair of their republics and treating them as consultants and advisers, as if people in the West were better aware of the actual needs of the Baltic nations, as if they were guided not by their own open or concealed projects with respect to our country, but were in fact concerned about the Soviet people's welfare.

It came to direct acts of vandalism, mockery of state insignia, desecration of sacred things viewed as inviolable by any decent individual—monuments to those who fell in the civil and great patriotic wars.

Soviet people across the country watched and read with astonishment and bitterness about things that in no way agreed with what they knew of Latvian, Lithuanian, and Estonian national traditions and would appear deeply insulting to the national character of these people known for their honesty, sobermindedness, and respect for standards of civilized human relationships.

The activity of forces that are destructive, anti-Soviet and anti-national in their core, the atmosphere of nationalism led to the promulgation, at the level of bodies of state authority in the republics, of unconstitutional acts contradicting our state's principles of federation and envisaging discrimination against the non-indigenous population of these republics.

On August 23, 1989, the organizers of the events tried to whip up emotions to a point of actual nationalist hysteria. Slogans foisted upon thousands of people were brimful of animosity toward the Soviet system, Russian people, the Communist Party of the Soviet Union, and the Soviet Army.

Concern over the developments in the Baltic republics is felt profoundly across the entire country by people of most diverse nationalities. An ever increasing flow of letters, statements and other information about how seriously concerned at what is going on are Latvians. Estonians, and Lithuanians themselves and ordinary people uninfected by the virus of nationalism are being received by the Central Committee. Even those involved in mass actions either are not fully aware of or do not share the projects of the organizers of the anti-Soviet movement and seek in every way to stress their friendly and cordial attitude to the representation of the other peoples and dissociate themselves from and condemn the extremist outbursts and hooligan actions of those who are close to nationalist leaders. Anyway, no calls come from among the common people for disrupting links with other nations of the great country.

This provides an additional proof that the separatist movement reflects neither the interests of the Baltic peoples nor their true national patriotic awareness.

The activities of the nationalist forces have already led to very serious economic losses in the economy of the Baltic republics, as well as to interethnic and social tensions. In some places, a real threat of a civil conflict and mass street clashes which will involve grave consequences has arisen.

Things have gone far. The fate of the Baltic peoples is in serious danger. People should know into what abyss they are being pushed by the nationalist leaders. The consequences could be disastrous for these peoples, if the nationalists managed to achieve their goals. The very viability of the Baltic nations could be called in question.

We should say it openly and with a feeling of responsibility before the Baltic and all Soviet peoples.

Right from the outset the CPSU Central Committee has displayed deep understanding of the specific features of restructuring processes in the Soviet Baltic republics. It saw in time the need for renewal and an influx of fresh people into leadership and helped it act in the spirit of the times, feel the needs and concerns of the people and speed up the solution of urgent socio-economic problems. It seemed that the Baltic leaders managed to find common language with the public and population and gave the right assessment of the possibilities and ways of carrying out transformations with due account of the local national conditions.

It must be said that the leaders of these republics failed to do everything in order to contain the process in the normal channel of perestroika reforms. They failed to stem the negative tendencies, to redress the situation, to uphold the principled positions, to convince people of the harmfulness of the plans and practice of opposition forces. The correct line, consolidating society on an internationalist basis, on nationwide and universal values of perestroika taking maximum account of national peculiarities and requirements, came against obstacles which are yet to be cleared.

One also has to admit that some party committees and functionaries gave in to difficulties and lost heart. Some even began to play up to nationalist sentiments, weakened counteraction to separatist plans.

The situation that arose calls for a deep analysis, real and serious assessment, and resolute urgent measures to clean the perestroika process in the Baltic republics from extremism, destructive and harmful tendencies.

The CPSU Central Committee urgently calls on the peoples of Lithuania, Latvia, and Estonia, all those who cherish their homeland, peace and national accord to realize the full extent and reality of impending disaster, to display responsibility and wisdom at this turn of the history of the entire country.

The Central Committee appeals to the working class, peasants, and those who create the material base of life and are always the first to suffer most of all from social and national upheavals—we need jointly to seek and find a way out of the situation, to stop the hysterical elements and not to give in to nationalist hysteria.

We all share many difficulties. The country and its economy are in a difficult situation. Do not believe those who try to prove that the life of Lithuanians, Latvians, and Estonians will at once be better off and comfortable once the "migrants are evicted," the Russians, Ukrainians, Byelorussians, Poles, Jews and others who live and work together with you put in the unequal position, the republics "scede from the USSR." This is an obvious lie. This is delusion.

Each republic, each region are linked by thousands of economic, social, cultural, scientific, technological, and simply human ties with others, with the entire country. What will happen if these ties are cut at one fell swoop? It is absolutely clear that none will be better off.

The Baltic republics, which are the first in our country to get the opportunity to organize truly independent management, to go over to self-reliance and cost-accounting, today face the broadest vistas for initiative, innovation, economic development, and better life. Accretions and distortions of the past, which prevented state bodies and the population of the republics from feeling and acting as masters in their house, are being removed.

The CPSU Central Committee hopes that the working class, working people of Latvia, Estonia and Lithuania, who have glorious revolutionary internationalist traditions of struggle for the happiness of their and all peoples of our great country will say their weighty word this time as well, defend the new revolution and uphold perestroyka.

The Central Committee of the Soviet Communist Party is appealing to all intellectuals of the fraternal Baltic nations and calling upon them in this difficult time to be true to their truly lofty spiritual vocation, to their sense of responsibility before nations and the entire country.

The intelligentsia is a repository of goodwill, reason, unity and human concord, but not of animosity, confrontation, humiliation, and insult of others. No grief is another's grief—let us remember this.

The Central Committee of the Communist Party of the Soviet Union addresses a special word of anxiety and hope to you, dear women, mothers and sisters: Are there any concerns in the world that are capable of taking the place of concern for the little ones? For averting all trouble, for ensuring motherly love, attention and humanness of society toward them? Your warmheartedness, your active kindness, and good sense must help restore in society trust and mutual understanding. It is in your power to have a wholesome effect on the younger generation.

We are addressing this appeal to people's deputies calling upon them to show statesmanlike responsibility and political maturity, to use their authority to help overcome the crisis.

We appeal to the common sense of the peoples of the multinational Soviet Baltic region. It is time, in our common interest, to put an end to the fateful course of events, to come to your senses, go over from confrontation to dialogue and a search for difficult but necessary solutions and compromises.

The Central Committee of the Communist Party of the Soviet Union is appealing to all communists of Lithuania, Latvia and Estonia, to party veterans and those who recently joined their fate with that of the Leninist party: You must set an example of goodwill and human communication and persuade people of the necessity of concord and consolidation.

The Soviet Communist Party is by its very nature a unifying force which is capable of taking into account and integrating healthy national interests in its policy for the international progress of the whole country. It is not without reason that the destructive forces are doing their best to weaken the party, because that would destroy the cohesion of the Soviet peoples and untie hands to those who are being guided by their selfish ends which are far from the true interests of peoples.

Life convinces us of the fact that a nationalist policy in line with the requirements and spirit of restructuring and new thinking is the only way to resolve the negative problems, which have accumulated in the sphere of inter-ethnic relations, and get rid of past mistakes.

The CPSU has submitted the fundamentals of such a policy to a nationwide discussion by publishing its platform on the nationalities issue. The results of this discussion will soon be summed up by a plenum which will also submit its own proposals for consideration of the Congress of the USSR People's Deputies, the USSR's supreme legislature.

We, communists, are now bearing an extreme responsibility for the fate of our multinational homeland and the Soviet people. Today, as never before, each communist should have the courage to perform concrete deeds, promote party comradeship, build the unity of forces and increase the joint contribution to restructuring without which no national or interethnic [ni natsionalnyy, ni mezhnatsionalnyy] problems can be solved.

The time has come for every communist to take a principled party stand and act so that his honor and conscience be clear before the people now and before the coming generations.

This is our common duty today.

Let's preserve the single family of the Soviet peoples and the unity of the Communist Party of the Soviet Union.

World Lithuanian Political Representatives Call for Independence—Communist Official Supports Resolution in Meeting on Gotland Island

Representatives of Lithuanian political and cultural organizations ranging from the Supreme Committee for the Liberation of Lithuania to the Lithuanian Communist Party, met on the island of Gotland between Lithuania and Sweden and on August 6 adopted a Historical Resolution stating that:

> The restoration of an independent Lithuanian state is the vital goal of all Lithuanians in the entire world.

The Resolution represents an important breakthrough since one of the signatories was Justas V. Paleckis, chairman of the ideological department of the Lithuanian Communist Party's Central Committee. Other signatories include the Sajudis chairman Vytautas Landsbergis, Antanas Terleckas representing the Lithuanian Freedom League, and Dr. Lazys Bobelis, chairman of the Washington-based Liberation Committee.

The deliberations on Lithuania's road to independence were part of the 36th Lithuanian Studies Week, a traditional event. Justas V. Paleckis spoke of the "democratization process" now sweeping the Lithuanian Communist Party and maintained that many of its members wanted to join in the struggle for independence. He also said that the party's "conservative bloc" was creating many difficulties in this process.

The discussions were held on a formal and informal basis throughout the week of August 1-7, 1989, in which all aspects of current Lithuanian life were discussed, including the state of Lithuania's environment, standard of living and creation of democratic political parties.

"PRAVDA" ATTACKS LIBERATION COMMITTEE, GOTLAND MEETING ATTACK, BASED ON DISINFORMATION, MISFIRES

Moscow's Pravda marked the 50th anniversary of the Molotov-Ribbentrop pact by unleashing on August 23 a furious attack on Sajudis, the Supreme Committee for the Liberation of Lithuania (operating from Washington, D.C.), and the conference of Lithuanian political representatives in Gotland, an island between Sweden and Lithuania, which took place on July 30-August 6.

Pravda was particularly incensed by the fact that one of the participants at the conference was Justas V. Paleckis, chief of the Lithuanian CP Central Committee's ideological department, who signed a joint statement in which Lithuania was referred to as "Soviet-occupied." (The Soviet CP daily neglected to mention that the joint statement also said that restoration of Lithuania's independence was the supreme goal for all Lithuanians.)

Pointing out that Paleckis and the members of the Sajudis council had signed that statement together with representatives of anti-communist organizations from Lithuania and the U.S., Pravda focused on Dr. C.K. Bobelis, chairman of the Supreme Committee for the Liberation of Lithuania (VLIK), who attended and helped arrange the Gotland Communique, accusing Dr. Bobelis of "cynicism" and "political provocation."

RURAL DRUG POLICY COORDINATOR

Mr. PRYOR. As I noted in my statement introducing the Drug-Free Rural America Act, I strongly support the Rural Drug Initiative Act introduced by Mr. BAUCUS, my distinguished colleague from Montana. This fine piece of legislation would establish the position of Rural Drug Policy Coordinator within the Office of National Drug Control Policy, earmark Federal law enforcement block grant funds for use in rural States which have experienced a rise in drug-related crime, increase the number of DEA agents assigned to such States, provide drug interdiction training to State and local law enforcement officials, and institute innovative pilot projects for State police drug interdiction efforts. The Rural Drug Initiative Act is an excellent proposal, and the Drug-Free Rural America Act is closely modeled after it. I commend Senator BAUCUS for introducing it and for raising public and congressional awareness of the rural drug problem. Senator BAUCUS is a true leader in the battle against drugs in rural America.

My principal concern about the Rural Drug Initiative Act is that the bill's definition of special need rural State may not include all rural States which have experienced serious illegal drug problems. For example, my home State of Arkansas has a large rural population and, as I noted in my introductory statement, has experienced a dramatic rise in drug-related crime over the past several years.

An additional concern of mine is that rural States could benefit from even more DEA support than provided in the Rural Drug Initiative Act. Therefore, the Drug-Free Rural America Act calls for adding four, rather than two, DEA agents to each special need rural State.

Mr. BAUCUS. Thank you. When I originally drafted the Rural Drug Initiative Act, I did not realize the severity of the rural drug problem in some States, such as Arkansas, that were not designated to receive additional funds under the set-aside provision. I gladly agree to change the definition of special need rural State to include those States which have 50 or fewer persons per square mile. Therefore, I am cosponsoring the Senator's Drug-Free Rural America Act which incorporates all the provisions of my Rural Drug Initiative Act, but modifies the definition of special need rural State.

Furthermore, I share his belief that special need rural States could benefit from greater DEA assistance than already provided in my proposal. Consequently, I support his proposal to increase from two to four the number of DEA slots allocated to each special need rural State.

Mr. PRYOR. I greatly appreciate the Senator's cosponsorship of the Drug-Free Rural America Act and pledge to work with him on this issue on which he has demonstrated such leadership. let me also thank him on behalf of the people of Arkansas who will certainly welcome Federal assistance in the effort to eradicate drugs from our State.

UNITED STATES WINS WORLD HELICOPTER CHAMPIONSHIP

Mr. HEFLIN. Mr. President, on behalf of the entire State of Alabama, I would like to take this opportunity to congratulate the U.S. Precision Helicopter Team, based at the U.S. Army Aviation Center at Fort Rucker, AL, for winning the World Helicopter Championship for the third consecutive time.

The event, held earlier this month in Paris, France, included individual and team contests between the United States and helicopter crews from the Soviet Union, the Federal Republic of Germany, Great Britain, and France.

Our Precision Helicopter Team earned a total aggregate score of 2,373 points to take the top spot at the competition, followed by the Soviet Union with 2,202, Great Britain with 1,746, France with 1,598 and West Germany with 1,581.

Clearly, the U.S. team, comprised of U.S. Army helicopter crews from both active and reserve components, has established our military's supremacy in helicopter competition on an international level.

Mr. President, this victory certainly sends a message to the rest of the world that the United States possesses the top skills in this area and that we have the readiness capabilities in regard to the use of helicopters, a most valuable component of our Nation's air defense requirements.

I would like to congratulate Lt. Col. Robert Harry, commander of the U.S. Precision Helicopter Team, of Ozark, AL, and the rest of the members of this outstanding team for the international recognition they have so proudly brought home to the Wiregrass Area of southeast Alabama.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business has expired. Morning business is closed.

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION, 1990

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Ms. MIKULSKI. Mr. President, I understand that the unanimous-consent agreement would at the hour of 10 o'clock make the bill the pending business.

The ACTING PRESIDENT pro tempore. The bill is pending.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we have before us today the appropriations bill for VA, HUD, and independent agencies. It is the intent of the managers to proceed with noncontroversial amendments and, in fact, all amendments. We ask any Senator who has amendments that he or she wishes to offer on the bill to please come to the floor so that we can move this in an expeditious way. All of us would like to move this legislation and, of course, meet our schedule so that we do not have to have a continuing resolution.

AMENDMENT NO. 762

(Purpose: To recognize the National Fallen Firefighters' Memorial at the National Fire Academy in Emmitsburg, Maryland, as the official national memorial to volunteer and career firefighters who die in the line of duty)

Ms. MIKULSKI. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration. The amendment is in behalf of Senator SARBANES, my colleague of Maryland, and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SARBANES (for himself and Ms. MIKULSKI), proposes an amendment numbered 762.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RECOGNITION OF NATIONAL FALLEN FIREFIGHTERS' MEMORIAL.

(a) FINDINGS.—The Congress finds that—

(1) the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, honors the approximately one hundred and sixty volunteer and career firefighters who die each year in the line of duty; and

(2) such Memorial serves as a symbol of the courage and dedication of past, present, and future firefighters in their efforts to protect life and property.

(b) RECOGNITION.—The memorial known as the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, is recognized as the official national memorial to volunteer and career firefighters who die in the line of duty.

Ms. MIKULSKI. Mr. President, this amendment helps us to recognize and honor those firefighters who have given their lives in the line of duty. Each year about 160 volunteer and career firefighters die while fighting fires, but they die not only fighting fires but die saving lives of people in those buildings. The memorial would symbolize their courage and dedication, and we would like to recognize that the fallen firefighters' memorial be at the National Fire Academy as the official national memorial. It seems appropriate that this memorial be established at the academy.

My colleague, Senator SARBANES, has long been involved in advocacy to protect American lives and to protect those people who fight to save American lives. I ask that this amendment be accepted, and it is my understanding it is acceptable to my Republican colleague.

Mr. GARN. Mr. President, I have no objection to the amendment. As a matter of fact, I think it is a good amendment, and I support it.

Mr. SARBANES. Mr. President, I want to thank Senator MIKULSKI for her assistance with this amendment which recognizes the National Fallen Firefighters' Memorial located on the campus of the National Fire Academy in Emmitsburg, MD, as the official national memorial to our Nation's firefighters who have died in the line of duty. She is a cosponsor of the resolution, Senate Joint Resolution 77, on which this amendment was based and I greatly appreciate her support on the floor today.

The Fallen Firefighters' Memorial in Emmitsburg is a national symbol of honor and hope for members of the fire service and their families. Dedicated in October 1981, it is the first Federal monument in our history to honor both career and volunteer fallen firefighters. The monument, a sculptured bronze Maltese Cross on a 7-foot pyramid of limestone, is surrounded by plaques listing those who have died in services to their communities. I am sure that the thousands of firefighters who attend the National Fire Academy and the Emergency Management Institute each year are moved by this tribute to those who have made the ultimate sacrifice while serving their fellow Americans.

It is fitting that we in the Senate are considering this important amendment just a few weeks before the annual memorial service which is conducted at the National Fallen Firefighters' Memorial. Hundreds of family members and fellow firefighters from across the nation attend this service at which a plaque is unveiled inscribed with the names of those who died in the line of duty during the previous year. I encourage my colleagues to consider attending this year's service which will be on October 15.

Mr. President, more than 100 career and volunteer firefighters die in the line of duty each year. It is appropriate and proper to honor them on the campus of the National Fire Academy and I encourage all of my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 762) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, while we are waiting for our colleagues to come and offer other amendments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 763

(Purpose: To require the Secretary of Housing and Urban Development to adjust the level of assistance payments to reflect additional benefits provided in connection with housing assisted under the section 8 moderate rehabilitation program)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk on behalf of Senator BOB GRAHAM of Florida, cosponsored by Senators RIEGLE and CRANSTON of the authorizing committee, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. GRAHAM, (for himself, Mr. RIEGLE, Mr. CRANSTON, and Mr. BRYAN), proposes an amendment numbered 763.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SUBSIDY ADJUSTMENT FOR SECTION 8 MODERATE REHABILITATION PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, prior to entering into a contract for assistance payments with respect to the rehabilitation (other than substantial rehabilitation) of housing to be assisted under section 8 of the United States Housing Act of 1937, the Secretary of Housing and Urban Development shall to the extent appropriate reduce the amount of the assistance payments which would otherwise be provided in connection with such contract by an amount calculated to reflect any additional financial benefits that will be provided with respect to the housing in the form of tax credits under Federal or State law, tax abatement, State or local assistance, or otherwise.

(b) SUBSEQUENT ADJUSTMENTS.—After entering into a contract described in subsection (a), the Secretary of Housing and Urban Development shall, from time to time, make appropriate additional adjustments in the amount of assistance payments under the contract in order to reflect financial benefits of the types described in subsection (a) which become available with respect to the housing and to reflect changes in the level of such benefits.

Ms. MIKULSKI. Mr. President, this is a noncontroversial amendment, but an important one. It has been cleared by both sides of the aisle.

This amendment will prohibit developers of assisted housing from double-dipping when receiving various financial benefits available to them.

I believe this is a good amendment in the best interest of the housing community. We understand it has been cleared by the appropriate authorizing committees. I am happy to accept this amendment.

I would like to thank the Senator from Florida for offering this improvement in public policy.

Mr. GARN. Mr. President, this amendment is acceptable to the minority.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 763) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I note that Senator PRYOR is on the floor. I know he has an amendment which he wishes to offer. I am going to yield the floor. We look forward to considering his amendment and the discussion thereon.

AMENDMENT NO. 764

Mr. PRYOR. Mr. President, I thank very much the very distinguished Senator from Maryland. I do have an amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 764.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

SEC. . (a) not more than $10,341,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Veterans Affairs; not more than $64,975,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Housing and Urban Development; not more than $34,300,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Environmental Protection Agency; and not more than $4,200,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance service by the National Aeronautics and Space Administration.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department and agency named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. PRYOR. Mr. President, on several appropriations bills for the 1990 fiscal year, I have offered an amendment to sharply curtail the use of private contractors and consultants and consulting firms to help not only eliminate some of the budget deficit but also to try to encourage Federal agencies to see if they could do a lot more of this work in-house, using existing Federal employees.

Mr. President, over the last two decades we have seen a tendency for agencies to find a friend in the consulting business, award them a juicy contract, and have a study or report done, only to find that study or report, which has cost thousands of dollars, gathering dust in a dusty morgue.

Mr. President, I rise today to offer an amendment to the Housing and Urban Development appropriations bill to cap the amount of money which this Department can spend on consulting services. It is often said that the way to a person's heart is through their stomach. I say the way to solve the Government's problems with its wide abuse of consultants is through its wallet. As is evidenced by the recent HUD scandal, Mr. President, in which consultants played a very key role, an "ill wind" does not just blow at the Department of Defense. We now see it at HUD. In many ways, the HUD scandal demonstrates what happens when the Government relies too heavily on private contractors. Last year I attempted to modestly reduce the consultant spending at the Federal agencies. HUD fought this attempt last year, Mr. President. They made it clear that they needed each and every penny possible to hire outside private consultants. Recent congressional hearings have shown us what they were doing with at least some of these dollars.

I ask unanimous consent, Mr. President, that three Washington Post articles regarding the roles that consultants have played in the Department of Housing and Urban Development be included at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, the entire HUD scandal should not be attributed solely to overreliance on consultants or contractors, nor should all of the mismanagement problems throughout the rest of the Government. However, over the past 20 or 30 years Federal agencies have grown more and more dependent on these consultants to perform the basic work of the Government. This has occurred for a variety of reasons. Some blame congressional actions and some say it is appropriate to have contractors doing the work. But whatever the reasons, the result has been the creation of a hidden bureaucracy not subject to the rules and regulations that govern the official bureaucracy.

There is no law, for example, that requires consultants to obey ethics regulations. There is no law, notwithstanding the fact that I have introduced a bill for 2 consecutive years, to require the consultants to register as lobbyists register. I will continue pressing that policy.

This hidden bureaucracy that we have created writes reports to the Congress, implements Government programs, evaluates Government programs, drafts regulations, and comments on GAO reports.

Further, in this time of great concern over ethics, it is essential to realize that these contractors and consultants are not covered by any ethical rules that govern the civil service. They are not covered by President Bush's proposed ethics package. They are not covered under the Ethics in Government Act. They are freewheeling contractors who are today making their living—and an abundantly good living, Mr. President—off of the taxpayers' dollars through their contacts within the agencies that give them the grants and the consulting dollars.

Mr. President, I think that the consultants and the contractors may have some role to play in making our Government more efficient. But I think this widespread delegation of much of the basic work is unhealthy. It creates a buddy system, it oils the revolving door, and ultimately it will enure to the detriment of the American taxpayer and the Federal Government.

Last year, I offered amendments to 9 of the 13 appropriations bills to cut consulting spending. While all nine were successfully adopted in this Chamber, only four of those amendments survived the conference committee. A total of $200 million was actually saved, Mr. President. My purpose for offering those amendments was to force agencies to examine their consulting spending and place priorities on their consulting needs. I hope that we were at least partially successful in causing some of these agencies to look more carefully at their consulting spending.

This year, Mr. President, on this series of appropriation bills, I am approaching the problem a little differently. We still have to cut back. We are faced with a massive budget deficit. What I am proposing this year is to use an agency's own figures to try to hold the line on consultant spending. I think it is reasonable and fair.

I am offering an amendment today that simply caps agency spending at their requested amount. Section 1114 of title 31, United States Code requires each agency to include in its budget justification the amount of money it is requesting for consulting services, as well as the list of appropriation accounts from which the money is to come and the description of the agency's need for consulting services.

All I am doing in this amendment is to take the agency at their own word. It says, if the Department of Energy, for example, has requested $36,271,000 for consulting spending, then that is all they can spend. It asks that HUD and all of the other agencies impacted by this bill be required to obey their own request.

The impetus for this amendment is to force agencies to be accurate and honest about consultant spending. For example, the General Accounting Office estimated that the Department of Energy spent $151,049,000 on consultants in fiscal year 1987.

Even if we assume that the Energy Department has not increased its consultant use, the department underrequested by $114 million. I believe that this is extremely dismaying. The reason we have Appropriations Committees is so they can examine an agency's proposed spending.

If that agency misleads the committees in the Senate and the House, then the agency is depriving the Appropriations Committee and the Members of the House of Representatives and the Senate of our ability to make the proper decision. This will force the agency to be more honest.

I think it is a constructive amendment, Mr. President. The Housing and Urban Development Department has requested $64.9 million for fiscal year 1990 for use in consulting services.

Mr. President, I was amazed to find out that the Department of Housing and Urban Development, rather than cutting down the amount of money requested for consultants, has increased its request by $40 million over the amount it actually spent on consultants in fiscal year 1987. I think that this amendment, which will also apply to the Veterans' Administration, EPA, and NASA, will go a long way in saving some of the taxpayers' dollars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Pryor amendment would cap the amount that certain agencies, particularly in this bill, VA, HUD, EPA, NASA, and some of the others, can spend on consultants in fiscal year 1990.

I support the amendment of the Senator from Arkansas. I think it is an excellent amendment. Senator PRYOR has successfully offered this amendment on many other bills, as he said, only to have it knocked out by a powerful lobby. There is no doubt that consultants play a very important role in supplementing the work that goes on in our public agencies. Sometimes they have to be called in for a special stint; sometimes they are called in because they have a unique, highly specialized expertise.

We have created a whole new public trough in which people enjoy coming up and just munching away. I think Senator PRYOR says when you need consultants, hire them. But this should not be a new entitlement program for people who hang around the beltway looking for jobs.

Senator PRYOR successfully offered this amendment to the Treasury appropriations bill. It passed, and we look forward to defending it in conference. I know he chairs an important subcommittee on Federal Service, Post Office, and Civil Service. He has held extensive hearings, so this is not just off the top of his head. He has held hearings on the issue.

I think what he says is that we need to make sure we get a dollar's worth of services for a dollar's worth of taxes. I think what the amendment does—and I think it is very important as we look at the HUD scandal—we gutted the civil service staff at HUD. We threw them out, laid them off, and RIF'd them, and instead we brought in consultants who have nicknames like "Robin HUD."

Like Paul Harvey says, Mr. President, we know the rest of the story. I think Senator PRYOR offers a very important amendment in the area of public policy, and I think the amendment performs an important public service. I am happy to support it and accept it.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. I am not only willing to accept the amendment, but I think the Senator from Arkansas has understated the case and the problem with consultants, in that some of them that I have had the experience of seeing hired formed their companies for the specific purpose of getting the consulting job, obviously indicating they had no background or experience in that particular area.

There are certainly consultants that are helpful, that have broad expertise, and are of great value to various Government agencies, with long-standing reputations, education, experience, and backgrounds; but there are too many that do not fit that qualification. And they turn out to be cover for some of the bureaucrats who, if something fails, want to say, "I took that consultant's advice."

So the problem, I think, is severe, and I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 764) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I would like to very much thank my friend from Maryland, Senator MIKULSKI, and the Senator from Utah, Senator GARN for accepting this amendment. I also appreciate, Mr. President, their stated willingness to fight for this amendment in conference. I think it is a good amendment, and I am very gratified that they have accepted it. Mr. President, I think the Senator from Utah, Senator GARN, made a very telling statement just a moment ago when he talked about the lack of qualifications necessary to become a consultant. You do not have to have any degree. You do not have to have any expert knowledge. You do not even have to have an office. You can even operate without a phone, if you wanted to. All you have to do is call yourself a consultant. The most important thing you have to do is know the right people, know people who dole out the contracts.

Mr. President, an alarming percentage of all the contracts in the Government today are sole source, without any competition whatsoever. We are spending millions and millions of dollars for a hidden bureaucracy, for a secret government, and it is, Mr. President, a secret government that I would like to spend just a few minutes describing.

I have just offered an amendment to cap the consulting spending at HUD. It addresses the problems of lack of agency controls, of the buddy system that is in place; but as the unfolding scandal of HUD has shown us, there are obviously other holes in the Federal Government's revolving door and disclosure requirements.

I must say that I considered offering a second amendment to this bill, and I wanted to name this second amendment the James Watt amendment. Well, I have decided better, and I did not offer at this particular moment, this amendment that I hope to have drafted and in legislative form at the appropriate time.

Over the years, we have enacted laws that attempt to prohibit employees and former employees from using and abusing their office and peddling their influence. It is impossible to legislate against graft and corruption, or at least to enforce the law to the extent that graft and corruption are totally eliminated. However, Mr. President, it is not impossible to create a code by which we expect the Federal employees to conduct themselves.

Recently two reports have been released that demonstrate that the code we have created is very, very faulty and contains many loopholes. The revolving door statutes are applicable to the Department of Defense. GAO reviewed the impact of the laws at DoD and found an appalling low compliance rate and seemingly almost no interest on the part of the Department of Defense to enforce the statute that we had passed. I will be reviewing this report in our committee to see if there is any need for legislative changes.

Mr. President, Whitney North Seymour, the independent counsel appointed to investigate the Michael Deaver case, recently wrote an eloquent plea for complete disclosure for executive branch lobbyists.

Mr. President, in a moment I will ask unanimous consent that Whitney North Seymour's executive branch lobbying report be made a part of the RECORD. Mr. Seymour is describing to us an emerging government within our own system. It is a secret government, as he described it. I quote his report:

> Executive branch lobbying is aimed directly at decision-making in the White House and the various Executive agencies. It is an activity which can accurately be described as "backchannel" government because it circumvents the normal government procedures which apply to other citizens.

Mr. President, I ask unanimous consent that this report issued by Mr. Seymour be printed after my statement in the CONGRESSIONAL RECORD.

(See exhibit 2.)

Mr. PRYOR. Mr. President, let me illustrate the problems for a moment. Current law prohibits an employee from lobbying his former agency for 2 years. However, there is nothing in the law to prohibit the former Secretary of Interior, James Watt, from lobbying the Department of Housing and Urban Development. There is the loophole.

Senator BYRD of West Virginia, timely and thoughtful amendment to the Interior appropriations bill, would require former Secretary Watt to register, if he was lobbying on behalf of a client wanting Federal funds. However, there is no disclosure requirement anywhere if Secretary Watt was lobbying to modify Governmental policy, the bread and butter of executive branch lobbying. Neither Mr. Watt, nor anyone else would have to register in any way.

As Mr. Seymour eloquently points out:

> From the standpoint of the public interest, lobbying is most dangerous when it is carried on in secret, with no one representing the citizen-taxpayer or the public at large.

Mr. President, this remains true today. I am going to be examining this problem in the very near future to determine if there is a proper remedy, because not addressing this situation leaves a gaping hole in the code of conduct that we have laid out for our Federal employees.

Mr. President, I have developed an outline of the possible solution to fill up this hole, to close this gap. It would require all former political appointees, who were nominated by the President and confirmed by the Senate, to register with the Office of Government Ethics whenever that former employee contacts any agency in the Federal Government for the purpose of influencing or modifying policy decisions.

This disclosure requirement, by shedding light in an extremely murky world, would end government decision-making by secret deals behind closed doors.

I will, Mr. President, be working to develop legislation that closes those loopholes. As we have seen demonstrated time and time again, these escapades serve to benefit a very few to the detriment of the public interest and to tarnish the image of our Federal Government.

Mr. President, from the conclusion of Mr. Whitney North Seymour's report, let me just read from page 29:

> The Michael Deaver case revealed the tip of an iceberg—a small outcrop of Washington's secret government, where special favors are traded based on who you know.

This report, Mr. President, I think is an extremely eloquent outline of the problem that the Deaver case brought to light and the recommendations proposed by Mr. Seymour, I think from the standpoint of public interest, justify our careful attention. Let me quote again, Mr. President, from the report:

> From the standpoint of the public interest, lobbying is most dangerous when it is carried on in secret, with no one representing the citizen-taxpayer or the public at large.
>
> The Deaver case record, viewed against the backdrop of the conduct of similar lobbyists, reveals that present-day lobbying of the Executive Branch of the Federal Government is an unregulated, free-wheeling, essentially lawless activity that is damaging to public confidence in the government, and potentially harmful to the integrity of the governmental process.
>
> Executive Branch lobbying is aimed directly at decision-making in the White House and the various Executive agencies. It is an activity which can accurately be described as "back channel" government * * *.

Mr. President, I believe I have requested unanimous consent that the Seymour executive branch lobbying report to the Congress be printed at the appropriate place in the RECORD. I send that report to the desk.

Mr. President, I yield the floor. I thank very much the distinguished Senator from Maryland and the distinguished Senator from Utah.

EXHIBIT 1

[From the Washington Post, Aug. 4, 1989]

TWENTY CONSULTANTS MADE MILLIONS LOBBYING FOR HUD PROJECTS

(By Gwen Ifill)

Twenty consultants made more than $5.7 million over a five-year period for lobbying the Department of Housing and Urban Development to approve 51 moderate rehabilitation projects, the HUD inspector general reported yesterday.

A disproportionate amount of the money went to build projects in states that had comparatively little demand for low-income housing and to development who had hired consultants, the study found. Nearly half of the 20 consultants were former HUD officials and most of the others had close ties to the Reagan administration.

"In the earlier hearings we identified the rats," said Sen. Bob Graham (D-Fla.). "Now we're starting to identify the cheese that attracted these rats."

Until 1983, HUD dispensed moderate rehabilitation money through a "fair share" formula that was based on each state's housing needs. "With the waiver of the fair share provisions, there was no accountability," HUD Inspector General Paul A. Adams testified yesterday before the Senate Banking, Housing and Urban Affairs subcommittee on housing, noting that HUD decisions became strictly discretionary.

According to Adams's calculations, Florida and Puerto Rico led the list of states that received more than their "fair share" of HUD funds between 1984 and 1988. Both states also had the highest number of projects that were funded with the aid of consultants. California and New York received the shortest shrift, according to Adams's study.

"It is obvious that HUD was used as a political slush fund where political appointees gave favors amounting to millions of dollars of taxpayers' money, to politically well-connected individuals," Senate Majority Leader George J. Mitchell (D-Maine) said yesterday on the Senate Floor.

New studies completed by the General Accounting Office, the Congressional Research Service and HUD's inspector general offer the clearest evidence that influence-peddling was a costly component of the moderate rehabilitation program.

In many cases, the developers increased their profit margins by building in depressed markets, selling off low-income tax credits and using government-backed insurance to minimize risk, the report said.

John Ols, director of housing issues for the General Accounting Office, faulted the 3-year-old low-income tax credit program, which he said allowed many developers who were already receiving hefty HUD subsidies to increase their profit margins by selling the credits to syndicators for cash.

In one 209-unit Denver project, developers who were former HUD officials—earned nearly $2 million up front by offsetting the costs of land acquisition, development costs and other fees with the proceeds from syndication of tax credits.

"If they hadn't been raking it off this way, we could have been building more units for people in need," Sen. Paul S. Sarbanes (D-Md.) said.

Joseph Strauss, a former special assistant to HUD Secretary Samuel R. Pierce who formed his own consulting firm that did business with former interior secretary James G. Watt earned $1.7 million in consultant fees, according to Adams's study.

Other former HUD officials and Republican insiders who earned consultant fees included: Michael Karem, a former HUD assistant ($360,000); Reagan and Bush political adviser Paul Manafort ($348,500); former Kentucky governor Louie B. Nunn ($594,000); Richard G. Shelby, the political director of the National Republican Senatorial Committee ($442,000), and developer Judith Siegel, who also worked with Watt ($361,000).

In a related matter, R. Hunter Cushing, the former HUD deputy assistant secretary who has emerged as a key figure in the HUD affair, resigned yesterday from his current job as deputy assistant secretary for loan programs at the Commerce Department's Economic Development Administration.

Cushing, who took the $76,400-a-year job in May after leaving HUD, submitted a one-paragraph resignation that cited "personal needs." He had come under fire from members of Congress for continuing to hold a government job while refusing to testify before the House committee investigating HUD.

"He needed time, and I think he thought it was appropriate to let the department fill the position and get on with work," Cushing's attorney, Randall Turk, said.

The House Government Operations subcommittee on housing and employment voted to subpoena another former Pierce aid, Lance H. Wilson, to testify on Sept. 27. Wilson said yesterday his lawyer will accept the subpoena but that he had always planned to appear.

THE CONSULTANTS AND THEIR TAB

Consultants have received $5,719,469 from HUD's Section 8 Moderate Rehabilitation program since 1984, HUD Inspector General Paul A. Adams told Congress yesterday. This list shows payments to consultants as of last Monday. The names of those who served as HUD officials during the Reagan administration appear in italic:

Joseph A Strauss, former special assistant to HUD Secretary Samuel R. Pierce, $1,684,875.

Louie B. Nunn, former Kentucky governor, $594,000.

Richard G. Shelby, political director of the Republican Senatorial Campaign Committee, $442,000.

Judith Siegel, developer, $361,000.

Michael Karem, former deputy assistant HUD secretary for multifamily housing programs, $360,000.

Paul Manafort, Republican campaign strategist and Washington lobbyist, $348,500.

James G. Watt, former secretary of the interior, $300,000.

Gerald D. Kisner, former HUD deputy general counsel, $282,500.

Frederick Bush, chief Bush campaign fund-raiser, $215,000.

Edward W. Brooke, former U.S. senator, $183,000.

William Taylor, former Florida Republican Party chairman, $146,000.

Daniel Hughes, former HUD deputy undersecretary, $145,000.

Carla A. Hills, HUD secretary in the Ford administration, current U.S. Trade representative and Washington lawyer, $138,445.

Rick Price, former special assistant to the HUD assistant secretary for housing, $125,149.

R. Carter Sanders, former HUD associate general deputy secretary for field operations, $110,600.

Philip Abrams, former HUD undersecretary, $100,000.

Lynda M. Murphy, former director of state agency and bond financial programs Washington lawyer, $83,400.

Ron Gatton, former HUD Chicago regional administrator in the Carter administration, Redevelopment Services Co., $70,000.

Louis Kitchin, Republican campaign adviser, $25,000.

Jerris Leonard, former Justice Department official in the Nixon administration, $5,000.

Sources: Inspector General Paul A. Adams, Congressional Directory and Federal Staff Directory.

[From the Washington Post]

"INFLUENCE" PEDDLED FOR HUD CONTRACT

(By Gwen Ifill)

Paul J. Manafort, a prominent Republican political consultant and campaign adviser to Presidents Bush and Reagan, told a congressional committee yesterday that he engaged in "influence-peddling" three years ago when he used his Washington contacts to obtain a potentially lucrative federal housing contract.

"The technical term for what we do—and law firms, associations and professional groups do—is lobby," said Manafort, a partner in the firm Black, Manafort, Stone & Kelly. "For the purposes of today, I will stipulate that, in a narrow sense, some people may term it influence-peddling."

The lobbying firm was paid $326,000 for its work on behalf of the project in rural Upper Deerfield Township, N.J. And Rep. Tom Lantos (D-Calif.), chairman of the House Government Operations Subcommittee on Housing, estimated that federal subsidies, tax breaks and rehabilitation costs on the development could ultimately cost the federal government $47 million.

Manafort's role in obtaining the federal funds—similar to that of other prominent Republican officials involved in the Department of Housing and Urban Development's moderate rehabilitation program—was criticized yesterday as benefiting a project that was ill-planned, expensive and unneeded.

In winning the HUD award for Countryside Village project, 326 units of one-story cinderblock apartment buildings that were built to house former Japanese-American internees in 1944, Manafort employed a network of well-connected housing and political officials in Washington, New Jersey and Connecticut.

Manafort told the subcommittee that he and his development partners arranged to purchase the project and persuade the state housing agency to apply for funding under the moderate rehabilitation program. He employed his lobbying firm to "coordinate" the project in Washington, he said.

Black, Manafort was a leading Republican consulting firm throughout the Reagan years. Manafort served as political director of last year's Republican National Convention. Charles Black, one of the firm's partners, managed the 1988 presidential campaign of HUD Secretary Jack Kemp, who was then a member of the House. And Lee Atwater was associated with the firm before joining the Bush campaign and later becoming chairman of the Republican National Committee.

Lantos used Manafort's statement that his firm spent "200 to 300 hours" working on the New Jersey project to estimate that it was paid $1,000 an hour.

Local officials testifying yesterday denounced the Upper Deerfield project as a waste of money and said that the need for housing for low-income people could have been better met in other ways.

Mayor Bruce Peterson of Upper Deerfield Township said that by the time town officials were aware that more than 300 units of low-income housing had been awarded to their farming community of 7,000, it was a "fait accompli."

"There still exist * * * serious questions on the part of local officials about the wisdom of this project and its effect on many long-time residents of our community, many of whom are elderly," he said.

Manafort testified that he was introduced to the project and to the moderate rehabilitation program by Victor Cruz, a former high-ranking Connecticut housing official. Manafort and Cruz subsequently formed a partnership with another investor to purchase the development, now named Countryside Village, for $4.4 million in 1987.

In late 1986, Gregory C. Stevens, a former chief of staff to New Jersey Gov. Thomas Kean (R), had contacted the New Jersey Department of Community Affairs on Manafort's behalf to urge the state to apply for the funding. By April 1987, Manafort's group had purchased the project—two weeks before state officials learned they had been awarded the HUD money.

Manafort said that he "probably" heard of the HUD selection before state officials did, a reversal of a process that is set up to allow local public housing authorities to award the federal funds competitively.

"This selection process had all the competitiveness and suspense of professional wrestling," Lantos said.

Once the application was filed, a Manafort aide contacted Deborah Gore Dean, executive assistant to then HUD Secretary Samuel R. Pierce Jr. Manafort said Dean "led us to believe" that his proposal had a good chance of getting the HUD funding. Manafort said he had previously had only a "political relationship" with Dean and had done no business with her. But, he said, "We certainly felt if she was supportive of the project it would be very good for us."

Rep. Charles E. Schumer (D-N.Y.) waived the advertisement published in connection with the project and said. "You could have cut out all this language and written one sentence: The fix is in."

[From the Washington Post]

HUD EX-OFFICIALS TELL OF WORK AS CONSULTANTS—THREE SAY THEY EARNED MILLIONS AIDING DEVELOPERS

(By Gwen Ifill and Barbara Vobejda)

Three former high-ranking officials of the Department of Housing and Urban Development described to a congressional committee yesterday how they earned millions of dollars after they left government by winning contracts from the programs they once administered.

Joseph Strauss, a special assistant to former HUD secretary Samuel R. Pierce, said he hired former interior secretary James G. Watt and other Washington insiders as consultants because it was a "widely known and widely accepted fact" that developers seeking to do business with HUD needed "very heavy-hitter political consultants" to get their case heard.

"All I wanted was fair consideration," he said. Watt was paid $169,000 to lobby HUD on behalf of an Essex, Md., development in 1984 and has testified that consultants were generally paid at the rate of $1,000 per apartment unit being developed.

Strauss, who went to work for HUD at the age of 24, said he found the agency in disarray when he arrived and had extraordinary difficulty getting his phone calls returned after he left two years later.

In a letter sent to Watt in 1984 that detailed the financial agreement with Strauss' Phoenix Associates, Strauss complained that HUD "acted in an inconsistent, uninformed and arbitrary manner" in dealing with prospective contractors.

But Strauss who is making about $55,000 a year when he left HUD "to earn more money" in 1983, told the House Government Operations housing subcommittee yesterday that his company has earned $4 million in the five years it has been in existence, about 80 percent of that amount from HUD related projects.

Also testifyng yesterday were former HUD undersecretary Philip Abrams and former HUD assistant secretary Philip Winn, who most recently has been U.S. ambassador to Switzerland, formed a Colorado company with Abrams after both men left HUD in the early 1980s that subsequently became a leading participant in HUD's scandal-plagued Moderate Rehabilitation low-income subsidy program.

Abrams' development group won HUD contracts for 1,347 housing units, about 5 percent of the units available for rehabilitation between 1984 and 1988.

Together, the projects represented $133.6 million in public funds for subsidized rents, and another $29 million in tax credits. In one case, according to the subcommittee chairman, Rep. Tom Lantos (D-Calif.), Abrams put only $10,000 to $15,000 at risk on a 160-unit project in Clark County, Nev., on which there was nearly $26 million in public funds at stake.

"I'm not reluctant at all to categorize this as being pretty sickening," said Rep. Christopher Shays (R-Conn.). "It really stinks . . . I think we have documented beyond a shadow of a doubt how bad the situation is."

Winn defended the activities of his group, saying none of his associates violated regulations by helping public housing authorities bid for HUD funds, which then were allocated to the group to develop projects.

"We're not the ones who chose the projects," he said.

But Lantos cited phone records gathered by the HUD inspector general to document the close relationship between former housing commissioner Thomas T. Demery and the Abrams/Winn group. In a six month period in 1987-88, a General Services Administration survey of 20 percent of the calls from Demery's office found that 42 of those calls were to the Winn group office—an average of more than one a day.

Strauss said he also retained other consultants, including Jerris Leonard, an attorney for Demery, and David Carmen, a public relations advisor. Carmen's father Gerald, a former General Services Administration director, received a HUD contract for a Texas Moderate Rehabilitation project in 1987.

David Carmen was paid $25,000 to "lobby for influence or contacts at HUD" on a project in Puerto Rico, he said.

"I make no bones about the fact that the reason James Watt was hired . . . was not because of housing knowledge or technical knowledge or legal skills . . .," Strauss said. "The reason was because of his access and his influence. We were up against what I consider very, very powerful people," he said. Strauss described Pierce's management style as "laissez-faire." Pierce has been criticized by members of several congressional panels as turning a blind eye to HUD troubles by delegating important decision-making duties to inexperienced aides.

[From the Washington Post, June 23, 1989]

KEMP NAMES TASK FORCES TO BATTLE HUD SCANDALS

(By Gwen Ifill and Chris Spolar)

Secretary of Housing and Urban Development Jack Kemp said yesterday he has set up two task forces, one in conjunction with the Justice Department, to move against individuals and businesses involved in the unfolding scandals at HUD.

An assets recovery strike force has been established within the HUD general counsel's office to oversee the recovery of HUD assets that have been lost through fraud and embezzlement, Kemp said. In addition, a joint HUD Justice task force will evaluate 618 cases dealing with a broad range of HUD irregularities and decide which ones should be a priority for criminal prosecution.

Kemp also said he will act next week to prohibit additional federal contracts from being awarded to businesses that have been implicated in criminal activity involving HUD funds.

"My goal is to bar them from doing any business with the federal government," he said.

During an interview in his office at HUD headquarters, Kemp insisted that his department's highly publicized problems involving the moderate rehabilitation program, property sales and accounting could prove to be an opportunity.

"Strange as it sounds, it might be a blessing in disguise," Kemp said. "Not only can we focus on reform and reorganization and cleaning it up from stem to stern, but we also have a chance to focus in on what needs to be done in housing and low-income communities and in the whole area of economic development and home ownership."

Kemp, who has publicly scolded mid-level HUD managers about scandals involving HUD property sales, insurance programs and low-income rental subsidies, said that ongoing congressional and Justice Department investigations have thrown a harsh spotlight on HUD that he hopes will generate support for new programs that are seen as solutions.

But before Kemp moves to win congressional and White House support for a package of home ownership, small business enhancement and tenant aid programs that he has dubbed his "urban agenda," he is hoping to allay fears that fraud is still flourishing at HUD.

Kemp's tough talk—"zero tolerance," he calls it—receives a warm reception on Capitol Hill, where he must win bipartisan support for his housing and economic development measures. Kempt is scheduled to meet today with White House Chief of Staff John H. Sununu, Office of Management and Budget director Richard G. Darman and Treasury Secretary Nicholas F. Brady.

Kemp and many of his top aides apparently realize the connection between the scandal and any hopes he has for a new legislative agenda.

"If the public perceives the program is corrupt, there will be no credibility," said one high-ranking HUD official. "Jack will not be as successful in the long march until he cleans up HUD."

In doing so, Kemp also must salvage the remains of the Reagan-era push for the privatization of federal government. "I'm not against the privatization effort," Kemp said yesterday. "What I was against is allowing it to be managed so loosely and carelessly in the past that there were no standards."

HUD, he said, "is not a cesspool."

"There are a lot of good people here who should not be tainted by the brush of the scandal," he said.

Kemp said although he has been occupied with the almost daily revelations of fraud in HUD programs, he and his staff have not been overwhelmed by the press of events.

Kemp apparently is trying to distance himself from the partisan politics that have dominated debate over HUD policy in recent years by conferring frequently with members of both parties in Congress.

"The mood of the Congress is to do something on Housing and Urban Development," Kemp said. "They want to know, am I moving fairly to take Republican politics out of it? And I have pledged to do that. HUD is not going to be the Republican National Committee."

EXHIBIT 2

EXECUTIVE BRANCH LOBBYING

(Report to Congress by Independent Counsel in the Michael Deaver Case)

I. INTRODUCTION

In May 29, 1986, a division of the Court of Appeals for the District of Columbia Circuit appointed Independent Counsel to investigate whether former Deputy Chief of Staff and Assistant to the President Michael K. Deaver had violated the provisions of the Ethics in Government Act, 18 U.S.C. Section 207, or any other provision of Federal law. The appointment was requested by the Deputy Attorney General of the United States,[1] by members of the Senate Judiciary Committee, and by Mr. Deaver himself.

The investigation resulted in Deaver's indictment for perjury in sworn testimony about his lobbying activities before the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the House of Representatives (chaired by John D. Dingell) and before a Federal grand jury. In December 1987, Deaver was convicted by a trial jury on three counts of the five-count indictment. Deaver was sentenced to a prison term of three years, on which execution was suspended by the trial judge, and was ordered to pay a fine of $100,000. He was placed on probation for three years, during which he was prohibited from lobbying the Federal Government for profit and required to preform 1,500 hours of community service. Deaver filed an appeal but later withdrew it, and he is currently on probation and performing the community service imposed by the District Court.

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[1] The application was submitted by the Deputy Attorney General because the Attorney General had recused himself from the matter. *See* 28 U.S.C. Section 591(c).

The statute creating the office of Independent Counsels directs the Independent Counsel to report to Congress as and when appropriate. 28 U.S.C. Section 595(a)(2). This report is submitted pursuant to that authorization.

A. The ineffective regulation of lobbying: The shortcomings of section 207

At the time of appointment, Independent Counsel was directed to investigate what was thought to be a particularly egregious example of Executive Branch lobbying by a former White House official. As previously pointed out to the Judiciary Committees of both Houses of Congress, the shortcomings of the statute, 18 U.S.C. Section 207—combined with Deaver's false testimony—made prosecution of Deaver for violating its provisions impossible.[2] The principal defects in the statute as it then existed were as follows:

1. White House Compartmentalization

In 1982, the Office of Government Ethics ("OGE"), responding to a request from the White House Counsel, issued an order dividing the White House into nine separate "statutory agencies." Since the main feature of the statute was to prohibit a former employee from lobbying his "former agency," the effect of the OGE compartmentalization order was to grant Deaver a blanket exemption for contacts with most of the key White House officials with whom he had worked regularly and Deputy Chief of Staff and Assistant to the President.

2. Use of Intermediaries

The Ethics in Government Act ("EIGA") was expressly intended *not* to prohibit former high government officials from using emissaries to influence their former agencies. Even where a former official employed his own former staff aides for his lobbying business and used them to carry personal messages to his former agency, such conduct was exempt under Section 207 if the aides' government salaries—as was usually the case—had been below the grade of GS-17.

3. "Social and Informational" Communications

Section 207 authorized administrative interpretation of its operation in separate regulations, which expressly permitted "social or informational" communications. Such communications provide a perfect method for a lobbyist to convey his personal interest in a particular matter to one of his former colleagues simply by inquiring about its status or by mentioning it during a "social" conversation.

4. Job Switching

The statute did not prohibit a former high official from lobbying a former government colleague who had moved to a different agency, no matter how close their personal relationship.

5. "Particular Matter" Requirement

The express language of Section 207 prohibited only communications relating to a "particular matter" pending before the agency, or in which the agency had a direct and substantial interest. This qualification created extensive doubts over the section's applicability to specific situations and permitted a former employee to lobby an agency to become interested in a matter which previously had not been before it.

B. Strengthening the regulation of lobbying: a registration and reporting requirement

In addition to eliminating these loopholes from the EIGA, Congress should consider a different approach to regulating Executive Branch lobbying. We suggest legislative consideration of a registration and reporting requirement for Executive Branch lobbying on behalf of domestic clients, similar to the FARA requirement applicable to the representation of foreign clients.

The initial disclosure of Deaver's activities, which led to the pressure for an inquiry, and ultimately to the appointment of Independent Counsel, demonstrates the wisdom of such a reporting requirement. The Deaver story broke only after journalists scrutinized Deaver's FARA filings. The facts might otherwise never have come to light.

Lobbying abuses and secrecy are intertwined. That is why a reporting requirement makes such good policy. Secrecy was so important to Deaver that he felt compelled to conceal and lie about his activities even while testifying under oath.

Two significant facts underscore the importance that secrecy plays in Executive Branch lobbying:

1. As soon as Deaver's activities received public attention, Deaver's clients began to desert him. So significant was this damage to Deaver's lobbying business that it resulted in the cancellation of a proposed multimillion dollar acquisition of his firm by an international conglomerate.

2. Deaver himself was so concerned about maintaining the secrecy of his dealings with White House and other Executive Branch officials that he was willing to risk prosecution and imprisonment to keep them from a congressional committee and a Federal grand jury.

Secrecy is important to successful Executive Branch lobbying from two points of view:

1. For business reasons, the client does not want publicity about its high-fee lobbying with government officials.

2. For political reasons, the Executive Branch official does not want publicity about his accessibility to high-fee lobbyists.

From the standpoint of the public interest, lobbying is most dangerous when it is carried on in secret, with no one representing the citizen-taxpayer or the public at large. This report recommends an antidote to lobbying carried out in secret. Drawing on facts from the public record of the Deaver case, the activities of this office, and other information in the public domain, this report discusses the widespread nature of lobbying activity similar to Deaver's, and the need for strengthened regulation of such activity through a registration and reporting requirement.

II. "BACK CHANNEL" GOVERNMENT

The Deaver case record, viewed against the backdrop of the conduct of similar lobbysts, reveals that present-day lobbying of the Executive Branch of the Federal Government is an unregulated, free-wheeling, essentially lawless activity that is damaging to public confidence in the government, and potentially harmful to the integrity of the governmental process.

Executive Branch lobbying is aimed directly at decision-making in the White House and the various Executive agencies. It is an activity which can accurately be described as "back channel" government because it circumvents the normal government procedures which apply to other citizens.[3] This back channel government is manipulated by a small number of Washington consultants who have special access to politically-oriented senior staff members in the Executive Branch. This special access is used to advocate the interests of high-paying clients.

To understand this back channel government, one needs to recognize that the nation's Executive is not simply a single individual elected by the people to serve as their President. The President's personal staff alone is a substantial bureaucracy numbering several hundred. Senior staff members who are closest to the President wield immense power. In some administrations they determine what the President will be told, who the President will see, what he will say, where he will go, and what he will do. They directly influence the President's decisions and can tip his judgments in one direction or another.

In a government as complex as ours, it would be impossible to run the presidency without a large support staff. As a consequence, the welfare of the country is dependent in significant respects upon the ability, judgment and integrity of individual members of the President's staff. The same is true of other agencies in the Executive Branch. Agency heads must depend on their staffs to advise them on what to say or do in official matters.

When a new Administration comes into office, as many as three thousand new appointments may be made to fill top policy positions in the Executive Branch. Presidential staff people and Cabinet aides are a special breed, different from almost anyone else in government. Many of them have had little or no prior Federal Government experience. Many come into office by way of political positions in presidential campaigns. On the whole, they are people of talent and perform their particular tasks with skill. They also bring valuable insights and experience to Executive Branch operations. Yet they have one characteristic which sets them apart: their primary loyalty is to the President as a political figure, the person who was once head of their ticket and is now head of the government. Some of these staff people think and act like political "wheelers and dealers" rather than career public servants. They measure their achievements in terms of winning, of gaining an advantage, of increasing their own personal or political power. This is not true of all of them by any means, but it does apply to a sufficient number to be a significant factor in how the government functions.

Closely allied to these people is a special group of "government affairs consultants" who have private access to the White House and other senior Executive Branch staff. In number they are only a dozen or so firms, but they wield enormous influence on government decisions involving the interests of their clients. These firms are mostly run by former presidential campaign aides. Because of their personal and political contacts with senior Executive Branch staff members, they are able to command substantial fees for their work. They prosper not necessarily because they are smarter or work harder than anyone else, but because they can provide "access" to those who influence presidential decisions and have the "clout" to request favors from them.[4]

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[2] See letters to Judiciary Committee Chairs dated December 18, 1987.

[3] "Back channel" is the term used to describe the communications network to U.S. Embassies abroad which bypasses formal State Department oversight. See use of the phrase in a Black, Manafort client proposal quoted in the Time magazine excerpt on page 15.

These consultants often claim they are merely "technicians" whose service is explaining to clients how government works. But the size of the fees they receive shows that their clients believe they offer something of far greater value than merely technical advice on government operations.

Defense contractors, big business, and foreign government are the principal entities who pay large retainers to these consultants in the confident expectation of receiving special consideration in matters that may involve billions of dollars of public funds.

Two of Deaver's high-paying clients were principal defense contractors: Rockwell International and the Boeing Company. His mission on their behalf was not to lobby Congress but to lobby the Executive Branch to help them win huge contracts, and to do so behind closed doors via the equivalent of the back channel.

There is nothing new about Executive Branch lobbying. One need only think back to the administrations of Presidents Ulysses S. Grant and Warren G. Harding to be reminded of the extraordinary potential for abuse that exists, and will probably always be present to some degree. The fact that today's lobbying of the Executive Branch is an updated version of an age-old phenomenon, however, does not mean that it cannot be controlled.

The problem can be stated simply: a small group of highly-paid consultants is able to gain special privileges for its clients because of personal and political ties to senior staff members in the White House and other Executive agencies, including most major departments and key independent agencies in Washington. These consultants have direct "back channel" access to decision-makers in the Executive Branch that is not available to citizens at large. Unlike congressional lobbyists, Executive Branch lobbyists are not required to register or otherwise publicly disclose their activities, unless they represent foreign interests.[5] Their back channel access to government is not subject to any public accountability whatsoever.

Michael K. Deaver

The significance of the Deaver case from the viewpoint of governmental operations is that it provided a clear look at exactly how Executive Branch lobbying works, and what lobbyists are able to do despite the Ethics in Government Act. The case also revealed why Deaver was able to attract so many clients who were willing to pay him fees ranging from $100,000 to $500,000 per year.

Michael K. Deaver was a longtime personal friend of President and Mrs. Ronald Reagan from the days when Mr. Reagan was Governor of California. Deaver served in the Reagan presidential campaigns of 1976 and 1980 and then as a top aide to the President from 1980 until his departure from the White House on May 10, 1985.

Prior to his White House departure, Deaver sought advice from experienced lobbysts about his prospects for setting up a successful consulting firm. He was told candidly that with his White House connections he would be able to charge "top dollar." Deaver was advised to restrict himself to a limited number of clients on substantial annual retainers, so he would not be bothered with billing and time records of his activities. Lobbyist friends assured him he would have no trouble attracting business. One even suggested that instead of soliciting clients after he left the White House he go fishing for a month and wait for the business to come to him.

Lobbyist James H. Lake had dinner with Deaver the night before Election Day in 1984. He advised Deaver to resign after the election was over so he could capitalize on his closeness to the President for the full four years of Reagan's final term in office.

Deaver followed Lake's advice. He even had discussions with Lake about joining Lake's firm. For a while he also considered going into partnership with Craig Fuller, with whom he had worked in a public relations firm prior to their White House service together. Fuller decided against the idea when Vice President Bush asked him to become his top aide in February 1985. During the discussions with Deaver, Fuller prepared a list of potential clients for their consulting business, projecting billings of $4 to $6 million.

Deaver was well on his way to that figure by the time his activities came under the scrutiny of the Dingell Committee. By the end of his firm's first fiscal year, January 31, 1986, only 8½ months after he had left the White House, Michael K. Deaver and Associates had current retainer commitments of $3 million, and more in the offing. Deaver's top aides (William Sittmann, Pamela Bailey, and Doral Cooper) received a year-end bonus of $250,000 to be divided among them, as well as shares of the firm's stock, on top of their regular salaries.

Deaver's instant success was no surprise to Washington insiders. As word of his sudden wealth became public, knowledgeable reporters pointed out that Deaver was part of a growing cadre of ex-officials who were cashing in on their government relationships. Washington Post reporter Haynes Johnson wrote a two-part series on the subject in April 1986. In one article, entitled "Rise of the 'Deaver Syndrome,'" Johnson identified the dual phenomenon of the new breed of Executive Branch officials who enter government so they can make money afterwards, along with the rapid growth in firms engaged in influence-peddling:

More people appear to be drawn to government not as a career, but *as a means to cash in on their public service as quickly and profitably as possible*, according to lawyers and lobbyists. One observer described this as the desire "to do two years and then come out and make a big hit. They all think that they're going to be able to be bigger earners, bigger hitters, than they were before they went in. I'm not sure it works, but that's the mythology, that's the legend, and they do come [to town] with that in mind." (Emphasis added.)

On March 3, 1986, Time Magazine honored Mr. Deaver as the archetypal Washington lobbyist by featuring him on its cover, seated in a limousine, telephone in hand, accompanied by the caption "Who's This Man Calling?"

Other prominent executive branch lobbyists

The 1986 issue of Time featuring Deaver on its cover carried an article by Evan Thomas describing the activities of another active Executive Branch lobbying firm, Black, Manafort, Stone & Kelly:

A lobbyist can perform no greater favor for a lawmaker than to help get him elected. It is the ultimate political IOU, and it can be cashed in again and again. No other firm holds more of this precious currency than the Washington shop known as Black, Manafort.

The partners of Black, Manafort say that the lobbying and political-consulting functions are kept separate. "It's like a grocery store and a hardware store," insists Black, "You can't buy eggs at a hardware store and you can't buy tires at the grocery." Yet these are but fine distinctions in Washington, where the firm is considered one of the most ambidextrous in the business, the ultimate supermarket of influence peddling. "You are someone's political adviser, then you sell yourself to a corporation by saying you have a special relationship with Congress," says Democratic Media Consultant Robert Squier, who does no lobbying himself. Is it proper to get a politician elected, then turn around and lobby him? "It's a gray area," sidesteps Squier. Charges Fred Wertheimer, president of the public-interest lobbying group Common Cause: "It's institutionalized conflict of interest."

It certainly is good for business. The partners charge six-figure fees to lobby and six-figure fees to manage election campaigns. As a result, they take home six-figure salaries. (Their stated aim is to make $450,000 apiece each year; they are assumed to have achieved it last year.) *They unabashedly peddle their access to the Reagan Administration.* The firm's proposal soliciting the Bahamas as a client, for instance, touted the "personal relationships between State Department officials and Black, Manafort & Stone" that could be "utilized to upgrade a *backchannel* relationship in the economic and foreign spheres." (Emphasis added.)

During 1989 congressional hearings into Executive Branch lobbying at the Department of Housing and Urban Development, partner Paul J. Manafort candidly described his activities in obtaining a potentially lucrative Federal housing contract as "influence-peddling." Committee Chairman Tom Lantos calculated that the firm's fee of $326,000 worked out to payment at a rate of $1,000 per hour. (Washington Post, June 21, 1989). Manafort won the contract for his client through his dealings with the executive assistant to the Secretary of HUD, with whom he had what he called a "political relationship."

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[4] There are, of course, hundreds of organizations, attorneys, and paid lobbyists who make presentations to administrative agencies in support of legitimate goals and who serve a useful public purpose, but they usually operate at the "line" level, dealing with career civil servants, where issues are decided on the merits. This report concerns itself with the high-priced lobbyists whose stock in trade is peddling personal political influence directly to agency heads and senior policy staff.

[5] Criticisms have been directed at the ineffectiveness of congressional lobbyist reporting requirements, but this topic was not the subject of the Independent Counsel's investigation, and we therefore have no basis to make legislative recommendations. See Richard Cowan, "None Dare Call It Lobbying," Common Cause, March/April 1989, pp. 13-16.

The same issue of Time with the Deaver cover listed other former Executive Branch officials who had gone into the business of Executive Branch lobbying with notable success:

Michael Deaver has a lot of company in other Reagan Administration officials who have left the public payroll to represent private interests in Washington. An alphabetical sampler:

Richard Allen, former National Security Adviser, now represents Japan, and Taiwan shoemakers.

Lee Atwater, another former White House aide, is a political consultant with Black, Manafort & Stone.

Joseph Canzeri, former White House assistant to Deaver, has formed the Canzeri Co. to do Washington representation.

Kenneth Duberstein, former legislative affairs liaison, is now with Timmons & Co.

Robert Gray, Inaugural co-chairman for Reagan in 1981, started Gray & Co. immediately thereafter.

Christopher Lehman, onetime National Security Council staffer, is now with Black, Manafort & Stone.

Daniel Murphy, former Bush chief of staff, is head of Gray & Co.'s international division.

Lyn Nofziger, former political liaison, is a partner in Nofziger & Bragg.

Nancy Reynolds, longtime Reagan confidante and transition official, joined Wexler, Reynolds, Harrison & Schule in 1983.

Ed Rollins, formerly an assistant for political liaison, heads the Washington office of a consulting firm.

Richard Schweiker, former HHS Secretary, is president of the American Council of Life Insurance.

Sheila Tate, former press secretary to Nancy Reagan, is senior vice president of Burson-Marsteller, a public relations and lobbying firm.

Peter Teeley, former press aide to Bush, started his own p.r. and foreign-representation firm.

Lee Verstandig, former Under Secretary of HUD and briefly Nancy Reagan's chief of staff, has joined Deaver & Associates.

A recent striking example of how lobbyists refresh their "access" to new administrations can be seen in the case of James H. Lake, who served as unpaid Director of Communications in the Bush 1988 presidential campaign. Lake was the person who encouraged Deaver to leave the White House after the 1984 campaign to take advantage of his close ties to the Administration. Lake gave the following definition of 'lobbying' during his testimony at the Deaver trial:

Lobbying is to make a direct appeal to a member of the executive branch of government or a member of Congress to try to persuade them to direct action for or against whatever it is you're trying to do, to vote for a bill, to vote against a bill, to approve policy or disapprove policy, go directly to the policy-making official responsible and ask for his support or lack of it or to support or oppose. That's lobbying.

According to a report in the Washington Post of August 19, 1988:

Lobbyist James H. Lake, while serving as a key campaign adviser to Vice President Bush, has been helping a California rice-farmers' cooperative try to persuade the U.S. Maritime Administration (MarAd) to drop or reduce a $3 million ship-leasing default claim.

The story went on to report the comments of a campaign spokesman:

Mark Helmke, a spokesman for the Bush campaign, said from New Orleans yesterday he did not know whether top campaign officials knew of Lake's private work before government agencies while serving as a campaign adviser.

"I assume they know about it and don't object to it," Helmke said. "Jim gives free campaign advice, and he consults for private clients. He does not trade off of his relationships. Those who do usually don't last very long . . . *I can look around this room and count half a dozen nonpaid campaign advisers who are in the consulting business.*" (Emphasis added.)

These half-dozen nonpaid campaign advisers in the consulting business will be in a unique position to use the back channel to ply lucrative Executive Branch lobbying business throughout the current President's term in office.

Another prominent Executive Branch lobbyist is Craig Fuller, Deaver's proposed lobbying partner back in 1985. Fuller's name surfaced in Deaver's telephone log during the Deaver prosecution as the man who engineered insertion of a key paragraph supporting special tax treatment into a speech given by the Vice President. The language had been drafted by one of Deaver's clients. Following the 1988 election, Fuller left his position as the former Vice President's chief of staff to join the lobbying firm now known as Wexler, Reynolds, Fuller, Harrison and Schule. In a newspaper account on January 19, 1989, Nancy Reynolds, a name partner, was candid about the firm's courting of Fuller:

"While a lot of people understand the process, no one has had an exposure quite like Craig's. We've known him for the last 12 years and we've been dropping hints [for him to join us] for the last five."

During four of those five years of "hints" Fuller was chief of staff to the second highest government official in the Executive Branch.

Probably the most significant fact about present-day Executive Branch lobbying was the reaction of unofficial Washington to the initial Deaver disclosures. Meg Greenfield, in an article in the Washington Post on April 15, 1986, reported:

What interests me about this is the way haute Washington has responded: with confusion—moral, legal and professional. The town has been a virtual seminar, friends as well as enemies of Deaver trying to determine just where and how he may have gone beyond the ever-loosening bounds of what is acceptable here these days. Maybe, and this is the important part, he didn't. When Deaver's supporters say (1) everybody does it and (2) he broke no law, they are invoking the preferred Washington defense of the 1980s. Standards of propriety have been so racially weakened that damn near everybody does do it, and absent a law's being broken, the "it" in all this, whatever it is, is considered to be all right. In Jimmy Carter's time as well as Reagan's, individuals known to be especially close to the president enjoyed enormous, sudden business success in this town, their wallets along with their Washington operations simultaneously growing fat. So this is not a party thing. It is ecumenical.

Following Deaver's conviction, the editorial page of that same newspaper said that what Deaver did "is done every day in this town." The lead editorial in the Washington Post on December 19, 1987—two days after the Deaver jury verdict—commented:

What Michael Deaver did—not the lying, but the influence-peddling—is done every day in this town. At a certain level you could argue that our system of government both presumes and even depends a little on this constant plucking at its sleeve. Some of the people professing to be most aghast at Mr. Deaver's behavior either do the same things themselves (and would do more if they could) or well know others who do, whom they greatly admire.

Mr. Deaver's sins, if sins they were, were less in kind than in degree. He went too far, but the lines in this swamp are blurry. Even as you look, they move. The preachily titled Ethics in Government Act, whose strictures on lobbying are what got him into trouble—though he was never officially accused of having violated them—is feel-good legislation. It tries to bottle air.

"Bottling air" captures Washington's cynical attitude toward efforts to control privileged access to government. It will take considerable political courage and determination for Members of Congress to overcome this laissez-faire mentality and develop effective legislative reforms to bring Executive Branch lobbying out into the open.

III. HOW EXECUTIVE BRANCH LOBBYISTS WORK

On October 27, 1985, a few months after Deaver opened his lobbying firm, the Washington Post reported:

One of Deaver's clients, who asked not to be identified, said: "When you're a company near the top of the Fortune 500 in the middle of a takeover battle, paying a couple of hundred thousand dollars to get someone who can call the Secretary of the Treasury is *just a drop in the bucket.*" (Emphasis added.)

What does a high-priced Washington public relations firm do for its "drop in the bucket"?

That question was posed by Mary McGrory in a Washington Post column published on February 20, 1986, discussing Deaver's retainer to represent the government of South Korea.

We don't know what Deaver does for his $2 million. He declines to say. But we are free to speculate. Did he tell Chun to call off his goons and did Chun tell him to mind his own business? *What does a high-priced Washington public relations firm, staffed with former campaign aides, do for its customers?* (Emphasis added.)

The Deaver trial provided very precise answers to this question: Deaver was hired to help improve South Korea's trade relations with the U.S. The very first thing Deaver did was to arrange for the Korean trade representative to meet personally with the President of the United States—rare access for anyone below the rank of "head of state". The trade representative handed the President a letter purportedly from Korean President Chun—a letter actually conceived and drafted by Deaver's own staff. This proof of "access" to the White House cemented a contract for the Koreans to pay Deaver's firm $475,000 a year.

How did Deaver achieve this result?

First he asked the U.S. Ambassador in Korea to contact NSC staff member Gaston Sigur in the White House to set up an appointment for the Korean trade representative to meet with the President. When Chief of Staff Donald Regan vetoed the request, Deaver next went directly to the NSC deputy chief, Admiral John Poindexter, who agreed to help. Poindexter persuaded NSC Chief Robert McFarlane and McFarlane persuaded Regan to let the Korean come in on "NSC time" instead of using up time on the President's regular daily schedule. So the Korean representative got his audience, delivered the letter drafted by Deaver's staff, and Deaver clinched the $475,000 a year contract with the Korean government.

How did Deaver go about lobbying for his other clients?

TWA: TWA management hired Deaver to help stall a threatened corporate takeover by Carl Icahn. In performing for TWA, Deaver did the following:

Made a telephone call to Secretary of Transportation Elizabeth Dole at the Department of Transportation

Made a call to Presidential Assistant Roger Porter at the White House (a call that Porter rebuffed)

Fee: $250,000.

Smith Barney: Smith Barney hired Deaver to help preserve the tax loophole for companies investing in plants in Puerto Rico. To accomplish this, Deaver did the following:

Met privately with Treasury Secretary James Baker at his home

Met and talked socially with National Security Adviser Robert McFarlane in the White House

Met and talked privately with Secretary of State George Shultz at the State Department

Fee: $200,000.

Boeing: Boeing hired Deaver to help it win a $250 million dollar contract to build a replacement for Air Force One, the Presidential aircraft. In performing his lobbying function, Deaver:

Had a breakfast meeting with the deputy director of the White House Military Office, General Matthew P. Caulfield at the Four Seasons Hotel, followed by a second meeting in Deaver's office

Made an informational telephone call to Dennis Thomas, Deaver's successor in the White House

Fee: $250,000.

Rockwell International: Rockwell hired Deaver to help it sell approximately sixty more B-1 bombers to the Department of Defense (at a price tag of about $200 million each) and to support a 1987 NASA budget request for the Space Station (total contract cost about $8 billion). Deaver lobbied for these programs by:

Meeting with Budget Director James Miller at the OMB office

Telephoning NSC staff member Gerald May at the White House

Fee: $250,000.

Canada: Canada engaged Deaver to help advance its acid rain goals. Deaver lobbied on Canada's behalf by:

Making several "social" phone calls to U.S. Special Envoy Drew Lewis and attending a meeting with Lewis at the private River Club in New York City

Fee: $100,000.

South Korea: Korea hired Deaver to improve its trade relations posture with U.S. officials. Deaver personally lobbied for this objective by:

Arranging an audience with President Reagan for Korea's Trade Representative

Meeting privately with U.S. Trade Representative Clayton Yeutter on two occasions

Meeting with NSC staff member Gaston Sigur

Fee: $475,000.

Saudi Arabia: Saudi Arabia hired Deaver to help on arms sales and trade matters. When the publicity surrounding Deaver's lobbying erupted, Saudi Ambassador Prince Bandar instructed Deaver not to do anything until matters settled down.

Fee: $500,000.[6]

What took place when Deaver talked to a senior Executive Branch official?

Evidently very little of substance. What was important was not arguments Deaver advanced, but his personal involvement. It required no sophisticated presentation—all Deaver had to do was show up in person or make a personal phone call and explain his client's objective. When Deaver was concerned enough to make that effort, the rest took care of itself.

Deaver's approach was not unique. It reflected an age-old formula for Executive Branch lobbyists—hire a person who has a special entree with the official you want to reach. That guarantees the official's personal attention and friendly consideration. It may not always produce the desired result, but it works well enough for many of the world's leading corporations to spend millions of dollars each year to get on the inside track.

A graphic example of the same cronyism principle at work was recently provided by the former Secretary of HUD, Samuel Pierce, Jr., in testimony before a House Subcommittee. The Secretary was asked what former Interior Secretary James G. Watt had done to help win a Federal rent subsidy for a real estate client. According to an account in The New York Times on May 26, 1989:

"How many meetings were there with Mr. Watt?" the lawmaker asked.

"I believe I had only one," Mr. Pierce replied.

"Give me a wild guess," Mr. Lantos asked. "How long did that conversation last?"

"It wasn't very long," the former Secretary said.

Mr. Lantos: "Fifteen minutes?"

"Maybe as much as 30 at the most," Mr. Pierce said.

"You didn't go into any details of that project?" Mr. Lantos asked.

"Whatever he said, I paid very little attention," said Mr. Pierce. "I turned over those details to the proper staff."

IV. LEGISLATIVE RECOMMENDATIONS

A Public disclosure of lobbying clients and activities

Who first blew the whistle on Deaver's lobbying excesses?

That honor apparently belongs to two Washington Post staff writers, Thomas B. Edsall and David Hoffman. On October 27, 1985, the Post carried a front page article by Edsall and Hoffman entitled "Luring Clients." It was the first hard news story of Deaver's extraordinary success in lining up business for his lobbying firm following his departure from the White House in May. The key to the Edsall-Hoffman article was its reliance on public filings by Deaver's firm under the Foreign Agents Registration Act. The lead paragraphs in the story specifically described Deaver's retainer as a lobbyist by the Canadian Government—a fact which was disclosed in FARA filings with the Justice Department.

It was this same October 27, 1985 Washington Post article which directly triggered Congressman Dingell's initial inquiry to the General Accounting Office about Deaver's activities on the acid rain issue. This led in turn to the Dingell subcommittee hearings in May 1986, when Deaver committed the perjury for which he was later convicted. The most striking fact about this chain of events is the importance of the filing and disclosure requirements of FARA.

Other investigative journalists have made good use of the information in FARA filings to keep the public informed about questionable conduct by Executive Branch lobbyists. Washington Post reporter Stuart Auerbach published a listing of well-connected lobbyists representing foreign interests in a lengthy article on February 16, 1986. The lead sentence in the story stressed the role of former officials and campaign aides as Executive Branch lobbyists:

Former officials of the Reagan administration and influential Reagan-Bush campaign aides are being paid millions of dollars by foreign govenments and corporations, in many cases to help those clients block or counter administrative initiatives.

The first former official Auerbach named was Deaver: "The most prominent former Reagan aide representing foreign interests for large fees is Michael K. Deaver, a confidant of President Reagan and his wife, Nancy."

The Post reporter repeatedly identified the FARA filings as his source of information.

Particularly significant was the fact that in many cases the FARA filings were the only available source of information, since many of the lobbyists would not volunteer information about their clients:

Deaver declined to talk about potential conflicts between his former White House job and his foreign clients. "I don't talk about my clients, either foreign or domestic," he said.

It can be fairly said that the Deaver disclosures and subsequent congressional hearing and grand jury investigation would probably never have occurred if it had not been for two factors:

1. The requirement for lobbyists to register their retainer agreements with foreign clients at the Justice Department under the Foreign Agents Registration Act.
2. The enterprising work of journalists in reviewing those FARA filings and using them to alert the public.

What is noteworthy, however, is that there is no equivalent requirement to disclose contracts to lobby for domestic clients. The only way such information can now be obtained is through voluntary disclosures by the parties—a rare event—or through congressional or grand jury investigations, a costly and cumbersome process.

The single most important result that could come out of the Deaver case would be enactment of legislation to require the disclosure of all high-fee lobbying contracts aimed at the Executive Branch. The Foreign Agents Registration Act has proven itself an excellent model for what the legislation should provide. With suitable modification it could be extended to cover domestic clients with equal effectiveness.

B. Testimony about lobbying by foreign governments

Executive Branch lobbying for foreign interests is a growth industry in Washington, D.C. A feature article in the Washington Post on June 19, 1989 by Pat Choate reported that 152 Japanese companies and government agencies had hired 113 Washington firm for representation in 1988. The most prominent foreign interest after Japan was Canada, with 61 representatives, followed by Great Britain with 44.

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[6] Deaver's staff performed support functions on a number of these contracts in addition to Deaver's own personal activities. Staff members prepared memos, "talking points," and reports, and often met with officials themselves. But the real work was done through Deaver's meetings and phone calls when Deaver used his personal relationships to get the attention of senior officials on his clients' needs.

The article noted that "since 1980, more than 100 former federal office-holders have joined the ranks of many others who once held important U.S. positions and now advise or speak for foreign companies and their governments." These former officials included "18 senior presidential aides, six senators, 10 congressmen and four top-level military officers."

The use of former Federal officials by foreign governments to lobby the Executive Branch presents a special problem that deserves legislative attention: the ability of foreign officials to use the cloak of "diplomatic immunity" to block investigations and prosecutions for violations of U.S. criminal laws by their Washington lobbyists. The Deaver case offers a good example of how this can happen.

Count Four of the indictment filed against Deaver charged him with lying about the extensive discussions he had while he was Deputy Chief of Staff with representatives of the Canadian Government concerning the acid rain issue prior to the 1985 U.S.-Canadian Summit meeting. This charge was based primarily upon written statements supplied by Canadian Ambassador Allan Gotlieb through diplomatic channels at the request of the Independent Counsel. At the time, Gotlieb and his superiors were under sharp attack in the Canadian Parliament for the Government's dealings with Deaver, and the opposition party was demanding a Parliamentary inquiry into the matter. Cooperating with the U.S. investigation offered an opportunity to deflect a legislative inquiry at home.

Ambassador Gotlieb discussed the acid rain issue with Deaver face-to-face on at least four separate occasions while Deaver was still on the White House staff: On December 11 and 17, 1984, and January 5 and 31, 1985. During his grand jury appearance, Deaver denied participating in any discussions of the issue during this period. He specifically denied having lunch with Ambassador Gotlieb in January 1985, or telling Gotlieb that he (Deaver) had discussed the question of an acid rain special envoy with Secretary of State George Shultz. Gotlieb's written statement (which could not be used at trial because of court rules of evidence) proved that Deaver was lying.

The Independent Counsel requested the Canadian Ambassador to appear voluntarily to repeat his earlier statements in person to the trial jury. Gotlieb at first said he would consider testifying, but later sent word through a Washington law firm that the Canadian Government would not let him appear. The Independent Counsel then applied to the District Court for a subpoena to require Gotlieb to appear. The State Department, the Justice Department, and Deaver's lawyers all opposed the application. A spokesman for the Department of Justice initiated a media campaign against the Independent Counsel, charging a violation of an agreement to make all Canadian contacts through diplomatic channels (a charge which he later admitted was false).

The Independent Counsel argued to the court that diplomatic immunity was like any other evidentiary immunity—once it was waived by the earlier voluntary statements (that had been part of the basis for Count Four of the indictment) it was waived forever. Waiver may not be qualified, he urged, just as a waiver of the attorney-client privilege or of the privilege against self-incrimination may not be qualified. The Independent Counsel's argument was that once the Ambassador's statement was submitted to the Deaver grand jury, such a privilege was waived in the Deaver case for all purposes. The District Court declined to accept this position, however, and ruled that the Canadian Government and Gotlieb were allowed to restrict their waiver. Whatever the merits on the legal issue of waiver, the result of Gotlieb's refusal to testify was clear: it was the major factor in Deaver's acquittal on Count Four of the perjury indictment.

An important issue of public policy is presented by this incident: Can foreign governments hire ex-officials as lobbyists and then refuse to give evidence (which any domestic client must give) when the lobbyists' conduct on behalf of that client is called into question in a criminal prosecution?

The Government of Canada was no mere bystander. Ambassador Gotlieb met with Deaver to discuss representing Canada less than a week after he left the White House in May 1985. Another Canadian official earlier suggested to Deaver that Canada might be interested in hiring Deaver after he left office. Moreover, Canada engaged Deaver to represent it on the identical issue Gotlieb had earlier discussed with him as a public official in the White House. With all due respect to the sovereignty of Canada, no lobbying client should be permitted to obstruct the subsequent prosecution of its own lobbyist for lying about their relationship or for violating substantive U.S. law. In light of this experience, Congress should consider restrictions on U.S. lobbyists' activities on behalf of foreign governments. Specifically, Congress might consider outlawing lobbying for foreign governments by former Fedeal officials unless an executed waiver of diplomatic immunity as to the lobbyist's activities is filed with the lobbyist's FARA registration statement, as we recommended to the Judiciary Committees in December, 1987.

V. CONCLUSION

The Michael Deaver case revealed the tip on an iceberg—a small outcrop of Washington's secret government, where special favors are traded based on who you know.

The basic philosophy of democratic government is the official decisions should be made strictly on the merits. Under democratic principles, all citizens are supposed to be able to deal with government on an equal footing—a crucial cornerstone of democratic society when our government has become a major dispenser of funds, and when every segment of society must compete for a fair distribution of the benefits of public funds and the burdens of public taxation. Democracy becomes corrupted when one segement of society can obtain special benefits and dispensations through secret access to government decision-makers.

The real issue raised by the Deaver case is not the narrow question of when an insider should begin lobbying the Executive Branch for special favors, but why secret lobbying should be allowed to be carried on at all.

Of course, not all lobbying is bad. Indeed, in some cases lobbying is the only way a perfectly legitimate organization can overcome bureaucratic misinformation, neglect, myopia or animosity. If the cause is legitimate, however why does it need to be presented in secret? Why do ex-White House aides need to use White House passes to present legitimate cases?

Secrecy in government breeds abuse in government. When people believe that no one is watching, they are capable of conduct and decisions they would never attempt in the open.

The concept of open government is founded on long popular distrust of quite deals and secret bargains. What may be appropriate to private business is not acceptable in a representative government.

The Biblical admonition "And ye shall know the truth and the truth shall make you free" could well be the motto for democracy. Truth is the fodder of freedom. Citizens make decisions based on what they know. In a democracy they are entitled to know exactly what their government leaders are doing and why.

At present there are no disclosure requirements for private lobbying of the Executive Branch by domestic interests. Defense contractors can influence awarding of contracts involving billions of dollars of tax money with no one being the wiser. Regulated industries can use the back stairs to make presentations to ther regulators. Investment bankers, transportation corporations, minority businesses, professional associations, real estate developers—almost anyone who has a substantial stake in Federal policy—can hire a lobbyist whose stock-in-trade is who he or she can see privately to make a secret approach to government officials for special consideration. There is simply no requirement to tell anyone what takes place.

A few administrators do take precautions to minimize lobbyist abuses—through sign-in registers, attendance of extra staff people as observers at meetings, post-meeting memos to the file, detailed appointment and telephone records, and the like—but this is the exception rather than the rule. Too many administrators, enjoying their power and prestige, wheel and deal with lobbists inside and outside their offices, never keeping records, and exhibiting convenient memory lapses when questions are asked.

Influence peddling is not the same as bribery. The process is much more genteel, but the results are usually the same. Government officials tip the scales to help their friends earn money in their private lobbying firms. This can be done as indirectly as by providing advance information about an upcoming government decision, or as directly as deciding a close question in favor of the lobbyist's client. Often the "close question" involves deciding between the private interest of the client represented by the friendly spokesperson (authorizing construction, preserving a tax break, approving a merger) and the public interest (protecting the environment, spreading the tax load, encouraging price competition), which may have no spokesperson at all.

The evils in this practice are not so much who does the lobbying, but the lack of public information about what lobbying is taking place. In a sense, the uproar over Deaver's lobbying activities after he left the White House was based on a feeling of unfair competition on the part of other lobbyists who were doing exactly the same things but with less "clout." Legislation to tighten up the "cooling off period" before an ex-official can begin lobbying is in one sense a "Lobbyists' Protection Bill" whose effect is to guarantee that lobbyists who already have special access to the Executive Branch are not put out of business by newcomers who may have even better access. Such legislation does not address the underlying problem, the secret lobbying itself.

One remedy is simple and self-evident: public disclosure. Let in the sunlight. Make records of high-fee lobbying activity open to the public. Encourage an inquiring press. End government decision-making by secret deals behind closed doors.

On the day following the jury's conviction of Michael K. Deaver for lying about his Executive Branch lobbying activities, the Independent Counsel issued a public statement about the significance of that conviction. The statement produced expressions of rage from the White House and sarcasm from some newspaper editors, but it is just as valid today as it was in Decmeber 1987:

The jury's verdict is the most eloquent statement that can be made about the Deaver case.

But the successful outcome of the Deaver trial should not be mistaken as a resolution of the more serious problem which brought about the appointment of an Independent Counsel in the first place.

That problem is too much "loose" money and too little concern in Washington about ethics in government.

Vast sums of money are on call to representatives of major corporations, defense contractors, and foreign governments to buy influence and favors. Much of that money is paid to "consultants" whose stock in trade is their friendship with persons in high office. Washington money men will continue to undermine public confidence in government until lawmakers, business and community leaders, and individual citizens decide to cry "enough."

The Congress of the United States is the only force that can effectively cry "enough" to the unbridled lobbying of the Executive Branch of the Federal government. If some such measures are not taken soon, business interests and foreign governments will increasingly manipulate the policies of the Executive Branch of our national government, and special interest will replace public interest as government's primary goal.

Respectfully submitted,
WHITNEY NORTH SEYMOUR, JR.,
Independent Counsel.

Mr. NICKLES. Mr. President, first I would like to compliment my friend from Arkansas for his amendment and his statement. I share many of the concerns he expressed and I appreciate his amendment and his diligence in following through with this effort.

Mr. President, I would also like to compliment the floor managers of this bill. I have had the pleasure of working with them in the Subcommittee on VA and Housing, and I think they have done an outstanding job. Also, to Senator MIKULSKI and Senator GARN, my compliments for a job that is certainly not easy.

It is difficult because right now a lot of people throughout the country are becoming aware of some of the problems that we have in housing. I am a really new member to this subcommittee. I have been on it now for a couple of years. So I have tried to learn a little bit more about housing projects as well.

I read, as all of our colleagues have, about the scandals in housing and I concur with how inappropriate it is that the Federal Government has wasted money. I would say we in Congress bear a fair degree of responsibility as well because we have not exerted as diligent oversight as we should have.

Maybe if Congress had done more, we would have avoided the waste and the consultants and the rip-offs that we have seen in a lot of housing projects throughout the country.

I personally visited many of the housing complexes that we have in my State. I will tell the Senate that I was shocked, I was outraged, I was dismayed because I saw housing conditions that were deplorable. I saw some public housing that really was almost an incubator for crime. It was a place where young people were growing up. I really sympathize with the youngsters growing up in that kind of environment because they have two strikes against them automatically: growing up in poverty, growing up in drug infested areas, dilapidated housing and with an unclean environment.

This is not just in Oklahoma, incidentally. As a matter of fact, I would say probably a lot of housing is much better in Oklahoma than it is in many of our country's larger cities. I am bothered by it. I want to improve it.

I brought my concerns to Chairman MIKULSKI and Senator GARN and they have been very kind. We have put some report language in the bill that would help address some of the problems. We put report language in the bill that says that owners have an obligation to fulfill their contracts. They have to maintain good, decent quality housing.

Most of them have signed contracts to do that, many of whom are not complying. I am sure there are quality housing projects around the country. But, I have visited several where the quality is pathetic.

So, in this report language, we urge the Department of Housing to investigate and make sure that the owners are complying with their contractual obligations to provide decent housing. So I think that is a step in the right direction.

We also say that the Department of Housing should take a good look and make sure we are getting our money's worth. Because I found in cases in Oklahoma that the Federal Government was paying rents far in excess of what the market would dictate. I saw apartments that the Federal Government, under section 8(a) subsidies were paying $450 a month, or $400 a month for a 3- or 4-bedroom apartment, an apartment that is, again, despicable by any definition: deplorable housing due to neglect. Yet our Government was paying rents, two or three or four times what the market would dictate.

As a matter of fact, some of these housing units were so poor, they could not bring anything in the marketplace. No one would pay their own money to live in these conditions. Yet our Federal Government, month after month after month, was writing checks for $450 per month for these kinds of conditions.

So we put in some language that says the Department of Housing and Urban Development would review and make sure the rents are in line with local market rates, what is really prevailing in the market. I think that has the potential of saving billions and billions of dollars.

The Senator from Arkansas talked about waste. he talked about consultant fees. I told the President of the United States about a month or so ago that those consultant fees are only the tip of the iceberg. Because if somebody pays a consultant $100,000 to assist them with a housing project, quite frankly, the owners and investors are making a lot more than $100,000.

In cases I have looked at, we have had absentee landlords who receive very generous tax subsidies—in the case of two complexes I am aware of, about $1.5 million per year—for which they had an obligation to maintain the units. They did not maintain the units. They just raked off hundreds of thousands of dollars annually.

They did not keep the units up for the tenants. They pocketed hundreds and hundreds of thousands of dollars. And, incidentally, again, this was not just in Oklahoma. We found the same in Washington, DC.

As a matter of fact, it happened to be one of the units that the Secretary of Housing, Secretary Kemp, visited. We found out he was involved in addressing concerns with the same owners.

So, this is a large, national group. It is not just this group. It is lots of groups that have been ripping off the taxpayers and ripping off the tenants. So, hopefully, we did put some language in, and I hope the administration will be aggressive to make sure that, one, the rents are close to marketplace and; two, that the landlords will help make sure that these units are taken care of as they have said that they would, that they would actually put the money back in.

We are paying them hundreds of thousands of dollars. They are supposed to maintain these units. If they are not maintaining the units, then the contracts should be broken, and we should quit subsidizing that kind of abuse.

Incidentally, for a sidelight, I will tell my colleagues, in a couple of these units in Oklahoma that we have investigated, the Federal Government has discontinued the subsidies because the Federal Government was getting ripped off and the tenants were getting ripped off. So at least a small step was taken in my State, I think, to help solve that problem. I think, incidentally, that same measure should be taken throughout the country.

Where the owners are not fulfilling their obligations or if they are charging rents far in excess of what the market should dictate for these apartments, changes should be made. We put some language in there to do that.

We also put some language in that stated we would direct the administration to work to make sure that we would allow the tenants the opportunity to work in these facilities, to upgrade the facilities.

Everyone knows that in public housing we have a very high degree of unemployment. We have people on welfare rolls, on public housing assistance who in many cases are unemployed.

I would like to encourage those unemployed occupants of public housing to be able to work to upgrade public housing. Most all of us are aware that most public housing requires a great deal of maintenance. A lot of them need to be painted, fixed up, maybe then need new ceilings or electrical wiring or plumbing. A lot of them are in bad shape, not just in Oklahoma, but every where. Right close to Washington, DC, our Nation's Capital, we have a lot of public housing that is in deplorable condition and we need to bring it up to date. I have been encouraging and trying to work to see that we have the tenants participate in the upgrading or the remodeling of some of these units. We put in some report language that encourages the administration to do all that they can do to actually employ the tenants themselves in the maintenance and rehabilitation of public housing.

I appreciate the acceptance of the language by the managers of the bill by putting it in the report language. Unfortunately, that does not go far enough because there are statutory prohibitions against people working in those units—they would have to make what is commonly called prevailing wage which is very high in a lot of areas, particularly metropolitan areas. Therefore, the contractors who are involved in this would not employ the tenants in public housing or possibly the occupants of homeless facilities.

I was aware of that a year or so ago when we passed the Homeless Assistance Act. I offered an amendment which was adopted by the Senate that would allow the homeless to be exempt from the so-called prevailing wage statutes so that they could work on maintaining or constructing the facilities that we finance through the Homeless Assistance Act. That amendment passed the Senate. Unfortunately, it did not pass the House.

So, after reviewing the report language that we adopted, I contacted the Secretary of Housing and the Secretary of Labor to see if the statutory prohibitions would prohibit, for all practical purposes, individuals who are homeless or are living in public housing, from being able to work in these units. They say we need to amend the prevailing wage statutes to achieve this objective.

AMENDMENT NO. 765

(Purpose: To provide skills training to tenants of public and assisted housing who are welfare recipients or who are unemployed by permitting such tenants to perform various construction and repair activities on public and assisted housing projects and to exempt such individuals from the Davis-Bacon Act)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 765.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title V, insert the following new section:

SEC. . (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a(a)), is amended—

(1) in the first sentence, by striking "The" and inserting "(1) Except as provided in paragraph (2), the"; and

(2) by adding the following new paragraph:

"(2) This Act shall not apply to an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(b) Section 7 of the Service Contracts Labor Standards Act (41 U.S.C. 356) is amended—

(1) in paragraph (6), by striking out "and" at the end thereof;

(2) in paragraph (7), by striking out the period and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(8) any employment contract employing an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(c) Notwithstanding any other provision of law, any employment contract employing an individual who—

(1) is a tenant in a public or assisted housing project;

(2) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

(3) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project;

shall be exempt from any regulations of the Department of Housing and Urban Development regarding the rate of pay for such employees.

Mr. NICKLES. Mr. President, the purpose of this amendment, frankly, is to provide skills training to homeless individuals and tenants of public housing and assisted housing who are welfare recipients and who are unemployed by permitting such individuals to perform various construction and repair activities on certain housing projects and to exempt those individuals from Davis-Bacon and also the Service Contract Administration Act. Those are the two laws that basically would mandate that those individuals would receive prevailing wage in construction or rehabilitation of public assistance housing.

Mr. President, I think it is important that we open the door of opportunity for these people who are less fortunate than we are; that we open the door of opportunity and allow them to climb the economic ladder to learn skills, to learn trades. Maybe it is painting, maybe it is electrical, maybe it is plumbing, maybe it is carpentry work, but allow them to work on the places they live, to give them some responsibility, to give them a sense of participation. They are making a difference and they can work to improve their well-being. I believe it is vitally important to give them that opportunity. They should not be denied it by a Federal statute that says, well, they should be paid the prevailing wage for whatever section or type of work that that might be.

Again, I think this is an amendment that is very much in the tenants' interest, and I hope it will be adopted.

AMENDMENT NO. 766 TO AMENDMENT NO. 765

(Purpose: To provide skills training to homeless individuals and to tenants of public and assisted housing who are welfare recipients or who are unemployed by permitting such individuals to perform various construction and repair activities on certain housing projects and to exempt such individuals from the Davis-Bacon Act)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 766.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SEC. ." and insert in lieu thereof the following:

(a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a(a)), is amended—

(1) in the first sentence, by striking "The" and inserting "(1) Except as provided in paragraph (2), the"; and

(2) by adding the following new paragraph: "(2) This Act shall not apply to an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(b) Section 7 of the Service Contracts Labor Standards Act (41 U.S.C. 356) is amended—

(1) in paragraph (6), by striking out "and" at the end thereof;

(2) in paragraph (7), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) any employment contract employing an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(c) Notwithstanding any other provision of law, any employment contract employing an individual who—

(1) is a tenant in a public or assisted housing project;

(2) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

(3) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project;

shall be exempt from any regulations of the Department of Housing and Urban Development regarding the rate of pay for such employees.

(d) Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, and any other similar provision of Federal law shall not be required with respect to any homeless individual (as defined in Section 103(a) of Stuart B. McKinney Homeless Assistance Act (42 U.S.C. 11302 (a)) employed in connection with a homeless assistance project constructed, improved, or otherwise assisted through the provisions of this Act or any amendment made by this Act.

Mr. NICKLES. Mr. President, what this does is add to my original amendment which dealt strictly with public and assisted housing tenants. This amendment deals with tenants working on public and assisted housing and allowing homeless individuals to work on homeless facilities. The addition in this perfecting amendment or second-degree amendment is the identical language which we passed when the Senate considered the Homeless Act in 1987. It was passed unanimously by the Senate in 1987.

Ms. MIKULSKI. Will the Senator from Oklahoma yield for a question just so I understand his second-degree amendment? As I understand, his first-degree amendment would provide skills training to homeless individuals and to tenants of public and assisted housing who are welfare recipients or who are unemployed by permitting such individuals to perform various construction and repair activities on housing projects and exempt them from Davis-Bacon. Do I understand that the secondary amendment is for the homeless to work on homeless shelters which is in addition to that?

Mr. NICKLES. The Senator is mostly correct. The second amendment adds the homeless to the first amendment provisions.

Ms. MIKULSKI. It adds the homeless to it because now it is welfare and unemployed; now you are adding the homeless. Does the Senator's secondary amendment limit the homeless only to working on homeless shelters?

Mr. NICKLES. The Senator is correct.

Ms. MIKULSKI. I just want to understand the Senator's language. I thank the Senator for yielding.

Mr. NICKLES. The Senator is correct, and I appreciate her clarification. Actually, we drafted this first amendment designed and primarily directed at tenants in public-assisted housing to where they can work in these units. They should not be prohibited from working in the units. Then it dawned on us we passed the same language when dealing with the homeless, but the homeless are in a little bit different situation than public-assisted housing. We wanted to make sure they would be incorporated; that when we build homeless shelters under the McKinney Act, that the homeless individuals would also be able to work in those shelters as well. So I appreciate the clarification of my friend from Maryland.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. Mr. President, it is with a great deal of reluctance that I must oppose the amendment of the Senator from Oklahoma, and I do it not in spirit, which I support, not totally on substance, because I think it has merit, but on the fact that we are really doing an important public policy left more with the authorizing committee than doing this on an appropriations bill.

It is my understanding that the chairman of the authorizing committee on labor issues, Mr. KENNEDY of Massachusetts, would oppose this. But, Mr. President, let me just go through my commentary on the amendment of the Senator from Oklahoma.

First, I would like to thank the Senator from Oklahoma for the role that he has played on this subcommittee. He has long been an advocate of making sure that we get a dollar's worth of services for a dollar's worth of taxes, and also at the same time to talk about creating opportunities for people to improve their lot in life.

In fact, that has been the thrust of what this subcommittee has done, whether we have looked at VA, HUD, or EPA. We have essentially worked on a bipartisan basis to make sure that when we put our money in this appropriations bill, we are going to get shuttles that fly, a VA that heals the sick, an EPA that cleans up the environment, and that HUD helps the poor to move to self-sufficiency.

We know in the appropriations subcommittee that public housing or assisted housing was meant to be a way station on the way to a better life, not to become a way of life. We do not want an appropriations to institutionalize the poor and keep them that way. That is why I think the Senator's original comments were worth listening to.

On the spirit of the amendment, this Senator certainly supports anything that will move people to self-help and self-sufficiency. That is why I was a strong supporter of welfare reform; to make sure that people then saw public assistance as a way to a better life. So we support this.

But when we take a look at the substance, though, this affects the issue of Davis-Bacon, more appropriately left with the authorizing committee. This Senator, though, has some questions really about how this affects current programs, the populations involved, and also the risk to local governments.

I would like to ask the Senator from Oklahoma some questions. Please understand the spirit of these questions. They are not meant to be pugnacious. That might come later.

Could the Senator share with me the analysis of our public welfare assistance and the unemployed and the homeless now doing any type of public works projects and that is viewed as part of this training, or is your amendment generally in conflict with current welfare training and other training programs? Does the Senator have knowledge of that?

Mr. NICKLES. Sure. One, I do not see it in conflict with any existing welfare training. As a matter of fact, if it is in addition to any existing welfare training, that is all for the betterment. The homeless and tenants of public housing, most of which are unemployed and many of which are not now in a current job training program, should at least have the opportunity in this Senator's opinion to be able to work in their own housing complex. Or the contractor who is working who says, "Yes, I am going to paint these units, we would like to hire you, but wait a minute, we cannot afford to pay you $16 an hour to do the painting, therefore, we are going to bring in our own employees who we already have trained," so the net result is in a lot of these public housing complexes you will have the unemployed sitting by on the steps watching somebody paint his apartment which he could be doing and learning from at the same time.

Ms. MIKULSKI. Senator, first, people involved in job training programs are not paid wages. They are usually paid some type of subsistance or minimum level for a training grant. They are not paid wages while they are in an approved JPTA Program. At least this is my understanding. If wiser heads on authorizing want to comment, they can.

If you want a welfare training program, you get your welfare grant while you are taking your training plus some help with day care. You are not paid a wage.

So this is why I question the need for this because if you are a welfare mother at one of the public housing projects, and you are asked to pay a public housing project you will not do that unless you are in a bona fide training program with supervision and you had not been paid a wage to begin with. That is point No. 1.

Point No. 2, for those who would then seek to move to a better life by joining in the construction industry, there are bona fide apprenticeship programs. First you have to be physically fit for duty in order to participate in a training program. And quite frankly, many of our homeless, God bless them, are mentally ill. That is one of the reasons they are homeless. They need to be institutionalized and do not have the appropriate care. Some are substance abusers not quite ready for the rigors of construction.

We could go through a whole list of who are the homeless, who are the welfare recipients again or primary single heads of households. My point is if you are homeless, and you want a job-training program, there are opportunities. And if you want to go into the construction industry there are apprenticeship programs. You will not be affected by Davis-Bacon. You would be on that ladder that the Senator is calling for, that ladder of opportunity, that ladder to economic success, that ladder to become a carpenter, a plumber, all of those important trades which I might add are truly in short demand.

Mr. President, it has been my experience that it is easier sometimes to get the President of the United States on the phone than finding a plumber on a weekend. So we do not doubt that there is a need.

But, you see, this Senator really questions not the motive, not the intent, but how this affects other training programs. And quite frankly, the Senate should be aware that if you are in a training program you must be fit for duty. There is a question of whether this population would be. There are opportunities to be in apprenticeship programs, other training programs where Davis-Bacon does not affect you because you receive certain training allowances. That is why there is really a question of the need in this area.

The other is risk. I am not sure of the effect this has on reliability of local governments, State governments and also contractors. You are taking a population that is untried, and untested. They would not be unemployed or homeless if those skills had been tested. They would have been picked up by now in the private sector.

My concern is that a well-meaning contractor who wants to give somebody a break, ready to take them on, the minute the insurance underwriters look at that and say, wow, if you are going to be taking on this untested population, this population truly at risk because of mental illness, physical conditions, your insurance rates might go up.

Mr. President, I think this is really beyond the scope of the appropriating committee to decide. I do not oppose helping someone to be able to help themselves.

I know the Senator from Oklahoma has only the best intentions. Those intentions parallel many of my own. I would wonder if the good Senator from Oklahoma would consider withdrawing his amendment so that we could have hearings on this, so that the authorizing committee could just see how this affects existing training programs. Welfare recipients, unemployed, and homeless are blocked from getting apprenticeship programs. What are their barriers to participation? What is the impact of insurance?

The Presiding Officer is a former attorney general of the great State of Connecticut. He knows about the insurance problems with this. I think it is a good idea, but could possibly have very serious unintended negative consequences for which we would then give a great deal of pause.

So I really ask the Senator to withdraw that amendment pending these hearings. I am willing to hold a hearing in my own subcommittee on this for the fiscal year 1991 budget.

Mr. NICKLES. Mr. President, one, I thank my colleague, Senator MIKULSKI, for her statement. It is not my intention to withdraw the amendment. If we withdraw the amendment, the net result will be we will have thousands of homeless, thousands of tenants of public housing who will not be able to work on their units.

I want to allow the administrators of public housing to be able to go into the unit and say this unit is in bad shape. Instead of having to hire a contractor, spend a lot of money, we are going to buy some paint and ask some of the boys or some of the inhabitants of the units to fix them up. We will pay them so they can make a little money.

Right now, unfortunately, a lot of the people make money in public housing by selling drugs. Let us give them an opportunity to make some money by working. Let us give them a chance right now, and not have wage statutes preventing them from working. I doubt the administrator of public housing for the State of Connecticut or the State of Oklahoma or any local public housing official is going to say yes, I want you to paint up the units where there is some graffiti, or whatever and pay them $16 an hour. He is not.

Even if he did, he will be paying more than he probably should to clean up a mess that needs to be cleaned up. Why not allow those individuals who live there the opportunity to paint those units themselves, to fix them up themselves so they can be involved, so they can have some pride of ownership?

That would do wonders for stopping the decline in public housing. Why does public housing always deteriorate so rapidly? One reason is there is not the personal, individual responsibility and involvement that you have for your own house. You are going to take care of your own house. If you are living there, if you are responsible, you paint it yourself; you are going to take care of it; you do not want it to become dilapidated or deteriorated.

So there is that pride of ownership, of occupancy, if the person had the right and the ability to be able to fix up these units themselves. Is it not a crying shame that because of present vague wage statutes this is prevented? Yes, those units need to be fixed up, and everybody agrees they need to be fixed up. But instead of saying here, we will give you some paint and we want you to fix them up as part of your rights in living in these units, or maybe the opportunity to learn a little bit of a trade, they are told no, you cannot do it. We are going to hire an outside contractor to come in, pay them large amounts of money so they can make money and not even allow the 17- or 18-year-old person, or 19- or 20-year-old person the opportunity to work and take care of their own units.

We need to pass this amendment. I think the amendment may save some money. That is not the purpose in offering the amendment.

The real purpose in offering the amendment is to open up some opportunities for individuals who right now may well be second or third or maybe even fourth generation welfare dependents. Let us allow them to pull themselves up. Let us allow them to climb the economic ladder.

Certainly, there are some other welfare or job training type programs, and I compliment those, and this amendment complements those. It does not take away one thing from any existing job training program. This is in addition to such efforts.

Incidentally, these people are ones who have been left out, that have not been taken into the other training programs. So this would complement any additional or any previous program that we have. I think the amendment would help a lot of people in a very big way by opening the doors of opportunity for them.

Mr. GARN. Mr. President, I strongly support the amendments of the Senator from Oklahoma. This is not a new debate. It has a slightly different twist on it with the homeless.

I have served on the Senate Banking Committee for 15 years, 6 years as its chairman, and 7 years before that as a mayor and in a local government capacity. So for 22 years, I have been involved with housing.

Nobody should deny the fact that 22 years ago there was a housing problem in this country, and there is still a housing problem in this country despite a lot of money that has been spent on public housing and assisted housing in this country.

As a taxpayer you have to ask the question, why? Why have we done such a miserable job of curing this low-income housing problem with the enormous amounts of money that have been spent? One of the reasons is because of the fact we will not allow people to help themselves.

It happens, so that all the cards are out on the table, I would vote to repeal Davis-Bacon entirely. It inflates the cost of housing. It is simply to protect union wages. And I could go on and on with examples. After all these years of housing being rehabilitated, side by side townhouses where without Davis-Bacon they were rehabilitated for $18,000, and an identical unit next door with exactly the same work done on it cost $34,000. So does it make sense to do that rather than providing this? Many years ago—you could not do that now—it was $18,000 for lower or moderate income or $34,000 with exactly the same work done. Yet we continue to persist in keeping Davis-Bacon. But that is another argument for another day. That is not the substance of the Senator's amendments.

What he is trying to do is say we are going to try to help the poorest of the poor by letting them help themselves.

It reminds me of a few years ago when I tried very hard on this floor to get an amendment enacted on sweat equity. It simply meant all we wanted to do was make a very, very small change in Davis-Bacon to allow people in this case who owned their own homes—owned their own homes, not a matter of public housing—to say they would be allowed to fix up their own homes in some of these urban home setting projects and they said yes, they could do that, but if they do the plumbing, they have to have a plumber watch them. If they do carpenter work, they have to have a carpenter certified to watch them, and have to have a painter come and watch them. So, yes, they could help themselves. All they had to do out of public funds in the assisted programs was pay all these supervisors to tell them how to do it.

I happen to be a U.S. Senator. I do all my painting at home. I would not pay a painter. I would not pay $250 to have a room painted when I can do it for $18 worth of paint and clean my fingernails afterward.

But here we are told that those in their own homes, in assisted housing, who would like some materials to be bought for them cannot do it. They have to hire all these supervisors. I could not afford all those supervisors either.

I asked questions of some top labor leaders at that time. I said: "How could you possibly oppose this amendment that is so limited and so narrow and would help so many people?" He said: "Well, you are right. It is limited. It is narrow. But if we yield one inch, one inch out of 1,000 miles out of Davis-Bacon, that is the camel's nose under the tent, it is the hole in the dike; the whole thing will come down and we will lose Davis-Bacon."

That is exactly what the Senator from Oklahoma is facing today. Nobody can really disagree upon substance in what he is attempting to do to help the homeless, the poor, and public housing. Let them fix up their own places. So that is what we are facing. Organized labor is simply saying this same thing. I have been through it before. "This little tiny crack, this little amendment that he is offering to help, yes, we agree would be helpful, but we are not going to allow that to happen because this next one will be a little bigger and someday we lose Davis-Bacon."

I strongly support the amendment of the Senator from Oklahoma and intend to vote for it.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator GARN, for his excellent statement and I agree wholeheartedly.

I want to make sure all my colleagues are aware of what he stated so precisely. We are not exempting public housing from Davis-Bacon. What we are trying to do is exempt individuals who live in public housing or in homeless shelters from Davis-Bacon; those individuals, that is who we are trying to help by this amendment. I do not really see how anybody can oppose it.

I hope it will be agreed upon.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Ms. MIKULSKI. Mr. President, I move to table the amendment of the Senator from Oklahoma.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KOHL. Mr. President, I support the goals and purposes of Davis-Bacon. I think it makes perfect sense for the Federal Government to pay prevailing wages. While certain reforms might be made in the program, the basic concept behind it is sound and important and I want to see it preserved.

Despite that, Mr. President, I also intend to support the Nickles amendment. I do so because it carves out a narrow and important exemption to Davis-Bacon—an exemption which benefits the poor and the homeless and residents of public housing and which may have a significant impact in terms of giving people a stake in the public housing they live in.

Allowing a targeted population to work on fairly simple repair and maintenance projects makes perfect sense to me. It may give those workers some skills and some experienced which will be useful to them. It may give them some pride in their own homes. But it will not give opponents of Davis-Bacon an opportunity—at least with this Senator—to undermine the important labor protection and labor rights which that law protects.

Mr. President, let me simply conclude by urging my colleagues who support Davis-Bacon and also want to support the homeless and the unemployed to vote for this amendment.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I inadvertently had asked for a motion to table when I was not prepared to terminate debate. I therefore ask unanimous consent to withdraw my request to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Ms. MIKULSKI. Mr. President, the majority leader will be here in a few minutes to set the timing of this important vote. Until he arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded the call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President we want to assure that the Senator from Oklahoma is guaranteed a right to vote on this most important amendment. There are some Senators attending a funeral. We are going to delay the vote until after the party luncheons. Therefore, I move to table the underlying amendment and ask unanimous consent to have a vote certain designated at 2 p.m. on this date.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Maryland.

Mr. President, I have another amendment. If the floor managers desire, I will begin discussing that and will offer it shortly. The amendment that I will be offering on behalf of myself and also Senator DIXON deals with FHA. The managers can correct me if I am wrong, but I will relate to the rest of our colleagues what has happened in this bill and some of the comments I made when it was being marked up both in the subcommittee and full committee and now on the floor of the Senate.

The committee in its report and also in the legislation takes the cap off FHA mortgages. There currently is a limit on FHA loans in two ways, either 95 percent of median or $101,250. The $101,000 applies to higher priced geographical metropolitan areas. In the legislation before us the committee takes off that cap of $101,000. You still have the cap of 95 percent of median for most of the country but they would totally remove the cap of $101,000.

That concerns this Senator. I am not sure that it financially is a good thing to do. That increases the exposure of the Federal Government.

I will tell you that in my State FHA owns thousands of homes. They have lost millions of dollars. The FHA inventory in my State is staggering. I know that varies from state to state depending on your economy. We have had some rough times in the economy of Oklahoma, but I do not know if most people are aware that FHA is going through some very difficult times. They are losing a lot of money. FHA right now is losing over $1 million a day.

Let us grasp what that means. FHA, when they make a home loan, they receive insurance, 3.8 percent, for each of the loans they make.

Most of the people add that back and borrow it in addition. A lot of people are not able to make the payments, I find out, so they end up surrendering and end up foreclosing and they have the title and also the property, and now FHA has billions of dollars worth of assets all across the country.

Last year, according to Price Waterhouse, FHA lost $452 million. That is a staggering loss. Through August 1988, to help meet its fiscal 1988 cash needs, FHA borrowings added $643 million to the Federal deficit. That was supplied to us by GAO.

FHA is going through some serious problems, in other words, and for a lot of reasons, but primarily because they, as far as a home loan, require a very small downpayment, less than 5 percent; 3 percent on the first $25,000, 5 percent on anything above that. Most conventional loans mandate a 10 or 20 percent downpayment, but FHA only requires a maximum of 5 percent. And it is losing money as a result.

I think most people who are intimately involved with the program know that it is losing a lot of money and know that they are going to have to do one of two things. They are going to have to make some reforms. They cannot continue to run the program in this manner and have these kinds of staggering losses in the hundreds of millions of dollars per year. They are either going to have to increase the insurance amount or increase the amount of payment required to get into the loan.

I make that comment to my colleagues, and that is status quo, that is with the cap of 101. The committees legislation—and it is legislation on an appropriation bill, and we all do it, so I am not critical of that—but this legislation would totally take the cap off. That means that FHA could be—in some States, in some high-priced communities, primarily in California, New York, Washington, DC—making loans well in excess of $200,000.

I am not sure that we should be making that type of FHA guarantee without at least getting some reforms, without at least looking at increasing the downpayment requirement from 5 percent to a more realistic level of 10 percent or maybe do that for the increased amount above the $100,000.

There are a lot of things that should be looked at. Unfortunately, those reforms are not in the legislation. I understand the managers of the bill want to generate revenues, and if they greatly increase the amount of money FHA loans, FHA will receive insurance premiums, 3.8 percent. They wanted that money so they could have money to fund housing, NASA, National Science Foundation, and by making this change—there will be no cap, except for 95 percent of medium-priced housing in that area—the committee is able to raise $157 million in new revenues.

Keep in mind, FHA has been losing money. They have been getting the revenues in, but they are also losing money, in the hundreds of millions of dollars per year. So we are greatly increasing the taxpayers' exposure. For what? To raise a little money now, but to increase our liabilities in the future.

There is a report that GAO is doing, and it will not come out for another week or two. I really think that it would be wise or prudent for Congress to wait for this very extensive report GAO is doing on FHA before they make this kind of open-ended change.

We have the appropriation process and cycle on us, and we need to finish all the appropriations bills by this month. I contacted GAO and said, "Please give us this report." This is a very important report that I think we really need to see what FHA is doing, how much money are they losing, what kind of contingent liabilities, what is the inventory of FHA housing. A lot of these questions are out there, some of which maybe we are able to answer today, but a lot will be answered by this GAO study that will not be out until the end of next week. I wish that we could wait.

As I told the managers of the bill, I question the wisdom of increasing the limit, even from 101. The program is broke to some extent now, and it is losing a lot of money. It is a real financial drain. Yet, we are going to not only increase the cap, we are going to increase it an unlimited amount, take it up to 95 percent of median-priced housing. And that is growing, as many of you know, in some high-priced housing areas such as Washington, DC, or Los Angeles, or New York, that price is rising dramatically. Yet, we are going to have the Federal Government go in and guarantee those loans at 95 percent. Would you? Is that a prudent thing to do? I do not think so. Is that a prudent thing to be making the taxpayers of this country liable for? I do not think so.

As a matter of fact, I was talking to an OMB individual, and we were speculating on what was in the GAO report last year on their loss of loans. I think they had $96 billion of loan authority last year. They estimate the total loss over the life of those loans to be something like $4 billion. That is not a very good track record.

We do not have that GAO report. I wish we did have it. If that is the case, that shows that not only are they losing money on the annual basis, and that means the insurance receipts received this year and the amount of money they paid off on the houses foreclosed, but they are also losing a lot of money on loans that they made last year. That loss may not come about until 3, 4, 5 years from now, but in effect, it means that they made a bad loan.

Most of your private mortgage companies would say the insurance rate needs to be higher or the deductible amounts need to be higher, or a combination of both. I do not know the answer. I do know that the program is hemorrhaging money.

If it is losing over $1 million a day—GAO said it added $463 million to the deficit through August 1988—it has some problems. I think it is an inappropriate time to be increasing that exposure of liability so dramatically, as the committee has proposed.

Mr. President, the amendment that I have, which is cosponsored by Senator DIXON, does retain the cap of 101. It would increase that cap to 118. As I told the floor managers of the bill, I am not saying we should not have an increase. Maybe an increase is called for. I know in certain areas housing is more expensive. I am just concerned about the liability and the expenses that are going to be confronting the Government in the future.

I do not know how much it should be raised, but I know this would be a significant raise. It is a $17,000 increase.

The reason I offer that as part of the amendment is because the managers have spent that $157 million. If I had an amendment that would leave it at $101,000, I would also have to have as part of my amendment a reduction in spending of $157 million.

The amendment that I have and will submit shortly increases it to $118,000. That increase will generate $98 million in revenue. So then the challenge before us is to find where we can reduce spending to the tune of $59 million.

Our amendment does so. It calls for some refinancing of section 235, which should be done anyway. That would save $15 million. Also, some FAF refinancing. That would save $30 million. That also should be done, I might point out. We would reduce the HUD management and administration account of $14 million.

So we can come to the agreement—or at least where this amendment would provide amounts, which would provide the committee with $98 million of the $157 million in new money that they are trying to raise with the unlimited cap. So it goes about two-thirds of the way in revenues but it has a cap much closer to existing levels. I think we should have some cap. I think it is very inappropriate at this time to take the cap off, and we should see what we are doing.

You know, we increased the amount of insurance that FSLIC had, I believe several years ago from $40,000 to $100,000. We had very little discussion on it on the floor. Most people assumed that maybe it was the right thing to do, and we greatly increased the taxpayers' exposure, as we all know, from the S&L bailout bill that we just passed 2 months ago.

I am concerned about what we are going to have to do with FHA. I am concerned about those thousands of houses that we have in the State of Oklahoma and elsewhere around the country and the inventory that FHA is looking at. The FHA program went along very smoothly for a long time because we had almost an uninterrupted inflationary cycle in housing. We found in many areas that cycle can be interrupted. It may well be interrupted in the higher cost areas. It probably should be.

Housing is getting far too expensive in many areas of the country. It is ridiculous for somebody to have to go out and pay $250,000 for such a small house, as you have to do in some of our larger cities. Maybe housing, as we found out in my State and others, can go down as well as go up. If that is the case, and if there is only a five percent down at the same payment requirement as FHA has, and we are guaranteeing 95 percent of the loan, and they end up borrowing the insurance provision as well—the amount of the loan can be in excess of what the true value of the property is—we are exposing taxpayers to a great potential for loss. That is the reason I offer the amendment today.

Again, I think my preference would be that we leave it at 101 until after we get the GAO report. The timeframe is moving, however. The appropriations cycle is moving. So I told the floor managers I was not against some increase. I think the increase from 101 to 118 is a generous thing to do. Maybe it is overly generous to do. But, certainly, it is better than taking the cap totally off.

So I hope that the Senate will concur. I know there are differences of opinion on this issue, but I think just for the sake of prudency, we should be looking at what we are doing. Do we really want to increase the Federal Government's exposure without limitation? Do we want the Federal Government guaranteeing 95 percent of loans up to $250,000? And if we take the cap off, what is it going to be 3, 5, 10 years from now? It might be $300,000.

Do we really want the Federal Government guaranteeing those kinds of loans? Is that the responsibility of the Federal Government? I really question that. I doubt that it is.

Who will it benefit? It is not going to benefit those on the lower end of the economic ladder. It will benefit those with median incomes and higher incomes. Is this going to benefit the fire chief in New York? No. Will it benefit the police chief? Will it benefit a teacher in New York? Will it benefit the employee who is working on mass transit? No.

Because these kinds of levels for housing prices are going to be too high. They would not be able to make the monthly payments if they had no downpayment.

Therefore, what we are doing if we totally take the cap off, we are coming up with a big expansion of an entitlement program for the higher income people of this country for a program that is already losing money. I do not think that is a wise, fiscally sound thing to do and therefore I hope the Senate will adopt my amendment.

AMENDMENT NO. 767

(Purpose: To modify the FHA mortgage insurance program)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DIXON, and Mr. KASTEN, proposes an amendment No. 767.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937: *Provided further,* That the remaining amounts of budget authority, or in lieu thereof the remaining cash amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$731,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(175 percent during fiscal year 1990 in the case of a purchaser or a purchaser and his or her spouse who has not had an ownership interest in a residence during the 3-year period preceding the date of the acquisition)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) Refinancing.—

"(1) Review of assistance payments contracts.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) Refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) Method of payment of refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancings as follows:

"(A) Lenders and mortgagees providing refinancings under this subparagraph may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) Revision of contracts and rescission of excess amounts.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

Mr. NICKLES. Mr. President, I ask unanimous consent Senator Helms be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California [Mr. Cranston].

Mr. CRANSTON. Mr. President, I oppose this amendment. The appropriations bill now before the Senate would help strengthen FHA and provide real benefit to homebuyers. We should retain the committee provision.

All across the country there are signs that the traditional American dream of homeownership is under enormous stress.

In my own State of California, skyrocketing housing costs are putting homeownership increasingly beyond the reach of most residents. Since 1980, the percentage of California residents who are homeowners has fallen from about 60 percent to only about 50 percent.

These are no empty statistics. They represent hundreds of thousands of hard-working families, not only in California, but in other States, whose dreams are being frustrated. They are firemen and policemen. They are teachers and store managers. They are office workers and factory workers. They are often families with a husband and wife both working, sometimes with one or both holding down more than one job and with a pretty good income.

But many of these families, while they can afford monthly mortgage payments on a home of their own, they can not buy that home because their high rental costs keep them from saving enough for a downpayment.

FHA mortgage insurance provides real help. It substantially lowers the up-front cash requirements for the purchase of a home. It makes it easier to get a 30-year, fixed-rate mortgage with affordable interest costs. And in some markets, particularly when times are tough, FHA often proves to be the only home mortgage insurance available.

But there is one big problem. Current law has effectively been driving FHA insurance out of many areas—particularly high-cost areas where moderate-income homebuyers and middle-income homebuyers have the most difficulty.

The problem is the way ceilings are set for mortgages that FHA can insure. Under current law, the Secretary of HUD can raise the FHA mortgage ceiling to take account of high housing costs from one area to another. As a rule, the FHA mortgage ceiling is raised to 95 percent of the median home sales price in the area.

The problem is that the Secretary is prohibited by law from going above an arbitrary, nationwide ceiling of $101,250—and that is just too low to finance even very modest homes in many growing markets.

That figure does not sound modest, but there are no homes available now in many parts of the country at that price.

The result is simply unfair. For instance, a policeman buying a home in Oklahoma can get the benefit of FHA insurance, but FHA can't help a policeman in California who wants to buy an even more modest home. That's not fair.

And the result is often bizarre. For instance, the housing market in the oil producing States has suffered a sharp decline in recent years, but the FHA ceilings are not reduced when median home prices go down. Therefore, during the last 5 years in Oklahoma, Colorado, and Texas, FHA insurance has become increasingly available to finance larger and larger homes. But, in my State and in other States with strong housing markets, FHA has been pulling out during the same period. And that makes no sense.

This bill provides a fair and reasonable solution to the problem.

The bill would permit FHA to insure mortgages in every part of the country up to 95 percent of the median home sales price for each State or for metropolitan areas that include parts of more than one State. That simply recognizes the practical reality that the same modest home will cost more in some areas than in others.

This provision is quite consistent with long-established policy. The bill would not make FHA insurance less available in any State. FHA would still be serving only the lower half of the housing market in each State. FHA would still be able to insure mortgages only on the more modest homes in each State. And the average FHA mortgage would still fall well below the ceiling. But, in each State, the ceiling would at least be reasonable.

In my own State, the ceiling would rise to about $154,000. And anyone familiar with home prices in most areas of California knows the sad fact, indeed startling fact, that a $154,000 mortgage will finance only a very modest home.

I also want to point out that the provision will have effect for only 1 year. That will give the Congress plenty of opportunity to observe the implementation of the provision. And it will help Congress evaluate possible refinements when major housing reform legislation is considered during the next few months, as it will be considered.

Mr. President, this is a sound provision.

First, this change will provide real, tangible help to tens of thousands of homebuyers.

The timing is vital. We must, we should do it now. Many families are caught in a vicious cycle. The more time it takes them to save for a downpayment, the further the prices of homes are moving out of their reach.

For all too many Americans, homeownership delayed will be homeownership denied. I support this provision because help should be provided without further delay.

Mr. President, I want to pay tribute to Senator MIKULSKI, who is handling this measure on the floor, for her leadership, for seeing to it that this provision is in the bill in its present form.

Second, this change will generate additional revenue for FHA at a time when FHA's finances are being hit hard—largely by heavy losses in the oil-producing States, States like Oklahoma, by a lower volume of mortgage origination, and by other factors including the previous administration's neglect and mismanagement.

CBO estimates that the first-year revenue gain would be $157 million. Of course, normally expected mortgage defaults will partially offset that total in later years. However, there is very good reason to believe that these new mortgages—mortgages to working families in strong, growing markets—will be an even better risk than most.

There is, therefore, very good reason to believe that this change in law will significantly increase FHA reserves. I support this provision because it reduces the chance that appropriations may someday be needed.

Third, this change will help spread FHA's risk more safely across an appropriate selection of borrowers and a more diverse selection of markets. This was pointed out by the major accounting firm of Price Waterhouse, which has been conducting a major financial audit of FHA under contract with GAO. In a recent GAO report, Price Waterhouse expressed concern about the negative effect of the arbitrary national ceiling on FHA insured loans.

The report states that "[i]f lower risk borrowers can no longer obtain FHA insurance because their loans are above the loan ceiling, then FHA may increasingly find itself insuring more risky borrowers, for whom claim rates may be greater."

A related concern is that the arbitrary national ceiling is systematically forcing FHA out of the strongest housing markets and causing a growing share of FHA's risk to be concentrated in the weaker housing markets.

Mr. President, the benefits of this change in law will go not just to homebuyers in high-cost areas. The long-term soundness of FHA is important to homebuyers in every State and to all sectors of the housing industry.

In am determined to see that FHA continues as a strong and responsive institution—an institution that can serve the housing needs of future generations in all parts of this country as magnificently as it served the needs of the American people years ago. I support this provision because it will help achieve that goal.

Fourth, this change has been carefully considered. A similar change was recommended by the National Housing Task Force, whose members included 26 of the country's top housing leaders representing a broad spectrum of opinion. The task force intensely studied the problem of housing affordability in America, and the members unanimously recommended removal of the arbitrary national FHA ceiling as one of the most effective ways to improve homeownership opportunities.

A similar change in law has been the subject of several days of hearings during the past 2 years before the Senate Housing Subcommittee, which I chair.

And, a similar change in law was proposed in S. 565 and S. 566, the National Affordable Housing Act, which was introduced March 15. The bill has broad bipartisan cosponsorship by 41 Senators, including a substantial, bipartisan majority of the Senate Banking Committee.

That is landmark legislation that will bring sweeping reform of the Nation's housing policy. The committee is working intensely to get early action.

However, final enactment will undoubtedly not come until next year. And relief to homebuyers should not be delayed that long. That is why I endorse the inclusion of this provision in this bill.

I commend, again, the distinguished chairman of the VA, HUD and Independent Agencies Subcommittee for her leadership in this matter.

I urge my colleagues to join me in support of this provision and rejection of the pending amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, if there ever was a fat-cat provision, this is it. Therefore I support and am a cosponsor of the amendment of the distinguished Senator from Oklahoma. The provision in the bill that the amendment seeks to change would raise the loan limits on mortgages insured by the Federal Housing Administration [FHA] to 95 percent of the median price of homes in each State. The FHA's current maximum loan limit is $101,250.

In the first place, Mr. President, this is a matter that ought to have been dealt with on an authorization bill, not an appropriations bill, but here we go again. A proposal similar to this was included in the National Affordable Housing Act (S. 2916) just alluded to by the able Senator from California, which is sponsored, not surprisingly, by the Senator from California [Mr. CRANSTON], and the Senator from New York [Mr. D'AMATO]. It is, in that sense, bipartisan.

But I do not wonder that the Senator from California, and I think the Senator from New York, are interested in this provision because the bulk of the benefits from increasing the FHA's loan limits will primarily accrue to two States, California and New York, where housing prices in the metropolitan areas are exorbitant. That is a good side to this bill's provision for them.

The bad side, for the rest of us Mr. President, is that the remainder of the country will have to bear the costs as well as the risks of allowing the FHA to increase its loan limits.

It should be particularly disturbing, Mr. President, that the individuals who will benefit from this increase in loan limits are not the low- or moderate-income individuals the FHA housing program was originally intended to benefit. The effect of the provision in the bill will be to assist those people who want to purchase $200,000 homes in the most expensive parts of the country. In fact, the proposal will help the wealthiest 20 percent of Americans, and 89 percent of them already own their own homes. So what is this provision all about, Mr. President?

For one thing, it is about how far we have departed from the original intent of the FHA. This provision is a far cry from helping the low- and moderate-income first-time home buyers the FHA is supposed to be targeted to help.

It must be remembered, Mr. President, that as the loan limits are increased on an FHA loan, there is no requirement that the down payment percentage also increase. It is common business sense that the smaller the down payment, the riskier the loan. Current law only requires that an individual receiving an FHA loan put up 3 percent of the first $25,000 of the purchase price, and 5 percent of the rest.

I think we also better keep in mind before we rush pell-mell into this matter that the FHA and the Veterans' Administration home loan programs have delinquent loan rates twice that of conventional mortgages requiring 10- to 20-percent down payments.

Furthermore, Mr. President, the FHA housing program is already in trouble without the additional burden of raising the loan limits, as this bill proposes to do. The FHA's mortgage delinquency rate has steadily risen from 2 percent in 1979 to 5.5 percent at the end of 1988. Claims from lenders have tripled in the last few years to an estimated $6.6 billion this year, and the FHA has only $1.2 billion in equity to back up the $277 billion in loans it has already insured before we try raising the loan limits.

The General Accounting Office has already warned that the FHA may need a bailout just like the Federal savings and loan industry did, and we all know how outraged the American public was about that.

In fact, Mr. President, it is my understanding that a Price-Waterhouse audit by the FHA—which will be released in the next few weeks—will show that the FHA is $4 billion in the red. Since the FHA's solvency is integrally related to its loan limits, I think that as a matter of common sense the Senate should wait until that report is out before we deal with the issue of raising those loan limits.

Mr. President, the Federal Government is already involved in a gradual takeover of the private sector mortgage insurance market in this country. Nothing could be more apparent than that. I talked to a fellow named Ronald Hud down at the Heritage Foundation who says that the Federal Government increased its share of the mortgage insurance on all housing debt in the United States from 17 percent in 1980 to 29 percent this past year. The provision in this bill to increase the FHA's loan limits would simply hasten the Federal takeover. Is that the way we want to go? This Senator says no, not if we believe in the free enterprise system.

Mr. President, I am increasingly in doubt as to where Congress stands on the question of the preservation of the free enterprise system. This vote will give us some indication of which way we are headed.

In short, Mr. President, a higher insurance loan limit will not make a home more affordable. It will only serve higher income families who can afford more expensive homes and private mortgage insurance. Replacing private insurance with Federal insurance for well-to-do families is not a proper role for the Federal Government, especially since higher insurance limits will risk explosive FHA costs in an already troubled FHA program.

Mr. President, I thank the Chair and suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. **MIKULSKI**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Ms. **MIKULSKI**. Thank you, Mr. President.

First, I want to state that I must rise in opposition to the amendment offered by the Senator from Oklahoma. But before I go into the substance of that, I must ask unanimous consent that the vote on the motion to table the Nickles amendment occur at 2:10 p.m., and that the previously ordered recess expire at 2:10.

The **PRESIDING OFFICER**. Is there objection?

Without objection, it is so ordered.

Ms. **MIKULSKI**. Mr. President, while I appreciate the perspective of the sponsors of the amendment, I must disagree with them on the substance of the issue. My arguments fairly well parallel the chairman of the authorizing committee, Senator CRANSTON. He made those arguments in a very eloquent way, and I just wish to, in the time before the recess, elaborate on them a bit.

The provision in our bill which this amendment would delete raises the maximum morgage limit under FHA single-family mortgage insurance to 95 percent of a State's sales for 1 year.

I would like to inform the Senate that has not been raised since 1980, that there has been no adjustments made in in the FHA limits since 1980. Everyone in America knows that a lot has happened to housing costs since 1980 but the FHA limits have not been indexed. By the way, I think that is a wise policy, that there should be individual judgment on this. But for almost a decade our FHA ceilings have not kept pace with essentially the marketplace situation.

The other point that I wish to make is that our provision in the bill parallels the legislation that is now before the authoriziing committee in the Cranston-D'Amato bill. As the Senator from California said, those recommendations come not from a particular party but from a housing task force charged with the responsibility to come up with important ideas to make housing available and affordable. It was their recommendation that these limits be lifted.

What we do is not across-the-board lifting of the limits. We are not in the business of doing legislation on appropriations bills. Ours is limited to 1 year.

I understand the concerns of the Senator from Oklahoma. He is concerned about increasing the defaults to FHA from increased activity. I think his concern is well taken. I think the arguments have been made about the stability of FHA and wonder what the future holds. But as the Senator from California said, documented by Price Waterhouse, the substance of the issue will actually strengthen FHA because it allows FHA to diversify its activity in certain areas.

This kind of loan activity, according to a May 1989 GAO report, is actually less likely to result in mortgage foreclosures.

Mr. President, I am no expert in FHA. But to those who are concerned about this measure, I point out to them that this is a 1-year endeavor. There is a 1-year lift of the cap. What does this mean in terms of policy?

First, there are those like the Senator from Oklahoma saying "Do you know what? This could have all kinds of negative consequences. It could result in increased defaults and perhaps even jeopardize the safety and soundness of the FHA." There are those people who are involved with bringing help to neighborhoods where there has been a substantial disinvestment.

I note the Senator from Illinois on the floor. He champions the cause of one of the best neighborhood activist groups in Chicago, chaired by an old pal of mine from my social work days, Gale Cincotta. If Ms. Cincotta had the right to speak on the Senate floor, she would say, "Wow, Senator Mikulski, you know, we fought against redlining. We fought against disinvestment. Be careful what you are doing." I would say to Ms. Cincotta, and to those neighborhood activists concerned about redlining and disinvestment, this Senator's passion on those issues is as clear and as strong as theirs.

But what we do know is that with this 1-year limit on lifting the ceiling we will gather significant information. I happen to think that there will be no negative consequences of what we do today either on safety and soundness, or on the issue of disinvestment. But right now that would be not only my opinion but I have substantial analysis that would document that.

There are those who will be advocating another view who will present alternative views. What I am saying is by what is in our appropriations bill we give this a chance and at the end of a year when Cranston-D'Amato is before the Senate, when we will be doing sweeping housing legislation where what we will do will have irrevocable consequences, we will have a year's experience to know whether this was a good idea. And did it help fix FHA, and was it perhaps unintended but nevertheless negative consequences for which we would then have a safety net of 1 year so we would not be jeopardizing safety, soundness or eventually gouging or denying the opportunities for neighborhoods to have access to important financing?

That is why, for those who support this legislation, I ask for their help here to defeat the Nickles amendment. For those who have serious reservations—and I truly believe on this men and women of good will and good intention could differ—I again point out that this is a 1-year time certain issue.

This is one Senator who does not want to do anything to jeopardize the safety and soundness of FHA. This is one Senator who wants to make sure those neighborhoods now denied access to important financing will be able to improve their neighborhoods, continue their own self-help efforts, and not be in the position of having a disinvestment. In fact, there is disinvestment. I know, first of all, Mr. D'AMATO and Mr. CRANSTON will be holding hearings on this in terms of its national impact.

Next year I will hold, and I promise all here that I will hold, a separate hearing just on the consequences of what we did in this 1-year time limit so when we go to approving a new authorizing legislation before you 1 year from now we will speak from the standpoint of fact.

But right now, I must rely upon the very fine advice that the authorizing committee has given me in which they give a favorable nod to this legislation. The National Housing Task Force convened by Senator CRANSTON, supported by Senator D'AMATO, again says this is a good idea.

So I would really ask that the Nickles amendment be defeated.

I ask that we take into consideration that this generates $157 million revenue for this bill, across the board in veterans' space, and so on.

And so it also gives us 1 year to see if the proposal of Cranston-D'Amato is worth extending to the whole Nation on a permanent basis.

Mr. President, again I really urge the defeat of the Nickles amendment and thank the Chair and the Senate for their attention.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I rise in support of the amendment by Senator NICKLES. Let me say that when I do this, I do it with some trepidation. I have the greatest personal respect for the distinguished manager of this bill, the Senator from Maryland. Her efforts on behalf of her constituents are well known and the fact that she is committed to this amendment causes me grave concern.

I know that my distinguished friend, the majority whip, the distinguished senior Senator from California, is committed to this provision. I have the highest personal regard for his commitment to public housing. No one has done more on this issue, and I know that he is well intended in what he does here. I want to say in fairness that I have expressed my reservations about this provision in the National Affordable Housing Act that I have cosponsored with the Senator from California.

Why am I here? Mr. President, sometimes you really believe in the views of some of your constituents and the groups they represent because you see what they do. It is interesting that my friend, the Senator from Maryland, mentioned Gale Cincotta in her remarks. Gale Cincotta is a woman in Chicago who over a long period of time has been involved as a neighborhood activist on behalf of bringing decent housing to poor, and lower- and moderate-income people in that city. She is probably one of the most highly motivated people I have ever met.

I have been in public service all of my adulthood, for 40 years. I have been in legislative service for almost 30 years now. I have dealt with thousands, tens of thousands of people and I have never found anybody that impressed me more than Gale.

My first experience with Gale Cincotta was as a member of the Banking Subcommittee on which I have served since I came to the U.S. Senate. I was invited out to the city of Chicago by the First National Bank of Chicago, one of the giants in my State. There are two huge banks, the Continental and First National, which dwarf all the other financial institutions. When I was invited out there the First National folks said, "We want you to see what the First National Bank has done in putting a couple hundred million dollars into the neighborhoods of Chicago."

Mr. President, I went out there to this party, this gala affair, and here was the chairman of the board and all of the biggest business interests in my city of Chicago and my State, all six-figured, seven- to eight-figured men, milling around with Gale Cincotta and folks from the neighborhood and talking about how they put money into these neighborhoods. Here was Gale Cincotta, who fought redlining, who worked for community reinvestment programs, who had worked with these groups saying, "Look, if you work with us we will find a way to put this money into these neighborhoods and you are going to make money."

Mr. President, I was seeing the finest demonstration and display I had ever seen where the private sector was working with community groups while making a profit and helping community groups.

I came back to Washington and said: "I am going to tell you something. This Gale Cincotta is dynamite.

She is kind of like another lady I came to know is from St. Louis, in public housing, that caused me to be the sponsor of the Residents Management of Public Housing Act which we passed a couple years ago, that puts these folks in charge of their own housing affairs, the kind of people when you walk away from them you think, "dynamite."

So this lady came to me with a group, and she said: "Things are not good for us." I did not pretend I understood the problem fully, but I listened to her. I even sent Gale to see my dear and respected friend for whom I have such profound affection, the distinguished Senator from Maryland, Senator MIKULSKI. I tell you the truth: I kind of held back for a while because of my regard for the distinguished Senator who is managing this bill, and for the distinguished Senator who is the principal sponsor of the housing bill which I cosponsored that has this same provision in it.

I am persuaded that these folks out there who are sweating on the firing line must know something. You know, they have to know.

So as a consequence, I have come to the conclusion—after carefully evaluation of this, and having talked with staff a number of times, and a lot of other people—to bet my money on Gale Cincotta and her folks who work in the neighborhoods. That is why I am here.

I note the hour and I would want to respectfully ask the Chair, are we to suspend at 12:30 to go to the conference, in which case I will take this up when we return and go to the merits of the amendment itself.

The PRESIDING OFFICER. The Senator from Illinois is correct. The Senate, under the previous order, will recess at the hour of 12:30.

Mr. DIXON. Then I say to the distinguished Presiding Officer, if that is the case, I beleive what I will do is get to the merits of this amendment and my feeling about why we ought to take this provision out of the bill, when we return to the floor after the conference.

I say again, I have the utmost respect for the manager and for the distinguished Senator from California, who advocate this provision. It is an issue on which an honorable people can disagree. I come down on the side of a lady that absolutely sold me on this thing, and I am going to speak for her here on the floor, because the things she did in Congress and in my State persuade me that this woman cares about low- and moderate-price housing and in our State. I am going to present her case to the Senate here in support of this amendment.

I yield the floor for now.

Ms. MIKULSKI. Mr. President, will the Senator from Illinois yield?

Mr. DIXON. Yes.

Ms. MIKULSKI. First, let me say to the Senator from Illinois, first of all, I appreciate his respect and affection for me, but the Senator from Illinois should never hesitate when it comes to speaking up for protecting America's neighborhoods, whether those neighborhoods are in the small towns or in the big city.

I have a longstanding personal relationship with the lady that he spoke of, and I can tell you I so admire not only her, but all of those people, every day and everywhere willing to work in the neighborhoods over a long period of time.

Today, as we debate the Nickles amendment, this is really what our country is all about. What is in the best interest of our country? What is in the best interest of providing housing for all Americans? What is the way we can meet our fiscal responsibilities in doing that?

As we debate this, this is why the kids in Tiananmen Square quote Lincoln and not Lenin, and I am happy to continue the debate with the Senator from Illinois.

Mr. DIXON. I thank my friend.

The PRESIDING OFFICER. The Senator will suspend.

Mr. DIXON. I yield the floor, Mr. President.

RECESS UNTIL 2:10 P.M.

The PRESIDING OFFICER. Under the amended previous order, the Senate will stand in recess until the hour of 2:10 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will vote on a motion to table the amendment by the Senator from Oklahoma. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—58

Adams
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Bryan
Burdick
Byrd
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wirth

NAYS—42

Armstrong
Bond
Boren
Boschwitz
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Humphrey
Kassebaum
Kasten
Kohl
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Roth
Rudman
Simpson
Symms
Thurmond
Wallop
Warner
Wilson

So the motion to table amendment No. 765 was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 3 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

PRESIDENT BUSH'S VISIT TO WASHINGTON STATE

Mr. GORTON. Mr. President, I rise to extend a warm welcome to President Bush as he visits the State of Washington today. This year marks the centennial of Washington statehood, and I am delighted that President Bush is able to visit us during this important occasion.

The 3,000 miles that separate our two Washingtons often make it difficult to manage short trips when the Senate is in session. For me, this is one of those occasions.

Last year I promised the citizens of Washington State to work for peace-through-strength, a tougher, better war on drugs, and jobs for our rural economy. And today in the Senate, critical negotiations are underway on all three fronts. I hope my fellow Washingtonians agree that today, my place is here.

In any case, the President is accompanied by the Speaker of the House, in the Speaker's own hometown. Although I would love to be there, I must say the President could not be in the company of a more gracious host.

In addition, I am certain that the President's visit will be greeted with much enthusiasm by the people of Washington.

Mr. President, the visits of any Chief Executive to a State are truly festive events. Today's visit is particularly significant since its very purpose is to commemorate the history of 100 years ago.

What were the events of 1889?

On July 4, 1889, a Constitutional Convention convened in Olympia to write a State constitution. The convention finally adjourned at 9:30 p.m. on August 22, 1889, and referred a State constitution to the people for ratification on October 1.

That election would also select the site of the State capital, and decide who would be Governor of Washington, if it achieved statehood.

It will hearten President Bush to know that on this date 100 years ago, September 19, 1889, the Democratic candidate for Governor boasted that he would win the October election, and that a Democratic landslide would eradicate the Republicans in the Washington territory "like a Kansas cyclone." I am just partisan enough to be delighted to report that the Democrats lost, shall we say, "as if buried by a Cascade avalanche."

The October election arrived and the constitution was ratified, Olympia was chosen as the State capital and Republican Gov. Elisha Ferry was elected.

Only one thing stood in the way of achieving statehood: the Territorial Governor forgot to certify to President Harrison that the constitution that was sent to Washington, DC, was a true copy of the original. Properly, the President refused to sign it. Amid the ensuing uproar, the Governor dispatched on November 4, the proper certificate by something called "fast mail."

I must say, Mr. President, we have not improved much in the last 10 years. The certificate arrived at the White House on November 9, a scant 5 days later. Today, a letter mailed from the State is likely to take at least that long.

Two days later, on November 11, 1889, President Harrison signed the constitution with a pen point made of Washington gold and a holder of Washington laurel. Washington was officially proclaimed a State.

In his farewell address, that nearly infamous territorial Governor, Miles C. Moore predicted that "here will rise a commonwealth, the home of a race to match our mountains, worthy to wear the name of Washington."

He could not have been more correct.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 767

Ms. MIKULSKI. Mr. President, I ask unanimous consent that we return to the debate on the Nickles amendment pertaining to the FHA mortgages.

The PRESIDING OFFICER. That is the pending business.

Ms. MIKULSKI. I do not have to ask unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. I want to be sure that the Senator from Oklahoma has a vote. Therefore, I am going to ask for the yeas and nays on the pending Nickles amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Senator from Illinois.

Mr. DIXON. Mr. President, just before we recessed for our separate conference luncheons, I had begun my statement in support of the amendment to this bill that would place a cap on FHA insured loans for these mortgages. I would like to continue now to explain my point of view.

I cannot support the FHA loan-limit provisions in this Veterans-HUD and independent agencies fiscal year 1990 appropriations bill before us. The provision would raise the FHA-insured mortgage limit for first-time home buyers to a set 95 percent of the median home price in each State. Currently, the maximum loan on a single-family home is the lesser. Mr. President, of 95 percent of the area's median home price, or $101,250. This is intended to improve the availability of affordable housing.

I am opposed to the committee change for four reasons: First, it primarily benefits upper income families—no question about that; second, it reduces the focus on the first-time homebuyers who are in the most need of help; third, it provides unnecessary protection for private lending institutions. It is the Government again coming in to say to the private sector, "Do not worry, we will insure you 100 percent. Do not worry about taking the risk; everything is all right. Uncle Sam stands behind it."

Fourth, because of that reason, it greatly increases the risk of future FHA losses. Using the current rule of thumb, the people can afford a mortgage that is approximately 2½ times their annual income.

Listen to this: The current FHA program benefits people with incomes as high as $40,000 per year. That is a pretty decent income in most places back where I come from in Illinois—a level somewhat higher than the average family income in the United States. In other words, right now the 95 percent $101,250 rule takes care of protecting people on that first loan, if they earn up to $40,000 a year.

Under the committee provisions, FHA guarantees would be available to much higher income buyers as well. For example, if the median home price in an area is $200,000—and believe it or not, that is possible in some parts of the country; in California, the District of Columbia, New York, certain counties in Connecticut, the median home price is $200,000. Even with FHA assistance, a family would need an income of over $75,000 a year to be able to pay such a mortgage; $75,000 a year, my fellow Senators, is double the average income of a median income family in this country. In fact—listen to this—only 10 percent of the people in this country have incomes of over $63,000.

Now, you are talking about a Federal program here. Bear that in mind. This is a Federal program to insure the private sector, where we are actually unbelievably saying that for people with income higher than 90 percent of the people in the country, we are going to guarantee it.

I want to help the first-time homebuyer, but I have a hard time understanding why it is essential to guarantee the mortgages of homebuyers with incomes way higher than 90 percent of the people in this country.

FHA insured—listen to this figure, Mr. President—447,000 first-time homebuyers last year within the current limits—a half million people in the country, the way it is now. And the Senator from Oklahoma and I are willing to raise it from $101,250 to $118,000.

We are already guaranteeing one-half million people in the country, and we are willing to raise it, and you want to take off the cap? This is where the attention belongs, with ordinary folks, not with homebuyers with incomes over $75,000 a year.

I also do not understand why we would want to relieve our private financial institutions of their responsibility to make good mortgages at this income level. I thought this was the United States of America. I thought the bottom line on making money was by taking a risk. We have all those financial institutions out in the country making billions of dollars, and we are saying, "Do not worry about the risk, loan it any way you want it; you do not even have to look at the property. We guarantee it." Uncle Sam says it is OK.

We need financial institutions to make solid mortgage loans. Yet, here we are creating incentives, absolutely building in incentives for them to do less credit analysis, not more. Why do credit analysis, Mr. President? We do not need to do credit analysis. Send a check to FHA, and Uncle Sugar Daddy insures you.

If financial institutions, as a result of the committee provision, make larger, riskier loans—and make no mistake about it, they are going to—FHA will end up paying the price. What that really means is that the U.S. taxpayer will end up paying the price. Raising FHA mortgage limits does nothing to lower the price of housing. It does nothing to help people pay their mortgages.

It does nothing to put more people who are currently priced out of the mortgage market into homes. Oh, no, this is not going to put people into homes that could not get into a home. This is insuring things for people who want to buy $200,000 homes.

Because of these concerns, and my understanding and appreciation of real estate prices in high-cost regions of the country, I am a cosponsor of this amendment, one that I believe is more in keeping with FHA's real mission.

The amendment would simply raise the insured loan limit to $118,000.

We recognize this change alone results in a revenue hole in the appropriation bill. I want to address that.

There is a revenue hole here. They are talking about $150 million plus. We will propose three simple changes to fill that hole without cutting any essential program in the bill.

First, we raise $98 million by directing HUD to refinance the section 235 program where refinancing will save money, and HUD told us they can do that. According to HUD, the recent downturn in interest rates makes these savings easily achievable. It is $98 million we will get back.

Second, we raise $45 million by directing HUD to refinance the FAF program. HUD tells us they can do that, and that is readily achievable. That is another $45 million.

Third, we save $14 million by using the HUD increases allocated in the committee bill for staff and expenses. It is for staff and expenses. This is possible since the Senate appropriations level in H.R. 2916 is $40 million above the House bill. Since this amendment reduces the need for so much additional manpower, the amount of increase can safely be cut.

I urge my colleagues to support this amendment.

Let me just conclude by making these four points. I am not here to speak for any banker, not for a mortgage banker, not for any other banker, not for the savings and loan. The people who asked me to make this speech are the neighborhood groups in Illinois.

I told the story before of Gale Cincotta, their leader, who had me out to a meeting with the First National Bank, the biggest bank in Illinois, one of the biggest in America, where these six-figure and more bankers milled with these folks from the neighborhoods. Gale Cincotta got $200 million put in the neighborhoods of Chicago, black and white, for ordinary and poor folks' housing. They know what they are doing, and they are against this provision in this bill. That is why I am here.

Second, the amendment we offer is for the poor and the middle-income families, not for the higher income folks. Look, I am not knocking folks making 75 grand a year; good for them. But nobody needs to come here to protect folks making that kind of money at taxpayers' expense. They know how to take care of themselves. They know how to shop. They know how to argue about a rate, and they know how to get a mortgage. I want to take care of the folks who are trying to get a house for the first time and cannot afford one.

Finally, I say why should the Federal Government insure high-priced, high-risk loans? That is not the business of the Federal Government. We did not create these agencies to protect every deal made in America and protect the bottom line on everybody who wants to go out and take a risk.

So I say in closing, my final point, what we offer in this amendment is revenue neutral. Now the folks here with this bill are going to tell you that if you vote for the bill and against the amendment, you bring in $157 million this year. That is another one of the smoke and mirror deals going on all the time lately.

But, ladies and gentlemen, when those FHA mortgages go sour and when those bad risks go bad and when you see the communities that I see in my State, where all the homes are FHA homes and they are all closed, and nobody wants to buy them and you lose the money—in the outyears, we lose money. We do not make $157 million. We lose money.

The amendment that we offer says we will really save the $157 million in a revenue neutral way. This is going to be a revenue neutral amendment. When you think about your vote do not think you are voting against saving some money. This is a revenue neutral amendment. It saves money in the old-fashioned way, by earning it, by saying go out in the marketplace and renegotiate these loans which HUD has said they can do because interest rates have dropped and by not hiring folks they do not need and by savings in the way they run the department.

So my friends, the neighborhood people in America are for this amendment and if you believe in taking care of middle-income and low-income families and believe that the rich ought to make it on their own, then you ought to support this amendment.

I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment and thank my colleague from Illinois, Senator DIXON, for his cosponsorship and also for his statement. I hope that our colleagues listened to what Senator DIXON had to say because he made some very good points. He made some outstanding points concerning this amendment. I hope that they listened.

The purpose of this amendment is one to help try and restore some sanity. It imposes a cap on what FHA loans can be. It increases that cap from $101,000 to $118,000. So I do not know anybody can say it is tight-fisted or anything else. It is a big increase.

Many suggest we should not have any increase. As a matter of fact, the administration said they do not want an increase. There are people with OMB outside right now saying we should not be increasing the cap whatsoever, leave it at $101,000 until we finish getting a GAO report and analyze what the report says what reforms are needed because reforms are needed.

FHA is losing hundreds of millions of dollars, over $100 million a day under the current program. So some reforms are needed. But certainly the committee bill did not make reforms. It did the opposite. It said we will take the cap off. So then we would have the Federal Government guaranteeing or insuring home loans up to 95 percent of the median home sales price all across the country with no cap and in some areas of the country. That is $200,000. What will it be 10 years from now? We will have the Federal Government insuring those kinds of loans and yet only providing or mandating 5 percent down, when the private sector mandates for at least those more expensive homes at least 10 percent down if not 20 percent down.

That is the reason the private mortgage insurance agencies are making money. Because the Federal Government only requires a 5 percent down payment it is losing money, and yet we are talking about this enormous expansion.

Mr. President, I think most of the comments have been made.

I ask unanimous consent to print three editorials in the RECORD that deal with this issue. One is from the Wall Street Journal, dated Wednesday, July 12. I will ask for the entire statement to be printed but I will just summarize a couple of statements.

Just to highlight a couple things that are in this editorial, it talks about the rising mortgage delinquency rate from 5.5 percent at the end of last year, which was only 2 percent in 1979—

> A tripling in only three years in claims by lenders (to an estimated $6.6 billion this year); a mere $1.2 billion in equity at the end of 1987 to support $277 billion of insurance-in-force; and losses of about $40 million a month.

It goes on to say:

> Even under current law, it's possible for a purchaser of a $100,000 home to finance the full $100,000 (including points and fees) under the FHA. If the owner later has to sell that home before there's much increase in value, he can end up getting less (after more points and fees) than the value of his mortgage debt. Many borrowers just walk away from their homes rather than suffer the loss, leaving the FHA in the lurch.

Mr. President, I ask unanimous consent that not only the Wall Street Journal editorial but also editorials by the New York Times dated July 20, 1989, and also an article by Jane Bryant Quinn, Washington Post, September 10 be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 12, 1989]

S&L BAILOUT II

If you've enjoyed the savings-and-loan debacle, brace yourself because Congress wants to make it easier for the same thing to happen to the federal agency that insures home mortgages. Housing Secretary Jack Kemp will make Sam Pierce look like Lee Iacocca if he signs on to this.

The future disaster is contained in something called the National Affordable Housing Act, sponsored by Welfare State Senators Alfonse D'Amato (R., N.Y.) and Alan Cranston (D., Calif.); it ought to be called the Federal Guaranteed Loan Default Plan. Cranston-D'Amato would offer a giant new subsidy to home builders and middle-class home buyers by making it much easier to get federally guaranteed loans.

Though America's housing conditions are the envy of the world, the Senators insist there's a "crisis." So they want to open the floodgates at the FHA, an agency established in the worst years of the Great Depression. Though a depression does not seem imminent, Cranston-D'Amato would permit lower down payments on all FHA-insured loans, make down-payment concessions to first-time buyers, and in some areas double the maximum size of FHA loans.

They propose to do all of this, moreover, just when the FHA looks to be going the way of the Federal Savings and Loan Insurance Corp. Ronald Utt, a former federal budget official now with the Heritage Foundation, has cataloged the FHA's trouble: a rising rate of mortgage delinquency (to 5.5% at the end of last year from only 2% in 1979); a tripling in only three years in claims by lenders (to an estimated $6.6 billion this year); a mere $1.2 billion in equity at the end of 1987 to support $227 billion of insurance-in-force; and losses of about $40 million a month. The General Accounting Office has warned that a federal bailout may be necessary if current trends persist.

Cranston-D'Amato would hand those trends a turbocharger. Every housing lender understands that lower down payments raise the risks of borrower default. Even under current law, it's possible for a purchaser of a $100,000 home to finance the full $100,000 (including points and fees) under the FHA. If the owner later has to sell that home before there's much increase in value, he can end up getting less (after more points and fees) than the value of his mortgage debt. Many borrowers just walk away from their homes rather than suffer the loss, leaving the FHA in the lurch.

Cranston-D'Amato also would raise the FHA mortgage ceiling, though this merely would make it easier for the affluent to qualify for FHA guarantees. Wendell Gunn, Mr. Kemp's chief of staff, has written an internal memo to Mr. Kemp calling the idea "Robin Hood in reverse."

The bill would raise the ceiling to more than $165,000 in some areas (from about $101,000 now), which means that only families with incomes of $75,000 could qualify. Perhaps Mr. D'Amato wants the government to build more of those swimming pools his "influence" already has helped pay for as part of the now unraveling HUD scandal. For their part, the poor would find fewer FHA guarantees available and less mortgage money too.

FHA's expansion also would hasten the federal takeover of the private mortgage insurance market. While the feds insured only 17% of all mortgage debt in 1980, according to Mr. Utt, the share rose to 29% by 1988. This exposes taxpayers to a huge new financial risk. And if the FHA's financial problems aren't worrisome enough, the Federal National Mortgage Association, another insurer that at least the markets think is federally backed, had by 1987 only $1.8 billion in net worth to support $237 billion in mortgage loans or mortgage-backed guarantees, according to a HUD study. With federal spending curtailed by Gramm-Rudman, this is the welfare state entering by the back door.

If politicians really want to increase the supply of low-cost housing, there is plenty of work to do. They could stop rent controls (see below), ease zoning laws, or remove the regulatory barriers to construction that add some $40,000 to the cost of a new home in Orange County, California. However, it's so much easier merely to endorse another subsidy and let future taxpayers pick up the tab.

We hear Jack Kemp has considered endorsing part or all of Cranston-D'Amato, a decision that would not do much for his reputation as a man of "new ideas." After a $4 billion bailout in 1987 for the Farm Credit Administration, and perhaps $250 billion for savings and loans, taxpayers may think a bailout for the FHA sounds very, very old.

[From the New York Times, July 20, 1989]

Why Insure Richer Housing?

The Federal Housing Administration, which insures home loans, lost $452 million last year. Now Senators Alan Cranston and Alfonse D'Amato propose two changes that threaten to make a bad situation even worse.

The Cranston-D'Amato housing bill would lower the down payment that home buyers must pay to qualify for FHA insurance. And the bill would raise the maximum size of an F.H.A.-insured loan. These proposals would contribute little to the F.H.A. goal of helping families with modest incomes secure affordable private mortgages. And they threaten F.H.A. insolvency.

For the borrower, lower down payments are a mixed blessing. They can, as the Senators observe, make home ownership possible, but they also require a larger loan and larger monthly payments. For the F.H.A., low down payments can be a disaster. Default rates on mortgages with low down payments are notoriously high. The less money a buyer sinks into his home, the more likely he is to walk away from onerous monthly payments.

If a borrower defaults on an insured loan, the F.H.A. picks up the tab. It must then charge higher insurance premiums to everyone else, which would hurt the low-income home buyers the agency is supposed to assist.

The proposal to raise the limit on F.H.A.-insured loans is equally misguided. Currently, homes selling for less than $101,250 qualify. The new limit would be pegged to local real estate prices and would in some areas exceed $200,000. The Senators argue that in some regions even the least costly homes have become too expensive for moderate-income families. Perhaps. But a higher insurance limit doesn't make a home more affordable. It serves higher-income families who can afford more expensive homes and private mortgage insurance. Replacing private insurance with Federal insurance for well-to-do families is not noble. And higher insurance limits, in combination with lower down payments, risk explosive F.H.A. losses.

To further the F.H.A.'s mission, Senators Cranston and D'Amato would do better to heed a recent Presidential commission. It recommended eliminating F.H.A. insurance for mortgages on vacation and investment properties. These mortgages are unrelated to the F.H.A.'s mission yet they contribute to its losses. And in order to concentrate resources on the people who most need them, the commission recommended limiting eligibility to moderate- and low-income families.

Focusing on the needy is the point. Portions of the Cranston-D'Amato bill would, appropriately, directly subsidize low-cost housing. The F.H.A. portions of the bill are unfocused and jeopardize the financial integrity of the F.H.A. in an unnecessary attempt to benefit well-to-do families. It is up to the Senate Banking Committee to preserve the former portions and amend the latter.

Taxpayers have already been condemned to bail out one bankrupt Federal insurance agency, the Federal Savings and Loan Insurance Corporation. One is enough.

[From the Washington Post, Sept. 10, 1989]

FHA Loans for the Well-To-Do

(By Jane Bryant Quinn)

The FHA mortgage—the bedrock support of middle-income home-ownership in America—may go upscale. Congress is considering a bill to make this government-guaranteed loan more accessible to the well-to-do.

If the bill passes, and right now the outlook is good, more higher-income people will be directed into this program by their mortgage lenders.

At present, the largest loan the Federal Home Administration normally can insure is $67,500 for single-family homes, although that can rise to $101,250 in certain high-cost areas. But that's less than half as much as is needed to buy the average house in Contra Costa County, Calif.

Over the years, the FHA ceiling has periodically been raised, as house prices went up. Now, Sens. Alan Cranston of California and Alfonse D'Amato of New York propose a permanent floating ceiling that will bring more affluent Americans into the program and keep them there.

This idea is included in the National Affordable Housing Act, now before Congress. It would raise the FHA loan limit to 95 percent of each state's median sales prices for homes—with even higher caps for the most expensive areas. In short, the "affordability" problems they have in mind are those of the folks who seek $200,000 homes in the most expensive parts of the country.

Gaining accest to the FHA program in a good deal, for two reasons.

First, the mortgages carry a slightly lower interest rate than conventional loans, because of the government guarantee. In the current market, you'd pay around an eighth to a quarter of a percent less, according to the Mortgage Bankers Association. If you default, the FHA picks up all of the lender's loss.

Second, down payments in the FHA program are low. Right now, you have to put down a minimum of 3 percent for mortgages up to $25,000 and 5 percent for additional amounts. So they're lovely loans for the cash-poor. Sens. Cranston and D'Amato would lower that down payment requirement to a flat 3 percent for first-time homebuyers (although lenders can, and do, charge more.)

But smaller down payments aren't going to help most moderate to lower-income home-buyers. Less money down means a larger loan and higher monthly payments, which people with modest incomes can't afford. Besides, they're not looking at $200,000 homes.

Instead, the "affordability" bill is a godsend to the upper-middle-income couple that's income rich but hasn't managed to save a dime. It beats me why the taxpayers should extend the FHA program to given them a hand.

The proposed enlargement of FHA insurance is comparable to the law that raised federal deposit insurance to $100,000. It's a vast new government guarantee, made on the bet that the cards won't be called.

High default rates cost the FHA single-family mortgage insurance fund $368 million in fiscal years 1988. It estimates that it will lose another $250 million in 1989.

The higher loan limits proposed by "affordability" bill would bring much larger mortgages into the program. Even at the current 3 percent to 5 percent down payment rates, those loans would be perched on less equity than they would if they were left to private mortgage insurers.

If down payments for first-time buyers drop to a flat 3 percent, the FHA would be looking at even more defaults. "You'd wind up lending more than the house is worth," says Tom Schraw, housing coordinator of National People's Action, an advocacy group for affordable housing, "because all closing costs and the FHA mortgage premium can be financed."

Cranston and company have been catching a lot of flak about the risks their bill poses to the soundness of the FHA insurance program, especially the lower down payment. A spokesman for Cranston said that he thinks the fears are overblown. "But we won't jeopardize the whole bill because of that item alone," he says, "so we're rethinking the down payment part."

He should rethink the rest of the FHA proposals as well. Expanding FHA wouldn't help moderate-income families buy homes—and in fact it might hurt them, because lenders would skew their programs in favor of the well-to-do.

Mr. NICKLES. Mr. President, to make a couple of comments from Jane Bryant Quinn's editorial, she says:

> * * * the "affordability" problems they have in mind are those of the folks who seek $200,000 homes in the most expensive parts of the country.

She goes onto say:

> The proposed enlargement of FHA insurance is comparable to the law that raised federal deposit insurance to $100,000. It's a vast new government guarantee, made on the bet that the cards won't be called.
>
> High default rates cost the FHA single-family mortgage insurance fund $368 million in fiscal year 1988. It estimates that it will lose another $250 million in 1989.

She concludes by stating:

> Expanding FHA, wouldn't help moderate-income families buy homes—and in fact it might hurt them, because lenders would skew their programs in favor of the well-to-do.

I think that is very well said.

Mr. President, I will conclude with the comment that was made by Senator Dixon as well. There are many in the private mortgage insurance field, particularly—and I am going to say thrifts—who will really be hurt by this amendment. The thrift associations are saying, "Wait a minute, if you do this, we are not involved in FHA too much, but we are going to have more competition."

So instead of the thrifts being able to make loans, we are going to have the Federal Government coming in and making loans and guarantees. They are saying they will lose a lot of business.

As I know the Presiding Officer is aware, a lot of thrifts have been losing a lot of money of late. We have already passed legislation to bail out many of the thrifts in this country.

This legislation is going to hurt the thrift industry. This legislation is going to hurt the taxpayers. This legislation is going to increase the exposure for FHA. This legislation will increase the losses of FHA over the future years.

OMB estimates that, yes, we will have a net cash-flow for 1 year, as a result of the committee's legislation, of $157 million; positive, it helps the deficit in 1 year. The committee extends that $157 million.

OMB also estimates if we do not change it, this legislation in the committee's bill will lose $30 to $40 million for the next 20 or 30 years.

I do not think that is a very prudent thing to do. I think we need to be more responsible, and I think the amendment, which myself and Senator DIXON and others have cosponsored, is a more responsible one. It allows some increase but not an unlimited increase. If we leave it as the committee has proposed, there is no cap, with the exception of 95 percent of median prices. And that continues to escalate. That is very large, depending on what area of the country.

I do not think that is a very prudent thing to do. I hope the Senate will concur.

I need to make a couple of final comments. Where do we come up with the money? Because, as stated, the committee proposal, by raising the amount of money that FHA is going to be able to lend, will raise more insurance fees. It will raise $157 million for the next fiscal year.

The way Senator DIXON and I come up with $157 million is this: We raise the cap from $101,000 to $118,000. That will raise $98 million. So we have to cut spending $59 million dollars.

We cut that spending in the following ways. Section 235, refinancing; by doing that we would save, according to OMB, $15 million; the FAF refinancing would save $30 million; and we would reduce the HUD management and administration account by $14 million. Therefore we would be saving the $59 million.

So I hope my colleagues will realize we have tried to be responsible. We have tried to be accommodating, to allow some increase in the FHA cap. We just do not want to have it totally unlimited and then find out 3 years from now that the decision we make on the floor today is a disaster, a financial disaster.

We may find out in 2 weeks, because GAO is going to come out with a report. I think the GAO is going to be very insightful, in the fact that FHA has some very serious problems, and we do not want to exacerbate those problems by legislation that we are enacting today.

I yield the floor.

Mr. KASTEN. Mr. President, I rise in strong support of the amendment offered by the distinguished Senator from Oklahoma. The Nickles amendment would eliminate the provision in the HUD appropriations bill to raise the loan limits for the Federal Housing Administration-insured loans to 95 percent of the median home price.

Mr. President, this provision is shortsighted and fiscally irresponsible. Many are concerned that this provision will expose the Federal Government—and more importantly, the American taxpayer—to a tremendous financial liability. A significant expansion of FHA loan limits will cause a serious strain on the FHA's deteriorating long-term financial condition. It will expose FHA to additional greater risks at a time when FHA is experiencing a host of financial problems: Rising rates of mortgage delinquency; a tripling in the last 3 years in claims by lenders; only $1.2 billion in equity at the end of 1987 to support $277 billion of insurance-in-force; and losses of about $40 billion a month.

Furthermore, raising the FHA loan limit will increase the costs of the recent FSLIC reform bill—and require another taxpayer bailout of the savings and loan industry in the future. Raising the loan limits encourages higher income home buyers to move from private insurers to FHA in order to avail themselves of lower FHA downpayment requirements and cheaper insurance rates. As the share of the mortgage market available to private insurers declines, the savings and loan industry will lose a major source of profitability. As a consequence, more thrifts will fail which in turn will increase the costs of the FSLIC reform bill.

FHA needs to get its fiscal house in order before we significantly expand the FHA loan limits. This is a controversial policy issue that should be thoroughly debated in the Banking Committee. It should not be used as a stopgap measure to raise revenue to fund other programs in this HUD appropriations bill. The Nickles amendment would strike the FHA provision and substitute the lost revenue by refinancing HUD section 235 mortgages and State-financed rental housing receiving a financial adjustment factor under section 8. The amendment would also provide for a modest expansion of FHA loans for first-time home buyers.

Mr. President, I am a cosponsor of the Cranston-D'Amato housing bill. The bill includes several innovative proposals to expand homeownership including penalty-free withdrawal from IRA's and 401(k)'s for first time home buyers, more flexibility for State and local governments in meeting housing needs, the creation of a new Project Independence to give residents of public housing greater access to employment, and the creation of the Housing Opportunity Partnership Program which provides funds to State and local governments to expand the supply of low-income housing. However, I have come to the conclusion that a significant expansion of the FHA loan limit as proposed in the Cranston-D'Amato bill is inappropriate and unwise at this time.

Mr. President, we should set the FHA provision aside for now. We should review the forthcoming GAO report on the FHA's financial condition. This FHA expansion proposal should be openly debated and thoroughly considered by the Senate Banking and Budget Committees. I urge the Senate to adopt the Nickles amendment to delete the FHA provision from the pending HUD appropriations bill—and I yield the floor.

Mr. LIEBERMAN. Mr. President, I understand and share Senator NICKLES' concern about the current financial difficulties of the FHA. I do not, however, believe that the cure for these difficulties lies in preventing middle-income Americans from obtaining FHA mortgages. For many middle-income Americans, particularly those who live in high-cost regions, purchasing a home without an FHA mortgage is an impossibility. If the Senate rejects this opportunity to lift the cap on FHA mortgages, many of these people will not be able to buy a home.

Raising the FHA limit is not a boondoggle for the wealthy, it is an opportunity for the middle class, an opportunity to own their own homes in their own communities. Currently the FHA cap is at $101,250. This cap prevents many low- and middle-income first-time home buyers in my home State of Connecticut and in many high-cost areas around the country from participating in the FHA program. These are not people who can turn around and obtain private mortgage insurance; instead these people will not be able to buy a home.

In Hartford, New Haven, and Fairfield County the median housing prices range from $165,500 to $181,700, well above both the current $101,250 cutoff and the $118,000 cutoff recommended by Senators NICKLES and

DIXON. The FHA program should not bar those who need it from participating solely because they live in areas where housing is costly. It should not require people to move from their community or their State in order to purchase a home.

I, too, am troubled by the FHA's financial difficulties. I do not, however, believe the solution to these difficulties is to bar people who need FHA assistance from the program; rather the solution is to ensure that those who do not need the program will not participate. I have introduced legislation, S. 1479, which would place some limits on the FHA program designed to help restore its financial stability. I propose to limit accessibility to the program to those whose income is 200 percent of the median income for a family of four. This provision would protect the program against abuse by those who could afford to obtain a mortgage on the private market.

Furthermore, my legislation would bar the use of FHA mortgages for the purchase of vacation homes or investment properties. This provision would insure that the FHA program is used only for the purchase of principal residences. A significant percentage of the FHA default is on investment properties. The FHA's purpose is not to support those who have the capital to make investments or to purchase second homes; its purpose is to enable working families to fulfill the American dream and own their own home.

I hope my colleagues will support the language in the bill raising the FHA mortgage limit to 95 percent of the median income; thereby, allowing working families throughout the country access to the FHA program. But I will also work with my colleagues, in the coming months, as we consider ways to strengthen the FHA program and ensure its financial stability.

Mr. D'AMATO. Mr. President, I would like to make a number of observations, if I might, as they relate to some of the statements that have been made. First of all, the committee's action as it relates to FHA is long overdue. Speak to anybody in the homebuilding area, anybody who understands and has an overall perspective of this Nation, not just a particular region.

There is a cap. And the committee was quite responsible. It said: No mortgage more than 95 percent of the median price of a home in that region. There is no sense applying a standard as it relates to one area of the country in the other. There is a cap.

In New York State, that would be no more could be made that exceeded 95 percent; if we are taking the State as an average, that would be $137,000. If we were to take a particular region, Long Island, it would be higher, it would be about $160,000-some-odd.

To say that we have a mortgage program that is going to be helping first-time homebuyers in Long Island or Westchester when the average price of a home is in excess of $150,000 and the most you can give a mortgage for is $100,000 is nonsense.

What we have done is precluded first-time homebuyers in high-cost areas from utilizing FHA.

There have been predictions of dire consequences related to whether or not this legislation passes and that there will be greater default rates. Mr. President, that is utter nonsense and it flies in the face of logic and reason. Because if we have home buyers who are now being excluded as a result of their income, that they are earning $50,000 and $60,000 and $70,000 as opposed to those who are earning less, the chances are the default rate and quality of the loan repayment is going to be much better. Indeed, it broadens the portfolio.

I have no argument with respect to what probably will be the result of the study of the GAO, which will be made available in 2 weeks. It is probably going to be devastating, a devastating indictment of the management and the use of the FHA.

But that does not mean that first-time homebuyers who presently will never have an opportunity to use FHA should be excluded. Let me quote the new Commissioner of Housing for FHA, Austin Fitts. She said:

> The FHA has an historic mission to fulfill: to provide mortgage credit in those areas and to those families which are not adequately served by conventional mortgage markets.

And we find, in high-cost areas such as New York, such as some of the suburban communities such as Westchester and Long Island, where I live, that the starter house is beyond the ability of FHA's loans limits.

Is the committee recommending something that is wrong or unusual, to give an opportunity to first-time homebuyers who otherwise will not have access to affordable housing; who will otherwise have to move out of the region? Is that what we are saying?

So we are saying if we have an economically depressed area in the Southwest and if a youngster making $40,000 cannot quality for a conventional mortgage but could because of FHA—that is the very purpose of the FHA mortgage-insured program—we are saying to them they cannot buy a home in their community; they have to move, move to another area of the country where housing is cheaper? Forget that they might not have a job, but move.

This is not a rich man's piece of legislation, as some have called it. We cannot have it two ways. We cannot say on the one hand we are giving this mortgage insurance for rich people and on the other hand we are going to be costing the taxpayers money. That is nonsense.

The fact of the matter is we are going to be strengthening the portfolio as a result of bringing in people who do have a mix of incomes, higher incomes.

I listened to the arguments by my respected colleagues. On the one hand they are saying this is going to cost the Federal Government money because we are allowing people with higher incomes in and, on the other hand, we should not be doing that, we should be guaranteeing mortgages for low-income families.

This is a divisive argument. It should not be characterized as rich as against poor, but as giving to first-time homebuyers the opportunity to purchase a home. And at the same time, Mr. President, we will be strengthening the portfolio of the FHA. And they need it.

God knows, it will probably be a scathing report by the GAO, indicating that we have hundreds and hundreds and hundreds of millions of dollars in losses and bad loans. Why not diversify?

Why should vast regions and vast segments of our community be excluded, those who are right at that line, who cannot get conventional mortgages and who would qualify under reasonable and, yes, prudent conditions for a FHA mortgage?

My constituents are in need of this legislation. There has been no greater defender of the thrifts than this Senator, attempting to do what is right. But when they say they cannot stand the competition, and somehow this is going to hurt thrifts, I say nonsense.

I am concerned, yes, about working, middle-class taxpayers, who have every bit as much right to apply for this benefit as anyone else.

We are going to say we are going to make the FHA strictly low income. Well, then, I think we are excluding too many young Americans who want a piece of that dream, who want home ownership, who have every right to seek it, and who should not be forced to leave.

The argument that we are giving greater exposure, that fails. And the argument that this is for rich people, that fails. Wealthy people do not need this. The fact of the matter is that the committee's legislation is prudent; that the committee has put a cap on when somebody said there is no cap.

If the Members felt so strongly and they really feel strongly about this, then I suggest that we lower the limit. It should not be $101,000. Let us take their argument, let us make it $75,000 because, after all, housing in certain regions is less than $75,000.

Why do we not make it $50,000 so that the FHA will insure only homes $50,000 and less and will allow 95 percent? If they want to change the mission of FHA, then let them do it. This is an attempt to obfuscate the real facts.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I make a point of order under section 302(f) of the Congressional Budget and Impoundment Control Act of 1974. I make this point of order because the amendment offered by the Senator from Oklahoma would cause the VA-HUD appropriations bill to exceed its outlay allocation by $11 million.

I understand that when the Senator offered his amendment, he was given advice by OMB that he complied with the appropriations with the 302(b) level.

During the lunch hour, our Congressional Budget Committee reviewed that and found that one of the techniques used to arrive at the makeup of the offset of $157 million, that the Senator was off in one category which would permit State housing agencies to refinance section 8 new constructions.

The Senator from Oklahoma believed he had $30 million plus. Our Senate Budget Committee advises me that that was not so.

The PRESIDING OFFICER. The Chair must advise the Senator that points of order are not debatable.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to modify my amendment.

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection is heard. The Chair is prepared to rule.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

AMENDMENT NO. 767, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent to modify my amendment pending at the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

The Senator is recognized for that purpose.

Mr. NICKLES. Mr. President, I sent the modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937: *Provided further*, That the remaining amounts of budget authority, or in lieu thereof of the remaining cash amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224) shall be rescinded, or in the case of cash, shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$716,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(175 percent during fiscal year 1990 in the case of a purchaser or a purchaser and his or her spouse who has not had an ownership interest in a residence during the 3-year period preceding the date of the acquisition)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) REFINANCING.—

"(I) REVIEW OF ASSISTANCE PAYMENTS CONTRACTS.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) REFINANCING ASSISTANCE.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) METHOD OF PAYMENT OF REFINANCING ASSISTANCE.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancings as follows:

"(A) Lenders and mortgagees providing refinancings under this subparagraph may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) REVISION OF CONTRACTS AND RESCISSION OF EXCESS AMOUNTS.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

Mr. NICKLES. Mr. President, just to inform my colleagues, Senators MIKULSKI and GARN had mentioned that because of differences in scoring CBO had stated our original amendment would fall short $11 million. We were working on figures supplied to us by OMB. To make sure that is not the case, we reduced the salary and management account by an additional $15 million to make sure the point of order would not apply to our amendment and that is the modification that is now pending at the desk.

I thank the Chair.

Mr. GARN. Mr. President, might I thank the distinguished chairman. Her point of order, I believe, was well taken. She made the point that this would be subject to a point of order, but she was willing, having made that point, to withdraw it in order to give the Senator from Oklahoma an up or down vote. I appreciate her courtesy.

Mr. SYMMS. Mr. President, the HUD-VA appropriations bill, currently being considered, includes a provision which raises the loan limits of the Federal Housing Administration [FHA] insured mortgages to 95 percent of the median home price in each State.

This provision was unexpectedly attached to an appropriations bill because a similar proposal, included in the Cranston-D'Amato National Affordable Housing Act, could not survive the authorization process.

First, this provision should not be a part of any appropriations bill. It is the most hotly debated housing policy issue on the table in Congress and in the housing community at-large. To implement this proposal included in the pending bill at this time, without full and open review, study and discussion, would be enacting special interest legislation of the worst kind.

There is a crying need for housing legislation, but this preempts the ability of this body to develop this needed legislation.

This proposal is supposedly being implemented to help make housing more affordable for low- and moderate-income first-time home buyers, and to help improve the financial solvency of the FHA trust fund. Unfortunately, the actual short- and long-term impact of this provision will have a devastatingly opposite effect.

A decade ago, Congress deregulated the S&L's, wagering that thrifts would outgrow their financial problems. Taxpayers lost billions on that one.

Now Congress would be raising the bet. This proposal would allow the shaky Federal Housing Administration [FHA] to outgrow its cash problems by insuring more loans with greater risk.

This bill would raise FHA's mortgage cap to 95 percent of the median home values in each State. This would mean that FHA could insure homes of over $153,000 in some States.

Strangely, this proposal might also reduce the levels of some high cost areas in some States. The States most likely to have some high cost areas reduced would be those States that have high cost pockets, but for the most part have lower cost housing prices. Very few States would actually have their levels increased. And, even in those States, this proposal doesn't help low- and moderate-income first time homebuyers.

I am inserting a "Dear Colleague" letter into the CONGRESSIONAL RECORD which further describes the impact of the proposal, as drafted, in the HUD-VA appropriations bill.

The housing affordability problem is very real, but limited. Homeownership rates are falling only among families making $35,000 or less in 1986-adjusted income, according to a Harvard University study. A record 90 percent of families earning $50,000 or more now own homes.

It takes about $50,000 to qualify for loans over FHA's current limits. Why expand FHA for upscale buyers who already have rising homeownership rates?

True, some upscale families can't afford fairly modest homes in high-cost areas. But does a $4,500 downpayment really make a modest $150,000 home there affordable? Hardly. You would have to pay $1,500 a month and earn $60,000 to qualify for this home.

Families earning $60,000 can surely save more than one month's paycheck for a downpayment. Families earning less have the real problem: They can't save enough to reduce mortgages to amounts they can repay.

Downpayments are not really the problem. Typical first-time buyers spent no more time saving them in 1988 than in 1976: It took 2½ years in either period, according to Chicago Title and Trust's annual buyer survey. Downpayments on starter homes averaged about 15 percent in either year.

However, average housing costs for first-time buyers soared, from less than one-fourth of income in 1976 to over one-third of income in 1988, the survey reported. Excessive mortgage payments are the reason why more families can't own homes. Larger downpayments are part of the solution.

Lower downpayments mean higher foreclosure rates. A General Accounting Office [GAO] study has this news: Nearly one in three FHA borrowers who bought homes in 1982 with a 3-percent downpayment subsequently lost their homes. Foreclosure rates for low-equity borrowers topped 15 percent every year from 1980 to 1984.

More risk means more red ink for FHA. FHA is bleeding red ink. A soon to be released Price-Waterhouse study indicates that the fund is at least $4 billion in the hole.

FHA defenders counter that upscale borrowers will help FHA's balance sheet because they default less. Working class families, once FHA's purpose, are not presumably FHA's problem.

Wrong again. Low equity mortgages over $80,000 default twice as often as low-equity mortgages under $40,000. Working families are more creditworthy than rich speculators.

Such families need a hand-up, not a hand-out. One idea worth considering: Small, low-interest Federal loans to match buyer downpayments of 5 percent or more. Matching funds would encourage homebuyers to save more, not less. Greater savings would translate into lower interest rates and more affordable homes.

An expanded FHA helps only special interests. A powerful troika of homebuilders, mortgage bankers, and realtors in certain States are pushing hard for this bill. The reason: Once homes are sold and insured, these industries have made their profits. When losses come due, FHA gets the bill—and the taxpayers pay it.

These special interest groups have profited at the homebuyers expense before. "FHA loans became tools in a pattern of manipulative urban turnover," said former Senate Banking Committee Chairman William Proxmire in 1978. Our former esteemed colleague, Senator Proxmire, regularly cracked the whip on panic-selling and other FHA abuses that left tens of thousand of homeowners in foreclosures.

We should heed Senator Proxmire's warning: "FHA 100-percent insurance, to the extent that it can be used by lenders for unsound mortgages, leads to urban decay, blight and broken dreams."

An expanded FHA will let these manipulators run amok. More Americans that buy homes will lose homes. And all Americans ought to start saving—to pay for a new bailout, not a new home.

Before closing my remarks, I would like to compliment my colleagues on the Democratic and Republican side of the aisle who have worked so hard in trying to rectify this problem.

Furthermore, I would like to insert for the RECORD a number of newspaper articles, letters, and memos on the issue of the provision in the Cranston-D'Amato bill, which is a slight modification of the provision included in the HUD-VA appropriations bill.

This is a very serious issue, and one that should not be taken lightly. It is my hope that my colleauges will review this information that is being inserted in the RECORD.

Mr. President, in my opinion, this kind of major legislation on an appropriations bill that the committee has brought before us really should have gone through the rigors of the authorization process and been a bill that came out of the Banking Committee in the first place. We are talking about major changes in policy with respect to housing. I understand one of the motivations for this provision is that Members are trying to meet the targets of Gramm-Rudman and raise money for important programs for the country. I share their goals on that. But I think it is a mistake for us to constantly come in and make major changes in housing and put FHA in direct competition with some of the S&L's and others for which Congress has just had to vote billions of dollars of taxpayers money. My concern is that the American people, if this bill passes without the Nickles-Dixon amendment, rather than saving to buy a new home, should start saving to pay for the next bailout of the FHA.

So, Mr. President, I have several documents relating to this issue which I ask unanimous consent to have printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

A Congressional Research Service (CRS) study recently analyzed whether raising the FHA loan limits will help alleviate the housing affordability problem. It concluded that "changing the FHA mortgage limits does not address the [housing] affordability issue. If a family does not have the income to purchase the median-priced home, it does not matter whether that median is above or below the FHA mortgage limit." The study states, "It is misleading to use the median sales price as a measure of housing affordability."

The study notes that upper-income people on the East and West Coasts will be the sole beneficiaries of the increased limits. The bulk of the nation will not find it easier to purchase a home. The CRS report contains an "FHA Affordability Index" that measures the degree to which homebuyers in given communities may be able to purchase the median-priced home using FHA-insured financing. In all but 12 of the 62 metropolitan statistical areas studied, the current FHA limit is more than enough to purchase the median-priced home.

[CRS Report for Congress]

FEDERAL HOUSING ADMINISTRATION: RAISING THE MORTGAGE LIMIT

(By B. Ellington Foote, Analyst in Housing Economics Division, April 19, 1989)

SUMMARY

Since the creation of the Federal Housing Administration (FHA) insurance program, the maximum mortgage has been limited by law but the limits have been increased periodically to reflect changes in home prices. The Housing and Community Development Amendments of 1979 raised the limit to $67,500 for 1-unit buildings, $76,000 for 2-units buildings, $92,000 for 3-unit buildings, and $107,000 for 4-unit buildings. In 1980, FHA was given the authority to increase these limits by up to 133 and ⅓ percent in FHA-designated high cost areas. In 1988, the law was amended to limit FHA loans in high cost areas to 150 percent of the basic limit, so the maximum loan on a one-family home is now the lesser of 95 percent of an area's median home price or $101,250.

Pending legislation would remove the 150 percent ceiling and simply limit FHA-insured home mortgages to 95 percent of an area's median home price. Proponents argue that the present limits were arbitrarily set and that the limits should be changed to accommodate prospective homebuyers in high cost areas. Opponents argue that too much of FHA's business is already with borrowers who could obtain mortgage insurance on the private market.

The debate leads to the larger question that was raised in 1980—what is the role of FHA? What market does FHA serve and what market should it serve? Over the past ten years FHA loans have averaged about 11 percent of the mortgage market. On average, FHA has served those borrowers who have lower annual incomes, make smaller downpayments, and purchase lower valued homes than those borrowers who obtain private mortgage insurance. In 1988, preliminary estimates reveal that more than 60 percent of FHA borrowers were first-time homebuyers.

Many areas have an affordability problem—incomes have not kept pace with rising home prices. Raising the FHA limit, however, does not address the problem. If the family cannot afford the home, the level of the FHA limit does not matter.

Sub-median does not imply substandard. When a family purchases a home that is priced less than the area median, it does not imply that the family has purchased a substandard house. The FHA loan limit may be less than the median sales price in a community but many homes in the lower half of the price range may be both affordable and adequate for the homebuyers traditionally served by FHA.

During the height of the Great Depression, the Federal Housing Administration (FHA) was created by the National Housing Act.[1] Through the newly created Mutual Mortgage Insurance Fund, the FHA was authorized to insure lenders against loss on home mortgages. The Act limited FHA-insured mortgages to $16,000. Over the years, legislation has increased the mortgage limits. This report discusses the limits on FHA-insured loans and the recent efforts to have the limits increased.

LEGISLATIVE HISTORY

Since the creation of the FHA insurance program, the maximum mortgage has been limited by law. Originally, FHA-insured mortgages were limited to the lesser of 80 percent of the property's appraised value or $16,000. The limits applied to mortgages on properties containing from one to four dwelling units. In 1938, the Act was amended to limit the mortgages on newly constructed single-family homes to the lesser of 90 percent of the appraised value or $5,400. For single-family homes constructed prior to February 3, 1938, the maximum mortgage was limited to $8,600. In either case, the homes had to be occupied by the owner and the owner had to make a downpayment of at least 10 percent.[2]

In 1950, the separate limit on new homes was repealed and the limit on single-family owner-occupied housing was raised to $9,450. The minimum downpayment was decreased to 5 percent.[3] The Housing Act of 1954 raised the mortgage limit to $20,000 for 1- to 2-unit residences, $27,500 for 3-unit residences and $35,000 for 4-unit residences.[4] The Housing Act of 1957 reduced the minimum downpayment to 3 percent of the appraised value of the property.[5] The Housing Act of 1959 amended the National Housing Act to provide that the maximum FHA-insured loan would be $22,500 for a 1-family residence and $25,000 for a 2-family residence.[6]

The National Housing Act was amended several times in the 1960s and the 1970s to raise the maximum mortgage limits.[7] The Housing and Community Development Amendments of 1979 raised the limit to $67,500 for 1-unit buildings, $76,000 for 2-unit buildings, $92,000 for 3-unit buildings, and $107,000 for 4-unit buildings.[8] These limits have been unchanged since 1979, although they have evolved into a kind of minimum ceiling applied to relatively low cost areas.

The evolution began when, in their respective versions of the Housing and Community Development Act of 1980, the House and Senate took different approaches in their attempts to raise the FHA mortgage limits. The House followed past practice and voted to simply raise the limits for each class of property. Mortgages were to be limited on 1-unit, 2-unit, 3-unit, and 4-unit buildings to $75,000, $84,440, $92,210, and $118,880, respectively.[9] The Senate voted to permit the maximum FHA-insured mortgage to vary according to local area home prices. The maximum mortgage would be (1) the greater of $67,500 or 95 percent of an area's median price for 1-unit buildings, (2) the greater of $76,000 or 107 percent of the median price for 2-unit buildings, (3) the greater of $92,000 or 130 percent of the median price for 3-unit buildings, or (4) the greater of $107,000 or 150 percent of the median price for 4-unit buildings.[10]

During conference on the bill, the House and Senate disagreed on the provisions concerning FHA mortgage limits. The House wanted one limit to apply to any area of the country. The Senate argued that it was unfair to have one mortgage limit which may enable 100 percent of the homes in some communities to qualify for FHA loans, while in other communities 70 percent of the homes may be priced above the FHA maximums. The House argued that it would be unfair to have the Federal Government underwrite the high cost areas.

A compromise was reached. The maximum mortgage limits would be passed in the 1979 legislation. These may be referred to as the basic limits. The HUD Secretary, however, would be given the authority to increase these limits on an area-by-area basis when it was determined that moderate- and middle-income persons have limited housing opportunities because of high home prices in the area. For 1-unit buildings, the maximum mortgage would be 95 percent of the area's median home price. For 2-, 3-, and 4-unit buildings, the maximum mortgage would be 107 percent, 130 percent, and 150 percent of the area's median home price, respectively. In any case, the maximum mortgage could not exceed 133 and ⅓ percent of the basic mortgage limits.

The compromise language enabled the Senate to index the FHA mortgage limits according to area prices. The House was able to place a ceiling on FHA-insured mortgages in high cost areas. The language was accepted by both houses of Congress and became part of the Housing and Community Development Act of 1980.[11]

THE LIST OF HIGH COST AREAS

In November 1980, HUD published an interim rule in the *Federal Register* which included a list giving the maximum FHA-insured loan on an area-by-area basis for 1-, 2-, 3-, and 4-unit property.[12] For those communities not included on the list the basic mortgage limit would apply. Since 1980, the complete list of high cost areas and the maximum mortgage for each is published in the *Federal Register* at least annually. The most recent list was published on December 12, 1988.[13] Notice is also published in the *Federal Register* whenever either new areas are designated as high cost ones or the maximum mortgage is increased or decreased in given areas.

INCREASING THE LOAN LIMITS

From 1980 through 1987, if 95 percent of an area's median home price were greater than $90,000, then $90,000 became the maximum FHA-insured mortgage for a single-family home in the area. If 95 percent of the median price were less than $90,000, then that lesser amount became the FHA maximum.[14] For example, in 1987, the maximum FHA-insured mortgage in Cumberland County, Massachusetts was $76,000, while the maximum mortgage for Boston, Massachusetts was $90,000.

The median price for a home in Boston, however, was $177,000. The FHA maximum mortgage was barely more than half of the area's median home price. Similar situations existed in other communities. Home prices had been rising over the years but the FHA ceilings were unchanged since 1980. The Housing Act of 1987 amended the National Housing Act to permit HUD to increase the basic mortgage limit by up to 150 percent.[15] Thus, the maximum FHA-insured loan was increased to $101,250. (Alaska, Guam and Hawaii are designated as "special high cost" areas with limits of $135,000, $101,250 and $151,850, respectively.)

THE FHA AFFORDABILITY INDEX

The increases in the FHA limits were welcomed and were adequate for many communities. As the Boston example illustrates, however, the increases were not adequate for some areas of the country where 95 percent of the median home price is greater than $101,250. What is the extent of the problem?

In table 1, an FHA Affordability Index has been calculated. The index attempts to measure the degree to which homebuyers in given communities may be able to purchase the median priced home using FHA-insured financing. The table presents information for 62 metropolitan statistical areas. The areas are the ones for which the data are presented by the National Association of Realtors (NAR) in its monthly report on home sales.

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[1] Footnotes at end of article

Column 2 shows the maximum FHA-insured mortgage for each area, as of December 12, 1988. For areas, such as Kansas City and Memphis, where more than one limit applies, the lower limit is used. Column 3 presents the median sales price of existing single-family homes during the third quarter of 1988. In column 4, the FHA affordability index is calculated.

The FHA affordability index is the ratio of the maximum FHA-insured loan to the median sales price. If the ratio is 100 or more, then the median-priced home in an area may be purchased with FHA-insured financing. In all but 14 of the areas, the FHA limit is more than enough to purchase the median-priced home. In Philadelphia and Seattle, 2 of the 14 areas where the median sales price exceeded the FHA limit, the FHA limit is adequate if a 5 percent downpayment is assumed.

In 39 of the areas, the FHA limit is less than the ceiling of $101,250 and the limit exeeds the median sale price of existing homes. If the areas shown in the table are representative of the country, then the present FHA limits may be adequate for most of the U.S. The table indicates, however, that in Washington, D.C. and parts of Florida, California, and the Northeastern U.S., the FHA limit is less than the median sales price.

TABLE 1.—THE FHA AFFORDABILITY INDEX

Metropolitan area [1]	FHA mortgage [2]	Home price [3]	Index [4]
Akron	$70,300	$62,600	112.3
Albany/Schenectady/Troy	101,250	92,300	109.7
Albuquerque	101,250	83,400	121.4
Anaheim/Santa Ana (Orange County)	101,250	226,200	44.8
Baltimore	101,250	92,300	109.7
Baton Rouge	76,000	64,100	118.6
Birmingham	96,900	77,300	125.4
Boston	101,250	183,800	55.1
Buffalo/Niagara Falls	78,850	66,600	118.4
Charleston	85,500	74,400	114.9
Chattanooga	73,050	64,200	113.8
Chicago	101,250	100,800	100.4
Cincinnati	80,750	71,800	112.5
Cleveland	77,900	69,800	111.6
Columbus	81,250	74,500	109.1
Dallas/Ft. Worth	101,250	84,700	119.5
Denver	101,250	81,100	124.8
Des Moines	75,800	55,000	137.8
Detroit	79,700	76,400	104.3
El Paso	67,500	62,000	108.9
Ft. Lauderdale/Hollywood/Pompano	87,400	84,700	103.2
Grand Rapids	74,450	59,000	126.2
Hartford	101,250	168,800	60.0
Honolulu	151,850	226,000	67.2
Houston	90,000	65,500	137.4
Indianapolis	89,300	67,500	132.3
Jacksonville	87,850	67,200	130.7
Kansas City [5]	81,600	69,900	116.7
Knoxville	91,250	69,100	132.1
Lansing	67,500	57,000	118.4
Las Vegas	101,250	80,700	125.5
Los Angeles Area	101,250	190,900	53.0
Louisville	91,650	56,000	163.7
Memphis [6]	87,750	76,600	114.6
Miami/Hialeah	85,500	82,600	103.5
Milwaukee	81,750	75,600	108.1
Minneapolis/St. Paul	101,250	86,000	117.7
Nashville/Davidson	101,250	78,100	129.6
New Orleans	96,500	74,800	129.0
New York/Northern New Jersey	101,250	192,100	52.7
Oklahoma City	72,800	57,900	125.7
Omaha	78,800	60,300	130.7
Orlando	88,350	81,300	108.7
Philadelphia	101,250	106,500	95.1
Phoenix	101,250	82,300	123.0
Pittsburgh	72,200	66,300	108.9
Portland	89,750	64,800	138.5
Providence	101,250	131,900	76.8
Riverside/San Bernardino	101,250	109,600	92.4
Rochester	90,000	78,300	114.9
St. Louis	99,150	81,100	122.3
Salt Lake City/Ogden	80,450	70,000	114.9
San Antonio	87,250	68,200	127.9
San Diego	101,250	152,100	66.6
San Francisco Bay Area	101,250	213,700	47.4
Seattle/Tacoma [7]	89,750	89,800	99.9
Syracuse	84,350	75,400	111.9
Tampa/St. Petersburg/Clearwater	80,750	67,900	118.9
Toledo	67,500	59,900	112.7
Tulsa	82,500	65,500	126.0
Washington, D.C.	101,250	135,800	74.6
West Palm Beach/Boca Raton/Delray	86,450	107,400	80.5

[1] Metropolitan statistical areas as defined by the U.S. Office of Management and Budget.

[2] The maximum FHA-insured loan on a single-family home, as of Dec. 12, 1988.

[3] The median sales price of existing single-family homes during the third quarter of 1988.

[4] The ratio of the maximum FHA-insured loan to the median sales price.

[5] In the Kansas City, MO PMSA, the maximum FHA-insured loan is $81,600. In the Kansas City, KS PMSA, the FHA maximum is $93,550.

[6] The FHA maximum is $87,750 in Desoto County, MS and the maximum is $101,250 in Shelby County and Tipton County, TN.

[7] The FHA maximum is $101,250 in the Seattle area (King and Snohomish Counties) and $89,750 in the Tacoma area (Pierce County).

Source: Department of Housing and Urban Development, National Association of Realtors, index calculated by author.

Should the FHA limits be raised to accommodate homebuyers in these areas? Proponents argue that the present limits were arbitrarily set and that the limits should be changed to accommodate homebuyers in areas where some prices are relatively higher. It is argued that prospective homebuyers in these areas have limited housing opportunities because many do not have the downpayments required to obtain conventional financing and they cannot obtain FHA-insured financing because the mortgage would exceed the FHA high cost limits.

Opponents argue that Congress has already gone too far. They contend that too much of FHA's business is with borrowers who could obtain mortgage insurance on the private market. In their view, to raise the mortgage limit even higher for certain areas of the country would be an unwelcome intrusion of the Federal Government in a market that can be served by private insurers. They argue that FHA insurance should be limited to low- and moderate-income families buying moderately priced housing. Borrowers would need at least $74,000 annual incomes to qualify for the median priced homes in Boston. Opponents argue that borrowers in that income range should not be entitled to FHA-insured financing. In an era when most entitlement programs are being targeted to those most in need, should the FHA insurance program be expanded to accommodate higher income families buying higher priced homes?

THE ROLE OF FHA

The debate leads to the larger question that was raised in 1980—what is the role of FHA? What role should the FHA mortgage insurance program play in the marketplace? What role does FHA currently play? What market does the FHA insurance program serve? What market should FHA serve?

Virtually all home loans are made by private lenders. If the buyer makes a downpayment of less than 20 percent of the sales price then the lender generally requires the borrower to obtain some type of mortgage insurance. The insurance may take one of three forms: (1) the buyer may purchase mortgage insurance from a private mortgage insurance company (MI), (2) the buyer may obtain an FHA-insured loan, or (3) if eligible, the buyer may secure a Veterans Administration (VA) guaranteed loan.[16] With MI the borrower may obtain a loan with a 5 percent downpayment, but downpayments of at least 10 percent are more prevalent. Downpayments may be as little as 3 percent with an FHA-insured loan. The FHA insures the lender against loss if the borrower defaults on the loan. Eligible veterans may obtain VA-guaranteed loans of up to $144,000 with no downpayment. The VA guarantees to pay the lender up to 60 percent of the loan amount but no more than $36,000 if the borrower defaults. Loans that do not involve Federal insurance or guarantee of repayment are referred to as conventional loans.

Tables 2 provides a measure of mortgage lending activity over the past ten years. Data are presented on mortgage originations by type of loan. Mortgage originations are new mortgages that were closed by lenders during the period. Using the data in table 2, table 3 shows the share of mortgage originations for each loan type.

TABLE 2.—ORIGINATIONS OF MORTGAGES ON 1–4 FAMILY HOMES BY TYPE OF LOAN

[Dollars in billions]

Year	Federal		Conventional		Total loans
	FHA	VA	MI	Noninsured	
1988	$29.2	$11.6	$36.7	$270.9	$348.4
1987	51.2	21.9	44.5	330.0	447.6
1986	62.0	30.9	46.1	313.5	452.5
1985	28.4	15.6	50.5	146.5	241.0
1984	16.6	12.0	63.4	109.7	201.7
1983	28.8	18.9	42.4	109.7	199.8
1982	11.5	7.7	18.8	56.5	94.5
1981	10.5	7.5	18.1	59.6	95.7
1980	15.0	12.1	19.0	85.1	131.2
1979	20.3	18.8	25.3	119.2	183.6

[1] January through November 1988.

Source: U.S. Department of Housing and Urban Development.

TABLE 3.—SHARE OF ORIGINATIONS OF MORTGAGES ON 1–4 FAMILY HOMES BY TYPE OF LOAN

[Dollars in percent]

Year	Federal		Conventional		Total loans
	FHA	VA	MI	Noninsured	
1988	8.4	3.3	10.5	77.8	100
1987	11.4	4.9	9.9	73.7	100
1986	13.7	6.8	10.2	69.3	100
1985	11.8	6.5	21.0	60.8	100
1984	8.2	5.9	31.4	54.4	100
1983	14.4	9.5	21.2	54.9	100
1982	12.2	8.1	19.9	59.8	100
1981	11.0	7.8	18.9	62.3	100
1980	11.1	9.2	14.5	64.9	100
1979	11.1	10.2	13.8	64.9	100

[1] Totals may not add to 100 due to rounding.

[2] January through November 1988.

Source: U.S. Department of Housing and Urban Development, calculations by author.

The tables reveal that FHA-insured loans represent between 8 and 14 percent of home mortgages over the past 10 years. FHA loans have averaged about 11 percent of the total mortgage market. During 1983 and 1986, FHA has its largest share of the market. These were years when mortgage interest rates had declined from previously high levels. Many of the loans were the result of borrowers refinancing existing mortgages to take advantage of the lower rates. The largest share of the mortgage market is held by the uninsured loans. These mortgages represent between 54 and 78 percent of the mortgage market and have averaged 64 percent of the market.

Thus, approximately 36 percent of the mortgage market provides service to those borrowers who need mortgage insurance in some form. These are primarily borrowers who do not have the means to make downpayments of 20 percent or more. The borrowers may choose to insure the loans through either FHA, VA or MI. Since an eligible veteran may, through the VA guarantee, borrow up to $144,000 with no downpayment, it is reasonable to assume that most veterans would choose the VA program.[17] So, FHA and MIs compete for the remaining share of the insured mortgage market.

Table 4 shows the distribution of mortgage characteristics of FHA- and MI-insured loans made during calendar year 1987. These distributions provide an estimate of the market served by FHA. Nearly 60 percent of FHA-insured loans were made to borrowers making downpayments of 10 percent or less. About 40 percent of the loans were made to borrowers making downpayments of less than 5 percent. For borrowers in the last category, an FHA-insured loan may be the only option because private insurers require downpayments of at least 5 percent.[18] Nearly 77 percent of MI-insured loans were made to borrowers making downpayments of 10 percent or more.

Mortgages of less than $60,000 represented 49 percent of the FHA-insured loans and 29 percent of MI-insured loans. About 51 percent of FHA-insured loans had mortgages of $60,000 or more, while more than 71 percent of MI loans were in that category.

More than 63 percent of the FHA borrowers had income of less than $40,000, while 20 percent had income of less than $27,000. In comparison, 37 percent of MI-insured borrowers had income of $40,000 or less, and 11 percent had income of less than $27,000.

Nearly 91 percent of FHA loans and nearly 100 percent of MI loans were for owner occupants. The majority of the loans (87 percent for FHA and 77 percent for MIs) were for the purchase of existing homes.

TABLE 4.—DISTRIBUTION OF CHARACTERISTICS FOR FHA AND MI LOANS, 1987

[In percent]

Characteristics	FHA [1]	MI
1. Loan-to-value ratio:		
80 percent or less	16.5	....
81 to 85 percent	9.2	[2] 9.0
86 to 89 percent	15.6	[3] 67.6
90 to 95 percent	19.7	[4] 23.4
96 or more percent	39.0	....
2. Loan amount:		
Less than $40,000	12.9	9.1
$50,000 to $59,999	36.1	19.6
$60,000 or more	51.0	71.3
3. Buyer's income:		
Less than $27,000	20.0	11.0
27,000 to 39,999	43.5	25.7
40,000 or more	36.5	63.3
4. Tenure:		
Owner occupant	91.5	99.2
Investor	8.4	.3
Other	.1	.5
5. Purchase price [5]		
Less than $40,000	11.4	[6] N/A
$40,000 to $49,999	13.5	N/A
$50,000 to $59,999	19.4	N/A
$60,000 to $69,999	20.3	N/A
$70,000 to $79,999	15.3	N/A
$80,000 or more	20.1	N/A
6. Property type:		
New	12.7	23.0
Existing	87.3	77.0

[1] Items 1 through 5 are for FHA-insured loans on existing housing.
[2] Loan-to-value ratio of 85 percent or less.
[3] Loan-to-value ratio of 86 to 90 percent.
[4] Loan-to-value ratio of 91 to 95 percent.
[5] Price paid for existing homes to be occupied by owners.
[6] A price distribution was not available.

Source: U.S. Department of Housing and Urban Development, Mortgage Insurance Companies of America.

While 44 percent of the homes were priced below $60,000, the majority of the homes purchased through FHA (55 percent) were priced between $50,000 and $80,000. About 20 percent of the homes were priced at $80,000 or more.

Tables 5 through 8 present the State distribution of FHA-insured mortgages during 1987 and 1988, and cumulative totals since 1934. Both the number and dollar volume of loans are presented.[19] California and Texas have a combined total of around 25 percent of FHA-insured loans. Most of the other States receive a relatively small part of the loans.

For most States, the ranking by number of loans is similar to the ranking by dollar volume. Rank correlation coefficients were calculated and they reveal a high correlation between the rankings. Note, however, that Alabama ranks 25th in number of loans and 51st for dollar volume of loans. This indicates that a relatively large number of FHA-insured loans are made in Alabama but that the homes are priced lower than the average homes financed through FHA. Conversely, Hawaii ranks higher in dollar volume of loans than in number of loans, indicating that a small number of relatively high-priced homes are financed with FHA insurance.

The tables reveal little change in the relative ranking of most States over time. A few States, however, show significant shifts in their rankings in 1987 and 1988 compared to their cumulative rankings (see table 8).[20] Maryland, Minnesota, North Carolina, Utah, and Virginia are ranked higher over the recent years than over the cumulative period.

Massachusetts, Michigan, New Jersey, New York, and Pennsylvania are ranked lower over the recent period. The relative decline of Michigan and Pennsylvania may be largely due to economic factors in these States. The relative decline of Massachusetts, New Jersey and New York, however, may be due in part to homes in these States being priced above the FHA mortgage limit.

TABLE 5.—STATE DISTRIBUTION OF FHA-INSURED MORTGAGES, 1987

	Number of loans	Percent	Rank	Mortgages [1]	Percent	Rank
Alabama	14,581	1.2	25	$742	0.9	51
Alaska	2,921	.2	43	319	.4	38
Arizona	57,019	4.5	6	3,861	4.9	6
Arkansas	13,573	1.1	26	643	.8	28
California	153.383	12.2	1	11,733	15.0	1
Colorado	59,259	4.7	4	4,123	5.3	3
Connecticut	3,827	.3	41	302	.4	39
Delaware	1,436	.1	47	81	.1	47
District of Columbia	2,118	.2	44	149	.2	43
Florida	66,868	5.3	3	3,880	5.0	5
Georgia	30,539	2.4	14	1,915	2.4	13
Hawaii	9,789	.8	30	993	1.3	22
Idaho	8.763	.7	33	455	.6	32
Illinois	52,981	4.2	8	3,197	4.1	9
Indiana	28,741	2.3	15	1,373	1.8	16
Iowa	7,398	.6	36	332	.4	37
Kansas	9.647	.8	31	497	.6	31
Kentucky	9,019	.7	32	435	.6	33
Louisiana	17,205	1.4	23	972	1.2	23
Maine	1,729	.1	46	100	.1	44
Maryland	51,541	4.1	9	3,715	4.7	7
Massachusetts	1,085	.1	48	87	.1	45
Michigan	19,604	1.6	21	812	1.0	25
Minnesota	53,328	4.2	7	3,595	4.6	8
Mississippi	10,738	.9	28	557	.7	29
Missouri	21,801	1.7	18	1,164	1.5	20
Montana	6,765	.5	38	364	.5	36
Nebraska	7,370	.6	37	365	.5	35
Nevada	17,635	1.4	22	1,234	1.6	18
New Hampshire	662	.1	49	48	.1	48
New Jersey	8,695	.7	34	507	.6	30
New Mexico	10,628	.8	29	673	.9	26
New York	33,847	2.7	13	1,822	2.3	14
North Carolina	28,515	2.3	16	1,651	2.2	15
North Dakota	5,437	.4	39	282	.4	40
Ohio	39.274	3.1	11	1,935	2.5	12
Oklahoma	19,639	1.6	20	1,043	1.3	21
Oregon	15,343	1.2	24	848	1.1	24
Pennsylvania	24,257	1.9	17	1,174	1.5	19
Rhode Island	297	([2])	50	20	([2])	49
South Carolina	12,194	1.0	27	646	.8	27
South Dakota	3,598	.3	42	176	.2	42
Tennessee	34,545	2.7	12	1,956	2.5	11
Texas	133,433	10.6	2	8,298	10.6	2
Utah	21,244	1.7	19	1,260	1.6	17
Vermont	137	([2])	51	8	([2])	50
Virginia	58,879	4.7	5	3,955	5.0	4
Washington	42,802	3.4	10	2,685	3.4	10
West Virginia	1,796	.1	45	86	.1	46
Wisconsin	7,960	.6	35	396	.5	34
Wyoming	5,073	.4	40	281	.4	41
U.S. total [3]	1,262,129	100.0	....	78,348	100.0	....

[1] In Million.
[2] Less than 0.1 percent.
[3] Total includes Guam, Puerto Rico and the Virgin Islands.

Source: U.S. Department of Housing and Urban Development.

TABLE 6.—STATE DISTRIBUTION OF FHA–INSURED MORTGAGES, 1988 AND CUMULATIVE SINCE 1934

[Dollar amounts in millions]

	1988	Percent	Rank	Cumulative	Percent	Rank
Alabama	$436	1.0	51	$5,932	1.3	51
Alaska	219	.5	36	1,778	.4	40
Arizona	1,685	4.0	9	19,474	4.2	5
Arkansas	376	.9	26	3,111	.7	32
California	6,431	15.1	1	74,181	15.9	1
Colorado	1,781	4.2	6	20,099	4.3	4
Connecticut	229	.5	35	2,785	.6	34
Delaware	71	.2	44	1,005	.2	44
District of Columbia	99	.2	43	924	.2	46
Florida	2,363	5.5	3	23,546	5.1	3
Georgia	1,354	3.2	12	11,005	2.4	15
Hawaii	415	1.0	25	3,839	.8	27
Idaho	271	.6	32	2,565	.6	38
Illinois	1,694	4.0	8	16,621	3.6	6
Indiana	780	1.8	17	7,833	1.7	20
Iowa	215	.5	37	2,688	.6	36
Kansas	342	.8	28	3,093	.7	33
Kentucky	270	.6	33	3,384	.7	31
Louisiana	547	1.3	23	6,671	1.4	23
Maine	63	.1	47	950	.2	45
Maryland	2,135	5.0	4	15,972	3.4	9
Massachusetts	66	.2	45	2,568	.6	37
Michigan	625	1.5	20	12,544	2.7	13
Minnesota	1,724	4.0	7	15,071	3.2	11
Mississippi	289	.7	30	3,636	.8	29
Missouri	725	1.7	18	7,524	1.6	21
Montana	195	.5	39	2,493	.5	39
Nebraska	234	.5	34	2,770	.6	35
Nevada	617	1.4	21	7,455	1.6	22
New Hampshire	16	([1])	50	630	.1	48
New Jersey	308	.7	29	9,430	2.0	17
New Mexico	281	.7	31	3,436	.7	30
New York	985	2.3	15	16,605	3.6	7
North Carolina	1,058	2.5	14	7,956	1.7	18
North Dakota	146	.3	41	1,344	.3	42
Ohio	1,382	3.2	11	14,412	3.1	12
Oklahoma	580	1.4	22	7,922	1.7	19
Oregon	481	1.1	24	4,403	.9	26
Pennsylvania	907	2.1	15	9,872	2.1	16
Rhode Island	16	([1])	49	574	.1	49
South Carolina	358	.8	27	4,670	1.0	25
South Dakota	118	.3	42	1,341	.3	43
Tennessee	1,081	2.5	13	11,296	2.4	14
Texas	3,659	8.6	2	40,044	8.6	2
Utah	627	1.5	19	6,492	1.4	24
Vermont	17	([1])	48	205	([1])	50
Virginia	1,945	4.6	5	16,520	3,5	8
Washington	1,483	3.5	10	15,284	3.3	10
West Virginia	63	.1	45	741	.2	47
Wisconsin	206	.5	38	3,671	.8	28
Wyoming	154	.4	40	1,754	.4	41
U.S. total [2]	42,655	100.0	....	465,990	100.0	....

[1] Less than 0.1 percent.
[2] Total includes Guam, Puerto Rico, and the Virgin Islands.

Source: U.S. Department of Housing and Urban Development.

TABLE 7.—STATE DISTRIBUTION OF FHA-INSURED MORTGAGES, 1988 AND CUMULATIVE SINCE 1934

[By number of loans]

	1988	Percent	Rank	Cumulative	Percent	Rank
Alabama	8,647	1.2	25	269,172	1.6	22
Alaska	2,524	.4	42	30,278	.2	48
Arizona	25,578	3.7	10	551,708	3.2	10
Arkansas	7,964	1.1	26	146,187	.8	33
California	80,776	11.5	1	2,582,548	15.0	1
Colorado	27,750	4.0	8	440,876	2.6	13
Connecticut	2,564	.4	41	135,226	.8	36
Delaware	1,154	.2	46	55,860	.3	42
District of Columbia	1,367	.2	44	29,330	.2	50
Florida	40,012	5.7	3	845,705	4.9	4

TABLE 7.—STATE DISTRIBUTION OF FHA-INSURED MORTGAGES, 1988 AND CUMULATIVE SINCE 1934—Continued

[By number of loans]

	1988	Percent	Rank	Cumulative	Percent	Rank
Georgia	21,075	3.0	12	402,369	2.3	16
Hawaii	3,997	.6	37	70,931	.4	40
Idaho	5,490	.8	31	95,901	.6	38
Illinois	27,948	4.0	7	617,981	3.6	8
Indiana	16,107	2.3	17	420,424	2.4	14
Iowa	5,062	.7	32	135,883	.8	35
Kansas	6,784	1.0	27	171,535	1.0	27
Kentucky	5,684	.8	29	168,878	1.0	28
Louisiana	9,977	1.4	22	290,288	1.7	21
Maine	1,000	.1	47	52,279	.3	44
Maryland	28,284	4.0	6	386,906	2.2	17
Massachusetts	753	.1	48	159,146	.9	31
Michigan	15,020	2.1	18	864,674	5.0	3
Minnesota	25,709	3.7	9	372,630	2.2	19
Mississippi	5,650	.8	30	161,948	.9	30
Missouri	13,800	2.0	19	359,623	2.1	20
Montana	3,937	.6	38	82,160	.5	39
Nebraska	4,917	.7	33	137,542	.8	34
Nevada	8,960	1.3	23	163,220	.9	29
New Hampshire	197	(1)	51	29,416	.2	49
New Jersey	4,735	.7	34	486,895	2.8	11
New Mexico	4,686	.7	35	132,575	.8	37
New York	17,666	2.5	16	786,439	4.6	5
North Carolina	17,685	2.5	15	267,795	1.6	23
North Dakota	3,115	.4	40	39,553	.2	47
Ohio	28,576	4.1	4	716,738	4.2	6
Oklahoma	11,883	1.7	20	378,398	2.2	18
Oregon	8,904	1.3	24	205,995	1.2	24
Pennsylvania	18,109	2.6	14	612,522	3.6	9
Rhode Island	202	(1)	50	42,526	.2	46
South Carolina	6,721	1.0	28	203,296	1.2	25
South Dakota	2,450	.4	43	56,139	.3	41
Tennessee	19,173	2.7	13	408,274	2.4	15
Texas	63,848	9.1	2	1,428,671	8.3	2
Utah	11,313	1.6	21	202,290	1.2	26
Vermont	255	(1)	49	15,661	.1	51
Virginia	28,301	4.0	5	460,936	2.7	12
Washington	23,333	3.3	11	635,744	3.7	7
West Virginia	1,330	.2	45	52,062	.3	45
Wisconsin	4,354	.6	36	152,625	.9	32
Wyoming	3,149	.5	39	55,537	.3	43
U.S. Total [2]	699,371	100.0		17,250,655	100.0	

[1] Less than 0.1 percent.

[2] Total includes Guam, Puerto Rico and the Virgin Islands.

Source: U.S. Department of Housing and Urban Development.

TABLE 8.—STATE RANKING BY NUMBER AND DOLLAR VOLUME OF FHA-INSURED MORTGAGES 1987, 1988, AND CUMULATIVE SINCE 1934

	1987		1988		Cumulative	
	Number	(1)	Number	(1)	Number	(1)
Alabama	25	51	25	51	22	51
Alaska	43	38	42	36	48	40
Arizona	6	6	10	9	10	5
Arkansas	26	28	26	26	33	32
California	1	1	1	1	1	1
Colorado	4	3	8	6	13	4
Connecticut	41	39	41	35	36	34
Delaware	47	47	46	44	42	44
District of Columbia	44	43	44	43	50	46
Florida	3	5	3	3	4	3
Georgia	14	13	12	12	16	15
Hawaii	30	22	37	25	40	27
Idaho	33	32	31	32	38	38
Illinois	8	9	7	8	8	6
Indiana	15	16	17	17	14	20
Iowa	36	37	32	37	35	36
Kansas	31	31	27	28	27	33
Kentucky	32	33	29	33	28	31
Louisiana	23	23	22	23	21	23
Maine	46	44	47	47	44	45
Maryland	9	7	6	4	17	9
Massachusetts	48	45	48	45	31	37
Michigan	21	25	18	20	3	13
Minnesota	7	8	9	7	19	11
Mississippi	28	29	30	30	30	29
Missouri	18	20	19	18	20	21
Montana	38	36	38	39	39	39
Nebraska	37	35	33	34	34	35
Nevada	22	18	23	21	29	22
New Hampshire	49	48	51	50	49	48
New Jersey	34	30	34	29	11	17
New Mexico	29	26	35	31	37	30
New York	13	14	16	15	5	7
North Carolina	16	15	15	14	23	18
North Dakota	39	40	40	41	47	42
Ohio	11	12	4	11	6	12
Oklahoma	20	21	20	22	18	19
Oregon	24	24	24	24	24	26
Pennsylvania	17	19	14	15	9	16
Rhode Island	50	49	50	49	46	49
South Carolina	27	27	28	27	25	25

TABLE 8.—STATE RANKING BY NUMBER AND DOLLAR VOLUME OF FHA-INSURED MORTGAGES 1987, 1988, AND CUMULATIVE SINCE 1934—Continued

	1987		1988		Cumulative	
	Number	(1)	Number	(1)	Number	(1)
South Dakota	42	42	43	42	41	43
Tennessee	12	11	13	13	15	14
Texas	2	2	2	2	2	2
Utah	19	17	21	19	26	24
Vermont	51	50	49	48	51	50
Virginia	5	4	5	5	12	8
Washington	10	10	11	10	7	10
West Virginia	45	46	45	45	45	47
Wisconsin	35	34	36	38	32	28
Wyoming	40	41	39	40	43	41
Rank correlation coeff.	(2)	(2)	(3)	(3)	(4)	(4)

[1] Dollar volume.

[2] Rank correlation coeff. 0.95955.

[3] Rank correlation coeff. 0.95073.

[4] Rank correlation coeff. 0.91348

Source: U.S. Department of Housing and Urban Development.

In sum, the tables indicate that FHA serves a relatively small part of the total mortgage market. In that sector of the market it serves those borrowers who, on average, (1) have lower annual income, (2) make smaller down payments, and (3) purchase lower valued homes than the borrowers who obtain private mortgage insurance when they finance homes. Preliminary HUD data reveal that more than 60 percent of FHA-insured loans in 1988 were for the purchase of homes by first-time homebuyers.[21]

Is this the role that was intended for FHA? Is this the market that FHA was intended to serve? Would removal of the ceiling on FHA-insured loans change the makeup of that market? Would removal of the limits change the distribution of FHA-insured loans among the States?

POLICY OPTIONS

The high cost limit could be raised by amending the National Housing Act to either (1) raise the basic mortgage limit or (2) remove or amend the language which limits the mortgage to 150 percent of the basic mortgage limit. The FHA basic mortgage limit of $67,500 was set in 1979 and has not been changed even though home prices have risen substantially. If the basic limit is raised then the high cost limit would be raised accordingly, since, under present law, the latter is a multiple of the former.

Proposals to change the maximum FHA mortgage, however, have been focused on removing the 150 percent ceiling on adjustments to the basic mortgage limit. The maximum FHA-insured mortgage would be simply 95 percent of an area's median home price. Proponents argue that the present FHA mortgage limits have been arbitrarily set. The high cost limits are too low to reach homebuyers in many parts of the country. Removing the ceiling would open the program to homebuyers who are presently excluded because, for their area, 95 percent of the median price is greater than $101,250.

A few questions may be raised. If FHA mortgages were simply limited to 95 percent of an area's median home price, in some areas the FHA limit would equal or exceed the conforming loan limits established for the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Association (FHLMC). Lenders would find it advantageous to "steer" borrowers to the FHA program if these "high" value loans can become part of Government National Mortgage Association (GNMA) pools.[22] In these markets, the FHA-insured loans might supplant conventional insured loans, as borrowers obtain FHA loans when they could otherwise obtain conventional loans.

In cases where the FHA loans would be less than or equal to the FNMA and FHLMC loan limits, the gain in FHA-insured loans in high cost areas would be the result of the loss in conventional loans that might have become part of FNMA or FHLMC pools. Instead of reaching borrowers who may not have bought homes, a substitution effect could take place as borrowers, who would have bought the homes anyway, choose (or are directed to choose) FHA insurance instead of private insurance because GNMA presents a better deal for the lender than does FNMA or FHLMC.

In cases where the FHA loan would exceed the FNMA and FHLMC limits (referred to as "jumbo" loans), the gain in FHA loans would be the result of the loss of conventional loans that would have become part of a lender's portfolio or sold to a private mortgage pool. Again a borrower who would have bought anyway could substitute the type of insurance on the transaction.

Alternatively, it could be argued that the secondary market would place limits on FHA-insured loans. In theory, no limit is placed on VA-guaranteed loans but, in practice, no VA loan may exceed $144,000 if it is to become part of a GNMA pool. Likewise, it is possible that the secondary market would limit the sizes of FHA-insured loans. If that is the case then borrowers could not obtain FHA-insured loans in areas where 95 percent of the median home price exceeds this GNMA limit. It is possible that this limit would preclude the making of FHA-insured loans in the high cost parts of California and the Northeast. Thus, the proposed legislation likely would not have achieved its objective.

Under the present FHA program, borrowers may make downpayments of 5 percent or less. Will larger downpayments be required for the purchase of higher priced homes? Could a $170,000 or $200,000 home be purchased with a 5 percent downpayment? Would this be unfair competition with private mortgage insurers who would not insure mortgages under such terms? How would these loans affect the FHA insurance fund?

Under current law, Congress limits the volume of FHA loans that may be insured during a given fiscal year. Increases in the average loan amount decrease the number of loans that might be insured. Would adoption of the proposal result in significant changes in the distribution of FHA-insured loans by income class and by State? Should income limits be placed on borrowers or should the program continue to be available to all borrowers regardless of income.

THE AFFORDABILITY ISSUE

The final question that may be raised is whether the proposal addresses the affordability issue. The problem is that, for many metropolitan areas, new homes are no longer being sold at prices that are affordable by the moderate-income and first-time buyers that typically use the FHA program. Many builders, by necessity or by design, are targeting their products to the "move-up" buyer.[23] Thus, the housing market for many moderate-income and first-time homebuyers consists of the existing homes being sold by move-up buyers. Data reveal that these homes have also become unaffordable for many moderate-income and first-time homebuyers.

Table 9 presents the median sales price of existing homes sold between 1980 and 1987. Data are presented for the four regions and for the total U.S. Table 10 presents the median family income for the same time periods and areas. The price and income data are used to compute the affordability index presented in table 11.

The affordability index is the ratio of the family's income to the income needed to buy a home. It is assumed that the family will buy the median priced home and make a 5-percent downpayment for a 30-year loan. The monthly payment is calculated based on the average interest rate for the period, as published by the Federal Home Loan Bank Board. The income needed to buy the home is the minimum income that the family would need if no more than 25 percent of the family's income may be used for the mortgage payment. The estimate of the income needed to buy a home is divided into the family's income (and multiplied by 100) to obtain the affordability index.

Table 11 may be interpreted as measuring the percent of income that the median-income family has for buying the median-priced existing home with a 5-percent downpayment. An index of 100 indicates that the family has exactly enough income to buy the median-priced home. An index of less than 100 means that the family has insufficient income to buy the median-priced-home. An index of more than 100 indicates that the family has more than enough income to buy the median-priced home.

Regional differences in affordability are revealed over the period examined. For the U.S., in general, and for the Midwest and South, homes were less affordable in 1981 and 1982 than in 1980, but affordability has improved since then. Only in the Midwest, however, has the median-income family been able to afford the median-priced home since 1985. In the Northeast and West, affordability declined in 1987. This may be due to the failure of incomes to keep pace with price increases (see tables 9 and 10). In 1980, only in the Northeast could the median-income family afford the median-priced home. Homes in that region are now the least affordable for median-income families.

Changing the FHA mortgage limit does not address the affordability issue. If a family does not have the income to purchase the median-priced home it does not matter whether that median is above or below the FHA mortgage limit.

TABLE 9.—MEDIAN SALES PRICE OF EXISTING ONE-FAMILY HOMES, BY REGION

	Northeast	Midwest	South	West	United States
1980	$60,800	$51,900	$58,300	$89,300	$62,200
1981	63,700	54,300	64,400	96,200	66,400
1982	63,500	55,100	67,100	98,900	67,800
1983	72,200	56,600	69,200	94,900	70,300
1984	78,700	57,100	71,300	95,800	72,400
1985	88,900	58,900	75,200	95,400	75,500
1986	104,800	63,500	78,200	100,900	80,300
1987	133,300	66,000	80,400	113,200	85,600

Source: National Association of Realtors.

TABLE 10.—MEDIAN INCOME OF FAMILIES, BY REGION

	Northeast	Midwest	South	West	United States
1980	$21,586	$21,736	$19,142	$22,281	$21,023
1981	23,706	23,118	20,582	23,873	22,388
1982	24,918	24,219	21,500	24,624	23,433
1983	26,678	24,730	22,495	25,592	24,580
1984	28,487	26,753	24,094	28,077	26,433
1985	30,544	27,930	25,077	29,778	27,735
1986	32,160	29,584	26,708	30,965	29,458
1987	33,938	30,991	28,250	32,026	30,853

Source: U.S. Bureau of the Census.

TABLE 11.—AFFORDABILITY INDEX FOR MEDIAN INCOME FAMILIES, BY REGION

	Northeast	Midwest	South	West	United States
1980	102	86	67	51	69
1981	64	73	55	43	58
1982	66	74	54	42	59
1983	74	88	65	54	70
1984	74	96	69	60	75
1985	75	103	73	68	80
1986	75	114	84	75	90
1987	66	122	91	73	94

Source: Calculated by author using the data in tables 9 and 10.

It should also be noted that "sub-median" does not imply substandard. When a family purchases a home that is priced less than the area median, it does not imply that the family has purchased a substandard house. They have simply purchased a home that is priced lower than half the homes that were sold in a given period. Did half of the buyers obtain substandard homes, No, they purchased homes that, given the location, age, amenities, and externalities, were lower priced than other homes that sold.

Thus, it is misleading to use the median sales price as a measure of housing affordability. The FHA loan limit may be less than the median sales price in a community but many homes in the lower half of the price range may be both affordable and adequate for the homebuyers traditionally served by FHA.

FOOTNOTES

[1] June 27, 1934, Public Law 479, 73rd Congress, 48 Stat. 1246, 12 U.S.C. 1701 et seq.

[2] Section 3 of P.L. 75-424, February 3, 1938.

[3] Section 104(a) of P.L. 81-475, April 20, 1950.

[4] Section 104 of P.L. 83-560, August 2, 1954.

[5] Section 101 of P.L. 85-104, July 12, 1957.

[6] Section 102(a)(1) of P.L. 86-372, September 23, 1959.

[7] P.L. 87-70, P.L. 88-560, P.L. 91-152, P.L.93-383, and P.L. 95-128.

[8] Section 312(a) of P.L. 96-153, December 21, 1979.

[9] In S. 2719 as passed by the House in lieu of H.R. 7262, 96th Congress.

[10] S. 2719 as passed by the Senate, 96th Congress.

[11] Section 336(a) of P.L. 96-399, October 8, 1980.

[12] U.S. Department of Housing and Urban Development. Mortgage Insurance and Home Improvement Loans; Changes in Maximum Mortgage Amounts. *Federal Register,* v. 45, no. 224, November 18, 1980. p. 76376-76388.

[13] U.S. Department of Housing and Urban Development. Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots. *Federal Register,* v. 53, no. 238, December 12, 1988. p. 49855-49873.

[14] All future references to mortgage limits will refer to the limits for single-family homes.

[15] Section 404 of P.L. 100-242, February 5, 1988.

[16] Reportedly, several lenders are now "self-insuring" some loans. (Hankin, Sam. More Lenders Ending PMI Requirement. *The Washington Post,* May 7, 1988. p. E3; and Lehman, H. Jane. More Lenders Opt for Self-Insurance: Critics Say Trend Could Undermine Mortgage Finance System. *The Washington Post,* February 18, 1989. p. F1, F4.)

[17] In theory, a veteran could purchase a $200,000 home with only a 7 percent downpayment but, in practice, present secondary market rules limit VA-guaranteed loans of $144,000.

[18] This assumes that the borrowers made small downpayments because they did not have the means for larger ones. It is possible, however, that the incidence of small downpayments is programmatic. Borrowers may simply conserve their resources by making the minimum downpayment required by FHA. In addition, the FHA insurance premium of 3.8 percent of the mortgage may be added to the loan.

[19] Note that the totals for tables 2 and 5 do not match. Table 2 presents the volume of loans that were closed during the year. Table 5 presents the volume of loans that were approved for FHA insurance, but the loans may or may not have closed during the year. For example, some loans that were approved in 1987 will have closed in 1988, while others may not close at all.

[20] It may be noted that 44 percent of the cumulative volume of FHA-insured loans are represented by loans that have been made since 1984.

[21] A new code has been added to HUD forms which enables HUD to identify first-time buyers. This information is not available for previous years.

[22] It should be noted that nearly 100 percent of FHA-insured and VA-guaranteed loans are sold in the secondary market and become part of GNMA pools.

[23] Leon Kendall argues that builders must foster consumer dissatisfaction with the current model (home) to make the buyers act (Kendall, Leon L. Adam Smith's Message. *Mortgage Banking,* January 1989. p. 43.).

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[President Reagan's Commission on Housing issued a report in April, 1982, outlining a series of recommendations on housing issues. Regarding the FHA single-family mortgage insurance program, the commission recommended that FHA complement, not compete with the private sector.]

THE REPORT OF THE PRESIDENT'S COMMISSION ON HOUSING, WASHINGTON: 1982

(Chair, William F. McKenna; Vice Chair, Carla A. Hills)

FHA SINGLE-FAMILY MORTGAGE INSURANCE

In view of development of the private mortgage insurance industry, the Federal Housing Administration should increasingly complement, rather than compete with, the private market. FHA should provide mortgage insurance where the private market is unable or unwilling to do so, and there should be a continuing demonstration role for FHA in developing and underwriting innovative forms of mortgage instruments.

All FHA home mortgage insurance programs should be streamlined to operate more efficiently and at the lowest possible cost in meeting program objectives.

FHA has performed a number of important functions since it was established in the 1930s. First, FHA helped revive a collapsed housing industry when the Great Depression reduced the country's financial system and housing sector to chaos. Second, FHA has performed an important role as an innovator over the years, successfully gaining market acceptance for new types of home mortgage instruments. FHA demonstrated the feasibility of long-term, high loan-to-value, fully amortizing mortgages and currently is performing another demonstration role through its Section 245 negative-amortization, graduated-payment loan programs. Third, FHA has contributed to the standardization of home mortgage instruments, assisting in the development of national secondary mortgage markets. Finally, FHA at times (particularly during the late 1960s and early 1970s) has operated programs intended to provide implicit subsidies to achieve social goals. Special high-risk insurance programs have been used to promote homeownership for lower-income or inner-city families as well as to alleviate patterns of discrimination in the provision of mortgage credit to such families.

DEVELOPMENT OF PRIVATE MORTGAGE INSURANCE

Private mortgage insurance companies established since the late 1950s have taken advantage of the experience and market acceptance generated by the unsubsidized FHA home mortgage program, becoming an important factor in the market for long-term, fully amortized mortgages. By offering mortgage insurance with less than 100 percent coverage, by charging lower premium rates than FHA, and by requiring less paperwork and shorter processing delays, the private insurance companies have been able to compete with FHA, drawing away many lower-risk homeowners that might otherwise have been served by the unsubsidized single premium FHA insurance program indeed the cross-subsidization of risk inherent in FHA's single-premium structure has made this substitution process possible. Private mortgage insurance also was given a substantial boost in the early 1970s when FHLMC and FNMA began to purchase high loan-to-value ratio conventional loans insured by private companies.

Some 15 firms are active throughout the country in the private mortgage insurance industry. In 1981, the number of privately insured home mortgage originated was greater then the number of mortgages underwritten by FHA and VA combined. The private mortgage insurance industry, in fact, has the capacity to expand greatly its level of activity, because of current insurance reserves and an ability to raise additional capital directly or through holding company arrangements. Nonetheless, according to aggregate statistics, a substantial overlap still exists between the markets served by FHA and the private mortgage insurers—in terms of types of borrowers and loans. Thus, FHA continues to insure mortgages that the private sector could and would insure, partly because of the FHA premium structure and partly because FHA insurance gives lenders access to the markets for GNMA-guaranteed, mortgage-backed securities.

REDIRECTION OF FHA

In view of the development of a strong private mortgage insurance industry, FHA should increasingly complement, rather than compete with, the private market. Further reliance on the private sector for home mortgage insurance should be spurred by public policy designed to redirect FHA programs that serve the same market could be served by private insurers. FHA should, however, continue to provide mortgage insurance for standard home loans (i.e., fixed-rate, level-payment mortgages) where the private market is unable or unwilling to do so. In addition, FHA should continue to perform a demonstration role in developing and underwriting innovative forms of mortgage instruments.

Standard Home Mortgage Insurance Program

While preserving FHA's historic role in assisting low- and moderate-income families to achieve homeownership, the insurance of standard fixed-rate, level-payment, "market-risk" home loans should be shifted from FHA to the private sector via a market-oriented approach that permits private companies to continue to draw this type of business away from FHA.[1] This approach should involve several steps. First, the FHA premium structure should be reshaped to fit actual claims experience more closely. This step would result in higher premiums in the early years of the loan term and a shorter total period of insurance coverage. One possible approach would require a one-time payment of the insurance premium at time of loan closing, with some portion of the up-front premium eligible for inclusion in the loan amount. The up-front premium could be calculated as the present value of premiums that would be paid under the current system over the expected term of the loan; this amount currently would be approximately 3 percent of the loan amount for the Section 20.3(b) unsubsidized home loan program.

As a second step, FHA maximum loan-size limits should be managed to emphasize FHA's historic focus on low- and moderate-income homebuyers. One possible method would hold mortgage limits constant in nominal-dollar terms. Regionalized mortgage limits should be used because they are more effective and equitable than a single national limitation, as shown by the Department of Housing and Urban Development's (HUD) recent experience with regionalized mortgage limits.

For a third step, a general review of FHA programs should be conducted to assure that FHA does not have significant competitive advantages that would frustrate the shift of market-risk insurance activity to the private sector. For example, the mutuality feature of the current FHA single-family program, which involves premium rebates, should be reconsidered.

The combination of loan limits and pricing would be an efficient way of shifting the insurance of standard types of market-risk home mortgages from FHA to the private sector while avoiding the credit rationing and lack of attention to high-risk classes of borrowers inherent in arbitrary reductions in FHA commitment authority in the Federal credit budget. This market-oriented procedure would simply accelerate the process already under way. Private insurance companies would continue to compete with FHA's standard single-premium program (203(b)) for the lower- or market-risk loans, but the availability of FHA insurance would be maintained for eligible borrowers unable to secure private mortgage insurance. Additionally, such a continuing FHA presence in the market could exert a latent competitive influence to guard against monopolistic pricing and discriminatory practices in the private sector.

As lower-risk business is bid away from FHA because of reshaped premiums and managed loan limits, the level of FHA premiums could be expected to rise to maintain the economic soundness of FHA's standard home mortgage insurance program. But if FHA home mortgage premiums were so increased, higher-risk borrowers otherwise eligible for FHA insurance might be unable to afford such FHA premiums.

To afford access to homeownership for such borrowers, two broad options would be available. First, FHA could operate subsidized insurance programs for higher-risk loans—programs not expected to achieve actuarial soundness—with eligibility requirements targeted to the program's intended beneficiaries. For example, insurance could be made available for lower-cost, one-to-four-family dwellings for lower-income families, as under the Section 221(d)(2) program. Second, government policy could establish that FHA insurance funds not be used to provide implicit subsidies to families who cannot afford to purchase insurance under programs that are run on an economically sound basis, but provide subsidies directly to such households (such as through income supplements) to assist them in obtaining access to mortgage insurance and homeownership.

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[1] "Market-risk" home loans are those that the private mortgage insurance industry can and will insure.

Demonstration role

Although insurance of standard, market-risk home loans should increasingly be shifted from FHA to the private sector, there should be a continuing demonstration role for FHA in the single-family sector. In particular, FHA should conduct experiments with new mortgage forms that appear to meet the needs of lenders and borrowers in the current environment of inflation and interest rate volatility. Federal experimentation may be justified when one or more of the following conditions are met:

Private insurance companies are unwilling to insure the risks posed by new instruments, and investors are unwilling to buy these instruments without insurance.

Private institutions cannot afford to conduct experiments of sufficient size to identify the risk characteristics of some types of loans.

A private institution that conducts a market experiment is not able to capitalize on information gained, because the information would become available to private competitors.

Private institutions are constrained by law or regulation from insuring or acquiring new mortgage forms without Federal insurance.

Inconsistent State laws prevent the insurance or acquisition of uniform mortgage instruments on a nationwide basis.

As in the past, information generated by FHA on risk characteristics of new mortgage forms would be valuable to private insurers, regulators of State-chartered investors, and State insurance commissions.

Some promising candidates for FHA experimentation in the single-family area include graduated-payment, adjustable-rate mortgages; dual-rate mortgages; growing-equity mortgages; and shared-appreciation mortgages. FHA also should expand its Section 245(b) graduated-payment mortgage program—which allows both negative amortization and low initial downpayments—to make existing home loans and all potential buyers eligible for coverage. FHA should include fair housing requirements in all demonstration programs and should have the statutory right to preempt inconsistent State laws with respect to the terms and conditions of its innovative instruments, as it has done with its Section 245 graduated-payment mortgages. Finally, FHA demonstration programs should incorporate sunset provisions, so that they do not become permanent additions to FHA.

PROGRAM EFFICIENCY AND COST

All FHA programs should be designed for maximum market efficiency and should be operated at the lowest possible cost in meeting program objectives. The following measures would help accomplish these goals in the single-family programs:

Rate ceilings on FHA mortgage interest rates should be eliminated, and rates should be determined through negotiation between lenders and loan applicants.

Due-on-sale clauses should be permitted for all loans, and prepayment penalties should be permitted for long-term, fixed-rate contracts.

Certain conditions of the FHA Section 234 condominium unit program should be reviewed, including presale and project-approval requirements.

Subject to appropriate HUD monitoring, processing should be delegated to private institutions, as in recently successful HUD experiments.

Underwriting criteria should be carefully reviewed and assiduously applied to assure that FHA loans are soundly underwritten.

Subject to appropriate HUD monitoring, private collection agencies should be used in lieu of HUD/Justice Department collection procedures.

Single-family co-insurance is not recommended at this time because it represents a potential expansion of FHA into markets already adequately served by private mortgage insurance companies.

[The Heritage Foundation, Washington, DC, June 12, 1989]

S. 565: PUSHING THE FEDERAL HOUSING ADMINISTRATION TOWARD INSOLVENCY

(By Ronald Utt and John M. Olin Fellow)

INTRODUCTION

The Federal Housing Administration (FHA) was created in 1934 to revive the badly depressed residential real estate market and create greater opportunities for homeownership. For years, the FHA did this well, contributing to improvements in housing standards and expanded homeownership for Americans of modest means. In recent years, however, the FHA's balance sheet has been badly battered by rising loan defaults, foreclosures, and insurance claims. This poses a threat to home buyers, who may have to pay higher fees to receive federal insurance, and to taxpayers, who have the ultimate obligation to rescue the finances of FHA.

The FHA's condition will be further jeopardized if proposals before Congress become law. In particular, the National Affordable Housing Act (S. 565), introduced by Senators Alan Cranston, the California Democrat, and Alphonse D'Amato, the New York Republican, would modify the FHA program by permitting lower downpayments on all FHA-insured loans, allowing extra downpayment concessions for first-time buyers, and by raising the maximum size of federally insured loans from the current $101,250 to an amount equal to 95 percent of the median house sales price for each region of the country. This last change would double the maximum size of FHA loans in high cost areas. George Bush gave a general endorsement to such proposals during last year's election campaign, and his administration is now considering its formal position on the FHA plan and the other features of Cranston-D'Amato.

Numerous studies demonstrate that low downpayment loans lead to greater risk exposure for the FHA fund because these loans experience much higher default and foreclosure rates and incur proportionately larger losses per loan when a foreclosure takes place. Currently, FHA insured loans with downpayments of 3 percent or less experience insurance claims at about twice the rate as FHA loans with downpayments of 5 percent or more. And while lower downpayments may help those few buyers who have not yet saved enough for the downpayment, in general this does not help lower-income buyers because the reduced downpayment comes at the expense of higher monthly mortgage payments. Moreover, raising the maximum loan amount would expand the FHA into the market already served by private mortgage insurance companies (PMIs) and allow richer Americans to use a government-supported program to purchase expensive homes. Between 1985 and 1986, the FHA expanded its market share from 36 percent to 57 percent of the insured mortgage market, while that for the FMIs fell from almost two-thirds to less than half over the same period.

Losing $40 Million a Month.—Not only would the proposed changes for FHA do little or nothing to make houses more affordable for average Americans or open up greater homebuying opportunities to those with lower incomes, the changes would undermine further the already shaky FHA mortgage insurance fund. Poor underwriting standards, low downpayments, and excessive risk-taking have combined with weak regional real estate markets to raise the default rate and substantially increase claims against the insurance fund. At present, FHA is losing $40 million a month. Lowering the downpayment for FHA insurance would increase this default rate. Two recent reports by the General Accounting Office (GAO)[1] warn that a worsening of these underlying conditions could require a Treasury bailout of the FHA.

To avoid the danger of FHA becoming a carbon copy of the savings and loan disaster, the President and Secretary of Housing and Urban Development should reject the changes for FHA contained in S. 565. They should urge lawmakers to adopt refunds to protect the taxpayer and better serve potential homebuyers by strengthening the financial postion of the FHA program.

Among the necessary steps:

FHA should focus on the first time buyer and those with modest incomes.

FHA should stop insuring mortgages on vacation homes, investor properties, and refinancings.

The minimum downpayment should be no lower than 5 percent of the cost of the property.

FHA should begin to build reserves equal to 4 percent of FHA's contingent liabilities.

Without these and other necessary reforms, rising claims and losses at FHA ultimately might have to be covered by the taxpayer.

THE DETERIORATING FINANCIAL CONDITION OF FHA

For many of the same reasons that large numbers of savings and loan associations have slipped into terminal insolvency, the FHA mortgage insurance programs have been struggling with mounting financial problems. The result: FHA losses are increasing the unified federal budget deficit and eroding FHA's reserves. Rapid increases in claims filed by lenders against the FHA fund, which have jumped from $2.9 billion in 1986 to $4.4 billion in 1988, and are estimated to hit $6.6 billion in 1989, are the chief source of the problem.[2] And because revenues from premiums are expected to decline, FHA losses will rise at an accelerating rate. This year's losses, moreover, could be even worse than estimated, since the unanticipated housing downturn will cut deeply into premium revenues while generating additional delinquencies and defaults. Mortgages delinquent more than 60 days accounted for 5.5 percent of FHA mortgages at the end of 1988, compared with 5 percent in the third quarter and just 2 percent in 1979.[3]

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[1] *Federal Housing Administration's Accounting Methods and Section 203(b) Program* and *Federal Housing Administration Fund's 1987 Statement of Financial Position*, United States General Accounting Office, May 1989.

[2] *Special Analyses, Budget of the United States Government, Fiscal Year 1990* (Washington, D.C.: U.S. Government Printing Office, January 1989), p. F-18.

Despite the threat of insolvency, with its potential for a huge taxpayer bailout of yet another federal finance agency, some in Congress and the Bush Administration support FHA changes that would lead to greater losses. Two major changes are proposed: 1) a reduction in the required downpayment, to as low as one percent in some instances; and 2) an increase in the maximum loan size that FHA can insure. Lawmakers claim these changes are necessary to make homeownership easier for Americans.

HOW LOW DOWNPAYMENTS LEAD TO HIGHER LOSSES

Efforts to expand homeownership opportunities by lowering the downpayment (which raises the loan-to-value ratio) would jeopardize the fund in two ways. First, the higher loan-to-value ratio would reduce the borrower's equity and, hence, the financial cushion between the estimated value of the property and the loan insured by FHA. Unless there is a rapid appreciation in the property's value, foreclosures on high loan-to-value mortgage lead to substantial losses for an insurer because the foreclosure and disposition costs, and other expenses, exceed the borrower's equity.

Reduced Financial Stake.—Second, low downpayment mortgages have a much higher probability of going into default and foreclosure than mortgages with higher borrower equity contributions. Notes a recent General Accounting Office report, "Claim rates are higher for higher loan-to-value ratios (i.e., when the loan represents a greater portion of the mortgage's property) and vice versa." [4] The reason for this is that without a significant financial stake in the property, overstretched borrowers are less inclined to meet their borrowing obligations because there is little or no cost associated with simply walking away from the property when payments become difficult to afford. When the value of the property falls below the value of the loan—a common situation when downpayments are very low—default is even more likely.

An example illustrates why low downpayment mortgages are more likely to go into default and foreclosure and cost the FHA much more if they do. Under current law, an individual buying a house costing $100,000 would be required to make a minimum downpayment of $4,500 to be eligible for an FHA-insured mortgage to finance the remaining $95,500 of the purchase price. The buyer also would be permitted to finance the 3.8 percent FHA insurance premium as well as the likely one percent (or one "point") origination fee that the lender would charge at settlement. These charges add $4,584 to the loan, bringing the total amount financed with FHA insurance to $100,084.

Walking Away from Homes.—The buyer thus has incurred $100,084 in debt to acquire a property worth $100,000, resulting in a loan-to-value ratio in excess of 100 percent. This could be a problem later if the owner in this example has to sell the house. Suppose the owner lives in one of those communities experiencing only limited appreciation in house prices. It is likely therefore that the house can now be sold for just $102,000. If the house is sold for this amount, say, two years later, with likely settlement costs of approximately $7,650, the net proceeds would be $94,350. This is $4,564 short of the partially amortized loan that the owner must pay off. The choice thus confronting this homeowner is whether to try to raise money to pay the deficiency or simply to walk away from the property and leave it to FHA. Great numbers of such homeowners obviously are walking away from their homes. This is why the FHA probably will have to pay out $6.6 billion in claims this year.

FHA's claims experience shows that loans with loan-to-value above 97 percent experience losses at rates about twice as high as those with ratios of 95 percent or less. For example, the claim rate for FHA low downpayment 97 percent loans made in 1981 and 1982 amounted to approximately a third of the dollar volume of such loans insured.[5] Some of the proposals before Congress that would substantially reduce the downpayment also would require the borrower first to submit to counseling. But the potential financial disincentives confronting the borrower likely would overwhelm this charmingly naive effort to install good behavior.

HOW HIGHER LOAN LIMITS WOULD HELP RICH AMERICANS BUY EXPENSIVE HOUSES

The other proposed change in FHA rules would raise the mortgage limit above the current $101,250 cap. This would not make housing more affordable for first time buyers or for buyers with moderate incomes. If households cannot afford the lower-priced homes now eligible for FHA insurance, they certainly cannot afford even more expensive houses. Concludes a recent Congressional Research Service report: "Many areas have an affordability problem—incomes have not kept pace with rising home prices. Raising the FHA limit, however, does not address the problem. If the family cannot afford the home, the level of the FHA limit does not matter." [6]

Borrowers qualifying for larger mortgages already are served adequately by the private mortgage insurance industry—at no risk to taxpayer. Moreover, raising the FHA limit could contribute to greater FHA losses in the future because the increase in the size and number of risky high loan-to-value ratio mortgates would subject the FHA insurance fund to a greater number of larger potential loan losses. Although this change could create the appearance of short-term benefits as the larger loan limits expand FHA market share and generate more premium revenues to offset the rising number of claims now being submitted, this gain will be at the expense of higher future losses because such losses tend to be at their highest during the second through the fourth year of the mortgage.

THE FEDERAL TAKEOVER OF THE MORTGAGE MARKET

There are other concerns with proposals that would expand the use of FHA mortgages. In particular, by expanding FHA's market share, these proposals would lead to a further federalization, or nationalization, of the residential mortgage insurance market. This would unfairly crowd out existing private sector insurers who must pay taxes on their profits and who require no subsidies or protection from the Treasury to remain in business. Through 1985, private mortgage insurance (PMI) had a larger market share than the FHA. But that situation reversed dramatically the following year. By 1987, the FHA was insuring twice as many mortgage dollars as were the PMIs.[7] Raising the FHA cap would cause a further decline in the market share held by the PMIs and a corresponding increase in the share backed by the taxpayers' checkbook.

Crowding Out Private Providers.—The Federal crowding out of the PMIs is not an isolated situation. It has been matched by the other forms of federal and federally sponsored mortgage credit support during the 1980s. Whereas such federal support covered just 17 percent of outstanding mortgage debt in 1980, the federal share rose to 29 percent last year, as the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), FHA, and the Government National Mortgage Association (GNMA) expanded their activities and displaced private providers of mortgage credit and insurance. By 1987 more than a third of the increase in the outstanding mortgage debt was accounted for by federal and related agencies.[8]

Such growth in liabilities exposes the government and thus the taxpayer to increasing large level of risk. According to last month's GAO report on FHA, at the end of 1987 the FHA had a meager $1.2 billion in equity to support a staggering $277 billion of insurance-in-force.[9] Because losses have risen significantly since then, FHA's equity could be lower today. Moreover, the FHA's ratio of equity and reserves to insurance is well below the level that states require PMIs to maintain to do business with their citizens.

FNMA is not in much better shape. A 1989 report on FNMA by the U.S. Department of Housing and Urban Development concludes that in 1987 it had only $1.8 billion in accounting net worth to support its $97 billion portfolio of mortgage loans and its $140 billion in mortgage-backed security guarantees. Because interest rates have risen since this estimate was made, FNMA's equity measured on a "mark-to-market basis" which values assess at their market value rather than book value, could be smaller today.[10]

THE NEED TO REBUILD FHA'S FINANCIAL SOLVENCY

Given taxpayer concern over their enormous exposure to housing credit risks, and the rising losses at the FHA, lawmakers should be taking prompt action to return the FHA to sound financial footing, not adding risk to its portfolio. This can be done while maintaining FHA's historic commitment to assist families of modest incomes to buy homes. As a start, FHA activities should be refocused on these moderate-income buyers. This means dropping lines of business that expose the agency to potential losses while doing nothing to assist the first time buyer or the buyer of modest means.

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[3] *Ibid.*, p. F-45.

[4] Federal Housing Administration's Accounting Methods and Section 203(b) Program, op. cit., p. 40.

[5] *Ibid.*

[6] "Federal Housing Administration: Raising the Mortgage Limit," Congressional Research, April 19, 1989, p. i.

[7] *Privatization: Toward More Effective Government*, Report of the President's Commission on Privatization, University of Illinois Press, 1988, p. 30, and the Mortgage Insurance Companies of America.

[8] *Economic Report of the President* (Washington, DC., U.S. Government Printing Office, 1989), p. 395.

[9] *Federal Housing Administration Fund's 1987 Statement of Financial Position, op. cit.*, p. 3.

[10] "1987 Report to Congress on the Federal National Mortgage Association", Office of Policy Development and Research, U.S. Department of Housing and Urban Development, Chapter One, p. 6.

Basis for Reform.—The 1988 recommendations of the President's Commission on Privatization[11] and those developed by The Heritage Foundation in 1986[12] could serve as the basis for a substantive reform effort. In its final report, the Privatization Commission recommended that FHA concentrate on those potential buyers who might otherwise not be adequately served by the private sector. To achieve this, the Commission recommended that FHA limit or restrict coverage for borrowers with high incomes, buyers of vacation homes, borrowers who seek large mortgages, those wanting to refinance their homes, and investors who intend to rent out the premises being financed.

FHA's experience with the insurance of mortgages used to acquire property for investment illustrates why the FHA should return to its traditional functions. Although such loans amount to only 12 percent of the insured portfolio, they account for 30 percent of the defaults.[13] Insurance for mortgages used to acquire vacation homes also should be ended, since FHA's depleted reserves should not be exposed to the financial risks generated by second homes. Similarly, high valued mortgages should be discouraged: they expose FHA to additional risk while doing little or nothing to assist the families that FHA was intended to help.

In addition to the reforms proposed by the Privatization Commission, recommendations have been offered by Heritage Foundation Grover M. Hermann Fellow Stephen Moore. These include:

(1) Requiring the FHA to build sufficient reserves.

These should equal 4 percent of FHA contingent liability; this is the same level required of private insurers. With these reserves, the FHA would have sufficient funds to cover unexpectedly high losses.

(2) Requiring a minimum downpayment of 5 percent of the purchase price from homebuyers obtaining FHA insurance.

Low downpayments are one of the greatest contributing factors to high default rates and insurance claims. Decreasing these losses by raising the required downpayment just a few percentage points will improve FHA's financial position.

(3) Imposing a 5 percent coinsurance requirement on the lender on direct endorsement loans.

A coinsurance requirement means that the lender shares a portion of the risk of default. In this case, 5 percent of the losses on a defaulted FHA loan would be borne by the lender. By requiring the lender to underwrite a portion of the insurance on the loans it originates, the FHA would have greater protection against fraudulent claims.

(4) Phasing in an income cap on participation in the FHA mortgage insurance program.

An income cap on FHA insurance eligibility would return FHA to its proper role of helping moderate-income homebuyers. After a phase-in over several years, a permanent cap should be set at 140 percent of the area's median family income, thus assuring access to the housing credit market to low- and middle-income families. By phasing in the income limit slowly, Congress would minimize any possible short-term disruptions to the housing market that might be caused by FHA's contraction.

CONCLUSION

The recommendations of the President's Commission on Privatization, together with those proposed by The Heritage Foundation, would help refocus the FHA toward those homebuyers of modest means who need help in qualifying for their first home loan. At the same time, these recommendations would begin the process of making the FHA's insurance fund more solvent and thus limiting the potential liability confronting the taxpayer.

Pattern of Bailouts.—The 1980s have seen the unraveling of the federal government's vast collection of questionable credit programs in support of politically influential constituencies. The 1987 bailout for the federally sponsored Farm Credit Administration was the first major credit disaster of the decade and cost the taxpayers more than $4 billion. That, however, was a mere *hors d'oeuvre* to the $285 billion that the General Accounting Office estimates the American taxpayer will have to pay to resolve the savings and loan fiasco.[14]

Risk of Collapse.—Will FHA be next? It already is edging precariously close. In its recent audit of FHA for the GAO, the international accounting firm of Price Waterhouse notes that the fund was sound at the end of 1987, but adds that a study by an independent contractor concludes that it would barely survive a severe regional downturn without U.S. Treasury support.[15]

Such a possibility cannot be ruled out. With the housing market weakening in response to high interest rates and with the economy of the Southwest yet to recover, lawmakers should be taking urgent action to repair the financial foundations of the FHA, not further undermining the fund with ill-considered proposals that increase the risk of FHA's collapse.

The PRESIDING OFFICER. The Chair notes that the point of order has not been withdrawn. The Chair is prepared to rule on the point of order against the amendment, as modified. The amendment, as modified does not fall within section 3, does not violate section 302(b) of the Congressional Budget Act and the point of order is not sustained.

Ms. MIKULSKI. Mr. President, I move that the——

Mr. NICKLES. Will the Senator withhold?

Ms. MIKULSKI. Certainly.

Mr. NICKLES. I believe Senator DOMENICI would like to speak and he just stepped out.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. DOMENICI. I assume there is no time limitation or agreement at this point?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I hope I will not use much time, perhaps 4 or 5 minutes. I rise in support of the amendment that Senator NICKLES and Senator DIXON have offered to this appropriations bill.

First, let me discuss the fact that we are debating a provision in an appropriations bill which will allow FHA to insure loans on properties with a sales price up to 95 percent of the State median.

This ought to concern Senators, but it should also concern Senators what is pushing this provision.

Essentially what we have done is let the annual targets of Gramm-Rudman-Hollings dramatically alter the FHA lending policies in this country. I have grown concerned about the tendency to focus on reaching 1-year deficit targets at the expense of making sound policy.

Mr. President, there is no doubt in my mind, none whatsoever, with the difficult time that first-time buyers are having finding housing in the United States, this amendment is brought up at a time when the FHA fund is extremely vulnerable and its equity value dropping. Some even compare FHA's losses and financial condition to the recently passed savings and loan bailout bill.

If some of these issues were discussed by the Banking Committee and they were to hold hearings to determine what we should do about the FHA subsidized loan program, there has been no discussion in the bill or amendment of the extremely low down payment program FHA provides which we in the United States adopted at a point in time to help certain people, in particular low-income people. I have no doubt that the results would say it is absolutely the wrong time to lift the ceiling on the mortgage caps provided under this preferential subsidized targeted housing program. The answer would be on all scores it is the wrong time.

Nonetheless, because this subcommittee, very diligent subcommittee with a very hard job, had to find money so that they could meet what they perceived to be their appropriation responsibility and in a wink, the subcommittee will dramatically alter the FHA program, to stay within its Gramm-Rudman-Hollings target.

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[11] *Ibid.*, Chapter 3.

[12] Stephen Moore, "How Congress Can Defuse the Federal Housing Administration Time Bomb," Heritage Foundation *Backgrounder* No. 528, July 29, 1986.

[13] "Curbs on Government-Backed Mortgages are Instituted by Reagan to Battle Fraud," *The Wall Street Journal*, April 4, 1986, p. 3.

[14] "GAO Puts Cost of S&L Rescue at $285 Billion," *The Wall Street Journal*, May 22, 1989, p. A4.

[15] *Federal Housing Administration's Accounting Methods and Section 203(b) Program, op. cit.*, p. 12.

Frankly, it is the wrong way to do business. Literally, it is wrong-headed policy to take the budget ceilings of any subcommittee and, in a rather willy-nilly manner, find ways of meeting the target. I have not come to the floor as many times as I would have liked to during this cycle to talk about the bad policy that is being made in the name of meeting budget targets. But I choose this one just to make a point.

Mr. President, the subcommittee provision intends to increase the mortgage ceiling in many States which obviously will lead to having a lot more FHA loans. As the ceiling is raised from around $100,000, FHA will make more loans.

Currently we do not give the very rich the benefit of this program, but it is a pretty good source of housing for many who could not otherwise afford it that qualify under this law.

A consequence of increasing the mortgage ceiling is that FHA will collect more of those up-front premiums that are placed in a reserve fund to cover future losses.

When you ask somebody, in the first year will increasing the mortgage ceiling bring in more money? They go out and give you an estimate, and they say of course. How much? Well, the dollar figure of $15.7 million is then plugged into the appropriations process and spent as if it were real money. These fees go to FHA, not the Treasury. Spending these fees in the appropriation bill and using them to cover future losses from default means the same fee is being used twice.

Mr. President, many people in this body come to this floor and talk about helping those who need help. Increasing the mortgage ceiling greatly will have the opposite effect. This will benefit upper-income families in the United States primarily

Why in the world should we do that when it will have the other effect of reducing the focus on first-time home buyers who are most in need of this kind of financing if they qualify.

I can tell you that the U.S. League of Savings and Loans, the Federal Housing Administration, and all other experts say that is precisely what it will do. Raising the ceiling will not help the poor. It will not help those who have difficulty buying their first house. It will help those who are going to buy very expensive housing get a Federal Housing Administration long-term subsidized loan.

Where are the loans that are not made under this program made in the United States? Essentially, most of them are made by the private sector, and huge numbers of them are made by the savings and loan industry of the United States.

We already know that the savings and loan industry is fragile. By increasing the cap, the FHA will be encroaching on the savings and loan market. Borrowers would much rather get the FHA subsidy of a lower downpayment and interest rates than use a private bank. Increasing the FHA cap takes away business from the savings and loan industry.

I really cannot believe we are going to do that, but I have learned to believe the impossible especially when we are driving to meet 1-year budget targets and somebody finds a way.

I wish I had the wherewithal to eliminate this provision of this bill. But I would have to find $157 million in offsets. Maybe I could if I had the whole appropriations process to look at, but I cannot in good faith say I can find within this HUD and independent agencies bill $157 million in outlays, and that Senators in any significant number would vote to reduce and/or eliminate to pay for this. I do not think I can find it. I do not think any Senator can.

So at least we ought to adopt a modicum of realism in this Federal Housing Administration program. We ought to put a specified cap on it.

I am not sure that the distinguished Senators from Oklahoma and Illinois have the right cap, a cap at least will limit the amount of exposure the Government will face from default. FHA is intended to help the low- and moderate-income home buyer—not a person that can support monthly mortgage payments on a $170,000 house.

That is what this fund is for.

So, Mr. President, I really believe we ought to adopt, at least one modicum of improvement in this bill, the amendment sets the cap.

The problem with this provision is its open-ended nature. No matter what the area, no matter how high the home price, no matter who the buyer—FHA insurance would be available for home prices at 95 percent of the statewide median.

Mr. President, let me say this provision does not belong in this appropriations bill, as I have indicated. FHA will insure nearly $60 billion in commitments for mortgage insurance this year. It is a huge program with enormous implications for both the home buyer, the public, and the Federal budget.

So let me make it clear that I understand the problem that rising home prices have caused for home buyers, particularly first-time buyers. I think there is some justification to support the Nickles amendment on the first-time buyer premise because that might include a slightly broader group who might get in under this provision as first-time home buyers. That makes it have a kind of a positive tinge that is not in the current bill. So I submit that this ought to be adopted.

While I am on my feet, let me suggest I am not going to vote against this bill. I hope this amendment is adopted. But essentially there are a number of things that I am sure many do not know about that are of deep concern to this Senator.

I started this discussion by talking about using the annualized targets of Gramm-Rudman to effect poor policy. Mr. President, I am glad I am not the administrator of NASA under this bill because in order to meet the targets in this bill the space program has a series of delayed and deferred funding that is an absolute quicksand for any administrator. Various programs are funded; however, their funding starts well into the fiscal year, so that you will not get the full charge for their expenditures during the accounting year in question.

It seems to me that this is an invitation to every subcommittee of appropriations, an open-ended invitation to delay obligations. If you do not have enough money in the bill, then just start the program 3 months into the year or 6 months into the year. I guess to prove that you have a program going, you could even start at 9 months into the year. So you see, you only get charged in the budget-crunching numbers for that piece of the year that you fund a program.

I believe those who are part of this, my good friend from Maryland, who chairs the subcommittee, and my longtime and good friend from Utah, who used to be chairman and is now a ranking member, would agree that this is certainly not the kind of policy or practice that we ought to encourage as part of the ongoing funding of the business of this Government.

Last but not least, there are a few hundred million dollars in this bill that rightfully affect the defense allocation, that we agreed upon when we had our bipartisan budget summit.

Reclassifying funds from Defense to domestic discretionary is a violation of the bipartisan budget agreement. Moneys that are rightfully in Defense are being used to fund a portion of this program. If the President wants to do that, and sign this kind of bill, certainly he can.

We worked very hard to reach a Defense number and make sure that it was maintained and that domestic programs got a very good increase across the board in exchange for that. Yet, almost every bill we hear about, be it drugs or otherwise, there is additional money coming out of Defense to pay for something that is either alleged to be Defense activity or that we stretch some activity to make it Defense activity and pay for it out of the Defense budget.

All in all, I say to those who tried to put together one of the most difficult bills around and one of the most important bills around, HUD and independent agencies, with great science and space programs in it, NSF, along with housing and veterans, it is very difficult. They have a difficult job. I wish they would have been given more money up front in their allocation, but that is impossible, too, because every other committee wants more than we have.

Some programs in the other committees clearly carry with them an awful lot of notoriety and a lot of positive political vibrations, sometimes referred to as political pressure or political pizazz. So we end up with this committee not getting enough money to do its job, so they had no alternative other than to do these things. Nonetheless, I think we should fix the Federal Housing Administration cap on insurance, so that we do not insure houses beyond what is reasonable and act in a counterproductive manner to what is good housing policy for the country.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I believe all of us have spoken our views on this bill. I now move to table the Nickels amendment.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that, if present and voting the Senator from Michigan [Mr. LEVIN] would vote "yea."

THE PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—50

Adams
Bentsen
Biden
Bradley
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Fowler
Gore

Gorton
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Matsunaga
Metzenbaum
Mikulski

Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Stevens
Wilson

NAYS—49

Armstrong
Baucus
Bingaman
Bond

Boren
Boschwitz
Breaux
Burns

Chafee
Coats
Cochran
Danforth

Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch

Helms
Humphrey
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles

Packwood
Pressler
Pryor
Roth
Simon
Simpson
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—1

Levin

So, the motion to lay on the table amendment number 767, as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

Mr. DOLE. I move to reconsider and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator will suspend.

The Republican leader has asked for the yeas and nays on the motion to reconsider.

Is there a sufficient second?

Mr. SARBANES. Is the Republican leader on the prevailing side?

In order to be eligible to make the motion to reconsider, the Senator must be on the prevailing side.

The PRESIDING OFFICER. In order to be eligible to make the motion to reconsider, the Senator must be on the prevailing side. The Republican leader voted "no" and is not eligible to make the motion. So the motion to reconsider has not been made.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, voting on the prevailing side on vote No. 182, I move to reconsider that vote and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. LEVIN] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—49

Armstrong
Baucus
Bingaman
Bond
Boren
Boschwitz
Burns
Chafee
Coats
Cochran
Danforth
Dixon
Dole
Domenici
Durenberger
Exon
Ford

Garn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heinz
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain

McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Pryor
Roth
Simon
Simpson
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—50

Adams
Bentsen
Biden
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Fowler

Glenn
Gore
Gorton
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Matsunaga
Metzenbaum
Mikulski

Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Wilson
Wirth

NOT VOTING—1

Levin

So the motion to reconsider the vote was rejected.

BUDGET COMMITTEE STATEMENT ON VA-HUD APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2916, the VA-HUD appropriations bill and has found that the bill is under its 302(b) budget authority allocation by $126,000 and its 302(b) outlay allocation by $20,348,000.

I would like to compliment the efforts of the distinguished manager of the bill, Senator MIKULSKI, and the distinguished ranking member of the VA-HUD appropriations bill, Senator GARN, for their excellent work on this very difficult bill.

Mr. President, I have a table from the Budget Committee showing the official scoring of the VA-HUD appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate moment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2916, SEPT. 18, 1989

[In billions of dollars]

	Fiscal year 1990	
	Budget authority	Outlays
VA-HUD-IA COMMITTEE—SPENDING TOTALS		
302(b) bill summary:		
H.R. 2619, Senate Reported (new budget authority and outlays)	67.0	38.8
Enacted to date	+(1)	31.7
Adjustment to conform mandatory programs to resolution assumptions	−1.2	−.8
Scorekeeping adjustments	+(1)	
Bill total	65.9	69.7
Subcommittee 302(b) allocation	65.9	69.7
Difference	−(1)	−(1)
Bill total above (+) or below (−):		
President's request	+2.7	−.8
House-passed bill	+.3	−.5
House 302(b) allocation	+.3	+(*)
Summit cap summary:		
Defense (050) spending in bill	.6	.3
Allocation under defense cap	.6	.3
Difference	+(*)	−(*)
International affairs spending in bill	0	0
Allocation under international affairs cap	0	0
Difference	0	0
Domestic discretionary spending in bill	48.0	53.1
Allocation under domestic cap	48.1	53.1
Difference	−(1)	+(1)

[1] Less than $50,000,000.

Note.—Details may not add to totals due to rounding.

Source: Prepared by Senate Budget Committee Staff.

Mr. HEFLIN. Mr. President, I rise today to offer my support for H.R. 2916 which will make appropriations for the Departments of Veterans Affairs and Housing and Urban Development. Just as importantly, this bill makes appropriations for many Federal independent agencies. I believe that the independent agency that I am most associated with is NASA.

While the bill provides for a 15-percent increase for the space program, I believe that this is only the bare minimum for our space program and falls short of what is needed to maintain world leadership in space research, technology, and exploration. However, I understand the budget problems the subcommittee faced, particularly with regard to the subcommittee's inadequate 302(b) budget allocation.

At any rate, I want to compliment the distinguished Senator for Maryland, Senator Mikulski, for a very hard job well done. Also, I want to compliment the subcommittee's ranking member, Senator GARN. There is not a member of this body more familiar with the programs in this bill, particularly in the area of the space program, than Senator GARN.

This is Senator MIKULSKI's first time to chair an appropriations subcommittee, this one being one of the most important on the full committee and the one with the largest variety of Federal programs. I believe that she and Senator GARN have done an outstanding job with what they had to work with.

They had a very difficult task to do with a very small subcommittee allocation to do it with. This is not to say that I am pleased with all the funding levels in the bill. I am not. I would have liked to provide more money for many programs in the bill, particularly in the areas of veterans medical care, and space flight and exploration.

Mr. President, I had hoped that it would be possible to provide more for our Nation's space program than this bill allocates. The bill provides only $12.3 billion for NASA. While this is $76 million above the House level, it is more that $900 million below the NASA budget request.

I realize the budget problem that we face. At the same time, I am simply afraid that if we do not place a higher priority on space research and technology, we will be mortgaging the future of our children and grandchildren, and forcing them to catch up from behind the rest of the world in space. No longer is it just the United States and the Soviet Union in space. Many other Nations have realized the importance of space research and the enormous benefits that space has to offer.

The bill provides for $1.85 billion for the International Space Station *Freedom* Program which, in my judgment, is one of the most important programs this Nation has attempted in its history. This funding level is $200 million below NASA's budget request. While I would prefer, and have fought hard for, full funding for the space station, I am nonetheless hopeful that this funding level will provide enough for the program to move forward without any serious program modifications, rescoping, or schedule delays. I am also hopeful that the House will accept the Senate funding in conference if more cannot be found. I compliment the chair and ranking member of the subcommittee on their handling of this program. I realize that it took a good deal of finesse and innovative thinking to allow this much for the program in this budget climate and with the allocation they received from the full committee.

Mr. President, the Congress and the administration must find a way to place some funding stability in the space station program. On July 20 of this year, the 20th anniversary of man's first step on the Moon, the Senate passed a resolution commending NASA on this incredible feat and calling on the Congress, the President, the Vice President, NASA, and OMB to do all that is possible to find ways to fully fund the space station *Freedom*. In my judgment, Mr. President, this is tantamount to calling for a summit on the space station.

I have talked to the President about this idea and he was very receptive to it. I have also talked to Richard Darman, the Director of OMB, Brent Scowcroft, the National Security Adviser, and John Sununu, the White House Chief of Staff. I believe that we need a summit agreement in order to place some stability in this all important program and not have these yearly life or death fights on the space station.

With a space station summit, we can get on with the station as it should be—a robust and capable laboratory in permanent Earth orbit, with strong international participation, enabling astronauts to conduct research in many areas, such as life sciences, medical technology, materials science and astrophysics. I hope the administration will give strong consideration to holding a space station summit with Congress.

Mr. President, I want to mention two other programs which I believe are very important to our space program. These are the shuttle-C and the advanced solid rocket motor.

I am pleased that this bill provides for $15 million for continued studies for the shuttle-C Program. In my judgment, this is an outstanding program which NASA and the Nation should pursue with great vigor. The United States needs a heavy-lift capability as soon as possible. The manned space shuttle system can be easily modified into an unmanned cargo launch vehicle capable of transporting heavy paylods at a lower cost.

The shuttle-C will fully utilize more than 30 years of expertise in propulsion that has been gained by this Nation and rests squarely within NASA. It also provides for a logical first step in building a U.S. heavy-lift capability. This is not a competitor with the advanced launch system. They are two different vehicles; two different flight rates; two different schedules; and two different missions. We should start with the shuttle-C and build to the ALS.

The shuttle-C can promptly answer the call issued by the President, in his recent speech on our future in space, the Congress, the NASA advisory committees, and the American people for the United States to reassert its leadership in space. It will also meet the Nation's need for increased payload capacity and unmanned operations to compliment the space shuttle system as identified by the U.S. current and planned space activities. It is an appropriate international competitor and restores to the United States a capability it has not had since the Saturn Program ended almost 20 years ago.

Along with the shuttle-C to meet our goals and planned missions of a space station and lunar outpost, a manned mission to Mars, and mission to planet Earth, we will also need the advanced solid rocket motor. Mr. President, there is little question as to the merits of NASA's ASRM Program.

The currently used solid rocket motors for the space shuttle system are 1960's technology. Advances in technology allow us to produce today a solid rocket motor for the space shuttle program utilizing new technologies and production processes that will provide the shuttle system with increased reliability, reusability, and payload weight capability. However, probably the most important element of the ASMR Program of all is that the ASRM will make the manned shuttle program enormously safer which should be paramount in our consideration when sending astronauts into space. This bill provides strong support for the program.

This bill falls short of what is needed for this Nation to be a world leader in space which is vitally important to our future. However, I realize the budget problems we face. In that regard, I support the bill but I could not vote for the bill without expressing concerns with regard to the overall space funding.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 768

Purpose: To provide disaster relief to the Commonwealth of Puerto Rico and the U.S. Virgin Islands for damages caused by hurricane Hugo.

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. JOHNSTON, Mr. KENNEDY, Mr. SARBANES, Mr. RIEGLE, Mr. HOLLINGS, Mr. GORE, and Mr. MOYNIHAN, proposes an amendment numbered 768.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, line 6, strike "." and insert the following: ", of which such sums as may be necessary shall be made available for disaster relief and emergency assistance to the Commonwealth of Puerto Rico and the United States Virgin Islands for damages resulting from Hurricane Hugo during the calendar month of September, 1989.".

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very simply, I sent copies of this amendment to both the floor managers, the Senator from Maryland and the Senator from Oklahoma. What this amendment does, very briefly, is respond to the devastation and effects of Hurricane Hugo on the Commonwealth of Puerto Rico and U.S. Virgin Islands.

There are no new moneys in this amendment. It was the fund that exists in the Robert T. Stafford Federal Emergency Act, which is covered by the jurisdiction of this bill, $100 million in funds there, that money to be made available for disaster relief as soon as possible.

I offer this amendment, on behalf of myself, and Senators JOHNSTON, KENNEDY, SARBANES, RIEGLE, HOLLINGS, GORE, and MOYNIHAN.

All of us are fully aware there were 28,000 people apparently who have been displaced on the island of Puerto Rico and significant damage in the Virgin Islands.

The Governor of Puerto Rico has asked already the President to declare the island of Puerto Rico to be a national disaster and national emergency. I think we all agree with that.

We are saying with this amendment here today that whatever funds may be necessary to meet the crisis in Puerto Rico and the U.S. Virgin Islands be expended, and this ought to be done as soon as possible to take advantage of the fact that coincidently the legislation before us covers disaster relief.

So today the Senate is going on record to say to a member of our family in both Puerto Rico and the Virgin Islands, we stand ready, prepared to help out in that crisis and do whatever may be necessary to make it possible for those families, businesses, and others who were harmed by one of the worst storms, we are now told, of this century, that devastated that island in the last 4 hours, and we will do what we can to be of help to them.

I am glad to yield to the distinguished Senator from Maryland.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. Yes, there is.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland.

Ms. MIKULSKI. Thank you.

Mr. President, first I think I am going to ask the Senator from Connecticut a few questions just because I just looked at this amendment.

First, I want to say that all of those of us who are in the continental United States, our hearts go out to the people of Puerto Rico and the Virgin Islands. It is indeed an ill wind that blew Hurricane Hugo over the island of Puerto Rico and the Virgin Islands.

We certainly do want to reach out our hands in fellowship and friendship to other Americans there.

But if the Senator from Connecticut will yield, this amendment says: "such sums as may be necessary." We talked about the bill. The Senator from Maryland thought that the Senator was offering an amendment that would not have a financial impact but would be to encourage and expedite the quick flow of FEMA relief to those islands. The Senator from Maryland, the manager of the bill, is confused. Is the Senator asking we appropriate such funds as necessary?

Mr. DODD. No. I say to my distinguished colleague, I say bring it up today on this bill. We are urging quick action on all of this.

Second, there are no additional funds. It is not adding to the funds that are already in the bill. There is $100 million in the FEMA pot, and the President will make a judicious decision on how much of that ought to be used to provide relief.

Obviously at the termination of whatever the number is by the President, additional funds may be necessary down the road, and I am sure the chairman of the respective committees will respond accordingly. It is not asking for additional funds. What is there now is what is in the legislation. I am not trying to add any money at all.

Ms. MIKULSKI. I see what the Senator is asking for, not additional funds but those funds that are set aside for hurricane and other disaster relief being made sure that out of that account such sums might be necessary for disaster relief and certainly more emergency assistance to our compatriots in Puerto Rico and the Virgin Islands.

Mr. DODD. The Senator from Maryland is correct. There are no additional funds. They ought to make a determination. It would be ridiculous to try to estimate what the damage may be. Hopefully we can get a quick response to this.

If they are from Maryland or Connecticut, and I see Senators from other States on the floor, I think we all want to respond quickly to that disaster. There are no members of the Commonwealth of Puerto Rico who sit in this body. Many of us feel a member of the family not being represented in this body deserves to have a crisis they face to be responded to; hence, the rationale for this amendment.

Ms. MIKULSKI. The Senator's remarks are well taken. I think they express a response to a compelling humanitarian need.

The Senator is also right that the Commonwealth of Puerto Rico and the Virgin Islands do not have a standing here in the Senate in the sense of a personal advocate to represent their needs. These are fellow Americans.

Certainly if these ill winds come up the Chesapeake Bay, if Ocean City were bracing right now for this hurricane we would all want this type of response.

I am happy to accept this amendment, and particularly if it is also acceptable to my Republican colleague. I think the Senator from Connecticut does a great deal of service to the people of Puerto Rico and the Virgin Islands.

I thank my colleague.

Mr. DODD. I thank my colleague.

FEMA EMERGENCY FUNDS FOR VICTIMS OF HURRICANE HUGO

Mr. SIMON. Mr. President, I rise in support of the pending amendment offered by my friend and colleague Senator Dodd of Connecticut. Emergency relief for the victims of Hurricane Hugo is urgently needed. I am informed that a delegation from the Federal Emergency Management Agency is on its way to the U.S. Virgin Islands and will be attempting to go to Puerto Rico. The FEMA delegation is to land on a runway in the Virgin Islands whose control tower has been destroyed by the hurricane. There, they will be met by the Puerto Rico Civil Defense Agency which will take them by helicopter to San Juan. These efforts are to be commended and supported in every way possible.

It is true that there is no Senator in Puerto Rico in this body but, like my colleague from Connecticut, I represent many Puerto Ricans who live in the State of Illinois and are critically concerned about the devastation of their families and friends caused by Hurricane Hugo. This is a time when we should all come together and provide the necessary relief for Puerto Rico.

I urge swift adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 768) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I thank my colleague from Colorado as well for being very patient.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, if I could have the attention of the managers I would like to handle one bit of business by prearrangement. Earlier today I understand while I was not on the floor, the Senate agreed to a proposal by a Democratic manager, the Senator from Maryland [Ms. Mikulski] having to do with a firefighters memorial. Inadvertently this matter was not completely cleared on both sides so I was not aware of this nor do I think my colleague from Colorado [Mr. Wirth].

We have a longstanding interest in this matter. In fact, our side in the cloakroom said we would be notified when the matter came before us, but it was simply a case where frankly a system that works exactly as it is supposed to work, 999 times out of 1,000 finally did not work in the 1,000th case.

I brought this matter to the attention of both managers and with their customary graciousness I believe the Senator from Maryland is prepared to make us whole on this and not resolve the issue today, but it is not her desire to clog it through without an opportunity for Mr. Wirth and me to debate the matter.

So, I will yield to the Democratic manager and ask if she would be willing to some way vitiate the action that has occurred so we can come back to it on another occasion.

Ms. MIKULSKI. We would be willing to accept the motion to vitiate those aspects of the proceeding, if the Senator from Colorado wishes to offer that amendment.

First, it was inadvertent, because we had been advised that it had been cleared on both sides of the aisle and was noncontroversial. I would say the channels of communication were clogged.

The Senator from Maryland wishes to assure that both Senators from Maryland had no malevolent intent. Just know, however, that we Senators from Maryland would one day like to be able to recognize those gallant fallen heroes at Emmitsburg.

Obviously this bill is not the place to express that respect but I think the Senator from Colorado would agree that wherever we can pay our respect to the men and women who risked their lives in this endeavor, we should do so.

But if the Senator will offer that motion I will be happy to accept it.

Mr. ARMSTRONG. Mr. President, a moment ago I pointed out the graciousness of the Senator's response to me privately and again she has responded to me in the same way, and in a moment I will offer that amendment.

I see the Senator from Colorado is here.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I wanted to thank my colleague and thank the Senator from Maryland for her graciousness. The senior Senator from Colorado had worked a long time in the Colorado Springs area, had gotten involved in that through some people in Colorado Springs, and was there that weekend. I know nobody wants to get this thing complicated, and I appreciate the senior Senator's efforts, and I particularly want to thank the distinguished Senator from Maryland for her gracious acceptance of the amendment offered by the Senator from Colorado.

VITIATING ACTION ON AMENDMENT NO. 762

Mr. ARMSTRONG. Mr. President, I thank my colleague from Colorado. Again I thank the managers, especially Senator Mikulski, and I do ask unanimous consent that the previous action of the Senate on this amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ARMSTRONG. Mr. President, I thank the Chair and all Senators.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 769

(Purpose: To modify the FHA mortgage insurance program)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator form Oklahoma [Mr. Nickles] proposes an amendment numbered 769.

NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937. The remaining amounts of budget authority, or in lieu thereof the remaining such amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be rescinded, or in the case of cash, shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$716,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(185 percent during fiscal year 1990, in the case of a purchaser or a purchaser and his or her spouse who has not had an ownership interest in a residence during the 3-year period ending on the date of the acquisition)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) Refinancing.—

"(1) Review of assistance payments contracts.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) Refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) Method of payment of refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancings as follows:

"(A) Lenders and mortgagees providing refinancing under this subsection may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) Revision of contracts and rescission of excess amounts.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

Mr. NICKLES. Mr. President, the amendment I have at the desk would be very simple. It would put a cap in, a higher cap than in the previous amendment that we have had two or three votes on. It would increase the cap to $125,000. As everyone is well aware by now, the present cap is 95 percent of median house prices or $101,000. The committee has proposed to take the $101,000 completely off so the only cap would be 95 percent of median house prices. I think there should be some cap on the amount of money as well, not just 95 percent of the median, but we should have some cap.

I had an amendment that we had a couple of votes on that would raise the cap or limit the cap to $118,000. Now I am proposing we limit the cap to $125,000.

Let us be frank. Who are we trying to benefit? Do not get me wrong. I want people to be able to afford $125,000 homes or $225,000 or $300,000 homes. I do not care. I do not think the Federal Government should have to guarantee those homes. That is the difference.

Are we going to put some limitation on what the Federal Government, FHA, is going to guarantee? Are we coming up and creating an entitlement program where people will be able to stroll down and have FHA guarantee home loans of $200,000? Or maybe it is $220,000? And all the people have to put down is a 5-percent down payment?

That is not done in the private sector. The pivate sector says, on these kind of loans, more expensive loans, $100,000 loans, the private sector mandates a 10- or 20-percent downpayment.

FHA, only 5 percent. I tell my colleagues if we take the cap off as is now proposed there is going to be a great demand on FHA. They will have an increase like we have not seen in the past in many areas, in the high cost areas.

Mr. SYMMS. Will the Senator yield for a question?

Mr. NICKLES. I will in a moment.

But do we really want the Federal Government coming in and guaranteeing $200,000 homes? That is exactly what we are going to be doing.

Why should we ask Joe Lunch Bucket, who is working hard making $7 an hour in a machineshop, to guarantee somebody's $200,000 home? That is exactly what we are doing.

This is a massive expansion of an entitlement program that I really do not think the Senate has thought much about.

Sure, there is legislation proposed, the Cranston-D'Amato bill has been proposed. It has been sitting in the Banking Committee but it has not been reported out.

I tell my colleagues, the OMB has studied this amendment. They are opposed to raising the limit from $101,000 and I thought we were being pretty accommodating, saying let us go to $118,000. I thought that was pretty generous, a $17,000 increase, the largest in their history.

But the Senate said no by one vote, twice. I think that is unfortunate. Now I am saying let us go to $125,000. If this amendment fails I am going to come back with another one. We have to have some limit. We cannot be asking the working men and women of this country to go out and guarantee $150,000, $175,000, $275,000 loans. They have better things to do with their tax dollars. If somebody wants to buy those homes, that is great, but we, as taxpayers, should not have to guarantee those loans. There is a big difference. We need to have some cap.

That is the reason I introduced this amendment for a $125,000 cap. I think that is very generous. I am proreal estate, I am prohomebuilder, I am prodevelopment. But I really do not think the Federal Government has a responsibility of going out and guaranteeing every loan that is made.

I happen to be concerned about thrifts. I happen to be concerned about the private sector making mortgages. Why should they have to compete with the Federal Government? Why should we have the Federal Government go out and guarantee all the mortgages in this country? I do not think we should.

Private mortgage companies insist on a higher downpayment than FHA. Private mortgage companies happen to be solvent. The FHA happens to be insolvent. It is losing money. It is losing over $1 million a day.

And the Senate of the United States, knowing it is losing over $1 million a day, still votes a massive expansion in this program. That is not being fiscally responsible. That is the reason we have deficit problems.

If we do not enact some kind of cap, some kind of limitation, we are expanding the deficit from next year on. Yes, the committee's amendment will raise $157 million next year. But the following years, the subsequent years, OMB states we will lose $30 million to $40 million progressively every year because they know a lot of those loans are going to be bad loans. They know a lot of those loans are going to be made with only a 5-percent downpayment, and a lot of individuals who end up borrowing the money to pay for the insurance, the 3.8 percent, they will have more of a loan out on the house than is actually the market value of the house. And if we have any downcycle in the real estate values, we will have FHA holding that many more thousands of homes.

They hold thousands of homes in my area because we have had a downturn in the real estate area. I do not like seeing that. I do not like the Federal Government owning billions of dollars of real estate. And by the amendment that is before the committee, or the committee-passed amendment, we are going to be doing that. We are going to have the Federal Government owning a lot of expensive homes.

We are going to have the Federal Government guaranteeing $150,000, $200,000 homes, and we are going to have Joe Taxpayer guaranteeing those homes.

Incidentally, a lot of those homes, once they are foreclosed on, the land value and the prices and the quality of that home will deteriorate and deteriorate very rapidly. Then the taxpayers really get hit and get hit hard.

I think that is a serious mistake.

Mr. SYMMS. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to yield.

Mr. SYMMS. I couch the question this way. I said earlier if this bill passes in its current form with this lid taken off, what Joe Lunch Bucket that you referred to better start doing is better forget about making a downpayment on his first home but start saving money for another bailout on FHA that will be required in the very near future.

How long would the Senator from Oklahoma think it might take before we reach the point where we will be in here asking for some kind of a bailout because we have taken the lid off of this?

Mr. NICKLES. I think the Senator makes a excellent point.

I know Price Waterhouse stated last year FHA lost $452 million. So we can tell that the problem is serious, it is real and it is happening right now. I think we may find out in the next 2 weeks, because GAO has a study right now, but we are not waiting for the study. We are moving to open this thing up with no cap, or the cap of 95 percent of median. We are moving that right now without seeing the GAO study. The GAO study has been ongoing for months. It is very extensive. I think it will tell us that FHA is in serious trouble; that we have a serious problem; that FHA has a lot of guarantees; that, quite frankly, the assets backing up those guarantees will show that we are in a serious, serious financial problem.

Yes, on what magnitude? I do not know, but it is in the billions and billions of dollars. We should not be expanding without realizing what we are doing, and certainly we should not be going to no cap. Why should we be asking the taxpayer who is making $8 an hour and struggling to survive, why should we be asking him or her or maybe both of them are working to guarantee somebody's $200,000 house? This provision will not benefit the policeman or the teacher or the fireman, the middle-income worker. This is going to benefit upper incomes and upper incomes alone. I think it is a serious mistake to see this kind of expansion. That is the reason why I introduced this amendment to have the cap be set at 95 percent of median or $125,000, whichever is lower. I thank the Senator for his comment.

The PRESIDING OFFICER (Mr. Breaux). Who seeks recognition? The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair. Mr. President, I have a question to ask the proponent of the amendment. Will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I will.

Ms. MIKULSKI. The Senator from Oklahoma places a cap of $125,000. This Senator wonders, does the Senator have other scorekeeping? Remember, we were talking about that $157 million 302(b) allocation that was generated by that which is part of the committee report. Will the Senator advise the managers of the bill what this means? What does this $125,000 mean in terms of 302(b) allocations? And does the Senator have other scorekeeping? I am a bit confused.

Mr. NICKLES. For the manager's information, I left the same offsets we had in the previous bill. In the previous bill, we provided for offsets on refinancing 235's, VAV, and also we had management and salary reductions of about I think $29 million. We left the same figures in that we had before. So for the manager's information, with this amendment, the committee will make more money. You will have additional moneys to spend versus what you had over the last amendment which was "budget neutral."

Ms. MIKULSKI. I did not hear that in the reading of the amendment. So when the Senator offers this new cap, it is also this new cap plus the other refinancing and other techniques that he offered in the previous amendment; is that correct?

Mr. NICKLES. Exactly correct. I say VAV, it is FAF.

Ms. MIKULSKI. Mr. President, did I hear this in the amendment? I am not trying to be an obstructionist. We are talking about $157 million. Is it FA, MFA, and I know these letters can all drive us crazy. Do you have an amendment at the desk that states this? Is there an amendment at the desk?

The PRESIDING OFFICER. The amendment is pending offered by the Senator from Oklahoma. It is pending at the desk, and it has been reported.

Mr. NICKLES. If the Senator will yield, if she will try to read through the amendment, it will be harder to figure out. In this amendment, like the previous amendment, we have section 235 refinancing. We estimate that will save $15 million. We have FAF refinancing. We estimate that that would save $30 million. The Senator has informed me CBO says that will come up $11 million short. We also have reducing HUD management and administration account. Originally we reduced that by $14 million. I increased that reduction to $29 million.

Ms. MIKULSKI. If the Senator will withhold, now that I have the amendment, I just wanted to be sure we did not get into those points of order and all that other kind of confusion. I just wanted to be sure we did have an amendment, and we knew what we were talking about.

Mr. NICKLES. I thank the Senator.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. It is the observation of the manager of the bill that this is now the third amendment on the same topic. It is the observation of the manager of the bill that the very aggressive advocate on this topic of these amendments has now lost twice. This is now the third time. The Senate has debated this amendment and voted on it for approximately 2½ hours. I ask the Senator from Florida, does he have an extensive debate because, if not, I would like to move to table, but I respect the right of any Senator to speak and, of course, would be happy to withhold my motion if that is the case. I would just like to have an idea since we are voting on the same amendment with different substance, I acknowledge that, a different cap, now for the third time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield the floor?

Ms. MIKULSKI. I do yield.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to ask if the sponsor of the amendment, the Senator from Oklahoma, would take the floor for the purpose of a question?

Mr. NICKLES. I will be happy to.

Mr. GRAHAM. I want to be clear relative to how the Senator is going to finance this amendment, particularly as it relates to the supervision and administrative capabilities within the Department of Housing and Urban Development. Yesterday, the Senate Banking Committee conducted a hearing on the recent problems within that agency, particularly as it related to the oversight of the section 8 moderate rehabilitation housing program. The representatives of the agency, speaking on behalf of the Secretary, indicated that one of the fundamental reasons for the problems that have surfaced in recent weeks was the fact that the agency did not have sufficient staff to do an adequate supervision of that program and, I assume others, at the central office or at the field office level.

I asked the representatives of the Department if within the appropriations currently pending before the Senate there was sufficient funding for administration supervision so that at a future date that criticism of the Department's activity would no longer be applicable. The response was, yes, the representatives of the agency felt that they would have adequate resources to supervise the programs that were responsible. Having given that background, now my question is, where would the Senator propose to reduce the supervision and management within the Department and what effect does the Senator contemplate that would have on the ability of the Department to carry out its responsibilities and to avoid a repetition of what has happened in section 8 moderate rehabilitation and other programs?

Mr. NICKLES. I appreciate the Senator's question. I also appreciate his sincerity. I think we want to see these programs administered better. Certainly this Senator does. I can tell the Senator we have spent millions of dollars in administration, and we have received, in my opinion, very poor administration over the past years in looking at the quality of housing, and so on. I found cases in my State and others where evidently there has been not enough oversight either by the administration and/or by Congress.

My amendment reduces the management and administration account. I originally reduced it by $14 million. I increased that reduction by another $11 million in outlays to meet the budget statements that were made by Senator MIKULSKI. So that would be a total reduction of $25 million, which is still well above last year's amounts, still well above the requested amount by OMB, or the administration, and still well above the House allowance for 1990. So we are above the House. We are still above the administration request, and we are above last year's outlay figure as well.

Mr. GRAHAM. Let me summarize the question I have.

Is it the representation of the Senator that the level of supervision and managerial support he is providing is sufficient to give to this Senator and to the Senate, to the Congress and to the American people confidence that we are not going to repeat in the future what we have done in the last several years, in large part because of inadequate supervisory capability?

Mr. NICKLES. I will answer the Senator and say yes, I think there will be adequate funds for management and administration, salaries and expenses for proper supervision. We are talking about well over $700 million.

I do not really think I would say that the fault in some of the quality of housing, or mismanagement of housing has been as a result of inadequate funds or salaries and expenses.

Mr. GRAHAM. That was the statement made by the representatives of the Secretary of the Department before the Banking Committee yesterday.

As I indicated, they further represented that the level of funding in the HUD appropriations bill as reported by the committee at this time was such that they did not feel they would be subject to that criticism in the future; that they had the resources to perform the task assigned.

I want the assurance of the Senator—and I would be further assured if he could indicate what position the Department, the Secretary, or others who speak on his behalf have made—relative to the level of supervisory support that would remain in the agency should his amendment be adopted.

Mr. NICKLES. Again, I appreciate the Senator's question. The figures I used, for the information of my colleagues, came from OMB. They initially suggested we could take $30 million in administration expenses.

Altogether, I have taken out $25 million in outlays, so I have not reduced it as much as OMB said we could reduce it. I also might mention for my colleagues' edification that the total increase in budget authority under the housing function increases by $2.4 billion. It is almost a 20-percent increase in budget authority for housing.

But again, I do not think the mismanagement in the past was because we have not appropriated enough money. I think there has been a lack of direction, a lack of oversight by the administration and Congress. I think we in Congress have some burden to share in some of the management problems.

I compliment the Senator from Maryland because I know she is very aggressive, very astute, and I think she has the attention of the Secretary of Housing.

I compliment the Secretary of Housing. I think Jack Kemp is doing a good job, but they have a lot of work to do. I happen to think that $700-some-odd-million in salaries is adequate to do that job. Incidentally, it is still more than the administration requested in their budget request.

Ms. MIKULSKI. Will the Senator yield?

Mr. GRAHAM. Yes.

Ms. MIKULSKI. The Senator, as I understand it, was asking questions about the impact of what we would do. Is that correct? What is the impact of the Nickles amendment, particularly in his strategy for identifying offsets?

Mr. GRAHAM. My specific concern is the fact that the agency has identified as one of the key reasons why we have had all the scandals and problems that have been so much before us in this agency, particularly as it relates to the section 8 rehabilitation program—not Members of the Senate or lay people—inadequate supervision at the central office and at the field office level, that being a key reason for the lapses of which we all know too much.

I am just concerned that we do not contribute to a continuation of that by ill-advised reductions in the level of supervision of these important programs.

Ms. MIKULSKI. If I may comment on the Senator's very keen observations and the intent, I am afraid we might just end up doing that, certainly not out of malevolence and certainly not out of intent.

The offset will result in a staff reduction of 600 people. I know it is very fashionable here on Capitol Hill to be talking about loaded bureaucracy.

If I could share with the Senator some concrete facts, in 1974, the last HUD budget brought to Congress by Carla Hills under Jerry Ford was $24 million. The HUD budget last year was $12 billion. The Senator is right. I am putting in, we are putting in, the subcommittee is putting in $2.4 billion. I will come back to that in a minute.

Because of staff reductions, we have some of the mess we now have and some of the biggest messes occurred where there were the most severe reductions. This 600-staff cut that will result through the Nickles offset first comes out of FHA staffing, about 300 people, the very ones that the Senator says we need to monitor, supervise, ensure efficiency and soundness. The other 300 will come out of HUD staff, for example, implementing the fair housing budget.

So is there a cost? You bet. It is a cost in effectiveness; it is a cost in efficiency; it is a cost in really righting the wrongs of the past and being able to have the people there to introduce a reform package. So that is why I have very serious reservations about the offset.

A comment about the $2.4 billion, because somehow or another it sounds like I am out to just kind of throw money away on housing: $1.1 billion will go just to meet our section 8 contracts, I know a very popular program in the State of Florida. All we do is reauthorize expiring contracts. The other is going to be $1 billion in modernization of public housing. We want to work with Jack Kemp so we can make public housing fit for habitation and maybe even move it into the private marketplace.

So we are not giving away money and I hope my clarification further refines the comments offered by the Senator from Oklahoma. But I will tell the Senator I think we are on a slippery slope and it is really easy to say we are going to take it out of administrative costs. We have taken it out of administrative costs and now we have HUD's face stuck in the mud and I am trying to reverse this by a very prudent policy.

Mr. GRAHAM. I thank the Senator.

Mr. BUMPERS. Mr. President, I would like to ask the distinguished floor manager a series of questions because I voted with her on the last amendment. As I understand it—and I ask her to correct me if this is wrong—this is essentially the same amendment with a higher cap. Is that correct?

Ms. MIKULSKI. The Senator from Arkansas is correct.

Mr. BUMPERS. Could the Senator from Maryland tell me, No. 1, what is the total authorized level for insured loans such as we are debating for the entire Nation?

Ms. MIKULSKI. Mr. President, it is $73 billion.

Mr. BUMPERS. $73 billion.

Ms. MIKULSKI. The Senator is correct.

Mr. BUMPERS. Is that for 1989, the year we are in now; or is that for 1990?

Ms. MIKULSKI. It is for 1989.

Mr. BUMPERS. Has there been an authorization for 1990, or is there a budget agreement as to what the authority will be in 1990?

Ms. MIKULSKI. $73 billion.

Mr. BUMPERS. $73 billion for next year?

Ms. MIKULSKI. Yes.

Mr. BUMPERS. How much of the 1989 authority has been used up so far?

Ms. MIKULSKI. I am sorry.

Mr. BUMPERS. My question is how much of the 1989 authority, for the year we are in, which is going to end in about 10 days remains? Is the entire authority for this year going to be used?

Ms. MIKULSKI. No.

Mr. BUMPERS. How much are they going to be under?

Ms. MIKULSKI. I do not know.

Mr. CRANSTON. I would like to answer that question.

Ms. MIKULSKI. I would like to ask the authorizing committee.

Mr. CRANSTON. Eight billion dollars will not be used this year. The FHA under present circumstances cannot use all the money that they are authorized to use because they have been knocked out of many markets.

Mr. BUMPERS. While the Senator from California is on his feet, since California is the State that probably stands to gain as much as any State by the committee bill, let me ask the Senator what is going on in California so far as insured housing is concerned right now with the present cap? Are homes being built in California?

Mr. CRANSTON. Very few are now being built under FHA. They have been knocked out of most of the markets in California. But not just California—New York.

Mr. BUMPERS. I understand all the high-cost States like Washington, DC, for example. Not much going on, is that what the Senator is saying?

Mr. CRANSTON. Northern Virginia and many others. The FHA is simply knocked out of the market. If we do not lift the cap, FHA cannot fulfill its mission, cannot spend all the money authorized, and according to GAO that will damage the fiscal stability of FHA because the people that they are unable to service now are people with reasonably high incomes—new families, often the husband and wife both working, both earning pretty good salaries.

But they are compelled to pay such high rents that they cannot accumulate the nest egg for a down payment on a home. If they were able to get into a home, and they are a good credit risk, they are not going to walk away from that mortgage, because they have enough income. So if they are there, FHA is strengthened. If they are not there, FHA is weakened, and in the long run that will weaken FHA's capacity to serve other people in other incomes with other places where housing does not cost so much.

Mr. BUMPERS. Let me ask the Senator this question: Today in the caucus—we are not supposed to talk about what goes on in the caucus, but I think this is certainly a legitimate debate—the Senator said as I understood him that no loan would be guaranteed in excess of $167,000, or $160-something thousand. Did I misunderstand the Senator?

Ms. MIKULSKI. What the Senator from California gave the Senator, as I recall, was a median high.

Mr. BUMPERS. Median high?

Ms. MIKULSKI. Yes. There are no numerical caps. It is always based on 95. It caps this at 95 percent of the State's need. So it depends on what is your State mean, which depends on your cap. But all this jazz about it is going to be $200,000 for housing, I think pretty much the maximum is about $189,000. That is in maybe four States, and most of them will be $160,000 or less.

Mr. BUMPERS. The Senator said something a moment ago. The keyword was "median" single-family dwelling costs for example——

Ms. MIKULSKI. The mean.

Mr. BUMPERS. The mean? Does that mean half of the houses in that State cost more and half cost less? I thought we were talking about a median.

Ms. MIKULSKI. No. The Senator is right. I think we are starting to feel "mean." It is "median."

Mr. BUMPERS. Let us be sure we are defining our terms correctly.

Ms. MIKULSKI. I agree.

Mr. BUMPERS. Are we talking about the mean level which means half of the homes in that State cost more and half cost less?

Ms. MIKULSKI. Yes.

Mr. BUMPERS. What does the mean single-family dwelling cost for example in the State of California, number one, and number two, is the determination made by HUD on a statewide basis or on some other basis?

Ms. MIKULSKI. Statewide.

Mr. BUMPERS. It is statewide. What is the mean cost of a home in California?

Ms. MIKULSKI. I am going to ask the Senator from California to answer. Senator, I misspoke. It is not "mean." It is "median."

Mr. BUMPERS. It is what?

Mr. CRANSTON. It is $153,900.

Mr. BUMPERS. Does that mean that HUD would not be obligated to ensure more than 95 percent of $151,000 in the entire State of California?

Mr. CRANSTON. They would not be able to go above $153,900.

Mr. BUMPERS. In California?

Mr. CRANSTON. Right.

Mr. BUMPERS. Even though I am told that the mean level cost of housing in San Francisco for example is $241,000.

Mr. CRANSTON. We do not go by the different communities. We go by the statewide.

Mr. BUMPERS. The Senator is saying $151,000?

Mr. CRANSTON. $153,900.

Mr. BUMPERS. So that is the maximum that HUD would have to guarantee in California?

Mr. CRANSTON. Yes.

Mr. BUMPERS. Is there any State in the Nation higher than that?

Mr. CRANSTON. The District of Columbia is $161,000.

Mr. BUMPERS. Is that the only one?

Mr. CRANSTON. The metropolitan area of New York is the one that would be higher, up from $180,000 to $189,000.

Mr. BUMPERS. Then the District of Columbia and then the State of California?

Mr. CRANSTON. Yes.

Mr. BUMPERS. I want to be helpful to those States. As I say, I voted for the committee bill a moment ago. But I think my real question, I want to be a statesman and I do not want to be too parochial but I want to be sure my State is not being penalized, and certainly I want to be sure it is not being penalized unfairly.

Can the distinguished floor manager tell me that my State will not fare any worse than it is faring right now under the committee bill?

Ms. MIKULSKI. That is absolutely so.

Mr. BUMPERS. How can the Senator assure me of that?

Ms. MIKULSKI. Based on the facts and statistics provided to the committee by the authorizing committee who we consulted with.

Mr. CRANSTON. I will add that no State ceiling goes down under this bill. The provision will not result in FHA using up its credit allocation on high cost areas. CBO estimates that these provisions will result in a $6 billion increased use in FHA credit. FHA is projected to use $60 billion of credit this year but they are authorized to use $75 billion. So they would not approach the ceiling, and this is just a 1-year provision in the bill.

So there is no chance that FHA could run out of credit authority.

Mr. BUMPERS. One final question.

Mr. CRANSTON. If I could add one other point: I touched upon the fact that FHA will be stronger because of the better credit risks that will be getting into the FHA program.

Another point that I think should be considered in this part is a separate bill which will be changed probably in light of this experience before we finally act upon it. The National Affordable Housing Act may become some other act but there is an overall housing bill in the works. It has to take into account the needs of various interests in the country. Most of all, the needs of the homeless, the very poor people who are in delapidated housing—if the roof falls in or they have an economic setback, their landlord boots them out and raises the rent, they are out on the streets, and they are homeless. There are many people, people who would be affected by this who have pretty good incomes but cannot afford a down payment and a pretty expensive home in many parts of the country. They cannot get a less expensive home.

You have the needs of senior citizens that are special needs.

You have the needs of handicapped people which are special needs. You have the needs of very large families that are special needs. We are building a bill that will take account all of those different needs, and the people who build to meet those different needs.

If we knock out this part of the bill, we begin to break up the coalition that I believe can produce a housing bill that can help poor people as well as somewhat better off people. We jeopardize the needs, meeting the needs of the people who are homeless at the present time.

Mr. BUMPERS. Let me say I want people in California, the people from New York, the District of Columbia, and every other State to get guaranteed housing just as I want people in my State to get insured housing. That is the reason I voted a moment ago as I did. I do not want to be, as I said, parochial about it, but I do not want to do something that is going to jeopardize the people of my State either. They did not send me up here to do that. But still we have this homeless problem around the country. Obviously, housing is not keeping pace. That is obviously one of the reasons housing in some areas is terribly expensive and people simply find that housing increasingly is unaffordable.

So with the assurance of the Senator for California and the Senator from Maryland, the distinguished floor manager, I will support them again against this amendment because as I say, I want all the States in the Nation to participate in this insured housing program.

Mr. NICKLES. Will the Senator yield?

Mr. CRANSTON. We thank the Senator because we need the support in view of the very close votes we are having.

Mr. BUMPERS. I still have the floor, and I would like to hear what the Senator from Oklahoma has to say.

Mr. NICKLES. I appreciate the Senator yielding.

One, I did not catch the median price of Arkansas housing.

Mr. BUMPERS. $67,000.

Mr. NICKLES. That is somewhere in the range of Oklahoma housing as well. What this amendment basically says is Arkansas constituents will be guaranteed FHA loans up to 95 percent of the median which in some areas is $170,000, or $180,000.

FHA is losing money. It lost last year almost $500 million. It is losing over $1 million a day. Arkansas taxpayers pay for that. FHA is in trouble. There is a GAO report coming out in 2 weeks that is going to say how bad, but the Senate is moving forward anyway.

Mr. BUMPERS. How does the Senator's amendment address that?

Mr. NICKLES. What we are doing is we are saying there should be some cap. If this amendment fails, I will tell my colleagues I am going to come up with another one. We cannot have taxpayers having an unlimited obligation. I am all in favor of people buying nice houses and $200,000 houses. But I do not think the taxpayers should be guaranteeing those houses on a minimal deposit.

One of the reasons why FHA has a problem is it only has a 5 percent downpayment requirement. If you go to mortgage bankers in Little Rock to buy a $200,000 house, that purchaser is going to have to put up 10 or, if not 10, a 20-percent downpayment. That is one reason this bill has that provision. The FHA program provides a down payment rate of 3 percent on the first $25,000, and 5 percent on anything above $25,000. For crying out loud, if somebody is capable of making monthly payments on a $180,000 house, surely they should be capable of making a greater downpayment than just 5 percent. That is the reason private lenders do not make loans with only a 5-percent downpayment.

My concern is for the people of Arkansas and of Oklahoma and others. Sure, we want to assist people getting in their first homes, maybe to give assistance with lower downpayments to get started into the housing market, but I think it is a mistake to say we are going to guarantee loans that may go all the way up to $200,000. That is an enormous liability on FHA that the people of Arkansas may well be paying for.

We can have this report come out from GAO in 2 weeks and say, FHA is in serious trouble. They have billions of dollars in loans out there, and a significant percentage are in trouble. As a matter of fact, the percentage of troubled loans in FHA has tripled in the last few years.

Mr. SARBANES. Will the Senator from Arkansas yield on that point?

Mr. BUMPERS. If the Senator from Maryland will wait a moment. In response to what the Senator from Oklahoma has just said, I know that they are losing money, and I do not take any pride in standing here saying, yes, I want the taxpayers of the country and Arkansas to pick that up.

No. 1, I still do not see how the Senator's amendment addresses that, because I have a home in Charleston, AR, population, roughly 2,000. Frankly, I would kind of like to sell the house. I do not get there. By the time Betty and I get there and clean the place up and get the musty smell out of it, it is time to pack up and come back to Washington. I promise you, that house in Washington, DC, would bring $400,000 just like that, by somebody that could afford it. But I could not sell that home in Charleston, AR, for $60,000.

My point is this: It is not necessarily the cost of homes where all the delinquencies are occurring and HUD's losses are occurring. On the contrary, I will be anxious to see the GAO report, because it would be my guess that the default rate in Washington, DC, which has the second highest cost of homes in America—I would almost bet that the default rate here is almost less than it is almost anywhere.

Mr. SARBANES. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. SARBANES. That is the point, and that is why the argument which the Senator from Oklahoma just made completely misses the point. You cannot ascertain that the people of Arkansas or Oklahoma are paying for these things until you look at what the default is on the FHA loans. I submit to you, I bet you the default rate in Oklahoma is higher, because of the economic circumstances which your State has unfortunately had to face, than it is elsewhere in the country.

So the fact of the matter is, taxpayers elsewhere are carrying the burden for the taxpayers of Oklahoma on these FHA-insured loans. That is what you have to look at, where the defaults are taking place. That may or may not be related to the amount of money that is insured as it relates to the 95-percent median.

Now, the fact of the matter is, the places where the problems exist, as I understand it, are in those areas of the country, including the Southwest, which have faced difficult economic circumstances. We sympathize with that and we understand that.

The fact of the matter is that the 95-percent requirement in effect equalizes this, as far as the income group is concerned, everywhere in the country. In a part of the country where housing costs are much lower, at the 95-percent figure, someone much higher in the income scale can buy in his area a much larger home than is the case in California or Connecticut or the District of Columbia where, in effect, the housing costs have risen to such a point that middle-income and below middle-income people are shut out of this market.

In fact, I would bet in the Senator's State—I am talking to the Senator from Oklahoma—that most people well above people in the middle range can qualify for an FHA, because of the price of housing, particularly in a depressed market. If there has been a depressed market, which is the situation, they can qualify up and above. So one has to look at where the defaults have taken place.

What this amendment is trying to do, and we can get into an argument about the use of the FHA generally, but the fact of the matter is, this amendment is trying to in effect even it out amongst geographic areas as it relates to the housing costs.

Mr. **BUMPERS**. Mr. President, I yield the floor.

Mr. **NICKLES** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Oklahoma.

Mr. **NICKLES**. Mr. President, before my friend from Maryland leaves, I will tell you that the default rate in Oklahoma is greater than in Maryland, because we have been through some difficult times.

I will also tell the Senator I do not think it is the responsibility of the Federal Government to go out and guarantee half of the housing loans in the United States. If we follow the move that this committee is making, we are going to see an exodus from private insurance, private mortgages, the S&L's, from banks; you are going to see an exodus from them.

Everybody is going to run to FHA. Why? Well, you have a Government guarantee, you are going to get a better deal, and you are going to get a better deal because you only have to pay a small downpayment. Then the Federal taxpayers, the taxpayers of this country, are going to be guaranteeing those loans.

I am pleased that the economy in Maryland and California has been very good. I am pleased they have been on a housing incline. I will tell the Senators from Maryland and California that in Oklahoma what we went through; housing increased every year through the fifties, sixties, and seventies, all the way up through 1981. It was astronomical. One could not lose money in real estate, just like in Washington, DC. If you bought a home, it appreciated, and it was just a question of how much, how fast—as fast as inflation, maybe two times inflation.

I will also tell you that it turned around. I hope it does not turn around in such a devastating way in California and Maryland and Washington, DC and New York. But I will tell you something; housing is too expensive in California and in Washington, DC, and too expensive in New York. It may well be that those prices are going to come down.

If they come down, and we have the Federal taxpayer guaranteeing these amounts, up to $180,000 or more, the taxpayers are going to take a bath. Again, let us exercise a little bit of prudence, and let us use common sense. The private sector does not make loans of $180,000 and only require a 5-percent downpayment.

The reason we add a lower downpayment, 3 percent on the first $25,000 and 5 percent on above $25,000, was to encourage and assist people on the lower end of the economic scale. To give people that can afford to make payments on a $200,000 home a 5-percent dowpayment is leaving taxpayers open to some very questionable financial practices.

If it was not questionable, the private sector would be doing it. They are not. I hope this massive expansion in Maryland does not turn around and decline. I hope that is not the case. It is devastating when it happens, but it could be very expensive if it does.

Mr. **SARBANES**. Will the Senator yield?

Mr. **NICKLES**. Yes.

Mr. **SARBANES**. The only point I was trying to make earlier when participating in this debate was the assertion on your part that the taxpayers of your State were paying for those in other States.

My point was—and you then cited FHA losses—that you cannot make that assertion unless you know where the losses are occurring. Given the economic circumstances, which, unfortunately, your State and some others have had to go through, the losses have been occurring in those locales.

So the fact of the matter is that under existing circumstances, it is the taxpayers of other States who have been providing an underwrite to those in the States where the default rate has been higher.

I understand the situation, and I am not saying this in any sense critically. I just want to clarify the record, because the assertion was made that taxpayers in your State and some others were carrying the burden elsewhere in the country. You have to look at where the default rate is taking place.

Mr. **NICKLES**. The Senator's point is well taken. This Senator will tell you right now that in my State FHA has thousands of homes I wish they did not. I would imagine that would be the case in Arkansas.

Mr. **SARBANES**. I wish they did not, too. But I do not think it is accurate to say that your taxpayers are carrying the burden elsewhere, because if you have a high default rate the people elsewhere are carrying your burden.

Mr. **NICKLES**. Mr. President, to continue a couple other points, if we pass this and do not have a cap, we will have a tremendous demand on FHA loans in the high-cost areas. A tremendous demand, because people will say, "I would rather finance through FHA than I would through the local S&L or the local bank."

Why should they go to the local bank if they can get into FHA with only 5 percent down. Not only that, we are in a real inflationary cycle in Washington, DC, in L.A., or New York. We cannot go that route. We heard that in Oklahoma 2 years ago—"You cannot lose in real estate."

The people will say, 5 percent down, the insurance premium is 3.8 percent. You can borrow that, too, and make this a 100-percent financing package. That is what has happened—and will happen.

If you do have a downturn in some of these areas you are going to have FHA holding huge amounts of real estate at a loss.

I tell you, when FHA starts holding real estate they start losing because real estate depreciates quickly due to somebody breaking a window, or somebody using the property for vandalism, or whatever; when the house is not maintained properly, and the surrounding neighborhood starts to decline, it is a real negative cycle that I hope is not experienced in a lot of places.

I tell you if this amendment fails, it is going to happen, and we are going to have taxpayers across the country subsidizing very expensive homes. I do not think that is the purpose of FHA, insuring very expensive homes.

I would like to tell the managers that we have received information from CBO that this amendment, by raising the cap from 101 to 125, would generate $104 million in revenue. My amendment provided offsets when we were only anticipating $98 million in revenues, so now you have an additional $6 million to use in your wisdom maybe for administration and management, as Senator GRAHAM suggested. If you feel it is important to have additional moneys there, even though we do have more than the House asked for, even though we have more than the administration asked for, there would be room to take some adjustments back that we used earlier in order to make our previous amendment budgetwise.

Ms. **MIKULSKI**. I thank the Senator for finding us more money. I still do not like the amendment.

Did the Senator have a modification? I am prepared to offer a motion to table. I want to withhold.

Mr. NICKLES. Mr. President, I ask unanimous consent to modify the amendment.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

The clerk will report the modification.

AMENDMENT NO. 769 (AS MODIFIED)

(Purpose: To modify the FHA mortgage insurance program)

Mr. NICKLES. Mr. President, I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The modification will be stated.

Ms. MIKULSKI. Mr. President, reserving the right to object until I hear the amendment.

Mr. ARMSTRONG. The Senator has a right to modify the amendment.

The PRESIDING OFFICER. Is the Senator offering a modification to the amendment or a new amendment?

Mr. NICKLES. A modification.

The PRESIDING OFFICER. The Senator has the right.

The clerk will report.

The bill clerk proceeded to read the modification.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937. The remaining amounts of budget authority, or in lieu thereof the remaining cash amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be rescinded, or in the case of cash, shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$716,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(185 percent during fiscal year 1990)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) REFINANCING.—

"(1) REVIEW OF ASSISTANCE PAYMENTS CONTRACTS.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) REFINANCING ASSISTANCE.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) METHOD OF PAYMENT OF REFINANCING ASSISTANCE.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancings as follows:

"(A) Lenders and mortgagees providing refinancings under this subsection may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) REVISION OF CONTRACTS AND RESCISSION OF EXCESS AMOUNTS.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

Mr. NICKLES. Mr. President, what I have done is actually on page 2 of the amendment I have striken the language, "in the case of a purchaser or a purchaser and his or her spouse who has not had an ownership interest in a residence during the 3-year period ending on the date of acquisition."

I struck that language and basically that was the language that required it to be a first-time home buyer. Frankly, I do not think there would be that many first-time home buyers in homes of a value of over $100,000. The Senator from Colorado brought that to my attention. He is concerned about it. I share his concerns and modify the amendment.

Mr. ARMSTRONG. Mr. President, I want to take a moment to compliment my friend from Oklahoma for bringing them forward. The issue he has raised and spoke to eloquently concern all of us.

The plain fact of the matter is if his amendment prevails we are talking about a 25-percent increase in the existing cap and by any kind of ordinary standards, even in a year of inflation in real estate that would be a very, very significant, generous increase.

The fact of the matter is, by and large, with a handful of exceptions the prices of real estate are not going up; they are going down. There are some markets where this is not the case, but nationwide it is very clear that is no great escalation in prices of real estate. In most cases homes are selling for less today than a year ago, less than they were 2 years ago.

So by any kind of Kentucky wind it seems to me the proposal made by the Senator from Oklahoma is a good one. It makes good sense. He explained it well. And I for one intend to support it.

I am particularly pleased he sent the modification forward because in the original form the amendment also crossed another threshold and that is the question of whether to distinguish between first-time home buyers or those who do not have an ownership interest within the preceding 3 years from other home buyers.

I think that is an issue that needs to be visited, on which we ought to have hearings and ought to look at that as a serious, thoughtful but separate issue.

So I think by taking that particular provision out of his amendment he makes it easier for many of us to get behind the more important and timely question for today, which is where the cap ought to be set.

I thank him on both sides for the modification and for the underlying amendment.

Ms. MIKULSKI. Mr. President, we have debated this new amendment for well over and hour and 15 minutes. I am sure there are many things that could be said. I happen to agree there are some exaggerations and misconceptions.

Therefore, Mr. President, I move to table the Nickles amendment raising the cap to $125,000 and with appropriate offsets.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to withdraw my motion to table.

The PRESIDING OFFICER. The Senator has the right to make that request. The motion is withdrawn.

The Senator from Kansas.

Mr. DOLE. Mr. President, I do not think that there is anyone in this Chamber who does not support the aspirations of all Americans for home ownership. I am pretty sure we are all agreed that this Government has a longstanding commitment to do all it can to help as many Americans as possible achieve that goal.

The question is, How do we get there with what we have and how do we do it responsibly—so that the taxpayers in this country can be reasonably assured that their money is going where it's needed most?

This program—FHA mortgage insurance—has not exactly left a great track record lately. In fact, it is a national disgrace. In 1988 alone, there were over $2 billion in FHA defaults. We know who ends up paying for those.

We are just through the S&L nightmare. We do not need "son of S&L." And we sure do not need it to get bigger than it may already be.

Worse, it now seems pretty clear that an overwhelming proportion of those were the direct result of fraud. That is what HUD's inspector general tells us in recent months, Americans have been treated to the unfolding of stunning stories of individual greed and institutional negligence. More than 340 real estate agents, brokers, appraisers, and lenders nationwide have already been convicted in this huge program, with more to come.

What a mess. Now I know that Secretary Kemp is doing all he can to clean it up, and he has all our support. But we haven't even scratched the surface. Numerous studies have been commissioned to help us get to the bottom of all this. In fact, a GAO study is due within 2 weeks which should help us understand better where we can start to fix the problem.

Under these circumstances, it hardly makes sense to create opportunities for even greater exposure. The administration says it's against expanding the insurance program until FHA is administered on an "actuarially sound basis." That's only sensible.

I hardly have to remind my colleagues about what we recently went through with the savings and loan rescue. An FHA bailout would dwarf that debacle; do we really want to increase that risk?

Let us look at what we're doing. By eliminating the present cap, we are simultaneously raising the income level of those with access to this cheap insurance, raising the level of the Government's financial exposure—and lowering the amount of security that a borrower must provide. Right now, that's irresponsible.

My good friends on the other side tell me that we need the revenue that further premiums will provide—actually, about $137 million. There are some here who question that estimate; but even accepting it as accurate, it is pretty clear that over the long term, this free and easy credit will cost the taxpayers money.

And I have to say, Mr. President, that I cannot see where this easy money is going to help with the urgent problems that face us in the housing area:

None of this money will help the homeless on our streets today; they do not go to mortgage bankers.

None of this money will help clean up drug trafficking in our housing projects.

Frankly, Mr. President, nothing here will help the folks in Kansas and similar areas find housing; under this plan, the maximum purchase price in Kansas for which FHA will provide insurance is about $67,000, even though the median price of a home in Wichita is about $78,000, or $93,500 in Kansas City.

So let me be plain. I support my friend from Oklahoma's amendment, because at least it retains some ceiling on the exposure that FHA can generate for the taxpayers. That's only prudent, while we are trying to get a handle on the fix that it has already got us in.

And to be honest, I have a hard time understanding why we are increasing this cap at all. If we want to address the urgent problems facing this country, we should not be subsidizing those who already have the money, or who live in the expensive neighborhoods, at the taxpayers expense—let alone subsidizing bad management and fraud.

I urge my colleagues to support the Nickles amendment.

I will just summarize if I can my support of the Nickles amendment, the second Nickles amendment. I do not think there is anyone in this Chamber who does not support the aspiration of all Americans for home ownership. And I am certain that we agree that the Government has a longstanding commitment to do what it can to help as many Americans as possible to achieve that goal.

I guess the question is how we get there responsibly so the taxpayers in the country can be reasonably assured the money is where it is needed most. Let us face it, this particular program does not have a very good track record. In fact it is a national disgrace. In 1980 alone there were over $2 billion in FHA defaults. We know who end up paying for those. We just got through the S&L nightmare, and I heard some colleagues on the other side say, if we can bailout the S&L, we can put more money in the drug program, how can we deny those who want a minimum wage with 30 cents an hour, helping the rich with a capital gains reduction $30,000 a year?

This is a classic case where my colleagues on the other side talk about the poor and the homeless and low-income and medium-income, and reach out again to help the rich.

So, if they want to vote that way, and if we want to have a son of S&L, we have one in the making right here. I know the realtors are pushing hard, and they are fine people and they do good work. After all, they have a profit from this if it is passed, and I assume that has not escaped their attention.

So the question is how do we get where we want to go responsibly, so that taxpayers can be reasonably assured? And it is pretty hard to reassure the taxpayers, they have been ripped off so often by so many of these good-sounding programs, the last being the S&L, and others.

So it would seem to me we should have adopted the first Nickles amendment. We should not have raised the cap at all; we should have left it where it was at $101,000.

It now seems pretty clear that an overwhelming proportion of those involved in some of these cases were the direct result of fraud. That is what HUD's Inspector General tells us. We have had all kinds of horror stories from the S&L crisis. None of us on either side want to see that repeated. I want to applaud Secretary Kemp for doing what he can.

There has been a lot of criticism at HUD. A lot say, oh, we have to tighten up some of these programs. Again, I know this will happen in certain States. It may even be necessary in some States. I do not know. But I have not figured out what it does for the people who would like to own homes in my State.

So it seems we should not be creating opportunities for even greater exposure to the taxpayers. The administration is against expanding the insurance program until FHA is administered on an actuarially sound basis. But I understand they do find the Nickles amendment preferable to no cap at all.

By raising or eliminating the cap, we are raising the income level of those with access to this cheap insurance, raising the level of the Government's financial exposure, and lowering the amount of security that a borrower must provide. Right now, that does not seem to be responsible.

I did not bring it with me but I am certain my colleagues talked about all the information many of us received, editorials from the New York Times, Wall Street Journal, quotes from Jane Bryant Quinn and others that this was a crazy thing we were about to do in the U.S. Senate, that it was designed to help the rich.

I know there is an effort to say, oh, we are going to pick up $104 million, but even accepting that as accurate, it is pretty clear this could cost the taxpayers money.

I do not want to prolong the debate. We have already had a couple of votes on the previous Nickles amendment. But, again I would make the point the maximum purchase price in Kansas for which FHA will provide insurance is about $67,000, even though the median price of a home in Wichita is about $78,000 or $93,500 in Kansas City.

So let me be plain. It seem to me it retains some ceiling on the exposure FHA for the taxpayers; it seems to me that would be a prudent way to do it. So I hope the amendment might be accepted. It is a modification. It is a compromise.

It is not the administration's position, but as I indicated they do find it preferable to no cap at all.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, support for proposals made under the Cranston-D'Amato bill to dramatically raise the FHA mortgage limit in high cost areas will benefit only high-income households living in a few areas of the country with inflated housing prices. Most of these high-income households already own their own homes and will take advantage of the proposals to refinance their homes or trade up to more expensive homes at the expense of working class taxpayers across the country. Implementation of the proposal will seriously harm private sector insurers while exposing FHA to unnecessary financial risks which will further erode its solvency.

The provisions in the Cranston-D'Amato affordable housing bill for raising FHA mortgage limit ceilings, if adopted, will: benefit only the top one-fifth of income earners but only if they live in high cost areas; run directly counter to the objective of the U.S. House of Representatives, which is to insure that this Federal subsidy be available only to low and moderate income households; reduce the funds available to assist from working class families and reduce the Government's ability to meet the needs of moderate income and first time home buyers; provide no clear benefits to the FHA, offers no solution to FHA financial problems and quite likely will make them worse; constitute unnecessary Government intervention into a market already well served by private mortgage insurers; cause private insurers to reduce their mortgage insurance volume, as they find themselves unable to compete with the Government subsidized FHA program; reduce returns and increase financial risks for all mortgage insurers, including FHA.

I. ALTERNATIVES

Current law: Since the creation of the FHA insurance program the maximum mortgage amount insurable by FHA has been fixed nationwide. These basic nationwide limits—for example $67,000 for a single family home—were modified in 1980 so that the HUD Secretary could raise the limits in "high cost areas" if moderate and middle income persons had limited housing opportunities because of high local home prices. A cap was placed on the dollar amount of any private mortgage FHA may insure in these high cost areas above the basic nationwide limit. The cap was set at the lesser of 95 percent of the area's median home price or 133 percent of the basic limit, $89,000, and it was raised to 150 percent in 1987, $101,250.

Cranston-D'Amato proposal: As part of the Cranston-D'Amato bill, FHA mortgage insurance would be changed to remove the 150 percent cap on high cost areas and to remove the nationwide basic limit so that FHA mortgages would be limited to 95 percent of an area's median home price. This proposal is similar to raising the limit from 150 percent of the basic limit to 350 percent all at once. For example, the new limit in Anaheim, CA, according to the Congressional Research Service would jump to $214,900.

II. WHY DID CONGRESS IMPOSE A CEILING ON FHA?

While the Senate has supported elimination of a basic nationwide limit the House has been successful in retaining it. The House goal has been to assure that only moderate and middle income purchasers will benefit from FHA subsidies.

No more than 10 percent of the 435 congressional districts will see their maximum FHA mortgage insurance limits increase under the Cranston-D'Amato proposal. Of those that do, many are in California or New York City. This means that 90 percent of all congressional districts are adequately covered by the existing ceilings because the median price of houses in those districts is below current maximum FHA ceilings.

III. WHO WOULD BENEFIT FROM THE CRANSTON/D'AMATO PROPOSAL?

Only wealthy families in select areas of the country will benefit from the proposal. For a family to benefit from uncapping FHA insurance ceilings it must reside in a very high cost area and must be making a high income in order to be able to service a large mortgage. Thus, a couple in Boston earning $75,000 a year will be direct beneficiaries of the new proposal. But no working class families will benefit.

No matter how high the FHA mortgage insurance ceiling, the controlling factor on program eligibility will be the level of family income needed to qualify for the underlying mortgage. Raising the FHA ceiling only means that a few wealthy families will now qualify for expanded FHA subsidies.

To qualify for a mortgage higher than the existing FHA ceiling in most high cost areas will require that the borrower earn more than $50,000 annually. Only 18.5 percent of household incomes in 1987 were greater than $50,000. Even so, roughly 85 percent of the households earning $50,000 or more already own their own homes so that only 15 percent of these high income households would be utilizing the FHA insurance for a first time home purchase. For those high cost areas where FHA mortgage insurance limits will soar to over $165,000 a minimum of $75,000 in annual income will be required and only 6.3 percent of household incomes are greater than $75,000 and 89 percent of these households already own their own homes.

In 1986 about 25 percent of all FHA originations were refinancings and over one-half of these refinancings were to borrowers earning over $40,000 a year and 19 percent to borrowers earning more than $60,000. Census data show that 83 percent of households with incomes of $40,000 or more already own their own homes. These same high income households have been the ones most likely to utilize FHA for refinancings in the past and can be expected to continue to do so in the future. It is clear then that the principal effect of lifting the FHA limits will be to expand the opportunity for wealthy homeowners living in expensive areas to refinance their existing mortgages or to trade up to a more expensive home. Wealthy families refinancing their homes will be removing their equity from homes that have rapidly appreciated and their actions will cost the U.S. Treasury money by generating additional home mortgage interest deductions as they increase their mortgages under expanded FHA subsidies.

IV. WHO WOULD BE HURT BY THE NEW PROPOSAL?

The U.S. taxpayer who finances expansion of FHA guarantees loses as FHA expands to service upper income groups living in high cost areas. Working class families who should be the target of FHA insurance lost twice, first as taxpayers subsidizing FHA expansion for the wealthy and again as second class borrowers when realtors and mortgage bankers focus their attention on the new high income large borrowers seeking FHA insurance.

FHA is likely to lose money by insuring wealthy homebuyers who show an alarming tendancy to buy homes with minimal downpayments and then walk away from their homes when housing prices fall, leaving insurers with large liabilities.

Private companies who currently offer mortgage insurance will lose up to 50 percent of their markets to the federally subsidized FHA program as it expands into the highest priced housing in upper income areas.

V. UNNECESSARY GOVERNMENT COMPETITION WITH PRIVATE INSURERS

Lifting current FHA mortgage ceilings will not attract additional home buyers to the housing market. Rather, higher income home buyers will move from private insurers to FHA to avail themselves of lower FHA downpayment requirements and cheaper insurance rates. If FHA ceilings are lifted as interest rates fall the effect will be to drive private insurers out of the market as they lose virtually all high income families seeking low downpayment mortgages.

Roughly 74 percent of home mortgage loans made each year do not require insurance because the owners place 20 percent or more of the purchase price down at settlement. Loans requiring insurance are currently served by FHA, handling 38 percent; VA, handling 15 percent; and private insurers handling 47 percent; CRS study. Eliminating the FHA ceiling targets 40 percent of the mortgages now insured by private companies for direct competition by FHA.

VI. CRANSTON-D'AMATO PROPOSAL IS NOT ANSWER TO FHA FINANCIAL PROBLEMS

In root cause of FHA financial troubles must be addressed head on with detailed analysis and recommendations on premium levels, geographical diversification, downpayment diversification, etc. Pushing private insurers out of the market is not the answer. It is not a quick fix.

Serious questions have been raised as to the financial solvency of FHA. These questions focus on the level of downpayments on FHA mortgages, the adequacy of FHA premiums and the direct endorsement program. The concern is whether FHA will experience a large number of defaults in the near future which will swamp its reserves so that massive taxpayer financing will be required. If FHA stopped insuring new loans today, enough claims would eventually come in to more than wipe out FHA's assets. Using accounting techniques widely accepted in the private sector FHA's insurance fund is already technically bankrupt.

Increasing the percentage of FHA loans made to upper income borrowers in high cost areas will not help FHA cover losses from defaults by other borrowers. Since default risks rise dramatically as percentage downpayments fall, high income borrowers who take advantage of the low downpayments will destroy any potential profit to FHA from further expanding into the high cost markets. Any short term increase in FHA cash on hand resulting from uncaping the mortgage ceilings will eventually be offset by additional defaults. Certainly, counting on uncertain gains from high income borrowers is not a panacea for FHA's financial problems.

Lifting the FHA insuring ceiling may actually harm FHA as high income borrowers in high priced areas take advantage of low FHA downpayments to refinance existing homes or to trade up. Low downpayments mean the wealthy have less at risk if the inflated real estate market suddenly collapses. The handful of high priced areas subsidized by lifting the FHA ceiling are logical candidates as the next real estate bubbles ready to burst. Expansion of FHA exposure in high priced areas will only enlarge the bubbles. When the bubbles burst, FHA's exposure will have been unnecessarily increased and its financial problems worsened.

VII. WHAT CANDIDATE GEORGE BUSH PROMISED

The entire thrust of George Bush's campaign promises relating to FHA mortgage limits was "to help young first time home buyers." In addition to reducing minimum downpayments he stated that FHA should experiment with regional mortgage limits and that the FHA mortgage limits should be increased as the prices of homes increase.

Elimination of FHA mortgage ceilings only helps those first time home buyers with very large incomes sufficient to service large mortgages. Only 7 percent of households who rent their residences have incomes over $50,000 per year. The other 93 percent of high income households either already own their own homes or pay no rent. The key to helping moderate-income first-time homebuyers will not be found in eliminating FHA ceilings which only benefit the wealthy and those who are refinancing or trading up. Rather, the Bush promise requires FHA to experiment with new ways to help first time home buyers.

VIII. REFOCUS THE ISSUE

The primary focus of FHA insurance should be to help low and moderate-income families to buy homes. The special focus of FHA should be on the needs of first time home buyers in the same low and moderate income level.

FHA should focus on the income level of those households who need an FHA subsidy to handle mortgage payments instead of invading expensive markets. FHA should subsidize only those families with slightly more than the median household income in their geographical area to help pay for a mortgage, regardless of what might be the median house price in their area. One logical limit would be to restrict eligibility to families earning 115 percent of the median family income. This is the same limit used for the Federal mortgage revenue bond program by all 50 States when administering their own programs. Wealthier families should not benefit from a subsidy to which they may be entitled only because they live in a high-cost area.

This approach recognizes regional variances in the ability of moderate-income families to carry mortgages but it does not distort the subsidy to benefit high-income families who happen to live in high-cost areas.

IX. SUMMARY

Lifting FHA ceilings will overwhelmingly benefit high-income families seeking to trade up or refinance homes in high-cost areas. It does nothing to help moderate-income first time home buyers who are the focus of the Bush-Kemp agenda in this area.

FHA expansion into larger mortgages in high-cost areas places the Government in unnecessary competition with private insurers currently servicing upper income borrowers who do not need Government subsidies.

FHA expansion may crowd private insurers out of the market and will unnecessarily expand FHA's vulnerability to economic and real estate contractions.

Eliminating FHA ceilings does nothing to help FHA financial problems which must be addressed head on. Enlarging FHA exposure in high priced areas of the country will likely harm the financial integrity of FHA.

Mr. President, I ask unanimous consent that a few additional inserts be printed in the Record: A letter dated April 11, 1989, from Gale Cincotta to Don Campbell, staff director of the Senate Housing Subcommittee; and newspaper articles from the Washington Post of September 10, 1989; the New York Times of July 20, 1989; the Washington Post of September 17, 1989; the Wall Street Journal of July 12, 1989; the Detroit News of June 22, 1989; the Chicago Tribune of June 24, 1989; and the Washington Post of August 24, 1989.

There being no objection, the material was ordered to be printed in the Record, as follows:

National People's Action,
Chicago, IL, April 11, 1989.

Don Campbell,
Staff Director, Senate Housing Subcommittee, Dirksen Senate Building, Washington, DC.

Dear Don: Thanks for arranging our meeting yesterday with Senator Cranston. I wanted to follow up by summarizing our major concerns about the Senator's proposal to expand and liberalize the FHA:

1. FHA LIMITS WOULD BE EXPANDED FAR MORE THAN NECESSARY AN INCREASE REDLINING OF LOWER-INCOME AREAS

Expansion of FHA ceilings would provide a further disincentive for FHA lenders to originate low-value, inner-city loans. Senator Cranston has been a strong advocate of anti-redlining laws. Yet mortgage brokers that can utilize FHA on homes costing $150,000 or more will have greater incentive to redline low-value homes in many urban areas.

If increases in FHA limits to serve first-time buyers in high-cost markets are needed, they should be targeted to the types of homes these buyers are in fact likely to purchase. NPA views an expansion of FHA to 95 percent of local median home price as far too extravagant. Few first-time homebuyers start in the middle of the housing market—nor should federal housing policy enable them to.

Nationally, the Realtors report that in 1988 the median-priced, first-time home cost $75,000, less than 85 percent of the $89,000 price of the median-priced home. In Los Angeles, Chicago Title and Trust's 13th Annual Survey reports the median-priced, first home costs $137,500, compared to $191,200 for the median-priced home. FHA doesn't need to address itself to households buying $190,000 homes when the typical starter home even in Los Angeles costs far less.

2. THE FHA EXPANSION PROPOSAL DOESN'T INCREASE THE AFFORDABILITY OF A FIRST-TIME HOME

The FHA expansion proposal assumes that the major reason younger families can't afford a first-home is the downpayment. It would allow first-time buyers to put three percent down on the entire home amount.

In Los Angeles, the expansion would change the eligible home price ceiling to $181,640. The minimum downpayment on this home would be less than $6,000. At current interest rates, the monthly mortgage payment would be well over $1,800, requiring an annual income of over $75,000 to qualify. A family making $75,000 a year should be able to save far more than $6,000—or less than one month's pay—for a downpayment.

The real affordability problem for buyers of high-cost homes is monthly payment, not downpayment. A family making over $75,000 that can qualify for a $180,000 home should be able to save at least a $9,000 downpayment for a conventional loan. The real problem is that relatively few families can spend that much for housing. The real solution is to lower either interest rates or home prices. To the extent that higher FHA ceilings make it easier to build and finance more expensive homes, the FHA proposal is actually likely to result in higher, rather than lower, home prices, and higher monthly housing expenses.

NPA views FHA's current downpayment structure as sound. Low-income families spend the highest percentage of income for basic needs such as housing, and have the least available income to save for a downpayment. Such families often require a minimum three percent downpayment. The slight increase in risk that would result for increasing the three percent downpayment to the first $50,000 of home value may also be warranted.

3. THE FHA EXPANSION INCREASES FORECLOSURE RISK FOR ALL FAMILIES, PARTICULARLY LOWER-INCOME FAMILIES

By design, FHA is a program for families at the margin of eligibility. That explains why FHA delinquency and default rates are consistently twice as high as those for conventional loans. For example, as of the fourth quarter of 1988, the MBA reported that 6.55 percent of FHA loans were delinquent nationwide, compared to 3.06 percent of conventional loans. FHA loans with three percent downpayments are a vital part of federal housing policy, but they clearly entail greater risk for those that use them, and therefore should be used as lender of last recourse.

FHA has also proven to be particularly vulnerable to fraud and abuse. The institutions that drive FHA—the federal government and national mortgage companies—are large and bureaucratic enough that abusers can find a niche. 100 percent insurance also makes it easier for FHA lenders to make mistakes that conventional lenders with greater risk would have avoided.

In the 1970's, these and other factors created FHA scandals that made HUD the biggest slum landlord in the country, with an inventory of over 100,000 foreclosed homes. NPA fought to tighten up and clean up FHA, resulting in lower foreclosure rates and smaller inventories of foreclosed homes for much of the 1980's. However, abuses on the magnitude of the 1970's still flare up. The Austin neighborhood on Chicago's West Side is filled with hundreds of vacant FHA-owned homes. Abuse is part of the FHA system, and it needs to be continually controlled.

The proposed expansion of FHA adjustable-rate mortgages would take a mortgage finance system that already has problems and make those problems worse. I've enclosed an excerpt from a Moody's report which documents the risk of adjustable-rate-loans. During periods of stable or decreasing interest rates (such as 1985 and 1986), ARM mortgages perform about the same as fixed-rate loans. However, during periods of increasing interest rates (such as 1980 to 1984), ARMs create tremendous instability in monthly housing payments. As a result, when interest rates increased, adjustable-rate loans had foreclosure rates twice as high as fixed-rate loans for all borrowers. ARMs are even more dangerous for lower-income borrowers that are least likely to have rapid increases in income, or large accumulated savings, that can make ARMs manageable when mortgage payments increase.

Defenders of FHA expansion rebut that ARMs are less risky than before because underwriting of these loans is now more conservative. Specifically, applicants would be qualified at the maximum interest rate an ARM could adjust to after one or two years. For example, an applicant for an 8 percent ARM would qualify only if they could afford monthly payments on a 10 or 12 percent loan. In effect, in order to qualify for an ARM, you'd also have to be able to afford a fixed-rate loan.

This logic is obviously self-defeating. The case for FHA ARMs is that they will lower interest rates, thereby increasing eligibility. However, anyone that could qualify for an ARM using today's standards can also qualify for a slightly more expensive fixed-rate loan. ARMs would expand risk, not eligibility. ARMs would increase initial "affordability," but only by exposing buyers to the risk of rapidly inflating mortgage payments 12 months later. Would the risk be as severe as in the early 1980's? No one honestly knows. However, you should be highly suspicious of anyone that tells you that first-time buyers who can afford no more than a three percent downpayment would somehow be able to afford mortgage payments that could potentially increase by hundreds of dollars a month. Who's kidding who? By definition, any borrower that can't afford more than a three percent downpayment lacks the stability that could make them a good candidate for a riskier adjustable-rate loan.

The reduction of FHA downpayments from five percent to three percent for all first-time homebuyers makes even less sense to us. Why encourage families making $75,000 or more a year to make a downpayment that amounts to one month's pay? This is a policy of instant gratification that may very well backfire. Houston and Denver have provided very good examples of what can happen when upscale, first-time buyers buy overvalued homes with low downpayments, and then a recession occurs. Thousands of "low-risk" borrowers in "appreciating" neighborhoods lost their homes. If 60 percent of the nation's economists are right and a national recession occurs soon, a liberalized FHA will invite similar horror stories across the country—not just in poor urban neighborhoods, but in upscale suburban areas as well.

4. EXPANSION OF FHA IS NOT A COST-EFFECTIVE WAY TO ADDRESS OUR HOUSING AFFORDABILITY PROBLEMS

Even if the proposed changes in FHA addressed today's real affordability problems, which we think they don't, the cost of these changes would be too high. FHA's reserves are already strained. Further increases in FHA foreclosure rates that would surely result from greater use of ARMs and lower downpayments would only further strain an already weaker financing system.

ALTERNATIVES TO FHA EXPANSION

The proposed changes in FHA would primarily benefit families making $40,000 or more a year which can not afford to buy typical starter homes that cost over $101,250, the current FHA ceiling.

Fortunately, relatively few families suffer from this problem. The FHA high-cost limit exceeded the median price of all homes in 80 percent of all metropolitan areas in 1988. In many areas where the median cost of all homes exceeded FHA limits, the $101,250 ceiling still exceeded the median cost of starter homes. There are relatively few areas of the country where $101,250 won't buy you a decent starter home. We understand much of California is about the most expensive housing market in the country. But even there, any family that can qualify for huge monthly payments on a starter home costing more than $100,000 can surely afford a five percent downpayment upfront. In fact, the only way they are going to be able to afford high monthly payments is by reducing principal balances through a large downpayment. Three percent downpayments on the entire home amounts works counter to this goal.

I agree with Senator Cranston that a comprehensive housing strategy that can gain broad political support will involve helping yuppies that can't buy homes. My point is that expansion of FHA doesn't really help the yuppies, and it threatens to wreak havoc in urban neighborhoods already eligible for FHA loans.

NPA sees the following actions as steps that would solve the real housing affordability problems of a broad range of families:

1. PROMOTE THE AVAILABILITY OF FIVE PERCENT DOWN CONVENTIONAL LOANS

NPA has spent two years on an effort that has resulted in liberalization of a broad range of Fannie Mae and private mortgage insurance eligibility guidelines. These changes should make it at least somewhat easier for all first-time homebuyers, including yuppies, to qualify for a five-percent-down conventional loan. However, further changes are needed.

NPA, Fannie Mae, General Electric Mortgage Insurance, and Mortgage Guaranty Insurance Corporation have structured a ten-city demonstration program that will help inform secondary markets and mortgage insurance companies on how to soundly insure and purchase low downpayment mortgages from even the most "marginal" neighborhoods. We're very excited about this initiative. Where secondary mortgage markets and private mortgage insurers have failed to make low downpayment home finance available in the past, we feel they are now taking steps in the right direction that should be further encouraged by the federal government. In California, where modest housing still costs over $100,000, a five percent downpayment is by no means an unreasonable barrier for an upscale family that can qualify.

2. HELP PROMOTE LOWER HOUSING COSTS

The biggest problem in California, of course, is that homes simply cost too much. Making it easy for younger families to purchase expensive homes by using riskier mortgage instruments will simply add to the problem by increasing both the cost of housing and the risk of lending. Instead, creative approaches to lowering the cost of housing are needed. As a national objective, any family should be able to buy a decent first home in a decent neighborhood for less than $100,000.

For our part, National Peoples Action has initiated an effort to form a national demonstration program with the National Association of Home Builders to find better ways to build and rehabilitate less expensive housing. Since we have already formed affordable housing partnerships with lenders, secondary markets, and mortgage insurers, we feel optimistic that such an approach can succeed.

3. ENACT THE HOME PROGRAM DEVELOPED BY NPA AND THE MORTGAGE INSURANCE COMPANIES OF AMERICA

In most areas of the country, families making in excess of 120 percent of local median income can afford to buy, at the very least, the medain-priced starter home. The real homeownership affordability gap in most areas of the country is for families making low-, moderate-, or middle-incomes.

The HOME program is designed to help families making 120 percent or less of median income to become first-time homebuyers. Where the proposed FHA bill would further lower already low downpayments, the HOME program would help families to save a five percent downpayment. Where the FHA plan fails to address the problem of affordable monthly housing payments, the HOME program could lower the monthly cost of housing for some families by as much as twenty percent. Where the FHA plan turns to a quick fix using proven dangerous mortgage instruments, the HOME plan uses fixed-rate mortgages that have been proven to be more reliable. Where the FHA plan would increase the level of foreclosures in an already weak financing system, the HOME plan would complement affordable housing partnerships with financial institutions across the country that have proven to be sound and profitable. Finally, where the FHA plan could increase the government's foreclosure expenses by billions of dollars, the HOME program would cost from $200 million to $600 million a year, meeting a recognized need in a fiscally prudent manner.

We recognize that upscale California households are priced out of the housing market. However, we still think promoting savings and larger downpayments is the best approach. Three percent downpayments won't change the fact that a Los Angeles family has to make about $60,000 to qualify for a typical $135,000 starter home. If the federal government could allow these families to get to 20 percent down loans—either by helping them to save the downpayment or by loaning part of it to them—income eligibility would drop to $50,000.

I look forward to the opportunity to testify, Senator Cranston extended, when hearings are held next month. Once again, thanks for addressing our concerns on this matter.

Sincerely,

GALE CINCOTTA,
Chairperson.

[From the Washington Post, Sept. 19, 1989]

FHA LOANS FOR THE WELL-TO-DO

(By Jane Bryant Quinn)

The FHA mortgage—the bedrock support of middle-income home-ownership in America—may go upscale. Congress is considering a bill to make this government-guaranteed loan more accessible to the well-to-do.

If the bill passes, and right now the outlook is good, more higher-income people will be directed into this program by their mortgage lenders.

At present, the largest loan the Federal Housing Administration normally can insure is $67,500 for single-family homes, although that can rise to $101,250 in certain high-cost areas. But that's less than half as much as is needed to buy the average house in Contra Costa County, Calif.

Over the years, the FHA ceiling has periodically been raised, as house prices went up. Now, Sens. Alan Cranston of California and Alfonse D'Amato of New York propose a permanent floating ceiling that will bring more affluent America into the program and keep them there.

This idea is included in the National Affordable Housing Act, now before Congress. It would raise the FHA loan limit to 95 percent of each state's median sale price for homes—with even higher caps for the most expensive areas. In short, the "affordability" problems they have in mind are those of the folks who seek $200,000 homes in the most expensive parts of the country.

Gaining access to the FHA program is a good deal for two reasons.

First, the mortgages carry a slightly lower interest rate than conventional loans because of the government guarantee. In the current market, you'd pay around an eight to a quarter of a percent less, according to the Mortgage Bankers Association. If you default, the FHA picks up all of the lender's loss.

Second, down payments in the FHA program are low. Right now, you have to put down a minimum of 3 percent for a mortgage up to $25,000 and 5 percent for additional amounts. So they're lovely loans for the cash-poor. Sens. Cranston and D'Amato would lower that down payment requirement to a flat 3 percent for first-time home buyers (although lenders can, and do, charge more).

But smaller down payments aren't going to help most moderate- to lower-income home-buyers. Less money down means a larger loan and higher monthly payments, which people with modest incomes can't afford. Besides, they're not looking at $200,000 homes.

Instead, the "affordability" bill is a godsend to the upper-middle-income couple that's income rich but hasn't managed to save a dime. It beats me why the taxpayers should extend the FHA program to give them a hand.

The proposed enlargement of FHA insurance is comparable to the law that raised federal deposit insurance to $100,000. It's a vast new government guarantee, made on the bet that the cards won't be called.

High default rates cost the FHA single-family mortgage insurance fund $368 million in fiscal year 1988. It estimates that it will lose another $250 million in 1989.

The higher loan limits proposed by the "affordability" bill would bring much larger mortgages into the program. Even at the current 3 percent to 5 percent down payment rates, those loans would be perched on less equity than they would if they were left to private mortgage insurers.

If down payments for first-time buyers drop to a flat 3 percent, the FHA would be looking at even more defaults. "You'd wind up lending more than the house is worth," says Tom Schraw, housing coordinator of National People's Action, an advocacy group for affordable housing, "because all closing costs and the FHA mortgage premium can be financed."

Cranston and company have been catching a lot of flak about the risks their bill poses to the soundness of the FHA insurance program, especially the lower down payment. A spokesman for Cranston said that he thinks the fears are overblown. "But we won't jeopardize the whole bill because of that item alone," he says, "so we're rethinking the down payment part."

He should rethink the rest of the FHA proposals as well. Expanding FHA wouldn't help moderate-income families buy homes—and in fact it might hurt them, because lenders would skew their programs in favor of the well-to-do.

[From the New York Times, July 20, 1989]

WHY INSURE RICHER HOUSING?

The Federal Housing Administration which insures home loans, lost $452 million last year. Now Senators Alan Cranston and Alfonse D'Amato propose two changes that threaten to make a bad situation even worse.

The Cranston-D'Amato housing bill would lower the down payment that home buyers must pay to qualify for F.H.A. insurance. And the bill would raise the maximum size of an F.H.A. insured loan. These proposals would contribute little to the F.H.A. goal to helping families with modest incomes secure affordable private mortgages. And they threaten F.H.A. insolvency.

For the borrower, lower down payments are a mixed blessing. They can as the Senators observe, make home ownership possible. But they also require a larger loan and large monthly payments. For the F.H.A. low down payments can be a disaster. Default rates on mortgages with low down payments are notoriously high. The less money a buyer sinks into his home the move likely he is to walk away from onerous monthly payments.

If a borrower defaults on an insured loan the F.H.A. picks up the tab. It must then charge higher insurance premium to everyone else which would hurt the low-income home buyers the agency is supposed to assist.

The proposal to raise the limit on F.H.A. insured loans is equally misguided. Currently homes selling for less than $101,250 qualify. The new limit would be pegged to local real estate prices and would in some areas exceed $200,000. The Senators argue that in some regions even the least costly homes have become too expensive for moderate-income familes. Perhaps. But a higher insurance limit doesn't make a home more affordable. It serves higher-income families who can afford more expensive homes are private mortgage insurance. Replacing private insurance with Federal insurance for well-to-do families is not noble. And higher insurance limits, in combination with lower down payments, risk explosive F.H.A. losses.

To further the F.H.A.'s mission, Senators Cranston and D'Amato would do better to heed a recent Presidential commission. It recommended eliminating F.H.A. insurance for mortgages on vacation and investment properties. These mortgages are unrelated to the F.H.A.'s mission yet they contribute to its losses. And in order to concentrate resources on the people who most need them, the commission recommended limiting eligibility to moderate and low-oncome familes.

Focusing on the needy is the point. Portions of the Cranston-D'Amato bill would appropriately directly subsidize low-cost housing. The F.H.A. portions of the bill are unfocused and jeopardize the financial integrity of the F.H.A. in an unnecessary attempt to benefit well-to-do families. It us up to the Senate Banking Committee to preserve the former portions and amend the latter.

Taxpayers have already been condemned to bail out one bankrupt Federal insurance agency, the Federal Savings and Loan Insurance Corporation. One is enough.

[From the Washington Post, September 17, 1989]

EXTRA COSTS OF FHA-VA LOANS

(By Jane Bryant Quinn)

If your income is small, but you think you can still buy a modest house, the news is poor. Some of the lenders whose job is to help you are kicking sand in your eyes.

Your mortgage of choice is one insured by the Federal Housing Administration or the Department of Veterans Affairs. Mortgage bankers grant most of these loans, although commercial banks and savings and loans may offer them, too.

With loans backed by the FHA, you are allowed a low down payment—perhaps as little as 3 percent to 5 percent. There is an upfront insurance fee of 3.8 percent, which can be added to your 30-year loan. The government guarantees that, if you default, it will cover the lender's loss.

VA loans can be had for no money down plus a mere 1 percent upfront, although some lenders may require more.

But some mortgage banks don't like making small loans, even government guaranteed. So they have loaded them with extra charges, ones that drive some borrowers away.

This practice was recently documented by the Chicago-based National People's Action (NPA), an advocacy group for affordable housing. NPA called the top five FHA-VA lenders in Chicago, Cleveland, Milwaukee and Philadelphia, and the top 10 mortgage companies nationwide. All of them discriminated in some way against small borrowers.

In some cases, the extra charges are small. One Fleet Mortgage office in Milwaukee, for example, said it added costs of 0.25 of a point to FHA loans under $30,000, although a lending officer said that points can go higher on smaller loans. A point is 1 percent of your mortgage loan. By contrast, the NPA's survey found the Milwaukee office of Margaretten charges 3 points for FHA loans under $30,000 and 5.5 points for loans under $15,000. Margaretten's office manager Dennis O'Hare declined to confirm or comment.

The lenders say that smaller loans are more expensive to process and service. But many FHA lenders charge no extra points at all. They simply work the extra expense of the smaller loans into their general cost of doing business.

Ironically, when a high-cost lender does make a small loan, he may earn more money on it in the first year than he would on a larger loan.

Take a mortgage made at 10 percent interest, with a 1 percent loan-origination fee. If you borrow $45,000 and pay no points, the lender earns $450. If you borrow $24,000 and pay 5 points, the lender earns $1,440.

The NPA survey uncovered another practice that not only discriminates against small borrowers but is against the law. FHA lenders are not allowed to impose a minimum loan amount on borrowers. Yet several refused to make mortgages smaller than $15,000 to $40,000.

If you are in the market for a small FHA loan, look in the phone book and call several mortgage banks and S&Ls to find one that doesn't charge exorbitant points. If an FHA lender imposes a minimum loan amount, report it to your local field office of the Department of Housing and Urban Development, or to HUD's Office of Lender Activities, Room 9146, 451 7th St. SW, Washington, D.C., 20410.

On VA mortgages, minimum loan amounts are legal.

VA loans may be a little harder to find than mortgages backed by the FHA. The issue is government insurance. The government doesn't necessarily cover all losses on defaulted VA loans, as it does with single-family FHA loans.

Since 1984, when a change in the law made it more likely that VA lenders would have to swallow some losses, the VA's share of the fixed-rate mortgage market has dropped from 13 percent to 7.9 percent, according to the Mortgage Bankers Association. That's an indication that lenders are curtailing their programs.

Rising mortgage defaults have gobbled up the VA's reserves. Last year, the Treasury had to cover $1.1 billion in losses. Bills in Congress would help cover these staggering costs by charging borrowers an extra 0.25 percent insurance fee. But fees would be cut for borrowers who put 5 percent or 10 percent down on the purchase price.

Raising the fees for some borrowers, however, isn't enough to keep the VA program in the black. Extra money will still be needed from the Treasury every year. That's too bad. Considering the size of the federal deficit, it's not too much to ask veterans to pay for this bargain mortgage program themselves.

[From the Wall Street Journal, July 12, 1989]

S&L BAILOUT II

If you've enjoyed the savings and loan debacle, brace yourself because Congress wants to make it easier for the same thing to happen to the federal agency that insures home mortgages. Housing Secretary Jack Kemp will make Sam Pierce look like Lee Iacocca if he signs on to this.

The future disaster is contained in something called the National Affordable Housing Act, sponsored by Welfare State Senators Alfonse D'Amato (R., N.Y.) and Alan Cranston (D., Calif.); it ought to be called the Federal Guaranteed Loan Default Plan. Cranston-D'Amato would offer a giant new subsidy to home builders and middle-class home buyers by making it much easier to get federally guaranteed loans.

Though America's housing conditions are the envy of the world, the Senators insist there's a "crisis." So they want to open the floodgates at the FHA, an agency established in the worst years of the Great Depression. Though a depression does not seem imminent, Cranston-D'Amato would permit lower down payments on all FHA-insured loans, make down payment concessions to first-time buyers, and in some areas double the maximum size of FHA loans.

They propose to do all of this, moreover, just when the FHA looks to be going the way of the Federal Savings and Loan Insurance Corp. Ronald Utt, a former federal budget official now with the Heritage Foundation, has cataloged the FHA's trouble: A rising rate of mortgage delinquency (to 5.5% at the end of last year from only 2% in 1979); a tripling in only three years in claims by lenders (to an estimated $6.6 billion this year); a mere $1.2 billon in equity at the end of 1987 to support $277 billion of insurance-in-force; and losses of about $40 million a month. The General Accounting Office has warned that a federal bailout may be necessary if current trends persist.

Cranston-D'Amato would hand those trends a turbocharger. Every housing lender understands that lower down payments raise the risks of borrower default. Even under current law, it's possible for a purchaser of a $100,000 home to finance the full $100,000 (including points and fees) under the FHA. If the owner later has to sell that home before there's much increase in value, he can end up getting less (after more points and fees).

Cranston-D'Amato also would raise the FHA mortgage ceiling, though this merely would make it easier for the affluent to qualify for FHA guarantees. Wendell Gunn, Mr. Kemp's chief of staff, has written an internal memo to Mr. Kemp calling the idea "Robin Hood in reverse."

The bill would raise the ceiling to more than $165,000 in some areas (from about $101,000 now), which means that only families with incomes of $75,000 could qualify. Perhaps Mr. D'Amato wants the government to build more of those swimming pools his "influence" already has helped pay for as part of the now unraveling HUD scandal. For their part, the poor would find fewer FHA guarantees available and less mortgage money too.

FHA's expansion also would hasten the federal takeover of the private mortgage insurance market. While the feds insured only 17% of all mortgage debt in 1980, according to Mr. Utt, the share rose to 29% by 1988. This exposes taxpayers to a huge new financial risk. And if the FHA's financial problems aren't worrisome enough, the Federal National Mortgage Association, another insurer that at least the markets think is federally backed, had by 1987 only $1.8 billion in net worth to support $237 billion in mortgage loans or mortgage-backed guarantees, according to a HUD study. With federal spending curtailed by Gramm-Rudman, this is the welfare state entering by the back door.

If politicians really want to increase the supply of low-cost housing, there is plenty of work to do. They could stop rent controls (see below), ease zoning laws, or remove the regulatory barriers to construction that add some $40,000 to the cost of a new home in Orange County, California. However, it's so much easier merely to endorse another subsidy and let future taxpayers pick up the tab.

We hear Jack Kemp has considered endorsing part or all of Cranston-D'Amato, a decision that would not do much for his reputation as a man of "new ideas."

[From the Detroit News, June 22, 1989]

The Next "Thrift" Disaster?

Sens. Alfonse D'Amato, R-N.Y., and Alan Cranston, D-Calif., are sponsoring a bill that would lower the required down payment to 1 percent on mortgages insured by the Federal Housing Administration (FHA). That's from an already low 4.5 percent. They would also raise the limit on FHA-insured housing loans to as much as $190,000. It looks to us like Congress is getting set to launch another "affordable housing" disaster even before it has cleaned up the thrift mess it helped create.

Indeed, financial experts already refer to the FHA as the nation's second biggest failing thrift institution, next to its sister agency, the Federal National Mortgage Association (Fannie Mae).

The numbers are frightening. According to the first overall audit of the agency in its 55-year history, the FHA had only $2.8 billion in reserves to support a staggering $277 billion in mortgage insurance. That's less than 1 percent in capital backing, compared with the 6 percent now being called for in thrift institutions and the 3 percent required of private mortgage insurers.

Fannie Mae is no better off. Its minuscule $1.8 billion in capital is now leveraged against $237 billion in mortgage loans and mortgage-backed security guarantees. Experts estimate that if the actual loan assets of the FHA and Fannie Mae were "marked to market" in valuation, both institutions would be insolvent.

The main reason FHA is in such trouble is its huge mortgage default rate. Default claims against the FHA fund have jumped from $2.9 billion a year in 1986 to an estimated $6.6 billion in 1989. Mortgage delinquencies of more than 60 days now account for 55 percent of all FHA mortgages, up from just 2 percent in 1979. The average in most thrifts is less than half of 1 percent.

The main reason for this exceptionally high default rate is that FHA-insured buyers have to put up so little equity of their own. They have every incentive to walk away from the mortgage when times get rough, because the costs of continung or selling are much higher than the default cost. The move to reduce down payments even further will only add fuel to this fire.

On a $100,000 home, for example, the buyer would put down only $1,000 under the Cranston-D'Amato proposal. In addition to the $99,000 mortgage, the buyer woud also be allowed to finance the FHA insurance premiums, bring the total value of the mortgage to about $104,000—more than the house was worth at the time of purchase.

Let's suppose two years later the homeowner has to sell the house, either to move, or because of financial exigencies. In today's flattening real estate market, that home is not likely to be worth more than $108,000. With likely real estate commission and settlement costs, the best the homeowner could hope to net out of that sale is about $99,000, or $5,000 less than he owes. His incentive is clear: he can save $4,000 by defaulting and letting FHA handle the problem.

As a thoughtful analysis of this problem by economist Ronald Utt for the Heritage Foundation concludes: "With the housing market weakening in response to high interest rates, and with the economy of the Southwest yet to recover, lawmakers should be taking urgent action to repair the financial foundations of the FHA, not further undermining the fund with ill-considered proposals that increase the risk of FHA's collapse." Amen.

[From the Chicago Tribune, June 24, 1989]

Easier Credit Won't Lower Prices

(By Kenneth Eskey)

Washington.—Congress, which never has been strong in economics, is considering a bill that would make homes more affordable by lowering the downpayment necessary to buy a house.

The theory seems to be that if houses are too expensive, the government should lower its cash requirements on federally insured mortgages so that young couples are not shut out of the market.

To stimulate sales, Senators Alan Cranston (D., Calif.) and Alfonse D'Amato (R., N.Y.) are promoting the National Affordable Housing Act, a bill that would relax the downpayment standards of the Federal Housing Administration so that cash-poor couples can buy FHA-insured homes.

Current law requires a buyer to put up only 3 percent on the first $25,000 of purchase price and 5 percent on the rest. The new law would require only 3 percent on the first $50,000.

In addition, it would permit the Federal Housing Authority to insure loans up to 95 percent of the median sale price of a house in each region of the country, thereby eliminating the lid of $101,250 on FHA insured-loans.

One trouble with the smaller downpayment is that it encourages people to buy homes who neither have the income nor the self-discipline to save money. The less they put down, the higher their monthly payments and the more likely they are to default.

The delinquency rate on FHA and VA loans, which sometimes have no down, is more than double the delinquency rate on conventional mortgages requiring 10 percent or 20 percent down.

In some cases, especially in the Southwest, where real estate values have declined, homeowners simply walk away from their houses because the resale value is less than they owe on the loan.

The result is that FHA has been suffering heavy losses lately, yet we have Congress talking about making it easier to get an FHA loan.

Ronald Utt, an economist for the Heritage Foundation, contends that FHA may be risking insolvency and a taxpayer bailout if it continues to insure so many soft loans.

Such warnings seem a bit farfetched, but they do raise questions about the wisdom of offering more debt to buyers who otherwise could not afford to buy a home.

A report by the Congressional Research Service points out that raising the FHA mortgage limit does not do much for couples who lack the income to buy in the first place.

FHA was created to help families with modest incomes, but many of its insured loans are used to buy vacation homes or investment homes, some of which lapse into default when they no longer make money.

It is true that the home-ownership rate in the 25 to 34 age group has fallen from 52 percent to 45 percent during the 1980s, partly, no doubt, because couples are marrying and having children later.

But if we are trying to reverse the trend, there are better ways to do it than by easy credit.

One possibility, endorsed by Cranston and D'Amato, is to let workers use their Individual Retirement Accounts and 401(k) company' savings plans for downpayments on homes.

Another is to expand the locally subsidized housing opportunity programs that exist in and around high-priced cities.

Requiring builders to include affordable housing in their new developments would make more sense than encouraging young home buyers to go deeper into debt.

[From the Washington Post, Aug. 24, 1989]

FHA Targeted for Action Amid Record Losses, Charges of Fraud

(By Gwen Ifill)

While Congress wrestles with allegations of influence-peddling at the Department of Housing and Urban Development, a quieter debate is raging about a deeper problem at HUD, one that carries the largest price tag of those attached to various aspects of department mismanagement.

The perenially troubled Federal Housing Administration's single-family mortgage insurance program—plagued by record losses and charges of fraud and equity-skimming—has emerged as the primary target for action by all sides: the mortgage industry, Congress and the agency itself.

HUD Secretary Jack Kemp calls FHA, which insures mortgages on 9 million homes, "one of this government's great success stories." But he also acknowledges that the nation's primary housing finance agency has been deeply scarred by mismanagement and by losses from regional economic downturns.

In a recent interview, HUD Undersecretary Alfred Dellibovi called the agency "scandal-prone." In 1987, the General Accounting Office reported that the agency lost $1.2 billion on the sale of properties acquired because of loan defaults.

But there is a sharp difference of opinion within the housing indusry about the extent of the FHA's troubles. And HUD is awaiting the results of a new study of the FHA being conducted by the accounting firm Price Waterhouse for the GAO before acting.

What is known is that the largest and best known of the four funds that make up FHA—the Mutual Mortgage Insurance Fund—lost $359 million in fiscal 1988 and $150 million in the first half of fiscal 1989.

One industry group has likened the FHA's problems to the losses that drove the nation's savings and loan industry to a $164 billion bailout, a contention HUD officials dismissed as absurd.

In any case, spillover from arguments about the health of the FHA has threatened the National Affordable Housing Act, a mesure introduced early this year before many of HUD's current problems came to light.

Sponsored by Sens. Alfonse M. D'Amato (R-N.Y.) and Alan Cranston (D-Calif.), the measure would, among other things, lift the cap on the amount a buyer could borrow through the FHA to finance a home purchase and reduce the minimum amount allowed for a home mortgage down payment from 5 percent to 3 percent.

On Capitol Hill, lawmakers have responded to the HUD scandal by shifting their focus away from HUD's problems and toward the potential solution. "The Cranston-D'Amato bill has got to be perceived as a HUD reform bill or we're in deep trouble," one Senate committee staff member said. "Our opponents will try to make it seem like it's the last gasp of the past."

The Mortgage Bankers Association of America (MBA) supports the proposal, which it predicts would open the FHA fund pool to less risky loans to cushion it against potential losses on the low end.

"An attack on FHA loans . . . is an attack on the mortgage banking industry," said Warren Lasko, a former HUD official and executive vice president of the MBA, which represents 2,600 mortgage lenders.

Troubles with only one of the four FHA funds—the Mutual Mortgage Insurance Fund—have tainted the entire program, Mortgage Bankers Association officials argue. Losses in the single-family mortgage portion of FHA, the bankers maintain, have been underestimated by as much as $1 billion.

Programs under the General Insurance Fund—coinsurance, Title X and Retirement Service Centers—have been the focus of claims of influence-peddling and fraud within HUD. Kemp has curtailed or suspended all three.

The Mortgage Insurance Companies of America, a smaller lobby than the bankers' group, represents 12 large private mortgage insurance companies and is attempting to convince lawmakers that the Cranston-D'Amato bill would only further relax standards for an agency whose accounting procedures are already too lax.

"Some of the adverse publicity at HUD has given people the occasion to stop and listen and take a look," said William Lacey, the group's president and chief executive officer of the Mortgage Guaranty Insurance Corp. of Milwaukee.

"Based on our experience, when you lower down payments and increase loan limits, you're going to have a much higher rate of defaults." Lacey said. He argued that an insurance fund losing $1 million a day for the past year cannot afford more risk.

Senior HUD officials have been working for months to draft a legislative package to address several of Kemp's priorities, including extension of low-income tax credits and creation of federally supported enterprise zones.

But the FHA, the officials have conceded, needs a separate action plan. C. Austin Fitts, Kemp's newly confirmed federal housing commissioner and assistant secretary for housing, said there is an "argument roaring" outside HUD over the FHA's soundness but that much of it is based on misinformation.

"We need to de-escalate this discussion, get some better information and make our decision based on facts." Fitts said.

In an interview and in congressional testimony, Fitts said part of HUD's role should be to assume the risk needed to meet socially desirable goals.

The soundness of the single-family housing insurance fund is being reviewed by Price Waterhouse. "We have reason to believe it is not sound," said Fitts. "Whatever has happened in the past is spilled milk. If we continue to run it the way it has been run, it will grow weaker and weaker."

"Everybody's right and everybody's wrong" in the debate over the FHA's future, Fitts said. In an Aug. 1 letter to D'Amato and Cranston, Kemp outlined an initiative he called "FHA for the '90s" that attributes much of the problem to "structural weaknesses in the financial management of the program."

Kemp said HUD will implement accounting improvements, hire new actuaries for its FHA staff, extend management accountability and institute a tighter review of lenders.

"Everybody's bickering about what the snapshot is as of today," Fitts said. "But what is much more important is that there is a tremendous amount of work to be done to get this ready for the 1990s."

Ms. MIKULSKI. Mr. President, I now move to table the Nickles amendment as modified.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion of the Senator from Maryland. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. LEVIN] would vote "yea."

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 43, nays 55, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—43

Adams
Bentsen
Biden
Bradley
Bryan
Bumpers
Byrd
Cohen
Cranston
D'Amato
Daschle
DeConcini
Dodd
Fowler
Glenn
Gore
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Matsunaga
Mikulski
Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Wilson

NAYS—55

Armstrong
Baucus
Bingaman
Bond
Boren
Boschwitz
Breaux
Burdick
Burns
Chafee
Coats
Cochran
Conrad
Danforth
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heinz
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Kohl
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Murkowski
Nickles
Packwood
Pressler
Pryor
Roth
Simon
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—2

Levin
Simpson

So the motion to lay on the table the amendment (No. 769), as modified, was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. Mr. President, it is hard to think of any principle that is more deeply——

Ms. MIKULSKI. Point of order, Mr. President. First, the Senate is not in order. Second, a vote must occur on the amendment.

The PRESIDING OFFICER. Debate is still in order on the amendment.

Mr. ARMSTRONG. Mr. President, I yield the floor.

The manager of the bill is correct, and we have not yet adopted the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 769), as modified, was agreed to.

Mr. ADAMS. I move to reconsider the vote by which the amendment, as modified, was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, a nation which holds free speech and freedom of assembly and the right to petition the Government for redress of grievances——

Ms. MIKULSKI. Will the Senator from Colorado withhold?

Mr. President, the Senate is not in order.

I believe the Senator from Colorado is offering an amendment. I would like to hear the amendment and be able to appropriately dispose of the amendment.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order.

The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I appreciate the Chair restoring order in the Chamber.

Mr. President, a nation which holds the right of free speech and free assembly and the right to petition and to demonstrate in support of civil rights and constitutional causes cannot be indifferent to recent news reports of excessive police brutality in connection with civil rights demonstrations. I think many of us, particularly until this recent flurry of news articles that has appeared in cities around the country, would have found it unthinkable that nonviolent protestors who were simply attempting to exercise these long established and deeply honored rights of Americans would be subjected to brutal and violent and injurious treatment by the police officers whose duty it is to uphold not only the laws of the jurisdiction but the Constitution.

Mr. President, I must admit when this problem first came to my attention, I greeted it with substantial skepticism because, like most Senators, the law enforcement officers with whom I come in contact are not violent; they are not brutal. In fact, they are the very model and soul of courtesy. Senators encounter police officers every day whose standards of courtesy to those with whom they work is unquestioned. It is completely unthinkable to every one of us, completely beyond our experience that a police officer would engage in the kind of brutal treatment that we ordinarily would think of and associate in our mind with some place like Nicaragua or a Third World country or one of those places far away from us.

In a totalitarian regime, we expect that kind of treatment. We do not in the United States of America.

Mr. President, in dozens of cities demonstrators exercising their right to nonviolent protest have been subjected to a form of police compulsion known as "pain compliance"—the deliberate infliction of pain in order to compel individuals to obey the authorities.

While this theory of pain compliance is not injurious, these methods in fact have repeatedly led to injuries to protestors, some minor in nature, like cuts and abrasions, others more severe like sprains and broken bones and still others more severe to the kind of atmosphere, the sort of context for peaceful assembly, for nonviolent protests that are just completely inconsistent with the better traditions of our country.

The Attorney General, Mr. Thornburgh, has ordered an FBI investigation into these matters, but it seems to me there is enough evidence already clearly on the record that the Senate should take cognizance of it and do something. The Senate, as have our brothers in the House of Representatives, should send a clear message to the municipal authority of this country that we abhor the violation of civil rights and it will not be tolerated. That is why in a moment I am going to offer an amendment which will deny HUD community planning and development grants to municipalities if they fail to adopt and enforce a policy which prohibits the use of excessive force by law enforcement agencies within the jurisdiction of such municipalities.

Mr. President, Senators may well wonder whether this is an abstract or a theoretical concern, and I would like to insert in the RECORD—and I will in a moment ask unanimous consent to do so—news reports which I think amply illustrate the depth and seriousness and the widespread nature of this problem.

I am not going to take a long time to explain this, but I would like to read for a moment the report of the distinguished journalist, William F. Buckley, of certain events which occurred in West Hartford, CT, on June 18, and I am now quoting from Mr. Buckley's article as it appeared in the Newark Star Ledger.

This is just one episode, Mr. President, but it illustrates the problem, and I will, for the benefit of those who are interested in greater detail, insert in the RECORD some other news reports that make the point even more vividly:

> The events in West Hartford on June 17 are gradually catching the attention of the public. It is certainly a day that can be compared to the famous day that featured Selma, Ala., in 1965. It is hard to believe that Bull Connor, directing redneck policemen, caused more brutality in the treatment of blacks than was caused by the police of West Hartford in their treatment of members of Operation Rescue, the anti-abortion organization.

Mr. President, may I interrupt this brief quotation to note that there is a conversation occurring in the back of the room? Could we seek order in the Chamber?

The PRESIDING OFFICER. The Senate will come to order.

Mr. ARMSTRONG. I thank the Chair. The article continues:

> It was a Saturday morning. According to affidavits filed by the people arrested, including Bishop George Lynch (a veteran of seven Operation Rescue efforts), about 275 Rescuers had gathered to picket and block the Summit Women's Center, which does most of its business on Saturdays.
>
> If we are to believe these affidavits, the policemen tried to get the crowd to disperse, failed to do so—whereupon they illegally removed their badges and name tags, as though this gave them immunity to act like thugs rather than to pursue their profession, which is, among other things, to prevent thuggery.
>
> These policemen arrested most of the Rescuers, using nylon cuffs attached so tightly as to cut off circulation to the hands. One policeman pushed his nightstick across an elderly woman's face, threw her to the pavement, twisted her arms behind her and put his weight on her back.
>
> The scene was repeated, with variations, many times. Nightsticks were used liberally. Several Rescuers were beaten. One experienced a nightstick placed between his legs and jerked sharply upward. Another's arm was broken with such force that the snap was audible 40 feet away. Many of the Rescuers were elderly; they were not spared the violent treatment, not even the technique that became standard for the day, the strappado—inserting nightstick between the back and the bound hands, then lifting, so that the body's weight is painfully concentrated on the elbows or upper arms.
>
> Many of the victims screamed involuntarily, others sobbed. The police laughed and mocked them. "Jesus isn't helping you," one policeman told a praying Rescuer. "Call for Satan." Those words, in that context, have a resonance 2,000 years old.
>
> At least one reporter was also arrested. Her notes seized and destroyed. "Aww, her First Amendments rights have been trampled," another policeman was heard to coo. Photographers representing several local Catholic newspapers were forced to turn over their film—confiscated, South African style.
>
> In the jailhouse, the police punched, kicked and tossed the arrestees about. One man was pitched head first into a sink from a height of five feet. A comrade who saw this called it a "miracle" that no serious injury resulted and marveled at the audacity of the policeman's violence, considering the liability that might arise—that should arise.

Mr. President, this is in part the news account of an event that occurred on June 17 in West Hartford, as reported by William Buckley. I ask unanimous consent that the article, along with the observations of Cardinal John J. O'Connor, as they appeared in the publication, Catholic New York, on June 29, and an article of Don Feder which appeared in the Boston Herald under the headline "Rescuers Brutalized, But Who Cares?" also on June 29. I ask that all of these appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Newark Star-Ledger, July 23, 1989]

PRO-LIFERS ARE PUT THROUGH A SECOND SELMA

(By William Buckley)

It isn't easy to achieve psychological neutrality in the abortion standoff, but the violence of the surrounding rhetoric, and now the physical violence of the policemen of West Hartford, Conn., require that the effort be made to focus on a critical difference between the two camps.

It is this—that the lifers do not seek to harm anybody, or for that matter—to use a taxonomically neutral term—anything. When they demonstrate in front of an abortion clinic, they are not seeking to hurt the choicers queuing up for abortions. They are seeking, by their demonstrations, to persuade pregnant mothers to save what the lifers consider to be developing human beings.

The choicers should honor this distinction. Their conviction that the fetus is simply a disposable part of their—repeat, their—body is a position held by honorable men and women of moral rectitude. But they need to recognize that there is that other point of view, and that this other point of view seeks not to destroy, but to preserve; and that, accordingly, a certain rhetorical restraint is in order when engaged in disputes with them.

The events in West Hartford on June 17 are gradually catching the attention of the public. It is certainly a day that can be compared to the famous day that featured

Selma, Ala., in 1965. It is hard to believe that Bull Connor, directing redneck policemen, caused more brutality in the treatment of blacks than was caused by the police of West Hartford in their treatment of members of Operation Rescue, the anti-abortion organization.

It was a Saturday morning. According to affidavits filed by the people arrested, including Bishop George Lynch (a veteran of seven Operation Rescue efforts), about 275 Rescuers had gathered to picket and block the Summit Women's Center, which does most of its business on Saturdays.

If we are to believe these affidavits, the policemen tried to get the crowd to disperse, failed to do so—whereupon they illegally removed their badges and name tags, as though this gave them immunity to act like thugs rather than to pursue their profession, which is, among other things, to prevent thuggery.

These policemen arrested most of the Rescuers, using nylon cuffs attached so tightly as to cut off circulation to the hands. One policeman pushed his nightstick across an elderly woman's face, threw her to the pavement, twisted her arms behind her and put his weight on her back.

This scene was repeated, with variations, many times. Nightsticks were used liberally. Several Rescuers were beaten. One experienced a nightstick place between his legs and jerked sharply upward. Another's arm was broken with such force that the snap was audible 40 feet away. Many of the Rescuers were elderly; they were not spared the violent treatment, not even the technique that became standard for the day, the strappado—inserting the nightstick between the back and the bound hands, then lifting, so that the body's weight is painfully concentrated on the elbows or upper arms.

Many of the victims screamed involuntarily, others sobbed. The police laughed and mocked them. "Jesus isn't helping you," one policeman told a praying Rescuer. "Call out for Satan." Those words, in that context, have a resonance 2,000 years old.

At least one reporter was also arrested. Her notes were seized and destroyed. "Aww, her First Amendment rights have been trampled," another policeman was heard to coo. Photographers representing several local Catholic newspapers were forced to turn over their film—confiscated, South African style.

In the jailhouse, the police punched, kicked and tossed the arrestees about. One man was pitched head first into a sink from a height of five feet. A comrade who saw this called it a "miracle" that no serious injury resulted and marveled at the audacity of the policemen's violence, considering the liability that might arise—that should arise.

Appearing on ABC's "Nightline" to discuss the Supreme Court's new abortion ruling, Planned Parenthood's Faye Wattleton venomously reviled the anti-abortion group Operation Rescue as "terrorist." The Rescue folk are no more violent than those who almost every day sit in on South African consulates and are gently removed, booked and released. They seek to dramatize a point that choicers should force themselves to acknowledge is entirely disinterested, even as demonstrators for civil rights were fighting not for themselves, but for others.

[From the Catholic New York, June 29, 1989]

THE OPERATION RESCUE ARRESTS

[By Cardinal John J. O'Connor]

I have known Sheila Chase since my arrival in New York in March of 1985. Now City Desk Editor of the Staten Island Advance, she was in my early days one of the best reporters in the press corps that covered my frenetic trips around the archdiocese. Courteous, refined, objective, she reported what she saw and heard, not a word more, not a word less.

I am deeply troubled by Shelia Chase's recent report that she was arrested in West Hartford, Conn., on Saturday morning, June 17, "while covering a news event." I quote from her column of Tuesday, June 20, in the Advance.

"Police officers without badges or name tags handcuffed me, took my press pass, notebook and purse. It was 11 hours before I saw my possessions again, and 12 before I was able to make a phone call.

"I spent three hours, with my hands cuffed behind me, on a couch at the scene of the arrest—an abortion clinic that was the site of a massive sit-in. After I was transported with a busload of members of Operation Rescue—an anti-abortion civil disobedience group—I spent another seven hours barefoot in a holding room at the West Hartford police station.

"Five of the first 13 people arrested at the scene of the sit-in were documenting the event in some way. I was researching a feature for the Advance Perspective Section. The other four included a reporter/photographer for a Catholic paper in Boston, a woman representing a religious television show and two other photographers. I'm told film was confiscated. I know that when I got my notebook back, my notes were gone; only the blank pages were left. * * *

"I was charged with criminal trespass and interfering with police officers. I'm not yet sure what I did to warrant those charges, but police officers at the time told me it would be explained in court.

"I had never been arrested before, so I took their word for it."

As I've noted, Sheila always did report what she saw and heard, not one word more, not one word less. She makes clear, however, that she was not one of the Operation Rescue participants. Only a reporter.

The West Hartford event was described to me shortly after it occurred on the 17th by people purporting to be eyewitnesses. Then two men brought me a videotape. Other people provided me with copies of what are said to be depositions given by those arrested, upon their release. I have read them. During the days since the event I have spent countless hours in personal meetings and on the telephone, with people I consider to be highly reliable. Until now I have refrained from making any public comment whatsoever.

I am neither judge nor jury, and I wasn't present during any phase of the event. I accuse no individual police officer of brutality. When the Commissioner of the United States Civil Rights Commission, however, feels compelled to ask the Attorney General of the United States to investigate the incident, I can hardly wash my hands of the event. When I read the quotations from Bishop Lynch and others in Gerard Hekker's article in today's Catholic New York, my anxiety is in no way alleviated. I am therefore happy to read that the eight-member panel will conduct a hearing on July 28 of allegations brought in Connecticut, Los Angeles, Atlanta and Pittsburgh. In my judgment, that's the way to go. Let all parties, including the accused police, give testimony. Let the commission judge, or the courts. Or both.

There's another set of allegations besides those being charged against some police officers, however. I hear people accusing Operation Rescue participants of violence, destruction of property and other offenses which are totally out of character for the many people I know in the movement, beginning with Bishop George Lynch, himself, as gentle a man as I have ever known. Equally out of character for rescue participants is lying, or falsely accusing police of brutality or even excessive harshness. In more than 400 rescue operations throughout the United States, I know of only four operations in which such accusations have been made: Los Angeles, Atlanta, Pittsburgh, West Hartford.

A number of people disapprove strongly of Operation Rescue and everyone connected with it. I understand their position, although it saddens me. Some pro-life proponents disagree with Operation Rescue as a technique to advance the pro-life cause. I can understand their position, as well. But allegations that Operation Rescue engages in violence or destruction of property are extraordinarily rare. Given the thousands of people who have participated in Operation Rescue, some have very possibly said some unpleasant things to police officers and others. Some may have been verbally or even physically abusive. I don't know. I simply know that when you have a lot of people involved in any activity, tempers can flare, inappropriate words or deeds may ensue. It should not be a surprise if this has occasionally happened during a rescue operation. The marvel is that it doesn't happen far more often. One reason it doesn't is that these are people of prayer, opposed to violence.

Please God, it will all come out in the wash. In the meanwhile, at least as I write, I understand there are still 110 people in Connecticut jails. They have my prayers, as do any police unjustly accused of harshness or brutality.

I have heard some say that Operation Rescue is damaging to the Pro-Life Movement. Who can be angry with an honest judgment? I can't—but I can disagree. Totally. Were I ever tempted to agree. I would look again at pictures of people like Bishop Lynch and Bishop Austin Vaughan, for whom my respect is unbounded, and whose integrity I trust completely.

I have never supported violence. I would publicly disclaim anyone who attempted to insert violence into the Pro-Life Movement, or encouraged it in any way in Operation Rescue. But I repeat my admiration for all those who, in conscience, participate nonviolently in Operation Rescue. In some instances they risk arrest. They take that risk willingly and accept the consequence. But arrest and punishment are quite separate processes. All over the United States Operation Rescue people have been arrested without anyone deliberately inflicting pain on them. If such was not the case in West Hartford, can valid cause be shown why not? The "if" and the "why" should both be addressed by the Civil Rights Commission.

As I write these words I have a gnawing regret quite unrelated to Operation Rescue. A couple of years ago, worried that I was hearing too frequently about police brutality allegedly inflicted on blacks, I discussed with some associates the feasibility of establishing an archdiocesan commission that would objectively investigate each such allegation and publish its findings, in the belief that the truth would benefit everyone. I was advised that such an effort would be beyond our capabilities. Maybe so, but I regret I didn't at least try. Perhaps something good may come from the reports on West Hartford. They may provoke me to take the action I should have taken years ago.

In the meanwhile, I'm trying to keep an open mind about West Hartford, but I can't hide a very worried heart.

[From the Boston Herald, June 29, 1989]

RESCUERS BRUTALIZED, BUT WHO CARES?

(By Don Feder)

Last week, activists gathered in Philadelphia, Mississippi, to commemorate the deaths of three civil rights workers in 1964. In the protests that preceded and followed that tragedy, the media focused attention on injustice in the South.

We saw marchers, including those involved in acts of nonviolent civil disobedience, brutalized—attacked with police dogs, hosed, clubbed by redneck sheriffs. Had television news not done such an enlightening job of bringing these images into our livingrooms each evening it's doubtful Congress would have enacted the civil rights legislation of the '60s.

But what if the media doesn't sympathize with protestors? What if it does its best to conceal official acts of violence? With no one there to tell the story the public is oblivious, as decent men and women are subjected to infamies worthy of a fascist regime.

Mounting evidence indicates such atrocities are being committed today. The victims, members of Operation Rescue, are people who've put their bodies on the line to save unborn children.

The most recent incident involved a sit-in in West Hartford, Conn., June 20. Rescuers occupied an abortion clinic with the express purpose of closing down the facility to prevent the wanton taking of human life.

They came to break the law, fully expecting to be punished. What they did not anticipate was the treatment they received at the hands of those sworn to uphold the law. Dr. Joseph Stanton, a 68-year-old disabled physician, who walks with the aid of two canes, says an officer pushed him down a staircase.

Spokesmen for the organization maintain rescuers were dragged by the hair, thrown off buses face down, and had arms bent behind their backs until they screamed in anguish. They say an elderly lady was lifted by the neck, with a night stick.

Paulette Marshall, a registered nurse, told me she witnessed a policeman punching the head of a man down on the pavement, and others kicked as they lay prone.

Her treatment was no better, Marshall discloses. While he was trying to handcuff her, an officer dislocated her shoulder. After applying particularly painful plastic handcuffs, she was dragged face down on carpeting—pulled so hard her hands actually slipped out of the cuffs, at which point an irate cop knelt on her back and slammed her head into the floor, causing her to black out.

Later she was lifted by her arms (cuffed from behind) and hair and thrown into an elevator. "I expected this in Nazi Germany or South America, not in Connecticut," says Marshall. "I went to work on Monday and couldn't stop crying. I'm grieving for my country."

Police removed their badges and nametags before the arrests began. A spokesman for the department, who denied all charges of brutality, said this was done so demonstrators wouldn't be cut or scraped as they were lifted. (How thoughtfull).

Cameras and video equipment were confiscated and film destroyed. Two members of the press were arrested, One, Dale O'Leary, a freelancer for the Catholic press, confirmed reports of unprovoked violence. The other—Sheila Chase—city desk editor of the Long Island Advance—has been advised by the paper's attorney not to discuss what she saw until after her trial.

Hartford appears to be part of a repressive pattern. If reports are true, what transpired in Pittsburgh in March, makes Connecticut look like a stroll down memory lane. According to affidavits filed with the district attorney's office female members of the group went through hell at the county jail.

This included being dragged up stairs by the neck and hair, kicked by the warden, fingers bent back, transported in such a way as to expose breasts and lower bodies, strip-searched in front of male guards and prisoners, fondled, punched in the breasts (in one instance, a naked woman was kicked between the legs by a matron) and subjected to constant obscenity and threats to put them in the general prison population, with the predictable consequences.

A Los Angeles demonstration in April also ran true to form. LAPD Chief Daryl Gates admitted his men "provided a little pain compliance." According to Ken Cobb, an investigator for the Orange County Marshal's office, said persuasion included fingers stuck up nostrils, arms twisted to near the breaking point, and pressure holds applied to the mastoid nerve while the victim was held down by other officers.

U.S. Rep. Guy Molinari (R-N.Y.), who along with the chairman of the U.S. Civil Rights Commission has called for a full investigation, believes this savagery is part of a calculated campaign by municipal officials to intimidate Operation Rescue.

And how have our valiant watchdogs of civil liberties responded to this violence? On June 21, the New York Times carried an extensive story on the Hartford arrests, without a word of allegations of police misconduct. In an editorial, the Hartford Courant congratulated the boys in blue.

Operation Rescue includes mothers and gandmothers, priests and nuns, teachers and nurses. They pray for the doctors performing abortions as well as for the police arresting them. Forget your feelings about the movements. Forget your views on the abortion issue. Do any nonviolent demonstrators deserve such barbaric treatment?

Does a billy club cracking a skull make a sound, if the media choose to ignore it?

Mr. ARMSTRONG. Mr. President, I also ask there be printed in the RECORD at this point a letter from the Ad Hoc Committee in Defense of Life, which discusses at some length the implications at the policy level, and the legal implications of police tactics of this kind.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AD HOC COMMITTEE
IN DEFENSE OF LIFE,
Washington, DC, September 19, 1989.

Hon. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

Senator ARMSTRONG: I am writing to inform you of the Ad Hoc Committee's strong support for your proposed amendment to the HUD appropriations bill (H.R. 2916), which seeks to stop the growing use of "unnecessary force" in arresting non-violent civil rights demonstrators.

Unfortunately, the Appropriations Committee removed language from the House-passed version of the bill which would have denied Community Development Grants to any municipality where three or more employees—acting on the orders of city officials—are convicted of using unnecessary force in arresting non-violent civil rights demonstrators.

The bill's attending report language states that the reason for deleting this provision was its "unnecessary and overreaching intrusion into the police powers of local government." We at the Ad Hoc Committee disagree with this assessment of your amendment, which is at its core an effort to protect the civil rights of all Americans.

The language you are sponsoring merely compliments existing federal civil rights law (Title 18 of the U.S. Code, Sec. 243) which already gives citizens the right to be free from the use of excessive force by law enforcement officials. Your proposal does not add any new restrictions on local governments and their police or security forces. It simply states that if civil authorities are convicted of violating civil rights laws by conspiring to use unnecessary force against non-violent demonstrators, they will face a penalty of a limited reduction in some federal funds.

Despite the existence of federal civil rights "color of law" statutes, recent events show that there is a need for additional protective legislation. As you know, non-violent pro-life demonstrators have filed a growing number of complaints charging that some police forces have used painful and illegal tactics in making arrests at protests. In some cases, it has been alleged that the use of such tactics have come at the direction of city officials. While these complaints are allegations, there is enough evidence of the use of "unnecessary force" in some cities that the Justice Department's Civil Rights office has begun an investigation. Additionally, the U.S. Civil Rights Commission is very concerned about this matter, so much so that it unanimously approved sending the Justice Department a complete transcript of its Sept. 15 hearings on police handling of Operation Rescue so that the Department could investigate allegations made at the hearing.

Your amendment is, simply, a warning. Its only intention is to bring an end to the trend where non-violent pro-life demonstrators are increasingly arrested by means of "unnecessary force"—a trend which could affect non-violent demonstrators advocating other causes. It was not drafted in a spirit of retribution that seeks the punishment of local governments.

We at the Ad Hoc Committee would prefer that there be no need for your amendment. However, existent law has done little yet to halt the growing trend where the civil rights of non-violent demonstrators are violated. There is clearly a need to halt this behavior, and we believe that your language will make those few who would consider using illegal means to suppress political expression "think twice" before acting rashly. The wiser course our government should follow on this matter—one that addresses the protection of Nation's most cherished constitutional rights—is to act before civil rights are violated. We believe your amendment, which would prevent any future use of unnecessary force against peaceful protestors, will go far towards this end.

In closing, Sen. Armstrong, I would make two points. The first is that your proposal is not a "pro-life" amendment. As you may know, many in our movement do not endorse the philosophy of "direct action." However, nobody in our movement endorses the violation of the civil rights of peaceful protestors. I believe that the vast majority of Americans, regardless of their private views on the abortion issue or on direct action, would likewise oppose such rights violations. Next year, it may be the non-violent advocates of a wholly different cause who could likewise find themselves subjected to unjust treatment for expressing their political beliefs. Your amendment does not address or endorse the content of the advocacy—it simply would protect the rights of all Americans to protest by non-violent means and not face harsh treatment.

My second point is that your Senate colleagues should know that these allegations of mishandling are limited to a very small number of cities. In fact, police forces in the vast majority of cities have treated these non-violent protestors with a high degree of care and professionalism. They have on hundreds of occassions earned—deservedly—the respect and praise of those who participate in this form of political expression.

We at the Committee—as friends to many of those who have been victimized by this ongoing trend of rights violations, but moreso as Americans—thank you for your leadership on this issue, and we urge all your Senate colleagues to defend those rights enshrined in our Constitution by supporting for your amendment. It is our sincere hope that the mere enactment of your language will be sufficient to preclude any future use of unnecessary force against nonviolent demonstrators.

Sincerely,

JOHN P. FOWLER
(For the Committee).

Mr. ARMSTRONG. Mr. President, it had been my intention to read some portions of a memorandum dated September 13 of this year of the U.S. Commission on Civil Rights regarding this matter. I will read the introductory paragraph which explains what it is, and then I will invite my colleagues, especially those who may have a strong stomach, to read in detail the report that is contained in this September 13 memorandum. Here is what the memo is about as described in the first paragraph:

> This memorandum identifies recurring civil rights complaints which the Commission—

That refers to the U.S. Commission on Civil Rights—

> has received from participants in recent nonviolent, public demonstrations in several cities. Although, in preparing this memorandum, Commission staff has had numerous contacts with organizations and individuals involved in social protest over an array of causes, alleged police misconduct brought to the Commission's attention for the most part involves Operation Rescue. Some of these allegations are identified below. Discussed also are related State and Federal standards and remedies.

Mr. President, I have not chosen to quote the most explicit parts of this memo which is heavily footnoted and goes on for approximately 19 pages. I have already said that I would commend it to the attention of those who read the RECORD only if they have a strong stomach because it is pretty strong stuff.

It is the account of the sort of police tactics that we would think of in Nazi Germany or, as I said earlier, perhaps in Nicaragua, behind the Iron Curtain, or in some country that we think of as a dictatorship, totalitarian country, a country that is somewhat less civilized.

It is not the kind of account that I would expect to read of police action in any community in the United States of America, least of all as the 20th century draws to a close.

I ask unanimous consent that this document be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, DC, September 13, 1989.

Memorandum for: William J. Howard, General Counsel.

From: Jeffrey P. O'Connell, Assistant General Counsel; Vincent Mulloy, Attorney Advisor.

Subject: Administration of Justice in the Context of Public, Nonviolent Demonstrations.

INTRODUCTION

This memorandum identifies recurring civil rights complaints which the Commission has received from participants in recent nonviolent, public demonstrations in several cities. Although, in preparing this memorandum, Commission staff has had numerous contacts with organizations and individuals involved in social protest over an array of causes,[1] alleged police misconduct brought to the Commission's attention for the most part involves Operation Rescue.[2] Some of these allegations are identified below. Discussed also are related State and Federal standards and remedies.

The allegations do not complain of having been arrested. Rather, among other things, they complain of intentional and unwarranted infliction of pain by police officials, gross disregard for pain and injury resulting from use of plastic handcuffs, improper use of mace, improper use of nunchakus,[3] denials of the right to counsel, excessive or unreasonable bail, sexual abuse, and unwarranted and improperly conducted strip and cavity searches. Many complaints indicate injuries involving fractures, dislocations, serious sprains, and nerve damage.[4] The law governing excessive force by police officials is relevant to most of these allegations and is therefore discussed. The propriety of strip searches, and other police conduct alleged to constitute sexual assault, is also discussed.

Footnotes at end of article.

I. COMPLAINTS

Complaints received involve public demonstrations in Atlanta, Georgia; Boston, New Bedford, and Brookline, Massachusetts; Denver, Colorado; Dayton, Ohio; Madison, Wisconsin; New York City; Washington, D.C.; Pittsburgh, Pennslyvania; Los Angeles, San Diego, Sacramento, Santa Cruz, and the Concord Naval Weapons Stations in Concord, California;[5] South Bend, Indiana; and West Hartford, Connecticut.

Many police departments arrest demonstrators and transport them to police vehicles and from vehicles to detention facilities by carrying them, sometimes by stretcher. This year, however, has seen the advent of police use of "pain compliance" techniques[6] against nonviolent public demonstrators, techniques normally reserved for use against individuals who must be subdued to effect an arrest. Staff review of videotapes, affidavits, statements, and news articles reveals gruesome results.

A newpaper account describes a demonstration this spring in California:

> Those arrested offered passive resistance. ". . . They were using the pain compliance hold," Daly said, "I could feel something snap when they grabbed me."[7]

At a recent Connecticut demonstration, a man who went limp when arrested stated:

> "I was lifted slightly off the ground when one of the officers . . . twisted my left wrist and lifted me. . . . [S]omething popped in my left wrist. The pain was immediate and intense and I came close to passing out. . . . I was denied a trip to the hospital because I wouldn't give my name."[8]

Some individuals who withstood the pain of the holds found the pain compliance escalated by use of combinations:

> "I was handcuffed behind my back with flexible, elastic style restraints. Officers then applied extreme pain pressure to my wrists in an attempt to make me stand. After I refused, pressure was applied to my ears and nose. . . . I was lifted off the ground by all of my weight being hung on my wrists. I believe that my left arm was broken during this procedure."[9]

Another complaint alleges that the actions of the police went beyond conventional pain compliance techniques:

> "While carrying me into the police station with my hands cuffed tightly to my back, the policemen used the [nightsticks] to pull my elbows into a very unnatural position. They pulled my fingers and thumbs backwards to the point where I thought they could break. They also bent my wrists as hard as they could. Because these methods did not make me 'break,' one officer said to the other, 'I have a way to make this guy walk,' and they then put the [nightclub] between my legs and jerked me up, attempting to carry me in this fashion. This method seemed . . . designed to crush my testicles, and I must admit to relief when my head and upper body tumbled to the floor."[10]

Videotapes reviewed by Commission staff evidence a removal method, the "strappado" technique, where police officers half carry, half drag demonstrators. A person is arrested, cuffed with plastic handcuffs, and removed by weaving nightsticks over and under each forearm.[11] In one example of "carries" involving nightsticks:

> One policeman told another something like "We know how to make him move," and then I was pulled by the neck (fingers digging under my chin near my ears) and then carried on a nightstick under my armpits. My wrists were tightly bound behind my

back with plastic handcuffs which all but cut off circulation.[12]

Another demonstrator claims:

Twice I made the following statement to the arresting officer and all of the officers there: "Officer, we are peaceful, non-violent, and will not resist. it is not necessary to inflict pain on us or to use pressure points." The response from the officer was, *"If you walk, we won't hurt you."*[13]

A disregard for the force used against compliant demonstrators is alleged in this complaint:

"I was . . . harshly rolled over onto my stomach, and a nylon cord-like wrist cuffs were placed on my wrists. . . . The officers sat me up and forced my wrists upward with enough force to inflict great pain. . . . At the time they forced me up as if to make me walk, I felt my left wrist snap very loudly and painfully. I knew immediately they had broken it and screamed out, 'Man, you broke my wrist!' But the officer continued to apply more force to it, bending it even further toward my forearm. Not one officer acknowledged my statement [that my wrist was broken] nor my request for medical attention. . . ."[14]

A young woman in a Pennsylvania demonstration claims that an officer expressed complete disregard for whether the use of force was acceptable:

"[A] female officer screamed, 'Let go, we are not carrying her, we're gonna drag her up these steps, see how they like that.' She twisted my left arm until my elbow was almost facing backward (in and around toward my head). The male officer bent my right arm behind my neck and head so that my elbow was pointing Northwest and then applied pressure to my neck. They proceeded to drag me up the steps in this manner. Just as I thought I would pass out from the pain, I could actually feel my consciousness leaving, their hands slipped and I hit the steps. . . ."[15]

In addition to the holds described as examples above, nunchakus were used against Operation Rescue demonstrators in Los Angeles, San Diego, and La Mesa, California. The nunchukus, or "nunchuks," can produce both great localized pain and serious compression or impact of skin, tissue, nerves and bones. in this regard, a video tape of a recent Los Angeles demonstration reviewed by Commission staff shows a man's arm being broken, complete with the audible snap of the bone. Complaints received by the Commission demonstrate that nunchuk-holds not only produce high levels of pain, but the very nature of the holds, applying pressure against joints and extremely sensitive parts of the body, produces a high likelihood of injury.

A fundamental issue is whether pain compliance techniques, particularly the use of nunchakus, can ever be justified in the context of arresting nonresisting, passive demonstrators. On this, present and former police executives offer significantly different views. Some, such as Los Angeles Police Department Chief Daryl Gates, believe that use of pain compliance is acceptable against passive persons. Others consider pain compliance acceptable only against violent resisters. Use of nunchakus are rarely considered appropriate.

In court papers filed this summer, a Los Angeles Police Captain justified the escalation of force used by police against passive demonstrators, stating that "the demonstrators have an unusual capacity to withstand pain. . . . with this unique ability to withstand pain comes the possibility of injury since a greater degree of pain is required to induce compliance by the arrestee."[16]

Injuries due to the use of plastic handcuffs have been the objects of numerous complaints to the Commission. While these handcuffs are defended as the only way of securing mass arrests due to an inadequate supply of traditional handcuffs, the complaints would have one believe that they are being used to exact punishment. Whether intended or not, if plastic handcuffs cause injury or unnecessary pain, one must question whether their use can be justified.

Plastic handcuffs, unlike conventional handcuffs, do not have a double lock which prevents them from tightening while on. The FBI Academy's Unit Chief in charge of teaching arrest techniques advised Commission staff that plastic cuffs are not as secure. As a result, officers may "snug up" the cuffs tightly to prevent escape, making injury more likely. Females may also be more likely to be hurt with plastic cuffs because of small wrists and musculature, which may make the officer tighten the cuffs more to prevent escape.[17]

Sit-in demonstrators in West Hartford, Connecticut, describe the effects of the plastic cuffs:

"My plastic cuffs had been pulled so tight on my way into the courthouse that my fingers on both hands starting ballooning up, and they were in great pain."[18]

"While being dragged from the back stairwell by two officers, my wrist was bent, causing considerable pain. I was then handcuffed. The initial handcuffs were so tightly drawn to my wrists, behind my back that the cuffs broke. Another plastic cuff was then put on my wrists, behind my back, and drawn so tightly that blood circulation was cut off to my fingers and hands."[19]

Demonstrators in Los Angeles were allegedly arrested, taken to jail and detained in a lockup without removing handcuffs for 8 hours. Another complainant indicates that the handcuffs were not removed for one to two hours, even though he, too, was secure in the lockup. It is also alleged that numerous requests to loosen the handcuffs, even when hands were discolored or wrists bleeding, were ignored.

In at least two cities, West Hartford and Pittsburgh, it has been alleged that police removed badges, name tags, and any other identifying items before arrests were effected through pain compliance holds. Newspaper accounts and photographs of the West Hartford demonstration confirm this. Though the explanation given for this by police was that they feared demonstrators would be harmed by contact with badges and other emblems pinned to their uniforms, one is hard-pressed to deny the appearance of a purposeful attempt to frustrate allegations of police misconduct by keeping officers' identities a mystery.

A retired lieutenant colonel using passive resistance at an Operation Rescue in Connecticut stated:

"Since I was in the United States Army . . . I recognized the officers were out of uniform. They had no tags or badges, but as I recall, one or two had other insignificant accommodations on their shirts, perhaps a marksmanship badge of some sort. . . ."[20]

Even reporters for local papers were swept up by unidentified police in their mass arrests:

"I was arrested Saturday morning while covering a news event in West Hartford, Connecticut. Police Officers without badges or name tags handcuffed me, took my press pass, notebook and purse. It was 11 hours before I saw my possessions again and 12 before I was able to make a phone call."[21]

A women who broke Operation Rescue's rule of silence stated:

"I panicked and asked the arresting officer for his badge number. He answered, 'Never mind.' I then said this is against the law. He answered, 'No it isn't.' I then asked to be taken to the hospital. . . . The medical report states that I sustained a sprain to the right shoulder and bruises to the right arm."[22]

The Department of Justice has indicated that complaints of police officers hiding their identities would be investigated.

In cities such as New Bedford and Brookline, Massachusetts, and Sacramento, California, it has been reported that mace was used against passive, nonresisting demonstrators:

Approximately 100 people, many of them women, some with babies in arms, had assembled at dawn in an unannounced occupation of the street entrance to the abortion facility [in Sacramento, California]. . . . When the protestors ignored orders to disperse, the police without apparent threat of arrest or warning, took canisters from their belts and began to spray the crowd with Mace. . . . Much of the incident, including the actual macing of the crowd, was videotaped by an unidentified amateur photographer. Clips of the tape were obtained by television stations and shown on the evening news programs.[23]

In Los Angeles, at least two passive demonstrators were maced, apparently only because they were heavy—one an "oversized" woman, the other a "heavy" man.[24]

The Director of the Police Executive Research Foundation, among others, indicates that mace should only be used on those resisting arrest and not on passive nonviolent demonstrators.[25]

There have been numerous complaints of sexual harassment by police during a demonstration in Pittsburgh, Pennsylvania. According to many accounts, women were subject to unnecessary strip searches, excessive frisks, and dragged around the police station by their bras with their hands cuffed behind their backs.

A college woman reported of her Pittsburgh arrest:

One guy was gonna carry me up the stairs but the other guy said not to and make it hard on me. . . . He grabbed me between my breasts and dragged me up the stairs by my wire-rimmed bra. My breasts were fully exposed as I was being dragged up the stairs. My hands were still behind my back and I couldn't pull my top down. Then I was taken to another room and thrown to the floor.[26]

Another woman in the same rescue reported difficulty with a matron assigned to perform strip searches:

After I had my picture taken I was carried up the stairs. Before being carried a policeman pulled up my shirt in order to expose me. Then he and one other policeman took me up the stairs. One, whose name was . . . , after she realized I wouldn't stand, threatened to take off my clothes . . . and molest me in front of the male guards.[27]

Other women complained of male police officers taking full advantage of their passive resistance:

As I was being carried onto the bus, one of the officers, . . . reached down my pants to carry me and told the other guy, "Hey just reach down her pants.". . . Then when we got to the Allegheny County Jail . . . people grabbed my clothes and just heaved me way up in the air much more than was necessary and I just felt like I was flying through the air. . . . When they carried me out they . . . lifted my shirt up [and] it went over my head and I couldn't see anything . . . they carried me that way up the whole flight of stairs and I think down a couple hallways and left us on the floor. They made no effort to cover me in any way. . . . I'm really afraid of police officers now and I always thought they were there to protect us.[28]

They threw me in, . . . and rolled me over a bunch of people. . . . I was the last one out. He got me out and they laughed and he put his arms around me and held me around my boobs, . . . And he squeezed super hard and I thought he was trying to break my ribs. . . .[29]

One woman reported the following acts of sexual harassment:

[W]hen I was being dragged onto the bus . . . I was drug by my ponytail and a lot of my hair came out. . . . I was dragged in front of a table and they asked—told me to get up and I didn't say anything back. Then the male officer started to undo my coat and he tried to undo my pants and I just like pushed my stomach out so that he wouldn't be able to. . . . And then he opened my coat and they stood me up on my feet and I went limp and they raised me to the table. Then a male officer frisked me, a female was standing there but a male officer actually touched me . . . on my breasts and also between my legs. . . . I felt them pull my T-shirt and my bra all the way up above my head . . . [and] one of the guards . . . punch[ed] me in the chest on this side and on this side and I have bruises . . . I don't know if it was two or three and I felt one of the guards take me by my breast and squeeze and I have bruises all around where he squeezed with his fingers. . . .[30]

Another common complaint has been that the police and courts in certain cities have practiced complaint stacking, or filing multiple charges against a demonstrator as a form of special punishment. Rather than simply giving one charge, as with a common violent miscreant, a demonstrator will find himself with numerous charges lodged against him. Frequent complaints have been voiced that police, without cause, add the charge of resisting arrest or assault and/or battery on an officer to the trespass charge. This creates the possibility that a defendant may face increased fines and longer consecutive sentences, and arrests that may have been misdemeanors quickly become felonies. Many jurisdictions set bail by the number and substance of charges, so multiple charges increase the bail. Locals such as Las Vegas have a strict procedure against this.

Bail is only to be used as an instrument to ensure that a suspect will not flee, not as an instrument of punishment. However, there have been numerous complaints of excessive or bail out of proportion to that of similar cases:

The bails set demonstrated a complete lack of consistency. Those who chose to identify themselves at the bail hearing were given a bail of $500 and released. This $500 was set regardless if the charge was a felony or misdemeanor. Others who chose to remain as John or Jane Doe had bails set at $2,500, $4,000, or $5,000 for the same felony charges. Those charged with misdemeanors also had different bails set which ranged from $5,000 to $2,500 for identical charges. All who did not identify themselves were reprimanded to jail. . . . These facts make it appear that bails were set arbitrarily [and] for punitive purposes as opposed to insuring that the defendants return for arraignment.[31]

In addition, there have been allegations that even after bond has been met for demonstrators, the police would refuse to release them:

After the arrest we were taken to "The Farm," a jail that appeared very well kept from the outside. . . Inside the conditions were deplorable. Parts of the ceiling loose, peeling paint, roaches everywhere. . . . We were denied all privileges; mail, visitors, outdoor recreation and clergy visits. This incarceration lasted for eight days, despite the fact we gave our names and posted bail.[32]

The following account appeared in the Hartford Courant, concerning a 63-year-old woman who participated as a prayer supporter in the Connecticut demonstration:

Within 20 minutes of arriving, she was among several hundred picketers who were ordered to move off the privately owned parking lot near the abortion clinic. "They were nudging us in the backs to keep moving. . . . I wasn't moving fast enough, but there was a baby carriage and my daughter with a baby next to me, . . . I lost my balance and [an officer] followed this up with a very forceful shove. I was lying face down and he was twisting my arms. He continued to twist my shoulders and elbows up with his stick . . . . I was offering no resistance. I didn't even hear I was under arrest. I was in horrible pain. I didn't know anything," she said. [She] went straight from jail to St. Francis Hospital for treatment of cuts, bruises and a swollen left forearm that she feared might be a broken wrist.[33]

Below is a typical complaint of an individual who at his arraignment identified himself as Baby Jane or Baby John Doe to a Connecticut magistrate and stayed limp throughout his imprisonment:

I was dragged face down by use of a nightstick between my shoulder blades. My face was cut and I sustained torn right shoulder ligaments. . . . [At Enfield Medium Security Prison], I refused to walk off the bus and was dragged, face down, head first down the bus steps. I was dragged and thrown in a mud puddle . . . and dragged by the arms into the gym. . . . I was asked to walk to strip search. I told the officer I wouldn't resist but would become vulnerable and helpless. He assumed I'd walk, reached for my arm, and his fingernail stuck my left eye, which immediately tore. . . . The doctor discovered a severe laceration across my left cornea. . . .[34]

The leaders of the Connecticut demonstration appeared to be singled out for the crueler treatment:

Halfway down the long public hallway they dumped me on the floor and said they were going to use the "crotch carry." They put one billy club between my legs, and then lifted me up into the air, my whole weight riding on the billy club under my crotch. Still telling me to walk, one officer kept kicking me in the leg. As we approached the end of the hallway, one of the officers laughed and said "Ramming speed!" as if they were going to ram my head into the wall. When we got to the elevator, they did bang my head into the wall and then dumped me on the floor. . . . The "crotch carry" and other pain holds were used to transport me out to the bus. . . . I turned my head to see about 20 rescuers sitting in seats at the back of the bus. All looked dazed. So I started all of us singing. The huge officer commanded me to stop which I did not. So he got some tape and proceeded to put four strips of tape across my mouth.[35]

It was commonly reported that police refused medical treatment to those whom they had injured:

When I started to faint they pushed my head into the corner of the elevator. . . . He told me to get up and walk, but when I tried, he grabbed me by the hair and dragged me along the length of the bus and threw me on top of other people. Then I must have passed out. When they were taking the people off the bus, they were calling me the "dead girl." . . . The paramedic looked at me and wanted to take my handcuffs off, but the policemen wouldn't let her. . . . Then they took me upstairs to the courtroom and took my handcuffs off. My right shoulder was very painful. The paramedic looked at me again and said I was in shock. She wanted to take me to the hospital, but [the officer] said [I could] only leave if it was life or death.[36]

Complaints from Pittsburgh indicate that police there used a woman's asthma attack against her as a method of pain compliance:

I didn't know whether it was because of when they hit me or what and then I was not able to breathe . . . and I couldn't catch my breath and my lungs felt like they were going to collapse. . . . And that's when the nurse came up to me and said "Do you need oxygen?" And I nodded yes, because I couldn't breathe any more and she screamed for the oxygen. . . . So, they had the oxygen tank there by that point and the nurses were getting ready to administer it. . . . She had it in her hand and I reached for it and the man in the suit . . . put his hand over it and said "I'm sorry, we can't give you anything. We can't give you oxygen until you give your name.". . . At that point even if I wanted to give my name I couldn't because I couldn't breathe. . . . And the nurses didn't know what to do. They were standing there and they had the oxygen tank in their hand and finally one of the nurses said, "I can't bear to see this," and put it over my head and the oxygen started to come. . . .[37]

II. STANDARDS AND REMEDIES

Constitutional provisions relevant to these and other allegations received from passive demonstrators are the Fourth amendment (unreasonable seizure of the person), Fifth amendment (federal due process where federal action is involved), Sixth amendment (right to counsel and to be apprised of charges), Eighth amendment (cruel and unusual punishment after conviction), and Fourteenth amendment (due process clause protects pretrial detainees from use of excessive force that amounts to punishment). The First amendment's free speech, petition, and assembly provisions do not apply where demonstrators are trespassing.

Relevant federal statutes are 42 U.S.C. § 1983 (prohibiting persons acting under color of state law from depriving persons of rights, privileges, or immunities secured by the Constitution and laws), 42 U.S.C. § 1997 *et seq.* (the Civil Rights of Institutionalized Persons Act, which permits the Attorney General to seek injunctive relief for a pattern or practice of violations of the Constitution or laws by pre-detention facilities), 18 U.S.C. § 241 (making it unlawful to conspire against a citizen to deprive him of rights under the Constitution or laws), and 18 U.S.C. § 242 (making it unlawful to deprive any inhabitant of his civil rights under color of state law).

State law tort claims such as assault, false imprisonment, battery, and intentional infliction of emotional distress are, of course, also relevant, as well as state and local ordinances governing public demonstrations or police misconduct.

If unreasonable, unnecessary, or excessive force is used by a police officer or person acting under color of law, an individual may have recourse against the government officer and government entity.[38] Whether the force is excessive or unnecessary is based on whether the officer's actions were reasonable under the circumstances. Frequently, the standard of reasonableness is phrased as that force which an ordinarily prudent person would have considered necessary under the circumstances.[39] Hindsight or disregard for the officer's need for split-second decisions is inappropriate.[40]

While at the State level, the general principal is that an officer may use such force as is reasonably necessary to effect an arrest, subdue someone, prevent the destruction of property or evidence, or defend himself,[41] there are nuances. Maryland, for example, while providing essentially the same formulation for excessive force as other States, provides a police officer with limited immunity, allowing assault and battery claims against an officer only if he acted with malice.[42] Moreover, State and Federal standards governing excessive force may differ, as the following explains:

> The role of the federal constitution in regulating state law enforcement must be carefully defined and limited in order to provide no more than an outer regulatory framework. Within this framework, substantial discretion must be left to the states to determine whether to pursue further regulation and, if so, how to go about the task.[43]

One reason why statutes, case law and police policy are not more explicit on the subject of excessive force is that statutes and caselaw invariably deal with the extreme cases, *i.e.,* where the force used is deadly or produces extensive injury. In one sense, these are the simple cases: the gravity of the injury is clear. Another reason is that complaints of excessive force causing less serious injury are unlikely to appear in court, thereby resulting in rulings which would provide guidance on the issue. The credibility given to the police, coupled with the costs of litigation, make such suits unprofitable.

Until recent Supreme Court cases,[44] many lower Federal courts applied a subjective rather than objective standard to the issue of whether the force used was reasonable. The subjective standard, which emphasized the officer's motivation and extent of the injury, diminished the probability of success except in the most egregious cases.

Kyle v. City of New Orleans, a 1977 Louisiana Supreme Court decision, presents a fair identification of factors appropriate in determining whether force is necessary to effect an arrest.[45] The factors include (1) the known character of the arrestee, (2) the risks and dangers faced by officers, (3) the nature of offense involved, (4) the chance of escape, (5) the existence of alternative methods of arrest, (6) physical size, (7) strength, (8) the weaponry of officers as compared to arrestee, and (9) exigencies of the moment.

Criminal law provisions

Police may be prosecuted under 18 U.S.C. §§ 241 and 242 by the U.S. Department of Justice.[46] The efficacy of these provisions is questionable. Because these are criminal statutes, the charge may be proven beyond a reasonable doubt. In addition, the defendant must be shown to have acted with the specific intent to deny his victim his constitutional rights. Additionally, the criminal sanctions do not provide compensation for the victim. Reliance on the government to bring a § 242 charge also makes the possibility of a suit dependent on a third party. Some have also criticized the reluctance of the government to bring suits against the police, who are relied upon for investigation in other cases.[47] Use of § 1983 and its objective reasonableness standard and lower burden of proof presents a more realistic approach.

Former Assistant Attorney General Drew S. Days, II, Civil Rights Division head, noted that §§ 241 and 242 are limited in their ability to deter police brutality:

> A prosecution for police misconduct does not address itself to the activities of a police department as such or of a city administration per se, but only to the actions of one or more officers in a given circumstance, framed by and limited to the wording of the criminal indictment.[48]

Compared to Federal criminal laws and prosecutors, the state sanctions and prosecutors offer several advantages. As noted by the Commission in Who is Guarding the Guardians?:

> [L]ocal prosecutors have a wide range of charges that can be brought in [police misconduct] cases. . . . [T]hese may include murder, manslaughter, negligent homicide, aggravated battery, battery, aggravated assault, and assault. . . .[49]

Besides more flexibility in applying criminal sanctions, state prosecutors frequently have more attorneys and personnel than their Federal counterparts, making action simpler.

Section 1983

The primary civil basis for addressing alleged violations of Federal law is § 1983.[50] The statute provides that a person, including aliens,[51] may bring suit against a police officer or correctional officer acting under color of law of a state [52] who deprives one of rights under Federal law and the U.S. Constitution.[53] Damages, including punitive damages, and injunctive relief are available under the Section. An officer acts under color of law if he attempts to make an arrest or perform any other function with which he would normally be charged with carrying out. Even if the officer was acting illegally, he would still be considered to be operating under color of law.

In *Graham v. Connor,* a recent § 1983 ruling,[54] the Supreme Court applied a reasonableness standard to a claim of excessive force by the police,[55] stating that the reasonableness of a search or "seizure depends not only on *when* it is made, but *how* it is carried out." [56] As a result, said the Court, "all" claims against law enforcement personnel based on excessive force—deadly and nondeadly—in connection with arrests, investigatory stops or other "seizures" of free citizens should be reviewed under the objective reasonableness standard of the Fourth Amendment.[57]

Under the *Graham* decision, the reasonableness of the force used will be based upon the perspective of a reasonable officer at the time without any assessment of intent or motive. Any determination of whether the force was reasonable requires a "careful balancing" [58] comparing the "nature and quality of the intrusion on the Fourth Amendment's interests" [59] and the "countervailing governmental interest." [60] "Not every push or shove, even if it may seem unnecessary . . ." arises to a Fourth Amendment violation.[61] The factors to be considered include "the severity of the crime . . ., whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting or attempting to evade arrest by flight." [62]

The objective reasonableness test provides a lower threshold of liability for excessive force claims than the substantive due process test previously used by numerous lower courts.[63] The Court looked, among other things, to the extent of injury and to the existence of malicious and sadistic intent. The Court made clear that neither injury nor motivation are necessary elements of a Fourth Amendment excessive force claim.[64]

Under limited circumstances, a good faith defense under § 1983 extends limited immunity to the actions of a law enforcement official.[65] The immunity normally is available where the officer acts on the basis of a standard reasonably believed to be valid at the time.[66] *Harlow v. Fitzgerald* identified that the limited immunity would not be applicable if the law was "clearly established." Even if the law is clearly established, the officer could avoid liability by proving that the standard was unknown or that the officer could not reasonably be expected to know the standard.[67]

Municipalities

Neither States nor their agencies have been held liable under § 1983.[68] By contrast, municipalities have been held liable. In 1978, the Supreme Court, in *Monell v. Department of Social Services,* overruled a 17-year-old decision,[69] holding that municipalities could be liable under § 1983 if the violation was pursuant to a policy statement, ordinance, regulation, or decision officially adopted.[70] In *Adickes v. S.H. Kress & Co.,* action taken as a result of a custom even if not formally approved through official channels would produce liability if the custom was "so permanent and well settled as to constitute a 'custom or usage' with the force of law." [71] *Owen v. City of Independence* [72] extended municipal liability to preclude the assertion of a qualified immunity even if the officer acted in good faith and was entitled to the immunity.

While a municipality can be liable under § 1983, the premise for the liability cannot be *respondeat superior,* that is, the liability cannot be predicated solely upon the employer-employee relationship of the municipality and officer. The statute requires causation for liability, and vicarious liability under *respondeat superior* is an inappropriate basis for this liability.[73] Although the Supreme Court was willing to assess damages under *Monell* and *Owens,* it refused to allow punitive damages against a municipality, even though permissible against the individual.[74]

Section 1997

The Civil Rights of Institutionalized Persons Act (CRIPA) permits the United States Attorney General to pursue equitable relief against States engaging in a pattern or practice of depriving institutionalized persons of constitutional rights, privileges, or immunities. Institutionalized persons includes individuals confined in any facility which is "owned, operated, or managed by, or provides services on behalf of any State or political subdivision" and includes a correctional institution, pretrial detention facility, or institution for persons with disabilities.[75]

With passage of CRIPA, Congress responded to the need for the Federal government to "redress systematic deprivations of constitutional and Federal statutory rights" of individuals in state institutions, including jails, lockups, and institutions for the handicapped.[76] Under the statute, the United States Attorney General has the authority to initiate, and intervene in, civil suits against institutions run by State or local governments to prevent "egregious or flagrant conditions" depriving persons of rights, privileges, and immunities protected by the Constitution or Federal law. The deprivation of rights must be part of "a pattern or practice of resistance to the full enjoyment of such rights." [77]

Police policy

In addition to legal standards established by State or Federal governments, frequently law enforcement agency rules, general and special orders, and policies describe limitations on force. As the National Advisory Commission on Criminal Justice Standards and Goals has noted, police agencies should acknowledge the existence of the broad range of discretion exercised by all agencies and officers, but "the acknowledgement should take the form of comprehensive policy statements that publicly establish the limits of discretion, that provide guidelines for its exercise within those limits, and that eliminate discriminatory enforcement of the law." [78] The National Commission has also observed that police manuals often deal with only the uncontroversial and mechanical functions.[79] "Only in the police service," that Commission noted, there exists "tremendous authority [for arrest decisions] delegated without administrative guidelines.";

Administrative guidelines often have not been developed because of the difficulty in formulating policy or because the agency believes that unlimited discretion is preferable to stated policy.[80]

The solution to this, according to the National Commission, is that:

> Unnecessary discretion should be eliminated . . ., and appropriate control established to provide flexible guidance. To eliminate unnecessary discretion, police agencies should identify situations where the individual officer's discretion to make physical arrests is restricted or eliminated.[81]

A legal standard is of little value it it is not subject to precise standards formulated by the legislature, judiciary, or police administrator. Considerable policy formulation resides with police chiefs and other police policy makers. Some police forces have effectively used this authority. The Las Vegas police manual, for example, provides that:

> This Department force will accomplish the police mission as efficiently and unobtrusively as possible with the highest regard for human dignity and liberty of all persons and with minimal reliance upon the use physical force and authority. Any type or kind of force exercised by the use of lethal or nonlethal weapons shall be restricted to self protection, the protection of others, or to prevent the escape of an offender and only to the degree minimally necessary to accomplish a lawful police task. . . . In accordance with this policy, electronic devices which emit a charge capable of stunning or shocking an individual are not an option. As such, these devices are not part of the authorized uniform or equipment.[82]

Application of standards to specific issues raised in the complaints

In applying the above standards to specific misconduct issues, the primary problem is that the reasonableness standard establishes few guidelines. The only guideposts are the factors to be considered in any balancing. The Supreme Court suggested some factors in *Graham*. Other courts, such as in *Kyle*, have established further factors for a proper determination.[83] Though as a general matter pain compliance techniques may be justifiable where persons are actively resisting arrest, their use in connection with arrests of nonresisting, limp demonstrators clearly raises a Fourth Amendment issue. The balancing factors in *Graham, i.e.*, the severity of the crime, the threat of the arrestee, the existence of active resistance, and an attempt to flee, compel one to conclude that pain compliance techniques against passive demonstrators are impermissible. With the easy availability of alternative methods to transport the arrestee (hand carry, stretcher, gurney, or drag), the use of arm locks, wrist twists, and mastoid holds seem disproportionate, particularly when, as is often the case in the Operation Rescue demonstrations, the individuals, against whom pain compliance techniques are used are women, elderly persons, handicapped persons, or ministers. One is hard-pressed to find probable cause that these individuals pose a threat to the officer.

There is little reason for police to use painful or potentially injurious tactics. The dangers to the officer are nonexistent except for possible injury in carrying the individual.[84] Even accepting that injury may occur if the officer tries to carry a demonstrator, stretchers and the proper deployment of trained personnel make injury unlikely. As noted, for example, in the Las Vegas police manual, "[a]ny type or kind of force exercised by the use of lethal or nonlethal weapons shall be restricted to self protection, the protection of others, or to prevent the escape of an offender and only to the degree minimally necessary to accomplish a lawful police task." [85] This standard established a careful policy which informs it officers of the limitations in the use of force. Whether force is necessary to bring a passive arrestee to the police station requires asking what the alternatives are and what government objective is served by using greater, more painful force with the higher likelihood of injury. The means of bringing an arrested person to jail range from the mild alternative of carrying or using stretchers, to come-along holds or pain compliance techniques, to the more dangerous use of nunchakus.

The application of painful and injury-producing force once the arrest has been accomplished does not fit with the statutory provisions and case law. In a recent settlement involving the Concord Naval Weapons Station, the police agreed to a permanent injunction against pain compliance techniques for those who do not resist.[86] The use of nonchakus, which produces excruciating pain when twisted around a person's wrist, also seems wholly inappropriate. If one were to find a comparison to the use of nunchakus, hitting an individual on the wrist with a police baton would accomplish a similar result. Though the pain would help persuade an individual to stop being limp, this practice is considered an inappropriate technique, and accepted rules governing use of batons would appear to apply with more force to the nunchakus. In Commission staff discussions with approximately a dozen present and former law enforcement individuals and instructors, these person consider use of the nunchakus inappropriate.

With regard to the allegations of unwarranted and improperly conducted strip searches, as a general rule, police officials will normally conduct a pat-down or frisk on a person arrested or detained. The extent of the search is dependent upon the attendant circumstances. Many police forces will conduct a strip search of any arrested person.[87] By way of contrast, although the Las Vegas Police Department used to conduct strip and cavity searches of everyone taken into custody, it no longer does so unless the individual will be permanently housed or if probable cause exists that weapon or contraband are hidden on detainee's person. If a strip search is conducted, approval of a sergeant is necessary.[88]

Several cases do not permit strip and cavity searches unless there is probable cause to believe the individual is concealing weapons or contraband.[89] The courts have dealt with a number of strip search cases under § 1983. In one case, a woman was arrested for shoplifting, taken to police headquarters and strip searched. The court determined that the propriety of the search was a question of fact for jury. In a second case, a court considered a body cavity search unnecessary and "extremely troubl[ing]."[90]

In *Bell v. Wolfish*, Associate Justice Rehnquist wrote that in applying the Fourth Amendment standard, one must balance "the need for the particular search against the invasion of personal rights that the search entails. Courts must consider the scope of the intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." [91] *Wolfish* permitted strip searches for pretrial detainees—individuals charged but not yet tried for a crime—after a contact visit with outsiders. In these searches, however, they were only visual searches with no body contact with the prisoner. Emphasizing the balancing required, *Wolfish* does not stand for the proposition that strip can always be permitted in a pretrial detainee situation—only that a realistic look at the justification for the search and the nature and scope of search be balanced.[92] Certainly, the magnitude of the invasion must be considered. A "hands on" body cavity search should be considered an offense against "personal dignity" and not condoned, without reason which is appropriate only in the most compelling cases.[93]

Where women arrested for misdemeanors and temporarily detained were strip searched in lockups without reason to believe that they carried concealed weapons or contraband, the searches were declared illegal.[94] A similar decision was rendered when a strip search was conducted on a nonmisdemeanor traffic offender who was kept overnight in a lockup.[95]

As an example of the limitations imposed by a police force, the Milwaukee Police Academy Search and Seizure Manual establishes a policy for strip and cavity searches. The policy emphasizes that a search would depend on the nature of the crime, sometimes requiring a complete disrobing, sometimes a body cavity search. Such detailed searches would be made only in extraordinary cases where probable cause existed that something was hidden and with only such force as necessary. Any cavity search would be done by a doctor under sanitary conditions. Except for emergencies, the manual indicated that a search warrant should be obtained.[95] While this procedure would not be required in each instance, it sets forth a reasoned policy that balances the interests of the government and the party.

With regard to charges of sexual violations, an officer who takes advantage of his official functions to sexually caress or obtain sexual favors from a female detainee would be in clear violation of the rights of the individual both under State and Federal law. The officer's actions are under color of law because they were performed or initiated in uniform in performance of his otherwise valid obligations.[97] In one case, a Federal court of appeals acknowledged that the officer could be liable. The officer in several instances arrested women, then fondled them and even offered to release them for sexual favors.[98]

FOOTNOTES

[1] In preparing this memorandum, Commission staff initiated contract with, among others, representatives of the American Civil Liberties Union, National Lawyer's Guild, Committee in Solidarity with the People of El Salvador, People for the Ethical Treatment of Animals, Jonah House, Community for Creative Nonviolence, Peace Resource Center, International Association of Police Chiefs, National Organization of Black Law Executives, the Policy Executive Research Foundation, Commission for the Accreditation for Law Enforcement Agencies, FBI Academy, and police in Atlanta, Baltimore, West Hartford, and Washington, D.C. Although Commission staff spoke with an extremely diverse number of organizations known to hold nonviolent demonstrations, many of these groups explicitly indicated that they preferred not to submit complaints because of a distrust of government. As part of staffs' review, several videotapes of demonstrations were also viewed.

[2] Operation Rescue demonstrators attempt to prevent targeted abortion clinics from conducting abortions by holding "sit-ins" at clinic entrances. When police order the demonstrators to leave, they refuse to do so, going limp as a way of symbolizing, or expressing solidarity with, the defenseless posture of unborn infants. This so-called passive resistance has the effect of making their arrest and removal more difficult.

It should be noted that the Commission's authorizing statute, while expressly prohibiting the agency from studying or collecting information about laws and governmental policies with respect to abortion, 42 U.S.C. § 1975c(e), permits examination of denials of equal protection in the administration of justice in the context of nonviolent, social protest whatever its subject matter. For a discussion of the agency's jurisdiction over denials of equal protection in the administration of justice toward Operation Rescue demonstrators, see Memorandum for Melvin L. Jenkins, Acting Staff Director, U.S. Commission on Civil Rights, from William J. Howard, General Counsel, U.S. Commission on Civil Rghts (Aug. 8, 1989).

[3] A nunchaku is an oriental martial arts weapon which, in the context of the allegations received, have been employed by police as a means of compelling demonstrators to refrain from going limp when being arrested.

[4] It should be noted that on July 20, 1989, the House of Representatives voted to approve an amendment to the HUD appropriations bill for fiscal year 1990 that would withhold Community Development Block Grant funding from municipalities where "three or more employees, acting on orders of superiors of such municipality, have been convicted hereafter of the use of unnecessary force against nonviolent civil rights demonstrators." Cong. Rec. H4011 (July 20, 1989). The Walker measure is now before the Senate under the sponsorship of Senator William Armstrong.

[5] California Assemblyman Gilbert Ferguson told a Sacramento news conference that police "have been brutalizing peaceful, passive demonstrators" by using "undue force" in Los Angeles, San Diego, Sacramento, Santa Cruz and Chico, California. *Los Angeles Times*, July 19, 1989, part 1, p. 2, Col. 6.

[6] Common pain compliance techniques include:

a. "Locks" and "twists" against the elbow, forearm, hand, wrist or fingers. (These can result in fractured wrists, dislocated elbows and other broken bones);

b. Twisting of ears;

c. Pressure against mastoid pressure points;

d. Insertion of fingers in nostrils and attempting to lift a person.

[7] *Santa Cruz Sentinel*, May 7, 1989.

[8] Letter from Red Truck, John Doe #58 and John Doe #3 (June 1989).

[9] Affidavit of demonstrator arrested in West Hartford (June 17, 1989). Upon examination of the injury, the affidavit states:

> The doctor stated that he believed my wrist to have a clean break, hairline fracture just above the wrist. He adminsitered some neurological tests on my hand and fingers and concluded that my hand and finger suffered neurological damage. *Id.*

[10] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[11] Videotapes from demonstration in West Hartford (June 17, 1989).

[12] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[13] Affidavit of demonstrator arrested in West Hartford (June 17, 1989) (emphasis added).

[14] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[15] Affidavit of demonstrator arrested in Pittsburgh (March 11, 1989).

[16] Declaration in Opposition to Issuance of a Temporary Restraining Order, John v. City of Los Angeles (#89-4766-R) (Aug. 10, 1989).

[17] Telephone interview with Lawrence A. Bonney, Unit Chief, Physical Training Unit, FBI Academy (Aug. 29, 1989).

[18] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[19] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[20] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[21] Sheila Chase, *Staten Island Advance* (June 6, 1989).

[22] Letter from demonstrator arrested in West Hartford (April 1989).

[23] *The Catholic Herald*, July 12, 1989.

[24] Telephone interview with Chet E. Gallagher (Aug. 22, 1989).

[25] Telephone interview with Darrel Stevens, Executive Director, Police Executives Research Forum (Aug. 28, 1989).

[26] Affidavit of demonstrator arrested in Pittsburgh (March 16, 1989).

[27] Affidavit of demonstrator arrested in Pittsburgh (March 16, 1989).

[28] Statement by demonstrator arrested in Pittsburgh (March 16, 1989).

[29] Statement by demonstrator arrested in Pittsburgh (March 16, 1989).

[30] Statement by demonstrator arrested in Pittsburgh (March 16, 1989).

[31] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[32] Letter from demonstrator arrested in Atlanta (Aug. 8, 1989).

[33] *Hartford Courant*, Aug. 14, 1989.

[34] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[35] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[36] Affidavit of demonstrator arrested in West Hartford (June 17, 1989).

[37] Statement of demonstrator arrested in Pittsburgh (March 16, 1989).

[38] *E.g., Courtney v. Reeves*, 635 F.2d 326 (1981).

[39] *E.g., Stark v. Town of Merryville*, 396 So.2d 569, *writ denied*, 399 So.2d 621 (1981).

[40] *Graham v. Connor*, 57 U.S. Law, Week 4513 (1989)

[41] Under *Florida* case law, for example, "[t]he limit of the force to be used by the police is set at the exercise of such force as reasonably appears necessary to carry out the duties imposed upon the officer by the public. . . . [T]he officer can never use more force than reasonably appears to be necessary, or subject the person arrested to unnecessary risk of harm." *City of Fort Pierce v. Cooper*, 190 So.2d 12, 14 (Fla. App. 1966) (*quoting City of Miami v. Albro*, 120 So.2d 23, 26 (Fla. App. 1960)). In *Cooper*, the plaintiff sued both the municipality and the police officer, alleging negligence and assault and battery.

In *Pennsylvania*, the use of force by police officers is warranted when necessary to effect a lawful arrest, to prevent escape, or to overcome resistance of an individual subject to arrest or lawfully in custody. 1971 Pa. Op. Atty. Gen. No. 94. In Pennsylvania, an officer is "justified in the use of any force which he believes to be necessary to effect the arrest. . . ." 18 Pa. Cons. Stat. Ann. § 508 (Pundon's 1983).

In *Louisiana*, the rule has been stated that, while the use of force in effecting an arrest is a legitimate police function, unreasonable or excessive force may make the officer and employer liable for injuries *Kyle v. City of New Orleans*, 353 So.2d 969, *on remand*, 357 So.2d 1389, *writ denied*, 359 So.2d 1307 (1977).

In *Tennessee*, an arresting officer is privileged to use only that force necessary to effect an arrest. *City of Mason v. Banks*, 581 S.W.2d 621 (Tenn. 1979).

In *California*, the applicable statute provides that when an arrest is being made, "if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest. 3 Cal. Penal Code § 843 (West 1970). Although the California statute does not refer to persons who do not resist arrest, case law has stated that an officer may use the force necessary to make the arrest. *People v. Almarez*, 12 Cal. Rptr.111, 190 Cal.App.2d 380 (1961).

In *Illinois*, police may use whatever force is reasonably necessary to sustain a lawful arrest. *People v. Lees*, 208 N.E.2d 656, *rehearing denied* (Ill. App. 1965). *See* Ill. Rev. Stat ch. 38, § 7-5(a).

[42] *Wilson v. Jackson*, 505 A.2d 913 (Md. App. 1986); *Davis v. Muse*, 441 A.2d 1089 (Md. App. 1982).

[43] Dix, *Nonarrest Investigatory Detentions in Search and Seizure Law*, 1985 Duke L.J. 849, 851 (1985).

[44] *See Graham v. Connor*, 57 U.S. Law Week 4513 (1989), and *Daniel v. Williams*, 474 U.S. 327 (1986). For a discussion of the objective reasonableness standard for § 1983 cases, see the text accompanying notes 54–67.

[45] *Kyle*, 353 So.2d at 973. Although the argument is phrased as what is necessary to effect an arrest, this mischaracterizes the issue. This memorandum talks of force after the arrest has been effected. The only issue is what force is necessary to transport the person to the police station. The factors set forth in the text, however, are an accurate barometer for this issue of "transportation."

[46] The Criminal Section of the Civil Rights Division of the Department of Justice enforces the statute, usually in conjunction with local U.S. Attorneys.

[47] Schwartz, *Complaints Against the Police: Experience of the Community Rights Division of the Philadelphia District Attorney's Office*, 118 U. Pa. L. Rev. 1023, 1024–25 (1970).

[48] *Police Practice and the Preservation of Civil Rights*, A Consultation Sponsored by the United States Commission on Civil Rights 141 (Dec. 12–13, 1978).

[49] *U.S. Commission on Civil Rights*, WHO IS GUARDING THE GUARDIANS? A REPORT ON POLICE PRACTICES 102–03 (1981).

[50] § 1983 was originally § 1 of the Civil rights Act of 1871, which was the congressional response to lawlessness in the South directed towards blacks and whites who were assisting them.

[51] *Simon v. Lovgren*, 368 F.Supp. 265 (D.V.I 1973).

[52] United States territories and the District of Columbia are also covered by § 1983.

[53] § 1983 states in full:

> Every Person who under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress.

While § 1983 refers to any rights, privileges, or immunities secured by the Constitution and laws, not all Federal law is cognizable under § 1983. *E.g., Adickes v. S. H. Kress Co.*, 398 U.S. 144 (1970) (Title II of the 1964 Civil Rights Act could not be enforced under § 1983).

[54] *Graham v. Connor*, 54 U.S. Law Week 4513 (1989).

[55] Most lower courts had been applying a substantive due process standard. The due process standard was premised on the existence of four factors: (1) the need for the use of force, (2) the relationship between the need for the force and the amount of force actually used, (3) the injury inflicted, and (4) the malicious and sadistic application of the force.

[56] *Graham*, 57 U.S. Law Week at 4516 (emphasis in original).

[57] *Id.* The Fourth Amendment is applicable because it guarantees citizens the right "to be secure in their persons . . . against unreasonable . . . seizures" of the person. By comparison to the situations requiring the application of the Fourth

Amendment, liability for actions taken against a convicted criminal would normally be determined by reference to the Eighth Amendment. *See Whitley v. Albers,* 475 U.S. 312 (1986) (excessive force against a convicted prisoner).

[58] *Graham,* 57 U.S. Law Week at 4516.

[59] *United States v. Place,* 462 U.S. 696, 703 (1983), *quoted in Graham,* 57 U.S. Law Week at 4516.

[60] *Graham,* 57 U.S. Law Week at 4516.

[61] *Id.* (*quoting Johnson v. Glick,* 481 F.2d 1028, 1033, *cert. denied,* 414 U.S. 1033 (1973)).

[62] *Id.*

[63] In perhaps the seminal case for the subjective determination of excessive force under § 1983, Judge Henry Friendly opined that the need for the force, the relationship between the need and the actual force, the extent of injury, and whether the forces was maliciously and sadistically inflicted are factors for the legality of the force used. *Johnson v. Glick,* 481 F.2d 1028 (1973).

[64] 57 U.S. Law Week at 4516.

[65] *Pierson v. Ray,* 386 U.S. 547 (1951).

[66] *Id.* at 555. In contrast to the Federal limited immunity is the broader scope of immunity which denies recovery except when the police act with malice. Maryland is such an example. *See* text accompanying note 42.

[67] 457 U.S. 800, 818 (1982).

[68] States receive immunity under the Eleventh Amendment. *See Quern v. Jordan,* 440 U.S. 332 (1979). *Olson v. California Adult Auth.,* 423 F.2d 1326, *cert. denied,* 398 U.S. 914 (1970) (state agency).

[69] *Monroe v. Pape,* 365 U.S. 167 (1961).

[70] 436 U.S. 658 (1978).

[71] 398 U.S. 144, 169 (1970).

[72] 455 U.S. 662 (1980).

[73] *Monell,* 436 U.S. at 692.

[74] *City of Newport v. Fact Concerts, Inc.,* 453 U.S. 247 (1981).

[75] 42 U.S.C.A. § 1997(1)(A), (B)(i), (ii) & (iii) (1981). CRIPA's major section, Section 1997a, reads in pertinent part:

(a) Whenever the Attorney General has reasonable cause to believe that any State or political subdivision . . . official . . . or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in or confined to an institution, . . . to egregious or flagrant conditions which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General . . . may institute a civil action . . . . 42 U.S.C.A. § 1997a.

[76] S. Rep. No. 416, 96th Cong., 2d Sess. 1, *reprinted in* 1980 U.S. Code Cong. & Ad. News 787, 788.

[77] 42 U.S.C.A. § 1997a.

[78] National Advisory Commission on Criminal Justice Standards and Goals, *Police,* Standard 1.3., p. 21 (1973).

[79] *Id.* at Commentary to Standard 1.3, p. 22.

[80] *Id.* at 23-34.

[81] *Id.* at 24.

[82] Las Vegas Metropolitan Police Department Manual, para. 4-102.04 (Accreditation Standard 1.03.1) (1988).

[83] See the text accompanying note 45.

[84] The commonly expressed concern is a fear of a back injury to the officer.

[85] Las Vegas Metropolitan Police Department Manual, para. 4-102.04 (Accreditation Standard 1.03.1) (1988).

[86] Interview with Ed Chen, attorney, San Francisco American Civil Liberties Union (Aug. 28, 1989).

[87] *See* M. Avery and D. Rudovsky, *Police Misconduct: Law and Litigation* 2-17 (2d 1982).

[88] Las Vegas has two jails—Clark County and the City—and strip and cavity searches are not routine in either.

[89] *Logan v. Shealy,* 660 F.2d 1007 (1987); *Smith v. Jordan,* 527 F. Supp. 167 (S.D. Ohio 1981); *Salinas v. Breier,* 517 F. Supp. 1272 (E.D. Wis. 1981) (contact cavity searches of woman and boy; searches were more than could be justified by any safety concerns); *U.S. ex rel. Guy v. McCauley,* 385 F. Supp. 193 (E.D. Wis. 1974). *See also People v. Seymour,* 398 N.E.2d 1191 (Ill. App. 1979). Cases have held that students, persons charged with misdemeanors, and prison visitors where no reasonable suspicion exists they are carrying contraband cannot be indiscriminately strip searched. *See Police Misconduct* at 2-18.

[90] *Bovey v. City of Lafayette,* 586 F. Supp. 1460, 1469-71 (1984).

[91] *Bell v. Wolfish,* 441 U.S. 520, 559 (1979).

[92] *See, e.g., Bono v. Saxbe,* 620 F.2d 609 (1980) (court questioned the need for searches after noncontact visits); *Roscom v. City of Chicago,* 550 F. Supp. 153 (1982).

[93] *Wolfish,* 441 U.S. at 594 (Marshall, J., dissenting). As one court noted, a strip search is "demeaning, dehumanizing, . . . [and] repulsive. . . ." *Mary Beth G. v. City of Chicago,* 723 F.2d 1263, 1272 (1983) (citing the adoption of an opinion in *Tinetti v. Wittke,* 620 F.2d 160 (1980).

[94] *Mary Beth G. v. City of Chicago,* 723 F.2d 1263 (1983). The women were arrested for misdemeanor offenses. Illinois subsequently passed a statute prohibiting strip searches of persons arrested for traffic, regulatory, or misdemeanor offenses absent a reasonable belief that the arrestee is concealing weapons or controlled substances. *Ill. Rev. Stat.* ch 38, § 103-1(c). An arrest for narcotics or probable cause to believe that a person has controlled substances would be adequate reason for a strip search. *Salinas v. Breier,* 695 F.2d 1073 (1982); *United States v. Klein* 522 F.2d 296 (1975).

[95] *Tinetti v. Wittke,* 620 F.2d 160 (1980).

[96] The provisions of the manual are set forth in *Salinas v. Breier,* 695 F.2d 1073, 1080 (1982).

[97] To suggest that the performance of an illegal act while involved in a government function is not action under color of law would establish an impossible rule for permitting § 1983 to operate. In *United States v. Classic,* the Court noted that the "misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law." 313 U.S. 299, 326 (1941).

[98] *Harris v. City of Pagedale,* 821 F.2d 499 (1987). The primary issue before the court was whether the municipality could be held liable for the actions of the officer, concluding that it could. The court indicated that the officer would be properly liable under § 1983.

Mr. ARMSTRONG. Mr. President, the reason I brought this to the attention of my colleagues is I intend to offer an amendment which deals with this subject. Originally, it had been my purpose and intent to offer an amendment identical to that adopted on this bill by the House of Representatives, which would have simply prohibited funds under certain circumstances to certain communities. The purpose and intent of the amendment adopted by the House was correct. I have come to believe that it was not as artfully drawn as it might have been.

After consultation with the majority manager of the bill, the Senator from Maryland [Ms. MIKULSKI], I instead am going to offer an amendment which handles the matter in a slightly different way. Rather than explain it in detail, let me just read it. It is brief. It is self-explanatory:

None of the funds appropriated under Title II of this Act under the heading entitled Community Planning and Development, Community Development Grants, to any department, agency, or instrumentality of the United States may be obligated or expanded to any municipality that fails to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction of said municipality against any individuals engaged in nonviolent civil rights demonstrations.

AMENDMENT NO. 771

(Purpose: To protect the rights of nonviolent civil rights demonstrators)

Mr. ARMSTRONG. Mr. President, I send this amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] for himself, Mr. HUMPHREY, and Mr. HELMS, proposes an amendment numbered 771.

On page 87, after line 13, insert the following new section 517:

None of the funds appropriated under Title II of this Act under the heading entitled Community Planning and Development, Community Development Grants, to any department, agency, or instrumentality of the United States may be obligated or expanded to any municipality that fails to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction of said municipality against any individuals engaged in nonviolent civil rights demonstrations.

Mr. ARMSTRONG. Mr. President, Senators may wonder whether or not we could have drafted a tougher amendment. The answer is clearly we could have. Could we have drafted an amendment which resulted in the withholding of funds from a large number of municipalities that might be involved? The answer is, of course we could. That is not really our desire.

Our desire is to send an unmistakable message to municipalities and other jurisdictions in this country that we are not going to stand still and watch as nonviolent protesters are manhandled, brutalized, and mistreated in the way described in the news accounts which I have just referred to.

So I have sent this amendment to the desk on behalf of myself; my colleague from New Hampshire, Mr. HUMPHREY; and my colleague from North Carolina, Mr. HELMS. We commend it to your attention and ask for its adoption.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am willing to accept this amendment. I think all of us would agree we want to prevent the use of unnecessary force. Our jurisdiction extends to Federal constitutional rights, and I think this amendment does not step on the toes of local autonomy or authority, but it does require municipalities to have in place a policy on how to deal with the use of excessive force, particularly in those areas where there is a nonviolent civil rights demonstration. It also requires that the municipality enforce that policy.

I think to require that our municipalities around the country essentially have a game plan for dealing with nonviolent civil rights demonstrations, to ensure that game plan would put barriers to excessive police reaction, is indeed a useful one.

All of us recall with horror the scenes of firehoses and dogs 25 years ago. And whenever there is excessive police force used against any American, all Americans are repugnant about it.

I am willing to accept the amendment offered by the Senator from Colorado. I am glad he accepted the suggestions we offered so we could avoid a prolonged debate.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. I commend the Senator from Colorado and the Senator from Maryland for the modification she made to this amendment. It is acceptable to me.

Mr. ARMSTRONG. Mr. President, I think we are ready to adopt the amendment. Two matters briefly. I want to reiterate that the amendment which I have brought is greatly improved as a result of the suggestions of the manager of the bill. I really think that this is a more thoughtful and more direct approach than the language which I earlier had in mind, and my hope is that when this bill goes to conference, that the House will see it our way and will adopt this language as a more apt statement of our concern than what was adopted in the House.

Second, I want to emphasize, as I began to a moment ago, that while I am absolutely outraged at the reports which have come to my attention about excessive police force, about brutality by law-enforcement officers, I think while there may be numerous examples of this, it is, in the greater scheme of things, a rare exception.

The police officers of this country should not be tarred with any broad brush of condemnation. They are doing a wonderful job, by and large. The ones I come in contact with are to be complimented and commended for protecting us all, often at substantial risk and sacrifice. The fact that there are a few bad apples, a few who have engaged in what might be called police state tactics, should not tarnish the reputation of those that we owe our thanks to. Mr. President, unless others with to speak, we are ready to adopt the amendment.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. I want to commend the Senator from Colorado in having redrawn his amendment, because as he had intended to introduce it, it might have had the effect of being an ex post facto law, as I would have understood its application; because in its original House-passed form, as I understand the House bill, the reach of the amendment backward into history would—as long as the test of convictions of individuals was met, that being three in number—have been indeterminate and therefore reach back 5, 10, 20, 50 years. I do not think any of us know what the effect of such an amendment would have been.

This is quite different. It addresses the question of whether or not municipalities will adopt and enforce specific prohibitions on the use of excessive force by the police.

I have a question or two that I would like to pose to the Senator from Colorado. The first is really, how this policy would work. Obviously, it is one thing to have a law. It is another to interpret whether it meets the test of the statute. The second is whether or not it is being enforced. My question is, Who will have the authority and the mandate to make those judgments? Whose responsibility is it?

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it would be the responsibility of the department that when applicants apply for the grants that have been mentioned in this amendment, I presume that there will be box on the form they will have to check that says, yes, we do have a policy of this kind in force, and we are adhering to it.

That is exactly the same kind of enforcement mechanism that we have for equal opportunity employment, safety standards, all kinds of things. In one sense, it seems a little thing just to check a box, but what must be behind that is the written policy and adherence to it, and it would then be possible for citizens who feel they are aggrieved to come forward and bring, through the regular administrative procedure, a protest or a complaint that this was not the case.

It would be, as I said earlier, very easy to draw a more draconian amendment. At some point, we may do that, if this does not solve the problem. I have no doubt that the Senate would adopt, under some provocation, a more drastic approach. This just says to the municipalities, we do not like it, we are not going to stand for it.

It is not within the realm of something that is acceptable, and it sets an affirmative obligation on all of these municipalities to look at this problem in their own jurisdiction. The policy in each area might be different from place to place.

Mr. HEINZ. I thank the Senator for his response. I might also state that it is important to establish some legislative history on this amendment.

So my questions are not hostile questions, but for the purpose of clarifying the record. The Senator's comment leads directly to my next question, which is: You indicated that all that is necessary is a policy.

I assume that in that stipulation, the Senator would include an administrative act; it would not be necessary to have an ordinance, but if the mayor adopted, by one means or another, a statement of policy, it would not even have to be an Executive Order. Would that satisfy the criteria of adoption of policy?

Mr. ARMSTRONG. Yes; the Senator is completely correct. We refer to the adoption and enforcement of a policy regarding the use of excessive force. It might be an ordinance. In many cases, it may not be. It may be a regulation within a police department. In one way or another, in an appropriate way, in a way that will stand the practical test of usage, the jurisdiction should be required to have and enforce its policy.

Mr. HEINZ. Ultimately, it would be up to the Secretary of the department to determine whether or not the policy was adequate or whether or not it was being adequately enforced.

Mr. ARMSTRONG. Of course.

Mr. HEINZ. Total administrative discretion. I think the Senator clarified his amendment to my satisfaction. There is one issue that is more metaphysical and philosophical than it is substantive, and I do not propose it to answer my own question, but my question is: At what point we in the Federal Government, using our very considerable legislative powers, should recognize that there are other jurisdictions that attempt to do what the Senator from Colorado wants to do. There are the courts. There are Federal civil rights laws. There are a variety of judicial protections, judicial proceedings, prosecutorial functions that are aimed at ensuring that the kind of thoroughly reprehensible behavior that the Senator from Colorado seeks to put an end to, the brutalizing of our citizens as they exercise their absolute right to peaceful free speech; there are many such locks on the door against the abuse of our citizens.

This adds another layer. Admittedly, it adds the Secretary of HUD, and that may be a worthwhile addition. But it raises the issue of whether we want to inject the Federal executive branch into the way that our State and local governments conduct their businesses.

I am not going to object to this foray in federalism. Some might call it a trespass across the threshold of federalism in this instance, but it does raise the question, and I would like my colleagues to take this opportunity to reflect on whether or not we set a precedent here, which may be justified by the specific concerns raised by the Senator from Colorado, but which in another instance might be cited as a reason to do something with which we might find ourselves much less in emotional accord.

Mr. ARMSTRONG. Mr. President, the point that the Senator from Pennsylvania raises is a very significant and thoughtful one, but I want to remind him that nearly identical requirements already exist throughout Federal law for matters that are much less weighty than the kind of brutal treatment of nonviolent demonstrators we are talking about.

Everything from air pollution requirements, asbestos requirements, public safety requirements, zoning, highway signs, you name it. We say over and over again to local jurisdictions that they are not going to get Federal funds unless they can form a certain kind of minimum standard. We say it in educational institutions, and we say it in the local government and in businesses.

Frankly, I think we have gone much too far in that respect. And this particular case, it seems to me, is of such bedrock fundamental generic significance that it is not even in the same universe of discourse with the kind of minute and mindless recognition that we often impose on local jurisdictions.

I am not telling them how to do it. We are not really giving them a new duty. We are simply saying to them they have to enforce the United States Constitution. In fact, they would not even have to do that, but they would forfeit Federal funds under these specific programs if they failed to do it. If some jurisdiction does not get Federal funds or does not choose to comply with this, that does not lessen the fact that they are already violating the U.S. Constitution.

Why, then, somebody might logically ask if this is already against the Constitution of the United States, do we need to add this seemingly less significant remedy. The answer is in a lot of cases in a lot of jurisdictions it is hard to get a prosecution of a case like this. It is hard to get a conviction of a case like this if it is prosecuted. In fact, the number of instances where the dogs and the whips and the cattle prods and the instruments of inflicting pain are coming out of the closets and being used on decent citizens are increasing.

It appears in this case the purse is the controlling factor. At least it is a gesture. If it does not work maybe I will be back next year with some more severe proposals.

Mr. HEINZ. Mr. President, I hope that the amendment of the Senator from Colorado does work. He does bring up a useful point, that of seriousness of this matter, on which we both agree.

I would like to bring up one other point, and that is that normally when we would put strings on the use of Federal funds those strings are directly related to how those Federal funds are used.

We had quite a debate in this Chamber when we decided to attempt to use the withholding of highway moneys or a portion of highway moneys in an effort to get States to enact a 60-mile-an-hour limit. Or in the case of drinking, the majority of Senators decided that it was important to get States to raise the drinking age but there was quite a debate as to whether that was an abuse of our authority, that in some way contravened our beliefs in the principle of federalism.

It does not trouble this Senator to do so, but it needs to be pointed out. Unless I misunderstand the amendment of the Senator, we are engaging in a rather similar exercise here because housing and community development money under title II does not go to police protection. None of that money goes to the police force, unless the Senator has information I am not aware of. As a result we are not just putting strings; we are tying a cross string here to some Federal money that does not directly go to the police department.

I do not object to that, but I think we ought to make sure we recognize that this is an unusual procedure and I happily agree for the purposes of this amendment that it is justified. But I think it is useful to note that we are doing something a bit out of the ordinary and maybe that is the effort to do so.

Mr. ARMSTRONG. Mr. President, I thank the Senator for his statement.

If he would yield to me briefly, it occurs to me that I neglected earlier to insert in the RECORD the statements of Coalitions for America, the Eagle Forum, the America Life Lobby, Concerned Women for American, Operation Rescue, the Pro-Life Action League, and American Coalition for Life. They have presented thoughtful and worthwhile thoughts on this matter and I do send their statements to the desk and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITIONS FOR AMERICA,
Washington, DC, July 27, 1989.
Hon. WILLIAM L. ARMSTRONG,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR BILL: It has come to my attention that there have been numerous incidents of police brutality in cities and towns across the United States against the demonstrators of Operation Rescue. Because of these cases, William Allen, Chairman of the United States Commission on Civil Rights has asked Attorney General Richard Thornburgh to look into an investigation of these incidents. Congressman Guy Molinari has said "police in some cities are following a pattern of sadistic behavior." He is seeking a congressional probe.

As a result of the police brutality actions, Congressman Bob Walker recently offered an amendment in the House of Representatives that eliminates any Community Development Block Grant funding to any city in which three or more employees, acting on orders of superiors of such municipality, have been convicted hereafter of the use of unnecessary force against non-violent civil rights demonstrators. This amendment passed easily in the House of Representatives.

The Amendment will now be considered by the United States Senate when the HUD Appropriations bill is considered. I am requesting your consideration of sponsoring the Walker amendment in the Senate. Our country has a long tradition of respecting the rights of people who are involved in peaceful civil disobedience. As the civil rights movement practiced civil disobedience in the 1960's, the pro-life groups should be allowed the same rights in the 1980's and 1990's without police brutality. Thank you for your consideration of this request.

Sincerely,
PAUL M. WEYRICH,
National Chairman.

EAGLE FORUM,
Washington, DC, July 27, 1989.
Senator WILLIAM ARMSTRONG,
Senate Office Building, Washington, DC.

DEAR BILL: As a stalwart pro-life leader I know you have been keenly aware of the treatment handed out by some law enforcement personnel to participants in Operation Rescue demonstrations. Police brutality has been charged and on-the-scene reports seem to indicate that the charges are correct.

Currently, Bill Allen, Chairman of the U.S. Commission on Civil Rights is urging the Commission to investigate the possible violation of the civil rights of rescuers who have been arrested in the cities of Pittsburgh, Santa Clara, Atlanta, and West Hartford. He has also asked the Attorney General, Dick Thornburgh to get involved.

Congressman Bob Walker successfully amended the HUD Appropriations Bill so that development block grant funding would be cut off if employees of a municipality were convicted of using unnecessary force against non-violent civil rights demonstrators. It passed with some praise from Congressman Bob Traxler, Chairman of HUD Appropriations Committee.

Bill, I hope you will offer the Walker amendment in the Senate when the HUD Appropriations Bill is considered. I can't think of a better way for Congress to demonstrate support for the civil rights of all citizens, regardless of race, creed or religious affiliation. While many of us may not agree with Operation Rescue or choose those means to convey the pro-life message, we cannot stand aside and allow injustices to befall these good people without trying to help them.

Thank you for taking the time to read this. If you decide to offer the amendment, you can be sure Eagle Forum will support it at the grassroots level. Thank you for your continued leadership on behalf of our preborn children.

Faithfully,
PHYLLIS.

AMERICAN LIFE LOBBY, INC.,
Stafford, VA, July 27, 1989.
Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: The passage by voice vote last week of Representative Robert Walker's amendment to Title 2 of the VA, HUD, and Independent Agencies Appropriations Bill was a major victory for the First Amendment rights of pro-life demonstrators across the Nation. The amendment would cut off all HUD funds to any municipality that has three or more employees convicted hereafter of using unnecessary force against non-violent civil rights demonstrators.

I would wholeheartedly urge you to sponsor Representative Walker's amendment in the Senate when the HUD appropriations bill comes to the floor. The First Amendment belongs to all Americans including those who peacefully demonstrate their concern for the right to life of preborn babies being killed every day in America by abortion.

With God for Life,

Mrs. JUDIE BROWN,
President.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, July 28, 1989.

Hon. WILLIAM L. ARMSTRONG,
Washington, DC.

DEAR SENATOR ARMSTRONG: It has been brought to my attention that you are considering an amendment to the upcoming HUD Appropriations Bill that would defund municipalities with employees convicted of using unnecessary force against non-violent demonstrators. As you know, this amendment recently passed the House by voice vote. I believe this approach represents a creative and effective way to curb the widespread use of police brutality against peaceful pro-life demonstrators in cities across our nation. (One member of my staff was recently injured as a result of unnecessary, rough treatment by police at a local rescue site.)

I urge you to offer this amendment, and pledge the support of Concerned Women for America in ensuring its passage on the Senate floor. This is one way we can work together to help those who are risking a great deal to save the lives of preborn babies.

Sincerely,

Mrs. BEVERLY LAHAYE.

OPERATION RESCUE,
Binghamton, NY, July 26, 1989.

Re Walker amendment to the HUD appropriation bill.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: Greetings to you and your family. It was a pleasure for my wife and I to meet you at the National Religious Broadcaster's Convention in January.

As you may know, several municipalities have allowed their police departments to use excessive force in the removal of nonviolent rescuers. This includes the use by Los Angeles city police of nunchakus to inflict severe pain to the limbs of rescuers, and to even break their bones.

Therefore, I would at this time heartily encourage you, Senator Armstrong, to sponsor such an amendment as was sponsored by Congressman Walker and passed by the House last week, in order to protect peaceful demonstrators. We at Operation Rescue will exhort our people to write to their Senators in support of you as this legislation is guided through to passage. I will write to other pro-life leaders to do the same.

I would also like to thank you at this time for your ongoing work and support which is very much appreciated. May God bless you and keep you.

With respect and gratitude.

RANDALL A. TERRY,
National Director.

PRO-LIFE ACTION LEAGUE,
CHICAGO, IL, *July 28, 1989.*

Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: This letter concerns the Walker Amendment, which was easily passed in the House and has been sent on to the Senate.

The Walker Amendment to the HUD Appropriations Bill reads: "None of the funds appropriated under this Act to any department, agency, or instrumentality of the United States may be obligated or expended to any municipality where it is made known to the appropriate official in the department, agency, or instrumentality concerned that any employee of such municipality has been convicted of the use of unnecessary force against nonviolent civil rights demonstrators."

I encourage you to sponsor the amendment in the Senate. It is an excellent measure that virtually all Senators should agree on. Few, if any, Senators want to see unnecessary brutality committed against sincere, non-violent civil rights protesters.

Respectfully yours,

JOSEPH SCHEIDLER,
Executive Director.

AMERICAN COALITION FOR LIFE,
Washington, DC, July 27, 1989.

Senator BILL ARMSTRONG,
528 Hart, Washington, DC.

DEAR SENATOR ARMSTRONG: The House of Representatives recently approved by voice vote an amendment to the HUD Appropriations Bill that will cut off some development funds to communities that repeatedly permit law enforcement officials to use unnecessary force in containing non-violent demonstrations. Congressman Robert S. Walker from Pennsylvania sponsored the bill.

Democrat Chairman of the HUD Appropriations Committee, Bob Traxler, declared on the House floor just before the Walker Amendment vote, "Mr. Chairman, it is an excellent amendment, and I join with the gentleman. I accept the amendment on this side." (Congressional Record-House of Representatives, July 20, 1989).

This amendment is an important one since the use of "control" or pain holds on nonviolent protesters by law-enforcement agencies nationwide is on the increase. Pain holds involve the twisting of arms, ears and fingers and other sensitive parts of the body and have become a standard technique for many police agencies.

Since the beginning of 1989, twenty-two states, have had incidents of police brutality or the use of unnecessary force against nonviolent pro-life demonstrators. There have been thirty-one such incidents in less than the last four months.

I encourage you to take the lead in the Senate by introducing an amendment similar to the Walker amendment. Law enforcement officers in our cities need to hear a clear strong message that they cannot use unnecessary force against those who peacefully exercise their freedom of speech rights on behalf of the unborn.

Thank you for all you continue to do on the fight to protect our nation's unborn children. I pray that God will bless you as you labor to serve our nation.

Sincerely,

RAY ALLEN,
Chairman, American Coalition for Life.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ARMSTRONG. I am told one additional Senator wishes to speak. Unless other Senators wish to speak, I would suggest the absence of a quorum or yield to others to speak while we await.

Mr. DIXON. Will my friend from Colorado withhold?

Mr. ARMSTRONG. I am happy to.

Mr. DIXON. I discussed this with the distinguished manager. She indicated approval to let me ask unanimous consent to proceed as though in morning business for 30 seconds to introduce a bill. I wonder if I would be able to do that.

Ms. MIKULSKI. I have no objection to the Senator from Illinois doing that.

I would really encourage my Republican colleagues to urge the Senator who wishes to speak to please come to the floor because we are ready to move on this amendment and there are two other Senators who have rather substantial amendments in addition, as the Senator's was, that we would like to move on and move expeditiously. It is my understanding these are the only two amendments we have left.

The Senator may proceed. I would really ask my Republican colleagues to ask that other Senator to please come to the floor.

The PRESIDING OFFICER. Without objection, the Chair recognizes the Senator from Illinois.

Mr. DIXON. Mr. President, I thank the manager for her usual delightful graciousness. I ask unanimous consent to proceed for 30 seconds as though in morning business for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 1643 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, if we would not interfere with the managers of the bill, I might discuss my amendment before proposing it because I do not think it will take—the Senator from Pennsylvania is on the floor. I will withhold my comments for now.

Ms. MIKULSKI. Does the Senator from Pennsylvania desire to speak?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

I thank my colleagues for awaiting my arrival. I commend my distinguished colleague from Pennsylvania, Senator HEINZ, for the comments he was making in establishing legislative history, and I commend my colleague from Colorado, Senator ARMSTRONG, for the thoughtful approach which has been taken.

I just wanted to be sure in terms of legislative history, although the amendment speaks for this point and perhaps the record is clear but an added comment or two might be of some use. The amendment seeks to establish a policy so that municipalities which engage in a policy of brutality and excessive force prospectively will not be able to receive funds or community development block grants.

Mr. ARMSTRONG. If the Senator will yield, it is even more than that. What this amendment says is we expect these jurisdictions to adopt affirmative policy to prevent this from happening. It is not just if it happens they will be penalized. We are saying to them, if you want to qualify for grants under this program, you have to have and adopt and enforce a policy that will avoid such tragic occurrences in the future.

Mr. SPECTER. I thank Senator ARMSTRONG for that comment.

So there is no effort under the measure which the distinguished Senator from Colorado is offering which will seek to go back retroactively to look at events which have happened in the past and to use those as a possible basis for cutting off community development block grants in the future.

Mr. ARMSTRONG. No.

Mr. SPECTER. I see the Senator who said "no," but perhaps not loudly enough for the CONGRESSIONAL RECORD to have the notation in the RECORD.

Mr. ARMSTRONG. If the Senator will yield, the answer is no.

Mr. SPECTER. I thank the Senator from Colorado for that clarification.

Mr. President, I believe that the right for peaceful protest is one of the fundamental rights under the Constitution, the right to freedom of speech, the right to assemble, and the right to express oneself. There is no doubt that these are legal rights which ought be observed in all contexts.

It is equally true that, as the distinguished Senator from Colorado has commented, the vast majority of law enforcement officers obey the law. But to use Senator ARMSTRONG'S comment, there are some bad apples in the barrel and when excessive force is used by anyone, including the police officer, that is unlawful and it gives rise to a possible prosecution for an assault and battery.

When I served as district attorney of the city of Philadelphia, we had some—perhaps "many" is too strong a term. In the late 1960's and early 1970's police excess was a considerable problem in this country and in the city of Philadelphia. One of the responsibilities that I had as district attorney was to seek warrants of arrest and prosecute excessive use in some cases, and that kind of conduct is bad, not to use any stronger term.

It is not possible in some situations for a city to control that policy. If a city deliberately allows such a policy to go on, does not establish a clear-cut policy to the contrary, does not take enforcement action against that kind of activity, then it may be possible that the city could be held responsible in a number of lines.

This is not the question of city responsibility for the specific acts of brutality which a city may have as to a specific victim who has been, for example, the subject of an assault and battery. The concern that I express today is that there not be an effort to take a look at some conduct in the past by representatives or officials or police officers of any city, to say as a result of that conduct in the past there is going to be an effort in the future to cut off community development block grants.

I understand the Senator from Colorado has said that expressly, when you have a requirement, that there be a policy by municipality to have law enforcement observe the rights of peaceful protestors; that is as it should be, and I think the amendment which the Senator from Colorado has offered and the managers have accepted is a good amendment and I hope it will prevail in conference.

I thank the Chair, and I yield the floor.

Mr. ARMSTRONG. I thank the Senator.

Question on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 771) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

THE NATIONAL AEROSPACE PLANE [NASP]

Mr. DANFORTH. Mr. President, I am concerned about the lack of any funding for the National Aerospace Plane [NASP] Program in the fiscal year 1990 Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriation bill.

NASP is the future of American aerospace. It is the key to the United States maintaining its current competitive edge in air travel and access to outer space.

NASP is a joint NASA-DOD project designed to develop a hypersonic spaceplane to test advanced aerospace technologies. NASP would have the capability of taking off from an ordinary airstrip, vaulting into orbit and returning to Earth and landing like a conventional plane.

The advances in technology will have enormous benefits for our space program. NASP-type vehicles could provide us with daily access to space, in contrast to the space shuttle which requires at least 75 days of servicing and maintenance between launches. In addition, NASP may pave the way for hypersonic commercial transportation that will permit travel to any point on the globe in less than 2 hours. Finally, NASP would be invaluable as a military reconnaissance plane and in other military applications.

Currently, the United States dominates the international aerospace industry. The aerospace trade surplus of $17 billion last year was better than in any other industry. To maintain this dominance, it is crucial that the United States move forward with NASP.

West Germany, Japan, Great Britain, and other countries recognize the enormous commercial and technological potential of an aerospace plane. These countries are already pursuing projects to establish footholds in this new frontier.

For instance, West Germany has already committed $150 million to the development of the Saenger aerospace plane. The Saenger will serve two functions. First, it will serve as the first stage of a reusable two-stage launcher to place payloads into orbit. In addition, the Saenger plane will be modified for use as a high-speed commercial transport.

It is crucial that we not allow NASP to die. If we do, the 21st century will see foreign aerospace planes like the Saenger fly payloads and passengers at hypersonic speeds while we watch from the ground and wonder what went wrong. Adequate funding of NASP will insure that the United States remains on the cutting edge of aerospace technology and its associated commercial markets.

Mr. President, the House of Representatives provided $98 million for the NASP Program in its fiscal year 1990 VA-HUD-independent agencies appropriations bill. I urge the Senate conferees to consider the importance of this program when they begin their negotiations with the House.

Mr. BOND. Mr. President, I rise today to express my strong concern about one provision of the measure pending before us and that is the complete lack of funding for the national aerospace plane.

The national aerospace plane is critical to our national and economic security and I believe very strongly it should be fully funded. It would be a very shortsighted act indeed for this body to eliminate a project which has such great potential to advance not only the U.S. national security interest, but our commercial and technical interests as well.

Aerospace is one of the few industries in which the United States remains the undisputed world leader. The NASP Program represents our best opportunity for maintaining that leadership and carrying it into the next century.

Just last week this body brought to a close a long and heated debate over the FSX deal to codevelop and produce a new fighter plane with the Japanese relying on essentially 1970's technology. Many Members of this body spoke with great conviction about the need to protect our aerospace technology, to ensure that the Japanese are not able to overtake us in this critical field.

I share the concern of these Members that we not allow Japan or any other nation to challenge the United States lead in aerospace, and I certainly do not want to give away technology even to friendly nations. However, I think it is important for Members of this body to realize that the only way we are going to continue to dominate the world aerospace industry is for us to remain at the cutting edge in the development of new technology. We simply cannot do it by relying on and protecting the technology of the past.

The national aerospace plane represents our best opportunity for maintaining that leadership and carrying it into the next century. Already, other nations, including Japan, the Soviet Union, and a host of European nations are working to develop technology similar to the NASP, in an effort to become major players in aerospace in the 21st century. We must maintain our lead.

As a member of the Budget Committee I am sensitive to the need to keep spending under control. However, in so doing we must be careful that we do not throw away our future or our ability to remain competitive.

The national aerospace plane is the type of program we need to pursue if we are to maintain that competitiveness. The NASP Program which has been under way for several years now, already has yielded significant advances in our understanding of fuels, engines, materials, and computers. Yet it promises much, much more.

It is important to remember that our NASP, or X-30, is a test program in the tradition of the X-1 and X-15. These programs set the stage for U.S. leadership in aviation and space throughout the postwar period, just as the X-30 will keep us in a leadership position far into the next century.

The NASP must be considered in these terms. It is not an Orient Express that will make life easier for businessmen. Certainly one of the payoffs of NASP may be a much faster airplane; however, other benefits are far more important. The NASP will provide engineers and scientists with a test vehicle for improving commercial planes. Further, it will give us regular access to space which will make it cheaper for us to launch and service satellites and put payloads into orbit.

The NASP clearly will have important military benefits. It will provide us with quick response anywhere in the world, as well as the ability to gather electronic and photographic intelligence beyond the fixed orbits of our existing satellites.

As I mentioned earlier, I believe we would be making a grave mistake if we approve recommendations of both this subcommittee and the Defense Subcommittee to zero out the NASP program. Fourtunately the House appropriations bills provide a reasonable level of funding for the program. So there is still a chance that we can compromise and keep this important program alive.

I call to my colleagues' attention the fact that earlier this year, the Senate unanimously approved a provision calling for full funding of the NASP Program. I certainly hope and I ask and solicit the participation of the managers of this bill as well as other Senate conferees and urge that they remember the measure when we meet with House conferees, and that they will seek to find workable funding levels that will keep NASP and the U.S. aerospace industry on track. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I share the concerns of the distinguished Senator from Missouri. I am very, very disappointed that our 302(b) allocations and the other pressing needs within this budget did not allow any funding whatsoever for the aerospace airplane.

I recognize that I have been accused by a lot of people of never seeing an airplane that I did not like, and that is true. There is no doubt about it. I plead guilty to that.

However, when I look at the situation now of access to space through the space transportation system, I see the long preparation time that it takes. *Atlantis* is now sitting on the pad and will not launch until October 12; *Galileo* is going through a series of tests. When I flew on *Discovery,* the time period of the final stages was more than 4 months.

Although this does give us access to space, it does not give us access on a quick basis. There is a long, long preparation time. I think most people are aware the aerospace plane would not take off in the configuration that the space shuttle does, but from a conventional runway, and land in the same manner, giving us much quicker access to space.

I think we have made mistakes in the past. I think we made mistakes in not going ahead with the SST, allowing only the British and the French through the Concorde. I do think this was a mistake. It was not possible in our budget. However, funds are in Defense appropriations bills on the House side.

So I would like, at least from my standpoint, to assure the Senator from Missouri that I intend to try to work it out that some money remain when we are in conference with the House because I think the aerospace plane definitely should continue.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, to comment on the advocacy of the Senator from Missouri of the new design in aeronautical planes, we certainly are going to take it up in conference. We understand what this high technology means. We simply did not have the money to do every good idea. We understand the points he has made. When we move to conference, we will see what adjustments can be made. There is no malevolence toward the program. There is no ill will toward the program. But essentially under the very tight appropriations, 302(b), that was given to us as a result of the budget agreement, we just could not do all that we would.

I must say, the ranking minority Senator, Senator GARN, who is a strong supporter of space and science, was a real hard fighter for this. We just could not do all we wanted to do.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I express my thanks to the managers of the bill. I commend my colleague on this side of the aisle for his devoted efforts on behalf of space. I thank the manager, the distinguished Senator from Maryland, for her willingness to consider this. I appreciate her consideration and hope we will be able to maintain this program.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 772

(Purpose: To prohibit expenditure of funds for enforcement of underground storage tank financial assurance regulations)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 772.

At appropriate place insert the following:

"*Provided*, That none of the funds appropriated by this Act may be used to enforce the financial assurance requirements relating to underground storage tanks promulgated by the Environmental Protection Agency pursuant to section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b).".

Mr. SYMMS. Mr. President, I ask unanimous consent that Senators DOLE, SIMPSON, WALLOP, and BURNS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, first I want to give a brief history and explain why it is I think it is important we act on this. I will try to be brief, I say to the managers of the bill and to my colleagues, as I possibly can. I think we can dispose of this issue rather rapidly.

I think all Senators are aware of the fact that there are two important difficulties facing underground tank owners. There are two problems. First, there is the technical side of the problem which this amendment does not address. And I repeat, it does not address. But the standards that were passed in the 1984 act under the Research Conservation Recovery Act are not inexpensive to those underground tank owners. The cost of compliance over the last 3 years alone has been estimated as costing small service station owners and others approximately $37,000 per market tier. So this is a lot of money that is being spent right now in the petro marketing industry.

School districts are involved in this. Highway county, highway districts, municipal highway districts, and so forth, police departments, others, who do have storage tanks underground are affected by this legislation.

The other part that my amendment does address is the insurance part of the issue, the cost of insurability, of what it costs for people to get insurance and whether or not they can even get that insurance.

What my amendment does is simply delay the insurability requirements by 1 year, until October 1990, at the end of the fiscal year. It would give us 1 more year of lead time. People would still be working to correct their tanks, but instead of either closing stations or making plans to close stations because of the lack and the failure of insurance to be available or spending money with respect to that, the money would be directed to truly clean up the noble goals of this legislation.

I recall very vividly what happened in the authorization and the passage of this bill. It started out that it was going to be $4 million worth of insurance that people required. It was back and forth. It got down to $1 million with joint and several liability. The opposition then raised a ruckus about this and Congress dropped part of that and it ended up at $1 million.

I just think some of the things my colleagues should be aware of: $1 million worth of insurance on an underground storage tank will cover 99.7 percent of all leaks; $500,000 worth of insurance will cover 99.3 percent; $250,000 worth of insurance will cover 97 percent. It just seems to me that it would make a lot of sense for us to delay this, take another look at it, review the bill that the junior Senator from Montana and others of us have introduced which addresses this question to address this insurability.

I might just tell my colleagues that I had an experience when we were home during the break of stopping in Leadore, ID, and found out that it was 160 miles—and this is the only service station on a 160-mile stretch of road. The owner and operator of that section does not make his living selling gas. He does that strictly as a convenience for the people who happen to be driving on that stretch of road toward Salmon, ID, from Idaho Falls.

His point is that if we do not address this question and maintain a grocery business and still continue to provide fuel for the local school bus district and others. And then the same people, the locals who happen to come in to buy fuel from him, what they will all do is buy a 100-gallon tank and put one behind their houses so you will have fuel scattered all over the neighborhood. I say to my colleagues, that is not going to make a better environmental situation.

I urge my colleagues to accept this amendment. It will not interfere with the progress, the major progress, of the Durenberger legislation that has passed the Congress.

I am glad that my good friend and very able member of the Public Works Committee, Senator DURENBERGER, is here on the floor, because I recall vividly that he originally conceived the legislation to put better tanks in the ground so that we can stop any leakage that we happen to have polluting below-ground supplies of water. I think that is a very noble goal. But the effort, in my opinion, is that you should have the horse in front of the cart. Instead of insisting on all of this insurability and spending all this money on insurance, closing stations and spending this money on not fixing tanks, we are spending the money to not clean up the tanks.

That is why I think delay for 1 year on this insurance is a very reasonable proposition. People still will have 10 years to make all the necessary physical improvements in the fuel tanks. The tanks are not called to be completely fixed until 1998. But there is another very important point, and anybody here who have had any experience in the private sector and business, which I have had, and I know many of my colleagues have had, knows that if you have a good record and better equipment, your insurance costs are lower. You are a better risk for the insurance company to insure the business.

It just seems to me like this would be a very logical, a very reasonable, a very modest amendment, and I would hope that the managers of the bill would consider this and just accept this amendment. I believe that in the long run, the goals of Senator DURENBERGER and others who originally in the Environment and Public Works Committee passed this legislation would be met faster with the acceptance of this amendment than they will without the acceptance of the amendment.

Mr. President, I do not believe there is too much more I can say about it. I just say to any of my colleagues who have not heard the amendment that this will bring a great sigh of relief for many people. I know some of my critics are going to get up and say, "Well, the real small guys delayed until 1 year out already."

Let me just say before my colleagues say that argument, if I were on their side I would make that argument, too. EPA has made it very clear that they are going to try to keep this all in a reasonable, rational method. If we delay this for 1 year—we maybe could—the automatic response would be that some of those single-tank or 3- or 4-tank stations, like the one I mentioned in Leadore, ID, and there are thousands of them across the United States that are making plans to close their operation 12 months from right now, they are planning to close down the operation within 12 months, 24 months would be the real effect of this, and I think that makes good sense.

I do not believe that it is in the best interest of the environment of the American people, of the economy of America, of the opportunities for people to be able to run a business, to be able to provide services for their friends and neighbors, and those who happen to be passing through the rural areas, to have some big cloud hanging over their heads that they are going to close their station.

Believe me, 1 million dollars' worth of insurance is completely out of reach for most of these people who have the small stations that pump only a few thousand gallons of fuel a year. There is not much profit in the business to pay for the insurance and, in many instances, Mr. President, the insurance is not even available at the present time.

Mr. President, I yield the floor.

Mr. BURNS. Mr. President, I applaud the Senator from Idaho for offering this amendment.

We introduced a bill and have it pending now that addresses this issue. I would just like to footnote that this does not address any of the rules and regulations it takes to operate underground fuel tanks. This does not relax any, and I do not think there is anybody in the U.S. Senate who wants to do anything that degenerates underground water or pollutes the air or water. And we do not want to relax any of those rules and regulations.

What we have to do is address the small operator; if he can get insurance at all, can he afford it? Everyone knows what insurance permiums are now. I applaud the Senator from Idaho for introducing this amendment. I heartily support it.

We have some 15 or 16 sponsors on a bill now that will codify this law and make it permanent. So this is welcomed from the State of Montana. I applaud him, and yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I must reluctantly oppose the Symms amendment. Why? Because it is really not the appropriate vehicle for changing the regulations. The authorizing committee strongly opposes this, and will be speaking to that.

I know the ranking minority member is on the floor. We are sympathetic to the difficulties that small underground tank owners are having getting insurance. In fact, in January when I was doing my State tour of every county, the first thing I heard was about LUST and that they were opposed to LUST. I had mayors of small towns talking to me about LUST. Finally, I wanted to know what they were talking about.

They were talking about leaking underground storage tanks. They were concerned about the volunteer firefighting group getting insurance. Small local governments were worried about could they get insurance to comply.

We heard all of those concerns, but not only did I hear those concerns, so did the authorizing committee. I would like to bring to the attention of my colleagues that we addressed this issue in the committee report. If Senators will turn to page 88, under something called "Committee Recommendation for Leaking Underground Storage Tanks," they will know that we express our concern with the new Federal underground storage regulations; we acknowledge the many problems faced. But we also said that we expected EPA to give priority to assisting States in the development of approvable financial assurance mechanisms. That means that EPA should work with local governments to make sure they help them deal with the kind of issues raised by the Senator from Idaho.

I understand what the Senator from Idaho is trying to do but I think this is not the appropriate vehicle for changing the regulations. We ask EPA to act on it, and the place to deal with this is in the authorizing committee and not ask that funds not be expended.

So, Mr. President, at the appropriate time I am going to move to table the amendment because I know the authorizing committees oppose it. At this time I know there are other Senators who wish to speak and I will withhold. I yield the floor.

Mr. DURENBERGER addressed the Chair.

Ms. MIKULSKI. Mr. President, the Senate is not in order. The Senate is not in order so we can hear the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. The Senator from Maryland yields the floor. The Senator from Maryland wanted to make a point of order so we could all hear the Senator and make respected and prudent policy decisions.

Mr. DURENBERGER. Mr. President, I discovered in 1985 and 1986 everybody opposed LUST and I found that talking about leaking underground storage tanks was not only a great headliner but it was also a way to address the problems that we all share, small, big business, and communities, public governments, all over the country. It is a commonly experienced problem.

This was our basic response, and I am going to be brief out of respect particularly for the Republican manager of this bill. The tank owners who were involved in the leaking underground storage tank proposal for 1986 when we did Superfund asked us to create a trust fund to clean up the leaking tanks. We did that. We now charge each motorist in the country one-tenth of a cent per gallon of gasoline to create a $500 million cleanup fund as part of the deal. However, we also required tank owners to have insurance for a part of the cost. So the Federal trust fund covers some part of the cost; insurance covers another part of the cost.

There is a deep concern on the part of some businessmen in my State, Idaho, a lot of other places, that they want out of some part of this bargain. The reality, as the proponent of the amendment has said, is the requirement is effective on October 26 but it applies only to people owning more than 100 tanks. These are not mom and pop organizations. Rules for small operators are not effective until the 1991 fiscal year and they would not be relieved by this amendment. They can only be relieved by some positive legislation which would have to come out of one of the authorizing committees.

Insurance is available. Several companies offer policies; Petromark, EPIC, Federated, and other groups are in the market offering policies.

More than 50 percent of the operators already have insurance. They are covered. It is hard to say it is not there when a large number have it. Several States have created insurance programs in response to this requirement as well.

Some tank owners will not be able to get insurance. Many tanks leak. Insurance companies are not going to write policies for tanks that leak. The Environmental Protection Agency says that maybe 10 or 15 percent of the tanks in the country fall in this category. But I suggest we not repeal the insurance requirement on this bill for those people. If they have leaking tanks, they ought to clean them up. If they do, they can get insurance.

Mr. President, I suggest that there are more appropriate courses to follow for those who have a problem. Some of them are built into the law, some of them result in the changes in the authorizing legislation. Some of them may be built into the regulatory process which, as the Senator from Idaho said, EPA has promised to follow with some sympathy.

So to sum up, insurance is available, it is affordable to those who conform to requirements of law. This amendment would not help the small guy. They are not required to do anything until more than a year from now. I think this is all part of a balanced program to which the taxpayers already contributed substantially. I strongly urge my colleagues to defeat the Symms amendment.

Mr. SYMMS. Will the Senator yield for a question?

Mr. DURENBERGER. Yes.

Mr. SYMMS. My question is, Does the Senator think that the Senator from Idaho fairly described where the million-dollar figure came from, that we started out at a much higher number and it got down to a million?

Mr. DURENBERGER. My recollection is not as good as that of the Senator from Idaho. I do not disagree.

Mr. SYMMS. It started out at $4 million. All I am trying to get at is we are not addressing the big time, 1,000-tank operator with this amendment. We are talking about someone who may have 100 tanks, and that is your typical operation.

Mr. DURENBERGER. If the Senator wants a response to his question, I think the answer is somebody who has 100 tanks is a fairly substantial operator in my State or the Senator's.

I would not debate that number but 100 tanks is a large operation.

Mr. SYMMS. This is a 1-year delay, no change in the technical requirements. My point was the million-dollar number. I still believe we should address whether we spend our money arguing or spend our money cleaning up leaking tanks.

I am trying to help the Senator from Minnesota with this amendment to achieve the goals of the legislation.

I thank the Senator.

Mr. DURENBERGER. I yield the floor.

Mr. CHAFEE. Mr. President, I think the points the Senator from Minnesota made were very valid. I would like to reinforce them if I might.

First of all, this only applies to those operators who own 100 tanks. If you figure the maximum number of tanks of one filling station—and that is the maximum—you are talking about an operator who owns at least 20 filling stations.

So this is not some small-time mom-and-pop, as has been suggested, operation. It is a big service station chain.

Second, the insurance is available, as the Senator from Minnesota said. But where it is expensive is where the tanks leak.

Clearly, we do not want leaking tanks. Leaking underground storage tanks are one of the prime polluters of the underground water system in this Nation.

So the whole purpose of this legislation was to get after that and prevent it.

Finally, I would like to make the point that 50 percent of the tank owners already have insurance. This legislation provides EPA the authority to suspend the requirement in an orderly way if necessary. EPA is going to look at that issue this fall. There will be hearings this fall on the matter before us. But I do not think this is the time to just give a broad, overall postponement for a year. We ought to get on with this.

Mr. SYMMS. Will the Senator yield?

Mr. CHAFEE. If I might just finish. In 1986, when we passed this legislation, there was no opposition from the trade associations and others who are now complaining about this requirement. In those days, in 1986 they did not complain because, as has been pointed out, a massive Federal cleanup fund was established by a certain percentage of every cent of the gasoline tax going into it. Now it is time for those who own the tanks to make a contribution, and they want an exemption and shift the whole load to the Federal fund.

I do not think that is right. I think they should clean up their act. I think they should get on with it.

Mr. SYMMS. If my good friend will yield, what I am trying to do and what the amendment does is delay the time line for 1 year. It does not impact the big storage facility where the big problems could arise. It delays it for 1 year.

What we have in many rural areas of America is about 20 to 30 percent of the rural stations making preparations now just to close, and I cannot believe that that is what my colleagues want to do.

This amendment would send a signal that we are going to slow this thing down for 1 year. The technical standards stay in effect. The insurability will let us relook at this number on insurance. Then as we move forward, we are going to spend money to clean up tanks and ground. This is not going to change anything in terms of how clean the water is.

Mr. CHAFEE. Again I make the point that the amendment the Senator is dealing with does not apply to anyone who owns less than 100 tanks.

Mr. SYMMS. It does apply to the guy with one tank because EPA has made it clear that their time line is going to be extended, so it will give the person with a few tanks 24 months and the person with 100 tanks 12 months.

Mr. CHAFEE. I believe that is the reason we are debating this, because the amendment of the Senator does not give that group of owners of less than 100 tanks an extension. It may be that they get an extension. But it applies solely to those who own more than 100 tanks. There is a system in the legislation for postponements. I hope we rely upon the system.

Mr. SYMMS. If the Senator will yield one more time, EPA has already ruled that the time line which was in the extension of the enforcement moves progressively for all sides, different breakoffs. So if we move it on one with 100 tanks, then the one with less than 12 tanks will be moved for another year. They have already a 12-month extension over the 100 tanks. The 1,000 tanks start the 1st of January, I believe, of this year of buying the insurance, the 100 tanks—I mean the start of the 1st of January. The 100 tanks would start the first of October this year, and the 12 tanks or less would start the first of October—all in 1990. This amendment would set the 12 tanks over until 1991; the 100 tanks over until 1990.

Mr. CHAFEE. I will say briefly this amendment, if you read it carefully, deals with enforcement. It does not extend the dates; it extends the enforcement. So the dates for compliance would still exist. All he does is suspend the enforcement against those who have 100 tanks or more.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, essentially this is a poorly crafted amendment. It really does not meet the problem it is intended to meet. The Senator from Rhode Island is basically stating a reason why it does not address any need for smaller tanks by small businessmen adversely affected potentially by the legislation. We are dealing with a problem that arises throughout the country. In fact, in my State of Montana fully one-third of the underground storage tanks leak. It is a long list, and recent press in Montana list many different locations in my State that have leaking underground tanks. It is a problem that has to be addressed.

I must say also the State of Montana, the Montana Legislature, has passed a financial responsibility plan. Montana has found remedies that address potential insurance problems, and the capital problems that some underground storage tank owners may potentially face.

Mr. President, here we are at 7:30 in the evening. This amendment is coming out of the blue. It is poorly crafted and does not meet the problem. We do not have the time to examine it at any great length. We have not examined it. It does not address the problem.

I would very strongly suggest to the Senator from Idaho that he withdraw the amendment. He is a member of the committee that has jurisdiction over this issue. I am surprised the Senator comes late at night and offers the amendment as a member of the committee. I am surprised the Senator does not want to resolve this in the committee in which he is a member.

So I strongly suggest that the Senator withdraw his amendment. We will have hearings on this subject, and we will handle it in a more comprehensive, more effective way that in fact addresses the potential problem.

Mr. SYMMS. If the Senator will yield, I will answer that question. The reason is this amendment will have people be able to spend money on tanks instead of insurance. The Senator has a problem in Montana. We have a problem in many States where tanks leak. But the law said they do not have to have those tanks fixed until 1998. I am saying let them spend the money, fix the tanks in 1990 and 1991, and let us reduce this cost of the insurance so that they can fix the tanks. That is the whole purpose of the amendment.

Mr. BAUCUS. Mr. President, let me reclaim my time.

Mr. President, again I think there is a better time to address this problem. There is one. Let us have a hearing on it, and craft legislation, In fact, I am working on such legislation that does address it. This is not the time and place, and the amendment before us does not solve the problem. It should not be adopted.

Ms. MIKULSKI. Mr. President, I move to table the amendment.

Mr. GARN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. LEVIN] would vote "yea."

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—65

Adams
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cohen
Cranston
D'Amato
DeConcini
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heinz
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Specter
Warner
Wilson
Wirth

NAYS—33

Armstrong
Bond
Boren
Burns
Cochran
Conrad
Danforth
Daschle
Dole
Domenici
Exon
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Kassebaum
Kasten
Lott
Mack
McCain
McClure
McConnell
Nickles
Pressler
Shelby
Stevens
Symms
Thurmond
Wallop

NOT VOTING—2

Levin
Simpson

So the motion to lay on the table amendment No. 772 was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GARN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there additional amendments to the bill? The Senator from North Carolina.

AMENDMENT NO. 773

(Purpose: To restore equity to the fund for elderly or handicapped housing)

Mr. HELMS. Mr. President, I send an amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 773.

On page 30, line 4, after the colon, strike all language through the colon on page 30, line 8, and insert in lieu thereof the following:

Provided further, That persons disabled as a result of infection with the Human Immunodeficiency Virus shall be considered eligible under the direct loan authority provided under this heading for assistance under section 202(h) of the Housing Act of 1959, as amended (12 U.S.C. 1701q).

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I observe for the benefit of Senators that I have worked out this amendment with the distinguished managers of the bill, and have accepted certain language offered by the managers of the bill in the spirit of compromise, only.

Mr. President, this amendment restores a modicum of common sense to the program ostensibly designed to be of benefit to the elderly and the handicapped, in the area of housing. Specifically, this amendment strikes the provision which would mandate loans for 250 housing units for people with AIDS only.

Simply put, the set-aside language in this bill is astounding. How did anybody decide that to earmark housing for AIDS patients and not do the same for those with muscular dystrophy, epilepsy, MS, or other physical and mental handicaps.

I happen to be one Senator who objects to the process of earmarking projects on appropriations bills. I think it is bad legislation and in this case it is very dangerous.

Mr. President, if this amendment were not accepted, the Senate would be on the threshold of earmarking many projects for people with AIDS at the expense of handicapped Americans as a whole. I am not about to be a party to that type of arrangement.

Earlier this month, the Senate passed the Americans With Disabilities Act. That legislation is rather remarkable in that for the first time a group is granted civil rights protection, primarily because of the consequence of their own voluntary action. That approximately is to say, 94 percent of people who are HIV carriers, have this deadly virus because they have deliberately and knowingly engaged in intravenous drug use or homosexual or bisexual practices.

As I have said many times, AIDS is history's first political disease. Many in this Senate have done their level best to ensure that AIDS is treated politically rather than confronted head-on as a public health issue.

Mr. President, Federal spending on AIDS alone will cost the American taxpayers $2.2 billion this year. By 1992, Federal spending on AIDS will reach an estimated $4.3 billion. Put in perspective, the AIDS programs now existing are costing the American taxpayers more than the programs addressing heart disease or diabetes or strokes. Soon spending for AIDS will eclipse spending on cancer research.

Now we have the VA-HUD bill before us, which explicitly carves out housing loans for people with AIDS. That is to say enough money will be earmarked to provide 250 housing units for people with AIDS and AIDS alone.

As I said earlier, there is nothing similar addressing the needs of the mentally retarded or those with muscular dystrophy or epilepsy or MS or any other handicap.

Mr. President, the issue is simple. If somebody is handicapped, he should have the same access to handicapped programs as anybody else in this situation. The ADA bill was designed to do precisely that. But here comes the United States Senate a few weeks later saying that people with AIDS—a disease which 94 out of 100 contracted as a result of their own irresponsible conduct—deserve special treatment. So much for the spirit of fairness that so many Senators invoked during the debate on the ADA legislation.

As I said earlier, I accepted the language of the distinguished manager of the bill in the spirit of compromise. I want it to be clear that I do object to treating people who have contracted a disease though illicit and immoral conduct in the same manner as those who are handicapped through no fault of their own.

It should also be clear that in no way do I agree that the compromise language of this amendment gives people with AIDS any special benefit under Federal law. In other words if a person with AIDS is a threat to the health or well-being of the housing community it is my understanding that Federal law provides HUD or any other agency with the capacity to deal with such a threat.

For the information of Senators, I talked to HUD Secretary Jack Kemp, and he did not even know this AIDS set-aside was in the bill. I was informed this morning that he personally opposed this type of earmark. I think had he known that this kind of provision was afoot, he would have been up here on the Hill saying, "Wait just a minute," but he did not know it.

Mr. President, Jack Kemp is a compassionate man, he is opposed to the AIDS housing set-aside because he will not offer AIDS patients special treatment at the expense of those with permanent physical and mental disabilities.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am prepared to accept the amendment of the Senator from North Carolina. I do note that in the amendment presented at the desk, line 3 is different than what we had agreed to.

Mr. HELMS. I was under the impression your staff member representing you insisted that the words that have been stricken be reinserted. Therefore, I instructed the clerk to include them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 773, AS MODIFIED

Mr. HELMS. Mr. President, under the impression that the distinguished managers of the bill objected to the deletion of the words which were, in fact, deleted and reinserted by me at their request, as I understood it. I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The clerk will report the modification.

The legislative clerk read as follows:

On page 30, line 4, after the colon, strike all language through the colon on page 30, line 8, and insert in lieu thereof: *Provided further,* That persons disabled as a result of infection with the Human Immunodeficiency Virus shall be considered eligible for assistance under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q).

Mr. HELMS. I ask the distinguished managers of the bill if they are now satisfied?

Ms. MIKULSKI. I certainly am. Mr. President, I am certainly prepared to accept the amendment of the Senator from North Carolina. It is my understanding that the amendment eliminates a set-aside of 250 units for people with AIDS, which was a very strong feeling by the Senator from North Carolina.

But he was also willing to talk with the authorizing committees, both Labor/HHS and the Committee on Housing and Banking, and was able to come up with a compromise for which we are very appreciative.

As I understand it, the Senator's amendment makes sure people disabled with AIDS are still eligible under the 202 program; they are not treated any differently; they are not treated better; they are not treated worse. Why do people with AIDS need to have these opportunities? Discrimination. People are often victim when they find they have AIDS; high medical costs forcing them to choose between housing, medical care, and the lack of other options.

So we think the Senator's amendment is adequate. We are willing to accept it, and I am prepared to adopt it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I am willing to accept the amendment, and I commend the Senator from North Carolina. As well, I do not believe people with any disease should be discriminated against. On the other hand, I do not think we should earmark for any particular handicap either. The Senator's amendment corrects that problem. I commend him for it. I commend the chairman of the committee for her willingness to compromise to make it possible for us to accept this amendment. I feel that it is a good amendment, and I will do everything I can in conference to see that we hold the Senate position.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from North Carolina.

Mr. HELMS. It had been my intent to ask for the yeas and nays on this amendment, but I received private assurance that both the managers of the bill will dissuade the Senate conferees not to recede with the House or otherwise to render nugatory the most important part of my amendment, the elimination of preferential housing programs for those with AIDS.

Ms. MIKULSKI. The Senator is correct.

Mr. HELMS. I also thank Senator GARN for his support.

Mr. CRANSTON. Mr. President, I am deeply concerned about the growing numbers of people with AIDS or with symptomatic HIV infection among the homeless. A recent column in the Washington Post described some of the difficult and tragic situations people with AIDS face in finding adequate housing. I will ask unanimous consent that the September 11, 1989, article be printed in the RECORD at the conclusion of my remarks.

Mr. President, unfortunately, although people with AIDS are increasingly finding themselves with limited housing opportunities, HUD has refused to allow projects for individuals with AIDS under section 202 and McKinney Act programs during the past funding cycle.

That situation is what led the Appropriations Committee to include a set-aside of 250 units under the section 202 program for people with AIDS.

Mr. President, I believe this amendment represents a fair compromise. It states that people disabled as a result of HIV infection are eligible for section 202 housing. It assures that people with AIDS are treated fairly and equally with other disabled individuals.

Mr. President, in reviewing grant applicants, HUD should take into consideration the unique housing needs of people disabled by HIV and the fact that such needs are best met through housing that is designed exclusively to care for people with HIV-related disease. I encourage HUD to facilitate the development of such housing.

Finally, I am concerned about those program applicants that were denied consideration during the last funding cycle and urge HUD to reconsider those applications during the upcoming funding cycle.

Mr. President, as chairman of the Housing and Urban Affairs Subcommittee of the Banking Committee, which has jurisdiction over these programs, I intend to clarify the issues surrounding eligibility in the National Affordable Housing Act.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSING—FOR PEOPLE WITH AIDS

(By Mervyn F. Silverman)

Thirty-one-year-old David C. Davis died of AIDS earlier this year, after spending his last months of life lying in soiled sheets and using a wastebasket as a bedpan.

Before social workers found Mr. Davis and moved him to the Atlanta hospital where he died 10 days later, he had been paying to live in a private home that was illegally providing substandard care for people ill with AIDS.

His story, made public by the Atlanta Journal and Constitution, provides a glimpse of what happens when communities fail to provide adequate and afforable housing for people with AIDS.

Unfortunately, I fear this story is unusual only in that it qualifies as front-page news in his home town. Otherwise, insufficient housing and residential care for AIDS patients is business as usual. In Atlanta, as elsewhere, nursing home administrators can and do reject patients such as Mr. Davis because state law permits them to exclude people with communicable diseases.

In many other states, landlords have evicted AIDS patients, and communities have resisted efforts to build them housing facilities.

Why does a David Davis—or any other person with AIDS—need housing? Medically, AIDS is becoming a chronic disease, one that debilitates the patient so that he or she needs both specialized care and help with the everyday tasks we all take for granted: meal preparation, simple errands, housekeeping and, on some days, just getting in and out of bed.

The need for housing may be exacerbated when people with AIDS or HIV infection lose their jobs or are unable to continue working. When this is the case, they can no longer afford to make rent or mortgage payments. And federal laws require them to spend themselves into poverty before they can become eligible for Medicaid. Often in the choice between housing and medical care housing loses out.

Without a place to live while they receive health care and other basic services, AIDS patients have just three choices in most cities: the substandard care Mr. Davis received; homelessness; or a hospital bed, which can cost between $400 and $800 a day, if it's available.

If communities don't begin to expand the range of alternatives for housing people with AIDS, those costs will become a burden—not just to the individual patient but to the nation as a whole. And like HIV infection itself, this is a problem we may be able to prevent. Federal estimates show that, in 1992 alone, medical services for the nation's AIDS patients will cost at least $8 billion—if they get their care in home- or community-based settings. But if we rely on the hospital—and the streets—to accommodate people with AIDS who don't need such expensive care, the costs will rise to $13 billion, $5 billion more than it has to be.

In finding a solution to the question of where to house people with AIDS, we don't have to start from scratch any more than we have to waste precious dollars. Throughout the nation, communities are developing housing and residential services for AIDS patients that can serve as models for a community of any size. The projects, which include options such as subsidized rental units and group homes with services tailored to the needs of AIDS patients, are supported by such sources as the Princeton-based Robert Wood Johnson Foundation, the federal Health Resources and Services Administration, the Ford Foundation and a variety of other public and private funds.

In Dallas, a local organization called "A Place for Us," part of the Dallas AIDS ARMS Network, has opened a 43-bed facility in two apartment buildings that were bought with a combination of public and private funds. Under the project, clients have access to a network of services that include day care, home-based health care, transportation and employment assistance.

In Seattle, a housing advocate helps AIDS patients find housing that meets their immediate needs. Meanwhile, in anticipation of the growing demand, a housing coordinator pursues ways of building new housing alternatives in the community. As a result of such efforts, AIDS Housing of Washington will open in 1991 a 35-bed apartment house for AIDS patients who don't need the level of care provided by a hospital.

In Nassau County, N.Y., the Long Island Association for AIDS Care has persuaded authorities to subsidize some rental units, arguing that it is cheaper to pay $800-a-month rent than to place someone in emergency housing for $1,500 a month.

In Miami, where it took 32 months to change state rules governing group-living arrangements, the local consortium of AIDS organizations has built a 30-bed facility for people with AIDS, where they can live from the time of early diagnosis until death.

Project organizers have found that success depends on developing an effective working relationship with federal, state and local authorities, as well as community and religious groups. This is true both in the projects' search for funds and in overcoming local opposition to housing efforts.

Opposition to housing people with AIDS is often couched in terms of "traffic impact" and "density concerns," but it is almost always based on the irrational fear that physical proximity to the disease will infect others. Housing opponents also worry that the patients and their visitors might include drug users, prostitutes and others considered undesirable.

To quote former surgeon general C. Everett Koop in his 1986 report on AIDS: "Unreasonable fear can be as crippling as the disease itself."

That holds firm today, and it's the major obstacle to meeting this critical need.

DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I rise in support of the provisons in this measure making appropriations for VA programs. Although this act does not contain the funding levels I believe are necessary for certain VA so-called discretionary accounts—VA's medical care account and general operating expenses account in particular—I understand and appreciate the excellent effort that was made, within the frame work provided by the VA, HUD, and Independent Agencies Appropriation Subcommittee's 302(b) budget allocation, to provide fully adequate levels.

In a May 9, 1989, letter to the distinguished chairman of the Appropriations Committee, Mr. BYRD, which I will ask unanimous consent to be printed in the RECORD at the conclusion of my remarks, I urged that the allocation for discretionary programs under the VA, HUD, and Independent Agencies Appropriations Subcommittee's jurisdiction be not less than $50.75 billion in budget authority and $54.975 billion in outlays.

Unfortunately, the subcommittee's allocation was only $48.05 billion in budget authority and $53.125 billion in outlays—which was about $700 million below the President's level in outlays. This imposed very severe restrictions on the subcommittee's ability to provide adequate funding levels for all of the programs for which the subcommittee is responsible. Nevertheless, under the leadership of the distinguished chairperson, Ms. MIKULSKI, and with the cooperation of the very able ranking minority member, Mr. GARN, and the help of other members, the subcommittee has done an excellent job in developing a funding package for veterans' programs.

MEDICAL CARE APPROPRIATIONS

Mr. President, although the outcome of the appropriation for VA's medical care account is a positive one, it is less than the amount I urged in a June 22, 1989, letter to Senator MIKULSKI, which I will ask unanimous consent to be printed in the RECORD at the conclusion of my remarks.

In that letter to Senator MIKULSKI, I recommended that $997 million be added to the administration's request and be distributed in the following manner: $796.854 million for the maintenance of a balanced program; $90 million for replacement equipment; $5.6 million for prosthetics; $6 million for post-traumatic stress disorder (PTSD) programs; $2.5 million for readjustment counseling fee payments; $16 million for drug and alcohol programs; $50 million for AIDS care and activities; and $30 million for homeless veterans.

The health-care funds provided for in the pending measure, $11,514,546,000—$773 million above the President's request—will address some of VA's critical needs. If the $50 million discretionary transfer from construction projects is added to that figure, VA would have $823 million more than that requested by the Administration and only $174 million less than the figure I recommended.

MAINTENANCE OF A BALANCED PROGRAM

Mr. President, so as to maintain hospital staffing at the congressionally mandated level of 194,720 full-time equivalent employees [FTEE], the Appropriations Committee added $514.8 million to the President's request in the bill as reported. This sum plus the committee's add-on of $61.5 million for supplies and materials—which includes the $5.6 million I recommended specifically for prosthetics—would enable VA to furnish an additional 1,679,000 outpatient visits and 20,884 inpatient days. Unfortunately, this amount will not allow VA to provide services in fiscal year 1990 to all those category B and C veterans whom VA is turning away in fiscal year 1989 or who will seek care in the future. The additional funding will, however, go a long way toward providing the quality of care our veterans deserve.

COMMUNITY NURSING HOME CARE

I am pleased to note that the Senate Appropriations Committee recommends adding $82,752,000, the amount identified by the Chief Medical Director and the amount I recommended to Senator MIKULSKI, for the Community Nursing Home Program. When funds became scarce last year, many veterans eligible for and in need of nursing home care were either turned away, placed on lengthy waiting lists, or discharged earlier than they might otherwise have been. Almost $50 million intended for community nursing home payments had to be diverted to essential medical care purposes this fiscal year. I believe that the care of our aging veterans must be a high priority and that the amount recommended in the bill for that purpose for fiscal year 1990 would be well spent.

EQUIPMENT PURCHASES

Because of budget shortfalls in recent years, funds appropriated for equipment purchases have been diverted repeatedly to pay for personnel and other immediate costs of direct-care services. The resultant lack of up-to-date and useable equipment has been adversely affecting both the safety and quality of VA care as well as VA's ability to recruit qualified physicians and other health-care professionals. Despite the great need to reduce this medical equipment backlog, VA had estimated that, under the President's fiscal year 1990 budget request, the backlog would grow to over $700 million by the end of fiscal year 1990. As a part of the $345 million appropriated to VA's medical care account in the fiscal year 1989 Dire Emergency Supplemental Appropriation, $50.6 million was provided for such purchases in fiscal year 1989. In the fiscal year 1990 appropriation the Appropriations Committee has added $75 million of the $90 million add-on I recommended so as to continue to reduce this immense equipment backlog.

POSTTRAUMATIC STRESS DISORDER

Mr. President, I am especially pleased that the subcommittee followed my recommendation for adding $6 million for posttraumatic stress disorder [PTSD] treatment activities. In a statutorily mandated VA contract study on Vietnam veterans' psychological readjustment problems, which the Research Triangle Institute [RTI] completed last year, RTI found that nearly a half million Vietnam theater veterans currently suffer full-blown cases of PTSD while another 350,000 suffer from some PTSD symptoms. Even more disturbing, the RTI study showed that almost 40 percent of those with full-blown PTSD have never been seen by a mental professional and that, in the 12 months prior to the study, almost 80 percent had not used any mental-health services. These data show a vast, unmet treatment need among Vietnam veterans.

Not less than $4.5 million of this $6 million add-on is being provided to fund 18 new PTSD clinical treatment teams, and the remainder could be used for PTSD-treatment-related activities such as education, research, evaluation, and the National PTSD Center—with not more than $500,000 available for education or research activities.

As the committee noted on page 13 of its report (S. Rept. No. 101-128), these funds are in addition to the $5 million PTSD treatment add-on—which I proposed—that was included in the fiscal year 1989 appropriation and annualized in the Administration's fiscal year 1990 request.

HOMELESS VETERANS

Mr. President, with regard VA programs for homeless veterans, I had indicated to Senator MIKULSKI in my June 22 letter that I believed that an additional $30 million in appropriations should be provided in fiscal year 1990 in order to provide full funding of the authorizations in section 801 of the McKinney Amendments Act of 1988 for VA programs of community-based residential care for homeless and certain other chronically mentally ill veterans and for expanded VA domiciliary care programs for homeless veterans. The committee has recommended an additional appropriation of $10 million, which, when added to the total of $24,724,000 in the President's budget for these programs, should provide VA with substantial ability to maintain and expand the homeless chronically mentally ill program and convert additional underused space for VA domiciliary beds for homeless veterans.

DRUG AND ALCOHOL TREATMENT

I am also pleased that, in the bill as reported, the Appropriations Committee has recommended an increase of $10 million for drug treatment and prevention activities for veterans. In fiscal year 1989, continued cutbacks in drug and alcohol treatment programs led to the closing of 8 VA programs which annually had over 4,500 inpatient and more than 8,600 substance-abuse outpatient program admissions. Section 2502 of the Anti-Drug Abuse Act of 1988 authorizes funding of $15 million for each of fiscal year 1989 and fiscal year 1990 for VA drug treatment programs, over and above basic appropriation levels. I had recommended this add-on to restore treatment programs cut in fiscal year 1989 and modestly expand VA's ability to provide treatment to substance abusers. Although the full amount that I had proposed could not be provided, the $10 million add-on would be of substantial help in restoring program cutbacks and making some expansions. Moreover, I am hopeful that, in the new comprehensive antidrug program now under negotiation, funding will be provided for a major expansion of VA drug and alcohol treatment programs.

MEDICAL AND PROSTHETIC RESEARCH

Mr. President, the amount the committee recommends for the VA's medical and prosthetic research account, $221 million—$23.7 million more than the President's request—is very welcome. VA research activities have contributed to the vast knowledge of medical science and have added to the wealth of treatment modalities available to care for veteran patients. This increased appropriation will assist VA to continue to make contributions in that area.

Also, as many of my colleagues are aware, VA is experiencing a physician shortage in certain specialties and in specific geographic areas. In addition to salary increases, one of the best methods to attract high-caliber doctors is to maintain a well-supported VA research program. I understand that many physicians are willing to work in VA for less money than they could earn elsewhere if research funds are available in VA.

Although I believe the level proposed in the bill as reported is justified, yesterday the Senate adopted the amendment that I proposed with the Veterans' Affairs Committee's ranking minority member, Mr. MURKOWSKI, to transfer a small amount, $1,559,000, from this account to meet certain other specific needs that could not otherwise be satisfied. Of that amount, $392,000 would be used for an extension of VA's temporary leave-transfer authority for certain of its health-care personnel, including physicians, which expires September 30, to December 31, 1989, and the remainder would provide a needed $1 million increase in funding for the new U.S. Court of Veterans Appeals.

AIDS TREATMENT

Although the committee did not increase the medical care account by $50 million for AIDS treatment, as I had recommended in my June 22 letter, the committee, on page 16 of its report (S. Rept. No. 101-128), instructed VA to report by December 1, 1989, on the adequacy of VA's fiscal year 1990 appropriations to cover the actual costs of AIDS care at VA medical centers treating substantial numbers of AIDS patients. I wholeheartedly support this approach and believe it will assist in better identifying and focusing on VA facilities' needs in this area. Additionally, on the same page of its report, the committee directed VA to make special AIDS allocations for the first quarter in the same fashion as they were directed to do in fiscal year 1989 to the 16 VAMC's treating the highest proportion of AIDS patients. Until such time as the cost report is submitted, I believe this to be a fair and equitable approach, and I note that the committee's medical care account add-on contains about $9 million that has not been specifically earmarked by the committee and that this could be used to support these AIDS activities.

GENERAL OPERATING EXPENSES ACCOUNT

Mr. President, Senator MIKULSKI and the other Appropriations Subcommittee members have made a good effort to provide the additional funds needed for VA's general operating expenses [GOE] account in fiscal year 1990, by providing the authority to transfer up to $21 million from the construction, minor projects, account to the GOE account. The authority also would allow transfer to VA's inspector general account.

This transfer authority is essential to begin addressing VA's urgent need for additional staff. The VA Veterans Benefits Administration [VBA] has historically had to absorb huge staffing cuts since fiscal year 1980, resulting in a serious decline in VA's ability to provide benefits on a timely effective basis. In my June 22, 1989, letter to Senator MIKULSKI, I indicated that, compared to the administration's budget, VA needs $8 million and 250 more full-time-employee equivalents [FTEE's] for the Veterans Benefits Administration; $10 million and 244 more FTEE's to improve loan guaranty counseling; $4.2 million and 121 more FTEE's to reduce vocational rehabilitation counselor caseloads to acceptable levels; $10.5 million for necessary contract support for the 12-point ADP modernization plan and to acquire equipment to implement the automated information exchange system; and $1 million more than the administration requested to allow VA's general counsel to discharge its new responsibilities in representing VA before the new U.S. Court of Veterans Appeals.

The House appropriation would provide only $15 million in transfer authority to address all of these important staffing needs. I urge that the Senate conferees maintain the Senate provision authorizing $21 million in transfers to the GOE account.

CONCLUSION

Although in these times of budget austerity we must focus on making fiscally responsible funding decisions, it is also essential that we ensure that our veterans—who already have sacrificed so much for our Nation—do not have to bear a disproportionate share of the sacrifices needed to meet budget deficit targets. Passage of this measure and adoption of appropriate and equitable funding levels in conference will help ensure fair treatment for our Nation's veterans.

Senator MIKULSKI, the other members of the subcommittee, and the subcommittee staff—Carolyn E. Simmons, Michelle Burkett, and Kevin Kelly on the majority staff and Stephen H. Kohashi and Dona Pate on the minority staff—are to be commended for their fine work on this measure.

Mr. President, I ask unanimous consent that the text of my May 9, 1989, letter to Senator BYRD and my June 22, 1989, letter to Senator MIKULSKI be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC WHIP,
Washington, DC, May 9, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Washington, DC.

DEAR ROBERT: As the Appropriations Committee undertakes deliberations on making fiscal year 1990 allocations among its Subcommittees, I am writing ot urge your favorable consideration of an allocation to the VA, HUD and Independent Agencies Subcommittee that is adequate to meet the funding needs of the programs within its jurisdiction.

In recent years, the allocations to this Subcommittee have left it without the means to provide adequately for the essential needs of the vitally important programs involved. For example, last year the Subcommittee did the best it could for veterans' medical programs, adding $215 million to the President's request for fiscal year 1989; but we now know that the amount provided quickly proved grossly inadequate, with a shortfall of over $600 million estimated by VA's Chief Medical Director and precipitated the most serious fiscal crisis ever faced by the VA health-care system. Fiscal year 1989 appropriations also continued the Reagan policy of reducing the federal commitment to low-income housing. Funding for the assisted housing account was cut by $350 million; full funding for the Community Development Block Grant program was achieved by virtually eliminating two important housing programs; and McKinney Act homeless programs were underfunded by $120 million in the housing programs and $30 million in VA programs. For fiscal year 1989, the President's budget request for NASA was cut by $340 million, resulting in a 1-year delay in the Space Station.

This year, as Chairman of the Veterans' Affairs Committee and of the Housing and Urban Affairs Subcommittee of the Banking, Housing, and Urban Affairs Committee, I am particularly aware of the need for very substantial increases over the President's budget for veterans' medical programs and the various housing programs (including low-income housing for elderly and disabled persons) and community development black grants. I also believe major increases are needed for various EPA and NASA programs.

The shortfalls in these programs total substantially more than $4 billion below a current services level, which does not even take into account the pressing funding requirements for averting mortgage prepayments on the older federally subsidized inventory—approximately $200 million in budget authority for fiscal year 1990 according to CBO'S preliminary estimates or the urgent need to reduce the over $600-million backlog in filling critical VA medical equipment needs. In addition, I note that, during consideration of the fiscal year 1990 budget resolution in each House last week, the veterans' programs function (function 700) was increased in the Senate to provide for VA medical care levels that are $230 million in BA and $198 million in outlays over the CBO baseline and in the House to levels of $350 million in BA and $275 million in outlays over the CBO baseline.

I feel strongly that the national priorities reflected in the programs under the jurisdiction of the VA, HUD and Independent Agencies Subcommittee are among the very highest that need to be reflected in our budgetary and appropriations decisions. Thus, I strongly urge an allocation that at least restores the shortfalls in the budget submitted by President Reagan and provides for the levels of VA medical care funding approved by the Congress in the budget resolution. To achieve these objectives would require an allocation (assuming the House-passed levels for VA medical care are agreed to in the conference report on the resolution) of $50.75 billion in budget authority and $54.975 billion in outlays to that Subcommittee, and I strongly urge that result.

Cordially,

ALAN CRANSTON.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, June 22, 1989.

Hon. BARBARA MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, Committee on Appropriations, Washington, DC.

DEAR BARBARA: I am writing to urge that, when your Subcommittee considers the FY 1990 appropriations measure, adequate funds be provided to maintain a balanced medical-care program at the fiscal year 1988 Congressionally-mandated FTEE level of 194,720, to maintain medical programs, payments, and services closed or curtailed as a result of the fiscal year 1989 shortfall and restored by the fiscal year 1989 supplemental, to begin reducing the dangerous medical equipment, repairs, and prosthetic backlogs; and to provide for the efficient and timely administration of veterans benefits programs and start-up of the new U.S. Court of Veterans Appeals.

MEDICAL CARE— + $997 MILLION

After carefully reviewing the testimony of VA leaders, veterans' service organizations, VA field health-care professionals, and deans of VA-affiliated medical schools at our September 1988 and April 1989 health-care oversight hearings and our March 1989 budget hearing and continuing reports from the field, I am recommending what I believe are the minimal funding levels necessary to enable VA to continue to provide safe and effective health care to all Category A veterans and to some Category B and C veterans in certain situations in certain locations. The additions to the Reagan request seem large only because that budget is premised on a woefully inadequate fiscal year 1989 appropriation. Although I am urging that the serious harm done to VA's health-care system in fiscal year 1989 be repaired, the funding I am proposing falls far short of the amount necessary to furnish care to all entitled and eligible veterans who might seek it and clearly does not include all the items necessary, such as equipment and supplies, for full support of VA health-care professionals or to restore fiscal year 1988 workload levels.

The current very serious and damaging health-care funding shortfall has been in the making for some time. I sent you January 30 and April 20 letters and a February 8 memorandum providing information from our Committee's September 1988 and April 1989 oversight hearings, as well as a copy of our March 13, 1989, report to the Budget Committee. As was indicated in those documents, veterans in need of care are being turned away; many who are entitled to care are experiencing undue delays; much medical equipment is badly outdated, broken, or nonexistent; many programs, payments and services have been cut or closed entirely; and the provision of prosthetics has become disastrously backed up. It is clear that the quality of care in the VA health-care system is at risk, and it is also now more clear that the safety of care has become at risk as well.

As I stressed in my April 20 letter to you, the fiscal year 1989 supplemental appropriation of approximately $340 million would provide the funding necessary to prevent the then-bad situation from deteriorating further and put VA on a course toward substantial restoration of the system to the personnel and operational levels of last year. (The month-long further delay since Memorial Day weekend in enacting the supplemental has caused the already bad situation to worsen demonstrably.) The fiscal year 1989 supplemental now pending of $345.125 million will set the stage for an fiscal year 1990 appropriation in an amount that will maintain the system at those levels, restore programs, payments, and services that have been closed or curtailed, and begin reducing the backlogs in equipment, repairs, and prosthetics that will continue to menace the safety and quality of VA care until they are addressed.

Specifically, for the medical care account, I am recommending an additional $997 million above the Reagan fiscal year 1990 request of $10,542.5 million, as follows:

$796.854 million for the maintenance of a balanced program; $90 million for replacement equipment; $5.6 million for prosthetics; $6 million for post-traumatic stress disorder [PTSD] programs; $2.5 million for readjustment counseling fee payments; $16 million for drug and alcohol programs; $50 million for AIDS care and activities; and $30 million for homeless veterans.

The above items are listed in the priority order in which I recommend them. Following is a brief justification.

Maintenance of a balanced program—+$797 million.—According to a January 25, 1989, letter from VA Chief Medical Director Dr. John Gronvall and information supplied by VA in connection with our April 6 hearing, the fiscal year 1990 resources required to maintain a balanced medical-care program at the fiscal year 1988 Congressionally-mandated 194,720 FTEE level are $11,538.285 million—an increase of $796.854 million over the fiscal year 1990 Reagan request. These increased funds will be used to restore discretionary programs such as domiciliary care, community nursing-home and counseling payments, and certain VA hospital and outpatient care reduced in the Reagan budget ($228.159 million); annualize fiscal year 1989 payroll costs for federal employee health benefits, special rates, and within-grade increases not included in the fiscal year 1990 base ($162.162 million); annualize fiscal year 1990 payroll costs for federal employee health benefits, special rates, and within-grade increases not included in the Reagan budget (64.445 million); fund a 2-percent fiscal year 1990 payroll increase not included in the base ($91.246 million); implement provisions such as beneficiary travel reimbursement, Saturday premium pay for registered nurses, and State home per diem increases included in Public Law 100-322 enacted on May 20, 1988, but not included in the base ($89.188 million); permit activation of planned projects ($37.564 million); somewhat reduce—by less than 10 percent—the staggering replacement equipment backlog ($61.280 million); correct greatly the overestimate of procurement savings included in the Reagan budget ($50 million); and provide funding to assist in the implementation of the universal precautions—measures recommended by CDC and soon to be required by OSHA to protect health-care employees from contracting infectious diseases ($12.810 million). This $797 million should be sufficient to annualize the levels of care, payments, and services provided for through the fiscal year 1989 supplemental.

Reduction of equipment backlog—+$90 million.—Because of funding shortfalls in recent years, funding appropriated for equipment purchases has repeatedly had to be diverted to pay for personnel and other immediate costs of direct-care services. The resultant lack of up-to-date and useable equipment is adversely affecting both the safety and quality of care furnished, as well as VA's ability to recruit qualified physicians and other health-care professionals. According to VA, if $61.28 million is added to the base (as previously described) and used for replacement equipment, the fiscal year 1990 end-of-year backlog, provided no further "cannibalizing" occurs, would still be $641.902 million. The add-on I am recommending would move the backlog back to $552 million.

Prosthetic appliances and services—+$5.6 million.—As discussed in the Committee's March 13 report (page 12), the projected funding shortfall in prosthetic appliances and services was estimated to be $10.6 million by the end of FY 1989. Along with the $5 million in supplemental appropriations you have wisely added for fiscal year 1989, the $5.6 million I am recommending for FY 1990 would allow VA's prosthetics division to eliminate its backlog and provide timely and necessary service to veterans requiring prosthetic devices.

Post-traumatic Stress Disorder (PTSD) Care—+$6 million.—As discussed in the Committee's March 13 report (page 7) and as you are aware, the unmet need in this area remains at alarmingly high levels. The recently-released RTI report on Vietnam veterans' readjustment problems found that nearly a half million Vietnam theater veterans currently suffer full-blown cases of PTSD while another 350,000 suffer PTSD symptoms. The data indicate that only 10 percent of those 829,000 veterans have ever seen a mental-health professional and the number who have actually undergone a course of treatment remains unknown.

This year, with the fiscal year 1989 $5 million Congressional add-on for PTSD care, VA will soon increase its 15 new PTSD Clinical Teams by 8 and designate four PTSD Substance Use Disorder programs to treat the often inseparable problems of PTSD and substance abuse. Despite this progress, VA is not even scratching the surface in meeting the need for PTSD care. For example, our June 14 PTSD hearings revealed that the waiting list for PTSD treatment in the American Lake, Washington, area is 21 months. Accordingly, I am asking for an add-on of $6 million—$4.5 million for 18 PTSD treatment teams and $1.5 million for PTSD treatment-related activities, such as education, research, evaluation, and the National PTSD Center.

Readjustment Counseling (Fee Care/Travel)—+$2.5 million.—As discussed in the Committee's March 13 report (pages 6-7), funding for readjustment counseling contract providers, who furnish needed readjustment counseling services to veterans living in outlying areas or who otherwise have limited treatment options, has been cut by $1.2 million in fiscal year 1989. Additionally, the shortfall in travel funds, which have remained static for the Readjustment Counseling Service (RCS) since 1985 despite a 56-percent increase for overall VHS&RA travel since then, is severely impairing RCS staff training and transfers and recruitment and retention activities. To restore the FY 1988 readjustment counseling contract payment levels and FY 1986 RCS travel levels, I recommend that an additional $2.5 million be appropriated.

Drug and Alcohol Treatment—+$16 million.—As discussed in the Committee's March 13 report (pages 7-8), continued cutbacks in drug and alcohol treatment programs have already forced the closing of eight VA programs which annually have had over 4,500 inpatient and more than 8,600 substance-abuse outpatient admissions. Sections 2501 and 2502 of the Anti-Drug Abuse Act of 1988 authorize funding of $15 million for both fiscal year 1989 and 1990 for drug treatment programs, over and above basic appropriations levels. The add-on I am recommending would restore treatment programs cut in FY 1989 and modestly expand the VA's ability to provide treatment to substance abusers, and provide for the authorized evaluation of the effectiveness of VA substance-abuse programs.

AIDS treatment and universal precautions—+$50 million.—As discussed in the Committee's March 13 report (pages 5-6), FY 1990 VA clinical costs for AIDS will, according to VA, total $164.9 million—$136.5 million for treatment services, $2.6 million for health-care-worker's training, and $25.8 million for universal precautions. Of these amounts, $80.3 million is provided for in the Administration budget request and $12.81 is included in the above-recommended add-on to maintain a balanced program. The additional $50 million I am recommending still would not entirely eliminate the total of $71.79 million not funded.

Homeless Chronically Mentally Ill [HCMI] Program—+$30 million.—As discussed in the Committee's March 13 report (page 14), we should provide full funding in FY 1990—as urged by President Bush—of the McKinney Amendments Act of 1988. This would require an add-on of $15 million for 1990 for VA's community-based contract residential care for HCMI veterans and $15 million for conversion of underused space for VA domiciliary beds for homeless veterans.

I recommend that the last three items, above, be considered as part of overall government efforts regarding AIDS, substance-abuse, and homeless programs. Certainly VA should be a full partner in any efforts toward full funding of the 1988 drug-abuse and McKinney laws.

MEDICAL RESEARCH—+$1 MILLION

As discussed in the June 21, 1989, letter that I, together with Senators Kerry and Daschle sent to you, I recommend a $1 million add-on to the medical and prosthetics research account for a contract survey and evaluation of the scientific evidence relating to the health effects of exposure to dioxin and other toxic herbicides used in Vietnam.

GENERAL OPERATING EXPENSES—+$33.7 MILLION

Veterans Benefits Administration (VBA)—+$32.7 million.—With respect to the general operating expenses account, as indicated in the Committee's March 13 budget report (pages 21-24), the following amounts are needed as compared to the Administration request: (a) $8 million and 250 FTEE for VBA staffing needs to reduce unacceptable claims adjudication delays; (b) $10 million and 244 FTEE to enhance loan guaranty counseling; (c) $4.2 million and 121 FTEE to reduce Vocational Rehabilitation counselor caseloads to acceptable levels; and (d) $10.5 million for necessary contract support for the 12-Point ADP Modernization Plan and to acquire equipment to implement the Automated Information Exchange System. These GOE requests are listed in the priority order in which I recommend them.

General Counsel—+$1 million.—As discussed in the Committee's March 13 budget report (page 21), VA's Office of the General Counsel (GC) will have new responsibilities in representing VA before the new U.S. Court of Veterans Appeals. I am convinced that the absolute minimum needed by GC to carry out its new statutory responsibilities is an add-on of $1 million.

U.S. COURT OF VETERANS APPEALS—+$4.8 MILLION

As I discussed in my March 17 and April 4 letters to you, assuming that the new Court of Veterans Appeals receives the necessary $3.1 million for initial fiscal year 1989 funding, the Court will require an add-on of $4.8 million to the $1.5 million requested.

Barbara, I greatly appreciate your interest in veterans' programs and your consideration of these important matters. I look forward to your continued support.

If additional information is needed, please have your staff contact Jonathan Steinberg, Chief Counsel and Staff Director of the Committee (x4-9126).

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 773), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Subcommittee on VA and HUD appropriations has no further amendments. It would ordinarily be our intention now to move to final passage. Because of the current prickly parliamentary situation on the antidrug-funding efforts, we understand we are prohibited from doing that by the minority leader. So we cannot move to final passage.

I would like to say we, and I speak for myself and I know Senator GARN will speak for himself, now consider the bill from the standpoint of the substance of the bill closed. We know, we would certainly entertain, I would certainly entertain an amendment offered by the Senator from West Virginia, Senator BYRD. But I would say this: I would hope that no one would bring this bill up and try to do mischief because of the prickly parliamentary situation and should they, I will just move to table those amendments and I think I have the cooperation of my ranking minority member.

Mr. GARN. If the Senator will yield, I would completely agree. This is an unusual situation which I feel very badly of after all the work on this bill that we cannot have final passage tonight and close it. Because after 15 years around this body, I understand how inventive and imaginative staff are.

But I want the message to go out loud and clear, as the chairman has said, that we consider this bill finished. I personally would certainly help the chairman table any amendment even if I agreed with it. I would hope that the leadership, the majority leader and the minority leader, would also discourage anybody, when this is to be resolved and moves to third reading, from offering any amendments at that time because the bill is finished and normally would be passed at this time.

I see the majority leader coming in. I would repeat very briefly what he did not have the opportunity to hear, that the chairman of the subcommittee and I consider this bill finished. We regret we cannot move to final passage. It would be our intention to table amendments when this comes back up even if they are meritorious, and we hope we would have the assistance of both leaders to discourage any inventive, imaginative staff from coming up with new amendments when this bill comes back up for third reading.

TIJUANA SEWAGE PROJECT

Mr. CRANSTON. Mr. President, the Environmental Protection Agency has been working with the International Boundary and Water Commission, the city of San Diego, and the State of California during the past year to develop a plan for solving the sewage problem in the Tijuana River Valley. The IBWC has discussed the plan with the Mexican Government, which appears to be in agreement with the plan. I understand that the Mexican Government's participation in the project will be included in the list of issues to be discussed by President Bush and President Salinas during their summit meetings in early October.

I am concerned that appropriations be available in fiscal year 1990 to construct the Tijuana sewage project as recommended by EPA and the IBWC and supported by the city of San Diego, the State of California, and Members of the San Diego Congressional delegation. Last year Congress provided $20 million for the Tijuana project and the House has included an additional $7 million for the project in its version of the fiscal year 1990 VA and HUD and independent agencies appropriations bill.

It is my understanding that funds provided for fiscal year 1989 and any additional funds appropriated in fiscal year 1990 will be used to implement the Tijuana project as proposed by the Federal agencies. I would like to ask the manager of the bill if that is her understanding as well.

Ms. MIKULSKI. I appreciate the Senator from California's concern. While the Senate has not provided specific funding for this project, I am well aware of the environmental and public health importance of the Tijuana sewage project for the San Diego area. I will keep the Senator's interest in mind when we go to conference and see what we can do. It is my understanding as well that any appropriated funds will be used to implement the Tijuana sewage project as proposed by the Federal agencies.

Mr. CRANSTON. I thank the Senator from Maryland.

Mr. WILSON. I thank Senator MIKULSKI. Senator CRANSTON and I testified before the Veterans, HUD and Independent Agencies Appropriation Subcommittee in early April regarding a fiscal year 1990 request for $7 million to continue work on the system to treat sewage flowing into the San Diego area from Tijuana, Mexico. Earlier in the spring, EPA, the International Boundary and Water Commission, the State of California and the city of San Diego reached agreement on a plan for solving the sewage problem in the Tijuana River Valley. The IBWC has discussed the plan with the Mexican Government and it appears they agree with the plan. I am encouraged that, after many years of evaluation, review and negotiations, there is agreement on a plan to deal with this problem. Like my colleague, Senator CRANSTON, I understand that the Tijuana problem and the recommended plan will be discussed by Presidents Bush and Salinas next month. I hope their discussion leads to a final agreement. Last year, Congress appropriated $20 million to continue work on this project. While the Senate has not included Senator CRANSTON's and my request for $7 million for fiscal year 1990, I know that your committee understands the importance of continuing to fund this project. Like my distinguished colleague, Senator CRANSTON, I hope that the requested appropriation will be agreed to in conference and that the funds appropriated last year and for the next fiscal year can be used to carry out the plan agreed to by the congressional delegation and the Federal agencies.

VA MEDICAL CARE ACCOUNT

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I wish to congratulate the distinguished chairperson of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, Ms. MIKULSKI, for doing an excellent job under all the circumstances in providing for adequate VA medical care and general operating expenses funding in the pending measure. The Senator from Maryland has always been a staunch supporter of our Nation's veterans, and I congratulate her on the excellent effort she has extended on their behalf in this measure.

As noted in my statement on VA appropriations in this legislation, I believe that, in the face of the extremely tight allocation given the subcommittee—$700 million less in total than the amounts requested by the administration for the departments and agencies involved—the distinguished Senator from Maryland and the other subcommittee members have done very well in making available for VA medical care a total of $823 million above the administration's request—$773 million in direct appropriations and $50 million by way of a discretionary transfer authority that would be given to the Secretary of Veterans Affairs.

As hard, persistently, and effectively as the subcommittee worked on the overall medical care account total, however, the direct appropriation that it was able to provide for—$11,514,546,000—is still $47 million below the figure in the House-passed version.

I recognize that, if the Senate version were enacted, the exercise of the authority to transfer up to $50 million from the major construction account to the medical care account could theoretically raise the medical care account to a level that is $3.1 million over the House level. However, given the very tight funding situation for the major construction account under this bill—which would provide $175.6 million less than the administration requested and $227.3 million less than the House-passed bill for that account—it is hard to feel comfortable in counting on medical care funding being increased substantially via that route.

Therefore, although I applaud the chairperson for both the concern and the creativity that the transfer authority reflect, I hope that we will not ultimately have to rely on such a transfer in order to achieve the funding level set in the House bill.

Thus, Mr. President, I would urge the Senator from Maryland to do all that she can in conference to move as close as possible, under the budgetary restrictions she faces, to the House level of direct appropriations.

Mr. DeCONCINI. Mr. President, I would like to endorse the remarks of the distinguished Senator from California [Mr. CRANSTON], with whom I am pleased to serve on the Veterans' Affairs Committee. As a member of both the authorizing committee and the Appropriations Committee, though not of the VA-HUD Subcommittee, I have long advocated strong and responsive programs for veterans and share with Senators CRANSTON and MIKULSKI, and others of our colleagues, a very deep interest in making sure that these programs are adequately funded.

Thus, I join with my friend, the chairman of the Veterans' Affairs Committee, in congratulating the Senator from Maryland on a job very well done up to this point and in urging her to endeavor to bring back from conference a VA medical care account direct-appropriation figure that is as close to the House level as possible.

Ms. MIKULSKI. Mr. President, I very much appreciate the kind words of Senators CRANSTON and DECONCINI, two of the strongest supporters that veterans have in the Congress, and wish to assure them that my efforts to secure adequate VA medical care funding will not terminate upon Senate passage of this bill. I will continue to seek ways to increase the level of direct support for VA health care funding and do my best within the overall budgetary constraints to move toward the House level.

Mr. CRANSTON. With respect to the general operating expenses [GOE] account also, I believe that the distinguished subcommittee chairperson has done as well as could be expected by providing for a direct appropriation of $804,288,000—which is $729,000 over the administration's request. Although the direct appropriation figure is $771,000 below the House level, the Senate bill would provide for a $21 million discretionary transfer for this account from the minor construction account—$6 million more than the $15 million discretionary transfer provided for in the House-passed bill. Although I have my doubts about the feasibility of transfer from the major construction account, I am hopeful that this minor construction/GOE transfer authority will indeed be exercised.

In light of the pressing needs I outlined in my June 22 letter to the subcommittee chairperson for additional funding for certain GOE items—such as loan guaranty, adjudication, and vocational rehabilitation staffing in the Veterans Benefits Administration and the resources needed to help enable the general counsel's office to discharge its responsibilities to represent the Department in litigation before the new Court of Veterans Appeals—I urge that the distinguished Senator from Maryland [Ms. MIKULSKI] make every effort in conference with House to retain the $21 million level for this transfer authority.

Mr. DeCONCINI. Mr. President, again I agree fully with the Senator from California. In the absence of the transfer authority, important staffing and other needs under the general operating expenses account cannot be adequately met and the Senate level is essential to meet those needs.

Ms. MIKULSKI. Mr. President, I share the concerns expressed by my distinguished colleagues regarding the need for maintaining the $21 million transfer authority.

ALPINE REGIONAL EDUCATION CENTER AND THE LIBRARY/RECREATION CENTER ON MACKINAC ISLAND

Mr. LEVIN. I would like to bring to the attention of the chair of the subcommittee two projects located in Michigan which were in the House-passed bill, but which were not included in the legislation as reported out of the Senate Subcommittee on VA-HUD and Independent Agencies. These projects are the Alpine Regional Education Center in Otsego County and the library/recreation center on Mackinac Island.

I understand the budget constraints under which the subcommittee is operating. However, both of these projects would promote and advance educational opportunities in Michigan. I do not intend to offer an amendment to add back the funding for these projects at this time. Nevertheless, I would ask that the chair of the subcommittee give consideration to adding back these two projects in the conference.

Ms. MIKULSKI. I want to thank the Senator from Michigan for bringing these two projects to my attention. As he correctly points out, the budget situation has made it impossible for us to fund all of the requests that were made of the subcommittee. However, I assure him that when we get to the conference, we will consider the House's position with respect to these two projects.

POLLUTION PREVENTION STATE GRANT PROGRAM

Mr. CHAFEE. I would like to engage the distinguished floor managers of the bill in a short colloquy. The bill now being considered by the Senate, H.R. 2916, contains funding for a Pollution Prevention State Grant Program. This is a laudable and long-overdue program which embodies the goal of minimizing the amount of pollution we produce.

This program, as envisioned by the Environmental Protection Agency, should address pollution prevention across all media, including air emissions, discharges to water, and groundwater protection. Also, this program is designed to address another important problem, that of reducing the amount of solid waste that is entering our landfills and incinerators. Virtually every region of the country is experiencing a severe shortage of landfill capacity. As a nation we must begin to reduce the amount of solid waste we produce.

The Pollution Prevention Program ought to squarely address this problem, specifically by assisting States in identifying, developing, and promoting markets for recycled goods. Currently many States and localities are beginning to collect recyclable products such as newspapers, aluminum cans, and glass. However, a sufficient amount of thought has not been given to how to develop markets for these materials once they have been collected.

It is critical that the States begin now to reduce the amount of wastes entering our landfills, by encouraging and promoting agressive recycling programs. The Pollution Prevention Program can make money available to the States for an important and specific purpose: To begin the work of expanding market demand for recycled products. Recycling as a strategy for reducing solid waste will fail unless there is sufficient demand in the marketplace for goods made from recycled materials.

Grants awarded under this program could be used for:

Developing State or regional market development strategies.

Demonstrating new products that contain recoverable materials or new uses for recoverable materials.

Expanding manufacturing capacity to use recoverable materials.

Developing a State program for procurement of recoverable materials.

I am concerned that as more States begin to collect recycled materials, there will be no markets for the materials. We are already beginning to see evidence of this with the increase of newspapers being collected by the

States. This program can begin to remedy this problem.

I would also ask that the floor managers of this bill give every consideraton to moving closer to the House provision for funding of this important program. It is my understanding that the Senate bill funds this program at $2.6 million, in lieu of $5 million provided by the House. Any additional funding above the Senate bill amount would make it more likely that State programs to develop markets for recycled goods would be undertaken.

I want to thank the distinguished floor managers of this bill, Senators MIKUSKI and GARN, for their consideration of this matter.

Mr. BURDICK. I fully concur with the distinguished Senator from Rhode Island. I would further add that rural States often experience unique problems in developing markets for recycled goods. The Pollution Prevention Program ought to give special consideration to rural States in making grants to address this problem.

Ms. MIKULSKI. I thank the chairman and ranking member of the Environment and Public Works Committee for his insights and attention to this important matter. I agree that developing markets for recycled materials is crucial in order to divert waste from our landfills. I will give every consideration to the Senators' requests as we proceed with this bill in a conference with the House of Representatives.

Mr. GARN. I also concur with Senators CHAFEE and BURDICK, and will give this matter every consideration in conference.

INCREASED FUNDING FOR EPA'S GREAT LAKES PROGRAMS

Mr. LEVIN. Mr. President, during 1989, the Subcommittee on Oversight of Government Management, which I chair, has held a series of hearings on actions taken by Federal agencies to protect and restore the Great Lakes. These hearings have documented broken promises, serious declines and clear lapses in Federal programs for the Great Lakes. They include EPA's failure to ensure the completion of promised remedial action plans to cleanup toxic hotspots; failure to reduce significant disparities in the water quality rules of the States bordering the Great Lakes, and failure to make progress on projects to clean up contaminated sediments. The last hearing we held, on September 6, 1989, disclosed that the Great Lakes suffer hundreds of spills of oil and toxic chemicals each year, and that, since 1986, spills in United States waters of the Great Lakes have almost doubled while spills in Canadian waters have dropped by half. Witnesses indicated that at least part of the reason for these trends has been the dramatic decline in Federal spill prevention programs, including EPA's Spill Prevention, Control and Countermeasures Program to stop oilspills into U.S. waters.

Increased staffing and funding for Great Lakes programs are critical to improving this situation. That is why I am pleased to see, in the portion of the appropriations bill before us today providing funding for the U.S. Environmental Protection Agency [EPA], that crucial programs for the Great Lakes have received increased Federal dollars. This money is sorely needed, and I commend Senator MIKULSKI's subcommittee and the full committee for these allocations. The Great Lakes contain about 95 percent of the fresh surface water in the United States and about 20 percent of the fresh surface water in the world. Federal dollars spent to restore and protect this unique and irreplacable resource represent a wise investment in our environment and our Nation.

I want to note the following funding increases as particularly important. First, the Senate has concurred in a House provision which provides an additional $900,000 to fund 15 new full-time staff positions for EPA's Great Lakes National Program Office. This money, which represents a 50-percent increase in the staffing of this office, is critical to ensuring adequate personnel to get needed programs moving.

Second, the bill provides an additional $2 million for Great Lakes water quality activities, for a total fiscal year 1990 budget of $13.4 million. This allocation, which exceeds the House provision, is essential to support such Great Lakes activities as the development of remedial action plans for toxic hotspots, a lakewide management plan for Lake Michigan, water quality criteria for the Great Lakes basin, and contaminated sediments demonstration projects. Level funding of $2 million has also been provided to EPA's Large Lakes Research Laboratories.

Third, the bill provides $2 billion for sewage treatment construction grants nationwide. This sum, which is $850 million more than President Bush requested and $26 million more than the House provided, will provide needed money for such projects as new water treatment plants, repairs to stop combined sewer overflows, and improved stormwater drainage systems. Such projects are crucial to improving Great Lakes water quality.

Fourth, the bill provides new funding of $50 million nationwide to control nonpoint sources of pollution. Nonpoint pollution from such sources as urban and agricultural runoff causes great damage to the Great Lakes. At the same time, research shows that some aspects of nonpoint pollution can be controlled at relatively low cost. This funding thus holds great promise of providing cost-effective solutions to some water quality problems in the Great Lakes.

Finally, the bill takes several steps to increase Federal capabilities to respond to and prevent spills of oil and chemicals in U.S. waters: First, it provides about $33 million to improve various emergency preparedness training and assistance programs under title III of the Superfund Program; second, it castigates EPA for slowness in issuing stronger regulations for its key spill prevention program and directs EPA to provide a schedule of future actions; and third, it provides $1 million for new spill research efforts.

These are much needed actions. As I mentioned, the Oversight Subcommittee's September 6 hearing established not only the vulnerability of the Great Lakes to spills, but also the increasing number of spills in U.S. waters during the past 3 years. To reverse this trend, State and Federal officials testified about the importance of emergency preparedness and Federal spill research. They were even more eloquent about EPA's Spill Prevention, Control and Countermeasures [SPCC] Program, describing it as the single most important spill prevention program in the Great Lakes, as well as one of the most cost effective.

The SPCC Program underwent an extensive review after an oil tank owned by Ashland Oil collapsed in January 1988 and discharged 1 million gallons of oil into the Monongahela and Ohio Rivers. An EPA task force report, issued in May 1988, found the program to be highly effective when enforced, documented its decline during the 1980's, and recommended more inspections and stronger regulations. The report found a direct correlation between the number of SPCC inspections conducted and the number of oil spills discharged into U.S. waters, and urged an immediate increase in inspections to decrease spills.

The Appropriations Committee report correctly criticizes EPA for its slowness in issuing the stronger regulations called for by the task force. An equally important criticism is EPA's failure to increase SPCC inspections. This bill contains sufficient funds for EPA to increase these inspections dramatically and immediately, and I have asked EPA to do just that in a letter dated September 14, 1989. Given the effectiveness of this program, to do less would be a mistake with potentially serious consequences.

I ask unanimous consent to have printed in the RECORD, at the end of my remarks, the September 14 letter I sent to EPA on the SPCC Program and other matters.

Mr. President, I commend Senator MIKULSKI, her subcommittee and the full committee once more for their attention to Great Lakes concerns. While we did not get everything we asked for, the increased funding we did receive will help restore the health of this freshwater body, the largest inland lakes in the world, and I thank them again for their assistance. I will also be sending a letter to the conferees urging them to hold firm on the funding levels specified in the Senate bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 14, 1989.
Hon. WILLIAM K. REILLY,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. REILLY: On September 6, 1989, the Senate Subcommittee on Oversight of Government Management held a hearing on actions by Federal agencies to prevent and respond to spills of oil and hazardous materials in the Great Lakes. We appreciate the cooperation and assistance of your agency in providing useful information and important testimony.

The hearing disclosed that the Great Lakes experience hundreds of oil spills each year. The data showed that, since 1986, the number of spills in U.S. waters has doubled while the number in Canadian waters has decreased by half. The data also indicated that about 85 percent of Great Lakes spills involve oil; about 75 percent are caused by land-based facilities under EPA's purview; and about 25 percent are caused by vessels. The testimony confirmed that current spill response technology is largely ineffective and that spill prevention is essential to protection of the Great Lakes.

Testimony from a number of witnesses indicated that the most important spill prevention program in the Great Lakes is EPA's Spill Prevention, Control and Countermeasures [SPCC] Program which requires facilities that store oil in bulk to implement spill prevention plans. These facilities are responsible for most of the spills in the Great Lakes and for virtually all of the larger spills. Timothy Fields of EPA's Emergency Response Division testified that the SPCC Program is very effective, that SPCC inspections of facilities lead directly to a decrease in spills, and that it is "one of the most cost-effective programs that the EPA can administer" to stop spills into Great Lakes waters.

At the same time, Mr. Fields admitted that SPCC inspections have declined dramatically. Reports issued by an EPA task force in May 1988 and by the General Accounting Office in February 1989 urged that SPCC inspections increase immediately from about 1,100 in 1987 and, through annual increases, reach a target of 6,500 per year. Instead, inspections have continued to drop, falling to 1,000 in 1988. Mr. Fields indicated that inspections would increase in 1991 but admitted that, for region V, they still would be only about half of the number performed in 1986. He also described new regulations drafted in response to the 1988 and 1989 reports to strengthen the SPCC program, but admitted that they were still in draft form.

Given the dramatic increase in Great Lakes spills in U.S. waters and the cost-effective nature of the SPCC Program, I urge your agency to take two steps: immediately increase SPCC inspections of facilities surrounding the Great Lakes, and take all steps necessary to finalize promptly the strengthening SPCC regulations. I understand that EPA plans to submit the proposed regulations in September to the Office of Management and Budget [OMB] for review and to publish them in the Federal Register in February. I urge your agency to keep to this schedule, and I have alerted OMB by letter, copy attached, to the importance of a prompt review of the regulations, once submitted.

Another topic discussed at the hearing is a recommendation by Prof. Walter Lyon that EPA, through its Great Lakes National Program Office, establish a spill prevention program for the Great Lakes. This program could include such activities as identifying high-risk areas and facilities within the Great Lakes; evaluating spill prevention programs for various regional resources and activities including drinking water supplies, transportation systems and fixed facilities; reviewing Federal and State inspection programs for bulk oil facilities; and improving or establishing needed spill prevention programs. Spill prevention is still our best and most cost-effective defense against the damage that such spills can cause, and I urge you to act on this proposal.

A third topic raised at the hearing was the importance of additional research into spill response and prevention technology. Mr. Fields indicated that EPA plans to revive its spill research program. This plan is a wise investment of Federal dollars, given the opportunities for near-term, dramatic improvements in today's technology. When designing your research program, however, I urge EPA to include Great Lakes concerns. As a reservoir for 95 percent of the United States' surface freshwater, the source for millions of Americans' drinking water, and an ecosystem which is more fragile than saltwater areas when subjected to spills, the Great Lakes deserve special attention in EPA's spill research program. Pressing needs include better protections for drinking water intakes and treatment plants, improved spill control technology for fast-flowing rivers like the connecting channels, and better spill prevention and inspection methods for bulk oil storage facilities.

A related research concern is the Oil and Hazardous Materials Simulated Environmental Test Tank [OHMSETT] which EPA used to administer but which it returned to the Navy in March 1989, just 3 weeks before the oil spill in Valdez, Alaska. The Department of the Interior and the Coast Guard support reactivation of the OHMSETT facility to test new spill response technology; the Department of the Interior testified, in fact, that this facility is unique in North America and "critical" to new research efforts. We were also told that this facility is currently inaccessible and that the Navy may be considering dismantling it. I have asked the Navy about this assertion in the enclosed letter; it seems that such an action would be a costly mistake. I urge EPA to join with the Department of the Interior and the Coast Guard in pressing for the reactivation of this facility.

Thank you for your assistance in these important matters. If you or your staff have any questions about my concerns, please have your staff contact Elise Bean of the subcommittee staff at 224-3682.

Sincerely,

CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management.

EPA'S SPILL PREVENTION PROGRAM

Ms. MIKULSKI. I thank the Senator from Michigan for those remarks. He is an able spokesman for the Great Lakes, and I am glad we were able to accommodate his requests for increased funding.

I also represent a large inland body of water, the Chesapeake Bay. Like the Great Lakes, this body of water is vulnerable to spills of oil. Thus, like the Senator from Michigan, I am very concerned about the effectiveness and vitality of the SPCC Program. This bill gives EPA the resources to direct sufficient funds to a beefed up SPCC inspection program. SPCC inspections should be increased immediately, as recommended by the EPA task force report of May 1988 and a GAO report of February 1989.

Mr. LAUTENBERG. I agree with the Senator from Michigan and the Senator from Maryland. It is critical that EPA revitalize the SPCC Program to stop the increase in spills in U.S. waters. The recent spill from an above-ground oil storage tank near Arthur Kill, NJ, highlights the continuing threat posed by such spills to U.S. waters. EPA needs to act now to issue stronger SPCC regulations and to increase SPCC inspections.

I would like to commend Senator MIKULSKI for including report language relating to EPA's task force on the SPCC Program. I have been concerned with the slow pace of implementation by EPA of the recommendations issued in May 1988 by the task force. As the Senator knows, the SPCC task force was established in response to the spill of the Ashland above-ground oil storage tank in Floreffe, PA. To date, the recommendations of the task force have not been implemented. That is why we included in the committee report a directive to develop a schedule for a rulemaking to implement appropriate recommendations of the task force and to provide that schedule to the committee within 30 days. EPA is slated to receive an overall budget increase in this bill; it should use its new funds on such cost-effective and valuable initiatives as the SPCC Program.

Mr. LEVIN. I thank my colleagues for their support of an immediate increase in SPCC inspections, as well as immediate action to issue promised regulations to strengthen the SPCC Program.

The SPCC Program has been called the most cost-effective spill prevention program the Federal Government has and the single most important prevention program in the Great Lakes region, so it is difficult to understand why EPA has repeatedly cut it back. But that is exactly what has happened. In 1986, EPA conducted 3,600 SPCC inspections nationwide. In 1987, the number dropped to 1,100 inspections—that is a cut of more than one-third. In 1988, the number of inspections dropped to 1,000 nationally. In 1989 and 1990, the plan is to perform about 520 inspections annually nationwide—that is about one-seventh of the number of inspections in 1986. These cuts have been taking place at the same time that an estimated 650,000 facilities threaten U.S. waters, EPA's task force report has called for annual inspections of 6,500 facilities, and oil-spills in U.S. waters are on the rise. In short, spills are going up, while SPCC inspections are going down. It's time to reverse those trends.

Ms. MIKULSKI. Those are revealing figures and they amply illustrate the need for EPA to reverse the decline in the SPCC Program. We will be watching and working with EPA to ensure their action, not only on issuing new SPCC regulations, but also in increasing SPCC inspections.

Mr. LAUTENBERG. EPA's own task force has recommended annual inspections of 6,500, and that is the target at which EPA should be aiming. Prevention is still our best and least expensive response to the threat of spills, and it is time to restore Federal spill prevention programs which have proven themselves to be both viable and cost effective. I commend the Senator from Michigan for stressing the importance of increasing SPCC inspections as well as issuing new SPCC regulations.

WATSONVILLE, CA

Mr. CRANSTON. Mr. President, I would like to engage in a colloquy with the distinguished Senator who chairs the VA, HUD and Independent Agencies Subcommittee. It is regarding an issue that is important to a community in California and that I hope can be addressed in conference.

Residents of my State face a serious problem of housing affordability. The problem of providing housing at affordable prices for low income families is particularly acute in Watsonville. Watsonville is close to the coast, where the land values are very high, but it is also an agricultural town with substantial numbers of low-income, minority, agricultural workers.

The local community created the Watsonville Neighborhood Enterprise [WNE] to deal with the problem. WNE is a private corporation that has the active support of the city, county and association of regional governments. WNE is committed to matching each Federal dollar invested with one non-Federal dollar, a match that far exceeds any requirement in law. The organization is dedicated to creating low-income housing in creative ways that will serve as a model for the Nation.

The WNE and the City of Watsonville is developing a housing strategy that will make imaginative and effective use of $1 million in public funds.

I notice that the committee report designates funds for one other community out of the Secretary's discretionary fund in the Community Development Block Grant Program. I hope that when this bill goes to conference it would be possible also to accommodate the needs of Watsonville for these much needed activities.

I hope the Chairwoman will agree to consider my request and will work with me to see if funding can be made available for this worthwhile effort.

Ms. MIKULSKI. I would be happy to consider the request of my friend from California.

MEDICAL FOLLOWUP AGENCY APPROPRIATION

Mr. CRANSTON. Mr. President, I would like to discuss with the distinguished floor manager of the bill, Ms. MIKULSKI, the issue of funding for the Medical Follow-Up Agency [MFUA]. This agency was created more than 40 years ago in order to conduct long-term clinical research and collect health-related data on war veterans. It has accomplished significant epidemiologic research which has contributed to medical knowledge in a number of different areas. MFUA had been receiving a small amount of annual core funding to maintain its on-going activities. However, for the past several years MFUA has been supported solely through individual projects. This loss has reduced MFUA's capacities to carry out its mission and is threatening its very existence.

On February 2, 1989, I wrote to VA's Chief Medical Director [CMD], NIH's Director, and DOD's Assistant Secretary for Health Affairs, urging that they provide an appropriate share of $500,000 per year for a 5-year period for core funding for MFUA and a proportionate share of $100,000 to support a search for a new physician-epidemiologist as Director—40 percent from both VA and DOD and 20 percent from NIH.

Although Dr. Wyngaarden, then NIH Director, responded that NIH would be willing to participate in further discussions regarding MFUA's future, both Dr. Gronvall, VA's CMD, and Dr. Mayer, then DOD's Assistant Secretary for Health Affairs, indicated that resources were not available for this purpose. Mr. President, I ask unanimous consent that the text of my letter and the respective agency responses be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, as the Senator from Maryland is aware, in a June 7, 1989, letter, I urged her and the chairs of the full Appropriations Committee, the Subcommittee on Defense, and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies to develop a proposal under which VA, DOD, and HHS would fund the MFUA at a level of approximately $500,000 for fiscal year 1990 and annually thereafter for 4 years. Mr. President, I ask unanimous consent that the text of my letter be printed in the RECORD following the responses from the involved agencies to my February 2 letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit.)

Mr. CRANSTON. Mr. President, in the Appropriations Committee's report on the proposed fiscal year 1990 Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, the Committee stated that it requests that NIH take the lead in working with the Department of Defense [DOD] and the Veterans Administration [sic] [VA] by providing Federal funding of $700,000 for the support of the MFUA. The Committee further stated that it would not expect NIH to make a contribution unless it were generously matched by DOD and VA.

Mr. President, this is a very significant development, and I believe that VA Secretary Derwinski and Defense Secretary Cheney should be informed of it and encouraged to provide funds to match such an NIH contribution. I would like to request that Senator MIKULSKI join me in writing such a letter to the two Secretaries. Although the VA has limited funds, the Senate Appropriations Subcommittee on VA, HUD, Independent Agencies and the full Appropriations Committee has recommended an appropriation for the Medical and Prosthetic Research account of approximately $23 million more than the VA fiscal year 1990 estimate. Surely, if additional funds are appropriated, $200,000 to $300,000 can be used to supplement the MFUA.

Ms. MIKULSKI. Mr. President, I agree with the distinguished Chairman of the Veterans' Affairs Committee that the contributions of the MFUA are important and contribute significantly to the wealth of medical knowledge on certain diseases. I agree to join him in such letters to Secretaries Derwinski and Cheney urging them to join with NIH in contributing funds for MFUA's support and the search for a highly qualified director. I will also request that Senator INOUYE, chairman of the Defense Appropriations Subcommittee, join us in the letters.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 2, 1989.

Dr. John Gronvall,
Chief Medical Director, Veterans' Administration, Washington, DC.

DEAR JOHN: As you are aware, on January 19, 1988, I wrote to the Director of the Office of Technology Assessment (OTA), Dr. John Gibbons, requesting him to convene a conference to discuss and, if possible, develop a consensus regarding the future of, and federal support for, the Medical Follow-Up Agency (MFUA) of the National Research Council at the National Academy of Sciences. As you are also aware, on September 22, 1988, OTA held an all-day workshop which was attended by Veterans' Administration representatives and other personnel from interested agencies to discuss these matters. Enclosed is a copy of a November 2, 1988, letter from Dr. Gibbons which included an OTA staff paper summarizing the results of the workshop.

As you can see, among the suggestions included in the report are three which I believe to be of great significance if MFUA is to continue. First, MFUA should be provided with core funding support—approximately $500,000 per year for a five-year period—for the purpose of maintaining and upgrading existing data files, carrying out core studies, developing new relationships with the research community, and seeking to define a future role. Second, a search for a new physician-epidemiologist director with ties to the medical research community should be instituted immediately with any FY 1989 budget of $100,000 derived from contributions from interested Federal agencies. Third, a reevaluation of MFUA should be carried out during the fourth year of the proposed interim core funding to determine the MFUA's future existence.

I am writing to request your views on these recommendations. I believe that providing for core-funding and recruiting a new director are interrelated items. Unless core funding is made available for a period of years, qualified persons will not be interested in assuming leadership in this worthwile agency. Thus, I request that the VA provide 40 percent of the necessary core funding over the next five years, or no more than $200,000 per year, and 40 percent, or no more than $40,000, of the FY 1989 funds necessary to recruit a highly-qualified director. I am also writing the Department of Defense and the National Institutes of Health to request that they provide 40 percent and 20 percent, respectively, of the funding needed for these purposes.

Given MFUA's long history and record of strong accomplishment and the invaluable research that his been produced by that organization, I believe that it should not be allowed to continue adrift without a clear course and central purpose. I was impressed by the July 27, 1987, National Research Council Ad Hoc Executive Committee report regarding MFUA and its conclusion that the "MFUA has an outstanding record of research accomplishment and is a national resource which should be maintained and strengthened." It seems clear to me that this esteemed agency will disintegrate without the benefit of a thoughtful evaluation unless a strong physician-director is employed who can give undivided attention to its continuation.

Thanks for your continuing cooperation and assistance.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

VETERANS' ADMINISTRATION,
Washington, DC, April 28, 1989.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. Thank you for your letter of February 2, 1989, regarding support for the Medical Follow-Up Agency (MFUA). I share your judgment about the importance of the research contributions made by the MFUA. We were pleased to be a part of the September 22, 1988, workshop and support the recommendations which emerged.

In the current fiscal year, we are supporting contracts to the MFUA totalling $856,350 ($250,000 for the POW follow-up study and $606,350 for the CROSSROADS study), and our obligations will continue into FY 1990 as well. This is, I believe, a substantial level of funding, especially in light of budget reductions facing the VA research program. Even the most optimistic budget assumptions for FY 1990 indicate that a significant number of ongoing projects will have to be terminated prematurely because we simply will not have the funds to continue those projects.

At the workshop arranged by the Office of Technology Assessment to discuss approaches to providing support for the MFUA, VA representatives expressed the view that project-specific funding, approved by scientific peer review, was the most appropriate way for the VA to support MFUA. The report of the workshop, published by OTA in November 1988, stated: "There was a strong feeling among workshop participants that MFUA should not be expected to compete for core funding with the ongoing research programs of the VA, DOD, or DHHS, but the precise funding mechanism must be worked out." I cannot, of course, speak for the other participants, but our position remains unchanged, and is consistent with the OTA report.

In view of the negative impact of the budget on the VA's ongoing research projects, and our belief that VA funding for MFUA should be on a peer-reviewed, project-specific basis, I believe it would be inappropriate to provide the MFUA with core funding support.

Sincerely yours,

JOHN A. GRONVALL, M.D.

DEPARTMENT OF HEALTH
& HUMAN SERVICES,
Bethesda, MD, March 27, 1989.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON. We have carefully reviewed your recent letter regarding the Medical Follow-Up Agency (MFUA) and the issue of financial support for the agency over the next 5 years. One of our Institutes is currently supporting a project under the MFUA and another Institute intends to fund a separate project in the near future. NIH would be willing to participate in further discussions regarding the future of the MFUA if there is sufficient interest among the other agencies currently supporting the MFUA.

The ability to develop core funding support over and above the support from our specific projects is uncertain, but we would be pleased to discuss the matter.

Sincerely yours,

JAMES B. WYNGAARDEN, M.D.,
Director.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, March 28, 1989.

Hon. ALAN CRANSTON,
Chairman, Veterans' Affairs Committee, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: I am writing in reply to your letter of February 19, 1989, regarding the Medical Follow-up Agency (MFUA) of the Institute of Medicine. You requested that we review the OTA report and suggested possible funding mechanisms.

The MFUA has a long history of careful epidemiological research using military records as the basis for long term prospective studies on a variety of public health issues. There is little doubt that continued availability of that level of expertise could be used to examine some fundamental health questions. However, a careful review of past and ongoing work suggests that, with the exception of utilizing military records, the issues addressed and the research problems identified are not related to military mission oriented research requirements. The research topics addressed would seem to be more properly the areas of responsibility of the National Institutes of Health and the Department of Veterans Affairs.

While I believe that this epidemiological research unit occupies a unique niche in the public health arena, I have been unable to identify the resources you suggest.

Thank you for providing me the opportunity to comment on your suggestions.

Sincerely,

WILLIAM MAYER, M.D.

EXHIBIT 2

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, June 7, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. BARBARA A. MIKULSKI,
Chair, Subcommittee on VA, HUD and Independent Agencies, U.S. Senate, Washington, DC.
Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, U.S. Senate, Washington, DC.
Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, U.S. Senate, Washington, DC.

DEAR ROBERT, BARBARA, DAN, AND TOM: I am writing to the four of you in your Appropriations Committee capacities to urge you to ask your Committee staffs to work together to develop a proposal under which the Department of Veterans Affairs, the Department of Defense, and the Department of Health and Human Services, would fund the Medical Follow-Up Agency (MFUA) of the National Research Council at the National Academy of Sciences at a level of approximately $500,000 for FY 1990 and annually thereafter for 4 years.

The Medical Follow-Up Agency was created more than 40 years ago in order to conduct long-term clinical research and collect health-related data on war veterans. In addition to its epidemiologic research which has contributed significantly to medical knowledge, MFUA has developed resources which include access to, and familiarity with, the service and medical records of all three Armed Services as well as of VA, hundreds of rosters of former service members with special characteristics or medical problems, and a staff with the expertise and experience to utilize these resources. MFUA's capabilities in this regard are unique, which increases the importance of its comprehensive data.

In prior years, MFUA received a small amount of annual core funding to maintain its daily activities, and special projects were funded by grants or contracts. However, the core funding has been discontinued for a number of years, and MFUA has been supported solely through individual projects. This loss of core funding has reduced MFUA's capacities to carry out its mission of maintaining and updating records.

Because of my concern that this important data be preserved, I, along with Senator Frank Murkowski, asked the Office of Technology Assessment (OTA) to convene a conference to evaluate the future of MFUA. Enclosed are copies of our January 1988 letter to OTA Director John H. Gibbons and his response as well as an OTA Staff Paper which summarizes the November 1988 conference.

I support the conclusions in the Staff Paper that (1) MFUA should be provided with core funding (approximately $500,000 per year for a five-year period) to maintain and upgrade existing files, carry out core studies, develop new relationships with the research community, and define a future role; (2) a search for a new physician-epidemiologist director with ties to the medical research community should be instituted immediately; and (3) a reevaluation of MFUA should be carried out in the fourth year of the proposed five-year interim core funding period to determine the future of MFUA.

On February 2, 1989, I wrote to Dr. John Gronvall, VA's Chief Medical Director, Dr. William Mayer, Assistant Secretary of Defense for Health Affairs, and Dr. James Wyngaarden, Director of NIH, asking them to comment on the recommendations of the OTA conference. (A copy of my letter to Dr. Gronvall, which is similar to the ones sent to Drs. Mayer and Wyngaarden, is enclosed.) I also requested their consideration of jointly providing MFUA core funding (40 percent from VA, 40 percent from DOD, and 20 percent from NIH). As you can see from the enclosed responses, they each indicated an understanding of the importance of MFUA but did not believe they had adequate resources to contribute to MFUA's core funding.

As indicated by the enclosed material, over the past year the importance of MFUA has been evaluated and validated by the various government agencies involved with this joint venture. It would be a great loss if this agency was unable to continue. I, therefore, urge that you develop a joint proposal to support MFUA in FY 1990 at $500,000 with the plan to continue that level of support, with modest inflation adjustments, for the succeeding 4 years as well.

Thanks for your cooperation on this proposal.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

Mr. LAUTENBERG. Will the Senator from Maryland yield for a question?

Ms. MIKULSKI. Yes.

Mr. LAUTENBERG. In regard to funds under title V of the Housing and Urban Development Act of 1970 for research, studies, testing and demonstrations, the bill provides $500,000 for lead-based paint testing and abatement programs to industry, which the committee report notes at page 54.

Ms. MIKULSKI. The Senator is correct.

Mr. LAUTENBERG. Would not "industry" include joint labor-management training funds organized under section 302(c) of the Taft-Hartley Act, such as the laborers-AGC education and training fund, a joint fund of the Laborers International Union and the Associated General Contractors, be eligible to apply for such funds?

Ms. MIKULSKI. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I join in commending Senator MIKULSKI for the outstanding job she has done on this bill. I would like to express my thanks to her, and her able staff, Keven Kelly, Carrie Simmons, and Michelle Burkette, and to our ranking minority member, Senator GARN, and his staff member, Stephen Kohashi.

Mr. President, I would like to note that in addition to its other virtues, this bill does a very good job of addressing many of our environmental priorities. While I would have liked more for Superfund, I realize the constraints the subcommtitee chair labored under. The bill achieves the highest Superfund appropriation in the history of the program, funding the program at $1.575 billion. That's $150 million more than the House allowance and last year's appropriation.

We achieved this Superfund level while increasing construction grants by $800 million above the President's budget, and overall EPA funding by $700 million over the budget request, and about $200 million over the House allowance. The administration's failure to request sufficient resources for construction grants and other programs made it very difficult to address the growing needs of the Superfund Program. I hope President Bush will respond to this bill by realizing that future budgets must address not only Superfund, but construction grants and other vital programs at EPA.

I would say to Senator MIKULSKI that I hope that we can succeed in conference with the House in retaining the many fine EPA provisions, including the Superfund funding level, that she worked so hard to achieve. Senator MIKULSKI's efforts on this bill have well served the cause of environmental protection throughout the country, and I look forward to working with her in conference.

Ms. MIKULSKI. I thank Senator LAUTENBERG for his support. He has accurately pointed to the many constraints we faced in trying to fund EPA generally and Superfund in particular. This bill has many meritorious programs, including those of EPA, competing for funding in a time of limited resources. But I have worked to provide fair allocations for all these programs. I realize the Senator from New Jersey would have liked a higher funding level for Superfund, but given the constraints we faced, we achieved the highest level we could. Within EPA, the President proposed a cut of $1.2 billion below the authorized level for construction grants. We had to restore funding there. Nonetheless, as Senator LAUTENBERG noted, our bill's Superfund level would be the highest appropriations in the history of the program, one which exceeds the House allowance by $150 million. I welcome Senator LAUTENBERG's support in conference, and I am committed to working with the House to achieve the enhanced funding levels for EPA and Superfund contained in the Senate bill.

FUNDING FOR THE NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

Mr. WIRTH. Mr. President, my State of Colorado is very fortunate to host the nation's preeminent research institution engaged in the examination of the phenomenon of global climate change—the National Center for Atmospheric Research [NCAR]. If my good friend, the chairperson of the subcommittee, Senator MIKULSKI, will indulge me, I would like to talk a moment about this facility and its funding status in H.R. 2916, the fiscal 1990 HUD-independent agencies appropriations bill, which plays a significant role in funding essential research in global climate change.

NCAR, for nearly 30 years, with the strong support of the National Science Foundation [NSF], has conducted world-class scientific research in the atmospheric, oceanic, and related sciences. A dedicated core staff and visiting university researchers have worked on projects ranging from weather prediction and climate studies to atmospheric chemistry and solar-terrestrial physics. In addition, NCAR provides services and facilities to the research communities across the country that help scientists develop the most advanced tools they need to carry out their work—from super-computing power to state-of-the-art instruments.

Governing NCAR is the University Corp. for Atmospheric Research, a group of 57 institutions—including the University of Maryland, Johns Hopkins University, and the University of Utah. These institutions all offer doctoral-level programs in the atmospheric sciences and receive direct benefit from the center.

NCAR is regularly called upon for expert and impartial scientific advice. During the last year, NCAR scientists have provided testimony in over 15 congressional hearings. In addition, the center has a strong program in technology transfer for meteorologists and others. For example, its Research Applications Program currently operates wind shear detection equipment at Stapleton Airport in Denver. This service has already prevented two commercial aircraft crashes since its installation in 1989.

In recent months, the President and other administration representatives have urged the nations of the world to move aggressively on an international research program to better understand atmospheric, geospheric and biospheric interactions which contribute to the global warming phenomenon. NCAR's programs in solar variability, climate analysis and modeling, atmospheric chemistry, cloud-radiation processes, impact assessment and policy analysis are among the best in the world and critical to this Nation's continued leadership in global change research. If we are to have sufficient information to make important and informed policy decisions effecting our planet's environment, we must provide adequate support for NCAR.

Nevertheless, despite the intense national and international consensus about the need for more climate change research, NCAR's budget has been declining in real terms over the last 5 years. Since 1984, while NSF received nearly a 15 percent real increase in Federal support, NCAR's funding levels decreased by almost 6 percent. Mr. President, at a time when all of the world's leaders are calling for increased atmospheric research, this makes no sense to me.

NCAR has reorganized and reprogrammed to compensate for this inattention by NSF. But despite these efforts, NCAR is finding it increasingly difficult to attract and retain quality researchers. Since 1984, 23 Ph.D. scientists have left for university positions, while only 6 have come to NCAR from academia. In addition, many of these have been scientific leaders in their field—and this year, NCAR's remaining National Academy of Science member will leave to join the faculty of the University of Arizona.

Moreover, there is a serious need to upgrade NCAR's scientific facilities. Over the years, in order to accommodate declining budgets, the institution had deferred essential upgrades and maintenance on its supercomputer, research aircraft, radar system, and surface observational systems. As a result, NCAR is finding it increasingly difficult to maintain the high-quality of research we have come to expect.

Mr. President, if I may, I would like to address a question to my good friend, the Senator from Maryland. It is my understanding that the report accompanying this bill makes some allowances for the increased national interest in global climate change.

Ms. MIKULSKI. The Senator from Colorado is correct. The committee report on H.R. 2916 states that the NSF should make research on global climate change one of its highest research priorities. As the report states:

> Understanding and predicting global change is essential for developing policies and responses that mitigate the problem.

Mr. WIRTH. I thank my good friend from Maryland. Then am I to understand that, while the committee does not actually direct the NSF to support this research, it is strongly encouraging more investment in the Geoscience Directorate, and, consequently, NCAR?

Ms. MIKULSKI. Again the Senator is correct. The committee would expect that the NSF will provide more research dollars toward the examination of the phenomenon of global climate change, and one of the prime recipients of this increased attention will be NCAR.

Mr. WIRTH. Again, the Senator from Maryland has been most gracious. I will be watching with strong interest the priorities the NSF follows during the uncoming fiscal year. While I am a strong believer in the peer review process with regards to the allocation of funding for scientific research, I do not think that Congress gives up its right and obligation to review and change the programs of the Federal Government. I hope that the NSF will take the committee recommendations to heart.

Mr. President, I yield the floor.

THE URBAN AIRSHED MODEL FOR THE METROPOLITAN AREA OF SOUTHEAST WISCONSIN, NORTHEAST ILLINOIS AND NORTHWEST INDIANA

Mr. KOHL. Mr. President, my friends and colleagues from Illinois, Senators SIMON and DIXON, and I would like to engage in a colloquy with our friend, the distinguished Senator from Maryland.

Ms. MIKULSKI. I will be happy to yield to the gentlemen from Wisconsin and Illinois.

Mr. KOHL. First, let me say, we are very grateful to you and the members of the Appropriations Subcommittee on VA, HUD, and Independent Agencies for your work and the attention that you have given to the merits of our requests during the appropriations process. We realize that each year your job is more difficult.

It is our understanding that our request for funds to begin an urban airshed model for the metropolitan area of southeastern Wisconsin, northeastern Illinois and northwestern Indiana is not included in the Senate appropriations bill at this time.

Ms. MIKULSKI. That is correct. As you know, many of the projects funded in the House are not always included in the Senate appropriations bill, but they are automatically considered in conference. The request that you refer to is one that is included in the House bill.

Mr. KOHL. I thank you for you fairness and would like to reiterate my support for this very important project. It is of vital importance that we continue to move in the direction of cleaning our environment, and I believe that developing this urban airshed model would not only benefit the States of Wisconsin, Illinois, and Indiana but, perhaps, serve as a model for other areas of the country that must develop ozone implementation plans.

I join my friends from Illinois in requesting that you give this full consideration during your conference with the House.

Mr. SIMON. Madam Chairman, I would like to thank my colleague from Wisconsin for his willingness to work with us on this very important matter. I would also like to commend my good friend and colleague from Illinois, Senator DIXON, for once again working so diligently on a project that is of importance to our great State of Illinois.

The States of Wisconsin, Illinois, and Indiana have been working for some time with the Environmental Protection Agency in reaching a negotiated settlement on a court ordered ozone Federal implementation plan that would affect our three States.

The settlement is contingent upon the establishment of a southern Lake Michigan air basin model. If we do not receive a maximum one-third Federal cost share for this model, the agreement reached by our State, and the States of Wisconsin and Indiana, will be jeopardized.

It would be a tremendous set-back for the progress that we have made in this very important area of air quality, if we are not able to complete this urban airshed model. I do not believe that we can continue to put aside the need to address this problem.

I am proud that Illinois worked with Wisconsin, Indiana, the EPA and the Justice Department to come up with a viable proposal to address this problem and it is my hope that you will give this matter serious consideration during your conference.

Mr. DIXON. Madam Chairman, I also want to commend you for your work on this year's appropriations work. Once again, you have shown us strong, thoughtful and considerate leadership. We very much appreciate your efforts.

I join my friend and colleague from Wisconsin, Senator KOHL, and my long-time friend and colleague from Illinois, Senator SIMON, in this matter of great importance to our States and to all the United States.

As you know, there is precedent for Federal cost-sharing for air quality models in severe ozone transport regions in the Northeast and Southern California. For example, last year the San Joaquin Valley ozone model effort received $1 million in Federal money, and I understand that this year the VA, HUD and independent agencies appropriations bill in both the House and the Senate contains an additional $2 million for this Southern California air model. The $3 million the San Joaquin model will receive represents one-third the cost of this model. Madam Chairman, those of us who represent the people of the southern Lake Michigan air basin are seeking the same Federal commitment to solving the smog problem in our area that has been provided to the people of Southern California.

The States of Illinois, Wisconsin and Indiana have committed funds in their fiscal year 1990 budgets for funding the first year of the model's cost in keeping with the House passed language stipulating that the southern Lake Michigan air basin model be two-thirds non-federally funded.

It is imperative that the Federal share for this model be provided in order to proceed with the plan agreed to by Illinois, Wisconsin, Indiana, and the U.S. EPA to restore the Chicago area's air to health.

Madam Chairman, I know of your great interest and leadership in the area of environmental protection, and I hope that you will give this matter every consideration during conference.

Mr. KASTEN. Madam Chairman, I am happy to be joining my friends from Illinois and my distinguished colleague from Wisconsin on this important matter.

The air pollution problems around southern Lake Michigan pose a serious problem to the three States of Wisconsin, Illinois and Indiana. What makes this problem particularly vexing is that unique transport mechanisms may operate around this large body of fresh water.

Our States are prepared to cooperate in the management of this airshed, but we need some additional technical information to most effectively use scarce public and private funds to improve air quality. No State can solve the problem alone. Each will act together, but we need strong Federal leadership. In particular, we need better data on how pollution is transported in the basin.

For this reason, we are seeking an EPA analysis of the interstate movement of pollution. This date will allow us to protect the environment and the public's health.

We recognize the pressures on the HUD and independent agencies appropriation bill. It is our understanding that while this bill does not contain an earmark for this project, every effort will be made to include it in the conference.

Ms. MIKULSKI. I appreciate the work of my four colleagues and understand their concern for a cleaner environment.

Let me say that Senator DIXON is correct in stating that this year's VA, HUD and independent agencies appropriations bill contains funding for the San Joaquin Valley air model, and that the whole project will have received one-third of its funding from the Federal Government.

I want to assure my colleagues that consideration will be given to include funding for the southern Lake Michigan urban airshed model.

I, too, am very concerned about the quality of the environment in this country, and indeed around the world, and I will continue to do all that I can in this area.

Mr. KOHL. Madam Chairman, once again, I thank you for your leadership and your consideration on this matter.

SPECIAL HOUSING PROJECT, OGDEN, UT

Mr. HATCH. Mr. President, I would like to enter into a colloquy with the Senator from Maryland in regard to a matter we have discussed before which I hope can be addressed in the conference with the House on H.R. 2916, the VA, HUD, and Independent Agencies appropriations bill. Senator MIKULSKI and I have discussed the possibility of funding a special housing project in Ogden, UT, which emphasizes local control and initiative to solve difficult housing and community development problems.

I have recounted to the Senator from Maryland the unique and difficult problems facing the city of Ogden, UT. Ogden has a great many local housing problems that need to be solved. Ogden is an older city with the highest proportion of minority residents of any city in Utah. The downtown area of Ogden is decaying, and with that decay come the attendant problems of crime, drug abuse, loss of personal dignity, and family stress.

However, Ogden is working hard to address these problems. City officials have plans in place which will go a long way toward solving these problems. The project which the Senator and I discussed is an important part of these plans. Despite tight capital markets in my State, and the austere city budget, Ogden is committed to matching every Federal dollar with $1 of private money, a match which far exceeds any requirement in law.

Mr. President, I would like to ask Senator MIKULSKI to work with me to find a way to fund this program when this bill goes to conference. If possible, I would like her help in designating $1 million out of the discretionary Community Planning and Development Program for Ogden.

Ms. MIKULSKI. Mr. President, I thank my friend for his request and his interest in housing programs. I would be happy to help in any way possible.

BENEFITS TO NEW JERSEY

Mr. BRADLEY. Mr. President, I would like to take this opportunity to offer the subcommittee chairwoman and her staff my sincerest thanks and compliments on a job very well done. The junior Senator from Maryland may be relatively new to this body, but her impact is unmistakable and absolutely positive.

Senator MIKULSKI has been forced to make very tough decisions and lead her subcommittee to grapple with some of the most critical issues facing our country. Throughout the process, the chairwoman has coupled real technical expertise with a sensitivity to the special needs of many in our country. There are many in New Jersey who will see a very real positive change as a result of her efforts. For example, the children of Camden, NJ, who are the most vulnerable to the chromium-contaminated water, will be assured access to safe drinking water. We will see better enforcement of the medical waste tracking and ocean dumping legislation so that families can continue to enjoy the shore. And I look forward to new efforts to involve local youth and civic groups in keeping our beaches as clean and safe as we remember them and as we want them to be. On behalf of myself and all New Jerseyans, I again thank the distinguished Chairwoman.

Ms. MIKULSKI. Mr. President, Senator BRADLEY is very kind. I take his comments about my expertise and sensitivity to be doubly complimentary, given the Senator from New Jersey's well-known and well-earned reputation for personal excellence. I would add, however, that Senator BRADLEY has been a remarkable champion for New Jersey. In this appropriations bill are a number of projects that would not have been included, absent his interest. As everyone knows, the subcommittee gets innumerable requests for special help. Most have merit, but most go unfulfilled—there simply is not enough money in the budget. Senator BRADLEY, however, has combined a serious and direct appeal with powerful and persuasive arguments. His constituents can be proud of the role he has played and they will see his efforts through safer drinking water, cleaner oceans and better beaches.

COVERAGE OF FHA AMENDMENT

Mr. CRANSTON. I would like to engage the Senator from Maryland in a brief colloquy on the reach of the FHA amendments contained in this legislation.

A question has been raised whether the amendment to the FHA limits will affect the Resolution Trust Corporation's [RTC] disposition rules for single-family properties. Those rules were recently codified in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [FIRREA].

I was one of the principal Senate authors of that legislation and a firm supporter of the RTC provisions. My review of the pertinent statutory language shows clearly that the FHA amendment before us today will have no effect upon the RTC disposition rules.

Section 21A(c) of the Federal Home Loan Bank Act—codified under section 501(a) of FIRREA—establishes special guidelines for the RTC's disposition of certain single family and multifamily properties. The guidelines governing the disposition of eligible single family properties are intended to facilitate homeownership, foster sales to public agencies and nonprofit organizations and discourage purchases by speculators. Thus, for the first 3 months after an eligible single family property is made available for sale, the RTC is permitted to sell the property only to (a) homebuyers at or below 115 percent of area median income; or (b) public agencies or nonprofit organizations that would make the property available for low income homeownership or rental.

The definition of eligible single family property is tightly drawn. Specifically, section 21A(c)(9)(F) of the Federal Home Loan Bank Act defines the term as meaning a—

> * * * 1- to 4-family residence * * * (ii) that has an appraised value that does not exceed the applicable dollar amount set forth in the first sentence of section 203(b)(2) of the National Housing Act (without regard to any increase of such amount for right-cost areas).

The applicable dollar amounts are as follows: $67,500 for a single-family residence; $76,000 for a two-family residence; $92,000 for a three-family residence; and $107,000 for a four-family residence. The special disposition guidelines, therefore, only apply to single-family properties that are valued at or below these limits.

The FHA amendment before us today would not alter any of the dollar amounts set forth in section 203(b)(2). It follows that the FHA amendment would not change in any way the class of single family properties covered by the RTC's special disposition guidelines.

Ms. MIKULSKI. I thank the Senator from California for his expert advice and guidance on this issue. I totally concur with his conclusion. This appropriations bill does not—and is not intended to—affect the class of single family properties that are subject to the RTC's special disposition guidelines.

Mr. JEFFORDS. Mr. President, I rise in support of H.R. 2916, the VA, HUD, and independent agencies appropriations bill for fiscal year 1990. This bill represents appropriations for the Departments of Veterans Affairs and Housing and Urban Development as well as some 20 independent agencies, commissions, boards, corporations, and offices. In total this package contains over $67 billion worth of appropriations.

I want to take this opportunity to praise the subcommittee chair and ranking Republican of the Appropriations Subcommittee on HUD and Related agencies. During this time of budget constraint, outlay shortfalls and diverse interests their efforts cannot be overstated.

The programs within this bill are all worthy programs. The agencies represent such important activities as assistance to the homeless, medical care for our veterans, research and development in space technology, hazardous wastes, clean drinking water, and countless others. Tough decisions on funding had to be made.

I want to specifically commend the subcommittee leaders for their sensitivity to the needs of programs that rarely receive attention. Specifically, I am referring to a little known, yet critically important bill the Academic Research Facilities Modernization Act [ARFMA], a program which I initiated in the 99th Congress as a Member of the House of Representatives. While the bill did not get passed that year, I later included it in the Omnibus Trade and Competitiveness Act of 1988, which became law at the end of the 100th Congress.

This program, which I had initially intended to be carried out by the Department of Education, was transferred to be placed under the jurisdiction of the NSF. While, I would have rather seen the program administered by a number of agencies, moving the program to the NSF did not drastically alter the goals of the program.

The ARFMA establishes a program to award grants to universities, colleges, and independent nonprofit research insititutions for the repair, renovation, or, in exceptional cases, replacement of obsolete science facilities.

The tragic state of our university science facilities attests to the growing need for funds to rebuild our Nation's basic science infrastructure. A survey of private colleges and universities shows that only 10 percent of these institutions rated their science facilities as state-of-the-art while more than 40 percent of the institutions rated their facilities as inadequate to meet their current teaching and research needs.

The problem is particularly acute in small colleges that do not have large outside funding resources. However, it is precisely these colleges that are producing the greatest number of future Ph.D candidates in science. It is imperative, therefore, that our undergraduate science facilities be as up to date as possible to educate and train tomorrow's scientists and engineers. This program is crucial, not only to our universities and colleges, but to the competitive nature of our Nation as a whole.

Although, the $20 million appropriated falls short of the recommended $125 million authorized, it still represents a major step forward toward the recognition of the importance of repair and renovation to our universities. The $20 million represents $20 million more than the House appropriations and $20 million more than the administration's recommendations. It will provide money for at least five new proposals that will serve as demonstration projects in this area.

I want to thank my colleagues for their commitment to this critical legislation. Four years after its inception, I am glad to see that the ARFMA has finally received appropriations. It is an important bill, not only to our research facilities but to our Nation's future graduates.

THE SPACE PROGRAM

Mr. BENTSEN. Mr. President, I want to congratulate the Appropriations Committee, and in particular the distinguished managers of this bill, Senators Mikulski and Garn, for the Space Program they have recommended.

This bill makes the best of a tight budget situation. It provides a generous increase of nearly 16 percent for NASA and directs enough money into the space station to keep that program from withering on the vine.

I wish we could have approved the entire NASA budget without cuts. But I am grateful that the committee approved $76 million more than the House overall and nearly $200 million more for the space station.

If we do not want to play a leadership role in space, if we do not want to have that basic building block of the space station, then we might as well bow out now and save some money. Fortunately, the committee recognized that nickel and dime cuts in the space station would only delay the program further and drive up the total cost.

I especially appreciate the committee's responsiveness to my requests for full funding for the Space Grant College and Fellowship Program—which has just begun with the naming of the first space grant institutions—and for increased funding for NASA's commercial programs.

Without a well-trained new generation of space scientists and engineers, our Space Program will be grounded. And without a vigorous effort to exploit the commercial opportunities which space can provide, we will become followers rather than leaders in the global economy.

Texas has two of NASA's centers for the commercial development of space—at Texas A&M University and at the University of Houston. I trust that the restorations made in the commercial programs account will permit their leading edge research to continue unimpeded.

I especially want to thank the committee for taking special steps to protect funds for the University of Houston's wake shield facility by directing that it be funded from construction accounts.

The University of Houston houses the Space Vacuum Epitaxy Center, which is studying the growth of crystals in the vacuum of space. Its planned $3.6 million wake shield is a 12-foot structure designed to fly on the space shuttle, creating an ultra vacuum environment in which to grow special materials. The committee's action shows strong support for the Houston center's program and should permit it to proceed on schedule.

Mr. President, despite strong congressional support whenever it has come to a vote, the space station has had a cliffhanger existence for the past few years because of budget restraints and the peculiarities of the congressional budget process. I hope that this bill this year will mark the last hold in the countdown and that we will not look back or second guess our support for this vital capability.

Ms. MIKULSKI. Mr. President, before the two managers yield the floor, I would like to thank the ranking minority manager for all of the help and cooperation he has given me in crafting this legislation. It has been, indeed, a pleasure to work in a bipartisan fashion.

I thank my own staff, Kevin Kelly, Carolyn Simmons, Michelle Burkette, and Laura Carew and of course Stephen Kohashi and Sharon Whitlock from the minority for the excellent way they worked together. It was an issue where we had excellent communication and excellent cooperation. I think our bill is now poised to do very important funding in America's interests.

I yield the floor.

Mr. SARBANES. Mr. President, I commend the distinguished Senator from Maryland for the outstanding job she has done as chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Appropriations Committee. She has displayed strong and effective leadership in developing the legislation before the Senate at this time, and in guiding this important legislation through the committee and managing it on the floor of the Senate.

Senator MIKULSKI undertook a difficult task when she became the chairman of the VA, HUD Independent Agencies Subcommittee. Faced with severe budget constraints on the one hand and critical needs on the other in areas that are important to the Nation and the State of Maryland, she has carefully crafted a legislative package that provides funding for essential veterans programs, important housing and community development programs and a variety of independent agencies including NASA, EPA, the National Science Foundation, and FEMA as well as others.

I would like to comment briefly about two areas in particular—the environment and housing.

The legislation before us provides significant resources for the national effort to conserve and enhance our environment.

For example it provides $2.05 billion for EPA's wastewater construction grants program—an increase of $850 million above the administration's budget request. The construction grants program is vital to improving municipal sewage treatment plants and the quality of our Nation's waters. Without the level of funding provided by the committee, the Chesapeake Bay Cleanup Program undertaken by the State of Maryland, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia would be seriously curtailed.

In the area of housing, the bill provides significant increases in a number of important areas and makes other needed reforms in programs administered by the Department of Housing and Urban Development. These include significant increases in funding for programs for the homeless with an emphasis on those programs designed to provide permanent housing to deal with the increasing homeless crisis. The committee also provides over 7,000 incremental assisted housing units to deal with the serious shortage of affordable rental housing. This is a problem that will only get worse as a large number of low rent units that have been assisted in the past cease to be available due to prepayments of mortgage loans, and expiring certificates.

The committee bill also continues the community development block grant program that has been so important for local communities to meet critical housing and infrastructure needs. In addition the committee bill includes important reforms that will begin to address the corruption and other administration abuses that have taken place at HUD over the past 8 years.

Another promising program that is continued by the committee bill is the Nehemiah program that was originally authorized by the Housing and Community Development Act of 1987 to create homeownership opportunities in distressed neighborhoods. The committee bill provides $25 million for a second year of grants to nonprofit housing organizations to be used with State local and private funds in joint efforts to revitalize blighted areas.

In closing, I would like to thank Senator MILULSKI and express my appreciation to Kevin Kelly and the staff of the subcommittee for their committed and effective work.

Mr. MITCHELL. Mr. President, I commend the managers of the bill, the distinguished Senator from Maryland and the distinguished Senator from Utah, on their diligence and persistence in bringing this bill to this point.

I note the presence of the distinguished Republican leader on the floor. Ordinarily, of course, at this point the bill would proceed to third reading and final passage. As we are all aware, the distinguished Republican leader has made clear that he will not consent to such action occurring now and it is, of course, within his power and that of colleagues to prevent that from occurring.

I understand that this bill has now been completed but for the situation which arises as a result of the ongoing drug negotiations. It is my hope that the distinguished Republican leader and I can now discuss how best to handle setting this bill aside and proceeding to what I hope will be the foreign operations bill first thing in the morning.

Mr. President, I yield to the distinguished Republican leader at this time.

Mr. DOLE. Mr. President, I can give to the majority leader now—we do not need to discuss it openly—a couple changes we made in language that had been given to me on behalf of the majority leader. It is not that we want any more amendments to this bill. I understand the managers worked very hard; they have completed the amendments. What they do not want is somebody coming in next week with Farmers Home or some other amendments cutting the space program or some other program.

On the other hand, until we complete negotiations, either successfully or unsuccessfully, we do want to have the right to come back with drug-related amendments. All we are trying to do is make certain we protect those of us on this side, and maybe some on that side, who would want to do that.

They have had a meeting this evening from about 6 to 8 o'clock. I am not certain precisely how that meeting ended. I understand it was not on a high note. But there will be another meeting tomorrow. I will be happy to privately discuss this rather than do it openly with the majority leader.

Mr. MITCHELL. Since I have just presented this document and have not had the opportunity to read it, I would prefer the opportunity to read it and then consult with the distinguished Republican leader.

Mr. DOLE. I would say for the record that I am perfectly willing at this time to join the majority leader as well as the two managers to help table any amendment that might not be drug-related in this bill. I want to cooperate. I want to move ahead. I am willing to go now to the foreign operations bill and set this bill aside, so it is not any effort to slow down the process. We want to complete the process, if we can, by October 1, but we do want to preserve our rights. So I would be happy to discuss it with the majority leader.

Mr. MITCHELL. Under the circumstances, Mr. President, there will be no further rollcall votes this evening, so other Senators need not be detained while the distinguished Republican leader and I discuss how best to handle the situation of this bill now.

Accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN DOOLEY BELLINGER: A TRUE SON OF HAWAII

Mr. MATSUNAGA. Mr. President, the Sun does not seem to shine so brilliantly in Hawaii today, where the people of the Aloha State mourn the loss of one of Hawaii's finest sons, businessman, civic leader, and humanitarian. John Dooley Bellinger, whose life story reads like a classic Horatio Alger novel, climbed to the top of Hawaii's financial corporate ladder while never forgetting his roots, and in the process, left behind a better community.

The "local boy who made good," Bellinger began his career in 1942 at First Hawaiian Bank, then called Bishop First National Bank, as an 18-year-old bank teller making $115 a month. By 1969, he had become president at the age of 45, one of the youngest bank presidents in the Nation. And by 1979, he was elected chairman and chief executive officer with an annual salary topping $1 million. But Bellinger will best be remembered for his creative initiative and quiet diplomacy in community service and his benevolent influence on behalf of community causes.

As the son of a Pearl Harbor electrician, Bellinger first showed signs of ambition and leadership when he became class president, class treasurer, and hall monitor—all at once—in the fourth grade. In high school, his large Hawaiian frame no doubt contributed to his athletic excellence where he racked up a record for pass receptions during one football season and took first place in three events at a track meet. A keen observer would have detected in the young leader a promise of even greater things to come, Bellinger fulfilled that promise in every way imaginable.

While he may have projected a gruff, rigid, and exacting exterior as head of Hawaii's second largest financial institution, and while he no doubt savored his reputation for financial wizardry and considerable business acumen, Bellinger actually possessed a heart of gold which overflowed with compassion and concern for others.

Bellinger served as cochairman for numerous fundraisers benefiting local institutions, including Palama Settlement, Kawaiahao Church, the Hawaii Imin International Conference Center, and the Blood Bank of Hawaii. Indeed, when he passed away last Sunday at the age of 66, John Bellinger was in the midst of a $3 million fundraising campaign to establish the Bobby Benson Center, Hawaii's first alcohol and drug rehabilitation center for teenagers.

As one of Hawaii's brightest sons, he also confounded the Hawaiian Open golf tournament in 1965, served as chairman of the U.S. Army Western Command Civilian advisory group and of the Japan-Hawaii Economic Council, and served as trustee for Punahou School and Hawaii Loa College.

At one time or another, he sat on the board of directors of Aloha airlines, Alexander & Baldwin Inc., Matson Navigation Co., Halekulani Corp., Hawaiian Telephone Co., the Chamber of Commerce of Hawaii, the Pacific International Center for High Technology Research [PICHTR], Hawaii Seiyu Inc., and Restaurant Suntroy USA.

Mr. President, I could go on and on and recite the lenghty list of awards and honors John Bellinger received: the 1987 Boy Scouts Distinguished Citizen award, the 1981 Congressional Medal of Honor Society Distinguished Service Award, the 1989 University of Hawaii Foundation Trustees' Award for Distinguished Leadership, the American Academy of Achievement Gold Plate award in 1970, and so forth. But I fear that if my dear friend John were standing here today, he would look at me with some embarrassment and a shade of disapproval; he was not the type to seek publicity.

Perhaps it would be sufficient to quote the words of this remarkably gifted son of Hawaii who knew the meaning of humility and compassion. Asked what the secret to his success was, Bellinger humbly replied: "Some of us are lucky as can be that we were brought up right, were blessed with some common sense and some luck, and we came out all right. There's something to being in the right place at the right time, too."

Mr. President, John D. Bellinger's life was an exemplary life of devotion to the community. Blessed with abundant talents, he believed in the potential of his fellow citizens, the State, and its shining future and sought to fulfill it.

For those who mourn his loss—and they are many—the Sun does not seem to shine so brightly today. But there is no doubting the Sun will rise again, as it has for untold millennia. And the people of the Aloha State will glory in the warmth of that Sun once again when they realize that all Hawaii is brighter because of the efforts of John D. Bellinger, a true son of Hawaii, who left the world a better place in which to live.

TRIBUTE TO RICHARD D. MORGAN, EXECUTIVE DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION

Mr. CHAFEE. Mr. President, on September 22, Dick Morgan will retire as Executive Director of the Federal Highway Administration [FHWA]. This day will mark the end of 32 years of distinguished service at the Federal Highway Administration for Mr. Morgan.

After graduating with honors from Michigan State University and the Franklin Law School, Mr. Morgan came to the Federal Highway Administration in 1957, and since that time has held many positions within FHWA. In 1982 he achieved the highest civil service position at FHWA when he was appointed as the Executive Director. Mr. Morgan served in that position with distinction as he has in all his position at the agency. His colleagues have recognized that service with many awards including the Secretary's Award for Superior Achievement in 1974, the Presidential Rank of Meritorious Executive in 1982 and the Distinguished Presidential Rank Award in 1987.

It is also appropriate that the legislative branch recognizes Mr. Morgan's service because he has worked closely with us, and has been involved in major highway legislation for many years. His knowledge, experience, and willingness to help have been appreciated very much.

During his career at FHWA, Mr. Morgan was responsible for initiating or implementing numerous programs including certification acceptance, regulations implementing the Interstate Transfer Program, value engineering, a pavement management program, the Motor Carrier Safety Assistance Program, and the Strategic Highway Research Program, to name just a few.

I want to take this opportunity to thank Mr. Morgan for his years of excellent public service, and to wish him well in whatever endeavors he chooses to undertake.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 695. A bill to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements; enhancing parental choice; encouraging the study of science, mathematics, and engineering, and for other purposes (Rept. No. 101-136).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 253. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of food consumed in the United States with the provision for the conduct of scientific research and development in support of such program and plan (Rept. No. 101-137).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 122. Resolution expressing the sense of the Senate in support of actions to eliminate preventable deaths and disabling illness, especially among children through intensified international collaboration to attain the United Nations goals of Universal Childhood Immunization by 1990 and Health for All by the Year 2000, and through the convening of a World Summit on Children.

S.J Res. 162. Joint resolution to urge the Nobel Commission to consider awarding Nobel Prize recognition for achievements in preservation of the world environment.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Thomas C. Dawson II, of the District of Columbia, to be U.S. Executive Director of the International Monetary Fund for the term of 2 years;

Edward Joseph Perkins, of Oregon, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service;

William Andreas Brown, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William Andreas Brown.

Post: Ambassador to Tel Aviv, Israel.

Nominated: May 31, 1989.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, Joanna Maria, Margarita, Anastasia, Alexander (wife Judith), none.
4. Parents, Margaret J. McConnell, none; Frederick I. Brown, deceased.
5. Grandparents, William Brown, Grace Brown, Andreas Andresen, Mary Andresen, none.
6. Brothers and spouses, none.
7. Sisters and spouses, half sister: Susan M. Plato, her divorced ex-husband: Thomas Plato, none.

Richard Wood Boehm, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, Patricia Lynch Boehm, deceased.
3. Children and spouses, son, Stephen Boehm, married to Rosalba Mendoza, both none; daughter, Karen, married to James Fisher, both none.
4. Parents, Charles, deceased, Kathryn Boehm, none.
5. Grandparents, Frederick and Hannah Boehm, both deceased. William and Augusta Griffith, deceased.

Brothers and spouses, none.

7. Sisters and spouses, Marion and Robert Wolf, none.

Betty and William Shave.

1985: $25, reelect Packwood; $10, Nat'l Women's Pol. Caucus; $150, Union Party of Amityville; $50, Pfizer Pac.

1986: $25, Cranston for Senate; $25, citizens for Downey; $25 people for Mrazek; $35, reelect Packwood; $25, Schroeder for Congress; $25, Harriet Woods Committee; $15, Claude Pepper; $25, John Glenn; $75, Naral Pac.

1987: $50, Moynihan Committee; $25, Metzenbaum for Senate; $25, reelect Packwood; $10, Women's Campaign Fund; $10, Nat'l Women's Pol. Caucus; $75, Naral Pac; $100, Union Party of Amityville.

1988: $40, Moynihan Committee; $35, people for Mrazek; $35, The Lautenberg C'ttee; $35, Women's Campaign Fund; $75, Naral Pac; $35, citizens for Downey; $35, Louise Slaughter Reelect C'ttee; $175, Union Party of Amityville; $50, citizens to elect M. Postal; $35, National Women's Pol. Caucus; $25, reelect Packwood; $15, citizens for Weicker; $25, reelect Metzenbaum.

1989: $100, Union Party of Amityville; $25, elect Elizabeth Holtzman; $15, Women's Campaign Fund.

Warren A. Lavorel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the United States Coordinator for Multilateral Trade Negotiations.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Warren A. Lavorel.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, n/a.
3. Children and Spouses, Michael, Daniel, none.
4. Parents, Arnold, none.
5. Grandparents, none.
6. Brothers and spouses, n/a.
7. Sisters and spouses, n/a.

Johnny Young, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Johnny Young.

Post: Sierra Leone.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Angelena V. Young, none.
3. Children and spouses, David John, none; Michelle Jeanine, none.
4. Parents, Lucille Pressey, none; Eva Young and John Young, deceased.
5. Grandparents, Alice Young, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, Loretta Young, none; Lottie Mae Young, none.

Lannon Walker, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Lannon Walker.

Post: Ambassador to the Federal Republic of Nigeria.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Arlette Walker, none.
3. Children and spouses, Rachelle and Tom Crowley, none; Anne Walker, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

Mark Gregory Hambley, of Idaho, a Foreign Service Officer of Class One, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Mark G. Hambley.

Post: Qatar.

Contributions, amount, date, and donee:

1. Self, Mark Hambley, none.
2. Spouse, Patricia Hambley, none.
3. Children and spouses, n/a.
4. Parents, Gordon Hambley, deceased. Ardella Hambley, none.
5. Grandparents, deceased.
6. Brothers and spouses, n/a.
7. Sisters and spouses, Lynn Denz, none; Thomas Denz, none.

James Richard Cheek, of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sudan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: James Richard Cheek.

Post: Ambassador to Sudan.

Contributions, amount, date, and donee:

1. Self and spouse, 1985: $30, DSCC; $50, Americans for Hart; $30, DSCC; $50, DNC. 1986: $50, Dodd for Senate; $100, DSCC; $50, Hart Volunteer Comm.; $50, DNC; $30, Harriet Woods Comm.; $50, Evans for Senate; $60, DSCC; $50, DNC; $50, DSCC; $50, DSCC; $35, Wirth for Senate; $50, DNC; $60, Harriet Woods Comm. 1987: $250, Friends of Hart; $50, DNC; $50, DSCC; $35, Gephardt for Pres.; $50, DSCC; $35, Gephardt for Pres.; $100, DNC; $100, DSCC. 1988: $150, DNC; $50, Gore for Pres.; $100, DSCC; $100, DSCC.

Note: DNC is Democratic National Committee and DSCC is Democratic Senatorial Campaign Committee.

3. Children and spouses, Mrs. Leesa Ferguson and spouse Michael Ferguson; none; Mr. Forrest Cheek, Surya Tamang Cheek (minor child), none.

4. Parents, Mrs. Dorothy Cheek (mother), none. Father, deceased.

5. Grandparents, deceased.

6. Brothers and spouses, brother deceased.

7. Sisters and spouses, Mrs. Sherry Light and spouse Larry Light, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself and Mr. DIXON):

S. 1638. A bill to require each prisoner released on probation, parole, or supervised release to pass a drug test; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 1639. A bill to amend the Agricultural Adjustment Act to repeal the minimum adjustments to prices of fluid milk under Federal marketing orders and to establish basing points in various geographical areas of the United States for purposes of determining prices to be paid to milk producers under such orders and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1640. A bill to amend the Agricultural Adjustment Act to require that reconstituted milk be treated as a fluid milk product under milk marketing orders and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself, Mr. SIMON, Ms. MIKULSKI, Mr. SARBANES, Mr. ROBB, Mr. GRAHAM, Mr. LAUTENBERG, Mr. PELL, and Mr. BIDEN):

S. 1641. A bill to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps the framework for a composite program of Support for East European Democracy; and for other purposes; to the Committee on Foreign Relations.

By Mr. MATSUNAGA:

S. 1642. A bill to extend the existing suspension of duty on certain knitwear fabricated in Guam; to the Committee on Finance.

By Mr. DIXON:

S. 1643. A bill to provide protection to consumers in connection with certain telephone services; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 1644. A bill to reduce the rates of the occupational taxes on certain retail dealers in liquor and retail dealers in beer to $100 per year; to the Committee on Finance.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself and Mr. DIXON):

S. 1638. A bill to require each prisoner release on probation, parole, or supervised release to pass a drug test; to the Committee on the Judiciary.

FEDERAL PRISONER DRUG TESTING ACT OF 1989

Mr. SIMON. Mr. President, I am introducing legislation today that I think is needed for our Federal prison system. More than half of those who are incarcerated in our Federal prison system today are there because of drug-related offenses, and yet prisoners who are paroled under our Federal prison system are not given drug testing. It seems to me it is just basic, because we know that we have a problem of drugs in our prisons. I regret to say that. I wish it were not the case. It is the case.

There are 26,000 people who are now eligible for parole in our Federal prison system. My bill is a relatively simple one. It says before you get paroled you have to pass a drug test. I think it is a good, clear, strong signal to everyone in the Federal prison. This is the direction we ought to be going. I think it is just one small step in the direction we ought to be going. I hope we can act and act quickly.

Mr. President, in our Nation's Federal prison population, over 50 percent of those incarcerated are serving sentences for drug-related crimes. This comprises the fastest growing segment of Federal prisoners. Of those incarcerated, many were using illegal drugs prior to or during the commission of the crime for which they were imprisoned.

Illegal drug use and drug-related activity does not necessarily cease as a result of incarceration. Surprisingly, inmates have access to drugs and other contraband smuggled in by staff and visitors. Many prisoners continue well-organized criminal endeavors while in custody.

According to the Federal Bureau of Prisons [BOP], as of August 10, 1989, over 26,000 Federal prisoners are eligible to be released on parole. Currently, there is no testing to determine whether a soon-to-be released inmate is using one or more illegal substances. Nor is being drug-free a condition of release. Prisoners using drug are therefore released and returned to our communities. This is obviously unacceptable. One could predict that a prisoner using drugs would, upon release, continue illegal drug use, and the criminal activity necessary to support it. A cycle of crime, arrest, prosecution, and incarceration is perpetuated. This certainly contributes to a recidivism rate that, according to the Bureau of Prisons, is as high as 45 percent for Federal prisoners.

To break this most destructive cycle, we, in Congress, must act to insure that inmates using illegal drugs are not eligible for release into our communities.

In furtherance of this goal, I am today introducing a bill providing that any Federal inmate eligible for probation, parole, or supervised release must pass a randomly administered urinalysis test prior to, and two such tests following, release from a Federal correctional facility.

If an individual is found in violation of these provisions, he or she will continue serving until a randomly administered urinalysis test is passed. In the event that an individual does not pass a postrelease test, he or she will return to prison to serve the remainder of the sentence imposed. Such a test is relatively inexpensive, only $7 per test. The savings to our communities and our criminal justice system are potentially great.

Mr. President, I urge my colleagues to join me in cosponsoring this legislation, which can be a potent weapon in the war against illegal drugs. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Drug Testing Act of 1989".

SEC. 2. CONDITIONS ON PROBATION.

Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking out "and";

(2) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding a new paragraph (4), as follows:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant—

"(A) pass a drug test prior to the imposition of such sentence; and

"(B) refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the court) for use of a controlled substance.".

SEC. 3. CONDITIONS ON SUPERVISED RELEASE.

Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant pass a drug test prior to the imposition of such sentence and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the court) for use of a controlled substance.".

SEC. 4. CONDITIONS ON PAROLE.

Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to the imposition of such sentence and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the

Commission) for use of a controlled substance.".

By Mr. KASTEN:

S. 1639. A bill to amend the Agricultural Adjustment Act to repeal the minimum adjustments to prices of fluid milk under Federal marketing orders and to establish basing points in various geographical areas of the United States for purposes of determining prices to be paid to milk producers under such orders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1640. A bill to amend the Agricultural Adjustment Act to require that reconstituted milk be treated as a fluid milk product under milk marketing orders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY LEGISLATION

Mr. KASTEN. Mr. President, I rise today to introduce legislation that will establish multiple basing points in the marketing of milk, and repeal the 1985 class I differentials. This bill was introduced in the House by Congressman ROTH. I am also introducing legislation to remove the economic disincentives to reconstituted milk. These measures are a first step in overhauling the arcane and inequitable system of milk marketing orders.

The current system of milk marketing orders was set up in 1933 and was designed to protect both consumers who needed to have a fresh supply of dairy products and dairy farmers who needed an orderly milk market.

Many things have changed in the last 55 years. We have refrigeration, transportation, and communication that were unthinkable then when the current milk marketing system was established. Consequently, this system of dual protection has become counterproductive.

In 1988, I requested the General Accounting Office to do a study of the current milk marketing order system. The report's conclusion is as follows: "By fostering local production of milk, the Federal milk marketing system has contributed to the national milk surplus and benefited producers in some regions of the country at the expense of others. The justifications for Federal marketing order pricing policies are outdated because dairy market conditions have changed." Specific recommendations followed. Later in 1988, USDA's Economic Research Service released its report on milk marketing orders with very similar conclusions.

The GAO supported my own belief that we need to allow market forces to govern the marketing of milk. There currently is one basing point for the Nation—Eau Claire, WI—which is the reference point for establishing the M-W price. While this is a tremendous compliment to Wisconsin, there are other surplus-producing regions that would make equally good sense as basing points.

Later this year, GAO will be releasing another report, one I requested along with Senator BOSCHWITZ, on the M-W price. I believe this report will confirm the need to change from a one-point system.

The legislation I am introducing will require USDA to establish an additional four to eight basing points, which will be in areas that have a milk surplus. In addition, the bill will repeal the 1985 increases in class I differentials. These increases have clearly worsened an already unfair system.

The second bill I am introducing calls for the treatment of reverse osmosis skim milk as fluid milk. In most parts of the United States, concentrated milk is treated as a class III product. Consequently, processers must pay the difference between the class I and class III price to the local order pool. If this requirement were eliminated, reconstituted milk could be competitive. This bill will remove the economic disincentive currently imposed by most milk marketing orders.

Mr. President, I truly believe that milk marketing orders are domestic trade barriers, whose inflexibility will continue to choke the life out of the dairy industry unless we take appropriate action. I urge my colleagues on the Agriculture Committee—and all my fellow Senators—to give serious consideration to this legislation.

By Mr. CRANSTON (for himself, Mr. SIMON, Ms. MIKULSKI, Mr. SARBANES, Mr. ROBB, Mr. GRAHAM, Mr. LAUTENBERG, Mr. PELL, and Mr. BIDEN):

S. 1641. A bill to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European democracy, and for other purposes; to the Committee on Foreign Relations.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT

Mr. CRANSTON. Mr. President, last month an event of extraordinary historic significance took place in Poland. A Communist government was replaced by popularly elected representatives committed to freedom and democracy.

These breathtaking developments warrant an energetic, imaginative, sustained American response.

For more than 40 years it has been the commitment of the American people to press for the expansion of liberty in Eastern Europe. Now, at long last, a remarkable opportunity has opened, because of the courage and perseverance of the people of Poland and Hungary.

We must seize this opportunity.

Thus far, I regret, the President and his team have failed to do so.

Today there is an extraordinary tide of freedom surging across Eastern Europe. But because of a failure of leadership by the Bush administration, the American people risk missing the boat. Should the United States fail to respond to the extraordinary opportunities caused by the decaying of the Iron Curtain, it would be a tragedy of epic proportions.

The administration's response has been neither energetic nor imaginative. It has betrayed a singular lack of understanding of the significance of recent events. It has also failed to rally a more effective response from West European allies, assistance which will be essential to the long-term success of any aid program.

I believe the Congress and the White House should be working together to fashion a national response of far greater depth and breadth than that put forward thus far.

We need a moral commitment from all Western democracies—led by the United States—that can help sustain the people of Poland and Hungary as they endure extraordinary hardships, a commitment similar in dedication and imagination to the Berlin airlift.

We need a substantive economic commitment of enduring support for free market mechanisms and democratic institutions in Poland and Hungary, a commitment—albeit to but two nations now—of the scope and duration of the Marshall plan.

We require greater vision to cement these moral and economic commitments, to build toward the creation of an independent, free, and democratic Poland, an independent, free, and democratic Hungary.

I am therefore joining with a number of my colleagues today to introduce comprehensive legislation designed to advance the cause of democracy in Eastern Europe. This legislation, the Support for East European Democracy Act, grows out of my recent work as head of a Senate delagation visiting with leaders in Poland and Hungary. Indeed, Senators SARBANES, ROBB, GRAHAM, and I had the good fortune to be in Warsaw precisely at the time when the final obstacles were removed to the election of a Solidarity member as Prime Minister.

At that time, we four Senators pledged to return to Washington and do what we could to support the courageous Polish people and to encourage promising developments in Hungary. In recent days, I have been working very closerly with my friend and Senate Foreign Relations Committee colleague, PAUL SIMON of Illinois on a series of legislative proposals. I have cosponsored his S. 1582; I look forward to working again with him tomorrow when the Foreign Relations Committee acts on our proposals and votes to report legislation for prompt consideration by the full Senate.

The legislation we are introducing today is a comprehensive package which would take the following actions:

Establishes a single U.S. coordinator for all support for East European democracy programs and mandates setup of a central SEED information system to coordinate public and private American activities in Poland and Hungary;

Authorizes $300 million annually for the next 3 years for an Enterprise Fund to support projects in Poland (moneys to be taken from surplus DOD research and development funds);

Similarly authorizes $75 million annually for the next 3 years for an Enterprise Fund to aid Hungary;

Authorizes the extension of Overseas Private Investment Corporation [OPIC] guarantees to Poland and Hungary;

Authorizes the extension of Generalized System of Preference benefits to Polish exports and provides a mandate to the President to use existing authority to grant GSP to Hungary;

Authorizes $11 million in scientific and educational exchanges, as well as medical assistance and assistance in building democratic institutions through the National Endowment for Democracy, for the two countries;

Funds aid for labor reforms—($5 million)—and environmental protection programs—($20 million)—in Poland and Hungary;

Authorizes $25 million in aid to modernize Poland's telecommunications system—from DOD R&D funds;

Authorizes $3 million for Peace Corps activities in both Hungary and Poland;

Directs the President to encourage debt for equity swaps and debt rescheduling negotiations;

Authorizes the President to exercise greater flexibility in granting food aid to Hungary and Poland with the target of matching contributions from the European Community dollar for dollar;

Instructs the President to pursue a series of additional initiatives, including greater initiative in pressing European allies to do more and make greater use of Denton amendment authority to undertake a military airlift of supplies to aid the people of Poland.

Our comprehensive proposal also contains a strict reporting requirement which allows the President considerable flexibility in implementing our proposals—we do not micromanage—while insisting on a report back to Congress regarding progress by January 1, 1990.

This package combines some elements of far more modest proposals, including H.R. 2250, the House-passed Hamilton bill, as well as the administration's limited proposal, introduced last week by request by Senator Dole. Our bill adds virtually no new spending to the Federal budget. The total pricetag for fiscal year 1990 is $423 million of which less than $20 million is in new spending authority. This compares with the President's proposed $100 million program for fiscal 1990.

Our bill also authorizes $381 million for each of fiscal years 1991 and 1992.

Thus to promote a program of enormous importance to our national security interests, we propose to spend 0.15 percent of our $300 billion annual DOD bill. That is less than the cost of one Stealth bomber per year to aid in one of the most crucial national security challenges of our time!

Development in Poland and Hungary provide an opportunity of tremendous historic significance for the United States and the West—as well as peoples who remain behind the Iron Curtain. I recognize that some Americans are uneasy about the idea of sending taxpayer dollars to countries that are floundering because of failed Communist policies. But I am convinced that it is in America's national interest to help these struggling nations to move away from the failed policies of their past, and to move toward a brighter future under pluralism, democracy, and free markets. I thus believe a generous aid program is both a moral obligation and a strategic imperative.

The stakes of the battle for the future of Poland and Hungary are enormous. If Poland and Hungary succeed in making the historic transition away from communism, these developments could ultimatley lead to the crumbing of the Iron Curtain opening of great opportunities for Europeans, Soviets, and Americans alike. We could reduce East-West tensions, reduce our mutual defense costs, increase opportunities for educational and commerical exchanges. But if the Polish and Hungarian experiments fail, there could be dire consequences far beyond their borders. Such tragic failure could spell the need for glasnost and perestroika in the Soviet Union. It could lead to new United States-Soviet tensions. And it could mean chaos for the troubled peoples of Poland and Hungary.

At this historic moment, it would be tragic for American leadership to fail. It would be tragic for the United States to be excessively cautious, for the White House to mistake the status quo for stability. We need to go to bat for freedom and democracy. We need to back up our rhetoric with adequate funding. We need to reach out with energy and imagination to help in the battle to ensure that freedom, democracy, and market economies in Eastern Europe can take root and prosper.

Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of the Support For Eastern European Democracy Act of 1989.

This comprehensive bill demonstrates that we are committed to supporting freedom and democracy in Poland and Hungary and that we are serious about responding to the dramatic reforms underway in those countries. Among its key provisions, the bill authorizes $300 million for Polish private enterprise development, and $75 million for private enterprise development in Hungary. It authorizes OPIC to operate in Poland and Hungary, and would through the extension of GSP expand trade between Poland and Hungary, and the United States. It addresses the foreign debt problems that burden Poland. It also attempts to address needs for food and medical assistance.

The need to help Poland and Hungary as they head down the road of democracy is urgent. I recently returned from a Helsinki Commission trip to Poland where I had the opportunity to witness, first hand, the Polish people's latest battle against oppression. Poland is at a critical juncture in her history. Indeed, it is an historic moment for the entire world. Poland's needs are urgent, and so is our need to respond.

The Polish people are reversing over 40 years of tyranny. They have accomplished what no other people in the world have been able to do: they have peacefully, through the democratic process, overturned a Communist government.

Millions of people in other Eastern European countries, and around the world, will be profoundly affected by the success or failure of developments in Poland. They, and we, cannot afford to fail.

While in Poland, I witnessed the parliamentary election of Tadaeusz Mazowiecki to be the democratically selected head of government.

I also met with Solidarity leader Lech Walesa, a visionary charismatic and compelling leader. He presented an image of courage and determination. That's why the whole world admires him. He epitomizes the will and strength of the Polish people to live as a free people.

In my meeting with Lech Walesa, he spelled out the incredible challenge facing Solidarity leaders and their coalition partners in government. But he also expressed hope and optimism and determination.

In light of the tentative situation in Poland right now, he stressed that it is crucial that the United States take the initiative in aiding Poland's economic recovery. Lech Walesa emphasized the need to move quickly in addressing Poland's economic problems, if political reform is to succeed.

He emphasized again and again the importance of stimulating the Polish private sector. He said Poland needs a "healthy dose of capitalism"—Western business investment and management skills. This bill responds to that plea.

Similarly, we need to respond to the movement toward democracy in Hungary. There too the seeds of democracy have been planted and are beginning to blossom.

The Hungarian Government has recognized the 1956 uprising as a popular uprising and has taken steps to offer Imre Nagy an honored place in Hungarian history. The Government has demonstrated an astounding level of independence and commitment to human rights by assisting refugees fleeing from East Germany and Romania. Perhaps more importantly, the Government has allowed political associations to form and has scheduled free elections for 1990.

America must seize this opportunity to turn back communism and totalitarianism and promote freedom and democracy. The provisions on Poland and Hungary included in this bill will move us in that direction.

The Polish and Hungarian people have the tenacity to fight the war for freedom and reform if we provide the ammunition. But to succeed, they need our assistance in reviving their economies. They need investments, business experience, training, and a belief that they have the manifest power of the free world behind them.

I urge my colleagues to send a signal of support for the movement toward freedom and democracy in Poland and Hungary by supporting this bill.

By Mr. MATSUNAGA:

S. 1642. A bill to extend the existing suspension of duty on certain knitwear fabricated in Guam; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSION ON CERTAIN KNITWEAR

Mr. MATSUNAGA. Mr. President, I am today introducing legislation which will extend the existing duty suspension on hand-knitted wool sweaters assembled in Guam from preshaped parts and imported into the customs territory of the United States. At present, the duty is suspended through December 31, 1992, on these articles. This legislation; identical to a bill introduced in the House by Congressman BLAZ of Guam, proposes to extend the suspension through October 31, 1996.

Mr. President, apparel manufacturers provide a major sector of private employment in Guam. The legislation which I am introducing is important to Guam to provide an incentive to continue the development of a viable private sector in its economy. Production in Guam that is exported into the U.S. customs territory is subject to an existing import restraint agreement which would not be affected by this legislation. I urge the adoption of this legislation by the Senate.

By Mr. DIXON:

S. 1643. A bill to provide protection to consumers in connection with certain telephone services; to the Committee on Commerce, Science, and Transportation.

TELEPHONE OPERATOR SERVICE CONSUMER PROTECTION ACT

Mr. DIXON. Mr. President, today I am introducing the Telephone Operator Service Consumer Protection Act of 1989.

This bill is designed to eliminate the practices of alternative operators which have frustrated consumers over the past several years. The FCC alone has received over 2,000 complaints, not to mention the letters that each of our offices have been assailed with. I continue to receive letters and phone calls from fellow Illinoisians who try to make long-distance phone calls from hotels, restaurants, or rest stops, and continue to be frustrated in their attempts to access the long-distance carrier of their choice.

These consumers have legitimate complaints. Alternative operator services [AOS] provide alternative long-distance service, typically from hotels and pay phones. The original practice of the AOS companies was not to allow a consumer to charge their phone call to their own long-distance provider. Also, billing practices were such that consumers could receive a long-distance phone bill from a city they were never in, and then were charged an amount in excess of AT&T rates.

Mr. President, these conditions are just not acceptable. The Federal Communications Commission [FCC] has issued regulations to prohibit such practices, but the AOS providers have been reluctant to fully comply. The House is considering legislation which will eliminate most of their objectionable practices. The House solved this problem by putting into statute reasonable restrictions, but even that hasn't gone quite far enough. The legislation I am introducing today has a much better chance of solving these problems.

Mr. President, I would like to elaborate on two areas that are strengthened in this legislation. Consumers are particularly burdened by two practices—blocking, and call splashing. Blocking is a practice which dosen't allow a customer to access the long-distance carrier of their choice. To be effective, legislation must eliminate this practice altogether. This legislation creates a disincentive for the owners of the telephones—aggregators' such as hotels, airports, hospitals, and so forth—who control the equipment. Aggregators which continue the practice of blocking will not be eligible for commissions from their preselected carriers. Also, in blocked locations, the carrier will not be able to charge a rate in excess of the lowest tariff rate of any other carrier in the industry.

Therefore, if an aggregator and its preferred carrier want to charge their customers higher rates, they must provide ready access to all other carriers. If the aggregator rate is too high, customers will switch to the more reasonably priced carrier. Over time, this will bring rates down to a reasonable level.

The second practice that must be eliminated is call splashing. Call splashing occurs when an operator service provider does not have the capacity to complete a call. The call is transferred at some point along the route to another long-distance provider. The customer will then receive two bills—one from the carrier the call was placed with, and a second from the carrier who completed the call from the location from which the call was transferred. This results in the customer receiving a bill from a location he doesn't recall making a call to or from. The legislation I am introducing totally eliminates this practice, and all the unnecessary confusion and inconvenience that it causes.

Mr. President, our constituents deserve prompt attention to this matter. I urge my colleagues to join me in supporting this important legislation, and also look forward to the prompt consideration of this bill.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Operator Service Consumer Protection Act of 1989".

SEC. 2. FINDINGS.

The Congress hereby finds that—

(1) the divestiture of AT&T and decisions allowing open entry for competitors in the telephone marketplace produced a variety of new services and many new providers of existing telephone services;

(2) the growth of competition in the telecommunications market makes it essential to ensure that safeguards are in place to assure fairness for consumers and service providers alike;

(3) a variety of providers of operator services now compete to win contracts to provide operator services to hotels, hospitals, airports, and other aggregators of telephone business from consumers;

(4) the mere existence of a variety of service providers in the operator services marketplace is significant in making that market competitive only when consumers

are able to make informed choices from among those service providers;

(5) however, often customers have no choices in selecting a provider of operator services, and often customers' attempts to reach their preferred long distance carrier by a telephone billing card, credit card, or prearranged access code number are blocked;

(6) a number of State regulatory authorities have taken action to protect consumers using intrastate operator services;

(7) from January 1988 through February 1989, the Federal Communications Commission received over 2,000 consumer complaints about operator services;

(8) these consumers have complained that they are denied access to the interexchange carrier of their choice, that they are deceived about the identity of the company servicing their calls and the rates being charged, that they lack information on what they can do to complain about unfair treatment by an operator service provider, and that they are, accordingly, being deprived of the free choice essential to the operation of a competitive market; and

(9) a combination of industry self-regulation and government regulation is required to ensure that competitive operator services are provided in a fair and reasonable manner.

SEC. 3. RULEMAKING REQUIRED.

(a) INITIATION OF PROCEEDINGS.—The Commission shall, within 30 days after the date of the enactment of this Act, initiate a proceeding pursuant to title II of the Act to establish regulations to protect consumers who use operator services to place interstate telephone calls from unfair and deceptive practices and to ensure that consumers have the opportunity to make informed choices in making such calls.

(b) TIMING AND CONTENTS OF REGULATION.—The regulation required by subsection (a) shall—

(1) be prescribed not later than 120 days after the date of enactment of this Act;

(2) contain provisions to implement each of the requirements of section 4(a);

(3) for purposes of administration and enforcement, be treated as regulations prescribed by the Commission pursuant to title II of the Act; and

(4) take effect not later than 90 days after the date of issuance of such regulations.

SEC. 4. MINIMUM REQUIREMENTS.

(a) REGULATION REQUIREMENTS.—The regulations required by section 3 shall, at a minimum—

(1) require that the provider of the operator services—

(A) identify itself, audibly and distinctly, to the consumer prior to the consumer incurring any charges; and

(B) permit the consumer to terminate the telephone call at no charge;

(2) require that the provider of operator services ensure, by contract or tariff, that each aggregator post on or near the telephone instrument, in plain view of consumers—

(A) the name, address, and toll-free telephone number of the provider; and

(B) a written disclosure that consumers have a right to obtain access to the interstate common carriers for information on accessing that carrier's service using that telephone;

(3) require that the provider of operator services disclose immediately to the consumer, upon request—

(A) a quote of its rates or charges for the call;

(B) the methods by which such rates or charges will be collected; and

(C) the methods by which complaints concerning such rates, charges, or collection practices will be resolved;

(4) require that the provider of operator services—

(A) neither require nor participate in the blocking of any consumer's access to the interstate common carrier of the consumer's choice;

(B) assure, by contract or tariff, that its aggregators neither require nor participate in the blocking of access to such interstate common carriers, except that the Commission may grant limited, temporary waivers to particular providers of operator services for a particular access code upon a showing that such waiver is necessary to prevent fraud; and

(C) withhold payment of any commissions to aggregators at locations at which any blocking of access to any interstate common carrier occurs, and to limit charges for each interstate call at such locations to the lowest rate currently on file at the Commission among all other interstate carriers;

(5) require—

(A) that any equipment manufactured or imported more than 18 months after the date of enactment of this Act and installed by any aggregator shall be technologically capable of providing consumers with access to interstate interexchange carriers through the use of access codes approved by the Commission;

(B) that existing equipment used by aggregators be upgraded to comply with the requirements imposed pursuant to subparagraph (A) of this paragraph, except that the Commission may waive such requirements by rule or order with respect to any class or category of equipment if the Commission determines that the benefits of applying such requirements to such equipment do not justify the cost; and

(C) any other actions or measures that the Commission considers necessary to ensure that aggregators are not exposed to undue risk of fraud;

(6) establish requirements that—

(A) prohibit the provider of operator services from knowingly charging for uncompleted telephone calls;

(B) prevent, after consideration of the advice of the carrier liaison committee convened by the Commission by its order of February 27, 1989, consumers from being charged for a distance that is more than the distance, in a straight line, between the calling party's points of origination and termination of the telephone call;

(C) require that any consumer billing an interexchange telephone call on a billing card which (i) is provided by an interstate interexchange common carrier, and (ii) permits the identification of that carrier, is billed at a rate not greater than the rate of that common carrier for that call, unless the calling party requests a special service that is not available under tariff from that common carrier or consents to a different charge; and

(D) prohibit call splashing;

(7) establish minimum standards for providers of operator services to use in the routing and handling of emergency telephone calls; and

(8) establish a policy for requiring common carriers to make public information about recent changes in operator services and choices available to consumers in that market.

(b) CONSIDERATION OF COMPENSATION.—In conducting the rulemaking required by section 3, the Commission shall consider the need to prescribe compensation (other than advance payment by consumers) for owners of competitive public pay telephones for calls routed to carriers other than the designated provider of operator services for such telephones.

SEC. 5. DETERMINATIONS OF RATE COMPLIANCE.

(a) FILING OF INFORMATIONAL TARIFF.—The Commission shall require each provider of operator services to file, within 30 days after the date of enactment of this Act, and to maintain and keep open for public inspection, an informational tariff specifying rates, terms, and conditions, and including commissions, surcharges, or other fees which are collected from consumers, with respect to calls for which operator services are provided.

(b) REVIEW OF INFORMATIONAL TARIFF.—If the rates and charges filed by any provider of operator services under subsection (a) appear upon review by the Commission to be unjust or unreasonable, the Commission shall require such provider of operator services to demonstrate that its rates and charges are just and reasonable and reflect the reasonable costs of providing service, plus a reasonable profit.

(c) PROCEEDING REQUIRED.—(1) Within 30 days after the date of enactment of this Act, the Commission shall initiate a proceeding—

(A) to monitor operator service rates;

(B) to determine the extent to which offerings made by operator service providers are improvements, in terms of service quality, price, innovation, and other factors, over those available before the entry of new operator service providers into the market;

(C) to assess, both in the aggregate and by individual providers of operator services, operator service rates, costs of service, incidences of service complaints, and service offerings; and

(D) to consider the effect that commissions and surcharges have on the overall rates charged to consumers.

(2) Not later than 9 months after the commencement of such proceeding, the Commission shall report to Congress on findings and conclusions of such proceeding. The Commission shall, during the pendency of such proceeding, provide the Congress with quarterly interim reports on the activities and progress to date.

(3) The requirement of subsection (d) shall not apply if, on the basis of the proceeding under paragraph (1) of this subsection, the Commission makes (and includes in the report required by paragraph (2)) a factual determination that market forces are securing rates and charges that are just and reasonable, as evidenced by rate levels, costs, complaints, service quality, and other relevant factors.

(d) IMPLEMENTING REGULATIONS.—Unless the Commission makes the determination described in subsection (c)(3), the Commission shall, within 90 days after submission of the report required by subsection (c)(2), complete a proceeding pursuant to title II of the Act to establish regulations for implementing the requirements of such title (and subsections (a) and (b) of this section) that rates and charges for operator services be just and reasonable.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Federal Communications Commission.

(2) The term "the Act" means the Communications Act of 1934.

(3) The term "consumer" means a person initiating any interstate telephone call using operator services.

(4) The term "operator services" means any interstate telecommunications service that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an interstate telephone call through a method other than—

(A) automatic completion with billing to the telephone from which the call originated; or

(B) completion through a carrier-specific access code number used by the consumer, with billing to an account previously established with the carrier by the consumer.

(5) The term "aggregator" means any person, that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for interstate telephone calls using a provider of operator services, and receives from an operator service provider by contract, tariff, or otherwise, commissions or compensation for calls delivered from that traffic aggregator's location to that operator service provider.

(6) The term "call splashing" means the transfer of a call from one operator service provider to another at a point which is different from the point at which the call originates.

By Mr. BAUCUS:

S. 1644. A bill to reduce the rates of the occupational taxes on certain retail dealers in liquor and retail dealers in beer to $100 per year; to the Committee on Finance.

SPECIAL OCCUPATIONAL TAX ON LIQUOR AND BEER RETAILERS

● Mr. BAUCUS. Mr. President, I rise to introduce legislation that would restore some equity and fairness in how the Bureau of Alcohol, Tobacco, and Firearms [BAFT] collects a special occupational tax [SOT] on retail dealers in liquor, beer, and wine. The legislation I am introducing simply reduces the annual tax tavernowners pay from $250 to $100 and, at the same time, makes this reduction apply to a very narrow segment of the retail alcohol beverage industry; the on-premise, retailer with gross receipts from the sales of liquor, beer and wine of less than $750,000 per year. I understand that most small tavernowners are in this category.

Mr. President, I have deliberately narrowed the application of this bill to these tavernowners, who number some 200,000 around the country. I have talked with retailers in the Montana Tavern Association which represents about 700 members throughout the State, and these owners tell me that the $250 tax was at least a 400-percent increase, originally approved as part of the 1987 Omnibus Budget Reconciliation Act, Public Law 100-203. These tavernowners want to pay an equitable tax. In fact, they have agreed that an increase from the original $54 to $100 is acceptable and fair. I believe it is too.

Two issues on this SOT matter concern me, Mr. President. First, many of these tavernowners pay city, local, and State taxes in Montana, for example, as high as $1,500 per place of business per year; they are burdened with unaffordable insurance rates; Federal and State taxes on their business operations, and most importantly, declining sales. These retailers need our help. Last, increasing the tax for alcohol beverage retailers ran counter to the recommendations of both the General Accounting Office [GAO] who urged repeal of all alcohol beverage occupational taxes in 1976 and the Office of Management and Budget [OMB] who in 1987 urged an elimination of the retailer SOT rate all together.

Mr. President, my bill is narrowly focused to assist tavernowners in Montana and throughout the Nation. It is supported by the National Licensed Beverage Association [NLBA] and, I believe, should be adopted by the Senate Finance Committee and the Congress this session.

I ask unanimous consent that the text of my legislation and a letter endorsing this bill from the National Licensed Beverage Association be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5121 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) as amended by Pub. L. 100-203, title X, section 10512(c), is amended to read as follows:

"(a) GENERAL RULE.—Every retail dealer of liquor, wine, or beer shall pay a special tax in the amount of $250 per year; except that any retail dealer of liquor, wine, or beer with annual gross receipts from the sale of alcohol products of less than $750,000 shall pay a special tax in the amount of $100: *Provided,* That at least 33 percent of the alcohol products sold by such retail dealer are consumed on the premises of such retail dealer.

(b) The amendment made by this section shall take effect on date of enactment.

NATIONAL LICENSED
BEVERAGE ASSOCIATION,
Alexandria, VA, September 19, 1989.
Senator MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: I understand that you will be introducing a bill to reduce the Special Occupational Tax (SOT) for alcohol beverage retailers from $250 to $100. The National Licensed Beverage Association (NLBA), representing all alcohol beverage retailers around the country, including taverns, bars, cocktail lounges and restaurants, supports your legislation for inclusion in the upcoming Senate Finance Committee consideration of the Budget Reconciliation tax provisions.

The members of the NLBA wish to pay a Special Occupational Tax even if it means an increase from the original rate of $54 to $100. In the past NLBA members have had excellent SOT compliance in the payment of these federal taxes. For several years since, the passage of the Revenue Act of 1987, Public Law 100-203, raising the rate from $54 to $250 per year, per place of business, retailers around the country have been seeking equitable relief from this provision.

The NLBA will support your efforts in this Session of Congress to provide equitable relief on SOT rates for alcohol beverage retailers.

Sincerely,

GERALD MURPHY,
Executive Director.●

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. REID, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 43, a bill to restore the Medicare and Medicaid law to the provisions in effect before the enactment of the Medicare Catastrophic Coverage Act of 1988 and to establish a Presidential Commission on the Medicare Program.

S. 120

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 137

At the request of Mr. BOREN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 260

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 543

At the request of Mr. SIMON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 543, a bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that Act, and for other purposes.

S. 563

At the request of Mr. MATSUNAGA, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 563, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 870

At the request of Mr. GORE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 870, a bill to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, to recapture and recycle such substances, and for other purposes.

S. 871

At the request of Mr. GORE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 871, a bill to institute a manufacturers' excise tax on certain ozone-depleting chemicals; to partially direct revenues from such excise tax toward an Ozone Layer Conservation Trust Fund for developing chemical and technological alternatives to ozone depleting chemicals, and for other purposes.

S. 872

At the request of Mr. GORE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 872, a bill to phaseout production of certain ozone-depleting chemicals; to institute a policy promoting safe alternatives to ozone-depleting chemicals; and for other purposes.

S. 1067

At the request of Mr. GORE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], and the Senator from Virginia [Mr. ROBB], were added as cosponsors of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing.

S. 1088

At the request of Mr. EXON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1088, a bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition.

S. 1216

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1365

At the request of Mr. COATS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1365, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and drug-related offenses.

S. 1405

At the request of Mrs. KASSEBAUM, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. LUGAR], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1405, a bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers.

S. 1565

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1565, a bill to amend the Internal Revenue Code of 1986 to encourage the continued exploration for and production of domestic oil and natural gas resources.

S. 1606

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1606, a bill to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds, and for other purposes.

SENATE JOINT RESOLUTION 79

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 159

At the request of Mr. GORE, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Georgia [Mr. FOWLER], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON], were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate April 22, 1990 as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.

SENATE JOINT RESOLUTION 162

At the request of Mr. GORE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 162, a joint resolution to urge the Nobel Commission to consider awarding Nobel Prize recognition for achievements in preservation of the world environment.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 193

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Mr. SARBANES], the Senator from Georgia [Mr. NUNN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. STEVENS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. SIMON, the names of the Senator from Georgia [Mr. NUNN] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating November 1989 as "An End to Hunger Education Month."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON], the Senator from Maine [Mr. MITCHELL], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

AMENDMENTS SUBMITTED

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS, 1990

SARBANES (AND MIKULSKI) AMENDMENT NO. 762

Ms. MIKULSKI (for Mr. SARBANES, for himself, Ms. MIKULSKI, and Mr. CHAFEE) proposed an amendment to the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . RECOGNITION OF NATIONAL FALLEN FIREFIGHTERS' MEMORIAL.

(a) FINDINGS.—The Congress finds that—

(1) the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, honors the approximately one hundred and sixty volunteer and career firefighters who die each year in the line of duty; and

(2) such Memorial serves as a symbol of the courage and dedication of past, present, and future firefighters in their efforts to protect life and property.

(b) RECOGNITION.—The memorial known as the National Fallen Firefighters' Memorial, located on the campus of the National Fire Academy in Emmitsburg, Maryland, is recognized as the official national memorial to volunteer and career firefighters who die in the line of duty.

GRAHAM (AND OTHERS) AMENDMENT NO. 763

Ms. MIKULSKI (for Mr. GRAHAM, for himself, Mr. RIEGLE, Mr. CRANSTON, and Mr. BRYAN) proposed an amendment to the bill H.R. 2916, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SUBSIDY ADJUSTMENT FOR SECTION 8 MODERATE REHABILITATION PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, prior to entering into a contract for assistance payments with respect to the rehabilitation (other than substantial rehabilitation) of housing to be assisted under section 8 of the United States Housing Act of 1937, the Secretary of Housing and Urban Development shall to the extent appropriate reduce the amount of the assistance payments which would otherwise be provided in connection with such contract by an amount calculated to reflect any additional financial benefits that will be provided with respect to the housing in the form of tax credits under Federal or State law, tax abatement, State or local assistance, or otherwise.

(b) SUBSEQUENT ADJUSTMENTS.—After entering into a contract described in subsection (a), the Secretary of Housing and Urban Development shall, from time to time, make appropriate additional adjustments in the amount of assistance payments under the contract in order to reflect financial benefits of the types described in subsection (a) which become available with respect to the housing and to reflect changes in the level of such benefits.

PRYOR AMENDMENT NO. 764

Mr. PRYOR proposed an amendment to the bill H.R. 2916, supra, as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $10,341,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Veterans Affairs; not more than $64,975,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Housing and Urban Development; not more than $34,300,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Environmental Protection Agency; and not more than $4,200,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance service by the National Aeronautics and Space Administration.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department and agency named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

NICKLES (AND WALLOP) AMENDMENT NO. 765

Mr. NICKLES (and Mr. WALLOP) proposed an amendment to the bill H.R. 2916, supra, as follows:

At the appropriate place in title V, insert the following new section:

SEC. . (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a(a)), is amended—

(1) in the first sentence, by striking "The" and inserting "(1) Except as provided in paragraph (2), the"; and

(2) by adding the following new paragraph:

"(2) This Act shall not apply to an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(b) Section 7 of the Service Contracts Labor Standards Act (41 U.S.C. 356) is amended—

(1) in paragraph (6), by striking out "and" at the end thereof;

(2) in paragraph (7), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) any employment contract employing an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(c) Notwithstanding any other provision of law, any employment contract employing an individual who—

(1) is a tenant in a public or assisted housing project;

(2) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

(3) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project,

shall be exempt from any regulations of the Department of Housing and Urban Development regarding the rate of pay for such employees.

NICKLES (AND HELMS) AMENDMENT NO. 766

Mr. NICKLES (for himself and Mr. HELMS) proposed an amendment to amendment No. 765 proposed by Mr. NICKLES to the bill H.R. 2916, supra, as follows:

Strike all after "SEC. ." and insert in lieu thereof the following:

(a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon (40 U.S.C. 276a(a)), is amended—

(1) in the first sentence, by striking "The" and inserting "(1) except as provided in paragraph (2), the"; and

(2) by adding the following new paragraph:

"(2) This Act shall not apply to an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project.".

(b) Section 7 of the Service Contracts Labor Standards Act (41 U.S.C., 356) is amended—

(1) in paragraph (6), by striking out "and" at the end thereof;

(2) in paragraph (7), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) any employment contract employing an individual who—

"(A) is a tenant in a public or assisted housing project;

"(B) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

"(C) participates in the construction, alteration, or repair or any combination thereof, of a public or assisted housing project.".

(c) Notwithstanding any other provision of law, any employment contract employing an individual who—

(1) is a tenant in a public or assisted housing project;

(2) receives benefits under part A of title IV of the Social Security Act, or is presently unemployed; and

(3) participates in the construction, alteration, or repair, or any combination thereof, of a public or assisted housing project;

shall be exempt from any regulations of the Department of Housing and Urban Development regarding the rate of pay for such employees.

(d) Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276(a)), commonly known as the Davis-Bacon Act, and any other similar provision of Federal law shall not be required with respect to any homeless individual (as defined in Section 103(a) of Stuart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a)) employed in connection with a homeless assistance project constructed, improved, or otherwise assisted through the provisions of this Act or any amendment made by this Act.

NICKLES (AND OTHERS) AMENDMENT NO. 767

Mr. NICKLES (for himself, Mr. Dixon, Mr. Kasten, and Mr. Helms) proposed an amendment, which was subsequently modified, to the bill H.R. 2916, supra, as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937: *Provider further*, That the remaining amounts of budget authority, or in lieu thereof the remaining cash amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$716,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(175 percent during fiscal year 1990 in the case of a purchaser or a purchaser and his or her spouse who has not had an ownership interest in a residence during the 3-year period preceding the date of the acquisition)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) Refinancing.—

"(1) Review of assistance payment contracts.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrent such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) Refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) Method of payment of refinancing assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancings as follows:

"(A) Lenders and mortgagees providing refinancings under this subparagraph may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) Revision of contracts and rescission of excess amounts.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

DODD (AND OTHERS) AMENDMENT NO. 768

Mr. DODD (for himself, Mr. Johnston, Mr. Kennedy, Mr. Sarbanes, Mr. Riegle, Mr. Hollings, Mr. Gore, Mr. Moynihan, Mr. Graham, and Mr. Lautenberg) proposed an amendment to the bill H.R. 2916, supra; as follows:

On page 59, line 6, strike "." and insert the following:

", of which such sums as may be necessary shall be made available for disaster relief and emergency assistance to the Commonwealth of Puerto Rico and the United States Virgin Islands for damages resulting from Hurricane Hugo during the calendar month of September, 1989."

NICKLES AMENDMENT NO. 769

Mr. NICKLES proposed an amendment, which was subsequently ratified, to the bill H.R. 2916, supra; as follows:

Beginning with page 26, line 22, strike through page 27, line 5, and insert the following:

That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be used by State housing finance agencies for purposes consistent with the United States Housing Act of 1937. The remaining amounts of budget authority, or in lieu thereof the remaining cash amount associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f(a)) shall be rescinded, or in the case of cash, shall be deposited in the General Fund of the Treasury:

On page 41, line 23, strike "$746,945,000" and insert "$716,945,000".

On page 41, line 24, strike "$405,693,000" and insert "$390,693,000".

Beginning with page 44, line 1, strike through page 45, line 2, and insert the following:

Section 203(b)(2) of the National Housing Act is amended by inserting "(185 percent during fiscal year 1990)" after "(A) 150 percent".

Section 235 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) Refinancing.—

"(1) Review of Assistance Payments Contracts.—

"(A) The Secretary shall periodically review each contract under which the Secretary is making assistance payments under this section to determine if a refinancing of the mortgage, loan, or advance of credit involved will result in a sufficient reduction in assistance payments to warrant such refinancing.

"(B) In the case of assistance payments contracts in effect on the date of enactment of this section, the Secretary shall complete such review within 60 days in order to permit the refinancing to be completed during fiscal year 1990.

"(2) Refinancing Assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall offer financial assistance appropriate to encourage the refinancing. The assistance may include the following:

"(A) For lenders and mortgagees providing refinancing, the payment of reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance; and

"(B) For the homeowner or cooperative member involved, the payment of an amount that does not exceed 1 percent of the principal amount refinanced.

"(3) Method of Payment of Refinancing Assistance.—In any case in which the Secretary determines that refinancing is warranted, the Secretary shall provide incentives in a manner that does not increase total expenditures in fiscal year 1990. The Secretary shall structure refinancing as follows:

"(A) Lenders and mortgagees providing refinancings under this subsection may charge an interest rate for refinancing that is not greater than 0.5 percent higher than the prevailing market rate for refinancing.

"(B) Payments to the homeowner or cooperative member to encourage refinancing shall be paid through a reduction in the monthly payment of the homeowner or cooperative member under the mortgage, loan, or advance of credit.

"(4) Revision of Contracts and Rescission of Excess Amounts.—

"(A) The Secretary shall make such revisions in any assistance payments contract (including the amount of assistance payments made under the contract) as are necessary to reflect a refinancing obtained pursuant to this subsection. A revised assistance payments contract under this paragraph shall not be considered to be a new contract under this section.

"(B) Any contract authority that becomes available as a result of the revision of an assistance payments contract under this paragraph shall be rescinded.".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

GORTON AMENDMENT NO. 770

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, as follows:

In the appropriate place in the bill, insert the following:

Sec. . (a) Findings.—The Congress finds that the success and continuation of land reform in El Salvador is vital to U.S. policy and to political stability, economic development, and the maintenance of democratic institutions in that country.

(b) Conditional Limit on Funding.—Not more than 70 percent of the amount appropriated by this Act to carry out economic assistance for El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended unless the President, after consultation with democratic Salvadoran campesino organizations, has determined and certified to Congress that—

(1) the government of El Salvador has not taken any significant action which alter, suspend or terminate any phase of the land reform program in a manner detrimental to the rights of the legitimate beneficiaries or potential beneficiaries under all phases of that program; and

(2) the government of El Salvador continues to make documented progress in implementing the land reform program.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS, 1990

ARMSTRONG AMENDMENT NO. 771

Mr. ARMSTRONG proposed an amendment to the bill H.R. 2916, supra, as follows:

On page 87, after line 13, insert the following new section 517.

None of the funds appropriated under Title II of this Act under the heading entitled Community Planning and Development, Community Development Grants, to any department, agency, or instrumentality of the United States may be obligated or expended to any municipality that fails to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction of said municipality against any individuals engaged in nonviolent civil rights demonstrations.

SYMMS (AND OTHERS) AMENDMENT NO. 772

Mr. SYMMS (for himself, Mr. Dole, Mr. Simpson, Mr. Wallop, and Mr. Burns) proposed an amendment to the bill H.R. 2916, supra; as follows:

At the appropriate place insert the following:

"Provided, That none of the funds appropriated by this Act may be used to enforce the financial assurance requirements relating to underground storage tanks promulgated by the Environmental Protection Agency pursuant to section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b).".

HELMS AMENDMENT NO. 773

Mr. HELMS proposed an amendment, which was subsequently modified, to the bill H.R. 2916, supra, as follows:

On page 30, line 4, after the colon, strike all language through the colon on page 30, line 8, and insert in lieu thereof:

Provided further, That persons disabled as a result of infection with the Human Immunodeficiency Virus shall be considered eligible for assistance under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q).

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Thursday, September 21, at 9 a.m., on the subject: Oversight of Federal Drug Policy Programs Affecting State and Local Government. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold hearings on Thursday, September 28, and Tuesday, October 3, at 9:30 a.m., on the subject: Inspector General Act Implementation. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Thursday, October 5, at 9:30 a.m., on the subject: OMB's Response to Management Problems in the U.S. Government. For further information, please call Len Weiss, staff director, at 224-4751.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the nomination of James E. Cason to be Assistant Secretary for Natural Resources and the Environment. The hearing will be held on September 27, 1989, from 10 a.m. to 12 noon, and from 2 p.m. to 5 p.m. in room 332, Russell Senate Office Building.

Chairman Patrick Leahy will preside. For further information please contact Tom Hebert of the committee staff at 224-5207.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 27, 1989, at 9:30 a.m., in SR-301, to markup pending executive, legislative, and administrative business. The agenda includes the following: executive business—nominations of Joan D. Aikens and John Warren McGarry to be members of the Federal Election Commission, each for a term expiring April 30, 1995; legislative business—H.R. 2358, to authorize appropriations for fiscal year 1990 for the Civic Achievement Award Program in honor of the Office of the Speaker of the House of Repre-

sentative, and for other purposes; Senate Resolution 99, requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate; Senate Concurrent Resolution 68, authorizing a concert by the American Soviet Youth Orchestra on the Capitol grounds; an original resolution to amend rule XL of the Standing Rules of the Senate to correct the citation referring to title 39, United States Code.; S. 1519, to provide for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsoinan Institution; S. 1520, to provide for the reappointment of Samuel C. Johnson as citizen regent of the Board of Regents of the Smithsonian Institution; administrative business—adoption of "Pilot Program for Recycling in the Senate"; and adoption of "Furniture, Accessories and Special Allowance Policy for Senate Office Buildings."

The committee will also markup other items ready for consideration at the time of the meeting.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on 224-0278.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the date for the oversight hearing on the "Role of Methanol as a Potential Alternative Fuel in our Future Energy Policy" originally scheduled before the Committee on Energy and Natural Resources for Tuesday, October 24, 1989, at 9:30 a.m., has been changed to Tuesday, October 17, 1989, at 9:30 a.m.

The hearing will be held in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to discuss the pros and cons of methanol to determine what its proper role should be in a future energy policy. As a part of the hearing, the committee will examine the President's recent Clean Air Act proposals relating to methanol.

For further information, please contact James T. Bruce at 224-5052, or Joel Saltzman at 224-7932.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. DIXON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 19, 1989, at 11 a.m., to hold a hearing on the death penalty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE FINANCE

Mr. DIXON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 19, 1989, at 3 p.m. to mark up legislation to restructure the Medicare Catastrophic Coverage Program and to consider a proposal for the U.S. International Trade Commission to survey the views of recognized authorities on United States-Soviet trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DIXON. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate of September 19, 1989, at 9 a.m. to hold a hearing on the airworthiness of the DC-10 aircraft.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DIXON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee to hear the legislative presentation made by the American Legion on Tuesday, September 19, 1989, at 9 a.m. in 334 Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. DIXON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, September 19, at 9:30 a.m., to hold a hearing on S. 971, the Administrative Dispute Resolution Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TENTH ANNIVERSARY OF THE GREATER CHICAGO FOOD DEPOSITORY

● Mr. DIXON. Mr. President, I would like to take this opportunity to recognize an outstanding hunger relief effort within my State of Illinois. On the occasion of the 10th anniversary of the Greater Chicago Food Depository, it is with great pleasure and gratitude that I applaud the decade of service that this compassionate organization has provided to the Chicago metropolitan area.

Since its inception in 1979, the Greater Chicago Food Depository has performed a vital role in attempting to alleviate hunger. By soliciting and efficiently redistributing surplus food supplies, this organization is able to provide fresh, quality food to those people most in need. This operation stands as a productive and creative alternative to food that would otherwise go to waste.

Over the past 10 years, this food depository has distributed over 140 million pounds of vital, nutritious food through an extensive network of nearly 500 member agencies. In addition to hunger relief, the Greater Chicago Food Depository has served the community through drug/alcohol treatment centers, day care centers, and shelters for the homeless. In all, this organization has contributed an enormous amount to upgrading the quality of life for a significant number of Chicago's hungry, homeless, and underprivileged.

Mr. President, hunger and homelessness are a national disgrace. The tireless efforts of the Greater Chicago Food Depository, and groups like it throughout the country, contributes to the eventual eradication of this terrible problem. I commend the Greater Chicago Food Depository, and the dedicated individuals who comprise it, for the vital work being performed in Illinois.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $16.2 billion in budget authority, and over the budget resolution by $11.3 billion in outlays. Current level is over the revenue floor by $0.21 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $146.2 billion, $10.2 billion above the maximum deficit amount for 1988 of $136 billion.

The report follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 18, 1989.

Hon. Jim Sasser,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through September 15, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since by last report, the President has signed into law the following bills: P.L. 101-82, the Disaster Assistance Act of 1989; P.L. 101-81, Allowing planting of alternative crops on permitted acreage; and P.L. 101-73, the Financial Institutions Reform, Recovery and Enforcement Act. Congress also cleared for the President's signature H.R. 2696, the Energy and Water Development Appropriations Bill, 1990. These actions increased the current level estimate of budget authority, outlays, and reveneus.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF SEPT. 15, 1989

[In billions of dollars]

	Current level[1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	887.1	1,329.4	−442.3
Outlays	911.2	1,165.2	−254.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,828.8	[2] 3,122.7	−293.9
Direct loan obligations	10.0	19.3	−9.3
Guaranteed loan commitments	39.3	107.3	−68.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The permanent statutory debt limit is $2,800,000,000,000. Public Law 101–72 temporarily raised the debt limit by an additional $70,000,000,000 to $2,870,000,000,000 ending on Oct. 31, 1989.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 15, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,059,700
Permanent appropriations and trust funds	966,154	796,867	
Other appropriations		214,199	
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	773,048	817,960	1,059,700
II. Enacted this session:			
Adjust Purchase Price for Certain Dairy Products (Public Law 101–7)		−25	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	13	7	
Dire Emergency and Urgent Supplemental Appropriations (Public Law 101–45)	−22	802	
Apex Project, Nevada Land and Water Transfer Act (Public Law 101–67)	−2	−2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101–73)	2,200	1,400	594
Allowing Planting of Alternative Crops on Permitted Acreage (Public Law 101–81)	−10	−10	
Disaster Assistance Act of 1989 (Public Law 101–82)	502	504	
Total enacted this session	2,681	2,676	594
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Energy and Water Development Appropriations (H.R. 2696)	18,625	11,254	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to Foreign Service retirement	(146)	(146)	
Fishermen's guaranty fund	2	2	
Salaries of judges:			
Supreme Court	1	1	
U.S. Court of International Trade	1	1	
U.S. Court of Appeals	1	1	
Courts of Appeals	95	82	
Payment of judicial officers retirement fund	(4)	(4)	
Fees and expenses of witnesses	54	38	
Justice assistance (public safety officers benefits)	21	21	
Payment to the Central Intelligence Agency	155	155	
Housing and other credit guaranty programs	45	31	
Guarantee reserve fund	720	720	
Firefighting:			
Forest Service	133	116	
Bureau of Land Management	75	75	
Bureau of Indian Affairs	26	26	
National Park Service	11	11	
U.S. Fish and Wildlife	3	3	
Range improvements	8	5	
BLM, miscellaneous trust funds	(1)	(1)	
Administration of territories	34	29	
Compact of free association	13	13	
Guaranteed student loans	3,651	3,046	
College housing loans	2	2	
Federal unemployment benefits and allowances (worker readjustment)	80	48	
Social services block grant	2,700	2,565	
Payments to States for foster care and adoption assistance	1,297	942	
Rehabilitation services and handicapped research	1,726	1,329	
Vaccine improvement program trust fund	137	136	
Retirement pay and medical benefits for commissioned officers	101	97	
Medicaid	29,230	29,230	
Medical facilities guarantee and loan fund	21	18	
Payments to health care trust funds	(36,663)	(36,663)	
Advances to the unemployment trust fund	(81)	(81)	
Department of Labor, special benefits	231	229	
Black lung disability trust fund	694	673	
Federal payments to railroad retirement	1	1	
Special benefits for disabled coal miners	670	618	
Federal unemployment benefits and allowances (unemployment compensation)	209	209	
Supplemental security income	8,272	8,272	
Family support payments to States	9,092	9,092	
Payments to States for AFDC work programs	345	345	
Payments to social security trust funds	(192)	(192)	
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification and telephone revolving fund	355	355	
Conservation reserve program	1,731	897	
Dairy indemnity program	(1)	(1)	
Temporary emergency food assistance program	120	120	
Federal Crop Insurance Corporation	163	22	
Agricultural credit insurance fund	4,462	0	
Commodity Credit Corporation	(4,800)	0	
Payments to the Farm Credit System	88	88	
Rural housing insurance fund	2,678	0	
Rural communication development fund	2	1	
Rural development insurance fund	1,474	0	
Special milk program	18	12	
Cash and commodities for selected groups	40	40	
Food stamp program	13,970	13,119	
Child nutrition programs	4,798	4,052	
Nutrition assistance for Puerto Rico	937	925	
WAMATA interest payments	52	52	
Aircraft purchase loan guarantee program	(1)	(1)	
Coast Guard, retired pay	404	360	
Government payment for annuitants	3,780	3,304	
Special benefits (Postal Service payment)	37	37	
Compensation of the President	(1)	(1)	
FSLIC resolution fund	1,800	1,500	
Payment to civil service retirement	(5,296)	(5,296)	
Federal Housing Administration fund	350	0	
Veterans' Administration:			
Insurance and indemnities	14	14	
Compensation	11,690	10,720	
Pensions	3,927	3,609	
Burial benefits	149	149	
Readjustment benefits	439	422	
Loan guaranty revolving fund	620	620	
Total entitlement authority	113,956	98,600	
VI. Adjustment for economic and technical assumption	−21,185	−19,263	
Total current level as of Sept. 15, 1989	887,126	911,226	1,060,294
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution			
Under budget resolution	442,274	253,974	5,206

(1) Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

BUDGET SCOREKEEPING REPORT

● **Mr. SASSER.** Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $442.3 billion in budget authority, and under the budget resolution by $254 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through September 15, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H. Con. Res.

268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

Robert D. Reischauer.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST. SESS., AS OF SEPT. 15, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,248.2	1,232.1	16.2
Outlays	1,111.1	1,099.8	11.3
Revenues	964.9	964.7	.2
Debt subject to limit	2,820.8	[3] 2,824.7	−3.9
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	146.2	[4] 136.0	[5] 10.2

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100-360).

[3] The permanent statutory debt limit is $2,800,000,000,000. Public Law 101–72 temporarily raised the debt limit by an additional $70,000,000,000 to $2,870,000,000,000 ending on Oct. 31, 1989.

[4] Maximum deficit amount [MDA] in accordance with sec. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG. 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 15, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the Purchase Price for Nonfat Dry Dairy Products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Dire Emergency and Urgent Supplemental Appropriations, 1989 (Public Law 101–45)	3,493	1,023	
Financial Institutions Reform, Recovery, and Enforcement Act (Public Law 101–73)	12,400	10,300	455
Disaster Assistance Act of 1989 (Public Law 101–82)	17	17	
Total enacted this session	15,899	11,330	455
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	29		
Federal Crop Insurance Corporation fund	144		
Compact of Free Association	1	1	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to hazardous substance superfund	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Sept. 15, 1989	1,248,245	1,111,068	964,889
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	16,195	11,318	189
Under budget resolution			

[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals.●

THE BOOT CAMP ALTERNATIVE DESERVES A TRYOUT

● Mr. COATS. Mr. President, on July 20, I introduced legislation designed to provide innovative alternatives to prison incarceration for nonviolent first-time offenders, including criminals who have committed nonviolent drug offenses. This bill would also help alleviate the current crisis of prison overcrowding.

S. 1365, the Innovative Alternatives to Imprisonment Act of 1989, would amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize demonstration grants for the establishment of military-style boot camp programs to be run by the States.

The boot camp alternative, called also shock incarceration, is based on the notion that an opportunity for rehabilitation and reform should be given to young drug users, petty thieves, white collar criminals, and other first-time nonviolent offenders who have not committed themselves to a life of crime. Shock incarceration programs traditionally provide a short—90- to 180-day—period of imprisonment followed by a return to community supervision for young adult recruits who have not been in prison before. Boot camps offer a highly regimented program of incarceration involving strict discipline, physical training, hard labor, and extensive drill and ceremony. I believe they should also include compulsory drug treatment, where needed, literacy education, vocational education, job training, and other similar services, as well as followup programs for those who complete the program. It is hoped that youthful offenders will gain the values and tools to prepare them to return to society at the end of their sentences, to support their families, and to make a more positive contribution to their communities.

Boot camps, unlike prisons, can be used to provide rigorous punishment without reducing recidivism. Boot camps can be places for character building, not character destruction; they can help deter future crime whereas prisons are traditional breeding grounds for hardened criminals. Moreover, boot camps are a less costly way to relieve the severe overcrowding problem in our prisons that poses a threat to our criminal justice system. Too often high-risk offenders and dangerous felons receive shorter sentences in order to free up precious prison space. Not only is it exorbitantly expensive to keep nonviolent criminals in prison, but prisons should be available to house those violent criminals who pose a real menace to society.

At present a dozen States are experimenting with the boot camp alternative. My home State has set up a committee to study the program for Indiana. This program is recommended in the President's national drug control strategy and is supported by many correctional officials, judges, Governors, legislators, and criminal justice experts, including Congressman Charles Rangel, chairman of the House Select Committee on Narcotics Abuse and Control.

The program needs encouragement and seed money to get underway. My own bill proposes $200 million in demonstration grants to the States for the establishment of military style boot camps—the costs of which, in my opinion, will be exceeded by the savings to the criminal justice system from lower recidivism rates. I suggest that many abandoned military facilities can be converted to boot camp prisons without too great an expense.

Mr. President, for those who think that boot camps programs are a picnic for those who attend or doubt the utility or effectiveness of shock incarceration, I wish to include in the Record at this point the telling statement of Commissioner Thomas A. Coughlin III, of the New York State Department of Correctional Services, describing that State's boot camp program and experience with shock incarceration. I ask that the full text of Mr. Coughlin's testimony before the Senate Judiciary Committee on July 25, 1989 be printed in the Record.

Mr. President, I also ask that the editorial of August 30, 1989, "Boot-Camp Alternative Deserves a Tryout," published in the Fort Wayne News-Sentinel be printed in the Record.

The material follows:

[From the Fort Wayne News-Sentinel, Aug. 30, 1989]

BOOT-CAMP ALTERNATIVE DESERVES A TRYOUT

A seven-member committee appointed by Gov. Evan Bayh will this fall be examining one possible alternative to prisons—boot camps for first-time youthful offenders.

The boot-camp alternative, as 11 states that use it are finding out, is an appealing program that can help the state accomplish a couple of important goals:

It can rescue some first-time offenders from the endless pattern of offenses and prison time. Emphasis in the boot camps is not so much on punishment as it is on education: values, behavior, self-worth. An inmate's day is completely programmed, and there is heavy emphasis on work and exercise.

It can reduce society's overall costs of dealing with youthful offenders. State Rep. Ralph Ayres, R-Chesterton, who sponsored the legislation authorizing the study committee, says the actual cost of sending an inmate to boot camp may not be cheaper than the $18,000 a year it costs to house an inmate in prison. But statistics in other states show that first-time offenders sent to boot camp instead of prison are much less likely to be reincarcerated later.

It's important to note that the concept of punishment is not abandoned by the boot camps. Offenders are typically put into the program for about 120 days, with the remainder of the sentence served on probation. If they violate the rules of boot camp, they are sent to prison. If they violate the terms of probation, they are sent to prison, not back to boot camp.

The study committee plans to look at the boot-camp programs in the 11 other states and adapt what is best from each. It hopes to have something ready for the General Assembly to consider by November.

The Legislature should give the plan a serious look, at least consider funding the plan on a small scale and then examining the results of that model plan to determine if more extensive funding is wise.

The boot-camp alternative wouldn't be suitable for every first-time youthful offender. But it could work for many of them, and it's worth trying.

STATEMENT OF COMMISSIONER THOMAS A. COUGHLIN III, NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES BEFORE THE SENATE COMMITTEE ON THE JUDICIARY, JULY 25, 1989

Senator Biden, thank-you for the opportunity to appear this morning before the Senate Committee on the Judiciary.

All of us know we are in a war—against drugs.

What doesn't get sufficient notice sometimes is the fact that, like it or not . . . despite the billions we have spent . . . we are losing that war.

We must explore new avenues to address drug addiction and recovery, or we will continue the revolving door of arrest, incarceration and parole, to surely be followed by re-arrest.

In New York, we were among the states to pioneer the concept of shock incarceration. We are today on the threshold of instituting yet another unique approach to drug treatment in prison, tied to aftercare on parole. It is these programs that I want to discuss this morning.

But I will begin with a caveat: There are no perfect solutions, just as there are no instant answers. There are only appropriate punishments and alternatives that we haven't tried yet.

I remember attending the first inmate graduation from shock incarceration—boot camp—a few years ago. I watched as tears streamed down the face of the platoon salutatorian. I listened as his voice broke, while extolling the virtues of shock and all it had meant to him.

He's back in jail. And I ask this select committee to remember that—every time we try a new program, or a new approach—there will be failures. But we should look beyond the anecdotal failures and focus our efforts upon our thousands of successes . . . and what works.

Because I believe our role as public servants requires us to examine and maybe even try every sound idea that we think might turn things around, and help us to start winning this war.

Because what is at stake is our future. And what we face losing is America's most precious resource—our children and our young people.

Let me begin with our experience with shock.

Our early experience with shock has shown us two things that suggest we might be on the right track:

Inmates who complete shock return at a rate of 17% compared to 25% among all inmates. That is significant because each 100 successful shock releases saves taxpayers $1.5 million.

Inmates who complete shock return at the same 17-19% as do inmates who were eligible for it but chose not to participate. That means the return rate for inmates who are in shock for only six months is the same as for those who spend an average of an additional eight months in prison.

The purpose of prison has traditionally been the secure confinement, rehabilitation and segregation of felons.

That thinking has changed in New York State. We do not believe in rehabilitation.

Because one definition of rehabilitation is "to restore and to improve its original state."

Why would you want to use prison to turn out a better class of drug users and dealers?

Governor Mario M. Cuomo endorses that concept of habilitation.

Most people in prison were never socialized in the first place. That ignorance of how to live in our society contributed to their criminal activity.

Our goal becomes one of habilitation. Now, we are attempting to showcase that philosophy.

The six-month shock regimen includes more than just the 500 hours of physical training plus drill and ceremony that has led to the media dubbing it a "boot camp."

It also includes 546 hours of the therapeutic approach to treating addiction, based on the Network program and in Alcoholics Anonymous' 12 Steps to Recovery. It also includes at least 260 mandatory hours of academic education, and it also includes 650 hours of hard labor, working on facility projects, community service work and projects in conjunction with the Department of Environmental Conservation.

Of nine shock-type programs surveyed, New York's is the only one where:

Staff is required to undergo one month of shock-type training before inmates arrive, so that all staff, superintendents and clerks alike, are aware of both the content and goals of the program;

The program includes an intensive therapeutic community approach to habilitation; and

Inmate graduates undergo a full year of intensified parole follow-up.

We believe successful completion of the six-month regimen results in inmates becoming better people. And they get out of prison as much as two and one-half years early. Failure means serving a full sentence in prison.

But the choice is their's. As attractive as that may sound to some, 56 percent have found the regimen too demanding, even with the carrot of early release.

Many have already chosen to leave and to complete their sentence in a traditional prison.

Our latest numbers show that of the inmates eligible for shock incarceration, 44 percent either did not apply for the program, or applied and were found medically or psychologically unfit.

Through July 8 of this year, 5,230 inmates had been screened for the program, 1,951 have entered it an 831 have graduated; 597 remain active in the program, while 523 have transferred out, including 320 "washouts" and 173 have left at their own request.

But for those who volunteer, successful participation in the program is defined as:

Learning how to live without committing crimes against others or their property;

Having enough respect for yourself to take control of, and be responsible for, your own actions;

Disciplining yourself to seek realistic goals through your own honest efforts; and

Developing socially-acceptable tools to succeed: education, work ethics, job skills and whatever therapy or counseling might be needed in an individual situation.

Most inmates neither possess nor respect such abilities.

So our goal is to offer to habilitate them:

In a program running from 5:30 a.m. to 9:30 p.m.

Six days a week.

With a full three hours of free time—each and every Sunday.

The treatment component, which differentiates our program from most others, is extensive.

Governor Cuomo does not believe we can turn someone's life around simply by making them do push-ups, march in formation, or simply by taking orders.

The strict physical regimen is a pivotal tool in teaching discipline and respect for authority.

It is also an excellent means of challenging individuals, as well as teaching them about teamwork and getting along with others.

But of equal importance and weight in our program are the components that deal with education, professional and peer counseling, plus drug and alcohol therapy.

Network therapeutic community meetings, with staff and inmates working in sometimes confrontational dialogues, are held for one hour each week day. There are also sessions designed to teach decision-making in socially acceptable ways, which run for two hours each week. For four hours per week, group meetings focus on problem-solving, confrontation and conflict resolution.

Here's how one inmate described Network in a letter to his family: "Here they also have a thing called the Network program. You might have heard about it. It helps you learn more about yourself and understand different things better."

Individual counseling, as required, takes up another hour per month—more if required.

Pre-release programs, designed to help inmates make the transition from prison to parole, require two hours each week.

The daily program at each facility includes two or three hours of physical training. That includes military-style drills, calisthenics and a 2-3 mile run. For seven hours each weekday, inmates are involved in labor-intensive work projects.

They perform community service projects in neighboring towns and villages; they also cut trees and clear brush for the state Department of Environmental Conservation; they work on construction and maintenance at the camp itself.

A full day each week is devoted to education, including high school equivalency diploma courses, remedial education and other academics. Education courses are also held week nights.

It is the combination of these programs that we believe offers young offenders the chance to get their heads on straight and their lives in order. Traditionally, we sent felons to prison as punishment. Now we send some young offenders to shock incarceration, in hopes of helping them become good citizens.

There are weekly assessments made of each inmate in each program category, and monthly reviews are completed by a committee that includes Division of Parole as well as by Correctional Services' personnel at the shock facilities.

Eligibility requirements are different for inmates up to age 26, as opposed to those from age 26 through age 29, the cutoff for participation in the program. New York is one of only two states in the nation where the Department of Corrections selects among eligible inmates for participation in the shock program.

For inmates who are less than 26 years of age, they are eligible if:

They are physically and mentally qualified;

This is their first sentence to State prison;

They are within three years of parole eligibility;

They are not serving a sentence for a violent offense, such as murder, manslaughter or rape.

For inmates over age 26 but under 30, the rules are the same with these added restrictions:

They cannot have ever been convicted of a crime that would keep them out of shock. (Inmates imprisoned for drug possession, for example, would be excluded if they had previously been convicted of a violent crime, even if they received a sentence of local jail time or probation.)

The sentencing judge must not oppose their participation in shock.

They must serve at least one year, including the six months in shock.

Throughout the nation, most other shock programs are contiguous with a medium- or maximum-security facility.

In New York, we are devoting entire, separate facilities to this program, with every aspect of their operations focused on, and supportive of, the shock program.

Each is located in a rural setting in upstate New York, with plenty of room for their dormitory-style housing units.

The rural setting is advantageous. The noise of marching and cadence calling, as well as physical training, does not disturb neighbors.

The 250-bed Monterey Shock Incarceration Facility opened on September 10, 1987, in Schuyler County. Its first platoon graduated March 8, 1988.

The 250-bed Summit Shock Incarceration Facility, in Schoharie County, began accepting males on April 12, 1988. Females entered the program on Dec. 12. Summit's first platoon of females graduated last month.

In April of 1989, the State's third Shock prison, also a 250-bed facility, opened at Moriah in Essex County. The first graduation at this facility for males will be on September 21, 1989.

On June 22, just about one month ago, a graduation of sorts was held at the State's fourth 250-bed shock camp. On that date, staff at the Butler Shock Incarceration Facility in Wayne County completed one month of training in advance of receiving their first inmates on June 26. As at the three earlier camps, Butler's staff spent a month undergoing training along the lines of what inmates will experience when they enter the program.

Staff inform inmates of the purpose and objectives of the program, describe a typical day and respond to questions. Eligible inmates are then offered the opportunity to volunteer for it. Upon acceptance, inmates receive a two-week orientation before the actual program gets underway. They are currently screened at our reception and classification centers.

That will change next month when the 750-bed Lakeview Shock Incarceration Facility opens at Brocton in Chautauqua County, making it the largest "boot camp-style" prison in the nation.

After Lakeview opens, reception centers will transfer to Lakeview all inmates who are shock-eligible, whether or not they volunteer for it.

At Lakeview, inmates will be advised of the program. Those who opt not to participate will be transferred to traditional prisons.

Those who choose to volunteer will either join a platoon right at Lakeview, or be transferred to a unit at one of the four smaller shock facilities.

There were downsides to the program. I think they have been rectified as shock becomes a more familiar operation within our system.

Not surprisingly, those downsides concerned staff and inmates.

Traditionally, our camps like Monterey and Summit were havens for senior officers.

The camps housed inmates on their way out of the system, whose good institutional records allowed their transfers to these minimum-security facilities.

They were minimum risk inmates who wanted to do their time quietly without creating any problems: they knew incidents would land them back in a higher-security institution.

Those same officers today are faced with street-wise young offenders who are just entering the system, and have never seen the inside of a maximum-security prison.

Suddenly, these officers are seeing a flip-flop, where they are on the front end of the system.

With some of that older staff transferring out, they were replaced by younger officers, many of whom lacked the military background needed for the boot camp aspect of shock.

To help overcome that situation, we mandate four weeks of training for staff, to show them exactly what is expected in both the boot camp and programmatic sides of shock incarceration.

For inmates, many are opting not to volunteer for the program, because they think it is too difficult.

But inmates who have entered the program have had positive things to say about it:

"I want to say that this is a very positive program and that I am sure that it is going to help a lot of inmates that otherwise would've never had the chance."

"I think zero week (the first week of training) was the very hardest week of my life. Especially the jogging—it was rough on me."

"I think that shock will make me a better man and teach me how to deal with society and teach me a lot of discipline and responsibility. I think that the people that I hurt, when I go home, will be happy to see the change and will be happy of the man that shock has made of me, and not the man that I was before I came to jail."

Another inmate wrote: "I thought zero week was Hell and I ain't going to lie about it."

Parole staff begins their planning the day inmates arrive at the camp and begin that "zero week." As part of the shock program, Governor Cuomo mandated that Parole follow inmates closely upon release to see how they perform.

Parole writes a treatment plan and prepares a report to the parole field office which will supervise the inmate upon release.

Parole officers in the field developed an "after shock" program that includes individual as well as group supervision.

Caseloads are set at 30 parolees per parole officer. Parolees must meet with the officer twice weekly in their first three months after release, then once a week for the next three months.

During those first six months of parole, the meetings with parole continue the decision-making and conflict-resolution counseling begun in shock.

Parole monitors the inmate by making two home visits per month, ensuring the inmate retains full-time employment, or enrolls in an education or drug treatment program as warranted.

For the balance of the inmate's parole, the 30-to-1 ratio is maintained, but group sessions are thereafter run by counseling and therapy groups with mandatory attendance on the inmate's part.

So what does it all cost? The camps are designed to be operated for one year housing 500 inmates—250 inmates in each six-month program—with a total budget of $5.2 million and a staff of 142. That's $9,000 to house an inmate per year, versus the systemwide cost of $20,000. By comparison, a 250-bed minimum security camp would have 127 employees and a budget of approximately $4.9 million. Each are self-contained minimum-security facilities.

We must also realize that the savings of up to 30 months of incarceration for each successful participant is a sizable savings to taxpayers.

Diverting young offenders from criminal activity in a cost-efficient manner provides an even better return for the people footing the bill—the New York taxpayers.

But the biggest return to society, if we are successful, will come in the fact that, hopefully, these offenders will not return to their criminal ways and wind up back in prison.

We believe we are on the right track. Governor Cuomo is committed in his belief that punishment need not always take the form of incarceration.

Any state can build its way out of prison crowding by adding cells—at the cost of less money being available for tax cuts, highways, education and other programs.

Governor Cuomo has proposed many alternatives to incarceration, and shock is only one of them.

Young offenders can be diverted from criminal activity, if we offer them a chance of a productive life—and if they want to take advantage of it.

Governor Cuomo wants to reduce recidivism, not just cut the level of prison crowding. We hope shock will continue to help in that effort.

Our efforts to battle addiction does not stop with shock. We begin a major program later this year that builds upon what we have learned from shock and through 10 years of treating inmate addicts.

Six 200-bed Alcohol and Substance Abuse Treatment (ASAT) Annexes were authorized on July 11 when Governor Cuomo signed the Omnibus Criminal Justice Law of 1989. The annexes will be unique in two ways:

This Department will provide security, administration and support personnel at each Annex, but outside non-profit organizations will be contracted with to come inside these prisons to provide residential drug treatment.

Those providers will be required to sign contracts with the Division of Parole, guaranteeing each inmate an appropriate drug treatment slot in their county of commitment upon parole release.

Full implementation of Governor Cuomo's drug program will bring the number of new drug treatment beds to 2,150. It includes, in addition to the six 200-bed annexes:

Authorization for a seventh Annex if the number of new prison commitments warrants it, and both the Governor and Legislature agree to appropriate funds.

Appropriated funding for a 750-bed medium-security prison in which all inmates will be in the ASAT program administered by Departmental staff. We believe this will be the largest single prison in the nation dedicated to addressing drug abuse among felons. It will cost $65 million to build and $17 million a year to operate with 400 workers.

This addiction recovery program is intended to break the cycle of abuse by mandating a continuum of treatment: No longer will inmates receive drug treatment and enter recovery in prison, only to relapse on the street—in part becaue no one is guaranteeing them a treatment slot.

If parolees continue in recovery programs, they will not be committing crimes against our citizens to obtain drugs. Our taxpayers will not be spending $100,000 to build a cell for parolees to return to, and $25,000 a year to house them. The money can be spent instead on social programs, highways and bridges, tax cuts and to address other needs. But the process begins with breaking the drug cycle, in order for us to invest in the future of the recovering addict who has done time, as well as in the future for us all.

The Omnibus Criminal Justice Bill of 1989, among other initiatives, authorized the construction of 5,400 new prison beds—with 1,950 of them, or 43% of the expansion, earmarked for residential drug treatment. In signing it, Governor Cuomo noted that, "The police officers on the streets are making more and better arrests while the courts are making more and longer commitments to State prisons . . . (this law) will allow us to build more cells and enhances our chances of deterring future crimes by the people who fill them. It is another major component of our effort to take back the streets."

The ASAT Annexes will address the two overwhelming commonalties among inmates: More than 70 percent admit to having abused drugs on the outside, while 80 perent lack the high school degree required to hold even some entry level employment.

Roughly 20 percent of inmates who successfully complete residential ASAT programs return to prison, against a return rate of upwards of 30 percent among non-participants. Only 17 percent of inmates earning high school equivalency degrees return, compared to 25 percent among those who don't.

All 57 State prisons offer ASAT programs, while eight facilities also offer residential drug treatment, lasting 3-9 months, such as that to be offered in the annexes. The existing ASAT program costs $4.6 million annually, and serves 12,000 offenders a year.

200-bed ASAT Annexes will be built within the perimeters of the March medium-security prison and the lakeview Shock Incarceration Facility, one adjacent to the Butler facility, while the remainder will be free-standing units in Brasher, Chateaugay and Johnstown, distant from any other prisons. Each will cost $20 million to build and will cost $5 million a year to operate with 140 employees.

The therapeutic community approach to ASAT—in place at existing residential programs—will be duplicated at the Annexes. Inmates will be involved in intensive group therapy and individual counseling, as well as in the Network program. Academic education, to address the second greatest need among inmates, will also be compulsory.

Inmates in the program will be those within two years of parole eligibility whose prison adjustment and program participation, plus their crime of commitment, allow them the privilege of participating in Temporary Release Programs.

The organization providing ASAT will, as inmates develop a proven record of addressing their addiction, recommend that inmates be temporarily released to the drug treatment program that the provider believes will meet the need of the individual inmate upon parole—while allowing the provider to oversee the inmates readjustment to society prior to that parole release.

It should be clearly understood that inmates will be on temporary release: Such status is granted at my sole discretion, and I can revoke it at any time, and order the inmate returned to prison.

Unlike shock, inmates will have no choice as to whether they are sent to the Annexes for treatment. And they won't get out of prison one day early for sucessfully participating in a recovery program.

What they will have received, however, is a better chance for success on the street. That's their carrot.

That is all—and everything—that we must provide, if we are to break the cycle of drug abuse an crime among offenders.●

SOVIET REFUSENIK IRINA VORONKEVICH

● **Mr. D'AMATO.** Mr. President, as I traveled through New York this past August recess, the issue most frequently raised by my constituents was the amazing evolution transpiring in the Soviet Union. New Yorkers, like most Americans, have high hopes for the success of the reforms undertaken by Mr. Gorbachev. Many urged me to make every effort to support Mr. Gorbachev in his struggle: to eliminate trade barriers, to provide credits, and to reduce arms.

I found myself constantly having to remind myself, and others, that Soviet rhetoric has not been matched by deeds. It is far easier to articulate the need for reform policies than it is to implement reform policies. Mr. Gorbachev faces an entrenched bureaucracy dead set on opposing his initiatives. Life for the average Soviet citizen is, materially, no better than it was 5 years ago, and may, in fact, be worse. Freedoms we take for granted remain elusive in the Soviet Union, especially for those persecuted because of their religious beliefs. Let me cite just one example in thousands.

Irina Voronkevich, a war widow whose father was slaughtered in the prewar purges of Stalin, has sought to emigrate to Israel without success since 1979. Her exit visa to Israel has been blocked for reasons of security. She is alleged to have had access to classified materials in her years as an employee of the Institute of Plants of the Ministry of Agriculture. Considering the state of Soviet agriculture, it is hard to imagine what of value Mrs. Voronkevich could reveal to anyone assuming this were anything but a pretext. The reality is that Soviet borders remain closed.

Today, Irina Voronkevich is 77 years old. Her son and daughter-in-law were allowed to emigrate to Israel just this past July. What kind of state torments an old woman separated from her family? Is this the true face of Gorbachev, of a bureaucracy still riddled with holdovers from the Brezhnev era, or something else? I do not know, but as long as women like Irina Voronkevich are denied their most basic human rights I will not ease my vigilance. Deeds, and only deeds, can truly bring the curtain down on the cold war.●

THE CONTINUED TOLL OF CRACK ON WOMEN AND CHILDREN

● **Mr. SIMON.** Mr. President, yesterday, two different studies were released that fly in the face of earlier assumptions about substance-abusing pregnant women and their children who are born addicted. The results of both of these studies make the need for additional resources and creative, coordinated approaches to the problems of substance-abusing women and their children even more compelling.

The National Association for Perinatal Addiction Research and Education

[NAPARE], a Chicago-based organization that has been in the forefront of efforts to reach out to this special population, has been involved in two studies looking at different aspects of the problem: One study looked at drug usage among 715 women in Pinellas County, FL, in both public and private obstetric care in the county.

In conjunction with a Florida-based drug treatment program, Operation PAR, researchers conducted blind urine tests on every woman enrolled in prenatal classes at five Pinellas County public hospitals and every woman enrolled in similar care at 12 private obstetric practices between January 1 and June 30 of this year. According to Dr. Ira Chasnoff, president of NAPARE and director of a treatment program for substance-abusing pregnant women and their babies at Northwestern Memorial Hospital in Chicago, Pinellas County was chosen because it approximates many other American States and communities—with both an urban and rural population, and a good racial and ethnic mix as well.

The researchers found a slightly higher rate of drug use among white women—15.4 percent—as compared to that among black women—14.1. Marijuana was the drug most used with white women having a higher rate of marijuana use—14.4 percent for white women as compared to 6 percent for black women—and the reverse for cocaine—7.5 percent cocaine use during pregnancy for black women as compared to 1.8 percent for white women. Perhaps the most startling result of the study was the difference in reporting rates for child abuse: Minority women who used drugs or alcohol during pregnancy were 10 times more likely to be reported to child abuse authorities than white women.

Mr. President, I have never supported efforts to criminalize the problem of substance-abusing women—we do nothing to move these women away from their destructive addictions and back into lives that allow them to care for themselves and their children. Dr. Chasnoff and others who have been involved in the hard work needed to reach this population long before it became a "sexy" issue have given us not only food for thought, but hard, cold data to support expanding our support of the types of treatment and outreach programs that work with these women.

I ask that release detailing the program in Pinellas County be printed in the RECORD.

The release follows:

MIAMI, FL.—The belief that the problems connected with women using drugs during pregnancy occur only in lower socioeconomic, urban minority groups and not in the white middle-class private sector is erroneous, according to researchers from the National Association for Perinatal Addiction Research and Education (NAPARE). Further, a minority woman who uses drugs or alcohol during pregnancy is almost 10 times more likely to be reported to child abuse authorities than is a white woman.

Speaking to a national training forum on drugs, alcohol, prenancy and parenting in Miami, Ira J. Chasnoff, M.D., reported the findings of a recently completed study conducted in conjunction with Operation PAR, a Florida-based drug treatment program. The study was funded by the Juvenile Welfare Board of Pinellas County.

Chasnoff stated: "This is the first comprehensive population based study of substance abuse during pregnancy. Because of the county's demographics, it could represent a microcosm of many other communities across the United States."

The State of Florida has a policy which requires hospitals to notify local health departments when an infant is born with drugs in its system or the mother is an addict.

Chasnoff, who is president of the National Association for Perinatal Addiction Research and Education, explained that blind urine tests were conducted on every woman who enrolled for prenatal care at five Pinellas County public health clinics and every woman who entered similar care at twelve private obstetric practices in Pinellas County from January 1 to June 30, 1989. A total of 715 women were tested; 380 in the clinics and 335 in private care. The tests were identified only by zip code, race, and age of mother.

Records from the Pinellas County Health Department during the same time period were reviewed regarding all women reported for drug or alcohol abuse during pregnancy. Zip code, race, and drug use pattern (types of drugs consumed) were recorded by the researchers and compared with the two groups of public and private patients.

Results of the study showed:

14.8 percent of all the women tested positive for alcohol, marijuana, cocaine and/or opiates. There was no significant difference in the rates of the private or public patients: 13.7 percent in the private sector and 16.3 percent in the public sector.

The incidence of the use of the individual drugs was also similar, except for cocaine having a slightly higher incidence among women in the public health group.

Among black and white women (both public and private patients), the rate of positive tests for drug use was 15 percent. (Hispanic and oriental women were not included in these statistical analyses because of the small number in the study.) The rate of positive tests for drugs among white women was 15.4 percent; the rate for black women, 14.1 percent.

In both the total population of women (public and private patients) and the total population of black and white women, marijuana was the drug used most often. In the population of black and white women, black women showed a higher rate of cocaine use; 7.5 percent to 1.8 percent. White women used more marijuana; 14.4 percent to 6 percent for black women.

In the six-month period of the study, 133 pregnant women were reported for substance abuse to the county health authorities. Forty-eight were white; 85 were black. There were no significant differences in socioeconomic status, and patterns of drug use were similar. In analyzing the proportion of women reported to the total number of births among black and white women, it was found that a black woman was 9.58 times as likely to be reported for substance abuse in pregnancy as compared to a white woman. This was in contrast to the fact that a white woman was 1.09 times as likely to have used drugs or alcohol just prior to her first prenatal visit to the doctor.

Chasnoff challenged government bodies that are attempting to develop child protection laws which will cover substance abuse during pregnancy to be sure that medical evidence of drug use is the basis for determining risk and not preconceived notions of risk in certain populations.

He challenged health care professionals to examine personal biases that may influence lifestyle evaluations of their patients and diagnostic decisions.

The National Training Forum on Drugs, Alcohol, Pregnancy, and Parenting was sponsored by the National Association for Perinatal Addition Research and Education with funding from the Office for Substance Abuse Prevention, Washington DC, and the State of Florida Department of Health and Rehabilitative Services.

I would also like to include the release on Dr. Chasnoff's second study, which for the first time has followed a large group of children in Chicago who were born to substance-abusing mothers. Two hundred and sixty three children have been followed and evaluated at Dr. Chasnoff's treatment center. While many of these children catch up physically with their peers, the study begins to document the inability of these children to reach an age-appropriate intellectual and emotional level. These children do not appear to be brain damaged or retarded; they are, however, showing serious emotional and developmental disabilities that do not bode well for their ability to function within a structured, routine school environment.

In some parts of the country, Head Start workers and others providing early childhood education are seeing the first generation of "crack" babies in their programs. And they are worried and afraid that a system already overburdened will not have the will, the resources, nor the flexibility to help these children. Let us not make the mistake with this population that we have made with others—let us get in ahead of the game and provide the range of services and support that will allow these children to become productive members of society rather than sacrificing another generation of children to drugs.

Mr. President, I ask that the new release on this study as well as an article from the September 17 New York Times be printed in full in the RECORD.

The material follows:

MIAMI, FL.—The nation's educational system should prepare for the special needs of increasing numbers of children who, because their mothers used illicit drugs during pregnancy, will have difficulty learning in traditional school settings, according to Ira J. Chasnoff, president of the National Association for Perinatal Addiction Research and Education (NAPARE). He stated that many educators have contacted NAPARE because they have realized they need help in providing optimal educational interventions for the new generation of drug affected children.

Speaking to NAPARE's National Training Forum on Drugs, Alcohol, Pregnancy and Parenting in Miami (September 17), Chasnoff said: "The school environment will be an additional challenge for children who began life at risk because of their mothers' use of cocaine and other drugs during pregnancy. Educators face the challenge of providing these children with the kind of teaching and school environment that will allow them to reach their potential."

He outlined the findings of a two-year followup study of 263 children who have been evaluated at a Chicago-based treatment clinic for substance abusing pregnant women where he is director. During regular visits to the clinic, the children receive developmental evaluation as well as medical care. The mothers are counseled in parenting techniques.

In the study, the women were categorized as cocaine/poly drug users because most used cocaine plus other drugs such as marijuana and alcohol.

The developmental progress of the children was compared to a control group whose mothers had not used drugs during pregnancy.

Chasnoff reported:

Evaluation at birth revealed the infants of the cocaine/polydrug using mothers were more likely to be born prematurely and generally weighed less, were shorter, and had smaller head circumference.

By 3 months of age the mean infant weight had caught up with that of the drug-free control group.

By 12 months of age the two groups were not significantly different in length.

Through 2 years of age, the head circumference measurement remained smaller in the drug affected children. Smaller head circumference is thought to be a marker of risk for long-term developmental difficulties.

This study and others indicate that drug-exposed two-year-olds score poorest on developmental tests that measure abilities to concentrate, interact with others in groups, and cope with an unstructured environment.

The drug-exposed children scored within the normal range for cognitive development and are not, as some people have stated, brain damaged. They will require a structured learning environment and patient, one-on-one attention from teachers and care givers in order to achieve their maximum learning potential.

Chasnoff said, "We foresee that many of these children will end up in special education or classes for the learning disabled because the standard classroom, often overcrowded, will not provide the environment they need."

Given the chaotic and transient nature of the drug environment in which many of children of substance abusers live, many will not achieve their potential without special help.

Mothers of drug-affected children need intensive, followup training in nurturing and parenting, he said. Special pediatric clinics where the children could receive medical care and be evaluated, and where the mothers would receive continuing drug treatment should be part of an overall national program to combat the effects of drug use.

In Chasnoff's treatment program, 79 percent of the mothers remained in the program for pediatric care and counseling for one year; 50 percent were still enrolled after two years. "The children we have studied probably represent a group for whom outcome is most helpful; the ones whose mothers drop out of a treatment program or never received treatment are at great risk for developmental impairment."

The training forum was sponsored by NAPARE with funding from the Office for Substance Abuse Prevention, U.S. Department of Health and Human Services, Washington, DC, and the State of Florida Department of Health and Rehabilitative Services.

[From the New York Times, Sept. 17, 1989]

Crack's Toll Among Babies: A Joyless View, Even of Toys

(By Sandra Blakeslee)

The first followup studies of babies born to mothers using crack show that in early childhood they have serious difficulty relating to their world, making friends, playing like normal children and feeling love for their mothers or primary caretakers.

Prenatal exposure to illegal drugs, particularly powdered cocaine and its smokable derivative, crack, seems to be "interfering with the central core of what it is to be human," said Coryl Jones, a research psychologist at the National Institute of Drug Abuse in Bethesda, Md.

The new research does indicate that most babies exposed to the illegal drugs appear able to develop normal, if low-range, intelligence despite their subnormal emotional development.

RELATIONSHIPS ARE AFFECTED

But the studies suggest that without help, the children of addicted mothers may be unable to develop into adults with basic employment skills and unable to form close human relationships, the researchers said. The studies also indicate that exposure to crack and cocaine has a far more devastating effect on the emotional lives of the children.

Researchers report that the babies themselves are free of drugs not long after birth, but that what has happened to them results from the exposure to drugs while in the womb when substances in the mother's blood enter the baby's. Many women believe that the placenta acts as a shield against harmful substances. But the researchers say the opposite is true: it acts as a sponge.

A hopeful note concerning these children comes from a pilot program in Florida that appears to be helping 25 babies exposed to drugs develop better play skills and interpersonal relationships. The program is being run by the only federally financed center caring for the infants of drug-addicted mothers.

STRIKING ABNORMALITIES

Two research groups have thus far observed striking abnormalities in how these babies organize their play and react to adults, Dr. Jones said. One is led by Dr. Ira Chasnoff, director of the Perinatal Center for Chemical Dependence at Northwestern University School of Medicine in Chicago. He will present his findings today at the annual meeting of the National Association for Perinatal Addiction Research and Education in Miami.

The other group is headed by Dr. Judith Howard, director of the Suspected Child Abuse and Neglect Team at the University of California at Los Angeles.

Dr. Chasnoff and Dr. Howard are among the nation's leading experts on babies exposed to crack and cocaine, Dr. Jones said. Using new analytical methods, they are picking up behavioral problems in babies born to addicted mothers that other researchers have missed. The babies in their studies were born to mothers who had been using a variety of drugs, primarily crack and cocaine.

300,000 INFANTS AFFECTED

Each year, more than 300,000 infants are born with traces of some illegal drugs, Dr. Jones said. No one knows how many are being exposed specifically to crack. But few doubt that the needs of these babies will present an overwhelming challenge to schools, future employers and society. More women than men are now reported using crack in several major American cities, and drug experts say a large number of these new users are young pregnant women.

The Northwestern group is studying the progress of nearly 400 babies born to mothers in the Chicago area who used cocaine in pregnancy, Dr. Chasnoff said in an interview. Of these, the staff has followed 263 babies for two years, testing them along the way on a variety of intellectual and developmental scales.

At first glance, he said, the children seemed to function normally in structured tests. For example, when an adult asked a child to put a small round object into a bigger square box, the child could do it. His intelligence seemed all right.

THEY GOT FRUSTRATED

"But when we looked at the quality of their performance," Dr. Chasnoff said, "we saw problems." An average toddler not exposed to drugs can place two, three or more objects in the box. "When we gave more than one object to the cocaine babies, they got frustrated," he said. "They had difficulty concentrating and were distracted by the second objects."

Dr. Chasnoff said the poor quality of their performance suggested that these children had great difficulty organizing their responses to their surroundings. While they score on the low end of normal on intelligence tests, they score much lower on tests that measure abilities to concentrate, interact with other children in a group and play by themselves in unstructured environments.

The U.C.L.A. group under Dr. Howard, the first to report abnormal play patterns, began seeing babies born of addicted mothers from the Los Angeles area 11 years ago.

COCAINE AND LETHARGIC BABIES

Unlike jittery babies previously studied after exposure to heroine and P.C.P., the babies born to mothers who favor crack and cocaine are lethargic, Dr. Howard said. These women use alcohol, marijuana and other "downers," or sedative drugs, to ease the emotional crash after their cocaine highs, and this might account for the babies' lethargy, Dr. Howard said.

After four or five weeks, many of these babies become physically rigid, a phenomenon that lasts several days, Dr. Howard said. The tests of many of these babies appear to show that they are blind at birth, yet by the time they are 9 months old, their vision is normal, the doctor said.

As one group of babies studied at U.C.L.A. approached 1 year of age, Dr. Howard said of them: "We were getting optimistic. They seemed to be calmer. Their motor skills were better. Their moms were doing better."

Only one thing seemed odd. When the babies were placed on the floor by themselves, they appeared apathetic to the toys around them, Dr. Howard said. Without an adult to show them how to pick up and handle toys, she said, they did not know what to do.

To explore "what our eyes were telling us," Dr. Howard said, the researchers compared two groups of toddlers from similar backgrounds. One group of 18 toddlers has been exposed to cocaine and other drugs in pregnancy. Another 18, used as a control group, had been born very prematurely but had not been exposed to drugs. In both groups, the babies experienced medical difficulties afer birth and were at increased risk for learning disabilities. Their mothers were poor, uneducated and had had virtually no prenatal care.

All the children in both groups and all their caretakers, mothers, grandmothers relating or foster parents, were part of an intervention program at U.C.L.A. The toddlers in the program received excellent heath care and were not abused or neglected. Thus the relative effects of the drugs as opposed to home environment would be the differentiating factor.

At first, Dr. Howard said, the toddlers exposed to drugs did not seem to develop differently from the babies born prematurely. As researchers played with them in testing sessions, seeing, for example, if they could build a tower of blocks, the babies exposed to drugs scored consistently lower than those born prematurely but were still within the low average range.

When the toddlers were left to play by themselves and their actions videotaped, researchers observed marked differences in the two groups. The researchers counted how many times the children made novel combinations of toys around them. The researchers found the best score among the babies born prematurely was 38 combinations. The best score among babies of addicted mothers was 10.

PLAY WITHOUT PURPOSE

The premature babies played as most children do. They would comb a doll's hair, pretend to stir a pot and make sounds like a motor when they played with trucks.

The babies exposed to drugs scattered and batted the toys. They picked toys up and put them down, without purpose. If they did play with an object, they would walk away from it long before most children would, their faces dispassionate, joyless.

Finally, the majority of toddlers exposed to drugs seemed less attached to their caretakers. "You drop off most 18-month-old kids with strangers and they show appropriate fear" Dr. Howard said. But most of the drug babies did not show any strong feelings—pleasure anger or distress.

Up to now, Dr. Howard said, research on babies exposed predominantly to heroin or PCP has indicated that the infants, given supportive environments, were able to catch up with normal children. Their intellectual and developmental tests scores have been in the normal ranges, and it has been thought that young human brains, pliable and still rapidly developing, should be able to overcome most neurological damage from the exposure.

But these new studies paint a far less optimistic picture for babies exposed to crack and cocaine. Many of these babies today show symptoms similar to those in children with mild autism or those with personality disorders, conditions characterized by withdrawal and lack of emotion. "Something is interfering with their ability to engage in simple creative play," Dr. Howard said. Free play requires self-organization, self-initiation and follow through without adult guidance.

Cocaine may produce the effects by altering fundamental neurological pathways in the baby's brain, researchers say. The drug crosses the placenta during the first trimester of pregnancy when the brain is forming. The pleasure and reward pathway, based on the brain chemical dopamine, is especially vulnerable to cocaine. This might explain the flat moods and emotional poverty seen in crack babies, both Dr. Howard and Dr. Chasnoff agree.

Whatever the cause of the problem, thousands of babies exposed to crack, cocaine and other drugs will be reaching school age in the next few years, Dr. Howard said. Good school and home environments are crucial for these children, she said. They will need lots of structure and individual attention.

The daycare center in Florida especially designed for babies exposed to cocaine is showing that such intervention works. Each morning, 25 children from 2 months to 5 years of age are picked up in a van and taken to bright, cheerful classrooms with three teachers and three aides. The center in St. Petersburg is run for the Federal Government by Operation Par, the largest nonprofit provider of drug abuse services in Florida.

When the children first arrived a year ago, their attention spans were three to five seconds, said Kelly Twiss, the teacher in charge of 10 children. "We give them lots of hugs, a lot of love, and a lot of structure," she said.

At first, she said: "They did not know how to play. They would not pick up a toy, a crayon or a doll. But now I see them experimenting with everything. A casual observer would not notice that many differences."

It is too soon to say whether the improvements will be long lasting. Ms. Twiss said that when structure is removed, the children tend to withdraw again. They do not seek other children. Their attention spans, while up to five minutes, are several minutes below children not exposed to drugs.●

BICENTENNIAL LIGHTHOUSE CELEBRATION IN NEWPORT, RI

● Mr. CHAFEE. Mr. President, I would like to invite all of my distinguished colleagues to join Rhode Islanders and lighthouse aficionados from across the country in celebrating the 200th anniversary of lighthouse service in America.

The bicentennial lighthouse celebration—4 days of festivities in honor of the American lighthouse—will be held this weekend in Newport, RI. It commemorates the signing by George Washington of the Lighthouse Act, which commissioned the first Federal lighthouse for national service.

As the author of the National Lighthouse Day resolution, I am delighted that the celebration is being held in the Ocean State of Rhode Island, home of 21 unique lighthouses. This celebration is for all lighthouses, however. Ranging from simple wooden towers to brick beacons to steel skeletons, lighthouses have dotted every coastline in the country. Although the colorful era of traditional lighthouses is drawing to a close, the lights remain a permanent and beloved part of our folklore.

The long weekend kicks off with the opening ceremony at the Newport Armory, hosted by Mayor McKenna, Coast Guard Admirals Nelson and Rybacki, and lighthouse experts Wayne Wheeler and Curtis Bunting. The music of the Newport Navy Band will add extra festivity to the opening occasion.

Among the weekend events planned are boating regattas, cruises, art shows, exhibits, plays, dinners, and clambakes. An estimated 4,000 visitors will participate in the weekend festivities, and I hope some of my colleagues in the Senate will be counted among them.

Mr. President, I would like to convey a special word of thanks to Wayne Wheeler, president of the U.S. Lighthouse Society; the many, many dedicated Rhode Islanders working for lighthouse preservation; and the Coast Guard; for the considerable time and effort that has gone into the planning of this weekend.●

NORMAN COUSINS

● Mr. SIMON. Mr. President, one of the people who has lifted the vision of this Nation and of other nations, in so many ways, is Norman Cousins.

His writings, his speeches, his understanding of the "big picture" have been an inspiration to me and, I know, to countless numbers of others.

Recently he had an article in the New York Times about the Amal Movement in Israel. It is a positive note in Israel, a place from which we hear too little of the positive.

In this connection, I should add that two other Americans, Robert Asher and his wife Mary Jane, have pioneered in seeing to it that a school for gifted young people, Jewish and Arab, has opened in Israel. The name of that school is the Israel Arts and Science Academy.

Positive things are happening, and we need to hear more about them.

I urge my colleagues to read the Norman Cousins column which I ask to be inserted in the RECORD at this point.

The column follows:

ISRAELI ARABS: ISRAELIS FIRST

(By Norman Cousins)

BEVERLY HILLS, CALIF.—The impression the outside world has of the Arab problem inside Israel is that both sides are in full confrontation, emotionally if not militarily, and that the only thing that prevents outright internal war is Israel's controlling force.

In fact, the large majority of Israel's Arab citizens are not connected to the riots and eruptions. Most of the Arabs live in the northern half of Israel and, relatively speaking, get on quite well with their Jewish neighbors.

According to responsible surveys, these northern Arabs, given a hypothetical opportunity to live in a Palestinian state carved out of the present occupied territories, would stay where they are. Not that they don't support the idea of a Palestinian homeland; they see no enduring peace without it. For themselves, however, they prefer to stay put.

I was able to confirm these views in direct conversation with Arab educators and community leaders in the north. They regard themselves as Israeli citizens, serve in the armed forces and feel their general economic and political situation is preferable to the lot of the average Arab, say, in Syria or Saudi Arabia or Jordan.

Serious problems, however, exist and represent a potential source of discord. The Arab leaders point to higher levels of financial support given by the Israeli Government to cities and villages that are predominantly Jewish. They contend that past differentials have been on the order of 4 or 5 to 1 in favor of the Jewish centers.

Another complaint is that economic opportunities are far more numerous and attractive for Jewish citizens than for Israeli Arabs. The unemployment rate for Arabs is almost twice as high as for Jews.

Yet another grievance is that not enough attention is given to Arab youngsters who drop out of high school. It is felt that special remedial work with these students might bring them back to school and help reduce the delinquency rate among Arab youth.

In general, prominent Arabs in the north feel that they deserve social justice not because they are Arabs but because they are Israelis. Moreover, they contend, Israel as a state would be strengthened thereby.

The one development that receives consistently high marks by Arabs is the Amal movement.

Amal is a network of schools operated jointly by Arab and Jewish educators. It seeks to provide young Arabs with a high level of technological training beyond general education. More than 100 Amal schools are now functioning throughout Israel. Jewish educators serve alongside Arabs on the national governing council, but Arabs have the top jobs in the actual operation of the schools.

I visited an Amal technical school in Shefaram, an Arab city of 50,000 northwest of Haifa. Here, Arab youngsters are introduced to electronics, semiconductors and silicon chips. In the upper grades, students receive sophisticated training in advanced electronics. One student developed an ingenious computer table that is now going into commercial production.

There is no way of calculating the importance of Amal to Arab-Jewish relations. I don't know how much it costs to quell a single Arab riot in the West Bank or Gaza. But it seems obvious that just a fraction of that amount applied to Amal would yield substantial dividends.

If the future of Israel depends on a modus vivendi with Israel's Arab citizens, to say nothing of Israel's neighbors, then the importance of creative and fully functional Arab communities within Israel itself cannot be overestimated.

More and more, it appears that the writer H.G. Wells was right when he said that civilization is a race between education and catastrophe. Amal can help Israel win that race. It exists and it points the way.●

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending bill be set aside and that the Senate proceed to H.R. 2939, the foreign assistance appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTIONS FOR ARREARAGES

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $6,666,667, for the United States contribution to the replenishments, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, **[**$79,904,472**]** *$75,000,000,* for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of this amount **[**and of the amount provided by this Act for the annual contribution to the International Finance Corporation**]** not more than **[**$30,800,000**]** *$26,250,000* may be expended for the purchase of such stock in fiscal year 1990.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share *of the paid-in share portion of the increase in capital stock, $31,617,983, and for the United States share* of the increases in the resources of the Fund for Special Operations, **[**$63,724,629**]** *$53,724,629,* to remain available until expended**[**: *Provided,***]** *: Provided, That the funds made available under this heading shall be withheld from obligation until January 1, 1990: Provided further, That such funds withheld from obligation may be obligated after January 1, 1990, only if the President certifies that the Board of Governors of the Inter-American Development Bank has adopted a resolution providing that any recipient of any assistance provided by the institution must agree in writing that any procurement of goods or services to be procured with such assistance shall be conducted in a manner that does not discriminate against any United States person interested in providing such goods or services: Provided further, That should the Board of Governors of the Inter-American Development Bank fail to adopt such a resolution, the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use the voice and vote of the United States to oppose any assistance by the institution using funds appropriated or made available pursuant to this or any other Act unless the recipient of assistance agrees in writing that any procurement of goods or services to be procured with such assistance shall be conducted in a manner that does not discriminate against any United States person interested in providing such goods or services : Provided further,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), **[**$184,641,964**]** *$84,641,964,* to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $1,654,000, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

ANNUAL CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock, for the General Capital Increase, $50,000,795, to remain available until expended: Provided, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,241,863,586.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $958,333,333, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That $115,000,000 of the funds made available under this heading shall be withheld from obligation until January 1, 1990: *Provided further*, That such funds withheld from obligation may be obligated after January 1, 1990, only if the President certifies: (1) that the International Development Association has not provided any new loans to China since June 27, 1989, or (2) that, if such loans have been provided, the United States Government believes that such loans will support the process of increasing individual freedoms and improving human rights in China: *Provided further*, That fifteen days prior to any obligation of funds for the International Development Association, the President shall report his certification to the Committees on Appropriations of the House and Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate: *Provided further*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

[For payment to the International Finance Corporation by the Secretary of the Treasury, $8,095,528, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.]

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), [$37,254,036] *$67,750,072*, to remain available until expended: *Provided*, That no such contribution may be made while the United States Executive Director to the Asian Development Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $105,000,000, for the United States contribution to the fifth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $7,987,308 to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $134,809,613.

[CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

[For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, $150,000,000 *$75,000,000*, to remain available until expended: *Provided*, That such funds are available subject to authorization.]

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

[For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $270,115,000: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That of the funds appropriated under this heading $108,990,000 shall be made available only for the United Nations Development Program; $65,400,000 shall be made available only for the United Nations Children's Fund, which amount (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 526 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act; $750,000 shall be made available only for the Convention on International Trade in Endangered Species; $12,000,000 shall be made available only for the United Nations Environment Program; and not less than $40,000,000 shall be made available for the International Fund for Agricultural Development: *Provided further*, That none of the funds appropriated under this heading shall be made available for the International Fund for Agricultural Development until agreement has been reached on the third replenishment of the Fund: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.]

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $241,125,000: Provided, That no funds shall be available for the United Nations Fund for Science and Technology: Provided further, That the total amount of funds appropriated under this heading shall be made available only as follows: $109,630,000 for the United Nations Development Program; $65,000,000 for the United Nations Children's Fund of which $3,000,000 shall be made available to UNICEF as funds in trust for the activities of Childhope or similar organizations to help homeless or street children; $980,000 for the World Food Program; $1,500,000 for the United Nations Capital Development Fund; $800,000 for the United Nations Voluntary Fund for the Decade for Women; $200,000 for the United Nations International Research and Training Institute for the Advancement of Women; $100,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $22,000,000 for the International Atomic Energy Agency; $10,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Train-

ing Program for Southern Africa; $500,000 for the United Nations Trust Fund for South Africa; $650,000 for the Convention on International Trade in Endangered Species; $220,000 for the World Heritage Fund; $100,000 for the United Nations Voluntary Fund for Victims of Torture; $245,000 for the United Nations Fellowship Program; $400,000 for the United Nations Center on Human Settlements; $500,000 for the UNIDO Investment Promotion Service; $10,000,000 for the Organization of American States; and $13,500,000 for the United Nations Emergency Trust Fund for Afghanistan: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 103(g) of the Foreign Assistance Act of 1961, $30,000,000 for United States contributions to the third replenishment of the International Fund for Agricultural Development: Provided, That none of the funds appropriated under this heading shall be made available for the International Fund for Agricultural Development until agreement has been reached on the third replenishment of the Fund.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1990, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

[GENERAL DEVELOPMENT ASSISTANCE

[For necessary expenses to carry out the provisions of sections 103, 104(c), 105, and 106, $1,888,400,000: *Provided*, That up to $5,000,000 shall be made available for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further*, That not less than $8,000,000 shall be made available for the Vitamin A Deficiency Program: *Provided further*, That notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this heading shall be made available, and remain available until expended, for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations: *Provided further*, That not less than $42,000,000 shall be made available only for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries, of which $25,000,000 shall be provided directly to the World Health Organization for its use in financing the Global Program on AIDS, including activities implemented by the Pan American Health Organization: *Provided further*, That not less than $245,000,000 shall be made available for health and child survival activities: *Provided further*, That $1,500,000 shall be made available for the Caribbean Law Institute: *Provided further*, That not less than $7,500,000 shall be made available only for projects among the United States, Israel, and developing countries of which not less than $5,000,000 shall be made available for the Cooperative Development Program, and of which not less than $2,500,000 shall be made available for cooperative development research projects: *Provided further*, That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project: *Provided further*, That not less than $20,000,000 shall be made available for projects and activities administered by the Office of Energy of the Agency for International Development: *Provided further*, That not less than $10,000,000 shall be made available for biological diversity activities, notwithstanding section 660 of the Foreign Assistance Act of 1961, of which $2,000,000 shall be made available for the Parks in Peril project.]

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 103, $483,715,000: Provided, That up to $5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: Provided further, That not less than $8,000,000 shall be provided for the Vitamin A Deficiency Program: Provided further, That, notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this heading shall be made available, and remain available until expended, for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), [$201,600,000] *$220,000,000: Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further, That notwithstanding the previous proviso, not less than $15,000,000 of the funds appropriated under this heading shall be made available only for the United Nations Population Fund: Provided further, That the United Nations Population Fund shall be required to maintain these funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds made available under this heading for the United Nations Population Fund shall be made available for programs for the People's Republic of China: Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

[EGYPT, JORDAN, PAKISTAN, DEVELOPMENT ASSISTANCE

[Of the funds appropriated under the headings "General Development Assistance" and "Population, Development Assistance", $500,000,000 only shall be made available for Egypt, $17,000,000 only shall be made available for Jordan, and not less than $215,000,000 shall be made available for Pakistan.]

HEALTH, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(c), $125,994,000: Provided, That of this amount $2,500,000 shall be made available for the River Blindness Program of the World Health Organization.

INTERNATIONAL AIDS PREVENTION AND CONTROL PROGRAM

For necessary expenses to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, $42,000,000, which shall be made available only for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries: Provided, That of the funds made available under this heading $21,000,000 shall be provided directly to the World Health Organization for its use in financing the Global Program on AIDS, including activities implemented by the Pan American Health Organization.

CHILD SURVIVAL FUND

For necessary expenses to carry out the provisions of section 104(c)(2), $71,000,000.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 105, $134,541,000: Provided, That $1,500,000 of the funds appropriated under this heading shall be made available for the Caribbean Law Institute: Provided further, That not less than $67,270,000 of the funds appropriated under this heading and under the heading "Sub-Saharan Africa, Development Assistance" shall be available only for programs in basic primary and secondary education: Provided further, That in each of fiscal years 1990 and 1991, the Agency for International Development shall initiate three new bilateral projects in basic primary and secondary education, at least two of which in each fiscal year shall be initiated in Sub-Saharan Africa: Provided further, That not less than $20,000,000 of the funds appropriated under this heading shall be made available for the International Student Exchange Program: Provided further, That not less than $1,200,000 of the funds appropriated under this heading shall be made available for the Leadership Center for the Americas program.

PRIVATE SECTOR, ENVIRONMENT, AND ENERGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $135,709,000: Provided, That not less than $7,500,000 shall be made available only for cooperative projects among the United States, Israel and developing countries of which not less than $5,000,000 shall be made available for the Cooperative Development Program, and of which not less than $2,500,000 shall be made available for cooperative development research projects: Provided further, That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project: Provided further, That not less than $2,000,000 of the funds appropriated under this heading or under *the heading "Sub-Saharan Africa, Development Assistance", shall be made available for assistance in support of elephant conservation and preservation.*

SCIENCE AND TECHNOLOGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $8,662,000.

MICRO-ENTERPRISE DEVELOPMENT

Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $75,000,000 shall be made available for programs of credit and other assistance for micro-enterprises in developing countries: Provided, That local currencies which accrue as a result of assistance provided to carry out the provisions of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 may be used for assistance for micro-enterprises: Provided further, That such local currencies which are used for this purpose shall be in lieu of funds earmarked under this heading and shall reduce the amount earmarked for assistance for micro-enterprises by an equal amount.

POLAND AND HUNGARY

Notwithstanding any other provision of law, of the funds appropriated [under the headings "General Development Assistance" and "Economic Support Assistance",] *by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961,* not less than [$10,000,000] *$45,000,000* shall be made available for Poland and not less than $5,000,000 shall be made available for Hungary, which funds shall be used in support of the private sector and other economic development programs: *Provided,* That funds made available under this heading shall remain available until September 30, 1991: *Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.*

SUB-SAHARAN AFRICA, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106 and section 121 of the Foreign Assistance Act of 1961, [$515,000,000] *$565,000,000,* for assistance only for Sub-Saharan Africa, which shall be in addition to any amounts otherwise available for such purposes: *Provided,* That the authorities contained under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), shall be applicable to amounts appropriated under this heading until an Act authorizing assistance for such purposes for the fiscal year 1990 is enacted into law: *Provided further, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961.*

[SOUTHERN AFRICA, DEVELOPMENT ASSISTANCE

[For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $50,000,000, which shall be made available, without regard to section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961, only to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming that regional institution: *Provided,* That this amount shall be made available for one or more of the following sectors: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives): *Provided further,* That amounts made available under this heading shall be in addition to any amounts otherwise made available for such purposes and shall be in addition to amounts made available for Africa under the heading "Sub-Saharan Africa, Development Assistance": *Provided further,* That none of the funds appropriated under this heading may be made available for activities in Angola: *Provided further,* That none of the funds appropriated under this heading may be made available for activities in Mozambique unless the President certifies that it is in the national interest of the United States to do so.]

ZAIRE

Funds [made available for Zaire under the headings "General Development Assistance", "Population, Development Assistance", and "Sub-Saharan Africa, Development Assistance"] *appropriated to carry out chapter 1 of part I which are allocated for Zaire* shall be made available through private and voluntary organizations to the maximum extent practicable.

[ASSISTANCE FOR DISPLACED CHILDREN

[Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $3,000,000 shall be made available for programs and activities for children who have become orphans as a result of the effects of drought, civil strife, and other natural and man-made disasters: *Provided,* That assistance under this heading shall be made available in accordance with the policies and general authorities contained in section 491 of the Foreign Assistance Act of 1961.]

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for assistance for the provision of prosthetics and related assistance for civilians who have been injured as a result of civil strife and warfare: Provided, That this amount shall be derived in equal amounts from part I and from chapter 4 of part II.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $5,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than $3,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided,* That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

[SEPARATE ACCOUNTS

[If funds appropriated under the headings "General Development Assistance", "Population, Development Assistance" "Sub-Saharan, Development Assistance", and "Southern Africa, Development Assistance" are made available to a foreign country as non-project sector assistance, such country shall be required to maintain these funds in a separate account and not commingle them with any other funds: Provided, That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the non-project nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): Provided further, That all local currencies that may be generated with such funds shall be deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further,* That at least fifteen days prior to obligating any such assistance, the President shall submit a notification through the procedures contained in section 634A of the Foreign Assistance Act of 1961 to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).]

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

PRIVATE SECTOR REVOLVING FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, not to exceed [$4,611,502] *$5,000,000* to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1990, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed [$3,228,051] *$3,500,000.*

During fiscal year 1990, total commitments to guarantee loans shall not exceed [$46,115,020] *$100,000,000* of contingent liability for loan principal.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, [$30,000,000]

$40,000,000: Provided, That section 214(a) of the Foreign Assistance Act of 1961 is amended by inserting at the end thereof the following sentence: "For purposes of this section the term "schools" includes institutions which provide activities of daily life training, vocation education, and related services to the mentally and physically impaired.".

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, $25,000,000, to remain available until expended: *Provided,* That not less the $500,000 of the funds appropriated under this heading may be made available for assistance for children who have become orphans as a result of natural disasters.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $40,147,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $437,000,000: *Provided,* That not more than [$21,000,000] *$15,000,000* of this amount shall be for Foreign Affairs Administrative Support.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$30,000,000] *$31,194,000,* which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding sections 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided,* That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further,* That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further,* That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and forty at September 30, 1990.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

During the fiscal year 1990, total commitments to guarantee loans shall not exceed $125,000,000 of contingent liability for loan principal: *Provided,* That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject only to the availability of qualified applicants for such guarantees: *Provided further,* That guarantees issued under this heading shall guarantee 100 per centum of the principal and interest payable on such loans: *Provided further,* That no loans guaranteed under this heading shall be issued or held by the Federal Financing Bank: *Provided further,* That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961 borrowing authority provided therein may be exercised in such amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1990*: Provided further, That section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1991".*

ECONOMIC SUPPORT [ASSISTANCE] FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,145,000,000] *$3,247,000,000*: *Provided,* That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1989, whichever is later: *Provided further,* That not less than [$315,000,000] *$815,000,000* shall be available only for Egypt, which sum shall be provided on a grant basis, [of which not more than $115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and] *of which* not less than $200,000,000 shall be provided as Commodity Import Program assistance*: Provided further, That sufficient Egyptian pounds generated from funds made available under this heading or any other heading of this Act shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978 (which provide for local currency requirement for programs of the United States in Egypt to be made available to the United States in the manner requested by the United States Government), to enable the United States Embassy in Cairo to restore the endowment entitled "U.S. Government Trustee" to the Egyptian pound equivalent level, at the commercial rate of exchange, of $50,000,000, the level of endowment established by Congress in Public Law 99-88: Provided further, That an additional 20,000,000 Egyptian pounds generated from the same sources shall be made available pursuant to the same agreements to enable the United States Embassy in Cairo to establish an endowment to support other United States educational programs in Egypt*: *Provided further,* That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further,* That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty*: Provided further, That none of the funds made available by this Act or any prior Act shall be expended if such expenditure would cause the total fiscal year 1990 expenditures for Economic Support Fund programs or activities contained in this or prior year Acts to exceed $3,307,390,000: Provided further, That notwithstanding any other provision of law authorizing or appropriating funds or authority for the appropriations items contained in this Act (except that the provisions of 31 U.S.C. 1341(a) and 1517 shall be applicable), not more than $1,707,047,000 shall be expended before October 1, 1990, pursuant to the discretionary budget authority made available by this Act: Provided further, That expenditures for Israel and Egypt shall not be restricted in any manner in order to accomplish these limitations*: *Provided further,* That of the funds appropriated under this heading and allocated for El Salvador, up to $1,500,000 (or the equivalent in local currencies generated with funds provided to El Salvador under this heading) may be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, to assist the Government of El Salvador's Special Investigative Unit, *including for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: Provided further, That section 534(e) of the Foreign Assistance Act of 1961 is amended by (1) striking "each of fiscal years 1988 and 1989" and inserting in lieu thereof "fiscal year 1990"; and (2) striking "September 30, 1989" and inserting in lieu thereof "September 30, 1990"*: *Provided further,* That not less than $12,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Asia and Near East regional program: *Provided further,* That not less than [$18,000,000] *$35,000,000* of the funds appropriated under this heading shall be made available for Jordan: *Provided further,* That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus*: Provided further That not less than $230,000,000 of the funds appropriated under this heading shall be made available for Pakistan: Provided further, That not less than $20,000,000 of the funds appropriated under this heading shall be made available for Morocco: Provided further, That not less than $12,500,000 of the funds appropriated under this heading shall be made available for Tunisia: Provided further, That not less than $50,000,000 of the funds appropriated under this heading shall be made available for Portugal*: *Provided further,* That [none of the] funds appropriated under this heading [shall be] *which are* made available for Zaire *shall be provided only through private and voluntary organizations*: *Provided further,* That prior to the initial obligation of assistance for El Salvador from funds appropriated under this heading, the President shall report to the Congress on the extent to which the Government of El Salvador has made demonstrable progress in settling outstanding expropriation claims of American citizens in compliance with the judgment of the Supreme Court of El Salvador: *Provided further,* That the total amount of assistance provided for any country in Central America under this heading and to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall not be reduced, from amounts allocated to such country for such purposes for fiscal year 1989, by a percentage greater than the percentage reduction from amounts allocated for any other country in Central America for such purposes for such fiscal year: *Provided further,* That if funds made available under this heading are provided to a foreign country as cash transfer [or non-project sector] assistance, that country shall be required to maintain these funds in a separate account and not commingle them with any other funds: *Provided further,* That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with such funds shall be [deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961] *treated in accordance with section 591 of this Act: Provided further,* That at least fifteen days prior to obligating any such assistance to a foreign country under this heading, the President shall submit a notification through the [procedures contained in section 634A of the Foreign Assistance Act of 1961 to] *regular notification procedures of* the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance): *Provided further,* That not more than $5,000,000 of the funds appropriated under this heading may be made available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations: Provided further,* That notwithstanding any other provision of law, none of the funds appropriated under this heading may be used for tied aid credits without the prior approval of the Administrator of the Agency for International Development: *Provided further,* That, except as provided by this Act, none of the funds appropriated under this heading by this Act or prior [Foreign Operations, Export Financing, and Related Programs Appropriations] *foreign assistance appropriations* Acts, shall be made available for tied aid credits in accordance with any provision of law enacted after May 19, 1988: *Provided further,* That $2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the provision of medical supplies and hospital equipment to Poland, including expenses of purchasing, transporting, and distributing such supplies and equipment, and for training Polish medical personnel: *Provided further,* That [$1,000,000] *$1,500,000* of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, only to support Solidarity through the AFL–CIO's Free Trade Union Institute to promote democratic activities in Poland: *Provided further, That $1,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, to support other independent, democratic organizations and activities in Poland: Provided further, That $10,000,000 of the funds appropriated under this heading shall be made available to implement the South Pacific Tuna Act of 1988 (Public Law 100–330): Provided further,* That funds made available under this heading shall remain available until September 30, 1991.

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of chapter 4 of part II, $20,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided,* That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That funds made available under this heading shall remain available until expended.]

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $160,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided,* That not less than 75 per centum of the funds appropriated under this heading shall be made available for project and sector activities consistent with the purposes of sections 103 through 106 of such Act: [*Provided further,* That the President shall seek to channel through United States and indigenous private and voluntary organizations not less than 25 per centum of the total of the funds appropriated under this heading and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act:] *Provided further, That to the extent consistent with the objectives of the Multilateral Assistance Initiative, the President shall encourage the use of private and voluntary organizations and cooperatives in the provision of assistance under this heading: Provided further, That the President shall channel at least 25 per centum of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act through private and voluntary organizations and cooperatives: Provided further, That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of such Act may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961: Provided further,* That funds made available under this heading shall remain available until September 30, 1991: *Provided further,* That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations.*

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $9,000,000: *Provided,* That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made. This provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further,* That section 507(a)(1) of the African Development Foundation Act is amended by adding at the end thereof the following: "Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.": *Provided further,* That the amendment to section 507(a)(1) of such Act shall not affect an appointment made to the Board prior to the date of enactment of this Act: *Provided further,* That section 511 of the African Development Foundation Act is repealed.

INTER-AMERICAN FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,932,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1990 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed [$23,000,000] *$17,000,000.*

During the fiscal year 1990, total commitments to guarantee loans shall not exceed [$189,000,000] *$229,000,000* of contingent liability for loan principal: *Provided, That not less than $40,000,000 of such amount shall be used for projects for Poland, notwithstanding any other provision of law.*

Except as provided in this Act, no provision of any other Act not enacted into law by May 19, 1988, shall be construed to require the exercise of authority to provide direct loans or to make commitments to guarantee loans contrary to the limitations contained under this heading.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $163,614,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated under this heading shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $115,000,000: *Provided,* That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $370,000,000: *Provided*, That not less than $25,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further*, That funds appropriated under this heading shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: [*Provided further*, That of the funds appropriated under this heading not less than $21,900,000 shall be available for Refugee Entrant Assistance] *Provided further, That of the funds appropriated under this heading not less than $156,500,000 shall be made available for the refugee admissions program, including AIDS screening, of which (1) not less than $46,000,000 shall be made available for first asylum refugees from East Asia, and (2) not less than $15,000,000 shall be available for costs of the expedited resettlement of Vietnamese Amerasians and their family members eligible for refugee benefits: Provided further, That of the funds appropriated under this heading not less than $1,500,000 shall be made available for a Thailand-Cambodia border refugee protection program: Provided further, That of the funds appropriated under this heading not less than $1,500,000 shall be made available for the antipiracy program, none of which funds shall be used by any government to deny asylum to individuals seeking asylum: Provided further, That not less than $5,000,000 shall be made available for assistance for the Iraqi Kurdish refugees in Turkey: Provided further*, That section 584(a)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100–202), is amended by striking "during the 2-year period beginning 90 days after the date of the enactment of this Act" and inserting "during the period beginning on March 22, 1988, and ending on September 30, 1990": *Provided further*, That the sixth proviso under Migration and Refugee Assistance, Department of State, in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 is amended by striking "before the end of the 2-year period" and inserting "before the end of the period": *Provided further*, That not more than [$8,500,000] *$8,000,000* of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $10,017,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

[FOREIGN MILITARY FINANCING PROGRAM OPERATING EXPENSES

[For necessary expenses for the general costs of administering the military assistance program, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $39,000,000.]

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $47,400,000: *Provided*, That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 [unless that country agrees to fund from its own resources the transportation cost and living allowances of its students] *students, except for those Caribbean and African countries that are not advanced, industrialized countries with highly professional military establishments and longstanding relationships with the counterpart United States military establishment.*

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$4,214,404,194] *$4,703,404,194*: *Provided*, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, not less than $230,000,000 shall be available for grants only for Pakistan, and not less than $48,000,000 shall be available for grants only for Jordan: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $400,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further, That grants shall be provided with the funds appropriated under this heading notwithstanding any requirement in section 23 of the Arms Export Control Act for repayment and shall be implemented by grant documents which do not include a requirement to repay the United States Government with respect to any funds provided under this heading.*

[For expenses necessary for loans to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $450,000,000:- *Provided*, That any funds made available by this paragraph, except as otherwise specified, may be made available at concessional rates of interest: *Provided further*, That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year: *Provided further*, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961: *Provided further*, That during fiscal year 1990, gross obligations for the principal amount of direct loans under this heading, exclusive of loan guarantee defaults, shall not exceed $450,000,000.]

[Funds] *Of the funds* appropriated under this heading [which are allocated to Greece and Turkey shall be provided according to a 7 to 10 ratio] *$500,000,000 only shall be available for Turkey and $350,000,000 only shall be available for Greece*: *Provided*, That funds previously obligated for the Philippines under the heading "Foreign Military Credit Sales" but uncommitted on the date of enactment of this Act shall be used at any time hereafter only to finance sales made under the Arms Export Control Act[:- *Provided further*, That of the funds appropriated under this heading not more than $85,000,000 shall be available for El Salvador:] *Provided further*, That of the funds appropriated under this heading not more than $9,000,000 shall be available for [non-lethal assistance for] Guatemala *and which shall be made available for non-lethal assistance*: *Provided further*, That of the funds appropriated under this heading [not more than] $3,000,000 shall be available for Zaire: *Provided further, That of the funds appropriated under this heading $52,000,000 shall be available for Morocco: Provided further, That of the funds appropriated under this heading $30,000,000 shall be available for Tunisia: Provided further, That of the funds appropriated under this heading $50,000,000 shall be available for countries in sub-Saharan Africa: Provided further, That none of the funds appropriated under this heading shall be available for Sudan or Somalia*: *Provided further*, That [not more than $687,404,194 of the] funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are [not] sold by the United States Government under the Arms Export Control Act [to countries other than Israel and Egypt] *except for those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal 1989 congressional presentation for security assistance programs*: *Provided further*, That any material assistance provided with funds appropriated under this heading for Haiti shall be limited to non-lethal items such as transportation and communications equipment and uniforms: *Provided further*, That funds made available under this heading for Haiti shall be made available only through the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations*: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That any reference in title V of this Act to "Foreign Military Credit Sales" shall be deemed to be a reference to grants and loans pursuant to the Foreign Military Financing Program under this heading: *Provided further, That not more than*

$39,000,000 of the funds appropriated under this heading may be obligated for necessary expenses for the general costs of administering military assistance and sales: Provided further, That section 515(d) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the word "chapter" the phrase "or the Arms Export Control Act", and section 636(g) of that Act is amended by inserting immediately after the phrase "for the purposes of part II" the phrase "or the Arms Export Control Act": Provided further, That the financial disclosure, recordkeeping, and other requirements and procedures contained in the "Guidelines for FMS Financing of Direct Commercial Contracts" issued by the Defense Security Assistance Agency, or any similar requirements and procedures issued by such agency after the date of enactment of this Act concerning the eligibility of private sector participants in the Foreign Military Financing Program, shall not be effective until and unless published in the Federal Register and the provisions of 5 U.S.C. 552 are made applicable thereto.

FOREIGN MILITARY SALES DEBT REFORM

Funds made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, for obligation and expenditure after October 1, 1988, subject to a Presidential budget request, under the heading "Foreign Military Sales Debt Reform", subsection (b) "Interest Rate Reduction" shall be available, subject to the same conditions and provisos, only after October 1, 1990*: Provided, That such subsection is amended by striking "ten" in all places in which that word appears and inserting in lieu thereof "eight".*

GUARANTY RESERVE FUND

If during fiscal year 1990 the funds available in the Guaranty Reserve Fund (Fund) are insufficient to enable the Secretary of Defense (Secretary) to discharge his responsibilities, as guarantor of loans guaranteed pursuant to section 24 of the Arms Export Control Act (AECA) or pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, under the heading "Foreign Military Sales Debt Reform", the Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or obligations may be redeemed by the Secretary from appropriations and other funds available, including repayments by the borrowers of amounts paid pursuant to guarantees issued under section 24 of the AECA. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this heading. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed $280,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1990, to remain available for obligation until September 30, 1992: *Provided,* That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, $33,377,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed [$595,000,000] *$615,000,000: Provided, That gross obligations for the principal amount of direct loans pursuant to the medium-term financing program shall not exceed $184,500,000: Provided further,* That there are hereby appropriated $110,000,000 to be made available for tied aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended, or, at the discretion of the Chairman of the Export-Import Bank, in accordance with the Trade and Development Enhancement Act of 1983, as amended: *Provided further,* That there are hereby appropriated $20,000,000 to be made available for interest subsidy payments in accordance with the Export-Import Bank Act of 1945, as amended: [*Provided further,* That none of the funds appropriated under this heading for interest subsidy payments may be used in conjunction with any loan guaranteed from authority provided under this heading:] *Provided further,* That the funds made available under this heading for both grant and subsidy purposes shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That $110,000,000 of the funds made available for tied aid grant purposes *and $20,000,000 of the funds made available for interest subsidy payments* shall be subject to the limitation on the gross obligations for the principal amount of direct loans specified under this heading: *Provided further,* That funds made available for grants or interest subsidy payments shall be made available only as authorized by law*: Provided further, That loan guarantee authority available to the Export-Import Bank of the United States may be used by the Bank to participate in the financing of commercial sales of defense articles ans services destined for NATO countries: Provided further,* That during the fiscal year 1990, total commitments to guarantee loans shall not exceed $10,384,000,000 of contingent liability for loan principal: *Provided further,* That the direct [loan] *loan,* tied aid grant and interest subsidy authority provided under this heading shall remain available until September 30, 1991.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $22,000,000 (to be computed on an accrual basis) shall be available during fiscal year 1990 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for official reception and representation expenses for members of the Board of Directors: *Provided,* That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $30,000,000: *Provided,* That except as provided in this or any other Act appropriating funds for foreign operations, export financing, and related programs, no provision of law enacted after May 19, 1988, may transfer funds to, or otherwise make available funds for, the Trade and Development Program.

AGENCY FOR INTERNATIONAL DEVELOPMENT

TRADE CREDIT INSURANCE PROGRAM

During fiscal year 1990, total commitments to guarantee or insure loans for the "Trade Credit Insurance Program" shall not exceed $200,000,000 of contingent liability for loan principal*: Provided, That section 224(c) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".*

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $11,500 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $115,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the [total] funds made available by this Act *for general costs of administering military assistance and sales* under the [headings "Foreign Military Financing Program Operating Expenses", and] *heading* "Foreign Military Financing Program", not to exceed $2,875 shall be available for entertainment expenses and not to exceed $75,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,875 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,600 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,300 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria*: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.*

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, *unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.*

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1990, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated*: Provided, That the authority of this section shall not be used to reobligate more than $15,000,000 of the funds appropriated to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961*[*: Provided,*:] *Provided further,* That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with [section 634A of the Foreign Assistance Act of 1961] *regular notification procedures of the Committees on Appropriations.*

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act [: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance-of-payments or economic policy reform objectives, shall remain available until expended: *Provided further,* That, at any time after September 30, 1990, funds allocated for such purposes (including funds earmarked by this or any other Act) may be reprogrammed within the respective account in accordance with the provisions of section 523 of this Act, or, if deobligated, may be reobligated in accordance with section 515 of this Act at any time for assistance for countries in the same region as the original obligation: *Provided further,* That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.]

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act*: Provided, That this section shall not apply to funds made available in this Act for any narcotics-related activities in Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 as amended.*

FINANCIAL INSTITUTIONS—NAMES OF BORROWERS

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SURPLUS COMMODITIES

SEC. 522. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

[SEC. 523. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "General Development Assistance", "Population, Development Assistance", "Sub-Saharan Africa, Development Assistance", "Southern Africa, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic Support Assistance", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Operating Expenses", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.]

SEC. 523. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Agriculture, rural development, and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "International AIDS Prevention and Control Program", "Education and human resources development, Development Assistance", "Private Sector, environment, and energy, Development Assistance", "Science and technology, Development Assistance", "Sub-Saharan Africa, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961 or of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense [items (defined as major defense equipment and comparable equipment and sensitive items), equipment, other than conventional ammunition,] *equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles,* not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further,* [That with respect to assistance provided under chapter 1 of part I (including assistance provided from funds appropriated under the heading "Sub-Saharan Africa, Development Assistance" and "Southern Africa, Development Assistance") of the Foreign Assistance Act of 1961, the requirements of this section for notification prior to reprogramming funds shall apply only for a project, program, or activity (1) which was not justified in Congressional presentation documents for the current fiscal year and for which assistance was not furnished for the preceding fiscal year, (2) the purpose for which is significantly different from the purpose previously justified, or (3) the assistance under such chapter to be provided to a country would be in excess of the total amount allocated for such chapter in the report required by section 653(a) of the Foreign Assistance Act of 1961 or the amount justified in the Congressional presentation document, whichever is lower] *That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.*

CONSULTING SERVICES

SEC. 524. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 525. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 526. *(a)* Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), the Southwest [African Peoples] *Africa People's* Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided,* That, subject to the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations,* funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1991.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

UNITED NATIONS VOTING RECORD

Sec. 527. (a) In General.—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete annual report which assesses for the prior calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) Information on Voting Practices in the United Nations.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) Format.—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the March 14, 1988, Report to Congress on Voting Practices in the United Nations.

(d) Statement by the Secretary of State.—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(e) Technical and Conforming Amendments.—The following provisions of law are repealed:

(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. [967] *964).*

(2) Section 530 of the Foreign Assistance and Related Programs Appropriations Act, 1985 (Public Law 98-473, 98 Stat. 1837).

[(2)] *(3)* Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. [1307] *1185*).

[(3)] *(4)* Section 528 of the Foreign Assistance and Related Programs Appropriations Act, [1937] *1987*, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341).

[(4)] *(5)* Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329).

[(5)] *(6)* Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, [1988] *1989*, as enacted by Public Law 100-461 *(101 Stat. 2268).*

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

Sec. 528. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

Sec. 529. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT *FUND* ASSISTANCE FOR ISRAEL

Sec. 530. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for *the* Economic Support [Assistance] *Fund* which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

Sec. 531. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

Sec. 532. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

ENVIRONMENTAL CONCERNS

Sec. 533. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Directors of each multilateral development bank (MDB) to promote vigorously within each MDB the expansion of programs in areas which address the problems of global climate change through requirements to—

(1) augment and expand the professional staff of each MDB with expertise in end-use energy efficiency and conservation and renewable energy;

(2) develop methodologies which allow borrowing countries to include investments in end-use energy efficiency and renewable energy as explicit alternatives in the "least cost" energy sector investments plans they prepare with MDB assistance. Such plans shall give priority to projects and programs which support energy conservation, end-use efficiency and renewable energy sources in major economic sectors, and shall compare the economic and environmental costs of those actions with the economic and environmental costs of investments in conventional energy supplies;

(3) provide analysis for each proposed loan to support additional power generating capacity, comparing the economic and environmental costs of investments in demand reduction, including energy conservation and end-use energy efficiency, with the economic and environmental costs of the proposal;

(4) assure that systematic, detailed environmental impact assessments (EIA) of proposed energy projects, *or projects with potential significant environmental impacts,* are conducted early in the project cycle. Assessments should include but not be limited to—

(A) consideration of a wide range of alternatives to the proposed [project, including] *project including,* where feasible, alternative investments in end-use energy efficiency and non-conventional renewable energy; and

(B) encouragement and adoption of policies which allow for public participation in the EIA process;

(5) include environmental costs in the economic assessment of the proposed *projects with significant potential environmental impacts, or* power projects, and if possible for all projects which involve expansion of generating capacity of more than 10 MW, develop a standard increase in project cost as a surrogate for the environmental costs;

(6) encourage and promote end-use energy efficiency and renewable energy in negotiations of policy-based energy sector lending, and [MDB's] *MDBs* should consider not proceeding with policy-based sector loans which do not contain commitments from the borrowing country to devote a significant portion of its sector investments toward energy efficiency and renewable energy;

(7) provide technical assistance as a component of all energy sector lending to help borrowing countries identify and pursue end-use energy efficiency investments. This technical assistance shall include support for detailed audits of energy use and the development of institutional capacity to promote end-use energy efficiency and conservation; [and]

(8) work with borrowing countries, with input from the public in both borrowing and donor countries, to develop loans for end-use energy efficiency and renewable energy, where possible "bundling" small projects into larger, more easily financed [projects.] *projects; and*

(9) seek the convening of a special seminar for board members and senior staff of each MDB concerning alternate energy investment opportunities and end-use energy efficiency and conservation.

(b) The Secretary of the Treasury as a part of the annual report to the Congress shall describe in detail, progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a), including in particular—

(1) efforts by the Department of Treasury to assure implementation by each of the MDBs of programs substantially equivalent to those set out in this section, and results of such efforts;

(2) progress made by each MDB in drafting and implementing least cost energy plans for each recipient country which meets requirements outlined in subsection (a)(2);

(3) the absolute dollar amounts, and proportion of total lending in the energy sector, of loans and portions of loans, approved by each MDB in the previous year for projects or programs of end-use energy efficiency and conservation and renewable energy.

(c) Not later than April 1, 1990, the Secretary of the Treasury shall request each MDB to prepare an analysis of the impact its current forestry sector loans will have on borrowing country emissions of CO_2 and the status of proposals for specific forestry sector activities to reduce CO_2 emissions.

(d)(1) The Administrator of the Agency for International Development shall issue guidance to all Agency missions and bureaus detailing the elements of a "Global Warming Initiative" which will emphasize the need to reduce emissions of greenhouse gases, especially CO_2, through strategies consistent with their continued economic development. This initiative shall emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

(2) The Agency for International Development shall—

(A) increase the number and expertise of personnel devoted to end use energy efficiency, renewable energy, and environmental activities in all bureaus and missions;

(B) devote increased resources to technical training of mission directors, in energy planning, energy conservation, end use energy efficiency, renewable energy, reforestation, and biodiversity;

(C) accelerate the activities of the Multi-Agency Working Group on Power Sector Innovation to enable completion of case studies of at least ten countries in fiscal year 1990; and

(D) devote at least 10 percent of the resources allocated for forestry activities to the preservation and restoration (as opposed to management for extraction) of natural forests.

(3) Funds appropriated by this Act to carry out the provisions of sections 103 to 106 of the Foreign Assistance Act of 1961 may be used to reimburse the full cost of technical personnel detailed or assigned to, or contracted by, the Agency for International Development to provide expertise in the environmental sector.

(4)(A) Section 119(b) of the Foreign Assistance Act of 1961 is amended by inserting ", notwithstanding section 660," after "this part".

(B) Not less than $10,000,000 of the funds appropriated to carry out the provisions of sections 103 through 106 of such Act (including funds for sub-Saharan Africa) shall be made available for biological diversity activities, of which $2,000,000 shall be made available for the Parks in Peril project, pursuant to the authority of section 119(b) and $1,000,000 shall be available for the National Science Foundation's; international biological diversity program.

(C) Funds obligated in prior fiscal years pursuant to the authority of section 119(b) may be expended in fiscal year 1990 pursuant to the authority of such section as amended by subparagraph (A).

(e) The Secretary of the Treasury shall—

(1) instruct the United States Executive Directors to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the Asian Development Bank, and the International Monetary Fund, to actively support lending portfolios which allow debtor developing countries to reduce or restructure debt in concert with the sustainable use of their natural resources. As a part of any such debt restructuring program, the United States Executive Director should require a thorough review of opportunities this initiative may offer for providing additional financial resources for the management of natural resources. The Secretary shall submit a report to the Committees on Appropriations on the progress of this program by April 30, 1990;

(2) instruct the United States Executive Directors to the international financial institutions to seek the support of other donor countries in the implementation of this policy; and

(3) instruct the United States Executive Director to the International Bank for Reconstruction and Development to actively seek the implementation by the World Bank of the recommendations set forth in its April 1, 1988, report on "Debt-for-Nature swaps", including the setting up of a pilot debt-for-nature swap program in one or more interested countries. The Secretary shall submit a progress report on the implementation of this program to the Committees on Appropriations by April 1, 1990.

(f) The Secretary of the Treasury shall seek to incorporate natural resource management initiatives throughout the implementation of the Brady Plan. The Secretary shall submit to the Committees on Appropriations a report by April 15, 1990, describing how such initiatives have been incorporated into the Brady Plan and indentifying any such initiatives undertaken to date.

(g) The Secretary of the Treasury shall instruct the United States Executive Director to the Inter-American Development Bank to—

(1) seek implementation of the environmental reform measures agreed to as part of the Bank's 7th Replenishment;

(2) seek adoption of Bank policies regarding indigenous people, relations with nongovernmental organizations, and the protection of wildlife and unique natural and cultural features;

(3) require the Bank to demonstrate how it has improved, and will improve, the monitoring of environmental and social components of loans; and

(4) within four months after the date of enactment of this Act report to the Committees on Appropriations on the progress the Bank has made in implementing each of these reforms.

GLOBAL WARMING INITIATIVE

SEC. 534. (a) TROPICAL FORESTRY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to tropical forestry, the Agency for International Development shall focus tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases related to global warming as a result of industrialization and the burning of fossil fuels, and destruction of tropical forests.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation makes a significant contribution to global warming, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) In providing assistance relating to tropical forests, the Administrator of that Agency shall, to the extent feasible and appropriate, assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the

goal of developing a national program for sustainable forestry.

(b) ENERGY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to energy, the Agency for International Development shall focus energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases. Such assistance shall be focused on improved energy efficiency, increased use of renewable energy resources and national energy plans (such as least-cost energy plans) which include investment in end-use efficiency and renewable energy resources.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting energy programs aimed at reducing emissions of greenhouse gases related to global warming with regard to the key countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) It is the sense of the Congress that the Agency for International Development should increase its efforts in the fields of energy efficiency, renewable energy, and energy planning. Such increase should take place with respect to key countries and countries with large Economic Support Fund project assistance. Such efforts should include—

(A) an increase in the number of Agency for International Development staff with energy expertise, including staff with expertise in renewable energy technologies and end-use efficiency;

(B) assistance to develop analyses of energy-sector actions that could minimize emissions of greenhouse gases at least cost, while at the same time meeting basic economic and social development needs. Such assistance should include country-specific analyses which compare the economic and environmental costs of actions to promote energy efficiency and nonconventional renewable energy with the economic and environmental costs of investments to provide additional conventional energy supplies;

(C) assistance to develop energy-sector plans that employ end-use analysis and other techniques to identify the most cost-effective actions to minimize increased reliance on fossil fuels, ensuring to the maximum extent feasible that nongovernmental organizations and academic institutions are involved in this planning;

(D) insuring that AID energy assistance—including support for private-sector initiatives—is consistent with the analyses and plans described in subparagraphs (B) and (C) above, and that environmental impacts (including that on global warming) and alternatives have been fully analyzed;

(E) assistance to improve efficiency in the production, transmission, distribution, and use of energy. Such assistance should focus on the development of institutions to (i) promote energy efficiency in all sectors of energy production and use, (ii) provide training and technical assistance to help energy producers and users identify cost-effective actions to improve energy efficiency, (iii) finance specific investments in energy efficiency in all sectors of energy production and use, and (iv) improve local capabilities in the research, development, and sale of energy efficient technologies;

(F) assistance in exploiting nonconventional renewable energy resources, including wind, solar, small-hydro, geothermal, and advanced biomass systems. This assistance should also promote efficient use of traditional biomass fuels through improved fuelwood management and improved methods of charcoal production;

(G) expanding efforts to meet the energy needs of the rural poor through the methods described in subparagraphs (E) and (F). Specifically these efforts should promote improved efficiency in the use of biomass fuels for household energy, improved systems of fuelwood management, and the development of the nonconventional renewable energy systems described in subparagraph (F);

(H) encouraging host countries to sponsor meetings with officials from the United States utility sector who are leaders in energy efficiency and other United States experts to discuss the application of least-cost planning techniques;

(I) developing a cadre of United States experts from industry, academia, nonprofit organizations, and government agencies capable of providing technical assistance to developing countries concerning energy policy and planning, energy efficiency and renewable energy resources;

(J) in cooperation with the Department of Energy, the Environmental Protection Agency, the World Bank, and the Development Assistance Committee of the OECD, supporting research concerning the ways developing nations can meet their energy needs while minimizing global warming and how to meet those needs; and

(K) strengthening the Agency for International Development's partnership with the Department of Energy in order to ensure that the Agency's energy efforts take full advantage of United States expertise and technology.

(c) REPORTS AND AUTHORITIES.—(1) The Agency for International Development, in consultation with the Environmental Protection Agency (EPA), the Department of State, and other appropriate agencies, shall submit to Congress no later than April 15, 1990, a report which (1) examines the potential contributions of developing countries to future global emissions of greenhouse gases under different economic growth scenarios, (2) estimates the relative contributions of those countries to global greenhouse gas emissions, and (3) identifies specific key countries which stand to contribute significantly to global greenhouse gas emissions, and in which actions to promote energy efficiency, reliance on renewable energy resources, and conservation of forest resources could significantly reduce emissions of greenhouse gases. This report should utilize existing data, including the models and methodologies already developed by the EPA for their report to Congress on policy options for stabilizing global climate.

(2) Of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, the Agency for International Development may use such amounts as may be necessary to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full costs of employees detailed or assigned to the Agency for International Development for the purpose of carrying out activities relating to forestry and energy programs aimed at reducing emissions of greenhouse gases related to global warming. Personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. [534] *535.* None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. [535] *536.* Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, *not less than* $70,000,000 [may] *shall* be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.[: *Provided*, That of the funds made available under this heading, $13,500,000 only shall be made available for the United Nations Afghanistan Emergency Trust Fund, which amount shall be derived in equal parts from funds appropriated to carry out the provisions of such chapters and transferred to "International Organizations and Programs".]

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. [536] *537.* None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

EL SALVADOR—INVESTIGATION OF MURDERS

SEC. [537] *538.* Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January

1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders, and (3) pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador, and to obtain a verdict.

REFUGEE RESETTLEMENT

Sec. [538] *539.* It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support [Assistance] *Fund*", "Foreign Military Financing Program", "International Military Education and Training", the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

IMMUNIZATIONS FOR CHILDREN

Sec. [539] *540.* The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990.

ETHIOPIA—FORCED RESETTLEMENT, VILLAGIZATION

Sec. [540] *541.* None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SUDAN, SOMALIA, LEBANON, LIBERIA, AND ZAIRE NOTIFICATION REQUIREMENTS

Sec. [541] *542.* None of the funds appropriated in this Act shall be obligated or expended for Sudan, Liberia, Lebanon, Zaire, or Somalia except as provided through the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations.*

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

Sec. [542] *543.* For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support [Assistance; Military Assistance] *Fund* and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961, as amended.

CHILD SURVIVAL AND AIDS ACTIVITIES

Sec. [543] *544.* Of the funds made available by this Act for assistance for health, child survival, and AIDS, up to $6,000,000 may be used to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full cost of employees detailed or assigned, as the case may be, to the Agency for International Development for the purpose of carrying out child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided,* That personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

CHILE—LOANS FROM MULTILATERAL DEVELOPMENT INSTITUTIONS

Sec. [544] *545.* (a) It is the sense of Congress that pursuant to section 701 of the International Financial Institutions Act of 1977, the United States Government should oppose all loans to Chile from international financial institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) Except for programs under section [534(b) (4)] *534(b) (4)* or (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society, assistance for which programs may be made available notwithstanding section 726 of the International Security and Development Cooperation Act of 1981, *and assistance under subsection (c) of this section,* none of the funds made available by this Act for "Economic Support [Assistance] *Fund*" or for title III shall be obligated or expended for Chile.

(c)(1) The Congress supports the democratic transition underway in Chile, and intends to assist the new democratically elected government, following its inauguration in March of 1990, with assistance to—

(A) strengthen democratic institutions; and

(B) establish a new relationship with the Chilean armed forces appropriate to a democratic system of government.

(2) Of the funds appropriated by this Act under the heading "International Military Education and Training", up to $50,000 may be made available for Chile for fiscal year 1990, subject to the following conditions—

(A) a civilian, democratically elected President is in power in Chile and has requested such funds;

(B) internationally recognized human rights are being respected and the civilian government is exercising independent and effective authority; and

(C) the Government of Chile is making good-faith efforts in attempting to resolve the murders of Orlando Letelier and Ronni Moffitt.

(3) Assistance may be provided under paragraph (1) without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

(d) Section 726(c) of the International Security and Development Cooperation Act of 1981 is amended—

(1) by inserting "(1)" after "export, of"; and

(2) by inserting before the period at the end ", or (2) components, parts, tools, technical manuals, technical changes to technical orders (TCTOs), TCTO retrofits, or related repair services for C-130 E/H aircraft owned by the Chilean Air Force to enhance the safety of the aircraft and its crew and passengers.".

COMMODITY COMPETITION

Sec. [545] *546.* None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this section shall not prohibit:

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

PROHIBITION OF FUNDING RELATED TO COMPETITION WITH UNITED STATES EXPORTS

Sec. [546] *547.* None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Sec. [547] *548.* None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

ASSISTANCE FOR LIBERIA

SEC. [548] *549.* (a) During fiscal year 1990, in determining whether to furnish economic support *fund* assistance and foreign military financing under the Foreign Assistance Act of 1961 to Liberia, the President shall take into account whether the Government of Liberia—

(1) has demonstrated its commitment to economic reform, including taking steps to fundamentally change the current financial practice of making extra-budgetary expenditures, including steps to channel the revenues from such major sources as the Liberia Petroleum Refinery Corporation and the Forestry Development Authority through the normal budgetary process; and

(2) has taken significant steps to increase respect for internationally recognized human rights including—

(A) the removal of all restrictions on the right of political parties to operate freely;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

RECIPROCAL LEASING

SEC. [549] *550.* Section 61(a) of the Arms Export Control Act is amended by striking out "1989" and inserting in lieu thereof "1990".

[LIMITATION ON] DEFENSE EQUIPMENT DRAWDOWN

SEC. [550] *551. (a)* Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided,* That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

(b) Section 506(a) of the Foreign Assistance Act of 1961 is amended by—

(1) inserting "(1)" after "(a)";

(2) striking "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) inserting the following new paragraph:

"(2) If the President determines and reports to the Congress in accordance with section 652 of this Act that it is in the national interest of the United States to draw down defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, he may direct—

"(A) the drawdown of such articles, services, and the provision of such training for the purposes and under the authorities of chapters 8 and 9 of part I, as the case may be; and

"(B) the drawdown of defense services for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1952.".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. [551] *552.* Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section[:- *Provided,* That such Committees shall also be informed of the original acquisition cost of such defense articles.]

AUTHORIZATION REQUIREMENT

SEC. [552] *553.* Funds appropriated by this Act may [not be obligated unless an Act authorizing the appropriation of such funds has been enacted] *be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.*

NOTIFICATION CONCERNING EL SALVADOR

SEC. [553] *554.* (a) The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialog for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) REPORTS.—On April 1, 1990, and September 30, 1990, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. [554] *555.* The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided,* That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. [555] *556.* (a) Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support [Assistance] *Fund*".

(b) Of the funds made available under the heading "Economic Support [Assistance] *Fund*", $5,000,000 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States: *Provided,* That such endowment and scholarship program shall be administered by an organization located in the United States: *Provided further,* That a grant may be made to capitalize such endowment only if private sector contributions of at least $5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment: *Provided further,* That if the requirement for private sector contributions is not met, funds earmarked for the purpose of the endowment shall be reprogrammed within the Economic Support [Assistance] *Fund* account.

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. [556] *557.* It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress, that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. [557] *558.* None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Pakistan.

EARMARKS

SEC. [558] *559.* Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989; however, before exercising the authority of this section with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the

United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided,* That any such reprogramming shall be subject to the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations*: *Provided further,* That assistance that is reprogrammed pursuant to this section shall be made available under the same terms and conditions as originally provided.

HAITI

SEC. [559] *560.* (a) SUSPENSION OF ASSISTANCE.—During fiscal year 1990, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the Government of Haiti has embarked upon a credible transition to democracy—

(1) by restoring the 1987 Constitution;

(2) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and

(3) by taking adequate steps to provide electoral security.

(b) EXCEPTIONS.—The term "United States assistance" does not include—

(1) assistance, provided through private and voluntary organizations or other nongovernmental agencies, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(3) assistance for refugees;

(4) assistance under the Inter-American Foundation Act; the Peace Corps Act; and under title IV, chapter 2 of part I, of the Foreign Assistance Act of 1961 (relating to the Overseas Private Investment Corporation);

(5) assistance necessary for the continued financing of education for Haitians in the United States;

(6) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations;

(7) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution; [or]

(8) assistance for the prevention of HIV infection and the control of Haiti's AIDS epidemic and for family planning [assistance.] *assistance; or*

(9) assistance necessary for the control and eradication of swine flu.

(c) NOTIFICATIONS.—None of the funds appropriated in this Act shall be obligated or expended for Haiti except as provided through the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations.*

(d) DETERMINATION.—Funds may be obligated and expended notwithstanding subsection (a) if the President determines that it is in the national interest of the United States to do so.

ASSISTANCE FOR PANAMA

SEC. [560] *561.* (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the [Noreiga] *Noriega* regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

SEC. [561] *562.* (a) IN GENERAL.—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided,* That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) REALLOCATION OF QUOTA AMOUNTS.—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries (but, primarily, among [the English-speaking countries of the Caribbean and countries in Latin America that recently have had free and fair elections] *beneficiary countries of the Caribbean Basin Initiative and the Philippines*) the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period: *Provided,* That no one country may receive more than 20 per centum of such reallocation.

(c) CERTIFICATION.—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988, shall cease to apply if the President certifies to Congress pursuant to section [564(a)] *561(a)* of this Act.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. [562] *563.* (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. [563] *564.* (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1990, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures [contained in section 634A of the Foreign Assistance Act of 1961] *of the Committees on Appropriations.*

DETENTION OF CHILDREN

SEC. [564] *565.* It is the sense of the Congress that the practice of detaining children without charge or trial is unjust, inhumane, and is an affront to civilized principles. The Congress further believes that it should be the policy of the United States to make the ending of the practice of detaining children without charge or trial a matter of the highest priority. Therefore, the Congress believes the Secretary of State should convey to all international organizations that ending the practice of detaining children without charge or trial should be a policy of the highest priority for those organizations.

MILITARY ASSISTANCE TO MOZAMBIQUE

SEC. [565] *566.* Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.

HONDURAS—RAMIREZ CASE

SEC. [566] *567.* It is the sense of the Congress that, pursuant to the procedures contained in section (j) under the heading "Assistance for Central America" enacted in Public Law 100-71, the Honduran Government appears to have made a reasonable and good faith settlement offer based on a factual analysis by third parties, and the owner of the property in question is strongly encouraged to accept the proposed settlement. Therefore, notwithstanding the provisions of such section, $5,000,000 of the Economic Support [Assistance funds] *Fund assistance* made available by Public Law 100-71 for Honduras but withheld from expenditure shall be available for expenditure upon enactment of this Act: *Provided,* That if a settlement is reached on the property in question, then the additional $10,000,000 withheld from expenditure pursuant to such section shall then be available for expenditure.

SOUTH AFRICA—SCHOLARSHIPS

SEC. [567] *568.* Of the funds made available by this Act under the heading "Economic Support [Assistance] *Fund*", not less than $10,000,000 shall be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. [568] *569.* (a)(1) Of the funds appropriated by this Act under the heading "Economic Support [Assistance] *Fund*" $69,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Peru.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $35,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Colombia.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts: *Provided,* That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and shall be in addition to *any* amounts [earmarked] *provided* for the countries contained in paragraph (2) of this subsection.

(4) Of the funds appropriated by this Act to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, not less than $500,000 shall be made available to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

(5) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,000,000 shall be made available to arm, for defensive purposes, aircraft used in narcotics control, eradication or interdiction efforts: *Provided,* That such funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(6)(A) Of the funds appropriated by this Act to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, [up to $2,000,000] *such funds as are necessary* may be made available for Bolivia, Peru, Colombia, and Ecuador, notwithstanding section 660 of such Act, for—

(i) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(ii) the expenses of deploying, upon the request of the government of such foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(B) Education and training under this paragraph may be provided only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(7) Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control) except as provided in paragraph (3) of this subsection.

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1989, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)[(A)(ii)] *(B)* of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i)[(I)] of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

(d)(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production of trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act.

(B) Any such funds not used under subparagraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

(2) As used in this section, the term "security assistance" means economic support *fund* assistance, foreign military financing, and international military education and training.

(e) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy [programs),] *programs)* of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. **[569]** *570.* Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. **[570]** *571.* Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

FAIR PRICING

SEC. 572. (a) Section 515(d) of the Foreign Assistance Act of 1961 is amended by (1) striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1990"; (2) striking out "including" and inserting in lieu thereof "excluding"; and (3) adding at the end thereof the following new sentence: "This subsection is effective notwithstanding any other provision of law.".

(b)(1) Section 43(b) of the Arms Export Control Act is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by adding the following paragraph at the end of subsection:

"(3) such expenses are neither salaries of the Armed Forces of the United States nor represent unfunded estimated costs of civilian retirement and other benefits. This paragraph is effective notwithstanding and other provision of law.".

(2) Section 632(d) of the Foreign Assistance Act of 1961 is amended by adding before the period at the end of the second sentence thereof "(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits). This subsection is effective notwithstanding any other provision of law.".

(c) Section 21(e) of the Arms Export Control Act is amended—

(1) by inserting immediately before the semicolon at the end of paragraph (1)(A) "as specified in section 43(b) and section 43(c) of this Act";

(2) by inserting immediately before the semicolon at the end of paragraph (1)(C) "(except for equipment wholly paid for either from funds transferred under section 503(a)(3) of the Foreign Assistance Act of 1961 or from funds made available on a nonrepayable basis under section 23 of this Act)";

(3) by repealing paragraph (1)(B) and relettering paragraphs (1)(C) and (1)(D) as paragraphs (1)(B) and (1)(C), respectively; and

(4) by striking out "paragraphs (1)(B) and (1)(C)" in subsection (e)(2) and inserting in lieu thereof "paragraph (1)(B)".

(d) The amendments made by this section to the Foreign Assistance Act of 1961 and the Armes Export Control Act shall not be effective until October 1, 1990.

CAMBODIAN NONCOMMUNIST RESISTANCE FORCES

SEC. **[571]** *573.* If the President makes available funds appropriated by this Act for the Cambodian non-Communist resistance forces, not to exceed $7,000,000 may be made available for such purpose, and such funds shall be derived from funds appropriated under the headings "Foreign Military Financing Program" and "Economic Support **[Assistance]** *Fund*", and shall be made available notwithstanding any other provision of law: *Provided,* That funds made available for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83): *Provided further,* That, to the maximum extent possible, all funds made available under the authority of this section shall be administered directly by the United States Government.

MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN COUNTRIES

SEC. 574. (a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—

(1) NATO SOUTHERN FLANK COUNTRIES.—The President may transfer—

(A) to any NATO southern flank country which is eligible for United States security assistance and which is integrated into NATO's military structure; and

(B) to any major non-NATO ally on the southern and southeastern flank of NATO which is eligible for United States security assistance, such excess defense articles as may be necessary to help modernize the defense capabilities of such country.

(2) MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—Subject to subsection (f), the President may transfer to any country—

(A) which is a major illicit drug producing country,

(B) which has a democratic government, and

(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (f)(1).

(3) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

(1) they are drawn from existing stocks of the Department of Defense;

(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

(c) NOTIFICATION TO CONGRESS.—

(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until thirty days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

(A) a certification of the need for the transfer;

(B) an assessment of the impact of the transfer on the military readiness of the United States; and

(C) the value of the excess defense articles to be transferred.

(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 503 does not apply with respect to transfers of excess defense articles under this section.

(e) MAINTENANCE OF MILITARY BALANCE IN EASTERN MEDITERRANEAN.—

(1) UNITED STATES POLICY.—The Congress intends that excess defense articles be made available under this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989, of maintaining the military balance in the Eastern Mediterranean.

(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the three-year period beginning on October 1, 1989, the ratio of—

(A) the value of excess defense articles made available for Turkey under this section, to

(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

(i) the amount of foreign military financing provided for Turkey, to

(ii) the amount of foreign military financing provided for Greece.

(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).

(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotrophic drugs or other controlled substances.

(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other

antinarcotics enforcement programs assisted by the United States Government.

(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

(g) DEFINITIONS.—As used in this section—

(1) the term "excess defense article" has the meaning given that term by section 644(g);

(2) the term "made available" means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

(3) the term "major non-NATO ally" includes Australia, Egypt, Israel, Japan, and New Zealand;

(4) the term "NATO" means the North Atlantic Treaty Organization; and

(5) the term "NATO southern flank countries" means Greece, Italy, Portugal, Spain, and Turkey.

COMPETITIVE INSURANCE

SEC. **[**572**]** *575.* All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

PAY RAISES

SEC. **[**573**]** *576.* Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[IRELAND

[SEC. 574. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.]

ASSISTANCE TO AFGHANISTAN

SEC. **[**575**]** *577.* Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.

EL SALVADOR ECONOMIC SUPPORT FUNDS

SEC. 578. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.

DISADVANTAGED ENTERPRISES

SEC. **[**576**]** *579.* (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the fiscal year 1990 for development assistance and assistance for famine recovery and development in Africa shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for famine recovery and development in Africa for fiscal year 1990.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(6) The Administrator shall issue interim regulations to carry out this section within ninety days after the date of the enactment of this Act and final regulations within one hundred and eighty days after that date.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 133(c)(5) of the International Development and Food Assistance Act of 1977, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 580. Except as provided in section 581, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

STINGERS FOR BAHRAIN

SEC. 581. (a) PREVIOUSLY TRANSFERRED STINGERS.—Notwithstanding section 580, section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall cease to apply with respect to Stingers made available to Bahrain under those sections if the President determines, and notifies the Committees on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) the Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(2) no other appropriate system is available from the United States;

(3) Bahrain has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(4) Bahrain has agreed in writing to return to the possession and control of the United States all Stingers made available under those sections and subsection (b) of this section, other than Stingers which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (c).

(b) REPLACEMENT STINGERS.—Notwithstanding section 580, Stingers may be made available to Bahrain under the Arms Export Control Act or the Foreign Assistance Act of 1961 after September 30, 1989, in order to replace, on a one-for-one basis, Stingers previously made available under this subsection, section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, or section 566 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, that have been fired or otherwise destroyed, subject to the following conditions:

(1) DETERMINATIONS.—Replacement Stingers may be made available to Bahrain pursuant to this subsection only if the President makes the determinations specified in paragraphs (1) through (4) of subsection (a).

(2) NOTICE TO CONGRESS BEFORE STINGERS ARE TRANSFERRED.—At least 30 days before making any replacement Stingers available to Bahrain pursuant to this subsection, the President shall notify the committees designated in subsection (a) that he has made the determinations required by paragraph (1). Any such notification shall include the information required in a certification under section 36(b) of the Arms Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(c) RETURN OF STINGERS TO THE UNITED STATES.—All Stingers made available to Bahrain pursuant to subsections (a) and (b), other than those fired or otherwise destroyed, shall be returned to the possession and control of the United States not later

than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a) continues to apply; and

(2) notifies the committees designated in subsection (a) not later than September 15, 1991, in accordance with the regular reprogramming procedures of such committees, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in the subsection.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. **[577]** *582.* (a) None of the funds appropriated by this Act may be obligated or expended for the purpose of furthering any military or foreign policy activity which is contrary to United States law.

(b) None of the funds appropriated by this Act may be used to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective *which is* contrary to United States law.

(c) Nothing in this section shall be interpreted as in any way interfering with assistance being provided for the voluntary reintegration or relocation of members of the Nicaraguan Resistance consistent with the Bipartisan Accord on Central America of March 24, 1989, or pursuant to a regional peace agreement.

APPROPRIATIONS OF EXCESS CURRENCIES

SEC. **[578]** *583.* The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

[INTEREST ON LOCAL CURRENCIES**]** *DEBT-FOR-DEVELOPMENT*

SEC. **[579]** *584. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including debt-for-development and debt-for-nature exchanges,* a nongovernmental organization may invest local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used, *including for the establishment of an endowment,* for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. **[580]** *585.* Of the funds appropriated by this Act **[**under the headings "General Development Assistance", "Population, Development Assistance", and "Economic Support Assistance",**]** *to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961* not less than $7,500,000 shall be made available for Lebanon*: Provided, That such funds may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961.*

JOB-RELATED CRIMES

SEC. **[581]** *586. (a)* Section 1106(8) of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following sentence: "Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has reasonable cause to believe that a grievant has committed a job-related crime for which a sentence of imprisonment may be imposed and has taken action to suspend the grievant without pay pending a final resolution of the underlying matter.".

(b) Section 610(a) of the Foreign Service Act of 1980 is amended by inserting the following new paragraphs:

"(3) Notwithstanding the hearing required by this section, or procedures under any other provision of law, where there is reasonable cause to believe that a member has committed a crime for which a sentence of imprisonment may be imposed, and there is a nexus to the efficiency of the Service, the Secretary, or his designee, may suspend such member without pay pending final resolution of the underlying matter.

"(4) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to—

"(A) advance written notice of the specific reasons for such suspension, including the grounds for reasonable cause to believe a crime has been committed;

"(B) a reasonable time, not less than seven days, to answer orally and in writing;

"(C) be represented by an attorney or other representative; and

"(D) a final written decision.

"(5) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11. The Board review, however, shall be limited only to a determination of whether there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed, and whether there is a nexus between the conduct and the efficiency of the Service.".

LOCATION OF STOCKPILES

SEC. **[582]** *587. (a)* Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, or a country which is a major non-NATO ally, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(b) Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) is amended—

(1) in subsection (b)(1), by striking out "greater than" and inserting in lieu thereof "that"; and

(2) in subsection (b)(2), by striking out "$77,000,000 for fiscal year 1989" and inserting in lieu thereof "$165,000,000 for fiscal year 1990."

HONG KONG

SEC. **[583]** *588.* It is the sense of the Congress that the President and Secretary of State should convey to the People's Republic of China and the United Kingdom strong concerns over the absence of full direct elections in the colony and lack of independent human rights guarantees in the draft Basic Law, pending the colony's scheduled reversion to China in 1997.

[RESCISSION

[SEC. 584. Of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, under the heading "Economic Support Fund", $59,000,000 of such funds are hereby rescinded: *Provided,* That such rescission may be derived only from unearmarked funds and funds earmarked under such heading for Sub-Saharan Africa and allocated for Sudan, Somalia, and Liberia.**]**

WEST BANK SCHOOLS

SEC. **[585]** *589.* The United States Congress commends Israel's decision to open schools on the West Bank beginning July 22, 1989.

The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be used for political purposes, and will be respected and regarded as places of learning, not as places from which to further violent activity.

ASSISTANCE FOR PAKISTAN

SEC. 590. Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out "April 1, 1990" and inserting in lieu thereof "April 1, 1991".

SEPARATE ACCOUNTS

SEC. 591. (a) SPECIAL ACCOUNT.—If assistance is furnished to the government of a foreign country under chapter 1 of part I (including assistance for sub-Saharan Africa) or chapter 4 of part II of the Foreign Assistance Act of 1961 under arrangements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(1) require that local currencies be deposited in a special account established by that government;

(2) enter into an agreement with that government which sets forth—

(A) the amount of the local currencies to be generated, and

(B) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(3) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the special account.

(b) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a special account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(1) to carry out chapter 1 of part I or chapter 4 of part II (as the case may be), or

(2) for the administrative requirements of the United States Government.

(c) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (b)(1) from the special account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(d) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a special account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

GLOBAL REDUCTION OF POVERTY

SEC. 592. (a) The Congress finds that the reduction of poverty on a global basis is a fundamental goal of United States foreign assistance. Therefore, to measure progress toward that goal, the Administrator of the Agency for International Development shall, in consultation with the Congress and other appropriate governmental agencies and nongovernmental agencies and nongovernmental organizations, establish a system of quantitative and qualitative indicators of *poverty reduction, which shall be established on a country-by-country basis. These indicators shall include the percentage of persons living below the absolute poverty level, rates of infant and child mortality, rates of literacy for men and women, per capita income and purchasing power, rate of employment, and other factors measuring poverty reduction and economic growth as the Administrator of the Agency for International Development shall deem appropriate.*

(b) As part of its annual congressional presentation to Congress, the Agency for International Development shall identify those poverty reduction objectives that have been set for each country receiving development assistance, and the progress that has been achieved in past years and future steps to be taken to achieve them.

INTERNATIONAL MONETARY FUND

SEC. 593. (a) The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (IMF) to regularly and vigorously promote the following policy and staffing changes through formal initiatives before the Board and management of the IMF and through bilateral discussions with other member nations:

(1) The addition to the IMF's staff of natural resource experts, and development economists trained in analyzing the linkages between macro-economic conditions and the short and long term impacts on sustainable management of natural resources.

(2) The establishment in the IMF of a systematic process to review in advance, and take into account in policy formation, projected environmental, public health and poverty impacts of each IMF lending agreement.

(3) The establishment in the IMF of long-term sustainable management of natural resources as an integral part of its stabilization and adjustment policies and programs. A central component of such management should be the promotion of energy efficient economies that minimize contributions to global warming and provide for least cost energy use.

(4) The creation of a special facility with concessional lending terms to promote sustainable management of natural resources. Such a facility should direct part of its activities toward reducing the debt burden of developing countries in exchange for domestic investments in conservation and environmental management.

(b) The Secretary of the Treasury shall prepare an annual report to the Congress on the progress made by the United States Executive Director to the IMF in implementing the reforms encompassed in this section.

RESTRICTIONS ON ASSISTANCE FOR EL SALVADOR

SEC. 594. (a) Of the amounts appropriated by this Act under the heading "Foreign Military Financing Program", not more than $85,000,000 shall be available for El Salvador. The amount referred to in the preceding sentence shall be available for obligation in three equal amounts, as follows: not more than one-third of such amount shall be available beginning October 1, 1989, not more than an additional one-third of such amount shall be available beginning February 1, 1990, and not more than an additional one-third of such amount shall be available June 1, 1990.

(b)(1) Not later than January 15, 1990, and May 15, 1990, the Secretary of State shall submit a report to and consult with the appropriate congressional committees regarding the obligation and expenditure of funds under subsection (a), including a description of efforts by the Government and armed forces of El Salvador and the United States Government—

(A) to settle the conflict in El Salvador through a mutual cease-fire and negotiations or dialogue with all major parties to the conflict;

(B) to protect internationally recognized human rights, including—

(i) ending, through prosecution or other means, the involvement of members of the military, security forces, and private individuals in political violence and abuses of internationally recognized human rights;

(ii) bringing to justice those responsible for the abduction, torture, and murder of Salvadoran and American citizens; and

(iii) preserving the rights of freedom of the press, assembly, association (including the right to organize for political purposes), and internationally recognized worker rights; and

(C) to institutionalize political pluralism and civilian control over the military.

(c) Not later than May 15, 1990, if the President intends to obligate the remaining one-third of the available funds for El Salvador, he shall submit to the appropriate congressional committees a notification of his intent which shall be considered by such committees in accordance with the same procedures as are applicable to reprogramming notifications to such committees.

(d)(1) None of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador unless the President determines, and so certifies to the Congress, that the Government of El Salvador and its military and security forces are permitting international humanitarian and religious relief organizations to provide services to civilians affected by the conflict in that country.

(2) None of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador for forced relocation of civilians to participate in civil defense activities, or to support political mobilization and propaganda activities.

(3) Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 and allocated to El Salvador shall be available only for programs independent of military operations and to support programs and projects planned and implemented by civilian agencies or organizations.

(e) For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

CENTRAL AMERICAN DEVELOPMENT COORDINATION COMMISSION

SEC. 595. (a) FINDINGS.—The Congress finds that multi-donor foreign assistance funds made available to the Central America region should be channeled through regional institutions which have strong participation in decision-making by Central Americans to ensure adequate coordination among donors.

(b) ASSISTANCE FOR CADCC.—Upon the request of the governments of Central America, the President shall provide appropriate support and assistance in the development of a coordination mechanism agreed to by the governments of Central America, which shall be designated as the Central American Development Coordination Commission (CADCC). In providing such support and assistance, the President shall, in concert with the governments of Central America, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations—

(1) encourage and participate in the creation of a multi-donor, multi-sectoral coordinating mechanism known as the CADCC; and

(2) provide not less than $500,000 or more than $1,000,000 of funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) to be used to assist in the implementation of such Commission, and United States participation therein.

(c) FACTORS IN ESTABLISHING CADCC.—In establishing the CADCC, consideration should be given to:

(1) involving representatives from both the public and private sectors, including representatives from the trade unions and business communities, and nongovernmental organizations at the regional level;

(2) involving regional institutions and multilateral organizations such as the Inter-American Bank, the Central American Bank for Economic Integration (CABEI), the Central American Monetary Council (CMCA), the Economic Commission for Latin America (ECLAC), the International Bank for Reconstruction and Development, and the United Nations in project design, implementation, and coordination; and

(3) establishing in each country a National Recovery and Development Commission, modeled after the National Reconciliation Commissions called for in the Esquipulas II Accords agreed to by the presidents of the five countries of Central America in Guatemala on August 6-7, 1987.

(d) SECRETARIAT OF THE CADCC.—The United Nations Development Programme shall be designated as the social service and refugee and displaced persons technical assistance secretariat for the CADCC.

(e) ELIGIBILITY FOR ASSISTANCE.—The President is authorized to furnish assistance under this section to each country in Central America which is in compliance with the Esquipulas II Accords.

(f)(1) ENCOURAGEMENT OF MULTILATERAL CONTRIBUTIONS.—The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation in, and support for, implementing the recommendations of the International Commission for Central American Recovery and Development.

(2) It is the sense of the Congress that, in carrying out paragraph (1), the President should exert leadership in multilateral and regional forums, and at economic summits to further a multidonor, multisector solution to the crisis in Central America.

GRF INTEREST

SEC. 596. (a) Section 37(c) of the Arms Export Control Act is amended by inserting immediately after "such claim," the phrase "together with any interest and late charges thereon,".

(b) the provisions of subsection (a) of this section shall be effective as of October 1, 1989.

ELIGIBILITY OF POLAND AND HUNGARY FOR OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 597. (a) PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting "Poland, Hungary," after "Yugoslavia,".

(b) PARTICIPATION BY NONGOVERNMENTAL SECTOR.—(1) In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(2) For purposes of this subsection, the term "nongovernmental sector" in Poland and Hungray includes private enterprises, cooperatives (insofar as they are not administered by the Governments of Poland or Hungary), joint ventures (including partners which are not the Governments of Poland or Hungary or instrumentalities thereof), businesses in Poland or Hungary that are wholly or partly owned by United States citizens, including those of Polish or Hungarian descent, religious and ethnic groups (including the Catholic Church), and other independent social organizations.

(c) DEFINITION OF ELIGIBLE INVESTOR.—Notwithstanding subsection (b), the term "eligible investor" with respect to OPIC's programs in Poland and Hungary has the same meaning as contained in section 238(c) of the Foreign Assistance Act of 1961.

(d) EFFECTIVE DATE.—The authority of the Overseas Private Investment Corporation to issue insurance, reinsurance, guarantees, and to provide any assistance under its direct loan and equity programs with respect to projects undertaken in Poland and Hungary shall take effect upon the date of enactment of this Act and shall remain in effect until September 30, 1992.

[TITLE VI—FUNDING LEVELS

[REDUCTION OF APPROPRIATIONS AND OTHER NEW BUDGET AUTHORITY

[SEC. 601. Except for amounts appropriated for Sub-Saharan Africa, Development Assistance, Southern Africa, Development Assistance, the Peace Corps, International Narcotics Control, Anti-Terrorism Assistance, Migration and Refugee Assistance, and Emergency Refugee and Migration Assistance, appropriations contained in this Act for each account shall be reduced by 1 percent of the aggregate of the appropriated and unearmarked funds.**]**

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990".

Mr. MITCHELL. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. MITCHELL. It is my understanding that the foreign assistance appropriations bill is now before the Senate but that a call for the regular order would bring the transportation appropriations bill before the Senate.

The **PRESIDING OFFICER.** The majority leader is correct.

Mr. MITCHELL. I thank the Chair.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS; BEGIN CONSIDERATION OF H.R. 2939

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Wednesday, September 20, and that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m. the Senate begin consideration of H.R. 2939, the foreign assistance appropriations bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order, until 9:30 a.m. on Wednesday, September 20.

There being no objection, the Senate, at 8:41 p.m., recessed until Wednesday, September 20, 1989, at 9:30 a.m.

EXTENSIONS OF REMARKS

FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OF 1989

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. STENHOLM. Mr. Speaker, I am pleased to join several of my colleagues, including the distinguished chairman of the House Committee on Agriculture, Congressman E (KIKA) DE LA GARZA, and the committee's ranking minority member, Congressman ED MADIGAN, in introducing H.R. 3270, the Farm Animal and Research Facilities Protection Act of 1989.

This legislation is designed to prevent, deter, and penalize crimes and illegal acts of terrorism against U.S. farmers, ranchers, food processors, and agricultural and biomedical researchers. In addition, H.R. 3270 authorizes the Secretary of Agriculture to conduct investigations and provides for a civil right of action by the owners of the farm or animal facility against the violator.

Regrettably, it is apparent that current laws are not discouraging acts of violence against meat processors, livestock auctions, biomedical researchers, farmers and ranchers, and others who handle the animals. Criminals terrorist activities will continue unless the full power of the legal system is used. Apparently, nothing short of discontinuing biomedical research or eliminating livestock and poultry production will satisfy the agenda of the most radical animal rights groups. Those who choose to disrupt lawful agricultural and scientific research activities through violent means should face legal sanctions that are commensurate with their actions. The true victims of the illegal acts of terrorism are not only agricultural and biomedical research institutions and food animal producers, but all members of society. The ultimate cost is levied against those who enjoy an abundant nutritious food supply or wait for better treatments or preventive measures for disease and disability, against those whose very lives may be at stake.

Farmers and ranchers, livestock auctions, meat processors, and others in food animal production, while the newest targets of this criminal activity, are perhaps the most vulnerable. Most cannot afford sophisticated or even rudimentary security systems and personnel. Indeed, they should not have to spend hard-earned dollars on such protections. Yet incidents of arson, animal theft, vandalism, and threats have occurred in several States in recent years, including California, Pennsylvania, Delaware, and Arizona.

Farmers and ranchers do not—indeed cannot—tolerate abuse or less than humane treatment of their animals. These animals at the very least represent the farm family's livelihood. To mistreat livestock and poultry is for the farmer to mistreat himself and his family. These attacks on livestock also ignore the farmer and ranchers affection for his livestock, perhaps the driving reason folks get into the business to begin with.

Agriculture is telling the public its side of the story in order to counter the myths and misconceptions being spread by some in the animal rights movement. Agriculture relies on science and experience, and believes that rational discussion will keep the public squarely in its corner.

America enjoys the most abundant, nutritious food supply in the world, at a fraction of the cost to others who desire the same quality meat, milk and eggs. This success did not come about by accident or by treating animals as raw materials in food factories. It is the result of farmer and rancher concern and experience, coupled with dedication and utilization of the best agricultural research in the world to ensure quality animal care.

To ignore this threat to agricultural productivity and science is to place that productivity in jeopardy, with consumers both here and abroad as much victims as the farmers and ranchers who are under attack.

In the case of biomedical research treatments for polio, drug addiction, cystic fibrosis, cancer and Alzheimer's, as well as surgical techniques, pacemakers, most vaccines and antibiotics—it's hard to identify many breakthroughs in medical progress that don't depend on research using higher animal forms. For most of the past decade, the animal rights movement hasn't merely opposed animal research; it has tried to destroy it.

Are there alternatives to the use of animals in research? In many cases the answer is yes, and these alternatives are being pursued. Cell cultures have been developed over the years so that they are used in tens of thousands of research laboratories throughout the world for diagnostic and experimental purposes and for manufacturing useful vaccines and medicines.

Computer modeling also has been suggested as a substitute for animal research. This approach is also appropriate for some studies. But to expect such modeling to replace studies that must reflect the complexity of living animals is to sadly overestimate the state of current biomedical or computer knowledge. We simply don't know enough about all the variables that would have to be entered into the computer in order to obtain meaningful answers. Only the responses of living animals can teach us whether we are on the right track of producing the series of complex processes necessary for attaining immunity, and are on the road to accomplishing this feat without harm to vaccinated children.

Whether on the farm or in the laboratory, we should not condone cruelty to animals. Scientific researchers should always be dedicated to finding ways to relieve suffering and preserve life. Regulations to ensure the humane treatment of laboratory animals should certainly be strictly enforced. Responsible scientists observe humane guidelines, not only because their search for new medical knowledge is motivated by compassion for the suffering, but because they know that improper treatment adversely affects the quality of their research. Scientists should also use insentient models when these are suitable. Few scientists would incur the substantial expense and devote the considerable space required for housing and caring for animals when other equally satisfactory models are available.

A 1988 poll found that the majority of U.S. citizens believe that animal research is necessary. Nevertheless, the minority of animal welfare advocates have profound impact on biomedical research. A 1986 study done by the Office of Technology Assessment—"Alternative to Animal Use in Research, Testing, and Education"—concluded, however, that some biological research requires—and in the foreseeable future will continue to require—the use of live animals if the study of the complex interaction of the cells, tissues, and organs that make up an organism is to continue. A 1988 report by the National Research Council of the National Academy of Sciences—"Use of Laboratory Animals in Biomedical and Behavioral Research"—has also stated that humans are morally obligated to engage in research that uses animals.

Mr. Speaker, research involving animals is one of the cornerstones of modern medicine. Without animal research, few of the breakthroughs that have alleviated suffering for millions would have been possible. However, there is ample evidence that in recent years the agenda of some animal welfare groups has become increasingly violent as recently witnessed by two tragic incidents at Texas Tech University, my alma mater, and the University of Arizona. This type of criminal behavior must be stopped.

My disagreement is not with advocates of appropriate and respectful use of animals in a manner consistent with established guidelines of animal care, but with extremists who insist that no circumstances exist under which we can morally differentiate between the value of the life of a human being and that of an animal.

There is a difference, moreover, between animal welfare and antisciencism. Infiltrating laboratories surreptitiously by posing as volunteer workers or employees, destroying research records, vandalizing research facilities, bombing, and threatening scientists are all irrational, and illegal methods of persuasion. Regardless of the motives underlying those who commit illegal acts endangering human and animal life, destruction of property and vandalism are, in all cases, contrary to the public interest. Therefore, we must take appropriate action to stop these acts of animal rights terrorism.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

There are over 25 national, 7 regional, and nearly 200 State agricultural organizations who support H.R. 3270. I hope all my colleagues recognize the seriousness of this issue and support this needed legislation.

Mr. Speaker, in concluding my remarks. I would ask that the text of H.R. 3270 be included in the RECORD:

H.R. 3270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE FOOD SECURITY ACT OF 1985.

Title XIV of the Food Security Act of 1985 (Public Law 99-198) is amended by adding the following new subtitle:

"SUBTITLE D—PROTECTION OF FARM ANIMAL AND RESEARCH FACILITIES

"SHORT TITLE

"SECTION 1481. This subtitle may be cited as the 'Farm Animal and Research Facilities Protection Act of 1989'.

"FINDINGS

"SEC. 1482. Congress finds that—

"(1) the caring, rearing, feeding, breeding, and sale of animals and animal products, and the use of animals in research and education, represents vital segments of the economy of the nation and is important to the nation's well being;

"(2) producers and others involved in the production and sale of animals and animal products and the use of animals in research and education have a vested interest in protecting the health and welfare of animals;

"(3) there has been an increasing number of illegal acts committed against farm animal and research facilities;

"(4) these illegal acts threaten the production of agricultural products and substantially damage research and education;

"(5) these illegal acts interfere with the property rights of the owner of the facility and threaten the continued availability of the nation's food supply;

"(6) these illegal acts can also damage the public interest by jeopardizing crucial research;

"(7) these illegal acts damage federally funded research; and

"(8) federal protection on the farm animal and research facilities is necessary to prevent and eliminate burdens on commerce.

"DEFINITIONS

"SEC. 1483. As used in this subtitle:

"(1) The term 'animal' means any warm or cold blooded animal used in food or fiber production, agriculture, research, testing, or education including poultry, fish, and insects.

"(2) The term 'animal facility' includes any vehicle, building, structure, or premises, where an animal is kept, handled, housed, exhibited, bred, or offered for sale.

"(3) The term 'consent' means assent in fact, whether express or apparent.

"(4) The term 'deprive' means:

"(A) to withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

"(B) to restore the animal or other property only upon payment of reward or other compensation; or

"(C) to dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

"(5) The term 'effective consent' includes consent by a person legally authorized to act for the owner. Consent is not effective if:

"(A) induced by force, threat, false pretenses, or fraud;

"(B) given by a person the actor knows is not legally authorized to act for the owner;

"(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

"(D) given solely to detect the commission of an offense.

"(6) The term 'owner' means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

"(7) The term 'person' means any individual, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest, or other legal entity.

"(8) The term 'possession' means actual care, custody, control, or management.

"(9) The term 'Secretary' means the Secretary of Agriculture.

"(10) The term 'State' means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the American Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

"PROHIBITED ACTS

"SEC. 1484. (a) A person commits an offense if, without the effective consent of the owner, the person acquires or otherwise exercises control over an animal facility, an animal from an animal facility, or other property from an animal facility, with the intent to deprive the owner of such facility, animal, or property and to disrupt or damage the enterprise conducted at the animal facility.

"(b) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person damages or destroys an animal facility or any animal or property in or on an animal facility.

"(c) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person:

"(1) enters an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

"(2) remains concealed, with intent to commit an act prohibited by this section, in an animal facility; or

"(3) enters an animal facility and commits or attempts to commit an act prohibited by this section.

"(d)(1) A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person enters or remains on an animal facility, and the person:

"(A) had notice that the entry was forbidden; or

"(B) received notice to depart but failed to do so.

"(2) For purposes of this subsection 'notice' means:

"(A) oral or written communication by the owner or someone with apparent authority to act for the owner;

"(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

"(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

"PENALTIES

"SEC. 1485. (a) A person adjudged guilty of an offense under sections 1484(a), 1484(b), or 1484(c) shall be punished by—

"(1) a fine not to exceed $10,000;

"(2) imprisonment for a term not to exceed three years; or

"(3) both such fine and imprisonment.

"(b) A person adjudged guilty of an offense under section 1484(d) shall be punished by—

"(1) a fine not to exceed $1,000;

"(2) imprisonment for a term not to exceed one year; or

"(3) both such fine and imprisonment.

"(c) In addition to any sentence that may be imposed by this section, a person that has been adjudged guilty of an offense under this subtitle may be ordered by the court to give notice of the conviction to any person the court deems appropriate.

"INVESTIGATION OF VIOLATIONS BY THE SECRETARY

"SEC. 1486. For purposes of enforcing the provisions of this subtitle, the Secretary—

"(1) may investigate any offense under this subtitle;

"(2) may seek the assistance of any law enforcement agency of the United States or any State or local government in the conduct of such investigations; and

"(3) shall coordinate such investigation, to the maximum extent practicable, with the investigations of any law enforcement agency of the United States or any State and local government.

"COURT JURISDICTION

"SEC. 1487. The district courts of the United States, the District Court of Guam, the District Court of the American Virgin Islands, the Highest Court of American Samoa, and the United States courts of other territories shall have jurisdiction—

"(1) specifically to enforce, and to prevent and restrain a person from violating, this subtitle, and

"(2) over any other kinds of cases arising under this subtitle.

"PRIVATE RIGHT OF ACTION

"SEC. 1488. (a) Any person who has been damaged by reason of a violation of this subtitle may recover all actual and consequential damages and court costs, including reasonable attorneys' fees, from the person causing such damage.

"(b) Nothing in this subtitle shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this subtitle. Subsection (a) of this section shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of section 1484 of this subtitle.

"EFFECT ON STATE LAWS

"SEC. 1489. Nothing in this subtitle shall be construed or interpreted to preempt, limit, restrict, or otherwise affect any state law or regulation.".

SEC. 2. AMENDMENTS TO THE TABLE OF CONTENTS.

The table of contents in section 2 of the Food Security Act of 1985 is amended by adding after "Sec. 1471. Effective date." the following:

"SUBTITLE D—PROTECTION OF FARM ANIMAL AND RESEARCH FACILITIES

"Sec. 1481. Short title.

"Sec. 1482. Findings.
"Sec. 1483. Definitions.
"Sec. 1484. Prohibited acts.
"Sec. 1485. Penalties.
"Sec. 1486. Investigation of violations by the Secretary.
"Sec. 1487. Court jurisdiction.
"Sec. 1488. Private right of action.
"Sec. 1489. Effect on State laws.".

MOTT'S APPLE AWARD WINNER, 1989

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MRAZEK. Mr. Speaker, I rise today to recognize Christie Wilson of East Northport, NY. Christie is one of the 21 national winners of the first annual Mott's Apple Awards. This competition recognizes America's Young Readers and the Teachers Who Inspire Them. Christie is a 5th grader in Mr. Vincent LoCicero's class at Harley Avenue Elementary School in East Northport.

The Mott Apple Awards, also sponsored by the International Reading Association, were established last year to encourage children, their parents and teachers to address the importance of reading. Over 70,000 students in grades K-6 wrote essays or drew pictures to describe why they love to read.

Christie's essay, which follows, describes the excitement and joy she gets by reading adventure books. I am very moved by this essay and believe it should serve as a source of inspiration to young students across the Nation as to the importance of reading and education. Congratulations Christie.

The essay follows:

1989 MOTT'S APPLE AWARD WINNER[*]

(By Christie Wilson, East Northport, NY, 5th Grade—Harley Avenue Elementary School, Mr. Vincent LoCicero, Teacher)

Imagine being there when signing the Constitution! You are dressed in a soldier's uniform with a long braid, standing firm and tall just after winning the American Revolution. General George Washington and Thomas Jefferson walk in. Each man signs his name and I'm next on line. . . . Then my friend calls, asking me what to do for homework. I tell her and I hang up. Oh, I guess the Constitution can wait.

Imagine being on a pirate's ship during a huge storm. You are tied to the keel and your mouth's gagged; your tounge is dry. Your stomach burns with hunger. Huge waves are spilling over the deck. You feel helpless and you know your life is slipping away! I can be on a pirates ship anyday.

Imagine being the first women to try to fly around the world, Amelia Earhart. I put on my flying suit, button my jacket then get into my pilot's hat. Start the enginge of the Lockhart Electra, pull back on the stick and off you go, up into the wild blue yonder! I can be first to fly around the world and soar to the stars. Making history, (stopping for fuel many times and on her way died trying to land on the Howland Island). Suddenly I hear my mom calling me "Dinner" she said.

I like adventures anytime, anyplace, anywhere that what I love about books! (fighting pirate's and chanlanging the skies. . . . Books make it possible for me to see and experience the world without ever leaving my bedroom.

FREE PEOPLE MAKING FREE DECISIONS—MR. GORBACHEV SHOULD TAKE ADDITIONAL ACTION ON JEWISH EMIGRATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. LANTOS. Mr. Speaker, the growing volume of Jewish emigration from the Soviet Union is very encouraging, by the Soviets have historically skewed the system to discourage the newly free from going to Israel.

Forty-three of our colleagues have joined Rep. John Porter and me in writing to General Secretary Mikhail Gorbachev urging him to provide greater freedom of choice for emigrating Soviet Jews. It is not our place to tell the new emigrants where they must go. That is a decision for them to make. But they have not had the freedom to decide because for decades the Soviet Union has painted for its citizens a picture of a dangerous, cruel and inhospitable Israel.

It is no wonder so few wish to go to Israel after a lifetime of exposure to anti-Israel Soviet policies, a continuous flow of anti-Israel propaganda in the Soviet media and systematic anti-Semitism. There are significant barriers which must be removed. They will take time, but there are other steps that can be taken promptly and that will have a quick impact.

Immediately permit accredited Israeli consular officials to issue visas themselves in Moscow and not have to go through third countries, as they do now. They must now rely on Dutch officials to handle visa and other consular and diplomatic functions.

Promptly institute non-stop flights by the national air carriers of the two nations between Moscow and Tel Aviv.

Renew full, normal diplomatic relations between the Soviet Union and Israel.

It is also essential to find reasonable solutions to the problems of the poor relations and state secrets restrictions currently imposed, and clear up the backlog of long-term refuseniks.

There are some 600 long-term refusenik families still being denied emigration. It would be a significant good-faith gesture if these cases could be resolved promptly.

It would also be helpful if the Soviet government would come up with a reasonable policy to let workers know when they take a job in the first place whether it involves states secrets and what the limitations are that might affect future travel or emigration. Under current practice, it is usually not until someone applies to emigrate that he learns he may have been exposed to state secrets years earlier and is turned down for an exit permit.

Mr. Speaker, I am delighted that 44 of our colleagues joined me in writing General Secretary Gorbachev urging him to undertake these measures in the interest of respect for human rights and the cause of peace. I am inserting in the RECORD at this point the text of our letter as well as a list of all signers:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 18, 1989.

His Excellency MIKHAIL S. GORBACHEV,
General Secretary of the Communist Party, c/o Embassy of the Soviet Union, Washington, DC.

DEAR MR. GENERAL SECRETARY: We note with satisfaction your policies of glasnost and perestroika and the changes they are bringing about, not only with the Soviet Union, but in relations between our two countries as well. We are writing to encourage progress in the respect for human rights and the growth of trust, understanding and peace.

We welcome the growing number of citizens being permitted to emigrate and wish to see additional steps taken to facilitate this right. We believe it is essential to find reasonable solutions to the problems of the "poor relations" and "state secrets" restrictions, as well as the backlog of long-term refuseniks.

There are tangible steps that will guarantee progress not only in the recognition of human rights and the improvement of bilateral U.S.-Soviet relations, but also in the search for peace in the Middle East. We strongly urge the Soviet Union to take these steps: (1) to permit Israeli consular officials to issue visas for Israel themselves, rather than rely on third countries; (2) to institute as quickly as possible non-stop flights by Aeroflot and El Al between Moscow and Tel Aviv; and (3) to resume full and normal diplomatic relations between the Soviet Union and the State of Israel.

We urge you to undertake these measures in the furtherance of your commitment to respect human rights in your country and to contribute to the cause of peace and friendship.

Sincerely,

Representatives Tom Lantos, John Edward Porter, Walter E. Fauntroy, Timothy J. Penny, Jim Olin, Vin Weber, Thomas J. Manton, Bill Nelson, Craig T. James, Michael R. McNulty, Ronald V. Dellums, Frank Annunzio, Charles B. Rangel, Charles W. Stenholm, Elton Gallegly, Gary L. Ackerman, Bill Paxon, Howard L. Berman, Robert L. Lagomarsino, Sander Levin, Lawrence J. Smith, Jerry F. Costello, Gerald B.H. Solomon, Frank Horton, Cardiss Collins, Tom DeLay, Louis Stokes, Matthew J. Rinaldo, George E. Brown, Jr., Hank Brown, Jim Lightfoot, Patricia Schroeder, James H. Scheuer, Gerry Sikorski, Jim Saxton, Eliot L. Engel, Howard Wolpe, Jim Courter, Martin Frost, Bernard J. Dwyer, Cass Ballenger, Vic Fazio, Sam Gejdenson, Chester G. Atkins, Ben Jones.

TO COMMEND HUNGARY FOR RESTORING TIES WITH ISRAEL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. GREEN. Mr. Speaker, today I rise to commend the Hungarian Government for its decision to restore full diplomatic relations with Israel. This marks an important and historic occasion, as Hungary becomes the first Communist country to restore full diplomatic relations with Israel after having broken them during the 1967 war.

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[*] Essay typed exactly as Christie wrote it.

Hungary has undertaken a number of courageous steps recently to create a freer, more independent political system. Last week, westerners watched anxiously as Hungary opened its border with Austria to East Germans seeking to emigrate to West Germany, in defiance of East Berlin's wishes. In the past week, an estimated 14,000 East Germans have taken advantage of Hungary's open border in order to reach their destination in the West.

Hungary's decision now to restore full diplomatic relations with Israel sends an important signal to the Soviet Union and other nations in the Eastern bloc who are searching to find their way in this era of glasnost. Further, Israel has much to offer those countries like Hungary which are struggling to make their nations more economically viable.

President Bush has added to this welcome news by confirming that he would be granting permanent most-favored-nation status to Hungary beginning next month. I applaud that decision and commend the Bush administration for their leadership in negotiating a comprehensive business and economic agreement between Hungary and the United States which aims to assist Hungary in transforming its centralized economy by encouraging the development of a significant private sector.

In short, Hungary is taking a strong and commendable leadership role in shaping much needed economic and political reforms in the Eastern bloc and that nation deserves our continued support and attention.

VOLUNTARY RESTRAINT AGREEMENTS

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ARMEY. Mr. Speaker, I would like to take this opportunity to express my support for the President's plan to phase out voluntary restraint agreements in steel. Back in 1984 when the VRA's were first established, the dollar was at an all-time high and the American steel industry was uncompetitive in the world market. Due to years of low investment and overly generous wage settlements, the industry was on the verge of collapse.

It was apparent that increased world production was not the only cause of the weak position of U.S. steel in world markets. To avoid total decimation of the American steel industry, the Reagan administration agreed to negotiate VRA's on the condition that the profits be reinvested. Obsolete firing ovens and outmoded operations were the primary reasons that U.S. steel was priced substantially higher than world prices. The protection afforded to the industry in the past 5 years has allowed U.S. companies the time to upgrade existing plants and implement the newest technology.

The steel industry last year generated profits totaling over $3.0 billion dollars. New technology and streamlined operations have made American steel competitive once again. American companies are now exporting steel. United States steel has rebounded into a healthy, profitable business—the objective of the VRA's has been attained.

President Bush, after hearing testimony from both steel producers and steel consumers, has wisely decided to gradually phase out voluntary restraint agreements over the next few years. It is time to let the steel industry test its new found competitive without the help of trade restrictions. I am confident that American steel will continue to be a vital part of the world economy, so now it is time to return to a market-based steel policy.

TRIBUTE TO MR. GEORGE H. TRIPLETT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MACHTLEY. Mr. Speaker, today I rise to pay tribute to a dedicated servant to the youth of Rhode Island, Mr. George H. Triplett.

George began his education in Newport, RI where he attended Rogers High School graduating in 1955. He then continued his education at the University of Rhode Island on a basketball scholarship where he excelled both in academics and athletics.

As a full-time employee at Sears in Newport, George was able to contribute to the community in many different ways. He held positions of leadership in a variety of organizations but is best known for his work with the Newport Public School System.

George has been a member of the Newport School Committee since 1976, serving as vice chairman in 1979–80 and chairman from 1980–82. His performance on the committee is a tribute to his love for the students of Newport as he actively participated in a variety of subcommittees with an excellent attendance record.

I would like to thank George for his years of service to the young men and women he has inspired on the day of the dedication of the George Herbert Triplett School. George sets an example that we all should follow while always asking: "Is it good for the Kids?"

TRIBUTE TO THE WETZEL STATE PARK IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Wetzel State Park in Macomb County, MI.

The nearly 850-acre park site is named in honor of Mr. Walter C. Wetzel, a resident of Macomb County who received the Medal of Honor as a result of his life saving efforts during the Second World War. During the early morning hours of April 3rd, 1945, Pfc. Wetzel was guarding his platoon's command post in Birken, Germany. Under the cover of darkness the Germans forced their way close to the command post. They hurled two grenades into the room where Private Wetzel and others had taken up firing positions. Shouting a warning to his fellow soldiers, Private Wetzel threw himself on the grenades and, as they exploded, absorbed their entire blast, suffering wounds from which he died. Private Wetzel's unhesitating sacrifice of his life was in keeping with the U.S. Army's highest traditions of bravery and heroism.

It seems fitting that this 850-acre site, so full of life and natural beauty, will be named in honor of a person who so altruistically defended his country. We can all give thanks that brave individuals, such as Private Wetzel, have given us the opportunity to fully enjoy the natural resources of this country.

I commend the Wetzel State Park and its commitment to preserving the benefits of a healthy environment.

Above all Mr. Speaker, I pay tribute to the brave men and women who have given their lives to keep this great sovereign Nation free.

NEW JERSEY'S ANNUAL SLOVAK FESTIVAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. FLORIO. Mr. Speaker, I would like to share with my colleagues information about an important event taking place on September 24 within the Slovak community of New Jersey. New Jerseyans will have an opportunity to participate in the 14th annual Slovak Heritage Festival at the Garden State Arts Center.

This beautiful and colorful event will be an opportunity for New Jersey's Slovak community to share with their fellow New Jerseyans their heritage and many-splendoured cultural background. By providing a showcase for Slovak food, entertainment, and history, the Slovak Hertigate Festival will go a long way toward helping us all understand not only a different culture but also an integral part of a segment of the population of our Nation.

Some of the highlights of this Festival include the chance to see and hear one of the premier Slovakian folklore music and dancing groups, the Olun Group Orchestra Ludovych Nastrojov of Radio Bratislava. This group is touring the United States for the first time as part of a cultural exchange between the people of Slovakia and the United States. The festival will also feature historic and art exhibits, as well as an outdoor liturgy celebrated by Slovak Roman Catholic Clergy from New York and New Jersey. In addition, visitors will also get to see a Slovak parade of fashion, and sample good food and watch great dancing.

The festival is being sponsored by a group of dedicated people who wish to highlight their rich cultural heritage. In particular, I would like to commend Chairman Joseph Talafous of Jersey City, NJ for his efforts and wish him success.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the cultural fund which, in turn, sponsors free cultural activities at the Garden States Arts Center. Groups that benefit from these activities include senior citizens and school children, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

I urge my colleagues to join me in congratulating the Slovak community of New Jersey and wishing them success in this effort.

THE DEADLY SITUATION IN LEBANON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ACKERMAN. Mr. Speaker, everyone knows the situation in Lebanon is terrible. We see pictures almost everyday of the casualties of war in Beirut—bombed-out buildings, school-children dodging artillery fire, United States Embassy personnel fleeing the violence. Despite these photos, the conflict always seems distant and remote.

The deadly situation in Lebanon was brought home to me by the following article by Jeane Kirkpatrick. She compares it to a violent incident in Queens, in which neighbors ignored the cries for help of a woman who was stabbed to death before their eyes. Ms. Kirkpatrick claims that Lebanon is suffering the same fate in the international community. I urge my colleagues to read this insightful article:

[From the New York Post, Sept. 4, 1989]

WHEN GOVERNMENTS IGNORE CRIES FOR HELP

PARIS.—In March of 1964, Kitty Genovese was stabbed to death in Queens, New York. But not until she had three times fought off her attackers and fled, only to be attacked again—calling all the while for help to bystanders who later explained that, although they had seen the attack and heard her cries, they did not want to become involved.

Kitty Genovese's name entered American history as a victim—less of her assailant than of public indifference. Those who watched the attack simply did not care enough to exert themselves on her behalf.

In point of fact, people and governments have repeatedly demonstrated a shocking capacity to ignore or deny desperate need when it is inconvenient to respond.

Millions of the Jews who died in boxcars and death camps at the hands of Nazis were victims of indifference, as well as deliberate murder. Civilized, democratic governments (including the United States denied Jews visas and refuge even after the "Final Solution" had been revealed and the existence of the death camps became known. The appeals for help were simply ignored.

The same sort of passive acceptance of genocide characterized the world's response to Pol Pot's slaughter of 2 to 3 million Cambodians, the starvation of Ethiopians in Mengistu's forced relocations, and the Chinese government's sustained assault on Tibetans. For all their talk of morality, even good governments do not find it much easier than Kitty Genovese's neighbors to respond to an inconvenient call for help.

For years, Lebanon has been victimized by Hafez Al Assad's boundless appetite for a "greater Syria." Syrian troops have occupied more than half of Lebanon and have encouraged factionalism among rival Lebanese groups. As if that were not bad enough, they have permitted the entry and operation of radical Iranian fundamentalists and the most violent of PLO factions.

Obviously, these machinations have hampered the establishment of authority by any Lebanese government. But the efforts of Lebanon's current President, Gen. Michel Aoun, to resist Syria's continuing occupation provoked a most violent response. First, the factions allied with Syria mounted an even more sustained attack on the Aoun government. The situation deteriorated into crisis when Assad threw Syrian troops and artillery into battle against Lebanese government forces. Syrian mortar has pounded into rubble what was the beautiful and orderly Christian quarter of Beirut.

Throughout the summer, Aoun and other representatives of the Lebanese government have appealed to the world for help. In response, many committees have been formed, diplomatic initiatives have been launched, missions have been dispatched, discussions have been held. Meanwhile, Syria's destruction of Lebanon has proceeded.

A committee of the Arab League called for a cease-fire and identified Syria as the principal obstacle to peace. The finding was useful in that it removed the last fig leaf of legitimacy from Assad's claim that Syria is acting as an agent of the Arab world. But the report did not stop Syria's destruction of Lebanon.

The U.N. Security Council passed a resolution and the secretary general visited the area in an effort to secure a cease-fire. But neither the resolution nor the visit stopped Syria's destruction of Lebanon.

The European Community established a committee of presidents to seek a cease-fire, and dispatched a team to consult.

Mikhail Gorbachev and Francois Mitterrand issued a joint communique calling for a cease-fire and appealing to all parties to end the provision of arms to combatants. The Soviet foreign minister dispatched a special representative to promote a cease-fire, and France sent a fleet into the area in an implied challenge to Syria's blockade of East Beirut.

The U.S. Department of State deplored the use of heavy Syrian artillery and applauded the work of the Arab League. The pope decried genocide and announced that he would visit Beirut soon. Absolutely everyone has assured everyone else that a political solution is required to this grim military conflict.

And the destruction of Lebanon has continued.

In truth, Syria's occupation of Lebanon is a clearcut case of aggression. Its relentless bombings and blockade are an example of the brutal use of force against a civilian population. It has already reduced the number of Beirut inhabitants from 1.25 million to 200,000.

What is called the "international community" has been no more effective in dealing with Syrian aggression than with terrorism, hostage-taking or Manuel Noriega's election fraud. The truth is that the "international community" has no effective means for dealing with those who use force unilaterally. The reason is the same that stayed the witnesses to Kitty Genovese's murder. Other countries don't want to get involved.

So be it.

But those who will not help should at least stop blaming the victim and applogizing for the aggressor—which is what some influential people in various Western governments have done. And those willing to be onlookers at the carnage in Lebanon should not prate about their overwhelming desire to promote peace in the region. There will be no peace until there is an independent Lebanon.

TAIWAN SURVEY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. SOLARZ. Mr. Speaker, approximately 4,500 of our fellow citizens who were born on the island of Taiwan recently responded to a questionnaire concerning their views on the political future of their birthplace. Although no claims are made that the survey reflects the views of all Taiwanese-Americans, I think that our colleagues would be interested in knowing of the results.

TAIWAN SURVEY

1. Concerning the selection of members of Taiwan's legislative bodies, which approach do you favor?

0.25%: Continue past approach whereby the majority of members "represent" districts on the Mainland.

6.25%: Carry out the new approach of gradually increasing the number of members picked through elections by the people of Taiwan, while encouraging the members who "represent" Mainland districts to retire.

93.45%: Create a system whereby all members of these bodies are picked in the near future through free and fair elections by the people of Taiwan.

0.05%: No opinion.

2. Concerning the selection of the Governor of Taiwan, which approach do you favor?

0.16%: Continue the past approach whereby the governor is appointed by the KMT.

1.01%: Carry out a new approach whereby the governor is appointed by the KMT and then confirmed by the provincial assembly.

98.6%: Move to a new system whereby the governor is directly elected through free and fair elections by all the people under the jurisdiction of Taiwan province.

0.23%: No opinion.

3. Concerning the election of the president, which approach do you favor?

0.34%: Continue the present approach whereby the president is elected indirectly by a vote of the National Assembly dominated by members "representing" Mainland districts.

10.58%: Move to a new approach whereby all the members of the National Assembly are elected in free and fair elections by the people of Taiwan, and then the members of the National Assembly elect the president.

88.90%: Move to a new system whereby the president is elected directly through free and fair elections by the people of Taiwan.

0.18%: No opinion.

4. Do you believe that the people of Taiwan should have the right to determine the future of Taiwan?

Yes—99.30%; No—0.45%; No opinion—0.25%.

5. The Democratic Progressive Party passed a resolution last November to urge the Taiwan authorities to hold a plebiscite to determine "whether or not the people on Taiwan want to be governed by Communist China. Do you favor the Democratic Progressive Party resolution to hold a plebiscite in Taiwan?

Yes—85.79%; No—10.78%; No opinion—3.44%.

6. Do you want to see Taiwan governed by the People's Republic of China (Communist China)?

Yes—0.61%; No—98.74%; No opinion—0.65%.

7. Concerning Taiwan's future, which outcome would you prefer?

4.55%: Have Taiwan be "unified" with China under the "one-country-two systems" approach whereby China pledges that Taiwan can maintain its political, economic, and social structure and its armed forces.

5.44%: Continue the status quo.

89.51%: Become an independent country.

0.50%: No opinion.

8. If in question 7 you said you preferred Taiwan to become an independent country, which of the following options should you choose if you were convinced that China would definitely or probably respond to a declaration of independence with a military invasion of Taiwan?

81.36%: Declare independence of Taiwan anyway.

2.57%: Have Taiwan "unified" with China under the "one-country-two-systems" approach.

14.71%: Continue the status quo.

1.36%: No opinion.

DISTRICT OF COLUMBIA CIVIL CONTEMPT IMPRISONMENT LIMITATION ACT OF 1989

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. DELLUMS. Mr. Speaker, on Wednesday, September 20, 1989, I intend to seek unanimous consent to take from the Speaker's desk the bill H.R. 2136 with the Senate amendment thereto and concur in the Senate amendment with amendments.

The text of H.R. 2136 with amendment is as follows:

HOUSE AMENDMENTS TO THE SENATE AMENDMENT TO H.R. 2136, OFFERED BY MR. DELLUMS OF CALIFORNIA

In lieu of the matter proposed to be inserted by the Senate amendment to the bill, H.R. 2136, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

(2) by adding at the end the following new subsections:

"(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court in any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under paragraphs (1) or (4) of section 11-1101.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

(2) by adding at the end the following new subsections:

"(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court in the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin not later then 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. REPORTS ON CIVIL CONTEMPT PROCEDURES.

(a) IN GENERAL.—(1) The Committee on Governmental Affairs of the Senate, together with the Committee on the District of Columbia of the House of Representatives, shall conduct a study of current law and procedures with respect to civil contempt in the courts of the District of Columbia.

(2) The Committee on the Judiciary of the Senate shall conduct a study of current law and procedures with respect to civil contempt in the courts of the United States.

(b) SUBMISSION OF REPORTS.—Not later than September 1, 1990, the Committees on Governmental Affairs and the Judiciary of the Senate shall each submit a report on the study conducted by each Committee under subsection (a), and shall include in such report any recommendations regarding changes in current law.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply only with respect to any individual imprisoned for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals before the expiration of the 18-month period that begins on the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.".

The differences between the House and Senate version of H.R. 2136 are as follows:

First. House version applied to civil contempt in general. Senate version applied only to child custody cases in superior court. Senate version accepted in compromise.

Second. House version did not contain a sunset clause for the bill. Senate version has 18-months sunset clause. Senate version accepted.

Third. House version has implied and indirect retroactive provision regarding child custody cases. Senate version had direct retroactive provision with regards to child custody cases. House version accepted.

Fourth. House version allows for a criminal contempt charge to be brought against an individual who has served 6 consecutive months under a civil contempt charge. Senate version did not have criminal contempt clause. House version was accepted in compromise.

Other minor technical agreements were reached and are reflected in the various provisions of the bill.

PRESIDENT SHOULD DENY YASSER ARAFAT VISA

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. McNULTY. Mr. Speaker, yesterday I sent a letter to the President of the United States, urging him to deny a visa to Yasser Arafat, the head of the terrorist Palestine Liberation Organization, who has announced his intention to participate in the forthcoming session of the United Nations Assembly, which is scheduled to convene in New York City on September 25, 1989.

Permitting Mr. Arafat's appearance before the United Nations will be detrimental to the interests of the United States and the peace process now underway in the Middle East. I would like to include the text of my letter to President Bush in the CONGRESSIONAL RECORD for today.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. I write to voice my grave concern at the possibility that Yasser Arafat, the head of the terrorist Palestine Liberation Organization, may—upon his request—be granted a visa to visit the United States for the purpose of addressing the United Nations.

There is no question in my mind, Mr. President, that granting a visa to Mr. Arafat will undermine all you have done to promote the peace process in the Middle East over the last nine months.

Mr. Arafat heads an organization that still supports and engages in terrorist activities, including numerous assassinations.

PLO terrorism is being used not only against Israel but also against Palestinians, who disagree with the PLO, including those who favor negotiations with Israel and those who do not agree that the PLO represents all Palestinians resident in Israel, in Jordan, on the West Bank, or in Gaza. That terrorism has taken hundreds of American and Israeli lives, and not once has Yasser Arafat renounced such terrorist acts.

On the contrary, on January 1, 1989, our Embassy in Riyadh recorded a message from Mr. Arafat in which he states: "Whoever thinks of stopping the intifada before it achieves its goals, I will give him 10 bullets."

Despite his public declarations last December, numerous statements by Mr. Arafat and other senior PLO officials make clear the PLO's continuing commitment not only to the Cairo Declaration of November 1985, which called for terrorist operations against Israel, but also the elimination of Israel.

As recently as last month, the 1200 delegates attending the 5th General Congress of the Fatah Movement's Revolutionary Council in Tunis—Mr. Arafat's own constituent within the Palestine Liberation Organization—adopted a commitment for "Continuing to intensify and escalate armed action and all forms of struggle to liquidate the Israeli-Zionist occupation of our occupied Palestinian land and guaranteeing our people's right to freedom, and independence."

On what basis, then, Mr. President, can we justify granting a visa to Mr. Arafat? Do we permit him into the United States to address the opening session of the United Nations General Assembly on September 25? Of course not. The opening session of the United Nations is addressed and/or attended only by heads of state. To permit him to come to this session would constitute implicit recognition for the nonstate for which he seeks United States recognition.

Do we, on the other hand give him a visa to participate in the United Nations general debate on the Israel-Palestinian issue, scheduled for November of this year? Of course not for the following reasons:

Mr. Arafat and his PLO have been actively seeking support for an international conference on the Middle East, and has mobilized considerable support for his position within the United Nations. His appearance before that body will put the international conference on the UN agenda. The United States and Israel are opposed to such a conference for good and valid reasons.

By coming before the United Nations, Mr. Arafat will be perceived not as one who is against peace in the Middle East, but as one who embraces the idea of an international conference. With the kind of support he has in the United Nations, this would place the United States in an extremely difficult and disadvantageous position.

If the United States accedes to the will of the United Nations, the peace process is ended.

If the United States opposes the international conference within the United Nations setting, the pressures upon us will be so great that the peace process will be ended.

What can take place under the circumstances outlined above can have a reverse policy effect for the United States.

In addition, as you well know, Mr. President, there is a legal basis for barring Mr. Arafat's entry into the United States under Public Law 80-357.

As our Ambassador on October 6, 1972, you yourself explained to United Nations Secretary-General Kurt Waldheim a decision to bar Dia-Allah El-Fattal, the head of the International Organizations Department of the Syrian Foreign Ministry, from joining his country's delegation in the General Assembly. This exclusion resulted from his recruiting individuals for terrorist operations of the Palestine Liberation Organization.

It was under this section of Public Law 357 that former Secretary of State George P. Schultz barred Mr. Arafat's entry into the United States, citing the Chairman's "association with terrorism." And, as you know, Mr. President, there have been a number of other less publicized cases.

For all of these reasons, I urge you to deny Yasser Arafat a United States visa that would enable him to participate in the proceedings of the United Nations. I sincerely believe this to be in the best interests of the United States, the State of Israel—our staunch and only democratic ally in the Middle East—and the peace process to which you have given so much impetus.

Respectfully yours,
MICHAEL R. McNULTY,
Member of Congress.

JACK BRADY PROMOTED TO NEW LABOR POST

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MANTON. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the Journal of Commerce recently regarding Jack Brady, the long-time executive vice president of District 2, Marine Engineers Beneficial Association. Jack, who is one of the most effective maritime labor lobbyists on Capitol Hill, has been named to the new post of executive director of congressional and legislative affairs for District 2. Anyone who has worked with Jack Brady knows he is a loyal friend, as well as an ardent advocate for a strong domestic maritime industry.

Mr. Speaker, I know my colleagues join me in wishing Jack success in his new position. I commend the article to my colleagues and ask that it be printed in the RECORD at this point.

[From the Journal of Commerce, Aug. 29, 1989]

SHIP OFFICER LABOR UNION ADDS TWO TO DC OFFICE

A labor union representing licensed American merchant ship officers recently added two top operatives to its Washington, D.C., office.

District 2, Marine Engineers Beneficial Association-Associated Maritime Officers named John F. Brady to the new post of executive director of congressional and legislative affairs. Jerome E. Joseph was named executive vice president.

The two joined Edward V. Kelly, a vice president who had been the union's lone Washington staffer until July 1.

Top officials of the Brooklyn, N.Y.-based union said the Washington staff was expanded in anticipation of escalating political struggles over U.S. maritime policy.

"Washington is where the future of the American merchant marine will be determined," said Raymond T. McKay, union president. "District 2 MEBA-AMO is prepared to help shape the decisions that are so urgently needed."

The union represents engine, deck and radio officers on U.S.-flag deep-sea ships in the foreign and domestic trades, and on vessels that ply the Great Lakes and inland waterways.

Mr. Brady was the union's executive vice President. He has held a number of official jobs in the union since 1957. Mr. Joseph was deep-sea vice president. The latter position now has been filled by Robert W. McKay.

PROMISING START AT WOODLAWN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ARCHER. Mr. Speaker, I would like to insert for the RECORD an editorial from the August 17 issue of the Baltimore Sun, welcoming Gwendolyn King as the new Commissioner of the Social Security Administration. I too want to welcome the new Commissioner and share with you the text of her remarks from the swearing-in ceremony, which prompted the editorial.

It is, I believe, noteworthy that if H.R. 3150 is enacted as now drafted, Commissioner King probably will be the last Commissioner. H.R. 3150 will make the Social Security Administration an agency independent from the Department of Health and Human Services. Further, SSA will be administered by a three-member bipartisan board. The board will select an Executive Director to serve as chief operating officer. But, by definition, that Director will not enjoy the powers of the Commissioner.

As strongly as I support the concept of the independent agency, I admit to concern about the board structure. I hope we are not diffusing responsibility and accountability. I would prefer to retain the Commissioner and create a nine-member part-time advisory board as was recommended by the Congressional Panel on Social Security Organization. I hope the House-Senate Conference will be able to focus on this issue of accountability, and I urge the administration to work with the Congress in perfecting this provision of H.R. 3150. I agree with Commissioner King, as I'm sure we all do, that SSA's primary mission is to serve the public interest. Let that be our common goal.

[From the Baltimore (MD) Sun, Aug. 17, 1989]

PROMISING START AT WOODLAWN

Gwendolyn King made a fine start as the new head of the Social Security Administration, which delivers essential services to America's elderly and disabled populations During her swearing-in ceremony at the Social Security headquarters earlier this month. Ms. King struck a note that was non-ideological and service-oriented, and she showed a desire to improve relations with workers at the huge bureaucracy.

Ms. King was correct in her statement that "the beneficiaries of the future will need a highly motivated, inspired work force to delivery the caliber and quality of service they deserve." She was also right when she said. "There is no liberal or conservative way to determine eligibility for benefits . . . no Republican or Democratic ideological litmus test to be applied to the programs."

She has now set a positive tone at the agency and has taken the first step toward repairing employee morale problems that increased during the administration of her predecessor, Dorcas Hardy. Her promise to provide leadership that respects, inspires and stands up for the work force of 65,000 received a predictably warm reception from union officials that represent Social Security employees, more than 10,000 of whom are stationed at the Woodlawn headquarters.

This is a welcome development. The Social Security Administration runs one of the largest and most important domestic programs operated by the federal government. It affects most Americans, either through benefits paid to retired or disabled citizens or through payroll taxes deducted from the earnings of working Americans. One in every six Americans receives some type of Social Security benefit, at an annual cost of $246 billion. The large bureaucracy that administers the program deserves the kind of leadership that Ms. King promises. We wish her well in her effort to deliver on that promise.

REMARKS BY GWENDOLYN S. KING COMMISSIONER OF SOCIAL SECURITY

Good morning! This ceremony is a crowning point in my life. But it would be less joyous by far if I were not able to share these moments with all of you, my friends, my dear family, and especially my new colleagues. So I wish to thank you all very much for taking the time to be here today.

I want to take this opportunity to express, once more, my deep appreciation to Secretary Sullivan for his support of my candidacy for this esteemed position; and to President Bush for honoring me with this appointment. As I told the Members of the Senate Finance Committee last week, when I entered the Social Security Office in Newark, NJ, shortly after my 16th birthday to apply for a social security card, the most remote thought from my mind was the possibility that the President of the United States one day would nominate me to be a Commissioner of the Social Security Administration.

Let me also take a moment to express my appreciation to the U.S. Senate for confirming my nomination so quickly. With their consent let us now move forward together.

I am gratified to be returning to a cabinet department, new name not withstanding, which gave me my start in Federal service more than 17 years ago.

My past assignments in the HEW Secretary's Office, on Capitol Hill, and in the White House afforded me the chance to work with SSA and to learn first-hand how you have come to enjoy such a well-deserved reputation for professional excellence. SSA has some of the most talented, skilled, and dedicated public servants employed anywhere in the Federal service. So I am delighted and honored to be joining your team today.

During my appearance at the Finance Committee hearing, I told the members that SSA deserves leadership which respects and trusts its employees. Leadership that will lead, but will also listen. Leadership that will be willing to work with you on common problems we face as Federal employees or as working parents. You are entitled to leadership that stands up for you, especially when you think you may be left standing alone. Leadership which understands the need to open up opportunities for you to grow and expand in your service career. Leadership that thanks you for a job well done. I intend to provide that leadership here at the Social Security Administration.

Our 38 million beneficiaries, who are among the most worthy and often the most vulnerable of Americans, and the beneficiaries of the future will need a highly motivated, inspired workforce to deliver the calibre and quality of service they deserve. We can meet their expectations, set the highest standards and achieve any goal—even my goal of a fairer, more efficient and humane Social Security System. But, all of us must remember this. There is no liberal or conservative way to determine eligibility for benefits. There is no Republican or Democratic ideological litmus test to be applied to our programs.

I pledge to you that SSA will serve only one special interest—the public interest.

Social Security has served so many so well. With hard work and your support, we shall serve the future even better.

THE TALK OF THE TOWN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. JACOBS. Mr. Speaker, this Talk of the Town column from the New Yorker was published on September 11, 1989.

Shelley tells us that:

The great secret of morals is love. A person to be greatly good must imagine deeply and comprehensively. He must put himself in the place of another—of many others. The pleasures and the pains of his species must become his own.

Shelley told us that. Mickey showed us that.

[From the New Yorker, Sept. 11, 1989]

THE TALK OF THE TOWN

NOTES AND COMMENT

A friend from Texas writes: The death of Mickey Leland, when the twin-engine plane that was carrying him and his fifteen companions flew into Tamsi Mountain, in Ethiopia, touched the nation and the world. Just why it did has an importance that is independent of the fortnight's attention to the story in the press everywhere.

Mickey was born black in Houston's desolate inner-city Fifth Ward. "I come from a very poor family," he said last May. "My mother was kicked out of her house by her husband, my father." His mother succeeded in putting him through college, and then he became a civil-rights activist in Houston. In 1970, he was arrested—bloody, his shirt torn off—following a confrontation with police. But after that he decided to work for change within the system, and he was elected first to the Texas legislature and then to Congress. There he became a model reform politician, working quietly among his colleagues to achieve his idealistic goals.

Mickey composed a number of short poems in his head, but he may have written down only one of them, as exclamatory poem, or anti-poem, which he recited sometimes when he was moved. One Christmas Eve in the seventies, at my home, he began to recite it, at my request: "Confusion triumphs! Chaos smiles! And World mourns in despair. . . ."

About a third of the way through, he broke off. "I can't do it," he said. "Wow, I just thought about them cats in prison." It was his custom to visit prisoners every Christmas Day. Perhaps the warmth and festiveness of that evening—firelight, decorated tree, packages piled around its base—had turned his mind inward to the bleakness he would enter the next day, for his rarest personal characteristic, which was also the most important one in his public life, was his ability to imagine, and his will not to forget about, the sufferings of people he did not know.

In 1983, as a member of Congress, he made the first of his seven or eight flights to the makeshift camps of the destitute in Africa. The next year, he persuaded the House to establish, and therefore became the chairman of, the House Select Committee on Hunger. That was the time of this decade's most calamitous African famine, in the sub-Sahara. Returning from another trip there, Leland told Kathy Kiely, of the Houston *Post*, "I was approached by an elderly lady just touching her stomach, begging for food. I looked beyond her and I saw thousands and thousands of people begging. I don't know if I can convey what it did to me as a human being." In 1985, he led the drive in Congress for emergency aid to the sub-Sahara which resulted in a remarkable appropriation of eight hundred million dollars.

All through what turned out to be the last few years of his life, Leland worked to understand, and to get Congress to act further against hunger and its consequent illnesses and deaths. "It's a white mark on America's history for us to have hungry children in our society," he said. "White, versus black, mark." Most of his moral imagination was occupied by the dimensions of desperate need throughout the world. He introduced legislation to create an international health corps, "to wage war . . . in the field with health care professions," that would be "something on the scale of the Peace Corps." During a hearing last year on the survival of children, he said, "In a country which expends such incredible sums of money on armies and weapons and on the pursuit of entertainment and pleasure, we can surely afford the few dollars it requires to immunize a child against polio . . . the few cents it costs to . . . save a child from death by dehydration." During his 1988 campaign for reelection, Leland was accused in Houston of caring more about foreigners than about his own constituents, and the accusation provoked him to one of his most advanced declarations: "I am as much a citizen of this world as I am of this country."

On August 7th, Leland and his party boarded a de Havilland Twin Otter in Addis Ababa and took off to fly two hundred and ten miles west to Fugnido, a camp near Ethiopia's border with the Sudan which holds thousands upon thousands of refugees from the war in that country. The plane did not arrive, and a widening search was carried on during the next week, gradually becoming a death watch. On August 13th, the searchers found the wreckage of the plane, with everyone dead. Off course to the north, and forty-five miles northeast of the camp, the plane had smashed into the forty-five-hundred-foot Tamsi, about three hundred feet below its peak.

This drama of growing anxiety, combined with the fact that Leland had been leading a group to help the starving, captured the world press, and led to grief that, apparently, affected millions of people. It was as if goodness of heart and the courage to act had themselves been killed, and as if their death had unfolded on television, the theatre of the real for our slowly bonding community of the world.

When Mickey flew into the sixty-degree bluff three hundred feet below the mountaintop, he flew into the nation's and the world's answer to his crusade. We are not ready yet, and we are not organized yet, to clear that mountaintop. Still, the general mourning for Mickey and his fellow-pilgrims suggests that Randy Katsoyannis, the staff chief for the Select Committee on Hunger, may have been right when she said, a few days ago, "With his death Mickey has accomplished his mission—to have more people feel like they're citizens of the world."

FOOD SAFETY ASSURANCE ACT OF 1989

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. STENHOLM. Mr. Speaker, I am pleased to join several of my colleagues, including the distinguished chairman of the House Committee on Agriculture, Congressman E (Kika) de la Garza, the committee's ranking minority member, Congressman Ed Madigan, the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture chairman, Congressman George E. Brown, and the subcommittee's ranking minority member, Congressman Pat Roberts, in introducing the "Food Safety Assurance Act of 1989."

The House Committee on Agriculture deserves great praise for the courage and commitment needed to exercise both its oversight and legislative responsibilities in the highly controversial and extremely complex area of regulatory and public health policy.

Regrettably, our Nation is experiencing a curious case of schizophrenia, as it relates to the contributions of science and technology toward the improvement of agriculture food. In the absence of legislative changes to the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] farmers, food processors and marketers will remain vulnerable to economic disruptions arising from periodic pesticide stories by the media. Central to the food safety issue is the Environmental Protection Agency's [EPA] ability to remove problem pesticides from the marketplace more quickly than current law provides.

The legislation which we are introducing today amends FIFRA by replacing the formal hearing process with an informal rulemaking procedure that incorporates elements of the current special review process. This action is necessary so as to provide the EPA the ability to take expedient action on pesticides that the agency determines pose an unreasonable adverse risk to man or the environment. Moreover, this legislation provides for appropriate scientific review and analyses of pesticides within the shortest time frame possible.

Currently, two different systems are used to set tolerances for crops that we eat. Tolerances for pesticides used on edible raw commodities are set by weighing the risks of using the pesticide against the benefits it provides. However, whenever these pesticides are found to cause tumors in test animals and concentrate in food during processing, the "Delaney Clause" kicks in and benefits no longer matter. In fact, the "Delaney Clause" says that no amount, however small, of a tumor-causing pesticide is safe in processed food. If tolerances already exist for the raw food crop, they too may be revoked. On the other hand, if the pesticide doesn't concentrate during processing, the tolerances set for the raw commodity are left in place even if the pesticide causes tumors. Consequently, this policy is confusing and inconsistent.

While an elegant analytical case can be made for consistent treatment of pesticide residues, plain old common sense provides perhaps the most compelling basis for striving toward consistency. The provisions of the "Food Safety Assurance Act of 1989" will substantially reconcile within Federal statutes the principal statutory constraints EPA faces in implementing swift action where necessary.

Certainly, the challenge for regulators grows increasingly complex as science and technology advance. Improvements in analytical chemistry and residue detection capabilities, new toxicological data, changing pesticide use practices, and the development of new pesticides and foods establish an urgency and the feasibility to devise a strategy for attaining a safer food supply.

In the regulatory environment, the most effective control is accomplished by preventing problems, not simply catching products of a failed process. Changes in what is known about toxic potency and presence of substances in foods, and the amount of those foods that people eat, have raised important questions about food safety policies. However, we live in a world full of suspicion but woefully short on verification.

Yes, we have made remarkable progress in our ability to detect things—yet our ways of determining risk remain primitive. Moreover, it gets down to being above to distinguish smoke from fire. When an alarm is sounded about pesticide residues on food, it frequently turns out to be trace amounts well below the stringent safety standards set by the regulatory agencies. Its often like someone shouting fire in a crowded theater just because someone lights a match. Such unwarranted alarms send everyone running for the exits unnecessarily.

As the National Academy of Sciences reported in "Regulating Pesticides in Food—the Delancy Paradox," it makes no sense to have dual standards for raw and processed foods and for old and new pesticides which have been found to have an oncogenic response in laboratory animals. The concept of negligible risk, equitably applied across the board for raw and processed foods for pesticides where there is evidence of an oncogenic response in animal tests, makes good sense.

To be sure, the process of risk assessment is complex. Not all animal oncogenicity data lend themselves to quantitative risk assessment. However, most experts now accept that all animal carcinogens are not necessarily human carcinogens. It depends on a number of factors. Likewise, substances which have been judged to present a carcinogenic hazard do not necessarily present a significant risk from exposure to low levels in the food supply. It's recognized that there are levels of exposure below which the risk is for practical purposes so low as to be essentialy zero. Furthermore, management of low risks can be evaluated through scientific judgment and common sense in many instances. On the other hand, there are situations where the information is more compelling and more quantitative treatment is appropriate.

An entertaining as well as informative article in the EPA Journal defined risk as the sum of hazard and outrage. The public spends too little attention to hazard, and the experts pay absolutely no attention to outrage. Moreover, food safety regulations are being scrutinized as both our knowledge of foodborne risks expands and our ability to detect them improves. Much of the public's concern about food safety is basically a clash between public perception and scientific fact. Oftentimes, scientific advances occur faster than we can change our laws and regulations to accommodate them. Consequently, a mismatch between science and policy can cause skepticism in the scientific community as well as the community at large.

The problem is made much worse by what some have called the data gap, a term that refers to the lack of information we have on the toxicology of a number of important compounds—including many pesticides. Our most pressing concern is our lack of pesticide use data. Not every pesticide is being used on every crop for which it is approved, but without the facts, that's what EPA and the news media assume. In recognition of this fact, however, this legislation directs the Secretary of Agriculture to collect, through surveys of farmers, pesticide use data for each State for all major crops and crops of dietary significance every 2 years.

Let me be quick to point out that there are many data that show that the Nation's food supply is very safe and becoming even safer. For example, in the United States in 1900, life expectancy at birth for the total population was 47.3 years. By 1940, life expectancy at birth had increased to 62.9 years. By 1982, life expectancy for the entire population had increased to 74.5 years. Average life expectancy in the United States should continue to increase and could reach 80 years without extraordinary breakthroughs in medical technology.

It appears to me that most Americans are relatively well satisfied with the substantial—if not truly impressive—improvement in the standard of living that has occurred in the USA in the past three to four decades, which is in large part attributable to the use of applied science and improved technology. Regrettably, however, most Americans have lost contact with the soil and hence fail to realize the important role that science and technology played in transforming and increasing food and fiber production in America over the last 50 years.

In 1910, the typical American farmer produced enough to feed seven people. Today, the typical farmer feeds about 92 people, including 26 in foreign countries. How can U.S. farmers of the 1980's produce over 80 percent more per acre than the preceding generation? The answer is modern, scientific farming, using tools like agri-chemicals, new seed varieties, and automated equipment.

I have often stated that pest control products should be used only when you need them. The days of "spraying by the calendar" are far behind us. With this in mind, this legislation establishes an integrated pest management [IPM] initiative aimed in particular at crops of dietary significance for which few pesticide alternatives exist and for crops with associated pesticides that may pose a greater than negligible risk. Furthermore, as recommended by a recent National Research Council report, this legislation provides for research, education, and dissemination of IPM principles.

The job ahead of us is to keep food safe, and to help the public understand why it's safe. It's a large responsibility, and one that is shared by all of us.

Food safety issues aren't going to go away. If anything, they will intensify. Therefore, the agricultural community needs to be prepared for the debate. This legislation helps meet that responsibility through appropriate research, regulation, and communication.

In summary, this bill provides not only a solution to the inconsistencies noted earlier, but provides the necessary flexibility to allow recent and future advancements in the science of risk assessment to be applied to the registration of pesticides on food crops. It is not only sound legislative policy, but it demonstrates trust and confidence in the science and the regulatory agencies. Therefore, I hope all my colleagues recognize the importance of this legislation and support the Committee on Agriculture's continued efforts to ensure a safe and abundant food supply for the future.

THE CAUSE OF REMEMBRANCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MRAZEK. Mr. Speaker, on May 2, 1989, we observed Yom Hashoa, a day to remember those Jews who died in the Holocaust. In honor of those men and women who survived the horrors of the Holocaust, and to assure that future generations never forget what happened, I wanted to share a very moving poem written by Jerri Ungar, a constituent of mine from Great Neck, NY. Mrs. Ungar is an American-born woman, married to a Holocaust survivor. In the poem, she writes to Ben Meed, president of the American Gathering/Federation of Jewish Holocaust Survivors and his wife Vladka, founder of the teachers' program of Holocaust and resistance. I believe this poem is an excellent description of the importance of the "cause of remembrance."

THE CAUSE OF REMEMBRANCE

DEAR VLADKA AND BEN:
You lead, you guide, you direct
You have earned our deep respect!
You have gathered teachers from near and far
You have summoned all survivors, no matter where they are.
We constantly talk to ourselves, like sisters and brothers
Now you've created a vehicle whereby we can reach others
All in the cause of REMEMBRANCE
The meetings were very intensive
The conference most extensive
Be assured that your audience
Was both pensive as well as attentive!
You devote your energy and time.
Your resources and your thoughts sublime
Protect the memory of those who did perish
Without permitting their very souls to tarnish
All in the cause of REMEMBRANCE
You have cemented survivors into an organization
Be aware of their utmost appreciation
The membership blesses you each and every day
For what you accomplish and
For what you do and say
All in the cause of REMEMBRANCE
You have assisted men to become leaders
You have enlisted and provided speakers
Above all you have restored dignity
To unfortunate brethen assuring them of eternity
All in the cause of REMEMBRANCE
What was underlined and of course understood
Is that survivors and all Jews should
Assist and support the Jewish State
Which would have combatted the climate of hate
For had we had the State of Israel "Then"
There would have been a home for Jews—a haven!
And no
Cause for REMEMBRANCE!

II

I know that I was not there
yet I was!
I know I did not suffer
yet I do!
I had no cause to tremble
yet I do now!
I had no reason for sorrow
yet I am sad!
Hunger and thirst I never endured
Except, of course, for Yom Kippur
And that is not accompanied by fear
And occurs only once each year!
My loved ones have never been taken from me
Yet how well I understand the word "pity".
For man succumbed even lower than beast
At a time when evil and the devil made a tryst.
I took time out to write
What you may not even have the time to read
Lest you not realize how much the needs
Are appreciated and loved by survivors and their respective families!!!
Although I am an outsider
In reality I am an insider
Who is happily married to a survivor, William Ungar!

With love and affection,

JERRY UNGAR.

BAY AREA COMMEMORATION OF 100 DAYS SINCE THE TIANANMEN MASSACRE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. LANTOS. Mr. Speaker, last week in the bay area a solemn commemoration was held to mark the passage of 100 days since the Government of China carried out the brutal massacre of thousands of its own citizens in Tiananmen Square in Beijing. The only crime of the men, women, and children, who were mowed down by machinegun fire and run over by tanks was their peaceful, nonviolent support for human rights and democracy in their own country.

On Sunday, September 10, I joined with California Secretary of State March Fong Eu, California State Senator Milton Marks, singer Joan Baez, and thousands of other human rights advocates to honor the martyrs of Tiananmen Square and to recommit ourselves to the struggle for human rights and democracy in China.

I walked in Tiananmen Square just a few months before the massacre, and I spoke with the leadership of China about human rights—specifically about the human rights of the people of Tibet. The brutal repression in Lhasa, Tibet, is no different than the bloodbath in Beijing—except the international television cameras were in Tiananmen Square.

But talk is cheap, Mr. Speaker, and what is needed is action. Mr. Speaker, in San Francisco, I proposed a number of steps that we should take to bring home to the leaders of China our determination that democracy shall prevail.

We should pledge to boycott products of China until human rights are restored. There should be a boycott of tourism to China, and a moratorium on further bank loans. The International Monetary Fund and the World Bank must learn that human rights must come before "business as usual."

If we follow out such a policy, the day will soon return when young men and women will proudly and openly proclaim their commitment to democracy and fundamental human rights throughout China.

It was just a few weeks ago that another group of young martyrs were reburied with honors in my native city of Budapest. Imre Nagy and the martyrs of the Hungarian Revoluntion of 1956 were reburied with the respect and solemnity of a state funeral. I want to see the similar honoring of the Chinese martyrs of Tiananmen Square. I know that their memory will be honored long after Deng Xiao-ping and his gang have been thrown into the dust bin of history.

Just as surely as victory came to Solidarity in Poland, victory will come in Beijing. The winds of democracy and pluralism are sweeping through Eastern Europe—through Poland and Hungary, the Baltic States, and elsewhere in the Soviet Union. Just as surely, the tide of democracy will sweep the Chinese people to triumph over the aging tyrants of Beijing.

Mr. Speaker, the bloodstains at Tiananmen Square may have been washed away, but our memory is more vivid than ever, and our determination to restore human rights in China is stronger than the forces of repression led by the butchers of Beijing.

Mr. Speaker, a highlight of this impressive commemoration was Joan Baez singing a moving song she has written to commemorate the heroes and heroines of Tiananmen Square. I would like my colleagues to have the lyrics of this inspired music.

CHINA

(By Joan Baez)

[Copyright by Gabriel Earl Music, 1989]

In the month of May, in the glory of the day
Came the descendants of a hundred flowers
And their fight it did begin with the aging Mandarin
And they fought with an extraordinary power
Everyone was smiling, their hearts were one
In Tiananmen Square. (Chorus)
CHORUS: But it seems that the Spring this year in Beijing
Came just before the Fall
There was no summer at all in Tiananmen Square
China . . . China
There's peace in the emerald fields, there's mist upon the lakes
But something is afoot in the People's Hall
The spirit Chu Ping is alive in young Chai Ling
And the Emperor has his back against the wall
Black sun rising over Tiananmen Square, over Tiananmen Square. (Chorus)
In the month of June, in the darkness of the moon
Went the descendants of a hundred flowers
And time may never tell how many of them fell
Like the petals of a rose in some satanic shower
Everyone was weeping in all of China and Tiananmen Square. (Chorus)
And even the moon on the fourth day of June
Hid her face and did not see
Black sun rising over Tiananmen Square
And Wang Wei Lin, you remember him
All alone he stood before the tanks
A shadow of forgotten ancestors in Tiananmen Square. (Chorus)
And my blue-eyed sons, You had not one
You could call a hero of your age
Have the Rainbow Warriors of Tiananmen Square
Singing: CHINA SHALL BE FREE.

NATIONAL PAYROLL PRACTITIONER APPRECIATION DAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. GREEN. Mr. Speaker, today I rise to introduce a joint resolution to designate January 31, 1990 as National Payroll Practitioner Appreciation Day. Senator MOYNIHAN will introduce a similar resolution in the Senate.

Payroll professionals are the unsung heroes of the business community who are responsible for paying the work force of the United States. Practitioners withhold employment taxes and make sure employees are paid accurately and on time. Through the withholding of employment taxes and wage information reporting, payroll practitioners directly contribute to the collection and payment of almost 80 percent of the gross Federal revenues of the U.S. Government. They are also responsible for guiding their companies to comply with the law and various regulations of the Internal Revenue Service, Social Security Administration, Department of Labor, and various State and local entities.

According to the "1988 Annual Report of the Internal Revenue Service," the most dramatic growth in Federal revenues over the last two decades has occurred with employment taxes. I encourage my colleagues to join me in recognizing these unsung heroes by cosponsoring National Payroll Practitioner Appreciation Day.

THE REPUBLIC OF CHINA'S 78TH ANNIVERSARY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ARMEY. Mr. Speaker, Tuesday, October 10, is an occasion for celebration and congratulations among all those who support and encourage human freedom. It is the National Day of Taiwan, marking the 78th anniversary of the founding of the Republic of China.

We in the U.S. Congress should recognize this occasion for a number of reasons. First, Taiwan is continuing to move toward full democracy while serving the strategic interests in the Pacific of the free world. Second, it contributes greatly to the world economy as a manufacturing and financial center. Finally, it has enjoyed a stunning record of economic and political successes over the last 10 years.

For these reasons, Mr. Speaker, I would like to offer the people of Taiwan, their President Dr. Lee Teng-hui, and their Washington envoy Dr. Ding Mou-shih sincere and heartfelt congratulations and best wishes for further prosperity and success.

CONGRATULATIONS TO FRANCIS S. KUMIEGA

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to Eagle Scout, Francis S. Kumiega. Francis earned the rank of Eagle Scout while he was a member of troop 2 in Central Falls, RI.

The process of becoming an Eagle Scout is a hardship which tests the fiber of the young men who take the challenge. Francis' perseverance and accomplishment lift him above the ordinary. Francis has displayed the courage, discipline, and leadership which forms the backbone of our Nation.

I wish to offer my congratulations to Francis and hope that he will continue to strive toward the goals he has established as a Boy Scout.

TRIBUTE TO THE ART CENTER SERVING MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Art Center serving Macomb County, MI.

Multimillionaire industrialist, Mr. Andrew Carnegie said about the city of Mount Clemens, MI in 1902, "It's a go ahead city." With those words he donated $17,000 for the construction of a library to be built on land formerly owned by the city's founder. Mr. Christian Clemens. That library, now listed in the State of Michigan Historical Register, eventually became the art center serving Macomb County.

In 1969, the Mount Clemens Art Association led by president Mrs. Bea Wright, presented the city commission with a 2½ year plan to establish an art center in Mount Clemens. The Art Association was granted use of the old Mount Clemens Public Library in June 1969. Once the plans were approved, the association's board of trustees swung into action. Working through the summer of 1969 to complete this project were Art Association officials: Mrs. Wright; the late Mrs. Gretchen Thompson, then vice-president; Dr. Oscar Stryker, president-elect; Mrs. Bunny Carlson, secretary and Dr. Martin Caplan, treasurer, as well as the many who helped them.

The art center was established in Mount Clemens to foster and develop interest in the visual arts. It has become a general resource center for the arts in Macomb County, both for artists and the public at large. Mr. Michael Church, director of cultural affairs at the University of Michigan in 1969, said of the center, "Don't get the idea this center would be a playground for the black-tie set, for all classes of people today are turning to creative activity, proving, humankind, does not live by bread alone." Since its inception the center has remained dedicated to developing interest in the arts throughout the entire community. In an effort to increase public interest in the arts, the center provides quality exhibitions, including Michigan artists. The center conducts classes and sponsors tours to further enhance community interest and involvement.

Educational programs are offered for people of all ages—exhibits, classes, workshops, and cooperative programs with the Detroit Symphony Orchestra, the Center for Creative Studies, Artrain and others. The "Picture People Program" is cosponsored by several Macomb County school districts whose volunteers present monthly art appreciation programs in the elementary schools. The "Center for Arts and Learning," an innovative educational program developing improved learning through the creative process, received recognition at a national conference during a speech by the Director of the National Endowment for the Arts.

Critically needed support for the center comes from the more than 400 contributing members, including individuals, families, corporations and nonprofit organizations. Financial support comes from the memberships, class fees, special fundraising events, sales commissions and grants from foundations and the Michigan Council for the Arts. The center is administered by professional staff with programs coordinated by a corps of volunteers. The volunteer program is very active in assisting the professional staff.

I have had the privilege to work with the art center during the annual "Artistic Discovery" competition sponsored by the Congressional Arts Caucus. They graciously helped me in choosing a piece of artwork to represent our district. I have thoroughly enjoyed my association with them.

On this the 20th anniversary of its founding, the art center remains dedicated to developing as the professionally operated cultural resource center for Macomb County and the adjacent areas. Through the leadership of Ms. Jo-Anne F. Wilkie, the art center is more than prepared to further foster Macomb County's citizens' interest in the arts.

I commend the art center's efforts in enhancing the quality of life in Macomb County by providing us a vital cultural climate. Furthermore, I commend the volunteers, staff members and board of trustees on their continued support of such a worthwhile endeavor.

ROSSMOOR/WALNUT CREEK CELEBRATES 25 YEARS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MILLER of California. Mr. Speaker, for a quarter century, Rossmoor/Walnut Creek has been a vibrant, creative, and innovative community of senior citizens in the heart of the Seventh Congressional District of California. Although retirement communities have become commonplace throughout much of our country today, Rossmoor was a pioneering concept when it was first proposed in the 1960's, and it has more than exceeded the hopes and expectations of its early residents.

Today, 8,000 senior citizens from all over the United States enjoy the high quality of life at Rossmoor/Walnut Creek. This is a senior community—but it is no retirement community. The residents of Rossmoor, I know from extensive personal experience, are deeply involved in community affairs, politics, sports, and a wide range of other activities that make them among the most active and valued residents of our country.

It is little wonder that Rossmoor serves as a model in the development of adult communities nationwide.

Throughout the years I have represented Rossmoor in the Congress, I have often visited meetings of organizations at Rossmoor, and I have each time come away impressed with the vitality and dedication of the members of this unique community. I am delighted to have the residents of Rossmoor as very valued constituents.

I know that the Members of the Congress of the United States join me in saluting the residents of Rossmoor/Walnut Creek and to wish them much continued happiness and success on their community's 25th anniversary.

SCOTTISH COMMUNITY CELEBRATES HERITAGE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. FLORIO. Mr. Speaker, I would like to draw attention to an exciting event taking place on October 1, 1989, in New Jersey, that I know will be of interest to anyone of Scottish heritage. On this day, New Jerseyans of Scottish descent will host the 17th annual Scottish Heritage Festival at the Garden State Arts Center in New Jersey.

New Jersey's Scottish-Americans promise us the "most complete Scottish day in Americas" and their agenda for the day certainly looks as if they will live up to that pledge. This will be an opportunity to showcae the Scottish heritage and traditions and help New Jerseyans learn about and understand the background of one of our Nation's prominent ethnic groups.

The festival will feature Highland games, country and highland dancing, pipers, a tartan parade, as well as numerous exhibits and crafts. Hungry festival goers will find the fish and chips and Scottish meatpies a real treat. And straight from Scotland, Grant Frazier and Stuart Anderson will provide Scottish music for entertainment. This year's festival salutes the rich cultural heritage of the Scot community.

The festival is being put together by tireless individuals who do their best to share their culture and traditions. I'd like to point out one of these tireless individuals—Mr. Vincent Willox of Hopelawn, NJ—who is chairing this year's event. I know that the hard work that has been put into this festival will be evident to all festival visitors.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the cultural fund which, in turn, sponsors free cultural activities at the Garden States Arts Center. Groups that benefit from these activities include senior citizens and school children, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

I hope my colleagues will join me in congratulating New Jersey's Scot community and wishing them success in this effort.

HUNGER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. DELLUMS. Mr. Speaker, I rise today to call to the attention of my colleagues the beautiful poem that was sent to me by my constituent, Mr. Salvador Murillo of Berkeley. Mr. Murillo was moved by the sacrifice of our colleague Mickey Leland and those who accompanied him on the ill-fated flight to Ethiopia, and dedicates this poem to them. I am very grateful for this beautiful expression of sympathy for those victims, and identify with the sincere grief he shows for those who are victims of poverty and starvation.

HUNGER

(By Salvador Murillo)

Hunger is not an abstract,
It is a grim concrete reality;
Its dreadful presence is ever felt,
By the starving, the dispossessed.
Hunger appears in many dimensions.
As disease, famine, and death by starvation,
the final role.
Hunger creates apartheid, between the very
affluent,
That possess plenty of everything

And the disposed, that possess plenty of nothing.
Two worlds apart, a dichotomy of life and death.
Although, man cannot live by bread alone,
Starvation the evil consequence of hunger, a sin.
The vultures don't have to wait for the starving to succumb,
As can be seen from the bones bleached by the Sun,
Laying in the sand in the deserts of Ethiopia
And the Sudan, "dust to dust."
In these painful and trying times,
Some loving caring people like angels sent by God,
Arise to meet the challenge for hunger and starvation
Respect no human rights.
And angels like Rep. Mickey Leland from Texas,
And Joyce Williams, from Georgia,
And 16 courageous, dedicated angels, Ethiopians and Americans,
Have made the final journey with the starved.
They saw the Lord in the eyes of every starving child;
The food for the starving people in Ethiopia
Was also food for the Lord, Because the Lord is for the body,
And the body is the Temple of the Holy Spirit,
Who is within . . . John 1:3-5,
These loving angels whose holy mission was to feed the starving.
They are now in heaven, they have reached the Promised Land.
They are now sitting at the table with the Lord;
They are receiving from Him, O Living Bread
From the Kingdom of Heaven. . . .
For I was hungry and you gave me food,
I was thirsty and you gave me drink,
A stranger and you welcomed me,
Naked and you clothed me,
Ill and you cared for me,
In prison and you visited me.—Matthew, 26:35-37.

Amen.

INDIA—A FORGOTTEN PARTNER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. DOWNEY. Mr. Speaker, Members of the 101st Congress are increasingly concerned about this administration's nonchalance toward the tumultuous democratic changes taking place around the globe. Exciting and real reform—reform that is in our national interest—is increasingly met with an alarming wait and see attitude.

What attention is paid to these promising trends has focused primarily on Eastern Europe and the Soviet Union. And here, in my opinion, our response has been inadequate and not particularly creative. But there is another area of the world where our attention is required—India. And, unfortunately, our response to this largest democracy on Earth has bordered on one of benign neglect.

India, as its new Ambassador in Washington has correctly pointed out, has never been an enemy nor a true ally of the United States. And this has put Delhi and the American-Indian relationship in a curious situation.

To be certain, the Congress has had some legitimate concerns. I recently wrote to the Prime Minister about one of them—the situation in Nepal. But I find great hope, ingenuity, and sincerity in Prime Minister Gandhi's personal response to my letter. For this reason I want to share it with my colleagues and insert it in the RECORD.

For the United States, India should represent opportunity and partnership. We share a foundation in the principles of democracy. On that foundation we should build a stronger, more fruitful relationship. Ambassador Karan Singh has written eloquently on this topic in today's Washington Post and I also insert his comments in today's RECORD.

PRIME MINISTER,
New Delhi, August 23, 1989.

Hon. THOMAS J. DOWNEY,
Member of Congress, House of Representatives, Washington, DC.

DEAR MR. DOWNEY: I have your letter of August 2, about our relations with Nepal.

India's relationship with Nepal has been exceptionally close. This has been not only due to geography but to a shared history and culture and ethnic and familial bonds. This relationship was reflected by a fully open border, with freedom for nationals of either country to travel without passports and visas, and equal treatment to each other's nationals with our own citizens. Today around 5 million Nepalese nationals work in India, many in government jobs, including our Armed Forces.

The 1950 Treaty between our two countries formalised a relationship existing over centuries. We have endeavoured to fulfill our commitments under this Treaty, both in letter and in spirit. In recent years, however, we witnessed a steady erosion of Nepal's willingness to maintain its obligations, while taking for granted all the corresponding privileges of a special relationship embodied in this Treaty. The result has been an erosion not only of the Treaty, but of the entire relationship. While millions of Nepalese nationals enjoy the same facilities as Indian citizens in our country, the relatively small number of our nationals in Nepal are subjected to increasing restrictions in employment, business and even in freedom of movement. Indian nationals are not permitted within 10 kilometers of the Nepal's border with China, while the Nepalese place no corresponding restrictions on their border with India.

The treaties on trade and transit lapsed in March this year, when Nepal failed to fulfil the commitments they had made when the draft was initialled in October last year. Even under a no-treaty regime, India continues to conduct its trade relations on a basis which is more liberal than a MFN regime. A number of items are made available to them at prices which are subsidised by our taxpayers. The preferential arrangement for petroleum products has lapsed and would have to be renegotiated. There is, however, no restriction at all on Nepal's imports of petroleum products from third countries. With these imports, Nepal has been able to remove rationing of petroleum products in mid July.

There is no economic blockade. Nepal enjoys transit facilities which are more than what is called for under international norms and conventions. The facilities available to Nepal at Calcutta port are, in fact, superior to those available to our own businessmen.

Going by our past experience, we have come to realise that a piecemeal approach to resolving outstanding problems is no longer feasible. We have, therefore, proposed a frank dialogue with a comprehensive agenda. One major problem in resolving these issues through a constructive dialogue has been that responsible members of the Nepalese Government had made different pronouncements to different people at different times.

Only last week we received an authoritative indication of Nepal's willingness to commence a dialogue. We responded immediately. Before this letter reaches you our Foreign Minister will have visited Kathmandu on August 25. Thereafter, I will continue the dialogue with the King of Nepal when we are both in Belgrade early next month for the Nonaligned Summit. I hope that this dialogue will help in restoring our traditional relationship with Nepal, based not just on Indian generosity, but a measure of reciprocity and mutual sensitivity to each other's concerns.

Yours sincerely,
PRIME MINISTER GANDHI.

PAY ATTENTION TO INDIA

(By Karan Singh)

Having been at my post as India's ambassador to the United States for barely a month, I must record some preliminary observations on relations between the world's two largest democracies so that I can still use the alibi of being a "newcomer" in case my analysis turns out to be inaccurate. I have phrased them in the manner of four notable truths, not in any spirit of irreverence but because of my conviction that on the state relations between these two countries could well depend the future of democracy itself, especially in the developing world.

The first notable truth is that India is, to put it gently, peripheral to the consciousness of the United States. This is galling to Indians, because we have been brought up in the knowledge that we are one of the two most ancient continuing civilizations in the world; that we have produced some of the greatest philosophers, poets, dramatists and thinkers in human history; that our monuments are among the most magnificent in the world, and our freedom movement led by Mahatma Gandhi and Jawaharlal Nehur was unique; and that because of the vibrant democracy we have sustained since we became independent in 1947, one-seventh of the human race in the developing world enjoys democratic rights and freedoms. All these statements are true, but even taken together they are not sufficient to bring India even into soft focus of American awareness.

The second notable truth is the reason for this curious situtation. Put bluntly, it is because India has neither been an ally nor an adversary of the United States, thus fitting neither into the hagiography nor the demonology of a society obsessed until very recently by cold wars and power blocs and dominated by a firmly dichotomous world view. To get America's attention a country needed either to be an "enemy," or a "trusted friend." Because India has been neither, she doesn't really figure in any major way in the American consciousness except on the far peripheries. Also, with the memory of our unique freedom movement steadily facing despite the great Gandhi film, the younger generation of Americans has not been exposed to major political events in

India. Most of the media coverage tends to be rather negative and reinforces well established, but outdated, stereotypes about India.

The third notable truth is that the reverse of this is not true: America is by no means peripheral as far as India is concerned. Apart from here superpower status, America is the largest foreign investor in India, our largest trading partner and our largest single source of tourists. We also recall with gratitude Franklin Roosevelt's role in getting the formidable Winston Churchill to take a more reasonable view of India's demand for independence, and, after freedom, the invaluable American food aid during our early drought-ravaged years and, even more effective in the long term, the American scientific and technological contributions to our "green revolution," which now enables India to feed its 800 million people without having to import food grains. The Kennedy years were particular importance to my generation, and even the sharply divergent political perceptions later have not diminished the importance of America in the Indian mind.

The fourth notable truth is that this lopsided perception between our two countries is no longer acceptable to India. Apart from the factors already mentioned, we are on the threshold of an economic breakthrough and need much closer links with the United States in order finally to overcome the poverty barrier.

We seek not aid but trade, not charity but technology. India today represents one of the great potential markets of the 21st century. Our burgeoning middle class is steadily developing the capacity to absorb American products. We are under a youthful, technology-oriented prime minister, in the process of liberalizing our foreign investment policies, and we need an adequate response from American entrepreneurs, including the 750,000 American citizens of Indian origin who are making a handsome contribution to their adopted country and can also help in India's economic growth.

The present situation in fact represents an unprecedented opportunity for breaking the indifference factor and bringing India into prominent focus in the United States. With its shared ideals and commitment to democratic values and institutions, India can become a major partner with the United States in the quest for peace, stability of economic growth on this planet.

This need no longer be simply a forlorn hope or a pious platitude. It can be actualized over the next few years by building on the excellent personal relationship between President Bush and Prime Minister Rajiv Gandhi and the tremendous fund of goodwill that exists among the peoples of our two countries. Jawaharlal Nehru, whose birth centenary falls on Nov. 14, always hoped that India could play a positive and constructive role in the development of a new world order. Perhaps the time has now come when, in a modest way this role could begin to emerge. But for that to happen, America has to become more clearly aware of India's tremendous potential as the most populous democracy on Earth.

MINORITY AND WOMEN BUSINESS PARTICIPATION ACT

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. DE LA GARZA. Mr. Speaker, I rise today to submit for the RECORD an article I recently read in the August 23 business section of the Los Angeles Times. I present this with the hope it will illuminate those concerns of minority- and women-owned businesses with respect to the implementation of the Minority and Women Owned Business Participation Act as well as lead to their eventual resolution.

To Many Holes in Minority Rules, Protestors Contend

(By Nancy Rivera Brooks)

Proposed regulations designed to give minorities and women a larger share of state business are a "veritable chunk of Swiss cheese," said an official of one of several minority and business organizations that are protesting the newly drafted rules.

The regulations are meant to implement AB 1933, the Minority and Women Business Participation Act, which went into effect Jan. 1. But they are so full of holes they "will render the basic law useless" said Ruben Jauregui, treasurer of Associated Professionals & Contractors of California, a consortium of minority and women business groups.

"It not only creates the possibility of abuse, it practically invites it," Jauregui said at a Los Angeles news conference Tuesday that was attended by representatives of several minority and women's business organizations. A separate news conference was held in Sacramento.

$5 BILLION A YEAR

The Minority and Women Business Participation, which went into effect Jan. 1, promises 15% of the dollar value of state contracts to minorities and 5% to businesses owned by women. According to one estimate, the state spends at least $5 billion a year on such contracts.

The representatives of minority and women business groups said Tuesday that they fear misuse of the system by so-called front companies that claim to be owned or operated by minorities or women but really aren't.

The state General Services Department has been drafting regulations for several months to implement the act. Those regulations are scheduled to be delivered to the Office of Administrative Law on Sept. 1, Jauregui said.

The minority and women business groups want Gov. George Deukmejian to order an overhaul of the regulations before they are delivered to the Office of Administrative Law, said Jauregui, director of management consulting for the Santa Ana-based accounting firm of Miranda, Strabala & Associates. After that, changing the rules will become much more difficult even with the mandated public hearings, he said.

"Minority and women-owned firms can provide quality goods and services on a competitive basis if given an opportunity to compete," said Skip Cooper, a director of the Black Business Assn. and a business consultant. "Historically, a lot of those doors have been closed to us."

At least 500,000 companies owned by women and minorities will benefit from the law, said Tony K. Wong, president of KaWES & Associates, an engineering firm. Only about 2% to 3% of state business currently goes to such firms, although some departments, particularly the state's departments of transportation and corrections, do much better, said Wong, a representative of the Asian Business Assn.

Anne Garbeth, a spokeswoman for the General Services Department, said she couldn't comment specifically on the group's objections.

"We've been working really hard to put together a package of regulations that would help us comply" with the law, she said. "They will have an opportunity for input" during public hearings after the regulations are sent to the Office of Administrative Law, she said.

The rules will be sent down, although not necessarily on Sept. 1, she said.

The minority and women business representatives said they are concerned that the regulations do not set up an adequate process to certify whether a company is owned by a woman or a minority, instead relying on self-certification. In addition, they said, prime contractors must make only "token good-faith efforts" to find minority and women subcontractors, and there is no penalty for failing to comply with the law.

The regulations are also vague in defining who is an American Indian or Alaskan Native and they exclude some minorities recognized by other state agencies, they said.

NATURAL GAS LEGISLATION TO STOP UNFAIR REFUND CLAIMS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. BRYANT. Mr. Speaker, I am today introducing legislation to prevent the Federal Energy Regulatory Commission from requiring natural gas producers, royalty owners, and the Texas State Treasury—which collects gas severance taxes—to pay refunds as a result of a recent Federal court of appeals decision in the fifth circuit. Such a refund requirement could easily cost Texans many millions of dollars.

Under the terms of the court decision, a 1986 FERC order—order 451—was vacated because the court ruled that the Commission overstepped its authority by allowing the price of natural gas drilled before January 1, 1973, to rise to market level. It would be blatantly unfair to require Texas gas producers and taxpayers, as well as those in other producing States, to be penalized for doing exactly what the FERC told them they could do—raise the price of "old" gas.

Whether the court of appeals was correct in finding fault with the FERC action remains subject to debate and further appeal. My point in introducing this measure, however, is to make sure that the State of Texas, its taxpayers, royalty owners, and natural gas producers are treated fairly, and not held liable for a regulatory agency's error.

My bill will protect the original sellers of "old" gas affected by the FERC order from claims which are anticipated to follow the court ruling. Without this prohibition, the State of Texas, which earns substantial royalty income from gas produced on State lands, could expect royalty refund claims from producers required to make refunds to the first purchasers of their old gas. It also protects the milions of dollars in natural gas severance tax revenues collected by the State of Texas based on the increased gas prices.

I recognize that the FERC order was an attempt to rectify the "old" gas pricing system, which contributed to market distortion and thwarted attempts to replace depleted gas reserves. This market disorder actually led Congress to enact legislation, which I was proud to support, which decontrolled all natural gas prices.

But, by acting to vacate the FERC order after Congress decontrolled all natural gas, the court has set the stage for massive market disruption. It is ironic that in its decision, the court said that "while we remain poignantly aware that the problems facing the natural gas industry are numerous and complex, we nevertheless emphasize that Congress alone has the power to do—or authorize to do—what the Commission has done" in its orders.

Congress has now decontrolled "old" gas. What I now ask is that Congress direct the FERC to prohibit refunds. Neither the taxpayers in Texas and other producing States, nor our struggling domestic energy industry should be made to suffer for a bureaucratic error.

I invite my colleagues to join me in this effort.

H.R. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414) is amended by adding at the end the following new subsection:

"(d) LIMITATION.—No person shall be required to refund any portion of any amount received in any first sale of natural gas, or be subject to any civil or criminal penalties, if the amount received by such person in any such first sale exceeded the maximum lawful price for such gas solely by reason of the decision of the United States Court of Appeals for the Fifth Circuit in Mobil Oil Exploration and Producing Southeast, Inc. v. Federal Energy Regulatory Commission (C.A.-5 No. 86-4940), vacating Federal Energy Regulatory Commission Order Nos. 451 and 451-A. This subsection shall apply only to first sales made before the date judgment is entered in such case.".

A CONGRESSIONAL TRIBUTE TO DR. KURTIS J. LILE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. EDWARDS of California. Mr. Speaker, I rise today to bring to my colleagues' attention the long and distinguished career of Dr. Kurtis J. Lile, an outstanding educator and administrator in the Fremont Unified School District.

Dr. Lile will be retiring after serving 28 years in the school district. Kurt has been a good friend to me and my office staff for many years, and in that time I have had the opportunity to learn firsthand of his commitment and dedication to the young people of Fremont.

In his 20 years of service a director of Federal and State programs, Dr. Lile has made tremendous efforts to ensure that all students gain access to our educational system. He has obtained numerous Federal grants for programs designed to help disadvantaged and limited English-proficient youth successfully complete their educations. The school district's excellent reputation for its ability to assimulate these students into mainstream programs is due in no small part to him.

One shining example of the many successes for which Dr. Lile can take credit is the school district's program. It was cited as an exemplary program by the State of Calfiornia, and the National Education Association. The program also received the Bilingual Program of Academic Excellence Award from the Department of Education.

Dr. Lile has also demonstrated his commitment through active participation in many State education organizations. Most notably, he served as the president of the California Association of Compensatory Education in 1977 and presently is a board member and treasurer of the California Association of Administrators of State and Federal Education Programs. Both organizations, as well as many others, have given him awards for his outstanding service.

I am sure my colleagues will want to join me today in honoring this unique public servant who has dedicated his life to helping our children. Dr. Lile will no doubt be missed by the school district and the Fremont community. However, the success of the programs he helped create will be a constant reminder of this dedication and commitment.

I wish to extend my best wishes to Kurt upon his retirement. To Kurt I say, good luck in the years to come, and I look forward to hearing about your future endeavors. May they be as spectacular as your past accomplishments.

TRIBUTE TO MR. AL LEVESQUE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a champion of youth, Mr. Al Levesque.

Al has been named Rhode Island Little League Baseball Volunteer of the Year and has been nominated for the national Volunteer of the Year award.

As one of the original founders, Al was instrumental in obtaining the Pineview Little League's charter more than 30 years ago. Being the leagues oldest active member, Al has held a variety of positions within the league including coach and manager. In addition to his recognition on the national level, he was also named Volunteer of the Year by the Pineview League.

On behalf of the people of Rhode Island, I would like to thank Al for his years of service to the young men and women of our State. I commend Al for his enduring faith in the youth of America.

THE UKRAINIAN CATHOLIC STRUGGLE CONTINUES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. BONIOR. Mr. Speaker, I was heartened to read about the courageous protests for religious freedom in Lvov, Ukraine, this past Sunday. Over 150,000 Ukrainian Catholics marched to St. George's Church, a former Catholic cathedral that was forcefully handed over to the Russian Orthodox Church by Joseph Stalin 43 years ago. The vast numbers and enthusiasm of the crowd attest to the perseverance of the Ukrainian Catholics despite four decades of oppression.

The demonstrations coincide with the 50th anniversary of the Soviet Union's annexation of Ukraine after signing the treacherous Molotov-Ribbentrop Pact with Nazi Germany. While Mikhail Gorbachev has made progress with glasnost, we must not forget that the basic right of religious freedom is still being denied to hundreds of thousands of Ukrainians.

At the time of its dissolutions in 1946, the Ukrainian Catholic Church had 8 bishops, 2,638 priests, and more than 4 million members. The sheer numbers at Sunday's demonstrations lay bare the Kremlin lie that there are not very many Ukrainian Catholics left. The Catholic Church has survived over 40 years of underground existence, and remains a vibrant force in the lives of the Ukrainian people. I commend all of these brave demonstrations for continuing to struggle for the freedoms that many of us here take for granted.

NEW JERSEY'S CHINESE-AMERICANS CELEBRATE HERITAGE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a milestone event that will be taking place in New Jersey on September 23, 1989. This year, New Jersey will be honored with the First Chinese Festival at the Garden State Arts Center.

It is with honor and pride that I inform my colleagues that this will be the first statewide Chinese heritage festival to be held in the entire Nation. The heritage festival is an opportunity for Chinese-Americans to showcase their rich cultural traditions and share with New Jerseyans a part of their history and their background. This first heritage festival for Chinese-Americans is a measure of the importance of this community in American society.

The festival is being sponsored by the representatives of various Chinese organizations from New Jersey. Chairing this year's event will be Margaret Ko of Montville, NJ. Some of the highlights of this event include the participation of several prominent Chinese-Americans including ABC anchorwoman Kaity Tong as mistress of ceremonies and Delaware's former Lt. Gov. S.B. Woo to give the main address.

Visitors to the festival will get to sample wonderful Chinese food, and watch demonstrations in maritial arts, and Chinese singing and dancing. They will be able to wander through the festival observing a number of interesting cultural exhibits.

Every year, the Garden State Arts Center hosts a number of festivals that are sponsored by the diverse ethnic communities that are represented in the State of New Jersey. The money that is raised by these festivals goes directly to the cultural fund which, in turn, sponsors free cultural activities at the Garden States Arts Center. Groups that benefit from these activities include senior citizens and school children, the handicapped and the disabled, the veterans, and the disadvantaged. These activities represent a commendable effort to shine a bright light in the lives of these people.

The festival is being put together with the help of many volunteers who give their time and their labor in an effort to share with their fellow New Jerseyans the richness and diversity of the Chinese heritage. I urge my colleagues to join with me in wishing New Jersey's Chinese-Americans success in this effort.

QUEENS HISTORICAL SOCIETY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ACKERMAN. Mr. Speaker, I rise to call attention to this month's bicentennial anniversary—a most important one in the history of the United States. For it was on September 25, 200 years ago, in 1789, that the Congress completed action on the first 10 amendments to the Constitution—our majestic Bill of Rights.

These 10 brief statements of liberty have fortified the very foundations of our Nation. The freedom of speech, the freedom of religion, the right to assemble, the right to a fair trial, the rights of the people, the powers of the States, America's ability to endure and prosper during the past two centuries is due, in large measure, to the Bill of Rights.

On September 25, in New York, a magnificent organization, the Queens Historical Society, is paying tribute to this 200th anniversary. I want to remind my colleagues that the State of New York proudly ratified the Bill of Rights within just a few weeks of its signing by the Congress.

Now, in my city, the dedicated citizens of the Queens Historical Society, under the leadership of State Supreme Court Justice William Friedmann, have helped preserve much of the history of Queens while reawakening pride in the many traditions of the borough.

Several wonderful buildings, including Kingsland House, Latimer House, and Poppenhusen House, have been saved for future generations thanks to the hard work of the Queens Historical Society.

Scholarly work and recreational walking tours aimed at highlighting our history have been organized by the society.

It is fitting then that the historical society now focuses on this anniversary important to our Bill of Rights.

Mr. Speaker, I call upon all my colleagues in the U.S. House of Representatives to join me in paying tribute to our Bill of Rights and in saying thank you to the Queens Historical Society for their efforts to keep America's history alive.

DEVELOPMENTS IN THE NICARAGUAN ELECTORAL PROCESS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. CROCKETT. Mr. Speaker, when it comes to Nicaragua, it seems that all of us in the Congress have opinions, but not all of us have knowledge.

So it is with Nicaragua's next elections, which are scheduled to take place on February 25. Some have already decreed the elections to be unfair 6 months in advance. There is a crying need for objective information.

In order to serve this need, it is my intention, as chairman of the Subcommittee on Western Hemisphere Affairs, to share with my colleagues from time to time information that comes to my attention from credible sources regarding the Nicaraguan election. These sources include the United Nations, the Organization of American States, the Venezuelan Government, the Congressional Research Service, and others.

To begin this series, I wish to place in the RECORD the text of the report of Nicaragua's National Reconciliation Commission, dated July 4, 1989, and an article that appeared in the July 22 Washington Post reporting that the United Nations had agreed to monitor the Nicaraguan election.

The National Reconciliation Commission is headed by Cardinal Obando y Bravo, who is hardly a Sandinista sympathizer. While the Commission's report is not uncritical, I would call the attention of my colleagues to the Commission's statement that the Nicaraguan Government has taken steps to implement the El Salvador agreement requiring a fair electoral process. And the Washington Post report cites diplomatic sources as saying that the willingness of the United Nations Secretary General to have the organization serve as an election monitor marks a vote of confidence in Nicaragua's promise to keep the elections fair and democratic.

In my judgment, the progress that has been made since these documents were published justifies that confidence. I hope that will continue to be the case. I will continue to monitor the electoral process and to share with the House the documentation that will tell us in an objective fashion how the process is going.

The materials referred to follows:

REPORT OF THE NATIONAL COMMISSION OF RECONCILIATION

The National Commission of Reconciliation, having studied the documents presented by the Government of Nicaragua and the delegates of the opposition parties with reference to the implementation of Esquipulas II, Alajuela and Costa del Sol.

DECLARES:

1. That "the documents of Esquipulas II, Alajuela and Costa del Sol constitute a single indivisible whole and their signature carries with it an accepted obligation to implement the agreement in good faith."

2. That it considers that at this time the Government of Nicaragua has taken steps toward the implementation of the Costa del Sol Accords.

3. That these steps should be continued for the remainder of the electoral period culminating in the February 25, 1990 elections, in accordance with the electoral law, in order to assure an adequate framework for participation by all the legally registered parties under equal conditions that permit their free organization and mobilization, development of their political campaigns throughout the national territory, unrestricted freedom of information, and access to the media so they can get their message to the people.

The guarantees of the electoral process should also include adequate organization of the electoral boards, legally correct registration of eligible citizens, and public recount of votes cast.

4. The Commission considers it necessary for international observers to be present throughout the electoral process, invited by the Government as well as by the political parties taking part in the election, with the approbation of the Supreme Electoral Council.

5. That the objective of general amnesty should be accomplished as soon as possible, leading to complete and total liberation of all political prisoners, with full guarantee of their rights as citizens and enjoyment of security and freedom in all respects.

6. That the voluntary demobilization of the forces of the Nicaraguan Resistance remaining in Honduras should be undertaken according to provisions of the text of the same Costa del Sol accords.

7. That a frank and open dialogue between the government and the political parties should be assured in order to strengthen the legitimate channels for contesting political power.

8. That a climate of national reconciliation should be assured, an obligation which the Government and all the political and social forces of the country should share, eliminating any polarization of forces.

9. That the Commission has continued to receive denunciations of violations of the human rights of Nicaraguans, which should be duly investigated, and the Commission demands that these rights be respected without exception.

The National Commission of Reconciliation, in the name of social peace, makes an urgent call for the abandonment of any and all aggressive and offensive language and actions or attitudes that promote division and hate within the Nicaraguan family.

Signed: Cardinal Miguel Obando y Bravo; Dr. Sergio Ramírez M.; Licenciado Mauricio Díaz; Dr. Gustavo Parajón; Monseñor Bosco Vivas; René Núñez; Erick Ramírez, and Dr. Gonzalo Ramírez.

Managua, July 4, 1989

[From the Washington Post, July 22, 1989]

UNITED NATIONS WILL MONITOR 1990 ELECTIONS IN NICARAGUA

(By Ethan Schwartz)

UNITED NATIONS, July 21. The United Nations has agreed to send observers requested by Nicaragua to verify the fairness of an election campaign and a vote scheduled for

> February 1990 in the Central American country, U.N. officials announced today.
>
> The decision—the first time the United Nations has agreed to monitor a sovereign country's elections—followed the completion of a U.N. study and another commissioned by the Organization of American States that concluded the electoral rules put forward by Nicaragua are essentially democratic and within the mainstream of Western norms, officials said.
>
> Diplomats here described the U.N. decision to monitor the vote as a bold move by Secretary General Javier Perez de Cuellar to increase the world body's involvement in the troubled region, despite doubts voiced by several Security Council members and U.N. experts over any U.N. participation in a campaign and elections that are expected to be controversial.
>
> Diplomats also said the move marks a vote of confidence in Nicaragua's promise to keep the elections fair and democratic, although a U.N. official charged with planning the operation today stressed that the secretary general's decisions to participate "does not mean he has passed any judgment" on the election laws as they now stand.
>
> The official, Iqbal Riza, said U.N. monitors will be deployed in Nicaragua in three phases. On Aug. 25, 18 officers will begin evaluating voter-registration efforts, the organization of parties and candidates and the application of electoral rules by the Sandinista government.
>
> Twenty-two more monitors will go to Nicaragua in early December as the election campaign begins. They will be sent in teams of two to regional capitals and towns and will travel in their zones to ensure that campaigning is unharassed. They will also investigate any complaints.
>
> Two weeks before the vote, 120 more monitors, perhaps matched by an equal number from the OAS, will deploy to watch the voting and vote counting and to verify the tally.
>
> Monitors have been assured "complete freedom of travel and access to all parties at all times," Riza said today at a press conference in which he unveiled the monitoring plans.
>
> The U.N. decision to verify the election's fairness follows several months of internal debate in which some Security Council members and U.N. officials sought to persuade Perez de Cuellar that the Nicaraguan elections would be too controversial to risk U.N. involvement, officials said.
>
> According to Riza and other U.N. officials, the U.N. and OAS studies convinced Perez de Cuellar to send in the monitors.
>
> Nicaraguan opposition leaders are demanding several changes in the election rules, including voting by Nicaraguans outside the country, a ban on voting by the army and the repeal of a law requiring half of all campaign money contributed from outside the country to be given to the electoral commission.

PETITIONS FOR A CONSTITUTIONAL AMENDMENT TO BAN PHYSICAL DESECRATION OF THE AMERICAN FLAG

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. BAKER. Mr. Speaker, the burning of the United States flag has initiated a debate of heated emotion and enraged the American public. A Baton Rouge, LA, radio station, Z 98, recently submitted petitions with over 3,500 signatures in support of an amendment to the U.S. Constitution to prohibit the act of desecration of our flag. This petition states:

> We, the undersigned parties disagree with the recent Supreme Court decision allowing the physical desecration of the American flag. We urge our elected officials to bring about a constitutional amendment that will ban physical desecration of the American flag.

Throughout history the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. The American flag has carried the message of freedom to many parts of the world. Today, the U.S. flag continues to serve as a symbol of freedom and liberty throughout the world.

It is clear that we can not require someone to recite the Pledge of Allegiance, or prohibit someone from saying whatever comes to mind about this country or the flag. Anyone with an opinion can get access to public media to express their views. But permitting the desecration of the flag serves no purpose, but simply dishonors the only remaining symbol of our struggle for freedom.

Good men died to preserve our freedom while carrying our flag into battle. In addition, the flag is draped over the casket of those who have fallen in service to this country as a solemn symbol of respect for their commitment to duty.

I would like to thank Kevin Meeks, Michael Adams, J.J. Stone, Scotty Drake, Duffy Spears, Jack Flash, Jo Jo Newsom, Gordon West, and Chris Furlow for their hard work and diligence in gaining support for this petition. I appreciate the contributions they have made in defense of our flag.

I also would like to clearly state, my support for the action which this petition calls for. This is an issue we must address. A constitutional amendment must be adopted. The burning of the United States flag is a physical assault on the emblem which in essence stands for the Constitution itself. I want the individuals who signed Z 98's petition to know that I have joined with many of my colleagues in cosponsoring House Joint Resolution 350 and supporting passage of a constitutional amendment that restores the special place our flag has in the hearts of Americans.

REGARDING THE SITUATION IN LEBANON

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MICHEL. Mr. Speaker, I too join with our colleagues in support of House Resolution 128. The people of Lebanon are suffering and this is one way of showing our solidarity with them.

I have the good fortune of having in my congressional district a community of Americans of Lebanese ancestry. They have told me of the tragic waste of lives and the deteriorating situation which has devastated so many families in that once prosperous country.

The recent news of the tripartite Supreme Arab Committee plan for a settlement of the present savagery—for it is nothing less than that—is encouraging. But we cannot hope for a quick, simple solution. To do so would be to ignore the history of the region in which so often the dawn of peace has been a false dawn.

All we can do is to let all concerned know that our Nation stands ready to support any plan that will bring peace, unity, and independence to the people of Lebanon. The beginning of such a plan is the immediate end to violence.

In the meantime, our Government is helping the suffering Lebanese. It might be useful to discuss the way we are doing this:

Our major aid program is a Public Law 480 food distribution project operated through Save the Children, a private voluntary organization. The project delivers food aid to nearly 800,000 Lebanese.

Careful recordkeeping and onsite checks ensure that our aid reaches those most in need, without regard to geographic location or religious affiliation.

Public Law 480 funding is approximately $18 million—including shipping, $14 million without—for fiscal year 1989.

Following the shelling in and around Beirut this spring, the United States allocated $500,000 for relief efforts, including funding for private voluntary organizations.

These include Save the Children, Catholic Relief Services, and others. The aid will be used primarily to provide medical supplies and other urgent relief needs.

President Bush on July 20 approved an additional $2 million in emergency aid from the Emergency Refugee and Migration Assistance [ERMA] account in response to an emergency appeal by the International Committee of the Red Cross.

We are a major supporter of the American University of Beirut, which includes the AUB Hospital. We will provide about $6 million in fiscal year 1989—$3.5 million in ASHA, $2.5 million in development assistance.

We are doing what we can and I hope we can do even more. In the meantime, the people of Lebanon should know of our concern. This resolution is one way of expressing that concern and that is why I support it.

INTRODUCTION OF THE FOOD SAFETY ASSURANCE ACT OF 1989

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MADIGAN. Mr. Speaker, I am pleased to join my friend from Texas [Mr. STENHOLM], and so many of my colleagues in cosponsoring the Food Safety Assurance Act of 1989. This legislation represents a timely and comprehensive modernization of our food safety regulatory structure that will guarantee a continued safe and economical food supply to the American consumer.

We in this country are fortunate to have the highest quality and safest food supply in the world. At the same time American farmers have produced that food in such abundance that we can supply not only our own consumers, but millions of the hungry around the world. Agricultural exports provide billions of dollars in trade surpluses every year, and the food industry is the largest enterprise in this country, employing literally millions of Americans.

The foundation of all these benefits to our society is the vast productivity of American agriculture. At the heart of that productivity are modern, scientific farming techniques and processes developed over the past 50 years. Pesticides and herbicides that control plant-borne toxins and dramatically increase yields are an integral part of these modern farming techniques. Without them, the production miracles of recent decades would be greatly diminished or, in some cases, lost altogether.

Because pesticides are designed to eradicate insects, fungi and vermin, the possibility exists that they could be a threat to humans. To ensure that the public is protected the Environmental Protection Agency has been assigned the responsibility of regulating pesticides. Congress has continued its oversight and as recently as 1988 amended the law to provide for a reexamination of all existing pesticide registrations.

Recently questions have arisen in two areas that require further legislative action: the Delaney clause in the Federal Food, Drug and Cosmetic Act [FFDCA] and the method of removing pesticides deemed to be hazardous from the market under the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA].

Under the Delaney clause, adopted in the mid-1950's, even minute traces of pesticides that cause cancer in animals are prohibited in processed foods. With the testing methods available at that time, this was perhaps not an unreasonable standard, but it is wholly inadequate today when science is able to detect a few parts per trillion and soon may be able to identify chemicals at parts per quadrillion. In a 1987 report the National Academy of Sciences joined a growing chorus of experts in calling for a reevaluation and modernization of Delaney away from the "zero tolerance" toward a "negligible risk" standard that more accurately reflected the risk to public health.

The legislation being introduced today follows that recommendation creating a negligible or de minimis risk criteria that would permit detectable but meaningless residues in food. The bill would also continue and improve the current practice of permitting risks that are small, but nonetheless are greater than negligible, when the health and societal benefits outweigh the risks. Even under these circumstances, the basic guiding standard remains protection of public health. This legislation would also leave "negligible risk" to be defined by the regulator, leaving the law flexible enough to respond to the constantly evolving standards of science and methods for characterizing risks, thus avoiding a repetition of the problem with Delaney.

The second issue addressed by the Food Safety Assurance Act of 1989 is streamlining the process of removing pesticides deemed hazardous from the market. The present process is a rather clumsy two-stage affair, combining both a lengthy regulatory review and a complete formal judicial hearing. At present removing a pesticide posing unreasonable risks can take 5 to 6 years, though if the pesticide poses an imminent hazard its use can be immediately suspended.

The Food Safety Assurance Act would replace this lengthy proceeding with a single process based on informal rulemaking that would dramatically cut the time needed for removal. At the same time the bill provides sufficient safeguards and protections for the rights of pesticide users and manufacturers to prevent arbitrary government overregulation. Further, some of the procedural roadblocks to using the emergency suspension authority in the case of an imminent hazard are removed.

In addition to these two provisions, the Food Safety Assurance Act would:

Provide for additional resources for a major increase in the Food and Drug Administration's program of monitoring for violations of the food safety regulations;

Provide for additional resources to gather information on the use of pesticides to facilitate sound regulation;

Direct the Department of Agriculture to research and disseminate information to farmers on integrated pest management and other techniques that can minimize chemical pesticide reliance.

Overall, the legislation my colleagues and I are introducing today is a comprehensive and thorough modernization of the pesticide regulatory structure. It will harmonize the two regulatory statutes, focus regulation on sound scientific information and make available the additional resources necessary to assure the public that their food supply is safe. We have a good system of food safety regulation; this bill will streamline and modernize that system to keep it the best in the world.

A TRIBUTE TO SAGINAW'S SISTER CITY, TOKUSHIMA CITY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. TRAXLER. Mr. Speaker, I rise today to commemorate the 100th anniversary of Saginaw, MI's sister city, Tokushima, Japan. Although the place where Tokushima now stands was founded in 1585, it was not until 1889 that present day Tokushima was recognized as a city and has since become the capital of Tokushima Prefecture. In 1961, Saginaw and Tokushima City became sister cities and have since enjoyed a 28-year tradition of friendship and goodwill.

Tokushima's commitment to its international relations is portrayed by the success of the Tokushima International Association's fund raiser of a few years ago when over 1 billion yen was raised. In the words of the former mayor of Tokushima, Junzo Yamamoto, "Society's goal is to further friendly relations and mutual understanding among the world's nations on a personal level."

Among the many benefits of the sister city relationship are the exchange programs. Local television stations have exchanged ideas and personnel, as have both chambers of commerce. Highlighting the mutually beneficial relationship between the two cities is the student exchange program established between Saginaw Valley State University and Tokushima's Shikoku Women's University. Over the years, hundreds of students and professors have taken part in this overwhelmingly successful program.

In 1970, with the assistance of our friends in Tokushima, the Japanese Garden was officially dedicated in Saginaw. The adjacent land was deeded to Tokushima 8 years later. In 1986, the Japanese Cultural Center and Tea House were built in Saginaw, as Tokushima contributed over $250,000 for the construction of the authentic structure.

On October 1, 1989, the official date of Tokushima's centennial, a group of residents will help celebrate the 100th anniversary by officially dedicating Bizan Park's Gazebo in Tokushima. The gazebo is yet another token of the true friendship shared between Tokushima City and Saginaw.

Today I ask my colleagues to join me in celebrating the 100th anniversary of Tokushima City and in wishing a long and prosperous relationship with Saginaw, MI.

RALPH E. SMITH, VENTURA, CA, 1989 FINALIST FOR NATIONAL J.C. PENNEY GOLDEN RULE AWARD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. LAGOMARSINO. Mr. Speaker, it is my privilege today to bring to the attention of my colleagues a special honor which has been bestowed on a distinguished constituent of mine, Ralph "Smitty" Smith. On September 14, Smitty was recognized as one of five finalists in the J.C. Penney National Golden Rule Award program.

Smitty is one of those one-of-a-kind Americans we sometimes read about who survive personal tragedy and hardship only to turn around and devote their lives to lightening others' burdens.

His life-changing encounter with tragedy occurred in the early 1970's when he was blinded as a result of an accident at the high school where he taught. He was unable to teach after that but, in the years since, has turned a devastating experience into an asset. Today he works full time at the Disabled Student Center of Ventura College which serves over 600 disabled students. He tutors, assists in learning skills and special education classes, and raises funds for computer and other services for disabled college students.

He also raises funds for Guide Dogs for the Blind and, on a lighter note, is known for entertaining senior citizens with his humorous piano routines. He is a first-class licensed ham radio operator and active in the Amateur Radio Emergency Service.

As if the above were not enough to keep most people more than busy, he has also served as president of the Ventura County Braille Transcribers Association, lecturer for the braille satellite program in the county, and president of the East End Kiwanis Club. He has participated as well in the Los Angeles World Affairs Council, the Handicapables, and the Retired Business and Professional Men's Club and is the distinguished recipient of a Ventura County Handicapped Citizen of the Year award.

Smitty is a truly remarkable individual—a hero from among the ranks of everyday Americans. I am proud to join J.C. Penney in paying special tribute to this man of courage and determination.

To Smitty, we say "congratulations" for an achievement well deserved. We of California's 19th Congressional District, are mighty proud to call you our own.

IN MEMORY OF ROBERT L. SUGGS

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. HAYES of Louisiana. Mr. Speaker, I wish to commemorate the life of Robert L. Suggs, a true helicopter aviation entrepreneur, who passed away on September 4, 1989, at the age of 77.

Bob was chairman of the board of Petroleum Helicopters, Inc. [PHI], the world's largest private helicopter service with headquarters in the Seventh Congressional District in Louisiana.

Bob Suggs was born October 11, 1911, in Toronto, Ontario, Canada, and raised in San Antonio, TX. He received a bachelor's degree in electrical engineering from the California Institute of Technology in 1933. He served with the U.S. Army Air Corps during World War II in the Eastern Air Command under General Stratamayer. At the time of his discharge, he had attained the rank of colonel. His last active duty post was as Assistant Chief of Staff, A-2, with the Eastern Air Command.

Bob was one of the organizers and chairman of the board of Offshore Navigation, Inc. [ONI], founded in 1946. Under his leadership, ONI furnished radio-positioning services primarily to the petroleum industry and currently employs 108 persons.

In 1949 Bob founded PHI, which has grown from a relatively small operation of 3 helicopters and 7 employees to a worldwide company that today employs more than 2,300 persons and operates more than 300 helicopters. PHI's helicopters are involved in many diverse operations: Air taxi/charter, construction, emergency medical service/air ambulance, exploration, external cargo, government contracting, offshore, patrol—power, pipeline, buried cable—and photography. To date, PHI has logged more than 6.5 million flight hours and is known throughout the world as the largest, most experienced of all commercial helicopter operators.

Bob received many awards during his career, including the Kossler Award, presented by the American Helicopter Society in 1957; the second annual Lawrence D. Bell Memorial Award of the Helicopter Association of America, now the Helicopter Association International, at their 1971 annual convention; and the prestigious Medaille De L'Aeronautic in 1981, awarded personally by the French President at the Paris Air Show.

Bob offered leadership and commitment in furthering the development of the helicopter. He served as secretary and director-at-large of the American Helicopter Association of America.

Bob Suggs will be missed. His foresight in recognizing the many uses of rotary-winged aircraft stands as a testament to his brilliance as an engineer, a businessman, and an American. Mr. Speaker, I respectfully ask that my colleagues join with me in extending sincere condolences to his family and friends for the loss of such a dedicated citizen.

FIRE CHIEF JOHN C. SHEREN, BAYONNE FIRE DEPARTMENT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. GUARINI. Mr. Speaker, Fire Chief John C. Sheren will be honored at a testimonial dinner to be held on September 24, 1989, at the MacKenzie Post, Avenue E, in Bayonne, NJ.

John C. Sheren has been on the Bayonne Fire Department for 30 years. He was appointed fire chief of the Bayonne Fire Department on March 1, 1988.

Chief John C. Sheren, a true native of the city of Bayonne, is a quiet, unassuming man. Through the years he has consistently asserted his leadership abilities, which has enhanced the prestige of his office and brought credit to Bayonne Fire Department. Through his knowledge and dedication he has acquired a marked degree of confidence, respect, and affection of the citizens of Bayonne.

Chief John C. Sheren attended St. Andrews Grammar School, continuing on to Henry Harris Jr. High School and after, becoming a graduate of Bayonne High School.

In 1951, Chief John C. Sheren entered the military service and was promoted to staff sergeant, Third Infantry Division. He was wounded in Korea, received the Purple Heart and was honorably discharged from the Army in 1953.

Upon his return to civilian life, he was employed at the Bayonne Naval Depot, which is presently the Military Ocean Terminal. He also was appointed to the Bayonne Fire Department.

Chief John C. Sheren was promoted to fire captain in 1964, and assigned to engine company No. 3. In 1970 he was promoted to deputy chief in charge of group No. 1 with responsibilities for management and firefighting.

Chief John C. Sheren is married to the former Margaret Bolger. He is a caring husband and father. He and his wife have two daughters, Linda and Diane. Linda is married to Paul Zubrycky, Jr., and lives in Georgia. Diane is a registered dental hygienist residing in Bayonne.

Throughout the years, Chief John C. Sheren has vigorously pursued advanced training.

He attended the U.S. Army Field Wire School at Fort Dix, NJ, and earned certification in electric wire communications.

He earned a Department of the Army certificate of training in explosive ordnance reconnaissance.

He graduated from the hazardous materials response for first responders course sponsored by the U.S. Environmental Protection Agency.

He completed the New Jersey Department of Health Emergency Medical Technician Training Program.

He earned the National Fire Academy Certificate of Achievement for incident command.

He passed the State of New Jersey Department of Law and Public Safety Division of State Police basic radiological monitoring course.

He received a certification from the Hudson County Prosecutor's Office for arson detection and investigation.

He was awarded a certificate by the National Fire Academy for hazardous materials incident analysis.

Chief John C. Sheren gives unselfishly of his time and energies for public good. He serves on a number of charitable, civic, and religious organizations, including:

The Disabled American Veterans, Chapter 5; the Firemen's Mutual Benevolent Association Local 11, where he served as secretary of the negotiations committee and bylaws committee;

The New Jersey State Fire Chief's Association; the Bayonne Fire Superior Officer's Association; the International Association of Fire Chiefs; and St. Henry's Church.

Through Chief John C. Sheren's efforts, the Bayonne Fire Department has become a department working with purpose to achieve progress for all the citizens of Bayonne.

I know my colleagues here in the House of Representatives join me in honoring Bayonne's Fire Chief John C. Sheren, and wish him luck as he continues to work for the public good.

THE 55TH ANNIVERSARY OF THE MARIN CONSERVATION LEAGUE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mrs. BOXER. Mr. Speaker, I rise today to pay tribute to the success and longevity of an organization that has played an instrumental role in preserving and protecting the quality of life in Marin County, CA, since 1934—the Marin Conservation League.

Back in 1934, four farsighted members of the Marin Art and Garden Club—Caroline Livermore, Sepha Evers, Helen van Pelt, and Patricia Forbes—banded together to look ahead to the day when San Francisco would begin its sprawl across the bay into the rural beauty of Marin: a land of rich, green rolling hills, quiet country streams, abundant forests, and unparalleled beaches. From their first project surveying the county in order to plan for its recreational needs, to their pioneering work to rid Marin of unsightly billboards, these women's pioneering vision charted the course for the league's 55-year commitment to promoting community awareness and gentle environmental advocacy.

In its early years, the league helped secure for public use many places of importance to Marin County such as Mount Tamalpais, Samuel Taylor Park, Stinson Beach, the Northridge, and Angel Island. The league was also a leader in the effort to create the Marin County Open Space District.

Over the years, the league's role has evolved into one of comprehensive environmental advocacy. Today, with the benefit of an extraordinarily active membership and leadership, its focus includes not only public land use, but air and water quality, solid and hazardous waste management, agriculture, coastal protection, and environmental education.

It is said that one of the league's founders, Caroline Livermore, wore a wrist watch so big that people across the room could tell time by it. To me, the story of Caroline Livermore's watch is symbolic of the Marin Conservation League's 55-year role: because of their quiet, constant work, and their large presence in the community, Marin County has learned to look to the league to understand the changing needs of our times—so that we may meet the challenges of those times.

Last Saturday evening, friends and members of the Marin Conservation League gathered to celebrate their anniversary. To my friends at the league I offer my congratulations and heartfelt thanks for 55 years of service and achievement in our community. May Marin enjoy another 55 years of your noble commitment.

DR. JOHN S. TOLL, A LEGACY OF LEADERSHIP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. HOYER. Mr. Speaker, I rise today to commend the legacy of leadership in public higher education inspired by Dr. John S. Toll, former chancellor of the University of Maryland system.

A man of great vision and energy, Dr. Toll began his academic career as a theoretical physicist and, at age 29, became one of the youngest department chairs in the history of the University of Maryland. In little more than 12 years, he built the 6-member department of physics and astronomy there into a 70-member department of international reputation.

In 1965, the Governor of New York and the leadership of that State's university system recruited Dr. Toll to become president of their Stony Brook campus. Over the next 13 years, he took the campus from a fledgling institution of 1,700 students to become the pride of the SUNY system with 17,000 students.

In 1978, John Toll returned to Maryland to head the then-five campus University of Maryland system. At that time, Dr. Toll pledged to build on an already distinguished tradition and to elevate the institutional system to one of the Nation's top 10 public universities.

When he retired in June of this year as chancellor to resume teaching and research in his beloved physics, Dr. Toll had made good on that pledge. With boundless enthusiasm and personal integrity, he provided the leadership necessary for the University of Maryland system to:

Progress dramatically through a series of innovative and well-planned management initiatives;

Recruit and retain distinguished faculty and administrators;

Attract the brightest students, while serving a broad spectrum of educational needs;

Strengthen curricula throughout the institution;

Develop and maintain vital partnerships with business and industry;

Take full advantage of its proximity to the Federal Government;

Increase dramatically grants and contracts to support academic research;

Make the case for additional philanthropic support;

Bring academic programs to students where and when they need them;

Broaden its commitment to public service; and

Extend its role as an international resource.

Today, as a result of John Toll's personal vision and dedication to public higher education in Maryland, the University of Maryland system is newly organized and comprises 11 campuses and 4 major research and service components to better serve the needs of the State's citizens. His leadership has inspired unprecedented increases in State support of the university system and new levels of interinstitutional cooperation.

But John Toll's leadership extends beyond the borders of Maryland to national and international groups that support higher education. He has served on the boards of directors of the American Council on Education and the Aspen Institute, and he is a former national chair of the Federation of American Scientists as well as chairman of scientific advisory panels for the National Science Foundation, the National Aeronautics and Space Administration, the Congressional Office of Technology Assessment, and Princeton University's Plasma Physics Laboratory. Because of his longstanding professional relationship with Wan Li, former Vice Premier of China, Dr. Toll was instrumental in bringing to this country the first official delegation from the People's Republic after we normalized relations in the 1970's.

John Toll has been cited by academic historians as one of four "pathbreaking leaders" in the history of higher education in this Nation. Indeed, he has represented the national interests of higher education in hearings before this body and in meetings with President George Bush before he assumed the Presidency.

I ask you, Mr. Speaker, and my colleagues to join me today in commending Dr. John S. Toll for his brilliant career in public higher education and for his many contributions to an American institution that, more than any other, holds the key to success for our generation and generations to come.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, on Thursday, September 7, I missed a vote on H.R. 1594 which would extend nondiscriminatory treatment to the products of Hungary. I had an appointment with President Bush at the White House to discuss his antidrug program. Had I been present, I would have voted "nay."

CONGRATULATIONS TO THOMAS SITTER OF MILWAUKEE, WI, 1989 FINALIST OF NATIONAL J.C. PENNY GOLDEN RULE AWARD

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. MOODY. Mr. Speaker, for 20 years, in the city of Milwaukee, a deeply modest but great hearted man has given his financial resources, his time, and, most importantly, himself to the poorest and neediest of his community. That man is Thomas Sitter and it gives me great pleasure to announce that he was honored September 14 as one of a handful of finalists in the 1989 J.C. Penny National Golden Rule Award program.

Thomas is a volunteer at Casa Maria, a Catholic worker shelter which provides assistance to the homeless of the city and makes available food, clothing, and other provisions for the poor.

He lives at Casa Maria along with the homeless guests and donates his retirement income to the home. He helps with the food bank, meal preparation, picking up furniture and other donations to the shelter, and gives visiting mothers a much needed break by taking their children on outings. In addition, he had donated some of his time to a facility for battered women.

In a touching tribute, one of Thomas' colleagues said of him, "He does all of this without fanfare never wanting as much as a thank you for all he has done."

Mr. Speaker, Thomas Sitter deserves a heartfelt thank you, not only for the citizens of Milwaukee but from the rest of us. He is an inspiring example of the best in American character and volunteer service to others, and for that we are in his debt. I am proud to join with J.C. Penny in paying special tribute to Milwaukee's own, Thomas Sitter.

FLORENCE RABATIN: SELECTED TO BE GRAND MARSHAL FOR THE SS CYRIL AND METHODIOUS CONTINGENT IN THE 1989 PULASKI DAY PARADE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a friend, Florence Rabatin, who was selected to be Grand Marshal for the SS Cyril and Methodious contingent in the 1989 Pulaski Day Parade.

Florence Rabatin is a woman who has always devoted herself to others and is deserving of this honor. Her tireless efforts on behalf of the Brooklyn Greenpoint Community have made her an admired and respected leader over the last three decades.

As an active and distinguished member of such groups as the John Smolenski Memorial Democratic Club Ladies Auxiliary for 34 years with 8 years as president; the Consolidated Democratic Club for 17 years; the Rosary Society of St. Alphonsus/St. Anthony for 44 years; and as a volunteer for the Polish Slavic Center over the last 3 years, she has made a difference in the lives of hundreds—no, thousands—of Brooklyn citizens.

Florence has also served as a member of both the St. Cyril and Methodious Senior Citizens Club and the Green Oaks Citizens Club for the last 15 years, providing comfort and care to those who desperately need it.

Florence Rabatin is an individual who has distinguished herself to the point where she has become a Brooklyn Greenpoint institution. People trust Florence because they know that she cares about their welfare.

It is the Florence Rabatins that make our country great. We could use more of her kind.

So, I am pleased to salute Florence Rabatin for her selection as the Grand Marshal for the SS Cyril and Methodious contingent in the 1989 Pulaski Day Parade. I also consider myself lucky to call her a friend and look forward to working with her to improve Brooklyn for many more years.

CONGRESSMAN DALE E. KILDEE CELEBRATES THE RENOVATION OF THE FINE RELIGIOUS INSTITUTION, MT. OLIVE BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives and the people of our great Nation an event that will be held on September 24, 1989, in my hometown of Flint, MI. On this date the members of Flint's oldest black Baptist Church, Mt. Olive Baptist Church, will celebrate the successful renovation of their sanctuary. This event will pay deserved tribute to Mt. Olive Baptist Church, which throughout its existence has addressed the needs not only of its congregation, but also of the surrounding community. The humble generosity with which the church has served the community merits great acclamation.

Historic Mt. Olive Baptist Church can trace its beginnings in Flint to the determined efforts of a handful of strong and resolute Christians beginning in the early 1900's. In 1907, under the leadership of Reverend Gillard, a Sunday school program was developed and church organization procedures soon followed. During the formative years, meetings were held quite often in the homes of the devout Baptists. Within a few years, a church was purchased and the congregation began to grow. Since that time, through good times and bad, Mt. Olive Baptist Church has been an unwavering source of spiritual strength and enrichment for its members and has reached out to extend its love and service to the entire community.

Through the years, the Mt. Olive congregation has increased from 9 original members to over 1,000 to date. Rev. Roy Greer, pastor of Mt. Olive for 17 years, has guided the church through numerous projects since his arrival. He has watched the church grow spiritually and numerically. To commemorate the church's latest accomplishment, an extensive renovation project, a special cornerstone will be placed in the front east wall of the church building. This cornerstone will symbolize the good will and Christian fellowship of the members of Mt. Olive Baptist Church.

Mr. Speaker, the Mt. Olive Baptist Church and its members continue to be a pillar of our society. Under the spiritual leadership of Reverend Greer, Mt. Olive fosters Christian values within the Flint community. It is a great honor to ask my colleagues in the House of Representatives to join me in paying tribute to the congregation of this fine religious institution on the occasion of the completed renovation of their church.

HERBERT J. CHAMBERLAIN, ROCHESTER, NY, 1989 J.C. PENNEY NATIONAL GOLDEN RULE AWARD FINALIST

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. HORTON. Mr. Speaker, as a Member of this body which must concentrate the lion's share of its attention on pressing national problems, it is refreshing to learn of dedicated, resourceful Americans who don't wait for Government to do it all but take on special challenges themselves.

I take special pride in sharing with my colleagues the heart-warming story of one such American, a constituent of mine, Herbert J. Chamberlain, whose generous spirit and inventive mind have changed the lives of disabled Americans for over 20 years.

His talent? Designing one-of-a-kind devices for handicapped individuals of a sort which would not even occur to most of us. For example, buttering a slice of bread with one hand can seem nearly impossible if you have but one hand with which to work. But it is not too impossible for Herb. He put his inventive thinking to work and developed a special "butterboard" which can keep a slice of bread from slipping.

Herb has also developed a custom waterbed to help prevent bedsores, foot cradles, special elevators, tongs for hard-to-reach items, customized features for wheelchairs, ramps, a "foam bath," and many other special devices. It may mean a special home or hospital visit to get special measurements for a new device but Herb has become legendary for his overnight inventions and high-quality production.

Since he bills clients only for the materials involved in producing his customized devices, he has been an enormous asset to the many nonprofit institutions in Rochester with which he works closely, such as the Visiting Nurses Association, Strong Memorial, Rochester General, St. Johns Home, the American Heart Association, and others. His clients are able to obtain special equipment which would otherwise be commercially prohibitive. For example, his workshop developed a $300 tub which would have cost a client $1,800 elsewhere.

Herb retired in 1982 as chairman of Rochester Germicide, now Rochester Midland Corp., allowing him to devote full time to what had previously been a home hobby. He set up the Volunteer Workshop for Adaptive Equipment at the Monroe Developmental Center in Rochester and today works with a number of other volunteers who, like himself, are retired executives and professionals.

While clearly there are appropriate roles for Government in ensuring the rights and providing for certain needs of disabled individuals, Herb's life is an inspiring example of the kind of volunteerism which goes far beyond the reach of Government in enriching the lives of our fellow disabled Americans.

On September 14, Herb was honored as a finalist in the J.C. Penney National Golden Rule Award Program. I can think of no more deserving individual than Herb to be so honored and am pleased to join with J.C. Penney in paying special recognition to him. Herb, the citizens of Rochester and this great Nation say "thank you." You have shown us that the best we can offer our country and our fellowman is ourselves.

CONGRESSIONAL SALUTE TO AUTOMATIC DATA PROCESSING, INC., OF ROSELAND, NJ, ON ITS 40TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a company based in my home State of New Jersey which is truly the epitome of what the American dream is all about, and which stands as a model of American competitiveness and ingenuity.

I am speaking of Automatic Data Processing, Inc., of Roseland, NJ, which is one of the largest and foremost firms of its kind in the world, and one of New Jersey's most successful homegrown companies employing 4,000 people in the Garden State.

This year ADP is observing its 40th anniversary, an event which is being celebrated with a gathering at its headquarters in Roseland, NJ. I know this historic event will be an especially proud occasion for ADP's visionary founders, brothers Henry and Joe Taub and the distinguished junior Senator from New Jersey, Senator FRANK LAUTENBERG, whose foresight and dedication have made ADP what it is today.

Mr. Speaker, ADP was established in 1949 by Henry Taub, a 21-year-old accountant who founded the company with just a few thousand dollars and set up shop in the basement of a building on Church Street in Paterson, NJ. At that time the company was called API, Automatic Payrolls, Inc., and it prepared payrolls for local businesses using mechanical bookkeeping machines and calculators.

API modernized its operation 8 years later with the introduction of keypunch equipment, and went one step further in 1961 by converting to computerized payroll processing. That same year API officially changed its name to ADP, Automatic Data Processing, Inc., and the company became publicly owned. In 1967 ADP became a listed company and began trading on the American Stock Exchange. It has been traded on the New York Stock Exchange since 1970.

Today, ADP is the largest independent company in the United States dedicated exclusively to providing computerized transaction processing, recordkeeping, and information services. The company provides payroll services for 200,000 employers, paying more than 10 million people worldwide every day with payrolls being prepared in 40 computer centers around the country, including Clifton, NJ, in my Eighth Congressional District, and Princeton, N.J.

Mr. Speaker, from this outstanding company's inauspicious beginnings, ADP's shares are today worth more than $3 billion on the New York Stock Exchange, making it 1 of the top 200 companies in the United States in marketplace value. And, in addition to the 4,000 people it employs in New Jersey, ADP employs another 16,000 people around the world and generates total annual revenue in excess of $1.5 billion.

Along with its financial success, ADP has been an outstanding corporate citizen, giving strong support to a myriad of activities, programs, and institutions in the State of New Jersey. It has been an active participant in the New Jersey Partnership, an organization which sponsors numerous State programs, and has supported the Sci-Tech Center at Liberty State Park; Rutgers University and many other institutions of higher learning; the New Jersey Symphony Orchestra; the I Have a Dream Adopt-A-Class Program in Paterson; the New Jersey Blood Bank; the New Jersey United Way; University of Medicine and Dentistry of New Jersey, as well as many other hospitals.

These strong community involvements can be traced directly to this company's great leadership; Henry Taub, the firm's first chief executive officer; his brother Joe; Senator LAUTENBERG, the CEO until he was elected to the U.S. Senate in 1982, and a man with whom I am indeed proud to serve in the U.S. Congress, and the current CEO, Josh Weston.

Mr. Speaker, I appreciate the opportunity to present a brief profile of an outstanding company that stands as a model of the entrepreneurial spirit and what great wonders can be accomplished through the dedicated pursuit of a dream, and which has made its community, State, and Nation a better place to live—Automatic Data Processing, Inc., of Roseland, NJ, and its visionary founders, Henry and Joe Taub and Senator FRANK LAUTENBERG.

THE SESQUICENTENNIAL OF MILTON, WI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ASPIN. Mr. Speaker, this year marks the sesquicentennial of Milton, WI. Today, I rise to pay tribute to this remarkable community.

Milton, originally named Prairie du Lac, was incorporated in 1839 when the Federal Government first designated a post office for Milton. Joseph Goodrich, Milton's first postmaster, had a great impact on this town. In 1844, he built the Milton House, which served as an inn for stagecoach travelers and pioneers in the early days of America's expansion westward. In the days before the Civil War, the Milton Inn and the Goodrich Log Cabin were part of the historic underground railroad, a hiding place for runaway slaves. This event marked Milton's place in American history and demonstrated its commitment to a just society.

Mr. Goodrich also built the Milton Academy in 1844. This academy was later chartered as Milton College and operated for more than 100 years. Throughout the years, Milton College graduated students of history, economics, communications and business who went on to become leaders throughout Wisconsin and the Nation.

Today Milton has a superior quality of life. The community has rich farmland, a strong educational system, and the benefits of living in a small town that is only a short distance from urban areas.

On September 23 and 24, Milton will celebrate its 150th birthday. I am honored to serve the citizens of Milton and to be able to pay tribute to them and their long and proud history.

A CONGRESSIONAL SALUTE TO ISABEL PATTERSON, RECIPIENT OF THE 1989 HUMANITARIAN AWARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. ANDERSON. Mr. Speaker, it gives me great pleasure today to rise and pay tribute to Isabel Patterson, a constituent and friend of mine, who on October 7, 1989, will receive the 1989 Humanitarian Award from the Long Beach Chapter of the National Foundation for Ileitis and Colitis. I call to my colleagues' attention the outstanding record of generosity and caring she has established in southern California.

Isabel is a longtime resident of Long Beach. As a matter of fact, she was but the 16th student to enroll at the then fledgling California State University-Long Beach. Her association with the university has, however, persisted long after she earned her B.A. in 1952.

As a newly credentialed teacher, Isabel became an educator in the Long Beach Unified School District. A few years thereafter, she switched careers and entered real estate, and truly found her niche. Her connection to education, however, was not severed.

Over the years, Isabel has donated millions of dollars to the California State University-Long Beach, for the education of countless children. Her generosity has resulted in the building of the Isabel Patterson Child Development Center on the campus of the university. Long Beach City College has also benefited from her giving spirit.

But colleges alone are not the only beneficiaries of Isabel Patterson's philanthropy. The Greatest Long Beach YMCA, as well as many other organizations have received Isabel's time, energy, and attention. Isabel's top priority is to help children get an education, and she has pursued that goal admirably. In every way, she is doing all that she can to make Long Beach and the surrounding area a better place to live.

Mr. Speaker, my wife Lee joins me in extending our most sincere thanks and congratulations to Isabel Patterson, for her years of generosity and commitment to the people of Long Beach and southern California. We wish Isabel all the best in the years to come.

TOBACCO INDUSTRY ADVERTISING CODE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. HANSEN. Mr. Speaker, today I joined with my colleague, PETE STARK, and others in introducing legislation which, if enacted into law, will mandate an advertising code drafted by and for the Tobacco Institute in 1964.

The institute drafted this code in an effort to police itself from targeting its promotions toward our youth. In the years that have followed, efforts to enforce the code, if indeed there have been any, have failed miserably. Cigarette advertising continues to target a youthful market, as evidenced by the fact that as many as 90 percent of all new smokers begin smoking in elementary school, well before they are old enough to ever legally purchase cigarettes. According to the American Cancer Society, of those who start, an estimated 60 percent are addicted by the time they finish ninth grade.

The tobacco industry has long maintained that it is the right of an adult to make an informed decision on whether or not they choose to smoke. I don't feel that right applies to children, and neither does the Tobacco Institute, or they wouldn't have drafted the Cigarette Advertising and Sampling Code in 1964. But the Institute needs our help. Clearly, the tobacco industry has failed to live up to the standards it has set for itself. Cigarette advertising is frequently found in magazines such as Rolling Stone, which has a youthful readership. Cigarette companies frequently sponsor concerts and other activities which are predominantly attended by youth. Cigarette sponsorship of sporting events, including such notables as The Virginia Slim tennis tournaments or the Marlboro Cup give the appearance to a young and naive audience that smoking is somehow athletic and healthy, although nothing could be further from the truth.

This legislation will make the industry as a whole live up to the standards that they—not Congress—have set for themselves. I urge all my colleagues on both sides of the floor to join in sponsoring this bill to help the Tobacco Institute enforce the code the industry has chosen to ignore.

TRIBUTE TO RON GARDINER FOR HIS CONTRIBUTIONS TO PRESERVING NATURAL HABITATS AND WILDLIFE ALONG THE UPPER RIO GRANDE GORGE IN NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to recognize and thank Mr. Ron Gardiner for having volunteered approximately 3,000 hours over the last 3 years to the Bureau of Land Management's Taos Resource Area to assist in the preservation of wildlife and land in New Mexico and Colorado. Between the months of April and June, Ron floats down 36 miles of river to observe the nesting activities of eagles, prairie falcons and red-tailed hawks. As he examines animal life and reports his findings to Government officials, students and professional organizations, Ron tries to impart respect and concern for the natural habitat.

One of Ron's principal concerns is the steady increase of sightseers who inadvertently disturb nesting patterns, resulting in a conspicuous decline in the number of eagles along the river corridor. When his volunteer work began, Ron noted 25 bald and golden eagles along the river; recently, he observed only 1 female eagle.

Poaching has also become an obstacle to the preservation of land and its inhabitants. Although it is a criminal offense to scout for illegal game, Ron considers poaching to account for much of the decline of wildlife.

By monitoring wildlife, and producing a habitat and mapping inventory for birds of prey, Ron has resolved there is a need for the creation of a natural conservation area or a special bird of prey area along the Rio Grande Gorge in New Mexico and Colorado.

Ron is also well regarded for his exceptional photographic documentation of the Ute Mountain Run of the Rio Grande. I compliment and appreciate his magnificent talent to capture nature for our enjoyment and for the education of generations to come.

I thank Ron for his concern for the land in New Mexico and Colorado, for attempting to preserve the wildlife inhabiting the land, and for helping Americans appreciate and care for our land.

TRIBUTE TO CATHY KOLESAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to extend some words of praise and offer the highest accolades for a remarkable young lady who is devoting her efforts as a professional registered nurse, toward cancer research. Cathy Kolesar was born and educated in Austintown, OH, in my district where she achieved very high academic honors at Fitch High School along with being a star athlete on Coach Ed Wilson's girls' track team. Upon graduation, she enlisted in the U.S. Navy where she compiled an enviable record as a medical attendant and technician. After 4 years of serving her country, she embarked on a career of training to become a nurse in California, which she accomplished all on her own.

It wasn't too long before she realized she was meant to be in the field of cancer research. She is now with the famed Dana Farber Cancer Institute for Cancer Research in Boston, where she is doing outstanding work.

Not being content with her assigned duties, Cathy spends much of her off-duty time caring for and consoling the victims and family members that are afflicted by this dreaded disease.

Most recently, Cathy participated in a physically grueling bicycle marathon across nearly 200 miles of Massachusetts, called the Pan-Massachusetts Challenge, as a means of generating funds for cancer research.

My esteemed colleagues, this is what I call dedication, this is what I call devotion, this is what I call being part of the solution to hopefully someday eradicate cancer.

My heart goes out to Cathy Kolesar and I wish her every bit of success that I know she deserves and is working very hard to achieve.

HOUSE JOINT RESOLUTION 204

HON. BEN JONES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. JONES of Georgia. Mr. Speaker, I rise in support of House Joint Resolution 204, which designates October of this year as "National Quality Month."

The label "Made in the U.S.A." has long been recognized as the guarantee of quality around the world. But in this era of record trade deficits, it is a label we don't see often enough. Many of our once vital industrial centers are now ghost towns, and all too many of us dirve cars and wear clothes that were imported from abroad. Our ever-increasing taste for foreign goods has had its impact everywhere: From January to July of this year, the textile and apparel trade deficit was up $14.5 billion from the same period in 1988.

We are running a race in the international market, but like the infamous hare who slowed down for a quick nap, we have too long rested on our laurels. Our competitors in Asia and Europe are catching up with and overtaking us. But the race isn't over.

It is my hope that National Quality Month will challenge every worker, every manager, and every consumer to expect the best from American goods. The single most vital resource we have is our people. It was the American spirit of invention that led us to the industrial revolution, and the American spirit of determination that brought us through the Great Depression and World War II. Throughout those times, American know-how served us well.

It is now time to rededicate ourselves to the excellence that has long been our trademark as Americans. We must rekindle the spirit of commitment to quality that made this country great. We must work together to assure that the words "Made in the U.S.A." are recognized around the world and at home, as a guarantee of quality, and make us No. 1 in the race.

10 YEARS OF CITY LIGHTS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1989

Mr. GRAY. Mr. Speaker, I am pleased to have the opportunity to note the 10th anniversary of "City Lights," a local program consistently rated No. 1 among black viewers in the great city of Philadelphia, on the local NBC affiliated, KYW-TV.

The host and executive producer, Elleanor Jean Hendley, has created a weekly award-winning magazine program that is a showcase for local talent, a forum for discussion of pressing issues of importance to the community at large, and human interest profiles.

"City Lights" annual Black History Month specials are produced in cooperation with longtime corporate sponsors McDonald's and the Philadelphia Coca-Cola Bottling Co.

We are all used to seeing programming come and go. In this instance we are proud of what Ms. Hendley has produced; we are proud of the positive images and insights presented on a weekly basis, and we want to see more.

Mr. Speaker, I rise in congratulations to Elleanor Jean Hendley and "City Lights." We look forward to another decade of positive sights and sounds.

HOUSE OF REPRESENTATIVES—*Wednesday, September 20, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May each person, gracious God, who seeks to serve You by serving others, see the opportunity in this assembly to do the works of justice and mercy as representatives of the people of our Nation. May we understand the ministry of government to be an honorable work where men and women can join together in conciliation and harmony and so discover ways to live as one people in respect and dignity. Bless all who serve here and keep us all in Your good grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ECKART. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ECKART. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 96, not voting 48, as follows:

[Roll No. 235]

YEAS—286

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bonior
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coleman (TX)
Collins
Combest
Cooper
Costello
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Ford (TN)
Frank
Frost
Gallo
Gejdenson
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Horton
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Regula
Richardson
Rinaldo
Ritter
Rohrabacher
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—96

Baker
Ballenger
Barton
Bentley
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Coble
Coleman (MO)
Coughlin
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Douglas
Fawell
Fields
Gallegly
Gekas
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (FL)
Lightfoot
Lukens, Donald
Machtley
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McGrath
Miller (OH)
Molinari
Moorhead
Murphy
Oxley
Pashayan
Paxon
Rhodes
Ridge
Roberts
Rogers
Ros-Lehtinen
Roukema
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)

NOT VOTING—48

Archer
Armey
Aspin
Boggs
Borski
Bryant
Byron
Clay
Conte
Conyers
Courter
Coyne
Dingell
Edwards (OK)
Engel
Fish
Florio
Foglietta
Ford (MI)
Frenzel
Garcia
Gaydos
Gephardt
Gingrich
Hochbrueckner
Houghton
Hoyer
Lewis (CA)
Lowery (CA)
Madigan
McHugh
Mfume
Michel
Morella
Morrison (CT)
Neal (NC)
Obey
Parris
Porter
Rangel
Ray
Robinson
Roe
Smith (FL)
Traxler
Vander Jagt
Williams
Wilson

☐ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. Jones] please come forward and lead the House in the Pledge of Allegiance?

Mr. JONES of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, September 19, 1989.

Hon. Thomas S. Foley,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable William P. Hobby, Acting Governor, State

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Texas, certifying that, according to the official returns of the Special Election held on September 12, 1989 the Honorable Pete Geren was elected to the Office of United States Representative in Congress from the Twelfth Congressional District of Texas; and a copy of the Certificate of Election received from the Honorable March Fong Eu, Secretary of State, State of California, certifying that according to the semi-official returns of the Special Election held on September 12, 1989 the Honorable Gary Condit was elected to the Office of United States Representative in Congress from the Fifteenth Congressional District of California.

With great respect, I am,

Sincerely yours,

Donnald K. Anderson,
Clerk, House of Representatives.

Certificate of Election

In the name and by the authority of the State of Texas this is to certify, that at a special election held on Tuesday, September 12, A.D., 1989, Pete Geren was duly elected U.S. Representative, District 12.

Certificate of Election

I, March Fong Eu, Secretary of State of the State of California, hereby certify: That according to the semi-official returns of the Special Primary Election held on the 12th day of September, 1989, Gary A. Condit was elected to the office of U.S. Representative in Congress, District 15 for the term prescribed by law.

SWEARING IN OF THE HONORABLE PETE GEREN, OF TEXAS AND THE HONORABLE GARY A. CONDIT, OF CALIFORNIA AS MEMBERS OF THE HOUSE

The SPEAKER. Will the Member-elect from California [Mr. Condit] and the Member-elect from Texas [Mr. Geren] come forward and raise their right hands?

Mr. CONDIT and Mr. GEREN appeared at the bar of the House and took the oath of office administered by the Speaker as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are Members of the House.

WELCOME TO THE HONORABLE GARY CONDIT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, it is indeed an honor, on behalf of the members of the California delegation, to introduce to my colleagues the newest Member from the Golden State, Gary Condit.

Gary Condit comes to us after a distinguished career in municipal, county, and State government. I have no doubt that his tenure as a Member of this House will prove to be equally distinguished.

His public service began in 1972 when he became a member of the Ceres City Council. Since then, Gary has served as mayor of Ceres, as a member of the Stanislaus County Board of Supervisors, and since 1982, as a member of the California State Assembly.

Among the highlights of Gary's career have been his leadership in authoring significant anticrime measures, and his attentiveness to the needs of his agriculturally based constituency.

With his already accomplished career, his independent thought and his wide-ranging knowledge, Gary Condit certainly will be an asset to the California delegation to this body.

We welcome Gary, his wife Carolyn and their two children, Chad and Cadee, to our Nation's Capital.

Biography of Hon. Gary A. Condit

First elected to public office in 1972, Assemblyman Gary Condit has a long record of carrying tough anti-crime bills, supporting the rights of women and minorities and serving the needs of his agriculturally-based constituency.

Condit began his public service in 1972 when he was elected to the Ceres City Council. He served as Mayor from 1974-1976 before being elected to the Stanislaus County Board of Supervisors, where he served as chairman in 1980. In 1982 he was overwhelmingly elected to the California State Assembly and has been reelected every two years since.

As a member of the State Assembly, Gary has carried many landmark bills. A partial list includes the Condit/Nolan Participation in Parole Act to allow public opinion in parole board hearings, the Death Penalty Restoration Act of 1985 and the Drug Dealer Statute that increased penalties for dealers based upon the amount of the drugs they dealt.

He has also carried legislation to allow the footprinting of newborns and the fingerprinting of kindergarten children, to provide grandparents increased visitation rights with their grandchildren, to give local governments the right to restrict the visibility of pornographic magazines, to establish state standards for California cheese and to enact the first laws in the nation restricting the use of steroids.

Since his 1982 election to the Assembly, Gary has served as chairman of the Assembly Rural Caucus, Assistant Majority Leader, chairman of the Governmental Organization Committee, and served on the influential Agriculture and Ways and Means Committees.

Condit received his Associate in Arts Degree from Modesto Junior College and his Bachelor of Arts Degree from California State College, Stanislaus. He lives with his wife, Carolyn and their two children Chad and Cadee in Ceres.

Gary is a member of the Ceres Rotary Club and has served on the Board of Trustees of Scenic General Hospital, the Mental Health Advisory Board, the Commission on Aging and the Tuolumne River Regional Park Committee.

He is 41 years old.

□ 1030

EXPRESSING APPRECIATION FOR ELECTION TO THE HOUSE

(Mr. CONDIT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONDIT. Mr. Speaker, it is a great honor indeed to be elected to the U.S. House of Representatives.

I want to express my appreciation to my colleague, Congressman Don Edwards, dean of the California delegation, for his graciousness in welcoming me to Washington, DC.

I also want to thank the voters of the 15th Congressional District—the great central valley of California, where people are known for their independence, common sense, and hard work. I will do my best to live up to that valley tradition.

Finally, here with me today is a large part of the Condit family—from all over the country. I would like to express my appreciation for all their help and support.

Mr. Speaker, I am honored to be here today and look forward to working with each of you.

WELCOME TO THE HONORABLE PRESTON GEREN

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it is my honor and privilege to introduce a new Member from Texas, from the 12th District of Texas. We call him Landslide. I would like to have my picture made with him for obvious reasons.

He is a very able and a stable lawyer from Texas. He will be a constructive Member of this body, an able and competent Member.

Mr. Speaker, he also has a wife, father-in-law, mother-in-law, daddy and mother, 18,000 cousins, and they all helped him campaign, you might know.

It is my pleasure to introduce to you Pete Geren from the 12th District of Texas.

EXPRESSING APPRECIATION TO THE HOUSE OF REPRESENTATIVES

(Mr. GEREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEREN. Mr. Speaker and colleagues, it is indeed a great honor to be standing before you today. I look forward to working with you as we address the great challenges that we face as a country.

I want to thank my friends and family back home in Fort Worth, TX, Tarrant County, TX, who worked so hard over the last 10 weeks to make this possible. I owe a great debt to them. I look foward to working with them and for them. I look forward to working with all of you and being a Member of the Texas delegation, a delegation that has served our State and our country so proudly over the years.

Thank you so much for letting me be a part of that.

THE NEW DRUG MENACE: "ICE"

(Mrs. SAIKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SAIKI. Mr. Speaker, our Nation faces an insidious drug problem. But many do not realize we are on a dangerous new turn.

Crystal methamphetamine, an illicit drug known as crystal meth, or "ice," is being heavily used and trafficked in Hawaii, and is spreading to the mainland of the United States. Ice is twice as lethal as cocaine, and more serious.

CBS news reported this drug resulted in six emergency room admissions a day in only one hospital in Honolulu. One out of four babies born addicted to drugs, are addicted to ice. Virtually nonexistent 18 months ago, there have now been over 400 arrests for possession or sale of ice in Hawaii, according to the New York Times.

Experts predict it is the drug plague of the nineties.

Officials say Hawaii will be used by the Asian ice producers as the transshipment point for the mainland United States.

So, I have written to William Bennett urging him to designate Hawaii a high-intensity drug-trafficking zone, to provide new resources to deal with this.

DENY VISA TO YASSER ARAFAT

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, first of all, congratulations to our two new Members. We wish PETE and GARY all the best.

Mr. Speaker, as we all know, Yasser Arafat, the Chairman of the Palestinian Liberation Organization, has announced his intention to address the next session of the U.N. General Assembly which opens in New York City on September 25. I have grave concerns that such an appearance before the United Nations would be detrimental to the U.S. policy in the Middle East.

It is in the interest of our country and of the Middle East peace process that Mr. Arafat, the known head of a terrorist organization with American, Israeli, and Palestinian blood on its hands, be denied a United States visa in accordance with Public Law 80-357.

I have communicated my concerns in detail to President Bush, and I urge my colleagues on both sides of the aisle, individually and collectively, to do likewise.

A MONSTER OF A PROPOSAL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, some of my colleagues in Congress attempted to correct problems with our Nation's pension system. Unfortunately, we ended up with a monster that will wreak havoc with it.

Last year, Congress upped the excise tax on pension reversion to 15 percent. The end result, the Government got a cut of the reversion and more revenue.

This year, legislation was included in the budget reconciliation bill to prohibit pension reversions. The end result, companies will do away with defined benefit plans which are more beneficial to employees. Furthermore, the Government loses revenue.

To regain this loss, the crafty supporters of pension legislation mandated filing fees on required reports from $100 to $500 per plan. The end result, the prohibition on reversions coupled with the new user taxes will lead to the demise of employee benefit plans.

The ones hurt the most by this legislation will be the employees and retirees whose future retirement security will be jeopardized.

The pension provisions in reconciliation are bad public policy. Let us cage this monster and ensure a sound pension system for all Americans.

DRUG EPIDEMIC IS NO. 1 PROBLEM IN THE UNITED STATES

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, the people of the Sixth Congressional District of Pennsylvania continue to tell me that the drug epidemic is the No. 1 problem in the United States. Most polls indicates that a majority of Americans agree.

This nationwide consensus is understandable. All of us are at risk from the spread of drugs and the crime and violence that drugs provoke. Neighborhoods in every corner of the United States have been touched by the devastating impact of drugs.

The American public has spoken and it is time for the Congress to act. Drugs are the No. 1 problem in the United States, yet less than 1 percent of our entire Federal budget will be spent on the war on drugs. Republicans and Democrats must work together to provide the funding that is needed to fight drugs on our streets and in our neighborhoods.

Much rhetoric has been put forward on both sides of the aisle in an effort to determine whether Democrats or Republicans are tougher on drugs and drug-related crimes. I submit that this is the wrong direction for this debate to take. This issue transcends party lines and we must continue to address the drug problem in a bipartisan fashion.

Mr. Speaker, drugs are a threat to our country, they are a threat to our schoolchildren, they are a threat to every American. We simply cannot afford to let partisan politics get in the way of our response to this threat.

□ 1040

MEXICAN AGRICULTURAL TRADE BARRIERS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, now is time for the United States to stand up and respond to agricultural trade barriers recently imposed unjustifiably by the Government of Mexico.

The United States exported approximately 84,400 hogs to Mexico in 1988 and 64,500 hogs from January to May of this year—an important multimillion-dollar foreign market that was reopened after years of restrictions.

However, in March 1989 the Mexican Government yielded again to the pressures of its domestic producers and embargoed all American live market hog imports, citing cholera concerns. This action was an unfair trade barrier since hog cholera has been eradicated from the United States for nearly 10 years.

The Mexican Government then followed in July by doubling the tariff to 20 percent on foreign pork products. The result was to further close the hog-product market to Americans as well.

Now the Mexican Government has put in place regulations on the importation of American sheep. This additional trade barrier effectively shuts the Mexican border to United States sheep producers at a time of peak export and has depressed prices in the entire United States sheep market.

Mr. Speaker, the American livestock industry has had enough.

The Mexican Government's protectionist course is eliminating free trade between our nations. Leaving American producers and Congress to wonder, "What will the Mexican Government do next?"

In response, I have signed a letter to Secretary Clayton Yeutter urging swift action from the Department of

Agriculture to reopen these lost markets.

In addition, I am an original cosponsor of House Resolution 238 introduced by Congressman JOE SKEEN expressing the sense of the House against the actions of the Mexican Government.

I urge my colleagues to also cosponsor this resolution. If the Congress fails to react swiftly in this case, we encourage Mexico to expand this protectionist policy against all American industries.

CONGRESS MUST TAKE LEAD TO PROTECT CRIME VICTIMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, Monika Beerle was murdered in New York this summer. Dan Rakowitz beat and stabbed her to death, but that was not enough. He then proceeded to dismember her body. He then boiled the remains.

Rakowitz then flushed the skin down the toilet as he later said to police very calmly. He put the bones in a big bucket of kitty litter and he disposed of it at a nearby bus terminal.

Taxpayers will now take care of Dan Rakowitz. New York has no death penalty.

The tragedy of this is that Congress tolerates murder, and America certainly obliges.

We are not No. 1 for trade. America is not No. 1 for wages. America is not No. 1 for health care anymore. We are No. 1 for murder.

Congress must take the lead here to protect victims. Dan Rakowitz today has more rights certainly than Monika Beerle, and we should be ashamed of that development.

TRIBUTE TO WALTER DUNFEY

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, I rise today to express my sadness upon the recent death of Walter Dunfey of New Hampshire, a prominent and powerful figure in our State.

Walter was a gregarious and vibrant force in whatever he did. He was a power in the Democratic Party at the national, State, and regional levels, and, in fact, Senator John Kennedy launched his successful Presidential campaign in 1960 from Walter Dunfey's office in Manchester.

Walter served on the Democratic National Committee's Hunt Commission to study the primary system, and it is largely through his efforts that New Hampshire continues to have the first-in-the-Nation Presidential primary.

Walter Dunfey had not only achievements in politics but in business. He was a great success, having cofounded the Dunfey hotels chain which later developed internationally into the Omni Hotel chain.

The Dunfeys operated and renovated several well-known hotels in this city as well as in Chicago, New York, Minneapolis, and Boston.

He was always committed to public service through charities and politics and was successful in both business and international affairs.

His contributions to our State are legend, and I extend my sympathy to his family and to his brother Dick, with whom I served on the superior court in New Hampshire, because he will be lost by not only his party but by our State and our Nation.

COMMENDING DONALD W. DAVIS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, so many Americans open the newspaper, read about the world's hardships, close the newspaper, and sigh, "Isn't that horrible." It takes a special individual to stop sighing and take the initiative to design a program to change a dismal situation. Today I would like to commend Mr. Donald W. Davis, a Connecticut resident, who is indeed that special type of individual.

Mr. Davis, retired head of the Stanley Works, has devised one of the first attempts by American private industry to lend management skills to Polish industry. Under his program, retired American industrialists, businessmen, and bankers would volunteer their services, sharing their know-how and expertise with their counterparts in Poland. Their travel expenses would be funded by an initial grant of $75,000 Davis secured from the Rockefeller Brothers Fund. In Poland, their housing, meals, and other needs would be provided by the company or organization to which they are assigned. The International Executive Service Corps, in Stamford, CT, which will coordinate the volunteer consultant arrangements, has already secured 10 specific assignments to launch the pilot program, including projects in metallurgy, mining, textiles, chemicals, and tractor factories.

So many times, we Americans, if we care to get involved at all, look to our checkbooks as the cure-all for the world's woes. But simply throwing money at Poland's grave economic problems will not make conditions better for the millions of Polish people who live and work in that struggling nation. Proposed solutions need to attack the root of the problem. And what better way to prove the merits of a free market economy than to employ a strategy that utilizes American free market talent to enrich industry in Poland. I commend Mr. Donald Davis and believe his program will do just that.

Mr. Davis has attracted the attention of this administration. Today Mr. Donald W. Davis will stand next to our Secretary of Commerce, as he announces in Poland an advancement of the program.

COMMUNITY ACTION

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise again in honor of Larkin Smith, former Member of the House of Representatives, and leader in the war on drugs. To win this war, local drug efforts must be more coordinated in our communities. Cities and towns need to mobilize volunteer efforts to prevent illegal drug use. Volunteer education and religious groups must get together and coordinate their efforts.

Jails must be built so that local law officers can send a tougher message for drug traffickers. We must be able to punish users with jail, where appropriate. Drug users and pushers should not be able to go free on bond or personal recognizance unless absolutely necessary.

Local law officers must have the cooperation and coordination efforts of the State, regional, and national law agencies. They must establish more effective lines of communication and information sharing. Success in the war on drugs depends in no small part on an excellent intelligence gathering and information sharing system.

We must strive for drug-free workplace policies and drug testing everywhere. By instituting both a mandatory and random testing program, the Navy has seen the use of marijuana usage among enlisted men drop from 47 percent to 5 percent. No weapon in this war can go unused.

BORROWING FROM THE FUTURE TO SATISFY TODAY'S BUDGET NEEDS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, many of us thought that the art of budget gimmickry had been perfected by the previous administration. However, next week the House will consider the state of the art in gimmicks when we take up the Bush-Jenkins capital gains plan.

This irresponsible proposal is simply another example of borrowing from the future to satisfy today's budget needs. After a brief revenue surge, Bush-Jenkins will build in a $5.7 billion revenue loss for fiscal year 1993 and another $5.1 billion of loss in the following year. The Gramm-Rudman target for those years is zero, by the way.

I think we have an obligation to look at the effects of policies over the long term. Using that standard, Bush-Jenkins is a long-term disaster.

EMPLOY MILITARY TO WIN DRUG WAR

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, because I have urged it often, I am encouraged that we are obviously moving toward actively employing our military to win the war against drugs.

What we need to do is close our borders except for strictly designated, well-published, and constantly patrolled corridors of exit and entry for commercial and legitimate ships and planes. All craft seeking to enter the United States outside these corridors should then, upon positive identification, be shot down or sunk by our Armed Forces.

To those who say the task cannot be accomplished by the military, I say then what is our military for? If they cannot absolutely stop the invasion of drugs into the United States, how can they be expected to defend our shores from invasions by foreign countries? Of course our military can win our war against drugs. Is not fighting and winning wars what we maintain our military for?

□ 1050

CAPITAL GAINS PROPOSAL IS WRONG

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, rarely has a proposal come before Members that is so wrong as the capital gains proposal we are about to look at. It is wrong for so many reasons.

It is wrong, of course, because it gives aid to very well-to-do in our society while middle-income and poor people are struggling. It is wrong also because it undoes the 1986 Tax Reform Act where there was a deal, and they said let us bring down the top rate on the rich to 28 percent, lower than it has been in a very long time, and not have a special exemption for capital gains.

It is also wrong because it makes doing a budget next year, a real budget, a grand compromise, if you will, virtually impossible, because capital gains could have been the glue that held both sides of the aisle together so that we could have a real budget agreement and finally grapple with our deficit.

But most of all, it is wrong, because it is hypocritical. The proposal before us is supposed to encourage investment over the long term, but if my colleagues will look at it, what it says is if you do not invest in the next 2 years, you do not get the capital gains treatment. What it is telling the wealthy to do is buy your Mercedes, buy your yacht in the next few years, do not invest in a factory, do not do anything else that would encourage long-term growth and investment, because after 2 years, you will not get the capital gains.

Mr. Speaker, I have seen a lot of bad proposals come before this body, but none is as bad, none is as hypocritical, and none is as unfair as the capital gains proposal we are going to vote on.

STOP AIR TERRORISM

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, it has happened again. Once again terrorists have struck in their cowardly way. Once again we have had senseless, ruthless, random loss of life because of a terrorist bomb. Once again we have bodies and metal strewn across the African landscape.

Mr. Speaker, this has got to stop. We have an opportunity today to move in the right direction. We are going to be debating the aviation security bill, and that is a bill that is going to move us, I think, in the direction that we need to go, and that is to stop the senseless and ruthless killing of innocent people because planes are blowing up.

We have an opportunity to install very sophisticated equipment in the high-risk airports. This bill is important. It is overdue. We have disagreements perhaps on how this bill should ultimately be funded, but nobody disagrees with the need to have these very, very technical, very sophisticated pieces of equipment installed at the earliest opportunity

We have to stop the killing.

CAPITAL GAINS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there is a lot of talk nowadays about the so-called capital gains. Let us look at what this really means.

First, the word capital. Whose capital? Certainly not the Nation's Capital is going to be gaining. The Treasury loses after the first couple of years.

Who is going to pay for that loss? Members know who pays for it. Mr. and Ms. Middle Income will pay for it.

OK then, where is the gain? If someone earned over $200,000, they could get a $25,000 tax cut. That is after they have already had their top rate chopped from 78 to 28 percent over the last 10 years.

If you make $20,000 to $30,000 a year, you may gain a $270 cut, but guess what? Next year you are probably going to be asked to pay more taxes to pay for the gain that the rich folks made.

Now for the savings. Mr. Speaker, the savings, 80 percent of those savings, go to people making over $100,000 a year. Who is gaining?

So let us look at this closely, Mr. Speaker. It loses capital. Few people win. The 1986 Tax Reform Act is unraveled.

This does not sound like much of a gain to me.

REPEALING SECTION 89

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. GEKAS. Mr. Speaker, section 89 appears to be alive and well, although we have heard public utterances about that repeal of section 89 is already accomplished.

The Ways and Means Committee is not so certain, and therefore we have to be on guard to make sure that the Rules Committee will allow full debate on the floor of that proposed repeal of section 89 when it does make its way to this Chamber. I personally, with the help of my colleagues, will appear before the Rules Committee and ask the members of the Rules Committee, one of whom is here today, to listen carefully to the proposal so that we can end this fiasco of section 89 once and for all.

The halfway measure that may still linger in the Ways and Means Committee reconciliation bill may be worse than the original proposal. So repeal, repeal, repeal.

REPEAL OF SECTION 89

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I rise today to bring to the attention of the House the current situation regarding section 89. As you well know, there has been a steady drumbeat this year throughout the entire Nation on repeal of this unworkable and overly complicated tax provision.

An overwhelming majority of the House is already on record as supporting repeal of section 89. In fact, the major repeal bill—H.R. 634—currently has 316 cosponsors. Both the House and Senate also have approved versions of the Treasury-Postal Service appropriations bill, which include provisions prohibiting any funds from being spent to implement section 89 in fiscal year 1990.

Unfortunately, the omnibus reconciliation bill, which will be on the floor next week, does not provide for the outright repeal of section 89. Instead, it provides for its revision. This revision is described in a four-page, seven-example explanation by the Joint Tax Committee, and I urge my colleagues to read it, and ask themselves: Is this repeal of section 89?

CAPITAL GAINS

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, it can be fairly stated that our generation has maintained its standard of living by borrowing from the future. It can be fairly concluded that we have done less to prepare our children for the future than any generation that has preceded us. These, Mr. Speaker, are an indictment on our times and ourselves, and an indictment that will never be changed, never reversed in the eyes of history if we proceed with the current proposal to lower capital gains taxes.

After all, what kind of people are we perceived to be?

□ 1100

Our Nation is mired in debt, but we lower taxes for the wealthiest among Americans. Education is in peril. Housing is in short supply, but we lose much needed revenue. The middle class is burdened with taxes that compromise their quality of life, but we ease the tax burden on the most privileged.

Mr. Speaker, we need to stimulate savings investment. We do not need to take advantage of that real national need to feed greed and the privileged for short-term gains. There is no savings incentive, no capital formation in lowering taxes for the sales of yachts or airplanes or art or million dollar homes. Seize this opportunity to meet a real need. Do not allow our generation to become a time traveling Robin Hood, robbing from the future to seize the present.

REPEAL CATASTROPHIC CARE LEGISLATION

(Mr. FAWELL asked and was given permission to address the House for 1 minute.)

Mr. FAWELL. Mr. Speaker, I am announcing that today I have proceeded to file a discharge petition in regard to House Resolution 231 which, among other things, calls for a repeal of the catastrophic care legislation. In light of the fact that the Committee on Rules may be authorizing an amendment to the reconciliation bill which will allow an up or down vote on repeal of the catastrophic care bill, it may be unnecessary to ever call up this bill, when and if we secure the 218 signatures.

This bill, assuming that the 218 signatures will be obtained, can be then held in abeyance, so that when and if it is necessary to use it in order that this House might have the opportunity which seniors from all over the Nation have called for, it will be there.

I want to make it clear that those who might want to sign, that the petition is now available for signature.

UNFAIR TAX BURDEN ON MIDDLE CLASS

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Mr. Speaker, with Reaganomics, the country was sold a bill of goods. Since 1980, the national debt has tripled. Let's not strike out again and swing at the Bush pitch on capital gains.

It used to be that a progressive tax system made a contribution to greater equity in our economy and society. Lately, that principle has been turned on its head. This proposal for further concessions on capital gains continues that upside-down approach. The 3 percent of the Americans with incomes in excess of $100,000 get 80 percent of the benefits. The 1 percent with incomes over $200,000 will get 60 percent of the benefits—at an average of $25,000 each.

We have to get our fiscal house in order, and this kind of tax giveaway is not the way to do it. The long-term losses, after we enjoy a couple of years of temporary benefits, will be over $5 billion a year. It is just that kind of shortsighted yielding to quick and easy fixes that has gotten America mired in a fiscal swamp, and the alligators are getting more and more hostile every day.

We cannot afford this loss, and we cannot ask this country's middle income taxpayers to pay for it.

I'm sympathetic to the argument that we need to save and invest more. And, in that sense, a capital gains reduction may be useful—although the impact it would have on net savings and investment is open to debate. But, it's got to be a zero-sum game: those very upper income folks who stand to benefit in their capital income should bear the burden in taxes on their other income.

Basic justice and sound government finance require nothing less.

AIRPORTS NEED BOMB-SNIFFING DOGS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, yesterday a French airliner flying from Chad was blown up in the air and 170 people were killed. Today, Mr. Speaker, we are going to be talking about the Aviation Security Act in this body, and we are going to be talking about new machines that can be installed at the airports around this country to detect bombs, if a terrorist tries to put one on an airliner.

The problem is, Mr. Speaker, it will be 3 to 4 years before those are installed. During the next 3 to 4 years, Mr. Speaker, there is no protection for the traveling public from some terrorist putting a bomb on board a plane.

Now, I am going to be proposing an amendment which I think is extremely important, and I hope all of my colleagues will support it. It is to use at the 50 major airports in this country bomb-sniffing dogs that can detect Syntex and other plastic explosives in luggage, when the people board the plane. They will be highly visible and move from gate to gate to detect people and discourage terrorists from putting bombs on some planes.

We have to have this stop-gap measure for the next 3 years. Mr. Speaker, I urge my colleagues to support this amendment.

DOE POLLUTION CONTINUES UNCHECKED

(Mr. THOMAS A. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS A. LUKEN. Mr. Speaker, the Department of Energy is still polluting faster than it is cleaning up. We all know that the DOE weapons plants are a collection of cesspools and hazardous wastes all over this country. Over a period of 40 years, the failure of DOE to enforce environmental laws at its plants and their obstruction of any efforts of EPA or the Department of Justice to enforce and prosecute environmental crimes has directly resulted in the radiation of America. We know that, too.

However, the bad news, the news is that even today DOE is polluting faster than it is cleaning up. The Secretary of Energy has submitted a five-year plan which he calls a plan for environmental restoration and compliance. Yet, in 440 pages there is not one word about compliance or correction. DOE and their contractors remain above the law. Deterrence through prosecution and enforcement remains a lost art of the Department of Energy. In 40 years there has not been one referral for prosecution. Until somebody goes to jail for the obvious crimes at these 18 weapons plants, this pollution will continue unchecked.

TRAGEDY AVERTED

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, a tragedy of the first magnitude was averted in my district this past Monday as a disturbed 17-year-old high school student seized armed control of his classroom in the Jackson County High School in McKee, and held hostage his several classmates for the entirety of the day before Kentucky State Police Emergency Response Team, the sheriff's office, local police, FBI teams, and others were able to very cool-headedly talk the young man out of his weapons and the hostages which he had held.

It was such an unlikely place for something like this to happen. Jackson County, one the mountain counties in my district, is home to well-behaved and considerate young people. However, this disturbed young man, from a broken family, had only recently moved from another State to McKee to live with his grandfather. Even so, his actions were to everyone's utter surprise.

I want to pay special tribute and convey all of our special thanks to State Police Detective Bob Stevens, who led the Emergency Response Team. Stevens and his team, along with the FBI and local authorities, worked very professionally and very cool-headedly that entire day to finally talk the young man out of this potential tragedy. Today, we can be very thankful that we have people like this professional public servant and others like him in our State Police and local police departments who spend most of their time preparing for these terrible exigencies. Today, thanks to their cool-headed and professional teamwork, we are able to say that not a drop of blood was shed, not a person was harmed, no funerals for teenagers are required, McKee and Jackson County are restored to their peaceful selves.

UNFAIR CAPITAL GAINS TAX CUT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the Bush/Jenkins plan to cut the capital gains tax is ill-advised.

There is no proof a temporary cut would stimulate the kind of growth this Nation needs, it would cost revenues we cannot afford, and it would be unfair because it gives a tax break mostly to those who need it least.

The cut would trigger a flurry of sales by investors eager to cash in on the preferential rate and a rash of new short-term investments. This would only aggravate the shortsightedness that already plagues our investment horizon. And, of course, over the long term, the cut would take its toll on the budget deficit; it would cost $5.7 billion in 1993 alone. It is middle-income Americans who would bear the brunt of this revenue loser.

This proposed change in the treatment of capital gains should have been considered as part of a larger program to reduce the deficit. Addressing it in this piecemeal fashion is inefficient and irresponsible.

I urge my colleagues to take a close, hard look at this plan and recognize it is the wrong approach at the wrong time.

EXXON AND PRINCE WILLIAM SOUND

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, all Members have enormous regrets about the oilspill in Prince William Sound in Alaska that has changed, perhaps permanently, the 1,000 miles of coastline affected in one of the most wild and beautiful regions of our Nation.

However, we cannot let this happen again. We need strong legislation. We need regulatory oversight, and we need an administration that will give Members more leadership on this issue.

□ 1110

We need an administration that will advocate new laws, and that will promulgate rules and regulations and enforce those rules and regulations to guarantee that this will not happen again. Our fragile oceans and forests deserve it.

We have granted the oil companies a tremendous privilege, an unlimited charter to harvest our natural resource of oil at an enormous economic benefit to the management and shareholders of Exxon, but along with this privilege comes responsibility, and there is no reason we should give the oil companies these opportunities to mine and sell our resources at enormous profit to them and at grave risk to our seas, our lands, and our forests without absolute assurances that they will not let this happen again.

THE FOCUS OF THE COMING DEBATE ON THE CAPITAL GAINS TAX

(Mr. NAGLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, I rise this morning to address what my colleagues on the Democratic side have also addressed, and that is the question of the capital gains tax. I would like to suggest, as we approach the debate coming to us next week, that we carefully consider how we frame it.

This is not, as it has been portrayed by some Members on both sides of the aisle, a question of the rich versus the poor or of the wealthy versus those without or of the middle class. This is not a class warfare fight. This is simply an economic fight.

The debate before the House is whether or not we give those with high incomes, which we would all like to have, a tax break and what the impact of that would be. Unfortunately, it seems to me that in doing that we are repeating what this House did in 1981; we are cutting Government revenue, although we get a short-term gain from it, in the belief that somehow that will generate further revenue and further growth in our society. It did not work in 1981, and it will not work on this occasion.

Mr. Speaker, that is where the focus of the debate should be. "Son of Reaganomics" is wrong, as Reaganomics was at its inception.

THE BOTTOM LINE ON THE CAPITAL GAINS TAX DEBATE

(Mr. JENKINS asked and was given permission to address the House for 1 minute.)

Mr. JENKINS. Mr. Speaker, I am always amused that those Members who are basically against a capital gains differential, a reduction in capital gains, are conjuring up all of the reasons they cannot support this bill. They want to say they are for it, but they are not really for this one.

Well, the bottom line in this debate will simply be this: Are Members for a capital gains reduction, or are they against it? If you are really against it, I understand that, because for philosophical reasons you may be opposed to it, but if you are saying, "I am against it because it helps the high or middle income people," or for some other reason, that is no excuse. If you are against it because you believe we ought to consider it next year in another package, that is no real reason.

The real issue is, do you believe the 60-percent increase in the capital gains rate we passed in 1986 is excessive? Do you really believe that those people in the middle income range who own farms, timber land, assets that they have accumulated over the years, ought to pay a tax on inflation through those years? If you do, I say to you that you ought to vote then to eliminate this capital gains tax reduction.

I say to you that the bottom line in all of this debate, after we get through, however you vote on this issue, is this: If you vote against a capital gains tax reduction, you are against it. You may conjure up all these reasons, but they have no validity, no validity whatsoever. If you are for it, you will vote for it. If you are against it, you will vote against it.

Mr. Speaker, I say to the Members as a supporter of the capital gains differential, that for all of my professional life this is our one opportunity to vote for a capital gains reduction.

PROVIDING FOR CONSIDERATION OF H.R. 1659, AVIATION SECURITY ACT OF 1989

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1659) to improve aviation security by requiring the installation and use of certain explosive detection equipment at certain airports located outside the United States and by providing assistance for the acquisition of such equipment, and for other purposes. The first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in italics in the bill, modified by the amendment recommeded by the Committee on Foreign Affairs now printed in boldface in the bill, as an original bill for the purpose of amendment under the five-minute rule. Such substitute, as modified, shall be considered for amendment by title rather than by section, and each title shall be considered as read. All points of order against such substitute, as modified, for failure to comply with clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified, made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MURTHA). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Ms. SLAUGHTER of New York. Mr. Speaker, House Resolution 236 is the rule providing for the consideration of H.R. 1659 to improve aviation security by requiring the installation and use of certain explosive detection equipment at certain airports located outside the United States and by providing assistance for the acquisition of such equipment, and for other purposes.

This is an open rule providing for 1 hour of general debate with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in italics in the bill, modified by the amendment recommended by the Committee on Foreign Affairs now printed in boldface in the bill, as an original bill for the purposes of amendment under the 5-minute rule. Such substitute, as modified, shall be considered by title, and each title shall be considered as read.

Further, the rule waives all points of order against this substitute, as modified, for failure to comply with the provisions of clause 7 of rule XVI, which prohibits nongermane amendments.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1659, the bill for which the committee has recommended this rule, will require new safety measures to protect flights against terrorist bombings. Under title I, U.S. airlines must install state-of-the-art devices to detect explosives at specific high-risk domestic and international airports. In addition, domestic airports will have to upgrade systems to keep unauthorized persons out of secured areas. Title II adds provisions to encourage international cooperation in assuring air safety and to impose sanctions against countries supporting terrorism. The bill authorizes the expenditure of $270 million from the Airport and Airway Trust Fund for safety improvements.

Mr. Speaker, H.R. 1659 is a critical step forward in ensuring that our skies are safe from terrorists. This is an open rule which will allow full and fair debate on this important bill. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this rule, and I urge its adoption. May I also say that it is a pleasure for me to join the gentlewoman, a fellow New Yorker and the newest member of the Rules Committee, in supporting this open rule.

Mr. Speaker, this is a fully open rule which permits any and all germane amendments. The rights of the minority have been protected by provision of a motion to recommit with or without instructions. And so I thank the committee and Chairman MOAKLEY for this rule.

I think it needs to be said that having an open rule for this bill has already had a substantive impact even before H.R. 1659 reached the floor. Last week, a number of Members, from both sides of the aisle, expressed serious reservations about various elements in the bill. The funding mechanism, in particular, was singled out for criticism.

The ranking Republican on the Budget Committee, Mr. FRENZEL, went so far as to appear before the Rules Committee to announce his intention of offering one or more amendments aimed at changing the funding mechanism in H.R. 1659.

I am now informed that the managers of the bill for the majority side will be offering an amendment that will change this controversial funding mechanism. And without belaboring the point, Mr. Speaker, I would say that this little experience points up the value of having open rules.

When those of us on this side of the aisle talk about open rules, the point we really are making is simply the idea that no one Member, no one party, is the sole repository of wisdom around here. We all have something to contribute. And so I strongly urge support for this rule.

Turning briefly to H.R. 1659 itself, I would note that every Member supports the good intentions behind this bill. The tragic bombing of Pan Am flight 103 last December, and the ongoing threats against U.S. flag airlines, have served to concentrate the minds—here in Congress and among the public at large.

Mr. Speaker, some genuine concerns have been raised about the specific type of explosive-detecting system that H.R. 1659 would require airlines to install.

For example, there seems to be no convincing evidence that this particular system could have detected plastic explosives in the very small amount—no more than two pounds or so, that evidently was responsible for the crash of Pan Am flight 103.

I understand that hearings are to be conducted in the Government Operations Committee next week on this very subject. And so I hope that findings from that committee's lengthy investigations can be incorporated into the implementation of this security bill.

Finally, I would just point out that I plan to offer an amendment today. At the present time, our Government is authorized to provide up to $500,000 in reward money to any person who provides information leading to the apprehension and conviction of terrorists responsible for attacks on U.S. citizens and property.

My amendment would authorize reward money of up to $2 million to any person who provides information leading to the apprehension and conviction of terrorists responsible for attacks against U.S. flag airlines, their personnel and passengers. It would also encompass terrorist attacks against U.S. embassies, facilities, and citizens, including the cold-blooded killers of Colonel Higgins.

Mr. Speaker, I would like to commend Public Works Chairman ANDERSON, subcommittee Chairman OBERSTAR, their Republican counterparts HAMMERSCHMIDT and CLINGER, for their excellent work on this bill and just as important I want to commend my former Foreign Affairs Committee Chairmen DANTE FASCELL and BILL BROOMFIELD and their staffs for responding so effectively to this important issue.

I urge support of this open rule.

☐ 1120

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. ANDERSON], chairman of the Committee on Public Works and Transportation.

Mr. ANDERSON. Mr. Speaker, I support the rule.

The rule will permit consideration of important legislation to enhance aviation security. We need to do everything in our ability, to prevent the tragedy of Pan American flight 103 from ever happening again.

As we will discuss at greater length in general debate, the bill which is covered by this rule, H.R. 1659, establishes a comprehensive program for improving aviation security. The bill addresses a wide range of issues including requiring explosive detection equipment at high-risk airports and providing financial assistance for the acquisition of this equipment.

The rule offers a fair procedure for consideration of this legislation. The rule is an open rule without any limitation on amendments. The rule will give the House an opportunity for full consideration of the important issues of aviation security.

Mr. Speaker, I urge a vote for the rule.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH], my fellow New York colleague who represents the area in which Syracuse University is located. Many of the students of Syracuse University were on that tragic Pan Am 103 flight.

Mr. WALSH. Mr. Speaker, I rise in support of the open rule on H.R. 1659, the Aviation Security Act of 1989.

Passage of this important bill will be received with open arms in my district in central New York. While the world was horrified by the flight 103 terrorist attack, we were touched first hand. We were uniquely shocked. As many of my colleagues remember, 35 college students from a Syracuse University study-abroad program were on that flight.

I might add a similar tragedy just occurred last night.

The terrorists did their job. They did strike terror in our heart. Young Americans, innocents, representing the future of a good and just nation, taken from this life by an unholy force.

We in central New York, who thought terrorism always strikes others, have not yet recovered from this gruesome brush with reality.

We in Onondaga and Madison Counties have followed with heart-wrenching sympathy the determination of the parents of the flight 103 students.

The terrorists did their job well. Now we must counter that evil with good.

With this bill, and the addition of the amendment offered by Representative SOLOMON which would increase the reward for information on terrorists from $500,000 to $2 million, the families who have been hurt and the rest of us who have been terrorized by this savagery, can feel that the House of Representatives not only feels the pain as well, but is determined to prevent it from happening again.

The approach we are taking is correct and timely. There is no question, I don't think, in anyone's mind that we must spur technological genius to address this type of terrorist threat to American citizens.

My overwhelming feeling here today is that we must, and we will, show the American people—that we show the world—that we in the House have the vision to implement a plan that will last as we continue a long-term fight against the horror of air terrorism.

Mr. SOLOMON. Mr. Speaker, I would just like to commend the gentleman from New York [Mr. WALSH] for his statement and just point out that the gentleman is a freshman Member of this House and an outstanding Member. He follows in the footsteps of his father, who was a Member from New York and a member of the Committee on Public Works and Transportation for many years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, the rule is straightforward. It is an open rule, provides opportunity for amendments to be offered, for ample debate to take place on this very important issue.

Most of all, Mr. Speaker, this rule gives us an opportunity to consider this legislation and this House to take an effective series of steps against terrorism. We will debate in more detail and explain the specifics of the legislation and the objectives of the bill when we undertake general debate and when we get into the 5-minute rule. I will not use debate on the rule to do that.

However, Mr. Speaker, last night's tragic apparent bombing of a French airliner over North Africa, as the gentleman from Pennsylvania [Mr. CLINGER] so very powerfully discussed in his 1-minute remarks, underscores the urgency for this legislation, underscores the vigilance that we must maintain in the United States and in cooperation with foreign governments on security matters to do all that we possibly can to erect the most important and effective, technologically possible, effective deterrent measures against air terrorism.

☐ 1130

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, I rise in support of this rule and, of course, of H.R. 1659, the Aviation Security Act of 1989.

Inasmuch as time for general debate is so limited, I would like to state at this time that the bombing of Pan Am flight 103 last December focused attention on airline security as nothing has done since the spate of terrorist bombings in 1986. Since then, President Bush, the Federal Aviation Administration, and we in Congress have been casting around for steps to take in order to calm the fears of the flying public. This bill addresses one of the many needed facets leading to a solution by requiring the installation and use of certain explosive detection equipment at certain airports outside the United States where extraordinary security measures are called for, and at other airports where the FAA finds such equipment necessary. It provides for funding this equipment, as well as computer-controlled identification systems to limit access to secured areas at public airports.

The Government Activities and Transportation Subcommittee, which I chair, has investigative oversight responsibility with respect to operations of the FAA and its regulation of the airline industry. We have been reviewing aviation security procedures over a period of several years, and I am proud to say that our investigations have resulted in important changes in FAA's security requirements, such as more careful passenger screening, background checks for airline employees, and fines for airlines that repeatedly fail to detect weapons and explosives, et cetera.

On this coming Monday and Tuesday, the GAT Subcommittee is holding further hearings on aviation security matters. Among other issues, the hearings will address explosive detection technology and that brings me to two aspects of H.R. 1659.

The first is the matter of the required use of explosive detection equipment employing technology at least as effective as that of thermal neutron analysis, or TNA; and, second, the matter of public funding from the Airport and Airway Trust Fund in order to support acquisition of explosive detection equipment and computer-controlled equipment to provide access to secure areas at airports.

While I doubt that the thermal neutron analysis bomb detection machine available today can do the job the FAA and its developer claim it can, the current equipment is sufficiently tested to provide a basis for measured introduction, to be accompanied by further testing. It is regarded by many as the best system on hand and does offer potential for improvement with respect to size, unit cost, and amounts of material detectable. FAA is planning to deploy six TNA units this year at high-risk airports. I have no quarrel with that because this action will permit further assessment of TNA. I fully agree with House Report 101-59, part I, from the Committee on Public Works and Transportation which specifically encourages FAA to support other new technologies besides TNA and recommends that FAA and other agencies establish a protocol for benchmark testing of all technologies being considered for explosive detection before hundreds of millions of dollars are spent on this one—TNA—type of device. Without question the FAA needs to look at overall security. The TNA system affects only checked baggage and explosives containing nitrogen. Good security requires skilled personnel, sophisticated machines, tough rules, increased inspections, and stiff fines for violations.

Now let us turn to the funding for all or part of this equipment and the airport access control equipment through the trust fund which, I believe, is both the fair and expeditious approach to its acquisition and use. The executive branch opposes this approach saying the airlines should pay and do so by adding an extra charge to their fares. I disagree. The author of this bill has carefully constructed a fair and fiscally sound method of providing the funds. FAA's estimate of the current unit cost of a TNA machine is $750,000. In addition, there are housing, installation, training, and operating costs. If hundreds of machines are involved, this is an extraordinary expense.

Mr. Speaker, we are dealing with a crisis situation and funding approach of the bill will assure that the equipment is installed and used as expeditiously as possible, as the bill itself requires. After all, U.S. passengers have already paid substantial taxes and charges into the Trust Fund for safety and security.

I understand that the chairman of the Aviation Subcommittee, the gentleman from Minnesota [Mr. OBERSTAR], will offer an amendment which will provide authority to make grants from the trust fund for this funding but make it subject to congressional appropriations. I would support such an amendment.

Mr. Speaker, I compliment the respective chairmen of the Committee on Public Works and the Committee on Foreign Affairs for the diligence, thoroughness, and resourcefulness evident in the provisions each committee has fasioned into the bill and strongly urge all my colleagues to support it.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, first of all, I just want to mention to the gentlewoman, as I mentioned in my remarks, that her committee was going to be holding additional hearings. I would like at this time to thank the gentlewoman for the outstanding job that she has done. I know it is a very frustrating issue and an awful lot of hard work goes into it.

Also, I want to welcome back the gentlewoman. She happens to be my neighbor up on the second floor of the Rayburn Building. It is good to have the gentlewoman back with us.

Mrs. COLLINS. Mr. Speaker, I certainly thank the gentleman and I am delighted to have the opportunity to be back. It has always been a pleasure being the gentleman's neighbor.

REPORT ON H.R. 3299, BUDGET RECONCILIATION, FISCAL 1990

Mr. PANETTA, from the Committee on the Budget, submitted a privileged report (Rept. No. 101-247) on the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, which was referred to the Union Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER. The Chair appoints the following conferees on the bill (H.R. 2461) to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and the Senate amendment thereto, and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments:

From the Committee on Armed Services, for consideration of the entire House bill (except sections 111 through 118, 137, 138, 210, 221, 255, 3103(a), 4101, and 4102) and the entire Senate amendment (except sections 133 through 135, 231, 841, 843, 845, 2301(a) insofar as it addresses MX Rail Garrison facilities, 2836, 3103(a), 3142(b), 3142(c), 3142(e), and 3155), and modifications committed to conference, and as exclusive conferees with respect to any proposal to report in total disagreement: Messrs. ASPIN, BENNETT, MONTGOMERY, and DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Messrs. MAVROULES, HUTTO, SKELTON, LEATH of Texas, MCCURDY, FOGLIETTA, DYSON, Mrs. LLOYD, Messrs. RAY, SPRATT, DARDEN, HOCHBRUECKNER, BRENNAN, PICKETT, LANCASTER, EVANS, DICKINSON, SPENCE, STUMP, HOPKINS, DAVIS, HUNTER, MARTIN of New York, KASICH, BLAZ, IRELAND, HANSEN, ROWLAND of Connecticut, and KYL.

From the Committee on Armed Services, for consideration of sections 111 through 118, 137, 138, 210, 221, 255, and 3103(a) of the House bill and sections 133 through 135, 231, 2301(a) insofar as it addresses MX Rail Garrison facilities, and 3103(a) of the Senate amendment, and modifications committed to conference: Messrs. ASPIN, BENNETT, and DELLUMS, Mrs. SCHROEDER, and Messrs. MAVROULES, MCCURDY, SPRATT, HOCHBRUECKNER, BRENNAN, EVANS, DICKINSON, DAVIS, HANSEN, KYL, DORNAN of California, and MCCRERY.

From the Committee on Armed Services, for consideration of sections 4101 and 4102 of the House bill, and modifications committed to conference: Messrs. Aspin, Foglietta, and Dickinson.

From the Committee on Armed Services, for consideration of sections 841, 843, 845, 3142(b), 3142(c), 3142(e) of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mrs. Schroeder, and Mr. Dickinson.

From the Committee on Armed Services, for consideration of sections 2836 and 3155 of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mrs. Lloyd, and Messrs. Ray, Spratt, Kyl, and Hansen.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Messrs. Beilenson, Kastenmeier, and Hyde.

As additional conferees from the Committee on Education and Labor, for consideration of sections 4101 and 4102 of the House bill and section 907 of the Senate amendment, and modifications committed to conference: Messrs. Hawkins, Murphy, Williams, Petri, and Bartlett.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 2836, 3142(a), and 3155 of the Senate amendment, and modifications committed to conference: Messrs. Dingell, Sharp, Thomas A. Luken, Eckart, Lent, and Moorhead.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 135, 206, 252, 256, 304, 1103, 1106, 1214, 1241 through 1247, 1253, 1254, 1255, 1257, 1258, 1261, 3139, 3141 through 3148, and 3501 of the House bill and sections 229, 236, 251, 304, 804, 805, 840, 904, 905, 906, 910, 911, 916, 918, 919, 920, 921, 923, 924, 928, 930, 931, 932, 935, 937, 938, 940, 941, 943, 1108, and 3143 of the Senate amendment, and modifications committed to conference: Messrs. Fascell, Hamilton, Yatron, Solarz, Broomfield, and Gilman.

As additional conferees from the Committee on Government Operations, for consideration of sections 822, 844, 927, 929, 933, 2831, and 3142(d) of the Senate amendment, and modifications committed to conference: Mr. Conyers, Mrs. Collins, and Messrs. Synar, Wise, Bustamante, Horton, Shays, and Smith of Vermont.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1103, 1106, and 1107 of the House bill and sections 552(c), 837, 840, 844, 913, 925, 926, 929, 936, 1103, 3135, and 3142(d) of the Senate amendment, and modifications committed to conference: Messrs. Brooks, Kastenmeier, Hughes, Frank, Morrison of Connecticut, Moorhead, McCollum, and James.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 925, 1001 through 1003, 1103, and 2832 of the Senate amendment, and modifications committed to conference: Messrs. Jones of North Carolina, Studds, Tauzin, Young of Alaska, and Fields.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 841, 843, 845, and 3142 of the Senate amendment, and modifications committed to conference: Messrs. Ford of Michigan, Clay, Sikorski, Ackerman, Gilman, and Horton.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 2205 of the House bill and sections 656, 925, 2810, and 2831 of the Senate amendment, and modifications committed to conference: Messrs. Anderson, Oberstar, Bosco, Hammerschmidt, and Petri.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 801 and 3131 through 3138 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mrs. Lloyd, and Messrs. Walgren, Walker, and Boehlert.

As additional conferees from the Committee on Small Business, for consideration of sections 828, 831, and 832 of the Senate amendment, and modifications committed to conference: Messrs. LaFalce, Smith of Iowa, and McDade.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 907 of the Senate amendment, and modifications committed to conference: Mr. Penny, Mrs. Patterson, and Messrs. Sangmeister, Hammerschmidt, and Smith of New Jersey.

As additional conferees from the Committee on Ways and Means, for consideration of section 925 of the Senate amendment, and modifications committed to conference: Messrs. Rostenkowski, Gibbons, Jenkins, Downey, Crane, and Schulze.

There was no objection.

□ 1140

AVIATION SECURITY ACT OF 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 236]

YEAS—416

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald

Machtley
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—16

Borski
Bryant
Conyers
Courter
Florio
Foglietta
Garcia
Madigan
Mavroules
McHugh
Morella
Morrison (CT)
Owens (UT)
Ray
Vucanovich
Wilson

□ 1208

Mr. GAYDOS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Nagle). Pursuant to House Resolution 236 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1659.

□ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1659) to improve aviation security by requiring the installation and use of certain explosive detection equipment at certain airports located outside the United States and by providing assistance for the acquisition of such equipment, and for other purposes, with Mr. Pease in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. Anderson] will be recognized for 15 minutes, the gentleman from Arkansas [Mr. Hammerschmidt] will be recognized for 15 minutes, the gentleman from Florida [Mr. Fascell] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. Broomfield] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. Anderson].

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1659.

This bill offers a comprehensive program for improving aviation security including requiring the installation and use of explosive detection devices at high-risk airports.

On December 21, 1988, Pan American flight 103 was victim to the most vengeful of terrorist acts, the massive killing of innocent people. This devastating tragedy has introduced a new, calculated threat to which our Government must respond by modernizing our security system. The aviation security system, currently in place was designed to combat the hijacking activity seen throughout the 1970's. Since the summer of 1985, the nature of the threat has changed and there have been four aircraft bombings in international aviation, an average of more than one a year.

The Aviation Security Act contains a comprehensive security program that would maximize the protection of passengers against terrorist bombings. The bill establishes a program to fund the purchase of explosive detection equipment to be used at domestic and international airports. The technology which will be used initially in thermal neutron analysis, which was developed through FAA research and development. TNA has been shown to achieve a 95 percent or better success rate in the detection of plastic explosives in checked baggage.

With respect to the provision of the bill providing funding for the explosive detection equipment, Congressman Oberstar will be offering an amendment to meet objections which have been raised by the Budget and Appropriations Committees. It is my understanding that Chairman Lehman and Chairman Panetta support this amendment.

The bill also provides funding for airports to establish computer-controlled access systems to ensure that only authorized persons have access to secured areas. Other provisions in our bill provide for the screening of carry-on baggage by commuter airlines; for FAA rulemaking that improves the effectiveness of air carrier security screening; and for notification to the public of which foreign airlines employ the same security measures as U.S. airlines.

We oppose the administration's approach to security enhancement, which is to require the airlines to purchase their own explosive detection equipment. The barbarous activities of terrorists are directed at the decisions and policies of the U.S. Government, not at the commercial carriers. We strongly believe that it is appropriate for the Government to help meet the costs of security measures to enhance safety against terrorist bombs.

Airline passengers should not be subject to additional surcharges to pay for security when there is a surplus of $5.8 billion in the airport and airway trust fund. This fund has grown through fees paid by aviation consumers to enhance safety and security. We have an immediate need for the Government to fund security measures, and as contemplated, a small amount of the trust fund surplus should be used to enhance security.

H.R. 1659 can make a major contribution in protecting our citizens and fending off the terrorist threat. I strongly urge my colleagues to join me in passing this important legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. Oberstar].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

I wish we did not have to be here with legislation of this nature. This legislation is forced upon Members by international events beyond our shores, and to some extent up until now, beyond our control.

This legislation will assert a larger measure of control for the United States in protecting Americans traveling abroad from random terrorist attacks. I want to take a moment to review the issue and the history of security of aviation in the United States.

The security record of U.S.-flag carriers is a remarkable accomplishment. In fact, the security measures practiced by U.S. air carriers operating out of our domestic airports and the 45 or so high-risk foreign airports specifically in Europe, the Middle East, and the Pacific Rim, are superior to security measures undertaken by foreign air carriers, with the possible exception of El Al, which has a unique circumstance.

However, it was not always so. In the years 1969 through 1973 we were experiencing one skyjacking a week or one skyjacking attempt at least every 2 weeks. Security measures instituted in response to skyjacking at U.S. airports brought that record down to virtually zero. In fact, for a period, 1987, 1988, and into the first part of this year there were no domestic skyjackings. Over the past 20 years since the first security measures were instituted at U.S. airports, 9 billion passengers have been screened. Nine and a half billion pieces of luggage have been screened and subjected to security checks at U.S. airports. Forty-six thousand weapons have been confiscated, 14,000 arrests have been made at U.S. airports. Fourteen hundred people, at last count, have served or are serving a prison term for violating U.S. security laws at airports.

Last year, over 1 billion passengers were screened, and some 5,400 weapons were detected at U.S. airports, not all in skyjacking attempts, but the point is, they were detected, they were confiscated. Action was taken.

In the mid-1980's, aviation security took a grim turn. As we saw random terrorism against U.S. carriers practiced, bombs aboard aircraft, to destroy an aircraft and to destroy the passengers at the most vulnerable moment: When an aircraft is in flight.

□ 1220

The perpetrator's objective was no longer to go to Cuba or for others to flee to the West for freedom. The objective of terrorism is to influence U.S. foreign policy in the most cowardly fashion, by random destruction of innocent American lives.

The terrorists have been using increasingly more sophisticated explosives and increasingly more sophisticated or at least ingenious means of smuggling those explosives aboard aircraft. Those tactics have to be countered by the best possible detection means and the best possible technology that America's inventive genius can put forth. We have that technology; we have those devices; we have the means to detect explosives, and we simply have to put them in place. We do have the collective national will to act against terrorists. The American people demand it, the administration has moved, and the Congress now has an opportunity to act on a broad basis with this very effective and decisive piece of legislation that is pending before us.

America showed in the incident in the Persian Gulf that, when confronted with massive terrorism, the United States can act and act decisively. When we planted the United States flag aboard foreign oil tankers and sent the U.S. Navy into the Persian Gulf to lead the way and convoy those tankers, which only carried about 6 percent of United States oil needs, we showed that we were willing to act against terrorism. We must act with the same sense of urgency on aviation security.

A deterrent is at hand. We have it in the thermal neutron analysis devices that will be provided by the funding included in this legislation and by the access door measures that will be taken at U.S. airports funded in this legislation. These are realistic, comprehensive, and effective steps. They are not infallible, but this is an effective deterrent against terrorists. We need to act, and the only question is, who shall pay and how much?

U.S. carriers now cover all costs of providing security at home. That includes training and equipment for personnel at the 1,200 domestic security check points at U.S. airports, baggage inspection, air freight, airport access systems, and protection for secured areas at airports. Last year the security bill for the U.S. carriers alone totaled $500 million, including $20 per person in international departure surcharges imposed on U.S. travelers. What did security costs add up to for our foreign airline competition? Virtually zero.

The West German Government provides the security for its carriers, the French Government does the same as do all European governments, and the Israeli Government provides security for its air carriers. Those carriers do not have to fork over the security costs from their own pocket, as our carriers do.

Mr. Chairman, this legislation is going to have a very powerful leveling effect on international air competition by helping U.S. carriers to meet the needs of security, but not at the same time to be overly burdensome financially. I urge support for the legislation and for the amendment that I will offer later on.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last December, a terrorist bomb blew Pan Am Flight 103 out of the sky over Scotland killing everyone aboard. Since that tragedy, we have been working on legislation to address the shortcomings in aviation security and prevent this sort of terrorist action from happening again.

As we have recently learned—another airliner disappeared last night on a flight from Chad bound for Charles de Gaulle Airport in Paris, France. This incident appears that it may be another act of terrorism. At this time we do not know.

The bill before us now has several good features. It would:

Require airlines to install and use more sophisticated bomb detection equipment;

Require public notice of which foreign airlines provide tough security so that passengers can make an informed decision in choosing among airlines;

Require the FAA to initiate a rulemaking within 90 days to consider ways to improve the qualifications and training of the people who screen passengers and baggage; and

Direct the FAA to establish better procedures for the handling of security bulletins.

These are all worthwhile provisions and I support them. There is one provision in the bill before us now which I do not support. That is the provision that rescinds money intended for the airports under the Airport Improvement Program and gives it to the airlines to buy security equipment.

It had been my intention to join the distinguished gentleman from Florida, the chairman of the Transportation Subcommittee of the Committee on Appropriations, Mr. LEHMAN, in offering an amendment to delete this funding from the bill.

However, it is now my understanding that Chairman OBERSTAR will offer an amendment to delete the contract authority in the bill and to delete the rescission. In its place he will substitute a simple authorization which will require action by the Appropriations Committee before any funding can become available.

Mr. Chairman, this is a major modification to the bill and, because of this modification, I will drop my objections to the funding provisions in the bill. It is unfortunate that efforts to concoct a novel funding scheme have served only to slow down House consideration of this legislation.

I would be remiss if I did not mention that the administration is moving aggressively to improve aviation security. Secretary Skinner has kept us informed of the numerous initiatives the Department of Transportation is pursuing. Many of these initiatives are similar to provisions in this bill.

Therefore, assuming that the Oberstar amendment is adopted, I plan to support this bill.

Mr. Chairman, I yield 4 minutes to the distinguished ranking member of the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise in support of H.R. 1659, the Aviation Security Act. Although it does not contain all of the provisions I might have liked, particularly with regard to funding for the TNA devices, I believe this bill represents a quantum leap forward in aviation security.

As you've heard previous speakers testify, this legislation requires air carriers to install sophisticated explosive detection devices at high risk airports. It also requires airports to install security access devices to prevent unauthorized individuals from gaining entry to sensitive areas of airports such as ramps, baggage handling areas, and the like.

Shortly, Aviation Subcommittee Chairman Jim Oberstar will offer an amendment making certain significant changes to the bill. I encourage all Members to support the Oberstar amendment. It contains a number of features that vastly improves the bill and structures it in such a way to complement other Federal efforts directed at strengthening airport and aviation security.

It also moves the bill closer to what the minority argued for during initial consideration of this matter. By way of background, the Department of Transportation issued a final rule on August 30, 1989, requiring air carriers to purchase and install explosive detection devices. The rulemaking requires carriers to assume full cost for the equipment.

If Chairman Oberstar's amendment is accepted, H.R. 1659 will complement the Secretary's rulemaking by making funds from the Aviation Trust Fund available to carriers to help purchase this expensive equipment, subject to the normal appropriations process. This is the key change. Enactment of this measure without the Oberstar amendment will seriously delay the installation of this important technology because of the continuing controversy over the funding and ownership provisions in this bill.

In principle, I believe carriers ought to pay full cost. They are in a better financial position to purchase this equipment than is the Federal Government. Carriers would need only to charge an additional dollar or two on each ticket. Compare that to the complexities raised by Gramm-Rudman, budget resolutions, 302(b) allocations, and on and on, I think it is very clear that it makes fiscal and practical sense for the carriers to pay. Under the chairman's amendment, they will pay but the Federal Government will be obligated to buy back the devices from the carriers when and if money is appropriated for such purposes.

As I noted earlier, the minority members of the Public Works Committee early on attempted to incorporate a similar type of funding mechanism during markup, but were rebuffed at that time. Our proposal also avoided the dangerous precedent presently in the bill which authorizes direct grants to individual airlines for the purchase of these devices.

We are delighted, therefore, that a compromise was eventually reached which does not do violence to the budget and appropriations procedures of the House, and which retains ownership of the devices in the Federal Government.

Mr. Chairman, I believe H.R. 1659, if amended by the gentleman from Minnesota, deserves all our support.

□ 1230

Mr. ANDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. Mr. Chairman, I congratulate the chairmen of the full committee and the subcommittee for their hard work in drafting a compromise bill that I believe deserves the unanimous support of the House of Representatives to deal with what is a very real and growing threat against the safety of air travelers around the world.

Mr. Chairman, this is a good first step. I do not believe that it is the final action the House of Representatives, the U.S. Congress or the U.S. Government should take in order to defeat these cowardly terrorists who have in sort of a bizarre way declared war against innocent and random groups of U.S. air travellers and other innocent citizens.

Some have, raised objections to using our trust funds to pay for the installation of these devices. I believe this is a threat, not just against the airlines of the United States, but obviously a threat against the Government of the United States and hostilities directed against the Government of the United States, and I believe the Government has a responsiblity to respond, and in part we can respond through spending some of those surplus dollars in our trust funds.

As my colleagues know, our air travelers are paying already for what they think should be security, for safe airways, for decent airports and for security through a ticket tax every time they fly, and now there are those who say that the airlines should just charge the passengers a little bit more to install these security devices. How many times are we going to charge our passengers for the security that they deserve? I think once is enough. The airline ticket tax is enough.

Mr. Chairman, there is a surplus on the fund. Let us use the money from that fund. That is also a first step because there is more to be done.

Mr. Chairman, we need to improve the other aspects of security, the personnel and the devices that are used to screen, on-board baggage devices, the security at our airports. The thermal neutron devices are probably not the last word or even the best technology that can be used to screen checked baggage.

My colleagues, more must be done, and the Government must force those steps to be taken by those airlines.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Chairman, I rise today to express my support for the efforts of this Chamber to address the growing need for explosive detection equipment and enhanced security procedures at airports in the United States and around the world. However, I also rise to express my extreme concern that this body should not put all of our eggs in the basket of baggage detection equipment, which, as it happens, still has tremendous room for improvement, when instead we should be looking at all security methods available to combat terrorist attack.

The FAA has put much of its research support behind the thermal neutron analysis [TNA] devices, an imperfect new technology. This equipment continues to have false detections, cannot detect noncarbon or liquid explosives, and can only process up to 600 bags an hour, which is less than one jumbo jet's load of baggage. How can we possibly believe we are adequately inspecting baggage for explosives if we can only test one plane's baggage an hour, and we are not certain even that luggage is explosive free. And these devices don't screen passengers or carry-on luggage, as large a threat to the security of an aircraft and its passengers.

While today's bill may be a good first step toward moving this Congress in the direction of enhanced airport and aircraft security, we must recognize there are other security options that must be considered. For example, last month the House passed my amendment to the Department of Defense authorization bill which authorizes the President to assign or detail members of the Armed Forces to assist foreign governments in protecting U.S. passengers and air carriers at airports abroad against acts of terrorism and violence. Pan Am flight 103, and the TWA hijacking in 1985 which claimed the life of Robert Stethem, point to insufficient ground security. I believe that attacks against American citizens or American air carriers abroad are attacks against the United States, and should be treated as such.

Further, airports need better field lighting, fencing, and better trained personnel. Airports need to enhance their own security precautions, including the possibility of denying passengers access to baggage once it has been checked and matching passengers and baggage to ensure that unaccompanied baggage is not loaded onto aircraft. We must continue to develop equipment that will more efficiently and effectively detect explosives for both checked baggage and for passengers and their carry-on baggage. We must also focus on improving our intelligence efforts overseas to improve our activities. As a member of the House Intelligence Committee, I will continue to encourage our intelligence agencies to focus on airport and airplane security issues.

And most importantly this Chamber must remain mindful that passage of this bill today will only be a first step to protecting the lives of the flying public. If we go home this evening believing that we have solved the problem of airport security, that our airports are free from potential terrorism, and that no additional protection action is needed, then we will be negligent in protecting air travelers from attack. This bill is a good first step, but only that, and we must continue our efforts to protect passengers from violence and terrorism.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Kansas [Mr. GLICKMAN]. He has highlighted some concerns about the legislation, and he underscored that this bill should not be considered the last word on aviation security.

Mr. Chairman, we do not consider this to be the last word. The gentleman raised questions about screening of passengers and carry-on baggage, and I would refer the gentleman to page 8 of the committee report which discusses in more detail the provisions of this legislation which deal with those particular issues in some degree of specificity.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, as I said before, I support the bill, and I just wanted to make the point that there are many, many other areas that we can work on.

Mr. OBERSTAR. Mr. Chairman, we are cognizant of those, and we do address them in the bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I am happy to see that the House is able to practice what the President has been preaching. The President said he wanted a kinder, gentler nation, and it looks like Chairman OBERSTAR will give us a kinder, gentler amendment. And to return the favor, I'm going to give it my kind and gentle support.

Mr. Chairman, this amendment makes an absolutely necessary change to the bill. It puts the budget process back in place.

Right now, the bill short-circuits the budget process by authorizing $270 million of automatic spending which is neither accounted for in the budget resolution nor subject to appropriations. That would add $114 million to fiscal year 1990 outlays, without even an attempt at an offset.

Chairman OBERSTAR'S amendment takes care of the problem. It strikes the automatic spending and replaces it with budget authority, which will make the spending subject to appropriations. No more gimmickry or backdoor spending—it's a straight authorization.

The amendment makes another improvement to the bill by ensuring that the bomb detectors will be deployed by the airlines as directed by the FAA's rule of August 30.

The FAA may still have to pick up the tab for the cost of the detectors, but the long, bureaucratic, Federal procurement process will not be able to delay the deployment.

The terrorist bombing of Pan Am 103 was a horrible, terrible tragedy. A woman from North Adams, MA, just up the road from my hometown, lost her only daughter on that flight. I promised her that I would do my best to free our skies from the threat of terrorism.

Getting those bomb detectors in place is a step in that direction. We need their deterrence; we need their prevention. We don't need backdoor budget gimmickry and delays. To improve H.R. 1659, to make it a better, safer bill, support the Oberstar amendment.

□ 1240

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1659, the Aviation Security Act of 1989.

The Aviation Security Act is a product of close cooperation between the Foreign Affairs Committee and the Public Works Committee, which have worked together to craft this comprehensive piece of legislation. H.R. 1659 was developed in the aftermath of the criminal sabotage of Pan Am 103 which resulted in the tragic death of 274 innocent people. I can only say that this heinous act serves as a vivid reminder that we must remain vigilant and constantly upgrade aviation security in order to protect the traveling American public against the brutality of random terrorist violence against civil aviation.

H.R. 1659 is designed to further enhance the safety and security of the traveling public against the threat of terrorism. While we will probably never be able to ensure 100 percent security on airlines and in airports around the world, this legislation builds on the success of the Foreign Airport Security Act, which the Congress initiated in 1985, and gives the Secretary of State and the Secretary of Transportation new authorities and guidelines to help them address the problem of upgrading and enhancing the security of civil aviation.

The major provisions in the House Foreign Affairs title of the legislation would: encourage bilateral and multilateral negotiations to ensure that security measures on all foreign air carriers is upgraded and comparable to the security measures required of United States carriers; call for immediate negotiations with foreign countries, namely Czechoslovakia, on the use of taggants to facilitate the detection of plastic explosives and to curb the export of such explosives; authorize the appropriation of additional funds for airport security training under the antiterrorism assistance program; require the issuance of travel advisories against foreign airlines which fail to comply with accepted security plans for entry into the United States; establish guidelines for the distribution of FAA security bulletins; establish State Department procedures for dealing more effectively with inquiries from families in the case of major disasters or incidents abroad.

In closing, Mr. Chairman, I would like to commend our colleagues on the Committee on Foreign Affairs and Public Works and Transportation Committee for their contributions in crafting this comprehensive and timely legislation. In particular, I would like to commend the distinguished chairman of the Public Works Committee, Chairman ANDERSON, the distinguished chairman of the Aviation Subcommittee, Mr. OBERSTAR and their ranking members, Mr. CLINGER and Mr. HAMMERSCHMIDT, for their efforts to facilitate the House's consideration of this legislation. With respect to the Foreign Affairs title I would like to commend the ranking Republican on the committee, Mr. BROOMFIELD, the chairman of the Asian and Pacific Affairs Subcommittee, Mr. SOLARZ and the ranking Republican member on the International Operations Subcommittee, Ms. SNOWE, for their valuable contributions to this legislation.

Mr. Chairman, we must not let the tragic loss of so many lives in the Pan Am 103 bombing go unanswered. Only yesterday we were again confronted with the destruction of another commercial aircraft in Africa which took the life of the wife of the American Ambassador to Chad, Bonnie Pugh. I would like to extend my sympathy to Ambassador Pugh and the relatives and friends of all the victims of UTA flight No. 772. The French-owned airline UTA reportedly suspects a criminal act as the cause of the downing of the UTA flight. Also their are unconfirmed reports that Islamic Jihad has claimed responsibility for the act.

This legislation takes specific steps to prevent future terrorist acts against civil aviation and sends a strong and clear message to terrorists, that the U.S. Government is committed to ending this scourge. H.R. 1659 gives the executive branch additional tools to implement a comprehensive and effective antiterrorism policy. H.R. 1659 will help to close some existing loopholes in aviation security procedures and upgrade specific aspects of security.

We cannot be naive. No law or regulation, however perfectly implemented, will provide a 100-percent guarantee against random acts of international terrorism. Still, we must do everything we can to protect the traveling public.

I urge the passage of H.R. 1659, the Aviation Security Act of 1989.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the legislation before us today, H.R. 1659. I know that I speak for all Members in expressing our deep sympathy to the family of Ambassador Rober Pugh for the loss of his wife, Bonnie, in the Chad airline disaster yesterday.

The menace of international terrorism continues to threaten the traveling public. It demands an effective response through improved security. At the same time, there are legitimate differences about how to pay for improved security. I believe that this issue can be resolved through the amendment process.

I wish to commend Chairman FASCELL of the Foreign Affairs Committee for his leadership on the issue of aviation security.

The Foreign Affairs Committee has worked closely with the Committee on Public Works and the Bush administration. In the aftermath of the tragic destruction of Pan Am 103, we assembled a broad legislative initiative.

This bill would give the Department of Transportation and the Department of State new authority and guidelines on upgrading civil aviation security. We hope the authority and funds provided through this legislation will help prevent future tragedies.

While I support this effort, I have reservations about requiring the Federal Government to fund explosives detection equipment, such as TNA [thermal neutron analysis], by directly accessing the Airport and Airway Trust Fund. I am particularly concerned that this funding would be provided without going through the discipline of the budget and appropriations processes. Terrorism in the air is an international problem that knows no borders. An international approach must be taken to resolve the funding of improved bomb detection equipment.

It is apparent that international terrorism has again brutally claimed the lives of innocent civilians, the possible bombing of a French DC-10 in Chad by Islamic Jihad reaffirms my belief that terrorism is an international menace that must be solved through international cooperation.

During consideration of this bill in our committee, I offered an amendment which called upon the International Civil Aviation Organization to study other methods for financing the purchase of explosives detection equipment, including nominal surcharges on international airline tickets. This study would also include ways to defray the costs of maintenance and replacement of such detection equipment. I believe that this approach has merit. It could result in better international cooperation, not only on the funding issue, but also on the overall issue of upgrading aviation security.

While I support this bill, I believe that we must find better ways to fund state-of-the-art security screening devices and procedures for commercial flights. Nothing less will enable us to meet the challenges of terrorism against international airline traffic.

I look forward to supporting constructive amendments on the funding issue during debate on this bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I ask unanimous consent that I may yield the time left on the Public Works and Transportation Committee segment of the debate to the ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas.

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this bill is a joint product of the Committees on Foreign Affairs and Public Works. As ranking Republican on the Foreign Affairs Subcommittee that has jurisdiction over terrorism and security issues, I am pleased that both committees worked together so well in a bipartisan fashion in producing this legislation. We also worked closely with the administration, which has already begun implementing some of the provisions contained in this bill by regulation, where possible.

This bill contains several provisions I authored to enhance international aviation security. It also contains initiatives by Chairman FASCELL, Congressman BROOMFIELD, Chairman SOLARZ, and Congressman BURTON. I would like to congratulate my colleagues on their efforts.

This bill takes broad action to strengthen security programs at international airports in the United States and abroad. The bill enhances airport security programs under the existing antiterrorism training program, and takes a number of steps to improve the U.S. Government response to foreign disasters. It sets up procedures for sanctions against foreign airlines that fly into the United States and fail to provide adequate security.

During consideration by the Foreign Affairs Committee I added several provisions to this legislation. These provisions close gaps in international airline security and address the ability of the United States to respond effectively to crises such as the terrorist bombing of Pan Am flight 103. The Subcommittee on International Operations, where I serve as ranking Republican, has been looking into these questions for the past few years, and have held several hearings on problems related to the Pan Am flight 103 bombing last December.

Several issues relating directly to the Pan Am flight 103 disaster are already addressed in amendments I added to the State Department authorization bill. One particularly important provision requires the State Department to coordinate all contacts with families and next of kin in such disasters. During the Pan Am 103 disaster the State Department depended on the airlines to contact families, a process which proved to be seriously flawed.

The first of my provisions in this bill require the Secretary of State to issue a travel advisory for any foreign air carrier that fails to carry out security procedures required by the FAA Administrator. This will give the administration greater clout in getting foreign carriers to enhance their security procedures, which generally are lower than procedures required of U.S. carriers.

Another of my provisions requires the FAA to establish a followup system for security bulletins it distributes to airlines and foreign airports. This will let us know exactly what actions foreign airlines and airports are taking in response to security warnings issued by the FAA.

A third provision would ensure that security bulletins can only be distributed to nonsecurity personnel at U.S. embassies if that information is also made available to the general public. There must be no double standard or impression that government personnel should be warned of any threat information that is not also released to the American public.

My last provision requires the State Department to establish toll free telephone service solely for the use of family members of American victims of foreign disasters, and to enhance the training of consular officers for response to disasters. My subcommittee's investigation of the flight 103 disaster showed the State Department's consular response to be confused and inadequate.

This bill was worked out with broad bipartisan cooperation between the two committees and with the administration. I urge my colleagues to support this important legislation.

□ 1250

Mr. SMITH of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill.

The chairman of the full committee, the gentleman from Florida [Mr. FASCELL], has already indicated significantly what is contained in the Committee on Foreign Affairs section of this bill, and I want to commend both the chairman of my committee, the Committee on Foreign Affairs, and the chairman of the Committee of Public Works for having done such an excellent job in trying to fill the gaps. That is what we are doing is filling the gaps in what is otherwise an existing policy.

Unfortunately we have had too many lapses, too many places where we have not been able to define correctly what our mission is, what our goal was vis-a-vis airline safety, airline security and our significant capability against international terrorism. Unfortunately, as was indicated yesterday again, the possibility exists that a significant terrorist act may have been perpetrated by one of those groups that is consistently doing this, the Islamic Jihad, in the downing of the UTA airliner and the tragic and untimely death of the wife of our Ambassador to Chad.

It is unfortunate, indeed, that these accidents and incidents occur, but the reality is that we have to be able to do something about it. We cannot sit by any longer. We cannot just leave it to the good offices of those in other countries who are chargeable with the same role that we have here in the United States to protect the people who are flying the airlines. We must, in fact, because we have been forced to do so, take steps in this country to try to get those other countries who have yet to reach any acceptable level of protection, not only for their own citizens but for the foreign citizens, many of them Americans, who fly on their airlines, use their airports, are subject to their rules and regulations and their security umbrella. We have been forced to do this by countries which have consistently refused for one reason or another to come to grips with this problem, and so this bill, in the portion that deals with our international relations, has plugged up many of the gaps.

Mr. Chairman, what is most signficant is it has, in fact, now mandated that foreign airlines must achieve a minimum status, and that if they do not achieve that minimum status of security, if they do not agree that the safety of the passengers, their own citizens, and those of other countries, certainly those of the United States, can be secured, then we are going to extract from them whatever we can in a measured punitive way.

It is sad that this has to be so, but the American public and the world traveling public has a right to believe in the safety of the airliners that they step onto. Because once they step on those airplanes, they lose control over their own destinies. They have a right to believe that when they do so they are being put in the hands of people who have made every effort possible to ensure that aircraft and all of the passengers within, no matter whose national they may be, and so the United States has said that, "If you do not live up to a minimum standard, we will provide certain alternative penalties" including one that I think is very important for the American people, and that is a travel advisory against airlines, against foreign airlines whose minimum standards do not meet the minimum standards required for security or whose efforts fall far short or who make no effort at all.

Mr. Chairman, it is time that we came to grips with this. We cannot have any more Pan Am 103's. We cannot have any more TWA 847's. People forget. It is easy to forget. There are so many airlines, so many trips, so many planes going up and down every day, so many people flying so many places.

But speak to the members of the families as we have. The Committee on Foreign Affairs had a hearing. We brought in the surviving families of the passengers of Pan Am 103. Ask them how important this kind of measure is. Ask them what they think about having secure airlines, secure airports, secure facilities, and a freedom from fear that when one steps on that airline they may never see anything, no land, no family again. We are, in fact, forced to do this. It is the right thing to do. It is something that unfortunately we have not been able to get on a voluntary basis, but the United States having been the leader before is assuming a leadership role again.

I think the Committee on Public Works and Transportation and the Committee on Foreign Affairs really have moved out beyond where most people thought we could or would go into the area of providing protection for people, and let us not kid ourselves, we can only go in a finite fashion. We cannot be a guarantor. Nobody can tell us that at some point some piece of security will not be breached somewhere in the world. There are plenty of places which are less capable of protecting their citizens than others, certainly than the United States.

This goes right now to a large degree well beyond anything we have done before, and hopefully it will encourage those foreign nations to go well beyond where they have been before in terms of protection. If it costs them a little bit of money, so be it. If it costs them a little bit of trouble, so be it. If it is a little bit inconvenient, so be it.

The protection of the people who fly those aircraft or use those airports is paramount to the cost. We cannot measure that cost when one life is lost because we did not take the time to provide the protection. This bill takes that time. This bill provides that protection as far as we can go.

Mr. Chairman, I hope that our colleagues will see fit to give it a very, very large vote.

Mr. Chairman, I reserve the balance of my time.

□ 1300

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all, Mr. Chairman, I want to congratulate the chairman and ranking Republican of each committee for their hard work. In particular I want to congratulate the gentleman from Minnesota [Mr. OBERSTAR], for all of the hard work he has put into this. I know he has done yeoman's service over the last few weeks.

This is a major problem that we face, and the American traveling public may after today's debate believe that we have solved this problem.

The initial thermal neutron analysis machines are going to be installed at airports that deal with international flights, as I understand it. This is a step in the right direction, but we have thousands of flights back and forth across America every day that are not international, and these machines are going to be produced over a period of time. We have one on line right now, as I understand it, at the Kennedy Airport. They are going to produce about 20 in the next year that will be put in three or four major airports in this country to handle international flights. But the flights that go across this country by and large are not going to be protected by these thermal neutron devices.

So I urge my colleagues to think about expanding this overtime to cover domestic flights. Why do I say this? The Medellin cartel has indicated they are going to perform some terrorist acts against American personnel as they have been their people in Columbia. We have terrorists from the Middle East who have threatened the United States, and there have been terrorist acts in this country. We have not yet had a plane bombed, but that does not mean that it is not in the cards down the road.

In testifying before the Senate Governmental Affairs Committee, Oliver B. Revell, FBI Executive Assistant Director, when speaking on the threat of South American drug cartel terrorism said:

> Our borders are porous. If they mount a campaign to have blood running in the streets of America, I can't give you assurances that we would be in a position to preempt it.

Brian Jenkins, counterterrorism analyst with the Rand Corp., said when talking to a panel regarding this issue on antinarcotics that a violent response from the drug traffickers is likely.

Robert Kupperman, a specialist on terrorism with the Center for Strategic and International Affairs, is quoted as saying that cartel-sponsored terrorism is a "foregone conclusion."

So what are the targets going to be? The most vulnerable targets in America, in my view, are our airplanes. So while today we are taking a vital first step in dealing with air travel and air safety as respects terrorism, it is not a panacea, it is not going to solve the whole problem. This is a first step.

Today we can do something, and I am offering an amendment which I believe is going to be adopted which will help be a stop-gap measure. The gentleman from Florida said a while ago that we are filling gaps today. One of the gaps that we must fill is the immediate need for airline safety within the confines of the United States.

The only stop-gap measure that we can utilize very quickly is to use canine dogs who are capable and trained to sniff out synthetic and other plastic explosives at the gates at our airports. The luggage that is going to be tested with these thermal neutron devices will be going through on a conveyor belt, I presume, and they can handle 600 in an hour. But the carry-on luggage is where the terrorists are bringing the bombs on board. Almost every airline or airplane disaster that we know of, it has been indicated that they brought the bomb in and put it probably in the overhead, at least that is what they speculate.

So we need to catch these people at the gates, and we need to do it very, very quickly. Within the next 6 to 8 months I have been assured that we could train teams of canine dogs to be on line at the major airports in this country, to spot-check the various gates, to throw the terrorists off guard if they decide they want to take this action in the country, and they would not know which gates the dogs might be at. They would not know whether they would be picked up or not. This deterrent capability is something we need right now.

It is going to take 3 or 4 years to get the TNA machines online at major airports in this country handling international flights. It will take longer for them to deal with domestic flights, so we need these canine dogs right away.

Again, I commend the gentleman from Minnesota [Mr. OBERSTAR] for his hard work and I look forward to working with him.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, it is with some reluctance that I rise to express serious reservations about the legislation that we have before us. Certainly none of us today disagrees with the purposes of this legislation. Everyone wants improved security in our airlines. Everyone agrees that this equipment is necessary.

But, Mr. Chairman, I am in receipt of a draft of a letter directed to the Speaker from the Secretary of Transportation indicating a number of things. First, that this legislation could actually slow the deployment of explosive detection systems.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield, could he give us the date when that letter was received?

Mr. COUGHLIN. The letter was received here within the last few minutes.

Under the present law and under the regulations that have been issued by the Department of Transportation, the airlines are free today to approach any number of vendors to purchase these units, and this legislation could actually slow down the deployment of these by encouraging the airlines to defer acquisition until Federal funds have been appropriated for this purpose.

Second, this program creates an expensive precedent for a new Federal subsidy at the airlines by funding from the trust fund the purchase of this equipment.

Third, it adds unnecessary funds for airport access control systems, because these costs are already eligible for expenditure from the airport improvement program grant funds.

Let me just quote from the letter, if I may. It says:

> Strengthening airline security is a top priority of Congress and the administration. However, the new spending authorized in H.R. 1659 is not necessary, nor will it facilitate attainment of our mutual goal of protecting air travelers. If H.R. 1659 were enacted, I would strongly recommend that the President veto the bill.

My colleagues, I think that we are taking an unnecessary step here. I think that we will only delay the implementation of putting this safety equipment in the airlines, and I would urge that the House reject the bill.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman from Michigan for yielding, and I rise to reinforce my vice chairman on the Transportation Subcommittee of the Committee on Appropriations real concerns about this bill and the upcoming Oberstar amendment, whichever one is actually introduced on the floor. There are two or three floating around. I do this most reluctantly because, I too, support any effort to stave off any sort of terrorism as it applies to our aviation system.

But there are a few things that I think Members must be reminded of and that I must point out, because at least those who I talked to during the last vote were unaware.

First off, this bill and the subsequent Oberstar amendment sets a very dangerous precedent. For the first time, for the first time we will be granting expenditures to airlines to buy equipment from the trust fund for their own. Members may say that is what the trust fund is for. That is not what it is for. The trust fund is for making capital improvements to airports, to facilitate the capacity of our aviation system, and those kinds of expenditures.

Buying these machines for international flights out of the trust fund means that people who never fly internationally, never fly internationally are paying for these machines on international flights. I think that is unfair to those who pay taxes, fly on domestic flights who will be paying for the security of those people who are flying on the international flights. Those who fly on international flights should pay for their own security through a surcharge of just $2 a ticket. I do not know many people who fly internationally who cannot afford $2 to pay for their security. This is a dangerous precedent.

There was no compromise struck between the Appropriations Committee and the authorizing committee on the substance of this issue. I ask Members to listen to me, the compromise was struck on the jurisdiction between the two committees. That was the compromise.

So do not kid yourselves about what is happening in this bill. We are setting a dangerous precedent. If airlines decided that they needed a tank out on the runway and they came to the Government and said we need this tank, you pay for it or the trust fund pay for it to protect a particular airline, this is not the way we ought to be doing things.

□ 1310

This is not the way we ought to be doing things. I think the user ought to have—the user of these international flights ought to pay for the system, not the trust fund.

Besides, the fact is we are doing that now. I understand why we came up with this bill; everyone wants to vote against terrorism.

But most of the things other than the Oberstar position are already being done by the Department of Transportation.

Just recently the FAA had a final ruling on aviation security and set up a system of putting in place these detection machines. We do not need this bill without the Oberstar amendment.

So, Members, be very careful what you are voting on in this situation.

Mr. SMITH of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am afraid that the last few speakers have been operating under somewhat of a misapprehension. My understanding, if I am not mistaken, is that an amendment will be offered in a very short time by Mr. OBERSTAR, which is going to completely vitiate many of the objections that the Appropriations Committee subcommittee chairman has.

We have a letter from the chairman of the Subcommittee on Transportation of the Committee on Appropriations which says specifically that he supports the Oberstar amendment and is removing or withdrawing his amendment from consideration. So that there has been significant consultation.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Texas.

Mr. DELAY. I thank the gentleman for yielding.

Mr. Chairman, first off I do not know that our chairman of the Subcommittee on Appropriations has seen the newest amendment.

Second, what I was saying was absolutely——

Mr. SMITH of Florida. Mr. Chairman, reclaiming my time, the gentleman has seen it. I am giving the gentleman the best advice that I understand now exists, it is time-fresh, that Mr. LEHMAN's amendment will be withdrawn, Mr. OBERSTAR's will be submitted and that he approves of same. The objection that the gentleman raised, and those Mr. COUGHLIN raised, are no longer in issue.

Mr. DELAY. Mr. Chairman, that is not true, if the gentleman will yield further.

Mr. SMITH of Florida. There is no reason to fight this out here. We can certainly explain where we are later.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding.

Mr. Chairman, since the gentleman from Florida would not yield to me, I need to explain that the compromise that has been struck between the chairman of the subcommittee is one that I support in that it separates the jursidictions of the two committees. But the substance does not change. The substance is still there where we are paying for equipment for airlines out of the trust fund. That is still the same. And it has not changed. And it is a dangerous precedent.

Mr. BROOMFIELD. Mr. Chairman, we are starting all over again.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I have the highest regard for my colleague from Texas, but he keeps talking about protecting the airlines. The governments of the countries that are fighting terrorism and fighting the drug warlords are the targets. Our Government is a target. When they bomb an airplane, they are trying to send a message to our Government.

So it is a governmental responsibility to protect the people who are flying. I mean, if you are just talking about airplanes, then it is the responsibility of the airlines; but we are talking about the people inside those airplanes that our Government has a responsibility to protect from enemies of the United States, whether it is a cocaine producer in Colombia or a terrorist from the Middle East.

So with all due respect to my colleague, the Government does have a major responsibility to protect the people in those airplanes.

Mr. SMITH of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am afraid I must rise to just say in all honesty I am quite disappointed with what I am hearing by people that are objecting to this.

First and foremost, we are here to protect people, not the trust fund. The trust fund is not going to get bombed out of the sky.

No. 2, that trust fund happens to be money already collected from American citizens. The gentleman from Texas would have us surcharge them again. They paid before and they have a right to have that money utilized for the most pressing purposes of the moment.

The most pressing purposes at the moment—I might add that the money that this is going to be taken from, as it is ultimately proposed, will be, if I am not mistaken, 3 or 4 percent in value of the trust fund. The total amount considered is practically a spit in the ocean with the amount that is in the trust fund which has already been collected from Americans who are providing them with things that they thought they were going to get.

So I would hope my colleagues would reject the argument that because we are going to take the money, possibly, subject to an appropriation, out of the trust fund, because it does not do it directly in the bill, that somehow that trust fund is more inviolate than any American citizen.

Given the choice there is not a person I believe within the sound of our voices who is going to choose to protect the trust fund and not choose to protect American citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the ranking member of the committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Chairman, I take this time to make inquiry of the distinguished chairman of the Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], for clarification of this amendment.

If I may inquire of the chairman of the subcommittee: It was our understanding that in the amendment that he was going to offer would not permit grants directly to the airlines but that the Government would retain title to the TNA equipment. As I understand the new language, which we saw here for the first time just a few minutes ago, the gentleman would make grants to the airlines for the purchase of TNA devices.

Is that correct? If it is correct, we have a serious disagreement on what the amendment does.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chairman, this provision the gentleman refers to has gone through some evolutionary process. We have had some extensive discussions with the Committee on the Budget and later on with the Committee on Appropriations. We thought we had an understanding about who should buy and who should hold title to the devices.

We are now attempting to get a further clarification with the Committee on Appropriations to resolve that matter, and I would hope we can get an agreement with the Committee on Appropriations.

Mr. HAMMERSCHMIDT. We are near the end of the general debate, so let me say that I think that between now and the time the gentleman offers his amendment we may want to talk with him about modifying the amendment or we may want to amend his amendment in order to get back to our original agreement.

Mr. Chairman, I wanted to make the House aware of the difference of opinion that is going on.

Mr. DeLAY. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Texas.

Mr. DeLAY. I thank the gentleman for yielding.

Mr. Chairman, I would like to know who "we" are. "We" are who? Is that Chairman LEHMAN, the staff of the Appropriations Subcommittee?

Mr. OBERSTAR. All of the above, yes.

Mr. DeLAY. I am under the impression that they have not seen any of these negotiations, the latest ones.

Mr. OBERSTAR. All of the above.

Mr. HAMMERSCHMIDT. Let me say while I have some time here, let us confer not only with the gentleman from Minnesota but with the Committee on Appropriations to see if we can come to an agreement on this, try to work it out in the regular way and either use the amendment process or the negotiation process.

Mr. OBERSTAR. My understanding was that we had an agreement and that all Members were apprised and a party of. But it appears that something slipped through the cracks.

Mr. HAMMERSCHMIDT. I would have to say that we were surprised, we were not expecting the language that we saw in the gentleman's amendment.

Mr. OBERSTAR. We did not expect that the gentleman had not seen it. We thought what we had an agreement to was that which was in writing.

Let us further reason together.

Mr. HAMMERSCHMIDT. Let us work outside the general debate here.

Mr. SMITH of Florida. Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. As I understand it, there seems to be some need for some negotiations between the various parties. Mr. Chairman, is it not possible under the rule that we can go ahead and debate other amendments and go on to title II and then return to title I so that the gentleman from Minnesota [Mr. OBERSTAR] could then later on this afternoon offer his amendment?

The CHAIRMAN. If Members seek time to speak on the floor, they are always free to strike the last word and gain the time.

□ 1320

The Committee will be proceeding through the bill by title, and it would take a unanimous-consent agreement to change that.

Mr. SOLOMON. So that the gentleman from Minnesota [Mr. OBERSTAR] could at an appropriate time, while we are ending title I, make a unanimous-consent request to return to title I after we have gone on to the foreign affairs issue?

The CHAIRMAN. He could do that.

Mr. SOLOMON. That could solve a lot of our problems.

Mr. ANDERSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, all time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation, printed in italic in the reported bill, as modified by the amendment recommended by the Committee on Foreign Affairs, printed in boldface in the reported bill, shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Security Act of 1989".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—DEPARTMENT OF TRANSPORTATION

SEC. 101. INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended by adding at the end thereof the following new subsection:

"(c) INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT.—Not later than 60 days after the date of the enactment of this subsection, the Administrator shall require all air carriers to install and use, as expeditiously as possible, explosive detection equipment which meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology—

"(1) at airports (A) which are located outside the United States, and (B) at which the Administrator has determined, on or before such date of enactment, that air carriers must use extraordinary security measures; and

"(2) at such other airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air carrier passengers.".

SEC. 102. MINIMUM SCREENING STANDARDS.

(a) GENERAL RULE.—Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is further amended by adding at the end thereof the following new subsection:

"(d) MINIMUM STANDARDS.—The regulations under this section shall at a minimum require screening of (1) all passengers of an aircraft used in scheduled passenger operations with seating for more than 30 passengers at each airport regularly served by aircraft used in scheduled passenger operations with seating for more than 60 passengers, and (2) the carry-on property of such passengers.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 315. Screening of passengers in air transportation."

is amended by adding at the end thereof the following:

"(c) Installation and use of explosive detection equipment.

"(d) Minimum standard.".

SEC. 103. AVIATION SECURITY ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201-2227) is amended by adding at the end thereof the following new section:

"SEC. 535. AVIATION SECURITY ASSISTANCE PROGRAMS.

"(a) AIR CARRIER SECURITY ASSISTANCE PROGRAM.—Subject to such terms and conditions as the Administrator may establish, the Administator is authorized to make grants from the Trust Fund to air carriers required to install and use explosive detection equipment under section 315 of the Federal Aviation Act of 1958 to pay up to 100 percent of the cost of acquiring such equipment.

"(b) AIRPORT SECURITY ASSISTANCE PROGRAM.—Subject to such terms and conditions as the Administrator may establish by regulation, the Administrator is authorized to make grants from the Trust Fund to sponsors of airports to pay up to 100 percent of the cost of acquiring and installing equipment used to comply with regulations issued by the Administrator for controlling access to secured areas of airports.

"(c) APPLICABILITY OF OTHER PROVISIONS.—Except as the Administrator may otherwise provide, the provisions of this title (other than section 503, relating to definitions) shall not apply to this section and grants made under this section.

"(d) FUNDING.—

"(1) AIR CARRIER SECURITY ASSISTANCE PROGRAMS.—The amount available for carrying out subsection (a) shall not exceed $10,000,000, of which not more than $50,000,000 shall be obligated in fiscal year 1989.

"(2) AIRPORT SECURITY ASSISTANCE PROGRAM.—The amount available for carrying out subsection (b) shall not exceed $170,000,000, of which not more than $85,000,000 shall be obligated in fiscal year 1989.

"(3) CONTRACT AUTHORITY.—The administrator is authorized to incur obligations to make grants from funds made available under this subsection. Each grant agreement under this section must provide that no payment of funds shall be made by the Administrator before October 1, 1989. Notwithstanding any other provision of law, approval by the Administrator of a grant with funds made available under this subsection shall be deemed to be a contractual obligation of the United States for payment of the Federal share of the cost of acquisition of equipment.

"(4) Inapplicability of Obligation Ceilings.—Funds made available by this subsection shall not be subject to any obligation limitation.".

(b) Rescission of Portion of AIP Unobligated Contract Authority.—$270,000,000 of unobligated contract authority available for airport development and planning under section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded.

SEC. 104. AIRPORT SECURITY PROGRAMS.

Section 316 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) is amended by adding at the end thereof the following new subsection:

"(g) Airport Tenants Security Programs.—The Administrator may approve under this section a security program of an airport operator, and may approve an amendment to a security program of airport operator approved by the Administrator under subsection (b), which incorporates a security program of an airport tenant (other than an air carrier separately complying with part 108 or 129 of title 14 of the Code of Federal Regulations) having access to the secured areas of the airport—

"(1) if such program or amendment incorporates the measures by which the tenant will carry out, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, the security requirements imposed by the Administrator on the airport operator pursuant to the access control system requirements of section 107.14 of such title or to other requirements of part 107 of such title; and

"(2) if such program or amendment incorporates the methods by which the airport operator will monitor and audit the tenant's compliance with such security requirements and provides that the tenant will be required to pay financial penalties to the airport operator in the event the tenant fails to carry out any such security requirement in accordance with a contractual provision or requirement imposed by the airport operator.

If the Administrator approves a program or amendment described in this subsection, the airport operator may not be found to be in violation of a requirement of this section in any case in which the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for such violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.".

SEC. 105. PUBLIC NOTIFICATION OF FOREIGN CARRIER SECURITY PROGRAM STATUS.

(a) In General.—Section 316 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) is further amended by adding at the end thereof the following new subsection:

"(h) Public Notification of Foreign Carrier Security Program Status.—For the purpose of notifying the public, the Secretary of Transportation shall publish periodically, but not less than quarterly, the names of those foreign air carriers which are complying with the security measures which the Administrator has imposed upon air carriers serving the same airports as such foreign air carriers.".

(b) Conforming Amendment.—The portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 316. Air transportation security."

is amended by adding at the end thereof the following:

"(g) Airport tenants security programs.

"(h) Public notification of foreign carrier security program status.".

SEC. 106. RULEMAKING PROCEEDING.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to propose and consider methods of improving the effectiveness of security screening of air carrier passengers and carry-on baggage, including proposals for the Federal certification of air carrier security screening personnel and proposals to improve the qualifications, training, management, and retention of such personnel.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Burton of Indiana: At the end of title I of the bill, insert the following new section:

SEC. 107. EXPLOSIVE DETECTION K-9 TEAMS.

The text of section 529 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2225) is amended to read as follows:

"(a) Grants.—The Secretary shall provide by grant for expenses of training and evaluation of dogs for the Explosive Detection K-9 Team Training Program for the purpose of detecting explosives at airports and aboard aircraft. Not later than 180 days after the date of the enactment of the Aviation Security Act of 1989, the Secretary shall extend such program to the largest 50 airports in the United States, as determined by the number of passenger enplanements in calendar year 1989.

"(b) Funding.—There is authorized to be appropriated from the Trust Fund for carrying out subsection (a) such sums as may be necessary for fiscal years beginning after September 30, 1989. Such sums shall remain available until expended.".

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE II—DEPARTMENT OF STATE AND RELATED AUTHORITIES

SEC. 201. SECURITY MEASURES OF FOREIGN AIR CARRIERS.

It is the sense of the Congress that the Secretary of State and the Secretary of Transportation in all appropriate fora, particularly talks and meetings related to the international civil aviation, should give the highest priority to concluding bilateral and multilateral agreements which would require security measures for foreign air carriers comparable to the security measures required of United States air carriers serving the same airports as such foreign air carriers.

SEC. 202. EXEMPTION FROM CUSTOMS DUTIES AND TAXES FOR SECURITY EQUIPMENT.

The Secretary of State shall take appropriate steps to ensure that equipment necessary for implementing airport and air carrier security measures at foreign airports is considered by governments of foreign countries to be exempt from customs duties and taxes.

SEC. 203. USE OF TAGGANTS OR MARKERS TO FACILITATE THE DETECTION OF PLASTIC EXPLOSIVES AND LIMITATION ON EXPORT TO CERTAIN COUNTRIES.

The Secretary of State shall take appropriate steps (including negotiations for bilateral and multilateral agreements) to ensure that—

(1) in the manufacture of plastic explosives in foreign countries, taggants or markers for pre-blast detection are incorporated within all plastic explosives to facilitate the detection of such explosives; and

(2) manufacturers of plastic explosives do not export or sell such explosives to any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

SEC. 204. INTERNATIONAL AGREEMENTS RELATING TO THE SAFETY OF CIVIL AVIATION.

It is the sense of the Congress that any nation which is not a signatory of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 UST 564) and the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague, December 16, 1970; 22 UST 1641) should expeditiously become a party to such international agreements.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS FOR AIRPORT SECURITY TRAINING AND ASSISTANCE.

In addition to such amounts as are otherwise authorized to be made available, there are authorized to be appropriated $2,000,000 for antiterrorism assistance under chapter 8 of part II of the Foreign Assistance Act of 1961, which shall be available only for airport security training and assistance including appropriate airport security equipment.

SEC. 206. GROUND SECURITY COORDINATORS OF UNITED STATES AIR CARRIERS.

Within 30 days of the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall require that ground security coordinators of United States air carriers (or their designees), serving at United States and foreign airports which pose a high risk of introducing danger to international air travel and at such other airports as the Administrator may consider appropriate, provide a comprehensive security briefing to the in-flight security coordinator, prior to flight departure, concerning all relevant information with respect to any conditions that pose a potential threat or could affect the safety or security of passengers, aircraft, or crew traveling to or from such airport.

SEC. 207. UNITED STATES CIVIL AVIATION SECURITY SPECIALIST PROGRAM.

Within 120 days of the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of State, shall submit a report on the efforts of the Federal Aviation administration to increase the level of staffing and enhance the utilization of United States civil aviation security specialists to the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include consideration of the use of civil aviation security specialists to assist ground security coordinators of United States air carriers and the fiscal, administrative, and security-related implications for accommodating additional civil aviation security specialists abroad.

SEC. 208. FOREIGN AIR CARRIER SECURITY PLAN.

(a) COMPLIANCE WITH FOREIGN AIR CARRIER SECURITY PLAN.—Whenever the Administrator of the Federal Aviation Administration determines that a foreign air carrier does not comply with the security plan accepted by the Administrator for such foreign air carrier, the Administrator (after advising the Secretary of State) shall notify such foreign air carrier of such determination, and recommend the steps necessary to bring the foreign air carrier into compliance with the security plan for that foreign air carrier.

(b) DETERMINATION OF FAILURE TO TAKE APPROPRIATE CORRECTIVE ACTION.—Ninety days after a notification under subsection (a), if the Administrator of the Federal Aviation Administration determines that such foreign air carrier has failed to take appropriate corrective action pursuant to the notification and recommendation under subsection (a), the Administrator shall immediately inform the Secretary of State of such determination.

(c) TRAVEL ADVISORY.—

(1) Not more than 72 hours after the Secretary of State is informed of any failure to take appropriate corrective action under subsection (b), the Secretary of State shall issue a travel advisory with respect to such foreign air carrier or such routes of the foreign air carrier as are affected by any failure. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize any travel advisory.

(2) The Secretary of State may lift any travel advisory required to be issued pursuant to this section with respect to a foreign air carrier only upon a determination by the Administrator of the Federal Aviation Administration that the foreign air carrier is complying with the security plan accepted by the Administrator for such foreign air carrier. The Congress shall be notified if any travel advisory issued pursuant to this section is lifted.

(d) PUBLIC NOTIFICATION CONCERNING SIGNATORY NATIONS OF THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION.—For the purpose of notifying the public, the Secretary of State shall publish periodically, but not less than annually, the names of those nations which are not signatories of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 UST 564) and the names of those nations which are not signatories of the Convention for the Suppression of Unlawful Seizure of Aricraft (Hague, December 16, 1970; 22 UST 1641). Such publication shall include printing in the Federal Register.".

SEC. 209. FEDERAL AVIATION ADMINISTRATION SECURITY BULLETIN SYSTEM.

(a) UNITED STATES AIR CARRIERS.—With respect to all Federal Aviation Administration security bulletins, disseminated abroad, the Administrator of the Federal Aviation Administration shall establish procedures to ensure that United States air carriers—

(1) acknowledge receipt of a security bulletin; and

(2) notify the Federal Aviation Administration of any actions taken in response to such bulletin.

(b) FOREIGN AIR CARRIERS.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of State, shall establish such procedures as may be appropriate to ascertain the response of foreign governments and foreign air carriers to security bulletins disseminated by the Federal Aviation Administration.

(c) APPLICATION OF SECURITY BULLETIN SYSTEM PROCEDURES TO FOREIGN AIRPORTS.—It is the sense of the Congress that the Secretary of State, in consultation with the Secretary of Transportation, shall seek bilateral and multilateral agreements which would require that foreign airports comply with Federal Aviation Administration security bulletin procedures for United States air carriers established pursuant to subsection (a).

(d) ASSISTANCE OF DIPLOMATIC SECURITY PERSONNEL.—At the request of the Secretary of Transportation, United States diplomatic security personnel are authorized to assist personnel of the United States Department of Transportation in monitoring the implementation of security measures by foreign air carriers.

SEC. 210. DISTRIBUTION OF FEDERAL AVIATION ADMINISTRATION SECURITY BULLETINS AT DIPLOMATIC AND CONSULAR POSTS.

Unless otherwise authorized by the Administrator of the Federal Aviation Administration, Federal Aviation Administration security bulletin shall be subject to the following guidelines for dissemination and distribution by diplomatic and consular posts:

(1) Security bulletins shall be distributed at appropriate diplomatic and consular posts only to principal officers and to other officers with responsibilities for civil aviation and security activities.

(2) The information contained in any such bulletin may not be released publicly, passed to travel agents or United States businesses (other than United States air carriers), posted in a public place, or be the subject of internal warnings within the post.

(3) Security bulletins may not be used as the basis to respond to public or media inquiries on aviation security matters.

(4) Posts in areas affected by a security bulletin are authorized, if appropriate, to share the information made available by a security bulletin with the appropriate officials of the host foreign government responsible for civil aviation and security and United States air carriers.

SEC. 211. PROCEDURES REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.

(a) ESTABLISHMENT OF PROGRAM TO FACILITATE TELEPHONE INQUIRIES.—

(1) ESTABLISHMENT.—Not later than October 31, 1989, the Secretary of State shall establish a program to facilitate telephone inquiries by the next-of-kin in cases of major disasters or incidents abroad which affect the health and safety of citizens of the United States residing or traveling abroad.

(2) AUTHORIATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for "Emergencies in the Diplomatic and Consular Service", there are authorized to be appropriated under "Emergencies in the Diplomatic and Consular Service" for the Department of State $500,000 to carry out paragraph (1).

(b) TRAINING IN CRISIS MANAGEMENT.—The Secretary of State shall institute an expanded program of training in crisis management for all consular officers, particularly officers serving in diplomatic and consular posts abroad. Such program shall provide training in procedures and techniques for the dissemination of information to, and liaison with, next-of-kin concerning major disasters and incidents abroad affecting United States citizens.

SEC. 212. GUIDELINES FOR INTERNATIONAL AVIATION TRAVELERS.

(a) GUIDELINES FOR INTERNATIONAL AVIATION TRAVELERS.—For the purpose of notifying the public, the Secretary of Transportation, in consultation with the Secretary of State, shall develop and publish guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorist activists. To the extent feasible, notices making such publication shall be posted and prominently displayed domestically and abroad in international airports.

(b) DEVELOPMENT OF INTERNATIONAL STANDARDS.—The Secretary of State and the Secretary of Transportation in all appropriate fora, particularly talks and meetings related to international civil aviation, shall enter into negotiations with other nations for the establishment of international standards regarding guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorists activists.

(c) PUBLICATION OF REWARDS FOR TERRORISM-RELATED INFORMATION.—For the purpose of notifying the public, the Secretary of State shall publish the availability of United States Government rewards for information on international terrorist-related activities, including rewards available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) and chapter 204 of title 18, United States Code. To the extent appropriate and feasible, notices making such publication shall be posted and prominently displayed domestically and abroad in international airports.

SEC. 213. SENSE OF CONGRESS CONCERNING THE ROLE OF PERSONNEL OF THE UNITED STATES GOVERNMENT AND THE DETECTION OF EXPLOSIVES AND FIREARMS IN INTERNATIONAL CIVIL AVIATION.

It is the sense of the Congress that the Secretary of Transportation should take appropriate measures to utilize and properly train the officers and employees of other United States Government agencies who have functions at international airports in the United States and abroad in the detection of explosives and firearms which could be a threat to international civil aviation.

SEC. 214. MULTILATERAL SANCTIONS AGAINST COUNTRIES SUPPORTING TERRORISM.

The Secretary of State, at all appropriate fora, shall seek the imposition of multilateral sanctions against any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations, particularly any country determined to be a country supporting international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. Any sanctions should include—

(1) the suspension of international flights serving such a country;

(2) a prohibition for any aircraft of an air carrier owned directly or indirectly by the government of such a country or nationals of such a country from engaging in air transportation with respect to countries which impose sanctions;

(3) the denial of permission for overflights by aircraft of an air carrier owned directly or indirectly by the government of such a country or nationals of such a country; and

(4) a ban on the sale or export to such a country of aviation equipment.

SEC. 215. REPORT OF FEASIBILITY OF REQUIRING SECURITY MEASURES COMPARABLE TO THOSE ADOPTED BY EL AL AIRLINES FOR UNITED STATES CARRIERS.

Within 120 days of the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of State, shall prepare and submit a report to the Congress of the feasibility of requiring security measures for United States air carriers comparable to those adopted by El Al Airlines. Such report shall be submitted in unclassified form and, as appropriate, may contain a classified appendix.

SEC. 216. PROPOSALS FOR CONSIDERATION BY THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Transportation, shall make the following proposals to the International Civil Aviation Organization:

(1) The International Civil Aviation Organization shall conduct a feasibility study of methods for financing the acquisition of additional sophisticated explosive detection equipment subsequent to the acquisition pursuant to section 315(c) of the Federal Aviation Act of 1958 (as amended by title I of this Act). Such study shall also include financing for the cost of maintenance and replacement of sophisticated explosive detection equipment. The study shall consider air ticket surcharges and direct or indirect reimbursement by governments to air carriers or airports.

(2) The International Civil Aviation Organization shall establish a comprehensive aviation security program which shall include (A) training for airport security personal, (B) grants for security equipment acquisition for certain nations, and (C) expansion of the appropriate utilization of canine teams in the detection of explosive devices in all airport areas, including use in passenger screening areas and nonpublic baggage assembly and processing areas.

SEC. 217. REPORT CONCERNING INSPECTION OF TRAVEL DOCUMENTS PRIOR TO FLIGHT ARRIVAL IN THE UNITED STATES.

Within 120 days of the date of enactment of this Act, the Secretary of State shall submit a report concerning the feasibility and implications for enhanced aviation security of expanded inspection by the United States of travel documents of all aviation passengers at the last point of departure into the United States.

SEC. 218. UNITED STATES TASK FORCE ON AVIATION SECURITY.

Within 60 days of the date of the enactment of this Act, the Secretary of Transportation and the Secretary of State shall convene a task force on aviation security which shall provide a forum for the discussion of aviation security issues. The task force shall be comprised of persons designated by the Secretary of Transportation and the Secretary of State who have broad experience and expertise in aviation security and related issues, including appropriate officers and employees of the United States and individuals representing air carriers, international airports, and air carrier employee organizations. The task force shall meet on a regular basis as determined by the Secretaries.

Mr. BURTON of Indiana. Mr. Chairman, earlier in general debate I talked about some of the gaps that we have to fill here today. The thermoneutron devices that we are talking about at airports, as I said, are for only international flights, not domestic flights. That means that people flying across this country from New York to Los Angeles, from Pittsburgh to Los Angeles, really, will not have any protection from the TNA devices we are talking about, and yet we do know that there have been threats from terrorists around the world to Americans because of our foreign policy. One of those foreign policy considerations is the drug problem that emanates from places like Colombia. In Colombia they have been killing judges. They have been killing mayors. They have been killing policemen. They are terrorizing that country because they do not want extradition to take place where a drug lord is brought to the United States for trial.

Now, many leading experts and members of our intelligence community have told Members that it is likely that there will be some terrorist activity within the confines of the United States. There have been reported threats against our President. There have been reported threats possible against Members of Congress. So we are, in fact, in a drug war.

Now, that being the case, what are the most likely targets for the drug kingpins? Well, they are certainly not going to overlook anything. I submit to my colleagues, today, that one of the most vulnerable areas of American society is our airlines. When we are talking about protecting international flights, that is fine. However, we need to protect American passengers flying across the country. A guy could get on at Kennedy Airport with a ticket going to Los Angeles, with an intermediate stop in Pittsburgh, gets off in Pittsburgh, leave the bomb in the plane. He is gone, using a fictitious name, and every person on that plane is in jeopardy for the remainder of that flight. We have to do something.

Today, Mr. Chairman, my amendment proposes that we train sniffing dog teams, canine teams, capable of sniffing out explosive devices, Syntex and other plactic explosives at all the 50 major airports in this country. Now, they cannot cover every single gate, Mr. Chairman, but they can be moving around the airport and going from gate to gate. This will provide a deterrent effect on would-be terrorists. If someone is a terrorist and planning to put a bomb on a flight, that person is certainly not going to go through that gate if they see a sniffing dog there, and know that it is likely to pick up the scent of the explosive, and that they will be arrested, put in jail, and brought to trial. Now, these will be moved from gate to gate around the various major airports in this country as a deterrent mechanism, and also as a way to catch these terrorists before they put the bombs on the planes.

Yesterday, a plane was bombed out of the skies over Africa. The wife of one of our ambassadors, Mrs. Pugh, was killed, along with 169 other passengers. We all know about Pan Am flight 103. We know that there are terrorist threats against the United States. There have been terrorist activities within the United States. We know the drug cartel threatened even members of our Government. So we must take positive action.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I rise in support of this amendment and call attention and commending the fact that there are some things that all the king's horses and all the king's men and all the king's technology simply cannot do, but our friend, the dog, can do admirably. I think the gentleman is to be commended for bringing this amendment to the committee.

Mr. BURTON of Indiana. I thank the gentleman for his contribution.

Let me close by saying this is absolutely essential. We must do this. I urge all my colleagues to support this amendment because it is the only stopgap measure that we can employ immediately to protect the flying public of America.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment of the gentleman from Indiana [Mr. BURTON]. This amendment will expand the FAA's use of explosive detection dogs. Increasing the number of dogs available at U.S. airports will add to the deterrence of terrorist activity against civil aviation. The amendment will enhance our efforts to provide the highest levels of security. I support the amendment and commend the gentleman from Indiana for his work on this issue.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word, and rise in support of the amendment offered by the gentleman from Indiana.

The Burton amendment will increase the number of explosive detection dogs that will be used in detecting explosives at airports and aboard aircraft. Dog use in these situations has been demonstrated to be a very effective means of seeking out explosives, and has been used successfully by the

FAA at various locations around the United States.

The amendment will require the Secretary of Transportation to extend the current canine program to the 50 largest airports in the United States based on emplanement figures. Funding would be appropriated from the Aviation Trust Fund. The FAA has given our committee an estimate that the cost of the program will be in the range of $1.5 to $2 million to fund 200 to 230 dogs needed to carry out the program as envisioned by the gentleman from Indiana. The FAA already has 79 dogs operating in Explosive Detection Canine, and committed $366,000 to the training and evaluating and certification of the dogs. The FAA transfers their funding to the Department of the Air Force which conducts the training and evaluation of dogs. That takes place at Lackland Air Force Base in San Antonio, TX. The dogs are distributed to the appropriate organizations that maintain airport security. Then those authorities, the airport police, county and State police are responsible for the maintenance and the care of the dogs.

They are trained to detect civilian and military explosives. They are trained to check buildings, vehicles, airports, and cargo. The FAA has advised the committee that they would have no objections to and no problems complying with the requirements of the dog detection program as envisioned in the Burton amendment. We think this will be an important addition to security at domestic airports. I therefore urge the Committee of the Whole to support the amendment.

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Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there may be some confusion here, and I hope I might be able to clear it up. Make no mistake about it, whether it is the administration, the majority side or the minority side, we all want to proceed with the installation of the thermal neutron analysis system to enhance public safety. That is a given. There is no argument about that.

The arguments, the debates, or the disputes going on in the back rooms right now are over who is going to pay for it, not whether or not we will have the systems. We are committed to that proposition. There are some who suggest that we should take the money out of the trust fund. There are others who suggest we should require the airlines to pay for it. There are others who would like a combination of the two. There are differences of opinion, as there always is in this great body. But make no mistake about it, this House of Representatives, this administration, the Democrats and the Republicans, are committed to the proposition that we have to do everything humanly possible, we have to do as much as we can to enhance aviation safety.

I would suggest to all the Members here that something needs to be said further, and that something is simply this: It is about time that we put the trust back in the trust funds. The trust funds do not belong on budget to mask the true magnitude of the deficit facing the American people. We all know what is happening, and I think the American people have to understand that. Under the present system, we have the aviation trust fund on budget, and as a result of its being on budget, it falls under the specter of Gramm-Rudman-Hollings, and every time someone in this body has a good idea on what further we might be able to do to enhance aviation safety or to improve the infrastructure of the Nation's aviation system and we come up with a price tag, someone says, "Wait a minute, we can't do that because we've got this Gramm-Rudman-Hollings specter hovering over us, and we can't spend more money."

Then the American people, when we face them when we go back home and when we are in airports, say to all of us, "wait a minute, you guys and you gals, what are you doing down there? I read that we have got $5.8 billion in the trust fund unexpended, and you're telling me that we need to enhance aviation safety but we are having trouble finding the money? We need to build bigger and better airports, we need to do a whole bunch of things to improve the aviation infrastructure, and you are telling me, yes, we need to do that, but we don't have the money, yet we have $5.8 billion sitting there idle? Why don't you clowns get your act together? Why don't you be honest with the American people?

We are trying desperately in our Committee on Public Works and Transportation to sell this message. If you, as an airline passenger, pay 8 percent of the ticket price into a trust fund that you have been told will be used exclusively for aviation safety and to enhance the infrastructure of America's aviation system, do you not have every right to expect that that is just exactly what is going to happen? Do you not have every right to suspect that that money is going to be used but not sitting idly by someplace and used to mask the true dimensions of the deficit of the U.S. Government?

The deficit is monumental. I know that, and so do all the Members. But guess what? We are spending $500 million every single day, every 24 hours, just in interest on our national debt. That does not feed anybody or clothe anybody or educate anybody or enhance the aviation safety of any of our airline passengers. All that does is service the national debt for a 24-hour period.

I would suggest that we really should start being honest with the American people in terms of the trust funds. I would suggest that this body follow the enlightened leadership of the chairman of our Committee on Public Works and Transportation, a Democrat, and of the vice chairman of the Committee on Public Works and Transportation, a Republican, who both say, "Put trust back into the trust fund. Take it off budget and use it for its intended purpose."

Mr. Chairman, if we are not going to use that money for its intended purpose, I would advocate that we stop collecting the money from our taxpayers.

PARLIAMENTARY INQUIRIES

Mr. FRENZEL. Mr. Chairman, I wish to make a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. FRENZEL. Mr. Chairman, the bill that is pending before the House, as I understand it, does not on its face need referral to the Committee on Ways and Means. However, as I understand it further, the Secretary of Transportation has deemed this program to be a new program and, therefore, has indicated that he would be reluctant to carry it out in the absence of conforming language by the Committee on Ways and Means. I think everyone understands that.

My inquiry is this: Does that also apply to the amendment now pending on the dog program? Is that also a new program which is likely, depending on the judgment of the Secretary of Transportation, to require conforming language by another committee of this House?

The CHAIRMAN. The Chair would reply, in response to the inquiry of the gentleman, that he has asked a question of statutory interpretation to which the Chair is not able to respond.

Mr. FRENZEL. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Mr. Chairman, my parliamentary inquiry is: Can the Chair define for me the difference between a statutory inquiry and a parliamentary inquiry?

The CHAIRMAN. If the gentleman asks for an interpretation of the rules of the House as they apply to the consideration of legislation before us, that would be a parliamentary inquiry.

Mr. FRENZEL. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman may state his inquiry.

Mr. FRENZEL. Mr. Chairman, if the Secretary of Transportation decides that this is a new program, is he allowed not to carry it out until such language is provided?

The CHAIRMAN. The gentleman would have to turn to legislative counsel, the administration, or the courts for a decision on that question. It would be a matter of substantive interpretation of the bill and the Internal Revenue Code.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. If I had any time, Mr. Chairman, I would yield to the gentleman.

The CHAIRMAN. The Chair would suggest that the gentleman move to strike the requisite number of words.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the gentleman poses a question: Is this a new program? I suppose we could interpret that way. We could also interpret it to be an extension of an existing program.

I think the gentleman from Minnesota [Mr. OBERSTAR] cited the figure of 79 sniffer dogs that we currently use behind the scenes to spotcheck luggage that may contain explosive devices. So this additional request for sniffer dogs or bomb-detecting dogs out in the gate areas, I think, could be interpreted rightly as an extension of that current program.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution. I suspect, however, that the question of whether it is a new program or not has something to do with whether this is a different kind of financing or who is bearing the financial burden for the dogs.

I am not trying to raise any problems that do not exist already. I hope the gentleman is right and he will be able to make his program work.

Mr. Chairman, if I may be allowed to proceed under my motion to strike, I am pleased that the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], and the committee chairman, the gentleman from California [Mr. ANDERSON], have modified their bill in such a way as to provide for the use of the regular appropriations process. From the first look that I had at this bill, that had been a bone of contention. It had been a problem with the Committee on the Budget and the Committee on Appropriations, and I am just delighted that they have taken care of that problem.

□ 1340

Mr. Chairman, as far as I am concerned, that removes the procedural problem with the bill which I felt was its major flaw. It does not, however, change the question of whether this is good policy, and whether this is the right way to fund the program or not, or whether it should be funded in another way.

The Department of Transportation, as I understand, at least had some feelings on the other side of the issue, but I take this time simply to congratulate the gentleman managing the bill for making it right with traditional House processes and giving us a chance to make the decision based on other questions than the procedures of the House and our bill to defend the budget and its process.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment of the gentleman from Indiana [Mr. BURTON].

(Mr. HAMMERSCHMIDT asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 9, after line 3, insert the following new section:

SEC. 107. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent. In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) The United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this Act (including the amendments made by this Act) and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, first of all I want to commend both committees for the fine work on the bill, and I know there are still some deliberations going on relative to the money that is going to pay for these security devices. I believe that the language of the Committee on Public Works and Transportation will prevail after modifications.

Mr. Chairman, my amendment is standard buy-American language that has been presented on eight bills which offers a preference to American firms if the product is made in America with American hands with 50-percent domestic content. It also provides for a report to the Congress and a provision that the Trade Representative would have an opportunity to waive this requirement if it conflicts with any international law.

The amendment is similar to those that have been attached to other pieces of legislation of the House. I would just hope today that we would continue in that practice and give the American worker an opportunity to participate in the taxpayers' expense programs of our country.

I think, needless to say, America spends an awful lot of money, not only here, but abroad, and many times these contracts, Government contracts, go to firms all over the world. I think it should be open and fair, but I think an American firm located in our country, hiring American people, keeping Americans working, should have a preference, and this amendment gives the Administrator of the Federal Aviation Administration the opportunity to grant these awards to American firms. It does not compel it.

With that I would ask the committee to accept the amendment and approve it, Mr. Chairman. I would hope that the committee would, after reviewing the amendment, approve the amendment, and for those who are concerned, perhaps on the other side of the aisle, it does provide an opportunity that, if the amendment is found to be in conflict with any international agreements or the General Agreement on Tariffs and Trade, it could be waived under those circumstances, and I would ask for the support of the committee.

Mr. Chairman, I yield to the gentleman from California [Mr. Anderson].

Mr. ANDERSON. Mr. Chairman, we have no objection to the amendment. We accept the amendment of the gentleman from Ohio [Mr. Traficant].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from California [Mr. Anderson], and I yield to the gentleman from Arkansas [Mr. Hammerschmidt], the ranking minority member.

Mr. HAMMERSCHMIDT. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. Traficant] offering his amendment, and we accept his amendment on this side.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it would come as no surprise to the gentleman from Ohio [Mr. Traficant] that I do not like his amendment.

However, Mr. Chairman, I must also praise the gentleman from Ohio [Mr. Traficant] because increasingly the gentleman has chosen a more effective and a more responsible way to phrase these amendments, to take some of the sting out of it for people like myself who see them as being inhibitive to world trade. The gentleman has given the administration the out which he has provided in some of his other amendments which I think are essential to any kind of a successful buy American program.

Mr. Chairman, I must say that when the amendments of the gentleman from Ohio [Mr. Traficant] were less diplomatically phrased that he had a little more difficulty with them. Since he is using honey to catch flies like myself, he has done very well, and I congratulate him for having structured it in this way.

I do need to point out, however, although I shall not ask for a vote in this love feast because both sides of the committee seem to want the gentleman's amendment, but I do need to point out that when we restrict others from buying in our market, our trading partners are, of course, wholly justified to restrict us from buying in their market, and at a time of such diplomatic tenderness as we seek to expand Government procurement in Europe, as changes are made under the integration of the European market scheduled for completion or semicompletion in 1992, I think it is that amendments like this take us into those negotiations with other than clean hands and gives us less negotiating and maneuvering room.

I close the discussion, however, by again complimenting the gentleman from Ohio [Mr. Traficant] on the phrasing of his amendment and wish him worse luck in the Senate.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I would just like to thank the gentleman from Minnesota [Mr. Frenzel] and tell him that in some of the dealings which I have had with him, most notably in the past with North Star Steel that I recall, I think that we can credit him for tempering down some of that original language, and I have tried to draft this language to be acceptable to all and it would turn into good public policy. I hope that somewhere we have to strike that fine line out between protectionism and outright retaliation, but I think that we are taking a good look at it, and we are along those lines.

Mr. Chairman, I appreciate the remarks of the gentleman from Minnesota [Mr. Frenzel], and I welcome that criticism, and I will try to tender some adjustment in the future.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from Ohio [Mr. Traficant] for his contribution, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not oppose the amendment of the gentleman from Ohio [Mr. Traficant]. Although I do not totally agree with the approach that he has taken in the past and in this case, I do just want to rise and speak about a concern that has arisen because of the buy-American provisions in our trade and other pieces of legislation such as we have before us now.

Mr. Chairman, I met just yesterday with some representatives from mentally retarded groups in my district that have businesses, nonprofit businesses, operating to employ solely mentally retarded people, and because of these provisions in current trade laws they are being forced to close down their businesses, and several hundred of our mentally retarded people are being put out of jobs.

As my colleagues know, it is not easy to find appropriate employment for our mentally retarded people, but they are having to close down these businesses because of Government agencies' interpretation of the buy-American provisions. They buy from the Pacific Rim countries parts of fabricated materials, luggage predominantly, for sale, but they put them together and assemble them, but only buy foreign parts in many instances, not all foreign parts, but they are simply now being interpreted to not being in compliance with the buy-American provisions.

Mr. Chairman, I do not believe this is the intent of this House. I hope it is not the intent of the gentleman from Ohio [Mr. Traficant] to literally close down businesses that we have worked out to help keep our mentally retarded and other handicapped people employed.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, there would still be the discretion under this bill in circumstances like that for the Administrator to take action, but I think the gentleman from California [Mr. Packard] talks about specific elements of concern with a particular target group in our society.

Mr. Chairman, I think that we can word some things, maybe in the future, to provide some protections for them under an appropriate piece of legislation to stop that from occurring, and I would endorse that.

Mr. Chairman, that certainly is not the intention of this.

Mr. PACKARD. Mr. Chairman, I appreciate the comments of the gentleman from Ohio.

□ 1350

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment offered by the gentleman from Ohio [Mr. Traficant]. It would add a rather refined "Buy America" provision to the language of the pending bill on aviation security. It is not likely that this language will ever be needed because the access stores that will be covered by the provisions of this legislation at airports will be outfitted with appropriate computerized access systems that are produced, as we understand it, in the United States.

The thermal neutron analysis device that is to be installed at airports is a joint development project funded by the FAA and private sector interests and the company involved is a U.S. firm; however, as in all technology, there are other competing systems. There is other comparable technology under development overseas, principally in Western Europe, and the likelihood is that at some point in the future competing technology of comparable value, quality and effectiveness, will be made available. As so often happens, foreign governments are involved in the subsidy or the direct development of such technology for the benefit of their industry, and they will endeavor to invade our marketplace, as so often has happened.

I am for a level playing field. I want American goods to compete in the U.S. and the international marketplace on the same basis and under the same conditions as with foreign goods of comparable quality.

Foreign subsidies and foreign barriers to market entry upset that level playing field and tilt the balance in favor of foreign producers and foreign firms.

We have seen how the European Common Market has gone to great lengths to protect its steel industry. While French, Italian, and German firms sell sophisticated mass transit equipment to United States cities which are purchased with funds out of the urban mass transit trust fund, we cannot sell rail produced in the United States, which is the finest unit rail produced in the world, in France, because the French Government refuses to allow United States rail to be sold in their countries.

The second point, we found in the course of our inquiry into aviation security interests in Europe when the Subcommittee on Aviation inspected foreign airports, met with foreign governments, met with representatives of foreign airlines, the Director of Civil Aviation in France and the representatives of domestic U.S. carriers located in France told us that the French Government provides all the security, they provide the equipment, the x-ray detection equipment, they provide the security screening measures, they provide the security personnel who supervise the x-ray machines. They pay them. In West Germany they are paid $2,000 a month, not minimum wage as we pay in the United States, but $2,000 a month with frequent training and retraining for those people who operate those machines.

They did not allow the United States carrier to provide the security detection equipment required under United States law because French law says their government must provide it.

Now, the French are already developing a version of the TNA. I will not go into a description of it because some of that is sort of classified information and I do not think I want to get into the technology of it; but I do want to make the point that with total French Government funding on a fast track to develop a piece of equipment that is very sophisticated, that they surely will want to market it beyond the borders of France. They surely will want to entice United States carriers into acquiring that equipment, and under French law they now can require those devices to be put in place at French airports where United States carriers will operate.

So in the short term, the gentleman's amendment may not have application, as I suggested, but I think in the long run in the light of technological developments and the tendency of foreign governments——

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. With the tendency of foreign governments to subsidize their own industries, to protect their industries, particularly a fledgling development of this kind, we will again see U.S. manufacturers, U.S. technology and U.S. jobs at a disadvantage.

If nothing else, the Traficant amendment and in general Buy American amendments put foreign governments on notice that you better open your doors to our goods if you want our doors open to your goods. If we can achieve them, we will have achieved a great measure of progress for domestic jobs and industry.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I knew that. I knew that in the early stages here it would be mostly American systems, but down the line that day will come.

But just briefly, I would like to say that Margaret Thatcher today made a public statement that she is very upset about certain markets, foreign markets to England being closed, and she wants the European markets to come together with America and start to take some trading action.

So this is not geared toward those ends. This is geared strictly to give our workers a fighting chance, looking down the line when the inevitable will pop its head up, you know, someone with a better mousetrap, we will have some language in there to provide some opportunity for American technology of American workers.

So I appreciate all the gentleman has done on the bill, and the gentleman's advice, and the fact that the gentleman accepts the amendment, I appreciate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 25, after line 12, insert the following new section:

"SEC. . REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM AND NARCOTICS TRAFFICKING.—Section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended to read as follows:

"(c)(1) A reward under subsection (a) of this section may not exceed $2,000,000.

"(2) A reward under subsection (b) of this section may not exceed $2,000,000.

"(3) A reward of $100,000 or more under this section may not be made without the personal approval of the President or the Secretary of State.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, first of all, let me commend both the Public Works Committee and the Foreign Affairs Committee, both committees on which I have had the real privilege of serving over the years I have been in this House, but no longer do.

Let me commend them for the great job they have done in bringing this bill to the floor.

I would like to point out one thing. We do have a little disagreement here, but I would point out when we operate under an open rule of this House and we get into a little quagmire like this, the will of this House can still work and reasonable men and women, like us, can come to a conclusion that is going to benefit the American people. If we were operating under a closed rule now and we had this bill on the floor and we ran into this problem, that would be the end of the bill. We would either pass the bill and the President would veto it and we would be right back here having done nothing, so we are offering it under a rule. We have temporarily put this aside so we can resolve the problem and I am sure that it will be resolved before we are finished. So I commend both sides for being reasonable people.

Now, having said all that, Mr. Chairman, in support of my amendment, as the report on the bill before us today points out, the Congress in the last few years has passed several important legislative initiatives to combat the threat of international terrorism. This bill, the Aviation Security Act, seeks to build on and to improve the programs we have established under such previous laws as the Foreign Airport Security Act, and the 1986 Omnibus Anti-Terrorism Act, both of which were excellent pieces ol legislation.

My amendment is simple and straightforward, and like the provisions of this bill, seeks to improve an existing program that is already working to counter terrorism against innocent American citizens.

Mr. Chairman, 5 years ago we enacted on this floor the Counter-Terrorism Act to help combat international terrorism, under which we authorized the payment of rewards of up to $500,000 by the Secretary of State for information that leads to the arrest or conviction of individuals involved in terrorist attacks against United States citizens or property.

□ 1400

Under this program, the Secretary of State can also provide rewards for information that serves to prevent such attacks.

Regrettably, this program has not yet shown us the results we would like to see. In fact, the bill before us today specifically points out that the rewards program may not have been publicized overseas as extensively as it should be, and requires the Secretary of State to publicize such rewards wherever possible, including through prominent displays of reward posters at international airports in the language of that particular country, in English, in German, and in French, in Italian, and in Arabic, especially Arabic, where we seem to have so many problems today, if we look at what happened last night when another plane was shot out of the air by a bomb which the Islamic Jihad now has taken credit for doing and has killed another 171 innocent people.

I believe that rewards for information on terrorist activities can in fact take us a long way toward flushing out these murderers, and I agree that the program has to be better publicized. But I don't think that better display of reward posters alone can do this. We have to do more to get the attention of people overseas who may be able to help us with information on terrorists, and I think that the old adage "money talks" might apply here.

What does my amendment do? It simply raises the cap on rewards for good, solid information on terrorism aimed at civilian aviation and aimed at terrorism by drug-trafficking murderers across this country to $2 million; $2 million, a lot of money, right? Well, it certainly would stand out on a reward poster, would it not? But that does not mean that we are going to be expending a lot of money. The law is already structured so that the President and the Secretary of State have the discretion to set the actual reward for information anywhere from zero dollars up to the present limit. And although we probably wouldn't shell out $2 million in any one case how much would it be worth to us to get solid information, testimony, or even a witness who could help us get our hands on the kind of people who destroy planes full of innocent people?

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. SOLOMON. Mr. Chairman, I say to my colleagues: How much would it be worth to us to get solid information, solid testimony, or even a witness who could help us get our hands on the kind of people who destroy innocent people in airlines like Pan Am 103 or by the French airliner I mentioned a few minutes ago or the murderer of Col. Bill Higgins, one of the brave American soldiers who serve our interests overseas? In cold blood, Colonel Higgins was murdered. Is it worth $2 million to get our hands on that murderer?

My colleagues, let me say this in closing: President Bush and many of us here in Congress are concerned to rebuild our network of intelligence agents overseas. As the bombing of Pan Am flight 103 or the French plane points out, the loss of such espionage agents abroad in the last two decades is now costing us dearly, both in preventing and in punishing terrorism. I hope we can rebuild such human intelligence capabilities quickly, but my amendment is a simple action we can undertake right now. By passing this amendment we will not affect the budget; an indefinite authorization and an indefinite appropriation are already in place. What we will do, by passing this amendment, however, is send a message to terrorists overseas that, one way or another, we are going to get you. Maybe not now, maybe not tomorrow, but sooner or later, it is going to happen.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the gentleman's amendment hits on one of the great frustrations in dealing with international terrorism, and that is our frequent inability to cut through the veil of secrecy that protects terrorist organizations.

This amendment will help to address that problem by increasing the maximum reward for information concerning international terrorism. If this additional money helps to bring to justice the criminals who blew up Pan Am 103, it will be money well spent.

I believe this amendment could be helpful in catching terrorists and preventing further acts of terrorism against aircraft. Therefore, I support it and urge its approval.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from New York [Mr. SOLOMON], my good friend and a member of the Committee on Foreign Affairs, for his amendment. It is something that we have worked on for a long time in the rewards area, and I am glad that he is raising the limit to hopefully raise or maximize the desire of people who need a little coaxing to do the right thing.

Four years ago, I believe, I had a hand in writing the original legislation which provided the rewards, and it is time that we in fact raise the cap on the maximum amount payable. It raises it from the current $500,000 ceiling to $2 million.

The amendment does not provide any additional money, but it increases the amount of individual reward for terrorist acts involving aviation security and adds another category of narcoterrorism.

As the chairman of the International Narcotics Task Force, I can tell the Members, Mr. Chairman, that unfortunately the rise of narcoterrorism has probably been the fastest-growing cancer that we have seen in the area of terrorist activity in many years.

The reward program was initially authorized by our committee at the height of terrorist acts against our embassies abroad. The committee authorized $5 million originally for the program.

The State Department has issued rewards involving six terrorist incidents, the TWA 840 bombing, in which four Americans were killed, the assassination of the United States defense attache in Athens, the assassination of four United States Marines and two Americans in San Salvador, the highjacking of TWA 847, the hijacking of Kuwaiti Airline 221, and the hijacking of the *Achille Lauro*.

This program works. It has been a very useful tool in combating terrorism.

The program has been widely publicized. It has been made clear that persons with information on terrorist activities will be handled in a confidential manner, and the identities of those informants will be protected.

Offering rewards is a well-established practical tool used worldwide for aiding in the investigation of criminal activities. The reward program is also aimed at gaining information that can be used to prevent terrorist acts against U.S. interests oveseas.

The rewards may also have the effect of helping to disrupt some terrorist activities and provide vital information which would lead to the arrest of both terrorists, narcoterrorists, and would-be perpetrators of terrorist activities.

Again, I commend the gentleman. It is important that we do this, and I am sure this will have a very salutary effect at some point in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHULZE

Mr. SCHULZE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHULZE: Page 10, after line 25, insert the following new section 204 (and redesignate sections accordingly):

"SEC. 204. ACTIONS BY COUNTRIES PRODUCING HIGH EXPLOSIVES TO DETER TERRORISM.

"(a) USE OF TAGGANTS AND OTHER ACTIONS.—The Congress calls on all countries that produce high explosives—

"(1) to give high priority to cooperating in global efforts to develop suitable chemical taggants or markers for preblast detection of high explosives;

"(2) refrain from providing high explosives to known terrorists or countries which support terrorism or terrorist organizations;

"(3) develop controls to ensure that high explosives purchased by customers are not then transferred to terrorist organizations; and

"(4) formally agree to require that a preblast detection taggant or marker for preblast detection be incorporated in any high explosive manufactured in that country, as soon as a taggant or marker suitable for that form of explosive is developed.

"(b) DEFINITION OF HIGH EXPLOSIVE.—As used in this section, the term "high explosive" means any chemical high explosive that can be shown to detonate, including plastic explosives, malleable explosives, and gel-based explosives."

Mr. SCHULZE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHULZE. Mr. Chairman, I thank the gentleman from Florida [Mr. FASCELL] and commend him and Mr. BROOMFIELD for their committee's efforts on this legislation.

The Committee on Foreign Affairs during consideration of the Aviation Security Act of 1989, added a provision directing the Secretary of State to take appropriate steps—including negotiations for bilateral and multilateral agreements—to ensure that plastic explosives produced around the world include preblast detection taggants. This is a good, a timely and a necessary provision, and I especially support its inclusion in this bill.

My amendment helps give the Secretary of State the critical negotiating leverage he needs to conclude these agreements by calling directly on countries producing plastic and other chemical high explosives to produce them with preblast detection taggants.

Adoption of my amendment—in tandem with the Foreign Affairs Committee language which it complements—will send a double-barreled message around the world that the Congress is committed to taking any and all precautionary steps to track down those responsible for terrorizing our airways.

I would like to commend and thank the committee staff, Mr. Chairman, as well as that of Mr. BROOMFIELD, for working with me and my staff to produce an amendment acceptable to you and to the State Department. While the threat of international terrorism regrettably is always just around the corner, our support of this measure will help provide America with the resources essential to making our skies the safest they can be.

I urge adoption of my amendment.

Following is a list of the findings brought about through extensive research and consultations with the U.S. Government agencies exercising jurisdiction over the issue of counterterrorism:

First, terrorism menaces innocent human beings around the world;

Second, the following list is a painful and heart-wrenching reminder of some of the heinous acts carried out against innocent jetliner passengers by the mindless and gutless terrorists of the world: 1982—Pan Am flight approaching Honolulu, 1 fatality; 1983—Gulf Air flight approaching Abu Dhabi, 112 fatalities; 1985—Air India flight approaching Ireland, 329 fatalities; 1986—Trans World Airlines flight approaching Athens, 4 fatalities; 1987—Korean Air flight over the Indian Ocean, 115 fatalities; and, of course, the tragic Pan Am flight 103 over Lockerbie, Scotland, in which 270 innocent lives were lost on December 21, 1988;

Third, chemical high explosives that can be shown to detonate—hereinafter referred to as "high explosives"—including plastic explosives, malleable explosives and gel-based explosives, are among the preferred weapons of terrorists because of their great power and relative malleability and concealability;

Fourth, according to both governmental and private experts in counterterrorism, many countries—including Czechoslovakia and Iran—are involved in the production of the types of high explosives employed by terrorists;

Fifth, Libya and Iran, which produce or have obtained such explosives, are on the Secretary of State's list of countries which have repeatedly provided support for acts of international terrorism;

Sixth, governmental and private experts in counterterrorism note that Libya obtains explosives from a variety of known producers, including explosives both for its own use and for distribution to terrorist organizations around the world;

Seventh, many of these producer countries deny ever having supplied plastic explosives to the terrorists responsible for the atrocities; and

Eighth, preblast detection taggants or markers offer an opportunity to help ensure the safety of international civil aviation from the dangers posed by high explosives.

Mr. GREEN. Mr. Chairman, members of my family and I have for some time owned equity securities of ThermoElectron, Inc. That firm owns 67 percent of Thermedics, which has developed a device to detect plastic explosives. In view of our ownership of ThermoElectron, I do not feel it appropriate to vote on H.R. 1659.

Mr. BORSKI. Mr. Chairman, as ranking member of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation, I rise in strong support of H.R. 1659, the Aviation Security Act of 1989.

You don't have to turn any further than the pages of your newspaper, to see how vital this legislation is to the safety of the flying public.

According to reports from the Associated Press, a bomb is suspected to have caused the crash of a French DC-10 jetliner yesterday in northern Africa with 171 people on board, including Bonnie Pugh, the wife of Robert Pugh, United States Ambassador to Chad.

Our prayers and thoughts are with the Pughs at this time, and we are reminded powerfully that airplane safety is not an American issue or a French issue.

Every nation's air system, and particularly every Western nation's air carriers, routinely carry millions of citizens of other nations, so that we have a duty to each other to work together for the safety of every man and woman of every nation who relies on their airplane and their air security system to deliver them safely to their destination.

We can only achieve that goal with cooperative planning that identifies how we can best protect air travelers, and mutual effort to make those plans work to increase the security of air travel.

That duty to cooperate and achieve greater safety together is at the heart of this legislation.

Chairman ANDERSON, Aviation Subcommittee Chairman OBERSTAR and ranking minority members Mr. HAMMERSCHMIDT and Mr. CLINGER, deserve our praise for leading the effort to craft legislation to protect the American citizens who are traveling abroad in greater numbers each year.

Several years of fact-finding, of examining current practices and future proposals, are reflected in H.R. 1659,

Including a 1986 executive session of the Subcommittee on Investigations and Oversight to assess security at U.S. airports and to counter terrorist attacks on the U.S. air transportation system.

Just this past spring, I traveled to Europe with Chairman OBERSTAR and my colleagues on the Aviation Subcommittee to continue the process of exchanging and sharing ways to improve the security of our planes and airports.

I was particularly interested in the procedures and plans at Frankfurt Airport, which serves millions of American air travelers each year despite being a prime target for terrorist attacks.

Mr. Chairman, this is not a question of national sovereignty. Every nation has interests and economic realities which make them assess situations differently and propose different responses.

But the one absolute fact which several days of conferences with FAA officials, airport security officers, and foreign officials absolutely confirmed is that international cooperation affirms and enhances the safety of our citizens when they fly.

The sabotage of Pan Am 103, and the possibility that a bomb caused yesterday's tragic crash starkly demonstrate that we must continually assess our aviation security measures.

Terrorists will continue to adapt and adjust, and only with international cooperation can we adapt fast enough to save the lives of our citizens.

This legislation proposes that we start adapting our approach now, with state of the art antiterrorist measures, and that is why it has my strong support.

H.R. 1659 contains vital provisions which improve the detection of plastic explosives, enhance airport security training and assistance, and give our international efforts real teeth, by invoking multilateral sanctions against countries which support terror and terrorism.

This bill not only takes strong action to ensure that we can counter terrorism, it provides for increased United States-European cooperation, and creates incentives for foreign carriers and airports to adopt tough security.

Mr. Speaker, with this legislation, we are not only battling international terrorism, but we are joining with our allies to fight harder by fighting together.

I urge my colleagues to join me in strongly supporting H.R. 1659, the Aviation Security Act of 1989.

☐ 1410

Mr. SMITH of Florida. Mr. Chairman, I rise in support of the amendment. I want to commend the gentleman from Pennsylvania [Mr. SCHULZE] for an excellent amendment.

The Schulze amendment complements the provisions contained in section 203 of the bill.

This section calls on the Secretary of State to negotiate bilateral and multilateral agreements to ensure that the manufacture of plastic explosives in foreign countries contains taggant markers for preblast explosive detection and to ensure that such explosives are not exported to any country which supports international terrorism or terrorist organizations.

The amendment calls for controls on other high explosives such as gel-based and malleable explosives which are of concern to the Department of State and the FBI. While we have no concern to the Department of State and the FBI. While we have no evidence that terrorists are using these explosives in their deadly terror today, they may well be one of their deadly tools in the future.

I believe we should maintain the current emphasis on securing bilateral and multilateral agreements to include taggant markers in plastic explosives and export controls on these explosives. The Schulze amendment will enhance not contradict the language of section 203. It will be very useful to include in the negotiations other high explosives which could be used by terrorists.

I commend the gentleman from Pennsylvania for his amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I also support this amendment.

The bill before us now already has a provision directing the State Department to try to put taggants in plastic bombs and to prevent the export of those explosives to countries supporting terrorism.

This amendment will enhance that directive by encouraging the development of suitable chemical taggants to help identify the bomb maker and by discouraging countries from allowing bombs to fall into the hands of terrorists.

The gentleman is to be commended for his ideas and interest in this issue. I urge support for this amendment.

Mr. THOMAS of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague, the gentleman from Pennsylvania [Mr. SCHULZE] and I am indeed a cosponsor of this amendment and a strong supporter of our amendment to require countries producing plastic explosives to produce them with preblast detection devices called taggants.

I believe it is important that we do everything we can to encourage other countries who share our grave concern over the escalation in terrorist attacks on innocent airline passengers to join us in our effort to strengthen existing protection for airline safety.

In recent years, hundreds of innocent people have died at the hands of terrorist attacks that have been carried out on the world's airlines. The results have been truly horrifying, and I believe very strongly that we have a responsibility to work with all law-abiding nations in the world to do all that we can to prevent the reoccurence of these inhuman acts.

The addition of a taggant component in my opinion is the very least that we can ask of all law-abiding nations around the world. I encourage all of my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SCHULZE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 2, strike line 8 and all that follows through line 10 on page 3 and insert the following:

SEC. 101. PURCHASE, INSTALLATION, AND USE OF EXPLOSIVE DETECTION EQUIPMENT.

(a) MAINTENANCE AND USE.—Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended by adding at the end thereof the following new subsection:

"(c) USE OF EXPLOSIVE DETECTION EQUIPMENT.—

"(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this subsection, the Administrator shall require all air carriers to maintain and use explosive detection equipment—

"(A) at airports (i) which are located outside the United States, and (ii) at which the Administrator has determined, on or before the date of the enactment of this paragraph, that air carriers must use extraordinary security measures; and

"(B) at such other airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air carrier passengers.

"(2) MINIMUM PERFORMANCE STANDARDS.—Explosive detection equipment used under this paragraph shall meet minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology.".

(b) AIRWAY FACILITIES AND EQUIPMENT PROGRAM.—Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)) is amended by adding at the end thereof the following new paragraph:

"(4) PURCHASE AND INSTALLATION OF EXPLOSIVE DETECTION EQUIPMENT.—

"(A) REPURCHASE PROGRAM.—For the purpose of providing necessary facilities for the protection of air traffic under section 307(b) of the Federal Aviation act of 1958 (49 U.S.C. App. 1348(b)), the Administrator shall purchase from air carriers explosive detection equipment purchased by such carriers to meet the requirements of the Administrator under section 315(c) of the Federal Aviation Act of 1958. Such equipment shall be purchased at the price the carriers paid for such equipment and shall be made available to air carriers to meet such requirements.

"(B) DIRECT PURCHASE PROGRAM.—For the purpose of providing necessary facilities for the protection of air traffic under section 307(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1348(b)), the Administrator shall purchase and install, as expeditiously as possible, explosive detection equipment for use by air carriers to meet the requirements of the Administrator under section 315(c) of the Federal Aviation Act of 1958.

"(c) FUNDING.—There is authorized to be appropriated from the Trust Fund for carrying out this subparagraph $100,000,000 for fiscal years beginning after September 30, 1989 and ending before October 1, 1992. Such sums shall remain available until expended.".

Page 4, after line 1, strike "Installation and use and insert "Use".

Page 4, strike line 2 and all that follows through line 8 on page 6 and insert the following:

SEC. 103. AIRPORT SECURITY ASSISTANCE PROGRAM.

The Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201-2227) is amended by adding at the end thereof the following new section:

"SEC. 535. AIRPORT SECURITY ASSISTANCE PROGRAM.

"(a) GRANTS.—Subject to such terms and conditions as the Administrator may establish by regulation, the Administrator is authorized to make grants from the Trust Fund to sponsors of airports to pay up to 100 percent of the cost of acquiring and installing equipment used to comply with regulations issued by the Administrator for controlling access to securerd areas of airports.

"(b) APPLICABILITY OF OTHER PROVISIONS.—Except as the Administrator may otherwise provide, the provisions of this title (other than section 503, relating to definitions) shall not apply to this section and grants made under this section.

"(c) FUNDING.—There is authorized to be appropriated from the Trust Fund for carrying out this section $170,000,000 for fiscal years beginning after September 30, 1989 and ending before October 1, 1992. Such sums shall remain available until expended.".

Page 9, after line 3, insert the following new section:

SEC. 107. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is the Federal Government's responsibility to play a major role in developing and implementing the extraordinary, high-cost, high-technology measures which are necessary to protect United States citizens against the threat of terrorist bombing of aircraft;

(2) in carrying out its responsibilities, the Federal Government should provide funding from the Airport and Airway Trust Fund to enable the airlines to purchase explosive detection equipment required by Federal regulations and to enable airports to install systems to prevent unauthorized persons from entering secured areas of airports;

(3) it is the air carriers' responsibility to implement expeditiously the requirements of part 108 of title 14 of the Code of Federal Regulations, mandating the installation and use of explosive detection equipment to screen checked baggage for international flights at certain airports;

(4) it is the Federal Aviation Administration's responsibility to issue all regulations necessary to carry out this Act on an expedited basis; and

(5) high priority should be given in the budget and appropriations processes to providing adequate funding to purchase explosive detection equipment and to install airport security systems required by Federal regulations, while continuing to provide necessary funding for other aviation safety and capacity programs.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, at last we have reached a further agreement, a compromise and understanding about the essential question that has divided us, and by us I mean members of the Committee on Public Works and Transporation and the administration over the funding of the TNA devices.

I do not think there is any disagreement over or misunderstanding over how the security access doors are to be financed. The only question has been the new technology which we have discussed earlier in general debate, the thermal neutron analysis devices.

Under the language of the amendment now pending before the Committee of the Whole, the airlines will proceed under the current rule of the FAA, and now by direction of law if this is enacted, to acquire the thermal neutron analysis devices on a prompt schedule. The Federal Aviation Administration will, as funds become available under the appropriation process, acquire those devices from the carriers. The carriers will continue to operate the devices and pay for their operation and maintenance costs. The title will remain with the FAA.

In addition, we have a very clear sense of Congress resolution in this amendment that establishes a Federal role in combating terrorism, establishes that money should be spent on security from the aviation trust fund, a sense of high priority to such funding in the budget and the appropriation processes, language that the Appropriations Committee has concurred in, and reaffirmed the responsibility of air carriers to act promptly to install and operate the detection equipment needed to screen baggage for explosives.

This language, admittedly, is not what all of us would like to have. Each of us had a different approach. I tried some creative financing ideas, and they ran afoul of several committees of the House.

What is important here is that we have a commitment on the part of the Committee on Public Works and Transportation to act decisively in the essential matter of technology to detect explosives, a commitment by the Appropriations Committee that this is an appropriate purpose of the trust fund, and that Federal funds should be committed to it, a procedure by which the acquisition and installation and operation of these devices can move ahead and move ahead expeditiously, and also a procedure within which under the language of this amendment the Committee on Public Works and Transportation will retain authority and control and be able to review the speed by which this action takes place.

I think it is a workable approach. I think it is a sensible way to deal with the matter. I feel that we have a good deal, if I can put it that way, and I hope that all Members will be willing to accept and support this language and that the bill will pass handily.

Mr. CLINGER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think this amendment is a good amendment. It represents a compromise and I think an improvement over what we had in the bill.

I think the bottom line that we are looking at here is the urgency to get this equipment. This equipment will mark a real improvement in our ability to identify and eliminate bombs, plastic explosives from airplanes.

□ 1420

There is an urgency to this. That urgency was underscored by what apparently took place over in Africa yesterday.

We cannot delay. We need to get these installed at the high-risk airports as rapidly as possible.

I think this amendment will move us rapidly in that direction. It gives us a high priority to get these installed.

This puts the onus, really, on the carriers to get this equipment purchased and installed. It provides urgency also to the FAA to promulgate the regulations and the required directives to expedite this process.

It is, I think importantly, consistent with Secretary Skinner's directive to the carriers to purchase these devices and get them installed. It supplements, it is totally consistent with that approach. I think most importantly too it does not do violence to the budget and appropriation processes of this House. That was perhaps the objection that was raised most vociferously last week in the original version which would have in some sense made an end run around the budget and appropriations processes.

This is totally consistent with that process, it will require this to come before the Appropriations Committee for consideration; requires a high-priority consideration of these items.

There have been disagreements between the majority and the minority over who best should be purchasing the devices. I happen to still believe it would be more appropriate for the carriers themselves. I said earlier today I think they can afford it perhaps more than we can at this juncture. But nevertheless I think this moves us definitely in the right direction. In fact the airlines will be purchasing these equipments, they will be subject to being reimbursed and if they are reimbursed title will revert to the FAA.

I think that is an important improvement. But we will not in this instance be making grants directly to private entities but we will be keeping ownership.

If the Federal Government pays for the items, the Federal Government will own them. I think this represents a very useful, constructive improvement and I would certainly urge all of my colleagues to support my chairman's amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike the last word, and I rise in support of the Oberstar amendment.

Mr. Chairman, I am pleased that we have been able to develop an amendment which meets the concerns raised by the Appropriations and Budget Committees as well as my friends in the minority on the Public Works Committee. The amendment will permit the bill to go forward. I know that the Budget and Appropriations Committees will respect the sense of Congress statement in the bill and will work with us to provide the funding so badly needed to protect our passengers against terrorist bombs. I thank the other committees for their cooperation and urge adoption of this amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I realize that the chairman of the Aviation Subcommittee, Mr. OBERSTAR, has tried very hard to develop a funding scheme that will enhance aviation security. I am pleased that he has finally come up with a system that can enjoy widespread support. It is important that we move forward with our efforts to improve aviation safety and security as quickly as possible.

In my view, the funding scheme originally in the reported bill would not have enhanced security. Moreover, it could have hindered efforts to reduce the budget deficit and perhaps even harmed the aviation system generally.

My main problem with the original funding scheme was that the outlays for security devices would have had to compete with other aviation programs in future years.

I know that there is a $7 billion surplus in the aviation trust fund. But as long as that fund remains on-budget, it will be subject to spending limits just like any other Federal program. During committee consideration of this bill, an amendment to take the trust fund off budget was offered, but it was defeated. Therefore, we cannot count on an unlimited supply of money to pay for these security devices.

That means that for every dollar the Federal Government spent on the security devices, there would be one less dollar for airport improvements and other aviation safety programs. These other aviation programs are just as important as security, and just as expensive.

When this bill was being debated during the committee markup process, we suggested that funding for these security devices should be handled by a straight authorization. That approach would allow the relative benefits of various aviation programs to be weighed and balanced during the appropriations process.

Unfortunately, that approach was not accepted at that time. However, I am pleased to see that it is the approach that we are ultimately adopting with this amendment.

Therefore, Mr. Chairman, I support this amendment and urge a yes vote on it.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the distinguished chairman of the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding and for his comments and his thoughtful and always scholarly analysis of the process.

Mr. Chairman, I think it is the essence of the success and the genius of the American political system that it is a system based on pragmatism. We have had some pragmatic decisions to make in the course of fashioning this legislation. We have worked very successfully with the Committee on Foreign Affairs in a joint effort, both sides of the aisle, in both committees, in an almost unusual—I would not say unprecedented because it has been done before—but a most unusual display of collegiality in fashioning a single bill to bring to the floor.

Similarly, on the funding approach, I want to express appreciation to our colleagues on the Committee on Appropriations who have labored with us and who have found a way to help us deal with this issue in a way that we feel is effective and in a way that they feel protects their prerogatives.

I particularly want to express my deep appreciation of course to the chairman of our full committee, the gentleman from California [Mr. ANDERSON], who has been a part of each step of the deliberative process; but especially to the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and my dear friend and colleague, the gentleman from Pennsylvania [Mr. CLINGER].

We had disagreements, they were never disagreeable. We understood that each step of the way we could work something out, and we have. I appreciate that very much.

Mr. HAMMERSCHMIDT. I also appreciate the gentleman's remarks. Mr. Chairman, thanks to his cooperation and his legislative skills and his knowledge we have come to a very fine ultimate consensus on this amendment and on the bill. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1659) to improve aviation security by requiring the installation and use of certain explosive detection equipment at certain airports located outside the United States and by providing assistance for the acquisition of such equipment, and for other purposes, pursuant to House Resolution 236, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDERSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 392, nays 31, answered "present" 1, not voting 8, as follows:

[Roll No. 237]

YEAS—392

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Cooper
Costello
Coyne
Craig
Crane
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt

Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Grant
Gray
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
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Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—31

Archer
Armey
Ballenger
Bartlett
Barton
Bilirakis
Brown (CO)
Coble
Coughlin
Cox
Crockett
Dannemeyer
DeLay
Dreier
Duncan
Edwards (OK)
Frenzel
Gradison
Hancock
Henry
Livingston
Miller (OH)
Nielson
Petri
Pursell
Shumway
Smith (TX)
Smith, Denny (OR)
Stump
Upton
Williams

ANSWERED "PRESENT"—1

Green

NOT VOTING—8

Bryant
Conyers
Courter
Florio
Foglietta
Garcia
Madigan
McHugh

□ 1451

Mr. DUNCAN and Mr. COX changed their vote from "yea" to "nay."

Mrs. PATTERSON, Mr. CRANE, and Mr. KASICH changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to improve aviation security by providing for the acquisition, and requiring the use, of certain explosive detection equipment at certain airports located outside the United States, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. FOGLIETTA. Mr. Speaker, I regret that I was unable to be in Washington today due to a death in my family. If I had been present, I would have cast my vote for final passage of the Aviation Security Act.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 1659, AVIATION SECURITY ACT OF 1989

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1659.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the distinguished majority leader the change in program for the balance of the week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

Mr. Speaker, I would like to announce to the Members that the schedule for the House for Thursday, tomorrow, September 21, will be changed in the following manner:

We will be taking up H.R. 1759, which is the National Aeronautics and Space Administration Multiyear Authorization Act of 1989. This is an open rule and 1 hour of debate. We will consider that bill and that bill alone tomorrow. H.R. 1462, the Oil Pollution Prevention Liability and Compensation Act of 1989, will not be considered tomorrow, but at a future date.

The House will be in session on Friday, September 22, but no legislative business will be conducted on that day, and there will be no votes on that day.

As to Monday of next week, there is the possibility that we will have one vote on a rule on reconciliation, but it may be that we will even be able to avoid that vote and put it over until the next day at the very minimum. That vote will be in the latter part of the afternoon at, I would say, 5 or 6 o'clock.

Mr. MICHEL. That is on Monday?

Mr. GEPHARDT. The gentleman from Illinois [Mr. MICHEL] is correct.

Mr. MICHEL. Might I also inquire of the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] if there would be any motion to go to conference on the D.C. bill, say tomorrow?

DISTRICT OF COLUMBIA CIVIL CONTEMPT IMPRISONMENT LIMITATION ACT OF 1989

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2136) to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the House amendments to the Senate amendment, as follows:

House Amendments to the Senate Amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the bill, H.R. 2136, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b)(1) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under paragraphs (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be a trial by jury; and

"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a)."

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition "; and

(2) by adding at the end of the following new subsection;

"(b)(1) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child conducted in the Family Division of the Superior Court under paragraphs (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may be continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be a trial by jury; and

"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subsection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 4. REPORTS ON CIVIL CONTEMPT PROCEDURES.

(a) IN GENERAL.—(1) The Committee on Governmental Affairs of the Senate, together with the Committee on the District of Columbia of the House of Representatives, shall conduct a study of current law and procedures with respect to civil contempt in the courts of the District of Columbia.

(2) The Committee on the Judiciary of the Senate shall conduct a study of current law and procedures with respect to civil contempt in the courts of the United States.

(b) SUBMISSION OF REPORTS.—Not later than September 1, 1990, the Committees on Governmental Affairs and the Judiciary of the Senate shall each submit a report on the study conducted by each Committee under subsection (a), and shall include in such report any recommendations regarding changes in current law.

SEC. 5. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply with respect to any individual imprisoned before the expiration of the 18-month period that begins on the date of the enactment of this Act for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

Amend the title so as to read: "An Act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.".

Mr. **DYMALLY** (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendment be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mr. **PARRIS**. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from California [Mr. DYMALLY] for the purposes of explaining to the House the House amendments to the Senate amendment.

Mr. **DYMALLY**. Mr. Speaker, I thank the gentleman from Virginia for yielding. The House amendments are set out in the CONGRESSIONAL RECORD of yesterday with an explanation.

Mr. Speaker, H.R. 2136, the District of Columbia Civil Contempt Imprisonment Act of 1989 is the result of bipartisan effort on the part of the House and the Senate. On June 28, 1989, the House passed an amended version of H.R. 2136 by a vote of 376 to 34. On September 7, 1989, the Senate by unanimous consent, passed its version of the bill. Mr. Speaker, I am happy to report that by Friday, September 15, 1989, instructed staff from the House and Senate were able to resolve the various differences between the two versions of the bill resulting in the legislation before us at this time. This legislation amends section 11-944 of the District of Columbia Code. It should be noted that under the D.C. Home Rule Act the local government cannot enact this legislation.

Mr. Speaker, H.R. 2136 as amended by the House and Senate brings general relief to situations that most on both sides of the aisle and in both Houses of Congress feel can at times go on too long.

Mr. Speaker, H.R. 2136 as amended will statutorily limit incarceration imposed for civil contempt charges in child custody cases in the District of Columbia. H.R. 2136 also states that an individual imprisoned for 6 consecutive months for civil contempt in a child custody case for disobedience of an order and who continues to disobey the court's order may be prosecuted for criminal contempt at any time before the expiration of the 12-month period that begins the first day of that individual's imprisonment. In that case, Mr. Speaker, the individual may be held in jail until the completion of the criminal contempt trial, but not longer than 18 months.

Mr. Speaker, it is important to point out that H.R. 2136 does not seek to place a limitation on the amount of time an individual can be sentenced to serve if convicted of criminal contempt—that is not the aim of H.R. 2136. It is simply to preserve the basic rights of individuals to due process under the law.

H.R. 2136 strikes a balance that gives the individual the option of a trial by jury of his or her peers after a reasonable period of time has been allowed for the court to exercise its coercive powers.

In addition, Mr. Speaker, I would point out to my colleagues that the version of H.R. 2136 as amended, contains certain clerical errors which have been corrected and are in the version we have before us.

Mr. Speaker, when this bill was first debated in the House I had strong reservations about this piece of legislation. My objection had nothing to do with Dr. Morgan. As a parent I want to see Dr. Morgan set free. As a father I want to see this custodial impasse settled. As a member of the D.C. Committee I want to protect the integrity of the court system, and the integrity of the entire district. That was my concern then; it is my concern now. However, I am not unaware of the support to free Dr. Morgan. I am not insensitive to this dilemma.

Indeed as chairman of the subcommittee which had jurisdiction over this bill, I did everything that was humanly and legislatively possible to expedite this measure. The same spirit prevailed during the discussion of the conference committee. This measure, as stated before, is a compromise.

SECTION-BY-SECTION EXPLANATION OF H.R. 2136 AS AMENDED

Mr. Speaker, section 2 of the bill amends section 11-944, D.C. Superior Court of the District of Columbia Code, to provide that no individual may be imprisoned for more than 12 months for civil contempt for disobedience of an order or for contempt committed in the presence of the court in any proceeding for custody of a minor child conducted in the family division of the Superior Court. In addition, an individual held for 12 months under civil contempt may be charged with criminal contempt after serving 6 consecutive months for civil contempt. However, in no case may an individual be imprisoned for more than 18 consecutive months for civil contempt. Section 2 also states that the trial of an individual prosecuted for criminal contempt shall begin not later than 90 days after the date in which such individual is charged with criminal contempt and upon request of the individual, a trial by jury. However, the trial may not be conducted before the judge who imprisoned the individual for disobedience of an order.

Section 2 also amends section 11-741 of the District of Columbia Code, District of Columbia Court of Appeals. Section 11-741 is amended so as to conform to those amendments made in section 11-944, the D.C. Superior Court.

Section 3 of H.R. 2136 as amended puts in place an expedited appeals process for individuals incarcerated for contempt in child custody cases by amending section 11-721 of the District of Columbia Code to assure that the appeal process before the court of appeals shall be heard not later than 60 days after an individual requests that an appeal be taken.

Section 4 of H.R. 2136 as amended directs the Committee on Governmental Affairs of the Senate together with the Committee on the District of Columbia in the House to conduct a study of current law and procedures with respect to civil contempt in the courts of the District of Columbia. Further, it directs the Committee on the Judiciary in the Senate to study current law and procedures with respect to civil contempt in the courts of the United States. Such reports to be submitted to the House and Senate by September 1, 1990.

Section 5 of H.R. 2136 states that amendments made by sections 2 and 3 of H.R. 2136 shall apply to any individual imprisoned before the expiration of the 18-month period that begins on the date of the enactment of H.R. 2136 as amended for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

Mr. PARRIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

CAPITAL GAINS CUT

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. BOXER. Mr. Speaker, I am for a capital gains differential. But I agree with the vast majority of Democrats on the Ways and Means Committee who voted against the particular capital gains proposal that is coming to us, because it is bad for our economy for two main reasons.

One, it will add to the deficit in the long run billions and billions of dollars, a quick fix in the early years and then red ink as far as the eye can see.

A good capital gains proposal would have looked at the top individual rate to keep the proposal at least revenue neutral.

Second, the 2-year provision will cause an enormous amount of churning in the marketplace. As a former stockbroker, I am sure that we will make Wall Street brokers happy, because they will have record commissions in the short term. But as the Wall Street Journal stated:

> Investment professionals fear the plan will do more harm than good. To jack the capital gains rate around like this distorts investor behavior and does not encourage people to invest long term.

So anyone, Mr. Speaker, who believes it is wrong to add to the deficit, and it is wrong to discourage long-term investment should vote no on this proposal and work toward a balanced proposal that would include capital gains as part of the package that is good for our whole economy, not just for a select few.

Mr. Speaker, I include for the RECORD an article from the Wall Street Journal of September 18, 1989.

The article referred to follows:

CAPITAL-GAINS TAX CUT MIGHT SPELL TEMPORARY BAD NEWS FOR MARKET

(By Barbara Donnelly)

A congressional plan to cut the tax on capital gains could create a bumpy ride for stocks.

The tax cut would be good news for individual investors, who would keep more of the gains when they sell investments at a profit. But at least in the short run, it would be bad news for the stock market, prompting cautious investors to take their profits from the post-crash rally and run.

That's the reading market professionals give to the capital-gains measure approved by the House Ways and Means Committee late last week. The bill would cut taxes on profits from the sale of stocks and other investments.

A competing Senate proposal to expand the deduction for individual retirement accounts would be a clear boon for the market, as well as investors, experts say, luring new dollars into long-term savings and investments. But while the IRA plan has broader appeal, it isn't seen as a realistic rival to a capital-gains tax cut. Budget constraints would rule out revenue-losing IRA tax breaks for the foreseeable future, legislative insiders say.

The controversial capital-gains proposal, meanwhile, still must survive a full congressional vote before it becomes law. But the odds are very good that some capital-gains tax cut will be passed before the end of the year.

In its present form, the capital-gains proposal has two phases: For twenty-seven and a half months, it would allow investors to exclude from taxes 30% of any gain they realize from the sale or exchange of stock, bonds, real estate or other capital assets they have held for more than one year. Gains from artworks, antiques, coins and other collectibles wouldn't qualify, however.

The exclusion, which applies to assets sold between Sept. 14, 1989, and Dec. 31, 1991, would effectively cut the top capital-gains rate during that period to 19.6%. The top rate for taxable investors currently runs as high as 33%. Pension funds and other tax-exempt institutional investors, which make up 70% of the market, wouldn't be affected by the proposal.

After that first-phase window closes, a different provision would kick in that would allow investors to exclude from taxation any gains attributable to inflation. Although investment professionals applaud this part of the plan as a likely long-term plus for the market, they fear the initial phase would do more harm than good.

"To jack the [capital-gains] rate around like this distorts investor behavior," says Tony Brush, partner in Bradley, Woods & Co., a public-policy research firm. "If you're trying to encourage people to invest long-term, this just isn't going to do it."

Of course, the rationale in Congress for the temporary 30% exclusion isn't so much that it will help investors, but that it will raise new tax revenues to help reduce the budget deficit. That means spurring investors to sell assets and take profits—which is precisely what worries many market professionals.

For instance, when President Bush proposed cutting capital-gains taxes to 15% earlier this year, the Treasury figured that reduction would boost asset sales 91% in fiscal 1991 to a total of $349 billion. Those sales would have included not only stocks, but also bonds, depreciable real estate and other capital assets. Although nobody knows exactly what kind of selling the current proposal might promote, many professionals see the stock and real-estate markets as being vulnerable.

"I'm disturbed by the near-term impact, which is negative" for these markets, says Abby Joseph Cohen, senior investment strategist at Drexel Burnham Lambert Inc. The proposal "creates a narrow window for investors to take their gains and run."

That incentive is especially ticklish, she says, in the light of the strong rally in stock prices since the October 1987 crash. "People who are sitting on gains of 50% or more are going to say 'Forget about the long term, let me sell it now'—especially when you give them the added incentive of a temporary capital-gains cut," she says. That could put pressure on such stocks as AT&T, regional telephone companies and many over-the-counter shares, issues for which tax-paying individuals are the dominant shareholders, she adds.

Many market analysts see the new proposals prompting a wave of selling similar to the one that occurred in late 1986, when investors rushed to realize profits before tax reforms eliminated preferential capital-gains tax rates. "It's entirely possible you could see a similar sell-off" if the current proposal is passed, says Richard Bernstein, senior quantitative analyst at Merrill Lynch & Co.

But although the 1986 wave of profit-taking was quickly followed by a stock-market buying spree in early 1987, producing some of the biggest monthly gains in history, few professionals see such a quick recovery today. The crucial difference is that "the economic fundamentals [supporting the market] were much more positive" in 1986 than they are now, says Drexel's Ms. Cohen.

Even so, many professionals do expect the long-term appeal of the inflation exclusion to mitigate the plan's negative near-term impact on the market. Steven Einhorn, co-chairman of the investment policy committee at Goldman, Sachs & Co., says, "While you can't dismiss the possibility of a sell-off my sense is that it would be moderate and containable" because the second phase, when the inflation exclusion takes effect, "would be recognized as something positive and would offset the selling pressure."

By taxing only real—or inflation-adjusted—capital gains, the second phase of the proposal would effectively add 1.5 percentage points a year to individual investors' after-tax returns in the stock market, Mr. Einhorn estimates. That extra after-tax return would make stocks more attractive relative to bonds and other income-paying investments, which wouldn't benefit as much from the capital-gains cut.

As a result, "it could encourage individuals—who have been steady and massive liquidators of common stocks in recent years—to slow that liquidation or even become net buyers of stock," says Mr. Einhorn.

The effect would be especially positive in growth-oriented sectors of the stock market, "because it would reward people for building plant and building a business," says Howard Stein, chairman of Dreyfus Corp. These are the kinds of activities that tend to create capital-gains for investors. For example, he says, long term such a capital gains cut "would have a very positive effect on environmental investments," such as companies involved in the fast-growing business of cleaning up water and air pollution.

Meanwhile, the Bush administration is expected to lobby heavily to extend the initial 30% capital-gains exclusion beyond the proposed 1991 deadline. If those efforts succeed, that could give a major boost to small stocks and secondary markets, such as the over-the-counter market—both favored playing fields for individual investors.

A recent study by Merrill Lynch's Mr. Bernstein, for instance, estimates that every five-percentage-point reduction in the capital-gains tax would cause small stocks to outperform the broad stock market by 12.5 percentage points. That means that if the top capital-gains rate remained at 19.6%, "small stocks could gain an average of 25 percentage points a year relative to the Standard & Poor's 500 index." he says.

[From the New York Times, Aug. 7, 1989]

THE RIGHT WAY TO SPUR INVESTMENT

Cutting the capital gains tax, which the House Ways and Means Committee is on the verge of doing, is a poor way to spur investment. Here are some better ideas.

Reinstate the investment tax credit. The most effective way to get corporations to invest more is to reimburse them for a part of the cost of investment. To limit the loss to the Treasury, Lawrence Summers, an economist at Harvard University, would apply the tax credit only to investments that a company undertakes in excess of replacing existing equipment. That way, firms are given an incentive to expand capacity but are not granted, an unnecessary bonus to maintain old equipment.

Help venture capitalists. Emerging enterprises, especially in technologically advanced industries, are risky. Large capital losses are possible. Under current law, investors are allowed to deduct only $3,000 of capital losses each year—a limitation that discourages big risks.

The $3,000 ceiling cannot be universally waived. It limits the extent to which individuals can generate a constant stream of tax deductions each year by selectively selling only those assets whose value has fallen. The $3,000 ceiling cannot be eliminated for everyone; but it could be relaxed for venture capitalists. They are the investors for whom it is counterproductive.

Reinstate I.R.A.'s for all. The country's most serious economic ill is its pathetically low rate of savings. Too little savings keeps the cost of capital high and forces the country to rely upon foreigners to maintain even a modest rate of investment. Recent studies have shown that Individual Retirement Accounts stimulate savings. Reinstating I.R.A.'s for all taxpayers is advisable.

All of these tax changes would help the economy. But each lacks the one magical ingredient that makes cutting the capital gains tax so seductive: a short-term burst in tax revenues as investors rush to sell appreciated assets. Of course, once the assets are sold, there will be fewer capital gains to tax in the future. So, in time, the budgetary benefits will prove illusory.

Nor will lowering taxes on capital gains boost investment as much as its proponents claim. The goal of tax reform should be to reward future investment. The proposal currently before the Ways and Means Committee mainly rewards past investments. And unlike the investment tax credit, it is not targeted to the type of capital formation that the country needs.

It's time for Congress to turn from budget gimmicks to effective reform.

□ 1500

AMERICA'S DANGEROUS LIAISONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, in the not so distant past, I was always disheartened by newspaper headlines. Reading about bankruptcy after bankruptcy of American industry, plant closures and layoffs was very discouraging; however, more recently, I became of the opinion that maybe things were changing. Good news about our American companies and their new competitive spirit began appearing. Take, for example, the Forbes article by Julie Pitta describing Xerox's attempts to turn research into products or the announcement by IBM of its entry into the super computer market.

As such promising articles have appeared, reading the paper became less discouraging. But, unfortunately, the more things change, the more they remain the same.

When looking behind the scenes, evidence seems to suggest that American industry and labor survive only with the help of foreign companies.

This was brought home hard during a recent hearing in the other body on reauthorization of the Technology Administration Authorization Act. This act would appropriate some $200 million for research and development grants to those American companies interested in developing technologies related to high definition television, known better and more commonly as HDTV.

Well, did I say American? I think it is North American, actually.

We have heard so much about this HDTV and its importance as the linchpin of the electronics industry in the future, that investments in HDTV now will determine who controls that very vital market in the future.

Originally, the other body's language allowed only firms with a minimum of 51-percent American ownership to receive taxpayer funds. This provision was as it should be—let American-owned and controlled firms be given a boost by their government the same as foreign firms are given a boost by their governments.

As you might guess, this provision subsequently was removed—and removed at the request of—hold onto your seats—foreign industry and the Communications Workers of America [CWA]—an affiliate of the AFL-CIO.

And the two leading companies that were pushing the CWA, we understand, are actually foreign owned, foreign government owned companies.

These sectors argued that the American electronics industry was no longer large enough to make adequate use of the funds. What a shock to have that fact thrown out in this manner.

Their solution: "Well, let's allow foreign firms to use this money to keep America strong."

My first reaction to the change in the legislation was that I was confusing the bill with a foreign aid package. Why would the U.S. Government be funding foreign companies' research and development efforts?

Last week we celebrated the 107th anniversary of the American labor movement, or earlier this month we did, and I could not help noticing the changes labor has undergone in the last several decades.

There was a time when the majority of American workers and their unions would never, not for a minute, think of considering a foreign company's interests over those of their own country.

That attitude has all but disappeared, and now short-term goals appear to be all that matter. No one is thinking about jobs 10 years hence—much less this country in 10 years. The AFL-CIO's position is shocking. Is organized labor asking the Government to subsidize foreign companies to create American jobs rather than funding American companies to create American jobs?

This sounds like the dependent tendencies of an alcoholic or a drug user to me—the more you use it, the more you need it.

Such a trend is both alarming and frustrating and demonstrates just how little we really understand our competitors. What is to stop a foreign company from taking our funds for research and development, and after they have the R&D, use that research and development to create jobs back home? In other words, the R&D performed in the United States, but the manufacturing jobs done overseas. Absolutely nothing to stop it.

The next question I ask myself is, as I read these positive articles on American innovation and competitiveness, why is our industry so reluctant to produce and manufacture products without seeking the help of foreign firms? Why are we waving the white flag?

It seems that when our companies were facing difficulties in the late seventies and early eighties, cash-flow was very limited. Mammoth bureaucracies, the strong dollar, domestic overcapacity and a host of other problems held American companies down while lean, shrewd Asian cartels took over our markets.

During this period, U.S. companies began realizing that they must do something—they scaled down, laid off, and sold off subsidiaries. It appeared that only the fittest survived.

However, even the most fit of companies were still having trouble competing. After scaling back and trimming fat, the "fittest" of our industries remained cash poor, especially when compared to their Asian neighbors, and began thinking that to survive in the new marketplace, joining forces with cash rich foreign companies was the only road to recovery.

☐ 1510

The thing that really breaks one's heart is to realize that most of the cash those companies have is from the dollars that Americans spent buying those foreign goods.

Traditional American companies like Xerox and Zenith continue to create and produce, but they do not always have the necessary resources to construct new manufacturing plants and upgrade existing ones.

Innovative companies such as Cray Research are forming joint ventures with Hitachi and giving away their technology for cash. These marriages are not made in heaven; they are made at the end of a shotgun. And, ironically, much of the capital that is provided by these foreign firms goes toward constructing new manufacturing plants overseas. Is this how we are creating jobs for American workers?

The power and influence of money are simple to demonstrate. Japanese purchases of United States financed T-bills directly controls the interest rate paid on the United States national debt.

Foreign interests who are forming joint ventures and purchasing American companies are not only making money—they are also purchasing the power to influence labor unions with jobs and to influence industry by holding access to components.

To bring this point home, we need only look as far as the Toshiba incident. When Toshiba sold sensitive submarine technology to the Soviet Union, Congress passed a law banning United States Government purchases from Toshiba for 3 years.

But Toshiba, who employs as many as seven different law firms to plead their case in Washington, pushed and pulled all the strings they could to dodge the law.

There finally were so many exemptions that we continue to trade with Toshiba just like nothing happened, an exercise in futility.

In the words of George Wilson of the Washington Post:

> The longer term consequence of quieter Soviet submarines shifted the U.S.-Soviet balance of power under the sea * * * posing a new challenge to the Defense Department.

If we had penalized Toshiba based on the severity of the crime, Toshiba should have been banned from doing business here period. Unfortunately, this was not possible because Toshiba was employing our workers, supplying our companies with critical computer chips and hiring our legal and public relations firms to plead their case.

It is the same old story—joint ventures and the like are presenting this country with an enormous conflict of interest—when foreigners break the law, they may not have to pay because American industry is dependent on them for jobs and strategic components.

The power of the purse strings is a formidable weapon. A recent article in the Chicago Tribune provides us with another example of whoever controls the buck controls the bang.

The article excerpts a quote from Japanese author Shintaro Ishihara's new book, "The Japan That Can Say No." Mr Ishihara says:

> Without Japanese semiconductors, the United States would be doomed * * *. No matter how much the Americans expand their military, they have come to the point that they could do nothing if Japan were one day to say, "We will no longer sell you chips".

Mr. Ishihara's threats were felt during the Toshiba affair. U.S. industry was opposed to strict sanctions against Toshiba because they were afraid Toshiba would no longer sell them necessary chips.

Buying into America is insurance against retaliatory trade measures. Toshiba was insured by America and I do not think there is a better deal than this anywhere in the world.

Mr. Ishihara's message is both boastful and arrogant, but it is really a blessing in disguise. By showing us his cards, he has made the next move easier to predict.

This warning is telling us that economic might is a weapon and one that could possibly be used against us in the future.

Mr. Speaker, when it comes time for the House to consider the Technology Administration Reauthorization, there are two very important questions that we should be asking:

First, Is subsidizing wealthy foreign companies helping American industry prosper? and;

Second. Does America have an electronics industrial base capable of developing HDTV?

To restate the obvious, Japanese companies are wealthy; they do not need our research dollars. MITI, Japan's Ministry of International Trade and Industry, is spending $700 million per year to develop HDTV in Japan.

This does not even account for funds being spent by the Japanese National Broadcasting Co. to develop technology and standards and by various other private interests.

Our competition does not need money—America does. American companies should be receiving this money so that they can stop pairing up with foreigners and begin strengthening their own foundations.

When the AFL-CIO says that there is no longer an American electronics base that can take on the challenges of HDTV, I challenge them to look more closely.

The answer to solving the problem of America's withering industrial base is not to keep investing in foreign industry—but to use any available funds to build ourselves back up. We should use the $200 million plus to pool together companies who are willing to take on the challenges of HDTV, and there are many of them.

Those who assume America's competitive spirit will be buoyed by the service sector have made a sad, but important mistake. For the first time in three decades, the U.S. trade imbalance has grown to include our service industries. If this doesn't impress upon us the severity of our situation, maybe this quote by Benjamin Disraeli will.

Mr. Disraeli said:

"Great nations rise and fall. The people go from bondage to spiritual truth, to great courage, from courage to liberty, from liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complacency to apathy, from apathy to dependence, from dependence back again to bondage.", he must have been describing America.

If we continue melding our industries with foreign interests and giving away our technology to the highest bidder, we will become a dependent nation, and dependent nations are not free.

We do have a choice, but time is running out—American industry and labor must avoid dangerous liaisons and channel their efforts to make America strong again.

THE TRADE DEFICIT AND THE TRADE IMBALANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I am joined tonight in this special order by my colleague, the gentleman from Illinois [Mr. POSHARD], who will take the rostrum before me. He is speaking on the trade deficit and the trade imbalance just as I am doing tonight.

Mr. POSHARD. Mr. Speaker, we try to solve a lot of problems every day here in Congress. Drugs, homelessness, housing, the list of things we try to address and correct in a day's work is endless. All of those problems have one common link. They all relate to the budget deficit and the budget priorities we set for our Nation. Anytime anyone singles out the great challenges of our society, do not let them get by without mentioning getting a handle on our budget.

As I join my colleagues in discussing our budget and trade deficits, I thought about how those figures affect the people in southern Illinois. The bottom line is we have so much debt that saps our resources from the top, we are less able to spend for what the public expects and wants.

Cities and villages are operating on very limited funds. They are experiencing a decline in Federal support for their operations. The city manager of Carbondale, IL, Mr. Steve Hoffner, tells me cities are having to resort to one of the most unpopular taxes of all, local property taxes, to find the revenue they've lost. Cities like Carbondale that used to run very active social service agencies find it next to impossible to continue doing that. The cities have lost local revenue sharing, but still live under a variety of mandates for programs which they do not have the finances to meet.

And there is great pressure on local government budgets for the roads, sewers, and public protection we expect from them. So when someone drives down a bumpy road or loses water pressure because a line that should have been replaced long ago breaks, we can think back to the Federal deficit, and wonder what we could do differently to help the cities of our country if we did not have the deficit.

The pressure is also very real on the social service delivery system. We have abused children who need a new home, drug addicts who need treatment, mental health patients who need comprehensive and compassionate care, and a delivery system that's straining to meet those needs. Agencies in Illinois and in the Federal Government responsible for doing those things could all use our help. But again, they complain that the Federal support is not what it used to be, because we have had to cut back what we can share with them. You have to wonder what we could do for those less fortunate in our society if we were not saddled with the debt which we have to keep paying.

I support a balanced budget amendment, and a line-item veto for the President, to bring more discipline to the budget system. I encourage Congress to take seriously the threat posed by excessive debt, because it keeps us from making headway on the problems we must solve.

The Federal debt at the beginning of September was $2,830 billion. How big a number is that? If you spend $1 million a minute, it will take you 5⅓ years, or 2,830,000 minutes, to spend as much as the current level of Federal debt. Those are powerful numbers. The debt is the accumulation of the deficits we have run over the past several years. And we will add another $100 billion in the next fiscal year.

The payment for interest on the debt is 14 percent of the Federal budget, almost twice what it was in the mid-1970's. That makes interest payments one of the top five items which account for 85 percent of the overall budget. We should not have to make interest payments such a large item in our budget, but we have no choice. We have borrowed as if there were no tomorrow. Now we must pay the piper. We have so many better uses of our country's taxpayer dollars, but those uses, for education, health care, roads, et cetera must go wanting, because we have interest to pay on the debt.

And it is a real threat when our debt is owned by foreign interests. This decade we went from a creditor to a debtor nation, and we all know that foreign interests hold a lot of that paper. When huge amounts of money for interest flows out of the country, and when interest payments are such a large portion of our national budget, it cripples our ability to invest in local economies. We should be exporting more of our grain and coal and less of our monetary capital, but we are too far in debt.

That is the second issue I would like to address with my colleagues today, the trade deficit and the impact that has on our State and my district.

Dr. Roger Beck at the Southern Illinois University College of Agriculture is charting developments in this area. Dr. Beck points out that the rate of increase in imports is much higher than the rate of increase in exports. We are losing ground.

Dr. Beck is working on ways to quantify that trend. For Illinois agriculture products, there is a rate which can be applied to the loss we suffer when imports are higher than exports.

Every time we reduce our exports in soybeans 1 percent, there's an additional 0.8 percent impact on the economy, for a total effect of 1.8 percent. That extra dose of bad news comes in the form of lost opportunities for truckers, grain elevator operators, processing plants, every sector of the agricultural economy. Illinois provides about 8 percent of the Nation's agricultural exports, and soybeans make up half of Illinois' share. So it does not take much to see that when we do not export as much it ripples through the whole economy. That same impact would be favorable if we reverse that trend.

We should actively pursue ways to send more of our grain and food overseas, to feed hungry people, and stabilize our economy at home.

We do send a lot of coal overseas and you might think that would be the one bright spot for southern Illinois in this budget and trade imbalance. Sadly, it is not.

Illinois Coal Association President Joe Spivey tells me that although the United States exports millions of tons and billions of dollars' worth of coal, the export activity in my district, in southern Illinois, is all but nonexistent.

In Illinois we have 49 large mines, surface and undergound combined, which average 60 million tons a year in production. The capacity is there to produce 20 million more with existing operations. That coal sits right smack dab in the middle of the Nation's transportation system. We have the roads, rail lines, and rivers to move the coal, if we can find the markets. And let me share one other number. A 1-million-ton increase in production means 100 to 150 persons who could return to a payroll, either at the mine directly or in the businesses that depend on the coal industry.

What is the problem? Whether it is real or perceived, southern Illinois coal is not as attractive to export to other countries because of its sulphur content.

I do not have the answers for some of our other trade problems, and each product is unique, but I know what we can do to export more southern Illinois coal. We have to make a real commitment in the public and private sectors to clean-coal technology. We can do good things for our economy and environment alike if we'll just make that commitment.

We all recognize the need for action on our trade and budget deficits. Significant gains on those two fronts will make solving our other problems much easier. It will take commitment. It will mean some hard budget choices, and some tough trading policies. but there is no reason we cannot make it happen, and future generations will thank us for having the courage and resolve to do it.

□ 1530

I say to the gentleman from Illinois that I would like to share something with him for a moment.

I recently had a lot of meetings around my district in which I talked to the people about this budget deficit that we are confronted with in this country. In talking to every single group, some very basic things came through. This is the mind of the people: "Give us more, don't make us pay, don't raise taxes, and cut the spending on the other guy so we can have our programs."

Mr. LIPINSKI. I think that is universal throughout the country.

Mr. POSHARD. I agree with the gentleman.

And do you know what? We do just exactly what the people want. The President says, "No new revenues." The people say, "Give us more but don't cut my programs." And Congress says, "OK, here is what you want. We won't say 'No' because we don't want to lose our jobs."

So what do we do? We do not say, "No; you can have what you want, take more and more and more, send us back to Congress; read the President's lips." Now we are $2.8 trillion in debt and getting deeper and deeper every day.

I do not think that is what the American people want. I think the time has come to resolve it but we have to have the will and the courage.

I had some other meetings in my district. I tried to explain it to the people. Everybody cannot have everything they want. We are going to have to raise revenues to pay for some things, the basic things. We are going to have to establish priorities.

The people said to me;

> It is not that we do not want to pay for the necessities, we just feel that when we go along with that, instead of paying off the debt you guys will use the money to fund another spending program.

So it is a mistrust, basically, of what we are about here.

Somehow or other we have to win back the goodwill of the American people to believe that we are really going to do what we say we are going to do with this deficit, when we go to them and ask them to support us in getting rid of the debt.

I thank the gentleman so much for allowing me to participate in this special order.

Mr. LIPINSKI. I say to the gentleman from Illinois [Mr. POSHARD] that I am honored to have him participate in this special order today. In all candor, I think his statement was outstanding, he was articulate and powerful.

I mean that very sincerely. And I know it was certainly with sincerity on his part that he expressed these feelings because he expressed them to me on a number of occasions off the floor.

Mr. Speaker, I appreciate the gentleman's insight on the deficit, including the trade and budget deficits. The gentleman is always welcome to join me in any special order that I may have on any topic.

Mr. Speaker, for several years the trade and budget deficits have been a major concern of this body. The topic came up in the last two Presidential elections, and a week does not go by without some mention being made about the effects of our debtor position. Maybe because this issue has been around so long, we are no longer taking it seriously.

When President Reagan and then Vice President Bush, came to Washington in 1981, this country was the largest creditor nation in the world. Today things are a little different. The legacy Reagan left, and the one upon which President Bush is building, is one of huge budget deficits. Maybe because the deficit has been around for so long, and our economy has the appearance of being strong, people are afraid to attack the problem, afraid to even say there is a problem. But the trend is clear, my colleagues here today and I, are trying to show that this is a problem we must control if this country's economy is going to grow and support the next generation.

One reason it is hard to mount a campaign against the huge budget deficit is because the deficit is hard to define. What exactly is it and what are its effects? The Commerce Department recently released news about one of its effects that I believe is very revealing and disturbing. The Department reported that American investment and service receipts for the second quarter of 1989 rose $700 million, but payments rose more than three times as much, reaching $55.2 billion. The resulting deficit was thought to have been the first since 1958. This news serves as one more reminder that we have, in just 8 short years, become the world's largest debtor nation, owing more than one-half of a trillion dollars to other countries. These figures probably have more significance than even the most experienced economists can comprehend, but to me and my colleagues, the message is clear, it is time to pay the piper for the past years of runaway deficit spending. These figures do indicate that some individuals are doing very well because of our debt problems, unfortunately they are not Americans.

Last year over $64 billion of foreign money went into direct purchases of American companies, a 61.3-percent increase over 1987. This may have made the individual stockholders wealthy, but it also drained the United States of its driving force in economic growth. From now on, when any of these companies make profits, the money does not go into our local communities, but instead is directly deposited in the bank of Japan, the bank of England, or the bank of Germany. As more and more profits from American companies and interests payments on loans go to foreigners, the American economy will suffer because less and less money will be available for Americans to invest in their businesses and to spend on houses, cars, and other consumer goods. The result should be clear, the American standard of living will be lowered.

The Reagan and Bush Presidencies represent the first time that our economic future, our ability to weather any world economic storm, is no longer in our own control. Foreign countries such as Japan, are buying up more and more of the bonds we issued to finance our burgeoning debt. We have put ourselves in the position of needing others to finance our vital programs.

What gets me and my colleagues so angered about the debt in our service and investment sector, is that it means we are paying millions of tax dollars to cover interest payments. I am certainly not against using tax dollars for the purpose of paying interest. Borrowing money has allowed us to build cities, build schools, and win wars. In the past borrowing money has allowed us to build hopes, to build dreams, and fight oppression throughout the world. But two things are different today. Back then we mostly borrowed from Americans. I remember the pride people showed in buying war bonds and liberty bonds. These bonds brought them a sense of pride and comradery with their country. The bonds also brought them the savings that they could use to send their children to school or to buy a home. Today our debt is held by foreigners who do not hold the same concern or reverence for the United States.

When Japan receives a dollar of interest from the United States, it means there is one more dollar not available for an American's future. What is even worse, however, is that these years of borrowing have produced no tangible benefit to this country. The country has been at relative peace throughout the 1980's, yet we have not invested in our schools, our health care system, or our housing industry. So for all this borrowing, the Republican administration of the 1980's really has nothing to show for it. Of course, we do have more missiles, submarines, and bombers. Wall Street certainly can't complain either. But you don't educate children in missiles, house the homeless in submarines, or fly food to the hungry in bombers. And American families build their hopes and their dreams on main street, not Wall Street.

I wish I did have all the answers to the very serious problems the deficit creates. But I, and my colleagues with me today, believe that it is an important first step to recognize the problem. I don't mean to imply that President Bush would be surprised by the news that this country is the largest debtor nation in the world. But he, like many members of his party, refuse to act as if it is a problem. The political reason why he would do this is clear since we fell from largest creditor to largest debtor nation while he has been in the executive branch. But I see no practical reason in ignoring this problem any further.

I don't believe that by calling attention to the budget and trade deficits this evening we are telling the proverbial emperor he has no clothes. However, faced with this huge chasm between spending and revenues, President Bush has taken the backward step of supporting a cut in the capital gains rate. This, as I have said previously, would only serve this country's most wealthy. No, tax cuts may fulfill a campaign promise, but it won't fulfill America's promise. This country will have to run harder and be more competitive. We will have to begin again to invest in our own future in our own children. We need to create new assets in this country and then work and keep them.

Mr. Speaker, there are no quick fixes to this problem. Its solution will require pain and sacrifice by us and by our constituents. But the deficit problem was created yesterday, continues today, and it takes no courage to pass it off to tomorrow

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□ 1540

REPEAL MEDICARE CATASTROPHIC INSURANCE PLAN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. **ROTH.** Mr. Speaker, repeal of catastrophic is a call of senior citizens throughout America. Even before catastrophic was passed, a handful of Members in this body came to the conclusion that the catastrophic law was a bad law. What is a proper congressional role in regard to legislation like this or any legislation? I believe the fundamental role of Congress, and particularly this House, is to represent the people in making the laws of our country. The people's will is both the well spring of legislation and the sole authority for our actions. The Constitution is the embodiment of the enduring character of the American people.

I begin with these bedrock principles today because in the debate over the Medicare catastrophic insurance issue we are really faced with a matter that goes to the heart of our system of Government. If each Member listens to the people, then we will know what course to take, and it will be the right course.

Over the past weekend, I traveled throughout northeastern Wisconsin, and wherever I went, from Milwaukee to Boulder Junction in the north, to Green Bay and Appleton in the south, senior citizens have the same message—repeal the Medicare catastrophic insurance plan. This is basically the message I am sure that all Members of Congress are receiving. No one asked me to fix the plan. No one wanted to trade surtax payments for monthly premiums. No one suggested cutting benefits to save costs. What they, the senior citizens, demanded, is to be freed from the great financial burdens imposed by this plan. They want to be free to pick their own private insurance plan, they told me. They want to be free to have their own regular Medicare insurance, without the other mandated new benefits, and most of all, they want to be free of the social engineers and the so-called "experts" who want to keep trying to tell them what insurance seniors can and cannot have.

Last year, a small group of Members of this House saw the problems in the catastrophic bill, and we voted against it. We endured criticism from our colleagues and from the Washington lobby groups who have sold themselves on Capitol Hill as voices of America's senior citizens. However, then an interesting thing happened: One by one, senior citizens found out what the plan would do to them, and one by one they exercised the ultimate authority in our democracy—they spoke out. As individual voices joined together, the Congress began to hear a loud and clear message—repeal this Medicare catastrophic insurance plan. "We do not want it, we do not need it, and we cannot afford it." Few other issues have so galvanized America's senior citizens. Thousands of senior citizens have sent cards, letters, made telephone calls, and petitioned our offices. No doubt, every Member has received similar responses that I have received. Millions of seniors across the country are outraged because they found out the truth. Their outrage is justified.

One of my constituents wrote me a letter stating, "This legislation is a noose around the neck of senior citizens. This Catastrophic Act is the worst legislation Congress has ever passed." to a great degree, I agree. That is why I introduced H.R. 3253, a bill to repeal this insurance plan and restore Medicare benefits to what they were before last year's legislative mistake.

What are other problems with this plan that was enacted by the Congress last year? First, the cost to each senior citizen is very high. There is a special income surtax only on seniors. In the first year each individual is assessed an extra 15 percent tax, as much as $800 a year. In future years, a surtax will increase, reaching as much as over $1,000 per person by 1994. There is also a monthly premium added to the regular part B premium. This amounts to $4 a month in the first year, rising to $10 over the next 3 years, per month. Worst of all, the surtax of premiums will have no upper limit after the first 4 years. As a result, every senior citizen faces an unlimited bill for this insurance.

This is a ticking time bomb, a financial time bomb, for our senior citizens. This is not speculation. This is the hard, cold fact. The Congressional Budget Office now indicates that the costs of this program were severely underestimated when Congress passed this bill. The original projected costs of the catastrophic program were in the 30 billion dollar range between 1989 and 1993. Now the Congressional Budget Office believes that this program will cost at least $45 billion for the first 4 years, and the seniors are going to pick up the tab with a $6 billion shortfall in funding. Simply put, Congress has created another Government program, running a deficit and headed straight to bankruptcy.

The second problem is that although every senior has to pay, very few seniors will ever be able to use this insurance. The best estimate is that 1 out of every 15 seniors will actually ever benefit. Very few people ever need long-term hospitalization, and with the high deductibles, very few will ever be able to use the drug coverage.

The third problem is perhaps the biggest outrage of all. Congress has outlawed all private insurance that competes with the Medicare catastrophic coverage. Yes, outlawed. This means that seniors have no choice. Even existing coverage is canceled, despite the fact that 80 percent of our seniors already have private catastrophic insurance. Those private policies have been wiped out.

Mr. Speaker, that is why I am so delighted that we have friends, people like my friend from Florida and others who have had the courage to speak out last October when this bill was passed here on the floor of Congress.

Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS].

□ 1550

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman in the well, the gentleman from Wisconsin [Mr. ROTH]. We discussed this earlier, and I was in the middle of debate on markup on the Clean Air Act in the Committee on Energy and Commerce and could not get away until just this moment.

I very much appreciate the gentleman's bringing this issue to the floor of the House. I certainly endorse all the gentleman's comments, particularly regarding the statistics and the comments of our seniors whom we intended to help or at least we thought we were helping. But rather than restructure the entire health picture insofar as they are concerned in a way to help them, instead what we did was in fact to burden them with certainly an awful lot of fears.

What is happening now in both bodies of the Congress of the United States, I think, symbolizes better than most anything I could think of, maybe short of the congressional pay raise that was designed to take place early this year, what we call or what I call at least the power of the people.

I know there was a recent newspaper article—I believe it was in the local newspaper—talking about the power of the elderly and the gray power, I believe, as they referred to it. That certainly is true, and I do not mean to belittle that, but more than that, we have got to talk about the power of the people. Certainly the congressional pay raise is a perfect illustration. As we all know, it was a done thing up here in terms of what was going to take place, how it was going to go, how we were going to go about it, the percentages, and that sort of thing, but the people got involved, and the power ultimately weighed upon us, and we made the change.

The same thing is happening now. Whereas we all have at one time or another or in one form or another taken pot shots at Chairman ROSTENKOWSKI, to his credit he is realizing the power of the public, that this is a republic, and that we are up here for one purpose and one purpose only, and that is to represent those people back home. And they have during these last few months in no uncertain terms told us they want this changed.

Many say they want it repealed. I am not certain in my own mind that they would want a complete repeal without a revisit, if you will, of the issue, but in any case certainly they want a very drastic change, if not a repeal. So I am very pleased that there is some movement on this issue, and I do commend the Ways and Means Committee. It has been a tough thing for them, and it is short of a no win situation, if you will. But as we know, the Ways and Means Committee narrowly approved a proposal which supposedly would make the program voluntary and reduce the surtax, I believe, or cut it in half. I think it is important that we note that here, and I ask the gentleman to forgive me if I am being redundant, but it is important that we do note here the fact that the Ways and Means Committee proposal does not make the program voluntary. It is not a real-world, realistic, voluntary situation, because we know and God knows that our seniors have told us they do not want to lose the part B Medicare coverage, and under the Ways and Means Committee proposal, if they opted to get out of paying the surtax and the premium, if you will, and opted out of the part B catastrophic, they would be electing also to opt out of part B and Medicare, which is something they do not want to do, and heaven help us if we push them to that particular point.

Mr. ROTH. Mr. Speaker, let me interject my thoughts on that at this time.

Mr. BILIRAKIS. By all means.

Mr. ROTH. Mr. Speaker, what the gentleman from Florida is saying is extremely important. I think it bears repeating at various points. I feel that the most important thing we can do is to be honest with the people when we pass this legislation.

For example, we were told that it is going to cost $30 billion. That is a huge amount of money. Now, 6 months after it is passed, less than 6 months, we find out it is going to cost them $45 billion. Obviously somebody has made some big mistakes.

As far as part B is concerned, no one wants to drop part B. People have problems with Medicare insurance, and the people in this country, especially our senior citizens, have health problems. But I think it is important for the senior citizens to know what kind of legislation we are passing on Capitol Hill, and that is why my friend, the gentleman from Florida, has taken the floor so often and spoken so eloquently on these issues. I feel it is important for us to do that so that the people back home know what is being passed.

Had the senior citizens had the true picture last October, I do not think this legislation would have passed, and that is why I am so delighted that Members like the gentleman from Florida have the courage to stand up and say, "No, this is not the proper course of action, because there are other facts that have to be considered."

So I appreciate what the gentleman has done, not only recently but in the past, in enlightening the people as to what is taking place, because if people know what we are doing here on Capitol Hill in legislation like this, in my opinion, legislation like this would not be passed and we would not have to backtrack, whether it is section 89 or whether it is catastrophic or what the legislation is, and correct it, because the people would know what is taking place. I think the general public does not have enough input in this legislation.

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for those kind words. We are in an ivory tower up here, and although most of us go home as often as we can, we are sort of separated, if you will, from that real world to a very large degree, and it is just critical that we not make some of the decisions we make up here without actually feeling the pulse of the grass roots, if you will, the people that really count.

The gentleman mentioned the money aspects and the forecasts and how very incorrect they have been. We know that insofar as the prescription drug coverage is concerned, just 6 months ago the Congressional Budget Office forecast a certain figure for the prescription drug provision, and now they have altered that and there has been 200 percent increase in their latest estimates. And we also know now that the CBO has sent us projections just yesterday estimating that the extended nursing home benefits in the bill would cost more. Originally they estimate those would cost in the first year $0.4 billion, less than half a billion dollars. Now they say it would cost $2.3 billion, and that is a 600-percent increase over what was originally estimated. Yet we are saying to these people, "accept the newest Ways and Means version because we are going to cut this surtax by 50 percent."

I ask, 50 percent of what? We are already telling them that the estimates have all been so screwed up that they are as much as 600 percent over and above the original figures. So even before they cut it by 50 percent, there is no way these people would have any feeling of credibility that that would not be increased tremendously.

Mr. ROTH. Mr. Speaker, let me on that point say that the gentleman is absolutely correct. That is why I appreciate what he has said. It is no wonder the people are upset when the people find out, for example, what the facts really are, as the gentleman has enunciated them.

But what has been the response of the majority in this House? Originally it was indignation that anyone would even question last year's legislation. Does the gentleman remember that?

Mr. BILIRAKIS. Yes.

Mr. ROTH. They would come up here and say, "Well, the people don't know what the Government wants to do for them." The Government never does anything for anyone. It is a typical liberal welfare state philosophy.

I remember the day this bill was passed. I came to the floor, and our good friend, the gentleman from Pennsylvania, Mr. BOB WALKER, said, "They are going to rue the day this legislation was passed." And he was so right, as he always is.

We were told by the sponsors of the bill that seniors do not understand what the Government wants to do for them, and that has been done and said by these self-appointed godfathers of the Medicare programs here in Congress.

When I go back home or when I go anywhere around the country and talk to seniors, as they see it, the trouble is with the social engineers. The seniors did understand very well what is taking place with this legislation. They have stuck to their guns, and they have not been bullied into submission. I am proud of our seniors for their gumption and for their grit.

The Ways and Means Committee has now concocted what we have been told is a fix which would answer the complaints of the seniors. What has the committee done? It is a classic shell game. The surtax would be cut in half, but the premiums would be doubled. In addition, the benefits would be cut back. Seniors could opt out of the catastrophic portion. But only if they also give up their regular Medicare insurance or doctor bills.

This is supposed to be some better deal for seniors? It is nonsense. It is merely a hoax. Slowly the Members of the House have begun to realize that there is only one real solution, and that is repeal. The majority must admit that it was a big mistake to pass this legislation last year. We must wipe the slate clean.

Mr. Speaker, I urge may colleagues to join me in voting for the solution that our seniors really want, the solution that is really needed, and in my opinion, that deals with repeal.

☐ 1600

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Pennsylvania, my friend.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ROTH], and I appreciate his kind words toward me.

However, Mr. Speaker, I also want to thank him and congratulate him for this special order and for helping us focus attention on the need for the repeal of the catastrophic health care bill.

I remember that day, too, when we were passing the bill on the floor, and I remember that up on the board where the lights light up green if one is voting yes and red if one is voting no that there was kind of a sea of green on that board that day. There were a few little red lights flickering up there, and the gentleman from Wisconsin [Mr. ROTH] was one of those who had the courage on that day to vote against this bill because he understood at that point that we were not passing a catastrophic health bill. What we were passing was a catastrophe, and we have now learned that indeed we did pass a catastrophe on the floor that day.

Mr. Speaker, America has awakened, and particularly the senior citizens have awakened, to the fact that they are being asked to pay for a program that provides little in the way of benefits that funds a broad cross section of citizenry way beyond senior citizens and is devastating and a hoax for getting the kind of real long-term care that they should expect the country to address at some point in the future.

So, Mr. Speaker, the gentleman from Wisconsin [Mr. ROTH] is doing a great service to his colleagues and to the country by helping us focus attention on what has taken place this year on the kind of economics that the gentleman from Florida [Mr. BILIRAKIS] has so eloquently pointed out and on the kind of steps that have to now be taken in order to correct this mistake.

Mr. ROTH. Mr. Speaker, I appreciate the very sage remarks of the gentleman from Pennsylvania [Mr. WALKER].

Mr. Speaker, I know that the gentleman from Pennsylvania [Mr. WALKER] is very busy, and he came over to the floor just to make those remarks, and I appreciate him helping us in this endeavor, as he does in all legislation that comes up.

Over the years we have had special orders, and we have debated these things, and we have been taught basically that there is a philosophical difference. There is special interest legislation versus the people's legislation, and quite frankly the catastrophic bill that we passed, or that was passed in the House last October, was special interest legislation, and people are saying, "We don't want that legislation. We want legislation that affects senior citizens; that is, that benefits senior citizens."

Mr. Speaker, that is as I see it. It is a typical liberal welfare state philosophy—

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the gentleman from Wisconsin [Mr. ROTH] is one of those people who I know sat in the room and saw this thing develop, and he is absolutely right in pointing out that this was special interest legislation, special interest legislation of the worst kind because they systematically bought off those groups who were going to provide them with real opposition. The gentleman will remember, for instance, that in the early days when this bill was being considered on Capitol Hill that we sat in rooms and heard representatives of AARP, for example, saying how terrible this bill was, what it meant in terms of the tax structure for senior citizens, how it would be devastating to them economically. Many people in this Chamber who were very supportive of the bill understood that they had a problem if AARP opposed them, so they went parading off to AARP with the idea that we will have a prescription drug program put into the program that they then can participate in, something that AARP wanted for a long, long time, and guess what? Having stuck that new element, very expensive element, but having stuck that new element into the program, all of a sudden AARP was no longer in the room arguing against the bill. All of a sudden they were arguing for the bill and informing senior citizens across the country that this bill was good for them when in fact they had just been arguing the opposite way just days before.

So, Mr. Speaker, it was special interest legislation of the worst kind because it is exactly all the wrong things happening in the course of building the record on the bill that the American people fear happens when we legislate around here, and I thank the gentleman from Wisconsin [Mr. ROTH] for what he is doing.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his contribution.

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, it was interesting to me and certainly timely that the gentleman from Wisconsin [Mr. ROTH] made the comment about how we decided what we wanted to do for the senior citizens without necessarily spending the time that we should have spent in getting their comments. As my colleagues know, it is interesting and it is almost a case of the Congress giving with one hand then taking back, taking away with the other hand. The fact is that the statistics tell us that for some of our senior citizens, those who are affected by catastrophic surtax, if my colleagues will, those who are affected by an income which gets them above that, I believe it is a $5,000 figure or surely their Social Security is taxed. Those who are affected by the earnings cap that we have on Social Security earnings, which many of us are trying to get eliminated, at least raised at the least, raised and hopefully eliminated, but for those particular seniors that form that category we are talking about an effective tax rate of better than 80 percent. Well, just a couple of years ago we passed taxes here and lowered taxes for the American people to the lowest level we have had in many, many times, but we have not done that with the senior citizens. In fact consistently we have raised this to this figure of better than 80 percent, so on one hand we say to them, "We give to you this, and this is for your own good, and on the other hand we certainly take it back," and this is a perfect illustration.

Mr. Speaker, there is so much more to say about this. I know that the gentleman from Wisconsin [Mr. ROTH] has covered it, and I know that there is another special order coming up, and I do not want to take up too much more time, but there are so many seniors out there who have provided for themselves throughout their working years and probably sacrificed to a large degree in the process of having those savings and providing for themselves, and now we are basically saying to them that in spite of all that we are going to put them in a category where we tell them, "Even though you retired from U.S. Steel, or the automobile plants, or IBM, or whatever the case may be in your unions that bargained out these great insurance programs, and in spite of the fact that you have good medical insurance, in spite of the fact you may be a Federal retiree and pay a handsome amount for your medical insurance, in spite of the fact you may be a military retiree and have these benefits which are not quite as good as they used to be because of the taxing of our military medical facilities, but still have these benefits available to you," we say to them, "You've still got to be a part of this plan," and that is certainly very wrong.

Mr. Speaker, I know how strongly the gentleman from Wisconsin [Mr. ROTH] feels about this. He is one of those people who had the courage and the good sense early on to vote against this measure. Many of us did not have, shall we say, the courage or the wisdom because we were told by an awful lot of senior citizens organizations this was good for the people back home, but the fact of the matter is that the power of the people dictates that we make either drastic changes or repeal, and I commend the gentleman and thank him so very much for asking me to be a part of this special order.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS], and I appreciate his contribution. As always he is very succinct and very logical, and I wish we had more people in this body with his dedication.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I would like to thank my good friend Mr. BILIRAKIS for holding this special order today on catastrohpic health care—an issue of great importance to senior citizens nationwide.

Along with my colleagues and the senior citizens who believe the Catastrophic Health Care Act needs to be repealed or rewritten, I have been fighting to get this issue back to the House floor for debate.

After a long, hard struggle it now seems we may be gaining ground. I would like to use my time today to commend the efforts of the senior citizens across this land who have actively and creatively expressed their feelings about this law.

Thousands of cards, letters, and petitions flooding our mailbox—local senior citizens taking to the streets in protest—an unprecedented attendance forcing standing room only at town hall meetings—I'm sure all of these things have been happening in every congressional district around the Nation—they've certainly been happening in southwest Florida.

We all know that we ignore the legitimate concerns of our constituents at our own peril. If we choose to prolong the inevitable by failing to face up to our obligations on catastrophic health care, I guarantee that our seniors will remember. And truthfully I think we'd deserve their wrath, because the Catastrophic Health Care Act doesn't work any better than the advertising claim that the *Titanic* was unsinkable—and we all know it.

In my mind the only real solution to the catastrophic health care mess is to repeal this flawed legislation and focus on revamping our Nation's health care system. The data are inescapable.

We've heard a great deal about elaborate proposals to juggle the financing methods and save the program. But even that kind of juggling won't change new Congressional Budget Office figures that estimate a $6 billion debt in the program by 1993. The Catastrophic Health Act is a ship that has sunk.

Six billion dollars in debt for a program the seniors do not want and say they don't need.

Seniors across this Nation believe in the U.S. Congress and are demonstrating their faith that it works. Dare we be the ones to prove them wrong? Certainly not.

☐ 1610

Mr. ROTH. On that point, I would just like to underscore what the gentleman from Florida has said: The senior citizens have done a great deal and have brought this to the attention of the 435 Congressmen, but I also want to say it is people like the gentleman who have spent so much time along with the gentleman from Illinois [Mr. FAWELL] and others who have worked so hard on this program to make this possible to bring about legislation that people can live with, and I thank people like the gentleman who have had the good sense and the courage and the dedication and the hard work to make it possible. I appreciate his comments and what he has said, because I think he is right on target.

Mr. GOSS. I appreciate the gentleman's kind remarks.

Mr. ROTH. Mr. Speaker, I yield to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, while I am pleased to join my colleagues today in speaking out against the Medicare Catastrophic Program, I am displeased that efforts like this special order are still needed to press our colleagues to act on this issue.

Many of us have just returned from spending the August recess in our respective congressional districts. Consequently, we know that the public's outrage about the Catastrophic Program has not subsided. Our retirees cannot afford this program, and they should not be forced to participate in it.

In addition to the Catastrophic Program's cost to retirees, the Congressional Budget Office has just announced a reestimate of the cost of the Catastrophic Program to the Government. While this program was supposed to cost $30 billion, CBO now puts the 5-year cost at $48.2 billion, a 60-percent increase over the original estimate.

There has been some movement on this issue, such as efforts to reduce the supplemental premium surtax. However, this is not satisfactory. The surtax concept needs to be completely reexamined, in addition to the benefits of the program that may not be the ones most needed by senior citizens. In this regard, I urge all of my colleagues to support efforts to totally repeal the Catastrophic Program so a much better program can be crafted to meet the health care needs of our Nation's senior citizens.

Mr. Speaker, what is perhaps most repulsive about this act is that it returns to the old formula for progressive income tax that was supposedly abandoned in 1986. Regardless of whether one uses the duck test or the rose test, a rose is a rose by any other name, this so-called premium is a tax. But what is most repugnant and repulsive about this technique of taxation is that it classifies people by age and says, "Because you are a specific age, you will pay a tax for your brethren, and you furthermore will pay it whether you are a disabled veteran or whether you are a Federal retirement employee or whether or not you have a private insurance program," and we are saying to them that, "Your plans for retirement are dashed upon the rocks because you may well be exposed to at least $1,600 a year, which is a 32-percent surtax."

What is wrong with this is both the theory and the amount. This is tantamount to saying to people of childbearing age that, "Only you, only you shall pay for education." Certainly we would not do that. So why should we make people, because of their age, pay for their less fortunate brethren of like age or, indeed, for disabled people of any age? The concept is fallacious, flawed, and absurd.

I was, of course, just elected to Congress and have been serving since January 3. I used this and was concerned about this in my campaign and spoke out frequently against it, because it was obvious on its face that it was a tax regardless of the amounts we deal with, regardless of the amount, even if it were only $2. Remember, please, that in 1913 the Federal income tax, I believe, came into existence. It was only 3 percent then. So, indeed, if we are to accept this technique, this return to the progressive income tax system, this formula even if it is reduced in scale as now proposed, we will perhaps be living with it for a very long time. So it is flawed in this concept.

It is not flawed as far as trying to face the needs of the elderly, and we certainly need to do that, but we cannot tax that nonearning group greater than any other classification of people. Incidentally, those people who fought and won the Second World War, we are now rewarding them in their latter years saying, "Forget all of your savings plan; we want another $1,600 out of you, another $1,600 on top of the fact that we have just a few years ago said that you had to pay taxes on all income in excess of certain amounts and add your Social Security to it," which if one were in a high enough bracket could have reduced the benefits by 50 percent even then.

Time after time we are putting more pressure on that age group. If pressure is to be put at all, it has to be borne by all equally, and do not forget, whether they are 40, 48, 52, or 58, this formula will, indeed, be laying in wait for all of us, not just those who are now 65 or 62.

Mr. ROTH. Mr. Speaker, I appreciate the gentleman's remarks, because he has come right to the crux of the issue and, as always, he has put into a nutshell what the issue is and how to resolve it. I appreciate his remarks.

Mr. JAMES. Mr. Speaker, it must be repealed. Please have everyone sign that discharge petition to accomplish it that I hope we have in front here, which I think we do, and remind all of us to do that.

Mr. ROTH. Before I call on the real hero on the repeal of the catastrophic, I yield to the gentlewoman from Maryland for her comments.

Mrs. MORELLA. Mr. Speaker, I appreciate this opportunity to again express my strong support for a major revision of the Medicare Catastrophic Coverage Act. I commend the gentleman from Florida, Mr. BILIRAKIS, for his consistent efforts on behalf of the elderly, and thank him for scheduling this special order. I also thank the gentleman from Wisconsin [Mr. ROTH], for his support of a revision and for yielding time to me.

We are here today to again discuss the problems with the current law, and to also express our concerns with the Ways and Means Committee proposal to revise the new law. While I am encouraged by the new willingness to find a solution, a reduction in the surtax is inadequate. And, the Committee proposal is not truly optional as it is structured, despite the claims which have been made. Part B benefits provide basic health care coverage from which few could afford to part.

The same basic concerns remain whether the Ways and Means Committee proposal is adopted or not. The surtax would not be eliminated, just reduced. The duplication of benefits for many retirees would still persist. And, the new benefits would still not cover long-term care coverage, the primary need for most of our elderly.

I do agree with many proponents of the law that there are a number of important new benefits which should be preserved, if possible. However, they should not be retained at the sole expense of the elderly who live on fixed incomes, many of whom already receive these benefits. Mr. Speaker, I urge my colleagues to listen to the elderly in America. Let us work together to revise the Medicare Catastrophic Coverage Act to reflect the needs of our citizens.

Mr. ROTH. I thank the gentlewoman from Maryland for her very good contribution, and want to thank her for her help and her assistance in correcting this law that the senior citizens really need to have addressed.

I yield to my good friend, the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, first I would like to thank my friend and fellow Floridian MIKE BILIRAKIS and Mr. ROTH of Wisconsin for hosting this important special order. Retirees in my district and across the Nation have a single, crucial priority for the first session of the 101st Congress—to repeal the Medicare Catastrophic Coverage Act. Overwhelmingly, the retirees who have written me or called my office on this issue express dissatisfaction with this legislation.

The Catastrophic Act has two major failings: Its faulty financing mechanism and its lack of coverage for long-term custodial care. The bill was well-intentioned, but the major health-care worry for retirees is long-term care, which the bill does not address. We need to repeal this bill and start all over. Instead of repeal, though, the Ways and Means Committee has come up with a plan to cut the catastrophic surtax in half, increase the part B premium by an additional $3.50, and increase the deductible for prescription drug coverage from $600 to $800 per year.

The Ways and Means plan also would link participation in the Catastrophic Program to participation in Medicare part B, with the idea that somehow this gives seniors a choice on catastrophic coverage. No one is fooled by that. Dropping part B coverage, which helps pay doctor's bills, is not a realistic option for seniors because that coverage is irreplaceable.

The Ways and Means plan is a half-measure. It doesn't solve the problems. We need to clean the slate and begin to draw up a new plan, a plan that addresses long-term care needs. Repeal of the Catastrophic Coverage Act is the first step. I urge my colleagues to join me in voting to repeal this law.

☐ 1620

The senior Americans of this country deserve so much more, so much more, and they deserve the labors and the judgment of this Congress in working in their interest.

I have not talked to one single retiree in my district or throughout the country that have at one time told me that this country owes me anything. They just want a fair shake, and I think it is incumbent upon us to make sure that they get it.

I thank the gentleman for the tremendous work he has done, as well as the gentleman from Illinois [Mr. FAWELL] and all of the others.

Mr. ROTH. I thank my wonderful friend from Florida for his very intelligent remarks. I think they are right on target, especially when he points out what it means for example if you try to change it in, for example, part B. This has tremendous ramifications, and I think the gentleman has hit the nail right on the head, and I appreciate his remarks.

I also appreciate the wonderful things he has done for our wonderful State of Wisconsin with the fly-in at Oshkosh and so on. The gentleman from Florida has done a lot for many of us, and I want to thank him and want him to know we appreciate it.

Mr. LEWIS of Florida. I thank the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, it gives me a great deal of pleasure to introduce and yield to a national hero for our senior citizens. People, especially our senior citizens, all know what all of us in this House have known, that the gentleman from Illinois [Mr. FAWELL] is a man of high integrity and high intelligence, and it is my pleasure to yield to him. I remember the number of meetings we had in his office to go over this legislation and how we were going to correct it. So I want to personally publicly thank him for all of the work he has done in this area, and I am happy to yield to him.

Mr. FAWELL. Mr. Speaker, I appreciate mightily those very kind words. First of all, I want to commend the gentleman from Wisconsin. Again, he has been a tireless worker on this, as has the gentleman from Florida [MIKE BILIRAKIS], and in fact so many Members here in Congress. I do not think any one person could be really singled out as being the champion for this cause. I think in all honesty we all have to say that it is the seniors in this land of ours who have just expressed themselves, and I think very, very well.

This has not been a case where I know of anybody out there waving a red flag or anything of this sort. Several times I have had people from the news media say, "Well, isn't this a case where they don't understand and somebody is just goading them into action?"

By no means. I have seen nothing like that in my district, and I imagine in your district too. I have talked to just hundreds of people, and they have sat down, they have taken out their pencils and figured out just exactly what this means when they have to take their IRA funds, for instance, and find that they are going to get a 28-percent surtax. They know these points. They have figured it out. They have spent a lot of time doing that, and they have done everything that we could ever ask of the voters.

Mr. ROTH. On that point, I would just like to interject that Friday I was in Eagle River, WI, and exactly what the gentleman has stated is exactly what happened. We had some 125 senior citizens, and they had figured out what it is going to mean to them financially. They, of course, are looking for a repeal of the catastrophic legislation.

All of these social engineers, all of the propaganda they have been reading they do not believe because they can see, as the gentleman has mentioned, and they have sat down and figured it out, $1,600 per couple. It does not even consider the premium increases that are going to be coming over the next few years. So what the gentleman is saying is right on target, and that is why I appreciate so much the work he has done in this area.

Mr. FAWELL. I have found many instances in town hall meetings, and I have spoken very much on this, on radio programs and on TV programs, as many of us have, and time and again in many instances even I have come in very soft, and gone over objectively what the bill did, and the crescendo was just building with no effort on my part to say whether it was good or bad or indifferent. The people are aware. They are "we the people," and we are their servants. They have elected us, and we should be listening to them.

I think with all due respect to the many talented Members in this body, sometimes when we do something we think we are perfect, we think the legislation is perfect, and sometimes I think we believe that people should just plain follow us. I think it is a bit reversed, and every once in a while we will have a case like this where the people just stand up and say, "We are not going to accept this. We think that you are wrong."

Just recently, and I listened to the gentleman's opening comments, we have talked about these exploding costs, and now we find at this stage, just roughly a little over a year after the bill was passed, when it was heralded to cost about $30 billion just to phase it in, and that is just the phase-in, it is not a full 5 years of any of the program, but it is a phase-in, and that is going to cost they said $30 billion, but now we have HCFA and CBO both saying, "Whoops, it's going to be closer to something like $48 billion, $49 billion, $50 billion." I personally am convinced that is way low. But we have missed by $18 billion to $19 billion. The CBO admits that now and HCFA admits that.

When we have an open-ended special income tax upon a special group of people, who do you think are going to be looked upon to have to absorb that $18 or $19 billion more? That is over and above all that we have been talking about in terms of what their percentage of the surtax upon the tax will be. Seniors understand this. I do not know of any group of people in this great Nation of ours who want to accept a special income tax placed specially on them, which by the way was a complete breach of the Tax Reform Act when we promised, when we took away income exclusions and tax deductions and tax credits, and we said to all of America not to worry, we will not come back and we will not increase the tax rates, now having taken these things away from you, and we took some away from the seniors too, such as the double exemption, and said we would not come back and increase the tax rates. But we have, with vengeance, and it is open-ended. When we talk about the $800 or $1,600 maximum, which by the way is capped to protect the very rich, because the very rich can take this, and the very poor are covered by Medicaid, and it is the middle-income people who are left, and they know that if we have miscalculated, and we always miscalculate, especially on the delivery of health care services, that that euphemistic title of supplemental premium, which is really a tax on a tax, which is an income tax, which covers two-thirds of the total costs, then guess who is going to be left holding that bag too?

But then above and beyond that, seniors have said to me, "Look, we are not selfish people. We know there is a big deficit and debt out there. We know if you are going to expand Medicare that we are going to have to participate in something like that. But my gosh, if you are going to expand, why don't you go in the direction where we do not have coverage now under Medicare, long-term custodial care, or why don't you think in terms of long-term custodial nursing home care where we cannot go out and buy the insurance, and we are not covered by Medicare now? Instead you give us more of the same," which basically they now have coverage on because of their employer-provided health care, and they can go out and at least buy with Medigap insurance coverage. "So why did you go in the wrong direction?"

I have no good answer to questions like that. I have to admit that we went too fast. We began to pile on all of these benefits.

The original Boland plan probably would have been acceptable because it was a flat rate premium increase at about $495, I think, and it would have been covered, the relatively modest increases of coverage on hospital and physician fees. But we goofed. We made an error. We did a dumb thing. We ought to correct it. We ought to be able to say, "OK, we can go back to the drawing board and we can do a better job. And we can tell you, the senior citizens, exactly what we might come up with and clear it with you, not with the AARP or groups that say they represent seniors. But we can go back to our districts, and we will guarantee to you that any type of finances are not going to be a special income tax upon people, and certainly not without asking you."

They have common sense and practical complaints here, and they are trying to tell Congress this, and they are being called selfish people who are very rich. If you have an actual taxable income of about $15,000 or a gross of about $25,000 and you are going to be given a new $250 income tax, which will jump up to $500 or $600 by 1993, and who knows what after that, you would be concerned too when you are living in a two-room flat in a city in Illinois and trying to make ends meet.

□ 1630

And these are not wealthy people. We cannot seem to get that across to some of our good colleagues.

Mr. ROTH. I must ask a question here because the gentleman has such a unique insight, he has spent so much time on this: Does the gentleman not think that the catastrophic legislation points up other problems that we have in this body? For example, catastrophic legislation, really the social engineers were coming in and saying that that is what the people need. The people were really not asked.

Is this not so often what we do in legislation which happens in this Congress and why the gentleman and I have to vote against a lot of this legislation?

Mr. FAWELL. I was just looking at the reconciliation bill, looking at section 89, looking at catastrophic, and I said, "My gosh, we are spending most of our time trying to undo those things which we did the previous year when we fixed those things that were not broke." We spend a great deal of time just trying to get out of the poor legislation that we have passed in the past when we do not take the time to try to talk to the very people who are on the frontlines, who are going to receive the effects of what we are doing.

So we are spending all this time and all the people in this Nation, doing all the things they have done just to try to convince Congress that, "Hey, you made a mistake."

Mr. ROTH. Does the gentleman not think that, for example, everyone in Congress is puzzled, scratching their head: "Why does the President have a 67-percent approval rating and Congress is down to 37-percent approval rating?" Does the gentleman think it is probably because of the very thing, the very philosophy that the gentleman is enunciating, that that could be the problem?

Mr. FAWELL. I think so, I think so.

I was watching a program on the Congress the other day, and it was said that Mark Twain allegedly said of Congress, "Suppose you are an idiot and suppose you are in Congress—oh, but I repeat myself," he said. Now that is just a joke. But the people out there are saying, "Why are you doing these things? Why don't you share it with us? Why didn't you come to us and tell us, 'By the way, here is what we are going to do for you. It may duplicate a lot of coverage that you have. We have a master insurance policy that is going to cover everybody in America.'" which is, of course, impossible, "and we are going to have a special income tax upon you. How do you feel about it?"

You know, we never would have done it. We had put up the title with the euphemistic disguise of a supplemental premium; we did not really tell them what the catastrophe was that we are talking about. Most people thought that catastrophe here pertained to the catastrophe that is most important to seniors, and that is the potential of long-term custodial nursing home care, or at the very least, in-home health care. That is the area that we totally neglected. We went instead in the wrong direction.

That area is one that could be taken care of by private industry and a partnership of the Federal Government and seniors.

So I have used up my time. I want to say again "Thank you" to people like the gentleman in the well, the gentleman from Wisconsin [Mr. ROTH], who keep on going and keep on giving the message.

We are hopeful that we are going to have an opportunity to have a special rule on the reconciliation bill so that people of this House finally, after all this time, will have an opportunity to vote up or down on an amendment to at this point—we probably would just have to repeal it because these exploding costs are such that you cannot keep it. It is a dark hole that is going to just absorb so much money and increase the deficit.

Hopefully, we are going to be able to have that vote when we have reconciliation come before us.

Again, I just thank the gentleman for this opportunity.

Mr. ROTH. I thank my good friend, the gentleman from Illinois [Mr. FAWELL] for all the good work that he has done and the excellent contributions he has made. If we do have this vote, and we are going to have this vote, it is thanks to persons like the gentleman from Illinois [Mr. FAWELL] who have put so much effort into it.

Mr. Speaker, I yield to the gentleman from Idaho [Mr. CRAIG], my good friend who has done so much work on the "Let's work to balance the budget."

Mr. Speaker, had the House listened to the gentleman from Idaho 4 years ago, we would not have the problems we have here today. So I am delighted to have the gentleman here today and delighted to yield to him at this time.

Mr. CRAIG. I thank the gentleman from Wisconsin, especially for taking up this special order on such a critical issue, probably one of the most important issues that we are facing in Congress, and the seniors of America are facing; Congressman FAWELL and his tremendous contribution in trying to change a grievous error, a mistake that a majority of Congress made a year ago in trying to provide comprehensive health care insurance coverage program for the seniors of America.

Mr. Speaker, I was one of those a year ago, as many of us were who stood up and said this cannot work. It cannot work because it is ill-conceived. It was designed on the framework of a bankrupt system known as Medicare. And that if Congress really is creative and wants to do something to provide the catastrophic health, and I think all of us agree on the general concept of a catastrophic health care insurance system, then we ought to look at something new, not designed on the framework or the chassis, if you will, of a bankrupt system.

We were not listened to, that minority voice here in Congress.

As a result, we are faced today with a piece of law that is now well in disfavor with the seniors of America and that is already estimating cost overruns literally into the tens of millions of dollars a year. And our seniors have awakened to the fact that they are going to bear the brunt of the financing of this in a substantially new and large tax.

So I, the gentleman in the well and others have been pushing very hard to get the House Committee on Ways and Means to now allow a clean straight up or down vote on this issue so that we can repeal it, get back to the drawing board and hopefully craft something that all of us want to see available.

One of the things that I think disappointed me the most in this particular piece of legislation was a radical departure from the concept of health care insurance.

For the first time we said, "Those of you who have worked hard and provided for yourselves and put away and saved and are now able to care for yourselves in your senior years, we are going to ask you to pay for those who cannot. And we are going to call it an insurance program."

Our seniors simply are not that dumb. They do not believe everything that comes out of the Halls of Congress, and thank goodness in this instance they did not believe this because that is not insurance, that is welfare. And the new catastrophic bill is, in part, being rejected because it is not insurance; it is those more able to pay for themselves now paying for those who are less able.

I am not suggesting that those who are less able ought not to receive coverage. That is the responsibility of the broad base, that is the responsibility of the general taxpayer of this country.

Our Judeo-Christian ethic says that we are going to try to care for those who cannot care for themselves. But we are not going to single out a select group of people and say, "You have the responsibility for these over here." We have never said that. But for the first time we have begun to say that and we significantly changed the momentum and the direction of what we have known as a national or a Federal coverage in the Medicare Act.

There are several others who want to share in this special order tonight, so let me leave you with a questionnaire or survey that was provided to me last Friday while I was out in the district and I met with a very active group of seniors, a group called A Task Force for the Voice of the Senior Americans. They surveyed over 300 seniors in the Boise, ID, area. Of that group what did we find? Well, we found most of the seniors wanted the coverage offered in part A and part B of the Catastrophic Act; a substantial number, nearly 3 to 1.

But when it came to this tremendous new cost involved, they simply said, "We are willing to share some of the burden but we cannot share all of the burden." In other words, they were saying, "Our meager savings which has provided for us in our senior years is not big enough to provide for those who are unable to provide for themselves." Of course it is that surtax that is now coming on line that most of our seniors can see is going to be a substantial burden. That is why we have to address this issue.

Mr. Speaker, I really do appreciate this special order and the attention that is being brought, finally, to the Halls of this Congress. The seniors nearly had to bash in the hood of a car up in Illinois to cause some recognition to sweep through the minds of this Congress. Thank goodness that has happened.

I say honor the seniors of America for not being foolish or for not being easy to blindfold. They know when a tax is a tax, they know when a faulty program has been designed by Congress.

A good many of us said that early on. Now the majority is beginning to say, "It is time to go back to the drawing board."

Hopefully we will get a good clean up or down vote, we will repeal this very bad bill and get back to a fundamental need in this country, and that is good clean catastrophic health care coverage that is affordable and that can be accomplished by the proper design of Congress.

Let me again thank my colleague, the gentleman from Wisconsin [Mr. ROTH] for his leadership, along with the leadership of Congressman FAWELL on this important issue.

RESPONSES TO QUESTIONNAIRE: MEDICARE/CATASTROPHIC INSURANCE

INPATIENT HOSPITAL CARE (ACUTE)

New Coverage Provisions

1. Starting in 1989 there will be only one Hospital Deductible charge of $560.00 for the entire year. This will be increased to approximately $590.00 for 1990, plus annual increases thereafter. Previous charge was $540.00 for each admission unless patient was re-admitted within 60 days.

In your opinion, is this benefit:
179—Very important.
76—important.
15—not at all important.

2. For Skilled Nursing coverage, the previously required 3-day hospitalization period before entering a Skilled Nursing Home has been eliminated. The first 8 days will require a co-payment of $25.50 per day. Overall coverage will be lengthened from 100 days to 150 days per year.

In your opinion, is this benefit:
155—Very important.
98—important.
18—not at all important.

3. Hospice Care had been limited to 210 days of care. This coverage can now be renewed by having a physician certify that the patient is still terminal (essentially a diagnosis of a terminal illness with a life expectancy of six months or less).

In your opinion, is this benefit:
168—Very important.
90—important.
14—not at all important.

4. Home Health Care will be expanded from 21 days of care per illness for 5 days per week, to 38 days of care per illness for 6 days per week effective January 1, 1990.

In your opinion, is this benefit:
169—Very important.
91—important.
10—not at all important.

PHYSICIAN'S/OTHER OUT-PATIENT SERVICES

New Coverage Provisions

1. Rather than having to "spend down" to a poverty level, spouses of patients seeking assistance in paying for Medicaid covered nursing home costs can now keep 50% (or a $12,000 minimum/$60,000.00 maximum) of the couple's joint assets. Family home ownership is protected.

In your opinion, is this benefit:
200—Very important.
51—important.
12—not at all important.

2. Medicare payment for physician's and other out-patient services will remain the same except that Medicare will now pay 100% of their approved charges after the patient has paid $1,370.00 out-of-pocket expenses per calendar year. That amount will be adjusted annually. (Physician fees that are higher than Medicare approved charges remain the payment responsibility of the patient. Further, such differences cannot be applied against the $1,370. limit.)

In your opinion, is this benefit:
137—Very important.
100—important.
17—not at all important.

3. Every other year, starting in 1990, mammographs for women over 65 will be covered up to the amount of $50.00 per examination.

In your opinion, is this benefit:
156—Very important.
83—important.
21—not at all important.

4. Eighty hours of respite care will be available each year starting in 1990 for unpaid care providers (spouse or other) of disabled beneficiaries who have reached the Part B limit of $1,370.00 or who have paid the drug deductible.

In your opinion, is this benefit:
134—Very important.
99—important.
17—not at all important.

COSTS TO YOU

For Part A Coverage: Yearly premium is based on the amount due for payment of your Federal Income Tax. The table below will help you estimate the additional amount you will owe.

If Federal tax 1989 is	Add for single person	Add for married couple
$150	$22.50	$45
$300	45.00	90
$500	75.00	150
$1,000	150.00	300
$1,750	262.50	525
$2,500	375.00	750
$3,250	487.00	975
$4,000	600.00	1,200
$4,750	712.00	1,424
$5,000	[1] 800.00	[1] 1,600

[1] This is the maximum premium any single person or couple will pay. The above amounts will be increased annually. No additional amount is owed if Federal tax is under $150.

For Part B Coverage: The Part B premium for Catastrophic coverage is an additional deduction from your Social Security check each month. This went into effect on January 1, 1989. By law, annual cost-of-living increases must more than offset these deductions.

Part B premium	1988	1989	1990	1991	1992	1993
Monthly deduct for Medicare	$24.80	$27.10	$28.30	$29.70	$31.00	$34.40
Monthly deduct for Catastrophic		4.00	4.90	7.40	9.20	10.20

Part B premium	1988	1989	1990	1991	1992	1993
Total	24.80	31.10	33.20	37.10	40.20	44.60

Do you feel that these charges/premiums are:

178—Excessive.

66—about right.

Comment: None.

BOISE SENIOR CITIZEN MEDICAL CONCERN GROUP SURVEY MEDICARE CATASTROPHIC ACT OF 1988

REPORT OF FINDINGS

I Background

The Boise Senior Citizen Medical Concern Group was created in 1980 with the support and encouragement of St. Luke's Regional Medical Center. The purpose of the group has been to develop a dialogue and enhance relationships between the senior community and health care providers.

II Purpose of Study

Recognizing there is much discussion pro and con of the recently enacted Catastrophic Coverage Act amendment to the Medicare law, the group formed a task force and undertook a study to seek out senior community opinion. A questionnaire was developed and this report is based on the two hundred and eighty-four responses received. (See attached questionnaire form which lists the actual number of check-marked responses noted throughout the range of specific questions presented.)

It is the intent of the task force to present findings to the Idaho Congressional delegation for their consideration as they currently debate the merits of the Catastrophic Health plan. This report is made available to those, and other offices, for consideration of that potential.

The Idaho Department of Insurance, through their state-wide senior volunteer SHIBA network, distributed questionnaires to seniors in north Idaho, Pocatello/Idaho Falls, Twin Falls and Boise valley areas.

III Check-Mark Responses Regarding Benefits

Response totals to the four questions asked under both "Part A" and "Part B" headings are noted on the attached questionnaire form.

By comparing "very important" plus "important" response totals with replies indicating "not at all important", it becomes evident that an overwhelming majority of respondents are in favor of benefits provided by this Act.

Question	Pro		Con		Blank	
	Number	Percent	Number	Percent	Number	Percent
Part A						
1	255	90.0	15	5.3	14	4.9
2	253	89.1	18	6.3	13	4.6
3	258	90.9	14	4.9	12	4.2
4	260	91.5	10	3.5	14	4.9
Part B						
1	251	88.4	12	4.2	21	7.4
2	237	83.4	17	6.0	30	10.6
3	239	84.1	21	7.4	24	8.5
4	233	82.0	17	6.0	33	11.6

IV Check-Mark Responses Regarding Costs

In response to the question:

"Do you feel that these charges/premiums are: Excessive —— About right ——".

178 (62.7%) indicated excessive. 66 (23.2%) about right. 39 (13.7%) expressed no opinion.

V. Comment Section

The last section of this quesionnaire provides opportunity for written comment. A total of 72 (25%) individuals expressed one or more concerns. For your convenience these concerns have been categorized and are:

	Number
Charges are excessive	25
Seniors should not pay entire cost of the program	20
May have to drop current supplemental insurance in order to pay Catastrophic costs	2
Will arrange financial planning to reduce tax payment	1
Catastrophic insurance coverage should be optional	4
Unfair to require seniors, as a group, to pay for government sponsored medical care to such unrelated groups as unwed mothers, infants, and AID's patients through a Medicare buy-in maneuver	9
Concerned about the rate of increase in costs for Catastrophic coverage	11
There should be a National Health Program	3
Does not go far enough	13
Subtotal	88
Other:	
We cannot pay these increases	4
We are being penalized for saving all of our lives	5
Do not understand—are confused by language and/or provisions, especially "out-of-pocket" and surtax provisions	6
Surtax fair enough but penalizes middle income people	10
A ceiling should be put on medical charges	6
Subtotal	31
Total	119

VI Conclusion

We trust that the two hundred and eighty-four responses received have produced clear and politically unbiased information that will be useful.

VII Acknowledgements

Our sincere appreciation for generous support from:

Robert J. Long, Dr., P. H., Director of Health Research, College of Health Sciences, Boise State University. The computer program he designed and the availability of lab facilities were an immense benefit in compiling questionnaire responses.

Kenneth H. Hurt, SHIBA Program Specialist, Idaho State Department of Insurance. His offer of assistance and his participation in the study made it possible for us to base this survey on state-wide returns.

The volunteer contingent of the Retired Senior Volunteer Program. Their involvement in the distribution and collection of questionnaires was a solid contribution.

The Key Bank of Idaho. Their support in printing the questionnaires gave us a base of high quality and easily read forms that were a pleasure to work with.

St. Luke's Regional Medical Center. Meeting facilities and other courtesies extended gave this task force a most pleasant and positive work atmosphere.

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Mr. ROTH. Mr. Speaker, I thank my good friend from Idaho for his excellent remarks as it relates to health care insurance, and as this bill ties in with the welfare concept. The gentleman is absolutely correct, and I am glad he made that point.

Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I appreciate the gentleman yielding, and I would like to commend the gentleman from Wisconsin [Mr. ROTH], and the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. FAWELL], for leading this fight for rights.

I think many elderly in this country really do pay attention to what is happening. I rise today to express my concern regarding the Medicare Catastrophic Coverage Act, and the effect that this well-intentioned act is having on our senior citizens. I really believe that Congress did, in fact, intend to benefit our senior citizens, but I am afraid that Congress just did not take the time to ensure that their well-intention was, in fact, going to be implemented in a fair and equitable fashion.

It is really not necessary for me to stand here and reenumerate problems with this catastrophic health care. Every senior citizen who has to reach in his pocket or her pocket and pay out of their savings for this catastrophic health care knows very well the problem. The problem is not the benefit. The problem is how we finance it. The way we finance it is to penalize the very people—our parents, my parents, your parents, thousands of persons who lived during a depression, who fought in World War II, who saved their money so we can go to school—and now we are saying the tables have turned, it is your obligation to pay for a benefit which only 40 percent of them will actually realize. It is a dangerous precedent. Dangerous, because we are now asking our society to pit one generation against another. Are we going to tell the senior citizens that they also should pay for educational benefits, for prenatal benefits? Are we not really setting ourselves up for a generational conflict between who really should benefit from the money?

This country has always said if it is worth the program, then we should all share in it. I think that as we begin to look at this, we ought to recognize that Congress, frankly, made a mistake, as the previous distinguished gentlemen have stated. Part of growing up is to recognize when a person makes a mistake and to be able to stand up and say, even to the American people, "We, the elected representatives, made a mistake, and it is time to correct that mistake." It is time to rethink how we finance this problem and to focus on what the previous gentleman mentioned, and that is what is on most people's minds, and that is long-term nursing home care. How can they afford $20 to $30,000 a year without expending all of their life's savings, and without destituting their spouses?

In my district of Rhode Island, I have heard from the senior citizens on many occasions, as I am sure every Member of this Congress has heard from their constituents. Frankly, many of our constituents do not even understand catastrophic health care and do not understand the relationship to private insurance, do not understand the relationship to Medicare. I would suggest that it is time Congress, if we cannot make a meaningful change, we just repeal this system and begin again, to look at the needs of our senior citizens, to share the burden, and to make certain that we are meeting the seniors' needs.

I want to thank our distinguished gentleman again for giving Members this opportunity to express what so many millions of people feel across this country.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his excellent remarks, especially as it has been said that those that give as much as is required, as has been given to our generation, and those that brought children through the Depression and World War II, this is being put on their shoulders.

I would say our system of government rests on the principle that Congress follows the will of the people. In this situation, the people's will is clear, and our duty is clear: Repeal catastrophic.

Mr. SHUMWAY. Mr. Speaker, I appreciate the opportunity to share my views and those of my constituency regarding catastrophic health care. Each day, I receive nearly 100 letters from seniors in my district in opposition to the Catastrophic Coverage Act. As you all know, they are angry. They are angry because they are being forced to pay for the new coverage through an income surtax, for benefits they do not want or need, under a program which is mandatory.

The new income surtax penalizes those seniors who have been prudent and saved for their retirement or those who have continued to work in an effort to supplement their income. The Catastrophic Coverage Act requires the elderly to pay a $22.50 surcharge on each $150 of Federal income tax they owe this year. This will place seniors in one of the highest tax brackets, requiring them to pay more than 15 percent above that of all other age groups. Each year the surtax increases. By 1993 it will rise to 28 percent. Recently, the Congressional Budget Office [CBO] announced that the new surtax will collect more revenue than recently anticipated and will affect more citizens. The Joint Committee on Taxation [JCT] recently estimated that 41.2 percent of Medicare beneficiaries will pay the surtax this year and 47.6 percent by 1993.

Senior citizens also complain that the program gives them benefits which they either do not need or do not want. The benefit most seniors want is long-term nursing care. Yet, this legislation does not even address this issue. Prior to enactment of the Catastrophic Coverage Act, most middle- and upper-income seniors had purchased private Medigap insurance.

The fact that coverage under the Catastrophic Coverage Act is mandatory also angers seniors. True, under the Ways and Means proposal, seniors can opt out of the Medicare Part B Program. Thus, it is possible for retirees to avoid paying the increases in the flat part B premium by dropping their part B coverage. This would mean giving up all the other, heavily subsidized noncatastrophic part B benefits as well. Over 95 percent of retirees are enrolled in part B.

However, the surtax is mandatory for anyone who is eligible for Medicare. Thus, whether or not a senior receives health insurance benefits, he is required to pay the surtax. In essence, he must pay for the same benefits twice. Furthermore, these medical expenses are not deductible for income tax purposes.

Currently, there are 30 bills pending which would repeal or alter the Catastrophic Coverage Act. These bills can boast the cosponsorship of more than 260 Congressmen and 36 Senators. Among these cosponsors, 115 Congressmen and 23 Senators voted for final passage of the legislation. The time to act is now. We must repeal or at the very least amend the Catastrophic Act. Reform must include the elimination of the surtax, reduction in benefits to an appropriate level, and assistance on services needed most, namely long-term nursing home care.

Mr. ROE. Mr. Speaker, I rise today to participate in this very important special order regarding the Medicare Catastrophic Illness Insurance Coverage Act. This is an extremely critical issue affecting thousands of my constituents and tens of thousands more residents in New Jersey and throughout the Nation, and I want to commend my colleague from Florida for bringing this timely matter to the floor.

Over the past year, I have received letters and petitions from many of my constituents urging either modification of the catastrophic insurance coverage or outright repeal of the law. They are extremely angry and bitterly upset about the financing mechanism of this law, including the monthly premium and particularly the stiff surtax it imposes on everyone eligible for Medicare who pays $150 or more in income tax. As the bill was originally passed and signed into law, the surtax rate begins at 15 percent with a cap of $800 per person for this year and escalates to 28 percent per person with a $1,050 cap in 1993.

The senior citizens and elderly Americans in my district also oppose this insurance plan for other reasons. They resent the law because it does not protect Medicare beneficiaries from the high costs associated with long-term home care and nursing home care, two of the most pressing needs facing our elderly citizens today. They also oppose the law because of the complex and numerous copayments and deductibles linked to it. Many also dislike this program because they have their own private insurance, better than the Government program, and have been forced to accept this new plan. They also resent this program because it forces the beneficiaries to pay for benefits they do not want. In short, they are very angry about this law; it threatens their financial futures.

Mr. Speaker, the Ways and Means Committee has not been deaf to these complaints, and I commend them for seeking to modify the financing provisions of this legislation. However, their proposal to alter the program by making participation in it voluntary, is, as expressed by some, a band-aid solution to a deep hemorrhage. While the Ways and Means revision would lower the surtax for those enrolled in the program, it also means that Medicare beneficiaries who wish to drop out of the program must also give up Medicare Part QB, physicians payments. Understandably, thousands of Medicare patients would be loathe to lose that portion of their Medicare coverage. In fact, the Congressional Budget Office has estimated that only 30,000 out of 33 million Medicare beneficiaries would choose to withdraw from the program, if participation in the program was made optional.

Thus, the time has come for all Members to carefully reassess their views on the current Catastrophic Illness Insurance Program. While I for one have personally witnessed the ravages that catastrophic illness can wreak on a family and firmly believe that the concept of this insurance is sound and worthwhile, I have come to the conclusion that the current existing law is flawed and needs to be revised. Some may insist that many will benefit from the program as currently formulated, and should not be changed. I, for one, would hope that all of the voices being heard on this issue can put their ideas together and forge legislation that is acceptable to our constituents. If not, then the Catastrophic Illness Insurance Act will be catastrophic in name only, harming those it was originally intended to help, and should be repealed.

GENERAL LEAVE

Mr. ROTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on this special order on repealing the catastrophic medical insurance plan.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONGRESSIONAL REFORM ISSUES

The SPEAKER pro tempore (Mr. TRAFICANT). Under a previous order of the House, the gentleman from New York [Mr. WALSH] is recognized for 60 minutes.

Mr. WALSH. Mr. Speaker, I am pleased at the opportunity to address this body this evening. This is part of a continuing dialog that the Republican Policy Committee has begun, to inform the public and our fellow Members on issues of congressional reform.

For the past several Wednesdays, the Members of the minority party here in the House have come to talk about some of the issues that, quite frankly, are bothering Members.

This House is a body made up of rules, just as this Nation is a nation of laws. We have rules that we are guided by in our deliberations on a daily basis, as some of these rules. Unfortunately, they have been changed or altered or misinterpreted. What it does is it changes the operation of the House.

I believe, and many of my colleagues believe, it changes it in a negative way. We have a number of bills bottled up in committee. The Balanced Budget Act, section 89, and as the gentlemen that discussed the catastrophic health care issue earlier, that issue also has been bottled up. Some of the other issues that we have discussed were closed rules which limit debate. So many times Congress is accused of not being informed fully on an issue before we vote, and to have a closed vote and to limit debate, I think, leads to more confusion, less understanding of the complex matters that we discussed, and therefore, works against our proper deliberations. So the rules are being used to supplant the normal parliamentary procedure of this body.

One of the most important constitutional responsibilities of the Congress is to formulate a budget. The Budget Act is a very complex body of law, but several titles, titles 3 an 4, specify certain procedures with respect to the consideration of budgetary legislation. These procedures can be enforced by point of order that can be raised on the floor of the House. However, the points of order can also be raised. Therein lies the problem. Here we have a situation where there exist definite procedures and rules for the consideration of budget legislation. These rules can be circumvented and ignored at any time. Here we have a situation where the Committee on Rules, in effect, becomes the Committee on Budget de facto. Countless hearings, budget meetings, White House confrontations, hours and hours of work are set-aside and disregarded.

When we have a desire to waive a point of order, all it is needed for the Committee on Rules to report a simple resolution, a special rule, or under normal procedure, do the same thing by approving a motion to suspend the rules. This would require a two-thirds vote or by unanimous consent. However, the latter two are rarely done. Essentially, we in the minority are not even considered or consulted with respect to some of the rules of this House.

It should be noted here that special rules may waive specified provisions of the Budget Act, or all points of order, including but not limited to those that might be raised under the Budget Act. The gist of all this is that it makes little sense to go through those months and months of hearings, closed-door White House negotiations, cost estimates, markups, floor consideration in both Chambers, and conference over a budget document, and it is forgotten as soon as it is passed. These waivers pose a danger to maintaining fiscal restraint, if indeed we do have fiscal restraint.

We, the Republicans, offered in January our rules package. We offered as an amendment to the House or Democratic rules an amendment that would allow the House to know why we are waiving points of order to the Budget Act. The substitute package of rules that we offered required that any report from the Committee on Rules waiving any provisions of the Budget Act will be required to include an explanation and a justification of that waiver, together with a summary or text of any comments received from the Committee on the Budget regarding the waiver.

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A separate vote could be demanded on any such waiver in the rule. Blanket waivers would receive a two-thirds vote for consideration. Our rule change would provide that a separate vote could be demanded on any Budget Act waiver. Also blanket waivers would require a two-thirds vote for consideration. This would help to reduce the number of blanket waivers.

I believe there is nothing wrong with being held accountable for what we are voting on. Indeed our constituents demand it. These ideas were rejected by the majority.

Some of the specific provisions of the Budget Act that have been waived during this Congress are as follows: These are some of the examples of how the budget process is subverted: Section 302 states that it prohibits the consideration of spending legislation that would cause the committee's spending subdivision under section 302 to be exceeded. In other words, the law requires that they not exceed that budget guideline. This has been waived seven times.

Section 305 requires a 5-day layover period before consideration of a budget resolution and a 1-day layover period before consideration of a Rules Committee report on the budget resolution.

These requirements would give Members time to study and familiarize themselves with these very, very complex decisions, but these rules can also be waived. Section 311 prohibits the consideration for spending which would cause the levels of a total new budget authority or outlays to exceed or total revenues to be less than the levels set in the budget resolution for the fiscal year. This has been waived three times. All the waivers have occurred on the budget resolution.

This has caused a great deal of consternation among the Members, particularly the minority Members. This distinguished gentleman from Tennessee [Mr. QUILLEN] said on the floor of the House during the last Congress, the 100th Congress, that there were 37 Budget Act waivers and another 47 waivers of all points or order, which would include the Budget Act. The use of budget waivers might be justified in rare circumstances, but it is not justified in the large number of cases where it has been used.

We should note that in rare circumstances this procedure is there and maybe used, but it being used again and again and again. Also the use of budget waivers of all points of order has increased from none in the 96th Congress to 47 in the 100th Congress. When blanket waivers of all points of order are used, it is difficult for Members to know which specific rules are being violated.

Is this any way to develop a budget? I think not.

Our distinguished leader, the gentleman from Illinois [Mr. MICHEL] said on the floor of this House during the opening days of Congress, "Representative government begins with us, and the rules we set for ourselves."

Again we are a nation of laws. We are a legislative body of rules. We must live by our own rules.

Mr. Speaker, let us restore representative government and fiscal restraint. The rules as they are presently structured and constituted not only disempower minority Members but they disempower the constituents of individual Members, and these rules do violence to the spirit of our Congress which is based on representative government.

Mr. Speaker, I am a freshman, having been here for only 8 months, but I note that there is a continuing thread of disagreement with this process among the more senior Members. At this time I would like to call upon the distinguished gentleman from Missouri [Mr. BUECHNER] to discuss this very, very important matter.

Mr. BUECHNER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman form Missouri.

Mr. BUECHNER. Mr. Speaker, I thank the gentleman from New York [Mr. WALSH].

Mr. Speaker, in the most recent issue of rollcall, there was an article by Karen Foerstel titled "Should the Disabilities Act Apply to Congress?" In the article, it was noted that Congress has made a practice of exempting itself from major pieces of legislation. Such actions were correctly described as demonstrating either "a lack of accountability" or "raw hypocrisy."

Unfortunately, the same two phrases can be used to describe much of what transpires in Washington, especially concerning the Federal budget. In theory, Congress is subject to a set of rules, precedents, and practices concerning the budget. These rules contain noble sounding words. For example, section 311 of the congressional Budget Act of 1974 states:

> It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment if the enactment of such would cause the appropriate level of total budget outlays set forth in the most recently agreed to current resolution to be exceeded.

Simply stated, section 311 recognizes that Congress should be expected to live within certain fiscal limits, just like every family in America is forced to do.

Unfortunately, unlike every family, Congress combined this does of fiscal discipline with an escape clause. You see, Congress also gave itself the power to ignore its own rules. This fact helps to explain why deficit spending continues unabated, even though so many Members of Congress bemoan the magnitude of the deficit.

In fact, this propensity to avoid fiscal discipline explains why Peter Drucker once compared the spending habits of Congress to alcoholism. He stated: "We know we have to stop—tomorrow."

Now, my colleagues have today summarized the statistics which indicate how frequently Congress ignores its own rules. For example, 65.2 percent of the rules passed during the 99th Congress waived the Budget Act. My colleagues have also explained who is responsible for this problem, and what steps would be taken to correct it.

Consequently, I thought it would be useful to simply summarize some of the major pieces of legislation which have received Budget Act waivers during the past two Congresses.

According to the House Budget Committee, Budget Act waivers in the 99th Congress included, but were not limited to: The Water Resources, Conservation, Development, Infrastructure Improvement Act; the Intelligence Authorization Act; the Agricultural Productivity Act; the Tax Reform Act; the Department of Defense Authorization Act; State Department authorizations; the Arts, Humanities and Museums amendments; appropriations for Amtrak; and appropriations for Energy. In fact, if I were to read the total list, it would rapidly become apparent that virtually every area of the budget received a waiver.

During the 100th Congress, the record was equally dismal. Waivers were granted for: The Surface Transportation and Uniform Assistance Act of 1987; various supplemental appropriations and continuing appropriations; the Agricultural Credit Act of 1987; and the Student Default Initiative Act of 1988. Furthermore, in a somewhat ironic twist of fate, Congress even waived the Medicare Catastrophic Protection Act of 1987.

And the list goes on, and on, and on. In fact, Mr. Speaker, if I were to continue to read the list of bills that have received waivers, I would exceed the amount of time which we have been given for this special order.

Mr. Speaker, therefore, in the interest of time, under unanimous consent to include extraneous matter, I submit the entire list to be entered into the RECORD at this point:

BUDGET ACT WAIVERS, 99TH CONG.

Measure requiring waiver	Budget Act provision
1ST SESSION	
Technical waivers:	
H.R. 6: Water Resources, Conservation, Development, Infrastructure Improvement Act.	311(a), 401(a).
H.R. 2100: Foood Security Act	303(a)(4), 401(a).
H.R. 7: National School Lunch Program and Child Nutrition Act.	401(b)(1).
H.J. Res. 187: Compact of Free Association	401(b)(1).
H.R. 2419: Intelligence Authorization Act	402(a).
H.R. 10: National Development Investment Act	402(a).
H.R. 1383: Agricultural Productivity Act	401(a).
H.R. 99: Conservation, Rehabilitation and Improvement of Cultural Resources located on Indian Land.	402(a).
H.R. 1872: Department of Defense Authorization.	401(a), 402(a).
H.R. 1617: National Bureau of Standards Authorizations Act.	303(a)(4).
H.R. 1931: State Department Authorizations	311(a), 401(b)(1).
H.R. 1555: International Security and Development Cooperation Act.	303(a)(1).
Emergency waivers:	
H.R. 3838: Tax Reform Act	311(a).
H.R. 2817: Comprehensive Environmental Response, Compensation, and Liability Act.	402(a).
H.R. 3700: Higher Education Act	303(a)(4).
H.R. 6: Water Resources, Conservation, Development, Infrastructure Improvement Act.	402(a).
2D SESSION	
Technical waivers:	
H.R. 4151: Omnibus Diplomatic Security and Anti-Terrorism Act.	311(a), 401(a).
H.R. 3129: Surface Transportation and Uniform Relocation Assistance Act.	311(a), 302(c).
H.R. 2868: Gay Head Wampanog Claims Settlement Act.	302(f)(1).
Emergency waivers:	
H.R. 4055: Protection and Advocacy of Mentally Ill Individuals Act.	402(a).
H.R. 3010: Health Planning Amendments	402(a).
H.R. 3456: Consumer Product Safety Amendment.	402(a).
H.R. 4105: Amending Farm Programs Adjustment Act [1].	311(a), 401(b)(1).
H.R. 4079: Farm Programs Adjustment Act [1]	311(a), 401(b)(1).
H.R. 4151: Omnibus Diplomatic Security and anti-Terrorism Act.	303(a)(4).
H.R. 4515: Urgent Supplemental Appropriations	302(f)(1).
H.R. 4409: Panama Canal Commission Authorization Act.	311(a), 302(f).
H.R. 1: Housing Act	311(a), 302(c), 302(f), 402(a).
H.R. 4800: Trade and International Economic Policy Reform Act.	303(a)(2).
H.R. 2672: Federal Employee's Retirement System Act.	311(a), 302(c), 302(f), 401(b)(1).
H.R. 4868: Anti-Apartheid Act	311(a).
H.R. 1616: Labor-Management Notification and Consult.	402(a).
H.R. 2418: Amend the Public Health Service Act.	402(a).
H.R. 2237: Amend the Public Health Service Act.	402(a).
H.R. 1562: Textile and Apparel Trade Enforcement Act.	311(a).
H.R. 3248: Arts, Humanities and Museums Amendments.	402(a).
H.R. 2100: Food Security Act	402(a).
H.R. 2266: Appropriations for Amtrak	402(a).
H.R. 2385: Federal Trade Commission Authorization Act.	402(a).
H.R. 2372: Railroad Safety Improvement Act	402(a).
H.R. 3008: Federal Equitable Pay Practices	402(a).
H.R. 8: Water Quality Renewal Act	402(a).
H.R. 2959: Appropriations for Energy and Water Development.	303(a)(1).
H.R. 1872: Department of Defense Authorization Act [2].	303(a)(4).
H.R. 1035: Farm Emergency Credit Act	311(a), 401(b)(1).

[1] The Budget Committee opposed waiver of secs. 311(a) and 401(b)(1) of the Budget Act against consideration of H.R. 4105 and H.R. 4079.

[2] Budget Committee opposed waiver of sec. 303(a)(4).

BUDGET ACT WAIVERS, 100TH CONGRESS

Measure requiring waiver	Budget Act provision
1ST SESSION	
Technical waivers:	
H.R. 558: Urgent Relief for the Homeless Act	401(b)(1).
H.R. 1777: Department of State Authorization for Fiscal Years 1988 and 1989.	401(b)(1), 303(a)(1).
H.R. 2112: Intelligence Authorization Act for Fiscal Year 1988.	302(f), 401(b)(1).
H.R. 3030: Agricultural Credit Act of 1987	302(f), 401(a).
Emergency waivers:	
H.R. 2: Surface Transportation and Uniform Relocation Assistance Act of 1987.	303(a).
H.R. 1320: Land and Water Conservation Fund Act Amendments of 1987.	303(a)(1).
H.R. 1827: Appropriations, Supplemental, fiscal year ending Sept. 30, 1987.	302(f), 311(a).
H.R. 3: Trade and International Economic Policy Reform Act of 1987.	Not specified.
H.R. 1748: Defense Authorization Act for fiscal years 1988 and 1989.	303(a).
H.R. 1451: Older Americans Act Amendments of 1987.	303(a).
H.R. 4: Housing, Community Development, and Homeless Prevention Act of 1987.	302(f), 303(a)(1), 303(a)(4), 402(a).
H.R. 2470: Medicare Catastrophic Protection Act of 1987.	302(c), 302(f).
H.R. 1154: Textile and Apparel Trade Act of 1987.	311(a).
H.J. Res. 362: Continuing Appropriations for fiscal year 1988.	302(f)(1).
H.R. 2310: The Airport and Airways Improvement Amendments of 1987.	311(a).
H.R. 791: To authorize the water research activities of the U.S. Geological Service.	401(a).
H.R. 1467: To authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988–1992.	302(c), 302(f).
2D SESSION	
Technical waivers:	
H.R. 4561: The Multiyear National Aeronautics and Space Administration Authorization Act.	303(a)(4), 401(b)(1).
H.R. 3964: A bill to establish a National Park System Review Board.	401(b)(1).
Emergency waivers:	
H.R. 4222: To amend the Immigration Act to extend for 6 months the application period for immigration.	302(c), 302(f).
H.R. 3: The Omnibus Trade and Competitiveness Act of 1988.	303(a)(2), 303(a)(4), 302(f)(1).
H.R. 4264: The National Defense Authorization Act for Fiscal Year 1989.	303(a)(4).
H.R. 4387: The Intelligence Authorization Act, Fiscal Year 1989.	401(b)(1).
H.R. 4848: The Omnibus Trade and Competitiveness Act of 1988.	303(a)(2), 303(a)(4), 302(f)(1).
H.R. 4519: Arizona-Florida Land Exchange Act of 1988.	303(a).
H.R. 5015: Disaster Assistance Act of 1988	302(c), 302(f).
Conference report on H.R. 4264, the National Defense Authorization Act.	302(c), 302(f)(1).
H.R. 4333: The Miscellaneous Revenue Act of 1988.	311(a), 302(f).
H.R. 4526: The Manassas National Battlefield Park Amendments of 1988.	302(f)(1).
S. 795: The San Luis Rey Indian Water Rights Act.	302(f)(1).
H.R. 4986: Student Default Initiative Act of 1988.	303(a)(4).
S. 2840: Arizona-Idaho Land Exchange Act of 1988.	303(a)(1).

Mr. Speaker, this leads me to believe that a 1987 Wall Street Journal editorial regarding the spending habits of the majority party was correct when it proclaimed: "Come on, fellas, admit it; spending public money is fun."

Well, it must be, Mr. Speaker, considering that they do so much of it.

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from Missouri [Mr. BUECHNER].

As we all know, Mr. Speaker, Missouri is the "Show Me State," and I think the gentleman is asking all of us here in Congress to show him that we do respect our laws and that we live by our rules, and those rules are promulgated to protect the tax dollar that we collect.

The salient point, I think, was that we have a budget, just as every American family has a budget, and if a member of my family, for example, were to come to the rest of the family and say, "I am going to buy these snow skis for $200," or whatever they are going for these days, I would suspect that the other members of the family might rise up and ask, "Where is the money going to come from? Is it going to come out of my ski jacket, or is it going to come out of my bus tokens? Where is it going to come from?"

□ 1700

Mr. Speaker, I think that the family as a unit determines the budget, and they have to stick to that budget. We as a Congress have the process under the Committee on the Budget and the Budget Act which gives us a process to follow, and the waivers subvert that process.

Mr. Speaker, I yield to another distinguished gentleman from the State of Missouri [Mr. HANCOCK], who is one of my colleagues in the freshman class and a gentleman who comes from a business background and knows all kinds of good things about budgeting.

Mr. HANCOCK. Mr. Speaker, first let me say that I would like to thank my colleague, the gentleman from New York [Mr. WALSH] for organizing this special order.

Mr. Speaker, I am glad to have the opportunity here today to talk about a subject which I think deserves greater attention than it often gets. In my short time here in Washington; I have been a U.S. Congressman only a little over 8 months, I have been astounded at the lightness and frequency with which we in Congress disregard the rules which over the years we have established to govern this body. I have found it ironic that the House of Representatives has created a so-called rules committee to draft what we refer to as rules, but which in fact tell us which of our rules we will disregard on a given day. How can we expect the American people to faithfully follow the multitude of laws we mandate on them when we so routinely disregard the rules we make for ourselves?

I could mention the practice of exempting Congress from important public laws such as civil rights legislation and labor laws, but that is another subject. To me I am an avowed fiscal conservative, but to me the most egregious waiver of the rules of the House which this body can adopt is a waiver of the Budget Act. Waiving layover rules on the budget resolution and appropriation bills contributes to the cycle of Members voting on legislation, the contents of which they have no idea, but as the only mechanism to instill fiscal discipline in the Congress, the Budget Act should be sacred. When we waive it, we throw Gramm-Rudman out the window, and then we blame the President for the Federal deficit.

Mr. Speaker, to waive the Budget Act in 65 percent of the rules adopted in the 100th Congress and around 50 percent of the rules adopted by this Congress is outrageous. To put these statistics in context, during the last 5 years, when adopting resolutions governing debate on the floor, the U.S. House of Representatives has waived the Budget Act the majority of the time. Again for 5 straight years we have ignored the Budget Act more often than not.

Obviously, Mr. Speaker, something is wrong. It is the responsibility of the majority party in the House to draft and enforce the rules of this body. Personally I would prefer that to correct this problem the American electorate vote in a new majority party, but 1990 will be here before we know it. However, I would certainly be pleased if the current majority party enforced the rules of this House more responsibly and more equitably.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Missouri [Mr. HANCOCK] for his appropriate comments. He very aptly pointed out that the Committee on Rules in many instances is merely giving us the opportunity to break the rules with these budget waivers, and quite frankly it does subvert the budget process, and I think one of the reasons we have such tremendous deficits today is because of these waivers.

So, Mr. Speaker, I thank the gentleman from Missouri [Mr. HANCOCK] for his comments, and I yield to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I want to thank the gentleman from New York [Mr. WALSH] for taking this special order. It is Wednesday, and, as the American public knows, Wednesday is the night that we, at least on our side of the aisle, and hopefully we will have some Democrats in the future, talk about some of the rules here in the House that we in the minority have some trouble with, and let us hope that we have some more bipartisan discussion as we have had in the past. But tonight we are talking specifically about budget waivers and the waiving of the Budget Act. Next week I believe we are going to talk about the continuing resolution which is going to be a major problem that I think that we are going to be faced with next week, and hopefully we will not have to pass a continuing resolution, but we are going to have to talk to the American public about that next week.

However, Mr. Speaker, whenever our congressional budgeting process comes up for discussion, I often find myself recalling a well-known song that was popular in my youth, about 20 years ago. The song was by Joni Mitchell, and the passage that comes to my mind went this way:

I've looked at life from both sides now
From up and down
And still somehow
It's life's illusions I recall . . .

I'm fairly certain that Joni Mitchell wasn't contemplating anything as mundane as the Federal budget when she wrote those lines. But in my own way, I find that when I think about our budget, those words do seem to apply.

You might say I have seen life in the budget world from both sides. As most of you know, I worked for several years in President Reagan's Office of Management and Budget. I served under both OMB Directors David Stockman and Jim Miller, who had the often thankless job of trying to curb Congress' seemingly insatiable appetite for spending the taxpayers' money. Many Members of Congress viewed Stockman as a kind of grim reaper who only wanted to cut everybody's welfare and Social Security benefits. But I worked with him, and I can tell you that more than anything else, he was simply trying to curb the tax-and-spend habits of Congress.

Now I stand on the other side: in Congress, representing the Fourth District of the State of Michigan—the same District David Stockman served. Here I am a colleague of many of the same Representatives with whom Stockman did battle.

So I have seen the budget process from both sides. And in doing so, I've come face to face with the other point in Joni Mitchell's song—Just as she said it was life's illusions she recalled, I think it's only the illusions of a budget we in Washington ever really see.

I'm not talking about the "smoke-and-mirrors" and accounting gimmicks that Congress and the administration often are accused of. I mean something more basic than that. I'm talking about the way we in Congress play out our grand displays of teeth-gnashing and hand-wringing to come up with a budget resolution—we tell the American people that we've done all we can to spend their money responsibly—and then renege on the agreement time after time through this popular tool called the Budget Act waiver.

Think about what a budget act waiver really means. In the spring, the budget committee puts together its recommendations for overall spending in the forthcoming fiscal year. Those recommendations—in the form of the budget act resolution—are voted on by the whole House. Therefore, if the Budget Act is adopted, it means the House agrees to the spending guidelines the Budget Committee has set down.

But then the various authorizing committees take up these guidelines and—more often than not—decide they can't live with them. Remember, these committee members are the same people who already voted to accept the Budget Act. But when it comes to the real work of implementing that act through their committees, they can't do it. So they ask for a budget act waiver, and usually the Rules Committee gives then one.

How often does this happen? Well, it seems to be getting worse every year. In the 96th Congress, 19.3 percent of the rules adopted involved waivers of the budget. That figure grew to a remarkable 51 percent in the 100th Congress. For this year, according to calculations I've seen, nearly half the rules adopted have once again contained budget waivers.

To me, what this means to prove is that the critics of Congress are right: we can't make a budget and stick to it. Our Budget Committee cobbles together a budget resolution, we in the House vote to adopt it, and then half the time we break the guidelines we have agreed to. That's one of the reasons why I say we only get an illusion of a budget.

But of course, many of my friends in this body would refuse to admit that. They'd rather blame our spending problems on Ronald Reagan's tax cuts or George Bush's "read my lips" pledge.

It's time we take the responsibility on ourselves.

One of the best examples of a budget act waiver this year came with the savings and loan bailout. This is a sensitive point, because I know that even some of my Republican colleagues had different views from mine on this. But just a review what happened:

President Bush proposed his S&L bailout, including $50 billion of taxpayers' money. To stay within our Gramm-Rudman-Hollings deficit targets, the President proposed keeping that $50 billion off budget. But some Members of Congress claimed that was a sham. They said the $50 billion should be kept on-budget. So what did they propose? Keep the money on budget but just waive the Gramm-Rudman target—as if Gramm-Rudman didn't exist anyway.

In the end, Congress and the administration couldn't agree on what to do. So they simply split the difference: They put $20 billion of the bailout on budget and $30 billion off budget. Then, to dodge the whole question of the deficit target, they simply put $20 billion that was on budget in the 1989 budget—for the fiscal year that is just about over—so it was no longer subject to the Gramm-Rudman-Hollings limits. All it took to do that was adopting a budget act waiver.

The point of all this, to put it simply, is that our budget process is broken. But it's not broken because of flaws in the process. It's broken because we don't play by our own rules. We set spending limits on ourselves and then—if we decide we don't like those limits—we simply waive them. Suppose the small businesses of our country operated that way. Suppose they determined how much revenue they had each year, set their budgets by that figure, and then just ignored it and spent however much money they wanted to. They'd soon be bankrupt. Suppose families ran their household budgets that way. The American public takes responsibility for their budgets—why can't their Representatives do the same?

I spoke earlier of how I have seen all this from both sides—that of the administration and that of the Congress. And although I'm proud to serve here in the House of Representatives, I have to say that we are more to blame than the administration for the mess in our budgeting. I say that because in the administration, no matter how many people work on the budget proposal, the final decision lies with one person: the President. He chooses his priorities and makes the fiscal tradeoffs necessary to meet them. And if his budget policy is a failure, he takes the heat. But in Congress, the responsibility for budgeting is spread among more than 500 Senators and Congressmen. If we mess up the budget, each of us can blame it on the rest of our colleagues—or on the President.

We in Congress can't wait around for the budget process to discipline us. We have to exercize discipline on ourselves. We must stick to the budget resolutions we make. If the current rules of budgeting aren't working, then we should change those rules—make them tougher. In January, we Republicans supported reforms of the budget process that would require the full House to vote on any rule proposing a waiver of the budget act. I sincerely doubt that such waivers would really get much support from this House, if all the Members voted on them.

To put it simply, Congress must stop playing with the illusions of a budget act—as if it can be broken at our whim. We must renew our commitment to the budget agreements we make. And if that means tightening the rules and procedures we impose on ourselves, then we should do so.

□ 1710

Mr. WALSH. Mr. Speaker, I thank the gentleman very much for his timely remarks, and I would also like to thank him for his help in all of these special orders that we have undergone the last several weeks. I greatly respect his leadership in congressional reform. We have a number of topics that we have been discussing, all of which I think, if implemented, would be very, very beneficial to the House and would provide even greater satisfaction, not only job satisfaction for the Members, but satisfaction for the people back home who pay the bills. The statements were very much to the point.

I have not seen budgeting from both sides as my colleague has. I have served as a legislator. I served as a legislator in city government for 12 years before I came here, and I do know it is very clear that it is much easier to say yes to a budget expenditure than it is to say no, because in many instances the people in city government are obviously closer to the people they represent, because they are all around.

Whenever we would have a budget hearing, people would come in and they would say, "We need to spend more money on this topic." Very rarely do people come in and ask to cut back on a project or an expenditure. However, we all know that sooner or later the bill comes due, and many, many times during our budget we would have a public hearing on the city budget, at which time taxes would be raised, and it was not always the same people, but many, many people would come in and say, "We do not want to raise the taxes."

It became very clear to me at that time that one cannot have it both ways, and while it is easier and it is more fun to say yes, one is almost always better off on a questionable expenditure to say no.

With our own children, as parents, if we say yes to the kids, they are happy and they go about their business and they are delighted, but if we say no, it can cause some problems, but the long-term result is what we are after in rearing children, and in formulating a budget. We want to be sure that the long-term goals are met, not the short-term satisfaction of making people, or in the other case, our children, happy.

Budget waivers remove the institutional discipline from the process, and as those are more often allowed, the people who take part in the process of formulating a budget, the Committee on the Budget, the committee chair, the Budget Office, and the administration, I think, become disheartened and become skeptical of the entire process. They wonder what these hours and hours and hours of budget discussions and negotiations are all about when they can be upended and disregarded at the end of the process.

I think what we are asking here is that we restore some discipline to the process and the goal of which is to restore fiscal integrity to the Congress and to the process that we follow.

Again, I would like to thank the gentleman from Michigan [Mr. UPTON] for his help and ask if there is anything he would like to add before we close.

I yield to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I would just like to echo what the good gentleman from New York just indicated here.

Part of the purpose of these Wednesday afternoon or late evening or Wednesday evening special orders is to try to educate the American public about how the rules of the House really operate, because it is amazing to me how many of the American public really do not know the way that this House governs. They may just read the headlines, and it may not even be embodied in a press story out there, and they think we pass a budget resolution and things are done. They do not realize that the laws that we passed earlier in the year are violated just about one out of two times when we have a rule up that comes upon the House floor, and often in those rules that we debate here on the House floor and, of course, the rules that we have to adopt before we take up a major piece of legislation, as will be the case with this reconciliation bill which we will be debating most of next week, I understand, they do not realize that there is almost boilerplate language that is included there which waives the Budget Act, and it is just amazing.

The Committee on Rules here, of course, in the House is one of the most powerful committees in the entire House. It is a very small committee and, yet, almost every piece of legislation that ends up on the House floor after it leaves the other committees that it comes from, whether it is Public Works or Appropriations or Ways and Means, has to go up to the third floor here in the Capitol and sit through that Committee on Rules. They dictate what amendments can be offered, who is going to offer them, in many cases how much time is going to be yielded for debate on the Republican as well as the Democratic side, and they can exclude amendments. It is almost a procedural vote.

If Members look at my record, I opposed most of the rules that came up on the House floor because they waived the Budget Act, because they curtailed debate.

Obviously, no Member of Congress is on every committee, and if a Member is excluded, if they are not on the Committee on Ways and Means, like neither the gentleman nor I, we have not had a chance to input that legislation as it weaves through the Committee on Ways and Means, and neither one of us are on the Committee on Appropriations. Again, we are not able to work on that bill in committee. We have to wait until that bill gets to the House floor even though it affects the gentleman's half million constituents, just like it does mine.

If the gentleman and I are excluded from offering an amendment just because we are not on the committee, I think that is wrong, and that Committee on Rules is able to have that same type of power, and when those rules come up on this House floor, almost 50 percent of the time they, in fact, waive the Budget Act, and no one knows about it, because it is not debated. It is just almost a perfunctory vote even though it makes up, throughout the course of the year, a great number of votes.

Almost every time when we get to the House floor to vote on a rule and we ask some of the staff or Members of the Committe on Rules as we come through the doors to vote, "Does it waive the Budget Act?" and almost always when we walk through those doors, the heads already know what questions we are going to ask, and they are nodding. It is a travesty.

We violate the same rules that we passed earlier in the year.

Mr. Speaker, I thank the gentleman for reserving the time this evening to talk about this. Hopefully, the American public understands maybe some of the frustrations that we particularly in the minority and those who are budget-conscious on both sides of the aisle, fiscal conservatives, have to deal with almost on a daily basis here in the House of Representatives.

I will say we will see the gentleman again next Wednesday.

□ 1720

Mr. WALSH. Yes, we will. I thank the gentleman from Michigan again for his remarks and for helping us to focus on really one of the critical issues for the Congress and congressional reform in general. It is very timely in that the reconciliation bill is coming up next week, and we will spend a good portion, if not all of next week finally dealing with reconciliation and passing a new budget.

Mr. PORTER. Mr. Speaker, the Budget Act really has become an "Act."

Like circus magicians, we go through an annual process that is replete with timetables, deadlines, and other processes. These provisions of the Budget Act were created with all good intentions. Congress should settle all spending and taxation levels well before the beginning of the fiscal year.

Doing so would give the executive branch the proper lead time to manage their activities properly for the coming year. Doing so also gives the American people and the financial markets a clear indication of what to expect in the coming year. And doing so, I might add, would also get the House and Senate out of session earlier in the year.

The Budget Act is also intended to separate apples from oranges: The 13 spending bills should not contain authorizations; the bill to raise revenues and cut entitlements should not create new programs; and new programs should not be authorized unless they are provided for by an enacted budget resolution.

To comply with the Budget Act requires a number of things: First, it requires hard work; second, it requires discipline, and it requires cooperation and compromise.

Unfortunately, Congress doesn't work this way. There is too much incentive to delay hard choices, and wait till the last minute. Legislation that wouldn't pass in August can sometimes make it through in the confusion of late December.

It's easier to hide a controversial program inside a bigger bill than to have the issues that program raises fully debated by the Congress. As a result, entire bureaucracies have been in existence for years even though they are unauthorized. The Consumer Product Safety Commission is one such example.

On the other hand, legislation which Congress is eager to pass, but which is not provided for by an annual budget resolution, because the resolution is late, are brought to the floor and passed anyhow. And extraneous provisions—which wouldn't pass as freestanding measures—can be buried in larger bills and forced into law.

All of these devices are made possible through the miracle of a Budget Act waiver. That's a rule, written by the Rules Committee, taking all the teeth out of the Budget Act as applied to any given bill on any given day.

Through Budget Act waivers we pass authorizing bills before we pass a budget resolution. Through Budget Act waivers, we pass appropriations bill funding unauthorized programs year after year. Through Budget Act waivers, we put tax provisions in continuing resolutions, and we put provisions that cost money into bills intended to reduce the deficit.

A Budget Act waiver protects this chicanery from a point of order on the floor of the House. The provision still violates the law, but the rule prevents Members from doing anything about it. The waiver doesn't make it OK to do these things, it just prevents Members from objecting to these gimmicks. The only way to stop a budget waiver is to defeat the rule containing the waiver. And that happens about once every 6 months.

It's too easy to vote for a rule because it can be explained as a procedural vote. Constituents don't understand what a rule is, some members of the media don't understand what a rule is, and some Members of Congress may not even realize that they are routinely voting to ignore the Budget Act when they vote for these rules.

The Budget Act was amended recently—the amendment is known as Gramm-Rudman. Most people know that Gramm-Rudman sets deficit targets, and they know that failure to meet those targets results in automatic spending cuts. What they may not know is that by waiving the Budget Act, we also undermine Gramm-Rudman.

Because, under the Budget Act we should be done—or just about done—with budget activity by now. Then we can measure the deficit and see whether we've met the Gramm-Rudman target, and if we haven't, we can make the necessary changes. Instead, we will probably take our final Gramm-Rudman measurement before we've finished all our budget legislation.

Then, after we've avoided an automatic cut, we can do whatever we want, because Gramm-Rudman only measures the deficit on a certain date. And although the law tries to prevent congressional evasion by stalling, Gramm-Rudman generally assumes that everything will be done by that date as called for by the Budget Act. But through Budget Act waivers, the work really isn't done.

As a result, we pretend to meet a target when we don't really know whether we have or not. Last year, we played this game. The Gramm-Rudman target was $136 billion, give or take $10 billion. We squeaked under that target at just below $146 billion. Eventually, the deficit rose to $155 billion, and now it is estimated to reach $175 billion, $39 billion over the target.

So in summary, the Budget Act and Gramm-Rudman establish timetables and deficit ceilings in order to control spending. But in the House, Budget Act waivers are used to avoid tough choices and evade deficit ceilings. Through waivers, we exceed Gramm-Rudman targets while avoiding across-the-board cuts.

Stopping Budget Act waivers is at the heart of budget discipline—it's time to get our work done on time, all of our work, and play by the rules we ourselves wrote.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. TRAFICANT). Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, on September 5.

Mr. COLEMAN of Texas, for 5 minutes, on September 26.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WALSH, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. GILMAN.

Mr. SOLOMON.

Mr. LAGOMARSINO.

Mr. FIELDS.

Mrs. MEYERS of Kansas.

Mr. GALLO.

Mr. OXLEY.

Mr. BEREUTER.

Mr. SCHAEFER.

Mr. MILLER of Ohio.

Mrs. MORELLA.

(The following Members (at the request of Mr. DARDEN) and to include extraneous matter:)

Mr. WAXMAN.

Mr. MCMILLEN of Maryland.

Mr. ECKART.

Mr. KENNELLY.

Mr. BRYANT.

Mr. TORRES.

Mr. KOSTMAYER.

Mr. GUARINI.

Mr. HAMILTON.

Mr. ORTIZ.

Mr. EVANS.

Mr. WILLIAMS.

Mr. LANTOS.

Mr. JOHNSON of South Dakota.

Mr. SOLARZ.

Mr. WEISS.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 419. An act to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri;

H.R. 1529. An act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes;

H.R. 2696. An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes; and

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day;" and

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week."

ADJOURNMENT

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Thursday, September 21, 1989, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1989 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bruce A. Morrison	3/26	4/2	Amsterdam		504.00						1,103.00
Committee total					504.00		599.00				1,103.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY GONZALEZ, Chairman, Aug. 1, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marshall Livingston	4/11	4/14	Mexico		650.00						650.00
Commercial transportation							649.00				649.00
Xavier Equihua	4/25	4/27	Mexico		304.00						304.00
Commercial transportation							286.00				286.00
Hon. E de la Garza	4/3	4/6	Switzerland		619.75						619.75
Codel	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Hon. Robert F. Smith	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Hon. Bill Emerson	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Hon. Arlan Stangeland	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Hon. Charles Stenholm	4/3	4/7	Switzerland		619.75						619.75
Military transportation							1,700.00				1,700.00
Commercial transportation							1,285.86				1,285.06
Hon. Jerry Huckaby	4/3	4/6	Switzerland		619.75						619.75
Military transportation							1,700.00				1,700.00
Commercial transportation							1,345.54				1,345.54
Marshall Livingston	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Laverne Hubert	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation	4/	4/					3,607.71				3,607.71
William O'Conner	4/3	4/6	Switzerland		619.75						619.75
	4/7	4/10	Spain		615.00						615.00
Military transportation							3,607.71				3,607.71
Codel de la Garza other expenditures Geneva:											
Local transportation							2,328.54				2,328.54
Control rooms									1,487.22		1,487.22
Miscellaneous									529.99		529.99
Codel de la Garza other expenditures Madrid:											
Foreign Service support									3,017.00		3,017.00
Local transportation							805.00				805.00
Miscellaneous									308.00		308.00
Committee total					10,836.75		35,353.91		5,342.21		51,532.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 31, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Daniel Akaka	3/23	3/27	United States		112.00						112.00
	3/27	3/28	Marshall Islands		75.00						75.00
	3/28	3/29	Micronesia		93.00						93.00
	3/29	4/2	United States		188.00						188.00
Transportation provided by military aircraft											
Hon. Jim Chapman	6/8	6/13	France		1,010.00		[3] 4,450.00				5,460.00
Hon. Norman Dicks	6/8	6/13	France		1,010.00		[3] 4,450.00				5,460.00
Hon. Julian Dixon	3/23	3/27	United States		418.00						418.00
	3/27	3/28	Marshall Islands		75.00						75.00
	3/28	3/29	Micronesia		93.00						93.00
	3/29	4/2	United States		364.00						364.00
Transportation by military aircraft											
Hon. Bill Lowery	6/8	6/13	France		1,010.00		[3] 4,450.00				5,460.00
Hon. Clarence Miller	6/8	6/13	France		1,010.00		1,178.50				2,188.50
Travel by military aircraft											
Hon. John Myers	3/23	3/27	United States		418.00						418.00
	3/27	3/28	Marshall Islands		75.00						75.00
	3/28	3/29	Micronesia		93.00						93.00
	3/29	4/2	United States		364.00						364.00
Travel by military aircraft											
Hon. Charles Wilson	3/21	3/22	England		226.00						226.00
	3/23	3/27	Pakistan		502.50						502.50
	3/28	4/1	Egypt		480.16						480.16
	4/1	4/3	England		452.00						452.00
Commercial transportation							5,376.00				5,376.00
William Schuerch	3/18	3/27	Netherlands		915.00						915.00
	3/28	4/2	Philippines		720.00						720.00
Commercial transportation							5,760.00		96.40		5,856.40
Hunter L. Spillan	3/23	3/27	United States		418.00						418.00
	3/27	3/28	Marshall Islands		75.00						75.00
	3/28	3/29	Micronesia		93.00						93.00
	3/29	4/2	United States		364.00						364.00
Transportation by military aircraft											
Committee total					10,653.66		25,664.50		96.40		36,414.56
Appropriations, surveys, and investigations staff:											
Raymond W. Allen	4/8	4/21	Germany		1,311.75		2,232.00		19.20		3,562.95
G. Carter Baird	4/15	4/21	Germany		568.25		2,365.00		39.51		2,972.76
James J. Berthold	4/8	4/21	Germany		1,263.00		2,232.00		46.98		3,541.98
Albert J. Boudreau	4/8	4/21	Germany		1,238.50		2,232.00		22.00		3,492.50
Richard C. Carter	5/6	5/16	Germany		1,105.00		2,426.00		19.50		3,550.50
	5/16	5/19	Italy		448.50						448.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John P. Chase	5/6	5/14	Germany		874.00		3,258.00		295.90		4,427.90
	5/14	5/19	England		804.50						804.50
Patricia L. DeWitt	4/8	4/21	Germany		1,238.50		2,232.00		48.18		3,518.68
Carol A. Haave	4/8	4/21	Germany		1,361.75		4,107.00		76.92		5,545.67
William P. Haynes	5/6	5/14	Germany		817.00		3,258.00		92.18		4,167.18
	5/14	5/19	England		804.50						804.50
Terrence E. Hobbs	4/15	4/28	Germany		1,292.00		2,744.00		24.42		4,060.42
	4/28	5/3	England		709.25						709.25
Robert A. Jaxel	4/8	4/21	Germany		1,263.00		2,232.00		64.54		3,559.54
Stephen M. Largent	4/15	4/28	Germany		1,292.00		2,744.00		50.50		4,086.50
	4/28	5/3	England		709.25				28.80		738.05
Robert W. Lautrup	5/7	5/11	England		502.50		3,039.00		35.23		3,576.73
Robert J. Reitwiesner	5/6	5/12	Germany		650.50		2,231.00		44.00		2,925.50
Donald E. Sampson	5/6	5/16	Germany		1,162.00		2,426.00		71.40		3,659.40
	5/16	5/19	Italy		448.50						448.50
Ralph D. Sinnott	4/8	4/21	Germany		1,207.75		2,232.00		18.24		3,457.99
R.W. Vandergrift	4/8	4/15	Germany		736.50		4,107.00		94.90		4,938.40
	5/14	5/17	England		490.00		977.00		101.67		1,568.67
Graham W. Van Note	4/27	5/3	England		746.75		3,089.00		95.36		3,931.11
B. Alan Weaver	5/7	5/11	England		502.50		3,057.00		74.48		3,633.98
Appropriations, surveys, and investigations staff total					23,547.75		53,220.00		1,363.91		78,131.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Travel by military aircraft. Cost shown is comparable first-class commercial rate.

JAMIE WHITTEN, Chairman, Aug. 14, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wm. M. Kitzmiller	4/29	5/7	Micronesia		1,367.00						1,367.00
Commercial air fare						1,721					1,721.00
Conference fee									150.00		150.00
Henry Waxman, MC	3/24	3/30	Israel		1,050.00						1,050.00
	3/31	4/2	England		452.00						452.00
Commercial air fare						3.403					3.403.00
Karen Nelson	3/23	4/1	Israel		1,350.00						1,350.00
Commercial air fare						3,403					3,403.00
Ruth Katz	3/23	4/1	Israel		1,350.00						1,350.00
Commercial air fare						3,403					3,403.00
Steve Blumenthal	6/4	6/6	England		438.00						438.00
	6/7	6/9	Italy		442.00						442.00
Commercial air fare						2,764					2,764.00
Bruce Chafin	6/5	6/7	England		438.00						438.00
	6/7	6/9	Italy		442.00						442.00
Commercial air fare							2,764.00				2,764.00
Peter D.H. Stockton	6/5	6/7	England		438.00						438.00
	6/7	6/9	Italy		442.00						442.00
Commercial air fare							2,764.00				2,764.00
David Finnegan	5/2	5/7	Finland		870.00						870.00
Commercial air fare							2,224.00				2,224.00
Charles Knauss	5/2	5/7	Finland		870.00						870.00
Commercial air fare							2,224.00				2,224.00
Ripley Forbes	6/1	6/8	Canada		708.00						708.00
Conference fee									415.00		415.00
Commercial air fare							312.74				312.74
Lesley Russell	6/5	6/10	Canada		885.00						885.00
Conference fee									415.00		415.00
Commercial air fare							303.00				303.00
Tim Westmoreland	6/3	6/10	Canada		1,239.00						1,239.00
Conference fee									415.00		415.00
Commercial air fare							494.02				494.02
John Shelk	5/18	5/26	England		1,808.00						1,808.00
	5/26	5/28	Germany		455.50						455.50
	5/28	5/31	Switzerland		387.00						387.00
Commercial air fare							3,031.00				3,031.00
Dennis Wilson	4/1	4/8	Egypt		1,184.00						1,184.00
Commercial air fare							2,651.00				2,651.00
Benjamin Cohen	5/29	6/1	Sweden		950.00						950.00
Commercial air fare							1,720.00				1,720.00
H.L. Callahan, MC	6/7	6/13	France		1,212.00						1,212.00
Military							1,323.60				1,323.60
Dennis Eckhart, MC	6/17	6/19	France		404.00						404.00
Military							10,262.00				10,262.00
Committee total					19,181.50		44,767.36		1,395.00		65,343.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patsy S. Fleming	6/3	6/14	Canada		1,593.00		282.47				1,875.47
Committee total					1,593.00		282.47				1,875.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, JR., Chairman, July 31, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Benjamin L. Cardin	4/14	4/16	Hungary		332.00				271.75		603.75
Military transportation							12,420.00				12,420.00
Nora Engel	6/12	6/15	Switzerland		546.00						546.00
Commercial transportation							623.00				623.00
Leslie Megyeri	6/12	6/15	Switzerland		546.00						546.00
Commercial transportation							722.00				722.00
Committee total					1,424.00		13,765.00		271.75		15,460.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, July 27, 1989.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1710. A letter from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting notification of the adopted changes to its current compensation schedules effective October 8, 1989, pursuant to Public Law 101-73; to the Committee on Banking, Finance and Urban Affairs.

1711. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1989, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE. Committee on Science, Space, and Technology. H.R. 1465. A bill to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes; with amendments (Rept. 101-242, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. PANETTA: Committee on the Budget. H.R. 3299. A bill to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990 (Rept. 101-247). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA:

H.R. 3299. A bill to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990.

By Mr. FASCELL (by request) (for himself, Mr. GEPHARDT, Mr. ROSTENKOWSKI, Mr. DINGELL, Mr. HAWKINS, Mr. HAMILTON, Mr. LANTOS, Mr. OBEY, Mr. BROOMFIELD, Mr. LENT, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. DONALD E. LUKENS, Mrs. MEYERS of Kansas, Mr. BLAZ, Mr. HOUGHTON, Mr. GOSS, and Mrs. MARTIN of Illinois):

H.R. 3300. A bill to promote democratization and reform in Poland and Hungary through development of the private sectors, labor market reforms, and enhanced environmental protection, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BEREUTER:

H.R. 3301. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 3302. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to update the hospital wage level adjustment factor at least every 2 years using the most current data available, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FLIPPO (for himself and Mr. HARRIS):

H.R. 3303. A bill to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act, to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency, and to require Governors of affected States to receive certain notifications; to the Committee on Energy and Commerce.

By Mr. GEREN:

H.R. 3304. A bill to impede drug trafficking affecting the United States; jointly, to the Committees on Foreign Affairs, Public Works and Transportation, Armed Services, and Government Operations.

By Mr. GUARINI (for himself, Mr. LANTOS, Mr. TORRICELLI, Mr. GEJDENSON, Mr. ECKART, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. FROST, Mr. RANGEL, Mr. BUSTAMANTE, Mr. FAUNTROY, Mr. DWYER of New Jersey, Mr. ACKERMAN, Mr. HYDE, Mr. LIPINSKI, Mr. HERTEL, Mr. BORSKI, Mr. PALLONE, Mr. FLORIO, Mr. SIKORSKI, Mr. WEISS, and Mrs. MARTIN of Illinois):

H.R. 3305. A bill to establish a scholarship program, in partnership with the States, to enable students from Poland and Hungary to study in the United States; to the Committee on Foreign Affairs.

By Mrs. KENNELLY:

H.R. 3306. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for studies relating to cost-of-living adjustments and pension portability, and to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. LANTOS (for himself, Mr. Solarz, Mr. Levine of California, and Mr. Ackerman):

H.R. 3307. A bill to promote political democracy and a economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of Support for East European Democracy; and for other purposes; jointly, to the Committees on Foreign Affairs; Armed Services; Agriculture; Banking, Finance and Urban Affairs; Education and Labor; Energy and Commerce; Public Works and Transportation; Science, Space, and Technology; and Ways and Means.

By Mr. LEVINE of California (for himself, Mr. Dixon, Mr. Torres, Mr. Berman, Mr. Martinez, and Mr. Waxman):

H.R. 3308. A bill to provide that $10,000,000 of the amount appropriated for fiscal year 1990 for drug interdiction activities of the National Guard shall be available only for drug interdiction activities of the California National Guard; to the Committee on Armed Services.

By Mr. McCANDLESS (for himself and Mr. Hunter):

H.R. 3309. A bill to provide for a research project in the Salton Sea area of Southern California regarding an enhanced evaporation system for saline water; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY (for himself and Mr. Rinaldo) (both by request):

H.R. 3310. A bill to authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991; to the Committee on Energy and Commerce.

By Mr. OWENS of Utah:

H.R. 3311. A bill to redesignate the United States Post Office/Court House located in Salt Lake City, UT, as the "Frank E. Moss Federal Building"; to the Committee on Public Works and Transportation.

By Mr. OXLEY:

H.R. 3312. A bill to amend the Rehabilitation Act of 1973 to provide that impairments resulting from the use of certain controlled substance are not handicaps for purposes of sections 503 and 504 of such Act; to the Committee on Education and Labor.

By Mr. THOMAS of Georgia:

H.R. 3313. A bill to amend title 18, United States Code, to provide penalties for selling or offering to sell as Vidalia onions sweet onions not of the Vidalia variety or not grown in the Vidalia onion production region, and for other purposes; to the Committee on the Judiciary.

By Mr. WEISS:

H.R. 3314. A bill to require employees of the Office of Management and Budget and other Federal agencies to report oral communications relating to activities of that office, and for other purposes; to the Committee on Government Operations.

By Mr. WILLIAMS:

H.R. 3315. A bill to extend the authorization of appropriations for the Taft Institute; to the Committee on Education and Labor.

By Mr. PEASE:

H. Con. Res. 198. A concurrent resolution authorizing a concert performance on the Capitol grounds; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. Stokes, Ms. Oakar, Mr. Frost, and Mr. Sikorski.

H.R. 83: Mr. Bates.

H.R. 84: Mr. Kennedy and Mr. Morrison of Connecticut.

H.R. 88: Mr. Staggers, Mr. Harris, Mr. Paxon, Mr. Parker, and Mr. Smith of New Hampshire.

H.R. 101: Mr. Foglietta, Mr. Engel, Mr. Scheuer, and Mr. Pallone.

H.R. 285: Mr. Dymally, Mr. Schaefer, and Mr. Miller of Washington.

H.R. 332: Mr. Solomon.

H.R. 418: Mr. Sikorski and Mr. Atkins.

H.R. 505: Mr. Downey.

H.R. 525: Mr. Evans, Mr. Livingston, and Mr. Faleomavaega.

H.R. 596: Mr. Young of Florida.

H.R. 639: Mr. Gallegly.

H.R. 742: Mr. Fuster and Mr. Robert F. Smith.

H.R. 1068: Mr. Tauzin, Mr. McEwen, Mr. Studds, and Mr. Yatron.

H.R. 1163: Mr. Chapman, Ms. Pelosi, Mr. Mrazek, Mr. Dymally, Mr. Crockett, Mr. Gejdenson, Mr. Walsh, Mrs. Boxer, Mr. Hertel, Mr. Owens of New York, and Mr. Foglietta.

H.R. 1187: Mr. Faleomavaega.

H.R. 1259: Mr. Evans, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Torres, Mr. Upton, Mr. Gunderson, Mr. Hughes, Mr. Kolter, Mr. Perkins, Mr. Walsh, Ms. Kaptur, Mr. Pickle, Mr. Ford of Michigan, Mr. McNulty, Mr. Kildee, Mr. Rinaldo, Mr. Lewis of Georgia, Mr. Weiss, Mr. Visclosky, Mr. Moakley, Mrs. Lowey of New York, Mr. Payne of New Jersey, and Mr. Williams.

H.R. 1515: Mr. Young of Florida, Mr. Conte, Mr. Lent, and Mr. Gejdenson.

H.R. 1627: Mr. Fish and Mrs. Schroeder.

H.R. 1629: Mr. Green.

H.R. 1707: Mr. Robinson, Mr. Coughlin, and Mr. Lewis of Florida.

H.R. 1746: Mr. Bosco, Mr. Shays, Mr. Fish, Mr. Towns, and Mr. Faleomavaega.

H.R. 1875: Mr. Wyden.

H.R. 2228: Mr. AuCoin, Mr. Paxon, and Mr. Savage.

H.R. 2323: Mr. Johnson of South Dakota.

H.R. 2360: Mr. Morrison of Washington.

H.R. 2366: Mr. Inhofe and Mr. Rhodes.

H.R. 2414: Mr. Weber, Mr. Skelton, Mrs. Vucanovich, Mr. Bilbray, and Mr. Morrison of Washington.

H.R. 2420: Mr. Rowland of Connecticut.

H.R. 2505: Mr. Boucher, Mr. Kildee, Mr. Dwyer of New Jersey, Mrs. Collins, Mr. Chapman, Ms. Kaptur, Mr. Kolter, Mr. Stangeland, Mr. Hertel, Mr. Atkins, Mr. Florio, Mr. Hayes of Illinois, Mr. Ackerman, Mr. Upton, Mr. Fazio, Mr. Evans, Mr. Machtley, Mr. McDermott, Mr. Towns, and Mr. Foglietta.

H.R. 2529: Mr. Denny Smith, Mrs. Boxer, Mr. Applegate, Mr. Hochbrueckner, Mr. Hefner, and Mr. Dwyer of New Jersey.

H.R. 2589: Mr. Shaw, Mr. Miller of Washington, Mr. Livingston, Mr. Smith of New Hampshire, and Mr. Gallegly.

H.R. 2616: Mr. Ballenger.

H.R. 2665: Mr. Bilbray, Mr. DeFazio, Ms. Pelosi, Mr. McNulty, Mr. Sangmeister, Mr. Kolter, and Mr. Slattery.

H.R. 2667: Mr. Young of Alaska, Mr. Emerson, Mr. Volkmer, and Mr. Browder.

H.R. 2726: Mr. Waxman, Mr. Payne of New Jersey, Mr. Torricelli, and Mr. Horton.

H.R. 2881: Mr. Chapman, Mr. Payne of New Jersey, Mr. Shumway, Mr. Faleomavaega, Mr. Parris, Mr. Weldon, Mr. Lewis of Georgia, and Mr. Hyde.

H.R. 2919: Mr. Atkins, Mr. Engel, Mr. English, Mr. Faleomavaega, Mr. Jones of North Carolina, and Mr. Mrazek.

H.R. 2966: Mr. Thomas of Georgia and Mr. Morrison of Washington.

H.R. 2979: Mr. Hughes.

H.R. 2983: Mr. Skelton, Mr. Coleman of Missouri, Mr. Volkmer, Mr. Clay. Mr. Hancock, Mr. Emerson, Mr. Buechner, Mr. Wheat, and Mr. Gephardt.

H.R. 3030: Mr. Geren, Mrs. Meyers of Kansas, and Mr. Rohrabacher.

H.R. 3053. Mr. Kolter.

H.R. 3108: Mr. Pallone and Mr. Hochbrueckner.

H.R. 3147: Mr. Oberstar, Mr. Pallone, Mr. Hubbard, Mr. Fauntroy, and Mr. Lancaster.

H.R. 3254: Mrs. Schroeder, Mr. Traficant, Mr. Garcia, Mr. Applegate, and Mr. Smith of Florida.

H.R. 3267: Mr. Lantos, Mr. Dellums, Mr. Sawyer, and Mr. Horton.

H.J. Res. 122: Mr. Volkmer, Mrs. Boxer, Mr. Lehman of Florida, Mr. Dwyer of New Jersey, Mr. Walsh, Mr. Towns, Mr. Bevill, Mr. Hatcher, Mr. Payne of New Jersey, Mr. Evans, Mr. Clement, Mrs. Saiki, Mr. Lagomarsino, Mr. Ballenger, Mrs. Collins, Mr. Bliley, Mr. Saxton, Mr. Engel, Mr. Young of Florida, Mr. Ray, Mr. Emerson, Ms. Pelosi, Mr. Bilbray, Mr. Lancaster, Mr. Bonior, Mr. Dymally, Mr. Frost, Ms. Kaptur, Mr. Roe, Mr. Goss, Mr. Hamilton, Mr. Callahan, Mr. Jontz, Mr. Barnard, Mr. English, Mr. Upton, Mr. Flippo, Mr. Murtha, Mr. Packard, Mr. Spratt, Mr. Myers of Indiana, Mr. Rowland of Georgia, Mr. Smith of Florida, Mr. Rose, Mr. Fish, Mr. Jones of North Carolina, Mr. Gingrich, Mrs. Meyers of Kansas, Mr. Darden, Mr. Sawyer, Mr. Price, Mr. Valentine, Ms. Snowe, Mr. Clinger, Mr. Roberts, Mr. Brennan, Mr. DeWine, Mr. Robert F. Smith, Mr. Frank, Mr. Kanjorski, Mr. Bates, Mr. Ford of Michigan, Mr. Whittaker, Mr. Neal of North Carolina, Mr. Hyde, Mr. Fazio, Mr. Stark, Mrs. Lowey of New York, Mr. Moakley, Mr. Thomas of Georgia, Mr. Grandy, Mr. Lent, Mr. Foglietta, Mr. Pickett, Mr. Smith of New Hampshire, Mr. Tanner, Mr. Schaefer, Mr. Poshard, Mr. Morrison of Connecticut, Mr. Skaggs, Mr. Gordon, Mr. Dornan of California, Mr. Young of Alaska, Mr. Clarke, Mr. Parker, Mr. Borski, Mr. Solarz, Mr. Hubbard, Mr. Durbin, Mr. LaFalce, Mr. Harris, Mr. Payne of Virginia, Mr. Jones of Georgia, Mr. Tallon, Mr. Coughlin, Mr. Mollohan, Mr. Tauzin, Mr. Montgomery, Mr. Wise, Mr. Wolf, Mr. Wolpe, Mr. Craig, Mr. Hertel, Mr. Ireland, Mr. Markey, Ms.

SLAUGHTER of New York, Mr. RAVENEL, Mr. TAUKE, Mr. SPENCE, Mr. HENRY, Mr. LIGHTFOOT, Mr. SHAYS, Mr. COBLE, Mr. BERMAN, Mr. BROWDER, Mr. DONNELLY, Mr. CONTE, and Mr. AUCOIN.

H.J. Res. 141: Mrs. PATTERSON, Mr. GRANDY, Mr. MOODY, Mr. BALLENGER, Mrs. SAIKI, Mr. MOAKLEY, Mr. PETRI, Mr. SHAW, Mrs. UNSOELD, Mr. FASCELL, Mr. STAGGERS, Mr. QUILLEN, Mr. MCDERMOTT, Mr. ANNUNZIO, Mr. PACKARD, Mr. RUSSO, Mr. MANTON, Mr. COSTELLO, Mr. FAWELL, Mr. HYDE, Mr. LIPINSKI, Mr. MICHEL, Mr. SAVAGE, Mr. COX, Mr. DORNAN of California, Mr. MURPHY, Mr. FALEOMAVAEGA, Mr. DONNELLY, and Mr. APPLEGATE.

H.J. Res. 177: Mr. MCNULTY, Mr. POSHARD, Mr. OBEY, Mr. WOLPE, Mr. PANETTA, Ms. SLAUGHTER of New York, and Mr. MFUME.

H.J. Res. 242: Mr. LEHMAN of Florida, Mr. MAVROULES, Mr. MRAZEK, Mr. ROE, and Mr. CARPER.

H.J. Res. 270: Mr. JONES of Georgia, Mr. LANCASTER, Mr. BUSTAMANTE, Mr. INHOFE, Mr. BONIOR, and Mrs. MARTIN of Illinois.

H.J. Res. 282: Mr. WEBER, Mr. RICHARDSON, and Mrs. PATTERSON.

H.J. Res. 320: Mr. COURTER, Mr. FASCELL, Mr. KASICH, Mr. ROE, Mr. SKEEN, Mr. DENNY SMITH, and Mr. STARK.

H.J. Res. 354: Mr. ENGEL.

H.J. Res. 378: Mr. BATES, Mr. BOUCHER, Mr. CARDIN, Mr. DELLUMS, Mr. DYSON, Mr. FASCELL, Mr. JONTZ, Mr. KILDEE, Mr. LEACH of Iowa, Mr. MINETA, Mr. SHARP, and Mr. SAWYER.

H.J. Res. 400: Mr. DIXON and Mr. DOUGLAS.

H. Con. Res. 147: Mr. SHUMWAY, Mr. KOLBE, Mr. BATEMAN, Mr. DENNY SMITH, Mr. PACKARD, Mr. MACHTLEY, Mr. GEJDENSON, Mr. ACKERMAN, Mr. WALSH, Mr. DE LUGO, Mr. BUNNING, Mr. BUSTAMANTE, Mr. BROWN of California, Mr. NEAL of North Carolina, Mr. RAVENEL, Mr. AUCOIN, Mr. FISH, Mr. MRAZEK, Mr. TORRICELLI, and Mr. DOUGLAS.

H. Con. Res. 182: Mr. ATKINS, Mr. GEJDENSON, and Mr. MCNULTY.

H. Res. 219: Mr. DOWNEY, Mr. LEWIS of Georgia, Mr. RAVENEL, Mr. MILLER of California, Mr. CAMPBELL of California, Mr. BATES, Mr. BRUCE, Mr. EVANS, Mr. GUARINI, Mr. MURPHY, Mr. KILDEE, Mr. HOCHBRUECKNER, Mr. NEAL of Massachusetts, Mr. FLIPPO, Mr. JOHNSON of South Dakota, Mr. FUSTER, Mr. BENNETT, Mr. SCHEUER, Mr. PEASE, Mr. ROSE, Mr. STARK, Mr. BEILENSON, Mr. DYSON, Mr. LANCASTER, Mr. SAXTON, Mr. VENTO, Mr. JAMES, Mrs. SCHROEDER, Mr. ROE, Mr. MORRISON of Washington, Mr. SLATTERY, Mr. GEJDENSON, Mr. ATKINS, and Mr. VALENTINE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3299

By Mr. HASTERT:

—Strike subsection (a) of section 10076 and insert the following:

(a) INCREASE IN EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(1)) before the close of the taxable year involved shall be, in the case of the taxable year ending after 1989 and before 1991, the amount which would be determined under this paragraph for each month of such taxable year if section 10076 of the Omnibus Budget Reconciliation Act of 1989 had not been enacted, plus $2,500.00.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1989.".

SENATE—*Wednesday, September 20, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The fear of the Lord is the beginning of wisdom: and the knowledge of the holy is understanding.—Proverbs 9:10.

Let us hear the conclusion of the whole matter: Fear God, and keep his commandments: and this is the whole duty of man.—Ecclesiastes 12:13.

Eternal God, infinite in truth and justice and righteousness, these words of Solomon, powerful king and wisest man of his age, who tried everything and found it all vanity, gives us the benefit of His restless, insatiable search for reality. In the complexity of our lives so filled with broken dreams and empty promises, teach us the wisdom of Solomon—to "Fear God, and keep His commandments."

In Jesus' name whose humanity demonstrated this fundamental truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from California.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. CRANSTON. Mr. President, following the time for the two leaders this morning there will be a period for morning business until 10 a.m., wherein Senators may speak for up to 5 minutes each. At 10 this morning, the Senate will resume consideration of H.R. 2939, the foreign assistance appropriations bill.

RESERVATION OF LEADERS' TIME

Mr. CRANSTON. Mr. President, I ask the time for the majority leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. I also ask the time for the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

The Senator from Nevada.

MORNING BUSINESS

Mr. REID. It is my understanding we are in morning business?

The PRESIDING OFFICER. Yes, we are.

DRUG PRISON ACT

Mr. REID. Mr. President, nearly 2 months ago I introduced the Drug Prison Act. This legislation would enable closed military installations and facilities to be transferred to the Bureau of Prisons for use as drug detention centers.

Such action is unquestionably necessary to cope with the increasing number of drug offenders.

We must not allow these people to escape punishment or receive lenient sentences because there is simply no more room for them in our prisons.

We are trying to wage a war on drugs. Winning that war means being taken seriously—and that means putting drug offenders behind bars. If we are truly intent on erasing the horrendous effects of drugs in our society, we must incarcerate these individuals.

President Bush has presented the Nation with an ambitious antidrug plan. A billion and a half dollars has been targeted for new prison construction.

We all agree that more prisons are needed—but it makes no sense to spend over a billion dollars to build new jails when military base structures slated for closure could easily be converted to prison facilities for these drug offenders.

In this era of budget deficits and assurances of no new taxes, the proposal for massive new prison construction is preposterous.

This Nation is in dire need of an antidrug offensive. But let us keep in mind our bottom line priority—we must be able to pay for what we want.

In the coming weeks, Democrats and Republicans will work together to develop an antidrug plan upon which we can all agree. But this plan must be constructed within the bounds of our economic resources.

Any drug bill for which we can realistically pay should incorporate my Drug Prison Act. This is a perfect opportunity to utilize existing resources without compromising effectiveness.

The concept embodied by my proposed legislation is strongly supported by the Governors of this country. Just last month, the National Governor's Association developed a series of recommendations on drug policy for the Bush administration. Speaking to President Bush on behalf of his fellow Governors, Florida Gov. Bob Martinez explained the economic feasibility of using closed military bases as prisons for drug offenders.

Governor Martinez said, "The land is there * * * the facilities are there * * * we're not talking big money."

Money, Mr. President. That is what it all comes down to—despite our best intentions and our deepest convictions is still money. If we cannot pay for the antidrug plan, then it will remain nothing more than a good idea on a drawing board. And good ideas alone, will not win the war on drugs.

William Bennett, Director of the White House Office of National Drug

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Control Policy, the drug czar estimates that the antidrug campaign could cost $50 billion over the next 5 years. But the Democratic antidrug proposal calls for an initial outlay of $10 billion.

We are so busy squabbling over how much we are going to spend that we have given no thought to ways in which we can save.

I emphasize once again a way that we can save more than a billion dollars that is convert closed military bases to prisons.

We should use existing Federal resources rather than pulling money from programs that are straining to survive on diminishing budgets.

It is also important to point out, Mr. President, that those military bases were constructed over long periods of time. They were well constructed. The facilities are in good shape and if they are not, for a minimal amount of money they could be put in condition so that could hold these Federal drug offenders.

It is imperative that we utilize existing resources because, as the costs of our proposed antidrug efforts escalate, we will need to seek more and more funding sources. In many cases, we will have to cut money from other programs to fund our drug effort.

President Bush's plan, for example, says we will get nearly $200 million by cutting the budget for programs such as public housing.

Perhaps it escaped the attention of those who devised this plan for the President, but one of the primary problem areas for drug markets, violence, and neglected children of drug addicts occurs in public housing projects.

And yet we are going to be asked to take money away from building and improving these housing projects. We are asked to take money from programs such as this to build facilities for prisons which, for all intensive purposes, already exist.

To reiterate the words of Governor Martinez: "the land is there—the facilities are there." What more do we need?

It is up to us to act responsibly and not spend money for new prison construction when we can use existing closed military facilities at minimal cost.

As representatives of the American people, we have our work cut out for us. A New York Times/CBS poll conducted at the beginning of this month found that 64 percent of Americans cite drugs as the Nation's most important problem.

Since this organization started taking this poll in 1976, never has there been such a large percentage of Americans agreeing on one issue as a single most important problem facing this country. The American people want action, but they also expect us to be responsible and to be accountable.

We want a drug bill that will not only pass but will actually be implemented. Perhaps it will serve as a prudent reminder that our much-applauded Omnibus Drug Act of 1986 was never funded. This major legislative accomplishment was, therefore, implemented only in bits and pieces. A piecemeal approach is no way to win a war. An effective attack requires a plan that is creative and is aggressive yet economically feasible. A responsible plan should, therefore, incorporate my Drug Prison Act.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

LESS EXPENSIVE PENAL FACILITIES

Mr. EXON. Mr. President, I want to congratulate my friend and colleague from Nevada for the remarks he just made. If the Senator from Nevada introduces legislation on this subject, I would like to be added as a cosponsor. I believe that with the tremendous expense that faces us in the future, anything we can do to follow up on suggestions by the Governors for less expensive penal facilities, then we are going to be able to save that amount of money to put it on other parts of the drug program that needs attention. I congratulate the Senator from Nevada for his excellent remarks and they make an awful lot of sense.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

PUERTO RICO—DECLARATION OF FEDERAL DISASTER AREA

Mr. D'AMATO. Mr. President, yesterday I received numerous phone calls from my constituents, including the Bronx Borough President, Fernando Ferrer. They were calling about the grave situation that exists in Puerto Rico as a result of Hurricane Hugo. Yesterday, I wrote to President Bush in support of Governor Colon's request to have the Commonwealth of Puerto Rico declared a Federal disaster area. Swift action on our part is imperative.

Hurricane Hugo, with its winds of 125 miles an hour, left a path of destruction unprecedented in this decade. At least 19 people are known dead at this time; 27,000 of the island's 3.3 million people are homeless. There is an immediate need to restore communications. It is estimated that the damage to the electrical network is close to $20 million, and as it relates to damage on the islands, some conservative estimates are that it will be well over $1 billion.

As of today, half of the island's population of 35 of the 78 municipalities are without electricity. Food stores remain closed.

One and a half million people in New York's Puerto Rican community have mobilized to assist those who are without food, homes, and other necessities. There is a panic and uncertainty over the well-being of relatives and friends since communications are very poor.

In addition to the immediate need to provide food, water, shelter, electricity and communications, Puerto Rico will also need assistance in repairing long-term damage to its economy, especially to its tourist and agricultural industries. The coffee harvest, as well as banana and orange crops, has been severely damaged.

Mr. President, I urge my colleagues to support Governor Colon in his request to have Puerto Rico declared a Federal disaster area. Thank you, Mr. President.

NO ONE ANSWER TO THE WAR AGAINST DRUGS

Mr. D'AMATO. Mr. President, I would like to commend the distinguished Senator who is now sitting as Acting President pro tempore for his vision and, indeed, his thoughtfulness in urging that we use all of the resources of this country in the battle against drugs. Indeed, the military facilities that can be utilized and turned into prisons should be and it should be done quickly. There is no excuse for our languishing in this war. So I commend the Senator from Nevada for his thoughtfulness.

There is no silver bullet, there is no one answer to this war against drugs. Sending supplies and equipment and, yes, United States advisers to Colombia in the battle against the cartel to assist that nation is important. I believe that we should develop an international drug strike force so it is not always the Americans who are called upon. I think that is important. I would hope our allies would join with us.

But we are not going to win the war just by simply taking the cartel on abroad, and that is important. We are not going to win the war simply by building more prisons. Yes, we need them, but today we see convicted drug dealers back out on the street in little or no time because, in community after community, there is not sufficient jail space.

What a mockery and sham we make of the law when it is not enforced. And, yes, we need better law enforcement. Yes, we need more education. Part of that education is to indicate to and educate children and all people in our society that the use of drugs, is, yes, dangerous for themselves and their own well-being and health, but that are penalties involved in using drugs.

I think sometimes we are really afraid to take on the drug war because it strikes very close to home. One of the controversial areas that we are fearful of discussing here on the Senate floor—Lord knows why—we are seeing our communities ravaged. We do not have the courage to stand up and address vital questions.

What role should drug testing play in the war on drugs? Drug testing has been very successfully used, Mr. President, in the military where we now have random drug testing. Some reports indicate that drug use has diminished by 500 percent. At one time, drug use was over 25 percent. Yes, one out of four were using drugs rather regularly. Since that program of mandatory testing—zero tolerance for young people entering the military—that you will be tested and if you are using drugs, you could face loss of your job and be put out of the military. Drug use has gone from 25 percent to down below 5 percent. It works.

The people know that there is a penalty attached with the use of drugs and there is a good chance that they will be caught using it. It serves as a deterrent. It is not going to win the battle in and of itself.

What role should drug testing play in the war on drugs? I ask that of my colleagues today and the President. Most people believe there should be drug testing for airline pilots, flight controllers, other occupations where the safety of the public is at stake. Currently, random drug testing policies are being challenged in the courts. I ask this question, should police officers be tested? And what about other occupations? What about first time applicant for a driver's license?

I think the issue of drug testing is one that should be fully debated, and we have to have the courage to do that. Mr. President, I believe that drug testing can play an important part in our battle against drugs. I hope we have the courage to begin to undertake a thoughtful examination of what role it can and should play if we are really going to undertake this battle.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **LEAHY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE IMPORTANCE OF HOUSING VOUCHERS

Mr. **GORTON**. Mr. President, today I rise to ask that those of us in the Senate, as well as our colleagues in the House, pause to once again take a close look at the charges of influence peddling at the Department of Housing and Urban Development.

We in Congress continue to express shock and dismay at the mismanagement of funding programs at HUD, while it is we who continue to laud our own version of influence peddling—our ability to win favors for constituents. The existence of this cynical double standard is one of the lessons of the scandal.

But the more important lesson to be learned, Mr. President, is that it is the flawed policy enacted by Congress to address the housing needs of America's poor primarily by pouring money into the pockets of landlords, developers and, indirectly, consultants.

Under the current arrangement, owners and developers gain enormous profits and face little financial risk.

With a captive market of tenants, landlords across the country are letting their property deteriorate and some are threatening to remove those dwellings from the stock of low-income housing as their rent-guarantees expire.

This type of policy continues to cost the taxpayer roughly double what it would cost to give assistance directly to poor families in the form of housing vouchers.

The continuation of these policies will not prevent a new housing scandal. Worse yet, it will not give the poor the affordable housing they so desperately need.

It is time, Mr. President, we recognize that the best way to house the poor is to empower them through the increased use of housing vouchers.

A housing voucher is a certificate of fixed value that poor families can use toward rent payments. Vouchers thus give poor people consumer power—by allowing them to pick and choose from the available housing stock in the rental market instead of being forced to live only in subsidized projects.

At the present time, only 200,000 families receive vouchers—a small fraction of the 4.3 million families in subsidized housing.

Mr. President, I submit that if we are genuinely interested in helping the poor, we will strive to eliminate the trickle-down programs that throw dollars at the housing industry and use this money instead to fund many more vouchers.

Housing vouchers make the housing consumer king. Vouchers give families freedom of choice and the incentive to bargain with landlords who then must compete for tenant dollars rather than a HUD official's ear.

Moreover, consultants and artificially inflated housing costs have no place in a voucher program, since hiking costs only makes the developer and landlord less competitive in the rental market.

To be sure, HUD must do far more than distribute more vouchers. Secretary Kemp must spearhead other strategies including, enterprise zones and tenant ownership.

And I, Mr. President, want to encourage Secretary Kemp to join me in taking every opportunity to remind Congress of the central lesson in the current HUD scandals—programs that subsidize developers are inherently flawed.

Those programs cannot be corrected merely by some tinkering and more oversight. It is time Congress replace them with housing vouchers that subsidize our Nation's poor families directly.

TERRY ANDERSON

Mr. **MOYNIHAN**. Mr. President, it is now 1,649 days that Terry Anderson has been held captive in Beirut. That is to say he has been held against his will, from his family and home, in the darkest of conditions, for over 4 years.

It is imperative that we continue to keep Terry Anderson in our thoughts and that our Nation continue to seek his release.

TRIBUTE TO WALTER DUNFEY

Mr. **DODD**. Mr. President, a week ago I learned of the death of a unique American, one of the most kind-hearted people I have had the good fortune to know in my years in politics. Walter Dunfey's wealth as founder of what is today the Omni hotel chain would have been sufficient to gain him admirers; his power in the New Hampshire Democratic Party would have gained him deference. But it was his generous spirit that gained him the number of caring friends that he had.

Walter's background was not lofty—he got his start in the working-class Irish-American community in Lowell, MA, and one of his first entrepreneurial ventures was a clam shack on the beach. What made Walter special, though, was that despite his financial success, he never forget the needs of those less fortunate. For friends and friends of friends, Walter was always ready to lend a hand or provide some assistance. For the needy across America, Walter's liberal politics demanded that our Nation help out.

New Hampshire is not a State in which Walter Dunfey's political philosophy finds many adherents. Yet even among the State's conservative Republicans Walter was respected for his commitment to his cause and for his willingness to make a personal commitment to helping people in poverty.

Mr. President, my distinguished colleague from Massachusetts, Senator KENNEDY, delivered a moving tribute at the memorial service for Walter Dunfey. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDWARD M. KENNEDY: TRIBUTE TO WALTER DUNFEY, SEPTEMBER 14, 1989

Today we mourn the passing not only of a friend, but one of the finest friends that any of us ever had.

He was a grandson of Irish immigrants who became a symbol of the American dream—one of the most successful businessmen of the century. In rising to those heights, Walter never forgot his roots. He never lost the qualities of compassion and affection for friends and fellow citizens that are the hallmark of all the Dunfeys of County Kerry and the heritage we share.

He died too young—but in the brief years he was given, he accomplished what others would take a hundred lifetimes to achieve. And in all we did together, I never heard Walter say "no" to a friend or worthwhile cause.

He was always there for me and for my family. It seems like only yesterday—Manchester, New Hampshire 1960—Walter standing side-by-side with Jack at the Carpenter Hotel as the campaign for the New Frontier began.

That's where I first met Walter 28 years ago. As General Manager of the hotel, he had been named "Mr. Manchester," and we went there in 1961 to honor Walter and celebrate my brother's election. I inherited Walter from Jack, and that visit forged a bond of friendship and loyalty that lasted nearly 30 years.

Later, we celebrated many other happy anniversaries. I was never sure, for example, whether it was Walter's 50th birthday or his 50th hotel.

He was there for Robert Kennedy in 1968, and for me in my 1980 campaign. And he has been there for me again and again in other ways—in good times and bad—a safe harbor in any storm, a friend always ready to sail against the wind.

Since 1980, I've often been asked by people if I'll ever run for President again. Walter put it differently. He asked if I ever did.

Walter was well informed about everything. He shared our progressive goals for America and its future. Once he said, "Although I'm a liberal, Ted, I'm not sure I'm as liberal as you are—but who is?"

He loved an Irish tale. He often reminded me of the famous Irish legend that when a baby is born, the angel of the Lord comes down and gives him a kiss. If the kiss is on the forehead, the child will become a great philosopher. On the mouth, a great singer. On the heart, a great humanitarian. "I can imagine," Walter said, "where the angel kissed you to make you a Senate Committee Chairman."

The Dunfeys always ran a tight ship. A few years ago, a Senate colleague called and said, "Ted, I don't know what your political plans are. But if you can get a room for me at Dunfey's Hotel in Hyannis on Memorial Day weekend, I'll endorse you for 1988."

Walter was proud of many things. But he was proudest of all of his large family. We'd laugh together over who would win the New Hampshire primary if only Kennedys and Dunfeys were allowed to vote.

And when it came to children, he liked to say that Dunfeys are size 12, but Kennedys are only size 9.

My mother didn't blink at that—but she always got upset that the Dunfeys had four nuns.

I pointed out once that in our chosen professions, the Kennedys kept going longer, while the Dunfeys always seemed to retire early. "Well," he said, "we started early, and we earned it. You just inherited it."

It will be harder now, but all of us will try to carry on his ideals. What we cannot replace in his inexhaustible energy and boundless friendship. He never stopped trying to make a new friend, or a new world. What a difference he made for our region, our country, and our planet. And he made each of us a better person too, because of the time and caring he gave so generously to our concerns.

Someday sooner, because of Walter, children in Northern Ireland will grow up without hearing the guns of bigotry and violence. Because of Walter, battered women and children are finding safe havens in family shelters in this country, and working mothers are finding day care in local centers. Because of Walter, artisans and craftsmen are able to carry on their trade. Because of Walter, disadvantaged families are finding decent health care at clinics he supported.

Last month, during the recess of the Senate, I had the chance to return to Ireland and to visit Dingle Bay and County Kerry—or County Dunfey, as we call it.

Remembering now the spectacular cliffs along the bay, breathing the pure air, the sun shining warm upon our face, the rain falling softly on the fields, it is easy to see where Walter found his inner strength and faith.

He is in heaven now, which is not far from Dingle.

His journey may be over, but he will never be forgotten by all those he helped along the way—the men and women and children whose lives are changed forever because of Walter Dunfey's special brand of dedication, commitment, and achievement.

For all of them, for all of us, and especially those who were privileged to know him, to work with him, and to love him as a brother, I say, we miss you Walter, and we always will. Until we meet again, may God hold you in the palm of His hand.

TWENTY-FIVE YEARS OF OUTSTANDING SERVICE BY PROF. HARVEY FRIEDMAN AT THE UNIVERSITY OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I want to take this opportunity to congratulate Prof. Harvey Friedman, of the University of Massachusetts at Amherst, for his distinguished career. Professor Freidman has served for 25 years as director of the Labor Relations and Research Center at the university. In fact, he was instrumental in establishing the center, and under his guidance and leadership, the center has become one of the leading institutions in the field.

This weekend, there will be a dinner in Amherst honoring Harvey's quarter-century of service. In advance of that well-deserved tribute, I want to share with my colleagues some of the remarkable achievements of this remarkable leader and teacher.

It was in 1963 that Harvey heard George Meany deliver an address on the need for stronger ties and closer cooperation between higher education and labor. As the assistant director of the Amalgamated Clothing Workers for New England, Harvey had traveled throughout the six-State region, teaching labor education classes since 1950. He knew the important role that education must play, and after much deliberation, Harvey accepted the offer by the University of Massachusetts to help establish the Labor Center.

Over the past 25 years, Professor Friedman has trained several generations of graduate students in the art and science of labor relations. He has designed the program, administered the program, advocated, defended, and expanded the program, while always managing to carry a full load doing what he loves most—teaching the program.

His duties at the university did not preclude his active pursuit of interests outside the institution, ranging from industrial gerontology and preretirement planning to his continuing and productive involvement in Massachusetts politics.

The program that Professor Friedman has developed at the Labor Center is an amalgam of many disciplines, including law, sociology, history, management, economics, and political science. But under Harvey's expert guidance, these diverse subjects are woven into a unique and effective labor studies program.

Harvey Friedman's graduates can be found throughout New England and in Washington too—working for labor unions, for Government agencies, and on Capitol Hill, including the Senate Labor Committee staff. Professor Friedman is rightfully proud of their accomplishments, but few of them would be where they are today without Harvey's inspiration, perspiration, and guidance.

So to Professor Harvey L. Friedman, in recognition of 25 years of outstanding service as director of the University of Massachusetts Labor Relations and Research Center, for his invaluable contributions to the labor movement, his community, his Commonwealth, and his Nation—and above all to the generations of students now practicing what Professor Friedman has taught so well for so long—I extend my warmest congratulations and gratitude for a job well done. We are all in his debt.

BANGOR POST OFFICE

Mr. COHEN. Mr. President, today I wish to bring my colleagues' attention to a serious matter affecting my State. On August 23, the Postal Service announced the elimination of 37 management service centers across the country. One of them is in my hometown of Bangor. It serves as the hub of postal operations for northern and eastern Maine.

The Postal Service revealed that it plans to join the Bangor management service center with the Portland management service center, which means that the more than 31,000 square miles in the State would be served by a single center.

The Postal Service says that eliminating the Bangor center would save $1 million each year. Twenty-five managerial positions would be affected, and although not all of these would be shifted to Portland, all would leave the Bangor Post Office.

This decision came as a great surprise to me and to the people in my State. The Postal Service has acknowledged that the Bangor center was well run and that service to the northern part of the State was excellent. A change this dramatic naturally concerned me and I attempted to get some explanation from the Postal Service so I could assess it and pass that information to the people of Maine.

That should have been a very easy matter.

But instead, I stepped into an unbelievable bureaucratic maze. When those efforts failed, and in the face of growing constituent concerns, my colleagues in the Maine congressional delegation and I took further action.

On September 8, Senator MITCHELL, Congresswoman SNOWE, and I wrote to the Postmaster General asking for an explanation of the decision and facts to support the assurances that good mail service would be continued. The Postal Service tells us that letter was received on September 13.

It took 5 days from the time we mailed it here in Washington to travel a few blocks away. Now they are trying to tell the people of Maine that adequate postal service is going to be continued. It is no wonder there is great doubt.

The Postal Service sent representatives to my office, but they've given me an inadequate explanation. They provided me with a memorandum. It's four pages long. The first page is missing. Page 2 is dated July 24, page 3 is dated July 25, and page 4 is dated July 24 again. I don't know who prepared this, but I guarantee you that it is comparable to the Egyptian hieroglyphics in terms of its clarity. I can't figure this out, and I suggest that none of my Senate colleagues could either.

I tried to express my frustration. At long last, Senator MITCHELL and I have been able to contact the Postmaster General. He has assured us that he will give this matter his personal attention. But if he mailed a letter today, it wouldn't get here for 5 days. The merger would have taken place by then.

So difficulty in getting answers from the Postal Service is really not tolerable. We have a number of questions to be asked and answered. They are:

What convinced the Postmaster General that the consolidation was cost-effective—the basis for the projected $1 million savings?

What are the functions of the affected postal positions and how will service remain unchanged if they are eliminated?

Why have we had such difficulty in obtaining information about the consolidation?

Why did the Postal Service fail to comply with the 60-day notice provisions of the Postal Reorganization Act?

Was the size of the State and distances from Portland even considered in the decision?

How can service be maintained when the management personnel in charge of that service has been transferred 133 miles farther away?

I, and the people of Maine, would like answers to these questions. I hope they will be forthcoming soon from Postmaster General Frank.

I ask unanimous consent that the four-page memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MSC PROPOSAL BANGOR TO PORTLAND

STANDARD FORMAT

Data Requirements for MSC Consolidation Proposals

I. Statement of Proposal:

Consolidation of MSC Bangor into MSC Portland. Bangor will be an EAS-22 associate office and continue as a Mail Processing Center. Portland should change MSC category from IV to V.

II. 3-DIGIT ZIP CODE AREAS SERVED

	Before	After
Losing MSC	044, 046, 047, 049	
Gaining MSC(s)	040–043, 045, 048	040–049

III. NUMBER OF ASSOCIATE OFFICES

Grade	Losing MSC	Gaining MSC(s) [1]	
		Before	After
EAS A–E	42	30	72
EAS 11–15	184	149	333
EAS—18	23	23	46
EAS—20	6	10	16
EAS—21	1	3	4
EAS—22	1	1	[1]2
EAS—24 (and above)	0	1	1
Total	257	217	474
Total city delivery offices	34	35	69

[1] Show losing MSC as an associate office along with projected grade.

IV. BUDGET IN MILLIONS OF DOLLARS (MOST RECENT FISCAL YEAR)

Losing MSC	Gaining MSC(s)		
	Before	After	Percent increase
$52.9	$97.8	$150.7	54.1

V. NUMBER OF DELIVERY ROUTES

	Losing MSC	Gaining MSC(s)	
		Before	After
Full-time city routes	147	338	485
Auxiliary city routes	21	39	60
Rural Rts. (FT & Aux.)	168	219	387
HCR w/box delivery	61	96	157
Other (Collections, parcel post, etc.)	11	33	44
Total	408	725	1,133

VI. NUMBER OF EMPLOYEES (INCLUDING CASUALS)

Losing MSC	Gaining MSC(s)		
	Before	After	Percent increase
1,618	2,832	4,450	57.1

VII. GEOGRAPHIC AREA

[Square miles]

Losing MSC	Gaining MSC(s)	
	Before	After
26,636	6,664	33,300

VIII. NUMBER OF SUBORDINATE MAIL PROCESSING CENTERS

[In MPC's]

Losing MSC	Gaining MSC(s)	
	Before	After
0	1	2

IX. Impact on Mail Processing/Transportation (describe changes, if any).

No Impact Foreseen.

X. (Continued)

Gaining MSC: additional positions that may be required

Training Specialist EAS-14	1
Supv. Acctg. EAS-16	1
Postal Op. Spec. EAS-17	1
Assoc. Off. Coord. EAS-17	2
Safety Specialist B EAS-16	1
Supv. Injury Comp. EAS-16	1

XI. Savings:

Savings *$648,562*

See Attachment "A" for analysis and Attachment "B" for individual position and impact.

XIIA. Employee Impact (Non-Bargaining Unit)

Losing MSC: list all authorized positions and grades)

(See Attachment "B").

XIIB. Bargaining Unit Employee Impact (If Any)

(See Attachment "C").

XIII. Reassignment Options

Non-Bargaining Unit:

a. internal

b. within commuting distance

(Refer to Attachment "B"—column "Reassignment Option")

XIV. Other Relevant Considerations

CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2939, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished ranking member is checking some other things. So I ask unanimous consent that I be allowed to proceed for not to exceed 10 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT PENN WARREN

Mr. LEAHY. Mr. President, one of the century's great men of letters died in Vermont Friday. The outpouring of sympathy to the family and the tributes to Robert Penn Warren's lasting contribution to American literature, come from all nations.

Mr. Penn Warren lived the last part of his life in a courageous struggle against cancer—the disease that finally claimed him.

He loved our State of Vermont and chose to spend his remaining days in the home he had converted from two old barns into living and working space. He died in Stratton, in the heart of the Green Mountains. He had grown to understand the strong affection that Vermonters hold for the land, and had long become one of us. His prose and poetry was of the South, but his legacy is to the world.

Vermont does not claim him as a native son—but we are grateful for the time he stayed with us.

I suspect he had Vermont somewhere in his mind when he wrote this poem some years ago.

Long ago, in Kentucky, I, a boy, stood
By a dirt road in first dark, and heard
The great geese hoot northward.

I could not see them, there being no moon
And the stars sparse. I heard them.

I did not know what was happening in my heart.

It was the season before the elderberry blooms,
Therefore they were going north.
The sound was passing northward.

Mr. President, the season is over, and the birds are returning southward. Our grief at the passing of Robert Penn Warren is now the sound you hear above.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, the foreign operations export financing and related activities appropriations bill before the Senate was unanimously reported by the Appropriations Committee on Thursday, September 14.

The bill is within the Foreign Operations Subcommittee's 302(b) allocations of $13.65 billion in discretionary budget authority and $11.55 billion in discretionary outlays.

In fact, I might say this comes almost exactly at those totals. The reason I mention that, Mr. President, is that Senators should realize there is no room whatsoever in this bill for further spending. Any increases in any programs in the bill have to be offset by corresponding reductions in other programs. In fact, it has also to be consistent with the varying outlay rates of the different programs.

I will be compelled to raise a Budget Act point of order against any amendment which would cause the bill to exceed it 302(b) allocation. I believe I will be fully supported in such a point of order by my distinguished colleague, Senator KASTEN.

This bill is the product of weeks of hard work by both sides of the aisle. Since neither side, I might say, neither the Democratic or Republican side is completely happy with the final product, that probably emphasizes that this is, indeed, a bipartisan bill.

Each side has made compromises. Both sides of the aisle cooperated in an effort to structure a bill that would be within budget, that would meet essential U.S. foreign policy needs, and reflect the major goals and priorities of the Congress.

In that regard, Mr. President, I want to warmly thank my distinguished colleague and my good friend for many years, the ranking Republican on the Foreign Operations Subcommittee, the distinguished senior Senator from Wisconsin [Mr. KASTEN]. While there are three important differences between us on this bill, we are agreed on virtually all the rest of it including the funding levels for each of the programs. In fact we stated at the time the bill went through, the bulk of the bill we agreed on. On those areas where there were differences, of course, it would be a matter of debate on the floor and votes.

I might say in that regard it has been a pleasure to work with a ranking member as cooperative and constructive as Senator KASTEN. And I would add to that, also with his chief of staff on this bill, Jim Bond. I have known him for years in various incarnations both of us have had in here in various other committees. I know he, and Eric Newsom on my side, have worked very closely together on this.

There has been a positive attitude, trying to move this bill through the subcommittee and the full committee. I might say in that regard, Senator KASTEN was willing to do that, despite is strong, long-held opposition to three important provisions in it. Had we not had his help and cooperation we would not have had a bill, the vast bulk of which should have the support of the complete majority of both sides of the aisle in this body.

We will not start the debate on the controversial issues of the bill right now, Mr. President, but for the information of Senators let me identify what I except them to be. As I said, Senator KASTEN has forthrightly informed me he will oppose at least these three provisions in the bill. Of course neither one of us know what amendments might come up form other Senators.

The first controversial one is El Salvador. I should talk about the provision of El Salvador. There is language in the bill that caps military assistance to El Salvador at $85 million, rather than the $97 million the President requested. In addition, the provision divides the $85 million into three equal parts or tranches; the first two tranches are available to the President to be released automatically without any action by Congress on October 1, 1989, and February 1, 1990.

The third tranche will be available to be released on June 1, 1990. But on that one, Mr. President, the provision requires that the Secretary of State submit a report to, in fact consult with, the appropriate committees of Congress on El Salvador not later than January 15 and May 15, 1990.

It further requires that not later than May 15, 1990, if the President intends to release the final tranche on June 1, he must notify the appropriate committees of the House and Senate and such notification will be considered by the appropriate committees through their regular reprogramming procedures.

Of course, while not bound by law to honor an objection from any of the appropriate committees under the existing reprogramming procedures, as a matter of longstanding practice by both the executive and legislative branches, the committee would expect the President not to proceed with release of that final tranche of military aid over the objections of any of the committees.

I am confident should this provision become law, President Bush would respect established procedures regarding reprogrammings and not proceed with the release of the third tranche over the objections of any one of the committees.

I understand there will be objection to this, and there is objection to this from the executive branch. Frankly, I cannot understand why. What we are saying in this is simply for the executive branch to give money to El Salvador in accordance with El Salvador following basic tenets of human rights in their behavior.

The administration said they expect them to do this. Therefore, it is hard for me to understand why they would object to the provisions; yet they do.

If they are successful in their objections, in winning that, what I should point out to them, just so they will understand, is that somehow we are going to have to reflect the concerns of people who feel there is not enough being done in El Salvador to assure human rights.

Because of that, it will be my intent as chairman of the subcommittee to have major, consistent, periodic hearings on activities in El Salvador so that those who feel that things are not being done right, that they have a legitimate claim to raise, then they will have a forum to raise it in.

We will have vigorous debate over the issue of United States policy toward El Salvador. The comanager of this bill will lead the opposition. He may well offer a substitute, so some Senators will not be voting up or down on the fundamental questions of the role of Congress in shaping administration policy. We will have a debate on that. I will not go further into it now.

In the Appropriations Committee on this issue, I would have won. I think for the first time a majority of the appropriations committee has concluded this strong signal should be sent to the Government of El Salvador; that there must be a negotiated end to the decade-long, brutal and murderous war.

The other controversial area is the so-called leveraging provision, aimed at preventing another rogue operation like the madcap Iran-Contra fiasco. This is language from the House bill that the committee retained, which prohibits use of funds appropriated by the Foreign Operations Appropriations Act to further any military or foreign policy activity forbidden by U.S. law.

The provision further prohibits use of funds appropriated in this act for the purposes of soliciting funds from any foreign government, foreign person, or United States person for the purpose of furthering any military or foreign policy purpose contrary to U.S. law.

Finally, it stipulates that this provision is not to be interpreted as interfering with assistance for the voluntary integration or relocation of the Nicaraguan resistance consistent with the bilateral accord in Central America on March 14, 1989, or regional peace agreement.

Senators will immediately recognize that this provision is similar in intent to a provision offered by the distinguished senior Senator from New York [Mr. MOYNIHAN] on the State Department authorization bill and adopted by the Senate. The only difference is that it does not contain criminal sanctions.

The third major area of controversy is the UNFPA contribution. The committee adopted by a 15-to-12 vote a provision offered by my good friend, the distinguished Senator from Maryland [Ms. MIKULSKI] to permit United States contribution to the United Nations Fund for Population Activities, but prohibiting any of the funds going to support population activities in China.

The provision requires the UNFPA to deposit the U.S. contribution in a separate account and not to commingle them with any other UNFPA funds. This will enable the United States to track our contribution to ensure that none of these funds are used to support any population activities in China.

Mr. President, let me make sure that all Senators understand some of the things I wish to do with this bill. We are somewhat hampered by the fact that the appropriations bill becomes, in effect, both the authorizing and appropriating bill in this instance, and I understand that. I also have some deeply felt ideas of what might be done in this bill. I would like to see us start to reverse the trend of giving more and more military aid and less and less of developmental aid, of foreign aid of the nature that helps clothe people, house people, and feed people.

It is like turning a huge supertanker around, but I would like to start seeing the U.S. money spent on foreign aid going to some of the basic aid issues of housing people, feeding people, clothing people, helping to educate people and eradicating disease around the world. That means we have to start cutting back money that goes into foreign military aid to go into these other areas. I think that reflects what the American people want to do and that is what I am trying to do within this bill.

I also hope to start an area of a longtime concern to me. We know the dangers being posed by global warming in this country and around the rest of the world. In this bill, we begin to direct foreign aid to be used in a way to reflect the environmental concerns of a majority of Americans. The USAID and others, if they use foreign aid in countries, to help them with reforestation projects to cut back on the destruction of rain forests and to change those practices which pollute not only the country in which they occur but also affect the rest of the world. I want to do that both in this bill and also some of the areas covered in the Agriculture Committee so that maybe we can start a step here in the U.S. Senate where not only do we improve the environment in our country and improve the environment in other countries, but a combination of the two to improve the environment worldwide. This will not be just an issue in this one bill but will occur on and on, in our oversight hearings, and in future legislation.

In El Salvador, if I can just emphasize one more time, there is a new Government in El Salvador. I, like everybody else here, want it to succeed. We want that bloody war in El Salvador to come to an end. We are spending nearly $1.5 million every day in a country that is smaller geographically than my own State of Vermont. We have poured billions of dollars into El Salvador. All I am saying is if the American people are going to sacrifice at home, take cuts in domestic programs here to send money down to El Salvador, the very least we can do is to know that the money goes with strings and the strings attached to it say only that the people who use it must respect human rights, the same as we do here in the United States; the people who use it must follow the law, the same as we do here in the United States; the people who use it must do it for the good of their country and not allow it to be used to murder people of their own country, the same as we would require here. It is, I think, a small point perhaps to some; it is a major point to me.

In our own Nation, if we are having to cut over and over again what we do as a country for our own people, if we are going to send money to other countries, at least let us require the same standards of decency and honesty that we require here in the United States of America.

Let me explain some of the main features of the foreign operations bill. We have cut President Bush's foreign aid request substantially. The President submitted a total foreign aid request of $15,157,926,225 for both discretionary and mandatory programs. We recommended an appropriation of $14,441,752,945 or a cut of $716,173,280. Discounting for inflation, the committee's recommended appropriations for foreign assistance represents about a 2-percent real reduction from last year.

This means a real decline in U.S. foreign assistance from the fiscal 1985 peak continues. This year, Japan replaced the United States as the world's largest foreign aid donor, excluding military assistance. The foreign policy, economic, security and trade implications of this historic shift is not fully understood. In the long run, they are almost certainly disadvantageous for U.S. interests around the world and that, in and of itself, should be a matter of major foreign policy debate within this body and within the administration.

Multilateral assistance: The committee recommended $1,713,501,751, a cut of $282,882,474 from the President's request. At this level of funding, the United States would fall further into arrears.

UNICEF: I should note for the benefit of many Senators who wrote about UNICEF, that we have increased the administration's requested level of $33,900,000 to $65 million. UNICEF is one of the most important and effective child survival programs in the world, and I do not intend to see it gutted.

The committee also recommends an increase of $2 million to the U.S. contribution to the U.N. Environment Program.

IFAD: We have been able to find $30 million for a U.S. contribution in the U.S. international fund for agricultural development, a program aimed to help stimulate basic food production in the poorest countries which face starvation.

This, incidentally, Mr. President, was a high priority for me. And we received letters from a large number of Senators urging us to ensure a substantial U.S. contribution. The president of IFAD assured me personally that with a U.S. contribution of at least this amount, it would allow the program work to go forward.

Bilateral assistance programs—those things most people think about when they hear about foreign aid, such as economic development, health, education, agriculture, environment, child survival, famine relief, disaster assistance—we have increased funding over fiscal year 1989 by $208 million. That reflects a very high priority, a priority shared on both sides of the aisle, that the committee has to helping the poor and in the Third World directly, a decision to protect bilateral aid from real cuts.

Agriculture and nutrition: The committee recommends a $5,995,000 increase in the funding for agriculture development assistance in the Third World. Senator KASTEN and I are fully agreed that the nearly $15 million cut the President proposed is not acceptable, and we worked hard to find the money to increase the program. We have been able to increase funding for education programs, especially basic literacy programs, in the Third World by $5 million over last year's level.

Global warming: Senator KASTEN and I have included in the bilateral aid title of this bill a major new global warming initiative that we jointly developed. Our initiative directs AID to take a leading role in targeting U.S. bilateral assistance from its environmental account to dealing with the two most important sources of greenhouse gas emissions into the developing world—the burning of tropical forests and the use of fossil fuels which emit high levels of carbon dioxide into the atmosphere.

To get this initiative off the ground and to lay the basis for expansion in the future, we provide an additional $15 million in funding to AID's private sector, environmental, and energy account. Senator KASTEN and I intend to monitor this new effort very closely in the Foreign Operations Subcommittee in the coming year.

We are determined to get AID out of its "business as usual" attitude about global warming, and make it a major player within the U.S. Government and in the international arena in responding to this urgent threat to our way of life here at home.

AID operating expenses: It has been necessary for the committee to cut the operating expenses account of AID by $10,000,000 from the President's request and by $5,000,000 from the fiscal 1989 level. We are directing AID to absorb this reduction through economies in management. The committee is convinced that the funding it has provided will be sufficient for AID to implement bilateral foreign aid programs without a reduction in force if AID's management tightens its belt on administrative and personnel costs. We also require AID to absorb any pay increase out of the appropriation for operating expenses.

Drugs: Mr. President, we have heard a lot of talk about drug wars. Here we finally have some real money to do something about drugs.

The committee has made a major effort to find funds for the international struggle against the drug lords. The committee makes available over $263 million to the President to combat the drug scourge, nearly twice the request level.

We fund the State Department's international drug program at the full request level of $115,000,000. In addition, the committee provides $40,000,000 for drug control programs through the Agency for International Development, and directs that up to $10,000,000 more of AID's title II funds should be used for narcotics education and awareness programs abroad.

In an important initiative, the committee gives the President the authority to use up to $69,000,000 from the economic support fund to assist Bolivia, Ecuador, Jamaica, and Peru in the antinarcotics effort, together with $35,000,000 from the Foreign Military Financing Program for Bolivia, Ecuador, Jamaica, and Colombia for the drug war.

We provide $3,500,000 for weapons and ammunition for foreign law enforcement agencies engaged in narcotics enforcement, and $1,000,000 from military assistance accounts to arm aircraft used for drug eradication and interdiction programs abroad. This is to protect the State Department's helicopters and light aircraft used in the eradication and interdiction effort from the increasing lethal weaponry of the drug gangs in Peru, Bolivia, and Colombia.

Further, we provide the President such sums as may be necessary from State's international narcotics control program as may be needed to train law enforcement personnel organized specifically for antinarcotics activities in Bolivia, Peru, Colombia, and Ecuador.

As I said, Mr. President, we have had a lot of talk about where money should go for drug programs. As near as I know, this is the first time we actually have some specific money we are going to vote on the floor, something we are going to move out of the press conference level into actually voting for. Senators should know they will finally get a chance. We have all supported the idea of more money for the drug program, we have all supported the idea of money for the war on drugs. We actually get a chance to vote for something here.

Refugees: The committee funds the Migration and Refugee Program at the full request level of $370,000,000. In addition, the committee increases to $50,000,000 the Emergency Refugee and Migration Account, for which the President requested only $10,000,000.

The committee is deeply dissatisfied with the administration's whole stance on the refugee question. The budget request is patently inadequate to meet urgent, desperate refugee needs around the world. To help offset a drastically low administration request for the main refugee program, the committee added $40,000,000 to the emergency account. However, in all likelihood, there will be a substantial shortfall in meeting even basic refugee needs in fiscal 1990. The committee expects that there will have to be a supplemental appropriation request for refugee needs in fiscal 1990.

Israel and Egypt: The committee continues the ESF earmarks for Israel and Egypt at $1,200,000,000 and $815,000,000, respectively. The two nations in the Middle East that have made peace need and deserve our continued help and support.

Poland: Mr. President, the members of the Appropriations Committee, like all Americans, have watched awestruck at the historic changes taking place in Poland. We are determined to do everything within our power to help in the epochal transition to democracy in Poland.

I want to pay special tribute to the leadership of the able and distinguished senior Senator from Arizona, my very good friend, Senator DECONCINI, in helping the committee fashion a total aid package for Poland of $100,000,000. This is far more commensurate with the urgent need for on the ground assistance than the $10,000,000 requested by the President.

To the $10,000,000 requested by President Bush to support his private enterprise fund in Poland, the committee added an additional $35,000,000, for a total of $45,000,000 in direct support. These funds are available on a no-year basis, so they can be expended as the new private enterprise program gets established and worthwhile projects are identified.

We also earmark an extra $40,000,000 from the loan guaranty fund of the Overseas Private Investment Corporation to ensure loans in Poland by private American investors. At the initiative of my friend, Senator LAUTENBERG, the committee authorizes OPIC to operate in both Poland and Hungary.

The committee provides a further $10,000,000 to assist agricultural activities in Poland through the Catholic Church.

Finally, the committee earmarks $4,500,000 to assist Solidarity and other independent, democratic organizations and activities in the transition to democracy in Poland.

Mr. President, even in these times of budget constraints in the United States, we are convinced the American people want to provide every possible help to the Polish people in the inevitable transformation of the Soviet bloc from captive empire to free nations. The committee gave the highest priority to putting together this $100,000,000 aid package for Poland, and looks forward to providing further assistance in the coming years.

I have heard statements from Senators on both sides of the aisle over and over again about their desire to do something for Poland. This is actually the first time they will get a chance to vote on something that will go to Poland. Again, I feel we have all stated our commitment to them. I am sure the Solidarity government is very pleased to hear that Senators, the President, and everybody else are in favor of helping them. I am sure that gives them a nice warm feeling but it is also a little bit like saying the check is in the mail. Here is the check, Mr. President. We are going to get a chance to sign it hopefully today.

The Philippines: President Bush asked the committee to provide $200 million to the Philippines for the multilateral assistance initiative, the 10-year international program to help the Philippines reach self-sustaining economic growth and political stability. In addition, the President requested a total bilateral aid package for the Philippines of $449,371,000, including $55 million in development aid, $31,471,000 in Public Law 480 assistance, $160 million in Economic Support Fund assistance, $200 million in military assistance and $2,900,000 for military training.

Together with the President's request for the MAI, total United States aid for the Philippines would equal $649,371,000, nearly a $200 million increase over last year.

The committee was simply unable to provide such a massive increase in resources for the Philippines in this constrained budget. We were forced by the tight 302b allocation to recommend $160 million for the MAI instead of the requested $200 million.

However, recognizing the strong interest in the MAI by many members of the Senate, and the long-term strategic importance to the United States of a politically and economically stable Philippines, Senator KASTEN and I are very pleased to have found the means to make the full $200 million for the MAI available, if the President wishes to make the hard choices among competing priorities.

On our recommendation, the committee gives President Bush the authority to draw up to an additional $40 million for the MAI from the Economic Support Fund and development assistance once the $160 million is used, if further resources are needed in fiscal 1990.

This means the President has the wherewithal to provide the full $200 million to the Philippines for the MAI.

Pakistan: Pakistan now enjoys democratic government under the leadership of Prime Minister Benazir Bhutto. Pakistan's economic problems remain immense, and it needs as much help as we can afford. With considerable effort, and recognizing that much of this money will have to come at the expense of other, often very important, program, the committee has earmarked $230 million in ESF for Pakistan. As noted elsewhere in my statement, we also provide substantial military assistance to Pakistan.

MILITARY ASSISTANCE

Mr. President, we are recommending a cut of $371,127,806 from the President's request for total U.S. military assistance, reflecting at least this Senator's determination to protect development aid as against more military aid.

The President requested $5,874,854,000 for all forms of military assistance, and the committee recommends $5,503,726,194.

My own view is that this is still far too large a proportion of our foreign assistance program going to unproductive and often unneeded military aid, and inconsistent with changing conditions around the world. It is my strong belief that further cuts in the military aid part of United States foreign aid will be necessary and possible as the United States-Soviet military rivalry wanes and as regional conflicts are resolved.

Within the military assistance accounts, we have earmarked $1,800 million for Israel and $1,300 million for Egypt, the two Camp David countries.

We earmark $500 million for Turkey and $350 million for Greece, preserving the 7-to-10 ratio in military aid to those two nations. Recognizing Pakistan's immense strategic and political importance, and the continuing struggle in Afghanistan, the committee has provided $230 million in new military assistance for that nation.

At my initiative, we have included a provision which cuts off free military training of officers from countries with a gross national product per capita of more than $2,349. There are other programs within the Department of Defense where such countries, such as Austria, Finland, Luxembourg, Iceland, Korea, Singapore, and others can pay for military training if they want it.

No country will be deprived of access to U.S. military training by this provision if they want to pay. But now, the free ride will be over.

In the present budget situation in the United States, there is no reason the American taxpayer should be paying for free military training for officers from countries like these that can afford to pay for it themselves.

EXPORT ASSISTANCE

Many Senators are very concerned about funding for the Export-Import Bank, particularly its Direct Loan Program.

This Senator is a strong supporter of the Eximbank and the Direct Loan Program. That program helps American business compete on a more level playing field with foreign companies which receive subsidies from their governments, often through national foreign aid programs, for their export business in the Third World.

I am glad to assure Senators that in the face of administration opposition, and its efforts to destroy the Direct Loan Program, we have been able to provide $615 million to Eximbank. We did this despite an initial administration attempt to zero the Direct Loan Program, and later to hold its level to only $500 million.

The administration's aim was to siphon off funds from the Eximbank's export financing activities, so badly needed by U.S. exporters to compete against government-subsidized competition, to support other administration priorities.

Senator KASTEN and I fought hard to make sure the Eximbank has a funding level which will enable it to meet at least the minimal needs. We would liked to have provided more to the Direct Loan Program, but the money simply was not there.

However, we have established a new $20 million interest buydown program in Eximbank which can be leveraged into substantial additional export loan financing. Under the Interest Match Program, Exim can guarantee up to 90 percent of a commercial loan, and use funds from the I-Match to buy down the interest on the remaining unsecured portion of the loan to a level which makes American companies more competitive with foreign competitors receiving direct subsidies from their governments.

Mr. President, those are the highlights of this year's foreign operations appropriation bill.

I believe, with the able help of Senator KASTEN and the cooperation of the minority, we have been able to put together a bill which, while it falls short of meeting the needs of many important programs, covers essential U.S. foreign policy objectives.

Before I make the usual motions, I believe my friend, Senator KASTEN, has some remarks he would like to make.

Mr. President, as I yield to my good friend, the distinguished senior Senator from Wisconsin, who has had the opportunity of being chairman of this committee in the past. At the time when he became chairman I told him I didn't know whether to offer him congratulations or condolences. I am not quite sure which he wanted to this day, but I have had a chance to serve with him and my good friend from Hawaii, Senator INOUYE, both in their times as chairman and ranking members of that committee. I had a great deal of respect for both of them, Mr. President, I might say, when they were serving in those capacities. I have considerably more now having done it. I might say it would have been impossible to have brought this bill to the floor today without the help and advice and expertise and cooperation of my friend from Wisconsin, Senator KASTEN. I yield to him.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I thank the Chair.

I sincerely appreciate the kind comments of the chairman of the Foreign Operations Subcommittee. We have been able to work very closely and cooperatively on this legislation and I must commend him, especially in his first year as chairman of this subcommittee. He has continued the bipartisanship which has characterized and driven the Foreign Operations Subcommittee for many years.

As he has stated, this legislation is a product which leaves neither side completely happy but is nonetheless one which I, like Senator LEAHY, can wholeheartedly support.

There are a few areas of disagreement yet to resolve, but again, considering the complex and controversial nature of this legislation, it is truly amazing that there are so few disagreements.

The funding levels recommended by the Committee on Appropriations send a strong signal to our allies that the United States is prepared to sustain its prior year funding commitments, and, where necessary, to respond to new challenges worldwide. This result did not come easily, given the varied and passionate emphases which Members wished to express through this bill. Paring down this legislation to within our budget allocation has been an extraordinarily difficult exercise. In addition, we expect the future to reveal significant additional requirements for programs in countries like Afghanistan, Mozambique, the Baltic States, Poland, and others. There is also strong support by Members for increased funding for programs like Child Survival, UNICEF and IFAD. Everyone supports these individual programs, but it has been very difficult to get support for overall funding levels. Nonetheless, Mr. President, given a wholly insufficient budget, we have managed to craft a largely successful bill in a spirit of bipartisanship and goodwill.

Mr. President, I would like to highlight a few items of concern to me and to others which appear in this bill. The first is the subcommittee's ardent promotion of international environmental protection.

The subcommittee has been deeply concerned that sustainable growth of the Philippine economy is severely jeopardized if that nation's natural resources continue to be squandered. We have therefore stressed wise use of natural resources through the new Philippine MAI.

Another triumph has been our promotion of debt-for-nature exchanges, an effort which is about 3 years old. This year we have authorized AID to establish interest bearing accounts to promote conservation initiatives. Then, we direct the Secretary of the Treasury to incorporate debt for nature exchanges into implementation of the Brady plan. Third, we call on the MDB's to establish lending portfolios that more aggressively promote wise management of natural resources. We also direct the Secretaries of Treasury and State to seek natural resource initiatives as a component of bilateral debt restructuring.

Another critical problem we address in this bill concerns the preservation of wildlife. We are losing whole species to extinction at an alarming rate, Mr. President. For this reason, we have earmarked $2 million for the protection of African elephants. Second, we remove the prohibition on training and technical assistance to wildlife and park police. This will allow us to help developing nations fight poachers and others who steal from national parks and reserves. Finally, we have again provided an earmark of $10 million for the international promotion of biological diversity.

There are a number of other initiatives in this bill concerning issues like energy efficiency and global warming. Every one of these provisions is necessary to combat the grave environmental problems facing us today.

Mr. President, another item of interest in this bill is the African Development Fund. As an author of the concept of this Fund, I remain committed to this flexible approach to providing development assistance to Africa. I am also firmly committed to the idea of popular participation, based on consultation with organizations at both the national and local level that are representative of the people in host countries. In order to make the most efficient use of our aid resources, we need the best possible information and judgement about the needs, capabilities, and aspirations of those affected by our assistance. We can get this knowledge only by consulting with local people or organizations representing them.

I therefore urge our friends at the Agency for International Development to keep channels of communication open to local organizations and U.S.

private and voluntary organizations that are in tune with the perspectives of the rural and urban poor in Africa, as well as in other parts of the world. I hope that in every country in which aid is operating it will develop, if it has not already done so, a process for systematically consulting with representatives of the people in the planning, implementing, and evaluating stages of projects and programs. I also hope the AID Administrator will keep us informed annually in the congressional presentation of the results of such consultations and their impact on the way we provide assistance to sub-Saharan African countries and elsewhere around the world.

Mr. President, this, in summary, is a good bill. It is one which I believe meets almost all of the essential requirements of the Nation's foreign policy. It is a humanitarian bill, which exhibits the compassionate support for the poor which the world has come to expect from the United States. It is a fiscally responsible bill, reflecting the terms of the bipartisan budget agreement. It is an open bill, responsive to the will of the American taxpayer and sensitive to the needs of the country. Last, it is a bill which promotes peace and embodies the values of compassion and justice which we, as Americans, cherish.

Mr. President, measured against the world's problems, $14.4 billion in foreign assistance is vastly insufficient. Yet, for individuals whose lives are touched by the generosity of the American spirit, it can mean the difference between hunger and hope, poverty and prosperity, helplessness and healing.

Mr. President, I urge my colleagues to support our work and approve funding for foreign operations for fiscal year 1989.

Mr. LEAHY. Mr. President, as I said earlier, I am pleased to present to the Senate H.R. 2939, as amended by the Committee on Appropriations. I am going to make a unanimous-consent request, and I know that Senator KASTEN wishes to be heard on it. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided no point of order under rule XVI shall be considered to have been waived if the agreement is agreed to.

Mr. KASTEN. Mr. President, reserving the right to object, I will object. I would like to modify the agreement to make a number of exceptions. Except for the committee amendments found on page 6, lines 9-25, Contributions to the International Bank for Reconstruction and Development;

Page 7, lines 1-6, Limitation on Callable Capital Subscriptions to the World Bank;

Page 16, line 7;

Page 16, line 13;

Page 18, lines 1-12, International AIDS Prevention and Control Program;

Page 20, line 22;

Page 20, line 25;

Page 21, line 5;

Page 21, line 11;

Page 21, line 19, Poland and Hungary;

Page 21, line 1;

Page 23, line 4;

Page 23, line 11, Sub-Saharan Africa and Development Assistance;

Page 32, line 21, Assistance to Jordan;

Page 32, line 25 through line 9 on page 33, various earmarks (Pakistan, Morocco, Tunisia, Portugal).

Page 36, line 2;

Page 36, line 6, Poland earmarks;

Page 37, line 9;

Page 38, line 10, Multilateral assistance initiative for the Philippines;

Page 40, lines 8-10, OPIC earmarked for Poland;

Page 47, line 1; page 47, line 5; page 47, line 6; page 47, line 8; page 47, line 9, Various military aid earmarks;

Page 60, lines 9-12 (Heinz);

Page 98, line 4 through line 11 on page 99, Chile;

Page 140, line 12; page 140, line 20, Prohibition on Leveraging and Diversion of United States Assistance;

Page 149, line 13 through line 8 on page 152, El Salvador;

Page 152, line 9 through line 25 on page 154, Central American Development Coordination Commission;

Page 155, line 8 through line 16 on page 156, OPIC for Poland and Hungary.

With those exceptions, Mr. President, I would no longer object to the request of the chairman.

Mr. LEAHY. Mr. President, I amend my unanimous-consent request to include—which I will not reread—but to include the exceptions made by the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. Is there objection to the Senator's amended request? Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc, except as stated above.

Mr. BYRD. Mr. President, today we are considering H.R. 2939, the Foreign Operations, Export Financing and Related Programs appropriations bill for fiscal year 1990. This measure provides necessary funding for the foreign aid and export assistance programs of the United States, including multilateral and bilateral economic assistance, military assistance, and export financing assistance.

The bill as recommended by the Committee on Appropriations provides $14,441,752,945 for fiscal year 1990. The bill is $716,173,280 below the President's request and $157,139,814 above the House allowance. With respect to the subcommittee 302(b) allocation, the bill as recommended is within both the budget authority and outlay ceilings.

I wish to commend Mr. LEAHY, chairman of the subcommittee, and Mr. KASTEN, the ranking member, for their excellent work in accommodating the priorities of the Senate within the constraints of the budget agreement. Their work was greatly assisted by the cooperation of their colleagues on the subcommittee and on the full Committee on Appropriations.

I also wish to commend the staff of the subcommittee: Eric Newsom, Jim Bond, Tim Rieser, Rand Fishbein, Fred Kenney, and Juanita Rilling. These professionals have worked tirelessly to get this measure before us today.

The managers have explained in much greater detail the contents of the measure as recommended to you. I will not review again those highlights so that we can get down to the business of considering and passing this bill. The bill as reported by the Appropriations Committee deserves the support of the Senate.

AMENDMENT NO. 774

Mr. LEAHY. Mr. President, I would send four technical amendments to the desk on behalf of the ranking member of the subcommittee and myself, and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection to the setting aside the committee amendments en bloc? If not, without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. KASTEN, proposes an amendment numbered 774.

Mr. LEAHY. I ask unanimous consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 21, strike the word "students" in italics.

On page 49, line 24, strike "is" and insert "and subsection (a) under such heading are".

On page 141, line 11, insert the word "A" (linetyped) before "In".

On page 141, line 15, strike the roman word "a" and insert in lieu thereof "a" in italics.

Mr. LEAHY. I should note, Mr. President, these are to correct drafting errors in the bill. They have been cleared. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 774) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 16, LINE 7

Mr. LEAHY. Mr. President, I ask unanimous consent to lay aside the excepted committee amendments temporarily, except for the third committee amendment on the U.N. population fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, do I understand now that the parliamentary situation is that we are now on that amendment?

The PRESIDING OFFICER. We are on the amendment on page 16, line 7.

Mr. LEAHY. Mr. President, we may have a difficulty. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Robb). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I have discussed this with the managers of the bill and indicated that I would like to make a short statement as if in morning business, and they have graciously indicated no objection.

MORNING BUSINESS

Mr. METZENBAUM. Therefore, I ask unanimous consent that the Senate revert to morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate returns to a period of morning business for 10 minutes.

The Senator has the floor.

CENTRALIZATION OF U.S. REFUGEE PROCESSING

Mr. METZENBAUM. Mr. President, this country is facing some unique foreign policy challenges as we move toward the 1990's. In one area, we are actually suffering from the fruits of our own foreign policy achievements.

For years, we have plead with successive Soviet governments to honor their citizens' basic human rights, particularly with regard to Soviet Jews, Evangelical Christians, and certain Soviet ethnic minorities. Unfortunately, officially sanctioned hostility made the basic right of freedom of movement especially important.

It would seem that, if 1989 hasn't brought Soviet citizens full freedom of movement, it has clearly brought them the freedom to leave. I should note that this new freedom has not ended the problem of refuseniks and prisoners of conscience in the U.S.S.R.

Mr. President, I will not review the challenge we face from the flood of Soviet refugees in detail.

The administration has proposed to centralize processing of Soviet refugee cases at our Embassy in Moscow. As my colleagues know, processing has been split between Moscow and Rome for some time, and a tremendous human backlog has developed in both cities.

Mr. President, the administration's plan it a reasonable, practical response to a very difficult situation. I look forward to working with the Departments of State and Justice to see that it is implemented properly.

However, proper implementation must include adequate time for refugee agencies to adjust to this new system. The Departments of State and Justice have announced their intention to implement this plan on October 1.

Mr. President, there are only 11 days before October 1, and much more preparation to be done. Eleven days will not be enough time to do this job the right way. I and a number of my colleagues have written the administration to urge that the October 1 schedule be extended, and would I ask unanimous consent that a copy of this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Labor
and Human Resources,
Washington, DC, September 18, 1989.

James A. Baker III,
Secretary of State, Washington, DC.

Dear Mr. Secretary: We wish to convey our deep concern about the planned centralization of U.S. refugee processing for Soviet applicants at Embassy Moscow by October 1, 1989. We are not writing to object to the ultimate goals of this plan, or to its general substance. Rather, it is the rushed implementation of this major change in refugee policy which is so troubling to us.

We are aware of the obvious administrative and fiscal advantage of initiating a policy at the beginning of the new fiscal year. However, we feel that the advantages of such timing in this particular case are eclipsed by the potential disadvantages.

One potentially disastrous problem concerns the dissemination of information about this proposal. With virtually no representation of private and voluntary organizations inside the Soviet Union, emigres will continue their exodus to Rome past October 1, only to find that they have no hope of applying for entry to the United States. Other serious problems will surely occur in the area of logistics. Only three Immigration and Naturalization Service personnel are detailed to handle refugee applications in Moscow. The planned increase to a total of six such INS officers by October 1 will do little to mitigate this serious staff shortage. The proposed Washington processing center, intended to support INS personnel in Moscow, will be an excellent addition to our refugee efforts—once it is "up and running". At this point, however, a director hasn't even been named for the center. In any event, it would seem highly unlikely that the center could be of great use to our personnel in Moscow until well after October 1.

It is our view that in the rush to implement this new policy, we will be causing more problems than we will solve. Mr. Secretary, we urge you in the strongest terms to postpone the effective date of the changes in Soviet refugee policy. At a very minimum, the new "Moscow Center" should be fully staffed and operational before processing in Rome ceases.

We are committed to working together with the Administration to deal effectively with the ongoing refugee problem. We feel that the extension of the October 1 deadline would be a positive step in this joint effort.

Very sincerely yours,
Howard M. Metzenbaum,
U.S. Senator.

Mr. METZENBAUM. Mr. President, I want to turn now from this short-term issue to a much more difficult long-term problem: How are we ever going to pay for all these refugees? I do not think we should change our long-held belief that a well-founded fear of persecution entitles a person to refugee status. I do believe, however, that the time has come to rethink our system for transporting these people to the United States, and for settling them once they are here.

Mr. President, the numbers have grown too large. And American resources have been stretched too thin for us to go on paying approximately $7,000 per refugee for resettlement in the United States. The time has come for those seeking the freedom and privilege of living in America to bear some of the financial burden associated with their entry into this country. I plan to offer legislation, which will introduce an element of self-help to U.S. refugee admissions. I was happy to learn that my distinguished friend from the 11th District of New York, Chuck Schumer, will join me in this important effort with similar legislation in the House of Representatives.

Mr. President, this legislation will not send refugees into poverty. It will not favor rich refugees over poor refugees. It will not create a new Federal bureaucracy. But, most important, it will help us to remain a true refuge for persecuted people around the world.

In brief, my plan is to set up a refugee revolving loan fund. This fund would augment annual appropriations for refugee admissions, and would in turn be replenished by wealthier refugees' payment of some amount up front. Refugees of more modest means will have the opportunity to schedule installment payments after getting on their feet once in the United States. Refugees or their naturalized American sponsors will sign a promissory note making them legally responsible for these payments, after undergoing a means test to determine the most equitable payment plan.

Refugees will be able to request postponement of this obligation for reasons of financial hardship. However, everyone involved with refugee admissions—the Government, the private sector, the refugees and their families—must be under no illusions as to the seriousness of this financial obligation.

We say to our young people who go to college, we want you to repay the money, and I do not believe it unreasonable to those refugees who come to our country and find gainful employment or who have the funds before they come in, to expect them to bear the burden themselves of the cost of there resettlement in this country.

Mr. President, this is not a step taken lightly. It is a measure I wish I did not have to introduce. But we must face reality. We do not have the money to cover refugee program requirements anymore, even with the tremendous efforts of the private sector.

I am committed to working with the administration and other interested parties to implement creative, responsible solutions for our refugee problems. I have been in touch with the State Department. They have indicated their willingness to explore the subject and, hopefully, to come on board with respect to working it out in a practical way.

I believe that the refugee revolving loan fund is one of the creative solutions we will need in the future. I will say more about this plan very soon.

I welcome the willingness of a number of my colleagues in the Senate and in the House who already indicated that they believe the plan is workable; they want to be on board, and they want to support it. I am particularly pleased about the willingness of the State Department to explore this subject with us so that we may bring about a meaningful solution. I believe the proposal is humane and, at the same time, fair to the American taxpayers.

Mr. President, I thank my colleagues, the managers of this bill, for their yielding me this time for this purpose. I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time is yielded back. Morning business has expired.

The Chair recognizes Senator LEAHY.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 16, LINE 13

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed to the excepted committee Amendment No. 4, relating to a U.S. contribution to the United Nations population fund.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. KASTEN].

Mr. KASTEN. I have no objection. It is agreed to that we will move to that amendment, the amendment subject matter being that of the UNFPA, and China.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The pending question is on page 16, lines 13 through 22.

AMENDMENT NO. 775 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 16, LINE 22

(Purpose: Requires certification that UNFPA does not support or participate in the management of a program of coercive abortion or involuntary sterilization in the People's Republic of China)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 775, to the excepted committee amendment.

On page 16, line 22, after the colon, insert the following (to the pending committee amendment insert the following language immediately before the words "Provided further," at the end of the committee amendment): "Provided further, That notwithstanding the previous provisos, no funds shall be made available to the United Nations Population Fund unless the President of the United States certifies that the United Nations Population Fund does not provide support for, or participate in the management of a program of, coercive abortion or involuntary sterilization in the People's Republic of China:"

Mr. KASTEN. Mr. President, the pending committee amendment, which my amendment modifies, was adopted by the full committee by a vote of 15 to 12. The amendment offered by the junior Senator from Maryland is one which I strongly oppose, and which the administration likewise opposes.

Before I discuss this amendment, I would like to comment briefly on the recommendations that the committee has made with respect to population planning assistance. The amount of funding recommended in the bill for population planning is $220 million; 10 percent more than we provided last year, and approximately 10 percent more than the request level.

We support this increase on a bipartisan basis, Chairman LEAHY and myself; even though nearly every other account in the bill has been reduced. We support this increase because we strongly believe that population development assistance is a crucial form of aid for least developed countries.

The committee amendment that my amendment would modify overturns the position which Congress has taken over the last several years, prohibiting funds for any organization or program which supports or participates in coercive abortion or involuntary sterilization.

While Senator MIKULSKI's amendment makes it appear that our assistance to the UNFPA does not support China's program of involuntary sterilization, the amendment nonetheless supports that organization, which continues to involve itself in these abhorrent population policies.

The U.S. policy has been that before we provide funding to the UNFPA, either China must change her policies of coerced abortion and involuntary sterilization, or the UNFPA should cease participation in that program entirely. The amendment ignores UNFPA participation and provides that organization $15 million.

Mr. President, I hope that my amendment will be agreed to.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the amendment offered by the Senator from Wisconsin.

Mr. President, before I do, I would like to say some words about the bill itself.

First, I wish to compliment Senator LEAHY and Senator KASTEN for this important foreign operations bill. While we debate, the areas of difference between us in an open and democratic society, it should not in any way eclipse or diminish the very fine work that the chairman and the ranking minority have done in the area of foreign operations. They have made very wise use of the taxpayer's dollar to accomplish important foreign policy objectives of the U.S. Government. Essentially, we have put our money where we want our democracy to be.

I think Senator LEAHY and Senator KASTEN should be congratulated in that.

They have essentially reached out in a very important way to those countries where there are emerging but nevertheless fragile democratic activity. One can see their help in the area of Pakistan, a country that is fragile with a new government and an enormous refugee program. We are very grateful.

I am particularly grateful to the help they have given to Poland. Poland is coming out of the cloud of Potsdam, a cloud that was placed upon them, the cloud of communism. And now with its first democratic government we are reaching our hands across the sea for essentially a very important role in stabilizing Poland.

I can go on with many of the fine aspects of the bill, but I would hope that we would make sure that the good things are not eclipsed by those areas of difference.

Second in the area of population, it should be recognized that the committee has made important strides in expanding our role in the area of family planning overseas, and I am very appreciative again with what the chairman and the ranking minority member have done.

I seeked to improve upon their very fine record by offering an amendment in the committee to put us back into the U.N. Family Population Assistance Program. I would like to explain my amendment and what the Kasten amendment does.

First let me say why I did it. It is very simple. Since 1985 the United States has not funded the U.N. Family Population Assistance Program Fund. Why? Because of the widespread rumors, because of the UNFPA is in China there were reports of UNFPA being engaged in activities related to forced abortions, sterilization, and coercive family planning. That is a repugnant policy to anyone of common decency. Certainly this Senator absolutely rejects the idea of forced abortions, sterilizations, and anything coercive in the area of family planning. That is why I am pro choice, both here and abroad.

But it is very clear to me that the U.N. Family Population Assistance Program does not engage or support that type of repugnant, repulsive aborted activity.

This is not BARB MIKULSKI's say so. I did not go out and tour every Province of China. I looked to my own U.S. Government, AID. What did AID say in the study that they did? AID said it is their findings that the UNFPA does not support or condone the type of activity that has been reported.

But to be on the safe side my amendment provided that if we go back into the U.N. Family Population Assistance Fund that those funds, our own United States funds, would be in a separate account and not comingled with any other funds, and that no funds from the United States contribution would be made available to the People's Republic of China. So I tilted in an area of the benefit of the doubt to make sure that our contribution is not comingled so it would inadvertently find its way to China.

We also said that no United States of America funds could be made available for the People's Republic of China. Therefore, I felt that we had taken care of that.

I think we ought to be in the U.N. family planning because they go where we do not. There are 133 countries. There are 43 countries in Africa. We are only in a handful. There are very important programs around the world in the area of family planning.

I respect what the Senator from Wisconsin has done, but his amendment seems so reasonable that no funds should be made available to UNFPA unless the President certifies that the United Nations Population Fund does not support or participate in the repugnant activities I mentioned. That is kind of what we have now, Mr. President. We know that the President will not certify it and he will not certify it for a couple of reasons. One, because of political pressure, and No. 2, some people just do not like family planning, and the others do not like the United Nations.

I cannot deal with how people feel about the United Nations. I just know there is a population exploding that by the year 2010 there will be 10 billion people in the world. We do not know that we have the resources and infrastructure to sustain them. We see as countries emerge that the larger the population the less able they will be to move to a democratic society and a free enterprise system. I have taken provable, positive, demonstrable steps to make sure that we are not engaged in any activity with China by supporting the U.N. Family Popuplation Program.

I think my amendment and my approach is a good one. I think it meets those people who have concerns about China.

I would ask the rejection of the Kasten amendment and that the original Mikulski amendment stand.

I could talk a great deal and answer questions, but I think that is the essence of the argument, and again I would like to note that the chairman and the ranking minority have done an outstanding job in population control. I think this would take us another step to where we want to be.

I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the United States used to contribute to the UNFPA and I would like to see us contribute again. I emphasize things that the UNFPA does not do.

First I emphasis what it is. It is the largest multilateral family organization in the world. I emphasize what it does do. It does not fund abortions. It supports alternatives to abortions, contraceptives, education about birth spacing and maternal and child health.

We used to contribute to it and then Congress passed the law which prohibits U.S. support for any organization which participates in the management of coercive abortion or involuntary sterilization. I support that provision, and it is reaffirmed in this bill.

But no one, including AID, argues that UNFPA supports any coercive practices, in China or anywhere else. It does not even fund abortions. Unfortunately, the administration has interpreted that provision in the law so broadly that we cannot even support UNFPA's work in 140 other countries that are facing terrible population problems.

Opponents of this provision try to make it out to be a referendum on China. That is a red herring. The provision explicitly prohibits any United States funds from being used in China and requires UNFPA to keep our money in a separate account. This will enable us to monitor exactly what happens to the dollars we contribute to the UNFPA so that there is no chance they could go to support any activity in China.

This provision was offered as an amendment to the bill by Senator MIKULSKI. It passed the committee by a vote of 15 to 12. I strongly support it.

As I have said in virtually every foreign operations hearing this year, the exploding rate of population growth in the poorest countries is one of the most, if not the most, serious problems facing the world today.

The world is growing at the rate of 90 million every year—the population of Mexico. This uncontrolled growth puts intense pressures on the environment, and threatens to undo everything we are trying to do with foreign aid.

Dozens of countries that can't even feed their people today are doubling in population every 30 years.

Bangladesh today has 110 million. In 30 years it will have 200 million.

The Philippines, already facing terrible problems with poverty and unemployment and destruction of the environment, has 60 million people. It will have 125 million in just 30 years.

Mexico today has 90 million. In 30 years it will have 160 million.

Pakistan today has 105 million. In 30 years it will have 280 million.

How will the world feed that many people, at the same time that we are losing 24 billion tons of topsoil every year? This is not just a Third World problem. Our own way of life is at stake.

With more and more people competing for the Earth's resources, the potential for conflict rises. Democracy is threatened as well as the environment.

Global warming from burning fossil fuels and cutting down forests; acid rain; destruction of the ozone layer. Population growth is the root cause of these pressures on the environment.

The U.N. population fund is the largest multilateral family planning organization in the world. It operates in 141 countries. The United States was instrumental in creating UNFPA and was a steady contributor for 20 years until 1986.

UNFPA does not fund abortions. It supports alternatives to abortions—contraceptives, education about birth-spacing, and maternal and child health.

Before the Reagan administration, the United States contributed to UNFPA.

Then Congress passed the law which prohibits U.S. support for any organization which participates in the management of coercive abortion or involuntary sterilization. I support that provision, and it is reaffirmed in this bill.

But no one, including AID, argues that UNFPA supports any coercive practices, in China or anywhere else. It does not even fund abortions. But the administration has interpreted that provision so broadly that we cannot even support UNFPA's work in 140 other countries that are facing terrible population problems.

Opponents of this provision make it out to be a referendum on China. That is a red herring. The provision explicitly prohibits any United States funds from being used in China, and requires UNFPA to keep our money in a separate account. This will enable us to monitor exactly what happens to the dollars we contribute to the UNFPA so that there is no chance they could go to support any activity in China.

If you buy the argument that we should not contribute to UNFPA's programs in over 120 other countries because it operates in China, then you must believe we should not support UNICEF's work in 118 other countries, because it works in Vietnam.

We have the same kind of fencing arrangement to keep our contributions to the U.N. from going to the PLO, Syria, Libya, and other countries.

This fencing mechanism is a reasonable compromise. It allows us to resume supporting the urgent family planning work of UNFPA, while being sure none of our funds is going to China's population program.

The United States is the leader in family planning technology and expertise. We should be at the forefront of the effort to control population growth. We cannot do that without being part of UNFPA.

UNFPA'S NEXT 5-YEAR CHINA PROGRAM

The total cost is $57 million for 1990-94, including:

Maternal and child health services and training: $10.9 million, in collaboration with WHO.

Contraceptive production: $12 million.

Information, education, and communication. This includes radio programs, posters, workshops about the need for voluntary family planning. $5.8 million, with help from UNESCO.

Contraceptive research: $4.5 million in collaboration with WHO.

Population education for minority groups: $500,000, with assistance from UNESCO.

Demographic training and research. This involves training in statistics, census taking, and computers to help assess the effectiveness of the program: $7.4 million.

U.S. FUNDING FOR POPULATION CONTROL

In fiscal year 1981, total U.S. funding for population control was $211 million.

In fiscal 1986, it was $238.7 million. In fiscal 1989 it was $230 million.

In the past 4 years we have gone backward, when we should be doubling our efforts.

Mr. President, I am going to yield to Senator KASTEN to say something further and then when we finish either Senator MIKULSKI or I will move to table.

Mr. KASTEN. Mr. President, my amendment brings the central issue to the fore by providing that before any assistance goes to the UNFPA, the President must certify that that organization "Does not provide support for, or participate in the management of a program of coercive abortion or involuntary sterilization in the People's Republic of China." The China program is the issue—not UNFPA or the provision of population assistance generally. Whether this committee amendment succeeds or fails, no more money is going to be spent in population assistance.

The amendment focuses debate where it belongs—on coercive abortion and involuntary sterilization programs and programs and policies in the People's Republic of China. Support of the UNFPA while that organization is involved in these programs appears to condone this abhorrent policy. When this first came to light in 1985, the United States withdrew its support from UNFPA and Congress followed with legislation prohibiting any funding to any organization which supported or participated in the management of such a policy.

Mr. President, it is important to point out that the most recent determination issued by the Agency for International Development, dated June 7, 1989, states that,

> Unfortunately, no significant change in the nature of the China population program or in UNFPA's assistance to China have occurred which would warrant resumption of U.S. support for it.

The reason is obvious—the coercive policies continue.

Our colleague in the House of Representatives, the Honorable CHRIS SMITH from New Jersey, recently compiled excerpts and quotes from a number of sources which detail this continuing tragedy in China. I ask unanimous consent that that compilation be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COERCIVE ABORTION—A GROWING TRAGEDY

". . . The villagers were informed that all women had to report to the tent for abortions or sterilizations or there would be grave consequences . . . The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out . . . We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build outside the tent, which smelled horrible . . . Since 1987 there has been a tremendous increase in the number and frequency of the teams that move from town to town, and to nomad area." ("Witness to China's Shame," *Washington Post*, Blake Kerr, February 26, 1989, p. Cl.)

". . . During 1987 and 1988 central demands for strict enforcement of family planning requirements escalated sharply and the escalations have continued into 1989. New measures have been devised to bring pressure on the whole administrative chain of command down to the grassroots level . . . Tactics once condemned as coercive are once again advocated. Mandatory IUD insertions, stertilizations and abortions continue." "Is China's Birth Control Program Still Coercive?", John S. Aird (former Senior Research Specialist on China at the U.S. Bureau of the Census), February 1989, p. 106.")

". . . Many gynecologists and nurses on the mainland are forced to kill the babies against their conscience. Sometimes they have to kill several tens of them in a day. It is a great pressure on them mentally and psychologically. Several gynecologists whom this writer is acquainted with often had nightmares because of this. Some laboratory technicians, because they had to dissect the bodies for organs to be use as specimens and occasionally when the babies were brought in from the hospitals still crying and breathing and had to be put to death by the same methods [injecting alcohol into the brain, injecting an overdose of ether, or stuffing gauze into the mouth to stop breathing] were also under mental and psychological stress." ("Live Babies Are Put to Death Under Communist Chinese One-Child Policy", *Washington China Post*, Ge Hua, January 27, 1989, p. 11.)

". . . We should justly and forcefully say that we must punish those who have turned a deaf ear to dissuasion from having additional children and from unscrupulously having additional children and that suitable coercion and control should be implemented in China's family planning . . . Only if the country adopts effective and compulsory policies and at the same time, carries out propaganda and education, can the consciousness of the soceity be aroused." ("There is No Route of Retreat", *JINGJI RIBAO* (Chinese National Economic Newspaper, transcribed by the Foreign Broadcast Information Service), Xie Zhenjiang, January 24, 1989, p. 3.)

". . . The Chinese program is at present actually becoming more coercive, not because of local deviations from central policies but as a direct, inevitable, and intentional consequence of those policies. Foreign organizations and individuals that indiscriminately laud the Chinese program or provide financial or technical assistance for any aspect of it place themselves in the position of supporting the program as a whole, including its violations of human rights." ("Is China's Birth Control Program Still Coercive?", John S. Aird (former Senior Research Specialist on China at the U.S. Bureau of the Census), February 1989, pgs. 106–107.)

". . . China's Tibetan birth control policy includes forced abortion, sterilization, and even infanticide . . . A Tibetan woman who desires a second child must wait for four years before becoming pregnant again. Women who violate these rules are forced to have an abortion, often accompanied by sterilization and economic sanctions." ("Witness to China's Shame", *Washington Post*, Blake Kerr, February 26, 1989, p. c4.)

". . . Since the Chinese Communists on the mainland implemented the coercive one-child policy, killing live babies and wanton use of fetal organs for laboratory research are prevalent on the mainland . . . In China, all second pregnancies or above are considered as illegal and excessive pregnancies. They must be aborted." ("Live Babies Are Put to Death Under Communist Chinese One-Child Policy", *Washington China Post*, Ge Hua, January 27, 1989, p. 11.)

". . . Steven Mosher counts 53 million abortions between 1979 and 1984, most of them coercive operations performed without the mother's consent. China's family planners are aborting babies at a rate of about 20 million a year." ("Herod in Tibet", *Washington Times* Editorial Page, March 2, 1989.)

". . . The Chinese leaders are aware that coercive family planning tactics alienate their own people . . . but they are encouraged by the fact that foreign apologists continue to support the program in spite of its coerciveness . . . and insist that the pressures driving the program are becoming more moderate when in fact they are being escalated." "Is China's Birth Control Program Still Coercive?", John S. Aird (former Senior Research Specialist on China at the U.S. Bureau of the Census), February 1989, p. 103.)

". . . Lee comes from the city of Fuzhou in southern China and has a wife and two sons there. After the second child was born, Yun said, local officials fined him, denied him work and cut off the electricity to his home. He said that when his wife, who is Roman Catholic, became pregnant for the third time, she was forced by Chinese officials to have an abortion during the fifth month of pregnancy." ("Chinese Father of 2 Granted Asylum", *Washington Post*, (Los Angeles Times News Service), February 5, 1989.)

". . . No government program has cut so deeply into Chinese society nor inspired such strong resistance in 35 years of Communist rule as the struggle to trim China's population . . . Publicly, they claim to rely on the powers of persuasion and education, exercising a policy of voluntary consent . . . But a closer and longer look reveals a very different picture. China, to be sure, is curbing population growth, but its success is rooted in widespread coercion, mass abortion and intrusion by the state into the most intimate of human affairs." ("Abortion Policy Tears at China's Society", *Washington Post*, January 7, 1985, Michael Weisskopf, p. 1.)

". . . In 1981, Chen Muhua, then chief of the Family Planning Committee under the State Council, issued the following instructions from Deng Xiaoping, the supreme leader of China: 'In order to reduce the population, use whatever means you must, but do it!' Chen added: 'With the support of the Party Central Committee, you should have nothing to fear.' " ("Massacre of the Innocents in China", *China Spring Deigest*, Bao Fu, January/February 1987, p. 45.)

". . . The new Chinese society is not merely displacing Tibet's ancient culture. It is actively destroying it . . . The harsh face of Chinese rule includes thousands of forced abortions and sterilizations of Tibetan women each year. The common method for both procedures . . . is by injection. In Chamdo, Tibet's third largest city, there have been numerous reports of fetuses thrown out in the storm drains and garbage bins of the People's Hospital. In Lhasa, many Tibetan women have heard their newborns cry, only to be told later that the infants died at birth." ("The Rape of Tibet", *Washington Post*, John F. Avedon, March 29, 1987, p. C 7.)

". . . Some of the provincial governments appear to be unconcerned with the detrimental effects that forced abortion has on women. All that seems to matter, if the press is any guide, is keeping down the number of births each year in the province through any means." (*China's Changing Population*, Stanford University Press, Judith Banister, 1987, p. 207.)

". . . 'My wife (Ping Hong) is seven months pregnant,' Li told me. 'Even though we are living in the United States, the Chinese Government has been trying to force us to return to China for an abortion. We hope that you can help us to stay in the United States, at least until our baby is born' . . . (When Ping Hong failed to respond to the abortion directive, she received a very blunt letter from the Population Control Office at her place of employment in China. The letter in part reads:) . . . The punishment for this kind of violation [having a second child] is very severe, and we strongly advise you not to risk it. If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law. There is nothing ambiguous about our order! Make up your mind immediately! To your health!" ("The Long Arm of 'One-Child' China", *Washington Post*, Steven W. Mosher, April 10, 1988.)

". . . In some parts of China . . . birth planning has evolved to the point where annual birth quotas are established and births are allocated among couples. To some observers these methods seem, if not coercive, most certainly a serious invasion of privacy." (*Progress As If Survival Mattered*, Friends of the Earth, Sharon Camp (Director of Education and Public Policy for the Population Crisis Committee), pgs. 83–84.)

". . . In many urban and some rural areas, family planning workers reportedly keep records of women's menstrual periods so they can detect when anyone gets pregnant. As soon as the pregnancy is detected and confirmed, if the pregnancy is not the first birth to a married woman or is not in the current government-authorized birth plan, family planning workers start suggesting that the woman volunteer to have an abortion. If that does not work, then they attempt to insist on an abortion." *China's Changing Population*, Stanford University Press, Judith Banister, 1987, p.207.)

". . . Like most women in rural China, Chen Guohan's wife wasn't content with the one child she was allowed under the state population plan . . . So, like millions of Chinese whose plans for a second child have aroused official ire; the Chens opted for 'childbirth on the run.' His wife would go to live with a cousin in a neighboring county until she gave birth . . . Chen's wife was found and brought back . . . She was seven months pregnant . . . At least one member of the birth-control committee was with her at all times, badgering her to accept an abortion. Separated from her husband, too distraught to eat and sleep, she accepted the inevitable. She was immediately taken to the local medical clinic and given an injection of an abortifacient drug. This shot, universally called a 'poison shot' in China, causes the fetus to be born dead or dying 24 to 48 hours later." ("China's Brutal Birth Ban", *Washington Post*, Steven Mosher, October 18, 1987.)

". . . Soon after the midpoint of each calendar year, most provinces have statistics on how many births occurred in the first half of the year, and approximately how many pregnant women in the province will give birth by the end of the year. Based on these numbers, provincial leaders can predict whether or not the province will stay within its birth quota for the year. This is generally the time when provinces call for renewed efforts to meet the target. For women already pregnant, however, this can only be done through abortions." ("Family Planning in China: Recent Trends", Karen Hardee-Cleveland and Judith Banister, Center for International Research—U.S. Bureau of the Census, May 1988, p. 52.)

Unfortunately, several American public officials and other population control advocates have pointed to China's one child policy as a model for curbing population growth. The Chinese program is coercively enforced even to the point of aborting late-term unborn children and killing newborn infants. The following statements are disturbing examples of the policies that some individuals advocate in the name of population control.

". . . At this point, the only socially responsible step for the United Nations, the World Bank, and the international development community is to call for a sharp reduction in the world growth rate, one patterned after the rapid declines in fertility that occurred in both Japan and China . . They may now face a choice: adopt a one-child family goal or accept a decline in living standards." (*State of the World 1989*, Worldwatch Institute, Lester Brown, et al, pgs. 188–189.)

". . . Americans should take the lead in adopting policies that will bring reduced population. Ultimately, those policies may have to embrace coercion by governments to curb beeding." (*Progress As If Survival Mattered*, Friends of the Earth, Stewart M. Ogilvy, 1981, p. 67.)

". . . [T]he growth rate suggests that mere unofficial advocacy and purely voluntary compliance are far from enough . . . voluntarism guarantees big families for the ignorant, the stupid, and the conscienceless, while it gradually reduces the proportion of people who, in conscience, limit the size of their families." (*Progress As If Survival Mattered*, Friends of the Earth, Stewart M. Ogilvy, 1981, p. 70.)

". . . If less stringent curbs on procreation fail, someday perhaps childbearing will be deemed a punishable crime against society unless parents hold a government license. Or perhaps all potential parents will be required to use contraceptive chemicals, the governments issuing antidotes to citizens chosen for childbearing." (*Progress As If Survival Mattered*, Friends of the Earth, Stewart M. Ogilvy, 1981, p. 71.)

Mr. KASTEN. Mr. President, once again, this debate is not about the provision of population planning. Since the United States stopped supporting UNFPA in 1985, we have developed a number of alternative family planning programs which have been very effective across the world. Support for family planning has not been reduced as result of discontinuing assistance to UNFPA. We have instead allocated our population planning funds to organizations that support voluntary family planning.

Mr. President, I hope that the Senate will support my amendment.

Mr. BOSCHWITZ. Mr. President, I rise today in support of the Kasten amendment.

Throughout my time in the Senate, I have supported family planning assistance both in the United States and abroad. But because of my pro-life views, I have strongly opposed abortion as a method of family planning.

I believe our Government should not fund family planning programs that promote abortion, either in our domestic programs or as part of our foreign assistance. Today, that is the official policy of the U.S. Government, and it should remain that way.

In our foreign assistance programs, that policy is carried out under the Kemp-Kasten amendment, which states that no population assistance funds "may be made available to any organization or program which * * * supports or participates in the management of a program of coercive abortion or involuntary sterilization." That prohibition has been in force since 1985.

That policy was supported by the Reagan administration, and it has been specifically endorsed by the Bush administration as well. In a letter to Representative HENRY HYDE on May 5, President Bush wrote,

> I also agree that there should be no funding for the United Nations Fund for Population Activities [UNFPA] so long as it supports programs involving compulsory abortion.

Since 1985, the administration has determined every year, after careful review, that the population program of the People's Republic of China involves coercive abortion, and that the UNFPA's involvement in China violates the Kemp-Kasten amendment. If this bill supports the UNFPA, it would remove the current prohibition and provide taxpayer support for an organization that underwrites coercive abortion. That is something we must not do.

The UNFPA continues to support China's population program, and that program's use of coercive abortion has been clearly demonstrated. Evidence indicates that the Government uses coercive abortions widely to terminate second and subsequent pregnancies, although an "exception" to the one-child policy has been made in the countryside.

This past year, compulsory abortion has been employed with special brutality in Tibet. In February, the Washington Post published an essay by Dr. Blake Kerr, an international human rights activist, telling of a "mobile team" of People's Republic of China population-control agents who would force abortions on the pregnant women of an entire village. As reported in the Christian Science Monitor this January, UNFPA's Executive Director recognized "China's recent decision to impose compulsory sterilizations and abortions on thousands of severely retarded people in some regions."

The administration has stated clearly that the violations continue. As recently as June 7, the Deputy Administrator of the Agency for International Development, Jay Morris, said,

> Unfortunately, no significant change in the nature of the China population program or in UNFPA's assistance to China have occurred which would warrant resumption of United States support for UNFPA.

Those who support funding for UNFPA point out that the amendment sponsored by Senator MIKULSKI specifically prohibits any funds for China's population program. But such a prohibition has little effect, because a clear separation of funds simply cannot be achieved. Financial resources are fungible, and funds earmarked for certain programs inevitably free up resources that can be used for the prohibition program. Indirect assistance is still assistance and support in a very real way.

Mr. President, the Senate must not countenance coercive abortions being carried out by the Chinese Government. Clearly, funds provided to an organization like the UNFPA are fungible. When we support UNFPA, we inevitably support China's population program. Until the UNFPA withdraws its support for coercive abortions, we must not support UNFPA.

Mr. ADAMS. Mr. President, I rise today to oppose the Kasten amendment to strike funding for the United Nations Population Fund included in the Foreign Operations legislation before us.

There are many reasons why the United States should provide assistance through the United Nations Population Fund. We are moving into a period where our world is rapidly changing. The destruction of the Amazon rainforests, flooding in Bangladesh, riots in Algeria and burgeoning Third World debt are all problems that continue to worsen. One underlying cause for these problems is overpopulation. We have a responsibility to recognize this factor and do whatever it takes to solve this problem.

The Population Fund has an excellent track record of improving family planning around the world. It is the largest multilateral organization providing family planning assistance to developing nations. Because of its tremendous capability to make progress, it is in the best interest of the United States and our recognized goals of improving the devastating effects of overpopulation that we provide support.

There are some who are opposed to this amendment because of concerns raised about coercive family planning practices condoned by some countries. I would simply point out that the language is consistent with existing law that prohibits the use of any funds appropriated through this act to be dispersed to any country that participates in coercive family planning. In addition, the committee language prohibits any United States funds made available by our actions to be used in the People's Republic of China and establishes a separate fund to ensure their is no comingling of U.N. funds.

Mr. President, I believe this an excellent opportunity for the United States to support an organization that provides an invaluable service to developing countries around the world and ask for the support of my colleagues.

Mr. ARMSTRONG. Mr. President, I rise in support of the Kasten amendment, which would continue the ban on United States assistance to the United Nations Population Fund [UNFPA]. This amendment is essential if we are to continue our policy of denying assistance to the Chinese population control program, a program pervaded by brutality, coercion and disdain for human rights.

Since 1985, Congress has barred United States contributions to the UNFPA, which has provided over $100 million in assistance to the Chinese population planners. This assistance takes the form of advisers who provide counsel to the State Family Planning Commission, which oversees the program; technical experts who train population control workers; computers to monitor the progress of the program; and other assistance that is critical to the day-to-day operations of China's program.

The UNFPA thus plays an important role in China's program to control the reproductive lives of its people. Mr. President, I will not speak in great detail about the lengths to which the Chinese Government goes to assure compliance with its population control policies. The literature is rife with horror stories of forced sterilizatins and abortions, often in the 9 month of pregnancy.

Such atrocities are perhaps difficult to imagine, but they are not difficult to document. Indeed, they have been extensively documented by journalists, diplomatic personnel, scholars and, on an annual basis since 1985, by our own Agency for International Development.

The only people who seem to deny that coercion is an integral part of China's population program are senior officials of the Chinese Government and of the UNFPA. I would remind my colleagues that senior Chinese officials ordered tanks into Tiananmen Square and then denied that anyone was killed. I can't imagine that anyone could credit their testimony.

The UNFPA's enthusiasm for China's program is undimmed by the events of recent months. UNFPA's top officials continue to praise China for efficiency in meeting its birth quota, while offering no comment on the atrocities that makes this efficiency possible. Despite the volumes of evidence that have been amassed to document the coercive nature of China's program, Dr. Nafis Sadik, UNFPA's executive director, stated last May that China is operating a totally voluntary program.

Mr. President, China's program is anything but voluntary. It is brutal, it is coercive, it is inhuman. I will not recite the extensive and unimpeachable documentation of these inhumanities. Mr. KASTEN has done this already.

I will, however, say that for evidence of China's coercion, we need look no further than our own shores. For the reach of China's coercive population policies is not limited by China's borders. It extends to Chinese citizens living in other nations, including our own.

Mr. President, within the last 2 years, our Government has received approximately 50 requests for asylum from Chinese nationals who are being pressured by agents of the Chinese Government to submit to abortions or sterilizations. Remarkably, the INS has generally denied these requests, committing pregnant women and their families to the tender mercies of China's population planners.

Mr. President, I am outraged by the actions of the INS and of the Justice Department's Board of Immigration Appeals, who have almost routinely denied these requests for asylum. I know that my outrage is shared by my colleagues, who have twice adopted my amendment to require that the INS grant asylum to those who are fleeting China's population control agents.

Let me remind my colleagues why they have twice supported my amendment, once by unanimous consent and once on a recorded vote of 95 to 0, by describing one case in which Chinese Government officials, through threats, harassment and intimidation, tried to get a Chinese couple residing in Phoenix to abort their baby.

Dr. Quan B. Li was a Chinese student pursuing a doctorate in mechanical engineeering at the University of Arizona. His wife, Ping Hong, was a nurse who has been permitted to join him there while he completed his studies. The couple's 3-year-old son was also allowed to live with the family in Phoenix. In May, 1987, Ping Hong became pregnant.

While in China, Ping Hong had assisted in many abortions, including one performed against the will of a woman who was in the last trimester of pregnancy. This experience had deeply affected Ping Hong, and led her to a decision not to terminate her second pregnancy. The Lis wrote to Ping Hong's factory, asking the population control official there for exemption from China's one couple, one child policy. The exemption was denied.

The letter from the population control official stated:

> When you left for America three years ago, the birth control policy in our country was already very strict. The 'one child' policy is now even stricter. If you come back at the end of this year pregnant, even if you are eight or nine months along, you will absolutely not be allowed to have your baby.

A second letter from the same official was more ominous. The letter read:

> Second children are absolutely banned. If a woman insists on having a second child, all the staff and line workers of her factory will be punished. Do not lose any more time. Fix this problem as soon as possible.

In subsequent letters, the threats grew more explicit and more severe. The Population Control officer cited the example of a couple who, because they gave birth to more than one child, were fired from their jobs and forced to subsist on a stipend of $5 per month. The letter intimated that more severe reprisals awaited the Lis if they did not abort their child, now 5 months along. "The consequences for you are unthinkable," the letter stated.

A third letter contained explicit instructions—it stated:

> If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law. There is nothing ambigious about our order! Make up your mind immediately.

The Lis had their baby and, despite the strenous efforts of the INS and the State Department to deport them, were granted asylum by order of the Attorney General. Their story is described more fully in an article entitled "The Long Arm of One-Child China," which I would like printed in the RECORD at this point.

There being no objection, the ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 10, 1988]

THE LONG ARM OF 'ONE-CHILD' CHINA

(By Steven W. Mosher)

The man on the phone was nervous, as if afraid of being overheard. "I am calling you only as a last resort," he said in a heavy Chinese accent. "I don't know where else to turn. . . . It concerns China's one-child policy."

I was not surprised he would contact me. During my lengthy stay in a Chinese village in 1980, I had seen women in the third trimester of pregnancy forced to undergo abortions. I had written extensively about this and other aspects of China's coercive population-control program and had interviewed many Chinese about their experiences. But Dr. Quan B. Li's story was different.

"My wife is seven months pregnant," Li told me. "Even though we are living in the United States, the Chinese Government has been trying to force us to return to China for an abortion. We hope that you can help us to stay in the United States, at least until our baby is born."

As I listened, he told a shocking tale of how Chinese birth-control officials were trying to enforce Beijing's one-child policy on this couple living in Phoenix, pursuing them long distance with a series of brutal warnings that threatened sanctions not only against Li's wife but also her coworkers back in China.

Q.B., as his American friends call him, was selected by the Chinese Government seven years ago to come to the United States to pursue a doctorate in mechanical engineering at the University of Arizona. Like most Chinese scientists sent aboard to study, Q.B. was not allowed to take his family. His wife, a nurse, and his three-year-old son had to remain in China, helping to ensure that the family head would return to the motherland upon the conclusion of his studies. In short, his wife and son were hostages.

Q.B.'s wife, Ping Hong, chafed at this forced separation from her husband and four years ago applied herself to study in America. Such requests are seldom granted. Ping Hong, however, was a Communist Party member in good standing and her unit, the Walfantia Bearing Factory, vigorously endorsed her application. She and her son were given exit visas and arrived in Phoenix three years ago.

Q.B. completed his Ph.D. in March 1986, and was given permission to stay on for an additional 18 months of practical training in his field. He and his wife were looking forward to returning to China. Q.B. had been promised a full professorship at his university while Ping Hong was given to understand that an important post awaited her at the Walfantia Bearing Factory.

Then in late May 1987, Ping Hong became pregnant with her second child. They still can't understand how it happened. Q.B. said Ping had an IUD inserted after the birth of their son, as mandated by the birth-control regulations. "As a nurse, she was very responsible about going in for the required pelvic examinations each quarter. The IUD was always in place," Q.B. said.

The couple had considered, only to reject, the idea of an abortion. "At one time my wife had assisted doctors in performing abortions in China, even late-term and forced abortions," Q.B. recalled. Now that experience came back to her in nightmares, and she felt she must protect the child she was carrying.

After hesitating for a number of weeks, they wrote Ping Hong's factory, asking the population control official there if they could be granted an exemption from the one-child policy. They had conceived their second child in the United States, they argued. Surely China's one-child limitation did not apply to them here. Couldn't they be allowed to keep it?

The birth-control officer at Ping Hong's factory quickly set them straight. "When you left for America three years ago, the birth-control policy in our country was already very strict. The 'one-child' policy is now even stricter. . . . If you come back at the end of this year pregnant, even if you are eight or nine months along, you will absolutely not be allowed to have you baby."

Last year, Communist Party General Secretary Zhao Ziyang reaffirmed the "technical policy on birth control" and officials were ordered to redouble their efforts to enforce this policy, which calls for IUD insertion after one child, sterilization after two and abortion for women like Ping Hong who were pregnant outside the plan.

In the last few months, I had been hearing persistent reports that women pregnant with "illegal" second children were being forced to have abortions, even as late as the final months of pregnancy. There were also alarming reports of infanticide of "illegal" newborns. In my view, Li was right to believe the official's threat.

While Q.B. and his wife were debating what to do—should they return to China and run the risk of losing their unborn child, or should they attempt to stay in the United States until after the child was born—Ping Hong received another letter. This one was more threatening than the last.

"Second children are absolutely banned," the letter read. "If a woman insists on having a second child, all the staff and line workers of her factory will be punished. No salary increases will be allowed, and the factory will be disqualified from production contests. She herself will be placed on probation, and receive only minimum living expenses. You absolutely cannot affort these political and financial losses. . . . Do not lose any more time. Fix this problem as soon as possible."

Without any further delay, the Lis secretly applied to stay in the United States. They also moved away from their apartment near the university campus to a house in the suburbs, so that the Chinese Government would not know of Ping Hong's whereabouts. "Ping was afraid that even in the United States we were being watched by agents of our government," Q.B. recalled.

Unable to pressure Ping Hong and her husband directly, Chinese population control officials turned instead to their next of kin. Ping Hong's elderly mother was a favorite target. The old woman was paid nightly visits and repeatedly warned of the terrible consequences for the entire family if Ping Hong did not abort the "illegal" child she was carrying.

Q.B. and Ping Hong agonized over what to do. They knew that Ping Hong's mother was in poor health and was distraught over the nightly propaganda sessions.

In desperation, Q.B. wrote his mother-in-law and told her that Ping Hong had obeyed her superiors: She had gone in for an abortion. Ping Hong's mother showed this letter to the population-control officials the next time they came, and the nightly visits ended for a time.

But Q.B. then made a serious tactical error. Not knowing if he and his wife would be allowed to stay in this country, he tried one last time to obtain permission to have a second child. Hoping that his university, the Dalian Institute of Technology, might be more forgiving of their situation than Ping Hong's factory, he wrote them a letter. He put the matter in hypothetical ("What if my wife became pregnant in America?"), but the Walfantia Bearing Factory found out about the letter—and the pressure was on again.

"Before they had been trying to talk us into having an abortion," Q.B. recalled. "Now they began ordering us to. We received what was called an 'extremely urgent letter of warning.'" This letter follows:

September 25, 1987

Comrade Ping Hong:

How are you? After explaining the birth control policy to you in our last letter, we were sure that you would fix your problem right away. But from your husband's recent letter to the Dalian Institute of Technology asking about the policy, we know that your pregnancy continues. You must already be at least four months along. (She was actually five months pregnant at this time.)

We have been severely criticized by both the municipal and the prefectural birth control departments and ordered to send you this extremely urgent letter of warning.

Birth control is one of our nation's basic policies. The "one-couple, one-child" policy is known to every family and every individual throughout the land. You are an official as well as a medical worker. It is hardly necessary to repeat this slogan to you. You have not been out of the country that many years.

Let me give you an example that deserves your serious attention: Recently, a woman at the Chuagliu Grain Store ignored official warnings and had a second child. As punishment, both the woman and her husband were fired from their jobs and put on probation for one year. During this period they are receiving only $5 a month for living expenses. They have been ordered to pay back the subsidy they received for the health and nursery school care of their first child. The officials in charge of both the husband's and the wife's place of employment and their superiors had their bonuses withheld for several months.

The Walfantia Bearing Factory is now working on a major, government-sponsored expansion. We have successfully passed all the necessary evaluations and reviews. But if our birth control program allows even a single second birth, our factory will not be permitted to advance. All of the strenuous efforts of our 20,000 employees towards this goal will have been in vain. Moreover, our whole factory will be disqualified from any production contests, and the bonuses and benefits of all employees will be negatively affected. From the factory director, to the department heads, to the cadres in charge of the birth control program, all of us will be punished.

The consequences for you are unthinkable. You would be condemned by all the staff and line employee of the factory. How could you bear the losses you would cause and suffer?

You should seriously reflect on these consequences, and come to a speedy decision to fix your problem any way you can. You must not delay! If you have real difficulties [getting an abortion in the U.S.], return to China immediately for an abortion. We expect you to report your actions to factory officials as soon as you receive this letter, so that we may report them to higher authorities. There is no time to waste.

To your health!

POPULATIONS CONTROL OFFICE,
WALFANTIA BEARING FACTORY,
DALIAN SUBDIVISION, DALIAN,
MANCHURIA, PEOPLE'S REPUBLIC
OF CHINA.

The last letter Ping Hong received, approximately two weeks before Q.B. called me, was the bluntest of them all.

Comrade Ping Hong:

Have you received our last express mail letter? Have you taken any action as a result?

The factory officials are anxious to know whether or not you have done as ordered, since your actions affect the benefit of all employees in the factory as well as the factory's future. The punishment for this kind of violation [having a second child] is very severe, and we strongly advise you not to risk it.

If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law.

There is nothing ambiguous about our order! Making up your mind immediately!

To your health!

On Feb. 29, the application of Dr. Q.B. Li and his wife Ping Hong to remain in the United States was turned down by the U.S. State Department. They now face deportation proceedings.

The news that month was not all bad, however. On Feb. 1 Ping Hong gave birth to a healthy, 7½ pound baby girl. The Lis have named their daughter Mei, which in Chinese means beautiful but also stands for America, land of her birth.

Mr. ARMSTRONG. Mr. President, this is the gruesome reality of China's population policy. If Chinese citizens are subject to such inhumanities when they reside in the United States, let no one imagine that they are exempt from coercion within China's borders. If the Chinese Government will reach across oceans to enforce its population policies, then it will reach into every village, every farm, every factory, to assure that children will be aborted against the wishes of their parents.

This coercion is systematic, pervading every aspect of China's program, and we should not extend financial assistance—whether directly or through the agency of the UNFPA—to this program.

Mr. President, the Mikulski amendment would restore United States assistance to China's population control program. I recognize that the amendment would require the UNFPA to keep its books in such a way as to create the fiction that no United States money is going to China's program. But so long as we provide any assistance to the UNFPA, we are freeing up other agency funds to further its intimate and extensive partnership with China's population planners.

Mr. President, this is just unconscionable. The United States should provide no support—none—to any agency that subsidizes the draconian methods of the Chinese population planners. The Kasten amendment makes a clear statement that Government-sponsored policies of compulsory abortion and sterilization are intolerable and that international organizations that support such programs will receive no money from our Government. This amendment deserves our support and I urge its adoption.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I move to table.

The PRESIDING OFFICER. The motion has been made to table the amendment.

The majority leader?

Mr. MITCHELL. Would the Senator withhold the motion for one moment?

Ms. MIKULSKI. Mr. President, I ask unanimous consent to withdraw my motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, just outside the Senate at this moment are a group of European parliamentarians, a visiting delegation who I intend to bring in here in a moment and to introduce to the Senate. I ask unanimous consent that when I complete my remarks, the Senator be recognized to make her motion to table. I assume she is going to ask for the yeas and nays?

Ms. MIKULSKI. The Senator is correct.

Mr. MITCHELL. If the yeas and nays are ordered, that there then be a recess for 7 minutes, during which I will introduce the European parliamentarians, and the vote occur immediately upon the completion of that recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I move to table the Kasten amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess for 7 minutes.

Thereupon, at 11:30 a.m., the Senate recessed until 11:37 a.m.; whereupon, the Senate reassembled when called to order the Presiding Officer [Mr. ROBB].

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be permitted to address the Senate briefly to introduce the delegation of the European Parliament, and that following the completion of my remarks, the Senator from New Hampshire be recognized to address the Senate for 7 minutes on the pending amendment. Following the completion of his remarks, that the vote occur on the pending motion to table, without any intervening debate or action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WELCOMING THE EUROPEAN PARLIAMENTARIANS

Mr. MITCHELL. Mr. President, I am pleased to welcome today to the floor of the Senate, a delegation of the European Parliament. Joining us today are members of the Delegation for Relations With the United States who are here for the 33d meeting of delegations.

The chairman of the delegation is Mr. Geoffrey Hoon, from the United Kingdom. The first vice chairman is Ms. Hiltrud Breyer, of the Federal Republic of Germany. The second vice chairman is Mr. Philippe Herzog, of France. I am pleased to welcome our parliamentary colleagues:

Mr. Miguel Arias, European People's Party, Spain;

Lord Bethell, European Democrat, United Kingdom;

Mr. Elmar Brok, European People's Party, Germany;

Mr. Bryan Cassidy, European Democrat, United Kingdom;

Mr. Artur da Cunha Oliveira, Socialist, Portugal;

Mr. Barry Desmond, Socialist, Ireland;

Mr. Gene Fitzgerald, European Democratic Alliance, Ireland;

Mr. Gerardo Gaibisso, European People's Party, Italy;

Mr. Ernest Glinne, Socialist, Belgium;

Mr. Lyndon Harrison, Socialist, United Kingdom;

Mr. Fernand Herman, European People's Party, Belgium;

Mr. Christos Papoutsis, Socialist, Greece;

Mr. Klaus Riskaer Pedersen, Liberal, Democratic and Reformist, Denmark;

Mr. Jean Penders, European People's Party, Netherlands;

Mr. Ioannis Pesmazoglou, European People's Party, Greece;

Mr. Luis Planas, Socialist, Spain;

Mr. Hans-Gert Poettering, European People's Party, Germany;

Mr. Manuel Porto, Liberal, Democratic and Reformist, Portugal;

Mr. Jacques Tauran, European Right, France;

Mr. Josep Verde, Socialist, Spain; and

Mr. Eisso Woltjer, Socialist, Netherlands.

The European Parliament is an increasingly important legislative body. The elections last June received considerable international attention. As Europe moves toward the single market of 1992, the European Parliament will play an important and critical role in shaping the new Europe of the 21st century.

Close relations between the European Parliament and the U.S. Congress will be a significant aspect of the evolution of Western democracy.

Mr. President, I ask that my colleagues join me in welcoming our distinguished guests, and that during the forthcoming vote, individual Senators take the opportunity to meet the individual members of the delegation.

We now welcome our friends and colleagues from the European Parliament.

[Applause.]

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 7 minutes.

Mr. HUMPHREY. Mr. President, I thank my colleagues for their cooperation.

Mr. President, each year over the last 5 years, the administrators for the Agency for International Development have found compelling evidence that the population program of the People's Republic of China is pervaded by coercion, including compulsory abortion and have, therefore, declared that UNFPA is not eligible for population assistance funds because of its support for China's program.

Likewise, Mr. President, in 1989, the Bush administration has found compelling evidence that the population program in the People's Republic of China is pervaded by coercion and has refused to fund it.

On June 7 of this year, in a meeting of the United Nations Development Program Governing Council in New York, the administration refused to restore United States funding of UNFPA as it relates to China. The administration's delegate, Dr. Nyle C. Brady said, "We strongly oppose the program as currently formulated and disassociate ourselves unequivocally from any interpretation of this body's concensus that suggests we approve the family planning program to the People's Republic of China."

Mr. President, the administration did not make this decision lightly. The decision is based on a finding that the People's Republic of China continues to engage in the gruesome practice of forced abortions as part of its family planning program. Such a practice is ethically heinous and constitutes a grievous violation of the human rights of the parents and, as many of us believe, the human rights of prenatal infants who are thus destroyed.

The administration refused to fund the UNFPA because it believes the People's Republic of China programs continue to rely heavily on coerced abortions to terminate second and subsequent pregnancies and even first pregnancies when these occur without prior authorization by the Government.

Recently, the People's Republic of China announced an exception to the one-child policy in the countryside for couples whose first child was a girl. They are permitted to have a second child. However, third children are strictly banned.

Further, the central committee directive No. 7 of 1983 requires "mandatory IUD insertion after one child, mandatory sterilization after two, and mandatory abortion of any child conceived outside the quota system." That quote is from the Federal Broadcast Information Service, China, December 6, 1984, pages 4 and 5.

Mr. President, the problem is the population control program itself. It is based on the notion that decisions about childbearing should be made by the government and its representatives and not by the parents. In this, it violates the fundamental charter of the UNFPA which states that family planning decisions should be left to families.

Currently, the compulsory abortion policy is being applied with special brutality in Tibet. On February 26, the Washington Post published an essay by Dr. Blake Kerr, an international human rights activist, citing credible life in his testimony regarding a mobile team of People's Republic of China population control agents who forceably aborted every pregnant woman in a village, including those 9 months pregnant.

Let me read an excerpt from that essay, Mr. President.

> A particularly appalling story I heard came from a pair of refugee Buddhist Monks * * * "In the autumn of 1987," they told me, "a Chinese birth control team set up their tent next to our monastery. * * *"
>
> The villagers were informed that all women had to report to the tent for abortions and sterilizations or there would be grave consequences. * * *
>
> During the two weeks the birth-control tent stood in the village, the Monks claimed that all pregnant women had abortions followed by sterilization, and every woman of childbearing age was sterilized.
>
> We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build outside the tent, which smelled horrible.

Mr. President, clearly the population control program of the People's Republic of China remains, remains, remains a program of coercive abortion and involuntary sterilization.

Steve Mosher, an expert on China, testifying this past April before the House Subcommittee on Foreign Operations had this to say:

> China's population control program is coercive in both design and implementation. Most couples are limited to one child by means detailed by Peking in its technical policy on population control.

Mr. President, some suggest that the situation in China is improving. Let me share with my colleagues a February 1989 statement by John Aird, former research specialist on China at the United States Bureau of the Census. "The Chinese program," he says, "is at present"—his statement is as of this year—"is at present actually becoming more coercive." More coercive, he said.

Mr. President, I recognize that the provision in the underlying bill makes an exception for programs in the PRC, but let us cut through the fog. Even with this so-called China exception, the UNFPA would still receive $15 million while continuing to support China's coercive abortion program. The UNFPA would merely have to keep its books in such a way that United States funds would not go to China. In effect, this would give UNFPA a green light to support coercive population policies in China, or elsewhere, without jeopardizing its United States funding.

Mr. President, I have a good deal more to say about this, but unfortunately my time is limited under the circumstances. I hope that my colleagues will not associate the United States with coercive-forced abortions which are taking place unabated in the People's Republic of China. I hope that my colleagues, once again, will support the Kasten amendment. And I must say, with all due respect to the members of the Appropriations Committee, that they certainly did not do themselves any great honor reporting a bill out lacking the amendment.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **COATS.** Mr. President, I rise in strong opposition to the underlying Mikulski amendment, and in support of the second-degree Kasten amendment.

The Kasten amendment would reaffirm current United States policy against supporting organizations, such as the United Nation Fund for Population Activities [UNFPA]—which promote coercive population programs. Specifically, China's program which involves compulsory abortion on a massive scale.

The underlying Mikulski amendment, although technically segregating United States funds from China's program, would in practical affect send a message to the UNFPA that the United States is now willing to shut its eyes to the brutalities which continue unabated in China. The UNFPA would continue its hand-in-glove relationship with the overseers of China's population policies, and the UNFPA would also regain its United States contribution.

Under the Mikulski amendment, the strong human rights policy which we have set forth in the Kemp amendment, beginning in 1985, would be gutted. All that would be left would be a bookkeeping requirement.

Now, some defenders of the UNFPA have argued that we should not punish the UNFPA just because it supports one bad program. I think that overlooks, No. 1, how bad China's program is, and No. 2, how enthusiastically the UNFPA has supported China's population program, defended it, held it up as a model to other developing nations.

The UNFPA has not, to my knowledge, criticized the well-documented and widespread use of coercive abortion and involuntary sterilization in China. Instead, top UNFPA officials have simply parroted official Chinese denials that coercion exists—despite a mountain of evidence to the contrary.

Since at least 1979, China's government has systematically employed coercive abortion and compulsory sterilization. Since at least 1981, massive and compelling evidence has been available in the public domain—collected by reputable journalists, Sinologists, and diplomats—demonstrating that harshly coercive measures are routinely employed in order to enforce the Chinese government's birth quota system.

From 1979 to date, the UNFPA has been deeply involved in China's population-control efforts. UNFPA officials have served continuously in China, some of them working with the state family planning commission in Beijing, which oversees the entire national population-control program. UNFPA personnel help train senior Chinese family-planning officials.

Consider, for example, the following passage, quoted directly from Family Planning Program in China, 1987 published by China's State Family Planning Commission:

> China's success in its population and family planning program has undoubtedly won positive recognition from the international community. Among others, China was honored with the first United Nations population award in 1983.
>
> In 1979, the Chinese government and the United Nations Fund for Population Activities [UNFPA] signed a memorandum of understanding, under which UNFPA sponsored various projects in China for the first cycle of population and family planning assistance from 1980 to 1984. And the projects for the second cycle from 1985 to 1989 are now in operation. All the activities under the projects turned out to be beneficial for China to expand its contacts with the international population community, learn valu-

> able experience from other countries, as well as upgrade the national research on demography and technology for birth planning.

The U.N. award, referred to in the Chinese statement just quoted, was conferred by a committee chaired by UNFPA executive director Rafael Salas. The Chinese family planning minister, Qian Xinzhong, received this first-time, $12,500 award for the Most Outstanding Contribution to the Awareness of Population Questions. A committee member, Nobel laureate economist Theodore W. Schultz, resigned in protest, the New York Times (July 24, 1983) reported.

In his book the Crowded Earth (Norton, 1984)—which was funded in part by a grant from the UNFPA—former New York Times correspondent Pranay Gupte reported on a subsequent interview with China's family planning minister, Qian Xinzhong, who immediately launched into an appreciation of what the United Nations award meant to him and to the Chinese. The award had, Qian said, put the imprimatur of the world body on China's family-planning efforts. (p. 156)

The UNFPA's unwaivering approval of China's population policies is illustrated by these typical pronouncements by UNFPA officials.

> China provides a superb example of integrating population programs with the national goals of development.

UNFPA executive director Rafael Salas, Popline, Newsletter of the UNFPA-funded population institute, November 1981.

> China is actively working to get up a model of how social and economic factors can be harnessed in a harmonious way. The government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today.

Statement by UNFPA representative in Beijing, New China News Agency, July 11, 1987.

Another statement for then-UNFPA executive director Rafael Salas, this one from a speech given in Washington on April 8, 1986:

> You have to leave the countries to decide for themselves. You are in no position, morally or culturally, to dictate to others what they want! It is the leaders of those countries that know best * * * so do not intervene and place your own moral conditions on other countries. That goes as well for China. * * *

As recently as May 24, 1989, the current UNFPA executive director, Nafis Sadik said at a Capitol Hill luncheon that China's population control is, quote, "entirely voluntary."

Mr. President, the Tuesday Washington Post contained an editorial which stated that the funds given to China by the UNFPA are all used for research in contraceptive technology.

That statement is in error. The UNFPA's role in China's population program has been, and remains, far more extensive than the Post apparently realizes.

According to the UNFPA's own documents, among the specific components of the China program to be supported by UNFPA under the 1985-89 5-year plan were:

> Management training, logistics, management information systems, programme research and evaluation and publicity education. * * * It also includes projects in population education in the formal and nonformal sector. * * * UNFPA assistance would provide international consultants' training, including fellowships and study tours; and expandable and non-expandable equipment and supplies.
>
> Source: UNFPA proposed projects and programs: recommendation by the executive director, assistance to the Government of China, March 30, 1984.

The 1985-89 plan also listed strengthening the management capabilities of the Chinese State Family Planning Commission as a priority. The State Family Planning Commission is the central directorate of the entire population control program—which issues the birth quotas, which are then transmitted down through the population-control hierarchy.

Among the specific items purchased by the UNFPA for China's State Family Planning Commission were millions of dollars worth of advanced computers.

Computer hardware for the management information system at the state family planning commission and in at least 70 prefectural-level family planning offices was installed and related training conducted. UNFPA annual report, 1986, page 91.

Turning finally to the UNFPA's own annual report for 1988, we find a lengthy description of the UNFPA's extensive activities in China, including these statements:

> UNFPA is also supporting national training facilities for family planning professionals and for family planning administrative personnel.
>
> In 1988, UNFPA renewed its assistance to the State Family Planning Commission in setting up a management information system to manage services and evaluate the policies and programmes.* * *

So, Mr. President, in view of the continuing close relationship between the UNFPA and the population control policies of the People's Republic of China, I strongly urge adoption of the Kasten amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table amendment No. 775 offered by the Senator from Wisconsin to the fourth excepted committee amendment on page 16, line 13 through 22 of the bill. The yeas and nays have ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MITCHELL. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

Mr. HELMS. Mr. President, regular order.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—48

Adams
Baucus
Bentsen
Bingaman
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Daschle
Dodd
Fowler
Glenn
Gore
Graham
Hatfield
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Specter
Stevens
Wirth

NAYS—50

Armstrong
Biden
Bond
Boren
Boschwitz
Breaux
Burns
Coats
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Humphrey
Johnston
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Mitchell
Murkowski
Nickles
Pressler
Reid
Roth
Shelby
Simpson
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—2

Cranston
Matsunaga

So the motion to lay on the table amendment No. 775 was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was rejected, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—52

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Cranston
Daschle
Dodd
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heinz
Hollings
Inouye
Jeffords
Kassebaum
Kennedy

Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Stevens
Wirth

NAYS—47

Armstrong
Biden
Bond
Boschwitz
Breaux
Burns
Coats
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Humphrey
Johnston
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Shelby
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—1

Matsunaga

So, the motion to reconsider the vote on the motion to table was agreed to.

Mr. HUMPHREY. Mr. President, the situation is such that the matter is now open for further debate.

The PRESIDING OFFICER. I inform the Senator from New Hampshire we are in a nondebatable position. The motion to table has occurred.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. It is not debatable now?

The PRESIDING OFFICER. It takes unanimous consent to debate.

Mr. LEAHY. I would have to object.

Mr. President, we are in real time constraints.

The PRESIDING OFFICER. The question now occurs on the motion to table.

The yeas and nays are automatic.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

YEAS—52

[Rollcall Vote No. 188 Leg.]

Adams
Baucus
Bentsen
Bingaman
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Cranston
Daschle
Dodd
Fowler
Glenn
Gore
Graham
Hatfield
Heinz
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Specter
Stevens
Wirth

NAYS—48

Armstrong
Biden
Bond
Boren
Boschwitz
Breaux
Burns
Coats
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Harkin
Hatch
Heflin
Helms
Humphrey
Johnston
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Shelby
Simpson
Symms
Thurmond
Wallop
Warner
Wilson

The motion to table on reconsideration was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 16, LINE 13

The PRESIDING OFFICER. Are there further amendments to the amendment?

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I do not have an amendment but I do want to address the pending question.

Mr. President, the matter before us now is the committee amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HUMPHREY. Mr. President, before we get to a vote on that—I shall not delay the Senate unduly—for my part I want to try to clarify the effect of the amendment which is before us.

The amendment reads:

Provided further, That notwithstanding the previous proviso, not less than $15 million of the funds appropriated under this heading shall be made available for the United Nations Population Fund, provided further that the U.N. Population Fund shall be required to maintain these funds in a separate account and not commingle them with any other fund, and provided further that none of the funds made available for the UNFPA shall be made available for programs in the People's Republic of China.

Mr. President, the Senator from Wisconsin offered a substitute amendment that would have struck this earmark. The committee amendment now before us in effect very simply earmarks $15 million of the entire amount of appropriated, namely $220 million, earmarks $15 million of that for the U.N. Population Fund.

In other words, overall this bill appropriates $220 million for family planning. I know virtually all Senators support family planning providing that does not include abortion because abortion is not a method of family planning. We are spending next year under this bill $220 million for family planning. Had the Kasten amendment carried, we would still have spent $220 million. The whole amount would not have been diminished by one cent. Instead the change would have been that the only earmark within that whole $220 million, namely the $15 million for the UNFPA would have been eliminated. There would be no earmarking. We would still have spent $220 million for family planning.

Frankly, it was my observation mainly with my colleagues in the well during the several votes that there was a lot of confusion on this point. It might be a little shocking to those who observed the proceedings that Senators should be confused.

Well, Senators get confused. Even Senators get confused. Maybe I am confused about whether Senators were confused, but it is my opinion some Senators were confused about the effect of the Kasten amendment. The Kasten amendment merely sought to remove an earmark. It did not seek to reduce by 1 cent the amount of money appropriated by this bill for family planning.

Had the Kasten amendment carried, then that $15 million earmark would have been removed, and the $15 million would have been commingled again with the other $205 million. All of the $220 million would have been spent on population programs where abortion is not a method of population planning. That has been our national policy, a policy of both administrations over the last 5 years.

I hope that our colleagues in the House will act more sensibly in conference than we have today.

Mr. President, forced abortions are not in China a theory. This is not some kind of political hot air. When we speak of forced abortions it is not a political diatribe. There is established fact from a diverse body of sources. The Chinese Government forces women to have abortions. The U.N. Family Planning Agency supports the Chinese program including inevitably and unavoidably forced abortions.

Is that what Senators want to be associated with—hauling women under force into makeshift abortion clinics and aborting them even in the ninth month? This has been documented. It is occurring wholesale. That is what we have just associated ourselves with by this vote.

I know the committee included a cosmetic provision saying that our $15 million if it goes to the UNFPA must be segregated in a separate account. Look, we all know money is fungible. If our $15 million is not spent on China, then it will be spent elsewhere, and the money that is saved elsewhere or displaced elsewhere will be spent on forced abortions in China.

So it is a very thin facade. It does not do the job. It does not discuss our association with this program of forced abortion.

So we are back to the committee amendment. We are about to vote on whether to earmark $15 million for the U.N. family planning program which embraces forced abortion in China. Shame on us if that is truly what we want to do. But I do not think it is truly what we want to do.

I think many Senators really felt ambivalent about this issue, strongly support international family planning efforts, and at the same time abhor forced abortions, in many cases abortions under any circumstance, except to save the life of another. I think many Senators though the Kasten amendment would reduce by $15 million our overall family planning effort.

I think that is what many Senators thought—that they did not want to do that. But they were mistaken if that is what they though because the Kasten amendment would not have changed by 1 penny the appropriating $220 million overall that we are appropriating for international family planning efforts.

Mr. President, before I conclude—because I did not have the time earlier during the pendency of the Kasten amendment to express myself fully, and before I got to the floor. I came as soon as I was told the amendment was on the floor, but before I got here it had already been tabled and the opposition in their generosity gave me all of 7 minutes to express myself which was not nearly enough under the unanimous consent.

I am grateful for what I have, but frankly it is not enough.

Mr. President, is it necessary to say that forced abortions are an egregious violation of human rights of the mother, the father, and, in my view, of the child, as well? Is is necessary to say that? I think not. But it is useful to say it to put things back into perspective.

Directive No. 7 of People's Republic of China of 1983 still remains in force which, according to Federal Broadcast Information Service, transcript of December 6, 1984, pages 4 and 5 is this: "Mandatory IUD inserting after one child, mandatory sterilization after two."

Mandatory sterilization. We are not only talking about forced abortions, but we are talking about mandatory sterilization as well. Is that what Senators want to associate this country with? I doubt our taxpayers would support that.

To continue what I was saying "Mandatory IUD insertion after one child, mandatory sterilization after two, and mandatory abortion of any child conceived outside the quota system."

China has a quota system. Parents are allowed to have one or two children depending upon their circumstances. Usually one, in most cases. If a woman has a second child, it is mandatory sterilization. Should she become pregnant by removal of an IUD a third time, it is mandatory abortion, and that is what we propose to fund because of the fungibility of funds in this committee language.

Senators surely do not want to do that especially in view of the fact that the money, the $220 million, and every penny of it would be spent on legitimate family planning programs as has been the case without exception in the past 5 years.

Mr. President, earlier I read in part a statement of John Aird, former research specialist on China at the United States Bureau of Census. I did not complete it because of lack of time. I want to read the whole statement at this point. It is a statement of February 1989.

> The Chinese program is at present actually becoming more coercive, not because of local deviations from central policies but as a direct, inevitable, and intentional consequence of those policies. Foreign officials and individuals that indiscriminately laud the Chinese program or provide financial or technical assistance for any aspect of it place themselves in the position of supporting the program, as a whole, including its violations of human rights.

Indeed, that is precisely the point.

When the United States provides financial assistance, however indirectly, through the UNFPA, we place ourselves in the position of supporting the program as a whole, including its violation of human rights.

By way of bringing into this discussion President Bush's position, I would like to read an excerpt from a May 5, 1989 letter from President Bush to Congressman HENRY HYDE. Quoting:

> I also agree that there should be no funding for the U.N. Fund for Population Activities so long as it supports programs involving compulsory abortion.

Mr. President, I want to compliment President Bush for his principled position. I hope the White House would bring all possible assuagement to bear at the conference so the effect of this bill can be conformed to pass the policy.

Perhaps this is a bit redundant, for Senator KASTEN may have already placed this into the RECORD, but I want to cite part of a letter from Mark Edelman to Senator KASTEN. He is acting administrator for AID. He says:

> An amendment to earmark fiscal year 1990 funding for the U.N. population fund—

That is what this committee amendment does, earmarks it—

> and to waive the Kemp-Inouye-Kasten legislation against coercive abortion and involuntary sterilization was adopted by the Senate Appropriations Committee and is now contained in H.R. 2939, the fiscal 1989 foreign assistance bill.

He continues:

> The administration strongly opposes this amendment. The administration concern about coercion is consistent with the Kemp-Inouye-Kasten amendment. Since we ceased funding of UNFPA In 1985 under your legislation, we have also stated that future funding of UNFPA would depend on significant changes either in the China population program or UNFPA assistance to it.

I will leave it at that and stop there. I want to commend the Senator from Wisconsin for not only this year's effort, but his effort for many years in this area. He has served the Nation well, and he has likewise served the cause of human rights in the international scene very well indeed. I know that he is not giving up.

It is a pity that the amendment did not carry. It should have, because it would not have reduced by even a penny the amount we spend on legitimate family planning programs, those which do not involve coercion, sterilization, forced abortions, even in the ninth month.

I hope what I have had to say will help to further clarify a little bit the foregoing business of this morning and put things in a little bit sharper perspective, so that observers will understand what took place here and to express my hope that in conference, with the active help of the administration, we can restore policy to that of the former years, a principal policy based on decent respect for human rights for parents, mothers and fathers and of prenatal infants.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The excepted committee amendment beginning on page 16, line 13 was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that the excepted committee amendments be laid aside, except for the committee amendment beginning on line 13, page 149, through line 8, page 152, relating to restrictions on assistance for El Salvador.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 776 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 149, BEGINNING ON LINE 13

Mr. LEAHY. Mr. President, I send to the desk a perfecting amendment to the committee amendment on El Salvador and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 776 to the excepted committee amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "SEC." on line 14 on page 149 through line 8 on page 152 and insert the following:

(a) It is the Sense of the Congress that with respect to the armed conflict in El Salvador—

(1) a lasting and just settlement of the conflict can only be achieved through negotiations between the parties and the incorporation of the FMLN into the democratic process;

(2) the United States should use its influence to encourage all parties to negotiate an end to the conflict;

(3) the Congress commends President Cristiani and the FMLN for beginning negotiations in Mexico City and urges both sides to continue this process to achieve an end to hostilities and a political settlement of the war;

(4) the Congress urges the President to use his influence to encourage the Salvadoran armed forces to give its full support to the negotiations.

(b) Of the amounts appropriated by this Act under the heading "Foreign Financing Program", not more than $85,000,000 shall be available for El Salvador. The amount referred to in the preceding sentence shall be available for obligation in three equal amounts, as follows: not more than one-third of such amount shall be available beginning October 1, 1989, not more than an additional one-third of such amount shall be available beginning February 1, 1990, and not more than an additional one-third of such amount shall be available June 1, 1990.

(c)(1) Not later than January 15, 1990, and May 15, 1990, the Secretary of State shall submit a report to and consult with the appropriate congressional committees regarding the obligation and expenditure of funds under subsection (b), including a description of efforts by the Government and armed forces of El Salvador and the United States Government—

(A) to settle the conflict in El Salvador through a mutual cease-fire and negotiations or dialogue with all major parties to the conflict;

(B) to protect internationally recognized human rights, including—

(i) ending, through prosecution or other means, the involvement of members of the military, security forces, and private individuals in political violence and abuses of internationally recognized human rights;

(ii) bringing to justice those responsible for the abduction, torture, and murder of Salvadoran and American citizens; and

(iii) preserving the rights of freedom of the press, assembly, association (including the right to organize for political purposes), and internationally recognized worker rights; and

(C) to institutionalize political pluralism and civilian control over the military.

(d) Not later than May 15, 1990, if the President intends to obligate the remaining one-third of the available funds for El Salvador, he shall submit to the appropriate congressional committees a notification of his intent which shall be considered by such committees in accordance with the same procedures as are applicable to reprogramming notifications to such committees.

(e)(1) None of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador unless the President determines, and so certifies to the Congress, that the Government of El Salvador and its military and security forces are permitting international humanitarian and religious relief organizations to provide services to civilians affected by the conflict in that country, except to the extent that the lives of relief personnel would be endangered by military operations.

(2) None of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador for forced relocation of civilians to participate in civil defense activities, or to support political mobilization and propaganda activities.

(3) Funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part III of such Act (relating to the Economic Support Fund) for fiscal year 1990 and allocated to El Salvador shall be available only for programs independent of military operations and to support programs and projects planned and implemented by civilian agencies or organizations except to the extent that military provision of transportation or security for supplies and civilian personnel is required.

(f) For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(g) Of the funds appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $180,000,000 shall be available for El Salvador, $85,000,000 shall be available for Honduras, $85,000,000 shall be available for Guatemala, and not less than $90,000,000 shall be available for Costa Rica. Of the amount allocated for Costa Rica by the preceding sentence, up to $33,000,000 shall be available as a United States contribution to Costa Rica's debt reduction program.

Mr. LEAHY. I ask for the yeas and nays on the perfecting amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. So everybody understands what this amendment does, because I think it is well known, as we stated earlier at the beginning of this debate, there would be at least three amendments of some controversy, actually areas where the distinguished ranking member and I had disagreements, and that we would ultimately have to have debate and vote on those three items.

This was well understood in subcommittee and in the full committee, and it should be here on the floor, also. One of those was, of course, the one we have just debated, and the distinguished Senator from Wisconsin presented his views strongly and well. And distinguished Senator from Maryland [Ms. MIKULSKI] presented hers, and that has now been disposed of.

The Senator from Maryland was successful in retaining the language that had passed the committee. I commend the Senator from Maryland for preserving that.

What we are doing now is the second of those three that would be especially difficult, and that, of course, is El Salvador.

What this amendment, the perfecting amendment on which we have the yeas and nays, does, Mr. President, is maintain the intent of the original committee amendment. That intent was, speaking now of the amendment that went through the full committee, the military aid to El Salvador be limited to $85 million, that the money be divided into three equal segments, and that the administration be required to consult with Congress on El Salvador policy. It changes the date by which the administration must consult prior to the release of funds.

The perfecting amendment adds language endorsing the negotiating process now getting underway between the Government of El Salvador and FMLN. It calls on the administration to use its influence to encourage a negotiated solution to the war.

My amendment actually commends President Cristiani and the FMLN for beginning negotiations and urges the administration to use its influence, which is considerable, with the Salvadoran armed forces to give their full support to the negotiations.

I do not know how many negotiations you will have. Unless both parties want to support those negotiations, they will go nowhere.

It earmarks ESF for the Central American countries in the following manner: El Salvador, $180 million. Guatemala, $85 million. Honduras, $85 million. Costa Rica, $90 million. It provides authority to use up to $33 million of Costa Rica's ESF earmarked as a United States contribution to Costa Rica's debt reduction program. That makes a total of $440 million of economic support funds available for Central America.

I might say, Mr. President, that is in keeping with the recommendations of the Central American Development Commission, under the distinguished leadership of the Senator from North Carolina, Senator SANFORD.

Mr. President, so everybody understands what we are doing, I want to get a vote in the Senate on the committee provision on El Salvador. We did not have that vote in the full committee because we counted numbers and knew that my provision would win by the barest of margins, but it would have won.

Now, there are some on both sides of the issue who would probably like to avoid this vote. I am not one of them. It may or may win in this body. I suspect with the enormous pressure the administration has been bringing, and arm-twisting coming from the White

House, that I will probably lose, but this is a matter of principle.

I think we ought to be on record about it. I want us to say that we are going to be sending down $1½ million every month to a country geographically smaller than my own State of Vermont.

I want Senators to stand up here and say they are willing to send that money with no strings attached, or at the same time we have to cut programs here in the United States? Are we willing to stand up and say if we are going to send money to El Salvador, at least we are going to have some say in how that money is spent?

We are going to be told that our aid will help bring about democracy and freedom and human rights in El Salvador. So what is wrong with saying, OK, let us have some certification that of the need to do that.

This is not so much a question of saying the check is in the mail. Otherwise, what we are saying is a blank check is in the mail. In Vermont we kind of like to know that we get what we paid for.

What I am saying here is when the United States sends down money like this, it says it does it to enhance human rights, freedom and democracy, then we ought to make sure that we get exactly what we are paying for.

Some prefer a vote for language praising President Cristiani and the administration for the negotiations now beginning. Nobody disagrees with that. I am glad the negotiations are beginning, but then they slip in, "Oh, by the way let us just throw in an extra $5 million with the praise so they know we mean it sincerely and raise it to $90 million."

Maybe that is because sometimes talk is cheap so send the money with it. I think we are doing a lot praising this, we are doing a lot of praising, and we have sent billions of dollars down there getting to this point.

I join the praise with those who worked hard within the Government and FLMN to bring negotiations on. But having done what should have been done on both sides anyway, I do not think we should simply say, "By the way, here is another million of taxpayers money."

This issue is an issue of principle for me and it should not be one where we simply decide the issue on a parliamentary game.

The Senate should vote whether or not the Congress should have a vote in policy in El Salvador. Particularly this body, the U.S. Senate, the body that should be the concience of the Nation, needs to take a stand on whether the goal of the United States should be a negotiated solution, not what everybody knows is unattainable, a military victory, and whether we will use the influence of military aid to achieve that goal.

The United States' best military people came to the conclusion long ago there is not going to be a military solution, however defined, in El Salvador, any more than there would be one in Nicaragua. There is, however, promise within a negotiated settlement.

Look what I want to do is make sure that if we are lending the prestige of the United States and the Treasury of the United States, that it is for that end and not simply business as usual: Here is the money. Do whatever you want. We will send you a stern letter and next year we will give you more money.

Those days have to end.

Look what the amendment does not do: It does not weaken the Salvadoran armed forces insurgency. It cuts the present inflated request to $85 million. But that is last year's level. The Salvadoran military can hold its own with that level when you couple it with the hundreds of millions of dollars we poured into over the last decades.

If the money we are sending down their own administration is telling us is going directly to the Salvadoran military, if it really has gone to them, if it has not been siphoned off in bank accounts in Miami or elsewhere, then there is more than enough money available.

The combat strength of the Salvadoran military is not the issue. It is the attitude of the generals and colonels about ending the war with negotiations, because if they do, they reduce the total domination of political life of El Salvador.

Nor does this amendment automatically cut off military aid to some later date. It establishes mechanism for distributing $85 million in military aid in three equal segments.

Assuming this bill is enacted into law before the beginning of the next fiscal year, the first $28 million will be available automatically on October 1. That is just 2 weeks from now. The second $28 million will be available automatically February 1 of next year.

The administration will provide Congress with a report, but then they will consult with us on two central points. First, the efforts by the Salvadoran Government and the administration to negotiate a political settlement to the war. Secondly the efforts to improve respect for human rights and human life.

If the administration intends to obligate the third $28 million it must formally notify the appropriate congressional committees and report and consult with us on the two points of concern.

Then the Congress will have the option if it acts affirmatively in accord with regular reprogramming procedures, to block or reduce this amount if we determine that the Salvadoran Government and military are not making a serious effort to find a political settlement and to protect human rights. That decision does not come until 8 months from now. There is plenty of time for both sides to prove if they are really serious about these issues.

Everybody involved in El Salvador comes to me and says: "We are serious about this issue." Everybody in the administration comes to me and says: "We are serious about these issues.

If they are really serious, they should have no objection whatsoever in writing that seriousness into law.

In Vermont we learn always to trust people who have a track record in trust. Sometimes, however, when there are issues where the trust is not that clear, we write it in specifically. That is what we are going here. I hope that the commitment is there.

I do not fault the Bush administration for wanting improvement in human rights there. I believe they are sincere in that. I am certainly willing to accept President Cristiani is serious in that. But I am not willing to just give a blank check to El Salvador and think it will automatically follow and human rights will improve.

I think if there is incentive of money being withheld unless it does, that will probably speak more powerfully to those forces who are not committed to human rights in El Salvador than any speech or statement on this floor or from the administration.

So what we are doing with this provision is telling the Bush administration we are willing to give them time to show that we are going to follow a new course in El Salvador. The Senate did that when it concluded that the Bush administration was willing to follow a new course with respect to the Contras in efforts to overthrow the Government of Nicaragua.

I think the new bipartisan policy toward the war in El Salvador is possible and I think in the interest of that country and ours it is a necessity, but it is going to be based on a shared commitment between the President and a Congress to find an end to this ghastly war and help the suffering Salvadoran people to have a real chance of democracy and also a real chance of a government that actually respects the law and respects their individual human rights.

This is a moderate careful policy.

But, Mr. President, if this is objectionable, either to our Government or to the Government of El Salvador, then I have to question really whether that commitment is there. If indeed our Government or the Government of El Salvador objects to the United States Congress saying the money will not go to El Salvador absent a commitment to respect human rights, then I wonder just how serious that Government might be in saying they want to bring an end to the war and they want to restore democracy in that country.

And also if they are unwilling to state this way that they are committed to human rights and committed to an improvement in El Salvador, then I question what is ever going to be the basis of achieving the same kind of bipartisan policy that we did in ending the Contra war.

In the past 8 years we provided $4 billion to this little country smaller even in geography than the State of Massachusetts, smaller than the State of Vermont, but during that same period 70,000 people were killed in the war there. That is the same as if 3½ million U.S. citizens have been killed in a country our size—8 years, $4 billion, 70,000 people killed, and the political bombs by both the right and left continues, arrests, beatings, disappearance, killings by both sides, and yet both sides will stand up and admit the war cannot be won. A political settlement is the only solution. More battles will not bring either victory or peace.

Their economy is a shambles. The standard of living of most people especially the poor has fallen. The per capita income fell last year by 0.8 of a percent, one half a percent drop than the year before.

All of us here, I believe, supported President Duarte. He was a courageous leader, committed to democracy, but he never had the support of the military to get a serious process of negotiations going.

President Cristiani is taking a first step by appointing a committee to negotiate. FMLN has agreed to participate. The talks are just beginning. Results so far are encouraging, and I commend President Cristiani for being willing to take that step.

But the support of the Salvadoran military is absolutely crucial if those talks are going to lead anywhere. The way to get that support, I am afraid, Mr. President, is only one way with the United States to use the leverage of its foreign aid to get the support.

Opponents of this amendment say that this is not the right time. President Cristiana deserves a chance. The peace talks are just beginning.

Mr. President, if for 8 years every time an issue comes up here for debate any restriction on aid to El Salvador we are told: But it is not quite the right time, not this year, maybe next year, not this year. I have heard that for 8 years. During that time $4 billion has gone down there, 70,000 people have died. If 8 years ago was not the right time, if 7 years ago was not the right time, if 6 years ago was not the right time, if 5 years was not the right time, if 4, if 3, if 2, if 1, if none of those years was the right time, when in heavens name is the right time for the United States to say that the blank check will stop; we are going to have to see some results of American foreign aid that is going to El Salvador.

I happen to feel that the language in here would help President Cristiani. In fact some of his staunchest opponents are in the military. Let me quote from a Christian Science Monitor article last week:

> Typical of Army thinking is a statement by Colonel Mauricio Vargas, military commander of the eastern half of the country and considered one of the more moderate officers.

Colonel Vargas said:

> We, the armed forces, are reminding the FMLN, in case they've forgotten, that to "dialogue" is one thing and to negotiate is another. So far neither the government, and even less the armed forces, has committed itself to negotiation, which isn't possible nor has reason to exist.

Also in the article, a Western diplomat is quoted as saying:

> Cristiani knows the key to this is the Army, and he knows he doesn't control the Army.

(Mr. **BUMPERS** assumed the chair).

Mr. **LEAHY.** To those who say this is the wrong time for legislation I say there can never be a better time. A process is started. The United States should use its influence and encourage that process. The army has to note that the United States will not support an unending war in El Salvador. It must send a strong message to the FMLN and enable the same level of aid to get to the military without delay or reduction by May 15. We conclude the FMLN is not negotiating in good faith.

Congress should have a role, as I have said, and this, Mr. President, is the way we set our role. So let us stop here and think.

For 8 years, Mr. President, the United States has said this is not quite the year to put restrictions. For 8 years we should send a blank check. For 8 years we have said if we hold off putting on restrictions, human rights will improve and the situation will be better.

Mr. President, I am a patient man, but 8 years is too long. Now is the time to have some restrictions. I think the American people will have to ask where $85 million of their money is going; the American people have a right to know where that money goes. The American people have a right to know when the United States sends down $85 million, we do it with a statement that it must be spent with the same kind of commitment to justice, freedom, and human rights that all Americans—Republicans and Democrats—adhere to.

Mr. **JEFFORDS** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. **JEFFORDS.** Mr. President, I rise in support of my senior Senator. He has given an eloquent statement with respect to the situation in El Salvador. I would like to note we have over the past few years spent all of our time on this floor debating the problems of Nicaragua. In fact, this is the first time I believe in some 5 years that this body has taken up the questions and problems of El Salvador. It is most appropriate that we do that because it is long overdue. But while we have been focusing on Nicaragua, things have not gone as well as we would like to see in El Salvador. I am pleased this body is now taking up this discussion.

However, I sense that there is not as much disagreement among Senators as some of the comments may lead one to believe. We all share a commitment to assisting the Salvadorans in their struggle for democracy. We can agree that the fight against poverty and underdevelopment are critical elements of this struggle. We are united, I believe, in our opposition to a military victory by the forces of the far right or the far left. Most all of us support a negotiated end to the civil war that has claimed the lives of hundreds of thousands of Salvadorans. And I would even go so far as to say most of my colleagues agree that President Alfredo Cristiani is making a strong effort to fulfill the promises which he made during his long campaign.

The language of the committee amendment is designed to assist President Cristiani in reaching these goals. While I would have preferred even stronger restrictions on aid, I believe that the committee position is a good one, but a modest step forward. It makes no radical change in U.S. policy. In fact, if Congress decides that President Cristiani is proceeding in good faith to carry out judicial and land reform, so essential in that country, and also to end human rights abuses and to bring about a negotiated end to the war, then there will be no change in U.S. policy or even a pause in U.S. aid. And if Congress, in consultation with the administration, feels that the FMLN is not willing to renounce military victory and actively pursue a negotiated peace, then military aid to the Salvadoran Government will continue without interruption. This approach provides the flexibility necessary to reflect the rapidly changing situation in El Salvador.

What this provision does do is send a warning to the groups who wish to destroy the fragile efforts at peace and development—those groups on the right and on the left who would rather see these efforts fail. This language puts all parties on notice that we will be watching them closely. We will evaluate the sincerity of their efforts. We will carefully review the effect of our substantial commitment of aid. And if we find, 9 months from now, that good-faith efforts are not being made to end the suffering of the Salvadoran people, then we will have the means at our disposal, upon consultation with the administration, of moving to reduce military aid.

Congress and the administration were forthcoming in providing former President Duarte with generous amounts of military and economic aid. In many ways, the results of this aid were very disappointing. Yet the committee provision allows these high levels of aid to continue, giving President Cristiani a chance to try things his way. And, I would argue, the restrictions in the committee language will aid him in his struggle against those elements of Salvadoran society that would much rather see him fail.

The war has gone on too long in El Salvador. President Cristiani cannot afford to fail. The United States cannot afford to continue bankrolling failure. I urge my colleagues to support the committee position and the Leahy amendment.

It is extremely important that we do what we can to assist the people of El Salvador in their struggle to maintain their democracy and to improve their lifestyle. In my mind, is time that we refocused our attention on the decline in the health of the Salvadoran nation, as well as some related problems in Honduras. So, Mr. President, I strongly support the position of the committee and the Leahy amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise to oppose the——

Mr. HATFIELD. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to.

Mr. HATFIELD. If the Senator will yield for a question, I only inquire as to how long the Senator expects to hold the floor.

Mr. McCAIN. I would think about 8 minutes. Is it appropriate to speak at this time on the pending amendment, I ask my friend from Oregon?

Mr. HATFIELD. No, I was trying to merely accommodate my own schedule of knowing whether I should go to the caucus or whether I should remain to hear the Senator's eloquent statement, and how long I would be privileged to listen to the statement.

Mr. McCAIN. I thank my friend from Oregon, and I know the pending issue before the caucus is a very important one to both of us. I intend to finish my remarks by that time.

Mr. HATFIELD. I had come to the floor as a coauthor of the amendment to make a statement.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. HATFIELD. Would the Senator consider letting me proceed for about 7 minutes as an opening statement on the amendment that is now pending as a coauthor of that amendment?

Mr. McCAIN. Mr. President, I yield 7 minutes, if it is agreeable, to my friend from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to express my appreciation to the Senator from Arizona. It is not an ordinary schedule negotiating on the drug money.

Mr. President, in our Nation's headlines and on this floor, we seem to have room for only one war at a time, especially as it relates to a region like Central America.

For the past several years, that war has been one waged in Nicaragua by the United States-backed Contra rebels. Endless stories on the nightly news and endless hours of debate on this floor have been devoted to that dirty little war we have waged on the people of Nicaragua. Endless stories and endless hours of debate have been devoted to a discussion of a policy which now claims 40,000 dead, 10,000 orphans, and 10,000 amputees.

Our policy in Nicaragua, Mr. President, was a failure. From the very beginning, it was a failure, and now a bipartisan majority in this Congress seems to have faced this fact. But as we try to put the divisive policy debate since the Vietnam war behind us, the television cameras are moving in some part from Managua to San Salvador.

Suddenly, we are all beginning to focus again on the Central American war we have somehow forgotten.

Mr. President, despite almost $4 billion in United States assistance since the beginning of this decade, a civil war which we have all but ignored in recent years continues to rage in El Salvador.

At least 60,000—probably more like 70,000—people have died in that war, and living standards in that desperately troubled country actually have declined.

After the election in 1984 of Christian Democrat Jose Napoleon Duarte, we were told that El Salvador had become a democracy. We were told that the economy would improve, that the civil war would wind down, that the death squads would disappear. And so we appropriated the assistance on a bipartisan basis, a lot of good Democrats, a lot of good Republicans—and went on to other things. We turned our attention to Nicaragua, Mr. President, and assumed that El Salvador would somehow take care of itself.

That is right, Mr. President, the Senate has not voted on a United States policy toward El Salvador since 1984. Through a bipartisan effort we have blocked vote after vote opportunity on El Salvador for 5 years. I am sure, Mr. President, you will find a good bipartisan effort of good Democrats and good Republicans supporting continued efforts to try to ignore El Salvador or minimize the issue of El Salvador even today.

We have appropriated $1.3 million a day in assistance to El Salvador since then, but not once have we voted on the levels of assistance—not once have we debated the situation in the country or the direction of United States policy in El Salvador.

Now our inattention is coming back to haunt us. Now, as the television cameras move from Managua to San Salvador, we suddenly are face to face with another failure.

We have not been bankrolling democracy in El Salvador, Mr. President. We have been bankrolling failure.

As grand as the dreams and as good as the intentions of President Duarte, the economy is worse, the civil war continues and hundreds of thousands of innocent men, women, and children continue to suffer from indiscriminate violence and widespread poverty.

Under and unemployment hover around 50 percent, as does the percentage of Salvadorans without access to clean water.

One in every ten Salvadorans now lives as a refugee.

Per capita income—about $500—is 40 percent less than it was at the beginning of this decade.

One in every four Salvadoran children is malnourished, almost 1 in 10 does not survive its first year, and roughly half the children who survive are not in school.

These statistics, Mr. President, are not the foundation for democracy. They are the foundation for failure. They are the building blocks of a future full of desperation and despair.

Contained in the fiscal year 1990 foreign operations appropriations bill now pending are several provisions which I believe could begin to change our failed policy.

I emphasize the word "begin," Mr. President. Even if these provisions survive this debate—even if they survive the conference committee on the entire bill—they will not change the situation in El Salvador overnight.

The watered down compromises that will be offered to try to divert the attention of what Senator Leahy, Senator Harkin, and I have offered is nothing but a further attempt to dodge the issue. Water it down in order to camouflage the real facts. The truth is that these are moderate proposals that Senators Leahy, Harkin, and I offer, so moderate that

I find it hard to believe anyone actually opposes them.

I find it hard to believe that anyone could question the necessity of making our commitment to a negotiated political settlement crystal clear—to the Government as well as to the Salvadoran military.

I find it hard to believe that anyone could question the importance of periodic congressional reviews of the situation in that troubled country.

And I find it hard to believe that anyone could question the notion that humanitarian organizations should be allowed to operate freely in El Salvador.

We are talking about sending several hundred thousand dollars to El Salvador. Yet some of my colleagues seem to believe that the money we are appropriating—the taxpayers' money—should have no strings attached.

In the final analysis, anybody who stands on this floor today to present a plan that other than makes for some kind of a definite control is only trying to camouflage the current bankrupt policy, I do not care whether Democrats or Republicans.

There are those who will say: Give the newly elected Salvadoran President a chance. Given the history of this ARENA Party, I find that argument a little hard to swallow. But let me take it at face value. Suppose President Cristiani is committed to negotiations—the provisions included in this legislation do give him a chance. They give him a chance to strengthen his position, to say to the military: The United States is serious. If we are not committed to negotiaitons—and to upholding human rights—the aid will stop. That is all we are providing.

Of course I am concerned about the Salvadoran Government, Mr. President. But I am more concerned about the nation's children, children who have been raised for 10 years knowing nothing but war—and terror—and incredible poverty.

Must we consign them to another decade of neglect—to another decade of missed opportunities and pointless suffering? Or can we begin—just begin—to make a difference?

I know Senator LEAHY, Senator HARKIN, and others share this concern. I want to thank them for their work on this issue—and to assure them that they will not be alone as they raise it in the future.

We may lose today but we will win because it will be recognized sooner or later again that bipartisan support for a failed policy in El Salvador does not make it right.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. McCAIN. I will be happy to yield to my friend.

Mr. LEAHY. Mr. President, I just wanted the Senator from Oregon and my distinguished colleague and friend from Vermont, Senator JEFFORDS, to know that I will make some references to their excellent speeches. I thank the Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to oppose the pending amendment offered by the Senator from Vermont [Mr. LEAHY] because it would place exceptional and unnecessary restrictions on United States assistance to El Salvador.

Mr. President, throughout this decade the United States has been extremely generous with foreign assistance to El Salvador. Since, 1980, El Salvador has received well in excess of $3 billion in assistance from the United States. And as we consider legislation to restrict assistance to that beleagured country we would be wise to recall the purposes which our generosity was intended to serve and determine whether those purposes have indeed been well-served over the last 10 years.

Mr. President, United States support for El Salvador has simultaneously encouraged the growth of democracy and prevented the triumph of communism in that country. It has been, in my opinion, a great success. Before we determine that the terms governing U.S. assistance to that fragile democracy should be made more restrictive, we should be certain that we are not violating that wise old American adage: "If it ain't broke, don't fix it."

Mr. President, we are told that there is present within the provisions of the committee amendment a clear concern for the people of El Salvador. The Salvadorans are a long-suffering people who, having escaped from the shackles of oligarchy and dictatorship, continue to be terrorized by determined Marxist insurgents intent on worsening the dismal economic conditions of that impoverished society.

An interest in the well being of these unfortunate people is the appropriate concern of the elected representatives of the world's leading democracy. It reflects well on us. But I believe, Mr. President, that the effect of the restrictions proposed in the bill will not be an improvement in the lives and security of Salvadorans. Unfortunately, these provisions reveal a partisan quality that the authors might not have intended.

Mr. President, I believe the restrictions would further weaken the President's authority to conduct foreign policy in the region more than it would protect the lives and property of Salvadoran citizens. By conditioning one segment of assistance to further congressional approval at a later date we inexcusably impede the President's ability to craft and conduct even short-range policy in the region; we needlessly delay the delivery of essential military supplies to the democratically elected Government of El Salvador.

Mr. President, I was pleased to be an observer at the Salvadoran elections on two different occasions, and in the judgment of all observers they were free and fair elections. For the first time we saw a peaceful transition from one ruling party to another in El Salvador despite the predictions of some people who said that such a thing was not possible. Also, it might be of interest to my colleagues who propose this amendment to take note of recent information which indicates that the support for the FMLN militarily is on the increase. I would hope that would concern the sponsors of this amendment. FMLN terrorism is at an all-time high. The assassination of mayors, the crippling of the economy, the kidnapping of innocent citizens goes on on a daily basis, and their attempt to destroy the economic and social infrastructure of that nation is inexcusable. So what are we going to do with this amendment? Restrict the ability of the Government of El Salvador to counter the Cuban and Soviet supplied insurgency.

It might be of interest to note recent press accounts detailing an increase in Soviet military assistance to Managua despite Mr. Gorbachev's promises to curtail that assistance.

Mr. President, all of that military equipment does not remain in Managua. We know that. At the recent conference of Central American Presidents, the duplicitous Dictator Daniel Ortega admitted that he was supporting the FMLN in El Salvador. I wonder if the proponents of this amendment have taken that into consideration.

The proposed restrictions give the false impression of a division between the administration and Congress over the goals of our policy for El Salvador. Both branches correctly have as the focus for our policy the defeat of the Marxist insurgency; the strengthening of democratic institutions; and the promotion of democratic values. We all want democracy in that troubled country to endure throughout and beyond their present difficulties. But, simply stated Mr. President, these restrictions would appear more tendentious than humanitarian.

Mr. President, in 1963 President Kennedy succinctly and correctly, in my view, defined the proper focus of U.S. foreign policy. He argued that: "The purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation; it is to shape real events in a real world."

Shaping real events in the real world does not require the United States to refrain from promoting democratic values. Those values are a proper and acheivable objective for our foreign policy. What is truly regrettable about these proposed restrictions is that while they may serve as a vehicle to reflect some Members' attitudes on human rights as well as on the new government of El Salvador, they do precious little to advance those goals of peace and democracy which we all ardently desire for their country. In fact, they would mostly work to the detriment of any real progress toward those goals.

Nowhere in these proposed restrictions does there appear to be a full appreciation of the political conditions that actually exist in El Salvador at present and have existed there at least since the 1984 elections allowed Salvadorans to decide for themselves who shall govern the country. Indeed, there is little evidence that these restrictions take into account, at all, the vast improvement in civil rights—the virtual transformation of Salvadoran political life—that has occurred in definance of the continuing campaign of the FMLN to deny the Salvadorans their newly won freedoms.

Mr. President, does the El Salvadoran Government have a long way to go? They do have a long way to go. We recognize that. But I believe when we look at the progress that was made under Jose Napoleon Duarte—who by the way, strongly opposed these same kinds of restrictions offered by most of the same sponsors several years ago—that we see that that progress has been enormous and has reaffirmed the correctness of U.S. foreign policy.

Let me add that the Cristiani government has shown no indication that the predictions made again by the sponsors of this amendment will come true. There were predictions that if the Cristiani government came to power, there would be a immediate resurgence of human rights violations and a so-called death squad activity. That has not happened. Before it does happen, why do we not give the Cristiani government a chance to function as we usually do with most new governments, including Poland.

The resolve of the United States to continue supporting the democratically elected Government of El Salvador as it combats the violent insurgency explains in large part the FMLN's current apparent willingness to negotiate a peaceful resolution of the Salvadoran conflict.

Let us hope that as these meetings continue. Let us hope that there will be a peaceful resolution to the conflict in El Salvador. Let us allow those discussions to proceed without unsettling interference on the part of the U.S. Senate.

Now is the least appropriate time for the United States to unnecessarily indicate our diminished confidence in President Cristiani's commitment to democracy and genuine political reform.

I call such a signal unnecessary because President Cristiani has given no indication that our confidence in his commitment to our shared goals has been misplaced. On the contrary, his performance in office thus far has been exemplary and worthy of our continued strong support. The proposed restrictions are an undeserved vote of no confidence in the present Government of El Salvador.

Moreover, these proposals and any other amendments that seek to make our assistance contingent on the public policy choices of the Salvadoran Government serve to deny to the Salvadorans the right to govern their own affairs. It is an intrusion in the affairs of another country that I suspect the supporters of these provisions would be loathe to make in the affairs of other recipients of American assistance. Salvadorans freely chose the government that presently serves them. And if that government should fail to protect their interests or adequately serve the aspirations that Salvadorans hold for their society, then Salvadorans possess the appropriate remedy. On election day they can inform this government that its services are no longer required. That is their right.

It ill becomes the Senate of the United States to appear to subordinate the freely made determinations of the electorate of another country to our policy preferences. Mr. President, the limit of our relationship with the people of El Salvador and their elected officials should remain the complete support of their effort to build lasting democratic institutions in their country and to prevent the return to tyranny sought by the terrorists of the FMLN.

That is why I oppose the restrictions contained in this amendment.

I yield the floor.

Several Senators addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Vermont [Mr. LEAHY].

Mr. **LEAHY**. Mr. President, I see the distinguished Senator from Connecticut on the floor. If he does not mind, I have 3 or 4 minutes.

I will make a couple of points while the Senator from Arizona is still on the floor. The Senator from Arizona spoke of how some of the proponents of this amendment would react to the restrictions placed on our foreign aid in other parts of the world. I tell the Senator from Arizona, it will not bother me a bit if we want to put this anywhere else.

Look at what the restrictions are. We are saying if you take American money, if you use American money, you cannot use it to deny people human rights, you cannot use it to deny people their human liberties, and you cannot do it to indiscriminately kill people. If the Senator from Arizona or anybody else wants to put that amendment on our foreign aid anywhere in the world, I will vote for that in a second because that is what the money should be used for.

In fact, I might say when the question was asked if we would be willing to have this restriction on other foreign aid, if you were to place this to the American people in a referendum throughout this country and say to the American people if your tax dollars are going to be spent on foreign aid in any part of the world, would you agree that there be a restriction on this that says it cannot be used to indiscriminately kill people, or violate human rights, or be used to take people's basic liberties away from them, the American people, this good and wonderful and generous Nation would rise with one voice and say of course we want those kinds of restrictions.

It has been spoken here this morning—the increased FMLN terrorism. That is precisely what this amendment is designed to stop. As chairman of the committee I do not accept terrorism of the right or terrorism of the left. Terrorism is terrorism and we should as a Senate be strongly opposed to it.

This amendment puts the FMLN on clear notice that if they do not negotiate in good faith, if they do not respect human rights, they can expect the flow of military aid to continue at the same level as last year. This amendment also tells the military to support the negotiations and respect human rights. That is what the amendment does.

Also the bottom line of the amendment says that the American taxpayers every day, 7 days a week, when you send that $1.5 million down there day after day after day, those States smaller geographically than my own State of Vermont have some strings on it, and some accountability of where that money goes.

I remember the first time I went to El Salvador talking to a woman in a refugee camp. She was tired, face worn, deeply lined, I thought middle aged at the very least, and it turned out she was in her twenties. She had had several children killed, husband killed, and members of her family killed out in the countryside of El Salvador.

I asked her if they were killed by the forces of the right or killed by the forces of the left. She said she did not know. She just knew they were killed. I asked her if she ever was able to find out who killed them, the right or the left. She said, "You do not ask questions like that."

I said, "Well, who could you ally yourself with—the people on the right or the people on the left?"

She said, "Neither. I do not know anything about such things. All I know is I want to be able to raise my family, I want to feed my family. Now most of my family is dead."

What I want is one American, one North American, to be able to say to the people of Central America we will try to stop that killing and attack the basic enemies in Central America, basic enemies of poverty, illiteracy, of hunger, disease. That is what we should be doing.

I commend strongly my good friend, the distinguished Senator from Vermont, JIM JEFFORDS, for his statement on the floor today. I know Senator JEFFORDS has those very, very strong and very real feelings about Central America. He joins me in a number of places around Vermont in statements of how we want to bring peace to that very troubled region.

I commend him for saying it on the floor and saying it. My good friend, the Senator from Oregon, Senator HATFIELD, is another who has long, long spoken to the principles that we are discussing here. He spoke those principles long before I was in the U.S. Senate. He did so today and I commend him for that.

I want to say that I do not question the judgment or value judgments of anybody in this body on either side of this issue. I think that as U.S. Senators, we would like, all of us, to see peace arrive there. I think all of us want to see peace arrive and the killings to stop and the people in Central America be able to get on with their lives. We want to see our aid from the United States lead to that.

I hear arguments to wait 1 more year before we put on restrictions. We have waited 8 years. Eight years is enough.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. President, I rise today to support the committee amendment on aid to El Salvador.

I believe that by passing this amendment we will best support the objective of peace and democracy in El Salvador. This amendment will cap military aid to El Salvador at $85 million and closely monitor its disbursement to insure that this aid contributes to peace and improves human rights. Such provisional military aid is the best insurance policy we can have to make sure that the present efforts toward peace in El Salvador become reality.

I would like to share with my colleagues a matter that came to my attention yesterday. Two nights ago, on the eve of a scheduled vote on aid to El Salvador, members of the Salvadoran National Guard entered the home of an American nun living in El Salvador.

They entered her home at 4 o'clock in the morning and dragged her from her bed. Mr. President, this woman was a nun from the State of Washington involved in humanitarian projects in El Salvador. This event occurred on the night before a vote on desperately needed aid for their country. Is this an example of the disregard felt for human lives, American or Salvadoran, in this country? Are we, as Members of Congress, about to condone this type of activity?

There is not a member of this body who fails to recognize the complex problems that exist in El Salvador. Their economy is in shambles, their judicial system often seems inoperable and, of course, the armed conflict continues with victory unattainable for either side. We all agree that the road to peace and economic stability in El Slavador will be paved by open negotiation. Until recently, the possibility of bringing both sides to the bargaining table seemed remote at best. But, with President Cristiani's announcement of his desire to begin frank discussions with the opposition, we now have a very real chance to end the war that has ravaged El Salvador for the last 10 years.

But, peace will not come easy. The tendency to attempt to resolve political and economic problems by military means will not be easily abandoned, particularly by the military in El Salvador. Sending unconditioned military aid to El Salvador while efforts are being made to end this armed struggle would be like stepping on the brake and the accelerator of a car at the same time. It just doesn't make sense and will lead to certain breakdown in the negotiating effort.

We all hope and pray that President Cristiani can do what his predecessors have failed to do—end this war. We all want to support his good faith efforts toward that end. But in doing so, we must not abandon our values and objectives of seeing peace, democracy, and respect for basic human rights prevail. He has articulated his desire to negotiate in good faith with the opposition in El Salvador. We welcome this announcement and must do everything in our power to ensure he is given the opportunity to truly make progress in ending the conflict that has engulfed his country for so long.

But history warns us that it is not only the opposition that must agree to negotiate in good faith. Factions within his own partly, principally the military, must be convinced that it is also in their best interest to sit down at the table.

This is a critical time for El Salvador. We must take this opportunity to make an impact on those within El Salvador who would destroy the current atmosphere in El Salvador by undercutting the negotiations. The committee provision achieves this important objective.

Mr. President, we all have an interest in the future of El Salvador. I know far too well from my own experience of the terror and violence that can occur. Mark Pearlman, a resident of the State of Washington, was brutually murdered in 1981 while dining at a restaurant in San Salvador, El Salvador. Murdered along with Mark, were Mike Hammer, another United States citizen and Jose Roldolfo Viera, a leader of land reform in El Salvador. Pearlman and Hammer were working under contract for the Agency for International Development through the American Institute for Free Labor Development to help implement the Salvadoran Government's land redistribution program.

I have followed the progress in the Pearlman case in great detail. To date, those responsible for this brutal murder have not been brought to justice. I have known the Pearlman family for many years and have shared their sorrow and heartbreak as each attempt to bring to justice those responsible for Mark's brutal slaying failed. The men who planned and ordered the killings remain untouched by the Salvadoran judicial system. We know the names of the men who have been implicated in these murders. They remain free from prosecution on conspiracy largely because they are members of the Salvadoran military appartus who are protected by top ranking military officials. We are familiar with the substantial evidence that has been collected against them. Yet, the Salvadoran courts have failed to bring these men to trial.

In past years, the Senate has supported withholding $5 million in military aid earmarked for El Salvador pending significant progress in the murder cases of Pearlman, Hammer, and Viera. We have again included this language in our fiscal year 1990 foreign operations bill. I thank Senator LEAHY, chairman of the Foreign Operations Subcommittee, for his continued support of my efforts in this regard. However, the $5 million withheld in the past has led to little or no progress in the murder cases of these three men. The Government of El Salvador continues to refuse to recognize the basic rights of American citizens in El Salvador and has snubbed its nose at our efforts to bring about justice in these cases. We must be absolutely clear in our message to the Salvadoran military; we will not allow the death of an American citizen to pass without demanding justice.

Mr. President, no matter how much aid we have to withhold from El Salvador, we cannot rest until those who planned and participated in this murder are prosecuted. A resolution of this case is not only important to the Pearlman family, but more fundamentally to the United States and to the people of El Salvador. There will not be a functioning democracy in El Salvador until the judicial system is operating and until we can be confident that those who perpetrate such brutal crimes will be prosecuted.

I am willing to give President Cristiani a chance to resolve this case, but I am not willing to continue in the same unresolved mode indefinitely. If action is not forthcoming, I will seek to take additional measures against El Salvador for their failure to resolve the murder cases of Pearlman, Hammer, and Viera.

All of those concerned with this case have been very patient. But promises for action which never happen become more difficult to tolerate as more and more time passes. Eight years is a long time. We have been patient long enough. The time has come to resolve this matter once and for all. If we do not, those who were involved in this crime will know that they can do it again without the United States insisting on firm and conclusive justice.

Mr. President, in the final analysis these cases are not about policy or politics, they are about justice in the murder cases of two U.S. citizens. We have lost two Americans whose lifelong work was improving the plight of people around the world. And yet, we continue to provide generous assistance to those that hold the key to justice in these cases. This Senator from the State of Washington will continue to push for justice and I hope every member of this body will join this effort.

It is important to make United States aid to El Salvador contribute to peace and democracy as the committee amendment has tried to do by capping and conditioning military aid as efforts to negotiate peace are underway. It is also important to make sure that the Government and military of El Salvador understand that we will not ignore the fact that the Sheraton murder case involving the death of two Americans remains unresolved. The committee amendment before us is aimed at these objectives and deserves our support.

Mr. President, I want to compliment the chairman for bringing this bill and pay my respects to the Senator from Connecticut for the efforts that he has made. I certainly support the peace efforts in Central America that are being brought forward, and I hope that we will have justice in El Salvador and throughout the countries of Central America.

Mr. DODD. Mr. President, first of all I thank the Senator from Washington for his kind comments and before he leaves the floor he should know that on page 93 of the bill, section 538, entitled "El Salvador—Investigation of Murderers," that none of the amendments that are being proposed here in any way deal with the section involving the three gentlemen who were brutally murdered, Mr. Pearlman and Mr. Hammer, particularly, and Mr. Viera, and that funds—in fact the language says there that the $5 million may not be expended until the President follows the appeals process in the case of those individuals.

There are amendments kicking around here but none touch the section of the bill that specifically affect the cases involving those three individuals.

Mr. ADAMS. If the Senator will yield, I am well aware of that and that is why I mentioned it in my remarks. I appreciate the committee placing a $5 million restriction. My comments were made at this time early on in the bill because we have done this now for several years and it has not been effective.

So I am addressing the members of the committee in the hope that we and the executive branch will move on this matter in new and different ways for El Salvador.

I thank the Senator.

Mr. DODD. I thank my colleague.

Mr. President, I do not want to take a lot of time. We have eaten up a lot of time on this. I know the chairman of the committee is anxious to move along and he has a lot of pending matters on this particular bill.

I very reluctantly rise in opposition to this amendment and will be supporting, if this amendment is defeated, an amendment to be offered by Senator KASTEN of Wisconsin, along with myself, Senator LUGAR, Senator KASSEBAUM, Senator KERRY of Massachusetts, Senator SANFORD, and Senator MCCAIN.

The initial language of this amendment incorporates by and large what the Kasten amendment will ask the Senate to support in lieu of what is presently in the committee bill.

I say "reluctantly" because I have nothing but the highest regard and respect for the Senator from Vermont. In the years I have not had a better ally on matters involving Central America whether going back in 1981 or 1982 when we originally, first time ever, placed conditions on military spending in El Salvador. Senator LEAHY has been in the forefront of that issue, and over the years on questions involving the Central American peace effort by President Arias, and others he is just always there, even on occasions when he was not entirely in agreement with things that we were doing when he would prefer we terminate all aid to the Contras, and that was his position, well stated, very clearly enunciated. He would support propositions that would I thought move us along.

So I am indebted to him as a colleague. I have nothing but the highest regard for him as a person who deeply cares about these issues.

So it is with a great deal of reluctance that I rise for the first time I believe in my 9 or 10 years here in opposition to my colleague from Vermont on a matter involving Central America.

But I happen to believe at this particular point—and there is always a risk in these things; I am certainly as aware as anyone else of the fact that El Salvador is hardly what you would call an ideal environment in terms of human rights.

Just yesterday, Mr. President, we had a young man from our mutual State—I would point out the Presiding Officer and I share the same State in the Senate for representation—a young man from our State was swept up by a police action and gratefully I am glad to know he was released yesterday afternoon.

So every day we know of actions down there that are troublesome when it comes to the human rights issue, and we are all deeply worried and concerned about that.

But it seems to me that we have to look beyond the specific cases and try to determine whether or not there is a process and a procedure which is being endorsed and supported by the government of that country which was freely and fairly elected, there is no doubt about that, in the elections of last June, whether or not that government is on the right track in terms of supporting a process that would hopefully resolve the issues such as the human rights abuses that we all know about in El Salvador.

For those reasons I happen to believe at this juncture that President Cristiani deserves support. He deserves an opportunity and a chance.

I was skeptical. I was one of those who felt that with the election of President Cristiani that we are probably going to see a return to the difficulties of the early 1980's. When I met with President Cristiani and back in June after his election I said, "I am willing to give you a chance to prove me wrong, to prove our colleagues wrong, many who were skeptical what is apt to happen in your country. Let us see what you do. I am not going to sit here and indict you before you have an opportunity to prove what and where your interests are."

Let me say to colleagues who are willing to place conditions on this aid, President Cristiani, with much opposition inside his own party, has gone and sat down with the opposition, the guerrillas, as recently as last week in Mexico, and we have an ongoing process now committed over the next several months.

Is this not what we have been asking for, those of us who have been concerned about the situation in El Salvador, to get a process going?

Is not this President doing what we have asked for 8 or 9 years, that his predecessor, Jose Napoleon Duarte, tried to accomplish?

If this government is doing that, which we feel is correct and right, should not we give him the opportunity to try to succeed on this path that he has followed?

And that is why I am pulling back and saying let us give him the assistance, let us express, as the Kasten amendment will suggest, our interest in seeing an end to the hostilities and supporting this process that has been begun by President Cristiani, and give it a chance.

If we wade in at this juncture, no matter how justified it may be, to raise our concerns about human rights and these other questions, and only allow a third of this money to be released over the next year or so, every 3 or 4 months in increments, my concern is that we will then do President Cristiani a great injustice, that we will say to him and to the people who are in opposition to what he is doing, most of whom come from within his own party, that he is not to be trusted. It will be a blow to him politically at the very moment, at the very hour, that we ought to be encouraging him to go forward.

Only a few weeks ago, at the meeting in Tela in Honduras involving the Central American peace process, Mr. President, President Cristiani signed, along with his other four colleagues in Central America, to move that peace process foward.

By the way, he was the first one to come back from the conference to offer to sit down with the insurgency in his own country.

Is this not what we have been asking for over the last number of years? Is not this government and this President in El Salvador at this moment doing exactly that which we have been trying to accomplish over the last 10 years, more than 10 years?

So there is a risk involved here. I am not unmindful of that. I know that this could all fall apart tomorrow, that the guerrilla war could flare up again; the human rights abuses could occur before tomorrow morning. I am fully aware of that.

But at this moment, I happen to believe that President Cristiani in El Salvador is our best bet. He is our best bet.

What happens too often in these debates involving foreign policy is we become so cemented in our positions that we are incapable of seeing change, that we are unwilling to recognize that events move, that our views of one moment to place conditionality on assistance, whether in Poland or El Salvador, may be entirely unjustified given events that exist when we write the legislation and in other moments events will change, and placing conditions on aid or assistance could be counterproductive.

I authored the language on this floor, I think, in 1982 or 1981, the first year I was in this body, that placed conditionality on military aid to El Salvador. I happen to believe I was right at that particular moment, given the level of death-squad activity, when the streets of El Salvador would be littered with dead bodies every morning. The death squad activity reached the level, I think, of somewhere around 800 a week, 800 corpses a week on the streets of El Salvador.

That is not the case today. It has changed. So I believe at this particular moment we ought to give President Cristiani an opportunity to succeed, to say we appreciate and support what he is doing, and we stand behind him.

Even though I would have to say to my colleagues from Vermont and elsewhere, I see nothing in the particular conditionality here that I would, in and of itself, take issue with, I would like to see the human rights situation improve. I would like to see an end to some practices we see going on in that country. But to require a Presidental certification, and reporting back, and only releasing a third of the funds over the next year or so based on the certifications and reports we get, I think is going to assist the efforts of those who are opposed to the precess that was begun in Mexico. That is my view. I believe it would hurt them. I believe it hurts our chances to reach those desired goals that we will share in this body.

As I noted earlier, if this amendment is rejected, then I believe Senator KASTEN will be offering an amendment that will state out the sense of the Congress in terms of desire to have some peace in that country through a negotiated process, which I think we could all support.

It calls as well for the Secretary of State to stay in consultation with the Congress on these matters.

So I urge my colleagues, many of whom have opposed aid to El Salvador or who have supported the certification processes in the past, or conditionalities, to try to see the situation a bit differently here.

President Cristiani deserves, at this moment, I think, the support of this Senate and this Congress. My fear is, it is his view—I spoke with him the other day on the phone—that language that would truncate the assistance or place conditions on it will do nothing more than assist and help those elements within his own country, many of whom supported his candidacy for President, that those elements will be able to turn around and say: You see, the efforts of President Cristiani only provoke this kind of reaction from the Congress. And his efforts will be hurt at home, it is my judgment.

So at this moment here, I think we need to take a chance, if you will, and to give this process, which I think frankly is the best chance we have seen in 10 years—there has not been another example in my view in the last 10 years—where the prospects of peace in El Salvador are as great as they are in this very hour.

We could disrupt that path, that chance that I think exists. So I say with a great deal of respect to my colleague from Vermont that I must oppose this amendment, which I do think, although well intended, will not achieve or help us achieve the goals we all desire.

I also say I was impressed, and always am, with the comments of the distinguished Senator from Oregon, who has been a steadfast voice, sometimes in the wilderness all alone, when it comes to the issue of human rights, and of course, my new colleague from Vermont, Senator JEFFORDS, for his comments as well.

But I think at this particular moment, we need to try and follow a different path. I will be opposing this amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of my good friend from Connecticut, Senator DODD. I thank him for the kind things he said about me. I am reminded, of course, somewhat of the Shakespearean play, Julius Caesar, where at Caesar's funeral it was said, "I come here not to praise Caesar, but to bury him."

The good Senator from Connecticut has come here to praise me and bury me, I think is what he intends on this matter. But I would point out to him that naturally I commend him for the work that he has done over the years in Central America and continues to do. The basic point still remains the same. If we are going to spend a million and a half dollars in a little country like that day after day after day, then the American people ought to know where the money is going and what, if any, qualifications there are.

I also note for my colleagues that in the amendment before us, we do commend President Cristiani at great length for beginning negotiations in Mexico City. We urge the President of the United States to use his influence to encourage the Salvadoran Armed Forces to give full support to the negotiations. We urge both sides, El Salvador and the FMLN, to continue the process to achieve an end to hostilities in the political settlement of the war. The United States should encourage all parties to negotiate.

All the things we praised here on the floor we praised President Cristiani for doing. This is not a slap on the hand. This is not a slap on El Salvador. This is not something done to say we are turning our back on El Salvador, its President, its government or anything else. All we are saying is the United States historically and traditionally has said when it sends its aid that it also sends its own commitment to human rights and to justice and to human beings.

All we are saying in this is we are making it very clear that the United States does not change its policy. We were told to wait 1 more year, wait 1 more year, wait 1 more year. We heard this for 8 years.

As chairman of this subcommittee, I feel that I would be shirking my own duties if I were to say I am willing to give a blank check yet again. I see the distinguished Senator from North Carolina on the floor seeking recognition, so I yield the floor.

The **PRESIDING OFFICER.** The Senator from North Carolina is recognized.

Mr. **HELMS.** I thank the distinguished Senator from Vermont, and I thank the Chair.

Mr. President, less than 4 months ago, Alfredo Cristiani—we call him Freddie around this place—was sworn in as El Salvador's freely elected President. President Cristiani, as he is now know, came to the Senate a number of times prior to that date. I remember two or three meetings with him, and I think he impressed everybody with whom he talked on both sides of the aisle, and on both ends of the political spectrum. He is a gentleman and a scholar in the truest sense of the words. I think if the United States ever needed to support an ally and friend, it is President Cristiani.

But what has happened since he was sworn in on June 1? He and his country have been under a constant state of siege. The Communist FMLN guerrillas have pursued a campaign of unrestrained terrorism, assassinating democratically elected mayors, members of the President's cabinet, and others.

Here we are on this day in September and along comes the proposal contained in this bill to restrict assistance to El Salvador. Specifically, Mr. President, section 594 of this bill effectively permits the Congress to block the obligation of one-third of U.S. military assistance to El Salvador.

Is this good foreign policy? I think not. Is it even a moral foreign policy? I think not, if one is to believe what Senators have been saying all these years about our desire to contain and eliminate tyranny in the world. Here the tyranny is happening in our own hemisphere, and it is happening to a man who is respected, I think, by every member of this Senate. Yet under the committee amended, the Senate is asked to put up roadblocks. We are going to say, well, we will give you this aid if—as if we were dealing with somebody in whom we had no reason to trust. I do not buy that. I do not suggest that there is any duplicity about the legislation before us. Not at all. The Foreign Operations Subcommittee and the accompanying report were quite candid about its intent, about its purpose.

Let me quote:

> The final segment will be subject to normal reprogramming procedures of the committee giving Congress the option to block or reduce that amount if it decides that the policies of either the administration or the Salvadoran Government are failing to move the conflict toward political solution.

Now that is a blank check for somebody to say, "Whoa, here, I do not want to help them anymore." In my view, this proposal could have a disastrous impact upon the security of a critically important country in Central America—in our hemisphere.

Let me emphasize, for the purpose of making a point, Freddie Cristiani was freely elected and given the mandate of the Salvadoran people. Nobody disputes that. There was no hanky-panky in the election. He was elected overwhelmingly.

As I noted earlier, Freddie Cristiani has been up to Washington. He has talked to Senators. I do not think there is one Senator in this body who would dare get up and say "I do not trust Freddie Cristiani." If there is such a Senator, I wish he would do so now. Yet the committee has written in all of these restrictive provisos and conditions.

At the time President Cristiani was elected, so many Salvadorans were exasperated by the fact that the previous government was rife with incompetence and corruption and failed socialist policies. Those three things virtually brought down the previous government. That is why Freddie Cristiani was elected so overwhelmingly.

So when the people of El Salvador went to the polls, they threw out the so-called Christian Democrats, and the ARENA Party and Alfredo Cristiani was elected decisively. They were elected without any help whatsoever from the U.S. Government which, ironically, had supported to the toenail the previous government.

So what kind of message will this bill now pending before us send? What will the Senate be saying to President Cristiani and the Salvadorans? Let us look back. No sooner had the new ARENA Government begun negotiations in Mexico City with the Marxist guerrillas, the U.S. Congress proposes a vote of no confidence. And that is what the committee amendment amounts to.

In my view, the only position this provision seems to bolster is that of the FMLN, the Communist insurgents in El Salvador. It was the FMLN which cynically proposes to cease its war in El Salvador if the United States would terminate assistance to El Salvador.

Mr. President, I ask unanimous consent that an article from the New York Times, of September 18, 1989, entitled "Salvador Rebel Chief Offers Truce if U.S. Halts Aid to Cristiani," be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HELMS.** Mr. President, ever since it became apparent that Cristiani and the ARENA Party were going to win the election back on June 1, the Communist guerrillas have been preparing for all-out war. That is a known fact. They have been collecting and storing war materiel from the Soviet Union, Yugoslavia, North Korea, East Germany, Bulgaria, and Czechoslovakia.

On May 30, just 2 days before the inauguration of now-President Cristiani, the national police of El Salvador captured the largest weapons cache ever seen in that country. I have enlarged some pictures of the weapons captured on that day on this chart here for Senators to view.

Now, just this one cache of weaponry is large enough to have kept the urban guerrilla warfare going on in El Salvador for at least 2 years.

Mr. President, I ask that the list of captured weaponry be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ARMAMENTS SEIZED IN SAN SALVADOR ON MAY 30, 1989

Weapons

9 caliber C-Z22 Sub-Machine Guns	2
Israeli Uzi Sub-Machine Gun	1
Smith and Wesson .38 Caliber Revolver	1
Soviet-Made AK-47's	283
Soviet-Made Collapsable AK-47's	46
Chinese Made AK-47's	14
Soviet-Made AK-47's with Bipod	3
Hungarian-Made .9mm Pistols	88
U.S.-Made Colt .45's	25
U.S.-Made Colt .9mm	1
U.S.-Made Smith and Wesson .9mm	1
Spanish-Made Llama .380mm	1
Chinese-Made RPG-7 Rocket Launchers	10
Soviet-Made RPG-18 Disposable Rocket Launchers	30
U.S.-Made M-72A2 Low Anti-tank Rocket Launchers	5
Bangalore torpedoes	3

Ammunition

.9mm Cartridges	196
.12mm Cartridges	16
.380mm Cartridges	2
Magazines for .9mm CZ-23 Sub-Machine Gun	4
Magazines for Israeli Uzi Sub-Machine Gun	4
Blocks of TNT	941
7.52x53mm Cartridges for AK-47's	274,000

Ammunition—Continued

5.56 Caliber Cartridges	5,400
.9mm Cartridges	2,930
.380mm Cartridges	1,178
.45mm Cartridges	130
Grenades for RPG-7 Rocket Launcher	90
Soviet-Made F-1 Fragmentary Grenades, w/o fuse or spoon	50
38 Special Cartridges	49
AK-47 Magazines	1,394
Hungarian-Made .9mm Cartridges	184
.45mm Magazines	65

Military Ordnance

Commercial electric detonator caps	2,000
Non-electric detonator capsules	3,000
Non-electric ignitor cords	300
Rolls of plastic explosives	197
Rocket-launcher fuses	84
Calculator watches for detonating bombs	16
Propellor fuses	5
Rolls of 50 mtr commercial detonator cord	4
Telescopic lenses for the Chinese-Made SPG-7 anti-tank Rocket Launcher	10

Miscellaneous

Bayonets	268
Rifle Cases	150
Rifle Cleaning kits	249
Canvass Magazine holders	43
Canvass Belts	16

Mr. HELMS. Mr. President, since Cristiani won the election, the Communist guerrillas in El Salvador have murdered—in brutal assassinations—many of their political opponents. A listing of these murders is displayed on this second chart. This chart, as you will note, Mr. President, has the names and dates of those murdered. I ask unanimous consent that a list of the names as they appear on the chart be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

ASSASSINATED BY COMMUNIST GUERRILLAS—1989

1. Francisco Peccorini, Conservative intellectual with dual U.S./Salvadoran citizenship, March 15, 1989.

2. Roberto Alvarado Garcia, Attorney General, April 12, 1989.

3. Fidel Sanchez, Security guard, guarding house of President of the National Assembly, May 16, 1989.

4. Antonio Rodriguez Porth, Minister of the Presidency (Chief-of-Staff), June 9, 1989.

5. Benjamin Perez Jimenez, Aide to Minister Rodriguez Porth, June 9, 1989.

6. Gilberto Carranza, Driver for Minister Rodriguez Porth, June 9, 1989.

7. Manuel Angel Ramirez, National Police Intelligence Official, June 14, 1989.

8. Colonel Roberto Rivera, Chief of Volunteers Firemen, June 26, 1989.

9. Edgar Chacon, President, International Relations Institute, June 30, 1989.

10. Terapio Antonio Reyes Mata, Security guard, guarding President of the Supreme Court, July 2, 1989.

11. Roland Pomplio Rodriguez, Secretary of National Police Station, Santa Rose de Lima, July 2, 1989.

12. Jose Alfonso Tovar, Guard at Presidential Palace, July 20, 1989.

13. Jose A. Abarca, San Salvador Bus Driver, August 25, 1989.

14. Gabriel Payes, Conservative Intellectual, August, 1989.

MURDERED MEMBERS OF THE ARENA PARTY

Ricardo and Wilfredo Ranbush: Founders of the nationalist movement. Murdered in their office in 1980.

David Quinteros: Deputy of the State of Cabanas. Elected to the Constituent Assembly. Murdered before he took the oath of office.

Rene Barrios Amaya: Deputy Director of the Constituent Assembly. Leader of the "Sindicalista," the labor sector of the ARENA Party.

Salvador Jimenez: Leader of the working sector of the ARENA Party, also a member of the "Sindicalista."

Ricardo Arnoldo Pohl: Deputy of the State of Usulutan.

Dr. Rafael Hasbun: Consultant, ARENA Party Member, and Member of the General Council of Elections.

Dr. Fernando Berrios Escobar: Doctor. Former Minister of Health for ARENA during the provisional government of Dr. Alvaro Magana.

Carlos Carbajal: Worker for the ARENA Party.

Patricia Martino: Member of the ARENA Party from the State of Santa Ana. Disappeared.

Ricardo Rodriguez Echeverria: Member of the ARENA Party. Murdered in February of 1989.

Dr. Francisco Peccorini: Political Analyst, ARENA Party Member, and ex-Professor of Philosophy at the University of California at Long Beach. Murdered in March of 1989.

Mr. HELMS. How does the bill before us propose to address this crisis? By both cutting President Bush's request for military aid for El Salvador and by holding the obligation of military aid hostage to the whims of Congress. Speaking of the victims, perhaps the most well-known was Antonio Rodriguez Porth, the chief of staff to the new President of El Salvador. Yet where were the words of condemnation? The news media in this country were silent in seven languages. Boys will be boys, do not you know, if the Communists do it.

There have also been attempts to kill the Vice President of El Salvador, the President of the Legislative Assembly, and a supreme court justice. Every branch of the Salvadoran Government integral to the success of democracy has been victimized by acts of Communist terrorism in El Salvador. Every branch. There is no exception.

This year alone there have been nine democratically elected mayors from the ARENA party assassinated in El Salvador.

This particular wave of terror is recounted on this next chart, "ARENA Mayors Killed in 1989." It includes the names of those assassinated and the cities of which they were mayors. Nine. And yet the Senate is being asked to hamstring the very government targeted by the assassins. The committee wants us to put conditions on this new government. They want this Senator or that Senator to have the right to say no, cut off U.S. military assistance. This Senator says no, we will not cut off this aid if I have anything to do with it. We have a non-Communist, anti-Communist ally who is in deep trouble. He needs our help. What he does not need, I say to the Senator from Idaho, is a Congress of the United States that plays games with him. I think it is reprehensible. I think it ought to stop.

Mr. President, I ask unanimous consent that the list of "ARENA mayors killed in 1989" be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

ARENA MAYORS KILLED IN 1989

Santos Antonio Martinez, Coatepeque.
Ricardo Antonio Pineda, Sesori.
Jose Ulises Henriquez, Nueva Granada.
Jose Santos Rivas Sanchez, Azacualpa.
Lucio Salvador, Sociedad.
Jose Alberto Lopez, Guatajiagua.
Terencio Rodriquez, Perquin.
Pedro Ventura Reyes, San Isidro.
Eliseo Perdomo, Usulutan.

Mr. SYMMS. Will the Senator yield for a comment?

Mr. HELMS. Certainly, I yield to my friend.

Mr. SYMMS. I thank my friend for the very eloquent point he is making. I would refer him to an article that appeared in the Washington Times newspaper by Patrick Buchanan on Monday of this week, and I will be happy to get that article. I ask unanimous consent that after the Senator's remarks it be printed in the Record.

Mr. HELMS. I am glad the Senator mentioned that.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMMS. Mr. Buchanan points out how it is the mentality of the United States somehow that we want to go out and promote democracy, which sounds good to us, all over the world but when we are in trouble it is always the governments that have come from the right that are the ones that stand with us and support us. It is a very insightful, interesting article. Here is a country now that was formerly more of what our liberal friends would call a military government, and now that it has had over three elections is a democratic government, so the guys from the old side get elected and now they want to impose something on them, after the people elect them, because they do not agree with their politics.

Mr. HELMS. Exactly.

Mr. SYMMS. That is exactly what the Senator is getting at. I admire the Senator for his position and wish the Senator the best on this effort.

Mr. HELMS. I thank the Senator. If I may shift over, your remarks take me back in time to the day that I stood on this floor and I heard all of the oratory by Senator after Senator, saying "let us take a chance with Nicaragua." They voted $75 million seed money to set up the Communist Party in Nicaragua. Does the Senator remember that? They were willing to take a chance then, and there were no strings attached to that $75 million. And then there was more money after that sent to the Sandinistas, who were known then to be Marxist.

So which side are we on, I say to the Senator from Idaho? I know what his answer is to that. At least I ask which side should we be on?

Mr. SYMMS. We should be on the side of freedom.

Mr. HELMS. Absolutely.

Who is the FMLN? The FMLN is a group of Communist terrorist in El Salvador. They are the ones who are trying to bring down that country. Anybody who does not understand why they want to bring it down does not understand the nature of communism. The FMLN expects the people of El Salvador to abandon their constitution, a constitution that was written and approved unanimously by the freely elected constituent assembly of El Salvador back in 1983.

It is clear that what these Communists want and are seeking is not freedom of the people. No Communist anywhere wants that. Every Communist wants power, and if you doubt that, ask Alexandr Solzhenitsyn.

I remember, Mr. President, Mr. Solzhenitsyn came to my home a little more than a decade ago. He had just come to this country. We talked about communism. Bear in mind, he had just gotten out of that gulag, that concentration camp, and he told of some of the experiences. He sat there and he said, "Senator, do your leaders not understand?"

I had to tell him "No, I did not think they did." I am afraid sometimes that there must be some political machination in all this business that somehow gravitates the United States into support of the Communists.

Now, nobody will admit that is what it is, but that is what it amounts to. It is clear that the Communist terrorists in El Salvador do not seek freedom for the people there. They seek power over the people.

What is new about that? This is the old story since communism began. The only way they can get control is by exercising power over the people. The only way they can keep control is by power. Killing where necessary, incarceration, intimidation, whatever they need to do, the power over the people is all that counts to them.

In El Salvador, the FMLN political party was on the ballot. People knew who they were and what they are, and the FMLN political party got 4 percent of the vote—4 percent.

So they are now determined to shoot their way into the Presidential palace.

What is the FMLN demanding? First, a drastically reduced armed forces. Does that sound familiar? Second, they are demanding key constitutional amendments. In other words, they want to throw out the constitution, which is remarkably similar to the U.S. Constitution. Third, they are demanding a new supreme court—which the Communists would name. Fourth, they are demanding new legislative and municipal elections.

Mr. President, this is clearly blackmail against freedom and against the people who yearn to be free.

Mr. President, as I indicated earlier, I have known President Cristiani for several years. I have spent time with many of his top advisers. Mr. Cristiani is a moderate politician, and impressive personality who is implementing moderate political and economic reforms.

Mr. President, I ask unanimous consent that a Congressional Research Service translation of the platform of the ARENA Party be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3).

Mr. HELMS. I thank the Chair.

Mr. President, I am going to conclude in just a moment. I end almost as I began. Pointing out that less than 4 months ago, when President Cristiani took office, El Salvador was, on that day, in a state of siege. El Salvador was on the verge of collapse because of the corruption and inefficiency and the socialism that the people of El Salvador had to endure under the "Christian-democratic" party government.

As Senators stand in this Chamber this afternoon and try to defend a minimal amount of assistance to help restore freedom to El Salvador, the Soviet-bloc countries—as I illustrated on that chart just a moment ago—are sending hundreds and hundreds of millions of dollars to the Communist forces throughout Central America.

But what the committee is saying is: "Wait a minute. We cannot send it. We have to have conditions. We have to have strings attached to whatever we do."

Mr. President, Senators need to give the new Government of El Salvador a fair chance. I think it would be irresponsible and hypocritical to pull the rug out from under President Cristiani. I think it would be the height of folly to try to punish those who are fighting off Communist terrorism at this critical juncture. I do hope this Senate will act responsibly to remove the limits and conditions on our assistance to El Salvador.

I thank the Chair. I thank the distinguished Senator for yielding to me.

I yield the floor.

EXHIBIT 1

[From the New York Times International, Sept. 18, 1989]

SALVADOR REBEL CHIEF OFFERS TRUCE IF U.S. HALTS AID TO CRISTIANI GOVERNMENT

(By Larry Rohter)

MEXICO CITY, September 17.—The senior military commander of El Salvador's guerrilla insurgency said in an interview today that his forces would be willing to "cease hostilities" if the United States halted military aid to the country's rightist Government.

"There is no doubt that if this aid ended, the fighting would have to end immediately," said the commander, Joaquin Villalobos, the chief military strategist of the rebels' Farabundo Marti National Liberation Front. "To a gesture of this scope, our response would have to be immediate."

Asked if that response meant discontinuing all fighting, he anwsered "yes."

More than 70,000 people have been killed and a million have been forced into flight or into exile as a result of the decade-long civil war in El Salvador. The United States has sent more than $1 billion in military aid to El Salvador in the last decade, and $2 billion more in economic assistance.

DETAILED REBEL PROPOSAL

Mr. Villalobos' statement came five days after the guerrilla front announced a detailed peace proposal here aimed at bringing about a cease-fire in the war by Nov. 15 and a permanent end to hostilities by Jan. 31, 1990. The plan will be discussed in future negotiations with representatives of the Salvadoran President, Alfredo Cristiani. The two sides held talks here last week.

But the rebel commander was careful to separate his suggestion of a trade-off with the United States—an idea that Washington is almost certain to reject—from longstanding Salvadoran Government demands that the guerrillas lay down their arms.

"To put an emphasis on the handing over of arms is an act of bad faith," he said. "This war has causes, and the problem is not one of handing over arms but of ending the reasons that have led to taking up arms and maintaining the war."

If these problems, including the sweeping reform of the military, the political system and judiciary mentioned in the new rebel proposal, were resolved, Mr. Villalobos said, there would be no reason for the guerrillas to take up arms. But until such an agreement is reached, he said, demobilizing the rebels is out of the question.

NO CHANGE IN U.S. STAND

"To put the emphasis on this question is to ask the F.M.L.N. to commit suicide," he said of the National Liberation Front. "It would be an act of political ingenuity."

Mr. Villalobos also criticized American policy. He complained of what he called a lack of response from Washington to a rebel peace proposal announced in January, and of Washington's support for the Salvadoran Government despite the passage of power in June from the centrist Christian Democratic Party of José Napoleón Duarte to Mr. Cristiani and his rightist Nationalist Republican Alliance.

"We had hoped that the change from the Reagan to the Bush Administration would produce more pragmatic positions and attitudes," he said. But with a few minor exceptions, he said, "we have not seen anything substantive."

"Look, they have increased aid to the security organs at a time of a Government of the extreme right that includes several persons accused of having used those security organs to persistently violate human rights," he continued. "This worries us."

FROM REBEL TO DIPLOMAT

Operating under the nom de guerre René Cruz, Mr. Villalobos, who is about 38 years old, has spent most of the last decade living secretly abroad or in the hills of El Salvador, directing rebel forces against the Salvadoran military and their American military advisers.

But in the last year, he has engaged in diplomatic activity, and last week he led the rebel delegation in three days of talks with the Salvadoran Government.

In the past, Mr. Villalobos, thin and boyish in appearance, has agreed only rarely to interviews. He said one of the reasons for the more visible profile he has adopted is to bring an end to what he called a "propagandistic confrontation" with the United States.

"My own person has been the object of a campaign saying he is a hard-liner, a radical, a terrorist, he's opposed to any peace dialogue," he said. "But I have said on other occasions that we have a greater sense of identification with the United States than with any other nation."

YANKEES ARE WEAKENED

In a lengthy article published under his name earlier this year in Foreign Policy, Mr. Villalobos came out in favor of political and economic pluralism in El Salvador and peaceful co-existence with the United States. But doubts about him persist in Washington and San Salvador because of another document, a rebel strategy paper called "Plan Fire," captured by the Salvadoran military last year.

"The Yankees are weakened but not beaten, and will only leave the heart of the continent if they are politically and militarily defeated," says the document, which has been called authentic by the rebel front. It also refers to negotiations as a means of "keeping the enemy tied to the table with a view to his strategic weakening," and it endorses the notion of mass insurrection as a political and military tactic.

"I think you have to differentiate two things: between the objectives hoped to be achieved and the strategy by which they are reached," Mr. Villalobos said when asked about the contradiction between the two documents. "I don't know much about the history of the United States, but I imagine that at some point during its struggle for independence, the practice of sabotage must have been discussed."

WE HAVE MADE ERRORS

The "conditions of war to which we have been submitted have obliged us in certain cases to do this, and in some cases to make mistakes," he said. "We have made some errors, we are aware of that." Among those errors, Mr. Villalobos said, was the slaying nearly 15 years ago of Roque Dalton, a poet and rival rebel leader whose death split the insurgency for many years.

Mr. Villalobos, who has often been accused of killing Mr. Dalton or of ordering the killing, said the slaying was "a collective decision" in which he took part and that the decision was costly because "it was hard for us to win back the support of the intellectuals."

DEFENDS SABOTAGE

But he defended the rebel front's effort to sabotage the Salvadoran Presidential elections held earlier this year, even though political allies on the left who were taking part in the vote asked the front's leadership not to launch a campaign of intimidation.

"In El Salvador, elections are an act of war, not a political act, as in the United States or Costa Rica," he said.

"Today, the possibilities for peace in El Salvador are greater than ever, in spite of the fact that we have a rightwing Government," he said, adding that the front was willing to make concessions on its latest peace plan.

"For the moment we called this a proposal, we have had margins of flexibility," Mr. Villalobos said. "Since it is a proposal, we are prepared to discuss every point," he said.

EXHIBIT 2

[From the Washington Times]

DUSTING OFF "MESSIANIC GLOBALONEY"

(By Patrick Buchanan)

With Moscow's empire in crisis, anti-communism no longer seems cause enough to justify an internationalist foreign policy; hence, left and right are casting about for a new rationale.

"It is time for a new bumper sticker," Ben Wattenberg writes. "An American foreign policy, to be successful, must quicken the public pulse. Americans have a missionary streak, and democracy is our mission. The new sticker should read, 'pro-democracy'."

A Humphrey Democrat, Mr. Wattenberg wants the GOP to "wage democracy first class" by pumping up the budget for the National Endowment for Democracy 18-fold, spending more at the U.S. Information Agency and Voice of America, and beefing up the Department of State. "Budget cuts have slashed * * * spending, closing American consulates. Ridiculous! Give state more money. * * * The foreign aid budget has been cut. It ought to be increased and sharpened." In Mr. Wattenberg's vision you and I would start paying off the huge foreign debts of Latin nations that move toward market reform. "Democracy is our destiny."

"Messianic globaloney," Dean Acheson's phrase, needs dusting off; and Mr. Wattenberg needs to take a long, cold shower.

We are not the world's policeman, nor its political tutor.

Whence comes this arrogant claim to determine how other nations should govern themselves, or face subversion by NED, the Comintern of the neo-cons?

What have the "democracies" done for America lately?

When we were fighting in Vietnam, Gen. Park Chung Hee of South Korea and Philippine President Ferdinand Marcos sent troops; the democracies traded with the enemy.

When Richard M. Nixon rescued Israel in the '73 war, authoritarian Portugal permitted the use of its Azores base, while other NATO allies said no.

Democratic India sided with Moscow in Afghanistan, while Gen. Mohammad Zia ul-Haq, at the cost of his life, gave us one of the triumphs of the Cold War. Who was America's friend, the democrat or the autocrat?

Of Late, NED has been funding the opposition in Chile and South Africa. Why? A soldier-patriot like Spain's Francisco Franco, Gen. Augusto Pinochet saved his country from an elected Marxist who was steering Chile into Castroism. Why was he an enemy to be subverted?

The Boer Republic is the only viable economy in Africa. Why are Americans collaborating in a U.N. conspiracy to ruin her with sanctions? Anyone think the ascension to power of the African National Congress will be better for them—or for us? What the devil are we doing down there?

Years ago, when we learned that Pretoria might secretly buy The Washington Star, we were full of high dudgeon about this coopting of the free press. What, then, entitles us to subsidize newspapers undermining regimes that have done no injury to the United States?

Conservatives exploded when Earl Warren gutted federalism to impose his one-man, one-vote dictum on every state, county, city and school board in America. How, then, demand that other peoples be governed by this democratist ideology?

Conservative principles do not sanction democracy worship; it is liberal idolatry masquerading as conservative orthodoxy.

There are 150-plus nations in the United Nations. Mr. Wattenberg's Mission Democracy is a prescription for endless and seditious meddling in the affairs of nations whose institutions are shaped by their own history, culture, traditions and values, not ours. Democracy uber alles is a formula for permanent conflict and national bankruptcy.

In the Moslem world, there are few democracies; yet, when President Ronald Reagan needed aid for the abandoned Contras, the sultan of Brunei and the king of Saudi Arabia answered the call, while Europe sent money to the Sandinistas. Who proved to be America's friend?

In South America, democrat is synonymous with deadbeat; in Africa, with dead. ("Your black African does not like dissent," the foreign minister of South Africa lectured me years ago, "and he does not long tolerate dissent." Was Mr. Botha wrong?)

Will Namibia be better off if the majority Ovambo tribe votes into power, democratically, of course, Marxist guerrilla Sam Nujoma?

Whether the man who rules in Bujumbura or Buenos Aires wears a business suit or a military blouse is not our concern, so long as he does not make of his nation an enemy of the United States.

Have we forgotten our history? In our war for independence, we were allied to the King of France, Louis XVI, against the Mother of Parliaments; in the War of 1812, our enemy was the Duke of Wellington; our de facto ally was the dictator Napoleon.

"We should go back to our roots," Mr. Wattenberg avers. Yes, indeed; but those roots go back before the bankrupt internationalism of Woodrow Wilson. A century before Mr. Wilson retired, a broken man, John Quincy Adams said:

"America does not go abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is champion and vindicator only of her own. * * * She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication in all the wars of interest and intrigue, of individual avarice, envy and ambition which assume the colors and usurp the standards of freedom."

Mr. Wilson forgot this wise counsel; and, when this Cold War is over. America should come home.

EXHIBIT 3

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC.

NATIONALIST REPUBLICAN ALLIANCE: ARENA

I. PRINCIPLES

(1) The democratic, republican and representative system, which guarantees freedom of action and attainment of peaceful goals of the individual, is the most rapid and stable means for achieving the integral development of the nation, thus creating appropriate social conditions, elements that are indispensable for the effective operation of the country.

(2) The individual is recognized as the fundamental basis of the nation, and the family as the fundamental nucleus of society.

(3) The State is not an end in itself, but rather the means for the elevation and improvement of the individual.

(4) The fundamental bastion that should guide the conduct of Salvadoran nationalists is made up of three elements, which are: God, Fatherland and Liberty.

(5) Well-being, the achievement of a goal, honor, the constant search for truth, are products of the human spirit.

(6) We believe that the State must guarantee: (a) Work: in all its spheres, both in the intellectual and physical, and the freedom to choose the most appropriate one that to the individual means his own well-being. This is the only permissible means for personal improvement; and, as a consequence, for the betterment of our country. (b) The well-being of the Fatherland; through peaceful and voluntary cooperation among all sectors sharing this effort. The result of this sharing is what is necessary for the fraternal solidarity of the Homeland, which allows the emergence of the inherent initiatives of the human spirit. c) The Economic System: aimed at the increase of productivity, through free enterprise, whose principles should be respected and fostered by it itself.

(7) As a principle of our life the individual right to acquire, retain and use property as a projection of the human personality is recognized, a source generating productivity, an indispensable factor for the elevation and promotion of dignity; therefore, it deserves the recognition, respect, and protection of the State.

(8) Since the greatest wealth of our homeland is the human capacity of its inhabitants, it is recognized that the right to receive an education is essential in order to raise the intellectual and physical level of the citizen. Therefore, it is imperative that the State exercise a subsidiary role in education. The inalienable right of the patria potestas allows the free choice of parents, in all aspects of education.

(9) The equality of men is recognized before God, in the right to life, in the productive desire to improve, and with respect to laws. It is recognized that the diversity of men is the natural factor that involves a dynamic of initiative and energy and moves society to thus achieve its self-realization and well-being.

That individual who with hard work and improvement manages to earn it daily is recognized as deserving of freedom.

(10) We believe that political parties should not meddle in religious questions; in the same way, the meddling of religious sectors in partisan politics is improper. The freedom of Salvadorans to choose their faith and religious beliefs is recognized.

(11) The Salvadoran Armed Forces are recognized as the only armed body of the people; and as such, they deserve total support and recognition in the fulfillment of their constitutional duties.

(12) As a Western country, we shall seek the strengthening of our area, in fostering by all means in our reach, the Unity of Central America, through the formation of a confederation of States, always guaranteeing the nationalist idiosyncrasy of each of its members.

(13) We reject all those doctrines that preach the class struggle; we defend our democratic, republican, and representative system against the ideological penetration, and the permanent aggression of international communism.

II. OBJECTIVES

(1) To defend our Western traditions from the ideological attack and permanent aggression of international communism and against other political organizations and ideologies that endanger the institutional life of El Salvador, adopting for this three principles: Nationalism, Democracy, and Freedom.

Nationalism: as the ideology that will guarantee us the appropriate social structure for our people. Being understood as the ideal of a people that aspires to have its own politics, have its own State which is composed of all its fellow citizens. Democracy: as the political system of the nation; this based on the sovereignty of the people, expressed through the free exercise of suffrage and with the necessary dynamic of the application of the powers that the people have to maintain it, which are:

(1) The power of election
(2) The power of replacement
(3) The power of initiative and
(4) The power of referendum.

Freedom: as one of the fundamental principles for achieving the well-being of the people and the integral development of the nation. With the essential interest in improving the standard of living of each and every Salvadoran.

(2) To struggle for the formation of a solid republican and nationalist conscience that is the pedestal of National Unity and that will allow, under a same leadership, the integral development that the country needs, in turn managing to restore the permanent values of our civilization. The National Unity will be the result of the participation of the people in the political, economic, and social areas, through their organization in the different sectors that form the active forces of the country, in which the responsibility of each individual will be evidenced in the achievement of goals and objectives. Said achievements will be to the benefit of the family and society. These goals and objectives shall be achieved within the harmonious framework that allows individual freedom, both in function and in motive. The National Unity will be consolidated within a free society where all citizens act in real terms, developing their personal capacities, finding, both in society and in the State, the necessary support so that through this effort we manage to eradicate the existing spiritual, cultural, physical, and material poverty. The National Unity will be maintained with the resurgence of nationalism, which will foster and protect the moral, civic, and intellectual values of all citizens, achieving the well-being and spiritual, cultural, physical, and material development of youth and children. Our party will foster National Unity, favoring equality of opportunities and ensuring the respect for the symbols of the homeland.

(3) To support the Armed Forces in the fulfillment of their constitutional duties, such as the defense of the territorial integrity, the sovereignty of the Republic, the maintenance of law and order; and in action against every subversive movement that attacks the national security. National Security; it will have full observance in a state of law, where the individual, civil, political, economic, social and cultural rights that we free men enjoy are guaranteed; all within a framework of law, order, and justice. National Security will be a reflection of the patriotic participation of the people in national problems, of preserving and expanding culture, education and morals, to thus develop the personality of the Salvadoran in the values of the Western world. National Security will be strengthened with the rapprochement and integration of joint plans with the brother countries of the area and coordination at the continental level.

(4) The Nationalist Republican Alliance believes that: This new society will define its structure within the constitutional framework so that it will grow from its bases, with the characteristics indicated, developing a realistic and persistent policy aimed at raising the level of Salvadorans in all their aspects and at the same time teaching everyone the new way of understanding nationalism and peaceful co-existence. National Unity shall be guided by the higher interests of the nation: the individual, his improvement and security, through the propagation of the nationalist objectives that the party pursues and the responsibility that each Salvadoran has. Achieving this level requires that our country overcome the current crisis and project itself toward the future, in keeping with the rich possibilities of our human and material resources. In order to achieve this great imperative, our Party will orient its action with a humanist sense, in order to return to all Salvadorans the possibility of fulfilling ourselves as persons, within a framework of peace, progress, and liberty, and in a clear State of Law.

III. FEATURES OF ARENA'S GOVERNMENT PROGRAM

Our objective: To rescue the country from the profound crisis that it is experiencing by creating the conditions for achieving an integral development of all Salvadorans, both spiritually and materially.

Doctrinary bases

The state in the service of man.—Man is the goal of every society. The rights of man are over and above those of the State. The State must not take over functions that man or other social groups can carry out.

State of Law.—Supremacy and full observance of the Political Constitution. Independence of branches. Equality before the Law.

Representative democracy.—Republican and representative Government by mandate and with popular support. Guarantee of political freedoms.

Respect for individual freedoms.—Each Salvadoran should be considered the author and prime mover of his own history.

Justice.—Ensure the right of the person to participate in national life with equal opportunities. Eradicate extreme poverty.

Solidarity.—Develop a concern and active responsibility for the well-being of the others.

Nationalism.—To place our Homeland on a plane of equality in the concert of nations, through a relationship of mutual respect. Recapture our moral, civic and cultural values. Exalt our roots, customs and traditions, breaking with the vices of the past.

Global strategy

The center of our strategy is the integral development of man, the economy is just one means for this end.

The political, social and economic factors are an intergral part of the same reality, so:

Economic reactivation is an indispensible means for improving the socio-economic conditions of the population.

The population with its basic needs satisifed favors an environment of stability.

The improvement of socio-economic conditions constitutes a means to pacification.

An atmosphere of peace and harmony facilities and reinforces economic reactivation.

Political platform

Objective: To consolidate a representative democracy that includes peace with dignity, that guarantees rights and freedoms within the constitutional framework.

Domestic security and peace

Due to the generalized violence the following are imperative:

The promotion of a National Peace and Freedom Proposal.

The respect for the individual rights of all Salvadorans.

The defense of national sovereignty and system of freedoms.

Compliance with the Law and respect for the principle of authority.

Attainment of National Unity.

Government with a balance of powers

Absolute power destroys democracy and corrupts, so we propose:

A strong but not large Executive Branch.

Technification and professionalism of the Government.

Strengthening of the Legislative Branch so that it will legislate with adherence to the Constitution and basic norms.

Strengthening of the Judiciary and support for the Administration of Justice.

Morality, honesty, and austerity in all State Branches.

Apolitical conduct of the Government.

Decentralization, deconcentration and participation.—Statism and centralization of power promotes abuses, corruption and inefficiency, so we propose:

To decentralize the Government.

To strengthen Municipal Autonomy.

To promote the active participation of the community.

To eliminate bureaucratization of public services.

Foreign policy.—Our borders must be the entire world, so we propose:

To strengthen the bases of peaceful co-existence and cooperation in Central America.

To strengthen our sovereignty, investing foreign aid to lay the foundations for our development.

To join the world market.

To recognize as friends all those countries with which a relationship of mutual respect is maintained.

To respect the self-determination of States.

Economic platform

Objective: An accelerated and sustained economic development that includes social progress and eliminates extreme inequalities. For that jobs must be generated, the rise in the cost of living controlled, and social harmony fostered. The economic development strategy has man as the driving force and his material and spiritual well-being as its principal goal. In order to achieve this objective, a market social economy will be developed where the state, in the normative and social field, and the productive sectors, in the economic field, plays a decisive role.

Liberalization and opening of the economy.—Interventionism and the excess of regulations has atrophied the operation of the economy, so we propose:

To strengthen and liberalize foreign trade in order to achieve a more efficient allocation of productive resources.

To improve efficiency and depoliticize the Financial System.

To let the prices of goods and services, of the productive factors and of money be established according to the real market situation.

To eliminate the elements that repress economic activity by means of the monetary and fiscal policy, in order to increase savings and productive investment.

To privatize state property, distributing it to the largest number of owners.

Economic reactivation and generation of employment.—Poverty is mainly a result of unemployment and the latter of the economic recession, so we propose:

To concentrate all efforts on the generation of new sources of employment, since man without work is wounded in his human dignity.

Training of labor for its incorporation in the productive system.

To create an environment favorable to investment.

To encourage small and micro-business and independent workers.

Control of inflation.—Inflation is the invisible tax that punishes the poorest, so we propose:

To control the fiscal deficit through the rationalization of public spending and to improve the efficiency of the Government.

To reform the Tax System so that it will be fairer, more neutral and efficient in collection of taxes.

Monetary discipline and appropriate allocation of credit.

To eliminate obstacles to production.

To train the public sector to generate, prepare, and evaluate investment projects.

Public enterprises must be subject to the same norms and conditions as private ones.

Strengthening of the productive structure and promotion of exports.—In recent years the country has become impoverished and has not been able to generate the resources to meet the needs of the population, so we propose:

To reactivate agriculture:

To foster traditional and nontraditional export crops.

To achieve efficiency of productive units of the reformed sector, through deeds that guarantee full and individual ownership.

To promote efficiency in production and marketing of goods for domestic consumption.

To reactivate and modernize industry:

To promote industrial exports to Central America and the rest of the world.

To facilitate the modernization and decentralization of the industrial park.

To reactive commerce:

Liberate international commerce.

Eliminate the regulations obstructing domestic commerce.

Development of the infrastructure: To make the productive infrastructure more modern and efficient: energy, telecommunications, mail and ports.

Social platform

Objective: To promote equal opportunities, eradicate extreme poverty, foster employment and achieve an integral development that benefits all Salvadorans.

Generation of employment.—Work is the most honorable means for satisfying basic needs, so we propose:

An appropriate climate for the creation of sources of employment.

Objective and realistic labor legislation that includes equity and advantages for all workers.

To promote harmony between employees and employers.

To develop labor training programs.

Social investment.—The main resource of the country is its people, so we propose:

To rationalize public spending, giving preference to the social aspect, in a progressive, decentralized, efficient, and honest manner.

To invest in nutrition and maternal-infant health programs, preschool an basic education programs for the most vulnerable groups.

To promote generalized access to the institutions that provide health and education, with an emphasis on preventive health and basic education programs.

A decent housing solution for each family.

To increase the social infrastructure: drainage, water, sewer system, public lighting, educational, health an recreational facilities.

Protection of the environment, conservation of natural resources, and reforestation.

To combat extreme poverty.—Eradicating extreme poverty is a moral imperative of the Government and of all society, so we propose:

To give priority to specific and direct social programs to benefit the poorest: maternal-infant assistance, day care centers, drainage projects, preventive medicine and basic services.

To identify the beneficiaries through census surveys and samplings, in such a way that the social programs directly and progressively reach those who most need them.

To train the poorest to satisfy their needs through education and mutual assistance programs.

To promote the incorporation in the productive activity of the population groups displaced by the violence and other alienated groups.

Protection of women and children.—The family is the fundamental nucleus of society, the woman the pillar of the family, and the child the future of the Homeland, so we propose:

Legislation that promotes family integration and the protection of the rights of women and minors.

Equal opportunities for women.

To strengthen the institutions that attend to women and children.

To give priority attention to the pregnant woman with programs that combine aspects of health, nutrition and education for these vulnerable sectors.

To implement preventive programs on drug use and other vices.

Role of the different sectors

Government:

To promote the integration of all sectors, achieving national unity and social harmony.

To ensure the right of the person to participate with equal opportunities in national life.

To give protection to the population and the family and to foster its strengthening.

To implement a strategy in the economic and social areas that uses the hard work and ability of the Salvadoran for his integral development.

To protect the national security and internal order.

To comply with and enforce the legal order and guarantee legal security.

To provide the basic services and those of the infrastructure, respecting the subsidiary principles.

Business sector.—Its main function is to contribute to economic development and social stability through its initiative, whereby it should:

Become involved in the effort to eradicate poverty.

Foster harmony with the labor sector.

Respect the state of law and legal system.

Respect competition and honesty in the market.

Labor sector.—Our main wealth is the working capacity of Salvadorans, for their intelligence, hard work and creative, so that it should:

Contribute with its work to economic development.

Foster harmony with the management sector.

Respect the state of law and legal system.

All citizens:

Responsibly exercise their rights.

Respect the state of law and legal system.

Judge the actions of the Government branches and use of public resources.

Contribute to harmony and pacification of the country.

Develop a spirt of solidarity where concern over and respect for the well-being of others exists, especially for the neediest.

(Translated by Deanna Hammond, CRS—Language Services, February 23, 1989.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I want to see if we can set up a little bit of a procedure so we can move along. I see the Senator from Iowa is here, and I am assuming would like to speak on this amendment.

Just for the information of Senators, it is my intention to move immediately after the Senator speaks, unless the Senator from Vermont wants to make a quick comment to table the underlying Leahy amendment—the effect of that motion would be to have both the Leahy amendment and the amendment to the amendment fall. Immediately thereafter, if I am successful with my motion, I would propose a compromise amendment which a number of us have worked on over the last several days.

I would be proposing that amendment on behalf of myself, the Senator from Connecticut [Mr. DODD], and others, and we would have I hope a very limited amount of debate on that particular amendment because we have had several hours of debate now on El Salvador with regard to this amendment.

I do not know how long the Senator from Iowa intends to speak. But it is my hope that we can move relatively quickly to table the underlying amendment, and then work our way through the next amendment which would represent what I hope will be the consensus of the Senate.

Mr. LEAHY. If the Senator will yield for a moment, I know the Senator from Iowa has asked a question. But if I could, when the Senator from Iowa finishes, I would like a couple of minutes before the Senator from Wisconsin makes his tabling motion.

I also want to be sure I understand. If he is successful in his tabling motion, at that point there would be no money at all for El Salvador in this bill. I do not know if it would be his intent to then propose an amendment to put, among other things, a $5 million increase for El Salvador into the bill.

I want to make sure I understand that, because of course if his amendment did not pass or did not come to a vote, there would be no money at all in this bill for El Salvador.

Mr. KASTEN. The Senator is correct.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I want to first commend both the chairman and ranking member of the Foreign Operations Subcommittee for getting this bill expeditiously through the subcommittee to the full committee. I know they worked on it in a strong spirit of bipartisanship, as foreign aid bills ought to be worked upon.

Of course, now we have before us an amendment here that, of course, reasonable people differ on. But I also want to commend especially the chairman, Senator LEAHY, for the provision in this bill on El Salvador. I want to thank him for working with Senator HATFIELD and myself in drafting the proposal and again bringing it through subcommittee and full committee.

I commend the Senator especially for his additions to the committee provisions. Those provisions that he added support the talks now underway on reaching a negotiated resolution, and second provides an earmark of $440 million to the Central American countries in economic support funds.

I want to commend the chairman and compliment him for adding those provisions to the committee substitute amendment.

I also want to congratulate our chairman for shepherding the language of the bill to the full Appropriations Committee. I would note for the RECORD that the full Appropriations Committee accepted this without even having a vote.

Anyway, what we have here I think before us, and it is in the bill, is a moderate proposal which will appropriate for the government under President Cristiani in El Salvador the same amount of military aid that Congress had approved for the previous government of Duarte. I think that has been missing. We are talking about the same amount of aid that went to President Duarte.

One-third of that amount would be subject to review in May of next year focusing on human rights and progress in negotiations which might lead to an end to the 10-year-old El Salvadoran civil war. This provision is a modest and very important proposal.

Contrary to what some said, it is designed to strengthen United States policy in El Salvador and not abandon it. This provision will institutionalize a partnership between the Cristiani government in El Salvador and the administration, the United States administration, and the United States Congress. It will ensure a regular process of consultation between Congress and the President of El Salvador.

This provision will apply to United States-El Salvador policy the same spirit of bipartisanship that Secretary Baker extended to Congress on Nicaragua. This provision reaffirms longstanding United States policy objectives in El Salvador, respect for human rights, rule of law, economic development, and peace.

It was these objectives that Napoleon Duarte brought with him to office in 1984 and it was these objectives which won for him and his country bipartisan support here in Congress.

Today, however, there is a different situation in El Salvador than 5 years ago when Napoleon Duarte became President. Today, the ARENA Party, which still counts as one of its major figures the alleged death squad leader Roberto D'Aubisson, controls all three branches of government, the presidency, the assembly, and the supreme court.

Mind you, the ARENA Party which just a few short years ago was a small renegade party that was involved with death squad activities in El Salvador now today controls the presidency, the assembly, and the supreme court.

Today Duarte's Christian Democrats, the party the United States would hope would carry out its policy, is in shambles. Today, after more than $2 billion in economic aid, the poor in El Salvador are worse off than they were a decade ago.

More than half of the population is underemployed. Slightly more than 1 in every 10 Salvadoran peasants have access to safe drinking water. The infant mortality rate in El Salvador is one of the highest in all Latin America.

Today, after more than $1 billion in United States military aid, and a quadrupling in the size of Salvadoran armed forces, the war continues to grind on, people being killed every day, with no end in sight.

I commend to my colleagues' attention the findings of a 1988 report by four U.S. Army lieutenant colonels who were fellows at Harvard's Kennedy school. According to the colonels' report: "The war in El Salvador is stuck and unhappily the United States finds itself stuck with the war."

Despite the presence of businessmen, Freddie Cristiani, as head of ARENA, whom I have met and consider to be an honorable and well-intentioned political leader, there are significant concerns that I and many, many others have about the party, ARENA Party, and what it is still up to.

Roberto D'Aubisson still holds considerable if not paramount power within the ARENA Party. D'Aubisson, according to our current U.S. Ambassador, "occupies a party position of importance, a legislative position of importance, and is a major player."

This is the same D'Aubisson whom a former U.S. Ambassador called a pathological killer and it is the same Major D'Aubisson former President Duarte accused of being the intellectual author of the 1980 assassination of Archbishop Oscar Romero.

According to Duarte, "We've got proof of D'Aubisson's involvement but unfortunately, with the court in the hands of ARENA, with the judges in the hands of ARENA, they said the proof wasn't valid."

That is a quote from former President Duarte.

El Salvador, where ARENA now calls the shots, is a friendlier place for other allied death squad leaders.

Let us remember back in December of 1983 when then Vice President Bush in a trip to El Salvador demanded an end to death squad activity. At a meeting with then President Magano, Mr. Bush presented a list with the names of nine leading death squad figures in El Salvador. All of the nine soon left El Salvador. Death squad activity declined dramatically thereafter.

Recently, following the June victory of ARENA leader Cristiani, a number of those death squad activists that were banned in 1983 had begun returning to El Salvador.

According to United States and Salvadoran officials, at least three of the nine have returned. Col. Dennis Moran ran the intelligence section of the National Guard in the early eighties, and was involved in the January 1981 assassination of two American and one Salvadoran land reformers. Moran has recently been spotted in military parties in San Salvador. Colonel Moran was, as I noted, one of the nine who left El Salvador shortly after a visit by then Vice President Bush in 1983.

Col. Nicholas Carranza, head of the Treasury police and a former CIA informant in the early 1980's; Carranza remains on active duty and has returned to San Salvador from Tennessee, where he had been living in semiretirement.

Hector Antonio Regalado is accused of being one of the founders of the rightist death squads. He recently returned from 5 years in Guatemala.

An ARENA-controlled El Salvador may be safe for death squad leaders but not for the economic reforms pushed by President Duarte, nor for the peasants who benefited from those reforms.

The huge landowners, forced to sell their land under the ambitious land reform program set in motion in 1980, are returning to their old farms and pushing the campesinos off the small plots that they have been farming for almost one decade.

Yes, Mr. President, that is happening today. The huge landholders, that under policies that we promoted in El Salvador to get off of these huge landowners, turned over some of their land to the poor people, started in 1980. These big landowners are now coming back, taking over the land and pushing out those people who farmed those plots for nearly a decade.

In July, the supreme court ruled that a huge farm 20 miles west of San Salvador, which had been turned into a cooperative farming venture, must be returned to its original owner. That decision is the fifth consecutive ruling in favor of the landed gentry in San Salvador by the ARENA-controlled supreme court. We have ARENA now in charge and the supreme court controlled by ARENA is turning back everything in terms of reform, land reform, that was initiated almost a decade ago in El Salvador and turning the clock back to 20 years ago. In the next year the ARENA-controlled supreme court is expected to hand down decisions on 21 similar claims.

Land reform in the early eighties was the key to breaking the stranglehold of the oligarchy and the strangle they had over the Salvadoran economy which led to the extreme deprivation that fueled the revolution.

However, in an ARENA-controlled El Salvador, land reform, a major legacy of the Duarte era, is threatened with extinction. Despite these changes in policy resulting from ARENA's rise to power, the Appropriations Committee provision does not seek a cut in funding levels from those enjoyed by President Duarte and the Christian Democratic government.

The amendment before us provides $85 million military aid for El Salvador, the same level we had appropriated to Duarte. This fact is ample proof that the Appropriations Committee is not punishing President Cristiani. Giving the military under an ARENA-controlled government the same levels as the armed forces under Duarte, a man who earned the respect of Congress, demonstrates a great deal of trust in this new President Cristiani.

There is a big difference between trusting Cristiani and writing a blank check for a government controlled by ARENA, a party which can trace its beginnings and still has in its highest ranks those who initiated the death squad activities and who still counts among its ranking members such people as Roberto D'Aubuisson. American taxpayers have already sunk nearly $4 billion into El Salvador, a country with only 5 million people, a country the size of Massachusetts, in a country which is the fifth largest recipient of United States foreign aid.

The American taxpayer deserves more oversight and a more responsible position from Congress than simply writing a blank check for $90 million to the Salvadoran military.

Let me make one other point: Every day the Congress is forced to cut domestic as well as foreign aid programs. Most programs in this budget, and I am certain the chairman would agree, are lucky to get straightlined at last year's level. Most domestic programs have suffered dramatic cuts in the budget, and Congress remains handcuffed over a funding mechanism for the war on drugs.

Taking that into account, now rewarding a military in El Salvador which has been responsible for most of the 70,000 Salvadorans killed in their country's civil war is inexcusable. Funnelling even higher levels of United States aid to that military in the era of Gramm-Rudman cannot be justified to either the people of El Salvador or to the American taxpayer.

Salvadorans now stand on the brink of reversing their decade-long history of war. Last weekend in Mexico City, the Government of El Salvador and the FMLN rebels agreed to meet next month for peace negotiations, moderated by the Catholic Church.

President Cristiani should be rewarded for exercising the wisdom to agree to further talks with the FMLN, and to push for a negotiated resolution to his country's 10-year long civil war.

He should be commended for his leadership. But the Salvadoran military do not deserve to be rewarded. The armed forces sat out the Mexico City talks and are likely to resist any real progress toward a negotiated resolution of the war during future discussions.

Why should they accept peace? Why should the Salvadoran military accept a peace proposal that could lead to genuine peace? War is a big business for the Salvadoran military, a 52,000-man strong army, created with the help of the United States foreign aid program. With United States dollars, the armed forces in El Salvador have become a political and economic force, independent of both the oligarchy and the ARENA. The army has created its own bank. I have been told they are starting their own businesses, including investments in funeral homes. War and U.S. taxpayers' dollars are the food which keeps this army alive. They stand the most to lose from real progress at the October 16 and 17 talks in Costa Rica. For this reason, the committee amendment will actually strengthen President Cristiani's hands in future discussions and give him the leverage to force the military and other hard right elements within his party to accept a peaceful resolution of the war. A blank check now, as is being proposed by the ranking member, Senator Kasten, and the rejection of language tying aid to progress at negotiations, is precisely the wrong signal to send to the Salvadoran military at this most crucial moment in history. I believe our decision is quite clear.

Write the military a blank check and strengthen the very forces who are most likely to undercut President Cristiani and El Salvador's faint hope for peace; or use our foreign assistance as leverage so that United States policy objectives—peace, reform, and democracy can be achieved in El Salvador.

Salvadorans do not have a birthright over the funds that we provide them in this act. That money is owned by American taxpayers, and we, as their elected representatives, owe them a responsibility that their hard-earned funds and taxes are well spent.

For 8 years we have poured nearly $4 billion in United States foreign aid into El Salvador, and we have yet to see any real progress; no progress on the battlefield, no progress in economic reform, a turning back of the clock in land reform and a turning back of the clock to death squad activities in that country. Four billion dollars, 8 years later, and no improvement at all in El Salvador.

We must be accountable to our constituents, and the Salvadorans who receive our aid must be made accountable to the American people and their elected representatives in the Congress.

In a time of Gramm-Rudman, the era of blank checks is over. It surely is over for our domestic programs as we have seen recently. The era of a blank check to the Salvadoran military ought to be over also.

I am hopeful that this body will approve the provision by the Senator from Vermont [Mr. Leahy]. The Kasten-Dodd amendment will raise military aid from $85 to $90 million and send, as I said, exactly the wrong signal at the wrong time to the El Salvadoran military and to the negotiators, the well-intentioned negotiators on both sides who are truly trying to seek a peaceful resolution of the conflict in El Salvador.

So I urge the Senators take a very close look at this.

Mr. SIMON. Mr. President, will my colleague yield.

Mr. HARKIN. I yield to my friend from Illinois.

Mr. SIMON. I have this question and I heard him say he is supporting the motion by the Senator from Vermont.

My concern is that frankly we are overmilitarizing El Salvador tremendously. I just recently had a phone conversation with the Lutheran bishop of El Salvador, Bishop Gomez, and his basic message was: "Stop sending down these weapons that are killing us. Let us solve our problems down here."

I ask my colleague from Iowa: He is supporting the amendment of the Senator from Vermont because he believes it has less military funding and calls for at least some restrictions on the funding; is that correct?

Mr. HARKIN. The Senator is correct.

I wholeheartedly support Senator Leahy's provision that is in the bill. It provides, as I pointed out, the same amount of money as last year for the military, but what is provides: It provides one-third of the money will go, and then early next year another third of the money will go, but before the final third will go next summer there would have to be a finding on a report to the Congress from the President regarding the status of the peace talks negotiations and the human rights situation in El Salvador.

I cannot see anything really onerous about that, that we at least hold their feet to the fire and say, "Look, we will help you, but you better continue those talks and negotiations and you better strengthen your policy on human rights observations."

That is all we are asking in the Leahy proposal. That is it. It is very modest.

Mr. SIMON. I concur with my colleague from Iowa. I think it is a modest proposal. I frankly would like to go further than that. I guess my colleague from Iowa would, too. But I intend to support the Leahy proposal.

Mr. HARKIN. I agree with the Senator from Illinois. I wanted to go a little further than that. I recognize reality and I recognize we have to compromise but I think this is a moderate, modest proposal and one that I think we have to support if we are to listen at all to any of the voices in El Salvador that are calling out for peace.

Mr. SIMON. I thank my colleague from Iowa.

Mr. HARKIN. I thank the Senator and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the chairman of the Foreign Operations Subcommittee, Senator Leahy, and Senator Harkin for their excellent proposal on El Salvador. I fully support their approach to the crisis in El Salvador and I hope the Senate will agree to preserve that provision.

It wisely links additional military aid to El Salvador with continued progress on human rights and a negotiated settlement for peace in that troubled land.

The issue is not whether we support President Cristiani or not.

It is whether we are going to stand firm for a negotiated settlement to the civil war in El Salvador. Are we willing to work for peace? Or are we going to permit the current quagmire to continue, and condemn the Salvadoran people to greater misery and devastation.

I understand the desire of many of my colleagues to demonstrate support for President Cristiani as he enters into peace negotiations. We all support him in that effort. But President Cristiani is not the problem—the Salvadoran military is.

Increased military aid at this time sends the wrong signal to those we most need to influence in these negotiations—the Salvadoran Armed Forces. Unless we keep the pressure on the military to respect human rights and support these negotiations, they will never succeed.

This language does just that and I hope the Senate will approve it.

The people of El Salvador have suffered too long. What the United States does will make a difference in bringing peace to that country. Over the past decade, 70,000 people have died.

Salvadoran society has been deeply polarized. The war has wreaked havoc on the economy of the nation.

The continued conflict fuels instability in the region and is a threat to the national interests of the United States.

Our aid levels reflects the importance of El Salvador—but many of us question the effect of our assistance. Over the past decade, we have provided $1.5 billion in economic aid to El Salvador, but the standard of living in that nation continues to decline.

We have provided $1.1 billion in military aid and supported an increase in the Salvadoran Armed Forces from 12,000 to 56,000, but the war continues with no end in sight.

After a decade of civil war and nearly $4 billion in United States aid, El Salvador remains a nation in crisis.

The time has come for all sides to reassess their policies. The economy is in shambles. It barely survives with the help of U.S. aid. Half the Salvadoran population is illiterate. The leading cause of death of children is from parasites in dirty water.

Living standards over the last decade have dropped 30 percent. Underemployment and unemployment is over 50 percent. Access to safe water and adequate housing has fallen despite massive assistance from the United States.

In part, our priorities in aid have been wrong.

The administrative budget for the aid staff in the United States Embassy in El Salvador is greater than United States aid for health and education.

The war has taken an enormous toll on the country and has contributed to the decline in living standards.

Clearly, something is wrong with our policies in El Salvador and we must reassess our priorities.

The Salvadoran Government is now in the hands of a party still deeply divided between those identified with extreme violations of human rights and moderate businessmen seeking an end to the war. The guerrillas are still guided by an ideology much of the rest of the world is trying to shed.

Violence from the left and the right has embittered both sides and terrorized the civilian population caught in the middle. El Salvador is a nation torn apart and for too long, United States policy has been part of the problem.

The dramatic increase in violence and terrorism from the guerrillas is utterly reprehensible, particularly the rise in terrorist activities in heavily populated urban areas.

Over the last year, the guerrillas have assassinated nine mayors and two leading members of the Government—the Minister of the Presidency and the attorney general. They have put a bomb in the home of the Vice President—wounding a member of his family.

They have placed car bombs in the capital and threatened another hundred mayors with death. These actions are unconscionable and all of us condemn them.

The terror from the right is no less troubling. Yet many of its perpetrators continue to enjoy the support of the United States.

The State Department's human rights report in 1988 details the ongoing abuses by the security forces—including severe beatings, rape, choking, injection with unidentified drugs, and electric shock.

The Salvadoran Army is still directed by individuals involved in repression of civilians.

The current Army Chief of Staff, Emilio Ponce, was a leader of the treasury police at a time when that institution was heavily involved in the death squads responsible for thousands of deaths.

According to press reports, Nicolas Carrănza, a former paid CIA agent and head of the treasury police, has recently returned to El Salvador. He is believed to be one of the individuals on then-Vice President Bush's "list" urging the Salvadoran Government to remove the worst human rights abusers. Now he is back in El Salvador.

Mauricio Stăbĕn is a current army brigade commander. He was arrested for running a kidnaping ring, but was held less than a month. Three of the witnesses in his case were killed, and the judge in charge of the related case was murdered.

Last November, 10 peasants were murdered by the military in San Sebastian. For the first time in Salvador's history, military officers have been arrested in such a case. But almost a year has gone by and there has been no further progress.

When are these individuals—a major, a lieutenant, and some enlisted men—going to be tried for the crimes with which they have been charged?

Despite the clear involvement of the Salvadoran security forces in human rights violations, no military officer has ever been convicted of such a crime: not in Archbishop Romero's case, not in the four American nuns' case, not in the Sheraton murders of the labor workers, and not in the San Sebastian case.

If we have learned anything from a decade of debate, it is that there is no military solution to the conflict in El Salvador. Our best hope for peace, perhaps the only hope, is a negotiated solution to the crisis.

On August 8 in Tela, Honduras, the five Presidents of Central America signed an historic accord calling for an end to the hostilities and a dialog for peace. The representatives of the FMLN have made constructive proposals and President Cristiani has demonstrated a willingness to negotiate.

Let us hope these negotiations succeed. Strong U.S. pressure to keep them on track can be a vital element in ensuring they do. I urge my colleagues to join me in voting for peace in El Salvador, and rejecting this blank check for military aid.

The **PRESIDING OFFICER.** The Senator from California is recognized.

Mr. **CRANSTON.** Mr. President, I strongly support the committee-passed amendment. It is clear that after 8 years of lavish U.S. military and economic assistance, it is time for some cool-headed cost-benefit analysis. United States taxpayers have sent more than $3 billion to El Salvador since 1980. Congress needs to reevaluate its policy in El Salvador. We need to stop funding an unwinnable war, and we must do our utmost to promote a negotiated political solution to the conflict.

The governing consensus which has guided American policy since the divisive Salvador debates of 1981 was that generous, but conditional aid would be offered. Aid would continue if, and only if, steady progress was made in such areas as human rights and respect for the rule of law—objectives which we agreed were essential to the development of a stable, democratic Salvadoran Government. Few in Congess had any sympathy for the right-wing butchers who have sullied the Salvadoran military. We similarly rejected the Communist guerrillas, who prosecuted their war by crippling essential services, terrorizing civilians, and gunning down American in public.

In recent weeks some promising changes have been taking place. Talks between the Salvadoran Government and the FMLN leadership have begun. Agreements were reached which provide a framework for future negotiations toward a cease-fire. U.S. policy should strongly support these initiatives for peace.

On the other hand, there is still much to concern us in El Salvador. The first hundred days of the ARENA Party have been marred by reliable reports of repression and human rights abuses. Labor leaders have been captured and tortured, and international religious workers have been threatened with deportation, making it difficult for them to carry out their humanitarian work. Violence on the left has continued as well. Congress needs to vigorously oppose such repression and violence.

I believe that this amendment addresses our concerns in El Salvador: it sends a clear message to both sides that the United States is no longer willing to finance an unwinnable war or to countenance flagrant abuses of human rights. It also makes clear that what we still support—and what our aid is designed to advance—is nothing less than a negotiated political settlement and progress toward a stable, democratic government.

Mr. **KOHL.** Mr. President, for almost a decade now the United States has been trying to foster and encourage democracy in Central America. We have not done a very good job.

We have not done a very good job because we really have not been interested in democracy—we have been interested in anticommunism, in regional and international geopolitical dynamics, in spheres of influence. We have forgotten that while the fate of democracy may depend on the East-West struggle, and it is also dependent on the daily struggle of human rights to scratch an existence out of the soil and dream of a better life. No matter how many guns and bullets we buy, no matter how many tanks and missiles we have, we cannot defend democracy unless we defend the basic civil and human rights of individuals. In addition, in El Salvador, it seems clear that no matter how many guns and bullets we send, no matter how many tanks and missiles we deliver, the war in El Salvador will not end with a victory for either side because neither side really has a program which addresses the needs of the people of El Salvador.

The only way to address those needs is through negotiations, through compromise and accommodation. And the United States has a role to play in making sure that those results are realized.

Mr. President, the committee report is eloquent on this issue. It says:

> [T]he American people will not support unending war in El Salvador. At the same time, the United States will not stand by and allow the FMLN to destroy the fragile democracy that has taken root there. Both sides, in addition to informed observers, believe the war is in a stalemate. More battles fought and more lives lost will not bring victory or peace. A negotiated solution is the only answer. * * * [T]he United States must use its influence with President Cristiani and the military [to make sure that negotiations continue]. * * *
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> The Committee emphasizes that continued military assistance will depend, in large part, on the extent to which President Cristiani and the military make a serious and sustained effort to negotiate an end to the war. Similarly, to the extent that the Cristiani government actively protects human rights including prosecuting those responsible for abuses, opens the political system to nonviolent elements, and addresses the basic needs of the majority of the Salvadoran people, U.S. assistance can continue.

These concerns led the committee to recommend that the United States condition delivery of some portion of our aid on progress in human rights and progress in negotiations. That seems reasonable. But we have been told during this debate that this reasonable approach, this refusal to write a blank check, is in fact a vote of "no confidence" in the Cristiani government. We are, we are told, simply paving the way for a victory by the FMLN. That is simply not true.

Again, consider the justification provided by the committee. They argue that while their approach certainly puts pressure on the Cristiani government, it puts even more pressure on the FMLN. The report notes that their approach:

> Will enable assistance to reach the Salvadoran military without delay or reduction if Congress decides that the FMLN is not negotiating in good faith. The committee emphasizes that it is crucial that both the Salvadoran military and the FMLN know that their support for negotiations and resepct for human rights will be pivotal to Congress' decision to support further military aid.

Mr. President, that is not a vote of "no confidence"—it is a vote of confidence in the ability of the ARENA Party and the FMLN to negotiate an agreement which will bring peace to their troubled land. Over the past 8 years we have spent over $3.5 billion in El Salvador. We ought to expect more for our investment than a continuation of the war and a continuation of human rights abuses. We ought to expect that democracy can flourish in El Salvador. The only way to make that happen is to put pressure on the Cristiani government and the FMLN. And the only way to do that is by conditioning continued U.S. aid on progress in the area of human rights and good faith negotiations between the government and the FMLN.

Let me make one more point. During this debate there has been an attempt to polarize the issue—to make those who favor conditioning aid appear to favor the FMLN. That is certainly not the case with this Senator. I have repeatedly criticized the FMLN for their human rights abuses which are all too real and their negotiating position which all too often has not been real. I do not want to see the FMLN triumph: I want to see the people of El Salvador prevail in their desire to achieve democracy. I believe that the best way, perhaps the only way, to bring peace and democracy to El Salvador is to adopt the restrictions contained in this bill.

Mr. DURENBERGER. Mr. President, I rise today to oppose strongly the committee amendment that would place imprudent and untimely conditions on a substantial portion of the military aid to El Salvador, and in support of the pending Kasten amendment. The Foreign Operations Subcommittee has provided military assistance of $85 million to the Government of El Salvador $12 million below the administration's request. The committee amendment would subject the final one-third of that amount to unwise conditions.

Mr. President, I am very familiar with the current situation in El Salvador as well as with its recent and more distant past. As a private citizen in the 1970's, I frequently traveled to the country and the region. During the 1980's, I have several times visited El Salvador as well as its neighbors.

In February of this year, I spent 6 days in the region, of which was in Salvador. While there, I met and spoke with political leaders across the spectrum, human rights leaders, and representatives of the Catholic Church. And I have discussed in detail the current situation in the country with members of the congressional delegation that has just returned from El Salvador.

Since I visited there in February, the people of El Salvador have elected a new government, peacefully transferring civilian power for the first time in its history. Alfredo Cristiani, leader of the National Republicanist Alliance, ARENA, has been in office only 3 months.

The Government of El Salvador has long faced a difficult and brutal leftist insurgency. It is not an easy situation for the government to be in. And over time, there have been government and military abuses of human rights. There is no doubt about it. And I continue to deplore and condemn those abuses. ARENA's short political history is not marked by an especially admirable human rights record. But one must not forget the abuses, the murders, the terrorism, the sabotage that the FMLN rebels have inflicted—by their own admission—on the Salvadoran people. The civil war has raged for 10 years, at the cost of over 70,000 lives. And all of this through a period in which a Christian Democratic President sought to negotiate personally and often an end to these killings.

Parties to the conflict, the people of El Salvador, their neighbors, and the international community are calling ever louder for an end to the conflict. And now, the rebels have finally agreed to sit down with the Cristiani government, and to do so on the terms and conditions the government set. Those talks are taking place now, having begun in Mexico City last week. The situation in El Salvador, according to the congressional delegation just returned and according to our administration is dynamic and politically delicate.

Establishing these conditions on fully one-third of the military aid to the government would send the wrong signal—to both sides in the talks—at precisely the wrong time. There are compelling reasons to reject the committee language.

First, the government is already talking with the FMLN, and has demonstrated its good faith by making consequential concessions to rebel demands, notably agreeing to permit international observers at the talks and to permit the Catholic Church to mediate the discussions. The negotiating process is underway, and it is moving more quickly than most observers predicted.

Placing the continuation of aid to El Salvador in the hands of several congressional committees jeopardizes that aid when the government needs it most, to keep the pressure on the guerrillas to negotiate seriously and in good faith, and abide by their own unilaterally declared cessation of most—but not all—forms of terrorism and sabotage.

Second, Alfredo Cristiani is a new leader in his party, with widespread support in the business community and among the populace. He won an election universally agreed to be free and fair. He is committed to protecting and preserving human rights, and to punishing those responsible for violations. The conditions in question send a dangerous signal about the U.S. commitment to the democratic process in El Salvador.

I believe the message this language conveys could provide an incentive to the FMLN to pursue "certification offensives" that would provoke the military to overreact. Cristiani is committed to civilian control of the military, but let us not forget that the fight for survival continues. We must not create a situation in which the FMLN can delude itself into believing that it can win the war in El Salvador through a lessening of the United States commitment to the democratic process. We cannot give the FMLN any reason to believe it can win its war in Washington when it cannot win the war in El Salvador.

Third, such conditions encourage evaluations of the situation based on high-profile, often isolated incidents rather than on longrun developments. Furthermore, these conditions tend to focus more attention on the government than on the rebels.

There is great hope in El Salvador, among its neighbors, here in the United States, and abroad, that the current talks between the FMLN and the government will yield an equitable and lasting peace for the people of El Salvador. Only with peace can the Salvadorans begin to rebuild their economy, their lives, and their futures.

Under the valiant leadership of former President Jose Napoleon Duarte, the government engaged in negotiations with the rebels in the past. But Duarte, for all his strengths, lacked credibility with Salvador's political right and the military, and that clearly impeded the negotiations. No one can say that Cristiani lacks such support or credibility from the rightwing of the political spectrum or of the military.

In the same way that it took a Nixon to open up relations to China, a Menachem Begin to make peace with Egypt, a Ronald Reagan to sign and gain Senate consent for major arms reduction treaty, so it takes an ARENA conservative to enter and pursue talks with the Communist rebels with necessary support of the military.

Let us not endanger an extremely delicate situation in El Salvador now by placing unwise conditions on aid to the Government of El Salvador. I reemphasize that such a step would be the wrong signal at the wrong time. I urge my colleagues to reject the committee language in the foreign operations appropriations bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand they are very soon going to a vote. I will just take a very short amount of time. I want to make sure that any Senators or their staffs who are looking at this, wondering what they are going to be voting on, are clear what they are voting on.

With this vote to table my amendment, I believe they are voting against a voice for the Congress to have in United States policy toward El Salvador. They are going to be giving a blank check to ARENA, the colonels and the generals, and everybody else down there, as far as U.S. support is concerned. It will be 1 more year of saying: Here is the check. It is a blank check.

If we vote for that, it also means that the next vote will be a motion from my good friends, Senators KASTEN and DODD, to increase by $5 million the amount going down there.

I think we have to ask ourselves: Do we really want to have an increase? Do we really want to have money down there with no strings attached?

Mr. President, we are talking about all the places $5 million could go: The drug war, in health care, a number of other areas. I will mention just one fact: One out of every five children in this country live in poverty. One out of every five children in this country are in hunger.

It does not mean we stop sending foreign aid, but let us start setting some priorities. Rather than let one out of five children stay hungry, I think also the American people ought to at least ask us: Where is our money going? What is it being spent for?

If we are going to spend it abroad, whether it is in Central America or central Europe, at least put some requirements on how it is going to be spent.

This amendment is a modest step to put on those requirements. Without it, we are saying for the 8th year in a row we will not put on any restrictions.

Mr. President, I am sorry to say probably for the 8th year in a row, killings will continue because there will be no real incentive for those who depend on American aid to do otherwise.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I would just make a closing remark for a minute, but I understand Senator KERRY from Massachusetts wanted to speak as well. I received word in the cloakroom he called.

I listened to the speeches by my colleagues, many of whom I have joined in the past on matters involving El Salvador, and I do not disagree. Also, I said at an earlier time today, there are still some very serious questions in El Salvador. There is no question about it at all.

The name of the game right now, Mr. President, is whether or not the negotiated process is going to go forward. That is what it is. We can go on and try to recite a longer list, whether it is the left or right, where human rights abuses occur. That is without any doubt a fact.

But we have had 70,000 people in that country die. The only way it is going to be resolved is a successful negotiation. That is now underway.

You end up assisting the very elements inside El Salvador who are opposed to a negotiated settlement, and the ones who have power inside El Salvador who are opposed to that are the extreme right, and they are trying to undercut President Cristiani. That is a fact. So by adding a lot of conditionality here, you actually assist the very elements that want to disrupt this process.

All I am suggesting is that we ought to give this President who has demonstrated already in the few months that he has been in that office a willingness to go forward without conditions to meet the opposition anywhere, anytime, that we ought to be able to go in and give him that kind of a chance.

If we prove the opposition inside El Salvador correct that this President cannot be trusted, you undermine his efforts. That is why as much as I support and recognize the good intentions behind this amendment, I have no illusion that if we give this amendment the kind of strong backing and support, it will assist those who want to undermine the negotiating process. Of that I have no doubt whatsoever. None whatsoever. It will be a major setback to bring this 10-year war to an end. If you want that conflict to come to an end, then support a process that allows the President of that country to be able to move forward. That is all this is about.

I am convinced that if we fail to follow that process, we will be sitting back and regretting it. It will be a major setback toward a negotiated settlement in El Salvador.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wisconsin.

Mr. KASTEN. Mr. President, the pending committee amendment places a number of restrictions on military assistance to El Salvador.

The restrictions proposed in this amendment come at a time when the new Salvadoran Government and the FMLN guerrillas are attempting to negotiate a peaceful resolution to the conflict. The Cristiani administration has taken a number of steps to resolve Salvador's problems, both with respect to the armed conflict and to the economic situation in that country.

The proposed restrictions on assistance to El Salvador in the committee amendment would, I believe, run counter to the bipartisan accord in which President Bush and the Congress agreed to work together through regular consultations for the development of a unified policy toward Central America. The Bush administration has shown its determination to keep its end of the agreement by frequently consulting with Members of Congress

The amendment, which would distribute military assistance in three tranches, requires that the third tranche be subject to a reprograming procedure, a procedure which was, extraordinarily controversial when included in the Nicaragua accord. More importantly, it is a procedure which could delay needed military supplies from reaching El Salvador. This is not the regular reprogramming procedure of which the Members of the Senate are familiar, a procedure which is required when the administration wishes to change the purpose, direction, or amount of funding already approved by the Congress.

We all hope that the negotiations in Mexico will result in a peaceful resolution to the conflict. Short of that, the Salvadoran military cannot continue to fight the insurgency if it is uncertain from month to month about the amount of resources it has at its disposal. The FMLN guerrillas are under no such constraints. Cuban and Nicaraguan military assitance continues to flow unabated to the FMLN, notwithstanding President Ortega's pledge to end his country's support for subversion at the August 7 summit in Tila, Honduras.

Mr. President, these are clearly new times with a new administration in Washington, a new administration in El Salvador, and a unanimous resolve by nearly everyone involved to find new answers to the problems which confront El Salvador and the region as a whole. The committee amendment embodies an old and unworkable policy. Clearly, a principal reason why the El Salvador Government and the FMLN are meeting is that heretofore, Congress has acted to give the Cristiani administration ample opportunity to demonstrate its willingness to steer a moderate course. In doing so, a concurrent message has been sent to the FMLN that the American people will not be swayed by terrorism from our determination to seek peace through democracy.

I earnestly hope that the Senate will give the new Bush administration and the new Cristiani administration the time and support they need.

Mr. President, we must continue to demonstrate our confidence in the Salvadoran Government as long as it remains committed to building the democratic institutions and as long as it remains committed to the reforms. That I think is clear. To do otherwise would encourage the FMLN to provoke government excesses that would ultimately dim the prospect for a peaceful resolution of the conflict.

In a moment I am going to move to table the committee amendment along with the pending amendment. I hope that my motion to table will be successful, and then I will shortly send to the desk immediately thereafter an amendment which has been worked out by a wide bipartisan group of Senators with regard to El Salvador. I believe this second amendment expresses not only our concern about continued reform and efforts toward democratization, but also gives the maximum chance for peace and progress in the new Cristiani administration.

I believe the Senate must give the new Bush administration and the new Cristiani administration the time and the support that they need.

Mr. President, I move to table the committee amendment to which a pending amendment has been offered. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—68

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Bryan
Burns
Chafee
Coats
Cochran
Cohen
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Rudman
Sanford
Sasser
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NAYS—32

Adams
Baucus
Biden
Bingaman
Bradley
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Fowler
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Matsunaga
Mikulski
Moynihan
Pell
Pryor
Riegle
Rockefeller
Sarbanes
Simon
Wirth

So the motion to lay on the table committee amendment beginning on page 149, line 13 was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. Speaker, the Agency for International Development has been involved for the last 15 years in a joint effort with the Government of Bangladesh and a United States private voluntary organization to create an independent, private sector social marketing entity that would promote and market family planning and health products in Bangladesh. This program has been known as the social marketing project.

The project has been highly successful, particularly in terms of total quantity of products and services delivered and in terms of cost efficiency. Indeed. I believe it has been one of the most cost efficient programs of its kind. I commend AID for this fine effort and for its determination that the project continue to have a positive record and unquestioned accountability.

For its continued success this program must be institutionalized in the private sector with adequate controls. It was, in fact, the intention of the Committee on Foreign Relations in authorizing funds for this project that they be expended in Bangladesh only if the project continues, is in the private sector and maintains proper accountability. These funds have always been designated for the Bangladesh private sector and not the government part of the program. A private sector orientation and sound management have been the bedrock of its success.

It is my understanding that unfortunately the contract for this outstanding program has not yet been completed. I would urge the Government of Bangladesh to sign it without further delay so that its splendid work may continue uninterrupted.

Mr. DOMENICI. Mr. President, the managers of this bill do not have an easy task. I listened carefully as they discussed the increasing gap between the demands on their bill and available funds.

Before I address the budgetary aspects of this bill, I would like to thank my friends, the new subcommittee chairman, and a fellow Italian-American, the Senator from Vermont, and my good friend and valued Budget Committee colleague, the senior Senator from Wisconsin.

The managers have worked together to produce a bill with many good and solid provisions, particularly in the area of security assistance and the global environment. The Secretary of State has thanked them for accommodating many of the President's concerns about the House bill.

I intend to support this bill as reported by the full Appropriations Committee. At the same time, I encourage the managers to take into account the serious objections to several provisions that have been outlined by the Office of Management and Budget.

I encourage the conferees to revise the restrictions on aid to El Salvador in a way that encourages the negotiations now underway to end the civil war. As the bill now stands, I fear that it encourages the Communist FMLN to hold out until U.S. aid is terminated.

Although the managers attempted to hold down the number of earmarks in this bill, they failed. With international events moving so rapidly, as we all note in Central Europe and China, the President needs more flexibility to manage his foreign aid program. The House bill has fewer earmarks. Let the conference agreement have fewer yet.

Although I support this bill for purposes of sending it to conference, I am prepared to sustain a veto, should the President conclude that his legitimate concerns have been overruled by the conference.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of administration policy regarding this bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

H.R. 2939—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, FISCAL YEAR 1990, SEPTEMBER 19, 1989

(Sponsors: Byrd of West Virginia; Leahy of Vermont)

The Administration would support passage of H.R. 2939, the Foreign Operations, Export Financing and Related Programs Appropriations Act, FY 1990, if floor action eliminates section 582 regarding leverage of funds. This section would impose serious constraints on the President's ability to conduct foreign policy and would be unconstitutional. If Section 582 is in a bill presented to the President, his senior advisors will recommend disapproval.

The Administration will work, as the bill is considered on the Senate floor and in conference, to modify or eliminate a number of other provisions to which it has strong objections. Certain combinations of these other provisions together with seriously objectionable provisions in the House version of the bill could lead the President's senior advisors to recommend that a bill presented to the President also be disapproved.

The bill, as acted on by the subcommittee and the full Appropriations Committee, reflects cooperation with the Administration in a number of areas. The Administration applauds support for the President's initiative for the Philippines, for the Andean anti-narcotics strategy and for Eastern Europe. The bill also laudably provides needed flexibility in managing programs such as in the pricing of certain military aid, in the disposal of excess defense articles, and in assistance to Pakistan.

The Administration must strongly object to certain other provisions that would restrict significantly the ability of the President to achieve foreign policy objectives that are broadly supported in the Congress and among the American people.

Section 594 and other provisions set limitations on the provision of military and economic aid to El Salvador. These sections would inhibit the President's ability to provide critically needed assistance in a timely manner and threaten a successful outcome in the government's negotiations with the FMLN.

The committee bill earmarks $15 million for the UN Fund for Population Activity (UNFPA). That organization participates in the management of a program in China that involves coercive abortion. The Administration opposes this practice as do an overwhelming majority of the American people. Even if the U.S. contribution to the UNFPA is barred from being spent in China, the United States would still be supporting an organization whose UNFPA/China program is in opposition to U.S. values. Therefore, the Administration must strongly oppose this provision.

The committee bill also reverses the action of the House to reduce the earmarking of funds for specific countries and purposes. For the refugee assistance program, where the ability to respond to changing needs is vital, nearly half of the funds are earmarked. For the Foreign Military Financing Program, the combination of heavy earmarking and the necessary allocation of unearmarked funds to meet international agreements would not permit the provision of any assistance from this account for Central America and for narcotics aid to the Andean countries within the amount available.

Section 562 reallocates Panamanian sugar quotas on a discriminatory basis. This is illegal under the terms of the General Agreement on Tariffs and Trade (GATT).

An anticipated floor amendment expands the previous arrangements for foreign military debt restructuring in a costly and inappropriate way.

These Administration concerns and others are discussed in more detail in the attachment.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL, FISCAL YEAR 1990, SEPTEMBER 19, 1989

I. MAJOR PROVISIONS SUPPORTED BY THE ADMINISTRATION

The Senate Appropriations Committee version of the bill has a number of provisions that reflect forthcoming cooperation with the Administration to achieve important foreign policy objectives and effective programs:

Establishment of the multilateral assistance initiative for the Philippines;

Waiver of constraints on the Andean drug initiative;

Support for the private sector in Poland and Hungary;

Removal of a House provision that shifts funds from the economic support fund to development aid;

Extending the Bahrain Stinger buyback deadline;

Fair pricing for certain foreign military aid;

Modified language on the transfer of excess defense articles; and,

Flexibility in providing assistance to Pakistan.

II. MAJOR SENATE PROVISIONS OPPOSED BY THE ADMINISTRATION

A. Language Provisions

Prohibition on Leveraging United States Assistance. Section 582 could be construed to prohibit, among other things, certain forms of consultation between the United States and other sovereign nations regarding actions such nations may wish to undertake. Any such limitation on the President's authority to discuss certain issues with foreign governments, or to recommend or concur in courses of action taken with their own resources would be unconstitutional.

Restrictions on Aid to El Salvador. Section 594 and other provisions contain a series of restrictions on aid to El Salvador that seriously constrain administration of the program. The subsection (a) requirements in section 594 to obligate foreign military financing in three separate increments is the most troubling as this schedule does not relate to programmatic needs. These restrictions serve to undermine confidence in the Salvadoran government and threaten a successful outcome in the government's negotiations with the FMLN.

Population Earmark for the UN Fund for Population Activity (UNFPA). The committee bill earmarks $15 million for the UN Fund for Population Activity (UNFPA). That organization participates in the management of a program in China that involves coercive abortion. The Administration opposes this practice as do an overwhelming majority of the American people. Even if the U.S. contribution to the UNFPA is barred from being spent in China, the United States would still be supporting an organization whose UNFPA/China program is in opposition to U.S. values. Therefore, the Administration must strongly oppose this provision.

Earmarking of Funds. For a number of years, the Executive Branch has pointed out that flexibility to allocate funds within constrained amounts for individual budget accounts is critical to conducting foreign policy. The House version of this bill takes steps, albeit limited, to diminish the practice of earmarking funds for specific recipient countries and specific purposes. The Senate Committee version reverses that welcome effort. The most serious impact of the committee version is on the Foreign Military Financing Program. Earmarks more extensive than in last year's appropriation along with the need to provide unearmarked funds for comprehensive mutual security agreements with the Philippines and Portugal literally use up all the funds. No financing from this account would be available for Central America, for the three countries intended to benefit from the Andean drug initiative nor for any other country. While less extensive, the earmarking of nearly half of migration and refugee assistance could seriously limit the ability of that program to respond to changing humanitarian needs. Many other programs are also seriously impacted by earmarking.

Sugar Quota Reallocation. Section 562 calls for the reallocation of Panama's quota for imports of sugar into the United States primarily to Caribbean Basin countries and the Philippines. This discriminatory reallocation, rather than following a formula, is inconsistent with regulations of the General Agreement on Tariff and Trade which the United States is obliged by agreement to honor.

Foreign Military Sales Debt Restructuring. An anticipated amendment to existing law would permit borrowers under past foreign military sales credit authority to prepay without penalty loans bearing interest rates of eight percent and above. A 90 percent government guarantee would be available to support new commercial borrowing by the beneficiaries. By GAO estimate, the existing program costs the taxpayer as much as $1.5 billion. The proposed unneeded change would increase that cost by $.4 billion.

Restriction on Reductions in Central America Aid. A proviso in the Economic Support Fund language requires that the reduction in the total assistance going to any Central American country be no greater than the reduction for any other country in Central America. This provision prohibits the Administration from adjusting reduced assistance levels to take into account need, other resources flowing into individual countries and countries' own efforts to establish appropriate economic policies.

Ceiling on AID Reimbursement to State Department Administrative Services Abroad. The Senate committee bill retains last year's $15 million limitation on the amount of AID operating expenses that can be used to reimburse the State Department for Foreign Affairs Administrative Support (FAAS). Under the FAAS arrangement, the Department provides certain administrative services to foreign affairs agencies abroad in order to achieve efficiencies and economies of scale. In line with the request of a congressional committee, the budget provided for increased reimbursement by AID and other agencies to the State Department in 1990. The restriction on AID reimbursements not only frustrates management improvement but also seriously impacts State Department salaries and expenses which were reduced to account for higher payments by AID and other agencies. The Senate has made no provision for restoring funds to the State Department. Absent some change, it is unlikely the Department will be able to provide the full range of services required by AID.

Global Poverty Reduction. Section 592 would require the Administrator of AID to establish a system of quantitative and qualitative indicators of poverty reduction on a country-by-country basis. While poverty reduction and improved quality of life are the ultimate goals of most foreign assistance programs, primary attention needs to be focused on measures to increase economic freedoms and growth, for, without these, the means to accomplish sustained poverty reduction are not created.

IMET Per Capita GNP Restrictions. The bill, for the first time, excludes certain NATO and other countries from receiving International Military Education and Training (IMET) grants. It would make much more sense to hold such a drastic step in abeyance until the related GAO and Administration reports, which the Senate Appropriations Committee has just requested, are completed.

BUDGET ISSUES

Mr. DOMENICI. I want the Senators from Vermont and Wisconsin to know how difficult it was to secure a separate category for international programs during the November 1987 and April 1989 bipartisan budget summits. Without the separate summit category, billions of dollars now allocated to the Foreign Operations Subcommittee could have been allocated to domestic programs.

Next year this subcommittee may not have the protection of a separate international category, and that is why I am so concerned about several provisions in this bill that may come back to haunt it, and the administration, next year.

As a result of the summit arrangements, this year the Foreign Operations Subcommittee has an allocation of $14.45 billion in budget authority and $12.35 billion in outlays. That is not a trivial sum of money, by any standards.

Perhaps the question we should ask ourselves is not, "how much more should we spend on foreign aid," but rather, "how well do we spend the $14.5 billion that is made available for foreign aid?"

In this bill, as in others, we have become so fixated on meeting the yearly deficit reduction targets that we often lose sight of other budget and public policy considerations.

It is great to claim that a bill is within its 302(b) allocation, and this bill has technically done that. But I believe that we ought to acknowledge how we have mortaged the future in order to meet the technical scorekeeping criteria.

Let us take the case of the economic support fund. Both Democratic and Republican Presidents have found this account to be a vital and flexible foreign policy tool. Through the ESF, old commitments and new opportunities can be taken care of with cash, commodities, or special development projects.

As I understand it, this bill makes ESF a very inflexible foreign policy tool. Some will claim that the bill effectively earmarks between 78 and 100 percent of the $3.25 billion in ESF. As the report explains on pages 24 and 25, the blame for this is shared by Congress and the executive branch.

It is not my purpose to focus on earmarks; it is our constitutional right, but it is not a wise policy. It is the combination of too extensive earmarking, detailed policy directives for individual countries, and an outlay cap, that will make the task of meeting the fiscal year 1991 deficit target so difficult for the managers and the President.

The world is changing faster than we could have imagined a few years ago, yet the ESF provisions in this bill make it virtually impossible for this Nation to provide a quick response to new democracies. Today we are discussing how to help Poland, but how many other Polands will there be before we report another Foreign Assistance Appropriation bill?

To be sure, there are emergency authorities that the President can invoke to get around our well-intended restrictions, but can he evade the new outlay cap that would, on its face, make unforeseen cash transfers impossible?

Beyond these policy questions, the outlay cap, if it is enacted, will add to next year's budget problems, and reduce next year's opportunities for us to respond to the amazing march of freedom.

The committee has quietly accepted an obscure technical amendment that will cost as much as $2 billion over the next decade. It allows foreign countries to refinance some of their contractual loan obligations to the U.S. Treasury with interest rates above 8 percent. And there are no prepayment penalties. What American homeowners would not take a deal like that?

The outlay cap, the "8 percent loan deal" and other provisions, together are likely to add $0.5 billion to the fiscal year 1991 deficit, making it that much harder to accommodate the valid demands made on this subcommittee.

I regret that others on the subcommittee did not agree with the effort of its chairman and ranking member to reduce ESF earmarks. I wish that the bill did not unduly increase the burden on next year's deficit.

AMENDMENT NO. 777

(Purpose: To increase certain assistance for El Salvador and to express the sense of the Congress regarding negotiations to resolve the conflict in El Salvador)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the committee amendments for the purpose of considering this amendment?

Mr. LEAHY. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself Mr. DODD, Mr. LUGAR, Mr. GRAHAM, Mr. MCCAIN, Mr. KERRY, Mrs. KASSEBAUM, Mr. SANFORD, and Mr. ROBB, proposes an amendment numbered 777.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

"SEC. . (a) Of the amounts appropriated by this Act under the heading "Foreign Military Sales Program", not more than $90,000,000 shall be available for El Salvador.

"(b) SENSE OF CONGRESS.—With respect to the ongoing political unrest and armed conflict in El Salvador, the Congress hereby—

"(1) welcomes the negotiating process set in motion on September 13, 1989 in Mexico City by the Government of El Salvador and the leadership of the Farabundo Marti National Liberation Front and the expresed willingness of both parties to continue this process;

"(2) urges the parties to these negotiations to achieve, as quickly as possible—

"(A) a cessation of hostilities, and

"(B) an overall political settlement of the ten-year old conflict; and

"(3) calls upon the Secretary of State to consult frequently with the Congress on the status of the Salvadoran negotiations and on the efforts being undertaken by the President to support these negotiations.".

Mr. KASTEN. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The Senate shall be in order. The Senate will be in order.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, this amendment which I have sent to the desk on behalf of myself and Senators DODD, LUGAR, GRAHAM, MCCAIN, KERRY, KASSEBAUM, SANFORD, and ROBB, is a substitute, if you will, for the amendment which was just tabled.

This is a very simple amendment. I do not believe we have a large number of people who wish to speak on it. We have had a debate on Central America for the last several hours. I would first of all ask unanimous consent that the time on this amendment be 15 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Mr. President, this amendment is a relatively simple one. First, it earmarks military assistance for El Salvador at $90 million which is the same level provided in the legislation reported by the Senate Foreign Relations Committee. The second part of the amendment is the sense-of-the-Congress resolution commending the dialog between the Government of El Salvador and the FMLN which began in Mexico City on September 13.

The resolution urges the parties to this dialog to achieve as quickly as possible a cessation of hostilities in an overall settlement of the conflict. It finally calls upon the Secretary of State to consult frequently with Congress on the status of the Salvadoran negotiations and on what efforts are being taken by the President to support these talks.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. It is my understanding that the Senator from Massachusetts is seeking the floor.

Mr. LEAHY. I yield the Senator what time he may desire.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senate is anxious to proceed forward in this debate. It is, obviously, the same debate we had with respect to the motion to table. I wanted to speak on it because I think the issue is of great consequence, and it is an issue that I have been involved in, and I am taking a position that would clearly be different and even somewhat surprising to some of those who might have anticipated my vote on this matter. I want to explain it.

I am a cosponsor of the Dodd and Kasten amendment, because I have been involved with this process for a long period of time and have watched closely what is happening in that region, and I am convinced that between the two proposals, the Dodd-Kasten proposal is the proposal that offers the best chance for the peace process to work.

I listened very closely to the Senator from Iowa, for whom I have enormous respect and with whom I have worked on these matters for a long time, and, of course, I listened to my senior colleague from Massachusetts, whose opinions and views I have, obviously, always respected on these matters and I continue to do so here. I agree with almost everything that my senior colleague said with respect to this issue about human rights abuses, about what happened to the people of El Salvador, about the children who continue to be the victims of this war; and obviously, I want each and every one of those human rights abuses to be prosecuted under a process of law within El Salvador.

There is no disagreement on the substance of the problem in El Salvador, as it affects the Salvadorans or on our desires to try to have it end. We all want it to end.

But there is no purity or sanctity in standing on the floor of the Senate and suggesting that any one supporter of one amendment or another has cornered the market on their desire to see those human rights abuses litigated or to try to change the situation in El Salvador.

The fact is, Mr. President, that the Leahy-Harkin amendment; the committee amendment would have provided military aid, and it would have continued to do so for at least 3 years under the most strict application of its measures, by which it would have been phased out if certain things did not take place. So the difference here is a difference of nuances, a difference of shades, of interpretation, about what will bring about peace and what will not bring about peace. I believe we can have honest differences about how that is going to happen.

I believe that El Salvador stands at a crossroads today. The recently completed Mexico City discussions between representatives of the Salvadoran Government and FMLN point out that there are real hopes for solution now, and those hopes are not hopes that were based on the passage of the committee amendment. They are hopes that were based on the status quo, hopes that are based on the current aid, on the current unattached aid, and on the current acceptance of the political realities of the situation in El Salvador.

It seems to me, Mr. President, that we owe it to ourselves to take that step which best gives us the opportunity of ending the killing and of resolving the problems of that region. It is my belief, also, that we should recognize that President Cristiani, about whom many of us had doubts for obvious reasons, has proceeded down the road step by step, doing those things that he said he would do. And it is he who has taken an enormous risk and placed himself at jeopardy within his own country and within his own party, with the extreme political right who now takes enormous risks in order to put this peace process in place.

Mr. President, before coming to this conclusion, I and members of my staff have discussed in great detail this issue with those who are laboring in the vineyards of the peace effort, with those who are part of the FMLN and those who are part of the Government of El Salvador.

I am persuaded, not easily, because this is a tough situation in terms of a vote for military aid without strings attached, but I am persuaded that this is not the moment for the U.S. Senate, no matter how deeply we feel about achieving the goals that Senator KENNEDY or Senator HARKIN talked about—we all feel deeply about it—this is not the moment for us to place restraints that could tip the balance against the possibilities of having a political settlement.

Every report that I get from El Salvador signals a determination on the part of the Government and the FMLN to achieve a political solution to this conflict. When Dr. Alfredo Santamaria returned from Mexico City after the talks, speaking for the Government, he explicitly stated that he felt a political solution can be achieved in his country. Representatives of the FMLN recently in Washington have similarly stated their belief that the current atmosphere is not only conducive to a political settlement, but that it may be the only opportunity for that goal to be achieved.

Now, it is evident that the present Government has taken steps that demonstrate a commitment to this kind of process. President Cristiani was a signatory to the accords which consolidated the peace process undertaken at Esquipulas by five Central American Presidents. He followed up on that promise with this effort to put together a peace process in his own country.

Now, Mr. President, I think we ought to be honest with ourselves about where we stand in El Salvador. This may well be the last opportunity to try to create peace in the process there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, what is the time.

Mr. LEAHY. Mr. President, how much time do I have.

The PRESIDING OFFICER. Seven minutes, thirty seconds.

Mr. LEAHY. How much time is remaining on this side?

The PRESIDING OFFICER. All time on the other side has expired.

Mr. KERRY. Mr. President, I ask unanimous consent just for 2 more minutes, if I may.

Mr. LEAHY. I would not object, if that means 2 more minutes on this side, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, let me summarize by saying that if you look at the specifics of what has been set up for a process for trying to achieve this peace, it is a process with enormous accountability. It is a process where neither side is permitted to unilaterally withdraw; it is a process which invites international observers. It is a process where I believe each and every one of us in the Senate with the next meetings that come in a few short weeks, October 16 and 17, will have ample opportunity, before we even leave this session of Congress, to make a judgment about whether or not El Salvador is moving toward peace.

I am not in favor of placing constraints on President Cristiani at this point in time in a way that jeopardizes his ability to move forward. It is my judgment that if we were to move in the other way, we would be upsetting the equilibrium and extraordinarily delicate balance where our ability to continue down this road to peace would be enormously jeopardized.

Mr. President, this is not a debate over whether or not people want peace in El Salvador. It is a debate over judgment about how we can best achieve it. I note that we are free at any time, if we notice that there is a breach of promise or if we notice that the process is not moving in the right direction, to return here to the floor of the Senate and cut off aid completely, not phased out over 3 years, not giving part military aid, but maintaining the capacity, talking about human rights at the same time.

I believe the human rights package is part of these negotiations because the FMLN itself has agreed to go to the table and not seek powersharing in the Government of El Salvador in the process. That is an extraordinary change in their position.

It seems to me, given American Watch's most recent reports, that we ought to embrace the capacity to stop the killing on both sides, and I think this is the best chance to do it.

Mr. President, today, El Salvador stands at the crossroads. The recently completed discussions in Mexico City between representatives of the Salvadoran Government and the Farabundo Marti Liberation Movement hold out real hopes that a political solution to this tragic conflict may, indeed, be possible.

As a result, I am willing to take a gamble and cosponsor the amendment being offered by Senator DODD and Senator KASTEN. While this amendment approves $90 million in military aid to El Salvador, it also established clearly that the policy of the United States Government is to support and encourage a cease-fire and political solution to this conflict in the most expeditious manner possible. I should also point out that the amendment represents a reduction of $7 million in the administration's military aid request for El Salvador.

I regret that I am unable, at this time, to support the committee amendment which would condition aid to El Salvador. I share the distinguished subcommittee chairman's concerns as they relate to the human rights situation in that country and the inability, or unwillingness, of the Government to bring to justice those responsible for these abuses. However, in light of the Mexico City agreement, and the next scheduled meeting October 16 and 17 in San Jose, Costa Rica, I do not believe the committee amendment will contribute to moving this process forward, but may have the direct opposite effect.

It is no secret that the radical rightwing elements in El Salvador are opposed to any kind of a political solution to this conflict, even if such a solution is accomplished within a democratic framework and within the current Salvadoran constitutional processes. This is what the FMLN has committed itself to in its own proposals which have been tabled in these negotiations, President Cristiani, by promoting the talks, and agreeing to future procedures governing such negotiations, has placed himself at risk with these radical elements, both within his own party and within the armed forces.

I have discussed this situation in great detail with leaders on both sides, I am persuaded by arguments that now is not the time for us to take actions, no matter how deeply many of us feel about the ongoing human rights abuses in El Salvador, which could tip the balance against a political settlement. Every report I get from El Salvador signals a determination on the part of the Government and the FMLN to achieve a political solution to this conflict. Upon his return to San Salvador from the Mexico City talks, Dr. Alfredo Santamaria, speaking for the Government, explicitly stated that a political solution can be achieved in his country, representatives of the FMLN, in their discussions in Washington, have similarly stated their belief that the current atmosphere is not only conducive to a political settlement, but may be the only opportunity for that goal to be achieved.

It is evident that the present Government has committed itself to attempt to find peaceful resolution of conflicts, not only throughout Central America, but within El Salvador as well. President Cristiani was a signatory to the TELA accords which consolidated the regional peace process undertaken at Esquipulas by the five Central American presidents. He has followed up this regional process by committing his Government to seeking a political solution to the conflict in his own country as well. I shared serious doubts about Mr. Cristiani's intentions when he assumed the presidency of his country earlier this year. I have been pleased and even surprised by certain actions he has taken to support both regional and national political solutions to the crises plaguing this region of the world. Therefore, I believe it is incumbent upon the Senate to encourage and support this process, rather than creating potential obstacles to the achievement of a goal that all of us share in this body.

I believe the difference between the committee proposal and the amendment we are offering represents an honest difference of opinion as to how we best promote peace in El Salvador. I am fully aware of the risks associated with our amendment. But I am willing to take that risk on behalf of the opportunity for peace in that country, and believe me, if I am wrong, I will return to the floor of the Senate to cut off aid completely to that country. And I know I will be joined by others.

I also believe we have to be honest with ourselves. The current agreement between the Government of El Salvador and the FMLN really does represent the last opportunity for peace in that country. If an agreement cannot be achieved within a reasonable period of time, and the Government finds itself incapable of consummating such an agreement because of opposition from the radical right and elements of the armed services, there really is not much we can do for El Salvador. The economy just cannot sustain this war much longer and, quite frankly, in an era of scarce foreign assistance resources we would be better off placing those resources in countries where we can make a difference.

I am not happy, and I'm not comfortable, in voting for military aid to El Salvador, no matter what the amount. But I am even less comfortable with the prospect if the extreme rightwing elements get their way.

I think it is important to understand exactly what the Government and the FMLN have already agreed to in institutionalizing the negotiation process.

Both have committed themselves to reach a negotiated understanding that will: End the armed conflict through political means within the shortest time possible; promote the democratization of the country; and reunify Salvadoran society.

On procedural matters both sides have agreed that: Each party will decide the membership of its own delegation to the dialog, members of either delegations can be changed with prior notification to the other party. The delegations will be empowered to reach agreements.

Both delegations, aware of the complexity of the issues agree to hold ordinary rounds for consultation and formulation of proposals at regular 30-day intervals. At each session, the dates, place and agenda of the following meeting will be agreed upon.

The Government of El Salvador and the FMLN agree to invite as witnesses two representatives of the Catholic Church, to be appointed by the Salvadoran National Conference of Bishops. These witnesses will additionally serve as intermediaries for logistical arrangements.

The Government of El Salvador and the FMLN will invite representatives of international organizations to participate as witnesses on those meetings where both parties consider such witnesses necessary.

The following provision is very important to underscore, and it reads as follows:

> Both parties recognize the need for both the Government and the FMLN, to maintain adequate and permanent mechanisms of consultation and information exchange with the political parties and social forces of the country. It is understood that this will be done within the bounds of confidentiality if necessary for the positive development of the dialog process.

When it is deemed convenient, by mutual agreement, representatives from the political parties and social forces may be invited to present their contributions.

The location for the dialog meetings will be decided by mutual agreement.

The dialog will be conducted in closed sessions.

Both parties commit themselves to not withdraw unilaterally from the dialog process.

Finally, both parties agreed to hold the next meeting in San Jose, Costa Rica, on October 16, 1989. The subject of the meeting will be the cease-fire: Both the Government and the FMLN proposals will serve as points of departure for the discussion.

Both parties agree to invite the Organization of American States and the United Nations to send their accredited representatives to serve as witnesses at this meeting.

Mr. President, both sides to the conflict are in agreement on one critical point. The only solution to their problems is a negotiated political solution. Both sides to the conflict, for the first time in the 10-year history of this war, are expressing optimism that this time around they can reach agreement.

Both the Cristiani government and the FMLN are to be commended for demonstrating that they are serious in achieving this goal. The FMLN proposals tabled in preparation for the Mexico City talks were free of inflamatory rhetoric and reasonable in their content. The Government's response has been equally encouraging. It is important that the full resources of the U.S. Government be devoted to supporting this process and to encouraging all parties to reach agreement. While this might be the best chance for peace in El Salvador over the past years, it also might be the last chance if all of us, both in El Salvador, and here in the United States do not join in pressing forward with this process.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would take a lot more comfort in the remarks of the junior Senator from Massachusetts if I could think of one single instance in my experience in the U.S. Senate where we actually did come in and pass a bill, the House of Representatives passed a bill, and the President signed it, cutting off aid to a country where we found that they had violated conditions of the aid by violating human rights unless we had a specific clause that automatically did that in the aid.

I would defy the Senator from Massachusetts or any other Senator in this body to tell me where we have given no-strings-attached, carte blanche, blank-check aid that we have ever held it back, no matter how egregious the violations of the recipient. Try to find one instance, one, one and I might feel a little better about this whole thing, but there are none.

You know, Mr. President, I know how the next vote will go. I understand, as I have said many times in this body, we should be the conscience of the Nation and we should be able to step back from momentary passions of politics or polls or pressures or whatnot, and make the choices that are right.

Maybe it is easy when we stand here in these marbeled halls, and what is an extra $5 million? What is $90 million going off to another country with no strings attached?

You know, Mr. President, I would like to invite Senators to come with me to some small town in Vermont. We will hold a town meeting in some conservative, cautious town—most small towns of Vermont will be predominantly of the other party—and have them stand up and say we have a choice in the U.S. Senate. We could have saved you $5 million, and more than that; we could have said when we send foreign aid we are going to put at least minimal requirements that it be spent for the reasons we asked. We could put minimal requirements that the recipients of it have to at least show some respect for human rights and human life. That was the choice on one hand.

On the other hand was a choice to give $5 million, and put no restrictions on it whatsoever, to a country without the greatest track record in the world.

And then say to that small town in Vermont, which would you prefer? I will tell you right now I know what the reaction would be. The vast majority, if not all of them, would say put at least some strings attached to it. If you can save us $5 million in the bargain, do so. That would be the same reaction, I suspect, in small towns in Massachusetts or any other State.

In fact, that would be the reaction of the vast majority of Americans. What we are going to say, notwithstanding how Americans would feel on this issue, is that we will throw in the extra $5 million. If that is not enough of a bonus, we will remove, any strings whatsoever.

Mr. President, I want President Cristiani to succeed in El Salvador, just as I wanted President Duarte and all those before him to succeed.

I am a man of great and abundant faith. I believe the sun will come up in the morining and will go down at night. I believe in the goodness of my fellow person. I believe in the Red Sox; I mean, there is faith, and the Redskins, too, for that matter. You want to talk about faith.

But, Mr. President, there are things that affect me in my pocketbook as an individual. But here we are talking about the foreign policy of the United States.

We are talking about the money of the taxpayers of this country. And we are saying we want you to take the leap of faith, to send down to a country with not the world's greatest track record, send down to the country that our own administration peope will admit when pressured that they do not know where a lot of money that we sent down there has even gone.

They cannot even track millions and millions of dollars that we sent down to El Salvador. They do not know where it goes. There are not a lot of people down there making $10,000 or $15,000 a year living in million dollar homes. But they do not know where the money we sent has gone. They want us to take this act of faith and throw on an extra $5 million and take off all the restrictions and let them do what they want.

Mr. President, that is sort of like saying here is the key to the treasury, go on in there and do it, because we are too busy to even check what you are doing; take the money out and do what you want.

If it turns out that we have made a mistake on this, that the U.S. Senate and the House makes a mistake in doing this, nothing will happen; the money will still go, and next year we will have the same debate because we have this debate every year and every year we hear the same thing, "But not right now, not the time to do anything; next year, maybe."

I have been here only 15 years and I have, under any circumstances, at least 3 more years to go, probably more after that, but I would love just once, just once while I am here, to have somebody, instead of saying "Well, next year we will count the till, next year we will watch where the money goes," have somebody say yes, I have a great idea, a novel idea, almost unprecedented in this body, but this year we will ask where the money goes, this year we will watch what happens.

So, I want every Senator to understand, I want everybody who is following this debate to understand, you vote for this amendment, you are voting to add an extra $5 million in foreign aid, and to do it with no strings attached. That is all there is in here. That is the difference between my amendment and this. The only difference. Throw on an extra $5 million and take all the strings out.

Mr. President, as I said, I have a lot of faith. I believe in the Sun coming up in the morning and going down at night. I believe in the Redskins and I believe in the Red Sox. My faith has been shattered before. I almost have to think it might be again. But worse than that, Mr. President, at some point, and very seriously, we are going to have to ask if the United States sends foreign aid do not we someday, someday in this country have to start saying, "you accept our foreign aid, you accept it under the understanding that you will live up to the ideals that made this country great, the ideals of human rights, the respect for the individual, and honesty in your government," and if we are unwilling to ask recipients of foreign aid, of American aid, to do that, then why should we send it?

If we require this of your own country and your own people when our Government seeks to help them, can we require any less of other countries if we offer to help them?

The United States has the moral obligation to help in many parts of the world. But with that moral obligation also goes the obligation to send with it your own ideals, and not say American aid will go out with no strings attached and with the ability of the recipient to use it to thwart the basic ideals of human rights.

I wish the best for President Cristiani. I wish the best for his government. But I can stretch my faith only so far without any restrictions on it, and this Vermonter will vote no.

The PRESIDING OFFICER. There are 34 seconds remaining for the opponents.

Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute on the side of the opponents of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I will not object if that means 1 additional minute on this side.

The PRESIDING OFFICER. (Mr. ROBB). Without objection the Senator has 1 minute.

Mr. DODD. Mr. President, I commend my colleague from Massachusetts for his statement. I think he said it all from this side of the issue. But none of us here debating are arguing whether or not we are concerned with the human rights situation in El Salvador, whether or not we hope there is going to be continued improvement in that situation. What we are talking about is a larger issue. There are moments in time when you can either support a positive event or take steps for other reasons that will actually retard that particular process.

We are witnessing in El Salvador, for the first time since over a decade ago when the war began, an opportunity that may bring an end to that conflict.

President Cristiani is supporting a negotiated process which at this very hour is being backed by the FMLN. The meetings last weekend in Mexico were the most successful that have ever occurred.

There are those inside El Salvador who are determined to undermine that effort. Those voices, mostly, I would say, regretfully, come from within President Cristiani's own party.

If, at this hour, this body undercuts him for sins that have occurred in the past prior to his arrival as President of that country, we do him a great disservice, we do the process a great disservice.

Senator KERRY has said, and I agree, this could fall apart tomorrow or next week. But let us give it a chance. That is what the Kaster amendment does, and I urge support for its adoption.

The PRESIDING OFFICER. The time for the proponents has expired. The time for the opponents has been extended 1 minute and 30 seconds.

Mr. LEAHY. Mr. President, I yield back the time.

Mr. KASTEN. Mr. President, this amendment is a relatively simple one. First, it earmarks military assistance for El Salvador at $90 million, the same level provided in the legislation reported by the Senate Foreign Relations Committee. The second part of the amendment is a sense of the Congress resolution commending the dialog between the Government of El Salvador and the FMLN which began in Mexico City on September 13. The resolution urges the parties to this dialog to achieve as quickly as possible a cessation of hostilities and an overall settlement of the conflict. It finally calls upon the Secretary of State to consult frequently with Congress on the status of the Salvadoran negotiations and on what efforts are being taken by the President to support these talks.

Mr. President, we believe this situation requires encouragement and support. The Cristiani government must understand that we support their efforts toward economic reform, and to negotiate a peaceful and democratic settlement. We also believe that we must send a signal to the FMLN that while we are encouraged by their willingness to negotiate, we will not abandon the El Salvador military operation if pursuing that avenue seems prudent.

Mr. President, I hope that the Senate will support this substitute amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I voted in favor of the committee amendment for $85 million for military assistance to El Salvador. Our aid should be conditioned, however, to a good-faith effort by the Cristiani government to reduce human rights abuses, and a good faith effort by the Cristiani government and the military, and the FMLN, to negotiate a settlement. That is what I supported, and that is what I voted for.

Consistent with the belief that our aid should be conditioned on progress toward peace, and respect for human rights, I will vote against the Kasten-Dodd amendment of unconditioned aid. While I support aid, I do not support unconditioned assistance at this time.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment of the Senator from Wisconsin.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 82, nays 18, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—82

Adams
Armstrong
Bentsen
Biden
Bond
Boren
Boschwitz
Breaux
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser

Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—18

Baucus
Bingaman
Bradley
Burdick
Byrd
Conrad
Daschle
Harkin
Hatfield
Kennedy
Leahy
Levin
Matsunaga
Metzenbaum
Pell
Riegle
Rockefeller
Simon

So, the amendment (No. 777) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on table was agreed to.

Mr. MITCHELL. Mr. President, several Senators have inquired about the schedule for this evening, so I take this opportunity to inform all Senators that given the large number of amendments pending on this matter and the importance of acting promptly on the remaining appropriations bills, we will be in session late into this evening. I will attempt to work with the managers and distinguished Republican leader to establish a window, a period of time, perhaps 90 minutes, this evening, at a time that is convenient to the largest number of Senators who have other engagements. But Senators should plan on a late evening, with, apparently, according to the information provided by the managers, a substantial number of votes as we proceed to handle the pending amendments.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. MITCHELL. Certainly.

Mr. LEAHY. Mr. President, I would advise the distinguished majority leader that—I know I can speak for the ranking member on this—we are prepared to push forward as rapidly as we can. There are a lot of amendments, I tell my friend from Maine, on this bill. I think a number of them, at least, will be of very short duration. Obviously, certain ones may well be accepted. There are a couple of issues that may require some debate.

I am prepared on this side to enter into short time agreements on virtually anything that is remaining. I am perfectly willing to work well into the night if that gives us an idea that we may actually finish.

The bill is very straightforward. Everybody should know what is in it. I say to Senators, remember, this is an appropriations bill, not an authorizing bill. I hope that we might finish.

Mr. MITCHELL. May I say to the Senator, no person would be more delighted at that result than me. I encourage the Senators in their efforts and we will proceed as best we can. If, in the course of the evening, it appears possible to finish tonight, then we will stay and do so.

Mr. BUMPERS. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BUMPERS. I do not understand the Senator. Is it the majority leader's intention to try to finish the bill this evening?

Mr. MITCHELL. I have just been advised by the manager that may be possible and, if it is possible, we will do so. That depends upon the Senate and the number of amendments remaining and the length of debate, something which I think no one, least of all me, can now predict.

Mr. BUMPERS. Is the leader not prepared now to set any kind of a time limit on how long we will be here? At 9 o'clock does the Senator think we could finish? Do we want to go to midnight?

Mr. MITCHELL. I have found in my limited experience that setting such time limits at this stage is a fruitless exercise. I think it is best to say we proceed as best we can, and we will continuously review it throughout the evening as we proceed.

Mr. BUMPERS. A very critical question of the majority leader is, Will there be a window this evening?

Mr. MITCHELL. Yes, there will be. We will try to do it in a way that accommodates the largest number of Senators. It will be approximately 90 minutes. That will require the scheduling of amendments and perhaps the stacking of votes if the managers are prepared to do that. I invite the Senator's advice on what would be more convenient to him.

Mr. BUMPERS. I thank the leader.

Mr. LEAHY. Mr. President, if the leader will yield further, it will be a lot easier to arrange the time of this window if Senators could let either me or Senator KASTEN know what they have for amendments. Obviously, any Senator can bring up amendments when they want. But if you would give us a list of what your amendments are so staff can look at them, those that are acceptable, will be the obvious things to bring up during that window, and if there are others, maybe we could get a list going so we know where we are.

I will mention that it would be a lot easier for me to answer the question the distinguished majority leader has asked, and that is, what makes more sense for a window.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. I would like to inform, Mr. President, the distinguished managers that I do have an amendment. I think it will be accepted on each side. I can do it immediately and get that one out of the way.

Mr. President, I also would like to say—and I hope I am not intruding on the majority leader's prereogatives or anyone's schedule this evening—9 times out of 10 when we have a window of an hour or an hour and a half and we all came back at 8:30 or 9, there is something about the chemistry of this place where we never quite get back down to work. Usually we come back from wherever, 9 times out of 10 there is not a vote.

Mr. President, I object to a window, if we are going to have a window. Let us just plow right on through, and if people are gone, they are just gone. I strongly object to having a window this evening and keeping the rest of us here until 2 or 3 in the morning.

Mr. LEAHY. Mr. President, if the Senator will yield, maybe the best way would be to have a window about 11 or 11:30.

Mr. PRYOR. That will be a good time for a window.

Mr. MITCHELL. I do not regard the Senator's advise as an intrusion. I welcome it. I think it helps me make the point that it is very difficult to please everyone in the Senate at the same time. We will do the best we can and certainly take the Senator's words into account.

Mr. PRYOR. Mr. President, I not only thank but I respect the leader.

AMENDMENT NO. 778

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendments will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 778.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $4,218,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Agency for International Development.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Administrator of the Agency for International Development shall (A) submit to Congress a report on the amounts obligated and expended by the agency during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

Mr. PRYOR. Mr. President, I rise today to offer an amendment to the foreign operations appropriations bill which will place a cap on the amount of money which the Agency for International Development can spend on consultant services.

This amendment is identical to the amendment that I successfully offered to previous appropriations bills.

Mr. President, over the past 20 or 30 years, Federal agencies have grown more and more dependent on contractors to perform the most basic work of the Government. This has occurred for a variety of reasons. Some blame congressional actions and some say that it is appropriate to have contractors doing the work. Whatever the reasons, the result has been the creation of a hidden bureaucracy, not subject to the rules and regulations that govern the official bureaucracy.

This hidden bureaucracy writes reports to Congress, implements Government programs, evaluates Government programs, drafts regulations, and comments on GAO reports.

In fact, at the Agency for International Development, private contractors are serving as contract officers. Having a contractor actually sign contracts seems to me to cross the line. I believe that this is an unwise delegation of governmental functions to the private sector. If AID really has so many contracts that Government contracting officials can't keep up with them, then perhaps the agency needs to delay issuing more contracts until the Federal employees can process the contracts. I think it is asking for trouble to have contractors sign contracts on behalf of the Government.

Furthermore, in this time of great concern over ethics, it is essential to realize that contractors and consultants are not covered by the ethical rules that govern the civil service. They are not covered by President Bush's proposed ethics package. They are not covered under the Ethics in Government Act.

Mr. President, while I think that consultants and contractors may have a role to play in making our Government more efficient, this widespread delegation of much of the basic work is unhealthy. It creates a buddy system and oils the revolving door.

I propose to use AID's own figures to cap their spending on consultants. I think this is a reasonable and fair approach. Under current law, section 1114 of title 31, United States Code, each agency is required to include in its budget justification the amount of money which it requests for consulting services, as well as a list of appropriation accounts from which the money is to come and a description of the agency's need for consulting services. My amendment merely says that since AID has requested $4.2 million for consultant spending, that is all it can spend.

The definition of consultant services will be the same as the definition provided by the Office of Management and Budget's Circular A-120.

To give the agency an accurate idea of what it is actually spending on consultant services, the amendment also requires the Administrator of AID to submit a quarterly report to Congress and the Comptroller General on the funds obligated and expended by the agency during that quarter. This report will provide the Congress with information on the types of services we are buying. Furthermore, the report will contain the reason the agency felt that no Federal worker could perform these jobs. The Comptroller General is then requested to review the reports submitted by the Secretary and make any recommendations that he sees fit.

Mr. President, let me emphasize that this year I am proposing to use the figures on consulting services the agencies themselves sent up to the Congress. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this simple approach will enable us to assure the taxpayers that the Federal Government is carefully monitoring the way we are spending their money.

I urge my colleagues to support this amendment.

Mr. President, let me reiterate that this is another of a series of amendments that I have offered to each of the appropriation bills that are now coming through the Senate. So far, actually all of the amendments have been accepted by the managers of the respective bills sent to the Senate floor by the Appropriations Committee.

This amendment is one more attempt to cap the consulting costs of our Federal system of government. We are spending billions and billions of dollars, we have created a secretive Government, and we have created a hidden bureaucracy. They are responsive to no ethics laws. They are responsive to no lobbying dictates and, in fact, they are responsible to no one.

About 85 percent of all the consulting contracts granted by the Federal Government are granted on a sole source basis without any competition whatsoever.

Mr. President, in the legislation that is now under question in the appropriations—2 years ago in 1987 is our most resent statistic that we have—the Agency for International Development spent in the neighborhood—if you would listen to this, it is staggering—$295,548,000 for consultants.

All my amendment does is very simply state when this agency or any other agency or department of Government makes its request to Congress in the Appropriations Committee, when they request a given amount to be spent for consulting services, that they will live within that amount or they will have a supplemental appropriations bill.

Therefore, I will limit the Agency for International Development in this particular instance in the bill before the Senate at this time to what they have actually requested for fiscal year 1990 for consulting services, $4,218,000.

That is the purpose of the amendment. I think it is a constructive amendment. I think it may in fact be accepted by the managers, respective managers, on the Democratic and Republican side.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I have no objection to this amendment. I am advised by Senator KASTEN that he has no objection to it. I know of none. I commend the distinguished Senator from Arkansas for what I think is a very good government amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 778) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for no longer than 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SALUTE TO JOSEPH SEMPREVIVO OF DEMING; AMERICAN SUCCESS AWARDEE FOR VOCATIONAL-TECHNICAL EDUCATION

Mr. DOMENICI. Mr. President, today I would like to share with my colleagues the admiration I have for Joseph Semprevivo of Deming, NM.

This 17-year-old high school student recently received an "American Success Award" for vocational-technical education based on his work as the vice president of L&J Lite Cookies. He has been taking vocational education courses at Deming High School. These students have helped him in his role in this family-owned and operated business that was born out of a deep concern for those who suffer from diabetes.

Joseph is a diabetic with a sweet tooth. This predicament led Joseph and his parents, Larry and Jo Marie Semprevivo, to experiment with many batches of dough in search of a sucrose-free cookie. It took them 4 years to develop the recipe. After a healthy mix was discovered, they established a cookie-baking business that has boomed into a multi-million-dollar enterprise.

Now, a year and a half since the Semprevivos opened their cookie-baking kitchen, the family produces as many as 10,000 sugar-free, high-fiber, high protein cookies every hour. These are not bland cookies either. To the contrary, they come in tasty assortments of pecan double fudge, chocolate chip, oatmeal, and other flavors.

In today's health-conscious age, these morsels have found a ready market—not only among diabetics, but also for those who are leery of sugar, cholesterol, salt, or preservatives.

I am especially proud of Joseph and his family, not only because of their success, but also because they set a high standard for how a small business in a small rural community can operate at a profit and be beneficial to people in need.

L&J Lite Cookies employs 16 full-time workers. In addition, they hire 20 mentally handicapped people, who apply labels to cookie packages. I find this is admirable in a modern age when technology gives us machinery that can paste labels on packages with lightning speed. By hiring these individuals through the southwestern services to the handicapped, Joseph and his family give hope and purpose to lives that could be stymied.

Joseph's cookies are being sold by the Juvenile Diabetes Foundation International as a fundraiser. The Semprevivos also plan to donate a percentage of their profit to this same foundation so that they can take part in the ongoing search for a cure for diabetes.

I know many of my colleagues will be interested in this outstanding young man and his family business. These cookies are marketed by the health food store chain, General Nutrition Centers, and they can be found in grocery stores throughout New Mexico and west Texas.

My colleagues can also contact the company by writing L&J Lite Cookies, 204 South Gold, Deming, NM 88030.

Mr. President, in my mind, Joseph earned and justly deserves the "American Success Award" he received. His success bodes well for the effectiveness of vocational technical education in our public schools and the leadership and concern it can inspire in students.

I hope my colleagues will join with me in congratulating this enterprising young man, who exemplifies the best of a new generation.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

Mr. BINGAMAN addressed the Chair

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me inquire of the floor managers if they are seeking recognition.

Mr. LEAHY. Mr. President, I think that we have some acceptable amendments here, and with the forbearance of the Senator from Kansas, let us go first with the Senator from New Mexico, who wants to take a very brief time on his amendment.

AMENDMENT NO. 779

(Purpose: To provide a Sense of the Congress with regard to the International Coffee Agreement)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendments will be set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 779.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section,

"SEC. . INTERNATIONAL COFFEE AGREEMENT.

It is the Sense of the Congress that the International Coffee Agreement is an important measure in promoting economic and political stability in many developing countries, including Colombia, that the collapse of the Agreement would seriously undermine Colombia's efforts at fighting illegal drugs, and that the Administration should undertake every possible effort to successfully conclude a renewal of the Agreement."

Mr. BINGAMAN. Mr. President, I have offered here a sense-of-the-Congress amendment on the renewal of the International Coffee Agreement, which expires this year. The current agreement has been in force for 6 years, and is the fourth such agreement signed since 1963.

The problem is very simple, Mr. President. We have reached an impasse in the negotiations on the agreement, and the impasse has resulted in a drastic drop in the price of coffee. While some may argue that this is a boon to U.S. coffee drinkers, I disagree with that position.

The American consumer benefits from market stability in the long run, and the American public in general benefits in ways, although not too obvious, which are critical to winning the war on drugs.

A stable international coffee market is crucial to economic and political stability in coffee-producing nations such as Colombia, and to the encouragement of legal exports, thereby lessening the importance of illegal or profitable exports such as drugs, drugs that end up in the clutches of pushers on the streets and in the hands of our youth.

Mr. President, let me just indicate that this amendment tries to urge the administration to act quickly on a request that President Barco from Colombia has made to President Bush, where he makes the case that although we have agreed to give Colombia $65 million to help in its effort to fight drugs, the drop in the price of coffee as a result of the termination of this agreement could result in as much as $400 million of loss to Colombia.

Clearly, this is contrary to our objective, which is to help that government and to help the economy there so that that government can deal with this very severe problem.

Mr. President, I ask unanimous consent that the letter dated September 4 from President Barco of the Republic of Colombia to President Bush be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDANCIA DE LA REPUBLICA,
Bogotá, September 4, 1989.

His Excellency GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The breakdown of the International Coffee Agreement has brought new problems to the country. This agreement was not extended due to the lack of political willingness on the part of the United States in the search for a compromise that would be acceptable to the 74 members of the International Coffee Organization.

The International Coffee Agreement has proven to be vital for the political, economic and social stability of 50 countries in Asia, Africa and Latin America. During its 27 year history, the agreement achieved price stability within specified price ranges which were fair to the producing countries and reasonable to the consuming countries. As a result of the breakdown of negotiations in London in July 1989, prices have dropped 50 percent and are currently at their lowest level since the great depression. These declining prices have affected all types of coffee but especially those coming from Latin America.

The instability of the export earnings has a negative impact in the development process. Private investment decreases because of the risk and uncertainty. Servicing the external debt becomes extremely difficult.

> The import capacity is reduced and employment growth is curtailed.
>
> If the international prices remain at the current levels for the next 12 months, the coffee producing countries will lose over $4 billion. The Latin American loss could be over $2 billion and Central America's $6 million. In the case of Colombia, it could be larger than $400 million.
>
> These are staggering figures for our economies. In Colombia, 3 million people depend directly on coffee. About half of the thousand towns and cities in our country are located in the coffee growing areas. The coffee sector continues to be the lifeblood of our economy.
>
> Mr. President, we would highly appreciate your country giving this issue the highest priority within your foreign affairs policy.
>
> In light of the prior considerations may I suggest an emergency plan based on the following points:
>
> 1. Reactivating the quota export system as of the first of October. This would require extending the current coffee agreement for one additional year, with economic clauses.
> 2. Adopting effective customs control mechanisms by the coffee importing countries, through emergency measures.
> 3. Renegotiating a new International Coffee Agreement immediately, to be effective as of October 1, 1990. The inclusion of non-member countries would be actively sought to make it more effective.
>
> I wish to inform you, Mr. President, that we have had high level contacts with officials of the European Economic Community and we believe they are ready to support an initiative of this nature.
>
> This is a very deep crisis and it requires immediate action. Right now, the only practical alternative is the reactivation of the quota system. If no actions is taken, prices will plunge further once the new coffee crops from Central America start to reach the market. This will mean total bankruptcy and our coffee growers would not be able to survive; since the coffee sector constitutes the engine of our development process, the standard of living of 30 million Colombians would decline abruptly. Now is the time to ask for the cooperation of the international community to stabilize the world coffee market; coffee, after oil, is the main commodity which flows through the international trading networks.
>
> With best regards.
>
> Cordially,
>
> VIRGILIO BARCO.

Mr. BINGAMAN. Some may wonder why I raise this issue in the context of a foreign aid bill. The fact is that the International Coffee Agreement is an important part of our international economic development policy and should be an important factor in our antidrug abuse strategy.

The problem is simple. We have reached an impasse in the negotiations on the agreement. This impasse has resulted in a drop in prices and increased instability in the market. Prices have plummeted 30 to 40 percent in just a few short months. While some may argue that this will be a boon for U.S. coffee drinkers, I disagree. American consumers benefit from market stability in the long run and the American public in general benefits in ways that, though not obvious, are critical to winning the war on drugs. A stable international coffee market is crucial to economic and political stability in coffee producing nations, such as Colombia, and to the encouragement of legal export, thereby lessening the importance of illegal, though profitable, export such as drugs—drugs that end up in the clutches of pushers on the street and in the hands of our youth.

The International Coffee Agreement has long been seen as a factor in our policy on international economic development and as an important tool in promoting economic stability in the coffee market—a market many developing nations are dependent upon.

During the consideration of the last renewal of the agreement, President Reagan made this clear in his May 4, 1983 letter to the Senate when he stated,

> Coffee is vitally important to a large number of friendly, developing countries in Latin America, Africa, and Asia. In terms of value, it is the most important agricultural commodity exported by developing countries.

Secretary of State George Shultz echoed this belief in an April 23, 1983 letter to President Reagan when he stated,

> Given the importance of this product to so many countries and the major role we play as a market for this item, our participation in this renegotiated coffee agreement occupies a place of importance in our international relations.

The Committee on Foreign Relations, when it was considering the International Coffee Agreement in 1983, stated the following about the U.S. coffee imports,

> The International Coffee Agreement is important in U.S. relations with many developing nations, including 16 which depend on coffee for more than 20 percent of total exports.

The Committee on Finance also agreed. Their committee report on the agreement states,

> A predictable coffee market assures some measure of economic—and in many cases, political—stability in these countries.

The agreement should also be a part of our antidrug strategy. As part of our strategy for fighting drugs, it is important to send a signal to other nations that they must kick their drug production habit, just as we must kick our Nation's drug consumption habit. We must encourage the expansion of economic alternatives to the drug trade. We should not be taking actions that would undercut the legal exports from these nations.

Unfortunately, this is exactly what we have done in the case of Colombia and coffee. Colombia's coffee exports are $1.6 billion—over 27 percent of its total exports. The United States is one of Colombia's largest customers—over a fifth of Colombia's coffeee export goes to the United States alone. The drop in coffee prices due to the deadlock over the renewal of the agreement has the potential to devastate the Colombian economy. According to a recent letter from the Columbian President Virgilio Barco to President Bush,

> Our coffee growers would not be able to survive; since the coffee sector constitutes the engine of our development process, the standard of living of 30 million Colombians would decline abruptly.

It is clear that such a decline would seriously damage Colombia's ability to continue its war against illegal drugs.

It is my understanding that the administration has two objections to the agreement as it now exists. First, the administration is concerned over discount pricing that allows certain nations to purchase coffee well below the agreed upon price range. Second, the administration would like to see a greater share of the market allocated to the mild types of coffee preferred by American consumers.

At its July 3 meeting, the International Coffee Organization could come to no agreement on these concerns. Instead, the member nations agreed to extend the agreement for 2 years, while suspending the economic provisions regarding quotas and pricing. This suspension resulted in the collapse of prices I mentioned earlier.

The concerns raised by the administration are valid. Personally, I believe that elimination of these concerns would help Colombia, since it would eliminate the below agreement pricing and would expand the share of the type of coffee which Colombia exports.

However, in my view it seems rather perplexing to be sending $65 million of aid to Colombia while helping to create an impasse which will decrease Colombia's exports by $200 to $400 million. We simply cannot let these disagreements lead to a collapse of the international coffee market and an increase in economic, and possibly political, instability in Colombia and other coffee producing nations.

Mr. President, the International Coffee Organization will meet in London at the end of this month. The purpose of that meeting is to decide on a course of action during this 2-year extension period. Now is the appropriate time to send a message that the United States believes it is important to move forward in the negotiations. We cannot and should not allow this extension period to become a time of inaction. My amendment would encourage the administration to move forward with these important negotiations.

I urge my colleagues to support the amendment. I have talked with the managers of the bill, and I believe it is acceptable to both sides.

Mr. LEAHY. Mr. President, I have discussed this amendment with the distinguished ranking member, Senator KASTEN, and he has no objection to it, and I have no objection to it. I know of none, and I would urge its acceptance.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 779) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 780

Mr. DOLE. Mr. President, on behalf of myself, Mr. MITCHELL, Mr. BOSCHWITZ, Mr. WILSON, Mr. SIMON, Mr. SIMPSON, and Mr. LEVIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the committee amendments will be set aside.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. MITCHELL, Mr. BOSCHWITZ, Mr. WILSON, Mr. SIMON, Mr. SIMPSON, and Mr. LEVIN, proposes an amendment numbered 780.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER: Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 21, insert after the colon the following: *"Provided further,* That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the humanitarian relief, medical treatment, education and vocational training of victims of the Armenian earthquake of December 7, 1988, which amount shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations:".

Mr. DOLE. Mr. President, this amendment is short, simple, and clear—and my remarks will match the amendment.

The amendment earmarks $5 million in ESF to be used for the humanitarian relief, medical care, education and vocational training of victims of the disastrous earthquake which struck Armenia last December 7.

The money would be used to fund the work of American private voluntary agencies [PVO's]. None of the money would go to the Soviet or the Armenian Government. All of the money will end up directly benefiting earthquake victims.

I visited Armenia in August, as I have previously reported to the Senate. I can confirm, from the evidence of my own eyes, that the need for help is enormous.

I ask unanimous consent to put in the RECORD at this point the text of an op-ed I recently did for the Los Angeles Times, urging the provision of more American aid for Armenian earthquake relief.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Sept. 15, 1989]

ARMENIA, STILL A RUBBLE PILE, CAN BE RECONSTRUCTED WITH OUR HELP

(By Bob Dole)

The hill is just outside Leninakan, one of thousands in the rugged, sweeping splendor of Armenia. Nine months ago it was just another hill. Today it is a cemetery.

It is just one of the poignant reminders of Dec. 7, 1988, the day a killer earthquake brought indescribable tragedy to Armenia.

The area was rocked again this month with powerful new quake activity, but as one local official put it, "There is nothing left to destroy." What is left is a mountain of problems, and it is going to take additional American aid, both private and public, to help Armenia get to the solutions.

That is the conclusion my wife, Secretary of Labor Elizabeth Dole, and I reached during our recent tour of the earthquake zone. We were there to deliver medical and rehabilitation supplies from Project Hope, to evaluate reconstruction efforts and the needs of post-earthquake Armenia and to compile a personal report for President Bush.

The most urgent need is shelter. Winter is coming on fast as 500,000 people remain homeless. To put that number in perspective, the population of Armenia is 3.2 million. Everywhere, people are living in tents, in old boxcars, in tin shacks and in just about every other kind of shelter imaginable. All around are piles of concrete and twisted steel in Spitak, in Leninakan and in tiny villages that are simply no more.

In Yerevan, the Soviet republic's capital, I convened a meeting of American volunteers-dedicated doctors, physical therapists, psychologists, architects and builders. It was the first such meeting, and one that I believe can lead to a better-coordinated volunteer effort in Armenia.

The two problems most often cited that day were difficulties in finding transportation for equipment and supplies from the United States to Armenia, and the paralyzing inefficiency and red tape of the Soviet system.

My staff and I are already exploring with the Administration whether there might be excess cargo capacity on planned military flights to destinations close to Armenia, which could be made available to voluntary agency shipments. We will also be talking to the Soviet Embassy in Washington about the inefficiency and red tape.

So far, private aid from the United States has totaled about $45 million and another $4 million has come directly from the government. Still, the need is great and I am convinced we can do more.

Despite our nation's serious budget problems, and recognizing the built-in restraints of dealing with the Soviet Union, Congress should be able to find some additional aid this year to be channeled through a special commission: We want American aid going to American-run voluntary organizations so they can guarantee its efficient use.

While direct constributions of food and materials are still welcome, Armenia is in desperate need of technology, Western know-how and projects and programs that can become long-term and self-sustaining. For example, we can't be satisfied with foreigners coming in to build new homes. New housing is desperately needed, but Armenians have to someday provide their own building materials. One project being considered is a plant that would produce cinder blocks from local materials.

Foreign food aid, as necessary as it is in the short term, presents similar problems.

Despite the continuing misery we saw, from the homeless to the families still grieving for their dead, we met hundreds of people and found a well of optimism—the warm siles from the Armenian children said it best.

And, as we viewed the tragic past, we also caught a glimpse of the future. New housing is slowly coming along in some areas, including modular units from Italy, three-room homes from Austria and a mammoth high-rise project near Leninakan that has more than 100 cranes soaring to the sky.

We will remember much from our three days in the earthquake zone, but most of all we will remember the faces. The face of stoic determination on the Spitak city leader who watched the earthquake take the lives of his wife and 12 family members, but who is now leading the effort to rebuild. The face of the young mother who lost her only child but now begins a new life with the birth of a baby girl. And most of all, the faces on the children—hoping, and looking to us to help them rebuild the future.

●Mr. DOLE. Let me cite just one statistic: In a Soviet Republic with a total population of 3.3 million people—700,000 are homeless; and winter—a winter that will bring snow and bitter cold to the mountainous regions most affected by the quake—winter is only weeks away.

Mr. President, the United States has already responded generously, especially through private contributions. Private citizens and groups have contributed about $45 million already. Many groups such as Project Hope are doing great work in Armenia—I was privileged to carry more than $50 thousand in medical and other supplies to Project Hope on my August visit. And many dedicated Americans are working long, hard days in Armenia, to do what they can to help.

As a government, we have responded too, by providing about $4.4 million in relief, almost all of it delivered in the immediate aftermath of the quake.

But I would note that other governments have done much more. Italy, I believe, has been the most generous, with a total contribution of about $26 million. I visited a housing project donated by the Italian Government. Many of our other allies have done a great deal, too.

Mr. President, the United States has special ties to Armenia. Armenian-Americans have made a great contribution to our country—in humanitarian work, business, and government.

The United States also has a remarkable history of generously responding to the needs of people around the world stricken by natural disaster, poverty, and disease.

I believe we should respond again, now, to the real needs of the Armenian people. I urge all Senators to join me in passing this amendment.

I hope that this amendment might be acceptable.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

Mr. LEAHY. Mr. President, I am aware of the amendment. In fact there is a stack here we hoped to get to at some point of acceptable amendments.

I commend the distinguished Senator from Kansas for his efforts in bring this to us. I certainly wholeheartedly support it. I understand the distinguished ranking member, Senator KASTEN, also supports it.

Mr. WILSON. Mr. President, I am pleased to join my colleagues, the distinguished majority and Republican leaders, as an original cosponsor of this critical amendment to provide direct United States financial aid to the victims of last December's earthquake in Armenia.

Nine months after this tragedy, although the rubble and dust have settled, the suffering has not diminished; 700,000 people remain homeless, a number that represents one-sixth of the entire population of Soviet Armenia. Despite the gallant efforts of architects and builders from all over the world, villagers still live in tin tents and paper huts. Tremors still rumble through Leninaken, as if these devastated but proud people need a reminder of nature's power to destroy both their homes and hopes within a few terrifying minutes.

America, Mr. President, always feels the pain of disasters like the Armenian earthquake because the afflicted people in most cases are also our own people—men and women who we know as fellow citizens, coworkers, neighbors, and friends.

Our response to the needs of the Soviet Armenian coummunity in the aftermath of tragedy certainly illustrates this point. A flood of United States Government officials, doctors, and architects converged on Armenia immediately after disaster struck. They were also joined by regular volunteers who offered the most valuable gift of all—an unlimited determination to relieve the plight of thousands of victims by clearing rocks and mangled steel, serving hot meals, bandaging wounds, or cradling a grieving mother.

The amendment we offer today acknowledges this spirit of private initiative by devoting $5 million in fiscal year 1990 economic support funds to American voluntary and nongovernmental organizations for humanitarian relief, vocational training, and medical treatment programs in the areas of Armenia effected by the December earthquake.

Some of this money, for example, will support the Armenian National Assembly's ongoing effort to instruct members of the local population in fortified housing construction. The assembly has already sponsored the building of three factories near Leninaken that will manufacture 8,000 housing units per year. In addition, the assembly has received thousands of medical equipment, food, and clothing donations that have yet to leave the United States. As a result, I joined by colleagues Senators CRANSTON and LEVIN 2 weeks ago in sending a fresh appeal to the Defense Department for excess cargo aircraft to deliver these items.

But the cries from Armenia have yet to cease, Mr. President, and our amendment represents a noble starting point for providing a consistent source of United States Government assistance to the tormented people of this land. Indeed, the blood of Armenians runs deeply through the communities and culture of our own America, and when it is therefore shed in their homeland, we share the agony. We must also share the difficult task of helping the Armenian people to overcome this agony, and I ask my colleagues to unanimously support this modest yet vital gesture.

Mr. BOSCHWITZ. Mr. President, I am pleased to support the amendment of the distinguished minority leader to assist Armenia recover from one of the most deadly earthquakes of this century. I commend my colleague for his commitment to this effort, for his recent trip to Armenia, and his compelling reports to this body and the American people. Our country has had a special relationship with Armenia and the Armenian people throughout this century. Our Government and people have been advocates for this nation and her people in the face of massacre, massive suffering, and now an earthquake. By acting today, we affirm this tradition of interest and support.

I commend also the unprecedented response of the United States private voluntary organizations—Armenian and non-Armenian—who have been involved in truly historic relief and rehabilitation programs in Armenia. Armenia has become a point of reference in United States-Soviet relations. It is in the interest of furthering this relationship that we support through this amendment the work of United States nongovernmental organizations in Armenia.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 780) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The Senator from Kansas.

Mr. DOLE. I wish to thank the manager of the bill and Senator KASTEN, the manager on this side.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. LEAHY. Mr. President, again I urge Senators who have amendments to come forth with them so at least we can get a list going.

I also understand that perhaps a page or something was left out of the amendment by the distinguished Senator from Alaska [Mr. PRYOR], before the one that was acceptable, and I ask unanimous consent to be able to yield to him without losing my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Arkansas.

AMENDMENT NO. 778 (AS MODIFIED)

Mr. PRYOR. Mr. President, I thank my good friend, the Senator from Vermont.

Mr. President, a few moments ago when amendment 778 was sent to the clerk for reading I inadvertently left off the second page, 8 lines.

I have shown both of the distinguished managers the additional language and it has been accepted and approved.

Mr. President, I, therefore, ask unanimous consent that amendment No. 778 be modified.

The **PRESIDING OFFICER.** The Senator has a right to modify his amendment.

Mr. PRYOR. Mr. President, I thank both managers for approving this language which once again I inadvertently failed to send to the desk.

I yield the floor.

The **PRESIDING OFFICER.** The amendment is so modified.

The amendment, as modified, is as follows:

Insert at the appropriate place:

SEC. . (a) Not more than $4,218,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Agency for International Development.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Administrator of the Agency for International Development shall (A) submit to Congress a report on the amounts obligated and expended by the agency during that quarter for the procurement of advisory and assistance service, and

(B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award for each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. **LEAHY.** Mr. President, as I understand it if we now go to the regular order we would just go to the list of excepted amendments, the first one that was passed over before.

Mr. President, I ask for the regular order.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 6, LINES 9-25

The **PRESIDING OFFICER.** The clerk will report the first excepted committee amendment.

The legislative clerk read as follows:

On page 6 beginning with line 9 through line 25 insert new language.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

The Senator from North Carolina.

AMENDMENT NO. 781 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 6, LINE 9

Mr. **HELMS.** Mr. President, I thank the Chair.

I have an amendment to the first excepted amendment which I send to the desk.

Mr. **LEAHY.** I am sorry. I could not hear the distinguished Senator from North Carolina.

Mr. **HELMS.** I said I have an amendment I send to the desk and ask it be stated.

Mr. **LEAHY.** Amendment to the pending amendment?

Mr. **HELMS.** Exactly.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 781 to the excepted committee amendment on page 6.

On page 6, on line 25, after "Code", insert the following: *Provided*, That no country which receives funds under this Act and which has a democratic Constitution shall be required to take actions which are contrary to its Constitution as a condition of receiving such assistance".

The **PRESIDING OFFICER.** The Senator from North Carolina.

Mr. **HELMS.** I thank the Chair.

Mr. President, this amendment addresses a matter that I hope is a matter of concern to all Senators. It should be a principal aim of the United States and the assistance it gives to various countries to encourage and strengthen the democratic process.

Yet, there have been some overtones this very day in the debate about El Salvador, that the democratic process in that country should be set aside perhaps to attain specific ideological goals.

For example, this bill, as a result of the last amendment, urges the settlement of conflict with the Communist guerrillas through negotiations. Bear in mind that these are Communist guerrillas about whom we are talking.

Mr. President, I am not opposed to dialog with anybody, but I will tell you what I am opposed to. I am opposed to any negotiation or any dialog which will result in a dictated political settlement—that is to say a settlement which will give the Communists, for example, a share in political power without their even participating in the democratic process. And I oppose any negotiations with the Communist guerrillas in El Salvador which would require the Salvadoran Government to violate its constitution. I am opposed to that kind of negotiation and I must presume that every Senator in this body feels the same way. The purpose of this amendment is to make it clear once and for all that the Senate will not pressure our friends into unconstitutional negotiations.

In the June 1 elections in El Salvador—which all observers agree were free and fair—the candidate supported by the Communist guerrillas got less than 4 percent of the vote—4 percent. The Communists clearly have no support among the people of El Salvador. So what did the Communists do? They used terrorism and guerrilla warfare to circumvent the political process as laid down in the Constitution of El Salvador—the Constitution approved in 1983 by the elected constituent assembly.

The Communists are seeking new elections. Why are they doing this? I will tell you: They want us to help them set aside the elections that they lost—an act which would clearly be unconstitutional. You see the way it works. Furthermore, the Communists seek to undermine the Armed Forces of El Salvador. And they seek to undermine the Supreme Court of El Salvador, by naming new justices. I say that the United States Senate, the Congress, the President, and the people of America ought to object to such tactics.

Mr. President, the Constitution of El Salvador is a Democratic constitution remarkably similar to our own Constitution. As a matter of fact, our Constitution was a model for theirs. They do have a unicameral legislature whereas we have a bicameral legislature. But the Constitution of El Salvador was written in open debate by constituent assembly freely elected by the people of El Salvador in 1983. This Constitution was unanimously adopted.

El Salvador had important success in establishing a lively and effective democratic system. And we should not be in the business of putting pressure on El Salvador to set aside the democratic process to achieve whatever ideological goal may come to the mind of some Senator or some Member of the House of Representatives or some group of them.

If Senators believe in the Democratic process, let us now say we support it.

This bill before the Senate does not specifically say that the Constitution should be set aside. I want to make that clear. However, it is a fact that most of the current demands by the Communist guerrillas—the FMLN—are unconstitutional. And the mere fact that negotiations are urged as a condition implies a negotiation which will result in an agreement at any cost.

Mr. President, it is important that we clarify this point. We want dialog, but we do not want a conclusion that destroys the Constitution of El Salvador in this instance—a condition or conclusion that commits mayhem against the democratic process.

So, in summation, this amendment makes it clear that no country will be pressured to cross the line and set aside its own constitution as a condition of receiving U.S. funds. I do not know whether the managers of the bill will accept this amendment. They can indicate if they do. If they do not want to accept it, I will get the yeas and nays on it.

Mr. **LEAHY.** Mr. President, as I read this amendment, it says, "No country which receives funds under this act and which has a democratic constitution"—however defined—"shall be required to take actions which are contrary to its constitution as a condition of receiving such assistance."

What that means is a country, however they set up their parliament, or if they have a board set up by a President, or however they do it to write their constitution, can write into their constitution a provision which says basically this:

> If we receive any foreign aid from any country, it shall be delivered to the palace of the President and the President shall, at his or her sole discretion, distribute that money from the palace to whomever he or she wants and shall not be required to report in any way, shape or manner to the donor country how he or she has distributed it.

If I was a country that might receive U.S. or any other country's foreign aid, I think I would like to have that provision in there because what it would mean is that any country could simply write a clause—it wouldn't have to be as blatant as one that I suggested—but a variant of that clause in their constitution, receive foreign aid from the United States—say foreign aid to build a hospital—and once it got to the Presidential palace, the President could say, no, I would like to pay off my political supporters and use it and there is no way that we or anybody else could object because our law would allow that.

Or we could give military aid to a country to defend against a Communist insurgency and there could be the President who would say:

> I do not want to spend it for that. I want to spend it on the hospital. I am not going to tell you where it went and I do not have to tell you where it went.

I complained a little bit about blank checks here today, Mr. President, but I cannot think of anything that gives more of a blank check than to tell a country we will send money to you but all you have to do in between the time that money leaves Washington and is on its way down there is to amend your Constitution to say you ain't going to tell us where it went or what you are using it for, and you can do it.

I think I understand the purpose of the distinguished Senator from North Carolina. But I also know he is a person who has spoken often of watching where taxpayers' money goes, and I commend him for that. I am not sure that this is the kind of loophole he would want to leave in there, but, frankly, that is a loophole that would be created.

Any country receiving aid, if it is a democratic government, and this does not define what it means to be a democratic government, but let us assume any government that gets aid from us is a democratic government or we would not give them aid otherwise—all they have to do is amend their Constitution to say, "U.S. aid is without strings, and no matter in what form we receive it, we can use it for whatever we want." And that is it.

Whether the money comes from Food For Peace, for military assistance, ESF, AID, or anything else, it can be delivered to the presidential palace and the palace will determine where it is going to go.

For that reason, I certainly would have strong objection to it. I would be hard-presssed to ever come before a town meeting in Vermont and explain that I had accepted this.

The **PRESIDING OFFICER**. Is there further debate on the amendment? The Senator from North Carolina.

Mr. **HELMS**. Mr. President, I have great affection for the Senator from Vermont, and I do not know about which amendment he is talking. But he is certainly not talking about mine.

He began his little thesis with: A group can get together and amend the Constitution, and say all the money shall be delivered to the palace.

Well, I would not vote to give any money to a country like that. But when you have a country like El Salvador, which has a freely elected assembly, and a written constitution patterned after our own, surely it qualifies as a democratic country. I think that is clear.

I frankly do not know about what my friend is talking. I hope he will take another look at my amendment.

The amendment reads:

> *Provided* That no country which receives funds under this act and which has a democratic Constitution shall be required to take actions which are contrary to its Constitution as a condition of receiving such assistance.

Now, let us say that El Salvador somehow should even consider the rather absurd illustration that the Senator presented. All we have to do is say: No dice. For a while there, I thought the Senator was talking about the way Congress has given money to the National Endowment for the Arts. But he certainly is not talking about my amendment.

I am saying that this Congress should not try, in the instance of El Salvador, or any other county that has a democracy and a democratic constitution—particularly one that is patterned after our own—to dictate to them according to the ideological whims of somebody in this Congress.

Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. **HELMS**. I thank the Chair.

The **PRESIDING OFFICER**. The Senator from Vermont.

Mr. **LEAHY**. I am referring to the amendment of the Senator from North Carolina. It says—

> No country which receives funds under this Act and which has a democratic Constitution shall be required to take actions which are contrary to its Constitution as a condition of receiving such assistance.

There are countries that receive aid from the United States that are able and have changed basic parts of their constitution virtually overnight. They can do it in a democratic country. They have a far easier way of changing their constitution than the United States.

Mr. **HELMS**. Will the Senator yield?

Mr. **LEAHY**. Just a second, if I might finish. There are also countries that have constitutions which can be very flexible. The distinguished Senator from North Carolina mentioned El Salvador. El Salvador's constitution set up the last elections. They decided near the time of the elections to change the date of it. Did that change the constitution or just simply violate the constitution? Lawyers can debate that point. The fact is it was done.

I think a lot of justifiable applause was given to El Salvador when they went from one government to another by election and not by a coup, but the fact is they changed the date of the election which contradicted their own constitution. Not just El Salvador, but this applies to every country that gets aid from us.

A number of countries have the ability to quickly and easily change their constitution, and all they have to write into it is a very, very simple one line that whatever aid they receive from any source outside their country, they shall be the sole determinant of how it shall be expended and how it shall be accounted for. If I was a citizen in any one of those countries and that was an issue I was asked to support in a democratic process, I would say of course, I would support it. There is no reason to think with this in here that some countries would not do that.

Mr. **HELMS**. Will the Senator yield?

Mr. **LEAHY**. Yes.

Mr. **HELMS**. You have piqued my curiosity. The Senator said, I believe, there are countries that change their constitution, and still receive U.S. foreign aid. Will the Senator put in the RECORD a list of countries who have done that in the manner he stated so I can move to strike all foreign aid to those countries?

Mr. **LEAHY**. Is the Senator from North Carolina saying there is no country that receives aid from the United States that has not changed its constitution during the time it has received aid from the United States? El Salvador has. The Philippines have. Their constitution has been changed during that time.

I might say in a number of these countries, both the Senator from North Carolina and I would join together in applauding a change in the constitution in a number of these countries. But the fact is that numerous countries have the ability to change their constitution. They each have their own way of doing it, and what we are doing is giving them a loophole. All they have to do is simply write in their constitution that they shall not account for it.

Also, Mr. President, should the United States as the donor ever be put in a position of saying that foreign aid given by the taxpayers of the United States, the use of which will be determined solely by the other country and not by us, should we ever allow ourselves to be put in a position where we say we will take the taxpayers' money, give it in foreign aid and irrespective of what we say, the President, the Congress, what this money should be used for, the final determinant will be by the other country? The other country has an easy choice. If they do not like any conditions on it, they just say no. Do not accept the money.

Some of our States have done that in the past. If they did not want Federal aid, they just said no. Communities in my own State of Vermont have not liked some of the restrictions set by the State legislature on State aid and they said, "Fine, we'll do it on our own. Do not send the money."

That is the easiest thing in the world to do. If you do not like the restrictions, do not take the money. If a foreign country does not like a restriction we place on our foreign aid, all they have to do is say, "Uncle Sam, keep your money." I for one would say fine. There are other places we can use it.

But do we really want the Senate of the United States to go on record as saying we passed a law which says that once we send out foreign aid, we have no control over it, the President, the Congress, nobody else can set any restrictions on it if the recipient country has something that contradicts that in their constitution?

Mr. President, it is, after all, money raised from U.S. citizens. No country has to accept foreign aid from the United States. We are not in a position, nor are we wealthy enough any more—we have the largest international debt of any nation in the world—we are not in a position where we can tell other countries we have so much money, please take it; do whatever you want with it. Certainly do not let us suggest what you use it for.

Suppose we have aid to a country which says this aid is sent with the idea of stopping the rain forests from being destroyed, and their constitution says, no outside government can tell us directly or indirectly what to do with our rain forests. Should we send the money under those conditions? I use that as one example. Or in agriculture or in foreign military sales or anything else?

If there is a specific thing involving El Salvador, then let us raise the specific issue on El Salvador. The proposal for $90 million, no strings attached for El Salvador, is passed. I voted against it not because I do not want money to go to El Salvador, after all it was my amendment that got $85 million in the bill for El Salvador. I just want to see strings attached. Those strings have been removed now in our bill.

My Lord, Mr. President, I cannot see us ever, ever, as a country saying, here, take our money but you have a loophole which says you can tell us to take any restrictions, any requirements, even any accounting and forget it.

I must say I do not really understand this. I have served with the Senator from North Carolina now for 15 years. We are on the same Committee on Agriculture. I have a lot of respect for him.

We have worked closely. Actually, we voted together on a number of issues there that probably would shock our individual constituencies if they knew the number of times that we did, but on this one, Mr. President, I just do not want to go back to Thetford, VT, or East Dorset, or Middlesex Dummerston, or Burlington, Barton, Bennington, or Bradford or Morrisville, Moretown, or Monkton—I can keep doing this, there are 250 towns, I am not going to try to do them all—I do not want to go back to those towns and stand up and have somebody say, "Pat, is it true that you voted for a provision which says that all any country receiving our $13 or $14 billion in foreign aid, has to do is write into their constitution that irrespective of our reason for the foreign aid and our requirements for accounting or anything else like that; that they do not have to accept that or account for it and somebody in the presidential palace could just determine unilaterally to use it for something entirely different," and say "Pat, did you really vote for that?"

Well, my roots go back in Vermont 150 years. I think that we have a lot of Leahy ancestors who would be rotating rapidly in their graves. A lot of Leahys currently alive would be asking me about it, and also a lot of other constituents, and quite rightly so. I want to give democracies around the world as much flexibility as we can, and we do in a number of areas in the world.

We have done it in a number of areas in the world. But I do not want to send American dollars out to countries that have the absolute choice whether they can accept or not accept it. They can say, "No, we do not want it," or give them a loophole that allows them to say "Yes, we want it, but we are not going to tell you where it goes. We are not going to tell you what it is used for. We are not going to tell you how much we spend. We are not going to answer any of your questions. We are going to ignore any of your reasons for the money. Just send the money."

I cannot buy it, Mr. President. I cannot buy it.

Mr. HELMS addresed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I always enjoy the homilies of my friend from Vermont, but I still say I do not know what amendment he is talking about. He is not talking about mine.

Now, let me begin to try to sort out some of the things he said. The election date to which he refers was not changed. It was, in fact, Mr. Duarte, the previous President, who tried to change the date of the Presidential election, at the request of the Communist guerrillas. But the National Assembly would not allow it. Why? Because it was unconstitutional.

Now, I presume that the State Department has sense enough to look at the constitution of any country to which we propose to send foreign aid. If they do not have sense enough, maybe somebody ought to talk to them: Look at the constitution, look at the record.

But if there are countries that say, in effect, "Send us the money; we are not going to tell you anything about it," those countries ought to be stricken from the list of foreign aid recipients from the start.

By the way, Mr. President, is the Senator from Vermont debating with the Senator from North Carolina, who has never voted to send one dime of foreign aid anywhere? I think we ought to apply our taxpayers' money to our own problems here in the United States. But the Senator may want to go to that town meeting in Vermont about which he talked earlier or to the various towns where some say, "Pat, did you do so and so?" Well, the Senator should tell them that JESSE HELMS has never voted for a foreign aid bill. And then you tell them how many the Senator from Vermont has voted for.

Mr. LEAHY. If the Senator will yield.

Mr. HELMS. Mr. President, I have the floor.

Mr. LEAHY. I thought that was a question. I thought I heard the Senator use my name and say something to me.

Mr. HELMS. No. I made a statement. I said, "Go to Vermont, and say you debated JESSE HELMS on the floor and he has never voted for a foreign aid bill."

In this way, I am like Sam Ervin. Sam Ervin never voted for a foreign aid bill.

So do not talk to me about the wisdom of sending money all over the world. I have not voted to do it. The Senator can speak for his own voting record on that.

But I say, furthermore, I do not know of any democratic country that could act fast enough, to fix the scenario the Senator describes. That is to what the amendment refers: a democratic country—and the United States will make the determination as to whether or not it is a democratic country.

I question a lot of things that go on in Foggy Bottom, but I hope they know the difference between a democratic country and one that is not. So the State Department can make that determination. But, as I said, I do not know of any democratic country anywhere in the world that can act fast enough to engage in the gimmick conjured up by the Senator from Vermont within a 1-year period. And Senators should bear in mind, that this amendment applies only to fiscal year 1990.

Mr. President, we are talking about El Salvador, whether the Senate will require the El Salvador Government to make a deal with the Communist terrorists which would be unconstitutional. That is what this amendment is all about. That is all it is about.

Now, the Senator from Vermont can drag in all of the red herrings that he wants. But the issue here is whether El Salvador, in this instance, in this year, shall be required to negotiate and make an unconstitutional deal with the Communists. This Senator from North Carolina says no. That is the purpose of this amendment.

But if it will satisfy the apprehensions of the Senator from Vermont—which I do not believe he really has—I would be willing to modify my amendment by adding "as the constitution of such country read on September 20, 1989."

Mr. LEAHY addressed the Chair.

Mr. HELMS. I have not yielded the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has not yielded the floor.

Mr. HELMS. I have not yielded the floor. I will yield it——

Mr. LEAHY. I thought the Senator said, "I now yield the floor." I am sorry.

Mr. HELMS. Pardon?

Mr. LEAHY. What did the Senator say? Did the Senator yield the floor?

Mr. HELMS. No, I did not.

Mr. LEAHY. I am sorry. I misunderstood the Senator.

Mr. HELMS. But I will be glad to yield for a question, if the Senator wants to ask me a question.

Mr. LEAHY. I ask this question. I may be mistaken.

Mr. HELMS. I do not want a speech, I say to the Senator.

Mr. LEAHY. The Senator from North Carolina says he has never voted for foreign aid. I just had a vote, No. 190, which was about 82 to 18 to send $90 million to El Salvador. And among the 82 who voted to send the $90 million in foreign aid to El Salvador, the rollcall vote lists the Senator from North Carolina.

Mr. HELMS. I am talking about a foreign aid bill. The Senator knows what I am talking about. Sure, I will say to the Senator—and I still have the floor—I have voted every time I could to try to help the freedom fighters in Central America and I will do it every time I can. That help was to keep the Communists from taking over. What I have not, and will not vote for are foreign aid bills.

But if the Senator wants to get into his position and my position with respect to the financing of the Sandinistas, we will talk about that. I remember on this floor a decade ago. At that tme I heard the most amazing arguments and declarations by Senators who said, "We are going to give $75 million to the Sandinistas, we are going to take a chance." Senators knew that the Sandinistas were Communist. If they did not know that the Sandinistas were being supported by the Soviet Union at that time, they needed a seeing eye dog.

I did not vote for that $75 million. But I wonder if the Senator's assistant will dig up his voting record on that vote and see how the Senator voted on giving $75 million to the Sandinistas.

But I say to you, Mr. President, I want to do the best I can to keep the Government of El Salvador as presently constituted from being put in a position of having to make a deal with the very Communist terrorists who have been killing and engaging in assassinations and all sorts of violence. Maybe my amendment should be modified to make it applicable on the basis that I said earlier. But I am not going to stand still for any suggestion that the amendment opens Pandora's box—because it does not.

I yield the floor at this time.

Mr. LEAHY. Mr. President, if nobody else has anything further to say—and I do not mean to cut off the Senator from North Carolina, but I am going to make a motion to table. I just want to hear everybody.

Mr. President, I move to table and I ask for the yeas and nays.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, I will withhold if the Senator from North Carolina wishes to say anything further. That is why I asked that question.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second to the Senator's request?

Mr. HELMS. I think he ought to withhold. He might save time by doing so.

Mr. LEAHY. I am withholding. As I told the Senator before I made the motion, I asked if anybody else had anything further. When nobody said anything, that is when I made the motion. Naturally, I would withhold if the Senator has something further he wishes to say.

Mr. HELMS. Very well. Maybe we can discuss it and see if there is any area of agreement between us. If not, then the Senator can proceed with his tabling motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, in order to facilitate this, I ask unanimous consent to vitiate the yeas and nays on my amendment.

Mr. LEAHY. Mr. President, reserving the right to object, might I ask the distinguished Senator from North Carolina if he wishes to vitiate the request for the yeas and nays so as to then modify his amendment?

Mr. HELMS. Well, I want to vitiate the request so that I can consider the suggestion made by the distinguished Senator. Then I will suggest that we lay aside the amendment temporarily, while we consider in good faith the suggestion that the Senator made to me.

Mr. LEAHY. Mr. President, I reserve the right to object. I would have—there would be no parliamentary impediment to the amendment with the yeas and nays ordered by unanimous consent being laid aside. Might that solve our problems, and we can go on to other things?

Mr. HELMS. If the Senator wants to proceed, I can always come back with another amendment. As I said when I propounded my unanimous-consent request, my motion is being made in order to facilitate the proceedings—it is up to the Senator how much time he wants to take up on this matter.

Mr. LEAHY. Mr. President, in my mind we will probably take the time this amendment needs, but I think I know exactly what the Senator from North Carolina wants to do. It does not really make that much difference to me. I have no objection.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent request to vitiate the yeas and nays is agreed to.

Mr. HELMS. If I might add to the unanimous-consent request to temporarily lay aside the amendment.

The PRESIDING OFFICER. It is not clear to the Chair as to what the Senator's request is.

Mr. HELMS. In that case, I withdraw the amendment, and I will propound another one. That simplifies it.

Amendment No. 781 was withdrawn.

Mr. LEAHY. Then I ask for the regular order.

The PRESIDING OFFICER. The regular order would be the first excepted committee amendment.

Mr. LEAHY. Is that now before the Senate?

The PRESIDING OFFICER. It would be. Is there further debate?

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico be allowed to continue as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the distinguished Senator from New

Mexico is permitted to proceed as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and the text of the amendment appear in today's RECORD under "Amendments Submitted".)

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the first excepted committee amendment.

Mr. BRADLEY. Mr. President, I ask unanimous consent that we temporarily lay that amendment aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The first excepted committee amendment will be laid aside.

AMENDMENT NO. 783

(Purpose: To provide funds for immunizations for children)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] for hmself, Mr. BINGAMAN, Mr. SANFORD, Mr. KERRY, and Mr. RIEGLE proposes an amendment numbered 783.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, line 23 insert "(a)" after "540.".

On page 95, between lines 2 and 3, insert the following:

(b) No less than $50,000,000 of the funds appropriated under chapter 1 of part I of this Act shall be made available for achieving the goals provided for in this section.

[(c) No later than April 1, 1991, the Administrator of the Agency for International Development shall report to the Congress on the extent to which the goal of universal access to childhood immunization as provided for in the section has been achieved, and on the resources that will be required of both the international community and the United States to ensure that this achievement can be broadened and sustained.]

Mr. BRADLEY. Mr. President, I rise today to offer an amendment to the Foreign Operations Appropriations Act targeting $50 million for universal childhood immunizations. I am pleased to have Senators BINGAMAN, MATSUNAGA, SANFORD, KERRY, and RIEGLE join me in offering this amendment.

In August 1986, 61 Senators cosponsored S. 1917, in which we joined United Nations International Children's Emergency Fund [UNICEF] and World Hunger Organization [WHO] in setting as our goal the inoculation of at least 80 percent of the world's children against six fatal diseases by the end of 1990. Congress has consistently reiterated its support for this goal; indeed, this bill does so again in section 540.

One of the key reasons for the strong congressional support is that is one of our most successful foreign aid programs. The immunization rate in developing countries has risen from about 10 percent at the beginning of the decade to about 60 percent now, in large part because more than 100 countries are actively participating in this program to protect the world's children. Indeed, the developing countries contribute about 80 percent of total program costs. The program is also effective: the $5 cost to immunize a child saves more than 10 times that amount in health-care costs. The longer-term economic benefits to those countries are considerably greater.

As a result of our efforts, 1.5 million children each year no longer die from measles, polio, diphtheria, whooping cough, tetanus, and tuberculosis.

While that's real improvement, 3.5 million children still die needlessly each year from these preventable diseases. An equal number of those under 5 who survive suffer permanent handicaps or are so severely weakened that they succumb to the ravages of malnutrition and diarrhea. Today, and each day that we delay, another 8,500 children will perish from these diseases.

We can end this tragedy. We are within striking distance of our goal. We need one final push, one that ensures not only that children are immunized, but also that the delivery systems being established for these immunizations in the LDC's can be sustained.

My amendment provides this push. It targets $50 million for immunizations during this next fiscal year, the year in which we are meant to achieve our stated goal. This would return our funding for this important intervention to the $50 million level reached after we passed S. 1917, and would represent an increase of about $10 million over the level AID allocated this fiscal year. This means saving almost 2 million children.

My amendment also sends an important signal to the world that the United States remains fully behind this life-saving commitment that we—and they—have undertaken. That resolve will spur other countries to do their share.

We can—and should—do this while maintaining full support for AID's other efforts to protect the health of the world's children. Both the House and the Senate Appropriations Committees have indicated their expectation that AID will spend not less than $200 million for child survival activities. This amendment simply directs that a quarter of that amount be spent on immunizations. This is in line with the proportion of child survival money spent on immunizations in the past, and would not be at the expense of any other life-saving intervention, such as oral rehydration. This money clearly will be well spent.

Unfortunately, AID does not seem to see this as clearly as does Congress. As noted in the report to this bill, the amount of money spent on child survival activities in general and on immunizations specifically has slipped regularly during the past 2 years. We cannot abandon our commitment to the world's children.

Finally, I believe strongly that the Administrator for AID, in his 1991 annual report on child survival, should state clearly whether or not we have met our goal. If not, he should lay out the reasons for this failure, and the resources that would be required of both the international community and the United States to reach it. He should also make a realistic estimate of what resources will be required to sustain this achievement in the years to come.

Mr. President, the United States has always recognized the importance of children. They are the future, not only in this country, but in all lands. We cannot make this a better world for our kids if we allow children to die needlessly elsewhere. We take for granted that our children will be protected from these diseases; can we justify denying this protection to others when it's so readily available? The successes we've achieved thus far are too important for us to fritter away. Let us now, today, restate our commitment to the world's children and move the other nations of the world to do the same.

Mr. LEAHY. Mr. President, I have no objection to it. I am willing to take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 783) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending committee amendment is set aside.

AMENDMENT NO. 784

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 784.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

(a) The Congress finds that—

(1) the Baltic states of Latvia, Estonia, and Lithuania gained their independence from the Russian Socialist Federative Soviet Republic in 1918, a fact recognized by the government of the Russian Socialist Federative Soviet Republic in 1920;

(2) the governments of the Latvian Democratic Republic and the Russian Socialist Federative Soviet Republic (RSFSR) signed a Treaty of Peace in Riga, Latvia on August 11, 1920, in which the RSFSR "establishes the right of self-determination for all nations, even to the point of total separation from the States with which they have been incorporated" and declares that "Russia unreservedly recognizes the independence, self-subsistency and sovereignty of the Latvian State and voluntarily and forever renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia",

(3) similar treaties were signed by both the Republic of Estonia and the Republic of Lithuania with the RSFSR on February 2, 1920 and July 12, 1920, respectively;

(4) the independent republics of Latvia, Estonia, and Lithuania swiftly recovered from the ravages of World War I and became active in the World community, gaining membership in the League of Nations on September 22, 1921 and full recognition by the United States on July 28, 1922;

(5) the sovereign rights of the independent states of Latvia, Estonia, and Lithuania were violated by the Union of Soviet Socialist Republics in a Secret Protocol to the Nazi-Soviet Treaty of Nonaggression of August 23, 1939, which divided Eastern Europe into Nazi and Soviet "spheres of influence",

(6) the Union of Soviet Socialist Republics coerced the governments of Latvia, Estonia, and Lithuania to sign Pacts of Mutual Assistance in October 1939, which stipulated that the "contracting parties undertake not to enter into any alliances or to participate in any coalitions directed against one of the contracting parties" and that "the carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures";

(7) the Union of Soviet Socialist Republics violated not only those bilateral agreements with the independent Baltic states but also international conventions on the changing of international borders by force when the Soviet Union issued ultimatums to the three independent nations on June 15-16, 1940, demanding the formation of governments to their liking, followed by armed invasions of Lithuania, Latvia, and Estonia on June 16-17, 1940.

(8) the occupation of the Baltic states was confirmed on July 14-15, 1940, with the irregular and illegal "election" of new parliaments, which then petitioned for admission into the Soviet Union, and these petitions were accepted by the Soviet Union, as follows: Lithuania's on August 3, 1940, Latvia's on August 4, 1940, and Estonia's on August 5, 1940;

(9) Sumner Welles, Acting Secretary of State, declared on July 23, 1940, that "the devious processes whereunder the political independence and territorial integrity of the three small Baltic republics—Estonia, Latvia and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors have been rapidly drawing to their conclusion. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any intervention on the part of one state, however powerful, in the domestic concerns of any other state, however weak. The United States will continue to stand by these principles";

(10) the Government of the United States continues its policy of standing by the 1922 recognition of the de jure independent governments in the Baltic states, and of refusing to recognize the forced incorporation of the Baltic states into the Soviet Union;

(11) the peoples of Latvia, Estonia, and Lithuania have never accepted the occupation of their native lands, and have demonstrated their resolve on numerous occasions since 1940, most notably in the last three years. The most striking demonstration of the desires of the Baltic people took place on August 23, 1989, the fiftieth anniversary of the Nazi-Soviet Treaty on Nonaggression, when nearly 2,000,000 citizens of Latvia, Estonia, and Lithuania joined hands in a 400-mile human chain stretching across the Baltic states from the Estonian capital of Tallinn, through the Latvian capital, Riga, to the Lithuanian capital of Vilnius;

(12) the people of the Baltic states, through their elected representatives in the Popular Front of Latvia, the Popular Front of Estonia, and the Lithuanian Movement in Support of Perestroika "Sajudis", have declared their desire for the restoration of independence in the Baltic states; and

(13) even the Communist officials and regimes in each of the Baltic states have begun to respond to the drive for more autonomy.

(b) The Congress urges the President—

(1) to raise the issue of the political rights of the Baltic people in all diplomatic contacts with the Soviet Union and, more especially, in the talks between Secretary Baker and Foreign Minister Shevardnadze scheduled for later in September 1989; and

(2) to call upon the Soviet Union—

(A) to honor the international agreements it has voluntarily entered into, such as the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the United Nations Declaration of Human Rights, as well as the bilateral agreements it has voluntarily entered into with the independent governments of Latvia, Estonia, and Lithuania,

(B) to allow the people of Latvia, Estonia, and Lithuania their right of self-determination, as guaranteed by the RSFSR in 1920 as well as by the current constitution of the Soviet Union,

(C) to recognize the human rights of all peoples both within the Soviet Union and under Soviet influence, and

(D) to replace the policy of aggressive industrialization in the Baltic states, which has poisoned the land, air, and water of Latvia, Estonia, and Lithuania, with one of environmental responsibility.

Mr. KASTEN. Mr. President, I ask for the yeas and nays on the amendment.

The **PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. Mr. President, I might say, for the information of my colleagues, we do not intend to have a long debate on this amendment. Therefore, I think that we could anticipate a record vote within the next 5 or 10 minutes.

Mr. President, I offer this amendment on U.S. policy regarding the aspirations for freedom which are being expressed by the peoples of the Baltic States. The text of this amendment is the same as the concurrent resolution that I introduced last Thursday in the Senate.

The United States has never recognized the Soviet hegemony over the Republics of Latvia, Lithuania, and Estonia, but the illegal Soviet occupation of these countries has nonetheless remained a sad fact of life in the recent political history of Europe.

But today, we are at a critical juncture. Late last year, popular fronts were formed in each of the Baltic States. The Communist Party has taken notice of the strivings of the people in these republics, and in some instances is allowing more freedom than ever before. For example, the Moscow Supreme Soviet is today allowing Estonia and Lithuania to run their own economies.

I was an eyewitness to this striving for liberty when I was in Latvia in August to deliver a lecture on the environment. I was impressed by the strength of conviction among the people. They are truly coming together to work for human rights and self-determination. Following my visit, on August 23, the Baltic peoples commemorated very publicly the 50th anniversary of the signing away of the freedom of their land.

Regrettably, the central Communist government in Moscow saw these events as an exploitation of openness to further what the government called "extremist" ends—extremist ends like freedom and human rights and human dignity.

At the end of this week, Secretary of State Baker and Soviet Foreign Minister Shevardnadze will be meeting. Because it is essential that the issue of Baltic freedom be raised during these talks, I am pressing forward with this amendment at this critical time.

To conclude, Mr. President, I offer this amendment as a way of putting the Senate on record, of making it clear that we stand with the people of Estonia, Latvia, and Lithuania as they grope toward democracy.

Mr. President, these Baltic republics are ready for democracy. In Wisconsin, there are numerous men and women of Latvian, Lithuanian, and Estonian heritage who have helped build our democracy. Let us work together to build new democracies on the shores of the Baltic.

Mr. LEAHY. I know of no further debate. I do know that, as I have shared with Senator KASTEN, I have a desire to move forward on this bill; other Senators have, too.

If there is no further debate, let us go to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no further debate, the question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. McCLURE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 98, nays 0, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—98

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAY—0

NOT VOTING—2

McClure
Rockefeller

So, the amendment (No. 784) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, I would like to request that the Senator from West Virginia [Mr. BYRD] be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Mr. President, we are moving with laser-like regularity. I see the distinguished Senator from Maine is here, perhaps to prod us forward. I join him in that regard.

Mr. MITCHELL. I thank the managers for their diligence in moving this bill forward. As I indicated earlier, there would be a period this evening during which there will be no votes, although I understand the managers are prepared to proceed to the handling of several amendments and the stacking of one or more votes at the end of the window.

Accordingly, Mr. President, there will be a vote at 8:45 p.m. Senators should be aware of that and should make their plans accordingly and be back here at that time, those who do intend to leave the Hill. We will continue into the evening, hopefully to make some substantial progress on the bill.

I thank all Senators for their courtesy. I might say that the requests have been approximately equally divided between those who want a window and those who do not want one, and between those on the minority side who want a window and those on this side who want a window. So it is about 50-50 either way.

Mr. BOSCHWITZ. Will the majority leader yield?

While I have not expressed myself on whether or not there should be a window, I would like to ask him if he contemplates that we will finish this appropriations bill this evening?

Mr. MITCHELL. I hope that we will, but I am unable to state that with any certainty. I am expressing it as a hope.

Mr. BOSCHWITZ. What about the expectation?

Mr. MITCHELL. I leave the expectations to the managers. I express myself only in terms of hopes and aspirations.

Mr. LEAHY. I would be perfectly willing to say to my two good friends right now, if there are any amendments that require a rollcall vote, I will be happy to enter into a 10-minute time agreement on each one of those and stack them beginning at 11 o'clock tonight, straight through until we vote on them all.

I would have no objection to that. I am not sure that everybody else might agree. But I am willing to stay here until 2 or 3 o'clock in the morning to get everything done.

Mr. MITCHELL. Why do we not for now limit ourselves to 8:45.

Mr. BOSCHWITZ. I thank the Senator.

Mr. MITCHELL. I thank the Senator from Vermont.

Mr. PRYOR. Mr. President, I wonder if the distinguished manager, the Senator from Vermont, might consider informing his colleagues—and the leader has stated there will be votes at 8:45—does the distinguished manager of the bill know of any rollcall votes that are necessary tonight?

Mr. LEAHY. Obviously, if we were to finish tonight, there is at least one that I have heard of that would be a rollcall vote. We have a matter that came up earlier on an amendment by the distinguished Senator from North Carolina, which he has asked to withdraw for the moment. I should not say withdraw. He did not make any commitment to withdraw completely but to go on to another matter. But should that be here, there would be at an appropriate time, after he has had a chance to state whatever he wants, or his supporters, a motion to table if it came back in the form it was before and there would be a rollcall on that.

It would be my intention—of course, any Senator could delay this as long as they want simply by talking on these things, but it would be my intention to now start asking for the regular order of going down through all the committee amendments that have been excepted. I understand we have a half dozen others that have been agreed to that could be done quickly. I do not know if anybody is going to ask for any rollcalls on any of those that have been earlier excepted with the exception of so-called leveraging language.

That is not a clear and precise answer to the Senator from Arkansas. But the thing is if we were to finish this tonight—and I might say there is absolutely no reason why it could not be finished tonight if Senators really want it done. If Senators want it done, it will be done tonight. If Senators want to delay it for the sake of delay, it will not be done tonight. If Senators want it done tonight, it would be, and there would probably be two or three more rollcall votes under that circumstance.

Mr. PRYOR. Mr. President, I appreciate my friend from Vermont explaining the situation to us. But I would like to make another inquiry, and it relates to previous objections on appropriations bills going to third reading and final passage.

Now, if we are not going to third reading and final passage on this bill tonight, I am just arguing the point as to the necessity of letting everybody go wherever they are going and come back here at 9 o'clock and starting maybe one more vote that will be 98 to nothing, as was this vote.

Now, do we know if there is going to be an objection to going to third reading?

Mr. LEAHY. There will be no objection from the Senator from Vermont. As I said before, if Senators wish to cooperate—the issues are crystal clear. They have all been debated. If Senators wish to cooperate, we could easily finish this bill by the latter part of this evening, say, around 11 o'clock, with maybe two or three rollcall votes.

I have no intention of holding back from third reading. I would like to go straight through. I cannot speak for the other side and I will let other Senators speak for themselves. But I have no intention of holding it up.

I would yield to the distinguished Senator from Wisconsin if he has any other information.

Mr. ARMSTRONG. Mr. President, does the Senator from Arkansas have the floor?

The PRESIDING OFFICER. The Senator from Arkansas does have the floor.

Mr. ARMSTRONG. Will the Senator yield to me for a moment?

Mr. PRYOR. I am happy to yield.

Mr. ARMSTRONG. If I understand the Senator's point, it is that it would be better for the Senate if the votes were not stacked until 9 o'clock tonight but some hour tomorrow morning?

Mr. PRYOR. That is my point. I have seen many times around here when we sat here and did nothing and the managers begged for Senators to come over and offer amendments.

The problem is when we have the window, all the Senators have climbed out the window and they are long gone. They say, "Well, we may or may not come back at 9 o'clock." They start calling: "Are we going to have any more votes? We do not know. We cannot tell you." So we sometimes come back; 9 times out of 10 we do not have any more votes.

Mr. ARMSTRONG. If I may, I would like to make two comments about the Senator's point. First, that I agree with it and associate myself with his observations, and just to the extent that anybody is taking a straw poll I want to be listed on that side of the equation. I think windows are bad practice in the Senate, bad legislative practice, bad scheduling practice, bad for the life of Senators. I just do not like them. I do not mind working through, or I do not mind quitting, or I do not mind some working through and stacking votes to morning, but to keep everybody tied up to return later this evening seems to me to be a bad practice, so I agree with that.

Second, let me say that there is only one thing that really disposes me not to press the point very hard on this occasion, and it is that throughout this year the leader has made a very special effort to be considerate on the scheduling issue.

Mr. PRYOR. I certainly agree with the Senator from Colorado.

Mr. ARMSTRONG. I approached him a moment ago privately on the same question the Senator from Arkansas has raised and tried hard to persuade him that that was what we should do, and I did not sell him.

It does seem to me that this is a good moment since we are grousing about the window, to also acknowledge that the leader has really gone the extra mile to be helpful and to be considerate in scheduling and it has worked, and so at least from my part I am not going to be too disconsolate if we are inconvenienced once in a while. But I did tell him as I just said to the Senate, if somebody is taking a straw poll, I would like to be recorded as against windows in the future.

Mr. PRYOR. Mr. President, this is exactly why I am on the floor expressing my embarrassment to having even raised this question because I do not want anyone to think I am saying anything bad about the great leadership of the majority leader. He has done a wonderful job. He has kept us basically on schedule. I do not think he wants a window certainly any more than we do because he knows it is going to be unproductive time. Most of us are not coming back. In fact I will yield the floor——

Mr. ARMSTRONG. Mr. President, If the Senator will yield, in lieu of the window, I will be leaving for a couple of hours and I will see you around 9 o'clock.

Mr. LEAHY. Mr. President, if the Senator will yield, I make a very quick observation. Along with the distinguished ranking member, I have been on the floor since 10 o'clock managing this bill without any windows, lunch, dinner, or anything else. If anybody wanted a window, it would be me. I would much prefer to go straight through and finish this bill. I would be happy if Senators want to have a final time. One thing that always squeezes up amendments and gets it over is a final time. Would Senators be willing to—I have not discussed this with the distinguished majority leader but would Senators be willing to enter into a unanimous-consent agreement to have a vote on final passage at, say, 10:30 tomorrow morning?

Mr. PRYOR. Mr. President, responding to the Senator from Vermont, I would be glad to agree to that proposal. That is the best proposal I have heard.

The PRESIDING OFFICER. Is the Senator from Vermont propounding a unanimous-consent request?

Mr. MITCHELL. Mr. President, I ask my colleague to withhold that request pending notification of the distinguished Republican leader.

Mr. LEAHY. Naturally.

Mr. MITCHELL. And the opportunity for him to be present and respond.

Mr. LEAHY. If the Senator will yield, I, of course, was not making that unanimous-consent request. I do not want the Chair to be mistaken on that. That was simply as a rhetorical question. But if nobody objected that is one easy way out of this—have a unanimous-consent agreement that final passage be at whatever, pick a time, 10:30, 11 o'clock tomorrow morning and any amendments pending at that time, of course, in the usual order would be voted on first beginning at 10:30, boom, boom, boom. That is a parliamentary term, Mr. President, that some of us use in the cloakroom.

Mr. MITCHELL. Mr. President, I just make two observations. The first is that it appears we are about to use the entire window discussing its existence, and I would much prefer that we use it debating amendments and hopefully advance the bill.

The second is I started leaving the floor but a member of my staff said, "You better go back out there. Something is wrong." I said, "What is it?" She said, "They are burying you with praise, so something bad must be about to happen."

I thank my colleagues for their kind remarks in respectful disagreement with my earlier decision. For now I strongly recommend that we get back to the bill so that we can make some progress during the window and accomplish what everyone would like, and that is early disposition of this bill.

Mr. LEAHY. As soon as we know the distinguished majority leader is gone, we will do the bad part.

Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEAHY. A call for the regular order would do what?

The PRESIDING OFFICER. A call for the regular order would be on the first excepted committee amendment which is presently pending.

Mr. LEAHY. If that amendment was amended by the amendment of any other Senator, we would vote on then what? That amendment as amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 785 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 6, LINE 9

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. LEAHY. If the Senator will withhold, Mr. President, did I ask for the regular order?

The PRESIDING OFFICER. Regular order and the pending matter is the first excepted committee amendment.

Mr. LEAHY. I yield to the Senator.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 785 to the excepted committee amendment beginning on page 6, line 9.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, on line 25, after "Code," insert the following: "*Provided,* That no funds provided to El Salvador under this Act shall be conditioned on any requirement that El Salvador accept any settlement with the FMLN guerrillas which violates the democratic constitution of El Salvador of 1983".

Mr. HELMS. This has been discussed with both managers. I believe they are willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question in on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 785) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I thank the managers of the bill.

Mr. LEAHY. Mr. President, regular order.

The PRESIDING OFFICER. The first committee amendment, as amended.

Mr. LEAHY. Mr. President, could we have order, please? I cannot even hear the distinguished Senator from North Carolina who is standing 20 feet from me.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. Mr. President, I wonder if the Senator will withhold before moving beyond the first excepted amendment.

Mr. LEAHY. Mr. President, I withhold certainly and let me make a parliamentary inquiry. Am I correct in understanding that the first of the excepted committee amendments has now been agreed to, as amended by the distinguished Senator from North Carolina?

The PRESIDING OFFICER. The question occurs now on the excepted committee amendment, as amended.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Regular order is the question on the first excepted committee amendment, as amended.

The excepted committee amendment beginning on page 6, line 9, as amended, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the excepted committee amendment, as amended, was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 7, LINE 1

Mr. LEAHY. Mr. President, regular order.

The PRESIDING OFFICER. Regular order is the second committee amendment. The clerk will report.

The legislative clerk read as follows:

Page 7, lines 1-6, Limitation on Callable Capital Subscriptions to the World Bank.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment.

The second committee amendment was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the second committee amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that we accept en bloc all the excepted amendments with the exception of Nos. 28, 29, and 32 which I understand means that we would have all excepted amendments with the exception of those three, that is, by my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All remaining excepted committee amendments were agreed to, excluding excepted committee amendments on page 140, line 12; page 140, line 20; and page 155, line 8, through page 156, line 16.

Mr. LEAHY. Mr. President, I understand that following the regular order now, the excepted committee amendment No. 28 would come up. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The clerk will report.

Mr. LEAHY. I do not ask for regular order, Mr. President. Mr. President, I ask unanimous consent that the committee amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 786

(Purpose: To allocate funds for humanitarian assistance for displaced Burmese students)

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to propose an amendment on behalf of Mr. MOYNIHAN, Mr. PELL, and Mr. SYMMS, regarding displaced Burmese students.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. MOYNIHAN, for himself, Mr. PELL, and Mr. SYMMS, proposes an amendment numbered 786.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 15 before the period insert the following: ": *Provided further,* That of the funds appropriated under this heading, $250,000 shall be available only for food, medicine, medical supplies, medical training and clothing, and other humanitarian assistance for displaced Burmese students at camps on the border with Thailand".

Mr. MOYNIHAN. Mr. President, I am offering an amendment to the foreign assistance appropriations bill to provide $250,000 in humanitarian aid for displaced Burmese students, now found in camps on the border with Thailand. I am pleased to add as cosponsors to this amendment, the distinguished chairman of the Senate Foreign Relations Committee, Senator PELL, and also Senator SYMMS.

The foreign relations authorization bill already contains a similar amendment that I previously offered. I strongly hope that the other body will accept the appropriations language that I offer today when it comes to conference, and that it will be soon signed into law by the President.

The record of the prodemocracy student movement in Burma is most inspiriting. Since the spring of 1988, Burma's students have been the gallant vanguard for change in Burma. They have also expressed the overwhelming popular wish of Burma's people to end almost three decades of socialist military dictatorship. Instead of negotiating a peaceful return to democracy, the Burmese military junta has used bullets, terror, and arrests to keep its hold on power.

I am most pleased that this body was the first in the Free World to express its solidarity with Burma's students when it passed a resolution in August 1988.

Unfortunately, the aspirations of the students have still not been realized. But I remain confident that they will be. In the meantime, we must continue to offer our support for the students. And I am very proud today that the Senate is voting to provide $250,000 in humanitarian assistance to these students.

It is a tiny sum. But I am confident that it will provide some solace for the democratic spirit of the student movement.

Mr. President, it is time for the United Nations to speak out against the atrocious behavior of the junta in Rangoon. The crimes of the regime under international law are clear—including slavery and torture. I urge the President and all leaders to focus their attention on Burma and to seek the active intervention of the General Assembly.

I thank the chairman of the subcommittee, Senator Leahy and the ranking member, Senator Kasten, for their support for this amendment.

The **PRESIDING OFFICER**. Is there debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 786) was agreed to.

Mr. **LEAHY**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **KASTEN**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 787

(Purpose: To honor the world's most recent heroes in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park")

Mr. **KASTEN**. I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. Without objection. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. Kasten], (for himself for Mr. Wallop and Mr. Domenici), proposes an amendment numbered 787.

Mr. **KASTEN**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . TIANANMEN SQUARE PARK.

(a) Findings.—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919 student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(4) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protestors, the Chinese leadership, including Communist Party leaders Deng Xiaping and Li Peng, have publicly commended the actions of the Chinese Army.

(5) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(6) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of the People's Republic of China involving more than 2,000 protestors;

(7) at this protest a twenty foot replica of the Statue of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom; and

(8) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

Therefore, it is the sense of the Senate that: The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be considered and known as the "Tiananmen Square Park".

Mr. **WALLOP**. Mr. President, I rise today to offer a sense of the Senate amendment naming the small plot of land located across from the Chinese Embassy on Connecticut Avenue "Tiananmen Square Memorial Park." As my colleagues will remember, Senator Domenici and I have offered this piece of legislation both as a freestanding bill and as an amendment to the State Department authorization bill.

After passage of the amendment to the State Department authorization bill, Amnesty International, in conjunction with other individuals, set about planning a formal dedication of the plot of land as "Tiananmen Square Memorial Park." As the agreed upon date of their dedication—September 28—approaches, it has become apparent that the amendment to the State Department authorization bill will not be signed into law by that time. In that a dedication ceremony would be inappropriate without the legislation to authorize it, we sought to offer legislation in the interim that would make such a dedication appropriate.

While this is certainly a symbolic gesture, we feel it is a unique opportunity to accomplish several objectives. Our primary interest is to recognize the bravery exhibited by the participants in the month-long Tiananmen Square demonstrations. Second, our hope is to remind Beijing that Americans remember those killed or incarcerated. Finally, it is also our intention to recognize the efforts of the Chinese Nationals and Americans who participated in the large June 10 demonstration across the street from the Chinese Embassy on the site we now wish to designate.

Mr. President, I would like to express my appreciation for the cooperation of the chairman of the subcommittee and the ranking member. I thank them for their willingness to work with us on such short notice. I know that Amnesty International will be grateful for their willingness to expedite this legislation. I yield the floor.

Mr. **KASTEN**. This is the same language and the same amendment offered as part of the State Department authorization bill that has to do with the naming of Tiananmen Square. I believe it has been agreed to by all.

Mr. **LEAHY**. We have no objection.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 787) was agreed to.

Mr. **KASTEN**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **LEAHY**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 788

(Purpose: To appropriate funds for the relief of Turkish refugees fleeing Bulgaria)

Mr. **LEAHY**. Mr. President, I ask unanimous consent that we set aside the pending committee amendment and that I be allowed to present an amendment on behalf of Mr. Byrd and Mr. DeConcini.

The PRESIDING OFFICER. Without objection. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BYRD (for himself and Mr. DECONCINI), proposes an amendment numbered 788.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title II, Migration and Refugee Assistance, on page 42, line 24, insert after "Iraqi Kurdish refugees in Turkey" the following: "*Provided further,* That not less than $10,000,000 shall be made available to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey:"

Mr. BYRD. Mr. President, this is a simple, uncontroversial amendment which will ensure that action taken by a unanimous vote of the Senate on the State Department authorization bill actually gets carried out. On that bill, Mr. DECONCINI and I offered an amendment, which was agreed to by a vote of 99 to 0, to authorize $10 million in funds for fiscal year 1990 for the assistance of ethnic Turks who have fled Bulgaria and are resettling in the sovereign territory of Turkey.

It is unclear whether the State Department authorization bill will ever become law and efforts by the administration to find a way to provide this assistance to Turkey without using fiscal year 1990 funds have proved unsuccessful.

The Senate's action was taken over 2 months ago and was designed to help Turkey resettle refugees whose most urgent need is for housing. These refugees need to be moved out of tents on the border as winter draws near.

Since I first spoke on the Senate floor about this issue, back in June, the estimated numbers of ethnic Turks who have been expelled by the Bulgarian Government across the Turkish border ranged from 30,000 to 45,000. When we adopted the amendment to the State Department authorization bill in July, the number of refugees had reached 130,000 to 140,000. By the end of August, that number had grown to 310,000. And during this same period of time, not 1 penny has gone from the U.S. Government to assist Turkey with this enormous burden.

As I said in an earlier speech on the Senate floor, Bulgaria has gotten somewhat of a free ride because reports of its treatment of the ethnic Turks initially were overshadowed by events in China. But China is not dominating the news now, and there is no excuse for American inaction.

I urge my colleagues to support this amendment.

Mr. LEAHY. This has been agreed to, as I understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 788) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 789

Mr. KASTEN. I send an amendment to the desk on behalf of Senator HEINZ and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. HEINZ, proposes an amendment numbered 789.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, line 12, strike the period and insert in lieu thereof a colon and the following: "*Provided further,* That such prohibition shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States; and so reports to Congress."

Mr. KASTEN. This amendment has also been cleared. It has to do with the Eximbank in Iraq. It has been cleared by all sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 789) was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the amendment was adopted.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 790

(Purpose: To provide for the importation of certain defense articles from Poland, Czechoslovakia, and Hungary)

Mr. LEAHY. I ask unanimous consent that the pending amendment be laid temporarily aside and that I be allowed to propose an amendment and a statement by Senator CRANSTON, the amendment proposed by himself and Mr. PACKWOOD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. CRANSTON (for himself and Mr. PACKWOOD) proposes an amendment numbered 790.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND, CZECHOSLOVAKIA, AND HUNGARY

SEC. . Notwithstanding section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any other provision of law, any article that—

(1) is a defense article for purposes of section 38 of the Arms Export Control Act,

(2) is from Poland, Hungary, or Czechoslovakia,

(3) was imported or temporarily imported into the United States before June 30, 1989, by, or on behalf of, a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(4) was manufactured at least 20 years before its importation into the United States,

(5) has been disabled so that no weapon or weapons system is functional, and

(6) is to be used only for display to the public by the museum or educational institution for educational purposes,

shall be considered to have been lawfully imported into the United States and shall be permitted to remain in the United States, and the museum or educational institution shall not be subject to any penalty by reason of such importation.

Mr. PACKWOOD. Mr. President, Senator CRANSTON is joining me in proposing an amendment today to the foreign assistance appropriations bill which will allow the importation of aircraft more than 20 years old and which were manufactured in Hungary, Czechoslovakia, or Poland before June 30, 1989, by, or on behalf of, a museum or educational institution.

This amendment addresses a problem of Erickson Air Crane Co., located in Central Point, OR. On behalf of an air museum, Erickson attempted to import from Indonesia eight antique Czechoslovakian aircraft that were manufactured in the early 1960's. Despite what Erickson thought were assurances from Customs that the planes could be imported, when the planes entered the country, U.S. Customs seized the planes because Erickson did not have the necessary permit from the Bureau of Alcohol, Tobacco and Firearms. Erickson attempted to obtain the necessary permits from the State and Treasury Departments, but its request was denied because the United States has a policy of denying importation of military articles from East-bloc countries.

I understand the policy concerns of the U.S. Government. But the problem, Mr. President, is that these planes are not a military threat to the United States; Erickson wants to use these antique planes—which currently can't fly and are disarmed—for museum and air show purposes only.

This amendment simply allows Erickson to retain these planes. It does not overturn our munitions control regulations. The amendment is specifically written to allow the importation of aircraft more than 20 years old and which were manufactured in Hungary, Czechoslovakia, or Poland before June 30, 1989, by, or on behalf of, a museum or educational institution.

Mr. CRANSTON. Mr. President, this amendment, which I understand has been cleared with both managers of the bill, will address a problem encountered by the Chino Planes of Fame Air Museum, the oldest, independent, nonprofit flying aviation museum in the United States, located in Chino, CA.

The museum has a collection of over 70 aircraft, including many famous planes of the past that have been restored to their former glory. From an 1896 Chanute glider to a mockup of an Apollo space capsule, from a Japanese Zero to a German ME-109, the Chino Air Museum's collection spans international aviation history.

Over a year ago, the museum purchased three aircraft from Poland and Hungary: a Soviet Mig-15, a Soviet Mig-17, and a Soviet-designed AN-2 biplane. The museum was thrilled at acquiring the planes from Eastern Europe to add to its collection. Museum volunteers restored the planes, similar to planes flown against United States forces in Korea and Vietnam, and the planes are displayed prominently in a hangar. The planes are disarmed.

All the paperwork for these purchases was handled by a customs brokerage house and the aircraft were brought into the country without problem. Now, however, the Bureau of Alcohol, Tobacco, and Firearms has come forward and determined that the aircraft were imported illegally because they are from Hungary and Poland. Unfortunately, the Arms Control Export Control Act prohibits the importation of military aircraft from certain countries, including Poland and Hungary. The Bureau is asking the museum to dispose of the aircraft.

Customs officials have conceded that they made a mistake when they allowed the planes into the country in the first place. The fact of the matter is that the planes are now here. They are prominently on display and they serve an important educational purpose.

Mr. President, this amendment would allow the Chino Air Museum to retain its aircraft. It does not overturn our munitions control regulations, nor are we setting a precedent for private collectors to argue for future imports of restricted munitions. The amendment explicitly makes an exception for museums or educational institutions that have imported defense articles, if the articles are at least 20 years old and were imported before June 30, 1989.

The Chino Air Museum has brought joy to thousands who have marveled at the history of flight and have learned about the role of aircraft in our own history. This amendment was adopted in a similar form in the Senate in July during consideration of the State Department authorization bill, and in the House during consideration of the foreign aid bill. Time is running out for the Chino Air Museum in its efforts to keep these planes. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 790) was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 791

Mr. KASTEN. I send an amendment to the desk on behalf of Senator HATFIELD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. HATFIELD, proposes an amendment numbered 791.

Mr. KASTEN. I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, after line 16 insert the following new subsection:

(d) EXPORT-IMPORT BANK.—(1) Of the financing provided by the Export-Import Bank under the authorities contained in this Act for the support of exports for the energy sector, not less than 5 per centum of the financing for such support shall be used for renewable energy projects.

(2) The Export-Import Bank shall take all appropriate steps to finance information exchanges and training whose purpose it is to help link United States producers in the renewable energy sector with assistance programs and potential foreign customers.

(3) Beginning on April 15, 1990, the Chairman of the Export-Import Bank shall submit an annual report to the Committees on Appropriations on the Bank's implementation of this subsection.

Mr. KASTEN. Mr. President, this amendment has also been cleared. It includes bill language requiring the Ex-Imbank, Export-Import Bank, to award 5 percent of its energy industry export funding for renewable energy projects.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 791) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I would like to engage in a colloquy concerning the initiation of a Polish farmer-to-farmer program. In his announcement last week for a $2.25 billion emergency aid program for Poland—the Food for Freedom Program—the chairman urged the administration to utilize the farmer-to-farmer program for technical and other help to the Polish farmers. As he knows, this program was created in the 1985 farm bill to improve the quality of life in rural areas of developing countries. The program is administered by a U.S. private voluntary organization—Volunteers in Overseas Cooperative Assistance [VOCA]. The idea is a simple one. VOCA recruits American farmers who volunteer to work hand-in-hand with farmers and farm organizations in the developing world. This highly successful program has sent over 200 U.S. farmers to over 35 countries since 1986. Is it the committee's intention that funds made available in this bill may be used for initiating a farmer-to-farmer program to Poland?

Mr. LEAHY. I thank the Senator for giving me the opportunity to express my support for a farmer-to-farmer program for Poland. We have provided funds in the bill for establishing the Polish-American Enterprise Fund. It is the intention of the committee that funds in the bill shall be made available for a farmer-to-farmer program in Poland. I see this program as complementary to both the fund and the expanded Public Law 480 resources proposed by the President for assisting the private sector in Poland. Polish farmers comprise 30 percent of the work force. They suffer from a lack of inputs such as fertilizer. Most farms are small diversified operations. There is certainly a great deal of technical assistance which American farmers can provide to their fellow farmers in Poland. Poland has a history of severe food shortages. Prices for food are dramatically rising. If a U.S.-funded farmer-to-farmer program can assist in ways to increase productivity and to bring down consumer prices, it may be a key factor in the success of the new Government.

Mr. KERRY. I thank the chairman. I agree with him that U.S. farmers, especially those of Polish heritage who are fluent in Polish, can be particularly effective at this time in energizing the moribund agricultural system. The advantage of the farmer-to-farmer program approach is that it can hit the ground running and help identify groups and programs which the Polish-American Enterprise Fund can later assist. The farmer-to-farmer program provides an immediate and highly visible expression of American support for addressing the critical agricultural crisis facing Poland today as well as tapping the spirit of American voluntarism and generosity.

AMENDMENT NO. 792

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside and that I be allowed to present an amendment by Mr. HEINZ, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HEINZ, proposes an amendment numbered 792.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, line 12, strike the period and insert in lieu thereof a colon and the following: "*Provided further,* That such prohibition shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States and so reports to Congress."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 792) was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that this last matter be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent that it not affect earlier action on the same matter by Mr. KASTEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask other Senators, if they have amendments, to bring them forward. As soon as the distinguished ranking member is back here, so people will know it is possible, I am going to seek the regular order on two of the three amendments. There are only three excepted amendments remaining. I am going to soon ask for regular order on two of the three.

If there are no other amendments, I am going to ask for them. I would like very much that the vote at 8:45 be a vote on final passage.

I would let Senators know, if we do not have a pending amendment at that time or if the regular order would not bring up a pending amendment at that time, then it would be my intention to seek third reading.

I understand any Senator, of course, can stop that simply by seeking recognition and talking. Of course if any Senator has an amendment they wish to get a vote on around that time, naturally I am not going to try to cut them off.

But just so that the Senate will understand, it is my intention, if there are no amendments pending under the regular order at 8:45, that I would ask the vote at that time be third reading. Just so everybody will know. Forewarned more than an hour in advance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 793

Mr. LEAHY. Mr. President, I send to the desk an amendment by Senator INOUYE and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUYE, proposes an amendment numbered 793.

On page 12, line 4 strike all that follows the word Fund through the word children on page 12, line 7.

Mr. INOUYE. Mr. President, in recent years I have grown increasingly concerned with the appalling plight of the numerous homeless children in developing countries. Last year, in recognition that the vast majority of these children are not reached by the traditional providers of care and assistance, I supported the earmarking of $3 million for the organization known as Child Hope. The funds were provided to Child Hope through UNICEF which held the funds in trust and provided managerial and administrative support to this fledgling organization.

I am pleased to report that the committee and the Congress were correct in their belief that UNICEF was ideally situated to provide a leadership role in helping these children who have, it seems, been bypassed as beneficiaries of foreign assistance. Over the past year, UNICEF has provided assistance to Child Hope and has developed a close cooperative working relationship in the field. I believe that this relationship will be strengthened and that the ability of Child Hope to meet needs of these unfortunate children will grow as it matures and gains experience. It is, I think, significant, that the United States was among the earliest supporter of this unique organization which is dedicated to providing hope and opportunity to the homeless children of the world.

Mr. LEAHY. Mr. President, I know of no objection to this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment, (No. 793) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, once again I note that we really have pending here three committee amendments. They have been excepted. We are checking with Senators who may have any objections to those. If there are none, I am going to move at an appropriate time to accept the excepted amendments prior to the 8:45 time. If there is no amendment pending and being debated, I will ask that we be able to proceed to third reading.

I will do that of course with plenty of notice because I understand there may be those who will object to it. But if they object to that, then I would also at some appropriate time ask unanimous consent that third reading be the only vote remaining on this bill.

I am trying to give notice to Senators. I want everybody to be able to enjoy the window, but if they have an amendment now is the time to come. We are in a more receptive mood than we might be later on.

With that, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. **LUGAR.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 794

Mr. **LUGAR.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 794.

At the appropriate place please insert the following:

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

(a) CONDITIONAL ASSISTANCE.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, assistance made available under section 103 of the Foreign Assistance Act of 1961 may, notwithstanding section 660 of the Foreign Assistance Act of 1961, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban anti-terrorist training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, crime control and detection equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(3) At least 30 days before obligating such assistance, the President certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(b) DEFINITION.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

Mr. **LUGAR.** Mr. President, I have asked the clerk to read the amendment in full because the Chair will note that it is carefully crafted as a pro human rights amendment. It is so crafted because it has stood the test of debate in the Foreign Relations Committee this year and is, in fact, a part of the Foreign Assistance Authorization Act that the Foreign Relations Committee has reported in this body.

It is also in very substantially the same form as an amendment adopted by the House Foreign Affairs Committee dealing with a very critical problem in El Salvador. The amendment has been carefully drafted with all the prohibitions that are noted, because the idea of police assistance and assistance from the United States for police training in other countries has been a highly controversial item.

It is highly controversial because at various points in history of such assistance serious charges were made about the police forces and their lack of professionalism, and, as a matter of fact, the United States was accused on occasion by citizens of foreign countries of having engaged in training of forces that were inhumane.

With that history and that recognition clearly in mind, the Senate Foreign Relations Committee this year—and I thank my colleague, Senator DODD, of Connecticut, for his very substantial assistance in working in a bipartisan way to craft the amendment that I now offer on this bill this evening so that it might have bipartisan support and indeed it was passed by unanimous vote.

My purpose in raising the amendment on this legislation is a perception that the foreign assistance legislation in the Senate and the House may not move to conference, may not move to final approval this year. The administration of President Bush has notified me of the high priority the administration places on the adoption of this amendment and with the hopes that this legislation we are considering this evening will be passed, will be conferenced, will be signed by the President. The particular waiver that we are talking about in this amendment will be very important, and I raise it in behalf of the administration as well as the Foreign Relations Committee.

Mr. President, this amendment basically extends the waiver authority of section 660 of the Foreign Assistance Act using funds provided under this bill for police training. It does not provide or propose any more expenditure. It does allow the reprogramming and the transfer within the funds that are already appropriated. The passage of this amendment will allow the United States to train legitimate civilian police forces in El Salvador. Without this amendment the prohibition against such training would continue. A waiver has been in effect in recent years. The waiver comes to an end at the end of this fiscal year. Thus the necessity of this new waiver authority.

If the prohibition were to take effect after September 30, I suspect that the quality of law enforcement in El Salvador would deteriorate. I say this from personal experience, Mr. President.

It was my privilege to represent President Bush at the inaugural of President Cristiani this year. I had the privilege of visiting with the President of El Salvador, Mr. Cristiani, and his first request of me was to attempt to obtain the continuation of the waiver under section 660 in order that United States' training of professional police forces in El Salvador might continue.

President Cristiani, in his personal plea, made the point that very great progress has been made in the training of police forces. They have become much more professional in his country. They have become much more proficient. Indeed, the President pointed on that very day to the courtyard of the police station in San Salvador where, in fact, an array of armament was laid out on the pavement. Pictures of this armament have been replete in publications around our country. It was in fact in the contents of a safe house in San Salvador that very substantial amounts of armament had been collected and were found the day before the inaugural of the new President, the day before all of the members of the El Salvador official family and representatives and delegates from around the world were to assemble, albeit under great security in San Salvador for the Presidential inauguration.

It was with a sense of rejoicing that President Cristiani made the point that not only had the safe house been relieved of this armament that might have been used upon defenseless persons taking part in civil actions and ceremonies, but it occurred because the police force of San Salvador was proficient enough to find the safe house and to find the weapons and in a very, very professional way to remove them.

He further pointed out that in the course of day-to-day life in San Salvador, provocative attacks upon civilians, transportation strikes such as the one going on at the time of the inaugural in which threats were made against every vehicle on the street, occasionally threats carried out, that essentially police work was of the essence in making certain civil rights were observed, but at the same time terrorism was discouraged.

Mr. President, I appreciate very much the opportunity to lay this amendment before the body. I appreciate the opportunity to express, at least in this particular way, in which a plea by President Cristiani, whom we support, who has been lauded on this floor, I think deservedly today might be forwarded. I am hopeful that my amendment will receive the unanimous support and I rest my case and relinquish the floor.

The **PRESIDING OFFICER**. The Senator from Vermont.

Mr. **LEAHY**. Mr. President, what I find interesting on the amendment is that the certification part by the President goes substantially beyond the kind of certification we were asking for or I was asking for in the amendment earlier today, an amendment that was limited to $85 million the aid to El Salvador, and I ask the distinguished Senator from Indiana if I am correct in this. If the President does not certify that El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, and prolonged detention without trial, if he does not make that kind of certification there is no assistance; is that correct?

Mr. **LUGAR**. The Senator is correct, that the waiver that is sought would no longer be valid as this Senator understands it. In other words, as a precondition for the waiver these stipulations that are a part of this amendment must be met.

As the Senator knows, the waiver has been in effect, as I recall, for 2 years since the last activity on this issue, and it comes to an end within this fiscal year, and thus the plea for the waiver again but under the same conditions as those we debated in years past.

Mr. **LEAHY**. Looking at 660(D), am I correct that there are several programs that already provide aid to the police force in El Salvador, the antiterrorism assistance and the international criminal investigative training assistance programs, programs maintained under 660(D) that would not affect the ability to give this kind of aid. Am I correct?

Mr. **LUGAR**. I am not certain I follow the Senator's reasoning.

Mr. **LEAHY**. Right now there are programs that are allowed in assistance to El Salvador, antiterrorism assistance and international criminal investigative training assistance programs. I believe those are already allowed; is that correct?

Mr. **LUGAR**. I think the Senator is correct on that. I think the situation is simply as I understand it section 660 the Foreign Assistance Act of 1961 prohibited moneys for police training and, therefore, in order for police training to occur, as it has been occurring in recent years, a waiver of the act of 1961, section 660 of that act must be obtained.

Mr. **LEAHY**. So that there is no cap on funding. How much money is going to be used for the police in this program?

Mr. **LUGAR**. There is no new funding proposed and it is a question therefore of transfer within the obligations to El Salvador of moneys that would have been used for other purposes.

Mr. **LEAHY**. Would that money require reprogramming?

Mr. **LUGAR**. I really cannot respond to the Senator. I am not certain how that money is transferred, whether it is at the volition of El Salvador or the volition of the United States.

Mr. **LEAHY**. Would the Senator agree on this amendment to have that provision in that such money would have to go through the normal reprogramming?

Mr. **LUGAR**. I would agree to that. It occurs to me that that is a normal course of activity.

Mr. **LEAHY**. And this would require civilian instructors.

Mr. **LUGAR**. That is correct.

Mr. **LEAHY**. Then I ask the distinguished Senator from Indiana if he would amend his amendment to specify that such money would have to go through the normal reprogramming procedures.

Mr. **LUGAR**. Let me respond to the Senator, my understanding is that the amendment calls for reprogramming as it now stands, but I would simply stipulate again that normal reprogramming, it is my understanding, would be a part of this procedure.

Mr. **LEAHY**. The language does not specify that. Would the Senator from Indiana accept a unanimous-consent request that that technical change be allowed; may we be allowed to make that technical change within the bill to so specify?

Mr. **LUGAR**. I so specify and agree.

Mr. **LEAHY**. I make that unanimous-consent request.

The **PRESIDING OFFICER**. Is there objection to the amendment to the amendment?

The Senator from Indiana, the Chair understands, wishes to make modification to his amendment and has the right to make that modification.

Does the Senator make that modification?

Mr. **LUGAR**. I request of the Chair the modification requested by the distinguished Senator from Vermont be made, and that specifically is the staff work on technical language to indicate regular reprogramming to be a part of this amendment.

The **PRESIDING OFFICER**. The Senator does, in fact, need to make that modification and have it sent to the desk so it can be duly handled.

Mr. **LEAHY**. I have no further comments on the amendment.

The **PRESIDING OFFICER**. The Chair would point out the modification needs to be made and needs to be incorporated into the amendment before we can take any action on the amendment.

Mr. **LEAHY**. I would ask unanimous consent we temporarily lay the amendment aside while we prepare that.

The **PRESIDING OFFICER**. Is there objection to that? Without objection, it is so ordered.

Mr. **LEAHY**. I ask unanimous consent, if the distinguished Senator from Indiana now brings up the so-called leveraging amendment, it be on a 20-minute, equally divided time agreement.

The **PRESIDING OFFICER**. Is there objection to that unanimous-consent request?

Mr. **LEAHY**. I yield to the Senator from Indiana.

The **PRESIDING OFFICER**. Does the Senator wish to set aside the committee amendment?

Mr. **LEAHY**. Mr. President, parliamentary inquiry.

If we went to the regular order, we would bring up No. 28; is that correct?

The **PRESIDING OFFICER**. The Senator is correct.

Mr. **LEAHY**. I ask for the regular order.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 140, LINE 12

The **PRESIDING OFFICER**. The pending business is excepted committee amendment No. 28, on page 140, line 12. The clerk will report that.

The assistant legislative clerk read as follows:

On page 140, line 12, strike 577 and insert 582.

Mr. **LEAHY**. Mr. President, I ask unanimous consent if the distinguished Senator from Indiana seeks to amend No. 28, that it be with a 20-minute time agreement, equally divided.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **LEAHY**. I yield to the Senator from Indiana.

AMENDMENT NO. 795 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 140, LINE 12

Mr. **LUGAR**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 795 to excepted committee amendment on page 140, line 12.

On page 140, line 12, strike "582" and insert the following:

"(a) None of the funds appropriated for assistance by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person as a condition for action by the recipient, the purpose of which condition is to finance a military or foreign policy activity which is expressly

> prohibited by a provision of United States law.
>
> "(b) The phrase 'provision of United States law' as used in subsection (a) refers to those provisions of United States law enacted after the date of enactment of this Act, and which refer specifically to this section".

The **PRESIDING OFFICER.** The Senator from Indiana.

Mr. **LUGAR.** Mr. President, the language that is a part of the amendment that the clerk has just read is language which I have offered as a substitute for section 582. I quote section 582:

> None of the funds appropriated by this Act may be obligated or expended for the purpose of furthering any military or foreign policy activity which is contrary to United States law.

I would underline the words, "contrary to United States law."

The second part is:

> None of the funds appropriated by this Act may be used to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective which is, again, contrary to United States law.

Mr. President, this is an amendment which is both simple and at the same time complex. The simple aspects are that the intent of the author of the section 582, which also was a part of the debate in the Foreign Relations Committee this year, was to say that U.S. governmental officials ought not to be promoting things which are clearly in violation of the statutes of the United States of America. The debate arose out of the Iran-Contra controversy.

An attempt was made simply to say that no money should be authorized or, in this case now, appropriated, for such activities which are clearly illegal. But, by using the words "contrary to United States law," the State Department of the United States and the White House, in reading this, believe that there are real problems in terms of ambiguity.

They agree clearly that we ought not to be promoting activities contrary to law. But they would simply say that "contrary" may not mean what it sounds like.

Specifically, the problem comes down to this kind of example: The United States of America, in this legislation, will limit the amounts of money that we can expend in various countries. In some cases, it will suggest, as in the instance that we just talked about, namely United States assistance in police training in El Salvador, that the law states we should not be engaged in that. That is what section 660 of the FAA was all about.

We have waived that this evening. But the fear is that in the event the United States said we are not prepared to be involved in the financing, either of police training on the one hand or humanitarian assistance on the other, that we would be prohibited by the ambiguity of this section 582 from taking actions that might encourage other nations to do things that would be helpful to our foreign policy.

In short, I appreciate that some Senators may read section 582 that I want to replace, as something that says the U.S. Government ought to do nothing which is illegal. But section 582 says "contrary to United States law." The question arises as to what this means, if we are limited in terms of expenditures we are also limited in terms of asking others to do more? If we have limited by a law our contribution to $10 million, are we limited from asking the United Kingdom or Western Germany from contributing another $10 million? Clearly beyond our law? And the State Department, in looking at this carefully, believes it might be construed as contrary to our law; as something very different, something clearly not in accordance with our law.

Mr. President, this is why I am hopeful that the language I have offered and which has been carefully drafted by the administration will be acceptable. Because there really is not a quarrel with a single Senator over the intent of what section 582 was meant to do originally. We believe this language helps. And we believe it helps by saying simply:

> None of the funds appropriated by this Act may be provided to any foreign government * * * foreign person, or United States person as a condition for action by the recipient, the purpose of which condition is to finance a military or foreign policy activity which is expressly prohibited by a provision of United States law.

"Expressly prohibited by a provision of United States law," these are very important words. They take out the ambiguity. That is troubling.

We carry it one step further by saying:

> The phrase "provision of United States law" as used in subsection (a) refers to those provisions of United States law enacted after the date of enactment of this Act, and which refer specifically to this section.

If the Chair were to ask me: Does this mean that if a foreign policy activity or goal is expressly prohibited by this body, as a part of that act we ought to say specifically section 582 applies? The answer is yes, we ought to do that.

That will mean that each officer of the U.S. Government, whether it be the President of the United States, a Member of Congress, a diplomat abroad, consul, or whoever, knows section 582 applies, and that means that you cannot expend money to finance an activity which is expressly prohibited by a provision of United States law, and by "expressly prohibitive," it means that section 582 applies.

I make this point, Mr. President, not to be tedious and to stretch the imagination of Senators, but simply to say we have been through an awesome set of hearings in this country as to what was or was not contrary to law. It seems to me we can pin this down by saying "expressly prohibited" and then expressly prohibit it. Tap it down, really, on all four corners. There can be no ambiguity in this situation, and clearly the intent of Senators to prohibit our officials from subsidizing their own will, knowing section 582 applies, but being tempted to use funds for goals and purposes that have been expressly prohibited, that literally is beyond the pale, and we know by the definition of this act that that will not work.

One other point. We refer to laws enacted after the date of the enactment of this act. It clears up the ambiguity as to which prohibitions apply. It means from this point forward everybody needs to be alerted in the U.S. Government that section 582 applies where it says it applies, where it is expressly named. I think this will be a contribution, Mr. President, to the strength of this prohibition, by eliminating the ambiguity.

I would add simply that some Senators may say, Why the quibbling over the language? Why the difficulty? I simply express once again, Mr. President, that the State Department, in taking a look at this and taking actual cases in the field, find that they believe our personnel might be in jeopardy even when they are advancing foreign policy of the United States and, with some arbitrariness, that could be in some jeopardy of their career on the basis of their activity.

I respect that point of view, and it is that point of view I present this evening in behalf of the Department and in behalf of the administration who feels a clarification at this point would be a wise course.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. **LEAHY.** Mr. President, by itself, there would be nothing I would disagree with in the amendment by the distinguished Senator from Indiana. But we have actually gone through a three-part program here. When the State Department authorization bill came before the Senate, the distinguished senior Senator from New York proposed an amendment making very stringent requirements on what the President or the Secretary of State could do in going around U.S. law by using other countries to do things that they might be able to do that we would be prohibited from doing by our own laws; do by indirection what we could not do by direction. That is in the State Department authorization bill.

In the House bill and our bill, as it passed the Senate committee, there is a modification of the language of Senator MOYNIHAN; the modification basically being such activities prohibited but removes the criminal sanctions on the assumption that the President of the United States will follow the law.

Senator LUGAR's amendment does dilute that even further. He says in his amendment, which I have just received, that the prohibition would be only on those matters of our law that are enacted subsequent to this act, the one we are now debating, and then only to refer specifically back to this. But now from a practical drafting point of view, such precision is attractive, but the fact of the matter is that this is a gaping loophole which says, in effect, every single thing that a President or Secretary of State now is prohibited from doing he would be allowed to do through another country unless we go back and take that whole body of law, repass it specifically to refer to this section.

From somebody looking at their day's schedule, it might make it somewhat easier, but from a point of view of what we want to accomplish, I do not find it acceptable. I doubt very much if the distinguished Senator from New York, who has already seen his language somewhat diminished, would find it acceptable.

Basically, all we are saying is what the law now says to the President of the United States: Obey the law. I have no question that President Bush takes seriously his oath of office. I have no question the people he appoints, he tells them very specifically, obey the law. But what this is saying, using the provisions of the purse, we are saying U.S. officials must not try to circumvent laws passed by this country by getting foreign countries, foreign persons, or even United States persons to do what is forbidden by them to do themselves. It says very specifically they are doing that based on what is now in the law, not what might be in the law in the future.

Actually, I am somewhat surprised that the administration opposed the language that was originally in the bill. All we are saying is obey the law. Some of us remember the Iran-Contra scandal; we remember the mining of the Nicaraguan harbor; we remember the assassination manual that was distributed in Central America by the CIA. The American people are somewhat cynical, and we are just saying here is a specific provision, not for in the future, but for right now; that if the law says to the President you cannot do it, that means you cannot do it.

The President of the United States is not going to go down to Central America and print an assassination manual. Nobody expects it. What we are saying is neither the President nor anybody working for the President can have somebody else do it. The same with all the other issues that I have referred to.

So, Mr. President, while this by itself is a good amendment, I am afraid it goes not far enough. We have already modified what this body has passed by a vote of I believe 57 to 41. We passed the original Moynihan language 57 to 41. I want to retain even the modification of the Moynihan language in this bill. The adoption of the amendment by the distinguished Senator from Indiana would not retain that. If it is stricken, we go to the underlying amendment, then we go back to basically what we voted for already in this body 57 to 41.

Mr. METZENBAUM. Will the Senator from Vermont yield?

Mr. LEAHY. Yes, I yield.

Mr. METZENBAUM. As I understand the position of the Senator from Vermont, it is that he is not against the basic thrust of the Lugar amendment but that his position is that the Moynihan amendment, which was offered, I gather, in committee and which was adopted by the House separately, is stronger language and does the job more effectively than the Lugar amendment? Is that correct?

Mr. LEAHY. Partially. The Moynihan amendment was adopted in this body in the authorizing bill 57 to 41. The Senator and I and most other Senators have already voted on that.

What I am saying is that that is the only one that really accomplishes the prohibition on which this body has already voted. The amendment of the distinguished Senator from Indiana does not do that, but it does not go far enough at all. In fact, it becomes meaningless because so long as anybody blocked a specific piece of legislation in the future referring back to this, even if it incorporated U.S. law, if they were able to block it, then it is a loophole big enough to drive a truck through.

Mr. METZENBAUM. Does the Senator from Vermont object if the Senator from Ohio puts in a brief quorum call in order that the Senator from Ohio would have 1 minute to speak to the Senator from Vermont?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, how much time is remaining or is there time?

The PRESIDING OFFICER. Two minutes to the Senator from Indiana.

Mr. LEAHY. To which side?

The PRESIDING OFFICER. The Senator from Vermont does not represent that side.

Mr. LEAHY. Am I the only one who has time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. LEAHY. Who has time remaining?

The PRESIDING OFFICER. The other side. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me clarify for Members who have joined the debate that what I have suggested this evening is that the original language offered by Senator MOYNIHAN be sharpened in a manner that does not lead to ambiguity.

My contention is the words "contrary to United States law" pertaining to actions by U.S. Government officials or funds solicited from friends." Those words "contrary to United States law" lead to ambiguity and difficulty.

Specifically, Mr. President, in an issue that we have been discussing in another forum today, aid by the United States to Communist countries, Poland or Hungary, for example, is now prohibited. That is contrary to our law. Yet we have had a very substantial debate in the Foreign Relations Committee today about assistance to Poland. It did not occur to many of us that we might be discussing something illegal, contrary to United States law, but clearly it is.

As a practical matter, Mr. President, we are going to furnish aid to Poland and we will probably stipulate the proper waivers and the loopholes if one wants to discuss those. I am simply saying, Mr. President, we could clarify this through the language I have suggested as a substitute so that we pin down those things which are expressly prohibited. We know in advance that we are doing this so that there will be no ambiguity for officers of our Government or in solicitation of objectives of American foreign policy from friends.

Mr. President, I am hopeful that this substitution which is proposed for benefit of clarification will be adopted by the body.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Indiana, Mr. LUGAR. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Mr. LEAHY. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there is a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. Pryor] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici] is absent on official business.

The **PRESIDING OFFICER** (Mr. Simon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Helms
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wirth

NAYS—41

Armstrong
Bond
Boschwitz
Burns
Chafee
Coats
Cochran
D'Amato
Danforth
Dole
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Humphrey
Heinz
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—2

Domenici
Pryor

So the motion to table amendment No. 795 was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the motion to table was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. LEAHY. Mr. President, if I can have order. I do not mean to preclude anybody.

The **PRESIDING OFFICER.** The Senator will suspend for a moment while we get some order here.

The Senator from Vermont.

Mr. LEAHY. A parliamentary inquiry. What would a call for the regular order do?

The **PRESIDING OFFICER.** The regular order is excepted committee amendment No. 28. That is the pending question.

Mr. LEAHY. Mr. President, I understand that we have the excepted committee amendments Nos. 28, 29, and 32 as yet not adopted. What I would suggest doing is calling up 28 and 29. I do not think I will need a rollcall vote.

I went through a large list before of amendments that were accepted off the excepted list. I withheld No. 32, as I had agreed to with the distinguished Senator from North Carolina, in case he had something further. He is on the floor now, and I would ask again the indulgence of my colleagues, if I might, just to ask the Senator from North Carolina if he would have any objection, since we have gone through 28 and 29, if we did not accept No. 32.

Mr. HELMS. I do have an amendment to 32.

Mr. LEAHY. Then let me do this. I am going to ask for the regular order on 28 and 29, if nobody objects to it, and then go to the regular order on 32, which would bring up that.

Mr. President, I ask for the regular order.

The **PRESIDING OFFICER.** The regular order is amendment No. 28.

All those in favor of the amendment?

The Senator from Iowa.

AMENDMENT NO. 796 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 140, LINE 12

(Purpose: To increase and maximize United States assistance to Poland)

Mr. GRASSLEY. Mr. President, I have an amendment to amendment 28 that I would like to offer at this point. I send it to the desk.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley], for himself, Mr. Dixon, Mr. Dole, Mr. Bond, Mr. Boschwitz, Mr. Burns, Mr. Durenberger, Mrs. Kassebaum, Mr. Wallop, Mr. Danforth, and Mr. Symms, proposes an amendment numbered 796 to the committee amendment excluding number 28 on page 140.

At the end add the following:

INCREASED ASSISTANCE TO POLAND

Sec. Notwithstanding any other provision of law, the requirements of sections 901 through 901k of the Merchant Marine Act of 1936 (46 U.S.C. 1101 et. seq.), shall not apply to any United States assistance provided to Poland under this or any other Act. For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

Mr. GRASSLEY. Mr. President, this amendment is being offered by myself, Senator Dixon, Senator Dole, Senator Bond, Senator Boschwitz, Senator Burns, Senator Durenberger, Senator Kassebaum, Senator Wallop, Senator Danforth, and Senator Symms.

I had the entire amendment read so you know that it is very straightforward and simple to understand. It is this simple, my colleagues. It exempts from those cargo preference laws all United States assistance directed to Poland.

The issue of cargo preference has been a divisive, controversial matter that has traditionally pitted labor unions and the maritime industry interests against those concerned about maximizing food assistance to the needy, and to the needy not only in Poland, but throughout the world, and increasing foreign markets for our United States farm families.

I admit that this has been a very divisive issue in the past, but I also know that there has been a lot of discussion on the floor of this body in the last several days about whether we, meaning the people of the United States and the President of the United States as our leader, are devoting enough assistance to the people of Poland through the President's recommendations and allocation. This amendment is offered in the vein of assuring that, whatever level of assistance we offer, that level of assistance maximizes the actual contribution to the people of Poland.

Today, because we are all so interested in helping Poland, and that includes this Senator, I do not expect such controversy as we generally have on this amendment.

We all want to help Poland. That is everything I ascertained from almost anybody speaking, from the right or the left. It seems like we have had everybody thinking that we better give this new democracy a helping hand, that our leadership in the world community of nations to some extent is staked on whether or not we respond to this immediate need. That is not only from the standpoint of political democracy, but also from the desire of meeting the human needs of the Polish people. There is a general agreement not only in this body, not only in this country, but also in the Western world, that these needs must be addressed, and that is why our President has come forth with additional aid. That is why probably a lot of people in this body and the other body are saying that this President has not done enough.

So my point to you is that with this growing chorus of those who argue that not enough is being spent or offered by President Bush to the Polish people and that now is no time to be timid or to be frugal, then it appears now is the time for us to maximize what few or what many dollars we can offer to the Polish people.

I, therefore, anticipate that these same people who think we have been too timid and too frugal will want to join in support of my amendment even though they might normally support cargo preference. The reason is clear. If we need to increase assistance to Poland then we should be stretching the dollars available so that the Polish people will receive 100 percent of what we say we are offering.

So the question is, should 100 percent go to Poland or should we continue to allow a very large percentage to be diverted into the pockets of the maritime industry?

My amendment answers that question very clearly, that all such assistance should go to Poland and none of it will take a back door approach into somebody else's pocket, and I think it is a way of assuring, I say to my colleagues, that no segment of our economy should unduly profit from this humanitarian effort, both humanitarian in the sense of promoting political democracy and in the sense of meeting the immediate need for food for the Polish people.

I want you to know that I did some checking today and was provided some very interesting information, if not alarming information, about how burdensome and how devastating cargo preference laws are to our goal of helping the Polish people.

I had my staff this afternoon speak to a Mr. W. Piechno—I spell it so you know who I am talking about, P-i-e-c-h-n-o—who is with Pole Foods, Inc., in New York City. This gentleman is representing Polish interest in routing United States food assistance to Poland. He just contracted with a U.S. flagship, *The Spirit of Texas*, to ship the first batch of sorghum totaling 11,500 tons to Poland. Mr. Piechno said that they could have shipped this grain at market prices of about $20 a ton but because of our present requirements of cargo preference, which forces them to ship 75 percent on U.S. flagships, it costs instead $84.95 a ton. That is a difference of $65 a ton that should be spent on food instead of going into the pockets of the U.S. maritime industry. That is over four times the cost of world market shipping rates. Soon another 200,000 tons of sorghum and grain will be shipped to Poland. The value of the grain equals about $20 million. The cost of shipping, because of cargo preference, is $16 million. If we get rid of cargo preference for aid to Poland, and that is all this amendment does, we are able to devote another $12 million in food to Poland instead of routing $12 million into the pockets of the American maritime industry.

With my amendment, Poland would get $32 million worth of food instead of $20 million, and that amounts to 60 percent increase in food assistance with our taxpayer's money.

So, I want to say to any of my colleagues who have said that we have not spent enough money on assistance to Poland, particularly for food, particularly for anything that has to be shipped, that I want my colleagues to understand we are going to get 60 percent more for our dollar by voting for my amendment.

Let me share something else that I learned today. The Polish shippers have expressed a willingness to ship this food for as little as $15 a ton. That is $5 below world market price. And that is a $70 per ton less than if it is shipped on U.S.-flagged vessels. That helps not only feed the Polish people, but also it helps employ the Polish, the very same workers that we backed in the Solidarity union movement, that we strongly supported out of this Congress. And these are the very same people who led the courageous fight for freedom and democracy in Poland.

The Polish shipbuilders and seafarers need employment, as well, and we can help that way with my amendment.

So my amendment provides the opportunity to get a double punch. We can help feed the Poles and with the same assistance we can help employ the Poles.

Mr. President, we need to fully recognize the significance of cargo preference: Sorghum and corn is averaging about $100 f.o.b. per ton out of the gulf port. In short, we could deliver this grain to Poland for as little as $115 per ton. Cargo preference however says we must spend $185 per ton to deliver it to Poland.

This is a senseless misappropriation of the taxpayers' dollars. If our goal is meeting the human needs of the Polish people; and if it is a serious problem that our Government should respond to, and I believe that is the case, then let us maximize our efforts. For those who say we should increase our aid to Poland, I look forward to your support of my amendment.

Mr. **JOHNSTON.** Will the Senator yield for a question?

Mr. **GRASSLEY.** Yes.

Mr. **JOHNSTON.** Do I understand the Senator would waive the Jones Act for aid to Poland? Do I understand that correctly?

Mr. **GRASSLEY.** It involves the aid that our Government is sending to Poland and my amendment would exempt that aid from cargo preference as it applies just to that aid to Poland.

Mr. **JOHNSTON.** There is cargo preference and there is the Jones Act. Does it or does it not waive the Jones Act?

Mr. **GRASSLEY.** It just waives cargo preference. Not the Jones Act.

Mr. **JOHNSTON.** It does not affect the Jones Act?

Mr. **GRASSLEY.** It does not affect the Jones Act.

Mr. **JOHNSTON.** What is the practical effect, then, of waiving the Cargo Preference Act?

The **PRESIDING OFFICER.** If the Senator from Iowa would suspend, let us get some order here, please.

Mr. **GRASSLEY.** I answered the Senator's question.

Mr. **JOHNSTON.** Is it not the practical effect of the Senator's amendment to say that he would exempt from these shipments, the requirement of using American seamen and American bottoms, and you would, in effect, export American jobs because this happens to be Poland? Am I correct in that?

Mr. **GRASSLEY.** I had the entire amendment read. Maybe the Senator from Louisiana did not hear it, Mr. President. But I exempt any aid that goes to Poland, as a result of our Government's action, from the cargo preference laws. And I explained to the Senator that that is going to get us 60 percent more for our money. If we want to feed the Polish people, if we want to ship them things that they need, then we are going to get more for our money by doing it this way. And it does exempt, just for Poland, the cargo preference law.

The **PRESIDING OFFICER.** The Senator from Idaho.

Mr. **SYMMS.** Mr. President, I ask unanimous consent, Senator **HELMS** just asked to be added as cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Louisiana.

Mr. **BREAUX.** Mr. President and my colleagues, I know it is late at night. Nobody wants to get into a major discussion on whether it is a good policy to help the country of Poland at the expense of American jobs. I know we would not be spending a lot of time on this.

I would say to the chairman of the committee, what the Senator's amendment does is that in order to help Poland, it takes a final blow at the American merchant marine.

I am all for helping Poland. I think it is a wonderful thing to do. But we should not be trying to help Poland at the expense of our own citizens. This one of the few programs that helps the U.S. merchant marine—which is very important to the national security, the national defense of this country—the fact that we at least allow a small portion of our agricultural products to be shipped in U.S. ships. That is all we are saying.

This amendment says: Well, Poland is so important, we are going to eliminate Americans jobs, we are going to eliminate the one program that we have that helps the U.S. merchant marine, and we are going to do it for Poland.

Well, if we do it for Poland, should we not do it for all foreign countries? Should we not eliminate the whole program?

I say the answer is no. The amendment of the Senator is something very complicated. It certainly should not be added onto an appropriations bill at 25 minutes to 10 tonight without any kind of hearing in the committee of juridiction, which is the Commerce Committee.

As chairman of the Merchant Marine Subcommittee, I think this is a subject that is appropriately and properly discussed in the Commerce Committee, the question of whether we should at least protect the one program that helps the U.S. merchant marine, helps American shipbuilders, helps American seamen, helps American ports that use American vessels: the Cargo Preference Program.

It is not 100 percent; it is just a very small portion of our products that are going to be shipped to foreign countries which must be reserved for American ships.

We are talking about American jobs. We are talking about American men and women who have to face unemployment as a result of the Senator's amendment in an effort to help Poland.

While I am all for helping Poland, it simply should not be done at the expense of the U.S. merchant marine, which is vital to our national security and the national defense of the United States. It is a bad amendment. It is a particularly bad amendment at 20 minutes to 10, without any adequate discussion, and should be defeated.

The PRESIDING OFFICER. The senior Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this amendment is somewhat of a surprise. I thought, I must say, that it was not seriously offered when I first read about it.

This waives, really, the Jones Act, the Cargo Preference Act. And, why? Because it is Poland. Well, sure we like Poland. But we also like Ethiopia. They have starving people in Ethiopia. We have friends all around the world to whom we ship agricultural commodities.

Mr. President, there is no logical basis, other than perhaps sentimentality, to exempt Poland from the Jones Act.

Why do have the Jones Act? Well, Mr. President, it is to preserve what modicum of a merchant marine we have left in this country. There is not much left.

Mr. President, I think if we look at the figures on what we have in American bottoms in this country, American owned, American operated, with American seamen sailing them, there is not much left.

If we say by this amendment we are going to exempt this just because it is Poland—and I do not mean to minimize the importance of Poland and Lech Walesa, and what if going on there—but if we are going to exempt it from this, we might as well repeal the whole act.

It is a very serious, fundamental step to do that. And it ought to go to the committee, if we are going to do that, to the committee of jurisdiction.

This is, Mr. President, an appropriations bill and we seek to enact, through law, through an authorization on an appropriations measure, something that was not even heard in the Appropriations Committee.

To say it is a far-reaching step is somewhat of an understatement.

Mr. President, I believe this is legislation on an appropriations bill. I make a point of order that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The amendment clearly is legislation on an appropriations bill and does violate rule XVI. The point of order is sustained.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, for my part, not being a master of the rules, do I have an opportunity to raise a point of defense of germaneness?

The PRESIDING OFFICER. Now that the Chair has ruled on that point of order, the Senator has lost that opportunity. The Senator could appeal the ruling of the Chair.

Mr. GRASSLEY. Mr. President, I will appeal the ruling of the Chair. Is that a debatable motion?

The PRESIDING OFFICER. The appeal is not debatable under the circumstances.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair be sustained?

On that question, the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. Fowler], the Senator from Arkansas [Mr. Pryor] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici] is absent on official business.

The PRESIDING OFFICER (Mr. Daschle). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—64

Adams
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Exon
Ford
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stevens
Warner
Wirth

NAYS—33

Armstrong
Bond
Boren
Boschwitz
Burns
Coats
Danforth
Dixon
Dole
Durenberger
Garn
Gramm
Grassley
Hatch
Helms
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Simon
Simpson
Symms
Thurmond
Wallop
Wilson

NOT VOTING—3

Domenici
Fowler
Pryor

So the ruling of the Chair was sustained as the judgment of the Senate.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the ruling of the Chair was sustained as the judgment of the Senate.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 140, LINE 12

Mr. LEAHY. Mr. President, I ask for regular order amendment on No. 28.

The PRESIDING OFFICER. The question occurs on the excepted amendment No. 28.

The excepted committee amendment on page 140, line 12 was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 140, LINE 20

Mr. LEAHY. Mr. President, I ask for regular order on amendment No. 29.

The PRESIDING OFFICER. Regular order is on excepted committee amendment No. 29.

The clerk will report.

The assistant legislative clerk read as follows:

Page 140, line 20, insert "which is" after "objective".

The PRESIDING OFFICER. The Senate is not in order. The Chair is having difficulty hearing.

The question is on agreeing to the excepted amendment No. 29.

The excepted committee amendment on page 140, line 20 was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED AMENDMENT ON PAGE 155, LINE 8 THROUGH LINE 16 ON PAGE 156

Mr. LEAHY. I ask for regular order on amendment No. 32.

The **PRESIDING OFFICER**. The question occurs on the excepted amendment No. 32.

The clerk will report.

The assistant legislative clerk read as follows:

Page 155, beginning on line 8.

Mr. **LEAHY**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

ELIGIBILITY OF POLAND AND HUNGARY FOR OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 597. (a) PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting "Poland, Hungary," after "Yugoslavia,".

(b) PARTICIPATION BY NONGOVERNMENTAL SECTOR.—(1) In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(2) For purposes of this subsection, the term "nongovernmental sector" in Poland and Hungary includes private enterprises, cooperatives (insofar as they are not administered by the Governments of Poland or Hungary), joint ventures (including partners which are not the Governments of Poland or Hungary or instrumentalities thereof), businesses in Poland or Hungary that are wholly or partly owned by United States citizens, including those of Polish or Hungarian descent, religious and ethnic groups (including the Catholic Church), and other independent social organizations.

(c) DEFINITION OF ELIGIBLE INVESTOR.—Notwithstanding subsection (b), the term "eligible investor" with respect to OPIC's programs in Poland and Hungary has the same meaning as contained in section 238(c) of the Foreign Assistance Act of 1961.

(d) EFFECTIVE DATE.—The authority of the Overseas Private Investment Corporation to issue insurance, reinsurance, guarantees, and to provide any assistance under its direct loan and equity programs with respect to projects undertaken in Poland and Hungary shall take effect upon the date of enactment of this Act and shall remain in effect until September 30, 1992.

Mr. **LEAHY**. Mr. President, I yield to the Senator from North Carolina.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized.

AMENDMENT NO. 797 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 155, LINE 8, THROUGH PAGE 156, LINE 16

(Purpose: To ensure that funds provided by this Act benefit the private sector in Poland and Hungary)

Mr. **HELMS**. Mr. President, I have an unprinted amendment at the desk and I ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 797 to excepted committee amendment beginning on page 155, line 8, through page 156, line 16.

Mr. **LEAHY**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On Page 156, before the period at the end of line 16, insert the following: *Provided*, That "no funds appropriated in this act shall be provided directly or indirectly for investment in or for guarantees of any investment in any enterprise which directly or indirectly is operated by or managed by officers and directors who are members of any Communist Party or which is owned in part or in whole by any Communist Party or its members individually or severally or agents identifiable as acting on behalf of a Communist Party or any of its affiliated organizations."

Mr. **LEAHY**. Mr. President, will the Senator from North Carolina yield to me for a very few minutes so that I can get some kind of a lay of the land of where we are?

Mr. President, just so Senators will know where we are, when we started out this morning there were 32 of the committee amendments that were agreed to in the original go around. Thirty-one of them have now been agreed to, either voted on with rollcall votes or various other parliamentary procedures or a voice vote, and those 31 have been accepted and are back on the bill.

We have also had a number of other amendments, probably a dozen or so, more than that, that have been voted on either by voice vote or rollcall votes also included in the bill.

We have only one committee amendment still pending, the one before the Senate now. That one I had held back because I had agreed with the Senator from North Carolina to give him a vehicle that he could use to amend which he is now in the process of doing.

We have several other amendments that are going to require rollcalls. I have been told by various Senators that they are not going to bring them in, and those are gone.

I would only ask this: If there are Senators who have amendments who are going to require rollcall votes tonight they might wish to cooperate, one, in letting us know what they are; and, two, hopefully agreeing to a very short-time agreement. For the sake of brevity, I would agree to 3, 4, or 5 minutes equally divided on those items. I only mention that because there is no reason with what we have left that we could not finish everything but third reading tonight.

We could finish third reading but I understand the distinguished Republican leader does not wish to go to third reading, and I respect that. But I think we could finish virtually everything but third reading with some cooperation.

I yield the floor.

I thank the Senator.

The **PRESIDING OFFICER**. Is there further debate on the amendment offered by the Senator from North Carolina?

Mr. **COHEN** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Maine is recognized.

Mr. **COHEN**. Mr. President, may we have the amendment read?

The **PRESIDING OFFICER**. Is there objection to the amendment being read?

The clerk will report.

The assistant legislative clerk read as follows:

: On page 156, before the period at the end of line 16, insert the following: "*Provided*, That no funds appropriated in this act shall be provided directly or indirectly for investment in or for guarantees of any investment in any enterprise which directly or indirectly is operated by or managed by officers and directors who are members of any Communist Party or which is owned in part or in whole by any Communist Party or its members individually or severally or agents identifiable as acting on behalf of a Communist Party or any of its affiliated organizations.".

Mr. **HELMS** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized.

Mr. **HELMS**. I thank the Chair.

Mr. President, this morning in the Foreign Relations Committee there was an interesting colloquy concerning aid to Poland and Hungary during the questioning of Assistant Secretary of State Seitz.

Mr. **BRADLEY**. Mr. President, could we have order? I would like to hear Senators speak.

Mr. **HELMS**. I thank the Senator.

The **PRESIDING OFFICER**. The Senate will be in order. Those wishing to converse will retire to the cloakroom.

Mr. **HELMS**. I expressed concern at the Foreign Relations Committee meeting this morning that action which is intended to benefit the private sector in Poland and Hungary could be diverted to enterprises which are directly or indirectly under the control of the Communist Party.

Mr. **BRADLEY**. Mr. President, nobody can hear the distinguished Senator from North Carolina. Would the distinguished Senator hold the microphone so we can hear, or may we have order?

The **PRESIDING OFFICER**. The Senators to my right will withhold conversation.

The Senator from North Carolina.

Mr. **HELMS**. I thank the Chair. I will try to speak a little louder, and a little more clearly, considering my Southern accent. Let me go back.

This morning at the Foreign Relations Committee, we had a witness, Assistant Secretary of State Seitz, and I expressed concern at that time that aid which is intended to benefit the private sector in Poland and Hungary could be diverted to enterprises which are directly or indirectly under the control of the Communist Party of those two countries.

I was pleased by the gracious offer of the distinguished Senator from Illinois [Mr. SIMON] to work with me to amend the bill in such a manner that would safeguard private enterprises in Poland and Hungary.

Because the bill before the Senate provides funds for assistance to Poland and Hungary and for OPIC guarantees to Poland and Hungary, I am offering this amendment at this time to provide the safeguards to ensure that these funds really do benefit the private sector in these countries. I think it would be a tragic development if the funds provided for in this act should fall into the coffers of enterprises which are managed or owned by Communist Party members. That defeats the entire purpose of what has been going on in Poland to promote freedom.

The purpose of this fund is to benefit the real private sector and the authentic private entrepreneurs in the private sector. This amendment seeks to ensure that these funds provided for in this act for Poland and Hungary are adequately safeguarded so that the real private sector can benefit in these countries.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I would like to ask the question, Who determines whether these agencies, these units, are under the control of—what is the other language—influenced by, directly or indirectly, by the Communist Party? Who determines that?

Mr. HELMS. Our Government.

Mr. CHAFEE. The administration?

Mr. HELMS. Certainly. I am confident that we have enough intelligence capability remaining in this country to do that, Senator.

Mr. CHAFEE. You say the administration supports that?

Mr. HELMS. I have not checked with the administration.

Mr. CHAFEE. But the witness from the administration does?

Mr. HELMS. Well, he indicated in his response that he thought it was a good idea, but I did not press him as to whether the administration supports it or not, because he was startled by this even being brought up. He had not even thought about it. He acknowledged that. I think this is a commonsense amendment that I hope we can proceed with.

Mr. BRADLEY. Mr. President, I would like to ask the distinguished Senator a question.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. The distinguished Senator from North Carolina, would he allow me to ask a few questions? Would co-op enterprises be covered by this? Would co-op enterprises be covered by this?

Mr. HELMS. Well, it says enterprises. Of course, co-ops are covered if they are operated or managed by members of the Communist party.

Mr. BRADLEY. Would co-op enterprises that are being operated in Poland be covered by this?

Mr. HELMS. Would the Senator hold his microphone closer?

Mr. BRADLEY. Would co-op enterprises being operated in Poland today be covered by this?

Mr. HELMS. It would be up to the judgment of the administration as to whether or not they are operated or controlled by Communists.

Mr. BRADLEY. What is the Senator's judgment? The Senator offered the amendment, and I am interested in his judgment.

Mr. HELMS. It depends on whether the Communists are operating it or not.

Mr. BRADLEY. What about, would enterprises in which Americans have been, in which supplies have been upon the host government, would they be covered?

Mr. HELMS. The same answer. This business of protecting American investment abroad when they invest foolishly—we have to put a stop to that.

Mr. BRADLEY. Could the Senator give me any example that would not be covered by this in Poland?

Mr. HELMS. I am advised that most of the agriculture, practically all of it, would not fall under this, because 70 percent is in the private sector already.

Mr. BRADLEY. If I understand what the Senator has said, he said any agriculture agreement between Poland and the United States would be exempted from this amendment?

Mr. HELMS. I did not say that.

Mr. BRADLEY. Could the Senator clarify, please?

Mr. HELMS. Clarify what?

Mr. BRADLEY. What agriculture would be covered? The Senator said he had just received information that agriculture would not be covered by this amendment.

Mr. HELMS. I believe what I said was that the vast majority, if not all of agriculture, is private and not controlled by Communists.

Mr. BRADLEY. What about funds that are controlled by the central government of the country, the exchange stabilization fund?

Mr. HELMS. The distinguished Senator from Texas said it depends on whether the government is Communist or not and whether it participates in the enterprise or not. My amendment is directed at enterprises.

Mr. BRADLEY. So that my government that is Communist that has any subsidy or any relationship whatsoever that is financial to an enterprise would be covered under this amendment; is that correct?

Mr. HELMS. It would, absolutely.

Mr. BRADLEY. Excuse me. I did not hear.

Mr. HELMS. I say absolutely.

Mr. BRADLEY. I thank the Senator for his clarification.

Mr. LEAHY addressed the Chair.

Ms. MIKULSKI. Will the Senator from North Carolina yield?

The PRESIDING OFFICER. The Senate will be in order. The Senator from New Jersey had the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Vermont.

Mr. LEAHY. Mr. President, I just ask one question. What about aid to the Gdansk shipyards? Would that be precluded under this?

Mr. HELMS. If the Gdanski Shipyard becomes privatized, the same answer, Senator it can receive assistance If the Communist government, is running the shipyard, the answer is no—no U.S. funds.

Mr. LEAHY. Mr. President, I ask the Senator further if there are Communists in the government—the Prime Minister is a member of the Solidarity union; there are cabinet members who are members of Solidarity, but there are Communists within the government, just as there are a number of our NATO allies, like Italy.

If there are agricultural co-ops that are affiliated or licensed or controlled by the government because there are Communists in the government, would aid to those agricultural co-ops be precluded?

Mr. HELMS. I am trying to give a reasoned answer and I have to refer the Senator to the language of the amendment. "Any enterprise which directly or indirectly is operated by or managed by officers and directors who are members of any Communist Party." The question is not whether the government is Communist, but whether the enterprise is under Communist control.

Mr. LEAHY. "Which is owned in part or in whole by any Communist Party or its members individually or severally or agents identifiable as acting on behalf of a Communist Party or any of its affiliated organizations."

The question is this: If the government is involved in an agricultural co-op, and the Government of Poland has within its Communists—in fact some members of the cabinet are Communists—is that affiliation such that we could not give any money to an agricultural co-op because there is government affiliation with an agricultural co-op?

Mr. HELMS. The amendment speaks for itself. If it is "operated or managed by officers and directors who are members of any Communist Party or which is owned in part or in whole by any Communist Party or its members individually or severally or agents identifiable as acting on behalf of a Communist Party or any of its affiliated organizations." I repeat: We are talking about the enterprise, not the government.

I feel somewhat about the Senator's question as I feel about Senator BRADLEY's question. The amendment speaks for itself.

Mr. LEAHY. I think to that extent "any members individually or severally acting on behalf of a Communist Party or affiliated organizations," if they are acting in any way in behalf of the governement, could that not be considered under this as an allied organization of a Communist Party if Communists are within key positions within the government.

Mr. HELMS. Precisely whom is the Senator talking about?

Mr. LEAHY. Any group, the Gdansk Shipyard, agricultural co-op, schools, transportation systems, or anything else that are affiliated in part or in whole with the government when the government is controlled partially by members of the Communist Party or their agents, is that the kind of connection?

Mr. HELMS. In that context of what the Senator said of course, the amendment means what it says. We are not supposed to be financing the Communist Party or any of its representatives. We are talking about organizations affiliated with the Communist Party.

Mr. LEAHY. The reason I raise this: I am somewhat at a loss to wonder just who in Poland we could send any aid to either in an agricultural co-op, school, transportation system, electrical system, manufacturing, Gdansk Shipyard, or anything else that do not at least under those standards have some affiliation with the Communists because the government is partially Communist controlled.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the amendment offered by the Senator from North Carolina. In doing so I identify myself as the first woman of Polish extraction ever elected to the U.S. Congress.

Mr. President, my great grandmother came to this country from Poland at the age of 16 at the turn of the century. She did not have the right to vote. She immigrated here where she thought she would have new opportunities. She would be pleased that I am here. The reason she would be pleased that I am here relates to events she witnessed and I witnessed as a young child at the end of World War II. Mr. President, this is my point. There is no one in Poland or very few in Poland who are voluntarily Communist. The people who are Communist in Poland are so because of Yalta, because of Potsdam, and because of what the free world did to them when it sold out the Polish people, the Baltic States, and other captive nations at the end of World War II. My great grandmother had on her mantlepiece three pictures, one of Pope Pius XII, her spiritual leader, the other Uncle Joe who made the police force, and we were proud of that, and the third was Roosevelt. But after Yalta and Potsdam, my great grandmother turned the Roosevelt picture face down on the mantle.

Poles everywhere, whether we live here, fully American citizens, or our cousins abroad, know that the heart and soul of Poland lie with democracy, lie with free enterprise, and lie with the West. They want to be free. They have just had a nonviolent coup. They had been forced to be Communists for almost 40 years because of the Yalta-Potsdam policy.

If this amendment by the Senator from North Carolina goes through, it will wreak havoc with what the Polish Government wants, what the Polish people want to do. The Senator from North Carolina is very accurate when he says Poland's free sector is agricultural, because it is there the Polish people refused to be collectivized. It was the only way they could revolt against the military might of the Soviet Union. Now, on the brink of righting the wrong of Yalta and Potsdam, the very party that has spoken out in behalf of a turn away from communism is going to be denied assistance through OPIC if the Senator has his way.

Mr. President, if we pass this Helms amendment, we will once again slam down the Iron Curtain on the people of Poland. It will send a signal to the people of Hungary, to the Ukraine—marching to say prayers in their own religion and under their own God—under the guise of being anti-Communists. No one can be as fiercely anti-Communist or militantly anti-Communist as someone of Polish extraction. I think we have lost our head. I think we have lost our direction, and most of all, we have lost our sense of history. Mr. President, in the most urgent and strongest way I urge the defeat of this amendment.

The PRESIDING OFFICER. The Senator from Illinois has been waiting.

Mr. DIXON. Mr. President, I do not know how many of my colleagues have looked at this amendment, but I am totally in agreement with the remarks just made by my friend, the Senator from Maryland.

This amendment says that before we can give aid to Poland or any country behind the Iron Curtain that wants to begin reforms, we have to be sure that not one person involved in any enterprise is a Communist. In any enterprise, I read here from the amendment, ladies and gentlemen, in any enterprise which directly or indirectly is operated or managed in part by any individual—why, my friends, if you have a Communist in the mailroom of a place with 5,000 employees, we cannot help.

Let me tell you something; I admire the Senator from North Carolina for his good work from time to time against communism. A lot of times I have helped. I am one of the minority on this side that voted for Contra assistance when it was pretty doggone uncomfortable as a Democrat to do that.

But we are seeing a change of the greatest proportions in the history of modern times behind the Iron Curtain. We are seeing people flee from Hungary, go on in through Austria into West Germany, out of East Germany. We are seeing Poland turn over. We are seeing Estonia, Latvia, Lithuania getting ready to go free.

I do not like Communists much either. But some of them exist. I do not like Ortega. But if they want to vote for him, it is their business. I do not run elections even in my own State. So I am not going to try to run them in Nicaragua.

But if anybody thinks we are going to change Poland or Hungary or Estonia or Latvia or Lithuania by passing this amendment, I am absolutely mortified by the thought.

We have a country reaching out, and we ought to help. I might even argue about price.

The fellow said it is always a question of price. But to say we are not going to send them anything if somebody who works in the mailroom ever carried a Communist card, you know, that is far fetched.

Mr. HELMS. Will the Senator yield?

Mr. DIXON. Why, sure, I will yield.

Mr. HELMS. Mr. President, maybe I can——

Mr. DIXON. Maybe I read it wrong. I was not always the best lawyer in Illinois, but I made a living.

AMENDMENT NO. 797 AS MODIFIED

Mr. HELMS. Mr. President, I send a modification to the desk and ask for its immediate consideration.

Mr. DIXON. Well, I hope so. It needs help.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. DIXON. I yield the floor.

The PRESIDING OFFICER. The amendment will be stated. The clerk will read the amendment to the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 792, as modified.

On page 156, before the period at the end of line 16, insert the following: "*Provided*, That no funds appropriated in this act shall be provided directly or indirectly for investment in or for guarantees of any investment in any enterprise which is directly operated by or managed by officers and directors who are members of any Communist Party."

Mr. HELMS. Mr. President, the modification which has just been read is an attempt to simplify the thrust. It removes questions which Senators may have about identifying the ownership. It focuses on control of the enterprise. Quite simply, if an enterprise is operated or managed by officers and directors who are members of any Communist Party, it does not qualify for U.S. funds. If an enterprise—or a co-op—is run by Communists, it does not qualify.

If we want to privitize Poland and Hungary, we should give private enterprise the incentive to become truly private and kick out any Communists who are officers and directors. I note that it does not say there can be no Communists employed in it, only that there be no Communist officers or directors.

Frankly, Mr. President, no Communist would know how to run a business anyway. An enterprise that doesn't kick the Communists out would be a bad investment from a financial standpoint. So this amendment is not against the people of Poland; rather, it will help the people of Poland achieve their goal of freedom and prosperity.

Mr. HOLLINGS. Mr. President, I am fearful that this amendment, even with the modification by my distinguished colleague from North Carolina, and I know what the intent is, would really hinder our agricultural program.

The idea expressed a moment ago by Senator MIKULSKI that the Iron Curtain is going to come down is right but the Iron Curtain is going to come down on the American farmer, with this amendment.

In 1935 we passed the Export-Import Bank Act. And we did it under the Communist Stalin government.

Under that act we gave guarantees so we could sell at a reduced cost, and at a low-interest rate, wheat and feed grains and the like to the Soviets. We continue to do it today and now we are also selling Boeing airplanes and everything else. Well, the Senator's amendment in essence would nullify these activities.

I do not think the distinguished Senator wants to do that. I want to do what he wants to do. But we do not live in that kind of world today. And I do not know how you really could give aid to Poland and start drawing a line as to who is a Communist and who is a member of Solidarity. It is my understanding that a member of Solidarity may also be a Communist and many of them are members of Solidarity.

I think it is unfortunate that we want to try to draw the line in that fashion. The main idea is to get aid there. You and I are not sent by our States to aid the Communists, but there are programs that would aid our foreign policy by getting assistance to Poland and because there are Communists there it would be an overreaction to repeal the Export-Import Bank.

We have all kind of programs, directly and indirectly, guarantees and everything else, that are on the statute books that could not be administered. I do not think we want to do that.

I thank the distinguished Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not want to cut anybody off. I just tell my colleagues I am very shortly going to move to table, with all deference. I will make sure if anybody wants to speak they can. But so we understand, Mr. President, why I would, I hold no tract for the Communist Party, nor do I want to send money to the Communist Party. But we should also understand some of the things we do, realistically.

A number of our NATO allies have Communists within their governments. They have parliamentary systems of government, and they have Communists in their government. We are not going to cut off dealing with our NATO allies because of that.

We also have to understand that, in Poland, we have a country which has been at a state-organized economy, state-organized education system, state-organized food distribution system, that of course it is intertwined with members of the Communist Party.

Adoption of this would make it absolutely impossible to do the things that President Bush said he wants to do, that various Members, Republicans and Democrats alike in this body have said they want to do for Poland. We would not be able to give aid to an educational system because somewhere it is related to the Government, and somewhere there are Communists, probably a lot more than just some.

The same is true with agricultural co-ops, in all likelihood with the Gdansk shipyard. Certainly to upgrade communications systems or electrical systems, any other things which have any kind of state control, which is most of it we would not be able to. Because directly or indirectly it goes back to the Communist Party, their affiliates or agents in there.

If somebody wanted to follow step by step, it would be impossible to give aid to Poland. So, therefore Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I would withhold, as I said earlier. I did not hear anybody speak. I said earlier I will withhold, of course, if Senators wish me to. But I will withhold. The hour is getting late.

The PRESIDING OFFICER. The motion is withheld.

Mr. LEVIN. Mr. President, the amendment that was accepted by the committee will open the way for the Overseas Private Investment Corporation [OPIC] to insure American companies that invest in enterprises in Poland and Hungary. This is an important step, one I have been working to achieve for some time, and I am pleased to support it.

On April 18 of this year, as well as during the last Congress, I introduced legislation which would have done exactly that. My bill, cosponsored by Senators DIXON, MIKULSKI, MURKOWSKI, and SIMON, was introduced before the riveting events of this past summer unfolded in Poland. Even before the Roundtable Talks, before the stunning and overwhelming rejection of the Communist Party by the Polish people at the ballot box, and before the dramatic, historic installation of a Solidarity-backed, non-Communist Prime Minister, I believed it was important and appropriate to encourage private enterprise in Poland. This legislation today achieves the intent and purpose of my proposal. This legislation will "foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process * * * which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy."

It was, and remains, important to help restructure the economy from State ownership to private ownership. Economic and political reforms are inseparable in Eastern Europe, and it is wise policy to do all we can to encourage the process now underway. The Polish people have embarked on an uncharted journey, and the Hungarian people are anxious to cast off. Dramatic and historical change is afloat, and we are fortunate not only to bear witness, but to be in a position to assist.

That is why I am so pleased that this bill before us includes a provision allowing OPIC to back American investments in Poland and Hungary.

Poland is at a crossroads, and it is not only in the interest of the Polish people that the road they travel leads toward free enterprise and independence, but it is in our national security and economic interest, too. This OPIC provision is only one step in view of the monumental challenges facing Poland and Hungary, but it is a positive and real step, which will bear positive and real fruit. I commend Senator LAUTENBERG and the committee for including it.

Mr. LAUTENBERG. Briefly, Mr. President, the eloquent statement made by the Senator from Maryland I think conveys the feelings most of us have about this. It would be a shock if at this time in history, as it develops in Poland and Hungary that we pull the rug out from under them.

I have to remind the Senator from North Carolina that the first election in 40 years was recently held in Poland. Solidarity is now in control. When we talk about businesses we include the Gdansk shipyard. I visited there just a couple of weeks ago, it will have the Government as a partner in that enterprise.

The Government in Poland includes some members of the Communist Party. The modified amendment the Senator from North Carolina sent up includes directors of a company.

I would ask the Senator if he means that if a company has a director who is a member of the Communist Party, is that too, then, excluded from help with any of the funds that we send? Would the Senator from North Carolina respond?

Mr. HELMS. I will just refer the Senator to the language: "Operated by or managed by officers or directors who are members of any Communist Party." The amendment speaks for itself. If the Senator wants to send U.S. money to enterprises operated or managed by the Communist Party, he can do so. I have never heard so much foofaraw.

Mr. LAUTENBERG. We're not trying to support Communists. Along with President Bush, we're trying to stimulate the private sector and help Poland on the road to economic recovery. I asked the Senator for an explanation. He gave it to me.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey retains the floor.

Mr. LAUTENBERG. Mr. President, the fact is that this amendment would undercut all of the efforts that have been portrayed as the United States works for democracy in Poland and Hungary. I think it would be a gross disappointment for all the people to whom the President has made promises and we have made promises to, that we are going to stand behind them. If in fact there is one Communist lurking in the background of an enterprise, that should not stop us. That is the condition we are involved with there.

I urge us to get on with the business of passing this and say to the people of Poland and Hungary we are with you and we want to help you. Our effort to support the private enterprise system ought not to be blocked because, perhaps, a couple of Communists may sit on a board of 20 directors, if that is the structure of an enterprise.

I hope we will table this amendment very quickly.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will be very brief. I indicated to the Senator from North Carolina this morning at our hearing that I would try to work with him when the response from the Assistant Secretary of State to this question, frankly, was not an adequate response.

The amendment that he has now offered is an appreciable improvement over the previous amendment, and I am going to, as a gesture of good will to the Senator of North Carolina, vote with him on this.

If it should be defeated, and I sense here that it may be defeated, I say to the Senator from North Carolina, I will work with him before the aid to Poland and Hungary bill comes up. I think that will be coming up in 2 or 3 weeks.

But I think my colleagues should take a look at the amendment as it has been modified. It is an appreciably improved amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I have been very interested in the oratory here tonight. Some small part is relevant to the amendment. The oratory did not relate in the main, to terms of what the amendment, particularly as modified, really says. All I ask is that a copy of the amendment, the text of the amendment, as modified, be placed so all Senators on both sides can see it. All I am saying is that the American taxpayers' funds should not be provided directly or indirectly for investment in or for guarantees of any investment in any enterprise which is directly operated by or managed by officers or directors who are members of any Communist Party.

We are not talking about Solidarity. I hope Senators know that that is not the case. What we are talking about is whether we are going to offer economic support to Communists who operate these entities. That is all the amendment says.

And Senators can take flight with their oratory all they want. It is 16 minutes to 11 o'clock. If they want to move to table this thing, that is fine.

I ask for the yeas and nays when the motion is made.

I have not yielded the floor.

Mr. DOLE. I want to make one inquiry. This applies to countries other than Poland; is that correct?

Mr. HELMS. That is correct.

Mr. DOLE. Not limited to Poland.

Mr. HELMS. That is correct.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I want to move to table. I do not want to cut anybody off.

Mr. LEVIN. If the Senator will yield 1 minute.

Mr. LEAHY. Mr. President, I ask unanimous consent that I yield to the Senator from Michigan for 2 minutes without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection is is so ordered. The Senator from Michigan is recognized.

Mr. LEVIN. I, too, have been to Poland recently and met with Lech Walesa, and one of the things he urged upon us is we support private enterprise in Poland. The language in the bill supports private enterprise in Poland. This amendment, even as modified, will destroy this effort to support private enterprise in Poland because it is so broad. If 1 director out of 20 managing a private enterprise is a Communist, assuming you can figure that out, this amendment will deny guarantee of the loan that enterprise. That is all it takes is one director, because this amendment says "if there is direct operation or management by directors or members of the Communist Party." One out of 20, 2 out of 20 destroys OPIC's capability to guarantee a loan to that enterprise and undermines an effort to promote private enterprise in Poland.

If there is anything we want to do in Poland, it is to promote private enterprise. Let us do it and let us defeat this modified amendment, which is still overly broad.

Mr. CRANSTON. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I wonder if the Senator would withhold for just a moment, and I will certainly yield to him for a question. Mr. President, I wonder if I might ask my distinguished friend from Wisconsin, the ranking member of the subcommittee, if the administration, President Bush's administration, has a position on this amendment in favor of it or opposed to it.

Mr. KASTEN. If the Senator will yield, we have checked both the amendment and the amendment, as modified, and the administration is opposed to the amendment and the administration is opposed to the amendment, as modified.

Mr. LEAHY. I thank my friend from Wisconsin. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, it is my understanding that this will be the last rollcall vote. I ask the distinguished Republican leader if that is correct. He may want to consult with other Senators in that regard.

Mr. DOLE. If the majority leader will yield, I have asked the distinguished Senator from North Carolina if he might be willing to put the China sanctions amendment on State, Justice, and Commerce because that is where they put the authorizing legislation. I think he indicated that would be satisfactory.

Mr. HELMS. Yes.

Mr. DOLE. As far as I know, it would be up to the managers. There are no other amendments on this side which will require a rollcall. There will be some amendments offered and accepted by the managers, so the answer is yes.

Mr. MITCHELL. I know of no amendments on this side that are contested, but there are several Senators who have amendments that will be accepted and those Senators—

Mr. LEAHY. If they stay.

Mr. MITCHELL. Must remain if they want their amendment accepted because we are going to complete action on this bill up to third reading tonight and then set it aside and move on to another bill.

Is there any Senator who has an understanding other than that which has been expressed by the distinguished minority leader and myself?

All right, that being the case, Mr. President, this will be the last rollcall vote and then we will complete action on this bill. For the benefit of Senators, the Senate will come into session at 10 tomorrow and hopefully be on the next bill by 10:30. Approximately those times. I will discuss it further with the distinguished Republican leader.

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 797, as modified. The clerk will call the roll.

Mr. HELMS. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—74

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Matsunaga
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Specter
Wirth

NAYS—24

Armstrong
Cochran
Dole
Garn
Gramm
Hatch
Helms
Humphrey
Lott
Mack
McCain
McClure
Murkowski
Nickles
Pressler
Shelby
Simon
Simpson
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—2

Domenici
Pryor

So the motion to table amendment No. 797 was agreed to.

Mr. LAUTENBERG. Mr. President, I move to consider the vote by which the motion to table was agreed to.

Mr. LEVIN. I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 798 AND 799

Mr. GRAHAM. Mr. President, I ask unanimous consent to send two amendments to the desk so they can be considered en bloc, both of which have been agreed to by the managers on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report. Is there objection? Hearing none, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposed amendments numbered 798 and 799 en bloc.

Mr. LEAHY. Mr. President, I ask unanimous consent that we dispense with reading of the amendment.

Mr. CHAFEE. Mr. President, I would like an explanation as to what we are voting on.

Mr. LEAHY. I assume the Senator from Florida is going to give an explanation.

The PRESIDING OFFICER. Hearing no objection to that motion, it is so ordered.

The amendments are as follows:

AMENDMENT No. 798

At the appropriate place in the bill, insert the following:

(1) FINDINGS.—The Congress finds that—

(a) the United Nations in 1989 issued its first report on humans rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(b) the report extensively documented across-the-board human rights abuses that include cases of torture, missing people, religious persecution, violations of civil and political rights and violations of economic and social rights;

(c) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment;

(d) among the abuses reported to the U.N. were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave.

(e) the U.N. commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the U.N. group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(g) at least 22 Cuban human rights activities who were arrested are currently serving prison sentences or being held without trial;

(h) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group;

(i) since March 9, 1989, the United Nations has failed to take any substantive action to follow up on the March 9 resolution. The United Nations also has failed to intervene on behalf of those who are now imprisoned because of their attempts to testify before the United Nations human rights investigative group last fall.

(2) STATEMENT OF POLICY.—In the interest of promoting respect for human rights in Cuba, the Congress—

(a) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate follow up action on the Commission's report;

(b) calls on the Secretary General to specifically urge the Cuban government to release the 22 persons still being held in detention because of their human rights activities.

(c) calls on the United States Ambassador to the United Nations to make known in the strongest terms the dissatisfaction of the United States with the failure by the United Nations to continue to act on its own resolution.

(d) calls on the Secretary of the United Nations to expand the United Nations' investigation of Cuba to include an examination of labor rights in recognition of current Cuban law which prohibits the formation of independent unions and which has led to the imprisonment of those Cuban workers who have tried to organize themselves.

AMENDMENT No. 799

At the appropriate place in the bill, insert the following:

FINDINGS.—The Congress finds that—

(1) producers of agricultural commodities in the Caribbean region (including the Caribbean Basin nations and those states in the United States abutting the Gulf of Mexico) have common prospects and problems;

(2) among those common problems are: pest management, transportation, postharvest handling and treatment, market penetration, and proper crop selection and management. As an example, the declining research on and availability of environmentally safe pesticides and pest management technologies are common problems for both United States and Caribbean producers in the region;

(3) it would be in the mutual benefit of United States and Caribbean agricultural interests to jointly seek solutions to these problems. Such as effort would benefit United States agricultural production, and at the same time, make a contribution to the objectives of the Caribbean Basin Initiative;

Therefore, in order to expore the feasibility and potential benefits of such a partnership, the Agency for International Develoment is directed to conduct a feasibility study, in consultation with representatives from United States and Caribbean agricultural industries and the appropriate governmental representatives. AID is directed to study the feasibility of establishing a Center to conduct research on agricultural production in the region, including chemical, biological, field, and biotechnology research. The study should identify priorities in terms of common problems facing producers of agricultural commodities in the region and, if warranted, establish a framework to conduct comprehensive research and develop solutions to these problems.

The study shall be completed no later than June 1, 1990.

Mr. GRAHAM. Mr. President, briefly, the two amendments that I have offered, one relates to a direction to the Agency for International Development to undertake a study of feasibility of establishing a joint United States-Caribbean Center for Agricultural Research, a center that could study agricultural issues that were common to our country and to the Caribbean region.

The second relates to Cuban human rights. The United Nations, through its Human Rights Commission, has undertaken a study of circumstances in Cuba. This resolution calls on the United Nations to act upon the resolution which it has already approved and to assure there is adequate implementation and monitoring of that resolution, and it specifically calls on the Secretary General to urge the release of 22 persons who are still being held in detention because of their human rights activities and points to the special violations which are occurring directly to those who are attempting to establish a free trade union movement in Cuba. Those are the two matters which have been presented, which I will urge be adopted en bloc.

The PRESIDING OFFICER. Is there further discussion on the amendments?

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. These amendments have been reviewed and have our support.

Mr. LEAHY. I have no objection to them.

Mr. GRAHAM. I ask unanimous consent that a document entitled "Human Rights in Cuba," by The Cuban American National Foundation, be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE CUBAN AMERICAN
NATIONAL FOUNDATION,
Washington, DC.

HUMAN RIGHTS IN CUBA, MARCH–AUGUST 1989

On June 10, 1989, the human rights organization America's Watch issued a report stating that Cuban human rights activities will pay a heavy price for the decision earlier this year by the United Nations Human Rights Commission (UNHRC) not to extend its investigation of Cuba for another year. "They will pay the price unless some other means is found to sustain the attention of the international community on the situation in Cuba," said the report.

The information collected below reveals that since the conclusion of the UNHRC's session in March, human rights activists in Cuba have indeed suffered. The Cuban American National Foundation concurs that continued international scrutiny is the only hope that the work of human rights activists in Cuba not be in vain. It is with this in mind that the data below has been collected.

On March 16, the Spanish Society for Human Rights (SEDH) severely criticized the Spanish government for impeding the United Nations Human Rights Commission's continued investigation of human rights in Cuba by abstaining in the vote to continue the investigation for one more year.

On March 19, the outlawed Cuban Human Rights Party (PPDHC) announced that it would send to United Nations Secretary General Javier Perez de Cuellar 2,000 signatures collected in Cuba supporting a plebiscite on the island.

On March 24, the General Secretary of the Cuban Committee for Human Rights (CCPDH), Gustavo Arcos Bergnes, said the Cuban government was denying him, his brother and two nephews—all human rights activists—the right to leave the island.

On March 27, three members of the Cuban Human Rights Party (PPDHC) were arrested in Havana. A spokesperson for the organization, Esther de Cespedes, said state security agents ransacked the home of Juan Pablo Martinez Madilio searching for names of Cubans who had signed a petition in support of a plebiscite in Cuba. Although no names were found, the agents still arrested Martinez and two other members of the PPDHC, Carin Gort Valenzuela and Ariel Reyes Vila.

On March 28, three Cuban dissident organizations in Havana announced their integration into one organization, the Coordinating Organization for Human Rights (CODEHU). In one of its first actions, the CODEHU presented a letter to the Soviet embassy in Havana asking Soviet leader Mikhail Gorbachev to end his support for the repressive tactics of the Cuban Communist Party.

On March 30, the Cuban government arrested more than ten human rights activists who had planned a demonstration in front of the Soviet embassy in Havana to show support for the reforms being implemented by Soviet leader Mikhail Gorbachev. Among those arrested were Samuel Martinez Lara, General Secretary of the Cuban Human Rights Party, and Roberto Bahamonde, member of the Cuban Commission on Human Rights and National Reconciliation.

On March 31, the Cuban government denied the wife and son of Cuban engineer Candido Fernandez Amador the right to emigrate. Fernandez had defected in Canada in May 1988 on a working trip to the Soviet Union. Fernandez had already paid more than $7,000 for visas and airfare to Panama.

On April 5, Cuban human rights activists Elizardo Sanchez announced that at least 21 people who supported the reforms of Soviet leader Mikhail Gorbachev had been arrested. The arrests followed the detention of Samuel Martinez Lara, who planned the demonstration in front of the Soviet embassy. The Cuban government would only say that some arrests had taken place and provided no further details.

On April 7, Ricardo Bofill, President of the Cuban Committee for Human Rights (CCPDH), appeared before the Inter-American Commission on Human Rights of the Organization of American States to denounce the arrest of 21 Cuban dissidents during Soviet leader Mikhail Gorbachev's visit to Cuba.

On April 7, the Congressional Friends of Human Rights Activists, a group of 29 Senators and 133 Congressmen, sent a letter to the Cuban government expressing concern over the incarceration of Tania Diaz Castro, General Secretary of the Cuban Human Rights Party. Ms. Diaz was arrested in November 1988 while trying to visit long-term political prisoner Ernesto Diaz Rodriguez at the Combinado del Este prison. American journalist Roger Reed, who visited Cuba in 1988 and met with Diaz and other human rights activists, said her arrest was "probably a reprisal against her for having informed the United Nations Human Rights Commission about human rights in Cuba."

On April 8, several Cuban human rights activists were tried arbitrarily behind closed doors in Havana and sentenced as common criminals, according to Ricardo Bofill, president of the Cuban Committee for Human Rights.

On April 13, Roberto Bahamonde, the only Cuban dissident to declare himself a delegate candidate to the Provincial Assembly of Havana on a program of reforms similar to those taking place in the Soviet Union, disappeared, according to his wife and sister in Havana and Miami, respectively. Bahamonde was detained on April 4 by state security agents and had not been seen since.

On April 15, it was reported that two Cuban youths, German and Reylan Delgado Temprana, 21 and 19 years old, respectively, had been accused in January 1989 of "inciting" government authorities, an offense punishable by three to eight years in prison. The account was reported in Miami by an uncle of the youths, Domingo Delgado Fernandez, who said police provoked the incident with his nephews and beat them during the arrest. Mr. Fernandez said the action was retribution for a 1981 incident in which the youths joined their parents, brother, uncle, and other family members in seeking asylum in the Ecuadoran embassy in Havana.

On April 15, the Coordinating Organization for Human Rights in Cuba (CODEHU) issued a plea from Havana to international human rights organizations and political and religious leaders to ask the Cuban government to grant a total amnesty to political prisoners on the island and end its repression of human rights activists in Cuba.

On April 15, Gustavo Arcos Bergnes, General Secretary of the Cuban Committee for Human Rights (CCPDH), reported that state security agents ransacked the homes of human rights activists Enrique Acosta Ruiz and Lazaro Rosa Arbolaez. The agents confiscated the sheet music of various songs composed by Acosta. Both men were detained and questioned at Villa Marista, headquarters of state security, without being told of the charges against them. Acosta and Arbolaez had previously served prison terms for trying to leave the country illegally. In September 1988, they were detained several days for testifying before a United Nations Human Rights Commission delegation that visited Cuba.

On April 17, the Cuban Committee for Human Rights (CCPDH) issued a detailed report on the increase of repression in the prisons and streets of Cuba during the past few months. According to Ariel Hidalgo, Vice President of CCPDH in Miami, the report emphasized that the state police "are terrorizing practically the entire population."

On April 17, psychiatrists across the United States received an urgent plea to ask the Cuban government to stop psychological torture against political dissidents. The request was part of a campaign sponsored by Of Human Rights, a human rights organization based in Washington.

On April 18, state security agents arrested a young human rights activist named Sergio Raul de la Vega Gomez, according to Gustavo Arcos Bergnes, General Secretary of the Cuban Committee for Human Rights (CCPDH). The youth had also been arrested in September 1988 for testifying before the UN Commission delegation.

On April 18, the President of the Cuban Commission for Human Rights and National Reconciliation, Elizardo Sanchez, was arrested before a meeting with a Latin American labor activist. According to the Commission's spokesperson, Yndamiro Restano, Sanchez was degraded during his detention and "offended verbally with threats of beatings" before being released.

On April 20, an unidentified mob brutally beat Professor Angela Rey Miranda, 66 years old, while she was returning home from a meeting of human rights activists. According to Gustavo Arcos Bergnes, General Secretary of the Cuban Committee for Human Rights (CCPDH), "Professor Rey, a member of the executive board of the CCPDH, was attacked at night by people dressed as civilians who left her unconscious on the street with a severely injured arm."

In February 1989, Professor Rey's home was pelted with rocks and beseiged by gangs organized by the Committee for the Defense of the Revolution. According to Arcos, "These attacks were carried out to intimidate an entire family of human rights activists." Angela Rey's husband, the Cuban painter Manuel Borges, and her daughter are also active members of the CCPDH.

On April 24, Adela Cervantes, the sister of political dissident Roberto Bahamonde, announced that he was being held in the Combinado del Sur prison. Cervantes received the information from Bahamode's wife and mother in Havana who were allowed a brief visit with him in prison. Cervants said that Bahamonde had been sentenced to three months in prison for plannig a demonstration in front of the Soviet embassy in Havana during the visit of Soviet leader Mikhail Gorbachev.

On April 24, Gustavo Arcos Bergnes, General Secretary of the Cuban Committee for Human Rights (CCPDH), announced from Havana that the Cuban government continues making arrests of human rights activists on the island in an attempt to "brutally crush any form of peaceful political opposition."

On April 24, Amnesty International called on Cuba to eliminate its system of capital punishment and denounced the Cuban judicial system for not granting accused persons sufficient guarantees for a fair defense and trial. Amnesty cited Cuba for failing to apply normal judicial processes when handing down death sentences.

On April 25, long-term political prisoner Alfredo Mustelier Nuevo, who had been on a hunger strike since April 8, sent a letter to the Secretary General of the United Nations, Javier Perez de Cuellar, denouncing the repressive tactics used against him by the Cuban government. A copy of the letter was read over the telephone to Ariel Hidalgo, Vice President in Miami for the Cuban Committee for Human Rights (CCPDH), by Gustavo Arcos Bergnes.

On April 27, it was announced that Rafael Javier Bahamonde, 16 years old, was to be tried by the Popular Municipal Tribunal on charges yet to be determined. The boy's aunt in Miami, Adela Cervantes, said family members in Cuba told her that Julia Averof, President of the Committee for the Defense of the Revolution (CDR), who oversees his neighborhood street, had continually harrassed the youth ever since the arrest of his father, Roberto Bahamonde, who is serving three months in the Combinado del Sur prison. Bahamonde's father was arrested on April 4 after planning a demonstration in front of the Soviet embassy in Havana during the visit of Soviet leader Mikhail Gorbachev.

On April 27, Pablo Llabre Laurell, a Vice President of the Cuban Committee for Human Rights, travelled to Lima, Peru, after receiving permission to emigrate. When leaving Cuba, Llabre was subjected to a meticulous search of his personal belongings by state security agents who shredded his clothes with a knife. Llabre related this story to his cousin in Miami upon arriving in Lima. Llabre also said his college and law school diplomas were destroyed by police. He said that on his flight to Panama, a stopover, he was verbally abused by three Cuban security agents, who did not stop their harrassment until Panamanian diplomats on the plane intervened.

On May 1, state security agents in Havana arrested former political prisoner Armando Alonso, according to Alonso's wife, who telephoned Ariel Hidalgo, spokesman for the Cuban Committee on Human Rights (CCPDH) in Miami. Alonso was detained after visiting a foreign diplomat with Sebastian Arcos, a Vice President of the CCPDH. His family was not informed of the government's reasons for detaining Alonso, only that he was being held at the Villa Marista prison in Havana.

On May 2, fifty human rights activists and intellectuals added their signatures to the "Letter of Paris," a document circulated in 1988 in support of a plebiscite in Cuba. Over 160 people representing the arts and humanities community around the world had signed the petition.

On May 4, an underground publication, "The Lens," began circulating in Cuba. The four-page newsletter called itself "the first freely published publication with mass distribution to expose the truth about the economic and social processes of the Cuban revolution." The editors of the publication did not identify themselves because, according to them, the repeated arrests of political dissidents and human rights activists have made it impossible to work openly.

On May 4, it was reported that long-term political prisoner Alfredo Mustelier Nuevo was continuing his hunger strike in the Combinado del Este prison. His wife, Maria Caridad Aguirre, said from Havana that there had been attempts to misinform the public about her husband's situation. Mustelier began the hunger strike on April 8 to protest government reprisals against his family and the abusive treatment they received when visiting the prison. Aguirre said that the previous Saturday she had gone to Combinado del Este prison and was not allowed to see her husband.

On May 7, Elizardo Sanchez, President of the Cuban Commission for Human Rights and National Reconciliation, said from Havana that the judicial process involving political dissidents and human rights activists in Cuba continue to be marked by several irregularities. According to Sanchez, "The trials continue to be held in virtual secrecy, without the possibility of presenting testimony or a defense attorney." He gave as examples human rights activists Samuel Martinez Lara, David Moya, Roberto Bahamonde, and Hiram Abi, who were tried and sentenced secretly in the Municipal Tribunal of Vedado last April Sanchez also said that human rights activists are sent to different prisons all over the country and far from their families and "confined with common dangerous criminals." He cited as examples Martinez Lara, Bahamonde, Moya and Armando Araya, who were sent to Aguica, Combinado de Sur, and Cinco y Medio prisons, respectively.

On May 7, the Liberty for Tania Diaz Castro Committee was formed in Havana by the Association of Independent Cuban Journalists (APIC). The Committee will get signatures inside and outside of Cuba to present to United Nations General Secretary Javier Perez de Cuellar in support of Ms. Diaz, as well as participating in other activities for human rights. Ms. Diaz has been jailed since November 1988.

On May 8, the Popular Provincial Tribunal of Havana confirmed the sentences imposed on three human rights activists last April. The General Secretary of the Cuban Human Rights Party, Samuel Martinez Lara, Vice Secretary David Moya Alfonso, and Roberto Bahamonde, an executive member, had appealed a decision by the Municipal Tribunal which sentenced them to three to nine months in prison. The three men were arrested on April 4 and accused of an illegal assembly when they tried to organize a demonstration in front of the Soviet embassy in Havana to ask for democratic reforms in Cuba. During the trial the men were not permitted to have their families present or to be represented by independent attorneys, according to Adela Cervantes, Bahamonde's sister in Miami.

On May 8, it was learned that Maria Celina Rodriguez Suarez, President of the Free and Faithful Sisterhood for Christian Rights (HPDCLF), was detained illegally between April 6 and 12 in Villa Marista prison. According to a statement by her organization, Rodriguez "has suffered on repeated occasions these arrests for defending religious rights." The HPDCLF issue a statement containing 29 points which asked the government to Cuba for "greater freedom of worship."

On May 11, long-term political prisoner Alfredo Mustelier Nuevo, on a hunger strike for 34 days in the Combinado del Este prison, was in critical condition, according to his wife, Maria Caridad Aguirre. The prison authorities said that Mustelier had serious complications and that his case was in the hands of Interior Minister Jose Abrantes. Mustelier has spent 20 years in Cuban jails. He went on a hunger strike to protest the abusive treatment of his wife and other political prisoners' families by prison authorities.

On May 15, it was learned that human rights activist Robert Bahamonde would be tried for theft by the Popular Provincial Tribunal in Havana. His sister in Miami, Adela Cervantes, said that the accusation against Bahamonde is an attempt by the government to discredit him for his statement on the human rights situation in Cuba. "I denounce once again the Cuban government's attempts to demoralize my brother, this time by inventing a common crime," stated Cervantes. On April 4, state police entered Bahamonde's home and confiscated a camera and flash. She said, "The camera was a gift given by my mother years ago and the flash I myself sent it to him from Miami." However, Cervantes' main concerns are more grave. "My greatest worry is that in 1975 he [Bahamonde] was subjected to eight electroshock treatments although he was in perfect health physically and mentally. These treatments occurred in the Havana Psychiatric Hospital. I have documents signed by doctors which certify the unnecessary application of these treatments." Bahamonde is presently in a maximum security cell in Combinado del Sur prison serving a three-month sentence for "illegal assembly."

On May 15, Cuban composer and human rights activist Jose Herrera, 62 years old, was beaten by two unidentified assailants in the Santa Amalia neighborhood of Havana. Jose Solis, a Vice President of the Cuban Committee for Human Rights (CCPDH), said in Miami that Herrera was left lying almost unconscious in the street before being taken to the National Hospital. Herrera, who has been arrested several times by state security, is the composer of the hymn of the CCPDH and is part of its executive committee.

On May 15, two Cuban human rights leaders asserted that the human rights movement in Cuba will continue its work despite the repression of the Castro regime. Attorney Pablo Llabre Laurell, 38 years old and Judicial Secretary of the Cuban Committee for Human Rights, and Maria Esther de Cespedes Riccardi, 53 years old and Press Secretary for the Cuban Human Rights Party, said the cause for human rights in Cuba cannot be crushed. According to Llabre, "The ideal of human rights is on the island to stay. It is impossible to crush it and it continued to grow every day."

On May 17, Maria Caridad Aguirre, wife of long-term political prisoner Alfredo Mustelier Nuevo, on a hunger strike since April 8, asked for the intercession of a Catholic priest to give her husband his last rites due to his grave health. Aguirre spoke with the Archbishop of Havanna, Jaime Ortega Alamino, who promised to ask the Cuban government for permission to give religious support to Mustelier.

On May 22, Catholic Bishop Eduardo Boza Masvidal and a group of Cuban priests living in Venezuela espoused their position concerning religious rights under Fidel Castro's government in a published document. The document stated that the Cuban Church today suffers "with the innumerable families separated, with the people watched and spied-on, with the children indoctrinated with atheism, with the youth lacking any horizons or seeing a way out of their desperate situations, and with the 10,000 young people who have died in Angola." The document asked for the following conditions of the Cuban government.

Allow the Church to preach and evangelize liberally outside the churches and allow religion to be an open experience and not something that must be kept inside one's conscience.

Allow freedom of expression through all Church and state mediums of communication.

Allow the Church to open schools and allow parents the right to register their children in these schools.

Assure that Christians will not be discriminated against in any manner and allow them to live free public lives.

Build churches in new neighborhoods and repair old ones.

Allow the Church to minister to prisoners and especially those sentenced to death.

Allow the Church to have an adequate number of priests to minister to all the Catholics in the country.

On May 30, it was reported that David Moya, Vice President of the Cuban Human Rights Party (PPDHC), was on a hunger strike in the Cinco y Medio prison in Pinar del Rio to protest his incarceration with common criminals. Moya was sentenced to nine months in jail last April0 on charges of "illegal assembly" when the PPDHC planned a demonstration in front of the Soviet embassy in Havana.

On June 1, the organization Liberty and Faith, which includes members of different religious denominations in Cuba, reported that a number of its members had been arrested. The report said "in the past few weeks, numerous religious activists have been arrested, among them Roberto Rodriguez Carabeo, Roberto Martin, Ana Dora, Miguel Rodriguez Perez, Felipe Bofill, Angel Cruz Castaneda and several others, who did nothing more than spread the teachings of Christianity."

On June 1, it was reported that four human rights activists had been on hunger strikes for several days in Combinado del Este and Quivican prisons. According to Gustavo Arcos Bergnes, General Secretary of the Cuban Committee for Human Rights (CCPDH), three members of the CCPDH. Enrique Acosta Ruiz, Lazaro Rosa Arbolaez and Sergio Raul de la Vega Gomez were on hunger strikes since May 17. In Quivican prison, Carlos Novoa Ponce, a member of the Association for Free Art, has been on a hunger strike since May 5. The family of Acosta was denied a visit when they attempted to see him in Quivican prison.

On June 2, it was reported that human rights activists jailed with common criminals in Cuba have declared a hunger strike demanding recognition as political prisoners. The Cuban Commission for Human Rights and National Reconciliations said that Juan Enrique Garcia Cruz, Vice President of the Association for Free Art (APAL), declared himself on hunger strike May 25 in Havana's Guanajay prison. Other members of APAL on hunger strikes since then are Lazaro Cabrera, jailed in Quivican prison, and Gilberto Plascencia and Pablo Roberto Pupo, jailed in Alamar prison. Others who delcared themselves on hunger strikes are Carlos Novoa and Jorge Luis Mari Becerra, leaders of the Cuban Christian Democrat Committee, who are jailed in Quivican prison.

On June 3, the President's Group for Support and Coordination, the state agency that carries out Fidel Castro's special projects in Cuba, ordered the demolition of low-income housing in the region of Guanabo, Santa Maria del Mar, Campo Florido and Boca Ciega. The measure was taken to remove the slums from areas designated for international tourism. According to Gustavo Arcos, General Secretary of the Cuban Committee for Human Rights, there had been 12 demolitions in Guanabo alone as of May 16.

On June 3, human rights activist Gisela Hidalgo, a Miami resident, was expelled from Cuba for illegally meeting with political dissidents. Hidalgo had been in Cuba since May 27 on a special visa given by the Ministry of Foreign Relations (MINREX) which she had asked for to interview Cuban human rights activists. "I explained from the beginning what I wanted and they gave me the visa," stated Hidalgo. Rene Monzote, an official of MINREX, told Hidalgo that she should leave the country immediately because she was organizing meetings with "enemies of the revolution" to coordinate and unite the different dissident organizations on the island.

On June 9, Roberto Bahamonde, a Cuban political dissident who was sentenced to three months in prison in April, was sentenced to 12 additional months by the municipal tribunal of Havana. Bahamonde, 52 years old, was arrested in his home on April 4 by state security agents and charged with "illegal assembly." Bahamonde had planned a peaceful demonstration in front of the Soviet embassy in Havana during Mikhail Gorbachev's visit, the purpose of which was to ask for democratic reforms in Cuba similar to those in the Soviet Union. In the latest trial, Bahamonde was charged with "illegal economic activities" and received the maximum sentence for possessing a camera and flash with no proof of ownership. This sentence came at a time when Bahamonde had only days left on his first sentence. A few years ago, Bahamonde applied to leave Cuba, but his request was denied and he lost his job as an agriculture engineer. He was then imprisoned and then transferred to a psychiatric prison hospital in Havana where he received shock treatments. Since leaving prison he had supported his wife and four children by taking pictures at weddings and birthday parties. For that "illegal economic activity" he was given the maximum prison sentence of one year. In March 1989, Bahamonde ran as a candidate for the municipal assembly in Havana. It was the first time a political opponent challenged the Cuban government using the electoral system to attempt reforms from within the government. Bahamonde's reform platform consisted of the following ten planks.

The right to leave or enter the country for all Cubans.

End the confiscation of homes or property of those persons who wish to leave the country.

End the illegal status of self-employment.

End the illegal status of the free market.

Allow the free expression of thoughts and end censorship of the press. "We want to be aware of what happens in Cuba and in the rest of the world by listening to foreign news broadcasts. We want our country to have access to all the news," said Bahamonde.

Eliminate ration books.

Recognize Cubans as having the same rights as foreigners. "Foreigners in Cuba are showered with attention, but those of us that were born here are not even allowed to enter the hotels, tourist centers and other areas where foreigners are received splendidly," said Bahamonde.

Allow the existence of other political parties besides the Communist party.

End discrimination against people who disagree with the government.

Free all political prisoners.

On June 15, Americas Watch issued a report stated that Cuba has imprisoned hundreds of people accused of political crimes, although those "crimes" are attempting to leave the country or speaking negatively of Fidel Castro.

On June 16, 17, and 18 representatives of the International Red Cross visited Combinado del Este prison in Havana and interviewed several political prisoners. The prisoners said the Cuban government has denied the Red Cross access to Richardo Braulio Diaz Trujillo, detained in Aguica prison in Matanzas, Rolando Martinez Valdez, detained in Guanajay prison in Havana, and Ricardo del Pino and Nemesio de la Cruz Martinez, detained in Combinado del Este prison in Havana. The latter is a Dominican citizen who has been jailed for 16 years and has never been allowed visitation by his family. He is serving a twenty-five year sentence, charged with "espionage." Ricado del Pino is a former official in Cuban intelligence who has been subjected to mistreatment and repeated prison transfers. Del Pino is suffering from urological disorders and is not receiving adequate medical treatment, according to the prisoners.

On June 16, it was reported that political prisoner Carlos Novoa Ponce, who had been on a hunger strike since May 5 in Havana's Quivianc prison, was in a coma. Novoa went on a hunger strike to protest his incarceration with common criminals. He was arrested in January, charged with directing the Cuban Christian Democrat Committee, a recently formed clandestine organization.

On June 16, the Cuban government denied Elizardo Sanchez of the Cuban Commission for Human Rights and National Reconciliation, the right to leave the country temporarily. Sanchez had received a six-month visa from the United States to attend a meeting of the Council of Foreign Relation to which he had been invited to discuss the human rights situation in Cuba.

On June 28, human rights groups, groups of military dissidents, and other ortganizations in Havana and in Miami denounced the treatment of a group of high-ranking government officials arrested on corruption charges and expressed fear that an unrestrained wave of repression was occurring by the government against the people of Cuba.

On June 28, Francisco Lago, Vice President of the Christian Democratic Movement in Cuba said his organization was asking the United Nations and other international human rights groups to intercede in the situations of political prisoners Jose Mari Becerra and Carlos Novoa. Becerra and Novoa are both incarcerated with common criminals in Havana's Quivican prison. Human rights groups within Cuba have denounced the fact that Novoa has had to go on a hunger strike to try and regain his status as a political prisoner.

On July 1, it was reported that the Coordinating Organization for Human Rights in Cuba (CODEHU) sent a letter to the New York Bar Association asking that independent lawyers be present at the trial of high-ranking Cuban officials accused of narco-trafficking in Cuba. The letter said the process being followed against General Arnaldo Ochoa by the military honor tribunal which judged him the preceding week is illegal because its recommendations vitiate the judicial process. Antonio de Varona, an independent lawyer on the island and member of the CODEHU, has said that he would defend the accused men but received no response from the Ministry of Justice.

On July 7, Domingo Jorge Delgado, a former president of the Popular Cuban Tribunals and judicial advisor in the Interior Ministry, speaking on the trial of military officials in Cuba being charged with narco-trafficking stated that "the totalitarian character of Fidel Castro's regime and his personal decisions have been evident in this process like never before." Mr. Delgado said the legal process has violated all laws of judicial procedure in Cuba. He also said that Castro had violated all the legal norms established by the 1976 Constitution. He explained that the creation of the special military tribunal to judge the men violated the Law of the Organization of the Judicial System, known as Law #4 of August 10, 1977, published in the Offical Government Journal on August 25 of the same year. According to Article 29 of that law, it is the responsibility of the Popular Supreme Court in charge of the military to hold the first judicial hearings directed against military chiefs with the type of high-level rank which the accused have attained. Delgado concluded that the creation of the special military tribunal violated both the Constitution and the Procedural Penal Code since the power to name judges lies with the Popular Assembly in the cases.

On July 9, Of Human Rights, a Washington-based human rights organization, initiated an international campaign for Cuban human rights activist Tania Diaz Castro, who had been imprisoned since November 1988 in the Women's Occidental Prison in Havana. Diaz was the founding General Secretary of the Cuban Human Rights Party and is the author of three books of poetry. In the late 1970s, she was expelled from the Cuban Writer's and Artist's Union for criticizing the government. Diaz was sentenced to one year in prison for "creating a public disturbance." The "disturbance" occurred during a trial in which she refused the assistance of a government-appointed attorney. According to Of Human Rights, they have received reports which say the principal reason she was arrested is that "when she went to visit long-term political prisoners in the Combinado del Este prison she distributed a document written by the Cuban Human Rights Party promoting the idea of a plebiscite in Cuba."

On July 10, Amnesty International, a London-based human rights organization, criticized the Cuban government for imposing the death sentence on four military and government officials for complicity in narco-trafficking. Amnesty reported, "In the past we have been able to prove that trials in Cuba do not provide all the normal judicial guarantees. They do not carry out normal trials, they are all in private."

On July 13, the Cuban government rejected international pleas for clemency for General Arnaldo Ochoa and three other high-level officials, who were executed by firing squad on charges of treason and narco-trafficking. The pleas for clemency come from such international organizations and individuals as Amnesty International, America's Watch, Pope John Paul II, United Nations Secretary General Javier Perez de Cuellar, the Mexican Catholic Church, and the Archbishop of Chile.

[The above information was obtained from El Nuevo Herald, the Spanish-language edition of the Miami Herald.]

On July 17, a group of Spanish, French, and Cuban intellectuals signed a document in Paris condemning the execution of four Cuban officials. The signees expressed their "indignation" at the "expedited process" the accused were submitted to and said their summary trial and execution were a violation of human rights.

On July 24, America's Watch denounced the Castro regime for the repressive political situation on the island, saying that while Cuba prepares to celebrate an anniversary "it is carrying out a massive campaign against human rights activists." On the same day, the National Conference of Catholic Bishops in the United States expressed its outrage at the summary executions of four Cuban officials, saying it was "lamentable" that Cuba ignored pleas for clemency from Pope John Paul II.

On July 29, foreign journalists travelling to Cuba for Castro's annual July 26th speech were officially notified that they were prohibited from speaking with political dissidents, human rights activists, or the families of the officials recently executed.

On August 6, the Popular Tribunal of Havana brought charges against eight members of the Free Art Association. The activists, most of whom had been jailed since the beginning of the year, were charged with possession of illegal arms and illegal association and assembly. According to the families of the arrested, the only "arms" confiscated by the police was "a .38 caliber revolver, unusable, rusted, and without ammunition."

On August 6, the President of the Cuban Commission on Human Rights and National Reconciliation, Elizardo Sanchez, was arrested by state security agents. His home was later ransacked, according to Ramon Cernuda, Miami representative of the Human Rights Coordinator in Cuba. Cernuda also said the head of the Cuban Human Rights Party, Hiram Abi Cobas, and the President of the Marti Committee for Human Rights, Hubert Jeres, were also arrested. The arrests came two days after the Los Angeles Times published an interview with the three men in which they openly criticized the Cuban government's violations of human rights.

On August 7, the United States government called the arrest of three human rights activists in Havana a "flagrant violation of human rights."

On August 9, the official newspaper of the Cuban Communist Party, Granma, announced that human rights activists Elizardo Sanchez, Hiram Abi Cobas, and Hubert Jeres were to be charged with "dissemination of false information" as a result of their interview with U.S. journalists.

On August 10, Amnesty International sent an urgent telegram to Fidel Castro requesting that he immediately and unconditionally release Elizardo Sanchez, Hiram Abi Cobas, and Hubert Jerez. Amnesty said it believes the three men are prisoners of conscience and were arrested for their activities in defense of human rights.

On August 11, the Solidarity of Cuban Workers organization issued a statement saying that Isidoro Padron Armenteros and Carlos Miguel Suarez Garcia were executed on July 11 in Villaclarena province after being charged with unspecified "counterrevolutionary" activities. The statement, received in Miami by Enrique Hernandez Mendez, Vice President of the Cuban Committee for Human Rights, said Padron and Suarez were sentenced to death in a secret trial, in which no members of their families were permitted to attend and in which they were denied legal representation. According to the statement, Padron and Suarez were local labor leaders who were attempting to organize an independent labor union.

On August 14, Ricardo Bofill, President of the Cuban Committee for Human Rights, announced that Regalado Becerra, a member of the Committee, was arrested in Havana and charged with "counterrevolutionary" activities. Regalado's wife said state security agents searched their home and took books and documents.

On August 15, the wife of jailed Cuban human rights activist Hiram Abi Cobas said in Havana that her husband was in grave health and is suffering from cardiac problems. Abi Cobas, who was arrested on August 6 for speaking to foreign journalists about the human rights situation in Cuba, is awaiting trial.

On August 16, President George Bush announced there would be no change in the U.S. relations with Cuba as long as the Castro regime continues to violate human rights on the island.

On August 16, Ricardo Bofill, President of the Cuban Committee for Human Rights, denounced the acquittal and subsequent promotion of a Cuban police officer responsible for the deaths of two Cuban youths in 1988. Gustavo Arcos Bergnes, General Secretary of the Committee in Cuba, told Bofill the officer, Raul Zayas, shot Edel Guerrero Licea and Idalberto Figueroa Guerrero on December 17, 1988, after Zayas went to the home of Guerrero to stop a holiday celebration there because the religious theme it celebrated was, according to Zayas, "witchcraft". Guerrero asked to see a judicial order, required by Cuban law to enter a home. Zayas responded by shooting Guerrero in the head. When Figueroa protested Zayas also shot and killed him. The people of the Caney de las Mercedes neighborhood in Santiago de Cuba province, where the incident took place, wrote a letter to the local authorities accusing Zayas of murder and calling for justice. When the letter arrived in February, Zayas had already been promoted to sector chief of the National Revolutionary Police in that city.

On August 17, a group of American and Cuban exile artists sent a letter to Fidel Castro expressing "profound concern" over the fate of three activists arrested on August 6. The letter requested the release of Elizardo Sanchez, Hiram Abi Cobas, and Hubert Jerez.

On August 21, the Committee for the Protection of Journalists sent a letter to Fidel Castro protesting the arrest of three activists after meeting with U.S. journalists. "To encarcerate citizens for their statements to the press constitutes another blow to freedom of expression," the letter said. The three activists arrested, Elizardo Sanchez, Hiran Abi Cobas, and Hubert Jerez, were part of the Coordinator of Human Rights Organizations in Cuba.

On August 22, the Popular Tribunal of Havana revoked the conditional release of two members of the Free Art Association and imposed a fine of 300 pesos for the crime of "public disorder." Lazaro Obregon Sanchez and Juan Enrique Garcia were arrested in late 1988 for attempting to lay a floral wreath before a statue of Jose Marti in Havana.

On August 23, Orlando Polo, an activist in the Natural Life Association and the Pacifist Movement of Cuba, was arrested in Havana by state security agents. The Cuban pacifist and his wife has been on a hunger strike to protest the shutting down the Association's offices.

On August 23, the Cuban Committee for Human Rights initiated a campaign seeking the freedom or Ricado Figueira Castro, a metal craftsman arrested in Havana on August 18. Ricardo Bofill, President of the Committee, announced that his organization would ask the Polish government and the Solidarity labor organization, to intercede with the Cuban government on behalf of Figueira. Figueira attempted to organize an independent labor union modeled after the Polish Solidarity.

On August 24, Cuban exiles sent a letter to Soviet leader Mikhail Gorbachev asking him to help persuade Fidel Castro to reform Cuban society toward more openness and democratization.

On August 25, the Cuban Committee for Human Rights protested the arrest of human rights activists Elizardo Sanchez, Hiram Abi Cobas, and Hubert Jerez, saying, "With these arrests the Cuban government is officially recognizing that today in Cuba there is no freedom of expression for its citizens."

On August 25, before the United Nations, the United States accused the Cuban government of renewing attacks against human rights activists on the island and reaffirmed that the arrest of three activists on August 6 constituted a serious violation of human rights.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Florida en bloc.

Mr. DOLE. Mr. President, before the majority leader leaves, if I might direct a question to the majority leader. It is my understanding that maybe before we got into all the amendments, we may be able to take care of a couple wrap-up items, the Nevada wilderness bills and another matter for Senator DOMENICI. If we can do that, that would certainly accommodate the four of us, if it is all right with the managers.

Mr. LEAHY. I have no objection.

Mr. DOLE. It will take about 1 minute.

Mr. LEAHY. I have no objection. I wonder if we might accept the two amendments.

The PRESIDING OFFICER. The question now is on agreeing to the amendments offered by the Senator from Florida en bloc.

The amendments (Nos. 798 and 799) were agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. I am waiting for the majority leader.

Mr. President, if I could just make a statement first and ask that this statement not be shown to interrupt deliberation of this bill.

LEAVE OF ABSENCE

Mr. DOLE. Mr. President, starting at 6 p.m. this evening the Senator from New Mexico, Senator DOMENICI, left on official business to attend a conference in Warsaw, Poland, to discuss national economic policy. Therefore, I ask unanimous consent that he be granted leave of the Senate while attending this conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I thank the distinguished managers and all of our colleagues who are waiting to present their amendments for permitting us to go forward with these concluding matters, which will be very brief.

NEVADA WILDERNESS PROTECTION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 213, S. 974, a bill to designate certain lands in the State of Nevada as wilderness.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 974), to designate certain lands in the State of Nevada as wilderness, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map [entitle] *entitled* "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989, and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness";

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Currant Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled [East] *"East* Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are [incorporated in the Jarbidge Wilderness designated as wilderness by section 3(a) of the Wilderness Act (16] *hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16* U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated May, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Santa Rosa Wilderness".

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (U.S.C. 1600-1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless

area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Revisions.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) Application of Section.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in the unit plans listed below, which are not designated as wilderness in section 2:

National Forest	Unit Plan
Humboldt	Santa Rosa
Humboldt	Ruby Mt./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) Livestock Grazing.—Grazing of livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) Review.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) Reports.—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the [United States] Forest Service in carrying out the provisions of subsections (a) and (b).

[SEC. 7. MT. ROSE SNOWMOBILE CORRIDOR EXCEPTION.

[(a) Exception.—Notwithstanding any other provision of this Act or the Wilderness Act (16 U.S.C. 1131-1136), the corridor located in Mt. Rose described in subsection (b) shall be available for snowmobiles beginning January 1 of each year and ending April 30 of such year.

[(b) Description of Corridor.—The corridor referred to in subsection (a) is described as follows:

[Northeast corridor boundary line running from the common corners of sections 3, 4, 9, and 10 to a point one quarter mile east of the common corners of sections 10, 11, 14, and 15, on the boundary between sections 11 and 14. The southwest corridor boundary line running from the common corner of sections 1, 10, 11, and 15 to a point one quarter mile south of the common corners of sections 3, 4, 9, and 10 on the boundary between sections 9 and 10. The corridor is approximately one mile long and approximately one-quarter mile wide.]

SEC. [8.] T37. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

[SEC. 9. WATER ALLOCATION AUTHORITY.

[(a) Findings.—The Congress finds and declares that—

[(1) where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by this Act and the Wilderness Act (16 U.S.C. 1131-1136), is meant to provide for and preserve;

[(2) the Federal water rights reserved by this Act shall be in addition to express or implied water rights previously reserved by the United States for other than wilderness purposes;

[(3) except as provided in subsection (b)(1), this Act is not intended to define the existence or scope of any express or implied reserved water right created in or arising from other Federal legislation; and

[(4) the express reservation of water for the lands designated by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System.

[(b) Determination.—(1) On the basis of such findings, the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

[(2) The priority date of the water rights reserved in paragraph (1) shall be the date of enactment of this Act.

[(3) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (1) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.]

SEC. 8. WATER ALLOCATION AUTHORITY.

(a) Within the wilderness areas designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

(c) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

SEC. [10.] *9.* STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

[SEC. 11. ALLOWANCE OF CLIMATOLOGICAL DATA COLLECTION.

[Within the appropriate wilderness areas designated in section 2, the Wilderness Act (16 U.S.C. 1131-1136) shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, or climatological collection devices subject to such conditions as the Secretary of Agriculture deems desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes.]

SEC. 10. CLIMATOLOGICAL DATA COLLECTION.

Subject to such reasonable terms and conditions as the Secretary may prescribe, nothing in this Act or the Wilderness Act shall be construed to prevent, where appropriate, the installation and maintenance of hydrologic, meteorologic, or climatological collection devices with the wilderness areas or additions thereto designated by this Act, where such facilities and access thereto are essential to flood warning, flood control and water reservoir operation purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

AMENDMENT NO. 800

Mr. MITCHELL. Mr. President, on behalf of the Senators from Nevada [Mr. Reid and Mr. Bryan] I send two amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. Mitchell] for Mr. Reid (for himself and Mr. Bryan), proposes an amendment numbered 800.

On page 4, line 4, strike "May, 1989," and insert "September, 1989,".

On page 5, line 5, strike "'Santa Rosa Wilderness'" and insert "Mike O'Callaghan-Paradise Peak Wilderness".

Mr. MITCHELL. The first part of the amendment makes minor boundary modification in the proposed Ruby Mountains Wilderness which would enable Ruby Mountain Heli-Ski Co. more access to prime helicopter skiing areas. Since some land is added to the wilderness and some is deleted, there is no overall change in the net acreage designated as wilderness.

The second part of the amendment redesignates the Santa Rosa Wilderness as the Mike O'Callaghan-Paradise Peak Wilderness. This name encorporates the prominent geological feature in the wilderness area and recognizes the contributions of former Nevada Governor O'Callaghan, an early supporter of wilderness legislation for Nevada.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 800) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, today we are considering the Nevada Wilderness Protection Act—proposed legislation that will designate specific sectors of National Forest land in Nevada as wilderness.

I have introduced this bill along with my colleague from Nevada, Senator RICHARD BYRAN. Our bill represents years of investigation, research, compromise, and hard work.

The amount of time devoted to crafting this legislation and the numbers of people who participated in the process clearly indicate that we have heard all sides of the issue. We are ready to pass a bill, but before we do that I would like to do a brief walk through of the extensive efforts that have brought us to where we are today.

In July 1985 the House Public Land Subcommitte took a 5-day tour of all the proposed wilderness area in Nevada. I was on that tour, as were other members, including Nevada's congresswoman BARBARA VUCANOVICH and Senator CHIC HECHT.

During the helicopter tour, we stopped as many as five times a day, all over the State, to talk with local residents. These people had responded to an open invitation in the media to express their opinions. We were able to hear all sides of the wilderness issue.

Next, a 9-hour hearing was conducted by the House Public Lands Subcommitte in Washington, DC, in which 32 people testified; 29 of whom were Nevadans.

The House Subcommittee on National Parks then held a 7-hour hearing in Ely, NV, dozens testified.

In February 1986 the Senate Public Lands Subcommittee conducted five hearings on wilderness and park issues throughout the State of Nevada. Approximately, 500 people testified.

In April 1986 the House of Representatives overwhelmingly passed my wilderness legislation. This legislation died in the Senate.

Moving on to 1987, the Senate Public Lands Subcommittee held a hearing on my wilderness proposal, at which 21 Nevadans testified.

The House Public Lands Subcommittee conducted hearings on three Nevada wilderness proposals.

Both Senate and House hearing records were left open for several weeks thereafter to elicit comments from Nevadans and others interested in the wilderness issue.

I expect that the hearing record on Nevada wilderness legislation is the largest, most extensive record accumulated thus far on a wilderness issue in any State except maybe Alaska. It is by far the most heard piece of legislation in Nevada history.

It is fair to say that all sides have had their so-called day in court. It is time a verdict be reached.

The three major daily newspapers in Nevada all support my legislation and have urged us to act. A recent editorial prodded Congress to make a decision.

The paper stated that "the wilderness issue has been discussed ad infinitum—in countless public hearings, numerous press articles, on TV, on talk radio, in community forums and in Congress—for six long years now."

Let us now put aside discussion of the immense effort involved in creating this compromise bill. Let's look at what, in fact, my bill would do. I think we will find that opponents of this legislation—those who assure us that the bill would have a devastating negative impact—are crying wolf.

The Wilderness Act of 1964 stipulated that every State in this country must designate wilderness areas. These areas must be incorporated into Federal legislation, approved by Congress, and signed into law. Every State has added significant areas to the wilderness system since the 1964 act—except Nevada. That's a little surprising, given that Nevada ranks seventh out of 50 States in terms of sheer land mass. But that is the reality.

As a result, the National Forest land that has been studied for consideration for wilderness designation has been protected as de facto wilderness. Mr. President, all the land—3.2 million acres of it—is tied up—off limits until we enact wilderness legislation. This de facto wilderness designation of 3.2 million acres is unacceptable. It is time to act.

My bill opens 2.4 million acres of National Forest land for a variety of purposes. It designates a mere 733,000 acres of this land as wilderness. This presents overwhelming opportunities for ranchers, miners, developers and recreational vehicle owners. These interests stand to greatly benefit from my legislation.

And yet, some interests are opposed to the bill. Their opposition can be traced to the plain fact that they do not want any wilderness areas anywhere—ever. They will never support wilderness legislation—by anyone at any time.

But, as I said before, legislation involves compromise. Countless others involved in this protracted process have compromised. We need to make it clear that this land belongs to no single constituency. Compromise is imperative, and my bill reflects that compromise.

My legislation asks that we preserve only a small fraction of land in its natural, pristine form. We owe it to ourselves and to future generations to make permanent the beauty, serenity, and richness of these areas.

There are some who believe that wilderness only holds appeal for environmentalists and hiking enthusiasts. But as clean air becomes a rare commodity and cities become increasingly crowded—as concrete structures are erected everywhere and our vistas are vastly limited—wilderness will be one of the few areas where nature survives in all its magnificence.

Some Nevadans take our abundant natural resources for granted. But the riches of our region will inevitably be compromised as growth takes its toll on the land and environment.

Passing this legislation is the least we can do to preserve natural lands—to leave a permanent legacy of nature in its unfettered untrammelled state.

Today I will offer two amendments to this bill. One redesignates the Santa Rosa Wilderness as the Mike O'Callaghan-Paradise Peak Wilderness. A change is necessary because there already exists a Santa Rosa Wilderness in California. The name we have chosen incorporates the prominent geological feature in the wilderness area and recognizes the contributions of former Nevada Governor O'Callaghan, an early supporter of wilderness legislation for Nevada.

The other amendment makes a minor boundary modification in the proposed Ruby Mountains Wilderness which would enable Ruby Mountain Heli-Ski Co. more access to prime helicopter skiing areas. In order to accomplish this, the new boundary does not include some of the areas recommended for wilderness in the forest plan, and included in the administratively designated Ruby Mountains Scenic Area. It is my hope that the Forest Service will continue to manage these lands to protect their stunning beauty, wildlife values, and opportunities for primitive recreation. Since some land is added to the wilderness and some is deleted, there is no overall change in the net acreage designated as wilderness.

In closing, I ask you to recall the Wilderness Act of 1964 and the National Wilderness Preservation System that the law sought to establish. This national wilderness system is not truly national because Nevada is not included. Nevada is the odd man out. The Nevada Wilderness Protection Act will allow Nevada to finally assume its rightful place in our country's national system of wilderness lands. I urge my colleagues to vote in favor of this bill.

Mr. BRYAN. Mr. President, the passage of S. 974 by the U.S. Senate marks an environmental milestone for Nevada.

After working for several years toward a consensus on a responsible wilderness proposal for Nevada, many of the diverse interest groups who love and use Nevada's lands have—almost 25 years to the day after the original wilderness act was signed into law—supported a bill to protect about 1 percent of Nevada's lands for future generations.

The philosophy behind the 1964 Wilderness Act was to preserve areas of unique natural value for future generations, undisturbed by man. Nevada is fortunate to possess some of the most beautiful vistas in North America, and they are well represented in this legislation.

Today, our environmental awareness is much more refined than it was in 1964. We are keenly aware of man's impact on the world we live in, and strive to protect the quality of life in that world for our children and grandchildren. As the Exxon oilspill recently demonstrated, man must be ever mindful of his actions and their effect on nature.

This act designates areas of Nevada that are exquisitely pristine—mountains, meadows, cataracts, cliffs, lakes, and streams—to remain undisturbed by man. This is a gift that we alone can preserve for future generations of Nevadans, and indeed for all citizens of our country and our world.

Moreover, the legislation strikes a balance—we protect 773,000 acres for the future enjoyment of all, and thereby release an additional 2.4 million wilderness study acres for multiple use. We also allow continued use of wilderness areas by those who graze livestock.

Generations to come will be able to hunt, fish, hike, and observe nature in the undisturbed areas designated by this legislation. What we do today is to guarantee islands of silence and beauty to be enjoyed in the future by all.

AMENDMENT NO. 801

Mr. DOLE. Mr. President, I send an amendment on the desk on behalf of the Senator from Wyoming and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for Mr. WALLOP, proposes an amendment numbered 801.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. 12. LOW-ALTITUDE FLIGHT ACTIVITIES.

(a) Nothing in this Act nor the Wilderness Act (78 Stat. 890) shall preclude, limit, or otherwise affect current or future low level overflights, of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Current Mountain or Table Mountain Wilderness areas.

(b) Subject to such reasonable terms and conditions as the Secretary, in consultation with the Secretary of Defense, may prescribe, nothing in this Act nor the Wilderness Act shall be construed to prevent the installation, operation, or maintenance of essential ground instrumentation devices associated with those activities, and within those wilderness areas, referenced in subsection (a).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 801) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to the pending bill?

Mr. DOLE. No further amendments.

Mr. MITCHELL. Third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map entitled "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989, and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness"

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Currant Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled "East Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated September, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mike O'Callaghan-Paradise Peak Wilderness".

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (U.S.C. 1600-1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) APPLICATION OF SECTION.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in the unit plans listed below, which are not designated as wilderness in section 2:

National Forest	Unit Plan
Humboldt	Santa Rosa
Humboldt	Ruby Mt./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) LIVESTOCK GRAZING.—Grazing of livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) REVIEW.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) REPORTS.—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the Forest Service in carrying out the provisions of subsections (a) and (b).

SEC. 7. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 8. WATER ALLOCATION AUTHORITY.

(a) Within the wilderness areas designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

(c) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

SEC. 9. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

SEC. 10. CLIMATOLOGICAL DATA COLLECTION.

Subject to such reasonable terms and conditions as the Secretary may prescribe, nothing in this Act or the Wilderness Act shall be construed to prevent, where appropriate, the installation and maintenance of hydrologic, meteorologic, or climatological collection devices within the wilderness areas or additions thereto designated by this Act, where such facilities and access thereto are essential to flood warning, flood control and water reservoir operation purposes.

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

(a) Nothing in this Act nor the Wilderness Act (78 Stat. 890) shall preclude, limit, or otherwise affect current or future low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

(b) Subject to such reasonable terms and conditions as the Secretary, in consultation with the Secretary of Defense, may prescribe, nothing in this Act nor the Wilderness Act shall be construed to prevent the installation, operation, or maintenance of essential ground instrumentation devices associated with those activities, and within those wilderness areas, referenced in subsection (a).

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD ABUSE PREVENTION CHALLENGE GRANTS REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 244, S. 1455, a bill to transfer a certain program with respect to child abuse from title IV of Public Law 98-473, the Child Abuse Prevention Act, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1455) to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes,

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, S. 1455, the Child Abuse Prevention Challenge

Grants Reauthorization Act, is an important piece of legislation which will permit the States to further develop and maintain educational programs to prevent child abuse. I am particularly pleased that the ranking minority member of the Subcommittee on Children, Family, Drugs, and Alcoholism, Senator DAN COATS, is cosponsoring this bill. Child abuse is unfortunately, and tragically, increasing in prevalence: 2.2 million cases were reported in 1988 resulting in 1,255 deaths. Continued bipartisan efforts will be needed if such pain and cruelty are to be averted, and that is why I am encouraged by the consensus we have achieved in the Committee on Labor and Human Resources.

The original authorization legislation was passed in 1984 to encourage the States to begin and maintain child abuse prevention programs. The States have been given broad flexibility in their design so that these educational efforts are appropriate and specific for the local communities. States are offered a match of one Federal dollar for every four State dollars directed toward child abuse prevention. State revenues are derived from a variety of sources: State income tax checkoffs, marriage license surcharges, private donations, and State appropriations.

The Federal challenge grants have resulted in 1,200 programs in 49 States. Appropriations, however, have never been fully adequate to meet the Federal-State match. While these Federal grants have assisted States in expanding services in an important way, thousands of qualified programs have been left out because of insufficient funds. The States have been able to support fewer than half the grant applications received. In some States, the funding rate is as low as 8 percent of the eligible pool.

The current reauthorization would also require a study by the GAO to determine whether or not Federal funds from the challenge grants are the only Federal moneys used by the States for prevention activities. This study would also examine how the use of such funds adds to the administrative burden for the States.

Though modest in scale and cost, this legislation is important in scope and consequence. In no other social issue is prevention more critical and cost-effective. The impact of child abuse is profound and the effects long-lasting and far-reaching for the individual as well as for society. Child abuse undeterred results in a cascade of pain and ills that our Nation can neither afford nor permit.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 245, H.R. 2087, the House-companion bill; that all after the enacting clause be stricken; that the text of S. 1455 be inserted in lieu thereof; that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I ask unanimous consent that S. 1455 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 200TH ANNIVERSARY OF THE BILL OF RIGHTS

Mr. MITCHELL. Mr. President, I send a resolution to the desk on behalf of myself, Senators BYRD, DOLE, SANFORD, CONRAD, DODD, DURENBERGER, BURDICK, SARBANES, RIEGLE, KOHL, ARMSTRONG, and THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 180) to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANFORD. Mr. President, I rise in support of Senate Resolution 180, which recognizes the 200th anniversary of the passage by the Congress of the Bill of Rights. I thank my colleagues, Mr. MITCHELL and Mr. BYRD, for their leadership in bringing Senate recognition to this historic milestone.

On September 25, 1789, the Continental Congress adopted the first 10 amendments to the Constitution, commonly known as the Bill of Rights. These basic rights of the American people continue to protect individual American citizens from the tyranny of Government; they provide a basic check on the power of the Government to impose its will, its beliefs, and its values on the American people. A great many concepts embodied in the Bill of Rights make America the dream of people from around the world. Our Bill of Rights leads everything else.

Why is this document so important, today? Because it protects the fundamental base of this Nation: Freedom. Freedom to uphold the tenets of our particular religious faith. Freedom to speak our minds without fear of government censure. Freedom to own a firearm or private property. Freedom from the tyranny of the government.

The Bill of Rights guarantees the freedom of religion, speech, and the press. It protects the right to keep and bear arms as well as to assemble peaceably and to petition the Government for redress of grievances. It prohibits unreasonable searches and seizures and provides numerous other protections that serves as the basis of our judicial system.

Mr. President, as a Senator from North Carolina, I am particularly proud of the special role that my State played with respect to the Bill of Rights. In 1788, the voters of North Carolina, as authorized by the State legislature, elected delegates to a convention in Hillsborough, NC, to consider the ratification of the U.S. Constitution. These delegates held deep-seated concerns that the Constitution would give great powers to a distant government that could "crush the liberties of the people." The delegates were concerned not only about States' rights, but also the basic liberties of individual citizens.

The people of North Carolina supported the basic organization of the Government outlined by the Constitution, but they feared the unchecked tyranny of a centralized power. North Carolinians felt that the Constitution's plan of government failed to take into account the reasons for the Revolutionary War and the new Nation. The rights of individuals and the symbol of personal freedom were largely left out. For this reason, the North Carolina delegation refused to ratify the Constitution, resolving that, "previous to the ratification of the Constitution by North Carolina, a bill of rights asserting and securing from encroachment the great Principles of civil and religious Liberty, and the unalienable rights of the People," should be amended on to the Constitution.

The North Carolina convention proposed 26 amendments to the Constitution, and spurred by this and other pressures, James Madison took the lead in obtaining the passage by Congress of our Bill of Rights. The Bill of Rights was passed by the Congress on September 25, 1789, 200 years ago, and 2 months later, North Carolina ratified the U.S. Constitution.

The Bill of Rights has special meaning for North Carolina. We take proper pride that this great statement of faith in liberty has stood the test of time. For 200 years it has been the greatest statement of freedom the world has ever known. I am pleased that the Senate is recognizing and honoring the 200th anniversary of Congress' passage of the Bill of Rights.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to

The resolution, with its preamble, reads as follows:

S. Res. 180

Whereas the Bill of Rights contained in the United States Constitution is admired by people all over the world as the most significant and influential document of freedom in history;

Whereas the concepts contained in the Bill of Rights exemplify the ideals of individual rights and liberties for which the American Revolution was fought;

Whereas upon presentation of the United States Constitution for ratification by the States, inclusion of additional personal rights was immediately demanded by numerous citizens who were determined to prohibit the tyranny in government they feared was possible;

Whereas before final ratification of the Constitution by all the States, a Bill of Rights was proposed, debated, and passed by Congress on September 25, 1989;

Whereas the Bill of Rights has become the beacon of hope for many peoples of other countries who yearn for democratic governments, personal freedom, and the fullness of human rights and dignity; and

Whereas September 25, 1989, marks the 200th anniversary of the adoption of the Bill of Rights: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes September 25, 1989, as the 200th anniversary of the Bill of Rights; and

(2) the Senate encourages schools and civic enterprises to observe such anniversary by appropriate acknowledgment and ceremony, including the reading of the words and the discussion of the meaning of the Bill of Rights.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE HELD AT THE DESK

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 2771, a bill to reauthorize the National Flood Insurance Program and Federal Crime Insurance Program through September 30, 1991, be held at the desk until the close of business on Friday, September 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL QUALITY MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 204, a joint resolution to designate October 1989 as "National Quality Month."

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 204) to designate October 1989, as "National Quality Month."

The PRESIDING OFFICER. Without objection, the joint resolution is read three times and passed, and the preamble is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL PLACED ON CALANDAR—H.R. 3282

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 3282, a bill to reauthorize the Federal performance management recognition system, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—SENATE REPORT NO. 101-120

Mr. MITCHELL. Mr. President, in behalf of Senator Johnston, I ask unanimous consent that the Senate report No. 101-120 be star printed to reflect the changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, in printing this report a substantial number, over a dozen, errors were made. While most of these errors are minor, one error is a major concern to me because it reverses the meaning of a statement of committee intent on an important issue. If left uncorrected, then this error will be a continuing source of confusion regarding the committee's intent regarding a key provision of S. 712.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar item No. 333, Edward Joseph Perkins, of Oregon, a career member of the Senior Foreign Service, class of minister, to be Director General of the Foreign Service; and calendar item No. 338, Thomas C. Dawson II, of the District of Columbia, to be U.S. Executive Director of the International Monetary Fund.

I further ask unanimous consent the nominees be confirmed en bloc, any statements appear in the Record as if read, the motions to table be laid on the table en bloc and the President be immediately notified of the Senate action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Department of State

Edward Joseph Perkins, of Oregon, a career member of the senior Foreign Service, class of career minister, to be Director General of the Foreign Service.

International Monetary Fund

Thomas C. Dawson II, of the District of Columbia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

Mr. DOLE. Mr. President, let the Record reflect there are eight other nominations the majority leader is prepared to take up at this time. I must say there is an objection on this side of the aisle. I hope that removed by tomorrow morning and I thank the majority leader for his cooperation. They are important nominees and hopefully they can be confirmed sometime during the day tomorrow.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader. For the Record I would like to identify those by calendar number: Calendar numbers 329, 330, 331, 332, 334, 335, 336 and 337.

As the distinguished Republican leader stated we are prepared to proceed with these nominations as soon as they are cleared by the Republican leader on the Republican side of the aisle.

The PRESIDING OFFICER. Without objection, the foregoing request of the majority leader is agreed to.

Mr. MITCHELL. Mr. President, on behalf of the distinguished Republican leader I thank all of my colleagues who have been patient in permitting us to proceed with these closing matters.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will resume legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont, the manager of the bill.

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. Boren, Mr. Cranston, and Mr. Rockefeller and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair reminds the Senator from Vermont, the excepted committee amendment has not yet been disposed of, number 32.

Mr. LEAHY. I am sorry, I apologize to the Chair. I thought we had finished that. The Chair is absolutely right. We only did a tabling motion on it and amendment to it.

Mr. President, I ask the regular order.

Mr. LAUTENBERG. Mr. President, among the important provisions included in this bill are those that will support freedom and democracy in Poland and Hungary and demonstrate our commitment to responding to the dramatic reforms underway in those countries. One of these is a provision I offered in the Foreign Operations Subcommittee that would enable the Overseas Private Investment Corporation [OPIC] to operate in Poland and Hungary for 3 years.

OPIC provides political risk insurance and financing for U.S. companies that want to invest in the private sector overseas. President Bush has asked that OPIC be allowed to operate in both Poland and Hungary as one way of stimulating the private sector and helping those countries on the road to economic recovery. The OPIC provision in this bill would do just that.

The bill also contains $45 million in economic support funds for the private enterprise fund for Poland. That is $35 million more than the House provided in its version of the bill. And it includes an additional $40 million for assistance to Poland under the OPIC Guaranteed Loan Program. I was pleased to support the effort in the Appropriations Committee, led by Senator DECONCINI, to provide this greatly needed additional assistance to Poland.

The need to help Poland and Hungary as they head down the road of democracy is urgent. I recently returned from a Helsinki Commission trip to Poland where I had the opportunity to witness, firsthand, the Polish people's latest battle against oppression. Poland is at a critical juncture in her history. Indeed, it is an historic moment for the entire world. Poland's needs are urgent, and so is our need to respond.

The Polish people have undone over 40 years of tyranny. They have accomplished what no other people in the world have been able to do: they have peacefully, through the democratic process, overturned a Communist Government.

Millions of people in other Eastern European countries, and around the world, will be profoundly affected by the success or failure of developments in Poland. They, and we, cannot afford to fail.

While in Poland, I witnessed the parliamentary election of Tadaeusz Mazowiecki to be the democratically selected head of government.

I also met with Solidarity leader Lech Walesa, a visionary charismatic and compelling leader. He presented an image of courage and determination. That's why the whole world admires him. He epitomizes the will and strength of the Polish people to live as a free people.

In my meeting with Lech Walesa, he spelled out the incredible challenge facing Solidarity leaders and their coalition partners in government. But he also expressed hope and optimism and determination.

In light of the tentative situation in Poland right now, he stressed that it is crucial that the United States take the initiative in aiding Poland's economic recovery. Lech Walesa emphasized the need to move quickly in addressing Poland's economic problems, if political reform is to succeed. He emphasized again and again the importance of stimulating the Polish private sector. He said Poland needs a healthy dose of capitalism—Western business investment and management skills.

Enabling OPIC to operate in Poland is one way of responding directly to Lech Walesa's plea for private sector assistance. It would help stimulate investment in the Polish private sector and help Poland on the road to economic recovery.

I spoke to Lech Walesa on Friday to let him know that the OPIC provision had been included in this bill. In our phone conversation, he expressed deep gratitude for our efforts to assist the private sector in Poland.

Similarly, we need to respond to the movement toward democracy in Hungary. There too the seeds of democracy have been planted and are beginning to blossom. That is why this bill would enable OPIC to operate in Hungary and includes $5 million for private enterprise in that country.

The Hungarian Government has recognized the 1956 uprising as a popular uprising and has taken steps to offer Imre Nagy (Nawge) an honored place in Hungarian history. The government has demonstrated an astounding level of independence and commitment to human rights by assisting refugees fleeing from East Germany and Romania. Perhaps more importantly, the government has allowed political associations to form and has scheduled free elections for 1990.

The current situation in Poland and Hungary marks a historic moment for the entire world. It is a turning point for democracy in Eastern Europe. The support of America is vital to the success of democracy in these countries.

America must seize this opportunity to turn back communism and totalitarism and promote freedom and democracy. The OPIC provisions on Poland and Hungary included in this bill are a step in that direction.

The Polish and Hungarian people have the tenacity to fight the war for freedom and reform if we provide the ammunition. But to succeed, they need our assistance in reviving their economies. They need investments, business experience, training, and a belief that they have the manifest power of the free world behind them. Enabling OPIC to operate in Hungary and Poland and providing additional assistance to these countries would signal that support. It will pave the way for greatly needed investment in the private sector in both Poland and Hungary.

I urge my colleagues to send a signal of support for the movement toward freedom and democracy in Poland and Hungary by supporting this bill.

I ask unanimous consent that copies of correspondence from the Overseas Private Investment Insurance Corporation to Senator LEAHY and the AFL-CIO be included in the RECORD at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, September 14, 1989.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Since taking up my duties here at OPIC, I have given high priority to improving OPIC's relations with organized labor. I am convinced that OPIC's programs create jobs and are good for American workers, and I believe OPIC needs to make an even greater effort than it has in the past to be responsive to the concerns of labor about OPIC's policies and projects.

The role which OPIC is expected to play in the United States' effort to support political and economic reform in Eastern Europe has given us an opportunity to work in a very cooperative manner with labor, including the AFL/CIO. We recognize the role which American labor played in supporting solidarity through very difficult times and I want OPIC's economic development activities in Poland and Hungary also to promote respect for the internationally recognized rights of men and women whose courage made the current historic reform process possible.

While recognizing that OPIC's role in promoting reform of the economies of these countries primarily involves private investment in market-oriented enterprises, I am pleased to advise you that OPIC has accepted the recommendation of the AFL/CIO to incorporate in OPIC's insurance contracts in Poland and Hungary language which is intended to ensure that investors receiving OPIC political risk insurance coverage respect internationally recognized worker rights. This, of course, is in addition to protection already provided in OPIC's statute.

I am enclosing a copy of my letter to the AFL/CIO on this matter, which has attached to it the language we have accepted. We will include this provision in our insurance contracts and remain in close consultation with Congress and organized labor with respect to the implementation of this initiative. We are confident this initial step will be successful and that we will be able to develop other initiatives through which OPIC and investors we support do our proper part to promote workers rights.

Sincerely,

FRED M. ZEDER,
President and Chief Executive Officer.

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, September 13, 1989.

Mr. TOM KAHN,
Director of International Affairs, AFL/CIO, Washington, DC.

DEAR TOM: I am sorry I was not able to meet with you when you visited OPIC last week. I appreciate the effort you and Bill Cunningham have devoted to ensuring that OPIC will be able to play an effective role in support of reforms in Eastern Europe—including promotion of respect for internationally recognized workers' rights.

I understand that your discussions regarding OPIC programs in Poland and Hungary were productive. In that context, I think the idea of more open information exchanges between OPIC and the AFL/CIO is sound, and that cooperation in monitoring labor conditions in Eastern Europe would be of mutual benefit. I also support the idea of including workers' rights "awareness training" in our investment encouragement programs.

I am pleased to transmit the attached language regarding workers' rights which OPIC will include in its insurance contracts for projects in Poland and Hungary. This is the simplified language which AFL/CIO proposed, with the minor technical changes you discussed with my staff last week. Based on our experience with insured investors operating under contractual agreements implementing this provision, we will continue our consultations with the AFL/CIO to assess the impact and effect of this initiative.

Last spring the AFL/CIO requested that OPIC adopt insurance contract language regarding workers' rights for our projects in Poland. The process of working out language to accommodate that request has demonstrated what can be accomplished through cooperation and consultation. OPIC is not a reluctant recipient of labor's suggestions, and I look forward to continued improvement in OPIC's relations with the AFL/CIO.

I am sending separately the information you requested regarding OPIC projects in Malaysia, which is still being researched.

Sincerely,

FRED M. ZEDER,
President and Chief Executive Officer.

WORKERS' RIGHTS

The Investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The Investor further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to utilize forced or compulsory labor.

The Investor is not responsible under this paragraph for the actions of a government.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to committee amendment No. 32.

Mr. CHAFEE. Mr. President, what does it do?

Mr. LEAHY. Committee amendment 32 had been accepted by the committee before. It was excepted out solely as a vehicle for Senators who wish to use it to bring up amendments in the second degree.

If the Senator would like, we will get—

Mr. CHAFEE. There is no need.

Mr. LEAHY. It is on page 155. It is lines 8 through 16 of the bill as passed by the Senate Appropriations Committee. I will read it to him.

ELIGIBILITY OF POLAND AND HUNGARY FOR OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 597. (a) PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting "Poland, Hungary," after "Yugoslavia,".

(b) PARTICIPATION BY NONGOVERNMENTAL SECTOR.—(1) In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the develop——

Mr. CHAFEE. I give up.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the excepted committee amendment.

The excepted amendment, page 155, line 8, was agreed to.

Mr. LEAHY. Mr. President, parliamentary inquiry. We have now accepted all of the excepted amendments, is that correct, all 32?

The PRESIDING OFFICER. That is correct. Those amendments have been disposed of. The amendment of the Senator from Indiana [Mr. LUGAR] now occurs at this time.

Mr. LEAHY. Mr. President, I ask unanimous consent that that be set aside temporarily.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 802

(Purpose: To increase the amount of funds appropriated for the Peace Corps, and make offsetting adjustments)

Mr. LEAHY. Mr. President, I ask unanimous consent that we go to the Boren amendment, which I just sent to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BOREN (for himself, Mr. CRANSTON, and Mr. ROCKEFELLER) proposes an amendment numbered 802.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, line 18, strike out "$163,614,000" and insert in lieu thereof "$173,800,000".

On page 40, line 22, insert before the period the following: "*Provided further,* That $1,000,000 of the amount appropriated under this heading shall be available only for the Foreign Currency Fluctuations, Peace Corps, Account, if such account is established by the enactment of authorizing legislation".

On page 156, between lines 16, and 17, insert the following:

SEC. . OFFSETTING ADJUSTMENTS.

(a) Notwithstanding any other provision of this Act, each amount appropriated, and each allocation of appropriated funds made, by title I of this Act, by title II of this Act (other than the appropriations under the headings " PEACE CORPS" and "PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND"), and by title III of this Act shall be reduced by .133 percent. Nothing in this subsection may be construed as applying the reductions required by this subsection to the loan program level under the heading "HOUSING AND OTHER CREDIT GUARANTY PROGRAMS" or to the exercise of authority under the heading "GUARANTY RESERVE FUND".

(b) Notwithstanding any other provision of this Act or, in the case of paragraph (2), any other provisions of law (other than sections 1342(a) and 1517 of title 31, United States Code)—

(1) none of the funds made available by this Act or any prior Act shall be expended if such expenditure would cause the total fiscal year 1990 expenditures for Economic Support Fund programs or activities contained in this or prior year Acts to exceed $3,300,636,000; and

(2) not more than $1,700,293,000 shall be expended before October 1, 1990, pursuant to the discretionary budget authority made available by this Act.

(c) Notwithstanding any other provision of this Act, no allocation of funds for, and no expenditures for, Israel or Egypt shall be restricted in any manner in order to accomplish the reductions made in title II or III of this Act by subsection (a) or the limitations made by subsection (b).

(d) To the maximum extent feasible, fiscal year 1990 expenditures for programs, projects or activities subject to the dollar limitations of paragraphs (1) and (2) of subsection (b) shall be reduced proportionally in order to reflect the lower dollar limitations imposed by those paragraphs.

Mr. LEAHY. Mr. President, this amendment will increase the $163,614,000 for the Peace Corps in fiscal year 1990 Foreign Operations Act by $9,186,000 which will be for the Peace Corps' operation, $1 million of which would be provided, in anticipation of the enactment of authorizing legislation establishing such an account, or transferred to a Peace Corps foreign currency fluctuations account.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, this amendment has been reviewed by our side, and we urge its adoption.

Mr. BOREN. Mr. President, I rise today first of all to commend the two managers of H.R. 2939, the Foreign Operations appropriations bill for fiscal year 1990, Senators LEAHY and KASTEN. They along with all of the members of the Senate Appropriations Committee have worked very hard this year under very difficult fiscal constraints to ensure passage of all 13 appropriations bills before the end of the current fiscal year. I especially want to congratulate and thank the committee chairman and President pro tempore of the Senate, ROBERT BYRD. My good friend from West Virginia has shown his superb leadership during the first year of his chairmanship in working to pass all 13 bills on time, while balancing all the many requests for and constraints on funds for next year's budget. He has accommodated this Senator in a number of areas and I thank him for his efforts. The committee's and the full Senate's work is not over, but I am confident we will meet our deadline on time.

Second, I want to focus the Senate's attention for a moment on a program that does not receive much attention in today's world of a $1 trillion budget—namely, the U.S. Peace Corps. The Congress has given a great deal of consideration this year to various proposals regarding national service. My good friend from Georgia, Senator NUNN, has authored along with my fellow Oklahoman, Congressman DAVE MCCURDY, a national service bill to encourage young people as well as our retired citizens to serve our country, either in their community, in other parts of the country, or in our armed services. I strongly support the idea of national service and I have cosponsored the recently introduced proposal by Senator NUNN that modifies his earlier proposal. In addition, Senator MIKULSKI and others have offered strong proposals to help our citizens serve our country and make a contribution to their communities.

The Peace Corps is just this sort of national service program, with Americans going abroad to assist citizens of other countries and bringing our values and democratic ideals with them. I have always supported the work of the Peace Corps. My recent trip to sub-Saharan Africa gave me the opportunity to see first hand the work of our talented volunteers as they worked to improve the lives of others. I saw successful efforts to improve agriculture techniques and education in some of the poorest countries in the world. I am proud to say that during my visit to Zaire I learned of the work of a fellow Oklahoman, Laurence Fried, who was a volunteer in developing a fish production program to diversify the diets of people living in the area. I was very impressed with his work and that of his fellow volunteers in that country.

Peace Corps volunteers have promoted economic improvement and international friendship for over 27 years, Programs to overcome malnutrition, illiteracy, and disease have met with success since the first volunteers were sent in the early 1960's. Over 130,000 American men and women have ventured to 95 countries. They have come back with the knowledge and understanding of other countries and cultures that I firmly believe are essential to our country if we are to remain both a political and economic leader in today's world. I am also proud to say that of the volunteers over the last 27 years, over 800 have come from my home State.

This highly successful program, which I believe is one of the most successful of our foreign aid programs, however, continues to receive less funding than that spent on military marching bands. In an op-ed piece I wrote for the Washington Post earlier this year, I argued that President Bush faced a series of challenges to our country, and I suggested a number of bold initiatives he should consider. In the article, I shared my view that we must not continue to ignore the Third World and that we should consider tripling the Peace Corps budget. Even with that sizable increase, we could still only accept half of the number of Americans who are interested in serving as volunteers. As the world has changed with many political power centers emerging beyond those in Washington and Moscow, we must work diligently to support our values and interests in more diverse ways such as through the Peace Corps.

If anyone doubts the success of the Peace Corps, one need only look at recent developments. While the President was in Hungary earlier this year, he initiated the first volunteer mission to an Eastern bloc country. Hungary represented the 100th country to request and receive a Peace Corps program. Talks are also on-going to create a program in Poland. Currently there are over 10 new countries that have shown a strong interest in hosting volunteers or restarting programs. Another three countries have asked for greatly expanded programs. Prime Minister Bhutto of Pakistan requested a doubling in the number of volunteers for her country when she was in Washington earlier this year to initiate a health care program to assist her people receive better care.

Four years ago, Congress enacted the goal of achieving a 10,000-volunteer corps by 1992. Since that time Congress, and especially the Senate, has worked to ensure that sufficient funding was appropriated to the Peace Corps to put it on its way to the 10,000 level. However, the sequestration in 1985 especially hurt the Peace Corps, resulting in a $5.5-million reduction, and a cut of 400 volunteers. Beginning in 1987, things have improved. Funds were provided for fiscal year 1988 to allow a 25-percent growth in the program from the prior year. For fiscal year 1989, the Senate appropriated enough to continue this growth. However, in conference with the House the level was reduced to allow only a 3-percent growth from 1988.

Now, under the bill before us today, H.R. 2939, the Peace Corps funding level is such that if not increased, we will reverse this trend and actually force a reduction in volunteer strength for the first time in 7 years.

As I stated earlier, Senator LEAHY and Senator KASTEN have worked very hard to construct this year's foreign aid bill. I think it would be accurate to describe this bill as one of the most difficult appropriations bill to craft, especially since funding under the subcommittee's authority has been cut by over 30 percent since 1985.

The subcommittee was faced with a White House request and a House appropriations level of $163.4 million. Under their fiscal constraints, I can appreciate the dilemma of the subcommittee which may have wanted to increase the funding for the Peace Corps but lacked support from either the White House or the House of Representatives. My colleague from Vermont, Senator LEAHY, is one of the strongest Senate supporters of the Peace Corps, as was his predecessor on the subcommittee Senator INOUYE. Senator KASTEN is also a strong Peace Corps supporter.

Today I am proposing an amendment to increase the Peace Corps budget to the level necessary to continue the growth of the last few years, even though this increase is insufficient to meet the 10,000-level goal by 1992. The funding level in my amendment will allow the Peace Corps to continue its programs in 100 countries and also enable growth into a number of countries who have requested our volunteers. The opportunity to send Americans into these new countries, such as Algeria, Bolivia, Indonesia, and Uruguay, is one too rich to be missed.

My amendment would increase the appropriations to that authorized by the Foreign Relations Committee earlier this year. As with any measure in this bill, the value of a program must be balanced against the value of all others. This bill has been carefully scrutinized and refined by the committee so that I do not know of any one program that could be cut to balance the increase in the Peace Corps budget. Because of this, I along with the amendment's cosponsors have decided that the fairest approach is an across-the-board, fraction reduction in all accounts under the multilateral and bilateral economic assistance and military assistance titles. However, recognizing our country's long-standing commitment to Israel and Egypt, especially since the Camp David peace accords, my amendment exempts economic support fund and military sales aid to those two countries from the fractional reduction.

This minor reduction will have a negligible effect on the many important and worthwhile programs funded under titles I, II and III of this bill.

However, this transfer will have an incredible impact in our country's ability to send highly skilled Americans to some of the poorest countries of the world.

I believe there is widespread, bipartisan support for the Peace Corps in the Senate, and I believe the acceptance of this amendment highlights that support. The managers of this bill have been very gracious to work with me and the amendment's cosponsors, Senators CRANSTON and ROCKEFELLER, to reach an acceptable version. I greatly appreciate their willingness to work with us on this important program. I believe this sends a strong signal to the House of Representatives and the White House that we are ready and willing to continue the mandated growth of the Peace Corps even during the most difficult of budgetary times.

Again, I want to commend the chairman and ranking Republican of the Foreign Operations Subcommittee for their diligence and hard work. I thank them and I thank the Chair.

Mr. CRANSTON. Mr. President, as a long-time advocate for and supporter of the Peace Corps, I am pleased to be joining with the distinguished Senator from Oklahoma [Mr. BOREN] and Senator ROCKEFELLER in proposing this amendment. Our amendment would restore the Peace Corps appropriation to the level that would enable it to continue making progress toward achieving the congressionally established goal of a Peace Corps volunteer strength of 10,000, as enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83.

Mr. President, our amendment would increase the $163,614,000 million for the Peace Corps in the fiscal year 1990 Foreign Operations Appropriations Act, H.R. 2939, as reported, by $10,186,000 to provide for a total of $173,800,000—$9,186,000 of which would be for the Peace Corps' operations in fiscal year 1990 and $1 million of which would be provided, in anticipation of the enactment of authorizing legislation establishing such an account, for transfer to a Peace Corps foreign currency fluctuations account.

BUDGET NEUTRALITY

To keep the overall fiscal year 1990 costs of our amendment within the Foreign Operations Subcommittee's 302(b) budget allocation, our amendment would provide for budget authority reductions of $10.2 million in the bill by uniformaly reducing by 0.133 percent each appropriation, and each allocation of such appropriations, under title I, multilateral economic assistance, which totals $1.7 billion; title II, bilateral economic assistance except for amounts earmarked for Israel, Egypt, or the Peace Corps, which totals $4.6 billion; and title III, bilateral military assistance except for amounts earmarked for Israel or Egypt, which totals $2.4 billion. However, according to the Congressional Budget Office, the spend-out rate for the Peace Corps appropriation is 82.2 percent and the spend-out rates for the affected title I, II, and III appropriations are 12.1 percent, 20.2 percent, and 8.3 percent respectively. Thus, the total $10.2 million reductions in appropriations in those titles would reduce fiscal year 1990 outlays by only $1.62 million—some $6.75 million less than the outlay increase of $8.37 million that would result from the additional Peace Corps appropriation. In order to achieve the $6.75 million reduction in outlays which, according to CBO, is necessary in order to make our amendment outlay neutral, our amendment would reduce by that amount the caps on fiscal year 1990 expenditures, other than those for Israel or Egypt, for economic support fund programs and activities and on discretionary budget authority that would be made available by the pending measure.

Mr. President, I wish to emphasize that neither the very modest, uniform-percentage appropriations reductions nor the expenditure-cap reductions would have any effect on the economic support, title II, or military assistance, title III funds earmarked for Israel or Egypt. Moreover, the amendment would specifically require that the reductions in appropriations and expenditures be applied proportionally to all accounts and other earmarks in the bill. Thus, no single activity, program, or earmarked amount would be at risk of any substantial reduction as the result of our amendment.

APPROPRIATIONS INCREASE

Mr. President, the small, but vitally important $10.2 million add-on called for in this amendment would enable the Peace Corps to continue its progress toward achieving the congressionally established goal of a 10,000-volunteer strength. The amount contained in this amendment is consistent with the 10,000-volunteer plan, submitted to Congress on March 5, 1986, by former Peace Corps Director Loret Ruppe, which presents a realistic blueprint for the appropriations needed each fiscal year in order to achieve moderate Peace Corps growth through the end of this decade and into the beginning of the next.

Mr. President, we recognize that the amount contained in the appropriations bill as reported—which is identical to the administration request of $163.6 million—is $10 million over last year's appropriation level and we understand that Chairman LEAHY and the Foreign Operations Subcommittee have worked very hard to give the Peace Corps a fair shake in the appropriations process. However, last year's appropriation was itself $5 million under that what the Peace corps needed—despite the Senate Foreign Relations Committee's, the Senate Appropriations Committee's and the Senate's having voted to appropriate the full $157-million amount included in the Ruppe blueprint. The request of $163 for fiscal year 1990 would not allow any expansion in programs or even a modest increase in the number of volunteers. Furthermore, with the level of funding reported, reentries into countries such as Algeria, Bangladesh, and Bolivia—where Peace Corps volunteers could perform very valuable work—will have to be postponed to future years.

In fact, Peace Corps Director Paul Coverdell, in his testimony before the Foreign Operations Subcommittee on June 6, stated very clearly that the Peace Corps would have to either "stretch its infrastructure"—a step he described as a "daredevil approach"—or reduce the number of volunteers by 200, from 6,800 volunteers in fiscal year 1989 to 6,600 in fiscal year 1990. This is clearly not the direction that Congress intends for the Peace Corps or where it should be headed.

Furthermore, Director Coverdell was kind enough to send me a copy of a memo he sent to Chairman LEAHY on September 7 further emphasizing the importance of funding the full $172.8 million authorized under our bill, S. 683 as incorporated by the Foreign Relations Committee into S. 1347, and listed 13 countries that are seeking Peace Corps entry and three that are requesting "sizable" Peace Corps expansion. Director Coverdall further elaborated that "[a]dditional funding over the * * * $163 million will enable us to respond to many important and critical country requests * * *. Dollar for dollar, no other foreign assistance program purchases so much of value for so little as the Peace Corps."

Mr. President, I could not agree more.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

In addition to the impact of the insufficient appropriation level last year because the House would not agree to the Senate-passed amount, the Peace Corps has been absorbing additional costs because the rising costs of foreign currency fluctuations in recent years has further decreased the value of the Peace Corps' funding. This added burden on resources has already suppressed growth in fiscal year 1989 toward the mandated 10,000 volunteer goal. In a February 27, 1989, letter to me, then-Director Ruppe stated that, due to the falling dollar, $1.8 million was lost in fiscal year 1988 and an estimated $3 million will be lost in fiscal year 1989.

Mr. President, I ask unanimous consent that a copy of her letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, in order to avoid such losses in the future and thus avoid future appropriations to offset these losses, I proposed in S. 683 and the Foreign Relations Committee approved in section 1103 of S. 1347, the proposed International Security and Development Cooperation Act of 1989 as reported by the Foreign Relations Committee (S. Rept. 101-80) on July 18, 1989, to establish a foreign currency fluctuations account from which the Peace Corps could draw when the costs of its operations increase as a result of a decline in the value of the U.S. dollar. The account is patterned after similar accounts established for the Departments of Defense and State and the American Battle Monuments Commission. The account would also provide a mechanism for redistributing savings realized in certain years when the value of the dollar has risen to offset losses in other years in which the dollar has dropped.

In anticipation of the enactment of the legislation establishing the foreign currency fluctuations account, our amendment would allocate $1 million of the Peace Corps appropriation to the new account if it is established by the enactment of authorizing legislation.

CONCLUSION

Mr. President, let me conclude by saying that, of all the international efforts we make to achieve world peace and understanding, there is no greater contribution than that which the American people make through the Peace Corps. This investment in the Peace Corps is a sound one, and I truly believe that we should take all necessary steps to stay on the path toward achievement of the 10,000-volunteer goal and to continue to provide necessary funds for this most important mission.

I would like to take a minute to congratulate Senator BOREN for his leadership on this most important matter and to thank him and his assistant, John Deeken, for their hard work and cooperation in working with me and my staff on this amendment. A special thanks also to Joe Whitehill of the Congressional Budget Office and Arthur Rynearson of the Senate Legislative Counsel's office.

Mr. President, I urge my colleagues to support this amendment.

EXHIBIT 1

PEACE CORPS,
OFFICE OF THE DIRECTOR,
Washington, DC, February 27, 1989.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: As you requested, enclosed is information relative to the establishment of a currency fluctuation account for the Peace Corps. Should such an account be established, Peace Corps would benefit in three ways:

It will help alleviate program erosion. Currently, funds that could be used for program growth are reduced because we must pay exchange rate losses out of our annual appropriation. For example, in FY'87 we estimated a loss of $3.2 million, FY'88 $1.8 million, FY'89 $3.0 million, and in FY'90 $3.4 million. The most vulnerable are our West African countries whose economies are based on the Franc. In the first quarter of FY'87, the dollar's devaluation in West Africa caused an $800,000 shortfall.

A fluctuation account will provide an efficient mechanism to centrally redistribute funds as needed. Should the legislation require that the fund be replenished, savings in Peace Corps countries where the dollar is strong could be used to offset losses in countries where the dollar is weak.

By having a multi-year account, the Peace Corps could potentially stabilize fluctuation by being able to plan and budget across fiscal years. If for example, exchanges are favorable in FY'89, the Peace Corps could use these savings in FY'90.

Attached is a summary data sheet for the Philippines which illustrates which expenses are most vulnerable to foreign currency fluctuation. Also attached is a report on uncontrollable expenses for FY'89 and FY'90.

In reference to your inquiry regarding the in-and-out rule, the major justification for its adjustment to a maximum of 2½ years out before rehire, is that it would afford more excellent employees the opportunity to return to the agency with expanded knowledge and skills. As it currently stands, American Peace Corps employees above the GS 8 grade level, must leave the agency for as long as they were employees, thus making it almost impossible for some of our brightest and best to return.

Please let me know if you need more detailed information on the impact of currency fluctuations on our budget or further details relative to a shortened in-and-out rule.

With best wishes,
Sincerely,

LORET MILLER RUPPE,
Director.

Enclosures.

SUMMARY DATA SHEET—APPROPRIATED FUNDS

[Exchange rate used for budget U.S. $=Pesos 21.00] [1]

	Exposure rate	Budget
Program support:		
1. FP salaries	0.0	275.7
2. FP benefits	0.0	79.1
3. FN benefits	1.0	109.4
4. FN benefits	1.0	22.7
5. Other salaries	0.0	0.0
6. Other benefits	0.0	0.0
7. ED/DEP travel	0.0	0.0
8. In-City-travel	0.0	0.0
9. Intrnal travel	0.0	0.0
10. TRNSP things	0.0	0.0
11. RNT, CM, UT	0.9	109.0
12. Printing and Rep	0.0	0.0
13. Other Svcs	1.0	101.8
14. Supplies	1.0	13.2
15. Equipment	0.0	0.0
16. Clms & Indem	0.0	0.0
17. Program Support Total		710.9
Volunteer operations pre-service training:		
20. Trainer salary	0.4	56.0
21. Trainer benefits	0.8	2.4
22. Trainer travel	0.7	26.6
23. Trainee costs	0.0	15.2
24. Trainee travel	0.7	61.4
25. Trnspt things	1.0	3.8
26. RNT, CM, UT	1.0	2.0
27. Printing & Rep	1.0	7.0
28. Other services	1.0	88.3
29. Supplies	0.8	9,7
30. Equipment	0.6	9.3
31. Claims & Indem	0.0	0.0
32. PST total		281.7
In-Service training and conference:		
35. Trainer salaries	0.9	99.5
36. Trainer benefits	1.0	4.4
37. Trainer travel	1.0	93.6
38. Vol tutoring	1.0	6.1
39. Vol costs		
40. Vol travel	1.0	43.8
41. RNT, CM, UT	1.0	8.0
42. Printing & Rep	0.0	0.0
43. Other services	1.0	181.6
44. Supplies	0.6	6.9
45. Equipment	1.0	3.5
46. IST total		447.4
Volunteer support:		
50. Settling allow	1.0	27.3
51. Leave allow	0.0	94.1
52. Living allow	1.0	459.2
53. COS/ET travel	0.0	104.5
54. Extnsn travel	0.0	20.0
55. In-Cty travel	1.0	156.8
56. Tranp Things	1.0	3.0
57. RNT, CM, UT	0.9	82.9
58. Printing & Rep	1.0	10.0
59. Other services	1.0	39.1
60. Supplies	0.7	150.9
61. Equipment	0.7	52.5
62. Medical travel	1.0	68.6
63. TSP Things Med	0.0	0.0
64. Other Svc Med	0.3	137.3
65. Supplies Medical	0.3	87.9
66. Equipment Med	0.0	0.0
67. Clms & Indem	0.0	0.0
68. Vol support total		1,494.1
69. VOL OPS total		2,223.2
Total country budget		2,934.1

[1] Philippines, Code 492, fiscal year 1989.

PEACE CORPS—UNCONTROLLABLE EXPENSES

	FY88	FY89	FY89 [1]	FY90	FY90 [2]
FAAS	2,900	3,300	400	3,650	350
GSA rents	3,354	4,613	1,259	4,752	139
Communications	1,586	1,037	(549)	1,037	0
Term LV/sev/unempl	620	1,058	438	1,260	202
FECA:					
Staff	262	212	(50)	207	(5)
Volunteer	4,753	5,621	868	6,205	584
Penalty mail	764	828	64	833	5
Total	14,239	16,669	2,430	17,944	1,275

[1] Increase/(decreased).
[2] Increase/(decreased).

[Increase only]

	Exposure rate	Budget
FY88 pay raise	196	
FY89 pay raise	1,200	400
Retirement-related increases	525	351
Inf exch rate	2,970	3,400
Total increases	7,321	5,426

[From the Peace Corps, Washington, DC, Nov. 2, 1988]

ADDITIONAL DETAIL ON INFLATION AND EXCHANGE RATE PROJECTIONS

The overseas inflation and exchange rate calculation is based upon: individual country budget submissions, and forecasts issued by the Department of State. The individual country budget submissions identify the portions of the budget which are subject to local currency fluctuations and inflation.

The estimate included in Peace Corps current services budget submission reflects a worldwide average of 6.7% of affected program dollars, such as, FN salaries and benefits, rents, communications and utilities, volunteer support costs and all other items procured on the local market. The exposure rates vary slightly from post to post depending on the local availability of goods and services. A sample country budget request is attached.

The PRESIDING OFFICER. Is there further debate on the amendment?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 802) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

AMENDMENT NO. 803

(Purpose: To establish certain categories of refugee applicants)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, and Senator KASTEN and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from Indiana [Mr. LUGAR]?

Hearing none, the clerk will report the amendment of the Senator from New Jersey.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself, Mr. KENNEDY, and Mr. KASTEN, proposes an amendment numbered 803.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new sections:

SEC. . ESTABLISHING CATEGORIES OF REFUGEE APPLICANTS.

(a)(1) The Attorney General is directed to establish, in consultation with the Secretary of State, categories of refugee applicants which would identify applicants with a strong likelihood of qualifying for admission as refugees due to well established histories of persecution, pursuant to section 207 of the Immigration and Nationality Act.

(2) The following refugee applicants are deemed to be categories established under paragraph (a)(1):

(A) Soviet nationals who are Jews or Evangelical Christians,

(B) Holders of Letters of Introduction in the Orderly Departure Program in Vietnam, who do not immediately qualify for immigrant visas;

(3) The Attorney General may designate other groups of refugee applicants for which such categories may be appropriate, including Soviet Nationals who are Ukrainian Catholic and Ukraninan Orthodox.

(b) If a refugee applicant is within any of the categories, he or she may qualify for refugee status by demonstrating one of the following:

(1) acts of mistreatment, or prejudicial actions against him or her personally such as, but not limited to:

(A) inability to study or practice religious beliefs or ethnic heritage; or

(B) denial of access to educational, vocational or technical institutions for which he or she is otherwise qualfied, based on membership in one of the above categories; or

(C) adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her category; or

(2) acts of persecution committed against other persons in his or her category, in his or her geographical locale; or acts, regardless of locale, which give rise to a well-founded fear of persecution, or

(3) instances of mistreatment or prejudicial actions based on his or her personal request to depart his or her homeland, including, but not limited to, loss of home, job, or educational opportunity.

(c) Decisions made to deny applications for refugee status shall be made in writing and shall state, to the maximum extent feasible, the reasons why the application was denied.

(d) Aliens who fall within categories established by this Act, or by the Attorney General pursuant to this Act, and who have been denied refugee status between August 15, 1988 and the date of enactment of this Act, shall be permitted to reapply and shall be readjudicated for refugee status under the terms of this Act.

(e) This section shall take effect on the date of the enactment of this Act and shall terminate on September 30, 1990.

SEC. . (a) The Attorney General shall, subject to the requirements in subsection (b) and (c) of this section, adjust to lawful permanent resident status those nationals of the Soviet Union or Vietnam who entered the United States on or after September 1, 1988 and before September 30, 1990, through the exercises of his public interest parole power after being denied refugee status.

(b) Soviet, or Vietnamese nationals described in this section shall not be eligible for adjustment under subsection (a) unless—

(1) they have been physically present in the United States for at least one year,

(2) they apply for adjustment within one year after the date upon which they become eligible for such adjustment, and

(3) they pay a fee to provide for the processing of their application, as determined by regulation by the Attorney General.

(c) Persons described in subsection (a) shall not be subject to the numerical limitations in section 201(a) or section 202(a) of the Immigration and Nationality Act, but shall be subject to the exclusions in section 212(a) of such Act (except for paragraphs (14) and (28)).

SEC. . REPORT BY THE COMPTROLLER GENERAL.

(a) The Comptroller General of the United States shall provide reports to the Committees on the Judiciary of the United States Senate and the U.S. House of Representatives on the implementation of this provision in Italy and the Soviet Union. Such reports shall include, but not be limited to,

the timeliness and length of individual interviews,

the adequacy of staffing and funding by the State Department, Immigration and Naturalization Service and voluntary agencies,

the denial rates by ethnic or religious group,

the sufficiency of the proposed Soviet refugee processing system within the United States,

backlogs by ethnic or religious group and the reasons backlogs exist, if they do exist.

the sufficiency of the means of distributing and receiving applications in Moscow,

to the extent possible, a comparison of the cost of conducting processing only in Moscow as opposed to permitting processing also in Italy, and

an evaluation of efforts to phase out Soviet refugee processing in Italy.

(b) The Comptroller General shall provide a preliminary report to the Committees on the Judiciary by December 31, 1989, and a final report no later than March 31, 1990. The final report shall include any recommendations which the Comptroller General may have regarding the need, if any, to extend or revise this provision.

Mr. LAUTENBERG. Mr. President, It has been cleared with both sides. This amendment is similar to an amendment that I and nine of my colleagues, including Senators KENNEDY and KASTEN, offered to the State Department authorization bill. It is a modified version of S. 893, a bill I introduced to grant presumptive refugee status for Soviet Jews, Soviet Evangelical Christians, and others.

This amendment is based on a compromise worked out with the help of Senator KENNEDY and Senator SIMPSON, the chairman and ranking minority members of the Senate Judiciary Subcommittee on Immigration.

Under this amendment, the Attorney General will establish categories of refugee applicants who have a strong likelihood of qualifying for admission to this country as refugees, based on well-established histories of persecution. These categories must include Soviet Jews, and Soviet Evangelical Christians, Vietnamese who hold letters of introduction in the Orderly Departure Program, ODP, who do not immediately qualify for immigrant visas, and other groups of refugee applicants, including Soviet Ukrainian Catholics and Orthodox, for whom such categories may be appropriate.

Once a refugee applicant proves he or she falls within one of these categories, the amendment lessens the evidence that he or she must present to prove the persecution or well-founded fear of persecution qualifying him or her for admission to the United States as a refugee.

The applicant may choose to qualify for refugee status by demonstrating one of several acts of mistreatment or prejudicial actions, or actions of persecution against others, or instances of mistreatment or prejudicial actions based on the request to emigrate.

Included among the kinds of acts of mistreatment, or prejudicial actions, would be the inability to study or practice religious beliefs or ethnic heritage. It would also include denial of access to educational, vocational, or technical institutions for which he or she is otherwise qualified, based on membership in one of the above categories. It would also include adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her category.

The refugee applicant may choose to qualify for refugee status by demonstrating acts of persecution committed against other persons in his or her category, in his or her geographic locale, or acts, regardless of locale, which give rise to a well-founded fear of persecution.

The refugee applicant may choose to qualify for refugee status by demonstrating instances of mistreatment or prejudicial acts based on his or her personal request to depart the Soviet Union, including, but not limited to, loss of home, job, or educational opportunity.

The amendment provides for the adjustment of status to permanent resident status of Soviet nationals and ODP Vietnamese who entered the United States on or after September 1, 1988 and before September 1, 1990, as parolees, provided they have been physically present in the United States for at least 1 year. It also provides that decisions made to deny applications for refugee status must be in writing and state, to the maximum extent feasible, the reasons why the application was denied.

The amendment also responds to concerns that have been raised about the State Department's plans to implement its policy of processing visas in Moscow. To that end, the amendment requires the General Accounting Office to monitor implementation of the Act and report to Congress on the timeliness and length of interviews, the adequacy of staffing and funding by the State Department, Immigration and Naturalization Service and voluntary agencies, the denial rates by ethnic or religious group, the sufficiency of the proposed Soviet refugee processing system within the United States, backlogs by ethnic or religious groups, the sufficiency and means of distributing and receiving applications in Moscow, a comparison of the cost of conducting processing only in Moscow as opposed to permitting processing also in Italy, and an evaluation of efforts to phase our refugee processing in Italy.

Mr. President, I have already discussed the merits of this amendment at great length during the debate on the State Department authorization bill. On that bill, the Senate voted 97-0 in overwhelming support of the provision. I understand that this amendment is acceptable to both sides and I urge that it be adopted.

Mr. KENNEDY. Mr. President, last Friday the Judiciary Committee conducted hearings on the President's proposals for refugee admissions for the coming fiscal year. It was apparent from that hearing that we are at a turning point when it comes to the many refugees now able to depart from the Soviet Union.

After years of our pounding on the Kremlin door, the Soviet Union is now issuing exit visas in unprecedented numbers. In 1990, over 100,000 Soviet citizens are expected to be able to depart—a tribute to our country's efforts over the past decade.

Mr. President, the administration is proposing to increase the number of refugees we accept for resettlement worldwide from the 1989 level of 116,500 to 125,000 for 1990. Within that number, 50,000 would be from the Soviet Union—up from 43,500 in 1989, which is approximately double the number in 1988.

It is my belief that over the course of this year we must find ways of doing even more, given the numbers now able to depart. And we should continue to join with Israel and other free nations in offering haven for those so long oppressed.

However, the administration states that its funding request, which is fully funded under this bill, is $58 million short of what is actually needed to move 125,000 refugees to the United States. And an additional amount of at least $60 million is required for the Department of Health and Human Services to cover domestic costs.

At the same time, the administration is planning major changes in the processing of Soviet refugees.

For years, those fleeing the Soviet Union to the United States have only been able to do so under the guise of immigrating to Israel. So we processed Soviet refugees in Rome.

However, direct departures from Moscow to the United States are now possible. The administration is moving ahead to phase out the United States office in Rome and move our refugee operation into the American Embassy in Moscow.

There are many issues to be resolved before this new system can be considered viable. For example, almost half of the Soviet Jews now applying in Rome are rejected for admission to the United States as refugees—this despite the long and well-known history of persecution of Jews in the Soviet Union. Procedures need to be developed to ensure that interviews by our consular and immigration officers are confidential. And arrangements must be finalized to permit sufficient staffing by both the American Embassy and voluntary agencies to cope with the caseload.

Until these and other similar matters are adequately addressed, it is my view that the processing through Rome must not be phased out too precipitously.

Mr. President, the Senator from New Jersey and I have an amendment which we believe will assist in this transitional period.

First, it provides clear standards for the handling of Soviet refugee applications both in Rome and Moscow. This will ensure a fair adjudication for the 17,000 Soviet emigres now in Rome and applying for our refugee program. But equally important, it will establish clear guidelines for the handling of refugee applications under the new Moscow procedure.

Second, the amendment provides a mechanism for congressional review of the Moscow transition. It requires the GAO to monitor not only the phasing down of the Rome operation, but also the new Moscow procedure. Under the amendment, GAO will provide periodic reports to Congress along with recommendations for congressional action.

Finally, it is important to note that the Attorney General last week announced some promising steps which he will be taking to address the troubling backlog of cases in Rome. He has instructed that those cases be reviewed under new criteria, and I commend him for taking this action. This amendment is in no way intended to detract from that exercise, but, rather, should provide a clear statutory basis for it.

Mr. President, this is a time to celebrate the freedom that is coming at last to so many from the Soviet Union. But we cannot afford to rest for there is still much work to be done.

Our amendment provides a path for the future at a time of some uncertainty in the Soviet refugee program, and I urge its adoption.

Mr. President, I ask unanimous consent that a letter on this subject from the President of the American Jewish Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN JEWISH COMMITTEE,
September 18, 1989.

Hon. JAMES A. BAKER,
Secretary of State, Department of State,
Washington, DC.

DEAR SECRETARY BAKER: The American Jewish Committee has veen vitally interested in refugee flows to the United States throughout this century. Since passage of the landmark Refugee Act of 1980, we have had a particular interest in the numbers of and funding for refugee flows established each fiscal year through the mandated consultation process between Congress and the Administration. This process is now taking place for FY 1990. While we have devoted special attention in the past year to Soviet Jewish refugees, we firmly believe that the humanitarian principles to which we are dedicated require a welcoming policy for people escaping persecution from many places around the globe.

In general, we accept the Administration's proposals for U.S. refugee numbers for the next fiscal year, but have grave reservations about plans for funding them. We believe that the consultation process will be successful only if numbers and funding are considered together in a comprehensive plan. At present, it appears that both numbers and allocations are driven more by budget considerations than by refugee need.

Given this limitation, the proposal to accept 125,000 refugees next year represents, with some important exceptions, a fair and humane response to worldwide refugee needs. It is especially important to demonstrate our continuing commitment to offer freedom to Jews, Pentacostals and others exiting the Soviet Union. Allocating at least 50,000 refugee slots to this region, which we assume includes provision for 40,000 Soviet Jews, would affirm our consistent concern for this population. It is also important to remove blockages to entry of East European refugees.

At the same time as we plan for these numbers, we hope that the problems with applications for refugee status and processing that plagued the program in 1989 will be resolved next year.

We also concur that the largest number of refugee slots, 51,500, should be allocated to Indochinese, including both those who have managed to reach countries of first asylum and those who emigrate directly from Vietnam. We should be especially receptive to Indochinese who have been in camps for several years and to political prisoners in Vietnam.

We have some reservations with the projected numbers for Latin America and Africa. We support allocating about 3,000 places to Cubans, but believe those remaining for the rest of Latin America are seriously inadequate in relation to need and will force admissions decisions to be handled in a less rational way in asylum proceedings. We welcome the small increase in intake from Africa but believe that problems there could benefit from a somewhat higher reception from that continent.

While the planned admissions numbers are generally positive, we have serious reservations about providing funding for only 111,000 refugees, including 10,000 unfunded slots for refugees from the Soviet Union. First, this figure represents a significant cutback from the present year, although problems in this field have not abated. Second, these clearly inadequate planned funds will undoubtedly lead to another round of debates over supplementary appropriations or borrowing from other sources of funds, such as occurred in FY 1989. It is preferable to avoid this inefficient procedure and plan rationally now for refugee needs we know we will have to meet next year. Indeed, this planning is the very purpose of the consultation procedure.

Finally, the large numbers of unfunded slots could lead to the prospect that refugees of concern to established communities in the United States would secure funding while those who lack this support would not, regardless of need. Such a situation would seriously compromise the integrity of the entire refugee program.

We look forward to continuing to work with you on this vital issue.

Sincerely,

SHOLOM D. COMAY,
President.

Mr. LAUTENBERG. Mr. President, under this amendment, a refugee applicant may choose to qualify for refugee status by demonstrating that he or she has been the victim one of several acts of mistreatment or prejudicial actions.

I understand that the ranking member of the Immigration Subcommittee believes that the provision nonetheless reserves discretion to the Attorney General.

Would he agree that any discretion which this allows the AG to deny cases is extremely limited in scope—that it is only for the isolated case which cannot now be foreseen—in which a conferral of refugee status, would not be appropriate, or otherwise not in the national interest?

Mr. SIMPSON. Yes.

Mr. LAUTENBERG. Is that the Chairman's view as well?

Mr. KENNEDY. Yes, it is.

The PRESIDING OFFICER. Is there further discussion on the amendment?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I will be brief. This is essentially what we did on the State Department authorization bill. It has been worked out with Senator LAUTENBERG and Senator KENNEDY. That was the amendment to clarify the burden of proof required of Soviet and Vietnamese refugee applicants when these groups of people seek the approval of meeting the definition of the Refugee Act of 1980.

I think the importance here and what I will briefly say is that here we are dealing with specific types of government mistreatment that could leave a beneficiary of this bill having a well-founded fear of persecution in his or her homeland and the importance of this is to adjust permanent residents, those Soviets and refugees admitted into the United States, not as refugees but under a grant of public interest parole.

I just do not think it is a good precedent to ever start singling out certain groups for special treatment when we have statutes that purport to treat refugees as country neutral.

So we have worked this out, but I think it is going to be a continual lure for us to want to do that, and that is exactly the violation of the Refugee Act of 1980; that we do not have country specific and certain religious groups and certain ethnic groups, and that is not what it is for. It is for a case-by-case determination of these people throughout the world. If we do not stay with that philosophy—and we have here. We are just adding a lesser burden of proof—I think anything else would distort our very generous policy and it will be very heavily strained in the years to come with what the Soviet Union is doing. I would not want to see the distortion of that where the refugee group with the strongest lobby in Washington receives refugee status rather than the refugee group that is in the most dire need of assistance. We are going to have to watch that. Immigrant rather than refugee status is the most appropriate I think for the class of Vietnamese. I think we ought to stay close to that if we can. Nevertheless, I thank my friends from New Jersey and Massachusetts for their cooperative spirit and I am certainly willing to accept that. But the issue of presumptive status of refugees will vex us for many years to come.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. I want to ask a question, if I might, of the Senator from Wyoming. The Senator is not working from a limited pool, is he, so that by doing this, granting this special status to a group from the Soviet Union, you are not thereby reducing the opportunity, say, for Cambodians and do I understand Vietnamese are in this group?

Mr. SIMPSON. Mr. President, we are always working from a limited pool when we deal with refugees because we set a refugee number under consultation with the State Department and the Attorney General. We arrive at that through the House and Senate Judiciary Committees. We do move numbers and have moved numbers within that general figure, and that is going to be a very disturbing thing. And then we also have the ability, however, as a Senate and House to respond to emergency numbers for emergency refugee flow.

Mr. CHAFEE. It just applies for a year, is that not correct?

Mr. SIMPSON. Mr. President, that is correct.

Mr. CHAFEE. Let us take a figure from the air. Suppose 600,000 of these qualifying individuals, Evangelicals, Jews, whoever they might be, come out of the Soviet Union and come under this presumption that we are providing here? Would that thereby reduce the chance of a boat person from Vietnam getting into the United States?

Mr. SIMPSON. Mr. President, this amendment does not affect the President's ability to determine what parts of the world receive refugee visas. If 600,000 persons were on exit visas from the Soviet Union, we will have a lot of consultation in the House and Senate Judiciary Committees, and that is what the refugee act authorizes us to do. It will be a serious problem. But we have no presumption here of taking a certain group or certain ethnic group. That is what we are trying to avoid. And this does it. It just provides for a lower burden of proof for Soviets and Vietnamese. But eventually, there will come a crush where they will say we think we should take numbers away from Southeast Asis, or we can allocate those numbers. That is the function of the legislature.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin, Mr. KASTEN.

Mr. KASTEN. Mr. President, we have reviewed the amendment. I am proud to be a cosponsor of the amendment. I urge its adoption.

Mr. LEAHY. I am in favor of the amendment and urge its adoption.

Mr. LAUTENBERG. Mr. President, I thank the managers of the bill and my distinguished colleague from Wyoming. I appreciate his cooperation.

We dealt at length with the issues that were discussed here tonight, and this is a good amendment. I think it confirms the fact that the United States says "Come here if you are seeking freedom." We have the capacity to absorb a given number of refugees. We want to be able to say to those people, come here once you have established the fact there is persecution or harassment; the doors are open. I thank the Senator and hope we will adopt the amendment.

Mr. KENNEDY. Mr. President, the President has recommended a ceiling of 125,000 on the admission of refugees for fiscal year 1990. His representatives have informed the Judiciary Committee, during our hearing on this issue on Friday, that an additional $58 million may be required over what the President requested.

I understand that the bill that is before us is already up to the budget ceiling. The only way to obtain the additional $58 million is to take it from other needy activities. An additional $60 million or more is also required in the appropriation for the Department of Health and Human Services if we are to admit the 125,000 without cutting back on funding to States and voluntary agencies.

In addition, it may be necessary in the course of the year to increase refugee numbers for the Soviet Union. The administration is planning to phase out its refugee operation in Rome and conduct all processing for United States-bound refugees out of the U.S. Embassy in Moscow. It is my own view that additional numbers may be needed in the course of the year both to retire the backlogs in Rome and to start up a viable process out of Moscow.

If I might ask of the two managers of the bill, is it their understanding that additional funds will be needed to fund the admission of the 125,000 refugees that the President is recommending for fiscal year 1990?

Mr. LEAHY. Yes, that is my understanding and the Committee's notes that we are convinced that a supplemental will be necessary.

Mr. KASTEN. It is also my belief that supplemental funds will be needed.

Mr. KENNEDY. It is also the Senator's understanding that the Secretary of State has committed to Congress to seek additional funding, should it become necessary, as I believe it will?

Mr. LEAHY. Yes. It is my understanding that such a commitment was made by the Secretary in hearings before the Appropriations Committee.

Mr. KENNEDY. Would the Senator, as the chairman and ranking member of the Subcommittee on Foreign Operations, support such a request, if it is clear at that time, as I believe it will be, that additional funds are required.

Mr. LEAHY. Yes, I would.

Mr. KASTEN. Yes, as I believe such funds will be needed to carry out the program through the year.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 803) was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the managers of the bill for including in it $10 million for the vitamin A prevention of blindness. This is something in which I have been deeply interested. The program has been successful. I extend my thanks to all the members of the committee and particularly the leadership.

Second, I am grateful that the bill includes the language we previously had in authorization legislation dealing with the United States concern over the closure of the schools on the West Bank of Israel, the hope that those schools would remain open, and that this will continue to be the policy; that they will not be closed in the future.

Finally, I would like to ask the managers of the bill a question, if I might.

If I might have the attention of the distinguished senior Senator from Vermont, on page 75, a provision in the bill talks about prohibition against United States employees recognizing or negotiating with the PLO. I am just not sure what the language means because it says in effect no employee or individual acting in behalf of the United States Government shall recognize or negotiate with the PLO or representatives thereof so long as the PLO does not recognize Israel's right to exist, and so forth.

My first question is, who determines that? Who determines whether the PLO does or does not recognize Israel's right to exist and accept council resolutions 242 and 238? That is my first question.

Mr. LEAHY. The President of the United States makes that determination. I would note also for the distinguished Senator from Rhode Island that this language is simply carried over as part of the House language, but it is my recollection in looking at it—I am sure somebody will correct me if I am wrong—this is the language that has been in the bill almost as boi- that has been in the bill almost as boilerplate language for a number of not more. It is something that has been passed in the law at least a couple times, and I think the House simply carried it forward from past years. There was no move in the Appropriations Committee to change it.

Mr. CHAFEE. There is no attempt by this provision to negate those negotiations, if you would, or consultations that are currently taking place between the U.S. representatives and representatives of the PLO?

Mr. LEAHY. No. I tell my friend from Rhode Island that they are operating under this law even now because this restates current law. They have been operating under that. President Reagan and Secretary Shultz, well aware of this law, took it into consideration, acted appropriately, I might say, as far as the law is concerned in starting those kinds of negotiations. President Bush and Secretary Baker have carried forward the negotiations. I believe the Senator is speaking of the ones that have been in Tunisia and so on, again, in light of this law, and again without question raised that they were in any way in violation of the law.

Mr. CHAFEE. I thank the Senator. I did not want in any way for this to infringe on those consultations, if you will, of what is taking place in Tunis right now. So I want to thank the managers of the bill very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 804

(Purpose: To develop a plan for the use of assistance to eradicate poverty in developing countries)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Indiana, Mr. LUGAR, will be set aside for remaining amendments to be reported tonight.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ], for himself and Mr. HARKIN, proposes an amendment numbered 804.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . PLAN TO ERADICATE WORST ASPECTS OF POVERTY.

(a) DEVELOPMENT OF PLAN.—It is the sense of Congress that the President should in consultation with host country governments, international organizations, and United States and indigenous nongovernmental organizations which represent the poor in developing countries, develop a plan consistent with basic objectives set forth in sections 101 and 102(a) of the Foreign Assistance Act of 1961 to ensure that United States development assistance contributes measurably to eradicating the worst aspects of absolute poverty by the year 2000, and seek international cooperation in achieving the goals developed in the plan.

(b) GOALS OF PLAN.—The plan developed pursuant to paragraph (1) shall include specific measurable poverty-reducing goals and the target dates for reaching these goals, including the following goals for the year 2000;

(1) Reduction of under-five-mortality rates by at least 50 percent of the 1989 mortality rates or to not more than 70 per thousand live births, whichever achieves the greater reduction.

(2) Achievement of universal primary education and at least 80 percent female literacy for those age groups defined by each country.

(3) Reduction of the proportion of the population living in absolute poverty by at least 50 percent of that proportion in 1980.

(4) Such other specific measurable goals, consistent with the achievement of the basic objective set forth in sections 101 and 102(a) of the Foreign Assistance Act of 1961 as the President determines to be crucial to measurably eliminating the worst aspects of absolute poverty.

(c) SUBMISSION OF PLAN TO CONGRESS.—The President shall submit the plan developed pursuant to this subsection to the Congress not later than 6 months after the date of the enactment of this Act. This plan shall be used by the administering agency in planning and providing funds for development assistance projects under this Act.

Mr. BOSCHWITZ. Mr. President, I offer this amendment along with my colleague, Senator HARKIN of Iowa. He and I are lead sponsors of a bill entitled "The Global Poverty Reduction Act," which has been cosponsored by 42 of our colleagues. The act, and this amendment from which it is drawn, seek to improve the impact of our foreign assistance. As you know, major efforts have been made over the last year to rethink, simplify, and make more effective our foreign assistance. This amendment is in line with those efforts.

One of the chief criticisms of our aid program is that there is no way to judge its success. All too often it appears our development assistance does not achieve its objective because no clear objective has been delineated. As a result, many Americans have the impression that our aid is wasted. Frankly, Mr. President, I, too, believe that we could be doing better.

In fact, almost everyone has concluded that the effectiveness of our development assistance has been less than we would have hoped. The late Administrator of AID, Alan Woods, a man I greatly admired, produced "A Report by the Administrator" earlier this year, entitled "Development and the National Interest," and referred to widely as "the Woods Report." In its introduction, he wrote that new answers to making development assistance more effective will require "rethinking [about] an increasingly outdated conventional wisdom about development." I agree.

In brief, Mr. President, our amendment States the sense of Congress that we should seek to establish target dates to reach goals in reducing the worst aspects of global poverty. Our own recent history has shown the importance and effectiveness of establishing goals, and then setting target dates to reach those goals. In 1961, John Kennedy set a goal for this Nation to place a man on the Moon by the end of the decade and to return him safely to Earth. We all know with great pride how successful that effort was. In the 1970's, the attempt to eradicate smallpox around the globe within a decade was adopted. By 1985, that enormous task had been successfully completed.

In 1980, only 5 percent of the Third World's children were immunized against childhood diseases, and so a goal was set for universal immunization by the year 1990. Last year, we had reached 50 percent. Will we reach the goal of 100? We may, we may not. But think how much closer we will be even if we fail to meet the target than we would if we had never established the target at all. Think how many children will survive their childhood because of the efforts that have been made.

And yet the persisting conditions of global poverty stagger the mind. UNICEF reports that 40,000 children die each day from starvation and related illness. That is a number that is hard to conceptualize. When 1 plane with 400 people aboard crashes as a result of a terrorist bomb, the world explodes with anger, and rightly so. But picture such an incident occurring 100 times a day, and then day in and day out, every day of every year. That is the toll of death from starvation. It is a tragedy that takes 15 million lives a year.

I firmly believe that sustained economic growth must, and will be, the long-term solution to this problem. And I support efforts to promote free markets and free political systems that have proven over and over to be the engines that drive economic growth.

But I also believe we must work at the same time to attack some of the symptoms of global poverty—both because we must do all we can to alleviate such massive suffering, and because by attacking some of the symptoms we promote economic growth.

And that is what my amendment does.

It expresses the sense of Congress in calling on the President to develop a plan to ensure that our development assistance contributes measurably—that is, in a way that can be measured—to reduce global poverty by the year 2000, and to seek international cooperation in fulfilling that plan.

It says that in developing this plan, we ought to establish measurable goals so that we may judge our progress and evaluate our success. It lists three specific goals, and calls on the President to add others he believes are required. The three goals that are enumerated are widely recognized as important indicators of poverty and the struggle to surmount it. They are:

First, reduction of under-five-mortality rates by at least 50 percent of the 1980 rates, or not more than 70 perthousand live births, whichever achieves the greatest reduction. According to UNICEF, the 33 countries with the highest under-five-mortality rate have a median rate of 209; that is 1 of every 5 children die before the age of 5. The United States has a rate of 13.

It would be hard to underestimate child mortality rates as an indicator of development. In AID Administrator Woods' Report this past February, he wrote that—

> Improved child survival rates are at once most intimate and far-reaching measure of development. * * * Indeed, the 32 countries with accelerating progress in infant mortality had the highest economic growth. * * * In direct contrast, the 25 decelerating countries have the lowest economic growth. * * *

Second, the second goal is universal primary education and 80-percent female literacy. Universal primary education is of obvious importance. But so is the female literacy rate. According to the Woods Report, "Female education has been linked to fertility decline, child survival rates, and family welfare." Indeed, of all the things you can measure, few are more certain to reduce child mortality than the mother's education. When child mortality rates fall, pressure to produce large families drop, children's educational rates increase, and sanitation improves. Anti-poverty groups assert that 50 percent of child malnutrition is not caused by lack of food but by lack of education of mothers in providing a proper diet and basic health needs. Moreover, there is a strong correlation between the level of adult female literacy and economic growth and productivity.

The third goal is reduction of the proportion of the population living in absolute poverty by at least 50 percent of that proportion in 1980. This target focuses directly on reduction of poverty. Absolute poverty is defined as that level below which families or individuals do not have the ability to provide for their own nutritional and other essential survival needs.

We recognize that these are only three goals and that there are other worthy and important goals to be set. That is why we invite the President to determine such other goals as he deems appropriate as he develops his plan to make our development assistance more effective. We want to ensure that our development assistance contributes to reducing global poverty as we encourage economic growth and political pluralism. For those who argue that setting goals are too ambitious and unrealistic, let me remind my colleagues of previous goals that we have set and met that also seemed too ambitious. Even if we are unable to meet them, clearly the effort is in any event well worth making—and focusing the attention of other major donor nations.

The task before us is urgent. The demands are great, the struggle daunting. But let us begin. Let us begin.

GLOBAL POVERTY REDUCTION AMENDMENT

Mr. HARKIN. Mr. President, I rise to join my colleague from Minnesota, Mr. Boschwitz, to propose the global poverty reduction amendment.

I want to commend Senators Leahy and Kasten for accepting a provision in the underlying bill which requires AID to establish indicators for reducing global poverty. That provision is a good start to achieving our common objective of eliminating world poverty. But we need to go further.

This is straightforward but very important amendment which I believe will receive the overwhelming support of our colleagues in the Senate. This provision is a modified version of the global poverty reduction bill, which now enjoys the sponsorship of 42 of our fellow Senators.

First, this amendment says that U.S. development assistance should contribute to eliminating the worst aspects of global poverty by the year 2000.

Second, this amendment says that U.S. development assistance should make a measurable contribution to that goal.

The amendment calls upon the President to develop a plan to ensure that U.S. development assistance contributes measurably to eradicating the worst aspects of absolute poverty by the year 2000.

The plan shall include specific measurable poverty-reducing goals, including the following goals for the year 2000:

Reduction of under-five-mortality rates by at least 50 percent of the 1980 mortality rates or to not more than 70 per thousand live births, whichever achieves the greater reduction.

Achievement of universal primary education, and at least 80 percent female literacy for those age groups defined by each country.

Reduction of the proportion of the population living in absolute poverty by at least 50 percent of that proportion in 1980.

Such other specific goals as the President determines to be crucial to measurably eliminating the worst aspects of global poverty.

The global poverty reduction amendment is an outgrowth of several initiatives.

In 1987 World Bank President Barber Conable said:

> In the large poor countries of Asia, we wish to support government strategies to eliminate the worst aspects of absolute poverty in Asia by the year 2000.

This is the kind of initiative this legislation supports.

Also, in 1987 President Reagan announced an initiative to help end hunger in sub-Saharan Africa by the year 2000.

This is the kind of initiative this legislation supports.

All countries of the world through the World Health Assembly have set for themselves the common goal of health for all by the year 2000.

This is the kind of initiative this legislation supports.

The heads of state of the South Asian Association for Regional Cooperation (which includes countries such as India, Bangladesh, and Pakistan) have committed themselves to the goals of universal primary education, adequate maternal and child nutrition, safe drinking water, and adequate shelter for all by the year 2000.

This too is the kind of initiative this legislation supports.

In his 1949 inaugural address, President Harry Truman observed that:

> More than half the people of the world are living in conditions approaching misery. Their food is inadequate. They are victims of disease. Their economic life is primitive and stagnant. Their poverty is a handicap and a threat to them and to more prosperous areas.

That was nearly 40 years ago, but the message is just as true today as it was then.

For this reason, along with Senator Boschwitz, I am proposing the global poverty reduction amendment, which seeks to target U.S. development assistance to eliminate the worst aspects of world poverty.

It attempts to do so by setting well defined goals and calling upon AID to meet them.

Noble goals, like reducing global poverty, are more likely to be realized if sights are set on specific targets. That is the principle underlying the three targets set by this legislation. None is easily achieved, yet none is our of reach.

Goal-setting has already proven effective. Without it, the world would not have eradicated smallpox 11 years ago, and would not now be on its way to wiping out six other childhood diseases by 1990.

Establishing an accurate measurement of how effective aid is would not only help reduce poverty but could increase domestic support for foreign aid. Too often, Americans have seen their tax dollars end up in the pockets of dictators like Marcos and Duvalier. Others consider U.S. aid mismanaged, improperly disbursed, wasteful, and ineffective.

The result has been almost a yearly decrease in the foreign aid budget. On the other hand, domestic support would grow if American taxpayers saw measurable results from our foreign aid programs and if those programs benefited the world's poorest people, not the world's generals, bureaucrats, and despots.

Humanitarian concerns aside, this bill makes good economic sense for America. In 1980 Third World countries bought $88 billion worth of American goods. That figure dropped to $77 billion by 1985. Falling commodity prices and debt are important factors in this decline. But underdevelopment, which deprives people of the means of overcoming their poverty, is the biggest problem.

The concept is simple. A country's purchasing power increases not from the hunger of its people, or its growing population size, but from its growing wealth. Accordingly, our foreign assistance should be directed to programs to help developing nations build their indigenous economic base.

This legislation would aid developing countries make progress against disease and illiteracy which in turn will enable them to achieve economic growth and higher standards of living. This is not "trickle down" development theory, but "trickle up." Expanding a country's growth potential will expand its purchasing power. In turn, U.S. producers will benefit. With these measurable results, support for U.S. foreign aid programs will grow as well.

The global poverty reduction amendment's measurable goals makes sense and deserves the support of our colleagues in the Senate. I urge support of it.

Mr. LEAHY. Mr. President, I have no objection to this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to express my strong opposition to the objectives outlined in the amendment by my friend from Minnesota. I certainly understand the intent behind this measure; and it is a worthy goal. It is clear, however, that our foreign aid program needs to be overhaulded. Unfortunately this amendment would take us precisely in the wrong direction.

The Global Poverty Reduction Act would set arbitrary goals that are to be met by our foreign aid program by the turn of the century—reducing the child mortality rate, reducing the absolute poverty level, and increasing female literacy. Though these are worthy goals and we all want to see them attained, making them the mile posts by which we evaluate our foreign aid program would be both unworkable and misguided.

Given the wide variation of circumstances and conditions throughout the developing world, it is not realistic to set global targets. They simply will not be attained. Furthermore, they are likely to result in the direction of aid funds away from other important programs which would help to achieve what we all agree should be a central goal of our aid programs—reducing poverty.

Earlier this year, our former AID Administrator the late Alan Woods issued an important study of U.S. aid programs entitled "Development and the National Interest: U.S. Economic Assistance into the 21st Century." That report detailed many of the problems with our current foreign aid efforts and called for a radical reshaping of our assistance programs.

In the report, Administrator Woods noted that many of our foreign aid programs have lost their focus on helping developing countries to achieve self-sufficiency.

Mr. President, we all know that if you give a fish to a hungry man he may be able to feed his family for 1 day. But if you give that man a fishhook and teach him how to fish, then you will enable him to feed his family and to pass on those skills to other generations.

We have seen that we have lost our focus because we are giving away fish. We are not giving away fishing hooks and teaching people how to be self-sufficient. Administrator Woods noted that—

> Succeeding Congresses and administrations prodded by the dominant crises—and interest groups—of the moment, have piled differing and often conflicting foreign assistance objectives on top of each other.

The Woods report hit the nail on the head with that observation. I think it is worth pausing for a moment to review some of the objectives that have in the past been imposed upon the foreign aid program:

Win friends for the U.S. among governments of developing countries; win friends among their people; build democratic institutions; feed the hungry; cut infant mortality; and reduce population growth rates.

The list goes on and on.

This measure I submit, though very well intentioned and certainly setting forth some key objectives, only adds to the problem.

Certainly we need to refocus the goals of our aid program, but we need to do so by overhauling the entire program so that it once again achieves the goal of helping developing countries to achieve self-sufficiency.

The problem with the pending measure is that it treats symptoms of world poverty rather than the cause, which is economic stagnation. As I said earlier, our foreign aid programs are intended to help developing countries to become productive members of the world community. The only way to do that is for these countries to develop sound economies in which private enterprises are driven by market signals. Experience has shown that economic growth will result in the goals of this bill being achieved. A sound economy will create jobs, which creates wealth, which means better diets and, thus, healthier children. It also means a fewer people living in poverty and higher literacy rates.

These facts are supported by U.N. studies which show that as economic growth rises, the female literacy rate rises, the infant mortality rate drops and so does the overall poverty level. These figures show that countries with a per capita income of $200 have female literacy rates of 21 percent, infant mortality rates of 250 per thousand and poverty rates of 44 percent. For countries with per capita incomes of $800, the female literacy rate rises to 60 percent, the infant mortality rate drops to 100 per thousand and the poverty rate drops to 33 percent. When per capita income rises to $2,000, female literacy rates go to 88 percent, infant mortality rates drop to 50 per thousand and the poverty rate drops to 25 percent.

This is not to say that promoting economic growth should be the sole goal of our foreign assistance program—though I would argue that it should be a very important one. There are other reasonable goals for our aid program. Those suggested by the Hamilton Task Force in the House, for example, might provide a reasonable start. It certainly is an issue that deserves long and well-considered thought and debate.

Mr. President, the Woods report goes into much greater detail than I can go into at this time. It provides an excellent review of our foreign assistance programs and it raises some provocative questions. I urge all of my colleagues to take the time to review it.

It is truly tragic that Alan Woods did not live to implement the many good ideas that he raised during his short time at AID. I am hopeful, however, that this Congress will, in the future, act to implement some of his recommendations. I was pleased to see members of the House Foreign Affairs Committee do so earlier this year. I intend to push some of them in the years to come, and I hope we will see some Alan's ideas become policy.

We all know that a sense-of-the-Congress resolution is not written in stone. I urge my colleagues who would give their wholehearted support to the noble goals of this amendment to do one simple thing: please take the time to read the Woods report. Take the time to reflect on why our foreign aid programs have failed.

Reflect on it to see how we can do a better job with our foreign aid, and then let us come back and reconsider and adopt strategic missions which will assure that our foreign aid will bring the economic growth and the self-sufficiency that will reduce infant mortality and poverty and promote female literacy and give developing countries the opportunities we would like to see them have.

Mr. President, I ask unanimous consent to have printed into the RECORD, after my remarks, a letter of September 18, from the Acting Administrator of AID, Mark L. Edelman, to Senator LEAHY.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Agency for International Development,
Washington, DC, September 18, 1989.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is our understanding that the Global Poverty Reduction Act (S. 369) may be offered as a floor amendment to H.R. 2939, the Fiscal Year 1990 foreign assistance appropriations bill the Committee reported on September 14, 1989. The Agency for International Development [AID] strongly opposes that amendment because it would result in a very unworkable and unrealistic set of global targets that would drive our programs in ineffective ways. I want to make our position and reasons for it clear.

The global targets incorporated in the Global Poverty Reduction Act are not realistic due to the wide variation in conditions throughout the developing world and also to the differing priorities of governments in each country. Indicators like those included in S. 369, particularly when legislated, tend to oversimplify the problems of poverty, ignoring its causes in favor of treating the symptoms. They also ignore activities and reforms needed to sustain the gains being made. Furthermore, they cannot be used to measure the contributions of individual donors.

Finally, a very important point from the perspective of effective implementation of United States foreign assistance is that selection of indicators outside the context of the specific country situation can sometimes drive programs in ways that are not the most effective and that do not make the best use of available resources. For example, emphasis on adult female literacy would necessitate massive diversion of resources from efforts to expand and improve school systems. Basic education, particularly for girls, is the key to raising overall education levels which has benefits, including, but well beyond literacy.

Indicators of progress related to poverty reduction and economic growth must be determined on a country-by-country basis. In order to match objectives with the foreign assistance program in each country, USAID missions must select and develop objectives and indicators based on specific country needs and the commitment of the host government. They must be established in conjunction with the preparation of the country development strategy statement; efforts to coordinate with other donors; and, the design and implementation of the A.I.D. program itself.

Please let me know if I can provide any further information.

Sincerely,

MARK L. EDELMAN,
Acting Administrator.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The Senator from Minnesota has an amendment pending.

Mr. HUMPHREY. I am sorry.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Minnesota?

Hearing none, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 804) was agreed to.

Mr. BOSCHWITZ. I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

AMENDMENT NO. 805

(Purpose: To provide for a cutoff of certain aid to Poland in the event of a reversal of the process of democratization in Poland)

Mr. HUMPHREY. The amendment I am sending to the desk, I ask that the clerk read it in full because it is brief, and it states the case for itself. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 21, line 7, insert before the period a semicolon and the following: "*Provided, further,* That funds made available under this heading for Poland shall cease to become available if the president of Poland declares martial law or removes members of the Senate or the Sejm other than pursuant to or for the purpose of holding new elections".

On page 40, line 10, insert the following before the period: "unless the president of Poland declares martial law or removes members of the Senate or the Sejm other than pursuant to or for the purpose of holding new elections".

Mr. HUMPHREY. I thank the clerk.

Mr. President, this amendment in no way should be viewed as unfriendly toward those provisions of this bill which pertain to both, because, indeed, this Senator supports those provisions.

I think it is important at the time that we are holding out various programs of encouragement to people in the Government of Poland, that we make it quite clear that should the Communists or any other parties, any other groups or individuals, seek to return to the bad old days and week to regress to the policies of former days, that much of our aid will be cut off.

The amendment is very narrowly written so that it only covers a declaration of martial law or the removal of Members of the Senate of the Sejm, that is to say, the lower House of the legislative body. Those two conditions only.

One can easily imagine other ways in which Poland might regress into more repressive policies. But to keep things simple, we have drawn this amendment narrowly. It has apparently received the support of both sides, and I urge my colleagues to support it.

Before I relinquish the floor, Mr. President, I wish to addres a question to the Senator from Vermont, if I might have his attention. If I might have the attention of the Senator from Vermont relative to the amendment, in our discussions earlier today, we decided to forego the request for a rollcall vote on this amendment inasmuch as both sides seemed agreeable to it.

I want to be assured by the managers that they will make a good-faith effort in conference to retain this amendment. It is in no way intended to be unfriendly. It is an insurance policy, and it is very carefully and narrowly drawn. I would like an expression of assurance that the amendment will be safeguarded in conference to the greatest possible extent.

Mr. LEAHY. Mr. President, the managers of the bill will go to conference, and I support the bill. I do not give assurances to any one individual Senator. In 15 years as conferees, nobody has stood up on the floor and asked for such assurances. I use my best judgment as one member of the conference. I will use my best judgment as one member of the conference, and I will do this whether it is an amendment of mine, amendment of the Senator from New Hampshire or an amendment of any other Senator.

That is the policy I have followed for 15 years. I never have been asked to give assurances other than that to any Senator, and I do not intend to give assurances other than that to any Senator. That is a policy I have followed for 15 years and the policy I will follow as long as I am here.

Mr. HUMPHREY. I regret that the Senator from Vermont has evidently taken offense at my request. It seems to be unreasonable.

Mr. LEAHY. If the Senator will yield, I do not take offense.

Mr. HUMPHREY. The Senator does not yield. The hour is late. It is evident that we are all getting a little short on patience. The Senator from New Hampshire though he made a reasonable request and continues to believe that he made a reasonable request. In the future, I guess in dealing with the Senator from Vermont in like circumstances, the Senator from New Hampshire would be well advised to seek a rollcall vote on every amendment he seeks to offer. Apparently, that is the conclusion I am expected to draw from this exchange, and I regret that. Nonetheless, I thank the Senator from Vermont for his support of this amendment; likewise the Senator from Wisconsin.

The PRESIDING OFFICER. Is there further discussion on the amendment.

Mr. LEAHY. I hope neither the Senator from New Hampshire or any other Senator would hope I would try to preclude them from a rollcall vote. He is welcome to seek rollcalls on anything. I think the Senator perhaps did not hear what I said. I will repeat it once again. As a conferee, I have always used my best judgment. I make no greater commitment to the Senator from New Hampshire nor any less commitment to the Senator from New Hampshire than I do to my own amendments or to any other Senator here. I am not sure why he would find that lacking.

In the 15 years I have been here serving with several hundred other Senators of both parties, they have found it to be completely satisfactory, and they have found it to work very much to their benefit. The Senator from New Hampshire apparently is the one Senator during the 15 years who feels differently. He is entitled to that. I would not try to stop him or any other Senator from seeking rollcall votes on all of his amendments.

I only note, of course, that every Senator should feel, if they win a vote by voice vote, sometimes that is better than taking the roll of the dice by a rollcall vote when the result may not be the same.

Mr. HUMPHREY. Mr. President, this is becoming quite silly, but I think the merits of the amendment the Senator from New Hampshire offered are self-evident and very substantial. I have every confidence that had I chosen to seek a rollcall vote, it would have passed overwhelmingly.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, we have had the opportunity to review the amendment, and I support its adoption, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment of the Senator from New Hamshire.

The amendment (No. 805) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, parliamentary inquiry. Is the Lugar amendment on conditional assistance for El Salvador for police training the appropriate business at this time?

The PRESIDING OFFICER. If there are no other amendments——

Mr. KASTEN. I did not understand the Chair. This is not the pending business.

The PRESIDING OFFICER. If there are no further amendments to be offered from the floor then the amendment of the Senator from Indiana [Mr. LUGAR] will be the pending business at this time.

Mr. LEAHY. I tell the Senator from Wisconsin I have no objection to going with that amendment if he wished.

Mr. KASTEN. I have several others. I think one was set aside.

Mr. LEAHY. I think we set it aside.

The PRESIDING OFFICER. The Chair advises the Senator from Wisconsin we earlier set aside Senator LUGAR's amendment pending the offering of any other amendments from the floor this evening.

AMENDMENT NO. 806 TO AMENDMENT NO. 794

Mr. KASTEN. Mr. President, on behalf of Senator LUGAR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 806 to the Lugar amendment numbered 794.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted insert the following:

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

(a) CONDITIONAL ASSISTANCE.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, funds made available under chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated to El Salvador may, notwithstanding section 660 of that Act, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban law enforcement training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for purchase of equipment such as communication devices, transportation equipment, forensic equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(3) At least 30 days before obligating such assistance, the President certifies to the Committee of Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on oreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(4) REPROGRAMMING.—Funds made available under this subsection shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(b) DEFINITION.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

(c) Not more than $12,000,000 shall be made available in fiscal year 1990 to carry out the provisions of this section and of subsection 534(b)(3) of the Foreign Assistance Act of 1961.

Mr. KASTEN. Mr. President, it is my intention to have the amendment which I sent to you to be a substitute for the Lugar amendment which was proposed earlier. Therefore, I ask that the amendment be considered in the nature of a substitute. This amendment, I would say to my colleague, represents a compromise.

The PRESIDING OFFICER. The amendment will be so considered at this time.

Mr. KASTEN. I thank the Chair.

This amendment represents a compromise between Senator LUGAR, Senator HARKIN, and others who were interested in the question. It deals with or solves a number of the questions that were brought up in opposition to the Lugar amendment earlier today.

This amendment has been cleared on both sides and I urge its adoption.

The PRESIDING OFFICER. Is there further discussion of the amendment? Hearing none, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 806) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the amendment, as amended.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Did the amendment on behalf of Mr. KASTEN on behalf of Mr. LUGAR then supersede the other amendment? I mean is that the text now we are voting on in effect, as substituted?

The PRESIDING OFFICER. That is the effect of adoption of the substitute, that is correct.

The question now is on the amendment, as amended.

The amendment (No. 794), as amended was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 807

Mr. LEAHY. Mr. President, I send an amendment on behalf of Mr. BUMPERS to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for Mr. BUMPERS proposes an amendment numbered 807.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following: "Notwithstanding any other provision of law, the President may provide assistance under chapter 1 of Part I or chapter 4 or Part II of the Foreign Assistance Act of 1961 for Peru and Bolivia to promote the production, processing, or marketing of all crops which can be economically grown in areas of those countries which currently produce crops from which narcotic and psychotropic drugs are derived."

Mr. BUMPERS. Mr. President, my amendment is a small step to help in the fight against drugs. One factor behind the drug problem is that in South America, many peasants have turned to coca production over the last 4 to 6 years as a result of economic pressure. Identifying viable income alternatives for the large numbers of coca growers is an imposing challenge. While most crop production is expected to be oriented toward domestic markets, some are not. Limitations on promoting exportable crops hampers the encouragement of alternatives to coca production.

Both of the cited provisions in the amendment restrict AID's ability to provide assistance to coca growers. Some of the more promising alternative crops in the major coca-producing regions of Bolivia and Peru are crops such as citrus and palm oil which the United States exports. U.S. producers have consistently opposed any AID support for these crops on grounds that it would adversely affect them.

AID missions have considered assistance for the production of one or more of these crops. In some cases, AID determined that exports of the crops would have little or no adverse impact on U.S. producers. Nevertheless, because of the strictures of sections 521 and 548 and the consistent opposition of United States producer groups, neither the Bolivia nor the Peru mission has pursued these possibilities.

The legislative amendments, set in the context of the President's counternarcotics program, would provide strong support for vigorous crop substitution efforts in Bolivia and Peru. It would express the intent of Congress that development of alternative crops, including those which may enter export trade, may be pursued in these two countries as part of the cooperative effort to suppress coca.

AID's analysis of the export potential of the most feasible nontraditional crops in Bolivia and Peru leads us to conclude that such export will not have significant impact on United States exports of the same commodities.

For example, in Bolivia, citrus products are not likely to be exported for several years. When they become exportable, the volume would be negligible in relation to United States exports and be directed primarily to Bolivia's neighbors which are not now importers of United States citrus products.

Mr. President, I want to make clear that this amendment refers only to crops that may be grown in the coca-producing regions themselves. Crops that are not grown in the coca-producing regions, but are grown elsewhere in Bolivia or Peru, are not covered by this amendment. For example, the areas in Bolivia where coca is grown are not suitable for soybean production, but other areas are suitable for soybean production. It is not the intent of this amendment to except soybeans.

Mr. President, there is no simple answer to the drug problem. We must attack the problem through a variety of means. My amendment is a step that will help. I urge the adoption of my amendment.

Mr. LEAHY. Mr. President, I have no objection to the Bumpers amendment.

Mr. KASTEN. Mr. President, we have had opportunity to review the amendment and I have no objection.

The PRESIDING OFFICER. Hearing no objection, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 807) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 808

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. SANFORD and Mr. KERRY referencing Central America.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY] for Mr. SANFORD (for himself and Mr. KERRY) proposes an amendment numbered 808.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 33, line 19, after the comma, insert the following: "That not less than $440 million of the funds appropriated under this heading shall be available only for the Central America democracies: *Provided further,*".

Mr. SANFORD. Mr. President, as many of you know, I have been very involved with and supportive of the work of the International Commission on Central American Recovery and Development, and have worked very hard to see that its recommendations are enacted.

During the course of the Commission's deliberations, they were frequentlly cautioned not to be overly ambitious in their recommendations, and that a plan that called for a massive infusion of foreign aid from the United States would have little chance of passage. I am proud to say that the Commission followed that advice and recommended foreign aid from the United States remain at current appropriated levels. I believe this recommendation is realistic, and so far, the Senate has agreed.

The Committee Report on the Budget Resolution supported funding at that level, stating:

> Sufficient funds are available to implement the recommendations of the International Commission on Central American Recovery and Development.

The foreign aid authorization bill, which has ben voted out of the Foreign Relations Committee and is awaiting action on the floor, included numerous provisions implementing the Commission's recommendations. One of those provisions is a regional earmark of ESF funds to the Central American democracies at $440 million, the current appropriated level.

Finally, this bill also includes many of the Commission's recommendations. Unfortunately, one thing it does not do is protect the levels of foreign assistance flowing to that region. There is no earmark of ESF for the Central American democracies and, as a result of the other earmarks contained in the bill, that region could potentially receive substantially less foreign aid from the United States than it is currently receiving.

The purpose of this amendment is simple—it merely maintains ESF to the Central American democracies at current levels. It doesn't earmark military aid or development assistance, only ESF.

This is a paticularly inappropriate time to cut foreign aid to Central America. The five Presidents have just signed an agreement at Tela, Honduras, which futher implements the Arias peace plan.

El Salvador has just elected a new President, and promising negotiations have begun with the FMLN. However, its economy is in shambles, its infrastructure has been destroyed by earthquakes and civil war, and the standard of living of its people has continued to decline.

Honduras remains a desperately poor country with the added burden of thousands of refugees—Contras and their families—which we bear substantial responsibility for placing there.

In Guatemala it is important that the delicate democratization process begun with the election of President Cerezo be continued.

Costa Rica continues to develop its economy but remains burdened with a stifling foreign debt.

Even in Nicaragua, the Contra war is coming to an end, elections have been scheduled for February, and the opposition stands strong and united behind an excellent slate of candidates.

We must not abandon our neighbors just as they stand on the verge of success.

Finally, I would like to address the subject of earmarking. This year particularly we have heard many eloquent pleas from the State Department and some Members of Congress against the practice of earmarking, or requiring certain levels of funding, and those arguments are not without merit.

However, as the Appropriations Committee stated in its report on this bill, it is necessary to set priorities, make hard choices, and ensure that the foreign policy and national security interests of the United States in key countries are met, even if it means reductions or even terminations in assistance levels to second and third tier countries. By failing to earmark funds for the Central American democracies, we are telling them that they are second and third tier countries and of only limited importance to the United States. I don't think that's the message we want to send. I believe that few Senators view Central America as being a second or third tier priority of U.S. foreign policy.

We have devoted too many of our resources and too much of our credibility to begin a process that can only be perceived as disengaging from the region.

We must encourage the limited progress that has been made in that region. If we don't, it will plunge back into the cycle of poverty and upheaval that has plagued Central America throughout history. And, we will once again be forced to spend much larger sums just to restore the region to the place it stands today.

The greatest threat to democratic development is social and economic instability. We could very well create such instability by reducing our economic aid at this critical juncture. As the Commission stated in its report:

> Durable peace, genuine democracy and equitable development are indivisible. None is sufficient by itself; each is necessary for the attainment of the other. Without peace, there can be no development. But without equitable development, democracy cannot be sustained, and without democracy, there will be no lasting peace.

I urge the adoption of the amendment.

Mr. KASTEN. Mr. President, we have had an opportunity to review this amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 808) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT No. 809

(Purpose: To authorize the expenditure of funds for a multilateral anti-narcotics strike force)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Mr. SPECTER and Mr. KERRY.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] for Mr. SPECTER (for himself and Mr. KERRY) proposes an amendment numbered 809.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 41, under the heading entitled "International Narcotics Control", at line 8, strike the period and insert in lieu thereof the following: "*Provided further,* That of the funds made available under this heading, such funds as the President deems necessary may be made available for the funding of U.S. participation in a multilateral anti-narcotics strike force not including any communist or Warsaw pact troops. *Provided further,* That funds for such a force may only be provided if the Committees on Appropriations of the House of Representatives and of the Senate are notified at least 15 days in advance of the obligation of funds.".

Mr. KASTEN. Mr. President, I simply want to say that this is an amendment which the Senate has considered in the past on previous legislation. It is being added to this legislation. It has to do with an international antidrug task force.

Mr. SPECTER. Mr. President, today I offer an amendment to the fiscal year 1990 Foreign Operations Appropriations Act, H.R. 2939, regarding the establishment of an international strike force to identify, locate, and apprehend international criminals.

In 1988, the Senate included language at my urging in the Anti-Drug Abuse Act, which Congress passed and the President signed into law (P.L. 100-690), expressing the sense of the Congress that "the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers."

On July 20 of this year, Senator KERRY and I successfully offered an amendment to the State Department authorization bill to expand the concept and mission of the force from a "drug force" to a "strike force." That amendment also recognized the role of the strike force in pursuing international terrorists, in addition to targeting international drug kingpins as Congress provided for previously.

The amendment Senator KERRY and I offer today authorizes the expenditure of funds to further U.S. participation in such a strike force, if and when it is established.

Mr. President, the urgent need for establishment of such an international strike force is clearly apparent. The most recent statistics compiled by the State Department in its March 1989 report, Patterns Of Global Terrorism, reflect that transnational terrorists have set a record in 1988 for the number of attacks and have demonstrated the potential to continue their violent activities with impunity. The report states: "The 856 international terrorist incidents recorded in 1988 resulted in 658 persons killed and 1,131 wounded, including casualties to terrorists themselves."

According to the State Department report, last year alone terrorists were responsible for such tragedies as the hijacking of a Kuwaiti airliner in April, the attack on a day-excursion ship off the coast of Greece in July, and the bombing of Pan Am flight 103 over Scotland in December. Moreover, the United States suffered a substantial increase in terrorist attacks against, and casualties of, Americans abroad last year.

But terrorism is not only an American problem, it is an international problem. The State Department reports that citizens and property of 79 nations were attacked by international terrorists in a total of 68 countries and the majority of victims were the least protected—innocent tourists and businesses. With terrorists traveling under many aliases and with the protection or encouragement of certain states, the problem is too large and too widespread to be handled by the forces of one nation. It is time to look toward a global response.

The international narcotics trade also poses a serious threat to world safety as drug kingpins make their fortunes trafficking drugs in the global market. Reports indicate that as many as 50 countries are involved in the production, processing, and transporting of narcotics, forming an international network aimed especially at American consumers.

The United States is fighting this scourge on numerous fronts. In December 1988, a New York Review of Books article reported that the United States almost has doubled the budget of the Drug Enforcement Administration [DEA] during the last 5 years. Other efforts cited were the establishment of a drug interdiction center in El Paso and installation of detection devices along our borders. The Reagan administration deployed sophisticated AWACS planes over the Caribbean. In Latin America, special agents have been assigned to gather intelligence on cocaine producers. Additionally, the State Department is deploying Huey helicopters, and the Green Berets are instructing local police in the art of paramilitary operations.

Yet, despite these efforts, the international narcotics industry has flourished. The problem is too large and too widespread to be handled by one nation. It is time to look toward a global response.

The case for establishment of an International Strike Force to combat the scourge of international drug trafficking and terrorism is rapidly developing. Many governments throughout the world currently are under seige by powerful international drug kingpins and violent terrorists. The justice systems of many countries have been immobilized due to the tremendous power these criminals wield. A shocking example is Colombia, where drug lords have assassinated a Presidential candidate, a minister of justice, an attorney general, the head of the antinarcotics police, 2 dozen journalists, more than 50 judges, and hundreds of police. Many countries also fear retaliation for their law enforcement efforts by terrorists or violent international criminals. Nation's internal security forces simply are ill-equipped to combat this growing and dangerous criminal element.

A foreign government may be concerned that local residents will rebel against its decision to extradite a powerful national, albeit an international criminal, by storming the embassy or foreign interests of the government receiving the extradited felon. Extraditing drug kingpins to the United States, for example, has sparked nationalistic uprisings against American interests. An illustration of this violent reaction was seen in Honduras in April 1988, when American and Honduran authorities jointly seized a major international drug trafficker, Juan Ramon Matta Ballesteros, and brought him to the United States for trial. A riot ensued and the United States Embassy in Honduras was attacked by an angry mob. This deep nationalistic sentiment also is reflected in opinion polls which show that approximately two-thirds of all Colombians are opposed to extradition, regarding it as a violation of national sovereignty and a provocation for more drug violence.

As the extent and level of violence continue to escalate in certain regions of the world, more and more governments are seeking outside help. Most recently, the Prime Minister of Jamaica, Michael Manley, expressed his strong interest in the formation of a regional drug force in the Western Hemisphere. According to a June 10, 1989, Washington Post report, Prime Minister Manley predicts that the drug cartels will expand their operations into international markets that were previously ignored. As a result, the Prime Minister stated that "the only effective solution is international action—a multilateral force, similar to the U.N. peacekeeping force that could be mobilized quickly at the invitation of foreign leaders." Moreover, Prime Minister Manley recognized "that by operating under the umbrella of the United Nations or some other international body, such a force would be less likely to arouse nationalist sentiments that have confronted some U.S. antidrug actions in foreign countries."

Prime Minister Manley discussed his proposal for a multinational antidrug strike force at a recent dinner sponsored by TransAfrica, an organization which focuses on United States policy in Africa and the Caribbean. As reported in the Christian Science Monitor on June 19, 1989, the Prime Minister suggested that the members of the strike force "would be selected from countries that would be politically acceptable to the host nation and would be mobilized only at the invitation of the nation's government." His proposal for the multinational antidrug strike force garnered so much support from the guests that he received two standing ovations.

Similarly, in a July 1988 Letter to the Editor of the New York Times, former U.S. Ambassador to Barbados, Paul A. Russo, strongly endorsed a multinational force to combat drugs. Mr. Russo is troubled by the problems the smaller Caribbean nations face in combating illegal drug operations due to their lack of resources. He stated:

> A multinational force destroying the source of the supply in South America would lessen the pressure on this part of the world and give these small island nations time to keep ahead of a growing narcotics problem.

Endorsements for international action is not limited to smaller countries. Many governments recognize that the problems of drugs and terrorism are global and must be addressed more effectively through international cooperation and collective efforts.

Strong precedent supports the amendment I offer today. As cited above, the Anti-Drug Abuse Act of 1988, which the Senate passed overwhelmingly, expresses the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers. The new law also included a specific provision for the formulation of a multinational force in the Western Hemisphere to conduct operations against international illegal drug smuggling organizations. Congress is aware of the imminent threat that international drug smugglers pose to small nations and this provision demonstrates our commitment to provide equipment, training, and financial resources to support the establishment and operation of a regional antinarcotics force.

Mr. President, the Congress also has recognized the pressing need for assisting foreign governments on the international level in the prosecution of international criminals. In 1986, the Senate adopted my amendment on the Omnibus Diplomatic Security Act—Public Law 99-399—which calls on the President to consider international negotiations to establish an International Court to try terrorists. The scope of this initiative was expanded by my amendment to the Anti-Drug Abuse Act of 1988 to include international drug traffickers and other international criminals within the court's jurisdiction.

As with the international criminal court amendments, the amendment Senator KERRY and I offer today is merely the next logical step in a lengthy process of study and negotiations to establish an international strike force. As my colleagues are aware, many issues will need to be addressed, such as the composition of the force, the participating member nations, the specific role of the force, and the primacy of nations' sovereignty. This amendment, however, represents an important step forward in the development of this urgently needed international force.

The establishment of an International Criminal Court will provide a necessary mechanism for the prosecution and detention of terrorist and international drug traffickers. The formation of an international strike force will complement the role of the International Criminal Court by providing a mechanism to identify, pursue, and apprehend these dangerous international criminals.

Accordingly, I urge my colleagues to join in support of this amendment to strike another blow against terrorist and international drug traffickers.

Mr. KERRY. Mr. President, Senator SPECTER and I offer an amendment which would give the authority to utilize funds from the International Narcotics Control Program to fund an international antidrug strike force. Such a force, proposed first by the Congress in the Anti-Drug Abuse Act of 1988 and more recently by Prime Minister Michael Manley of Jamaica, would be a potent weapon in the ongoing war against the drug cartels.

This is a very simple amendment. It does not authorize any new programs and it does not place any restrictions on the administration. It simply gives the administration the ability to transfer funds for a multilateral antidrug strike force. I believe that this program is essential, but I recognize that we should not mandate it at this time.

Mr. President, this is a timely issue, and it is a critical issue. The Government of Colombia is currently engaged in a hot war against the drug lords in Colombia, and we are left on the sidelines. While we can send military aid to Colombia, we have no way of helping with direct military support. Given the history and sensitivity about United States troops in Latin America, Colombia is very unlikely to ask for United States forces to assist them in their efforts. If there were a multilateral strike force in place, the Colombian Government would have the needed helping hand to which it could turn.

We have already lost this opportunity to help a nation struggling for its very survival against the drug kingpins. We need to ensure that other such chances do not go by. As Colombia's courageous struggle continues, we can get the Colombian Government military aid—late perhaps, but that is better than never.

As I noted earlier in my remarks, this is an issue we in Congress have addressed previously. In 1988, the Senate included language in the Anti-Drug Abuse Act—Public Law 100-690—expressing the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers. Yet, no action has been taken by the executive branch to follow up on that proposal. Now that we face a situation for which such a force was intended, there is no force to use. We need to establish such a force now, and our amendment is intended to ensure that the administration has the funding to support such a force.

Mr. President, the Senate earlier considered this amendment in the Department of State authorization bill, where a much more extensive version was offered by Senator Specter and myself. That amendment was accepted by the managers of the bill. It authorized the administration to support strongly the establishment of a multilateral strike force. This amendment provides the administration with the important ability to transfer funds for such a force.

As this year progresses, we will continue to face the issue of appropriate military response to the war on drugs. In the Terrorism, Narcotics and International Operations Subcommittee of the Foreign Relations Committee, we will be holding hearings on this very issue. I know there will be considerable disagreement on the question of direct U.S. military involvement in the drug war. I am sure, however, that we all will agree that whether or not the U.S. military should be directly involved, a multilateral strike force is needed as an additional weapon in our arsenal.

One final point should be made. Jamaican Prime Minister Michael Manley is to be commended for pursuing a multilateralization of the war on drugs. He deserves credit for pressing this concept in a variety of multilateral fora. His nation, with limited resources, is attempting to deal with a drug problem which threatens to overwhelm that country. I think it is important for us to heed his call for the creation of such a force because he understands all too well the threat to the national security of this country posed by the drug cartels. He deserves credit for demonstrating the courage to deal with this threat with constructive proposals before it reaches crisis proportions in Jamaica. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 809) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. Simon.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. Leahy] for Mr. Simon, proposes an amendment numbered 810.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 15, insert the following after the colon: "*Provided further*, That of the funds appropriated under this heading for countries in sub-Saharan Africa $5,000,000 shall be available for Malawi.".

Mr. KASTEN. Mr. President, we have had an opportunity to review the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further discussion? The question is on agreeing to the amendment.

The amendment (No. 810) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 811

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont, Mr. Leahy, propose an amendment numbered 811.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 142, line 12, insert "determined that there is" after "has".

Mr. LEAHY. Mr. President, this language clarifies section 581 of the bill relating to job-related crimes. This clarification is necessary to ensure that it is the Secretary of State's determination of reasonable cause that a grievant has committed a job-related crime which is the operative fact, not the reasonable cause itself.

The PRESIDING OFFICER. Is there further discussion?

Mr. KASTEN. Mr. President, we have had an opportunity to reivew this amendment and urge its adoption.

The PRESIDING OFFICER. Hearing no further discussion, the question is on agreeing to the amendment.

The amendment (No. 811) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUSTAINABLE USE OF RENEWABLE RESOURCES

Mr. HEINZ. Mr. President, let me start by commending the Senator from Wisconsin [Mr. Kasten] and the Senator from Vermont [Mr. Leahy] for including comprehensive provisions in the pending bill to support sustainable use of renewable resources. They provide for the implementation of a pilot debt for nature program at the World Bank, and elsewhere and enhance the participation of nongovernmental organizations in environmental policies. They have my full support for these efforts.

I also want to be clear on what this language does, as this appears to be a very much abbreviated version of language Senator Kasten and I included in the State Department authorization earlier this year. I would like to ask the Senator from Wisconsin if this language will have the effect of directing the Secretary of the Treasury to determine the best location for a debt-for-nature clearinghouse, and whether it will also instruct the U.S. executive directors at the MDB's to support debt for nature swaps and assist in setting sustainable development guidelines for bank lending?

Mr. KASTEN. The Senator is correct. That is exactly what this language will accomplish, and I appreciate his making the record clear on that point.

So that it is perfectly clear, I would like to highlight just four points that we expect to be carried out in the implementation of these provisions. These points parallel the amendment we adopted on the State authorization.

First, the Treasury will conduct an analysis of where to best locate a debt for nature clearing house;

Second, those findings will be reported to this committee along with a timetable for their implementation,

Third, instructions will be given to the U.S. executive directors to the

MDB's on the implemention of those recommendations; and

Fourth, the ED's at each MDB will seek guidelines to support the sustainable use of natural resources.

Mr. HEINZ. I believe these provisions are important and would make a sound policy even if we did not face the potential of global environmental crisis. But the fact is we face just that. Man's activities are eliminating species from the planet at a rate unparalleled since the Mesozoic era, 65 million years ago. The rate of species extinction in rainforest areas—where the majority of the Earth's species reside—is presently 4,000 species per year. That is a level more than 10,000 times the prehuman global extinction rate.

Recently, no less a figure than E.O. Wilson, perhaps the most respected biologist in the United States and a foremost authority on the extinction of flora and fauna in the world commented that man's continued actions such as deforestation will cause the extinction of at least 25 percent of all the world's existing species within the next 50 years. The elimination of one out of every four species may or may not exclude ours, but it will almost certainly include species whose existence is critical to our ability ot maintain life as we know it.

Debt for nature swaps by themselves are not the answer. But coupled with a commitment to sustainable development by private and multilateral lenders—which provide 90 percent of the developing world's capital formation—can be the answer.

Without this commitment the increasing pressures of global warming, the ozone hole and many other predicted strains on the Earth will overtake us.

Sustainable development makes sense on its face.

Both investors and borrowers will get more return on the long-term use of renewable resources than if these same resources are destroyed for quick profit.

As I mentioned, the Senate previously adopted language to promote these initiatives. This is but a simplified version. It is important to emphasize our strong intention in this body to pursue the establishment of these vital measures through the successful implementation of an aggressive debt for nature program.

AMENDMENT NO. 812

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Senator GORTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] for Mr. GORTON, proposes an amendment numbered 812.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place in the bill, insert the following:

SEC.   . (a) It is the sense of the Senate that the success and continuation of land reform in El Salvador is vital to United States policy and to political stability, economic development, and maintenance of democratic institutions in that country.

(b) Therefore, when allocating Economic Support Funds to El Salvador, the President shall take into consideration progress in the Salvadoran land reform program.

Mr. KASTEN. This amendment relates to land reform in El Salvador.

Mr. GORTON. Mr. President, I rise today to propose a sense-of-the-Senate amendment. This resolution concerns American aid to El Salvador, and specifically, the Salvadoran land reform program.

I believe that one of the keys to the political stability, economic development, and maintenance of democratic institutions in El Salvador is the success and continuation of its land reform program. By giving the peasants and farmers—prime recruiting targets for the Communist guerrillas—a vested interest in the land itself, they will be less inclined to uproot themselves to join the opposition, less willing to fight for the guerrillas and for a cause which would undermine their stake. Clearly then, the success of the Salvadoran land reform program is vital to United States security in Central America.

El Salvador is a country the size of Massachusetts—the smallest, most densely populated mainland country in the Western Hemisphere. Since the beginning of the 1980's, nearly 50 percent of its 5.1 million citizens have made their living from agriculture. In a region of the world where wealth, economic security, social status, political influence, and even survival have historically depended on the ownership of land, El Salvador had the highest percentage of landless families—tenant farmers and agricultural laborers who worked on land they did not own—of any country in Latin America. The Salvadoran guerrillas initially gained the bulk of their rank-and-file support from the landless peasants—just as Communist armies had earlier in Russia, China, and Vietnam.

Every Salvadoran Government since 1930 had been unsuccessful in meeting the need for land ownership by the rural poor, and solving the problems of unrest that landlessness engendered. By the beginning of this decade these problems of unrest threatened the political future of El Salvador. Aside from Honduras, every country in the hemisphere that experienced the same degree of landlessness had, as of 1980, undergone violent revolution and land reform. Prime examples include Nicaragua, Cuba, Bolivia, and Mexico.

Make no doubt about it: The effects of land reform on the political and military situation in El Salvador have been dramatic. The Salvadoran land reform program has altered the social structure, widened the political base, and broadened economic opportunity. Former U.S. Ambassador Edwin Corr told visitors in 1987, in response to a question on the effects of land reform, that "if it hadn't been for land reform, there would be 10 times as many guerrillas out there as there are now—in fact, we wouldn't be sitting here (in San Salvador) now." So far the Salvadoran land reform program has transferred over 20 percent of the country's farmland to the peasants, giving dignity and security to a total of some 73,000 families—comprising altogether an estimated 438,000 people. This is about one-quarter of all those who were without land in 1980. It has given hope to hundreds of thousands of additional rural Salvadorans, many of whom could now receive land through the Salvadoran Land Bank.

Equally important, land reform in El Salvador is essential for United States security. By responding to the grievances of the landless, the Salvadoran Government has successfully blunted the rank-and-file recruiting efforts of the Communist guerrillas. This has prevented a guerrilla victory, and made the Communist guerrillas a much weaker force than they would be otherwise.

There could be no greater tragedy for the Salvadoran people, no greater boon for guerrilla recruitment, no greater setback for United States policy, than a reversal of land reform. Clearly, Mr. President, the costs of land reform to the United States and the Government of El Salvador are miniscule compared to the alternative.

Mr. KASTEN. This amendment has been reviewed by both sides and I urge its adoption.

The PRESIDING OFFICER. Hearing no further discussion, the question is on agreeing to the amendment.

The amendment (No. 812) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GREECE/TURKEY REPORT SECTION

Mr. LEAHY. Mr. President, I want a statement for the record to correct a mistake made in the committee report relating to our final action on military assistance to Greece and Turkey.

While earmarking foreign military sales financing for Greece and Turkey at $350 million and $500 million, respectively, the 7 to 10 ratio, Senator

Kasten and I proposed to the committee that the President be given the authority to adjust military assistance levels to Greece and Turkey taking into account the uncommitted military pipelines of each country. However, after discussion in the committee, Senator Kasten and I decided to withdraw the proposal.

Unfortunately, the draft committee report reflected our initial proposal to take into account the uncommitted pipelines, and in the rush to get the report to the printer for timely filing, staff inadvertently failed to delete the language describing our proposal.

The action taken by the committee was to accept the recommendation of Senator Kasten and me that Greece be earmarked at $350 million and Turkey at $500 million in military assistance for fiscal year 1990, the longstanding 7-to-10 ratio applied by Congress for several years. Senator Kasten and I struck from the bill the additional language which would have given the President the authority to adjust those levels taking into account uncommitted military pipelines. So, the printed report is incorrect on this point.

AMENDMENT NO. 813

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. Kasten] proposes an amendment numbered 813.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 95, line 11, add "Uganda," after Sudan,

Mr. KASTEN. Mr. President, the purpose of this amendment is to add Uganda onto a list of countries in which certain reports will be required. It has been reviewed by both sides, and I urge its adoption.

Mr. LEAHY. No objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 813) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MULTINATIONAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

Mr. KERRY. Mr. President, I would like to express my admiration to my colleagues, Senators Leahy and Kasten for their leadership and support in fully funding the United States commitment to the Philippine Multilateral Assistance Initiative. Despite a difficult budgetary situation, they managed to provide the administration the opportunity to fully fund this very important initiative.

As my colleagues are aware, the MAI was originally envisioned as a 5-year, $2.5 billion commitment above regular assistance to the Government of Corazon Aquino to provide the financial resources to allow that young Government to jumpstart its economy and ensure democratic progress. Over the past year that commitment has been scaled back to a 5-year, $1 billion commitment. A further reduction would send a signal of diminishing support for the Philippine Government.

While the subcommittee was only able to fund $160 million—the same as the House level—it also provides for transfer authority of $40 million from the general ESF and DA accounts, to meet the shortfall, thus providing the administration the needed flexibility to fully fund the MAI. Senators Leahy and Kasten are to be commended for their strong commitment to support economic development and democracy in the Philippines.

This funding will help President Aquino address some basic economic problems:

A $29 billion debt and an annual debt service of approximately $3.1 billion.

In each year since 1986 the Philippines has paid $1 billion more in debt service to foreign creditors than it receives in assistance.

In a country where almost 50 percent of the people live below the poverty line and per capita income is less than $2 a day, this net transfer of capital out of the country is a significant impediment to sustained economic recovery. Failure to provide economic gains could undermine the democratic revolution of President Aquino.

Thus, the MAI was proposed as a coordinated international effort among the United States, Japan, the European countries, multilateral lending institutions, and others, to provide the Philippines sufficient capital to overcome this deficiency. At the international pledging session held in Tokyo in July, contributions from other donors totaled $3.5 billion. The commitment of the United States, as a leader in this initiative, is necessary to ensure future international support.

The MAI also contains security implications for the United States. In October of 1988, the United States signed a 2-year base review agreeemnt with the Philippines Government, which provides for short-term stability in United States-Philippine ties, an improvement in the economic performance of the Philippines, derived from the MAI, will create a more positive atmosphere for discussions on the upcoming base negotiations and the future of the United States-Philippine security relationship.

Mr. President, it is not always easy for legislators to make the hard choices in an age of scarce foreign aid resources. I commend Senators Leahy and Kasten for their leadership in providing funding for the MAI which will go a long way toward ensuring the steady improvement of the Philippine economy, establishment of democratic institutions, as well as strengthening the United States-Philippine relationship.

IMF PROVISIONS

Mr. KERRY. Mr. President, I rise to commend the managers of the bill, Senators Leahy and Kasten, for including a number of key environmental provisions to assist Third World nations in achieving future economic and sustainable development.

The legislation includes recommendations for the Agency for International Development to incorporate into their program strategies which help reduce greenhouse gas emissions: through energy efficiency, least-cost energy planning, renewable energy, reforestation, and biodiversity.

The bill also directs MDB's to be more responsive to programs that address the problems of global climate change.

In particular, I want to commend the managers for incorporating into this package a bill that I introduced in June which directs the U.S. Executive Director to the International Monetary Fund to work for the establishment of a systematic review of the social and environmental impacts of the Fund's stabilization and adjustment policies.

Recently, the Foreign Relations Committee held a hearing on this issue and the able manager of the bill, Senator Leahy, testified before our committee on his international environmental legislative initiatives. In addition, the Foreign Relations Committee unanimously passed my IMF provision in August.

Mr. President, population growth in the Third World is placing severe strains on the environment and it is expected to get much worse. It took 130 years for the world population to increase from 1 to 2 billion and it will take a mere decade for our world population to grow from today's 5 billion to 6 billion with 90 percent of that growth in developing countries. As these nations strive to keep up through economic development in order to give their citizens a decent quality of life, we are finding that tropical forests are rapidly disappearing, energy plans are accelerating global warming and farmland is deteriorating beyond use. Clearly development and an environmentally sustainable planet are on a collision course.

Developed nations must do all that we can to assist developing nations with more fragile economies and fewer financial institutional resources to achieving sound long-term environmental and economic planning.

A few years ago Senator KASTEN was instrumental in getting the World Bank to establish an Office of Environmental Economists, which review World Bank projects and loans and the environmental impact they have on sustainable development. Although I am concerned that the World Bank is not aggressively pursuing global warming prevention strategies to the extent I would like, they have nonetheless committed resources to begin to address these concerns.

By incorporating my legislation, the bill before us today recognizes that the International Monetary Fund must also take the environment into account in their decisions. The IMF's Structural Adjustment Lending Program frequently undermines the prospects for long-term improvement in the quality of the natural resource base in developing countries.

Although the IMF does not finance specific projects, its economic prescriptions for dealing with balance-of-payments problems, on which so many developing countries are dependent, can have a negative impact on natural resource exploitation.

Since the IMF and the World Bank work hand in hand to assist deeply indebted Third World countries in the structural readjustment of their economies, the long-term environmental goals now being considered by the World Bank risk being undermined by the IMF's short-term adjustment programs.

Economic austerity programs imposed on many Third World countries have encouraged the exploitation of natural resources for short-term gain, sacrificing critical environmental and social concerns.

Such programs frequently focus on export promotion and often result in cutbacks of vital environmental protection agencies. For example, in Brazil the necessity to increase that country's exports in an effort to earn hard currency to cope with debt servicing problems, has resulted in increased pressure on development of the Amazon resulting in wide-spread loss of the tropical forest. Yet the short-term gain in increasing export earnings by developing the Amazon is far outweighed by the long-term, disastrous implications such development will have on its sustainable resource base.

Because the IMF plays such a central role in the economies of many developing countries, it is in a unique position to integrate social and environmental considerations as critical elements in it's stabilization and adjustment policies.

In 1987, then Secretary of the Treasury James Baker requested that the issue of environment and natural resources be added to the agenda of a spring 1987 meeting of the Joint Ministerial Committee of the World Bank and the IMF—known as the Development Committee. A World Bank report presented at this meeting stressed the importance of the environment and social issues as key factors in evaluating overall economic policy towards a country and recommended that multilateral development institutions' program implementation include a review of the environmental effects of macroeconomic conditions and policies promoted by those institutions.

In fact, in 1988, the World Bank and the Inter-American Development Bank jointly supported a proposal by local and international environmentalists for alternative development of Brazil's Amazon region. This plan provided that large areas of the Amazon be devoted solely for exploitation of natural rubber, by traditional rubber tappers, and the sustainable harvest of other rain-forest products such as Brazil nuts and herbs and plants used for pharmacological purposes.

To achieve similar responsibility by the IMF, this provison instructs the U.S. IMF Director to work for the following policy and staffing changes:

First, add natural resource economists to the staff who are trained in the linkage between short-term exploitation and long-term economic impacts;

Second, determine the environmental impacts of previous economic policy prescriptions;

Third establish a systematic review of the environmental and social impacts of future policy decisions;

And finally it establishes long-term management of natural resources as an integral part of the IMF's economic policies.

The purpose of passing this legislation is to begin moving the IMF in the direction of undertaking the necessary reforms which would ameliorate many of the environmental and social problems throughout the Third World which can be linked directly to that institution's stabilization and structural adjustment programs.

Again I commend my colleagues for including this in the foreign operations appropriations bill.

POLITICAL STABILITY IN EL SALVADOR

Mr. PACKWOOD. Mr. President, I rise to address an issue which strongly affects our ability to promote political stability in El Salvador. I am afraid that our efforts to save El Salvador from communism may not succeed unless the Government of that country devises and carries out land reform. I don't wish to take up much of the Senate's time, so I will briefly state why I think such a step would be important. Economic development experts and others have a powerful body of evidence suggesting that a country will experience political instability when the portion of the landless population approaches 30 percent. Nations which have had this amount of landless in their population include pre-1917 Russia, pre-1941 China, pre-1959 Cuba, pre-1961 South Vietnam, and pre-1979 Nicaragua. I don't think I need to tell anyone here the system of government which controls all these countries today. It is precisely because I don't want El Salvador to fall under the yoke of communism that I believe land reform is necessary.

The Communists in El Salvador will lose their base of support once the population of tenant farmers and agricultural laborers becomes small landowners. We just voted to send $90 million of military aid to El Salvador. We could certainly increase the effectiveness of that money if comprehensive land reform were enacted. Some people in this Chamber might say that you don't fight communism with socialism. I agree. If, in the past, we have urged nations to impose greater government control over their economies in the belief that this would undermine leftist opposition, that was probably a mistake. Socialism does not work any better in the Third World than it works in the United States or behind the iron curtain. The type of land reform I envision would be based upon giving landless peasants full title to individual plots of land—not collective or co-op farms. Believe me, if we turn discontented, potentially exploited peasants into middle-class farmers, we will overnight destroy the Communist rebellion. For those who doubt the efficacy of this approach, I point out the extensive land reforms carried out in South Korea, Taiwan, and Japan after World War II. All three of these countries were faced with real or potential political instability. Now, all three nations are prosperous and pro-Western. Indeed, they have succeeded so well that we worry about meeting the competitive challenge of their high-growth economies. I had originally intended to offer an amendment to earmark a small portion of our economic support assistance to El Salvador to assist in the land reform process. In the interests of keeping the Senate on schedule, I have decided not to offer such an amendment at this time, but I do think it is important to have to express my hope that President Cristiani will aggressively pursue a land reform program. I know that President Cristiani is trying to bring free enterprise to El Salvador, a move which is long overdue. Land reform would be an excellent complement to this policy.

MILITARY FINANCING TO GREECE AND TURKEY

Mr. GRASSLEY. Mr. President, I want to address the provisions within this appropriations bill regarding foreign military financing to the countries of Greece and Turkey.

Under the subcommittee version, the available funding to both countries could have been reduced by the overall amount of uncommitted balances of military assistance and financing funds provided in fiscal 1988. In other words, funds that are in the pipeline, but as of yet unobligated, could be used to reduce the amount of assistance in this fiscal year. Because Greece has substantially more uncommitted funds in the pipeline than Turkey, this provision could have had a much greater negative impact on Greece than Turkey. Because of strong objections that were raised by Members of the Senate, the provision was deleted in the full Appropriations Committee markup with the agreement that a "compromise" would be sought.

Mr. President, this was certainly the prudent course to take. Dismantling the heretofore agreed upon 7-to-10 ratio of assistance for Greece and Turkey has very serious ramifications, and should only be undertaken if a comprehensive review of the situation calls for such action.

We are, hopefully, at the threshold of a new age in United States-Greek relations. The interim coalition government, led by the pro-Western new democracy party, deserves our support. Any direct or indirect elimination of the 7-to-10 ratio would imply American dissatisfaction with the new Greek Government. This is a signal that is, at the very least, premature.

Mr. President, at this time, it is important to do all we can to encourage and facilitate better relations with the interim Greek Government, thereby creating a stronger foundation which we can build upon after the Greek elections in November.

The United States has attempted to maintain some balance in its relationship with Greece and Turkey in light of the conflict between these two NATO allies regarding the island of Cyprus. It is my hope that this balance will be maintained, at the present time, as we continue to search for a solution to this conflict.

Mr. KASTEN. Mr. President, I would like to very briefly thank and congratulate Senator LEAHY, the Senator from Vermont, on a wonderful job. It was a tough job and long hours. But we have been successful and it has been a pleasure to work with Senator LEAHY, both in the subcommittee, the full committee and now today on the floor.

I also want to particularly commend our staffs: Eric Newsom, Jim Bond, and others who are here. We have had a full day, but I think a successful day; and our success is due in a very major part to the strong role that the chairman of our committee has been able to play, so I thank and congratulate him.

Mr. LEAHY. I thank my good friend from Wisconsin for those kind words. We served together on the Appropriations Committee and worked together on issues, especially farm issues, as well as the foreign policy issues. I appreciate his kind words.

As I said earlier, he has had the opportunity, it is one of a mixed blessing, to be chairman of this committee befoe. I must say that I now value even more what he did then as chairman. He made it look a lot easier than it is. And I appreciate his expertise here.

Of course, having Jim Bond and Eric Newsome and the rest of the staff who worked so closely together means a lot to me.

I will say more about all the staff on both sides who have worked so hard on this at the time we get to third reading, but there are a lot of people, including the people on the doors and elsewhere, who want to go home. So I will save that for another time.

I say only this. Throughout, Senator after Senator after Senator, both on and off the committee, Republican and Democrat, have worked extremely hard to cooperate and try to make this bill work.

Sometimes, when the public looks at the U.S. Congress, it sometimes sees fractious and even partisan give and take. What they do not often see is the fact that we have in this body 100 very patriotic men and women who really want the foreign policy of the United States to work.

I saw it among so many of them again on both sides of the aisle who worked together to bring it this far. I compliment them.

We have no further amendments, Mr. President. I understand this bill will now come down, waiting for third reading at some other time.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1990

Mr. LEAHY. Mr. President, I ask unanimous consent that H.R. 2939, the foreign assistance appropriations bill, be set aside and the Senate proceed to the consideration of calendar 235, H.R. 2990, the labor HHS appropriations bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2990) making appropriations for the Department of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, **[**$63,193,000**]** *$66,193,000* together with not to exceed $53,817,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, **[**$3,903,562,000**]** *$3,924,252,000,* plus reimbursements, to be available for obligation for the period July 1, 1990, through June 30, 1991, of which $58,996,000 shall be for carrying out section 401, **[**$68,540,000**]** *$71,282,000* shall be for carrying out section 402, $9,474,000 shall be for carrying out section 441, $2,000,000 shall be for the National Commission for Employment Policy, **[**$3,000,000**]** *$5,000,000* shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and **[**$5,500,000**]** *$3,000,000* shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act; and, in addition, **[**$49,432,000**]** *$50,432,000* is appropriated for the Job Corps, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1990 through June 30, 1993; and, in addition, **[**$10,000,000**]** *$13,000,000* is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For Job Corps program operations authorized by the Job Training Partnership Act, **[**$13,492,000**]** *$13,000,000,* in addition to amounts otherwise provided herein for these purposes, to be available for obligation for the period July 1, 1989, through June 30, 1990.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$276,120,000] *$288,600,000.*

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$77,880,000] *$81,400,000.*

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $284,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235 and 243-244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H)(ii), 212(a)(14), and 216(g) (1), (2), and (3) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.)*; and necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986*, $22,000,000 together with not to exceed [$2,537,700,000] *$2,587,700,000* (including not to exceed $3,000,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the basic allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the basic allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1990, *and of which $19,148,000 of the amount which may be expended from said trust fund shall be available for obligation for the period April 1, 1990, through September 30, 1990, for automation of the State activities under title III of the Social Security Act, as amended (42 U.S.C. 502-504 and 5 U.S.C. 8501-8523)*, and of which $20,800,000 together with not to exceed $768,900,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1990, through June 30, 1991, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, *and of which $25,000,000 of the amount which may be expended from said trust fund shall be available for obligation for the period October 1, 1990, through June 30, 1991, for automation of the State activities under section 6 of the Act of June 6, 1933, as amended,* and of which $193,468,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments based on State obligations as of December 31, 1990*: Provided, That for purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, transfers, if any, in this account are a necessary (but secondary) result of significant policy changes.*

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1991, $33,000,000.

Labor-Management Services

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Services, $75,207,000, of which $6,400,000 for a pension plan data base shall remain available until September 30, 1991: *Provided,* That of the amount appropriated by Public Law 100-202 for a pension plan data base, up to [$1,500,000] *$5,850,000* of unobligated balances as of September 30, 1989 shall remain available for such pension plan data base until September 30, 1990.

Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1990, for such Corporation: *Provided,* That not to exceed $42,301,000 shall be available for administrative expenses of the Corporation: *Provided further,* That contractual expenses of such Corporation for legal and financial services in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

Employment Standards Administration

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $218,322,000, together with $1,019,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $255,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided,* That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1990.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, [$640,326,000] *$640,985,000*, of which $590,486,000 shall be available until September 30, 1991, for payment of all benefits as authorized by section 9501(d) (1), (2), and (7), of the Internal Revenue Code of 1954, as amended, and of which $28,640,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and [$20,691,000] *$21,350,000* for transfer to Departmental Management, Salaries and Expenses, and $509,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation or other benefits for any period subsequent to June 15 of the current year: *Provided further,* That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [$270,248,000] *$271,248,000* including not to exceed $60,633,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$170,039,000] *$170,593,000*, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed twenty passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$193,771,000] *$193,171,000*, together with not to exceed [$49,518,000] *$49,118,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of 5 sedans, and including [$2,540,000] *$2,880,000* for the President's Committee on Employment of People With Disabilities, [$114,732,000] *$115,072,000* together with not to exceed $285,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $162,623,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-10 and 2021-26.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,997,000, together with not to exceed $5,194,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

Sec. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

Sec. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers health or safety.

Sec. 103. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps which was not under such a contract as of September 1, 1984.

Sec. 104. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

Sec. 105. (a) Within sixty days after the enactment of this Act, the United States, acting through the Secretary of Labor (or an official of the Department of Labor duly authorized by the Secretary of Labor) shall convey to the Northwest Oregon Housing Authority without consideration, all rights, title, and interest of the United States, in real property described in subsection (b) (and any improvements thereon).

(b) The real property referred to in subsection (a) is that property commonly known as the "Emerald Heights Housing Complex" located in the city of Astoria, Clatsop County, Oregon.

This title may be cited as the "Department of Labor Appropriations Act, 1990".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For carrying out titles III, VII, VIII, *X*, XVI, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, [$1,553,465,000] *$1,820,254,000*, of which $889,000, to remain available until expended, shall be available for renovating the Gillis W. Long Hansen's Disease Center, 42 U.S.C. 247e, [of which $4,000,000 shall be available only for the purposes of section 781(f)(1)(A),] of which $494,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act and of which [$4,300,000] *$4,500,000* shall be made available until expended to make grants under section 1610(b) of the Public Health Service Act for renovation or construction of non-acute care intermediate and long-term care facilities for AIDS patients: *Provided*, That notwithstanding section 838 of the Public Health Service Act, not to exceed $10,000,000 of funds returned to the Secretary pursuant to section 839(c) of the Public Health Service Act or pursuant to a loan agreement under section 740 or 835 of the Act may be used for activities under titles III, VII, and VIII of the Act: *Provided further, That grants made under the Excellence in Minority Health Education and Care Act shall be awarded competitively and, notwithstanding section 782, any university which awards a graduate degree in the health professions and which has a majority enrollment of minority students shall be eligible to apply and compete for a grant*: *Provided further*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advances to this appropriation: *Provided further, That none of the funds appropriated shall be used to carry out sections 638, 704, and 705 of Public Law 100-607: Provided further, That user fees authorized by 31 U.S.C. 9701 may* *be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302.*

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $21,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH PROFESSIONS GRADUATE STUDENT LOAN FUND

For carrying out title VII of the Public Health Service Act, $25,000,000, to remain available until expended, for payments on defaulted loans for the Health Education Assistance Loan program.

VACCINE INJURY COMPENSATION

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death resolved during the current fiscal year with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act as amended by Public Law 100-203.

For compensation of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $74,500,000, of which such sums as may be necessary shall be used to reimburse the Vaccine Injury Compensation Trust Fund for any payment of such claims made from the Trust Fund prior to the current fiscal year: *Provided, That necessary expenses of the Department of Health and Human Services under the National Childhood Vaccine Injury Act of 1986, not to exceed $1,500,000, shall be reimbursed from the Trust Fund.*

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles III, XVII, XIX, and section 1102 of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, [$1,080,180,000] *$1,114,338,000,* of which $2,000,000 shall remain available until expended for equipment and construction and renovation of facilities: *Provided,* That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further,* That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That collections from user fees may be credited to this appropriation: *Provided further,* That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further,* That in addition to amounts provided herein, up to $19,000,000 shall be available from amounts available under section 2613 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further, That employees of the Public Health Service, both civilian and Commissioned Officer, detailed to States or municipalities as assignees under authority of section 214 of the Public Health Service Act in the instance where in excess of 50 percent of salaries and benefits of the assignee is paid directly or indirectly by the State or municipality, and employees of the National Center for Health Statistics, who are assisting other Federal organizations on data collection and analysis and whose salaries are fully reimbursed by the organizations requesting the services, shall be treated as non-Federal employees for reporting purposes only. In addition, the full-time equivalents for organizations within the Department of Health and Human Services shall not be reduced to accommodate implementation of this provision: Provided further, That the General Services Administration is directed to construct under their lease-purchase authority, a 175,000 net square foot laboratory/office building at the Centers for Disease Control campus in Morgantown, West Virginia, from existing plans which should be reviewed and if necessary revised for compliance with current codes, and shall be acquired without regard to the provisions of the Public Buildings Act of 1959 regarding prospectus approval by lease-purchase contracts entered into by the General Services Administration prior to their construction using funds appropriated annually to the General Services Administration from the Federal Buildings Fund for the rental of space which shall hereafter be available for this purpose. The contracts shall provide for the payment of the purchase price and reasonable interest thereon by lease or installment payments over a period not to exceed thirty years. The contracts shall further provide that title to the buildings shall vest in the United States at or before expiration of the contract term upon fulfillment of the terms and conditions of the contracts. The Federal Buildings Fund shall be reimbursed from the annual appropriation to the Centers for Disease Control—Disease Control, Research, and Training (or any other appropriation hereafter made available to the CDC for construction of research facilities) and such appropriations shall hereafter be available for the purpose of reimbursing the Federal Buildings Fund. Obligations of funds under these transactions shall be limited to the current fiscal year for which payments are due without regard to 31 U.S.C. 1502 and 134(a)(1)(B).*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, [$1,652,666,000] *$1,668,473,000.*

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, [$1,090,930,000] *$1,091,597,000.*

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental diseases, [$138,053,000] *$137,096,000.*

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, [$590,276,000] *$593,497,000.*

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, [$495,203,000] *$498,988,000.*

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, [$845,523,000] *$847,112,000.*

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, [$692,639,000] *$752,939,000.*

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, [$448,493,000] *$450,593,000.*

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, [$240,636,000] *$241,774,000.*

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, [$232,479,000] *$234,048,000.*

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, [$241,528,000] *$245,490,000.*

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, [$171,673,000] *$171,688,000.*

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, [$99,952,000] *$121,116,000.*

RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, [$356,128,000] *$362,253,000: Provided,* That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, [$32,969,000] *$34,969,000.*

[NATIONAL CENTER FOR HUMAN GENOME RESEARCH

[For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $62,000,000.]

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$15,579,000] *$15,532,000.*

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, [$83,311,000] *$80,729,000.*

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$106,987,000] *$127,570,000*, including purchase of not to exceed five passenger motor vehicles for replacement only: *Provided*, That $34,000,000 of this amount shall be available only for the purchase of an advanced design supercomputer*: Provided further, That the following construction awards shall be made: $5,000,000 for the Jackson Laboratory, Bar Harbor, Maine; $5,000,000 for the Primate Research Institute, Halloman, New Mexico; $5,000,000 for the McLaughlin Institute, Great Falls, Montana; $500,000 for the Perinatal Research and Training Center, University of Mississippi; $500,000 for the Biomedical Research Center, Medical College of Georgia, Augusta, Georgia; and $2,000,000 for the University of Colorado Cancer Center.*

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, [$81,600,000] *$41,600,000*, to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, section 3521 of Public Law 100-690, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$1,917,162,000] *$2,005,448,000*, of which $198,000 for renovation of government owned or leased intramural research facilities shall remain available until expended*: Provided, That within the amounts appropriated under this heading, $10,000,000 shall be made available for mental health research on rural and Native American populations, of which $3,000,000 shall be for research on American Indian and Alaskan Native populations.*

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

To carry out the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, $18,000,000, which shall be available in fiscal year 1990 for payments to the District of Columbia as authorized by section 9(a) of the Act: *Provided*, That any amounts determined by the Secretary of Health and Human Services to be in excess of the amounts requested and estimated to be necessary to carry out sections 6 and 9(f)(2) of the Act shall be returned to the Treasury*: Provided further, That funds appropriated for Federal activities authorized by sections 6 and 9 of the Act, shall remain available through September 30, 1991, and may be used for administrative and maintenance functions in implementing the Act.*

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III, XVII, *XX*, and XXI of the Public Health Service Act, Public Law 100-505, and subtitle D of title II of Public Law 100-607, [$95,345,000] *$77,174,000*, together with not to exceed $1,037,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That in addition to amounts provided herein, up to $14,681,000 shall be available from amounts available under section [2613] *2611* of the Public Health Service Act, to carry out the National Medical Expenditure Survey and the Hospital Studies Program[: *Provided further*, That $4,000,000 shall be for Public Law 100-505 and $1,500,000 to remain available until expended shall be for subtitle D of title II of Public Law 100-607]*: Provided further, That $1,000,000 of the amount made available shall be provided for the construction of the Bioscience Center at the University of Kansas.*

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

MEDICAL TREATMENT EFFECTIVENESS

For expenses necessary for the Public Health Service to support medical effectiveness research, $5,000,000, together with not to exceed [$15,000,000] *$5,000,000* to be transferred and expended as authorized by title VIII, subsection E, section 8413 of the Technical and Miscellaneous Revenue Act of 1988 from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds referred to therein.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, [$29,616,497,000] *$30,136,654,000*, to remain available until expended.

For making, after May 31, 1990, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year] 1990 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1991, $10,400,000,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $36,338,500,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratories Improvement Act of 1988, and section 4005(e) of Public Law 100-203, [$101,908,000] *$102,908,000* together with not to exceed [$1,992,159,000] *$1,921,172,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds: *Provided*, That $100,000,000 of said trust funds shall be expended only to the extent necessary to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That all funds derived in accordance with 31 U.S.C. 9701 are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, $5,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of prepayment premiums and interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $191,968,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $648,862,000, to remain available until expended: *Provided*, That monthly benefit payments shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1991, $215,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, title XI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$9,098,758,000] *$9,095,758,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1991, $3,157,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$3,833,389,000] *$3,847,389,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further*, That $97,870,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads or meet other costs not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States: *Provided further, that fiscal year 1990 end of year employment levels shall not be below the level in effect on September 30, 1989.*

FAMILY SUPPORT ADMINISTRATION

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, section 903 of Public Law 100-628, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $9,007,946,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C., ch. 9) for the first quarter of fiscal year 1991, $3,000,000,000, to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F and part C (including registration of individuals for such programs, and for related child care and other supportive services as authorized by section 402(a)(19)(G)) of title IV of the Social Security Act, $349,975,000, together with such additional amounts as may be necessary for unanticipated costs incurred for the current fiscal year for carrying out those programs: *Provided*, That the total amount appropriated under this paragraph shall not exceed the limit established in section 403(k)(3) of the Act (as added by section 201(c) of the Family Support Act of 1988): *Provided further*, That a State may not receive more than one-fourth of the amount of its fiscal year 1989 allotment under part C for each quarter in fiscal year 1990 during which part C applies to that State, and a State may not receive more than one-fourth of its annual limitation determined under section 403(k)(2) for each quarter in fiscal year 1990 during which part F applies to that State: *Provided further*, That the quarterly amounts specified in this paragraph shall be the maximum amounts to which the States may become entitled for these purposes.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, [$1,400,000,000] *$1,228,654,000.*

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422) $417,356,000.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Funds appropriated for fiscal year 1990 under section 204(a)(1) of the Immigration Reform and Control Act of 1986 shall be reduced by $241,044,000.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and the Stewart B. McKinney Homeless Assistance Act, [$371,538,000] *$387,598,000* of which $20,254,000 shall be for carrying out section 681(a)(2)(A), $4,013,000 shall be for carrying out section 681(a)(2)(D), $2,948,000 shall be for carrying out section 681(a)(2)(E), $9,669,000 shall be for carrying out section 681(a)(2)(F), $236,000 shall be for carrying out section 681(a)(3), *$3,512,000 shall be for carrying out section 408 of Public Law 99-425*, and $2,418,000 shall be for carrying out section 681A with respect to the community food and nutrition program.

PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C., ch. 9), title XXVI of the Omnibus Budget Reconciliation Act of 1981, the Community Services Block Grant Act, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100-77, Public Law 100-628, and *section 126 and* titles IV and V of Public Law 100-485, [$82,431,000] *$91,181,000.*

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act, the Child Abuse Prevention and Treatment Act, *section 404 of Public Law 98-473*, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act (title III of Public Law 98-457), the Native American Programs Act, title II of Public Law 95-266 (adoption opportunities), title II of the Children's Justice and Assistance Act of 1986, chapter 8-D of title VI of the Omnibus Budget Reconciliation Act of 1981 (pertaining to grants to States for planning and development of dependent care programs), the Head Start Act, the Comprehensive Child Development Centers Act of 1988, the Child Development Associate Scholarship Assistance Act of 1985, *the Abandoned Infants Assistance Act of 1988* and part B of title IV and section 1110 of the Social Security Act, [$2,757,959,000] *$2,876,879,000: Provided further, That $5,000,000 to carry out sections 306(a)(P) and 307(a)(31) of the Older Americans Act of 1965 shall be available from this appropriation, notwithstanding section 303(h) of that Act.*

For carrying out title I of S. 5, as passed by the Senate, the Act for Better Child Care, $1,200,000,000, to be available for obligation September 1, 1990: Provided, That for purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, [$1,556,364,000] *$1,336,447,000.*

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, [$80,327,000,] *$90,577,000*, of which $19,281,000 shall be available for expenses necessary for the Office of the General Counsel, together with $31,201,000, of which $26,116,000 shall be available for expenses necessary for the Office of the General Counsel, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$49,498,000] *$50,600,000*, together with not to exceed $44,300,000, to be transferred and expended as authorized by section 201(g)(1) of the

Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,567,000, together with not to exceed $4,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $5,012,000.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director," may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 203. Appropriations in this or any other Act shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,400 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 204. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term*; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.*

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 206. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 207. Amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the activities of the Public Health Service.

SEC. 208. None of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health.

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

SEC. 210. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in the child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act, and the computer centers to which such employees are assigned.

SEC. 213. Funds available in this title for activities related to Human Immunodeficiency Virus may be transferred by the Secretary of Health and Human Services between appropriation accounts *upon the approval by the House and Senate Committees on Appropriations of a transfer request submitted by the Secretary of Health and Human Services.*

SEC. 214. No funds appropriated under this Act shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

SEC. 215. None of the funds appropriated by this title shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 216. In administering funds made available under this title for research relating to the treatment of AIDS, the National Institutes of Health shall take all possible steps to ensure that all experimental drugs for the treatment of AIDS, particularly antivirals and immunomodulators, that have shown some effectiveness in treating individuals infected with the human immunodeficiency virus are tested in clinical trials as expeditiously as possible and with as many subjects as is scientifically acceptable.

SEC. 217. None of the funds appropriated in this title for the National Institutes of Health and the Alcohol Drug Abuse and Mental Health Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $120,000 per year.

SEC. 218. The Consolidated Office Building is hereby named the William H. Natcher Building; the Child Health/Neurosciences Building (building 49) is hereby named the Silvio O. Conte Building; the Stone House (building 16) is hereby named the Lawton Chiles Conference Center; the Building numbered 36 is hereby named the Lowell P. Weicker Building.

SEC. 219. Of the funds appropriated in this Act for the National Institutes of Health, a reduction of $4,000,000 is to be applied to all appropriations as a result of improved procurement practices.

SEC. 220. Section 1912A.(b) of subpart I of part B of title XIX of the Public Health Service Act is amended by striking out "$7,000,000" and inserting "$8,000,000".

SEC. 221. Funds collected from sales of material or energy recovered from solid waste may be credited to the appropriations accounts included in this Act, and shall remain available until expended.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1990".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, [$5,580,069,000] *$5,080,762,000,* of which [$5,559,177,000] *$5,052,262,000* shall become available on July 1, 1990 and shall remain available until September 30, 1991*: Provided, That of these remaining funds, $4,200,000,000 shall be available for section 1005, $300,000,000 shall be for section 1006, $280,938,000* [and of which $290,938,000] shall be available for migrant education activities under subpart 1 of part D, $148,200,000 shall be available for handicapped education activities under subpart 2 of part D, and [$34,778,000] *$31,616,000* shall be available for delinquent and neglected education activities under subpart 3 of part D, *$40,508,000 shall be for section 1404, and $10,000,000 shall be for section 1405: Provided further, That no State shall receive less than $340,000 from the amounts made available under this appropriation for section 1006: Provided further, That funds made available under sections 1437 and 1463 may be expended by the Secretary at any time, provided that notices of proposed rules for all currently operating programs authorized under chapter 1 have been published.*

[From the amounts appropriated for part A of chapter 1, an amount not to exceed $250,000,000 may be obligated to carry out a new Merit Schools program and an amount not to exceed $100,000,000 may be obligated to carry out a new Magnet Schools of Excellence program only if such programs are specifically authorized in law prior to March 1, 1990.]

IMPACT AID

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), [$713,670,000] *$705,854,000,* of which [$573,316,000] *$580,000,000* shall be for payments under section 3(a), [$125,000,000] *$110,500,000* shall be for payments under section 3(b), and $15,354,000 shall be for payments under section 2 of said Act*: Provided, That no payment shall be made under section 3 to any local educational agency whose payment under that section fails to equal or exceed one percent of such agency's total current expenditures.*

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), [$25,590,000] *$26,000,000,* which shall remain available until expended, shall be for construction and renovation of school facilities as authorized by said Act.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I, [and titles II, III, IV, and V] *titles II, III, IV, V, and part B of title VI* of the Elementary and Secondary Education Act of 1965, as amended; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act, as amended; part B of title III and title IV of Public Law 100-297; section 5051 of Public Law 100-690; [section 6115] *chapter 5 of subtitle A of title VI* of Public Law 100-418; and the Follow Through Act, [$1,170,527,000] *$1,290,585,000,* of which [$869,382,000] *$938,063,000* shall become available on July 1, 1990, and remain available until September 30, 1991, and $2,500,000 shall be for evaluation studies of the magnet schools and chapter 2 block grant programs*; $9,000,000 shall be for activities under section 2012 and $145,000,000 shall be for other activities under title II of the Elementary and Secondary Education Act; and $6,000,000 shall be for subpart 1 and $5,000,000 shall be for subpart 2 of part B of title III of Public Law 100-297: Provided, That notwithstanding section 903(c)(1)(B) of the Education for Economic Security Act, grantees awarded funds in 1989 under the Star Schools Program shall be eligible to apply for a third and final year of funding in fiscal year 1990, and that not more than 25 percent of the funds available for the Star Schools Program in fiscal year 1990 shall be awarded to such grantees.*

BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, [$194,761,000] *$182,586,000,* of which [$32,413,000] *$31,413,000* shall be for part C of title VII*: Provided, That not more than $1,500,000 shall be available for section 7043 of said Act.*

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, [$2,063,827,000] *$2,083,776,000,* of which [$1,564,017,000] *$1,554,000,000* for section 611, [$252,000,000] *$255,000,000* for section 619, and [$77,205,000] *$80,624,000* for section 685 shall become available for obligation on July 1, 1990, and shall remain available until September 30, 1991.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, title I of Public Law 100-407, and the Helen Keller National Center Act, as amended, [$1,743,973,000] *$1,789,870,000,* of which [$31,994,000] *$17,674,000* shall be for special demonstration programs under sections 311 (a), (b), and (c) [including $15,000,000 for one-time start-up grants to establish a system of regional comprehensive head injury prevention and rehabilitation centers].

SPECIAL INSTITUTIONS FOR THE HANDICAPPED

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), including provision of materials to adults undergoing rehabilitation on the same basis as provided in 1985, [$5,537,000] *$5,942,000.*

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

[For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $35,553,000, of which $200,000 shall be for the endowment program as authorized under section 408 and shall be available until expended.]

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $37,553,000, of which $300,000 shall be for the endowment program as authorized under section 408 and shall be available until expended, and $532,000 for construction and renovation, to remain available until expended, and $1,800,000 shall be provided to the Secretary for the purpose of supporting a consortium of institutions to provide education and vocational rehabilitation services for low functioning adults who are deaf: Provided, That the Secretary will make one or more awards for demonstration projects to the following institutions: California State University at Northridge, Gallaudet University, National Technical Institute for the Deaf, Postsecondary Education Consortium at the University of Tennessee, Seattle Central Community College, Southwest Center for the Hearing Impaired, and St. Paul Technical Institute.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), including continuing education activities, existing extension centers and the National Center for Law and the Deaf, [$68,350,000] *$68,850,000,* of which $1,000,000 shall be for the endowment program as authorized under section 407 and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational Education Act, the Adult Education Act and the Stewart B. McKinney Homeless Assistance Act, [$1,151,035,000] *$1,126,239,000* which shall become available for obligation on July 1, 1990, and shall remain available until September 30, 1991, of which [$26,639,000] *$19,465,000* shall be for national programs under title IV of the Carl D. Perkins Vocational Education Act including [$7,200,000] *$6,965,000* for research, [$15,000,000] *$7,500,000* for demonstrations, and [$4,439,000] *$5,000,000* for data collection and of which $2,000,000 shall be for national programs under section 383 of the Adult Education Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A and parts C, D, and E of title IV of the Higher Education Act, as amended, [$6,021,960,000] *$6,096,000,000,* which shall remain available until September 30, 1991: *Provided,* That the maximum Pell grant that a student may receive in the 1990-91 award year shall be $2,300.

GUARANTEED STUDENT LOANS

(LIQUIDATION OF CONTRACT AUTHORITY)

For payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, [$3,651,000,000] *$3,826,314,000.*

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided [for, titles I, III, IV, V,] *for titles I, III, IV, section 523 and subpart 1 of part D of title V, titles* VI, VII, VIII, IX, and X of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961 *and section 140(b) of Public Law 100-202,* [$634,976,000] *$620,711,000,* of which up to [$23,128,000] *$13,128,000* for endowment activities under section 332 of part C of title III and $22,744,000 for interest subsidies under part D of title VII shall remain available until expended: *Provided,* That [$8,479,000] *$9,000,000* provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and 419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a))*: Provided further,* That $1,456,000 of the amount provided herein for subpart 4 of part A of title IV of the Higher Education Act shall be for an evaluation of Special Programs for the Disadvantaged to examine the effectiveness of current programs and to identify program improvements.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), [$184,904,000] *$178,928,000*, of which [$7,458,000] *$1,482,000* shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing and academic facilities loans program, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation[:-*Provided*, That during fiscal year 1990, gross commitments for the principal amount of direct loans shall be $30,000,000].

For payment of interest on funds borrowed from the Treasury pursuant to section 761(d) of the Higher Education Act, as amended, $5,129,000, to remain available until expended.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year. For the fiscal year 1990, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d-2).

COLLEGE HOUSING LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing loan program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH AND STATISTICS

For necessary expenses to carry out section 405 and section 406 of the General Education Provisions Act, as amended, [$100,330,000] *$95,420,000*, of which $6,000,000, to remain available until December 31, 1990, shall be for the rural education program conducted by the regional laboratories *and of which $5,000,000, which shall remain available until expended, shall be awarded to the National Board for Professional Teaching Standards to be spent on a competitive basis for research related to voluntary teacher assessment and certification.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, *II*, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and title II of the Higher Education Act, [$114,876,000] *$143,612,000 of which $23,000,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act which shall remain available until expended.*

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, [$269,946,000] *$282,446,000.*

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $45,178,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, [$22,000,000] *$23,381,000.*

GENERAL PROVISIONS

Sec. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the costs of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Sec. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

Sec. 303. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Sec. 304. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 305. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Sec. 306. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1990".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for ACTION to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $181,092,000: Provided, That $29,217,000 shall be available for title I of the Act of which not more than $26,711,000 shall be available for Part A of said title to support not more than 2,935 volunteer service years.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1992, [$314,060,000] *$340,500,000* of which [$72,000,000] *$80,500,000* shall be available for section 396(k)(10) of said Act: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), [$26,380,000] *$27,190,000.*

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $4,030,000.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

For expenses necessary for the National Commission on Acquired Immune Deficiency Syndrome as authorized by subtitle D of title II of Public Law 100-607, $1,000,000.

National Commission on Children

For necessary expenses of the National Commission on Children established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100-203, $940,000, which shall remain available until expended.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), [$750,000] *$770,000.*

National Commission To Prevent Infant Mortality

For necessary expenses of the National Commission to Prevent Infant Mortality, established by section 203 of the National Commission to Prevent Infant Mortality Act of 1986, Public Law 99-660, $400,000, which shall remain available until expended.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by section 405 of the Rehabilitation Act of 1973, as amended, [$1,157,000] *$2,160,000.*

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $140,111,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $6,384,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $5,970,000.

Physician Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, [$3,847,000] *$3,722,000,* to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prescription Drug Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1847 of the Social Security Act, $1,500,000, to be transferred to this appropriation from the Federal Catastrophic Drug Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, [$3,919,000] *$3,794,000,* to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $340,000,000, which shall include amounts becoming available in fiscal year 1990 pursuant to section 224(c)(1)(B) of Public Law 98-76: *Provided,* That the total amount provided herein shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, [$63,900,000] *$67,451,000,* to be derived from the railroad retirement accounts: *Provided,* That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further,* That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than [$14,100,000] *$14,964,000* shall be apportioned for fiscal year 1990 from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON REVIEW ACTIVITY

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than [$3,545,000] *$4,150,000,* to be derived from the railroad retirement accounts and railroad unemployment insurance account.

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, [$39,000,000] *$39,573,000*: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, [$8,500,000] *$10,250,000,* to remain available until expended.

United States Bipartisan Commission on Comprehensive Health Care

For necessary expenses of the United States Bipartisan Commission on Comprehensive Health Care established by section 401 of the Medicare Catastrophic Coverage Act of 1988, $467,000, which shall remain available until expended.

United States Institute of Peace

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, [$6,916,000] *$7,800,000.*

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For carrying out activities under Public Law 100-382, $3,250,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

Sec. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 502. No part of any appropriation contained in this Act shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

Sec. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

Sec. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Sec. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Sec. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Sec. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Sec. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

Sec. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

Sec. 511. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Sec. 512. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 513. (a) Findings.—The Congress finds that—

(1) illegal drug use is a serious problem of our society and educational institutions;

(2) drug use is incompatible with the educational process and destroys an atmosphere conducive to learning;

(3) our educational institutions and their administrators have traditionally been entrusted with the task of transmitting community values to their students who will lead our Nation in the future; and

(4) our educational institutions have the opportunity to enrich the lives of a significant portion of young Americans during their years in college by encouraging the study of values that enable them to distinguish right from wrong and moral from immoral.

(b) Sense of the Congress.—It is the sense of the Congress that colleges and universities should demand drug-free campuses and should, with the support of parents, students, and the community, enforce strict but fair policies to eliminate drug use by students.

Sec. 514. (a) Not more than $28,643,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Labor; not more than $91,037,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Health and Human Services; and not more than $45,415,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Department of Education.

(b)(1) Not later than forty-five days after the end of each fiscal quarter, the head of each department named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990".

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask now for there to be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN AVIATION PIONEER

Mr. MATSUNAGA. Mr. President, it is with a heavy heart that I rise to note the passing on June 27 this year of William H. "Bill" Conrad, the first man ever to fly an airplane exclusively on liquid hydrogen.

Mr. Conrad, whose aviation career dated back to the barnstorming era of the 1920's, accomplished this feat 12 months before his death and just prior to his 80th birthday. The National Aviation Federation and the International Aviation Federation certified that his 39-second hop represented an international first "in the same league as Lindbergh, Yeager, and Orville and Wilbur Wright," as one federation official was quoted as observing at the time. Upon learning of the achievement, I spoke of it here on the floor and shortly thereafter had the pleasure of meeting Bill Conrad while he was visiting Washington.

Former President Reagan sent him a letter congratulating him on his flight, saying:

> Your remarkable fight last June was a mile-stone in aviation history, and your 14 years of preparation for it were welcome proof of the vitality of our search for new energy sources to improve transportation efficiency and benefit the environment.

He continued:

> You've added another chapter to your nearly six decades of aviation pioneering and made your countrymen very proud. You've also demonstrated just how much people of our generation have achieved and have to offer still.

Indeed, Mr. President, Bill Conrad, who began flying in 1929 and several years ago was inducted in the Aviation Pioneers Hall of Fame, was not one to rest on past laurels. This spring, while gravely ill, he was at work to convert large 18-wheel tractor-trailer trucks to liquid hydrogen, the fuel of the future.

I noted the concern of the senior Senator from Missouri [Mr. Danforth] expressed on this floor yesterday regarding the lack of any funding for the National Aerospace Plane [NASP] provided in the fiscal year 1990 appropriation bill for the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies such as NASA. He pointed out that our colleagues in the other Chamber had wisely provided $98 million for the NASP Program in their version of the bill. It may be of interest to him to learn that my hydrogen bill, S. 639, provides $100 million for the development of hydrogen fueled aircraft, essentially the same thing, and I would welcome his cosponsorship of the measure. I have been told that my bill is too expensive in this period of fiscal constraint, but when one considers that West Germany is spending $150 million on its aerospace plane, which must be fueled by liquid hydrogen, I wonder if my measure provides enough. Indeed, Mr. President, as the senior Senator from the "show me" State has observed, given the aerospace programs of Great Britain and Japan as well as West Germany, we may soon be shown this aircraft in the coming century but not one flying the stars and stripes of our own country.

Mr. President, we must not lose the initiative in hydrogen-powered flight that Bill Conrad set for our country. We owe his pioneering spirit too much to break faith with his vision. Next Wednesday the Environmental and Energy Study Conference will hold a noon briefing in B-318 of the Rayburn Building on the prospects for photovoltaic hydrogen as a motor fuel. I urge my colleagues to attend or have representation there, to become fired up on hydrogen and then to join me in sponsoring and passing the National Hydrogen Research and Development Act of 1989. Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day"; and

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week".

The message also announced that on behalf of the Speaker, and pursuant to the provisions of section 4(a) of Public Law 99-284, the Chair announced the Speaker's appointment as members of the Martin Luther King, Jr., Federal Holiday Commission, the following members on the part of the House: Mr. WHEAT, Mr. SAWYER, Mr. REGULA, and Mr. COURTER.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 419. An act to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri;

H.R. 1529. An act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes;

H.R. 2696. An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes;

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day";

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week"; and

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week".

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore [Mr. REID].

At 4:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2136) to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2771. An act to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991;

H.R. 3000. An act to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes;

H.R. 3281. An act to extend the expiration date of the Defense Production Act of 1950;

H.R. 3282. An act to amend title 5, United States Code, to authorize the continuation of the performance management and recognition system through March 31, 1991, and for other purposes; and

H.J. Res. 204. Joint resolution to designate October 1989 as "National Quality Month".

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3000. An act to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3281. An act to extend the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3282. An act to amend title 5, United States Code, to authorize the continuation of the performance management and recognition system through March 31, 1991, and for other purposes.

MEASURES ORDERED HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent until the close of business on September 22, 1989:

H.R. 2771. An act to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of the Activities of the Committee on Energy and Natural Resources During the 100th Congress" (Rept. No. 101-138).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title;

S. 1582. A bill to amend the Foreign Assistance Act of 1961 to provide for certain forms of assistance to Poland to ensure the success of freedom and democracy in Poland.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Martin C. Faga, of Virginia, to be an Assistant Secretary of the Air Force;

Anne Newman Foreman, of Maryland, to be Under Secretary of the Air Force; and

The following-named officer for appointment as Chairman of the Joint Chiefs of Staff under the provisions of title 10, United States Code, section 152(a):

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

Gen. Colin L. Powell*, [redacted], U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 4, May 31, July 31, August 3, September 6, and September 12, 1989 at the end of the Senate proceedings.)

**In the Army there are 120 promotions to the grade of colonel and below (list begins with Elliot E. Angel) (Reference No. 251).

**In the Navy there are 373 promotions to the grade of commander (List begins with Victor A. Aletich) (Reference No. 402).

*Lt. Gen. Bradley C. Hosmer, USAF, to be reassigned in the grade of lieutenant general (Reference No. 524).

*Gen. Federick F. Woerner, Jr., USA, to be placed on the retired list in the grade of general (Reference No. 580).

*Gen. Maxwell R. Thurman, USA, to be reassigned in the grade of general (Reference No. 581).

*Adm. William J. Crowe, Jr., USN, to be placed on the retired list in the grade of admiral (Reference No. 597).

*Gen. Alfred G. Hansen, USAF, to be placed on the retired list in the grade of general (Reference No. 607).

*Lt. Gen. Charles C. McDonald, USAF, to be general (Reference No. 610).

*Lt. Gen. Henry Viccellio, Jr., USAF, to be reassigned in the grade of lieutenant general (Reference No. 612).

**In the Air Force Reserve there are 17 promotions to the grade of lieutenant colonel (list begins with Albert K. Aimar) (Reference No. 615).

**In the Navy there is one promotion to the grade of captain (William M. Shepard) (Reference No. 616).

**In the Naval Reserve there are 6 appointments to the grade of captain and below (list begins with Harrison D. Willcutts) (Reference No. 617.)

**In the Army there are 7 promotions to the grade of lieutenant colonel (list begins with William D. Archer) (Reference No. 627).

*Gen. Louis C. Wagner, Jr., USA, to be placed on the retired list in the grade of general (Reference No. 669).

*Lt. Gen. William G.T. Tuttle, Jr., USA, to be general (Reference No. 670).

*Lt. Gen. Jerry M. Bunyard, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 671).

*Lt. Gen. Sidney T. Weinstein, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 672).

*Maj. Gen. Jerome B. Hilmes, USA, to be lieutenant general (Reference No. 673).

*Maj. Gen. Leon E. Salomon, USA, to be lieutenant general (Reference No. 674).

*Maj. Gen. Ellis D. Parker, USA, to be lieutenant general (Reference No. 676).

*In the Army National Guard there are 31 appointments to the grade of major general and below (list begins with Joseph C. Boyersmith) (Reference No. 677).

*Vice Adm. John T. Parker, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 678).

*Rear Adm. Ronald M. Eytchison, USN to be vice admiral (Reference No. 679).

**In the Air Force and Air Force Reserve there are 40 appointments to the grade of colonel and below (list begins with Charles W. Guise) (Reference No. 680).

**In the Air Force there are 10 promotions and appointments to the grade of lieutenant colonel and below (list begins with Kenneth W. Bigbee) (Reference No. 681).

**In the Navy and Naval Reserve there are 27 appointments to the grade of commander and below (list begins with Norman K. Shimabukuro) (Reference No. 682).

**In the Navy and Naval Reserve there are 18 appointments to the grade of commander and below (list begins with Steven C. Cintron) (Reference No. 683).

**In the Air Force there are 763 promotions to the grade of colonel (list begins with Nicholas Abate) (Reference No. 684).

**In the Air Force there are 325 appointments to the grade of second lieutenant (list begins with Anthony A. Aaker) (Reference No. 685).

**In the Army Reserve there are 55 promotions to the grade of colonel and below (list begins with John E. Abair) (Reference No. 687).

**In the Army there are 131 appointments to the grade of lieutenant colonel and below (list begins with Brenda L. Brace) (Reference No. 689).

**In the Army there are 1,593 appointments to the grade of second lieutenant (list begins with John T. Abt) (Reference No. 690).

**In the Marine Corps Reserve there are 105 appointments to the grade of colonel (list begins with Jeffrey L. Abate) (Reference No. 691).

**In the Marine Corps there are 262 appointments to the grade of lieutenant colonel and below (list begins with Donald L. Scanlon, Jr.) (Reference No. 692).

**In the Navy there are 824 appointments to the grade of captain and below (list begins with Randy Albert Cason) (Reference No. 693).

**In the Navy there are 719 appointments to the grade of lieutenant (list begins with Gerard Paul Arel) (Reference No. 694).

*Lieutenant General Michael P.C. Carns, USAF, to be reassigned in the grade of lieutenant general (Reference No. 698).

*Lieutenant General Norman H. Smith, USMC, for reappointment in the grade of lieutenant general (Reference No. 705).

*Rear Adm. (lower half) Paul C. Rosser, USNR, to be rear admiral (Reference No. 706).

*Maj. Gen. Robert L. Rutherford, USAF, to be lieutenant general (Reference No. 719).

*Maj. Gen. August M. Cianciolo, USA, to be lieutenant general (Reference No. 720).

**In the Army there are 327 appointments to the grade of colonel and below (list begins with Martha L. Austin) (Reference No. 722).

*Lt. Gen. Edwin H. Burba, Jr., USA, to be General (Reference No. 740).

*Maj. Gen. William S. Carpenter, Jr., USA, to be Lieutenant General (Reference 745).

Total: 5,777.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 1645. A bill to protect the right of workers to choose whether their collective bargaining dues or any other payment required as a condition of employment shall be used for political purposes; to the Committee on Rules and Administration.

By Mr. LEVIN (for himself, Mr. KOHL, and Mr. GLENN):

S. 1646. A bill to implement key provisions of the Great Lakes Water Quality Agreement to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

By Mr. COATS:

S. 1647. A bill to suspend temporarily the duty on Fenofibrate; to the Committee on Finance.

By Mr. SYMMS:

S. 1648. A bill to amend accounting procedures under section 313 of the Tariff Act of 1930; to the Committee on Finance.

By Mr. SHELBY:

S. 1649. A bill to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act, to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency and to require Governors of affected States to receive certain notifications; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. DECONCINI, Mr. DASCHLE, Mr. BINGAMAN, and Mr. CONRAD):

S. 1650. A bill to reduce the 22 percent unemployment rate on Indian reservations by amending the Internal Revenue Code of 1986 to provide Indian Employment Opportunity tax credits to employers within Indian reservations, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. MURKOWSKI, Mr. DECONCINI, and Mr. MATSUNAGA):

S. 1651. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 1652. A bill to transfer the colonial Court House in York, Pennsylvania to the control of the National Park Service; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. HEINZ, Mr. PRYOR, Mr. ROTH, Mr. DURENBERGER, Mr. BOREN, Mr. CHAFEE, Mr. SYMMS, Mr. MOYNIHAN, Mr. DANFORTH, Mr. RIEGLE, Mr.

CRANSTON, Mr. DODD, Mr. GLENN, and Mr. DIXON):

S. 1653. A bill to preserve the solvency of the railroad retirement system; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. GARN):

S.J. Res. 199. Joint resolution providing for the reappointment of Samuel C. Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 200. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. SIMON (for himself and Mr. DIXON):

S.J. Res. 201. Joint resolution designating February 16, 1990 as "Lithuanian Independence Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. BYRD, Mr. DOLE, Mr. SANFORD, Mr. CONRAD, Mr. DODD, Mr. DURENBERGER, Mr. BURDICK, Mr. SARBANES, Mr. RIEGLE, Mr. KOHL, Mr. ARMSTRONG, and Mr. THURMOND):

S. Res. 180. Resolution to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 1645. A bill to protect the rights of workers to choose whether their collective bargaining dues or any other payment required as a condition of employment shall be used for political purposes; to the Committee on Rules and Administration.

WORKERS' POLITICAL RIGHTS ACT OF 1989

● Mr. McCONNELL. Mr. President, one of America's greatest political leaders and philosophers, Thomas Jefferson, said that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

This principle was echoed by the Watergate Committee, the special committee appointed to propose revisions to the campaign finance laws, in opposing taxpayer financing of elections. Like Jefferson, the committee spoke strongly of the "fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment".

Unfortunately, Congress failed to give heed to the words of Jefferson and the Watergate Committee, and provided for taxpayer financing of Presidential campaigns. We have discussed that system at length here on the Senate floor, and it is clear beyond any doubt that the Presidential system of taxpayer financing and spending limits is an absolute disaster. It is robbing millions of tax dollars from other essential programs, while a sea of red tape and black market "soft money" have obliterated the effects of the law.

Yet while there still are some Members of Congress who favor taxpayer financing of Federal elections, there is one basic issue on which we all can agree: No one should be required to support political causes to which one is opposed. An employee should not have to contribute to the company PAC in order to keep his or her job. Nor should an employer be able to deduct a portion of the worker's salary to support political candidates of the employer's own choosing. That would be a fundamental and unconstitutional deprivation of the worker's political rights.

Similarly, a worker should not be forced to subsidize the political activities of a union if he or she objects for whatever reason. This principle of workplace freedom was embraced by the Supreme Court in the 1988 case Communications Workers of America versus Beck. Harry Beck, a union member, did not like the fact that an untold portion of this compulsory dues were being used to pay for the union's extensive political operations. He brought suit and the Supreme Court agreed that he had a right to a refund from the union for the portion of his dues being used for political purposes.

One man, Harry Beck, got his money back—or at least some of it. But the union leadership has resisted all efforts to extend the right of political freedom in the workplace to all workers. It has stonewalled on disclosure of how much is actually spent on political activities, and it patently refuses to inform the rank and file about the political rights to which they are entitled by law. Thus, despite the Supreme Court's clear pronouncement on this issue, workers continue to be deprived of political rights because of an intransigent and insensitive leadership.

That is the reason for the bill I am introducing today, Mr. President, the Workers' Political Rights Act of 1989. My bill is similar to legislation introduced in the House by Congressman TOM DELAY, H.R. 2589, although there are significant differences between the two bills.

This legislation would put a condition on the use of union membership dues for political activites such as get-out-the-vote drives, political communications to members, and the expenses of PAC fundraising. If a union wanted to dip into the dues treasury for these purposes, it would have to inform its members of their constitutional right not to pay for such political activities. Workers would have the right to know how much of their dues were being spent for political activities, and they would have a right to a partial refund of those dues if they objected to the union's political use of their money.

Workers presently cannot be compelled to fund the political activities of their employers; they should not be forced to fund the political activities of their union if they choose not to do so. The Workers' Political Rights Act gives workers the right to decide how their union dues are spent, at least where it comes to political action. Of course, it is an essential tenet of labor law that unions may require dues as a condition of membership and representation. But the workers must have some say in where that money goes, if it is funding political candidates and causes. If that is not the case, then the phrase "jobs with justice" is just an empty slogan.

The right of free speech protected by the first amendment of our Constitution assures not only the right to say whatever one wishes, but also the right to refuse to speak if one disagrees with the content of the required message. That was the principle underlying the Supreme Court's decision in Beck, and that is the principle which I ask my colleagues to uphold today in supporting this bill.

We in Congress cannot rest as long as there are Americans who are forced to support political views that are not their own. That is political slavery, and we should not tolerate it anywhere in the world, least of all in this country.

Mr. President, I ask unanimous consent that the full text of the bill appear at the end of my remarks in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Workers' Political Rights Act of 1989".

SEC. 2. Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended—

(1) in paragraph (2), by inserting "political committee," after "campaign committee,";

(2) by redesignating paragraphs (3) through (7), and any reference to any such paragraph, as paragraphs (4) through (8) respectively; and

(3) by inserting the following new paragraph after paragraph (2):

"(3)(A) Subparagraphs (A), (B), and (C) of paragraph (2) apply only to labor organizations which—

"(i) provide to all employees within the labor organization's bargaining unit, at least once annually, and to new employees within 30 days after commencement of their employment, written notification presented in a manner to inform any such employee of the following information:

"(I) that an employee cannot be obligated to pay through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, such as the maintenance and operation of a political committee, political communications to members, or voter registration and get-out-the-vote campaigns;

"(II) that an employee may elect to pay an agency fee to the labor organization, in lieu of formal membership in such organization and the payment of full membership dues;

"(III) that the amount of such agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, i.e., collective bargaining, contract administration, and grievance adjustment;

"(IV) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities, from funds contributed by membership dues;

"(V) that the cost of the labor organization's exclusive representation services and the amount of spending by such organization for political activities from funds contributed by membership dues, shall be computed according to the immediately preceding fiscal year of such organization, unless such year is not representative of such organization's financial history or performance; and

"(VI) the amount of the labor organization full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of such agency fee, for the current year;

"(ii) for the purpose of verifying the cost of such organization's exclusive representation services, submit to an annual examination by an independent certified public accountant, of financial statements supplied by such organization which reveal the cost of such services and which examination shall constitute, at a minimum, a 'special report' as interpreted by the Association of Independent Certified Public Accountants; and

"(iii) maintain procedures to promptly determine which costs may properly be charged to agency fee payors as costs of exclusive representation, and explain such procedures in the written notification required in clause (i)(I) of this subparagraph.

"(B) Any labor organization which does not satisfy the requirements of paragraph (3)(A) shall finance any expenditures specified in subparagraph (A), (B), or (C) of paragraph (2) with funds properly collected for its separate segregated political fund. For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for Federal office.".●

By Mr. LEVIN (for himself, Mr. KOHL, and Mr. GLENN):

S. 1646. A bill to implement key provisions of the Great Lakes Water Quality Agreement to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

GREAT LAKES CRITICAL PROGRAMS ACT

Mr. LEVIN. Mr. President, today I am introducing S. 1646, the Great Lakes Critical Programs Act, together with my colleagues, Senator KOHL and Senator GLENN.

This bill is the result of a series of hearings held this year before the Governmental Affairs Subcommittee on Oversight of Government Management, which I chair, on actions taken by Federal agencies to protect and restore the Great Lakes. Senator KOHL sits on this Subcommittee, and Senator GLENN is our full Committee Chairman.

The Subcommittee hearings have documented a record of broken promises, clear lapses and serious gaps in Federal programs for the Great Lakes. They include EPA's failure to ensure the completion of remedial action plans to cleanup toxic hotspots, failure to reduce significant disparities in the water quality rules of the States bordering the Great Lakes, failure to draft a lakewide management plan for priority pollutants in Lake Michigan, and failure to make progress on projects to cleanup contaminated sediments. These key pollution control initiatives are contained in 1987 amendments to the United States-Canada Great Lakes Water Quality Agreement and to the Clean Water Act which designates EPA as the lead agency for implementation. Unfortunately, EPA has moved so slowly on these key initiatives, that it has created a trail of broken promises and stalled programs.

The last hearing we held, on September 6, 1989, disclosed that the Great Lakes suffer hundreds of spills of oil and toxic chemicals each year, and that, since 1986, spills in U.S. waters of the Great Lakes have almost doubled while spills in Canadian waters have dropped by half. We also learned about serious gaps in Great Lakes spill response and prevention capabilities. When I asked whether we were ready to handle a million-gallon spill in the Great Lakes—which happened in 1984 and could happen again—David Hales, Director of Michigan's Department of Natural Resources, responded with a flat-out "no." Langdon Marsh, First Deputy Commissioner for New York State's Department of Environmental Conservation, provided supporting testimony. Both outlined numerous deficiencies in Great Lakes' spill-fighting capabilities as well as our spill prevention efforts.

The bill I am introducing today takes on both sets of problems. It puts the key Great Lakes programs back on the front-burner by setting statutory deadlines for action, and requires new actions to improve Great Lakes spill response and prevention capabilities. The bill sets deadlines for the following key Great Lakes pollution control initiatives:

First, completing promised remedial action plans [RAP's] to cleanup toxic hotspots in the Great Lakes;

Second, issuing water quality guidelines for the entire Great Lakes region to reduce interstate disparities in water quality standards;

Third, completing a promised lakewide management plan for Lake Michigan to reduce critical pollutants;

Fourth, issuing sediment classification standards and completing demonstration projects to cleanup contaminated sediments; and

Fifth, establishing an expanded Great Lakes air deposition network to compile and report data on air toxics.

The bill improves Great Lakes capabilities to respond to and prevent spills of oil and toxic chemicals by:

First, requiring the Coast Guard to maintain a up-to-date comprehensive list of Great Lakes spill-fighting equipment;

Second, requiring Federal plans to establish regional spill response teams to place at least one response team in the Great Lakes;

Third, requiring EPA's Great Lakes office to identify high-risk spill areas and facilities, and ensure the adequacy of Federal and State response and prevention programs for the Great Lakes; and

Fourth, requiring Federal spill research programs to consider Great Lakes concerns.

These are needed provisions to get critical Great Lakes programs moving again and to increase Great Lakes protections against spills of oil and toxic chemicals.

The Great Lakes contain 95 percent of the surface freshwater in the United States. They contain about 20 percent of the world's surface freshwater. They provide drinking water to millions of Americans and Canadians. They are a national and international treasure, and it is time to revitalize our environmental programs to restore and protect them. I hope that my colleagues will join with us in accomplishing that objective through this bill.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Critical Programs Act".

SEC. 2. AMENDMENTS TO THE CLEAN WATER ACT.

(a) Section 118 of the Clean Water Act (33 U.S.C. 1268) is amended (1) by inserting immediately after subsection (c)(1) of following new paragraphs, and (2) by renumbering the existing paragraphs accordingly:

"(2) GREAT LAKES WATER QUALITY RULES.

"(A) By January 1991, the Program Office shall publish in the Federal Register for public notice and comment proposed water quality rules for the Great Lakes System. These rules shall conform with the requirements of the Great Lakes Water Quality Agreement, the provisions of this Act and current Agency water quality criteria, whichever is most protective of water quality, and shall provide guidance to the Great Lakes States on minimum water quality standards, antidegradation policies, and implementation procedures for the Great Lakes System.

"(B) By January 1, 1993, the Program Office shall publish in the Federal Register final water quality rules for the Great Lakes System and shall include them in an identifiable section of the national water quality guidance issued under section 304 of this Act. After such rules are published, the Great Lakes States shall adopt water quality standards affecting the Great Lakes System which are consistent with these rules. When reviewing any Great Lakes State's water quality plan, the Agency shall consider the extent to which the State has complied with such Great Lakes water quality rules.

"(3) REMEDIAL ACTION PLANS.—

"(A) For each area of concern for which the United States has agreed to draft a Remedial Action Plan, the Program Office shall ensure that the Great Lakes State in which such area of concern is located—

"(i) submits a Remedial Action Plan to the International Joint Commission by June 30, 1991;

"(ii) submits such Remedial Action Plan to the Program Office by January 1, 1992; and

"(iii) includes such Remedial Action Plans within the State's water quality plan by January 1, 1993.

On the date that a State includes a Remedial Action Plan in its water quality plan, the State shall become eligible for monetary assistance from the Agency to implement that Remedial Action Plan. If more than one Remedial Action Plan requests such monetary assistance during a budgetary cycle, the Agency shall rank each request according to the date on which the Remedial Action Plan was included in its State's water quality plan, assigning the highest rank to the earliest date.

"(B) For each area of concern for which Canada has agreed to draft a Remedial Action Plan, the Program Office shall work with the Department of State to ensure that Canada submits such Remedial Action Plans to the International Joint Commission by June 30, 1991, and finalizes such Remedial Action Plans by January 1, 1993.

"(4) LAKEWIDE MANAGEMENT PLANS.—The Program Office shall—

"(A) by July 31, 1990, publish in the Federal Register a proposed Lakewide Management Plan for Lake Michigan and solicit public comments;

"(B) by December 31, 1990, submit a proposed Lakewide Management Plan for Lake Michigan to the International Joint Commission for review; and

"(C) by June 30, 1991, publish in the Federal Register a final Lakewide Management Plan for Lake Michigan and begin implementation.

Nothing in this paragraph shall preclude the simultaneous development of Lakewide Management Plans for the other Great Lakes.

"(5) CONTAMINATED SEDIMENT CLASSIFICATION STANDARDS.—

"(A) Within one year of the enactment of this section, the Program Office shall promulgate numerical standards which will allow the classification of sediments in the Great Lakes according to the extent to which such sediments, whether stationary or suspended in the water column, assure the propagation of a balanced, indigenous population of fish, shellfish, and wildlife and permit recreation in and on the water.

"(B) The Program Office shall issue regulations specifying the proper use of these sediment standards and enabling Great Lakes States to issue more stringent standards and to petition for alternate numerical standards due to significant differences in the chemical, physical, or biological characteristics of particular areas. The regulations shall address appropriate environmental programs affecting the Great Lakes, including implementation of Remedial Action Plans, authorization of dredging operations, and issuance of permits under the National Pollutant Discharge Elimination System (33 U.S.C. § 1342) established by this Act.

"(6) SPILLS OF OIL AND HAZARDOUS MATERIALS.—The Program Office shall identify areas within the Great Lakes which are likely to experience numerous or voluminous spills of oil or other hazardous materials and, in consultation with the Great Lakes States, shall ensure the adequacy of Federal and State plans to prevent and respond to such spills.".

(b) Section 118(c)(8) of the Clean Water Act (33 U.S.C. 1268(c)), as renumbered by subsection (a) of this section, is amended to read as follows:

"(8) CONTAMINATED SEDIMENT DEMONSTRATION PROJECTS.—

"(A) The Program Office shall carry out a 5-year study and demonstration projects relating to the control and removal of toxic pollutants in the Great Lakes, with emphasis on the removal of toxic pollutants from bottom sediments. In selecting locations for conducting demonstration projects under this paragraph, priority consideration shall be given to projects at the following locations: Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York.

"(B) The Program Office shall—

"(i) by June 30, 1990, complete chemical, physical, and biological assessment of the contaminated sediments at the locations selected for the study and demonstration projects;

"(ii) by September 30, 1990, announce the technologies that will be demonstrated at each location;

"(iii) by December 31, 1991, complete full-scale demonstration projects at each location of promising technologies to remedy contaminated sediments; and

"(iv) by December 31, 1992, issue a final report on its findings.".

(c) Section 118(d) of the Clean Water Act is amended by adding at the end thereof the following new paragraph:

"(8) SPILL RESEARCH.—Any Federal department, agency, or other instrumentality which conducts research related to spills of oil or hazardous materials into United States waters shall cooperate with requests by the Research Office to conduct research into issues of importance to the Great Lakes, such as improving protection of drinking water supplies threatened by spills.".

(d) Section 118 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(i) SPILLS OF OIL AND HAZARDOUS MATERIALS.—The United States Coast Guard shall maintain a comprehensive and current list of equipment available to respond to spills of oil and hazardous materials in the Great Lakes and shall make this list available to the Environmental Protection Agency and the Great Lakes States. Any Federal plan to establish regional spill response teams or facilities throughout the United States shall locate at least one such team or facility in the Great Lakes.".

(e) Section 118(a)(3) of the Clean Water Act is amended (1) by deleting "and" at the end of clause (D); (2) by deleting the period at the end of clause (E) and inserting in lieu thereof a semicolon; and (3) by adding at the end thereof the following:

"(F) 'area of concern' means a geographic area located within the Great Lakes, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement;

"(G) 'Great Lakes States' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

"(H) 'Great Lakes Water Quality Agreement' means the bilateral agreement, between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987;

"(I) 'Lakewide Management Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the Great Lakes, in accordance with Article VI and Annex 2 of the Great Lakes Water Quality Agreement; and

"(J) 'Remedial Action Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern, in accordance with Article VI and Annex 2 of the Great Lakes Water Quality Agreement.".

(f) Section 118(h) of the Clean Water Act (33 U.S.C. 1268(h)) is amended by deleting "1990, and 1991" and inserting in lieu thereof "and 1990, and $25,000,000 for each of the fiscal years 1991, 1992, and 1993".

SEC. 3. AMENDMENTS TO CLEAN AIR ACT.

(a) The Clean Air Act is amended by adding immediately after section 327 the following new section:

"SEC. 328. GREAT LAKES.

"(a) The Environmental Protection Agency shall oversee, in accordance with Annex 15 of the Great Lakes Water Quality Agreement, the establishment and operation of a Great Lakes atmospheric deposition network to monitor atmospheric deposition of toxic substances into the Great Lakes System.

"(1) As part of this network, by December 31, 1990, the Environmental Protection Agency shall establish, in each of the five Great Lakes, at least one facility capable of monitoring the atmospheric deposition of toxic substances in both dry and wet conditions.

"(2) The Environmental Protection Agency shall operate the Great Lakes atmospheric deposition network for a minimum of 5 years from the date of the enactment of this section and shall use the data produced by this network to identify and track the movement of toxic substances throughout the Great Lakes, to determine atmospheric loadings of toxic substances to the Great Lakes, and to assist in the development of Remedial Action Plans and Lakewide Management Plans required by the Great Lakes Water Quality Agreement.

"(b) The Environmental Protection Agency shall ensure that—

"(1) the data collected by the Great Lakes atmospheric deposition network is made available to the public promptly and in a format which is accessible to databases sponsored by the International Joint Commission, Canada, and State environmental agencies within the United States conducting Great Lakes surveillance and monitoring;

"(2) within three years of the date of the enactment of this section, a report analyzing the data collected during the previous two years is issued by the Agency to the International Joint Commission; and

"(3) within six years of the date of the enactment of this section, a report analyzing the data collected during the previous five years is issued by the Agency to the International Joint Commission.".

(b) Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding at the end of thereof the following:

"(q) The term 'area of concern' means a geographic area located within the Great Lakes, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement.

"(r) The term 'Great Lakes' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, Lake Ontario, and the connecting channels (St. Mary's River, St. Clair River, Detroit River, Niagara River, and St. Lawrence River to the Canadian Border).

"(s) The term 'Great Lakes System' means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes.

"(t) The term 'Great Lakes Water Quality Agreement' means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987.

"(u) The term 'Lakewide Management Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the Great Lakes, in accordance with Article VI and Annex 2 of the Great Lakes Water Quality Agreement.

"(v) The term 'Remedial Action Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern, in accordance with Article VI and Annex 2 of the Great Lakes Water Quality Agreement.".

Mr. KOHL. Mr. President, I am pleased to join Senators LEVIN and GLENN in the introduction of the Great Lakes Critical Programs Act.

The Great Lakes look a lot cleaner then they did in the sixties and seventies. But the reality is that they aren't a lot healthier than they were back then.

That point has become all too clear in the last few months. Last June, for example, the National Wildlife Federation issued a report which documented the dangers of eating fish caught in Lake Michigan.

And since April. Senator LEVIN and I have held three hearings in Michigan and Wisconsin where we heard from scientists, public officials, and concerned citizens.

They told us about numerous studies which prove that toxins are accumulating in the Great Lakes, and explained how these toxins are moving their way through the food chain.

We heard about deformed birds, eggs that never hatch, fish with abnormal tumors, and bald eagles that fail to reproduce. And we heard about a potential threat to human beings.

Let there be no question about it: This is an economic and environmental disaster in the making. Our Great Lakes—the largest body of freshwater in the world and one of the strongest selling points for our region—are slowly being poisoned and destroyed by human activities.

We can solve this problem, we can prevent this tragedy—but we aren't. At least not yet.

Sure, we've made great statements and pledges. In 1987, the United States and Canada formally pledged to undertake specific actions to reduce toxics in the Great Lakes.

But the EPA, who was put in charge of fulfilling those commitments, has moved very slowly. Some of the delay can be blamed on funding shortfalls at EPA. But some of the delay is caused by simple, bureaucratic footdragging. The EPA has many important responsibilities, and unfortunately, the Great Lakes sometimes gets lost in the shuffle.

This bill is intended to address both of these excuses. It provides more funds for Great Lakes programs within EPA, and it mandates that EPA fulfill its cleanup commitments in a timely manner.

This bill also requires expanded research and data collection on the effect of air toxics on the Great Lakes. This is a good first step, but we will also need to toughen the air toxics provisions in the Clean Air Act.

We know that at least half the toxics entering the Great Lakes are airborne, so it doesn't make any sense to clean up the sediments, control direct discharges into the water, or reduce surface and groundwater runoff, if we don't also reduce the amount of toxics discharged into the air—many of which eventually make their way into the Great Lakes.

As Congress considers legislation this year to amend the Clean Air Act, I will work to strengthen the air toxics provisions.

We have waited long enough—it is time to give the Great Lakes the attention they need and the action they deserve.

The bill also addresses the problem of oilspills in the Great Lakes. We do that by improving our ability to respond to hazardous spills on the Great Lakes—quickly and effectively.

A disaster like the *Exxon Valdez* captures national attention, and it should. But so should the spills which take place all too often on the Great Lakes. So far those spills have been fairly small.

But our luck will not last forever. One moderately sized spill near a drinking water intake for Detroit, Milwaukee, Green Bay, or any other Great Lakes city would be disastrous.

It is time for this Nation to honor its commitments to clean up the Great Lakes. We need to deal with toxic contamination. And we need to act now to prevent another *Exxon Valdez* from occurring tomorrow.

I am proud to join Senators LEVIN and GLENN in introducing this bill. Both of my colleagues have worked tirelessly on behalf of environmental protection for the Great Lakes. Working together, and with our colleagues, I believe we can get this bill through Congress and signed into law.

Mr. GLENN. Mr. President, I am pleased to join my distinguished colleagues, Senators LEVIN and KOHL, as an original cosponsor of the Great Lakes Critical Programs Act. The bill, S. 1646, is the result of a series of hearings on Great Lakes water quality issues held by the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, chaired by Senator LEVIN. S. 1646 addresses several areas of need identified in the hearings including fulfillment of commitments to Canada under the United States-Canadian Great Lakes Water Quality Agreement; oilspill prevention and response; and research and monitoring of atmospheric deposition of toxic materials in the lakes.

The Great Lakes contain 5,436 cubic miles of freshwater. With a shoreline over 10,000 miles long, the Great Lakes are this Nation's northern coast. This tremendous resource, home to nearly 30 million Americans, deserves constant vigilance and substantial investment on the part of the Federal Government to assure that it is properly cared for. The Great Lakes Critical Programs Act is another step along that path of stewardship for the lakes.

The Great Lakes Critical Programs Act amends the Clean Water Act and the Clean Air Act to address various Great Lakes water quality protection needs. It sets dates certain for the Great Lakes National Program Office of the U.S. Environmental Protection Agency to issue special water quality rules for the Great Lakes system. These rules are to be used by States in adopting water quality standards that affect the lakes. It also sets dates certain for submission of remedial action plans for cleanup of toxic hotspots; completion of a lakewide management plan for Lake Michigan; and completion of cleanup demonstration projects in five designated areas. These dates certain provide an important framework for the Environmental Protection Agency, through its Great Lakes National Program Office—the Program Office—to carry out its responsibilities. They also help place these responsibilities appropriately in a position of priority within the Environmental Protection Agency program.

The program office is also required to issue sediment classification standards and establish a Great Lakes air deposition network to monitor the impact of air toxics on the lakes. Such a program is already called for in annex 15 of the Great Lakes Water Quality Agreement with Canada, and this bill would simply put this commitment into legislation.

Spill prevention and response on the Great Lakes is also addressed in the bill. The best way to avoid devastation of the lakes due to an oil or hazardous materials spill is through prevention. The bill requires the Coast Guard to identify the areas of greatest risk for spills so that prevention practices can be focused there. In addition, the bill requires that any national spill response plan involving regional response centers or teams have one such facility or team located in the Great Lakes. Because the Great Lakes hydrologic system is closed relative to oceanic systems, spill response poses special problems. Spills in the Great Lakes also have critical public health implications because millions of basin residents are dependent on the lakes for drinking water.

I am pleased to join Senator LEVIN and Senator KOHL in introducing this bill. It represents the culmination of a lot of hard work and dedication on their parts and on the part of the Oversight Subcommittee of the Governmental Affairs Committee. I will work closely with Senators LEVIN and KOHL, and our other Great Lakes colleagues, to gain passage of this important legislation.

By Mr. SYMMS:

S. 1648. A bill to amend accounting procedures under section 313 of the Tariff Act of 1930; to the Committee on Finance.

ADMINISTRATION OF THE DRAWBACK PROGRAM

● Mr. SYMMS. Mr. President, the legislation which I am introducing will correct a problem which has arisen in the way Customs is currently administering the drawback program.

The Customs duty drawback program enables exporters to receive a refund for a portion of the Customs' duties paid on imported materials if a product manufactured from these raw materials is exported. This encourages exports and enables domestic manufacturers to be more competitive in foreign markets. In June 1988, Customs issued a ruling, C.S.D. 88-1, which greatly restricts the ability of exporters to file for drawback refunds.

Petroleum products are manufactured in a continuous process where both imported and domestic raw materials may be consumed together in a single steady stream, continuously producing various products. The nature of petroleum storage tanks and transportation facilities results in commingling of product from different suppliers. The drawback law as enacted in section 313 of the Tariff Act of 1930, as amended, does not stipulate any particular method of identifying the imported portion of commingled materials. This issue is a matter of administrative discretion by Customs.

In issuing C.S.D. 88-1, Customs used its administrative discretion to retroactively "reinterpret" the procedures upon which industry had been basing its decisions in exporting products and filing drawback claims for commingled material. In fact prior to C.S.D. 88-1, drawback claims based on and supported by the industry's monthly accounting procedures had been accepted, audited, and paid by Customs. The procedures outlined in C.S.D. 88-1 will reduce or eliminate the industry's ability to file drawback claims for products such as jet fuel commingled at common airport storage facilities.

Frequently at storage locations, including airport facilities, more than one company will have commercially interchangeable products located in common storage. Most of these products will qualify for drawback because they were made from crude oil and will be exported on international flights and flights to and from Alaska and Hawaii.

At most airports, jet fuel is handled through common storage facilities, pipeline systems, and fueling facilities. In most cases, a fueling service company handles the fueling of the aircraft for all the companies which have jet fuel at a specific airport location. The service companies maintain inventory accounting records, for each supplier or airline owning jet fuel, on a monthly and total airport facility basis. It is not feasible for refiners to maintain separate inventory accounting records for drawback-eligible product on a tank-by-tank basis without substantial changes in operations of U.S. airport facilities and significant added costs. The added costs would outweigh the drawback refunds in most cases.

The requirements of C.S.D. 88-1—to account for inventory on a daily and tank-by-tank basis—impose an excessive administrative burden, if not an impossible procedure. Exporters will not be able to file drawback claims for direct exports from commingled storage, including jet fuel and bunker fuel sold for use in aircraft and ships engaged in foreign commerce. Such a requirement could effectively eliminate the drawback option for jet fuel sold for use in international commerce at most major international airports nationwide.

Therefore, my bill eliminates the current requirment, created in C.S.D. 88-1, to account for commingled inventory on a daily and tank-by-tank basis. My bill would allow the petroleum industry to receive drawback refunds which are based on monthly inventory balances. It would also allow a tank farm to be treated as one tank when a drawback claim is made. This will restore the U.S. competitive position with regard to the export of petroleum products.●

By Mr. SHELBY:

S. 1649. A bill to amend the Toxic Substances Control Act to require persons handling polychlorinated biphenyls to comply with the manifest and financial responsibility requirements of the Solid Waste Disposal Act, to require persons carrying out certain intermediate activities with respect to polychlorinated biphenyls to obtain approval from the Environmental Protection Agency, and to require Governors of affected States to receive notifications; to the Committee on Environment and Public Works.

PLOYCHLORINATED BIPHENYLS WASTE REGULATORY IMPROVEMENTS ACT

Mr. SHELBY. Mr. President, I rise today to introduce a bill to improve the regulation of polychlorinated biphenyls, commonly known as PCB's. PCB's are toxic chemicals previously used extensively in electrical equipment such as transformers and capacitors.

These chemicals, which are considered to be cancer-causing agents, are so highly toxic that their production is now banned by the Environmental Protection Agency [EPA]. The EPA has determined that the manufacture and use of PCB's present an unreasonable risk of injury to health within the United States.

Since 1976, PCB's have been regulated by the Toxic Substance Control Act [TSCA] which directs the EPA to take specific measures in controlling the risks from PCB's. It seems that in most instances, the EPA regulations controlling PCB's have been inadequate. Incidents of PCB contamination of water and soil are almost commonplace.

Because of the ineffectiveness of current EPA regulations controlling PCB's and the resulting health hazards created, there is a need for additional guidance from the Congress to the EPA. The bill that I am introducing today covers most aspects of PCB waste regulation—the handling, storing, transportating and disposing of PCB's.

My bill is similar to a bill introduced by Congressman SYNAR which passed the House during the 100th Congress and is similar also to a bill introduced by Senator BAUCUS during the 100th Congress. However, I have added a provision which establishes a mechanism whereby the EPA will notify a State that it has been targeted for a PCB shipment for storage or disposal.

One of the biggest problems in the regulation of PCB's is that under current regulations, the States do not play an active role. For example, under TSCA, there is no cooperative arrangement between EPA and the States in implementing the regulations. Once a facility has been approved to receive hazardous waste in the initial permitting procedure administered by both EPA and the States, the States are not allowed to participate in future evaluations of that permit. In addition, the States are not fully consulted or given adequate notice regarding shipments of PCB's which will be stored or disposed of in the State.

There are 17 States across the country that are EPA approved for the disposal of hazardous waste.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the Chem Waste Management Facility in Emelle, AL.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989, has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

There are 10 landfill sites across the country that are EPA approved for the disposal of PCB waste. Emelle is one of these facilities. Obviously, Emelle is receiving a disproportionate amount of the Nation's hazardous waste, including PCB waste.

Last year, I was joined by other Members of the Alabama congressional delegation in meeting several times with former EPA Administrator, Lee Thomas, regarding a proposed shipment of 47,000 tons of PCB-contaminated soil from a Superfund cleanup site to Emelle, AL. Although our discussions with EPA resulted only in a temporary delay of the shipments, we were able to extract a representation from the former EPA Administrator that the Agency would develop and implement an advance notification policy to States about hazardous waste shipments from Superfund cleanup sites. A notification policy would alert State officials of large amounts of hazardous waste shipments being transported through or buried in their States.

Last Thursday, more than a year since my first meeting with Lee Thomas, the Agency issued a directive implementing a notification of out of State shipments of Superfund site wastes to the receiving State's environmental officials. The directive, which is effective immediately, provides that each regional administrator is to notify State environmental officials of all remedial actions and "non-time critical" removal actions involving the off-site shipment of Superfund wastes that are known to regional officials. The notification is to be in writing and is to set out: First, the name and location of the facility to which wastes are to be shipped; second, the type and quantity of waste to be shipped; third, the expected schedule for the waste shipments; and fourth, the method of transportation. Additional guidance from the Agency is to be issued subsequently concerning the implementation of this policy.

While EPA should be applauded for issuing this directive, tardy though it may be, I remain concerned that a directive is the chosen vehicle rather than a regulation which would be stronger and easier to defend legally and would also require a public hearing and public comment. Further, this notification policy does not as yet require how much notice is to be given. I would hope the Agency would provide the appropriate State environmental officials at least 30 days notice. To EPA's credit, the notification policy covers apparently all hazardous waste and not just PCB's.

As laudable as EPA's recent actions appear to be, I believe that legislation to statutorily require additional regulations in the handling, storing, transporting, and disposing of PCB waste is needed.

Last week, there were two hazardous waste spills near the Emelle landfill. In each instance, trucks loaded with hazardous waste were involved in accidents spilling toxic materials on Alabama highways. It is my understanding that as many as 200 tractor-trailer trucks haul waste to the Emelle landfill every day. There is real cause for alarm. Two hazardous waste accidents in 1 week indicate that an unsafe condition has been created in Alabama by the large amounts of hazardous waste that are being transported across State highways to the Emelle facility.

Because of the lack of a clear and concise national policy regarding the handling of PCB's, the Senate should pass legislation to regulate PCB's. I believe that if enacted, this bill will increase the involvement of the States in helping EPA to effectively regulate the handling of PCB's. Further, the bill will help prevent future situations where PCB's and other hazardous waste threaten unreasonably the long-term health and safety of our citizens.

I ask unanimous consent that a brief summary of this legislation and the text of the bill be printed in full in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polychlorinated Biphenyl Waste Regulatory Improvements Act of 1989".

SEC. 2. ADDITIONAL REQUIREMENTS FOR PCBS UNDER TOXIC SUBSTANCES CONTROL ACT.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605(e)) is amended by adding immediately after paragraph (5) of subsection (e) the following:

"(6) NOTIFICATION AND IDENTIFICATION NUMBER REQUIREMENT.—

"(A) GENERAL REQUIREMENT.—Beginning 120 days after the date of the enactment of this paragraph, a person may not—

"(i) by contract, agreement, or otherwise arrange for transport, storage, or disposal of polychlorinated biphenyl waste generated by such persons;

"(ii) transport polychlorinated biphenyl waste for storage or disposal; or

"(iii) store or dispose of polychlorinated biphenyl waste;

unless the person submits a notification to the Administrator and receives an identification number from the Administrator. A copy of each notification required under this paragraph (6) shall be promptly sent by the Administrator to the Governor of any State, or an agency of such State designated by the Governor, within which any such waste is to be transported for storage or disposal.

"(B) NOTIFICATION.—(i) In the case of a person carrying out an activity described in subparagraph (A) on the date of the enactment of this paragraph, the person shall notify the Administrator in writing not later than 90 days after such date of the intent to continue carrying out the activity. Such person may continue to carry out the activity (without an identification number) until the date which is 120 days after the date of the enactment of this paragraph, but only if the person has filed a timely notification.

"(ii) Each person who desires to begin carrying out an activity described in subparagraph (A) after the date of the enactment of this paragraph may notify the Administrator in writing of the intent to begin to carry out such activity at any time after the promulgation of rules under subparagraph (D), but such person may not begin to carry out such activity until the person receives an identification number from the Administrator.

"(C) IDENTIFICATION NUMBER.—Not later than 30 days after the date of receipt of a notification from a person under this paragraph, the Administrator shall, in writing, either issue an identification number to the person or recognize an identification number previously issued by the Environmental Protection Agency as valid for purposes of this paragraph. Any person who has an identification number previously issued by the Administrator under the Solid Waste Disposal Act shall include such number in the notification submitted to the Administrator and shall use that number for purposes of this paragraph unless the Administrator notifies the person that the person must use another identification number for purposes of this paragraph.

"(D) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules to implement this paragraph. Such rules may exempt any person or class of persons from the requirement in subparagraph (A) to notify the Administrator and may provide for assignment of identification numbers which are different from those issued under rules promulgated under the Solid Waste Disposal Act and for assignment of identical numbers to classes of persons. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(7) Manifest Requirement.—

"(A) General requirement.—Any person who—

"(i) by contract, agreement, or otherwise arranges for transport, storage, or disposal of polychlorinated biphenyl waste generated by such person;

"(ii) transports polychlorinated biphenyl waste for storage or disposal; or

"(iii) stores or disposes of polychlorinated biphenyl waste;

shall comply with the requirements of the manifest system set forth in rules promulgated by the Administrator under subparagraph (C). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the requirements of the manifest system set forth in rules promulgated under section 3002 of the Solid Waste Disposal Act (42 U.S.C. 6922) until such rules (under subparagraph (C)) are promulgated.

"(B) Initiation.—A manifest required under this paragraph shall be initiated when either of the following occurs:

"(i) Polychlorinated biphenyl waste leaves a storage facility at which the waste may be stored until such time as it is required to be disposed of, and such storage facility is owned and operated by the same person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material.

"(ii) Polychlorinated biphenyl waste leaves the site at which it is generated, and (I) ownership or control of the polychlorinated biphenyl waste is vested in a person other than the person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material, or (II) the polychlorinated biphenyl waste is taken to a storage facility owned by a person other than the person with ownership or control of the polychlorinated biphenyl waste when it leaves such site.

"(C) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator. shall promulgate rules to implement a manifest system for polychlorinated biphenyl waste. Such rules may exempt a person or class of persons from the requirements of this paragraph. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(D) Effective date.—This paragraph shall apply with respect to polychlorinated biphenyl waste that, after the effective date of the rules under subparagraph (C) or after the end of the 120-day period beginning on the date of the enactment of this paragraph (whichever is later), leaves the site at which it is stored for disposal by the person who generated the waste.

"(8) Transportation Requirement.—

"(A) General requirement.—Any person who transports polychlorinated biphenyl waste for storage or disposal shall comply with the requirements for transportation set forth in rules promulgated by the Administrator under subparagraph (C). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the requirements for persons who transport hazardous waste set forth in rules promulgated under section 3003 of the Solid Waste Disposal Act (42 U.S.C. 6923) until such rules (under subparagraph (C)) are promulgated.

"(B) Initiation.—The transportation requirements under this paragraph shall apply when either of the following occurs:

"(i) Polychlorinated biphenyl waste leaves a storage for disposal facility at which the waste may be stored until such time as it is required to be disposed of, and such storage facility is owned and operated by the same person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material.

"(ii) Polychlorinated biphenyl waste leaves the site at which it is generated, and (I) ownership or control of the polychlorinated biphenyl waste is vested in a person other than the person who owned and operated the equipment in which the polychlorinated biphenyls were used or generated immediately before becoming a waste material, or (II) the polychlorinated biphenyl waste is taken to a storage facility owned by a person other than the person with ownership or control of the polychlorinated biphenyl waste when it leaves such site.

"(C) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules regarding transportation of polychlorinated biphenyl waste. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(D) Effective date.—This paragraph shall apply with respect to polychlorinated biphenyl waste accepted for transport after the end of the 90-day period beginning on the date of the enactment of this paragraph.

"(9) Storage Approval Requirement.—

"(A) General requirement.—Beginning 270 days after the date of the enactment of this paragraph, a person may not store polychlorinated biphenyl waste (except as provided in subparagraph (E)) unless the person has approval under this paragraph from the Administrator.

"(B) Determinations by administrator.—The Administrator shall grant approval under this paragraph if the Administrator determines that—

"(i) the person is qualified to engage in the activity of storage of polychlorinated biphenyl waste;

"(ii) the person has certified compliance with the requirements for facilities storing polychlorinated biphenyl waste;

"(iii) the person has submitted an acceptable closure plan for the person's storage facility;

"(iv) the person has demonstrated financial responsibility in accordance with rules promulgated under paragraph (10); and

"(v) the person has met any other requirements that the Administrator considers appropriate.

"(C) Requests for approval.—(i) In the case of a person storing polychlorinated biphenyl waste on the date of the enactment of this paragraph, the person shall file a request for approval under this paragraph not later than 90 days after such date. Such person may continue to store polychlorinated biphenyl waste (without approval from the Administrator) until the date which is 270 days after the date of the enactment of this paragraph, but only if the person has filed a timely request for approval.

"(ii) Each person who desires to begin storing polychlorinated biphenyl waste after the date of the enactment of this paragraph may file a request for approval of such storage at any time after promulgation of rules under this paragraph, but such person may not begin such storage until the person receives approval from the Administrator.

"(D) Response to requests.—Not later than 180 days after the receipt of a request for approval under this paragraph, the Administrator shall approve or disapprove, in writing, the request.

"(E) Exclusions.—(i) Subparagraph (A) does not apply to any person storing polychlorinated biphenyl waste that consists solely of polychlorinated biphenyl waste generated by—

"(I) that person;

"(II) a corporate parent to that person;

"(III) a corporate subsidiary of that person;

"(IV) a corporate subsidiary of the same corporate parent as the corporate parent of that person; or

"(V) any combination of persons listed in subclauses (I) through (IV).

"(ii) The exclusion in clause (i) does not apply to a person who generated the polychlorinated biphenyl waste in rebuilding, repairing, or recycling electrical equipment that the person did not use, or will not use, in an electrical system owned by such person.

"(iii) A person with approval from the Administrator to dispose of polychlorinated biphenyl waste may continue to carry out the activities associated with such disposal (including storage) without having to obtain additional approval under this paragraph. However, nothing in this clause prevents the Administrator from modifying or revoking approvals under paragraph (11).

"(F) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules to implement this paragraph. Such rules shall contain information requirements for persons filing requests for approval and criteria to be applied by the Administrator in granting or denying such approvals. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(G) The Administrator shall promptly notify, in writing, the Governor of each State, or an agency of the State designated by the Governor, affected by any approval given by the Administrator pursuant to this paragraph (9), of such approval.

"(10) Financial Responsibility, Contingency Plan, and Closure and Post-Closure Requirements.—

"(A) General rrquirements.—Any person who—

"(i) requires approval from the Administrator under paragraph (9) to store polychlorinated biphenyl waste; or

"(ii) requires approval from the Administrator under rules promulgated under paragraph (1) to dispose of polychlorinated biphenyl waste;

shall comply with the financial responsibility, contingency plan, and closure and postclosure requirements set forth in rules promulgated under subparagraph (B). If such rules are not promulgated by the effective date of this paragraph, such a person shall comply with the financial responsibility, contingency plan, and closure and post-closure requirements set forth in rules promulgated under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) until such rules (under subparagraph (B)) are promulgated.

"(B) Rules.—Not later than 60 days after the date of the enactment of this paragraph, the Administrator shall promulgate rules regarding financial responsibility, contingency plan, and closure and postclosure requirements for persons who store or dispose of polychlorinated biphenyl waste. Such rules shall be final and shall take effect on the date of publication in the Federal Register. The Administrator shall provide an opportunity for comment on such rules after their promulgation (unless the Administrator has proposed such rules for public comment before the date of the enactment of this paragraph) and, after considering such comment, shall make any amendments that the Administrator considers appropriate.

"(C) Effective date.—This paragraph shall apply with respect to persons who store or dispose of polychlorinated biphenyl waste after the end of the 180-day period beginning on the date of the enactment of this paragraph.

"(11) Modification and Revocation of Approvals.—

"(A) Modification.—Each approval for storage or disposal under this subsection shall be reviewed no later than five years after the date of issuance or reissuance of the approval and shall be modified as necessary to assure that the person with approval continues to comply with the currently applicable requirements of this subsection. Nothing in this paragraph shall preclude the Administrator from reviewing and modifying an approval at any time during the term for which the approval was given to assure such continued compliance. Each approval under this subsection issued after the date of the enactment of this paragraph shall be for a fixed term.

"(B) Revocation.—Upon a determination by the Administrator of noncompliance by a person having approval for storage or disposal under this subsection with the requirements of this subsection, the Administrator may revoke such approval.

"(C) Rules.—The Administrator may promulgate rules to implement this paragraph.

"(12) Mandatory Inspections.—At least once every two years, beginning with the two-year period that begins on the date of the enactment of this paragraph, the Administrator shall thoroughly inspect the facilities at which each person with approval under this subsection to store or to dispose of polychlorinated biphenyl waste carries our such storage or disposal.

"(13) Notice of Enforcement Actions.—Notwithstanding the limitations of section 14, not later than June 30 of each year the Administrator shall publish in the Federal Register a notice of the identity of, and the amount of civil penalty assessed from, each person against whom the Administrator has concluded an enforcement action for violations of this subsection during the previous calendar year. Subject to the limitations of section 14, the notice shall also include such other information as the Administrator considers appropriate. For purposes of this paragraph, the Administrator has concluded an enforcement action against a person for a violation of this subsection when one of the following occurs:

"(i) An order by the Administrator assessing a civil penalty from such person has become a final order (or, if such order is appealed, a final judgement has been entered by the court reviewing such order).

"(ii) A court has entered a final judgement with respect to any civil action described in section 17 against such person.

"(iii) The Administrator and such person have entered into an agreement which has been entered into the appropriate district court of the United States as a consent decree.

"(14) Definitions.—For purposes of paragraphs (6) through (13)—

"(A) The term 'generate' means to produce polychlorinated biphenyl waste by causing it to come into existence or causing it to become a polychlorinated biphenyl waste as described in rules promulgated under paragraph (1) of this subsection.

"(B) The term 'polychlorinated biphenyl waste' means all polychlorinated biphenyls and items containing polychlorinated biphenyls the disposal of which is regulated by the Administrator pursuant to rules promulgated under paragraph (1) of this subsection.

"(C) The term 'storage' means storage (for disposal of polychlorinated biphenyls) that is regulated by the Administrator pursuant to rules promulgated under paragraph (1) of this subsection.

"(D) The terms used in such paragraphs that are defined in the rules promulgated under paragraph (1) of this subsection shall have the meanings given such terms by such rules.

"(e) Not later than 90 days after the date of the enactment of this subsection, the Administrator, in consultation with the States, shall promulgate rules and regulations necessary to require any person who, by contract, agreement or otherwise, transports, or arranges for the transport, into any State of polychlorinated biphenyl waste generated by such person or others for the purpose of the storage or disposal within such State of such waste, to notify the Governor of such State, or an agency of the State designated by the Governor, at least 30 days prior to the date on which such waste is to be transported into that State. Such notification shall be in writing and shall be in such form and contain such information as the Administrator shall prescribe.".

Summary of the Polychlorinated Biphenyls [PCB] Act

The act would clarify and strengthen substantially EPA's authority to regulate the storage, shipment and disposal of PCB's and would increase opportunities for State involvement.

My act would require individuals or firms engaged in the handling of PCB's to:

(1) Notify EPA of their intent to perform such work,

(2) Comply with an EPA manifest system when PCB's are handled in any way so that PCB waste can be tracked from the time it leaves the facility where it is being stored until it arrives at the destination for final disposal,

(3) Demonstrate financial responsibility to EPA to ensure proper disposal, and

(4) Obtain EPA's authorization when transporting or storing PCB's.

The act would require also that EPA review and modify as necessary all approvals for storage and disposal facilities within five years. If a storage or disposal facility is found to be in noncompliance with regulatory requirements at the time of the review, EPA is authorized to revoke approval of the facility.

In addition, the act would require EPA to inspect thoroughly all agency-approved PCB waste facilities at least every two years. Every year, the Agency must publish a notice identifying facilities against whom EPA has brought enforcement actions for noncompliance with PCB regulations.

Finally, the act would require EPA to send to the Governor of a State a copy of each notification submitted to the Agency by individuals or firms engaged in the handling of PCB waste which is to be transported for storage or disposal in the State. Moreover, at least 30 days before the actual shipment of the hazardous waste to the State, the Governor or an agency of the State designated by the Governor, must be notified of the impending shipment.

By Mr. DOMENICI (for himself, Mr. DeConcini, Mr. Daschle, Mr. Bingaman, and Mr. Conrad):

S. 1650. A bill to reduce the 22-percent unemployment rate on Indian reservations by amending the Internal Revenue Code of 1986 to provide Indian Employment Opportunity Tax Credits to employers within Indian reservations, and for other purposes; to the Committee on Finance.

INDIAN EMPLOYMENT OPPORTUNITY ACT

Mr. DOMENICI. Mr. President, I am proud to introduce legislation I believe holds great promise for the economic future of the Indian people across America. I am pleased that I am now joined by the Senator from Arizona [Mr. DeConcini], my distinguished junor colleague, Senator Bingaman, and Senator Daschle in this effort. I urge any Senators that have a genuine interest in private sector job development on Indian reservations to seriously consider this approach.

I have entitled this bill the Indian Employment Opportunity Act of 1989, and that is precisely what it is intended to do provide employment opportunities for Indians. I ask that my detailed remarks be made a part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask that the bill attached be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, essentially what this bill would do is to say to the Indian people of this country, would you like the option of having your reservation treated as a private sector incentive area.

This approach is different from other bills which have been introduced. It takes the concept that we have used in Puerto Rico and changes it into a job-oriented tax credit. The more jobs created, the greater the tax benefit. If an Indian-owned, non-Indian-owned, American corporation moves to the Indian reservation and agrees to hire 90 percent Indian people from that reservation, they will receive for the next 10 years a wage-based tax credit. The company will receive 60 percent of the first $8,800 in salary per employee as an Indian Opportunity tax credit. For the next amount of earnings up to $33,000 per worker, the employer will receive a 20-percent tax credit.

We believe this will genuinely invite private sector, profitmaking companies to the Indian lands of our country. But it is very different than Puerto Rico, because it is job oriented, not profit oriented.

Second, we will not displace other workers because American companies are prohibited from closing down elsewhere to move to the reservation.

Third, 90 percent of the work force at an eligible firm most be members of that particular tribe, pueblo, or reservation.

Last, this bill says it is optional. A tribe decides if they would like to take advantage of these incentives. If a tribe wants it, they must agree with the Federal Government that for 10 years they will not substantially change the tax laws of the Indian reservation or tribe so as to diminish the effectiveness of the Federal incentives.

This legislation is geared to employ hundreds, if not thousands, of Indian people, men and women, in meaningful, full-time employment. It is designed to build an economic base. It is also designed to also build mainstream job opportunities.

I truly believe this bill has the potential chance of getting one of the major problems we have had in our entire life, our entire relationship with the Indian people, off on the right track. It can cause many other good changes that the Indian people might want to make with reference to their reservations. But you cannot do it without starting with a meaningful private sector core of Indian people employed as mainstream Americans. They can preserve the rest of their culture but they, too, would like an opportunity to be employed.

I send the statement, bill, and cosponsor list to the desk and ask for its appropriate referral. I understand the distinguished occupant of the Chair desires to be an original cosponsor, and I will do that. I thank the Chair.

Before discussing the specifics of my bill—a bill providing tax incentives based on wages for new Indian jobs—let me talk for a few moments about the plight of Indian people, particularly those who dwell on Indian lands in the Southwest and elsewhere.

I don't need to dwell on the fact that American Indians are by far America's poorest ethnic group. But a few facts are instructive. There are about 1,400,000 Indians among our population, about half of whom live on reservations.

Unemployment on the reservation is estimated by the Bureau of Indian Affairs to be 22 percent. On a State-by-State basis, official unemployment figures range as high as 54 percent in Iowa.

In New Mexico, Indian unemployment is estimated at 21 percent. But in some pueblos, such as the Zuni Pueblo south of Gallup, the rate exceeds 70 percent.

This is a terrible situation.

The burden of joblessness is accompanied by problems of alcoholism, drug abuse, And highway deaths. Housing conditions on the reservation are often just a notch above homelessness.

Educational indicators tell a similar story. Only 56 percent of Indians over the age of 25 have completed high school, compared to 67 percent of all Americans. The dropout rate among American Indians who are in their sophomore year of high school is estimated at 29 percent. Among all Indians who enter college, only 3 percent graduate.

Since long before I came to the U.S. Senate, Washington has shown concern for Indian people. But it has sought to achieve this with a broad range of programs of direct support. Obviously much of that support has been important. But the figures also show that it has not been very successful.

I want to see a tidal wave of jobs and opportunity sweep across America—and sweep across the Navajo Reservation, across 19 New Mexico Indian pueblos and Apache lands.

The American dream—the dream for all groups of Americans—comes from the dignity of a job, a real job, a productive job.

New jobs are not a cure-all. But jobs do create hope. Jobs create options. Jobs provide dignity.

We are in the midst of a worldwide movement toward greater free enterprise. Later this week, I will visit Poland, a land awash in the excitement of new freedoms.

But that same movement—with all its opportunity for greater wealth and hope—must not run into a barrier here at home, at the reservation border.

That is what this bill is all about.

I was proud to have initiated the idea for the Navajo economic summit, which was held two summers ago in Tohatchi, NM. Then in May of this year, the Pueblo and Apache Indians held another economic summit, which I also was honored to sponsor.

These two summits produced a single resounding message: Indians are ready to expand their participation in the American free enterprise system.

I do not suggest that we discard current practices and relationships. What we can do is emphasize the special government-to-government trust relationship in a manner that creates new incentives for business growth on reservations.

We need incentives to American businesses to come to Indian lands to do business. One approach has worked well in Puerto Rico. We certainly should do something for areas that face even more severe economic challenges.

Such an approach holds great potential on the reservations because it imposes no bureaucracy between the Indians and their economic potential.

With all of that in mind, let me describe this bill, the primary focus of which is something that I call the Indian Opportunity Credit.

The bill provides employers locating on reservations with a tax credit for wages paid to Indian employees working on the reservation.

The credit is equal to 60 percent of the first $8,840 per year paid to any Indian employee working at a firm on the reservation.

The credit would be 20 percent of the wages paid between $8,840 and $33,370.

No credit is provided for wages paid above $33,370.

These wage caps are indexed for inflation and would be adjusted annually.

To be an eligible Indian reservation, the tribe must enter into a 10-year "Guarantee Agreement" with the Federal Government. The Agreement would stipulate that in return for the Federal tax benefits being provided, the tribe will agree not to increase taxes of the firms locating on the reservation or otherwise diminish the economic incentives provided.

And to assure against any abuses, my bill makes it a felony, under the jurisdiction of the Federal courts, for any business person to offer a bribe to any Indian official.

Further, it makes it a felony, under the jurisdiction of the Federal courts, for any Indian to accept a bribe from anyone considering to do business on the reservation, or anyone doing business on the reservation.

Other ideas have been offered in tax incentives on Indian lands. But, frankly, I believe the approach is this bill will prove the more effective because it ties the benefits directly to the jobs offered, not to the profits made. Let me explain.

The approach in this bill is based on a model recommended in a 1984 Treasury Department study on tax reform. In that report, the Treasury Department was very critical of the possessions tax credit that is on the books for Puerto Rico, what is known as section 936.

Section 936 is an income-based credit. Any corporation that qualifies receives a full credit for the U.S. tax on the business and qualified investment from the possessions—regardless of whether any tax is paid to the Government of the possession. In 1983, the most recent year for which data is available, the average tax benefit per employee for all section 936 corporations was $18,523.

In that year the average wage of possessions corporations' employees was $14,836. Those numbers indicate that the current versions of section 936 costs the Federal Treasury more than the total wages received by the workers.

There is no relationship between the number of jobs provided and the size of the tax benefit.

According to the March 1989 Treasury on the effectiveness of the possession's tax credit, an apparel maker qualifying under the section 936 tax credit would receive a $3,295 tax credit per employee. A high-tech company would receive $9,072 per worker; and a pharmaceutical company has been receiving $57,761 per employee.

In 1984, the Treasury study recommended replacing section 936 with a wage credit—a fixed dollar amount per hour worked. This is the model for the bill I am introducing today.

Under my bill, an employer providing a job at a particular annual wage would receive the same tax credit—regardless of the industry.

The wage-based credit provided in the bill is a targeted and efficient incentive to increase opportunities for American Indians. It is designed to compensate employers equally, regardless of their industry, for the jobs they provide on Indian lands.

I should also point out that the Indian employment tax credit contains many of the characteristics of the targeted jobs tax credit, which I am pleased to say I helped create in the 1970's. The major difference between this Indian employment opportunity credit and the targeted jobs tax credit is that the Indian employment tax credit remains available as long as the worker is provided with a job on the reservation. The credit is also more generous. It is a way for tax policy to recognize the remoteness of most Indian reservations.

Mr. President, I am convinced this is sound and productive legislation, a bill that will bring jobs to Indian lands as well as honor to a national government that offers a hand of help.

I ask unanimous consent that a copy of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment Opportunity Act of 1989".

SEC. 2. INDIAN EMPLOYMENT OPPORTUNITY CREDIT.

(a) Indian Employment Opportunity Credit.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

SEC. 30. INDIAN EMPLOYMENT OPPORTUNITY CREDIT.

"(a) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 60 percent of the qualified employment expenditures of the eligible employer for the taxable year not exceeding $8,840, and

"(2) 20 percent of such expenditures exceeding $8,840 but not exceeding $33,370.

"(b) Limitations Based on Amount of Tax.—

"(1) In general.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections, 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(2) Carryback and carryover of unused credit.—

"(A) Allowance of credit.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an Indian employment opportunity credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an Indian employment opportunity credit carryback to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1990, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) Limitation.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) Definitions.—For purposes of this section—

"(1) Qualified employment expenditures.—The term 'qualified employment expenditures' means the qualified wages paid or incurred by the eligible employer during the taxable year to qualified employees with respect to all Indian reservations.

"(2) Qualified wages.—The term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(3) Eligible employer.—The term 'eligible employer' means any employer with a trade or business located within an Indian reservation and whose full-time work force with respect to such trade or business is comprised of at least 90 percent qualified employees.

"(4) Qualified employee.—

"(A) In general.—The term 'qualified employee' means any member of the Indian tribe which has jurisdiction over the Indians reservation—

"(i) at least 90 percent of whose services for the eligible employer during the taxable year are directly related to the conduct of such employer's trade or business located within such Indian reservation, and

"(ii) who performs at least 50 percent of his services for such employer during the taxable year within such Indian reservation.

"(B) Exception for individuals with respect to whom credit is determined under section 51(a).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the eligible employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(5) Indian reservation.—The term 'Indian reservation means an Indian reservation, pueblo, public domain Indian allotment, former Indian reservation in Oklahoma, or land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.).

"(d) Application to Certain Entities, Etc.—For purposes of this section, under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 41(f)(3) shall apply.

"(e) Inflation Adjustments.—

"(1) In general.—In the case of any taxable year beginning after December 31, 1990, each dollar amount contained in subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, by substituting 'calendar year 1989' for 'calendar year 1987' in subparagraph (B) thereof.

"(2) Rounding.—If any dollar amount after being increased under paragraph (1) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10 (or, if such dollar amount is a multiple of $5, such dollar amount shall be increased to the next higher multiple of $10).

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses within an Indian reservation while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes."

(b) No Deduction Allowed.—Section 280C of the Internal Revenue Code of 1986 (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

"(d) Rule for Section 30 Credits.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 30 (relating to the Indian employment opportunity credit). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (a)."

(c) Guarantee Agreement.—Any Indian tribal government of an Indian reservation within which employers utilize the employment tax credit allowable under section 30 of the Internal Revenue Code of 1986 (as added by this section) shall enter into an agreement with the Secretary of the Treasury (at such time and in such form and manner as the Secretary prescribes) guaranteeing that for the period of 10 years from the date of the agreement, or if less, the period during which such section 30 is in effect, such government shall not impose or modify any tax treatment or business regulation which would lessen the tax benefits of such section 30 with respect to such employers.

(d) Technical Amendments Related to Carryover and Carryback of Credits.—

(1) Carryover of credit.—

(A) Subsection (c) of section 381 of the Internal Revenue Code of 1986 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(26) Credit under section 30.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 30, and under such regulations as may be prescribed by the Secretary) the items required to be taken into acccount for purposes of section 30 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) of such Code is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) unused Indian employment opportunity credit under section 30,".

(2) Carryback of credit.—

(A) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by inserting "and any Indian employment opportunity credit under section 30(b)" before the period at the end thereof.

(B) Subsection (a) of section 6411 of such Code (relating to tentative carryback and refund adjustments) is amended—

(1) by inserting "Indian employment opportunity credit carryback," after "section 172(b)," in the first sentence, and

(ii) by striking so much of the second sentence as follows "the return for the taxable year" and inserting the following: "of the net operating loss, net capital loss, unused Indian employment opportunity credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year (or, with respect to any portion of an Indian employment opportunity credit carryback, or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a research credit carryback or an Indian employment opportunity credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year) in the manner and form required by regulations prescribed by the Secretary".

(C) Subsections (a)(1) and (b) of section 6411 of such Code are each amended by inserting "unused Indian employment opportunity credit," after "net capital loss,".

(e) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new item:

"Sec. 30. Indian employment opportunity credit."

(f) Effective Date.—The amendments made by this section shall apply to expenditures made after June 30, 1990, in taxable years ending after such date.

SEC. 3. BRIBERY OF TRIBAL OFFICIALS.

(A) In General.—Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1169. Bribery of tribal officials

"(a) Whoever—

"(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any tribal official, or person who has been selected to be a tribal official, or offers or promises any tribal official, or any person who has been selected to be a tribal official, to give anything of value to any other person or entity, with intent—

"(A) to influence any official act,

"(B) to influence any tribal official, or person who has been selected to be a tribal official, to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the Indian tribe of such tribal official or person or on the United States, or

"(C) to induce any tribal official, or person who has been selected to be a tribal official, to do or omit to do any act in violation of the lawful duty of such official or person; or

"(2) being a tribal official, or person selected to be a tribal official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for—

"(A) being influenced in the performance of any official act,

"(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the Indian tribe of such tribal official or person or on the United States, or

"(C) being induced to do or omit to do any act in violation of the official duty of such tribal official or person,

shall be fined not more than the greater of $20,000 or 3 times the monetary equivalent of the thing of value, or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

"(b) For purposes of this section—

"(1) The term 'tribal official' means any officer or employee of, or any individual acting on behalf of, any Indian tribe or any branch of government of an Indian tribe.

"(2) The term 'person who has been selected to be a tribal official' means any person who has been nominated or appointed to be a tribal official, or has been officially informed that such person will be so nominated or appointed.

"(3) The term 'official act' means any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any tribal official, in such official's official capacity, or in such official's place of trust or profit.

"(4) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, Regional Corporation or Village Corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) Conforming Amendment.—The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1169. Bribery of tribal officials.".

Mr. DeCONCINI. Mr. President, I am pleased to join Senator Domenici in cosponsoring the Indian Employment Act of 1989. Introduction of this bill is an important step toward opportunities on America's Indian reservations.

The beauty of this proposal is that it provides tax incentives for on reservation job creation. The lack of an adequate economic base and employment opportunities are the two most pressing long-term problems facing on-reservation native Americans. Across this Nation, the unemployment rate for native Americans on reservations ranges from 25 to 50 percent. On the Navajo Reservation, which occupies large areas of both Arizona and New Mexico, the unemployment rate hovers around 35 percent. The reason

for these abominable rates of unemployment is that there are simply no jobs available.

The bill introduced today by Senator DOMENICI and myself seeks to rectify this serious problem by providing employers locating on reservations with wage-based tax credit. The tax credit would be available for wages paid to native American employees and is targeted at moderate-income wage earners.

I congratulate Senator DOMENICI and am proud to be a prime cosponsor of this important piece of legislation.

By Mr. McCAIN (for himself, Mr. MURKOWSKI, Mr. DECONCINI, and Mr. MATSUNAGA):

S. 1651. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization; to the Committee on Banking, Housing, and Urban Affairs.

UNITED SERVICES ORGANIZATION'S 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

● Mr. McCAIN. Mr. President, February 14, 1991, will mark the 50th anniversary of the USO, the United Services Organization. This congressionally chartered agency has served a vital role in the history of our armed services, serving our men and women in uniform.

In order to pay proper recognition to the hard work of this organization, I, along with Senators MURKOWSKI, DECONCINI, and MATSUNAGA, are introducing the United Services Organization's 50th Anniversary Commemorative Coin Act. The long and outstanding tradition of American voluntarism has been furthered by the hard work of the USO. The USO merits our admiration. The minting of this commemorative coin will give the USO the public recognition it has earned.

Of equal importance, the USO is supported entirely by voluntary contributions; 40,000 volunteers in over 160 locations worldwide touch the lives of more than 4½ million people—both civilian and military—per year. All of this good work is done without any Government funding. This legislation mandates that 50 percent of the proceeds raised by the sales of the coin directly be used to support the hard work of the USO. These funds will help to ensure that the services offered by the USO continue. The remaining money will be contributed to the Treasury to help reduce the budget deficit.

This measure mandates that the Secretary of the Treasury mint and issue coins in three denominations to commemorate the USO. The Treasury will issue a $5 gold coin, a $1 silver coin, and a half dollar clad coin. These coins will be issued in uncirculated, proof qualities for collecting purposes. The design of each coin will be emblematic of the dedicated service provided by the USO to military service personnel and their families.

Further, the act instructs the Secretary of the Treasury to take such action as necessary to ensure that the issuance of these coins will not result in any net cost to the Federal Government. This measure will have no adverse budgetary effects, and in fact, may eventually serve to help relieve the deficit.

Mr. President, nearly half of the more than 2 million Americans in the Armed Forces today are in the lowest enlisted ranks, most are between 18 and 25 years of old, and over 54 percent are married with children. Over 800,000 military personnel and their families are stationed abroad. This population has unique needs for which the USO continues to develop programs, touching individual lives at the rate of 15,000 a day.

The USO meets the needs of the military community and their families through airport centers, fleet centers, family and community centers, orientation and intercultural programs and celebrity entertainment. Nearly every person who has served this country has used and enjoyed the services offered by the USO.

This measure has wide support. The Air Force Association, the American Legion, the American Veterans of WWII, Korea, and Vietnam [AMVETS], the Association of the U.S. Army, the Blinded Veterans Association, the Disabled American Veterans, the Military Order of the Purple Heart of the U.S.A., Inc., the National Association of State Directors of Veterans Affairs, the Navy League of the United States, the Non Commissioned Officers Association [NCOA], the Paralyzed Veterans of America, the Polish Legion of American Veterans, USA, the Retired Officers Association, the Veterans of Foreign Wars of the United States, and the Vietnam Veterans of America, Inc., have all endorsed this bill. This list is extensive, but it serves as a telling tribute to the broad appreciation for the work of the USO.

Finally, I want to thank my colleague, Congressman RIDGE, who introduced companion legislation, H.R. 2761, in the House. I commend Mr. RIDGE for his efforts in this area. Mr. President, I urge my colleagues to support this measure, and look forward to seeing its quick passage.●

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 1652. A bill to transfer the Colonial Court House in York, PA, to the control of the National Park Service; to the Committee on Energy and Natural Resources.

TRANSFER OF A YORK, PA, COURT HOUSE TO THE NATIONAL PARK SERVICE

Mr. SPECTER. Mr. President, today I am introducing legislation, with my colleague Senator HEINZ which would bring long overdue recognition to one of our Nation's premier historic sites, the Colonial Court House in York, PA. This bill is the successor of legislation, S. 2224, we introduced in the 100th Congress.

The court house is the birthplace of the first national constitution governing the 13 former British colonies. In 1776, the Continental Congress adopted a resolution providing for the drafting of a permanent confederation of the Thirteen Colonies. As the Second Continental Congress met in Philadelphia to begin this process, news reached the assembled representatives of the impending attack on the city by a large British force under the command of General Howe. The Congress hastened westward to safer territory, and convened in York, PA, on September 30, 1777. It was in the York County Colonial Court House that these delegates engaged in extensive debate over the Articles of Confederation and eventually adopted the document on November 15, 1777.

The York County Colonial Court House is a testament to the spirit that united the original colonies and led to the drafting and passage of the U.S. Constitution in Philadelphia in 1787. Although the original court house was destroyed in 1841, an identical replica was constructed on the original site. This replica now contains authentic artifacts, memorabilia, and much of the original spirit which filled the court house in 1777.

The legislation we introduce today would transfer the York Colonial Court House to the control of the U.S. Park Service, which would operate and maintain the court house in a manner befitting its historical significance.

I visited the York County Colonial Court House and personally can attest that it is a significant site in the historical development of our Nation. Accordingly, I urge our colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TO TRANSFER THE COLONIAL COURT HOUSE IN YORK, PENNSYLVANIA, TO THE CONTROL OF THE NATIONAL PARK SERVICE.

The Secretary of the Interior is authorized to accept for the United States the transfer of title of the Colonial Court House of York, Pennsylvania, a National Historic Site, from the York County Bicentennial Commission.

SEC. 2. OPERATION AND MAINTENANCE.

After the transfer authorized by section 1, the Colonial Court House of York, Pennsylvania, shall be operated and maintained by the National Park Service in a manner which encourages recognition of the great national and historic significance of the courthouse.

SEC. 3. AUTHORIZATION.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. BAUCUS (for himself, Mr. HEINZ, Mr. PRYOR, Mr. ROTH, Mr. DURENBERGER, Mr. BOREN, Mr. CHAFEE, Mr. SYMMS, Mr. MOYNIHAN, Mr. DANFORTH, Mr. RIEGLE, Mr. CRANSTON, Mr. DODD, Mr. GLENN, and Mr. DIXON):

S. 1653. A bill to preserve the solvency of the railroad retirement system; to the Committee on Finance.

SOLVENCY OF RAILROAD RETIREMENT SYSTEM

● Mr. BAUCUS. Mr. President, today I am introducing legislation to ensure the solvency of the railroad retirement trust fund. This legislation is for the benefit of 930,000 railroad retirees and 300,000 current railroad employees who are relying on the solvency of this trust fund for their retirement.

I am proposing a 2-year extension of a provision of current law that transfers the proceeds from taxing tier II railroad retirement benefits from the general fund in the Treasury Department to the railroad retirement trust fund.

Congress initially authorized this transfer in the 1983 Railroad Retirement Amendments. That authorization expired in 1987. Since then, Congress has extended the transfer through September 30, 1989. We now are waiting for a report on the solvency of the railroad retirement program from the Commission on Railroad Retirement Reform. The Commission's report is due October 1990.

This legislation is intended to give Congress time to review the Commission report and to decide, based on the report, what can be done to ensure the retirement security of railroad retirees.

Mr. President, this extension would not aggravate the Federal budget deficit. The proposal simply maintains the present practice of transferring tax receipts from one Treasury account to a different Treasury account. The proposal is supported by rail management and labor. A similar proposal has been accepted by the House Ways and Means Committee as part of the budget reconciliation process. It is my intention that the Senate also will include this provision in our version of budget reconciliation.

I want to thank my colleagues for their strong support of this measure.●

● Mr. HEINZ. Mr. President, I commend my colleague, Mr. BAUCUS, and our other consponsors, for offering the Baucus/Heinz bill to extend the transfer of taxes on tier II benefits to the railroad retirement account for 2 more years. This measure will continue the positive steps first taken in the Railroad Retirement Solvency Act of 1983 to ensure the health of the railroad retirement system. The current provision to transfer taxes on railroad retirees' tier II benefits directly to the railroad account will expire on October 1, 1989. We need to honor the needs of more than 1 million railroad retirees and dependents, assuring Congress time to respond to recommendations expected from the Commission on Railroad Retirement Reform in October 1990. The bill before us does both.

As you know, Mr. President, as part of the Railroad Retirement Solvency Act of 1983, to save the railroad retirement system from bankruptcy, Congress, with the support of railroad management and labor, made changes in the taxation of tier II railroad retiree benefits. Tier II benefits and vested dual benefits were subjected to Federal income taxation under the same guidelines as private pension earnings to the extent the pension income exceeds the employee's contributions. Under the 1983 provisions, the revenues collected from his tax were to be transferred to finance railroad retiree benefit payments through October 1, 1988.

Despite these emergency efforts, in 1987 we found that the railroad retirement system still would suffer cash flow problems by the year 2001, due to declining railroad employment. In 1987, in response to recommendations by the Railroad Retirement Board, the Congress extended this transfer through October 1, 1989, in the Omnibus Budget Reconciliation Act [OBRA] of 1987.

Now, I urge my colleagues to exend this transfer one more time. Under the Baucus-Heinz bill, the transfer of revenues collected on tier II benefits to the railroad retirement account would continue for 2 more years. In 2 years, we will then be able to take further measures based on the report of the Commission on Railroad Retirement Reform to continue the long term prosperity of the railroad retirement system.

This is a logical and reasoned step down the path we have already paved toward retirement security for this valued segment of America's workers. I would urge the Senate's prompt and favorable attention to it.●

By Mr. SIMON (for himself and Mr. DIXON):

S.J. Res. 201. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, February 16, 1990, will mark the 72d anniversary of the free and indpendent state of Lithuania. It is an appropriate day to remember the continuing struggle of the Lithuanians to gain complete and total control from the Soviet Union. I would like to take this opportunity to introduce this resolution asking the President of the United States to officially designate February 16, 1990, as Lithuanian Independence Day.

Lithuania was illegally annexed to the Soviet Union under the provisions of the Molotov-Ribbentrop Pact of 1939 between the Soviet Union and Nazi Germany. The United States has never recognized this illegal annexation of Lithuania by the Soviet Union. To this day, we continue to maintain diplomatic relations with members of the pre-1940 Lithuanian Government, better known as the Baltic States.

The commemoration of Lithuanian Independence Day will serve an important function. By the United States recognizing Lithuanian independence, we will be demonstrating our support for Lithuania, as well as the other Baltic States, to continue their struggle for complete independence from the Soviet Union.●

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. PRESSLER the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 253

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 253, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan.

S. 339

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 339, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 340

At the request of Mr. PELL, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 340, a bill to amend the Presidential Election Fund Act to curtail negative campaign advertising.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 416

At the request of Mr. DOMENICI the names of the Senator from California [Mr. CRANSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Oklahoma [Mr. BOREN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 435

At the request of Mr. REID, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 464

At the request of Mr. SANFORD, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 464, a bill to promote safety and health in workplaces owned, operated, or under contract with the United States by clarifying the United States obligation to observe occupational safety and health standards and clarifying the United States responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 708

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Iowa [Mr. HARKIN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 708, a bill to amend title V of the Social Security Act to promote the integration and coordination of services for pregnant women and infants to prevent and reduce infant mortality and morbidity.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 828

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the U.S. reserve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 874

At the request of Mr. FORD, the names of the Senator from Ohio [Mr. GLENN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 1065

At the request of Mr. PRESSLER, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1065, a bill to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota.

S. 1078

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1078, a bill to amend the Social Security Act to provide for improved delivery of health services to individuals residing in rural areas by making certain modifications with respect to health clinic services provided under such act, and for other purposes.

S. 1081

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1081, a bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Delaware [Mr. BIDEN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1330

At the request of Mr. HELMS, the names of the Senator from Missouri [Mr. BOND], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1330, a bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes.

S. 1422

At the request of Mr. FOWLER, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1422, a bill to provide for the improved management of the Nation's water resources.

S. 1582

At the request of Mr. SIMON, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1582, a bill to amend the Foreign Assistance Act of 1961 to provide for certain forms of assistance to Poland to ensure the success of freedom and democracy in Poland.

S.1591

At the request of Mr. MOYNIHAN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1591, a bill to amend title VIII of the Social Security Act to provide coverage of clinical workers, psychiatric nurses, and marriage and family therapists when provided onsite at a community mental health center or offsite as part of a treatment plan.

SENATE JOINT RESOLUTION 103

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 18, 1990, and ending

February 24, 1990, "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 159

At the request of Mr. Gore, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Arizona [Mr. DeConcini], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.

SENATE JOINT RESOLUTION 164

At the request of Mr. Nickles, the names of the Senator from Georgia [Mr. Fowler] and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 186

At the request of Mr. McClure, the names of the Senator from Idaho [Mr. Symms], the Senator from Minnesota [Mr. Durenberger], the Senator from South Dakota [Mr. Daschle], the Senator from Alabama [Mr. Heflin], the Senator from Alaska [Mr. Stevens], the Senator from Colorado [Mr. Wirth], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 186, a joint resolution designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week."

SENATE JOINT RESOLUTION 193

At the request of Mr. DeConcini, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. Breaux, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution confirming that it is the responsibility and the desire of Congress to develop a comprehensive telecommunications policy, which includes determining the extent of participation of regional Bell holding companies in providing advanced telecommunications services and equipment.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Moynihan, the names of the Senator from North Dakota [Mr. Burdick], the Senator from Oklahoma [Mr. Boren], the Senator from New Jersey [Mr. Lautenberg], the Senator from Pennsylvania [Mr. Heinz], and the Senator from Virginia [Mr. Warner] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. Breaux, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of Senate Concurrent Resolution 63, a concurrent resolution to recognize the uniqueness of and express strong support for the maritime policy of the United States, and to urge the President in the strongest possible terms to ensure that the United States does not propose maritime transportation services for inclusion in the General Agreement on Tariffs and Trade discussions and that any proposal that would consider maritime transportation as an area for negotiation is actively opposed by the United States.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. Kasten, the names of the Senator from Tennessee [Mr. Sasser], the Senator from North Carolina [Mr. Helms], the Senator from Illinois [Mr. Dixon], the Senator from Hawaii [Mr. Inouye], the Senator from Texas [Mr. Gramm], the Senator from Connecticut [Mr. Dodd], and the Senator from Illinois [Mr. Simon] were added as cosponsors of Senate Concurrent Resolution 69, a concurrent resolution relating to the right of self-determination of the peoples of Latvia, Estonia, and Lithuania, and for other purposes.

SENATE RESOLUTION 180—RELATIVE TO OBSERVATION OF THE 200TH ANNIVERSARY OF THE BILL OF RIGHTS

Mr. MITCHELL (for himself, Mr. Byrd, Mr. Dole, Mr. Sanford, Mr. Conrad, Mr. Dodd, Mr. Durenberger, Mr. Burdick, Mr. Sarbanes, Mr. Riegle, Mr. Kohl, Mr. Armstrong, and Mr. Thurmond) submitted the following resolution; which was considered and agreed to:

S. Res. 180

Whereas the Bill of Rights contained in the United States Constitution is admired by people all over the world as the most significant and influential document of freedom in history;

Whereas the concepts contained in the Bill of Rights exemplify the ideals of individual rights and liberties for which the American Revolution was fought;

Whereas upon presentation of the United States Constitution for ratification by the States, inclusion of additional personal rights was immediately demanded by numerous citizens who were determined to prohibit the tyranny in government they feared was possible;

Whereas before final ratification of the Constitution by all the States, a Bill of Rights was proposed, debated, and passed by Congress on September 25, 1789;

Whereas the Bill of Rights has become the beacon of hope for many peoples of other countries who yearn for democratic governments, personal freedom, and the fullness of human rights and dignity; and

Whereas September 25, 1989, marks the 200th anniversary of the adoption of the Bill of Rights: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes September 25, 1989, as the 200th anniversary of the Bill of Rights; and

(2) the Senate encourages schools and civic enterprises to observe such anniversary by appropriate acknowledgment and ceremony, including the reading of the words and the discussion of the meaning of the Bill of Rights.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

LEAHY (AND KASTEN) AMENDMENT NO. 774

Mr. LEAHY (for himself and Mr. Kasten) proposed an amendment to the bill (H.R. 774) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 44, line 21, strike the word "students" in italics.

On page 49, line 24, strike "is" and insert "and subsection (a) under such heading are".

On page 141, line 11, insert the word "A" (linetyped) before "In".

On page 141, line 15, strike the roman word "a" and insert in lieu thereof "a" in italics.

KASTEN AMENDMENT NO. 775

Mr. KASTEN proposed an amendment to the reported amendment on page 16, beginning on line 13 of the bill H.R. 2939, supra, as follows:

On page 16, line 22, after the colon, insert the following (to the pending committee amendment insert the following language immediately before the words *"Provided further"* at the end of the committee amendment): *"Provided further*, That notwithstanding the previous provisos, no funds shall be made available to the United Nations Population Fund unless the President of the United States certifies that the United Nations Population Fund does not provide support for, or participate in the management of a program of, coercive abortion or involuntary sterilization in the People's Republic of China:".

LEAHY AMENDMENT NO. 776

Mr. LEAHY proposed an amendment to the reported amendment on page 149, beginning on line 13 of the bill H.R. 2939, supra, as follows:

Strike all after the word "Sec." on line 14 on page 149 through line 8 on page 152 and insert the following:

(a) It is the Sense of the Congress that with respect to the armed conflict in El Salvador—

(1) a lasting and just settlement of the conflict can only be achieved through nego-

tiations between the parties and the incorporation of the FMLN into the democratic process;

(2) the United States should use its influence to encourage all parties to negotiate an end to the conflict;

(3) the Congress commends President Cristiani and the FMLN for beginning negotiations in Mexico City and urges both sides to continue this process to achieve an end to hostilities and a political settlement of the war;

(4) the Congress urges the President to use his influence to encourage the Salvadoran armed forces to give its full support to the negotiations.

(b) Of the amounts appropriated by this Act under the heading "Foreign Military Financing Program", not more than $85,000,000 shall be available for El Salvador. The amount referred to in the preceding sentence shall be available for obligation in three equal amounts, as follows: not more than one-third of such amounts shall be available beginning October 1, 1989, not more than an additional one-third of such amount shall be available beginning February 1, 1990, and not more than an additional one-third of such amount shall be available June 1, 1990.

(c)(1) Not later than January 15, 1990, and May 15, 1990, the Secretary of State shall submit a report to and consult with the appropriate congressional committees regarding the obligation and expenditure of funds under subsection (b), including a description of efforts by the Government and armed forces of El Salvador and the United States Government—

(A) to settle the conflict in El Salvador through a mutual cease-fire and negotiations or dialogue with all major parties to the conflict;

(B) to protect internationally recognized human rights, including—

(i) ending, through prosecution or other means, the involvement of members of the military, security forces, and private individuals in political violence and abuses of internationally recognized human rights;

(ii) bringing to justice those responsible for the abduction, torture, and murder of Salvadoran and American citizens; and

(iii) preserving the rights of freedom of the press, assembly, association (including the right to organize for political purposes), and internationally recognized worker rights; and

(C) to institutionalize poltical pluralism and civilian control over the military.

(d) Not later than May 15, 1990, if the President intends to obligate the remaining one-third of the available funds for El Salvador, he shall submit to the appropriate congressional committees a notification of his intent which shall be considered by such committees in accordance with the same procedures as are applicable to reprogramming notifications to such committees.

(e)(1) None of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador unless the President determines, and so certifies to the Congress, that the Government of El Salvador and its military and security forces are permitting international humanitarian and religious relief organizations to provide services to civlians affected by the conflict in that country, except to the extent that the lives of relief personnel would be endangered by military operations.

(2) None of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such act (relating to the Economic Support Fund) for fiscal year 1990 shall be available for El Salvador for forced relocation of civilians to participate in civil defense activities, or to support political mobilization and propaganda activities.

(3) Funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 or chapter 4 of part II of such Act (relating to the Economic Support Fund) for fiscal year 1990 and allocated to El Salvador shall be available only about programs independent of military operations and to support programs and projects planned and implemented by civilian agencies or organizations, except to the extent that military provision of transportation or security for supplies and civilian personnel is required.

(f) For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(g) Of the funds appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $180,000,000 shall be available for El Salvador, $85,000,000 shall be available for Honduras, $85,000,000 shall be available for Guatemala, and not less then $90,000,000 shall be available for Costa Rica. Of the amount allocated for Costa Rica by the preceding sentence, up to $33,000,000 shall be available as a United States contribution to Costa Rica's debt reduction program.

KASTEN (AND OTHERS) AMENDMENT NO. 777

Mr. KASTEN (for himself, Mr. Dodd, Mr. Lugar, Mr. Graham, Mr. McCain, Mr. Kerry, Mrs. Kassebaum, Mr. Sanford, and Mr. Robb) proposed an amendment to the bill H.R. 2939, supra; as follows:

At the appropriate place in the bill add the following new section:

"Sec. . (a) Of the amounts appropriated by this Act under the heading "Foreign Military Sales Program," not more than $90,000,000 shall be available for El Salvador.

"(b) Sense of Congress.—With respect to the ongoing political unrest and armed conflict in El Salvador, the Congress hereby—

"(1) welcomes the negotiating process set in motion on September 13, 1989 in Mexico City by the Government of El Salvador and the leadership of the Farabundo Marti National Liberation Front and the expressed willingness of both parties to continue this process;

"(2) urges the parties to these negotiations to achieve, as quickly as possible—

"(A) a cessation of hostilities, and

"(B) an overall political settlement of the ten-year old conflict; and

"(3) calls upon the Secretary of State to consult frequently with the Congress on the status of the Salvadoran negotiations and on the efforts being undertaken by the President to support these negotiations.".

PRYOR AMENDMENT NO. 778

Mr. PRYOR proposed an amendment, which was subsequently modified, to the bill H.R. 2939, supra, as follows:

Insert at the appropriate place:

Sec. . (a) Not more than $4,218,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Agency for International Development.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Administrator of the Agency for International Development shall (A) submit to Congress a report on the amounts obligated and expended by the agency during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

BINGAMAN AMENDMENT NO. 779

Mr. BINGAMAN proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . INTERNATIONAL COFFEE AGREEMENT.

"It is the Sense of the Congress that the International Coffee Agreement is an important measure in promoting economic and political stability in many developing countries, including Colombia, that the collapse of the Agreement would seriously undermine Colombia's efforts at fighting illegal drugs, and that the Administration should undertake every possible effort to successfully conclude a renewal of the Agreement.".

DOLE (AND OTHERS) AMENDMENT NO. 780

Mr. DOLE (for himself, Mr. Mitchell, Mr. Boschwitz, Mr. Wilson, Mr. Simon, Mr. Simpson, Mr. Levin, and Mr. Pressler) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 35, line 21, insert after the colon the following: *Provided further,* That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the humanitarian relief, medical treatment, education and vocational training of victims of the Armenian earthquake of December 7, 1988, which amount shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations:

HELMS AMENDMENT NO. 781

Mr. HELMS proposed an amendment to the reported amendment on page 6, beginning on line 9, to the bill H.R. 2939, as supra; follows:

On page 6, on line 25, after "code", insert the following: "*Provided,* That no country which receives funds under this Act and which has a democratic Constitution shall be required to take actions which are contrary to its Constitution as a condition of receiving such assistance.".

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1990

DOMENICI AMENDMENT NO. 782

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2990, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 17, line 17, strike "$1,820,254,000" and insert "$1,852,254,000."

On page 26, line 5, strike "$362,253,000" and insert "$336,753,000."

On page 27, line 4, strike "$127,570,000" and insert "$116,570,000."

On page 28, line 8, strike "$2,005,448,000" and insert "$2,025,594,000."

On page 38, line 17, strike "$387,598,000" and insert "$375,140,000."

On page 39, line 3, strike "$91,181,000" and insert "$84,431,000."

Mr. DOMENICI. Mr. President, in the years of 1987 and 1988 this Congress decided to address the growing problem of homelessness. It reached a fever pitch when the homeless of this country were on the front pages of the newspaper and on the television sets of America almost nightly. The U.S. Congress, led by the Senate, passed an Omnibus Homeless Assistance Act.

I am really embarrassed to tell the Senate what has happened. We passed that act, and we passed an emergency supplemental to fund it. I must say, Mr. President, to the credit of President George Bush, in a tight budget year, President Bush fulfilled his campaign promise and fully funded this Omnibus Homeless Assistance Act. He did not ignore that urgent need.

However, the homeless are not on the front pages and not on the television every night, and the problem is still there. It is alleviated a little bit, but I assume that almost everyone in this Chamber would think it is still a very critical problem.

Congress in the appropriation bill that will be brought up soon, Labor, Health and Human Services, I regret to tell the Senate, is acting as if the problem no longer exists. In fact, I am almost embarrassed, when I checked it in detail, to find that the U.S. House cut the President's request for homelessness by $37 million, 22 percent, and even more surprising, the Senate cut the President's request for this program by even more, $92 million, or 55 percent less than the President, in the four major programs—and they are not gigantic programs—that are a fulfillment of the best we could do, the so-called McKinney Act.

So today I am sending to the desk and having printed for consideration when the Labor appropriation bill comes to the Senate, an amendment that will bring most of these homelessness programs substantially higher than the Senate, and in a number of instances, higher than the House, and I have provided the offsets that I think are appropriate, that I think will do no harm to other ongoing programs.

I have a detailed analysis of the programs in question. I really am almost embarrassed to tell the Senate that program in primary health care for the homeless in the Senate-passed bill is $22 million and the President asked for $64 million. The House was at $46 million.

I am equally concerned, when you look at the emergency community services block grant for the homeless, you find that in 1989 we funded it $19 million. President Bush asked for $42 million to meet the requirements of the Omnibus Act, and we have funded it $19 million.

I am absolutely shocked that in the mental health demonstration grants the President asked for $12 million and we could only find $6 million. This is a very good small program.

The ADAMHA State grants for this area, we funded at $14 million in 1989. The President asked for $35 million. The House funded $35 million. We only funded at $22 million. I do not believe the U.S. Senate is going to leave these homeless appropriations numbers at this level.

I send an amendment that will cause all of them to go up substantially. A couple of them will reach the President's mark, and all will be at the House level or higher. The offsets are stated in the amendment that I send to the desk.

If I had time this afternoon, I might say I think I could get any number of Senators on both sides of the aisle to support this amendment, but I do not have time today. I will ask the distinguished minority leader, Senator DOLE, in my absence, if the bill is called up and I am not here, to offer this on my behalf. I hope Members on both sides will look at this tonight and I do hope that they will support it.

I invite them to do better. If they can find offsets in this bill that will do better and add more to this very serious problem, then I am for that. I have raised each of the four major programs substantially, and I do not think I have done harm to any program. Any program that I have reduced has already been increased substantially over the President and substantially over last year. I think it is not a question of whether we can afford this. We cannot afford not to do it.

Today, I offer an amendment to do better. I find the Senate-reported bill embarrassing. I know many others will share my opinion once they understand the facts.

My amendment will increase funding so that the Senate is a little higher than the House. I would like to fully-fund the authorization and the Bush request, but as everyone knows legitimate offsets are always difficult, particularly in the L/HHS bill where so many critical needs are being met.

Even the offsets I found are tough to propose, but they must be proposed to adequately fund HHS's homeless programs and stay within budget constraints.

Let me start with HHS' Health Care for the Homeless Program, which is how the homeless issue came to my attention.

Last Friday I met with a representative of Albuquerque Health Care for the Homeless. Albuquerque Health Care for the Homeless is reputed to be a particularly effective project among many health care projects for the homeless. Beyond that, the health care for the homeless program is well-known to be one of the very best, most effective overall programs in helping the homeless with their problems.

A critical problem was identified on the funding level for health care to the homeless. A little background is helpful to understand how the Senate created this potential problem.

HEALTH CARE FOR THE HOMELESS BUDGET AUTHORITY

[In millions of dollars]

Past appropriations			1990 Appropriation			1990 Auth.
1987	1988	1989	Bush	House	Senate	
46	14	15	64	46	22	64

The 1987 health care for the homeless funds did not go out until late that year, funding 109 projects over 2 years; 1988 and 1989 appropriations supplemented this amount, as did about $7 million from the Robert Wood Johnson Foundation for Start-Up. In total, at least $80 million was available in 1988-89.

The current operating level, though hard to pinpoint, appears to be about $45 to $50 million per year. In addition, funded projects are largely urban, with all funds being grabbed up by established groups in 1987. Recently, other groups (many in rural areas) have become aware of these grants. An increase above any current operating level would help fund some new projects.

The Senate level, which looks at first glance to be an increase over the 1988 and 1989 funding, would gut the program, because the Health care for the homeless projects were still using the 1987 funds.

After I understood this problem, I took a careful look at all of the HHS programs targeted to the homeless. I found the situation described above for the health care for the homeless to exist in other accounts as well, though not to the same degree.

Let me summarize.

The Senate reduced funding below the Bush request for the four other HHS programs targeted to the homeless. Three of these four programs are in the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]. For these three ADAMHA programs, Bush requested $63 million—the full authorization—the House provided $51 million and the Senate provided $36 million.

The Senate also provided $19 million for the emergency community services funding for the homeless, compared to Bush's request of $42 million and House funding of $35 million.

If we are going to increase funding for these homeless programs, painful offsets will be necessary. I have selected the following offsets, each regretfully:

Reducing NIH funding to the House level. This would still leave funding $150 million above the Bush request, and a 7-percent increase above 1989.

Reducing the Basic Community Services Block Grant Program. The Bush administration terminated CSBG. This amendment would scale the basic block grant back to the House level. Of the $29 million reduction in the general CSBG block grant, $16 million would be redirected to the targeted homeless component of that block grant.

Reducing some HHS administration expenses. The Senate funded research and administration for the family support administration at $15 million above the Bush request and $9 million above the House level. This would reduce it by $6 million, but still leave it above the House level.

I know some will oppose these offsets. I have done my best to suggest those that are programmatically sound.

Mr. President, I ask unanimous consent that the analysis of programs mentioned earlier be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

HHS HOMELESS PROGRAMS AUTHORIZED BY THE McKINNEY HOMELESS ASSISTANCE ACT

[Budget authority in millions of dollars]

	Appropriation			1990 Appropriation			Domenici amendment		
								Change from Senate	
	1987	1988	1989	Bush [1]	House	Senate	Amount	BA	Outlays
Primary health care for the homeless	46	14	15	64	46	22	54	32	19
ADAMHA programs:									
ADAMHA State grants	32	12	14	35	35	21	35	14	8
Mental health demos	9	0	5	12	6	6	12	6	4
Substance abuse demos	9	0	5	17	10	9	10	1	1
Total ADAMHA	51	12	23	64	51	36	57	21	12
Emergency community services block grant	37	19	19	42	35	19	35	16	10
Total HHS	134	45	57	169	132	78	146	69	41
NIH:									
Office of the Director			68	96	107	128	117	−11	−7
Research resources			358	308	356	362	337	−25	−13
Community services block grant			319	0	297	326	297	−29	−16
Family Support Administration			81	77	82	91	85	−6	−5
Net outlay effect									0

[1] Represents full amount authorized by McKinney Act.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

BRADLEY (AND OTHERS) AMENDMENT NO. 783

Mr. BRADLEY (for himself, Mr. Bingaman, Mr. Matsunaga, Mr. Sanford, Mr. Kerry, and Mr. Riegle) proposed an amendment to the bill H.R. 2939, supra; as follows:

On page 94, line 23, insert "(a)" after "540.".

On page 95, between lines 2 and 3, insert the following:

(b) No less than $50,000,000 of the funds appropriated under chapter 1 of part I of this Act shall be made available for achieving the goals provided for in this section.

[(c) No later than April 1, 1991, the Administrator of the Agency for International Development shall report to the Congress on the extent to which the goal of universal access to childhood immunization as provided for in the section has been achieved, and on the resources that will be required of both the international community and the United States to ensure that this achievement can be broadened and sustained.]

KASTEN (AND BYRD) AMENDMENT NO. 784

Mr. KASTEN (for himself and Mr. Byrd) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the end of the bill, add the following new section:

(a) The Congress finds that—

(1) the Baltic states of Latvia, Estonia, and Lithuania gained their independence from the Russian Socialist Federative Soviet Republic in 1918, a fact recognized by the government of the Russian Socialist Federative Soviet Republic in 1920;

(2) the governments of the Latvian Democratic Republic and the Russian Socialist Federative Soviet Republic (RSFSR) signed a Treaty of Peace in Riga, Latvia on August 11, 1920, in which the RSFSR "establishes the right of self-determination for all nations, even to the point of total separation from the States with which they have been incorporated" and declares that "Russia unreservedly recognizes the independence, self-subsistency and sovereignty of the Latvian State and voluntarily and forever renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia",

(3) similar treaties were signed by both the Republic of Estonia and the Republic of Lithuania with the RSFSR on February 2, 1920 and July 12, 1920, respectively";

(4) the independent republics of Latvia, Estonia, and Lithuania swiftly recovered from the ravages of World War I and became active in the World community, gaining membership in the League of Nations on September 22, 1921 and full recognition by the United States on July 28, 1922;

(5) the sovereign rights of the independent states of Latvia, Estonia, and Lithuania were violated by the Union of Soviet Socialist Republics in a Secret Protocal to the Nazi-Soviet Treaty of Nonaggression of

August 23, 1939, which divided Eastern Europe into Nazi and Soviet "spheres of influence",

(6) the Union of Soviet Socialist Republics coerced the governments of Latvia, Estonia, and Lithuania to sign Pacts of Mutual Assistance in October 1939, which stipulated that the "contracting parties undertake not to enter into any alliances or to participate in any coalitions directed against one of the contracting parties" and that "the carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures";

(7) the Union of Soviet Socialist Republics violated not only those bilateral agreements with the independent Baltic states but also international conventions on the changing of international borders by force when the Soviet Union issued ultimatums to the three independent nations on June 15-16, 1940, demanding the formation of governments to their liking, followed by armed invasions of Lithuania, Latvia, and Estonia on June 16-17, 1940;

(8) the occupation of the Baltic states was confirmed on July 14-15, 1940, with the irregular and illegal "election" of new parliaments, which then petitioned for admission into the Soviet Union, and these petitions were accepted by the Soviet Union, as follows: Lithuania's on August 3, 1940, Latvia's on August 4, 1940, and Estonia's on August 5, 1940; 0

(9) Sumner Welles, Acting Secretary of State, declared on July 23, 1940 that "the devious processes whereunder the political independence and territorial integrity of the three small Baltic republics—Estonia, Latvia and Lithuania—were to be deliberately annihilated by one of their more powerful neighbors, have been rapidly drawing to their conclusion. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any intervention on the part of one state, however powerful, in the domestic concerns of any other state, however weak. The United States will continue to stand by these principles";

(10) the Government of the United States continues its policy of standing by the 1922 recognition of the *de jure* independent governments in the Baltic states, and of refusing to recognize the forced incorporation of the Baltic states into the Soviet Union;

(11) the peoples of Latvia, Estonia, and Lithuania have never accepted the occupation of their native lands, and have demonstrated their resolve on numerous occasions since 1940, most notably in the last three years. The most striking demonstration of the desires of the Baltic people took place on August 23, 1989, the fiftieth anniversary of the Nazi-Soviet Treaty of Nonaggression, when nearly 2,000,000 citizens of Latvia, Estonia, and Lithuania joined hands in a 400-mile human chain stretching across the Baltic states from the Estonia capital of Tallinn, through the Latvian capital, Riga, to the Lithuanian capital of Vilnius;

(12) the people of the Baltic states, through their elected representatives in the Popular Front of Latvia, the Popular Front of Estonia, and the Lithuanian Movement in Support of Perestroika "Sajudis", have declared their desire for the restoration of independence in the Baltic states; and

(13) even the Communist officials and regimes in each of the Baltic states have begun to respond to the drive for more autonomy.

(b) The Congress urges the President—

(1) to raise the issue of the political rights of the Baltic peoples in all diplomatic contacts with the Soviet Union and, more especially, in the talks between Secretary Baker and Foreign Minister Shevardnadze scheduled for later in September 1989; and

(2) to call upon the Soviet Union—

(A) to honor the international agreements it has voluntarily entered into, such as the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the United Nations Declaration of Human Rights, as well as the bilateral agreements it has voluntarily entered into with the independent governments of Latvia, Estonia, and Lithuania,

(B) to allow the people of Latvia, Estonia, and Lithuania their right of self-determination, as guaranteed by the RSFSR in 1920 as well as by the current constitution of the Soviet Union,

(C) to recognize the human rights of all peoples both within the Soviet Union and under Soviet influence, and

(D) to replace the policy of aggressive industrialization in the Baltic states, which has poisoned the land, air, and water of Latvia, Estonia, and Lithuania, with one of environmental responsibility.

HELMS AMENDMENT NO. 785

Mr. HELMS proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 6, on line 25, after "Code", insert the following: *"Provided,* That no funds provided to El Salvador under this Act shall be conditioned on any requirement that El Salvador accept any settlement with the FMLN guerrillas which violates the democratic constitution of El Salvador of 1983".

MOYNIHAN (AND OTHERS) AMENDMENT NO. 786

Mr. LEAHY (for Mr. MOYNIHAN, for himself, Mr. PELL, and Mr. SYMMS) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 43, line 15, before the period insert the following: ": *Provided further,* That of the funds appropriated under this heading, $250,000 shall be available only for food, medicine, medical supplies, medical training and clothing, and other humanitarian assistance for displaced Burmese students at camps on the border with Thailand".

WALLOP (AND DOMENICI) AMENDMENT NO. 787

Mr. KASTEN (for Mr. WALLOP, for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place, add the following new section:

SEC. . TIANANMEN SQUARE PARK.

(a) FINDINGS.—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919 student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(4) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protestors, the Chinese leadership, including Communist Party leaders Deng Xiaping and Li Peng, have publicly commended the actions of the Chinese Army;

(5) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(6) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of the People's Republic of China involving more than 2,000 protestors;

(7) at this protest a twenty foot replica of the Statue of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom; and

(8) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

Therefore, it is the sense of the Senate that: The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be considered and known as the "Tiananmen Square Park".

BYRD (AND DECONCINI) AMENDMENT NO. 788

Mr. LEAHY (for Mr. BYRD, for himself and Mr. DECONCINI) proposed an amendment to the bill H.R. 2939, supra, as follows:

In title II, Migration and Refugee Assistance, on page 42, line 24, insert after "Iraqi Kurdish refugees in Turkey" the following: *"Provided further,* That not less than $10,000,000 shall be made available to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey:".

HEINZ AMENDMENT NO. 789

Mr. KASTEN (for Mr. HEINZ) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 60, line 12, strike the period and insert in lieu thereof a colon and the following: *"Provided further,* That such prohibition shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States and so reports to Congress".

CRANSTON (AND PACKWOOD) AMENDMENT NO. 790

Mr. Leahy (for Mr. Cranston and Mr. Packwood) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the end of the bill, add the following:

IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND, CZECHOSLOVAKIA, AND HUNGARY

Sec. . Notwithstanding section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any other provision of law, any article that—

(1) is a defense article for purposes of section 38 of the Arms Export Control Act,

(2) is from Poland, Hungary, or Czechoslovakia,

(3) was imported or temporarily imported into the United States before June 30, 1989, by, or on behalf of, a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(4) was manufactured at least 20 years before its importation into the United States,

(5) has been disabled so that no weapon or weapons system is functional, and

(6) is to be used only for display to the public by the museum or educational institution for educational purposes,

shall be considered to have been lawfully imported into the United States and shall be permitted to remain in the United States, and the museum or educational institution shall not be subject to any penalty by reason of such importation.

HATFIELD AMENDMENT NO. 791

Mr. KASTEN (for Mr. Hatfield) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 91, after line 16 insert the following new subsection:

(d) Export-Import Bank.—(1) Of the financing provided by the Export-Import Bank under the authorities contained in this Act for the support of exports for the energy sector, not less than 5 per centum of the financing for such support shall be used for renewable energy projects.

(2) The Export-Import Bank shall take all appropriate steps to finance information exchanges and training whose purpose it is to help link United States producers in the renewable energy sector with assistance programs and potential foreign customers.

(3) Beginning on April 15, 1990, the Chairman of the Export-Import Bank shall submit an annual report to the Committee on Appropriations on the Bank's implementation of this subsection.

HEINZ AMENDMENT NO. 792

Mr. LEAHY (for Mr. Heinz) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 60, line 12, strike the period and insert in lieu thereof a colon and the following: "*Provided further,* That such application shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States and so reports to Congress:"

INOUYE AMENDMENT NO. 793

Mr. LEAHY (for Mr. Inouye) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 12, line 4 strike all that follows the word Fund through the word children on page 12, line 7.

LUGAR AMENDMENT NO. 794

Mr. LUGAR proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place please insert the following:

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

(a) Conditional Assistance.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, assistance made available under section 103 of the Foreign Assistance Act of 1961 may, notwithstanding section 660 of the Foreign Assistance Act of 1961, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban anti-terrorist training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, crime control and detection equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(3) At least 30 days before obligating such assistance, the President certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(b) Definition.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

LUGAR AMENDMENT NO. 795

Mr. LUGAR proposed an amendment to the reported amendment on page 140, line 12, to the bill H.R. 2939, supra, as follows:

On page 140, line 12, strike "582" and insert the following: "582. (a) None of the funds appropriated for assistance by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person as a condition for action by the recipient, the purpose of which condition is to finance a military or foreign policy activity which is expressly prohibited by a provision of United States law. (b) The phrase "provision of United States law" as used in subsection (a) refers to those provisions of United States law enacted after the date of enactment of this Act, and which refer specifically to this section.".

GRASSLEY (AND OTHERS) AMENDMENT NO. 796

Mr. GRASSLEY (for himself, Mr. Dixon, Mr. Dole, Mr. Bond, Mr. Boschwitz, Mr. Burns, Mr. Durenberger, Mrs. Kassebaum, Mr. Wallop, Mr. Danforth, Mr. Symms, Mr. Pressler, Mr. Roth, and Mr. Helms) proposed an amendment to the reported amendment on page 140, line 12, of the bill H.R. 2939, supra, as follows:

At the end add the following:

INCREASED ASSISTANCE TO POLAND

Sec. . Notwithstanding any other provision of law, the requirements of sections 901 through 901k of the Merchant Marine Act of 1936 (46 U.S.C. 1101 et seq.), shall not apply to any United States assistance provided to Poland under this or any other Act. For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

HELMS AMENDMENT NO. 797

Mr. HELMS proposed an amendment, which was subsequently modified, to the bill H.R. 2939, supra, as follows:

On page 156, before the period at the end of line 16, insert the following: *Provided,* That no funds appropriated in this act shall be provided directly or indirectly for investment in or for guarantees of any investment in any enterprise which is directly operated by or managed by officers and directors who are members of any Communist Party.

GRAHAM AMENDMENTS NOS. 798 AND 799

Mr. GRAHAM proposed two amendments to the bill H.R. 2939, supra, as follows:

Amendment No. 798

At the appropriate place in the bill, insert the following:

(1) Findings.—The Congress finds that—

(a) the United Nations in 1989 issued its first report on human rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(b) the report extensively documented across-the-board human rights abuses that include cases of torture, missing people, religious persecution, violations of civil and political rights and violations of economic and social rights;

(c) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment;

(d) among the abuses reported to the U.N. were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave.

(e) the UN commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the U.N. group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(g) at least 22 Cuban human rights activists who were arrested are currently serving prison sentences or being held without trial;

(h) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group;

(i) since March 9, 1989, the United Nations has failed to take any substantive action to follow up on the March 9 resolution. The United Nations also has failed to intervene on behalf of those who are now imprisoned because of their attempts to testify before the United Nations human rights investigative group last fall.

(2) STATEMENT OF POLICY.—In the interest of promoting respect for human rights in Cuba, the Congress—

(a) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate follow up action on the Commission's report;

(b) calls on the Secretary General to specifically urge the Cuban government to release the 22 persons still being held in detention because of their human rights activities.

(c) calls on the United States Ambassador to the United Nations to make known in the strongest terms the dissatisfaction of the United States with the failure by the United Nations to continue to act on its own resolution.

(d) calls on the Secretary of the United Nations to expand the United Nation's investigation of Cuba to include an examination of labor rights in recognition of current Cuban law which prohibits the formation of independent unions and which has led to the imprisonment of those Cuban workers who have tried to organize themselves.

AMENDMENT NO. 799

At the appropriate place in the bill, insert the following:

FINDINGS.—The Congress finds that—

(1) producers of agricultural commodities in the Caribbean region (including the Caribbean Basin nations and those states in the U.S. abutting the Gulf of Mexico) have common prospects and problems;

(2) among those common problems are: pest management, transportation, post-harvest handling and treatment, market penetration, and proper crop selection and management. As an example, the declining research on and availability of environmentally safe pesticides and pest management technologies are common problems for both U.S. and Caribbean producers in the region;

(3) it would be in the mutual benefit of United States and Caribbean agricultural interests to jointly seek solutions to these problems. Such an effort would benefit U.S. agricultural production, and at the same time, make a contribution to the objectives of the Caribbean Basin Initiative;

Therefore, in order to explore the feasibility and potential benefits of such a partnership, the Agency for International Development is directed to conduct a feasibility study, in consultation with representatives for United States and Caribbean agricultural industries and the appropriate governmental representatives. AID is directed to study the feasibility of establishing a Center to conduct research on agricultural production in the region, including chemical, biological, field, and biotechnology research. The study should identify priorities in terms of common problems facing producers of agricultural commodities in the region and, if warranted, establish a framework to conduct comprehensive research and develop solutions to these problems.

The study shall be completed no later than June 1, 1990.

NEVADA WILDERNESS ACT

REID (AND BRYAN) AMENDMENT NO. 800

Mr. MITCHELL (for Mr. REID, for himself and Mr. BRYAN) proposed an amendment to the bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes; as follows:

On page 4, line 4, strike "May, 1989," and insert "September, 1989,".

On page 5, line 5, strike " 'Santa Rosa Wilderness' " and insert "Mike O'Callaghan-Paradise Peak Wilderness".

WALLOP AMENDMENT NO. 801

Mr. DOLE (for Mr. WALLOP) proposed an amendment to the bill S. 974, supra, as follows:

"SEC. 12. LOW ALTITUDE FLIGHT ACTIVITIES.

(a) Nothing in this Act nor the Wilderness Act (78 Stat. 890) shall preclude, limit, or otherwise affect current or future low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

(b) Subject to such reasonable terms and conditions as the Secretary, in consultation with the Secretary of Defense, may prescribe, nothing in this Act nor the Wilderness Act shall be construed to prevent the installation, operation, or maintenance of essential ground instrumentation devices associated with those activities, and within those wilderness areas, referenced in subsection (a).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

BOREN (AND OTHERS) AMENDMENT NO. 802

Mr. LEAHY (for Mr. BOREN, for himself, Mr. CRANSTON, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 40, line 18, strike out "$163,614,000" and insert in lieu thereof "$173,800,000".

On page 40, line 22, insert before the period the following: "*Provided further*, That $1,000,000 of the amount appropriated under this heading shall be available only for the Foreign Currency Fluctuations, Peace Corps, Account, if such account is established by the enactment of authorizing legislation".

On page 156, between lines 16 and 17, insert the following:

SEC. . OFFSETTING ADJUSTMENTS.

(a) Notwithstanding any other provision of this Act, each amount appropriated, and each allocation of appropriated funds made, by title I of this Act, by title II of this Act (other than the appropriations under the headings "PEACE CORPS" and "PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND"), and by title III of this Act shall be reduced by .133 percent. Nothing in this subsection may be construed as applying the reductions required by this subsection to the loan program level under the heading "HOUSING AND OTHER CREDIT GUARANTY PROGRAMS" or to the exercise of authority under the heading "GUARANTY RESERVE FUND".

(b) Notwithstanding any other provision of this Act or, in the case of paragraph (2), any other provision of law (other than sections 1342(a) and 1517 of title 31, United States Code)—

(1) none of the funds made available by this Act or any prior Act shall be expended if such expenditure would cause the total fiscal year 1990 expenditures for Economic Support Fund programs or activities contained in this or prior year Acts to exceed $3,300,636,000; and

(2) not more than $1,700,293,000 shall be expended before October 1, 1990, pursuant to the discretionary budget authority made available by this Act.

(c) Notwithstanding any other provision of this Act, no allocation of funds for, and no expenditures for, Israel or Egypt shall be restricted in any manner in order to accomplish the reductions made in title II or III of this Act by subsection (a) or the limitations made by subsection (b).

(d) To the maximum extent feasible, fiscal year 1990 expenditures for programs, projects, or activities subject to the dollar limitations of paragraphs (1) and (2) of subsection (b) shall be reduced proportionally in order to reflect the lower dollar limitations imposed by those paragraphs.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 803

Mr. LAUTENBERG (for himself, Mr. KENNEDY, and Mr. KASTEN) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place in the bill, add the following new sections:

SEC. . ESTABLISHING CATEGORIES OF REFUGEE APPLICANTS.

(a)(1) The Attorney General is directed to establish in consultation with the Secretary of State, categories of refugee applicants which would identify applicants with a strong likelihood of qualifying for admission as refugees due to well established histories of persecution, pursuant to section 207 of the Immigration and Nationality Act.

(2) The following refugee applicants are deemed to be categories established under paragraph (a)(1):

(A) Soviet nationals who are Jews or Evangelical Christians,

(B) Holders of Letters of Introduction in the Orderly Departure Program in Vietnam, who do not immediately qualify for immigrant visas;

(3) The Attorney General may designate other groups of refugee applicants for which such categories may be appropriate, including Soviet nationals who are Ukrainian Catholic and Ukrainian Orthodox.

(b) If a refugee applicant is within any of the categories, he or she may qualify for refugee status by demonstrating one of the following:

(1) acts of mistreatment, or prejudicial actions against him or her personally such as, but not limited to:

(A) inability to study or practice religious beliefs or ethnic heritage; or

(B) denial of access to educational, vocational or technical institutions for which he or she is otherwise qualified, based on membership in one of the above categories; or

(C) adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her category; or

(2) acts of persecution committed against other persons in his or her category, in his or her geographical locale; or acts, regardless of locale, which give rise to a well-founded fear of persecution, or

(3) instances of mistreatment or prejudicial actions based on his or her personal request to depart his or her homeland, including, but not limited to, loss of home, job, or educational opportunity.

(c) Decisions made to deny applications for refugee status shall be made in writing and shall state, to the maximum extent feasible, the reasons why the application was denied.

(d) Aliens who fall within categories established by this Act, or by the Attorney General pursuant to this Act, and who have been denied refugee status between August 15, 1988 and the date of enactment of this Act, shall be permitted to reapply and shall be readjudicated for refugee status under the terms of this Act.

(e) This section shall take effect on the date of the enactment of this Act and shall terminate on September 30, 1990.

SEC. . (a) The Attorney General shall, subject to the requirements in subsection (b) and (c) of this section, adjust to lawful permanent resident status those nationals of the Soviet Union or Vietnam who entered the United States on or after September 1, 1988 and before September 30, 1990, through the exercises of his public interest parole power after being denied refugee status.

(b) Soviet, or Vietnamese nationals described in this section shall not be eligible for adjustment under subsection (a) unless—

(1) they have been physically present in the United States for at least one year,

(2) they apply for adjustment within one year after the date upon which they become eligible for such adjustment, and

(3) they pay a fee to provide for the processing of their application, as determined by regulation by the Attorney General.

(c) Persons described in subsection (a) shall not be subject to the numerical limitations in section 201(a) or section 202(a) of the Immigration and Nationality Act, but shall be subject to the exclusions in section 212(a) of such Act (except for paragraphs (14) and (28)).

SEC. . REPORT BY THE COMPTROLLER GENERAL.

(a) The Comptroller General of the United States shall provide reports to the Committees on the Judiciary of the United States Senate and the U.S. House of Representatives on the implementation of this provision in Italy and the Soviet Union. Such reports shall include, but not be limited to—

the timeliness and length of individual interviews,

the adequacy of staffing and funding by the State Department, Immigration and Naturalization Service and voluntary agencies,

the denial rates by ethnic or religious group,

the sufficiency of the proposed Soviet refugee processing system within the United States,

backlogs by ethnic or religious group and the reasons backlogs exist, if they do exist.

the sufficiency of the means of distributing and receiving applications in Moscow,

to the extent possible, a comparison of the cost of conducting processing only in Moscow as opposed to permitting processing also in Italy, and

an evaluation of efforts to phase out Soviet refugee processing in Italy.

(b) The Comptroller General shall provide a preliminary report to the Committees on the Judiciary by December 31, 1989, and a final report no later than March 31, 1990. The final report shall include any recommendations which the Comptroller General may have regarding the need, if any, to extend or revise this provision.

BOSCHWITZ (AND HARKIN) AMENDMENT NO. 804

Mr. BOSCHWITZ (for himself and Mr. HARKIN) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . PLAN TO ERADICATE WORST ASPECTS OF POVERTY.

(a) DEVELOPMENT OF PLAN.—It is the sense of Congress that the President should in consultation with host country governments, international organizations, and United States and indigenous nongovernmental organizations which represent the poor in developing countries, develop a plan consistent with basic objectives set forth in sections 101 and 102(a) of the Foreign Assistance Act of 1961 to ensure that United States development assistance contributes measurably to eradicating the worst aspects of absolute poverty by the year 2000, and seek international cooperation in achieving the goals developed in the plan.

(b) GOALS OF PLAN.—The plan developed pursuant to paragraph (1) shall include specific measurable poverty-reducing goals and the target dates for reaching these goals, including the following goals for the year 2000;

(1) Reduction of under-five-mortality rates by at least 50 percent of the 1980 mortality rates or to not more than 70 per thousand births, whichever achieves the greater reduction.

(2) Achievement of universal primary education, and at least 80 percent female literacy for those age groups defined by each country.

(3) Reduction of the proportion of the population living in absolute poverty by at least 50 percent of that proportion in 1980.

(4) Such other specific measurable goals, consistent with the achievement of the basic objective set forth in sections 101 and 102(a) of the Foreign Assistance Act of 1961 as the President determines to be crucial to measurably eliminating the worst aspects of absolute poverty.

(c) SUBMISSION OF PLAN TO CONGRESS.—The President shall submit the plan developed pursuant to this subsection to the Congress not later than 6 months after the date of the enactment of this Act. This plan shall be used by the administering agency in planning and providing funds for development assistance projects under this Act.

HUMPHREY AMENDMENT NO. 805

Mr. HUMPHREY proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 21, line 7, insert before the period a semicolon and the following: *"Provided further,* That funds made available under this heading for Poland shall cease to become available if the president of Poland declares martial law or removes members of the Senate or the Sejm other than pursuant to or for the purpose of holding new elections".

On page 40, line 10, insert the following before the period: "unless the president of Poland declares martial law or removes members of the Senate or the Sejm other than pursuant to or for the purpose of holding new elections".

LUGAR AMENDMENT NO. 806

Mr. KASTEN (for Mr. LUGAR) proposed an amendment to amendment No. 794 proposed by Mr. LUGAR to the bill H.R. 2939, supra, as follows:

In lieu of the language proposed to be inserted insert the following:

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

(a) CONDITIONAL ASSISTANCE.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, funds made available under Chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated to El Salvador may, notwithstanding section 660 of that Act, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban law enforcement training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(3) At least 30 days before obligating such assistance, the President certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on For-

eign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(4) Reprogramming.—Funds made available under this subsection shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(b) DEFINITION.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

(c) Not more than $12,000,000 shall be made available in fiscal year 1990 to carry out the provisions of this section and of subsection 534(b)(3) of the Foreign Assistance Act of 1961.

BUMPERS AMENDMENT NO. 807

Mr. LEAHY (for Mr. BUMPERS) proposed an amendment to the bill H.R. 2939, supra, as follows:

At the appropriate place in the bill insert the following: "Notwithstanding any other provision of law, the President may provide assistance under chapter 1 of Part I or chapter 4 of Part II of the Foreign Assistance Act of 1961 for Peru and Bolivia to promote the production, processing, or marketing of all crops which can be economically grown in areas of those countries which currently produce crops from which narcotic and psychotropic drugs are derived."

SANFORD (AND KERRY) AMENDMENT NO. 808

Mr. LEAHY (for Mr. STANFORD, for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 33, line 19, after the comma, insert the following: "That not less than $440 million of the funds appropriated under this heading shall be available only for the Central American democracies: *Provided further,*"

SPECTER (AND KERRY) AMENDMENT NO. 809

Mr. KASTEN (for Mr. SPECTER, for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 41, under the heading entitled "International Narcotics Control", at line 8, strike the period and insert in lieu thereof the following: "*Provided further,* That of the funds made available under this heading, such funds as the President deems necessary may be made available for the funding of U.S. participation in a multilateral anti-narcotics strike force not including any communist or Warsaw pact troops: *Provided further,* That funds for such a force may only be provided if the Committees on Appropriations of the House of Representatives and of the Senate are notified at least 15 days in advance of the obligation of funds.".

SIMON AMENDMENT NO. 810

Mr. LEAHY (for Mr. SIMON) proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 47, line 15, insert the following after the colon: "*Provided further,* That of the funds appropriated under this heading for countries in sub-Saharan Africa $5,000,000 shall be available for Malawi.".

LEAHY AMENDMENT NO. 811

Mr. LEAHY proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 142, line 12, insert "determined that there is" after "has".

GORTON AMENDMENT NO. 812

Mr. KASTEN (for Mr. GORTON) proposed an amendment to the bill H.R. 2939, supra, as follows:

In the appropriate place in the bill, insert the following:

Sec. . (a) It is the sense of the Senate that the success and continuation of land reform in El Salvador is vital to United States policy and to political stability, economic development, and maintenance of democratic institutions in that country.

(b) Therefore, when allocating Economic Support Funds to El Salvador, the President shall take into consideration progress in the Salvadoran land reform program.

KASTEN AMENDMENT NO. 813

Mr. KASTEN proposed an amendment to the bill H.R. 2939, supra, as follows:

On page 95, line 11, add "Uganda," after "Sudan,".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, September 20, 1989, 10 a.m., to hold a hearing on work for hire and other moral rights in publishing, photography, and graphic arts.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, September 20, 1989, at 10 a.m. to mark up: SEC budget authorization for fiscal year 1990-91; S. 646, the International Securities Enforcement Cooperation Act; S. 649J, the Shareholder Communications Improvement Act; S. 651, the Trust Indenture Reform Act; reauthorization of the Defense Production Act; reauthorization of Eximbank's tied aid credit warchest; 1990 authorization for the Commerce Department's Bureau of Export Administration; and S. 148, the Mount Rushmore Commemorative Coin Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 20, 1989, at 9:30 a.m. to hold a hearing to examine the degree of competition in the airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 20, 1989, at 3 p.m. to mark up legislation to restructure the Medicare Catastrophic Coverage Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 20, 1989, at 2 p.m., to hold a nomination hearing on Stanley Morris to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 20, 1989, at 10 a.m. in open session to consider the nomination of Gen. Colin L. Powell, U.S. Army for reappointment in the grade of general and for reassignment as Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 20, 1989, at 12 p.m. in executive session to discuss the DOD appropriations bill and the conference on the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FULBRIGHT ACADEMIC EXCHANGES

● Mr. BAUCUS. Mr. President, as many of my colleagues are aware, one of the most successful efforts for international cooperation over the years has been the Fulbright Academic Exchange Program. In this program, the United States sends its scholars to universities abroad, where they learn and make contributions to the advancement of learning. I have been particularly pleased and hopeful that this effort, combined with other cultural and intellectual exchange efforts, will continue to produce better understanding between the United States and the Soviet Union.

I am using this opportunity to ask the Soviet Union for help. Something is going wrong with this program, and it is creating hardships for our scholars, including some in my State, Montana.

Simply put, administrative problems within the Soviet Union have led to a point where the program is deadlocked. Academic exchanges for this year are grinding to a halt. At the moment, Americans who have been invited to be a part of this program, and who have undergone an exhaustive and long process of selection, are being told that the Soviet Union is unable to arrange their placement. Accordingly, these American academics are being left up in the air as their new school terms are about to begin: They do not know whether they will soon be leaving for the Soviet Union or whether they will be staying here and securing their contracts and teaching assignments for the forthcoming year.

This causes great hardship both for American scholars and for their universities. It is also frustrating and counterproductive to the kind of exchange that I believe is in the interest of both our countries and desired by both countries.

I understand that Chairman Yagodin of the Soviet State Committee for Public Education has been trying very hard to clear up the administrative problems with the Soviet Union. I want to thank him for his efforts. But the truth is, if these problems continue into the next academic year, I and others are going to have to rethink the entire effort. I cannot support the funding of the United States' end of the program, which is channeled through the USIA, if it continues to create such hardships for my constituents and others.

This would be a sad loss of an important effort. I strongly support these exchanges; I know many of my colleagues do as well. I urge the Soviet Union to clear up these problems.●

THE 100TH ANNIVERSARY OF THE NEWTOWN FIRE ASSOCIATION, NEWTOWN, PA

● Mr. HEINZ. Mr. President, I rise today to join the citizens of Newtown, PA, in the celebration of the Newtown Fire Association's 100th year anniversary.

The American institution known as the volunteer fire company originated in Philadelphia during the time of Benjamin Franklin and remains one of the most special groups of volunteers there are. These individuals risk their lives and limbs for the sake of helping others. For their tireless dedication to fire prevention and protection, their neighbors owe them a tremendous debt of thanks.

The Newtown Fire Association has come a very long way since its formation on November 13, 1889. The equipment then consisted of two hand-drawn pumpers, a four-wheel hose carriage, 400 feet of rubber hose, and 57 buckets. Today, thanks to fire association efforts and communitywide support, the stock of firefighting equipment is much more modern. But after 100 years, it is the individual volunteer firemen who are the foundation of protecting Newtown's families, homes, and businesses. The Newtown Fire Association has come a very long way since its formation on November 13, 1889.

Mr. President, I urge you as well as my esteemed colleagues to join me in recognizing and saluting the Newtown Volunteer Fire Association on the occasion of their centennial celebration. Through the years, their contributions have made a real difference to the community of Newtown. Their courage and selflessness are truly characteristic of the highest American traditions.●

REPEAL SECTION 89

● Mr. KASTEN. Mr. President, over the past 6 months, I have repeatedly brought the issue of section 89 before the Senate. I did so because I am convinced that section 89 is a bad deal for America. The section 89 provision in the 1986 act was designed to prevent discrimination in the provision of employee benefits. However, section 89 in reality does not eliminate discrimination, and actually reduces employee health care coverage.

I watched with great interest the action before the House Ways and Means Committee last week, hoping that section 89 would finally be repealed outright. However, despite the public statements by the Chairman of the Ways and Means Committee, I regret to inform my colleagues that the committee has not repealed section 89. Instead, under the guise of repeal, the committee has created a new unworkable and complex scheme that is a bad deal for the small businesses and workers of America.

Mr. President, I rise today to redeclare war on section 89 of the Internal Revenue Code.

The dimensions of section 89's impact on the economy were recently made clear in a study by the Institute for the Research on the Economics of Taxation [IRET]. This study projects that American companies will spend $4 billion this year attempting to comply with section 89. This will result in the loss of nearly 90,000 jobs next year. And nearly 20 percent of the firms surveyed plan to reduce or eliminate health care benefits in response to section 89. The projected loss in Federal revenue attributed to this provision is $800 million next year alone.

Mr. President, I think we all agree that section 89 must go. The question is, what will take its place? The stated goal of the Ways and Means Committee to prohibit executive only benefit plans is laudable. But his legislative proposal in no way matches his public pronouncements that section 89 has been repealed.

What would the committee plan do? The plan is supposedly designed to stop discrimination in professional service organizations. It gives the Secretary of the Treasury blanket authority to determine what a professional service organization is. And it also says that a plan may not disproportionately benefit highly compensated employees. This is the kind of murky language and blank check approach that got us into this regulatory mess in the first place.

Under the House plan, if you employ less than 100 people, you must prove that at least half of those offered a health plan are not highly compensated. If you employ more than 100 people, you must meet this first test plus prove that at least 25 percent of those offered benefits are nonhighly compensated employees. And the House plan would do nothing to change the qualification rules under current reform proposals, which have given so many companies problems.

While I think that this plan is a step in the right direction, it still falls far short of being a realistic, workable plan for the small businesses of America. For this reason, I renew my call for the outright repeal of section 89.

Mr. President, I would also like to take this opportunity to urge the administration to reverse its position—and support outright repeal of section 89. Given the action in the House, I believe that final victory on section 89 depends on the administration's unqualified support. I invite the 49 Senators who voted in June for my amendment to repeal section 89 to sign a letter that I am sending to President Bush, urging him to support repeal.

Mr. President, I've come to the conclusion that the tax writing committees will not let go of section 89. At the earliest opportunity, I plan to—once again—offer an amendment to repeal section 89. I yield the floor.●

SECTION 89

● Mr. BOSCHWITZ. Mr. President, I rise today to call attention to another example of Government regulation gone unchecked, and congressional delay in rectifying the problem. The problem I refer to is section 89. If the reaction of the general population is as vociferous as that of Minnesotans, I trust my colleagues are well aware of section 89 and its implications for small businesses.

Section 89 is a provision of the 1986 tax reform package that prohibits any employer, public or private, with a life or health insurance plan from giving higher paid employees a better benefit package than other employees. Under section 89, such discrimination could result in higher taxes and special penalties for employers and employees.

Section 89 was not the subject of hearings, but rather was prepared by staff on the tax committees. By inserting it in the complex and lengthy tax reform bill of 1986, it was assured of anonymity. Frankly, the provision is so complex that even the most accomplished tax experts have trouble understanding it.

To make matters worse, the IRS took over 15 months to complete a partial set of proposed regulations mandated under section 89, which exceeded 200 pages and were not published until 3 months after the new provision took effect.

Almost all the small business owners I have talked to in my travels around Minnesota have spent dozens of hours and hundreds or even thousands of dollars paying for lawyers and consultants in an attempt to comply with section 89's new rules; this is time and money which could otherwise have been spent on selling more products and improving profitability.

When I first learned of this issue last year, I tried to delay the effective date until the regulations were published and business owners were given a reasonable chance to understand it. No one believed it was going to be a problem; now they know better.

Now House Ways and Means Chairman ROSTENKOWSKI is advocating simplification of section 89. Chairman ROSTENKOWSKI believes that the heart of section 89—stopping the issuance of enhanced health insurance plans to higher paid employees—is worth the eventual enforcement of the law. Well, I spoke to a Burnsville, MN, insurance agent recently at one of our State fairs. His name is Paul Brand, and I think what he has to say should be heard. Paul Brand tells me that in the 4 years he's been working in insurance, he has yet to place one plan more preferential for an employer over an employee. Brand went on to tell me the true effects of section 89. That is a boon to lawyers who must help employers through the maze of regulations, and that other less scrupulous insurance agents use the specter of section 89 to prevent competition.

I can add to Paul Brand's assessment. The real tragedy of all this is many small employers will out of frustration, simply cancel their group health insurance policies, leaving their employees without affordable coverage. Then the proponents of this legislation will come back and argue that employers aren't providing insurance for their employees, so the Federal Government should adopt new regulations mandating health insurance coverage. Maybe that's what they intended all along.

Simplifying the rules of section 89 is not the answer. Outright repeal is the only reasonable solution, and I intend to continue pursuing that objective here in the Senate.●

ED ROMERO, HISPANIC BUSINESSMAN OF THE YEAR

● Mr. BINGAMAN. Mr. President, It gives me great pleasure to recognize Mr. Ed Romero from my home State of New Mexico, who was recently honored as Hispanic Businessman of the Year by the U.S. Hispanic Chamber of Commerce, a national group made up of local and State Hispanic Chambers and business organizations.

Mr. Romero successfully founded the Albuquerque-based Advanced Sciences, Inc. [ASI], in 1977 with a commitment to technical excellence, quality performance, and client responsiveness in systems engineering involving environmental engineering and hazardous waste management. Since that time, ASI has evolved into a growth-oriented, professional, and technical services organization with over 300 professionals and facilities throughout the country. The advancement of ASI has been rapid and consistent which is reflected in the organization being listed among the top 100 companies in the State of New Mexico, and featured in Inc. magazine's 500 listing as one of the fastest growing companies in the United States.

Under Mr. Romero's direction and motivation, ASI has become involved with projects at both Sandia and Los Alamos National Laboratories, contributing to programs including the neutral particle beam, systems engineering, high energy microwave, and SDI related research.

As a descendant of a native northern New Mexico family dating back to 1608, Mr. Romero has contributed greatly to the Hispanic community. His example reflects highly among the growing number of Hispanic Americans who are effectively and increasingly contributing their energy and talents in business, government, and other areas of industry. In parallel with National Hispanic Heritage Month, Mr. Romero exemplifies that hard work, positive images, and visibility contribute to success.●

BENEFITS TO MARYLAND IN FISCAL YEAR 1990 TRANSPORTATION APPROPRIATIONS

● Ms. MIKULSKI. Mr. President, I would like to commend the Senator from New Jersey [Mr. LAUTENBERG] for his leadership as chairman of the Senate Committee on Appropriations Subcommittee on Transportation in bringing the fiscal year 1990 Transportation appropriations bill to the Senate floor. Senator LAUTENBERG has delivered this bill on time and on target. As always, this bill could not have reached the floor without the hard work and dedication of staff. I want to thank Pat McCann, Don Knowles, Joyce Rose, and Joe McGrail for their efforts in assisting Senator LAUTENBERG. I would also like to acknowledge the role of the ranking minority member, Senator D'AMATO, in moving this important legislation through committee in the spirit of bipartisan cooperation. Anne Miano of his staff is to be praised for her hard work and assistance.

Mr. President, I want to thank Senator LAUTENBERG for his help in funding important projects in the State of Maryland. But I also want to thank him for his leadership in helping to shape our national transportation policy. He has managed a bill that balances the vital transportation needs of our country: from upgrading our highways to developing new solutions for mass transit, from providing the Coast Guard with the resources to catch drug runners to providing FAA with the technology to prevent terorrist attacks. The committee has met the President's request to increase drastically the outlays for the Coast Guard and the FAA without abandoning Amtrak or mass transit.

I would like to call attention to a few items in this bill that are of particular importance to Maryland.

This bill contains an appropriation of $73.4 million for the Washington Metro, America's Subway. These funds will be used for construction on the Red Line in Montgomery County and the Green Line in Prince Georges County. Metro is important to Maryland, the District, and Virginia, but it is also important to our Nation because Metro takes America to work. That is, it takes tens of thousand of Federal workers to their jobs every day—from the Pentagon on the Blue Line to HUD on the Yellow Line to NRC on the Red Line.

This bill also appropriates $55 million for continued work on the northeast extension of the Baltimore Metro from downtown Baltimore to the Hopkins Medical Complex, the city's largest employer. There are also $10 million in funds in the new start category for the central corridor light rail project.

Senator LAUTENBERG's support for mass transit has been unflagging despite efforts by the administration to divert funds from these programs to support budget increases for FAA and the Coast Guard. Mr. President, we have to make the skies safer, we have to stem the drug tide, but we can not abandon our commitment to mass transit, passenger rail and improvements in our highway infrastructure. These are all national transportation priorities.

This bill provides $70 million in interstate highway funds that will be used for projects throughout the State of Maryland. Also included in this bill are $4 million for the repair and renovation of two Amtrak bridges in Baltimore and Harford Counties. I am hopeful that construction will now move forward to insure that the rails are safe in the heavily traveled Northeast corridor.

Finally, I want to call attention to the issue of highway safety. American motorists want to reach their destinations on time, but they want to reach their destinations safely. This past year we have witnessed an alarming number of accidents on our Capital Beltway involving the Transport of hazardous materials. My concern for highway safety has led me to request that report language be included in this bill to fund and improve existing programs for highway safety, from an increase in safety inspectors to the continuation of a drug interdiction program. I ask for the support of the Senate for these important safety programs.

In closing, let me congratulate Senator LAUTENBERG, once again, for his efforts. I urge my colleagues to vote for passage of this bill.●

TRUMBULL NATIONAL LITTLE LEAGUE ALL STARS

● Mr. LEIBERMAN. Mr. President, I would like to take this opportunity to recognize the outstanding accomplishments of the Trumbull National Little League All Stars. On August 26, as the whole world watched, these 11- and 12-year-old boys captured the 1989 Little League World Championship in Williamsport, PA.

In defeating the team from Kaohsiung, Taiwan, by a score of 5 to 2, Trumbull became the winner of an elimination tournament consisting of more than 7,000 all-star teams worldwide. To get to that historic final game, Trumbull had to win five games in their double elimination district tournament. They only faltered once as they dropped one game to Park City American by a score of 2 to 0. But the Trumbull boys came right back and beat Park City 7 to 0 in the finals to avenge their previous loss the team would suffer on their way to Williamsport. With their district title firmly in hand, Trumbull stormed through the State and regional tournaments, winning seven straight games by a combined score of 83 to 19 to get to the world championship.

In Williamsport, the team faced stiff competition from Davenport, IA, in the opening game. The entire team responded to the challenge, though, and managed to squeeze out a 4 to 3 victory which placed them in the American championship against San Pedro, CA. In this game, as well, Trumbull rose to the occasion, capturing a hard-earned 6 to 3 triumph to set up the confrontation with Taiwan for the world championship.

In the world championship game, Trumbull displayed the well-balanced offensive and defensive talents which enabled them to plow through their opponents and reach the finals. They displayed their muscle: with a home run to all but seal the victory in the top of the fifth inning; with powerful and crafty pitching, as Taiwan was held to only two runs; with stellar defense and fielding, when they threw out a runner trying to tag up from third in the bottom of the fifth inning; and with maturity and poise, as they remained calm despite the pressure of knowing that they were on the verge of doing what no other American little league team had been able to do since 1983—become the Little League champions of the world.

It is with great pleasure that I congratulate each member of the team: Matt Basztura, Dan Brown, Paul Coniglio, Chris Drury, Chris Fasano, Dave Galla, Todd Halky, Jason Hairston, Chris Kelly, Cody Lee, Harlan Marks, Ken Martin, Dan McGrath, Andy Paul, and Matt Sewell. I would also like to recognize manager Tom Galla and coaches Ed Wheeler and Bob Zullo, for volunteering countless hours of their time and for giving the boys the kind of leadership necessary to achieve something this special. This handful of people from tiny Trumbull, CT deserves all the praise accorded to them, knowing that they have accomplished something which most young little leaguers can only dream about.●

LEADERSHIP OF DANNEL McCOLLUM

● Mr. SIMON. Mr. President, one of the most creative ideas that I have seen has been developed by Champaign, IL. The city of Champaign, IL, has unusually able leadership in Dannel McCollum.

It takes houses that are going to be demolished and moves them onto property that was owned by the city—up until recently—and makes that housing available at appreciably less cost.

I urge my colleagues to read the statement I have inserted into the RECORD written in October of last year, as well as a story from the News-Gazette of Champaign-Urbana from September of last year.

This is an idea that my colleagues may want to pass along to their municipalities.

I ask to have this article printed in the RECORD at this point.

The article follows:

[From the Champaign-Urbana News Gazette, September 1988]

SHELTER PROJECT WINS HUD AWARD

(By Julie Wurth)

A community development project that turned an abandoned rectory into a shelter for homeless women and children has brought national recognition to the city of Champaign.

The city was notified this week of its award from the Department of Housing and Urban Development for its work on the women's Emergency Shelter, said Eric Schwaim, housing rehabilitation technician at Champaign's Office of Community Development.

The shelter, at 506 E. Church St., C, is the former Holy Cross Catholic Church rectory, which originally was scheduled to be demolished to make way for a parish building project. The rectory was donated to the city, which then moved it to a city-owned lot, renovated the building and sold it at cost to the women's shelter.

Federal housing officials praised the community development effort as a "model" program that addressed a real need in the city.

"It could be used as a model in many states or communities elsewhere," said Maureen Keating, community planning and development representative at HUD's Chicago office.

Champaign is one of 12 communities in Illinois to receive a certificate through the National Recognition Program for Urban Development Excellence, Keating said.

The program was initiated by HUD Secretary Samuel Pierce to encourage "public and private partnerships to revitalize neighborhood development, jobs, provide shelter for homeless, this type of thing, as part of HUD programs," Schwaim said.

A letter from HUD to Champaign officials praised the city, the shelter and Holy Cross parish for their combined effort, Schwaim said.

Keating said Champaign's project was judged by its impact on the community, its quality and outstanding features.

"It rated highly . . . because of the much-needed service to transient, homeless and battered women," Keating said.

Keating said the project was "unique" because it involved moving a building "across town to a transient neighborhood, helping to stabilize the area to a degree and helping provide a service where it might be needed most."

Schwaim said city officials are pleased with the award.

"This is a very positive sign that our programs are working for the city of Champaign," he said.

He said the Community Development's program to relocate abandoned houses, renovate them and sell them at cost was begun in 1985 at the behest of Mayor Dannel

McCollum, who was then a city council member.

Schwaim also said women's shelter Director Nancy Kyrouac should be recognized for her efforts to "put this on the road map and give this dwelling a permanent place of rest."

Kyrouac said today she was pleased for the city.

"I thought it was kind of exciting," she said. "They've been real helpful."

Except for a few "odds and ends," work on the shelter is complete, Kyrouac said.

"It's great," she said. "The women here comment that this is a nice place, that it's a decent place to stay."●

COLUMBIA

● Mr. METZENBAUM. Mr. President, in the past I have taken this floor many times to criticize and reprimand the natural gas industry, and in particular Columbia Gas of Ohio, which is the largest supplier of gas in my State.

So when Columbia Gas does something well I want to be the first to congratulate them, and today is such an occasion.

This morning I had the pleasure of seeing first hand the *Columbia*, the Nation's first transit bus designed and built to run exclusively on natural gas. I am proud of the role that Ohio industry played in making this idea a reality.

It was a real team effort. Led by Columbia Gas, it was a partnership with several major Ohio businesses and agencies.

The manufacturing expertise was provided by Flxible Corp. of Delaware, Ohio a longtime Ohio corporation and the producer of about half of all buses sold in the United States.

Another Ohio company, Comdyne I, developed the natural gas cylinders. The cylinders carry the equivalent of 128 gallons of fuel, enough to go more than 400 miles, the normal daily mileage for a mass transit bus, on a single fill-up.

Columbia Gas did have to go across the Ohio border for one important part of the bus. The specially designed engine was made by Cummins Engine of Indiana, the Nation's largest diesel engine manufacturer.

Continuing the Ohio connection, the Central Ohio Transit Authority will demonstrate this new natural gas bus during the next 6 months. Appropriately, the bus was unveiled in a Columbus, OH, ceremony earlier this month.

Ohio has had a long-standing leadership role in alternative fuels, in large part thanks to the State government. Ohio's Hocking Technical College is the home of the Vehicular Fuels Institute, which is a recognized national leader in Compressed natural gas research and training.

A primary goal of these efforts is to have a bus ready for commercial service by 1991 when the EPA's new national emission standards go into effect for new transit bus diesel engines. Current diesel engines do not meet the 1991 engine emission standards, and new technologies are needed.

Unlike other projects, the *Columbia* is a dedicated natural gas bus, and the first with a diesel engine. The performance of the *Columbia* bus is virtually the same as a conventional diesel vehicle. It can attain a speed of over 58 miles an hour and has a seating capacity of 47. It is 40 feet long, 8½ feet wide, and 10 feet high.

The development of the *Columbia* appropriately comes as Congress is considering clean air legislation. Natural gas is much more clean burning than other fuels.

Experts nationwide have documented the positive impact natural gas vehicles can have on reducing major urban air pollutants, especially carbon monoxide, reactive hydrocarbons, and particulates. This means that natural gas vehicles may become a powerful tool in cleaning up urban smog. And, compared to other fuels, natural gas produces the least amount of carbon dioxide, the most notorious greenhouse gas.

I might add that natural gas can be used in a variety of other vehicles, such as cars, trucks, and vans, with similar improvements in air quality.

I am very excited about the prospects for the *Columbia* and other natural gas vehicles. Transit authorities throughout the country have expressed interest in the bus, and orders already are being placed with the manufacturer.

I commend Columbia Gas and the other firms behind this bus' development. I encourage my colleagues to visit the *Columbia* while it is in Washington. I think they will come away, as I did, more hopeful about our Nation's energy and environmental prospects. ●

STUDENT AID READJUSTMENT ACT

● Mr. SIMON. Mr. President, as I have said many times, this Nation must do better in the area of education. In higher education that means doing better to help our young people meet the increasing costs of a college education. That is why I am pleased to introduce today the Student Aid Readjustment Act.

Mr. President, September is the time of year when American families turn their attention to school, and when college students receive tuition bills for the upcoming academic year. Every year, we are shocked by the ever increasing cost of attending college.

Since 1980, there has been a 9.8-percent annual increase in the cost of a college education—an increase twice the rate of inflation. Since the 1980-81 academic year, the average cost of attending a public, 4-year college has risen from $2,487 to $4,156. During the same period, the average cost of a private, 4-year college has nearly doubled from $5,888 to $11,210. The American Council on Education estimates that the cost of public and private colleges will increase by 18 percent and 13 percent respectively over the next 2 years.

More and more, families must struggle with the increasingly difficult task of finding ways to meet these education costs. As I travel through Illinois, uppermost in the minds of parents with college-age children is the cost question, "How are we going to afford the cost of college?"

These families, in particular, know that Federal student financial aid has not kept pace with increasing college costs. In the last 9 years, the cost of college—adjusting for inflation—has risen by 40 percent while Federal assistance for college students has risen by only 3 percent. Over the course of the 1980's, the Federal share of available aid has decreased from 83 to 75 percent, and neither Federal student financial aid nor family income has kept pace with the increasing costs of college.

Moreover, the way in which the Federal Government helps families and students pay for college has dramatically changed over the years. The cornerstone of our Federal student aid programs has shifted from the Pell Grant Program, which provides direct grants to students, to the Guaranteed Student Loan [GSL] Program, which provides federally guaranteed loans to students through commercial banks and other lenders.

The law establishing the Pell Grant Program states that its purpose is to provide 75 percent of a student's cost of attendance when combined with parental assistance, State grants, and the smaller Federal grant programs. Yet, we are far from meeting the level of assistance that Congress intended. In spite of authorized increases in the maximum Pell grant, funding for the Pell Grant Program has not been sufficient to keep pace with the Consumer Price Index, nor with college costs.

At the beginning of this decade, the maximum Pell grant covered 44 percent of the average cost of postsecondary education. Today that figure has dropped to 27 percent. Currently students are forced to borrow 70 percent of their education costs. We are telling our young people that it is almost essential that they obtain a college degree and yet, we offer only minimal assistance in direct grants.

Mr. President, the Federal shift from grants to loans, has had several harmful effects. For one, it has denied access to higher education for low-income students and minority students, in particular. The most recent evidence of this harmful impact comes from the National Research Council on Black Americans, which has completed a comprehensive study entitled, "A Common Destiny: Blacks and American Society", assessing the status of Blacks in America. This study documents the fact that since 1977, there has been a marked decline in college entry among black high school graduates, while there has been a period of unprecedented growth in college entry rates among white high school students. The study attributes the enrollment decline to the decline in financial aid assistance and, in particular, the shift in type of aid from grants to loans.

Another recent report of the American College Testing Program [ACT], "Missing College Attendance Costs: Opportunity, Attendance and Risk," reports on college attendance costs and reviews the current status of higher educational equity for women, racial minorities, and low-income groups. The ACT report concludes that the equity achieved during the 1970's has been eroded during the 1980's as college attendance costs continue to increase. The report contends that these costs are not fully addressed in the financial aid system, yet the costs do impose barriers to higher education.

Mr. President, the implications of our current inability to adequately meet the financial needs of college-age students are frightening. Fifty percent of all job classifications today require some education beyond high school. That percentage is expected to increase to 75 percent by the next decade, and the demand for college graduates in the work force is growing.

Our future work force will be comprised of workers who are primarily older, women, and persons who are economically or educationally disadvantaged. Blacks, Hispanics, Asians, and other minorities will account for 57 percent of the work force growth from 1986 to the year 2000. Women and minorities will account for over 80 percent of the work force growth rate from 1986 to 2000. These groups have traditionally been left behind in the effort to prepare our citizens for the future demands of our increasingly global, technology-based economy. If we as a nation expect to remain competitive and productive in the world market, then we must make the commitment to increase access to higher education for all of our citizens.

The Student Aid Readjustment Act [SARA] would help to reorder our national student aid priorities and assure that equal education opportunities are truly provided for needy students. SARA would restore a balance between Federal grants and loans for college assistance, by making Pell grants an entitlement to students in their first 2 years of study. The remaining years of study would be financed through loans. Under SARA, the maximum amount of a Pell grant would increase to $4,800 for 1989-90, $5,000 for 1990-91, and $5,200 for 1991-92. These limits would provide students with the same amount of Federal assistance they currently receive under both the Pell and GSL programs.

The SARA would improve the effectiveness and efficiency of our Federal student aid policies in several desirable ways. First, grants have been shown to encourage college attendance. Loans present a barrier for some students, particularly for students who are from low-income families or from families burdened by too much debt. Second, the availability of grants instead of loans during the first two academic years has been shown to provide a strong incentive for students to remain in school. Followup studies have documented that students who finance their college studies through grants are more likely to stay and complete their degrees than are students who rely on loans. Additionally, the availability of grants instead of loans during the first 2 academic years would decrease the student loan default rate.

Mr. President, some people believe that providing loans, rather than grants, is a less expensive way to help students meet college costs. In practice, we are discovering that this simply is not true. Costs associated with guaranteed loan defaults, alone, will amount to nearly $2 billion in fiscal year 1989, representing more than a third of Federal expenditures on student financial aid.

Mr. President, we must establish a national goal to increase college opportunities for all Americans, and implement effective strategies, such as the SARA, to accomplish this goal. Federal student aid policy has been developed incrementally. As a result, we find a hodge-podge of well-intended programs that frustrate parents and students and have contributed to the loan default problem. The Student Aid Readjustment Act can help us to rekindle our national commitment to equal educational opportunity for all.●

S. 1630, CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT

● Mr. COHEN. Mr. President, I am pleased to have joined a number of my Senate colleagues in introducing legislation that will take us a long way towards providing clean, healthy air for our children and grandchildren. The Clean Air Restoration and Standards Attainment Act (S. 1630), sponsored by Senators BAUCUS and CHAFEE, along with my colleague from Maine, Senator MITCHELL, is a strong bill that sends the message that we are tired of delays and inaction that prevent the reduction of smog in our cities.

In 1977, Congress passed amendments to the Clean Air Act that gave the Nation's municipalities 10 years to meet the deadlines for cleaning up what was then perceived as a significant pollution problem. In that time, many cities have not taken adequate steps to confront their air pollution problems and many others, for the first time, have violated the standard for ozone that is considered healthful. It is therefore crucial that we enact legislation now that will put more teeth in the law so that deadlines will be met.

In addition, it is necessary that we establish pollution standards for industries and vehicles that emit the elements that contribute to the creation of smog in our cities and the depletion of the ozone in our upper atmosphere. The standards have to be stringent, and technology must be improved, if we are to succeed in reducing the threats to clean air.

We in Maine are fortunate that the pollution we create is, so far, not so severe as in other areas of the country. Nevertheless, the adverse health effects of even a small amount of pollution have been well documented, and it is important that we take action to reduce smog now.

We also should be aware that we are affected by pollution from outside our borders. Last summer, for example, Acadia National Park posted its first health warning because of heavy smog that was carried north from cities along the eastern seaboard. Through its attack on urban smog, this legislation will help solve that problem.

The bill is aimed primarily at reducing smog in urban areas by cutting pollution from autos and other vehicles, although it also would strengthen controls on industries.

The stringency of the controls would vary depending on the level of pollution. The only Maine city directly affected is Portland, which falls into the lowest classification—moderate pollution—and would have 5 years to comply. At the other end of the spectrum is Los Angeles, which is classified as extreme and would have 20 years to comply with a more stringent array of antipollution measures. The bill requires most cities to comply with the deadline within 10 years; the most polluted areas receive a longer compliance period because the problems are so severe. Sadly, this need for more time reflects the extent to which air pollution control has deteriorated in those cities.

The bill would also impose stronger tailpipe emission requirements on all light-duty vehicles beginning in model year 1993, extend vehicle warranty coverage for certain pollution control devices, require cities to upgrade vehicle inspection and maintenance programs for residents and reduce pollutants that are found in gasoline and other fuels.

In addition, it would require cities to come up with plans to reduce pollution from other sources, such as industries, which they would have to execute by specified deadlines.

It is hoped that the requirements in S. 1630 will be strong enough so that those who are particularly vulnerable to the pollutants that cause smog—children, the elderly, those with respiratory illnesses and heart diseases—will not have to wait too long for some improvement. I think it is important that we make sure the future looks brighter for all those who suffer when smog fills the sky and turns it an unnatural hue.

I am pleased to be a part of the effort to address our pressing air pollution problems, and I look forward to the start of the Environment Committee's deliberations on this and other important issues, such as acid rain.

There is certainly no time like the present for taking action on amendments to the Clean Air Act, and I sincerely hope that we will accomplish a significant strengthening of the Act before the close of the 101st Congress.●

MOTT'S YOUNG READER AWARD

● **Mr. SIMON.** Mr. President, in recognition of National Education Day, I would like to take this opportunity to recognize three very special 1989 Year of the Young Reader and Mott's Apple award winners from the State of Illinois: Maya Moseberry of Chicago, David Updegraff of Homewood, and Donald Ziel of Coal Valley.

These three were among the 21 grade-school children selected from over 70,000 applicants as winners of the Mott's Apple Award. The award, presented by Mott's, is in recognition of "America's young readers and the teachers who inspire them."

Mr. President, as I have said many times, education must be a top priority for this Nation. The quality of education for our children has been widely criticized. If we are to continue to stay competitive in the modern world economically and socially; if we are serious about fighting the wars on drugs, poverty, and AIDS, and if we are serious about giving our children a future to look forward to; we must stress the importance of education across the Nation. It is important that we strengthen our public school system so that every child has equal access to a quality education.

Education is the key to success. The future of our country lies in our children. To offer them every opportunity to make the most of that future, we must give them the best education possible. Reading and writing unlock a world of possibilities and opportunities.

Mr. President, too many fellow Americans do not have the basic tools of learning. There are at least 23 million people in America that are functionally illiterate. I have introduced the Illiteracy Elimination Act (S. 1310) which will coordinate and strengthen literacy efforts at the Federal, State, and local levels and by private sector and nonprofit groups. It is designed to give structure and focus to currently fragmented literacy efforts, to increase funding for effective programs, and to create new programs to combat this problem.

On behalf of my colleagues, I would like to commend the educators and Mott's for establishing this fine award and would encourage other businesses to follow this lead in recognizing excellence. The fight against illiteracy can be won and contributions from organizations like Mott's contribute to the fight.

Yesterday, 6 of the 21 winners were honored at the Library of Congress as national winners. These children's essays and drawings which answered the question "Why I love books," best reflected the character of all the entries.

Mr. President, 8-years-old Maya Moseberry was one of those six children. Maya is a wonderful example of the strength that books possess. While the problems of the Chicago public school system have been well documented in the press, Maya and her teachers are examples of what can be accomplished in Chicago schools. Facing great adversity and barriers that might have prevented others from growing, Maya has developed into the bright articulate fourth-grader that I enjoyed speaking to yesterday. Each of the awardees has an exciting future ahead of themselves.

Many of the entrants described how reading a book can take them away from the real world to experience things they can only dream about. The entrants stated that due to reading their imagination was their only boundary. They could visit exotic places, do exciting things, and learn interesting facts through the power of books. The Illinois award winner essays reflect these feelings.

> I love books because they can help change the way I feel. Sometimes I am sad and if I read a funny story, it helps me to feel a little better. Sometimes I forget that I was ever sad.
>
> Books also tell me about other lands and countries. When I read about different places that I get so excited about how other people live that I try to imagine living there myself.
>
> Books of poems are really special to me because I like the way words rhyme and tell a story. Poems can also tell how some one feels and are often things I know about and feel myself.
>
> There are even books that teach how to do things. I would love to have a cookbook when I grow up because although I help my mother cook, I'm not sure if I'll know how to do it when I become a grown up!
>
> The main reason I really love books is, I remember when I couldn't read, books were just a bunch of words and now that I can read books are the best discovery that I have found. I am very happy to know how to read.—MAYA MOSEBERRY.

> Have you ever been bored to death. Well, I almost was because of my sister. My sister is a junior olympic swimmer. In order to be a junior olympic swimmer she practices 6 days a week for 2 hours and swims in swim meets each week-end. There is nothing worse than a hot, steamy, chlorine-smelling pool when you aren't a swimmer. Swim practices are long. Swim meets take forever! I used to complain a lot about her swimming by saying: "Mom, how many more hours?" My second grade teacher gave me some good books to read at the meets.
>
> Last year my sister went to Indianapolis for a swim meet. I went to Klickat Street in *Henry and the Club House.* We went to St. Louis for a meet. I went to Narnia in *The Lion the Witch and the Wardrobe.* Then we went to Milwaukee, but I was solving a mystery with the *Hardy Boys.* I have a new way of judging swim meets. Some meets are two book meets, some, three and real long ones are four. My sister only gets to be a swimmer, but I've been everything. I've read forty books since September and usually read a hundred by the end of the swim season. Books saved my life and I never have to worry about writing a book report.—DAVID UPDEGRAFF.

> Why I like to read is the question you ask.
> To answer that hard question won't be a simple task.
> I read a lot of books because they give me pleasure,
> A very good book is a real treasure.
> You can help Encyclopedia Brown save the day,
> Or go outside with
> Beezus or Ramona and play.
> You can go into space with Tom Swift,
> Or get yourself caught in a huge snowdrift.
> Go and see Hans Brinker's skates,
> Or take a look and see how a butterfly mates.
> Learn a little information about China,
> Or find out what kind of worm is a trichina.
> Discover how a rose can bloom,
> Or find out how to make a real big boom.
> Walk around a shipyard in the morning fog,
> Or run across a field with a shaggy dog.
> You can find every story or fact in a book,
> All you need to do is take a look.—DONALD ZIEL.

Mr. President, I ask that each of my colleagues join me in congratulating these exceptional young readers and writers.●

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M.; MORNING BUSINESS; RESUME CONSIDERATION OF H.R. 2990

Mr. LEAHY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on Thursday, September 21 and that following the time for the two leaders, there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I further ask unanimous consent that at 11 a.m., the Senate resume consideration of Calendar No. 235, H.R. 2990, the Labor, HHS appropriations bill for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we could almost have a coup here. I just realized the distinguished Senator from Wisconsin and I are now the acting leadership of this body.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. LEAHY. Mr. President, if the distinguished acting Republican leader has no further business, I see no Senator seeking recognition, and I now ask unanimous consent that the Senate stand in recess under the previous order to 10:30 a.m., Thursday, September 21, 1989.

There being no objection, the Senate at 12:27 a.m., recessed until Thursday, September 21, 1989, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1989:

DEPARTMENT OF STATE

RICHARD HUNTINGTON MELTON, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

INTERNATIONAL ATOMIC ENERGY AGENCY

JAMES D. WATKINS, OF CALIFORNIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 33D SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

DEPARTMENT OF AGRICULTURE

CATHERINE ANN BERTINI, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE JOHN WILLIAM BODE, RESIGNED.

DEPARTMENT OF EDUCATION

CHRISTOPHER T. CROSS, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION, VICE PATRICIA MAYES HINES, RESIGNED.

THOMAS E. ANFINSON, OF CALIFORNIA, TO BE DEPUTY UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION, VICE PATRICK PIZZELLA, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1989:

DEPARTMENT OF STATE

EDWARD JOSEPH PERKINS, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

INTERNATIONAL MONETARY FUND

THOMAS C. DAWSON II, OF THE DISTRICT OF COLUMBIA, TO BE U.S. EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive nominations withdrawn from further consideration by the Senate by the President, September 20, 1989:

DEPARTMENT OF EDUCATION

PATRICIA MAYES HINES, OF SOUTH CAROLINA, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION, VICE CHESTER EVANS FINN, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

PATRICK PIZZELLA, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION, VICE MARY MCNALLY ROSE, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

EXTENSIONS OF REMARKS

MAJORITY LEADER RICHARD A. GEPHARDT URGES SUPPORT FOR DEMOCRACY IN POLAND AND HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. LANTOS. Mr. Speaker, we are facing a historic turning point. Unprecedented changes that are taking place presently in Eastern Europe which provide the United States a unique opportunity to influence positively the course of events in that important region of the world.

Today the Foreign Affairs Committee's Subcommittee on Europe and the Middle East held an important hearing on legislation to encourage democratic development in Eastern Europe. House majority leader, Congressman RICHARD A. GEPHARDT, made an outstanding statement to the committee urging bold and imaginative American Government action to foster these trends.

Mr. Speaker, I insert the majority leader's testimony in the RECORD, and I urge all of our colleagues to give it serious and thoughtful attention:

Mr. Chairman, I'm pleased to have this opportunity to testify before the Subcommittee on Europe and the Middle East exploring possible U.S. responses to the historic changes now taking place in Poland and Hungary.

The work of this Committee will have a profound effect on the lives of the people of these two countries, and a dramatic impact on the future of Europe and East-West relations.

The Communist world—led by Poland and Hungary—is moving rapidly away from Marx and Lenin and toward Madison and Lincoln. The selection of a non-Communist Prime Minister, the legal recognition of the Catholic Church, and the moves towards pluralism and economic reform have created opportunities unthinkable just a few years ago. And yet when George Bush went to Poland this summer, he was like a poker player with a winning hand, but no chips—and no nerve—to back it up.

The Polish leaders essentially told the President, "Replace Martial Law with a Marshall Plan." Soviet President Gorbachev, facing increasing economic pressures at home and anxious to shed the costs of his Eastern Empire, signed off on the deal. But when Lech Walesa asked him the $10 billion question, the President could only give a $100 million answer.

How ironic it is that at the very moment when American ideals of democracy and economic freedom are sweeping the globe, America's ability to support these changes is starting to decline.

We can now enhance our national security, not through expensive and dangerous strategic systems, but by helping the Polish people break through the Iron Curtain from their side. Such a policy is cheaper, more effective, and more cost-efficient than the status quo reliance on hardware alone. This is one of those situations in which doing the right thing will also save us money.

Democracy in Poland is still fragile; the link between economic and political reform is essential. One-third of the Polish people remain in poverty; the waiting period for an apartment may be 30 years; food lines are a fact of everyday life. Unless there are visible improvements in basic living conditions, there is little hope that democracy will survive.

Now is not a time for the niceties of bookkeeping; now is the time for imagination and innovation. Visionaries do not wear green eyeshades. The President's proposal—$100 million for a Polish-American Enterprise Fund and a couple of smaller programs—is a first step, and I am pleased to co-sponsor his legislation. But it is clearly an inadequate response to the challenge at hand.

While we are waiting, others are acting. Although not seeking, nor suited for, the role of leader of the free world, Japan and Western Europe are being forced into the vacuum created by our inaction. Under the direction of George Bush and his predecessor, we spent more than two trillion dollars to be able to project American strength through our military might. But the harsh reality, as we approach the 21st Century, is that *true* strength is measured in megabytes—not megatons.

The President has focused on what we can't do to help Poland. He says we can't risk offending the Soviets; we can't spend more money; we can't establish precedents that would apply to other countries. We need to turn this thinking on its head—what we can do.

In several key areas, this Committee has developed and the House has approved imaginative programs to assist Poland, especially in HR 2550 and the foreign aid authorization bill. I believe that this Committee should mold these programs, the Administration's proposal, and other good initiatives together into an eleven-point Poland Economic Recovery Initiative.

I would like to briefly outline for you the specific proposals that I believe should be part of a combined assistance package for Poland. Then I would like to focus on a few of them.

The first step is to give the Administration every penny it is asking for: an authorization of $100 million. Used creatively as seed money to encourage a coordinated Western effort to foster private sector development and pluralism, this can go a long way. But we must do far more.

We must expand the $10 million already in the House appropriations bill for Poland next year as a down payment in support of the Administration's Private Sector Initiative. We need to get these funds flowing quickly to encourage private development in several key sectors of the Polish economy.

We should immediately ship large quantities of surplus American food to Poland, tying this aid to the development of programs to encourage Polish agriculture.

We must instruct our delegates at the Paris Club to support relaxed conditions for the rescheduling of Polish foreign debt, including Poland's official debt to the U.S. government.

We must instruct our delegates at the IMF and World Bank to develop substantial and timely financial support for Poland's economic reform program.

We must allow the Overseas Private Investment Corporation to approve insurance for investment projects in Poland, which would provide an important incentive to private Americans to help the effort for Polish recovery through private investment and joint ventures.

We must expand assistance to democracy-enhancing institutions in Poland, such as AFL-CIO and National Endowment for Democracy programs to support Solidarity.

We must encourage Eximbank, the Commodity Credit Corporation, and the Trade Development Program to initiative appropriate new programs in Poland.

We must make Poland eligible for duty reductions under the Generalized System of Preferences, enhancing Poland's commitment to export-driven development.

We must assist private U.S. groups to contribute to Polish recovery, using as a model the outstanding work of the Rockefeller Foundation and the Ford Foundation to revive the Polish farm sector.

Finally, drawing on the Administration's designation of Poland as an AID recipient country last week, we must activate a variety of small but important bilateral and multilateral assistance programs. These include training and education programs to provide the skills needed for a modern economy.

The most important immediate action we can take is to begin shipments of food aid. In 1948, when the Soviets were constructing the Iron Curtain across Europe, Harry Truman responded with the Berlin Airlift to bring essential commodities into that divided city. Today, when we have a chance to bring down at least a part of that Curtain, we must respond with similar dedication.

American corn, wheat, and other surplus commodities must begin to flow into Poland by the ton. We must provide immediate relief for food lines and demonstrate clearly to Poles the benefits from a new pluralism.

We must act immediately to help relieve Poland's debt burden. At the World Bank and IMF meetings later this month, we must push for adoption of a coordinated, sympathetic view toward Poland.

The Paris Club should consider proposals to reduce interest rates on official debt, stretch out debt servicing, and limit repayment to a portion of Polish foreign exchange earnings, with a commitment by the Polish government to use additional exchange for economic restructuring.

The IMF should then launch a stand-by program to help Poland weather the storm of painful economic reforms. The World Bank should chip in with loans to make social improvements in hosing, health care, and the environment. The United States must not be perceived as being dragged into these measures, afraid of the precedents we might establish: we must lead the effort.

Next week, when Secretary Baker meets with the Soviet Foreign Minister, he should

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

point out our stake in Polish recovery, and urge the Soviets to suspend repayment requirements on the $3 billion which Poland owes them.

Finally we must gear up many U.S. official and private programs. Since the removal of sanctions, the pace of contact has not picked up as it should. Cultural and scientific exchanges; projects of private voluntary agencies; perhaps even the Peace Corps—these and other people-to-people programs must begin. Poland has opened its door to the community of nations. These contacts can help ensure that the door will not be slammed shut again.

Mr. Chairman, I know the budgetary and institutional constraints that you and this Committee will face in putting together a comprehensive response to support Polish democracy and economic reforms. But the eyes of history are upon us. In 1776, America's hour of greatest need, Poland sent heroes like General Pulaski to help us fight for our freedom. And history will indeed judge us harshly if, in Poland's hour of greatest need, we can offer nothing but an empty hand in return.

ASSISTANCE PACKAGE FOR POLAND

1. Provide an authorization of $100 million for the Polish-American Enterprise Fund, as proposed by President Bush.

2. Supply large quantities of food aid from U.S. surplus stocks; these commodities will be sold in Poland for local currency, which will be used for agricultural development projects to help Poland feed itself.

3. Instruct our delegates at the Paris Club to support relaxed conditions for future rescheduling of Polish foreign debt, including Poland's official debt to the U.S. government.

4. Instruct our delegates to the World Bank and IMF to support new assistance for Poland to re-structure its economy.

5. Expand the existing Private Sector Initiative, under which $10 million is being supplied to Poland in FY-90 to encourage private development in several key economic sectors.

6. Authorize the Overseas Private Investment Corporation to approve insurance for investment projects in Poland, which would provide an important incentive to private Americans to help privatize the effort to economic Polish recovery through investment in joint ventures.

7. Expand assistance to democracy-enhancing institutions in Poland, as with AFL-CIO and National Endowment for Democracy programs to support Solidarity.

8. Encourage Eximbank, the Commodity Credit Corporation, and the Trade Development Program to initiate appropriate new programs in Poland.

9. Make Poland eligible for duty reductions under the Generalized System of Preferences, enhancing their commitment to export-driven development.

10. Assist private U.S. groups to contribute to Polish recovery, using as a model the outstanding work of the Rockefeller Foundation and the Ford Foundation to stimulate Polish agricultural development.

11. Use Poland's new designation as an A.I.D. recipient country to develop new bilateral and multilateral aid programs.

BIRTHDAY GREETINGS TO THE HONORABLE WILLIAM H. NATCHER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ANDERSON. Mr. Speaker, for those that were not aware, September 11, 1989, marked the birthday of an institution within this institution. The Honorable WILLIAM H. NATCHER, who recently cast his 16,000 consecutive vote since his arrival in the House of Representatives, celebrated his 80th birthday. In honor of this occasion, I would like to submit the following letter to the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1989.

Hon. WILLIAM H. NATCHER,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN NATCHER: I was quite impressed the day that you cast your 16,000th consecutive vote since your arrival here in Congress. However, I find it even more impressive that today marks your 80th year (that's 29,000 days, 700,800 hours or 42,048,000 minutes) of getting up in the morning. I will leave it up to you to decide which is more impressive.

It has been a pleasure serving with you over the past two decades. I am confident that the next two decades of service with you will be just as gratifying.

Happy Birthday!

Warmest regards,

GLENN M. ANDERSON,
Member of Congress.

A TRIBUTE TO THE ANIMAS HIGH SCHOOL PANTHERS

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. SKEEN. Mr. Speaker, today, I rise to recognize an important achievement by a high school in my district in southwestern New Mexico.

With last Friday's victory, Animas High School ran its winning streak to 53 games now, the longest current high school streak in the Nation.

Yesterday, Jim Huber of CNN sports in Atlanta, paid tribute to Animas High School's achievement and the proud citizens of Animas. Mr. Huber took note of the struggles and successes of Animas High School in its effort to succeed. It is a fitting tribute to these proud citizens of Hidalgo County.

I would like to insert Mr. Huber's commentary in the RECORD so that we all may share in the success of the Panthers, the pride and joy of Animas, NM.

COMMENTARY BY JIM HUBER, CNN SPORTS, ATLANTA

Broadcast date: Tuesday, Sept. 19, 1989.

If the world must have a victory capitol, it is appropriate that it be tucked away south on New Mexico Highway 338, southwest toward the border—nudged by mountains and yucca plains. It is good that it might be difficult to find, hidden from view and mind. Like an all-knowing maharishi high atop the Himalayas, we should have to struggle to discover the wonderful elixir of victory.

Surely it bubbles in tiny Animas, New Mexico, where the Panthers have run their winning streak to 53 games now—the longest in the high school football nation.

Animas is just an intersection on Highway 338, really, where kids from Cotton City and Road Forks and Apache gather—180 students in grades seven through 12. But 80 percent of the boys play football, and play it as good as any team in the nation, in any division. Regularly, they schedule much, much larger schools for two reasons. One, nobody is much smaller. And two, only the big schools will agree to play them. It is not uncommon to drive four and five hours for a game.

Animas, New Mexico, farms and ranches, copper smelting on the continental divide . . . there is not a rock-and-roll radio station within reception distance. The boys can buy hot sandwiches and soda on credit at Dunagan's after practice. Friday mornings, Billy Henson meets his senior players there for breakfast. One more rule, no football talk; 53 straight wins.

You would picture Animas High School a monument to the spoils of victory. But the training room doubles as a classroom. The lockers were made by Coach Henson. The weight-room floor is made of discarded conveyor belts. No weekend practice, no summer work and no mirrors. This is a team that overwhelms its opposition every Friday night with wonderful fundamentals. Opponents finish merely shaking their heads in appreciation; 53 straight wins.

Not one of these kids knows what it's like to lose. Chances are, as they close in on the national record of 76 in a row set by a team from Oklahoma City in the early '50s, that might change. They claim not to feel the pressure, pretend not to think of the record. But if that happens, no matter. Credit will still be good at Dunagan's, and the lessons they've learned will last forever.

With a commentary, Jim Huber, CNN.

FRONT AND REAR LICENSE PLATES AID POLICE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. OXLEY. Mr. Speaker, I wish to bring to my colleagues attention a law enforcement tool which is not frequently mentioned in the media, but is significant to the law enforcement community and to our citizens on the streets—the front and rear license plates on motor vehicles. At their recent national convention in Oklahoma City, the Grand Lodge of the Fraternal Order of Police highlighted their importance by passing a resolution in support of the use of both plates.

The use of two license plates is further highlighted by a recent criminal case in Columbus, OH known as the handcuff rapist case. In this instance, the front license plate was used in the apprehension of a suspect by one of the rape victim's parents. The suspect was later tried and convicted of 66 counts of rape, kidnapping, and aggravated assault. Fortunately for the citizens of Ohio, he was sentenced to life in prison plus an additional 2,715 years.

Mr. Speaker, I would like to enter into the RECORD the text of the resolution passed by the Fraternal Order of Police and an editorial from the Columbus Dispatch which highlights the dramatic case of the handcuff rapist.

FRATERNAL ORDER OF POLICE RESOLUTION

Whereas law enforcement officers have numerous traffic safety and crime control responsibilities, and

Whereas front and real license plates are recognized as an important law enforcement tool in the performance of their duties, and

Whereas the elimination of the front plate has serious consequences for protection of the general public and our officers, and

Whereas some states have considered eliminating the front plate: Now, therefore be it

Resolved, That the Board of Directors of the Grand Lodge, Fraternal Order of Police, hereby opposes efforts to eliminate the front plate and encourages adoption of two license plates in one plate states, and be it further

Resolved, That the Board supports legislation or administrative action which minimizes the obstruction of license places or increases visibility.

[From the Columbus Dispatch, Aug. 28, 1989]

GOING THE EXTRA MILE

For more than a year, the mother and father of a rape victim put themselves at risk in the off chance that they could trap their daughter's attacker. The mother acted as a decoy while the father, armed with a pistol watched from a nearby car.

The odds against their success were astronomical. That they would succeed and avoid being harmed was even less likely.

The couple was driven by the mother's rage and the belief that their daughter's healing could never begin while the attacker roamed free. Consider the restraint the father showed in not firing his gun as the suspect fled.

At the outset, the couple had elected to do their own detective work, convinced that the understaffed Columbus Police Division could not do it for them. "They (police) can't drop everything to work on one case, when they have fresh cases with fresh leads," the father said.

The police discouraged them, mindful from personal experience that prolonged stakeouts seldom produce more than disappointment and frustration.

On several nights, the mother stood in darkness at the bus stop at E. Broad Street and Latta Avenue, where her daughter had been attacked. On Aug. 5, the mother was grabbed from behind, carried to a grassy embankment, knocked down and threatened at gunpoint. Her husband quickly came to her aid and, gun drawn, ordered the attacker to stop. The suspect fled but his car's license number was reported to police. It was the beginning of the end of a family nightmare.

In a worst-case scenario, the father could have been shot and the mother subjected to the same attack her daughter had endured. But good fortune was theirs.

Unknown to the couple, a Columbus police officer earlier had spent off-duty hours cleaning up an abandoned railroad shack at the scene of a previous attack blamed on the same suspect. The officer hoped, as the couple had, that the odds would favor a repeat use of the same location, where incriminating evidence might be gathered.

The long shot paid off. Physical evidence linking the suspect to a subsequent rape was obtained. Columbus police now believe they have the man whom they earlier dubbed the "handcuff rapist" in custody. Police think the suspect may have been involved in 60 or more rapes.

It's impossible not to admire the courage and tenacity of the parents who went to such incredible lengths to see justice done. Yet, their actions are not the kind the police would advise. The risks are great. At a press conference Friday, the couple stressed that they would not recommend that the parents of other crime victims pursue suspects.

Although the couple succeeded in confronting the suspect, the mother admits, "Everything went wrong," and imagine the father's dilemma. How many men whose daughter had been viciously raped and his wife attacked by a person he believed to be the same man could have resisted pulling the trigger at some point? Yet to have done so could have led to grave consequences, not only for the father but for the investigation to which he made a vital contribution.

Police also deserve credit in this case. As it unfolds, evidence officers collected combined with information from the couple and other rape victims have linked the suspect to scores of attacks.

So here is a case where going beyond the ordinary appears to have paid off against all odds. Unusual effort by devoted parents. Unusual effort by a dedicated police officer.

The suspect had spent 11 years in an institution for the criminally insane after being convicted in the abduction-rape of an Akron woman in 1972. He came to Columbus early in 1984. It's important to remember that this man is only a suspect at this point. The courts will decide his guilt or innocence.

It should be emphasized that it's not prudent to suggest that ordinary citizens take the route this mother and father did. Taking to the streets, armed and in search of someone who committed an assault against one's child, is risky business.

Yet, it's impossible not to salute these parents for their courage and perseverance. They went the extra mile. If, indeed, she ever doubted it, their daughter has to know now what loving, dedicated parents she has.

LEGISLATION REQUIRING OMB TO DISCLOSE REGULATORY ACTIVITIES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. WEISS. Mr. Speaker, today I am introducing legislation to require the Office of Management and Budget [OMB] to publicly disclose its regulatory activities. As my colleagues are aware, OMB now exerts a major influence on the regulatory activities of all Federal agencies, especially in the areas of health, safety, and the environment. The time has come to hold OMB more accountable for its actions.

Congress has passed health and safety laws, and delegated implementation of those laws only to the specific agencies with expertise in the relevant subject matter. OMB has no statutory right to alter the decisions of the agencies empowered by Congress to protect the public's health. Therefore, as far as I am concerned, OMB's so-called "regulatory review" activities over the last 8 years are illegal.

One of the most troubling aspects of OMB's review of regulations is the secrecy in which it takes place. Behind closed doors, nameless and faceless OMB employees—using the powers granted them not by statute, but by executive order—have forced expert agencies like the Food and Drug Administration to alter regulations. Often these orders are issued over the phone, with no documentation of the communication.

While reasonable persons may disagree over the proper scope of "regulatory review," I hope we can all agree that our system of open, participatory democracy demands that Congress and the public be provided access to the record of OMB's influence in regulatory decisionmaking. The Administrative Procedure Act and fundamental principles of constitutional law demand as much.

The Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege to chair, has documented numerous instances where OMB has influenced and interfered with the decisionmaking process in critical areas such as food safety, the drug approval process, food labeling, and workplace safety. I enclose for the record a brief summary of some of the cases of OMB interference that my subcommittee has encountered in the past several years.

My subcommittee is not alone in revealing OMB's tampering with the regulatory process. Cases of OMB meddling with the actions of the Environmental Protection Agency, the Occupational Safety and Health Administration, and other health and safety agencies can be obtained from a variety of committees and subcommittees in the House and the Senate.

Reauthorization of the Paperwork Reduction Act offers a unique legislative opportunity to address the question of how to hold OMB more accountable to the public. My bill is designed to assure that an administrative record, similar to that required at the agency level, is created that describes OMB's substantive activities. The proposal is titled the "Regulatory Influence and Reporting Amendments," and contains five primary components. They are:

First. Require OMB to summarize in writing all oral communications with non-OMB persons regarding any regulatory activity OMB is reviewing or has an interest in, within 1 day of the communication; require these written summaries, and any written communications between OMB and non-OMB persons, to be made publicly available within 3 days after the communication is logged or received.

Second. Require OMB to make any changes or suggestions it has for draft regulations in writing, together with a justification for those changes, to be signed by the Administrator of the Office of Information and Regulatory Affairs; require this writing to be publicly available within 3 days after the changes are signed off by the Administrator.

Third. Require OMB to invite an agency to any meeting OMB has with any non-OMB person regarding any regulatory activity of that agency under review.

Fourth. Require each agency to place in the rulemaking record the draft of each rule or regulation submitted to OMB for review, along with a copy of any changes or suggestions made by OMB; also require each agency to make a written summary of any oral communications with OMB and place those summaries on the rulemaking record.

Fifth. Limit the time for OMB review of regulations to 30 days and order the publication in the Federal Register of any regulation if the 30-day period for review expires without OMB action.

The Committee on Government Operations will soon consider the reauthorization of the Paperwork Reduction Act. We need to assure that the reauthorization process results in making OMB answerable to the American people. I look forward to working with other committee members in crafting comprehensive legislation to bring OMB's considerable regulatory influence under public scrutiny.

EXAMPLES OF OMB INTERFERENCE REVEALED BY THE HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE

COLOR ADDITIVES

In 1982, FDA was prepared to ban six different color additives because agency scientists determined that the additives caused cancer in animals. Under a provision of the Food, Drug and Cosmetic Act known as the Delaney clause, carcinogenic additives must be banned.

At the urging of color additive manufacturers, OMB held numerous meetings with officials of FDA and the Department of Health and Human Services in an attempt to prevent some or all of the dyes from being banned. In a report that was unanimously approved by our full committee, we found that:

"OMB's efforts to influence the Department's regulations of color additives found to be animal carcinogens interfered with scientific, public health decisions that Congress expected the Department and its experts to make." (*HHS' Failure to Enforce the Food, Drug, and Cosmetic Act: The Case of Cancer-Causing Color Additives*, H. Rep. 99-151, 99th Cong., 1st Sess., June 3, 1985, p. 63.)

REGULATION OF THE USE AND SALE OF EXPERIMENTAL DRUGS

In a 1987 hearing, our subcommittee revealed that, at OMB's insistence, the proposed standard of approval for experimental drugs to treat "life-threatening" illnesses was drastically altered. (*FDA Proposals to Ease Restrictions on the Use and Sale of Experimental Drugs*, 100th Cong., 1st Sess., April 29, 1987.) Prior to OMB's involvement, FDA proposed that drug sponsors bore the burden of demonstrating that a drug's benefits outweighed its risks, and that sufficient evidence of safety and efficacy existed.

However, OMB ordered that FDA's proposed standard be changed. A new proposal removed the language requiring sufficient evidence of safety and efficacy. Instead, OMB placed the burden on FDA to prove that the risks posed by a drug were "unreasonable" before the agency could reject an application.

This case was all the more troubling because there was no documentation to identify which OMB employees were responsible for rejecting an FDA proposal that sufficient evidence of a drug's safety and efficacy be required as a condition for approving an experimental drug. OMB was simply acting in the dark.

HEALTH CLAIMS

In 1987, FDA was forced to reverse an 81-year prohibition against explicit disease-prevention claims on food labels. FDA had wanted to keep the long-standing policy in place while it cautiously examined an appropriate system to allow health claims. Instead, OMB forced FDA to expressly abandon the 81-year old ban and plunge ahead with a vague proposed rule to allow health claims. (*Disease-Specific Health Claims on Food Labels: An Unhealthy Idea*, H. Rep. 100-561, 100th Cong., 2d Sess., April 4, 1988.)

In the committee's report on health claims, we said that:

"OMB has become a regulatory Leviathan which, if not brought under greater public scrutiny, will further insulate Government decisionmaking from public accountability, and, in the process, will increasingly undermine the integrity and credibility of agency policymaking and law enforcement activities."—H. Rep. 100-561, p. 33. These words are an apt description of the threat posed by OMB's unchecked "regulatory review" operations.

VIDEO DISPLAY TERMINALS

In 1982, the National Institute of Occupational Safety and Health (NIOSH) started planning a study of the possible hazards of video display terminals (VDTs) on pregnant women, in response to reports of birth defects, miscarriages, stillbirths, and other reproductive problems. In 1985, the study design was completed, but OMB refused to approve it.

OMB had no scientific staff to review the proposed study, so its criticisms were based in large part on reviews conducted by two industry consultants. NIOSH revised the study and tried to answer the concerns raised by OMB. In June 1986, OMB approved the study, under the condition that NIOSH delete 69 questions about stress at work and fertility, which represented approximately one-third of the interview.

Scientists at NIOSH and the Office of Technology Assessment stated that the revisions would seriously weaken the study. Nevertheless, OMB insisted that its revisions be incorporated. In so doing, OMB ignored the recommendations in our report (*Occupational Health Hazard Surveillance: 72 Years Behind and Counting*, H. Rep. 99-979, 99th Cong., 2d Sess., October 8, 1986), and numerous other objections to the OMB revisions.

A study published last year, indicated that VDTs may be causing 100,000 miscarriages a year nationwide, and may also cause birth defects. The NIOSH study is still not completed. However, whatever the results of the NIOSH study, it will be extremely difficult to draw any conclusions, because of the shortcomings of that study—shortcomings that were created by OMB's interference.

A copy of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Influence Reporting Amendments of 1989".

SEC. 2. REPORTING REQUIREMENTS.

(1) LOGGING OF ORAL COMMUNICATIONS.—An employee of the Office of Management and Budget shall log in writing each oral communication between that employee and any person who is not such an employee, which relates to any regulatory activity not later than one day after the date of that communication.

(2) INFORMATION TO BE LOGGED.—Information logged pursuant to this subsection shall include—

(A) the date of the communication;

(B) the names, titles, and affiliations of the participants in the communication;

(C) the subject matter of the communication; and

(D) a brief summary of the substance of the communication.

(3) AVAILABILITY OF INFORMATION.—Information logged under this subsection, and any written communication between an employee of the Office of Management and Budget and any other person regarding any activity of the Office of Management and Budget, shall be made available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the employee, respectively.

(b) SEPARATE RECORD OF REVIEW.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall establish and maintain a separate record for each regulatory activity reviewed by the Office of Management and Budget.

(2) CONTENT OF RECORD.—Each record established pursuant to this section shall include with respect to the regulatory activity that is the subject of the record—

(A) copies of all written materials which are—

(i) received by the Office of Management and Budget from a person who is not an employee of the Office of Management and Budget; or

(ii) provided by the Office of Management and Budget to such a person;

(B) copies of all information logged pursuant to subsection (a); and

(C) copies of any changes made or suggested by the Office of Management and Budget in the regulatory activity under review, including the reasons for such changes as required by subsection (e).

(3) AVAILABILITY OF MATERIALS, INFORMATION, AND CHANGES.—All materials, information, and changes and the reasons therefor referred to in paragraph (2) shall be made available to the public not later than 3 days after they are received, provided, logged, or made, as applicable, in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code.

(c) NOTIFICATION OF AGENCY REGARDING MEETINGS AND CONTRACTS.—The Director of the Office of Management and Budget—

(1) shall notify the head of an agency of all meetings and other contacts between employees of the Office of Management and Budget and any person who is not such an employee concerning any regulatory activity of that agency; and

(2) shall provide that agency head or his or her designee a reasonable opportunity to attend any such meeting.

(d) MAINTENANCE OF RECORDS BY AGENCY ISSUING RULES.—The head of each agency shall include in the record of each rule or regulation submitted by the agency for review by the Office of Management and Budget—

(1) copies of all drafts of advanced notices of proposed rulemaking, notices of proposed rulemaking, and notices of final rules; and

(2) copies of any changes in the rule or regulation (including changes in any advanced notice of proposed rulemaking, notice of proposed rulemaking, or notice of final rule relating to that rule or regulation) made or suggested by the Office of Management and Budget, including the reasons for such changes which are provided to the agency by the Director of the Office of Management and Budget pursuant to subsection (e)(2).

(e) PERIOD OF REVIEW.—

(1) IN GENERAL.—(A) The Director of the Office of Management and Budget shall complete review of any regulatory activity of an agency not later than the earlier of—

(i) 30 days after the date of the submission of the regulatory activity to the Office of Management and Budget by the agency; and

(ii) any date established by statute or court order for completion of the regulatory activity.

(B) The period provided for by subparagraph (A) for completion of review of a regulatory activity by the Director shall not be extended.

(2) CHANGES.—Each change in a regulatory activity, which is made or proposed by an employee of the Office of Management and Budget shall be—

(A) submitted by the Office of Management and Budget in writing to the head of the agency conducting the regulatory activity, with a statement of the reasons for such change or proposed change; and

(B) signed by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(3) PUBLICATION.—The head of an agency which submits an advanced notice of proposed rulemaking, notice of proposed rulemaking, proposed rule, or final rule to the Office of Management and Budget for review shall publish the contents of that submission in the Federal Register at the end of the 30-day period described in paragraph (1) if the Director fails to act within that period.

(f) EFFECT ON RULEMAKING AUTHORITY.—Nothing in this Act shall alter in any manner—

(1) the authority of any agency to initiate, conduct, or complete a rulemaking proceeding; or

(2) the criteria for rulemaking established by any other law.

(g) EFFECT ON DISCLOSURE REQUIREMENTS.—This Act shall not be considered—

(1) to alter the authority of the Congress to obtain information from any agency in the executive branch of the Federal Government; or

(2) to require the public disclosure of—

(A) any communications between the Office of Management and Budget and any other office within the Executive Office of the President; or

(B) any information which is exempted from disclosure under section 552(b) (1), (3), (4), and (6) through (9) of title 5, United States Code.

SEC. 3. AGENCY LOGGING AND DISCLOSURE OF ORAL COMMUNICATIONS WITH OMB.

Section 553 of title 5, United States Code, is amended by inserting after subsection (e) the following:

"(f)(1) An employee of an agency shall log in writing each oral communication between that employee and any employee of the Office of Management and Budget, which relates to any regulatory activity not later than one day after the date of that communication.

"(2) Information logged pursuant to this subsection shall include—

"(A) the date of the communication;

"(B) the names, titles, and affiliations of the participants in the communication;

"(C) the subject matter of the communication; and

"(D) a brief summary of the substance of the communication.

"(3) Information logged under this subsection, and any written communication between an employee of an agency and any employee of the Office of Management and Budget regarding any regulatory activity of the agency, shall be made available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the agency employee, respectively.

"(4) In this subsection—

"(A) the term 'regulatory activity' means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action;

"(B) the term 'oral communication' includes any meeting, phone conversation, briefing, or discussion;

"(C) the term 'rule'—

"(i) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

"(ii) does not include any administrative action which is subject to section 556 and 557 of title 5, United States Code.".

SEC. 4. DEFINITIONS.

In this Act—

(1) ORAL COMMUNICATION.—The term "oral communication" includes any meeting, phone conversation, briefing, or discussion.

(2) REGULATORY ACTIVITY.—The term "regulatory activity" means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action.

(3) RULE.—The term "rule"—

(A) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

(B) does not include any administrative action which is subject to sections 556 and 557 of title 5, United States Code.

A CONGRESSIONAL SALUTE TO THE GRAND OPENING OF THE CONSERVATION CORPS OF LONG BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ANDERSON. Mr. Speaker, it is with a strong sense of pride and great enthusiasm that I rise today to salute the arrival of the California Conservation Corps to Long Beach. On Thursday, September 28, 1989, the Conservation Corps of Long Beach [CCLB] will celebrate its grand opening. This occasion gives me the opportunity to express my excitement for this new addition to Long Beach, as well as my commitment to its success.

The Conservation Corps of Long Beach was formed when prominent citizens from government and various other sectors of the community joined together with a vision. They sought to create a private nonprofit organization dedicated to the goal of youth development and resource conservation. Organizations such as the California Community Foundation, IDM Corporation, First Interstate Bank, the Weingart Foundation, the city of Long Beach, the Knight Foundation and the California Conservation Corps in Sacramento provided funds to carry this vision forward.

The CCLB will be the sixth urban conservation corps to be formed in a major California city. The corps will serve unemployed 18- to 23-year-olds in a variety of ways. It will provide education and training, including work towards a high school diploma or GED; improvement of basic skills, especially communications; career development; safety and first aid; tool use; and conservation awareness. The youth corps-members will receive minimum wage with opportunities for advacement to higher paying, more responsible positions. Job placement services will also be made available to corps graduates.

From the list of projects that the corps will perform, Mr. Speaker, it is easy to see why I am so enthusiastic. Their work will address critical community needs, especially impacting low income neighborhoods. Many of the projects will center around protecting, preserving and maintaining environmentally important public lands and waters; accomplishment of useful and needed public works projects in both urban and rural areas; assistance in emergency operation, natural disaster relief, fire prevention and suppression; assisting public sector agencies in developing, rehabilitating, and restoring parklands, recreational facilities, and historical resources; restoring and preserving wildlife habitat; and enhancing re-forestation in both urban and rural areas.

My wife, Lee, joins me in extending our congratulations to this wonderful addition to the Long Beach community. We look forward to providing assistance and support to the Conservation Corps of Long Beach in the many years to come.

TRIBUTE TO REV. GEORGE J. HALL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. LAGOMARSINO. Mr. Speaker, nearly 10 years ago I rose on this floor to commend an outstanding clergyman and human being who was then retiring from a long and distinguished career of service to his church and community. His name was the Reverend Dr. George J. Hall, and he was retiring after 32 years as rector of All Saints by the Sea Episcopal Church in Santa Barbara, CA.

Well, Mr. Speaker, there are retirees—and there is the Reverend George Hall. Since his retirement that I announced to this body nearly 10 years ago, the Reverend Dr. Hall has continued his unceasing service to the community and the church—in this particular instance to the University of California at Santa Barbara, where he will be honored this weekend as the recipient of the first annual Clergyperson of the Year Award by the University Religious Center.

Dr. Hall's continuing work has provided the inspiration for this award, and I can think of no more fitting person to be it's first recipient. Dr. Hall was a founder of the University Religious Center in 1957, and has served since on its staff and its board, including service as president of the board of directors. Presently he serves on the staff of St. Michael's University Church in the student community of Isla Vista, where he is well-known for his work in a variety of causes including the Family to Family Fellowship, Transition House, the Rotary Club, the Scholarship Foundation, the Channel City Club and the UCSB affiliates.

There are some people to whom God gives seemingly limitless energy, especially those who are doing His work. Dr. Hall is one of those people, and if I had room and time, I would list the long catalog of his service and achievements over the years, starting with his work at the General Theological Seminary in New York City in the 1930's and concluding with his receiving a doctor of humane letters from the Church Divinity School of the Pacific in 1958. In between he was involved in an amazing number of activities and organizations, many—but not all of them—in the Santa Barbara community.

In the interest of time and avoiding repeating what is already clear, however, I will simply incorporate them by reference to my remarks of May 28—that is, May 28, 1980—on this same floor, when I then congratulated him on his work and career.

Reverend Hall, I only hope that I will be able to stand here again in future years to continue acquainting the Congress with your works, an inspiring reflection of Him under Whom we all serve, and wish you Godspeed in whatever the future may bring.

INTRODUCTION OF THE PENSION REFORM ACT OF 1989

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mrs. KENNELLY. Mr. Speaker, today I am introducing the Pension Reform Act of 1989.

There can be no doubt that the status of women in America has changed dramatically in this century with these changes having profound implications for the long-term economic security of women.

Whereas, heretofore extended families cared for the aged, both male and female; women today are increasingly likely to be alone as they age due to the disappearance of the extended family, mortality rates, and the increased incidence of divorce and single parenthood. And when you consider that the average woman earns 68 cents for every dollar earned by the average man, it is easy to understand why the poverty rate is so much higher among older women than older men, 15 percent versus 9 percent. Even more striking is that the median income of women aged 65 and older is $6,425, 56 percent lower than the median income of older men—$11,544.

The Retirement Equity Act of 1984 made an important start. It improves the change of widows actually receiving a pension by offering survivors protection to employees as soon as they become vested and requiring a wife's notarized signature before her husband can sign away her right to receive a survivor's benefit. The law also makes it easier for a divorced wife to get a share of a court awarded pension directly from a former spouse's pension plan; lowers the age at which plans begin counting service for vesting credit, and extends the amount of time women can take off for child-rearing without losing credit for prior service.

But the Retirement Equity Act didn't go far enough. Women divorced before its passage have no pension rights. That means that a 56-year-old woman divorced in 1980 is now 65 and has no pension rights. That means we could have a whole new class of poor elderly women. The Pension Reform Act of 1989 would allow pensions not divided at the time of divorce, to be divided now, pursuant to a court order thereby effectively just making the Retirement Equity Act retroactive.

The Tax Reform Act of 1986 continued the trend of enhanced retirement security for women. It lowered the vesting period, the period of service which must be completed before an employee has a nonforfeitable right to a pension, to 5 years for single employer pensions. This means that employees must be 100 percent vested after 5 years of service or, using an alternative vesting schedule, 20 percent vested after 3 years and 20 percent for each year thereafter. In general, therefore, employees who have been covered by an eligible pension plan for 5 years and work at least 1 hour after January 1, 1989 are automatically vested.

This change is particularly important for women as it is estimated that approximately 1.9 million additional workers are now entitled to pensions. Multi-employer pension plans however, are not covered by these new vesting rules. The Pension Reform Act of 1989 would extend the 5-year vesting period to these types of plans as well.

Faster vesting also leads the way to greater, portability, the ability to carry one's credit for service in an employer sponsored pension plan from job to job. This is of particular importance to women as they are much more likely to change jobs and interrupt their participation in the workforce at one or more times in their lives. The Pension Reform Act would also require the General Accounting Office to study pension portability and make recommendations on how portability could be enhanced, the joint and survivor annuity form of benefit be preserved, and on the costs to employers of establishing such a mechanism.

The Tax Reform Act of 1986 also limited integration, a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. Although originally intended to offset the employer contribution to Social Security, integration has often had the effect of eliminating an employee's entire private pension. In 1986, after much struggle, it was determined that Social Security benefits do not adequately replace the preretirement earnings of low- and middle-income workers. Today, therefore, the law limits intergation and assures that all eligible employees receive some minimum level of benefits. However, this protection only applies to benefits earned in plan years beginning after December 31, 1988. My legislation would extend this protection to all benefits earned since January 1, 1987 and eliminate integration entirely by January 1, 2000.

I would urge my colleagues to support this vital piece of legislation. Thank you.

THE FUTURE OF FINANCIAL INSTITUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 20, 1989 into the CONGRESSIONAL RECORD.

THE FUTURE OF FINANCIAL INSTITUTIONS

On August 9 the President signed into law a bill to overhaul the regulatory structure of the savings and loan (S&L) industry, and to spend $50 billion over the next three years to liquidate or sell off hundreds of insolvent or marginal thrifts. It has been estimated that the law will cost at least $166 billion over the next decade, and will cost the average taxpayer about $3,100 over the duration of the bailout plan. This is the most important bill that the Congress has passed this session.

Many Hoosiers have asked me why they must pay for this bailout. My view is that the Congress and the President must act as quickly as possible to clean up the S&L industry and put the financial industry back on its feet again. The problem is simply that millions of Americans have hundreds of billions of dollars in federally-guaranteed deposits in badly managed thrifts. Depositors must be assured that their savings are safe and secure, and the federal government must stand behind its guarantee to insure individual deposits up to $100,000. The stability and strength of the depository system of this country rests on the confidence of the American public. Failure by the federal government to meet its obligation could undermine depositor confidence in the system and perhaps trigger widespread bank runs. Moreover, the longer the sick thrifts remain under current management, the more risks they take to survive, and the higher the ultimate cost will be for the taxpayer.

The new law is designed to restore public confidence in the S&L industry, and in financial institutions in general, in a number of ways. First, the 1,000-page law raises money to close down or sell off about 750 S&Ls which have experienced large losses in the last few years and have imposed a serious burden on the rest of the S&L industry. Second, the measures creates a new regulatory structure to manage the bailout and to ensure the future stability and solvency of the S&L industry. Third, the law establishes stiff penalties for cases involving fraud and other criminal activities. And fourth, the legislation establishes a federal agency to manage the loans and foreclosed property of failed thrifts.

The new law will have wide-ranging effects on the structure of the depository system. The principal effect of the legislation may be to force a contraction in the size of the thrift industry, from the current level of 3,000 to between 1,000 and 2,000. This anticipated decline may be linked to three basic elements of the legislation. First, the new measure will require thrifts to hold more assets in reserve to discourage risky lending practices and hedge against future losses. Almost 1,000 thrifts now fail to meet the more stringent standard that must be attained by 1994, and few are likely to achieve it. Second, the law severely restricts the types of investments available to S&Ls. Thrifts will be prohibited from investing in high-yield junk bonds, and will be required to invest a greater percentage of their portfolios in mortgage-related investments, which are safe, but only marginally profitable, investments. And third, S&Ls will face higher operating costs. The bailout measure will require them to pay higher premiums for deposit insurance coverage, and it will draw down some of their assets to help pay for the bailout.

These provisions were incorporated into the legislation to ensure that thrifts pay some of the cost of the bailout and stay out of financial trouble in the future. However, some experts predict that the stronger regulations could have the opposite effect. Investment restrictions, for example, will force thrifts to earn more money in mortgages and other forms of residential lending—the traditional types of investment for the thrift industry. However, the mortgage business is far more competitive and less lucrative than it used to be, and many marginal thrifts may have a tough time surviving in this environment.

The legislation may also have the long-term effect of merging thrifts into the financial services industry as a whole. Although the new law does not eliminate the basic differences between banks and thrifts, the bailout measure includes many provisions which may erode over time the distinct role of thrifts as home mortgage providers. First, the legislation permits banks to purchase healthy S&Ls, and, in certain cases, to fold them into their branch networks. Second, the law allows thrifts to switch to less restrictive bank charters after five years, which many of them may be inclined to do if the S&L industry continues to lose depositors. Third, businesses which offer financial services (such as Sears and Ford) will be permitted to purchase thrifts and market their products at thrift branches. And fourth, the bailout law gives a prominent role in chartering and monitoring thrifts to bank regulators, who are more familiar with bank operations and concerns.

These changes, combined with general market forces pushing towards integration of financial services, may help blur the distinctions between thrifts and other depository institutions over time. The legislation will continue a trend away from specialized businesses, such as mortgage lenders, banks, and insurance companies, towards a more unified depository industry, in which financial institutions will have the flexibility to move into several markets or to specialize in one or two. Of course, these changes would have important implications for the average consumer, who could in theory shop for all financial services at a single branch outlet.

My view is that the S&L law is a necessary step towards restoring solvency and stability to the thrift industry and the depository system as a whole. The legislation will strengthen the system by eliminating unsound lending practices and by weeding out poorly-run institutions. However, it is uncertain whether the funds in this bailout will be sufficient to cover all industry losses and also whether federal authorities will be able to dispose of well over $100 billion in failed properties without disrupting local markets. It is much too early to gauge the effects of the legislation on the long-term future of the S&L industry. The law will likely reduce the number of thrifts and encourage the growth of a few, large institutions. My guess is that the bailout measure will help make thrifts just another competitor in a more integrated financial services system.

COMMENTS FROM A CONCERNED CITIZEN ON A NATIONAL TRANSPORTATION POLICY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. KOSTMAYER. Mr. Speaker, the following remarks from a distinguished constituent of mine were to be given at a hearing held by the South Eastern Pennsylvania Transit Authority [SEPTA]. Ms. Lettie Gay Carson represents the Alliance for Public Transportation. Her comments on the state of the national transportation system and the need for more balanced Federal Government support are insightful. I would like to take this opportunity to bring them to the attention of my colleagues.

REMARKS FOR U.S. DOT HEARING ON NATIONAL TRANSPORTATION POLICY

My name is Lettie Gay Carson. I represent the Alliance for Public Transportation, a state-wide linkage of people concerned with the need for better mobility; I am also president of the Newtown Area Rail Action organization.

We welcome the announcement that U.S. DOT is interested in establishing a national transportation policy. It is our earnest hope that "national" in this context means balanced. That means encouragement and support of all modes for moving people including public transportation.

But history shows no balance at all in federal funding for the various transportation modes. We have seen since prior to World War II a total of $242,544,300,000 poured into highways and $55 billion into airports—that's not counting controller salaries, of course. Up to 1975, we had spent $14½ billion dredging and damming inland waterways whose beneficiaries, the barge owners, didn't have to pay user fees until recently—and consequently were able to drag freight off the railroads which couldn't compete financially. Motor licenses charged to trucks were far from adequate to pay for the damage they caused, one truck causing more damage than 9,000 automobiles. During this period, funding for rail service has been only $20 billion. (These figures were obtained from the files of the U.S. DOT Library in Washington.)

Now we learn that rehabilitation of the aging Interstate Highway System, established in 1956, will cost trillions. If only a small amount of these subsidies had been allocated to public transportation, if government policy had been truly intermodal, today's problems would not require crisis management. The list is all too familiar: on our highways, pot holes caused by overloaded trucks and in urban and suburban areas, gridlock, smog, ozone caused by motor emissions, jobs looking for workers and workers looking for jobs they cannot reach.

When "Engine Charlie" Wilson said that "What's good for General Motors is good for America", he certainly charted the course that has been followed for more than thirty years.

Although President Bush has declared himself to be our "Environmental President" and in his recent announcement promised a serious attack on the problem of air pollution, he did not even mention the contribution public transportation can make in improving the quality of air by getting motor vehicles off the highways. His ineffectual tinkering with automobile emissions, with Detroit interests guiding his hand, demonstrates once again that government responds to pressure from business, not to the needs of people.

It is time and, indeed, past time for our leaders to look at what has occurred in Los Angeles; choking amidst its freeways; to learn from the examples of Germany and Japan in promoting public transportation and surging ahead of us economically. Can't those responsible finally act on the advice of urban planners generations ago and recognize the importance of public transportation to a stable economy?

It's just as simple as this: If people can't get to work on time, business suffers.

CAMBODIAN WITNESSES TO HORROR CANNOT SEE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ROHRABACHER. Mr. Speaker, I would like to bring to the attention of the House an article printed in the New York Times which describes the grievous adverse health effects suffered by a number of survivors of the genocide perpetrated by Pol Pot and the Khymer Rouge. As a consequence of the psychological trauma of these atrocities, several Cambodian women have suffered severe visual deficits and even blindness. This is yet another example of the misery wrought by the Khymer Rouge, and should forcefully remind us that we must do all we can to ensure that the Khymer Rouge never again assume power in Cambodia.

[From the New York Times, Sept. 8, 1989]

CAMBODIAN WITNESSES TO HORROR CANNOT SEE

(By Alexandria Smith)

LONG BEACH, CA.—One Cambodian woman saw Khymer Rouge soldiers tie up her parents, cut their throats and throw them into a river. Another saw her child bashed to death against a tree.

Ten years later, in Long Beach, Calif., the eyes that witnessed these horrors cannot see. These women and dozens of others here in the largest Cambodian community in the United States have problems with their vision that keep them in their homes, in some cases unable to care for themselves.

But sophisticated brain wave tests show that they should have perfect, 20/20 eyesight. Doctors and specialists say that there is no physical explanation and that what they have is functional blindness, a vision loss caused by psychological factors.

"They just don't want to see anymore," said Gretchen Van Boemel, an electrophysiologist at the Doheny Eye Institute in Los Angeles.

Five years ago Ms. Van Boemel, who is writing her doctoral dissertation on the subject, noticed that many patients with unexplained vision loss were middle-aged Cambodian women with strikingly similar backgrounds.

While functional blindness is a known psychological disorder, there has been virtually no documentation of the condition in specific population groups.

In her seven and a half years at the Doheny Institute, Ms. Van Boemel has seen only three American-born patients with the condition. More than 50 years of research has turned up 30 reported cases nationwide, she said. She has identified at least 150 Cambodian women with unexplained vision loss in Southern California.

"I kept seeing women from Cambodia that came to me with basically the same ocular history," she said. "Usually it was something like, they saw their husbands murdered in front of them and cried and cried and when they stopped cryng they couldn't see."

She said all lost their vision sometime after Pol Pot became prime minister of Cambodia.

More than a million Cambodians were executed or died of starvation under his Communist Government, which lasted from 1975 until the 1978 invasion of Cambodia by the Vietnamese, in which he and the Khmer Rouge were ousted; millions more Cambodians were slave laborers. About 179,000 Cambodian refugees now live in the United States.

Ms. Van Boemel joined with Patricia Rosee-Koker, a professor of psychology at California State University-Long Beach, to study 30 of the more than 150 Cambodians Ms. Rosee-Koker had found functionally blind.

Their responses to a questionnaire determined that almost all the women, 51 to 70 years of age, were constantly depressed. All had starved and spent five to eleven and a half in refugee camps and forced labor camps. Many told Ms. Van Boemel that their vision began going shortly after they saw a traumatic event.

"I was working in the rice fields when the Communists attacked," said Chhean Im, now 61, who lives in Long Beach with her teen-age daughter and nephew. "They were chasing and shooting people so I ran and hid in the jungle."

Mrs. Im, the widow of a Cambodian Army soldier, stayed in the jungle three days. "I was just crying, crying, crying and when I stopped crying my eyes were swollen and I couldn't see," she said.

For the next four years, she said, she worked under slave-like conditions, carrying buckets of water from early morning until dusk. She watched as her three youngest children starved to death. Her eyesight today should be excellent, but she sees only blurred shadows.

The researchers sampled only women: they found few Cambodian men who had the affliction, possibly because more men than women died under the Pol Pot regime.

"Our main finding," Dr. Rozee-Koker said, "was that the longer the time spent in the camps, the worse their psychological condition in terms of psychosomatic blindness.

"It's almost like a see-no-evil kind of thing."

When she and Ms. Van Boemel began their research, the scientific literature involved offered up only one other study of psychosomatic blindness in a specific population group: World War I veterans in England, Dr. Rosee-Koker said anecdotal evidence suggests a significant rate of functional blindness among survivors of the Holocaust and Vietnam War veterans.

The researchers are convinced that intensive therapy would improve the women's eyesight.

Mrs. Im said, "When I'm scared, I don't see well and get headaches. When I feel better, I can see better."

A CONGRESSIONAL SALUTE TO CALIFORNIA SUPREME COURT JUSTICE THE HONORABLE STANLEY MOSK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ANDERSON. Mr. Speaker, it does me the greatest honor to rise today to recognize and pay tribute to one of the most distinguished individuals in the State of California, a justice on the California Supreme Court, the Honorable Stanley Mosk. Justice Mosk is being honored this Friday, September 22, 1989, for 50 years of service to the State of California.

Justice Mosk has been a Californian since 1933, and since then has done a great deal for our State. His legal career began upon his admission to the practice of law in 1935. From 1939 to 1942, he served as executive secretary and legal advisor to the Governor of California, and for the next 16 years, from 1943 through 1959, was a judge on the Superior Court in Los Angeles.

After serving in the Coast Guard Temporary Reserve during the early days of World War II, Judge Mosk left the bench to enlist in the Army. He served until the cessation of hostilities, then returned to the Superior Court bench.

In 1958, while still in Superior Court, Judge Mosk was elected California Attorney General with more than a million vote margin, the greatest majority of any contest in America that year. He was then overwhelmingly reelected in 1962.

Throughout his six years at that post, Attorney General Mosk issued approximately 2,000 written opinions, appeared before the U.S. Supreme Court in the Arizona versus California water case, and argued other landmark cases before the State Supreme Court. He served on some 10 boards and commissions, and created new divisions in the attorney general's office to handle antitrust, constitutional rights, consumer fraud, and investment fraud problems. He authored some of California's most constructive legislative proposals in the crime and law enforcement fields, including the measure creating the Commission on Peace Officers' Standards and Training.

In 1961 and 1962 he served as a member of the Anglo-American mission to study appellate procedure in the United States and England, under the auspices of the Institute for Judicial Administration. In 1965, on behalf of the State Department, he observed the South-West Africa (Namibia) case at the World Court and then lectured at universities in nine African countries. In 1970 he attended summer sessions of The Hague Academy of International Law at the Peace Palace in the Netherlands, and in 1972 participated in a Wilton Park foreign policy conference in England. In 1982 he reviewed legal institutions in five Far Eastern countries for the Asia Foundation. That same year he served as an adjunct professor at the University of Santa Clara Law School. In the summer of 1984 and 1986 he lectured for 2 weeks at Trinity College, Dublin, Ireland.

Since 1964, however, this man has been known to us as Justice Mosk, for he has occupied his position on the California Supreme Court since the first of September of that year. In November of 1986 he was confirmed for a new term with 4½ million votes. In his long and distinguished career, he has authored many of the court's important opinions, and has made frequent contributions to law journals. He is an honorary member of the Order of the Coif from the University of Southern California and has received honorary doctor of laws degrees from the University of the Pacific, the University of San Diego, the University of Santa Clara, Cal Western University, and Southwestern University.

Mr. Speaker, my wife Lee joins me in extending our most sincere and hearty congratulations to Justice Stanley Mosk, for his 50 years of commitment to the people of the State of California. We wish him, his wife Susan, their son Richard, and their grandchildren Matthew and Julie all the best in the years to come.

TRIBUTE TO DR. HARRY BROWN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to a man who has brought light to literally thousands of blind people around the globe during the past 15 years.

Dr. Harry Silsby Brown, M.D., FACS, founder and chairman of the Board of Surgical Eye Expeditions International [SEE], has in that capacity been a driving force in the organization's goal of relentlessly reducing surgically correctable blindness throughout the world.

Dr. Brown, who is a graduate of George Washington University School of Medicine, the Jules Stein Eye Institute, and a fellow of the American College of Surgeons, has been the architect of SEE's global sight-saving services. As an international ambassador of good will for the United States and for the Santa Barbara Medical Foundation Clinic, Dr. Brown has inspired hundreds of opthamalogists, nurses, technicians, pilots, and support personnel worldwide to donate their time, professional skills, and personal resources to bring sight to those who would otherwise live in darkness.

His spirit of volunteerism and humanity is an inspiration to us all, and I want to extend the commendation and the thanks of the U.S. House of Representatives to Dr. Brown, along with our best wishes for continued success in his goal of bringing sight to the lives of the curable blind.

INTELLECTUAL ELITE TO FEEL HEAT OF DRUG WAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. SOLOMON. Mr. Speaker, when it's not sniffing funny white powder up its nose, the wine-and-quiche crowd is sniffing its indignation at President Bush's drug package.

What's offended these sensitive souls is the President's desire to crack down on casual drug users. It was all right when the heat was focused on down-and-out ghetto bums, but when the heat is transferred to the boardrooms and fashionable suburbs inhabited by the well-to-do, that's another matter.

But commentator Christopher Matthews said it well in a recent syndicated column that appeared in a hometown newspaper, the Albany Times-Union, and which I place in today's RECORD.

CRACKING DOWN ON CASUAL DRUG USER MAKES SENSE

(By Christopher Matthews)

WASHINGTON.—Drug czar William Bennett has taken his first enemy fire. It came not from the street-corner pusher in the ghetto, but the ivory towers of the intellectual elite.

That's right. The first crowd to complain about the country's hot new drug program formally unveiled this week was not the huddle selling crack on the corner but those highbrows who view cocaine as the harmless diversion of the trendy.

"Ivy League college students and suburban stockbrokers who smoke marijuana or snort cocaine on weekends," the New Republic declared this week, "do not represent a national emergency."

The influential magazine did not stop there. "Tracking down and punishing people who have managed to reconcile recreational drug use with a fairly productive life," its editors observed, "constitutes a waste of public resources."

There you have it; for the first time in print, the American cultural elite has formally demanded separate treatment. If the police catch some illiterate street pusher they should nail the dude. But if they should happen upon some Ivy League type, some "swell" with the right academic and social credentials consuming exactly the same substance that the low-life was selling, they should pat him on the back. Better yet, they should congratulate the fine fellow on being able to balance two careers: bond selling, lawyering or whatever on the one hand, law-breaking on the other.

What burns the elite about the Bush-Bennett drug plan is not that it's poverty-stricken, not that it's too tough, but that it fails to honor the age-old distinction between rich and poor. The plan is aimed directly at the long-protected culprits in the nation's drug holocaust:

The with-it, hip young bond salesman, lawyer or god-knows-what who thinks he has a perfect right to score some "nose candy" when he feels a taste for it; the Ivy League swell who considers himself or herself immune to the laws of nature and man; the sons and daughters of the elite who consider beer to be hopelessly "bourgeois" but thinks nothing of lining up a snort at their friends's apartment come Friday night.

Why should such culprits be brought to justice? Why should they learn the delights of having their mug shot, their rear end slammed in a jail cell?

Here's why:

Because there are more than 8 million people in this country who've admitted using cocaine over the course of last year. Only 10 percent of them are addicts. Nine out of 10, in other words, are people who can either take or leave the stuff. Threat of an overnight stay behind bars, a stiff fine and a criminal record should be a pretty good reason to leave it.

Because the elite, upper-class user injects millions of dollars into the drug market every day of the week, millions of dollars to pay neighborhood retailers, wholesalers, shippers, pilots, armed Colombian guards all the way down the line to the fat dealers in the suburbs of Bogota.

Because nobody fears the humiliation of arrest and booking more than the bright young hotshot with a clean police record. Getting busted is something that is simply "not done" in certain circles.

Most important, because the main "carrier" of the drug epidemic is not the addict. (People at death's door make poor salemen for the product that got them there.) It is not some furtive character in a trench coat trying to sell drugs to strangers. It is the non-addict you meet a a party, the guy who convinces his friend to try "this stuff."

The best way to discourage this "casual" user from fobbing the coke habit on to others is pose the threat of criminal prosecution not just for the professional pusher but for the generous amateur as well.

So here's the story:

Like it or not, the United States is currently involved in a wartime situation very similar to the one we faced in 1941. We've got to fight on two fronts. We've got to spend our manpower and weapons fighting in two different theaters. For FDR it was Europe and Asia. For Bush, it is the street corner and the Yuppie apartment party.

And just like in World War II, America has to decide where to hit first, who to hit the hardest as quickly as humanly possible. In an era of tight budgets, we have to go for the biggest bang with our limited bucks.

This administration is betting that the crowd most sensitive to its new hard-nosed approach is the upwardly mobile middle-class cocaine sniffer for whom an arrest record, much less a day or two in jail, looms as an extremely frightening prospect.

Based on the squealing and hand-wringings witnessed at the New Republic this week, Commander in Chief Bush may have his gunsights trained on just the right target.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Ms. Mercy Ingrid Addo-Yabo, Mr. Ali Hagi Ibrahim Aden, Mr. Okyay Aksura, Ms. Nenita Santiago Aliermo, Mr. Luis Ejildio Jimenez Alvial, Mr. Mohamad Amro, Mrs. Ami A. Anderson, Ms. Marie Dominique Aristide, Mr. Abner Atendido Asturias.

Mr. Felicitas Toledo Bagadiong, Mr. Vinetu Bajramoski, Ms. Beverly Baquiran, Mr. Fernando Luis Barbosa, Lelys Rosario Batista, Mr. Ivan Beric, Mrs. Hodaja Berkowitz, Ms. Eva Vonfuzesser Black, Ms. Maria Victoria Blanco, Mr. Murray John Bolton.

Lourdes Panem Caballero, Mr. Estelio Cabarcas, Ms. Teresa Rose Caligiuri, Ms. Teresa Rocha Cambetas, Rui Cambetes, Ms. Marie Evelyne Maggy Canta, Ms. Hilda Maria Carballeira, Ms. Maria Teresa Castiglia, Yee Ling Chan, Mrs. Kamal Choudhury, Ms. Maria Antonio Claridades, Ms. Claudette Marie Clarke, Mr. Hector E. Cobo, Mr. Francis Coughlan, Mr. Alfredo Victor Cuellar, Mr. Eddy Fernando Cuevas.

Mrs. Rosanna Damiano, Mr. Jose Cipriano De La Cruz, Mr. Jose Felix De La Cruz, Mrs. Kathleen A. DeCunzo, Mr. Francesco E. DeRisi, Mr. Gjok M. Deckaj, Decamel Delphin, Ms. Carmela Castillo Deniega, Ms. Marie Therese Despinasse, Mrs. Faye DiRosa, Ms. Marie Diana, Ms. Rose Marie Abelido Dinsay, Mr. Leonardo Mauricio Domingo, Ms. Milgrina Demata Domingo, Ms. Angela Ingeborg Dudar, Ms. Paul Francois Duvalsaint.

Mr. Martin Brian Egnal, Ms. Melania Egnal, Mrs. Sayra Erkan, Mr. Jose Felipe Estevez, Guerline Exantus.

Rosveld Faroul, Ms. Marie Luthane Fenelon, Mr. Alvin Laroco Ferrer, Mr. Jean Alex Filcidor, Ms. Sandra Silvana Finetti, Mr. Rafael Antonio Flores, Mr. Romeo Del Rosario Fojas, Mrs. Jyll Fox, Mr. Alexander Fredman, Mr. Issac Friedman.

Mr. Mariano A. Galang, Ms. Mona Destin Galette, Mr. Alexander R. Gapay, Ms. Sara B. Garcia, Varughese George, Mr. Terence Edward Gibbs, Yocheved Glauber, Yona Glauber, Shiromani Goel, Mr. Colin Barry Goldberg, Ms. Ruth Arleen Goldberg, Mr. Claudio Joppert Gomes De, Ms. Maria Ines Cony Gomes De, Ms. Martha Juana Gonzalez, Mr. Stylianos Gauvis, Mr. Joseph Wilfred Guelse, Mr. Alcinto Guirand, Savitri Devi Gupta, Mr. Victor Gupta, Mr. Joseph Albert Guzman, Ms. Rosita Almazan Guzman.

Mr. Samuel Haddad, Milanjali Haharaj, Thomas Trung Hai Dang, Thanh Viet Hang, Mr. Moshe Herskovic, Ms. Dilcia Antonia Hilario, Mr. Jason Chen-Jyi Huang, Mrs.

Fayza S. Ishak, Mr. Maher M. Ishak, Mr. Pal Jaroka, Polli Jassal, Mr. Edward Jedraszak, Bharti Arun Jhaveri, Ms. Florette Joseph, Horel Joseph, Mr. Marie Ange Julien.

Mr. Christos Kakaras, Mr. Gorge Kambouris, Ghada Khandji, Sun Hi Kim, Mrs. Ruth H. Klotz, Mr. Mark Koshitzky, Kurian Thirunalliparambil Kurian.

Polikarp Labecki, Ms. Wanda Labecki, Ms. Laureana Laboriel, Mr. Hamid Ladjevardi, Mr. Joseph Hon-Chow Lai, Vi Nhien Lam, Mr. Richard Thierry Laroche, Mauro Hilario Lazaro, Hin Chee Lee, Mr. Peau-Sum Frankie Lee, Mr. Rodolfo Roberto Leiva, Mr. Kwong-Wa Li, Jean Lin, Ms. Ekledia Antonia Llano, Ms. Olga Mercedes Lopez, Ms. Renide Nilsa Louis, Mr. Ronald John Lourie.

Mr. Roy Quemada Magat, Mr. Sahib Makinde, Ms. Sylvia Ines Malescio, Ms. Antonia Marzella, Mr. Ivan Masic, Ms. Mandica Masic, Ms. Teena Mathew, Ms. Miriam Ulalee McDonald, Mr. David Edison Rivera Mena, Ms. Silvana Milinovic, Tihomir Milinovic, Mr. Victor M. Mizan, Mr. Luis Virgilio Molina, Mr. Tomas Confessor Monegros, Ms. Marie Shella Moussignac.

Hung Dinh Nguyen, Thao Thi Thu Nguyen, Jean Fanol Noelizaire, Lan Kikm O, Linh Chieu O, Mr. Mir M. Obaid, Mrs. Egenia Olszewski, Ms. Eva Ortiz, Mr. Alesandro Osorio, Okcha Kim Paley, Jessy Annamma Panicker, Mr. Angelos Papachristopoules, Mr. Hemant B. Parikh, Ms. Miyati Bankim Parikh, Mrs. Shobhana Patel, Truptiben Shashikant Patel, Mr. Mikolaos Patlias, Ms. Maria Cristina Perovich, Ms. Angela La Pia, Ms. Michelina Pauline Portell, Mrs. Judith A. Powell, Ms. Estrella Betances Pujadas.

Mr. Peter J. Raj, Nanjappa Ravi, Soundar Ravishankar, Mr. Ian Stuart Reid, Ms. Miladis Antonia Rodriguez, Ms. Nancy Lorena Rodriquez-Lescano, Mrs, Myriam Rofer, Mrs. Ute E. Romanski, Yanina Rosario.

Mr. Saeed Safaie-Mojarad, Mr. Reza Sajadian, Rabih Salameh, Mr. Francisco Eusebio Lopez Santana, Mr. William Scaffidi, Ms. Anjani A. Shah, Bharatkumar Thakorla Shah, Mrs. Nancy S. W. Sharoff, Mr. Pundalik Shenoy, Mrs. Roopalatha Shenoy, Mr. Earl C. Sherwood, Ms. Pearline Althea Shorte, Rakesh Sheedhar, Mr. Joseph Simione, Ms. Unn Soeun, Sheng-Lu Scong, Mr. Dairo Antonio Sosa, Mrs. Atka L. Stemberg, Mr. Jaromir R. Stemberg, Vedran Strkalj, Ms. Martiza Suarez, Sokham Sum, Ms. Leonora Bedong Sumangil, Mr. Renato Domingo Sumangil.

Mr. Horatius Thezan, Mrs. Celine Tholany, Mr. Beneb C. Ting, Mr. Antonio Torres, Mr. Armand Towers, Ms. Marie Towers, Mylinh Tran, Nga Tran Nghe, Ms. Marie Anne Roselle Tranquille, Ms. Marie Darnie Tranquille, Mr. Wilfrid Tranquille, Tuong Ba Trinh, Ms. Rose Trintinella, Ms. Marina Tsekoura, Ms. Gloria Chariclia Tsironis, Eliahu Tvito, Mr. Federico Umali, Mrs. Barbara Urbanski, Mr. Julia VanHouten, Solange Victor, Mr. Jansi Vincent Wadcan, Mr. Vincent Joseph Wadcan, Yim Chau Lee Wang, Mr. Roberto E. Yarzagaray, Mr. Issac Ziv, Ms. Josephine Ziz, Ms. Lucia Bienvenida Sanchez de Santos.

INTRODUCTION OF H.R. 3302, THE MEDICARE REIMBURSEMENT UPDATE ACT OF 1989

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. CONTE. Mr. Speaker, I rise to announce that I am introducing a bill, the Medicare Reimbursement Update Act of 1989, which will address some very serious problems in the Medicare Program. Last year I was distressed to learn that five health maintenance organizations in my State, including the Berkshire Health Plan in Pittsfield, were leaving the Medicare Program because of serious financial difficulties.

The current Medicare payment rate to HMO's, 95 percent of the average cost of caring for a Medicare patient, appears to be insufficient to pay for the increased costs of treating an increasingly elderly population. Furthermore, Medicare uses a 5-year rolling average in determining the adjusted average per capital cost [AAPCC] in order to restrain increases in payments to HMO's. As a result, several Massachusetts HMO's felt they could not bear the financial burden and left the program, leaving many senior citizens stranded, confused and angry about their health care. Many people were forced to change doctors and pay more for their coverage. This is no way to run a health care system.

My bill raises the Medicare reimbursement rate to HMO's from 95 percent of the AAPCC to 100 percent. This will help those HMO's who are having difficulty staying afloat because of the increasing costs of caring for the elderly. It will also allow HMO's who previously left Medicare to come back sooner than the current 5-year waiting period.

It is also essential that we closely look at the way we run the entire Medicare HMO Program to find some long-term solutions. My bill creates a Task Force on Medicare Reimbursement of Health Maintenance Organizations to review the methods Medicare uses in determining the payment rate and to recommend changes that would account for local health care needs.

A critical problem for Massachusetts hospitals is the inadequacy of the Medicare area wage index. Currently Medicare updates its payment rates only every 3 years. This policy discriminates against regions with fast rising wages, such as Massachusetts, and leaves the hospitals lagging farther and farther behind inflation. It's unfair to expect hospitals to provide the latest in medical care if they are shortchanged by the antiquated rate.

This bill will update the wage index every 2 years using the most current data available. It also increases the prospective payment outlier pool, the reserves available for unusually lengthy or costly hospital stays, to a minimum of 6 percent. These provisions will help those hospitals who have a great number of patients with serious and debilitating illnesses.

We must continue to assure that nothing in our health care reimbursement laws causes unnecessary problems for our seniors in obtaining the health care they need. With this bill, I hope that we can begin to bring providers and patients together, particularly in the HMO area, and not have them driven apart by financial pressures.

CHANGE IN EASTERN EUROPE: HUNGARY'S COURAGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. BEREUTER. Mr. Speaker, the world is presently witnessing a remarkable event in Eastern Europe. In recent weeks, tens of thousands of East Germans have fled the German Democratic Republic, opting to come to the West. Those who are coming represent, in large part, the best and the brightest in East Germany. They are the young professionals and technicians who are absolutely essential to the long-term efficient running of East Germany. Had they chosen to stay in East Germany, many of these people could have expected to rise to positions of responsibility within the Marxist state. Yet, they have made it clear that they prefer life in Democratic West Germany. In effect, they are voting with their feet—walking away from totalitarianism.

In the midst of this epic migration, Hungary stands tall as a new and important friend to the West. Having taken down the barriers on its border with the West, Hungary has permitted the East Germans to go across into West Germany. It has demonstrated that the priorities of its Warsaw Pact allies are not necessarily the priorities of Hungary.

Clearly, Hungary has made a fundamental policy decision, a decision that promises to reshape the political map of Europe. The leadership in Budapest appears to have concluded that its future lies with the free market economies of the West. Moreover, they are placing enormous pressure upon the East German leadership by permitting young East Germans to reach the West via Hungary. The current intractable regime in the German Democratic Republic is unlikely to be able to withstand the continued loss of its future generations. In short, change is in the air.

Mr. Speaker, this Member commends to my colleagues the following particularly insightful editorial that appeared recently in the Omaha World-Herald. The essay notes that Hungary possesses a very particular brand of courage. "The courge to break ranks with a fellow Warsaw Pact nation, taking action that, in effect, calls more attention to the failure of Marxism." The courage of Hungary has not gone unnoticed.

[From the Omaha World-Herald, Tuesday, September 12, 1989]

BRAVE PARALLEL WITH 1956—HUNGARY'S COURAGE

A quarter of a million Hungarians fled Hungary beginning in the fall of 1956, when Soviet tanks crushed a national bid for freedom from Soviet control. A number of the refugees crossed the Hungarian-Austrian border, which was temporarily open.

Now the Hungarian-Austrian door in the Iron Curtain has swung open again. This time it has become the route to freedom for thousands of East Germans—perhaps as many as 10,000 this week—who are leaving the Communist world behind. The parallel is remarkable. It stands as a testament to how far Hungary has come since the bitter days of 1956.

When Warsaw Pact troops invaded Czechoslovakia in 1968, Hungarian troops were in the invading force. Now it is 1989, and the Hungarians have turned their back on protests from East Germany. Entire families of East Germans are being allowed to drive across the Hungarian border into Austria and on to West Germany. One Hungarian radio announcer compared the midnight exodus to a New Year's Eve celebration—horns honking and people cheering.

The Germans leaving are not the old and infirm, whom the East German state would be only too willing to give up. They tend to be young married couples with children or young singles seeking freedom and economic opportunity in West Germany.

They seem elated when interviewed by Western news organizations. As East Germans, they have been forced to live behind a curtain of barbed wire, barricades and fences.

Hundreds of people have been killed trying to get over or around the Berlin Wall since it was brutally thrust across Berlin in 1961.

More than 60,000 East Germans have visas for holiday travel in Hungary. It is possible that more of them will join those who have already opted for freedom in the West.

What a contrast between Hungary and East Germany. Hungarian officials tried in vain to work out a compromise settlement with the East Germans but finally gave up and opened the borders. West Germany also negotiated with East Germany—but months of talks have not led to a humane and reasonable settlement of the problem of migration between the two Germanies.

The East German state, which has only 17 million people despite efforts to encourage larger families, faces stagnation due to low birthrates and the exodus of 100,000 of its citizens in the past year alone. West Germany, with 61 million people, also has a low birthrate, but the migration of ethnic Germans from Poland, the Soviet Union and East Germany has been very high in recent years, helping to replenish the population.

Clearly, West Germany—whose television and radio programs are seen and heard in East Germany—appeals to Germans wishing freedom, opportunity and democracy. The newcomers, in many cases, have skills that will make West Germany even stronger—they are teachers, technocrats, journalists, artisans and skilled workers.

Hungarians gave the world an example of courage in 1956—an example that has been preserved in the photographs of freedom fighters hurling Molotov cocktails at Soviet tanks. Now Hungary is demonstrating a courage of a different sort—the courage to break ranks with a fellow Warsaw Pact nation, taking action that, in effect, calls more attention to the failure of Marxism.

SAVINGS AND LOAN LEGISLATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ORTIZ. Mr. Speaker, I seek to clarify the intent with respect to the prospective application of the bill H.R. 1278. I understand this bill would redefine and augment the powers of the Federal Deposit Insurance Corporation when the FDIC serves as a receiver for a failed financial institution. The powers set forth in this bill are, in many respects, new and I understand that there is no stated or implied intent that such powers be applied to receiverships that have been established prior to the enactment of this bill. For example, new subsection 11(i) of the Federal Deposit Insurance Act, authorizing the FDIC to differentiate in making payments to creditors of failed financial institutions, represents a significant departure from current law and is not to be applied to existing receiverships. Under existing law, notwithstanding the FDIC's actions in certain recent cases, all uninsured creditors of failed banks are required to be treated in an identical manner, and the FDIC has absolutely no discretion to favor a single creditor or any single class of creditors over another. I further understand that this subsection is not intended to be applied to litigation that is currently pending.

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NATIONAL TELECOMMUNICATIONS AND INFORMATION AUTHORIZATION ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. MARKEY. Mr. Speaker, today I join with Congressman MATTHEW J. RINALDO in introducing legislation to authorize appropriations for activities of the National Telecommunications and Information Administration. The bill authorizes $14.6 million for fiscal year 1990 and $14.7 million for fiscal year 1991, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs.

Our Nation is in the midst of a communications revolution. The rapid emergence of telecommunications technologies is spawning exciting, new communications products and services and stimulating the development of domestic and international market opportunities. Innovations like HDTV, PCTV, artificial intelligence, and supercomputers are blurring the lines between communications and computers. Fiber optic cable soon will be bringing integrated voice, video, and data services to the Nation's businesses, institutions, and homes. This revolution will affect the way we live and do business, and to a great extent, will determine America's position in the world economy.

NTIA serves as the principal executive branch adviser to the President on domestic and international communications policy. The NTIA has five primary responsibilities. First, NTIA is charged with developing and presenting the executive branch's policies on telecommunications and other information issues, both to other agencies and to Congress. NTIA reports and recommendations have fueled debate and promoted improvements on a wide range of domestic telecommunications issues. NTIA, in conjunction with other Federal agencies, also develops U.S. policy regarding international telecommunications issues, including international satellites and trade. These international activities have advanced U.S. trade and technology interests in the world's telecommunications marketplace.

In addition, NTIA manages and allocates the Federal Government's portion of the radio frequency spectrum, and it conducts extensive research through its Institute for Telecommunications Sciences and its Office of Policy Analysis. Finally, NTIA administers the Public Television Facilities Program [PTFP], a competitive matching grant program that supports public television and public radio facilities.

I note with concern that the administration has proposed, as it did in the 100th Congress, to abolish PTFP. PTFP provides a vital service by ensuring that public television and public radio are available to all citizens, not just to those living near urban centers. While we have made great strides in bringing public television and radio to all Americans, there is still much ground to cover. A recent NTIA study determined that although 94 percent of the U.S. population receives at least one over-the-air public television signal, only 86 percent of the population receives at least one public radio signal. PTFP plays a crucial role in the continuing campaign to expand public television and radio coverage.

To fulfill its responsibilities, NTIA requires both adequate funding and sufficient autonomy. On January 6, 1989, then Secretary of Commerce C. William Verity, announced organizational changes within the Commerce Department that would have reduced NTIA's status and autonomy. Under the Verity plan, NTIA was to report to the Undersecretary of Technology rather than directly to the Secretary. In response, I joined with other Members to raise concerns about the appropriateness of this change in an era where telecommunications industries are so closely linked to America's economic future. Last week, it was reported that Secretary Robert Mosbacher is planning to restore NTIA's independent status within the Commerce Department. I applaud this action, and I believe it reflects renewed appreciation for the importance of a strong, comprehensive national telecommunications policy.

The funding levels for NTIA contained in this legislation are consistent with the needs of the agency and the needs of our Government in the development and coordination of our national policy for the critical telecommunications industry. I urge my colleagues to support this legislation.

A TRIBUTE TO JEAN BARTON

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. FISH. Mr. Speaker, I take this opportunity to pay tribute to one of my constituents, Mrs. Jean Barton, who on September 14, was awarded the 1989 James Cash Penney Award for Community Service. Mrs. Barton has given of herself—her time, energy, and deep concern for those around her—and it is my distinct honor to recognize her for her great service to our community.

Domestic violence is a painful reality for many families in communities all over the United States. Mrs. Barton, once a victim of such violence herself, today shares her experiences and compassion with others who find themselves in similar circumstances. She reaches out generously to other victims by volunteering at the Grace Smith House, an organization which provides shelter, food, counseling and other services for women and children who are victims of domestic violence.

Jean's record of service to the community reflects the depth of her commitment to this issue. She is a member of the board of directors and the community response committee of the Dutchess County Coalition Against Domestic Violence. She is also a member of the ex-residents council of the Grace Smith House, and edits and cowrites a newsletter for former residents. In addition, as a customer service superviser for J.C. Penney in Poughkeepsie, NY, she counsels other employees who may find themselves the victims of domestic violence.

It is a privilege for me to join J.C. Penney in honoring Jean Barton for her contributions to her community. Not only has she touched the lives of the battered women she has helped, she has touched all of us with her compassion and service. To Jean we say a heartfelt thank you for all she has done.

NEW JERSEY PRIDE HONOR ROLL—AVIATION PIONEER

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. GALLO. Mr. Speaker, Jimmy Doolittle is an aviation legend and a shaper of 20th century history.

This Sunday, September 24, marks the 60th anniversary of General Doolittle's historic instrument flight at Mitchell Field, Long Island, on September 24, 1929.

After countless hours of test flights at the Aircraft Radio Corp.'s airfield in Boonton Township, NJ, during 1928 and 1929, the successful takeoff and landing at Mitchell Field that fall day, using only instruments, represented the successful completion of an historic project for a group of dedicated engineers and scientists.

It also marked another milestone in the long and distinguished career of an American hero.

This was the first blind flight, made from start to finish using only instruments.

The engineers of the Aircraft Radio Corp. gave birth the age of instrumentation in flight, but Jimmy Doolittle gave the new era its life.

Today, the Breed Corp. remains as the successor to that pioneering company and Jimmy Doolittle remains an honorary favorite son in Boonton.

That first flight 60 years ago made possible today's commercial, business, and private air travel on a timetable—night or day, in good weather and bad. It also helped to make possible Jimmy Doolittle's daring exploits during World War II, including his famous bombing raid over Tokyo in 1942.

In recognition of Gen. James H. Doolittle's achievements and as an expression of appreciation for his friendship, as well as his accomplishment, General Doolittle will be honored by the people of Boonton on the 60th anniversary of his historic flight, under the sponsorship of the Yankee Air Force northeast division, the New Jersey Historical Society, and the Boonton Township Committee.

As a permanent reminder of the man and the event, a bust of General Doolittle will be dedicated, thanks to the fine work of the famous New Jersey sculptor Martin Siegel.

At 93, General Doolittle will be unable to join our celebration, and his son, Col. John Doolittle, will represent him. But, I know that this 20th century man will be with us in his thoughts.

Mr. Speaker, I ask my colleagues to join me in recognizing, once again, the man and his achievements and to join with the people of Boonton, NJ, in celebration of this historic day and the man who made it possible.

HONORING FORMER U.S. SENATOR FRANK MOSS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. OWENS of Utah. Mr. Speaker, I rise today to honor a former U.S. Senator from the State of Utah, who has devoted his life to public service—Frank Moss. His 18 years of service in the Senate directly influenced many of the most dramatic and far-reaching events in modern American history—the war in Vietnam, the social changes of the 1960's, the Great Society, space exploration, and the rise of the nuclear age.

Today I introduce a bill to rename the courthouse and U.S. post office building at Fourth South and Main Streets in Salt Lake City the "Frank E. Moss Federal Building" to commemorate not only Ted Moss' lifelong dedication to the public good as a U.S. Senator, but his previous service as a judge in Salt Lake City's Municipal Court, a colonel in the U.S. Army Reserve, the elected Salt Lake County attorney, and his continuing contributions as a community leader today.

As a member of the leadership in the Senate as secretary of the Democratic Conference, he has been described by his colleagues as one of the most productive Senators ever to have served in the U.S. Senate. In the area of consumer protection, he was a genuine leader, a pioneer. He was the principal sponsor of the Toy Safety Act, and is recognized for his crucial role in the passage of the Fair Packaging and Labeling Act, the Truth-In Lending Act, the Flammable Fabrics Act, and many other consumer-oriented bills. Perhaps best known to his friends in Utah and throughout the country was his success in leading the fight to ban cigarette advertising from television.

The list of Ted Moss' accomplishments reads, as former Senator Howard Cannon of Nevada said on the Senate floor, "like an encyclopedia." From his involvement in nursing home reform and Medicare to the creation of the country's greatest natural treasures—Canyonlands, Capitol Reef, and Arches National Parks—Senator Moss has earned a place in the hearts of all Utahns, and remains a vital force in our State. My two colleagues in the Senate, JAKE GARN and ORRIN HATCH, have graciously consented to support this bipartisan legislation as it moves through the process of passage. I urge your support for the Frank E. Moss Federal Building.

CONGRESSIONAL BIRTHDAY GREETINGS FOR ONE OF BAVARIA'S FINEST SONS: DR. KASPAR SEIBOLD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. FIELDS. Mr. Speaker, a few years ago, I had the pleasure of visiting the beautiful Bavarian city of Lenggries. During my visit, I had the opportunity to meet a remarkable resident of that city, Dr. Kaspar Seibold.

On October 14, Dr. Seibold will celebrate his 75th birthday. I would like to join with the people of Lenggries in wishing Dr. Seibold a very happy birthday.

Dr. Seibold has dedicated his life to public service and to improving the quality of life for his beloved homeland. Following World War II, Dr. Seibold became a founding member of the Christian Social Party, which is the Bavarian Conservative Party.

He served with distinction for many years as chairman of the party's city and country organizations. He was also instrumental in the postwar recovery of Germany through his service on the city council, as mayor of Lenggries for 16 years, as a member of the county commissioners council and as a member of the Senate of Upper Bavaria.

Throughout his remarkable life, Dr. Seibold has worked closely with some of Germany's greatest postwar political leaders. Included with this distinguished group of friends were Fritz Schaffer, Franz Josef Strauss and the first Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer.

In fact, Dr. Seibold served as Chancellor Adenauer's Secretary to the Parliamentary Assembly which wrote the postwar German Constitution. As one of only two surviving fathers of the German Constitution, Dr. Seibold can proudly look back upon his tireless efforts with the knowledge that today his beloved homeland is economically strong and politically stable—providing unlimited opportunity and freedom for all German citizens.

It is no coincidence that thousands of East Germans have left their politically repressive state in the last several weeks for a better life and a brighter future in the nation Dr. Kaspar Seibold helped create—the Federal Republic of Germany.

Mr. Speaker, the people of Lenggries have every reason to be proud of Dr. Seibold, and I am pleased to have this opportunity to extend my birthday greetings to one of Germany's greatest postwar heroes.

It was an honor meeting Dr. Seibold and I wish him many more happy birthdays in the future.

SURVEY FINDS SAGUARO CACTUS ARE RECOVERING

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. KOLBE. Mr. Speaker, the tall, towering saguaro cactus is a symbol of the Arizona-Sonoran Desert and perhaps the most distinctive variety of cactus in the world. The large cacti can grow to as much as 40 feet in height and can live for up to 150 years. Saguaros require 50 years before they reach a height of 6 feet and become capable of producing flowers. After 70 years, they finally begin to grow arms.

Mr. Speaker, the declining population of saguaro cacti in Southern Arizona has recently been the focus of much concern. The population of saguaros has decreased dramatically since the 1930's. Problems related to urban growth, which have been blamed for this decline, have been shown not to have a profound effect. The saguaro population is once again on the rise and holds a promising future.

A long downward trend in the population of saguaro cacti began in the late 1930's and resulted in a decrease of 50 percent in the number of saguaros. This decline had been blamed on intractable urban problems relating to the rapid growth of Tucson. Some people have even said that man and saguaros are incompatible.

A recent AP article presents the results of a study conducted by Raymond Turner, a U.S. Geological Survey ecologist. According to Turner, the saguaro population is rebounding from its long decline. The number of saguaro seedlings has nearly quadrupled in some areas of Tucson. Turner attributes the resurgence to the greater presence of other plants which shelter the young saguaros.

The survey indicates that the saguaro cactus is less vulnerable to pollution that previously thought. Although there exists a gap between generations, the vast number of young saguaros has cast a light of optimism on the future of the saguaro cactus population.

Today, September 20, the U.S. Botanical Gardens will receive a donation of several Sonoran cactus species long missing from their extensive collection. Anong those will be the stately saguaro. This honor comes at an appropriate time. Now it appears the saguaros' future will be a long and healthy one.

Mr. Speaker, I have attached the article detailing Mr. Turner's conclusions.

SURVEY FINDS SAGUARO CACTI ARE RECOVERING

TUCSON (AP).—A review of maps, photographs and records dating back 80 years indicates that the area's towering saguaro cacti may be rebounding from a long decline, a local researcher says.

Raymond Turner, a U.S. Geological Survey research ecologist, said records show that the saguaro population on the flats of Tumamoc Hill, on Tucson's west side, is quadrupling.

"And the east side saguaro population has been coming back in the last decade or two," Turner added. "There are tremendous numbers of saguaros."

Turner said he thinks overgrazing of adjacent or "nurse" plants began hurting saguaro stands around the turn of the century. He said another possibility was a lack of adequate rainfall in some weather cycles.

But he said he doubts that pollution is a factor in their decline.

"The cacti and a lot of desert plants in general are pretty hardy when it comes to pollution," Turner said. "The word 'fragile' is certainly overused in talking about the desert and other environments."

Despite their resurgence, the emerging saguaros, which can live 200 years or more, are still seedlings and need sheltering, he said.

"I think a large proportion will survive," Turner said. "By the year 2000, we're going to have a lot of plants that are head high, but not many big plants. it will be a much different saguaro forest than it is today, but we're going to have a good stand."

Saguaros grow a few inches a year, producing flowers when they reach 6 to 9 feet, Turner said. That's 50 to 60 years. About 20 years later, they begin producing arms.

Turner said the saguaro's longevity and slow growth habits help explain why the stands are only now recovering.

Turner's study is designed to measure the height and population of cacti on a 400-acre parcel of Desert Laboratory land. Stressing that his results at this point are preliminary, Turner said the first 100 acres studied contain 205 saguaros, compared to 55 in 1907.

In 1907 a fence was erected on the property to keep cattle out. Photos taken 21 years later, in 1928, show the area overrun with creosote bushes—plants which thrive following grazing, Turner said.

"Just a year or so ago we went down and matched those photos and found most of the creosote is dead," he said.

In its place the bushes known as bursage and ratney have appeared.

Turner said the change is significant for saguaros, which, as seedlings require sheltering plants. Creosote is a poor nurse plant, while bursage and ratney—both great snacks for cattle—provide perfect shelter for the saguaro seedlings, he noted.

"So we're wondering if after the fence went up whether quite a long period had to elapse before the proper nurse plant population returned to make conditions right for saguaros," Turner said.

TRIBUTE TO WILLIAM "FISHBAIT" MILLER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. JACOBS. Mr. Speaker, it is said that John F. Kennedy gave to Pierre Salinger a loving cup with the following East Indian inscription:

Three things are real—God, human folly and humor. Since we cannot understand the first two, we must do what we can with the third.

William "Fishbait" Miller did an awful lot with the third. And it is to the credit of the House that Fishbait has a worthy successor in Jim Molloy.

LEGENDARY DOORKEEPER OF THE HOUSE WILLIAM 'FISHBAIT' MILLER DIES AT 80

(By Richard Pearson)

William "Fishbait" Miller, 80, the legendary doorkeeper of the U.S. House of Representatives, died Sept. 12 at his home in Greensboro, N.C. The cause of death was not reported.

He served as doorkeeper from 1949 to 1953, and again from 1955 until defeated for reelection by the House Democratic Caucus in 1974. From 1947 to 1949, and again from 1953 to 1955, he was House minority housekeeper.

He was most visible to the public when the president entered the House to address joint sessions of Congress. His was the voice that for many years bellowed "Mr. Speaker, the president of the United States."

The job of doorkeeper, especially under Mr. Miller, was not what one might expect. Not only did he keep track of who was admitted to the House floor, but he also ruled a fiefdom that included more than 350 employees and an annual budget of $3.5 million.

His duties came to include escorting dignitaries visiting the Capitol and overseeing the Document Room, numerous telephone operators, five barbershops, messengers, pages, doormen, and cloakroom and snack room employees.

Mr. Miller was a protege of William Colmer (D-Miss.), a powerful House baron who rose to become Rules Committee chairman. His other close friends included former speakers Sam Rayburn (D-Tex.) Joseph Martin (R-Mass.) and former president Ford, who was a Republican House leader for many years.

But it was not only what became a powerful job and the help of influential friends that brought fame, if not fortune, his way. He was an enthusiastic socializer and an irrepressible dynamo who found no job too small if it involved helping a member of the House of Representatives. One House member said Mr. Miller "turned obsequiousness into an art form."

He had a personality honed in a bygone era in his native Pascagoula, Miss., that many found endearing and others found grating. Women staff members were known to complain of his fondness for kissing and his assurances that he would be happy to help them find rich husbands.

He could be nearly dictatorial in maintaining what he felt were the traditions of the House and almost too comfortable in the public limelight. And he was nothing if not unique in his dealings with people not of the House.

Probably the best-known example of this hit the headlines in 1952 when then-Princess Elizabeth of Great Britain and her husband, Philip, the Duke of Edinburgh, paid a highly publicized visit to Washington.

When she entered the House, he greeted the princess with a breezy "Howdy, Ma'am." This caused a startled State Department protocol officer to order Mr. Miller to "straighten up and fly right."

This advice seemed to have little effect on Mr. Miller, who had an unshakable belief that the executive branch did not give him orders in the U.S. Capitol.

As the princess gamely waved to House members from the speaker's rostrum, Mr. Miller was heard to bellow down to the floor, "Hey, pass me up the prince."

Although many were chagrined at his permance, at least one good friend of Mr. Miller's was amused.

Mr. Miller told a reporter that President Truman later told him that he had warned the princess that Mr. Miller was a "character."

"'Well, Fishbait, I warned them and you sure didn't let me down,'" Mr. Miller quoted Truman as saying.

Another of his more memorable encounters was with Rep. Bella Abzug (D-N.Y.) when she took office in 1973. She was entering the House floor for the first time, wearing her trademark broad-brimmed hat, when the intrepid, Mr. Miller barred her way, saying that wearing hats on the House floor was forbidden.

Abzug is said to have told Mr. Miller to perform an act that family newspapers have been known to allude to as a "physical impossibility."

But if he angered one member of Congress, he impressed many others for many years. His knowledge of the Capitol, as well as possession of keys to every locked door in the building, led some junior members to hold him in awe.

He would hail Gerald Ford, then the vice president of the United States, as "Jerry," and present him extra tickets to a State of the Union address that the Nixon White House had been unable to obtain.

At the same time, Mr. Miller could often be seen scrambling about getting almost anything that a member of Congress needed. He even had been known to baby-sit for the children of younger members in a pinch. No member of the House was "unimportant" to him.

Yet, by 1974, many felt that Mr. Miller's age had passed, and his manner was no longer what the House wanted or needed. He had not faced election opposition since 1949, but went down to defeat in 1974.

He announced that he was returning to his native South, where he planned to fish and write a book about his Washington years. A former Arlington resident, he may have left town in his trademark car: a 1947 four-door Dodge sedan. As of February 1974, he told reporters it had 275,687 miles on it and was running like a top.

His book, "Fishbait," was published in 1977 by Prentice-Hall to favorable reviews.

William Mosley Miller earned his nickname "Fishbait" as a boy who was so small that contemporaries compared him to shrimp used as the bait they used to hook fish.

Perhaps the first hint that he was destined for greater things was the fame he gained working at Pascagoula's Palace pharmacy for 10 years during grade school and high school. From delivery boy and clerk, he took over the soda fountain, where he demonstrated the ability to hold 19 cones in one hand and fill them by catching scoops of ice cream he tossed in the air with the other hand. He also learned to hold and serve a dozen glasses of Coke at a time.

Among those impressed with these talents was William Colmer, who before he started his 40-year congressional career dropped into the pharmacy to sip Coke and smoke cigars. He helped Mr. Miller through junior college, then hired him as his driver during his first congressional campaign. Both men went to Congress in 1933, Colmer as a member of the House, Mr. Miller as a clerk in the House Post Office.

Survivors include his wife, the former Mabel Breeland, whom he married in 1937, and a daughter, Sarah Patsy Knight, both of Greensboro; three sisters; and two grandchildren.

KANSAN WINS J.C. PENNEY NATIONAL VOLUNTEER AWARD

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mrs. MEYERS of Kansas. Mr. Speaker, fixing homes of the poor, elderly, and handicapped of Kansas City, KS, 7 days a week without compensation is what Norman A. Hodges, the 1989 winner of J.C. Penney's National Golden Rule Award, does with his life.

Hodges, who was announced the winner of the award by J.C. Penney on September 14, is the president and founder of 20 Good Men, a volunteer organization that repairs and rebuilds dilapidated houses in Kansas City, KS.

There is little doubt in my mind that Norman Hodges is the deserving winner of J.C. Penney's National Golden Rule Award. For the past 3 years, he has devoted his time to repairing more than 550 homes in Wyandotte County.

In addition, Hodges and 20 Good Men have cleared lots and creek beds and turned them into parks. All of this was done with energy and the contributions of machinery, material, and manpower in cooperation wtih volunteer labor from General Motors.

The spirit of volunteerism is alive in the Third District. Hodges and his group of 180 volunteers are to be commended for making Wyandotte County a better place to live for many poor, elderly, and handicapped individuals. He has brought a sense of empowerment to people who live in circumstances often devoid of both help and hope.

20 Good Men makes major and minor repairs to the electrical systems, plumbing, and roofing of homes of those who are often unable to make the repairs themselves. Hodges procures necessary building materials for projects with private donations and relies on all kinds of volunteers and tradesmen to donate their skills, including a reformed drug abuser, attorneys, and professional football player.

In addition, Hodges provides leadership to the volunteers, offers technical expertise, and, much of the time, simply buckles down to the work himself. Work for Hodges usually means a 7-day week and a staggering 300 hours of volunteer work a month. And, for all of that, he receives not a penny in return.

Hodges and 20 Good Men received a commissioned sculpture of a "flame of freedom" and a $10,000 contribution for their work. According to J.C. Penney, the sculpture represents "freedom as the heart of volunteerism, offering the ability to give oneself freely in service to others."

Hodges was selected by a blue ribbon panel of national volunteer and civic leaders. Nominees were judged on their active involvement in the community, the initiative they took in finding solutions to problems, the positive results of their activities, and special circumstances they overcame with limited resources.

The National Golden Rule Award commemorates a tradition of community service established by James Cash Penney when he opened his first store, The Golden Rule, in 1902.

J.C. Penney is not the first to recognize Hodges' and 20 Good Men's extraordinary work. In 1987, former President Reagan honored 20 Good Men with the President's Volunteer Action Award.

Mr. Speaker, Hodges and 20 Good Men deserve the profound thanks of his community and this country for their dedicated work to fellow citizens in need. I am pleased to join with J.C. Penney in recognizing Norman Hodges and 20 Good Men for their spirit of volunteerism.

NATIONAL GUARD REQUIRED FOR DRUG INTERDICTION ACTIVITIES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. LEVINE of California. Mr. Speaker, the drug epidemic is the most serious crisis facing our Nation today. Drug traffickers have turned our communities into violent war zones where property is destroyed, adults are assaulted, and children are endangered at school and play. Our next generation, and in fact our entire society, is being threatened with destruction from illegal drugs. We are under siege, and we must fight back with every resource available.

While southern California is on the front line in the war on drugs, the administration insists on fighting a rear guard action in our State.

Increased Federal law enforcement support to Miami and New York has been largely successful in forcing drug traffickers out of these areas, and into southern California. As a result: Most of the Nation's cocaine supply comes across the Mexican border into Los Angeles; southern California leads the rest of the Nation in importation of heroin; and, we also are the country's No. 1 manufacturer of PCP and methamphetamines.

But most significantly, Los Angeles drug gangs are responsible for exporting these drugs and the violence which accompanies their distribution into every region of the Nation. As a result, Los Angeles drug gangs have been identified in over 50 cities in every region of the Nation from Anchorage, AK, to Washington, DC.

If we are to solve America's drug problem we must solve California's drug problem. Yet the administration's drug plan actually takes Federal resources away from southern California rather than adding to the arsenal of weapons to fight the war against drugs and gangs.

In response to this crisis, my colleagues, Mr. DIXON, Mr. TORRES, Mr. BERMAN, Mr. MARTINEZ, Mr. WAXMAN, and I are urging the Governor of California to call out the National Guard to fight drug trafficking in the State. And to support the Governor, we are introducing legislation which would earmark $10 million for California to pay for the National Guard operations.

The funds earmarked by our legislation would come from the fiscal year 1990 defense appropriations funding, to pay for the California National Guard. The funding would be used for aerial surveillance of the border, cargo inspections at the border, aerial reconnaissance and surveillance of suspected drug activity, and to locate marijuana patches. National Guard personnel would not be used to arrest or detain suspects, and will receive appropriate training for the missions they assume.

Last year the Guard conducted "Border Patrol I." This operation, which seized 1,000 pounds of cocaine and 3,000 pounds of marijuana, was generally regarded by law enforcement as very successful. We want to see this operation continued indefinitely until we have gained control over the flow of drugs into California and the entire Nation.

We look forward to working with our colleagues on this project, to halt the flow of drugs through southern California, and to every other region of the country. I include a copy of the legislation in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That, of the amount appropriated in the Department of Defense Appropriations Act, 1990, for drug interdiction activities of the Department of Defense, the Secretary of Defense shall ensure that $10,000,000 of the amount required to be available only for drug interdiction activities of the Army National Guard and the Air National Guard shall be available only for drug interdiction activities of the California National Guard.

NATIONAL QUALITY MONTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. HORTON. Mr. Speaker, I wish to express my great pleasure for the passage, yesterday, of House Joint Resolution 204, legislation designating October 1989 as "National Quality Month".

Today we are witnessing more and more Communist nations turning toward democratic principles and free market economies. As the leader of the free world, this is especially gratifying for those of us in the United States. At the same time, we see developing nations from Asia, Africa, and South America gearing up their industrial bases.

While these developments are certainly positive, they do represent new challenges for our American economy. As the world market becomes more competitive, we must focus on the quality of American products. The designation of October as "National Quality Month" serves as an excellent vehicle for this goal. It helps business and academic leaders in America to highlight the importance of quality in every aspect of our lives.

During the last few years, the Rochester area has been active in the continuation of National Quality Month. I wish to commend the fine work of 1989 National Quality Month Chairman David Kearn—CEO of Xerox Corp.—in gathering support for passage of House Joint Resolution 204. Former National Quality Month chairmen have included Colby Chandler—CEO of Eastman Kodak—in 1988, and James Houghton—CEO of Corning Glass—in 1987. These gentlemen, of course, are each leaders in the American business community. Their efforts in this regard demonstrate their commitment to the quality of the American product.

As many Members of Congress are aware, it is often difficult to acquire the 218 cosponsors necessary for consideration of commemorative legislation such as National Quality Month. That we received more than the requisite number of cosponsors for House Joint Resolution 204 is testimony to the importance which a majority of the House of Representatives places on this issue and on this bill.

I was proud to play a role in bringing House Joint Resolution 204 to the floor this year. I look forward to the celebration of National Quality Month this October and in future years.

A BILL TO REAUTHORIZE THE ROBERT A. TAFT INSTITUTE OF GOVERNMENT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. WILLIAMS. Mr. Speaker, today I am introducing a bill to reauthorize the Robert A. Taft Institute of Government.

The Taft Institute is a not-for-profit, nonpartisan educational organization named in honor of the late U.S. Senator Robert A. Taft, of Ohio. The Institute was founded in 1961, and its activities are based on Senator Taft's belief that "an enlightened citizenry participating in the political process is the best way to protect America's freedom."

The Taft Institute has several objectives. First, it attempts to stimulate an understanding of the principles and the process of government. Second, it tries to inspire a more active interest and participation in government at all levels. Finally, it works to advance the science of government and to help citizens meet more effectively the problems confronting the Nation and the world. To meet these objectives the Taft Institute each year conducts seminars for classroom teachers, administrators and librarians who are responsible for teaching social studies, civics, and government. These seminars focus on government and how it works, and they are taught by practicing politicians and government officials; 180 current Members of Congress have taught these seminars. And former Taft lecturers represent virtual who's who of American political life, including President Bush, former Vice Presidents Walter Mondale and the late Hubert H. Humphrey, Supreme Court Justice Sandra Day O'Connor, and Governor Mario Cuomo.

Last year 30 seminars in 27 States were held, enrolling 847 teachers, administrators, and librarians. Since its inception, 580 Taft seminars have been held on more than 125 college campuses. Approximately 18,000 individuals have been trained by a faculty of 15,000 Republican and Democratic governmental and political experts. The Taft program is a success.

The bill I introduce today will continue Federal support for Taft for 5 more years. Congress first supported the Institute in 1980 with an annual authorization of $750,000. Every Federal dollar going to Taft must be matched by contributions. The Taft program is a working public-private partnership. However, it was the original intent of the supporters of this program that the Institute ultimately survive without Federal support. The legislation I introduce today will achieve that goal.

Over the next 5 years, the Federal contribution to the Taft Institute will be gradually reduced, so that by 1994 the Institute will be on its own financially. I have discussed this with the staff of the Institute, and they are confident that they will be able to gear up their fund raising and have sufficient private contributions in hand to take the place of Federal support.

As I said earlier Mr. Speaker, that Taft Institute is a good program. I must say, however, that I am extremely disappointed in the lack of support this program has received from the administration. Last year, the Reagan administration announced that it did not support any Taft reauthorization bill, and in fact promised a veto if a bill worked its way through the Congress. This year, the Bush administration has not given this program its support, despite the fact that the President's brother chairs the Institute's board. I hope as this legislation moves through the Congress that my colleagues and I can convince the administration to adopt a different posture.

THE FASTENER QUALITY ACT

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. ECKART. Mr. Speaker, counterfeit and substandard fasteners undermine the readiness of our Nation's military forces, threaten our infrastructure, and endanger the health and safety of all Americans. Bogus fasteners have been found in nuclear powerplants, bridges, high-rise buildings, airplanes, motor vehicles, and other critical applications.

A 2-year study by the House Subcommittee on Oversight and Investigations found that even our Nation's space program has not been immune. Both Government and private sector projects have been affected. I have participated in subcommittee hearings which demonstrated that a comprehensive solution is necessary.

The legislation the House passed on Tuesday—the Fastener Quality Act—is a responsible and long-overdue measure. H.R. 3000 will require inspection, testing, and certification of all fastener lots sold in the United States. The bill incorporates well-established private sector standards and requires that only accredited laboratories will be able to test and certify fasteners. Equally important—the bill provides for criminal penalties for counterfeiters who insist upon endangering the safety of others.

Fake fasteners cost our Nation dearly—legitimate manufacturers have been forced to compete in an unfair market and many have been driven out of business; lives have been lost, tax dollars wasted, and private sector resources squandered.

H.R. 3000 is a responsible and strong step toward sanity and safety.

NATIONAL MARCH FOR HOUSING NOW

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mrs. MORELLA. Mr. Speaker, among the critical housing challenges facing the 101st Congress, two standout: Finding a solution to the problem of homelessness and increasing the supply of affordable housing in our communities. The 1949 goal of Federal housing assistance "a decent home and suitable living environment for every American family" has been only partially successful.

On October 7, 1989, hundreds of thousands of people will gather at the U.S. Capitol to support decent, affordable housing for all. The McKinney Homeless Assistance Act, passed in the 101th Congress, provides emergency housing, food, health care, education, and job-training opportunities. In Montgomery County, MD, it currently provides almost $2 million to the Housing Opportunities Commission for transitional housing. But the McKinney Act is only a temporary, short-term solution to the problem of homelessness. Any permanent solution must include increasing the supply of reasonably priced housing and transitional housing for those in need, especially women with children.

I support the efforts of the Housing Now Coalition to make housing a national priority, and I urge my colleagues to listen to constituents who come to the Capitol on October 7. It is unconscionable that homelessness is a fact of life in one of the wealthiest nations on Earth. I pledge my support for Housing Now and I urge Montgomery County residents to get involved in efforts to aid the homeless in their communities.

A TRIBUTE TO MR. LUKE ANTHONY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to bring to the attention of my colleagues a distinguished citizen of my district who has recently become the first inductee to the Anne Arundel County Democratic Hall of Fame. I speak of Mr. Luke Anthony of Rock Hill Beach, MD who was extended this tribute on September 8, 1989.

Luke's dedication and philanthropy to his community dates back for over half a century. In 1932, he was one of the first volunteer chauffeurs for the Riviera Beach Volunteer Fire Department. Over the years, he has earned a reputation among his colleagues as one who never hesitates to give his utmost support and encouragement to any neighbor or fellow resident of Anne Arundel County. In addition, Luke continues to be a prominent member of his parish and was one of the earliest members of the St. Jane Francis Church in Riviera Beach.

Today, Luke Anthony holds lifetime membership in both the Stoney Creek and the Lake Shore Democratic Clubs. He also is an active member of the Roland Terrace Democratic Club. His efforts for these district clubs has been exhaustive, as is Luke's continuing service as an elected official representing District 31 on the Anne Arundel Democratic Central Committee. He has served faithfully as a State auditor, judge of the orphan's court, and delegate to the Democratic National Convention.

In every sense, Luke Anthony's commitment to the community in which he lived has been marked by unswerving dedication and a deep sense of concern for each individual. Therefore, Mr. Speaker, it is a privilege for me to join with the family, friends, and colleagues of Luke Anthony in extending to him my most sincere congratulations.

THOUGHTS ON A VISIT TO ISRAEL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, few nations in the world are the recipient of more international press and governmental attention than the state of Israel. The Mid-East political climate and Israel's role in that troubled region are regularly debated on the floor of this House. This past month, my wife Barbara and I had an opportunity to visit Israel for the first time, and it can truly be said that no amount of debate or reading can substitute for actually viewing the Israeli situation and visiting with its people.

Visiting Israel is, of course, a personally moving event for any of us reared in the Judeo-Christian tradition. Our religious and much of our literary heritage is based on events which took place in this very small country, and a sense of sacredness is felt immediately upon seeing the land. We traveled from ancient Jaffa to Haifa, and then through the Golan Heights to Galilee. On the West Bank, we visited Nablus and Bethlehem. The Dead Sea and Masada will remain unforgettable to us. The jewel of all Israel is, of course, the undivided city of Jerusalem. Despite two decades of remarkable progress in Jerusalem, bullet holes and a few remaining patches of rubble serve as reminders of how recently this holy city was torn apart.

One of the aspects of Israel that I believe must be personally viewed to be entirely appreciated is the small size and thus, the strategic vulnerability of Israel. The border of an avowed enemy is never more than minutes away, and the entire nation is subject to sudden attack from virtually every direction. Nowhere is the physical vulnerability of Israel more graphic than when standing on the Golan Heights. Looking down into the agricultural heartlands of Israel from the Golan, it becomes obvious why the retention of this area, and the development of security zones on the Lebanese border is so essential.

The Judean hills, as in ancient times, also continue to offer the perfect launching site for an invasion of the country. Israel should never be expected to adopt policies which result in indefensible borders and which perpetuate a state of military siege. While the Israeli people have been remarkably productive in a land of few natural resources, it struck me time and again that this land truly would bloom if only its people were not required to devote so much of their energy, time, and assets to military defense.

Underlying the Arab-Israel conflict has been the unwillingness of Arab States to accept Israel's right to exist. This past year, however, most world attention has been focused on the "Intifada," the Palestinian uprising which has brought suffering to Israelis and Palestinians alike. The future of the West Bank and Gaza must be resolved politically by the Israelis and Palestinians themselves—the United States is not capable of imposing a solution on this complex and explosive situation. Nontheless, the United States should do all in its power to encourage the voices of moderation and negotiation while recognizing that the context is one of war and conflict. In the meantime, it is imperative that our Nation continue to support both the economy and the defense of one of our true friends and one of the rare outposts of democracy in the Middle East.

In order for the Palestinian question to be resolved, it will be essential that Israel feels secure within its borders, and that it recognizes that the United States stands strongly behind it. This recent visit to Israel afforded me the opportunity to meet with both Israeli and Palestinian citizens, and there is no doubt that there are good and reasonable people on both sides. I do not believe that the current conflict is hopeless, but I do believe more strongly than ever, that it is in the interest of Palestinians as well as Israelis that the security of Israel as a state be absolutely guaranteed by the United States and the rest of the world community.

CONGRATULATIONS TO THE U.S. PRECISION HELICOPTER TEAM

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. DICKINSON. Mr. Speaker, I am pleased to announce that the U.S. Precision Helicopter Team [USPHT] has won the world helicopter championship for the third consecutive time in both individual and team events in Paris, France. The competition was held on September 10, 1989. The first place finish by the United States team followed a week long test of teams representing the Soviet Union, West Germany, Great Britain, France, and the United States. The U.S. team consisted of army helicopter crews from both active and reserve units.

By retaining the championship, the U.S. team has established our Nation's supremacy in helicopter competition on an international level. This also demonstrates the first class training and readiness skills provided by our military.

I should add that all members of the U.S. Precision Helicopter Team received their initial training at Fort Rucker, AL—located in my congressional district of southeast Alabama.

My congratulations to these fine aviators who I am proud to join at the White House tomorrow for a photo ceremony with President Bush:

Lt. Col. Robert Harry, team commander, Ozark, AL.

CW3 Jon Iseminger, from Esterville, IA.

CW3 David L. White, La Mesa, CA.

Lt. Jae D. Collins, Frederick, MD.

CW4 John E. Loftice, Vero Beach, FL.

CW2 Kenneth W. Wright, Fremont, CA.

CW2 George W. Egbert III, Killeen, TX.

CW2 Paul W. Hendricks, Morang, AZ.

CW3 Rick Church, Clarksville, TN (raised in Ozark, AL).

CW3 Howard Fancher, Las Vegas, NV (Alabama native).

Sgt. Scott Harbarger, (mother from Mt. Pleasant, AL).

Sgt. Lonnie Rash, Shelbina, MO.

CW3 Rudy Hobbs, Tacoma, WA.

CW3 Edward D. Jones, Austin TX.

CW3 Neil E. Whigham, Austin, TX.

CW4 Maris Stipniecks, Austin, TX.

Lt. Brian W. Dickens, Austin, TX.

TRIBUTE TO ANGELO K. TSAKOPOULOS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. WAXMAN. Mr. Speaker, on October 13 men and women from every walk of life will gather in Beverly Hills, CA, to pay tribute to Mr. Angelo K. Tsakopoulos. Mr. Tsakopoulos will receive the coveted "1989 Man of the Year Award" of AXIOS— the foundation for worthiness.

As honorary cochairman of the tribute to Angelo Tsakopoulos, I am privileged to call to the attention of my colleagues and the public some of the outstanding highlights of Mr. Tsakopoulos' life.

Angelo K. Tsakopoulos embodies in full the American dream. He came to this country from his native Greece at the age of 15. He had no trade, no knowledge of English, and no financial resources. Through energy and imagination, he overcame all barriers. His many achievements are legendary.

Angelo Tsakopoulos' greatest achievements have been in the field of philanthropy. He has long been a major donor to causes directly related to his Greek origins, as well as to organizations which promote research, health, education, and the arts.

Though Angelo Tsakopoulos has distributed millions of dollars, he has never sought media attention or public acclaim. In his personal life, he has reflected the values and teachings of the Greek Orthodox Church and American tradition. He and his wife, Sofia, have devoted themselves to their six children, and two grandchildren.

Angelo K. Tsakopoulos has brought honor to our Nation and to all Greek-Americans. I ask that the Speaker and my fellow members of the House of Representatives join me in saluting Angelo K. Tsakopoulos on the occasion of his being named AXIOS Man of the Year, and wish him and his wife good health and many years of continued community service.

AMERICAN SOVIET YOUTH ORCHESTRA

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. PEASE. Mr. Speaker, I would like to draw your attention to a very simple concurrent resolution that I introduced today which would allow the American-Soviet Youth Orchestra to perform on the West Lawn of the U.S. Capitol next August. Should my resolution be approved, it would be the first use of tis splendid site by an orchestra other than the National Symphony.

My association with this 2-year-old group stems from its roots which are firmly entrenched in my district. It is sponsored by the Conservatory of Music at Oberlin College, in my district, and by the Moscow Conservatory of Music and the Soviet Ministry of Culture. It is the first performing arts exchange to be produced jointly by both countries and the first exchange of performing artists to include cross-cultural training and homestays. Basically, its mission is to help young musicians and the audiences that hear them to learn from each other and to live together in the same spirit of harmony that their music engenders. First Lady Barbara Bush is the American Honorary Chairman.

Each year, the finest young musicians from both countries are selected and assembled to create a first-rate symphonic orchestra. The result is a stronger orchestra than either Nation could have built alone. The public in both nations shares in the fruits of the venture. The American-Soviet Youth Orchestra makes concert tours in both countries, reaching as wide an audience as possible through outdoor concerts and performances at major music festivals in this country and overseas.

In many communities where they perform, the musicians join with local educational and other institutions to give chamber ensembles and master classes. The effort is intended to reach and influence a grassroots constituency and to further overcome the barriers of language, custom, and political systems through the universality of music.

The orchestra needs the permission of Congress to perform on the West Lawn. My concurrent resolution simply provides that permission and does not have funding as an objective. The orchestra is supported primarily by donations from individuals, corporations, and foundations. I thank you for your consideration of my request.

MARILYN SINGER—CONEY ISLAND ACTIVIST, HISTORIAN, AND HUMANIST

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. SOLARZ. Mr. Speaker, almost everyone knows something about Coney Island, the exciting Shorefront section of Brooklyn often referred to as the world's amusement capital. It is a special place, maybe even a magical place, where you can stroll on the boardwalk, swim in the Atlantic Ocean, and ride the Cyclone roller coaster.

Nobody knows Coney Island better than Marilyn Singer, the retiring assistant district manager of community board 13 in Coney Island and Brighton Beach. If there was an official post for local folk historian, then Marilyn would be given the position by acclamation. As everybody on the Shorefront knows, she is a walking encyclopedia on the neighborhood, its legendary past, and still evolving future.

Marilyn, a dynamic and witty woman, can tell a detailed story about almost every building, parking lot, and personality on the Shorefront. Pick a spot, and Marilyn will explain what it looked and felt like back when Nathan's hot dogs cost a nickel, when Luna Park was an amusement park, and when children watched the ocean waves from inside the Giant Elephant.

Marilyn possesses a knowledge and love of Coney Island that can never be adequately described in words. She has lived in the Shorefront community for her entire life. This is where she spent her colorful childhood, went to Lincoln High School, attended parties, raised a happy family, and worked tirelessly for numerous worthy causes over several decades. She also always found time to just relax by the Coney Island beach.

It is with a mixture of both deep happiness and some sadness that I honor Marilyn on her long desired retirement. Marilyn's decision to leave community service while she still exudes youthful energy makes some sense. She has certainly made real and lasting contributions to the neighborhood and its residents.

An exciting chapter in Coney Island history will close when Marilyn, against the wishes of more than one close friend, moves to Florida to live with her family. We, the proud residents of the Shorefront, will lose our local historian and master storyteller. I am proud to honor her before my colleagues and the country.

HONORING ANTHONY J. VIVIANO

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. HERTEL. Mr. Speaker, I rise today to honor an outstanding individual, Anthony J. Viviano, who has been named the recipient of the 1989 March of Dimes Alexander Macomb Citizen of the Year Award.

Tony has displayed tremendous ambition and leadership all of his life. He was chosen as recipient of this prestigious award based on his community leadership, public service, and involvement with the March of Dimes Program in Macomb County. There will be a special dinner in his honor at Penna's in Warren on September 27.

Tony is a well respected member of the business community in southeastern Michigan. Tony started his career as a clerk at Chrysler Corp. and through his hard work and dedication is now the president of Sterling Heights Dodge and Meadowbrook Dodge in Rochester. His Sterling Heights Dodge was honored in 1988 as tops in retail sales in the State of Michigan and 17th nationally. He has also been the past president of the Detroit Auto Dealers Association and the Detroit Dodge Dealers, and is on the board of directors of the Michigan Auto Dealers Association. He was also awarded with the Time Magazine Quality Dealer Award.

Not only has Tony displayed a good sense of business spirit but possesses a great sense of community spirit, too. He has donated energy and time helping people through participating in many community organizations. He is on the executive board of the Southeast Michigan Chapter of the March of Dimes and is on the board of trustees at St. Joseph Hospital in Detroit. He has also spent endless amounts of time with the Sterling Heights Lions Club and was presented with an award by the Rotary Club which was the first time that this award has ever been presented to a non-Rotarian.

He has also displayed interests in other areas. He is also active with the Warren Symphony Orchestra and the Utical community schools. In the past he has served as a deputy sheriff in St. Clair County and currently is helping to form the Macomb Sheriff Marine Reserve Unit.

My dear colleagues, please join me in recognizing all of Tony Viviano's contributions to Macomb County and the State of Michigan and to commend him on receiving the March of Dimes 1989 Alexander Macomb Citizen of the Year Award.

THE POLAND-HUNGARY SCHOLARSHIP PROGRAM ACT OF 1989

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. GUARINI. Mr. Speaker, I want to take this opportunity to invite my colleagues to join me in cosponsoring the Polish-Hungarian Scholarship Program Act of 1989.

We are witnessing a new era of democratization in Poland and Hungary. The President's visit last summer to these Eastern European nations has opened and strengthened the relationship between Poland and Hungary, and the United States. To further foster this relationship, I have introduced legislation to establish a scholarship program so standards from Poland, Hungary and the United States may gain a better understanding of one another, while receiving an educational opportunity which might not otherwise be available. These students will gain critical knowledge relevant to developing healthy economies and encouraging stronger, more democratic institutions.

My scholarship bill will provide up to 1,000 scholarships for undergraduate degree programs and for training programs of at least 1 year. Students must study areas related to the critical development needs of the students' respective countries, and take that knowledge home with them at the conclusion of their studies.

Funding for the scholarships will be provided through a Federal, State, and private sector partnership. The program will be administered by the Administrator of the Agency for International Development in cooperation with State governments, universities, community colleges, and businesses.

These students will be instrumental in their countries' ability to break with the past and work towards the reform that is needed. Education will create a better understanding and will enable them to follow their dream of a better life for themselves, their children, and their nation. I urge my colleagues to join me in support of this legislation to establish this scholarship program.

STEVE GIAMMARCO, DALLAS, TX, FINALIST, 1989 JAMES CASH PENNEY AWARD FOR COMMUNITY SERVICE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. BRYANT. Mr. Speaker, it gives me great pleasure to join with J.C. Penney in recognizing the distinguished volunteer service of Steve Giammarco of Dallas, TX, who was honored September 14 as a finalist of the 1989 James Cash Penney Award for Community Service.

Steve, who works with J.C. Penney Financial Services in Plano, TX, has devoted his extensive computer experience and skills for more than 2 years to the AIDS Resource Center in Dallas.

In that capacity, he has worked with the AIDS hotline and has trained others to do so as well. He coordinates electronic communications with outside agencies and data bases such as the Computerized AIDS Information Network [CAIN] which provides information on AIDS-related legal, medical, and other issues. He also serves as moderator of three national AIDS-related electronic bulletin board systems.

Steve's commitment and dedication to tackling the difficult problem of AIDS predates his work with the AIDS Resource Center. Prior to coming to Dallas, he lived in South Dakota where he worked hard to persuade the State to improve AIDS testing and education programs.

Steve has chosen an area of acute national importance in which to devote his volunteer services and talents. For the public which needs AIDS education and for the suffering victims, their family and friends, people like Steve render an invaluable service. For that I am privileged to join J.C. Penney in saying a heartfelt "thanks."

NOW IS THE TIME FOR NEW CONTROLS ON SHIPMENTS OF PCB'S

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. FLIPPO. Mr. Speaker, today I am introducing legislation to provide new Federal regulations for the transportation and disposal of polychlorinated biphenyls, commonly known as PCB's.

This legislation addresses the continuing need for a clear definition of the Environmental Protection Agency's responsibilities to develop and implement adequate guidelines for the transportation and storge of PCB's. While EPA has attempted to address some of Congress' concerns in this area, only congressional action can ensure that a comprehensive plan for handling PCB's is implemented in a timely manner.

For the first time, this measure would provide statutory requirements for the notification of State Governors in whose jurisdiction these hazardous wastes would be treated or stored. The shipment of PCB wastes from Superfund sites to the Emelle hazardous waste storage facility in Alabama has been a strong cause of concern for the people of Alabama. My bill responds to their concerns over a failure to be informed of the size and frequency of such shipments so that adequate safety precautions can be taken by responsible State and local officials.

As hundreds of trucks carrying PCB waste passthrough my State, I want to know that every step has been taken to safeguard against accidents. I am sure that every Member will share my interest in seeing that EPA has clear guidelines for ensuring the safety of PCB shipments from point of origin to point of final disposal.

While I welcome indications that EPA is finally beginning to recognize the need for State notification and increased regulations for shipments of PCB's, I remain concerned that the current system for handling PCB's is inadequate. The legislation I am introducing provides a clear Federal mandate for putting new PCB regulations into effect, and provides specific deadlines to that effect.

Finally, I want to commend my colleagues MIKE SYNAR, chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, and WILLIAM CLINGER, the ranking member on that panel, for their leadership in this area. Members may recall that the House passed similar legislation in the last Congress which was offered by Congressman SYNAR. Unfortunately, final action was not taken in the Senate. Now is the time to revisit this issue. I urge my colleagues to support this bill.

REPEAL THE CATASTROPHIC ACT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. SCHAEFER. Mr. Speaker, the time for action is now! Over the past year, I have heard from literally thousands of disgruntled senior citizens who are furious with the unfair tax which has been levied against them through the Medicare Catastrophic Protection Act. Their cry is unanimous. As I have urged from the very beginning when I voted against this program, Congress should admit its mistake and repeal or amend this catastrophic act.

This bill is costing seniors as much as $800 a year without giving them many extra benefits and is not fair to persons who have saved for their health care or have purchased private insurance policies. In addition, it is forcing senior citizens to become dependent on the Federal Government, whether they want to or not.

I have continually stressed the need for a comprehensive package to address the unique health care needs of senior citizens. However, this measure does not address the most pressing needs of our senior population: long-term care. Over 80 percent of health care expenses incurred by the elderly are related to long-term home care and nursing home costs. Nevertheless, 9 out of 10 private or Medigap insurance policies do not cover nursing home care, which averages $25,000 per year. In addition, this act does very little to help the victims of stroke, Alzheimer's disease, or other severe illness.

While the intentions of this measure were honorable, the results have been disastrous. Just 2 days ago the Congressional Budget Office announced that the cost of this program has soared 60 percent higher then anticipated just 15 months ago. While the law was supposed to cost $30 billion, CBO now puts the 5-year cost at $48.2 billion or $6 billion over the $42 billion of anticipated revenue.

Mr. Speaker, the writing is on the wall. Given the unforeseen and staggering costs of this program, along with the almost universal senior opposition, the Medicare Catastrophic Protection Act must be changed. Congress should cut its losses and get to work on a reasonable and comprehensive health care package that will benefit all senior citizens.

IN MEMORY OF RUTH LUEVANO PADILLA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1989

Mr. TORRES. Mr. Speaker, on Friday, September 27, 1989, the Home Chapter of the City of Hope will honor the memory of Mrs. Ruth Luevano Padilla at a special fundraising event for the research center.

Mrs. Padilla was born on July 18, 1920, in Encarnacion Jalisco, Mexico. Her parents, Mr. and Mrs. Cresencio Luevano, immigrated with their young family to the United States and settled in the city of Azusa, CA when Ruth was 7 years old. In 1936, Ruth married Mr. Ladis Padilla, who currently resides in Azusa. On June 3, 1985, she passed away after a long bout with cancer. She left 10 surviving sons and daughters. They are: John Padilla, Lupe Lombardo, Richard Padilla, Dora M. Ballesteros, Pauline Ramirez, Rose Marie Quintanilla, Alice Nervaez, Helen Rivas, Elizabeth Rodriguez, and Rueben Padilla. They also have 40 grandchildren and 25 great grandchildren.

During her lifetime, Mrs. Padilla was an active participant in many community organizations. However, her main involvement was with St. Francis of Rome Catholic Church in Azusa. Mrs. Padilla's interest in youth activities kept her busy as a band mother for the Gladstone High School Band.

Like her mother, Mrs. Dora M. Ballesteros is active in many community organizations such as the American Cancer Society's Reaching Out Program in East Los Angeles; the March of Dimes; the Variety Boys and Girls Club, the Friendly Circle of the Blind; East Los Angeles Scholarship Foundation; San Gabriel Valley Chapter of the Latino Peace Officers Association; The Rotary Club of Belvedere where she was the first woman member and is incoming president for 1990-91; she is also active in my Congressional Award Council.

Dora joined the Home Chapter of the City of Hope to show her family's appreciation to them for the love and comfort that was given to her mother, during her confinement at the facility. Mrs. Ballesteros' main objective is to continue raising money for the medical center so that they are able to pursue their valuable search for a cancer cure and other catastrophic diseases.

Mr. Speaker, it is with great honor and pride that I rise in memory of Mrs. Ruth Luevano Padilla. I ask my colleagues in the House to join me in extending best wishes to the City of Hope, Mrs. Dora Ballesteros, and the members of the home chapter for their hard work and dedication in the fight against cancer.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 20, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:15 a.m.

Labor and Human Resources

To hold joint hearings with the Committee on Veterans' Affairs on the nomination of Thomas E. Collins III, of Mississippi, to be Assistant Secretary of Labor for Veterans Employment and Training.

SR-418

Veterans' Affairs

To hold joint hearings with the Committee on Labor and Human Resources on the nomination of Thomas E. Collins III, of Mississippi, to be Assistant Secretary of Labor for Veterans Employment and Training.

SR-418

9:45 a.m.

Veterans' Affairs

To hold hearings on the nominations of Rauol L. Carroll, of the District of Columbia, to be the General Counsel of the Department of Veterans Affairs, Edward T. Timperlake, of Virginia, to be Assistant Secretary of Veterans Affairs for Congressional and Public affairs, Allen B. Clark, of Texas, to be Assistant Secretary of Veterans Affairs for Veterans Liaison and Program Coordination, and S. Anthony McCann, of Maryland, to be Assistant Secretary of Veterans Affairs for Finance and Planning.

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings to review the investigation of the HUD moderate rehabilitation program (Section 8).

SD-538

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold hearings to review the Subcommittee's report on pesticides and the regulation of EBDCs.

SD-406

Foreign Relations

To hold hearings on the nominations of Luigi R. Einaudi, of Maryland, to be the Permanent Representative of the U.S. to the Organization of American States, with the rank of Ambassador, Eric M. Javits, of New York, to be Ambassador to the Republic of Venezuela, and Thomas F. Stroock, of Wyoming, to be Ambassador to the Republic of Guatemala.

SD-419

Labor and Human Resources

To hold hearings on the nomination of John E. Frohnmayer, of Oregon, to be Chairperson, Natonal Endowment for the Arts.

SD-430

Conferees

On H.R. 2461, to authorize funds for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991.

S-407, Capitol

SEPTEMBER 25

10:00 a.m.

Labor and Human Resources

To resume hearings to examine treatment and prevention measures relating to the drug crisis.

SD-430

2:00 p.m.

Judiciary

To hold hearings on the nomination of Gene McNary, of Missouri, to be Commissioner of Immigration and Naturalization.

SD-226

SEPTEMBER 26

8:30 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

EF-100, Capitol

9:30 a.m.

Energy and Natural Resources

To hold hearings on H.J. Res. 175, to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau.

SD-336

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on proposed revisions to the Clean Air Act.

SH-216

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Protection and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on rice.

SR-332

Commerce, Science, and Transportation

To hold hearings on the nomination of Jerry R. Curry, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation.

SR-253

Foreign Relations

To hold hearings on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Treat Doc. 100-20).

SD-419

2:00 p.m.

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings to review the National Acid Precipitation Assessment Program and the scientific understanding of acid precipitation.

SH-216

Foreign Relations

To hold hearings on the nominations of Kenneth L. Brown, of California, to be Ambassador to the Republic of Cote d'Ivoire, William L. Jacobsen, Jr., of Washington, to be Ambassador to the Republic of Guinea-Bissau, and Penne P. Korth, of Texas, to be Ambassador to Mauritius.

SD-419

Judiciary

To hold hearings on the nominations of Conrad K. Cyr, of Maine, to be United States Circuit Judge for the First Circuit, Marvin J. Garbis, to be United States District Judge for the District of Maryland, Rebecca B. Smith, to be United States District Judge for the Eastern District of Virginia, and Stuart M. Gerson, of Maryland, to be an Assistant Attorney General, Department of Justice.

SD-608

2:15 p.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on natural gas supply and deliverability.

SD-366

SEPTEMBER 27

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

Rules and Administration

Business meeting, to consider H.R. 2358, authorizing funds for fiscal years 1990 and 1991 for the Speaker of the House of Representatives Civic Achievement Award Program, S. Res. 99, requiring the Architect of the Capitol to establish and implement a voluntary Senate program of recycling paper, S. Con. Res. 68, authorizing a concert by the American Soviet Youth Orchestra on Capitol grounds, pending nominations, and other legislative and administrative business.

SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of James E. Cason, of Virginia, to be Assistant Secretary of Agriculture for Natural Resources and the Environment.

SR-332

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on the current state of the tourism industry.

SR-253

2:00 p.m.

Agriculture, Nutrition, and Forestry

To continue hearings on the nomination of James E. Cason, of Virginia, to be Assistant Secretary of Agriculture for Natural Resources and the Environment.

SR-332

SEPTEMBER 28

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on national science and technology policy.

SR-253

Governmental Affairs

To hold oversight hearings on the implementation of the Inspector Generals Act.

SD-342

10:00 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on hydroelectric regulation under the Federal Power Act.

SD-366

2:00 p.m.

Select on Indian Affairs

To hold hearings on S. 1124, to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional Native American religious practices.

SR-485

SEPTEMBER 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on the national science and technology policy.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings to review the Department of the Interior report to Congress concerning the Coastal Barrier Resources System.

SD-406

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

10:00 a.m.

Veterans' Affairs

To hold hearings on the nominations of Ronald E. Ray, of Florida, to be an Assistant Secretary of Veterans Affairs for Human Resources and Administration, and Joanne K. Webb, of Virginia, to be Director of the National Cemetary Service, Department of Veterans Affairs.

SR-418

OCTOBER 2

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 11, to provide for the protection of the public lands in the California Desert.

SD-366

OCTOBER 3

10:00 a.m.
Foreign Relations
To hold hearings on U.S. policy options toward South Africa.
SD-419

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 583, to establish national water efficiency standards for the manufacture and labeling of plumbing products sold in interstate commerce.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the Japanese space industry.
SD-562

Finance
To hold hearings on changes in economic relationships between the U.S. and U.S.S.R.
SD-215

Foreign Relations
To continue hearings on U.S. policy options toward South Africa.
SD-419

OCTOBER 5

9:30 a.m.
Energy and Natural Resources
To hold hearings on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner, and on S. 972, S. 1304, and other related measures with respect to the environment, safety, and health aspects of operation of the Department's nuclear facilities.
SD-366

OCTOBER 18

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the international decade of natural disaster reduction.
SR-253

OCTOBER 19

9:30 a.m.
Energy and Natural Resources
To resume hearings on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner, and on S. 972, S. 1304, and other related measures with respect to the environment, safety, and health aspects of operation of the Department's nuclear facilities.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian land.
SR-485

OCTOBER 24

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on the protection of water quality.
SR-332

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the appropriate role of methanol as a potential alternative fuel in our future energy policy.
SD-366

OCTOBER 26

10:00 am.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. Agricultural programs, focusing on cotton.
SR-332

NOVEMBER 1

10:00 am.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on programs administered by the U.S. and Foreign Commercial Service.
SR-253

NOVEMBER 2

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on Indian health facilities.
SR-485

POSTPONEMENTS

OCTOBER 17

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on wheat.
SR-332

HOUSE OF REPRESENTATIVES—*Thursday, September 21, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware, O God, of the guidelines of life that help point the way and give light to the road ahead. From the acts of creation to the commandments, to the lives of godly people, we have been blessed with a picture of how we should live and treat each other. May the discipline of our faith and the traditions of the years bring us to a better understanding of ourselves and our responsibility in Your good world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. JAMES] please come forward and lead the House in the Pledge of Allegiance.

Mr. JAMES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DOE QUIZ

(Mr. THOMAS A. LUKEN asked and was given permission to address the House for 1 minute.)

Mr. THOMAS A. LUKEN. Mr. Speaker, I would like to propose a Department of Energy quiz this morning. What happens to a person if they are caught robbing a bank? Probably a long prison term. What happens if a person is picked up for DUI? Make it a jail sentence, driving suspension, bad reputation. What happens at a DOE weapons plant to the contractor who breaks all the environmental laws and pollutes the whole country with radioactive and hazardous waste? He gets an award, a bonus, and a renewal of his guaranteed profit contract. What happens to DOE officials who knowingly and willfully help that contractor break the law, condone the violations, and conceal things from the public and Congress? They get reassurance that DOE is a self-regulating agency and no inquisitive investigator from EPA or the Department of Justice will be allowed to come in and investigate.

Then what happens if the word leaks out to Congress and the public anyway that DOE employees and contractor employees have broken the law? DOE confesses error and enters into a compliance agreement. Then they do not comply with the compliance agreement, and then they enter into another compliance agreement. This continues, nobody goes to jail, and nobody is punished, nobody pays any fines. DOE does not know what deterrence is, and that is why we are polluting today—more at the DOE plants than we are cleaning them up.

We have to get the criminal deterrence going at DOE.

ANOTHER TAX BREAK FOR WEALTHY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1980 Ronald Reagan, the candidate, said, "I am going to cut your taxes, and I'm not going to stop there. I'm going to cut your boss' taxes, too. When I do, the Democrats will say, 'My God, we are going to lose revenue,' but that is not true. I will put more money in your pockets, and you will save and invest, and our gross national product will rise at such a record pace, it will be like a rising tide that will raise all ships."

Now, here is how it worked: A family of four got a tax break big enough to take their family of four out for a nice dinner. That is a family making $25,000 a year. Now, a family of four that was earning $250,000 a year, a quarter million dollars, they are able to go out and buy a brandnew Mercedes Benz, cash, and then take their family to dinner.

The truth of the matter is, since then we have had record deficits. One hundred and fifty thousand taxpayers spend on interest payments, on the national debt. It looks like we are presiding over the biggest bankruptcy in world history, and now we are talking about a capital gains tax. I am saying today, in my opinion, if we give another big capital gains tax or another tax break to the wealthy, America has the best Congress that money can buy—money and influence. I'm telling Members right now, in my district we do not need another token dinner. My people are tired of the table scraps.

LONG LIVE RONALD REAGAN

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I was not going to take the floor, but when I heard Ronald Reagan's name mentioned, a man I deeply respect and admire, and who did so much for America, I felt compelled to come there to the well and speak.

In 1980, when Ronald Reagan came to Washington, do Members know what the inflation rate was? About 13 percent, running rampant and breaking the backs of all Americans, especially those living on fixed incomes, the senior citizens. Do Members know what the prime interest rate was? About 21 percent. It put every small businessman in America practically out of business.

Unemployment in New York State, where I come from, was running rampant. Do Members know what has happened since Ronald Reagan took office and we implemented Reaganomics? This country has been turned around and the economy has been great for almost 7 years now.

Interest rates were cut in half, inflation was practically wiped out. Our country now is as close to full employment as we can get. Thank you, Ronald Reagan.

CAPITAL GAINS REDUCTION ILL-CONCEIVED

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, economists across the economic spectrum from right to left agree that we do not save or invest enough in this country, and the best way to promote more savings and investment is to reduce the Federal deficit, leaving more money for the private sector to invest.

Yet, what we are seeing President Bush propose to Members is a deficit increase plan under the guise of capital gains reduction. The tragedy is that the people who will pay that additional deficit that will grow in the outyears are the middle-income taxpayers who will benefit least from the capital gains reduction.

There is one thing that we can all agree on, and that is that the people in this country who make 25 percent of the highest incomes, those who are the wealthiest, have had the greatest increase in their disposable income.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Their tax rates have gone, over the last decade, on a bipartisan support basis from 72 down to 28. They pay at the 28-percent bracket today. The poorest of our people have had a reduction in their disposable income. They are not doing as well today as they did a decade ago. If we ignore their needs and burden the middle class, to give an additional tax break to the rich, we have lost our moral compass. We have to reject President Bush's ill-conceived concept of capital gains reduction, and look for a better, more equitable way to promote savings and investment from the vast middle class of this country.

□ 1010

REPEAL OF THE MEDICARE CATASTROPHIC COVERAGE ACT URGED

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises to urge the Members of this body in the strongest possible tones—support repeal of the Medicare Catastrophic Coverage Act. This Member has been pushing for such action since February.

It now seems as if the rule for the consideration of the reconciliation bill may permit an up-or-down vote on a repeal of the Medicare Catastrophic Coverage Act. This is good news! It sends the message to the millions of senior citizens who have been contacting Congress that we hear their pleas and demands and we are responding.

Like every single Member of this body, this Member has received hundreds of letters from angry constituents who vigorously protest the imposition of the onerous surtax. In town meetings across my congressional district during the last 2 months, the No. 1 concern on the minds of my elderly constituents is the repeal of the Medicare Catastrophic Coverage Act and the surtax that would fund that they, in general, see as useless or too expensive. Most don't want that surtax, and often as not, they don't want or believe they need the expensive coverage it would bring. What they want and need, they say, is assistance on long-term care, not catastrophic care. A great many already have catastrophic care insurance, they tell me, in their private supplemental policies. In many cases, their private coverage is superior to the benefits that would be provided under the Medicare Catastrophic Coverage Act.

Congress cannot turn its backs on the demands and pleas from the Nation's senior citizens and other Medicare-eligible beneficiaries. While this Member has no doubt that the intentions of the Ways and Means Committee members were sound, the catastrophic reform contained in the committee's reconciliation proposal is not. According to a study by Families United for Senior Action, under the tax panel's proposed catastrophic revisions, 58 percent of the Nation's elderly taxpayers will pay more under the committee's proposed changes, while only 25 percent will pay less. The remaining 17 percent will experience no change. Additionally, the study points out, 31 percent of those individuals who will have to pay more under the Ways and Means Committee's proposals have incomes between 100 and 149 percent of the poverty guidelines, while 79 percent of those individuals who will pay less than the current law calls for have incomes at or above 300 percent of poverty.

This is not right! We need repeal, not reform! America's elderly citizens will be watching this vote and will not forget the action that we take. Vote "aye" on the amendment to repeal the Medicare Catastrophic Coverage Act.

TERRORIST ACTS CONTINUED BY PLO AND ITS SUPPORT GROUPS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, we appear to be at a critical juncture in discussion of the election proposal put forth by the Government of Israel.

We are now witnessing the dissension by hardliners who want to impede the process of negotiating the terms for conducting the elections. While this unhelpful type of posturing takes place, something more insidious is occuring: terrorist acts on the part of the PLO continue. On September 7, the Popular Front for the Liberation of Palestine [PFLP] took credit for a rocket attack on a settlement near the Jordanian border.

Mr. Speaker, the PFLP is a constitutent member of the PLO and holds a seat on the executive committee. During testimony before the Foreign Affairs Committee Assistant Secretary Kelly declared this rocket attack a terrorist act. These kinds of attacks must not only cease, they should be denounced by Yasser Arafat and the PLO Executive Committee. Yasser Arafat and the Palestinians should not expect the Israelis to reward terrorist acts with negotiations as the PFLP boasts of its rocket attacks on civilian targets in Israel. Mr. Speaker, that will not wash, and the Palestinians ought to wake up to this reality. Their chance at moving this peace process dwindles with each such act. If Mr. Arafat really wants peace he ought to denounce these acts loudly and clearly.

ANTIDRUG PROGRAMS NEED SUPPORT ON THE LOCAL LEVEL

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, again, in tribute to Larkin Smith's memory and his outstanding efforts to battle the drug scourge debilitating this country, I rise to speak of our battle against drugs. Here at home, hard hitting and graphic educational programs, especially for the young, must be created and implemented to teach everyone that if one deals in, or takes drugs, one will pay a stiff price.

In many States, such programs exist. But one proven program is drug abuse resistance education [D.A.R.E.]. D.A.R.E. introduces the young to the dangers of drugs. This D.A.R.E. program lasts around 17 weeks, taught by an active "drug aware" law enforcement officer in the schools.

D.A.R.E. accomplishes two crucial tasks. First, it instructs young people about the very real dangers associated with drugs.

Second, it projects the police in a positive and protective role. Young people soon learn that the law officers are there to inform and protect citizens from the drug peddling scum who are trying destroy them and their country.

Programs such as D.A.R.E. need strong local support. I urge all communities to get involved. This includes local churches, school districts, chambers of commerce, Jaycees, volunteer fire departments, teachers and parents to increase their resolve to protect the next generation who are the most vulnerable to the drug pushers throughout this country. This war can and will be won here at home.

MIDDLE-INCOME AMERICANS SHOULD BENEFIT FROM CAPITAL GAINS TAX REDUCTION

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I would also note, in response to the previous speaker, that when Ronald Reagan left office, he left America the largest debtor nation in the world, with the greatest budget deficit it has ever had. That leads me into my next remarks.

Mr. Speaker, it is time to let the middle-income American in on the capital gains reduction battle. The present Bush proposal gives 80 percent of the tax cut to persons making over $100,000 per year. After 2 or 3 years, it is a revenue-loser for the Federal Treasury, not a revenue-gainer.

Unless a middle-income family has some stock to sell or perhaps wants to sell the family home or the family farm, they get nothing out of this. So what kind of help is this?

Let us look at an alternative: Expanding IRA benefits to middle-income persons; giving help in education and first-time home buying; creating a deficit reduction trust fund that means deficit reduction for middle-income persons, not eventual increased taxes; and giving benefits to the 97 percent of Americans making less than $100,000, not the 3 percent making over $100,000 per year.

Mr. Speaker, is it not time to really help the middle-income person?

INTRODUCTION OF THE ASSAULT WEAPON CRIME ACT OF 1989

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, today I am introducing the Assault Weapon Crime Act of 1989. This measure is intended to severely punish those criminals who use the most dangerous weapons on the streets today.

At present, a violent criminal or drug trafficker caught with a machinegun can be sentenced to 30 years in prison for the first offense, and to life in prison without parole for a second conviction.

My bill would extend these penalties to the use of certain short-barrelled shotguns and semiautomatic weapons in the commission of violent or drug-related crimes.

Currently, the Federal penalty for the use of these weapons is only 5 years imprisonment. Clearly, this is insufficient.

It is obvious to me, as it is obvious to Americans, that the best solution to the dual problems of drugs and crime is effective law enforcement. As a former FBI agent, I know something about this subject. Let's put these most dangerous of criminals away for a good, long time—and if they are repeat offenders, let's put them away forever.

The Bush administration is doing its part with the import ban on assault and military weapons. Let us do our part, and try locking up the criminals who use these guns, instead of taking firearms away from law-abiding American citizens.

THE CAPITAL GAINS TAX ISSUE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, next week this Chamber again will grapple with the capital gains tax issue. While my colleagues are formulating their opinions, let me point out a couple of facts.

First, while the proposal voted out by the Ways and Means Committee is intended to increase long-term investment and long-term thinking, one of the greatest problems America faces, it does just the opposite. There are only two groups that will be affected by this capital gains tax change—first, people who have already invested based on present tax rates or previous tax rates. So capital gains tax reduction is no incentive for them.

The second group is the people who will invest. If you are a well-to-do individual and you have a pile of money and you are deciding what to do with it and the Jenkins bill becomes law, what will your business planner or your tax adviser tell you? He will say, "You had better put it all in in the next 2 years when you get that lower capital gains rate. Don't do anything that will yield results after 2 years because you won't get that kind of a tax benefit."

The irony of the Jenkins proposal is that it does the opposite of what it is purported to do. Many who are for capital gains tax reduction say, "Yes, it may benefit the rich, but that locomotive pulls the rest of the train or the rest of the country." I would tell the Members that what this particular proposal does is, it tells that engine, "Slow down, don't do the work to pull the rest of the train, but instead, enjoy yourself for a couple of years, because the good times will be over after that."

CAPITAL GAINS TAX REDUCTION WOULD BENEFIT MIDDLE-INCOME AMERICANS

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, capital gains tax reduction is essential. It is essential to improve our balance of trade deficit. We are competing with countries that have no capital gains tax.

It is also essential to reduce the cost of housing. We cannot remove incentives for putting up more housing and then wonder why we do not have low-income housing. It is also essential for the middle-income groups of people, because otherwise we stratify or we create a separate class of people. The only way the average man can ever hope to amass any kind of assets is by the utilization of the capital gains technique. That is the quickest way to proceed if he would be anything other than just an employee, because of what ordinary income taxes demand of us.

Mr. Speaker, if we want a class system, we should tax everything on an ordinary income basis. If that is what we want, we could leave it that way. If we want restrictions on low-income housing, we should leave it the way it is. We have seen what happened in the past, and it will continue to be that way.

□ 1020

DEVASTATION AND INSANITY IN ST. CROIX

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, is there no shame about what is going on down in the Virgin Islands?

St. Croix in the Virgin Islands has been devastated by a hurricane called Hugo. It has whipped through, and it has leveled people's residences, and it has leveled people's mentality. Many of the people, the escapees and some of the residents, have gone out and started to loot. They are stealing what is not theirs from honest people, shooting them, and business people have to stand in front of their stores and protect their businesses from these people, and yet they are out there doing that.

Mr. Speaker, honest business people are being rampaged, and while this may sound like the worst situation and scenario, the National Guard and some of the policemen have joined in.

Where is the sanity in all of this? I say, "If you can't depend upon the police and the National Guard to protect your property and your life, what good are they?"

Mr. Speaker, we must have sanity in this civilized world. Law and order is the basis for that, and I think people ought to think about that a little bit more.

THE WILL OF THE PEOPLE—THE CATASTROPHIC HEALTH CARE ACT MUST BE REFORMED OR REPEALED

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, today the Committee on Rules will be considering the rule on the budget reconciliation package. There will be a request by the gentleman from Massachusetts [Mr. DONNELLY] and the gentleman from Texas [Mr. ARCHER] to allow consideration on the floor of the repeal of the Catastrophic Health Care Act of last year.

Mr. Speaker, the Catastrophic Health Care Act has proven to be a catastrophe for many senior citizens, and across our Nation they have asked that it be fundamentally reformed and, indeed in its present form, repealed.

Mr. Speaker, Thomas Jefferson referred to the House of Representatives by saying that here the people rule, and, Mr. Speaker, the only thing that can prevent the will of the people from taking place on the floor of the House next week will be if the Committee on Rules denies the request of the gentleman from Massachusetts and the gentleman from Texas to make an amendment to repeal this catastrophe.

I call upon the Committee on Rules to permit the House to work its will by at least voting on their proposals.

THE V-22 TILT ROTOR OSPREY—A MAJOR AVIATION ACCOMPLISHMENT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, 1 week ago today America's newest achievement in aviation was realized as the revolutionary V-22 tilt rotor Osprey achieved the most significant milestone by accomplishing full conversion from helicopter mode to airplane mode while in flight. This aircraft and this technology has been called the biggest breakthrough in aviation since the jet engine. The aircraft flew at an altitude of 6,000 feet while making the transition into the airplane mode. Top speed while in the airplane mode was held to 155 knots.

Although the V-22 Osprey has been previously flown in both the helicopter mode and in partial conversion, the flight 1 week ago marked the first complete conversion.

I am extremely happy this body has gone on record overwhelmingly in support of this technology, and I would urge my colleagues in the House and the Senate conference on the armed services budget, the defense budget, to keep full funding for this revolutionary concept that will allow America to stay on the competition edge worldwide of aviation both militarily and on the civilian side.

SENIOR CITIZENS DEMAND A REPEAL OF THE CATASTROPHIC HEALTH CARE ACT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, as we meet here this morning, out on The Mall there is probably 25 or 30 Members of Congress along with probably a couple of hundred senior citizens from across the country who are there to express their concern about the catastrophic health care bill. They want it repealed.

Sure seniors realize there is a need for long-term nursing home care and long-term in-home care, but the catastrophic bill we passed in the 100th Congress was not right. It increases their taxes in an inhumane way, puts too much of a burden on senior citizens, and, in addition to that, the health care benefits only help about 7 percent of the seniors. Only about 17 percent of the seniors in this country are going to benefit from the prescription drug program in that bill.

In addition, Mr. Speaker, it has a very onerous provision. The AZT for AIDS patients across this country has been put into the catastrophic health care bill, so senior citizens are paying for the $1,000 a month that is needed to pay for AZT. That should be in a separate program. We have a major problem with AIDS in this country, but it should not be incorporated into a catastrophic health care plan for seniors. This needs to be repealed. It is an abomination, and the seniors across this country are demanding it.

THE DRUG MAZE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am here today as part of an effort to make sure that the words of our friend Larkin Smith are not forgotten.

When Larkin said "Congress must fight the war on drugs by troop not by choir," he touched a nerve that is sensitive to all of us.

It is painfully obvious that this Nation's war on drugs has become completely bogged down in bureaucracy. More than 80 committees and subcommittees in the Congress alone have jurisdiction over drug-related legislation. To say nothing of the dozens of Federal agencies that also claim "turf control" over various aspects of the drug war.

That's not only ridiculous, it is just plain dangerous.

Our Nation's fight to end drug use and abuse in this country has got to be a coordinated battle. We need an effective, workable chain of command. Like any successful enterprise, we need a management structure.

A necessary step in tearing down our drug maze—and one which Larkin strongly supported—is the Drug Committee Reorganization Act. This legislation, which centralizes our activities in the drug war to one permanent committee, is long overdue.

Our task is an enormous one. For not only must we streamline the activities of the Congress, we must also work with President Bush and Bill Bennett to end the duplication and turf wars that continue to plague our national efforts.

Knocking down the barriers of the drug maze must become our top priority. With each day that we waste on unnecessary meetings, extra paperwork and one more opinion to consult—we are wasting young lives and giving drug dealers the upper hand.

I urge my colleagues to join in support of the Congressional Drug Committee Reorganization Act—we need to stop the turf wars and start working together in an efficient, logical manner.

THE FISH AND WILDLIFE RESPONSE PLAN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, yesterday, I introduced H.R. 3296, the Fish and Wildlife Response Plan.

The terrible loss of wildlife which occurred in Valdez, AK, highlighted the meager attention which has been given to the response requirements of wildlife threatened by an oilspill. Even now, 1,200 to 1,600 dead birds turn up around Kodiak Island each week.

H.R. 3296 would strengthen procedures to protect fish and wildlife threatened by an oilspill. The plan would include measures to protect, rescue, and rehabilitate fish and wildlife affected by oil or hazardous substance discharges. It would also establish programs to train personnel and coordinate programs necessary for an immediate response to affected wildlife.

The magnitude of Alaska's wildlife losses demonstrates that we cannot afford to sit by idly during a spill and risk permanent disruption of a region's biodiversity.

I ask all of my colleagues to join with me in support of H.R. 3296.

□ 1030

A TERRIBLE WAY TO SET NATIONAL POLICY

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, here we go again. Last year we managed to avoid a continuing resolution, passed the bills on time. This year it is business as usual.

First of all, we delay the continuing resolution. It should have come out of committee, and we should have voted on it before we broke for August, but it is not going to be brought to us until next week if then. Nine days from now the fiscal year ends, so we get another continuing resolution.

The other body has held up the appropriations bills, and we are back in the same mess.

I hope you will explain to the American people why it is your party has failed to bring the appropriations bills to the floor, the conference reports, and we have to have this continuing resolution.

It is a lousy way to run a railroad. It is a terrible way to set national policy.

WHY THE MAPPLETHORPE EXHIBIT SHOULD HAVE BEEN CANCELED

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, a final thought on the homoerotic art exhibit that did not come to Washington, DC, to the Corcoran.

The powers that be down there at that beautiful Corcoran Art Gallery earlier in the week apologized to the entire art community en masse that they had canceled the Mapplethorpe exhibit there.

Let us go back to the beginning of this whole ugly mess. Robert Mapplethorpe, God rest his soul, was a child pornographer. He just did not pass out child pornography. He took the pictures. I saw the child pornography in the Speaker's lobby hidden behind the curtains because we did not want to offend some of the Members of this Chamber or anybody who might be walking through the lobby.

Robert Mapplethorpe took pictures of little children. It is not an ACLU question of once it is produced then child pornography is protected by the first amendment. Even Governor Dukakis could not buy that idiotic reasoning. He was a child pornographer. He lived his homosexual, erotic lifestyle and died horribly of AIDS.

On the second issue, Serrano, who is still alive, put Christ's picture, my saviour, the redeemer of the world, in a bottle of urine. Try that with President Bush, Jesse Jackson, John F. Kennedy, Martin Luther King, and the list is endless.

Think of that. That is why the art exhibit should have been canceled.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 204. Joint resolution to designate October 1989, as "National Quality Month."

RECONSIDER BRINGING A TAX INCREASE TO THE FLOOR

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Madam Speaker, I rise because I am absolutely amazed by what I read in the morning paper, so amazed that the podium dropped.

Walter Mondale carried one State. Michael Dukakis carried six States. Our distinguished majority leader did not get the Democratic nomination. None of those people are now President.

President Bush is part of a team which, in a commonsense, bipartisan way, has brought us the longest period of job growth in peacetime history. We have the lowest black teenage unemployment in the inner city we have had in 25 years. We are making progress.

The Democrats have been begged by the Democratic National Chairman, Ron Brown, please, do not come out for a tax increase. He said it publicly. It was on page 1 just this week. It is clear that a tax-increase, liberal Democratic Party will remain a minority, and yet what are we going to see on the floor next week? We are going to see a tax increase that would threaten to kill the prosperity, bring on a recession, kill jobs, make America less competitive, and I just have to say that I am amazed to watch the liberal wing of the Democratic Party and the leadership rush into a tax-increase fight after the lessons of 1984 and the lessons of 1988.

It is not good for America. It is not good for jobs. It is not good for prosperity. I would urge them to reconsider bringing a tax increase to the floor.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1989

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 234 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 234

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1759) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes. The first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. LLOYD). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 234 is an open rule providing for the consideration of H.R. 1759, the National Aeronautics and Space Administration Multiyear Authorization Act of 1989.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. The rule further makes in order the committee amendment, in the nature of a substitute now printed in the bill as orignial text for the purpose of amendment under the 5-minute rule, with each section in the substitute considered as read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, H.R. 1759 provides multiyear authorizations for programs under the jurisdiction of the National Aeronautics and Space Administration [NASA] and related agencies. The bill also sets forth policy provisions and authorities to carry out the activities of the national and civil space programs.

I wish to commend the gentleman from New Jersey [Mr. ROE] for the excellent job he has done in bringing this legislation to the floor. In particular, I want to thank him for his leadership in support of the national aerospace plane.

The bill authorizes $127 million in fiscal 1990 in NASA funds for the national aero-space plane, a joint project with the Department of Defense. It is not an exaggeration to say that the future of the United States aerospace industry lies with the research carried out for the national aero-space plane. Moreover, the new materials and advanced technology that will be developed for this project offer potential spinoff benefits for other American industries.

I am proud that the office coordinating this project is located at Wright-Patterson Air Force Base in the

Dayton, OH, area. Nearly 100 years ago, Dayton's Wright brothers ushered in the era of flight. Not far from the prairie where the Wright brothers conducted their original flying experiments, the national aero-space plane office is developing the technology for the next century of flight.

The legislation made in order by this rule will help to advance this technology and make possible the first flight of a hypersonic aircraft that can take off from a runway and fly into orbit in space. I believe the chairman and members of the Committee on Science, Space, and Technology deserve the appreciation of their colleagues for their commitment to ensuring American leadership in this challenging area of space technology.

Mr. Speaker, I am not aware of any opposition to this open rule, and I would urge my colleagues to adopt it.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this rule, and I urge its adoption. The gentleman from Ohio has explained the rule. It is really quite simple. This is a fully open rule in which the rights of the minority are protected by the opportunity of offering a motion to recommit with or without instructions.

And so I thank the Rules Committee and Chairman MOAKLEY for sending this open rule to the floor. I also thank the chairman of the Committee on Science, Space, and Technology, Mr. ROE, and the ranking Republican, Mr. WALKER, for requesting an open rule.

Madam Speaker, I would further commend the leaders and members of the Science Committee for their work on H.R. 1759. During these times of scarce budgetary resources, the task of allocating national priorities becomes all the more difficult.

In conclusion, I will make the same point that I made when we considered the aviation security bill: the House works better when the process is open, when Members have the right to be heard.

□ 1040

Yesterday on the aviation security bill where we operated under the open rule, as Members know we got bogged down. If we had been operating under a closed rule at that time we would not have resolved that terribly important issue. The bill would have probably passed and President Bush would have vetoed it, and we would have accomplished nothing for the American people.

So yes, the open rule does work. We should always support an open rule, and I certainly thank the majority for giving us that opportunity. I would strongly urge support for this rule here today.

Madam Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. LLOYD). Pursuant to House Resolution 234 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1759.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1759) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today I rise in strong support of H.R. 1759, the National Aeronautics and Space Administration Act of 1989. This is an extremely important piece of legislation that represents a consensus on a broad range of policy issues and priorities for our Nation's aeronautics and space program. The committee has worked hard to bring this bill to the floor and it represents the result of many months of study and spirited debate.

I would like to recognize the efforts of my colleagues in crafting this legislation, especially Mr. NELSON, chairman of the Subcommittee on Space Science and Applications, Mr. VALENTINE, chairman of the Subcommittee on Transportation, Aviation, and Materials, and Mr. SENSENBRENNER and Mr. LEWIS, ranking minority members of those two subcommittees. I would also like to thank Mr. WALKER, ranking minority member of the full committee for the valuable work he has done on this bill. Our bipartisan efforts have resulted in a piece of legislation of which we can all be proud.

Mr. Chairman, this is an important year for the aeronautics and space programs. The shuttle is flying again and this symbol of America's technological preeminence is visible for all the world to see. In the science area, we are realizing the benefits of our past investments in the space program with the marvelous images returned by *Voyager 2* of the planet Neptune. NASA is now preparing for the launch of *Galileo* in October, which will intensively study Jupiter and its moons, and we will look forward to the launch of space telescope next year which will open up whole new worlds and visions of our universe.

In the aeronautics area, we are on the verge of beginning a whole new era of high speed flight that will maintain our traditional and lucrative preeminence in aviation. The space and aeronautics program holds a clear promise of generating new scientific knowledge and new economic wealth. This bill will be an important step in ensuring that this promise is fulfilled.

Mr. Chairman, the space program touches our lives in many ways from pacemakers to portable computers. I would like to include with my statement a summary of the enormous economic benefits that we enjoy as a result of space program funding and a list of some representative spinoffs from the space program.

H.R. 1759 addresses many important issues that will affect the space and aeronautics program for years to come. I believe the committee dealt with these fairly and with substantive consideration of their long term implications for our technological competitiveness. H.R. 1759 represents a balanced set of funding priorities which will move us forward over the next several years on several fronts including science, exploration, commercialization, aeronautics, and basic technology. Progress in these areas is essential if we are ever to aspire toward the goals of a lunar colony or a mission to Mars.

Let me briefly explain the basic provisions of H.R. 1759. First, the bill contains basic findings and policy statements that call upon NASA to rededicate itself to the goals of international leadership in space science, space exploration, aeronautics, and basic technology.

The bill provides a 3-year authorization for all NASA programs. In addition, for the major new science program start, the Comet Rendezvous/Asteroid Flyby-Cassini mission, H.R. 1759 provides a full program authorization through completion. This type of multiyear funding is a continuation of the process we started with last year's authorization bill, Public Law 100-685. This is particularly important for NASA as an expression of congressional intent and direction and also as means to achieve cost effectiveness in the space program. We have a great deal of experience to suggest that long-term budget stability will lead to more effective management, resource planning, and cost savings for these types of developmental programs.

For NASA, H.R. 1759 provides $12,793,800,000 in authorization for fiscal year 1990. This bill is budget neutral since all programs for which the committee made augmentations are offset in equal amount by program reductions. The bill also provides $9,271,000,000 for fiscal year 1991 and $13,282,950,000 for fiscal year 1992. I would like to include for the record a table detailing specific program funding by line item.

I would now like to mention some major program initiatives contained in the bill.

The bill provides $3,494,400,000 for the Space Station Freedom Program for fiscal year 1992. Funding for fiscal year 1990 and fiscal year 1991 was previously provided by Public Law 100-685. I believe that this funding is the minimum needed to build the space station this country needs. I am strongly opposed to cutting this critical effort or to reducing the station's planned capabilities.

The bill restores funding for the Advanced Communications Technology Satellite, or ACTS, Program. The committee has also specified that some funds must go toward the production of low cost user ground stations. Although this valuable program is more than 75 percent complete, the administration has once again deleted funding for it. This is an important congressional initiative and the reasons for funding this effort remain valid. In addition, we now view ACTS as a potentially valuable means of gaining an edge in the high definition television marketplace.

The bill contains funding to continue toward the start of a heavy lift vehicle called Shuttle-C. This will be a cost-effective and near-term approach to gaining a lift capability using elements of the shuttle system that will equal what the Soviets now possess.

In the physics and astronomy area, the bill restores funding for an important experiment to test the theory of relativity. This experiment, called Gravity Probe-B, will provide valuable new insights into the fundamental forces of nature.

For the life sciences, the bill supports the President's request for a substantial increase in order to develop the understandings we need to live and work in outer space. This is critical to prolonged missions such as lunar colony or trip to Mars.

For planetary exploration, the bill provides a full program authorization for the CRAF-Cassini new start. That program will build upon the discoveries of the *Pioneer* and much celebrated *Voyager* missions and begin a new commitment to the robotic exploration of the solar system that has proven so fruitful.

The bill creates a Center for the Commercialization of Space for Education. This will encourage the application of space technologies to the problems of educating our youth.

In the aeronautics area, the bill contains full funding for the national aerospace plane and stipulates that the entire amount must be made available before expenditures may be made for other aeronautics programs. Our intent is to ensure that the NASP receives the highest priority possible by Congress and the administration.

In the area of expendable launch vehicles, the bill fully funds the President's request and also provides for an additional Titan class vehicle to launch a tracking and data relay satellite thereby saving the cost of a shuttle mission. In addition, the bill establishes a new program to carry out research on new cost-effective technologies that will make our launch industry competitive with foreign launch providers.

The bill contains many important policy provisions that I will briefly summarize.

The bill authorizes up to $50 million in appropriations previously made for the replacement orbiter for shuttle structural spares. The foresight of the Congress in providing for structural spares was critical in enabling us to replace the *Challenger* on a timely and cost-effective basis. This provision would allow for a full set of such spares for use if such a need arises again.

The bill endorses the international space year in 1992 and calls on the President to declare a world space congress to focus on cooperative space efforts.

The bill provides special authority and guidelines for private financing agreements for the space station neutral buoyancy facility and the payload processing facility. These guidelines are intended to develop legitimate management and capitalization roles for the private sector.

The bill provides contingent liability authority for the advanced solid rocket motor facility and will enable the contractor to secure private financing for this effort.

The bill establishes the policy that the U.S. Trade Representative must engage in negotiations to ensure fair pricing practices by other nations offering commercial launch services. If such agreements cannot be reached, the bill requires the prohibition of the export of United States satellites for launch on vehicles manufactured by the Soviet Union.

The bill suspends a specific export license previously granted for the launch of a United States satellite aboard the Chinese long march vehicles unless the President certifies to Congress that certain human rights improvements have been made by the People's Republic of China.

The bill requires the Administrator to develop a strategic plan for the life sciences which specifically addresses crew operations on the extended duration orbiter and the design and development of the space station.

The bill establishes a Commission for International Cooperation in Planetary Exploration to study options for cooperative international space exploration initiatives such as a mission to Mars.

The bill provides authority for the Administrator to modify, upgrade, and otherwise make changes to facilities designated as historic landmarks if needed to meet operational requirements. This allows the continued operational use of facilities, such as the mission operations control facility in Houston, as long as the basic character of the historical significance is maintained.

The bill establishes the objectives and basic management roles for the National Aerospace Plane Program.

The bill also contains some important provisions for other Federal agencies having roles in the Space Program under our jurisdiction.

The bill provides funding to meet the President's request for the Department of Transportation's Office of Commercial Space Transportation.

The bill provides funding and certain housekeeping authorities for the National Space Council established under Public Law 100-685.

The bill establishes an Office of Space Commerce within the Department of Commerce and outlines general functions and responsibilities.

Mr. Chairman, I would now like to mention a few concerns I have about the Space and Aeronautics Program in general. Since I have had the privilege of serving as the chairman of the Committee on Science, Space, and Technology, I have seen great strides taken in the Space Program. NASA has made many improvements in the shuttle and many improvements in its organization since the *Challenger* accident. Our Space Science Program is regaining its world leadership position with clear and stunning successes in many areas. Our Aeronautics Program is forging ahead with innovative and cost-effective technologies that will be of major benefit to our balance of trade and our quality of life.

Yet, I believe that much more must be done to ensure that this commitment is sustained. The space station is now undergoing a troublesome reassessment in order to fit into the budget that NASA believes will likely be available. We must have a healthy space station before we can think

about a Lunar colony or Mars mission. There is no question that the annual budget exercise that we go through that nibbles away at the space station and indeed challenges its very existence is a poor way to sustain such a major program.

I sincerely hope that we can find a way to put into practice the type of multiyear budgeting approach we have incorporated into H.R. 1759. We are at the point where we must provide some form of budget stability in order to avoid the high costs of rebaselining our programs, rephasing our goals, and renegotiating our commitments. I hope that my colleagues will take this challenge with the seriousness that it deserves.

Recently, the President announced his intention to significantly expand our commitment to the Space Program with a plan for a Lunar colony and Mars mission. A question which Congress must address is, how can we make such a commitment in the face of the massive deficit that now confronts us?

When John F. Kennedy committed this Nation to the goal of landing a man on the Moon the deficit was only $4 billion. More importantly, we were spending over 22 percent of the budget on major physical capital investments and 9 percent of the budget on research and development. Today, we spend only 11 percent on such capital investments and 5 percent on research and development. Is the deficit large? Of course it is, but more importantly, we are spending our money on the wrong things. We are not spending our money on the things that will generate the new wealth to solve our long-term problem of maintaining our technological and economic competitiveness. Spending on the aeronautics and space program will generate this new wealth.

Mr. Chairman, I believe there are major economic benefits, major scientific benefits, and major social benefits to our investments in the Space and Aeronautics Program. I ask my colleagues to join me in supporting H.R. 1759. Over the coming year, Congress will be asked to make major decisions affecting our long-term commitment to the space program. It is critical that we make these decisions with prudence toward our need to reduce the deficit, but also with foresight toward our needs for the future.

Mr. Chairman, the benefits of space technology to all Americans are apparent in our everyday lives. A stream of new products and processes adapted from technology originally developed for NASA programs has been spun off and applied to practical problems and our economic benefit.

At this point in the Record, I would like to describe some of the Space Program's economic benefits throughout the past 10 years as outlined in a recent study conducted by the Chapman Research Group, and list some new technologies that have developed as spinoffs of NASA programs and technologies.

The Chapman Report has identified estimated economic benefits totalling nearly $22 billion in sales revenues and cost savings.

An employment impact of more than 350,000 jobs.

These newly created jobs are not only science related. They vary from geologists to truck drivers to carpenters to lithographers.

The technology spinoff resulted in or contributed to sales of $21.3 billion and realized savings of more than $315 million.

These commercial applications also produced an estimated $356 million in federal corporate income taxes.

Discussions with corporate officials revealed 67 instances in which a product, process, or even an entire company would not have come into existence had it not been for the NASA-furnished technology.

Every State enjoys increased sales and jobs created by the U.S. Space Program.

List of NASA-Funded Achievements

NASA funded the research that made major breakthroughs in superconductivity, breaking temperatures by 20 degrees from a previous level that had been considered a threshold by the scientific community.

NASA research employing advanced computer techniques to enhance images sent to earth in digital form—digital image processing—has laid the cornerstone for what is now an expanding industry.

Use of NASA technology led to the development of a medical laboratory aid for the study of hereditarily related chromosomes. Doctors can now view human organs made clearer by an image processing technique that enhances body tissues for examination.

NASA research in image processing has enhanced our weather prediction capability and understanding of such things as hurricane storm size, strength and direction and even temperatures within a storm.

NASA drag reduction technology has resulted in significant applications for consumer, home or recreational use. NASA technology in part led to the success of the Stars and Stripes as winner of the America's Cup. The boat's hull underside was coated with "riblets", a technology developed by NASA to improve aircraft efficiency.

NASA technology has led to the development of eye filters, for use in sunglasses that absorb near ultraviolet and blue light. These filters counter cataract and senile macular degeneration, which are two principal causes of vision loss in western nations.

NASA research in the development of insulation materials has led to its use in consumer clothing, outdoor gear and window energy liners.

NASA research has led to the development of water filters, now a booming business.

NASA research has led to the development of a space derived pump that offers new freedom to diabetics dependent on insulin. The minipump delivers insulin continuously at a preprogrammed rate.

NASA technology is employed in building techniques that have effected dramatic reductions in energy consumption.

NASA remote sensing technology has been applied in archaeological reconnaissance leading to improved resources management and environmental control.

NASA information services played a part in the development of medical devices designed to assist deaf and hearing impaired persons in achieving better speech, done through electronically processing the subject's speech sounds.

NASA technology was employed in the development of a machine that can nurse piglets as a "surrogate mother." This is an important stride in swine farming, due to historical levels of 15% to 25% in deaths of piglets before weaning. This has posed a serious economic problem in hog production.

Space technology has led to new developments in diving suits that will extend underwater "bottom time". This development could prove to be a full circle spin-off, one that transfers from aerospace technology and eventually generates technological advances transferable to aerospace systems, for the development of advanced space suits.

ADMINISTRATION/COMMITTEE COMPARATIVE NASA BUDGETS

[In fiscal years]

	Administration		Committee recommendation		
	1989 appropriation	1990 request	1990	1991	1992
Research and Development	4,266.6	5,751.6			
Space Station	900.0	2,050.2	[1] (2,130.2)	[1] (2,912.5)	3,494.4
Space Trans. Cap. Dev.	681.0	639.0	651.5	716.0	676.0
Space Science and Applications	1,830.2	1,995.3			
Physics and Astronomy	734.1	894.5	914.5	1,013.0	1,147.0
Life Sciences	78.1	124.2	124.2	154.0	151.0
Planetary Exploration	416.6	396.9	361.9	322.0	278.0
Space Applications	601.4	579.7	646.0	552.0	518.0
Commercial programs	44.7	61.0			
Technology utilization	16.5	22.7	22.7	23.4	21.2
Commercial use of space	28.2	38.3	40.3	59.7	92.5
Aeronautical and transatmospheric	404.2	462.8	589.8	621.0	603.0

ADMINISTRATION/COMMITTEE COMPARATIVE NASA BUDGETS—Continued

[In fiscal years]

	Administration		Committee recommendation		
	1989 appropriation	1990 request	1990	1991	1992
Res. and Tech.					
Transatmospheric Res. and Tech.			[2] (127.0)		
Space research and technology	295.9	338.1	358.1	487.0	530.0
Space exploration		[3] (20.0)	20.0	35.0	100.0
Safety Reliability and Qual. Assur.	22.4	23.3	23.3	24.0	24.0
University Space Science and Tech.	(22.3)	35.0	35.0	40.0	45.0
Tracking and Data Adv. Sys.	18.8	19.9	19.9	21.0	22.0
CRAF/Cassini		[4] (30.0)	[5] (30.0)	[5] (148.0)	[5] (313.0)
Space Flight, Control and Data Com.	4,464.2	5,139.6			
Shuttle Prod. and Capability Dev.	1,128.2	1,305.3	1,264.5	1,303.0	1,368.0
Space Shuttle Operations	2,305.2	2,562.7	2,500.7	2,491.9	2,667.9
Expendable launch vehicles	85.5	169.5	171.5	240.0	308.0
Space and Ground Net./Com./Data Sys.	945.3	1,102.1	1,077.1	1,159.0	1,228.0
Construction of Facilities	275.1	341.8	331.8		
Research and Program MGT.	1,891.6	2,032.2	2,032.2		
Inspector General	(8.6)	8.8	8.8	9.0	9.0
Total NASA	10,897.5	13,274.0	12,793.8	9,271.0	13,283.0

[1] Amounts previously authorized in Public Law 100-685.

[2] Full amount must be obligated.

[3] Space Exploration activities are identified as a part of several other line items in the administration's request. H.R. 1759 establishes a separate line item.

[4] CRAF/Cassini is identified as a part of Planetary Exploration in the administration's request. H.R. 1759 establishes a separate line item.

[5] Estimated expenditures by fiscal year pursuant to the provision of $1,600,000,000 in budget authority in fiscal year 1990. Full $1.6 billions.

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me begin by saying that I hope that my colleagues and the American people were listening to what Chairman Roe just said, because he is right on target.

One of the examples of leadership in this country historically has been leaders that are willing to invest in the future and find the resources, even in tough times, to address the future. That is exactly what Chairman Roe was just talking about. He is absolutely correct.

Too much of the money that we spend at the Federal level these days is spent subsidizing the past and ignoring the future, and that is a sense of priorities that we have to turn around if we are ever to be called leaders, and if ever we are to be assured that future generations look back on what we did as being real in their lives.

The NASA bill that we have before us today is really a bipartisan consensus package which I think does address the future in meaningful ways.

It provides for all our national space program initiatives within the President's overall requested level, and although it does not reduce any priority programs, it identifies savings and efficiencies in 1990 operations. This bill clearly delineates the committee's top priorities by endorsing the existing full authorization for the Space Station Freedom in Public Law 100-685. In this regard, the committee emphasizes its support of the space station's present configuration, and our support for the existing schedule.

H.R. 1759 also provides for an aggressive and rapid development of the national aerospace plane.

□ 1050

I would particularly like to commend the chairman, the gentleman from Michigan [Mr. Traxler] of the Committee on Appropriations, for his inclusion of nearly 100 million in the House passed HUD, VA, and independent agencies appropriations bill for the National Aerospace Program, and for his commitment to this committee to do everything possible in conference to achieve full funding.

The bill that we have before Members today contains one new start requested by the President, the comet rendezvous asteroid flyby [CRAF]/Cassini Saturn mission. It also supports important committee initiatives including: the gravity probe B/shuttle tet of relativity; the advanced communications satellite; the Pathfinder research program, including the important SP-100 project; shuttle structural spare parts; and the shuttle-C heavy lift vehicle.

A great deal of the credit for this bill goes to the gentleman from Wisconsin [Mr. Sensenbrenner], the vice chairman of the Subcommittee on Space Science and Applications, and the gentleman from Georgia [Mr. Lewis], vice chairman of the Subcommittee on Transportation, Aviation and Materials. I commend their efforts, and would like to thank the chairman of the full committee, the gentleman from New Jersey [Mr. Roe], and the subcommittee chairmen for their cooperative spirit and willingness to involve members and work closely with members in the minority throughout the process in moving this legislation through the committee and to the floor.

Mr. ROE. Mr. Chairman, I yield 5 minutes to the distinguished chairman of our Subcommittee on Space Science and Applications, the gentleman from Florida [Mr. Nelson].

Mr. NELSON of Florida. Mr. Chairman, I want to say what a pleasure it has been to work with the chairman of the full committee, the gentleman from New Jersey [Mr. Roe], who has been a powerful leader, an eloquent advocate for this Nation's space program. I want to commend the gentleman from Pennsylvania [Mr. Walker], the ranking member on this committee, who I had the privilege of working with, where he served as the ranking member on the Subcommittee on Space Science and Applications for 4 years, and working directly with him. In the hands of these two gentlemen, they will offer the leadership, as we forge the Nation's civilian space program for the future.

We come before the Congress today with the program back on track. We have gone through the traumas of the last 3½ years of trying to come back from a major national disaster. NASA, indeed the Nation's aerospace community, had made tragic mistakes. In the robust growth of 25 years of unparalleled success, hardening of the arteries and arrogance had set in, that reduced the proper flow of communication that was one major reason that led to the destruction of the *Challenger*. However, we have corrected that. We have a new team in place, headed by Adm. Dick Truly. The esprit de corps and the morale of the NASA civilian space team is up, and the Congress, despite the budgetary pressures, has been there to support this program. The goals have been set by the Presidnet, articulating not the means for paying for it, but stating the goals, a necessary step, and the President has said that we ought to look at the possibility of going back to the Moon and then on to Mars. I particularly advocate going to the planet Mars, and I think within the lifetimes of many Members here that we will see humans from planet Earth on the planet Mars. That is going to be an exciting day, because when we see those astronauts, who knows, perhaps with a few cosmonauts as well, in a joint Soviet-American mission, perhaps in the next century, when we see these voyagers from planet Earth going down that dry riverbed into that canyon that is eight times the size of Grand Canyon, trying to determine where is that water, what happened to it, was there life there, is there something from what happened to the planet Mars that we can apply to the stewardship of planet Earth? From our perspective on this planet that little atmosphere that rims the planet from out there is just about that thin. It is so beautiful and yet it looks so fragile, and it is this program, the civilian space program, that gives Members hope for understanding in a future mission, understanding all the ecological effects of this entire ecosystem known as planet Earth.

Now, what is in this bill? The preparation called "Pathfinder" for future technologies that will take Members to the planet Mars are in this bill, the continuation of the space shuttle program, and the needed improvements and rehabilitations are there. This space station is authorized for 3 years. The [CRAF]/Cassini mission, for a comet rendezvous well into the 1990's is an authorization of $1.6 billion, with a $30 million expenditure in this coming fiscal year. These are the kind of things that we have done and dealt with in our committee to expand our consciousness, and to dream and to hope for the future, and that is contained in this bill.

So to my colleagues that I had the pleasure of working with, I say thank you, and to our colleagues in this House who have supported Members time and time again when the chips were down, I say thank you. To my colleague, the gentleman from Wisconsin [Mr. **Sensenbrenner**], who I had the pleasure of helping lead the subcommittee, I say thank you, and I commend this bill to the favorable consideration of the House today.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the distinguished vice chairman of the subcommittee, the gentleman from Wisconsin [Mr. **Sensenbrenner**].

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 1759, which provides a multiyear authorization for the National Aeronautics and Space Administration.

At the outset, I would like to express my thanks and commendation to the chairman of the full committee, the gentleman from New Jersey [Mr. **Roe**]; the chairman of the subcommittee, the gentleman from Florida [Mr. **Nelson**]; and the vice chairman of the full committee, the gentleman from Pennsylvania [Mr. **Walker**]. Together, we have made a bipartisan bill which sets the course for NASA for the next several years.

This is not the first vote we have taken on NASA this year. I am pleased to remind this body that only a few short weeks ago, during consideration of the Veterans, HUD, independent agencies appropriations bill, the House of Representatives defeated resoundingly an amendment which would have killed the most crucial element in our space program—the international space station. This vote was a tremendous victory for the U.S. space program and its symbolism cannot be overstated.

It demonstrated that even in times of tight budget constraints, the American people want a vibrant and aggressive space program, one that will reassert our preeminence in space. Today's bill offers us another opportunity to demonstrate our commitment to the space program.

Although the appropriations bill providing funding for NASA has already cleared the House, passage of the NASA authorization bill is equally important because of the priorities and policies it establishes. Foremost among these priorities is the successful deployment of space station freedom. H.R. 1759 continues our commitment to the space station. It is the Science Committee's firm belief that we must not deviate from the current space station baseline configuration or the current schedule for its deployment.

The space station is an essential component of our future space activities. It will serve as an observatory for scientific study of Earth and the rest of the universe. It will be a critical link in our space transportation system, a place for the assembly and deployment of spacecraft to the outer planets. And for those who are not fascinated by the study and exploration of the universe, the space station will serve as a laboratory and processing facility for the development of medical drugs and materials which will have innumerable economic and societal payoffs on Earth. It is these payoffs—new technologies, jobs and increased understanding of the universe in which we live—which provide ample justification for the money we are spending not only on the space station, but on all space activities as well.

Foreign policy considerations also compel us to move forward with the space station. Space station freedom represents the most extensive international cooperative scientific venture in which the United States has ever participated. If the United States fails to deliver its portion of the international space station, we will severely damage our reputation as a reliable partner in international science endeavors.

Furthermore, I am convinced that if the United States fails to deploy space station freedom, it will only be a matter of time before another nation launches its version. This should be a totally unacceptable alternative for a world leader like the United States.

A key feature of H.R. 1759 is its multiyear funding approach. Multiyear authorizations make abundant sense for NASA. Its long range programs require intensive research and development followed by scale-up of project elements and hardware. These activities are complicated and derailed by fits and starts in the funding cycle. Healthy and predictable funding, on the other hand, allows for optimal planning and implementation of the space program. By authorizing existing programs for 3 years, H.R. 1759 will enable NASA to more effectively and efficiently manage its programs and cut the total cost over all the years in what we are proposing. In the long-run, this will translate into cost savings for the American taxpayer.

Our Nation's space program is at a critical juncture as we continue to rebound from the setbacks and lack of direction of the recent past and grapple with the visionary goals now being proposed for a long-range space station. H.R. 1759 provides the funding authorization and policies to lay a foundation for the eventual realization of these lofty goals and to further strengthen and improve existing NASA programs.

Mr. Chairman, I strongly urge my colleagues to join me in investing in our future by supporting H.R. 1759.

☐ 1100

Mr. ROE. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from North Carolina [Mr. **Valentine**] chairman of the Subcommittee on Transportation, Aviation and Materials.

Mr. VALENTINE. Mr. Chairman, I rise in support of H.R. 1759, the multiyear NASA authorization. I particularly want to acknowledge the leadership of the full committee chairman, Mr. **Roe**, in producing a 3-year authorization this year. I would also commend Mr. **Walker**, ranking Republican on the full committee, for his efforts in bringing the bill to the House. Finally, I want to thank, Mr. **Lewis**, ranking Republican on the Transportation, Aviation and Materials Subcommittee, for his cooperation, expertise and dedication to keeping America first in aviation.

Members of the Subcommittee worked long and hard in carefully reviewing the NASA aeronautical program and the 1990 budget request. We found that although the dollar amount for aeronautical and transatmospheric R&D is small—$589.8 million recommended by the committee this year—the payoff is very large. This is true because NASA historically emphasizes the high-risk, long-term research and technology that industry is financially unable or unwilling to undertake. Such efforts provide the foundation for future aircraft and engines which eventually return many times their initial cost to our economy. In a very real sense, NASA's aeronautical R&D is an investment in our country's future. It cannot be viewed as another program of consumptive spending.

For example, in 1988, the U.S. suffered a foreign trade deficit of well over $100 billion. And yet, as bad as this was, it would have been about $18 billion worse, had it not been for the favorable contribution of aerospace products, the bulk of which were civil aircraft, made in America by Americans.

U.S. suppliers have built the vast majority of the free world's civil air fleet by dollar value. Our airliners are our best ambassadors, offering superior quality, safety, comfort and reliability, at economical costs. They speak well of America, to operator and user alike.

Of course, these results did not just happen. They came about because we have consistently had the best products. And one of the big reasons for that has been the longstanding partnership between government and industry in developing a new aeronautical technology.

Because of this, the Committee on Science, Space, and Technology has repeatedly urged the administration and the Congress to increase the resources devoted to aeronautical R&D. We have pointed to the many long-term benefits of such investment, which are reflected in billions of dollars in sales of U.S. aircraft both here and abroad, and in millions of jobs for Americans.

Yet, in spite of its proven cost benefits, the NASA aeronautics program has not kept pace with the relentless pressure from our competitors, both military and commercial. In fact, NASA budgets for aeronautics in this decade have not even kept up with inflation. There aren't many Government programs that can make that claim.

Furthermore, anyone familiar with the dramatic increases in both the cost and complexity of new technology in the last few years knows that a level budget won't produce the same results as it once did. It simply costs more today to achieve each increment of improvement in fuel efficiency or safety or performance.

Of course, none of this would cause alarm if the Europeans, Japanese, and South Americans had not begun to pose a serious competitive threat. But they have. For example, despite decades in which American companies dominated the world jet transport market, our share of that market has fallen to 75 percent during the 1980's—down from 84 percent during the previous decade. Clearly, if this becomes a trend, we will have lost another industry, one of our few remaining winners.

Because of this, I believe the committee's recommendation is at the low end of what is actually needed. In my view, international conditions call for expanding NASA's aeronautical program, not curtailing it.

The committee also approved funding—$64.2 million—to continue a long, overdue rehabilitation of certain aging wind tunnels. These facilities have served our country well for years, giving our aeronautical scientists the tools to keep the United States out in front in aviation. But many are old and are badly in need of repairs to restore them to productive use and safe condition.

Finally, within the total recommended for aeronautics, the committee included $127 million for transatmospheric R&D. This amount is intended to be NASA's contribution to the National Aero-Space Plane, a flight research project to develop and prove the technology for high speed hypersonic flight with an air breathing propulsion system. If successful, this program could lead the way to several attractive applications in the future, including a single-stage-to-orbit replacement for the space shuttle and a hypersonic commercial air transport.

The committee feels it is vital to pursue this program on a schedule that will allow a first flight in 1995. For this reason the bill contains a prohibition against expending any aeronautical or transatmospheric funds until the full amount—$127 million—is made available for the National Aero-Space Plane, either through the appropriations process or through a reprogramming action by NASA, from any other line in the R&D account.

By so doing, the committee intends to highlight the NASP as one of NASA's top priorities for the coming decade.

Mr. Chairman, I thank the gentleman for yielding this time to me, and I urge adoption of the bill.

Mr. WALKER. Mr. Chairman, I yield 4 minutes to the distinguished vice chairman of the Subcommittee on Transportation, Aviation and Materials, the gentleman from Florida [Mr. Lewis].

Mr. LEWIS of Florida. Mr. Chairman, I rise today in strong support of H.R. 1759, the NASA Multiyear Authorization Act of 1989.

As a member of both of the subcommittees with jurisdiction over NASA's budget, and as ranking member of the Transportation, Aviation, and Materials Subcommittee, I have the opportunity to work together with its chairman, Mr. Valentine, to develop the aeronautics portion of this bill.

I am pleased to say that aeronautics funding in this bill is at the same level as the administration's request and is a substantial increase from last year. This shows the administration's foresight in stressing research and development for our Nations aerospace industry.

It should also be noted that, with one exception, the House passed an appropriation bill identical to the committee recommendation which is before us today.

Unfortunately, Mr. Chairman, the one program that is not fully funded is the most important one, the National Aerospace Plane.

To make matters even worse the other body has completely zeroed out funding for the NASP. These developments have once again forced me to take the floor in defense of this vital program.

As most of my colleagues are aware, I have consistently advocated a balanced budget and believe it would be best brought about by reducing Federal expenditures.

However, There is a distinct difference between an expenditure and an investment. And there can be absolutely no doubt about it, the aerospace plane is a vital investment in the future economic health of our Nation.

I simply cannot stress enough that the future of both military and civil aircraft depends on the completion of the NASP program, and if we do not do it, somebody else will.

This fact is demonstrated by the significant sums that Japan, Europe, and the Soviet Union have poured into their aerospace plane programs.

The United States' positive balance of trade in aerospace products was $18.7 billion, the largest of any industrial sector.

Much of this technological lead is directly due to the long-term, high risk research undertaken in decades past. This is the same type of research that will be undertaken in the NASP program which will guarantee America's aerospace lead well into the 21st century.

In essence, we must make a choice, are we going to make a real commitment to our aerospace industry, or are we going to let our aerospace industry go the same way as compact cars and VCR's?

Take my word for it, if the funding contained in this bill is not appropriated, that is exactly what will happen.

Then in 20 years we will watch American workers bash foreign-made planes in protest of losing their jobs, and we will scratch our heads and wonder how our lead was lost so quickly.

To ensure a strong aerospace industry, I strongly urge my colleagues to support H.R. 1759 and the full funding of the National Aerospace Plane Program which it contains.

I want to thank the chairman, Mr. Roe and the ranking member, Mr. Walker for their strong leadership in bringing this legislation before the House. I also want to thank Mr. VALENTINE, subcommittee chairman for his many contributions to the bill and to Mr. MCCURDY for his strong support for NASP, especially in the Department of Defense portion.

□ 1110

Mr. WALKER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, the funds authorized in this bill are neither Democrat nor Republican dollars; they are the investment of each and every taxpayer in our country's future through the continuance of U.S. leadership in space. I believe that through the proposals and the priorities established in this bill, we can, in the areas of space science and space exploration, maintain this leadership role.

However, in the area of space commercialization, I believe that further steps need to be taken. Included in H.R. 1759 is funding for the Office of Commercial Programs. This program was established in 1985 to carry out NASA's mission to seek and encourage, to the maximum extent possible, the fullest commercial use of space. However, as of yet, NASA has not yet focused commercial space policy within the Office of Commercial Programs.

This small program within NASA is critical for one reason: We see signs of the imminent loss of the commercial launch market to foreign competitors. The United States cannot afford to lose its commercial launch industry. It will be a tragedy if Congress does not take every possible action to prevent the worst of all scenarios: Loss of the entire commercial launch industry and, consequently, the export and dependency of all U.S. commercial satellites for launch on a foreign rocket.

That scenario is not as far away as some might think. The latest Congressional Quarterly contains an article titled "Rocket Industry Seeks Help in Global Launch War." In this "war," time is of the essence. Already, the European launch company, Arianespace, has secured half of the available commercial launch contracts. Japan is developing satellites and rockets and projects introducing its booster in 1992. The U.S.S.R. is increasing its efforts to enter the commercial launch market. And the latest is an Australian consortium called the Cape York Space Group who plans to build a space port, use a cheap Soviet rocket, and offer a very competitive package launch deal as early as 1992.

As in other high-technology industries, we in Congress must ask ourselves the question, How can we incentivize this industry to compete in this global marketplace where their foreign competitors are well-subsidized? One instinctive reaction to this very real foreign threat has been to implement protectionist measures. But this could result in a chain reaction which would be detrimental to our currently dominating satellite industry. International competition drives down the price of a launch which allows them to remain competitive internationally.

Are there effective alternatives to protectionism? Private industry and U.S. Government agencies have conducted numerous studies to explore ways to encourage a broader and more vigorous U.S. commercial presence in space. The consensus is that, yes, the U.S. Government can foster this industry, and their recommendations do not include Government subsidies. Rather, they conclude that a new relationship between Government and industry in space is both possible and highly desirable.

It is time we recognized that it is not just Government subsidies that our industries are lacking, but the strong industry/Government relationship enjoyed by so many of their foreign competitors. The United States must recognize that the very sort of relationship that supported the development of other industries, such as aviation and electronics, must be employed in space commercialization. Industry and Government must forego a consensus if U.S. firms are to compete globally. This might be difficult to achieve, but without a doubt it is the best long-term strategy for the U.S. space industry.

In my judgment, there is still time to revive the U.S. launch industry. To expedite the fulfillment of NASA's mission to seek and encourage, to the maximum extent possible, the fullest commercial use of space, I have introduced H.R. 2674, the Space Transportation Services Purchase Act of 1989. This bill will free up the U.S. commercial lanch industry from unnecessary and costly Government oversight and regulation to allow them to do what they are experts at: launching rockets.

I encourage my colleagues to support the bill before us today, and I also urge you to support a new Government/industry relationship to maintain the U.S. leadership role in space commercialization.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I sense that we all feel a sense of pride as we put forth a 3-year plan which outlines the major considerations and initiatives for the National Aeronautics and Space Administration [NASA] in the next decade. In H.R. 1759, we are authorizing complex programs to keep our space program on a steadily evolving course toward new goals and discoveries. With the triumph of the *Explorer 2* spacecraft, two missions being launched this year to further explore our solar system, and, in NASA Administrator Richard Truly's words, "the shuttle program precisely on schedule relative to our early planning," we have reason to be proud.

Having said that, I think it appropriate to focus on an aspect of this NASA authorization that encompasses both the visionary and the reactionary: a leap to the future but a respectful acknowledgement of our past, but an issue of such concern that it almost slowed down the forward motion of our space program. The agreement signed this week between NASA, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, ended what was a "glitch" that confronted the program.

As it is vital that we know and understand our past history, so must we also know and understand what has been accomplished in the beginning years of the space age. People still living today have seen the change from horse and buggy, steam engines, and steamships to cars, planes, and spaceships traveling at unbelievable speeds, with the concept of the aerospace plane and human colonization on a moon or Mars clearly fixed as an attainable goal of the future.

This is why I believe it is both significant and important that time was taken to resolve what appeared at first to be what some viewed as a hinderance to progress and others viewed as the potential loss of our heritage that could never be recovered. It was obvious that a compromise was possible and could be developed, but what was needed was commitment and less than obvious was why both sides became so intractable. Patience by the negotiators finally paid off, and I believe that we have reinforced our respect for the foundations that have been laid to preserve our national heritage and landmarks. In the process, individual and institutional needs have been met, and I commend the work of the negotiators in bringing about the signing of the programmatic agreement.

Having said this, I commend the leadership of Chairman BOB ROE and ranking member BOB WALKER. We know it will take money, and we know that the appropriating process is still at work, but the blueprint contained in this bill is excellent and I salute the bipartisan effort from which it eminated.

□ 1120

Mr. ROE. Mr. Chairman, I yield 3 minutes to one of the outstanding members of our committee, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of this bill. It is an excellent piece of legislation designed to keep America ahead of the rest of the world in the whole litany of research and development projects, but particularly those in aviation and space.

I compliment the gentleman from New Jersey [Mr. ROE] particularly for his leadership, as well as the gentleman from Pennsylvania [Mr. WALKER].

Mr. Chairman, I used to be the chairman of the subcommittee that my colleague, the gentleman from North Carolina [Mr. VALENTINE], now chairs; that is, the Subcommittee on Transportation, Aviation and Materials. I feel very strongly about the first "A" in NASA, the aeronautical "A"; the fact that it has largely been through NASA's work that American aviation continues to lead the world.

I see my colleague, the gentleman from California [Mr. LEWIS], who was the ranking member when I was the chairman and did so much with me when I was working on that as well.

However, I do raise some questions about the level of research and commitment NASA has been involved with on the issue of aging aircraft, geriatric aircraft. We have urged NASA and the FAA to do more research in this area, but the recent crash of the United DC-10 outside of Sioux City, IA, again points out the fact that we are not possessed of all the information we need to know in preventing airplane accidents, particularly with respect to airplanes that are old and have operated 60,000, 70,000, 80,000 hours.

The FAA has recently entered into proposals, new rules, which will mandate inspection and fixing of certain parts of these old airplanes at periodic stages of those airplanes' lives. But the crash in Iowa probably proved that the engine of that airplane underwent the same kind of aging and maturation as did the structure of the airplane, and yet the engines of airplanes did not have the scrutiny of aging aircraft research and development as do structures, fuselage parts, and those kinds of things.

I come down here today to urge NASA to lead the effort along with the FAA, the National Transportation Safety Board, and the airlines to have a focused research effort into the area of aging aircraft not only with respect to materials and parts but as to human factors, how airplanes are inspected, and as they affect engines as well, the engines which suffer perhaps the most stress of any part of an airplane.

My worry is that as a result of deregulation of the airlines, we are flying more and more older airplanes, exhausting these airplanes in order to meet the financial demands of a changing commercial airline system both in this country and around the world.

NASA has the premier research efforts in the area of structures, materials and engine research, and they ought to be looking not only to designing new techniques for the future but also to protect people flying on existing airplanes through new techniques and inspection and maintenance, human factors, as well as in the areas of materials and structures.

I would just urge NASA, as they deal with these issues, to focus very, very strong and committed efforts and resources in the area of aging aircraft research.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, 20 years have lapsed since man first walked on the Moon. It is timely to speak of the vision that this country will need to revitalize our space effort. It is easy to look to the Federal Government to increase NASA's budget in hope that we will be able to maintain our traditional leadership in space. But with the present realities of tight budgets it's easier to ask than to receive. It is time for a bold new initiative in space, an initiative that challenges the private sector to pick up where NASA's overburdened budget leaves off. I would like to contribute some thoughts on the direction the space program should go in order to take advantage of the unique talents and resources of the U.S. private sector.

To remain great, our country must have a vision of not only where we've been historically but of where we can venture, of not only who we are as Americans, but who we might be as voyagers to other worlds. We now have within our grasp the possibility—unique in human history—of establishing colonies in orbit and on other planets. We are in position to foster industries in space at a time when the benefits of manufacturing in space are only beginning to be understood. We have the possibility of rekindling the pioneering spirit of our ancestors as we venture forth—not just across an ocean or continent this time—but across a solar system and beyond.

We are entering a transitional period that presents us with unique and crucial challenges in terms of the future of U.S. space efforts. We must consider the implications of today's decisions since we will have to live with these decisions for a long time. The budget battles that Congress fights this decade will determine if we are serious about reducing the deficit and whether we can continue our space program in a meaningful way.

The reality of Federal fiscal policy now and at the turn of this century will dictate modest NASA budgets and fewer U.S. Government resources devoted to space. The emphasis at NASA should be on the scientific, educational, and long-term exploration of space. NASA's focus should be on deep space probes, development of the space station Freedom, long-range sensing technologies, a lunar base and planetary exploration. In addition, the U.S. Government should focus its resources on a number of ancillary space projects.

Government resources will stretch much farther if the private sector is afforded the chance and encouraged to participate in space-related activities. The privatization of space should build on the existing foundation of private sector success in orbital satellite telecommunications, data relay, and advances in aerospace technology.

The entrepreneurial spirit present in the private sector is too vast to ignore, especially when one considers the potential benefits derived from involvement in space. In hopes of encouraging the privatization of space, I have joined Congressman PACKARD in introducing a bill requiring the Federal Government to purchase space transportation services from private companies. The Space Transportation Services Purchase Act only addresses one small area of privatization, but it is a vital first step that reminds one of Neil Armstrong's "one small step." The revitalization of U.S. space industry with a significant private sector component will require a series of small steps. This bill provides an incentive to private industry to get into the space transportation business. In addition, this legislation waives many of the strict specifications that are currently necessary for private firms to be certified to launch their own spacecraft.

Commercial criteria for space vehicle design and use would quickly develop when we let market forces drive the process instead of requiring all equipment to meet military specifications. In a competitive environment, there is no reason to believe that private competing firms are not concerned about reliability, standardization, and safety. Private sector concerns operating in a competitive environment will result in the evolution of improved products and more efficient production and operating methods.

This multiyear NASA authorization takes serious strides to encourage the private sector to explore opportunities in space. The committee urges in very strong terms that NASA consolidate all of its commercial space activities under its Office of Commercial Programs. This can only help improve the focus of NASA in this important area.

The committee also increases the authorization level for the Department of Transportation's Office of Commercial Space Transportation. This office has been instrumental in providing the administrative framework for overseeing the broad range of launch activities that are being conducted or planned. This office has also provided invaluable assistance to McDonnell Douglas and Space Services Inc., in their launches this year.

Another provision in the reauthorization that I would like to bring to the attention of the Members is the creation of the Department of Commerce's Office of Space Commerce. The purpose of the office is to be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department. The office would promote private sector investment in space activities while seeking to remove the many legal, policy, and institutional impediments to space commerce. It is my sincere hope that this office will coordinate with the Department of Transportation and NASA to avoid any duplicative efforts.

All of these initiatives are vital in the increasingly competitive international space market. These offices will help ensure a level playing field for U.S. firms. In addition, they will be tasked with helping the United States meet the challenges posed by new competitors like the Chinese.

We can make the 21st century an era of vast economic opportunity and prosperity if we have the good sense to harness the strength of the private sector now. I commend the chairman and the committee for the good sense they have shown in this reauthorization. I urge my colleagues to support the committee's fine efforts.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. HAYES], one of the members of our committee.

Mr. HAYES of Louisiana. Mr. Chairman, I want to thank the chairman, the gentleman from New Jersey, for this opportunity, and also his fine staff, and the ranking member from Pennsylvania and his large staff, who have also contributed dramatically.

Those of us who recall the opportunities to travel to Florida and watch America return this Nation to its prominence and to its position which for decades it held as the premier of space exploration remember not only the exhaust coming as the launch was recorded, and that is a memory that will stay forever, but we also remember those crowds gathered up and around the highway, those young people holding hands with their grandparents looking up in the sky to what represents to them an exciting moment, not only of technological superiority, but the recognition of what this country stands for, always reaching out to return to this planet what we learn and how to translate what we learn into those things that better our daily lives.

The National Aeronautics and Space Administration, from its efforts in the 1960's, contributed directly to those medical breakthroughs that are keeping some of the people in this country alive, that have added a lifespan of over a decade to the average mortality rate.

The impact in the classroom has led us to developments that make us able to compete technologically and hopefully to challenge any country on Earth as we all grip with the impact of the 21st century.

We argue in this body quite often about seemingly unrelated areas, what do we do about the homeless, what do we do about public housing, and yet in each and every one of those instances we have costs that have been cut. We have housing that is more available and affordable because of the spinoffs of space exploration.

Whether we are talking about betterment of life on this planet or answering some of the questions about whether or not there are in fact life forms on others, this country has, and will continue to, take the lead and in the most bipartisan possible fashion.

□ 1130

So congratulations to all of the Members. It is one of the all too rare occasions in recent months where we are awfully proud to be a part of this body.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 1759, the National Aeronautics and Space Administration multiyear authorization, and to commend the gentleman from New Jersey [Mr. ROE], the chairman of the committee, and the gentleman from Pennsylvania [Mr. WALKER], the ranking member—along with the subcommittee chairman, the gentleman from Florida [Mr. NELSON], and the ranking member, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the staff of the committee for turning out their usual excellent product with this bill.

This is a 3-year authorization of appropriations, and that is entirely appropriate, if you'll pardon the play on words, because our national space program is now at a stage—has been for some time—where we need a longer-range plan and goal reflecting the growing importance and maturity of our capabilities and potential in this crucial field.

President Bush set us on the path toward a long-term goal just 2 months ago, on the 20th anniversary of the Apollo Moon landing, when he announced a plan extending into the next century to establish a continuing U.S. presence in Earth orbit, on the Moon, and eventually—an expedition to Mars. As visionary and inspiring as this plan is, it also includes a mission to planet Earth, to help us better understand the long-term dynamics of the Earth and the inter-related systems which sustain us and all life on the planet.

These goals and this bill take on immediate importance when we realize that our future as a space-faring Nation and as a leader in world trade is tied inextricably to the technology which is evolving from the space program, not just here but abroad—in Europe, the Soviet Union, China, and Japan.

In large part due to the technological achievements of the space program, we have become a world community—economically, politically, and environmentally. And as we approach the 500th anniversary of Columbus' voyage to the New World, we must bear in mind the lesson of history, that the nation which takes the lead in pushing back frontiers is the nation which will play a dominant role in world affairs—in this century and next.

I am particularly pleased that a satisfactory agreement has been worked out on the issue of NASA facilities and national historic landmarks under the National Historic Preservation Act.

This bill contains all the elements of a comprehensive, sophisticated and imaginative blueprint for our Nation's future in space and here on Earth as we enter the 21st century, and is a compliment to the many people involved in its development. We will reap many returns from the modest investments contained in this authorization, and I urge my colleagues to give it—and the committee—their full support.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the gentleman from the great State of Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, this summer we were given the rare opportunity to witness the past, present, and future of the U.S. Space Program.

In July we celebrated the 20th anniversary of *Apollo 11* and commemorated the achievement that put our Nation first in exploring space.

In August, we watched in fascination at the beautiful images and scientific breakthroughs transmitted from Neptune by Voyager II.

And now, this House is debating the authorization for NASA, laying the groundwork for what will be the heart of our space program into the next century.

It is indeed fortunate that these events have coincided. Because celebrating these past and present achievements in space should underscore our future goals.

I want to congratulate the committee for a bill that recognizes these goals.

Within this authorization are several initiatives that the committee should be congratulated on:

First, for the 3-year authorization that is both fiscally and technologically responsible.

Second, for putting the space station at the top of NASA's priority list.

Third, for developing a plan to advance life sciences to make sure the crew aboard the space station stays healthy and safe.

And last, I applaud the continuation of the National Space Grant College and Fellowship Program that I sponsored in 1987 as a member of the committee.

While this bill has many good facets, I would like to focus mostly on the committee's efforts to strengthen our commercial space program.

I have long supported space commercialization because it is our future—a private industry effort done not at the expense of our civil space program, but complimentary to it.

In fact, commercial space development will soon be the single most important way we can capitalize on our space expertise and technology. There is no way the Government can afford every space initiative it will want over the next several decades, unless the commercial sector can be brought in as a significant partner in the space program. Expanding the commercial sector's role in the space program will ultimately defray the Government's costs. We need to do a better job of using commercially provided services and hardware available from the private sector. There is also no way the Government will learn all that it has to learn from operating in space without involving the commercial sector by providing opportunities for experimentation in the space environment.

The committee's report recognizes that NASA must do a better job of engaging the private sector in its mission. I am pleased to see that the committee has recommended amending the National Aeronautics and Space Act of 1958 to expand the authorities available to the Administrator in furtherance of NASA's commercial mission assigned to it by the Congress in 1984.

Through this renewed commitment to the commercialization of space, NASA will learn how to be a better partner with the private sector, as a customer of the private sector for hardware and services and as a provider of access. Through its own facilities or complementary commercial facilities, NASA will be able to provide space for entrepreneurs wishing to experiment in the development of new products and processes in the space environment.

Along with the new responsibilities accorded to the Administrator, NASA's Office of Commercial Programs should be given broader authority. We have seen in the past that this office is often not fully involved in commercial space policy decisions affecting the space program and NASA.

We saw this to be the case earlier this year at a Science, Space, and Technology Committee hearing, which I was pleased to attend. We learned that the administration was proposing seven initiatives involving private financing of Government facilities. NASA's Office of Commercial Programs had no part, we learned, in developing the plans. I believe greater attention and focus through the Office of Commercial Programs will improve the agency's record in this regard.

I do want to recognize the committee's efforts in moving forward with potential non-Federal financing of two facilities, one of which is a Neutral Buoyancy Facility to be built at the Johnson Space Center in Houston. I believe that committee has forged a cautious approach which protects the Government's interests and yet more fully engages the private sector. I am interested in monitoring its progress.

Furthermore, in order to fulfill Congress' call to have a more aggressive commercial space program, I believe in the future the budget we are given from NASA for the Office of Commercial Programs should reflect the breadth of their mission.

Fortunately, this bill pushes NASA to give space commercialization more emphasis. The importance of doing so is tremendous. We can reduce costs, spurn new technologies, and ensure our continued strength in civil space technology in the world market.

We must demand a more centralized, better funded, and more aggressive effort to promote commercial involvement in the NASA Program. We have nothing to lose, and the future of our space program has everything to gain.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER], who made an important contribution to the piece of legislation we have before us today.

Mr. BUECHNER. Mr. Chairman, I rise today to congratulate the chairman and vice chairman of the Science, Space, and Technology Committee on their efforts to bring forth this multiyear NASA authorization bill.

There is nothing which captures the heart, the mind, and the imagination of our Nation quite as completely as the conquest of space. When the Apollo 11 landed on the Moon, we cheered as a Nation, when the *Challenger* exploded after lift-off, we wept as a Nation. And now, as the Voyager sends up pictures of Neptune's moons, our Nation stares in wonder.

From its inception, NASA has continually been a source of national pride, prestige, and common purpose. As we prepare for Magellan's arrival at Venus, Galileo's mission to Jupiter, and the construction of space station Freedom, the potential for NASA's success seems as limitless as space itself.

This bill addresses many issues intended to promote a robust civil space program. In particular, I am very pleased that the Science, Space, and Technology Committee adopted an amendment I authored relating to space shuttle utilization. This new policy will begin the process whereby the space shuttle will be used for those missions which require the presence of man. This provision is vitally important as it will help ensure that the shuttle is preserved and available for those special missions for which it is optimized.

In closing, again, I congratulate the managers of this bill and remind my colleagues that our civilian space program is more than just an indulgence of the curiosity of obscure scientists. Our space program is the clearest manifestation of man's conquest of his human limitations. Our current space program is the last generation's gift to today; the progress we make today will be our legacy for tomorrow.

Mr. FRENZEL. Mr. Chairman, the NASA authorization provides for contingent liability for several projects to be constructed or developed by private companies and leased to the Government. I support the increased involvement of the private sector in the space program and understand the need for contingent liability. But, let's be honest about what we are doing. We are obligating the Federal Government to pay private companies for any unused portion of the contract in the event the agreement is terminated early. This obligation should be reflected in the budget at the time it is incurred.

This bill leaves open the possibility of using unobligated funds from other projects rather than reserving the funds up front. This is akin to an airline booking 110 seats on a 100-seat airliner and hoping that 10 people don't show up. We don't need more budgetary legerdemain—we need more responsible budgeting. If we want the projects, then let's put the budget authority to pay for contingencies in the appropriations when we give the go-ahead on the projects.

I have no criticism of the authorizations in this bill. However, I feel that the problem of the treatment of contingent liability is so serious as to constitute a fatal flaw in this legislation. While I commend the committee members on their hard work, I am unable to support this bill in its current form.

Ms. OAKAR. Mr. Chairman, I rise in strong support of H.R. 1759, the NASA Authorization Act and urge my colleagues to support its final passage. I want to commend my dear friend, Chairman ROE and his able staff for bringing this measure to the floor.

Mr. Chairman, the space program is a unique Government endeavor that is favored by the vast majority of our citizens. Poll after poll has definitively proven that Americans love the many programs of NASA. We need only to go to the Air and Space Museum in order to confirm this fact. Our constituents gape in wonderment at the displays which powerfully demonstrate our successes in space. They will tell you that the exhibits make them proud of their country; that the museum and all it represents is an excellent investment in the future of our Nation and that we need much more investment in the National Aeronautics and Space Administration. On these points, I think you will find virtually unanimous agreement. In fact from a congressional standpoint, there are few issues which enjoy as much bipartisan support as the space program.

However, a program's grassroots popularity should not be the only measure of its worth; it should also withstand congressional scrutiny by demonstrating how it is a worthy investment in our economy and in our future as a great nation. On these points, the space program proves to be an enormously intelligent investment.

For example, from a broad economic view, the space program provides approximately a fivefold payback to the gross national product for every dollar spent. How many other programs do we fund which perform as well? The jobs, technologies, national wealth, and national pride generated by NASA ventures cannot be matched or accurately measured.

But it is the smaller, high-technology-product aspect of the space program that contributes the most toward improving our quality of life. The many wonders produced by NASA ingenuity affect us every day, and many of us don't even know it. It's not only the computer microchip revolution or the perfection of the laser beam to which I refer, but the many obscure ideas and products that really seize the imagination and provide greater comfort to our existence.

For example, medical technology has greatly benefited by the medical research and product development conducted by NASA. In hospital intensive care units, every breath a critically ill patient takes passes over a sensor developed by NASA that monitors the patient's blood gases and will trigger an alarm if anything goes wrong. The pacemaker and the insulin injecting implants now available are the products of several space program technologies integrated into small packages that enable many people to live more full and enjoyable lives. In addition, NASA has helped to develop eyeglasses that sense soundwave patterns and convert the patterns into electrical impulses for a special hearing aid for the deaf. Some hearing impaired can hear with these special eyeglasses. These wonders have improved the lives of millions and saved the lives of many more.

Similarly, the area of environmental conservation and protection has benefited from the space program. For several years, State resource agencies, the U.S. Department of Agriculture, and the Environmental Protection Agency have utilized space satellite-generated data to inventory natural resources and monitor the effects of pollution, including the ozone problem, tropical deforestation, the status of ocean currents that help to absorb greenhouse gases such as carbon dioxide, and the advance of deserts in many parts of our planet. Remote sensing satellites promise to provide more assistance when the NASA-led "Mission to Planet Earth" program is fully implemented.

We must also remember that the so-called space race is no longer a two-country competition but a global marathon. Several other countries have entered the field, including 13 European nations—partnered as the European Space Agency—as well as Japan, China, India, and Brazil. These foreign nations have made space a budgetary priority, with the United States dropping to fourth among industrialized nations behind Japan, West Germany, and France in the fraction of gross national product invested in civilian research and development.

When this information becomes known, how can we honestly expect the passage of omnibus trade and competitiveness bills to help us stay internationally competitive when we don't adequately fund complimentary scientific research and development budgets like NASA's?

As an illustration in contrast, Japan, which is arguably our most important economic rival, has heavily committed to advancement of its space program by releasing plans which call for tripling the Japanese space budget by the year 2000. These plans focus on increasing Japan's independence in space through manned flight, including an independent space station and a space plane. Anyone concerned about the one-time FSX fighter plane deal with Japan should be far more concerned about a long-term, self-contained Japanese commitment for full funding for space research and development.

Mr. Chairman, for these reasons and many more, I urge all of my colleagues to vote for the authorization bill we have before us today. This bill represents a move toward a long-term funding commitment for the space station and all other NASA projects. Our Nation needs it, our people want it, and we all will benefit from it.

Mr. SKAGGS. Mr. Chairman, I'd like to take this opportunity to express my strong support for H.R. 1759, the National Aeronautics and Space Administration Multiyear Authorization Act of 1989.

Almost three decades ago, we declared our intention to go to the Moon. And now, 20 years after the first manned landing on the Moon, our curiosity about what's out there has only increased.

This bill will provide a 3-year authorization for most NASA programs, and in so doing provide long-term stability in budgeting for our space program. Among other programs, H.R. 1759 provides for extensive planetary exploration that will increase our knowledge of the planets, comets, and asteroids and with it our understanding of the origin and evolution of the Earth and its biochemistry.

In May, the shuttle *Atlantis* deployed the Magellan space probe, which is now headed for Venus. Next month, Atlantis will deploy Galileo on its mission to Jupiter. And in August, we watched in fascination as Voyager 2 sent us images from Neptune. H.R. 1759 builds on this aggressive agenda through other projects such as CRAF-Cassini—a two-part initiative designed to study primitive bodies and the outer solar system. CRAF [the comet rendezvous asteroid flyby] will explore a comet and at least one asteroid. Cassini will explore Saturn, its rings, and its satellites. Together, these two missions should provide new information about the formation and evolution of the solar system.

I think we can go forward to carry out challenging missions to the outer planets and comets and asteroids. We can continue to reach out and explore the solar system. We can and we should. This is a proposition that is proved as much by intuition as by evidence. It's often said that the human race is inherently driven to exploration, of both the physical universe and the universe of the mind. And the discoveries in the former illuminate the latter. It is, simply, a matter of who we are.

This bill also provides for continued development and deployment of a permanently manned space station. And it recognizes the need for an aggressive Space Life Sciences Program to meet future needs of extended activity in space.

We also need to realize that our success in space is not limited to work done directly by NASA. The commercial use of space program facilitates private sector space activities and encourages an increase in private sector investment. In my own district in Colorado, Ball Corp. is developing a line of small lightweight communications satellites for the Pegasus rocket. And NASA's Galileo will carry scientific instruments from the University of Colorado. It is important, particularly in face of tight budgetary constraints, to recognize the contributions and universities and private companies can make to our Nation's space program.

We've all heard the question. "How can we spend money on space when we have so many problems here at home?" The fact is that space-related research and technology have consistently provided significant benefits to society. Since its first year, the space program has yielded unprecedented technological advances that have helped to improve the quality of life on Earth. Technology developed in aerospace research is being used in medicine, agriculture, recreation, and almost every other area of human activity.

An ambitious space program will provide good returns on our investment, it will contribute to the future economic competitiveness of our country, and it will allow us to remain the global space leader as we enter the next century. I urge my colleagues to support NASA in this effort, and to support this bill.

Mr. PANETTA. Mr. Chairman, I want to alert my colleagues to the inclusion of a very poor budget practice in the NASA authorization bill, H.R. 1759.

This bill contains a provision on so-called private financing which was requested by the Bush administration in an even more objectionable form.

My objection to this provision has to do with the fact that its enactment would allow the NASA Administrator to commit the U.S. Treasury to a very large financial commitment without scoring any costs whatsoever in fiscal year 1990. This is an extremely poor practice since the only thing worse than increasing the deficits we now have, is incurring them without knowing that we are doing so. This provision would allow this particular spending to go through the budget process without any fiscal discipline, since it is "free"—in this budget year—to the NASA, and to the committees of the Congress.

The provision in question, in sections 9 and 16 of the bill, would allow the NASA Administrator to write contracts with private companies that would, in effect, guarantee that the U.S. Government would live up to the financial commitments in the contract, even if no specific future appropriations for the program were ever made, by allowing NASA to use unobligated balances of other appropriations to live up to the contract commitments. If the contracts were terminated in a later year, NASA would have to cough up termination liabilities, perhaps in excess of $700 million, putting other programs at risk or, more likely, the U.S. Treasury—which would be called on to bail NASA out of its jam.

The House Science Committee justifiably can say that they improved the administration's bill by requiring that the termination liability payments be made out of other available NASA funds. However, the key problem remains: This bill allows the Government to spend a substantial amount of money without having to admit that it is doing so, and without prior appropriation.

I have no problem with the projects that are being supported. However, I do feel strongly that if the money is to be spent, that we be honest about it and admit that we are spending it, so that overall budgetary discipline has a chance of being maintained.

Mr. DREIER of California. Mr. Chairman, I wish to express my strong support for the measure now under consideration, the National Aeronautics and Space Administration Multiyear Authorization Act of 1989. This important legislation authorizes appropriations to the National Aeronautics and Space Administration [NASA] for formulating and implementing America's civil aeronautics and space program. NASA projects include research and development, space flights, control and data communications, construction of facilities, and research and program management.

One of the most important and ambitious of NASA's current programs is the development, construction, and operation of "Freedom," fully equipped, manned space station. America's commitment to the space station exemplifies our commitment to assuring the leadership of the free world in space during the 1990's and beyond. I stand firmly behind President Bush's policy of expanding the human presence into the solar system and support his efforts to provide the maximum level of funding possible for the space station in the upcoming fiscal year.

The United States must remain competitive in space and cannot afford to fail in obtaining the technology and knowledge derived from a strong civilian space program.

In this instance, as with all national challenges, the President is the spokesman for our Nation's hopes and dreams. Since his inauguration, President Bush announced a three-step commitment to establish America's preeminence in space—Space Station Freedom, a permanent presence on the Moon, and a manned mission to Mars—for this and future generations. I join President Bush in enthusiastically embracing a strong U.S. leadership role in civil aeronautics and space exploration.

I will continue to work with the President and Vice President to ensure a strong civilian space program to lead America into the 21st century.

Mr. WALKER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute, now printed in the reported bill, is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1989".

Mr. ROE. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

(2) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

(3) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the universe;

(4) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy and significantly improve our standard of living;

(5) the United States aeronautics and space program excites the imagination of every generation and can stimulate the youth of our Nation toward the pursuit of excellence in the fields of science and mathematics;

(6) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

(7) the United States aeronautics and space program requires a sustained commitment of financial and human resources;

(8) the United States space transportation system will depend upon a robust fleet of Space Shuttle Orbiters and expendable launch vehicle services;

(9) the United States space program will be advanced with the deployment of a permanently manned space station with research, observation, servicing, manufacturing, and staging capabilities;

(10) the United States space aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

(11) the United States needs to maintain a strong program with respect to transatmospheric research and technology; and

(12) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing the civil aeronautics and space program in the United States.

SEC. 3. POLICY.

It is declared to be national policy that the United States should—

(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo program;

(3) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

(4) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the Orbiter design to improve safety and performance, and reduce operational costs;

(5) sustain a mixed fleet by utilizing commercial expendable launch vehicle services;

(6) continue with the development and deployment of a permanently manned space station;

(7) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

(8) continue to seek opportunities for international cooperation in space;

(9) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve safety and efficiency of the United States air transportation system; and

(10) conduct a program of technology maturation and flight demonstration to prove the feasibility of an air-breathing, hypersonic aero-space plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1990, except as otherwise provided:

(1) For "research and development", for the following programs:

(A) United States International Space Station Freedom—

(i) of the amounts authorized to be appropriated for the Space Station for fiscal year 1990 by section 201(a)(1)(A) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989, not more than $15,000,000 shall be made available for the Flight Telerobotic Servicer program, and not more than $3,700,000 shall be made available for the Space Station Docking Module program; and

(ii) $3,494,400,000 for fiscal year 1992.

(B) Space transportation capability development, $651,500,000, along with $716,000,000 for fiscal year 1991 and $676,000,000 for fiscal year 1992.

(C) Physics and astronomy, $914,500,000, along with $1,013,000,000 for fiscal year 1991 and $1,147,000,000 for fiscal year 1992.

(D) Life sciences, $124,200,000, along with $154,000,000 for fiscal year 1991 and $151,000,000 for fiscal year 1992.

(E) Planetary exploration, $361,900,000, along with $322,000,000 for fiscal year 1991 and $278,000,000 for fiscal year 1992.

(F) Space applications, $646,000,000, along with $552,000,000 for fiscal year 1991 and $518,000,000 for fiscal year 1992, including not more than $2,000,000 for each such

fiscal year for experimenter ground stations for the Advanced Communications Technology Satellite, but only if the experimenter receiving funds obtains at least an equal amount of funds from sources other than the National Aeronautics and Space Administration as is received under this subparagraph.

(G) Technology utilization, $22,700,000, along with $23,400,000 for fiscal year 1991 and $21,200,000 for fiscal year 1992.

(H) Commercial use of space, $40,300,000, along with $59,700,000 for fiscal year 1991 and $92,450,000 for fiscal year 1992.

(I) Aeronautical research and technology, and transatmospheric research and technology, $589,800,000, along with $621,000,000 for fiscal year 1991 and $603,000,000 for fiscal year 1992. None of the funds authorized under this subparagraph for fiscal year 1990 shall be expended unless at least $127,000,000 are made available for such fiscal year for the National Aero-Space Plane program.

(J) Space research and technology, $358,100,000, along with $487,000,000 for fiscal year 1991 and $530,000,000 for fiscal year 1992.

(K) Space exploration, $20,000,000, along with $35,000,000 for fiscal year 1991 and $100,000,000 for fiscal year 1992.

(L) Safety, reliability, maintainability, and quality assurance, $23,300,000, along with $24,000,000 for fiscal year 1991 and $24,000,000 for fiscal year 1992.

(M) Tracking and data advanced systems, $19,900,000, along with $21,000,000 for fiscal year 1991 and $22,000,000 for fiscal year 1992.

(N) University Space Science and Technology Academic Program, $35,000,000, along with $40,000,000 for fiscal year 1991 and $45,000,000 for fiscal year 1992.

(O) Comet Rendezvous Asteroid Flyby/Cassini mission, not to exceed $1,600,000,000, to remain available until expended, of which—

(i) $490,000,000 shall be available for obligation after October 1, 1989;

(ii) an additional $370,000,000 shall be available for obligation thirty days after the submission of a report summarizing the results of a preliminary design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(iii) an additional $640,000,000 shall be available for obligation thirty days after the submission of a report summarizing the results of a critical design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) an additional $100,000,000 shall be available for obligation thirty days after the submission of a report summarizing the results of a spacecraft integration and systems test to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) For "Space flight, control and data communications", for the following programs:

(A) Shuttle production and operational capability, $1,264,500,000, of which $90,000,000 are authorized only for safety enhancements to the shuttle orbiter, including—

(i) for the space shuttle main engine—

(I) improved design and installation of High Pressure Oxygen Turbopump bearings;

(II) installation of the two-duct hot gas manifold;

(III) development of enlarged throat diameter;

(IV) development of single-crystal turbine blades; and

(V) general redesign to reduce welds and make welds totally inspectable;

(ii) for the solid rocket booster/solid rocket motor—

(I) implementation of the recommendations contained in the report of the National Research Council entitled "Collected Reports of the Panel on Technical Evaluation of NASA's Redesign of the Space Shuttle Solid Rocket Booster", issued in 1988;

(II) development of a locking feature for the nozzle leak check port plugs;

(III) development of one-piece case stiffener rings;

(IV) development of nonasbestos motor insulation;

(V) enhancement of lightning protection for case and nozzle; and

(VI) modification of aft skirt structure;

(iii) for the external tank—

(I) upgrading of liquid hydrogen and oxygen temperature, pressure, and liquid level sensors;

(II) upgrading of thermal insulation on areas where dislodged insulation can affect the orbiter; and

(III) investigation of corrosion prevention methods to preclude structural problems; and

(iv) for the orbiter—

(I) modification of structure to eliminate negative margins;

(II) upgrading of the auxiliary power units;

(III) development of a redundant nose wheel steering system (including possible extension of the nose wheel strut);

(IV) elimination of Kapton electrical wire insulation; and

(V) upgrading of valves and regulators to preclude leakage of fuels and oxidizers.

By September 30, 1990, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full report on the completion of the safety enhancements specified in this subparagraph. Additionally, there are authorized to be appropriated $1,303,000,000 for fiscal year 1991 and $1,368,000,000 for fiscal year 1992.

(B) Shuttle operations, $2,500,700,000, along with $2,491,900,000 for fiscal year 1991 and $2,667,900,000 for fiscal year 1992.

(C) Expendable launch vehicles and services, $171,500,000, along with $240,000,000 for fiscal year 1991 and $308,000,000 for fiscal year 1992. Of such funds, $2,000,000 in fiscal year 1990, $26,000,000 in fiscal year 1991, and $66,000,000 in fiscal year 1992 may be used only to purchase expendable launch vehicle services, supporting studies, and spacecraft modification for dual compatibility for the TDRS-G satellite.

(D) Space and ground network, communications and data systems, $1,077,100,000, along with $1,159,000,000 for fiscal year 1991 and $1,228,000,000 for fiscal year 1992.

(3) For "Construction of facilities", including land acquisition, as follows:

(A) Construction of addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $10,500,000.

(B) Construction of addition to Mission Control Center, Johnson Space Center, $17,800,000.

(C) Construction of addition to Simulator/Training Facility, Johnson Space Center, $3,800,000.

(D) Modifications for Expanded Solar Simulation, Johnson Space Center, $2,000,000.

(E) Modifications of Process Technology Facility for Space Station, Marshall Space Flight Center, $4,000,000.

(F) Replace Cooling Towers, Launch Complex 39 Utility Annex, Kennedy Space Center, $4,600,000.

(G) Replace Pad A Chillers and Controls, Launch Complex 39, Kennedy Space Center, $1,200,000.

(H) Replace Roofs, Launch Complex 39, Kennedy Space Center, $11,000,000.

(I) Replace Vehicle Assembly Building Air Handling Units, Kennedy Space Center, $1,800,000.

(J) Upgrade Orbiter Modification and Refurbishment Facility to Orbiter Processing Facility #3, Kennedy Space Center, $26,000,000.

(K) Modification of High Pressure Industrial Water System, Stennis Space Center, $2,000,000.

(L) Replacement of High Pressure Gas Storage Vessels, Stennis Space Center, $3,000,000.

(M) Construction of natural resource protection at various locations, $3,800,000.

(N) Refurbish bridges, Merritt Island, Kennedy Space Center, $4,500,000.

(O) Rehabilitation of Spacecraft Assembly and Encapsulation Facility II, Kennedy Space Center, $3,500,000.

(P) Rehabilitation of Central Heating/Cooling Plant, Johnson Space Center, $2,800,000.

(Q) Construction of Data Operations Facility, Goddard Space Flight Center, $12,000,000.

(R) Construction of Quality Assurance and Detector Development Laboratory, Goddard Space Flight Center, $7,500,000.

(S) Modernization of South Utility Systems, Jet Propulsion Laboratory, $5,400,000.

(T) Construction of 40×80 Drive Motor Roof, Ames Research Center, $1,000,000.

(U) Modifications to Thermo-Physics Facilities, Ames Research Center, $4,600,000.

(V) Modifications to 14×22 Subsonic Wind Tunnel, Langley Research Center, $1,000,000.

(W) Modifications to National Transonic Facility for Productivity, Langley Research Center, $7,600,000.

(X) Modifications to Twenty-Foot Vertical Spin Tunnel, Langley Research Center, $1,900,000.

(Y) Rehabilitation of Central Air Systems, Lewis Research Center, $2,400,000.

(Z) Rehabilitation of Central Refrigeration Equipment, Lewis Research Center, $7,200,000.

(AA) Rehabilitation of 8×6 Supersonic and 9×15 Low-Speed Wind Tunnels, Lewis Research Center, $6,800,000.

(BB) Rehabilitation of Hypersonic Tunnel, Plum Brook, $4,100,000.

(CC) Repair and Modernization of the Twelve-Foot Pressure Wind Tunnel, Ames Research Center, $27,600,000.

(DD) Construction of Automation Sciences Research Facility, Ames Research Center, $10,600,000.

(EE) Construction of Supersonic/Hypersonic Low Disturbance Tunnel, Langley Research Center, $6,900,000.

(FF) Modifications for Seismic Safety, Goldstone, CA, Jet Propulsion Laboratory, $2,600,000.

(GG) Repair of facilities at various locations, not in excess of $750,000 per project, $28,000,000.

(HH) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $36,000,000.

(II) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $10,000,000.

(JJ) Environmental compliance and restoration, $30,000,000.

(KK) Facility planning and design not otherwise provided for, $26,300,000.

(LL) Construction of Observational Instrument Laboratory, Jet Propulsion Laboratory, $14,000,000.

Notwithstanding subparagraphs (A) through (KK), the total amount appropriated under such paragraphs shall not exceed $317,800,000.

(4) For "Research and program management", $2,032,200,000.

(5) For "Inspector General", $8,795,000, along with $9,000,000 for fiscal year 1991 and $9,000,000 for fiscal year 1992.

(6) Notwithstanding paragraph (9), appropriations authorized pursuant to this Act for "Research and development" and "Space flight, control and data communications" may be used (A) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts, and (B) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of the National Aeronautics and Space Administration (hereafter in this Act referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this paragraph for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(7) Except as otherwise provided, and to the extent provided in an appropriation Act, (A) any amount appropriated pursuant to this Act for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (B) contracts may be entered into under "Research and program management" for maintenance and operation of facilities, and for other services to be provided, during the next fiscal year.

(8) Appropriations made pursuant to paragraph (4) may be used, but not to exceed $35,000 per fiscal year, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and his determination shall be final and conclusive upon the accounting officers of the Government.

(9)(A) Funds appropriated pursuant to paragraphs (1), (2), and (4) may be used for the construction of new facilities and additions to, repair, rehabilitation, or modification of existing facilities, if the cost of each such project, including collateral equipment, does not exceed $100,000.

(B) Funds appropriated pursuant to paragraphs (1) and (2) may be used for unforeseen programmatic facility project needs, if the cost of each such project, including collateral equipment, does not exceed $500,000.

(C) Funds appropriated pursuant to paragraph (4) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, if the cost of each project, including collateral equipment, does not exceed $500,000.

SEC. 5. ADMINISTRATOR'S REPROGRAMMING AUTHORITY.

Any of the amounts authorized in section 4(3)(A) through (LL)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations.

The total amount authorized under section 4(3) for fiscal year 1990 shall not be increased as a result of reprogramming carried out pursuant to this section. The authority to vary amounts under this section shall not include the authority to reduce the amount authorized under section 4(3)(LL).

SEC. 6. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed ½ of 1 percent of the funds appropriated pursuant to section 4(1) and (2) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized under section 4(3)(A) through (KK) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site reparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 7. LIMITATIONS ON AUTHORITY.

Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program not authorized, or in excess of amounts authorized, by the Congress, unless a period of thirty days has passed after the receipt of the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 8. PROCUREMENT OF SPACE SHUTTLE STRUCTURAL SPARE PARTS.

The Administrator is authorized and encouraged to use up to $50,000,000 of the funds appropriated for orbiter production under section 101(g) of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes" (100 Stat. 3341-242) to procure shuttle structural spare parts.

SEC. 9. NON-FEDERAL FINANCING OF FACILITIES.

(a) LIMITATION ON GENERAL AUTHORITY FOR NON-FEDERAL FINANCING.—No agreement providing for non-Federal financing of any facility may be entered into by the Administrator unless specific authority is provided by law.

(b) NON-FEDERAL FINANCING AUTHORITY.—The Administrator may enter into agreements providing for non-Federal financing of a neutral buoyancy facility and a payload processing facility. No such agreement shall be entered into until thirty days after the Administrator certifies to the Congress that such agreement is in the best interests of the United States, considering—

(1) net cost savings to the Federal Government over the life of the agreement;

(2) the amount of non-Federal revenues the facility anticipates receiving;

(3) the amount and nature of the equity investment or other risk assumed by the financing source;

(4) the amount of potential exposure to termination liability of the United States under the agreement;

(5) the annual burden of guaranteed payments, if any, incurred by the United States under the agreement; and

(6) the ways in which such agreement promotes the commercialization of space.

Each such certification shall be made using standard accounting practices, and shall be annually updated and resubmitted to the Congress, along with the President's budget request for the National Aeronautics and Space Administration, during the time the agreement is in effect.

(c) PREFERRED AGREEMENTS.—In seeking non-Federal financing under subsection (b), the Administrator shall invite proposals for, and give special preference to, arrangements that may potentially reduce the cost to the United States through—

(1) private sector operation of the facility;

(2) private sector shared use of the facility;

(3) innovative design and construction; and

(4) shared risk arrangements.

In no case shall the Administrator enter into a financing agreement under subsection (b) if to do so would substantially impair the National Aeronautics and Space Administration's program schedule.

(d) TERMINATION LIABILITY.—The Administrator may provide in any agreement entered into under subsection (b) contingent liability in the event the Government for its convenience terminates such agreement. Such agreement shall limit the amount of payments that the Federal Government is

required to make for such contingent liability to amounts provided in advance to the National Aeronautics and Space Administration in appropriations Acts. If funds for such purpose have not been provided, such payments shall be made from other unobligated appropriations of the National Aeronautics and Space Administration. In no case shall such agreement provide for contingent liability in excess of 80 percent of the costs resulting from any such termination for convenience.

SEC. 10. GEOGRAPHICAL DISTRIBUTION.

The Administrator shall distribute research and development funds geographically in order to provide the broadest practicable participation in the programs of the National Aeronautics and Space Administration.

SEC. 11. BUY AMERICAN.

(a) General Rule.—The Administrator shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) Exceptions.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) Definitions.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States;

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) Limitation.—This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(e) Report to Congress.—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal year 1990 and 1991 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this Act and awarded based upon the parameters of this section.

SEC. 12. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended—

(1) in subsection (a), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) adding at the end the following new paragraphs:

"(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

"(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government."; and

(2) in subsection (c), by—

(A) striking "and" at the end of paragraph (13);

(B) striking the period at the end of paragraph (14) and inserting in lieu thereof a semicolon; and

(C) adding at the end the following new paragraphs:

"(15) to establish procedures for the procurement on a commercially reasonable basis by the Administration, for itself or other Government agencies, of space launch hardware and services or other space hardware and space services provided by the private sector, on an annual or multiyear basis consistent with Federal Government requirements; and

"(16) to seek and promote the commercial use of space by establishing procedures and developing appropriate agreement terms and conditions which facilitate commercial use of the Administration's facilities and services, consistent with Government needs, and associated commercial facilities and services.".

SEC. 13. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There are authorized to be appropriated to the Secretary to carry out this Act $4,392,000 for fiscal year 1990.".

SEC. 14. NATIONAL SPACE COUNCIL AUTHORIZATION.

(a) National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 Amendments.—Section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471) is amended by adding at the end the following new subsections:

"(d) Not more than six individuals may be employed by the National Space Council without regard to any provision of law regulating the employment or compensation of persons in the Government service, at rates not to exceed the rate of pay for Level VI of the Senior Executive Schedule as provided pursuant to section 5382 of title 5, United States Code.

"(e) The National Space Council may, for purposes of carrying out its functions, employ experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate individuals so employed for each day they are involved in a business of the National Space Council (including traveltime) at rates not in excess of the daily equivalent of the maximum rate of pay for grade GS-18 as provided pursuant to section 5332 of title 5, United States Code.

"(f) There are authorized to be appropriated $1,200,000 to carry out the activities of the National Space Council for fiscal year 1990.".

(b) Title 5 Amendment.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following: "Executive Secretary, National Space Council.".

SEC. 15. INTERNATIONAL SPACE YEAR.

(a) Sense of the Congress.—It is the sense of the Congress that the President should—

(1) lead the formulation of an International Space Year agenda developed in consultation with foreign leaders;

(2) declare a World Space Congress, to be convened in 1992, to establish a program for cooperative space activities among cooperating nations in space science, space exploration, and the application of space technologies;

(3) invite the American public to develop International Space Year activities that foster the cooperative spirit of the International Space Year; and

(4) direct the National Aeronautics and Space Administration to continue to develop International Space Year activities with a primary emphasis on Mission to Planet Earth, but also with a strong emphasis on the other space sciences, human exploration, education, and developing nations applications.

(b) Report to Congress.—The President shall report to Congress at the earliest practicable date, but no later than January 1, 1990, on the steps taken pursuant to this section.

SEC. 16. ADVANCED SOLID ROCKET MOTOR.

(a) Contingent Liability.—If, pursuant to section 207 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100-685), the Administrator selects a proposal for an Advanced Solid Rocket Motor (ASRM) offering a privately financed production facility to be constructed on a Government site, the Administrator may provide in any agreement contingent liability in the event the Government for its convenience terminates such agreement. Such agreement shall limit the amount of payments that the Federal Government is required to make for such contingent liability to amounts provided in advance to the National Aeronautics and Space Administration in appropriation Acts. If funds for such purpose have not been provided, such payments shall be made from other unobligated appropriations of the National Aeronautics and Space Administration.

(b) Impact on Other Programs.—Nothing in this Act shall preclude the Administrator from developing a liquid or hybrid rocket booster for the space shuttle.

(c) Reports to Congress.—The Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the following:

(1) A report on the projected cost (principal and interest) to complete the design, development, and qualification of the Advanced Solid Rocket Motor. The first report shall be submitted at the end of six months after the signing of the Advanced Solid Rocket Motor contract, and thereafter with the National Aeronautics and Space Administration's annual budget request.

(2) An annual report of interest rate changes on the loan.

(3) An annual report on the projected unit cost of the flight motors.

(4) An annual report on the increase in space shuttle payload capability provided by the Advanced Solid Rocket Motor. The report shall include the original baseline payload capability, adjustments to that baseline capability, and the projected payload capability.

(5) An assessment by the National Research Council of the need for the Advanced Solid Rocket Motor by September 1, 1990.

(6) An assessment by the National Research Council of options to the Advanced Solid Rocket Motor to provide desired performance and safety enhancements by September 1, 1990.

SEC. 17. SPACE SHUTTLE USE POLICY.

(a) GENERAL STATEMENT OF POLICY.—It shall be the policy of the United States to use the space shuttle for purposes that require the presence of man or the unique capabilities of the space shuttle.

(b) IMPLEMENTATION REPORT.—The Administrator shall, within 6 months after the date of enactment of this Act, submit a report to the Congress setting forth a plan for the implementation of the policy stated in subsection (a). Such plan shall include—

(1) details of the implementation plan;

(2) A list of purposes that require the presence of man;

(3) a proposed schedule for the implementation of the policy stated in subsection (a);

(4) an estimate of the costs to the United States of implementing the policy stated in subsection (a); and

(5) a list of the special certifications the Administrator expects to make under subsection (c)(1).

(c) SPECIAL CERTIFICATIONS FOR SHUTTLE UNIQUE PAYLOADS THAT DO NOT REQUIRE THE PRESENCE OF MAN.—

(1) SPECIAL CIRCUMSTANCES.—The Administrator shall certify in writing to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate when the Administrator determines that compelling circumstances exist that warrant the use of the space shuttle for purposes that do not require the presence of man. No funds may be expended on space shuttle planning and operations for a mission involving purposes that do not require the presence of man until the expiration of thirty days after such certification.

(2) SECONDARY PAYLOADS.—The policy stated in subsection (a) and paragraph (1) of this subsection shall not preclude the use of available cargo space, on a space shuttle mission otherwise in compliance with such policy, for the purpose of carrying secondary payloads (as such term is defined by the Administrator) that do not require the presence of man.

(e) LIMITATION ON SECONDARY PAYLOADS.—Secondary payloads (as such term is defined by the Administrator) carried on the space shuttle shall include only payloads consistent with requirements for authorized research, development, demonstration, scientific, and commercial programs.

SEC. 18. FAIR PRICING AGREEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the export of United States manufactured satellites is a valuable contributor to the United States balance of trade and should be encouraged;

(2) unfair trade practices which undermine the viability of the United States launch vehicle industry will also ultimately lead to the loss of the United States competitive posture for United States manufactured satellites; and

(3) the viability of the United States commercial launch industry is undermined by competition from the Soviet Union, whose subsidized launch vehicles are priced significantly below world market prices.

(b) POLICY.—It is the policy of the United States that the United States Trade Representative should enter into negotiations for the purpose of achieving fair pricing agreements for international trade in commercial launch services. Such agreement shall support free and fair competition for those services.

(c) PRESIDENTIAL CERTIFICATION.—The policy stated in subsection (b) shall not apply if the President certifies to Congress that the price for launch services offered by the Australians utilizing Soviet Union launch vehicles is not more than 25 percent below the price of a comparable launch vehicle built in a market-based economy, as determined using generally accepted cost accounting standards used in market-based economies.

(d) FURTHER POLICY.—In absence of agreement stated in subsection (b), or Presidential Certification stated in subsection (c), it is the policy of the United States that the export of United States manufactured satellites for launch on Soviet Union manufactured vehicles should be prohibited.

SEC. 19. EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) EXPORT OF SATELLITES.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China (specifically including the Hughes Aircraft Model HS-601 Spacecraft (commercial communications satellites) whose export is described in the certification transmitted to the Congress pursuant to section 36(c) of the Arms Export Control Act on September 12, 1988) shall continue to be suspended, unless the President makes a report under subsection (b) of this section. Any license for such an export that was issued before the enactment of this Act shall also continue to be suspended unless the President makes a report under subsection (b) of this section.

(b) PRESIDENT'S REPORT.—A report referred to in subsection (a) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national security interest of the United States to terminate a suspension under subsection (a).

SEC. 20. LIFE SCIENCES STRATEGIC PLAN.

(a) FINDINGS.—The Congress finds that—

(1) the current knowledge base in life sciences is not compatible with the National Aeronautics and Space Administration's current objectives in space, and the National Aeronautics and Space Administration lacks an adequate strategic plan to acquire this knowledge base;

(2) it is critical to the success of manned missions in space, be they commercial operations of microgravity laboratories or manned missions to Mars, that a realistic appraisal of the influences of the space environment on biological systems is completed and appropriate protective countermeasures developed;

(3) the space station is rapidly approaching design maturity without a corresponding development of the physiological and other human factors knowledge base necessary for long-term manned operations in space; and

(4) space station laboratory hardware specifications are being fixed before fully establishing the objectives and requirements for life sciences research.

(b) STRATEGIC PLAN.—The Administrator shall—

(1) review currently proposed manned space flight missions in order to—

(A) identify the physiological and other human factors knowledge base necessary to determine the human capacity to adapt to and perform effectively in the space environment according to mission requirements, including identifying which life sciences parameters must be measured and which technologies, processes, and procedures must be developed; and

(B) develop a schedule indicating when specific components of information, technologies, processes, or procedures identified under subparagraph (A) will need to be acquired or developed in order to verify that human adaptability requirements of manned space flight missions can be achieved;

(2) develop a strategic plan for life sciences research and technology development sufficient to accomplish the life sciences knowledge base acquisition schedule developed under paragraph (1)(B), including—

(A) a crew certification plan setting acceptable crew deconditioning standards for Extended Duration Orbiter operations and verifying countermeasures sufficient to meet those standards before actual Extended Duration Orbiter operations; and

(B) a life sciences implementation plan for the design and development of the space station, to be provided as part of the Preliminary Design Review for the space station, and to include crew adaptability standards; and

(3) verify the physiological and technical feasibility of the life sciences implementation plan developed under paragraph (2)(B), as part of the Critical Design Review for the space station.

SEC. 21. COMMISSION FOR INTERNATIONAL COOPERATION IN PLANETARY EXPLORATION.

(a) SHORT TITLE.—This section may be cited as the "Commission for International Cooperation in Planetary Exploration Act".

(b) FINDINGS.—The Congress finds that—

(1) the President on January 5, 1988, established the long-range goal of expanding human presence and activity beyond Earth orbit into the solar system in the twenty-first century;

(2) the United States and the Soviet Union, in cooperation with other countries, are currently planning further unmanned missions to the Moon and to Mars with the possible goal of landing a human on Mars;

(3) a series of international missions to expand human presence beyond Earth orbit would further a spirit of, and follow through on the commitment made in, the 1987 agreement between the Soviet Union and the United States for space cooperation, as well as the successful cooperative agreements the United States has pursued with over one hundred countries since its inception, including the agreement with Japan, Canada, and the European countries for Space Station Freedom;

(4) international manned missions beyond Earth orbit could save the individual na-

tions involved tens of billions of dollars over national missions; and

(5) a multilateral effort for manned missions to establish a lunar colony, a Mars mission, and any other missions that have the goal of establishing human presence beyond Earth's orbit and possibly landing a human on Mars would lead to greater understanding of our universe and greater sensitivity to our own planet.

(c) ESTABLISHMENT.—There is established a commission to be known as the "Commission for International Cooperation in Planetary Exploration" (hereafter in this section referred to as the "Commission").

(d) PURPOSE OF COMMISSION.—The purpose of the Commission is—

(1) to develop an inventory of intentions of all national space agencies with regard to lunar and planetary exploration, both manned and unmanned;

(2) to seek ways to enhance the planning and exchange of information and data among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(3) to prepare a detailed proposal that most efficiently uses the resources of the national space agencies in cooperative endeavors to establish 'human presence beyond Earth orbit;

(4) to develop priority goals that accomplish unmet needs that could not be achieved by any individual country;

(5) to explore the possibilities of international unmanned probes to the Moon and Mars, and the possibilities for international manned missions beyond Earth's orbit; and

(6) to devise strategies for such cooperation that would prevent the unwanted transfer of technology.

(e) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of sixteen members, appointed from among experts in space policy or space science, as follows:

(A) Eight members shall be appointed by the President, one of whom shall be the Chairman of the National Space Council, who shall serve as Chairman of the Commission.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the President Pro Tempore of the Senate.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) BASIC PAY.—Members of the Commission shall serve without pay.

(f) DIRECTOR AND STAFF OF COMMISSION.—

(1) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission and who shall be paid at the rate of basic pay payable for GS-15 of the General Schedule.

(2) STAFF.—Subject to paragraph (3) and such rules as may be prescribed by the Commission, without regard to section 5311(b) of title 5, United States Code, the Commission may appoint and fix the pay of such additional personnel as the Commission considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assit the Commission in carrying out its duties under this section.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORT.—The Commission shall, within one year after the date of the enactment of this Act, prepare and submit to the President and the Congress a report—

(1) outlining a preliminary strategy for cooperation among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(2) including an initial proposal outlining a possible international manned mission, in coordination with the preliminary strategy referred to in paragraph (1); and

(3) containing an inventory of planned and anticipated missions, manned and unmanned, that are being considered by national space agencies.

(i) TERMINATION.—The Commission shall cease to exist thirty days after submitting its report pursuant to subsection (h), unless the President or the Congress have requested further revisions to the report.

SEC. 22. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space related issues, programs, and initiatives within the Department of Commerce. The Office shall—

(1) promote private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assist commercial space companies in their efforts to do business with the United States Government, and act as an industry advocate within the Executive branch to ensure that the Government meets its space related requirements, to the fullest extent feasible, with commercially available space goods and services;

(3) ensure that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promote the export of space related goods and services;

(5) represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seek the removal of legal, policy, and institutional impediments to space commerce.

SEC. 23. UPGRADING HISTORIC LANDMARK FACILITIES.

The National Aeronautics and Space Act of 1958 is amended by adding at the end of title III the following new section:

"UPGRADING HISTORIC LANDMARK FACILITIES

"SEC. 312. The Administrator may take whatever actions are necessary to maintain, modify, upgrade, rehabilitate, and expand facilities designated as national historic landmarks under the National Historic Preservation Act without regard to sections 106 and 110(f) of such Act, unless the proposed actions would alter the basic purposes or elements which were the bases for such designation.".

SEC. 24. NATIONAL AERO-SPACE PLANE PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) if the United States is to maintain preeminence in military and commercial aeronautics into the next century, research into technology development and validation of the national aero-space plane (NASP) is vital;

(2) the new and advanced materials being developed for the NASP have numerous applications in the military and the civilian aviation industry, as well as in other industries utilizing high temperature technologies;

(3) the benefits to the military and civilian aviation programs from the new and innovative technologies developed in connection with the NASP Program in propulsions systems, aerodynamics, and control systems could be enormous, especially for high speed aeronautical and space flight; and

(4) military and commercial spinoff applications of NASP technologies include future superior military aircraft, space transportation systems, and commercial hypersonic aircraft.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense (hereafter in this section referred to as the "Secretary") and the Administrator shall jointly establish a National Aero-Space Plane Program whose objective shall be exclusively the development and demonstration, by 1995, of a primarily air breathing single-stage-to-orbit and long range hypersonic cruise research flight vehicle. The program shall be a research program, and to the extent practicable technological information developed shall be trans-

ferred to the military and to the domestic civil aviation and other private industries.

(c) Responsibilities.—The Secretary shall have responsibility for procurement, experimental flight vehicles, and overall program administration of the program established under subsection (b). The Administrator shall have responsibility for providing technology development and flight test support and shall have an integral role in the overall program. Representatives of both the Secretary and the Administrator shall participate in all aspects of the program.

(d) Management Plan.—

(1) The Secretary and the Administrator shall jointly develop a management plan for the program established under subsection (b), which shall include goals, major tasks, anticipated schedules, organizational structure, funding profiles, details of the respective responsibilities of the Secretary and the Administrator, and resource procurement strategies.

(2) The management plan developed pursuant to paragraph (1) shall be submitted to the Congress within one hundred and twenty days after the date of enactment of this Act.

(e) Funding.—For fiscal year 1990, the Secretary shall be responsible for not less than two-thirds of the funding for the program established under this section, and the Administrator shall be responsible for not more than one-third of the funding for such program. For fiscal years after 1990, funding responsibilities shall be in accordance with the management plan developed under subsection (d).

AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. Roe: On page 44, line 7, after "at" insert "a rate not to exceed".

On pages 48 and 49, delete Section 23 in its entirety and renumber succeeding sections.

Mr. ROE. Mr. Chairman, the first amendment makes a technical change to section 21, the language dealing with a Commission for International Cooperation in Planetary Exploration.

□ 1140

This change ensures the bill's full compliance with section 401(b)(1) with the Budget Act, and developed in consultation with the Committee on the Budget. With its adoption, the Committee on the Budget has no objection to the bill.

The second amendment, Mr. Chairman, deletes section 2(b) dealing with the designation of NASA operational facilities as historic landmarks. We have been able to address the issue in a nonlegislative manner to our satisfaction.

Mr. Chairman, I yield to the distinguished gentleman from Minnesota [Mr. Vento] for the purpose of engaging in colloquy on this point.

Mr. VENTO. Mr. Chairman, there has been some erroneous information given out concerning the effect of this amendment. Given that it deletes a single agency exemption from the National Historic Preservation Act, I totally support the amendment. Agency exemption from the National Historic Preservation Act would contradict long-held policy.

Mr. Chairman, I rise in favor of the pending amendment offered by the Committee on Science, Space, and Technology which would delete section 23 "upgrading historic landmark facilities" of H.R. 1759, and would like to engage the chairman of the committee, Mr. Roe, and the ranking member, Mr. Walker, in a colloquy.

Mr. WALKER. Mr. Chairman, will the gentleman from New Jersey [Mr. Roe] yield?

Mr. ROE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. NASA has now signed a programmatic memorandum of agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers that meets the requirements of the National Historic Preservation Act.

Mr. VENTO. Mr. Chairman, will the gentleman from New Jersey [Mr. Roe] yield?

Mr. ROE. I yield to the gentleman.

Mr. VENTO. That is my understanding. In addition, as the gentleman knows I have joined him, Chairman Roe and Mr. Lagomarsino in sending a letter to the Advisory Council on Historic Preservation requesting the council to prepare in the next year a comprehensive analysis on ways to balance the needs of the operational facilities that are highly technological and scientific with the needs of historic preservation. Such as analysis, looking at the "Man in Space" and the "Astronomy and Astrophysics" national historic landmark theme studies will greatly assist both agencies in future issues regarding historic preservation.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman joining us in sending the letter. The analysis will certainly help agencies carry out both their operational and preservation responsibilities. It is my understanding that scientists from NASA, the National Science Foundation, and the facilities they support will be invited to assist the advisory council in its analysis.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. VENTO. That is correct. I have here a letter from the executive director of the Advisory Council on Historic Preservation, Dr. Robert Bush, clarifying NASA's obligations under the programmatic memorandum of agreement. As the gentleman knows, we have also agreed to send a letter to the National Park Service requesting that it delay designation, or determination of eligibility for designation, for seven sites identified under the "Astronomy and Astrophysics" National Historic Landmark theme study for 1 year. During that time, the advisory council's analysis would be prepared, and the negotiations between the advisory council and the National Science Foundation on Programmatic Memoranda of Agreement of these sites finished. Appropriate designations can then occur.

Mr. ROE. I thank both of the gentlemen for their efforts in resolving this matter and support them.

Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. I want to be very clear that we expect the three parties of the programmatic memorandum of agreement to work together to ensure that the needs of both the agency and of historic preservation are met. NASA needs to be able to take the actions necessary to maintain, modify, upgrade, rehabilitate and expand facilities in order to carry out its mission. At the same time, NASA, as all Federal agencies, has responsibility under the National Historic Preservation Act to ensure that our Nation's past is not unthinkingly damaged. NASA's history belongs to all of us as a Nation; the additional efforts it must expend to ensure the preservation of that history will benefit all of us.

Finally, I want to thank both the gentlemen for their assistance, and for the assistance of the staff of the Committee on Science, Space, and Technology. I appreciate your efforts.

Mr. Chairman, I include correspondence for the Record.

Committee on Interior
and Insular Affairs,
Washington, DC, September 20, 1989.

Mr. James M. Ridenour,
Director, National Park Service, Department of the Interior, Washington, DC.

Dear Director Ridenour: In the course of the authorization legislation for the National Aeronautics and Space Administration (H.R. 1759), the issue of historic preservation, and specifically the application of Section 106 and 110(f) of the National Historic Preservation Act to National Historic Landmarks designated under the "Man In Space" National Historic Landmark Theme Study mandated by P.L. 96-344 arose. The National Aeronautics and Space Administration sought a permanent exemption from those key provisions of the Historic Preservation Act on the grounds that the procedures placed too great a burden on operational facilities. We are aware that the negotiations regarding Mission Control and other NASA facilities were difficult for all parties involved.

NASA's achievements rank as some of the proudest in the history of this nation. The evidence of such history should not be allowed to be cast aside unthinkingly. The National Historic Preservation Act and the regulations that flow from it seek to ensure that agencies proceed carefully in handling their history.

At the same time, there needs to be a balance between operational needs at such highly technological facilities—specifically, the continuous modification and upgrades that such facilities require—and the needs of historic preservation. The Congress has now requested that the Advisory Council on Historic Preservation prepare a comprehensive analysis on the issues involved in such scientific/technological sites. The Council will focus on the issues raised by the sites in the "Man in Space" and "Astronomy and Astrophysics" National Historic Landmark Theme Studies.

The language in H.R. 1759 originally included the permanent exemption from Sections 106 and 110(f) for the NASA National Historic Landmarks. Removal of this exemption in the bill was made partially on the basis that a request would be made to defer designation, or determination of eligibility for designation, for National Historic Landmarks for one year. We understand that the National Park Service History Advisory Committee recently adopted a resolution that designation of seven of the sites identified in the "Astronomy and Astrophysics" National Historic Landmark Theme Study postponed until April 1990. The additional postponement would coincide with the preparation of the Analysis by the Advisory Council. The Council's Analysis should provide additional guidance for the preservation of these sites and similar ones. At the same time, the Council and the National Science Foundation should proceed to negotiate programmatic memoranda of agreement covering these properties.

We fully recognize that the decision not to designate these sites as National Historic Landmarks at the present time is the prerogative of the Secretary. Still, given the particular circumstances and negotiations surrounding this request, we strongly urge that the National Park Service endorse this approach. We look forward to hearing your response.

Sincerely,

Mr. Bruce F. Vento, Chairman, Subcommittee on National Parks and Public Lands.

Mr. Robert A. Roe, Chairman on Science, Space, and Technology.

Mr. Robert J. Lagomarsino, Ranking Member for Parks Subcommittee on National Parks and Public Lands.

Mr. Robert S. Walker, Ranking Republican Member Committee on Science, Space, and Technology.

Committee on Interior and Insular Affairs,
Washington, DC, September 20, 1989.

Mr. John F.W. Rogers,
Chairman, Advisory Council, on Historic Preservation, Washington, DC.

Dear Mr. Rogers: As part of the reauthorization for the National Aeronautics and Space Administration (H.R. 1759), an issue arose concerning the complexities involved in having properties designated (or determined eligible for designation) as National Historic Landmarks that are also operational and highly technological. Great concern was expressed that the procedures necessary to ensure full compliance with the Historic Preservation Act could interfere with the operations of such facilities, and particularly with the constant need to modify and upgrade them.

We believe that a balance must be maintained between the needs of historic preservation and the needs of operational facilities, and are supportive of both. We also believe that more congruence between these respective needs is possible. For example, the greater participation of active research scientist and managers in preparing memoranda of agreement would assist in ensuring that such memoranda reflect the needs of both parties.

The increasingly technological nature of our society guarantees that future proposed National Historic Landmarks will raise similar issues to those faced here. Because of this, the undersigned hereby request the Advisory Council on Historic Preservation to undertake a comprehensive analysis to examine these issues. Specifically, such an analysis should focus on the properties identified in the two National Historic Landmark Theme Studies, "Man in Space" and "Astronomy and Astrophysics." We request a completed analysis within one year, by September 30, 1990 to be transmitted to the House of Representatives' Committee on Interior and Insular Affairs and the Committee on Science, Space, and Technology.

The Analysis should include, but not be limited to, the following issues:

(1) Ways to balance the needs of historic preservation and facility operation at highly technological and/or scientific facilities.

(2) Impediments to achieving such a balance, such as time delays and security concerns and approaches to minimize such impediments.

(3) Procedures to ensure that both historic preservation and scientific/technological communities continue to assist each other in the development and execution of agreements that fulfill the respective needs of historic preservation and facility operation.

Preparation of the Analysis must include active participation of the federal agencies and their grantees and contractors, as well as the historic preservation community. Active scientist and managers should be involved to give their recommendations on how to ensure that agencies can expeditiously fulfill their missions, including research, development and operations.

We look forward to receiving the Analysis, and believe that its recommendations will greatly assist agencies in preserving our nation's history.

Sincerely,

Mr. Bruce F. Vento,
Chairman, Subcommittee on National Parks and Public Lands.

Mr. Robert A. Roe,
Chairman, Committee on Science, Space, and Technology.

Mr. Robert J. Lagomarsino,
Ranking Member for Parks Subcommittee on National Parks and Public Lands.

Mr. Robert S. Walker,
Ranking Republican Member Committee on Science, Space, and Technology.

Advisory Council on Historic Preservation,
Washington, DC, September 20, 1989.

Mr. Billie J. McGarvey,
Assistant Associate Administrator, for Facilities Management, National Aeronautics and Space Administration, Washington, DC.

Dear Mr. McGarvey: Enclosed is the programmatic agreement between the Council and the National Aeronautics and Space Administration concerning its National Historic Landmark facilities. The agreement has been signed by the Council's chairman and the President of the National Conference of State Historic Preservation Officers. Upon execution by NASA, the agreement will be final and NASA's responsibilities for undertakings covered by the agreement will be fully satisfied by compliance with the terms of the agreement. As you know, the agreement covers all NASA actions affecting the 20 National Historic Landmarks specified in Attachment 1 to the agreement.

Apparently NASA has some concern that there may be additional requirements for it to consult with individual SHPOs, beyond the contact specified in the agreement. Let me assure you that this is not the case. As Section 800.13(e) of the Council's regulations (36 C.F.R. Part 800) clearly states, "An approved Programmatic Agreement satisfies the Agency's Section 106 responsibilities for *all* individual undertakings carried out in accordance with the agreement until it expires or is terminated." (Emphasis added)

Likewise, the final paragraph of the agreement itself reads as follows:

> Execution of this Programmatic Agreement and carrying out its terms evidences that NASA has afforded the Council a reasonable opportunity to comment on its programs affecting Landmarks under Sections 106 and 110(f) of the National Historic Preservation Act, and that NASA has taken into account the effects of its programs on these Landmarks.

We believe that this language is unequivocal in limiting NASA's responsibilities to those explicitly set forth in the agreement. I hope this clarifies the issue.

Sincerely yours,

Robert D. Bush,
Executive Director.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. Roe].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon: Page 512, after line 13, insert the following new section:

SEC. 25. RANDOM DRUG TESTING.

The Administrator shall require random drug testing of officers and employees of the National Aeronautics and Space Administration.

Mr. SOLOMON. Mr. Chairman, first let me commend the chairman, the gentleman from New Jersey [Mr. Roe] for the legislation before Members, as well as the ranking member, the gentleman from Pennsylvania [Mr. Walker]. I gave them accolades when I carried the rule earlier today, but they in their committee and their staff are to be commended for the excellent piece of legislation.

Mr. Chairman, today I am offering an amendment that is designed to change the emphasis in the war on drugs. I believe current policy puts too much emphasis on supply when it should be concentrating on demand as well. Recent polls indicate that a majority of the American people do not believe we are doing enough to address the problem of drug demand in this country. It is the drug users in this country who keep the market going and we'll never win the war unless we win the battle against user demand.

Three years ago, President Reagan signed an executive order establishing the goal of a drug-free Federal workplace. The order made it a condition of employment for all Federal employees to refrain from using illegal drugs on- or off-duty. President Bush's national drug strategy also mandates a drug-free workplace and my amendment begins to implement this policy. It simply requires random drug testing of the employees of NASA, by offering a helping hand to those who need it, and at the same time sending a clear message that illegal drug use is not compatible with service in the Federal Government.

Illegal drug use is seriously impairing America's work force, resulting in the loss of billions of dollars each year. As the largest employer in the Nation, the Federal Government has a compelling interest in establishing reasonable conditions of employment and it also has the responsibility to set the example for the private sector. That is why I will be offering this same amendment to all authorizing bills for our Federal agencies and departments.

Mr. Speaker, a recent Washington Post/ABC Poll indicates that a majority of Americans support random drug testing for all Americans. Let's face the facts, we could kill every drug lord in the world today and new ones would pop up tomorrow because of the enormous profits involved in this death trade. What we have to do is eliminate the market—eliminate the demand!

Mr. Chairman, this Congress has to summon the courage to attack the root cause of the drug crisis. This amendment covers all officers and employees of the National Aeronautics and Space Administration. We have a right to know if these people are using illegal drugs and the astronauts who risk their lives have the right to know.

If you are undecided about this amendment, ask yourself these questions: Can we afford to have young engineers working on the space shuttle using cocaine? Can we afford personnel who have access to classified scientific data using cocaine? Can we afford to have any personnel involved with our space program using illegal drugs? And will this amendment requiring random drug testing help to reduce illegal drug use in the Federal Government?

Just look what happened in our military when random drug testing was put into effect. In 1982, 27 percent of our entire U.S. Armed forces were on drugs by their own admission. Yet, by 1988, after the implementation random drug testing programs, the percentage of drug use in the military dropped to 4.5 percent. That is an 82-percent reduction. The test has already been conducted and we know the program works—now it should be implemented Governmentwide and then we can begin to urge the private sector to join in the fight.

The polls show that we have the overwhelming support of the American people—all we need now is the support of the Representatives of the American people—you Members of Congress.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. Roe].

Mr. ROE. Mr. Chairman, I would suggest that from my point of view and the committee's point of view, I think the gentleman's amendment is a substantive addition of the work of the gentleman from Pennsylvania [Mr. Walker] and others in trying to create a drug-free workplace.

I think I would like to get on the Record, however, if the gentleman continues to yield, that NASA has been very vigorous in presenting their plan for following the President's directive, as the gentleman knows, and recently were brought to court by one of the major unions of the personnel involved. I would say that I would think from what the gentleman is suggesting here and what the amendment would do, that as we sift through this, this would add an improvement to what we are attempting to do. I am in favor of the gentleman's amendment.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his support and his remarks.

I yield to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Chairman, speaking for the minority, I also would like to indicate to the gentleman that we are prepared to accept his amendment. I think that adds to the work of the committee and helps Members build a further and tougher record on the whole business of a drug-free workplace. I thank the gentleman for his efforts.

Mr. SOLOMON. Mr. Chairman, that being the case, if it is going to be accepted by the committee, I appreciate their remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Solomon].

The amendment was agreed to.

Mr. ROE. Mr. Chairman, I move to strike the last word. The distinguished gentleman from Oklahoma [Mr. Watkins] has been diligently working on mandatory language that he was planning on offering at this point, but let me speak for him if I may. His amendment, for the benefit of our colleagues, would have provided language, notwithstanding any other provision of law: the contracts with NASA, industrial application centers, the IAC's shall not be reduced by any amendment as the result of the IAC receiving income from non-Federal sources. We have discussed this matter, Mr. Chairman, with the gentleman from Oklahoma [Mr. Watkins], and the gentleman from Pennsylvania [Mr. Walker] myself, and NASA is already, by administrative action, correcting this deficiency.

Therefore, in our judgment, the amendment is not needed nor would it be in order, at this point.

□ 1150

Mr. Chairman, I do want to thank the gentleman from Oklahoma [Mr. Watkins] for his extensive work and help in resolving this particular matter. We have been able to resolve it on the basis of administrative action.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bilbray) having assumed the chair, Mr. Cardin, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 1759) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management and for other purposes, pursuant to House Resolution 234, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 398, nays 14, not voting 20, as follows:

[Roll No. 238]

YEAS—398

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crockett
Dannemeyer
Darden
Davis
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (WY)
Torres
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—14

Beilenson
Boxer
Crane
DeFazio
Douglas
Foglietta
Frenzel
Jacobs
Lowey (NY)
Russo
Stark
Stump
Weiss
Williams

NOT VOTING—20

Ackerman
Bryant
Conyers
Courter
de la Garza
DeLay
Flake
Florio
Garcia
Huckaby
Johnson (CT)
Manton
McCrery
Mrazek
Ravenel
Schulze
Sundquist
Thomas (GA)
Torricelli
Waxman

□ 1213

Mr. BEILENSON, Mrs. LOWEY of New York, Mrs. BOXER, and Mr. FOGLIETTA changed their vote from "yea" to "nay."

Mr. THOMAS A. LUKEN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1759, the bill just passed.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the distinguished Republican whip yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would like to at this point announce the program for next week.

On Monday, September 25, the House will meet at noon, and under consideration will be seven bills on suspension.

The first will be S. 85, to accept certain lands at Harper's Ferry National Historical Park; second will be H.R. 967, to establish the Amistad National Recreation Area in Texas; third will be H.R. 1606, to adjust the boundary of Rocky Mountain National Park; fourth, H.R. 971, Telephone Operator Service Consumer Protection Act; fifth, H.R. 1396, International Securities Enforcement Cooperation Act; sixth, H.R. 2365, Airport Security Technology and Research Act of 1989; and, seventh, H.R. 2364, Amtrak Reauthorization and Improvement Act of 1989.

Following consideration of those bills, we will take up the Budget Reconciliation Act of 1989. There will be a rule that will cover only the general debate part of the bill and not the rest of the bill. Therefore, on Monday we had hoped to hold votes for next Monday until 5 o'clock to assist Members in returning from their districts, but unfortunately, given the work required by the committees on the continuing resolution and by this body on reconciliation, we will have some votes earlier in the day. I would expect a recorded vote on the Journal, possible votes at the conclusion of the consideration of suspensions, and a vote on the rule on reconciliation as that rule applies to general debate but not the rule on the rest of the reconciliation bill.

On Tuesday, September 26, we will continue with the rule on reconciliation, and we will continue with reconciliation, either in the form of H.R. 3, the Childhood Education and Development Act of 1989, which is the Child Care Act, or we will simply go to other features in the reconciliation bill. We will also on that day be taking up the short-term continuing resolution for fiscal year 1990.

On Wednesday and Thursday we will be meeting at 9 o'clock, and we will be considering budget reconciliation on both of those days.

Friday the House will not be in session in honor of Rosh Hashanah. That concludes the week.

Mr. GINGRICH. Mr. Speaker, let me, if I might, ask a couple of questions and emphasize a couple of points here.

Does the majority leader happen to know if on October 2, the Monday following Rosh Hashanah, Members should expect votes?

Mr. GEPHARDT. If the gentleman will yield further, probably we will, because of the work that needs to be done on reconciliation. As the gentleman knows, we have a deadline of October 15, and we want to try to meet that.

Mr. GINGRICH. I guess I would make several points. One is that one of my colleagues just mentioned to me that if the hurricane moves north rather than directly into the Carolinas, there may be some real concern on Sunday and Monday. I do not know how great a risk that is. It is something I would hope the leadership would look at.

I want to emphasize for Members that, assuming everything is OK, that they should expect a vote on the Journal when we go in at noon, and so those Members who are particularly concerned about making every vote or about making Journal votes should be on notice that, as I understand it, the gentleman's plans are to vote at noon. Later in the day, and I am assuming it will take 2 or 3 hours to do the suspension debate, would it be the intention of the gentleman to have the suspension votes in mid-afternoon before going to the debate on the rule as a further inducement to being here?

☐ 1220

Mr. GEPHARDT. We will hold the votes, if any, on suspensions until we have gotten through the consideration of the rule and vote on reconciliation general debate.

Mr. GINGRICH. So a Member who arrived after noon would have missed one vote, but might well get here around 3:30 or 4 before there will be a whole series of votes?

Mr. GEPHARDT. That is correct.

Mr. GINGRICH. Second, we have some concern on our side about whether or not we will know the details of your alternative to the capital gains tax reduction prior to the debate on Monday. As the gentleman knows, you will be bringing up the detailed rule for Tuesday morning. Do you know if your plan on taxes will be out by Monday morning?

Mr. GEPHARDT. It will be. We have to go to the Rules Committee on Monday for the preparation of the rule, and on or before that time we will have made public to everyone the details of the plan.

Mr. GINGRICH. Let me just say on Tuesday I note you are going to bring up H.R. 3 on child care as a separate item. Do you know if your side intends to have a separate vote on including the child care bill in reconciliation in addition to the vote on the final package, or how will you try to blend that back in? As I understand, you will be melding it into the reconciliation bill.

Mr. GEPHARDT. I cannot answer this question at this point. We will have not concluded deciding whether or not H.R. 3 will come up before or within reconciliation, whether or not it will be folded into reconciliation, or whether it will come separately after reconciliation is entirely finished.

Mr. GINGRICH. Let me say one last thing. We have a great deal of work to do over the next 10 days and, of course, these are extraordinarily important bills. It is our hope that the rule you will bring in on Tuesday will include a separate vote on repealing section 89. As the gentleman knows, that is an issue on which I think 75 percent of the House has cosponsored repeal of section 89. I mention that because that strikes me as the one item that I have heard so discussed in the Rules Committee where our side might be inclined to really aggressively fight the rule if that is not made in order. So I hope the outright repeal of section 89 will be made in order, and I might mention that in passing.

Mr. GEPHARDT. I understand the gentleman's concern.

Mr. GINGRICH. I thank the majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT FROM FRIDAY SEPTEMBER 22, 1989 TO MONDAY SEPTEMBER 25, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 22, 1989, it adjourn to meet at noon on Monday, September 25, 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, WEDNESDAY, AND THURSDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 25, 1989, Tuesday, September 26, 1989, and Wednesday, September 27, 1989, it adjourn to meet at 9 a.m. on Tuesday, September 26, 1989, Wednesday, September 27, 1989, and Thursday, September 28, 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE DEMOCRATS AND NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, I direct my colleagues' attention to the lead editorial in yesterday's Washington Post, which I would like to take my 5 minutes today to share with my colleagues. It is entitled: "The Democrats and Nicaragua." It says:

> The Democrats, or the liberals among them, cannot have very many more opportunities left to lose in assisting the democratic struggle in Nicaragua. For years, you will recall, they argued that the policy of military aid to the contra resistance kept them from supporting the democrats in Managua; eventually the military aid stopped. Then the Democrats said they'd love to help the internal political opposition to the Sandinistas, but they couldn't support covert action; the CIA was extracted from the proceedings. Then they said they'd love to help overtly, but to aid the opposition party through the National Endowment for Democracy would compromise the mandate and purity of that organization, which is supposed to concentrate on aiding the democratic process; the Bush administration agreed to keep the NED out of supporting a particular party. Now the administration seeks $4 million or $5 million for NED's usual and useful nonpartisan work on process—voter registration, education, pollwatching—and the request faces a budget squeeze that may take the numbers way down.
>
> Come on, you guys. How many ways can Democrats find to say no to a cause they profess to believe in? In other, conservative-run places, American liberals champ impa-

tiently and imaginatively to get their government to do the right thing. In Sandinista-run Managua, they seem to have an endless proclivity to say no to the political and military opposition alike. Take Sen. Chris Dodd (D-Conn.), who in this debate revealed a deep and, by some, unsuspected devotion to the independence and integrity of the National Endowment for Democracy. In hailing the administration's decision not to support the opposition campaign through the NED, he said of Nicaragua's president: "Ortega is not Marcos or Noriega. He has a real popular base in his country." It was a curious remark by one who presumably shares the common interest in devising conditions to determine fairly whether Mr. Ortega is more than the Marxist military commander many of his adversaries believe him to be.

If NED money goes to Nicaragua, it will do so under local laws written by the Sandinistas, who presumably think they will reap some of the benefit. The American premise will be, as it always is, that in a fair contest the people's choice will prevail. It would be good to have Democrats warmly and unequivocally aboard.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding and want to commend him for bringing the body's attention to that editorial in the Washington Post of yesterday. I must say I do not believe this should be nor do I want to make it a partisan issue, but indeed it does focus on some of the Members of the other party, and it does seem that the kind of opposition to assistance and to the Democratic process that supposedly is to unleash itself between now and February 25 on Presidential elections is a little bit disingenuous. That is the way it looks to the Washington Post, and that is the way it looks to this Member.

Two weeks ago when we were asked if we would come over and meet with President Ortega, 2 weeks this coming Sunday, he said to us:

> We are unhappy with the fact that you are blocking foreign assistance from various countries to the election process.

We contended that we were unaware, and I as a member of the Intelligence Committee, of any effort on the part of the administration to block such funds, and he said nothing at all, which indicated that he did not want funds coming from overt sources in the United States, government or nongovernmental to that election process. So he said nothing against NED funds coming to overtly work for that process.

I really do not understand the logic or the rationale for the denial of overt assistance to the election process, especially by the same people that complain about the fact that we might provide covert aid. Perhaps the gentleman can shed some light on that, but I certainly do not understand it.

□ 1230

Mr. McEWEN. Mr. Speaker, I thank the gentleman for his contributions. They were excellent. The Marxists are not opposed, the Democrats should not be opposed.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for taking this time and wonder if the gentleman would join me in a special order next week. I have had graphs made up with information supplied by the State Department and the Pentagon. A person has to know where to go to get this information and where to ask for it. The gentleman is Col. Larry Tracy. He is retired, and worked on the problem for half of his career. I have graphs and charts. There is no more graphic way to display what Mr. Gorbachev, the General Secretary of the Soviet Union has done in Central America. The amount of aid going in there is so massive, when it is put on a bar graph, a pie chart, and I have had it done every which way you can think of, it is incredible what is going on. The silence from the liberals in the House is deafening. It is pathetic.

They should be down there every weekend, 3 or 4 people, because they had it their way for a year and a half with giving the Sandinista Communists a free run. Let Members get democracy down there. We will have a special order next week.

Mr. McEWEN. If we want to spend hundreds of millions of dollars on Eastern Europe, we should send an eyedropper of aid to those in our own hemisphere.

H.R. 2748, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BEILENSON] is recognized for 5 minutes.

Mr. BEILENSON. Mr. Speaker, I would like to notify all Members that the classified schedule of authorizations, and the classified annex to the report to the Permanent Select Committee on Intelligence for H.R. 2748, the Intelligence Authorization Act for fiscal year 1990, is now available in the offices of the committee, H-405, in the Capitol, Monday through Friday, 8:30 a.m. to 5:00 p.m., for the review of all Members of the House. The committee hopes to bring H.R. 2748 to the floor in the near future. I urge Members to take the opportunity to review these documents.

CIVIL CONTEMPT IMPRISONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, yesterday the House passed and sent to the Senate H.R. 2136, which limits the length of time an individual can be imprisoned for civil contempt in child custody cases in the District of Columbia. The Senate is expected to take up this legislation later today.

Mr. Speaker, this action marks the closing chapters of a long-running case that has captured the attention of people around the Nation and around the world. I believe this is an appropriate time to review the history of this legislation and of this case which motivated this legislation.

As my colleagues know, I introduced H.R. 2136 last April after following the case of Hilary Morgan and her parents, Dr. Elizabeth Morgan and Dr. Eric Foretich in the news media. This case involves alleged child abuse of the couple's 7-year-old daughter Hilary. Dr. Morgan was jailed for a civil contempt in August of 1987, well over 2 years ago, when after reviewing the evidence of sexual abuse presented by both sides, District of Columbia Superior Court Judge Herbert Dixon ordered Hilary on a 2-week unsupervised visit with her father, Dr. Eric Foretich. Dr. Morgan refused to tell the court the location of her daughter, and Hilary's whereabouts and condition have remained unknown.

The motivation behind this legislation can be seen from 3 points of view. First, from a human point of view, it became clear to me that no one was being served by continuing imprisonment of Dr. Morgan; especially not the child, Hilary, who had been denied the care of either of her parents. D.C. Court of Appeals Judge John Steadman summed up the situation perfectly in reviewing the case last year, quoting from a proverb of the Kikuyu Tribe of Kenya, he said:

> When the elephants fight, it is the grass that suffers. Here the grass is a little girl.

For almost a year she has been denied the company of both father and mother. She is the principal figure in a drama of appalling proportions, no matter the outcome.

It was apparent to me, Mr. Speaker, that keeping Dr. Morgan in jail longer would not produce the desired result. Keeping her in jail would not produce Hilary. Dr. Foretich is not served by this process. He has not seen his child and does not know if she is safe or being cared for. Dr. Morgan is not being served by this process. She has given up 2 years, 2 years of her life. In fact, 2 years and 1 month. That is longer than a term in the United States House of Representatives. Our terms are for 2 years. She has been in prison for 2 years and 1 month, without obtaining the compliance, and apparently without being any closer. The taxpayer is not served by this process because they have paid for Dr. Morgan's imprisonment for the 2 years. There has been no compliance. We are no closer to compliance than we were 2 years ago.

From a legal point of view, Mr. Speaker, the Morgan case illustrates a flaw in a system that allows an individual in a child custody case to remain in prison under civil contempt for an indefinite period of time without, and this is the key, Mr. Speaker, without the benefit of a trial by jury of their peers.

Now, if any child or any man or woman in this country, husband, wife, son or daughter was in the same situation, would they not want, would they not expect a trial, a jury trial by their peers? That is what we are attempting to get at with this legislation.

The word "contempt" is, in fact, a threat designed by the court, designed to encourage complance with the court's order. The judge, in effect, says in a civil contempt case like this, "comply or else."

The Morgan case illustrates the potential for abuse of a civil contempt power. The civil contempt power empowers a judge to deprive an individual of liberty without due process considerations afforded to even common criminals. Due process consideration such as a trial by jury, which is one of the cornerstones of our system of criminal jurisprudence.

It is clear, Mr. Speaker, at some point, and I guess it depends case by case, but at some point an imprisoned individual who has not complied with a court order is unlikely to do so. The coercive effort of imprisonment is diminished that further incarceration becomes punishment. The legislation passed by the House with an overwhelming bipartisan vote—and this is a bipartisan issue, and now pending in the Senate—legislatively draws a line which says, in effect, that after 12 months incarceration for civil contempt, it is no longer coercive but rather punishment.

This bill, then forces the judicial system to apply basic due process checks in order to continue to imprison the contemnor. These checks include a prosecuting attorney, a grand jury, and lastly, more importantly than anything else, a jury of one's peers. These are protections that are afforded even common criminals in the District of Columbia and every other jurisdiction in our country. These protections do not apply, however, in the case of civil contempt, and H.R. 2136 corrects this situation.

It should be clear, however, that future individuals in contempt are not automatically released after 12 months. Rather, Mr. Speaker, this legislation only requires, and this is very important, only requires that after 12 months all civil contemnors in child custody cases in the District of Columbia must be afforded basic due process considerations that any individual, that any individual would want and hopefully expect.

The third point of view looks beyond the Morgan case, I think as we have to do, to look beyond the Morgan case to the numerous similar cases that are occurring across the country. While the Morgan case generated a great deal of publicity nationwide because of the length of time Dr. Morgan has spent in prison, hers is not the only case where women have been imprisoned for civil contempt under various circumstances. So while we are not just talking about the Morgan case, what has been done is, really in essence, because this is a problem thoughout the country. This is a national problem, and that is why the National Network of Victims of Sexual Assault and other groups have counted H.R. 2136 as model legislation for States to enact.

As the Washington Post reported in May, the Morgan-Foretich controversy is not unique.

□ 1240

Post columnist Judy Mann noted that women in Texas, Oregon, Washington, and other States have been imprisoned for civil contempt rather than send their children on unsupervised visits with fathers they allege are abusive.

In June, the Washington Times reported on the case of Carla Southwell of Kent City, MI, who was imprisoned for civil contempt for refusing to disclose the location of her two daughters who she claims were sexually abused by her former husband.

Other cases, Mr. Speaker, have been reported in New Hampshire, Massachusetts, and Mississippi.

Invariably, the result of these difficult situations is that the child is hurt. This is wrong, and this legislation is, I believe, one of the first steps toward correcting the problem.

I want to be clear, Mr. Speaker, Congress is not taking sides in the Morgan-Foretich controversy. We are not taking sides in that individual case. Rather, Congress has identified a flaw in the system, a flaw that affects families and children across this country, and has, I believe, developed a reasonable and responsible and bipartisan solution.

Once H.R. 2136 is enacted, I intend to write to the Governors of the 50 States—two States have this law now, so it will be necessary to write to only 48 States—to encourage them to enact similar legislation.

There are several additional issues that should be addressed today which places H.R. 2136 and the action of Congress in context. First, H.R. 2136 is not unique, and it is not an extreme approach to civil contempt. Both California and Wisconsin have enacted laws which limit the length of time an individual can be imprisoned in the case of civil contempt in any circumstance. So we have narrowed ours to child custody, and that is not nearly as broad.

California provides for a 12-month limitation, and Wisconsin provides for a 6-month cap. At the end of the prescribed period, the contemnor is free to go.

We have not gone nearly that far. I might say that the Wisconsin law was developed by a group of judges or judicial representatives in the State of Wisconsin. It was the judges who devised this system and not the legislative body in Wisconsin.

H.R. 2136 is limited to child custody cases and requires due process before the individual can be held longer.

Mr. Speaker, there is also a Federal statute which limits to 18 months the length of time a recalcitrant grand jury may be imprisoned. So really it is appropriate that the Congress move with these cases as we have dealing with child custody.

Second, Mr. Speaker, we have under the home rule charter power to change the rules of the courts of the District of Columbia. That power lies with the U.S. Congress. This legislation in no way impinges on home rule. The judges of the District of Columbia courts are appointed by the President and confirmed by the Senate. The District of Columbia City Council does not have the power to address this situation. That means, Mr. Speaker, that those who are concerned in the District of Columbia City Council about these issues—and there are many who are concerned—do not have it in their power under the authority of the home rule charter to act. So the only body that had the ability to act was the U.S. Congress, and we acted appropriately. Thus, not only is it appropriate but it is necessary that the Congress be the institution to address this issue.

Last, Mr. Speaker, I want to take this time to thank some of the many Congressmen and Senators who have been so very helpful in this matter. I want to thank the gentleman from California [Mr. DELLUMS], chairman of the Committee on the District of Columbia, who worked with us to shepherd this modified, very narrow bill through the committee in a very expeditious manner.

I also want to thank the gentleman from California [Mr. DYMALLY], chairman of the Subcommittee on Judiciary and Education of the Committee on the District of Columbia, for moving this matter through his subcommittee very, very quickly.

I thank the gentleman for his efforts to move this bill quickly through the committee, despite his personal reservations. There are many good and decent people on both sides who have had some reservations about this bill. I understand and respect that. But despite his personal reservations about this bill, Chairman DYMALLY allowed it to move quickly through his subcommittee and was fair and forthright during the entire process. I appreciate his efforts, and I want to personally thank him.

Mr. Speaker, I also want to thank the gentleman from Virginia [Mr. PARRIS] for his help with this legislation, as well as Congressmen FAUNTROY and BLILEY and Congresswoman MORELLA who were original cosponsors. I also want to thank the staff of the Committee on the District of Columbia, Donald Temple, Ron Willis, and Mark Robertson. They have all been very helpful in working this matter through.

Last, I want to thank the many Members of the U.S. Senate, Senator HATCH, Senator ARMSTRONG, Senator GLENN, Senator SASSER, and Senator ROTH. There have been many Senators who were involved and were helpful in this.

Mr. Speaker, I thought it was appropriate that we sum up the reasons why we had to act and why we have acted. I think, working together in a bipartisan manner, we have crafted a proposal which will be accepted, and hopefully we can encourage the 50 States to take a look at it and adopt similar legislation whereby we can deal with this very difficult issue that has hurt families and children around the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JOHNSON of Connecticut (at the request of Mr. MICHEL) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today and 60 minutes September 22.

Mr. MCEWEN, for 5 minutes, today and 5 minutes on September 22.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEILENSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. SCHUETTE.

Mr. MARLENEE.

Mrs. VUCANOVICH.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. RAHALL.

Mr. SMITH of Florida.

Mr. PENNY.

Mr. MINETA.

Mr. SAWYER.

Mr. FUSTER.

Mr. STARK.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolution of the House of the following titles:

H.J. Res. 133. Joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week;"

H.R. 1529. An act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes;

H.R. 419. An act to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri; and

H.R. 2696. An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1712. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-95); to the Committee on Appropriations and ordered to be printed.

1713. A letter from the Secretary of Education, transmitting a copy of the Kuhry Bequest Program regulations, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1714. A letter from the Secretary of Education, transmitting a notice of final funding priorities for fiscal year 1990—Chapter 1—Migrant Education Coordination Program for State Educational Agencies, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1715. A letter from the Secretary of Education, transmitting a copy of final regulations—Women's Educational Equity Act Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1716. A letter from the Director, Defense Secretary Assistance Agency, transmitting an addendum to the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more; an addendum to the listing of all letters of offer that were accepted, as of June 30, 1989, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1717. A letter from the Assistant Comptroller-Insurance, Army and Air Force Exchange Service, transmitting copies of actuary's reports for the retirement annuity plan for employees of the Army and Air Force Exchange Service; supplemental deferred compensation plan for members of the Executive Management Program for the year ended December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1718. A letter from the Acting Administrator, General Services Administration, transmitting GSA's investigation of the costs of operating privately owned vehicles based on calendar year 1988 data, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Operations.

1719. A letter from the Chairman, Commission on the Bicentennial of the United States Constitution, transmitting the fifth annual report of the Commission, pursuant to Public Law 98-101, section 6(e) (97 Stat. 722); to the Committee on Post Office and Civil Service.

1720. A letter from the Acting Administrator, Federal Aviation Administration, transmitting the agency's progress report on aircraft safety rulemaking proceedings covering the period from February through August, pursuant to 49 U.S.C. app. 1421 nt.; to the Committee on Public Works and Transportation.

1721. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the traffic alert and collision avoidance system [TACAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly to the Committees on Public Works and Transportation and Science, Space, and Technology.

1722. A communication from the President of the United States, transmitting the administration's 1989 national drug control strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on the Judiciary; Energy and Commerce; Education and Labor; Foreign Affairs; the Permanent Select on Intelligence; Merchant Marine and Fisheries; Armed Services; Science, Space, and Technology; Government Operations; Banking, Finance and Urban Affairs; Public Works and Transportation; and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. POSHARD:

H.R. 3316. A bill to amend the Clean Air Act to further control emissions of sulfur dioxide and nitrogen oxides in order to reduce acid deposition, to ensure the survival of America's coal industry, to stimulate development of economically viable clean coal technology, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARNARD:

H.R. 3317. A bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates; jointly, to the Committees on Government Operations, the Judiciary, and Rules.

By Mr. BROOKS (for himself, Ms. Oakar, Mr. Gonzalez, Mr. Pickle, Mr. de la Garza, Mr. Archer, Mr. Wilson, Mr. Frost, Mr. Leath of Texas, Mr. Stenholm, Mr. Fields, Mr. Hall of Texas, Mr. Andrews, Mr. Bartlett, Mr. Bryant, Mr. Coleman of Texas, Mr. Ortiz, Mr. Armey, Mr. Barton of Texas, Mr. Bustamante, Mr. Chapman, Mr. Combest, Mr. DeLay, Mr. Smith of Texas, Mr. Laughlin, Mr. Sarpalius, and Mr. Geren):

H.R. 3318. A bill to redesignate the Federal building, known as the Concord Building, located at 1919 Smith Street in Houston, TX, as the "Mickey Leland Federal Building"; to the Committee on Public Works and Transportation.

By Mr. GALLO (for himself, Mr. Green, Mr. Courter, Ms. Pelosi, Mrs. Morella, Mr. Kolter, Mr. Roe, and Mr. McGrath):

H.R. 3319. A bill to provide that Federal employees in high-cost urban and suburban areas be compensated at rates of basic pay adjusted to reflect the generally higher costs of living within their particular areas; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.R. 3320. A bill to amend the Internal Revenue Code of 1986 to provide a procedure under which individuals may make contributions with their income tax returns for purposes of combating the war on drugs; to the Committee on Ways and Means.

By Mr. MARLENEE (for himself, Mr. Skelton, Mr. Emerson, Mr. Volkmer, Mr. Holloway, Mr. Skeen, Mr. Stenholm, Mr. Hall of Texas, Mr. Tanner, Mr. Barton of Texas, Mr. Craig, Mr. Shumway, and Mr. Tauke):

H.R. 3321. A bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OXLEY:

H.R. 3322. A bill to amend title 18, United States Code, to provide enhanced penalties for the use of certain short-barreled shotguns or semiautomatic firearms during a crime of violence or a drug trafficking crime; to the Committee on the Judiciary.

By Mr. PENNY (for himself, Mr. Bates, and Mr. Olin):

H.R. 3323. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude the receipts and disbursements of the Social Security trust funds from the deficit calculation and to extend the target date for the Balanced Budget and Emergency Deficit Control Act of 1985, and for other purposes; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. SANGMEISTER (for himself, Mr. Durbin, Mr. Poshard, Mr. Costello, Mr. Russo, Mr. Hayes of Illinois, Mrs. Collins, Mrs. Martin of Illinois, Mr. Madigan, Mr. Hyde, Mr. Hastert, Mr. Yates, Mr. Fawell, Mr. Evans, and Mr. Porter):

H.R. 3324. A bill to make a technical amendment to title 11, United States Code, the bankruptcy code; to the Committee on the Judiciary.

By Mr. SMITH of Florida (for himself and Mr. Bosco):

H.R. 3325. A bill to provide air transportation passengers access to and information concerning ground transportation services, to amend the Clayton Act to prohibit certain activities by local governments that operate airports, to prohibit airports from charging unreasonable and unjustly discriminatory access fees, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. WHEAT (for himself and Mr. Lent):

H.R. 3326. A bill to suspend temporarily the duty on Fenofibrate; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H. Con. Res. 199. Concurrent resolution congratulating Malta on the 25th anniversary of its independence; to the Committee on Foreign Affairs.

By Mr. RAHALL (for himself, Ms. Oakar, Mr. Dymally, and Mr. Kildee):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress regarding the Arab League Tripartite Committee's declaration to resolve the Lebanese conflict; to the Committee on Foreign Affairs.

By Mr. HOLLOWAY:

H. Res. 244. Resolution to amend the Rules of the House of Representatives to prohibit the House from receiving and considering special interest commemorative legislation; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

251. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to a fair and balanced policy regarding the importation of foreign steel; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Poshard.

H.R. 113: Mr. Tallon, Mrs. Bentley, Mr. Lightfoot, and Mr. Hughes.

H.R. 557: Mr. Shays and Mr. Dickinson.

H.R. 563: Mr. Weldon and Mr. Madigan.

H.R. 857: Mr. Williams.

H.R. 1035: Mr. Richardson.

H.R. 1136: Mr. Coughlin, Mr. Lent, Mr. Shaw, Mr. Moorhead, and Mr. Goodling.

H.R. 1406: Mr. Campbell of California.

H.R. 1515: Mr. Hyde and Mr. Sabo.

H.R. 1631: Mr. Young of Florida.

H.R. 1648: Mr. Payne of New Jersey.

H.R. 1710: Mr. Young of Florida and Mr. Bosco.

H.R. 1712: Mr. Moakley, Mrs. Johnson of Connecticut, Mrs. Boxer, Mr. McNulty, Mr. Staggers, Mr. Cooper, Mr. Stark, Mr. Pallone, and Mr. Towns.

H.R. 1823: Mr. Parker.

H.R. 1879: Mr. Young of Florida.

H.R. 2144: Mr. Gejdenson.

H.R. 2209: Mr. Wolpe, Mr. Moody, and Mr. Parker.

H.R. 2323: Mr. Faleomavaega.

H.R. 2378: Mr. Bevill.

H.R. 2460: Mr. Neal of North Carolina and Mr. Jones of Georgia.

H.R. 2561: Mr. Fish.

H.R. 2838: Mr. Young of Florida.

H.R. 2926: Mr. Schuette, Mr. Hayes of Louisiana, Mr. Hyde, and Mr. Rinaldo.

H.R. 2951: Mr. Kildee, Mr. Shays, Mr. Johnson of South Dakota, Mr. Eckart, and Mr. Wyden.

H.R. 2952: Mr. Kildee, Mr. Johnson of South Dakota, Mr. Eckart, and Mr. Wyden.

H.R. 2972: Mr. Dickinson, Mr. Thomas of California, Mr. Gillmor, Mr. Goss, Mr. Houghton, Mr. Hyde, Mr. Ridge, Mr. Bustamante, Mr. Rogers, Mrs. Boggs, Mr. Hefley, Mr. Martinez, Mr. Bunning, Mrs. Johnson of Connecticut, Mr. Chandler, Mr. Buechner, Mr. Miller of Washington, Mr. Morrison of Washington, Mr. Stearns, Mr. Applegate, Mr. Dicks, Mr. Huckaby, Mr. Upton, Mr. Blaz, Mr. Craig, Mr. Hopkins, Mr. Packard, Mr. Ravenel, Mr. de la Garza, and Mr. Harris.

H.R. 2996: Mr. Martinez.

H.R. 3005: Mr. Cardin, Mr. Wyden, Mr. Dwyer of New Jersey, Mr. Brown of Colorado, Mr. Atkins, Mr. Lantos, Mr. Ravenel, and Mr. Buechner.

H.R. 3146: Mr. Lewis of Georgia and Mr. Atkins.

H.R. 3208: Mr. Lewis of Georgia, Mr. Fuster, Mr. Pallone, Mr. Sabo, Mrs. Collins, Mr. Towns, Mr. Mrazek, Mr. Frost, Mr. Fazio, Mr. Gejdenson, Mr. Owens of New York, Mr. Atkins, and Mr. Oberstar.

H.J. Res. 142: Mr. Moakley, Mr. Martin of New York, Mr. Saxton, Mr. Bliley, Mr. Lancaster, Mr. Kolter, Mrs. Morella, Mr. Lipinski, Mr. Schuette, Mr. Fascell, Mr. Wolf, Mr. Levin of Michigan, Mr. Berman, Mr. Moorhead, Mr. Emerson, Mr. Garcia, Mr. McDade, Mr. Engel, Mr. Stokes, Mr. Browder, Mr. Wolpe, Mr. Gejdenson, Mr. Flippo, Mr. Hubbard, Mr. Frost, Mr. Mrazek, Mr. Perkins, Mr. Towns, Mr. Owens of Utah, Mr. Lehman of California, Mr. Shays, Mr. Cooper, Mr. Burton of Indiana, Mr. Spence, Ms. Long, Mr. Campbell of Colorado, Mr. Cardin, Mrs. Bentley, Mr. Walsh, Mr. Kostmayer, Mr. Robert F. Smith, Mr. Espy, Mr. McEwen, Mr. Valentine, Mr. Clarke, Mr. Hayes of Louisiana, Mr. Stangeland, Mr. Erdreich, Mr. Weiss, Mr. Coleman of Texas, Mr. Mavroules, Mr. Scheuer, Mr. McHugh, Mr. Coyne, Mr. Pursell, Mr. Bennett, Mr. Richardson, Mr. Sharp, Mr. Carper, Mr. McNulty, Ms. Pelosi, Mr. Carr, Mr. Olin, Mr. AuCoin, Mr. Watkins, Mr. Clement, Mr. Coble, Mr. Dicks, Mr. Blaz, Mr. Early, Mr. Ford of Michigan, Mr. Guarini, Mr. Harris, Mr. Jacobs, Mr. Jones of Georgia, Mr. Mazzoli, Mr. Mineta, Mr. Nelson of Florida, Mr. Parker, Mr. Pickle, Mr. Staggers, Mr. Tallon, Mr. Walgren, Mr. Fawell, Mr. Dingell, and Mr. Faleomavaega.

H.J. Res. 241: Mr. Clay, Mr. Lowery of California, Mr. Kasich, Mr. Flake, Mr. Mazzoli, Mr. Archer, Mr. Brown of California, Mr. Bustamante, Mr. Dellums, Mr. Studds, Mr. Pashayan, Mr. Moorhead, Mr. Rowland of Connecticut, Mr. Neal of North Carolina, Mr. Tanner, Mr. McDade, Mr. Walgren, Mr. Hancock, and Mr. Porter.

H.J. Res. 267: Mr. Hancock, Mr. Martinez, Mr. Fascell, Mrs. Ros-Lehtinen, Mr. Coleman of Missouri, Mr. Douglas, Mr. McEwen, Mr. Shaw, Mr. Emerson, Mrs. Morella, Mr. Smith of Vermont, and Mr. Thomas of California.

H.J. Res. 320: Mr. Bustamante, Mr. Stearns, and Mr. Solarz.

H.J. Res. 346: Mr. Bruce, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Applegate, Mr. KASICH, Mr. MILLER of Ohio, Ms. SLAUGHTER of New York, Mr. HAWKINS, Mr. GORDON, Mr. PAXON, Mrs. MEYERS of Kansas, Mr. VOLKMER, Mr. GEJDENSON, Mr. YOUNG of Florida, and Mr. JONES of Georgia.

H.J. Res. 364: Mrs. BENTLEY, Mr. JONES of Georgia, Mr. PARKER, Mr. SMITH of Florida, Mr. VENTO, and Mr. YOUNG of Florida.

H.J. Res. 373: Mr. DINGELL, Mr. MOORHEAD, Mr. THOMAS of Wyoming, Mr. PALLONE, and Mr. GEJDENSON.

H.J. Res. 385: Ms. SLAUGHTER of New York, Mr. SISISKY, Mr. BENNETT, Mr. BILIRAKIS, Mr. OWENS of New York, Mr. GUNDERSON, Mr. SHUMWAY, Mr. DURBIN, Mr. HANSEN, Mrs. BENTLEY, Mr. HYDE, Mr. LAGOMARSINO, and Mr. ERDREICH.

H.J. Res. 405: Mr. FAZIO, Ms. PELOSI, Mr. ATKINS, Mr. AUCOIN, Mr. SHAYS, Mr. LIPINSKI, Mr. FUSTER, Mr. RANGEL, Mr. DELLUMS, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. GEJDENSON, Mrs. BOXER, Mr. MONTGOMERY, Mr. McDERMOTT, Mr. SAVAGE, Mr. FRANK, Mr. LEHMAN of Florida, Mr. RAY, and Mr. HORTON.

H. Con. Res. 47: Mr. INHOFE.

H. Con. Res. 161: Mr. JOHNSON of South Dakota.

H. Con. Res. 162: Mr. CAMPBELL of Colorado.

H. Con. Res. 172: Mr. KILDEE, Mr. SHAYS, Mr. JOHNSON of South Dakota, and Mr. WYDEN.

H. Con. Res. 189: Mr. LANCASTER, Mr. GEJDENSON, Mr. SIKORSKI, Mr. FAZIO, Mr. FROST, Mr. RINALDO, Mr. McNULTY, and Mr. LEWIS of Georgia.

SENATE—*Thursday, September 21, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In this moment of silence, let us remember those who are the victims of Hurricane Hugo and the potential victims as it approaches the Carolinas.

Blessed are the poor in spirit: for theirs is the kingdom of heaven. Blessed are they that mourn: for they shall be comforted. Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled. Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5:3-9.

Gracious Father in heaven, thank Thee for Jesus' simple, profound formula for happiness. Grant each of us the wisdom to take it seriously and follow this way of blessedness. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a time for morning business until 11 a.m., with Senators permitted to speak for up to 5 minutes each.

At 11 a.m., the Senate will resume debate on H.R. 2990, the Labor-HHS appropriations bill. I call my colleagues' attention to the fact that rollcall votes relative to the Labor-HHS appropriations bill are likely throughout the day and into the evening.

As occurred yesterday, some of these votes may occur in relatively short timeframes; in some cases, yesterday, in immediate succession. Therefore, I alert my colleagues to be prepared for this possibility and plan their schedules accordingly.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the leader time of the distinguished Republican leader as well.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CULTURAL NOW-NOWISM

Mr. KERREY. Mr. President, this summer President Bush's Director of the Office of Management and Budget addressed the National Press Club with the theme of cultural nownowism. Now-nowism, the President's man said is a condition where people want everything and they want it now. Practitioners of cultural now-nowism do not worry about tomorrow; they only worry about what is in it for them now.

I thought it was a pretty good speech. I liked the theme and the implications this theme would have for our Federal policy. Do not worry about today's polls, the message seemed to say, worry about tomorrow's people. The message seemed to say that national leaders should make certain that the Federal Government set a good example by conserving fiscal, human, and environmental resources; save them for tomorrow rather than consuming them now. The message seemed to say that we should not run about chasing the newest issue or cause just because it is happening now.

Unfortunately, the policies of the Federal Government are not being rebuilt upon the principles espoused by the President's man. Instead they seem to be based upon the principles of the President's dog, Millie. Rather than moving away from now-nowism, unfortunately, Mr. President, we seem to be headed toward political and economic bow-wowism.

Mr. President, bow-wowism is behavior that resembles three seemingly inate characteristics that even the best of dogs often possess. First, dogs like to bury things. Unless you break them of it, they will bury everything they can get in their mouths. Just like the current Federal Government.

This year, the President will approve the borrowing of another $250 billion to pay for the Government he says we need, and Congress has agreed to go along. As you know very well, Mr. President, we already have a net $500 billion loan that we have taken out with foreign lenders. Coupled with the now-now motivated devaluation of our dollar 2 years ago which enriched foreign investors the United States—for the first time in four decades—will pay foreigners more interest and dividends than we receive.

Worse, we will be making this larger interest payment from income that is not growing as fast. Thus, our standard of living is beginning to decline. Every person with enough smarts to tie a pair of shoes knows that this is very bad. What does the President do about it? He buries it in the backyard: Political bow-wowism.

Another difficult example of something we are burying is America's productivity and cost of capital. The 1980's has been a decade in which our real cost of capital has grown while our rate of productivity has declined. Our leaders know that this is due in part to the cultural now-nowism that the President's man talked about, and they also know it is because the Federal Government's borrowing is so great that there is not much left from private savings for the private sector.

We know that we could reduce the cost of capital by decreasing Federal borrowing, increasing private savings, and encouraging private investment. We know that our productivity rates are tied to technology application and we know that technology application is tied to education and training.

Rather than doing something, the President's people haul it out in the backyard. Not to be outdone they are joined by most of us in Congress. Then we all have a great time burying this as deep as possible: Political bow-wowism.

A final example of burying something in the backyard is the condition of America's poor. Quite simply their ranks are growing and their condition is getting worse. And just as simply the answer—although it is painful to achieve and apply—is that we are not spending enough on the poor who most of us do not know. Instead, we are spending on the more well off who are apt to be our friends.

This political bow-wowism is the worst of all. For this neglect, we will have to answer to a higher power than future generations neglected by other burying acts.

Dogs have a second characteristic that reminds me of our current behavior, Mr. President. They will eat more than they should. Unless you control their intake they will eat themselves sick.

Just like our current Federal Government. In the last Presidential campaign we heard the deficit identified as a major national problem. President Bush's flexible freeze was a more convincing solution than the suggestion of hiring a few more IRS agents. His passionate call for "no new taxes" was comforting, comforting particularly to those of us who want to eat more than we should.

For in spite of the no new taxes pledge the President has led us in the past 9 months on a feeding frenzy that has left us—on the eve of the close of the Federal Government's fiscal year—with swollen canine bellies.

We have eaten more than our fill of savings and loans: $169 billion over the next 10 years. We have begun to get the taste of the real cost of fixing our nuclear waste facilities. We are adding up the bills that were presented to us by a host of consultants who have preyed on HUD for the past decade.

And we have been told that we must continue the arms race even if our biggest enemy is not running anymore. Why? Because he is more dangerous now that he is out of the race. So, we must eat more: Political bow-wowism.

We are on the edge of repealing the Catastrophic Protection Act, of not passing the tax increases the President is recommending, and of barreling our way into the brave new world of the sequester. The bottom line is that while we are looking for new money for the President's drug war, new money for weapon's modernization, new money for Poland and the Andes nations, and new money for hundreds of other pork barrel items that all good hometown politicians need to grease the wheels of the appropriations process while we will be looking for all of these things to eat, we will also have to find $15 billion in order to meet the requirements of the Gramm-Rudman sequester.

We have eaten more than we should. Our appetites have exceeded our capacity to hold the food. Thus, we lie on the ground, motionless and bloated: Political bow-wowism.

A third and delightful characteristic of a dog is that it will bark at moving targets. No matter what walks by it will let out a yelp and a holler. And the volume of the bark is usually not directly proportional to the size of the passerby.

The President is the best example of this last form of political bow-wowism. He wants to be the education President and the environment President and the housing President and the kind and gentle President. He wants to go to the Moon and maybe even to Mars. He wants to do something about investment and computer technology and the space station and the superconducting super collider. He wants to do something about Poland and Hungary and Colombia. And the latest, of course, is that he wants to do something about drugs.

I want to make it clear that I do not find the President's behavior—barking at everything that walks by—to be abnormal for a politican. I suffer from it as well. Still, it is best described as political bow-wowism.

We should not be confused by all of this. It is natural and understandable, even if the results are unsatisfactory.

To build policies that are based upon us breaking the bad habits of political bow-wowism, we simply have to stop burying our most obvious problem. And that is, as you know full well, Mr. President, our growing debt. We must have the confidence that the American people will respond to a call to save more, to invest more, and to produce more.

We must have the confidence that they care about tomorrow and are willing to invest in it today. They are willing—if we lead them—to set aside the desires of today for the needs of tomorrow. America is ready to go on a diet that will enable us to become more creative, more healthy, and more productive.

Americans want a call to action. Not a promise that no action is necessary. Drugs are not America's No. 1 problem. Our No. 1 problem is that politicians have been drugged into believing that American's don't love their country enough, their children enough, or life enough to pay the price.

Americans are ready. But first we—the President and the Congress—must cure more than the disease of cultural now-nowism; we must break the bad habits of political bow-wowism.

I yield the floor, Mr. President.

The **PRESIDING OFFICER**. The Senator from Tennessee in recognized.

Mr. **GORE**. Mr. President, first of all, I wish to comment on my colleague's statement just delivered and to compliment him. I would like very much to associate myself with those remarks.

ALCOHOL WARNING LABELS

Mr. **GORE**. Mr. President, I rise today to call the Senate's attention to a matter of great importance to the future of millions of American families.

We have had a great deal of discussion about the drug crisis facing America and why it is our No. 1 problem. It is worth recalling that alcohol is also a drug, and it is a dangerous drug especially to a pregnant woman and her unborn child. We have heard a great deal recently about the devastating effects of cocaine use on pregnant women and with good reason. But we must also remember that if you talk to the medical experts about birth defects and mental retardation, the effects of maternal alcohol consumption are even more serious.

Each year more than 5,000 infants are born suffering from fetal alcohol syndrome. Another 50,000 babies experience milder, but still serious birth defects known as fetal alcohol effects. In fact, maternal alcohol use is the leading recognizable cause of mental retardation in children.

In addition to the staggering human cost, there are sizable economic costs as well. We spend $1.5 billion each year just for the medical bills of FAS babies, children, and adults. Billions more go for the care of those who suffer from fetal alcohol effects.

Last year we took a major step toward solving this problem, enacting long overdue legislation requiring a government health warning label on all alcoholic beverage containers. This action ended 20 years of debate about how best to warn the public about the very serious health dangers of alcohol consumption.

For anyone who says those dangers are well-known, alcohol has been here for thousands of years and no special warning is needed, consider this, Mr. President. Polls have shown time and time again that indeed the vast majority of people are not aware that even moderate consumption of alcohol during pregnancy can cause mental retardation and serious birth defects on the developing fetus during that pregnancy.

The action last year came at a time when the debate had been raging for quite a while.

It was about time. Twelve years had passed since the FDA first urged the Bureau of Alcohol, Tobacco and Firearms to require warning labels for pregnant women. It had been 11 years since BATF first proposed them, only to succumb to industry pressure for delay. Finally, after year after year of watching tens of thousands of new babies suffer the effects of maternal alcohol consumption, Congress finally did what the executive branch had failed to do: take action to ensure that pregnant women are warned about the hazards of drinking alcoholic beverages during pregnancy.

But according to a recent GAO report, unless BATF is directed to strengthen its proposed regulations its warnings will not warn anyone. The GAO has found that these regulations produce warning labels that will be useless unless something is done.

Mr. President, in my view it would be a tragedy to let events continue down this path. Therefore, I am calling on my colleagues to join Senator THURMOND, the principal sponsor of the Alcoholic Beverage Labeling Act of 1988, Senator FORD, Senator GLENN, and me in calling for the changes needed to make this important program succeed.

I was chairman of the subcommittee in the last Congress that reported out this legislation, and we were amazed to see what was done with the regulations implementing the law. Specifically, as recommended by GAO we are now urging the Secretary of the Treasury to direct BATF to make the following changes in its proposed regulations.

First, he should require that the words "GOVERNMENT WARNING" be capitalized and in bold type; and second, specify the minimum space and lettering requirements for the warning to assure that it is readily legible and conspicuously and prominently placed.

Mr. President, based on the GAO study, I have asked my staff to prepare some examples of exactly what the current labels look like.

Mr. President, I would like to direct your attention to this illustrative label. This was designed and compiled on the basis of the GAO report analyzing exactly what is permissible under these new regulations that come out. The label is illustrative, not a real product but as you can see from this label the warning is completely illegible. It is hidden in the clutter of detail in an inconspicuous part of the label. The purpose intended to be served is completely avoided.

By contrast, if you look at a blowup of the same magnitude, the mathematics are the same in how large this has been blown up. The warning label on cigarette packs is clearly legible. It is hard to see I am sure because of the distance but it is easy to read this where it is impossible to read the label that the BATF has allowed in their regulations implementing their law.

We should not be tolerant of game playing at BATF on this. What is at stake is the single leading preventable cause of mental retardation in the United States of America. Most people do not know the truth about the incredibly serious damage that can come from even moderate alcohol consumption during pregnancy.

The time for debating the merits of alcohol health warning labels ended last year. Now it is time for the executive branch to carry out the law.

The alcohol beverage industry may have fought it last year, but it is now time for them to work with Government to ensure an effective warning program. It is unfortunate that heavy pressure from the industry appears to be playing a major part in undermining the new warning program. The same industry that could not find the time to send a single representative to the Senate hearing where this legislation was debated has found the time, according to GAO, to generate more than 4,000 "consumer" letters urging BATF to stay with a proposal that allows virtually microscopic warning labels.

Labels are a proven, effective means for consumers to become informed about a product and any unique characteristics associated with the product. Consumers can then make more intelligent decisions about whether to use the product in question, or how to use it safely.

I have strongly supported product labels to identify the content of products, as well as particular hazards associated with their use. I was deeply involved in the effort that resulted in the current warning labels on cigarettes.

A visible warning on a bottle or can, pointing out the dangers of consuming alcohol during pregnancy, may be the most important and perhaps the only information about fetal alcohol syndrome that some women receive.

Certainly the alcohol beverage industry believes advertising works; they spend more than $1 billion a year to advertise their products. Alcohol beverage manufacturers are among the world's experts on advertising. They know what works and what does not work. They know labels are an important part of advertising.

So it is not an accident that they become heavily involved in seeking to influence the promulgation of these regulations which undermine the law.

In this case, they have chosen to use what they know will not work in advising BATF on the design of the label. They know what will work. They have invested heavily to learn that.

We have a warning for the alcohol beverage industry: They can help make this program work or they can be sure that we will be back with a new program. They can help design warning messages as effective as their advertisements, or they can have advertisements that must, by law, include warnings. The choice is theirs.

I urge my colleagues to join us in sending the alcohol beverage industry that message.

Mr. THURMOND. Mr. President, I would like to commend my colleague, the junior Senator from Tennessee, on his remarks concerning the proposed regulations for a health warning label for alcoholic beverages. I am pleased with the interest that he has manifested in this important issue and am looking forward to his involvement in assuring that the final regulations that are issued by the Bureau of Alcohol Tobacco and Firearms [BATF] of the Department of the Treasury, conform to the intent of Congress. As the author of the Alcohol Beverage Labeling Act of 1988, I hope that other Senators will make their views known. The proposed regulations obviously would not maximize the effort to educate Americans about the health and safety risks of alcohol use, if enacted in the present form. Mr. President, it is imperative that every effort be made to ensure that the warning label for alcoholic beverages be reasonably conspicuous and as effective as possible.

Mrs. KASSEBAUM. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATORY MESSAGE TO NEWLY CROWNED MISS AMERICA

Mr. BOND. Mr. President, I rise today to pay tribute to an outstanding young woman who represents a first in my State's history.

On Saturday, September 16, 1989, Miss Debbye Turner of Missouri was crowned Miss America of 1990. She is the first Miss Missouri in the history of the pageant to hold the Miss America title. I join with all Missourians in saying that we are proud of her accomplishment.

Miss Turner is an excellent representative not only of our country but an outstanding example for our Nation's youth as well:

She is an ambitious young woman working on her doctorate in veterinary medicine at the University of Missouri in Columbia, MO—I know there was a good deal of cheering and celebration in mid-Missouri Saturday night after she captured the title and probably none more so than my home town of Mexico which held the pageant and where Miss Turner stayed in preparation for the pageant. Miss Turner plans to combine her love of animals with her interest in science and says she may teach veterinary medicine in the future.

A born-again Christian, Miss Turner is a devout young woman. She is a true representative of many young people today who are returning to traditional values and wholesome moral standards.

Miss Turner comes from a strong family background and attributes much of her success to parents who encouraged her and her sister to excel not because of who or what they are but because they have the ability to succeed. Miss Turner credits her parents with giving her the motivation and support she needed to excel. And they are certainly tolerant. I do not know many parents who would let their daughter keep a marimba in the dining room.

Miss Turner said her goal during her reign as Miss America is to "motivate the youth of this country to excellence." In her words, she wants to challenge our young people to "be bold enough to overcome the pressure and not try drugs. Be bold enough to stay in school and study. Be bold enough to be an individual and not part of a group." It's a tall order but one which a woman such as Miss Turner is well capable of.

Miss Turner has also proven to be a determined young woman. Born in Arkansas, she competed in the Miss Arkansas pageant for 3 years, finishing twice as first runner-up. But she was determined to win, and after moving to Missouri to attend the university she entered the Miss Missouri pageant and finally made it to Atlantic City. Miss Turner says she is living proof that dreams do come true.

Once again, Mr. President, I offer my congratulations to Miss Turner for all she has accomplished. She has proven herself to be a young woman of exceptional poise and character and I am confident she will be an outstanding ambassador of American pride, determination, and spirit. I wish her the best of luck in this next year of her reign as Miss America and in all her endeavors.

TRIBUTE TO CONGRESSMAN MICKEY LELAND

Mr. BENTSEN. Mr. President, it was a little more than a year ago, that I walked into a meeting of the Black Congressional Caucus, having been nominated as the Democratic Party's Vice-Presidential candidate. It was a tense moment.

That is, it was tense until Mickey Leland stood up to introduce me. A few gracious words from him relaxed everybody. I was honored that he would make the effort.

But, I wasn't surprised that he could have such an effect. By this time, I knew this likeable, witty, compassionate man well. He was a defiant voice against oppression. He was also a peacemaker. And on August 7, 1989, when he died—helping others—I lost a colleague and a friend.

More than a few Americans, and even many of his colleagues in the House and Senate, have been a bit surprised by all of the good things Mickey is credited with having done during his short tenure as a Congressman. But his friends, the people in his district, the hungry in Ethiopia, the homeless of America, and the disenfranchised the world over knew that this man had an instinct for doing good.

It was this admirable characteristic that led him to make the case for a House Select Committee on Hunger. To hear Mickey recount the story about the little girl who died from hunger right before his eyes was to understand why he was so passionate about addressing the hunger problem. Unlike so many people who have lost the ability to be affected by the suffering of others, Mickey cared deeply about people. His caring set the agenda for his political aspirations.

He was also concerned about the fairness of our own Government and how we treat those in its employ. As a senior member of the Committee on Post Office and Civil Service, this was his responsibility and he took it seriously. Ask any postal worker or GS-3 civil servant in his district if they could count on Mickey to be there when they needed a friend and the answer would be an immediate yes.

The increase of minorities in the telecommunications field is a measure of Mickey's tireless work as an involved member of the Telecommunications and Finance Subcommittee.

Undoubtedly his significant legislative accomplishments, and his work as a humanitarian explains the great outpouring of sorrow throughout the world when it was learned that there were no survivors on his flight.

He—as well as the dedicated people who died with him—will be missed. His kind of leadership and service is rare. So many did not know of his good work because he was not one to loudly toot his horn. He just went about doing good. For a public man, that is the ultimate tribute.

And how do we adequately express our sorrow? My heart has been warmed by the affection people in Houston and around Texas have shown toward the Leland family. In furtherance of that spirit, I have introduced legislation today, along with my colleague from Texas, Mr. GRAMM, to designate the building known as the Concord Towers at 1919 Smith Street in downtown Houston as the Mickey Leland Federal Building.

I ask that the bill be printed and the Senate move swiftly to approve it.

Of course, the most enduring tribute to Mickey will be if we as a nation redouble our efforts to eradicate hunger and homelessness here and abroad; that we as a nation come together to rid our communities of the scourge of drugs; that the cancer of hatred and intolerance no longer inflict us and poison the minds of our young.

Then too, he would want the war-torn nation on whose soil he paid the ultimate price, in the words of the Prophet Isaiah, "to turn its swords into plowshares" and study war no more. We can build a monument to his short, but well-lived life by remembering the purpose of the mission he was on when he left us through our deeds and acts of generosity.

If we do that, we not only honor him and his memory, but we also pay tribute to our own capacity to appreciate others, to celebrate uncommon genius, and to reward public service.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,650th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a July 23, 1989, interview conducted by the Boston Globe's Stan Grossfeld with Terry Anderson's friend and colleague, Bill Foley, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, July 23, 1989]

U.S. HOSTAGES IN LEBANON

Some Americans have no talent for forgetting: Bill Foley's friend Terry Anderson has been held captive for 4 years now, and Foley wonders why so few people seem to care; Stan Grossfeld is an associate editor of the Globe.

Nine Americans continue to be held hostage in Lebanon. Some have been beaten, some tried to commit suicide, one is reportedly babbling incoherently. The hostage held longest, AP bueau chief Terry Anderson, has never seen his own child.

Bill Foley wears a bracelet with Terry Anderson's name on it. The two covered the war in Lebanon together for 3½ years for the Associated Press. On March 15, 1985, in Beirut, Anderson was forced into a green Mercedes by three armed gunmen. He's been held ever since.

Foley, who won a Pulitzer Prize for spot news photography in Lebanon in 1983, remained in Beirut for several months. He was the last male American journalist to leave Lebanon. Since then, he has moved to New York and works for Time magazine. He is a member of the Journalists Committee to Free Terry Anderson. Recently, he was interviewed by the Globe's Stan Grossfeld.

Q. In the last six months, we've gotten a new president, and Ayatollah Khomeini has died. What do these developments mean for the nine American hostages held in Lebanon?

A. There have been windows of opportunity before, but this is a door that's swung open. Khomeini's dead. You have elections coming up in Iran. You've got Rafsanjani toasting the Soviets in Moscow—something unheard of two years ago. The Ollie North trial is over. George Bush, in his Inaugural and in his first press conference, held out an olive branch to Iran. A couple of weeks ago, the Hezbollah said we now realize that mistakes have been made in the taking of American hostages. All these developments are good. I think the Iranians would like to have this thing over with, but they need something to show for it. The door is open, but the State Department and White House need to step through it.

Q. What is the government doing now?

A. As far as I know, nothing. They say they're using quiet diplomacy and that publicity is counterproductive—which gives them an opportunity to sit back and do nothing.

Q. What can the United States government do?

A. Open a serious dialogue with the Iranians and try to hammer out a mutually agreeable solution. Iran needs the technology, and better relations with the West. They're trying to come out of isolation. Also, complete the payment of reparations to family members killed when an American fighter jet shot down an Iranian passenger plane last year.

Q. But the government says we don't deal with terrorists.

A. They say they don't make deals with terrorists, but it's incredibly naive to think they don't negotiate. Ollie North started cutting deals with Iran. He said, "OK, you give us arms, we'll give you hostages." Then, when Iran-contra blew up, you had nothing. Nobody would touch this with a 10-foot pole. The French just wrote a check finally to free Carton and Fontaine and Kauffmann. The Germans wrote a check. Everybody who has come out of there basically has been bought and paid for. Weir, Jacobsen and Jenco (American hostages), they were all paid for through arms to Iran.

When Daniloff was taken in Russia, it was Daniloff for Zakharov. Of course, they denied it. When US Marines left Beirut in the spring of '84, they negotiated with local militias for safe passage. The bottom line is we're missing an opportunity to get it over with. The Iranians want it over, even the militias in Lebanon want it over with; they're getting to the end of their rope. Now, we're not talking arms for hostages, just above-board negotiations. These hostages just aren't going to drop from the sky. The feeling is Iran will put enough pressure to get everybody out, if the right overtures are made.

Q. Let's start at square one. Who kidnapped Terry Anderson and why?

A. Terry was kidnapped by Imad Mugnieh in the hopes of making a deal to get his brother out of prison in Kuwait. The brother was sentenced to die after being convicted of blowing up the American Embassy in Kuwait in 1983. So, the original demand was for the release of 17 prisoners in Kuwait. Kuwait said forget it, and the Americans weren't going to put pressure on them. Mugnieh is wanted by the US for his role in the TWA hijacking in 1985.

Q. Why are these hostages virtually forgotten?

A. You don't have TV crews sitting in front of a warehouse in Beirut or thousands of people chanting "Death to America." If you did, this thing would be over by now. We're asking people to send postcards to the White House, and, so far, we've gotten 150,000 orders for the cards, which have the nine American hostages' pictures on the back and are addressed to the Honorable George Bush. Washington's line is there has been no support out there for initiatives for the hostages. My goal is to bury the White House mailroom in postcards and show George Bush and the State Department there is support out there.

Q. What do you say to people who believe Terry Anderson had no business being there?

A. I was there 3½ years. There were plenty of journalists there, and we felt that because we were journalists, and we were telling the story, there was a certain bubble—you were protected. Of course, we were very far wrong.

Q. Have you talked with any Iranian officials?

A. I was in Tehran, and I talked to a high-ranking Iranian official who said they'd like to see it over. The bottom line is: Everybody has to get something out of this. Nobody gets anything for free.

Q. Did the US miss an opportunity when the Iranians recently asked them for help locating the whereabouts of four Iranians taken hostage in 1982?

A. It was an opportunity they definitely blew. The Americans—and the Iranians—know the Iranians taken in 1982 crossing the Green Line were killed within hours of their capture by Christian militia.

Q. So, why'd they ask?

A. I believe they're trying to find an excuse to open some sort of a relationship with Washington. If Washington had said, "We received your communique today asking our help, and we've discovered from our sources that the hostages were killed and have sent a message to the Iranian foreign minister. * * *" It's an opening. Why can't the American government say, "OK, fine, you wanna play Madison Avenue, let's play Madison Avenue." What does it cost? Terry's gonna be bitter. You see thousands of Americans demonstrating over the China situation, but you can't get thousands to demonstrate over the nine American hostages if you went out and paid them.

RABBI DAVID SHAPIRO

Mr. KASTEN. Mr. President, I rise today to honor the life's achievement of one of my most beloved and most respected constituents.

Last month, Rabbi David S. Shapiro of Milwaukee died of a heart attack. He left behind him a legacy of scholarship and humanitarianism that still enlivens the Milwaukee which he has left behind.

I cannot even begin to do justice to the scholarly achievement he compiled over his 79 years. He was an internationally renown author and editor of works on Jewish law and philosophy. Among the volumes he wrote are "Foundations of a Universal Religion According to the Sources of Judaism," "The Prophets and the Mosaic Law, Studies in the Bible and the History of Jewish Law," and "Studies in Jewish Thought, Volumes I and II."

But writing books and articles was not the only way Rabbi Shapiro communicated the insights he had developed over his decades of study and research. He taught young people at the University of Wisconsin-Milwaukee, Ben-Gurion University Be'er Sheba Israel, Hebrew Theological College of Chicago, and the Sacred Heart School of Theology in Hales Corners, WI. And he founded the Hillel Academy.

Rabbi Shapiro recognized that learning, in order to be an effective lamp to the feet of future generations, must be communicated both clearly and lovingly. It was in this spirit that he educated his numerous students; and it was in this spirit that he watched over his flock of 40 years, the Congregation Anshe Sfard in Milwaukee.

Mr. President, in my own community, Rabbi Shapiro was justly regarded as a model religious leader. He held out a lesson of truth and an example of compassion to all Milwaukeeans, as well as to all the members of his own faith.

Prof. Jacob Dienstag, librarian emeritus of the Yeshiva University, in characterizing the unique personality of Rabbi Shapiro, described him as "ish eshkolet"—a renaissance man. And he further noted that "very few people deserve such a tribute."

Mr. President, no one who knew Rabbi Shapiro could doubt that he was a renaissance man. To have been touched even in the slightest way by his life is to know the great loss that Milwaukee has experienced as a result of his passing. On this occasion, I would like to express my condolences to his wife of 52 years, Etta Shapiro, and to his children. May the story of his life live long in the hearts of Jewish Milwaukeeans, and in those of all men and women of good will.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1990

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2990. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2990) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we will be ready to commence the consideration of this bill in a few moments and at the moment, I suggest the absence of a quorum.

Mr. ROTH. Will the Senator yield on that request?

Mr. SPECTER. I will withhold that.

Mr. ROTH. I ask unanimous consent that I be permitted to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A DEFENSE OF THE TAXPAYER

Mr. ROTH. Mr. President, here we go again. I was shocked to read in the morning paper that once again it is being proposed that we raise taxes. Why is it that while the faces of this dance change with every election, the tune always remains the same: Tax, tax, tax, spend, spend, spend. It is the pork barrel polka, and the tune is getting so old that even the Democratic chairman, Ron Brown, is surprised by his party's insatiable appetite to tax. Earlier this month, he criticized his party's Pavlovian response to answer every perceived problem with new and higher taxes.

Now, it is my understanding, Mr. President, that in the other body, the proposal is to raise taxes on the so-called rich to 33 percent. Now, just let me point out that the basis of the 1981 and 1986 tax rate reductions was to eliminate the incentive for tax shelters, so that people would come out of them and pay their taxes. This is exactly what has happened. The more affluent are paying more taxes today than even before. If you want them to go back into tax shelters and pay less taxes, higher tax rates are the way to go.

Somehow, I think some people forget that in this country we were founded on the idea that there is upward mobility, and no one believes that they are going to stay in their present situation permanently. All of us look upon America as the land of opportunity where our children can do better than we. But just let me say that if this happens, if taxes are raised on anyone it is going to happen to everybody else.

Why do I say that? Well, frankly, right now we have on the books what I call soak the senior savers. I say soak the senior savers, because they are paying, in effect, the highest marginal rate of taxation of any. If they have 25,000 dollars' worth of income, they are required to pay taxes on half of their Social Security. Under catastrophic insurance, there is a surtax. So that the net effect on your senior savers is that they can be paying a marginal rate of taxation of about 50 percent.

Then let me point out what else is being talked about—consumption taxes. Time and again we are hearing that for this program and that program—sometimes it is the drug war or something else—that we are going to have to increase consumption taxes. What worries me is that we once again see people going back to the 1970's, when we tax, tax, spend, spend and our economy went down. The Treasury is raising more revenue today than ever before.

We have had the longest period of growth and prosperity, creating more jobs, and the wrong way to go is to go back to a policy of higher taxes and spending.

I close Mr. President, by saying that a study I released in the last Congress shows that for every dollar of increased taxes, Congress has spent $1.58. So the net effect of tax increases is not to reduce the deficit, but to increase spending, not to increase the size of the economy, but to cause a lack of growth.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Robb). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 10 minutes for morning business.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McConnell pertaining to the introduction of S. 1655 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. Reid pertaining to the introduction of S. 1655 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Senator Harkin.

Mr. HARKIN. Mr. President, the Senate now has before us H.R. 2990, the fiscal year 1990 appropriations for Labor-Health and Human Services and Education.

Mr. President, the appropriations bill now before the Senate has gone through a long and careful process to reach the Senate floor. In developing this legislation, the committee held 19 days of hearings taking extensive testimony from administration witnesses as well as from over 150 public witnesses. The priorities of the four authorizing committees that authorize programs included in this bill have been considered carefully as have the letters and requests the committee has received from 95 of the 100 Members of the Senate.

Let me repeat that. We have received letters from 95 of the 100 Members of the Senate.

The balance I believe we have achieved in this legislation is the fact that the bill cleared both the subcommittee and the full committee without even having a rollcall vote. Every effort has been made in this legislation to accommodate the Members' interest.

And Mr. President, I want to add as an aside that obviously there is a lot of interest in this bill. Senator Specter and I and the other members of the subcommittee worked very hard to try to balance all these interests in some sort of an equitable fashion. Obviously, there are some who will say, well, they did not get enough. Well, quite frankly, we had some constrictions we had to operate under and I am going to talk about those.

Our Subcommittee on Labor, Health and Human Services, Education, and Related Agencies has a discretionary outlay ceiling of $49,237,000,000. The bill now before the Members has been scored by the Congressional Budget Office and the Senate Budget Committee, and we are exactly at this outlay ceiling.

Let me make this point very clear to Senators who are on the floor and may be listening.

Amendments that Members would make to this bill would need to have outlay offsets to be in order under section 302(f) of the Budget Act.

The bill as reported to the Senate totals to the amount of $157,399,228,000—$112,583,334,000 of this total is for mandatory programs included in the jurisdiction of the subcommittee, such as Medicaid, Medicare, guaranteed student loans, and black lung benefits. The committee has virtually no control over these mandatory programs since reduction or expansion of program benefits is under the jurisdiction of the several authorizing committees. The remaining $44,815,894,000 of budget authority included in the bill is for the discretionary programs under the subcommittee jurisdiction.

This legislation funds all the important health and human services programs, all the education programs, and all the welfare assistance programs of the Federal Government. Our former colleague, Senator Warren Magnuson used to call this the people's bill and my experience in chairing this subcommittee over the past year confirms that characterization. These are vital programs to the people of this country.

Unfortunately, we faced a very constrained 302(b) allocation which turned out to be $390 million less in outlays than was assumed in the budget resolution for our subcommittee. We also faced $1.8 billion in program eliminations and cutbacks that were proposed by the administration. For the most part we have restored these cutbacks. Needless to say without these constraints—the reduced 302(b) and the need to address administration cutbacks—we could have been much more generous to a lot of programs.

In this regard I could mention many programs that are meritorious of additional funding over the amount included in this bill. One such program is the Low-Income Home Energy Assistance Program. While we are $128.6 million over the request, we are $171.3 million below the House and $154.5 million below last year. This is a program that I believe should be funded at a higher level and I fully expect that this issue will be discussed further here on the Senate floor before third reading.

I will not take the time of the Senate to review this bill in detail but I would like to provide highlights for the Members.

For AIDS, we are $54.1 million over the administration request, and $62.8 million higher than the House. Within that total we have a $15 million expansion for pediatric AIDS and we have included $30 million of funding for AIDS-related drugs.

We have included $564,268,000 for maternal and child health, which is $10,000,000 more than the administration request.

For mental health research we have a $35.3 million increase over the administration and over the House. The scientific community is on the verge of major advances in mental illness and mental health research, and the committee wanted to support this momentum.

Immunization grants are increased by $27.9 million over the level requested by the President to reach more preschool children and add the hepatitis B vaccine to the program.

We have included $1,200,000,000 for child care services, to be available for obligation late in fiscal 1990, based on Senate-passed authorizing legislation.

Mr. President, one issue I know has already come up. The amendment was filed last evening by the Senator from New Mexico, and I am certain others will be interested in this, and that has to do with homeless funding under this bill. There are those who say we really ought to increase it. I happen to agree. I think that we ought to fund more of the homeless programs.

But, again, keep in mind that we had to balance that with a lot of other things, plus there is a lot of funding for homeless that is not specifically under that specific title but is in other titles like community service block grants and other programs where we do, in fact, have additional money for the homeless.

But let me point out that, for the 10 programs assisting the homeless funded by the bill, we provided a $45 million increase over last year, or a 57-percent increase over last year. That is the largest single percentage increase of any program in this entire bill.

So, we went the extra mile to try to get as much money as possible for the homeless programs, a 57-percent increase over last year.

The Head Start Program is increased $250 million as requested by the President. The committee has urged that a portion of this increase should go to provide salary increases for Head Start workers.

For the National Institutes of Health, we are $183.7 million over the administration request and $568.3 million over last year.

For the several programs that assist the elderly we have added $83.5 million over the administration request.

For job training programs, we are $139,368,000 over the President, with increases primarily for the Job Corps and dislocated worker assistance.

Programs for the handicapped gain by $160 million over last year's level.

Chapter I compensatory education programs for the disadvantaged are funded at $5,080,762,000 or $501.6 million over fiscal year 1989.

The administration proposed terminating a number of activities including the community services block grant, the Targeted Jobs Tax Credit Program, health professions programs, the Biomedical Research Support Grant Program, and impact aid, "b." We have restored funding for those programs.

On drugs, an additional amount has been included as agreed to in the Byrd amendment and that money has been set aside pending the outcome of just what the Senate is going to do, either on the Byrd proposal, the President's proposal or whatever compromise comes out of that.

These are some of the highlights, and there are more. But instead of taking more of the Members' time, I would like to yield to Senator SPECTER for any opening statement he may have.

Before Senator SPECTER begins his statement, however, I would like to thank him and his staff for their very expert and cooperative assistance throughout the process this year. It has indeed been a good experience in working with Senator SPECTER and for that I want to express my appreciation for his close cooperation in working with us to get this bill out.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, at the outset, I thank my distinguished colleague, Senator HARKIN, the distinguished chairman of this committee, for his very kind comments. I commend him and congratulate him for the outstanding work he has done on this very difficult appropriations bill.

Mr. President, looking at the field of Labor, Health and Human Services, and Education, it is obviously a massive field. With the budget shortages at hand, it has been an extraordinarily difficult job to weigh all the competing demands and make an evaluation as to where these funds ought to be allocated.

Our budget has a tremendous sum of money, looking at it in absolute terms; some $157-plus billion in budget authority. However, 72 percent of that amount in mandatory programs for which the funding levels are set by law, some $112.6 billion. The remaining $44,814,894,000 allows us to make certain allocations on Labor, Health and Human Services, and Education.

Regrettably, there is simply not enough money to go around with all the demands with which we are confronted.

The task was made even more difficult because after the budget resolution was adopted, the funds were reallocated in the Appropriations Committee to the detriment of this subcommittee, with some $393 million being taken from us in budget outlays, which has made a very difficult task virtually impossible.

We have made the allocations as best we can and even as we speak, some of the determinations are not final because efforts are being undertaken to make changes to try to put more funds into drug-related programs on the so-called demand side, and into education programs.

As it is known, negotiations are going on regarding these programs.

The subcommittee has worked, Senator HARKIN and I, and our very able staffs, and we have made allocations that have been approved by the full subcommittee, ultimately by the full committee, and now come to the floor; increases in funding on a number of drug related programs, and education programs related to drug issues.

We have made significant increases in job training, which I believe, and others concurred, including the chairman, that were very fundamental. My own State has shown problems regarding job training, with western Pennsylvania suffering very substantially from dislocated workers, workers who have been ousted from their jobs by imports, in many cases unfair imports; for example, the steel industry. And the coal industry. We have had job displacement and we have tried certain programs to fill in the void there.

In the southeastern part of the State, we have an anomalous problem of having a labor shortage area. At the same time, we have as many as 300,000 people who are unemployed. The job here is to try to match job training and skills for the unemployed so that they can qualify for the jobs which are available. An area where we might get business to help out is certain demonstration programs, which have been included within this year's budget.

We have taken a close look at the medical issue. We have allocated more money for mental health where there have been some remarkable scientific strides. There is great value for the extra dollars spent.

We have made significant additional allocations for AIDS. We have made a start of a program on lead poisoning. This program in very important for infants that eat paint and suffer from lead poisoning. We tried to move in a helpful area there. We have provided for refugee assistance where refugees face the anomalous situation that when they could not get out, they were welcomed; when they could get out, they were unwelcomed. When they could not get out, refugees were persecuted. As soon as that changes in the Soviet Union and they are permitted to leave they lose refugee status and they are not permitted to enter.

The United States has a great many people, for example, Soviet Jews, who are being held in Italy, so-called parole status. We have added some funding here to try to bring relief.

We have added some funding on mine safety and black lung and have tried our best to make allocations along a number of very important lines. That does, however, Mr. President, leave many vital programs in an underfunded category.

We have insufficient funding for low-income home energy assistance, and we have tried to work additional funds into that very important program, known as LIHEAP.

Just before starting the presentation this morning, Senator HARKIN and I were discussing an additional amendment to try to add some extra funds to LIHEAP because of the urgency of that program. There are so many things that we have not been able to give adequate funding to that I will not seek to enumerate because it will be impossible to do justice. The ones omitted will obviously be slighted by the omission in having identified their needs as being unfulfilled.

Mr. President, many of the needs in our country are not going to be solved by financing out of Washington, DC, and I think this is especially true on the drug issue. There are massive efforts being made with many lines on the drug problem with an effort on the supply side to stop or discourage the growth of coca leaves in South America, efforts of interdiction, efforts to strengthen strike forces on the streets to arrest drug sellers, efforts to have additional jails for detention before trial or prisons for those convicted after trial.

We have funds here for rehabilitation and education, but I believe that in the long run, the most immediate benefits on the drug problem will come from an educational approach where Americans will educate other Americans.

This is a subject that I will speak to at a time later in the proceedings. Specifically, I wish to speak later to the subject about the desirability of more intensive drug education programs by States and local education authorities and perhaps the need for Federal intervention on some mandated programs. I am hopeful that this will not be the case. There is currently a prohibition, and I will discuss that further, as I say, when there is a lull in the action and we have a quorum call. We have too many of these lulls in the course of our proceedings when amendments are not offered. The Senate customarily then faces, as we did last night, a flurry of activity keeping the Senate in session into the late hours.

Hopefully, we will be able to move through this bill in an expeditious manner. We will urge our colleagues who have amendments to offer to come to the floor at the earliest possible moment. There are some other comments, however, I will make as we may necessarily have those quorum calls during the later course of the proceedings on this important bill.

We invite the comments of our colleagues so we can move through to final passage.

I thank the Chair, and yield the floor.

Mr. HARKIN. Mr. President, I want to thank my friend and colleague for his kind remarks in my behalf and again for his close cooperation in working together to get this bill to the floor.

At this point, Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc with the following exceptions: page 16, line 18 through page 17, line 4; page 18, lines 19 through 24; page 74, line 13 through page 75, line 18; and page 44, lines 8 through 14.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc with the following exceptions: page 16, line 18 through page 17, line 4; page 18, lines 19 through 24; page 74, line 13 through page 75, line 18; and page 44, lines 8 through 14.

Mr. HARKIN. Mr. President, I ask unanimous consent to lay aside the excepted committee amendments for the purpose of offering two amendments that have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 814

(Purpose: To add funding for the Low Income Home Energy Assistance Program, offset from State Legalization Assistance Grants)

Mr. HARKIN. Mr. President, I send the first amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 814.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, line 22, strike out "$1,228,654,000" and insert "$1,278,654,000".

On page 38, line 6, strike out "$241,044,000" and insert in lieu thereof "$423,044,000."

Mr. HARKIN. Mr. President, this amendment adds $50,000,000 to the Low-Income Home Energy Assistance Program [LIHEAP], offset by an equivalent outlay reduction in State Legalization Impact Assistance Grants [SLIAG]. The revised total of $1,278,654,000 for LIHEAP will still be below the $1,400,000,000 in the House-passed bill, but it will bring us closer to resolving our differences in conference.

Fifty-seven Senators have asked the Appropriations Committee to increase the Low-Income Home Energy Assistance Program [LIHEAP], which keeps millions of our most vulnerable citizens from freezing in the winter, and prevents exposure to dangerous heat in the summer. The President's budget recommended a cut, from the current level of $1,383,200,000, down to $1,100,000,000.

Yet current funding only services 25 percent of the eligible households. More than 18 million households eligible nationwide do not receive energy assistance, due to inadequate appropriations.

This program services the most impoverished families in our society, too often faced with the choice between putting food on the table and heating their dwellings. Over one-half of program recipients had annual incomes below $6,000, with annual energy costs exceeding $900.

Due to past cuts, program benefits have declined to an average or only $213 per household, yet this money still provides the crucial difference necessary for basic survival of 6 million American households. Thirty percent of recipients are low-income elderly persons. Since funds are so limited, waiting lists are compiled, with priority given to emergency situations, such as cases involving sick children and the disabled.

Since 1985, this program has suffered a cutback of more than one-third, from $2,100,000,000 down to its current level of $1,383,000,000. I wish we could do better, but it is my intention to come out of conference with a figure as close to the $1,400,000,000 House allowance as possible.

The reduction of $182,000,000 in State Legalization Impact Assistance Grants is on top of the $241,044,000 reduction already recommended in the committee reported bill. The total cutback of $423,044,000 is thus slightly above the $400,000,000 cutback recommended by the President. From the $870,000,000 in fiscal 1990 funds, this would still leave $446,956,000 available for distribution to States for legalization assitance grants. On top of these funds, the States have still not spent $1.6 billion in appropriations made available during the last two fiscal years.

So far, only $236 million has been spent from the $1.8 billion in prior years funds. Furthermore, another $1 billion remains to be made available in fiscal 1990. There appears to be more than enough available to meet the purposes for which these funds were intended—to offset the health and education costs to States of assimilating aliens legalized under the 1986 Immigration Act.

Mr. President, I urge adoption of this amendment.

Mr. SPECTER. Mr. President, I concur with my distinguished colleague, the chairman. It is an anomalous situation. I had my colleague, Sentor HEINZ, make a presentation personally of the letter signed by 57 Senators. I said to my colleague, "John, why did you not ask me to sign that letter myself?" He said, "That might have been a little untoward."

Around here we are very anxious to try to accommodate a program like low-income energy assistance. We have stretched, turned, and twisted. I think this addition is well warranted.

FUNDING LEVELS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM [LIHEAP]

Mr. LIEBERMAN. Mr. President, I do not envy my colleague from Iowa, who has had to make many very difficult decisions regarding funding levels for a number of very important programs. I say that I do not envy him because I know that his budget is finite and in order to increase funding for an existing program or to create a new one, there must be cutbacks in other valuable funding categories.

While I understand the limits under which the chairman must operate, I, nonetheless, must ask that he reconsider his position with regard to the Low-Income Home Energy Assistance Program [LIHEAP]. Funding for LIHEAP in the bill we are considering is $1.228 billion. The bill passed by the other body had a level of $1.4 billion. The difference between the two amounts is significant, particularly since LIHEAP is a program designed to help the poor and elderly.

According to data from the Department of Health and Human Services [HHS], more than 60 percent of LIHEAP recipients have an annual income of $6,000. In Connecticut, 45 percent of LIHEAP recipients are elderly.

The latest HHS annual report says that these families spend an average of 13 percent of their income for energy, more than four times the average household spends for energy. These families and the elderly desperately need LIHEAP funds to pay for essential energy services.

LIHEAP protects the health of individuals by paying a portion of winter heating and summer cooling bills. If program cutbacks result in less access to energy and inadequate winter heating/summer cooling, this can lead to hypothermia or hyperthemia. Thus, cutbacks in LIHEAP can result in loss of life or additional costs in Medicaid. An unfortunate corollary to this is that in order to pay for their energy needs, often the elderly will deprive themselves of food.

Although we have experienced moderate winters for the last few years, we can't continue to rely on that to offset fuel costs and cutbacks to programs such as LIHEAP. In fact, LIHEAP is presently serving less than 35 percent of eligible households. In addition, given the 31-percent cut in funding during the past 3 years, many States have already lowered eligibility standards, reduced program benefits, and/or shortened the coverage period.

Oil overcharge funds, which Connecticut has used to offset LIHEAP cuts, are nearly exhausted. The small amount of additional oil overcharge funds that States have received in recent months cannot offset the proposed cut to the LIHEAP Program contained in this bill. One severe winter would endanger the lives of many low-income families.

I, therefore, hope that the chairman will accede to the other body in conference. Their higher funding level is only $17 million above the fiscal year 1989 funding level and below the Senate passed budget resolution for this year.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 814) was agreed to.

AMENDMENT NO. 815

(Purpose: To Increase Funding for the U.S. Institute for Peace)

Mr. HARKIN. Mr. President, I send the second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 815.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, line 1, strike "$181,092,000" and insert "$180,825,000"; and strike "$29,217,000" and insert "$28,950,000".

On page 69, line 19, strike "7,800,000" and insert "8,000,000".

Mr. HARKIN. Mr. President, this amendment will add $200,000 to the amount in the bill for the U.S. Institute for Peace. That would bring the level up to $8 million, or $7.8 million. We found an appropriate offset for this. We further reviewed, since markup, this budget. We believe this small addition is greatly needed.

Mr. SPECTER. Mr. President, I concur. Had we had all the facts before us at an early time, including this request, $200,000 would have been added earlier. Now is an appropriate time for this amendment.

The PRESIDING OFFICER. Is there further debate?

If not the question is on agreeing to the amendment.

The amendment (No. 815) was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 816 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 16, LINE 18

(Purpose: To require educational programs dealing with AIDS or sexual activity to be designed to reduce exposure to and transmission of the etiologic agent for AIDS)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. CRANSTON] (for himself and Mr. MOYNIHAN), proposes an amendment numbered 816 to the excepted committee amendment beginning on page 16, line 18.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following new section:

SEC. . Notwithstanding any other provision of this Act, AIDS education programs that receive assistance from the Centers for Disease Control and other education curricula dealing with sexual activity that receive assistance under this Act—

(1) shall not be designed to promote or encourage, directly intravenous drug abuse or sexual activity, homosexual or heterosexual; and

(2) with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information; and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

Mr. CRANSTON. Mr. President, I will be brief. This amendment has been cleared on both sides of the aisle. This is the same amendment that we offered last year to the Labor-HHS appropriations measure concerning aids education programs. This amendment takes a rational and realistic approach. It says that the Federal Government should not fund programs that are designed to promote sexual activity—homosexual or heterosexual. Our amendment would also require federally funded education programs regarding AIDS to provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

At the same time, Mr. President, our amendment clearly and emphatically would require that all education materials "be designed to reduce exposure to and transmission of" the virus that causes AIDS. That, after all, is the purpose of any AIDS education effort. The Federal Government should be doing all it can to support and encourage the development of programs that will slow the spread of this deadly virus.

Our amendment was adopted last year by a vote of 61 to 37. There were numerous attempts to delete our amendment but they were not successful.

Mr. President, the Senate and full Congress has spoken on this issue. The provisions contained in our amendment are virtually identical to provisions also adopted in the Health Omnibus Programs Act, which passed last year. Among other things, that law provided a 3-year authorization for AIDS education programs.

To summarize, the amendment we are offering will simply make the appropriations bill before us consistent with current law. It is identical to the amendment the Senate overwhelmingly passed last year to the appropriations measure.

I urge adoption of the amendment.

Mr. HARKIN. Mr. President, earlier when I asked unanimous consent that the committee amendments be agreed to en bloc with certain exceptions, I read the exceptions, but I forgot to add the request that the bill as thus amended be considered as original text for the purpose of further amendments provided that no point of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have just conferred privately with Senator CRANSTON to advise him that staff work had not been completed on clearing his amendment. His representation as to the history from last year, of course, is accurate. I think it most appropriate at this time to read the full amendment, which is a very brief amendment, so that all Senators will be on notice and that if anyone has an objection, they can come and lodge it, say, within the course of the next hour or so. I think it will be acceptable, but just to be sure, I think it ought to be handled in that way. The amendment provides:

Notwithstanding any other provision of this Act, AIDS education programs that receive assistance from the Centers for Disease Control and other education curricula dealing with sexual activity that receive assistance under this Act—

(1) shall not be designed to promote or encourage, directly intravenous drug abuse or sexual activity, homosexual or heterosexual; and

(2) with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information; and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

This was the language, Senator CRANSTON stated, that was agreed to in order to not promote these activities through the educational process. I just want to alert all Senators that this will be accepted in the course of the day, say, by 1 o'clock, if no objection is raised.

Mr. CRANSTON. Mr. President, I think I will ask for the yeas and nays, which we could vitiate. If we find there is no objection and no other amendments will be offered on this topic, we would then vitiate the yeas and nays. So I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. We will now wait and put this amendment aside, I understand, in accordance with what the distinguished Senator from Pennsylvania said.

Mr. SPECTER. I ask unanimous consent, Mr. President, that the amendment be temporarily laid aside until the hour of 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I thank the two Senators for their cooperation.

Mr. HARKIN. Mr. President, we are now at the point where we have the committee amendments adopted en bloc but for the exceptions that I read earlier. That was one, two, three, four exceptions. I urge that Senators who are involved in these exceptions please come to the floor to speak on them or to add amendments.

Mr. President, the first exception was a part of the bill that transferred certain land in the State of Oregon, which was in the bill, for a Job Corps site. Again, whoever is interested in that, I ask them to please come to the floor.

The next one dealt with exceptions on payments to certain rural hospitals, four rural hospitals.

The next one dealt with consultant services.

The last one dealt with the issue of abortion. So if those Senators could please come over and offer their amendments, we could get this bill moving along. Otherwise, it would be the Senator's intention to move to third reading.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. HARKIN. Mr. President, to give Senators at least a little bit of time to get to the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as I had said a moment ago, it was likely that there would be a quorum call and an opportunity to make some additional comments which I choose to do at this time. At the outset, however, I urge my colleagues to come to the floor to offer their amendments as promptly as possible.

Mr. President, with respect to the problem of drugs in America, there is no question that this is the most serious issue which this country faces on the domestic scene and perhaps beyond that even the most serious which the United States faces domestically or internationally. We have made and are making massive efforts to try to control drugs at all levels with efforts at eliminating, restricting the growth of the cocoa leaf in South America, the interdiction efforts, the efforts on law enforcement, jails and prisons. The most immediate impact, Mr. President, will come on the demand side with rehabilitation and with education. Rehabilitation, of course, is a lengthy process in and of itself and perhaps the most immediate benefits can come through the educational process.

In my State of Pennsylvania, legislation has been introduced calling for mandatory educational programs in the schools. I am hopeful that that legislation will be enacted.

This Senator has considered whether the Federal Government ought to mandate educational programs as a condition for the considerable Federal aid which the Federal Government gives to State and local governments.

This question was posed to the new drug czar, Dr. William Bennett, and Dr. Bennett referred to the legislation on the subject which, as is well-known, prohibits the Federal Government from mandating curricula and then raised the question in the hearing about 2 weeks ago as to what the Federal Government would control next.

I believe, Mr. President, it is undesirable for the Federal Government to get into the field of mandating curricula, but the drug problem is so serious that it might be necessary to make an exception. Exceptions are always dangerous because once you open the door then who knows what comes next. It would be the hope of this Senator that States would mandate drug education programs and do it with sufficient specificity so that at all levels of our society, drug education programs are put in place. In addition, beyond the activity of the States to mandate drug education programs, local units and school boards ought to be actively moving into the field of drug education.

Mr. President, I would suggest further that what is necessary in the United States is a massive educational program where Americans in effect educate other Americans. A program where we do not leave that responsibility solely to the schools but look to a situation where we seek to educate each other and apply counter peer pressure to try to persuade our peers, whatever our lines may be, not to engage in drug-related activities.

This program will be designed so that factory workers will talk to factory workers, young lawyers will talk to young lawyers, accountants will talk to accountants, housekeepers, homemakers, would talk to their peers so that there would be an effort at all levels to move toward informing people about the dangers of drug use, how serious they are, because even though we surmise that they are known, they are not as well known as they ought to be.

Along that line, Mr. President, I intend to utilize a substantial block of my time on the question of drug education in the schools. I, like so many of my colleagues, spend time in my State visiting schools, talking to students about a variety of problems which come out of Washington, DC, and a variety of problems which face the students.

For the immediate future, however, this Senator intends to devote his activities to informing students about the nature of the drug problem. Toward that end I am planning to be in Pittsburgh tomorrow if my schedule will permit it, but certainly on Monday to make a trip to central Pennsylvania to visit Steelton High School in central Pennsylvania, and later in the day in York, PA, and beyond that in Lancaster, before returning to Washington on Monday.

Mr. President, the kinds of subjects which I intend to discuss and to call to the attention of the students with whom I speak will relate to the dangers of drug use. I call upon all Americans to, as I say, educate other Americans. There are certain behavioral characteristics which accompany the use of alcohol and other drugs to excess. The other drugs that I refer to, the ones most commonly in use, are cocaine, cocaine derivatives, alcohol, and heroin.

I see other Senators have come to the floor, Mr. President. I will therefore interrupt these comments at this time to utilize my time, as I will be on the floor all day as one of the managers of the bill, to resume this theme of Americans educating other Americans. But since other Senators are present to transact business, I yield the floor at this time.

Several Senators addressed the Chair.

AMENDMENT NO. 817

(Purpose: To prohibit the use of funds for the implementation of proposed rules, relating to the classification of rural referral centers, and for other purposes)

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending committee amendment will be laid aside, and the amendment by the Senator from Idaho will be reported.

The clerk will report.

The assistant clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 817.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 6, strike "$241,044,000" and insert "$301,044,000".

On page 48, between lines 16 and 17, insert the following new section:

"SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R. 36485), relating to the classification of rural referral centers.".

Mr. McCLURE. Mr. President, the amendment I am offering is very simple and one that I think should be acceptable.

On October 1, the Health Care Financing Administration intends to issue final regulations which will cause major financial problems in larger rural hospitals, the hospitals designated as rural referral centers. Under these regulations, some 25 percent of all rural referral centers will lose that designation and will be reimbursed under Medicare at the lower rural rate.

I think there has been a lot of discussion in the Congress about the need to eliminate the urban/rural differential in general. The changes we made in the Medicare system in 1983 have had an unintended consequence—they have devastated health care in rural America. Every one of us has had hospitals close in our States and I am urging my colleagues today to not let this situation get even worse.

Rural referral centers are those hospitals that are serving a large area. They are larger and have more sophisticated equipment and specialized personnel than their smaller, rural counterparts. Idaho has seven rural referral centers and they are located in cities that range from about 20,000 to 50,000 residents. These seven hospitals alone serve over 50 percent of Idaho's population and they cannot survive with lower Medicare reimbursement. That is the simple truth—they will not survive.

The House has already recognized the need to retain rural referral center classification until we can achieve a national payment rate and eliminate the difference between urban and rural reimbursement. The House reconciliation bill contains a 3-year grandfather provision for rural referral centers that were so designated by October 21, 1986. It is my understanding that the Senate Finance Committee is seriously considering doing the same.

I introduced a bill in the Senate to provide for a 5-year grandfather and it currently has 32 cosponsors. I think that is proof that there is considerable interest in rural referral centers in the Senate.

The problem now is timing.

HCFA is intent on implementing the regulations, knowing full well that Congress will address this issue during reconciliation. If we do not fix this problem now, we are going to have to fix it later with a grandfather provision that will have to be made retroactive to take care of those hospitals that lose funds starting October 1.

The Congressional Budget Office informs me that his amendment will require an offset of $15 million and I have found that offset in the State Legalization Impact Assistance Grants [SLIAG] Program. The President's budget proposed to "withdraw" $400 million of the 1990 SLIAG allocation to States on the assumption that the States needs were less, as demonstrated by their low rate of expenditure. In 1988 and 1989, less than 15 percent of the funds were expended. We are just not finding that this money is necessary and therefore, my amendment also provides that the funds appropriated for fiscal year 1990 for the SLIAG be reduced by $60 million, the amount recommended by CBO. Even with the offset from this amendment, SLIAG is still receiving nearly $100 million more than the President recommended.

As I stated, my amendment is very simple. It simply prohibits the use of funds provided through this bill from being used to implement these regulations. Until we can eliminate the difference between urban and rural reimbursement, we ought to at least not make the situation any worse by taking away funds from rural referral centers.

I urge the adoption of this amendment.

Mr. President, this amendment has been discussed with staff on both sides. There is an appropriate offset for the amount of money that would be required. I think there is no objection to the amendment. I will take no further time of the Senate at this time if I am correct.

Mr. HARKIN. Mr. President, the Senator is absolutely right. There is no objection on this side. We are happy to accept the amendment.

Mr. SPECTER. Mr. President, I understand Senator McCLURE's amendment will delay HHS regulations from being promulgated for 1 year. The regulations refer to rural referral centers and there is the expectation that this issue will be clarified in the reconciliation bill which is coming up.

Mr. McCLURE. The Senator is correct. All this is intending to do is plug the gap between October 1 and adoption of the reconciliation.

Mr. SPECTER. What is the offset?

Mr. McCLURE. It comes from the SLIAG allocation to the States on the assumption that the States need less than required by that sum.

Mr. SPECTER. What is the approximate amount, if I may inquire?

Mr. McCLURE. $60 million.

Mr. SPECTER. That is for the period in question between now and reconciliation?

Mr. McCLURE. That would be the entire year.

Mr. SPECTER. The expectation is it would be adjusted on the reconciliation bill which we expect to have in the next several weeks?

Mr. McCLURE. The Senator is correct.

Mr. SPECTER. The amendment is acceptable on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 817) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, like the other Members of the Senate I have been reviewing this appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. It is a very large appropriations bill for fiscal year 1990. It is a total of $157.4 billion, an increase of $14.8 billion over fiscal year 1989 and an increase of $3.4 billion over the President's budget request.

The Members need to look at those numbers and look at the numbers behind the bigger figures. It is a very important appropriations bill for three very large departments and for a number of related agencies.

We need time to consider this legislation and offer amendments to have it properly debated. But what I want to talk about today really relates back to yesterday. I thought the Senate handled itself poorly yesterday. We were in session last night with amendments at 9:30 and at 10 o'clock with motions to table. The Members had all day to offer those amendments. But no, they show up when the Sun goes down. I do not understand this. When it is daylight, when we should be debating, discussing, and amending legislation, where are the Senators with their amendments? Then like the bats at night—we are nocturnal I guess—6 o'clock, 7 o'clock comes, everybody shows up with their amendments.

I do not think it serves the institution well. It does not serve the Members well. The quality of the debate goes down. The attitudes deteriorate. It certainly is not good for the Members' relationships with their families. It is ridiculous.

I am not blaming the leadership on one side or the other. Maybe both of them. I blame us, the Members of the Senate. It is incredible to me that we cannot find the time to come over and offer amendments on a multibillion-dollar bill during the day, and we show up at the last minute at night to start offering these amendments. We look terrible. We do not properly legislate.

What I am urging our colleagues to do; if you have an amendment, bring it to the floor of the Senate, let us debate it, discuss it now and let us vote now. Let us not wait until tonight at 7, 8, 9, or 10 o'clock and come dragging in with amendments. You cannot have one Senator holding up 99 Senators on an issue involving billions of dollars. Let us get going here.

I would urge the handlers of the bill to be reasonable, consider every Member's needs and desires, but at a reasonable point, at a directed time, go to third reading, and let us pass this thing or let us defeat it.

There is no sense in this. This is September 21, my colleagues there are 9 days left in this fiscal year.

Last year we passed all appropriations bills. We passed accolades all over this body and in the House because we had done our job. Are we going to do it this year?

It looks might bad to bring up appropriation bill after appropriation bill, have a few amendments, and then set them aside.

We need a drug agreement to move these appropriations bills. Let us get a drug agreement, let us do it in a bipartisan way or do it in a partisan way. But let us get on with it.

It is ridiculous that we cannot reach an agreement on an issue like drugs and how much we are going to be able to afford to spend and how. Let us reach that agreement. I am not condemning anybody involved. They are doing the best they can. Let us get going, get an agreement, and get it today.

Let us get these appropriations bills through. The alternative is going to be a sequester. How many of you are going to want an across-the-board cut? If we cannot pass these appropriations bills and keep them within the budget and do what we need to do on reconciliation, we could have a sequester.

I think this is getting very serious, getting out of hand. I am a new Senator, I acknowledge that, but I have been here 8 months now, and I just cannot stand mute any longer about the way we do business when it is not even necessary.

So I am prepared to debate amendments, and I am prepared to vote. And if we drag it along, I guess I will be like anybody else. I'll go back to my office and conjure up an amendment. But there is no reason why we should not be through with this bill by 6 o'clock tonight, one way or the other.

Mr. HARKIN. If the Senator will yield. All I can say is amen. We stayed here yesterday. I missed open house at my daughter's school last night because we stayed around last night. No one offered amendments. Here we are today, and we have this multibillion-dollar bill that affects every Senator in the body. We made four exceptions to the committee amendments, and I asked Senators to come over that had problems with those committee amendments.

We are here and ready to debate them and do whatever the body wishes to do with them, and, yet, as the Senator can see, we have a pretty empty Chamber right now. The Senator is absolutely right. It is frustrating to sit here.

Mr. LOTT. I feel for the two Senators handling this bill. You have done good work, and you are waiting. It is not just a question of convenience. We are ready to do what is necessary for our country. We do not want to worry just about convenience. It also affects the quality of what we do, the quality of the debate, and how the votes occur.

So I commend the Senators, but I am joining them in urging the Senators to come on over here and offer these amendments, and if they do not, I urge you Senators to wrap it up and let us vote.

Mr. SPECTER. If the Senator will yield.

Mr. LOTT. Yes.

Mr. SPECTER. I would associate myself with all of the remarks of Senator LOTT, except for the one about his going back to his office and conjuring up an amendment. Short of that one particular comment, Senator, I think the remarks are well articulated.

I had made similar comments at the outset, saying that we urged our colleagues to come to the floor. I have made a few comments to fill up some of the spaces when there is a lull in the action. There is no doubt about the difference in perspective in this Chamber at noon as contrasted with midnight. We are very likely to be here 12 hours from now if somebody does not heed the admonitions which the Senator has just spoken. I thank the Senator.

Mr. LOTT. I thank the Senator. I would like to ask him a couple questions after first making a comment. The comment is, let us not be here at midnight. Wait a reasonable time and let us wrap it up. Vote yes, or vote no. When Members are urged and encouraged and begged to come over, if they do not come, they miss the chance.

Mr. SPECTER. Is the Senator moving for a third reading?

Mr. LOTT. I am about ready to. I would like for the managers to do it. Somebody ought to do it one time to change the attitude around here. Will the Senator yield for a couple of questions about the funding of the bill, as long as there is nobody else here, and I guess we are just filling time, maybe we can talk about the subject a little bit.

This bill is an increase of $14.8 billion over fiscal year 1989 and $3.4 billion over the President's request. I assume you are going to tell me that it is within the budget resolution. Would either Senator like to comment on that?

Mr. HARKIN. We have met exactly our 302(b) allocations. I said in my opening statement that if any Senator had anything to add, they had to find corresponding offsets.

As the Senator knows, there were some pretty tough choices we had to make. We tried to balance the interests. These were all worthwhile programs, but because of budget constraints, we could not meet all of the demands that were out there. So we had to try to reach some accommodations.

Yes, the Senator is correct. We are within our 302(b) allocations.

Mr. LOTT. Let me ask, I know there are some areas where there is a minimal increase and some areas where you actually propose less than in the previous year. But a $14 billion increase overall in 1 year is a pretty substantial jump. Could the Senator mention a couple of the areas where the biggest increases have occurred?

Mr. HARKIN. I am sorry?

Mr. LOTT. A $14 billion increase in 1 year is a pretty good, substantial jump. I know some programs have been raised and some were lowered. I assume there are two or three areas where there was a need to have a substantial increase. Could the Senator indicate a couple of those areas?

Mr. HARKIN. I would respond to the Senator that of that $14 billion, over a vast proportion is mandatory programs over which we have no control. The money flows through the subcommittee, but we cannot do anything about it. These are mandatory programs. Out of that, I am told, there is about $3.6 billion in new spending.

Mr. SPECTER. If I might supplement that, the figures are these. As I have reviewed them on the discretionary funding last year, the figure was $40,101,430,000. This year on discretionary, it is $42,435,541,000. So the increase is in the range of $2.3 billion for the discretionary funding. The balance of the funding comes, as noted by Senator HARKIN, under the mandatory programs, over which the committee has no discretion.

Mr. LOTT. I presume, in answer to my own question, in addition to what the Senator provided, it looks like there is about a billion-dollar increase included for the Department of Education. Is that correct?

Obviously, we have some programs where we needed some increase in education. I am inclined to support that. But I would like to note, as I understand it, there has been a $1 billion increase for the Department of Education, about a one-half-billion-dollar increase over 1989, for compensatory education for the disadvantaged. There is about a $1.5 billion increase there.

How about in the health area, for instance? I assume that AIDS has had a substantial or at least some increase over the previous year?

Mr. SPECTER. There has been a substantial increase in AIDS. I respond to Senator LOTT that it is in the range of $300 million.

The Senator is correct with respect to the education allocation, which last year was $22,722,644,000. This year it is $23,715,136,000. So there is virtually a $1 billion increase there. If you take the billion dollars for education, the $300 million for AIDS, that accounts for $1.3 billion of the somewhat in excess of $2 billion increase in discretionary funding. Mental health also has received a significant increase, because we have found that the scientific advances have been so remarkable in the immediate past, that that is a very efficient use of those dollars.

Mr. LOTT. I thank the Senator from Pennsylvania, and I commend him for his work in a number of those areas, particularly in mental health.

I conclude, Mr. President, by making particular reference to increased funding for merit schools and magnet schools of excellence. We need compensatory education. But I also think in America we have to have special programs that would give our children the opportunity to excel.

I know one particular school in northern Virginia, Thomas Jefferson High School, is doing a magnificent job with superior students in math and science and computer technology. They lead the country in national merit finalists.

I do think that while we want to bring disadvantaged children, children with learning disabilities, up so they can compete with the average students, we must have magnet schools of excellence, merit schools, opportunities for investments in these very high quality programs, that will not only serve to benefit those students but the future of our country in so many science and technology areas.

I yield the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The pending question is the first committee amendment.

It is open for amendment. The Cranston amendment has been laid aside to 1 o'clock. If there is no further debate on the first committee amendment——

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 18, LINES 19 THROUGH 24

The PRESIDING OFFICER. Without objection, the first excepted committee amendment is set aside and we will proceed with the second excepted committee amendment.

The amendment by Senator CRANSTON is a perfecting amendment to the first amendment.

Mr. HARKIN. It has been set aside to 1 o'clock.

The PRESIDING OFFICER. It has been set aside so the Chair has called for the second excepted committee amendment.

Mr. HARKIN. That is right.

The PRESIDING OFFICER. Is there debate on the second excepted committee amendment? There being no debate on the second excepted committee amendment, the Chair will put the question.

All those in favor of the second excepted committee amendment—does the Senator from Iowa have something?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 816 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 16, LINE 18, THROUGH PATE 17, LINE 4

The PRESIDING OFFICER. The pending business before the Seante at this time is the Cranston amendment No. 816, a second-degree amendment pending to the excepted committee amendment on page 16, line 18 through page 17, line 4.

Mr. HARKIN. Mr. President, we announced earlier an agreement that the Cranston second-degree amendment, would be postponed or laid aside until 1 o'clock. That has now ripened. We are now on that pending second-degree amendment.

I am hopeful, if anyone has anything to say about it, they would get over here. We would like to move ahead. We have now been on the bill 2 hours and we have not even disposed of the committee amendments. I am hopeful, Mr. President, that we can move ahead expeditiously. I only ask that in the next few minutes, if anyone has anything to say about the Cranston amendment, they hurry and get here or I am going to sit down and let the Chair put the question. With that, I suggest the absence of a quorum again, Mr. President.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I rise in support of the Cranston amendment. The truth is that I am not sure we need to set forth any detailed prescriptions in this area. However, I think this amendment can serve the useful purpose of ensuring that the Federal Government continues to fund effective, targeted AIDS education that will get the job of AIDS prevention done, while at the same time, allaying any concerns that Members of the Senate might have regarding not using Federal funds for materials that are designed to encourage sexuality, homosexual or heterosexual.

AIDS education is of critical importance. All public health experts agree that the main tool we currently have to fight AIDS is effective and targeted education. This is a disease which can be stopped—if we can simply educate individuals how to protect themselves from transmission of HIV, the virus that causes AIDS.

Approximately 2 years ago, a restriction was placed on the fiscal year 1988 Labor-HHS-Education appropriations bill with regard to AIDS educational materials, providing that such materials could not promote or encourage homosexual activity and had to emphasize abstinence from all homosexual sexual activity. Public health officials and community health educators from across the country expressed concern that this provision, perhaps inadvertently, had a chilling effect on the development of effective AIDS educational materials, partly as a result of community groups self-censoring the materials they produced.

In response to these concerns, my colleagues Senators ALAN CRANSTON and TED KENNEDY offered and alternative provision which was adopted as part of the fiscal year 1989 Labor-HHS-Education appropriations bill. That provision, which is the same one we have before us today—and which we should adopt again today—adds a few crucial terms. The provision states that Federal funds may not be used for AIDS educational programs that are designed to promote or encourage any form of sexual activity, homosexual or heterosexual. Thus, while this provision appropriately states that it is not the role of the Federal Government to fund materials intended solely to increase sexual activity—of whatever kind—the provision makes the concomitant statement that AIDS educational materials which are designed to bring about effective behavior change are indeed intended by Congress to be funded. This ensures that effective AIDS materials will be developed and hopefully eliminates any possible chilling effect.

I would also like to note that a similar provision was added to S. 2889, the omnibus AIDS authorization bill passed last year, with regard to both AIDS educational materials and counseling. That provision similarly stated that funds may not be used to provide educational programs or counseling that are "designed to promote or encourage, directly, homosexual or heterosexual sexual activity or intravenous substance abuse."

Mr. President, this is a familiar provision that has been offered by Senator CRANSTON. It is one that we should adopt. It is one that will move forward the program of education to prevent the spread of this terrible disease that we are all trying to prevent.

To a significant extent, therefore, we do not even need to add this provision again, but because there has been a provision offered, we want to be certain that this identical provision is in this bill so that it is very clear to all of the agencies that the Congress' intent is a clear one, from all bills, from all statements, so that the Centers for Disease Control which administer these funds, and the organizations that receive these funds, will know that Congress' clear intent is that the Federal funds should not be used for materials solely to increase sexual activity but at the same time Congress intends that materials that are designed to prevent the further transmission of HIV through targeted messages should be funded.

Indeed, the provision includes an additional subsection explicitly stating that AIDS educational materials and programs should be designed to provide accurate and effective information that will encourage the behavior change necessary to stop transmission of HIV.

As a final point, I would like to strongly encourage the Centers for Disease Control to review this provision and to issue new guidelines that appropriately reflect the intent of Congress in this regard. From the latest information I have received, the CDC is still using old guidelines promulgated on the basis of previous provisions.

Education is a critical weapon in the fight against AIDS. We in Congress must always be careful that actions we take in this area further the fight against AIDS and do not impede it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIDS EDUCATION

Mr. GLENN. Mr. President, I rise in support of the amendment offered by Senator CRANSTON to ensure that accurate educational information, information that will curb high-risk behavior and the spread of the AIDS virus, can continue to be provided by federally funded organizations.

With no known cure for AIDS, prevention is all important. This makes education crucial in our fight against this tragic and devastating disease. Congress has been willing to greatly increase funding for AIDS education and prevention activities. We need to let the experts who are working with high-risk groups use this money in ways they believe will be most effective in their local communities.

When I spoke on this issue last year, I presented information obtained in response to a Governmental Affairs Committee survey from 42 States, 3 cities, and 1 territory about the adverse impact of the restrictions in the fiscal year 1988 Labor-HHS-Education appropriations bill on their ability to provide effective AIDS education. Many respondents contended that they had to reject effective materials and instead use materials that were less explicit and culturally sensitive. Some health officials stated they were unable to reach individuals with low literacy skills who need explicit visuals and pictorials. These problems are especially acute when trying to reach homosexual and bisexual men, intravenous drug abusers, and persons in minority groups with information about the risks of certain behaviors and how best to avoid those risks.

Because of these difficulties, I joined a majority of my colleagues in passing an amendment to the fiscal year 1989 Labor-HHS-Education appropriations bill which we are attempting to preserve today. Current-law language strikes an appropriate balance by ensuring that educational material funded by the Federal Government does not directly promote or encourage homosexual or heterosexual activity or intravenous drug use. It does allow funding for educational programs aimed at reducing exposure to and transmission of the AIDS virus by providing accurate information, including information on the health risks of promiscuous sexual activity and intravenous drug abuse.

Education is the most potent weapon we have in our struggle against AIDS. We need education programs that provide the facts about this disease and that promote safe behavior. I urge my colleagues to support the pending amendment. This will allow community-based organizations, the frontline in our fight against AIDS, to continue to provide the most accurate and appropriate educational information available. This is our best hope to stop the spread of this killer virus.

Mr. HARKIN. I believe we are ready to vote, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

There being no further debate, the question is on agreeing to the amendment of the Senator from California to the first excepted committee amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announced that the Senator from New Mexico [Mr. DOMENICI] is absent on official business.

The PRESIDING OFFICER (Mr. BURDICK). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 99, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—99

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—1

Domenici

So, amendment (No. 816) to excepted committee amendment on page 16, line 18 through page 17, line 4, was agreed to.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Will the Senator yield for just a moment? I do not intend to offer an amendment. I merely want to make a brief statement.

Mr. President, if I may have the attention of the Senate, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President, I thank the Senator from Pennsylvania for his courtesy. I note the presence of the distinguished Republican leader and the managers of the bill on the floor. I would just like to say to Senators we have been on this bill now since 11 o'clock this morning and this is the first amendment that has been offered. We find ourselves in a familiar circumstance: Senators complain about being here late in the evening but then when we are here during the day Senators say they intend to offer an amendment; you cannot proceed to dispose of the bill, but then they do not come over to offer their amendment. As a consequence, we will be in session again late tonight.

We have been here for 3½ hours without disposing of a single substantive contested amendment, although there are several Senators who say they have them and urge that we cannot act.

Mr. President, I should just like to say that if Senators have amendments, they have an obligation to the Senate and to their colleagues to come and present their amendments.

This bill is not a surprise to anyone. I wrote every Senator in early August and stated that we would be taking up these appropriations bills when we returned. This bill passed the House in July. So there is nothing here that is a surprise to anyone.

It is this type of inactivity or lack of sensitivity to the concerns and convenience of others that persuades me that we are going to have to change the rules in the Senate to require people to respond or else we will just go ahead and dispose of these bills. We simply cannot continue to inconvenience 99 or 98 Senators for one or two who are unwilling to be present to present their amendments. If a Senator is sufficiently interested in the bill to present an amendment, he ought to be willing to be present to offer the amendment.

Mr. President, this is a familiar complaint, I know, so I call upon someone who has made it more often than I and ask if he would join me in it, the distinguished Republican leader.

Mr. DOLE. Never with great success. But I do believe the majority leader is correct. I am going to ask staff on our side to try to identify the amendments and hopefully then we will make personal phone calls. I will call them myself if necessary. We have contacted one Senator who will be here in just a few moments. I know Senator HEINZ is waiting to offer an amendment. I am very willing to help. I do not mind staying here until midnight if there is some reason for it, but I hate to stay here to midnight to accommodate some Senator who does not want to offer an amendment in the afternoon.

We had 30-minute speeches last night at 11 o'clock. I was not here. That is fine. Some of you were. So I hope we could do our work and complete it earlier this evening.

I know the majority leader needs to finish this bill. It is going to depend on cooperation. We only have two remaining after this one. If we could settle the drug component, we could pass a lot of these bills tomorrow morning or late this evening and get to conference.

I want to accommodate the majority leader and I want to accommodate the managers. Senator HARKIN and Senator SPECTER have worked hard on this bill. They have been on the floor since 11 o'clock. Most of the time there have been two lights on, a quorum call, no activity, nobody would come to the floor. So I have asked Senator SPECTER to help me identify amendments.

I understand that we have Senator HUMPHREY, Senator COATS, and Senator HELMS, and I will encourage each of them to come to the floor with their amendments. Maybe they can be agreed to. If not, we will vote on them.

I thank the majority leader.

Mr HEINZ. Will the majority leader yield for a comment on his suggestion?

Mr. MITCHELL. Certainly.

Mr. HEINZ. I want to agree with both leaders on this. I remember going last night to the majority leader, together with Senator ARMSTRONG, querying the advisability of the famous window we had last night from 7:15 to 8:45, and I know the majority leader sincerely wanted to transact business. I came over to transact some business about 7:30 and there was not a single Senator on the floor. There wasn't anyone to transact any business with, which must have been a great disappointment to the majority leader. It certainly was to all the rest of us who were hoping we could make some progress during that window.

It is going to become much harder for the majority leader to get windows, if there is no business transacted during those window periods. I know he wanted it transacted, but the rest of us—I will exclude myself from the comment—did not cooperate. Not what all of us have a 100-percent record in cooperating on that score, but I am here today to do what I could not do at 7:30 last night.

Mr. SPECTER. If the majority leader will yield.

Mr. MITCHELL. Yes.

Mr. SPECTER. Mr. President, while I have the majority leader and the Republican leader on the floor, it is my suggestion that this is a good occasion to give serious thought to a rule change or practice change to move a head with the consideration of these bills.

Senator HARKIN and I have been here for 3 hours 26 minutes, and the vote we just had was not a contested vote. We were prepared to go by a voice vote on this matter. There were some Senators on the floor offering discussion. They were complaining about the absence of business. We had a stream of comments on this floor noting the late night last night, while nobody was on the floor to offer any amendments.

When I discussed the matter with the majority leader, he asked me if there were any amendments, and I said I thought there were quite a few 10 p.m. amendments. That is the category of amendment that comes forward late at night.

There is really no point in keeping Senators on the floor managing a bill which does not require management. I told a staff member I was leaving this afternooon, and she was in wonderment. I said my maximum time was 2 hours a day, and it was already 2½ hours. I think we ought to bear down and take the matter up in our caucuses.

To the Republican leader I say that I intend to bring up a proposal next Tuesday to see if we cannot find support on our side, and I hope that the Democrats would do the same, so if there are no amendments, we go to third reading and we either pass the bill or reject the bill.

Mr. MITCHELL. I share the Senator's view. Senators should be, by now, aware of this phenomenon. There is in baseball a curious phenomenon where some players are 200 hitters in the daytime and 400 hitters at night games.

In the Senate, I have found the same phenomenon applies with respect to speaking and length of speech. We have plenty of 200 hitters in the daytime here, but we have several 400 and 500 hitters at nighttime.

Once we get into these late-night sessions, the number and length of speeches increases exponentially. If Senators like to be here at 9, 10, 11, 12 o'clock at night, and transact business then, instead of 2 or 3 o'clock during the day when we transact business normally, then they will continue to delay and let the 400-hitters have a field day late at night.

I have tried very hard to maintain a decent orderly schedule here. The only way it can be done is if Senators cooperate. We have today a dramatic example of a lack of cooperation, if Senators say they have amendments but are not present to offer them.

Mr. NUNN. Mr. President, I might say we have a few foul-ball hitters late at night, too.

One suggestion, and I have heard a number of Senators on both sides talk about it, several a few minutes ago talked about it, is to have a rule change which would permit managers, with the leadership, to take up each title, title by title, and when you pass the title, you have passed your time for being able to consider that. A lot of parliamentary bodies do that. It is not uncommon at all.

Then you can have a leadership exception where both leaders get together, if somebody has no chance to bring his up for some uncontrollable reason; but if you started this plan and started down each title of this appropriation bill or each division of it, then you would be 90-percent through by now, and people would have either come over here, or you would not have done it.

I think we can make a few rule changes, and it would make an enormous amount of difference.

Mr. MITCHELL. I have been waiting for a proper time for a critical mass to develop in support of such changes. I think we are almost there.

Mr. NICKLES. If the majority leader will yield, I compliment the Senator from Georgia. I think that is an excellent statement. It would make the Senate work quicker and would cause people to be here earlier in the morning and would make a much more orderly process in going through some of these larger bills, when you are talking about the Department of Defense and HHS, and $140 or $150 billion, $155 billion. I think it would make eminent good sense to go through on a title by title basis. Once you close the title, you close the title.

Mr. MITCHELL. Mr. President, I thank my colleagues. I especially thank my colleague from Pennsylvania, who had sought recognition prior to my doing so.

The PRESIDING OFFICER. Senator HEINZ.

Mr. HEINZ. Mr. President, earlier today the Labor-HHS Subcommittee adopted an amendment to increase the amount of money in the low-income home energy assistance program [LIHEAP] by some $50 million from the number that was originally authorized to be appropriated of $1.228 billion to $1.278 billion.

I believe that amendment was offered by Senator SPECTER, the ranking minority manager of the bill. As a very strong proponent of the low-income energy assistance program, I commend him for offering that amendment and for improving the amount of money that would otherwise be before us in this bill for a very needy population.

But I am here to offer an amendment to go farther than that. While the amendment this morning is an improvement, it leaves us far, far behind where we were last year. Indeed, it leaves us better than $100 million behind what was appropriated last year by the Congress, at a time when energy prices have, unfortunately, been rising. It leaves us an additional $160 million below the current services level of approximately $1.44 billion that would be needed to fund this program if all we want to do is maintain the same level of assistance to the needy people that have been helped previously.

I want to talk about who these people are, Mr. President, because I am not sure that we always remain thoroughly focused on who it is we are trying to help, and when we use the term needy—we use it all the time—exactly who it is we are talking about.

Let me put it this way: We are talking about a household, say a family of four, with an annual total income of $6,184. I will repeat that. A family of four with an annual income of $6,184. That family, on average, is spending $942 a year on energy—$375 on basic heating and cooling costs alone.

How much help does that family get under the fiscal year 1989 appropriation? Or, if we were to give the family current services—and we are not giving them current services—the answer is, on average, $213. Fifty-two percent of those households, Mr. President, have children, children of the largest poverty group in our Nation; 40 percent, most of the rest, contain an elderly person; 14 percent contain a handicapped person. Paying $213 out of a $942 annual heating bill for people who earn or have an income of $6,148 is scarcely meeting our responsibilities.

Now, there is a perception that the oil glut has somehow moderated prices. The oil glut, over the last several years, Mr. President, has moderated price increases. It started out moderating prices. But over the last several years, ironically, as we have been cutting back in the amount of support for the low-income energy assistance program, what we have done is seen price increases in residential fuel oil, natural gas, and electricity. And that is why, combined with the fact that this program has been cut some 34 percent in nominal dollars since fiscal 1985, that the poor remain unable to pay their utilities.

I have a chart here that might help make the suggestion a little more clear to anybody who is watching. I do not know if it can be seen, but on the right are all elderly households. Average income of an elderly household, $21,390. And there is a large pie here representing all that income, and a small dark slice, which represents the proportion, the percentage, if you will, which that family spends on home energy. That little dark piece there—not the gray but the black—is about 5 percent of that household income.

On the left, we have a low-income, elderly household, by the way, whose average income is below that $6,184 I mentioned. Their average income is $5,003, and as you can see, there is a large black slice out of their family budget—some 17.7 percent, $940, going to home energy.

When we talk about the kind of slice that the energy cost takes out of the budget of the low-income, elderly household, Mr. President, we are talking about something more than just the trimmings of fingernails; we are talking about a slice that goes deep and right to the quick.

Mr. President, I said earlier that the committee puts some money back in here, but we are still, as I say, $160 million below current services. Even if we were at current services, what we would find is that among those eligible families, such as the ones I was just describing, we are defraying no more than about 40 percent of the heating and cooling cost of those families.

Excuse me, let me correct that. Back when the program was fully funded, Mr. President, we were defraying as much as 40 percent of the heating and cooling costs of eligible families, but this year, at these levels, we will be defraying under 15 percent of those heating and cooling costs, which do not even account for much of total home energy cost incurred by the poor.

Right now, the funds that we he can spend reach fewer than 7 million families. Out of a population of some 23 million families that are eligible to receive these benefits nationwide, less than a third of the people who we say ought to be helped are getting any help at all.

Mr. President, there were some 57 Members of this body who signed a letter to Senator HARKIN and Senator SPECTER—perhaps they would have signed the letter to themselves as well—urging the committee to appropriate current services so that we would not do less than we are doing, little as it is, in the coming fiscal year.

I am not unappreciative of what the two Senators have done in restoring $50 million, but it is still too little.

Mr. COHEN. Mr. President, I want to take this occasion to express my support for the amendment offered by Senator HEINZ to increase the funding for low-income energy assistance payments, and express my disappointment in the funding level approved by the Senate Appropriations Committee for this program.

I also want to express my compliments to the Senator from Pennsylvania, Senator SPECTER, and to Senator HARKIN, who in fact raised the level by some $50 million to $1.2 billion. But the fact of the matter is this is not enough. This program has been cut every single year since 1986. The funding has been reduced some 30 percent since that time.

I must tell you that it has had a devastating effect and impact upon the ability of States and local community action agencies to provide adequate energy assistance to the most vulnerable citizens we have in our country, to the elderly and the poor who face very harsh winters and very steep, rising energy bills.

To give you an example, in Maine, the funding for the program has dropped from $27 million in 1983, to $18.5 million this year. A recent study reported that not even half the Maine households eligible to receive aid under the program would be served. Some 51,458 households in the State received aid as of June 30 of this year, but many more could be served.

If the Senate funding level is accepted, Maine is going to lose an additional $2 million. That is going to seriously affect its ability to reach those who are most in need of assistance.

The State is facing a Hobson's choice—either serving fewer people or reducing the benefit levels. That is a dilemma that I do not think any State should have to face.

The funding shortage in this program falls most heavily on those with fixed incomes, those least able to deal with it, and as a result, we are forcing many people to choose whether to eat, to heat, to buy prescription drugs, or to take care of other necessities.

The Federal Government has a responsibility to help and not hurt. But that is where we find ourselves today as a result of the funding reductions over the years.

The fact remains that energy prices are rising, they are not falling. Those households who receive energy assistance payments pay a greater proportion, four times as much, of their incomes for energy bills than average households.

Mr. President, a great many people have come into the State of Maine during the past several months, and it is almost unanimous, I would say it is unanimous, that they all enjoy the State. They pay Senator MITCHELL and myself great compliments about what a beautiful State we have.

They enjoy the escape from the urban heat. They take their vacation in, indeed, Vacationland. But the fact of the matter is we have long, harsh winters. The people who come to the State of Maine to enjoy our beautiful summers do not face those long, harsh winters.

The people who live there, who face the winters, are doing so on less and less money, and less ability to make the kind of choices that I mentioned earlier. I think we have an obligation to increase the funding.

I hope that the amendment of the Senator from Pennsylvania, in fact, is accepted, and I hope that, during the conference on this measure, the Senate will recede to the funding provided in the House legislation.

I thank the members of the committee here who have offered support in the past, Senator SPECTER in particular, and I thank the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I compliment the distinguished Senator from Maine on his comments. I agree with everything he has had to say, including the fact that many visitors come to his State and take part in its attractions. I have not been there in the winter, but I had occasion to be there for the launching of the Gettysburg, and I can attest to the beauty of Maine.

We face extraordinarily difficult choices, as the Senator knows, in this budget. There was a reallocation of the budget resolution taking $393 million from this subcommittee. Had that not been done, there would have been more money for low-energy fuel assistance, as well as other important items.

Senator HARKIN and I have searched for more money, and we added $50 million earlier today. The Senator from Maine was one of the leading signers of the letter urging more money.

When Senator HEINZ was on the floor with the $50 million, we said that we would search for a way to accommodate him, but we had a question about the offsets which he had selected. The figure we have is substantially under the House figure which is $1.4 billion. I repeat what I have said: We will do everything we can to meet the House figure, and we really ought to do better, and we will try to do that.

I thank the Senator from Maine for his comments.

Mr. HEINZ. Mr. President, I have an amendment which I will send to the desk and which I ask to be reported.

The PRESIDING OFFICER (Mr. LEAHY). Does the Senator from Pennsylvania move to set aside the pending amendment by unanimous consent?

Mr. HEINZ. Mr. President, unless there is objection, I would ask that the pending amendment be set aside.

Mr. HARKIN. Mr. President, reserving the right to object, we do have these pending amendments that we have to get out of the road. I do not want to stall the Senator from offering the amendment, but I would like to get on with the pending amendments. I have not seen a copy of the amendment. I really do not know what the amendment does. So I am constrained to object.

Mr. HEINZ. If the Senator will permit me, I will withhold asking the clerk to state the amendment. I will describe it, and then the Senator will be in a position to make that judgment.

The PRESIDING OFFICER. The Chair would advise the Senator that as the amendment has been offered, he would have to withdraw it, and then, of course, be able to resubmit it.

Mr. HEINZ. Mr. President, I am withholding the amendment at the present time.

The PRESIDING OFFICER. The amendment is withheld.

Mr. HEINZ. I am sending it as soon as practicable after I describe it to the Senator from Iowa. He is quite right on this. This body deserves to know exactly what is in the amendment in order to make a judgment as to whether we should set aside the pending business.

Mr. President, what this amendment does is reduce by $22.75 million amounts for departmental management for the Department of Health and Human Services and the Department of Education and in effect, take the spending savings, which is a lower amount because of the spendout rate, and transfer it, some $15 million, into the low-income home energy assistance program.

Specifically, we reduce the departmental management funds for DHHS by $10.25 million and for the Department of Education by $12.5 million. In both cases, however, this amendment still allows them to have significant increases in the amount of funds available for departmental management. It does not reduce the overall amount. It permits significant increases, and, in addition, of course, would increase the amount of money available for the low-income home energy assistance program by $15 million, after adjusting for the estimated spendout rates of all programs.

So the amendment that I offer is budget neutral. Frankly, I would like to offer a much larger amendment. I would like to have more money for this program, but we have very little to work with when it comes to making it budget neutral, at least at this point.

I would hope that the managers of the bill might be prepared to accept this amendment, and I would welcome their commentary on it.

Mr. HARKIN. Mr. President, if the Senator will yield for a question, I would like to ask where the Senator is getting the money. Evidently he is increasing it by about $15 million. Where is he getting the money?

Mr. HEINZ. From two accounts: One is from the departmental management account of the Department of Health and Human Services in the amount of $10.25 million. It would be a reduction in that account by that amount. And also from the account for departmental management for the Department of Education a reduction of $12.5 million. That adds up to $22.75 million. The spendout rate for funds so appropriated is about 60 percent. That yields about $13.6 million in outlays. That amount, since LIHEAP spends out at about 91 percent, permits appropriation of some $15 million in budget authority for the low-income home energy assistance program, which is what the amendment proposes to transfer.

Mr. SPECTER. Mr. President, I totally agree with my distinguished colleague about the desirability of adding funds for low-income energy assistance. We have already added earlier today some $50 million. It certainly is true that it is hard to say, what sum is sufficient in view of the tremendous needs of that program.

I have some reservations about the accounts from which my distinguished colleague would withdraw those funds. As Senator HARKIN has noted, we have not had an opportunity to make an inquiry as to what would happen in those departments.

The other side of it is that if we add $15 million more to low-income energy assistance. We are really searching for the cutoff point candidly. It is our expectation that we will be looking to recede to a much larger House figure. However, at least until we had an opportunity to make a determination as to what the impact would be on the accounts which would be reduced, I would be reluctant to see the amendment go through.

It is always possible, I might say to my colleague, Senator HEINZ, that we might find an additional $15 million elsewhere which might have a less onerous impact, and I certainly do commend him for his perseverance. I am just wondering if we have started with $35 million we might not be up to $50 million.

Mr. HEINZ. Will the Senator, my friend and colleague, yield?

Mr. SPECTER. I yield.

Mr. HEINZ. I said before, I commend the Senator from Pennsylvania and the Senator from Iowa for having already increased this account by $50 million. I am most appreciative of their stated willingness to work in conference with the House to increase it further.

But I must add a cautionary note that the House bill on this account is in fact less than current services. The House number is $1.4 billion exactly. Current services would be $1.44. So even if you were able to recede entirely to the House, frankly, we would be beneath where most of us think that we ought to be. Therefore, there is no way that we can make our number too high until we get to the current services level. There is not enough money on the House side as it is.

Mr. SPECTER. If my colleague will yield, I think he is making a good point. The effect of that is we would be doing something meaningful only if we increased the figure in excess of the $1.4 billion we currently have.

Mr. HEINZ. I am prepared to offer an amendment of that size if the Senator would be prepared to support it.

Mr. SPECTER. Is the Senator proposing to offer a modification to that effect? The addition of $15 million would bring the figure still under $1.4 billion. I believe the current figure is $1.278, as I last saw the numbers. I say it is not easy to keep all those numbers in mind. If we were to add $15 million it would still be well below the $1.4 billion in the House.

Might I make this suggestion to my colleague, that we take a look at the impact on the reduction in the accounts and perhaps see if we can find another offset which would be less troublesome? If we could do that, my own inclination, and I have not had a chance to consult with Senator HARKIN on this, would be to accommodate Senator HEINZ' request and add the additional sum of money as he has asked.

Mr. HEINZ. Mr. President, I am most appreciative of that offer. I do not know if it is a unilateral or bilateral offer.

Mr. SPECTER. We will soon find out.

Mr. HARKIN. Bilateral.

Mr. HEINZ. Bilateral offer. That is the best kind.

I will withhold the amendment at this time so that we may all counsel and seek additional information and see if there is a better way of paying for it. But I am delighted there is general support and appreciative for going further than we have been able to go so far.

I thank the manager of the bill for his courtesy and understanding.

Mr. SPECTER. I thank my colleague. If we could have a few moments to speak to this I think we could perhaps work out something acceptable to all parties.

Mr. HEINZ. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair and momentarily I will send to the desk an amendment.

The PRESIDING OFFICER. I am sorry. The Chair did not hear what the Senator said. I apologize.

Mr. HELMS. I will speak a little louder so the distinguished occupant of the Chair may hear me.

The PRESIDING OFFICER. I can hear you fine.

Mr. HELMS. Southern accent and all.

Mr. President, momentarily I will send to the desk an amendment which will serve the very good purpose of telling the American people that none of their money, their tax money, will be used to aid and abet the use of IV drugs.

This amendment puts the Senate on record opposing the use of funds, appropriated under this legislation to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach to clean those needles.

Mr. President, this language is identical to language which became law as part of the omnibus drug bill of 1988.

This attitude—and you can call it a get tough attitude if you wish—has the support of Bill Bennett and Secretary Sullivan. Indeed, the distinguished Congressman CHARLES RANGEL has introduced in the House of Representatives the Drug Abuse Treatment Policy Act of 1989 which would prohibit the use of Federal moneys for distribution of needles and bleach for the injection of illegal drugs.

Mr. President, a few years ago I read a report recommending that the Government dispense clean needles to drug addicts as a method of AIDS prevention.

Now I thought at the time, how absurd. Illegal drug use is killing and injuring untold thousands of Americans. And especially young Americans. This Nation has declared itself to be engaged in an all-out war against drugs. To date, we have spent over $5 billion to prevent or control the use of narcotics and other dangerous drugs.

It occurred to me that nobody in his right mind would embrace the idea of retreating from the drug war to take up arms against AIDS.

Yet that is exactly what has happened. State and local governments are now seriously reviewing—and at least one local government has in fact approved—a so-called clean needle program under which drug addicts are given needles for the purpose of using illegal drugs.

Drug use is immoral. It is illegal. It is killing thousands of Americans, as I have said.

As a matter of fact some Members of this body have held up the appropriations process because they argue that President Bush's war on drugs does not spend enough and is not tough enough. Well, here is your chance to put your rhetoric into action.

I have heard a great deal about how this Government has to do more for treatment. That is fine, but take a closer look at what is happening to the average American. Drug users are not the only ones dying in the drug war, Mr. President. The shopkeeper; the gas station attendant; the bankteller; the pedestrian; and thousands of others are dying at the hands of the drug addict. Drug use is feeding the fires of crime.

If you need any evidence of that, pick up a paper or turn on your television or radio and you will read or hear about one atrocious, violent crime after another linked to the use of drugs. If anybody ought to know about that, it is those of us who live in or near Washington, DC.

But there is another pathetic innocent casualty of the drug war—the babies who are born addicted to narcotics. In New York State alone, the New York State Division of Substance Abuse estimates that in 1987, 8,000 children were born to drug addicts and over 500,000 children under 18 live with parents who are drug addicts. Those figures have skyrocketed in the last 2 years.

Now distributing clean needles is not going to help that situation. It is going to exacerbate it. I like the way that Congressman RANGEL put it. He said, "Needle distribution puts public authorities in the business of death on the installment plan." That puts it as succinctly as one can put it.

New York City has a needles distribution program. It does not work. Police Commissioner Benjamin Ward condemns it. Sterling Johnson, the chief prosecutor of the New York Special Narcotics Division, calls the logic of giving needles to addicts ridiculous. He asked the pertinent question: How does one expect addicts who don't clean themselves to clean needles?

I will not take any more of the Senate's time. I think the issue is clear. Lets get tough on drugs not condone drug use.

AMENDMENT NO. 820

Therefore, I send to the desk an amendment on behalf of myself and Senator COATS, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for himself and Mr. COATS, proposes an amendment numbered 820.

At the appropriate place in the bill, add the following:

None of the funds appropriated under this act or any other act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection.

Mr. HELMS. Mr. President, is there a committee amendment pending?

The PRESIDING OFFICER. There is a committee amendment pending. This amendment is to the bill and not to the committee amendment.

Mr. HELMS. I ask unanimous consent that the committee amendment be temporarily laid aside.

The PRESIDING OFFICER. The unanimous-consent request is to lay aside the committee amendment. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT, PAGE 16, LINE 18 THROUGH PAGE 17, LINE 4 AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the excepted committee amendment on page 16, as amended.

The excepted committee amendment beginning on page 16, line 18 through page 17, line 4, as amended, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 18, LINES 19 THROUGH 24, AS AMENDED

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> "*Provided further,* That none of the funds appropriated shall be used to carry out sections 638, 704, and 705 of Public Law 100-607: *Provided further,* That user fees authorized by 31 U.S.C. 9701 may be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302.".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the second committee amendment.

The excepted committee amendment on page 18, lines 19 through 24, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent to lay aside the next two pending committee amendments in order to take up the amendment by the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, the next two pending committee amendments are laid aside.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may be allowed to speak as in morning business not to exceed 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASPJ—A PENTAGON EMBARRASSMENT AND DECEPTION

Mr. PRYOR. Mr. President, while the negotiators are busy discussing the pending amendment, I have received consent from them—and I am deeply appreciative—to address the Senate for not to exceed 6 minutes relative to an issue involving the ASPJ weapon system.

I think that this is a Pentagon embarrassment. I think also, Mr. President, it is a deception; in fact, I think it is a coverup.

I have received material, Mr. President, suggesting that this $4.8-billion Pentagon weapons system currently going into production is seriously flawed and should be put on hold. Test results on this particular program have been withheld by the Pentagon in an apparent attempt to get funding through Congress.

The troubled program is the Airborne Self-Protection Jammer, or the ASPJ. It is a new joint Navy-Air Force system for jet fighters which is supposed to deceive and jam enemy radar.

In August, over some objections, Pentagon officials voted to begin production of the ASPJ. My investigation of this system has found that the production go-ahead was made despite the fact that the ASPJ failed many of its operational tests. In short, Mr. President, we are now beginning production in a $4.8-billion program that does not yet work, but does have political momentum.

Mr. President, I want to raise a related issue. At my direction, my staff has been attempting for over a week to get test information on the ASPJ from the Navy, the lead agency, and from the Defense Secretary's Operational Test Office. In fact, this week, my staff went directly to the testing director's office and was denied copies of test information as it related to the ASPJ.

That office has now provided me only one of several requested documents. To date, I have received nothing—nothing—from the Navy. In my experience, Mr. President, withholding information from Congress usually points to trouble in a program, and trouble, Mr. President, is exactly what we are buying today with the ASPJ.

For example, if a pilot was assuming that he was protected from enemy radar and firing because his particular F-14 or F-16 had this jammer apparatus attached to it, and if, in fact, that jammer did not work, we would be subjecting our pilots to absolute and total destruction.

According to information I have independently collected, the ASPJ filed preproduction tests on its primary criteria. It failed on effectiveness standards, which measure whether it works against enemy radar; it failed on suitability standards, which is basically how reliable and maintainable the system is.

Further, I understand that the affordability of this particular system has been questioned by the Pentagon, but still the necessary orders were signed to allow it to go into production. Once again, $4.8 billion.

According to unclassified Navy test documents, Mr. President, that I have recently reviewed, last spring the Navy testers reported, "The ASPJ is marginally operationally effective. In order to become potentially effective, ASPJ effectiveness must be improved for all threats not meeting reference criteria.

Mr. President, the Navy testers went on to say that the ASPJ is only "marginally operationally suitable. In order to become potentially suitable, the following operational issues must be resolved satisfactorily: reliability, maintainability, BIT or false alarms, and human factors."

The Navy testers recommended against limited fleet introduction until corrections were made and verified through further testing.

Based on this type of information, showing that the system is, in fact, flawed, and over what I understand were serious misgivings by some officials, still the decisionmakers in the Pentagon, including the Navy and the Pentagon's weapons testing director, as recently as last month, recommended that production now begin.

Moreover, Mr. President, I am told that further testing of the ASPJ is not planned until over 100 of the $2-million-per copy systems are built. By that time, Mr. President, and we know the history of weapon production, the ASPJ will have developed its own constituency and it will be impossible from that time forward to curtail or reject further production even though the weapon is still flawed, or the radar jammer does not work.

Mr. President, all arrows point to a multibillion-dollar ripoff. I am calling for a General Accounting Office investigation of the ASPJ Program, including its testing, its effectiveness and its costs.

Mr. President, the Department of Defense appropriations bill does contain production funding for the ASPJ. The Appropriations Committee I think Mr. President, should be complimented for including report language directing that production shall not proceed until a DOD report on operational testing is submitted to the Congress.

I believe that we have discovered another Pentagon embarrassment: A potential waste of billions of dollars; a potential waste, Mr. President, that would also give a false sense of security to those pilots who fly the planes which will carry this particular radar jamming system.

What truly bothers me about this entire exercise is that Congress and the public have been kept in the dark about ASPJ and its related test problems. Now the Navy and Air Force are coming before us asking for $4.8 billion to begin production of this faulty system. This has cast a very bad reflection upon our military leaders and is offensive to our form of government. I hope to have the support of my colleagues in this particular effort.

Mr. President, I would like to quote from the first paragraph of my letter today to the Comptroller General, which I will ask unanimous consent be printed in the Record:

Dear Mr. Comptroller General: I am deeply concerned about the decision by the Department of Defense to proceed into production of the Airborne Self-Protection Jammer (ASPJ). According to the information I have gathered, this decision was made despite operational test results that indicate that the $4.8 billion system is not ready for production. These tests suggest failure on effectiveness standards (its ability to perform its required jamming mission), reliability standards (how long it functions between failures in the field), maintainability standards, and the system's so-called Build-in Test function.

Accordingly, I request that the General Accounting Office commence a thorough review of all testing of the ASPJ, to include the Test and Evaluation Master Plan (TEMP), how the tests were conducted, and the results of the tests * * *.

Mr. President, I ask unanimous consent that my letter to the Comptroller General be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Governmental Affairs,
Washington, DC, September 21, 1989.
Hon. Charles Bowsher,
Comptroller General of the United States, Washington, DC.

Dear Mr. Comptroller General: I am deeply concerned about the decision by the Department of Defense to proceed into production of the Airborne Self-Protection Jammer (ASPJ). According to the information I have gathered, this decision was made despite operational test results that indicate that the $4.8 billion system is not ready for production. These tests suggest failure on effectiveness standards (its ability to perform its required jamming mission), reliability standards (how long it functions between failures in the field), maintainability standards, and the system's so-called Built-in Test function.

In light of testing problems and questions about the affordability of the project, at the very least, further testing before production is called for. Current DOD plans, however, call for low rate production, with tests not planned until 1991 when more than 100 of the $2 million units will have been produced or will be in production.

This is contrary to the Defense Secretary's push to enforce so-called exit criteria in the procurement process and Congress's push for success in operational testing before production begins.

Accordingly, I request that the General Accounting Office commence a thorough review of all testing of the ASPJ, to include the Test and Evaluation Master Plan (TEMP), how the tests were conducted, and the results of the tests (i.e., identify criteria and the system's ability to meet those criteria). I would also ask that GAO review the life cycle and per unit costs of the ASPJ prepared by the Navy, Air Force, and the Office of the Secretary of Defense (I understand that there are large discrepancies between these analyses). Finally, I would like GAO to review the alternatives to the current ASPJ program.

In order that this report might help authorizing and appropriating committees in their FY91 budget deliberations, I would request that a communication on these issues be prepared for presentation by April 1, 1989.

Thank you for your assistance.

Sincerely,

David Pryor.

Mr. PRYOR. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 820

Mr. HELMS. Mr. President, while we think about some suggestions that have been given to us, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 820) was withdrawn.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74, LINE 13, THROUGH PAGE 75, LINE 18

The PRESIDING OFFICER. The question now occurs on the third excepted committee amendment on page 74, line 13 through page 75, line 18. Is there further debate?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, what is the pending business of the Senate, if I might inquire?

The PRESIDING OFFICER. The pending question is the third excepted amendment.

Mr. PRYOR. I did not understand the Chair.

The PRESIDING OFFICER. The pending question is the third excepted committee amendment.

Mr. PRYOR. Mr. President, I ask that all pending business be temporarily laid aside. I have an amendment I would like to send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 821

Mr. PRYOR. Mr. President, I have an amendment I send to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. Pryor] proposes an amendment numbered 821.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Sec. . (a) Not more than $26,840,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Labor; not more than $91,037,000 of the fund appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Health and Human Services; and not more than $45,415,000 of the fund appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Education.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. PRYOR. Mr. President, I rise today to thank and commend Senators HARKIN and SPECTER. They have included in the appropriations bill for the Departments of Labor, Health and Human Services, and Education my amendment to cap the amount of money which can be spent on consultant services. This amendment is identical to the amendment that I successfully offered to previous appropriations bills.

Mr. President, this amendment will be especially helpful to the Department of Education. Last year I attached an amendment to this appropriations bill that the General Accounting Office estimated would reduce spending on consulting services by the Department of Education by almost $10 million. After Education reviewed their budget, I received a nice letter informing me that the Department would be making no reduction in its consultant spending because all of its contracts were vital. This amendment will allow the Congress to review the vital consultant contracts that Education could not do without.

Mr. President, over the past 20 to 30 years, Federal agencies have grown more and more dependent on contractors to perform the most basic work of the Government. This has occurred for a variety of reasons. Some blame congressional actions and some say that it is appropriate to have contractors doing the work. Whatever the reasons, the result has been the creation of a hidden bureaucracy, not subject to the rules and regulations that govern the official bureaucracy.

This hidden bureaucracy writes reports to Congress, implements Government programs, evaluates Government programs, drafts regulations, and comments on GAO reports.

Furthermore, in this time of great concern over ethics, it is essential to realize that contractors and consultants are not covered by the ethical rules that govern the civil service. They are not covered by President Bush's proposed ethics package. They are not covered under the Ethics in Government Act.

Mr. President, while I think that consultants and contractors may have a role to play in making our Government more efficient, this widespread delegation of much of the basic work is unhealthy. It creates a buddy system and oils the revolving door.

What I propose is to use the Department's own figures to cap their spending on consultants. I think this is a reasonable and fair approach. Under current law, section 1114 of title 31, United States Code, each agency is required to include in its budget justification the amount of money which it requests for consulting services, as well as a list of appropriation accounts from which the money is to come and a description of the agency's need for consulting services.

The definition of consultant services will be the same as the definition provided by the Office of Management and Budget's Circular A-120.

To give the agency an accurate idea of what it is actually spending on consultant services, the amendment also requires the Secretaries of each Department to submit a quarterly report to Congress and the Comptroller General on the funds obligated and expended by the agency during that quarter. This report will provide the Congress with information on the types of services we are buying. Furthermore, the report will contain the reason the agency felt that no Federal worker could perform these jobs. The Comptroller General is then requested to review the reports submitted by the Secretary and make any recommendations that he sees fit.

Mr. President, let me emphasize that this year I am proposing to use the figures on consulting services the agencies themselves sent up to the Congress. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this simple approach will enable us to assure the taxpayers that the Federal Government is carefully monitoring the way we are spending their money.

Mr. President, this amendment is once again one of a series of amendments that I have offered to each of the appropriations bills coming to the Senate floor. It does relate to the use of contracting out for private consultants. In recent times we have seen that the request for use of private consultants has far been exceeded, sometimes 10 and 15 times by actual expenditures.

Mr. President, the Labor Department under this bill is asking for $26.8 million consultants; the Department of Health and Human Services, $91 million; the Department of Education, $45.4 million.

Simply stated, Mr. President, all my amendment says is, whatever the maximum request that each agency, each Department is asking the Congress for, we allow them to expend no more than they requested.

I think this amendment is in keeping with the spirit of this body attempting to make certain that if private consultants are actually utilized and contracted for, that these consultants will be justified, that we will know what they are doing, that we will know what they are being paid to do, and that we will also hopefully someday know what the result of their activity was as it relates to the general good of our Government and also the American taxpayer.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, a few moments ago, I sent an amendment to the desk, and at this point I ask unanimous consent to withdraw that amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment at this time. The amendment is withdrawn at this time.

The amendment (No. 821) was withdrawn.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, is the Pryor amendment the pending business?

The PRESIDING OFFICER. That amendment has been withdrawn. The pending amendment is the third excepted committee amendment.

Mr. HELMS addressed the chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 44, LINES 8 THROUGH 14

Mr. HELMS. A parliamentary inquiry to which I already know the answer. What is the pending business?

The PRESIDING OFFICER. The third excepted committee amendment.

Mr. HELMS. That is subject to amendment?

The PRESIDING OFFICER. Yes.

AMEMDMENT NO. 822 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 44, LINES 8 THROUGH 14

(Purpose: To prevent Federal funding for the distribution of needles and bleach for the injection of illegal drugs)

Mr. HELMS. I send an amendment to the desk and ask that it be reported.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS, for himself and Mr. COATS], proposes an amendment numbered 822 to the committee amendment on page 44, lines 8 through 14.

At the end of the amendment add the following: "None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection".

Mr. HELMS. Mr. President, I have already discussed this amendment. The managers of the bill know what it is precisely, as I offered it a while ago and then withdrew it, so I could contemplate which way to proceed.

I want Senators to vote up or down on this question of providing needles to encourage—that is what it amounts to—the intravenous use of illegal drugs, which is against the law in every State of the Union.

Now, in my earlier statement, I made the assertion—and I think I did it without any fear of contradiction—that the distribution of so-called clean needles will not help to diminish the atrocities that I described, conducted or committed by drug addicts.

Referring specifically to my amendment, I will remind Senators of the words of Congressman RANGEL over in the House who said not long ago, "Needle distribution puts public authorities in the business of death on the installment plan."

Let me point out that New York City has such a program. This program flat out does not work. The police commissioner, Benjamin Ward, condemns this sort of program, and rightly so, and Sterling Johnson, who is the chief prosecutor of the New York Special Narcotics Division, calls the logic of giving needles to addicts ridiculous.

Mr. President, inasmuch as I have made my remarks earlier I will confine myself to what I have just said.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when the distinguished Senator from North Carolina had offered this amendment a short while ago, we had had a discussion first in the back of the Chamber while Senator PRYOR spoke, and then later in the cloakroom. At that time, I expressed to the Senator from North Carolina my concern about the merits of his amendment and the context, that there had not been any hearing held in the U.S. Senate, I for one did not know whether the thrust of the Senator's amendment would be productive or counterproductive in stopping the flow of AIDS and other diseases.

The Senator from North Carolina has proposed that there not be any Federal funding for distributing sterile needles or for distributing bleach for the purpose of cleansing needles.

There is a considerable controversy on the basic question about whether it is wise on unwise to distribute sterile needles. Those who oppose that distribution say that it simply encourages more people to shoot dope by having more needles. Others say that there will be a shooting of dope either with clean needles or dirty needles, and it is better to have clean needles than dirty needles because dirty needles will simply spread more AIDS.

On this state of the record, Mr. President, I do not believe the Senate is in a position to make an informed judgment.

The comment was raised that the authorizing committee had been unwilling to hold hearings on this subject. Senator HARKIN, the chairman of our subcommittee, and I then made the comment that we would be willing to hold hearings. I think hearings ought to be held on this subject regardless of the disposition of these amendments this afternoon. But on this state of the record I think it is unwise to make a judgment.

This is a judgment which can be made legislatively, in my opinion, only by knowing a lot more facts than we know now. We cannot decide this in a short conference in the rear of this Chamber while another Senator is speaking. We cannot decide this in the cloakroom in the course of a few minutes. We need to hear evidence and we need more than an assertion about what is going on in the State of New York. I have some familiarity with the issue but I do not have enough familiarity to make a legislative judgment which is going to bind the distribution of funds from this appropriations bill which is going to set a precedent for other States to follow.

So I had suggested to the distinguished Senator from North Carolina that I would add a perfecting amendment which would say that it would be up to the Surgeon General and then we had a discussion as to whether the Surgeon General was sufficient or not, and the comment was made, well, the Secretary of Health and Human Services has taken a position in opposition to this exchange needle program.

Mr. HELMS. And Bill Bennett.

Mr. SPECTER. And Dr. Bennett I was about to add that.

I then made a suggestion, that I am about to put in an amendment after this amendment is voted on, which would leave the subject to both the Surgeon General and the Secretary of Health and Human Services.

I do not think it is feasible to leave it to Dr. Bennett because he is in a little different program and it is administratively cumbersome to put in two departments.

What I think appropriate for this body now is for him to crystalize these issues so the distinguished Senator from North Carolina receives a vote on his proposition, and I want my colleagues to know there, if the Senator from North Carolina is successful, there will immediately follow a second vote to try to economize the time of the Senators. Actually it will be not immediately following. There maybe a half dozen Senators here as we speak and if we say there is going to be a vote in 10 minutes we will have a good crowd and we can speak again. There will be a vote in a few minutes. We may have to limit ourselves and we can really have an audience which is a great rarety in this——

Mr. HELMS. Novelty.

Mr. SPECTER. I will accept the modification, which is a rarety in this great deliberative body. As the Senator will say it is so-called.

The amendment I would offer immediately after the amendment by the distinguished Senator from North Carolina if adopted would provide as follows.

I think the Parliamentarian for his assistance, and I think it would say. "Notwithstanding any other provision of this bill, funds may be appropriated under this act upon the authorization, consent, and approval of the Surgeon General and Secretary of Health and Human Services who certify that such programs are effective in stopping the spread of AIDS."

In that way I think we can get a resolution by this body. I am not saying that I disagree with Senator HELMS on what he is proposing today. I am saying that I do not know enough to make a judgment on it today, and Senator HELMS quite appropriately says let the Congress speak on the subject. Let us not leave it up to the Secretary of Health and Human Services or the Surgeon General.

And my response to that is, at least speaking for this legislator, they presumptively know more than I do on this subject. If they do not we are all in bad shape, and we may be.

But that is the sequence of events which I would suggest, and the Senator from North Carolina has the yeas and nays.

I just want to put my colleagues on notice so that it will be on the sheets that another vote will occur within a few minutes, not more than 15 minutes, and then we may have another short discussion and resolve the matter.

Mr. HELMS. Will the Senator yield?

Mr. SPECTER. I yield.

Mr. HELMS. While we are voting on the Helms-Coats amendment, would the Senator consider making it read "when the President certifies," because the President, who is unique in this country, has available to him all the advice and counsel rather than the Secretary of HHS and Dr. Bennett or whoever? Will you say that?

Mr. SPECTER. That is an interesting idea. Would the distinguished Senator from North Carolina accept that as a provision on his amendment?

Mr. HELMS. No.

Mr. SPECTER. We can skip two votes.

Mr. HELMS. I am just saying the President would be far better than having two different individuals because the President will have access upon request from everybody in the Government who had anything to do with drugs. I would recommend that to the President and to the distinguished Senator.

Mr. SPECTER. I would agree with Senator HELMS that the President would be a better person to certify than both the Secretary of Health and Human Services and the Surgeon General, but it is because of the quality of Senator HELMS' argument. I would even be so audacious to suggest that the President might know more about the subject even than some Senators and that is why I would renew my suggestion that we try to strike a compromise and save time and save two votes and perhaps get out by 11:45 tonight instead of 12:15 if the Senator from North Carolina would accept a provision that no funds may be expended for needle exchange, and so forth, unless certified as effective by the President of the United States.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the distinguished Senator from Pennsylvania has made an offer that I cannot refuse, that we will make the expenditure of funds contingent upon certification by the President of the United States. I am glad he came up with the idea.

Mr. SPECTER. I think it is a good idea.

Mr. COATS. Will the Senator from Pennsylvania yield for a comment on that?

Mr. SPECTER. Yes.

Mr. HELMS. I did not consult with by cosponsor.

Mr. COATS. I thought you were going to move to a vote, which I am going to support, but I would like to make a couple of remarks before we do that.

First of all, let me state that the amendment of the Senator from North Carolina is in no way either an untested or unreasonable amendment. I would guess that just about every Member of this body, including most Members of the House of Representatives, have already supported the language that is contained in that amendment because it is policy in the 1988 Antidrug Abuse Act. Specifically, section 2025 prohibits any State from using any Federal funds available to them under the Alcohol, Drug Abuse and Mental Services block grant "unless the State involved agrees that such payments will not be expended * * * to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection."

First of all, those of us who supported the 1988 Drug Abuse Act have endorsed specific language directly to the point of this particular amendment. Second, the House Select Committee on Narcotics has investigated the matter at length and held hearings on the subject. The chairman of that Select Committee on Narcotics, CHARLIE RANGEL, from New York, has not only endorsed this prohibition but introduced legislation designed to do just exactly what the Helms amendment would do.

I incorporated Representative RANGEL's language into a bill which I introduced just a few weeks ago called the Drug Abuse Treatment Policy Act of 1989. It parallels exactly with what Congressmen RANGEL, 30 cosponsors, and, I believe most, if not all, of the members of the Select Committee on Narcotics have endorsed. The program of distributing needles has been investigated, looked at carefully by the Committee on Narcotics and others, and has been discounted as an effective way of stopping the spread of AIDS. In fact, I believe the words of Chairman RANGEL were that the idea is "tragic, ill-advised, and illegal." He continued to observe:

> The only thing free needles would accomplish would be to continue addiction. It would sweep addicts under the rug, keep them out of sight and out of mind. It would put public authorities in the business of death on the installment plan, rather than developing the comprehensive treatment options needed to help addicts regain their dignity and give them a chance to lead productive, drug-free lives. It would do little, if anything, to halt the spread of AIDS.

First of all, I do not believe the language before us now needed to be modified. Second, I think, in the interest of the time of our colleagues and in the interest of moving the legislation along and the agreement now to add the certification of the President of the United States ought to be acceptable to all of us, and I add my support to the agreement.

Frankly, I think if we had gone ahead, we could have probably adopted the language in full. I just wanted my colleagues to know that this is not just some new idea that has come floating around, but it has been looked at carefully. I think we would be making a tragic mistake if we endorsed the concept of providing free needles to drug addicts who are potentially AIDS-infected around the country.

So, with that, Mr. President, I thank the Senator from Pennsylvania and yield back to him.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Indiana for his comments. The legislation which is pending today, however, does not seek to make funds available for needle exchange programs. There is no effort to do that in this bill. But there is a slightly different focus.

When an amendment is offered to stop any funds from being so expended, then a complicated question may arise as to some Department of Health somewhere which is getting some Federal funds and has some funds of its own, and they want to use it for a needle exchange program. It becomes complicated, and they look at this bill and see this language.

So the concern that this Senator has, as a manager for this side of the aisle, is what is going to happen with this bill.

Now, a great deal has been said on the floor this afternoon that I am unfamiliar with. I do not know what Congressman RANGEL has said about the matter. I am interested in what he has to say.

It is true that there had been provisions in the drug bill last year. But that bill was crafted in a big hurry. That bill was crafted here in October with a lot of provisions which did not have hearings and are not necessarily well tested. That is why I think my responsibility is to see to it that we do not enact something that we do not know about; or at least I am not going to give my stamp of approval to something that I do not know about. I believe that the manager has the responsibility to know what is being provided.

So that when the amendment comes up—and for those few people who may be watching on C-SPAN 2, they ought to understand that amendments may be offered on this floor without any prior notice, so that they may come up in an unprinted form. I am not saying this one was and I am not making any representations. But the rules provide that an amendment can be offered and it has to be considered at that time. There are 2 managers of the 100 Senators—there are usually 3 or 4 on the floor, the 2 managers and the Senator who offers the amendment, unless there is another Senator who is about to offer another amendment, in which event there are 4. As the saying goes, if you put a bowling ball through this place you would not strike a pin.

So the managers have the responsibility pretty much to responding on the floor of the Senate as to what has to be done.

When I looked at the amendment offered by Senator HELMS, I was not sure whether his idea was correct or not correct. My thought was it ought to be a decision by medical personnel. Then Senator HELMS had an additional thought. If he brings the President in and he gets Dr. Bennett as well as the Surgeon General as well as the Secretary of Health and Human Services, he gets one other factor that I am prepared to discount and did agree. It is a little more cumbersome to get the President's certification than it is to get the certification of the Surgeon General or the Secretary of Health and Human Services. And I understand that.

Mr. HELMS. If the Senator will yield, the President of the United States is the Commander in Chief of this drug war. I think he should make the judgment. I appreciate the Senator's suggestion for the modification.

(Mr. SHELBY assumed the chair.)

Mr. SPECTER. Mr. President, I am prepared to accept the judgment of the Commander in Chief on many, many, many items, including this one. It is just sometimes hard to attract his attention so that he focuses on the issue and comes to a decision. So that is why I know administratively it is harder to get his certification.

I also know that it is going to be hard to get the certification of the Secretary of Health and Human Services who, as I understand it, although I have not talked to him, has already spoken on this matter. But I think today's session will provide a very useful consequence: That is, that we are going to have a hearing in our subcommittee, and I have already agreed with the chairman to chair it. I want to hear from Congressman RANGEL and I want to hear from Secretary Sullivan and I want to know what he has to say and why he has to say it. If Dr. Bennett is not at some other hearing or two or three, I would be pleased to hear from him, as well. Then, when this comes up next time, I will be able to express a legislative judgment. But I think it is a good compromise and I appreciate Senator HELMS' suggestion of the President, and, usually, we will solve the problem on the floor.

Mr. COATS. If the Senator will yield, I think it is appropriate to have the President in this case certify, primarily because we have more than one individual who will be making a judgment and determination on this particular question. Secretary Bennett certainly has some thoughts and opinions and, perhaps, research through his staff. Secretary Sullivan will have his perspective and the Surgeon General will have a perspective.

If we leave it with certification by two or three of those, we may end up in a more difficult situation in terms of getting certification or not getting certification than if we just put it under the aegis of the President. He can then consult with all of those involved in the different agencies involved in the drug war, as well as others, reach a final consensus and give us a determination on that.

So I think the determination that ultimately ought to go to the President for final certification is correct.

Mr. SPECTER. That is, I think, a good comment. If I may recite the language now? The Senator has a copy, as do I?

Mr. HELMS. Be careful about the verb in there; we have a single verb, plural noun. My English teacher would hit me——

Mr. SPECTER. That would make it illegal per se.

The text says:

> None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleaning needles for such hypodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

I was searching for that singular verb all the way through and finally found it.

I think if we send this amendment to the desk——

Mr. COATS. Will the Senator yield for just one last comment? I would like to ask Senator HELMS, the language in the first part of the amendment is identical, is it not, to the language included in section 2025 of the 1988 Anti-Drug Abuse Act?

Mr. HELMS. That is an excellent point. The Senator is correct and I thank him.

Mr. SPECTER. And we can denominate that the Helms-Coats-Harkin-Specter amendment.

The PRESIDING OFFICER. Is the Senator seeking a formal modification?

AMENDMENT NO 822, AS MODIFIED

Mr. HELMS. Mr. President, I have a modification at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the modification is agreed to.

The amendment (No. 822), as modified, is as follows:

> At the end of the amendment, add the following: "None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.".

Mr. HELMS. Mr. President, this is such an important matter to me, and I do not see a stampede of Senators on the floor to offer amendments, if it would not offend Senators, I am asking for a rollcall vote. It might wake them up.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. HELMS. I thank the Presiding Officer.

The PRESIDING OFFICER. Is there further debate on the amendment?

There being no further debate, the question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 99, nays 0, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—99

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—1

Domenici

So the amendment (No. 822), as modified, was agreed to.

Mr. GRAMM. Mr. President, when President Bush proposed his drug program, one of the offset—funding options he proposed was to take funds that had been provided for SLIAG, since we had not expended the funds provided for the last 2 years, and use them to help fund the war on drugs.

The response was a fairly uniform hue and cry that Congress would not accept these offsets. Now, as of this moment, we have taken $430 million out of SLIAG, not to fund the war on drugs, but to fund other programs. I think this action is perfectly indicative of the problem we face.

We have been negotiating all week in good faith to try to fund the war on drugs. At the same time, we are taking the funding options the President suggested, but not to fund the drug war. I want to assure my colleagues that we are not going to close this bill out tonight, we are not going to have a third reading and if there is no agreement on drugs, I intend to come back and offer an amendment to reclaim the $430 million from all these dogs and cats that have gotten this money out of SLIAG and put it in the war on drugs.

Since the Senate has now decided that the money will be transferred, and since we all agree with the American people that the war on drugs is the No. 1 priority in the country, if we do not have an agreement on funding the drug war today, I intend to offer an amendment to take that $430 million back from all the programs that have pirated it and use that money to fund the war on drugs. I just wanted to put my colleagues on notice.

Mr. COATS. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. COATS. I wanted to add my comments to this. I have also looked at a number of potential offset amendments to transfer funds from various programs that I think are less important than funding drug programs. I have withheld those in a spirit of waiting for a drug deal to be put together.

I am getting somewhat frustrated over the inability to come to some conclusion. I want to alert my colleagues that I have a number of amendments to various appropriations bills that are pending third reading, and if we cannot come to a deal I am going to go ahead and offer those because if we are going to start raiding everybody else's accounts for funding the drug war, I have some of my own I would like to raid.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. WILSON. Mr. President, the Senator from Texas is speaking not only for himself but I suspect many others on the floor. This morning I went to a hearing in which a chart was presented. The chart said that 21 States will lose money under the Bush drug proposal. That chart was predicated on the assumption that the administration was going to fund about a third of the program from SLIAG. As many know, I have objected to the use of SLIAG for purposes other than what it was intended because the States that are involved in legalization are going to incur very heavy costs, costs of education, medical costs, all the costs of absorbing into their citizenry at the State and local level these new Americans that we have authorized in the Immigration Reform and Control Act.

Now, as my friend has observed, $430 million has gone from that pot, not for drugs at all. We have succeeded, I think, in telling the administration very clearly that this was not an acceptable way to fund the drug war. But instead the enemy is not the administration; it is the HHS appropriations process.

So I think that he has given fair warning. I want to add I intend to engage in a reconsideration, too. I hope that we are coming to a much more comprehensive solution. Frankly, this raid upon the SLIAG funds is unfair to the State and local governments which have the responsibility to conduct life after amnesty, and it will be very expensive. We are seeking to make it more expensive for them by taking those funds.

As the Senator from Indiana said, I have in my hand an amendment that would spend money upon the drug war, and I am holding it. I will file it with the understanding that it will not be taken up pending the outcome of these negotiations.

Mr. MITCHELL. Mr. President, for several days now negotiations have been underway in good faith by Members of both parties to try to reach agreement on the program to combat the scourge of drugs in our society.

They are now at a final and perhaps a critical stage, and I must say that any Senator is obviously free to stand up and threaten as to what he or she would do if the negotiations fail; and every Senator, of course, has the right to make such speeches and to offer such amendments as they desire at any time that is permitted under the rules.

I can think of nothing that will be less helpful to achieving an objective than if we now have a series of such speeches. There is, obviously, no limit as to the extent to which each Senator can make such a statement. I can think of a few I might make myself.

Given the unlimited ingenuity of legislators and lawyers—and most of the people here qualify on both counts—I think the speeches will be very interesting and entertaining, but I do not think they would contribute to what I believe is our common objective. That is the hope that we can arrive at an agreement both sides can conclude is in the best interests of the Nation.

In no way do I attempt to dissuade any Senator from saying anything that he or she feels must be said under the circumstances.

But I simply encourage Senators to consider the possibility that everyone can make such a speech. Everyone has his or her rights preserved on this or the other appropriations bills. I hope that we can get on with this bill.

If negotiations do not succeed, which I very much hope does not occur, I understand, and the Republican leader understands, and the managers of the bill understand, that Senators will be able to offer such amendments as they choose at that time. I merely ask that we perhaps might better serve the interests that we all share if we get on with the bill and to save the statements for later in the event negotiations do not succeed.

I thank my colleagues. I thank the manager.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I might ask a manager of the bill, Senator HARKIN or Senator SPECTER, a question. I notice in the bill and on page 40 of the bill there is a section that deals with the act for better child care.

Could the Senator tell us what the intention of this section is? I notice there is $1.2 billion on page 40 of the bill, the act for better child care.

Can the Senator tell us what the purpose of this is? It says for title I of the ABC bill.

Mr. HARKIN. I will respond to the Senator that this money was put in budget authority to fund title I of ABC. As you know, the bill passed the Senate. It is pending in the House. This was put in anticipating some form of a child care bill would come out of both Houses next year.

Mr. NICKLES. It has funding beginning on September 1, 1990, in other words, for 1 month of this fiscal year. Why would we have an appropriation bill for $1.2 billion if we are only trying to fund for 1 month that is in the fiscal year?

Mr. HARKIN. I am sorry. If the Senator will yield, the $1.2 billion was put, as the Senator knows, in budget authority. That would then be allowed to go on over into the next fiscal year in terms of budget authority. Of course, it would be up to the Congress to decide how much outlays, how much obligations, we would want to take out of that budget authority that would be left. That really is the reason for it.

Mr. NICKLES. So the Senate passed S. 5. Correct me if I am wrong. I do not believe we even had a rollcall vote on final passage of the ABC bill. Is that correct?

Mr. HARKIN. This Senator does not remember.

Mr. NICKLES. Why would we only fund—I understand a couple of things. One, there is a significant difference between the ABC bill and the President's bill.

Correct me if I am wrong. I understand the President will veto the ABC bill, and also I understand that there are significant differences between the Senate-passed bill and the bill that is working its way through the House.

But why would—if any of those statements are incorrect, please correct me—would we provide for budget authority for just one title in the bill?

Do not get me wrong. If we would have had a rollcall vote, I would have voted against the ABC bill. But we did not even provide budget authority for all of the ABC bill, just for title I of the ABC bill. In other words, nothing was done on title II, and title III.

Senator ARMSTONG had an amendment. That would be deleted. I somewhat question legislating on appropriations bills. I question funding on appropriations bills or putting funding in for a bill that we are really talking about funding for next year. It looks like we are playing some kind of a financial game.

Mr. HARKIN. If the Senator will yield, this Senator is not an expert on the ABC bill or Senate 5. As I understand it though title I is the section of the bill that provides for grants that go out for child care. Other titles, the other sections the Senator spoke to, II and III, those are standards, regulations and things like that do not require any obligating funding.

Mr. NICKLES. I might correct the Senator. I think title I includes all the standards, regulations, all the enforcement. Title II is the IRS provisions; in other words, the Tax Code provisions which at least many of this side were supportive of. Title III is the Social Security Act amendment of the Senator from Colorado which increased the earning limits.

So we would delete those sections but the section we would be funding would be the State grants. That is also the section that the President has stated his very strong opposition to. Correct me if I am wrong. I think I have the statement of the administration in opposition to the ABC bill and also in opposition to the State grants function.

So I guess the essence of my question now is why, since we are having a fiscal year that concludes at the end of September 1990, would we provide for a budget authority of $1.2 billion but yet say none of this money will be spent until January or September 1 of 1990? In other words, only 1 month in next fiscal year and we are going to authorize $1.2 billion but it cannot be spent until September 1. That is only 30 days. Do they have to spend all $1.2 billion in that 30 days?

Mr. HARKIN. No. In fact, for that 1 month the total obligation of that amounts to, if I am not mistaken, $5 million.

Mr. NICKLES. Outlay?

Mr. HARKIN. Outlay.

Mr. NICKLES. So the estimate for the outlays in September for the fiscal year that this bill covers would be $5 million. Why do not we appropriate $5 million instead of setting up budget authority of $1.2 billion under the premise that a bill might pass? I happen to know, and I think every Senator knows, the President is going to veto that bill. Why should we set up budget authority that could—correct me if I am wrong, but that money could be spent that following October? Why are we spending fiscal year 1991 money in this bill? That does not seem to be a very fiscally prudent thing to do either.

Mr. HARKIN. All I can tell the Senator, if he will yield further, is of course we will review this in conference. We will see where the legislation is at that point in time. We will make decisions at that point. But the Senator is correct that only $5 million is really obligated for the month of September.

Mr. NICKLES. Would the Senator support me in an amendment that would change that $1.2 billion to no more than $5 million can be spent in fiscal year 1990?

Mr. HARKIN. I am not certain. I would have to consult with the author of the bill, the Senator from Connecticut, Senator DODD, regarding that provision. The Senator obviously is free to offer an amendment. I do not know if the Senator is talking about budget authority or what he is talking about. Obviously, we have to have the outlays of $5 million for 1 month.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. I have the floor. I will be happy to yield.

Mr. KENNEDY. I thought I might be able to give some response to the Senator's question. I will be glad to wait until the floor manager has the floor.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Mr. President, thank you. I look forward to my friend, Senator KENNEDY, from Massachusetts, giving us enlightenment on this.

To me this is not a prudent way to legislate. Two or three points I will make very quickly. I do not plan an extended debate. I do not plan on amending the ABC bill. Maybe we should.

I was kind of bothered by the fact that we passed the ABC bill which is a large expansion of the entitlement program and did not even have a rollcall vote. I do not remember why. This Senator did not request one. So I guess I am as guilty as anyone. But we passed a very large expansive bill without final passage on rollcall. At least that is what my memory tells me. I do not want to pass it in this bill without at least some little discussion and with a little analysis.

We pass in this bill $1.2 billion but we say none of the money can be spent or will not be available for obligation until September 1, 1990.

The Senator from Iowa said, well, they expect they would only have outlays in that 30-day period of time of $5 million, but, yet, we are expending budget authority of $1.2 billion with the ABC bill. That is a lot of dollars. Yet, when you score it—and this is my guess as the reason why this is done—and maybe the Senator from Iowa or his staff could correct me—I think it is done to get around the scoring guidelines. This is not going to cost very much. It is only going to cost $5 million, but we are going to set up budget authority of $1.2 billion to provide for services provided for under the ABC bill, only title I of the ABC bill, only title I.

Well, the ABC bill passed as a large package. I am sure there are probably some Senators who thought, well, I do not like just the State grants. That is, Uncle Sam writing checks and giving it to the States, and the States are supposed to set up programs, and they would give out cash allotments to "qualify," ABC or child care providers. To qualify, they have to meet certain Federal regulations. I expect that those regulations will be very extensive and will be very expensive. They will cost those child care providers a lot of money to comply with these regulations.

This is not a small section. I just happened to ask my staff to pull out title I of the ABC bill. I will show my colleagues that it has many pages. It is found in the CONGRESSIONAL RECORD on Senate page 7479. Just title I is several, several pages. There are a lot of regulations. It is going to cost child care providers a lot to comply.

We are not funding title II. We are not giving tax credits. We are not doing the package giving the benefits that the Senate passed. When the S. 5, the ABC bill, Act for Better Child Care passed, we did not do it all. We just did one section. I really find that objectionable. I know the President is going to veto it. As a matter of fact, I have a statement of administration policy, and I will read from the paragraph to deals with this section. It says:

> The Administration also opposes the appropriation of $1.2 billion to implement Title I of S. 5, the Act for Better Child Care, as passed by the Senate. We believe it is inappropriate to provide appropriations for pending legislation that the President's senior advisors have recommended he veto. Title I of S. 5 violates all of the principles the President has said must be reflected in child care legislation. If this funding were included, the President's senior advisors would have no alternative but to recommend that the FY 1990 Labor, Health and Appropriations Bill be vetoed.

It is very clear that the President said if this is in, he is going to veto it. So this is not a little insignificant section. This is not just $5 million in outlays. This is $1.2 billion of budget authority to implement the section of the ABC bill which will be handing out lots of money and lots of regulations, lots of qualifications for child care.

All of us have different viewpoints on child care and maybe we should consider those in the normal process. We had a child care bill, the ABC bill. The House is working on the ABC bill. Maybe together the two sides will agree to a bill and send it to the President. If acceptable, he will sign it. He stated that he will veto this bill. He already stated he would veto the ABC bill. So why in the world would we obligate taxpayers to the tune of $1.2 billion? I find that to be highly questionable, certainly not fiscally responsible.

I also believe on this legislation on an appropriatoin bill, a point of order would lie. I may well raise that point of order. In the meantime, I will be happy to yield the floor.

Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending question is the third excepted committee amendment, as amended. Is this amendment to that amendment?

Mr. NICKLES. What is the Chair's question?

The PRESIDING OFFICER. Is your amendment an amendment to the pending business, the pending committee amendment?

Mr. NICKLES. I might ask the Chair, is there a pending amendment at the desk?

The PRESIDING OFFICER. There is a pending committee amendment at the desk.

Mr. NICKLES. To answer the Chair, my amendment is not an amendment to the amendment and, therefore, I ask that my amendment be held at the desk until the committee or the pending amendment be disposed of.

The PRESIDING OFFICER. After the pending amendment is disposed of, there will be one remaining committee amendment.

Mr. NICKLES. Very well, Mr. President, I will withhold my amendment until the two pending amendments are disposed of.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the third excepted committee amendment beginning on page 44.

The excepted committee amendment, was agreed to.

Mr. HARKIN. I move to reconsider the vote by which the excepted amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, we are now on the last committee amendment?

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 74, LINE 13

Mr. HUMPHREY. Mr. President, what is the parliamentary situation here?

The PRESIDING OFFICER. The clerk will report the pending committee amendment.

The legislative clerk read as follows:

On page 74, beginning on line 13, insert new language as follows: Section 514(a). Not more than $28,643,000, of the funds appropriated for this act may be obligated or expended for the procurement of advisory or assistance services by the Department of Labor; not more than $91,037,000 of the funds appropriated by this act may be obligated or expended for the procurement of advisory or assistance services by the Department of Health and Human Services; and not more than $45,415,000 of the funds appropriated by this act may be obligated or expended for the procurement of advisory or assistance services by the Department of Education.

(b)(1) Not later than forty-five days after the end of each fiscal quarter, the head of each department named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990".

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Momentarily, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 817, AS MODIFIED

Mr. HARKIN. Mr. President, I have a technical amendment. I ask unanimous consent that the dollar amount of page 38, line 6 read as follows: 483,044,000.

This request is needed to correct the figure on page 38 that had already been changed by a previous amendment. It is technical in nature. It has been agreed to by Senator McClure. It goes to the amendment that Senator McClure offered this morning which was accepted on both sides but the amendment was not quite drafted correctly. It had the wrong figure in it. This is a technical amendment to change that and I cleared it with the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABORTION LANGUAGE

Mr. HUMPHREY. Mr. President, I want to address the aborton language which is contained in this bill. The bill of course is a very extensive bill like most appropriations bills. There are few Senators aware of every provision. I do not have any amendment to offer on this floor.

For the record I want the Senators to be aware, in case there are a few who are not aware, that the abortion language contained in the committee amendment adopted a moment ago differs substantially from current policy, differs substantially from the language in the conference report on the Labor-HHS appropriations bill, fiscal year 1989.

The last several years the policy has been to incorporate in the conference report, to make policy, that language which has come to be known as the Hyde amendment, language which excluded the use of Federal funds for abortion except to save the life of the mother.

The language which is contained in this bill provides for Federal funding where the life of the mother is threatened, but it also provides for Federal funding in abortions in the case of rape and incest.

I know this is a thorny issue, but I want to make the point before we pass this bill later tonight that it is very bad policy to provide for Federal funding of abortions in the case of rape and incest. To be sure, rape and incest, instances of the same are great tragedies. But if it is right to fence funds, if it is right to prohibit the expenditure of Federal funds, as we have done as a matter of policy for years now, to pay for abortions except where the life of the mother is threatened, if it is right to do that it is also right, I submit, to prohibit the use of Federal funds to pay for abortions in case of rape and incest. Why? Because a child conceived in the circumstances of rape or incest is no less human than those other children conceived under more loving circumstances.

If for ethical reasons or for whatever reasons we have in the past proscribed spending Federal funds to pay for abortions except where the life of the mother is threatened, then that same policy should be extended next year.

I commend the White House for the leadership it has taken on this issue, the broad abortion issue this year. Indeed the White House, the President, personally, showed greater leadership last week when he threatened to veto the D.C. appropriations bill which the Senate passed because of language which he could not accept. The President, I am told, is about to make good on that threat in a matter of days. I commend the White House and the President.

Mr. President, the White House has likewise threatened to veto this legislation for the reasons I just cited. I encourage the White House to do just that so that when this bill goes to conference changes will be made in the conference of the kind that has been made in previous years, so that when the conference report comes back this bill will provide for Federal funding of abortion only where the life of the mother is threatened by continued pregnancy.

Mr. President, apart from the matter I just discussed, I did have an amendment I do intend to offer to this last committee amendment. I am expecting that amendment to arrive in the hands of my staff momentarily and I will offer it as soon as it arrives and I can secure the floor.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74, BEGINNING ON LINE 13

Mr. HARKIN. Again, Mr. President, we are now on the last committee amendment, and I urge Senators who have an amendment to offer it. We have been waiting all day.

I know the Senator from New Hampshire has an amendment, but we were told the Senator from New Hampshire had an amendment at noon. Now it is 5 o'clock. So, I hope that he can hurry up and get the amendment here.

If there are other amendments that other Senators have, now is the time to come over and offer those amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am sure of the answer to this. What is the pending business?

The PRESIDING OFFICER. The pending question before the Senate is the last excepted committee amendment.

Mr. HELMS. Correct.

AMENDMENT NO. 824 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 74, BEGINNING ON LINE 13

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated, and I am going to ask that the clerk read all of it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 824 to the excepted committee amendment beginning on page 74, line 13.

At the end of the amendment, add the following:

SEC. . (a) None of the funds provided under this Act, or an amendment made by this Act, under the heading "Centers for Disease Control" in the title II, for public education and information programs regarding AIDS, shall be provided in any State unless the chief executive officer of such State provides prior written assurances to the Secretary of Health and Human Services that by January 1, of the calendar year following the first regular session of the legislative body of such State, the State shall require that a "good faith" effort be made to notify such a spouse of an AIDS-infected patient.

(b) If the State fails to require such notification by January 1 of the calendar year following the first regular session of its legislative body, the State shall return to the federal government on that date such sums as it receives for AIDS public education and information programs, in accordance with this section.

(c) As used in this section—

(1) the term "State" means a state, the District of Columbia or any territory of the United States;

(2) the term "Spouse" means a spouse who is or at any time since December 31, 1976 has been the marriage partner of a person diagnosed as an AIDS-infected patient."

(3) the term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such state to be infected with the human immunodeficiency virus.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have been reviewing the amendment offered by the distinguished Senator from North Carolina. It appears to be the same amendment which was offered last year, vote No. 264, on July 27, 1988, where a motion to table a motion of Senator Chiles was agreed to 49 to 48.

Mr. HELMS. The Senator is correct.

Mr. SPECTER. At that time, this Senator voted against tabling, or with the Senator from North Carolina. It would be my sense that there ought to be a rollcall vote on it. But even as I say that, I think the Senator from North Carolina would ask for one whether this Senator thought there ought to be one or not. I did not think there ought to be one on the 90-something-to-nothing vote.

This is a highly controversial subject. This has been one on which there has been significant difference of opinion. The public policy considerations are, if you have a requirement of notification even of the spouse, that it will discourage people from coming in for AIDS testing and for AIDS treatment. But at least, as far as this Senator is concerned, that notification, I think, is fair, especially when you talk about a notification of a spouse.

If someone has AIDS, the spouse of that individual is entitled to know. That is a policy call depending upon what you think the rights of the noninfected spouse are and what you think the public policy situation is to encourage people to come forward.

But I intend to support the amendment, would vote against tabling if it is offered, but would alert my colleagues that if anybody wishes to come over and argue against the amendment, they ought to act with alacrity because there is a disposition here to try to move ahead and try to finish the bill.

Mr. HELMS. Mr. President, I thank my friend, the distinguished Senator from Pennsylvania. He has stated the history of this amendment absolutely correctly. I appreciated his support then and I appreciate his support now.

Mr. President, let me tell the Senate why I am persisting in this amendment. I am going to have to go into a personal experience and it is not easy for me to do so.

Etched indelibly upon my mind is the day that a young woman and her mother came in my office to see me. The young woman was and is a staff member of a prominent Member of the other body. She happened to know a member of my staff. The young lady came with her mother, who is a charming person. They were ushered into my office and they took their seats. I, almost jestingly, said I cannot tell who is the mother and who is the daughter. We exchanged pleasantries, and I said, "What can I do to be of assistance?"

The young woman looked at her mother and said, "Mother, tell the Senator your problem." The mother cleared her throat and tears came in her eyes and she said, "Senator, I have AIDS."

Obviously, I did not say anything. I was stunned.

Then she described for me the circumstances of how she contracted AIDS. Her husband had known for a period of 2 years that he had AIDS. The doctor had told him.

Of course it was a family doctor, but the doctor was forbidden to tell the wife, who was also his patient, that her husband had AIDS. I cannot think of any word strong enough to describe my disgust with the husband, in this case.

In any case, she has AIDS. My last report is that she has it under control, as well as may be possible.

There were a number of examples like that, but that is the one that happened to the Senator from North Carolina.

After that I learned that the husband had left home, moved to another State, joined a sort of hippie community, and followed through 100 percent on the kind of lifestyle. I say again, I cannot think of a harsh enough word to describe the way I feel about any man who would not tell his wife, or permit the doctor to tell his wife that he had an incurable transmissible disease.

So, I am posing an amendment which is already familiar to most Senators. As Senator SPECTER has indicated, it is identical, essentially, to an amendment I proposed last year.

This amendment, simply stated, would require that States receiving money authorized under this act, or any other act, for AIDS education or testing or prevention, these States would be required to take legislative or administrative steps to ensure that a good-faith effort will be made to notify the wife or the husband of a person testing positive for the AIDS virus.

In the name of heaven, what could be fairer than that?

This amendment would withhold funds from the States under title II, Centers for the Disease Control, for public education and information on AIDS unless the chief executive of a State provides written assurances to the Secretary of Health and Human Services that in the year following the first regular session of the legislative body of such State, the State shall require a good-faith effort to be made to notify the spouse that he or she is or has been in contact with a patient infected with HIV.

For this Congress to refuse to accord that bit of decency to the innocent spouse would be a travesty, Mr. President.

Last year, during long debate on AIDS, the most vocal opponents of using proven public health safety measures to contain this disease argued that people with AIDS has no civil rights protection. In fact, their answer to every argument in favor of spousal notification, contact tracing, and the like, was summed up with the words: This is discrimination. And I said: Bullfeathers, or worse.

Well, there has been a little occurrence in this Senate that is relevant to what I am talking about. Along has come the U.S. Congress with the ADA, the Americans With Disabilities Act. Senators will remember, and the managers of the bill stated that for once and for all, civil rights protections are guaranteed for people with HIV, in employment, public accommodation, and transportation. Even those regarded as having AIDS are protected. So I do not want to hear any more talk about discrimination unless we are going to talk about the discrimination against the innocent spouse.

So, now that the full weight of the Federal Government has been put or will shortly be put behind this antidiscrimination effort, is it not time, Mr. President, that we address the problem of protecting all of the American people? For too long, this deadly virus has been treated as a political disease. It is treated by some as something that is sacrosanct. We must not say anything about it, we must not even talk about testing, we must not let nurses know that their patients have AIDS or are HIV positive.

I happen to have a daughter who is a registered nurse. Of course, I feel very strongly about the situation into which she is placed practically every day of her life when she goes to work at the hospital.

We must get away from this business of playing politics with AIDS. Oh, I know the AIDS lobby is a great pressure group. They have great pressure. They have rallies, and they condemn those who talk about such things as mandatory testing or notifying innocent spouses. But let them criticize JESSE HELMS. That suits me just dandy.

If we do not get it today, we are going to get it tomorrow or sometimes down the line. We are going to vote on it over and over again, until enough Senators make up their minds that the innocent spouse has some rights too.

AIDS has become a rallying point for a community whose ultimate goal is the inclusion of so-called homosexual rights in the U.S. Constitution.

I recall during the debate on the Americans With Disabilities Act that my good friend from Iowa, Senator HARKIN, said that homosexuals and drug abusers do not come under the antidiscrimination protections of the ADA bill. I was pleased to hear him say that. But he did say, also, as I recall, that no American could be discriminated against because of HIV infection. I believe the RECORD will show the Senator said that.

The point I am trying to make, Mr. President, is that unless some Senator wants to come into this Chamber and launch into a debate for homosexual rights to the exclusion of, say, spousal rights, this is the time when we can no longer prevent this Government or the governments of the States, from protecting all of our people, particularly the innocent victims of this horrible curse—which, by the way, in 94 percent of the cases is the result of deliberate conduct by homosexuals and intravenous drug abusers. The other 6 percent is contracted in other ways. But 94 percent of the AIDS cases are a result of deliberate, and in my judgment disgusting and illegal practices.

As I see it, the discrimination argument as it has been used no longer holds any water, if it ever did. I did not think it did last year but I know it does not hold any water this year.

Senators may remember the episode that I described at the outset of my remarks. I was talking about the wife who contracted AIDS from her husband, whose doctor was forbidden to tell the wife. It tugs at my heartstrings every time I think about it.

Last year, July 27, 1988, the vote was 49 to 48, a 1-vote margin. My amendment was tabled. I want to see if it is going to be tabled today and I want to see who will vote to table. And I think a lot of Americans will want to see as well.

I have traveled considerably around the country since July 1988. I have talked with groups, I have talked with individuals.

So many people come up to me in airports and they talk to me about various things on their minds. I daresay, Mr. President, that the American people, based on the conversations I have had all over this country, don't understand why the Government of the United States and the leadership of this country have displaced public health with civil rights when dealing with one of the most terrible epidemics imaginable, and I am talking about AIDS.

The people with whom I have talked are dumb-founded when they hear that a wife or a husband does not have a right to know when his or her spouse has contracted the deadly AIDS virus.

I remember one lady in Dulles Airport who said, "You couldn't be telling the truth." I said, "I am. That is the position of the U.S. Senate by a one-vote margin in 1988."

This Nation should have long ago begun treating AIDS as the epidemic that it is, rather than a so-called civil rights issue. For too long, the homosexuals of this country have proclaimed themselves to be the victims of the AIDS epidemic. These homosexual loudmouths have soaked the American people for every tax dollar they can find to promote the homosexual movement. I do not know about the rest of the Senators, but I am sick of that. They have thwarted every traditional health measure this country has used to control a venereal disease, including contact tracing, reporting of cases to the State health departments, premarital testing, and on and on.

But they did not stop there. They have demanded ironclad confidentiality laws which would not apply to any other disease—none. Typhoid, no confidentiality about that. Syphillis? Any other disease, none. None enjoy such confidentiality, and why? We need to ask ourselves why.

We also need to ask ourselves, are these confidentiality laws in the best interest of the American public? I do not think a lot of Senators have asked that question of themselves, but I say to them, as the lady who came to see me and with tears in her eyes said, "Senator, I have AIDS." She had AIDS because her doctor could not even advise her that her husband was infected. She is dying because the State law said she did not have a right to know it. She did not have a right to know that her husband was carrying the lethal virus.

That is the point of the amendment. I have said it as simply as I know how.

Before I yield the floor, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Iowa.

Mr. HARKIN. Mr. President, I must admit at the outset that I have some mixed feelings about this amendment, but I think in the totality of what we are doing here, especially in the area of AIDS, I think we have to proceed very cautiously.

The amendment was offered by the Senator last year to the same bill when the Senator from Florida was chairing the subcommittee. The Senator was correct, it was tabled on a 49-to-48 vote.

The issue of contract tracing for known HIV-positive individuals is one that has engendered a lot of debate and a lot of discussion around this country among health officials.

There is no consensus of opinion. Quite to the contrary, most health professionals have said that this is a matter that ought to be left to local jurisdictions and to the States but that the Federal Government should not mandate it.

The problem, of course, is one that different States have different means of contacting people. They have different resources at hand and, quite frankly, States have already on their own gone ahead with some form or another of partner notification. The majority of States already notify partners of HIV infected persons upon the request of the infected person. At the present time, 48 States, Puerto Rico and the District of Columbia offer help in notifying contacts. Many States, 15 of them, encourage the indexed person to have health providers notify his or her partner.

The focus of these programs is on the notification of partners of infected individuals; that is, those in stable relationships. Six States—Florida, Georgia, Hawaii, Illinois, South Carolina, and Washington, and some localities—have limited contact tracing of selected groups such as bisexuals and heterosexuals. Two States, Colorado and Idaho, have active HIV contract tracing programs with specialized staff and resources to trace all named contacts, not just the present partners, of infected individuals.

Mr. President, again, as I point out, States are already developing their own policies and programs. HIV partner notification programs are by definition voluntary, since the infected individual must choose to be involved in the process.

In addition, partner notification should always be offered in conjunction with other HIV related intervention services, such as counseling, testing and community education efforts. The confidentiality of indexed patients and their named partners should be of the highest priority. Because the partner notification programs are not often fully understood, public health departments must develop ways to educate the public health care providers and infected individuals about how the programs work.

This really is the way we ought to proceed. Not from a Federal mandate that says to the States we are going to cut off all of their funding unless they have a policy in place, but one that we have already put in place which encourages the States to act in that direction.

Again, the amendment offered by the Senator from North Carolina says that if a State fails to require such notification by January 1 of the next year, that would be January 1, 1991, the States shall return to the Federal Government on that date such sums as it receives for AIDS public education and information programs.

What this really does is to hold a gun to the head of State legislatures next year to develop these kinds of programs. As I stated, most States have such programs, but they may want to develop a program of spousal notification or partner notification that is different, depending upon their situations.

Again, the amendment speaks only to the spouse, if I am not mistaken. I would ask the author of the amendment. He is not here right now, but I will ask him when he gets back if that was his intention, to just include the spouse. I would like to ask him if that is the same amendment as he offered last year.

Right now, Mr. President, we really do not understand the full implications of the amendment. What this Senator is worried about is that it could have a very chilling effect on the important area of testing and counseling. Certainly, I believe that any spouse should have the the right to know if his or her spouse is in fact HIV positive. That is not the point. The point is, How do you notify them, under whose auspices, under what confidentiality?

I would point out that CDC does not recommend requiring a spousal notification. CDC does not recommend that at all. Again, I would assume because of the fear of the chilling effect that this would have on people to come in and get tested.

Last, States need the flexibility to design programs to notify spouses and partners and encourage maximum use of testing and counseling. That is why I am concerned that this amendment might in fact remove from many States the AIDS education and information money that they have received from the Federal Government.

In other words, let us say next year a State has received money. They use it for education; they use it for counseling; they use it for AIDS information programs; and for some reason the legislature determines that they need a different program of spousal notification, partner notification.

What the amendment says is that that State must pay all that money back in the next year even though the State may have proceeded in its own best interests and in the way it would want to proceed for some kind of spousal notification or partner notification.

While it is very difficult to argue against the theory of this amendment, because I believe every spouse or partner ought to have the right to know if their spouse or partner is HIV infected, the real question becomes one of what is the best way to do it.

Since I do not have all the knowledge in this area, nor do I think the Senator from North Carolina, nor anyone in Washington, it probably is one best left to the States and local health departments in those States to determine.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there may be some value to reference the standards which have already been established by CDC which would bear on what the Senate is doing today. I think it appropriate to note in the RECORD at this place that the documents issued by the Department of

Health and Human Services Center for Disease Control Announcement No. 002 fiscal year 1990 HIV Cooperative Agreements contains a provision which appears to already establish what this amendment is directed toward. At page 13 the following language appears under subparagraph (2).

> Establish standards and implement procedures for confidential notification of sex and needle sharing partners of persons with AIDS and HIV infection; needs to emphasize the role of the serial positive person informing partners; train serial positive persons in techniques for informing partners and where appropriate offer health department assistance in confidentially notifying partners.

Compliance is in place for funding at the present time for CDC.

It would be in this context of an established procedure that this provision would be applicable. I say this in order to give some legislative history, managers' understanding, of this language in order to avoid any concern that there is some vagueness or indefiniteness to what we are seeking to accomplish here.

Actually, the existing CDC requirements are broader than the purport of this amendment because the existing CDC requirements apply to all sexual partners, not just spouses. Existing requirements are braoder. They are applicable for not only sexual contacts but for needle contacts.

I think that the existing practices of CDC meet the mark and would constitute what has already been going on as the good-faith requirement which is set forth in this amendment.

I would not want to see somebody read this and be confused, especially in the context where there are already established procedures which establish the standards, the overall requirements, and the practical steps to be taken which would encompass the thrust of this amendment including the good-faith requirement.

Having said that, I would ask if my comanager, the distinguished chairman of the subcommittee, agrees with that statement of legislative intent.

Mr. HARKIN. I agree wholeheartedly with that statement of intent. With that understanding I can see no reason why we should not then just accept the amendment.

Mr. SPECTER. I think that understanding would be helpful for those Senators who may be on the fence. We will still have a rollcall vote. I think that might allay some of the concerns of administrators reading this later, and it is worth articulating in the context where we have an established program which establishes what ought to be done in order to meet the requirements of spousal notification.

Mr. HARKIN. I agree with the Senator. I commend him for bringing to light the present CDC requirements and what they require to the States. It is quite clear to this Senator that there already is in place a requirement for the States in order for them to receive the CDC funding. As long as this amendment is in the context of that overall effort, required by the CDC, then this Senator sees nothing wrong with it. That is fine. I commend the Senator.

Mr. SPECTER. I wonder if we are about ready for a vote.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to join in what the floor manager's understanding of this particular amendment would do. Since 1988 there has been developed by all of the States partner-notification programs. This issue has been very considerably reviewed and studied, not only the spousal notification but also partner notification.

Mr. President, I think there are some useful comments that can be made regarding the provision we have adopted with respect to spousal notification of people with HIV infection. I think it is important to point out that almost all States will have no difficulty complying with this provision immediately because, as far as I am aware, almost every state already has in place some form of a partner notification program which would meet the intent of this section. In fact, States already certify to the Centers for Disease Control, when they apply for money for AIDS activities, that they have a system of partner notification in place. Thus, there should not be any concern that States will have their funds held hostage because of this provision. That should not happen under this provision.

In addition, I am reassured that the provision refers to a good-faith effort to notify. The public health community has developed significant knowledge and experience in the area of partner notification. This experience is embodied in guidelines prepared by the Association for State and Territorial Health Officers, which I am submitting these for the record. Of course, the good-faith effort which will be required by the States should follow these guidelines.

With these understandings, I believe this provision is not harmful to our efforts to stop the advance of the AIDS epidemic, and I ask unanimous consent that a copy of the guidelines from public health officials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUIDE TO PUBLIC HEALTH PRACTICE: HIV PARTNER NOTIFICATION STRATEGIES

(Association of State and Territorial Health Officials; National Association of County Health Officials; U.S. Conference of Local Health Officers; September 1988)

FOREWORD

Most public health officials agree that the best way to combat the human immunodeficiency virus (HIV), the virus which causes AIDS, is through programs intended to prevent the virus from spreading. One of the more controversial components of HIV prevention programs is partner notification. Through partner notification programs, state and local health departments or other health care providers can help increase the likelihood that persons engaging in high risk behaviors receive education about changing their behaviors. Persons can protect themselves as well as stop the unknowing transmission of the AIDS virus to others.

This report presents official principles and recommendations on HIV partner notification strategies from the Association of State and Territorial Health Officials, the U.S. Conference of Local Health Officers, and the National Association of County Health Officials.

We want to thank those who participated in the national Forum on AIDS Partner Notification Strategies in Los Angeles, California. While their valuable insights were the basis for a substantial portion of this report, this document represents an official statement of ASTHO, USCLHO, and NACHO. It does not necessarily represent the views of the participating representative organizations.

All HIV-related documents should be subject to the same caveat—the body of knowledge and experience related to the epidemic continues to grow and shape our views and policies. We anticipate further clarification of these and other HIV-related issues as time passes. Comments from readers would be appreciated as an indicator of the need for expansion, revision, or discussion of related topics. Please address communications to the Public Health Foundation, 1220 L Street, N.W., Washington, D.C. 20005.

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HISTORY

Controlling AIDS and HIV infection presents a unique challenge to health care providers and public health agencies. Unlike other sexually transmitted diseases, AIDS is nearly always fatal—there is no known cure. Without effective chemotherapeutic agents to control the HIV infection or a vaccine to prevent it, medical providers must rely on education and counseling as the primary means to prevent the spread of HIV infection.

First described in 1981, AIDS is the most severe manifestation of HIV infection. HIV is spread through direct exposure to the infective organism in blood and body fluids. Exposure to body fluids may be through unprotected sexual activity (homosexual and heterosexual), directly introducing the virus into the bloodstream through the use of contaminated syringes and needles by intravenous drug users, perinatally by infected mothers, and more rarely, through blood transfusions and blood products.

Traditional sexually transmitted disease control programs

Partner notification, once known as "contact tracing," refers to efforts by either the infected person (the index patient) or the health care provider (usually the health department) to notify persons they may have been exposed to the infecting agent, in this case, HIV, the human immunodeficiency virus. In traditional sexually transmitted disease (STD) control programs, the primary reason to notify contacts (partners) of index patients is to ensure that at-risk individuals have the opportunity to receive therapeutic or preventive treatment before serious disease complications develop. Also, by treating exposed individuals early in the disease process, the period of communicability is reduced and the chain of disease transmission is broken.

Partner notification begins with a discussion between the index patient and a trained counselor. This "interview" covers the patient's risk factors, the disease process, its course and complications, and sex partners who may be at risk of infection. Divulging the names of sex partners (and, with HIV, needle-sharing partners) during the interview is always voluntary. Assuring confidentiality—protecting the patient's identity and the privacy of named partners—is of paramount importance in securing the cooperation of patients and in successfully carrying out the partner notification process.

Notifying sex partners identified through the interview process was performed almost entirely by trained health department professionals until the mid-1970s when health departments adopted new methodologies to carry out partner notification.[1] In most programs, patients are now offered the option of notifying their own sex partners and referring them for assessment and treatment. Having a health department professional inform partners, however, is still preferred by many patients who wish to remain anonymous.

HIV infection control programs

In contrast to traditional STD partner notification, the primary purpose of HIV partner notification is to stop the unintentional spread of HIV by providing individual risk reduction education to those who are HIV seropositive and to those who are at risk of infection. This process allows health care providers to offer HIV-infected individuals medical evaluation and support earlier in the course of the disease than might have been possible otherwise. In addition, providers or the index patients themselves counsel partners of HIV-infected individuals about safe behaviors and about the availability of HIV antibody tests. If the partners elect to be tested and are positive for the HIV antibody, they are told how best to protect their health and about available support services.

HIV partner notification programs are, by definition, voluntary since the infected individual must choose to be involved in the process. In addition, partner notification should always be offered in conjunction with other HIV-related intervention services, such as counseling, testing, and community education efforts. The confidentiality of index patients and their named partners should always be of the highest priority.

Still, in the context of HIV control, misconceptions about partner notification exist. Some people fear that such programs will result in breaching the confidentiality of index patients or their partners. Others believe that the partner notification process is not strictly voluntary. To the extent that these perceptions exist, people may be discouraged from coming to counseling or testing sites that offer partner notification services. Other factors that may contribute to the controversy include the lack of conclusive evidence demonstrating the success of partner notification programs, and the skepticism many people feel about the cost effectiveness of these programs.

Because partner notification programs are often not fully understood by the public, health departments must promptly develop ways to effectively educate the public, health care providers, and affected individuals about how the programs work. Two challenges stand out. First, health departments must emphasize to the public that participation in a partner notification program is an effective way to slow the spread of HIV, and that such participation is voluntary. Second, health departments must ensure that the public knows the confidentiality of the index patient and named partner(s) will not be breached.

The outlook for partner notification

The importance of partner notification will be even greater as effective therapies are developed to delay or prevent clinical progression of the disease in infected individuals. Failure to notify partners would deprive people who are unknowingly seropositive from entering treatment protocols. The availability of treatment also will increase the cost-effectiveness of partner notification because infected persons will be able to learn they are HIV positive before they become symptomatic and require extensive medical care.

Support appears to be increasing for partner notification programs as one means of helping to slow transmission of HIV infection. Partner notification is an important strategy, but it is only one component of an effective HIV infection control program. Health departments can also use partner notification in conjunction with other methods, including general and targeted risk reduction education about HIV infection and individual counseling and testing for those engaging in high-risk behaviors.

UNDERLYING PRINCIPLES

The Association of State and Territorial Health Officials (ASTHO), the National Association of County Health Officials (NACHO), and the U.S. Conference of Local Health Officers (USCLHO) believe that state and local health departments should establish programs to provide partner notification and referral services compatible with state and local laws, policies, and resources. At a minimum, the programs should include counseling protocols that encourage persons infected with HIV to notify their sex and needle-sharing partners they may have been exposed to the virus.

Program policies should emphasize that people infected with HIV have a responsibility to inform their partners and to refer them to counseling and testing sites or to health care providers for counseling and testing. Even after counseling, some HIV-infected persons may be reluctant to notify their partners, and assistance may be necessary. No matter what type of partner notification approach is used, the principles that follow should underlie all programs.

Voluntary participation

Disclosing names of partners should always be voluntary. Counseling, testing, and referral services should be available to index patients regardless of whether or not they choose to disclose names of partners.

Confidentiality

All records must be confidential. Partner names must be used only for field investigation and notification. In no instance should the partner be told the name or identity of the index patient, the date or period of exposure, or that the index patient is infected. If confidentiality is not fully protected by law, all identifying partner information should be destroyed upon completion of the follow-up.

Accessibility

Partner notification services offered by health care providers should be made available and easily accessible to all persons with clinically validated HIV seropositive status, based on a repeated and confirmed test result.

Quality assurance

Health departments should routinely evaluate the performance of counselors (also referred to as disease intervention specialists) and other program personnel to ensure that high quality services are being delivered. Health departments should establish quality assurance and training guidelines which all professionals engaged in the partner notification process must follow. A complete discussion of these guidelines is available in *Quality Assurance Guidelines for Managing the Performance of Disease Intervention Specialists in STD Control* (CDC, April, 1985).

Information provided

Regardless of who notifies named partners that they may have been exposed to HIV, certain basic information should be communicated. The information should include a description of the modes of HIV transmission; the telephone numbers and addresses of HIV antibody testing sites; suggestions about how the partners should modify their behaviors whether or not they decide to be tested; information about the disease process itself; and referral to support groups, mental health services, and medical facilities. Identified partners should also be cautioned about sharing the information about exposure or infection status with individuals who are not their sex or needle-sharing partners because of the possibility that this information could result in acts of discrimination.

Targeted services

Health departments should tailor their partner notification programs, educational materials, and training procedures to specific populations. For example, gay men and nongay intravenous drug users are likely to require different programs. Intravenous drug users may be less willing to use health department assistance in notifying partners because their high-risk behavior is illegal and, if brought to the attention of law enforcement authorities, could result in legal action. The counseling session with an intravenous drug user should include discussions on safer sex practices and on how to effectively clean syringes and needles, and should include attempts to persuade the individual to enter a drug treatment program. This type of counseling requires different skills and, therefore, different training procedures, than would be necessary for counselors discussing safer sex practices with gay men. In addition, notifying intravenous drug users may be difficult or hazardous if, for instance, they can be found only in shooting galleries. However, there may be no other method of reaching such individuals because, ordinarily, they are not exposed to AIDS education messages.

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[1] Centers for Disease Control, The History of Patient Interviewing and Sex Partner Referral in the Control of Sexually Transmitted Diseases (STD) (1987).

PARTNER NOTIFICATION MODELS

Patient referral and provider referral, two partner notification models originally developed for traditional STD prevention and control programs, serve as the basis for today's HIV infection control programs. This section describes the patient and provider referral models and their applications.

Patient referral

Index patients are encouraged to notify partners of their possible exposure to HIV without the direct involvement of health department officials or health care providers. The health department counsels the index patient on the information to provide to the partner and the techniques for providing it. This approach is less expensive than other types of partner notification programs because fewer resources are required.[2] However, with patient referral, health care providers may not be able to ensure that partners are actually notified or that high quality information is delivered. Finally, patient referral reveals the fact that the index patient is infected—a very important consideration for any patient concerned with keeping such information confidential.

Provider referral

The health department or private health care provider is responsible for notifying the index patient's partners that they may have been exposed to HIV. This approach relies on patients giving their partners' names to the health department professional, and can be quite costly. However, with this approach, it is possible to ensure that high quality information and counseling are delivered to the partner. In addition, the anonymity of the infected person is maintained.

Combination of approaches

Health departments commonly use a mix of patient referral and provider referral. The index patient may wish to contact one or more partners, while requesting that the health care provider contact others. Here, the health department follow up with the patient and assumes the responsibility for notifying partners if the patient is unsuccessful or encounters other problems or "cold feet." Occasionally, the index patient may wish to notify a partner and may ask health department staff to be present when the partner is notified.

Referrals to other jurisdictions

When identified partners reside in another state or jurisdiction, the health department responsible for counseling the index patient (HD1) should request the health department in the jurisdiction in which the partner resides (HD2) to notify the named partner. Health departments should designate specific persons authorized to receive partner information from other jurisdictions. The name of the index patient should not be given to HD2. Upon being given the name of the partner, HD2 should follow its normal procedures for notifying the named partner. If HD2 locates and refers the partner, it need not routinely inform HD1 unless requested to do so. HD1 should be informed when partners are not located so that index patients can be contacted either to provide better locating information or to use their own resources to try notifying the out-of-area partners.[3]

Institutional referrals

Any institution engaged in HIV counseling and testing, such as prisons, the military, educational institutions, or hospitals, should follow the principles outlined in this report. ASTHO, NACHO, and USCLHO strongly recommend that these entities use the services of health departments to carry out partner notification. Where such utilization of health department services is extensive, it may be appropriate for institutions to reimburse the health department for services rendered. In general, health departments are better equipped to provide these services and to ensure that confidentiality is protected.

Community involvement

In order for partner notification programs to gain acceptance, it is vitally important to involve the community, especially those persons most affected, in planning the programs and in clarifying perceptions of the methods used. If partner notification is seen as heavy handed, coercive, insensitive, discriminatory, or mandatory, the program will not succeed. It is recommended that health departments and other health care providers educate and communicate with community leaders and community-based organizations representing affected populations about the partner notification process. When partner notification programs are implemented, health departments should not assume that they are fully understood by affected populations. Health departments should actively work to correct misconceptions; for example, that partner notification programs do not rely on voluntary participation or that confidentiality is threatened.

Program evaluation

Public health agencies must also evaluate their programs. Evaluation should include a comparison of different mixes of partner notification approaches and other components of the AIDS prevention program, such as informational campaigns for the general population, targeted education initiatives, and counseling and testing tailored to each individual seen through the partner notification process. Attributing changes in particular aspects of knowledge, attitude, belief, or behavior to any one component or limited combination of components is extremely difficult. Changes usually come from a total program effort.

However, reviewing the process is both possible and essential for maintaining quality in any program component, particularly in partner notification where human interaction is the key to effectiveness. Supervisors should attend counseling sessions with seropositive patients to determine whether individually appropriate, accurate, and complete information is being provided. Supervisors also should determine the sensitivity of staff in approaching various topics and the quality of counseling skills observed, particularly in the discussion of sex and needle-sharing partners and how the notification process works.

It is also possible to assess the impact of partner notification using other measures. Examples of these measures include: the number of persons contacted, tested, and counseled as the result of partner notification; the number of persons served through partner notification compared to the number who request HIV-related services in response to other information/educational stimuli; and the seroprevalence rate among those who are tested as a result of provider or patient referral compared to the rate among those tested for other reasons. Patient satisfaction should also be a measurable indicator of partner notification; the result of a sensitive and effective process should be seropositive patients who are more willing to participate because of their positive interactions with public health professionals.

However, quantitative measures should be used with caution and only in conjunction with evaluating the quality of interviews. When evaluation is based on quantitative measures, health departments should ensure that inappropriate incentives do not result. For example, using the number of partners referred for testing as a measure could result in counselors making such exceptional efforts to locate partners that these efforts may turn out to be counterproductive.

THE ROLE OF PRIVATE HEALTH CARE PROVIDERS

Health department staff are not the only health care professionals involved in the partner notification process. Private physicians and other health care providers may also assume the responsibility for ensuring that partners of HIV-seropositive patients are notified that they may have been exposed to the virus. In such situations, private providers have several options: they may urge index patients to notify their partners; providers themselves may offer to notify partners of index patients; or health care providers may involve the health department in the process.

ASTHO, NACHO, and USCLHO believe that the best way to ensure the delivery of high quality partner notification services is to involve the health department in the process. When the provider chooses to refer the patient's case to the health department, the referral should be made with the index patient's knowledge. Health departments should inform providers in their jurisdictions that partner notification services are available. This may be best accomplished by working with local professional associations, such as medical societies.

Provider involvement

Some private health care providers may elect to carry out partner notification responsibilities without involving the health department. In these cases, providers should encourage HIV-infected individuals to notify their exposed partners and, in counseling those persons, should adhere to the principles outlined in this document. The providers should have appropriate HIV information packages available for index patients to share with their partners. Such information may be obtained from local health departments. The providers should note in a patient's record that the patient has been counseled to notify partners.

In situations where partners of the index patient are also patients of the private health care provider, the provider may inform the partners that they may be at increased risk of infection, unless specifically prohibited by statute. When notifying partners, the provider should not give any information about the source of possible infection and should include referral services in the counseling session. When partners of the index patient are not patients of the provider, the provider should, with the index patient's knowledge, seek the assistance of the health department.

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[2] Centers for Disease Control, Morbidity and Mortality Weekly Report, *Current Trends*, "Partner Notification for Preventing HIV Infection," Volume 37, No. 25, July 1, 1988.

[3] In states with anonymous testing (where it may be difficult or impossible to locate the index patient), the health department may be unable to notify the index patient of the results of the partner notification effort.

Training for private health care providers

Partner notification outside of health department's sphere of responsibility can present difficulties. Many private health care providers are well-qualified to provide HIV-related services but few have the time, training, or experience to counsel patients to notify their partners or to ensure that index patients are given appropriate information to communicate to partners. If breaches of patient confidentiality occur, the credibility of both private health care providers and the public health system could be jeopardized. Providers are encouraged to seek out training from health departments in developing strategies for maintaining confidentiality in the partner notification process.

Health departments should assist providers in offering high quality partner notification services by undertaking education efforts, such as developing brochures, videos, or information packets that clearly explain the guidelines providers should follow in counseling index patients and their partners. The education efforts should emphasize techniques for motivating patients to participate in this voluntary process.

ESTABLISHING A PARTNER NOTIFICATION PROGRAM

No single type of partner notification program can be designed for every state and local health department because each operates in an environment unique to its community. In the absence of unlimited resources for health department involvement in contacting named partners, health agencies should consider serveral variables as they develop partner notification programs for their jurisdictions. The variables include financial resources, community seroprevalence rates, awareness levels in at-risk populations, differing transmission rates among infected populations, and how recently the partners of index patients were exposed to HIV.

As with any public health program, partner notification programs may benefit from being subjected to cost effectiveness analysis, but regardless of cost effectiveness, helath departments may choose to implement partner notification programs as a public health responsibility and in response to community expectations.

Seroprevalence rate

In areas of high HIV seroprevalence, the provider referral model of partner notification may not be as cost effective as other forms of targeted education designed to reach masses of people. Provider referral is a labor intensive means of helping to provide risk reduction education to individuals, and the personnel required to provide partner notification services to a large number of people may be prohibitive. In such areas, health departments may elect to emphasize patient referral in their partner notification programs. In areas of low HIV seroprevalence, provider referral may be appropriate, although possibly less effecient than patient referral of partners (i.e., fewer new positives found per index case). In the provider referral model, the quality of information provided to partners is easier to control than when patients themselves notify their partners. In addition, provider referral may be integrated into other surveillance and educational programs. Health departments should take HIV seroprevalence into consideration in communities and in population subgroups within their communities when developing partner notification programs.

HIV awareness levels

The level of HIV awareness in populations and communities is another factor health departments should consider before implementing a partner notification program. In areas where the population is knowledgeable about HIV infection, partner notification is less likely to result in a net increase in awareness than in areas where the population has little knowledge about HIV. Still, even among populations with high HIV awareness levels, persons who continue to engage in high-risk behaviors obviously have not been reached by other educational strategies, or may have other issues which should be assessed (e.g., depression, denial of risk, substance abuse, etc.). Risk reduction education tailored to the individual may be the only intervention strategy that will reach these people.

Targeted provider referrals

Health departments may be able to make the most of scarce resources by targeting the provider referral component of their partner notification programs to only those persons who do not perceive themselves to be at risk. These may include females who do not know of their male sex partners' bisexual status, persons who may not know that their sex partners are intravenous drug users, recipients of infected blood or blood products, or victims of sexual abuse or rape. Sometimes it is not known if exposed partners perceive themselves to be at risk. In these cases, it may be necessary to go through the notification process in order to determine which persons perceive themselves to be at risk. As a result, this strategy may not always save as many resources as might be expected.

Time of exposure

It may be difficult to determine the exact date an index patient became infected with HIV. Therefore, it may be almost impossible to know which partners of the index patient were exposed to the virus. Health departments should concentrate their resources on recent partners because they are more likely to have been exposed and may be more easily located than other partners. A number of states currently using the provider referral model have chosen to notify partners possibly exposed within the previous 12 months.

Quality assurance

Whatever partner notification model is selected, the health agency must assure that there are well developed, detailed procedures for managing patient records, maintaining confidentiality, and for all field activities. In addition, all participating personnel should have completed a structured training course on HIV infection control, interviewing skills, partner notification techniques, and confidentiality provisions.

ENSURING CONFIDENTIALITY

The public perceptions surrounding partner notification underscore the importance of accompanying these programs with strong confidentiality protections. Breaches of confidentiality during the process of partner notification could result in discrimination against index patients and their sex or needle-sharing partners. In addition, the perceived risk of weak confidentiality protections may discourage some individuals from seeking counseling and testing, or from participating in partner notification programs. These perceptions make it imperative that health departments and state legislatures implement strong measures to maintain confidentiality in partner notification programs, as well as in their counseling and testing programs.[4] The protection of confidentiality by public health agencies has been excellent, but the extent of breaches of confidentiality elsewhere is not known with any precision. It is important that health departments develop surveillance systems to document disclosures of confidential information.

Definition of confidentiality

State and local health departments must protect the confidentiality of infected persons and their named partners. For purposes of this report, confidentiality is defined as:

The protection from the release of information, without the consent of the named party, which links the individual's identity to facts about HIV seropositivity, behavioral risk factors, or application for related services. Disclosure of information without the documented consent of the individual is permitted only when the disclosure is necessary for the individual's medical care or is required by law.

Management of confidential records

Confidentiality principles should apply to all medical and public health information related to the identity of the index case or named partners, regardless of the manner in which the information is obtained or where the information is maintained. Subsequent disclosures of the information beyond that for which the individual has given consent must not be made without specific additional written permission.

Health care providers and agencies should develop policies and regulations, if they do not already have them, to ensure confidentiality of medical and public health information. Policies and regulations should cover record retention and destruction, secure physical storage of records, and access to those records by staff or other individuals, including legal authorities. Providers should also establish sanctions for breaches of confidentiality and all staff should know the consequences (e.g., disciplinary action) of violating these policies.

ASTHO, NACHO, and USCLHO believe that no written link should ever exist between the index patient and the partner unless there are strong confidentiality protections in place. With those protections, some health departments may choose to link these records so that, under the provider referral model, if a partner cannot be located, the index patient can be asked about additional locating information or asked to attempt to contact the partner. If confidentiality is not fully protected by law, written records on index patients and their partners should be destroyed after partners have been notified.

Statutory protection

ASTHO, NACHO, and USCLHO believe that states should establish statutory protection, if it does not already exist, prohibiting the release, under subpoena or court order, of name-linked information and public health records pertaining both to index patients and named partners. Until such protection is available, the following procedures should be followed:

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[4] For a detailed discussion of AIDS confidentiality issues, see *Guide to Public Health Practice: AIDS Confidentiality and Anti-Discrimination Principles.* Association of State and Territorial Health Officials, March 1988.

Public health agencies should not release HIV-related information upon subpoena but should respond with appropriate motion for protective order or to quash the subpoena.

Public health agencies should advocate that court orders for disclosure of name-linked HIV-related information should not be issued except when compelling reasons for disclosure are demonstrated.

Court proceedings concerning the disclosure of HIV-related information should be held in private. Records of the proceedings should not be open for public inspection and should be sealed following the proceedings.

In states where protective statutes regarding confidentiality of medical and public health records are in place, extending provisions to include HIV-related conditions may be an effective way to further ensure confidentiality. States should also enact legislation to provide for civil and criminal sanctions against individuals who willfully or negligently violate these confidentiality provisions.

Notifying partners in person

ASTHO, NACHO, and USCLHO believe that, in almost all cases, partners should be notified in person of their possible exposure to HIV. Partners should not be notified by telephone or through the mail. This procedure will ensure that information about exposure is not inadvertently conveyed to the wrong person. In the few instances where face-to-face partner notification is not possible, procedures for providing notification other than in person may be developed and should be followed carefully.

PRIVILEGE TO DISCLOSE INFORMATION

Partner notification relies on the concept of infected persons either notifying their partners that they may have been exposed to HIV or disclosing the names of partners to health care providers who, in turn, contact the partners. On occasion, the health care provider may know the identity of at-risk partners of the index patient and may have knoweldge that an index patient will not take appropriate action to notify those partners.

Becasue of these unusual situation, it is necessary to address the health care provider's "privilege to disclose" information that is otherwise protected in the patient-provider relationship. Privilege to disclose refers to the decision of the public or private health care provider to notify partners who are at risk of exposure when the index patient will not notify known partners, and will not agree to allow the provider to notify the partner.

Provider-patient privilege

The purpose of the provider-patient privilege is to encourage the free exchange of personal information. The privilege serves to protect the provider-patient relationship when an expectation or legal right to confidentiality is present. While the provider has a duty to protect the confidentiality of information, the index patient has a duty to prevent transmission of the infecting agent. The privilege to disclose exists only when the index patient fails to uphold his or her duty to protect others. The privilege between the provider and index patient evolves into a privilege of the provider to protect an unsuspecting third party pursuant to the provider's legal and ethical responsibilities. This is in contrast to the "duty to warn," which refers to the affirmative duty of the health care provider to disclose privileged information. Under the duty to warn concept, providers may face sanctions for failing to carry out their affirmative duty.

The major difference between partner notification and the privilege to disclose is that, in the latter, the health care provider knows of a named partner in tandem with the index patient's refusal to participate in the partner notification process. In most partner notification situations, expecially when health department personnel test and counsel the index patient, a privilege to disclose situation does not arise because, in the absence of disclosure by the index patient, the identity of sexual or needle-sharing partners usually is not known.

Responsibilities of the health care provider

The privilege to disclose may be invoked when all four of the following criteria have been met and documented:

The provider knows of an identifiable third party at risk;

The provider believes there is a significant risk of harm to the third party;

The provider believes that the third party does not suspect that he or she is at risk; and

The index patient has been urged to notify the at-risk partner and has refused or is considered to be unreliable in his/her willingness to notify the partner.

In general, the provider must rely on the index patient's interpretation of the facts as to whether the partner is at risk and whether the partner has been or will be notified. For example, an index patient may tell the provider that he or she will notify the identifiable third party or that there has been no past exposure to the third party and will be none in the future. In these instances, the provider must accept that interpretation unless he or she knows, from contact with the partner of the index patient or from other compelling evidence, that the index patient's statements are unreliable.

ASTHO, NACHO, and USCLHO believe that in case in which all of the above criteria are met, the need to prevent the unintentional spread of HIV by unsuspecting partners outweights the need to abide by the wishes of the index patient. The health care provider has a responsibility to ensure that known partners are informed of the possible exposure to HIV. This obligation is discharged when the provider either notifies the partner directly or refers the index patient's name and the partner's name to the health department for partner notification. This does not mean the index patient's confidentiality should be breached, however. The partner should be notified in the same way as if the index patient had asked for assistance in notifying the partner; that is, the identity of the index patient is not revealed to the partner.

Strategies for handling difficult situations

Serious ethical and legal concerns arise when the health care provider has reasonable grounds to suspect that the partner will remain at risk of repeated exposure to HIV by participating in ongoing sex or needle-sharing activities with the index patient. To address these concerns, state and local health departments should ensure that their pretest and posttest counseling protocols include, in addition to the standard recommendations about adopting risk reduction behaviors, emphatic admonitions, that, before considering any future activities involving a risk of HIV transmission, individuals should discuss AIDS, risk reduction and avoidance, and serologic status with each and every sex and needle/sharing partner.

Providers, particularly health departments, should have contingency plans for those rare instances where evidence suggests that the admonitions will not be heeded, that the partner refuses to conceive of the index patient as a potential source of infection, and that continuing exposure is reasonably possible. Private providers should seek advice from the local health department on further disclosure or on whether other public health actions should be directed to the index patient or partner.

Invoking privilege to disclose

Privilege to disclose should be viewed by health care providers as a last resort. They should always attempt first to persuade index patients to either notify partners themselves or agree to have a qualified health care provider notify partners of their possible exposure to HIV. Only when these attempts have failed should a provider inform the partner without the consent of the index patient.

Privilege to disclose does not imply that providers should, against the wishes of the index patient, actively seek out the identities of the index patient's partners. In fact, the perception that this occurs may discourage persons from seeking counseling and testing. A privilege to disclose situation occurs only when the provider learns of at-risk partners through the provider's ordinary activities. For example, a private physician may know that a long-time patient who tests positive for the HIV antibody is married. In fact, privilege to disclose situations might occur more frequently among private providers because they are more likely to have continuing provider-patient relationships.

As with standard partner notification procedures, ASTHO, NACHO, and USCLHO recommend that, in privilege to disclose situation, the notification be performed by health departments because these agencies have the expertise, and usually the resources, to notify partners. In addition, since health departments have partner notification programs in place, they are better able to maintain the confidentiality of index patients and their partners. Private providers should notify partners only if the provider feels qualified to counsel the partners appropriately and to maintain the index patient's confidentiality.

When private providers ask health departments to notify known partners of possible exposure to HIV, they should give the health department the name of the known partner and the name of the index patient. The private provider should certify, using a method specified by the health department, that the index patient is HIV seropositive. Depending upon the completeness of the information provided, the health department may proceed to notify the partner without interviewing the index patient. Any written link between the index patient and partner should be protected fully under confidentiality status.

On rare occasions, the index patient may not pose a threat to identifiable partners but, based on stated intended acts, may be dangerous to the general population. In these cases, the health care provider should disclose the index patient's identity to the health department so necessary action can be taken to protect the public.

In order to invoke the privilege to disclose effectively, it should be accompanied by certain statutory protections. Legislation should carefully outline the situations in which the privilege to disclose may be used. The legislation should be accompanied by immunity from liability for health care providers, for notifying partners without permission of the index patient, and also for deciding not to notify the partner. In either situation, it is important that the privilege to disclose be viewed as just that, a privilege, based on the reasoned judgment of the health professional. Action is neither affirmatively required nor restricted.

Mr. KENNEDY. Mr. President, in particular, the States should work to ensure that their programs include counseling protocols that encourage persons infected with HIV to notify their spouse for themselves. This was one of the key underlying principles contained in the consensus guidelines on partner notification that was issued by the three national associations of public health officials—ASTHO, USCLHO, and NACHO—in September 1988.

These consensus guidelines stress that a provider should take steps to notify the spouse of an HIV-infected person when all of the following criteria have been met:

First, the provider believes there is a significant risk of harm to the spouse.

The provider believes that the spouse does not expect that he or she is at risk. And, the HIV-infected patient has been urged to notify the at-risk spouse and has refused or is considered to be unreliable in his/her willingness to notify the spouse.

The Nation's public health officers underscore the point that health care providers should always attempt first to persuade HIV-infected patients to either notify their spouses themselves or agree to have a qualified health care provider notify the spouse of possible exposure to HIV.

Our first and most effective defense against HIV is through the voluntary and cooperative actions of infected individuals. We must not resort to coercive approaches until all opportunities for voluntary action by the patient have been exhausted.

The public health community has issued, I think, very compelling guidelines of how the good-faith notification could be developed.

I certainly expect that a Governor would be able to make the certification called for in this amendment without additional legislation. They are already, in fact, effectively following that procedure at the present time in order to qualify for CDC funds. And for those reasons, as outlined by the comanagers of the bill, I hope we will accept this particular amendment.

Quite frankly it is already being complied with at the current time. But I see no real objection to having it included. I hope the membership will support it.

Mr. CRANSTON. Mr. President, under current CDC guidelines, States are already required to provide good faith efforts to contact spouses. This amendment adds nothing to current practice. Good faith efforts to contact spouses include such reasonable steps as counseling individuals to alert their spouse to the problem and to the dangers that are posed from unprotected sexual activity.

This amendment only requires States give assurances to the Secretary of Health and Human Services that the State is making a good faith effort to accomplish what common sense and good medical practice already requires.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—94

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson
Wirth

NAYS—4

Bond
Gore
Metzenbaum
Mikulski

NOT VOTING—2

Domenici
Wallop

So the amendment (No. 824) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74, BEGINNING ON LINE 13

The PRESIDING OFFICER. The pending question is the committee amendment, as amended.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 826 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 74, BEGINNING ON LINE 13

(Purpose: To ensure that funds made available by the act are not used to promote or encourage homosexuality as normal or natural)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], proposes an amendment numbered 826.

At the end of the pending question, add the following:

SEC. .

Notwithstanding any other provision of this act, or amendment thereto, none of the funds made available by this Act, shall be used to produce or distribute materials directed at the teaching of school children and which promote or encourage homosexuality, or use words stating that homosexuality is "normal", or "natural", or "healthy".

Mr. HUMPHREY. Mr. President, first I say to my colleagues who are aware that it is past dinner time and Senators who have arrangements to go home, I do not plan to take time at all on my part in offering this amendment. I do intend to seek a rollcall vote.

I do not intend to take very long at all. I will be as expeditious as I can. I intend to seek a rollcall vote.

I ask at this point the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, again I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, first, let me say that the material to which I will allude in my remarks is here at my desk for my colleagues to examine if they care to do so with the pages marked on the front cover.

Mr. President, this amendment is intended to prohibit the use of taxpayer funds to propagate among schoolchildren the view that homosexuality is normal or natural or healthy. The amendment is nearly identical to an amendment which the Senate unanimously adopted as a part of the fiscal year 1989 HHS appropriation bill after rejecting a tabling motion by 82 to 15.

In other words, in effect, the amendment was adopted last year with the support of 82 Senators present.

Mr. President, I intend to be brief, because I recognize very well that we have had quite enough of this subject over the last several weeks.

In fact, I regret the coincidence of timing, but the Senator from New Hampshire has no control over the scheduling of the HHS appropriations bill and certainly no control over the timing of the tragedy unfolding in the other House. So I will be brief.

Mr. President, I offer the amendment because notwithstanding the 82-to-15 vote by which a tabling motion was rejected last year, the language last year was dropped in conference.

So fundamentally, I am trying it once again. I am offering it again. I hope this time the conferees will see fit to ensure that this language is reported out in the conference report.

Mr. President, I think it is fair to say that and to acknowledge that there is disagreement—Mr. President, may we have order?

The **PRESIDING OFFICER.** May we have order? The Senator from New Hampshire is recognized. I wonder if we could have order in the front of the Chamber. The Senator from New Hampshire is recognized on his amendment.

Could we bring up these conferences elsewhere? The Senator from New Hampshire.

I think it is fair to say there is disagreement over the etiology of homosexuality. For example, Albert Ellis, who holds a doctorate in clinical psychology from Columbia University and who is the director of the Institute for Rational and Emotive Therapy in New York, a man who is prominent among his colleagues in the field of psychiatry, says this in his book "Homosexuality: Its Causes and Cure," page 80:

> There is no scientific evidence that homosexuality is directly caused by constitutional or inherited factors.
>
> In every case I have seen, irrational fear played the leading role either in inducing the individual to become homosexual in the first place or inducing him to maintain his early acquired homophilic conditioning in the second place.

That is the view of one expert, Mr. President, obviously, other experts hold other views.

But irrespective of the views of the various experts, and in my opinion, contrary to the views of some homosexual groups, most Americans, I think, reject the view that homosexuality is normal or natural or healthy. I think most would agree that homosexuality is not the norm in our society and, therefore, is not normal. I think most would agree that nature has not fitted men for sexual relations with men, nor women with women and, therefore, the claim that homosexuality is natural is self-evidently wrong.

Nor is homosexuality healthy, judging by the attention paid by public health officials to the ailments to which homosexuals frequently fall prey.

I think most Americans would agree that schoolchildren—remembering the language of the amendment, it is toward schoolchildren that the amendment is directed—should not be exposed to materials which portray homosexuality as normal or natural or healthy, because schoolchildren are so very impressionable.

And I think that by far the vast majority of Americans would agree that Federal funds, taxpayer funds, should not be used to produce or distribute such materials which portray homosexuality as normal, natural, or healthy.

Now these concerns, Mr. President, are not abstract.

Last year a great controversy arose in New Hampshire when a group which had received Federal funds from the Department of Health and Human Services used them to produce a sex-education manual which portrayed homosexuality as natural and perfectly acceptable.

That manual produced with taxpayer funds is right here for those who want to examine it. Just reading the cover, it says, the title is "Mutual Caring, Mutual Sharing." It is a sexuality education unit for adolescents, 14 to 18, they say in here. And here is the disclaimer: "This publication was funded by a title X demonstration project grant in the U.S. Department of Health and Human Services."

Senators are welcome to look at that. The pages more pertinent to my complaint are highlighted.

So my concerns are not abstract by any means.

Mr. President, I want to address the matter of free speech, because I do not want it suggested that I am trying to curb anyone's right to free speech.

Mr. President, clearly each of us is entitled to hold whatever views he wishes about homosexuality. Each of us by right is free to espouse whatever point of view he chooses. Each of us is free to publish materials that reflect that point of view. But just as clearly, no one is entitled by right to be subsidized by the taxpayers in propagating that point of view. And, therefore, the amendment which I have offered is on sound constitutional grounds.

The problem is that in recent years—and the Senator from North Carolina has alluded to this in a way—there has been a concerted effort on the part of some homosexual groups to try to stamp their views with the imprimatur of government. That is why such groups objected to the amendment I offered last year. They will no doubt object again this year, because the amendment seeks to block the use of Federal funds to produce or distribute materials used in the education of schoolchildren and which embraces the view that homosexuality is normal, or natural, or healthy.

Well, if that is not bad enough that these groups are seeking to stamp their views, views outside the mainstream, with the imprimatur of government by using Federal funds, for example, in the concrete case which I have cited to propagate those views, if that is not enough, a few of these groups—and I want to emphasize "few"; I think one or two fringe groups—have gone even further. A few of them have attempted to smear the names of persons in public life who actively oppose their point of view.

Clearly the intent of these smear campaigns is intimidation. Clearly the intent is to intimidate those with whom they have policy differences. Well, Mr. President, that will not work. In fact, ultimately it will work against those who use such tactics, because smear tactics are so reprehensible and so repugnant to a sense of decency and fair play, that they destroy the creditiblity of those who use them.

To return to the amendment, Mr. President, finally I want to emphasize again that this is not new ground. The Senate last year adopted nearly identical language by a voice vote after rejecting a tabling motion by a vote of 82 to 15. This year we changed the language slightly to make it clear that we are talking about materials intended to be used by schoolchildren or directed at the teaching of schoolchildren, as the language says explicitly.

If anything, that language narrows the language over that of last year. It is more sharply focused. It is narrow.

Simply the question I put before the Senate is this: Should the taxpayers be forced to fund the production and distribution of materials such as that which I have cited, materials intended to be used in the teaching of schoolchildren, where such materials portray homosexuality as normal or natural or healthy?

I doubt the Senate wishes to adopt that point of view. The Senate overwhelmingly rejected that last year and I urge Senators to do likewise this year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I would like to have the attention of the managers of the bill and the distinguished Senator who just introduced the amendment. The latest weather forecast that has just come out is that they are predicting by this time tomorrow night we are going to have 70 mile-per-hour winds in Washington, DC, and heavy rain. Several of the Senators have already been aware of that. One of our leading Senators left to make a drive home today to miss that storm. We cannot do anything about the storm but it seems to me that all of us should recognize that we have spent an inordinate amount of time on measures, amendments that passed by 70 or 80 votes.

I am wondering if we might appeal to all to conserve some time and agree to some time agreements on these amendments, as important as they are. We can cut down our time and have a vote up or down if they cannot be accepted and move forward on the bill.

I know several Members of the Senate, including this one, have travel plans for late tomorrow afternoon, at 6. All would be disrupted unless we can move a little faster than we have on the bill.

I would like to ask the managers of the bill if they are seeking time agreements on these amendments? And those who are offering them, specifically in this case the amendment which has just been offered, I am suggesting it might speed things along if we could get some time agreements.

Is that possible? I am merely asking the question of the managers and the introducers of the present measure.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I would respond to the Senator from Nebraska. It has only been in the past short period of time that we have even had amendments, let alone time agreements. We do not think we have much more to complete. We have the amendment of the Senator from New Hampshire and an amendment of the Senator from Oklahoma. Those are the only two amendments which, we have been notified, are going to require rollcall votes, unless the chairman has an additional amendment?

I think we are very close to a vote on the amendment of the Senator from New Hampshire.

Mr. SIMON. If the Senator from Pennsylvania will yield, I have an amendment but I think it is going to be noncontroversial.

Mr. EXON. So all could be advised, then, the managers of the bill currently feel without making a commitment that we are reasonably close to finishing work on this bill, say within the next 2 hours.

Mr. SPECTER. It would be my expectation, even more than my hope, that we could do that. And perhaps even sooner.

I would say we ought to finish it in less than an hour and a half. We are ready for a very brief debate.

Mr. EXON. Would the majority——

Mr. SPECTER. If I have the floor, if the Chair would so acknowledge, we can move ahead to a prompt vote on this amendment. The only notification of another amendment that I know about is from the Senator from Oklahoma, Senator NICKLES.

I know of no other amendment which will require a rollcall vote. I think we ought to set our sights on an hour.

Mr. EXON. Does the floor manager on the majority side agree with the optimism just expressed by the manager on the other side of the aisle?

The PRESIDING OFFICER. Does the Senator from Iowa want to yield to that question from the Senator from Nebraska?

Mr. EXON. If I can repeat the question, I believe the Senator from Iowa, the distinguished manager on this side of the aisle, heard the remarks by the Senator from Pennsylvania with regard to the fact he only knows of two amendments left.

I was trying to expedite the proceedings. He thought possibly we could finish all amendments and go to final passage within the next hour and a half.

Just so all Senators could be advised, is that in the realm of possibility, in the judgment of the Senator from Iowa?

Mr. SPECTER. If the Senator from Nebraska would yield, I said an hour, not an hour and a half.

Mr. HARKIN. I say to the Senator, if we can finish in an hour I would be the happiest Senator in this Chamber. We have about eight amendments floating around. How many people will offer them, we do not know, because people are not here to offer them. They are not at the desk or anything like that, so they have not been printed in the RECORD. We have just learned about them.

Mr. EXON. I will yield the floor in a moment. Have we sought a time agreement on the amendment currently before us?

Mr. CRANSTON. If the Senator will yield, I am going to move to table very soon, so there will be a vote very soon.

Mr. EXON. Thank you.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if I could respectfully suggest to the distinguished managers, if we could dispose in one way or another of the amendment of the Senator from New Hampshire, and I believe the Senator from Oklahoma has an amendment, if the rest of the people are not here, why do we not go to third reading?

The PRESIDING OFFICER. The Senator from California.

Mr. SPECTER. Will the Senator yield for just one moment on scheduling?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask the chairman if he knows of anybody besides Senator NICKLES who wants a rollcall vote, or has an amendment which would require one?

I think we ought to put out the call, Mr. President. If anybody has an amendment, they ought to be here promptly. If they have a request for a rollcall vote, this Senator knows of no issue which will require one beyond Senator HUMPHREY's and Senator NICKLES'.

Mr. HARKIN. If the Senator will yield, I would say there are some other amendments. I hope they will not require a record vote, but we do not know.

As manager of the bill, I again want to protect the members of the subcommittee, as does Senator SPECTER. We have heard of some amendments floating around that may require big shifts of money out of some programs into another program. I do not know if those amendments will be offered or not, but if they are, that may engender a great deal of debate and subsequently rollcall votes.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise in strong and heartfelt opposition to the pending amendment.

Mr. President and colleagues, this amendment is simply not needed. Worse, it would do great damage, great harm to very vulnerable, very young Americans.

The reason it is not needed is we covered this ground already today. The Senate earlier today unanimously adopted an amendment that ensures that no Federal dollars will be used to support programs designed to promote or encourage homosexual activity. That fully covers all education programs funded under this act.

Just as federally funded AIDS education programs cannot be designed to promote sexual activity, neither can sex education or counseling programs be designed to promote sexual activity.

More than that, I am very concerned that this amendment would be counterproductive. I am absolutely convinced it would be counterproductive. I would add that a similar amendment, adopted in the Senate last year, was subsequently dropped in conference after an outpouring of opposition from diverse groups like the PTA, the National Association of State Boards of Education, the American Psychological Association, and others.

Mr. President, Project 10, a counseling program for gay and lesbian teenagers, is one such program that might well be banned under this amendment.

This program, which is serving as a model for schools around the country, helps gay and lesbian youth cope.

Mr. President, the importance of programs like Project 10 has been recently made clear by the report to the Secretary of the Task Force on Youth Suicide. What the report found is startling. And I hope all Senators will think about this before they vote on this amendment.

Gay and lesbian youth are 2 to 3 times more likely to attempt suicide then other younger people. One researcher believes that they may comprise up to 30 percent of complete youth suicides annually.

The report went on to say that, "The root of the problem of gay youth suicide is a society that discriminates against and stigmatizes homosexuals." The report makes numerous recommendations about ways to help these young people feel less isolated and less alone. The report recommends that schools include information about homosexuality in their curriculum and protect gay youth from abuse by peers to ensure they receive an equal education. It also recommends that counseling services that are sensitive to the needs and concerns of gay youths be available to them. That is precisely what Project 10 and other programs are seeking to provide.

Under this amendment, it is quite likely that they would be brought to a halt, unable to provide that aid to youngsters who need it.

Mr. President, gay and lesbian youth are at great risk of substance abuse, dropping out of school and homelessness. We should be doing everything we can to help them stay in school, build their self-esteem and stay off drugs and alcohol. This amendment would prevent schools from doing that. Virginia Uribe, founder of Project 10, has had great success in encouraging gay and lesbian youth to stay in school. The project begins as an informal lunchtime discussion group and has evolved into a countywide effort to demystify homosexuality for students, teachers, and counselors. I might add that this program is supported by the Los Angeles Board of Education.

Mr. President, this amendment presumes that frank and open discussions about homosexuality of AIDS, for that matter, will somehow lure heterosexual teenagers to be gay or lesbian. I flatly reject that assertion. So do scientists and experts in the field of medicine. Counseling programs, such as Project 10, are not about converting people, as some may misunderstand them to be; they are about acceptance, helping gay and lesbian youth accept themselves, as well as helping their peers and teachers accept them.

Let me make one last point. Young people who become sexually active are at the highest risk for AIDS, primarily because they lack the information, the social skills and support they need to protect themselves. This is particularly true for teenagers coping with issues related to homosexuality. More than 20 percent of AIDS cases today, over 20,000 cases, have occurred among people in their teens. We should not prevent educators or counselors from discussing these issues frankly and openly with young gay males.

Mr. President, this amendment would only contribute to more discrimination, more isolation, more loneliness for many young people. It would lead to more suicides among young and vulnerable American boys and girls. I assume it is well intended. I know that its effect would be cruel and heartless. It could only lead to tragedy. Let us not interfere with what each given community in our country, including its parents, teachers, and boards of education, determine is best for itself and best for its children.

I urge all my colleagues to oppose this amendment.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I think the Senator from California is wrong on almost nearly every point he raised. There is nothing in this amendment which prevents a board of education or local school system from determining what materials it wants to include in its curriculum. There is nothing in the amendment that would prohibit or prevent in any way open and frank discussion of homosexual or any aspect of sexuality.

I refer my colleagues to the language of the amendment. It is quite specific and narrowly drawn. It says, "notwithstanding other provisions, none of the funds made available shall be used to produce or distribute materials"—produce or distribute materials, such as materials that were produced for the Federal grant from HHS in my State, "shall be used to produce or distribute materials directed at the teaching of schoolchildren and which promote or encourage homosexuality or use words stating that homosexuality is normal, natural, or healthy."

There is nothing that would prevent schools from offering sex education courses that discuss homosexuality. There is nothing that prevents them from discussing any aspect of homosexuality, choosing whatever material they wish. The amendment goes toward using Federal funds under this act to produce and distribute materials of the kind described. I think the Senator is really quite mistaken.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. LEVIN. Mr. President, this amendment differs from an amendment that was considered last year. For instance, this amendment specifically prohibits the use of funds to produce specified materials directed at the teaching of schoolchildren. Although, I believe that this amendment should prohibit funding to produce materials which promote or encourage homosexuality or heterosexuality, that flaw is outweighed by the specific prohibition on the use of Federal funds to produce specified materials directed at the teaching of schoolchildren.

Mr. CRANSTON. Mr. President, I would like to repeat, we have already covered the ground in banning material designed in any way to promote any form of sexual activity, whether homosexual or heterosexual. The problem of this amendment is the vagueness of two words: promote or encourage. That just can lead to fear on the part of administrators that they will be sued or lose funds, and it can kill off programs.

As it was clear in an amendment adopted last year analogous to this offered by the Senator from North Carolina, it had a chilling effect and killed off many programs that were saving young people from loneliness, from the feeling of isolation and from suicide. For those reasons, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from New Hampshire. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote "nay."

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 85, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—13

Adams
Bradley
Burdick
Chafee
Cranston
Inouye
Jeffords
Kennedy
Leahy
Matsunaga
Mikulski
Moynihan
Pell

NAYS—85

Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond

Boren
Boschwitz
Breaux
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson
Wirth

NOT VOTING—2

Domenici
Wallop

So the motion to lay on the table amendment No. 826 was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Without objection, on the motion of the Senator from New Hampshire, the yeas and nays are vitiated.

The question is on agreeing to the amendment.

The amendment (No. 826) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The excepted committee amendment on page 74, beginning on line 13, as amended, was agreed to.

AMENDMENT NO. 827

(Purpose: To provide for the expansion and renovation of the El Paso Job Corps Center, El Paso, TX)

Mr. BENTSEN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 827.

On page 3, line 7, insert the following before the ";": ", of which $1,000,000 shall be made available for the expansion and renovation of the Job Corps Center in El Paso, Texas".

Mr. BENTSEN. Mr. President, the amendment that I offer today to H.R. 2990, the Labor-HHS-Education appropriations bill, will provide vitally needed funds for expansion and renovation of the El Paso, TX, Job Corps Center. A unique opportunity currently exists to build on the incredible record of success compiled by the El Paso Center, and the $1 million made available by this amendment will enable us to seize that opportunity.

For the past 12 years, the El Paso Center has been ranked No. 1 out of the 106 Job Corps centers across the Nation. The El Paso Center has consistently retained the top spot in the Department of Labor's annual rankings despite overcrowded facilities and overenrollment. This is particularly significant given the fact that the vast majority of the young persons enrolled at the El Paso Center are Hispanic and come from greatly disadvantaged backgrounds.

Property adjacent to the El Paso Center has been placed on the market, property that is ideally suited to provide for an expansion and renovation of the El Paso Center. This property can be acquired, and expansion and renovation of the El Paso Center can be accomplished, for $1 million. This amendment makes that $1 million available, thereby providing for expansion and renovation of this stellar program.

Mr. President, I am pleased that the Senate is acting today to fund this important initiative. I want to thank the distinguished managers of this bill, Senators HARKIN and SPECTER, for their cooperation in this matter. The youngsters in El Paso and I are grateful for their support.

Mr. HARKIN. Mr. President, this amendment would earmark $1 million for expansion for the El Paso Job Corps center. This center has indeed consistently been voted as one of the best in the Nation. I understand that land is available adjacent to the center, which might pass by, if they do not have this money. It will be well used to serve more disadvantaged youth in need of job training. The amendment would not increase the overall budget authority or outlays in the bill. I recommend adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 827) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Mr. NICKLES.

AMENDMENT NO. 828

(Purpose: To transfer $5 million in outlays to the programs under the Head Start Act from amounts appropriated for unauthorized child care programs)

Mr. NICKLES. I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 828.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, strike all on line 7 through line 13 and on page 40, line 2, strike "$2,876,879,000" and insert in lieu thereof "$2,887,890,000".

Mr. NICKLES. Mr. President, this amendment I have discussed earlier today, but I will tell the Senators who may not have heard it before: On page 40 of the bill, line 7 through 13, this amendment strikes that language.

This language deals with setting aside or appropriating $1.2 billion for the Act for Better Child Care. In the bill it says, for carrying out title I of S. 5, as passed by the Senate, the Act for Better Child Care, the so-called ABC bill, which passed the Senate some time ago.

The bill states that the money would be available for obligation on September 1, 1990. The bill further states that, "Provided, that for purposes of section 202, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary, but secondary result of significant policy change."

Mr. President, what we are doing by this section of the bill is, we are appropriating $1.2 billion for the ABC child care bill, which has passed the Senate; but we have not passed a bill, and the President has not signed it. The President indicated he would veto the bill. The President indicated he would veto this section of the bill, because it has very large grants.

The President has been opposed to this. The President would like to have a child care bill that gives more choice to individuals. He gives tax credits to individuals. This bill does do that. This bill is not all of the ABC bill, such as we passed in the Senate. This is only, what I am going to say, the real expensive part of the bill. It is the grants to States. As a matter of fact, the bill in the report language says we would spend $1.14 billion or $1,140,000,000 in grants to the States and another $60 million for liability risk retention centers for the States.

This bill also makes another serious mistake, in my opinion. Not only is it appropriating money for a bill that is not passed, it is appropriating money for a bill the President is indicating he would veto. It is also waiving section 202 of the Budget Act.

I think it is playing games with the budget, and I think many of us should be aware of it. It says we are going to appropriate $1.2 billion, but we are not going to do it until September 1, 1990.

So there would only be 30 days available to spend this money. But if all the money is not spent in that 30 days in 1990, the balance would be available for appropriations in the rest of the year, in 1991 or in 1992. I do not think that we now should be obligating next year's Appropriations Committee to spend $1.2 billion.

If we want to spend that money next year, do it in next year's appropriation bill. Let us not do it now, because we do not know what kind of child care bill is going to pass. I expect that one will probably pass. Maybe not. I do not know. It may be a tax credit child care bill, instead of one that is going to have massive Government outlays with massive Government regulations, and with Government certification.

For my fellow Senators that are not aware of it, you should look at the bill that we did pass. Title I of the so-called ABC bill is very extensive. In my opinion, it will be very expensive for States to comply with.

In the RECORD of June 23, 1989, when we passed this bill, just looking at title I alone, looking in the CONGRESSIONAL RECORD, it covers from page S7479 all the way through S7490, so you have 11 pages, very detailed pages, of rules and regulations to comply with title I.

Again, I do not think we should be debating the ABC bill. That is not my purpose. I really do not think we should be appropriating or authorizing, or both, $1.2 billion for a bill that is not passed and has not been signed by the President.

The President has already stated his very strong objection to this section of the bill. I will read for my fellow Senators and tell them—and I am going to be very brief—I do not like staying in late, and I do not see any reason to stay in late. I do not know that we would change any votes anyway.

In case the Senators are not aware of the administration's position, they are adamantly opposed to this section. They are adamantly opposed to this section. They have stated they would veto the bill if we leave it in.

So I think it is important to take it out.

I will read from the statement of administration policy dated September 18, 1989:

> The Administration also opposes the appropriation of $1.2 billion to implement Title I of S. 5, the Act for Better Child Care, as passed by the Senate. We believe it is inappropriate to provide appropriations for pending legislation that the President's senior advisors have recommended he veto. Title I of S. 5 violates all of the principles the President has said must be reflected in child care legislation. If this funding were included, the President's senior advisors would have no alternative but to recommend that the FY 1990 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill be vetoed.

I hope we are not spending all this time on a bill that is $155 billion large to have a bill that the President is going to veto. I think if we are going to be looking at sequester and deadlines for appropriations bills, let us not include something we know will trigger a veto. If you do not think he will veto it, go outside and talk to the officials outside from the adminisration, from OMB. They are there saying repeal this section, get rid of it. Do not spend $1.2 billion.

Some of my colleagues might say we are not going to spend $1.2 billion, we are only going to spend $5 million. Estimated outlays by CBO are we only spend $5 million in the month of September 1990. I do not know whether that is a guestimate or not, but it still provides for $1.2 billion in spending which can and would be spent if we do not repeal it.

I think it is important that we do repeal it. If Congress decides to pass a child care bill that has tax credits, which—incidentally, we had tax credits in the ABC bill except it is not in this. In other words, we just get one piece of the ABC bill. The one piece we do have in the bill is the most objectionable to the President. It is most objectionable to me as a Senator because the Congress would basically be spending lots of money and with that money we get pages after pages of rules and regulations, which I think is a very serious mistake, indeed. We do not have the language that the Senator from Colorado had dealing with Social Security and the income test on Social Security. We do not have the good parts of the ABC bill. We have the expensive part. We have the regulatory part. I think that is a serious mistake.

Not only are we talking about the substance of the bill, but we are also talking about the procedures. Why in the world should we waive section 202 of the Budget Act, and that is waived by the last part of the paragraph in this section? Why should we waive section 202 of the Budget Act? Section 202 of the Budget Act was put in to avoid this type of occurrence by various committees. They did not want committees putting in expensive programs toward the tail end of the year so it would not cost very much in the year you enact it and charge it to the next year.

So section 202 says if you are going to do that, you still have to charge it against this year. If you are going to have $1.2 billion and you put an effective date of September 1, section 202 says it all has to count toward this year so you do not spend next year's money.

Section 202 also says there is a waiver. So they put in this waiver. We want to waive section 202 so we end up obligating next year's Congress. I think if we obligate next year's Congress, let us do it after we pass a child-care bill, after we pass the authorization, after we have some kind of idea on how much it will cost.

This is not the way to legislate. This is not fiscally responsible. This is a serious mistake in fiscal policy. Why in the world should we, in September 1989, be making obligations that will cost us lots of money not just in 1990, not just in the next fiscal year, but will be obligating the bulk of these funds in the year 1991? That is a very serious mistake.

By enacting this amendment that we have before us, we will save $5 million, as stated by CBO. We take that $5 million and we put it into Head Start. I think that is certainly an improvement over what we have.

So the bill basically would be we will be taking the money out. We will strike that section that says let us fund the act for better child care. I think that is inappropriately named. I think it should be named the Act for Bureaucratic Control. Let us take the money out of that section and move it over and put it into Head Start with the savings we have. I think that would be a good start, a positive thing for our children, a positive thing for the taxpayers as well. I hope my colleagues will support the amendment.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. **HATCH**. Mr. President, I hate to criticize my good colleague and friend from Oklahoma. But we had a major bill here on the floor of the Senate. It is not easy for me and it certainly was not easy for anybody on either side of the aisle. We have had wide divergence of thought as to what should be done about child care. I think it is pretty well known that I was basically supportive of all approaches, anything that might alleviate the suffering, inconvenience, deprivations, and pain of mostly single heads of household, mostly women, who really do not know where to turn for child care. They do not know what to do. They do not have the money to resolve these difficulties that increasing numbers of women in the work force need.

Frankly I would have done just about anything at that time to pass a reasonable child-care bill. It did not have to be the ABC bill. And it did not have to be just the preference approach.

I recommended to the White House that we make both of these approaches the relevant approaches; that way we would bring everybody together and in the process we attack one of the most serious and difficult problems in America today. I do not know of a more pressing family issue than child care. Proper solutions to this issue would alleviate suffering, pain, anguish, and fear. This is not just a woman's issue, this is not just a parent's issue, this is not just a children's issue, this is a family issue.

What bothers me is that some of my colleagues, on both sides of the aisle, continue to criticize the ABC bill as if it were the original ABC bill we were talking about. If that were the case, I think that their criticisms would be valid. I was the principal opponent of the original ABC bill. But it is very apparent that the ABC bill that passed the Senate was a drastically changed bill.

My colleagues on this side of the aisle in particular are always saying, if only we would let the State and local governments be in charge of their own self-governments how much better society would be because we would be bringing government closer to the people and government is best when it is closer to the people. It is more responsive when it is closer to the people.

We do allow State and local governments to play a key role in child care decisions with the ABC bill. We took the bull right by the horns and provided for State and local standards.

Now that is not good enough. The only standards they should have in regards to child care is the standards that parents set. I agree that parents should make most decisions relating to child care standards, but some parents are not making them. And if we only do the tax credit approach we do nothing about the quality aspects of child care which is one of the major issues.

A high percentage of those polled have always said that one of the major concerns they have about any kind of child care is, is it going to have quality, is it going to be something that works for the family, is it going to be good for children? ABC does help alleviate those concerns.

What about affordability? The tax credit approach helps a little bit, and I support it. I was one of the authors of one of the first child care bills that had a tax-credit approach.

But let us not kid ourselves. The average cost of child care is $3,000 per child; the average single head of household, mainly a woman, who earns approximately $10,000 or $12,000 a year. In addition, if she has two children she would probably pay $6,000 a year for child care. The child care tax credit would help her by providing $500 for the first child and $250 for the second, a total of $750. That still leaves $5,250 that she has to pay, if she is lucky enough to get child care for $3,000 per child. In some areas, child care is more than $3,000 per child.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. HATCH. If I could finish what I am saying then I will be happy to answer any questions. Let me continue a few minutes until I get through the statement. If the Senator feels strongly about it I will be happy to yield.

Let me say something I think is important and good. The tax credit approach does not attack the problem of affordability, which is one of the three big problems in child care that is causing anguish to parents and families all over America. But it only attacks it in a limited way. I like one aspect of the tax-credit approach and that is parents receive money to help pay for child care. In addition, I would like to see a tax credit, even if one parent works and the other stays home. I think this is a reasonable approach.

Most of the criticism that the ABC bill has comes from what my colleagues think the ABC bill is. We have amended it. There were amendments on the floor.

If we really want to do something about child care, then what we must do is merge both of these approaches together. If one works better than the other, fine, then we will establish and support that approach the rest of our lives here.

But if the ABC bill works better, I hope my colleagues will have an open mind.

Let us not look at just one side of the equation. I am particularly sorry to be opposed to my good friend and colleague from Oklahoma, and I regret having to oppose President Bush. I do not think President Bush has said he is going to veto this bill. He has not gone that far. He said he would consider a veto.

But I think if the Congress of the United States passes the ABC bill with the tax credit that President Bush would like, I think he is going to be hard pressed to veto that bill with the suffering that is going on in this country today. I do not believe he will. I know a lot of people who do not believe he will if we have the guts to do something about child care in this Congress, and we presume we will have the guts.

Now, I understand my colleague from Oklahoma's views. He is a great Senator. He is a great human being. He certainly is sincere in his particular approach. I have spent some time today with President Bush. I have to say there is a person you cannot help but like. He is a good human being. He means well in every sense of the word.

I understand their views, and I respect them. But I cannot agree that action on a comprehensive child-care program can be put off any longer. We have passed the bill in the Senate. It is only responsible for us to put funding in the appropriations bill to take care of it if it does come through both Houses. And I believe something similar to the ABC bill will come through both Houses. I will be surprised if it does not.

And remember, there are two sides to that bill; ABC and the tax credit approach. We have all been through a lengthy and thorough debate on the child-care issue. We took a full week here on the Senate floor to debate S. 5, the Act for Better Child Care. That is not an act for better bureaucracy; it is an Act for Better Child Care.

The President's program indirectly helps. The ABC bill directly helps. And I have seen both types of programs work. We do have State and local standards. ABC does attack all three problems: affordability, availability, and quality of child care.

The changes made in the bill during the Senate's consideration of S. 5 were excellent. I was happy to support many amendments designed to refine and improve this particular measure.

I frankly felt that the end product had the support of a substantial majority of Senators. We agreed to a voice vote in the end. But I had no doubt there was going to be a substantial vote for the total bill. And I have had a number of Senators come to me and say: I would have voted for that bill in the end.

Now maybe politics will cause them not to support the bill in the end when we have a conference report that does include some of the aspects or all of the aspects of the ABC bill. Let me just say this: I believe on the Senate floor that had we voted on it, we would have had a substantial vote and it may have foreclosed a veto.

That is something that only a reversal would tell us, but the fact is that there were a number of Senators who were willing to vote for it at that particular time. It would surprise me, Mr. President, if Members who have acknowledged the need for Federal leadership in this area and who have supported this legislation would also support appropriating the funds to accomplish those goals, and to get it going.

It is also important here to note that the Appropriations Committee has not gone hog-wild here. Out of the $1.75 billion authorized for the grant to States, only $1.4 billion was appropriated. So the Appropriations Committee has seriously trimmed down the total amount that we authorized in the ABC bill. Out of $100 million authorized to capitalize the liability risk retention pool, only $60 million was appropriated.

Now I think that was a mistake, but that is the way the Appropriations Committee acted and I am certainly willing to support that decision at this point.

I am also fully aware that these dollars will not support all eligible families. There is not enough money in the bill to do that. And, in fact, I want to emphasize the point that the Act for Better Child Care is not, and I repeat not, an entitlement. We deliberately drafted it that way. Another good reason, another good deferral to my colleagues on this side of the floor.

I compliment the distinguished Senator from Connecticut for the work that he has done to try and accommodate us. He brought us all together to try to get a consensus which I felt we had on the final day of this argument before the final vote. The final vote did not occur except by voice vote, because we were asked not to put the Senate to a final vote. We were happy to do that.

But do not let anybody kid themselves. We would have had a substantial vote at that time and there would have been a number of people on this side who would have voted for it as well. Furthermore, States have the ability to set stricter eligibility requirements if they want to target families with income lower than the State median.

Again another deferral to the people on this side of the floor. Give the States more flexibility. Let them have a say about what is going to happen. But the fact is that these funds in the Act for Better Child Care will help many families, families who have only two alternatives regarding child care. They are, one, to leave their children alone and vulnerable or, No. 2, to go on welfare. Some alternative.

That is why we need this bill. That is why we need to support it. That is why you do not strip it of any money at this particular point in the game.

The fact is many families would be helped if we could get this type of a bill passed. Now, we are going to have to deal with this issue sooner or later and I believe we will deal with it this year. I hope that we deal with it before too many more families have to face this Hobson's Choice of either leaving their children alone and vulnerable or going on welfare. Some choice.

Personally, I hope we stand up and vote against this amendment because I do not think people should have to face that kind of a choice, because they will benefit from this program if we follow through.

I think that this is the responsible legislative thing to do. Yes, there are those on our side of the aisle, and perhaps those on the other side, who were not very happy with the fact the U.S. Senate passed the Act for Better Child Care. The fact of the matter is, the responsible thing to do, since we in the Senate did pass it after a very hard-fought battle, is to fund it. In this particular case we are not funding it at $1.57 billion, we are funding it at approximately $1.2 billion.

That is not enough. That will not take care of all families. But it is a start. We can make headway. We can alleviate the pain. We can help some families and in the end maybe we can set some standard in child care through State and local government involvement that will help all of us to do a better job in the future in this very critical area.

Again, I want to thank my colleagues on both sides of the aisle. Certainly I have no criticism of my colleague from Oklahoma. He is a good man. He is a wonderful Senator. He is very sincere. I know that what he is trying to do is be fiscally responsible here. But I think it is fiscally irresponsible, to not attack this problem right now the way we should attack it and maintain the funding level.

Mr. NICKLES. If the Senator will yield, he mentioned fiscal irresponsibility. How in the world can anyone defend taking a $1.2 billion program and beginning the funding in fiscal year 1990 in the last month? In other words, say we want to appropriate the money, but we only want a little bit to be charged against this bill where the bulk of the money will be charged against future legislation. In other words, say we know the money will not be spent until at least a year from now. But, we want to spend it now even though we have not had the authorizing legislation passed and become law.

Mr. HATCH. I think it would be fiscally irresponsible, since we just passed a major bill that everybody admits addresses the problem, whether they like the way it addresses it or not, to fund it. That is the most deceptive, cynical thing to do. I cannot solve the budgetary problems of the United States Congress. All I can say is this is still about $500 million less than what we passed, actually probably a little more than that.

Mr. NICKLES. The Senator talked about the ABC bill in its entirety. The Senator is well aware this only includes title I, only includes grants to the States; it does not include some of the parts that the President is likely to support.

This is the part the President adamantly is opposed to and has stated time and time again he will veto.

Mr. DODD. Will my colleague yield on that last point?

Mr. HATCH. I will be happy to, in a moment.

Title I is the only title that makes any appropriation. What else would it apply to? When we stop to think about it, we have passed the bill here, we are going to fight for it, we have been fighting for it, and we want the appropriations.

Mr. NICKLES. If my colleague would yield just one moment further, this is the provision the President is adamantly opposed to. I have another letter that states he will veto this bill. At least ABC did have some tax credits. That might be able to entice the President. But there is no question the President would veto this provision. But yet the Senator wants to spend the money even though he knows the President would veto the bill if this is all we would pass.

It does not really seem to make sense to obligate the next 2 or 3 years toward a program that the President certainly is going to veto.

Mr. HATCH. I will just make one more comment. The fact of the matter is, as I have always said, if we have a child care bill it is probably going to have to have both components. I think it is a safe bet that since the Ways and Means and Finance Committees would like to have the tax component, at the very least that will be the component that will pass. But I think we can add an ABC component to it and if we do we need to appropriate the money here. It is irresponsible not to, and that is my point.

The bill is being considered now. It is time to put our money up front and tell the States and communities and parents that our action on S. 5 was not just a political bill. We are really trying to do something practical. It is time to say we are serious about this issue. I think the States need to know we intend to deliver, if this type of legislation ultimately does pass.

Mr. NICKLES. Will the Senator yield for one final comment? If we want to put the money up front let us put it up for the entire fiscal year. Let us not play the game of fencing the money for 11 months and hope 1 month and so we will skew the numbers and pass on the outlays for 1 year. Let us make it all available for fiscal year 1990. So the taxpayers will know how much we are spending.

I will tell my colleagues, it will make this budget subject to a point of order.

Mr. HATCH. Let me say this, I am not going to argue that particular point. I wish I could write all the bills around here. I think they would be considerably different and probably more pleasing to the distinguished Senator from Oklahoma. Probably less pleasing to my colleagues on the other side.

But if this bill does not become law the administration obviously would have no authorization to spend the funds, so I do not think we ought to worry too much now about providing the funds. The fact of the matter is, it is irresponsible not to have the moneys in this particular appropriations bill. I just hope all our colleagues, even those who did not particularly care for the ABC bill, will consider some of the good aspects of that bill and consider the fact that we had our battle here on the floor. Let us not take away the appropriations moneys that are needed to implement that bill, if it does come through the Congress as a whole, which I hope it does.

If it can be improved, I will be happy to see that happen, too.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I think it is interesting we are back here repeating the debate on child care that we already had some 3 months ago.

We are talking about a very important family issue. We are talking about what we can do to improve the quality of life for families and to protect children.

On June 22, the Senate spoke out loud and clear. On that day, a number of Senators, mostly Republicans, offered a substitute package of child care tax credits. That was voted down 56 to 44. The Senate made it very clear what we wanted to do, what direction we wanted to go.

The Senator then approved the Mitchell substitute to the original Act for Better Child Care bill on a vote of 63 to 37. The fact is, this body passed the ABC bill. It is now going to go to the conference with the House. What logic is there, now, to voting to strike all funds for the very legislation that we passed just 3 months ago?

We are told the President might veto it. Well, I think that would be a tragedy—a tragedy for this country—if he did elect to veto it.

Mr. HATCH. Will the Senator yield? I think it would be a tragedy, too, and it seems to me if you look at what Mr. Fitzwater is saying, they are certainly leaving little room there to see what the final bill would be. I think that is responsibility on the part of the President. He wants to see what is going to happen before he starts throwing around a veto threat.

Frankly, if he looks at the ABC bill the way it was passed here, I think he might find some merit.

Mr. DECONCINI. I am glad the Senator from Utah raised that point. This bill is very different from the original ABC bill. Much of the credit for that goes to the Senators from Utah and Connecticut. A compromise was worked out which contained tax credits and the capability for local input. That compromise did not mandate any Federal standards.

Mr. President, the Senator from Oklahoma has stated that the President will veto the ABC bill, and if that is his judgment, fine. But our judgment has been made, and that is to support child care in the form of the ABC bill.

Let me quote what President Bush said when he was campaigning on child care:

> The single most important issue arising from the changes in our work force is child care. Today, child care is nothing short of a family necessity. The States and the Federal Government ought to provide additional resources for a broader range of choices and higher quality of child care.

That is George Bush talking. He is calling out for better child care, and so are the American people. In poll after poll, Americans say that child care is now an urgent need.

Mr. President, the Senate responded on June 23. Do we have to wipe that out now? Do we have to go through this whole process again? Are we about to give this message to the American people, that we will vote for better child care, but we just won't fund it? To me, that is absurd.

Mr. NICKLES. Will the Senator yield?

Mr. DECONCINI. No, let me finish, and then I will be happy to yield to my friend.

I am haunted by the memory of what took place on the Senate floor in the last Congress. We brought child care legislation to the floor of the Senate only to kill it with a filibuster. Now we are back, trying to kill it again.

Compromise was worked out here. This was a good bill, and it was passed with some very strong support from the Republicans. Let me cite some facts so we will remember what transpired in the debate about child care.

It is estimated half of the women in America have to leave their babies in child-care programs that they do not trust. As a nation, we can do better than that. And as a Senate we did better than that.

Right now, in this country, 21 States do not require criminal record checks of child care providers. As a nation, we can do better than that. As a Senate we did better than that.

Today, across these United States, almost 2 million children come from school each day to an empty house. Again, we can do better than that as a nation. I am proud to say that this Senate did better than that.

This body passed the ABC bill. When we did so, we took positive action to make the child care situation in this country better.

Like other child care bills in the Congress, the ABC bill seeks to address the pocketbook concerns of parents. But ABC is the only Senate bill, the only one, that ensures that child care will not increase the risk of injury and illness for our children.

Almost 3 months ago there were many cases brought out here about problems in child care across this country—in my own State of Arizona, in New York, and across the country. Probably everydody has a war story on the abuses and the problems that the lack of good child care has brought.

Mr. President, we ought to soundly defeat the amendment of the Senator from Oklahoma, because it simply makes no sense. We have already passed the ABC bill. It would send a very bad message that having passed the ABC bill, we will now refuse to fund it.

Mr. President, I ask for unanimous consent that Monty Malcomb of my staff be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. May I ask one question?

I know a lot of people want to speak. But if this is so good, let us quit acting like we are giving something for child care. This only lasts for 1 month.

Would the Senator support an amendment that will support it for the entire year? We are playing games.

Mr. DECONCINI. Will the Senator yield?

The answer is "Yes." The question is, Would the Senator suggest that? Would the Senator offer that amendment to fund the whole thing? He is saying we ought not to fund this little bit of the bill because we ought to fund the whole thing.

I would like to fund the whole thing. I am willing to vote on it if the Senator would offer that amendment.

Mr. NICKLES. One very quick comment. My colleagues in support of ABC are acting like that is what we are doing here. What they are doing is playing a game with numbers. They are funding the ABC bill for 1 month and they are obligating the future Congresses to $1.2 billion, but they are only going to score outlays for a few million. That is really deceptive. If they want to fund ABC, let us fund ABC for the entire fiscal year because you do not have it. You have 1 month funding.

Mr. HATCH. How much are we funding it for? Do you remember how much we are funding it for that 1 month?

Mr. NICKLES. You are obligating this Congress, appropriating $1.2 billion. Outlays will be $5 million.

Mr. HATCH. So $5 million for child care in the whole United States of America for 1 month.

Mr. NICKLES. You are spending $1.2 billion.

Mr. HATCH. Next year.

Mr. NICKLES. That is my point. If the Senator is that supportive, let us make it $1.2 billion for fiscal 1990.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. It sounds like a golden gimmick to me. My disposition is to support the amendment of the Senator from Oklahoma. I just want to ask a question or two. I tuned into this debate a little late, but it is my understanding that the appropriated amount that is the budget authority is $1.2 billion, but the spending does not begin to occur until the last month of the next fiscal year. That is 12½ months from now.

Mr. NICKLES. The Senator is correct.

Mr. ARMSTRONG. In that case, it is not clear to me exactly what the rationale for it is. I was not on the floor when the managers explained it, but that clearly seems to me to be abusive. It is speculative, I guess, as to whether or not we are going to have an ABC bill. I think a lot of people believe we will. It is no dead cinch that is the case because the President is opposed to certain features of it. The last time I knew, he still had the right to veto it.

The Senator from Arizona correctly points out that the Republican position, the President's position was defeated by a fairly good margin of I think around 56 to 44. However, 44 would be more than enough to sustain a veto if that were the President's intention and desire.

I do not think we ought to jump to the conclusion that because one Chamber has passed a bill of a certain kind that it necessarily is going to be enacted into law. In some form or another, that may well happen. But that is not really the issue.

The issue is whether it is good policy to appropriate for a new, large, ambitious and still undefined program which has not yet been enacted into law. The regular order around here is that we do not appropriate except for programs that are authorized by law. Sometimes we honor that custom by breaching it, but, in fact, to do so in this way really plows some new ground because what we have done at various times, and I suppose that we may do it again tonight. We are talking about funding a very large bill for a program which has not yet been enacted into law and the exact size and shape and form of which we do not know.

One other question, if I may direct it to the Senator from Oklahoma, would it be agreeable to the Senator if I be added as a cosponsor to his amendment?

Mr. NICKLES. I appreciate the Senator's cosponsorship.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. DOLE. I, too, ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate has devoted already approximately 45 minutes to this amendment. I wonder if the principals on both sides might agree now to a time limitation we could then have a vote on or in relation to this amendment. Would 20 minutes equally divided be acceptable?

Mr. NICKLES. This Senator is ready to vote now.

Mr. ARMSTRONG. Let us vote now.

Mr. SPECTER. If the majority leader will yield, I would like 4 minutes.

Mr. MITCHELL. In opposition to the amendment?

Mr. SPECTER. In opposition.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further debate on this matter be limited to 20 minutes equally divided under the control of the Senator from Oklahoma or the Senator from Iowa or their designees and that upon the completion of that debate or yielding back of time, a vote on or in relation to this amendment occur without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I have asked the majority leader while he is on the floor, I am not certain how many amendments are left. It is going to be probably 8:30 before we complete action on this one. I am not sure whether the majority leader intends to continue tonight or whether maybe we can at least corral a number of amendments, get agreement that no more be in order. We are preparing a list now we can give to the majority leader in a moment or two and get that agreement, at least nailing down the number of amendments. If we cannot do that, we do not go to third reading, maybe there is some way it can be phrased so we can limit the number of amendments up to third reading. We will check that pretty carefully. In any event, Hugo is on the way, I understand. We need to speed this up.

Mr. MITCHELL. That is correct. The distinguished Republican leader is again correct. Several Senators spoke with me about their plans for tonight and tomorrow in view of the weather. I am expecting to get the latest report in that regard and hope to consult with the Republican leader in the near future. It would be helpful to me if both sides could compile a list of potential amendments and perhaps we could get agreements on them and get some indication of what is likely to be left.

Mr. President, I yield the floor, and I thank my colleagues for their cooperation.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER]. Does the Senator from Iowa yield time?

Mr. HARKINS. I yield 4 minutes to the Senator.

Mr. SPECTER. Mr. President, I am opposed to this amendment to strike because I believe that it is premature. What we are faced with at the moment is that in fiscal year 1990, the period beginning October 1, 1989, to September 30, 1990, there will be $5 million in budget outlays. We are talking about the balance of $1.2 billion in budget authority, but that does not occur until fiscal year 1991, beginning October 1, 1990, and running through to September 30, 1991. There is plenty of time to consider that issue. It is properly a matter for the appropriations bill for next year.

There has been extensive analysis and consideration of what is the import of the striking of this paragraph and the distinguished Senator from Oklahoma and I had an extensive talk with the Parliamentarian this afternoon as to whether this involved the budget waiver. As best I understand it, it is a complex matter, it does not involve a budget waiver.

The concern that this Senator has about striking this paragraph is that it will appear to be a retreat from the legislation which the Senate has already enacted. We do not yet have a day care bill. It is problematical as to what kind of a day care bill we will have. The House has not acted. The President has stated his disagreement with the substance of what the Senate has passed. Until we know what the shape and contour of that day care bill is, it is really premature to start to talk about what is the funding for fiscal year 1991, which is really what we are talking about here on $1.2 billion minus $5 million.

The question was asked by some, well, why is this figure in the bill if we are really talking about next year's appropriations bill? And that is a good question. It might be that in the drafting of this bill it might have been omitted, but in this articulation of budget authority, it is not dispositive as to what will happen in that timeframe. A concern that this Senator has, if we strike it out, is it will appear that we are going back on what has already been decided upon. So that is why I think that the motion to strike is premature and ought to be defeated at this time. It does not prejudice the expenditure of funds because we can do that when we have the appropriations bill for the next fiscal year. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I will be brief. I never did support the ABC child care bill, as the author and my colleague from Utah knows, until the very end. I went through a very heated campaign in my State in 1988, and I stood up and said child care is about a $75 billion problem, and this is like a $4 billion answer.

I agree with everything that has been said here tonight about the seriousness of the problem in this country, and I know, despite the fact this is not the bill I wanted to support, despite I was always on the losing end of all those votes, I think that the Appropriations Committee has been more than responsible in providing for the outlays and for the authority in this bill or whatever passes this body.

I know we are not going to leave here in the middle of November without passing some kind of child care legislation, whether it is mine, it is ORRIN'S, it is CHRIS DODD'S, it is my colleague's from Oklahoma. We are going to do it on both sides of the aisle. I think they have acted responsibly in this appropriation, and I would certainly argue against my colleague from Oklahoma and urge that his amendment be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, 1 minute, if I might.

Mr. HARKIN. I yield 1 minute to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I think it is terribly important that we have a child care bill. We debated this and we passed the ABC bill. Now, some may not like it, but that was the agreement of this body. I supported it from the beginning. I think it is a good bill. Now we are in the process of paying for it. I think that is the proper procedure to follow.

Some have suggested that this bill might be vetoed. Well, it might be, but there is a long ways to go before we get to that. This bill has to go to conference. The President's influence is going to be exerted. As we go along there may be other features about which he wishes to veto the bill. We do not know. We will take that when the time comes.

But in the meanwhile, I think it is important we fund the legislation and get on with providing money for a child care bill. It happens to be this one. I think this is a good one, and I think we ought to proceed in the manner the committee has recommended.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 4 minutes and 33 seconds remaining and the Senator from Oklahoma has 10 minutes remaining.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut. Does the Senator from Iowa yield time to the Senator from Connecticut?

Mr. DODD. Will the Senator yield?

Mr. HARKIN. Yes. I yield 1½ minutes.

Mr. DODD. One minute.

Mr. HARKIN. One minute.

Mr. DODD. I appreciate the comments of my distinguished colleagues, Senator SPECTER, Senator CHAFEE, Senator DURENBERGER, Senator HATCH, and others.

Very briefly, we are just debating an issue we have debated before. We spent 8½ days on the floor of this body debating this bill and working out compromise to ultimately bring us, I think, to a vote of 63 to 37, something like that, to adopt this approach.

As the Senator from Minnesota has said, we are going to have a child-care bill. I know the President right now is not in favor of the Senate approach, but I also know that before we complete this process we are going to negotiate with the White House because I want the President's support. I know I am going to have to give some ground. I accept that. That is the way you do business. So the issue is not whether or not the President likes this particular bill out of the Senate but whether or not he likes the product we ultimately send to his desk. That is the process of negotiation and legislation.

What we are doing here is providing the funding for it. You cannot on the one hand in July vote for the ABC bill to authorize, and then today vote against the money that would support it. So I remind my colleagues that what we are doing is just ratifying and putting behind the legislation the dollars that will make this legislation possible. I urge my colleagues to defeat this amendment with all due respect to our good friend from Oklahoma.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. HARKIN. I yield myself 1 minute.

Mr. President, again I have heard some talk about authorization levels and things like that. Let me state emphatically, we passed the authorization bill that authorized $1.75 billion. This authorizes $1.2 billion. We are well within the parameters of what this body did just a couple of months ago.

Second, this amendment was in the mark of the subcommittee. There was no opposition to it in subcommittee and there was no opposition to it in full Appropriations Committee. No one even recognized it as an issue. It was well settled among both sides in the Appropriations Committee with the provisions we put in there, that the outlays would not begin until September 1 of next year, which incurred a total outlay of about $5 million.

Mr. President, I want to make it clear that this is well within the budget. It is well within the authorization level that the authorizing committee passed in July.

Mr. NICKLES. Mr. President, my good friends and colleagues—and I respect everyone—are trying to turn this into a debate on ABC. This bill does not fund ABC. This bill funds ABC for 1 month. That is budget hokus-pokus. It is using mirrors to the *n*th degree. That is my complaint.

I am on the Budget Committee. I wish we would hear statements from the Budget Committee members. Maybe they are gone. But we are just trashing the Budget Act, section 202 of the budget prohibition of counting as savings the transfer of Government actions from 1 year to another. That is the reason why section 202 is there.

If they do not want these kinds of games played, they do not want to say, well, we will start a new program; we will just happen to start it at the end of the next fiscal year. If we want to fund ABC, let us fund it. Let us fund it for the fiscal year. Let us not fund it for 30 days.

I heard all these great statements about ABC and funding child care. This bill does not do it. It only funds 30 days. It just starts the program. Then the obligation is for the next couple years. Then we are going to have an appropriation for fiscal year 1991. Almost all this money is going to be spent in 1991. Why not appropriate it in 1991. But that time we will have passed a child care bill, and then we can pass a bill that will be consistent and appropriate with whatever we pass.

But what we are doing here is passing appropriations for a bill that has not passed. That does not make any sense. The supporters say, well, we are only going to spend $5 million out of $1.2 billion. Why in the world would you appropriate $1.2 billion and say we are only going to spend $5 million in the fiscal year 1990? Why not say we are going to spend $5 million in fiscal year 1990 for implementation of ABC, if ABC passes? It does not say that. It says $1.2 billion.

In other words, it is obligating future Congresses. That is not good sense. Why in the world waive section 202? The Budget Act was designed and created to make us more fiscally responsible, not to create and expand and compound our budget problems in the future. That is exactly what it does.

This will give us committed obligations and outlays for fiscal year 1991, estimated by CBO at $700 million, and several hundred million dollars in the outyears as well. That is not good sense. This is a terrible thing to do with the budget.

You could do this for every new program, entitlement programs and others. We are going to start a new program, but for this year it will not bust our targets because we are just going to fund it for 1 day. But the outlays will really come in the future.

That is not very wise. That is not even being honest. We are not funding ABC. If we are going to fund it, let us fund it for the entire year. That is not what we are doing here. We are trashing the Budget Act, totally, completely trashing the Budget Act. We would not be justified funding it for 30 days.

And so for all the great statements that were made concerning child care, this act does not do it. It funds it for 30 days, and it obligates the Congress next year. I am on the Appropriations Committee, and think other appropriators would like to have the opportunity to write the appropriation for 1991 to comply with whatever child care bill we would pass. This does not do it.

So what my bill does is strike this section. It strikes this waiving. Half of this section is waiving the Budget Act. It strikes that as well. It says let us take that $5 million and use it in a program that would help youngsters. It would put that money in Head Start. That is a proven program. It is a program that has worked, and it is a lot better than saying we are going to appropriate $1.2 billion; only $5 million of it will be used this year, and we are going to go ahead and pass an appropriation this year, $1.2 billion, that will have to be spent in the future.

If we're only going to use $5 million, we should only approriate $5 million and then in next year's bill we could fund the bill as necessary.

Mr. President, I ask unanimous consent that Senator DOLE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I will be happy to yield the remainder of my time if the manager of the bill would like to as well.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute 32 seconds.

Mr. HARKIN. I yield the remainder of my time to the distinguished majority leader.

Mr. MITCHELL. Mr. President, I will be brief, given the time constraints.

As so often happens in the Senate, the real issue is sometimes obscured behind talk of outlays and budget authority, authorization and appropriation, Budget Act, jargon which is familiar to us but unknown to most Americans.

The real issue here is very simple: Is the Senate now to reverse the decision it made in June in support of legislation to provide child care for American families? We debated it for 7 long days. On the crucial vote, the margin was 63 to 37. By an overwhelming majority, Members of the Senate expressed their support for child care legislation.

The fundamental issue before us tonight is a very simple one: Are we now prepared to reverse that decision?

What, if anything, has transpired in the 3 months since June to cause us to reverse our decision? The answer is of course nothing. The course for the Senate now is to reaffirm by the same or an even larger margin the strong support which we provided for what is an essential aspect of American life today; that is child care not just for children, but to give the women of this country the economic independence, and the economic opportunity which this legislation will do.

I strongly urge my colleagues to join in defeating this amendment, and at the appropriate time I will move to table the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has 5 minutes and 9 seconds remaining.

Mr. NICKLES. Mr. President, again I think people have tried to turn this debate on ABC. Again, we are not funding ABC. I am not the one who put in the September 1 funding day.

Fiscal year 1990 has 12 months in this. This funds 1 month. That is budgetary hocus-pocus. It does not take any genius knowledge of the Budget Act or anything else. That is people playing games with the numbers. They want to get a great big appropriation but only a little bit to count toward the numbers, the scoring that we use toward this bill.

Mr. President, in addition to that it waives the Budget Act. We support, or most of us, and a lot of us want to have some kind of fiscal responsibility. That section 202 is not something this Senator dreamed up. It is a section that says let us not appropriate funds and commit future years or, if you are going to do it, it should all count toward this year. That is the whole purpose of section 202.

If you make a multiyear appropriation in one bill, it should count this year. You cannot commit future Congresses and future appropriations committees. That is the reason 202 is there. This bill waives 202. Therefore, it is legislation on appropriation and, Mr. President, I make a point of order that the subcommittee amendment on page 40, lines 7 to 13, contains legislation in violation of rule XVI.

The PRESIDING OFFICER. The Senator is advised that a point of order is not appropriately taken until the time expires for debate. There are 3 minutes and 24 seconds remaining allocated to the Senator from Oklahoma.

Mr. NICKLES. I might inquire of the majority leader. Is he finished with his time?

Mr. HARKIN. We have no time remaining.

Mr. NICKLES. Mr. President, I yield the remainder of my time.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I urge my colleagues to oppose the amendment to eliminate funds for child care. This amendment would effectively delay implementation of the Act for Better Child Care by as much as a year, placing millions of American children in jeopardy.

On June 23, the Senate voted to enact the Act for Better Child Care.

Soon, possibly as early as next week, the House will take up the issue. We are very close to ensuring that millions of American children have access to safe, affordable, child care.

Recognizing the importance of this legislation, and acknowledging the progress that has been made the Appropriations Committee provided $5 million in outlays and $1.2 billion budget authority to fund this program.

Now we are being asked to cut those funds. We are being asked to tell American families that they can wait another year for desperately needed child care aid.

ABC is authorized at $1.75 billion. We need $1.2 billion in budget authority to get this important program up and running. Next year, much of the administrative groundwork will be laid by the Department of Health and Human Services. They will draw up regulations, convene the advisory committee that will promulgate model standards, and award planning grants.

The Department must have substantial budget authority to obligate funds that will be paid out in the following year. That will be the first year, that families will receive the child care aid they have been awaiting for two decades.

We need the budget authority this year to begin planning. If we do not make funds available, we will delay start up of the program for at least 1 year.

These funds will be a commitment to State and local governments which are required to match the Federal funds.

Unless we encourage State and local governments to begin their planning, the Federal money will not be used effectively once the program is authorized.

Senator NICKLES asked why title I of ABC is the only title for which appropriated funds are needed.

Title II is self-financing—it includes amendments to the Internal Revenue Code.

Title III amends the Social Security Act, which is of course an entitlement.

Title IV contains no authorization of appropriations.

Title I, which provides help to families, is the only title for which funds can appropriated.

S. 5 was a compromise bill, with supporters on both sides of the aisle. It includes important negotiated agreements on standards, on church/State, and on tax provisions. This legislation was passed on a voice vote, but if we had had a rollcall vote, it would have passed overwhelmingly.

Amendments to undermine the bill were defeated by large margins. There is no question that the Senate has spoken loud and clear in favor of the Act for Better Child Care.

It has been almost 2 years since ABC was first introduced in the Senate. We cannot afford further delay. Every day, over 5,000 mothers turn down paid jobs because of lack of child care. Everyday, more than 2 million children spend another day alone and unsupervised. Everyday, more than 3 million children risk injury or even death in unlicensed day care homes. We have already paid too high a price for our inaction, and there is no justification for additional delay.

I strongly urge my colleagues to reject this amendment.

Mr. MITCHELL. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The legislative clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENIC] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—66

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wilson
Wirth

NAYS—32

Armstrong
Boren
Boschwitz
Breaux
Burns
Coats
Cochran
Danforth
Dole
Garn
Gorton
Gramm
Grassley
Helms
Humphrey
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Rudman
Simpson
Stevens
Symms
Thurmond

NOT VOTING—2

Domenici
Wallop

So, the motion to lay on the table amendment No. 828 was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I make a point of order that the section the amendment is on its legislation on an appropriations bill under rule XVI.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I would like to be recognized to speak on the point of order.

The PRESIDING OFFICER. The point of order is not debatable.

Mr. HARKIN. I make a defense of germaneness on the amendment.

The PRESIDING OFFICER. Under rule XVI and the Senate precedents, the Chair is required to submit the question to the Senate without debate.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Is the committee amendment on page 40 germane? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENICI] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 65, nays 32, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—65

Adams
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wilson
Wirth

NAYS—32

Armstrong
Boschwitz
Breaux
Burns
Coats
Cochran
D'Amato
Danforth
Dole
Garn
Gorton
Gramm
Grassley
Helms
Humphrey
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Simpson
Stevens
Symms
Thurmond

NOT VOTING—3

Bentsen
Domenici
Wallop

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote there are 65 yeas, 32 nays. The judgment of the Senate is that the amendment is germane.

Mr. DODD. I move to reconsider the vote by which the amendment was ruled germane.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE CHANGE

Mr. GORE. Mr. President, on rollcall No. 197, I inadvertently voted aye and wish my vote recorded no. It will not affect the outcome. I ask unanimous consent to change my vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. MITCHELL. Mr. President, I will momentarily propound a unanimous-consent request identifying and limiting the remaining amendments to this bill before we move it to the status which the previous appropriations bills have been placed, that is, just short of third reading. It is my hope that we will be able to complete action on these matters tonight.

We have been unable to contact each Senator who has a prospective amendment, so the time limits will be incomplete. There are a number of amendments pending but very few of them will be contested and require rollcall votes. It is my hope we can continue and complete action on this measure this evening.

Mr. President, accordingly, having discussed this matter with the distinguished Republican leader, I ask unanimous consent that the following amendments be the only amendments under the following time limitations remaining in order prior to setting the bill aside for the defense appropriations bill, H.R. 3072. I will have an addendum to my request upon completion of the reading of the list: An amendment by Senator DOLE for Senator DOMENICI regarding the homeless, 30 minutes equally divided; an amendment by Senator DOLE regarding bioscience, 1 minute equally divided.

Mr. DOLE. Make it 2 minutes.

Mr. MITCHELL. Two minutes equally divided; an amendment by Senator HEINZ regarding low-income home energy assistance—I understand that is merely to be a colloquy—5 minutes equally divided; an amendment by Senator ARMSTRONG regarding fatal disease research.

We are unable to determine whether it will be offered and so since it is on the list, to protect Senator ARMSTRONG, I will leave it on without a time limit in the hopes that we can, as soon as we reached him, determine whether it will be operative or not, remove it from the list or place a time limit on it; an amendment by Senator WILSON on impacted aid, which I understand will be accepted, 2 minutes equally divided; a second amendment by Senator WILSON regarding the Head Start Program which I understand will be accepted, 2 minutes equally divided; a point of order by Senator HELMS regarding funding for national teaching standards, 1 minute; an amendment by Senator HARKIN to restore funding for national teaching standards in the event the point of order is sustained, 30 minutes equally divided; an amendment by Senators DURENBERGER and ROCKEFELLER, sense-of-the-Senate resolution that is on Medicare contractors which I understand will be accepted, 5 minutes equally divided; an amendment by Senator MOYNIHAN regarding awards for addiction research, and I do not know—we do not have an indication of time so we will put it in with no time limitation but with the expectation that shortly we will be able to place a time limit on that; an amendment by Senator SIMON on VISTA literacy corps, which I understand will be accepted; 2 minutes equally divided;

An amendment by Senator CRANSTON regarding education, 10 minutes equally divided; an amendment by Senator GRAHAM of Florida, regarding SLIAG funding, no time limit.

Now, Mr. President, this request means that when the bill is called up again at a later date, it would still be open to amendment just as the VA, HUD, and the foreign operations bills are open to further amendment.

I further ask unanimous consent that when these amendments are disposed of, the bill be set aside and the Senate proceed to the defense appropriations bill, H.R. 3072.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator DOLE.

Mr. DOLE. Mr. President, I am advised the Cranston amendment will undo the earlier Humphrey amendment, and so we will have a possible second-degree amendment, so I am wondering if we could eliminate the time on that.

Mr. MITCHELL. Then I amend my request to eliminate the time limitation on the Cranston amendment, and provide that a second-degree amendment to that amendment be available, a relevant second-degree amendment.

Mr. DOLE. Relevant.

Mr. SPECTER. If the majority leader will yield, I think we ought to reserve some time for Senator GRASSLEY on an amendment as well.

Mr. MITCHELL. On which amendment?

Mr. SPECTER. Community service block grants.

Mr. MITCHELL. I am sorry; another amendment?

Mr. SPECTER. Yes.

Mr. MITCHELL. All right.

Mr. SPECTER. The Senator does not have Senator GRASSLEY for any amendment, does he?

Mr. MITCHELL. No.

Mr. SPECTER. I am not sure he intends to offer it, but I think as a matter of protection he should be included within the unanimous-consent request.

Mr. MITCHELL. Is the Senator able to state whether he will agree to a time limit?

Mr. SPECTER. I believe he will, but I would not want to specify the time.

Mr. MITCHELL. I modify my request to add an amendment by Senator GRASSLEY regarding community services block grants, no time limit, with the expectation that we will be able to get a time limit on it shortly.

The PRESIDING OFFICER. Is there objection to the request?

Mr. PRYOR. Mr. President, reserving the right to object. I will not object. I promise the leader and my colleagues I will not take more than 1 minute.

On August 5, 1987, I introduced a proposed rule change in the Senate. This was shared with me, and it is cosponsored by the Senator from Missouri [Mr. DANFORTH].

I am prepared, and planning on Tuesday, Mr. President, to introduce that same change to perhaps keep us out of these situations which as we know for 3 hours the distinguished leader and the managers of this bill pled and begged for the Members of the Senate to offer their amendments.

I am going to submit for the RECORD tonight the language that I will propose to offer on Tuesday that will require all of us to amend sections, to amend bills by sections, and if we are not there to offer that amendment to that particular section, it will take unanimous consent to revisit that section of the bill.

It is a very strict, disciplined rule. I think it is going to be necessary, especially as we face reconciliation and many other tough issues that are coming for the remainder of this year, and the remainder thereafter.

So on Tuesday I hope our Members and staff will have read the language. I have no pride of authorship. There could be improvements. I will have this printed in the RECORD for the weekend reading of our colleagues and staff members.

I ask unanimous consent to have this printed in the RECORD at the appropriate point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 277

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) Each bill, resolution, or other measure, subject to amendment, considered by the Senate shall be open for amendment in the order that sections (or paragraphs, in the case of an appropriation bill or resolution) appear in the bill, resolution, or other measure.

"(b)(1) On a point of order made by any Senator, no amendment shall be received to a bill, resolution, or other measure, or a committee reported substitute treated as original text, unless the amendment—

"(A) amends the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered; and

"(B) relates to the subject matter of the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered.

"(2) It shall not be in order to consider any amendment to a section (or paragraph in the case of an appropriation bill or resolution) to a bill, resolution, or other measure if more than 20 minutes has lapsed following the final disposition of an amendment to the section (or paragraph in the case of an appropriation bill or resolution) under consideration.

"(c)(1) The provisions of subparagraph (a) of this paragraph shall not apply to any amendment which is a technical, clerical, or conforming amendment.

"(2) The provisions of this paragraph may be modified by an order of the Senate.".

Mr. PRYOR. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there objection to the majority leader's unanimous-consent request?

Without objection, it is so ordered.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 829

(Purpose: To delete provisions relating to the prohibition on impact aid payments being made to local educational agencies if such payments fail to exceed 1 percent of such agency's total current expenditures)

Mr. WILSON. Mr. President, I have an amendment I sent to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself, Mr. ADAMS, Mr. COCHRAN, Mr. EXON, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. D'AMATO, Mr. CRANSTON, Mr. KERREY, Mr. BOREN, Mr. WARNER, Mr. MATSUNAGA, and Mr. GORTON, proposes an amendment numbered 829.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, line 8, strike out the colon and all that follows through "expenditures" on line 11.

Mr. WILSON. Mr. President, I offer this amendment on behalf of myself and Senators ADAMS, COCHRAN, EXON, MIKULSKI, MOYNIHAN, D'AMATO, CRANSTON, KERREY of Nebraska, BOREN, WARNER, MATSUNAGA, and GORTON.

Mr. President, this is an amendment that relates to Federal impact aid. To put it in its simplest terms, it will preserve the present formula and the present number of recipients. There has been an effort by the committee to attempt a targeting to deserving and needy districts, but I think that what they have failed to do here is to take into account the hardship that the formula they have chosen produces.

So on behalf of the many cosponsors and a number of others, because virtually every State seems affected and, in fact, there would be a total elimination of impact aid for Delaware, Vermont, and West Virginia, I offer the amendment. I ask it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ADAMS. Mr. President, I rise in support of the amendment of the Senator from California on impact aid.

The PRESIDING OFFICER. Does the manager yield back time?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I ask unanimous consent that Senator DASCHLE also be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the Senate is not in order. I cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Senator HARKIN has the floor.

Mr. HARKIN. Mr. President, might I inquire. Is there a time agreement on this amendment?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. HARKIN. How much time is left?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. HARKIN. Mr. President, I think it is important that all Members understand what we have done with the Impact Aid Program. The committee has provided a total of $731.9 million for impact aid; $112 million more than the President requested.

The President requested that we eliminate all funding for "b" students but we have restored this funding to a level of $110.5 million.

Members should be aware that under the allocation ceiling my subcommittee was given, there is simply not enough money to restore all of the President's proposed cuts and also provide all of the President's requested funding increases.

A number of Members have written and asked that we provide a significant increase for impact aid. This was impossible since we first had to restore the President's termination of the "b" payments.

We have, however, found a way to provide a funding boost for those school districts with a moderate or large number of eligible students. Currently, we are providing payments to school districts that represent a very small percentage of their annual budget. The bill before us includes a provision that would set a payment floor. We will no longer make payments to school districts if their payments amount to less than 1 percent of their annual budget.

By setting this funding floor, we have been able to free up money so that school districts with a moderate or large percentage of "a" students can get a funding increase. Many of these districts have not seen an increase since 1986. School districts with "b" students will get roughly the amount they received last year if their payments equal more than 1 percent of their annual budget.

Members need to know, however, that when we adopt the Wilson amendment and remove the funding floor from the bill, we will once again be spreading the dollars very thinly and many school districts with a moderate or large number of children will not see any increase at all. Some will be cut below last year's level since the appropriation is below last year's level.

I understand that there are Members like the Senator from California that are more concerned about the number of school districts that will lose their payment than the increased funds their State would enjoy as a result of the funding floor included in the committee bill. It isn't an easy choice for any of us.

California will actually see reduced funding as a result of the Wilson amendment, especially those districts in California that have a significant percentage of eligible kids. In fact 34 States will lose funds so that 16 States will gain funds as a result of the Wilson amendment but every State will have some school districts that will lose their payment under the committee bill.

We have found, however, that for those school districts that will have their impact aid payments eliminated, the amount they will lose in impact aid funding is likely to be more than offset by the increase we are providing from the chapter I program.

Still, I understand the sentiments of the Senator from California and the cosponsors of the amendment. I will, therefore, accept the amendment.

I yield back my time.

Mr. WILSON. Mr. President, I ask unanimous consent that a table giving the breakdown of the impact be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BREAKDOWN OF POTENTIAL IMPACT OF PROPOSED MINIMUM SECTION THREE PAYMENT CONTAINED IN SENATE SUBCOMMITTEE REPORT BY STATE

State	Total number of 874 school districts in State	Type	Number of school districts	Loss of dollars
Alaska	53	Ineligible	13	942,712
		Marginally ineligible.	4	145,292
Alabama	71	Ineligible	60	1,356,628
		Marginally ineligible.	4	681,290
Arkansas	22	Ineligible	20	161,978
		Marginally ineligible.	1	679,501
Arizona	55	Ineligible	15	2,191,494
		Marginally ineligible.	7	1,039,205
California	261	Ineligible	179	7,426,964
		Marginally ineligible.	27	9,981,253
Colorado	44	Ineligible	31	1,540,128
		Marginally ineligible.	8	1,200,318
Connecticut	19	Ineligible	16	339,479
		Marginally ineligible.	1	1,183,755
District of Columbia.	1	Ineligible	1	1,500,255
		Marginally ineligible.	0	
Delaware	4	Ineligible	4	64,936
		Marginally ineligible.	0	
Florida	25	Ineligible	20	5,223,792
		Marginally ineligible.	3	3,612,891
Georgia	47	Ineligible	40	1,360,546

BREAKDOWN OF POTENTIAL IMPACT OF PROPOSED MINIMUM SECTION THREE PAYMENT CONTAINED IN SENATE SUBCOMMITTEE REPORT BY STATE—Continued

State	Total number of 874 school districts in State	Type	Number of school districts	Loss of dollars
		Marginally ineligible.	4	3,510,901
Hawaii	6	Ineligible	5	3,334,124
		Marginally ineligible.	0	
Iowa	15	Ineligible	14	71,806
		Marginally ineligible.	0	
Idaho	40	Ineligible	20	437,186
		Marginally ineligible.	7	93,697
Illinois	73	Ineligible	55	1,653,058
		Marginally ineligible.	8	519,406
Indiana	27	Ineligible	24	490,118
		Marginally ineligible.	1	52,284
Kansas	41	Ineligible	31	200,608
		Marginally ineligible.	4	365,947
Kentucky	42	Ineligible	38	408,335
		Marginally ineligible.	2	57,373
Louisiana	19	Ineligible	16	518,861
		Marginally ineligible.	2	3,358,425
Massachusettes	85	Ineligible	78	4,265,445
		Marginally ineligible.	5	2,769,261
Maryland	15	Ineligible	13	5,650,598
		Marginally ineligible.	1	1,408,592
Maine	36	Ineligible	26	304,213
		Marginally ineligible.	2	126,003
Michigan	28	Ineligible	18	329,782
		Marginally ineligible.	2	42,460
Minnesota	53	Ineligible	17	531,275
		Marginally ineligible.	6	352,548
Missouri	76	Ineligible	63	433,342
		Marginally ineligible.	8	273,180
Mississippi	34	Ineligible	30	461,073
		Marginally ineligible.	2	484,785
Montana	104	Ineligible	34	252,457
		Marginally ineligible.	9	153,760
North Carolina	65	Ineligible	54	881,231
		Marginally ineligible.	5	1,140,922
North Dakota	41	Ineligible	16	95,782
		Marginally ineligible.	3	53,914
Nebraska	16	Ineligible	7	178,490
		Marginally ineligible.	1	18,424
New Hampshire	9	Ineligible	7	38,248
		Marginally ineligible.	0	
New Jersey	65	Ineligible	56	1,081,417
		Marginally ineligible.	2	95,435
New Mexico	42	Ineligible	20	2,071,617
		Marginally ineligible.	4	726,539
Nevada	14	Ineligible	9	1,823,562
		Marginally ineligible.	2	364,821
New York	110	Ineligible	102	8,470,988
		Marginally ineligible.	3	526,617
Ohio	56	Ineligible	51	904,364
		Marginally ineligible.	2	446,899
Oklahoma	311	Ineligible	102	1,290,127
		Marginally ineligible.	53	2,121,699
Oregon	50	Ineligible	34	354,052
		Marginally ineligible.	10	220,054
Pennsylvania	88	Ineligible	83	3,167,962
		Marginally ineligible.	4	1,081,935
Rhode Island	9	Ineligible	6	120,557
		Marginally ineligible.	0	
South Carolina	22	Ineligible	17	1,812,214
		Marginally ineligible.	0	
South Dakota	39	Ineligible	12	99,662
		Marginally ineligible.	1	7,934
Tennessee	55	Ineligible	47	1,559,658
		Marginally ineligible.	5	508,520
Texas	120	Ineligible	91	3,542,545
		Marginally ineligible.	13	5,467,234
Utah	23	Ineligible	11	345,546
		Marginally ineligible.	4	920,910
Virginia	53	Ineligible	39	5,455,822
		Marginally ineligible.	6	4,514,777
Vermont	6	Ineligible	6	11,349
		Marginally ineligible.	0	
Washington	113	Ineligible	65	1,884,364
		Marginally ineligible.	14	1,605,148
Wisconsin	37	Ineligible	22	367,120
		Marginally ineligible.	7	653,182
West Virginia	10	Ineligible	10	94,066
		Marginally ineligible.	0	
Wyoming	18	Ineligible	8	136,913
		Marginally ineligible.	6	1,476,335

Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the amendment by Senator Wilson pertaining to impact aid. This amendment would strike language in the bill which would have the effect of eliminating impact aid funding for 1,700 school districts nationwide.

Currently, more than 2,700 school districts receive impact aid payments as compensation for the impact that Federal activities have on their ability to maintain quality educational services. These payments affect the education of approximately 2 million children nationwide.

The language we seek to strike would restrict impact aid payments to school districts whose total impact aid awards exceed 1 percent of their total current expenditures. If this language were allowed to stand, more than half of all school districts currently participating in the program would be cut out altogether. In New York, 106 out of 113 participating districts would be cut out.

In many districts, the loss of dollars would be significant. The New York City school system alone would lose in excess of $7 million dollars. Statewide, New York would lose approximately $9 million.

While the need may exist to better target Federal dollars to the most heavily impacted districts, I question the fairness of using arbitrary funding limits to achieve this—especially when it would result in several districts losing in excess of $1 million.

Mr. President, the question of how best to target Federal impact aid dollars deserves careful examination. But we should conduct this examination during the reauthorization process—and not in the course of passing an appropriations bill.

I would therefore encourage my colleagues to join me in supporting the amendment by Senator Wilson, and I urge its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 829) was agreed to.

Mr. WILSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILSON. Mr. President, I have a second amendment. Very simply it would direct the Department of Health and Human Services to conduct, through the appropriate agency within the National Institutes of Health, scientific study to identify children who have been exposed to drugs through maternal substance abuse during pregnancy.

The purpose of this is explained at some length in a news release which quotes Dr. Ira Chasnoff, a leading pediatrician, making a study of this subject. What it seeks to do, Mr. President, is to identify what developmental problems flow from this maternal substance abuse as these children reach school age.

I ask unanimous consent the release be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Association for Perinatal Addiction Research and Education,

Chicago, IL.

Miami, FL.—The nation's educational system should prepare for the special needs of increasing numbers of children who, because their mothers used illicit drugs during pregnancy, will have difficulty learning in traditional school settings, according to Ira J. Chasnoff, president of the National Association for Perinatal Addiction Research and Education (NAPARE). He stated that many educators have contacted NAPARE because they have realized they need help in providing optimal educational interventions for the new generation of drug affected children.

Speaking to NAPARE's National Training Forum on Drugs, Alcohol, Pregnancy and Parenting in Miami (September 17), Chasnoff said, "The school environment will be an additional challenge for children who began life at risk because of their mothers' use of cocaine and other drugs during pregnancy. Educators face the challenge of providing these children with the kind of teaching and school environment that will allow them to reach their potential."

He outlined the findings of a two-year followup study of 263 children who have been evaluated at a Chicago-based treatment clinic for substance abusing pregnant women where he is director.

During regular visits to the clinic, the children receive developmental evaluation as well as medical care. The mothers are counseled in parenting techniques.

In the study, the women were categorized as cocaine-poly drug users because most used cocaine plus other drugs such as marijuana and alcohol.

The developmental progress of the children was compared to a control group whose mothers had not used drugs during pregnancy.

Chasnoff reported:

Evaluation of birth revealed the infants of the cocaine-polydrug using mothers were more likely to be born prematurely and generally weighed less, were shorter, and had smaller head circumference.

By 3 months of age the mean infant weight had caught up with that of the drug-free control group.

By 12 months of age the two groups were not significantly different in length.

Through 2 years of age, the head circumference measurement remained small in the drug affected children. Smaller head circumference is thought to be a marker of risk for long-term development difficulties.

This study and others indicate that drug-exposed two-year-olds score poorest on developmental tests that measure abilities to concentrate, interact with others in groups, and cope with an unstructured environment.

The drug-exposed children scored within the normal range for cognitive development and are not, as some people have stated, brain damaged. They will require a structured learning environment and patient, one-on-one attention from teachers and care givers in order to achieve their maximum learning potential.

Chasnoff said, "We foresee that many of these children will end up in special education or classes for the learning disabled because the standard classroom, often overcrowded, will not provide the environment they need."

Given the chaotic and transient nature of the drug environment in which many of the children of substance abusers live, many will not achieve their potential without special help.

Mothers of drug-affected children need intensive, followup training in nurturing and parenting, he said. Special pediatric clinics where the children could receive medical care and be evaluated, and where the mothers would receive continuing drug treatment should be part of an overall national program to combat the effects of drug use.

In Chasnoff's treatment program, 79 percent of the mothers remained in the program for pediatric care and counseling for one year; 50 percent were still enrolled after two years. "The children we have studied probably represent a group for whom outcome is most hopeful; the ones whose mothers drop out of a treatment program or never received treatment are at great risk for developmental impairment."

The training forum was sponsored by NAPARE with funding from the office for Substance Abuse Prevention, U.S. Department of Health and Human Services, Washington, DC, and the State of Florida Department of Health and Rehabilitative Services.

Mr. WILSON. The chart that you see here is an indication of the cost, short- and long-term, in preparing for a single drug abuse incident in the State of California.

The initial costs of intensive care, postnatal care runs some $30,000. The average welfare agency involvement thereafter, investigations of the abuse and child neglect average $11,000 a year. The educational costs, they vary, but $10,000 per year is a conservative estimate, and special education services, and some $70,000 in special developmental attention is required because of the dysfunction suffered by these children. Social services are an additional $13,000 dollars per year. Admittedly, this is a worst case scenario, but what we need from the Department of Health and Human Services, Mr. President, is the kind of information that a specific study and report will reveal. That is what this amendment directs.

AMENDMENT NO. 830

(Purpose: To require the Secretary of Health and Human Services to conduct a study to identify children, including children receiving assistance under the Head Start Act, who were exposed to maternal substance abuse).

Mr. WILSON. I send my amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from California [Mr. Wilson] proposes an amendment numbered 830.

Mr. WILSON. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II, insert the following new section:

Sec. . The Secretary of Health and Human Services through the appropriate agency within the National Institutes of Health shall conduct a scientific study to identify children, including children receiving assistance under the Head Start Act (42 U.S.C. 9801 et seq.), who were exposed to maternal substance abuse during the pregnancy of their mothers. Such program shall evaluate the developmental disabilities of such children. The identity of such children shall be confidential. Not later than two years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report that contains—

(1) the findings of the Secretary with respect to such study;

(2) the recommendation of the Secretary for the most effective methods to ensure the proper development of such children and the cost associated with the implementation of such methods; and

(3) any other information that the Secretary determines appropriate.

Mr. WILSON. I will read the first paragraph in this news release that I will have inserted into the Record.

The Nation's educational system should prepare for the special needs of increasing numbers of children who, because their mothers used illicit drugs during pregnancy, will have difficulty learning in traditional school settings, according to Ira J. Chasnoff, President of the National Association for Parental Addiction Research and Education.

The release goes on at much greater length quoting Dr. Chasnoff and indicating his prediction that many of the children who have suffered this substance abuse during their mothers' pregnancies will wind up in special education or classes for the learning disabled, because standard classrooms will not provide the environment they need.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. The amendment has been cleared on both sides and is acceptable. We yield back the remainder of our time.

Mr. HARKIN. It is acceptable to our side. We yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 830) was agreed to.

Mr. SPECTER. I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator Rockefeller.

AMENDMENT NO. 831

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Rockefeller], for himself, Mr. Durenberger, Mr. Pryor, Mr. Riegle, Mr. Baucus, Mr. Danforth, Mr. Sasser, Mr. Exon, Mr. Bond, Mr. Robb, Mr. Boren, Mr. Heinz, Mr. Daschle, Mr. Kerrey, and Mr. Bradley, proposes an amendment numbered 831.

Mr. ROCKEFELLER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Since the Medicare program provides the primary source of health care coverage for over 33 million elderly Americans, and

Since the Congress has repeatedly emphasized the importance of ensuring that Medicare trust fund dollars are sent prudently, and

Since recent action by the Health Care Financing Administration (HCFA) would reduce essential staffing for auditing and other claims review operations directly responsible for protecting Medicare trust fund spending, and

Since it is a high priority of the United States Senate that Medicare beneficiaries receive quality health care services at an affordable cost; now therefore be it

Declared that it is the sense of the Senate that the Secretary of Health and Human Services shall cease further action to terminate Medicare payment safeguard positions including those for audit, medical review, and Medicare Secondary Payer enforcement, prior to the enactment of the fiscal year 1990 Labor, HHS, and Education bill. Following enactment of the bill, the Secretary shall consult with the Committee on Finance on his recommendations for maintaining the integrity of Medicare payment operations.

Mr. ROCKEFELLER. This is a resolution that I proposed together with Senators DURENBERGER, PRYOR, RIEGLE, BAUCUS, DANFORTH, SASSER, EXON, BOND, ROBB, BOREN, HEINZ, DASCHLE, KERREY, and BRADLEY.

This resolution will direct the Department of Health and Human Services to discontinue their efforts to terminate workers that are crucial to the Medicare Program's ability to operate efficiently.

I am introducing a sense-of-the-Senate resolution that will instruct the Secretary of Health and Human Services to cease further action to terminate Medicare payment safeguard positions until final passage of the Labor, HHS, and Education appropriations bill. It further instructs the Secretary of HHS to consult with the Committee on Finance on how to continue operating the Medicare Program smoothly and efficiently.

Mr. President, The resolution we are offering will accomplish three important objectives. It will:

Control unwarranted increases in Medicare spending at a time when the concern for the explosive costs of this program could not be greater.

Prevent unnecessary increases in the Federal budget deficit.

Hold the line on the out-of-pocket costs of Medicare beneficiaries.

Our resolution directs the Secretary of Health and Human Services to proceed no further with the reductions he has begun to order in the Medicare's frontline defenses against unwarranted and improper spending. Each year, these payment protection efforts pay off in dividends. In fact, last year these payment safeguard operations returned over $3 billion to the trust funds, recovering more than $8 for every dollar we invest in them.

I want to be certain that we conclude the appropriations process for fiscal year 1990 before we disrupt the very operations that protect trust fund dollars from being spent for inappropriate purposes. Until we reach that point, these cost effective operations must be maintained, not dismantled.

What we have here are a set of activities which the GAO, CBO, the HHS inspector general, and even the Office of Management and Budget have long agreed are cost-effective. I understand that GAO even told the Senate Appropriations Committee earlier this year that cuts in this area would be "penny wise and pound foolish."

By curtailing these activities, Medicare spending would increase by over $1 billion next year. And it will not be because we liberalized the benefits, or because we invented a new costly medical technology, or because of rising hospital costs. Make no mistake about it. This increase will solely be caused by weakening the proper management of the Medicare trust fund. Every dollar of these new increases will be an overpayment, not a benefit.

Mr. President, I cannot imagine the situation we would face on this floor if someone were to offer an amendment to add $1 billion for overpayments in Medicare benefits. But that is precisely the situation we face if we do not take some action today to prevent Medicare from paying for claims for which it is not responsible.

I understand that nearly 2,000 auditors and nurse claims reviewers face immediate layoffs. In fact, this process has already begun. Starting at the beginning of this month, the Medicare program began ordering layoffs to occur by September 30 in anticipation of the need to live with lower Federal funding next year.

This deliberate dismantling of Medicare's payment protection operations will continue unless we act today to send a different signal to Medicare's administrators. That signal is that the Senate intends that every Medicare dollar must only be spent for legitimate program purposes and must be protected from improper or abusive practices.

We have been working very hard this year in the Finance Committee to control the costs of the Medicare Program for both beneficiaries and the Federal budget. It would certainly not make sense to me if the scorecard for these efforts ended with over $2 billion in Medicare savings achieved through the budget reconciliation process, only to have those gains wiped out by weakening the enforcement of the program.

I appreciate the fact that the Appropriations Committee took many of these adverse consequences into consideration in developing its funding decisions on this bill. And I am aware that the committee report expresses strong support for additional funding in this area.

But I also think that it is essential that we send a message today to the Medicare Program to stop the dismantling of Medicare's payment enforcement operations.

I hope that all Senators who have expressed concern about spiraling health costs will support us in this effort today. We need to make sure that every dollar spent from Medicare is spent properly. We owe this to Medicare's 33 million beneficiaries to make sure that they truly do get the quality health care that they deserve.

Mr. BOND. Mr. President, I would like to join with my distinguished colleagues from West Virginia and Minnesota to address a serious shortcoming of this bill, and one that could be extremely costly down the road. I speak also for my colleague from Missouri, Senator DANFORTH.

The funding level for what are called "Medicare payment safeguard activities" as approved by the committee would result in a 35 percent reduction in the activities that protect the Medicare Program against inappropriate, fraudulent, and abusive billing.

The Government Accounting Office has documented a claims saving of $8 for every $1 spent on the medical review/audit activity. Richard Kusserow, the inspector general at HHS, cites the same ratio as an estimate for fiscal year 1989. Applying this ratio to fiscal year 1990 indicates that the $134 million reduction in program safeguard funding could cost Medicare about $1.1 billion in erroneous benefit payments.

This potential major and unnecessary expense comes at a time when we are all considering ways to curtail Medicare's double-digit cost growth, when we are concerned increasingly about pressures on the Federal budget and when we are all interested in controlling beneficiaries out-of-pocket costs for medical care.

Members of the committee may claim that it is the administration that made the cuts through their budget request for fiscal year 1990. That may be where this ridiculous idea originated. But with enough will, surely the committee could have found a savings of one-tenth of 1 percent of the bill's total to fund this activity. Overall, the bill is $3.8 billion over the total administration request. That indicates to me that what the committee viewed as a priority was funded—reinstating funding for the targeted jobs tax credit, funding ABC at $1.2 billion, and impact aid, to name just a few—and that the committee did not view this activity as a priority.

Certainly I think most Members of this body would agree that this particular function—audit and review of Medicare billing so that Government money is not wasted—is crucial. And when you consider that any savings not achieved in the Medicare Program are likely to result in increases in senior's Medicare premiums down the road, then this lack of funding is serious indeed. I doubt that many of my colleagues would come down to the floor and support a bill which increased senior's Medicare premiums, but indirectly that is exactly what we're doing. I would like to call attention to an enlightening discussion between the distinguished floor manager Michael Zimmerman, an official at

GAO, at a hearing on this very issue earlier this week.

The Subcommittee Chairman asked Mr. Zimmerman of GAO: "To the extent that Medicare costs go up because of reduced payment safeguard activities, is there a likelihood that this would result in an increase in premium payments by the elderly?"

Zimmerman replied: "There certainly is a potential for that, particularly over time. If there is a cutback in safeguards, that means there is going to be, at least in my opinion, an increase in program costs * * * to the extent that part B costs will go up without the safeguard funding, then ultimately the beneficiary would have to pay."

Let me repeat, then ultimately the beneficiary will pay.

The distinguished floor manager then sums up the interchange by saying: "In other words, (this activity) is not just saving taxpayer dollars, it is protecting the elderly from having to pay higher premiums some years down the pike."

I couldn't say it any better myself.

The committee states in the report that they agree that payment safeguard activities should not be cut by $133 million, and that they are hoping to address the issue during consideration of a supplemental appropriations bill. Mr. President, this is a terribly irresponsible approach. First of all that assumes a supplemental will pass, and second that it will pass in a timely manner at that. In addition, this unwillingness to set priorities, and abdicating responsibility for the decision by holding out hope of a later supplemental is extremely unfair to thousands of audit staff nationwide.

Mr. President, I am told by one contractor that by the time we consider a supplemental, they will already have laid off nearly 2,000 staff nationwide who perform these activities. The time to address this problem is now, not down the road after 2,000 people have lost their jobs and after Medicare savings have been lost.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. Senator ROCKEFELLER.

Mr. ROCKEFELLER. I ask unanimous consent that Senator LEVIN be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator HARKIN.

Mr. HARKIN. Is there a time agreement on this one?

The PRESIDING OFFICER. Five minutes equally divided.

Mr. HARKIN. Well, Mr. President, who is controlling the time?

The PRESIDING OFFICER. The manager controls time, unless he favors the amendment, in which case the minority leader or his designee controls time.

Mr. HARKIN. In this case I favor the amendment, Mr. President.

The PRESIDING OFFICER. The designee or the minority leader controls time.

Mr. HARKIN. Will the Republican leader give me a couple of minutes?

Mr. DOLE. Sure.

Mr. HARKIN. I ask 2 minutes from the Republican leader.

The PRESIDING OFFICER. Without objection.

Mr. HARKIN. Mr. President, I want to support the amendment offered by the Senator from West Virginia. He is right on the mark. We held a hearing specifically on this earlier this spring. The administration requested a cut of $134 million in this program. Both the GAO and the Congressional Budget Office testified that the payback on this was anywhere from 5 to 1 to 8 to 1. For every dollar that we put into the safety review program, we got back about $8 in savings. Now, this is the program where we have auditors for the Medicare contractors, for the Blues around the country.

So they have auditors in there who review the requests that come in to make sure that they are accurate, to make sure they are not fraudulent, to make sure that someone is not puffing up their bills. We have a lot of mistakes that are being made in the requests that come in for payment for Medicare. That is what these auditors do. They audit the bills that come in to make sure they are accurate.

We know from past history that for every dollar they put into this program they actually go out and save up to $8 in hard money. That is money that would otherwise go out of taxpayers dollars, sometimes for fraudulent activity, sometimes just mistakes, but a lot of times out and out fraud.

By cutting this $134 million that means that a lot of the auditors are going to have to be laid off around the country. I think we decided there were about 2,000 people. Altogether, 1,100 auditors around the country will have to be laid off. That means that when the requests for payments come in we do not have enough auditors to audit them. That means our taxpayers are going to lose money. That is why the administration request to cut this money is not in the best interest of anyone, neither the taxpayers nor the Medicare program nor anyone.

So what the sense-of-the-Senate resolution of the Senator from West Virginia, says is we ought to put the money back in there. This is one case, and there are not many in the Government, that by putting this money in we are going to save the taxpayers eight times as much money.

So the Senator from West Virginia is right on the mark. I am glad to accept his amendment and I am hopeful that when we get into conference we can get this thing straightened out with the administration.

The PRESIDING OFFICER (Mr. GRAHAM). The Chair recognizes Senator DURENBERGER.

Mr. DURENBERGER. Mr. President, I wish to raise a matter of extreme importance to the Medicare program. I am concerned that the level of funding provided by the Appropriations Committee for the administration of payment safeguard activities by Medicare contractors is woefully inadequate.

As many of you may already know, the committee-approved funding level would result in severe underfunding in fiscal year 1990 of the activities that protect the Medicare program against inappropriate and abusive billing practices. Current estimates by the Health Care Financing Administration, the General Accounting Office and the HHS Inspector General have documented solid returns of over 8 dollars for every dollar spent on these Medicare payment safeguard activities.

Under the committee-approved bill, the 35-percent reduction in funding for payment safeguards would lead to the loss of 2,000 highly trained claims review staff. These reviewers make critical determinations to ensure that Medicare dollars are spent only for covered, medically necessary and appropriate services. If the committee-approved funding level is not raised, Medicare program overpayments of over $1 billion could result in fiscal year 1990 alone.

Adding $200 million to the appropriations bill would go a long way toward properly protecting Medicare from unwarranted spending, controlling the Federal budget deficit and holding the line on beneficiary premiums.

Therefore, I wish to join my colleagues in supporting a resolution urging the Secretary of Health and Human Services to cease further action to terminate Medicare payment safeguard positions prior to the enactment of the fiscal year 1990 Labor, HHS, and Education bill.

Mr. CHAFEE. Mr. President, I am distressed by the position we are in today. This bill contains a 35-percent—$200 million—reduction in the management operations of the Medicare program which protect the trust funds from improper spending.

At the very time that we are struggling in the Finance Committee to come to grips with spiraling costs in Medicare, this bill would cause significant new spending increases. These increases—as much as $1 billion next year—would not be the result of expanding benefits, but rather would be caused by weakening the arm of the program which ensures that reimbursement policies are enforced.

Each year these operations return as much as $3 billion to the Medicare trust funds by detecting claims that either are not Medicare's responsibility to pay or which exceed Medicare's payment limits. In addition, they support the efforts of the Inspector General of HHS who is charged with preventing fraud and abuse in the Medicare trust funds.

I am told that reductions of this magnitude will cause the loss of nearly 2,000 audit and claims review staff around the Nation. These people are trained in Medicare complex payment rules. Activities that GAO and Congress have tried to enhance and improve since the early 1980's.

By cutting these activities by 35 percent, we would dismantle the frontline defense which Medicare beneficiaries depend upon to guarantee that their premium dollars are spent prudently.

We simply cannot afford to add over $1 billion in Medicare spending by permitting overpayments. If anything, we should be strengthening, not dismantling, the operations that review claims before they are paid.

It is no easy task to find $200 million within the Labor, HHS appropriations bill to fix a shortfall of this magnitude. However, I hope that for the sake of the Federal budget that the Appropriations Committee will restore this cut in Medicare's operations when this bill is in conference.

Until then, I can only express my dismay that this bill adds unnecessarily to the fastest-growing program in the Federal budget, and sends the message that Medicare is weakening rather than bolstering its cost containment operations.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 831) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are trying to identify those amendments that will require rollcall votes to try to have those come up next so that we can conclude the rollcall votes.

Then, Senators who do not have other business and choose to leave may be in a position to do so. We have identified a series of amendments as those which may be requiring rollcall votes:

An amendment by the Senator from North Carolina [Mr. HELMS], an amendment by the Senator from California] Mr. CRANSTON, and an amendment by the Senator from Iowa [Mr. GRASSLEY]. Those are possibilities. We would ask those Senators to come forward at this time so that we can move ahead.

If there are Senators who have amendments on this list who are not in the Chamber, and I see none now, this would be a good time to go to third reading.

Mr. HARKIN. No one has amendments. Let us go to third reading, Mr. President.

The PRESIDING OFFICER. The Chair will observe that the Chair has an amendment on the list that has been approved.

Mr. SPECTER. May we seek a substitute Chair?

Mr. HARKIN. Can we get someone else to take the chair here?

AMENDMENT NO. 832

(Purpose: To require the Secretary of Health and Human Services to report to Congress on the amount of money that the Federal Government spends on research, prevention, and education with respect to the 20 illnesses that are the leading causes of death)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of Senator ARMSTRONG and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ARMSTRONG, proposes an amendment numbered 832.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the General Provisions of Title II insert the following new section:

SEC. 2 . Within 120 days of the enactment of this Act, the Secretary shall submit to the Congress a report listing the 20 illnesses that are the leading causes of death in the United States, the number of deaths caused by each, the age-specific and age-adjusted death rates for each, the death rate per 100,000 population and the percent of total deaths for each, and the amount of money and percent of total money that the Government of the United States spends annually on research, prevention, or education with respect to each leading cause of death. The report shall show actual expenditures for fiscal year 1989 (or fiscal year 1988 if final 1989 data are unavailable) and projected expenditures for fiscal year 1990. In determining what programs or activities constitute spending for research, prevention, or education, the Secretary shall use consistent criteria for each of the 20 illnesses and shall specify with reasonable particularity the programs or activities that meet such criteria.

Mr. SPECTER. Mr. President, this amendment has been cleared on both sides. It is an amendment which essentially provides for a study in order to determine the impact and extent of a variety of other illnesses.

Mr. ARMSTRONG. Mr. President, in glancing through the committee report on the Labor-Health appropriation bill I noticed that funding for acquired immune deficiency or AIDS is spelled out in considerable detail.

The committee report breaks out AIDS funding by various accounts included in this bill and also contains summary information on funding in other Government programs such as Veterans, Defense, Justice-Bureau of Prisons, and so forth.

But, when you look for similar information on funding of other diseases it is very hard to find.

Nothing wrong with giving us a complete report on what we are doing in the fight against AIDS. In fact, the committee report has at least 17 full pages, with other additional paragraphs scattered throughout, reporting on Federal funding to deal with AIDS. By contrast, there are about five pages on cancer in the committee report. There are six pages on all of the heart, lung, and blood diseases. Diabetes rates three paragraphs.

So the information with which we might make comparisons—the same level of detail on our efforts for research, prevention, and education against cancer, heart disease, and so forth—is not, it seems, readily available.

A New England Journal of Medicine article published June 15 of this year took a run at compiling and then comparing Federal spending on research, education, and prevention for a few diseases such as cancer, heart disease, diabetes, stroke, and AIDS.

When you read the footnotes you find that the authors report that complete data on funding for cancer, heart disease, and so forth, are not available. It seems to me this is something we should correct.

While recognizing they did not have complete data, what they did report shows that what we are spending on AIDS research, education, and prevention comes close to matching what we spend on cancer and exceeds what we spend on heart disease, diabetes, and stroke.

When you look at the statistics on deaths from these various diseases and then look at what we believe are the funding levels for research, education, and prevention—you are left with a question about whether our spending priorities are in the right order.

Last year there were 767,000 deaths from heart disease and it is estimated we are spending approximately $1 billion on research, education, and prevention. By comparison, AIDS caused 17,232 deaths last year—according to the Centers for Disease Control—and we are spending approximately $1.3 billion on research, education, and prevention. Cancer caused almost 500,000 deaths last year and we are spending an estimated $1.4 billion on research, education, and prevention—just slightly more than we are spending on AIDS. Stroke and hypertension caused 150,000 deaths last year and we spent $182 million on research, education, and prevention.

I realize research being done on one disease will have benefits for work being done on other diseases. And, there are other considerations such as whether a disease is contagious or not, whether it can be prevented, and so forth. But, from just this brief review it seems our priorities in those areas where we have discretion—in the policy areas of research, education, and prevention—are out of whack.

But, it seems we need better numbers and that is the purpose of my amendment. It is a very simple amendment. It directs the Secretary of Health and Human Services to compile and report to Congress on all Federal spending—not just in his department—for research, prevention, and education on the top 20 illnesses that are the leading causes of death in the United States. This would include such categories as diseases of heart; malignant neoplasms, including neoplasms of lymphatic and hematopoietic tissues; cerebrovascular diseases; chronic obstructive pulmonary diseases and allied conditions; pneumonia and influenza; diabetes mellitus; chronic liver disease and cirrhosis; and so forth on down to the 20th category.

Because we are comparing Federal spending on diseases, the amendment uses the term "illness" to exclude from the list such causes of death as accidents, which rank as the 4th highest cause; suicide, the 8th highest cause; and homicide which ranks 11th.

The report from the Secretary would be due 120 days after final enactment of this bill.

Mr. President, with that information before us, and before the Nation, I think we will be in a good position to evaluate our priorities and our plans for spending in the future.

Mr. HARKIN. Mr. President, we have no objections on this side. We accept the amendment.

Mr. SPECTER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 832) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, might I inquire if we have a time agreement on this amendment?

Mr. GRAHAM. There is no time agreement on this amendment.

Mr. SPECTER. There is no time agreement.

Mr. GRAHAM. No time agreement.

Mr. SPECTER. Might it be possible to arrive at a time agreement?

Mr. GRAHAM. Not now, no.

Mr. President, there are a number of us who are very exercised about what has happened to a portion of this legislation, and to explain why and then to lay the predicate for a conversation with the managers of the bill relative to a suggested resolution of this matter, I must go into some history.

For many years leading up to 1986, there was a national debate over the issue of immigration reform. One of the central issues within that debate was the fact that there was a recognition that there were a number of persons in this country illegally, many of whom had been here for many years, and the question was what would be the national policy relative to those illegal individuals in this country without authorization.

It was also recognized that there would be significant costs to the States and communities in which these individuals resided if they were to become legal, because as legal residents they would have rights for access to health programs, housing programs, and welfare programs. They already had access to the schools for their children, but with legal status if was more likely that more children would come forward and take advantage of both public education at the elementary and secondary level, as well as higher education.

Part of the long and tortuous negotiation on this legislation which led up to the Immigration Act of 1986 was an agreement between the Congress and the Nation's Governors that there would be a fund created, and that that fund would be used for the cost incident to these newly legalized, previously illegal individuals in the various communities.

The funding formula was that there would be $1 billion of funding provided through an entitlement language in 1988, followed by an equal $1 billion in 1989, 1990, and 1991. Those funds were to be available through September 30, 1994.

The reasons for that extended availability of funds was a calculation that there would be significant costs relative to this population of formerly illegal now legalized residents which would occur several years after the legalization process. This was particularly true of costs related to education. That was the agreement.

With that agreement, the Governors supported the 1986 immigration law. I am not saying, Mr. President, the Governors had the ability to block the immigration bill. I was not in the Senate when this legislation was debated. I was Governor of my State at that time. I can say that I believe that our good-faith negotiation contributed to the atmosphere that allowed this bill to become law.

In 1988 and 1989 the law was adhered to, $1 billion was made available, and it was provided in the fund and, as was anticipated, it was not fully spentdown. The very reason why there was a 7-year period provided for the spendout was an expectation that the spendout would not occur: $1 billion, $1 billion, $1 billion, $1 billion; but rather, it would have an ascending slope, carrying over 3 years after the last appropriation was made.

That is the basic concept of this financing program between the Federal Government and the States.

What has happened in this legislation is, at the committee level, the 1986 Immigration Act was amended. It was amended on page 38, lines 4 through 6, by reducing the amount of funds available for fiscal year 1990 by $241,440,000.

On the floor today, by a series of voice votes, it has been further amended by further reducing this appropriation. So that as of this incident, the 1990 appropriation is not the $1 billion that was provided for in the Immigration Reform and Control Act of 1986 but is $483 million less.

Mr. President, I direct these remarks particularly to the managers of this bill. This is a matter, I think, of, first, honor. The Federal Government entered into this with open eyes and clear understanding of what its commitment would be. The States accepted and supported this immigration legislation under these conditions.

Second, it is a recognition of constitutional responsibility. The States have no ability to affect immigration and naturalization laws. As the great constitutional scholar, who is the ranking minority member of this subcommittee knows well, one of those specific provisions in the Constitution where power is totally vested in the Federal Government is the immigration, naturalization power.

The fact that the Federal Government has total power over this does not mean that the Federal Government is going to be the place where the problems, where the actual incidents of impact are going to occur. Those are going to be in individual communities and States, particularly those that happen to be the special magnets for large numbers of these previously illegal, now legalized refugees.

I believe it is imperative, if the Federal Government is going to have any credibility in its future dealings with the States, that this agreement not be breached. I might say, Mr. President, I would like to offer for the RECORD a letter which has been signed by several of the current Governors who will be most directly affected by this, strongly objecting to the breach of the 1986 Federal-State agreement.

I believe that what would be a fair proposal, and I would like to suggest this to the manager of the bill. If he agrees, I would intend to make that the subject of my amendment, which would be to maintain the 1986 agreement that there will be $4 billion in Federal funds available over a 7-year period to finance these programs. And to do so, as has been done by the committee and on the floor thus far today, by further amending the Immigration Reform and Control Act of 1986 to provide that in fiscal year 1991, which is the fourth and final year of this 4-year program, that the amount which will be made available will not be the $1 billion that is presently provided, but rather $1.483 billion, which represents the $483 million which has been withdrawn from the fiscal year 1990 account.

The practical effect of this is that over the 7-year period of the plan the States will be in the same position that they had anticipated being under the 1986 act. But rather than coming in four equal installments, it will come in two installments as contemplated and then two unequal installments, but which total $2 billion.

Is that arrangement acceptable to the managers? Or if they have any questions about the background of this issue, I will be pleased to respond.

If the managers are willing to consider this approach in the interests of fairness, democracy, the good relations between the Federal Government and the State, I will intend to offer such an amendment.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a letter dated April 17, 1989, to Mr. Richard Darman, Director of the Office of Management and Budget, signed by Governor Goldschmidt, who is the lead Governor on immigration and refugee affairs, Governor Deukmejian of California, Gov. Bob Martinez of Florida, Gov. James Thompson of Illinois and Gov. William Clements of Texas, urging that the Federal Government maintain its commitment to funding of this important program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
April 17, 1989.

MR. RICHARD DARMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR MR. DARMAN: During the debate on the Immigration Reform and Control Act of 1986, the National Governors' Association worked hard with Congress and the Administration to craft an appropriate program that accurately reflects the fiscal impact of legalization on state and local government. Although some problems exist in implementation of the State Legalization Impact Assistance Grants (SLIAG), states are confident that all of the funds appropriated to reimburse the costs associated with legalization will be legitimately spent in the time frame set out by the law. As Governors, we must request that all funds appropriated for legalization impact remain available for states.

SLIAG represented a compromise that ensured newly legalized citizens received the benefits they needed without simply shifting all of the burden to the states. It specifically provided that appropriated funds would be allowed to carry over into subsequent years to address the expected higher level of need in the final years of the program. That expectation was exactly right; however, the available funds are being spent even more slowly than anticipated due to delays in rulemaking by the Department of Health and Human Services. For example, the Department has not yet approved any states' proposed cost methodology to establish costs for reimbursement. States are reluctant to draw down funds without knowing whether or not their costs calculations are acceptable.

Any reduction of SLIAG funds sets a bad precedent. It hurts all the states that have worked hard to thoughtfully plan their program in a cost efficient and effective manner according to the law and funding available. It would, in effect, penalize states for accurately reporting their costs and wisely spending their money. Contrary to popular belief and possibly most important, states will need all the money available to provide the necessary services for legalized aliens.

We recognize the tight budgetary constraints the Administration and Congress are under and we are anxious to work with you to confront many difficult problems facing our country. As previously stated, however, we are opposed to any reduction in the financial commitment made by Congress and President Reagan to states under the Immigration Reform and Control Act of 1986.

Thank you for your concern. The nation's Governors recognize the important contribution immigrants have made and continue to make to our states and our nation. We look forward to continuing our work together on this and other important issues.

Sincerely,

Gov. Neil Goldschmidt; Lead Governor on Immigration and Refugee Affairs; Gov. Bob Martinez, State of Florida; Gov. William P. Clements, Jr., State of Texas; Gov. George Deukmejian, State of California; Gov. James R. Thompson, State of Illinois.

Mr. HARKIN. Will the Senator yield for a question?

Mr. GRAHAM. The Senator will yield.

Mr. HARKIN. Let me get clear what the Senator is saying. To a great degree, and I may have more to say about this on my own time, to a great degree I agree with the Senator, at least on the history. But on the spend outs and what we are doing on the program right now, we may have a slight disagreement.

Nonetheless, what I understand the Senator wants to do is to increase the budget for the next year under this item from $1 billion, which it was, to $1.483 billion for next year; is that correct?

Mr. GRAHAM. It will be the exact dollar-for-dollar increase that we are currently proposing to decrease fiscal year 1990.

It is not my intention to try to add any beyond the $4 billion which was the amount contemplated in the 1986 act.

Mr. HARKIN. In other words, the Senator wants to increase that $1 billion by how much money? How much money is it?

Mr. GRAHAM. By the amount which will be reduced from the 1990 allocation, which we calculate to be $483 million.

As I understand it, the committee adopted amendments which total $241 million, to reduce the account. That is what appears on page 38, line 6.

Then, by an action on the floor, another $182 million was reduced.

Then by further action on the floor, $60 million was reduced from that account.

I have rounded all those numbers.

It would be my intention to insert in the amendment, dollar for dollar, for fiscal year 1991, the addition of dollars which are being reduced from fiscal year 1990.

Mr. HARKIN. So the Senator is not putting this in fiscal year 1990?

Mr. GRAHAM. I amended as you did in your bill. You amended the authorizing bill to reduce the entitlement which the States received as part of the 1986 Immigration Act. I am proposing to amend the same section, but for the purposes of increasing the entitlement for 1991 to the extent that it is here being proposed to reduce it for 1990.

Mr. HARKIN. I am a little confused now about the fiscal years. Is the Senator proposing that for the fiscal year for which we are now appropriating, fiscal year 1990, that we increase the authority from $1 billion to $1.483 billion?

Mr. GRAHAM. I am not proposing that. Maybe it might help if I read the statute you have amended. This is section 204(a)(1) of the Immigration Reform and Control Act of 1986. It reads:

> Out of any money in the Treasury not otherwise appropriated, there are appropriated to carry out this section (and including

Federal, State and local administrative costs) $1 billion (less the amount described in paragraph 2) for fiscal year 1988 and for each of the three succeeding fiscal years.

In the authorizing legislation, there was appropriated in an entitlement format $1 billion for the purposes of refugee assimilation assistance perhaps to be administered by the State and local governments pursuant to the guidelines contained in the legislation.

Mr. SPECTER. Does the Senator yield?

Mr. HARKIN. I have some more questions, but I will withhold.

Mr. SPECTER. If you will yield at this time, I would appreciate it. I can understand the concerns which the distinguished Senator from Florida has expressed. I think it important to point out that the action which has been taken on the State legalization impact assisted grants has been undertaken after close analysis of the funds which are available in those accounts and in a way where we have done it on top of the table in the subcommittee when we moved, and I believe those figures are reflected in the committee report of $241,044,000. We did that in the subcommittee, at which time representation was present on the subcommittee of, may I say, Senators from the coalition which would be directly impacted.

An argument was raised at that time, and the chairman and I made a response that we had made this allocation because of the very tight budget accounts that we were facing. When we looked toward the appropriations account for this subcommittee, we faced a reduction of $393 million in budget outlays by what the Appropriations Committee did by way of changing the budget resolution. That was in a context of very little money in this bill to start with.

I think it is important to focus on these statistics that the committee found $1.6 billion remaining available to States from unspent fiscal years 1988 and 1989. The administration had come in and had made a request to reduce the fund in the State legalization impact assistance grants by some $400 million.

At first blush, we did not take action that was that drastic, but went to a figure of $241 billion. Finding $1.6 billion in these accounts, we then noted that an additional $629 million would be made available to the States in the new fiscal year 1990 appropriations. So this brings the total to somewhere around $2.228 billion. It was our assessment that those funds could not possibly be used for this program at this time.

It is true that this morning on the floor, when faced with tremendous pressures on the low-energy fuel assistance, a letter signed by some 57 Senators, that we did on a voice vote, and perhaps we should have notified the Senator especially as we had a Senator at your coalition present at the subcommittee meeting. That Senator raised an objection, but did not offer an amendment to change. The matter was commented on again by the same Senator in the full committee. Then there was an amendment offered by Senator McClure from Idaho, which was represented to be at $60 million but much less to be utilized because there was the expectation that that item would be resolved by the time of reconciliation. It was the understanding of this Senator that there would be a relatively small sum of money involved.

Notwithstanding this history, I can understand the concern which the Senator from Florida is expressing. Perhaps what we should do and what this Senator will undertake in the future is to notify Senators who are deemed to be interested so you can come in and you can be heard. How we are going to make the adjustments on how long to stretch these dollars still eludes this Senator, but when the Senator from Florida asks for an allocation in fiscal year 1991, I have two questions: First is, may we do that at this time?

Mr. GRAHAM. I understand from conversations with representatives of the Budget Committee that this could be subject to a point of order. If it were, it would be a 50-vote point of order which would, of course, be the same vote necessary to pass the amendment.

Second, of course, what the committee has done is to have used an authorizing bill, authorized on an appropriations bill since by virtue of adopting the reductions from section 204(a)(1) of the Immigration Reform and Control Act of 1986 and amending the authorizing language, the effect was to use the appropriations bill as a means of modifying the authorizing language, which is exactly what we are proposing to do for the 1991 year, the effect of which will be to place us into essentially the same position that the States and, I might say, you use the term coalition, there are something in excess of 25 States that are significantly affected by this. This is not a handful of States that are involved. This will put them in exactly the same position. The key issue here is that no one in 1986 who was knowledgeable about what was being proposed anticipated that the funds for fiscal year 1988 or 1989 would be fully spent in fiscal year 1988 or 1989. It was understood that there would be an accumulation which would then be used in subsequent years, including the 3 years for which this program continues in existence after the last year for which appropriations are made.

If I could quote from the letter which I submitted for the Record signed by Governors of five States, it states that:

> SLIAG represented a compromise that ensured newly legislated citizens received the benefits they needed without simply shifting all of the burden to the states. It specifically provided that appropriate funds would be allowed to carry over into subsequent years to address the expected higher level of need in the final years of the program. That expectation was exactly right. However, the available funds are being spent even more slowly than anticipated due to delays in rulemaking by the Department of Health and Human Services. For example, the department has not yet approved any State proposed cost methodology to establish cost for reimbursements. States are elected to draw down funds without knowing whether or not their cost calculations are acceptable.

So what was known to be the concept of this program, that is a 7-year spend out, plus some unexpected administrative delays have had the expected result. Funds are accumulating in this account, but I can tell you, I say to my colleague, from personal experience that the funds that are going to be available for this program are going to be woefully short of the real costs the communities affected in these 25 or more States are going to, in fact, be incurring and they will be incurring it as the direct result of the Federal Government exercising its full constitutional responsibility over immigration and naturalization.

Mr. SPECTER. Will the Senator yield for an inquiry as to the reason or evidentiary base for that statement. Because when we looked at these accounts, we tried to make a determination as to what was necessary. I wish we had some of the Senators who were here earlier today on low-energy fuel assistance. It would be a good regional debate, as the discussions have gone on about the reductions from about $1.6 million down to about $1.3 million. The position which Senator Harkin and I find ourselves in is an effort to try to look at Peter and look at Paul and find an appropriate sum of money to meet the current obligations.

I would agree with the Senator to this extent, that I believe you are entitled to have these funds restored at a time when you are going to need them. What we are trying to do is make a good-faith effort to see when that is. Why does the Senator say that you will be woefully short at some point in the future?

Mr. GRAHAM. Because I come from a State which, for instance, this year, this current fiscal year, has absorbed a number of children from the pool of people who would have been in this category which has equaled in public school costs along in excess of $100 million. That is more than the whole State is going to get under this program and that is for one county.

The original proposal, which the Governors had advocated—and I would like to submit to the RECORD the correspondence dated October 10, 1986 to Senator ALAN SIMPSON on behalf of the National Governors Association. It was the position of the association that they hope that "adoption of the new immigration bill will assure that State and local governments do not bear mandated costs over which we have no control. It is essential this Congress recognize and provide for the additional costs of legalization through authorization of 100 percent Federal reimbursement of expenses incurred by State and local governments in asisting illegal aliens who would be granted legal status."

That was the position that the States took. The compromise was not 100 percent funding but a cap of $4 billion over the 4-year period with a 7-year spend out.

Mr. MACK. Will the Senator yield? I would just like to make a few comments and amplify what Senator GRAHAM has said. The statistics that I am going to use are not directly related to this program but I think that they underline the concern that we have about what impact the amendments today would have on the State of Florida.

If we just take the category, for example, of Nicaraguans that have entered the State of Florida in 1989 and we focus on the number of students entering the education system in Dade County, here is the impact. We have enough new students entering school each day to require the hiring of two additional teachers with the capability of teaching both in English and in Spanish. That is per day.

At the rate that we have been experiencing this growth it would require us to build a new elementary school every 40 days.

The impact of that is somewhere between $5.5 and $6 million per year in operating expenses. As Senator GRAHAM indicated, that can play out to as much as $105 to $110 million in additional construction costs.

This is on top of a commitment that the people of Dade County made last year. They passed, believe it or not, a $980 million bond program to build new schools. This new wave of immigrants, the Nicaraguans that came in, they did not take into consideration at all. So our concern is that not only are we having the impact of these new Nicaraguan students and all the other things that are related, we cannot get any Federal assistance. We have been working all year to try to get additional funds. And then we see this program that set aside $1 billion a year has been significantly reduced. We see where our allocation could go from roughly $50 million down to $30 million. That is a significant impact on our State at a time when we are trying to raise the awareness that we have in Dade County and for that matter in the State of Florida.

I commend my colleague and join with him in making this proposal.

Mr. HARKIN. Will the Senator yield for a question.

The PRESIDING OFFICER. The senior Senator from Florida has the floor.

Mr. GRAHAM. The Senator will yield.

Mr. HARKIN. I heard what both Senators from Florida were just talking about. This Senator is very sympathetic to the increased burden on the school districts in the State because of illegal aliens coming into this country—Nicaraguans, Salvadorans, and whoever else is piling into our States.

Do either one of the Senators mean to say that Florida is using the money under the State legalization impact assistance grants, otherwise known as SLIAG for this purpose, for taking care of these new arrivals in 1989 that the Senators mentioned?

Mr. MACK. I guess I could get the other Senator from Florida to yield.

Mr. HARKIN. I think he will yield.

Mr. MACK. I did not say that at all, and I do not think there was even an implication of that. I said at the beginning that while these statistics are not directly related to this specific program we are talking about, I used it to indicate the significance of the problem with which we are dealing. That is, just through those statistics that I talked about, there is a tremendous increase in impact on the taxpayer in Dade County, and therefore saying if they are already having to deal with this new problem, then hearing that the moneys that were going to be available to us under this special program were going to be reduced, we are deeply concerned.

That was the point I was making.

Mr. HARKIN. I just respond to the Senator that the SLIAG money cannot be used for these other purposes.

Mr. MACK. I fully understand that and did not indicate that they would be.

Mr. HARKIN. I just wanted to make that clear. I understand the problem in Dade County, believe me. I would be willing to support and work with the Senators in finding additional money to try to alleviate the burden on the school districts down there. I truly believe it is a national problem. It is not just a Dade County problem. But I just wanted to make it clear that the SLIAG money is not for that.

Mr. MACK. I would reiterate for the third time, in my opening comments with respect to the statistics that I used, I indicated that they did not have anything directly to do with this program but were used to amplify the problems with which we are dealing.

I appreciate the comments the Senator made with respect to the commitment to try to help us in this other problem.

Mr. HARKIN. Do not worry. I made this commitment before, because as I said, I do think it is a national problem. I wanted to clear up that point.

The PRESIDING OFFICER (Mr. BRYAN). The senior Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I hope that the discussion and the dialog we have had with the chairman of the committee and the ranking minority member has helped illuminate the history of how we got where we are, the importance of the Federal Government's word, the honor which was committed as part of the 1986 Immigration Act, and what I think is a very reasonable method of bringing this situation to a resolution.

I see that the Senator from California, who has been very interested and extremely active in this matter, is now on the floor. If he desires to speak, I am pleased to yield time to him.

Mr. WILSON. Mr. President, I thank both of my friends from Florida for their active intervention in this matter. I commend the former Governor of Florida for shedding light upon the history of SLIAG.

Let me try to assist in that, because the initial effort to provide assistance was contained in an amendment which I offered on September 17, 1985, to the Immigration Reform Act. Without belaboring the point, it was to meet the objection that had arisen from those at the local level who foresaw the need to accommodate this newly legalized population in a way that would inevitably greatly increase their cost.

So quite reasonably, because immigration and naturalization is a Federal function, and exclusively a Federal function, they felt that certainly at the very least a transition period was required during which the Federal Government would meet an obligation to the local government to reimburse in part the costs of the transition period during which these newly legalized citizens would be eligible to receive public assistance in several different forms, to ease that burden until such time as these new citizens were themselves integrated into society, which was the plan of the so-called legalization or amnesty provisions of the Immigration and Naturalization Reform Control Act.

Out of that amendment, Mr. President, grew what we presently identify as SLIAG. It is quite true, as has been elaborated in the debate that has taken place thus far, that what was intended was the reimbursement in broadest terms, the public assistance to local governments, who would necessarily meet these rising costs of this new population extended over a 7-year period.

The reason for that, Mr. President, was very simple. It was wisely contemplated that the process would take a period of time, and that these newly eligible recipients would not immediately present themselves as candidates for public assistance all in a bunch within the first few months of the effort to conduct what we have called legalization.

Well, that was wise, Mr. President, because what has in fact occurred is that legalization has not taken place at anything like the pace that was expected. It has been delayed, and been delayed in part because of perhaps an unexpected phenomenon, that is, that the reunification of families—that is to say, of a household in which there was a single or perhaps two members eligible for legalization and several more who were not—resulted in a delay in the coming foray of those who in fact were eligible under the law.

That problem was addressed unsuccessfully last year, I think successfully in the Senate this year. It is my hope that the provisions which were authored by Senator CHAFEE will become law.

When they do, inevitably, it is going to mean that the population that has been envisioned by those at the Office of Management and Budget will be greater than their forecasts. There will be more applicants at the local level and therefore the costs to the local governments will increase, and their need for this money will be greater than the requests, or the claims that have been made thus far. They will continue to increase over that period of 7 years.

So what the Senators from Florida are saying is that we should rectify what perhaps was unintended but no less a wrong; that is, that this money needed and deserved by local government to meet the increased costs imposed upon them by a Federal responsibility which we met through the Immigration Reform and Control Act should be honored, not breached.

So I will simply conclude. I ask unanimous consent to have printed in the RECORD a letter which recently was sent to the President of the United States bearing the signatures of both the Senators from Florida and several other States. As has been indicated, some 25 States are affected urging that even for a proposition as worthy as the administration drug proposal other funding be found rather than breaching the agreement which, in fact, is the proper way to characterize it. It was made by the Immigration Reform and Control Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 18, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We share your fervent commitment to winning the war on drugs and stand ready to work with you to identify specific funds so that this all-important national priority is achieved.

However, we strongly oppose your recent proposal to offset the costs of the National Drug Control Strategy by a $320 million reduction in State Legalization Impact Assistance Grants (SLIAG). Under this suggested proposal, you are asking a few states to carry the financial burden of the drug war.

As representatives of states with large populations of newly legalized aliens, it is clear that any reduction in SLIAG would unfairly shift a disproportionate share of the cuts onto the shoulders of local governments and undermine the delicate compromise embodied in the amnesty provisions of the Immigration Reform and Control Act of 1986 (Public Law 99-603). As a cornerstone of that landmark legislation, over 3 million persons have come forward under the amnesty program.

A key component of this compromise plan is an agreement with the states that their costs incurred due to the legalization program be reimbursed by the federal government. As you will recall, this new population of legalized aliens is barred from most federal programs.

The Immigration Reform and Control Act of 1986 established a four-year program of State Legalization Impact Assistance Grants to offset the costs of providing public assistance, public health assistance, and educational services to newly legalized aliens. While this law appropriated $1 billion for each of fiscal years 1988 through 1991, the authorizing statute was clearly designed to allow states seven years in which to spend the funds, providing that any amount paid to a state and remaining unobligated at the end of a fiscal year shall remain available through September 30, 1994. Owing to this carry-forward authority, states are assured of reimbursement when the financial burden is anticipated to be the greatest—the final years of the legalization program. States have planned their budgets accordingly.

Any attempt to cutback SLIAG funds unfairly punishes the localities that have large populations of eligible aliens. Moreover, a shift in this manner will only force states and local governments to cut essential services in other areas. Indeed, state and county programs will be under even greater pressures if SLIAG is cut.

It is important to underline that the current surplus in available SLIAG funding was contemplated under the law as evidenced by the carry-forward authority. The slow spend out rate to date by the states of SLIAG funds is not an appropriate justification for the transfer of these funds to fight the drug war. This is especially true when considering the states' ability to put programs in place and establish costs for reimbursement was limited because of delays by the Department of Health and Human Services in issuing regulations.

In summary, we feel very strongly about your proposed reduction because it disproportionately places the burden of funding the drug war on our states. It seemingly ignores the IRCA compromise and the critical need for assured SLIAG funding, and asks our states to pay more than their fair share.

Illegal immigration and border control is a federal issue, and it should be responded to in that manner, not by shifting the responsibility to the states that are already on the receiving end of refugees, recent influxes of political asylee populations, and the continual stream of illegal aliens.

We hope you will agree that cutting SLIAG is inappropriate and unfair to our states and urge you not to move forward on this particular matter. However, in the event you feel compelled to proceed, we respectfully request that you give us the opportunity to meet with you to present our arguments in depth.

Sincerely,
Pete Wilson,
Dennis DeConcini,
Bob Graham,
Paul Simon,
Lloyd Bentsen,
John McCain,
Alan Cranston,
Connie Mack.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I join with my colleague, Mr. GRAHAM, in cosponsoring the amendment regarding SLIAG funds. I want to express my strong opposition to the raids on the State Legalization Assistance Impact Grants [SLIAG] Program, which have taken place during consideration of the fiscal year 1990 Labor, Education, Health and Human Services, and Related Agencies appropriations bill. We provided these funds under the Immigration Reform and Control Act of 1986 [IRCA] to offset costs incurred by State and local governments in providing public assistance, and education services to aliens legalized under the law. To put it bluntly, when Congress raids those funds, it reneges on its contract with the States, and it jeopardizes the legalization process for many of the millions of undocumented workers we originally intended to help. This is not fair dealing with the States. This is not humane treatment of the participants in the amnesty program. That is not right. I am dismayed by these raids.

Mr. President, amnesty applicants under IRCA are barred from receiving most Federal benefits for 5 years. We assured the States, through much deliberation, negotiation, and compromise, that we would reimburse them for the costs of providing these applicants with access to State and local health and social service programs. We established the SLIAG program for this purpose. That was our promise—our contract. And now, with the blink of an eye, the contract, which I thought was made in good faith, is broken. The raids on SLIAG will place the fiscal burden of the Federal amnesty program squarely on the shoulders of State and local governments, and the amnesty applicants, the true victims of this raid, are left in a position of utter vulnerability. This is unconscionable.

IRCA requires that amnesty applicants, upon applying for lawful temporary resident status, must apply for permanent residency within a specified amount of time. Let us not forget, however, that we require these same applicants to show a working knowledge of English and U.S. civics before they can qualify for permanent residency. This means education. And what have we just done for education? By raiding SLIAG funds we have jeopardized these important education services, and we have put amnesty applicants at risk for losing their right to be in this country legally. We have created a Federal amnesty program and now we have undermined it.

In California alone, there are 1.5 million eligible amnesty applicants, 1 million of whom will need to access educational services. Eighty percent of this population has an education level roughly equivalent to a fifth grade education. Most do not speak English and are unable to perform basic skills. How are these people to fulfill the minimum requirement for legalization without education services? How can we realistically expect these individuals to become part of this country's economic mainstream?

Mr. President, these raids are nothing short of cruel. We have held out false promise to millions of undocumented workers, and now we have undermined their opportunity to legalize their status in this country. I comment my colleague from Florida in raising this important amendment.

I ask to be added as a cosponsor.

AMENDMENT NO. 833

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MACK, Mr. BENTSEN, Mr. CRANSTON, Mr. WILSON, Mr. SIMON, and Mr. DECONCINI, proposes an amendment numbered 833.

On page 38, line 6, insert after the period the following: Funds appropriated for fiscal year 1991 under section 204(a)(1) of the Immigration Reform and Control Act of 1986 shall be increased by $555,244,000.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, has the floor action been completed on this amendment? I have a short statement.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add as additional cosponsors, Senators WILSON and SIMON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I wanted to make sure that I understood the full dollar amount that was written in that. I assume it is as we talked about earlier. Will the Senator read the dollar amount?

Mr. GRAHAM. The dollar amount is $555,244,000, which is the dollar amount provided by the committee staff as indicative of the reduction which will occur in fiscal year 1990.

Mr. HARKIN. Mr. President, I appreciate the Senator confirming that dollar figure.

Mr. President, I want to point out that the 1990 budget of the President—I want to get a little history here too—the President's budget proposed to withdraw $400 million of the 1990 SLIAG allocation to the States on the assumption that the States' needs were less as demonstrated by their low rate of expenditure, less than 15 percent of 1988 and 1989 funds, if the $1.8 billion were expended. And the assumption is that the first 2 years of the legalization program, not the last 2 years, would be when the heaviest demand for services would occur. Such things as public health screening, English language training in order to past a legalization test.

The Senator pointed out Congress initially estimated a total of $4 billion, $1 billion a year for 4 years, would be necessary to meet the added State costs of the legalization process. Based on recent State data and the spending patterns, their earlier estimate of need appears at least to this Senator to be excessive. To date, of the $1.8 billion that has been allocated to the States, only $236 million has been outlaid.

As recently as in the midsession review, July, of the 1990 budget, the Federal Government recognized that Federal costs such as Medicaid and food stamps associated with legalized aliens was considerably less than estimated.

As a result, the excess Federal funds were turned over to the States; $255 million additional for 1989 and $126 million added to fiscal year 1990. These additional funds were almost equal to the amount, that is, $381 million, which was proposed for withdrawals, and the State funding would not change materially. I point out that the SLIAG Program was to help in the amnesty legislation that we passed in three primary areas, English language history, education, public health, and public assistance. I question whether or not we are going to need all this money.

Having said that, what the Senator from Florida has proposed is that we add $555,244,000, not to the 1990 appropriations, 1990 authorization, but to the fiscal year 1991. That gets us out from any budget impact problems in this appropriations process that we are undergoing here this evening.

I think, again, as I said, that the States ought to get the necessary funds that they need for the SLIAG Program. If it is $4 billion, it ought to be $4 billion. That was the agreement that the Federal Government made at the time. If it is less than that, then there is no need tapping into that money for other things and other purposes.

So I think that we could accept the amendment with the premise that it is for 1991, and also, with the understanding that when we come back here next year, Mr. President—and I say to the Senator from Florida, when we come back next year, if in fact the spending is considerably less than what is needed, and we get to review this, of course, next year; and I am sure the Senator from Florida is well aware of that, but all in all, I must congratulate the Senator from Florida for his ingenuity, for his ingeniousness in getting around this problem, and for his doggedness in making sure that his State was held harmless.

I might add the other States, too, that are eminently involved in this. Certainly, the proposal is unique and, as I said, ingenious, one which this Senator will attempt to make sure we hold in conference, barring any unknown—at least to this Senator right now—problems that may occur with the budget—problems that I do not understand right now. If there are no problems, I intend to fight to keep this in the conference and to make sure that the Federal Government does meet its commitments in this area. I congratulate the Senator for a very ingenious amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, on the face of this record at this time, there will not be an objection from this Senator as manager on the Republican side for this appropriation bill. But I advise a cautionary word. We are doing some juggling, leaving a lot of balls in the air until next year. When the distinguished Senator from Florida advances his cause, he makes a good point when he talks about $483 million. As we spoke, the figure increased to $551 million.

We are looking toward fiscal year 1991, and we will have a day of reckoning when that date occurs. The absence of an objection at this time is premised on a couple of considerations for this Senator, which I have expressed in the conferences and in conversations; and I want to say publicly that we are going to have to study this between now and the conference to make sure we are acting within our authority in making this kind of a move on the fiscal year 1991 budget.

The other consideration, I would just comment very briefly on what Senator HARKIN has said, that there ought to be a very close analysis as to whether these funds are necessary. I endeavored to take a look at some very complicated charts in the hand of Senator GRAHAM and could not make a determination in a few minutes, but I think this matter ought to be the subject of hearings to see if in fact all of this money is necessary. With those cautionary reservations, I will raise no objection at this time.

Mr. WILSON. Mr. President, I rise to speak out against the drastic cuts this fiscal year 1990 appropriations bill proposes for State Legalization Impact Assistance Grants, or SLIAG, as it is commonly referred to in my home State and in others around the Nation who rely on these funds; and in support of the Graham amendment. The bill before us, without the curative Graham amendment, would slash SLIAG funding by $483 million in fiscal year 1990, shifting the burden of the providing needed services to newly legalized aliens onto the shoulders of local governments.

Less than 3 years ago the Congress responded to a nation crying out for an end to illegal immigration and border control by passing a bipartisan compromise bill, the Immigration Reform and Control Act of 1986, now Public Law 99-603. As a cornerstone of that landmark legislation, over 3 million persons have come forward under the bill's amnesty program. In California, this means 1.6 million new residents.

Included in this law is a key compromise between the States and the Federal Government ensuring States that their costs incurred due to the legalization program be reimbursed by the Federal Government. Simply put, IRCA established a 4-year program of State Legalization Impact Assistance Grants, hence SLIAG, to offset the costs of providing public assistance, public health assistance, and educational services to newly legalized aliens. The law appropriated $1 billion for each of fiscal years 1988 through 1991, and it provides that States would have 7 years in which to spend the funds. The law also provides that any amount paid to a State and remaining unobligated at the end of a fiscal year shall remain available through September 30, 1994.

Quite simply, the committee bill ignores this commitment and, instead, it opens the door to the Federal Government reneging on yet another commitment it has made to local governments.

The current surplus in the SLIAG account that the committee report refers to was contemplated under the law as evidenced by the carryforward authority. The slow spend out rate to date by the States of SLIAG funds is not an appropriate justification for the transfer of these funds. Owing to this carry-forward authority, States are assured of reimbursement when the financial burden is anticipated to be the greatest—the final years of the legalization program. This is to afford protection to State and local governments for the cost of assistance that is meted out to eligible legalized aliens. States have planned their budgets accordingly.

I would like to draw my colleagues' attention to a May 1989 report issued by the American Public Welfare Association [APWA] on the State's experience with the SLIAG Program after 1 complete year. And yes, we must recognize that the SLIAG program has only been operational for approximately 15 months which in my view makes a cut of this magnitude irrational.

But more importantly, the report confirms what officials from my State and California counties have been stating all along and that is that the program has been hamstrung by bureaucratic delays; namely, the Department of Health and Human Services was slow in issuing regulations. As well, the approval of some of the States' methodology to establish costs was delayed.

This surplus is a phantom surplus, and amendments to this bill to date are simply irresponsible raids at the expense of a few States and over 3 million new permanent residents.

First, this is a reimbursement program. That means that the services are delivered before there is a claim for reimbursement and, obviously, before the SLIAG funds can be drawn down from the Treasury.

Second, the program was designed so that funds would be available for 7 years. It was expected that State expenditures would escalate as the program became fully utilized and significant funds would not be expended in the early years. To say today there are funds sufficient in the SLIAG account blatantly ignores the Congress' legislative intent and unfairly blames my State and others for having large numbers of newly legalized aliens.

Finally, there was much confusion during the initial stages of the legalization process. As a result, many eligible persons hesitated from coming forward for services, fearing that they would jeopardize their opportunity for amnesty.

In fact, low Federal SLIAG outlays reflect delays in Federal reimbursement of State and local legalized alien costs, not the lack of such costs. But the proponents of the SLIAG cuts before us cite low outlays to date as "proof" that this fund can be reduced without shifting greater costs onto local governments and without reducing the availability of educational services to this new population of residents.

In fact, without ample educational opportunities it is entirely possible that many of the targeted population will lose their opportunity for legalization because of deficient English and U.S. civics proficiency, an IRCA requirement.

California education programs stand to lose close to $40 million. What this means is that many individuals who have been seeking to fulfill IRCA's education requirements will be faced with another barrier. The California Department of Education estimates that fully 1 million eligible applicants will access educational services. Funding reductions will limit my State's ability to meet this new population's needs as mandated under IRCA.

Let us take a specific example, Mr. President, because it appears there is little willingness to understand the scope of these funding cuts in the individual local governments who are on the front line. From the Committee's recommended cut of $241 million, the county of Los Angeles would be forced to absorb enormous losses while providing services mandated by law. Los Angeles County has a legalized alien population of 730,000, which equals one-twelfth of the county's total population. The county estimates that its unreimbursed cost of health services will exceed $100 million in fiscal year 1990 without SLIAG funding.

Mr. President, I commend my colleague from Florida and most emphatically urge the adoption of his amendment. It will allow the Federal Government to keep faith with local governments and to honor the obligations assumed by the Federal Government, when Congress enacted the Immigration Reform and Control Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 833) was agreed to.

Mr. GRAHAM. I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 834

Mr. SIMON. Mr. President, I send an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 834.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection.

The amendment is as follows:

On page 58, line 21 strike "$282,446,000" and insert in lieu thereof: "$280,646,000".

On page 62, strike all of lines 1 through 4 and insert in lieu thereof: "amended, $182,667,000: *Provided*, That $31,017,000 shall be available for title I of the Act of which $25,415,000 shall be available for purposes authorized under section 501(d)(1) of the Act.".

Mr. SIMON. Mr. President, this amendment has been agreed to on both sides. It simply restores $1.8 million for the VISTA literacy program. That is in my opinion an extremely important program that I helped to create and Senator Dodd of Connecticut has helped to preserve. It has helped a great many people in this Nation. I think it would not be a mistake to take funds from a management increase and my understanding is that it is acceptable to both the Senator from Iowa and the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am prepared to accept the amendment of the Senator from Illinois. I want to take a second to say I am not too enthusiastic about the offset. No one likes to stand up and defend salaries budgets. It so happens that the increase provided for Education Department salaries is critical to the initiative to reduce student loan defaults—a $2 billion a year problem. I talked about that a lot on the floor. The Senator from Illinois, I know, recognizes that problem. We are now spending almost $2 billion a year in student loan defaults. I know the Senator from Illinois is well aware of the problem. We just cannot mandate new activity for default reduction and not pay for them. That is what we are doing when we cut the salaries budget in the Education Department. I understand how important this VISTA matter is to the Senator from Illinois. It is a good program. I do not mean to knock the program at all. It is a great program, and I am prepared to accept the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Again, on this amendment, on this side, no objection will be raised. It is always a matter of concern when there is an amendment proposed which makes a very worthwhile addition, and then we seek to make an evaluation as to the impact on the reduction, and in the overall scheme of things it is not a major amount of money. I am prepared to accept it at this time, but we are going to have to work through the process to see how we can deal with the conference in terms of what the impact will be. I think it ought to be said for the record that we function without a full quantum of information.

The distinguished Senator from Illinois brings the matter forward, and it appears to be a worthwhile proposition, and we have to do additional review between now and the time of conference, but I think it is meritorious, and we will do our best to maintain it in the final product.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 834) was agreed to.

Mr. SIMON. I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

Mr. HARKIN. If there are no other amendments, Mr. President——

Mr. SPECTER. Senator Helms, do you have an amendment?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, parliamentary inquiry, and I have already discussed it with the Parliamentarian. I do not quite understand the unanimous-consent agreement that was agreed to.

The PRESIDING OFFICER. If the Senator from North Carolina could speak a little louder, the Chair is unable to hear.

Mr. HELMS. I do not understand precisely what the unanimous consent involves. It refers to 1 minute prior to the making of a point of order; is that right?

The PRESIDING OFFICER. The Senator is free to speak prior to making the point of order, but 1 minute on the point of order itself.

Mr. HELMS. I understand but there is no time limit prior to the point of order, correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Then 1 minute equally divided?

The PRESIDING OFFICER. After the point of order is made, the Senator is correct, 1 minute is allotted.

Mr. HELMS. Assuming that the Chair will rule that my point of order is well taken, then what happens?

The PRESIDING OFFICER. The Senator from Iowa is then authorized to offer an amendment with respect to the point of order and 30 minutes is equally divided on that amendment.

Mr. HELMS. So there will be 15 minutes to a side?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And prior to the time I make the point of order there is no time limitation?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, as the saying goes, "here we go again." We hear all of the complaints that not enough is being done here and not enough is being done there. We hear complaints that the administration sends up budgets that are themselves budget busters. The blame is put on Pennsylvania Avenue.

But I am going to make a point of order shortly, Mr. President, just to demonstrate how the double talk works in Congress. Senators always go home and say, "I voted for economy and efficiency in Government," when as a matter of fact they voted for every bloated spending bill that came down the pike. That is double talk at its worst.

It will not matter whether it is in order to have this proposal on an appropriations bill, because even though the Chair is going to rule that my point of order against the proposal is well taken the other side will come right back with an amendment—which itself will be subject to a point of order and they will succeed in sticking the $5 million I try to delete right back in. See if that is not what happens, Mr. President.

This appropriations bill for fiscal year 1990 is $14.8 billion over last year's appropriation for 1989. It is also $3.4 billion over what the President of the United States has requested for this bill.

Mr. President, I am making this point to illustrate the nonsense we so often hear that the President is responsible for the Federal Government's debt. It simply is not true. The debt is created right here in Congress and every Senator knows that no President can spend a dime that is not first authorized and appropriated by the House and the Senate.

If Senators do not believe me, they should read the Constitution of the United States. But Senators still go home and say: "Look at what Reagan did. He built up the biggest debt in history." And again it is not true. The Congress of the United States did it.

Mr. President, the voters need to observe what happens when I try to delete a little old $5 million from this bill. The opposition is going to override the Chair and in doing so they are going to say to the Secretary of Education—who opposes this proposal—that he does now know what he is talking about. And then they are going to spend $5 million that has never been authorized by Congress.

Mr. President, it came to my attention some time back that the committee amendment, allocating this $5 million—inserted by the Appropriations Committee, not the President of the United States—constitutes legislation on an appropriations bill under rule XVI of the Senate. Under this committee amendment, the National Board for Professional Teaching Standards, a private entity is given $5 million for research related to a national teachers certification program. Mr. President, the public should know what the Secretary of Education has said about giving money to the private teacher standards board. In a letter to Senator KENNEDY, Secretary Cavazos had this to say.

"I strongly oppose title X of the bill, the National Board for Professional Teaching Standards Act of 1989, because of its ill-conceived design. I share the belief that it is important to boost the quality of professionalism of teaching in the United States and support the National Board's desire to establish voluntary teacher certification standards independently of the Federal Government. However, the simple truth is that there is not convincing reason for turning over public funds to a private entity to enable it to conduct research and development activities for which it is largely unaccountable to the custodians of those funds."

The Secretary of Education went on to say:

"I oppose this unfortunate confusion of public and private efforts, particularly where as here, the recipient of the funds would not be selected competitively, according to the standard principles of peer review. Legislative provisions that accord special treatment to particular entities are even more objectionable in light of current budgetary constraints."

Mr. President, here is the administration saying it is improper to spend money this way, but that did not keep the Appropriations Committee from sticking in this little old $5 million to a private teacher standards board with absolutely no restrictions or accountability.

Secretary Cavazos also stated that:

"If the department needs an independent group of experts to establish and carry out a research agenda in teacher assessment and certification, this entity should be selected through open and fair competition." The Secretary is exactly right, Mr. President.

In his testimony in the House on this issue, Secretary Cavazos stated that: "No substantial and reliable evidence has been provided to justify the level of funds being requested, a level that exceeds the budget of the Department of Education's entire Office of Research." So the Secretary of Education was telling the Subcommittee on Postsecondary Education in the House that it was being asked to give the private National Board for Professional Teaching Standards more money than the entire budget for the research at the Department of Education.

Once again I ask you Mr. President, who is running up the debt? This is one Senator who does not want to hear anymore of this nonsense about Presidents Reagan and Bush being responsible for running up the deficit because the responsibility for the budget deficit lies right here in this Chamber, as we are about to see.

Mr. President, the point of order I intend to raise really does not require any discussion of the merits or the lack thereof of the teaching standards board. That should come under the authorization process, and then the appropriation process, not the other way around as we are doing now, which is putting the horse before the cart. However, the Appropriations Committee has ignored this process.

Authorization for this provision resides in a Labor Committee amendment added to the President's Excellence In Education Act (S. 695) which is currently on the Senate Calendar but has yet to be considered by this Chamber, much less passed by both Houses of Congress.

Of course we all know that it is not necessary to authorize anything in the Senate, the Appropriations Committee just needs to stick it in the appropriations bills unauthorized, unconsidered, no hearings—nothing.

When the authorization bill for this proposal does come before the Senate, if it ever comes before the Senate, Senators would at least have an opportunity to debate the merits of the proposed board and the propriety of funding it, if the current $5 million appropriation on this bill does not override the authorization process.

In short, Mr. President, there is no current authorization for appropriating funds to the National Board for Professional Teaching Standards to research a national teachers certification system.

I know that appropriations are made all the time around this place without authorizing legislation. But what is particularly peculiar about this provision is that the Senate Appropriations Committee stated in its report that it refused to consider funding President Bush's $25 million alternative teacher certification program because—now get this—"no authorizing legislation has been enacted into law."

As a lady down in North Carolina used to say: Mercy, Percy.

Mr. President, the Appropriations Committee should at least be consistent. If it cannot appropriate money to fund the President's alternative teacher certification program because there is no authorization, how is it that the committee can turn right around in the same bill and appropriate funds to another teacher certification proposal which is also unauthorized.

As Secretary Cavazos said:

> The simple truth is there is no convincing reason for turning over public funds to a private institute to enable it to conduct research and development activities for which it is largely unaccountable to the custodians of those funds.

Does the Presiding Officer know who the custodians are, or who they are supposed to be? The Senate and the Congress of the United States, of course.

Mr. President, this is scarcely a noncontroversial provision about which I shall raise a point of order shortly. My basic complaint, summarized, is that this provision would have us fund this program even before the Senate has had a chance to consider, let alone debate, the merits of the proposal. It is only prudent and fair that Senators who oppose funding this private teacher standards board should have an opportunity to debate it, to consider it, so we know what we are doing before we spend $5 million on it. The American people would expect no less of us if they knew what was going on.

Mr. President, I know exactly what is going to happen. We are going to get rolled on this issue and despite the lack of any authorization for this appropriation, it is going to pass, no matter what we do to oppose it. I reiterate that the appropriate time to debate this proposal is when the Educational Excellence Act (S. 695), which is on the calendar, comes up before the Senate.

Having said all that, Mr. President, I raise a point of order against this committee amendment under rule XVI, that it is legislation on an appropriations bill.

The PRESIDING OFFICER. Under the previous order, there is 1 minute debate to be allotted to either side on the point of order.

Who yields time?

The Chair is prepared to rule if the time is yielded back.

Mr. HARKIN. I do not wish to take any time. I yield my time back.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, under rule XVI the amendment constitutes legislation on a general appropriations bill. The point of order is sustained. The amendment falls.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 835

(Purpose: To include fundings for the National Board for Professional Teaching Standards)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. DODD, Mr. HOLLINGS, Mr.

SIMON, Mr. BUMPERS, and Mr. KENNEDY, proposes an amendment numbered 835

On page 58, line 2, following the word "laboratories" and before the period, insert the following "and of which $5,000,000 shall be awarded to the National Board for Professional Teaching Standards".

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, does the Presiding Officer see what I am talking about? This is a complete circumvention of the process. They have the votes. They will do this and then go home and say, "Isn't it terrible the way Ronald Reagan and George Bush just shot the deficit up?"

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. How much time do we have on this amendment?

The PRESIDING OFFICER. Thirty minutes, equally divided.

Mr. HARKIN. Who controls the time, Mr. President.

The PRESIDING OFFICER. The sponsor of the amendment, the Senator from Iowa, and the minority leader or his designee in opposition to the amendment.

Mr. HARKIN. Mr. President, I yield myself 5 minutes.

Mr. President, I listened to the Senator from North Carolina make his comments earlier. He had letters from the administration about this program. Quite frankly, many of the administration's concerns were largely taken care of in the authorization and that is why the legislation authorizing the board was reported unanimously by the Labor and Human Resources Committee on July 20, 1989.

Mr. President, the Professional Teaching Standards Board is perhaps the most important innovation in education in years. I might point out it has very far-reaching support in the education community. It has the support of both the major teaching organizations, as well as the chief school officials in the State and the National officials in the State and the national organizations of school administra-

I also might point out, Mr. President, for the knowledge of Senators, that $6 million or thereabouts has been already given to this board by the Carnegie Foundation and others. And the Carnegie Foundation and a few others will provide matching funds to the money we give to the board.

So the $5 million that we are putting in here doubles because it will be matched by, as I said, the Carnegie Foundation.

The board was established, solely to improve the teaching skills of our Nation's teaching corps. It is designed to establish a system for teachers to be recognized for voluntary national certification.

Again I point out, it is voluntary. There is nothing mandatory here, it is voluntary.

I might add, Mr. President, that many of the Nation's Governors of both parties just the other day announced their desire to look into voluntary national goals and voluntary national standards during the upcoming education summit with President Bush in Charlottesville at the end of this month. This initiative, the initiative for the Professional Teaching Standards Board, perfectly complements the initiative of this bipartisan group of Governors.

Mr. President, these professional teaching standards I think, hold the promise of really boosting the reform efforts of the Governors at a very small price to the Federal Government. It is brand new. It has only been in existence now for a couple years. It was formed 2 years ago. They are just getting off the ground. But what it is going to do is set up a national, as I said, voluntary merit certification board that will set up standards for other teachers to follow to recognize those outstanding teachers and those methodologies that are working so that other teachers around the country can emulate those teachers and those methodologies.

It is a giant step in the right direction of raising our teacher standard around the United States, not in a heavy-handed, mandatory way, but in a voluntary way that brings in the teachers. As I said, it is supported by both of the major teaching organizations in this country.

Mr. President, I just also point out to the Senator from North Carolina, the present head of the Professional Teaching Standards Board is the former Governor from the State of North Carolina, who is now the head of it. So certainly, Mr. President, I have to say this board, the authorization for it reported unanimously, the board is well under way right now. It has the support of the teaching organizations in America and the amount of money we put into it is going to be matched dollar for dollar by private organizations. I cannot think of a better deal for our taxpayer's dollar.

Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Iowa for yielding. As the author legislatively of this particular proposal in the Labor and Human Resources Committee—the Senator from Iowa has accurately pointed out this legislation was adopted by a unanimous vote of the Labor and Human Resources Committee, all Republicans joining all Democrats in the establishment of this board. I should point out, however, Mr. President, it was not one of those things that was done in sort of haste. Initially, I wanted to bring up this bill some weeks before it was actually adopted by the committee, but there were concerns that were raised by the Department of Education over how this board would function. So rather than go forward in a vote, that we probably would have prevailed in, Mr. President, probably could have prevailed by a vote of 9 to 10, 10 to 9 or 11 to 8, we put aside any vote and went back out and sought out the Department of Education and worked out the differences.

I do not want to mislead my colleagues, the Department of Education and the administration still have reservations about this, but the concerns they brought up at some time this legislation was to be considered by the full committee, instead of moving forward, we waited until we could build a consensus to such a point that this legislation enjoyed virtual unanimous support by the entire committee. Senator HATCH of the State of Utah and other members of the committee felt we had done a good job in working out the differences.

Mr. President, we all know that the quality of education in this country is in desperate need of improvement, and there have been no small number of suggestions being made about how to do it. But one thing is certain. That no matter how fancy the building may be, no matter how sophisticated the teaching materials may be, no matter how well fed the children may be, no matter how many hours they spend in the classroom in excess of what they presently are spending, no matter how modern the technology or the equipment is in the labs, the video cameras, the sports facilities, the lighting, all of these things that are needed to improve the environment wherein a young child in this country can receive a quality education, one thing is more important than every other thing that I just mentioned, and many others, and that is the quality of that person who stands before those students every hour of every day in those classrooms. Of that there is no debate.

We know that we need to try to improve the quality of teaching. We are going to need, Mr. President, over the next 8 years—not the next decade—but over the next 8 years, we will need 1 million more teachers in our classrooms than we presently have. Eleven million Americans will have to choose this profession over seeking out a job in the private sector that may offer far more in financial reward than the teaching profession can offer. One million Americans will have to make a decision to move into our classrooms if we are to stay even with the demands of the teaching profession and the needs of American children to face the competition they will face as we close out this century and begin the next.

This board is not a panacea. It is not going to guarantee the quality of those 1 million Americans who become the teachers in America's classrooms, but it can begin to help us develop the standards that those teachers should meet if they are going to be the proper or have the proper or provide the proper influence and guidance for young Americans. It does not answer every problem. I know that. I would be foolish to suggest to you otherwise, but we know that we need to set those standards. This is voluntary. It is not mandatory. But we have brought together the national boards of education; we brought together the National Governors Association, the chief State school officers, the American Federation of Teachers, the National Education Association, major corporations in the private sector. All are behind this idea. All stand behind it. That is no easy task to bring labor and management together with our chief executive officers of this country who are deeply concerned about the National Government trying to dictate what ought to occur in their States. But they understand the importance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 30 additional seconds.

Mr. HARKIN. I can give the Senator an additional minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DODD. Mr. President, we have brought together these various elements behind this board. A distinguished Governor of North Carolina is heading up this effort. I know that he visited most of our colleagues here office-to-office soliciting ideas and suggestions for almost 2 years, even before legislation came forward.

I realize here we have not had the authorization bill before the floor, but, my God, if we set that as a standard around here, we might as well close up shop. We have been dealing with one appropriations bill after another and no authorizing legislation. I do not like that as an authorizer. Regrettably, we have not been able to work out that problem as to how you authorize and appropriate. Yes, we have an authorization bill to go, but let us not waste time for the need for 1 million new teachers. Mr. President, I strongly believe the small amount requested here is going to be a sound and solid investment for America's future, and I urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do we have left?

The PRESIDING OFFICER. Three minutes 38 seconds.

Mr. HARKIN. I promised 3 minutes to the Senator from Illinois. I will give 3 minutes to the Senator from Illinois.

Mr. BUMPERS. Give it all to him.

Mr. HARKIN. I will give him 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, two points I want to make, one to my friend from North Carolina and one to my colleague who is complaining because this is a grant to a private group. My friends, we have so many grants to private groups in every one of these appropriations.

Just earlier this evening, the distinguished Senator from Arkansas, Senator PRYOR, showed me a GAO report which shows the Defense Department is spending between $2.8 and $4 billion a year on consultants. My friend, those are grants to private groups. There are all kinds of them. That is not the real issue.

The real issue is: Are we as a nation going to have to get serious on this question of standards for teachers? To anyone who seriously looks at American education—and we as a nation better start looking seriously at American education; we are not doing it enough—two things are very clear. We are going to have to pay teachers more and we are going to have to increase standards.

Our No. 1 economic competitor in the world today is Japan. In Japan, teachers are paid approximately the same as lawyers, doctors, and engineers. They are in the top 10 percent incomewise, and in terms of college entrance scores, teachers are way above average.

In the United States, I do not need to tell you what teachers are paid. I say this with regret and no disrespect to many fine, dedicated teachers in this country. They score, I regret to say, below average on college entrance exams. We have to do better, my friends. This is an opportunity, the first real opportunity, to do something about it.

We better seize this opportunity and do what is essential for the future of this Nation. I hope we do not fail to do this.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Forty-four seconds.

Mr. HARKIN. Mr. President, somehow, time has gotten away from me. I though I had more time than that.

The distinguished Senator from Arkansas wished to have some time. I wonder if I could just ask unanimous consent to give him 2 minutes, so that he could have 3 minutes total time to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I thank the distinguished floor manager.

Mr. President, here is one of the best bargains in which Congress has ever had a chance to participate. Here is a group of some of the brightest and best, most educated educators in America trying to quit talking about education and do something about it by establishing standards for the teachers. We finish dead last against other industrialized countries in almost every field.

If you are going to rectify that, the first thing you have to do is to make sure that the people who are doing the educating meet certain standards. There is nothing unique about that. Jim Hunt, former Governor of North Carolina, is the chairman of the board of this organization; E.K. Fretwell, Jr., chancellor of the University of North Carolina at Charlotte, is on the board; James Comer, professor, School of Medicine, Yale University. You are not talking about people who just fell off a turnip truck. You are talking about some of the greatest, most intelligent people in America trying to do something about education, to set up standards that all teachers will meet. They are asking for $5 million, and they intend to match it from private sources dollar for dollar. You will never get a better bargain.

Now, to suggest that there is something unholy about appropriating money that has not been authorized, I submit to you this same body, and the Senator from North Carolina will be voting aye, will appropriate close to between $250 and $300 billion next week, not one dime of which has been authorized. There is nothing sacred about that.

We all like to authorize. We want to live by the rules, but it does not happen that way. On September 26 and 27, President Bush is going to Charlottesville because he wants to be known as the education President. All America is going to be tuned in on their television sets to see what happens that day.

My Governor is going to be there, a very determined educator, just as is Jim Hunt. Unless we appropriate some money for honest, hard-working, volunteer people who are really trying to approach the basic problem of education in this country, we are not ever going to succeed.

When it comes to who caused the deficit, the American people ought to thank God they have Congress, because over the last 8 years we appropriated $26 billion less than President Reagan asked.

I do not want to make this a partisan issue, but I just want to set the record straight. I have heard all that junk about how you cannot spend a dime this Congress does not appropriate. Well, thank God you cannot or we would have a bigger deficit than we have right now.

But that is not the issue. The issue is, are we going to educate our children or are we just going to keep talking about it?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I thank the distinguished floor manager for getting me some time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Kansas such time as she may require

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I agree with many of the remarks that have been made here this evening. I certainly share with Senator DODD his concern about drawing the best and the brightest teachers into the process. We are not doing that today. I think every one of us would be willing to dedicate a great deal of time and money to finding the best ways to attract the best and the brightest young people into the system as teachers.

I would just like to register, Mr. President, my concern, however, with two points at this particular time and this particular way of addressing this matter tonight.

This teacher standard board is a part of the Education Excellence Act which I hope we will be considering in the next couple of weeks. It has been reported out of committee. The report has been filed. It seems to me that is the best place to do it.

We have talked a lot about whether we should legislate on appropriations. Obviously, we all do it at one time or another. I happen to believe, Mr. President, that is not the way we should do it. As long as we continue to do this, we do not have the chance to construct the legislation in the best way that we would wish. I am working with Senator DODD now to find means of working out some of the problems that we have had, not major ones but some means by which I think it can be improved.

So I will be voting against the committee's mark this evening just because we will soon be addressing this issue.

The Senator from Arkansas said if we sat around and waited for the authorization process, we would not be perhaps accomplishing very much. That is ture. But being a member of authorizing committees, I share a great deal of frustration of being overtaken by the appropriations process. It seems to me there is an orderly process by which we should operate. So, Mr. President, for those reasons I will, if we have a vote, be voting against the committee amendment on the funds for the teacher standards board.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. How much time remains, please?

The PRESIDING OFFICER. Twelve minutes, eight seconds

Mr. HELMS. It will be of interest to the Senators that I am not going to consume nearly that much time.

Mr. President, I think I may be the only Member of this body who has a daughter who is the principal of a school, so I think I know a little bit about the problems of education. But that is irrelevant to the issue at hand as are the comments of the other Senators about the sad state of education in America today.

What is at issue is the fact that the authorization bill for giving a Federal grant to the National Board for Professional Teaching Standards is currently on the Senate's Calendar, but the Appropriations Committee has decided to circumvent the Senate's authorization process by providing this private teacher standards board a Government grant despite the lack of authorization. There is no reason why the authorization bill cannot be considered first, so Senators can talk about it, consider it, and debate it. But no debate is allowed under the appropriation process we have this evening.

Mr. President, I reiterate what I said about the Congress of the United States constantly elevating expenditures of the Federal Government. I reiterate the constitutional fact that no President can spend one dime that has not been authorized and appropriated by the Congress. Sometimes through legislative legerdemain the authorization and the appropriation occurs in the same piece of legislation. But it is the Congress that has the doorstep on which the dead cat lies in terms of the Federal debt, which is now approaching $3 trillion.

Mr. President, this is just 5 little old million dollars, but I wanted to use it to make a point about how the Federal deficit has been able to grow to $3 trillion, and you have seen it and the American public has seen it.

I have done the best I can, Mr. President. I am not even going to ask for a rollcall vote on the amendment because I do not think we ought to take up the Senate's time with it. The Chair knows, and I know, exactly what would happen. The tin soldiers would walk in, cast their votes, sustain this $5 million grant, and that would be the end of it, despite the fact that there is no legislative authorization to make the grant.

Mr. President, I yield the remainder of my time and I suggest we voice vote the amendment.

The PRESIDING OFFICER. The question occurs on the Harkin amendment No. 835.

So the amendment (No. 835) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 836

(Purpose: To establish a President's Award for Addiction Research)

Mr. MOYNIHAN. Mr. President, I have an amendment at the desk which I offer on behalf of myself, Mr. KENNEDY, and Mr. HATCH. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] for himself, Mr. KENNEDY, and Mr. HATCH, proposes an amendment numbered 836.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 15, after the period add the following new sentence: "Of the amounts made available to the National Institute on Drug Abuse under this item, the Secretary shall use $50,000 for the President's Award for Addiction Research as provided for in this title.".

At the appropriate place in title II, insert the following new section:

SEC. . (a) There is established a President's Award for Addiction Research (referred to as the "award"). The award shall be made annually by the President to an individual who has demonstrated excellence in research into the biochemical, genetic, or psychological basis of addiction or who has made an outstanding contribution to techniques of treating addictive maladies.

(b) The President shall award the recipient—

(1) a prize in the amount of $50,000;

(2) a gold medal; and

(3) a Presidential citation.

(c) There are authorized to be appropriated for fiscal year 1990 and for each fiscal year thereafter—

(1) $50,000 to be awarded to the recipient of the award; and

(2) such additional sums as may be necessary to carry out this section.

Mr. MOYNIHAN. Mr. President, we have spent a very great deal of time in this Chamber, in this Congress, and in the preceding Congress, discussing the subject of drug addiction; most especially the newest form of an older variety, the addiction to cocaine and crack.

In the Anti-Drug Abuse Act of 1988, adopted on this floor in the earliest hours of the morning, we divided—as a matter of policy and as a matter of drug strategy—our efforts into two groups. First was the question of supply: to wit, how do drugs arise in the society? Are they imported? Are they locally produced? And the other, a newer aspect of our legislation, demand. To wit, why do people need drugs? Why do they use them? How can they be treated so that they no longer need or use drugs?

We created a drug czar, a deputy assistant for supply reduction, and a deputy assistant for demand reduction. We provided in section 1202 of the law the provision that there shall be treatment on request for persons using drugs as well as for those wishing to cease using them.

Mr. President, we have said repeatedly on this floor that we did not and do not now have an adequate or even generally proficient treatment for cocaine drug abuse; drug addiction.

We noted that the effort to develop a methadone treatment for heroin use had taken a long time. Methadone was a morphine substitute produced in Germany in the Second World War when natural supplies were short.

A great deal of controversy in the medical profession attended the development of the methadone treatment, yet Dr. Vincent Dole, of Rockefeller University who developed methadone as a treatment for heroin users during the 1960's, was only recently recognized by his profession with a Lasker Prize this past November.

We made very clear that the neurochemistry of the brain was the issue involved, but that we had little understanding of it. More importantly, however, there seemed little energy in research to find what might be an answer, or the whole range of questions and answers involved in this kind of research.

One could list 10 diseases for which any adequate, effective treatment will bring instantly a Nobel Prize—yet, not included among these is drug addiction. It does not seem to have the prestige in science it ought to have.

Therefore, we offer an amendment that will give Presidential prestige to this new and necessary field of scientific research by awarding a Presidential citation, a gold medal, and a $50,000 prize.

Will this have consequences? Mr. President, we do not know. Mr. Nobel did not know. We hope it will, and I commend it to the Senate. With good fortune, within a decade, we shall see results.

Mr. President, seeing no one else rising at this point, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on the amendment of the Senator from New York.

The amendment (No. 836) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments? Are there further amendments on the floor?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 837

(Purpose: To delete the provision relating to the Act for Better Child Care and make a portion of funds appropriated for such act available for making payment under the Community Services Block Grant Act)

Mr. SPECTER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Iowa, Senator GRASSLEY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for Mr. GRASSLEY (for himself, Mr. HATFIELD, and Mr. HEINZ) proposes an amendment numbered 837.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, strike out "$387,598,000" and insert in lieu thereof "$391,223,000".

On page 40, line 9, strike out "September 1" and insert in lieu thereof "September 15".

Mr. SPECTER. Mr. President, this amendment is being offered on behalf of Senator GRASSLEY and also Senator HATFIELD and Senator HEINZ, and it is a provision which would transfer $2.5 million to the Community Services Block Grant Program from the Day Care Program, because those funds will not be used during fiscal year 1990.

This will make good use of these funds for an important purpose and will, as a practical matter, not reduce any fund for day care which is obviously a very important consideration, and it is my understanding that Senator DODD is agreeable to this as the principal sponsor of day care and that the chairman, Senator HARKIN, has cleared the amendment on his side of the aisle.

The PRESIDING OFFICER. Is there further discussion?

Mr. HARKIN. Mr. President, we have examined the amendment and have no objections. It is a worthwhile amendment. I understand Senator DODD says he has no problems in terms of moving the date back.

Mr. SPECTER. We both understand that.

Mr. HARKIN. The 15th of September.

Mr. SPECTER. That is correct.

Mr. HARKIN. Mr. President, I point out that prior to this amendment, we had $325,630,000 for the community services block grants. That included a $7 million amendment that was offered in committee by the Senator from Oregon [Mr. HATFIELD.] The Grassley amendment now adds an additional $3,625,000, for a total of $329,255,000, compared to $297 million in the House; so we are well over the House, and I think it indicates a strong desire on the part of the Senate to fund the community services block grants. We will accept the amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. GRASSLEY. Mr. President, I rise today to propose an amendment to increase the level of appropriations for the community services block grant. Senator HATFIELD and Senator HEINZ join me as cosponsors.

I am pleased to have reached an agreement with Senators DODD, HARKIN, and SPECTER on this compromise. The amendment has also been cleared by CBO to verify the outlays.

My amendment simply delays by 15 days the date on which funds can be obligated for a Federal Child Care Program. It will free up $2.5 million from a program which has not yet even been authorized, and instead enable it to be used for a program which is tried and true.

The Subcommittee on Labor, Health and Human Services, and Education Appropriations initially froze the appropriation for the Community Services Block Grant Program at the fiscal year 1989 level of $318 million. I am most appreciative of the work of Senator HARKIN and Senator SPECTER, chairman and ranking member, for resisting the cuts imposed on this program by the other body.

But I especially want to recognize and thank Senator HATFIELD for his amendment adopted in subcommittee markup to add $7 million to this worthy program.

While I heartily appreciate the increase in the appropriation, the Senate cannot be content with simply $325 million for CSBG. That number is especially insufficient as a Senate position from which to begin negotiations in the conference committee.

To explain, let me just walk through the numbers. Last year, the Community Services Block Grant Program was funded at $318 million. To simply maintain current services, the appropriation should be increased to about $335 million for the coming fiscal year.

Further, given the customary practice of conference commmittees to split the difference between the House and Senate appropriation levels, community service block grants can anticipate a funding level of just over $311 million.

My amendment would add another $2.5 million to the Community Services Block Grant Program, enhancing its position when the conference committee begins its negotiations on this appropriations bill.

Why should a conservative Senator like me carry the ball for a program like the Community Services Block Grant Program? Because the program works and because it embodies the very principles which I endorse for Federal assistance programs.

The CSBG Program has an excellent record of providing for the needs of low-income persons, particularly through community based services delivered by community action agencies, or CAP's.

CAP's are uniquely able to deliver services to low-income people. CAP's structure services to be sensitive to local needs and to best take advantage of local resources. Of particular interest to me, coming from a rural State like Iowa, CAP's are especially effective at delivering services in areas that are either remote or sparsely populated.

The government systems in rural areas are frequently unable to provide the kinds of social services more typically available in urban areas. Community action agencies, with the assistance of community service block grants, fill in many of the gaps in services that victimize rural poor, providing everything from heating assistance to Christmas toys.

Mr. President, I know that my colleagues are interested in the offset that will provide the funding increase for CSBG. The $2.5 million increase will come from authorized spending for a program which has not even been passed by the Congress and for which the subcommittee doesn't permit spending until the last month of the 1990 fiscal year.

The Senate subcommittee provided budget authority of $1.2 billion to implement the Senate-passed Act for Better Child Care. Because spending cannot occur until September 1, 1990, as presently directed in the bill, the CBO has estimated actual spend out of $5 million to cover initial startup costs.

Enactment of child care legislation is uncertain, at best. The House, which at this point is taking a quite different approach to the child-care issue, has not yet even begun debate. All indications point to a lengthy debate in the House, followed by a lengthy conference on the child-care bill.

Further, since we do not yet know what a Federal Child Care Program would look like if enacted, we do not really know how much and at what time an appropriation would be necessary. I believe that it would be much more responsible to analyze the funding aspect of a Child Care Program at such time we have completed consideration of the makeup of the program.

While I question the wisdom of appropriating funds for the Child Care Program at all, I am pleased to say that the subcommittee chairman and I have developed an acceptable compromise.

Since the bill as reported does not obligate funds until September 1, 1990, my amendment would simply delay the obligation of funds until September 15, 1990. Since little, if any money could actually be spent, the estimated $25 million would be available. This $25 million will instead be allocated to the Community Services Block Grant Program.

Let me point out that my amendment does not affect the budget authority in the bill for the Child Care Program.

Mr. President, the issue is very simple and not at all controversial. My amendment allows Congress to utilize this $2.5 million for a program that is tried and true, a program for which its effectiveness is indisputable.

Mr. President, I urge the Senate to adopt this amendment for a modest, but well-deserved increase to the Community Services Block Grant Program.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No 837) was agreed to.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that on the table.

The motion to lay on the table was agreed to.

THE IMPORTANCE OF THE COMMUNITY SERVICE BLOCK GRANT PROGRAM

Mr. BURDICK. Mr. President, I am pleased to note that this appropriation bill continues funding for the Community Services Block Grant [CSBG] Program. I requested full funding for this program. While the level recommended by the committee is a bit less than that, it will continue this important program at essentially last year's level.

Mr. President, in speaking of the Community Services Block Grant Program, I wish to remind the Senate of a basic inequity in the formula for the distribution of the block grants. A number of rural States, including North Dakota, receive one-fourth of 1 percent of the appropriations for the block grants, rather than the minimum allocation of one-half of 1 percent, which most States and some territories receive.

Last year, I introduced legislation to bring all States up to the one-half of 1 percent minimum. Due to a "hold-harmless" provision in my bill, large States would not suffer as a result of the proposed allocation formula adjustment. Though this legislation was not passed, I have made clear to the authorizing committee my concern and my intent to pursue this issue.

Next year, the Community Services Block Grant Program will be up for reauthorization, and I will again seek to ensure that poor people in North Dakota and other rural States receive the assistance they deserve.

SUPPORTING IMPORTANT PROGRAMS

Mr. HATCH. Mr. President, I rise in support of H.R. 2990 which makes appropriations for the Departments of Labor, Health and Human Services, and Education and other related agencies. It is important to note that this legislation targets Federal spending of $157.4 billion into various domestic programs. I commend the members of the Subcommittee on Labor/HHS Appropriations for their diligence in reviewing the various programs and determining appropriate funding for thousands of Federal programs. This legislation required a very difficult balancing of many concerns, and I want to personally thank Senator HARKIN and Senator SPECTER for their leadership in crafting this legislation.

Mr. President, this appropriation bill targets greater funding on many health-related programs including efforts to combat the epidemic of AIDS, mental health research, health promotion and disease prevention, and help for those Americans who live in rural areas. This bill also recognizes the importance of continuing biomedical research into the problems that plague many Americans.

I am also pleased that my colleagues have appropriated funds for a program that I feel very strongly about and that is the health care services in the home demonstration program funded through the Health Resources and Services Administration. This program has become a model to demonstrate how the availability of communitywide home health care services can be expanded and coordinated. We believe this program will help thousands of disabled and chronically ill Americans, who are at risk of institutionalization, to receive health care services in the home.

This program was authorized in 1987; and, since that time five State grants have been awarded. One grant, in my home State of Utah, is targeted at providing seriously ill children health care services in the home. Many of these children are ventilator-dependent and can be cared for at home rather than in a hospital. This legislation requires that the care be provided by a term of health care providers that can provide case management for any necessary services. This will allow the children to be in the nurturing climate of their own homes and to be given the care that they need.

The continuation of this demonstration project is extremely important because it is a project designed to give us vital information about an alternative to institutionalized care. Home health is a viable solution, but many technical questions remain unanswered such as what type of services are needed, who will deliver them, what are the costs, how well case management can work in the delivery of home health care services, and how these services can best be coordinated among health care providers.

At this time when our Nation is struggling with the problem of long-term care, I believe home health care is an important part of the solution. This program will allow for the expansion of community home health care programs. That must be our first step in allowing families to choose home care as an alternative to institutional care.

I also want to thank Senator INOUYE for his support of the health care services in the home program. He and I have worked together to see that the delivery of home health care services in all parts of America become a reality.

I also thank the Appropriations Committee for including funding for the Special Olympics Program. Under the Office of the Assistant Secretary for Health, there is $1 million targeted for the costs of conducting the 1989 Lake Tahoe International Winter Special Olympics.

Mr. President, we all know of the great opportunities to excel that the Special Olympics provides Americans with disabilities. It gives them a chance to be a winner and achieve a status that has been too often denied them—the status of being a gold medalist. The Appropriations Committee recognized the importance of the Special Olympics movement in this Nation—a move that, through sports, has clearly shown that each person has special abilities.

The Special Olympics is spearheaded by Sargent and Eunice Shriver. They have fostered its development and have seen it become the important national and international effort that it is today. The Special Olympics operates in 85 different countries and is a program that reaches out to all nationalities, all political persuasions, and all economic brackets. It is a program that is winning friends all over the world.

Of particular note was the 1989 Lake Tahoe Winter Special Olympics. At this event, there were over 764 individual competitive events scheduled in 7 days. These events were run by 8,000 volunteers from across the country. They worked for 2 years prior to the games to make this event a success. The games had support from 15 international and national corporations and worldwide civic organizations. The additional funding provided here today will help to make certain that there are no remaining debts and that future Special Olympic Programs can be maintained.

Finally, I would like to thank the Appropriations Committee for increasing funds for pediatric AIDS research and services. AIDS is now the ninth leading cause of death among children ages 1 to 4 and the seventh leading cause of death among people ages 1 to 24. Children and babies with AIDS need our help in finding a cure for their disease. And, we need to make certain that they are not forgotten when new therapies are developed or when new treatment programs are planned.

The Labor/HHS appropriation bill provides an additional $39 million over last year's funding target for services, prevention, and research for pediatric AIDS. Mr. President, I want to thank Senator HARKIN, Senator SPECTER, and other members of the committee for highlighting this need.

Mr. President, let me conclude by thanking the staff of the Appropriations Committee, including Carolyn Mitchell, Amy Schulz, and Maureen Byrnes for their assistance. Also, I would also like to thank Pat de Leon of Senator INOUYE'S office for his valuable counsel.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

Mr. LEAHY. Mr. President, I want to address the funding situation of a program of great importance in my home State—the Low-Income Home Energy Assistance Program [LIHEAP]. I first want to commend the managers of this bill, the Senator from Iowa and the Senator from Pennsylvania, for their amendment that added $50 million to the LIHEAP account this morning. This was a wise and compassionate amendment that moves funding in the right direction, and I thank them for their action.

But the Senate level in this bill for LIHEAP is still well below a hard freeze. My basic premise is that we must do more for the poor who receive LIHEAP benefits, which have been decreased by Congress for several consecutive years.

Two years ago I rose on this floor to ask the Senate not to make further cuts in the Low-Income Home Energy Assistance Program [LIHEAP]. I urged my colleagues to protect the poor Americans who are eligible for this assistance, including millions of senior citizens, from the financial choice between "heating and eating."

But the Senate, and the Congress went ahead and decreased LIHEAP assistance for fiscal year 1988. And we decreased it last year, for fiscal year 1989. And we are on the verge of doing it again for fiscal year 1990.

I believe that we are now to the point where too many Americans are indeed making that terrible choice between "heating and eating."

For most of my colleagues and myself, the "energy crisis" has all but disappeared from our conscience. Unfortunately for the poor—including the working poor and the elderly poor—the energy crisis lives on.

On average, households that receive LIHEAP pay roughly 13 percent of their total income for home energy costs. By contrast, the average American household spends only 3.4 percent of its income for home energy. This difference is not surprising—the average annual income of a LIHEAP household is about $6,000, which doesn't buy much in today's economy.

According to Department of Health and Human Services data that is available to the Congress, the home energy expenditures of the poor will be 1 percent higher in 1989 than in 1986. And yet, over the past 3 years, funding for this means-tested, carefully administered LIHEAP Program has dropped by more than 30 percent. Clearly, LIHEAP beneficiaries have already done more than their share of deficit cutting.

The results are disturbing. Due to the major LIHEAP cuts of the past 2 years, some 600,000 households have ceased receiving assistance. This affects approximately 1.5 million people. Let me stress that the average annual incomes of these households is about $6,000, and that their energy costs continue to rise.

For people at this income level, annual LIHEAP assistance of around $200 can be the key to preventing the shutoff of utility service. For families with such low incomes, the loss of utility service could mean the onset of homelessness. We do not need any more of that.

The rationale that Congress uses to continue to reduce LIHEAP benefits is the purported availability to the States of oil overcharge funds from two major cases Exxon and Stripper Well. The fact is that these funds were available not only for fuel assistance, but a number of other uses as well.

Additionally, the relevant court orders directed that overcharge awards from the oil companies be used to supplement, not supplant Federal

LIHEAP dollars for energy assistance. And, practically speaking, the Department of Energy and the National Consumer Law Center agree that only about $200 million in oil overcharge funds is available to all States for all purposes in the coming year. This amount pales in comparison with the cumulative $1.28 billion in cuts that LIHEAP has absorbed since fiscal year 1986.

I am mindful of the size of the Federal deficit. I want to steadily pare it down as much as any of my colleagues. That is why, even when I know that an increase is really needed, I am urging a virtual freeze of the fiscal year 1989 spending level for these benefits that are targeted to the truly needy.

I repeat—these households have average annual incomes of about $6,000 a year, Mr. President. Can any of us even imagine what it is like to subsist on that amount of income during the long winters of our Nation's northern tier? We are talking primarily about the working poor and the elderly here, and I think we can do a little better for them.

I know that my friends from Iowa and Pennsylvania agree with me on the merits. Their amendment this morning proves that. And that is why I appeal to them, and their fellow members of the upcoming conference on this bill, to walk that extra mile. I encourage them to follow their own good inclinations and recede to the House to bring the Senate line item for LIHEAP up to the House level.

UNDERMINING STATE LEGALIZATION ASSISTANCE IMPACT GRANTS

Mr. CRANSTON. Mr. President, I want to express my strong opposition to the raids on the State Legalization Assistance Impact Grants [SLIAG] Program, which have taken place during consideration of the fiscal year 1990 Labor, Education, Health and Human Services, and Related Agencies appropriations bill. We provided these funds under the Immigration Reform and Control Act of 1986 [IRCA] to offset costs incurred by State and local governments in providing public assistance, education, and health services to aliens legalized under that law. To put it bluntly, when Congress raids these funds, it reneges on its contract with the States, and it jeopardizes the legalization process for many of the millions of undocumented workers we originally intended to help. This is not fair dealing with the States. This is not humane treatment of the participants in the amnesty program. This is not right. I am dismayed by these raids.

Mr. President, amnesty applicants under IRCA are barred from receiving most Federal benefits for 5 years. We assured the States, through much deliberation, negotiation, and compromise, that we would reimburse them for the costs of providing these applicants with access to State and local health and social services programs. We established the SLIAG program for this purpose. That was our promise—our contract. And now, with the blink of an eye, the contract, which I thought was made in good faith, is broken. The raids on SLIAG will place the fiscal burden of the Federal amnesty program squarely on the shoulders of State and local governments, and the amnesty applicants, the true victims of this raid, are left in a position of utter vulnerability. This is unconscionable.

IRCA requires that amnesty applicants, upon applying for lawful temporary resident status, must apply for permanent residency within a specified amount of time. Let us not forget, however, that we required these same applicants to show a working knowledge of English and U.S. civics before they can qualify for permanent residency. This means education. And what have we just done for education? By raiding SLIAG funds we have jeopardized these important education services, and we have put amnesty applicants at risk for losing their right to be in this country legally. We have created a Federal amnesty program and now we have undermined it.

In California alone, there are 1.5 million eligible amnesty applicants, 1 million of whom will need access to educational services. Eighty percent of this population has an educational level roughly equivalent to a fifth grade education. Most do not speak English and are unable to perform basic skills. How are these people to fulfill the minimum requirement for legalization without education services? How can we realistically expect these individuals to become part of this country's economic mainstream?

Mr. President, I will urge the conferees of this appropriations bill to reject these raids on SLIAG. These raids are nothing short of cruel. We have held out false promise to millions of undocumented workers, and now we have undermined their opportunity to legalize their status in this country.

EDUCATION OF REFUGEE CHILDREN

Mr. CRANSTON. Mr. President, compounding the impact on California and other immigrant-intense states of SLIAG cuts, the Labor-Health and Human Services Appropriations bill reported by the Committee has no funds for the refugee education program pending enactment of legislation to extend the Refugee Assistance Extension Act, which expires September 30, 1989. Last year California received $5,492,812 under the refugee education program. It provided supplementary services to 25,742 refugee students, of which 12,877 were enrolled in elementary grades and 12,865 at the secondary level; 127 California school districts participated in last year's program.

What the loss of refugee education funding means is the loss of special English language development instruction services to help refugee kids move into the core academic curriculum, loss of special training activities for instructional staff who work with refugee children, loss of special teaching materials, development programs, and severe cuts in parent training activities aimed at bringing the refugee parents and the schools closer together.

Mr. President, I understand both the budgetary constraints and the intense competition for funds under which the Committee made its judgments. But I find it sad and dismaying that while we continue to be appropriately magnanimous in our welcome to refugees, we cut the heart out of programs that help them when they get here. In this case, we are making it more difficult for refugee children to get the kind of educational foothold they need to make it in America.

When the Refugee Assistance Extension Act is extended, as I am confident it will be, I will work to provide funds for the education of refugee children at the earliest possible opportunity. I hope to be joined by Senators from other States that are heavily impacted by refugees, as well as by Senators who simply agree with me that we have an important commitment to honor.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. D'AMATO. Mr. President, I rise today to speak in support of the Low-Income Home Energy Assistance Program [LIHEAP].

First, I would like to commend Senators HARKIN and SPECTER for offering an amendment to raise by $50 million the funds that have been allocated to LIHEAP under the Senate bill. Although this amendment has brought the funding up to $1.278 billion, it is still $160 million below current services and approximately $200 million below the House level.

LIHEAP is an important income supplement to help low-income households afford basic housing and utility costs. Since fiscal year 1981, appropriations for LIHEAP have been cut nearly in half—46 percent after adjusting for inflation. These cuts have had a serious impact on States' ability to provide for the energy needs of its poor and elderly citizens.

For the current fiscal year, New York State received $175 million from the Federal Government to operate LIHEAP. With these funds, the State served approximately 800,000 households with an average benefit of $177. Of these households, one-quarter of them were elderly. Under the Senate bill, States would be forced to reduce benefits to those eligible for assistance by approximately 15 percent, remove 15 percent of the families currently participating from the program, or implement some combination of these measures.

By further reducing the average benefit in New York from its current level of $177 per household, this will mean even colder winters for LIHEAP households. In a State with severe winters like New York, $177 is not enough to heat a household for even a single winter month, let alone an entire winter.

Mr. President, with energy prices on the rise, we simply cannot subject our Nation's poor, elderly, and handicapped to further reductions in LIHEAP. LIHEAP households already spend 15 percent of their income on energy, nearly four times the national average. We cannot stand here and make a difficult situation even worse.

Thank you, Mr. President.

VITAL AREAS OF NATIONAL INTEREST

Mr. LAUTENBERG. Mr. President, I would like to commend the chairman of the subcommittee for bringing to the floor a bill which significantly advances the Nation's programs affecting labor, health, human services, and education. These are vital areas of national interest that require our full attention and support. But in a time of concern for budget deficits, preparing such appropriations legislation requires a keen sense of national priorities and a sensitivity for fiscal restraint. This bill reflects these values.

It also includes several specific provisions that I requested that are especially important for the people of New Jersey and the Nation.

The bill includes $5 million directed to computer education to provide computer software and training for our schools. We know that in many schools, there is so little computer hardware that 50 students are forced to share the same equipment. And yet, without a good foundation in computer usage, the odds of graduating and going on to land productive jobs are vastly reduced in many occupational areas.

The bill provides increased funding for lead poisoning screening, especially for cities with a high prevalence of old housing stock. In New Jersey 177,000 children have been determined to be at high risk from lead poisoning. However, in 1987 only 59,700 children were screened. The bill supports an innovative program in New Jersey, to address this very significant health threat.

AIDS research continues to be a high priority for the Nation, and that priority is reflected in this bill. Increased allocations are provided for work on pediatric AIDS, including funding for the national pediatrics AIDS resources center in Newark. The bill also includes funding for an AIDS subacute care facility in that city, which is trying to cope with the very substantial burden of caring for AIDS victims, many of whom have no place to go after hospital care. Newark is facing one of the highest overall incidence rates of AIDS-HIV-positive patients in the world.

The bill also includes new funding for suicide prevention grants to tackle a problem that couldn't be more tragic. Fourteen young people die each day from suicide. That's 5,000 to 6,000 per year. Funded demonstration projects in Bergen County, NJ, and elsewhere should provide new insights and answers to suicide prevention.

Lastly, the bill funds annual identification of labor shortages by occupation and planning to reduce the shortages identified. Labor shortages limit economic growth, increase inflation, and damage U.S. competitiveness. Recent surveys indicate that 80 percent of New Jersey's businesses are feeling the effects of the Nation's labor shortage.

These are forward-thinking allocations that will have long-term and positive implications for my State and the Nation. Again, I commend the Senator from Iowa [Mr. HARKIN] for responding to these important needs and developing this very significant bill.

COMMUNITY SERVICES BLOCK GRANT LOW-INCOME ENERGY ASSISTANCE PROGRAM

Mr. CONRAD. Mr. President, I wish to express two specific concerns I have about the Labor-HHS appropriations bill. The first involves the Community Services Block Grant and the second, the Low-Income Home Energy Assistance Program.

Mr. President, CSBG provides enormously important assistance to low-income Americans. During the past several weeks, I have received nearly 100 letters from North Dakotans about how much they value the services provided under CSBG, including emotional support, employment assistance, household management and budgeting counseling, and even the provision of food baskets to get people through tough times.

The letters I have received not only came from direct recipients of community action services, but also from others who have seen the benefits CSBG provides.

Despite those invaluable services, CSBG has been subjected to repeated assaults by the Reagan and Bush administrations. And as a result, community action programs have been stretched to the limit.

I was particularly pleased that the committee's proposed bill includes a modest increase in funds for CSBG. While I would have preferred an even higher funding level, the Senate Appropriations Committee has included a much more realistic proposal than its House counterpart.

The House has proposed a $21.6-million funding reduction for CSBG—a devastating cut. I urge the committee to fight for the Senate level in conference.

Mr. President, I am also concerned about funding for LIHEAP. Along with CSBG, LIHEAP also serves an essential function for low-income and elderly Americans. While I commend the managers of the bill for offering this morning's amendment to increase funding by $50 million over the committee recommendation, the Senate proposal is still inadequate.

Since its inception, LIHEAP has helped low-income Americans pay their energy bills so they are not forced either to go without heat or air conditioning, or without food or health care.

According to the National Community Action Foundation, "the prototypical recipient has an income of 72 percent of the poverty level and is a single parent, with one or two children, who is not receiving AFDC or SSI." Nearly 40 percent of all LIHEAP recipients are low-income senior citizens.

Mr. President, in fiscal year 1988, LIHEAP was cut by 16 percent. As a result, 600,000 households—1.8 million people—were dropped from the program.

Preliminary estimates for fiscal year 1989, during which LIHEAP was cut by 10 percent, show a drop of at least 100,000 households—about 300,000 people—and a benefit reduction of more than 6 percent.

Energy costs impose an enormous financial burden on elderly and poor Americans. According to the National Low Income Energy Consortium, 28 percent of poor or near poor U.S. households were without heat for one or more days during the winter of 1986-87 because they were unable to pay their utility and fuel bills. And according to Census Bureau figures for the past year, after paying their rent, food, and energy bills, LIHEAP-eligible households had less than $450 to spend during the entire year on other necessities like clothing, transportation, and health care.

North Dakotans face some of the highest winter energy costs in the country. The average monthly residential energy cost in the winter of 1988 in North Dakota was $172. That's higher than Maine, New Hampshire, New York, Wisconsin, Minnesota, South Dakota, and most other States, both north and south.

Advocates for cutting LIHEAP during the last few years have argued that States can offset LIHEAP reductions through use of oil overcharge money. While this may have been true for some States early on, it is simply no longer the case. North Dakota's Governor last year informed me that oil overcharge funds were no longer available to compensate for LIHEAP cuts. In addition, the Energy Department has testified that these funds cannot begin to counter all cuts in low-income and conservation programs.

Last year's LIHEAP appropriation was $1.38 billion. Maintaining current services during fiscal year 1990 would require about $1.43 billion. While the House bill would provide $1.4 billion, the Senate version, as amended, proposes about $1.28 billion. It is imperative that the committee continue its efforts to increase LIHEAP funding.

I understand the difficulty the committee has in allocating its funds. Areas like education, health care, and job training are also in desperate need to funding. However, it's time to stop the assault on LIHEAP. This program has borne the brunt of too many fiscal battles, and people are suffering as a result. Since fiscal year 1985, LIHEAP has been cut by nearly $1 billion.

I commend the managers of the bill for their good-faith effort to adequately fund LIHEAP, and urge the committee to continue those efforts in conference.

DRUG EDUCATION

Mr. SPECTER. Mr. President, the country and the Congress are deeply embroiled in a war on drugs. We have analyzed all aspects of the supply side and the demand side of the problem and we have found them difficult if not virtually intractable.

We are making massive efforts to curtail cultivation of the coca leaf in South America and the importation of cocaine to the United States; we have established special task forces to stop the distribution of drugs on our streets, to force prosecution in our courts and to expand prison facilities.

We are making massive efforts on the demand side through extra appropriations and programs for rehabilitation and education. All of these efforts are difficult and long term.

A more immediate, partial answer—perhaps even more than a partial answer—may be found in a massive national effort by Americans to educate other Americans about the dangers of drugs.

Two years ago, Mrs. Reagan took an important first step with the program "Just Say No" to drugs. To the extent that an individual can grapple with and solve the problem of drugs by himself or herself, it was a significant first step.

Based on Mrs. Reagan's visits to drug rehabilitation and prevention programs throughout the country, she determined that an effective drug prevention campaign must be targeted toward elementary school aged youth. The "Just Say No" program was premised on the notion that the most effective means to prevent drug experimentation by children was to make them fully aware of the consequences of becoming chemically dependent. Through the coordinated assistance of educators, parents and students, the "Just Say No" program encouraged children to establish clubs through which they could share with each other information about the dangers of drug use. The U.S. Department of Health and Human Services, the National Institute on Drug Abuse, and NBC Corporate Communications Division provided schools with materials and "Just Say No" educational kits.

Although the "Just Say No" program was a significant first step toward educating children about the dangers of drug use, research indicates that children are still very much at risk. An August 1989 Gallup poll indicates that more than 4 million teenagers between 13 and 17 years of age stated that they had been offered illicit drugs in the previous month. It further indicated that the average age at which children first try alcohol or marijuana is age 12. And, in a 1987-88 survey of over 200,000 junior and senior high school students by the National Parents' Resource Institute for Drug Education [PRIDE], over 45 percent said they drank liquor. A third of the drinkers said they got bombed when they drank.

One program that has received widespread support is the Drug Abuse Resistance Education [DARE] Program, which is operated in 48 States and the District of Columbia. This program is taught by veteran police officers who go into classrooms to share their experiences with the tragedies brought on by drug abuse. DARE offers a 17-week curriculum, teaching fifth and sixth grade children the decisionmaking skills needed to resist pressure to experiment with drugs. A separate program has been developed for younger children, and follow-up instruction has been developed for junior high and high school students.

The DARE Program teaches assertive response styles, resistance techniques, and risk taking. DARE also helps students understand the concept of self-image, resistance to gang pressure, recognition of stress and ways to manage it without taking drugs.

An additional step along the same path would be for each American to undertake to tell other Americans about the dangers of drugs and to start a wave of counter peer pressure to alert everyone to the enormous dangers of drugs. We need to actively promote the notion that doing drugs is disreputable. The obvious start is parents to children, teachers to students, ministers, rabbis, priests to their congregants and people to people, person to person at all levels. Factory workers ought to tell other factory workers about the dangers of drugs. Young professionals ought to tell other young professionals about the dangers of drugs. High school students ought to tell other high school students about the dangers of drugs. The same for grade school students and students at all levels.

It is my sense that information about the dangers of drugs and substance abuse must be shared at an early age before children have the opportunity to experiment with drugs. Dr. Martha Morrison, a drug abuse treatment provider in Atlanta, and herself a former drug user, has stated that:

> Research indicates that kids who perceive drugs as potentially harmful are less likely to use them.

I would caution, however, against using scare tactics or misinformation about drugs and the consequences of drug use. Such hysteria may only stimulate a child's interest in experimentation, or may discourage them from listening to additional parental or education guidance. It is essential, for example, that parents caution children not to accept medication from strangers. Parents also must focus on people with whom they leave their children such as babysitters, relatives and friends, to determine what kinds of messages they might impress upon their children with respect to drug use.

The Federal Government has been in the business of educating students about drugs for more than 20 years. In fiscal year 1989, the Federal Government will spend more than $350 million for school-based drug education programs. In the fiscal year 1990 Labor, HHS appropriations bill, we have provided $393 million for the Drug Free Schools and Communities Program. In the President's National Drug Control Strategy, released in September 5, 1989, he proposed an additional $25 million for emergency drug education grants to target urban areas with major drug problems. In our Nation's struggle to combat drug abuse, Federal and State assistance and innovative programs alone cannot solve the problem of drug use by children. I believe that parents and the community are the key and concerned individuals must be capable of recognizing classic danger signals.

HOW TO RECOGNIZE THE SIGNS OF DRUG USE

There are certain behavioral characteristics that accompany the abuse of alcohol and other drugs. Changing patterns of performance, appearance, and behavior may signal use of drugs.

Signs of drugs and drug paraphernalia: Possession of drug-related paraphernalia such as pipes, rolling papers, small decongestant bottles, eye drops, small butane torches; possession or evidence of drugs—pills, white powder, needles, and so forth and odor of drugs, smell of incense or other cover-up scents.

Identification with drug culture: Drug-related magazines, slogans or clothing; conversation and jokes that are preoccupied with drugs; and hostility in discussing drugs.

Signs of physical deterioration: Memory lapses, short attention span, difficulty in concentration; poor physical coordination, slurred or incoherent speech; unhealthy appearance, indifference to hygiene and grooming; and bloodshot eyes, dilated pupils.

Changes in school performance: Sudden and continuing resistance to discipline at home or at school; downturn in grades, incomplete assignments.

Changes in behavior: Impaired relationships with family and friends; increasing and inappropriate anger, hostility, irritability; increase of borrowing money from family and friends; stealing from the home, at school, at work; increasing secrecy about actions and possessions; associating with new groups of friends, especially with those who use drugs; reduced motivation, energy, self-discipline, self-esteem.

HOW TO HELP A FAMILY MEMBER OR FRIEND

If a person informs you that he or she has a drug problem, it is important to know how to effectively handle the situation. You should try to be:

Understanding: Listen to the reasons why he or she abuses alcohol or uses drugs.

Firm: Explain why you feel that the abuse of alcohol or other drugs is harmful, and why this individual needs to seek counseling and treatment.

Supportive: Assist the user in finding help.

Self-examining: Ask yourself if you have provided a good role model.

Sometimes you may feel the need to intervene in the case of a friend or family member. This is a very delicate situation that can be very hurtful. Your friend with the problem will most likely deny the problem and put you on the defensive—I thought you were my friend, how could you accuse me of being a drug addict? In this case, what you don't say is as important as what you say.

Avoid emotional appeals, which may make the person who has a substance abuse problem want to drink or use drugs more;

Do not lie or cover up for the person.

Do not take on the person's responsibilities, because this may leave the person with no sense of purpose or dignity.

Do not argue with a person when he or she is drunk or on drugs.

Do not hide or dump bottles or drugs, don't shelter the person from situations where drugs or alcohol are present.

Above all, do not accept responsibility for the person's actions or guilt for his or her drinking.

PEER PRESSURE SKILLS

Peer pressure skills are techniques or actions that parents can often use to teach their children to say "No" to drugs.

Peer pressure skill I: Teach the child to value individuality. Remind children of their own individuality—perhaps tell an anecdote about the importance of individuality of being yourself—and its benefits.

Peer pressure skill 2: Explore the meaning of friendship. Tell the children to think about what a friend is and what a friend is not.

Peer pressure skill 3: Give the child the support needed to say "No." Most parents teach their children to be polite and respectful. These are good traits, however, they do not necessarily prepare a child to stand up for himself or herself.

Peer pressure skill 4: Use peer pressure. Many communities have found that peer pressure can be a positive force. Some school systems and youth groups sponsor peer programs where children support each other's positive values.

This is not an easy agenda, but it is one which needs to be pursued seriously at all levels of our society.

Toward this end, I have been visiting schools at all levels, colleges, high schools, intermediate schools and grade schools, to talk about the dangers of drugs and to encourage others to do the same. At each shop, I speak about government and civic responsibility, and I warn students about drugs. Often I invite local officials and community leaders to join me and to pursue their own individual efforts along this same line.

I submit the following record of my activities to underscore my personal view that U.S. Senators, Representatives, State and local officials, parents, teachers, and others all need to become involved in the war on drugs. Make no mistake about it, this is a real war, and as such, we cannot afford to lose.

Although educational institutions must be major players in the war on drugs, we must also acknowledge that many of the youths who are at greatest risk of using drugs are those individuals who will not be reached through school-based programs. Therefore, we must be aggressive in involving the total community, including our religious institutions, employers, community and professional organizations, social clubs and sororities and fraternities, in drug resistance efforts.

When I was in Peru a year ago, a journalist asked me how the United States could insist on Peruvians giving up crops worth $800 million when the United States was unwilling to act decisively to curtail the demand for drugs. Those who use drugs in the United States are truly coconspirators with South American drug dealers. Those of us who sit on the sidelines and do nothing to prevent the use of drugs are accessories before and after the fact.

This is obviously not a total solution. We must continue to fight drugs at all levels. But the concept of Americans educating other Americans is something which can be done today without a governmental expenditure and with some significant prospect of success.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators present or those watching in their offices or listening in their offices, the managers advised that all of the amendments which will require votes have been completed, and accordingly, after consultation with the distinguished Republican leader, it is my intention that the schedule for the next several days be as follows: That there will be no further rollcall votes this evening; that we will complete action on a number of amendments which will not require votes prior to recessing this evening; that it is our hope and expectation that the negotiations to reach agreement on the drug program now underway will be completed late tonight or early tomorrow morning, and if that occurs, there will be a brief session tomorrow for the sole purpose of passing by voice vote the four appropriations bills, including the one presently pending, with respect to which action has been completed up to, but just short of, third reading earlier this week.

There would be no rollcall votes tomorrow. It is my understanding, after talking with the distinguished Republican leader and our side, that there are no requests for rollcall votes on those matters. But there would be no other business tomorrow, and that the Senate would then recess until noon on Monday, at which time the defense appropriations bill would be before the Senate. That matter will be considered during the day on Monday. If any rollcall votes are scheduled, they will not occur prior to 5:30 on Monday. So that there will be no further rollcall votes this evening. There will be no rollcall votes tomorrow, although we expect to pass the four appropriations bills tomorrow by voice vote, if the drug negotiations have been concluded and agreement reached; we would then be on the defense appropriations bill at approximately 1 o'clock on Monday after coming in at noon. Hopefully, we will begin substantial progress on that, but any votes on Monday would not occur prior to 5:30 p.m.

Mr. DOLE. If the majority leader will yield. He has correctly stated it, as I understand the present situation. I say that we have not checked everyone on this side, as to whether or not they desire rollcall votes on any of the appropriations bills that have been laid aside and this one which will soon be laid aside. I hope if anyone feels constrained to have a rollcall, they would call us and we might discuss the reason, the rather extraordinary reason in this case. They could be recorded, and they can put a statement in the RECORD, but the purpose would be to move these bills out of the Senate so they can go to conference and complete action on all the bills next Friday or shortly thereafter.

So if we can work out the agreement on drugs—they are not there yet, they were still negotiating just a few moments ago—we hope to be able to take something to the President tomorrow morning and see how he views what we have been doing.

But in any event I certainly concur with the majority leader. If in fact we can reach some agreement on drug amendments then we can come in long enough to pass the appropriations bills. I certainly want to cooperate with the majority leader.

Mr. MITCHELL. Mr. President, I might first thank the distinguished Republican leader for his usual cooperation and just way to our colleagues that we are confronted with this confluence of events. The fiscal year ends a week from Saturday at midnight.

If we can pass these appropriations bills tomorrow the conferences on them might commence on Monday and we, at least, can continue our effort, difficult as it may be, to complete action on all the appropriations bills prior to end of the fiscal year.

You have the hurricane now bearing down upon Washington, and it will greatly inconvenience many Senators if we have a session with votes tomorrow. A large number of Senators on both sides indicate to me that they have plans to leave. They are now trying to move their plans up to leave in the morning and simply could not be here.

On Monday, as I tried all year I tried to minimize the votes to accommodate Senators. So really if we do not pass them by tomorrow versus Tuesday, with the conference beginning Tuesday night at the earliest, that makes an already difficult task more difficult.

Those are the circumstances which confront us. While I recognize it is an imposition on Senators to make this demand there are corresponding conveniences to Senators if we can reach that understanding.

Mr. CHAFEE. Mr. President, I wonder the majority leader will answer a question. I understand completely what he said. What about the scenario if per chance the drug agreement is not reached, would that change the vote situation?

Mr. MITCHELL. Of course, it would.

At the request of the distinguished Republican leader we have not moved these bills to third reading and we would then be back on the transportation appropriations bill, and we will just have to proceed as best we can under those circumstances. I think that means that there would be no prospect to completing action on these appropriations bills by the end of the fiscal year and we would be back on that early next week with, I expect, lengthy debate and many amendments to the various appropriations bills.

Mr. CHAFEE. I was really asking about the vote sequence for tomorrow and Monday prior to 5 p.m.

Mr. MITCHELL. No. I do not expect that it would because I have to say that realism dictates that we recognize we are not going to be able to do business tomorrow. That is the reality of it. Many Senators have indicated to me that they are simply going to leave. They hope I will do my best to protect them. I would like very much to do so.

That is the reality of it. I simply have to recognize we are not going to complete action by Monday and we would do the best we can. So, I hope Senators will agree.

That being the case, Mr. President, that will be our plan. There will be no further rollcall votes tonight. We will complete action on this bill. We will try to pass the appropriations bills tomorrow morning by voice vote, and then the Senate will be in Monday to consider the defense appropriations bill beginning at noon, and we will have no votes Monday until 5:30. I thank all my colleagues for their cooperation.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Mississippi.

FEDERAL EDUCATION PROGRAMS

Mr. COCHRAN. Mr. President, when President Bush made his first address to the Nation on February 9 this year, he expressed a strong commitment to education. The President said,

> I believe the best thing we can do is invest in our young people. * * * Education is critical to our future, both individually and as a nation. If we are to improve our standard of living, protect and defend our democratic freedoms, and strengthen our moral character as a nation, nothing is more important than education.

The bill on the floor today increases funding for Federal education programs by $1 billion over fiscal year 1989 to help provide the best quality education programs for our young people. This bill provides funding for programs to help the students of today become productive and successful adults, to help illiterate adults learn to read through various programs, including programs in our community libraries, and to make educational opportunities available to preschool children who are at greatest risk.

I am particularly pleased with the $500 million increase for the chapter 1 program. This program is extremely important in my State of Mississippi. Chapter 1 has successfully provided remedial reading and math programs to youngsters living in poor areas who are having difficulty keeping up with their classwork. Statistics show that these children are at greatest risk of dropping out of school early. The chapter 1 program has not only helped these youngsters achieve competency in basic skills, but it has also helped build self-esteem and provide a foundation for a productive future. Currently, the program serves close to 5 million students in 14,000 school districts across the country. The large increase in funding included in this bill, which the President has requested, should allow for a significant expansion of the number of children being served as well as provide more intensive services for all students.

The bill also provides for the continuation and expansion of the Star Schools Program. This program has brought state-of-the-art technology to many poor, rural school districts across the country. Through interactive communication technology young people now have opportunities to study subjects that were previously cost-prohibitive for poor school districts. In Mississippi, children have had an opportunity to study foreign languages such as Japanese and very advanced math courses that otherwise would not have been available to them. I would like to thank Chairman HARKIN for his support for the Star Schools Program.

In addition, the bill includes a substantial increase for programs to assist developing institutions under the Higher Education Act, which includes aid to historically black colleges and universities and graduate institutions, and funds to strengthen other developing institutions of higher education. Support for this program continues to be a personal priority.

I would like to thank the managers of this bill for approving funds for the State Student Incentive Grant Program. This program provides grants to States to assist them in providing need-based grant and work-study assistance to eligible postsecondary students. Students provide community services which are designed to improve the quality of life for the community residents and which provide participating students with learning opportunities through work related to their educational goals. This is a worthwhile program and should continue to receive Federal support.

This bill represents a commitment to education and the future of our Nation's young people. It has been crafted to make the best use of Federal resources in a time of tight budget constraints. The goal is to increase the number of students served and to enhance the quality of these programs. The $1 billion increase this bill provides for education is one of the best investments we can make.

AMENDMENT NO. 838

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator Domenici, myself, Senator Harkin, and Senator Bingaman, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. Dole] for Mr. Domenici (for himself, Mr. Harkin, and Mr. Bingaman), proposes an amendment numbered 838.

At the appropriate place in the bill, add the following: "It is the sense of the Senate that the Senate Conferees should yield to the House in Conference on all Stewart B. McKinney Act programs."

The PRESIDING OFFICER. The Chair will point out there is a 15-minute time limit for Senator Dole and 15 minutes for Senator Harkin.

Mr. DOLE. Mr. President, I advise my colleagues I will take 2 minutes. I ask first of all a statement by Mr. Domenici be included in the Record. It is in process of being revised. We did revise the amendment.

I also say the amendment is proposed by Senator Domenici, who is traveling on official business in Poland. He regrets he could not be here this evening to bring this amendment before you.

I would just indicate that Senator Domenici has had a long-term interest in the homeless, as have other Members of this body.

He considers that one of the most pressing problems in America, and we have done quite well in Congress to alleviate the homeless. In 1987 and 1988, we passed the McKinney Act and an emergency supplemental to increase funding, and this would indicate that the President's figure is higher than the Senate's, and the House is higher than the Senate. This would bring the Senate figure in conference up to the House mark, and I think that will satisfy Senator Domenici, even though he had another proposal in mind, but it was met with objections all over the place.

I want to thank the managers of the bill for recommending this alternative, which I think will satisfy everyone who has an interest in the homeless.

Mr. HARKIN. Mr. President, first of all, I would like to ask the distinguished minority leader if he would add Senator Kennedy's name, also, as a cosponsor.

Mr. DOLE. I am happy to, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I am glad to offer the amendment and express the sense of the Senate the conferees should yield to higher funding levels for the McKinney Act provided by the House.

It is overall $55 million over the Senate funding and the House is able to provide these higher levels by deferring funding of a number of programs.

As a strong supporter of the McKinney Act, I am happy to join in this amendment and put the Senate on record in support of the homeless.

I congratulate Senator Domenici for his work on getting this together, and I thank the distinguished minority leader for working this agreement out so we have this sense-of-the-Senate resolution.

I can tell Senators that it is this Senator's intention to fight as hard as I can to make sure that we yield to the House completely on the highest funding levels that we can get for the McKinney Act.

I thank the distinguished minority leader for his efforts in this regard.

Mr. DOLE. Mr. President, I thank the Senator from Iowa, and I indicate Senator Domenici will not be offering a statement. I made that request earlier. He will not be offering a statement, because this is a rather sharp change from the proposal he had in mind initially.

But I do believe that this is a solution, maybe not one he prefers, but it is a good solution in my view.

And I thank the managers for helping us accommodate Senator Domenici in this very important bill.

Mr. HARKIN. I might add, I think Senator Domenici will be happy with what we do in conference.

Mr. SPECTER. Mr. President, I join in the statement on the desirability of this solution. The real point is how much money will be awarded to the homeless in the final bill, and I believe that Senator Domenici will be pleased with the final result, with the efforts that Senator Dole has made this evening.

The PRESIDING OFFICER. Is there any further discussion? Is time yielded back?

Mr. DOLE. I yield back my time.

Mr. HARKIN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 838) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 839

(Purpose: To provide a direct appropriation for the construction of a Bioscience Center at the University of Kansas)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Mrs. Kassebaum and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. Dole] for himself and Mrs. Kassebaum, proposes an amendment numbered 849.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 1, strike "*Provided further,* That $1,000,000 of the amount made available shall be provided for the construction of the Bioscience Center at the University of Kansas.".

On page 56, in between lines 4 and 5, insert the following:

"UNIVERSITY OF KANSAS

"For the construction of a Bioscience Center at the University of Kansas, $5,200,000.".

On page 38, line 6, strike "483,044,000" and insert "487,244,000".

On page 75, after line 21, insert the following new section:

Sec. . (a) The Secretary of Education is authorized, in accordance with the provisions of this section, to provide financial assistance to pay for the cost of construction and related costs for a Bioscience Research Center serving the midwestern States. The purpose of the Center shall be to serve as a catalyst for attracting research activity and industrial activity to that region of the country.

(b) For the purpose of subsection (a) of the Bioscience Research Center shall be located at the University of Kansas in Lawrence, Kansas.

(c) No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

(d) There is appropriated $5,200,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

Mr. DOLE. Mr. President, I wanted to take a moment to explain why it is necessary for me to ask my colleagues to provide additional funds for the University of Kansas Biosciences Center. Kansas, as many of you know, is an old-fashion State. That is because so many Kansans are farmers and small business operators, who know the value of hard work and thrift.

Kansans expect their State Government to be equally hard-working and thrifty. Budgets must be balanced, bills must be paid on time, and money can't be spent for university projects until it is in the bank. Kansans are strict about these rules; without the full amount of money up front, not even the design of a project can begin. No matter how worthy or how urgently needed the project is, not a single dime can be spent until the full amount required to complete the project has been appropriated.

Unfortunately, the University of Kansas Biosciences Center is one project that we can not afford to delay. The completion of the biosciences center will enable the University of Kansas to move forward in it's Research on the diagnosis and threatment of drug abuse, alcoholism, neurological diseases, and mental illness.

I think my colleagues will agree that this type of research is essential, but without better laboratory space, the University of Kansas can not be expected to continue the rapid progress it has already made in these areas.

That is why I hope you will join me in supporting this amendment providing full funding for the University of Kansas Biosciences Center.

Mrs. KASSEBAUM. Mr. President, I am pleased to join the distinguished Republican leader, Senator DOLE, in sponsoring this amendment to increase funding for the bioscience center at the University of Kansas.

The University of Kansas has received growing national recognition in recent years for bioscience research conducted in several disciplines. Bioscience research projects, at KU have earned numerous awards, including the prestigious Jacob Javits Award, and have been worthy of funding from the National Institutes of Health, the Army Research Office, and the Army Medical Research Command. I am proud of these accomplishments and many others which necessitate the construction of larger and more modern research space to accommodate current and future growth of KU's bioscience research programs.

The benefits reaped by this research are well worth the total cost of the $7.2 million project. The State of Kansas and private donors are committee to raising $2 million for the new bioscience center. The Federal share of $5.2 million is necessary to complete the project as soon as possible.

Recognizing the merit of this facility, the Labor, Health and Human Services, and Education Subcommittee of the Senate Appropriations Committee has appropriated $1 million for this project for fiscal year 1990. I regret that this amount will not be sufficient to proceed with timely construction of the facility. I strongly believe in the merit of the KU Bioscience Center. I support an increase of $4.2 million over the committee recommendation of $1 million for construction of this facility, and I encourage my colleagues to support this appropriation.

Mr. DOLE. This has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 839) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

Mr. DOLE. Mr. President, I understand I need to make a request that the amendment just offered be in order, even though it amends part of the bill that has already been amended.

The PRESIDING OFFICER. without objection, it is so ordered.

AMENDMENT NO. 840

(Purpose: To increase funding for medical effectivness research offset from State Legislation assistance grants)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for Mr. MITCHELL (for himself, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. GORE, Mr. HATFIELD, and Mr. RUDMAN) proposes an amendment numbered 840.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 17, strike "$5,000,000" and insert "$30,000,000".

On page 38, line 6, strike out "$487,244,000" and insert "555,244,000".

Mr. HARKIN. Mr. President, this amendment adds $25 million for a medical effectiveness study. I offer it on behalf of Senators MITCHELL, ROCKEFELLER, DURENBERGER, GORE, HATFIELD, and RUDMAN. The offset is from the SLIAG fund agreed to earlier.

Mr. MITCHELL. Mr. President, I rise to offer an amendment to the Labor-HHS appropriations bill to add $25 million to the appropriation for the outcomes research initiative. The current bill includes a level of funding of $10 million, an amount I and many others believe to be inadequate for a viable program.

The outcomes research program is something that I have been working on for several years, because I am convinced that it is necessary if we are going to improve the quality of care provided to our population while controlling the rapidly escalating costs of health care.

We spend more money per capita on health care than any other nation in the world. This year, we will devote approximately 12 percent of our gross national product to health care—over $500 billion. By the year 2000, the percentage could reach 15 percent. we know how much we're spending, but we don't know what we're getting for the large amounts we spend.

The outcomes research initiative is an effort to analyze the effectiveness of medical treatment and reduce or eliminate unnecessary procedures. By doing so, we can reduce payment for treatments which are ineffective or unnecessary.

This has occurred in my own State of Maine, where we have tried to better understand the dilemma of balancing quality and cost concerns.

The indepth evaluation of practice patterns done by the Maine Medical Assessment Foundation has proven that physicians can work together to improve the quality of care for their patients while controlling the costs of services. A fully funded national program holds great promise for duplicating that experience at the national level.

The outcomes research initiative enjoys broad support in the medical, research, and academic communities. It has overwhelming backing by those concerned with health care policy. The administration requested $52 million for effectiveness research in its budget, and none of the four bills in Congress request less than $54 million in fiscal year 1990.

I would certainly like to see the President's request fully appropriated this year, but I realize that there are many worthy causes competing for severely limited funds. Consequently, by adding $25 million, my amendment would result in only a threshold funding level of $35 million in fiscal year 1990. Anything short of this amount will not establish a viable program. I hope that next year we will be able to have full funding in order to see the program well established.

My amendment is deficit neutral because it provides an offset.

Mr. DURENBERGER. Mr. President, I rise today to voice my strong support of the amendment offered by the distinguished majority leader to increase the appropriation level for outcomes research.

As we all know, medical care in our country is rapidly approaching a crossroads. In recent years, we have witnessed the introduction of an array of marvelous technologies which have contributed to improved diagnosis and treatment of health problems. At the same time, however, health care costs are escalating at several times the CPI, putting budgetary stress on consumers, providers, and Government alike.

Mr. President, it is clearly time to take stock of the changes occurring in medical care practices and to identify the best approaches for detecting and managing health conditions. And importantly, these assessments should be oriented toward determining what constitutes effective patient care, rather than simply evaluating the effectiveness of single technologies.

To this end, I sponsored legislation with Senator MITCHELL to increase funding under Title XVIII for a patient outcomes assessment research program. The mission of this program is to ultimately provide health care professionals, consumers, and practitioners with sound information on effective medical practices. This research is also important in helping to control our escalating health care costs by identifying outmoded and ineffective medical care practices.

Mr. President, this research has subsequently become an essential component of the bill that Senator ROCKEFELLER and I have developed to reform our Medicare Physician Payment System. The Rockefeller-Durenberger physician payment reform bill has two goals. First, our goal would replace Medicare's current charge-based system for physician payment with a national schedule of allowable fees for individual medical services and procedures. Second, our bill establishes a process that will greatly improve the Congress' ability to judge the growth in Medicare Program expenditures and to determine appropriate factors by which to update payment. Outcomes research is essential to accomplish this second goal. We simply need better information on the effectiveness and appropriateness of medical services and procedures so that we can better evaluate medical care and make more well-informed decisions about Medicare Program expenditures.

It is to this end, that I support an increase in the appropriation level for outcomes research. I understand the committee's funding decision for outcomes research and its concerns that the appropriation be spent wisely by the Department of Health and Human Services. Having reviewed the committee's report on outcomes research, I agree with their requirement for a detailed report from the Department of Health and Human Services on how they plan to manage outcomes research activities, and with their concern about avoiding duplicative or wasteful spending on outcomes research. To ease the committee's concern, I—along with Senators MITCHELL and ROCKEFELLER—am prepared to assist in improving the outcomes research process within the Department of Health and Human Services.

Mr. President, it is essential that more funds are made available to support outcomes research. The administration originally requested $52 million and as of this morning, still requests that amount. I believe that additional funding for outcomes research is money well spent, and will improve the quality of health care in this country by improving our knowledge about which medical services provide the best patient outcome. Mr. President, I urge my colleagues to support the amendment offered by the distinguished majority leader.

Mr. RUDMAN. Mr. President, I applaud the distinguished majority leader for his successful efforts to establish a program to assess the effectiveness of medical treatment, and I am pleased to join him in cosponsoring an amendment to bring the total funding available for the medical effectiveness initiative to $35 million in fiscal year 1990. This amendment will greatly expand the extramural research program to evaluate the impact of medical practices on patient outcomes sponsored by the National Center for Health Services Research and Health Care Technology Assessment.

Dr. Jack Wennberg of Dartmouth Medical School has been a leader in this area. Through scientific-based research, Dr. Wennberg has demonstrated variations in the rates of use of medical care among communities in different geographic locations throughout the country, and has traced these disparities to differences in physican practice styles and to conflicting medical treatment theories. The initiative promises more effective treatment guidelines and holds out hope for effective and responsible health care cost containment. It will enhance our understanding of which health care practices are most effective and provide for the dissemination of that information to those who most need and want it—health care providers, patients, employers, and insurers. As Secretary Sullivan has noted, the United States will spend $550 billion on health care this year. This initiative will help to ensure that those dollars are spent in the most effective manner.

Mr. President, the administration requested $52 million for this initiative in fiscal year 1990. This amendment, while still below the budget request, will greatly expand this critical research.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 840) was agreed to.

The PRESIDING OFFICER. Without objection, a motion to reconsider is laid upon the table.

Mr. HARKIN. Mr. President, I ask unanimous consent that one additional amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 841

Mr. HARKIN. Mr. President, I send an amendment to the desk on behalf of Senator SIMON and Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for Mr. SIMON (for himself and Mr. LIEBERMAN) proposes an amendment numbered 841.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. 219. During the 12-month period beginning October 1, 1989, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State pursuant to section 427 or 471 of the Social Security Act, as a result of a disallowance determination made in connection with a compliance review for any Federal fiscal year preceding Federal fiscal year 1989, until all judicial proceedings, including appeals, relating to such disallowance determination have been finally concluded, nor may such funds be used to conduct further compliance reviews with respect to any State which is a party to such judicial proceeding until such proceeding has been finally concluded.

Mr. HARKIN. Mr. President, this amendment adds no further funding. It is not controversial. It has been cleared on the other side. The language was carried by the bill last year and simply postpones for 1 more year the collection of fines and penalties by the Department of Health and Human Services for the foster care program from States that are now undergoing a court suit.

The issue of whether or not they owe the Department fines and penalties is currently in court. Unfortunately, the case was not settled over last year and this bill language is needed for 1 more year. Following resolution of the court case, the States have agreed to make whatever payments may be required by the courts to the Department.

Mr. SPECTER. Mr. President, the amendment is agreeable on this side, with the addendum that special efforts ought to be made to resolve that litigation this year, since the same action was necessary by the Congress last year. The lawyers and parties ought to be on notice that they ought to get it resolved, because it ought not to be a matter for congressional action on a repetitive basis.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 841) was agreed to.

The PRESIDING OFFICER. Without objection a motion to reconsider is laid upon the table.

SUDDEN INFANT DEATH SYNDROME

Mr. HOLLINGS. Mr. President, I am pleased that the fiscal year 1990 appropriations bill for the Departments of Labor, Health and Human Services, and Education has included a level of $5.2 million for specific funding of sudden infant death syndrome research, and $33.5 million for research generally related to SIDS through the National Institute on Child Health and Human Development. I would like to ask the distinguished chairman of the subcommittee, Mr. HARKIN, for clarification on funding for the 5-year plan for sudden infant death syndrome research that was presented to the Congress this year.

Mr. HARKIN. I thank the Senator from South Carolina [Mr. HOLLINGS] for his support and leadership on the Labor, Health and Human Services, and Education Subcommittee and for his interest on this important issue. Please allow me to assure the gentleman that it is the intention of the subcommittee that the funding provided to the National Institute on Child Health and Human Development for SIDS research be utilized to implement this critical 5-year SIDS research plan, and for other meritorious proposals that are specific to SIDS.

Mr. HOLLINGS. I thank the subcommittee chairman, Mr. HARKIN, for his attention to this important matter, and look forward to working with the subcommittee to ensure that this focus continues during the next several years.

NATIONAL INSTITUTE ON AGING

Mr. HOLLINGS. I would like to express my appreciation to Senator HARKIN for his support in providing increased funding to the National Institute on Aging [NIA]. The NIA has, over the past decade, provided much-needed leadership for research and training related to the aging process and the diseases and other special problems of older Americans, and his efforts will, indeed, further advance this progress.

One concern I have, in looking over the committee report, is that the number of directives and their associated costs may, in fact, exceed the increased resources to be made available. Therefore, I am recommending that, during conference, language be developed to provide adequate flexibility for NIA to best achieve our collective goals of a strong, balanced research program on aging with the special emphasis on Alzheimer's disease.

Mr. HARKIN. I thank the Senator. I, too, support the idea of assuring that we have the strongest overall program for research on aging at NIA and will work toward achieving a conference agreement that best provides for this balance and special emphasis on Alzheimer's disease within the new resources.

HEAD START

Mr. LAUTENBERG. Mr. President, I would like to commend the chairman of the subcommittee for addressing an important matter involving the success of Head Start programs around the country. The committee report accompanying H.R. 2990 recognizes the concerns that low Head Start salaries are making it increasingly difficult for Head Start programs to attract and retain qualified staff.

This is particularly true in New Jersey. We have had a lengthy and intense economic expansion. In some areas, unemployment is below 2 percent. There are labor shortages in a variety of skilled and unskilled positions. Head Start operations in New Jersey have been having an increasingly hard time attracting teachers, nurses, and food service workers. Given the Nation's labor shortage and projected demographic patterns, I am afraid that if we do not act, the situation may only get worse, threatening the continued success of this excellent program.

The committee report directs the Department to review Head Start staffing difficulties and urges and Department to take appropriate action to address this problem. That is a welcome step.

Would the Senator from Iowa respond to a question—is the situation in New Jersey the kind that the Department has been asked to address?

Mr. HARKIN. From what the Senator from New Jersey has said, that is correct.

Mr. LAUTENBERG. I am concerned that while the House has also addressed staffing difficulties in Head Start, its report specifically addresses only problems with attracting teachers. Would the Senator agree that the Department should assess and address staffing difficulties affecting the range of Heat Start positions, including not only teachers and teacher assistants, but also registered nurses, food service workers, and social, family, and health services employees.

Mr. HARKIN. The Senator is correct. The success of Head Start programs depends upon a hard working, dedicated group of people. We need to address situations like that in New Jersey described by the Senator. I welcome his interest in this matter, and look foward to working with him.

Mr. LAUTENBERG. I thank the Senator. I commend him for his leadership in addressing this matter.

COMPREHENSIVE HEAD INJURY REHABILITATION AND PREVENTION CENTERS

Mr. HEFLIN. Mr. President, I would like to enter into a colloquy with the Senator from Iowa. I am concerned that the committee's bill does not support the proposal from our colleagues in the other body regarding the establishment of a regional system of a comprehensive head injury rehabilitation and prevention centers. I believe that the Senator is aware that the problem of head injury has been a significant concern in my State for some time. The incidence of such injuries is relatively high in our region, and, as the Senator knows, they are the leading cause of death and disability among children and young adults. I believe that the Senator is also aware that these centers would be placed in institutions selected according to the merit review. Naturally, because the need is so great in our area, we would hope that at least one of these centers would be located in the South.

Accordingly, I would seek some assurance from the Senator that he would accommodate this head injury proposal in conference. I know that he understands very well the critical need to prevent head injuries and to provide more assistance to victims of such injuries, and both Senators from Alabama share the view that it would be most unfortunate for us not to take advantage of this initiative, which is the result of a considerable effort on the part of our colleagues in the other body.

Mr. HARKIN. I appreciate the Senator's remarks. He is correct that I have been aware for some time about the interest of our friends from Alabama in the most serious problem of head injury. I agree that we need to do more to address this problem, and I can assure him and his colleague from Alabama that we will look very closely at this head injury proposal in conference.

Mr. HEFLIN. I thank the Senator.

NATIONAL INSTITUTE OF DISABILITY AND REHABILITATION RESEARCH

Mr. KERREY. The fiscal year 1990 bill includes a $2.1 million increase over the budget request and the House allowance for the National Institute of Disability and Rehabilitation Research [NIDRR] for a total of $55 million. Is it the committee's intention that a portion of the funds recommended for the National Institute of Disability and Rehabilitation Research will be made available for a research and training center on low-achieving deaf individuals?

Mr. HARKIN. The funding provided to NIDRR will support five new research and training centers. Four of those centers are up for recompetition and are proposed to address the areas of mental illness, community integration, and independent living. It is the committee's intention that the fifth center address the needs of low-achieving deaf individuals.

Mr. KERREY. Does the Senator agree that, with the paucity of rehabilitation research funded by NIDRR in the Midwest, the rehabilitation research and training center should be located in that part of the country?

Mr. HARKIN. I agree with the Senator, and I would certainly urge NIDRR to give strong consideration to establishing an R&T center in the Midwest on low-achieving deaf individuals. As the Senator knows, these grants are competitive, and I would expect that preference would be given to applicants who have established records of medical, education, and training services for children and youth with deafness and other communication disorders.

Mr. KERREY. I thank the Senator.

JOB CORPS CENTERS

Mr. SIMPSON. Mr. President, I wonder if I might engage my colleagues, the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, in a brief colloquy?

I wish to ask my colleagues a few questions about funding for new Job Corps centers and the criteria established for those new centers.

In fiscal years 1988 and 1989, Congress appropriated $48 million for the acquisition, rehabilitation, and construction of six new Job Corps centers, is that correct?

Mr. HARKIN. That is correct.

Mr. SPECTER. The Senator from Wyoming is correct.

Mr. SIMPSON. The State of Wyoming presented two proposals for Job Corps centers that met most all of the criteria established by the Senate and later by the Department of Labor, including the one criterion named as a "priority" by the Senate Appropriations Committee, which was that priority consideration was to be given to States without existing Job Corps facilities. I just would like to confirm: Was it the committee's intent for that to be the primary priority for selecting the location of a new Job Corps center?

Mr. HARKIN. That was intended to be the primary criterion.

Mr. SPECTER. That was certainly my understanding.

Mr. SIMPSON. Wyoming also met the other criteria that was established, which were that the proposal link the Job Corps center with other Federal, State, and local programs, and that there be a commitment to using Job Corps in conjunction with other programs to meet the needs of those with special barriers to employment. Both projects submitted by Wyoming also showed strong community and State support. Those were all initial issues within the criteria considered by the Appropriations Committee to be important, were they not?

Mr. HARKIN. Yes, they were.

Mr. SPECTER. I concur in that assessment.

Mr. SIMPSON. It is also my understanding that several of the projects selected by the Department of Labor are in States that already have at least one other Job Corps center, and the new projects involve renovation of existing facilities rather than new construction. I would assume that a preference for using existing facilities would be based on cost savings to be achieved by renovating an existing building rather than constructing a new building. Would that be a correct assumption?

Mr. HARKIN. Yes; the estimate of $6 to $8 million for a new Job Corps center is based on an estimated new construction cost. If projects were selected in States which already have Job Corps facilities, I would assume that is because the Department of Labor estimated that substantial savings would be achieved by renovating existing buildings rather than constructing new buildings.

Mr. SPECTER. That would be my understanding as well.

Mr. SIMPSON. Since funds were appropriated for construction, and projects using existing facilities were supposedly selected because it would cost less to rehabilitate property than to build new facilities, isn't it possible that the six new centers will not require the entire $48 million? If there are any unobligated funds remaining from that $48 million would it not make sense to use those funds for construction of additional Job Corps centers in States such as Wyoming, where no Job Corps center currently exists?

Mr. HARKIN. It certainly would. Job Corps is a program that has provided invaluable training to young people, and we would ideally have at least one Job Corps center in each State. Should any funds be unobligated from the $48 million appropriated in the last 2 fiscal years for new Job Corps centers, Wyoming would certainly appear to be highly qualified to be the site of such a center.

Mr. SPECTER. I concur in that assessment, particularly in view of your reporting of strong State and local support demonstrated for the Wyoming proposals and their links to other State and Federal programs.

Mr. SIMPSON. Would it be consistent with the priorities established by Congress and congressional commitment to the Job Corps program to use any such remaining funds for the construction of additional Job Corps centers in States where none exist?

Mr. HARKIN. That would certainly be consistent with priorities established by the committee and Congress, and it would be my feeling that additional centers should be constructed if there are funds remaining from the $48 million appropriated for new construction, and that priority consideration should be given to States having no existing Job Corps facilities.

Mr. SPECTER. I certainly concur in the remarks of my colleague.

Mr. SIMPSON. I thank my colleagues.

AIDS FUNDING

Mr. KENNEDY. Would the managers yield for a question concerning the appropriations provided for AIDS?

Mr. HARKIN. Yes, I would yield for a question.

Mr. KENNEDY. The Labor and Human Resources Committee spent over 18 months preparing for and securing final passage for the AIDS provisions of the Health Omnibus Programs Extension Act of 1988, Public Law 100-607. As signed into law by the President, the legislation was the product of protracted discussion with the House and Members of this body. It was based on information obtained in hearings and from consultation with agencies of the Public Health Service, the Presidential Commission on the HIV Epidemic, and literally scores of experts in every aspect of the disease. Senator HATCH, who coauthored Public Law 100-607, and I, would like to confirm that the managers of this appropriations measure intend that the funding provided for AIDS in fiscal year 1990 will be expended in accordance with provisions of that authorizing law, in the case of all programs authorized by Public Law 100-607 that have received funding?

Mr. HARKIN. The Senator is correct. That is what the managers and the subcommittee intended.

Mr. SPECTER. I would agree with the Senator from Iowa.

Mr. KENNEDY. I wonder if the Senators would further yield? As I have reviewed the funding for specific AIDS programs under the appropriations legislation, there are several programs which appear to be authorized by Public Law 100-607 even though that legislation is not specifically referenced. For example, the appropriations legislation augments the President's budget request by $50 million in order to fund formula grants to the States for AIDS home and outpatient care. While the appropriations bill does not specifically mention it, I assume that this funding is intended to implement part A of subtitle B in title II of Public Law 100-607?

Mr. HARKIN. The Senator is correct.

Mr. SPECTER. Yes, the Senator is correct.

Mr. KENNEDY. In the Appropriations Committee report, it also specifies that the Centers for Disease Control shall adhere to the spending formula specified in Public Law 100-607 for AIDS education, information, and risk reduction efforts. Public Law 100-607 requires that States with 1 percent or more of the total number of AIDS cases in the Nation, pass through at least 25 percent of Federal education and prevention funds to local entities. The appropriations bill seems to maintain this scheme?

Mr. HARKIN. That is right.

Mr. SPECTER. Again the Senator is correct.

Mr. HATCH. If the Senators would continue to yield. Subtitle C of title II of Public Law 100-607 provides that approximately 60 percent of the total

Federal funds available for AIDS prevention activities shall go to the States using the formula set forth in Public Law 100-607. CDC would retain approximately 40 percent of the total AIDS prevention activities funds to be used for the national information programs. This allocation of funds was an important part of the bipartisan compromise which was developed as part of Public Law 100-607. Because of this, it is important that the managers of the appropriations measure make clear that any Federal AIDS education funds will be spent in accordance with specific guidance provided by Public Law 100-607.

Mr. HARKIN. The Senator is correct. The Appropriations Committee intends that approximated 60 percent of the prevention funds go to the States and 40 percent be retained by the CDC.

Mr. SPECTER. Yes, I would agree with the Senator from Iowa. In addition, in accordance with part B of subtitle C of Public Law 100-607 we have provided that at least $40 million be made available to fund AIDS prevention activities conducted by minority organizations and targeted to minority populations. As we know, although minorities constitute only approximately 20 percent of the U.S. population, they comprise 46 percent of the diagnosed AIDS cases.

Mr. HATCH. A further clarification on our public education programs. Any education or information program receiving Federal funds are required to include information on the harmful effects of promiscuous sexual activity and intravenous substance abuse and the benefits of abstaining from such activities as required by Public Law 100-607. In addition, no funds may be used to provide information or education designed to promote or encourage, directly, homosexual or heterosexual activity or intravenous substance abuse as required by Public Law 100-607. Since it appears that Congress settled this issue when we enacted Public Law 100-607, I hope the Senators will confirm that this is indeed their intent.

Mr. SPECTER. That would certainly be the managers' understanding.

Mr. HARKIN. Yes, that was our intent.

Mr. KENNEDY. Public Law 100-607 also authorized the use of both paid advertising and public service campaigns as a means of delivering AIDS prevention information. Would States, local entities, or the CDC itself be permitted to use Federal dollars to obtain media time and space?

Mr. HARKIN. The Senator has correctly identified our intent. In fact, we have included report language which explicitly states that grant funds may be used to purchase AIDS prevention advertising, including out-of-home media and transit advertising.

Mr. SPECTER. Yes, I would agree. The managers also expect that CDC will employ a portion of funds provided for national prevention activities to expedite its efforts to conduct a comprehensive evaluation of the impact of Federal AIDS prevention and education programs. We also have directed that specific AIDS information activities of various PHS agencies be integrated and coordinated, including utilization of the capabilities of the National Library of Medicine by NIAID, CDC, and FDA as a means of distributing AIDS treatment information.

Mr. HATCH. I feel it is important to clarify how funds will be spent to educate health care professionals about AIDS and HIV disease. In title VI of the authorizing legislation dealing with the health professions, there is a detailed description of the program to be implemented within schools and academic health science centers. It is the intention of the authorizing legislation that this funding be used to assure that the faculties of schools of medicine, nursing, public health, dentistry, psychology, allied health and osteopathy will have the skills needed to educate the full spectrum of health professions students about HIV disease. It was also the specific intention of the authorizing committee that States be given the flexibility to use AIDS prevention funds provided through formula grants to conduct outreach and educational activities for primary care health professionals. The legislation also specifies that the training centers will play a role in the State education programs by providing technical assistance and support. There is nothing in this legislation of Public Law 100-607 which would require HRSA to discontinue funding the current Education and Training Center grantees, but the mission of the centers is slightly modified. It is the understanding of the managers of this appropriations measure that spending of the Health Services and Resources Administration and the Centers for Disease Control shall be guided in this manner?

Mr. HARKIN. The Senators statement is clearly consistent with the funding provided in this appropriations measure.

Mr. SPECTER. Yes, the Senator is correct.

Mr. KENNEDY. The Labor and Human Resources Committee is most appreciative of the managers' effort to address in the fiscal year 1990 appropriations measure the perpetual difficulties that the PHS faces in hiring sufficient numbers of qualified personnel to address the AIDS emergency. We also appreciate the fact that the full-time equivalent allowances specified in this measure essentially parallel the number of new employees called for by Public Law 100-607. I also wish to determine whether the managers' intend that the Directors of the National Cancer Institute and the National Institute of Allergy and Infectious Diseases may expend funds to expand the clinical facilities for AIDS drug evaluations at the NIH Clinical Center?

Mr. HARKIN. The managers' are indeed aware that Public Law 100-607 required the NIH to expand both NCI's and NIAID's AIDS drug evaluations facilities at NIH Clinical Center by either 50 inpatient beds or a doubling of outpatient clinical capacity. We expect that this expansion shall be completed as rapidly as possible with funds provided for fiscal year 1989 or, if required, by using funds provided in this measure, which includes a 25-percent increase for NIH AIDS activities.

Mr. SPECTOR. Yes, that is correct.

Mr. HATCH. I want to thank my friends, the managers, for these clarifications.

Mr. EXON. Mr. President, Creighton University in Omaha, NE has recently acquired a positron emission tomography [PET] scanner and clyclotron for the use of physicians and researchers in the Nebraska and Iowa region. This unique program at the University offers hope for the effective utilization of expensive new technologies. Rather than a race among hospitals to acquire the latest expensive machinery, the Creighton approach makes the technology available on a regional basis, thereby minimizing the costs of new technologies. With this technology, which could significantly improve diagnosis of serious disease, Creighton University could also provide much needed information regarding the clinical use of PET technology. As the managers know, I have been working to secure funding for Creighton University to conduct a clinical trial of PET technology for the purposes of determining the medical effectiveness of this important new technology.

I noted that the Appropriations Committee funded the medical effectiveness initiative and endorsed PET research.

Is the research program sought by Creighton University the type envisioned by the Committee?

Mr. HARKIN. Yes, it is. The Committee is aware that Creighton University is working in the area of PET technology. The emerging technology research recommended by the Committee in the area of the medical treatment effectiveness is precisely the type of research program sought by Creighton University. As the committee goes to conference, I will endeavor to make this point even more clear in the conference committee.

Mr. EXON. I thank the Senator and look forward to working with the chairman to help Creighton University succeed in its research initiative.

NIH

Mr. ADAMS. Mr. President, we have for consideration on the floor today the Labor-HHS Appropriations bill. Given the fiscal constraints and the pressing needs of our medical research programs, we have included increased funding to address several of these priorities. In the bill, $18 million is included for extramural construction to fund the five existing extramural construction authorities at the NIH. This funding has been identified to begin to address the decaying infrastructure needs of our medical research institutions. Mr. President, is it the Chairman's intent that these funds be used to provide for meritorious, peer reviewed and high priority extramural construction proposals which have been awaiting funding at the NIH?

Mr. HARKIN. That is correct. These funds have been recommended by the Subcommittee to begin to address the deplorable conditions which exist throughout the country in our research laboratories and for new construction. While it falls far short of what is needed, it is a start.

Mr. ADAMS. I thank the Senator for his support of this vital issue. May I further pledge my assistance to him in substantially increasing funds in the 1991 Budget for constuction and all medical research programs. He knows we have some excellent research programs in Washington State like the UW and Hutchinson Cancer Center. They certainly qualify for this construction funding.

One more issue with regard to this bill is that of programs within the National Cancer Institute which are experiencing a shortfall under the administration's proposal. We have recommended that the NCI receive $22 million above the budget request to address some of these shortfalls. One unique resource, highlighted in our Committee report, is the Cancer Information Service, which brings the latest and most up-to-date information on cancer prevention, detection and treatment to the general public. In fact, every day over 1,500 inquires are made to the Cancer Information Service.

Mr. President, is the chairman in agreement that a portion of the additional funds we have provided to the NCI is to be used for programs such as this?

Mr. HARKIN. Yes, that clearly was the intent of this bill. I agree with the Senator that the Cancer Information Service is a tremendous resource to the Nation and that the NCI should do all that is possible to be sure this program is adequately funded under this appropriation.

THE NATIONAL ADOPTION CENTER

Mr. HEINZ. Mr. President, last week I wrote to Senators HARKIN and SPECTER, urging them to include $6.8 million in fiscal year 1990 appropriations for the National Adoption Center. A private nonprofit organization headquartered in Philadelphia, the National Adoption Center has a proven track record of promoting adoption opportunities throughout the United States, particularly for children with special needs. The committee's mark was $300,000 short of this modest request.

More than 35,000 children in this country dream of a family of their own, Mr. President. Many of these children are not the healthy infants usually associated with adoption. A 5-year-old constituent of mine named Jamal—born with cerebral palsy, and severely mentally retarded—is not a atypical of thousands of these special needs kids.

The National Adoption Center estimates 60 percent of children waiting for a home have one or more physical, emotional or mental disabilities. Fifty-six percent are from racial or ethnic minorities and 49 percent are over the age of 10.

Moving these special children out of the welfare system and into loving families requires special initiatives. The National Adoption Center actively recruits families for these children through the media, a national computerized adoption exchange and local businesses. Trained counselors then work with the families to prepare them for adoption and followup with post-adoption services.

Mr. President, last year I came to the Senate floor to ask our colleagues for an additional $1 million in funding—over the existing $5 million appropriated for basic center services. These additional dollars were specifically targeted for recruitment and post-adoption counseling—$500,000 to each. What I am asking for today is an additional $100,000 for recruiting families, and $200,000 for followup services over what is contained in the committee mark.

These services are particularly critical today. America faces a crisis of children born to drug addicted mothers, children of abusing parents, and medically frail infants who owe their lives to new technology. These children deserve the nuturing support of a loving home; they deserve the chance for a full life. The National Adoption Center is dedicated to assuring they will have this chance.

I would like to thank the distinguished Senator from Iowa for his committee's excellent work on what must seem a thankless task: Spreading too few dollars over so many worthy programs. I would like to ask him if in the course of his negotiations in conference over the larger package, he would do what he could to achieve the House levels of spending for the National Adoption Center's critical services?

Mr. HARKIN. I want to assure my colleague, the senior Senator from Pennsylvania, that I am fully sympathetic to the needs of this very special group of children and the value of the services provided by the National Adoption Center. I will do everything I can to represent the needs in conference.

HEARING IMPAIRED

Mr. DURENBERGER. Mr. President, I would like to take the opportunity to compliment the chairman and other members of the committee for their recognition of the importance of the postsecondary programs under the education of the handicapped. This program was first authorized in 1974 to expand Federal support for postsecondary programs for the hearing impaired across the country. Today this program funds four regional programs across the country, including the St. Paul Technical Institute in my own State of Minnesota. I had a chance to visit this program earlier this year, and I cannot say how impressed I was at the program and the services they provided for their students. This program draws people from all over the country due to the fact that it is the only program in the country focusing on trade and vocational training for the deaf. Again, I would like to thank the members of the committee for recognizing the contributions this program has in training and preparing persons who are deaf to compete for the jobs needed to maintain our country's economic competitiveness.

PELL GRANT BORROWING LANGUAGE

Mr. HARKIN. Mr. President, while there is some time available, I would like to take a moment to discuss the situation the committee finds itself in regarding financing for the Pell Grant Program. Unfortunately, I must rise to say that I am greatly disturbed by the mixed signals the committee has received throughout the year regarding this program—mixed signals from the Education Department, mixed signals from OMB, mixed signals between the two agencies, and mixed signals from one day to the next.

Much of my concern is outlined in the committee report so I will not discuss it here. But Members should be aware that the reason this appropriations bill before us appears to be hundreds of millions of dollars below the President's request for Pell grants is due to a sudden change in the administration's cost estimate of an unprecedented size. This amended budget request called for an additional $696 million over the original budget request. This budget amendment arrived just weeks after the committee had been informed by the Education Department that the administration intended to lower their original request by $148 million. Indeed, the Education Department transmitted budget justification documents to the committee reflecting this lower budget estimate.

As a result of these wildly fluctuating cost estimates and the uncertainty surrounding the administration's authority to reduce student awards following the publication of the formal payment schedule and/or borrow funding from future year appropriations to cover any funding shortfalls, I have instructed the Comptroller General to review these cost estimates and the relevant statutory authorities and report to me on this matter as soon as possible.

To add insult to injury, Mr. President, since the committee reported its bill, I have again received mixed signals from the administration. On September 12, I received a letter from Dick Darman that stated that the House version of the bill "includes funding for the fiscal year 1989 shortfall" for Pell grants. Then on September 15, we received the "Statement of Administration Policy" from OMB regarding the Senate version of the bill. That statement said that our bill "did not include requested language or funding for" the fiscal year 1989 shortfall. Mr. President, the funding and language of the House and Senate bill for Pell grants are identical. Moreover, there is no discussion of funding of the shortfall in either the House or the Senate report. So I am completely mystified as to how the OMB could tell me on September 12 that the House bill included funding for the shortfall and then tell me on September 15 that the identical Senate bill does not.

Mr. President, I am very concerned about the possible effect of a linear reduction of Pell grant awards in the current academic year. The September 15 statement from OMB, though contradictory with the September 12 letter of Dick Darman, states that the administration will be required to implement a linear reduction schedule of student awards if we do not include specific borrowing authority in this appropriations bill. I do not necessarily concur in this review, and as I have stated, OMB's views on this are not at all clear. I wish to state, however, that I am sensitive to the possibility of a linear reduction of awards for this academic year and will consider the inclusion of borrowing language in conference if we find that it is necessary.

Unfortunately, the confusing situation we find ourselves in is only indicative of the mixed signals that the committee has received from the administration since the beginning of the year. I only hope that in the days and months to come, we will get more cooperation and coordination in dealing with this program from all parts of the administration.

THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. RIEGLE. Mr. President, I would like to express my strongest support for the Low-Income Home Energy Assistance Program.

As several of my colleagues have noted, the Appropriations Committee cut this program by 11 percent. I am pleased that the managers of the bill earlier agreed to restore $50 million to this important program. However, LIHEAP would still be cut over $120 million from last year's level of funding.

Mr. President, the LIHEAP program has come under heavy attack in recent years. Since fiscal year 1981, the program has been cut nearly in half. Yet this is a very important program for many low-income people.

In my State of Michigan, the LIHEAP allotment has been reduced from $114 to $76 million since fiscal year 1985. While the State has made and continues to make a significant financial contribution in support of low-income energy assistance, it cannot fill the void created by the severe cuts in Federal energy funds, especially when facing dramatic Federal funding cuts for many other human service programs.

More than 800,000 households in Michigan alone are income eligible for Federal energy assistance. However, the number of households the State has been able to serve has dropped from approximately 400,000 in fiscal year 1985 to 307,000 in fiscal year 1989.

It is not a coincidence that during this same time period the homeless population in Michigan increased dramatically. Tragically, more and more of these people are children. People with low incomes typically spend a larger percentage of their incomes on energy. A further cut in LIHEAP will create further hardship for those who are already struggling to keep their homes together.

Mr. President, the House provided a small but much-needed increase for this program. I strongly urge my colleagues on the Appropriations Committee to accept the full House level of funding for LIHEAP when this bill goes to conference.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. HEINZ. Mr. President, earlier today I offered an amendment to restore $15 million in fiscal year 1990 funds for the Low-Income Home Energy Assistance Program [LIHEAP]. At that time, the floor managers for the Labor/Health and Human Services appropriations bill, H.R. 2990, asked me to withhold the amendment pending an investigation of its impact. The amendment proposes to reduce departmental management funds for DHHS and the Department of Education.

DHHS reports that an amendment of this magnitude could cause some real problems and possibly hamstring the Secretary's efforts to staff the many programs under his jurisdiction. I am reluctant to proceed with the amendment if it could adversely affect programs that I support.

But I want to be clear about something. LIHEAP has been cut from a peak of $2.1 billion in fiscal year 1985 to $1.384 billion this year. The committee did a good job in restoring $50 million this morning. But this still leaves us some $161 million short of current services.

In the past few years, a depressing pattern has emerged: The House level-funds LIHEAP and the Senate makes severe cuts. Labor/HHS conferees split the difference. If the Senate LIHEAP funding level were to remain where it is now, at $1.278 billion, a split with the House—which funds LIHEAP at $1.40 billion—would yield a new funding level of $1.339 billion—still some $101 million below current services.

I know the difficult dilemmas this bill presents. LIHEAP has to compete against Head Start, AIDS research, and NIH. I support all of these programs, as do most of the Members of this body. But we have to do better than split the difference again. We need the House funding level, or near it. Even at the House level, the program would suffer a cut in real terms. Are the bill's managers willing to make assurances that they will seek more than $1.339 billion for LIHEAP in conference? Are the Senate conferees going to seek the House number, or something very close to the House number? If they are, I am prepared to withhold the amendment.

Mr. SPECTER. Mr. President, as I told my colleague and the Senator from Maine [Mr. COHEN] earlier today, we will strive in conference committee to fund LIHEAP as near the House level of $1.4 billion as possible. Certainly, we can do more than split the difference.

Mr. HARKIN. I agree with Senator SPECTER. I believe we should and can fund LIHEAP quite close to the House number.

Mr. HEINZ. Mr. President, I thank my colleagues for their encouraging assurance. I do not want to curtail the Senate conferees' negotiating flexibility. I would like to point out, however, the very real bargaining room they will have. The Senate Appropriations Committee increases funding for human genome mapping by 128 percent. They increase funding for health resources and services by nearly 15 percent. And so on.

I think the conferees will be in a better position this year than they have over the past few years, and I give credit for this happy circumstance to the very able Senators from

Iowa and Pennsylvania, who serve as chairman and ranking minority member of the subcommittee, respectively.

Mr. President, earlier today several of us alluded to a letter, cosigned by 56 of my colleagues, which I delivered to my colleague from Pennsylvania. At this point, I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD following my remarks. It underscores the broad, bipartisan support for LIHEAP. I further ask unanimous consent that a letter from John White, Secretary of Pennsylvania's Department of Public Welfare, also be printed in the RECORD. It underscores the very real problems my State has faced as a result of ongoing reductions in Federal spending on LIHEAP.

Finally, Mr. President, there are several Senators on both sides of the aisle who wish to speak about the importance of LIHEAP in their States. I ask unanimous consent that their statements appear in the RECORD following the two letters.

Thank you, Mr. President, And I thank the floor managers for their efforts and accommodation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 21, 1989.

Hon. TOM HARKIN,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR TOM: We write to urge the Appropriations Subcommittee on Labor, Health & Human Services, Education, and Related Agencies to provide a minimum of $1.44 billion in fiscal year 1990 funds for the Low Income Home Energy Assistance Program (LIHEAP). Federal funding for LIHEAP peaked at $2.10 billion in fiscal year 1985. Since then, it has been slashed by 34 percent, to $1.38 billion. The fiscal year 1990 budget resolution allows for a modest (4 percent) increase to maintain current services. It is the least we can do for this critically important "safety-net" program.

The National Consumer Law Center recently published "Energy and the Poor—The Forgotten Crisis". According to the report (a copy is enclosed), regular LIHEAP benefits reached just 5.9 million (25 percent) of the 24 million households eligible nationwide in fiscal year 1988. In 28 of 30 States surveyed, over one-half of the program recipients had annual incomes below $6,000; the overwhelming majority had annual residential energy costs exceeding $900. So LIHEAP-eligible households typically spent 13 to 23 percent of their gross income on residential energy costs.

According to the benchmark 1986 report prepared for the National Association of State Community Service Programs, LIHEAP-eligible households had $355 in disposable income in 1984. A LIHEAP benefit of $213 (the national average that year) boosted discretionary income by 60 percent—for those households fortunate enough to receive one.

Few programs provide as much direct assistance to such needy people as LIHEAP. Even fewer have suffered such Draconian budget cuts. The budget deficit constrains us from spending near the amount authorized for the program in the coming year ($2.31 billion). But we should strive to prevent further erosion in Federal support for low income energy assistance.

Sincerely,

CHRISTOPHER J. DODD.
JOHN HEINZ.

U.S. SENATE,
Washington, DC, July 21, 1989.

Hon. ARLEN SPECTER,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR ARLEN: We write to urge the Appropriations Subcommittee on Labor, Health & Human Services, Education, and Related Agencies to provide a minimum of $1.44 billion in fiscal year 1990 funds for the Low Income Home Energy Assistance Program (LIHEAP). Federal funding for LIHEAP peaked at $2.10 billion in fiscal year 1985. Since then, it has been slashed by 34 percent, to $1.38 billion. The fiscal year 1990 budget resolution allows for a modest (4 percent) increase to maintain current services. It is the least we can do for this critically important "safety-net" program.

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Sincerely,

Christopher J. Dodd, John Heinz, Alfonse M. D'Amato, George J. Mitchell, Richard G. Lugar, Claiborne Pell, William S. Cohen, Patrick J. Leahy, John C. Danforth, Alan J. Dixon, Larry Pressler, Wendell H. Ford, Daniel Patrick Moynihan, Bob Packwood, Spark M. Matsunaga, James M. Jeffords, Bill Bradley, Robert W. Kasten, Jr., Carl Levin, Pete Wilson, John F. Kerry, Dave Durenberger.

Christopher S. Bond, Dennis DeConcini, Dan Coats, Herbert Kohl, Conrad Burns, Howell Heflin, Slade Gorton, Brock Adams, Richard Bryan, Frank R. Lautenberg, David Pryor, Rudy Boschwitz, Richard C. Shelby, William V. Roth, Jr., Timothy E. Wirth, John H. Chafee, Charles S. Robb, Edward M. Kennedy, Jeff Bingaman, John Glenn.

Quentin N. Burdick, Bob Graham, Paul Simon, Paul S. Sarbanes, John D. Rockefeller IV, Albert Gore, Jr., Jim Sasser, Wyche Fowler, Jr., Howard M. Metzenbaum, Thomas A. Daschle, Kent Conrad, Joseph I. Lieberman, Donald W. Riegle, Jr., Max Baucus, John McCain.

DEPARTMENT OF PUBLIC WELFARE,
Harrisburg, PA, May 23, 1989.

Hon. JOHN F. HEINZ III,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: I am writing to urge you to resist the proposed $283 million budget reduction for the Low Income Home Energy Assistance Program (LIHEAP) for federal fiscal year 1990. Under the proposed reduction, the Commonwealth's allocation would decrease by $19 million.

Federal cuts in the past three years have already reduced Pennsylvania's LIHEAP funding by $40 million. The Commonwealth has struggled to make up for this loss by using an increasing amount of state oil overcharge funds. However, the Commonwealth is using the maximum amount of oil overcharge funds for LIHEAP allowed under our approved oil overcharge plan. Thus, any further cuts in federal funds will result in reduced services to needy families.

This year the cut in LIHEAP funds forced the Commonwealth to lower the LIHEAP income eligibility limit and plan to serve 15,000 fewer families, most of whom are either elderly or low income employed persons. However, the Commonwealth has returned the eligibility limit to its previous 150 percent level since this year's program did not show the annual increase of previous programs. For the first time, we received fewer applications than expected.

We attribute this to a number of factors. The State's employment rate has improved, and the past winter was unusually mild. In addition, three years of continued publicity about reduced funding and program cuts appear to have produced a pervasive perception by the public that they are unlikely to receive benefits.

We cannot assume that this low application rate will occur next year. Fuel costs have already risen significantly (with further increases expected). Another mild winter cannot be presumed. Also, the public perception as to the availability of benefits is likely to begin changing with the restoration of the previous eligibility level.

In comparison with other programs, LIHEAP has been cut disproportionately over the past three years. It is time that attempts to reduce the federal deficit focus on other strategies. I would appreciate your efforts to preserve adequate funding levels for this essential program.

Best wishes.

Sincerely,

JOHN F. WHITE, JR.

Mr. GLENN. Mr. President, I rise today in strong support of the Low Income Home Energy Assistance Program [LIHEAP]. I believe that LIHEAP is one of the most significant and critically needed programs funded under the Labor/HHS appropriations bill.

As reported by committee, the Senate bill would fund LIHEAP at $1.228 billion. I was pleased that the Senate earlier today accepted an increase of $50 million in this amount. Unfortunately, even with this increase, LIHEAP funding would remain

about $106 million below the 1989 allocation. Although support for this program has been steadily declining since a peak level of funding in 1985 at $2.1 billion, energy costs have not been declining. In fact, the households receiving benefits still spend almost 15 percent of their total income to pay heating and cooling bills.

Mr. President, LIHEAP is a needs-based income supplement program serving only very needy households. It has never received funding sufficient to help more than 30 to 40 percent of eligible households. Despite the disturbing shortcoming of LIHEAP benefits and number of households served, the program has suffered sharp cutbacks. If the Senate funding level is adopted, over 40,000 households in Ohio will lose assistance.

Those in households eligible for LIHEAP benefits already pay almost 16 percent of their income on home energy costs—about four times the national average. In Ohio, as in many other States, heat in the winter is a life necessity. Survival is no more possible without heat than without food or shelter.

Mr. President, the needs of individuals served by LIHEAP have not diminished. I urge my colleagues to support increased funding for this program.

Mr. COHEN. Mr. President, I spoke earlier today in support of the amendment offered by my colleague from Pennsylvania, Mr. HEINZ, that would have added $15 million for low income energy assistance payments.

I am pleased that the managers of the bill, Senators HARKIN and SPECTER, have given us their assurance that they will make every effort to recede to the funding level contained in the House-passed version of the Labor-HHS appropriations bill. I greatly appreciate their recognition of the need to go to a higher funding level for this program, and I hope they will be successful.

There are many worthwhile programs funded in this bill, and it is very difficult to find the right levels for each of them, but a program that has received a 30-percent reduction in 4 years has suffered enough, as LIHEAP has.

Many Maine residents depend on the energy assistance program, and I hope that we can provide adequate funds so that their energy bills can be lowered.

I thank my colleagues.

Mr. KASTEN. Mr. President, I compliment the Senator from Pennsylvania for his amendment adding $50 million to the Low Income Home Energy Assistance Program, known as LIHEAP. I realize the managers of the bill have faced a tough task stretching their scarce dollars to fund so many worthwhile programs.

However, even with this add-on, the recommendation for LIHEAP is still below the current rate and the House recommendation. As the managers of the bill know, LIHEAP is vital for the poor, and especially the elderly poor in cold-weather States. I know this because of the long cold winters of Wisconsin—and the elderly men and women I saw who often had to face these winters without adequate heat.

Despite its great importance, this program has been underfunded for many years. The gentleman from Iowa made clear during markup of the bill that it was his intention to move as close as possible to the House mark. I very much appreciate the subcommittee chairman's offering the amendment. However, I do hope that the amendment has not changed the strategy for conference with the House.

NATIONAL HEALTH SERVICE

Mr. HATCH. Mr. President, I want to commend Senator SPECTER and Senator HARKIN along with the rest of the members of the Appropriations Committee for appropriating approximately $8 million for the National Health Service Corporation Loan Repayment Program. This program addresses the problem of uneven distribution of health care professionals by funding a Federal loan repayment program and State-run programs.

As author of the State-run program, there is an aspect dealing with contracts to the States that I would like to clarify. Specifically, this language was not written to preclude multiyear contracts to States, but rather to permit the issuing of multiyear contracts subject to available funds. Multiyear contracts would allow States to plan for future utilization of health care professionals. Unfortunately, since HRSA has not entered into multiyear contracts with the States, the States are unable to enter into multiyear contracts with health care providers and this makes it more difficult for States to recruit providers to medically underserved areas. Would the managers agree that there is also nothing in this appropriation bill which would preclude multiyear commitments to States subject to available funds?

Mr. HARKIN. Mr. President, I would agree with the Senator that multiyear contracts are not precluded by this legislation.

Mr. SPECTER. Mr. President, I would agree with the Senator from Iowa.

Mr. BENTSEN. Mr. President, I want to go on record in strong opposition to the reductions this bill makes in the SLIAG—State Legalization Impact Assistance Grant Program. The SLIAG Program was created—both authorized and appropriated—by the 1986 Immigration Reform and Control Act. We all know that the 1986 immigration bill was highly controversial, and SLIAG was a key component of that compromise. Today, we have dismantled SLIAG and violated that compromise.

Recognizing that the legalization program in the 1986 immigration bill would increase the demand for social services from State and local governments, we created and funded SLIAG to reimburse the State and local governments for those costs. That is only fair. Immigration policy is a Federal issue, and the State and local governments in Texas, California, and elsewhere should not have to pick up the tab for our policy choices at this level.

As I said, SLIAG was a vital part of the compromise that enabled the 1986 immigration bill to pass. But the raid on SLIAG funds in this bill seems to pretend that the 1986 compromise does not exist. The Labor-HHS appropriations bill, as reported by the committee, slashed $241 million from SLIAG. So far today, another $190 million has been added to that total; $430 million in SLIAG cuts so far.

Mr. President, my State needs its share of SLIAG funds. My State deserves that funding—a deal is a deal and we made that deal back in 1986. We shouldn't renege on that deal now, and that is exactly what we are doing with these SLIAG cuts.

I am not oblivious to reality, Mr. President, and I realize that only a handful of States have a deep interest in SLIAG. We do not have the votes to block those who want to cut into SLIAG funding. But, for the record, I oppose these cuts.

ORTHOTIC AND PROSTHETIC PRACTITIONER TRAINING

Mr. ADAMS. Mr. President, it has come to my attention that the Rehabilitation Services Administration has been steadily decreasing funding for long-term training for orthotic and prosthetic practitioners, those who serve our Nation's disabled citizens. Ten institutions of higher learning in this country, including the University of Washington in Seattle, provide this training, which in turn allows O&P practitioners to obtain the certification needed to assure that disabled patients receive the highest quality fitting of braces and prostheses.

If the RSA continues its policy of cutting funds for orthotic and prosthetic training, by 1990, 6 of the 10 accredited programs in the United States will compete for the funding needed to fully fund only one program. It is anticipated that by 1992, if this trend continues, 7 of the 10 schools will be unable to continue their programs as a result of these funding cutbacks. I have been provided with data from professionals in the field of orthotics and prosthetics that these developments will severely exacerbate an already existing shortage of practitioners in this field, leaving thousands of disabled patients unserved in this country.

I note that our committee report specifically expresses concern about the reliability of the RSA's data suggesting that there is not a significant shortage of personnel in the fields of rehabilitation nursing and rehabilitation psychology—data which has led the agency to underfund training in these fields. The same data reliability problem exists with respect to the orthotic and prosthetic field. The consequence of the RSA's reliance on this flawed data, as I have indicated, will be to deal an immediate and severe blow to the availability of practitioners in this much-needed field of expertise. I would hope, Mr. President, that the RSA might also be expected to maintain its commitment to the continued training of orthotic and prosthetic practitioners, particularly in light of the anticipated enactment of legislation the chairman authored, the Americans with Disabilities Act.

Mr. HARKIN. The Senator's point is well taken. In light of the questions raised about the reliability of RSA data in the two fields referenced in our committee report, a thorough review of their data in the areas you mention should also be undertaken. Our committee expects the RSA to continue to play a role in the training of certified practitioners who fit braces and prosthetic devices for our Nation's disabled.

Mr. ADAMS. I appreciate that clarification. Based on this understanding, would I be correct in assuming that the committee would expect RSA to reevaluate its data concerning shortages of O&P practitioners and gather additional data before making any additional cuts in funding below the current levels for orthotic and prosthetic training programs at the University of Washington and elsewhere?

Mr. HARKIN. That is correct.

SPOUSAL NOTIFICATION PROVISION

Mr. President, the spousal notification provision, regarding notifying spouses of people who are HIV-infected, that we have adopted here tonight should not be misunderstood. I think it is important to point out that almost every State already has in place some form of partner notification. In fact, States have to certify to that effect to the Federal Government in order to receive AIDS funds. So, I do not perceive this provision as having a major impact on the flow of funds: States should easily be able to certify that they require good-faith efforts be undertaken.

In addition, I think it is important to point out that the good-faith effort required must, of course, conform to basic public health guidelines in this area, such as counseling of the HIV-infected person to disclose and giving the person a reasonable opportunity to disclose, and other factors identified by public health officials.

Mr. SPECTER. Mr. President, a few other points about this spousal notification provision are worth mentioning. It is important to emphasize that all States which currently apply for AIDS activity moneys must certify to the Centers for Disease Control that they have established and implemented a program of partner notification for partners of people who have AIDS or are HIV-infected. Thus, there should not be any problem with funds being held up under this provision because States are already in compliance with the intent of this provision.

In addition, the concept of a good-faith effort clearly must be grounded in the basic principles and guidelines for partner notification that has been developed by the public health community, such as the Association for Territorial and State Health Officials. It is my understanding that those guidelines will govern the good-faith effort required.

Mr. President, simply a concluding comment. There was considerably more activity at 11 p.m. than at 11 a.m. Had the Senate been in action on a timely basis we would have finished this bill about 8:30.

I was impressed with the statement made by the distinguished majority leader today when he made a comment that the Senate had reached a critical mass on motivation to change the rules to expedite procedures so if Senators are not on the floor their amendments will not be considered on a basis of title by title. I would urge that we pursue this issue at this time because I sense a considerable amount of support in the body at this time.

It was a late night last night and a fair number of Senators peeled off in frustration this evening, missing votes because of the difficulties of being here so long.

I would say it has been a pleasure to manage this bill along with my colleague, Senator HARKIN. I recollect in a law school course in the legislative process, it ain't nothing like it is for real.

Notwithstanding all of the problems, it works, and Poland and Hungary and other countries have a lot to learn from our system. And so do we.

The PRESIDING OFFICER. The Senator from Maine, the majority leader.

Mr. MITCHELL. Mr. President, I would like to express my deep gratitude to the managers for their patience and perseverance and diligence in completing action on this measure today.

It is an unusual circumstance. I suppose each session of the Senate is unique. But they confronted a number of obstacles which they overcame.

I and all Senators are grateful to them.

I want to say to the Senator from Pennsylvania it is my intention and I have already requested that presentation be made to the Democratic caucus next Tuesday and precisely the subject he has raised and discussed here this evening.

Mr. SPECTER. We shall pursue it on the Republican side. One addendum, staff who have been glued to their chairs for the past 13 hours, have done an outstanding job.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I also want to thank my colleague and friend from Pennsylvania for his stamina and his good humor, even at this late hour of the night.

He has been a great ally in getting this bill through all day today. He has been right on everything except one thing. He said a little bit ago that we would be working on this tomorrow.

I note it is 9 minutes to midnight, so we will finish this bill in 1 calendar day.

I also want to join in thanking all of the staff for all their hard work on this, not only very important bill but very large bill.

No one person could ever comprehend or understand every line item that is in this tremendously large bill. Collectively, this staff knows it. They know it well.

I think it has been quite duly exhibited here today in terms of the information that they have given, both to Senator SPECTER and myself and any other Senator who needed any information about any aspect of this bill. Our professional staff, and I mean that in every sense of the word, the professional staff had the answers, the right numbers.

I think that just again proves their professionalism and dedication and hard work in getting this bill through.

Again my compliments to all the staff for all their hard work.

Now, on to the third reading, I hope, tomorrow. And then on to conference and hopefully we will have a conference bill that we will bring back to the Senate, that will satisfy everybody's needs and all those 842 requests that we received. Hopefully we will, at least, if not have satisfied everyone to the full measure, we will have satisfied everyone that we have done our best in accommodating their needs.

I yield the floor.

Mr. DOLE. Mr. President, could I take a minute to thank the managers of the bill? I hope it has been a long hard day, and thank Members and their staffs and thank them for cooperation with our colleagues on both sides of the aisle.

This is an important bill. I hope we can work out the drug compromise now so we do not have to come back and reopen all these bills.

The worst that could happen is they could be back here next week, fighting off amendments on this bill that they think they have completed.

In any event I congratulate them and thank them for their patience.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1990

The PRESIDING OFFICER. If there are no further amendments, under the previous order, the Senate shall proceed to the consideration of H.R. 3072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$24,610,000,000**]** *$24,558,217,000.*

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$19,363,300,000**]** *$19,290,816,000.*

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$5,813,800,000**]** *$5,800,200,000.*

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$20,155,800,000**]** *$20,047,750,000.*

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$2,265,700,000**]** *$2,225,164,000.*

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$1,591,800,000**]** *$1,575,170,000.*

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$319,200,000**]** *$317,896,000.*

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$674,400,000**]** *$672,129,000.*

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$3,252,200,000**]** *$3,246,700,000.*

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty, or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$1,044,800,000**]** *$1,046,700,000.*

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $18,487,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; **[**$23,603,843,000**]** *$22,856,662,000***[**: *Provided,* That of the funds appropriated in this paragraph, $181,093,000 shall not be obligated or expended until authorized by law: *Provided further,* That $100,000,000 for Management Headquarters shall not be obligated or expended until the Secretary of the Army submits to the Committees on Appropriations a plan providing the Chief of Army Reserve command and control authority over the Army Reserve forces: *Provided further,* That of the funds appropriated herein, $3,500,000 shall be available for a grant to the Monterey Institute of International Studies**]***: Provided, That of the funds appropriated in this paragraph, $40,000,000 shall be available only for procurement for the Extended Cold Weather*

Clothing System (ECWCS) unless $40,000,000 of ECWCS is procured by the Army Stock Fund during fiscal year 1990.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,277,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; [$25,748,601,000] *$24,106,207,000, of which $81,000,000 shall remain available until September 30, 1992*: *Provided,* [That of the funds appropriated in this paragraph, $1,252,081,000 shall not be obligated or expended until authorized by law: *Provided further,*] That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section [502 of the Department of Defense Authorization Act, 1981, as amended, section 307 of the Department of Defense Authorization Act, 1985, or] *2461 or 2464 of title 10, United States Code, or to* Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts[: *Provided further,* That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further,* That the Navy shall make an additional amount of $82,900,000 available to the U.S. Naval Support Force Antarctica]*: Provided further, That the Navy may provide notice in this fiscal year to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981.*

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; [$1,855,300,000] *$1,640,419,000*[: *Provided,* That of the funds appropriated in this paragraph, $151,800,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR FORCE

[(INCLUDING TRANSFER OF FUNDS)]

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,053,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; [$22,708,743,000] *$21,986,987,000*[: *Provided,* That of the funds appropriated in this paragraph, $340,403,000 shall not be obligated or expended until authorized by law: *Provided further,* That of the amount appropriated, $100,000,000 shall be transferred to Operation and Maintenance, Air National Guard, for SR-71 operations: *Provided further,* That of the amount appropriated, $10,000,000 shall be transferred to Operation and Maintenance, Air Force Reserve, for the WC-130 Weather Reconnaissance Mission]*: Provided, That $211,239,000 shall be used only for operating, maintaining, and basing the SR-71 survivable reconnaissance system at the same level of aircraft, depots and other support as was operated during September 1989: Provided further, That none of the funds appropriated in this Act may be used to disestablish or reduce the SR-71 survivable reconnaissance program: Provided further, That none of the funds made available in this Act may be used to disestablish or reduce the operation of the Air Force and Air Force Reserve WC-130 Weather Reconnaissance Squadrons.*

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General of the Department of Defense in carrying out the provisions of the Inspector General Act of 1978, as amended, $95,800,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; [$7,829,137,000] *$7,879,444,000,* of which not to exceed $10,642,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$863,100,000: *Provided,* That of the funds appropriated in this paragraph, $100,000 shall not be obligated or expended until authorized by law] *$861,900,000.*

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,002,400,000: *Provided,* That of the funds appropriated in this paragraph, $85,200,000 shall not be obligated or expended until authorized by law] *$895,200,000.*

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $77,400,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,010,487,000: *Provided,* That of the funds appropriated in this paragraph, $26,100,000 shall not be obligated or expended until authorized by law] *$981,900,000.*

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); [$1,867,100,000] *$1,870,200,000.*

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; [$2,054,093,000: *Provided,* That of the funds appropriated in this paragraph, $54,300,000 shall not be obligated or expended until authorized by law] *$1,988,400,000.*

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $4,700,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board[: *Provided*, That of the funds appropriated in this paragraph, $730,000 shall not be obligated or expended until authorized by law].

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; [$3,800,000] *$4,000,000*, and not to exceed $1,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; [$900,800,000] *$517,800,000*, to remain available until transferred: [*Provided*, That of the funds appropriated and made available in this paragraph, $300,000,000 shall not become available for obligation before September 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further*, That of the funds appropriated in this paragraph $300,000,000 shall not be obligated or expended until authorized by law:] *Provided* [*further*], That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred pursuant to this provision are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

GOODWILL GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and non-travel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the Goodwill Games) provided by any component of the Department of Defense to the Goodwill Games; $14,600,000, to remain available for obligation until March 31, 1991.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; $13,000,000, to remain available for obligation until September 30, 1991: *Provided*, That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives 21 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $300,000,000, to remain available for obligation until September 30, 1994: Provided, That none of the funds made available in this Act shall be obligated or expended to implement any base realignment or closure recommended by the Defense Secretary's Commission on Base Realignment and Closure in its report of December 29, 1988, unless the Comptroller General of the United States has certified to the Congress that, in accordance with generally accepted government auditing standards, he estimates that total cost savings for that base realignment or closure will, within six years after each base or installation has been closed or realigned, exceed the amount expended to close or realign the installation: Provided further, That the Comptroller General shall provide his evaluation of each of the Commission's specific base realignment and closure recommendations as soon as such evaluations are completed and that all such evaluations shall be submitted to Congress not later than March 30, 1990: Provided further, That the Secretary of Defense shall make all economic data used by the Defense Secretary's Commission on Base Realignment and Closure in developing its recommendations available to the Comptroller General of the United States immediately upon enactment of this Act.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$3,081,798,000] *$2,672,700,000*, to remain available for obligation until September 30, 1992[: *Provided*, That $15,500,000 shall be available only for procurement of a combat mission simulator for the AH-64 Apache aircraft].

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$2,942,399,000] *$2,343,229,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $239,799,000 shall not be obligated or expended until authorized by law: *Provided further*, That none of the funds appropriated by this Act may be used to initiate, support or develop a second source for TOW 2 missiles for Department of Defense total annual buys less than 12,000 missiles].

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$2,692,438,000] *$2,607,994,000*, to remain available for obligation until September 30, 1992[: *Provided*, That the Secretary of the Army shall complete the technical and operational testing of the Improved Recovery Vehicle: *Provided further*, That none of the funds available to the Department of the Army may be used for the procurement of AN/VIC-1 vehicle intercommunications systems, or for the installation of AN/VIC-1 systems into new production Army vehicles].

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$2,021,317,000] *$1,691,147,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $333,517,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 168 passenger motor vehicles, of which 55 shall be for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$3,896,365,000] *$3,382,986,000*, to remain available for obligation until September 30, 1992.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$9,164,718,000] *$8,499,363,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $498,916,000 shall not be obligated or expended until authorized by law].

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway[, as follows:

[Ballistic Missile Programs, $1,818,165,000;

[Other Missile Programs, $2,842,202,000;

[Mark-48 ADCAP Torpedo, $493,642,000;

[Mark-50 Torpedo, $271,130,000;

[Sea Lance, $1,799,000;

[ASW Targets, $12,983,000;

[ASROC, $9,282,000;

[Modification of Torpedoes, $9,653,000;

[Torpedo Support Programs, $39,002,000;

[ASW Range Support, $24,205,000;

[Other Weapons, $184,361,000;

[Spares and Repair Parts, $110,455,000;

In all: $5,816,879,000]; *$3,864,154,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $246,379,000 shall not be obligated or expended until authorized by law].

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

TRIDENT ballistic missile submarine program, [$1,277,800,000] *$1,137,800,000, and in addition, $70,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program, 1987/1991", $10,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1988/92" and $20,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1989/93": Provided, That the amounts transferred shall be available only for the time period of the appropriation from which transferred: Provided further, That none of the funds may be obligated for advance procurement for the nineteenth TRIDENT ballistic missile submarine until the Secretary of Defense has certified to the Committees on Armed Services and Appropriations, either that the procurement of TRIDENT ballistic missile submarines at a rate of one per year is consistent with the United States negotiating goals and United States policy on strategic arms reductions and that such production would not necessitate the retirement of ballistic missile submarines prior to the end of their thirty-year service life, or that the President will request an adjusted production profile for TRIDENT ballistic missile submarines in the fiscal year 1991 budget request which is consistent with the United States strategic arms reduction negotiating position and prevents the retirement of ballistic missile submarines prior to the end of their thirty-year service life;*

SSN-688 attack submarine program, [$1,432,300,000] *$753,300,000;*

SSN-21 attack submarine program, [$614,800,000] *$816,800,000;*

Aircraft carrier service life extension program, [$651,200,000] *$630,300,000;*

ENTERPRISE refueling/modernization program, [$1,422,100,000] *$129,100,000;*

DDG-51 destroyer program, [$3,533,700,000] *$3,420,700,000;*

LHD-1 amphibious assault ship program, $35,000,000;

LSD-41 dock landing ship cargo variant program, $229,300,000;

MCM mine countermeasures program, $341,500,000;

MHC coastal mine hunter program, [$282,000,000: *Provided*, That the Navy shall compete the program between two sources] *$120,300,000;*

AO conversion program, $35,700,000;

T-AGOS surveillance ship program, $155,800,000;

AOE combat support ship program, $356,400,000;

LCAC landing craft air cushion program, $273,300,000;

Oceanographic ship program, $278,100,000;

Moored training ship demonstration program, $220,000,000;

Sealift ship program, [$1,000,000,000] *$20,000,000;*

For craft, outfitting, [and post delivery, $320,200,000] *post delivery, and ship special support equipment, $406,400,000;*

In all: [$12,459,200,000] *$9,359,800,000*, to remain available for obligation until September 30, 1994: *Provided*, That additional obligations may be incurred after September 30, 1994, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards[: *Provided further*, That of the funds appropriated in this paragraph, $2,533,894,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $160,000 per vehicle and the purchase of not to exceed 671 passenger motor vehicles of which 645 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$4,636,485,000] *$6,150,432,000*, to remain available for obligation until September 30, 1992.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed 172 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; [$1,246,800,000] *$1,175,885,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $44,100,000 shall not be obligated or expended until authorized by law].

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$14,531,196,000] *$15,815,530,000*, to remain available for obligation until September 30, 1992: *Provided*, That none of the funds provided in this Act may be obligated on B-1B bomber contracts which would cause the Air Force's $20,500,000,000 cost estimate for the B-1B bomber baseline program expressed in fiscal year 1981 constant dollars to be exceeded: *Provided further, That funds available under this heading for the B-2 bomber may be available, subject to customary reprogramming procedures, to modify B-1B and/or B-52G bombers, if the conditions established for the B-2 bomber in section 133 of S. 1352, as passed by the Senate on August 2, 1989, are not accomplished by April 1, 1990.*

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$6,544,612,000] *$7,231,724,000*, to remain available for obligation until September 30, 1992.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; for the purchase of not to exceed 451 passenger motor vehicles of which 376 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$8,087,219,000] *$8,273,799,000*, to remain available for obligation until September 30, 1992.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; [$1,481,400,000] *$1,304,961,000*, to remain available for obligation until September 30, 1992[: *Provided*, That of the funds appropriated in this paragraph, $89,900,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 250 passenger motor vehicles of which 194 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$1,318,173,000] *$1,272,700,000*, to remain available for obligation until September 30, 1992.

DEFENSE PRODUCTION ACT PURCHASES

(INCLUDING TRANSFER OF FUNDS)

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); [$50,000,000] *$10,500,000*, to remain available until [expended] *September 30, 1992*[: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless funds have been obligated since October 1, 1984, for purchases for qualification of that metal, mineral, or material: *Provided further*, That these funds shall not be obligated or expended until authorized by law]: *Provided* [*further*], That the Secretary of Defense shall transfer the $6,000,000 appropriated under the heading "Defense Production Act Purchases" (102 Stat. 2270-12, Public Law 100-463) for a demonstration project to develop a reliable source of titanium ore from ilemenite to appropriations available to the Secretary of the Interior, in order for the United States Bureau of Mines to carry out such demonstration project, known as the Soledad Canyon Demonstration Project in Los Angeles County, California. These funds shall remain available until September 30, 1993.

[SPACE AND RELATED ACTIVITIES AUGMENTATION, DEFENSE

[For construction, procurement, and modification of missiles, spacecraft, specialized ground facilities, and associated equipment and services; $555,000,000, to remain available for obligation until September 30, 1992: *Provided*, That none of the funds shall be obligated or expended until authorized by law: *Provided further*, That none of the funds shall be available except for projects for which funds have otherwise been made available in this Act and except for conversion of existing contracts from an incremental funding basis to a full funding basis: *Provided further*, That none of the funds shall be available for expenditure prior to October 1, 1990.]

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$5,568,700,000] *$5,382,737,000*, to remain available for obligation until September 30, 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$9,765,454,000] *$9,823,627,000*, to remain available for obligation until September 30, 1991[: *Provided*, That for research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation and other such projects as may be agreed upon, $3,000,000 shall be made available, as a grant, to the Center, of which not to exceed $500,000 of such sum may be used to provide such special equipment as required].

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

[(INCLUDING TRANSFER OF FUNDS)]

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$12,438,021,000] *$13,915,171,000*, to remain available for obligation until September 30, 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$7,530,872,000] *$8,201,833,000*, to remain available for obligation until September 30, 1991: *Provided*, That [up to] $18,000,000 may be available for a facility to enable collaborative research and training for Department of Defense military medical personnel in trauma care, head, neck, and spinal injury, paralysis, and neuro-degenerative diseases[: *Provided further*, That of the amount herein provided for the Strategic Defense Initiative, $65,000,000 shall be available only for the Arrow missile program]: *Provided further, That of the funds appropriated under this heading for the Strategic Defense Initiative, the total amount made available to the program element "SDI—Directed Energy Weapons" shall not be less than the total amount made available to such program element in fiscal year 1989.*

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; [$224,505,000] *$222,311,000*, to remain available for obligation until September 30, 1991.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; [$12,725,000] *$118,849,000*, to remain available for obligation until September 30, 1991.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

[ARMY STOCK FUND

[For the Army stock fund; $134,600,000.]

NAVY STOCK FUND

For the Navy stock fund; [$223,400,000] *$40,500,000.*

AIR FORCE STOCK FUND

For the Air Force stock fund; [$339,300,000] *$126,100,000.*

DEFENSE STOCK FUND

For the Defense stock fund; [$104,100,000] *$78,100,000.*

TITLE VI

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, [$149,100,000] *$148,400,000*; for Procurement, [$113,500,000] *$82,400,000*; for Research, development, test, and evaluation, [$7,200,000] *$1,900,000*; *for retrograde, $26,655,000;* In all: [$269,800,000] *$259,355,000*: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1992, and the amount provided for Research, development, test, and evaluation shall remain available until September 30, 1991 *and the amount provided for Retrograde shall remain available until September 30, 1992: Provided further, That of the funds appropriated for Retrograde, not more than $10,000,000 may be obligated or expended until the Secretary of Defense certifies to the Congress that the Johnston Atoll Chemical Agent Disposal System has destroyed live agent chemical munitions: Provided further, That none of the funds appropriated in this or any other Act may be obligated to construct additional chemical munition storage facilities on Johnston Atoll.*

TITLE VII

DRUG INTERDICTION, DEFENSE

(TRANSFER OF FUNDS)

For drug interdiction and enforcement activities of the Department of Defense, not provided for elsewhere in this Act, $575,000,000; for transfer to appropriations available to the Department of Defense to remain available and for the same purpose as the appropriation to which transferred and that such transfers shall be in addition to any transfer authority contained elsewhere in this Act, as follows: for Army and Air National Guard drug interdiction and enforcement operation and maintenance and personnel expenses, $70,000,000; for Army and Air National Guard equipment necessary for drug interdiction and enforcement, $40,000,000; for Operation and Maintenance costs including the Civil Air Patrol, $165,000,000; for Research, Development, Test and Evaluation, $28,000,000; for Construction requirements, $5,000,000; and for Procurement, $267,000,000, of which $125,000,000 may be transferred to or obligated by the Department of State for counter-narcotics programs.

[OFFICE OF THE INSPECTOR GENERAL

[For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, $95,749,000; for Procurement, $1,051,000; In all: $96,800,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1992: *Provided further*, That of the funds appropriated in this paragraph for Operation and maintenance, $1,000,000 shall not be obligated or expended until authorized by law.]

TITLE VIII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $154,900,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; [$28,400,000] *$25,068,000.*

THE MILDRED AND CLAUDE PEPPER FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For payment to the Mildred and Claude Pepper Foundation, a direct and unrestricted grant, including any interest or earnings therefrom, to support the purposes of the Foundation, its ongoing educational and public services programs and to serve as a memorial to the late Senator Claude Pepper; $10,000,000: *Provided*, That, notwithstanding any other provision of law or of this Act, the Secretary of Defense is hereby authorized and directed to make the grant authorized by this section to the Mildred and Claude Pepper Foundation, and such grant shall be transferred to the Foundation by January 1, 1990.

[DRUG INTERDICTION, DEFENSE

[(INCLUDING TRANSFER OF FUNDS)

[For Department of Defense operating, procurement, and research, development, test, and evaluation costs associated with the detection and monitoring of aerial and maritime transit of illegal drugs into the United States and for other missions as authorized, $450,000,000 for transfer to "Military Personnel," "Operation and Maintenance," "Procurement," and "Research, Development, Test, and Evaluation,": *Provided*, That not less than $70,000,000 shall be available only for drug interdiction activities of the Army National Guard and the Air National Guard: *Provided further*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred and the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.]

TITLE IX

GENERAL PROVISIONS

SEC. 9001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 9002. During the current fiscal year and hereafter, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

SEC. 9003. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense*: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher.*

SEC. 9004. During the current fiscal year and hereafter, the Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 9005. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 9006. During the current fiscal year and hereafter, no part of the appropriations available to the Department of Defense shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 9007. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 9008. During the current fiscal year and hereafter, the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, hereafter agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 9009. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of [agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country,] *the standardization and interoperability of equipment requirements within NATO and the State of Israel* so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further, That upon a determination by the Secretary of Defense that such action is necessary in the national interest, nothing herein shall preclude the procurement of articles or items grown, reprocessed, reused, or produced in the Philippines, if such procurement is made in, or for use in, the area of responsibility of the Commander-in-Chief, Pacific (other than Alaska, Hawaii, or United States possessions): Provided further, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: Provided further, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.*

SEC. 9010. During the current fiscal year and hereafter, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901 of title 5, United States Code.

(TRANSFER OF FUNDS)

SEC. 9011. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

(TRANSFER OF FUNDS)

SEC. 9012. During the current fiscal year [and hereafter,] cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 9013. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) [None] *Except as provided in section 2690, 10 United States Code, none* of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of this Act.

(c) [None] *Except as provided in section 2690, 10 United States Code, none* of the funds available to the Department of Defense in the Act shall be used to enter into any agreement or contract to convert a heating facility at military installations in Europe to direct heat, direct natural gas, or other sources of fuel.

SEC. 9014. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 days in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 9015. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 9016. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions for section 1079(a) of title 10, United States Code, shall be available for reimbursement of any physician or other authorized individual provider of medical care in excess of the lower of: (a) the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (b) the allowable amounts in effect during fiscal year 1988 increased to the extent justified by economic changes as reflected in appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act.

SEC. 9017. During the current fiscal year and hereafter, none of the funds available to the Department of Defense shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided*, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

SEC. 9018. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1991.

SEC. 9019. During the current fiscal year and hereafter, the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code.

SEC. 9020. During the current fiscal year and hereafter, none of the funds available to the Department of Defense to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 9021. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M-1 tank engines;
M-1 tank fire control;
Bradley Fighting Vehicle;
Family of Heavy Tactical Vehicles;
[Combined Effects Munition;]
Maverick Missile (AGM-65D);
F/A-18 Aircraft;
E-2C Aircraft; and
DDG-51 Destroyer (Two years).

(TRANSFER OF FUNDS)

SEC. 9022. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

[SEC. 9023. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 71,421: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 13,371 positions in support of the Army Reserve, 25,914 positions in support of the Army National Guard, or 8,134 positions in support of the Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard or Air National Guard.

[SEC. 9024. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1990 or with respect to the appropriation of funds for that year.

[(b) During fiscal year 1990, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

[(c) The fiscal year 1991 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1991 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1991.]

SEC. [9025] *9023.* During the current fiscal year and hereafter, none of the funds made available to the Department of Defense shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act of 1986.

SEC. [9026] *9024.* None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. [9027] *9025.* None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. [9028] *9026.* None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. [9029] *9027.* None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. [9030] *9028.* During the current fiscal year and hereafter, funds available to the Department of Defense may be used by the Department of Defense for the use of helicopters and motorized equipment at Defense installations for removal of feral burros and horses.

SEC. [9031] *9029.* Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for not more than 250 civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau and Guam.*

SEC. [9032] *9030.* Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. [9033] *9031.* Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. [9034] *9032.* (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of

Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act:

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills *or to members who enlist in the armed services on or after July 1, 1989, under a fifteen-month program established by the Secretary of Defense to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army.*

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies to active components of the Army.

Sec. [9035] *9033.* Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

Sec. [9036] *9034.* None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner O'Day Act; [or] (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

[Sec. 9037. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).]

Sec. [9038] *9035.* During the current fiscal year and hereafter, appropriations made available to the Department of Defense may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense: *Provided*, That such removal must be completed before the property is released from Federal Government control, other than property conveyed to State or local government entities or native corporations.

[Sec. 9039. None of the funds appropriated in this Act to the Department of the Army may be obligated for depot maintenance of equipment unless such funds provide for civilian personnel strengths at the Army depots performing communications-electronics depot maintenance at an amount above the strengths assigned to those depots on September 30, 1985: *Provided*, That the foregoing limitation shall not apply to civilian personnel who perform caretaker-type functions at these installations: *Provided further*, That nothing in this provision shall cause undue reductions of other Army depots, as determined by the Secretary of the Army.]

Sec. [9040] *9036.* None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,100,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

Sec. [9041] *9037.* None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

Sec. [9042] *9038.* Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

Sec. [9043] *9039.* Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

Sec. [9044] *9040.* None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth: *Provided, That any and all funds derived from contracts or subcontracts issued for the CHAMPUS Reform Initiative shall not be subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income, or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals, and all similar direct providers of health care services.*

Sec. [9045] *9041.* [Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability and the planned upgrade of this capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.]

Whereas the Congress supports the President's goal of reducing United States and Soviet conventional forces in Europe and reducing United States and Soviet strategic nuclear forces;

Whereas it is important the Congress and the President be in agreement on United States national security goals and objectives in order for the United States to be in the strongest possible position to negotiate with the Soviet Union future reductions in conventional and strategic nuclear forces;

Whereas the Congress strongly opposes the undercutting of these arms reduction negotiations by either the United States or the Soviet Union through unnecessary military initiatives or counterproductive arms control proposals;

Whereas no decision has been made on the development or deployment of strategic defenses:

Therefore, it is the sense of the Congress that—

(1) in order to maintain the basis for strong deterrence, the Strategic Defense Initiative (SDI) should be a long-term and robust research program to provide the United States with expanded options for responding to a Soviet breakout from the 1972 Anti-Ballistic Missile Treaty and to respond to other future Soviet arms initiatives that might pose a grave threat to United States national security;

(2) by expanding potential United States strategic options the SDI research program can enhance United States leverage in the United States-Soviet arms reduction negotiations and serve as a safeguard for ensuring that negotiated agreements are kept;

(3) future research plans and budgets for SDI must be established using realistic projections of available resources in the overall defense budget and must not undercut other important Department of Defense programs; and

(4) in matching research priorities against available resources, the primary emphasis of SDI should be to explore promising new technologies, such as directed energy technologies, which might have long-term poten-

tial to defend against a responsive Soviet offensive nuclear threat.

SEC. [9046] *9042.* For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1990, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided, however,* That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

[SEC. 9047. (a) Of the funds appropriated to the Army, $12,000,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided,* That none of these funds can be expended:

[(1) except as approved by the Chief of the National Guard Bureau;

[(2) unless RCAS resource management functions are performed by the National Guard Bureau;

[(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

[(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

[(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

[(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

[(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

[(8) unless RCAS performs its own classified information processing.

[(b) None of the funds appropriated or made available in this Act are available for procurement of Tactical Army Combat Service Support Computer Systems (TACCS) unless at least 50 percent of the TACCS computers procured with Army fiscal year 1990 funds are provided to the Reserve Component.

[(c) None of the funds appropriated in this Act are available for procurement of mini- and micro-computers for the Army Reserve Component which duplicate functions to be included in the RCAS contract.]

SEC. [9048] *9043.* None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided,* That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further,* That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. [9049] *9044.* Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. [9050] *9045.* Not to exceed [$35,000,000] *$20,000,000* of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

[SEC. 9051. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under manufactured outside the United States.]

(TRANSFER OF FUNDS)

SEC. [9052] *9046.* Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations [of the reserve components] for the purpose of providing military technician pay *and Department of Defense medical personnel and programs (including CHAMPUS)* the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) as that granted the other military personnel accounts: *Provided,* That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations [of the reserve components] do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119): *Provided further,* That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further,* That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty legislative days before any such transfer of funds under this provision [and if no objection is expressed within that twenty legislative day period].

SEC. [9053] *9047.* None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel *homeported* on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. [9054] *9048.* None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States Government may be obligated or expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 104 of the Intelligence Authorization Act for fiscal year 1990.

SEC. [9055] *9049.* None of the funds provided in this Act may be obligated or expended for the procurement of LANDSAT or SPOT remote sensing data except by the Defense Mapping Agency, in its role as primary action office for such purchases by Department of Defense agencies and military departments.

SEC. [9056] *9050.* The designs of the Army LHX helicopter, the Navy Advanced Tactical Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications no later than 1998.

SEC. [9057] *9051.* Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. [9058] *9052.* Notwithstanding any other provision of law, the Secretary of Defense shall require that a provider of services under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) also provide services to members of the armed forces pursuant to section 1074(c), title 10, in accordance with the same reimbursement rules, subject to modifications deemed appropriate by the Secretary of Defense, as apply under CHAMPUS.

(TRANSFER OF FUNDS)

SEC. [9059] *9053.* Notwithstanding any other provision of law, during fiscal year 1990, the Secretary of Defense shall make available to the United States Coast Guard without reimbursement not less than $140,000,000 in supplies, fuel, training assistance, medical support, and other operational support, exclusive of administrative costs; and from funds made available in this Act, $160,000,000 shall be transferred to Coast Guard "Operating Expenses".

(TRANSFER OF FUNDS)

SEC. [9060] *9054.* In addition to any other transfer authority contained in this Act, amounts from working capital funds [shall] *may* be transferred to the Operation and Maintenance appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows:

[(a) from the Defense Stock Fund, not less than $135,000,000, of which $30,000,000 shall be transferred to Operation and Maintenance, Army Reserve; $15,000,000 shall be transferred to Operation and Maintenance, Navy Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Air

Force Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Army National Guard; and $30,000,000 shall be transferred to Operation and Maintenance, Air National Guard; and

[(b) from the Army Stock Fund, not less than $114,000,000 shall be transferred to Operation and Maintenance, Army; from the Navy Stock Fund, not less than $437,200,000 shall be transferred to Operation and Maintenance, Navy; and from the Air Force Stock Fund, not less than $156,000,000 shall be transferred to Operation and Maintenance, Air Force]*: Provided, That such transfers shall not exceed $77,000,000 for Operation and Maintenance, Army; $427,650,000 for Operation and Maintenance, Navy; $2,600,000 for Operation and Maintenance, Marine Corps; $112,200,000 for Operation and Maintenance, Air Force; and $60,000,000 for Operation and Maintenance, Defense Agencies.*

SEC. [9061] *9055.* The Secretary of Defense shall take such action as necessary to assure that a minimum of 50 percent of the polyacrylonitrile (PAN) carbon fiber requirement be procured from domestic sources by 1992: *Provided*, That the annual goals to achieve this requirement be as follows: 15 percent of the total DOD requirement by 1988; 15 percent of total DOD requirement by 1989; 20 percent of the total DOD requirement by 1990; 25 percent of the total DOD requirement by 1991; and 50 percent of the total DOD requirement by 1992.

SEC. [9062] *9056.* Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty first day following submission of an appropriate request for payment*: Provided further, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: Provided further, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.*

SEC. [9063] *9057.* During the current fiscal year, notwithstanding any other provision of law, the Department of Defense shall exclude from diagnosis related groups regulations: (a) inpatient hospital services in a hospital whose patients are predominantly under 18 years of age and (b) such services in any hospital with respect to (1) discharges involving newborns and infants who are less than 29 days old upon admission (other than discharges classified to diagnosis related group 391), (2) discharges involving pediatric bone marrow transplants, (3) discharges involving children who have been determined to be HIV seropositive, and (4) discharges involving pediatric cystic fibrosis. The Department of Defense may include the hospital and neonatal services identified in subsections (a) and (b) in diagnosis related group regulations during fiscal year 1990 when the Department of Defense has adopted special measures to assure equitable and adequate payment for such services, such special measures including: (1) a "children's hospital differential" adjustment for each discharge of a CHAMPUS patient from a children's hospital that will assure that had the regulations been in effect for fiscal year 1988 they would have resulted in estimated aggregate CHAMPUS payments to children's hospitals not less than estimated aggregate CHAMPUS payments to such hospitals for discharges occurring during that fiscal year under the regulations in effect during fiscal year 1988 (recognizing that payments in subsequent years will vary based on volume, case mix intensity, and other factors); for a transitional period of three years the children's hospital differential will be computed on a hospital specific basis for children's hospitals with 50 or more CHAMPUS discharges in fiscal year 1988 and will be computed in aggregate for children's hospitals with less than 50 discharges in a year; (2) a children's hospital differential hold harmless provision, providing for retrospective and prospective corrections; (3) a special outlier policy for children's hospitals and neonatal services that combines the thresholds in effect under CHAMPUS DRG regulations for fiscal year 1988 with the higher marginal cost factors proposed by 53 Fed. Reg. 20580 (June 3, 1988); (4) a refinement to the DRGs for neonatal services to account for birthweight, surgery, and the presence of multiple, major, and other neonatal problems; (5) incorporation of annual updates to the classification features included in the regulation for neonatal services; (6) a provision for making interim payments for cases that are especially lengthy or expensive; and (7) a commitment to examine possible further uses of Pediatric Modified DRGs in the future: *Provided*, That the Department of Defense shall ensure that beneficiaries not be required to pay more in cost-shares under the foregoing exclusions than those which would have been imposed if the diagnosis related group system had not been instituted: *Provided further*, That notwithstanding any other provision of law, appropriations available to the Department of Defense may be used to pay the difference between the cost-shares paid by beneficiaries under the foregoing and the billed charges for services covered by this provision.

SEC. [9064] *9058.* The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by [$150,000,000] *$75,000,000* to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1990, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies.

SEC. [9065] *9059.* Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. [9066] *9060.* (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed $14,700,000, to execute the cleanup of uncontrolled hazardous waste contamination in accordance with the Record of Decision on Landfill No. 26 at Hamilton Air Force Base, in Novato, in the State of California: *Provided*, That no funds shall be used for such purpose until the Secretary of Defense, the Administrator of General Services, and the purchaser of the Sale Parcel reach an agreement resolving all disputes relating to the withdrawal of Landfill No. 26 and buffer acreage from the original Sale Parcel, except that funds may be expended on any and all pre-construction or related activities and may be expended to the extent required under Federal or State law.

(b) Notwithstanding any other provision of law, the Department of Defense and the General Services Administration shall enter into an agreement with the purchaser of the aforementioned Sale Parcel which shall provide that:

(1) the United States Government will retain and develop the site plus a suitable buffer area as an accessible open space park;

(2) the original purchase price of the parcel shall be reduced by an amount which shall be agreed to by the aforementioned parties; and

(3) the purchaser shall be granted the right to withdraw from the sales contract at any time prior to the closing of the sale and receive its deposit and any pre-development expenses as documented by the General Accounting Office incurred since the date of the General Services Administration auction, plus accrued interest, in return for the release from any and all damages and claims against the United States Government with respect to the site and contamination.

(c) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in subsection (b)(3) of this section, the purchasers' deposit of $4,500,000 shall be returned by the General Services Administration and any funds eligible for reimbursement under subsection (b)(3) shall come from the funds made available to the Department of Defense by this Act.

(d) Notwithstanding any other provision of law, the account from which funds are used to carry out subsection (a) of this section, shall be reimbursed for up to $7,700,000 from the proceeds collected upon the closing of the aforementioned Sale Parcel.

SEC. [9067] *9061.* [None of the funds in this Act may be obligated or expended to conduct an Environmental Impact Study on the feasibility of purchasing acreage in Georgia for the proposed Southeast Weapons Range.] *When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.*

[SEC. 9068. None of the funds in this Act available to the Department of Defense or

Navy shall be obligated or expended to establish or operate TAR detailing and enlisted placement functions or billets at the Naval Military Personnel Command headquarters or to transfer any Naval TAR, seamen, firemen, and airmen detailing functions and billets from the Naval Reserve Personnel Center and the Enlisted Personnel Management Center.

[SEC. 9069. None of the funds appropriated in this Act may be available for offshore procurement of second or third generation night vision image intensifier tubes and devices: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

[SEC. 9070. The Department of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space unless such testing is specifically authorized and appropriated by law.

[SEC. 9071. None of the funds available to the Department of the Air Force (including expired appropriations and M account balances) may be used for the B-1B's ALQ-161A CORE program unless approved in advance by the Congressional defense committees in accordance with procedures applicable to programs which have been designated as items of Congressional interest.]

SEC. 9062. None of the funds available to the Department of Defense from expired appropriations and M account balances may be used for the B-1B's ALQ-161A CORE program until 30 days after the Secretary of Defense has notified the Committees on Appropriations and Armed Services of the Senate and the House of Representatives of the Department's intention to use such funds for such purpose.

SEC. [9072] *9063.* The appropriation "Research, Development, Test and Evaluation, Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by striking out the proviso following "intercommunications system:" and ending with "support vehicles:".

[SEC. 9073. None of the funds in this Act may be available for the procurement of Multibeam Sonar Mapping Systems which are not manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

[SEC. 9074. (a) The amount expended during fiscal year 1990 from funds appropriated by this Act or any prior Department of Defense Appropriations Act may not exceed $281,928,000,000.

[(b) The Secretary of Defense and the Director of Central Intelligence shall take such steps as necessary to ensure compliance with the requirement in subsection (a).

[(c) Any transfer of outlays from one fiscal year to an adjacent fiscal year that occurs pursuant to this section shall be considered a necessary (but secondary) result of a significant policy change as provided in section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (2 U.S.C. 909(a)).

[(d) The Secretary of Defense, in ensuring (pursuant to subsection (b)) that the requirement in subsection (a) is complied with, shall nevertheless ensure that the rates of outlays for programs, projects, and activities for which funds are provided under this Act or any prior Department of Defense Appropriations Act which are designated or identified as Congressional interest items are not reduced during fiscal year 1990 from the outlay rates that would otherwise apply with respect to those programs, projects, and activities.

[(e) The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply with respect to funds appropriated by this Act or any prior Department of Defense Appropriations Act to the extent necessary to enable the Secretary of Defense to comply with subsection (a). The preceding sentence does not apply with respect to funds available for programs, projects, and activities which are designated or identified as Congressional interest items.

[(f) Any payment required to be made by the Department of Defense to a business concern that, but for this subsection, would be required to be made during September 1990 may be made during the period beginning on October 1, 1990, and ending on the date that is 30 days after the date on which the payment would otherwise be required to be made. In determining the amount of any interest penalty under section 3902 of title 31, United States Code, for failure to make any such payment, any period for which the Secretary of Defense, under the preceding sentence, deferred the required payment date shall not be taken into account.

[(g)(1) The Secretary of Defense shall, on each of the dates specified in paragraph (2), submit to the Committees on Appropriations and the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include—

[(A) an analysis of cumulative obligations and cumulative expenditures from accounts subject to the limitation in subsection (a) during the period beginning on October 1, 1989, and ending on the last day of the month preceding the month in which the report is to be submitted, including a comparison of such obligations and expenditures with the relevant estimates of outlays made by the Office of Management and Budget and the Congressional Budget Office; and

[(B) a description of the specific actions taken by the Secretary to ensure that the Department of Defense meets the requirements of subsection (a).

[(2) The reports required by paragraph (1) shall be submitted not later than the following dates in 1990: January 15, April 15, July 15, September 15, and October 15.

[SEC. 9075. (a) RELEASE.—

[(i) Subject to clauses (ii) through (iv), the Secretary of the Army shall release to the State of Minnesota the reversionary interest of the United States over approximately 35.38 acres of land, known as "Area J," conveyed from the United States to the State of Minnesota in the quitclaim deed dated August 17, 1971. The Secretary of the Army shall also release the State of Minnesota from all convenants and agreements contained in the said quitclaim deed, covering the approximately 35.38 acres of land.

[(ii) CONDITION OF RELEASE.—The releases directed by clause (i) are conditioned on the State of Minnesota donating approximately 35.38 acres of land to the United States for use by the Department of the Army.

[(iii) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the land over which the reversionary interest is to be released shall be determined by surveys which are satisfactory to the Secretary of the Army and the State of Minnesota.

[(iv) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as he considers appropriate to protect the interests of the United States. The Secretary of the Army may agree to allow the State of Minnesota to retain a reversionary interest in the land described in clause (i) conditioned upon the Secretary's use of the land for Army purposes and preservation of the historic structures lying thereon in conformity with Department of Interior standards for properties on the National Register of Historic Places.

[(b) DEED AMENDMENT.—The Secretary of the Army is authorized to execute and file the appropriate documents to reflect the provisions of this section.

[SEC. 9076. The $100,000,000 provided for Shipbuilding and Conversion, Navy under the appropriation "Special Operations Forces Fund" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) shall remain available for obligation until September 30, 1990.]

SEC. [9077] *9064.* Effective for only fiscal year 1990, whenever the Secretary of the Army captures and removes wild horses and burros from White Sands Missile Range, the Secretary may transfer such horses and burros to the Secretary of the Interior as excess animals. Upon receipt of any horse or burro pursuant to this section, the Secretary of the Interior shall treat such animals as excess animals removed under section 3(b)(2) of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1333(b)(2)): *Provided*, That the cost of processing such animals incurred by the Department of the Interior shall be reimbursed by the Secretary of the Army, not to exceed $200,000.

SEC. [9078] *9065.* No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 9066. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 9067. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant

industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 9068. None of the funds appropriated by this Act or hereafter shall be obligated for the second career training program authorized by Public Law 96-347.

SEC. 9069. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

SEC. 9070. No funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to the Committees on Appropriations of the House of Representatives and the Senate in the budgetary process: Provided, That any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

SEC. 9071. Of the funds made available to the Department of the Air Force in this Act, not less than $5,700,000 shall be available for the Civil Air Patrol.

SEC. 9072. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 9073. Notwithstanding any other provision of law, funds available in this Act shall be available to the Department of Defense to grant civilian employees participating in productivity-based incentive award programs paid administrative time off in lieu of cash payment as compensation for increased productivity.

SEC. 9074. (a) None of the funds made available by this Act to the Department of Defense may be used to procure the Federal Supply Classes of machine tools set forth in subsection (b) of this section, for use in any government-owned facility or property under control of the Department of Defense, which machine tools were not manufactured in the United States or Canada.

(b) The procurement restrictions contained in subsection (a) shall apply to Federal Supply Classes of metalworking machinery in categories numbered 3405, 3408, 3410-3419, 3426, 3433, 3438, 3441-3443, 3445, 3446, 3448, 3449, 3460, and 3461.

(c) When adequate domestic supplies of the classifications of machine tools identified in subsection (b) are not available to meet Department of Defense requirements on a timely basis, the procurement restrictions contained in subsection (a) may be waived on a case-by-case basis by the Secretary of the Service responsible for the procurement.

(d) Subsection (a) shall not apply to contracts which are binding as of the date of enactment of this Act.

SEC. 9075. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: Provided, That savings that result from this provision are represented as such in future budget proposals.

SEC. 9076. From the amounts appropriated in this Act, funds shall be available for Naval Aviation Depots to perform manufacturing in order to compete for production contracts of Defense articles: Provided, That the Navy shall certify that successful bids between Naval Aviation Depots and private companies for such production contracts include comparable estimates of all direct and indirect costs: Provided further, That competitions conducted under this authority shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A-76.

SEC. 9077. (a) PROHIBITION.—During the period beginning on the date of the enactment of this Act and through December 28, 1991, no product manufactured or assembled by Toshiba America, Incorporation, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to microwave ovens manufactured or assembled in the United States.

SEC. 9078. Of the funds made available in this Act for military personnel appropriations, $3,000,000 shall be available for the payment of bonuses to officers of the Army Nurse Corps, the Navy Nurse Corps and officers designated as Air Force nurses. A bonus, in an amount not to exceed $6,000, may be paid, under such regulations and conditions as the Secretary of Defense deems appropriate, to such an officer: Provided, That the officer is on active duty under a call or order to active duty for a period of not less than one year: Provided further, That the officer is qualified and performing as an anesthetist: And provided further, That this provision shall not be effective unless specifically authorized.

SEC. 9079. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 180,994 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual Supplement 298-2, Book IV: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

SEC. 9080. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS program elsewhere.

SEC. 9081. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1990 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 9082. No more than $178,419,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

SEC. 9083. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(TRANSFER OF FUNDS)

SEC. 9084. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, but shall be available only for the time period of the appropriation from which transferred: Provided further, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91": CG-47 cruiser program, $147,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/89": T-AO fleet oiler program, $72,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

MCM mine countermeasures ship program, $5,800,000;

T-AO fleet oiler program, $11,100,000; and Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

AOE fast combat support ship program, $51,900,000;

T-AO fleet oiler program, $6,300,000.

SEC. 9085. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $37,000,000. The Secretary of Defense shall allocate the amount of the reduction made by the preceding sentence in the procurement and research, development, test and evaluation accounts of the Army, Navy, Air Force, Marine Corps, and Defense Agencies as the Secretary determines appropriate to reflect savings resulting from increased use of discount air fares that (1) are granted by commercial air carriers for travel of Federal Government employees on official Government business under agreements entered into between the Administrator of General Services and such carriers, and (2) are available to contractor personnel traveling in connection with the performance of cost-reimbursable contracts awarded by the Department of Defense.

SEC. 9086. (a) Of the amounts available to the Department of Defense for fiscal year 1990, not less than $10,500,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 9087. Section 30 of chapter 2B of the Arms Export Control Act, Public Law 97-392, is amended by striking "on a direct" and inserting in lieu thereof "using" and striking "basis" and inserting in lieu thereof "practices which restrict actual delivery directly".

SEC. 9088. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the depot maintenance and repair of aircraft, vehicles, vessels and components, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids.

SEC. 9089. For the current fiscal year, each publication, periodical or report of the Department of Defense that is circulated within the Department of Defense or to the public or Congress, shall contain a statement prominently located setting forth its total dollar cost, including the cost of labor, materials, research, preparation, editing, printing and reproduction, and distribution.

SEC. 9090. Of the funds appropriated by this Act, not more than $1,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 9091. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 9092. Funds made available by this Act for the Global Positioning System (GPS) or funds made available hereafter for such system by any other Act may not be obligated or expended (1) in a manner inconsistent with Department of Defense Regulation numbered 4650.4 (relating to the commercial use of such system), or (2) to provide to non-Federal users position data that can be used to obtain a position accuracy of plus or minus 10 meters (2 drms) in a marine environment, other than for national security or emergency purposes (as determined by the Secretary of Defense), if that degree of position accuracy is available to non-Federal users from a commercial system.

SEC. 9093. For the purpose of conducting a demonstration project, to be implemented at not more than fourteen military hospitals, to test methods of increasing collections from third-party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents pursuant to section 1095 of title 10, United States Code, the Secretary of Defense is authorized to modify existing Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) regional fiscal intermediary contracts to assist in the administration of activities in connection with such collections: Provided, That amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.

USE OF ACCOUNTS FOR PUBLIC SALES OF PROPERTY BY AGENCIES

SEC. 9094. (a) USE OF AMOUNTS IN ACCOUNTS.—

(1) IN GENERAL.—

(A) AUTHORIZED USES.—Notwithstanding any other law, amounts in the accounts described in paragraph (2) may be used for acquiring any property in any public sale of property conducted by an agency.

(B) ACCEPTANCE OF AMOUNTS IN ACCOUNTS BY AGENCIES.—In conducting any public sale of property, an agency shall accept, in the same manner as cash, any amount tendered from an account described in paragraph (2).

(C) ADJUSTMENT OF ACCOUNTS.—Upon receipt by an agency of an amount tendered from an account described in paragraph (2), the Secretary of the Treasury or the Administrator of General Services, as applicable, shall adjust the balance of the account to reflect that transaction.

(2) ACCOUNTS DESCRIBED.—The accounts referred to in paragraph (1) are—

(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the "Cook Inlet Region, Incorporated property account"; and

(B) the surplus property accounts established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

(b) TREATMENT OF AMOUNTS RECEIVED BY AGENCIES FROM ACCOUNTS.—

(1) TREATMENT AS CASH RECEIPTS BY SECRETARY OF THE TREASURY.—In any case in which an agency that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts of the agency any amount which is—

(A) tendered from an account described in subsection (a)(2);

(B) received by the agency as proceeds of such a sale; and

(C) used by the agency for that specific purpose.

(2) BUDGETARY TREATMENT OF AMOUNTS.—An amount described in paragraph (1)—

(A) shall not be included in the totals of the congressional budget (including allocations of budget authority and outlays provided therein); and

(B) shall not be counted for purposes of—

(i) calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985; or

(ii) calculating the excess deficit for purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, for any fiscal year.

(c) AGENCY DEFINED.—In this section the term "agency" means an agency of the United States, and includes—

(1) any instrumentality of the United States; and

(2) any subunit of an agency of the United States.

SEC. 9095. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. § 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. § 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 9096. (a) Section 515(d) of the Foreign Assistance Act of 1961 is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1989" and by striking out "including" and inserting in lieu thereof "excluding".

(b)(1) Section 43(b) of the Arms Control Act is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by adding the following paragraph at the end of subsection:

"(3) such expenses are neither salaries of the Armed Forces of the United States nor represent unfunded estimated costs of civilian retirement and other benefits.".

(2) Section 632(d) of the Foreign Assistance Act of 1961 is amended by adding at the end of the second sentence thereof "(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits)".

(c) Section 21(e) of the Arms Export Control Act is amended—

(1) by inserting immediately before the semicolon at the end of paragraph (1)(A) "as specified in section 43(b) and section 43(c) of this Act";

(2) by inserting immediately before the semicolon at the end of paragraph (1)(C) "(except for equipment wholly paid for either from funds transferred under section 503(a)(3) of the Foreign Assistance Act of 1961 or from funds made available on a nonrepayable basis under section 23 of this Act)";

(3) by repealing paragraph (1)(B) and relettering paragraphs (1)(C) and (1)(D) as paragraphs (1)(B) and (1)(C), respectively; and

(4) by striking out "paragraphs (1)(B) and (1)(C)" in subsection (e)(2) and inserting in lieu thereof "paragraph (1)(B)".

SEC. 9097. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $275,600,000 is appropriated to fully fund pay raises, as authorized by law, for civilian employees of the Department of Defense: Provided, That such amounts shall be transferred and merged with "Operation and Maintenance" appropriations accounts as applicable and that such transfer authority shall be in addition to that provided elsewhere in this Act.

SEC. 9098. The Secretary of the Air Force shall transfer not less than $5,000,000 from funds available to the Air Force for research, development, test and evaluation for fiscal year 1990 to the Army for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. The Secretary of the Army shall provide $2,500,000 for the same purpose from funds available to the Army for research, development, test and evaluation for fiscal year 1990. Funds made available by the Secretary of the Army for such purpose may not be made available from funds otherwise available for the United States Army Kwajalein Atoll Command.

SEC. 9099. (a) Of the amounts appropriated for research, development, test and evaluation under title IV of this Act, $37,552,000 shall be made available through the National Defense Stockpile Transaction Fund only for grants for strategic materials research, facilities, equipment, and related activities at institutions of higher education;

(b) The Secretary of Defense shall make the grant awards pursuant to subsection (a) within ninety days of enactment of this Act: Provided, That the Secretary of Defense shall transmit a report, within sixty days of enactment of this Act, to the Committees on Appropriations and Armed Services of the Senate and House of Representatives which contains an evaluation on whether such grant supports the objectives established by the Strategic and Critical Materials Stock Piling Act, as amended: Provided further, That no funds shall be obligated for grant awards pursuant to subsection (a) until thirty days after receipt of such report and approval by the above-named Committees.

This Act may be cited as the "Department of Defense Appropriations Act, 1990".

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Will the chairman yield momentarily?

Mr. THURMOND. I will be pleased to yield.

Mr. MITCHELL. Mr. President, I would like to note for the record we are about to do the Executive Calendar by unanimous consent, and several of the nominations to be confirmed are of nominees who have been of great interest to the distinguished former chairman of the Judiciary Committee, Senator THURMOND, He has been diligently encouraging their prompt confirmation.

In view of the interest which he has displayed in these matters and his support for these nominees, it is appropriate that he proceed to read the Executive Calendar unanimous consent. So I yield to the distinguished chairman.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. THURMOND. Mr. President, I wish to thank the able majority leader for his usual courtesy and competence.

I am pleased not to ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 329, Wayne A. Budd, to be the U.S. Attorney for the District of Massachusetts;

Calendar 339, Martin C. Faga, to be an Assistant Secretary of the Air Force;

Calendar 340, Anne Newman Foreman, to be Under Secretary of the Air Force;

Calendar 341, Gen. Colin L. Powell, for appointment as Chairman of the Joint Chiefs of Staff;

Air Force promotions: Calendar 342, 343, 344, 345, 346, and 347.

Army promotions: Calendar 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, and 360.

Marine Corps promotion: Calendar 361.

Navy promotions: Calendar 362, 363, 364, 365, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider to be laid upon the table, en bloc; that the President be immediately notified of the Senate's actions, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Wayne A. Budd, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

DEPARTMENT OF DEFENSE

Martin C. Faga, of Virginia, to be an Assistant Secretary of the Air Force.

Anne Newman Foreman, of Maryland, to be Under Secretary of the Air Force.

The following-named officer for appointment as Chairman of the Joint Chiefs of Staff under the provisions of title 10, United States Code, section 152(a):

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

Gen. Colin L. Powell, [redacted] United States Army.

AIR FORCE

The following named officer, under the provisions of Title 10, United States Code, 601 to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen Bradley C. Hosmer, [redacted] [redacted]FR, United States Air Force.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Alfred G. Hansen [redacted]FR, United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be general

Lt. Gen. Charles C. McDonald, [redacted] [redacted]FR, United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Henry Viccellio, Jr., [redacted] [redacted]FR, United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Michael P.C. Carns, [redacted], United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Robert L. Rutherford, [redacted] [redacted]FR, United States Air Force.

ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Frederick F. Woerner, Jr., [redacted] [redacted] United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be general

Gen. Maxwell R. Thurman, [redacted], United States Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Louis C. Wagner, Jr. [redacted], United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. William G.T. Tuttle, Jr., [redacted] United States Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Jerry M. Bunyard [redacted], United States Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Sidney T. Weinstein, [redacted], United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Jerome B. Hilmes, [redacted], United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Leon E. Salomon, [redacted], United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Ellis D. Parker [redacted], United States Army.

The following-named officers for appointment in the United States National Guard to the grade indicated, under the provisions of Title 10, United States Code, Sections 593(a), 3385 and 3392:

To be major general of the line

Brig. Gen. Joseph C. Boyersmith, [redacted]
Brig. Gen. James M. Miller, [redacted].
Brig. Gen. William C. Wilson, [redacted].

To be major general, adjutant general's corps

Brig. Gen. Robert L. Moorehead, [redacted]

To be brigadier general of the line

Col. Jack C. Clark, [redacted].
Col. Woodrow D. Boyce, [redacted].
Col. Donald R. Crutcher, [redacted].
Col. James R. Daniel, [redacted].
Col. Randy J. Ence, [redacted].
Col. Ronald O. Harrison, [redacted].
Col. James M. Hutchens, [redacted].
Col. Billy R. Norman, [redacted].
Col. Velton R. Stevens, [redacted].
Col. Sam C. Turk, [redacted].
Col. Peter E. Wheeler, [redacted].
Col. James K. Corley, [redacted].

To be brigadier general of the line

Col. James W. Emerson, [redacted].
Col. Gary G. Harber, [redacted].
Col. James H. Long, [redacted].
Col. Rodney W. McNeil, [redacted].
Col. Gerald A. Miller, [redacted].
Col. Don M. Ogg, [redacted].
Col. Stanley W. Petrik, [redacted].
Col. William F. Stewart, [redacted].
Col. David L. Traxler, [redacted].
Col. Bobby G. Webb, [redacted].

To be brigadier general, adjutant general's corps

Col. Fred R. Flint, [redacted].
Col. Gerald F. Janelle, [redacted].
Col. Jack E. Yeager, [redacted].
Col. Tom Brewer, [redacted].
Col. Michael E. Byrne, [redacted].

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. August M. Cianciolo, [redacted] United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. Edwin H. Burba, Jr., [redacted], United States Army.

The following-named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. William S. Carpenter, Jr., [redacted] United States Army.

MARINE CORPS

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Norman H. Smith, [redacted]/9903 USMC.

NAVY

The following named officer for appointment to the grade of admiral on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be admiral

Adm. William J. Crowe, Jr., [redacted], United States Navy.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. John T. Parker, Jr., [redacted]/1210, United States Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be appointed to the grade of vice admiral while serving in a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Ronald M. Eytchison, U.S. Navy, [redacted]/1120.

The following named rear admiral (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the staff corps of the U.S. Naval Reserve, pursuant to the provisions of Title 10, United States Code, section 5912:

To be rear admiral

Rear Adm. (lower half) Paul C. Rosser, [redacted]/5105, U.S. Naval Reserve.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Maj. Albert K. Aimar, [redacted] and ending Maj. Archie S. Mobley, Jr. [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1989.

Air Force nominations beginning Charles W. Guise, and ending Arturo D.P. Villa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Air Force nominations beginning Kenneth W. Bigbee, and ending Maria L. Cordero, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Air Force nominations beginning Nicholas Abate, and ending Dan O. Yoshii, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Air Force nominations beginning Anthony A. Aaker, and ending Joseph B. Wenum, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Army nominations beginning Elliot E. Angel, and ending Joseph D. * Zeligs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 4, 1989.

Army nominations beginning William D. Archer, and ending * Terri J. Phipps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1989.

Army nominations beginning John E. Abair, and ending Bruce D. Metcalfe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Army nominations beginning Brenda L. Brace, and ending Scott L. Hawman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Army nominations beginning John T. Abt, and ending Timothy W. Zurn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Army nominations beginning Martha L. Austin, and ending Robert L. Voglesang, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1989.

Marine Corps nominations beginning Jeffrey L. Abate, and ending James D. Wilson, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Marine Corps nominations beginning Donald L. Scanlon Jr., and ending Michael H. Gamble, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Navy nominations beginning Victor A. Aletich, and ending Frederick Leonard Mallard, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 31, 1989.

Navy nomination of beginning Comdr. William M. Shepherd, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1989.

Navy nominations beginning Harrison D. Willcutts, and ending Allan L. Kaminsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1989.

Navy nominations beginning Norman K. Shimabukuro, and ending Ronald L. Sollock, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Navy nominations beginning Steven C. Cintron, and ending Gerald A. Cioffi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Navy nominations beginning Randy Albert Cason, and ending Robert Erling Bjelland, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Navy nominations beginning Gerard Paul Arel, and ending Stanley Sylve Taylor, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

STATEMENT ON THE NOMINATION FOR JACK E. YEAGER TO BE BRIGADIER GENERAL

Mr. BYRD. Mr. President, I am pleased that the President of the United States has nominated Col. Jack E. Yeager, a native of Fairview, WV, for the rank of brigadier general.

Colonel Yeager began his military career in the West Virginia Army National Guard in 1955. After rising through the enlisted ranks, he entered the West Virginia Military Academy, where he was commissioned a second lieutenant in July 1963. In 1969, he became troop commander, 107th Armored Cavalry, Dunbar, WV, and later that year was promoted to captain. He subsequently served in a variety of assignments in the West Virginia Army National Guard, both in Charleston and Bluefield, completing 15 years with the armored cavalry in 1979 with the rank of major.

Colonel Yeager was appointed commandant of the West Virginia Military Academy in 1979, and was promoted to lieutenant colonel in September 1980. After serving 5½ years as commandant of the West Virginia Military Academy, he was assigned as chief, Selective Service section, on August 1, 1984, and promoted to colonel on the same day.

Colonel Yeager was selected as assistant adjutant general of the West Virginia National Guard on January 16, 1989, and selected for promotion to the rank of brigadier general on the same day. After a period as acting adjutant general earlier this year, Colonel Yeager resumed his duties as assistant adjutant general of West Virginia's National Guard.

Colonel Yeager has received many decorations and awards, including the Meritorious Service Medal with first Oak Leaf Cluster, the Selective Service Exceptional Service Award with Silver Medal, the Army Reserve Components Achievement Medal with four Oak Leaf Clusters, the Humanitarian Service Medal with one Bronze Service Star, the Armed Forces Reserve Medal with two 10 year devices, the Army Service Ribbon, the West Virginia Meritorious Service Medal, the West Virginia Emergency Service Medal with one Miniature Gold Mountain Laurel Blossom, the West Virginia State Service Ribbon with three Bronze Stars; and the West Virginia Service Medal with one Silver Eagle.

Colonel Yeager has earned a bachelor's degree from West Virginia State College, a master's degree from Marshall University, and a doctorate from Virginia Polytechnic Institute and State University.

Mr. President, it has been my experience that all members of the Reserve components of the armed services, and especially those reaching the high rank of brigadier general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Colonel Yeager's wife, Barbara, and their children, Kimberly, Mary, Julie, Robert, and Susan are also to be commended.

Mr. President, I am pleased to cast my vote for the confirmation of Col. Jack E. Yeager as brigadier general and I urge my colleagues to support this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 1990 DEFENSE BILL

Mr. DOLE. Mr. President, this week I received a letter from Secretary of Defense Cheney regarding H.R. 3072—the fiscal year 1990 Defense appropriations bill—as reported by the Senate Appropriations Committee.

Although Secretary Cheney was pleased by the fact that the Appropriations Committee supported many of the President's most important program decisions, including the termination of lower priority programs and funding for the B-2 and ICBM modernization, he indicated that he was deeply concerned about several committee amendments and changes to the budget request.

Mr. Cheney stated that these Appropriations Committee provisions and committee-endorsed amendments would have, in his words, "severe implications for our strategic modernization readiness, and force capabilities."

Having reviewed the Defense appropriations bill as reported, I have come to the same conclusion, Mr. President, I ask unanimous consent that Secretary Cheney's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE

Washington, DC, September 19, 1988.

Hon. ROBERT J. DOLE,

Republican Leader, Senate, Washington, DC.

DEAR MR. LEADER: As the full Senate will soon be considering the fiscal year 1990 defense appropriations bill, I would like to take this opportunity to express my views on H.R. 3072 as reported by the Senate Appropriations Committee. I am pleased that the Committee, consistent with the Senate passed defense authorization bill, supported many of our most important program decisions, including the termination of lower-priority programs and funding for the B-2 and ICBM modernization. However, I am deeply concerned about several actions which have severe implications for our strategic modernization, readiness, and force capabilities.

The budget authority level in the reported bill, providing $279.6 billion to DoD, falls $8.7 billion below the 302(b) allocation and the level in the bipartisan budget agreement. Apparently this adjustment was made in order to correct the perceived mismatch between budget authority and outlays inherent in the summit agreement totals. While I understand the requirement to meet the outlays target, I am opposed to any solution which increases significantly the realignment of defense priorities.

Two of the highest priority programs, the Strategic Defense Initiative (SDI) and the Trident D-5 missile, were reduced by $0.9 billion and $1.8 billion, respectively. Any level of funding for SDI less than provided in the Senate passed defense authorization bill would cause cancellation or delay of experiments crucial to demonstrating the feasibility of defense against ballistic missiles. The restrictive language on funding for directed energy weapons will inhibit our ability to prioritize critical activities within the SDI program necessary to support a sound deployment decision within the timeframe established by the President. A reduction of the magnitude proposed in the D-5 program will significantly delay this essential element of the strategic triad. The Navy has identified the cause of the recent flight-test failures, and they are confident that it can be corrected without a major redesign of the missile. Taken together, the House passed and Senate reported appropriations bills would cripple the triad.

Restrictive language has been recommended on base closures and $200 million has been cut from the request. The base closure plan has been supported by both the Administration and the Congress and provides an excellent opportunity to close unneeded and excessively expensive military installations which will generate large savings in future years. I am opposed to any restrictive language or funding reductions which would prohibit us from carrying out our base closure actions within the tight schedule prescribed in the law.

A Committee endorsed amendment will be introduced on the Senate floor to restore $8.7 billion in budget authority for nondefense items and defense items that are of lower priority than those reduced. Contrary to the intent of the bipartisan budget agreement, $1.2 billion is proposed for nondefense programs including Coast Guard icebreakers and the NASA space shuttle costs. In addition, $7.5 billion was added for the Enterprise SLEP program, buy out of Apache helicopter, increased sealift capability, equipment modernization, and establishment of an emergency response fund. The Senate Appropriations Committee proposes to fund these programs at the expense of other higher priority programs which make a greater contribution to our overall accomplishment of national defense goals.

Another amendment may be introduced that would call for a withdrawal of 3,000 military personnel from South Korea not later than October 1, 1990. The regional balance between North and South Korea is a key factor in the Department's military planning for the East Asia-Pacific region. The quantitative balance continues to favor North Korea in all aspects of ground, air and naval forces even when South Korean and U.S. forces are combined. The troop reductions recommended by this proposed amendment would send a clear signal to U.S. allies and adversaries alike that the United States is rapidly backing away from its defense commitments.

This is not an inclusive list of my concerns on the fiscal year 1990 defense appropriations bill. We have previously communicated our position on a number of other issues in the House and Senate bills. As the Appropriation Committee's recommendation comes to the Senate floor, I urge your wholehearted support in restoring priorities in the defense bill that are consistent with the President's program.

Sincerely,

DICK CHENEY.

THE TRAGIC SITUATION IN LEBANON

Mr. PELL. Mr. President, when I last addressed the Senate about the situation in Lebanon, I held out the hope that the various factions would initiate a cease-fire and begin—finally—the process of national reconciliation. Sadly, since that time, we have witnessed no progress toward that end, and, indeed, the situation appears to have reached a new low. If matters are allowed to run their present course, the prognosis is, at best, gloomy.

In the past 6 months, we have seen a marked intensification of violence and bloodshed. The renewed artillery exchanges have resulted in the death of more than 800 Lebanese and in countless other injuries and maimings. The casualties continue to mount, and intermittent cease-fires have repeatedly failed.

The deteriorating situation and the issuance of new threats increased the jeopardy of our beleaguered diplomats in Lebanon, necessitating their dramatic and successful withdrawal. Unfortunately, the lack of a United States presence for the first time in 14 years of conflict will diminish our ability to promote our objectives in Lebanon.

The first priority with regard to Lebanon remains clear: A cease-fire must be achieved. Only then can the factions obtain the necessary breathing space to proceed toward the goals of the withdrawal of all foreign forces—particularly the Syrian occupying presence—and national reunification.

The United States, for its part, can bring much greater pressure to bear on Syria to withdraw its more than 40,000 troops from Lebanon. The existence of client relationships and the presence of foreign forces have ceased to have any positive value and are now only compounding the problems facing Lebanon. This has become particularly evident as Iraq and Syria have used Lebanon as a stage for their continuing and deadly feud. The United States should increase its economic pressure on Syria and press the issue more firmly through existing diplomatic channels.

The United States should also hope for greater cooperation from the regional powers in resolving the situation in Lebanon. The special committee of the Arab League, represented by Saudi Arabia, Algeria, and Morocco, has restarted its efforts to formulate a peace plan for Lebanon. We can and should support this endeavor, and we should also examine the possibilities for involving further the international community, including France and the Soviet Union. I would hope that President Bush and Secretary of State Baker will make Lebanon a priority item on the agenda for their meetings with Soviet Foreign Minister Eduard Shevardnadze.

The Lebanese people, for their part, should become more cognizant of the fact that it will take a tremendous, indigenous effort to bring peace to their country. Surely, men and women of all faiths in Lebanon must view with revulsion the horrible downward spiral of endless retaliation for retaliation. If the Lebanese are to become the masters and mistresses of their own fate, then they must take steps to bring an end to the senseless waste of lives and property, and do their utmost to dissuade foreign meddling by powers that do not have Lebanon's best interests in mind. Finally, the Lebanese Christian and Moslem leaders must understand that an unthreatened American diplomatic presence in Lebanon can be instrumental in bringing about a settlement that will protect the rights and interests of all Lebanese.

Mr. President, civil war, suffering, death, and destruction have been the hallmarks of Lebanon for far too long. Despite the recognition of almost all observers that this tragedy must end, we have never reached the point where we could proclaim that peace is in sight. I mourn for those who have died and suffered, and I fear for the future of Lebanon. It is my sincere hope that we will overcome the present vicious cycle of violence and embark on a more productive and effective path toward peace.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 60

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I hereby transmit the report of the Commodity Credit Corporation for fiscal year 1986.

GEORGE BUSH.

THE WHITE HOUSE, *September 21, 1989.*

REPORT ON ACTIVITIES OF THE U.S. GOVERNMENT IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1988, the eighth year of President Ronald Reagan's Administration. The report is required by the United States Participation Act (Public Law 264, 79th Congress).

GEORGE BUSH.

THE WHITE HOUSE, *September 21, 1989.*

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2461) to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the entire House bill (except sections 111 through 118, 137, 138, 210, 221, 255, 3103(a), 4101, and 4102) and the entire Senate amendment (except sections 133 through 135, 231, 841, 843, 845, 2301(a) insofar as it addresses MX Rail Garrison facilities, 2836, 3103(a), 3142(b), 3142(c), 3142(e), and 3155), and modifications committed to conference, and as exclusive conferees with respect to any proposal to report in total disagreement: Mr. ASPIN, Mr. BENNETT, Mr. MONTGOMERY, Mr. DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Mr. MAVROULES, Mr. HUTTO, Mr. SKELTON, Mr. LEATH of Texas, Mr. MCCURDY, Mr. FOGLIETTA, Mr. DYSON, Mrs. LLOYD, Mr. RAY, Mr. SPRATT, Mr. DARDEN, Mr. HOCHBRUECKNER, Mr. BRENNAN, Mr. PICKETT, Mr. LANCASTER, Mr. EVANS, Mr. DICKINSON, Mr. SPENCE, Mr. STUMP, Mr. HOPKINS, Mr. DAVIS, Mr. HUNTER, Mr. MARTIN of New York, Mr. KASICH, Mr. BATEMAN, Mr. BLAZ, Mr. IRELAND, Mr. HANSEN, Mr. ROWLAND of Connecticut, and Mr. KYL.

From the Committee on Armed Services, for consideration of sections 111 through 118, 137, 138, 210, 221, 255, and 3103(a) of the House bill and sections 133 through 135, 231, 2301(a) insofar as it addresses MX Rail Garrison facilities, and 3103(a) of the Senate amendment, and modifications committed to conference: Mr. ASPIN, Mr. BENNETT, Mr. DELLUMS, Mrs. SCHROEDER, Mr. MAVROULES, Mr. MCCURDY, Mr. SPRATT, Mr. HOCHBRUECKNER, Mr. BRENNAN, Mr. EVANS, Mr. DICKINSON, Mr. DAVIS, Mr. HANSEN, Mr. KYL, Mr. DORNAN of California, and Mr. MCCRERY.

From the Committee on Armed Services, for consideration of sections 4101 and 4102 of the House bill, and modifications committed to conference: Mr. ASPIN, Mr. FOGLIETTA, and Mr. DICKINSON.

From the Committee on Armed Services, for consideration of sections 841, 843, 845, 3142(b), 3142(c), and 3142(e) of the Senate amendment, and modifications committed to conference: Mr. ASPIN, Mrs. SCHROEDER, and Mr. DICKINSON.

From the Committee on Armed Services, for consideration of sections 2836 and 3155 of the Senate amendment, and modifications committed to conference: Mr. ASPIN, Mrs. LLOYD, Mr. RAY, Mr. SPRATT, Mr. KYL, AND MR. HANSEN.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. BEILENSON, Mr. KASTENMEIER, and Mr. HYDE.

As additional conferees from the Committee on Education and Labor, for consideration of sections 4101 and 4102 of the House bill and section 907 of the Senate amendment, and modifications committed to conference: Mr. HAWKINS, Mr. MURPHY, Mr. WILLIAMS, Mr. PETRI, and Mr. BARTLETT.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 2836, 3142(a), and 3155 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. THOMAS A. LUKEN, Mr. ECKART, Mr. LENT, and Mr. MOORHEAD.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 135, 206, 252, 256, 304, 1103, 1106, 1214, 1241 through 1247, 1253, 1254, 1255, 1257, 1258, 1261, 3139, 3141 through 3148, and 3501 of the House bill and sections 229, 236, 251, 304, 804, 805, 840, 904, 905, 906, 910, 911, 916, 918, 919, 920, 921, 923, 924, 928, 930, 931, 932, 935, 937, 938, 940, 941, 943, 1108, and 3143 of the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BROOMFIELD, and Mr. GILMAN.

As additional conferees from the Committee on Government Operations, for consideration of sections 822, 844, 927, 929, 933, 2831, and 3142(d) of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS, Mr. SYNAR, Mr. WISE, Mr. BUSTAMANTE, Mr. HORTON, Mr. SHAYS, and Mr. SMITH of Vermont.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1103, 1106, and 1107 of the House bill and sections 552(c), 837, 840, 844, 913, 925, 926, 929, 936, 1103, 3135, and 3142(d) of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. KASTENMEIER, Mr. HUGHES, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. MOORHEAD, Mr. MCCOLLUM, and Mr. JAMES.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 925, 1001 through 1003, and 2832 of the Senate amendment, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, Mr. TAUZIN, Mr. YOUNG of Alaska, and Mr. FIELDS.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 841, 843, 845, and 3142 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. SIKORSKI, Mr. ACKERMAN, Mr. GILMAN, and Mr. HORTON.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 2205 of the House bill and sections 656, 925, 2810, and 2831 of the Senate amendment, and modifications committed to conference: Mr. ANDERSON, Mr. OBERSTAR, Mr. BOSCO, Mr. HAMMERSCHMIDT, and Mr. PETRI.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 801 and 3131 through 3138 of the Senate amendment, and modifications committed to conference: Mr. ROE, Mrs. LLOYD, Mr. WALGREN, Mr. WALKER, and Mr. BOEHLERT.

As additional conferees from the Committee on Small Business, for consideration of sections 828, 831, and 832 of the Senate amendment, and modifications committed to conference: Mr. LAFALCE, Mr. SMITH of Iowa, and Mr. MCDADE.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 907 of the Senate amendment, and modifications committed to conference: Mr. PENNY, Mrs. PATTERSON, Mr. SANGMEISTER, Mr. HAMMERSCHMIDT, and Mr. SMITH of New Jersey.

As additional conferees from the Committee on Ways and Means, for consideration of section 925 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. DOWNEY, Mr. CRANE, and Mr. SCHULZE.

MEASURES ORDERED HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent until the close of business on Tuesday, September 26, 1989:

H.R. 2771. An act to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 21, 1989, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 118. Joint resolution designating October 6, 1989, as "German-American Day"; and

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents which were referred as indicated:

EC-1680. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated September 1, 1989; pursuant to the order of January 30, 1975, as modified; referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1681. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil; to the Committee on Armed Services.

EC-1682. A communication from the Chairman of the Commission on Alternative Utilization of Military Facilities, transmitting, pursuant to law, the first report of the Commission; to the Committee on Armed Services.

EC-1683. A communication from the Director of the Office of Dependent Schools, Department of Defense, transmitting, pursuant to law, the annual test report for school year 1988-89 for the overseas dependents' schools administered by the Department of Defense; to the Committee on Armed Services.

EC-1684. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the eighteenth annual report of the Securities Investor Protection Corporation covering 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-1685. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Export Controls: Assessment of Commerce Department Foreign Policy Reports to Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1686. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a progress report on rulemaking proceedings for the period of February through August 1989; to the Committee on Commerce, Science, and Transportation.

EC-1687. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the 1991 budget submission of the Board; to the Committee on Commerce, Science, and Transportation.

EC-1688. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1689. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1690. A communication from the Deputy Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the annual report describing royalty management and delinquent account collection activities during fiscal years 1987 and 1988; to the Committee on Energy and Natural Resources.

EC-1691. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1989; to the Committee on Environment and Public Works.

EC-1692. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, informational copies of certain proposed prospectuses; to the Committee on Environment and Public Works.

EC-1693. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, Volume I of the biennial report of the Agency for Toxic Substances and Disease Registry; to the Committee on Environment and Public Works.

EC-1694. A communication from the President of the United States, transmitting, pursuant to law, notice of his intent to add Hungary to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC-1695. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the sixty day period prior to September 14, 1989; to the Committee on Foreign Relations.

EC-1696. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report on the results of an automobile cost investigation based on calendar year 1988 data; to the Committee on Governmental Affairs.

EC-1697. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Budget Issues: Agency Authority to Borrow Should Be Granted More Selectively"; to the Committee on Governmental Affairs.

EC-1698. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to establish a demonstration program for the reimbursement of expenses incurred by Federal employees in the adoption of children with special needs and for other purposes; to the Committee on Governmental Affairs.

EC-1699. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a response to a GAO report entitled "Managing Human Resources: Greater OPM Leadership Needed to Address Critical Challenges"; to the Committee on Governmental Affairs.

EC-1700. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of the Pueblo of Santo Domingo's judgment funds; to the Select Committee on Indian Affairs.

EC-1701. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for fiscal year 1990—Chapter 1—Migrant Education Coordination Program for State Educational Agencies; to the Committee on Labor and Human Resources.

EC-1702. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Women's Educational Equity Act Programs; to the Committee on Labor and Human Resources.

EC-1703. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit Veterans Administration's Financial Statements for Fiscal Years 1988 and 1987"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1338. A bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States.

By Mr. BIDEN, from the Committee on the Judiciary, unfavorably without amendment and with a preamble:

S.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Otto G. Obermaier, of New York, to be United States Attorney for the Southern District of New York for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1654. A bill to amend the Internal Revenue Code of 1986 to encourage long-term investments by pension funds by imposing an excise tax on gain from the sale of assets held for 180 days or less; to the Committee on Finance.

By Mr. MCCONNELL (for himself and Mr. REID):

S. 1655. A bill to amend the enforcement provisions, to provide for the disclosure of independent expenditures, to make provisions regarding intermediaries and broadcast time, and for other purposes; to the Committee on Rules and Administration.

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 1656. A bill to designate the "Mickey Leland Federal Building" in Houston, TX; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1657. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

By Mr. SHELBY:

S. 1658. A bill to amend the Securities and Exchange Act of 1934 to impose additional disclosure and fairness requirements with respect to corporate tender offers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself and Mr. GARN):

S.J. Res. 202. Joint resolution providing for the appointment of Robert James Woolsey, Jr. of Maryland as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 203. Joint resolution providing for the appointment of Homer Alfred Neal of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Res. 181. Resolution to authorize printing of the Regulations Governing the Use of the Mailing Frank; to the Committee on Rules and Administration.

By Mr. PELL:

S. Res. 182. Resolution congratulating Malta on the 25th anniversary of its independence; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1654. A bill to amend the Internal Revenue Code of 1986 to encourage long-term investments by pension funds by imposing an excise tax on gain from the sale of assets held for 180 days or less; to the Committee on Finance.

EXCESSIVE CHURNING AND SPECULATION ACT

Mrs. KASSEBAUM. Mr. President, the legislation we have introduced today is designed to encourage pension fund managers to adopt a better long-term investment strategy. This summer the Senate Committee on Banking, Housing, and Urban Affairs conducted a series of hearings regarding our industrial productivity. The witnesses included an impressive array of investment bankers, economists, and corporate leaders. Their assessment of our economy was urgent and unequivocal—we must lengthen our institutional investors short-term investment mentality. Absent such a change, we face the stark prospect of losing our status as a major industrial player.

Corporate America is increasingly being acquired by institutional investors having only a transient interest in the companies they own and control. This transient ownership problem is compounded by the short-term mentality of institutional investment managers. A decade ago these managers were criticized for taking a too passive approach toward their investments. Today, however, the pendulum has swung to the opposite extreme. Fund managers are hired and fired on the basis of their quarterly performance. This quarterly treadmill encourages a short-term investment mentality that undercuts long-term industrial productivity.

The Martin Marietta case is classic. A few years ago Martin Marietta announced an increase in research and development. Rather than reacting favorably to this announcement, the company's institutional owners dumped their shares fearing a possible reduction in short-term earnings. The price plummeted six points in a matter of days. Although Martin Marietta proceeded with the research program, its fortitude is painfully unique. Fearing a negative institutional reaction, how many corporate managers simply ignore R&D or applied technology opportunities?

Such behavior encourages corporate managers to concentrate more on the immediate price of their stock than on innovation and productivity. This is the equivalent of trying to run an airline on fares insufficient to cover future maintenance.

In fairness to institutional investors and corporate managers, they are not the only ones afflicted by this short-term mentality. As Richard Darman, the director of the Office of Management and Budget, recently stated in his widely acclaimed "New Balance" speech, this affliction is endemic to our society and pervasive in our public policy.

The pervasiveness of the affliction, however, does not justify excusing and ignoring it. This is particularly true in the limited but critical context of institutional investment. The question is how do we address the problem without causing more harm than good? The challenge is to create a tax structure that encourages long-term institutional investment.

The legislation we have introduced today would place a 10-percent tax on gains from assets that are held less than 30 days and a 5-percent tax on assets that are held for less than 180 days. This rifleshot approach provides pension managers a tax incentive structure to hold their assets on a more long-term basis.

It is specifically designed to curtail excessive churning and speculation. It does not seek to raise revenue, and in fact, I would be completely happy if it did not raise a penny. It applies only to short-term asset turnovers and therefore should not affect those plans who invest on a long-term basis. Arguments that such a churning fee would somehow make the market less liquid or distort its efficiency frankly are nonsense.

Encouraging pension fund managers to adopt a long-term investment strategy makes for both common sense and improved performance. In this regard, the Council of Institutional Investors has found that large pension funds with a long-term investment strategy ultimately outperforms similar funds having a short-term focus.

Those who argue that such a proposal would substantially tax the pension benefits of low- and middle-income workers are in error. Most pension beneficiaries—particularly those low- and middle-income workers employed by large corporations are covered by defined benefit plans. Under these plans, which cover approximately 80 percent of all pension beneficiaries, the workers' retirement pay is based on a fixed formula that is not affected by pension fund investments. If the fund profits by investing in takeovers, leveraged buyouts, or by turning over its portfolio on a short-term basis, those earnings only serve to reduce the employers contributions to the fund. In fact, when pension funds have been extremely profitable some corporate employers have actually taken money back from the fund. Since 1980, employers have taken back $18.7 billion from pension fund assets.

In summary, a sliding scale fee or tax on short-term asset turnovers encourages long-term investment and discourages short-term speculation. Such an approach to our institutional investment behavior is going to become increasingly important as we compete in a global market. From a productivity standpoint, it is an approach we cannot afford to ignore.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excessive Churning and Speculation Act of 1989".

SEC. 2. EXCISE TAX ON SALES BY PENSION PLANS OR INVESTMENT ASSETS HELD 180 DAYS OR LESS.

(a) In General.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end thereof the following new section:

"SEC. 4980C. EXCISE TAX ON GAIN FROM SALE OF INVESTMENT ASSETS HELD 180 DAYS OR LESS.

"(a) Imposition of Tax.—

"(1) General rule.—If, for any taxable year, an applicable employer pension plan has any taxable short-term capital gain, there is hereby imposed a tax equal to the applicable percentage of such gain.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(A) 10 percent in the case of any gain from assets held for 30 days or less, and

"(B) 5 percent in the case of any gain from assets held for longer than 30 days but not longer than 180 days.

"(b) Taxable Short-Term Capital Gain.—For purposes of this section—

"(1) In general.—The term 'taxable short-term capital gain's means from the sale or exchange of a capital asset held for 180 days or less.

"(2) Exception for unrelated business taxable income, etc.—No gain shall be treated as taxable short-term capital gain which—

"(A) is taken into account in determining unrelated business taxable income (as defined in section 512) for the taxable year, or

"(B) is otherwise subject to tax under chapter 1.

"(3) Exception for certain gain from hedging transactions.—The term 'taxable short-term capital gain' shall not include gain from the sale of any capital asset in a transaction which—

"(A) is entered into by an applicable employee pension plan primarily—

"(i) to reduce risk of price changes or currency fluctuations with respect to assets held by the pension plan, or

"(ii) to reduce risk of interest rate or price changes or currency fluctuations with respect to borrowings made or to be made, or obligations incurred or to be incurred, by such plan, and

"(B) is clearly identified as being a transaction described in subparagraph (A) before the close of the day on which such transaction was entered into (or such other time as the Secretary may prescribe by regulations).

"(c) Applicable Employer Pension Plan.—For purposes of this section—

"(1) In general.—The term 'applicable employer pension plan' means—

"(A) any plan meeting the requirements of section 401(a) which includes a trust exempt from tax under section 501(a).

"(B) an annuity plan described in section 403(a), and

"(C) any simplified employee pension (within the meaning of section 408(k)).

"(2) Exception for plans with assets of less than $1,000,000.—A plan shall not be treated as an applicable employer pension plan if the value of the plan's assets (determined as of the most recent valuation of such assets under section 412(c)(2)) is less than $1,000,000.

"(d) Special Rules.—For purposes of this section—

"(1) Look-thru in case of certain entities.—If an applicable employer pension plan holds at least 5 percent of the interests (whether profits or capital) in a partnership or other pass-thru entity, such plan shall be treated as having received its proportionate share of any applicable short-term capital gain of such entity occurring during any taxable year of such entity ending with or within the taxable year of the plan.

"(2) Related entities.—All related entities (within the meaning of section 168(h)(4)) shall be treated as 1 entity.

"(3) Taxable year.—The term 'taxable year' means—

"(A) the taxable year determined for purposes of chapter 1, or

"(B) if none, the calendar year.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations preventing the avoidance of this section through the use of tiered entities or the holding of assets through entities other than pass thru entities."

"(b) Conforming Amendment.—The table of sections for chapter 42 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4980C. Excise tax on gain from sale of investment assets held 180 days or less."

"(c) Effective Date.—The amendments made by this section shall apply to assets acquired after the date of enactment of this Act.

Mr. DOLE. Mr. President, I am pleased to cosponsor legislation designed to curtail short-term speculation by pension plan managers.

This legislation imposes a tax on the short-term gains of large pension funds which are not incurred to protect the long-term portfolio assets of the fund. Holdings of 30 days or less would be taxed at a 10-percent rate; other holdings of less than 6 months would be taxed at a 5-percent rate. Gains from identified hedging transactions would be exempt from this legislation.

Both Senator Kassebaum and I are concerned over reports of the role of some pension funds in takeover arbitrage, program trading, and similar activities. Such speculation neither promotes the long-term investment security of their beneficiaries nor contributes to the economic stability of this country.

Moreover, over 60 percent of all pension assets are held in so-called defined benefit plans where the beneficiaries do not profit from any excess plan earnings. Speculation in these funds benefits only the sponsoring business which can effectively use employee money for its own gain. There is no reason why we should extend a tax exemption to such corporate savings accounts.

Over and over again, commonsense conservative investing has been proven to be the most effective financial strategy. Moreover, recent experience with our savings and loans highlights the dangers of allowing even professional money managers to gamble with other people's money. It is our hope that this legislation will counter the short-term performance mania which has swept our financial markets and enhance the long-term retirement security of America's workers.

By Mr. McCONNELL (for himself and Mr. Reid):

S. 1655. A bill to amend the enforcement provisions, to provide for the disclosure of independent expenditures, to make provisions regarding intermediaries and broadcast time, and for other purposes; to the Committee on Rules and Administration.

FEDERAL ELECTION ENFORCEMENT ACT

Mr. McCONNELL. Mr. President, the Senator from Nevada [Mr. Reid] and I this morning will be introducing a bipartisan campaign finance reform bill.

Having participated in this debate sometimes in a rather vigorous fashion over the last 2 or 3 years, it became increasingly clear to me that if we were going to make some progress there where certain things that needed to be eliminated from the debate because it was obvious as time went on that the Republicans were not inclined to accept any measure that embodied expenditure limitations because they view it, and in my judgment rightly so, as a limitation on the number of small individual donors who can participate in the political process.

Many on the other side, of course, objected to the elimination of political action committees because there is no question, when you look at the analysis of the giving on behalf of PAC's, the Democrats have by and large done extraordinarily well.

Senator Reid and I in a number of discussions over the last 2 or 3 months concluded that there was a lot worth doing in this field that would improve the system, rewriting the rules of the game in our democracy, which is what campaign finance is all about; but it had to be done on a bipartisan basis.

So in extensive discussions over the last 2 or 3 months, the Senator from Nevada and I have come up with a bill that we think does not tilt the playing field either way and significantly improves the current campaign finance system.

This bill that we will be introducing shortly includes a section on reforming the Federal Election Commission, which is essentially the work of the Senator from Nevada, someone who has felt the frustration of that agency, and I am sure he will touch upon that in a moment. It also includes a section that I have advocated in a number of other bills over the last couple years to do something about the millionaires' loophole through which a number of people of great wealth have been able to drive their truck full of cash. We cannot entirely eliminate but we think we have created a provision here that diminishes that possibility. In addition, there are significant controls on expenditures, prohibition against bundling, and elimination of grandfather clauses that allows some Members of the House of Representatives elected before 1980 to convert campaign funds to personal use.

Finally, in my judgment, most significant if we are concerned about the rising cost of campaigns, this bill includes the measure that I introduced over the last couple years to provide a true broadcast discount to candidates of both parties. Under the current law, candidates are supposed to be able to buy time at the lowest unit rate available 45 days before the primary and 60 days before the general election. It sounds good. It does not work out that way because in fact the lowest unit rate available is what is called preemptible time which means anybody that comes in, whether it is McDonalds, the automobile dealer, or your opponent, anyone who wants to spend more for that time can bump you and you are out. So this particular provision of this bill simply requires the broadcasters to sell us non-preemptible time that is fixed time at preemptible time rates.

Bob Squires, one of the better known Democratic television consultants, testified that it would save both parties millions of dollars and would have, of course, very little impact on the broadcasters since political advertising revenue is less than three-fourths of 1 percent of the total revenue advertisers derive from politics.

I think the final point I want to make before yielding to my friend from Nevada is that this demonstrates, we feel, that there can be bipartisan campaign finance reform that does not tilt the playing field either way. I commend my good friend from Nevada for his creativity and ingenuity in working with us to come to this day.

Mr. President, for the last 2 years, Congress has been at a total standoff over campaign finance reform legislation. The bill Senator REID and I are introducing today is an effort to break through that standoff and achieve real campaign reform, on a bipartisan basis.

Up to now, Congress has been divided along party lines, over issues that have more to do with one party's advantage over the other, rather than the health and fairness of the overall system.

For example, there are special interest groups that try to buy elections with massive independent expenditures. They can pump millions of dollars into races, without even disclosing to the public who they are or what they really stand for. There are millionaire candidates who wipe out the competition with their own personal fortunes—and then pay themselves back after the election with piles of political action committee contributions.

There are direct mail fundraising campaigns that PAC's use to circumvent the contribution limits. And there are provisions in the law that allow a retiring Congressman to take his million-dollar campaign war chest with him when he leaves office.

These problems are far too pressing to wait for a solution to the partisan issues that have divided us in the past. The time for real campaign finance reform is now.

Of course, there are various measures that Senator REID and his party would like to have in this bill—and there are other provisions that my party would like in this bill. But it is time to put aside our disagreements and find a way to agree on solving the basic problems in our campaign finance system. That is what our bill today attempts to do.

The McConnell-Reid bill, or Federal Election Enforcement Act, would crack down on special interests who try to buy an election through independent expenditures. And it would even up the odds for candidates who have to run against free-spending millionaires. The bill would prohibit Members of Congress from taking their campaign warchests with them when they retire.

Further, the McConnell-Reid bill also would stop direct-mail "bundling" by PAC's, and give the Federal Election Commission the enforcement tools it needs to be a tough policeman of the Federal campaign finance laws.

Finally, the McConnell-Reid bill incorporates a proposal I introduced both last year and this year—to require broadcasters to sell their time to candidates at a truly reasonable discount.

There has been extensive debate over the last 2 years about the increasing cost of campaigns. However, most of this growth in campaign spending is the result of the skyrocketing cost of broadcast advertising. In any statewide race where there is competition, the cost of TV advertising eats up at least half and as much as three-fourths of all money spent in a campaign.

If we want to pass one measure today that would dramatically cut campaign spending, the broadcast discount provision in the McConnell-Reid bill is it.

To sum up, what Senator REID and I are offering today is an opportunity for the Senate to move ahead on an issue that has been fought over bitterly during the past 2 years, without any success. It is an opportunity for us all to put aside partisan differences and solve the problems that all of us agree on, and that go to the very heart of our democratic system of government.

Mr. REID. Mr. President, I appreciate the Senator from Kentucky yielding to me.

Mr. President, the fact that we are here, the Senator from Kentucky and the Senator from Nevada, from different political parties, different political persuasions, one separated from the other by some 3,000 miles, Kentucky and Nevada, and is an indication of the breakthrough with this legislation.

The fact that Senator MCCONNELL and I are introducing this legislation kind of reminds me of the upcoming ball game between the Dallas Cowboys and the Washington Redskins this week. It would be as if they sat down to dinner the night before the game. In effect, that is what we have done. We recognize the importance of reforming the campaign process. It must be done.

No one, Mr. President, can get what they want. There is one group that says they will only have legislation that has campaign ceilings; there is another group that says we are only going to allow a campaign bill to go through this body if there are radical changes to the tax system, neither of which is going to happen.

What we have done with this legislation is try to establish a level playing field. Any provision that we have in this legislation—any provision in this legislation—I would bet that the vast, vast majority of Senators in this body would agree that the provisions are good.

Mr. President, it has been almost 3 years ago that I was elected to be a Senator. I said after I was elected that never again would I have to go through that same process that I went through before. Why? Because fairness would dictate the law should be changed. Well, it has been 3 years and we have had no changes—none.

So I think it is time that we recognize that the posturing must end and that we must get down to some basic changes in our system. The Senator from Kentucky and I have spent countless hours working out this legislation. Our staff have spent untold hours finalizing what we thought would be appropriate.

This is something that the Democrats and the Republicans agree upon, and, hopefully, this is the breakthrough that will cause the two parties to coalesce and say we are not going to get everything we want, but certainly let us do something that is important. This legislation will do that.

I think the tainted money and dirty tricks are eating away at our political process. This legislation will give the Federal Election Commission the power to do its job. We have all had personal experiences, Senator McConnell has, I have. In the election that I had some 3 years ago, complaints were filed on my behalf the year before the election. Mr. President, those have not been resolved today by the Federal Election Commission. They are almost 4 years old, and they have not been resolved.

The legislation that has now been introduced will give the Federal Election Commission power. It will become something other than the toothless tiger that it now is. And that is really what it is, a toothless tiger. This puts candidates on notice that, if you break the law, you will be punished before election day and not after the election, and will also say that the punishment will meet the offense, something that is not now in the law.

As Senator McConnell has indicated, it closes the millionaire loophole, which gives the little guy the chance to run for office. it regulates independent expenditures. It closes the bundling loophole, and it repeals the grandfather clause.

I commend and applaud the work of Senator McConnell. I appreciate his courageous efforts in joining in this legislation.

I look forward to working with the Senate. I ask each Senator to look at this bill and sign on as cosponsor. It means that your next election will be that much more one that people will like to be involved in. In fact, as I indicated before, it will create a level playing field and that is all we want.

Mr. President, there is a book almost two centuries old that contains gems of wisdom—sayings that are still relevant today. The book is "Prayers and Meditations," printed in 1785. One of the unfortunately appropriate sayings reads, "Tomorrow I propose to regulate my room."

This kind of promise is one that the Congress has made for years on the subject of campaign finance reform. And yet campaign financing is still governed by inadequate regulations and subject to minimal enforcement.

Our "room"—so to speak—looks like it was caught in the eye of a hurricane.

It is about time that we take action to cure the chaos wrought by our current campaign finance system.

Toward that end, I have joined with my distinguished colleague from Kentucky, Senator Mitch McConnell, to introduce the Federal Election Enforcement Act.

This proposed legislation reflects a bipartisan approach to many critical elements of campaign finance reform. The bill provides for enforcement of existing Federal election regulations. The provisions are identical to those included in a bill I introduced earlier this year, S. 469.

The first 11 sections of the bill introduced by Senator McConnell and myself address the need to heighten the impact of Federal election regulations.

Specific provisions will enable the Federal Election Commission to act with more authority and to exercise expediency. All other sections of the proposed legislation—or any other campaign bill—will be meaningful if we do not give the FEC some teeth.

A seemingly endless litany of testimony, presented to us over and over, all renders the same conclusion: FEC regulations are not effective.

Candidates can win elections by violating election laws. Often, there is no penalty for these indiscretions. When there is penalty, the fines amount to a mere slap on the wrist, years after the violation occurred. This hardly deters the successful candidate. After all, a fine of $5,000 barely gets a second thought when the candidate's campaign war chest contains over $3 million.

Federal election regulations are not a joke. This bill ensures they will not be treated as such.

The proposed legislation also addresses another significant problem facing all of us—the problem of independent expenditures. Such expenditures are allegedly made independent of any political candidate or campaign.

If this prerequisite is met, then an individual or group can spend unlimited funds for advertisements, direct mail, and other activities to support or oppose a candidate. The truth of the matter is that most independent expenditures are not independent at all. That is why our bill tightens the definition of independent expenditures to prevent any and all coordination with a candidate's organization.

The bill also requires those making independent expenditures to declare their intent to spend more than $25,000 to promote or attack a candidate.

The contribution limits for the opponent or attacked candidate would subsequently be increased. This potential benefit can be offset if a candidate files a declaration renouncing a particular expenditure on his behalf.

A renunciation also enables candidates to distance themselves from extremist individuals and groups whose support they do not desire.

Earlier this year, I referred to a comment made by Jimmy Carter while he served as President. He spoke of a Congress "twisted and pulled in every direction by hundreds of well-financed and powerful special interests."

The legislation introduced today will enable Congress to impose controls on independent expenditures. We need to tighten the reins on independent expenditures, and we need to do it now.

The need for greater controls also extends to the millionaire's loophole. Our bill requires candidates to declare their intent to spend more than $25,000 of their personal funds within 15 days of qualifying for the primary election ballot.

Such a declaration would lead to an increase in the individual and PAC contribution limits for this candidate's opponent.

If a candidate does not declare that he plans to spend $25,000 of his own money and later does so, the candidate will lose his broadcast discount rates.

Candidates will also be prohibited from raising money after the election to pay themselves back for contributions to their own campaign.

The proposed provisions to close the millionaire's loophole are essential if we are to preserve a truly democratic government which provides equal opportunities to run for publicly elected office.

We cannot tolerate the deterioration of our electoral process to the point where the only people that win elections are those with enough personal wealth to afford the tremendous campaign costs.

Another serious problem addressed in our bill is bundling—the loophole that allows PAC's and other political committees to evade contribution limits.

A PAC can now collect contributions through a direct-mail campaign and then give those checks to various campaigns without counting the contributions toward the PAC's limit. Our bill will require that all checks gathered by multi-candidate political committees be made out to a particular candidate. This precludes the committee from utilizing funds other than for the purposes intended by the individual contributor.

An additional provision requires that the cost of the direct mail campaign be counted toward the PAC's contribution limit.

In addition to the innovative provisions already mentioned, this bill will eliminate the grandfather clause which allows members to convert excess campaign funds to personal use.

The bill will also entitle candidates to the lowest unit rate for advertising in the periods just prior to election.

Mr. President, the time for political posturing is over. This legislation includes the first and most critical steps toward a complete overhaul of our campaign finance system. As stated by President John F. Kennedy in 1962, "A journey of a thousand miles must begin with a single step."

Senator McConnell and I are poised to begin this long march toward campaign reform. We encourage our colleagues to join us. It is now, once and for all, time to "regulate our room."

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 1656. A bill to designate the "Mickey Leland Federal Building" in Houston, TX; to the Committee on Environment and Public Works.

(The remarks of Mr. BENTSEN on this legislation appear earlier in today's RECORD.)

By Mr. GRASSLEY:

S. 1657. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

RELIEF OF TREVOR HENDERSON

● Mr. GRASSLEY. Mr. President, today I am introducing legislation for the relief of Trevor Henderson. This bill would benefit a young man that as the result of an administrative error did not receive full payment of a survivor benefit plan [SBP] annuity. As ranking member of the subcommittee with jurisdiction over private relief bills, I am usually hesitant to offer such a bill. However, I believe that Mr. Henderson of Malvern, IA, is truly deserving of such an action. I shall explain.

When Delvin D. Henderson died in December 1973, his son Trevor became eligible for a survivor benefit plan annuity. Trevor was entitled to SBP payments until his 18th birthday or until the age of 22 if enrolled as a full-time student.

Trevor Henderson received payment of this annuity during the period from December 1972 to November 1973. However, as the U.S. Army Finance and Accounting Center stated: "Through error, no payments were made to you [Trevor Henderson] after the initial payments."

Upon discovering this error an attempt was made to rectify this omission. As noted by the U.S. Army Finance and Accounting Center, payment was issued to Trevor for the period of August 1981 through December 1987, after establishing his enrollment as a full-time student.

While Trevor Henderson received some compensation, a gap in payment still exists. This is due to a statute of limitations created by the Barring Act of 1940 under which a claim must be filed within 6 years from the date first accrued. This statute barred payment of Trevor Henderson's claim prior to August 1981.

This bill would simply pay the SBP annuity for the period of December 1, 1973 through July 31, 1981—the claim to which he is fully entitled.●

By Mr. SHELBY:

S. 1658. A bill to amend the Securities and Exchange Act of 1934 to impose additional disclosure and fairness requirements with respect to corporate tender offers; to the Committee on Banking, Housing, and Urban Affairs.

INVESTOR EQUALITY ACT

● Mr. SHELBY. Mr. President, the tender offer reform legislation, known as S. 1323, which was favorably reported by the Senate Banking Committee in 1987 under the guidance of my former Chairman Bill Proxmire, was considered briefly during the 2d session of the 100th Congress. S. 1323 proposed several constructive and needed changes to our Nation's securities laws: closure of the section 13(d) 10-day window; extension of the minimum number of days provided to shareholders for review of tender offers; elimination of the "creeping" tender offer and "sweeping the street" transaction; access to the proxy machinery for minority shareholders; restriction on the payment of "greenmail"; and increased disclosure requirements applicable to purchasers of 5 percent of a company's stock. These specific reforms would further the original objective of the Williams Act by providing a fair balance between the competing interests in contests for corporate control.

The dynamics which generated the Banking Committee's decision to favorably report S. 1323 during the 100th Congress have not changed considerably from those that exist today. Several changes should be made to our securities laws to ensure a fair balance between the competing interests for corporate control. I believe that Congress should act on this matter expeditiously.

Although I supported most of the provisions contained in S. 1323, I did not agree during the 100th Congress with the committee's decisions regarding a fundamental issue of corporate governance: shareholders' rights. In my judgment, S. 1323 was lacking in provisions necessary to preserve the integrity of the shareholder franchise. The committee should have considered and adopted measures designed to fill this void. I believe that specific provisions addressing "poison pills" and "golden parachutes" and requiring proxy voting reform, if incorporated in the legislation, would help provide the shareholder some of the safeguards that were lacking in S. 1323.

In the 100th Congress, I also believed that a provision ensuring equal voting rights for all shareholders was absent from S. 1323, and I had every intention of offering such an amendment for the Senate to consider during the course of its deliberations with respect to S. 1323. Of course that opportunity never presented itself. The Senate did not complete consideration of S. 1323; and as a result of the SEC's promulgation of rule 19c-4 last July which generally requires equal shareholder voting rights for prospective stock offerings, the issue of shareholder voting rights has for now been satisfactorily resolved.

During Senate floor consideration of S. 1323, the Senate did adopt amendments to S. 1323 addressing the "poison pill" and "golden parachute" problems. It is my intention today to introduce legislation similar to the Banking Committee version of S. 1323 that also contains the substance of the Senate approved amendments. To this mell, I have added a provision dealing with reform of the proxy voting process. In this manner, I hope to regenerate Senate debate on this subject, and possibly the 101st Congress will legislatively address the critical shortcomings currently existing in our securities laws in the corporate tender offer area.

I believe that the most serious problem that confronts our economy today is debt—debt owed by our Government, debt owed by our businesses, and debt owed by our citizens. You may not realize how big our business debt currently is. The national debt is now less than $3 trillion; the household debt is over $3 trillion; and the business debt is over $4 trillion. Too much corporate debt means too much cash flow is diverted into debt service from research and development and from buying new equipment.

Unfortunately the key to a takeover is often debt. The bidder secures loans from a bank in order to purchase the shares of the target company. To repay these loans, the newly acquired company issues new debt and usually sells off assets to generate cash. Similarly, in defending against a bidder, a corporation may itself issue new debt in order to purchase its own stock so as to keep it from being acquired. While a takeover is often part of a legitimate business plan of a corporation to enter a new business or to acquire a going concern and thereby increase the corporation's ability to efficiently provide products and services, there is no doubt that there exist abuses associated with hostile takeovers. Certain corporate situations should be defined and addressed to insure that the vast amount of corporate debt our businesses are accumulating is being accumulated in an environment that minimizes the potential for takeover abuse.

I have previously attempted to partially address the problem of growing corporate debt by leveling the incentives for issuing debt versus issuing equity. During June of this year, I introduced a bill providing a deduction to companies for dividends paid to its shareholders to correspond with the deduction already permitted to companies for the interest it paid on corporate debt. The bill I am introducing today serves as another step toward what I believe is a series of legislative remedies necessary to curtail our increasing corporate debt and the dangers attendant thereto.

The bill I am introducing today, the Investor Equality Act of 1989, attempts to deal fairly with the issues raised by recent hostile takeover activity and tries to correct these abuses in an evenhanded manner. It does not protect current management at the expense of shareholders, and it does not unnecessarily interfere with legitimate business acquisitions. If enacted, the legislation should make the tender offer process more open and less prone to abuse. I believe the bill is comprehensive, responsible and balanced and that it is legislation that is badly needed. I strongly urge my colleagues to support this measure.

I ask unanimous consent that the Investor Equality Act be printed in the RECORD in full following the completion of my statement. I further ask unanimous consent that a summary of the provisions of the Investor Equality Act be printed in the RECORD in full following the completion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor Equality Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) under the laws as they exist, investors have not always received timely, adequate, or sufficient information with respect to accumulations of securities in the market and with respect to conduct involved in tender offers;

(2) investors have at times been denied fair treatment in the course of tender offers;

(3) the integrity of securities markets and the confidence of the public in them, which are essential to the economic welfare of the country, have been threatened by the conduct of parties in tender offers; and

(4) certain individuals and entities have sought to precipitate, intensify, and prolong speculation in connection with acquisitions or proposed acquisitions of issuers of securities to the detriment of such issuers and their shareholders and the public—

(A) by engaging in acts and practices which circumvent the equal treatment of all shareholders; and

(B) by failing to disclose the nature and extent of their activities, including actions taken to circumvent the purposes and requirements of the law.

(b) PURPOSES.—Therefore, in order to protect investors and the public interest, the purposes of this Act are to reduce the opportunities for abuse under the present Federal securities laws and to expand the protective mechanisms of such Federal securities laws.

SEC. 3. 10-DAY WINDOW.

(a) Section 13(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)) is amended—

(1) in paragraph (1), by striking "within ten days after such acquisition," and inserting "within 5 days after such acquisition, make a public announcement in the manner and containing the information prescribed in paragraph (7) of this subsection and";

(2) in paragraph (3), by inserting "voting" between "acquiring," and "holding", and by inserting "(whether or not organized)" between "group" and "for"; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) The public announcement referred to in paragraph (1) of this subsection shall be disseminated to one or more nationally recognized financial news services, or otherwise as the Commission may prescribe by rule or regulation, and shall contain the following information and such additional information as the Commission may by rule or regulation prescribe, as necessary or appropriate in the public interest, for the protection of investors, and to carry out the purposes of this paragraph:

"(A) The identity of the person making such announcement.

"(B) Whether the purpose of the person filing such statement or amendment (i) is to acquire or change the control of the issuer, or (ii) is solely for investment, without any purpose or effect of changing or acquiring the control of the issuer.

"(C) The number of shares of such security which are beneficially owned by such person and the nature of the beneficial ownership of such securities.

"(D) In the case of an amendment, any other information necessary to summarize the material changes to be reported in such amendment.

"(8) The Commission may adopt such rules, regulations, and orders as may be necessary or appropriate in the public interest or for the protection of investors—

"(A) to implement the provisions of this subsection;

"(B) to define any term used in this subsection; or

"(C) to prescribe means reasonably designed to prevent any person from evading or circumventing the provisions of this subsection.".

(b) Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended by adding at the end the following:

"Any person required to send and file such a statement may not acquire or agree to acquire, directly or indirectly, the beneficial ownership of any additional amount of such equity securities after the transaction that required such person to send and file such statement until after such statement has been filed with the Commission and a public announcement has been made in the manner and containing the information prescribed in paragraph (7) of this subsection.".

(c) Section 13(g)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(g)(3)) is amended—

(1) by inserting "(whether or not organized)" between "group" and "for"; and

(2) by inserting "voting" between "acquiring" and "holding".

SEC. 4. CIVIL LIABILITY.

(a) Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2)(A) Whenever it shall appear to the Commission that any person (as defined in section 13(d)(3) of this title) has violated, or aided and abetted a violation of, any provision of subsection (d), (f), or (g) of section 13 of this title, or the rules and regulations thereunder, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person. The amount of such penalty shall be determined based on the facts and circumstances but shall not exceed 3 percent per day of the value of the securities that are the subject of the violation for each day during the period that the violation continues, but in no event shall the penalty exceed 50 percent of the aggregate value of such securities. The value of the securities for purposes of this paragraph shall be measured by the highest market value of the securities during the period of the violation and shall include all securities required to be reported by such person. Any such penalty shall be payable into the Treasury of the United States. No such action may be brought more than 3 years after the date of the violation on which it is based. If a person upon whom such a penalty is imposed fails to pay such penalty within the time prescribed in the court's order, the Commission shall refer the matter to the Attorney General who shall bring an action in the appropriate United States district court to recover the penalty. The district court shall also have the authority to impose such equitable remedies as the court deems proper to carry out the purposes of subsection (d), (f), or (g) of this section and the rules and regulations thereunder, as the case may be, including an order enjoining any person violating any such provision from voting securities acquired in connection with such violation, an order to compel divestiture of such securities, or an order enjoining the making of any tender offer or other effort to acquire control for such period of time as the court may order.

"(B) The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring, and any other remedies that are otherwise available in such actions. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission may by rule, regulation, or order exempt any class of persons or transactions from the provisions of this paragraph.".

(b) Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end thereof the following:

"(3) In addition to such other authority as the Commission may otherwise have under this title, the authority vested in the Commission pursuant to section 21(d)(1) of this title to institute an action under this title for violations of sections 7, 13(d), 13(f), and 13(g) of this title, or the rules and regulations thereunder, shall include the authority to seek such equitable relief as the court deems proper to carry out the purposes of those sections, including (A) an order enjoining any person violating any such provision of those sections or rules and regulations from voting securities acquired in connection with such violation, (B) an order to compel divestiture of such securities, or (C) an order enjoining the making of any tender offer or other effort to acquire or influence control of the issuer of such securities for such period of time as the court may order.".

SEC. 5. TENDER OFFERS.

(a) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by striking out the section heading and inserting in lieu thereof the following:

"PROXIES AND TENDER OFFERS".

(b) Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)) is amended—

(1) by striking out paragraph (2);

(2) by redesignating paragraphs (3) through (8) as paragraphs (6) through (11), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) Any person who makes a tender offer for, or a request or invitation for tenders of, shares of any class of any such equity security shall hold such offer, request, or invitation open for a period of at least 35 business days from the date on which such offer, request, or invitation is first published, sent, or given to security holders, or such longer period as the Commission may, by rule or regulation, prescribe.

"(3) If, during the 35-day period described in paragraph (2), a qualified employee stock ownership plan notifies the offeror, the issuer, or the Commission, of the plan's intent to acquire additional securities of the issuer on terms which are substantially equivalent to other offers, paragraph (2) shall be applied by substituting '95' for '35'.

"(4)(A) For purposes of this subsection, the term 'person' shall include 2 or more persons who act together pursuant to an express or implied agreement or understanding for the purpose of acquiring, holding, or disposing, of securities of an issuer, or influencing the management or policies of an issuer, such as by acting (A) as a partnership, limited partnership, syndicate, or other group whether or not formally organized, (B) pursuant to an arrangement or understanding to indemnify against loss or to hold harmless, or (C) otherwise.

"(B) For purposes of this subsection, the term 'qualified employee stock ownership plan' means an employee stock ownership plan defined in section 4975(e)(7) of the Internal Revenue Code of 1986 which—

"(i) is sponsored by the issuer (or a member of the controlled group) of the equity securities to which the request or invitation for tenders described in paragraph (1) is made,

"(ii) meets the requirements of section 410(b) of the Internal Revenue Code of 1986, and

"(iii) owns securities of the issuer representing at least 10 percent of the outstanding voting securities (of the issuer) on the day on which the 35-day period begins to run and has held such 10 percent for a period beginning at least 6 months before such 35-day period begins to run.

"(5)(A) It shall be unlawful for any person by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to acquire, or agree to acquire, directly or indirectly, any shares of any class of any equity security described in paragraph (1) of this subsection if such person is, or after consummation of such acquisition would become, directly or indirectly, the beneficial owner of more than 25 percent of such class unless such acquisition is made pursuant to a tender offer, or a request or invitation for tenders.

"(B) The provisions of this paragraph shall not apply to any acquisition or proposed acquisition of a security if—

"(i) the acquisition of such security, together with all other acquisitions by the same person of securities of the same class during the preceding 12 months, would not exceed 2 percent of that class;

"(ii) a block of 10 percent or more of the outstanding shares is acquired and such shares were held by the seller for at least 2 years prior to the sale;

"(iii) such acquisition is from 1 family member to another;

"(iv) such acquisition is made by a person who owned more than 50 percent of the outstanding shares prior to such purchase; or

"(v) the Commission, by rule or regulation, or by order, has exempted such acquisition from the provisions of this subsection as it determines to be necessary or appropriate and consistent with the public interest, the protection of investors, and the purposes of this paragraph.".

(c) Section 14(d)(9) of such Act, as redesignated by subsection (a), is amended by striking out "paragraph (7)" in the last sentence and inserting in lieu thereof "paragraph (10)".

SEC. 6. GREENMAIL.

Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(h)(1) For the purpose of discouraging manipulative tender offer practices, any profit realized by any person from any disposition, directly or indirectly, to an issuer of securities described in subsection (d)(1), of equity securities of such issuer, shall inure to and be recoverable by such issuer, if such person was the beneficial owner, at the time of such disposition, of more than 3 percent of the class of securities so disposed of, and had held any or all of such securities for less than 1 year prior to the disposition thereof, unless (A) such disposition has been approved by the affirmative vote of a majority of the aggregate outstanding voting securities of the issuer, or (B) the same offer is made available to all shareholders.

"(2) The Commission shall, by rule, regulation, or by order upon application, conditionally or unconditionally exempt any person, security, or transaction from any or all of the provisions of this paragraph as it determines to be necessary or appropriate and consistent with the public interest, the protection of investors, and the purposes of this paragraph.

"(3) An action to recover profit under this subsection may be brought in any court of competent jurisdiction by the issuer or by the owner of any equity security of the issuer in the name and on behalf of such issuer if the issuer fails or refuses to bring such action within 60 days after request or shall fail diligently to prosecute the same thereafter. No such action shall be brought more than 2 years after the date such profit was realized. This subsection does not apply to any transaction where the profits realized are, or may be, recovered under section 16(d) of this title.".

SEC. 7. ACTIONS BY ISSUERS.

Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*) is amended by adding at the end the following new subsections:

"(m)(1) It shall be unlawful for the issuer of any class of equity security which is registered pursuant to this section, or any equity security of an insurance company which would be required to be so registered except for the exemption contained in subsection (g)(2)(G), or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, to enter into or amend, directly or indirectly, agreements to increase the current or future compensation of any officer or director in an amount which would constitute an 'excess parachute payment', as defined in section 280G(b)(1) of the Internal Revenue Code of 1986, contingent upon a change of control of the issuer by stock or asset acquisition, unless such agreements have been approved by the affirmative vote of a majority of the aggregate outstanding voting securities of the issuer. If any such agreement was entered into prior to enactment of this subsection, such agreement shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such agreement is approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally—

"(A) exempt any person, security, or transaction from any or all of the provisions of this subsection as it determines to be necessary or appropriate and consistent with the public interest or the protection of investors, and

"(B) provide exemptions, subject to such terms and conditions as may be prescribed therein, from any or all of the provisions of paragraph (1).

"(n)(1) It shall be unlawful for an issuer of any class of any equity security described in subsection (m)(1) to issue, grant, declare or establish any rights, including voting rights, of securities holders of the issuer with respect to any security or asset of the issuer or any other person, where the exercisability of such right is conditioned on the acquisition of securities of the issuer by a person other than the issuer, unless the establishment of such rights has been approved by a majority of the aggregate outstanding voting securities of the issuer. If such rights were adopted prior to enactment of this subsection, such rights shall remain in effect after the close of the 2-year period beginning on the date of enactment of this subsection only if such rights are approved by the shareholders pursuant to this subsection prior to the close of such period.

"(2) The Commission may, by rule, regulation, or by order, upon application, conditionally or unconditionally, exempt any person, security, or transaction, or class thereof from any or all of the provisions of this paragraph to the extent it determines such exemption is necessary or appropriate in the public interest and for the protection of investors and consistent with the purposes and policy fairly intended by this paragraph.".

SEC. 8. CONFIDENTIAL PROXY VOTING.

Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2)(A) Unless the Commission prescribes rules and regulations providing for an alternative to confidential proxy voting as described in paragraph (3), the rules and regulations prescribed by the Commission under paragraph (1) shall require confidentiality in the granting and voting of proxies, consents, and authorizations, and shall provide for the announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations. Nothing in this paragraph authorizes any person to withhold information from the Commission or from any other duly authorized agency of Federal or State government.

"(B) The Commission shall prescribe any rules and regulations required by subparagraph (A) within 1 year after the date of enactment of this paragraph.

"(3)(A) In lieu of the rules and regulations described in paragraph (2), the Commission may prescribe rules and regulations which provide for an alternative to confidential proxy voting, if such alternative will assure—

"(i) the integrity of the proxy voting process,

"(ii) fairness to shareholders,

"(iii) unimpeded exercise of shareholder voting franchise,

"(iv) insulation from improper influence to a degree that meets or exceeds the protection afforded by confidential proxy voting, and

"(v) announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations.

"(B) In promulgating rules and regulations under this paragraph the Commission shall—

"(i) consult with the Secretary of the Department of Labor, and

"(ii) hold public hearings, inviting the participation of all interested parties, including individual shareholders, securities issuers, institutional investors, and securities firms.

"(C) The Commission shall prescribe any rules and regulations required by subparagraph (A) not later than 11 months after the date of enactment of this paragraph.".

SEC. 9. INCREASED ACCESS TO PROXY STATEMENTS FOR SHAREHOLDERS.

Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended by adding at the end thereof the following:

"(4) There shall be included in any proxy and other solicitation materials (as defined in the rules promulgated under paragraph (1) by the Commission) sent by any issuer to its shareholders pursuant to this subsection, descriptions and other statements of or with respect to any issue to be presented by the issuer for decision by the shareholders (including descriptions and statements or with respect to any candidates for election as directors), and any other proposals and descriptions and statements pertaining to such proposals, that are submitted by a person or groups of persons, if such person or group is the beneficial owner of voting equity securities of such issuer representing not less than 10 percent of the voting power of such issuer's securities. Such descriptions, other statements and other proposals shall receive equal space, coverage, and treatment as is received by the issues and positions on such issues of (or the candidates nominated by) the board of directors or management of such issuer, and shall be subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.".

SUMMARY OF THE INVESTOR EQUALITY ACT

An explanation of the provisions of the Investor Equality Act follows:

(1) Closing the 10-day window.—Under current law, any person who acquires more than 5 percent of a company's stock need not file a disclosure statement until 10 days after the acquisition that exceeds the 5-percent threshold. This permits stock acquisitions much greater than 5 percent during the 10-day window period before any disclosure is required.

As a result, by the time the first disclosure is made, a person may have secretly accumulated a control interest in the company. The bill does not change the 5 percent threshold requirement. However, in order to alert shareholders of important purchases of the stock on a more timely basis, the bill requires buyers to disclose the acquisition of a greater than 5 percent stake in the company within 5 days rather than the current 10 days of reaching this level of ownership. Further, until the disclosure is filed, additional purchases beyond 5 percent are prohibited. In this manner the average investor and the average shareholder will know more about what is going on.

(2) Disclosure of purchase intentions.—As in situations where bidders accumulate substantial blocks of stock before reporting their purchases, shareholders selling target stocks are injured when a bidder continues buying stock after reporting but falsely states that he is merely purchasing for "investment." While such false statements are unlawful, they rarely result in significant penalties. The bill addresses this problem by requiring a more definite statement as to the intent of the bidder.

Under the bill, the bidder will be required to make a public announcement within 5 days of reaching more than a 5 percent stake in a company which public announcement will contain, among other information, a statement whether the bidder's purpose is to acquire or change control of the company or is solely for investment without any purpose or effect of changing or acquiring control of the company.

(3) Enforcement mechanisms to ensure accurate disclosure.—The bill provides for an effective deterrent to violations of its disclosure requirements. Although most courts allow shareholders and target companies to bring a civil action against persons who injure them by violating the Williams Act, some courts have denied them standing. Moreover, the courts typically limit the relief available in such suits to corrective disclosures by the violator, reducing the deterrent effect of such suits. Likewise, although shareholders have a right to obtain damages for injuries caused by false Williams Act filings, they must prove that they read and relied upon the filing—rendering this right also an ineffective deterrent.

To increase the deterrents against violations of the disclosure requirements of the Williams Act, the bill authorizes the SEC to seek civil penalties for such violations. The penalties could not exceed 3 percent of the value of the securities involved per day so long as the violation continues, up to a maximum of 50 percent of their value. The bill also recognizes the courts' authority to impose, and specifically endorses the broader use of, equitable remedies such as divestiture, or sterilization of voting rights, as a necessary component of effective deterrence of tender offer disclosure violations.

(4) Tender offer reform.—The 20 business day minimum offering period required by current SEC tender offer regulations often has proven inadequate to give most shareholders a full opportunity to receive, digest and act on tender offer disclosures. The bill increases the minimum tender offer period to 35 business days. In addition, the bill provides that if a "qualified employee stock ownership plan" holds stock of a company that is subject to a tender offer and announces an intention to make a substantially equivalent competing bid, the minimum tender offer period is extended to 95 business days. For the longer minimum offering period to be applicable, the plan must have owned at least 10 percent of the voting securities of the company for at least 6 months when the competing tender offer commenced.

Under current law, the tender offer provisions of the Williams Act are not applicable to open market purchases of control—"creeping" tender offers and "sweeping-the-street" transactions. In such transactions, target shareholders do not receive the disclosures or the procedural protections required in a tender offer. Although the courts have held that open market transactions are not subject to the tender offer rules, this view has been opposed by the SEC and many commentators who believe that such transactions permit evasion of the Williams Act. The bill exceeds the shareholder protections of the existing tender offer process to reduce the effectiveness of techniques used to acquire control of a company outside of the tender offer process. The bill requires, subject to certain exceptions, that any acquisition of a company's stock be made by means of a tender offer if the acquisition would result in the purchaser having beneficial ownership of more than 25 percent of the target's outstanding shares.

(5) Reduction of greenmail.—Certain actions taken by corporate raiders designed to force companies to repurchase a block of shares of stock at a premium, commonly characterized as "greenmail", respresent some of the more outrageous forms of takeover abuses in existence. In order to limit the practice of "greenmail", the bill permits a company to bring a civil action for disgorgement of "greenmail" profits. The bill gives a company the right to recover any profit made by a person who sells the company its own stock if that person holds more than 3 percent of the company's stock and has held it for less than 1 year. The bill also permits shareholders to sue derivatively to recover "greenmail" profits on behalf of a company if the company either fails to bring such an action within 60 days after a shareholder request or fails diligently to prosecute any action. This section does not apply if the stock purchase was approved by a majority of the company's shareholders or if the same purchase offer was made available to all shareholders. In addition, the SEC is given rulemaking authority to establish exemptions from this provision.

(6) Restrictions on golden parachutes.—At the present time, there are no federal securities law restrictions applying to "golden parachutes". While federal tax law does subject certain of these payments to a 20% excise tax on the employee and makes certain of these payments non-deductible for the employer, there currently exist no federal securities law restrictions on "golden parachutes". The only recourse now available to shareholders is to initiate a civil action alleging a violation of the amorphous business judgment rule.

A "golden parachute" can best be described as an exorbitant employment contract that guarantees a substantial severance pay to top management in the event that they lose their job as a result of a corporate takeover. It is not a regular type of severance contract, and it ordinarily becomes effective only in the event of a successful corporate takeover. Now I am not talking about the kind of contract that gives a valued employee a couple of months severance pay when they lose their jobs. I am talking about the kind of contract that pays millions of dollars and that is intended to deter a hostile corporate takeover by threatening irreparable economic harm to the company, thereby denying its unknowing shareholders the company's value.

A "golden parachute" is one of the most flagrant abuses of corporate revenue and should be restricted in some manner. The bill does not seek to limit how much a corporation pays its management but merely seeks to ensure that corporate assets belonging to shareholders, are not abused without shareholder knowledge. The IRS defines a "golden parachute" as a payment in excess of 3 times annual compensation, and I believe that shareholders should be aware of payments of that size. The Investor Equality Act provides simply that payment of a "golden parachute" as defined by the IRS is prohibited unless such agreement has been approved by an affirmative vote of a majority of the aggregate outstanding voting securities of the company. Basically the bill just says that a company can pay a "golden parachute" but only if approved by the shareholders. If any such "golden parachute" was entered into prior to enactment of the bill, the bill provides that such agreement may not remain in effect for more than 2 years after enactment unless also approved by a vote of the shareholders.

(7) Reduction of poison pills.—The bill substantively addresses the problem posed by "poison pills". "Poison pills" are usually an issue of securities, normally preferred stock, designed to discourage a hostile merger. Upon completion of a hostile takeover, the typical "poison pill" stock becomes convertible to cash or into common stock of the acquiring company. The effect is to raise the cost. Although such plans may be challenged in court as violative of the business judgment rule, there presently exist no federal securities law restrictions on "poison pills".

"Poison pills" represent one of the worst abuses of our federal securities laws in the corporate takeover area. They are bad medicine for companies and investors. They erect insurmountable barriers, without shareholder consent, to offers from outside bidders for a company's shares except for those favored by management. They effectively give a company's board of directors, without shareholder consent, exclusive authority to decide if an acquisition can succeed.

"Poison pills" are undesirable because they deprive shareholders of the right to decide whether to sell their stock and, thus, to decide who controls the company, and because they deter offers that might benefit shareholders, thus reducing the value of the stock. The Investor Equality Act does not prohibit "poison pills" per se. It merely prohibits them unless they are approved by a majority of shareholders or unless they are authorized by an SEC exemption. It is not surprising, however, to discover that corporate management prefers not to seek shareholder consent for a "poison pill".

The bill also requires that "poison pills" adopted prior to the date of enactment of S. 1323 must be submitted to a vote of shareholders for approval within 4 years from the date of enactment.

(8) Reform of proxy voting process.—Congress authorized federal regulations on the solicitation of proxies when it adopted the 1934 Securities Exchange Act and gave the SEC broad authority to develop rules that "are necessary and appropriate in the public interest or for the protection of investors." SEC proxy rules currently include disclosure requirements, timely distribution of proxy materials, and prohibitions on false or misleading proxy statements. SEC rules do not presently require confidential proxy votes.

The failure to enact regulations to ensure the confidentiality of the proxy system for all shareholders results in protecting entrenched management. The current proxy voting system is dominated by corporate management, which has a strong vested interest in the outcome of controversial or contested items that are put to a shareholder vote. Therefore, shareholders are frozen out of the system by which corporate control is obtained and exercised.

The bill requires the SEC to promulgate regulations within 1 year after the date of enactment of the bill that require confidentiality in granting and voting of proxies and that provide vote tabulation by an independent third party. However, the SEC is given the option to promulgate regulations within 11 months from the date of enactment of the bill that provide for an alternative to confidential proxy voting, if such alternative will assure—(1) the integrity of the proxy voting process, (2) fairness to shareholders, (3) the unimpeded exercise of the shareholders voting franchise, (4) the insulation from improper influence to a degree that meets or exceeds the protection afforded by confidential proxy voting, and (5) the announcement of results of a vote following tabulation by an independent third party certified in accordance with such rules and regulations.

The bill also requires the SEC, in prescribing its rules, to consult with the Secretary of the Department of Labor and hold public hearings, inviting the participation of all interested parties, including individual shareholders, securities issuers, institutional investors, and securities firms.

In order to improve shareholders access to the proxy process and as a part of the reform of the proxy voting process, the bill further provides that any 10 percent shareholder shall have the right to include a statement relating to any matter to be presented by the company for a shareholder vote, including candidates for election as directors, in the company's proxy statement. The shareholder statement must receive the same space, coverage and treatment as management's statements.

Prior to adoption of the Williams Act in 1968, federal securities laws did not regulate corporate tender offers. Since the Williams Act was enacted, vast changes have taken place in the way contests for corporate control are conducted. The Williams Act was originally intended to protect shareholders and investors by establishing disclosure and certain procedural requirements in connection with corporate tender offers. Today powerful new market forces and an array of newly developed takeover techniques have undermined the effectiveness of the Williams Act. These developments have frustrated the principal purpose of the Williams Act—the protection of investors and shareholders. Legislation is needed to close the gaps exposed in the Williams Act.

The fundamental goal of the Investor Equality Act is to reduce the opportunities for abuse under the federal securities laws as then in effect and to expand the protective mechanisms of such laws. This legislation effectively achieves these purposes chiefly through disclosures made to investors and shareholders when faced with competitors for a corporate enterprise.

With the inclusion into what is basically S. 1323 as reported by the Senate Banking Committee of specific provisions substantively addressing "poison pills" and "golden parachutes" and of a specific provision requiring rulemaking to reform the proxy voting process, the Investor Equality Act effectively closes the holes now existing in the Williams Act yet continues to preserve the balance between the competing interests for corporate control.●

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. Humphrey, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 59

At the request of Mr. Inouye, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 59, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain on certain sales of lands subject to ground leases.

S. 195

At the request of Mr. Pell, the names of the Senator from Mississippi [Mr. Lott] and the Senator from Washington [Mr. Gorton] were added as cosponsors of S. 195, a bill entitled the "Chemical and Biological Weapons Control Act of 1989."

S. 265

At the request of Mr. Riegle, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 265. A bill to provide Federal grants to States for programs to identify and aid individuals who have been exposed to the drug diethylstilbestrol [DES].

S. 355

At the request of Mr. Riegle, the names of the Senator from Nebraska [Mr. Exon] and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 439

At the request of Mr. Pell, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 439, a bill to establish a program of grants to consortia of local educational agencies and community colleges for the purposes of providing technical preparation education and for other purposes.

S. 458

At the request of Mr. DeConcini, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 458, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes.

S. 479

At the request of Mr. Hatch, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses and for other purposes.

S. 567

At the request of Mr. Boren, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to allow income from the sale of certain used automobiles to be computed on the installment sales method, and for other purposes.

S. 720

At the request of Mr. Boren, the names of the Senator from Alabama [Mr. Shelby], the Senator from Connecticut [Mr. Dodd], and the Senator from Massachusetts] [Mr. Kerry] were added as cosponsors of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 766

At the request of Mr. Kerry, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 766, a bill to amend the Internal Revenue Code of 1986 to make the targeted jobs tax credit permanent and to index the amount of wages to which the credit applies.

S. 775

At the request of Mr. Shelby, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 775, a bill to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research.

S. 918

At the request of Mr. Boren, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 918, a bill to enable producers of fresh mushrooms to develop, finance, and carry out a nationally coordinated program for fresh mushroom promotion, research, and consumer information, and for other purposes.

S. 945

At the request of Mr. McCain, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 945, a bill to amend title 38, United States Code, to ensure that all veterans eligible to receive educational assistance under the Veterans' Educational Assistance Program have 10 years after discharge or release from active duty in which to pursue a program of education with such assistance.

S. 1207

At the request of Mr. Packwood, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1207, a bill to amend the Communications Act of 1934 to reform the radio broadcast license renewal process and for other purposes.

S. 1226

At the request of Mr. McConnell, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material.

S. 1273

At the request of Mr. Boren, the names of the Senator from Wisconsin [Mr. Kohl], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1393

At the request of Mr. Reid, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of S. 1393, a bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned.

S. 1427

At the request of Mr. Boschwitz, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1427, a bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such Acts to charity and public agencies, and for other purposes.

S. 1638

At the request of Mr. Simon, the names of the Senator from Kentucky [Mr. McConnell] and the Senator from Indiana [Mr. Coats] were added as cosponsors of S. 1638, a bill to require each prisoner released on probation, parole, or supervised release to pass a drug test.

SENATE JOINT RESOLUTION 106

At the request of Mr. Bond, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of Senate Joint Resolution 106, a joint resolution to authorize a commemorative stamp to be issued on January 18, 1991, to honor Dr. Thomas Anthony Dooley III, and commemorate the 30th anniversary of his death.

SENATE JOINT RESOLUTION 159

At the request of Mr. Gore, the names of the Senator from Montana [Mr. Burns], the Senator from Nebraska [Mr. Kerrey], the Senator from Michigan [Mr. Levin], the Senator from Florida [Mr. Mack], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate April 22, 1990 as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.

SENATE JOINT RESOLUTION 164

At the request of Mr. Nickles, the name of the Senator from Florida [Mr. Mack] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 193

At the request of Mr. DeConcini, the names of the Senator from Massachusetts [Mr. Kerry] and the Senator from Kansas [Mr. Dole] were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 195

At the request of Mr. D'Amato, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE JOINT RESOLUTION 198

At the request of Mr. Simon, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution designating November 1989 as "An End to Hunger Education Month."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Moynihan, the names of the Senator from Ohio [Mr. Glenn], the Senator from Georgia [Mr. Nunn], the Senator from Michigan [Mr. Riegle], the Senator from North Carolina [Mr. Sanford], the Senator from Nevada [Mr. Reid], the Senator from Virginia [Mr. Robb], the Senator from Maine [Mr. Cohen], the Senator from Rhode Island [Mr. Chafee], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE RESOLUTION 179

At the request of Mr. Mack, the name of the Senator from Maine [Mr. Cohen] was added as a cosponsor of Senate Resolution 179, a resolution to express the sense of the Senate regarding the testing of U.S. agricultural products imported by our trading partners of potentially harmful chemicals.

SENATE RESOLUTION 180

At the request of Mr. SANFORD, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Resolution 180, a resolution to encourage schools and civic enterprises to observers the 200th anniversary of the Bill of Rights on September 25, 1989.

AMENDMENT NO. 783

At the request of Mr. BRADLEY, the name of the Senator [Mr. STEVENS] was added as a cosponsor of Amendment No. 783 proposed to H.R. 2939, a bill making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1990, and for other purposes.

SENATE RESOLUTION 181—AUTHORIZING THE PRINTING OF THE REGULATIONS GOVERNING THE USE OF THE MAILING FRANK

Mr. HEFLIN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 181

Resolved, That the regulations governing the use of the mailing frank by members and officers of the United States Senate, together with related materials, be printed as a Senate document, and that there be printed 2,000 additional copies of such document for the use of the Select Committee on Ethics.

SENATE RESOLUTION 182—CONGRATULATING MALTA ON THE 25TH ANNIVERSARY OF ITS INDEPENDENCE

Mr. PELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas September 21, 1989, marks the 25th anniversary of the independence of Malta;

Whereas the people of Malta have historically cherished the values of democracy;

Whereas the Maltese, by successfully resisting challenges to democratic rule on Malta, have protected and preserved their heritage for generations to come;

Whereas the Maltese endured tremendous suffering during their heroic struggle against Nazi and other fascist aggression during World War II, and were cited by President Franklin Roosevelt for their bravery and courage.

Whereas a free and democratic Malta is important to peace and stability in the central Mediterranean, a region of particular importance for the interests of the United States;

Whereas the Government of Malta has actively participated in, and made positive contributions to, environmental issues of global concern; and

Whereas relations between the Republic of Malta and the United States, which have been traditionally friendly, have become even closer and stronger in recent years: Now, therefore be it

Resolved, That the Senate congratulates the people of Malta on the occasion of the 25th anniversary of independence of Malta.

● Mr. PELL. Mr. President, today I am introducing a resolution concerning an important anniversary for our friends in Malta. Congressman FEIGHAN is introducing an identical measure in the House of Representatives. Twenty-five years ago today, on September 21, 1964, Malta declared its independence from Great Britain. It is a notable date for the United States as well, for it marks the establishment of diplomatic relations between Malta and the United States.

Historically, the people of Malta have cherished democratic values and have successfully resisted challenges to freedom and democracy. Malta demonstrated particular bravery and courage during World War II, when it survived a seige by Nazi and Fascist forces. I would concur fully with President Franklin Roosevelt's description of Malta during the war period as "one tiny bright flame in the darkness."

Malta's light continues to shine in the central Mediterranean, and its commitment to democracy is crucial to continued peace and stability in the region. The Republic of Malta is an active participant in international fora such as the United Nations and the Conference on Security and Cooperation in Europe [CSCE]. Malta has taken a frequent and active interest in regional economic and security matters, and has made significant contributions to the international fight against environmental problems.

As a long-time friend of Malta, I am proud of the traditionally good relations that our two countries have enjoyed. I am also heartened that in recent years, those ties have become stronger. On this anniversary, I believe it is appropriate for us to renew our commitment to United States-Maltese relations, to commend the people of Malta for their respect for freedom and democracy, and to congratulate them on 25 years of independence. Accordingly, I urge my colleagues to support this resolution congratulating Malta.●

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1990

HARKIN AMENDMENT NOS. 814 AND 815

Mr. HARKIN proposed two amendments to the bill (H.R. 2990) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1990, and for other purposes; as follows:

AMENDMENT No. 814

On page 37, line 22, strike out "$1,228,654,000" and insert "$1,278,654,000".

On page 38, line 6, strike out "$241,044,000" and insert in lieu thereof "$423,044,000".

AMENDMENT No. 815

On page 62, line 1, strike "$181,092,000" and insert "$180,825,000"; and strike "$29,217,000" and insert "$28,950,000".

On page 69, line 19, strike "7,800,000" and insert "8,000,000".

CRANSTON (AND MOYNIHAN) AMENDMENT NO. 816

Mr. CRANSTON (for himself and Mr. MOYNIHAN) proposed an amendment to the reported amendment beginning on page 16, line 18 to the bill H.R. 2990, supra, as follows:

At the end of the pending amendment, add the following new section:

SEC. . Notwithstanding any other provision of this Act, AIDS education programs that receive assistance from the Centers for Disease Control and other education curricula dealing with sexual activity that receive assistance under this Act—

(1) shall not be designed to promote or encourage, directly, intravenous drug abuse or sexual activity, homosexual or heterosexual; and

(2) with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information; and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

McCLURE AMENDMENT NO. 817

Mr. McCLURE proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 38, line 6, strike "$241,044,000" and insert "$301,044,000".

On page 48, between lines 16 and 17, insert the following new section:

"SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R.

36485), relating to the classification of rural referral centers.".

WILSON (AND OTHERS) AMENDMENT NO. 818

(Ordered to lie on the table.)

Mr. WILSON (for himself, Mr. Adams, Mr. Cochran, Mr. Exon, Ms. Mikulski, Mr. Moynihan, Mr. D'Amato, Mr. Kerrey, and Mr. Cranston) submitted an amendment intended to be proposed by them to the bill H.R. 2990, supra, as follows:

On page 50, line 8, strike out the colon and all that follows through "expenditures" on line 11.

WILSON AMENDMENT NO. 819

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill H.R. 2990, supra, as follows:

At the appropriate place in title II, insert the following new section:

Sec. . The Secretary of Health and Human Services, in conclusion with the Secretary of Education, shall establish and implement a program to identify children eligible to receive assistance under the Head Start Act (42 U.S.C. 9801 et seq.) who were exposed to maternal substance abuse during the pregnancy of their mothers. Such program shall trace the developmental disabilities of such children. The identity of such children shall be confidential. Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report that contains—

(1) the findings of the Secretary with respect to such programs;

(2) the recommendation of the Secretary for the most effective methods to ensure the proper development of such children and the costs associated with the implementation of such methods through the program established under the Head Start Act; and

(3) any other information that the Secretary determines appropriate.

HELMS AMENDMENT NO. 820

Mr. HELMS proposed an amendment to the bill H.R. 2990, supra, as follows:

At the appropriate place in the bill, add the following: "None of the funds appropriated under this act or any other act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection.".

PRYOR AMENDMENT NO. 821

Mr. PRYOR proposed an amendment to the bill H.R. 2990, supra, as follows:

Insert at the appropriate place:

Sec. . (a) Not more than $26,840,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Labor; not more than $91,037,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Health and Human Services; and not more than $45,415,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Department of Education.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance services, and (B) a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

HELMS AMENDMENT NO. 822

Mr. HELMS proposed an amendment to the reported amendment on page 44, beginning on line 8, which was subsequently modified, to the bill H.R. 2990, supra, as follows:

At the end of the amendment, add the following: "None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.".

WILSON AMENDMENT NO. 823

Mr. WILSON submitted an amendment intended to be proposed by him to the bill H.R. 2990, supra, as follows:

At the appropriate place, insert the following new section:

Sec. . (a) Of the amounts made available in this Act for the Office of Substance Abuse Prevention, the Secretary of Health and Human Services shall use no less than $30,000,000 to make grants for the establishment of demonstration projects that provide substance abuse treatment services to pregnant females and their infants, and substance abusing postpartum females and their infants.

(b) In awarding grants under subsection (a) the Secretary of Health and Human Services shall—

(1) award such grants through the Office of Substance Abuse Prevention;

(2) target such grants to provide substance abuse services to pregnant females addicted to drugs and the infants of such females, including substance abusing postpartum females and their infants;

(3) give priority to residential treatment programs;

(4) ensure that treatment services will be coordinated and include prenatal and postnatal medical care services; and

(5) ensure that drug abuse education and treatment services, crisis counseling services, support group services, parent training services, and child developmental services are provided.

HELMS AMENDMENT NO. 824

Mr. HELMS proposed an amendment to the reported amendment on page 74, beginning on line 13, to the bill H.R. 2990, supra, as follows:

At the end of the amendment, add the following:

Sec. (a) None of the funds provided under this Act, or an amendment made by this Act, under the heading "Centers for Disease Control" in the title II, for public education and information programs regarding AIDS, shall be provided in any State unless the chief executive officer of such State provides prior written assurances to the Secretary of Health and Human Services that by January 1, of the calendar year following the first regular session of the legislative body of such State, the State shall require that a "good faith" effort be made to notify such a spouse of an AIDS-infected patient.

(b) If the State fails to require such notification by January 1 of the calendar year following the first regular session of its legislative body, the State shall return to the federal government on that date such sums as it receives for AIDS public education and information programs, in accordance with this section.

(c) As used in this section—

(1) the term "State" means a state, the District of Columbia or any territory of the United States;

(2) the term "Spouse" means a spouse who is or at any time since December 31, 1976 has been the marriage partner of a person diagnosed as an AIDS-infected patient."

(3) the term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such state to be infected with the human immunodeficiency virus.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1990

INOUYE AMENDMENT NO. 825

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place in the bill insert the following:

TITLE X—CONVENTIONAL FORCE IMPROVEMENTS

For expenses not otherwise provided for, necessary for conventional force improvements and for other purposes; $7,906,650,000 of which $1,692,000,000 shall be transferred to and merged with "Aircraft Procurement, Army," to remain available for obligation until September 30, 1991, for the purchase of 174 Apache helicopters after which the Apache program will be terminated; $33,650,000 shall be transferred to and merged with "Other Procurement, Army," to remain available for obligation until September 30, 1992; $1,293,000,000 shall be transferred to and merged with "ENTERPRISE refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $1,000,000,000 shall be transferred to and merged with "Sealift ship program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under Title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; and $488,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new sub-account "Icebreakers" to remain available for obligation until September 30, 1994.

DOD ASSURED ACCESS TO SPACE

In addition to sums otherwise made available by this Act, $485,000,000 shall be transferred to and merged with funds appropriated under the heading "Space flight, control, and data communications" of the National Aeronautics and Space Administration, for augmentation and support of existing space launch systems, to remain available for obligation until expended: *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $100,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to respond to natural or man-made disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

HUMPHREY AMENDMENT NO. 826

Mr. HUMPHREY proposed an amendment to the bill H.R. 2990, supra, as follows:

At the end of the pending question, add the following:

SEC.

Nothwithstanding any other provision of this act, or amendment thereto, none of the funds made available by this act, shall be used to produce or distribute materials directed at the teaching of school children and which promote or encourage homosexuality, or use words stating that homosexuality is "normal", or "natural", or "healthy".

BENTSEN AMENDMENT NO. 827

Mr. BENTSEN proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 3, line 7, insert the following before the "; ": ", of which $1,000,000 shall be made available for the expansion and renovation of the Job Corps Center in El Paso, Texas".

NICKLES (AND OTHERS) AMENDMENT NO. 828

Mr. NICKLES (for himself, Mr. DOLE, and Mr. ARMSTRONG) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 40, strike all on line 7 through line 13, and on page 40, line 2, strike "$2,876,879,000" and insert in lieu thereof "$2,887,990,000".

WILSON (AND OTHERS) AMENDMENT NO. 829

Mr. WILSON (for himself, Mr. ADAMS, Mr. COCHRAN, Mr. EXON, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. D'AMATO, Mr. CRANSTON, Mr. KERRY, Mr. BOREN, Mr. WARNER, Mr. MATSUNAGA, Mr. GORTON, Mr. MCCLURE, Mr. DASCHLE, and Mr. KASTEN) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 50, line 8, strike out the colon and all that follows through "expenditures" on line 11.

WILSON AMENDMENT NO. 830

Mr. WILSON proposed an amendment to the bill H.R. 2990, supra, as follows:

At the appropriate place in title II, insert the following new section:

SEC. . The Secretary of Health and Human Services through the appropriate agency within the National Institutes of Health shall conduct a scientific study to identify children, including children receiving assistance under the Head Start Act (42 U.S.C. 9801 et seq.), who were exposed to maternal substance abuse during the pregnancy of their mothers. Such program shall evaluate the developmental disabilities of such children. The identity of such children shall be confidential. Not later than two years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report that contains—

(1) the findings of the Secretary with respect to such study;

(2) the recommendations of the Secretary for the most effective methods to ensure the proper development of such children and the costs associated with the implementation of such methods; and

(3) any other information that the Secretary determines appropriate.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 831

Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr. PRYOR, Mr. RIEGLE, Mr. DANFORTH, Mr. BAUCUS, Mr. SASSER, Mr. EXON, Mr. BOND, Mr. ROBB, Mr. DASCHLE, Mr. BRADLEY, Mr. KERREY, Mr. HEINZ, Mr. BOREN, Mr. CHAFEE, and Mr. LEVIN) proposed an amendment to the bill H.R. 2990, supra, as follows:

At the appropriate place, insert the following:

Since the Medicare program provides the primary source of health care coverage for over 33 million elderly Americans, and

Since the Congress has repeatedly emphasized the importance of ensuring that Medicare trust fund dollars are spent prudently, and

Since recent action by the Health Care Financing Administration (HCFA) would reduce essential staffing for auditing and other claims review operations directly responsible for protecting Medicare trust fund spending, and

Since it is a high priority of the United States Senate that Medicare beneficiaries receive quality health care services at an affordable cost; now therefore be it

Declared that it is the sense of the Senate that the Secretary of Health and Human Services shall cease further action to terminate Medicare payment safeguard positions including those for audit, medical review, and Medicare secondary Payer enforcement, prior to the enactment of the fiscal year 1990 Labor, HHS, and Education bill. Following enactment of the bill, the Secretary shall consult with the Committee on Finance on his recommendations for maintaining the integrity of Medicare payment operations.

ARMSTRONG AMENDMENT NO. 832

Mr. SPECTER (for Mr. ARMSTRONG) proposed an amendment to the bill H.R. 2990, supra, as follows:

At an appropriate place in the General Provisions of title II insert the following new section:

SEC. 2. Within 120 days of the enactment of this Act, the Secretary shall submit to the Congress a report listing the 20 illnesses that are the leading causes of death in the United States, the number of deaths caused by each, the age-specific and age-adjusted death rates for each, the death rate per 100,000 population and the percent of total deaths for each, and the amount of money and percent of total money that the Government of the United States spends annually on research, prevention, or education with respect to each leading cause of death. The report shall show actual expenditures for fiscal year 1989 (or fiscal year 1988 if final 1989 data are unavailable) and projected expenditures for fiscal year 1990. In determining what programs or activities constitute spending for research, prevention, or education, the Secretary shall use consistent criteria for each of the 20 illnesses and shall specify with reasonable particularly the programs or activities that meet such criteria.

GRAHAM (AND OTHERS) AMENDMENT NO. 833

Mr. GRAHAM (for himself, Mr. MACK, Mr. BENTSEN, Mr. CRANSTON, Mr. WILSON, Mr. SIMON, and Mr. DECONCINI) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 38, line 6, insert after the period the following: "Funds appropriated for fiscal year 1991 under section 204(a)(1) of the Immigration Reform and Control Act of 1986 shall be increased by $555,244,000.".

SIMON AMENDMENT NO. 834

Mr. SIMON proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 58, line 21 strike "$282,446,000" and insert in lieu thereof: "$280,646,000".

On page 62, strike all of lines 1 through 4 and insert in lieu, thereof: "amended, $182,667,000: *Provided*, That $31,017,000 shall be available for title I of the Act of which $25,415,000 shall be available for purposes authorized under section 501(d)(1) of the Act.".

HARKIN (AND OTHERS) AMENDMENT NO. 835

Mr. HARKIN (for himself, Mr. DODD, Mr. HOLLINGS, Mr. SIMON, Mr. BUMPERS, and Mr. KENNEDY) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 58, line 2, following the word "laboratories" and before the period, insert the following: "and of which $5,000,000 shall be awarded to the National Board for Professional Teaching Standards".

MOYNIHAN (AND OTHERS) AMENDMENT NO. 836

Mr. MOYNIHAN (for himself, Mr. KENNEDY, and Mr. HATCH) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 28, line 15, after the period add the following new sentence: "Of the amounts made available to the National Institute on Drug Abuse under this item, the Secretary shall use $50,000 for the President's Award for Addiction Research as provided for in this title.".

At the appropriate place in title II, insert the following new section:

SEC. . (a) There is established a President's Award for Addiction Research (referred to as the "award"). The award shall be made annually by the President to an individual who has demonstrated excellence in research into the biochemical, genetic, or psychological basis of addiction or who has made an outstanding contribution to techniques of treating addictive maladies.

(b) The President shall award the recipient—

(1) a prize in the amount of $50,000;

(2) a gold medal; and

(3) a Presidential citation.

(c) There are authorized to be appropriated for fiscal year 1990 and for each fiscal year thereafter—

(1) $50,000 to be awarded to the recipient of the award; and

(2) such additional sums as may be necessary to carry out this section.

GRASSLEY (AND OTHERS) AMENDMENT NO. 837

Mr. SPECTER (for Mr. GRASSLEY, for himself, Mr. HATFIELD, Mr. HEINZ, and Mr. RIEGLE) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 38, strike out "$387,598,000" and insert in lieu thereof "$391,223,000".

On page 40, line 9, strike out "September 1" and insert in lieu thereof "September 15".

DOMENICI (AND OTHERS) AMENDMENT NO. 838

Mr. DOMENICI (for himself, Mr. HARKIN, Mr. BINGAMAN, AND Mr. KENNEDY) PROPOSED AN AMENDMENT TO THE BILL H.R. 2990, SUPRA, AS FOLLOWS:

At the appropriate place in the bill, add the following: "It is the sense of the Senate that the Senate conferees should yield to the House in conference on all Stewart B. McKinney Act programs.

DOLE (AND KASSEBAUM) AMENDMENT NO. 839

Mr. DOLE (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 30, line 1, strike "*Provided further*, That $1,000,000 of the amount made available shall be provided for the construction of the Bioscience Center at the University of Kansas."

On page 56, in between lines 4 and 5, insert the following:

"UNIVERSITY OF KANSAS

"For the construction of a Bioscience Center at the University of Kansas, $5,200,000."

On page 38, line 6, strike "$483,044,000" and insert "$487,244,000".

On page 75, after line 21, insert the following new section:

SEC. . (a) The Secretary of Education is authorized, in accordance with the provisions of this section, to provide financial assistance to pay for the cost of construction and related costs for a Bioscience Research Center serving the midwestern States. The purpose of the Center shall be to serve as a catalyst for attracting research activity and industrial activity to that region of the country.

(b) For the purpose of subsection (a) of the Bioscience Research Center shall be located at the University of Kansas in Lawrence, Kansas.

(c) No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

(d) There is appropriated $5,200,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

MITCHELL (AND OTHERS) AMENDMENT NO. 840

Mr. HARKIN (for Mr. MITCHELL, for himself, Mr. ROCKEFELLER, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 2990, supra, as follows:

On page 30, line 17, strike "$5,000,000" and insert "$30,000,000".

On page 38, line 6, strike out "$487,244,000" and insert "$555,244,000".

SIMON (AND LIEBERMAN) AMENDMENT NO. 841

Mr. HARKIN (for Mr. SIMON, for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2990, supra, as follows:

At the appropriate place insert:

SEC. 219. During the 12-month period beginning October 1, 1989, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State pursuant to section 427 or 471 of the Social Security Act, as a result of a disallowance determination made in connection with a compliance review for any Federal fiscal year preceding Federal fiscal year 1989, until all judicial proceedings, including appeals, relating to such disallowance determination have been finally concluded, nor may such funds be used to conduct further compliance reviews with respect to any State which is a party to such judicial proceeding until such proceeding has been finally concluded.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 28, at 2 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Dennis Underwood to be Commissioner, Bureau of Reclamation; John Sayre to be Assistant Secretary, Water and Science, DOI; David O'Neal to be Assistant Secretary, Land and Minerals Management, DOI; and Curtis McVee to be Federal Cochairman of the Alaska Land Use Council.

For further information, please contact Nancy Blush at (202) 224-3606.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, September 28, 1989, beginning at 2 p.m., in 485 Russell Senate Office Building on S. 1124, the American Indian Religious Act Amendments of 1989.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on the U.S. Government's antinarcotics

activities in the Andean region of South America.

These hearings will take place on Tuesday, September 26, 1989, at 9:30 a.m.; Wednesday, September 27, 1989, at 9:30 a.m.; and Friday, September 29, 1989, at 9 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 21, 1989, at 11 a.m. in executive session to continue the discussion of budget authority and outlays in the budget resolution; to discuss strategic programs in conference; and to discuss the DOD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate at 10 a.m. on Thursday, September 21, 1989, to hold a hearing for the preparation of the 1990 farm bill on feed grains.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 21, 1989, at 10 a.m. to conduct a hearing on the nominations of Richard Schmalensee, to be a member of the Council of Economic Advisers; Eugene Kistler Lawson, to be First Vice President of the Export-Import Bank of the United States; and, Claire E. Freeman, to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 21, beginning at 9:30 a.m., to conduct a hearing on S. 816, the Toxics Release Prevention Act of 1989; and S. 196, the Municipal Waste Combustion Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, at 11:30 a.m., to hold nomination hearings on two ambassadorial nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate of Thursday, September 21, at 2 p.m., to hold a hearing on foreign assistance related environmental issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, September 21, 1989, 2 p.m. for a hearing to receive testimony on S. 775, a bill to require the Secretary of Energy to establish three centers for metal casting competitiveness research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, September 21, 1989, at 1:15 p.m. The committee will hold a hearing to examine the Enterprise Zone Program and its impact on small business growth and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, September 21, 1989, 9 a.m., for a hearing on the subject: Oversight of Federal drug policy programs affecting State and local government.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Reources be authorized to meet during the session of the Senate on Thursday, September 21, 1989, at 10 a.m. to conduct a hearing to consider the nomination of Daphne W. Murray, to be Director, Institute of Museum Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 21, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, 1989, at 9:30 a.m., to receive testimony on proposals for a Pacific basin forum.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OTA REPORT ON STATISTICAL NEEDS FOR A CHANGING ECONOMY

● Mr. BINGAMAN. Mr. President, I rise today to comment to my colleagues attention to a report recently released from the Office of Technology Assessment, "Statistical Needs for a Changing U.S. Economy."

In 1988 the Office of Technology Assessment published a report, "Technology and the American Economic Transition," which discussed the ways in which new technologies have opened up new options for economic growth. The Senate Subcommittee on Government Information and Regulation, which I chair, asked OTA to review the results of this study and provide a perspective on some of the areas in which better data would improve economic policy analysis.

The results of their review is this new report on economic data. This report demonstrates how staggering defects in the existing statistical system can hinder the understanding of key economic issues. It also highlights the ways in which better management and coordination of existing statistical agencies can lead to improvements in the quality of the data.

The report points out that the problem with data stems from the dynamic nature of our economy. Although U.S. statistics are very good, the domestic economy is changing so rapidly and in so many different directions and keeping track of our statistical needs is becoming more and more difficult.

The report asks many questions and examines the U.S. capability to answer them with currently existing statistical programs. Such questions include: How rapidly is the U.S. economy growing? Which businesses are responsible for this growth? What impact does international trade have on domestic producers, workers, and consumers? What capital and labor inputs are purchased by domestic producers? How productively do domestic producers use these inputs? How does the way U.S. businesses are organized affect economic growth? How does growth affect incomes and income distribution? How does growth translate into real improvements in the living standard?

These are important questions and the report poses some interesting solutions to these problems. For example, we need to improve techniques for evaluating real growth in services. This would involve expanding efforts such as accounting for growth in manufacturing areas like computing, semiconductors, and communications. We need to take into account that the areas of education, health care, financial services, and software can change, and we must be able to follow these changes with the proper statistical methods. We need to improve the methods used to track important products through the U.S. economy, small mistakes in this sector may lead to an overestimation on the contribution of domestic firms, especially in the manufacturing sector. We need to strive to develop better methods to monitor the construction industry, especially inputs, outputs, and productivity. Income is constantly changing in the United States especially for the very rich and the very poor and we need to improve methods for measuring changes in the distribution of income in these sectors. These are just a few examples of the problems that this report considers.

These challenges must be met in order to provide a better U.S. statistical system. To meet these challenges undoubtedly will require a coordinated approach by all branches of the Government. It will also require additional resources. However, this need for resources cannot be considered unless we are better able to set priorities for the U.S. statistical system as a whole. Unfortunately, there does not exist a mechanism which can perform this function.

The United States needs good statistics in order to have good economic policy. To quote the report, "It is clear, however, that the price paid for public policy mistakes that stem from defects in national statistics can be many times higher than the entire national statistical budget."

Mr. President, it is clear that improving the quality of economic statistics should be a priority. I believe the OTA study is an important step toward recognizing this fact. I urge my colleagues to examine it carefully.●

SOCIAL MARKETING PROJECT IN BANGLADESH

● Mr. MOYNIHAN. Mr. President, I rise to take note of the fact that the Agency for International Development has been involved for the last 15 years in a joint effort with the Government of Bangladesh and a United States private voluntary organization to create an independent, private sector social marketing entity that would promote and market family planning and health products in Bangladesh. This program has been known as the social marketing project.

The project has been highly successful, particularly in terms of the total quantity of products and services delivered and in terms of cost efficiency. Indeed. I believe it has been one of the most cost efficient programs of its kind. I commend AID for this fine effort and for its determination that the project continue to have a positive record and unquestioned accountability.

For its continued success this program must be institutionalized in the private sector with adequate controls. I believe, in fact, that it was the intention of the Committee on Foreign Relations in authorizing funds for this project that they be expended in Bangladesh only if the project is in the private sector and maintains proper accountability. These funds have always been designated for the Bangladesh private sector and not the Government portion of the program. A private sector orientation and sound management have been the bedrock of its success.

It is my understanding that unfortunately the contract for this outstanding program has not yet been completed. I would urge the Government of Bangladesh to sign it without further delay so that this splendid work may continue uninterrupted.●

TRIBUTE TO BERNADETTE PARDO, CARLOS CORRALES AND JOURNALISTS IN COLOMBIA

● Mr. GRAHAM. Mr. President, today I commend the bravery of journalists covering the drug war in Colombia.

Print and broadcast journalists—who risk life and limb to inform the world about events in Colombia—have been threatened, bombed and shot. Along with judges, police and public officials, journalists have become targets of the narcoterrorists.

On September 16, at night, veteran reporter Guillermo Gomez Murillo was shot dead by three gunmen as he went to visit his parents. He had reported for the newspaper El Espectador from the Pacific coastal city of Buenaventura, Colombia.

More than a dozen journalists have been killed in recent years in Colombia. The death toll includes the editor of El Espectador, a publication that has investigated cocaine trafficking and attacked it editorially.

Colombian journalists are not the only victims of this insidious campaign of terror—this effort to kill the messengers of information about cocaine in Colombia. Two brave journalists from Miami, reporter Bernadette Pardo and cameraman Carlos Corrales of channel 23, were injured in a bomb blast at a Medellin restaurant on September 5. Ms. Pardo suffered injuries to her back, arms and face. Mr. Corrales needed 12 stitches in his forehead, and his ankle was injured.

Thankfully, the Miami-based journalists have returned home, and Ms. Pardo has been released from the hospital. They will go on reporting the news in Florida and elsewhere—living symbols of bravery in the search for the truth. Ms. Pardo and Mr. Corrales are the modern-day personification of a great tradition in journalism of covering tough stories overseas. They are the Bob Considine's, Edward R. Murrow's and Robert Capa's of today.

The war correspondents of yesterday and foreign correspondents today are profiles in courage. The men and women who are covering Colombia today face no less peril than did the correspondents in World War II.

The August 24 communique from the Extraditables in Colombia vowed absolute war against the Government, the industrial and political oligarchy, the journalists who have attacked us. We shall not respect the families of those who have not respected our families.

Days later, on September 2, a powerful car bomb exploded in front of the El Espectador newspaper building. Eighty people were injured, walls were blown out and presses were damaged. Despite the $2.5 million in damage to its building, the newspaper was back in operation within hours. With help of other newspapers, El Espectador published a 12-page edition and sold half a million copies.

If anything, our position has grown tougher since the bombing, said Managing Editor Pablo Augusto Torres, because drug trafficking is a curse on humanity, destroying our country and causing tears and death.

May the words of this editor be an inspiration for all those on this Earth who are fighting drugs.●

HURRICANE HUGO DEVASTATES PUERTO RICO—ILLINOIS ALSO FEELS THE EFFECTS

●Mr. DIXON. Mr. President, I rise before you today to call to your attention the horrendous devastation inflicted upon our fellow citizens on the island of Puerto Rico by Hurricane Hugo. More than 30,000 have been left homeless by the storm's 110 mph winds and driving rains. Most housing has suffered some damage. The majority of Puerto Rico's residents are currently without running water or electricity or telephone service. Gasoline and food are in short supply. Desperate acts of looting have been reported.

Disaster relief efforts have already begun, but much more needs to be done. Gov. Hernandez Colon has moved to provide emergency food and shelter, and the American Red Cross has implemented its own relief efforts as well. In my home State of Illinois, where more than 400,000 residents are of Puerto Rican descent, a disaster relief network has already been set up to dispatch emergency aid directly to Puerto Rico. I congratulate those individuals in my State who are taking the lead in private relief efforts. Now the administration and the Congress must do its part.

I call upon the administration to declare Puerto Rico a Federal disaster area so that Puerto Rico's recovery may begin in haste. The basic needs of Puerto Rico's residents are not being met. Mr. President, the island is in a shambles, and it deserves every bit of help we can give it.

I would ask that a copy of an article appearing in today's Chicago Tribune concerning the disaster in Puerto Rico be included in the Record to illustrate the urgency of the situation.

The article follows:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Sept. 21, 1989]

After Hugo, a Sense of Helplessness

(By Jorge Casuso)

San Juan.—It took Segunda Cirino four years to bake and sell enough coconut cakes to build a wooden addition above her sister's concrete house.

It took Hurricane Hugo just eight hours Monday to turn her home into a mess of splinters and boards.

Outside, beneath a fallen tree were 50 coconuts that Cirino, 62, had saved to bake the cakes that help make ends meet. But Monday's winds broke her stove and ripped the roof off the small store where they sold her cakes.

"I don't have clothes, I don't have a house, I don't have anything," said Cirino, who is staying in what is now her sister's first-floor house in Loiza, a small town just east of San Juan.

"So much work, and then . . ."

Cirino's sense of helplessness was echoed by Mari Cardona, 22, as she watched her son sleep on a blanket she had spread on the damp floor of a school house in Humacao, where 1,800 people were left without homes.

And it was repeated in mountain towns and fishing villages across the eastern end of the island, wherever wooden houses had stood in the hurricane's path.

Three days after Hurricane Hugo left much of the island without water or electricity, people are still trying to piece their lives together with little or no help from a government still scrambling to determine the extent of the damage.

"The government doesn't have an adequate plan to deal with this kind of emergency," said a government official, who asked to remain anonymous. "They haven't had one for years."

He feared that if officials didn't move more quickly, unrest could erupt in this normally placid island.

On Wednesday, Governor Rafael Hernandez Colon asked the U.S. government to declare the battered parts of this U.S. Commonwealth of 3.3 million people a disaster area. The American Red Cross launched a $2.5 million relief effort, its largest in four years, that sent 15,000 cots and cartons of blankets to the more than 8,000 homeless victims living in temporary shelters.

Fifty disaster specialists also were airlifted into San Juan by the U.S. Coast Guard, Wednesday.

While this much-needed aid may alleviate the short-term crisis, Puerto Rico's government estimates the damage runs into the hundreds of millions of dollars, and no one is saying how long it will take before life returns to normal.

"Money to rebuild is Puerto Rico's most crucial need," said Nydia M. Velzaquez, a spokeswoman for the Commonwealth of Puerto Rico in New York.

Three days after the hurricane swept northward, there still are power shortages in many towns, including large sections of San Juan, which has 455,000 residents. Stores are shuttered and a few gas stations open attract long lines.

Most critically, there is a severe shortage of water as hurricane winds damaged two of the island's water pumps.

For the last three days people have driven the length of the island to purchase water in unaffected areas. They've pulled it from wells and hauled it up from mountain streams, where they bathe and wash clothes. They store it in buckets, coolers and Tupperware.

"I haven't had a bath in two days," said Anibal Rosato, who fought traffic for 1½ hours to fill up 14 containers with the murky river water of Rio Guzman.

Health officials fear the water shortage could spur the spread of disease. Fresh food also is running out. And sunken yachts are blocking large supply ships from San Juan's harbor.

Like many Puerto Ricans, Rosato has had to dispose of the meat that rotted as refrigerators stopped and ice factories shut down. Rosato buried the steaks in his back yard.

In Humacao, a town of 60,000 on the eastern end of the island, nine garbage trucks circulated through the streets Wednesday picking up decomposing garbage. Some 200 volunteers helped in the cleanup, said Joel Rosario Hernandez, the town's vice-mayor.

But as the nights fall without electricity to light the darkness and the days are filled with laboring to subsist, many Puerto Ricans are becoming increasingly frustrated and are pointing the finger at the government.

Callers complained on radio shows Wednesday that the governor and mayors weren't moving fast enough. Government workers said they were putting in 14-hour days.

At a shelter in Humacao, Mari Cardona pondered her family's future.

"We don't have anything," said Cardona, whose month-old house was blown away. "I don't know what to do. I hope the government does something. If not, we'll have to start from scratch."●

A VERY CLEAR CHOICE

● Mr. SIMON. Mr. President, during the August recess, Congressman Lee Hamilton, our House colleague who is widely known as one of the most thoughtful Members of either body of Congress, had an article in the Washington Post titled "To Curb Foreign Influence, Cut the Deficit."

When our House colleague concludes that: The choice seems clear, he is right.

Unfortunately, there is ample evidence that neither the administration nor Congress has a willingness to face up to the deficit problem. We cannot continue to indefinitely postpone this.

I urge my colleagues to read his thoughtful message, which they may have missed when it appeared during the August recess.

At this point, I ask that the article be printed in the Record.

[From the Washington Post, Aug. 25, 1989]

To Curb Foreign Influence, Cut the Deficit

(By Lee H. Hamilton)

As I was walking through a southern Indiana town a few months ago, a gentleman approached me with the question, "Have you seen the factory that the Japanese just bought?"

"Yes," I replied. "What do you think of it?"

"I think it's great," he said. "They've brought in new management and new machinery, and it's going to create jobs."

Not 20 paces farther along the street, a second gentleman stopped me with the same question. But when I asked for his opinion, he responded, "I think it's terrible. The Japanese are buying up everything. When are we going to stand on our own two feet?"

That says a lot about the growing foreign influence—first through goods, then through money—in the U.S. economy. It has its good and bad sides, its pros and its cons. We should choose an economic policy that will keep the best aspects of this foreign involvement while holding down the costs.

In the 1960s, few American industries faced intense foreign competition in our market. Today, almost every goods-producing industry does as well as many service industries. This should not be too surprising; after all, we initiated the Marshall Plan in Europe and aid to Japan after World War II. Other nations can readily copy our technology (usually still the best), pay their workers much less than ours and be competitive.

This foreign competition has brought some better, cheaper products to the American consumer. It has forced American management to improve its products, manufacturing processes and to become more efficient and cost-competitive.

But especially in the 1980s, surges of imports—which U.S. consumers chose to buy—drove American products out of the marketplace and destroyed jobs. Communities and even entire regions have been badly hurt, especially the manufacturing East and Midwest and the oil-producing Southwest. Foreigners are sending us more goods than we are sending them, and we owe for the difference. In payment they take our assets: government and private bonds, bank CDs, corporate stock, prime real estate and factories.

To some this still looks like a good deal because foreign investment lets us live beyond our means. Foreign investment, in all its forms, has made up for the drain of the federal budget deficit on national saving, kept investment in factories and machinery near its historic level, boosted growth and held down interest rates.

But we have become dependent on foreign investment. If the flow were curtailed, interest rates could rise sharply, causing a recession. Foreigners do not want to be holding U.S. assets if the dollar should fall; they would lose money measured in their own currencies. In fact, when private foreign investors backed away from lending to the United States in 1987, our interest rates rose and contributed to the October stock market crash. And even without a crash, we are accumulating substantial debts to foreigners.

So how can we deal with this mixed blessing of foreign involvement in our economy?

An extreme remedy for the dislocation to workers caused by imports and the risks of foreign investment is to close our markets. But isolation is surrender. Much of the American economy would grind to a halt without foreign raw materials, industrial components, capital equipment and consumer goods. Blocking foreign investment would probably deter foreign lenders and raise U.S. interest rates. And without the spur of foreign competition our producers would fall farther behind. Eventually, we would lose our capacity to defend, and therefore to lead, the free world. Isolation is not an option

Instead, we should seek the best of both worlds: the benefit of imported goods and technology and the vibrancy of competition, but without the dependence on foreign money. That we *need* foreign lending, whatever its benefits is negative; and it is our own fault. We—the federal government and the private sector—have spent too much and saved too little to cover our own budget deficit and our investment in factories and machines.

If we want to end that dependence, we will have to pull up our socks and cut the federal budget defict. The deficit is still so large that this will require fewer and smaller programs and higher taxes. We must also save more. If we did we would need less foreign capital. We could invest more not just in new factories but in ourselves and in our infrastructure. Interest rates would decline, and the dollar could safely fall to the point at which U.S. products become more competitive. We would have nothing to fear from any other nation on earth.

Or we can continue on our current course accumulating debt to the rest of the world and keeping a wary eye day and night on the dollar and interest rates. The choice seems clear.●

A TRIBUTE TO OVERDRIVE MAGAZINE AND OVERDRIVE RADIO NETWORKS

● **Mr. SHELBY.** Mr. President, at a time when our Nation is engaged in a serious effort to drastically reduce the widespread use of drugs, it is a pleasure for me to pay tribute to an Alabama-based company that is engaged in an effort to reduce the harmful spread of drugs.

The problem of illegal substances, and particularly cocaine, is not new to the United States, yet never has it been so pervasive. There exist far-reaching consequences to our country if this foe is not defeated. Overdrive magazine and Overdrive Radio Network are giving trucking companies, independent truck owners, operators, and small fleet owners all across America an opportunity to support the campaign to reduce the use of illegal drugs.

The Overdrive Radio Network, a division of Overdrive magazine, has begun a "Truckers Against Drugs" campaign, whereby thousands of dollars worth of promotional time for public service announcements are being made available.

The popular Overdrive Trucker's "Top 10" countdown program, aired on over 200 stations coast-to-coast, is urging listeners to get involved in this important issue that affects all Americans.

The "Truckers Against Drugs" campaign will use the slogan, "Rolling For A Drug-Free America," on radio, in magazines, and on bumper stickers and posters in truck stops. These posters will have toll-free numbers providing access directly to the Federal Drug Enforcement Agency. This will allow someone to call anonymously to pass along any information about suspected drug transactions or travelers suspected of transporting drugs.

In addition to providing thousands of promotional announcements for this campaign against drugs over a nationwide radio network, Randall Publishing is also providing full-page ads in Overdrive magazine and in Truckers/USA, the Nation's newsweekly for the trucking industry, urging everyone to support our country's efforts to reduce the selling and use of drugs.

Mr. President, this campaign has been designed for several reasons: First of all, to help reeducate the trucking industry on any drug abuse; second, to help reeducate the general public as to the attitude of the majority of drivers toward drug abuse in their industry; and finally, to show our general support for the fight against drugs.

The problems facing us at this time in our history are enormous, and surely too large for any one person or organization to overcome. However, with each industry doing its part we can be victorious.

I am proud of Randall Publishing Co., Overdrive magazine, and the Overdrive Radio Network for setting an example for other American industries to follow.●

SUPPLEMENTARY COMPENSATORY EDUCATION SERVICES

● **Mr. BOSCHWITZ.** Mr. President, I believe the appropriations bill for Labor, Health and Human Services, and Education and related agencies, which we are considering today, funds some of the most important programs that are authorized by the Federal Government.

I would like to draw special attention to the Department of Education and the key role that it plays in providing assistance to students with special needs. I am pleased to see that the committee has increased the 1990 appropriation level over $1 billion above the 1989 amount.

I believe that getting our youngest students off to a good start is critical if they are going to do well in school. I strongly support the substantial increase in funding for the supplementary compensatory education services that provide special assistance for those who are educationally behind their peers. The program is better known as Chapter I.

The committee report states that approximately 90 percent of the Nation's school districts take part in Chapter I. Unfortunately, the funds provide assistance to only about 40 percent of the students who qualify.

As the ranking member of the Subcommittee on Nutrition I am proud to say that we have worked hard and successfully to increase the School Lunch and Breakfast Program. It is well documented that students who have a nutritious breakfast do better in school. Additionally, the U.S. Department of Agriculture states that the lunch served at school is available to more than 90 percent of all school children and that 24.2 million children were served on an average school day during the last school year.

Mr. President, I would like to highlight just one more education program that serves students with special needs—the four regional vocational technical schools serving deaf students. One of the schools is located in St. Paul, MN, and I must tell you that it has struggled the last couple of years because the Federal funds have remained level. They have dropped their summer program, reduced the number of interpreters, and decreased services provided to the students such as note taking and signing of regular classes.

This increase is particularly gratifying as I am a great admirer of the St. Paul Technical College's deaf program, and also of Robert Lauritsen, its director who I came to know shortly after coming to Washington and who is one of the finest, most dedicated of the people I have met in my public life.

As a young man in my teens I had the opportunity to work as a busboy at a summer camp. Some of my fellow workers were deaf. They taught me to understand signing and to fingerspell, but more importantly they gave me insight into the many challenges faced by the deaf and hearing impaired. When I came to the Senate I was one of the first to install a telecommunication device for the deaf [TDD] and I support captioning the Senate floor.

I am pleased that the committee has increased the funding for these schools and urge my colleagues on the conference committee to prevail over the House, which kept the funding at the 1989 level.

Mr. President, I want to commend the committee for a job well done and I yield the floor.●

HELP FOR ARMENIA

● Mr. SIMON. Mr. President, I was pleased to join with Senators DOLE, MITCHELL, LEVIN, BOSCHWITZ, WILSON, and SIMPSON yesterday on an amendment to appropriate $5 million for disaster relief for the victims of last December's Armenian earthquake. I am gratified that the Senate agreed to our amendment.

And let me add, it has been my pleasure to work with the distinguished minority leader, Senator ROBERT DOLE, who has taken a personal interest in seeing that the United States assume a leading role in the reconstruction and rehabilitation of Armenia. The Armenian earthquake is no longer in the headlines, but the situation remains desperate.

Out of 3.2 million people in Armenia, some 700,000 are still homeless. There are also 200,000 refugees expelled from Azerbaijan to Armenia, compounding the difficulties. Shortages exist in all areas. We responded immediately after the December 7 earthquake with United States Government assistance, and it is fitting that we continue to help the Armenian people who are still in their hour of need.●

EIGHTY-NINE YEARS OF SERVICE TO AMERICA: THE NATIONAL BUSINESS LEAGUE

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I rise today to pay tribute to the National Business League. Established in 1900 by Booker T. Washington, the National Business League has served this Nation as a mechanism for change. Created to address the isolation of the minority business community, the National Business League has served to stimulate civic pride and eliminate discrimination by improving business skills and knowledge in Alabama and across this country.

This year the National Business League will hold its 89th annual conference in my home State. The city of Birmingham and the Birmingham Metropolitan Business League will play host to the many National Business League members who will participate in this most important annual gathering. The theme of this year's conference is "Revival for Economic Reunification." This is a fitting theme and one that will be fully explored by the outstanding men and women who will be attending this event.

Mr. President, I welcome the National Business League conferees to Birmingham and wish them a productive and enjoyable conference. I would also like to commend the league for their work across this country. For 89 years now the National Business League has worked tirelessly to foster the growth and development of minority-owned businesses, as well as, stress the importance of business-related skills and knowledge to the community at large.

As this country prepares to enter a new century, the National Business League stands ready to continue its role as a beacon for change, for hope, and for the future prosperity of this country. Again, I welcome the National Business League to Birmingham for their annual convention during the week of October 17, 1989 and I commend their unfailing commitment to a better America.●

RESPONDING TO OUR HUMAN CAPITAL NEEDS

● Mr. HEINZ. Mr. President, I rise today to lend my support to the Senate version of the fiscal year 1990 Labor/HHS/Education appropriation bill.

While no comprehensive appropriation package can respond to the particular priorities of each and every Member of this Chamber, this appropriations measure takes great strides in support of our human resource programs.

The Senate mark on the fiscal year 1990 Labor/HHS/Education appropriations bill in contrast to the House-passed version is much more responsive to our Nation's human resource needs in the area of education, job-related learning, and employment opportunities. I commend my colleagues on the Appropriations Committee for their work in this area.

As our Nation continues to face the complexities of an interdependent global economy, we must do all we can to ensure that our education and job-related learning programs are second to none. We must be willing to support our promising human capital programs.

A variety of trends indicate that a majority of new jobs will be created by business and industry whose employees need very high skill levels. It does not help to create jobs if people do not have the skills to fill them. Unless our people have the reading, writing and reasoning skills required in our fast-paced, technology oriented workplace, such occupations will go to nation's which do the best job of preparing workers for our ever-changing workplace.

The workplace of the future will require a more educated workforce with a higher level of skill. The Hudson Institute in its Workforce 2000 report commissioned by DOL predicts that 41 percent of new jobs in the future will require skills of the highest levels, compared with only 24 percent today. Only 4 percent of new jobs will be available to those with the lowest skill levels, compared with 9 percent currently.

Clearly our workforce and workplace mismatch must be corrected if we are going to compete. Efforts in the Senate version of the fiscal year 1990 Labor/HHS/Education appropriations measure will work toward correcting this mismatch.

Provisions in the Senate version of H.R. 2990, addressing our human capital development needs include, for example, funding for the Targeted Jobs Tax Credit Program [TJTC]; a funding increase for the Trade Adjustment Assistance [TAA], student financial assistance programs, training and employment services activities and additional funding for improving and reforming our schools and teaching profession.

TJTC

Recognizing the success and anticipating the reauthorization of the Targeted Jobs Tax Credit [TJTC] program, the Senate has designated $25 million to continue efforts to open up doors of occupational opportunities for individuals who are disadvantaged in securing employment. While it may or may not prove to be sufficient, the $25 million funding level recommended by the Senate represents a $10.9 million increase over the fiscal year 1989 appropriation of $14.1 million.

As the author of TJTC, I am pleased the Senate recognizes the importance of this program encouraging employers to hire and train disadvantaged Americans. In 1988, nationally more than 497,000 persons were served by the TJTC program. During the same period of time in Pennsylvania almost 14,000 persons were afforded an opportunity to work that may not have gotten a chance otherwise. Over the past 3 years, well over 30,000 Pennsylvanians were placed in jobs through TJTC. TJTC has served my home State of Pennsylvania well.

The Senate appropriation of $25 million for TJTC will allow States to continue creating and maintaining jobs while providing employers with a competitive edge.

TRAINING AND EMPLOYMENT SERVICES

The Senate mark of $4 billion for training and employment services for fiscal year 1990 is a $263 million increase over the current year funding. This increase serves to boost the outreach of JTPA and other programs designated to enhance the employment and earnings of economically disadvantaged persons, youth, and dislocated workers.

TRADE ADJUSTMENT ASSISTANCE

Congress and the administration are in unanimous agreement to increase funding for the TAA program. The fiscal year 1989 funding level of $272.5 million will be increased by $11.4 million to $284 million in fiscal year 1990.

This increase will provide $204 million for unemployment benefits and $80 million for training and allowances for workers adversely affected by imports.

STUDENT FINANCIAL ASSISTANCE

Serving a State with 132 4-year postsecondary institutions, funding increases for our student financial assistance programs is vital. Approximately 65 percent of the more than 565,000 students attending a college or university in Pennsylvania receive some form of financial assistance.

Cumulatively, the Senate recommends an additional $282 million for college work-study, income contingent loans, Pell grants, Perkins loans, State student incentive grants, and supplemental educational opportunity grants above the fiscal year 1989 level of $5.8 billion to over $6 billion.

The funding level for the Stafford Loan Program is cause of concern. The Senate mark of $3.8 billion, identical to the administration's request is $240 million less than the amount appropriated for fiscal year 1989. The Stafford Loan Program, through the support of 760 Pennsylvania lenders, made loans totaling $757.2 million to more than 254,000 students in the 1988-1989 academic year. The fiscal year 1990 Senate funding level of $3.8 billion may not allow us to maintain our commitment to the students currently utilizing Stafford loans.

We must respond to the trends of the Stafford Student Loan Program that have evolved since the early 1980s. In fiscal year 1980, 2.3 million loan commitments were made for a total loan volume of $4.8 billion; current estimates indicate that loan commitments may reach 4.6 million students for a total loan volume of $12.2 billion for fiscal year 1989. Today, one out of three students enrolled in postsecondary education uses a Stafford loan to help pay educational costs.

The cost of attending a college or university is increasing faster than the rate of inflation. Nationally, since 1980, college costs have increased by more than 75 percent at public 4-year institutions and more than 115 percent at private institutions. The appropriation figure adopted by the House of $3.6 billion and the Senate recommendation of $3.8 billion do not appropriately address these trends.

The bottom line for all of our student financial assistance programs is that the House passed measure provides a 3.6-percent increase over fiscal year 1989, and the Senate provides a more laudable 4.8-percent increase; unfortunately both fall shy of any reasonable measure of inflation of the cost of a college education.

FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

Two years ago, I joined with the distinguished Senator from Massachusetts, Mr. KENNEDY, to craft the Fund for the Improvement and Reform of Schools of Teaching [FIRST]. FIRST is an innovative initiative designed to improve the educational performance of elementary and secondary school students and educators in addition to increasing parental involvement in their children's education.

FIRST was initially funded in fiscal year 1989 at $5.9 million. Both the administration and House maintained the fiscal year 1989 funding level for fiscal year 1990. The Senate Appropriation recommendation is much more generous for this promising program—$11 million.

The Senate mark for FIRST, nearly double the fiscal year 1989 level, serves to provide effective and timely Federal support to encourage on-going education reform and improvement initiatives for students and educators initiated at the local level.

Mr. President, in light of our difficult budget situation, I strongly urge the Senate Conferees to stand firm on the funding for the program I have highlighted.

While not perfect, the Senate version of H.R. 2990 responds more appropriately to improving individual opportunity through our Nation's education and employment related learning system.●

FIRST PRESIDENTIAL INAUGURATION OF CLARK ATLANTA UNIVERSITY

● Mr. FOWLER. Mr. President, I rise to bring the attention of my colleagues to an event that is very important in the annals of American education, as Clark College and Atlantic University, two important members of Atlanta's world famous black college community, officially complete their consolidation.

I also want to congratulate Thomas W. Cole, Jr., who will be inaugurated as the first president of Clark Atlanta University on September 24, 1989. Dr. Cole is a noted scientist who holds a Ph.D in organic chemistry from the University of Chicago, and most recently served as chancellor of the West Virginia Board of Regents and as president of West Virginia State College. His background and experience are a valuable addition as he returns to Atlanta to preside over the combined institutions that have been so important to our community.

On June 28, 1988, the boards of trustees of Atlanta University and Clark College voted to proceed with a consolidation of the two schools. Both schools have served their community and their Nation in an exemplary fashion. They have impressive records in the training of minorities and women in education, science, and engineering, and the social sciences. Many of their students were trained for careers in public service, as well. Indeed, the most important contribution of the two schools has been the strong citizens they have sent out into our communities.

Clark Atlanta University, along with Morehouse College, Spelman College, Morris Brown College, the Interdenominational Theological Center, and the Morehouse School of Medicine comprise the Atlanta University Center. The consolidation of Clark College and Atlanta University will strengthen the core of the Atlanta University Center and create the premier center of black higher education in the world.

This could not come at a more crucial juncture, with black Americans today receiving fewer bachelors, masters, and doctoral degrees than they did 10 years ago, and with black Americans earning fewer than 1 percent of the doctoral degrees conferred in the natural sciences, engineering, math, and computer science.

The combined resources and talents of Clark College and Atlanta University will prove an even greater catalyst for the increased contribution of minorities to the economic base and vitality of the city of Atlanta, and to our country.

Clark Atlanta University will also be one of only two private comprehensive, historically black universities in the Nation.

This is an exciting time as we reflect on this heritage and, at the same time, witness the dawn of a new university in Atlanta. I want to send my very best wishes to Dr. Cole and Clark Atlanta University for the continuing success of this institution.●

ADP 40TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, this weekend, the Automatic Data Processing Corp. will celebrate its 40th anniversary with a gathering of its friends, employees, and stockholders at its headquarters in Roseland, NJ.

I note this with a special degree of pride. This company was my life until my election to the Senate. Henry Taub then 21 years of age started what was then a payroll processing company in our hometown of Paterson in 1949. Soon after, his brother Joe Taub joined in and I followed sometime after, when the company employed only five people. Together, we founded a company that grew with technology.

Today, with revenues of $1.5 billion annually, the company employs 5,000 people in New Jersey, and 20,000 around the country and the world. It led the way in the development of an industry—computer processing services. It processes the paychecks of over 10 million people, among other services.

It developed a special spirit among our employees. By giving them a stake in their own company, they became an essential part of the ADP family. Over 10,000 ADP employees own stock in the company.

It has been over 6 years now since I resigned as chief executive officer. I have watched the company continue to grow, under the skilled leadership of Josh Weston. The company has enlarged its presence in the industry and on the client companies that rely on it for computer services.

It has also enlarged its impact on the community—in New Jersey and wherever it operates. The corporate ethic continues to call upon ADP to give back to the community. And it has, by supporting the Science Technology Center at Liberty State Park; the New Jersey Partnership; the New Jersey Symphony and the United Way; and the I Have a Dream Adopt-A-Class Program, among a list too long to enumerate here.

Mr. President, I rise on the occasion of this anniversary not just to highlight the continuing accomplishments of a corporation. I rise to praise the uniquely American economic system that provided such fertile ground for ADP. The same system is giving birth to countless new ventures this year, ventures that will provide jobs, growth, and improve the quality of our lives.

As we face increased economic pressure from abroad, we have begun to question what is right about the American economy, and what is wrong. As competing nations edge closer, we hear suggestions that we should emulate their systems, and abandon our own.

I do not deny that there is room to improve the way we run our economy. We need to beef up our educational system. We need to promote a commitment of workers and management to work together, in a joint mission. We need to do a better job of encouraging savings, spurring investment, and promoting the long-term view. I have tried to do that in the Senate.

But, there is one thing we should never change. That is the enterepreneurial spirit. That is one thing our competitors have tried to copy. And they have failed. It is the spirit that led Henry Taub to start the company in 1949, not having the foggiest idea of where he would be today. But he knew, and Joe Taub knew, and I knew, like so many other Americans today, that we had the right idea, and if we worked hard, if we persevered, we would succeed. We had faith in ourselves and faith in our country. We cannot lose that faith. We dare not lose the spirit. We need to nurture it and make it stronger.

On the occasion of its 40th anniversary, I extend my best wishes to Josh Weston, chairman and CEO, and to all the ADPers who continue to make ADP an uniquely American success story.●

DISTRICT OF COLUMBIA CIVIL CONTEMPT IMPRISONMENT LIMITATION ACT

Mr. **MITCHELL**. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2136.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2136) entitled "An Act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended)

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b)(1) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under paragraphs (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may be continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be a trial by jury; and

"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b)(1) In the hearing of an appeal from an order of the Superior court of the District of Columbia regarding the custody of a minor child conducted in the Family Division of the Superior Court Under paragraphs (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may be continued to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) the trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be trial by a jury; and

"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subsection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 4. REPORTS ON CIVIL CONTEMPT PROCEDURES.

(a) IN GENERAL.—(1) The Committee on Governmental Affairs of the Senate, together with the Committee on the District of Columbia of the House of Representatives, shall conduct a study of current law and procedures with respect to civil contempt in the courts of the District of Columbia.

(2) The Committee on the Judiciary of the Senate shall conduct a study of current law and procedures with respect to civil contempt in the courts of the United States.

(b) SUBMISSION OF REPORTS.—Not later than September 1, 1990, the Committees on Governmental Affairs and the Judiciary of the Senate shall each submit a report on the study conducted by each Committee under subsection (a), and shall include in such report any recommendations regarding changes in current law.

SEC. 5. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply with respect to any individual imprisoned before the expiration of the 18-month period that begins on the date of the enactment of this Act for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

Amend the title so as to read:

An Act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.

Mr. SASSER. Mr. President, I am pleased that the Senate is taking final action on H.R. 2136, the District of Columbia Civil Contempt Imprisonment Limitation Act of 1989.

By this legislation, Congress is exercising its statutory responsibility for amendments affecting the jurisdiction of courts in the District of Columbia. H.R. 2136 places a limitation of 12 months on the length of time for which an individual may be imprisoned for civil contempt, in child custody cases in the District, for disobedience of a court order or for contempt of court. If criminal contempt proceedings are brought against that person before the 12 months have expired, then under this bill they could continue to be incarcerated pending trial on the criminal contempt charge.

However, trial for the criminal contempt charge must commence within 90 days from charging, and the defendant is afforded the right to a jury trial before a judge other than the one who ordered the original confinement for civil contempt. And even with criminal contempt charges pending, there is an absolute 18-month limit on the total amount of time the contemnor may be imprisoned for the original offense of civil contempt.

The need for this legislation was demonstrated by the case of Dr. Elizabeth Morgan, who has refused to disclose the whereabouts of her minor child in order to permit visitation of the child with Dr. Morgan's former husband. Dr. Morgan has been incarcerated for over 24 months for her refusal to comply with the court order—far longer than any number of serious criminals. Under the terms of H.R. 2136, Dr. Morgan is eligible for immediate release from imprisonment, at least for civil contempt.

Yet the terms of this bill are not confined to Dr. Morgan's case. They apply to any person similarly situated. Moreover, the bill will be effective only with respect to cases of imprisonment arising within 18 months from the date of enactment. Within that period, the appropriate committees from the House and Senate are directed to investigate the need for more plenary legislation affecting terms of civil contempt imprisonment in the courts of the United States and the District of Columbia, and to report their findings and recommendations.

In short, H.R. 2136 corrects not only an oversight, but an injustice. When one of the estranged parties to a child custody case cannot be coerced by a civil contempt order—when that person's confinement, without the full benefit of criminal due process, has exceeded the period when it can reasonably be expected to secure compliance with the court's order—some limit must apply. At that point continued imprisonment becomes punishment, and not only of the contemnor but of the innocent child.

I would like to take this opportunity to express my appreciation to my distinguished colleague, Senator HATCH, for his leadership in introducing the Senate version of this bill, S. 1163, which I cosponsored. Let me also thank the distinguished majority and minority leaders for their cooperation and assistance in bringing that bill, and the present measure, before the Senate for action.

Following the Senate's passage of H.R. 2136 on September 7, with the text of S. 1163 substituted, Members and their staffs in both the House and Senate worked expeditiously and diligently to effect a compromise between the House and Senate language. I am pleased that a mutually agreeable version was taken up so soon by the House, as a substitute for the Senate-amended H.R. 2136, and returned to this Chamber for final passage. I express my sincere gratitude to our House colleagues for the spirit of cooperation they have shown.

That you, Mr. President.

Mr. HATCH. Mr. President, because of the great interest that has been shown by so many persons in the bill to amend the District of Columbia Code with respect to the civil contempt power, H.R. 2136, I wanted briefly to state my understanding of the compromises that have been made between the conferees for the House and Senate.

H.R. 2136 has been accepted in its present form, because it wisely retains the Senate bill's limitation to child custody cases in the District of Columbia. It retains the 12-month cap on a judge's power to hold someone for civil contempt in such cases. However, the compromise language does contain the House's provision that an individual may be held for an additional 6 months, if charges of criminal contempt are filed against that individual between the 6th and 12th month of incarceration for civil contempt in a child custody case. But even in that case, no person can be held for longer than 18 months, under any circumstances, pursuant to a civil contempt order; provided, as always, that the purpose of the confinement is coercive and not punitive.

Where criminal contempt charges are filed under the provisions of H.R. 2136, an expedited trial is required, beginning not later than 90 days after the date on which the criminal charges were filed. The defendant has a right to a jury trial, and the case may not be heard by the same judge who imprisoned the individual for civil contempt. Nothing in the bill, however, prohibits the initiation of criminal contempt proceedings that may be available at any time under current law.

The bill will apply fully to those imprisoned on the date of enactment pursuant to contempt orders in child custody cases in the District of Columbia. Specifically, because the bill provides that "in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt" in child custody cases, Dr. Elizabeth Morgan, who has been confined for more than 24 consecutive months, will be released as a result of this bill.

In any criminal contempt proceeding, the question of whether the defendant may continue to be incarcerated will depend on the legal rules applicable to criminal contempt proceedings. Nothing in this bill provides a basis for holding Dr. Morgan beyond the 18 months that she has already served, nor does anything in this bill provide an independent basis for reincarcerating her at a later time.

The previous understanding of the Senate, as reflected in Report No. 101-104 of the Senate Committee on Governmental Affairs—August 3, 1989—with respect to the maximum period of incarceration remains in effect, with one minor exception. As the report stated:

> The Committee emphasizes that the 12-month "cap" of S. 1163 constitutes an ultimate limitation on imprisonment for civil contempt, for disobedience of a given order or a given episode of contempt committed in the presence of the court. In other words, the Committee intends that an individual who has been committed for the maximum 12 months may not be reincarcerated for continued failure to obey the court's order which originally gave rise to imprisonment. Report No. 101-104, at 7-8.

Although the maximum period that may be served is now 18 months—where criminal charges have been filed—the understanding expressed in the Senate Report remains correct.

Another understanding contained in the Senate committee report is also of continued relevance and should be repeated here:

> The Committee does recognize that upon modification of a court's order, an individual's refusal to comply with the modified order might constitute new and discrete grounds for civil contempt. Whether a subsequent order is "new," or is in substance merely a repetition of the original order, is in the Committee's view a question for judicial resolution. It is the Committee's intent merely to clarify that if the substance of the order giving rise to civil contempt has remained unchanged, repeated imprisonments of the same individual for successive 12-month periods are prohibited under S. 1163. (Senate Report No. 101-104, at 8.)

Finally, Mr. President, I would like to express thanks to a number of staff who have been instrumental in successfully passing this legislation but whose invaluable assistance has not been previously acknowledged. They are Kate Sparks of Senator GLENN'S staff, Rich Ashooh of Senator RUDMAN'S staff, Ellice Halpern Barnes of Senator STEVENS staff, and Melinda Loftin of Senator LEVIN'S staff. In addition, John Belferman, Rosemary Warren, and Bill Hawks of Senator SASSER'S office deserve to be thanked again for their continued dedication to the passage of this legislation.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendments of the House to the amendment of the Senate.

The motion was agreed to.

MARITIME ADMINISTRATION AUTHORIZATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 219, H.R. 1486, a bill authorizing appropriations for the Maritime Administration for fiscal year 1990.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1486) to authorize appropriations for fiscal year 1990 for the Maritime Administration, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof of the following:

AUTHORIZATIONS FOR MARITIME ADMINISTRATION

SECTION 1. In fiscal year 1990, the following amounts are authorized to be appropriated for the Maritime Administration:

(1) any amounts necessary to liquidate obligations under operating-differential subsidy contracts for the fiscal year 1990 portion of the total of current contract authority;

(2) $3,750,000 for research and development activities, to remain available until expended, including—

(A) $2,250,000 for vessel design and shipyard studies; and

(B) $1,500,000 for other research;

(3) $33,205,000 for expenses related to manpower, education, and training, including—

(A) $23,157,000 for maritime training at the Merchant Marine Academy at Kings Point, New York;

(B) $8,670,000 for assistance to the State maritime academies and the current fleet of five training ships; and

(C) $1,378,000 for manpower and additional training;

(4) $25,966,000 for operating programs, including—

(A) $178,853,000 for general administration;

(B) $957,000 for development of water transportation systems; and

(C) $7,156,000 for use of water transportation systems; and

(5) such sums as are necessary for expenses related to national security support capabilities, including—

(A) fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force, maintenance and operations programs in support of the Ready Reserse Force, Ready Reserve Force facilities, Ready Reserve Force vessel conversions, and other programs in the National Defense Reserve Fleet; and

(B) emergency planning operations.

STUDENT INCENTIVE PAYMENT AGREEMENTS

SEC. 2. (a) Section 1304(g)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1225c(g)(1)), is amended—

(1) in subparagraph (B), by striking "and" the second place it appears;

(2) by striking subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

"(C) paid by the Secretary to the individual for the first complete or partial academic year of attendance in a lump sum of $1,200 or in amounts prorated on the basis of actual attendance, and at a time during the second academic year when the individual enters into an agreement accepting midshipman and enlisted reserve status as required under paragraph (2); and

"(D) paid by the Secretary, for the academic years after those years specified in subparagraph (C), as the Secretary shall prescribe while the individual is attending the academy.".

(b) Section 1304(g)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(2)), is amended by striking "apply for midshipman" and inserting in lieu thereof "accept midshipman and enlisted reserve".

(c) Section 1304(g)(3)(D) of the Merchant Marine Act, 1936 (47 App. U.S.C. 1295c(g)(3)(D)), is amended by striking "to apply for an appointment as,".

(d) Section 1304(g)(4) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(4)), is amended by striking "has attended a State maritime academy for not less than 2 years" and inserting in lieu thereof "has accepted the payment described in paragraph (1)(C) of this subsection".

(e) the amendments made by this section apply to individuals who commence attendance after December 31, 1989, at a State maritime academy in accordance with section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c).

COAST GUARD EXAMINATION REQUIREMENT

SEC. 3. (a) Section 1304(f)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(f)(1)), is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) agree in writing to require, as a condition for graduation, that each individual who is a citizen of the United States and who is attending the academy in a merchant marine officer preparation program shall pass the examination administered by the Coast Guard required for issuance of a license under section 7101 of title 46, United States Code.".

(b) The requirement set forth in subsection (f)(1)(C) of section 1304 of the Mercuant Marine Act, 1936, as added by subsection (a) of this section, shall be a condition to any payment or use of any vessel received by a State maritime academy under such section 1304 after December 31, 1989.

STUDY

SEC. 4. With the funds authorized under this Act, the Secretary of Transportation, after consultation with other agencies in the executive branch and the State, regional, and Federal maritime academies, shall submit to the Congress a study within one year to determine how currently employed training vessels, United States-flag commercial vessels, vessels in the Ready Reserve Force, and other vessels under the control of the United States Government may be used to provide training opportunities for State, regional, and Federal maritime academy students that will produce licensed graduate officers. The study shall include data on the cost effectiveness to the United States Government; the cost impact on the affected State governments; the safety of any vessels involved; the safety of the students; the operational and scheduling impact upon the several entities involved; liability exposure; and the impact on national security sealift. The Secretary shall not implement any ship sharing program until not less than sixty days after the submission of the study to the Congress.

PAYMENTS TO MARITIME ACADEMIES

SEC. 5. Section 1304(d)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)(1)) is amended—

(1) by redesignating the existing text as subparagraph (A);

(2) by striking the second sentence of subparagraph (A) as so redesignated; and

(3) by adding at the end the following new subparagraphs:

"(B) Subject to subparagraph (C), the annual payment to such State maritime academy shall be at least equal to the amount given to the academy for its maintenance and support by the State in which it is located, and to such regional maritime academy shall be at least equal to the amount given the academy by all States and territories cooperating to sponsor the academy.

"(C) The amount under subparagraph (B) may not be more than $25,000, except that the amount shall be—

"(i) $100,000 to such State maritime academy if the academy meets the condition set forth in subsection (f)(2); or

"(ii) $200,000 to such regional maritime academy if the academy meets the condition set forth in subsection (f)(2).".

NATIONAL DEFENSE RESERVE FLEET

Sec. 6. Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744) is amended to read as follows:

"NATIONAL DEFENSE RESERVE FLEET

"Sec. 11. (a) The Secretary of Transportation shall maintain a National Defense Reserve Fleet, including any vessel assigned by the Secretary to the Ready Reserve Force component of the fleet, consisting of those vessels owned or acquired by the United States Government that the Secretary of Transportation, after consultation with the Secretary of the Navy, determines are of value for national defense purposes and that the Secretary of Transportation decides to place and maintain in the fleet.

"(b) Except as otherwise provided by law, a vessel in the fleet may be used—

"(1) for an amount of an agency of the United States Government in a period during which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1242); or

"(2) on the request of the Secretary of the Navy, and in accordance with memoranda of agreement between the Secretary of Transportation and the Secretary of Defense, for—

"(A) testing for readiness and suitability for mission performance;

"(B) defense sealift functions for which other sealift assets are not reasonably available; and

"(C) support of the deployment of the United States armed forces in a military contingency, for military contingency operations, or for civil contingency operations upon orders from the National Command Authority;

"(3) for otherwise lawfully permitted storage or transportation of non-defense-related cargo as directed by the Secretary of Transportation with the concurrence of the Secretary of Defense; or

"(4) for training purposes to the extent authorized by the Secretary of Transportation with the concurrence of the Secretary of Defense.".

"(c) The Secretary of Transportation shall not require bid, payment, performance, payment and performance, or completion bonds from contractors for repair, alteration, or maintenance of vessels of the National Defense Reserve Fleet unless—

"(1) required by law; or

"(2) the Secretary determines, after investigation, that the imposition of such bonding requirements would not preclude any responsible potential bidder or offeror form competing for award of the contract."

WAR RISK INSURANCE

Sec. 7. (a) Section 1202 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1282), is amended by adding at the end the following new subsection:

"(c) Insurance and reinsurance for vessels may be provided by the Secretary under this title only on the condition that such vessels be available for the United States in time of war or national emergency.".

(b) Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294), is amended by striking "1990" and substituting "1995".

NATIONAL MARITIME ENHANCEMENT INSTITUTES

Sec. 8. (a) The Secretary of Transportation may designate National Maritime Enhancement Institutes.

(b) Activities undertaken by such an Institute may include—

(1) conducting research concerning methods for improving the performance of maritime industries;

(2) enhancing the competitiveness of domestic maritime industries in international trade;

(3) forecasting trends in maritime trade;

(4) assessing technological advancements;

(5) developing management initiatives and training;

(6) analyzing economic and operational impacts of regulatory policies and international negotiations or agreements pending before international bodies;

(7) assessing the compatibility of domestic maritime infrastructure systems with overseas transport systems;

(8) fostering innovations in maritime transportation pricing; and

(9) improving maritime economics and finance.

(c) An institution seeking designation as a National Maritime Enhancement Institute shall submit an application under regulations prescribed by the Secretary.

(d) The Secretary shall designate an Institute under this section on the basis of the following criteria;

(1) the demonstrated research and extension resources available to the designee for carrying out the activities specified in subsection (b);

(2) the capability of the designee to provide leadership in making national and regional contributions to the solution of both long-range and immediate problems of the domestic maritime industry;

(3) the existence of an established program of the designee encompassing research and training directed to enhancing maritime industries;

(4) the demonstrated ability of the designee to assemble and evaluate pertinent information from national and international sources and to disseminate results of maritime industry research and educational programs through a continuing education program; and

(5) the qualification of the designee as a nonprofit institution of higher learning.

(e) The Secretary may make research grants, on an equal matching basis, to an institute from amounts appropriated pursuant to section 1(2)(B). The aggregate amount of such grants shall not exceed $100,000.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the committee substitute amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1486), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PHILANTHROPY DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthrophic Day" and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 86) designating November 17, 1989 as "National Philanthropy Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 86) and its preamble are as follows:

S.J. Res. 86

Whereas there are more than 800,000 nonprofit philanthropic organizations in the United States;

Whereas such organizations employ more than 10,000,000 individuals, including 4,500,000 volunteers;

Whereas the people of the United States contributed approximately $94,000,000,000 in 1987 to support such organizations;

Whereas philanthropic organizations are responsible for enhancing the quality of life of people throughout this Nation and the world;

Whereas the people of this Nation owe a great debt to the schools, churches, museums, art and music centers, youth groups, hospitals, research institutions, and community service organizations, and to the institutions and organizations which aid and comfort disadvantaged, sick or elderly individuals; and

Whereas the people of the United States should demonstrate gratitude and support for philanthropic organizations and for the efforts, skills and resources of individuals who carry out the missions of such organizations: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 17, 1989, is designated as "National Philanthropy Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2712.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2712) entitled "An Act to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 2. STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) Waiver of Foreign Residence Requirement for "J" Nonimmigrants.—The 2-year home country residency and physical presence period requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) shall not apply in the case of any national of the People's Republic of China who is present in the United States on the date of the enactment of this Act (or who would have been present in the United States but for a brief, casual, and innocent departure from the United States) and who would otherwise be subject to that 2-year home residence requirement because of having had the status of nonimmigrant described in section 101(a)(15)(J) of such Act (8 U.S.C. 1101(a)(15)(J)).

(b) Presumption of Continuous Residence for Certain PRC Nationals.—For purposes of any adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) or any change of status under section 248 of such Act (8 U.S.C. 1258) in the case of an alien who is a national of the People's Republic of China and who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant (or who would have been present in the United States in the status but for a brief, casual, and innocent departure from the United States), such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

(c) Employment Authorization.—Any national of the People's Republic of China described in subsection (b) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (or who would have been present in the United States in the status but for a brief, casual, and innocent departure from the United States) shall be granted authorization to engage in employment in the United States and shall be provided with an "employment authorized" endorsement or other appropriate work permit during the period described in subsection (e).

(d) Duration of Status.—The period of time referred to in subsections (b), (c), and (e) is the period during which the Attorney General has in effect a deferral of enforced departure for nationals of the People's Republic of China.

(e) Notification.—In the case of any national of the People's Republic of China who is eligible for deferral of enforced departure pursuant to a directive of the Attorney General during the period described in subsection (c) and whose authorized period of stay as a nonimmigrant has expired, the Attorney General shall, instead of initiating deportation proceedings against the alien (including the service of an order to show cause) during the period described in subsection (c), issue to the alien a notice of expiration of nonimmigrant status. Such notice shall be nonadversarial in nature and shall contain an explanation of the options available to such nationals under the directive of the Attorney General and under the Immigration and Nationality Act.

Mr. MITCHELL. I ask unanimous consent that the Senate disagree to the amendment of the House to the amendment of the Senate and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. Graham) appointed Mr. Kennedy, Mr. Simon, and Mr. Simpson, conferees on the part of the Senate.

BILL HELD AT THE DESK—H.R. 2771

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 2771, a bill to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991, be held at the desk until the close of business on Tuesday, September 26.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on tomorrow, Friday, September 22, and that following the time for the two leaders there be a period for morning business for 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, it is my hope that we will be in a position early tomorrow to move expeditiously to third reading and final passage of the appropriations measures that have been set aside pending completion of the drug funding negotiations. These include transportation, foreign operations, VA-HUD, and Labor-HHS.

As I mentioned previously, the session on tomorrow should be a brief one and there will be no rollcall votes.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, I modify my previous unanimous-consent request to change the time for the convening of the Senate until tomorrow at noon.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous-consent that the Senate stand in recess under the previous order until noon tomorrow, Friday, September 22.

There being no objection, the Senate, at 12:22 a.m., recessed until Friday, September 22, 1989, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 21, 1989:

THE JUDICIARY

JOHN M. WALKER, JR., OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT VICE IRVING R. KAUFMAN, RETIRED.

GEORGE W. LINDBERG, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE PRENTICE H. MARSHALL, RETIRED.

SUSAN WEBBER WRIGHT, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF ARKANSAS VICE ELSIJANE TRIMBLE ROY, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1989:

DEPARTMENT OF DEFENSE

MARTIN C. FAGA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

ANNE NEWMAN FOREMAN, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152 (A):

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

GEN. COLIN L. POWELL, [redacted] UNITED STATES ARMY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

WAYNE A. BUDD, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

AIR FORCE

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. BRADLEY C. HOSMER, [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ALFRED G. HANSEN, [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES C. MCDONALD, [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HENRY VICCELLIO, JR. [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL P. C. CARNS, [redacted], UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT L. RUTHERFORD, [redacted] FR, UNITED STATES AIR FORCE.

ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK F. WOERNER, JR. [redacted], UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. MAXWELL R. THURMAN, [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. LOUIS C. WAGNER, JR. [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WILLIAM G. T. TUTTLE, JR., [redacted], UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant General

LT. GEN. JERRY M. BUNYARD, [redacted], UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. SIDNEY T. WEINSTEIN, [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JEROME B. HILMES, [redacted], UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. LEON E. SALOMON, [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBLITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE. SECTION 601(A):

To be lieutenant general

MAJ. GEN. ELLIS D. PARKER [redacted], UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY NATIONAL GUARD TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general of the line

BRIG. GEN. JOSEPH C. BOYERSMITH, [redacted].
BRIG. GEN. JAMES M. MILLER, [redacted].
BRIG. GEN. WILLIAM C. WILSON, [redacted].

To be major general, adjutant general's corps

BRIG. GEN. ROBERT L. MOOREHEAD, [redacted].

To be brigadier general of the line

COL. JACK C. CLARK, [redacted].
COL. WOODROW D. BOYCE, [redacted].
COL. DONALD R. CRUTCHER, [redacted].
COL. JAMES R. DANIEL, [redacted].
COL. RANDY J. ENCE, [redacted].
COL. RONALD O. HARRISON, [redacted].
COL. JAMES M. HUTCHENS, [redacted].
COL. BILLY R. NORMAN, [redacted].
COL. VELTON R. STEVENS, [redacted].
COL. SAM C. TURK, [redacted].
COL. PETER E. WHEELER, [redacted].
COL. JAMES K. CORLEY, [redacted].

To be brigadier general of the line

COL. JAMES W. EMERSON, [redacted].
COL. GARY G. HARBER, 4121-60-0805.
COL. JAMES H. LONG, [redacted].
COL. RODNEY W. MCNEIL, [redacted].
COL. GERALD A. MILLER, [redacted].
COL. DON M. OGG, [redacted].
COL. STANLEY W. PETRIK, [redacted].
COL. WILLIAM F. STEWART, [redacted].
COL. DAVID L. TRAXLER, [redacted].
COL. BOBBY G. WEBB, [redacted].

To be brigadier general, adjutant general's corps

COL. FRED R. FLINT, [redacted].
COL. GERALD F. JANELLE, [redacted].
COL. JACK E. YEAGER, [redacted].
COL. TOM BREWER, [redacted].
COL. MICHAEL E. BYRNE, [redacted].

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. AUGUST M. CIANCIOLO, [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBLITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. EDWIN H. BURBA, JR., [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM S. CARPENTER, JR., [redacted], UNITED STATES ARMY.

MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBLITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. NORMAN H. SMITH, [redacted]/9903 USMC.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. WILLIAM J. CROWE, JR., [redacted] UNITED STATES NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. JOHN T. PARKER, JR. [redacted]/1210, UNITED STATES NAVY.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE APPOINTED TO THE GRADE OF VICE ADMIRAL WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RONALD M. EYTCHISON, U.S. NAVY, [redacted]/1120.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral

REAR ADM. (LOWER HALF) PAUL C. ROSSER, [redacted] [redacted]/5105, U.S. NAVAL RESERVE.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAJOR ALBERT K. AIMAR, [redacted] AND ENDING MAJOR ARCHIE S. MOBLEY, JR., [redacted], WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1989.

AIR FORCE NOMINATIONS BEGINNING CHARLES W. GUISE, AND ENDING ARTURO D P VILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

AIR FORCE NOMINATIONS BEGINNING KENNETH W BIGBEE, AND ENDING MARIA L CORDERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

AIR FORCE NOMINATIONS BEGINNING NICHOLAS ABATE, AND ENDING DAN O YOSHII, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

AIR FORCE NOMINATIONS BEGINNING ANTHONY A AAKER, AND ENDING JOSEPH B WENUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.0

IN THE ARMY

ARMY NOMINATIONS BEGINNING ELLIOT E ANGEL, AND ENDING JOSEPH D • ZELIGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 4, 1989.

ARMY NOMINATIONS BEGINNING WILLIAM D. ARCHER, AND ENDING • TERRI J. PHIPPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 3, 1989.

ARMY NOMINATIONS BEGINNING JOHN E ABAIR, AND ENDING BRUCE D METCALF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

ARMY NOMINATIONS BEGINNING BRENDA L BRACE, AND ENDING SCOTT L HAWMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

ARMY NOMINATIONS BEGINNING JOHN T ABT, AND ENDING TIMOTHY W ZURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

ARMY NOMINATIONS BEGINNING MARTHA L AUSTIN, AND ENDING ROBERT L VOGLESANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1989.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JEFFREY L ABATE, AND ENDING JAMES D WILSON, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

MARINE CORPS NOMINATIONS BEGINNING DONALD L SCANLON, JR, AND ENDING MICHAEL H GAMBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

IN THE NAVY

NAVY NOMINATIONS BEGINNING VICTOR A ALETICH, AND ENDING FREDERICK LEONARD MALLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 31, 1989.

NAVY NOMINATION COMMANDER WILLIAM M. SHEPHERD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1989.

NAVY NOMINATIONS BEGINNING HARRISON D. WILLCUTTS, AND ENDING ALLAN L. KAMINSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1989.

NAVY NOMINATIONS BEGINNING NORMAN K. SHIMABUKURO, AND ENDING RONALD L. SOLLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

NAVY NOMINATIONS BEGINNING STEVEN C. CINTRON, AND ENDING GERALD A. CIOFFI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

NAVY NOMINATIONS BEGINNING RANDY ALBERT CASON, AND ENDING ROBERT ERLING BJELLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

NAVY NOMINATIONS BEGINNING GERARD PAUL AREL, AND ENDING STANLEY SYLVE TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

EXTENSIONS OF REMARKS

ECONOMIC INCENTIVES AND ALTERNATIVE FUELS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. ANDREWS. Mr. Speaker, on Saturday, September 16 I had the opportunity to address the Southwest Liquefied Petroleum Gas conference in Dallas. Industries such as the LP Gas industry have shown great interest in pursuing the use of clean-burning alternative vehicle fuels in solving our clean air problems. I would like to enter my remarks to the conference on this subject into the record at this time.

REMARKS OF CONGRESSMAN MICHAEL A. ANDREWS BEFORE THE SOUTHWEST LP GAS TRADE SHOW

You are all probably aware that one of the most talked about issues in the present Congress is the effort to strengthen the Clean Air Act. Obviously this will have a great effect on your industry and on others in the energy sector.

I know that the thought of Congress playing around with environmental requirements may make some of you pretty nervous. To tell you the truth it makes me a little nervous too—but the hard facts are that present law has not provided sufficient air quality protection.

We must do more to address this—one of our most critical problems. This attitude now prevails in Congress and, with the President presenting his own clean air plan, we are finally headed toward passage of a clean air bill.

From the political battle lines that have been drawn in the past, it is clear that many are skeptical over whether sound environmental policy can be compatible with sound economic policy. In fact, when I stand up in front of people and say that I am an environmentalist as well as an advocate for strong economic growth, I usually get some funny looks.

At the risk of getting some of those funny looks, I stand here today to tell you that we are in an exciting position in the energy sector in which the goals of improving our environment and improving our economic position are now very compatible. This is especially true for an industry like yours.

To illustrate the unique opportunity we have here I would like to talk about one of the areas which substantially effects our air quality—the transportation sector. Pollution from vehicles is an increasingly large part of our air quality problem. In fact almost half of the components which come together to form urban smog now come from vehicle emissions. If we can substantially reduce such emissions, we will have won a big victory in battle against air pollution.

How do we do this? One approach is to put tighter emissions controls on gasoline vehicles. Most of the clean air proposals floating around include such controls. It is one of the most controversial areas of the President's bill because many feel that he does not do enough. However, no matter what we do, controls on gasoline vehicles provide limited possibilities.

The other approach—the one which holds so much promise for your industry—is to pursue the use of alternative fuels. Fuels such as LPG hold enormous long-term promise for improving air quality. For example, by many estimates propane reduces the amount of reactive hydrocarbon emissions—the main ingredient in the formation of urban smog—by 40 percent.

We have the technology to run cars, trucks, and buses on such fuels—not some time in the future but today. LPG is already in wide use as a vehicle fuel around the world. In fact, it is the most widely used alternative vehicle fuel. Over 330,000 propane highway vehicles are currently on the road in the U.S. and over 2.5 million are on the road worldwide. Countries such as Canada, the Netherlands, Japan, South Korea, Italy, and New Zealand all have extensive LPG vehicle programs.

So it is clear that alternative fuels are technologically feasible and that they provide the environmental benefits we are looking for. However, there is a bonus. They also happen to make for good energy policy.

Our growing dependence on the Middle East for our oil is extremely alarming. In July for the first time, we imported over 50 percent of our oil from foreign sources. Domestic production is at its lowest level in a quarter of a century. In short, we are letting OPEC get back in the saddle again.

We must diversify our energy base—preferably toward fuels which have a greater potential for domestic supply. Natural gas and LPG fit this bill perfectly. They are especially good for our region which holds a large part of domestic supply and production.

So here we are. Alternative fuels make environmental sense, and they make economic sense. They hold extremely exciting possibilities for your industry and our region as a whole.

With this in mind the question I have been asking is: "What are we waiting for?" This country should be jumping all over such an opportunity.

The reality, unfortunately, is that it takes some time for even the best new ideas to get rolling in my business. However, I am glad to report that there is an increasing awareness of the potential for alternative fuels—including propane—in policy circles. In fact, as you may know, the President has included a limited alternative fuels proposal in his clean air bill.

However, because of the start-up costs involved with alternative fuels and entrenchment of gasoline in the minds of the public, it will take broad government leadership to get a large scale alternative fuels program off the ground. With an initial push I am convinced that alternative fuels like LPG can more than hold their own. Not only are they cleaner than gasoline and diesel but, in the case of propane and CNG, they are cheaper as well. All we need is a running start.

The key to promoting alternative fuels in other countries has been government incentives. Canada provides the best example. Both the national and provincial governments in Canada offer incentives for buying or converting a vehicle to run on an alternative fuel. They also offer incentives for the development of infrastructure components such as refueling stations.

The results are evident. In Toronto when you get in a taxi it is likely to be powered by propane. When you need to refuel a car with propane or CNG you will not have too much trouble finding a retail gas station which sells them at the pump. Government leadership has been the key to achieving these results in such a short time. We need such leadership in this country.

When determining how to promote alternative fuels there are several questions to resolve. Probably the most often debated question is: which alternative fuel should we pursue. Most of the talk you hear involves methanol. Methanol has its advantages and its problems—most often mentioned are its toxicity, its high cost, and the likelihood that most of the supply would come from the Middle East.

The reason you hear more about methanol relates more to the fact that it was the first alternative fuel to attract signficant attention in this country. The auto-makers have been experimenting with it. Propane and natural gas may have greater advantages, but they are recent entrants.

I object to any proposal which seeks to favor one fuel over another. There is room for all of these fuels in the market. If we give each fuel an equal boost, they can compete on their individual merits.

How, then, do we effectively promote these fuels. Providing for the use of alternative fuels in the Clean Air Act is one avenue. The President's proposal mandates the sale of some alternative fuel vehicles in cities with the worst air quality. However, it is not clear how this program would actually operate. In addition many feel that he unfairly singles out methanol.

We must work to provide a more fair and comprehensive alternative fuels component. Again, no fuel should be specified. A definition of what constitutes a "clean-burning" alternative fuel should simply be provided. From the tone of the debate to this point, I believe we will likely see some significant changes in the President's original measure.

However, in the end I do not think that Clean Air Act mandates are the key to a large scale conversion to alternative fuels. The real problem is the up-front investment required to get an alternative fuels program moving. Economic incentives are the key to overcoming this barrier. Economic incentives are what will get the attention of the private sector. Economic incentives are what have worked in other countries.

I have introduced a bill which provides such incentives. My "Alternative Fuels Incentive Act", H.R. 2269 establishes tax incentives to encourage the use of alternative fuels in the U.S.

First, my bill would provide a 20-percent tax credit for equipment to convert a gasoline vehicle so that it may run on a clean-burning fuel. This component will encourage public and private fleet owners to convert their vehicles.

Such conversions will constitute a large part of the initial penetration of alternative fuels into the market. And most of them will involve propane or CNG.

Second, the bill provides a 20-percent credit for refueling station equipment designed to accommodate a clean burning fuel—including things such as special underground tanks for liquid fuels and compressor stations for natural gas. This provision is absolutely essential. It will create the incentive for large scale infrastructure development for alternative fuels.

Third, the bill provides a 20-percent credit for the cost of the fuel system of a new vehicle produced to run on a clean burning fuel. After all, in the long-run we are aiming at getting vehicles especially designed for alternative fuels on the road.

Fourth, the bill provides for credit equivalent payments for state and local agencies so that entities such as local transit authorities will be encouraged to convert their vehicles. Vehicles run by these groups—such as diesel buses—are a large part of the air quality problem.

The "Alternative Fuels Incentive Act" does not single out one fuel over another. It promotes clean-burning alternative fuels in general—including LPG.

I am pleased at the reception my bill has received. We currently have 64 cosponsors from both parties and from all regions of the country. I am hopeful that we will be able to move the bill through the House Ways and Means Committee on which I sit.

In conclusion I want to reiterate that we are on our way to making alternative fuels a reality in this country. People are realizing that we have a situation in which our environmental and economic interests run together. Some initial leadership is the key in getting a large scale program off the ground.

Propane has the potential to be a large part of the alternative fuels mix. It has proven itself in other countries. I would encourage all of you to get involved in helping to promote it as such. We will all benefit if the use of LPG is expanded in this way.

TAIWAN'S NATIONAL DAY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. FUSTER. Mr. Speaker, as Tuesday, October 10, is the 78th anniversary of the founding of the Republic of China, it is appropriate not just to congratulate Taiwan on its political, economic, and social achievements but also to reaffirm our continuing support for Taiwan as a vital trading partner and as a partner in democracy.

Mr. Speaker, 78 years of growth and progress have been realized—a national success story that, given Taiwan's size, locality and origins, is unique in the modern world. We have seen the economic and social basis of life transformed in the decades since the Republic of China's founding in 1911, and especially in the last 40 years.

We also appreciate Taiwan's representation in Washington, especially Ding Mou-shih. All of them have been doing an excellent job keeping us informed of the latest developments in the Republic of China.

TRIBUTE TO THE UNION OF INDIGENOUS NATIONS OF BRAZIL

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. CROCKETT. Mr. Speaker, on next Monday, September 25, the 1989 Letelier-Moffitt Human Rights Award will be presented to an organization that has worked tirelessly to improve the conditions and rights of Brazil's indigenous population. The Union of Indigenous Nations [UNI] works with the 180 native American communities throughout Brazil to curtail the extensive mining, ranching, dam construction, and irresponsible development that are destroying Brazil's precious rainforest and robbing these native American groups of the unique ecosystem that insures their survival.

Intense lobbying by the Union of Indigenous Nations, the only national level Indian organization in Brazil, secured improved legal status and civil rights for indigenous people in the constitution adopted last spring. The new constitution explicitly guarantees indigenous groups natural resources for subsistence, access to social programs for health and education, and the free practice of culture and religion.

The UNI unites indigenous people with local popular organizations to form a broad opposition to socially and environmentally destructive development and human rights violations. It has denounced the negative role of the military and multinational lending practices in Brazilian development policy, citing the use of military airstrips by powerful mining companies and multinational loans for projects that destroy the delicate rainforest environment.

The UNI is led by Ailton Alves Lacerda, a Krenak Indian who has been a courageous spokesperson and a key force in bringing to public knowledge the struggle of Brazil's indigenous people. He has helped the tribes become stronger in their efforts for self-representation and economic independence. As a grantee of the Ashoka Foundation, Ailton also coordinates other ongoing projects such as an intertribal communications network, a newspaper in two prominant Indian languages,- educational programs, and leadership training for indigenous people.

At a time when indigenous rights are being continuously violated, Ailton's work on behalf of the UNI focuses crucial attention on injustices against Brazil's indigenous population. It deserves our solidarity and support.

A NEW SCOURGE IN THE PRACTICE OF MEDICINE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. STARK. Mr. Speaker, a new scourge is making itself known in the practice of medicine these days: Physician-Owned Physical Therapy Services, or [POPTS]. Currently, Medicare will reimburse for physical therapy services provided either at an independent PT clinic, or within a physician's office. I am sad to report that this latter setting is being abused by unscrupulous physicians who want nothing more than to make a fast buck—at the Government's expense.

Since February, when I introduced the Ethics in Patient Referrals Act of 1989, I have received volumes of mail from across the country, bringing to my attention countless examples of abuse by physician self-referrals; I have previously shared some of this mail with you and my other colleagues. Until now, however, I have not passed along what may, in fact, be the lion's share of that mail: Letters from physical therapists, supporting the intentions of the physician referral bill, but asking that it be made tougher to address the situation of physical therapy services being provided within physicians' offices.

To date, I have received over 400 letters from physical therapists in more than 40 States, illustrating how abusive the POPTS can be. Patients are being denied the ability to choose their therapists; single therapists are being forced to provide services to upward of 30 patients a day; patients are being maintained on therapy programs long past the time needed for recovery; and therapy is being provided by uncertified personnel, even by the doctors' receptionists.

The following are excerpts of some of the letters I've received:

From California:

"Today one of my ex-patients whom I first treated about three years ago made an appointment with me. She later cancelled it, saying that the referring orthopedist wanted her to go to his physical therapist and was very upset that she was scheduled to see me. She had actually contacted the doctor's physical therapist and was told that she couldn't be seen for ten days. Well, the physician didn't want to relinquish even one patient to me. He called and personally arranged that this patient be squeezed in earlier. This especially hurt because this doctor used to refer to me until his group bought their own physical therapists about one month ago. Since that time, they've referred no new patients to me, only an 'old' one whom I'd previously treated."—G.S., San Diego

From Illinois:

"On a recent trip out of town, I injured my back while carrying my luggage. I sought medical attention. I requested referral for physical therapy from the physician. I knew a local physical therapist for whom I had respect and knew of his high level of expertise in physical therapy for back care. The physician refused to actually give me a referral, insisting that I see 'his' physical therapist who was located down the hall.

We ended up having a long heated discussion over the issue. While I did end up with the referral—finally, I should not have to argue with the physician to see a physical therapist of my choice. A lesser informed person would probably not have gotten their choice, even if they knew that they had one."—S.S., Chicago

From Florida:

"I worked (was employed) by 3 orthopedic physicians for 2 years when I was a new graduate therapist. They referred all their physical therapy exclusively to me, whether the patient actually needed the therapy or not. At the time I was young and naive. And taken advantage of. They sent me patient after patient. As one physical therapist, I would see up to 30 patients a day with one unlicensed assistant. That is 15 minutes per patient, without room for documentation, or for a thorough evaluation of the patient's injury. Very frustrating, indeed!"—P.L., Orlando

From New Jersey:

"I have seen a multitude of abuses to patients where physicians overtreat or mistreat patients needing adequate physical therapy. Many physicians utilize secretaries and college students to perform so called physical therapy in their office for weeks at a time."—A.I., Edison

From Montana:

"One physician in Montana currently bills for physical therapy services provided in his outpatient clinic. As the Consultant to the Montana Division of Worker's Compensation, I have been asked to provide utilization review of at least a dozen cases of postoperative treatment to his carpal tunnel syndrome patients. Many of these patients received 60 or more sessions of triplicate physical therapy. (By triplicate, I mean 3 heat treatments per session.) One case received over 250 sessions of triplicate! This therapy has been provided by the physician's wife, a non-professional aide. Recently, a new aide has been hired and trained by the physician to provide physical therapy, x-ray, and lab work."—R.S., Missoula

From Georgia:

"In 1985, while director of a physical therapy department in a small hospital, I was virtually forced out of practice after an orthopedic physician decided to set up physical therapy services in his own office. Beforehand he was a main referral source, and afterward I did not receive any referrals from him. In addition, the 'physical therapy' that was administered to his patients was given by a person with no college education and who carried the title of Office Clerk within his office."—J.S., Gainesville

From New York:

"Two years ago two orthopedic surgeons moved into our area. Their office is not nearly as well located as ours, but we were pleased to have them in the area. They sent us many orthopedic patients. They sent us primarily private insurance patients, but also some No-Fault, some Worker's Compensation, and some Medicare patients. One year ago the physicians hired their own PTs. Interestingly, the only referrals we now get from them are the No-Fault and Compensation cases. Somebody, it seems, their office has no room for any but the private paying patients."—J.M., New York City

And from your own State of Washington:

"In my area a physician has set up a P.T. clinic in his office. Before setting up his clinic he referred a total of 3 patients per month to outside physical therapy services (there are 10 in our community). He now sends nearly 44 each month to his own clinic."—J.F., Olympia

I'm not sure what galls me more: the abuse that's being foisted on unsuspecting patients, or the thought that the Government's paying for it.

The Congress should take a good, hard look at these POPTS in the coming year. If we have to change the way that Medicare pays for physical therapy to put abusive operations out of business, then let's do it. In the meantime, I will continue to ask for more examples and will pass along to my colleagues this further proof of the need for reform in this area.

IN APPRECIATION OF A LIFE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. RITTER. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding individual in my community—Deming Lewis. Mr. Lewis' death was a great loss to my community and to those who knew him. Mr. Speaker, I would like to include for colleagues in the RECORD the remarks that Paul J. Franz, vice president emeritus for development at Lehigh University, recently made in the Lehigh Alumni Bulletin about Deming Lewis.

IN APPRECIATION OF A LIFE

Paul J. Franz, Jr., '44, Lehigh University's vice president emeritus for development and university relations, gave the following remembrance of President Emeritus Deming Lewis, who died April 19, at a memorial service in Packer Memorial Church. The remarks are taken from Lehigh-Alumni Bulletin, Summer 1989.

Deming Lewis, Lehigh's tenth president, was towering in stature as well as in deeds. Known as a scholar, inventor, scientist and educator, he possessed many qualities that enhanced Lehigh and his community. Above all he was a consummate gentleman, a man of utmost integrity who did not know how to be devious.

In his early Lehigh years, when Deming was the "new president" it was my privilege to introduce him to alumni clubs as we traveled around the country. On my notes for those talks I merely wrote the figures 5-33-5. They might sound like a football play, but actually they stood for several facts about Deming Lewis. He had five degrees—three from Harvard and two from Oxford—and was a Rhodes Scholar. He held 33 patents on devices so strange to me that I lumped them all together under the category of widgets. (Actually, those inventions were important to the development of this country's radar systems and in placing a man on the moon.) The final five stood for five daughters to which he subsequently added another daughter and a son. I recall that these statistics practically lifted our alumni out of their seats. You could almost hear "wow" go through the audience. If I may say so, Deming Lewis was a "wow" of a man.

Often we describe a college or university on the basis of the number of buildings, the size and beauty of the campus, the amount of endowment, enrollment and other conventional measures. Perhaps the most meaningful description, yet the most difficult to appraise, is the quality of a university's people. The contributions of legendary professors, and in turn what their students have given and continue to give to society, is the real Lehigh success story. In the forefront of these special people is Deming Lewis—one of the true greats who has guided the university to its present heights. As Peter Likins said, "Deming Lewis helped shape Lehigh as we know it today. He set the agenda that we are addressing with gathering speed. Deming had a vision of Lehigh as a total university, rich in diversity across the disciplines and across the spectrum from freshmen to doctoral students."

Dean John Karakash, one of Deming's closest friends—in fact, the gentlemen who first introduced him to the Lehigh campus—said, "There is no question in my mind that he succeeded in adding the graduate research dimension to Lehigh, blending it into what Lehigh had been, enlarging its role and adding to its stature."

They say that a prophet in his own country is without honor. Well, a most significant event occurred on Founder's Day 1974, when the faculty for the first time voted an honorary degree to an incumbent president. It was a surprise move to commemorate Deming's first 10 years. The citation read, "For his distinguished and dynamic degree of leadership that brought Lehigh its greatest progress."

From my personal standpoint, I never ceased to be amazed by Deming's knowledge about almost any subject. We frequently drove to New York together; I drove and Deming took his place in the passenger seat with the crossword puzzle from the *New York Times* under his arm. We didn't talk very much those first few miles, as Deming never paused while filling in those squares. He was so confident that he used a pen. Usually by the last traffic light in Phillipsburg he had completed the puzzle. Years later, somebody invented the game of Trivial Pursuit, and it was not surprising that Deming Lewis was unbeatable at it.

The pressures that fall on a college president are great, and when times became particularly difficult—Deming would say he was in "a flat spin"—he resorted to squash, which he played with more than average skill. He could dominate a singles squash court with his reach, but more importantly, a good workout was like a tonic to the harassed president. He also loved working with his hands. You've probably heard about the houseboat that he built at Loveladies, his summer residence on the Jersey shore. Perhaps you didn't know the boat was to be equipped with a Chrysler engine. To perfect his knowledge he subscribed to a correspondence course on engine maintenance, and bought an old Chrysler car, so that he would have an engine on which to do his homework. These are just sidelights, but perhaps they explain why we enjoyed this man so much.

Knowing Deming Lewis was a special experience that enriched one's life. He enriched Lehigh University by leaving as his legacy the goal of achieving excellence in the education of the whole person.

PREPARING FOR AMERICA'S FUTURE

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. LANCASTER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 250,000 secondary school students participated in the contest, competing for the nine national scholarships totaling $42,500, which was distributed among the top nine winners. The contest theme this year was "Preparing for America's Future."

The winning contestant from each State came to Washington for the final judging as a guest of the Veterans of Foreign Wars. The winner from North Carolina is a 10th grade student from White Oak High School located in the Third Congressional District, the district I have the privilege of representing. I would like to share with you the remarks of Tracy S. Fitch of Jacksonville, NC.

The article follows:

PREPARING FOR AMERICA'S FUTURE

(By Tracy S. Fitch)

The future of American Democracy lies in awakening today's youth to the weaknesses in its own attitudes. We must recognize the need to educate ourselves so we may become well informed and functional citizens. As young people, we must plan ahead to the time when we will make decisions which may affect more than just ourselves.

We must open our minds to learning all that we can about the issues that affect our country and world today. History frequently dictates a great deal of the future. What happens today is the history of tomorrow. Therefore it is important that we become aware of what is happening in the world today, that needs our attention so that we may improve tomorrow.

As Americans, we often forget that democracy is not solely an American idea. Aristotle felt that with the privilege of citizenship came the responsibility for the education of youth and that the "neglect of education does harm to the states." He also said, "The citizen should be molded to suit the form of government under which he lives." It was his theory that we must practice as children what we will become as adults.

There is a poem which says, "Children learn what they live." The theory that what we see and do as children establishes the pattern for our adulthood is supported by sociologists. This brings us to an examination of the structure of today's society. Consider the change in the family. More and more youth are without adult supervision due to working parents. There is a critical need for better child care. If we do not care for our youth adequately, we fail in our responsibility to our country. These young people are the citizens of tomorrow. If they are not taught caring and compassion. If we are taught apathy then we will become apathetic. All this affects the attitudes of tomorrow's leaders.

It is the responsibility of youth to seek and find the information which will allow them to be all that they can be, for themselves, as well as for the good of this country. It is a challenge to improve our knowledge so we can evaluate these decisions we must have the fortitude to act upon them.

Democracy is founded on the needs and wants of the people for the benefit of all the people. It is of primary importance that we, as citizens, change the attitudes of society regarding the value of education. We can only do this if we become involved by demanding the best education for the youth of America!

The nation is only as strong as its people! We, as young people can only become the sum of the education we receive. If that education is not a quality education, then ultimately the country shall suffer! The Constitution grants us many rights and privileges. These freedoms must be carefully nurtured for the future citizenry.

Jacqueline Kennedy said, "If we bungle raising our children, I don't think whatever else we do well matters very much." In other words, whatever you might accomplish may well be undone by an uninvolved, uninformed next generation.

As today's citizens, it is your responsibility to create an education system which will provide the background for learning that young people need. As tomorrow's citizens, we have the responsibility of learning all that we can to build a solid foundation for self-government. We must become a part of the tradition of American democracy, by adding our voices to those of the past . . . voices which speak with the authority of well educated minds.

PUERTO RICO DEVASTATED BY HURRICANE HUGO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. FUSTER. Mr. Speaker, my colleagues have certainly heard or read about the devastating effects in the Caribbean of Hurricane Hugo before it took aim today at the southeastern coast of the United States. On my island of Puerto Rico, we took a direct hit, with the center of the hurricane passing over the eastern end, then rolling along the north coast and striking the populous San Juan metropolitan area.

The effects were disastrous to most of the island, with thousands of people left homeless and a great many houses and other structures severely damaged. Even today, much of Puerto Rico is without electricity or water, which could cause a major health problem to develop. Damages are already estimated to be in the hundreds of millions of dollars but casualties were low, thanks in part to the early and persistent efforts by the Commonwealth Government to encourage persons to rush to shelters before the hurricane struck.

We were able to expedite the arrival in Puerto Rico of a damage assessment team from the Federal Emergency Management Agency, and we expect that Federal funding will soon be flowing to those hardest hit on the island. And, at the request of our Governor, Rafael Hernandez Colon, President Bush has today declared Puerto Rico a disaster area, which means that a mechanism will be in place to bring about emergency Federal assistance to the Commonwealth.

Even so, Puerto Rico will probably need more help. The Government of Puerto Rico already expects to face costs exceeding $100 million over and above what we assume will be provided by Federal emergency relief programs.

Mr. Speaker, Puerto Rico obviously has its work cut out for itself now, and the recovery process will no doubt be a long one. We will need considerable help in this process, and for that the people of Puerto Rico are grateful. In the meantime, Mr. Speaker, I will continue to keep my colleagues informed as Puerto Rico attempts to recover from its worst natural disaster in the last 50 years.

DEVELOPMENTS IN THE NICARAGUAN ELECTORAL PROCESS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. CROCKETT. Mr. Speaker, this is another in a series of statements on the Nicaraguan electoral process, designed to provide my colleagues with objective information about Nicaragua's upcoming February 25 election.

In April the nonpartisan Congressional Research Service produced an analysis of Nicaragua's electoral law, which had been approved by the National Assembly of Nicaragua that same month. I include the CRS report for the information of the House. I would call my colleagues' attention particularly to the last section, entitled "The Issue of Fairness," which states that the law "appears technically to improve the conditions that would allow the development of a pluralistic political system that has multiple parties and that guarantees the right of the opposition parties to operate."

The CRS report follows:

NICARAGUA: AMENDMENTS TO THE ELECTORAL LAW

The requester wants information on the amendments introduced to the Electoral Law in Nicaragua on April 18, 1989 and their implications in terms of fairness for the opposition parties to participate and successfully challenge the Sandinista ruling party in the elections to be held in 1990. This report addresses these questions in its two sections, one describing the principal amendments, and a second addressing the issue of fairness.

I. AMENDMENTS TO THE ELECTORAL LAW

General Background

In response to the commitment made at Tesoro Beach (El Salvador) at the meeting of the Central American presidents to guarantee clean and fair elections, the National Assembly of Nicaragua approved Law No. 56 On Reforms to the Electoral Law of April 18, 1989.[1]

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[1] This report is prepared based on a copy of the law provided by the Law Offices of Reichler, Choate, Appelbaum & Wippman in Washington, D.C. The U.S. Department of State did not have this material when contacted.

The law establishes the following electoral timetable: the electoral process will begin April 25, 1989 and will have a period of four months (April 25 to August 24) to prepare, organize and mobilize political parties. During this period political parties must provide the lists proposing the names of the members of the Supreme Electoral Counsel (S.E.C.), the Regional Electoral Councils (R.E.C.) and the Ballot Receiving Boards (B.R.B.). Parties without legal status must incorporate and register, and the parties must appoint their poll watchers (*fiscales*) for each B.R.B. Public demonstrations destined to proselytize and to call Nicaraguan citizens to register in the electoral registers (Catalogos de Electores) may take place only with prior authorization.

From August 25 to December 3, 1989, public demonstrations will not require prior authorization from the authorities, but the authorities must be notified and bond deposited. The government funds to finance the campaign will be distributed. The use of TV Channel 2 for electoral propaganda as programed by the S.E.C. will begin. Candidates will register, and independent candidates may register supporters in order to qualify for registration.

From December 4, 1989 on and until February 21, 1990, the electoral ballots will be designed and distributed, and the full electoral campaign will be in progress.[2]

A. Official To Be Elected

The President and Vice President of the Republic, the National Assembly, the members of municipal councils and eventually the representatives to the Central American Parliament will be elected on February 25, 1990.[3]

B. Electoral Authorities

The S.E.C. is the body that oversees the entire electoral apparatus.[4] It consists of five magistrates and its alternates appointed by the National Assembly, which also chooses the presiding judge, from slates provided by the President of the Republic. "In order to fortify political pluralism" the President will include in two of the slates the persons proposed by the political parties that enjoy legal status, excluding the government party, and granting preference to those proposed by parties that obtained more votes in the past elections. The political parties will have 15 days from the date in which the President requests the proposals to provide the candidates' names.[5]

There will be nine R.E.C. comprised of a president and two members and their corresponding alternates appointed by the S.E.C. from lists presented by the political parties with legal status in the same manner and using the criteria established for the members of the S.E.C. above.[6]

The three members of the B.R.B. will be appointed by the R.E.C. as follows: a) the president, one member and corresponding alternatives will be appointed at the discretion of the R.E.C.; and b) the other member and the alternate must be appointed from lists provided by the political parties with legal status. Failure by the parties to submit the lists will not prevent the R.E.C. from filling the vacancies. There will be one National Computation Center and one in each of the R.E.C.[7]

C. Legal Status of Political Parties

The incorporation and legal status of political parties required presentation of a notarized document of incorporation providing the names of the members of its leadership and the leaders of at least nine departmental sections, according to its organizational structure, the name of the legal representative, information on the assets, its by-laws, principles, and programs to the Council of Political Parties for approval. The Council will decide whether to approve the political party within 15 days after hearing other interested political parties.[8]

D. The Electoral System

The amendments to the Electoral Law maintain a system of proportional representation to elect the members of the National Assembly, based on each voter marking his or her preference for a given list, without any amendments, and applying regional quotients.[9]

E. Registration and Poll Watchers

Each political party or coalition of political parties or popular associations has the right to appoint poll watchers and an alternate to the S.E.C. and the R.E.C. and each B.R.B. during the process of registration of voters. However, the day of the elections, the voting and the counting of votes will be supervised by poll watchers appointed only by the parties and coalitions that have registered candidates to run in the elections. These poll watchers have the right to observe all stages of the electoral process and the computation of votes in the computation centers. They may record and sign objections and records containing the tallies and file challenges to the voting and counting procedures.[10]

The registration of voters will take place in the B.R.C. corresponding to the habitual residence of the voter. The members of the armed and security forces will register in the boards located in the place of assignment. The members and poll watchers of an B.R.B. will register in that same board. Nicaraguans temporarily abroad and those in the diplomatic service may register in authorized Nicaraguan consulates abroad, but must vote in Nicaragua. Nicaraguans who rose in arms against the government and demobilized under the terms of the Tesoro Beach Declaration (February 14, 1989) are guaranteed the right to register, to vote and to be elected.[11]

F. Campaigning and the Media

During the electoral campaign for the offices of the presidency, vice presidency, and seats in the National Assembly, the S.E.C. will guarantee the political parties or coalitions of parties that present candidates: 1) 30 minutes a day in each of the channels of the Sandinista Television Network, and 2) 45 minutes a day in each of the radio stations owned by the government. This time will be equally distributed among the contenders. Political parties may freely contract with private broadcasters; however, these must guarantee each party or coalition a minimum of 5 minutes. Parties or coalitions may use the time allotted in daily increments or accrued and used weekly at the party's discretion. Furthermore, all broadcasting—whether in private or government owned stations—must be paid for. Broadcasters will present their estimated rates to the S.E.C., which will also schedule the programs. Programs must be prepared in Nicaragua by Nicaraguans unless well founded exceptions are granted by the S.E.C.

In the municipal elections the guaranteed time slots are 15 minutes in local radio stations within the region in which candidates have been registered; 20 minutes a day in national networks, and 5 minutes in each television channel at the end of the campaign if they present candidates in 80 percent of the municipalities.

Electoral campaigns in the R.E.B. of the Autonomous Regions of the Atlantic Coast are guaranteed 30 minutes a day in each of the radio stations broadcasting in those regions, and 5 minutes at the opening and the closing of the campaign in the national systems. The allotted time will be equally distributed among the contenders. However, when different forms of elections take place simultaneously, the allotted time does not accrue and the alternative providing the maximum guaranteed time will be applied.[12]

G. Campaign Financing

Under the new law, campaign financing will be provided by two different sources. The first will be a global fund appropriated by the government. Of this fund, 50 percent will be distributed in equal amounts among the parties and coalitions of parties that have registered candidates. The other 50 percent will be distributed to the political parties and coalitions of parties in proportion to the number of votes obtained in the 1984 elections.

The second source will be the Fund for Democracy. The fund will be administered by the S.E.C. and will consist of the contributions from abroad to finance political parties, coalitions of political parties or popular associations that register candidates in the elections, remitted through the Central Bank of Nicaragua or the Ministry of External Cooperation. These contributions will be distributed as follows: 1) Half of the contribution will be given to the party, coalition or association to which destined; 2) the other half will be deposited in a common fund that will be used by the S.E.C. to pay for general election expenses.[13]

H. Ethics

The law states ethical standards for the campaign and propaganda, forbids the use of government property for political propaganda and proselytizing during working hours in the government, institutes, schools and universities, and establishes sanctions.[14]

I. The Issue of Fairness

The Nicaraguan electoral system as amended by Law No. 56 appears technically to improve the conditions that would allow the development of a pluralistic political system that has multiple parties and that guarantees the right of the opposition parties to operate.

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[2] *Id.* art. 218.

[3] *Id.* arts. 214 and 215. The election will take place almost one year ahead of the beginning of the corresponding term of office for each office.

[4] The 1987 Constitution grants the S.E.C. the status of fourth branch of government (art. 7) and its basic composition and powers are governed by articles 168 to 174.

[5] *Id.* art. 6. In the prior law only parties that had obtained seats in the National Assembly could propose candidates for the slates.

[6] *Id.* art. 17.

[7] *Id.* art. 26. Under the prior law, the S.E.C. had the discretionary power to appoint all members of the subordinate electoral bodies.

[8] *Id.* arts. 70 and 217. The prior law required parties to have departmental organization in each department of the country.

[9] *Id.* arts. 165 to 167.

[10] *Id.* arts. 29 and 30. The prior law included provision for observers but their rights were not specified in detail.

[11] *Id.* art. 35 and 216.

[12] *Id.* arts. 109, 111, 112 and 115. The prior law contained basically the same rules, except it did not address campaigns in municipal elections and autonomous regions.

[13] *Id.* arts. 123 and 124.

[14] *Id.* arts. 129, 196, 197 and 199.

The S.E.C. under this law may have a pluralistic composition and be appointed by a pluralistic body, the National Assembly; the requirements to organize and legalize political parties have been lowered to facilitate the formation of political parties; the opposition will have access to the media; public financing of campaigning is provided and foreign contributions are allowed under the law. However, the system of proportional representation, which has been maintained with minor adjustments in the Electoral Law, is the key technical element that would allow the representation of minority parties and would eventually allow alternation in the control of the government structure. Finally, the provisions on poll watchers allow the close monitoring of the ballot counting by the opposition.

Laws as written, however, do not constitute the sole element determining their own policy content to become a political reality. The above evaluation, therefore, rests on the assumption that the political dynamics of power as exercised by the Sandinista government will not interfere and consequently distort the electoral process. It also assumes that the Nicaraguan opposition will actively use the laws and political space created by the law in a manner similar, for example, to that of the democratic opposition in the recent plebiscite in Chile.[15]

(Prepared by Gisela von Muhlenbrock, Senior Legal Specialist, Hispanic Law Division, Law Library, Library of Congress, April 1989.)

INTRODUCTION OF LEGISLATION TO EXTEND THE GRAMM-RUDMAN BUDGET LAW PERMANENTLY

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. PENNY. Mr. Speaker, along with our colleagues JIM BATES and JIM OLIN, I am today introducing legislation to amend the Congressional Budget Act to permanently extend the Balanced Budget and Emergency Deficit Control Act of 1985—Gramm-Rudman—and to protect the Social Security trust fund. Specifically, the legislation:

1. Excludes the receipts and disbursements of the Social Security trust fund when calculating the deficit for Gramm-Rudman and adjusts the maximum targets accordingly. The new targets would become: $138 billion in fiscal year 1990; $114 billion in fiscal year 1991; $99 billion in fiscal year 1992; $75 billion in fiscal year 1993; $50 billion in fiscal year 1994; $25 billion in fiscal year 1995; and 0 in fiscal year 1996 and subsequent years.

2. Ends all the current exemptions in the Gramm-Rudman law except interest on the debt effective with fiscal year 1996.

3. Provides for look-back Gramm-Rudman enforcement. The target would be enforced after the October 15 sequestration report by a look-back process in which the subsequent year's deficit target would be lowered by the amount of any current year excess deficit resulting primarily from post-October 15 spending.

4. Requires a report from the Administrator of the Social Security Administration on the status of the Social Security Trust Funds, together with proposals to ensure that adequate funds will be available as needed in the future for payment to qualified participants.

Finally, the bill requires the General Accounting Office [GAO] within 6 months to report to Congress and the President recommendations for changes in the current budget process to implement the use of common economic assumptions by the President and Congress in preparing the budget.

Mr. Speaker, the Gramm-Rudman deficit reduction process, while imperfect, has resulted in budget discipline and lowered the deficit. The Social Security Trust Fund should be preserved and available for future payments and not used to artificially reduce the budget deficit. This legislation will achieve both of these objectives.

I ask that a copy of the bill follow this statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Budget Act Amendments of 1989".

SEC. 2. PERMANENT EXTENSION OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985; ELIMINATION OF EXEMPTIONS.

(a) PERMANENT EXTENSION.—

(1) Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (hereinafter in this section referred to as the "Act") is repealed.

(2)(A) Paragraphs (1) and (2) of section 251(a)(1) of the Act is amended by inserting "or any subsequent fiscal year" after "1993" each place it appears.

(B) Section 251(a)(3)(A)(i)(III) of the Act is amended by inserting "or any subsequent fiscal year," after "1993".

(C) The side heading of section 252(a)(6)(B) of the Act is amended by striking "FISCAL YEARS 1989-1993" and by inserting "SUBSEQUENT FISCAL YEARS".

(D) The side heading of section 252(a)(7) of the Act is amended by striking "FISCAL YEARS 1987-1993" and by inserting "SUBSEQUENT FISCAL YEARS".

(E) Section 257 of the Act is amended in paragraph (10) by striking "fiscal year 1992" and inserting "fiscal year 1996" and by striking "fiscal year 1993" and inserting "fiscal year 1997 or any subsequent fiscal year".

(b) ELIMINATION OF EXEMPTIONS.—

(1) The Act is amended by striking sections 255 and 256 and by inserting in lieu thereof the following:

"SEC. 255. EXEMPTION.

"No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.".

(2)(A) Section 251(a)(3)(B) of the Act is amended by striking "Subject to the exemptions, exceptions, limitations, special rules, and definitions set forth in this section and in sections 255, 256, and 257, one-half" and by inserting "One-half".

(B) Section 251(a)(3)(D) of the Act is repealed.

(C) Section 251(a)(3)(E)(i) of the Act is amended by striking "; except" and all that follows thereafter through "reductions".

(D) Section 251(a)(4)(B) of the Act is repealed.

(E) Section 251(a)(5) of the Act is amended by striking "sections 255, 256, and" and by inserting "section".

(F) Section 251(a)(6) of the Act is amended by striking "sections 256 and" and by inserting "section" in the last sentence thereof.

(G) Section 252(a)(1) of the Act is amended by striking "and subject to the exemptions, exceptions, limitations, special rules, and definitions set forth in sections 255, 256, and 257".

(H) Section 252(a)(4)(B) of the Act is repealed.

(I) Section 252(b)(1)(A) of the Act is amended by striking ", and shall include a reduction in payments under the health care programs under title XVIII of the Social Security Act determined in accordance with subsection (a)(4)(B)(ii),".

(J) Section 257 of the Act is amended in paragraph (1) by striking "(except as otherwise provided in sections 255 and 256)".

(K) The table of contents set forth in section 200(b) of the Act is amended by striking the items relating to sections 255 and 256 and by inserting after the item relating to section 254 the following new item:

"Sec. 255. Exemption.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply with respect to fiscal years beginning after September 30, 1995.

SEC. 3. EXCLUSION OF RECEIPTS AND DISBURSEMENTS OF SOCIAL SECURITY TRUST FUNDS WHEN CALCULATING MAXIMUM DEFICIT AMOUNTS.

(a) DEFINITION OF DEFICIT.—The second sentence of paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)) is repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1989.

SEC. 4. MAXIMUM DEFICIT AMOUNT.

Section 3(7) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(7)) is amended to read as follows:

"(7) The term 'maximum deficit amount' means—

"(A) with respect to the fiscal year beginning October 1, 1985, $171,900,000,000;

"(B) with respect to the fiscal year beginning October 1, 1986, $144,000,000,000;

"(C) with respect to the fiscal year beginning October 1, 1987, $144,000,000,000.

"(D) with respect to the fiscal year beginning October 1, 1988, $136,000,000,000.

"(E) with respect to the fiscal year beginning October 1, 1989, $163,000,000,000;

"(F) with respect to the fiscal year beginning October 1, 1990, $138,000,000,000;

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[15] In Chile, the deck was stacked against the opposition in the following main aspects: a) all officials of the electoral system were appointed by the government; b) incorporation of a party nationally required 34,800 notarized signatures; c) large segments of voters did not have political rights under article 8 of the 1980 Constitution; d) foreign financing of political parties was prohibited; e) the opposition had access to the state controlled television only one month before the vote and only with 15-minute spots, f) the armed forces were allowed to vote. But the opposition organized a system to monitor the results with 22,131 poll watchers that made it hard for the military regime supporters to discount the electoral process.

"(G) with respect to the fiscal year beginning October 1, 1991, $114,000,000,000;

"(H) with respect to the fiscal year beginning October 1, 1992, $99,000,000,000;

"(I) with respect to the fiscal year beginning October 1, 1993, $75,000,000,000;

"(J) with respect to the fiscal year beginning October 1, 1994, $50,000,000,000;

"(K) with respect to the fiscal year beginning October 1, 1995, $25,000,000,000; and

"(L) with respect to the fiscal year beginning October 1, 1996, or any subsequent fiscal year, $0.

SEC. 5. CHANGE IN DEFINITION OF MAXIMUM DEFICIT AMOUNT FOR A FISCAL YEAR TO REFLECT AMOUNT BY WHICH PRIOR YEAR'S ACTUAL DEFICIT EXCEEDS THAT YEAR'S MAXIMUM DEFICIT AMOUNT.

(a) DEFINITION OF MAXIMUM DEFICIT AMOUNT.—Paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 4) is amended—

(1) by redesignating subparagraphs (A) through (L) as clauses (i) through (xii), respectively, and by striking out "The" and inserting in lieu thereof "(A) Except as provided by subparagraph (B), the "; and

(2) by inserting at the end thereof the following new subparagraph:

"(B) Except as provided by the next sentence, the amount set forth in subparagraph (A) with respect to any fiscal year shall be reduced by the amount, if any, by which the actual deficit for the immediately preceding fiscal year exceeds the amount set forth in such subparagraph with respect to that fiscal year, except that no such amount shall be reduced below zero. If the actual deficit for a fiscal year exceeds the amount set forth in subparagraph (A) with respect to that fiscal year by less than $10,000,000, then no reduction under the preceding sentence shall occur with respect to the next fiscal year.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1989.

SEC. 6. STUDY OF VIABILITY OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.

Within 6 months after the date of enactment of this Act, the Administrator of the Social Security Administration shall transmit to the President and to each House of the Congress a report of the viability of the Federal Old-Age and Survivors Trust Fund, together with a proposal to ensure that adequate funds will be available as needed in the future for payments to qualified participants.

SEC. 7. GAO STUDY OF USE OF COMMON ECONOMIC ASSUMPTIONS.

Within 6 months after the date of enactment of this Act, the Director of the General Accounting Office shall transmit to the Committees on the Budget of each House of the Congress a report of methods of implementing the use of common economic assumptions by the President and the Congress in carrying out all of their duties and responsibilities with respect to the Federal budget process.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Ayala Adler, Joaquina Adou-Hamda, Renuka Agrawal, Syed Ahmad, Norman Aiken, Hossein Alsani, Eva Araujo, Dominique Aristide, Tyrell Astleyman, Michel Auguste, Semiramis Ayral-Kaloustia, Yung Bae, Balvinder Bains, Aysil Baldwin, Edmund Benjamin, Edwin Benjamin, Pari Benjamin, John Berich, Lascelles L. Bond, Romulo Cabrera, Felicite Cadet.

Rodiane Cadet, Rui Cambetas, Bertha Casseus, Angelo Castrogiovanni, Amado Cerezo, Teresa Chaliguri, Virginia Chan, Raymond Chang, Shelley Chang, Yin Chang, Amionne Charles, Chad-Tsui Chen, Joan Chen, Te Chen, Dong Chong, Cher Chou, Manjit Chowdhary, Jean Baptiste Constant, Cleveland Coore, Irma Crespo.

Jose Cruz, Josefa Cruz, Thomas Dang, Philippe Darbouze, Kathleen De Cunzo, Rosa De Duval, Jose Dela Cruz, Denice Desmond, Anthony Dimarco, Caroline Duffy, Marie Dupont, Samina Farooqi, Maureen Ferguson, Louis Fevrier, Newton Fider, Laura Finch, Alexander Fridman, David Friedland, Devendra Gandhi, Nisha Gandhi.

Carmencita Gapay, Kum-Kum Girolamo, Nidhi Goel, Lea Gryn, Nirva Guerrier, John Gunning, Vladimir Semenovich Gurevich, Jessica Han, Kimberly Harris, Maria Hernandez, Moshe Herskvic, Josefina Hidalgo, Charlene Hill, Chang Huang, Ahmed Ibrahim, Aliya Imam, George Jablonski, Edward Jadraszak.

Babita Jha, Jean Joseph, Marie-Florence Julien, Moses Kaloustian, John Kandoth, John Kapek, Krystyna Kapek, Linh-Dung Kien, Kam Kimura, Celia Laratte, Juliet Larson, Mary Law, Daniel Lee, Claudia Lopez, Gilberte Louhis, Candida Luna, Milanjali Maharaj, Hillit Mannor, Ghazala Maqbool, Ester Markowitz, Jose Martinez.

Pedro Martinez, Rosa Martins, Frank Mastrapa, Leuvis Matos, Rita L. Montaperto, Sabita Mukherjee, Monika Munro, Edward Naftali, Popal Naim, Mike Nayef, Cindy Nghe, Jean Noelizaire, Henry Nuguyen, Jennifer Nuguyen, Helen Nurkin, Linh O, Flavio Olcese, Luigi Olcese, Jin Ong, Frank Ortega.

Loredana Pappalardo, Stephanie Peltz, Felipa Perez, Marlen Perez, Oscar Perez, Sem Philippe, Ramon Picardo, Yanick Pierre, Pasammal Ponniah Das, Constanta Popovici, Eugen Popovici, Anna Presser, Mohamed Qasem, Juan Quezada, Estrella Quintillan-Viloria, Yvonne Ramkisson, Elridge Reid, Edilberto Resurreccion, Maria Rodriguez, Maurilia Rodriguez, Nebrissa Rodriguez.

Eve Rosemarin, Feyegel Rosenberg, Ruben Rubinos, Eramod Saggi, Esmeralda Salazar, George Samaras, Julia Samaras, Ana Santos, Jerry Santos, Nabil Sawabini, Nadia Sawabini, Pushpalatha Sawkar, Jean Schmid, Dennis Seiner, Dinesh Shah, Niyati Shah, Uresh Sheth, Janice Simpson-Givens, Noel Spencer, Audrey Stewart, Emilija Stolnitz.

Miroslav Stransky, Gouvis Stylianos, Madhav Suri, Patricia Synan, Olga Tailer, Sona Tamazian, Maria Torok, Rose Trentinella, Tien-Hsiang Tsai, Marina Tsekounas, Marie Turnier, Esperanza Valdivia, Julia Van Houten, Maria Vargas, Noel Velez, Mariana Vera-Barberan, Maria Veras, William Villa, Ciriaco Villarosa, Rivka Wagschal, Marvene Walker, Milton Williams, Maria Winslow, Brian Woods, Shin Wu, Michel Zreik.

EMMA HART: TEACHER, FARMER, CENTENARIAN—"NO BELL ON THE HOUSE"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. MILLER of Ohio. Mr. Speaker, I rise to honor the memory of a dear lady Emma Hart who passed away earlier this month at the age of 102. Emma Hart passed away on September 9, 1989, 102 years, 1 month, and 6 days after entering this world on her parents' farm near Chesterhill in Morgan County where she spent almost her entire life. Her ancestors arrived in Ohio from Connecticut in 1789, 200 years ago, when it was known as the Northwest Territory.

I am taking this opportunity to address the House to honor Miss Emma and the many teacher/farmers who have served America since its inception by producing for us a literate, skilled, and God-fearing work force that has made this country the envy of the world. The investment that these people have made of their own resources for the benefit of others seems to resonate in Miss Hart's soft statement contained in the transcript which follows, that she used her own hand held school bell because there was "no bell on the house."

As a salute to Miss Hart I would like to share the following notes that were obtained from an interview she gave in 1972 at the age of 85 to an education major at Ohio University who now teaches in Morgan County, Mrs. Carol Kirkbride Pierce.

EMMA HART—AUGUST 3, 1887—SEPTEMBER 9, 1989

(Tape recording of my life until 1972 taken by Carol Pierce)

I was born August 3, 1887, at my parent's home located 1 mile east of Elliott's Cross Roads. This has been my home for 85 years.

I started to school at the age of 7 to a grade school named Goshen, and continued until I passed the Boxwell exam to enter high school. I then entered Chesterhill High and spent 1 year there taking subjects that would help me receive an elementary certificate. At the age of 18 I began teaching all grades at the little village of Mountville for 1 year. I boarded with my aunt ¾'s of a mile from the school, and I walked this distance each morning and evening. At this school there was no bell on the schoolhouse so I used a hand bell. The following 2 years, I taught at Hopkins, a country school located at Fairview Park three miles from my home. In good weather I rode horse back on a side saddle and did my own janitor work (for free). This was a very pretty location and had nice grounds for games. I boarded at homes close to school in the winter time. We had a literary program on special days and parents would surprise me at noon with a basket dinner, and I always had a treat for the children at Christmas. I taught all 8 grades while there, receiving $40 per month. I have several pupils remember me yet in different pleasant ways. Here too, I had to use a hand bell as there was no bell on the house.

I then decided to study music at Dana's Musical Institute at Warren, Ohio, which is now part of Youngstown University. Having had little musical training, I was given five finger exercises and began at the beginning of solfeggio and other branches of music. I spent 40 weeks, each year there taking instruction. At the end of 5 years, I received my concerto to play for commencement exercises and a diploma from the institution, and a degree, A.B. in musical art. While on summer vacation, I taught piano at my home.

By this time my parents were needing me at home. I was asked to do some Elementary teaching at home school and at Chesterhill.

In all of my teaching the children furnished their books. We didn't use grade cards then. I gave them tests on each branch frequently and wrote their grades on their papers which I returned to them. I divided the classes according to their ability.

As for my disciplinarian ability, I tried to keep every child busy, which was a help. I did have several teenagers. Some proved to be criminals; for those I asked the Principal for help. To be sure, I had some pupils I admired more than others, but I tried to treat them all the same.

My teaching in Sunday School was for a short time at Pleasant Hill Methodist Church now called Pleasant Hill Community. I was a pianist for several years at this church. For a number of years Pleasant Hill was in the same Circuit as Pisgah, Joy, Chesterhill, Todds, and Pennsville, but Pleasant Hill and Joy are not now included since attendance was too small. The village of Chesterhill has four denominations now: The United Methodist, Church of Christ, Nazarene and Quaker, all with good attendance.

My father's relatives claimed a birth right in the Quaker denomination. They dressed with very plain clothing and my grandmother wore her Quaker cape and bonnet for special occasions.

Our family of Harts originated at Hartford, Connecticut. Some moved to Maryland and Pennsylvania then to Marion Township, Morgan County near my home.

My father did general farming and after his death in 1926 we sold milk to Klines Dairy in Athens. The young man Fred Kirkbride, who was living with us, asked us if we would like to purchase some registered Jerseys and we invested in two heifers which were the beginning of our herd of 60 head. The tank truck now hauls all our Jersey milk to Kasler's Dairy, Athens, Ohio.

As for my having a hobby, I will say I like the beautiful nature and the cattle I see. I love to work with flowers inside and out and would keep it up if I had good feet and legs. My doctor and Mrs. Kirkbride have stopped me doing so much.

I enjoy reading and hearing about the happenings over the world each day.

I have belonged to the Elliott Farm Bureau Council since the year 1941 and have been the Secretary since 1958. Through all the years since we organized, we have been diligent in keeping our Council in good standing. We have not missed but a few monthly meetings.

While teaching at Chesterhill in 1918 I sold War Savings Stamps and was pleasantly surprised to hear I had won a trip on the Great Lakes. It was an exciting trip which I will not forget.

MAY LELAND'S PASSING MAKE THE INDIFFERENT CARE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. STOKES. Mr. Speaker, I want to bring to the attention of my colleagues the moving tribute written by Congressman HENRY HYDE of Illinios in memory of Congressman Mickey Leland. The editorial by Congressman HYDE appeared in the Houston Chronicle on August 18, 1989.

MAY LELAND'S PASSING MAKE THE INDIFFERENT CARE

(By Representative Henry J. Hyde)

Death comes like a thief in the night, scripture tells us, but when it happens it is always a shock. None of us who knew him were prepared for Mickey Leland's tragic death. Those of us who believe in a divine purpose to the world and to our individual roles in it are a painful loss to undertand why such an end to such a useful life should occur.

When I think of Mickey Leland, I recall a forceful present, supremely confident and always in motion. I recall his irresistible arguments on behalf of legislation making the Rev. Martin Luther King Jr.'s birthday a national holiday. Mickey told the House how he grew up hating white people, but as he lived his life and through his legislative service he learned that all races share a common humanity, the same fears and hopes, and that the Rev. King stood for a spiritual as well as a political equality that deserved national acknowledgment.

He convinced me, and I am sure others, that King really completed what had imperfectly begun in the American Revolution and that it was King who gave substance to the idea expressed in our Declaration of Independence.

From the distance that inherently separates a white conservative suburban Chicago Republican from a black liberal Democrat from Houston—over the cultural divide I learned to admire and respect this happy warrior who made no small plans, and who took on the cause of world hunger as his own.

All of us hope that our lives will be spent on behalf of some cause—some quest, as Cervantes would say—but few of us ever grasp the opportunity. It demands a certain heroism, a certain selflessness, to make a difference, and Mickey Leland was selfless and heroic in grappling with the virtually intractable problem of world hunger.

Perhaps this great cause which Mickey believed in so passionately is served in some strange and mysterious way by his tragic death—because now the world is taking notice and perhaps some of the indifferent may begin to care.

YOUTHS STAND A CHANCE WITH THE RIGHT PROGRAMS

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SAWYER. Mr. Speaker, next week the President and the Nation's Governors will convene a meeting devoted to the education needs of this country. I know you, and all our colleagues, eagerly anticipate a positive outcome of this summit. Educational achievement is, as we know, strongly linked to factors which lie outside of the school system itself. I would like to recommend the following column to our colleagues. it is a sensitive and compelling reminder that schools alone cannot guarantee a child's success, academic, or otherwise.

[From the Beacon Journal, Sept. 20, 1989]

YOUTHS STAND A CHANCE WITH THE RIGHT PROGRAMS

(By Deborah Stone)

Today's children are a product of a mobile society that has largely lost family unity and the ability to pass traditional values from one generation to another.

Many poorer youngsters move five to six times a year because of family unrest and an inability to pay the rent and utilities. They never have an opportunity to "send down roots," build solid friendships and establish themselves in a school and neighborhood. They become afraid to get close to others because they know they will soon be on the move again.

The isolation and desperation contributes significantly to increased drop-out rates, suicides, sexual experimentation and drug and alcohol use.

Society is left with self-centered, cold and disrespectful youth capable of seemingly senseless attacks on individuals, such as the heavily publicized "wilding" attack by a band of youths on a jogger in Central Park.

The drop-out rate reveals much about the present situation. Of the 3.8 million 18-year-old Americans in 1988, 700,000 had dropped out of school and another 700,000 could not read their high school diplomas, according to Fortune magazine.

This is particularly disturbing because tomorrow's jobs will require ongoing technical training based on a solid educational framework—a framework that the growing number of dropouts will not possess.

This can be changed, but only if we become involved in leading youngsters from a life of poverty and despair to one of productivity and fulfillment.

Education can and should play a significant role. It won't be easy to reverse long-term trends, but it can be done, especially if the public and private sectors cooperate.

Significant efforts have been made in that direction with the University of Akron's Strive Toward Excellence Program, funded with a $3 million gift from the Firestone Trust Fund.

The effort focuses on the whole person. It goes beyond academics and attempts to strengthen the family to enable students and their families to be prepared socially and emotionally for the future.

Other efforts are working as well. The Comer program at Yale, for example, pulls parents, teachers and students together in an increasing commitment to education.

The Head Start program has a proven track record, and that needs to be greatly expanded in the face of the challenges ahead.

Such programs can make a difference to the students and their parents. They serve as examples of what can be achieved through the combined efforts of the private and public sectors.

We are all in the same lifeboat. We all are part of a larger society and one in which blacks, Hispanics and other often-disadvantaged minorities will continue to quickly grow in numbers. Only by caring about others can we ensure the survival of our society.

GEORGE DELASHMUTT, RENO, NV, FINALIST, 1989 JAMES CASH PENNEY AWARD FOR COMMUNITY SERVICE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mrs. VUCANOVICH. Mr. Speaker, while it may not be common knowledge that Nevada has a suicide rate twice the national average, George DeLashmutt has made that terrible tragedy a call to compassion and community service.

About a year ago, George, who is a stock handler at the J.C. Penney Catalog Distribution Center, went through an intensive 55-hour training program to prepare for manning the hotline at the Suicide Prevention and Crisis Call Center in Reno.

Today, he spends over 40 hours a week manning that hotline and bringing help to desperate, suicidal callers. He helps train new volunteers and attends board meetings as the alternate volunteer representative. He volunteers with the Speaker's Bureau as a speaker on the subject of suicide and last, but not least, extends a friendly, caring hand to his fellow volunteers. He planted rose bushes at the center last year and took responsibility for helping construct and carpet a new office for the center. He even, on occasion, cooks gourmet meals for fellow volunteers.

It is easy to see why his exemplary work has earned him the distinction more than once of volunteer-of-the-month for th Suicide Prevention and Crisis Call Center.

George's compassion for those in need may have something to do with his own experience. Five years ago, George was diagnosed as having cancer and shortly thereafter attempted suicide. When the loaded gun mysteriously failed to go off and did so only later when he left the gun behind, George's life was changed.

How fortunate for the people of Reno that George failed in that attempt for in the time since, he has helped to save the lives of other desperate, would-be-suicide victims.

George's positive attitude, compassion, and desire to serve are an inspiration and it is easy to see why he was among the handful honored September 14 as a finalist for the 1989 James Cash Penney Award for Community Service.

George, we are proud of your achievement and proud to claim you as one of Nevada's citizens. Most of all, on this special occasion, we want to express to you our deepest gratitude for what you have given to your community.

HONORING DR. GEORGE F. SEUFFERT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Dr. George F. Seuffert, one of the most renowned conductors and citizens the Borough of Queens has ever produced. On September 26, the Consul General of the Federal Republic of Germany will honor this outstanding individual by presenting him with the Commanders Cross of the Order of Merit of the Federal Republic of Germany.

No New Yorker deserves this accolade more than Dr. George F. Seuffert. His contributions to Queens and the city of New York are legendary. Not only has he conducted the Seuffert Band, one of Queens finest for over 50 years, but he also served in the U.S. Marine Corps during World War II, taught in public schools in New York for 36 years, and directed the Fordham University band for over 27 years.

While serving on the board of education, George performed another service to his city which may yet prove to be his greatest testimony. As music consultant to Mayor John Lindsay, he persuaded the mayor to allow the All City High School Chorus to greet all important visitors to New York City. The chorus numbers presidents, foreign dignitaries, and royalty among those it has welcomed to New York.

Despite these many important and significant services, George will be most associated with the band that bears his name, the Seuffert Band. The band, founded by George's father, George Seuffert, Sr., consisted of 48 of New York's most talented musicians. George succeeded his father as conductor in 1938, and for over 50 years conducted his band in over 1,500 free concerts, bringing the gift of music to over a million people. George's band proved to scores of New Yorkers that you don't have to go to Carnegie Hall to enjoy good music.

In recognition of these services, the city of New York has previously presented George with the highest cultural award the city can offer, the Handel Medallion, and the National Arts Club presented him with their Medal for Music. The West German Government also previously awarded George with the Officer's Cross of the Order of Merit, and next week the West German Government will again honor George with another award.

George is no stranger to awards, but I doubt anyone would argue that he has not earned every one. His love of music has touched the lives of many New Yorkers both young and old and I am sure they would join me in thanking George for his many years of devoted service and congratulating him on another well deserved award.

FEDERAL WORKERS NEED LOCALITY PAY FOR HIGH COST-OF-LIVING AREAS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. GALLO. Mr. Speaker, today I am introducing a bill to provide locality pay adjustments for Federal employees in high-cost urban and surburban areas.

Within the last year, hundreds of Federal management and professional employees in New Jersey have left Government service either through retirement or relocation to the private sector. In 1 day earlier this year, more than 100 retirement requests were processed at one Federal facility alone.

We have critical vacancies in our VA nursing staffs and a loss of key management personnel across the board. This further contributes to morale problems, as the talented professionals who remain become overworked and the quality of service to the American people drops below acceptable levels. We need a salary structure that is based on the cost of living.

It is increasingly difficult for these workers to make ends meet. The Office of Personnel Management, after a year-long study, issued its report on August 30, clearly demonstrating that compensation must be tailored to job location in order to hire and retain Federal workers who have to cope with costs of housing, transportation, food, health care, and insurance that are far above the national averages.

The Advisory Committee on Federal Pay and the Federal Executive Board have come to similar conclusions.

I have been bothered for a long time because I believe that it is fundamentally unfair to ask people to accept a lower standard of living just because they work for the Federal Government rather than State or local governments or private industry.

After studying "The New Jersey Crisis, A Report on the Decline of Federal Service in New Jersey," which was issued in 1988, I have come to understand that we have to do something about the problem, now rather than later.

I believe that we need to totally overhaul the national Federal pay system in order to make it responsive to local market conditions. This belief is reinforced by the OPM Report which made clear that erosion of Federal worker salaries in high-cost areas has reached crisis proportions.

The problem is not only in northern New Jersey. It is in Orange and Los Angeles Counties in California, Carol and Cook Counties in Illinois, Stamford, CT, Oakland, CA, Fairfax, VA, Montgomery County in Maryland, and Atlanta, GA. Mr. Speaker, my colleagues know where their constituents are suffering.

The attempts made to address the situation have been fragmented, costly, ineffectual, and unfair. For example, the Senate has passed legislation allowing 10 percent of the Government to participate in demonstration projects overriding the General Schedule. Special pay provisions have been passed for the Energy and Defense Departments. The Veterans' Administraion has its own pay schedule, and more than 150,000 employees are receiving special rates, with 20,000 special rate jobs unfilled.

Demonstration projects, tinkering, political deals, special pay for cities that ignore the needs of the adjoining suburban areas—these are stopgap measures that won't staunch the flow of resignations by talented public servants.

Mr. Speaker, I would like ot submit some specific examples from my district on how difficult, or even impossible it is, for Federal employees to make ends meet.

A GS-12 general engineer who recently completed an executive development assignment resigned to accept a position with a major oil company at an increase in salary of 30 percent and other generous fringe benefits.

A supervisory physicist, GS-14, with over 20 years of Federal service surrendered his pension and resigned to accept a position in the private sector payng up to $6,000 more per year. Significant corporate growth in the Morris County area has exacerbated both recruitment and retention problems for this occupational category.

Ninety of the 145 applicants who were offered positions as telephone representatives by the Treasury Department in Essex County in 1988 declined the jobs.

An electrical engineer took a position in the private sector at a salary increase of $10,000 specifically stating that pay was the only reason why he resigned.

As you can see, Mr. Speaker, the Federal Government is becoming a costly training service for private industry.

Although I have emphasized my area of northwest New Jersey because I know it best, the problem is a national one. The Los Angeles County Federal Executive Board reports that the additional costs of new recruiting, hiring, training, overtime, and lost revenue totaled $164.7 million compared to the cost of salary increases, $139.8 million. In Boston a similar problem exists.

The American people should not have to face the consequences of the dire prediction of the American Federation of Government Employees that the "failure to begin to remedy the current pay gap will virtually ensure that the Nation's largest employer will remain the employer of last resort."

Mr. Speaker, unintentionally, I may have left out areas that ought to be involved and I look forward to the opportunity to learn about them from my colleagues and I ask them for their support.

LEGISLATION AIMED AT AVERTING FINANCIAL CATASTROPHE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. MARLENEE. Mr. Speaker, today I am introducing very important legislation aimed at averting financial catastrophe next year for scores of individuals and businesses across the country.

When elected officials jump to the tune of Government control they don't realize that the resulting overregulation closes businesses and costs jobs.

But that's exactly what is happening under the underground storage tank law. The chickens are coming home to roost. Next year these EPA regulations will be fully implemented, and their impact will force thousands of gas stations and other businesses across the country to close. More than 26,000 stations alone will shut down, according to a survey by the Petroleum Marketers Association of America.

Rural America will be particularly hard hit. So will our schools, county highway departments, municipal highway departments, police departments, and others who have storage tanks underground. We all know that struggling local government entities can ill afford the burden of even more heavy-handed EPA regulations.

The bill that I am introducing delays enforcement until EPA can certify that affordable liability insurance—the major cost under these regulations—is available.

Common sense must prevail. Callously wiping out jobs and businesses is not the way to achieve environmental protection.

We must act now. Time is running out. Footdragging or vague promises of future action won't do. Our rural cities and towns are the heart of America, but rural America is being poisoned under the guise of supposed "environmental protection."

Scare tactics that would have us believe rural America is drowning under a flood of leaking storage tanks are just that—scare tactics.

The reality of rural America is that gas stations are struggling to survive—let alone eke out a profit—and these regulations will simply drive them right out of business. Can a mom and pop gas station in the thousands of small cities and towns across our country realistically be expected to afford $1 million in liability insurance? Such a requirement is ludicrous. It's even more ludicrous when you consider that all but 3 percent of all leaks would be covered by $250,000 worth of insurance.

I realize that some States, such as the State of Montana, have established a liability fund to assist gas stations in the event leaks occur. But, because of the limited funding resources available in most of these States, these funds in many cases are wholly inadequate to avert financial catastrophe for many businesses and other entities.

The legislation I am introducing today addresses the problems faced in complying with these underground storage tank regulations.

My bill will:

Suspend enforcement of insurance requirements on small gas station chains and individual owners until EPA can certify that reasonably affordable insurance is available.

Reduce the mandatory insurance coverage from the arbitrary figure of $1 million to an amount less than $500,000. Half-a-million, I should note, still covers 99 percent of all leaks.

Eliminate the requirement that insurance cover third-party claims on top of cleanup costs. Third-party coverage merely assures litigants of fattened court judgments—it has nothing to do with cleaning up the environment.

And, require EPA to examine the financial hardship associated with monitoring, upgrading, and replacing existing tanks, and to report to Congress on ways to relieve those hardships.

Without passage of this legislation many neighborhood service stations or country stores may no longer be there. Also lost will be automotive repair services for many local areas. The closure of business also means a loss in competition, which is sure to result in higher prices for one of our most basic necessities—fuel.

Finally, taxpayers undoubtedly will end up footing the bill for the dramatically increased costs to local governments and schools. It's either that or our local education systems and local government services will suffer.

But I for one, will simply not stand by and let the EPA regulators turn our communities into an economic wasteland. The time to act is now, and I urge my colleagues to join me by cosponsoring this legislation.

LOCAL NEWSPAPER HONORED ON 100TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the Beacon newspaper, a publication in my district which is celebrating its 100th anniversary of covering the news and events in southern Ocean County, NJ.

I know that many of us rely on the headlines carried by major metropolitan newspapers to keep us abreast of the day-to-day happenings both within our country and throughout the world. But the Beacon stands as a fine example of many local weekly and biweekly newspapers that offer the latest news with a unique, local flavor.

During its 100-year history, the Beacon has had several owners and names, starting out in 1989 as the Tuckerton Beacon. But it has endured, and today countinues to carry issues that have become universal to coastal communities.

Today, its focus is primarily the area of Tuckerton, NJ, but it continues to thrive and serve the needs and interests of its many subscribers.

Accordingly, I am asking my colleagues in the House to join with me in honoring the Beacon on its 100th birthday, and in wishing it many more years of success.

GROUND TRANSPORTATION CONSUMER PROTECTION ACT

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SMITH of Florida. Mr. Speaker, a growing number of airports charge access fees to off-airport service providers, such as car rental firms and other concessionaires. Fees that are assessed on the basis of gross receipts rather than airport use place a burden on consumers and pose a threat to competition. The Consumer Federation of America estimated that the indirect impact of these fees could be as great as $500 million annually and noted that the most direct burden falls on those least able to afford the fee—the tourist traveler.

In the 100th Congress, I supported a bill to permit airports to charge access fees that were fair and reasonable. After some business and consumer groups also voiced concern, Congress directed the Secretary of Transportation to review the impact of airport access fees. In his April 1989, report, the Secretary found that the imposition of airport access fees will change the competitive relationship between off- and on-airport car rental companies, increase the price of rental cars, and decrease the supply of car rental services.

Airports should be permitted to assess reasonable fees to help defray the operating costs and exert reasonable control over traffic and commerce on airport grounds. However, some airports are engaging in arbitrary and discriminatory practices. Gross revenue fees of up to 10 percent imposed simply for driving on airport roads to pick up and discharge prereserved customers bear no relationship to either actual costs incurred by the airports or the benefits received by the service providers. Yet, airports continue to attempt to use their power to force off-airport services to either pay the fees or else refuse them the right to drive on the airport roads.

Therefore, Congressman DOUG BOSCO and I have introduced the Ground Transportation Consumer Protection Act of 1989. This bill, like the proposal in the 100th Congress, will allow airports to charge access fees that are fair and reasonable. But, the bill also would prohibit access fees that would lessen competition or tend to create a monopoly. In addition, the bill would require airports to provide information on the location of airport ground transportation services and protect the consumer's right of access to all courtesy vehicles.

This bill will bring fairness into the airport service fee system. It will also help ensure a competitive business environment, thereby benefiting the consumer. Unreasonable access fees that give on-airport businesses an unfair advantage reduce competition and hurt the businessperson and vacationer. This bill will help protect these travelers.

This legislation is supported by the Consumer Federation of America and the Aviation Consumer Action Project.

A section-by-section analysis of the bill follows:

SUMMARY OF PROPOSED "GROUND TRANSPORTATION CONSUMER PROTECTION ACT OF 1989"

Enactment of the proposed omnibus "Ground Transportation Act of 1989" would provide airline passengers access to off-airport courtesy vehicles and to information about the availability and location of ground transportation services. It would amend the Clayton Act to prohibit certain activities by local government, and it would prohibit airports from charging unreasonable or unjustly discriminatory airport fees.

Section 1 states the title of the Act, the "Ground Transportation Consumer Protection Act of 1989."

Subsection 2(a) requires airports to provide conspicuous information to airline passengers on the location of all ground transportation services available at the airport.

Subsection 2(b) provides for the right of access for air passengers to off-airport courtesy vehicles, as well as the right of access for off-airport operators over airport roadways to passenger pickup and discharge areas designated on a fair and reasonable basis.

Subsection 2(c) permits an airport to charge airport access fees to compensate the airport for any costs associated with the use of the airport by off-airport operators, provided that such fees are reasonable, not unjustly discriminatory and are reasonably related to the use of the airport roadways and facilities that are built primarily for the use of such off-airport operators.

Subsection 2(d) contains the enforcement provision, which permits civil actions for violations of Section 2.

Section 3 would amend the Clayton Act to prohibit governmental units that operate Federally-subsidized airports from imposing unreasonable and unjustly discriminatory taxes, fees or conditions that may tend to substantially lessen competition or tend to create a monopoly, whether or not such tax, fee or condition is authorized by state law.

Section 4 provides that amendments made by this legislation would not apply to any civil action in which a judgement has been entered on or before the date of enactment.

CATASTROPHIC COVERAGE ACT REFORM

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SMITH of Texas. Mr. Speaker, today I rise to express my great concern about efforts to reform the Medicare Catastrophic Coverage Act that was passed last year.

Over 30 pieces of legislation have been introduced in the 101st Congress, all seeking to make changes in this new program whose Medicare benefit expansion and unfair financing have been the focus of intense opposition by America's senior citizens. Concerned Members have lobbied the committees of jurisdiction to hold hearings on these bills, but to no avail.

All of us have been deluged with letters and calls from our senior constituents calling for reform and relief from this costly and unwanted program. And I know that most of you want to act to address their concerns.

But as the fiscal year 1990 reconciliation bill moves toward a vote by the full House, the only reform option in sight is the meager revision drawn up by the Ways and Means Committee.

The Ways and Means compromise retains an income surtax, and adds insult to injury by providing Medicare beneficiaries the so-called choice of "opting out" of the catastrophic coverage program. This would require that they forego all of their Medicare part B benefits.

Furthermore, the plan renders the program even more financially unsound than before. Under the proposal, the program would no longer be self-financing, but instead would shift the cost coverage to revenues earned from payroll taxes.

While cutting the surtax rate by one-half, and nearly doubling the flat monthly premium, only nominal reductions in costs have been attempted. None of the costly benefits have been pared back, and the $200 increase in the prescription drug deductible will not make a dent in the program costs, now estimated to be over $48 billion for the first 5 years, not the $30 billion that was originally calculated.

New estimates released by the Health Care Financing Administration on the costs of the new skilled nursing facility benefits now reveal that over the next 5 years, this one benefit alone will cost as much as $15 billion, more than double its original price tag.

Many seniors have realized that the new catastrophic benefits are ones they did not need or want. Nearly one-half of all Medicare beneficiaries will be subject to paying the surtax, but 85 percent are already receiving similar coverage under less costly private insurance or retiree health plans. What seniors say they really need is protection against the threat of long-term care costs, which this law fails to address. According to a Wirthlin Group study, 65 percent of seniors would prefer a form of long-term care coverage over the current catastrophic program.

This fact, coupled with the staggering runaway costs of the program that are increasing with every new estimate, clearly shows that drastic changes are the only real solution. Only substantial revision and restructuring of this program can restore the financial integrity of Medicare.

That is why I have signed the petition to discharge House Resolution 191, a rule that will bring other proposals for catastrophic care reform, including a proposal for complete repeal, to the floor of the House for consideration and debate by all Members. And today I urge all my colleagues who share the concerns of senior constituents and who care about the financial solvency of the Medicare Program to sign the petition as well.

The same people who produced the original, fatally flawed catastrophic program have now given us a timid and unworkable revision. We must take action to ensure that other alternatives to the catastrophic program are given their day in court. And if, after examination and debate, none of these alternatives proves workable, we must repeal this unfair law.

IN SUPPORT OF "COASTWEEKS '89"

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Ms. PELOSI. Mr. Speaker, I rise today to express my support for "Coastweeks '89," House Joint Resolution 239. This resolution highlights the importance of maintaining our Nation's coastal areas.

In California, as elsewhere in the country, we have witnessed the impact of our coasts of activities that conflict with environmental preservation. The destruction of coastal resources, if left unattended, could cause irreplaceable harm to the environment and our quality of life. This threat highlights the need to educate the public on the value of America's coastal resources and the impacts they face.

Coastweeks '89 has shown itself to be a particularly effective platform for focusing attention on our coasts through a diverse combination of educational, cultural, and recreational events. In the San Francisco area, Coastweeks '89 includes lectures, photography contests, seafood banquets, hikes, tidal pool walks, scuba diving and kayaking, and excursions to the Farallon Islands. On Saturday morning, San Franciscans will take part in the increasingly well-attended annual clean-up of Ocean Beach.

An important component of the Coastweeks celebration is the yearly beach cleanup, which on a single day brings out thousands of volunteers to clean our Nation's shorelines. Last year in California alone over 5,700 people turned out and cleaned up over 200,000 pounds of litter from our coastal beaches and parks. This year National Coastal Cleanup Day is scheduled for September 23. Expectations are that even more volunteers will turn out this year than did for 1988's cleanup effort.

Activities which highlight the importance of our natural resources, such as Coastweeks '89, or the commemoration of the 20th anniversary of the Clean Water Act (H.J. Res. 239), are important tools in the effort to protect the environment. I urge all of my colleagues to give these resolutions their full support.

MICKEY LELAND INSTITUTE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mrs. COLLINS. Mr. Speaker, a coalition of leading lawmakers, business executives, and educators recently took the first step toward the creation of the Mickey Leland Institute and Foundation at his alma mater, Texas Southern University, dedicated to our late colleague's memory and mission.

Much has been said about Mickey's fight against poverty, injustice, and hunger and I want to alert you to an effort to ensure that his fight continues. The Chicago Mercantile Exchange [CME], in my district, presented the first contribution of $100,000 to the Leland Institute to fund research aimed at ending hunger among the world's children.

I applaud the Chicago Mercantile Exchange's leadership. Leo Melamed, CME chairman of the executive committee, said, "The Leland Institute's efforts will serve as a fitting tribute to a noble individual who will be sorely missed by all who were touched by his caring nature." I want to see other leaders of corporate America follow the Merc's initiative and contribute to this noble cause, and hope you will bring it to the attention of your business constituencies.

The Mickey Leland Institute and Foundation will serve as a fitting tribute to our dear colleague who gave his life for the cause of ending world hunger. We must all strive to see that his commitment lives on.

GROUND TRANSPORTATION CONSUMER PROTECTION ACT

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. BOSCO. Mr. Speaker, in the last Congress, I introduced a bill, H.R. 3764, that would have protected American travelers and smaller businesses from the excesses of a growing number of airports that seek to charge unfair access fees to off-airport companies. H.R. 3764, and its companion (S. 1834), which was introduced in the Senate by Senator CHILES, was a reasonable, rational compromise to an escalating problem. It would have preserved the essential right of airports to collect revenue—while placing fair and reasonable limits on that right.

My bill attracted widespread bipartisan support, and had over 30 cosponsors. It was endorsed by the travel industry, specifically the American Association of Travel Agents and the American Tour Operators Association. Consumer groups also endorsed my bill, including the aviation consumer action project and the Consumer Federation of America. A study by Alfred Kahn, one of the premier aviation economists in the United States, supported the approach to airport access fees taken in my legislation. Americans Against Unfair Airport Fees [AAUAF], a nationwide coalition of off-airport businesses and consumer groups with over 400 members, endorsed the bill as well.

Despite all of that support, the bill was stalled by a multimillion dollar lobbying effort by the airports long enough to keep it from moving forward before the end of the 100th Congress. After thinking long and hard about the issue, it was clear to me that we needed a somehow different approach to the problem of airport access fees. A study completed earlier this year by the Department of Transportation [DOT] and the Federal Trade Commission [FTC] entitled, "A Review of the Imposition of Gross Receipts Fees on Off-Airport Car Rental Companies", provided fresh insight into the problem and justification for a new legislative approach to it. Because the study identified strong anticompetitive aspects of the problem, the new bill incorporates current antitrust legislation as part of the solution. In developing this new approach, I worked closely with the distinguished Congressman from Florida, LARRY SMITH, a highly respected member of the Economic and Commercial Law Subcommittee of the House Judiciary Committee. The bill that we are introducing today, the Ground Transportation Consumer Protection Act, reflects the new information and justifications brought to light by the study.

Our new bill incorporates the essential protections for consumers and small businesses that were in the bill from the last Congress by requiring that airport access fees be reasonable and not unjustly discriminatory. However, the bill we are introducing today improves on the earlier version by applying well-established standards of fair play that have been in effect for many years in the form of the Federal antitrust laws. To enforce the rights of consumers, airports could be subject to court-ordered injunctions under the U.S. antitrust laws if they impose unreasonable fees on off-airport companies that restrict competition or create a monopoly. However, the existing Local Government Antitrust Act would prevent airports from being exposed to awards for damages.

In April of this year, DOT released its study of the impact of unfair airport access fees on the off-airport car rental industry. The DOT study confirmed that the airport car rental market belongs to the big car rental companies; DOT found that the big four, Hertz, Avis, Budget, and National, dominate the on-airport car rental industry, garnering 95 percent of the business. Given that fact, it becomes clear that the few huge companies stand to benefit if competition in the car rental industry is reduced by unfair fee structures imposed by their partners, the airports.

The DOT study found that excessive airport access fees will change the competitive relationship between on- and off-airport car rental companies. It concluded that excessive airport access fees, which increase the cost of doing business for the smaller off-airport companies by 7 to 10 percent, will result in higher prices, lower profits, or reduced market-share for off-airport companies. DOT observed that the converse was true for the larger on-airport companies, who will be able to raise prices—and hence profits—increase market share, or both.

The DOT study also examined some of the arguments the airports have made in support of excessive access fees, and appears to have found them to be unpersuasive. For example, the airports have argued that they need to impose these fees because the on-airport companies will move out of the airports if excessive fees are not imposed on off-airport companies. The DOT study concluded that the airports will not be faced with the loss of all of their on-airport concessionaries. DOT saw that there will always be a demand for on-airport service because different segments of the traveling public have different requirements. Business travelers will continue to seek lower prices, and some people from each class will cross these arbitrary lines.

Most importantly, the DOT study found that restricting the power of airports to impose excessive fees will not injure the airports financially. The DOT study concluded that, in the worst possible scenario, the airports would stand to lose, at most, 5 percent of their revenue. Even so, DOT noted that the revenue reduction would eventually be replaced by the natural growth in airport revenue. The DOT study tacitly observed that it was highly unlikely that the worst case scenario would ever come to pass because it would require that all of the leisure business of the big four on-airport companies would shift to off-airport companies, a highly unlikely event. The worst case scenario is even less probable because DOT did not consider that the off-airport companies have always agreed that they are willing to pay reasonable access fees to the airports.

I want to assure my colleagues and the airport operators that this legislation will not harm the airport community in any way. The requirement that access fees be reasonable and not unjustly discriminatory is identical to the Federal restrictions airports must abide by when setting landing fees for all of the major airlines. This fee concept has worked for years in that context, and similar success can be anticipated if applied to off-airport companies. If Federal law is necessary to protect the giant airlines from the excesses of the airports, it stands to reason that it is necessary to protect the much smaller off-airport businesses from similar excesses.

Under this bill, airports will still be able to collect reasonable fees from off-airport companies that make use of airport facilities. Airports will still be able to make reasonable classifications of airport users. This legislation balances the legitimate revenue needs of airports with the importance of fostering competition in the travel marketplace and ensuring that consumers have the widest possible choice in ground transportation alternatives, as well as necessary information about those alternatives at the Nation's airports.

Air travelers deserve well-built and well-maintained airports, and they deserve a choice among reasonably priced ground transportation alternatives when they reach their destination. In addition, smaller businesses that are willing to compete with large corporations on the basis of price and service deserve to have a fair opportunity to do so. The bill we have introduced today will accomplish these goals. I strongly urge my colleagues to support it, and I urge swift action of this legislation, before unfair airport access fees spread any further.

TAIWAN CELEBRATES 78TH NATIONAL DAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. OWENS of New York. Mr. Speaker, it is once again time to observe an annual and honorable tradition here in Congress. I speak of the 78th National Day of the birth of the Republic of China, established in 1911 by Dr. Sun Yat-sen, on Tuesday, October 10, 1989.

Seventy-eight years ago, the first free democratic nation in Asia was born. Today, the Republic of China on Taiwan, under the eminent leadership of President Lee Teng-hui, stands on the threshold of world stature as a constitutional democracy, as a financial center, and as an island ally of the United States in the Pacific.

Just as we can count on Taiwan for steadfast promotion of democratic ideals and political reforms, so too can President Lee Teng-hui and Representative Ding Mou-shih count on us, the American people and their Representatives in Congress, to give the Taiwanese support against any threat from anyone harmful to Taiwan's future. What's harmful to Taiwan is definitely against the interests of the United States.

PERSONAL EXPLANATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, as a result of official business I was unable to make rollcall No. 235, to approve the journal and rollcall No. 236, to approve the rule providing for the consideration of H.R. 1659, Aviation Security. Had I been here, I would have cast the following votes: "aye," and "aye."

THE CRIVELLO FAMILY—SALT OF THE EARTH

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to a family that personifies the spirit of the American dream.

The Crivello family of the Monterey Bay area arrived in the United States of America from Palermo, Sicily at the turn of the 20th century with hopes of pursuing a better life. Like my family, the Crivello's came to America seeking better opportunities for their children, economic enhancement, and the freedom to pursue the dreams of a lifetime. So many of our ancestors have come to this country hoping to change their lives.

For the Crivello's this meant years of hard work and dedication in the fishing industry. Using their knowledge of the fishing trade, the Crivello's were able to quickly adapt and pioneer the booming fishing industry of the Monterey Bay area.

More than 300 members of the Crivello family now reside in my home State of California. The Crivello's have branched out into many areas of our society. Their family members include business leaders, judges and distinguished members of the law profession. Yet the fishing industry remains first and foremost in the hearts of these Italian-Americans.

Mr. Speaker, I was raised with the Crivello's, played in the same heighborhoods, went to the same schools, worked with them, and shared in their joy and in their sadness. They are the salt of the Earth. On September 23, the Crivello's will be holding a family reunion to commemorate nearly 100 years since coming to our great Nation. I call upon my colleagues to join with me now to pay tribute to this great American family on this occasion.

TRIBUTE TO FRANCIS S. KUMIEGA

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Ms. SCHNEIDER, Mr. Speaker, today I rise to pay tribute to an outstanding young man, Francis S. Kumiega. Francis will attain the rank of Eagle Scout of the Boy Scouts of America in the Ocean State next month.

Francis, a recent graduate of Cumberland High School, is now attending the Community College in Rhode Island. Francis enjoyed excellent leadership from the scoutmasters of Troop 2 of Central Falls, RI, and excelled in his scouting objectives. During his participation in the Boy Scouts of America, Francis has been a patrol leader, senior patrol leader, scribe, junior assistant scoutmaster and a member of the troop's leadership corps. In addition, he has also received the Ad Altare Dei and Pope Pius XII Roman Catholic Medal Awards in Scouting.

With so many of our Nation's youths becoming entangled in the web of drugs and despair, the Boy Scouts of America's programs have offered hope and a bright future to so many. Rhode Island and this country are indebted to those individuals, such as Francis, who at an early age demonstrate strong leadership, and as a result, positively influence the lives of other youth.

Francis has clearly demonstrated a strong commitment to achieving a difficult goal, and he is to be commended. I would like to congratulate Francis Kumiega on his achievement and wish him many, many more enjoyable years of scouting.

CONGRATULATING MALTA ON THE 25TH ANNIVERSARY OF ITS INDEPENDENCE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. FEIGHAN. Mr. Speaker, September 21, 1989, marks the 25th anniversary of the Republic of Malta. I want to congratulate the people of Malta as they celebrate their independence. The Maltese have always cherished their freedom and historically have been valiant in their effort to preserve democratic values and democratic traditions on Malta.

The Republic of Malta is important to the interests of the United States and the West. Its location in the central Mediterranean is not only a bridge between Europe and North Africa but also a nation that is important to peace and stability in the region. Malta's influence has not only been felt in the United States but also throughout the world. Their initiative in bringing environmental issues to the attention of the international community has been instrumental in making the global environment a priority issue in the United Nations.

Mr. Speaker, I am introducing a concurrent resolution congratulating the people of Malta on the 25th anniversary of their independence. I hope that the traditionally friendly relations that now exist between the United States and Malta will continue to grow stronger in the future.

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring),

Whereas September 21, 1989, marks the 25th anniversary of the independence of Malta;

Whereas the people of Malta have historically cherished the values of democracy;

Whereas the Maltese, by successfully resisting challenges to democratic rule on Malta, have protected and preserved their heritage for generations to come;

Whereas the Maltese endured tremendous suffering during their heroic struggle against Nazi and other fascist aggression during World War II and were cited by President Franklin Roosevelt for their bravery and courage;

Whereas a free and democratic Malta is important to peace and stability in the central Mediterranean, a region of particular importance for the interests of the United States;

Whereas the Government of Malta has actively participated in, and made positive contributions to, environmental issues of global concern; and

Whereas relations between the Republic of Malta and the United States, which have been traditionally friendly, have become even closer and stonger in recent years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress congratulates the people of Malta on the occasion of the 25th anniversary of independence of Malta.

SALUTE TO DR. JIN H. KINOSHITA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. MINETA. Mr. Speaker, I rise today to ask my colleagues to join me in saluting a native of California whose scientific leadership and innovative research efforts have made significant contributions in the prevention of blindness.

Dr. Jin H. Kinoshita, scientific director of the National Eye Institute at the National Institutes of Health, is a world-renowned vision scientist. After 20 years of research into the use of enzyme therapy to prevent serious eye illnesses, Dr. Kinoshita's meticulous work has now resulted in a treatment to help protect diabetics against one of the complications of their affliction: The development of cataracts.

Dr. Kinoshita's diligence and creativity led to the discovery of aldose reductase inhibitors [ARI's], a class of drugs that prevents sugar buildup in the lens cells of the eye. ARI treatment has now become the first new medical approach to the prevention of diabetes-associated tissue damage since the introduction of insulin more than 60 years ago.

This is not the first triumph for Dr. Kinoshita. Born in San Francisco in 1922, he received his baccalaureate degree from Columbia University in 1944, and his Ph.D. from Harvard in 1952. His professional career began as a science assistant at Columbia's Bard College upon his graduation. He later became a research assistant during his years of study at Harvard.

After receiving his Ph.D., Dr. Kinoshita began to teach at Harvard Medical School, and continued to do so until 1973. While serving as professor of biochemical ophthalmology, he was called upon by the National Eye Institute to become the chief of the Laboratory of Vision Research. He became acting scientific director of the Institute in 1980, director in 1981, and chief of the Laboratory of Mechanisms of Occular Diseases in 1986.

Dr. Kinoshita's array of honors and awards are no less impressive.

He received the Friedenwald Memorial Award from the Association for Research in Ophthalmology in 1965. In 1969, he received an award from the Research to Prevent Blindness Board. Five years later, he received the Proctor Medal from the Association for Research in Vision and Ophthalmology.

In 1983, Dr. Kinoshita received no less than three prestigious awards, including the Alcon Research Award, the United States-Japan CCRG Honor Award, and the DHHS Performance Award. The following year, he again received the Alcon Research Award. In 1985, he received an award from the Cataract Research Foundation of Japan.

Mr. Speaker, when we stop to consider that even today more than 40 percent of the 11 million diabetics in the United States will develop a loss of vision or blindness, the significance of Dr. Kinoshita's outstanding achievements and his remarkable career becomes all the more clear. ARI's provide the first significant hope that the onset of many serious complications associated with diabetes—such as neuropathy, retinopathy, and keratopathy—may be delayed or prevented.

Mr. Speaker, a major study is now underway to assess the full potential of ARI's. The study is sponsored by the National Eye Institute in collaboration with Pfizer, Inc. I ask my colleagues in the House to extend our best wishes to Dr. Kinoshita as this study continues, and in his future efforts to fight the effects of diabetes and the development of cataracts.

THE AMERICAN LEGION NATIONAL COMMANDER, MILES S. EPLING

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. RAHALL. Mr. Speaker, I rise in acknowledgment of Miles S. Epling, from Mason County in my home State of West Virginia, who was recently elected as the national commander of the American Legion during the Legion's 71st National Convention in Baltimore earlier this month.

Miles Epling is truly an individual of great courage, fortitude, and achievement. He served our country as an infantryman in Vietman from 1968 to 1969, when he suffered the loss of both legs after stepping on a land mine. However, this accident by no means ended his service to both his fellow servicemen and to his State and country. Mr. Epling joined the American Legion Post 23, in Point Pleasant, WV, after returning home from Vietnam. He held many offices in Post 23: post commander, post adjutant, judge advocate, member of the post's board of directors, and department commander. His service to the community has been displayed by his position as the circuit clerk for Mason County and membership in his local Moose chapter.

He has devoted himself to working for U.S. veterans, not only in the American Legion, but also in the Veterans of Foreign Wars, Disabled American Veterans, and the Military Order of the Purple Heart. Most importantly, he has served as an inspiration to many people because even though faced with the loss of physical abilities with which most of us could never cope, Miles Epling turned his disability into an ability for success, both as a comrade to his fellow veterans and as a husband and father.

In conclusion, I would like to say that we need more people like Commander Epling who can overcome what hardships life hands them and continue to serve as models in achievement and dedication to us all.

TRIBUTE TO LOUISVILLE'S EMERGENCY MEDICAL SERVICES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. MAZZOLI. Mr. Speaker, the anguish of this week's shootings at Louisville's Standard-Gravure printing plant will be with us forever.

The people of my hometown are beginning the struggle to overcome the shock of this tragic event which claimed 9 lives and wounded 13 more. It has exacted an emotional toll for the victim's families and our whole community which can never be totally erased. It will not be easy, but I am confident in the resiliency of the human spirit and the ability of our people to overcome this terrible tragedy.

In the past our community has faced natural disasters which have tested our will. And, through such crises Louisvillians have shown the kind of character, sacrifice, and dedication which only kindles great pride. I think the tragic event of this past week has been a time when such characteristics have come to the fore.

The men and women of Louisville's Emergency Medical Services [EMS] are to be recognized for their outstanding professionalism in the face of an extraordinary crisis. We can never take for granted the invaluable service our EMS teams provide residents of Louisville and Jefferson County. I am sure the same is true for communities around the Nation.

It is an appropriate gesture that we in Congress recognize and pay tribute to the job EMS technicians perform in communities like mine around the country, and I am pleased that Congress has seen fit to do so in passing legislation to designate this week as "Emergency Medical Services Week" to honor those whose contributions play such an important role in saving lives and protecting the public.

These people are asked to perform duties each day requiring uncommon courage and skill. These qualities were demonstrated in abundance by the Louisville Emergency Medical Services teams who responded to the call this week. I know that I join a grateful community in commending the calm, highly professional manner in which they handled the situation.

AMENDMENT TO BANKRUPTCY CODE OF 1978

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SANGMEISTER. Mr. Speaker, today I am introducing a bill to make a technical amendment to the Bankruptcy Code of 1978, clarifying that the public interest should be considered by the bankruptcy court in virtually all aspects of railroad reorganizations.

Prior to the Bankruptcy Code of 1978, Mr. Speaker, the rules for railroad reorganizations were outlined by section 77 of the Bankruptcy Act. Recognizing the public interest in continuing rail service, as well as the interest of creditors and shareholders, section 77 allowed major railroads—like Conrail—to overcome their economic adversity and continue their services to the public. Should this not be the goal of our bankruptcy laws?

The bankrupt Chicago, Missouri & Western Railway Co. [CM&W] owns and operates rail lines that run through my district and home State of Illinois, Mr. Speaker. For more than 100 years, these rail lines have played an intregal role in Illinois' transportation. Today, CM&W provides Amtrak passengers service from Chicago to Springfield and many other cities. In fact, as an Illinois State Legislator, I learned firsthand the importance of this historic link to our State capital of Springfield. In addition, many small communities depend heavily on the freight service CM&W provides and farmers rely on it to transport their harvest. Even students from Illinois State University depend on CM&W to come home on weekends and holidays to visit with their families.

As the first major railroad reorganization since the 1978 Bankruptcy Code went into effect, CM&W case has brought into question whether the public interest in continuing service should be considered in a broad sense or only in those sections enumerated by the 1978 law. And while this question of public interest is being argued by the court, trustee and creditors, 100 employees have already been laid off, the railroad is operating on a day-to-day basis and the future of many Illinois commuters is in question.

Mr. Speaker, the American Bankruptcy Institute affairms that the relevant legislative history suggest that the broader application of the public interest is consistent with the original congressional intent. Even if the case of CM&W is resolved without an interruption in rail service, this example alone should demonstrate the need for such an amendment to our Bankruptcy Code. For this reason, I urge all my colleagues to support this bill and hope the House will recognize the urgency of this matter to many Midwestern communities.

ARKADY MANUCHAROV

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. PASHAYAN. Mr. Speaker, while the world focused on the earthquake in Armenia on December 7, 1988, the Soviet Union imprisoned the 11 members of the Karabakh Committee and other popular Armenian leaders, among them Arkady Manucharov, for advocating democracy and self-determination in Nagorno-Karabakh. In May 1989, the Soviet Government released all the Karabakh Committee, pending trial. Arkady Manucharov, however, remains in prison. His imprisonment is intolerable: Human rights groups, including Amnesty International and Helsinki Watch, have long since identified Arkady Manucharov as a prisoner of conscience.

Earlier this year, the Armenians from Charentsavan District No. 124 elected Arkady Manucharov to the Supreme Soviet. The Supreme Soviet annulled the election as illegal. On August 11, the district held another election, and the people again elected Arkady Manucharov, this time as a write-in candidate. Their message is simple: Arkady Manucharov is their true popular leader. His place should be in the Soviet Government, not in a Soviet prison. Americans, Armenians, and all friends of democracy must continue to support Arkady Manucharov and the historical movement of which he is an important part.

IN RECOGNITION OF HANCHETT MANUFACTURING'S 100TH ANNIVERSARY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Hanchett Manufacturing, Inc., of Big Rapids, MI, on the occasion of its 100th anniversary. Having grown from humble beginnings to a multimillion dollar business, Hanchett Manufacturing, Inc., is an important part of the Big Rapids community.

John Hanchett, the founder of the company, worked as a saw filer in various lumber mills in the Big Rapids area during Michigan's lumber boom of the 1800's. While seeking a faster, more efficient way of sharpening saws, he invented the Hanchett swage, a tool which broadens the tip of a saw tooth wider than the thickness of the saw, making it possible for the saw to pass through material without binding. The swage became an immediate success. Mr. Hanchett began mass production in 1889 and was granted a patent for the device in 1891. With the help of his brother Volney, the Hanchett business boomed.

During the early 1900's, the company added knife grinding equipment to its inventory and soon employed over 20 workers. The year of 1927 saw the development of a line of production equipment designed to grind flat surfaces. During World War II, orders for production grinders for defense purposes soared and the work force rose to approximately 700 employees. Since that time, company efforts have been devoted to the pulp and paper, and lumber industries. With a current work force of 52, Hanchett Manufacturing, Inc. continues to play a vital role in the economy of Big Rapids.

Mr. Speaker and fellow colleagues, please join me in congratulating general manager Otto Kamptner, plant superintendent Doug Gregery, sales manager Lee Gibson, and all the employees of Hanchett Manufacturing on this historic occasion, and wishing them all the very best in the future.

TRIBUTE TO MR. FELIX ROUSE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, it is with great pride that I share with my colleagues in Congress the accomplishments of Mr. Felix Rouse, an outstanding young man from Newark, NJ.

Felix, who was chosen as the 1989 Youth of the Year for the Boys' and Girls' Club of Newark, will be representing the northeast region in the Boys Club of America's National Youth of the Year Program. He is one of only five finalists in this national competition.

An honor roll student at the Essex County Vocational Technical High School, Felix is active in both school and community organizations. He has been a member of the Boys' and Girls' Clubs of Newark for 6 years. He serves as vice president for the Keystone Club, visiting with senior citizens at the Grace West Manor and helping perform tasks. In addition, he works with the READY youngsters in the Entrepreneur Program and with the small fry basketball team. He is currently learning to be a tutor for the Newark literacy campaign. In addition to all of these activities, Felix operates his own business, selling magazines in his spare time.

Felix is a wonderful example of a young person who has used his talent and energy to develop his own potential and to help others.

Mr. Speaker, I know my colleagues join me in congratulating Felix for his spendid achievements and in wishing him all the best in his future endeavors.

THE LOWER EASTSIDE SERVICE CENTER, INC., CELEBRATES ITS 30TH ANNIVERSARY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. GREEN. Mr. Speaker, much of the attention being paid to the drug problem today is focused on the deadly violence that is inherent in drug trafficking. Whether the news is from Medellin, Colombia or the streets of Washington, DC, it tells the same story of wasted lives and violent deaths. Today I should like to take my colleagues' attention away for a moment from the violence and focus on a group in the 15th Congressional District that is working to rebuild lives that have been ravaged by drugs: the Lower Eastside Service Center, Inc.

This year the Lower Eastside Service Center, Inc. [LESC], celebrates its 30th anniversary. During those 30 years of service the LESC has provided substance abuse treatment in its community and I have seen first hand the excellent work that the LESC does. In many ways the LESC is a model for substance abuse programs. It has developed methadone treatment programs, a mental health clinic serving the mentally ill substance abuser, a crack-cocaine outpatient program, and a residential therapeutic community guiding former substance abusers from methadone to full drug-free lives. Over three decades the LESC has treated elderly Chinese opiate addicts from China, abusers of heroin, inhalants, LSD, Quaaludes, barbiturates, PCP, and crack cocaine.

The staff of the LESC has served faithfully and energetically and has remained undaunted in the face of cash flow shortages, budget austerity, and fiscal constraint. The staff has a reputation for excellence in treating substance abusers and innovation in coping with crisis management casework. Whether residential or outpatient, the staff has provided an excellent model for multimodality treatment.

I wish to commend and congratulate Executive Director Edward M. Brown and President Wade H. Coleman for their leadership in the lower eastside community through their fine work with the LESC. As we in Congress search for ways to address the drug problem, I should like to suggest that we support the innovative approaches to substance abuse treatment, such as those of the LESC, that can be found in our communities.

TRIBUTE TO DON PEOPLES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. WILLIAMS. Mr. Speaker, on August 31 of this year Butte Silver Bow Chief Executive Don Peoples resigned from the public sector and prepared to step into private business. This is of great interest to me because Don is not only from my district in Montana but was the mayor of my hometown.

In 1987 Don Peoples was named by U.S. News & World Report magazine as one of the top 20 majors in the United States. "Those who do the spadework of local government face tough problems and tougher critics. Still some triumph" says U.S. News in its "Best of City Hall" report in the December 21, 1987, issue. "Butte, Montana, Mayor Don Peoples singular success flows from a knack for corralling investment after the Anaconda/Arco Co. the city's principal employer shut down the mines," the magazine stated.

Don Peoples served on the National League of Cities Board of Directors, a group referred to indirectly in the U.S. News article as one of the new alliances cities formed in the wake of cuts in Federal funding, especially the loss of general revenue sharing.

Don Peoples rose from his first job out of college in 1962 as Butte's parks and recreation director to be elected three times to the top local government post, where he managed 220 employees.

On behalf of all Don's friends in Montana we wish him the best of luck as he takes on a new venture in the private sector.

CONGRESS MOLDS U.S. FOREIGN POLICY: THE CASE OF SOMALIA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1989

Mr. GEJDENSON. Mr. Speaker, for years, Somalia has been well known for persistent and gross human rights abuses, including documented accounts of bombing by the Government of innocent refugee women and children. According to the State Department's own report on Somalia:

> There are recurring reports of the use of torture by police and security officials, including immersion in sea water, beatings, and rape.

For years, various human rights groups have released documents citing frequent and continuous reports of the regime's dismal record of human rights violations.

However, just 1 short year ago, leaders in Congress initiated a series of actions that changed the course of United States policy toward Somalia. Many in Congress questioned the wisdom of the business as usual approach of the Reagan administration to continue providing economic and military aid even at the height of the civil conflict in that country. Just 1 year ago, in a letter to then Secretary Shultz, a group of Congressmen wrote:

> First and foremost, we need a thorough human rights report done by an objective professional, using interviews with the refugees that would provide some indication of the seriousness of the human rights situation in Somalia.

The Congressmen went on to recommend that the State Department suspend economic and military assistance until a thorough assessment is completed on the alleged human rights abuses in the northern area.

In late 1988, a congressional seminar was held to reassess United States policy toward Somalia. During that seminar, Congress raised further questions about the validity of United States foreign policy on the Horn, especially with respect to Somalia. Other meetings with Somali officials and the administration prompted further reexamination of the role of the United States in the civil conflict. A General Accounting Office study of United States policy toward Somalia documented the human rights abuses in Somalia and the role of the United States in providing arms to the Government during the civil conflict in that country.

Now, after just 1 year, the human rights report requested by Congress has now been endorsed and released by the State Department. The report confirms the gross human rights violations that have been reported by Amnesty International, Human Rights Watch, and the National Academy of Sciences among others. The State Department has reversed its former position of supporting aid to Somalia, and has now reprogrammed the major bilateral economic support funds for Somalia and halted military aid.

I want to join many of my colleagues in commending the State Department for their endorsement and support of the report, "Why Somalis Flee." According to the report the Somali Army murdered at least 5,000 unarmed civilians over an 11-month period. The conclusions were based on 252 interviews in three countries. The disturbing report states that the Somali Government has been using brutal force with ground and air attacks against some refugees as they fled to Ethiopia. The army cut the throats of at least 500 members of the Isaak clan and buried them in mass graves, even in an area where there was no armed conflict.

Everyone argues that foreign aid is scarce; Americans are told there is no money for worthwhile projects at home. Congress has succeeded in demonstrating to the administration that aid should be provided only when it can be used responsibly. This is one example where Congress has exercised moral leadership and protected our long-term interests in the region. Now, the Congress and the administration need to work together to assure that World Bank lending conforms to the same criteria for responsible program spending as the U.S. bilateral aid.

I would urge my friends and colleagues to review the full report or the brief report summary that follows:

WHY SOMALIS FLEE

SYNTHESIS OF ACCOUNTS OF CONFLICT EXPERIENCE IN NORTHEN SOMALIA BY SOMALI REFUGEES, DISPLACED PERSONS AND OTHERS

(By Robert Gersony, Consultant, Bureau for Refugee Programs, Department of State)

Findings and Conclusions

These findings are based principally on interviews with over two hundred and fifty residents and former residents of northern Somalia, including Issaks who have fled to Ethiopia and Kenya, and non-Issaks and Issaks who have remained in Somalia and who have been affected by the intensification of the civil conflict there since May 1988. These interviews were conducted in three countries in twenty-four locations, many of which were hundreds of miles from each other. They are based also on information received from national and international personnel who witnessed some of the events discussed in this report or who have had daily contact with the conflict victims. These reports, if accurate, compel certain unavoidable findings and conclusions by the author.

For clarity in presentation, the findings and conclusions are organized in four parts: those concerning the conduct of the Somali Armed Forces in the conflict; those concerning the conduct of the Somali National Movement; those concerning the conduct of both parties; and other findings and conclusions.

Somali Armed Forces Conduct in the Conflict

1. In response to the SNM's May 1988 intensification of the civil conflict in northern Somalia, the Somali Armed Forces appears to have engaged in a widespread, systematic and extremely violent assault on the unarmed civilian Issak population of northern Somalia in places where and at times when neither resistance to these actions nor danger to the Somali Armed Forces was present.

2. The Somali Armed Forces conducted what appears to be a systematic pattern of attacks against unarmed, civilian Issak villages, watering points and grazing areas of northern Somalia, killing many of their residents and forcing the survivors to flee for

safety to remote areas within Somalia or to other countries.

3. Simultaneously, the Somali Armed Forces engaged in a pattern of roundups, summary executions and massacres of many hundreds, if not more, unarmed civilian Issaks. Some of these actions appear to have been reprisals for acts committed by the SNM; the motives for others are not clear. But the appearance that victims were selected for these killings principally because of their ethnic identity is unmistakable.

4. In an additional pattern of systematic, organized and sustained Somali Armed Force actions in Berbera, which has not been the object of an SNM attack or the scene of conflict, at least five hundred, and perhaps many more, Issak men were systematically rounded up and murdered, mainly by having their throats cut, and then buried in mass graves, during the four months following the intensification of the conflict, apparently solely because they were Issaks.

5. In the course of battles with the SNM in the towns of Hargeisa and Burao, Somali Armed Forces soldiers sometimes engaged in the looting and killing of unarmed civilians in areas fairly well removed from the immediate scene of danger of battle.

6. While some survivors of these kinds of actions, as well as civilians simply escaping the major battles in Hargeisa and Burao, were attempting to flee to sanctuary in Ethiopia, they were attacked by Somali ground and air forces, which probably resulted in the deaths of hundreds of asylum seekers.

7. Civilian detainees in Somali Government prisons accused of supporting the SNM appear to have been, at least at times routinely, the objects of ill-treatment, including severe beatings, stabbing, prolonged choking, use of metal clips and electric shock on flesh and testicles, and immersion in excrement. This ill-treatment sometimes resulted in death.

8. It is conservatively estimated that at least 5,000 unarmed civilian Issaks were purposefully murdered by the Somali Armed Forces between May 1988 and March 1989, in the absence of resistance and in contexts which presented no immediate danger of these forces.

9. About 70% of the Issak refugees interviewed in Ethiopia and Kenya reported witnessing Somali Armed Forces murders. The 130 refugees reported over six hundred such murders, excluding the Berbera mass killings and the execution of prisoners in Government prisons, an average of 4.8 killings each.

10. Of the over six hundred killings described above, about 70% were said to have taken place during the May 27/August 31, 1988, period. Five per cent were attributed to the September/December 1988 period, and about thirteen per cent were attributed to the January/March 1989 period.

11. The overwhelming majority of the hundreds of thousands of Issak refugees who eventually arrived in UNHCR refugee camps in eastern Ethiopia did so by September 1988, by which time most internally displaced Issaks were already in remote interior locations in northern Somalia. By September 1988, these migrations placed the majority of Issaks far from most areas in which Somali Armed Forces military operations were conducted.

Conduct of the Somali National Movement in the Conflict

1. During the first three months of its 1988 offensive in northern Somalia, SNM combatants killed unarmed civilians in individual instances which together may have resulted in the deaths of at least several hundred or more persons. These killings occurred when neither resistance to these actions nor danger to the SNM was present. The victims included civilians fleeing conflict areas who resisted looting and men sought out and killed apparently only because they were not Issaks. In one region, the SNM was also reported to execute prisoners of war following their interrogation.

2. Fourteen per cent of the randomly selected Somali interviewees in northern Somalia reported witnessing 26 SNM murders of Somalis, excluding the Burao executions, an average of 0.5 killings each. Eighty-six per cent of the interviewees reported witnessing no murders by the SNM.

3. During its presence in Burao, the SNM conducted summary executions of fifty or more prisoners, some after perfunctory court martials. Some of the victims may have been Somali Armed Forces soldiers or officers, while others were civilians who had played no role whatsoever in government, the military or politics. Events surrounding these killings suggest that SNM commanders must have been aware of and at least condoned these executions.

4. All of the killings attributed to the SNM were said to have taken place between May 27 and August 31, 1988.

Conduct of Both Parties

* * * Concerning U.N. Refugees Camps

1. Both parties to the conflict systematically engaged in grave violations of the internationally-protected status of the Ethiopian refugees in United Nations refugee camps. The SNM conducted systematic violent attacks against camps which in at least some cases were defenseless and whose residents had played no role in the conflict. Four hundred or more refugees were killed in the process. The Government of Somalia routinely and forcibly conscripted refugees from UN camps into its Armed Forces and after May 1988 induced some residents of camps in northern Somalia to participate in the conflict. These actions have created a serious humanitarian emergency which at this time faces the Ethiopian refugees and the international community.

2. Beginning about May 30 and continuing through the balance of 1988, the SNM conducted dozens of attacks against United Nations refugee camps in which it is conservatively estimated that at least four hundred unarmed civilian refugees were killed. About 60% of those reported killed were men, including elderly men, and about 40% were women and children. The sixty-five United Nations refugee camp residents—which included ten who resided in camps which were not attacked—reported 241 killings in SNM attacks, an average of 3.7 killings each.

3. The United Nations High Commissioner for Refugees (UNHCR), under whose auspices the refugee camps in northern Somalia were established, is not mandated to provide armed protection for them. This is the responsibility of the Government of Somalia, whose armed forces were said to be so fully engaged elsewhere combating the SNM that they could not be assigned to defend the camps against SNM attacks. Consequently, at the refugees' insistence, and after many SNM attacks on the camps, the Government of Somalia provided residents of some of them with weapons for their own self-defense, which the refugees asserted deterred or limited the number of deaths in later attacks. About 90% of the reported refugee deaths were said to have occurred before the distribution of these weapons.

4. In violation of the conditions which govern their internationally protected status, and notwithstanding vigorous protests by the UNHCR, a large number of Ethiopian refugees were systematically and involuntarily conscripted during many years before May 1988 by and into the Somali Armed Forces. Once conscripted, they no longer resided in the refugee camps. Although reports concerning a second issue vary, it also appears that after May 27, 1988, at least several hundred and perhaps more of the 100,000 or more refugees said to reside in United Nations camps in northern Somalia were provided weapons and induced by the Somali Armed Forces to become active in para-military operations of undetermined scale and frequency outside the camps in behalf of the Government.

5. Provocation for some of the later SNM attacks might have been present in a few of the refugee camps if the refugree groups which participated in para-military operations outside their camps had repeatedly used their camps as a base. For example, if such groups routinely departed from a camp for combat operations, remained outside the camp for several days, and then returned to the camp for several days of rest, such camps could have been considered partially militarized. But the author was unable to determine whether, where and to what degree this may or may not have taken place in camps which were the objects of later attacks. Nonetheless, it appears that at least some of these later SNM attacks were aimed primarily at undefended sections of the camps and at their unarmed civilian populations.

6. At least two camps which were the objects of the first SNM attacks had been neither armed for their own defense nor had their residents been induced to participate in para-military forces when the attacks occurred. Attacks on these two camps were among the first SNM military operations in the offensive. Thus, whether or not the camps were armed for their own defense or whether their residents had been induced to participate in para-military operations did not appear to be decisive factors in the SNM's preparedness to take such camps as targets of violent attacks.

* * * Concerning the Battle for Hargeisa

1. One SNM tactic had particularly profound consequences for the civilian population of Hargeisa. By dispersing its combatants in military and civilian dress throughout many of the densely populated, principally Issak residential areas of Hargeisa, the SNM placed this population in the immediate line of fire between the two sides. Civilian deaths resulting in part from this factor may have ascended into the thousands.

2. Some reports have attributed responsibility for the high casualty figures in Hargeisa exclusively to the Somali Armed Forces, citing its lack of restraint—or its lack of intent or ability to pinpoint targets within these areas to avoid unnecessary civilian casualties. The refugee reports suggest factors which might mitigate the absolute nature of such judgments without absolving either side of proportionate responsibility for avoidable actions which affected Hargeisa's civilian non-combatants.

* * * Concerning the Presence of Potential Victims

The northern Somalia conflict has to date been waged principally in the traditional Issak clan areas of the region. Until the war

forced their evacuation, the population of the major towns—for example, Hargeisa and Burao—was considered to be predominantly Issak; the population of the rural areas is reported to have been overwhelmingly—in many cases almost exclusively—Issak. Once the non-Issak populations had evacuated the major towns, the principal concentrations of non-Isaaks in the region were the UN refugee camps. The proportionate presence and geographical distribution of populations which were the potential victims of both sides in this clan-oriented conflict are among the factors which can be considered in the evaluation of the reports concerning the conduct of both parties to the conflict.

Other Findings and Conclusions

1. More than 60% of the Ethiopian refugee interviewees in northern Somalia expressed readiness for peaceful repatriation under UNHCR auspices to their homes in Ethiopia. An additonal twenty per cent expressed a willingness to consider such a decision. They all asserted that a vital element of a repatriation program would be a screening process which would inform local Ethiopian Government authorities of their desire to return home and would, in their view, assure their protection once they arrived. Ethiopian Government readiness to receive returnees in a timely manner would be a vital part of this humanitarian effort.

Unimpeded and secure private UNHCR access to these refugee families in Somalia would be required for implementation of such a program. Donor countries of the UNHCR would have to be prepared to make available the resources which would provide the trucks, reception centers, re-integration assistance and UNHCR program staff required to return the refugees safely to their homes and to resolve a serious costly longstanding humanitarian problem.

2. None of the Issak refugee interviewees in eastern Ethiopia or in Kenya indicated a readiness to return to Somalia under current circumstances.

3. Although this information was not generally elicited, several of the interviewees who provided information concerning the northern Somalia conflict cited instances of heroic efforts in which non-Isaak civilians saved the lives of Isaak civilians and of heroic actions in which Isaak civilians saved the lives of non-Isaaks in similar circumstances.

SENATE—*Friday, September 22, 1989*

(*Legislative day of Monday, September 18, 1989*)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea; Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof.—Psalm 46:1-3.

Mighty God, omnipotent, omniscient, and omnipresent, Hurricane Hugo reminds us how frail, how vulnerable, how helpless, how transient humanity is in the face of what we call "acts of God." We are such victims of the visible, tied to the tangible, forgetting that that which is eternal is invisible. Help us to remember there is infinitely more to reality than what we can see and touch.

We pray, Father in heaven, for those who have suffered from the hurricane, whether loss of life or property, and those who will. Help them to find their comfort not only in supportive friendships but in the Lord our God. We pray for all who travel this weekend. Preserve them and return them safely. Grant, dear God, some rest and renewal of body and mind after this very arduous week.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, Jr., a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for morning business for 30 minutes, with Senators permitted to speak therein for up to 5 minutes each.

As I announced last night, it is my hope that we will soon be in a position to move to third reading and final passage of the four appropriations bills which have been set aside pending completion of the drug funding negotiations.

For the information of Senators, I repeat that there will be no rollcall votes today. The Senate will come into session Monday at or shortly after noon. We will be on the defense appropriations bill, and votes may occur, but if they do, they will not occur prior to 5:30 p.m.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the time of the distinguished Republican leader. I yield the floor.

Mr. SASSER addressed the Chair.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Tennessee [Mr. SASSER].

AVOIDING SEQUESTER

Mr. SASSER. Mr. President, at the present time, the Congress appears to be on a collision course with automatic sequester. Of course, that would lead to across-the-board cuts in domestic discretionary programs, most domestic discretionary programs, beginning on October 15.

Should that occur, Mr. President, to put it mildly, it covers absolutely no one with glory, whether it be the Congress or the President. I do not believe that partisan finger-pointing is going to help us meet our responsibilities at this time.

Nonetheless, I think it is necessary, in light of some of the statements that have been made, to set the record straight. The guillotine blade of sequester is about to drop for one reason and one reason only. That is because the administration insists on using the reconciliation bill as a device for reinstituting the favorable capital gains treatment—in essence, a tax cut for capital gains purposes.

That cynical ploy is the single impediment between us and a successful discharge of our deficit reduction responsibilities. There is absolutely no reason this year for a sequester. There is less reason this year for a sequester than there has ever been under the Gramm-Rudman-Hollings period.

We reached a bipartisan budget agreement quickly this year with the administration, and we passed a budget resolution earlier through this Congress than we have in more than a decade.

Moveover, this Congress has lived up to its end of the bargain. With the exception of the Finance Committee, which has been hamstrung and held back by the unnecessary burden of the capital gains gamut, every Senate committee that had reconciliation responsibility has stepped up to those responsibilities, bit the bullet, and discharged their duty.

Eight committees were given reconciliation targets, and that reconciliation instruction given to them, combined, would achieve nearly $14 billion in deficit reduction.

Of the eight committees that were given these instructions, seven have reported in compliance. They have reported in compliance with their instructions, fulfilling their responsibilities under the bipartisan budget agreement.

The Committee on Agriculture; the Committee on Banking, Housing, and Urban Affairs; the Commerce Committee; the Committee on Environment and Public Works; the Committee on Governmental Affairs; the Committee on Labor and Human Resources; the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Veterans Committee; the chairman and the members of these committees, on both sides of the aisle, have accepted their duty and their responsibilities, and they have lived up to them. In appropriations, every bill that has passed the Senate floor has been in compliance with the summit agreement.

Under the able leadership of the chairman of the Appropriations Committee, Senator BYRD of West Virginia, I fully expect all appropriations bills to be final and beneath their targets before the sequester deadline. The problem exists only in the Finance Committee, and it exists there only because of the capital gains quagmire that has been fashioned by the administration.

From day one of our budget negotiations, and for virtually every day thereafter, the administration's negotiators were warned not to throw the capital gains monkeywrench into the wheels of the budget process.

We made that case, Mr. President, for a very simple reason. The capital gains debate, as divisive as it is, simply should not be part of the effort to reduce the deficit. There has never been any justification for using the capital gains tax cut as a revenue raiser in fiscal year 1990.

The country has once before succumbed to the illusion of the supply side earlier this decade and we are still paying the price for it. The so-called Kemp-Roth tax cut of 1981, according to figures compiled by the Office of Management and Budget, has deprived the U.S. Government of over $1.8 trillion in revenue since its enactment in 1981.

You would have thought we would have learned our lesson from the lure of the supply side, but now we face sequester precisely because the Bush administration has pursued the dubious logic of supply-side economics, despite all the clear warning signs that deadlock on that controversial issue would simply be unavoidable.

The simple fact is, Mr. President, and it pains me to say this today to my colleagues here on the Senate floor, but the simple fact is that President Bush broke the bipartisan summit agreement the day he locked himself into an inflexible strategy that subordinated deficit reduction to his capital gains campaign promise.

We agreed to a very modest component for revenue in the budget package, $5.3 billion, and indeed the deficit reduction package this year was indeed modest in total. It was criticized by many for being overly modest and I do not disagree with that criticism. But the $5.3 billion for revenues that was in that package could easily be reached and can easily be reached without asking the President to break his campaign promise of no taxes.

It was because of that modest revenue component that everyone agreed the budget resolution was easily achievable and now, months later, we find ourselves careening toward automatic sequester, and the sad irony is that the $5.3 billion in revenues still remains easily within our reach. At this point sequester still can be and should be avoided.

The capital gains debate simply does not need to be fought out on the delicate and time-sensitive budget reconciliation bill.

If the debate over capital gains is stripped off of reconciliation, the Congress can easily meet its deadlines and avoid sequester.

So I challenge the President to demonstrate his seriousness about deficit reduction and let this reconciliation go free.

Again, all the other reconciliation bills are coming in on time and within the targets established, and the chairmen of the various committees and the members of those committees are to be congratulated. Only the revenue component stands in our way.

I submit that capital gains is not a deficit reduction issue. If the administration persists in making it so, we are going to be forcing this country to undergo the turmoil of sequester without any logical justification for the pain that will follow.

I urge the administration today to stop holding the deficit reduction package hostage to its capital gains campaign pledge.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana [Mr. BREAUX].

PRESIDENT BUSH'S SPEECH ON THE DRUG WAR

Mr. BREAUX. Mr. President, I was very interested to read this morning's newspapers here in Washington some rather fascinating revelations about President Bush's recent speech to the Nation in which he unveiled his proposal to fight the war on drugs. By now, all of us have seen a number of replays of some of the most dramatic and theatrical portions of the speech.

There was a moment that I think we will all remember when the President held up this plastic bag that was filled with a white chunky rock of crack which he reported had been seized just a few days before in a park located right across the street from the White House. The incident was used as an example to the American people of just how serious the drug problem was in this country and it was supposed to be the absolute proof that if crack was being sold right across the street from the White House in a park that no neighborhood in America was indeed safe from drug pushers.

Mr. President, this morning we learn that this rather theatrical moment during the speech was actually nothing more than just that, theatrics. According to the news accounts, the assistant special agent in charge of the DEA's Washington field office now admits that the whole thing was staged; that the young person from whom the crack was bought was actually lured across town to Lafayette Park at the suggestion of the White House speech writers who thought that such a dramatic drug seizure would be a nice addition to the President's speech.

They were so intent on getting this drug pusher to Lafayette Park that they had to give him directions on how to get there after he asked the drug agent, "Where is the White House?"

Mr. President, all of this leads me to ask the question, Is this a drug war or is this only theatrics and a screenplay. Is the administration really serious on fighting the drug war with DEA agents or with speechwriters?

Every American already knows that illegal drug use threatens the very fabric of our society. We all know that young people in our country are at risk like never before and their future is being threatened every day. We all know that every community and every neighborhood is affected in some way by the pushers and addicts. We know that no one is immune from this scourge in our society.

We do not need the President to lure drug pushers to Lafayette Park for photo opportunities to bring us to the realization that drugs are a very serious problem. The problem is so bad, Mr. President, that reality certainly speaks much louder than staged events.

In other words, Mr. President, I think most Americans will be very happy to trade in the rhetoric of the drug war for stronger action and a greater commitment to solving the problem.

Mr. President, photo opportunities will not win this drug war. However, a real commitment might just do the job.

We will have an opportunity to ask all of our various Federal departments here in Washington to sacrifice just like we have asked the American public to sacrifice within their families when we will be considering the Byrd amendment to appropriations legislation. The Byrd amendment would reduce Government spending right across the board to all Federal agencies and all Federal departments here in our Nation's Capital and use those moneys that we will be receiving from these reduced spending levels, use those funds to adequately fund our drug war here in this country.

I know, Mr. President, that every American family will be glad to reduce their family budget bill one-half of 1 percent, for instance, if it meant that their children would be free of drugs because of that sacrifice.

Certainly, Mr. President, we can ask your own Federal Government to do no less in making the sacrifices here in Washington in order to adequately fund the drug war in order that it will be a serious war and not just more rhetoric coming from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 1660 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HONORING "20 GOOD MEN"

Mr. DOLE. Mr. President, I am pleased to join the J.C. Penney Co. in honoring "20 Good Men" a group of volunteers in northeast Kansas City, KS, who have demonstrated that with hard work and determination communities can reclaim themselves. Under the leadership of Norman A. Hodges, a diverse group of dedicated workers is making a dramatic impact on urban neighborhoods in my State.

In 1986, 67 homes were improved in the Parkwood section of Kansas City, KS, with no materials and no skilled workers. The following year, Norman Hodges, Jr., placed an ad in the local newspaper stating that he needed 20 good men who believed in their community and who wanted to help rebuild homes; 85 people with a variety of skills and interests responded. General Motors sent workers from job banks established for United Auto Workers, Local 31. Others responding included men and women on prerelease programs from the municipal courts who had community service to pay, residents of a drug rehabilitation center, and neighborhood citizens.

SIGNIFICANT PROGRESS IN 1 YEAR

One year ago, in the community of Parkwood, there were 37 boarded-up houses. Now, 35 of those homes are occupied or under rehabilitation. Utilizing materials and funds donated by private organizations and businesses, 20 Good Men has brought hope and encouragement, comfort and security to these families and to neighborhoods throughout the city.

Just a few weeks ago, during my visit to the headquarters of 20 Good Men and to homes in Parkwood, I felt a spirit of hope, a sense of unity, and sincere appreciation. Smiles were warm. The workers were modest. We were all proud.

NATIONAL ORGANIZATION OF 20 GOOD MEN

Mr. President, 20 Good Men can make a difference in every city. Norm Hodges and his workers have set an example. His vision has brought together community service workers, union members, residents, and committed volunteers.

He has shown citizens how to help themselves—that progress can be made with boards, nails, paint, and plaster—and that significant accomplishments are possible without Federal funding.

I join the J.C. Penney Co. and other national organizations in saluting 20 Good Men and appeal to business and industry throughout the country to step forward. Every community has volunteers eager to help. Every community has business and industry willing to provide support and materials. Every community needs 20 good men.

A FIGHTING CHANCE IN NICARAGUA

Mr. DOLE. Mr. President, last night I received a letter from Secretary Baker, outlining the administration's proposal to provide assistance to the democratic opposition in Nicaragua. I ask unanimous consent to have printed in the RECORD the text of Secretary Baker's letter, with attachment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC, September 20, 1989.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR BOB: As a follow-up to our telephone conversation on reprogramming funds to support democracy in Nicaragua, I wanted to reiterate how important it is that we do everything possible to level the playing field during the Nicaraguan electoral campaign.

There is reason for cautious optimism in Central America. The Salvadoran FMLN guerrillas have felt compelled to negotiate with the government, in large part because of Congressional steadfastness on military aid. In Nicaragua, the Sandinistas are in a box. They either hold a free and fair election or they will be exposed to the world as a dictatorship. So far, international pressure is having positive effects: the Sandinistas have been forced to grant electoral reforms they never intended to allow.

We are at a watershed in Nicaragua. The National Opposition Union (UNO) has nominated a strong ticket: Violeta Chamorro and Virgilio Godoy. UNO has surprised the Sandinistas by staying together, resisting factionalism and issuing a unity platform. Chamorro and Godoy have a chance to win, but we shouldn't have any illusions about the battle they face. The Sandinistas, as they did in 1984, will draw on Soviet economic aid ($500 million in 1988) to run their campaign. They will also mobilize state organizations—bureaucracy, army, secret police and mass organizations—for partisan purposes. In short, this election pits an under-financed democratic coalition against an authoritarian state.

Under these circumstances, we must intensify our support for democratic institutions in Nicaragua. The National Endowment for Democracy and its institutes have funded several projects to strengthen the independent press, free trade unions and democratic political parties, including UNO. We must now give NED the funds to undertake another, immediate infusion of support for the democratic process—including election monitoring, voter registration, get-out-the-vote efforts, communication support and building party infrastructures—all of which is consistent with what the NED has previously done in Chile, Poland, Panama, the Philippines and other countries. These funds would not be used for political campaigning.

This is a rare chance for us to support democratization in a totalitarian society. Time is of the essence. Voter registration in Nicaragua takes place only during the month of October. I ask again for your help in authorizing as quickly as possible the reprogramming package, which will be another step toward our common goals spelled out in the Bipartisan Accord.

With best personal regards,
Sincerely yours,
JAMES A. BAKER III.

FACTSHEET ON FUNDING FOR NICARAGUAN INTERNAL OPPOSITION

$5 million in reprogrammed funds for NED activities, including election monitoring, voter registration, get-out-the-vote efforts, communication support and building party infrastructured—all of which is consistent with what the NED has previously done in Chile, Poland, Panama, the Philippines and other countries.

$4 million for additional non-partisan, technical support for the election process. While it is necessary to keep this $4 million flexible, currently we envision spending in the following categories:

Election monitoring including UN and private groups such as former President Carter's; electoral support to groups such as the San Jose-based "Center for Training and Election Promotion" (CAPEL) to be used for computerized registration, vote counting, etc.; other civic education and get out-the-vote activities; assistance to register Nicaraguan residents outside Nicaragua; the minimum contribution to satisfy the Nicaraguan Supreme Electoral Council's 50% "tax." (To be used only if necessary, and to flow through UNO. UNO's representative on the SEC will seek to ensure that money going to SEC is used solely for technical electoral purposes, such as ballot boxes, ballot printing, etc.)

SOURCES OF FUNDS FOR REPROGRAMMING

The funds needed would come from the following sources: $3 million from unexpended and unneeded Sapoa Verification funds; $6 million from Bipartisan Accord Humanitarian Assistance funds over and above that necessary to support the Resistance at current levels through March 31, 1990.

Alternatively, $9 million from funds intended for medical assistance for civilian sections of the Nicaraguan civil strife. This program was suspended by the Sandinista Government and would be lost if not obligated by September 30, 1989.

Mr. DOLE. The administration proposal is to reprogram $9 million—no new money—to be used as follows:

For National Endowment for Democracy [NED] activities $5 million, such as election monitoring, voter registration, get-out-the-vote activities, building party infrastructure; all things entirely consistent with what

NED has done in Chile, Poland, Panama, the Philippines, and elsewhere.

The sum of $4 million for additional nonpartisan, technical support of the electoral process—to include the contribution of the minimum 50-percent tax to satisfy Sandinista law. That money would flow through the Democratic opposition, so that we can be sure it will be used for its stated purpose: to help ensure a free, fair election. I also ask that an editorial from the Washington Post on the subject of aid to the democratic opposition in Nicaragua be printed in the RECORD. The editorial is directed primarily at Democratic Members of our Congress, and—if I can capsulize—its message is: If you are really for democracy in Nicaragua, it's time to quit dragging your feet and start supporting aid to the democratic opposition there.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post Sept. 20, 1989]

THE DEMOCRATS AND NICARAGUA

The Democrats, or the liberals among them, cannot have very many more opportunities left to lose in assisting the democratic struggle in Nicaragua. For years, you will recall, they argued that the policy of military aid to the contra resistance kept them from supporting the democrats in Managua; eventually the military aid stopped. Then the Democrats said they'd love the help the internal political opposition to the Sandinistas, but they couldn't support covert action; the CIA was extracted from the proceedings. Then they said they'd love to help overtly, but to aid the opposition party through the National Endowment for Democracy would compromise the mandate and purity of that organization, which is supposed to concentrate on aiding the democratic process; the Bush administration agreed to keep the NED out of supporting a particular party. Now the administration seeks $4 million or $5 million for NED's usual and useful nonpartisan work on process—voter registration, education, pollwatching—and the request faces a budget squeeze that may take the numbers way down.

Come on, you guys. How many ways can Democrats find to say no to a cause they profess to believe in? In other, conservative-run places, American liberals champ impatiently and imaginatively to get their government to do the right thing. In Sandinista-run Managua, they seem to have an endless proclivity to say no to the political and military opposition alike. Take Sen. Chris Dodd (D-Conn.), who in this debate revealed a deep and, by some, unsuspected devotion to the independence and integrity of the National Endowment for Democracy. In hailing the administration's decision not to support the opposition campaign through the NED, he said of Nicaragua's president: "Ortega is not Marcos or Noriega. He has a real popular base in his country." It was a curious remark by one who presumably shares the common interest in devising conditions to determine fairly whether Mr. Ortega is more than the Marxist military commander many of his adversaries believe him to be.

If NED money goes to Nicaragua, it will do so under local laws written by the Sandinistas, who presumably think they will reap some of the benefit. The American premise will be, as it always is, that in a fair contest the people's choice will prevail. It would be good to have Democrats warmly and unequivocally aboard.

Mr. DOLE. Mr. President, the proposal submitted in Secretary Baker's letter is aimed at giving democracy a fighting chance in Nicaragua; to give the democratic opposition a fighting chance to prevail in an electoral process and an election the Sandinistas will do everything they can get away with to rig.

This proposal makes enormous sense. It tracks with what we have done in Poland, in Chile, in Panama. It will be entirely above board, and comport with Sandinista Law—so the Sandinistas will have no excuse to complain about it; it will help the democratic opposition in the areas they need help most—especially organization and registration.

I also want to stress: This proposal will not compromise the integrity of NED—which, as the Post editorial notes, is just the latest excuse of some from the other side of the aisle for not supporting aid to the democratic opposition.

Mr. President, we need this package. And let me add: We need it now.

The Sandinistas have done everything they can to rig the electoral process—in the hope that they will then be able to eke out a victory without directly and blatantly rigging the election itself. To give just one example: although the election is in February, voters must register in October. The government and party apparatus give the Sandinistas an enormous advantage in gearing up for that effort. They also have hundreds of millions of dollars in Soviet aid they are using for their campaign.

But if the democratic coalition—which did not even exist until a few weeks ago—cannot mount an effective registration campaign in the next few weeks, their supporters in effect will be disenfranchised.

So we need to consider and act on this measure now—this month. If we do not, we will be playing right into the hands of the Sandinistas; giving them exactly the unfair advantage they are counting on, so they can steal this election.

Mr. President: we did not hesitate in supporting democratic forces in Chile. We did not hem and haw on the question of whether we could support Solidarity in Poland. No one suggested that we had no right to do everything we could to insure free and fair elections in the Philippines. And—if there are any complaints about United States policy in Panama—they are: why are we not being more aggressive.

It seems it is only in Nicaragua—where Sandinista thuggery has driven the population into rebellion; where Sandinista economics have pushed Nicaragua to the brink of economic ruin—it is only there where some wring their hands and keep coming up with excuses for doing nothing.

Mr. President, we have a bipartisan accord on Nicaragua, and one key element of it is our pledge to do everything we can to ensure free and fair elections. That should not just be rhetoric.

Supporting the administration's proposal gives us the chance to show that it is not just rhetoric. So I hope all Senators will carefully read Secretary Baker's letter; seriously consider the administration's proposal; and then join me in supporting this initiative, for free and fair elections in Nicaragua.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues of the fact that today is the 1,651st day that Terry Anderson has been held in captivity in Beirut.

It is near impossible to understand the full effect that this ordeal has had on him. But we must try. And we must continue to seek his release, to bring this nightmare to an end.

Mr. BREAUX. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Chair announces that in his capacity as a Senator from Georgia, the quorum call without objection will now be rescinded.

RECESS UNTIL 3 P.M.

The PRESIDENT pro tempore. Also, in my capacity as a Senator from Georgia, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 1 p.m., recessed until 3:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. PRYOR].

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent that there be a period for morning business for Senators to speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ANTARCTICA

Mr. GORE. Mr. President, I rise this afternoon late on a Friday to speak about a subject that does not frequently occupy the attention of the U.S. Senate. That is the subject of Antarctica.

Late last year, I had the opportunity, along with Senator HOLLINGS, to visit Antarctica, to visit our principal bays there at the South Pole, and to talk with scientists there who are engaged in research on the role played by Antarctica in global warming, and the particular threat to the stratospheric ozone layer, which is so evident in Antarctica.

This morning's newspapers have the news that the ozone hole that has been opening up every fall or in the astronomical spring, because of course the seasons are reversed in the Southern Hemisphere, that this year's ozone hole is much larger than had been expected.

This is disturbing news, but before talking about the particular and special role Antarctica plays with respect to the global climate, I want to talk about a difficult decision which the U.S. Senate will be called upon to make fairly soon with regard to the future of Antarctica.

There is an important document described as the Wellington Convention, which has been signed by the United States and several other nations, which may soon be submitted to the Senate for ratification.

I have been studying this document for quite some time. It is extremely complex, and many experts are divided on the effect of the document.

About 10 months ago, I met in New Zealand with the principal initiators and authors of this treaty. I have had numerous discussions since that time as part of an effort to understand what the best interests of the United States are with respect to this document.

About 6 months ago in a meeting in Paris, I spoke with the delegates around the world there to a conference organized by President Mitterrand on the global environment, on which Antarctica was a featured subject of discussion.

I met there with Jacques Cousteau, who has announced his opposition to this convention and has been in Washington for these past several days talking with Members of this body and others in this city about the convention.

I met with him twice this week and this morning I invited all Senators to come to a breakfast at which Jacques Cousteau spoke about this convention.

Last week I had the opportunity to chair a hearing before the Senate Commerce Committee, Subcommittee on Science, Space, and Technology, and talked—we had several witnesses expert in these subjects debate really the impact of the proposed convention. I met with the official at the State Department, Mr. Tucker Scully, who is principally in charge of U.S. policy in this area. Then several days ago I hosted a 2-hour session at which the heads of most all of the major environmental organizations in the United States and Mr. Scully from the State Department debated in a round table fashion the merits and demerits of the Wellington Convention.

As a result of this study and the meetings and conversations to which I have alluded, I have come to a decision, Mr. President, which I believe should be recommended to my colleagues, and I hope they will come to share the same conclusion I have.

I believe that we should seek to do better, and consequently I am going to submit a sense-of-the-Senate resolution early next week putting the U.S. Senate on record as being in favor of much stronger protections for Antarctica than are contained in this draft document that has been negotiated by the administration.

When I say "the administration" I do not wish to place the blame at the doorstep of the President for what has been done in this convention because in fairness to him it should be noted that his negotiating process has been drawn out over a 9-year period.

The difficult ideas contained in the convention were put there mostly by people who came before this administration took office. But I believe we should express the sense of the Senate that Antarctica is part of the global commonness and should be managed as such in the spirit of the Antarctic Treaty;

Also, Antarctica is worth more to the world intact than exploited. It should be subjected to comprehensive protection;

Third, that exploration of the Antarctic's resources should be conducted only on highly regulated arrangements, and knowledge concerning those resources should be openly shared throughout the scientific community.

I believe this Nation going further should take the lead in seeking to negotiate a comprehensive treaty protecting Antarctica against exploitation.

Mr. President, there was a great deal of publicity earlier this year about the oilspill in Alaska, much discussion about the promises of safeguards that were betrayed, much discussion about the protections for the environment which we were told were in place, which turned out not to be there at all.

There was not as much attention given to another oilspill. This one was in Antarctica. It was not as large as the spill from the *Exxon Valdez,* but the oil spilled from an Argentine ship known as the *Bahia Paraiso,* caused incredible damage in an area of Antarctica adjacent to Palmer Station which is one of the U.S. bases in Antarctica.

It should serve as a warning, Mr. President, against seeking to exploit the mineral resources of Antarctica at a time when these promises of environmental protection are so frequently ignored and discarded.

Now, this coming December 1 will be the 30th anniversary of the signing in Washington of the Antarctic Treaty, one of the most farsighted documents of this century. When the Antarctic Treaty was first entered into, the world had just experienced an event known as the International Geophysical Year, and as part of that series of explorations, nations around the world learned more about Antarctica. At the tail end of that year of science, actually 18 months' worth of Earth science research, the nations of the world, or many nations of the world, gathered together to approve the Antarctic Treaty. It was visionary in several respects. It was almost a statement of determination by the nations of the world that this time we wanted to do it right.

For example, all territorial claims by nations were suspended during the pendency of the treaty. Weapons of any kind were and are banned in Antarctica under the treaty, so that military conflict between nations has not taken place there, and so long as this treaty regime can be maintained, it will not take place there.

But the treaty is not exactly silent, but less than comprehensive on the question of how minerals should be explored and prospected and developed and exploited in Antarctica, if minerals are to be found there.

One would expect that there are a great many mineral deposits in Antarctica. But, of course, the remoteness and difficulty of the climate in Antarctica has limited any kind of exploration until now. Many are concerned that with the coming shortages of many minerals, there will inevitably be pressure to move toward the exploration and exploitation of minerals in Antarctica.

I think it would be a mistake. I do not think there is any way for anyone to give reasonable assurances that mineral exploitation in Antarctica would not at this time be accompanied by severe problems for the environment.

As a result of the early concerns about mineral exploitation, nations began negotiating a minerals convention, and indeed that convention does contain some laudable efforts to protect the environment in Antarctica. But many of us who have analyzed that document believe that it does not go nearly far enough. So we have this convention, which will soon be submitted to the U.S. Senate.

Early next week I intend to address this subject again at some length, and I invite Senators who are interested in this subject to participate in the drafting of the resolution which I have alluded to. We have a draft resolution which we are now in the process of sharing with other Senators, and I have been on the telephone with several of them, who have indicated that they wish to be a part of this effort.

Let me expand, Mr. President, on a subject that I mentioned just at the outset of these remarks—that is, the ozone hole. The news in this morning's paper shows that, once again, scientists have been surprised by the severity of that problem.

Let me cite just a little history of this issue. Fifteen years ago, two scientists—Dr. Sherwood Roland and Mario Malina—did some calculations, convincing them that a family of chemicals called chlorofluorocarbons were in the process of destroying the stratospheric ozone layer around the Earth. They predicted amid some controversy that there would be a 1-percent decline in the thickness of that ozone layer by the year 1990.

Well, their predictions were immediately attacked, and although their science held up over the years, we now know that their predictions were too conservative, because the thinning of the ozone layer has taken place much more rapidly than they predicted.

What accounts for the discrepancy? The answer is Antarctica. The unique conditions in Antarctica made the problem far worse there than anywhere else. I think this illustrates why we have to pay particular attention to the role of Antarctica in the global climate.

First of all, Antarctica has 90 percent of all the ice in the world. The average altitude is three times higher than the average altitude of any other continent, primarily because of the thickness of the ice—almost 2 miles thick in places.

Now, the size of the land mass is such that it is 50 percent larger than that of the continental United States. Now, the comparison between Antarctica and the Arctic is illuminating because the Antarctic is land surrounded by ocean. In fact, if one looks at a view of the globe from the Southern Hemisphere, it is apparent that Antarctica is at the epicenter of the global ocean, because all of the oceans of the world, save the Arctic, connect around Antarctica.

By contrast, the Arctic Ocean is surrounded by land. The thickness of the ice over the ocean is much thinner, and therefore, the temperatures do not get nearly as low in the Arctic as they do in Antarctica. This mass of ice, 90 percent of all the ice in the world, plays a key role in driving the engine of global climate. Global climate is an engine for transferring heat and cold, heat from the equator to the poles, and cold from the poles to the equator. It is, in essence, a steam engine, and the steam is in the form of clouds, as Jacques Cousteau noted in his address this morning.

The particular role played by Antarctica is as the single largest source of cold temperatures on Earth. Now, the pattern of ocean and wind currents which transfers cold from Antarctica to the equator could change somewhat if the predictions in the global warming models turn out to be true.

Because of this coldness above Antarctica, the clouds rise to much higher altitudes. Now, that has had a key effect on the chemistry of this ozone problem, because the chemicals known as chlorofluorocarbons interact with the stratospheric ozone in a different way where those clouds are very high in the stratosphere and every September, October, and November the chemical reaction takes place very rapidly and this large hole opens up in the stratospheric ozone layer.

Mr. President, if the environment of the entire world has suffered this kind of impact, which is ongoing because of the unique characteristics of Antarctica, it seems ever more obvious why the world should take special care to prevent thoughtless exploitation of Antarctica in a way that damages the resources there and damages the environment in Antarctica and around the continent of Antarctica.

Mr. President, for that reason I am calling on my colleagues to look closely at the dynamics of this issue. It is a serious thing to reject the work of 9 years in drafting this convention, but, for reasons that I will spell out in some detail at the beginning of this coming week, I believe that we should in fact move toward a much more comprehensive measure protecting Antarctica and declaring that this time we are going to do it differently because, after all, not only is Antarctica fragile and not only would there be great risk in bringing oil tankers into the most hostile environment in the world, but also what would happen to the oil once it was removed from Antarctica? It would be burned and turned into more greenhouse gases, so the urgency of getting the fossil fuel deposit from this part of the world, it seems to me, to be far less than many have asserted.

So, Mr. President, I do invite my colleagues who might be interested in this to ask their staffs to contact Carol Browner on my staff, and if they are interested in working as a part of this, their input would be most appreciated. I will be introducing the resolution early next week.

I ask unanimous consent to print the text of related materials in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New Republic, Dec. 26, 1988]

Unbearable Whiteness

I'm trying to remember what I thought about Antarctica before I came here. For the most part, I didn't think about it at all. It is just plain remote. From the other side of the world, in Christchurch, New Zealand, it is another eight hours due south by plane to the main U.S. base, McMurdo, and then another three hours from there to the South Pole.

I came to the coldest place on Earth to hunt for information about global warming, but I was unprepared for the continent itself. For example, I didn't know that the land area is half again as large as the entire United States. Or that 90 percent of all the ice in the world is here—which means, among other things, that there is really no comparison between this place and the Arctic. Antarctica is larger, more isolated, more important in the global ecosystem—and much colder.

You don't expect a continent at the "bottom" of the world to have an altitude three times higher than any other continent. When I stepped out of the ski plane at the Pole, my awareness was divided between the 56-degree below-zero weather and the dizziness of being at almost 10,000 feet. The altitude of the enormous polar plateau is due primarily to ice that is almost two miles thick. Although its ice and snow contain 70 percent of all the fresh water on Earth, Antarctica gets so little precipitation that it is classified as the world's largest desert. And while the continent goes dark for six months in winter, it still receives more sunlight during its six-month-long summer day than the equatorial regions receive in an entire year. Yet all that light creates virtually no surface heat, because most of it is reflected right back up into space. For anyone caught in that crossfire of whiteness, sunglasses are a medical necessity.

The ice shelf expands in winter to seven times its summer maximum. The small population of human beings sent here by 22 nations expands in summer and contracts in winter by proportions almost precisely inverse to those of the ice.

While most of Antarctica is the cleanest, most pristine area on Earth, the waters immediately adjacent to the American base are among the most polluted in the world. PCBs and "we don't know what else," dumped years ago, have killed every vestige of life in a small area of McMurdo Sound. The nuclear power plant that leaked in 1962 was dismantled and returned to the United States. But even today the base dumps "diluted" raw sewage directly into the sound and burns its solid waste in an open pit.

In the last few years, several other developments have brought new attention to Antarctica. In 1986 an emergency expedition confirmed the existence of a large and growing polar hole in the stratospheric ozone layer (which protects humans from deadly ultraviolet-B radiation). The same team found incontrovertible evidence that man-made chemicals called chlorofluorocarbons (CFCs) were responsible.

A new international agreement was signed this year to reduce CFC production a little, though not enough. Meanwhile, the world's fossil fuels are being burned at such a rapid rate that the resulting carbon dioxide, along with other "greenhouse gases" may have already triggered the long-predicted global warming. At least some scientists said this summer that they are finally convinced.

The air is clearer and crisper in Antarctica than anywhere I've ever been, and visibility is remarkable over great distances. But that can suddenly change, as I learned firsthand, during something known as a "whiteout." The winds of a sudden storm saturate the air so thoroughly with snow that first the horizons, then closer landmarks, and then even the hood of your vehicle can disappear in a shroud of whiteness. Travelers lose their orientation and perspective. Some tell stories of seeing a building in the distance only to find that it was a pack of cigarettes a few feet away. Having just lived through a general election campaign in which Willie Horton was a more prominent political landmark than the budget or trade deficit, I had the feeling I had gone from one whiteout to another.

It came here because Antarctica is now the frontier of the global ecological crisis. High in the Transantarctic Mountains, a badly sunburned scientist talked about the ice cores he and his team were pulling from a deep hole drilled into the glacier on which we stood. He interpreted the annual layers of ice and snow the way woodsmen read tree rings. "Here is where the U.S. Congress passed the Clean Air Act," he said, pointing to the beginning of the 1970s. Moving down the ice core, back to the early 1960s, he added, "And here is where the world stopped atmospheric nuclear testing." These and other ice cores contain highly accurate information about the makeup of the Earth's atmosphere year by year for tens of thousands of years. From such cores, we know, for example, that there were dramatically lower levels of carbon dioxide in the atmosphere at the peak of the last Ice Age, 20,000 years ago, when the island of Manhattan was under one kilometer of ice. By contrast, the ice and snow laid down in the 1980s show levels of carbon dioxide, methane, CFCs, nitrous oxide, and other gases responsible for the greenhouse effect higher than they have been in at least 160,000 years (as far back as the ice cores measure). CFCs are receiving particular attention because they cause not only 20 percent of the greenhouse effect but virtually all of the destruction of the ozone layer.

Something else is different about the ice layers from the 1980s—they *look* different to the naked eye because of thick, alternating layers of "hoar" ice, apparently caused by partial melting and recrystallization into larger granules. The scientists are as yet cautiously withholding judgment on whether this is the clear signal of Antarctic warming that many have anticipated.

When I say Antarctica is the frontier of the ecological crisis, I don't mean only that pollution can now be found at the remotest point on Earth. Antarctica is also the place where both ozone destruction and global warming have their first and most dramatic impacts. It is also increasingly apparent that Antarctica plays a far more significant role than any other part of the Earth in the global climate system. For one thing, the cold waters surrounding the continent absorb more carbon dioxide from the atmosphere than all the rain forests, and create the nutrient-rich "bottom water" for most of the world ocean of which Antarctica is the epicenter. Also, aside from the sun and the rotation of the Earth, Antarctica is the single most powerful engine driving the world's weather, redistributing its massive coldness through the winds of the air and the currents of the sea. As greenhouse gases trap more heat in the Earth's atmosphere and temperatures climb, they are expected to climb fastest of all here in Antarctica, because any melting at the edge of the ice shelf is accompanied by a dramatic change in the albedo—reflectivity—of the surface exposed to sunlight. The increased absorption of the sun's rays by the ocean then magnifies the local warming trend, melting more ice at the margin and absorbing yet more radiation from the sun.

There are three potential catastrophes that scientists fear could eventually be caused by the warming of Antarctica. First, a dramatic rise in sea level. This would come not from the melting of sea ice, which is already floating in the ocean, but from a rapid breakup of the massive West Antarctic ice shelf, which scientists believe could then plop into the ocean, raising the sea level 15 to 20 feet, wiping out low-lying coastal cities and nations like Bangladesh. But this is further off than most greenhouse impacts, perhaps 200 years.

Second, something that some scientists worry could occur much sooner is a change in the ability of the Antarctic seas to absorb carbon dioxide as they get warmer. Partly because it is so cold, the southern ocean now absorbs between one-third and one-half of all carbon dioxide emissions from industrial nations. Since carbon dioxide is by far the most important greenhouse gas, we must concern ourselves not only with the rate at which our civilization produces it but also the rate at which the Earth absorbs it.

The Earth has two lungs—the forests and the southern ocean. Unfortunately, we are destroying our forests at the rate of one football field every second, an area the size of Tennessee every year. Since the oceans of the world contain 50 times as much carbon dioxide as the atmosphere, even small changes in the tempreature-sensitive mechanisms by which carbon dioxide is transferred back and forth between the oceans and the air can have profound implications.

Third, scientists fear that if their predictions are correct, and temperatures at the poles increase far more rapidly than at the equator, then the very pattern of the world weather system might change. This is because the difference between temperatures at the equator and at the poles has been relatively constant for a long time. As a result, the redistribution of heat from the equator to the poles and cold from the poles to the equator has been accomplished through an essentially constant pattern of wind and ocean currents. If temperatures rise disproportionately in Antarctica, the equilibrium could change, crating new patterns that would redistribute less cold and more heat. Something like this once happened on a small scale in Greenland. The so-called "little ice age" beginning 500 years ago abruptly covered the southern and western agricultural areas that gave Greenland its name with the ice and snow that now make people wonder where the name came from.

Similar though larger and anthropogenic global weather changes now thought to be under way are expected to cause widespread droughts and heat waves within our children's lifetimes. Indeed, some argue they have already begun.

In spite of these enormous stakes and in spite of the central role played by Antarctica, an international scientific conference in Tasmania this fall concluded, "There is no established strategy either for early detection of climate change in Antarctica or understanding and prediction of the probable effect of climate warming on atmospheric and oceanic circulation, ice-sheet volume, and sea level."

Even at that, the scientists are further along than the politicians. Why are we waiting to act?

Perhaps partly because of the unprecedented nature of the crisis. It is simply beyond our experience and outside of what we call common sense. So we put it in the place in our minds where Antarctica exists and tag it with the same mental labels—remote, alien, hopelessly distorted by the maps of the world we inhabit, too hard to get to and too unforgiving for us to stay very long.

The real question is whether the world's political system can find a new equilibrium before the world's climate system loses its current one. Even now, the winds of change are approaching hurricane force. It took a million years for the population of the world to reach two billion. Now, in the course of a single human lifetime—mine—it is rocketing toward ten billion (and is already halfway there). Startling graphics showing the loss of forest land, topsoil, stratospheric ozone, and species all follow the same pattern of sudden, unprecedented acceleration in the latter half of the 20th century. And yet, so far, the pattern of our politics remains unremarkably unchanged.

When it does come, the change will involve a new set of global goals, and a new way of thinking about ourselves, our children, and our whole world—even Antarctica.—AL GORE.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, first I would like to ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION TO SENATOR GORE

Mr. PRYOR. Mr. President, I rise for a few moments this afternoon to commend the Senator from Tennessee, who is now the present occupant of the Chair, who has been researching this matter for many, many years, even before it became a real issue in the public mind, and for his long-time commitment to the preservation and the betterment of not only our domestic but also our worldwide environment.

I had the privilege of listening to the Senator from Tennessee a few moments ago, and I would like to say that the issue that he brought before the Senate and ultimately to our colleagues' attention I think is one which is going to be in the forefront of the American public conscience and certainly the worldwide public conscience for many, many generations to come.

Mr. President, the Senator from Tennessee, who spoke relative to the Antarctic just a few minutes ago has once again demonstrated not only his passion and long-time history of commitment to these causes but, he has also helped to instruct and educate many of us in this body who need further and more detailed information that he has acquired in his trips to these areas, in talking with eminent individuals like Jacques Cousteau, that he mentioned, and others in the worldwide environmental community.

So, Mr. President, I commend the very distinguished Senator from Tennessee for his statement, for his concern, his compassion and once again the ability to instruct and educate the rest of us in this body.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. Pryor pertaining to the introduction of S. 1661 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Pryor). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes; and

H.J. Res. 204. Joint resolution to designate October 1989, as "National Quality Month."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. Byrd].

MEASURES PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 2978. An act to amend section 700 of title 18, United States Code, to protect the physical integrity of the flag.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-322. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"Assembly Joint Resolution No. 26

"Whereas travel on California's roads and highways is increasing at an alarming rate, thereby causing accidents, traffic snarls, pollution, and related problems; and

"Whereas legislation has been introduced in California that would provide income tax incentives to employers and employees to encourage ridesharing and use of public transit; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation amending the Internal Revenue Code to provide incentives to employers and employees to encourage ridesharing and the use of public transit; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-323. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans Affairs.

"Assembly Joint Resolution No. 48

"Whereas the California Department of Veterans Affairs has ascertained that there are approximately 148,000 women veterans in California; and

"Whereas the California Commission on Women Veterans reported to the California Legislature in 1988 that the vast majority of these women veterans are successful, capable, and contributing members of society; and

"Whereas in that report, the California Commission on Women Veterans noted with alarm that a study conducted by the United States Department of Veterans Affairs and Louis Harris Associates, Inc., concluded that the lifetime incidence of cancer among women veterans is nearly twice as high as among the general population of adult women; and

"Whereas the California Commission on Women Veterans has further found that no followup research has been undertaken by the United States Department of Veterans Affairs to ascertain the reasons for this alarming disparity in cancer rates between women veterans and the general population of adult women; and

"Whereas further study is urgently needed to determine why this disparity in the incidence of cancer exists and what steps the United States Department of Veterans Affairs or individual women veterans, or both, can take to find and eliminate the health risks to women veterans which result in this high incidence of cancer; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature respectfully memorializes the President and Congress of the United States to require the United States Department of Veterans Affairs to conduct a followup investigation into its earlier findings that the incidence of cancer among women veterans is nearly twice as high as among adult women in the general population; and be it further

"*Resolved,* That the United States Department of Veterans Affairs be directed to communicate the results of that investigation to each Senator and Representative from California in the Congress of the United States and to the Assembly Subcommittee on Veterans Affairs of the Assembly Committee on Governmental Organization and the Senate Committee on Veterans Affairs of the California Legislature; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Veterans Affairs."

POM-324. A joint resolution adopted by the legislature of the State of California; to the Committee on Finance.

"Assembly Joint Resolution No. 30

"Whereas thirty-eight million social security recipients rely on their monthly social security and medicare income checks and 62 percent of the elderly receive half, or more, of their income from social security, depending upon these monthly funds for survival; and

"Whereas these social security beneficiaries, because of their relatively low income, spend most of the benefits they receive, thus helping to maintain purchasing power during recession cycles, and, consequently, social security serves as one of our nation's principal economic shock absorbers; and

"Whereas without social security, half the elderly citizens in this country would fall below the federal government's rockbottom definition of poverty, and curtailment of social security cost-of-living adjustments (cola's) would push millions of Americans toward poverty as inflation overtakes them; and

"Whereas by the year 1993, the social security trust funds will have a surplus of $70 billion in income over outgo, however, from now until 1993, when the 1983 social security amendments removing social security trust funds from the unified federal budget are to be effective, adequate protection of these trust funds must be invoked by congressional and administration action without further delay, especially, if the policymakers, whether they are in the administration or in congress, truly wish to reassure and rebuild public confidence in the integrity of the long-term survivability of the social security and medicare programs; and

"Whereas public confidence is undermined when changes are made in social security solely to reduce the federal deficit in any given year; and

"Whereas a national survey made in 1987 found 86 percent of Americans opposed to cutting social security and a great majority supported preservation of the colas; and

"Whereas social security is a universal program with more than 9 out of 10 older people protected by social security, 6 out of 10 workers insured against total disability, and 9 out of 10 parents and children having survivorship protection; and

"Whereas just about every American citizen, both young and old, has a major stake in protecting the long-term commitments of the social security program from fluctuations in politics and everyday fiscal policy decisions; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the legislature of the State of California memorializes the President and the Congress of the United States to immediately implement the 1983 social security amendments, which will remove the social security trust funds from the uniform federal budget, which is subject to the Gramm-Rudman-Hollings Act; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Chairpersons of the House and Senate Committees on Aging, and to each Senator and Representative from California in the Congress of the United States."

POM-325. A resolution adopted by the Catholic War Veterans; to the Committee on the Judiciary.

POM-326. A resolution adopted by the Catholic War Veterans; to the Committee on Foreign Relations.

POM-327. A resolution adopted by the legislature of the State of California; to the Committee on Rules and Administration.

"ASSEMBLY JOINT RESOLUTION No. 16

"Whereas State law requires that the polls be open at 7 a.m. on election day and that they be kept open for voting until 8 p.m.; and

"Whereas in the years in which presidential elections are held, California voters, because of this state's geographic location, usually are still voting or have not yet voted while the polls in other states have already closed; and

"Whereas the lack of a national uniform time schedule for voting at presidential elections, combined with the release of voting results in other states and election projections made by national television networks, gives rise to the perception that Californians engage in an insignificant voting exercise at this important national election; and

"Whereas fundamental democratic values require that action be taken to avoid the apparent or actual disenfranchisement of millions of citizens at presidential elections, and to ensure that the electorate of California, the largest and most populous state in the Union, participates meaningfully in the election of the national leadership; and

"Whereas the establishment of a national time schedule at which the polls in the several states uniformly are closed for voting no earlier than 8 p.m. in the Pacific time zone would permit California to significantly participate, and would permit California voters to cast more meaningful votes, the election of the President of the United States; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact appropriate legislation to establish a national time schedule for the uniform closing of the polls no earlier than 8 p.m. in the Pacific time zone in the several states for voting at presidential elections; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON:

S. 1659. A bill to amend the Higher Education Act of 1965 to restore a more reasonable balance in student assistance between grants and loans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself, Mr. KOHL, Mr. GORE, Mr. PRESSLER, Mr. SIMON, Mr. KERRY, and Mr. BURNS):

S. 1660. A bill relating to telephone operator consumer services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. BOREN, Mr. HATCH, and Mr. HARKIN):

S. 1661. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualifying disability expenses; to the Committee on Finance.

By Mr. LEVIN:

S. 1662. A bill to waive the 5-year accreditation requirement for institutional aid under part A of title III of the Higher Education Act of 1965 for any institution of higher education in which at least 50 percent of the enrolled students are black Americans; to the Committee on Labor and Human Resources.

SUBMISSION ON CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Con. Res. 71. Concurrent resolution congratulating Malta on the 25th anniversary of its independence; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. KOHL, Mr. GORE, Mr. PRESSLER, Mr. SIMON, Mr. KERRY, and Mr. BURNS):

S. 1660. A bill relating to telephone operator consumer services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEPHONE OPERATOR CONSUMER SERVICES IMPROVEMENT ACT

Mr. BREAUX. Mr. President, I would also take this time to introduce legislation today that would insure fairness to consumers who make long distance telephone calls many times from hotels and motels, hospitals, universities, or other privately owned paid telephones who I think are not getting a fair deal. Many times we are seeing situations where the public is being faced with charges sometimes as high as 10 to 15 times higher than if these charges were being submitted by the regular AT&T charges that we normally see.

Mr. President, my bill would not outlaw these new telephone services but would certainly require them to notify consumers in this country about the services, what type of services and particularly how much they are going to cost. I know that many people in this country have gone to hotels, for instance, and used a telephone to make long distance calls, and are shocked when they get their bill in seeing that these outrageous phone prices are being added to their hotel bills.

My legislation would require a set of rules and procedures which would clearly outline what the charges would be, would clearly spell out the duties of these operators as to meeting their requirements to meet the needs of consumers in this country. Right now this is not being done. We need to establish a set of rules and regulations which will be fair treatment to all of the consumers in this country and, at the same time, a law for technological achievements to go forward.

Mr. President, an increasing number of businesses and institutions are entering into agreements with operator services provider [OSP] or alternative operator service provider [AOS] companies to provide long-distance telephone services to increasingly mobile consumers.

From January 1988 through February 1989 the FCC received over 2,000 consumer complaints about the practices of some providers of telephone operator services. Consumers complained of exorbitant rates charged by these providers, in some cases as much as 10 to 15 times more than the AT&T charge. They complained of being deceived about the identities of service providers. They complained of being denied through call blocking their choice of long-distance telephone service carrier. They complained of call splashing, the practice of transferring and charging for a call placed through a location distant from the call's origination point. Additionally, they complained of having used the calling card of one carrier but receiving a bill—usually at a higher rate—from another.

OSP companies were not telling callers that their calls were being carried through an OSP company, and, were not telling callers what the charges would be. Also, a number of OSP companies were not telling a consumer that their own telephone company's calling card rates would not apply.

The problem is troublesome enough in the State of Louisiana that our Public Service Commission has closed the door to any new entrants in the business. This restriction will remain in place pending the completion of a PSC investigation.

This legislation offers relief for the consumer. It establishes minimum consumer notification requirements. The OSP provider must identify itself before the consumer incurs any charges. A consumer will be informed by a notice on or near the telephone of the name, address, and toll free telephone number of the provider. Mr. President, these requirements will assure consumers in this market the same fair right of choice that they would have in making any other purchase. It cannot be otherwise. We cannot sustain a long-distance carrier system wherein a caller is unknowingly playing Russian roulette with his wallet any time he picks up a telephone.

The notification requirements of the bill directs the provider to see to it that consumers are informed of their right to obtain access to any long-distance carrier of their choice. Call blocking is forbidden. The consumer is to be told that upon request, additional information is available, such as rates or charges for the call, collection methods, and compliant resolution procedures.

To ensure that OSP companies' rates are reasonable, these complaints must file informational tariffs with the FCC, specifying rates, commissions, surcharges, or other fees collected from consumers. The FCC will be required to monitor industry rates examine service innovations and improvements, study market structure, and report its findings to the Congress.

Mr. President, I want to make it clear that there is no intent to injure or discourage the development of the OSP industry. We want to help them to continue to gain respectability. A few bad actors have hurt them, and there is agreement in the industry, to its credit, that a remedy is necessary. Industry representatives have worked diligently with labor and consumer representatives, with the author of companion legislation in the House, Congressman Jim Cooper, and the distinguished chairman of the House Subcommittee on Telecommunications and Finance, Congressman Ed Markey, to help shape an acceptable legislative resolution of these issues.

OSP companies have moved into a market that is dominated by AT&T, and they have had a positive impact. Competition has stimulated the development of service improvements: We've seen an upgrading of operator service equipment, and enhanced services such as foreign language operators, advanced emergency call handling, voice message, and other specialized services. We expect such developments to continue.

I want to reiterate, Mr. President, that this bill is companion legislation to H.R. 971, a bill carefully crafted over several months by Mr. Cooper and Mr. Markey and now awaiting floor consideration by the other body. Mr. Markey and Mr. Cooper have done a marvelous job in the interest of consumers. I look forward to working with my colleagues in the Senate in moving this very worthwhile legislation. I am joined in sponsoring this legislation by Senators Herb Kohl, Al Gore, Larry Pressler, Paul Simon, John Kerry, and Conrad Burns.

● Mr. KOHL. Mr. President, I am pleased to join today with my colleague from Louisiana, Senator Breaux, in introducing legislation important to anyone who uses a public telephone.

Since the breakup of AT&T in 1984, companies have been allowed to compete to provide operator services from public telephones. The advent of these companies—known as AOS's, or alternative operator services—has created havoc.

Pick up a phone today in a hotel, or hospital, or airport and make an operator assisted phone call. Chances are you won't know whether the operator you're talking to is an AT&T operator or an independent operator service. Chances are even better that you won't know what rate you're being charged for the call. And chances are high that the rate you're being charged is higher than the average AT&T rate for an operator assisted call.

Alternative operator services are a consumer's nightmare. Most people have used them and not known they were doing so until after the fact—when their telephone bill arrived.

Many States have already taken action to address AOS's. In Wisconsin, the State public service commission has acted to prevent operator service providers operating in the State from charging rates in excess of the AT&T rate for the same call. The State's action, however, applies only to intrastate calls—not those made across State lines. Other States, such as Tennessee, have instituted similar intrastate rate regulation.

Unfortunately, the FCC has been slow to initiate similar rate proceedings at the Federal level, despite a petition on the part of several State regulatory bodies, including the Wisconsin PSC, to do so.

The bill we are introducing today would require the FCC to take several actions to protect consumers against unreasonable rates charged by AOS companies. It would require that the operator service provider identify itself to the caller prior to a call being placed. It would prevent AOS providers from blocking access to the long distance carrier of the caller's choice. It would require AOS companies to file their rate schedules with the FCC, and to justify any rates that the FCC determines are unreasonable. And it would require the FCC to assess, over a 9-month period, the extent to which operator service providers have affected the quality and cost of operator service to telephone customers.

Mr. President, this bill is a good first step. It will protect consumers against using an alternative operator service unknowingly. And it will require AOS companies to justify any rates considered unreasonable by the FCC.

The bill also represents a compromise. It was put together with the advice and assistance of industry representatives and consumer groups.

While the bill does not go as far as the actions taken by the Wisconsin Public Service Commission, I am supporting it not only because it affords some immediate consumer protection but because it sends a clear signal to the FCC and to operator service providers that Congress is concerned about excessive rate charges in the industry.

However, the concerns that have been raised in Wisconsin regarding the need for rate regulation are not exclusive to Wisconsin. I am hopeful that this measure will bring about voluntary rate reduction in the industry, making further legislative action in this area unnecessary. But such action may be warranted in the future.

I want to commend my colleague, Senator Breaux, for his work on this legislation. I look forward to working with him and other members of the Commerce Committee in fine tuning this bill and bringing it before the full Senate in the near future.●

By Mr. PRYOR (for himself, Mr. Boren, Mr. Hatch, and Mr. Harkin):

S. 1661. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualifying disability expenses; to the Committee on Finance.

SMALL BUSINESS DISABILITIES TAX CREDIT TAX

Mr. PRYOR. Mr. President, today I am introducing the Small Business Disabilities Tax Credit Act of 1989. Just 2 weeks ago the Senate traveled a tremendous distance along the road to full disability rights with the passage of the Americans With Disabilities Act. The Small Business Disabilities Tax Credit Act of 1989 will take us still closer to the end of this road by providing a tax credit that will help businesses comply with the ADA bill recently passed.

This legislation will provide a $5,000 refundable tax credit for expenses a business incurs in order to accommodate a disabled patron or employee. All expenditures made to comply with the reasonable accommodations provision of the Americans with Disabilities Act will qualify for this credit. Businesses will be able to claim the credit for carryover expenses, meaning that if expenses exceed the $5,000 credit in 1 year, the excess will qualify for the credit in subsequent years.

Section 190 of the Internal Revenue Code currently provides a $35,000 deduction for expenditures to remove architectural and transportation barriers to the handicapped. As the Small Business Legislative Council has pointed out, though, "small business has not been able to take advantage of section 190 for a variety of reasons." For instance, under the current deduction a small business in the 34-percent tax bracket would have to spend almost $15,000 to realize $5,000 dollars in tax savings while under the credit approach a small business would receive a dollar-for-dollar $5,000 savings for $5,000 in expenditure. As we can see, the credit approach is much more effective at getting more money back into the hands of businesses that can most use help and which will be called upon most often to accommodate the disabled.

I intend to pay for the new tax credit by repealing the inadequate $35,000 deduction, thereby making my proposal revenue neutral. Large businesses that may have benefited slightly more under the $35,000 deduction will still qualify for the credit, and they will of course be able to carry over expenses in excess of $5,000 from 1 years to the next. Large businesses are already in a better position to comply with the ADA since most already employ or serve disabled persons. Moreover, many of the disabled are predisposed toward small businesses since their smaller family settings can better serve the particular needs of a disabled employee or patron. For these reasons, I believe a tax credit focused on small businesses is preferable to the present deduction.

Finally, the credit will apply to all expenditures made for accommodating the disabled, not just for removing architectural or structural barriers. When any of the following actions are taken to accommodate a disabled individual they will qualify for the credit: modifying facilities; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; providing qualified readers or interpreters; when there is cost, restructuring jobs, providing part-time or modified work schedules, or reassigning to a vacant position; or providing other similar accommodations.

Regardless of the outcome, Mr. President, of the Americans With Disabilities Act which has passed the Senate, the small business disabilities tax credit is, I think, very good, very sound and very constructive tax policy for our country since it will encourage businesses to make accommodations for the disabled. It will especially encourage and enable the small businesses to make these particular accommodations called for by the ADA. I predict the result will be greater access for the disabled and fewer disputes over what constitutes reasonable accommodation.

Mr. President, the United States is one of the wealthiest countries in the world and can afford to pay for full access for the disabled. The disabled should be fully included in all walks of society, not just because it will mean more fulfilling, meaningful lives for them but also because the disabled have a valuable contribution to make to society as trusted employees, valued customers, and active citizens. Full inclusion of the disabled in our society will strengthen our national community by promoting an awareness and a toleration of diversity, values which we hold dear in America. Fully including the disabled in our society will increase the size of the "us" group in our country and further shrink the size of the "them" group.

For all these reasons, Mr. President, I ask the support of my colleagues for the Small Business Disabilities Tax Credit Act of 1989. I hope to expedite consideration of this bill by including it in the budget reconciliation package that the Finance Committee will be preparing shortly. Some modifications may be necessary once the Finance Committee completes its revenue estimates for the bill, nevertheless the final form will undoubtedly be of great assistance to small businesses endeavoring to comply with the ADA bill.

This bill has already attracted the support representatives of the small business community: The National Federation of Independent Business, the Small Business Legislative Council, and Small Business United.

Mr. President, I send to the desk the bill. I am proud to announce as original cosponsors, Mr. HATCH, Mr. HARKIN, and Mr. BOREN. And, Mr. President, let me ask unanimous consent if I might, to add an additional, and I must say a very illustrious, cosponsor, the Senator from Tennessee [Mr. GORE], who happens to be at this moment the very, very able Presiding Officer in the chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I hope that the small business community throughout our country will carefully study this bill and realize what I think will be the valuable attributes and impact that it implies.

Mr. President, I urge the small business community of our country to look at and to study this legislation and hopefully to offer support. I would also welcome the support of the disabilities community.

Mr. President, I ask unanimous consent that a copy of the Small Business Disabilities Tax Credit Act of 1989 and a letter from the Small Business Legislative Council supporting the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Disabilities Tax Credit Act of 1989".

(b) AMENDMENT OF THE 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CREDIT FOR COSTS TO MAKE REASONABLE ACCOMMODATIONS FOR DISABLED INDIVIDUALS.

(a) ALLOWANCE OF CREDIT.—Subpart C of part IV of subchapter A of Chapter 1 (relating to refundable credits) is amended by adding at the end thereof the following new section:

"SEC. 36. DISABILITY TAX CREDIT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of qualified disability expenses for the taxable year as does not exceed $5,000.

"(b) QUALIFIED DISABILITY EXPENSES.—The term "qualified disability expenses" means the amounts which are paid or incurred by the taxpayer during the taxable year—

"(1) to make existing facilities readily accessible to and usable by individuals with disabilities,

"(2) to acquire or modify equipment or devices for individuals with disabilities,

"(3) to make appropriate adjustment or modifications of examinations, training materials or policies for individuals with disabilities,

"(4) to make available qualified readers or interpreters for individuals with disabilities, and

"(5) to provide other similar accommodations for individuals with disabilities.

"(c) DISABILITY.—The term "disability" means, with respect to an individual—

"(1) a physical or mental impairment that substantially limits one more of the major life activities of such individuals,

"(2) a record of such an impairment, or

"(3) being regarded as having such an impairment.

"(d) CARRYFORWARDS.—If a taxpayer has qualified disability expenses for any taxable year, the excess of the qualified disability expense over $5,000 for such year shall be a qualified disability expense in the succeeding taxable year.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of Chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 36. Disability Tax Credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 3. REPEAL OF TREATMENT OF EXPENDITURES TO REMOVE ARCHITECTURAL AND TRANSPORTATION BARRIERS TO THE HANDICAPPED AND ELDERLY.

(a) IN GENERAL.—Section 190 is repealed.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, September 19, 1989.

Hon. DAVID PRYOR,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR PRYOR: On behalf of the Small Business Legislative Council (SBLC), I wish to express our support for your initiative to alleviate the impact of the enactment of the Americans with Disabilities Act of 1989 (ADA) upon small business.

As we understand it, you would replace the current deduction (Internal Revenue Code Section 190) permitted for expenditures to remove architectural and transportation barriers to the handicapped with a tax credit for expenditures to comply with the Americans with Disabilities Act of 1989. Our reports suggest that small business has not been able to take advantage of Section 190 for a variety of reasons. We believe all other factors equally, a tax credit is generally more effective than a deductions section as an incentive to encourage activity by small business.

Frankly, while we appreciate the motivation for enactment of the ADA, we are gravely concerned about the burden of compliance with the public accommodation upon small business. The language of the section is ambiguous, and the potential costs of compliance are significant. Your initiative will provide a positive incentive to comply with the law, and this may reduce the likelihood of chaos on Main Street and confrontations in the court house.

Once again, we appreciate your leadership in representing the interest of small business.

Sincerely,

JOHN S. SATAGAJ,
President.

● Mr. HARKIN. Mr. President, I want to congratulate Senator PRYOR for his fine work in developing the Small Business Disabilities Tax Credit Act. I believe that it addresses the concerns of small business owners regarding compliance with the Americans for Disabilities Act.

The bill provides for a 100-percent tax credit of up to $5,000 for expenses that a business incurs to meet the needs of a handicapped employee or customer. The tax credit is refundable. Costs of more than $5,000 can qualify for a credit in future years.

There are 43 million Americans with disabilities. They are our brothers and sisters, our parents and our friends. Many received their disabilities fighting for our country. Many who are not disabled today could become disabled tomorrow because of accident or illness.

Indeed, disability is a part of life in every community across America. Disabilities do impose limitations. But, as any person with a disability will tell you, it is frequently not his or her own disability that is limiting, but instead the obstacles placed in the way by an indifferent society.

The Senate overwhelmingly passed the American with Disabilities Act, which extends civil rights protections for people with disabilities. I am proud to be the chief sponsor of that legislation. For too long, many individuals with handicaps have been excluded, segregated, and otherwise denied equal, effective and meaningful opportunity to participate in the economic and social mainstream of American life. The ADA is a major step in the elimination of the barriers that limit full participation.

Indeed, elimination of barriers is not always without cost to businesses. But, it is a cost that I believe that should be incurred, considering the benefit to those with disabilities, the benefit to business, and the benefit to our entire society.

Small businesses will incur some of those costs and I am most sympathetic to their concerns. I know that many small business owners have seen literature which suggests that they would be required to incur costs far beyond what would be required by the law. However, there are costs that would be required and there are costs that many businesses would want to incur in any case because they see the benefits to helping to provide greater opportunity for people with disabilities.

The legislation that I join in introducing today with Senator PRYOR and others will greatly reduce the financial cost for those small businesses which need to incur costs.

I would note that this measure recognizes the limitations of Federal resources and removes the deductions that are allowed for constructing ramps and other modifications to overcome barriers to the handicapped which is now permissible on sums of up to $35,000. While a deduction might provide a business with an effective reimbursement of 28 percent of cost, this legislation would provide for complete reimbursement for the first $5,000. And larger amounts could be recovered by the small business in future years.

This bill will be considered by the Finance Committee. Clearly, the committee will examine the specifics of the measure and, I expect that some modification is likely. But, I would urge that the committee quickly move forward and report this measure or a similar measure that accomplishes the purpose of providing significant assistance to businesses, especially smaller businesses, in complying with the Americans with Disabilities Act for consideration by the Senate at the earliest possible point.●

ADDITIONAL COSPONSORS

S. 176

At the request of Mr. HEINZ, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 176, a bill to amend the Foreign Agents Registration Act of 1938 to strengthen the registration and enforcement requirements of that act.

S. 341

At the request of Mr. HOLLINGS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 341, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

SENATE JOINT RESOLUTION 59

At the request of Mr. WIRTH, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BAUCUS], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 59, a joint resolution designating January 19, 1990, as "National Skiing Day."

SENATE JOINT RESOLUTION 88

At the request of Mr. WIRTH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 88, a joint resolution to establish that it is the policy of the United States to reduce the generation of carbon dioxide and for other purposes.

SENATE JOINT RESOLUTION 111

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate the week of October 8 through 14, 1989, as "National Week of Commitment to Helping the Homeless."

SENATE JOINT RESOLUTION 168

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 168, a joint resolution to designate the week of October 2 through 8, 1989, as "America's Gold Week."

SENATE JOINT RESOLUTION 186

At the request of Mr. McCLURE, the names of the Senator from Tennessee [Mr. GORE], the Senator from Nevada [Mr. BRYAN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 186, a joint resolution designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. DODD, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution commending the decision of the Board of Immigration appeals to allow Joseph Patrick Doherty to apply for political asylum, expressing concern at the Attorney General's June 30, 1989, decision to deny Joseph Patrick Doherty a political asylum hearing, and asking the Attorney General to respect the BIA decision on political asylum and immediately to release Joseph Patrick Doherty on bond pending final completion of the immigration proceedings.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. KASTEN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution relating to the right of self-determination of the peoples of Latvia, Estonia, and Lithuania, and for other purposes.

SENATE RESOLUTION 179

At the request of Mr. MACK, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Resolution 179, a resolution to express the sense of the Senate regarding the testing of United States agricultural products imported by our trading partners of potentially harmful chemicals.

SENATE RESOLUTION 180

At the request of Mr. SANFORD, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Resolution 180, a resolution to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989.

SENATE CONCURRENT RESOLUTION 71—CONGRATULATING MALTA ON THE 25TH ANNIVERSARY OF ITS INDEPENDENCE

Mr. PELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

Whereas September 21, 1989, marks the twenty-fifth anniversary of the independence of Malta;

Whereas the people of Malta have historically cherished the values of democracy;

Whereas the Maltese, by successfully resisting challenges to democratic rule on Malta, have protected and preserved their heritage for generations to come;

Whereas the Maltese endured tremendous suffering during their heroic struggle against Nazi and other fascist aggression during World War II, and were cited by President Franklin Roosevelt for their bravery and courage;

Whereas a free and democratic Malta is important to peace and stability in the central Mediterranean, a region of particular importance for the interests of the United States;

Whereas the Government of Malta has actively participated in, and made positive contributions to, environmental issues of global concern; and

Whereas relations between the Republic of Malta and the United States, which have been traditionally friendly, have become even closer and stronger in recent years: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress congratulates the people of Malta on the occasion of the twenty-fifth anniversary of the independence of Malta.

AMENDMENTS SUBMITTED

RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT

METZENBAUM AMENDMENT NO. 842

Mr. MITCHELL (for Mr. METZENBAUM) proposed an amendment to the bill (S. 488) to provide assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes, as follows:

At the appropriate place in the bill insert the following new section:

NO ANTITRUST IMMUNITY OR DEFENSES.—Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

ADDITIONAL STATEMENTS

THE 175TH ANNIVERSARY OF HANDEL & HAYDN SOCIETY

● Mr. KERRY. Mr. President, I rise today to note a special event taking place in my State of Massachusetts. The Handel & Haydn Society, founded in Boston in 1815, is about to celebrate its 175th anniversary season, making it the oldest continuously active performing arts organization in the country.

Mr. President, the Handel & Haydn Society represents the kind of quality entertainment, rich in culture and history, that Bostonians have enjoyed for many years and of which we are quite proud. The society premiered such major works as Bach's B Minor Mass, Verdi's Requiem, Haydn's Creation, and Handel's Messiah. Messiah, an immediate success, has been performed annually since 1854, 136 years.

The Handel & Haydn Society has performed for President James Monroe, Admiral Dewey, Grand Duke Alexis of Russia, and Queen Elizabeth II. In addition, the society performed at many Civil War benefits and at funeral services for President Lincoln.

Now internationally acclaimed, the Handel and Haydn Society is unique in its professional chorus and period instrument orchestra, using instruments authentic to the baroque and classical music it performs.

Not only does the society perform 12 concerts at Symphony Hall each session as well as seven chamber concerts, but it conducts an educational program which is the largest of its type in the State. Through this program, the Handel & Haydn Society enriches the lives of 5,000 public school students each year in over 40 Massachusetts schools. For this service, Massachusetts is quite grateful.

We are pleased to share this State treasure with the rest of the country as the society tours nationally, recently performing to sold out performances in Chicago and at Lincoln Center in New York. Many more can enjoy the society now that it has signed a multirecord contract with a major recording company and celebrated its first best selling compact disc this May.

Mr. President, I would like to call attention to a very special series of events being undertaken in celebration of the Handel & Haydn Society's 175 years:

H&H will be hosting a year long celebration, culminating with a week long festival including; a "Thank you to the City of Boston"—a free public birthday celebration on the Esplanade where they will perform Vivaldi's Four Seasons to a choreographed laser light show.

I urge those who are able and willing, to come to Massachusetts and help the Handel & Haydn Society celebrate 175 years of outstanding achievement and success as one of the Nation's cultural treasures.●

WILLIAM PENN MOTT, JR.

● Mr. WILSON. Mr. President, it is with the greatest admiration for a remarkable American and fellow Californian, William Penn Mott, Jr., that I rise today to honor his name in this Chamber of the U.S. Senate and to ask my colleagues to join with me in wishing him good health and happiness on the occasion of his 80th birthday. Bill Mott will be feted at a tribute dinner on October 19, 1989, by more than 1,000 Californians who know, as I do, of the extraordinary life and accomplishments of this sterling individual.

He has served both our State and our Nation with uncommon dedication as one of the most respected conservationists of this century. For six decades, Bill has devoted his considerable skills and unwavering commitment to preserving our natural resources for this and future generations. During a diverse career including tenures as Director of the National Parks Service and of California's Park and Recreation Department, and as a tireless volunteer activist, Bill Mott has authored a distinguished and visionary record of environmental preservation and beautification.

As he stands on the threshold of his next decade, he does so with the collective admiration and respect of all of us for whom he has so determinedly created and preserved the integrity of our environment and the rich resource of natural parkland. He has given a priceless and lasting gift to humanity. I wish him happy birthday with warmest best wishes and regards.●

IMPACT AID

● Mr. KERRY. Mr. President, the fiscal year 1990 Senate Appropriations bill provides $110,500,000 for Impact Aid payments to category "b" children, children whose parents work or live on Federal property. This can also include residents of public housing and military employees who pay no State or local taxes. The amount provided in the Senate bill is not only $24,856,000 below fiscal year 1989 appropriation levels, but also $14,500,000 below the amount provided for category "b" children in the House bill.

The Impact Aid Program in general, and specifically the category "b" program, has suffered in terms of Federal financial support throughout the 1980's. In real dollars, funding for category "b" has been reduced by over two-thirds since the early 1980's. The Reagan administration tried unsuccessfully to virtually eliminate the category "b" payments. The Bush administration, through its refusal to request funds for this program for the 1990 fiscal year, has indicated that it will continue the policy initiated by the Reagan administration. The House, however, has taken it upon itself to recognize the importance of the category "b" progarm to affected school districts in its appropriation request of $125,000,000. I stongly urge the Senate to follow the House lead and increase its appropriation level for category "b" students to the House level.

Support of this reduction in payments is not only a direct programmatic cut. It also represents a reneging of the Federal Government on its long-standing responsibility and commitment to federally impacted school districts. In establishing the Impact Aid program it was made clear that it was the responsibility of the United States for the impact which certain Federal activities have on local educational agencies, to provide financial assistance to local educational agencies that have a unique financial burden because the Federal Government has acquired real property in that locale. Those agencies must provide for the education of children residing on Federal property or whose parents are employed on Federal property, and Federal activities have resulted in an increase in school attendance.

This reduction in payments levies a double-whammy on school districts reliant on category "b" payments. Not only do these districts not have any mechanism by which to benefit from income, property and other taxes that other school districts rely heavily upon. But also, if we refuse to fund the category "b" program at least at levels provided by the House, then these districts are completely without recourse.

We in the Senate should take it upon ourselves to support the education of American children who are federally connected by supporting an increase in the Senate Appropriations bill for category "b" payments to that prescribed by the House.●

PROVIDING HEALTH CARE

● Mr. McCAIN. Mr. President, I would like to take this opportunity to address a couple of the health provisions in this year's Labor, HHS appropriations bill. There is a lot in this section of the bill that I cannot only support, but that I have been working for for some time.

There are many provisions in this bill in the area of rural health. I have had the pleasure of serving my colleagues for the last couple of years on the steering committee of the Senate Rural Health Caucus. As such, I have been fighting hard to assure that more attention, and resources, be focused in the area of rural health.

First, a couple of years ago, I joined with several of my colleagues in urging the administration to create an Office of Rural Health Policy within the Department of Health and Human Services. I am pleased that the committee has provided sufficient money to continue the activities of this office.

Second, I worked with several of my colleagues to establish a grant program to create, through a competitive award process, several national centers on rural health policy across the country. I am proud to say that the University of Arizona was awarded the Rural Health Research Center for the Southwest region. They are doing a great job, and coming up with some information that I know will be very helpful to policymakers as we seek to make forward-thinking rural health policy. I am pleased to see that the committee has provided continuation funding for this important program, as well as deciding to fund several more centers.

Third, I have been very supportive of the rural health care transition grant program, and am pleased to see that the committee has decided to both continue and expand this important program.

Fourth, one group of providers that often go unrecognized, but do an incredible job in my State—providing health care to a very needy segment of my State's population—is the community and migrant health centers. I appreciate the fine job that they do on such a shoestring budget, and am pleased to see that the committee has proposed to increase their funding.

Fifth, and last in the area of rural health, one of the organizations that has been doing a great service in the area of rural health in my State of Arizona is the Area Health Education Center Program. I believe this is one of the promising programs, in terms of exposing young medical students to rural practice, and am pleased to see that the committee has been so generous in its funding for this program.

There are certainly a lot of other good parts of this bill, with regard to rural health that I have not mentioned, but I particularly wanted to highlight these I have just mentioned.

With regard to our important national research agenda, I am pleased to see the committee's action in this area. Health research must be an important priority, and this bill is evidence that it is.

There is one area of health research that I would like to focus particular attention on, and that is the area of mental health research for rural and native American populations. As some of my colleagues know, the Senate Indian Affairs Committee is about to consider a piece of legislation I have in the area of native American mental health. This program would provide for a demonstration program for the testing of native American based and developed alternatives to meeting the mental health needs of their population. This would assist us, and the IHS, to determine what long-term restructuring ought to occur in the IHS mental health system. I am very supportive of this bill's provision in the area of rural and native American mental health research. It is very forward thinking, and is much in line with the bill that I have proposed, which will be considered in the Indian Affairs Committee on October 6. Perhaps some of this money could go toward the research/demonstration program under S. 1270.

I would also like to touch, for a moment, on the issue of AIDS. I am pleased to see that the committee has provided a solid level of funding for AIDS research, and particularly the pediatric AIDS initiatives—an area that I have worked on in the past with Senators METZENBAUM and HATCH. In my opinion, there is no segment of the population facing this illness that has less say about it than children who contract this illness. It is imperative that we do everything we can to address this situation. I am concerned, however, about the inflexibility that this bill provides to the Public Health Service from being able to move money with the various health budgets to address the AIDS crisis, as the needs may shift. I think this is a serious mistake.

I would like to conclude my remarks by addressing an important component of the health care delivery system—that is, nursing care. As we all know, there is a severe shortage of nurses in our country. This shortage is having real consequences in access to care in my State, as well as others. I am pleased to see that the committee has seen the importance of addressing this critical issue, and has proposed that there be an increase in the effort put toward nursing research, and nursing education and training programs. Let me say, I am fully supportive of this focus.●

TATTERED COVER BOOK STORE

● Mr. WIRTH. Mr. President, Colorado is a most unique and marvelous State. It is a State of majestic mountains, rolling rivers, wide plains, vibrant cities, and the Tattered Cover Book Store.

Yes, I include the Tattered Cover as one of Colorado's treasures. Step through its door and you are immediately transported to a world of literature, of art, of learning. Just about any book that you could want to read, can be found at the Tattered Cover—from the best seller to the obscure.

Recently, the New York Times discovered the Tattered Cover and wrote of its remarkable success as an independent bookstore despite competition from nationwide chain outlets. I would like to share that article with my colleagues and recommend that the next time they are in Denver, to be sure to drop by the Tattered Cover. I am sure a book waits there for you.

The article follows:

[From the New York Times, July 13, 1989]

BOOKSTORE THRIVES ON INDEPENDENCE

(By Edwin McDowell)

DENVER, July 12.—This city by the Rocky Mountains is better known for skiing than scholarship. It has far fewer people than New York or Los Angeles; lacks the vibrant academic community of the San Francisco Bay area or Boston, and ranked 17th in per-capita bookstore sales.

But Denver has one thing no other city has—the Tattered Cover Book Store, which many people in the book business consider the best general bookstore in the United States.

"It is simply one of the great bookstores of the Western world," said Jason Epstein, the editorial director of Random House.

David R. Godine, the Boston publisher, agreed. "It is a magnificent bookstore that both satisfies and helps create a hunger for good books in this country."

SYMBOL OF A RESURGENCE

By all accounts, the Tattered Cover is just about in a class by itself. Yet publishers and booksellers see it as a symbol of the resurgence of independent bookstores after a decade of financial decline and eclipse by the giant chain stores.

In the last few years, dozens of independent bookstores have opened in smaller cities and towns across the country, and many of the older stores and newcomers are flourishing, the 7,000-member American Booksellers Association says.

The once-explosive growth of the chain stores, like B. Dalton and Waldenbooks, has slowed, publishers say. And since many of their outlets are in shopping malls, they have been forced to emphasize highly marketable books in order to pay the costly rents.

So readers who crave an obscure book of poetry or 18th-century Dutch history are increasingly turning to a growing number of well-stocked, well-run independent bookstores like the Tattered Cover, as well as Borders in Ann Arbor, Mich., Oxford Books in Atlanta and the Northshire Bookstore in Manchester Center, VT.

Many of these stores boast annual sales exceeding $1 million and, presumably, have profits in line with such sales.

FORMIDABLE CHAINS

The chains remain formidable, of course, accounting for some 35 to 40 percent of the estimated $5 billion in sales at bookstores.

The chains also remain the principal outlet for commercial fiction, but the independents are showing a remarkable ability to make best sellers of their own.

"The independent stores made nearly every recent best seller we've had from Tracy Kidder's 'House' to E.D. Hirsch's 'Cultural Literacy' to Ethan Canin's 'Emperor of the Air,'" said Marley Rusoff, the director of publicity for the Houghton Mifflin Company.

Their growing strength is all the more remarkable since most independents, unlike the chain stores, do not often discount best sellers. Their success appears to be linked to their broader selection, as well as to direct owner involvement in the business, personalized service and intimate involvement in local cultural life. Indeed, many independents have become cultural centers, offering everything from autographing sessions to readings to seminars.

"Until a few years ago, not many publishers came by to visit us," said Joyce Meskis, the owner of the Tattered Cover. "But now they are paying much more attention to independent bookstores."

The Tattered Cover is almost always bustling with customers and activity. While Ms. Meskis declined to give sales figures, industry officials estimated them at $6 million to $8 million a year.

The store has achieved remarkable results by maintaining a huge stock of books published months and even years ago and a large staff, averaging 170 full-time employes, that is attentive to detail.

The Tattered Cover is housed in a three-story renovated department store in a shopping complex four miles from downtown Denver and three miles from the nearest chain bookstore. Unlike the typical chain bookstore, which occupies 2,500 to 3,000 square feet and carries 20,000 titles, the Tattered Cover is a 41,700-square-foot cornucopia of more than 400,000 books ranging from the Loeb Classical Library of Latin and Greek to books on channeling and spiritual healing.

A fold-out map lists 42 general subject areas, including literary criticism and metaphysics, but the store also covers numerous special areas like Thomas Merton, the Trappist monk who died in 1968, or the complete list of books from North Point Press, the small literary house in Berkeley, Calif.

With that much space, books are not crammed into corners and out-of-the-way spaces as they are in many other stores. On the contrary, books and some 1,200 periodicals are attractively displayed in a labyrinth of accessible nooks and crannies, where browsers can settle into overstuffed armchairs and couches—or can rest their eyes while playing checkers.

"We want to provide a living-room atmosphere, so that people will feel at home," said Ms. Meskis, a Chicagoan who moved to Denver in 1962 and bought the Tattered Cover 12 years later. The store is a far cry from the first Tattered Cover, which had only 950 square feet, two employees and sometimes endured long periods without making a sale.

The Tattered Cover, which is open every day except for six holidays a year, now handles as many as 2,500 transactions on an average day and needs three switchboards to deal with the 24 telephone lines. It has 15 buyers for its backlist, which provides the vast majority of its sales, and four people who buy current titles.

The store averages about 300 special orders a day, many on its toll-free telephone number. Requests include everything from a little-known collection of writings by and about Kate Chopin to a history of the Ukraine published in Canada. (It was able on a recent day to fill both those requests.)

Children's books are big sellers for the store, which features weekly story hours, a summer reading club, poetry contests for children and prose contests for young adults.

Psychology books are also popular, as are books about recovery from addictions.

PLENTY OF BARGAIN BOOKS

Moreover, while the store does not sell at discount or stock used books, its extensive section of bargain books—remainders and books produced especially for bargain bins—accounts for 6 percent of sales. Fiction accounts for more than 7 percent of total sales.

Ms. Meskis said the store is so committed to fiction that it always keeps new fiction titles on the first floor, in the high traffic area. It has an extensive section of older fiction titles on the third floor.

Among the novelists who have appeared at the store in recent weeks, to autograph or read, are Tony Hillerman, T. Coraghessan Boyle, Susan Minot, Sara Peretsky, Lynne Sharon Schwartz, Douglas Adams and Leon Uris.

Margaret Maupin, a buyer who also coordinates the autographing sessions, displayed a calendar filled with events, ranging from autograph sessions and readings to seminars on the future of space.

"About the only time we won't book an author," she said, "is on the day of a Broncos football game."

In her modest one-room office in the basement, Ms. Meskis said she had turned down requests to franchise the Tattered Cover, which she said was "still getting its sea legs." But she sounded more receptive to the notion of opening additional stores of her own.

"I think a lot about it," she said. "But right now, we're not through here yet, so we're not quite ready to expand."●

LABOR, HHS APPROPRIATIONS

● Mr. PRYOR. Mr. President, I rise to express my appreciation to Senator HARKIN for including several provisions in the fiscal year 1990 Labor, HHS, appropriations bill that are of particular concern to me as chairman of the Senate Special Committee on Aging. These include initiatives that prevent further reductions in the staff of the Social Security Administration, expand the Federal Government's responsiveness to rural health care needs, and meet the concerns over the adequacy of funding for the Low-Income Energy Assistance Program.

HALTING FURTHER STAFF CUTS AT SSA

Earlier this year, I expressed my deep concerns to the chairman over the impact of continued staff cuts at SSA and urged that the Labor, HHS Appropriations Subcommittee take steps to put a halt to further reductions. At that time, Senator HARKIN assured me that he shared these concerns and would work to include a staffing floor in the pending measure. In fact, the bill would bar the Social Security Administration [SSA] from reducing staff below the level at the end of this fiscal year, and I thank the chairman for his decisive action.

I believe that this provision is urgently needed to halt any further erosion in the quality of the Agency's services. Over the last 5 years, SSA staff has been cut by approximately 20 percent, from a level of 80,000 in 1984 to about 63,600 at the present time. An April 1989 draft report of the Inspector General's Office reports that public satisfaction with SSA's services has dropped nearly 10 percent in the last year, from 87 to 78 percent.

Hardest hit have been staffing levels in SSA field offices. In fact, just over the last 3 years, the number of SSA field representatives has dropped by 28 percent, and the number of contact stations has fallen by 22 percent. As the chairman knows, field representatives and contact stations make up the vital link between SSA and rural America. As a result of these cuts, that link is weakening and may soon break altogether in many rural areas of the Nation if this trend continues.

Not surprisingly, morale at the Agency has sunk to an all-time low, with some 68 percent of employees reporting that they are unhappy. More revealing still is that almost 75 percent of SSA employees say that they are very often or often overworked. These findings are the results of SSA's most recent survey of its staff, and they belie the Agency's justification for year after year of staff cuts; namely, anticipated productivity gains from automation. Whatever gains have been made, they clearly have been overwhelmed by the increased workload the remaining employees are experiencing as a result of staff reductions.

While automation is a sound objective in any agency, particularly one as large and as complex as SSA, it should never be confused with the need for SSA to retain a strong and effective field work force. Such employees are the key to ensuring that the most vulnerable sectors of our society—the elderly and the severely disabled of all ages—as well as the public at large, are truly served in their community by SSA.

Moreover, a number of responsibilities of SSA are labor-intensive and cannot be undertaken effectively through automation. Earlier this year, the Senate Aging Committee heard testimony from witnesses that continued staff cuts at SSA are leaving millions of elderly and disabled beneficiaries vulnerable to financial abuse by unsupervised representative payees. While I am pushing ahead with legislation to require SSA to monitor payees, this cannot be achieved if there are insufficient staff.

Finally, the Agency's new 800-number initiative is a drain on the Agency's staff. At last count, over 1,100 additional employees are needed to answer phones in the Agency's teleservice centers. At a time when the Agency is planning to reduce staff to at least 63,000 over the next fiscal year, these additional staffing needs can only exacerbate understaffing in SSA field offices.

I understand that the Agency is opposed to this provision on the grounds that it needs flexibility in managing its work force. As a former Governor, I fully appreciate and agree in principle with this position. However, in this particular situation, management flexibility has consistently been at the expense of staffing levels, and I believe that it is time for the Senate to step in and say no to further cuts.

I believe that the new Commissioner of SSA is fully committed to addressing the serious staffing problems at the SSA. I also believe that she is making every effort to restore worker morale, improve outreach efforts and the quality of service in the Agency's field offices. I fully applaud her pursuit of these shared objectives, but I believe more, not less, staff is needed to achieve them.

INITIATIVES ON RURAL HEALTH CARE

I applaud Senator HARKIN's efforts on his bold action plan for rural America, which includes urgently needed action to improve access to health care in rural areas. Senator HARKIN is an undisputed leader in responding to the rural health care crisis that confronts our Nation. Speaking on behalf of all of us who represent predominantly rural States, I would like to take this opportunity to express my admiration and appreciation.

Of particular importance are provisions which would bring more doctors to rural and underserved areas. In the United States, we have a maldistribution of primary care physicians. This is demonstrated by the fact that in urban areas there are 78 primary care physicians per 100,000 residents, while for the same number of rural residents there are only 44 of these valued providers. I too have recently taken action on this same issue, with Senator HARKIN as a cosponsor, by introducing the Rural Primary Care Incentives Act. This legislation would provide tax credits for primary care physicians.

I also laud the provisions to address the critical shortage of primary health care personnel in rural areas. Community oriented primary care services may be the only health care available to people in rural medically underserved areas. These areas tend to be geographically isolated, poverty stricken, have many uninsured and underinsured populations and are in great need of primary care providers.

Furthermore, rural hospitals across the Nation have been closing at an unprecedented rate in recent years. Just last year, three such hospitals in my home State of Arkansas were forced to shut their doors. If more hospitals close, we will find it is even more difficult to attract and retain needed physicians, nurses, and other health care personnel to rural communities.

As chairman of the Aging Committee, I have expressed my grave concerns about the health care needs of older rural populations. Indeed, rural areas have a higher percentage of elderly. Though 12 percent of the United States population is over 65, 25 percent of our rural population is elderly.

Just last month in Little Rock, I held a joint Pepper Commission/Aging Committee hearing on the issue of long-term care in rural America. While the needs documented were overwhelming, there is no question in my mind that we can meet the challenge these needs present. I look forward to continuing to work with Senator HARKIN on creative and responsive approaches to the rural health care challenge.

LIHEAP

Mr. President, at present, LIHEAP is only able to assist about one-third of those individuals unable to meet their heating and cooling costs. In my home State of Arkansas, about 86,000 of the State's residents receive assistance from LIHEAP. Most of these individuals are elderly and all of them are without sufficient resources of their own. In the last 3 years alone, the State's allocation under LIHEAP has dropped by about $3.2 million, a very significant cut. Of course, these funding cuts are not limited to Arkansas, and a growing number of individuals across the Nation are without heating or cooling fuel.

The chairman and the ranking minority member of the subcommittee have tried very hard to respond to concerns that the funding level for LIHEAP is inadequate. I commend and urge these continued efforts and add my voice to the ranking minority member of the Aging Committee, Senator HEINZ, and others who have expressed these concerns.●

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 207, S. 488, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 488) to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—Congress finds that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost-competitive use of these technologies without need of Federal financial incentives;

(2) providing a long-term stable environment for renewable energy and energy efficiency technology research and development activities through the establishment of long-term federal research goals and multi-year funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of innovative joint venture projects.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in subsection 6(c), subject to the conditions set forth in subsection 6(b).

SEC. 3. DEFINITIONS.

As used in this Act the term—

(1) "Secretary" means the Secretary of Energy;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint research and development venture under the National Cooperative Research Act of 1984 (98 Stat. 1815)) for cost-shared research, development, or demonstration of renewable energy and energy efficiency technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) "small business," with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under Section 3(a) of the Small Business Act (15 U.S.C. 632) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture;

(4) "non-Federal person" means an entity located in the United States and owned initially by citizens of the United States who agree to manufacture or reproduce substantially within the United States for commercial sale any invention that may result from an agreement under this Act. This term includes a domestic entity that is:

(A) an industrial organization, such as a corporation, partnership, limited partnership, consortium, or industrial development organization;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; or

(E) a unit of State or local government; and

(5) "invention" means an invention or discovery that is or may be patentable or other wise protected under title 35, United States Code, or any novel variety of plant that is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) and that is conceived or reduced to practice as a result of work under an agreement entered into under this Act.

SEC. 4. NATIONAL GOALS FOR FEDERAL WIND, PHOTOVOLTAIC, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaic and solar thermal energy programs being carried out by the Secretary.

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall include—

(i) activities that address near-term technical problems and assist private-sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than 1 cent per kilowatt hour by 2000; and

(iv) increase capacity factors for new wind energy systems to 25 to 30 per centum by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic amorphous silicon modules to 15 per centum by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $1,200 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 12 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources and to promote private-sector integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall include development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit a report on goals for other renewable energy technologies to Congress at the time of transmittal of the President's budget request for fiscal year 1992. This report shall contain the Secretary's recommendations for average cost and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, Low-Head Hydro, Energy Storage, and Geothermal Energy.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2(b).

SEC. 5. MULTI-YEAR AUTHORIZATIONS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY RESEARCH, DEVELOPMENT AND DEMONSTRATION.

(a) RENEWABLE ENERGY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following renewable energy research, development and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Biofuels Energy Systems Program, the Solar Buildings Energy Systems Programs, the Ocean Energy Systems Program, and the Geothermal Energy Programs; not to exceed $113,000,000 in fiscal year 1991; $121,000,000 in fiscal year 1992; and $124,000,000 in fiscal year 1993.

(b) ENERGY EFFICIENCY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation efficiency; industrial energy efficiency; buildings and community systems energy efficiency; multi-sector energy efficiency; and energy efficiency policy and management; not to exceed $195,000,000 in fiscal year 1991; $199,000,000 in fiscal year 1992; and $204,000,000 in fiscal year 1993.

(c) REPORT ON OPTIONS.—On or before May 1, 1991, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector in the timely commercialization of renewable energy and energy efficiency technologies through emphasis on development and technology transfer assistance to specific technologies that are near commercial application.

(d) NEW INITIATIVES.—The Secretary shall recommend for fiscal years 1992 and 1993 amounts to be set aside for new initiatives in renewable energy and energy efficiency research, development, and demonstration. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in renewable energy and energy efficiency research, development, and demonstration brought to the attention of the Secretary during the previous fiscal year.

SEC. 6. JOINT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures in research and development can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to authorize and direct the Secretary of Energy to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) VENTURES.—

(1) SOLICITATION.—The Secretary shall conduct a competitive solicitation of industry proposals for joint ventures in each of the technology areas set forth in subsection (c). Except as provided in subsection (d), the Secretary shall select at least one joint venture in each such technology area. Each joint venture selected under this section shall include at least one private sector firm.

(2) DOMESTIC RESEARCH AND DEVELOPMENT.—Joint venture activities under this section shall be performed in the United States, Puerto Rico, the United States Virgin Islands, or the territories and possessions of the United States.

(3) COST SHARING.—

(A) The Secretary shall require at least 50 per centum of the direct costs of any joint venture under this section to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the direct costs required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed of small businesses or nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(4) ADVISORY COMMITTEE.—

(A) Promptly after the date of the enactment of this section, the Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter referred to as the "Advisory Committee") to advise the Secretary in—

(i) the development of the solicitation under paragraph (1) and the evaluation criteria for joint ventures;

(ii) the evaluation and selection of proposals under this section; and

(iii) otherwise carrying out his responsibilities under this section.

(B) The Secretary shall appoint members to the Advisory Committee representing each of the following—

(i) the Secretary of Commerce;

(ii) the Solar Energy Research Institute;

(iii) the Electric Power Research Institute;

(iv) the Gas Research Institute;

(v) the National Institute of Building Sciences;

(vi) the National Laboratories of the Department of Energy;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms representing the major manufacturing industries that the Secretary determines are likely to participate in the program under this section; and

(ix) such other persons as the Secretary finds appropriate.

(C) The Secretary may, as appropriate, establish subcommittees of the Advisory Committee, including subcommittees for energy efficiency technologies and renewable energy technologies.

(D) Within ninety days after its formation, the Advisory Committee shall provide the Secretary with recommendations regarding the structure and selection criteria for the solicitation of proposals under paragraph (1). The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program under this section. Recommendations of the Advisory Committee shall be available to the public.

(5) DRAFT MANAGEMENT PLAN AND SOLICITATION.—Promptly after receiving the views of the Advisory Committee under paragraph (D), the Secretary shall publish a draft management plan for carrying out his duties under this section and a draft solicitation of proposals for joint ventures. The Secretary shall provide opportunity for comment on these drafts.

(6) FINAL PLAN AND SOLICITATION.—Promptly after review and consideration of comments received under paragraph (5), but in any case, no later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall publish—

(A) a final management plan to be administered and carried out in the conduct of activities under this section; and

(B) the first solicitation as required under paragraph (1).

(7) Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section shall be subject to the provisions of section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (102 Stat. 4075).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems program set forth in section 4(a)(2) and those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate systems employing critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b). The joint ventures supported under this paragraph shall emphasize production of wind energy and may include systems employing other sources of energy in addition to wind energy for purposes of developing hybrid systems.

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures to be supported under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,400,000 for each of the fiscal years 1991 through 1993 to carry out this paragraph.

(4) ENERGY EFFICIENCY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of advanced energy efficiency technology.

(B) The purpose of the joint ventures supported under this paragraph shall be to encourage the transfer to the private sector and successful market penetration of technologies that can significantly improve the efficiency of energy use in the United States.

(C) In preparing solicitations and evaluating proposals for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $3,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) FACTORY-MADE HOUSING.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least three regional projects to demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating the projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction techniques, marketing practices, and construction materials.

(B) The projects established pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. The projects shall be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, marketing, and product export techniques.

(C) The demonstration strategy under this paragraph shall be guided by—

(i) a detailed characterization of the needs of the home building industry;

(ii) a close working relationship with all sectors of the home building industry; and

(iii) coordination among the projects to pool and conserve resources.

(D) In preparing solicitations and evaluating proposals the joint ventures under this paragraph, and in selecting projects under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated to the Secretary a total of not more than $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(6) ADVANCED DISTRICT COOLING TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to develop advanced district cooling technologies that are applicable in cities with high cooling loads.

(B) The projects of the joint venture supported under this paragraph is to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select three cities for application of advanced district cooling technologies developed by joint ventures under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) In preparing solicitations and evaluating proposals received for joint ventures under this paragraph, and in selecting the cities under subparagraph (C), the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated for each of the fiscal years 1991, 1992 and 1993 not more than $1,000,000 per year to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(4)(B), with respect to a technology described in paragraph (1), (2), (3), (4), (5), or (6), of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(3);

(B) carrying out joint ventures for the demonstration of such technology will not further the purposes of this Act;

(C) timely commercialization by the private sector of the technology to be demonstrated will not be advanced by the proposed joint ventures; or

(D) such ventures will compete with or substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph.

(2) The Secretary shall notify Congress of any determination under paragraph (1) and provide a written explanation of the reasons for the determination. Promptly thereafter, the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for substitute solicitations of proposals for joint ventures to demonstrate, consistent with the management plan under paragraph (b)(6), alternative renewable energy or energy efficiency technologies so as to accomplish the purposes of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for the joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint venture solicited under this paragraph.

(3) When thirty calendar days have elapsed after transmittal of the plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures described in his plan as if such venture were required under subsection (c).

(e) ADDITIONAL COMMERCIALIZATION PROPOSALS.—(1) At the time of transmittal of the President's budget request for fiscal year 1993, the Secretary shall recommend to Congress at least three additional solicitations of proposals for joint ventures to encourage commercialization by the private sector of renewable energy or energy efficiency technologies. Such solicitations shall require funding or in-kind contributions from private sources consistent with joint ventures under subsection (b). Each proposed solicitation shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed solicitations under this subsection, the Secretary shall seek and consider the recommendations of the Advisory Committee and shall take into account the extent to which joint ventures will contribute to earlier commercialization of technologies proposed under this subsection than might occur without Federal support under this subsection and the extent to which such joint ventures will contribute to the competitiveness of United States firms

engaged in international trade in renewable energy and energy efficiency technologies.

SEC. 7. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY EXPORTS.

(a) FINDINGS AND PURPOSE.—(1) For purposes of this section, Congress finds that—

(A) Access to information on overseas markets and knowledge of methods to finance the purchase of products and services can help promote export of renewable energy and energy efficiency systems; and

(B) the Committee on Renewable Energy, Commerce, and Trade ("CORECT") established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal Government activities to promote renewable energy exports.

(2) The purpose of this section is to enhance current efforts to promote exports of renewable energy and energy efficiency technology to identify suitable technologies and increase the financing available for exports of renewable energy and energy efficiency technologies, to identify promising markets for these technologies, and to authorize funding of these activities.

(b) ANNUAL REPORT.—The Committee on Renewable Energy, Commerce, and Trade shall annually report to Congress. Each report submitted under this subsection shall describe the actions of each agency represented by a member of the Committee on Renewable Energy, Commerce, and Trade taken during the previous fiscal year to achieve the purposes of such Committee and of this section. Such report shall describe the exports of renewable energy and energy efficiency technology that have occurred as a result of such agency actions.

(c) PLAN.—(1) The Committee on Renewable Energy, Commerce, and Trade shall—

(A) establish, in consultation with representatives of affected industries, a plan to maintain or increase the exports of the United States in international trade in renewable energy and energy efficiency technologies and include in such plans recommendations for agencies that are members of the Committee regarding actions they can take within their authority to promote exports of such renewable energy and energy efficiency technologies;

(B) develop, in consultation with representatives of affected industries, recommendations for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy and energy efficiency technologies from agencies implementing such programs; and

(C) recommend renewable energy and energy efficiency technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

(2) The Committee on Renewable Energy, Commerce, and Trade shall include a description of the plan established under paragraph (1) in no later than the second report submitted under subsection (b), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

(d) AUTHORIZATIONS.—There is hereby authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade an amount not to exceed—

(1) $3,700,000 in fiscal year 1991;

(2) $4,000,000 in fiscal year 1992; and

(3) $4,300,000 in fiscal year 1993.

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

(d) ACCESS TO FOREIGN MARKETS.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i) by inserting after "commerce" the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and other,"; and

(2) in clause (ii) by striking out "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(e) DEVELOPMENT OF PROGRAM TO ENCOURAGE USE OF RENEWABLE ENERGY IN OTHER COUNTRIES.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 627(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities that produce renewable energy and energy efficiency to compete effectively with producers of energy from non-renewable sources.".

SEC. 9. REPORTS.

(a) ANNUAL REPORT.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures solicited or funded under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan. The plan shall be updated annually.

(3) In addition to describing the Secretary's intentions for administering the provisions of this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(c) FEDERAL FACILITIES.—The Secretary of Energy shall report annually on the applicability for use in Federal facilities of renewable energy and energy efficiency technology products being developed under this Act that are cost effective on a life cycle basis. The report shall list such products and, with respect to each, provide an estimate of the annual energy and net cost savings that would accrue to each Federal agency that consumes a significant fraction of the annual Federal energy budget if such product were widely deployed in such agency. The report shall discuss the barriers, if any, to the wide deployment of these cost-effective renewable energy and energy efficiency products by each such Federal agency and provide recommendations on how such barriers may be removed or lowered. Each Federal agency shall, upon request of the Secretary, promptly provide information needed to prepare the report under this subsection.

AMENDMENT NO. 842

Mr. MITCHELL. Mr. President, on behalf of Senator METZENBAUM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. METZENBAUM, proposes an amendment numbered 842.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

NO ANTITRUST IMMUNITY OR DEFENSES.—Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 842) was agreed to.

Mr. JOHNSTON. Mr. President, today the Senate will act on S. 488, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. An earlier version of this legislation passed the Senate by voice vote twice in the last Congress. I hope we will be able to show the same strong support for this bill today.

In the last Congress, the House was not prepared to address the issues in this legislation. That is not the case today. The companion bill to S. 488, H.R. 1216, has strong bipartisan support in the House and is making good progress through the appropriate House committees. In addition, we have worked closely with the administration to amend the reported bill to meet their concerns. This is a bill that President Bush can live with.

This legislation helps reverse an ominous trend in our domestic renewable energy and energy efficiency industries. The taxpayers have spent billions on research and development for technologies to convert renewable energy resources to useful forms of energy. These resources include solar energy, energy in biomass, wind energy, and energy from the ocean. But we have failed to apply this research to develop commercial products. Today our domestic renewable energy and energy efficiency industries are struggling for survival, just when the need for wider application of renewable energy and energy efficiency is becoming apparent. In fact the best of the companies in these industries are being bought by foreign interests—the Europeans and the Japanese. The most recent example of this trend is the purchase by a German firm, Siemens AG, of Atlantic Richfield's solar energy subsidiary, ARCO Solar. So we are losing the fruits of these billions of dollars of Federal investment in renewable energy and energy efficiency research and development

Mr. President, I ask unanimous consent that the article in the August 15, 1989 Wall Street Journal entitled "U.S. Is Rapidly Losing Its Lead in Alternative Energy" by printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JOHNSTON. Mr. President, there are at least three good reasons why we need to pay attention to the health of these important domestic industries.

First, success with renewable energy and energy efficiency can reduce our dependence on foreign oil. Discussion of our dependence on foreign oil has all but disappeared from the news media. But this dependence is moving toward 50 percent, and there is very little hope that the growth in oil imports can be reduced in a business-as-usual future. This import dependence is going to put OPEC back in the driver's seat in the 1990's unless we do something about it.

Energy efficiency and renewable energy cannot possibly solve the problem of oil dependence all by themselves. But we would be foolish to ignore the potential help that these technologies can give us.

Second, it is increasingly clear that we should be concerned about the threat of global climate change. Carbon dioxide in the atmosphere has risen at a near exponential rate since the industrial revolution. A doubling of current levels sometime in the next century is almost certain unless dramatic changes are made in the release of fossil carbon. This concern is prompting a new look at all alternatives to continued heavy reliance on fossil fuels, including nuclear energy, renewable energy and energy efficiency. We need to be much more aggressive in developing these alternatives. They provide an important insurance policy in the event that we find the dire predictions of climate change coming to pass.

Third, there is money to be made in renewable energy and energy efficiency technology. For example, a major international market is emerging in solar energy technologies for power production in remote and rural locations. The developing nations are predominantly rural. Their electric power systems are too limited to reach these rural areas. There is a tremendous potential market to supply power to these areas with photovoltaic systems.

The bill has four main purposes:

First, to establish technical performance goals for Federal renewable energy and energy efficiency research, development, and demonstration programs, so that a basis for measuring progress in these programs will be available.

Second, to authorize funding levels for these programs for 3 years into the future, to provide some stability in levels of Federal support, so that reasonable planning is possible;

Third, to provide generic authority to for the Secretary of Energy to enter into joint ventures with the private sector to demonstrate the commercial application by the private sector of non-nuclear energy technologies; and

Fourth, to require the Secretary to enter into six such joint ventures to assist the private sector in commercializing promising renewable energy and energy efficiency technologies.

A clarification is necessary concerning the purpose of providing for stable and predictable funding for specific Federal research programs in renewable energy and energy efficiency technologies. The intent of these provisions is to avoid the uncertainty that resulted during the battle that took place annually between the Reagan administration and Congress over these programs. The administration would propose drastic cuts in the programs, and Congress would fight to restore the money. To a company interested in the commercial application of any of these technologies, the uncertainty about who would win these annual battles is a serious problem.

To address this uncertainty, the bill establishes authorization levels for 3 years into the future for specific renewable energy and energy efficiency programs of the Department of Energy. When Congress and the Bush administration agree on these levels this controversy between the administration and Congress—and the uncertainty it has engendered—will be eliminated. The levels proposed in the bill are very modest. I believe that the Bush administration will accept them.

Specific renewable energy programs of the Department are included in the bill. These are: wind, photovoltaics, solar thermal energy, biofuels, solar buildings, ocean thermal, and geothermal energy systems. The fact that other solar and renewable energy programs contained in Department of Energy budget proposals—such as the solar energy research institute, or electric energy systems and storage—are not included in the bill is not an indication of prejudice against these programs. The bill is attempting to establish a principle with respect to a few programs that we hope will be applied to others. The exclusion of programs from the bill in no way suggests that Congress does not want to fund these programs and fund them in a stable and predictable way. On the contrary, our hope is that predictable funding can be provided in the case of all Federal energy research and development efforts so that the most effective response from the private sector will be forthcoming.

Mr. President, S. 488 is sensible legislation. It has bipartisan support. It has been modified to meet concerns expressed by the administration. I hope the Senate will adopt it without delay.

EXHIBIT 1

[From the Wall Street Journal, Aug. 15, 1989]

UNITED STATES IS RAPIDLY LOSING ITS LEAD IN ALTERNATIVE ENERGY

(By Bill Paul)

After spending 15 years and investing billions of dollars, America's alternative-energy industry is selling out to Japanese and European concerns—just as some experts believe alternative technologies may start to pay off.

The sell-out gathered pace this month when Atlantic Richfield Co. ended a 12-year, $200 million effort to become the world's largest maker of photovoltaic, or solar, panels by agreeing to sell Arco Solar to West Germany's Siemens AG.

Other foreign companies snapping up alternative-energy technologies and companies in the U.S. include Hitachi Ltd., Toshiba Corp., Tokyo Electric Co., Mitsubishi Heavy Industries Ltd. and Sumitorno Corp. Foreign banks and investors have also taken positions in American companies unable to obtain financing in the U.S. In some cases, U.S. concerns have withdrawn from the alternative-energy market.

"It's a national disgrace," says Republican Rep. Claudine Schneider, ranking minority member on the House natural-resources subcommittee. "There is a vast global market potential for renewable [energy] technology. The U.S. should be in the lead. Instead, we're dragging our feet."

Prompting the American retreat has been a growing belief that oil prices are unlikely to soar again to the point where alternative fuels become economically viable. Skyrocketing oil prices during the 1973 Arab oil embargo spurred Washington to develop solar, wind, geothermal, fuel-cell and other alternative technologies. But in recent years, fossil-fuel prices have been too low for these alternative-energy sources to compete. Arco, for example, believes the future of solar-electric power is questionable, given that predictions of $50-a-barrel oil in the late 1980s haven't materialized, a spokesman says.

GLOBAL CONCERN HEIGHTENED

Nonetheless, accidents such as Chernobyl and the *Exxon Valdez* tanker spill, plus fear of ozone depletion and the greenhouse effect, have heightened global concern for the environment—especially in Europe, where the ecological movement has gained increasing political clout. While it's not certain that such concern will translate into a booming alternative-energy business in the 1990s, foreign interest in commercializing alternative-energy technology is running high.

"The rest of the world is willing to act on its [environmental] concerns, while we wait for a 99.9% confidence level," says Charles Gay, president of Arco Solar.

Hitachi, for example, isn't worried about today's energy prices. U.S. solar officials say Hitachi doesn't expect its fledgling solar water-heater business to turn a profit for 20 years. West Germany, meanwhile, has a 50-year government program aimed at harnessing the sun that beats down on the Sahara Desert.

But in South Windsor, Conn., International Fuel Cells Corp.—whose chairman, William Podolny, is considered by many to be the godfather of fuel-cell technology—doesn't have that luxury of time. (A fuel cell takes natural gas—or gas from garbage, wood chips and other so-called biomass material—and efficiently turns it into electricity through a chemical reaction.)

When the Reagan administration cut off International Fuel Cell's research funding in the 1985, United Technologies Corp.—which owns 89.5% of International Fuel Cells—wouldn't take up the slack. Neither would any U.S. utility. In 1986, Mr. Podolny turned to Japan's Toshiba, which took a 10.5% equity position, and to Tokyo Electric, which agreed to play host to demonstration projects for the U.S. company's technology.

Today, the U.S. Environmental Protection Agency's climate-change division director, John Hoffman, is promoting an industry task force to build momentum for alternative-energy development. But the Department of Energy says there's no federal money for that. At a recent conference in Washington, DOE's deputy assistant secretary for renewable energy. Robert San Martin, acknowledged that Washington needs to be concerned about "very, very difficult (foreign) competition." But his qualifier—that DOE "only has so many resources"—brought derisive laughter from the audience.

U.S. banks also are increasingly reluctant to get involved. When California Energy Co.'s chairman, Charles Condy, went looking for financing for a big geothermal project in 1987, "We couldn't get to first base with any U.S. banks," he says. "They didn't want to take the risk." But one day while Mr. Condy was in London, an envelope was left at his hotel. Inside was an offer from Credit Suisse for some $350 million in project financing—attractive to Mr. Condy because the Swiss bank was willing to make the loan without taking an equity stake. Still, while California Energy is now financially secure, a San Mateo, Calif., competitor, Geothermal Resources International Inc., said in June that four units that own its Coldwater Creek project had to file for Chapter 11 bankruptcy-law protection from creditors.

"Renewable-energy technology is on the brink of exploding, but a lot of U.S. companies probably won't be around when that happens," says Susan Williams of Investor Responsibility Research Center, a Washington, D.C., economic analysis service. Of more than 100 companies profiled in the center's 1986 study of the U.S. alternative energy industry, 35 have disappeared from a 1989 update. Biggest casualty: the windpower industry, whose companies had the most trouble coping with the loss, in 1985, of federal tax credits for alternative-energy projects.

'WORLD IS GAINING'

Some big U.S. companies have simply dropped out. General Electric Co. has departed both the fuel-cell business and the geothermal-equipment business. Westinghouse Electric Corp., which developed the world's first solar panels for the U.S. space program, also quit solar power several years ago.

Japan, meanwhile, is attacking on all fronts. "I must have a Japanese company a month coming through, offering to buy my company." says John Corsi, president of Solarex Corp., a maker of solar panels in Rockville, Md. Mr. Corsi adds: "The U.S. is still ahead in photovoltaics, but the rest of the world is gaining. The potential is there for real trouble if we don't get more support from Washington." Solarex's sales grew 35% in 1988 to about $30 million, with overseas sales accounting for two-thirds of the total, a spokesman says.

Meanwhile, Mitsubishi and Toshiba have provided financing and supplied equipment to the U.S. geothermal market, while Kamata Ltd. and Mitsui & Co. recently acquired 80% of Double Energy Co., a California maker of residential cogeneration units. (Cogeneration produces electricity and steam heat from a single fuel source such as garbage or natural gas. Coupled with a fuel cell, it could someday eliminate the need for utility-supplied electricity, its proponents claim.)

And Nippon Electric Glass Co. and Sanyo Electric Co., have developed what Scott Sklar, the U.S. solar industry's Washington lobbyist, thinks will be among the hottest solar products of the 1990s. Nippon's "smart glass" is an office-building window with an embedded microchip and a photovoltaic-film coating that can automatically darken the glass while at the same time lighting an office. Sanyo's "solar shingles" are like ordinary roofing shingles except they also convert sunlight into electricity, supplying roughly half a home's electrical needs, Sanyo claims.

Japanese and European governments and banks are priming the pump world-wide for alternative energy. Japan has told Mexico it will drill a geothermal field for free if Mexico commits to buying the equipment to put the field into production. Japan also has set up schools in Mali, Kenya and Djbouti to teach the use of solar power to pump water for irrigation.

Denmark is promoting wind power in India, Egypt and Jordan. Sweden and even Syria are pushing biomass projects that turn organic materials into energy. And Germany's Deutsche Bank AG and Britain's Barclays Bank PLC are among the many international banks providing financing for alternative-energy projects.

U.S. alternative-energy advocates mark the start of the U.S. industry's decline to that day in 1981 when President Reagan took down the solar water-heating panels that President Carter had installed atop the White House. "By the year 2000," says Mr. Sklar, the U.S. solar-industry lobbyist, "I'll still have a job, but all my members will be Japanese and European."

Mr. FOWLER. Mr. President, it has been a long road since I first introduced similar legislation promoting the development of renewable energy technologies in the 100th Congress, back in the summer of 1987.

We have made a lot of progress since then, and continue to move ahead. That original bill was passed twice by the Senate but not enacted into law. We made an important breakthrough with the bill introduced this session, which is before us now, the Renewable Energy and Energy Efficiency Technology Competitiveness Act, when it received the backing of the administration.

That represents a major turnaround from the previous administration which stifled very viable and productive programs in renewable energy and conservation that were already in place. It proves what I have said all along, that this is not a partisan issue. We are talking about a sound investment in the future of our country and all its citizens. The purpose of this bill is to restore those programs to strength and give them the priority they deserve.

We are really talking about a very small investment of resources when we consider the potential impact of renewable technologies in solar, wind, photovoltaic, geothermal, biomass, and other alternative energy sources.

These sources of energy are virtually inexhaustible and cannot be controlled by foreign powers—unlike oil. They can reduce our trade deficit from oil imports, and the sale of these technologies opens up vast export potential.

As concern grows over the greenhouse effect and global warming, renewables offer a clean source of energy. They offer a way to reduce carbon emissions and their ill effect on the health of our people and our planet.

Passage of this legislation would come at a critical time. Solar energy is beginning to make market advances. This is happening for a number of reasons: because of improved efficiency, particularly of solar and photovoltaic technology; because of a growing awareness of the low cost of running these systems once they have been established; and because the trade potential of this technology in a world starved for energy and facing environmental crisis is quickly being recognized.

Solar and photovoltaic systems also offer advantages in management of energy supply and demand. They can easily be integrated into existing utility systems, or used in remote locations not connected to a power grid. Capacity can be quickly and easily expanded in increments that closely match demand. This flexibility offers an attractive alternative to our experience building huge powerplants which, after a sometimes decades long development process, too often turn out to be economic dinosaurs by the time they are ready to come on line.

As far as foreign oil dependence is concerned, we are now in about the same situation as we were when we started serious efforts to develop renewables during the oil shortages of the 1970's. In the 1980's, we actually increased oil consumption by a million barrels a day, even as our warships faced combat in the Persian Gulf to keep the oil lanes open.

With all these concerns, there is no doubt that the most important factor in growing acceptance of solar and other renewables is concern for the environment. The greenhouse effect, once denounced as the product of gloom and doom neurosis, is now established scientific fact. We can no longer seriously debate whether the burning of fossil fuels is damaging our environment. The public perception of the risks involved have taken on a new dimension with the Alaskan oil spill.

All these factors have resulted in positive movement, recognition that solar, other renewables, and energy efficiency must play an important role in an integrated, comprehensive national energy strategy. We want to encourage concepts such as cost sharing that will promote private sector involvement in developing these technologies. The shortsighted public policies of the previous administration did away with every incentive for this partnership. The industry is reviving, but has not nearly recognized its potential.

We cannot lose sight of the necessity of providing strong direction for these efforts. We have already learned the hard way that we cannot rely on the market by itself to make the best long range decisions in our national interest. Market forces did not produce the best result regarding Exxon's oilspill cleanup capability. They are not likely to do so in other aspects of our national energy and environmental policies—not to mention our competitive and strategic interests.

That is the job we were elected to do. The United States must lead the way in developing energy technologies that are safe, dependable, and environmentally sound. We can do this by renewing our efforts, through modest Federal investments, in clean, renewable sources of energy—conservation, biomass, wind, geothermal, as well as solar and photovoltaics.

Mr. McCLURE. Mr. President, I rise in support of S. 488, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.

This measure, reported unanimously by the Energy and Natural Resources Committee, recognizes that energy efficiency and renewable energy sources must play a critical role in the U.S. long-term energy strategy. The measure also recognizes that there are significant energy security benefits to be derived by the United States from energy efficiency improvements and the development of renewable energy technologies. But, even more importantly, the measure recognizes that if we are to receive the benefits of these developments it is critical that they be transferred to the marketplace.

American industry is encountering increasingly tough international competition, due, in part, to a worldwide explosion of new technologies. Our trade deficit is partially explained by new foreign competition that is capturing markets previously dominated by the United States.

The challenge is whether we can be more effective in delivering American inventions to the marketplace as a source for new businesses and jobs. This is true whether the technologies are publicly or privately created. The advancement of new technologies, particularly energy and energy related technologies, can serve as a critical component in the growth of the U.S. economy. But the issue is not just development of new technologies; there also is the management of what we create to ensure that it is brought to the marketplace by American companies.

Opportunities exist for cooperative arrangements with certain DOE facilities, such as those between the INEL and the private sector. S. 488 provides the Department of Energy with additional authority to undertake joint Government and industry activities to commercialize new energy technologies, with particular emphasis on energy efficiency and renewable energy technologies. But the measure also provides the Department with generic authority to undertake joint ventures under the Federal Nonnuclear Energy Research and Development Policy Act with respect to other nonnuclear energy technologies.

Under such arrangements, the United States can expedite the transfer of those technologies with significant economic importance into the marketplace so as to enhance the U.S. competitiveness in both domestic and international markets.

This measure is a refinement of similar legislation in the 100th Congress which the Senate passed twice as a part of H.R. 3048 and H.R. 4505. The earlier version in the 100th Congress was S. 1554—Senate Report 100-523. This version reflects discussion with the new administration as well refinements that I recommend in a July 14 substitute.

Among the changes in S. 488 as introduced are the addition of provisions which conform certain provisions regarding joint ventures to the committee's recent action on the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988—Public Law 100-680. The committee amendment also expands the scope of S. 488: First, to place greater emphasis on the use of joint industry/Government ventures to commercialize energy technologies, generally, and energy efficiency and renewable energy technologies, specifically; second, to provide greater administrative flexibility—by the inclusion of less prescriptive programmatic criteria—for DOE's administration of programs and activities under the act; third, to provide for a programmatic management plan for the continuing administration of development and commercialization activities under S. 488; and, fourth, to strengthen the role of a single advisory committee in the formulation and approval of specific joint ventures.

The findings in S. 488 reflect that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies. The findings also explicitly state the importance to U.S. competitiveness of establishing and maintaining a domestic energy efficiency and renewable energy technology manufacturing capability.

Technologic goals are specified in S. 488 for each technologic area, but these goals are intended only to serve as guidance to the Secretary and the advisory committee when formulating the Department's research plan. S. 488 thus establishes a dynamic process wherein programmatic goals can evolve as technologies advance.

At my recommendation, the measure adds energy efficiency as a research category and expands the other program category to include energy storage systems and low-head hydro. The measure also directs the Secretary to undertake at least one joint venture in each of six technologic areas. In addition, S. 488 retains the provisions requiring the Secretary to recommend three additional joint ventures in the fiscal year 1993 budget request.

Under the joint venture provisions of S. 488, the Secretary, in consultation with the advisory committee, would design a solicitation in each technologic area and specify the awards criteria. Similar to the clean coal technology solicitations, individual project sponsors would then have the flexibility to submit joint venture proposals that they are prepared to fund jointly with the Federal Government, rather than DOE designing the proposals on a take it or leave it basis. The specific criteria set forth in S. 488 would serve as guidance to the Secretary and the advisory committee when structuring the solicitation and awarding joint venture contracts.

S. 488 also requires the Secretary, in consultation with the advisory committee, to formulate and publish a research, development and demonstration plan for renewable energy and energy efficiency technologies. Similarly, the Secretary must publish a joint venture management plan. These requirements are modeled after the Steel and Aluminum Energy Efficiency and Technology Competitiveness Act of 1989—Public Law 100-680.

S. 488 extends certain other joint venture provisions in the Steel and Aluminum Energy Efficiency and Technology Competitiveness Act of 1988—Public Law 100-960—to apply to S. 488. These provisions cover proprietary rights, patent rights vested in the United States, and patent licensing.

S. 488 requires the Secretary, first, to review the activities of the Committee on Renewable Energy, Commerce and Trade, and second, to establish a joint Government-industry plan to increase the market share of the United States in the trade of renewable energy technologies and products.

In addition, the measure adopts certain provisions from S. 1059, authored by Senator HATFIELD, regarding access to foreign markets and development of a program to encourage use of renewable energy in other countries.

Mr. President, as I said at the beginning of my remarks, this measure, which was reported unanimously by the Energy and Natural Resources Committee, recognizes that energy efficiency and renewable energy sources must play a critical role in the U.S. long-term energy strategy. The measure also recognizes that there are significant energy security benefits to be derived by the United States from energy efficiency improvements and the development of renewable energy technologies. But, even more importantly, the measure recognizes that if we are to receive the benefits of these developments it is critical that they be transferred to the marketplace.

Therefore, Mr. President, I urge its adoption.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—Congress finds that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost-competitive use of these technologies without need of Federal financial incentives;

(2) providing a long-term stable environment for renewable energy and energy efficiency technology research and development activities through the establishment of long-term federal research goals and multi-year funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of innovative joint venture projects.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in subsection 6(c), subject to the conditions set forth in subsection 6(b).

SEC. 3. DEFINITIONS.

As used in this Act the term—

(1) "Secretary" means the Secretary of Energy;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint research and development venture under the National Cooperative Research Act of 1984 (98 Stat. 1815)) for cost-shared research, development, or demonstration of renewable energy and energy efficiency technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) "small business", with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under Section 3(a) of the Small Business Act (15 U.S.C. 632) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture;

(4) "non-Federal person" means an entity located in the United States and owned initially by citizens of the United States who agree to manufacture or reproduce substantially within the United States for commercial sale any invention that may result from an agreement under this Act. This term includes a domestic entity that is:

(A) an industrial organization, such as a corporation, partnership, limited partnership, consortium, or industrial development organization;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; or

(E) a unit of State or local government; and

(5) "invention" means an invention or discovery that is or may be patentable or other wise protected under title 35, United States Code, or any novel variety of plant that is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) and that is conceived or reduced to practice as a result of work under an agreement entered into under this Act.

SEC. 4. NATIONAL GOALS FOR FEDERAL WIND, PHOTOVOLTAIC, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaic and solar thermal energy programs being carried out by the Secretary.

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall include—

(i) activities that address near-term technical problems and assist private-sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than 1 cent per kilowatt hour by 2000; and

(iv) increase capacity factors for new wind energy systems to 25 to 30 per centum by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic amorphous silicon modules to 15 per centum by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $1,200 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 12 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources and to promote private-sector integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall include development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit a report on goals for other renewable energy technologies to Congress at the time of transmittal of the President's budget request for fiscal year 1992. This report shall contain the Secretary's recommendations for average cost and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, Low-Head Hydro, Energy Storage, and Geothermal Energy.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2(b).

SEC. 5. MULTI-YEAR AUTHORIZATIONS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY RESEARCH, DEVELOPMENT AND DEMONSTRATION.

(a) RENEWABLE ENERGY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following renewable energy research, development and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Biofuels Energy Systems Program, the Solar Buildings Energy Systems Programs, the Ocean Energy Systems Program, and the Geothermal Energy Programs; not to exceed $113,000,000 in fiscal year 1991; $121,000,000 in fiscal year 1992; and $124,000,000 in fiscal year 1993.

(b) ENERGY EFFICIENCY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation efficiency; industrial energy efficiency; buildings and community systems energy efficiency; multi-sector energy efficiency; and energy efficiency policy and management; not to exceed $195,000,000 in fiscal year 1991; $199,000,000 in fiscal year 1992; and $204,000,000 in fiscal year 1993.

(c) REPORT ON OPTIONS.—On or before May 1, 1991, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector in the timely commercialization of renewable energy and energy efficiency technologies through emphasis on development and technology transfer assistance to specific technologies that are near commercial application.

(d) NEW INITIATIVES.—The Secretary shall recommend for fiscal years 1992 and 1993 amounts to be set aside for new initiatives in renewable energy and energy efficiency research, development, and demonstration. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in renewable energy and energy efficiency research, development, and demonstration brought to the attention of the Secretary during the previous fiscal year.

SEC. 6. JOINT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures in research and development can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to authorize and direct the Secretary of Energy to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) VENTURES.—

(1) SOLICITATION.—The Secretary shall conduct a competitive solicitation of industry proposals for joint ventures in each of the technology areas set forth in subsection (c). Except as provided in subsection (d), the Secretary shall select at least one joint venture in each such technology area. Each joint venture selected under this section shall include at least one private sector firm.

(2) DOMESTIC RESEARCH AND DEVELOPMENT.—Joint venture activities under this section shall be performed in the United States, Puerto Rico, the United States Virgin Islands, or the territories and possessions of the United States.

(3) COST SHARING.—

(A) The Secretary shall require at least 50 per centum of the direct costs of any joint venture under this section to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the direct costs required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed of small businesses or nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(4) ADVISORY COMMITTEE.—

(A) Promptly after the date of the enactment of this section, the Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter referred to as the "Advisory Committee") to advise the Secretary in—

(i) the development of the solicitation under paragraph (1) and the evaluation criteria for joint ventures;

(ii) the evaluation and selection of proposals under this section; and

(iii) otherwise carrying out his responsibilities under this section.

(B) The Secretary shall appoint members to the Advisory Committee representing each of the following—

(i) the Secretary of Commerce;

(ii) the Solar Energy Research Institute;

(iii) the Electric Power Research Institute;

(iv) the Gas Research Institute;

(v) the National Institute of Building Sciences;

(vi) the National Laboratories of the Department of Energy;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms representing the major manufacturing industries that the Secretary determines are likely to participate in the program under this section; and

(ix) such other persons as the Secretary finds appropriate.

(C) The Secretary may, as appropriate, establish subcommittees of the Advisory Committee, including subcommittees for energy efficiency technologies and renewable energy technologies.

(D) Within ninety days after its formation, the Advisory Committee shall provide the Secretary with recommendations regarding the structure and selection criteria for the solicitation of proposals under paragraph (1). The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program under this section. Recommendations of the Advisory Committee shall be available to the public.

(5) DRAFT MANAGEMENT PLAN AND SOLICITATION.—Promptly after receiving the views of the Advisory Committee under paragraph (D), the Secretary shall publish a draft management plan for carrying out his duties under this section and a draft solicitation of proposals for joint ventures. The Secretary shall provide opportunity for comment on these drafts.

(6) FINAL PLAN AND SOLICITATION.—Promptly after review and consideration of comments received under paragraph (5), but in any case, no later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall publish—

(A) a final management plan to be administered and carried out in the conduct of activities under this section; and

(B) the first solicitation as required under paragraph (1).

(7) Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section

shall be subject to the provisions of section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (102 Stat. 4075).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems program set forth in section 4(a)(2) and those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate systems employing critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b). The joint ventures supported under this paragraph shall emphasize production of wind energy and may include systems employing other sources of energy in addition to wind energy for purposes of developing hybrid systems.

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures to be supported under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,400,000 for each of the fiscal years 1991 through 1993 to carry out this paragraph.

(4) ENERGY EFFICIENCY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of advanced energy efficiency technology.

(B) The purpose of the joint ventures supported under this paragraph shall be to encourage the transfer to the private sector and successful market penetration of technologies that can significantly improve the efficiency of energy use in the United States.

(C) In preparing solicitations and evaluating proposals for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $3,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) FACTORY-MADE HOUSING.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least three regional projects to demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating the projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction techniques, marketing practices, and construction materials.

(B) The projects established pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. The projects shall be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, marketing, and product export techniques.

(C) The demonstration strategy under this paragraph shall be guided by—

(i) a detailed characterization of the needs of the home building industry;

(ii) a close working relationship with all sectors of the home building industry; and

(iii) coordination among the projects to pool and conserve resources.

(D) In preparing solicitations and evaluating proposals the joint ventures under this paragraph, and in selecting projects under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated to the Secretary a total of not more than $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(6) ADVANCED DISTRICT COOLING TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to develop advanced district cooling technologies that are applicable in cities with high cooling loads.

(B) The projects of the joint venture supported under this paragraph is to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select three cities for application of advanced district cooling technologies developed by joint ventures under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) In preparing solicitations and evaluating proposals received for joint ventures under this paragraph, and in selecting the cities under subparagraph (C), the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated for each of the fiscal years 1991, 1992 and 1993 not more than $1,000,000 per year to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(4)(B), with respect to a technology described in paragraph (1), (2), (3), (4), (5), or (6), of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(3);

(B) carrying out joint ventures for the demonstration of such technology will not further the purposes of this Act;

(C) timely commercialization by the private sector of the technology to be demonstrated will not be advanced by the proposed joint ventures; or

(D) such ventures will compete with or substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph.

(2) The Secretary shall notify Congress of any determination under paragraph (1) and provide a written explanation of the reasons for the determination. Promptly thereafter, the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for substitute solicitations of proposals for joint ventures to demonstrate, consistent with the management plan under paragraph (b)(6), alternative renewable energy or energy efficiency technologies so as to accomplish the purposes of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for the joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint venture solicited under this paragraph.

(3) When thirty calendar days have elapsed after transmittal of the plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures described in his plan as if such venture were required under subsection (c).

(e) ADDITIONAL COMMERCIALIZATION PROPOSALS.—(1) At the time of transmittal of the President's budget request for fiscal year 1993, the Secretary shall recommend to Congress at least three additional solicitations of proposals for joint ventures to encourage commercialization by the private sector of renewable energy or energy efficiency technologies. Such solicitations shall require funding or in-kind contributions from private sources consistent with joint ventures under subsection (b). Each proposed solicitation shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed solicitations under this subsection, the Secretary shall seek and consider the recommendations of the Advisory Committee and shall take into account the extent to which joint ventures will contribute to earlier commercialization of technologies proposed under this subsection than might occur without Federal support under this subsection and the extent to which such joint ventures will contribute to the competitiveness of United States firms engaged in international trade in renewable energy and energy efficiency technologies.

SEC. 7. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY EXPORTS.

(a) FINDINGS AND PURPOSE.—(1) For purposes of this section, Congress finds that—

(A) Access to information on overseas markets and knowledge of methods to finance the purchase of products and services can help promote export of renewable energy and energy efficiency systems; and

(B) the Committee on Renewable Energy, Commerce, and Trade ("CORECT") established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal Government activities to promote renewable energy exports.

(2) The purpose of this section is to enhance current efforts to promote exports of renewable energy and energy efficiency technology to identify suitable technologies and increase the financing available for exports of renewable energy and energy efficiency technologies, to identify promising markets for these technologies, and to authorize funding of these activities.

(b) ANNUAL REPORT.—The Committee on Renewable Energy, Commerce, and Trade shall annually report to Congress. Each report submitted under this subsection shall describe the actions of each agency represented by a member of the Committee on Renewable Energy, Commerce, and Trade taken during the previous fiscal year to achieve the purposes of such Committee and of this section. Such report shall describe the exports of renewable energy and energy efficiency technology that have occurred as a result of such agency actions.

(c) PLAN.—(1) The Committee on Renewable Energy, Commerce, and Trade shall—

(A) establish, in consultation with representatives of affected industries, a plan to maintain or increase the exports of the United States in international trade in renewable energy and energy efficiency technologies and include in such plans recommendations for agencies that are members of the Committee regarding actions they can take within their authority to promote exports of such renewable energy and energy efficiency technologies;

(B) develop, in consultation with representatives of affected industries, recommendations for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy and energy efficiency technologies from agencies implementing such programs; and

(C) recommend renewable energy and energy efficiency technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

(2) The Committee on Renewable Energy, Commerce, and Trade shall include a description of the plan established under paragraph (1) in no later than the second report submitted under subsection (b), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

(d) AUTHORIZATIONS.—There is hereby authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade an amount not to exceed—

(1) $3,700,000 in fiscal year 1991;

(2) $4,000,000 in fiscal year 1992; and

(3) $4,300,000 in fiscal year 1993.

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

(d) ACCESS TO FOREIGN MARKETS.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i) by inserting after "commerce" the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and other,"; and

(2) in clause (ii) by striking out "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(e) DEVELOPMENT OF PROGRAM TO ENCOURAGE USE OF RENEWABLE ENERGY IN OTHER COUNTRIES.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 627(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities that produce renewable energy and energy efficiency to compete effectively with producers of energy from non-renewable sources.".

SEC. 9. NO ANTITRUST IMMUNITY OR DEFENSES.—

Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures solicited or funded under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan. The plan shall be updated annually.

(3) In addition to describing the Secretary's intentions for administering the provisions of this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(c) FEDERAL FACILITIES.—The Secretary of Energy shall report annually on the applicability for use in Federal facilities of renewable energy and energy efficiency technology products being developed under this Act that are cost effective on a life cycle basis. The report shall list such products and, with respect to each, provide an estimate of the annual energy and net cost savings that would accrue to each Federal agency that consumes a significant fraction of the annual Federal energy budget if such product were widely deployed in such agency. The report shall discuss the barriers, if any, to the wide deployment of these cost-effective renewable energy and energy efficiency products by each such Federal agency and provide recommendations on how such barriers may be removed or lowered. Each Federal agency shall, upon request of the Secretary, promptly provide information needed to prepare the report under this subsection.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar No. 366, Otto G. Obermaier to be U.S. attorney for the Southern District of New York.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Otto G. Obermaier, of New York, to be U.S. attorney for the Southern District of New York for the term of 4 years.

Mr. MITCHELL. Mr. President, I want to note for the record that there are seven additional nominations of Ambassadors which were approved by the Foreign Relations Committee and cleared for final action by the Senate on Wednesday of this week. Since Wednesday, I have been attempting to gain approval of these Presidential nominees to be Ambassador, but have been prevented from doing so because of objections by a Republican Senator. I make this comment, having previously informed the distinguished Republican leader my intention to do so, because over the past few months, the President and spokesmen for his administration have been critical of the Senate for delay in the processing of the President's nominees.

When I met with the President, I told him that at least in the limited time I have been majority leader, there were as many delays of his nominees at the instance of Republican Senators as there were at the instance of democratic Senators. We now see an example of that where we have seven Ambassadors which we are prepared to act on and would be pleased to accommodate the President to act on but are prevented from doing so by a Republican Senator.

I hope that the President is aware of this and in the future will urge Republican Senators, as well as Democrats, to move with dispatch on his nominations. I yield to the distinguished Republican leader if he wishes to make any comments.

Mr. DOLE. Mr. President, first of all, I regret we cannot confirm the nominees. I have not figured out what they have to do with another nomination. I never have understood why Republicans put a hold on Republican nominees. Maybe I will figure it out some day. I have been working on it. I have not quite understood it. I think the problem was we were trying to get a date on nominee Joseph Zappala, from Florida, who has been pending since August 1. That date has now been given. I understand it is October 2. So I hope on Monday the Senator on this side who has a hold on the seven other nominees, knowing we now have a date on that nomination, will remove his hold. I know we do not honor holds, but on a Friday afternoon there is not much you can do about it but respect the hold.

I would say in the same spirit, I think there are from time to time holds on both sides. I see several on the calendar that have been around since July—Department of Energy, four nominees and three or four from the Department of State that have Democratic holds. I think I can say, at least in those cases, they are about to be resolved in the energy area and also I think two or three are being held at the State Department. We have a date on one and, hopefully, following the action on Mr. Zappala, we might be able to take up Mr. Sembler and Della Newman.

I agree with the majority leader, when they are on the calendar, it is best to move them on. They have families, they have assignments. In some cases they have given up jobs waiting for us to confirm their nominations. It seems to me whether we are Republicans or Democrats, unless there are some good reasons—sometimes there are good reasons—we ought to let these people get on with their lives, get on with their business, get on with their ambassadorships and start plans to make the move. I hope on Monday we can clear the ones referred to by the majority leader.

Mr. MITCHELL. I thank the distinguished Republican leader.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 25, 1989

RECESS UNTIL 1 P.M.; MORNING BUSINESS; RESUME CONSIDERATION OF PENDING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m. on Monday, September 25, and that following the time for the two leaders, there be a period for morning business until 2 p.m. with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of H.R. 3072, the Department of Defense appropriations bill.

I further ask unanimous consent that any votes ordered on Monday not occur prior to 5:30 p.m.

Mr. President, I would like to amend that to say any rollcall votes ordered on Monday not occur prior to 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. If the majority leader will yield, we have had a couple of inquiries on this side. We were able to get consent last night, if there was an opportunity today to move the appropriations, it would be by voice vote. I am not certain whether we intended that to carry over until Monday. I assume, in any event, if there were a demand for a vote, it will not occur until after 5:30 on any of those appropriations bills.

Mr. MITCHELL. Yes, that is correct. I must say that I do hope the authority to pass those bills by voice vote will be available to us on Monday because we are at the point where each day, indeed each hour, counts in trying to process these appropriations bills. If by virtue of the fact we are unable to do that today because of the continuing pendency of the negotiations over the drug program, we will not be able to do it until Monday at the earliest. But I do hope that the staffs of the committees now, knowing largely what will be in the bills, assuming agreement on the drug program, will at least begin the preliminary work over the weekend so that if we are able to enact them by voice vote on Monday, which is my hope and expectation, that the conferences will be able to begin promptly thereafter.

Mr. DOLE. As the majority leader knows, they continue to negotiate. I want to commend both sides. I do not know how many hours, 10, 15, 20 hours they have been in S-128 negotiating trying to find some agreement in principle. I assume, if they could do that today, then maybe over the weekend they can draft any necessary legislation, and we could review it early on Monday and still move some of those appropriations bills.

I hope we can reach some agreement. It seems to me if we do not, we will have all kinds of possible problems. Maybe not. But I do know at this very moment, Senator BYRD and Senator HATFIELD and perhaps others are still trying to find some resolution of their differences.

Mr. MITCHELL. It is my hope as well, Mr. President, that there will be an agreement. It seems to me that both sides have made a good faith effort and are, according to the reports I have received, very close. I think it would be unfortunate if, having come this far and come so close, an agreement were not reached. So I hope the spirit of good faith that has existed throughout the week will continue through the successful completion of the negotiations and that by Monday we will be able to move on these appropriations bills, finish defense and then the only remaining bill, State-Commerce-Justice appropriations, early next week and continue our effort to complete action on all or, if not all, certainly as many of the appropriations bills as we can prior to the end of the fiscal year.

PUBLIC SUPPORTS POLAND BUT SAYS: GO SLOW

Mr. DOLE. Mr. President, 2 days ago, during our consideration of the foreign operations appropriations bill, Senator GRASSLEY offered an amendment to exempt aid to Poland from cargo preference.

I happen to think that is an excellent idea. And one good reason why it is is that it will allow us to do more for Poland, without spending any more taxpayer dollars. I might vote that—despite our defeat on Wednesday's point-of-order vote—Senator GRASSLEY and I will be pursuing this issue further.

We will be able to offer it on any authorizing legislation on aid to Poland without that point of order being available.

What I wish to note today is my continuing concern that—in the understandable determination that many of us share to do more for Poland—we not lose sight of our overriding obligation to the taxpayers to make sure that we act prudently.

Over the weekend, the Louis Harris organization published a new and very interesting public opinion poll on aid to Poland.

I will ask unanimous consent that a report on the Harris poll provided by the Harris organization be included in the RECORD.

Two things stand out from the results of the poll.

Most Americans—somewhere in the range of 70 percent—do want to help Poland. They see that as right, and as in America's interest.

But an equally strong majority—at least 2 to 1—are not interested in writing any blank checks. The American public wants to make sure that any aid is well thought out, responsive to Poland's real needs, and will actually help ensure the survival, and foster the growing strength, of democracy and economic reform.

The American public is also still worried that the very strong Communist forces both within and outside Poland may not have permanently ceded power to the democratically selected, Solidarity-led government.

It seems to me the results of this poll ought to lead us to some basic conclusions.

One, the administration is on the right track. We should provide significant, immediate aid to Poland—to send a signal of political support at this important juncture, and to help deal with such immediate problems as ensuring an adequate supply of food.

Two, we should examine very carefully our longer term aid commitments. We should not fall prey to the temptation to start throwing money at the Poland problem—until we have a clear idea of what Poland needs and wants. With a brandnew government just settling in, we don't have those signals yet.

The Polish Finance Minister will be here next week—in fact, on Monday. I assume many of us will be visiting with the new Finance Minister.

Three, we should make sure that our aid complements a broader international program of aid. And that the entire program is conditioned—not in a threatening, but encouraging way—on the continuation of real economic reform in Poland.

Mr. President, this is the botton line. Proposing hundreds of millions of dollars in ESF makes great headlines, but unless new American aid is coupled with real economic reform, it won't make much economic sense and the American people will not support it.

I join my colleagues on both sides. I happen to believe that we need to continue our efforts in Poland. We cannot let the government down. It is a new government. They are in the process of getting organized. They now have a government in place. We can start talking with leaders in the new Solidarity non-Communist government and hopefully in the next few weeks we can work out some way that will be a wise expenditure of American funds and also be in the best interests not only of Poland but the American taxpayer.

Mr. President, I ask unanimous consent that the Harris poll results be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

U.S. PUBLIC OPPOSES AID TO NON-COMMUNIST POLISH GOVERNMENT

(By Louis Harris)

When asked "if the only way that the new non-Communist, Solidarity government in Poland could survive and improve the living condition of its people was to have the U.S. undertake a major economic aid program, loaning or giving that country several billion dollars," a 64-33 percent majority of the American people say they would oppose such assistance according to this Harris Poll, taken by telephone, between August 25th and 29th among a representative cross section of 1,250 adults nationwide.

The reason most Americans are reluctant to commit large sums of money in aid to the new Polish government is due to continuing skepticism that the communist rulers of Eastern Europe and the Soviet Union will really allow the new government to run that country. A 65-29 percent majority adhere to the view that "the communist rulers of Eastern Europe will only allow reforms and non-Communist governments to go so far, and then they will move in with the military and the secret police to make sure that real communist control is not eliminated."

This bottom line assessment of the current situation in Poland, however, should not be taken as an indication of a cold or callous American reaction to the recent success of the Solidarity movement to win the Polish elections and then to name the new Prime Minister from their own ranks.

Indeed, there is every indication that the American public has been genuinely excited by developments in Poland and is hoping that the non-Communist bridgehead in the solid sea of communist control in Eastern Europe can succeed:

By 72-21 percent, a majority are positive about Poland today, expressing one of the most favorable feelings about a country in Eastern Europe since World War II. While no more than 10 percent of all Americans are prepared to say that Poland is now "a close ally," 62 percent view that country as "friendly but not a close ally." Another 18 percent feel Poland is "not friendly but not an enemy," and 3 percent view Poland as "unfriendly and an enemy of the U.S."

A 69-28 percent majority agree with the assessment that "if the non-Communists can take over in Poland, then it is very likely the same thing will happen in Hungary and other Eastern European countries."

By 79-17 percent, a majority also shares the feeling that "having a non-Communist government in Poland is one of the most exciting and encouraging signs for peace in the world in years."

By 55-39 percent, a majority also reject the negative view that "with the Polish economy in bad shape, it is likely that the new non-Communist government will fail to solve the problems there, creating disillusionment and leading to an overthrow of the new government and a return to communist control."

Despite the depth of backing for the new Solidarity government, the American people have not yet been convinced that sending substantial U.S. monetary aid to that government is both a wise and prudent policy. They are not yet convinced the takeover by Solidarity will last, in part because they think the country is still firmly under communist control. So, for the moment at least, the answer from the United States to Polish pleas for help is "No."

RECESS UNTIL 1 P.M., MONDAY, SEPTEMBER 25, 1989

Mr. MITCHELL. Mr. President if the distinguished Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 1 p.m. on Monday, September 25, 1989.

There being no objection, the Senate, at 4:03 p.m., recessed until Monday, September 25, 1989, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1989:

DEPARTMENT OF STATE

DAVID JAMESON SMITH, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF NEGOTIATOR FOR DEFENSE AND SPACE.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1989:

DEPARTMENT OF JUSTICE

OTTO G. OBERMAIER, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Friday, September 22, 1989*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metropolitan Synod, Evangelical Lutheran Church of America, offered the following prayer:

God of all mercy, and Lord of the wind, the rain, and the fire:

Grant, we pray, the calm assurance of Your presence to all those who face the gales of destruction.

May we, from our abundance, be generous in our support and care as You are gracious with Your mercy and compassion.

May our prideful spirits be humbled before the forces of life over which we have no control but which are always at Your beck and call.

May we always listen for and seek Your guidance, not in the winds, nor the rain, nor the fires of devastation, but rather in that still small voice that addresses each of us every day.

Hear our prayer and bless, this day, the efforts of our hands and minds. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maine [Mr. BRENNAN] come forward and lead us, please, in the Pledge of Allegiance.

Mr. BRENNAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 2136) "An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia, and for other purposes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3299, OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 101-248) on the resolution (H. Res. 245) providing for the consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, which was referred to the House Calendar and ordered to be printed.

IN OPPOSITION TO A REDUCTION IN THE CAPITAL GAINS TAX RATE

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, I rise today in strong opposition to reducing the capital gains tax. This reduction will solve nothing in the long run. Even President Bush's own people say that a capital gains tax cut will lose money within 3 or 4 years. In other words, the Government gets no lasting benefit from this proposal.

If we turn our attention to who does benefit, the obvious answer is the richest American taxpayers—those with annual incomes in excess of $100,000. In fact, 80 percent of the benefit—about all of it—goes to the richest people in the country. When we cannot even agree to increase the minimum wage for America's working poor, I am outraged that we are considering a tax cut for America's wealthy. Surely my colleagues can appreciate the irony.

In a time when we desperately need all available tax revenue to help fight a war on drugs, it makes no sense to give a tax break to those who can hardly count all the money they presently have. I will not vote to allow the middle class to pick up the tab so rich Americans can build another tennis court, buy a bigger yacht or throw an extravagant party like Malcolm Forbes for their wealthy friends.

SALUTE TO MORRIS T. KEETON

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, I rise today to salute an uncommon man, a son of America, who has lived a life of integrity, accomplishment, and caring for others.

Retiring this year as the founding president of the Council for Adult and Experiential Learning, Morris T. Keeton has, in this work as in the other work of his professional life, created knowledge, and with it, opportunity for the people whose lives he has touched.

Prolific writer, gifted teacher, tough negotiator and, occasionally, just plain stubborn, Morris Keeton led the experiential learning movement to value and recognize the learning that Americans do outside of college. Convincing skeptical colleges and universities, corporate leaders, unions, and individuals was neither quick nor easy. But Morris did it and did it well.

As a result, the Nation, if it is smart enough to use them, has access to this extraordinary human resource it has ignored too long—experiential learning—while the learners receive the respect which they have long deserved.

Morris Keeton's career at CAEL is the latest in a lifetime of achievements spanning the American Friends Service Committee, Antioch College, and countless other efforts and organizations.

I am proud to salute him here today.

HELP DEVELOPING COUNTRIES COPE WITH POPULATION EXPLOSION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, population trends in developing countries are a prescription for tragedy and chaos. The U.N. funds for population programs should grow rapidly to the point where it will be making an important impact on world population.

Now, Mr. Speaker, these words were not first spoken by me, they were first spoken by President Bush when he was Ambassador to the United Nations in 1973. It was quoted today in an excellent editorial in the New York Times by Prof. Richard Gardner.

Mr. Speaker, not only was the President, in 1973, a supporter of family planning programs, but during the late 1960's when he served in Congress he worked closely with me, cooperatively and in support of my efforts to pass thoughtful, creative, family planning projects and programs.

Mr. Speaker, nothing is more important for progress of the developing

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

world than getting their exploding population rates under some kind of rational control. The countries of sub-Saharan Africa will double their populations, all of them, in the next 17 to 25 years. This is a prescription for chaos, tragedy, suffering, and death.

I call on the President to change this baggage that he inherited from the prior administration, a baggage which is presumptuous and ill-guided. It prohibits developing countries from doing with their own funds what is legal and appropriate for people in institutions to do in this country. That policy has degraded the two most important institutions for helping developing countries cope with their population programs, the United Nations Fund for population programs and the International Planned Parenthood Federation.

□ 1010

FEDERAL SPENDING MAY BE CUT IF SEQUESTER TAKES PLACE IN OCTOBER

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GINGRICH. Mr. Speaker, I rise again to warn that at the rate the Democratic leadership of the Congress is managing the reconciliation bill and considering the way we are encumbering that bill, there is a very, very grave danger that we are going to sequester on October 16 and cut Federal spending.

The chairman of the Committee on the Budget, the gentleman from California [Mr. Panetta] in his Budget Update warned that the sequester would have the following consequences, and I quote from Mr. Panetta's letter of September 6, 1989:

Active duty military personnel could be reduced by about 160,000;

A $360 million cut in the Department of Veterans Affairs;

A $589 million cut in NASA;

A $292 million cut in the Environmental Protection Agency;

A $149 million cut in the Coast Guard;

Furloughs of FAA air traffic controllers could be required;

A $389 million cut in subsidized housing;

Cuts of $1.25 billion in agriculture programs;

A cut of $1.0 billion in education programs;

A possible reduction of NIH research grants by over 1,000; and

Pell Grants to about 1.0 million students would be eliminated and awards to an additional 523,000 would be reduced.

Mr. Speaker, it is incumbent on the Democratic leadership of the House and the Senate to work on the reconciliation bill on a schedule which allows the country to avoid these kinds of cuts.

Mr. Speaker, I submit Mr. Panetta's budget update, dated September 6, 1989, in full, as follows:

Committee on the Budget,
Washington, DC, September 6, 1989.

Budget Update

Dear Colleague: On August 25 the President issued an initial Gramm-Rudman sequester report for fiscal year 1990 requiring cuts on October 16 of $13.3 billion in budget authority and $8.1 billion in outlays in defense and $12.0 in budget authority and $8.1 billion in outlays in non-defense programs. These reductions are based on an Office of Management and Budget deficit snapshot of $116.2 billion for fiscal year 1990.

If sequestration reductions are to be avoided Congress must pass legislation reducing the deficit to $110 billion by October 16.

CONSEQUENCES OF SEQUESTRATION

The following are selected consequences of sequestration as described by OMB:

Active duty military personnel could be reduced by about 160,000;

A $360 million cut in the Department of Veterans Affairs;

A $589 million cut in NASA;

A $292 million cut in the Environmental Protection Agency;

A $149 million cut in the Coast Guard;

Furloughs of FAA air traffic controllers could be required;

A $389 million cut in subsidized housing;

Cuts of $1.25 billion in agriculture programs;

A cut of $1.0 billion in education programs;

A possible reduction of NIH research grants by over 1,000; and

Pell Grants to about 1.0 million students would be eliminated and awards to an additional 523,000 would be reduced.

AVOIDING SEQUESTRATION

In the sequester report OMB Director Darman states that "full implementation of the Budget Resolution should be sufficient to avoid sequester."

While the mechanical projection of 1989 appropriations used for the GRH estimates for 1990 appears to indicate the need for only $6.2 billion of deficit reduction, the OMB report suggests that considerably more may be required when actual legislation is enacted. OMB states: "As Congress considers reconciliation and other legislation to implement the BBA (Bipartisan Budget Agreement), it should be aware that the magnitude of deficit reduction needed to avoid sequester will not be $6 billion, but could be a figure in excess of $13 billion. The total amount of savings to be gained from current reconciliation instructions—if fully complied with—would be only about $14 billion. Clearly, the margin for error is very small—and the margin for additional spending is nil."

Passage of reconciliation legislation at the level required by the budget resolution ($13.45 billion) should result in sufficient deficit reduction to meet the $110 billion deficit target required by the Gramm-Rudman, thereby avoiding sequestration.

Please find attached excerpts from the OMB Gramm-Rudman report.

RECONCILIATION STATUS

Nine House Committees (Agriculture; Banking, Finance, and Urban Affairs; Education and Labor; Energy and Commerce; Government Operation; Interior and Insular Affairs; Merchant Marine and Fisheries; Post Office and Civil Service; and Veterans' Affairs) have completed action on their reconciliation recommendations, although one (Energy and Commerce) has not yet submitted its completed package to the Budget Committee. As you know, the Ways and Means Committee is still considering its reconciliation package. I have written Chairman Rostenskowski to ask that his Committee's reconciliation legislation be submitted no later than September 15.

Although the Ways and Means Committee has not completed action and final CBO cost estimates are not yet available for a few provisions adopted by other committees, I believe that the final reconciliation bill will meet the overall reconciliation target. Again, by meeting this target we can avoid damaging sequestration cuts.

At present it is likely that the reconciliation bill will be considered by the House during the latter part of September. Conference on the measure will then hopefully be completed by the October 16 sequestration deadline.

Sincerely,

Leon E. Panetta,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. Kleczka) laid before the House of the following communication from the Clerk of the House of Representatives:

Washington, DC, September 21, 1989.

Hon. Thomas S. Foley,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 3:20 p.m. on Thursday, September 21, 1989 as follows:

(1) Said to contain a message from the President whereby he transmits the annual report of the Commodity Credit Corporation for fiscal year 1986; and

(2) Said to contain a message from the President whereby he transmits a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1988.

With great respect, I am,

Sincerely yours,

Donald K. Anderson,
Clerk, House of Representatives.

REPORT OF THE COMMODITY CREDIT CORPORATION, 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

(For message, see proceedings of the Senate of yesterday, Thursday, September 21, 1989.)

REPORT OF ACTIVITIES OF THE UNITED STATES GOVERNMENT IN THE UNITED NATIONS AND AFFILIATED AGENCIES, 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of yesterday, Thursday, September 21, 1989.)

HIGH HOLIDAYS 5750

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this year, on the evening of Friday, September 29, the first day in the autumn month of Tishri, 5750, under the Jewish calendar, Jews all over the world will begin the new year with the celebration of Rosh Hashanah, the Day of Judgment. This is a joyous, but solemn, holy day of deep religious significance and the beginning of a 10-day period of penitence, the Days of Awe, culminating with Yom Kippur, the holiest day of the year.

The Hebrew month of Elul, which immediately precedes the high holiday period, is a time for introspection and meditation in preparation for repentance and renewal. During this month, it is customary to visit the graves of relatives and teachers, to remember the sanctity of their lives, and to gain inspiration for the coming year. Penitential prayers, selikot, are recited at midnight on the Saturday before Rosh Hashanah, and continue for at least 4 days, as the tenor of the high holiday period begins to intensity. During this time, it is customary to send friends and relatives cards containing special wishs for a new year of good will, peace and happiness.

According to Jewish tradition, on Rosh Hashanah God remembers all of his creatures and judges humankind. Their destinies are inscribed in the Book of Life, Sefer Hayim. The highlight of the Rosh Hashanah service in the synagogue is the blowing of the shofar, or ram's horn, whose sound is meant to awaken man's conscience, to renew his faith, to return him to God, and to summon all Jews to self-examination and repentance. This year, because the first day of Rosh Hashanah also falls on the Jewish sabbath, a day of rest, the shofar cannot be blown until the very end of the day.

This ram's horn is a reminder of the ram offered by Abraham in place of his son Isaac, and according to Jewish tradition, the blowing of this curved ram's horn can be traced back to the time when the Ten Commandments were given on Mount Sinai accompanied by blasts of the shofar. Also the shofar was used when prophets called people to prayer.

During the evening celebration in the home, festival candles are lit, and a holiday meal is served, including a round loaf of bread and apples dipped in honey to symbolize the hope for a sweet new year.

The 10-day period of penitence between Rosh Hashanah and Yom Kippur, is a time for Jews to search their souls and to repent for their sins. Their deeds and fate are then weighed in the balance of God on the last day. This final day, the 10th of Tishri, Yom Kippur, is the holiest day of the year. It is the culmination of the entire holiday period, and it is marked by fasting and physical abstinence. Most of the day is spent in the synagogue praying and repenting for past sins. The day ends with the loud and long shofar blast which marks the final sealing of the Heavenly gates and the renewal of the spirit. With a cleansed heart, all Jews look forward to a good new life for the following year, and return to their homes for a hearty break-the-fast dinner.

During these holiest days, as the Congressman for the 11th Congressional District of Illinois, which I am honored to represent, I extend my greetings and best wishes for a happy new year to my many constituents and friends of the Jewish faith. "May you be inscribed in the Book of Life for a good year, L'Shannah Tovah Tikatevu."

TAX INCREASES, CLASS WARFARE, AND ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk a little bit about tax increases, class warfare, and economic growth.

I have been amazed in the last few days as I have watched the liberal wing of the Democratic Party staking out a pattern of language that goes back to the mid-1930's. I was struck last Friday by a USA Today headline which said: "Democrats See Tax Cut as Class War."

I have been very surprised by the remarks of some liberal Democrats that suggest that in effect it is time to hate the rich, and that if we would only arouse enough envy and hate the rich enough, that would be good politics. Yet this is not a partisan issue. It does not have to be a partisan issue. There are a number of commonsense Democrats who understand that a capital gains tax cut will benefit all of us.

There is a quote in a headline of today's article in USA Today written by ED JENKINS, a Democrat from Georgia. There is a very coherent statement by Democratic Senator JOSEPH LIEBERMAN of Connecticut in which he tried to explain to his own party why capital gains makes sense, not just to the rich but to the whole country. I want to quote from Senator LIEBERMAN. He says as follows:

> The argument of some Democrats against a cut in the capital gains tax—that the rich will benefit more than the rest of us—misses the point and is politically divisive. Lower- and middle-income people won't realize most of the tax savings for the obvious reason that they have less capital, but they could get something better: a job, if they have none, or a better job, if they are underemployed. After all, the whole idea of a capital gains tax cut is to induce people who have capital to move it into new investments that will make America more productive and competitive and benefit all of us with greater economic opportunity and security.

Mr. Speaker, that is a statement by JOSEPH LIEBERMAN, a moderate Democrat from Connecticut. What is he saying? He is saying that if you are the poorest American, you have a better chance to have a job if we cut capital gains because there will be more investment in America, more factories being built, and more jobs being created.

We happen to know that is true. We know that more black teenagers are employed today than were employed under Jimmy Carter. We know that young people in the inner city who want a job have a better chance of getting a job today than they did under Jimmy Carter. We know that in fact we have made progress under Reagan and Bush in creating an opportunity for every American to work.

But there is a second part to this. It is not just having a job but having a better job. The fact is that America is not investing enough to compete with Japan, Germany, and Korea, and a capital gains tax cut will help us build new factories, invest in new machinery, and create better jobs so those people who are already working will have a chance to get a better job and a higher salary.

Why do we know that happens? Because we know that when we cut capital gains in the 1970's, it led to productivity and to increases which created the first stage of the growth of the 1980's.

We know, too, that when John F. Kennedy, a Democrat, said in his administration that the tax treatment of capital gains was a "barrier to economic growth," he was trying to make the point that if we encourage people to save and we encourage people to invest, we create a better future, and everybody profits. As he himself said, "A rising tide lifts all boats."

His point was that the more investment there is in America and the more jobs there are in America, the better off Americans are.

We also know now that our competitors have a lower capital gains tax rate than the United States, that if you are in Germany or Sweden or Japan, you pay a lower tax if you invest and save and do the right kinds of things, and the result is that they have had more savings than we have had.

I think one of the things that is most worrisome is that President Bush is sincerely attempting to be bipartisan. He is sincerely attempting to reach out across the aisle to encourage every Member of the Congress to think as an American citizen, not to think as a liberal, not to think as a conservative, but to ask what is best for America. And America is at a real crossroads.

□ 1020

Mr. Speaker, the fact is that we have had the longest period of economic growth and jobs in peacetime history, that never before in peacetime have we had as many months of the economy continuing to increase in jobs or have more Americans going to work, that by any traditional standard we are overdue for a recession, and the fact is, if we do not have continued, positive economic policies that encourage more investment and encourage more growth, we are going to have a recession.

Now some narrowly partisan Democrats may want to have a recession. They may think that raising taxes and triggering a recession will be good for the Democratic Party, but it will be bad for America. It will be bad for America, and it will be particularly bad for the unemployed.

So, Mr. Speaker, the question becomes what is the best way to keep the economy growing, which is also the most important question in how do we balance the budget, because the fact is the more jobs there are, the better the jobs are, the more people get paid, the higher the income tax they pay and the more money the Federal Government gets. Simple economic growth adds $65 to $90 billion a year to revenue for the Federal Government and helps shrink the deficit.

In that setting it is truly tragic that the liberal Democrats and their leadership have decided to fight for a tax increase knowing that that tax increase is very, very likely to trigger precisely the recession which may be useful for the Democratic Party in the 1990's, but is very, very harmful for America.

So, one of the keys to the vote next week I think is to put economic growth and jobs for Americans first and ask the question which of these policies will keep the economy going and will help us avoid a recession.

Mr. Speaker, I think it is important to look first at the positive side of this and to recognize what is at stake, and I think Ed Jenkins in his editorial in USA Today stated the positive side, and I want to quote from it.

He said, and I quote:

> A cut in the tax rate on capital gains makes good economic sense and is fair for the middle class.
>
> As recently as two years ago, a majority of Democrats supported differential tax treatment of capital gains, yet today some would have the Democratic Party oppose any measure which is beneficial to middle-income taxpayers and promotes business development. That's a mistake. My proposal, unlike the original submitted by the Bush administration, would directly benefit middle-income taxpayers by extending the lower rate to gains from sales of real estate and timber, assets widely held by the middle class.
>
> By reducing the multiple taxation of savings, lower capital gains taxes will help raise our abysmally low savings rate and contribute to lower interest rates. Lower interest rates, coupled with the reduced tax burden on business investment implicit in a capital gains tax cut, will help reduce our cost of capital, already the highest in the industrialized world. Lower capital costs abroad are due in significant degree to the fact that most of those nations, including our allies and major trading partners, tax long-term gains lightly or not at all.
>
> The taxation of gains attributable solely to increases in inflation is blatantly unfair, so my proposal would exclude from taxation after 1991 that portion of the gain attributable to increases in inflation.
>
> Finally, lower capital gains taxes will have a positive impact on those entrepreneurs who seek to finance projects of high risk but great promise.
>
> Yes, high-income Americans will benefit by a cut in the capital gains tax; however, the fact is that there are millions more taxpayers of moderate income who realize capital gains than there are in the higher brackets. And in 1985, nearly half of all capital gains went to people with wage and salary income of less than $50,000.
>
> Further, a capital gains tax cut raises much-needed revenue. There is no question of our need to reduce the deficit. In the 27 months the capital gains cut will be effective under my proposal, it's estimated asset sales will raise $9.4 billion in new revenues that may be applied to deficit reduction as well as to financing other pressing concerns such as child care or the war on drugs.
>
> Interestingly, and with some degree of irony, the capital gains tax debate has turned into a partisan wrangle. Historically, a tax differential for capital gains has not been a partisan issue. It was a part of the tax system for 64 years, 1922-1986, through both Democratic and Republican administrations. President John F. Kennedy stated that the existing tax treatment of capital gains was "a barrier to economic growth" at a time when the maximum rate on such gains was lower than today.
>
> I encourage debate based on the facts and with respect to economic policy, not on partisan terms. Enactment of my proposal is an important first step toward restoring sound and fair tax policy vital to our nation's economic future.

Mr. Speaker, that was an article written in USA Today, written by the gentleman from Georgia [Mr. Jenkins] who is the chief sponsor with the gentleman from Texas [Mr. Archer] of the capital gains cut. Let me repeat one of the points he made because it is one which is often distorted by those who oppose capital gains.

In 1985 nearly half of all capital gains went to people with wage and salary income of less than $50,000. When we hear that people normally get capital gains who have over $200,000 income, remember what we are being told is, "If you sell your house, the whole value of the house the year you sell it is counted as your income. If you had a dry cleaner that you worked on for 20 years and you finally sold your little business, or if you had a piece of property, or you had a family farm, when you hear these figures from the liberals about the high income number, for over 70 percent of the people receiving capital gains that high income number is the year they are selling the property," and yet for many of those people that is not their normal income. They may be living on a pension at $10,000 or $12,000 a year, they may be living on a salary at $30,000 or $40,000 a year, but that one time in their life they are in fact going to have a fairly large amount of money because that is the nest egg they saved for their entire life.

So, when my colleagues hear some of the liberals suggest that this is going to be really good for the rich, ask them how many people who have an income of $50,000 or less in their normal wages or pensions are going to be getting that capital gains, and, as the gentleman from Georgia [Mr. Jenkins] reported, nearly half of all the capital gains in 1985 went to people whose wages and salary income was less than $50,000. Why under these circumstances, one might ask, are we then having this big problem?

Mr. Speaker, we have a bipartisan common-sense coalition working with President Bush, Democrats and Republicans alike, trying to pass a capital gains cut. We have people, Democrats and Republicans alike, working together in order to try to keep the economy growing in order to avoid a recession. Yet I think it is important to understand the mindset of the liberal Democrats of what William Safire calls the Democratic left. Despite the fact that George McGovern with Walter Mondale and Michael Dukakis have lost Presidential campaigns disastrously, this is the mindset of the Democratic left. Let me first quote from William Safire. He says, and I quote:

> Reducing the capital gains tax helps the richies, insist the zero-sum gamesmen of the Democratic left. Never mind that capital gains reduction is sure to trigger transactions that will swell Uncle Sam's tax coffers ("swelling the coffers" is as mouth-filling a cliche as "awash in oil"). And never mind that fairness calls for the taxation only of real, rather than inflated, gains. Anything that's good for the rich must be bad for the poor, say the zero-summers, who forget that Jack Kennedy line about a rising tide lifting all the boats.

I think it is very important how passionately many liberals believe exactly what Safire said: "Anything that's good for the rich must be bad for the poor."

As Jack Kemp has said, "Very often our liberal friends dislike those who create those jobs so much that they forget that you need the entrepreneur, you need the person who invents the new thing. You need the person who develops Apple computer, the person who invents the jobs of the future."

Safire goes on to say, "That's the discredited soak-the-rich theory, forgetting all the lessons of the '80s."

Mr. Speaker, I think that is an important thing to understand. When my colleagues listen to some of our liberal friends talk, and they explain why they favor a tax increase, and they explain why a tax increase will be good, and they use the language of class warfare, we are really listening to lessons of 1935. It is as though none of the lessons of the modern world have sunk in, none of the realities of the world market have sunk in, and nothing which has happened recently has made sense to Democratic liberals. It was explained, I think pretty clearly, in the Wall Street Journal this morning, and I quote:

> Rather, House Democrats have been convinced that high taxes are good politics. They take their instruction from Majority Leader Richard Gephardt, who believes that his own presidential-primary campaign proved this is the way politics works before being swept aside by the invincible Dukakis juggernaut. So the pretty-much open object of the 33% rate is to punish success, and thereby garner the votes of the nonsuccessful. Voters are presumed to be too dimwitted to recognize that the 33% proposal is the camel's nose under the tent, to be followed by higher taxes for the rich, the near-rich, the not-so-rich and everyone else.
>
> At long last, in short, the political choice that defined the past three presidential elections is now the central issue of congressional politics. As it has developed over the past few months, the battle over a capital gains cut has produced for the American electorate a rate opportunity to understand the two ideologies now competing for their assent.
>
> Turning the 33-percent proposal into law would not only bust George Bush's promise not to raise taxes but also would displace the competing philosophy of government established by Ronald Reagan over the 8 years of his Presidency. The House Democrats have decided conclusively that the party's identity will sink or swim on the issue of taxes. They want more. The Democrats believe that the Government is the most important institution in the Nation's life, that the Government exists to create programs and raise whatever taxes are necessary to fund those programs. It is really the most remarkable thing to see one of this country's major political parties espousing such a vision in the late 20th century.
>
> By contrast, Ronald Reagan's support for tax cuts and his opposition to increased Federal spending were based on his belief, stated at every opportunity, that the Federal Government and its great panoply of programs were smothering private initiative in the United States. He sought to reverse the Democrats' idea that America's growth and greatness depend on Government initiatives and that the Government is entitled to the taxes necessary to sustain and expand its responsibilities. It depends, instead, on letting all workers keep most of the country's newly produced wealth and letting them decide individually how best to spend and invest the wealth their work is creating. Under this regime, the U.S. is now experiencing its seventh straight year of economic growth.

□ 1030

It is very important to understand what is going on. Commonsense Democrats like Senator LIEBERMAN and ED JENKINS and a wide variety of folks who have looked at the lessons of the 1980's agree that we have to increase investment in America to create jobs, so in a bipartisan, commonsense coalition, Republicans and Democrats alike are working with President Bush. Yet, the message of the 1980's does not seem to be getting received by the liberal Democratic leadership.

The fact is, for example, if we look at the special elections this year, virtually every Democrat who won a special election campaigned promising not to raise taxes, pledged their word that they would not raise taxes, and that is part of how they won the elections.

When we look at the message from the country, it has been, "Please, do not raise taxes." When Walter Mondale stood up and said, "I will raise taxes," the country said, "Yes, we believe you," and he carried one State. When Michael Dukakis said, "I am a liberal, and we may have to raise taxes," and the country believed him, and he carried only six States.

The record is pretty clear when one goes to the country and says, "Do you really want us to raise taxes," and most people who understand Washington understand this is not just a fight about this particular tax cut versus this particular tax increase. This is a fight between whether or not the commonsense coalition of Democrats and Republicans can continue the policies that have given us the longest period of growth in jobs that we have seen in peacetime history, or whether the liberal Democrats are going to regain control and they are going to, despite the Presidential elections, start a series of tax increases that will guarantee a recession and that will guarantee higher unemployment.

I think it is very, very important that every American who wants to see more jobs created, every American who wants to see the Government raise revenues by lowering taxes, and every American who believes that if we encourage initiative and we encourage investment, we encourage entrepreneurship, we create the new small businesses, we create the new opportunities for people, create the new jobs, and that is the way to make America competitive in the world market. That is the way to create the future.

Mr. Speaker, I think they have a real obligation to call their Senator, to call their House Member, to let them know that they want to cut capital gains and that they are opposed to a tax increase, because unless the American people join the truly uphill fight of taking on and raising the issue, I think there is a very great danger that next week we will pass a tax increase.

I hope every American citizen who is opposed to a tax increase will contact their Congressman or their Senator and let them know they oppose raising taxes and that, in fact, they want to keep the recovery going and they want to keep creating jobs.

A PERMANENT "MARSHALL PLAN" FOR REFORMING EAST EUROPEAN NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to call on the President immediately to work with our European, Japanese, and Canadian allies to develop a major financial, economic, and technical aid plan for Poland and other reforming East European nations in response to their strides toward democracy.

This is a crucial moment in history. From Poland the Hungary to East Germany to the Baltic States, the cry for freedom can be heard. The United States is an example to the world of democratic government and leadership. We have a clear responsibility to take bold action now to help these nations.

Poland's courageous struggle toward the formation of a democratic government poses a challenge of historic proportions to the United States. We all know the great obstacles the Solidarity coalition government must overcome. While hopes have been raised as never before, the nation is enduring a crisis. Its economy is in a shambles. The Communist Party has retained control of its military and police forces. Its citizens, who have endured over 45 years of economic, political, and cultural stultification, expect Prime Minister Mazowiecki to accomplish one thing above all: lift Poland from its economic misery. Yet, in order to succeed, the Government will have to impose stringent economic austerity measures. While we celebrate Solidarity's accomplishments to date, therefore, we must not rest until the Mazowiecki government has withstood the test of governing a nation in crisis.

On July 10, 1989, President Bush announced that he would ask Congress to authorize the reprogramming and appropriation of $119 million over 3 years in various forms of aid to Poland. Of that $119 million, the President has requested $10 million in additional aid for fiscal year 1990. I am encouraged that the President is also committed to shipping an additional $100 million in surplus American food commodities, grants, subsidized sales, and low-interest loans in fiscal year 1990.

In addition, the President is pressing the World Bank to release two loans to Poland totaling $325 million and intended for industrial restructuring and agricultural development. Poland's foreign debt of approximately $39 million will be eased by the President's action in concert with the Group of Seven to effect quick and generous debt forgiveness and reschedulings of debt service payments. Finally, I am confident that the administration intentions to boost Western and Japanese investment in Poland will bear fruit.

I would submit that while the President's steps convey concern, they are far from the bold action necessary to signal the world that the arsenal of democracy is prepared to act again. The very survival of democracy in Poland depends upon the Solidarity coalition's ability to feed the nation. Poland's new leaders have led their nation to a historic crossroads. If they succeed in improving the performance of the economy, Poland will continue on the path toward true democracy and prosperity. If they fail, there is no doubt that the Communist Party will reassert its control.

Poland's infrastructure, its factories, its transportation system, its agriculture industry, and its services sectors are woefully inadequate. Repairs and restructuring will require much more than the promise of credit and investment, much more than the possibility of free trade with the West, and much more than $119 million from the United States alone. We are speaking of a nation of 38 million men, women, and children. If we imagine the aid were distributed directly to regions, $119 million over 3 years would aid the economic recovery of only a handful of Poland's cities and towns.

There is no question but that the debt crisis facing this Nation has strained our resources. As chairman of the House Budget Committee, my first priority has been to reduce the Federal budget deficit of the United States. I need not remind my colleagues of the terrible scourges of poverty, hunger, homelessness, and drugs in our own Nation. While Poland cries out for assistance, the United States cannot shoulder the burden of its rejuvenation alone. Yet, the constraints of our budget should not constrain our capacity for leadership at this crucial moment.

In light of our own budgetary difficulties, then, as well as the extraordinary need to lend a hand to Poland's budding democracy, I call on the President today to join our own Japanese, European, and Canadian allies in speeding a joint Western aid package to Poland, in what might be envisioned as the first installment of a modern-day version of the time-tested Marshall plan. You will remember that then-Secretary of State George Marshall originally offered American assistance for the rebuilding of war-torn Europe not only to western Europe, but also to the nations of eastern Europe and the Soviet Union itself. Soviet leader Stalin refused Marshall plan funds and prevented satellite nations, including Poland, from participating in the program. Over the following years, the Marshall plan contributed mightily to Western Europe's economic resuscitation and stunning success.

I applaud President Bush for working with the Group of Seven nations at the Paris Summit to support Poland's economic reforms by gathering information and providing the expertise of every ally and international lending institution. But we must move beyond simple cooperation and the exchange of information to the provision of that which is most required: honest-to-goodness money and goods from every one of our affluent allies.

Mr. Speaker, I cannot overemphasize my concern about this situation. My proposal will cost little or nothing. Compare the cost of foregoing immediate action, however. Never before in the past 44 years has a nation within the Warsaw Pact achieved what Poland has—that critical and significant step toward true democracy, an opposition government. Hungary, a more prosperous nation, is also evolving toward the Western parliamentarian model, and the administration and Congress have, in my view, rewarded that nation sufficiently thus far as it moves toward greater domestic and international freedom. But Poland, the nation for so long held by tighter reins and worse conditions, is breaking out quickly, exhilarated by the pace of reform and anxious lest political freedom outrun its ability simply to feed, house, and clothe its millions.

Think, President Bush, about the speed of Poland's change. Consider, for a moment, the fleeting chance Prime Minister Mazowiecki and Mr. Walesa have to engineer their historic national revitalization. The Polish Communist Party retains the defense and state security ministries. Solidarity's old Communist rivals have made it eminently clear—if the Mazowiecki government fails to breathe new life into Poland's economy, it will fall and political reform in Poland will wither.

Lech Walesa, Solidarity's founder and leader—the one man responsible more than any other for Poland's great strides thus far—has not disguised the gravity of the problem his homeland faces. He and Prime Minister Mazowiecki have asked for billions, not millions. When they ask for billions, again, they are requesting not direct American cash, but a joint infusion of Western and Japanese aid, investment, grants, and loans enabling Poles to invest in their own lot and invigorate their local economies. Solidarity has presented Western leaders with a proposal for a Western investment of $10 billion, a portion of which would go to the opening of Western banks in Poland.

I was encouraged when the President's spokesman confirmed in July that the administration "would like to foster" such a process and—I quote—"the money figure is probably not unreasonable in terms of the size of the challenge Poland faces." That was 2 months ago. Poland does not need $10 billion in direct cash assistance immediately. But surely the President has come to realize that economic reforms must be effected immediately; without the concomitant provision of capital and counsel, those reforms will be too late. As the saying goes, time is of the essence.

Several months ago, in the days after China's horrific massacre of thousands of its civilians, I stood here to condemn that incomprehensible event. When I spoke that day, I focused my comments on the force of the human struggle for freedom throughout history and across the world. I mentioned Poland that day as a shining example of the force of a people's will to be free. China's leaders have not learned that lesson, Mr. Speaker. They have not learned that a government imposed from above by force is never legitimate and will never survive. But I would wager that China's leaders, along with Stalin, and Erich Honecker, and General Jaruzelski, understand another lesson of history: When a regime ruling by force allows a democratically elected government to rule, it will not hesitate to relieve that government of the reigns of power at the first hint of economic or political failure.

I hope that the President has learned this lesson. I fervently hope that he will have the foresight and energy to gather our allies into an industrialized democracies' alliance for the renaissance of Poland. I am confident that our allies will be eager to join him. He must have understood firsthand at the Paris G-7 summit that they have expressed an urgent readiness to take on the task of concerted action. In particular, the Federal Republic of Germany has let it be known that it does not face the budgetary constraints of the United States and others, and France and Great Britain share West Germany's close cultural sense of fraternity to match their geographical proximity.

I am troubled, however, by the Paris Summit agreement in which the President seemingly relinquished to West Germany and the European Community the leading roles in the coordination of aid to Poland. It seems to me that the circumstances present an excellent opportunity for the United States to assert its leadership of the free world, both politically and economically. To allow the Europeans to direct the supply of aid is to perpetuate a disturbing trend toward the United States' dissociation from Europe, Europe's independence from the United States, and the thinking that the United States—contributing less to Europe—ought to be responsible only for Latin American problems. Despite its ability to contribute a great deal, Japan, too, is excluded from participation in European economic affairs for purely geographic reasons.

Traditionally the United States has played a role as leader of the industrialized democracies of Western Europe. While we are not comparatively as strong an economic power as we once were, it is clear to me that we remain by far the most powerful, both economically and politically. For this reason, too, I call on the administration to reassert American leadership in the provision of aid to Poland and Hungary.

Polish workers have brought their nation this far. They will continue to work and fight for real progress, but they must have our help. The United States can initiate the joint Western provision of aid, investment, and expertise to Poland. I can think of no greater monument to the power of our political economic system. Let us not pass quietly by this historic chance to avenge Stalin's cruel imposition of postwar subjugation and deprivation on Poland. President Bush, heed the call of Lech Walesa to help the Polish nation help itself.

Building on the present initiative to Poland, I would suggest to the President that he work with our European, Canadian, and Japanese allies to create a permanent fund, akin to the Marshall plan, from which the coordinating nations may draw appropriate assistance for Poland, Hungary, or any other East European nation as it takes steps toward free elections and consequent sociopolitical reforms. I envision this fund as a lasting beacon to reformers of the Eastern bloc, the promise of a reward for their struggles. Prodemocracy, proreform movements in Hungary, and nascent groups in Czechoslovakia, the German Democratic Republic, Bulgaria, and even Romania ought to be able to point to a Western guarantee of economic aid as they achieve significant reforms of their obsolete political systems. That guarantee would take the form of larger Western aid packages in return for greater democratic reforms.

For years refugees of the Eastern bloc have run to the economic miracle of the West. Given the opportunity, recently over 13,000 East Germans rushed to the Federal Republic. Asked why they fled their homeland, they cited economic stagnation. Asked why they choose West Germany, they spoke of freedom and the chance to work for their own dreams. Why not focus the reality of the West's superior economic and political systems? A permanent Marshall fund for East bloc reformers would do just that.

Assistance to a nation undergoing reform would be revoked in the event that its Communist Party leadership abolished reforms in place. I have no illusions that aid, debt forgiveness, loans, and investment from the outside world will revive Poland miraculously. The Communist Party and Poland's workers will have to make very painful sacrifices for the good of their nation. Other nations, should Poland succeed and provide the model for the transformation to a market economy, will also confront difficult obstacles to economic freedom. But America and the industrialized free world have the ability and duty to make this vision tangible, and we must, at a minimum, try to lend a hand. The fund would stand as a monument to the Marshall plan, to the reconstruction of Western Europe, and to our hope that the nations of Eastern Europe will find their respective ways to freedom and social peace.

Eastern Europe was denied the lifegiving benefits of this act of modern statesmanship once before. Mr. Speaker, the Marshall plan is often raised as a totem for all manner of initiatives, some justifiably so and others without apparent logic. But the plan worked, and it worked without qualification. Winston Churchill called it "the most unsordid act in history." I submit to my colleagues that Poland now deserves to be blessed by the inheritance of that act, and we hope that others will deserve it soon. How fitting it would be if the plan's legacy lived on permanently to touch the lives of those whom Stalin's spite shunted aside 42 years ago.

□ 1040

The opportunity is now. This country must exert the leadership in the world at this moment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Vermont) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, each day on September 26, 27, and 28.

(The following Members (at the request of Mr. PANETTA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 60 minutes, today.

Mr. LIPINSKI, for 5 minutes, on September 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PANETTA) and to include extraneous material:)

Mr. CROCKETT.

Mr. LANTOS in three instances.

Mr. ENGEL.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.

H.J. Res. 204. Joint resolution to designate October 1989, as "National Quality Month."

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1723. A letter from the president and chief executive officer, College Construction Loan Insurance Association, transmitting the first annual report on the operations and activities of the corporation, pursuant to 20 U.S.C. 1132f-9; to the Committee on Education and Labor.

1724. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of the President's determination (No. 89-24) to furnish emergency military assistance to Colombia and the training to law enforcement personnel, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1725. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Richard Huntington Melton, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Brazil, and members of his family, pursuant to 22 U.S.C. 3944(b)(2)); to the Committee on Foreign Affairs.

1726. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by David Jameison Smith, of Virginia, Chief Negotiator-designate for Defense and Space, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1727. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to eliminate unnecessary economic regulation of oil pipelines and reform any remaining regulations to increase competition, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1728. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to authorize fees for use of the Parent Locator Service, to require provision of child support enforcement services to children receiving food stamps, to make administrative improvements in the AFDC Program, and for other purposes; jointly, to the Committees on Ways and Means and Agriculture.

1729. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation to implement the President's 1989 National Drug Control Strategy; jointly, to the Committees on the Judiciary, Energy and Commerce, Education and Labor, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 3027. A bill to provide liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, to improve oil pollution prevention and response, and for other purposes; with amendments (Rept. 101-241, Pt. 2). Ordered to be printed.

Mr. DERRICK: Committee on Rules. H. Res. 245. A resolution providing for the consideration of H.R. 3299; a bill to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990 (Rept. 101-248). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H. R. 1727 was referred to the Committee on Public Works and Transportation extended for a period ending not later than October 13, 1989.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of New Hampshire (for himself and Mr. Dornan of California):

H.R. 3327. A bill to provide for the payment of rewards for the return of Vietnam POW/MIA's and to amend the Internal Revenue Code of 1986 to provide for the designation on income tax forms of overpayments of tax and contributions to pay for such rewards; jointly, to the Committees on Ways and Means and Veterans' Affairs.

By Ms. SNOWE:

H.R. 3328. A bill to prohibit the sale of certain lobsters and for other purposes; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PETRI:

H.R. 3329. A bill to clear certain impediments to the licensing of the vessel *Winddancer* or employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of New Hampshire:

H.R. 3330. A bill for the relief of Oliver L. North; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mrs. Saiki, Mr. Lewis of Florida, Mr. Valentine, Mr. Madigan, Mr. Gillmor, and Mr. Miller of Ohio.

H.R. 70: Mr. Marlenee and Mr. Gejdenson.

H.R. 525: Mr. Stark, Mr. Mineta, Mr. Bilbray, Mr. Rohrabacher, and Mr. Bonior.

H.R. 691: Mr. Young of Florida.

H.R. 929: Mr. Pallone.

H.R. 931: Mr. Dymally, Mr. Oberstar, Mr. Fauntroy, Mr. Wilson, and Mr. Hochbrueckner.

H.R. 1181: Mr. Lewis of Georgia, Mr. Livingston, and Mr. Traficant.

H.R. 1221: Mr. Vander Jagt, Mr. Martin of New York, Mr. Livingston, Mrs. Lloyd, Mr. Poshard, Mr. Sundquist, and Mr. Kolter.

H.R. 1375: Mr. Studds.

H.R. 1649: Mr. Combest, Mr. Payne of New Jersey, Mr. Wilson, Mr. Richardson, Mr. Bilirakis, and Mr. Williams.

H.R. 1693: Mr. Markey, Mr. Kostmayer, Mr. Dellums, Mr. Weiss, and Mr. Jacobs.

H.R. 1720: Mr. Lewis of California.

H.R. 2025: Mr. Rowland of Connecticut, Mr. Mollohan, Mr. Sikorski, Mr. Sabo, Mr. Guarini, Mr. Mfume, Mr. Clement, Mr. Jacobs, Mr. Ravenel, Mr. Gonzalez, Mr. Kolter, Mr. Hall of Ohio, Mr. Walgren, Mr. Murphy, Mr. Hughes, and Mr. Pallone.

H.R. 2168: Mr. Borski and Mr. Spratt.

H.R. 2265: Mr. Moorhead.

H.R. 2578: Mr. Waxman.

H.R. 2649: Mr. Evans.

H.R. 2710: Mr. AuCoin, Mr. Kanjorski, Mr. Foglietta, Mr. Rahall, Mr. Pease, Mr. Dymally, Mr. DeFazio, Mr. Frost, Mr. Walsh, Mr. Martinez, Mr. Carper, Mr. Kildee, Mr. Wise, and Mr. Borski.

H.R. 2715: Mrs. Johnson of Connecticut, Mr. Markey, Mr. Payne of New Jersey, Mr. Bosco, Mr. Morrison of Connecticut, and Mr. DeFazio.

H.R. 2807: Mr. Young of Florida.

H.R. 3323: Mr. Payne of Virginia.

H.J. Res. 195: Mr. Andrews, Mr. Annunzio, Mr. Neal of North Carolina, Mr. Anthony, Mr. Dellums, Mr. Hertel, Mr. Hutto, Mr. Jenkins, Mr. Kildee, Mr. Roybal, Mr. Russo, Mr. Schumer, Ms. Slaughter of New York, Mrs. Unsoeld, Mr. Porter, Mr. Traficant, Mr. Emerson, Mr. McNulty, Mrs. Saiki, Mr. Wilson, Mr. Jacobs, Mr. Hefner, Mr. Alexander, Mr. Anderson, Mrs. Boggs, Mr. Brooks, Mr. Brown of California, Mr. Coleman of Texas, Mr. Durbin, Mr. Ford of Michigan, Mr. Grandy, Mr. Hamilton, Mr. Hoyer, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mr. Donald E. Lukens, Mr. Scheuer, and Mr. Udall.

H.J. Res. 267: Mr. Nagle, Mrs. Roukema, Mr. Jontz, Mr. Brown of California, Mr. Frost, Mr. Morrison of Connecticut, Mr. Derrick, Mr. Kildee, and Mr. Wheat.

H.J. Res. 373: Mr. Richardson, Mrs. Ros-Lehtinen, Ms. Pelosi, Mr. Neal of North Carolina, and Mr. Lent.

H.J. Res. 374: Mr. McEwen, Mr. Hertel, Mr. Kostmayer, Mr. Yatron, Mr. Faleomavaega, Mrs. Lowey of New York, Mr. Kolter, and Mr. McNulty.

H.J. Res. 397: Mr. Frost, Mr. Hughes, Mr. Jacobs, Mr. McCloskey, Mr. Faleomavaega, Mr. Hefner, Mr. Pallone, Mr. Barnard, Mr. Bliley, Mr. Fauntroy, Mr. Hamilton, Mr. Towns, Mr. Clement, Mr. Burton of Indiana, Mr. Sharp, Ms. Long, Mr. Guarini, Mr. Weldon, Mr. Hatcher, Mr. Courter, Mr. Jones of North Carolina, Mr. Costello, Mr. Coughlin, Mr. Mazzoli, Mr. Kleczka, and Mr. Moody.

H.J. Res. 400: Mr. Dwyer of New Jersey, Mr. Foglietta, Mr. Kasich, Mr. Neal of North Carolina, Mr. Savage, and Mr. Wheat.

H. Con. Res. 69: Mr. Bateman, Mr. Saxton, Mrs. Lowey of New York, and Mr. Miller of Washington.

H. Con. Res. 128: Mr. Valentine and Ms. Slaughter of New York.

H. Con. Res. 165: Mr. Pallone, Mr. Gallo, Mr. Miller of Washington, Mr. Hefner, Mr. Yatron, Mr. Erdreich, Mr. McCloskey, Mrs. Schroeder, Mr. Lent, Mr. Bates, Mr. Lehman of Florida, Mr. DeWine, Mr. Stallings, Mr. Nelson of Florida, Mr. Douglas, Mr. Hughes, Mr. Walsh, Mr. Petri, Mr. Berman, Mr. Fazio, Mr. Frost, Mr. Traxler, Mrs. Boxer, Mr. Roe, Mr. Yates, Mr. Bateman, Mr. Schumer, and Mr. Wolpe.

EXTENSIONS OF REMARKS

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT (H.R. 3307)—THE TIME IS RIPE FOR BOLD INITIATIVES, NOT TIMIDITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. LANTOS. Mr. Speaker, we are at a hinge of history—we are unquestionably linked to our past, but we are swinging into the future with new opportunities and new challenges. Nowhere is this more evident than in Eastern Europe. For over four decades we have dreamed about the lifting the Iron Curtain that has divided Europe. Now that dream is becoming a reality. Eastern Europe's first government in 40 years headed by a non-Communist prime minister was installed in Poland recently. Hungary's leadership courageously defied its Warsaw Pact allies and opened the gates of freedom to tens of thousands of refugees from East Germany.

Yet at this critical hinge of history, Mr. Speaker, the administration sounds an uncertain trumpet. As the whole non-Communist world rejoices in the triumph of freedom and democracy over the forces of repression and totalitarianism, the administration shows an excess of caution, vacillation, temporizing and timidity, instead of seizing this historic opportunity.

The people of Eastern Europe are watching, trying to read our lips, but they can barely understand the mumbling from the administration. We surely can do better, unless we want to see this fleeting moment of opportunity pass us by.

This is not our task alone. Resources must come from Japan and Taiwan and Western Europe and elsewhere, but dynamic and creative leadership can only come from a clear-headed and courageous American initiative.

Mr. Speaker, yesterday with three of my distinguished colleagues on the Foreign Affairs Committee—the gentleman from New York, Mr. SOLARZ, the gentleman from California, Mr. LEVINE, and the gentleman from New York, Mr. ACKERMAN—I introduced in the House the Support for East European Democracy Act [SEED].

Our legislation includes provisions of H.R. 2550, legislation earlier adopted by the House of Representatives, provisions of Senator PAUL SIMON's legislation (S. 1582) to provide assistance to Poland, plus additional provisions for assistance to Poland and Hungary included in legislation recently introduced by my friend Senator ALAN CRANSTON (S. 1641). Yesterday the Senate Foreign Relations Committee marked up Senator SIMON's legislation (S. 1582) to include these additional provisions.

For the benefit of our colleagues in the Congress, I would like to summarize the provisions of our legislation—H.R. 3307.

Authorizes $375 million—$300 for Poland and $75 million for Hungary—per year for 3 years, beginning with fiscal year 1990. This money would be used to establish enterprise funds for these two countries; $100 million of this amount is to be used for the development of private agriculture in Poland. The bill appropriates the $375 million necessary to carry out these provisions by transferring $375 million from research and development funds of the Department of Defense.

Transfers and obligates $5 million in Department of Labor funds for technical assistance to labor reform and adjustment in Poland ($4 million) and Hungary ($1 million).

Expresses the sense of the Congress that Poland's debt payments to the United States for the next 5 years should be rescheduled, with interest capitalized. Expresses the sense of the Congress that the Paris Club of industrialized nations should be generous to Poland regarding its international debt. Expresses the sense of Congress that debt-for-equity swaps in Eastern Europe should be encouraged.

Appropriates $25 million for fiscal year 1990 for Polish telecommunications, with funds to be transferred from research and development funds from the Department of Defense.

Expresses the sense of Congress that American and other private volunteer organizations be actively engaged in Poland and in assisting refugees from Romania now in Hungary and that United States airlift resources should be used to assist in the delivery of food and supplies.

Expresses the sense of Congress that sister institution relationships should be developed between American universities, cities and organizations and counterparts in Poland and Hungary.

Makes Poland eligible for the generalized system of preferences [GSP] in trade with the United States.

Makes both Hungary and Poland eligible for programs of the United States government's Overseas Private Investment Corporation.

Expresses the sense of Congress that Hungary should have permanent most-favored-nation [MFN] status in its trade with the United States.

Expresses the sense of Congress that the President should explore bilateral investment treaties with Poland and Hungary.

Authorizes $1.5 million per year for the next 2 fiscal years for American-Polish science and technology exchanges.

Expresses the sense of Congress that the United States should expand educational and cultural exchanges with Poland and Hungary.

Authorizes the expenditure of $2 million per year for the next 2 fiscal years for medical supplies for Poland.

Calls upon the National Endowment for Democracy to implement local government seminars in Poland and Hungary.

Authorizes $2 million per year ($1 million for Poland and $1 million for Hungary) for the next 2 fiscal years for assistance in building democratic institutions and conducting democratic activities.

Appropriates $3 million for Peace Corps programs in Hungary and Poland in the next fiscal year, with the funds to be taken from research and development funds of the Department of Defense.

Notes that the European Community has initiated food aid to Poland at a level of $140 million and calls on the United States to match the European Community dollar for dollar.

Expresses the sense of Congress that—if Poland takes all appropriate steps to dismantle state controls and subsidies and inaugurates a plan of economic stabilization—the Paris Club should agree to a 4-year deferral of government-to-government debt and Poland should receive a multilateral currency-stabilization loan of $1 billion, an IMF loan of $700 million, and a World Bank loan of $500 million to assist in worker relocation from state to private firms.

Expresses the sense of Congress that the President should exercise leadership in the creation of multinational task forces to assist economic transition in Poland and Hungary.

Requires a report from the President on actions taken under terms of this act not later than January 20, 1990.

Mr. Speaker, we have a historic opportunity before us to influence the course of democracy and freedom in Eastern Europe, but it requires bold leadership and imagination. Our legislation—the Support for Eastern European Democracy Act—launches important initiatives and funds critical programs for Poland and Hungary which are critical to the success of democracy in these countries.

I urge our colleagues in the Congress to join in cosponsoring this important legislation and in supporting these important proposals.

PROTECTING OUR ISLANDS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. KOSTMAYER. Mr. Speaker, many islands off our coasts, and in our rivers and in our lakes are facing tremendous development pressures. At a recent hearing before the Interior Subcommittee I chair, island residents and community officials from around the country expressed concern about managing growth in ways to preserve and enhance the natural, historic, and cultural aspects of our island heritage.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Of particular importance to me and the citizens of eastern Pennsylvania are the islands of the Delaware River. I am sure the soon-to-be-released National Park Service study of management options for these islands will encourage local residents and communities to work together to help preserve these islands. Mr. Speaker, the Philadelphia Inquirer recently reported on the Delaware River Islands, and I would like to share this article with my colleagues.

[From the Philadelphia Inquirer, Sept. 10, 1989]

ISLANDS UNTO THEMSELVES

(By Susan Warner)

When Albert Honing goes looking for his island, he has some trouble finding it. It isn't very big. It doesn't have a name. And in the spring, when the Delaware River swells, most of the island is under water.

But Honig is content just to know it is there.

"I bought it because I wanted a chance to own an island. Who wouldn't want to have an island?" said Honig, a Doylestown psychiatrist. Honing doesn't own all of his island; he bought the northern tip—less than a quarter-acre—of the 1.5-acre island at a tax sale in 1963. He couldn't remember how much he had paid for it.

"Every once in a while I get a little nostalgic about it and I go over and take a look at it," he said "Maybe I'll give it a name someday."

"Honig's nameless little island, which lies off Plumstead and Solebury Townships in Bucks County, is one of 56 islands in the 185-mile stretch of the Delaware River between the Delaware Bay and Easton that have been the focus of a study by the Mid-Atlantic Region of the National Park Service.

The report, to be completed this month, was requested by Rep. Peter Kostmayer. It will form the basis for federal legislation the Bucks County Democrat is drafting to protect America's islands from overdevelopment.

"Islands seem to be especially vulnerable," Kostmayer said this summer during a hearing, "America's Islands: Open Space at Risk," held by the House Interior and Insular Affairs' subcommittee on oversight and investigation, which he chairs.

Residents of islands in Upper Michigan, Maine, Rhode Island and South Carolina testified that their island homes faced tremendous development pressure.

"I'm afraid you may be a little late for us," John R. Evans, president of the Hilton Head Island Land Trust Inc., told Kostmayer. Evans said Hilton Head's freshwater aquifer was in danger of depletion because it was being used to keep the South Carolina island's 20 golf courses green.

Kostmayer said that a 1970, U.S. Interior Department report had found that islands made up 28 million acres of land in the United States. Nearly 21 million acres are off Alaska, but Kostmayer said that nearly 3 million acres, including the Delaware River islands, lay within 25 miles of areas with populations of more than 50,000 and could be in danger of overdevelopment.

The Park Service report found that the Delaware River islands ranged from a half-acre to 500 acres. They represented so wide a range of uses, ownership, zoning, natural assets and other characteristics that it made a single island-preservation strategy difficult, the service said.

The islands have had a range of uses: for a Civil War prison, a Dutch trading post, a gambling and dueling site and a Victorian-era amusement park. Today, they remain home to a wealth of animal species, including the blue heron, the American bald and golden eagles, and the cobblestone tiger beetle, which the Park Service report said was a globally endangered insect.

The islands in the northern stretch of the study area are small, often flooded, and, at least for now, do not seem to be prime targets for development.

For example, real estate investors Jean and Richard Boyer of Chalfont are not quite sure what to do with 30-acre Park Island, which lies under the I-95 crossing of the Delaware.

The Boyers, who bought the island for $2,800 at a 1984 tax sale, have considered installing duck blinds and renting the island to hunters, or erecting a large billboard that would be visible from I-95.

"We're still thinking of what to do with it," Jean Boyer said. "We just liked the idea of having an island. My husband's even been out on it a couple times."

Some conservationists have warned that the islands in the northern part of the river are fragile wildlife areas and could be threatened by overuse as recreation areas.

"This particular area of the Delaware is used for recreation. With all the canoeing and tubing, there has to be careful consideration in how those islands relate to those uses," said Linda Mead, director of land planning for the Bucks County Conservancy.

On some of the larger islands closer to Philadelphia and Trenton, development seems more likely. Newbold Island near Bordentown is owned by Public Service Electric & Gas Co.; on it is the foundation of an old nuclear power plant. In the 1970s Philadelphia Electric Co. proposed building a nuclear plant on nearby Biles Island; its present owner, USX Corp., is planning to subdivide it.

Officials in Burlington City for years have discussed developing 400-acre Burlington Island. Large-scale housing and commerical construction have been proposed, but Burlington City Mayor Herman Costello said the Park Service Report and concerns raised by federal and state agencies probably would reduce development on the island.

Other islands already are developed, including 351-acre Petty's Island off Camden, which is home to a tank farm, an asphalt plant and a marine terminal. Many others, however, already have been set aside as nature or recreation areas by state and non-profit organizations.

These include Treasure Island and Bulls Island, New Jersey islands across from Lumberville, Bucks County, that are used for camping. Bulls Island is a state park with a footbridge leading to Pennsylvania. Treasure Island is owned by the Boy Scouts of North America.

Further muddying the waters for a potential islands management plan, the report found that ownership of 19 of the 56 islands was unclear.

"I found that startling," said John Seager, an aide to Kostmayer. "What's so surprising is that they are really part of a major metropolitan area. What we've learned first of all is how little we know."

Glenn Eugster, chief of planning for the Park Service's Mid-Atlantic Region, said the islands were sure to face additional pressure as the rural areas surrounding them were developed.

"There is a great deal of development pressure in Bucks County and that whole area," said Eugster. "The landscape is going to change. What we want to encourage is a look to the future."

Eugster said the Park Service report would emphasize two ways to preserve the islands.

One would be to encourage county and local governments to work together to formulate zoning and other planning strategies to preserve the islands. He said that local governments should draw assistance from state and federal agencies, and that the report would not recommend a new government body.

"People don't want another layer of government," Eugster said.

The report also will recommend that private landowners be encouraged to work with nonprofit agencies, including the conservancy, to place their islands in a trust so they will not be developed.

Fulton Grosse, the owner of the rest of Honig's island, already has taken steps to turn over his portion to the conservancy. Grosse used to live across from the island in Lumberville, but this year moved to Colorado. He wanted to make sure the island would never be developed.

"Most of us who own islands have that feeling about them," said Honig. "We don't want them developed."

Farther downriver, at Bensalem, is 35-acre Mud Island, owned by John Rybas, whose home overlooks the island. Rybas bought the island, which still has a large stand of wild rice, from the Natural Lands Trust seven years ago. The island came with a deed restriction barring development.

Mud Island is eroding as a result of wakes made by boats, and Rybas said it was all-too-appropriately named. Still, he said, the island is worth having.

"It really has no commercial value," he said. "It just has a nice, scenic appearance. I just wanted to make sure it wouldn't change."

Kostmayer's national legislation would establish a system stressing easements and deed restrictions rather than governmental acquisition of islands. It also would call for a federal island inventory and creation of a technical-assistance program for local preservation groups similar to the one that exists for coastal islands.

Kostmayer also is expected to seek legislation that would designate 21 miles of the Delaware River north of Washington Crossing, Bucks County, part of the National Wild and Scenic Rivers System. The designation would make development more difficult.

"He wants the Delaware River islands to be the lightning rod for similar islands around the country," said Robert Everest, chief engineer of the Delaware River Basin Commission. "We are starting in the Delaware River, but this is a start for the development of federal legislation that will have very real applications for the rest of the country."

THE REOPENING OF THE RIVERDALE PRESS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. ENGEL. Mr. Speaker, today in the Bronx, a victory for the freedom of speech guaranteed by the Constitution of the United States is being celebrated. The offices of the Riverdale Press at 6155 Broadway are officially reopening.

Seven months ago, a man threw two molotov cocktails through the front window of this award-winning community newspaper. The incident followed the publishing of an editorial that criticized bookstores for refusing to carry Salman Rushdie's controversial novel, "The Satanic Verses." Federal authorities believe the editorial prompted the attack.

Undaunted by this terrible act of violence, the Riverdale Press continued publication without missing an issue. Led by copublishers Bernard and Richard Stein, the entire staff of the Riverdale Press refused to bow to terrorism and continued their important service to the community. To honor the staff's courage, the Society of Professional Journalism recently named the Riverdale Press the winner of its First Amendment Award.

I join the residents of the Bronx and citizens from across the United States in applauding the Riverdale Press. The paper's stand against terrorism and others who would restrict free speech offers a lesson to us all.

Since it was founded nearly 40 years ago, the Riverdale Press has upheld the highest standards of journalism. There is no doubt in my mind that the paper will continue its fine work for many years to come, regardless of the obstacles placed in its path.

THOMAS CHANG, ELENA ESPINOZA, AND MARIANO SOSA—WINNERS IN THE ESSAY CONTEST: "WHAT IT MEANS FOR ME TO BE IN AMERICA"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. LANTOS. Mr. Speaker, I would like to pay tribute today to three constituents of mine who have been selected winners in an unusual but very significant essay contest. The three were selected as first place winner and two runners-up in an essay competition among students of adult education classes in citizenship or English as a second language [ESL]. The topic of their work was "What It Means for Me To Be in America." The competition was sponsored by lodge No. 1112 of the Benevolent and Protective Order of Elks in San Mateo, CA. I commend the Elks for their public spirited effort in sponsoring this competition.

First place winner was Thomas Chang of San Mateo, CA. Runners-up are Elena Espinoza also of San Mateo and Mariano Sosa of Burlingame. I would also like to pay tribute to the dedicated teachers who inspired and encouraged these students in their studies—Marcia Cohn, Angela Brandi, and Theresa Bruno.

The winners were recognized at a special luncheon held just a few days ago at the College of San Mateo as part of a day-long series of events marking the bicentennial of the U.S. Constitution and the bicentennial of the U.S. Congress. The events gave special focus to the Library of Congress, and Librarian of Congress, Dr. James Billington, was the key participant in those events.

Mr. Speaker, I commend these outstanding adult education students for their excellent essays and for their effort in studying English and American citizenship. Their work reflects a strong commitment to informed participation in our free and democratic society. This informed citizen involvement is essential to the proper functioning and the preservation of our democratic government and way of life.

Mr. Speaker, I insert these three excellent essays in the CONGRESSIONAL RECORD:

WHAT IT MEANS TO ME TO BE IN AMERICA

(By Thomas Chang)

America is a great democracy. Thanks to the Constitution I enjoy freedom of speech, freedom of worship, freedom from want, freedom from fear. America has an infinitely valuable treasure in this Constitution which divides the government into three branches to prevent a dictatorship. During more than 200 years of tradition America has made progress, and people come from all over the world adding their cultures.

America's land is beautiful, having many natural resources. I must appreciate the good things that were passed on to us by those who came before. I must be a good citizen.

In 1929 I was born in Korea, which was occupied by the Japanese. I was brought up in a state of extreme poverty under a dictator. The government controlled the economy with food, suppressed speaking and writing, and changed family names to Japanese. When a holiday occurred only the sun flag flew. In 1937 the Japanese fought China. Two years later World War II began, and the government started to ration food. We were facing famine conditions. But on August 15, 1945, the Japanese unconditionally surrendered.

On June 25, 1950 North Korea invaded the South starting the Korean War. I was under Communist rule about three months. They were gentle in appearance but cruel at heart. They made all decisions; people had no human rights. The war ended in 1953, and from that time on my family and I desired to immigrate to the U.S. In 1972 we got permission.

I suffered for a long time. Thank God, here in America I have liberty, peace, justice, and equality. Freedom is very important in my life. I must repay America's kindness. I have to learn English to communicate with many people and relatives, to have the right to pledge allegiance to the flag and to be a good citizen. I'll do volunteer social work to repay my country for its Constitutional guarantees.

WHAT IT MEANS FOR ME TO BE IN AMERICA

(By Elena Espinoza)

I have lived in the United States for over twenty years. The reason why I came was because America offers a variety of opportunities. I feel lucky to be in America. I have been given the opportunity to work and progress in life. In Peru, where I am from, I could have never accomplished as much as I did here. For example, my brother is a doctor in Peru. He doesn't make as much as a doctor would here. He could never afford to come to visit me. I don't have the education and schooling as my brother but with the opportunities that America provides I am able to save enough to see him and my family.

America is a good, beautiful country. It offers people from all over the world a good education and job. That is why people come because America is a small world of all cultures and opportunities. I also like America because it has fair laws which are equal for all. This is something that my country is missing. For example, I like how the government protects the children until they are 18 years old and the senior citizens. This is very important to me. In my country, the government overlooks the elderly and the children that need help. Some turn to the streets and have to beg for money to eat.

In eight months, I will be taking my test for citizenship. I have learned all about the constitution and the first ten amendments. The Bill of Rights protects many of the rights of the people and has been helping the people for almost 200 years. I am so excited to finally become an American citizen. My children were born here, so for me it will be an honor. Some day I will be able to vote and perhaps be able to sit in a jury. American has offered me so much that it makes me very happy.

WHAT IT MEANS FOR ME TO BE IN AMERICA

(By Mariano Sosa)

My name is Mariano Sosa. I came to this country in 1981 from my country (Guatemala). I like the U.S.A. because I can study, work, and live in peace. The last time somebody asked me, what is the United States for me? I answered that the United States is the world.

It is the world because there are many cultures, languages, races, colors (of people). My family lives in Guatemala. I don't want to go back to live there because I like to live here. I love the law, because it is not necessary to have blue eyes, brown hair, and to be tall to live in this country and to have responsibilities and rights like the natives in the U.S.A.

There are many reasons to live in this country. Now I am studying to have a better future. I want to be an able person in the society of the United States. I think that when I learn to speak the official language, I'll go to the college or university to follow my career. Because I am in accounting, I want to be an accountant.

THE 75TH ANNIVERSARY OF PORTLAND NAACP

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. AuCOIN. Mr. Speaker, I would like to take this opportunity to pay tribute to the Portland Chapter of the NAACP. This weekend, the chapter will celebrate its 75th anniversary making it the oldest chapter west of the Mississippi River—just 5 years younger than the national organization.

The former president of the chapter recently recalled that the primary role of the local organization historically has been to secure jobs and economic security for the area's minority community. Today, that mission remains largely the same as much of the Portland NAACP's work continues to evolve around jobs. Blacks still face discrimination on the job and in hiring.

Never have we needed the NAACP more. In June, the U.S. Supreme Court issued several decisions related to employment discrimination that add up to a major shift from equal employment opportunity law established over the past 25 years to protect the rights of minorities and women. The upshot of the Court's decisions make it harder for women and minorities to prove discrimination.

Thanks to the hard work of the Portland Chapter of the NAACP, and especially its president, Robert Phillips, the entire Portland community can rest assured that there is someone to turn in the event of discrimination.

Congratulations to the Portland Chapter of the NAACP on its 75th anniversary and here's to many more years of distinguished service.

PRAISE FOR ANNE ARUNDEL MEDICAL CENTER

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize Anne Arundel Medical Center and its staff for helping Sufi Jehan, an Afghan freedom fighter, recover from a leg injury received in the war in his native country of Afghanistan.

Jehan arrived at the medical facility in Annapolis, MD, on January 11, 1989. After nearly 1½ months of free treatment, he was discharged on February 20, 1989. Much credit goes to the medical staff who were enthusiastic about providing care for this patient.

Before the Soviet withdrawal, Jehan was commander of guerrilla forces based in Herat, a province in the northwestern region or Afghanistan.

In his 10 years of fighting the Soviets, 30-year-old Jehan was seriously injured four times. His latest and most serious injury occurred when a cannonball exploded in his left knee. Since there are no medical facilities in Afghanistan, he was carried for 7 days on the back of a horse to Iran and then driven by car to Pakistan.

Eighteen months and three unsuccessful operations later, he was flown to the United States. My office worked with the Afghan Medical Program, which is affiliated with the Intergovernmental Committee for Migration, and International Medical Corps, to organize Jehan's transportation and to arrange for his treatment at Anne Arundel Medical Center. I would like to personally thank Martin L. Doordan, president, of AAMC, for considering Jehan's treatment a worthwhile endeavor, and Nancy McNew, R.N., for coordinating the project. Dr. Allen Egloff, as orthopedic surgeon, and chief of AAMC's orhthopedic service, was in charge of Jehan's care. Dr. Paul Elder served as anesthesiologist on the case while Dr. Richard Peeler coordinated Jehan's antibiotics.

Among the many others who contributed time, skill, and caring as part of the medical team were Beth Long, primary nurse; Cathy Mahon, physical therapist; and Betty Austin and Shawne Suggs, both dietitians.

A special "thank you" goes out to Farooq Wardak, a native of Afghanistan, who volunteered to be Jehan's translator. Wardak is a former freedom fighter who is now studying at George Washington University. Also, thanks to George R. Hepburn, president of Dynasplint Systems, Inc., who donated a splint he made especially for Jehan, and to John Schulte of Anne Arundel Orthopedics, who donated Jehan's elevator shoes.

Although his left leg is now shorter, Jehan's doctors at AAMC hope his recent operations will finally lead to recovery. Jehan returned to Afghanistan in June 1989.

For Jehan and others like him who have been helped by generous medical institutions, I would like to again thank and praise the Anne Arundel Medical Center for its humanitarian efforts.

TRIBUTE TO JOHN H. WINANT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. MINETA. Mr. Speaker, ever since the Wright brothers made their historic first flight at Kitty Hawk, aviation has had a unique and significant impact on our national transportation system. We now take air travel for granted, yet it was only in this century that it was made possible.

We began with a generation of pioneers—the Wright brothers, the Doolittles, and the Lindberghs. Today, we can boast another generation of doers whose vision and perseverance have built a modern aviation industry and one which has made a profound socioeconomic impact on American life.

In my years as Chair of the House Aviation Subcommittee, I had the opportunity to work with many leaders of the aviation industry, including John H. Winant, president emeritus of the National Business Aircraft Association [NBAA]. It is my pleasure, therefore, to inform my colleagues that on October 3, 1989, John Winant will receive NBAA's Award for Meritorious Service to Aviation.

John Winant served as president of NBAA from 1971 until his retirement in 1986. During his 29-year association with NBAA, John Winant saw its membership grow from 824 companies to nearly 3,000. Today, he serves as corporate secretary of the International Business Aviation Council, Ltd., and is president of the Aviation Research and Education Foundation, an independent institution that promotes and furnishes funding for projects which enhance safety for professional air crews.

John Winant is also a writer. He has written an extensive history of the development of business aviation entitled "Keep Business Flying," scheduled for publication later this year. He is also a technical adviser to the Radio Technical Commission for Aeronautics [RTCA] and is a member of the Advisory Board of the Corporate Angel Network.

In 1987, John Winant was selected by the National Aeronautic Association as a recipient of the Elder Statesman of Aviation Award. In addition, he was presented the Federal Aviation Administration's highest honor, the Distinguished Service Award, by FAA Administrator Donald Engen for "outstanding leadership in aviation." He was also given RTCA's highest honor, the Achievement Award, for "dynamic leadership in promoting safety and capacity improvements in the airport and airway system."

The Air Traffic Control Association has honored him with its Special Medallion Award for "outstanding achievement and contributions which advanced the science of air traffic control." He has also received a special award from the Air Line Pilots Association for achievements "which further the goals of aviation safety and thus benefited all professional pilots," and the Aero Club of Washington, the oldest aviation organization in the United States, presented him with a special recognition award.

Honoring Winant's strong interest in education, the Gates Learjet Corp. established the John H. Winant Scholarship in 1986. The perpetual annual award is designed to aid study leading to a bachelor's degree in aeronautical science or aviation management.

John Winant, a native of New York, received his own bachelor's degree from Willaims College just after World War II. During the war he served with the U.S. Marine Corps as a infantry platoon leader, earning the Bronze Star Medal with combat "V" for heroic service on Okinawa. He also received the Presidential Unit Citation for service with the 1st Marine Division.

In 1985, Embry-Riddle Aeronautical University conferred on John Winant the honorary degree of doctor of aviation management. He has also received the Gill Robb Wilson Award from Embry-Riddle for significant contributions to aviation education.

During his long career in aviation, John Winant has been one of those special individuals the FAA will look toward for advice and council. Following from his work, he received an FAA award in 1974 for advancing the maintenance profession and the 1978 Meritorious Service Award for the Flight Safety Foundation. He later served on the Task Force on Airport Capacity Improvement and Delay Reduction at the request of the FAA Administrator. In 1983, the U.S. Secretary of Transportation named him to the Airport Task Force, a group created by Congress to streamline movement of aircraft and passengers.

Though he has devoted his life's work to aviation, John Winant has found enough time to become an avid researcher of Britain's dark age, and is a member of the International Arthurian Society. He has been a frequent contributor to aviation and professional journals and has lectured widely in the United States and elsewhere, including France, Canada, the Federal Republic of Germany, Australia, and the United Kingdom. He is also a life member of the National Libraries of the United Kingdom.

Mr. Speaker, when we stop to consider the numerous advances in our aviation system in the last 50 years, then we must conclude that we owe a great deal of gratitude to individuals like John Winant. John Winant has distinguished himself throughout his long career, and he continues to distinguish himself and the aviation community through his dedication to excellence and not expedience. I ask my colleagues to join me in extending best wishes for the future to this outstanding American.

CELEBRATING SAN BRUNO'S 75TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 1989

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating the 75th anniversary of San Bruno.

Spanish explorer Bruno Hecate named the area for his patron saint and it remained sparsely settled between the mid-18th and 19th centuries. It took the cataclysmic earthquake of 1906 to propel San Bruno toward cityhood. San Francisco's newly homeless fled south to start anew, and 8 years later, San Bruno's 1,400 residents voted to incorporate their community. The city, however, remained in the shadows of San Francisco, its cosmopolitan neighbor to the north.

Despite an abundance of inexpensive land and transportation, San Bruno had to wait until the Second World War to experience its growth spurt. The war demanded new and expanded facilities, and the U.S. Navy, just like the post earthquake settlers, found a new home in San Bruno. The city played host to the Western Region Advance Personnel Department which processed countless numbers of our young men on their way out to the war's Pacific theater, and well over 100,000 of their fallen comrades who found a final resting place at the Golden Gate National Cemetary.

The Navy's presence in San Bruno drove the construction of much of the community's housing and provided a base for a city-wide expansion. In its effort to keep up with an exploding population, a two-room school house gave way to the San Bruno Park School District, sand lots blossomed into parks and modern indoor shopping malls have barely kept pace with demand once easily met by a shabby collection of roadhouses.

Today, San Bruno's heart beats with the pulse of ever-expanding operations at San Francisco International Airport—which is home to the Nation's largest maintenance facility, operated by United Airlines—northern San Mateo County's growing high-tech manufacturing community, and of its long-time resident, the U.S. Navy's Western Division Naval Facilities Engineering Command.

Mr. Speaker, in spite of growth and change, San Bruno remains a friendly haven as it has been for over 75 years. Once predominently Italian, San Bruno's rainbow of Filipino, Southeast Asian, and Hispanic residents reflects the change our Nation has undergone as a whole.

I invite my colleagues to join me in paying tribute to San Bruno on this important anniversary.

SENATE—*Monday, September 25, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, a Senator from the State of Georgia.

PRAYER

The Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And ye shall know the truth, and the truth shall make you free.—John 8:32.

Eternal God, infinite in truth and justice, Ruler of the nations—on this 200th anniversary of the day on which the Bill of Rights became law, we celebrate our freedom with gratitude to Thee. We celebrate godly Founding Fathers who believed that we were created by God who endowed us with "certain inalienable rights," and that government is instituted, "deriving its just powers from the consent of a sovereign people," to secure those rights.

Gracious, merciful God, at a time when godless government is collapsing after 70 years we celebrate our freedom, now sought by the whole world, conceived in the minds and hearts of a God-fearing generation more than 200 years ago.

Father in Heaven, make us to see the indispensable connection between faith in God and freedom. In His name who loved us and gave himself for us. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. KERREY). Under the standing order the acting majority leader is recognized.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. FOWLER. Mr. President, following the time for the two leaders this morning, there will be a period for morning business until 2 p.m. with Senators permitted to speak for up to 5 minutes each.

At 2 o'clock today the Senate will resume consideration of the Department of Defense appropriations bill, H.R. 3072. Under a unanimous-consent agreement reached between the two leaders there will be no rollcall votes prior to 5:30 p.m. this afternoon.

Mr. President, I see the distinguished acting minority leader here.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The acting Republican leader is recognized.

RESERVATION OF LEADER TIME

Mr. HELMS. Mr. President, I thank the distinguished acting majority leader, and I reserve the time of the Republican leader.

THE CHAPLAIN'S PRAYER

Mr. FOWLER. Mr. President, may I say with the Chaplain here, again I thank him for his service to our God and to our country. I thank him for the prayer this morning reminding us all that if we know the truth, and seek the truth, that truth can set us free. And I pray, and I know my friend from North Carolina will join me in the words in Timothy that we will do a better job on behalf of our country and our countrymen:

> Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth.

If we can do that, we will be a credit to our country, a credit to our Creator, and a beacon of freedom to those that our fine Chaplain remembered in far lands in his prayer this morning.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The acting Republican leader.

Mr. HELMS. Mr. President, I join most sincerely in the remarks by my friend from Georgia. All of us not only admire the distinguished Chaplain of the U.S. Senate, and I have known many of them. I even knew Peter Marshall. That was a long time ago. But none has served more ably and more effectively in the job than has Dick Halverson. I pay my respects to him.

I say to my friend from Georgia that unless we do the same that he suggested this country does not have a chance. We had better wake up to the fact that this Nation was born in His name and with His grace.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Nebraska, I ask unanimous consent that the order for the quorum call be rescinded, and hearing no objection, the quorum call is hereby rescinded.

H.R. 2990, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATION BILL, 1990

Mr. BINGAMAN. Mr. President, late last Thursday night, the Senate approved an amendment to the Labor, Health and Human Services, and Education Appropriations Bill offered by the Senators from New Mexico, Mr. DOMENICI and myself, and Senators DOLE, HARKIN, and KENNEDY. The amendment urges the correction of a problem which could have a devastating impact on many of the poorest Americans—our homeless children and adults. As final passage of the bill draws near, I commend the amendment to the attention of my colleagues.

The amendment we offered is a simple, though vitally important—even life saving—one. It expresses the Sense of the Senate that in the issue of funding for programs authorized under the Stewart B. McKinney Homeless Assistance Act of 1987, Senate negotiators should wholeheartedly support the higher, House-passed funding levels when Members meet in conference next week.

Although all of the programs this amendment addresses are crucial to the health and well-being of thousands of Americans, I want to mention one program in particular, the Public Health Service's Primary Health Care for the Homeless Program.

An increase in funding from the Senate's $22 million to the House's $46 million would help guarantee the continuation of more than 100 successful health care projects for thousands of homeless children and adults across the country. These nationwide projects, which are funded through the Health Care for the Homeless Pro-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

gram, served 231,000 people in 783,000 visits during fiscal 1988, far exceeding goals set for its first full year of operation. Of those currently served by the program, 40 percent are children, their parents, or homeless youth. Sixty percent are single adults, many with debilitating health conditions.

In my own State of New Mexico, the value of the program has been well documented. Since its beginning in 1985 as one of 19 national demonstration projects, the Albuquerque Health Care for the Homeless Program has provided free primary health care services to up to 3,000 homeless people each year. The program's two sites are staffed by multidisciplinary teams of professionals who integrate primary health care, substance abuse care, mental health care, and social services. These doctors, nurses, and other professionals treat the needs of the whole person—their services are not Band-aids, but are oriented toward rehabilitation.

Without the modest increase in funding that this amendment urges, Albuquerque's program, and others like it in urban and rural communities across the country, face closure or significant cutbacks next month. And in Albuquerque, Health Care for the Homeless is the only organization providing the kind of comprehensive health services needed by the homeless if they are to break the chains of ill health and poverty.

We in the Congress have been talking a lot recently about the seriousness of the drug abuse and crime problems that plague our country. But if funding for the McKinney Act programs is not increased, significant cuts could be made to the very programs that serve the people who have been hit hardest by America's drug problem—the people on the street. We have been talking a lot recently about the seriousness of the problems plaguing our families—about families falling apart. But if this amendment is not accepted, significant cuts could be made to programs that serve hundreds of families struggling to hold their lives together while living in a car or in a shelter.

Mr. President, we all know how expensive health care is and how difficult it is for a family or individual to function without good health. The services provided through the Health Care for the Homeless Program make a difference. The services provided through all of the programs covered under this amendment make a difference. We as a compassionate nation cannot afford to see them cut.

We cannot afford to see the programs cut, yet we know all to well the difficulty of finding additional funds in these tight budgetary times. The Senate conferees have a tough task ahead of them—all of the programs funded through this bill are vitally important. In a perfect world, we would not have to chose between primary health care and important biomedical research. We would devote adequate resources to both. But this is not a perfect world. It certainly is not a perfect world for the thousands of children and adults who go to bed hungry or sick every night; who wake up every morning without a roof over their heads; and who do not have the money to buy milk or meat, much less pay for costly—but important—immunizations, medication, or dental care.

It is for them that this amendment is offered. It is for us, in the finest spirit of bipartisanship, to see that its intent is realized.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise simply to inform my colleagues that today is the 1,654th day that Terry Anderson has been held in captivity in Beirut.

ENVIROSCAM

Mr. SYMMS. Mr. President, the significance of what I want to say is to start off by asking the question to the Presiding Officer and to my colleagues: Could there possibly be any scam more contemptible than profiteering off the fears of a young mother for the health of her child? I cannot think of one and I doubt if any of my colleagues can think of one.

Yet, earlier this year, thousands of mothers were told, by a group calling itself the National Health Research Foundation, that their children may get "lung, kidney, liver, and colon cancer" from eating fresh fruit grown with pesticides. Citing a report by the Natural Resources Defense Council [NRDC], a mass-mailed letter claimed that "between 5,500 and 6,200 preschoolers may get cancer." And for the low, low price of only $10 you can send your Senator a telegram that would "force a change" and "make a difference."

Mr. President, the way I became aware of this campaign was that a constituent of mine called me up and wanted to know if I had seen the telegram, and I had not seen it. Then we started an investigation within my office and discovered that there were no telegrams that had been sent.

National Health Research Foundation's address, listed on their letterhead, is a mail drop—there is no office there.

The phone number on the letterhead is an answering service.

The Library of Congress has no knowledge of a National Health Research Foundation.

The Postal Inspection Service reports that the "Foundation" began receiving mail on May 1, 1989, and then, on July 19, 1989, advised that "they were no longer in business."

Western Union reports that the "boilerplate" telegrams in the solicitation could be sent under the method that they described in their letter for as little as 5 cents each.

Furthermore, the whole mailing was done under the guise of an urgent notice to mothers of little children, shocking them with the news of the Natural Resources Defense Council report.

And yet the NRDC report itself is a sham, rejected by nearly every professional toxicologist in the Nation. The Environmental Protection Agency accused the NRDC report of "seriously misleading the public." The U.S. Food and Nutrition Service claimed that it is "far out of line with existing data." And the chief toxicologist for the State of Connecticut called it "a case of scare-tactic journalism."

What we have Mr. President, is we have ended up with scare tactic mounted on top of scare tactic, all in an apparent effort to frighten mothers out of money. And who suffers? Mothers and children for one, not to mention the thousands and thousands of people who were scared over some of the outrageous statements that had been made as a result of these reports and the thousands of people on the farms and the stores who make the world's safest, healthiest, most convenient, most nutritious, cleanest, and lowest priced food supply known to any group of people on the Earth that is available for those people. Those people who provided that for them suffered the most.

This irresponsible gamesmanship with the confidence of the American people in their diet must stop. In the near future, I hope to be introducing legislation to make those responsible for such scares answerable for the damage they do.

The kind of profiteering scheme recently played on mothers across America is a national disgrace. We, the Senate, along with our colleagues in the other body, should move swiftly to put an end to it.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the mass mailer, a copy of the telegram and a copy of the postal inspector's report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH
RESEARCH FOUNDATION,
Washington, DC.

MOTHERS AGAINST DANGEROUS PESTICIDES CAMPAIGN

Urgent Notice:

If the Mothers of America do not band together now, our children will continue to be exposed to carcinogenic pesticides that will cause cancer in many of them.

The level of carcinogenic agents in many pesticides used on the fruits and vegetables we eat is now out of control, and the government is doing little or nothing about it. This burden now rests upon our shoulders. If mothers do not feel strongly enough to protect our children, who will? It is up to us to take action.

This letter is not a fund raiser! We do not want your money!

We need you to act!

We are now in the process of flooding all one hundred U.S. Senators with thousands of Western Union telegrams demanding action. Western Union has allowed us a substantially reduced price on telegrams. For $10.00 your voice will be heard. We will send a telegram from you to your senator. The relentless flow of telegrams will force our senators to hear our demands. We want a change now and we will fight for our children's lives!

Please don't say, "Well, there's nothing I can do" and throw this letter in the garbage. This is an issue that deals with our children.

In 1985, the Environmental Protection Agency publicly announced it was going to ban Alar. It was found that Alar causes lung, kidney, liver and colon cancer. Alar is still being sprayed on apples which enter our children's diet in a variety of forms such as juices and pies. No longer can we safely place an apple in our child's lunch box.

The Natural Resources Defense Council estimates that the average preschooler's cancer risk from exposure to UDMH, a breakdown product of Alar, in the first six years of life is 240 times greater than the risk level considered acceptable by EPA for an entire lifetime.

Do you know what happened to Alar?

Absolutely nothing! The Environmental Protection Agency has known about the harmful effects of Alar for more than a decade, but it has yet to take conclusive action. It is still being sprayed on apples and destroying the health of our children.

With all the recent media attention (ABC, CBS, NBC CNN, Time, Newsweek, 60 Minutes, etc.) and the help of concerned parents, it is finally possible to halt the spread of this harmful chemical.

We, mothers, must now take a stand to protect our children. We must band together from all over the country. We have the capacity to unite millions of parents. But, it is up to you to act!

This is one time where you can actually make a difference. Please sign and return the enclosed form along with $10.00 so we can transmit your Western Union Telegram immediately. This covers all costs and is substantially less than what it would cost you to send this telegram yourself. We urge you to join our lobbying efforts. Your one telegram will make a difference!

If we allow this moment to slip away, we may no longer be able to control the future use of these chemicals.

Our goal is to unite all mothers and share our information and demands with the Senate. We will inform you of the new regulations and legislations that have come about due to your effort. We will keep you updated as the situation unfolds.

Please return the enclosed form immediately with a check or money order made payable to National Health Research Foundation. Your telegram will reach your senator within 48 hours after we receive your telegram release form.

Sincerely,

D.J. Gleeman,
Director.

P.S.—The NRDC estimates that between 5,500 and 6,200 preschoolers may get cancer solely as a result of their exposure before age six to carcinogenic pesticides. Every telegram received by your senator makes a difference.

[Telegram Release Form]

To: Your Senator.

Re: Use of carcinogenic pesticides on fruits and vegetables.

These pesticides have been proven detrimental to my family's health. Over 390 "grandfathered" pesticides have undergone a complete safety review. I demand that you introduce legislation addressing:

Strict controls on pesticide levels in food.

Immediate banning of dangerous pesticides.

Increased research on alternatives to chemical intensive farming.

Incentives for farmers to convert to natural farming.

I expect action quickly. A representative from the National Health Research Foundation will contact you soon to see what progress you have made. They will then update me.

If action is not taken promptly, I will have to reconsider my support for you.

I understand that the above letter will be sent to my senator via Western Union telegram in my name.

Signature:

[Please Print]

Name:
Street Address:
City:
State:
Zip Code:

Please transmit my telegram to my senator immediately, and keep me updated. I will receive written confirmation once my senator has received the telegram. Enclosed is my check or money order for $10.00 to cover the cost of the telegram transmittal.

Please consider a contribution to the National Health Research Foundation.

Enclosed is my contribution to assist in your lobbying efforts against the use of pesticides which have been proven dangerous.

( ) $10.00 ( ) $25.00 ( ) $50.00 ( ) $100.00 other:

This is in addition to the $10.00 I have enclosed for the cost of the telegram.

Office of the Inspector in Charge,
Washington, DC, August 22, 1989.

Hon. Steven D. Symms,
U.S. Senate, Washington, DC.

Dear Senator Symms: This is in response to your inquiry concerning solicitation practices of National Health Research Foundation, 325 Pennsylvania Avenue, S.E., Washington, DC. For reference purposes, a copy of the materials which you furnished is attached.

Investigation has determined that 325 Pennsylvania Avenue, S.E., is a mail receiving agency. PS Form 1583, Application for Delivery of Mail Through Agent, was properly completed by the applicant on March 25, 1989.

During the period of May 1, 1989 through August 15, 1989, National Health Research Foundation received business reply letters at the above address. The organization advised the Postal Service on July 19, 1989, they were no longer in business.

If you have questions, or would like to discuss this matter further, please feel free to contact me.

Sincerely,

J.A. Elder,
Postal Inspector.

REGARDING ROLLCALL VOTE NO. 198, OF SEPTEMBER 21, 1989

Mr. PELL. Mr. President, last Thursday the Senate was faced with a most difficult choice: Our colleague from New Hampshire [Mr. Humphrey] asked us to deny Federal funds to certain organizations which provide lifesaving AIDS education and counseling services to one of the most vulnerable groups in society, the Nation's schoolchildren. He did so with the intention, I believe, of ensuring that Federal funds are not provided to groups which might promote homosexual activity, especially among our young people. But, Mr. President, we were not called upon to vote on the Senator from New Hampshire's intentions: We were called upon to vote on the effect of the amendment, if adopted.

After the amendment was offered, the distinguished Senator from California [Mr. Cranston] made an impassioned plea that we put the physical and mental health of our Nation's young people ahead of our own discomfort, and urged us to reject the amendment. He spoke of the isolation, terrible depression, and increasing suicide rates among those of the Nation's youth who are homosexual or who believe they might be homosexual, and of the devastating effect on children who cannot receive needed counseling or lifesaving advice.

Mr. President, I heeded the call of the Senator from California because I believe that the Humphrey amendment would have a negative effect on the battle against AIDS. The Humphrey language would impose additional restrictions on the dissemination of clear, objective AIDS information—information which has proven successful in saving lives—and may well be detrimental to the cause we all share—preventing and treating AIDS. In my view, this amendment was not needed, since the Senate had earlier that day adopted, by a vote of 99 to 0, very clear, comprehensive language to accomplish the Senator's goals. The Senate voted to prohibit the use of Federal funds for any educational programs or materials which "are designed to promote or encourage, directly, intravenous drug use or sexual activity, homosexual or heterosexual. * * *" To me, Mr. President, that prohibition is absolutely clear, and ensures that Federal tax dollars cannot be used to encourage youth to engage in any form of sexual activity or to use illegal drugs.

Last year, Mr. President, I was one of a number of Senators who voted not to table a very similar amendment also offered by the Senator from New Hampshire. But I have concluded that our experience with AIDS prevention and education programs has been largely successful, and that clear, unambiguous language explaining the dangers of AIDS is crucial to increasing the success of our efforts. Both the incidence of HIV infection and the proliferation of inaccurate information have markedly decreased in some at-risk populations. We have found something that works, and the Nation's educators and health professionals are telling us that we must communicate with at-risk individuals in clear terms they can understand.

As a member of the Senate Labor and Human Resources Committee, and as the chairman of its Subcommittee on Education, Arts, and Humanities, I must say that when the PTA, the National Education Association, the National Association of State Boards of Education, the American Psychological Association, the Child Welfare League, and many other leading educational, mental health, and child welfare groups agree that the U.S. Senate is tying the hands of educators who are fighting to protect our youth from the single most devastating disease of the century, I must stand up and be counted as one who will not allow my own discomfort to interfere with the saving of lives.

Mr. President, it is most unfortunate, it is even tragic—that the AIDS debate continues to be discussed by categorizing its victims and not by responding to the devastation of its effects. I look forward to the day that the U.S. Senate approaches this difficult subject with the same courage and compassion that AIDS victims and their families have exhibited for so long.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Also in my capacity as a Senator from Nebraska, I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 1:25 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The PRESIDENT pro tempore. The Senate will resume consideration of the pending business, H.R. 3072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDENT pro tempore. The senior Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, I am pleased to present to the Senate the recommendations of the Committee on Appropriations for fiscal year 1990 funding of our Nation's Defense programs.

This has been a difficult and eventful year in the legislative process, particularly for the Subcommittee on Defense Appropriations. We have had to adjust to a comprehensive amendment of the Defense budget, and amendment which caused considerable distress in communities throughout our country as ongoing programs were proposed for termination. The Subcommittee on Defense Appropriations was mindful of the lost jobs and personal hardships which accompany program terminations. We made our decisions carefully and, we believe, in a manner which gave due weight to individual and community losses in the effort to achieve a defense posture which balanced the need for modernization against the desire for continuity of existing programs.

The Subcommittee on Defense Appropriations held 31 separate hearings on the President's budget, beginning on February 2, and concluding with the testimony of the Secretary of Defense on June 22. The subcommittee heard testimony from representatives of the Deparment of Defense, the Department of State, other Federal agencies, and the general public. We listened closely to the counsel and advice of our Nation's warfighting commanders-in-chief—the CINC's—as well as the senior enlisted men of each service. In addition, we sought and obtained the views of the senior nurses and medical professionals in each of the military services.

Mr. President, although I have served on this committee for a number of years, I am a freshman chairman of this most important subcommittee. I should like to assure my colleagues that I have taken my charge seriously; I have done my best to meet my responsibilities. I have personally reviewed each recommendation—each funding adjustment—made by the committee. I have held personal and private discussions with each of the CINC's, with each of the service Secretaries, and with my more knowledgeable colleagues, most notably, the ranking Republican on the subcommittee, to whom I owe so much, my good friend, TED STEVENS.

Early this year I led a delegation to Europe for discussions with our NATO commanders and with senior officials in the governments of our closest friends and allies. We visited our military commanders and our soldiers, sailors, and airmen who are constantly on guard at the frontlines of freedom. From the Fulda Gap in Germany, to the Persian Gulf, we listened to and learned from our men and women under arms.

Mr. President, we have prepared for our work and we have done it.

The programs which are funded in this bill are numerous. Let me begin by providing some highlights of our recommendations.

First, Mr. President, let me say that from the outset of our deliberations we have pursued the goal of furthering the cooperative and constructive partnership which now exists between the Subcommittee on Defense Appropriations and the Senate Armed Services Committee. The Senate will not have to listen to a debate between authorizers and appropriators this year—we have worked together to fashion the policies and fund the programs which will guide and defend our country.

Now, Mr. President, the highlight of the bill:

I. Program terminations. We have fully supported the Senate passed authorization bill—and the Secretary of Defense—on program terminations. We have not funded procurement of the V-22, Osprey; the F-14D, Tomcat aircraft, or the AHIP helicopter, Army Helicopter Improvement Program.

II. Strategic modernization. We fully support the Senate position on the B-2, the small ICBM or Midgetman, and the MX Rail Garrison Program.

For the B-2, we provide:

R&D funds at the budget request: $1,881,448,000;

Procurement funds at the authorized level: $1,807,974,000; and

Advance procurement of long-lead items, at the budget request: $409,800,000.

For the small ICBM, we provide the requested $100 million in research and development funding.

For the MX Rail-Garrison Program, we provide $774,244,000, the amount requested.

We depart from the request, and from the Senate-passed authorization, on the procurement of the Trident D-5 missile.

Catastrophic failure in two of three test shots indicates design failings which have to be corrected before future tests can be conducted. Funding in excess of $5 billion has already been provided for procurement of 153 D-5 missiles, all of which will have to be modified before production can continue.

Make no mistake, Mr. President, we fully support the development and deployment of the Trident D-5 missile. We add funding for R&D to speed the search for design corrections. But we do not provide the $1.8 billion in requested procurement funding, and we call for a stretchout of current production schedules to accommodate the need for design changes. We are confident that this program will get back on track and that the Trident D-5 will serve the cause of peace through deterrence.

III. Strategic defense initiative, SDI. Our recommendation would provide $3.7 billion in SDI funding. This is higher than a split between the amounts in the bills approved by the Senate, $4.3 billion, and the House, $2.8 billion, which await resolution in the authorization conference. We provide funding at last year's level plus inflation.

IV. Programs not favored by the House: We have fully funded a number of programs which were not supported by the House Appropriations Committee.

We provide full funding for:

The advanced tactical fighter: $1.1 billion;

The advanced cruise missile—the funding of which is classified;

The Heavy Force Modernization Program; and

The tacit rainbow program.

We also fully funded the Senate authorized levels for:

The NATO R&D programs;

The balanced technology initiative; and

As a special concern to me, we fully fund the Soldier/Marine Enhancement Program, which we hope will develop commonsense approaches to the needs of soldiers for equipment that enables them to fight and to live.

V. Authorization ceilings: Mr. President, this is very important we did not exceed the authorization ceiling for any account totals. We did not create any phony accounts to get around Armed Services ceilings. We do fund a healthy Guard and Reserve package, but within authorized account totals. The equipment additions we provided meet valid Guard and Reserve requirements, and we believe the Senate will support them on their merits: M1A1 tanks and C-130's are examples.

VI. Funding adjustments: We have made numerous reductions to levels authorized by the Senate. It is extremely important for the Members of the Senate to understand that, unlike the Senate Armed Services Committee, or the House Appropriations Subcommittee, we had to adjust to a $2.3 billion shortfall in outlays. Consequently, we had to cut fast spending accounts, O&M and R&D. Even so, our reductions, for the most part, result from our looking at the bill from a financial perspective. That is, we looked to unexpended balances from prior year funding and contract savings to finance programs, and, in many cases, we were able to fund authorized programs with reduced appropriations.

VI. Committee amendment: I will soon seek Senate approval of an amendment which has been endorsed by the committee: Senator STEVENS and I sought and obtained the approval of the committee for our plan to offer this amendment when presenting the bill to the Senate. Our committee endorsed amendment would provide appropriations in excess of authorized account ceilings; but the funding is within our subcommittee allocation for both budget authority and outlays. The bill before the Senate would provide appropriations of $279,725,416,000; the committee amendment would increase this by $8,491,650,000, to a total of $288,217,066,000.

We believe the Senate bill will recognize the merit—and the necessity—of this amendment. We propose the amendment, because:

First, the committee was constrained by the fact that it both desired to abide by authorization account ceilings and it was required to adjust to a $2.3 billion mismatch in the budget authority and outlays provided for Defense spending under the budget summit agreement. To comply with these divergent objectives, the committee endorsed the amendment which, if approved by the Senate, will provide sufficient budget authority to reach the summit agreement target levels.

Second, without the amendment, our outlay shortage meant we would fall short of the budget authority called for in the budget summit agreement, unless we put the funding in slow spending programs, and, if we had put the funds in those accounts within the bill, we would have exceeded authorization account ceilings.

The committee-endorsed amendment was printed in the RECORD of yesterday's proceedings. Our amendment would provide $1.3 billion to fully fund refueling of the U.S.S. *Enterprise;* $1 billion for a fast sealife initiative; $3.4 billion to install modernization kits authorized in fiscal years 1988, 1989, and 1990; $100 million available for an emergency reaction fund to reimburse active military and Guard units for response to natural or manmade disasters; that is, not for unforseen military emergencies; $485 million to pay the full cost of DOD space shuttle missions; $1.7 billion to complete the procurement of Apache helicopters which were authorized last year for multiyear procurement; $488 million to construct two heavy icebreakers for Coast Guard peacetime operations and for antisubmarine warfare in time of war.

VII. Base closures: Finally, Mr. President, I should mention that, in an effort to be responsive to the concerns of our Members, we have included bill language on the subject of base closures. I understand that some will oppose our language because it interferes with the process established by the Base Closure Act; others will oppose, or seek to amend our language, because it does not block implementation outright. I am certain this matter will be debated in the course of consideration of the bill—H.R. 3072.

I believe that the bill we have recommended for the approval of the Senate is a sound and prudent response to our Nation's defense requirements. We have not ignored our responsibilities to produce a bill which is in accord with the subcommittee's budget allocations and with the budget summit agreement. I would stress, however, that our bill is responsive to the needs of our military commanders in the field. We have carefully prepared funding recommendations which will provide adequate resources to ensure the defense of America. We have been challenged to do so within very tight budget constraints, and we have met that challenge.

Mr. President, the task of putting together a bill as large and as complex as the Defense appropriations bill is a very difficult task. As I have noted, I have been helped immeasurably by Senator STEVENS and other members of the Appropriations Committee. I have, in fact, also benefited from the counsel of the chairman and ranking minority members of the Senate Armed Services Committee. But, Mr. President, a large measure of the credit for producing a comprehensive, thoughtful bill which joins the two goals of budget restraint and meeting national defense needs must go to the very fine staff which supports the work of the subcommittee. I wish to publicly acknowledge their highly professional contribution to the work of the Senate and to the safety of our country.

Mr. President, at this moment I am pleased to yield to the ranking minority member of the subcommittee, Mr. STEVENS, for any introductory remarks he may wish to make.

The PRESIDENT pro tempore. The senior Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I am pleased to join with my distinguished friend and the manager of this bill, the Senator from Hawaii, who as our new chairman of the Defense Appropriations Committee has presented a very unique bill to the Senate, one that I commend to the Senate.

The Defense appropriations bill for fiscal year 1990 accomplishes three important goals: It funds the highest priority programs submitted in the President's amended budget; the bill meets the budget summit goals for defense spending; and finally, the bill is consistent with the guidelines and goals established in the authorization bill passed earlier this year by the Senate.

The chairman deserves considerable credit along with the staff for achieving these goals, and presenting the only defense bill to the Congress this year that meets the Summit targets without an artificial cap on outlays.

As this bill has reached the Senate, over the past few years, my colleagues have heard this Senator raise the complications caused by a mismatch between the targets given to the subcommittee for budget authority and outlays. This year is no different.

Based on the differences in the outlay scoring regimes used by CBO and OMB, the amended budget presented to the Congress in April contained a $4 billion mismatch between budget authority and outlays. This imbalance, in a year where the President's budget amendment had already struck over $20 billion from the original request, left few easy choices for the committee.

I fully support the priorities the chairman presented in his statement, that personnel, operational, and troop support accounts should be fully funded.

The highlights of this bill, in the opinion of this Senator, can be summarized in how this bill differs from the House.

This bill provides: $1.2 billion more than the House for ATF; $900 million more than the House for SDI; $850 million more than the House for B-2; Full funding for the MX rail garrison research and development; full funding for the small ICBM; $100 million more than the House for the NATO Cooperative Research and Development Program; and it supports Secretary Cheney's initiative to terminate specific programs.

Our committee bill provides the widest possible scope for the conference with the House to support both the budget and the results of the ongoing authorization conference. Once again, we are before the Senate with an appropriations bill before the authorization bill has come out of conference, an understandable situation this year, but it does provide a difficult problem in trying to determine what is authorized and what is not authorized.

Now, providing a wide scope for conference also means that we have not asked the Senate to prove everything that should be included in a final bill, for obvious reasons, and there are several important programs and initiatives provided in the House bill that we have not included in this bill. The conventional munitions package adopted by the Armed Services Committee is funded by the House, and that will be addressed in the conference as one of the House priorities. I am personally committed to the V-22 and the national plane, NASP. But those also must await conference action. The chairman and the committee and I ask the Senate for its consideration in trying to understand the bill that is before us. To amend the bill now, to take issues out of the appropriations conference, will not enhance our negotiating position. The chairman will need every option at his disposal to bring back a conference report consistent with the positions of the Senate.

In case any Member of the Senate has forgotten, I would call the attention of the Senate to the sequester mandated by the Gramm-Rudman-Hollings amendment that faces us now, and the damage done to defense by a sequester would be severe. If present estimates hold up, the impact of the Gramm-Rudman-Hollings estimate on defense could exceed $15 billion. That would be in addition to other outflows in defense incorporated in this bill in support of the war on drugs and space activities.

These are not simply abstract figures, but I would like to give the Senate an example of the impact of a sequester based on an $18 billion overage and a 4.3-percent sequester, which excludes military personnel. Should that take place, a $4.3 billion sequester in operation and maintenance would cut thousands of civilian jobs from defense throughout the country. And that same assumption would result in a $3.8 billion sequester in procurement, which would eliminate 4 Apache AH-64 attack helicopters, 30 M1-A1 tanks, 4 F-18 Navy fighters, 1 DDG-51 Aegis destroyer, 1 SSN-688 nuclear attack submarine, 8 F-16 Air Force fighters, and 1 B-2 bomber.

Similarly, that assumption would reduce a $1.9 billion reduction in research and development which would eliminate $60 million needed for the advanced technical fighter, $100 million for the B-2 research, $185 billion for SDI, and $40 million for the MX rail garrison.

In other words, Mr. President, I think that we should find a way to prevent sequester, if it is at all possible. Furthermore, as we all know, the Senate continues to work on a consensus to fund the war on drugs. All proposals identified so far have included a transfer of funds from the Department of Defense to other Federal agencies that are also engaged in efforts to stem the flow of drugs into the United States, and, particularly, to address the demand side of the drug problems.

I understand and support those efforts, but I would like to remind my colleagues again that those reductions, if there is a sequester, would amount to a double reduction on defense, the results of which could lead to a severe impact on our defense posture at a critical time, I feel, in the course of our relations between the Soviet Union and the United States.

Obviously, October 1 is upon us. We should work as quickly as possible on this bill. The House has already begun work, I am informed, today, on a short-term continuing resolution. In my judgment, the first priority now should be to move this bill to conference, so that we can work out the differences between the House and the Senate and make certain that we do not get caught up this year in a series of short-term continuing resolutions.

As my friend, the Senator from Hawaii, the chairman of our committee, I would like to commend our staffs for the work they have done on this bill. Richard Collins and Keith Kennedy and Steve Cortese, working with me directly, have focused on this bill, and they have carried out the priorities as we have outlined them. I think that this bill is internally consistent, and it is a bill where there is no smoke and mirrors involved. This is a bill where what you see is what you get.

Obviously, I would like to see this bill acted on as quickly as possible, with the hopes that we might get our conference completed by Friday of this week. That may not be possible. If we could move ahead with amendments, if Members have them, and get some up today, we might be able to move on this bill more rapidly than many people believe.

One last word. Some of my colleagues on this side of the aisle, Mr. President, have asked me about the base closure amendment. I did not support the base closure amendment when the Senator from Hawaii and his staff first presented it to the subcommittee, because of the manner in which it would have, in my judgment, held up all base closures while all of them were analyzed.

My good friend from Hawaii, in his typical approach to try and work out problems, has changed the amendment, and the amendment before us now would mean that as soon as the Comptroller General agreed with the predictions, the base closures proposed by the individual cases could go forward, and would only be those where there was such a difference, in the opinion of the Comptroller General, that would warrant holding up the action until there is an opportunity for the Secretary of Defense and Congress to reexamine the estimates, would there be any such closures held up.

From my own point of view, I believe that all of the statistics should survive the Comptroller General's review. But in any event, this amendment should not result in a lengthy delay of the process initiated by the base closure legislation; and for that reason, I support the amendment that is before the

Senate now from our subcommittee and believe that it is the type of amendment which will eliminate some of these lingering doubts about the process that we have initiated. And I hope, having done so, the whole concept of base closures could go ahead as originally contemplated by the Congress.

Mr. President, as I said, I feel privileged and honored to be able to work with my good friend from Hawaii. Those of us who come from States that are off our shores, I think, have such an interest in the defense of our Nation, that it is an interesting fact that having served together here for so long, the Senator from Hawaii and I, as the Senator from Alaska, are together managing this Defense bill which means so much to our Nation and to our individual States. I thank you.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, of course, I would like to thank the Senator for his very generous remarks. Mr. President, I wish to advise the Senate that we have every intention to pass this measure and go into conference and resolve the bill in time for the ending of the fiscal year.

Mr. President, I recall that was one of the early instructions given to the subcommittee by the very distinguished chairman of the Appropriations Committee, who now is presiding. We intend to carry this out, sir.

In that spirit, Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc with the exception of, first, the amendment on page 18, line 10, through page 19, line 11, relating to base closure; second, the amendment on page 36, line 22, through page 37, line 2, relating to the SDI; third, the amendment on page 65, line 16, through page 67, line 6, also relating to the SDI; fourth, the amendment on page 83, lines 1 through 5, relating to Asat; and, finally, the amendment on page 107, line 12, through page 108, line 4, relating to strategic minerals research; and that the bill as thus amended be regarded for purpose of amendments as original text, providing no point of order shall be considered to have been waived by agreeing to this request.

This unanimous-consent request has been cleared by both sides.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall obviously not object since I do support the committee position on this matter, I want to make clear that the request does not cover amendment 825. There has been a request that that not be included in the unanimous-consent agreement. Let us not include that.

The PRESIDENT pro tempore. Is there objection that the amendments be adopted as original text for the purpose of further amendment, with the exceptions of those amendments which have been enumerated by the managers of the bill? The Chair hears no objection, and it is so ordered.

The committee amendments were agreed to en bloc, with the above listed exceptions.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

AMENDMENT NO. 825

Mr. INOUYE. Mr. President, I ask unanimous consent that it be in order to consider amendment No. 825 at this time and that the amendment be set aside for consideration of the base closure amendment, the first excepted committee amendment, with consideration of amendment 825 to recur upon disposition of the base closure amendment and no call for regular order with regard to this bill serve to displace consideration of amendment 825.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment No. 825.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 825.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

TITLE X

CONVENTIONAL FORCE IMPROVEMENTS

For expenses not otherwise provided for, necessary for conventional force improvements and for other purposes; $7,906,650,000, of which $1,692,000,000 shall be transferred to and merged with "Aircraft Procurement, Army," to remain available for obligation until September 30, 1991, for the purchase of 174 Apache helicopters after which the Apache program will be terminated; $33,650,000 shall be transferred to and merged with "Other Procurement, Army," to remain available for obligation until September 30, 1992; $1,293,000,000 shall be transferred to and merged with "ENTERPRISE refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $1,000,000,000 shall be transferred to and merged with "Sealift ship program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; and $488,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new sub-account "icebreakers" to remain available for obligation until September 30, 1994.

DOD ASSURED ACCESS TO SPACE

In addition to sums otherwise made available by this Act, $485,000,000 shall be transferred to and merged with funds appropriated under the heading "Space flight, control, and data communications" of the National Aeronautics and Space Administration, for augmentation and support of existing space launch systems, to remain available for obligation until expended: *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $100,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from State and local governments for assistance on a reimbursable basis to respond to natural or man-made disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

Mr. INOUYE. Mr. President, this matter will be fully debated at the appropriate time.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 18, LINE 10, THROUGH PAGE 19, LINE 11

Mr. INOUYE. If I may request, Mr. President, may we bring up the first excepted committee amendment, the base closure amendment, which appears on page 18, line 10, through page 19, line 11?

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

On page 18, beginning with line 10, through page 19, line 11, insert new language.

Mr. INOUYE. Mr. President, the committee bill, the bill we have before us, funds the base closure account at the Senate authorized level of $300 million. Bill language will allow the funds to be used to implement each base closure or realignment—and this is important, Mr. President—if the Comptroller General certifies that each action produces savings within 6 years after closure. Mr. President, that was the intent of the law.

Funds cannot be spent to realign bases that the Comptroller General has determined, in accord with generally accepted accounting standards, do not produce net savings within 6 years after closure. This is the criteria established in the Commission charter.

Mr. President, our base closure proposal seeks to be fair. It takes the high ground on this issue. Committee hearings, for example, indicated that the Commission used inaccurate or incomplete economic data in some of its analyses.

Mr. President, we held three hearings, much more than most people anticipated, but we felt that this was an important matter that required full airing.

Further, our hearing record revealed that the Department of Defense had not reviewed in any detail the Commission recommendations before approving the recommendations.

Needless to say, Mr. President, base closures cause very real impacts on communities and individuals. I believe that we should only proceed if they serve a greater good and produce real savings. If not, why should the Congress of the United States impact these communities—and some of them are very small rural communities—needlessly.

Mr. President, this bill simply requires the Comptroller General to review the economic justification for each base closure and submit his findings to Congress as soon as possible, but at the latest all must be evaluated by March 30, 1990.

Mr. President, that is not much time, just a few months more than the Commission took—at most it will delay any justified closure by 3 months—since the Base Closure Act does not allow any closures to proceed before January 1, 1990.

As my distinguished friend from Alaska noted in his opening remarks, the Comptroller General, by this measure, will be authorized to act upon the base closures, and as soon as he certifies them it will be ready for implementation. Under that arrangement, at the very most, we think that two bases may receive detailed consideration.

Our recommendation does not bar any specified or specific closure and it does not put the Comptroller General in the role of measuring intangible, subjective measurements like military value. It provides for unbiased estimates to ensure supporting data justify the Commission's recommendation.

Accordingly, I hope that the Senate will support the committee's recommendation and the language that we have placed in this bill because, as I indicated earlier, we seek to be fair and this language provides a fair assessment of the base closure as recommended by the Commission.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate is considering H.R. 3072, the Department of Defense appropriations bill for fiscal year 1990. This measure provides necessary funding for the Department of Defense, the military services, and includes everything from pay and allowances for our men and women in uniform to the research, development, operations, and procurement of systems for the defense of the Nation and the support of our worldwide alliances.

I commend the chairman of the subcommittee, the distinguished Senator from Hawaii [Mr. INOUYE] in bringing this prodigious measure to the floor of the Senate in a timely way. As the new chairman of the Defense Subcommittee, Senator INOUYE has put in long hours investigating the myriad aspects of our defense in discussions with the various and sundry persons within the Department within the Senate, and I am sure that he has talked with colleagues on the House side.

I commend him for his efforts in producing this bill. He has been greatly helped, as he said earlier today, by my good friend and colleague, the able and distinguished Senator from Alaska [Mr. STEVENS], the ranking Republican on the subcommittee, who brings energy, commitment, and experience to all his tasks as a Senator, and certainly that has been the case here with producing a Defense bill under difficult fiscal restraints.

I commend the leaders of the subcommittee in working closely with their colleagues on the Armed Services Committee. Senator INOUYE, in his opening statement, said that he had worked closely with Senator NUNN, and I think this is an excellent way to reach agreement, and to reach a clear and fair understanding on the respective roles of the two committees. The comity between the two committees is reflected in the putting forward by Senator INOUYE's subcommittee an amendment for the Senate to debate which adds funds that would, if incorporated in the basic bill, break through authorization ceilings.

The amendment techniques have been agreed upon by the two committees in order to reserve the judgment of the full Senate on this matter. The bill, even if the additional funds in the committee amendment is passed is within both the budget authority and outlay ceilings of the subcommittee's 302(b) allocation. In addition the bill conforms to the budget summit agreement. That is something that is not very easy to accomplish in the atmosphere of budgetary constraints under which we are working.

In addition, the bill conforms to the budget summit agreement. The committee has also reviewed the National Foreign Intelligence Program budget and intelligence-related activities budgets, and they are funded in the bill. The results of the details of the committee's review of these budgets are available in the separate classified annex.

I commend the staff of the subcommittee. Both of the managers have commended their staff personally. As chairman of the full committee, I would also like to commend our staff people. They work long hours, as well, and without their skills and expertise, our jobs would constitute much greater burdens. It is because of their skill and expertise that we are able to expedite the actions in the hearings and in the markups, in the subcommittee markups and in the full committee and in the managing of the bill on the floor.

I commend Richard Collins, Keith Kennedy, Steve Cortese, Dick D'Amato, Scott Gudes, Charlie Houy, Eric Kammerer, Jay Kimmitt, Peter Lennon, Mary Marshall, Mavis Masaki, Mazie Mattson, Jane McMullan, and Donna Pate. These dedicated Senate professionals—and they are professionals—have worked tirelessly to get this measure before the Senate today.

The managers have explained in much greater detail the contents of the measure as recommended to the Senate. The bill as reported by the Appropriations Committee deserves the full support of the Senate. I hope that action on it can be expedited, considering all of the other problems that confront the Senate and the committee in respect to budgetary constraints.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, may I be permitted to express the gratitude of the committee and the staff for the generous words of our chairman and tell him how grateful we are for the cooperation, the encouragement, and assistance he and his staff has provided us through these difficult months. Without that working order, I do not suppose we would be standing here today. Now that we are here, I hope that we can proceed with the business at hand and resolve this matter before time hits us on October 1.

Mr. BYRD. Mr. President, if the distinguished Senator will yield, let me thank him for his remarks. Senator INOUYE is a Senator who has been around here a long time. He has been in the Senate for many years. He was a member of the House before he came to the Senate. He has been on the Appropriations Committee many years. He knows the difficult problems that confront committees in the Senate here and in conference, and he is always most cooperative with me. He has always been cooperative and understanding, and most courteous and considerate. There has never been a time when I felt that there was any friction whatsoever between Senator INOUYE and myself. I really appreciate that, and I appreciate his friendship, and I appreciate the fine attitude with which he always takes the assignments that are given to him. I again thank him for his work and thank him for his kind words.

I thank the ranking manager, Mr. STEVENS. Our friendship is long and solid, as well, and here again, as I look back across our relationship over the years, it has been a very pleasant one, never any ripples or any times that I can remember that we did not work closely together.

Both of these Senators are very, very agreeable, and good men to work with. I am grateful that they are on this Appropriations Committee, and we do work together in harmony.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I thank the chairman, once again.

Mr. President, I believe that the distinguished chairman of the Armed Services Committee of the U.S. Senate is now prepared to make his proposal as it relates to the base closing amendment submitted by this committee.

Mr. NUNN. I thank my friend from Hawaii.

AMENDMENT NO. 844

(Purpose: To strike out certain restrictions on the obligation of funds from the Defense Base Closure Account)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I send an amendment to the desk on behalf of myself, Mr. WARNER, Mr. THURMOND, Mr. WIRTH, Mr. BINGAMAN, Mr. GRAMM, Mr. RUDMAN, Mr. MCCLURE, Mr. BOSCHWITZ, and Mr. ROTH, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WARNER, Mr. THURMOND, Mr. WIRTH, Mr. BINGAMAN, Mr. GRAMM, Mr. RUDMAN, Mr. MCCLURE, Mr. BOSCHWITZ, and Mr. ROTH, proposes an amendment numbered 844.

On page 18, beginning with the colon in line 15, strike out all down through line 11 on page 19 insert in lieu thereof a period.

Mr. NUNN. Mr. President, first, let me say that I believe that the chairman of the Subcommittee on Defense Appropriations and the ranking member and entire committee have done a very good job this year both in putting their bill together, which, of course, is their primary duty, and in keeping our Armed Services Committees fully informed of the policy decisions that they are making, as well as the budget considerations.

They have done their utmost to live up to the letter and the spirit of the general agreement that we operate with between the authorization and Appropriations Subcommittees. They have had superb staff working with our staff. They have gone out of their way to make sure that any time they had to in any way deviate from the general outline and working agreement, that we understood the reasons why.

We all know that you cannot be locked in concrete on working relationships; some flexiblitity is involved. We known the Appropriations Committee, faced, as we faced, serious outlay problems, in this year's Defense budget request.

I wrote a long letter to the Budget Committee and the leadership earlier this year before the budget summit and the administration should have been aware of this problem also: what is happening over and over again is Congress wants to hold down outlays in defense for reasons of meeting deficit goals. The administration understands that outlays have to be held down, but they want to show a higher defense budget authority number so that it can appear to everyone that defense spending is not going down. And the resulting compromise seems to be that each year—and this year was the worst yet as far as I am concerned—they end up giving us a budget authority number—meaning the right to contract for expenditures that will not take place 100 percent in the first year—that is high, and an outlay number—meaning the amount of money we actually spend in one fiscal year—that is low.

And so the authorization committee and the Appropriation Committees are faced with not only the inevitable, but often impossible, task of trying to get the outlay number down while keeping the budget authority number up to the level that was agreed to.

Why is that difficult? Because some parts of defense spending take place in the year where there is an appropriation—for instance, manpower and operational maintenance, personnel. Other parts of the defense budget spend out very slowly, like ships and airplanes. You appropriate the money this year, but it is spent over 5 or 6 years. So you can put a new ship in a bill, and you can have a very high budget authority number, giving the military the right to contract for that ship and, yet, the outlay number—the money actually spent the first year—is very low.

So defense spending, managed by outlays, is not only inefficient, it is becoming increasingly ineffective and counterproductive.

I do not know what we do about it. I think everyone ought to recognize the way the Gramm-Rudman process is operating on defense now. It is not only doing damage to defense because we are having to do things to hold down outlays and yet try to live up to the budget agreement and increase the budget authority up to the agreed-to level, but it is also becoming counterproductive to fiscal management.

In the name of saving money this year to meet the Gramm-Rudman plan targets in defense, and I am sure this is happening in other areas of Government, we are actually increasing expenditures in the years to come.

What kind of fiscal management is that? I do not think the American people are saying balance the budget this year or get it down to $100 billion, and do it in a method that gets the spending up next year and the year after. But that is what is happening.

I believe that we all are going to have to take another look at the Gramm-Rudman amendment, how it is operating particularly in the defense arena, and we are also going to have to take a serious look at whether we can manage defense by outlays and whether we can manage year by year, rather than taking a look at the 5-year situation, or at least a 2- or 3-year situation. That is not the purpose of my amendment.

But I did want to compliment the Senator from Hawaii for his very fine leadership. We will have some disagreements on this bill. I will have perhaps two or three amendments, but they will not be jurisdictional in nature.

I think as to the amendment that is going to add back budget authority that we will be debating perhaps this afternoon and perhaps tomorrow, on that amendment I will not agree with all the details. But I do not consider that any kind of jurisdictional amendment or argument because the committee got down to the outlay level that was required by the budget summit. And in order to do that, they had to reduce budget authority and now they are challenged to meet the budget summit budget authority number. While having a low outlay number, they are challenged to add back budget authority that has very little expenditure the first year.

In order to do that, they have to go off the authorization level in some accounts. And of course, that is not in accordance with the letter of our understanding between the appropriators and the authorizers, but it is in accordance with the spirit of that understanding because the appropriators had no other choice.

So I did want to make it abundantly clear before I offer any amendment that I congratulate my friend from Hawaii and my friend from Alaska and their staff for the job they have done in a very difficult set of circumstances. I hope that after this year's experience, which is very similar to the last 2 or 3 years' experience, that the Armed Services Committee and the Appropriations Committee can be heard with a very loud voice before the next budget summit agreement and basically tell the administration, the House and the Senate Budget Committee that what they are doing in terms of defense is counterproductive to our Nation's security, and it is also counterproductive to the very goal of the fiscal Gramm-Rudman approach, because it is increasing expenditures in the out-years in the name of saving money in the near term.

I would suggest that is not what anyone intended by the Gramm-Rudman Act.

Mr. President, this amendment I have sent to the desk on behalf of myself and Senator WARNER, the distinguished ranking minority member of the Armed Services Committee. It is cosponsored by Senators THURMOND, BINGAMAN, WIRTH, GRAMM, RUDMAN, ROTH, BOSCHWITZ, and MCCLURE. This amendment would strike a part of the pending Appropriations Committee amendment regarding the DOD base closure account concerning interjecting the Comptroller General into the base closure approval process. This provision would do serious—perhaps fatal—damage to the ongoing process of closing obsolete military bases.

This process is already underway as a result of a joint congressional DOD initiative which was enacted into law last year and follows 7 months of work by the Defense Secretary's Base Realignment and Closure Commission. The Commission's package of closures and realignments has been approved by the Secretary of Defense and has been subject to an expedited resolution of disapproval by the Senate and House.

Mr. President, I think we ought to all take note of the fact that no such resolution was filed in a timely manner in the Senate. No one objected in the manner set up in the base closing legislation to the base closing package.

Let us be perfectly clear. This amendment that we are considering, the committee amendment, as I view it, is a backdoor way to block a process that has been underway for well over a year and, within a few months, will begin to achieve real and substantial savings.

From the very beginning, this was a joint venture to see how we—the Congress and the Defense Department—could break the impasse which had thwarted every initiative since 1975 to close a major military installation in the United States. In the current age of fiscal constraints, we knew that the sacred cow of obsolete or underused military bases could no longer be served. We had to find a way to make the painful but necessary decisions to trim our base infrastructure and overcome the deep-seated concern that these decisions, if left to the Defense Department, would be politically motivated.

The end of the Reagan administration and the widely respected stewardship of Frank Carlucci provided an opportunity for all of us to bite this bullet together—if we could reach agreement on a nonpartisan, professional process of analysis, recommendation, and execution. In other words, if we could take the politics out of the base closing, Congress was willing to go along with legislating.

Ultimately, 13 highly qualified citizens agreed to serve on an independent Base Realignment and Closure Commission. This Commission was cochaired by former Senator Abraham Ribicoff and former Congressman Jack Edwards. It included retired military officers, as well as exceptional leaders from industry and the environmental community. The Commission performed a monumental task and met its mandate to report to the Congress and Secretary of Defense prior to the end of last year.

The Commission screened the entire Defense Department base structure in the United States for underutilized capacity, seeking closure and realignment opportunities that would generate long-term savings without jeopardizing our national security. By most estimates, they did an exceptional job, identifying 86 installations for closure, five for partial closure, and another 54 for mission changes. The Commission estimated that these actions would generate recurring annual savings of approximately $694 million, and a 20-year savings, measure in net present value, of $5.6 billion.

The Secretary of Defense endorsed these findings and decided to implement them. The package was sent to Congress for further review as was envisioned by the original legislation.

Here it is important to recall that neither the Secretary of Defense nor the Congress had the opportunity to pick and choose from among the Commission recommendations. Because of a carefully crafted balance of interests, the enabling legislation limited by the Secretary's and the Congress' choices to—

Accept the Commission's package of recommendations, or

Reject the entire package.

For both the Secretary and the Congress, it was an "either/or" proposition.

We received testimony from former Secretary Carlucci; the members of the Base Closure Commission and their staff; representatives of the Defense Department and military services; and spokespersons for the General Accounting Office.

The enabling legislation provided for a period of congressional review and a mechanism for Congress to consider rejecting the package on an expedited basis. Upon receipt of the Commission's report, Senator WARNER and I, joined by Congressmen ASPIN and DICKINSON immediately asked the General Accounting Office to review the overall methodology used by the Commission. Subsequently, the Armed Service Committee, and particularly the Readiness, Sustainability and Support Subcommittee under the leadership of Senator DIXON and Senator GORTON, held several oversight hearings throughout the spring.

The House held similar hearings and indeed did consider a resolution of disapproval. The House resoundingly defeated 386 to 43 the resolution of disapproval. In the Senate, there was a similar opportunity to reject the package within the terms of the agreed-upon process, but not one Senator chose to file a timely motion.

Now, as the military services are completing their implementation planning and are preparing to initiate closure actions on January 1, 1990; now, at this late hour, the provision the Appropriations Committee is placing before the Senate, as I view it, would place a roadblock in front of this process that, as a minimum, would slow the closures and delay realizing savings, and could ultimately thwart the closure of some of these bases.

The Appropriations Committee's amendment would interject the Comptroller General into this process—not to review the Commission's analysis as the Armed Services had asked—but rather to make the Comptroller General the final arbiter of whether installations should be closed or not, based solely upon whether the associated costs can be amortized within 6 years.

Mr. President, I described this background because the Senate needs to judge this amendment in context, not in isolation. Congress has debated this issue at length. We have embarked on a course and I believe we need now to stay that course and not introduce afterthoughts and last minute roadblocks.

I believe the amendment is unwise for a number of reasons.

First, this provision trivializes the work of the Commission by suggesting that the closure proposals should rise or fall simply and solely on whether the costs are offset by savings within 6 years. Under this provision, if the Comptroller General determines that the projected savings from a particular closure—no matter how significant they may be—would be achieved in 7, rather than 6 years, the closure could not proceed, and the opportunity for savings would be lost.

Mr. President, I would presume that if you would ask the average taxpayer if they could save money in the Federal budget by having a process to save money over a 7-year period rather than a 6-year period, whether they would go along with it, I think they would say, resoundingly, yes. But what we have here is an amendment that would say if you could save the money in 7 years or 8 years, that is out; but if you can save it in 6 years, that is in. I do not think the savings should be that finely calibrated. I believe if we have an opportunity to save money, we should save it even if it is over a longer term.

I think it is important for us to understand that the 6-year payback is not rooted in the enabling legislation. Rather it is only one of nine minimum criteria outlined by the Secretary of Defense to the Commission in its charter. In addition to cost saving considerations, these criteria included future training and operational requirements of our military forces, the economic impact of closure on the local community, and the environmental impact.

In testimony before the Armed Services Committee, the Commission chairmen stated that overall defense requirements and relative military utility were the primary considerations in identifying closure options and selecting realignment candidates. Indeed, Secretary Carlucci himself observed that this amortization period was arbitrary and that a longer time limit or more flexible guidance would probably have yielded additional savings.

In effect, Mr. President, what the Secretary was saying to them was: Use the 6-year payback as a guideline. I do not think he intended for it to be used as something that was wrapped in stone. I do not believe he intended for it to be a sacred cow.

Frankly, one of the lessons learned from this exercise was not to unduly tie the hands of those analyzing the base structure for closure candidates. To the contrary, the Appropriations Committee amendment would not only make this amortization period totally rigid, it would elevate it to the sole and controlling factor in base closures.

Second, the committee's amendment would create substantial obstacles to moving forward with these closures. The GAO is already engaged in a review of the Commission's work. This report is expected to be completed by mid-November. It is important to note that the GAO's tasking from the committee did not include every closure and realignment action and did not require a full audit of all cost elements. Rather, it was to be a broad review to determine if the Commission's estimations were generally accurate and to identify lessons which could be applied to follow-on base closure efforts.

According to the GAO, it could not meet the Appropriations Committee's target of March 30, 1990, to audit all of these actions. It estimates some 140 installations would have to be visited.

Unless this amendment we are proposing passes as an amendment to the Appropriations Committee amendment, we are going to have the General Accounting Office go back and review 140 installations. And they are going to be spending a very large amount of manpower and time in doing that. The result would be that the closures and realignments package would be delayed for an indeterminate period of time.

Finally, by conditioning the availability of the base closure funds on the decision of the Comptroller General, the amendment raises significant constitutional questions. As we all recall, the Supreme Court in 1986 invalidated that portion of the Gramm-Rudman-Hollings law that called for the Comptroller General to make certain calculations that were crucial to the deficit reduction process. In that case, Bowsher versus Synar, the Supreme Court said:

> By placing the responsibility for execution of the [act] in the hands of an officer who is subject to removal only by itself, Congress in effect has retained control over the execution of the act and has intruded into the executive function.

The issue of whether a provision such as the one in this bill constitutes an unconstitutional delegation of executive branch responsibilities has not been authoritatively resolved by the Court and is likely to produce protracted litigation.

As the Supreme Court noted in Bowsher, if we in Congress do not like the way a law is being implemented, we can change it through bicameral passage of legislation and presentment to the President. We had that opportunity under the Base Closure Act's procedures for a resolution of disapproval. The Senate also could have taken action to alter the Base Closure Act earlier this year when we considered the DOD authorization bill—but we simply called for a GAO study, to be completed by November 15, 1989. The study called for in the authorization bill will present us with information so that the Congress can exercise its constitutional responsibility to decide whether the statute already on the books should be altered. The pending amendment, by employing a procedure raising difficult constitutional questions, is simply a formula for tying up the Base Closure Act in a complex web of litigation—the very evil that the act was designed to avoid.

In short, the Appropriations Committee provision would turn the Commission's broad-based analysis into an accounting exercise; it would create an unrealistic and unnecessary workload on the General Accounting Office; and it would place the Comptroller General in a role of questionable constitutionality—and for what purpose? Simply to delay and possibly cancel these closure and realignment recommendations.

Now some might say, "Let's take our time, we are in no hurry to close these bases." To that, I would reply that there are several important reasons why delay is not acceptable.

First, in this era of fiscal constraints, we cannot afford to delay realizing the substantial savings which these actions will generate.

But more importantly, this kind of delay will do real damage to communities and bases across the Nation. Once bases are identified for potential closure, the adjacent communities experience real down turns in real estate values and other business activity. Until the closure question is ultimately resolved, both closure candidates and alternative bases face long periods of uncertainty during which citizens suffer sometimes irreparable financial damage.

At the places where bases will ultimately close, communities are given a false sense of hope that the closures can be blocked. That is what the communities are going to think. They are going to think: Well, this is going to be blocked. That false hope saps energy from where it is needed most—in the uniting of the community around a sound economic plan for economic development to compensate for the base closure.

All of us know and deeply sympathize with people who are part of a community that is going through a base closure. It is never easy. It happened in my State when I first got elected to the Senate at two very important bases. They went through great agony. They went through a couple of years of difficulty. Now both communities have more than compensated, and there are many more jobs there now than there were at that time.

So I say to my colleagues who may see the amendment as a holding action that the citizens directly involved are the ones that will be given the false sense of hope.

In summary, Mr. President, I believe the amendment of the Appropriations

Committee has serious flaws. It would undermine the Commission's work. I consider it a back-door roadblock to the ongoing base closure process. I believe it will prevent those communities from going forward to take the steps that are needed now.

This amendment that we have before the Senate to the committee amendment provides the $300 million appropriation for the base closure account which the committee recommended. We do not touch that, because that is a very important part of what the committee is doing. We do not touch that.

Our amendment rejects the interjection of the Comptroller General in the base closure process as the final arbiter. It rejects this back-door attempt to really impede the base closure process.

I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

(Mr. **KERRY** assumed the chair.)

Mr. **INOUYE.** Mr. President, it is always difficult to be on the opposite side of my dear friend from Georgia. Throughout our careers, we have agreed more often than disagreed. But in this case, I find myself compelled to argue against him.

It has been suggested that this process trivializes and undermines the Commission process. Mr. President, I think we should all remember that this report covered 86 base closures and 54 realignments. A total of 140 bases were involved. Of the 140, only 3 were questioned by my colleagues—Chanute Air Force Base in Illinois, Fort Huachuca in Arizona, and Fort Dix in New Jersey—3 out of 140. In other words, there were no complaints filed as to the treatment of 137 other bases.

Notwithstanding that, the committee felt that because of fairness we were required to find some avenue that those who felt injured could follow, because, under the present system, if a Senator or if a community received, new information, after the time period for the filing of a resolution of disapproval had passed, there was no recourse. In these three cases, citizens of these communities, after spending much time, effort, and money, were able to come up with research that indicated that errors had been made in the assessment, the calculation and the analsysis that became available after time for consideration of a resolution of disapproval had passed.

So, it is not an effort to trivialize or to undermine the Commission process.

Second, it has been suggested that we will be letting in political activity. Mr. President, that is the name of this business we are in; it is political. In the case of this amendment, it represents 140 communities with millions of people who have been looking upon jobs that were at one time considered secure, who had to depend upon jobs to send their children to school, to pay for their mortgages. So, we do not take this responsibility lightly.

And we found in the case of three bases, there was some merit to providing an opportunity to reopen the Commission's recommendation so the people of that community could be assured that all the steps necessary, all the steps possible, had been taken to see that they were fairly treated by the Government of the United States.

Mr. President, I hope the Senate of the United States will permit this amendment, the committee amendment, to be part of the law because, notwithstanding the arguments, the real reason for this base-closure proposal was to save money. My colleagues argue that the realignment in New Mexico, the closure in Chanute, the closure in Fort Dix, will not bring about the savings that were anticipated.

If these savings are not forthcoming then I ask, Mr. President: Why let the people of the United States suffer needlessly? I hope that this committee amendment will be accepted.

I yield the floor.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. **McCAIN.** Mr. President, I rise in support of the amendment. First, however, I want to express my deep gratitude to the chairman of the subcommittee, the senior Senator from Hawaii [Mr. INOUYE] who, I believe, has correctly noted that this body is not a rubber stamp. He has clearly recognized that among the overall thrust of the 137 recommendations made by the Commission, there are 3, a handful, that deserve careful scrutiny.

This amendment does not reject the finding of the Commission. It calls for GAO investigation of those findings rather than total rejection, which I suggest is not a trivialization of the work of the Commission, but, indeed is an appropriate and objective investigation of the facts at hand.

I want to thank the distinguished chairman because he has brought this serious injustice that is being perpetrated on the men and women of several communities around America to the attention of this body. I believe this amendment, no matter what the GAO study shows, will provide them with the assurance and the belief that the decisions of the Commission were either unwise or wise.

I want to also emphasize, Mr. President, there are many costs involved with a base closure. There are human costs of the movement of people against their will; there is the cost to the surrounding area, as far as the economy is concerned; there are a number of costs which are not quantifiable which, by the way, I think in most cases, where clear savings can be realized, indeed, are subordinate factors. But when we have a situation as we do in the case of Fort Huachuca, Fort Dix, and Fort Chanute, where there is no indication that the taxpayers can be saved money, in fact just the opposite may prove true, I think amendments such as have been added to this bill are clearly called for.

Let me make a couple of additional points, Mr. President. As the distinguished chairman of the committee for whom I have the highest respect said: The findings of the Commission are not written in stone. But indeed they are, if we do not have this amendment agreed to by the Senate.

He mentioned that a 6-year savings was the criteria. Taxpayers must be saved money over a 6-year period in order for a base to be added to the closure or realignment list. That is, indeed, the case. And, no, it is not an iron clad criteria, but certainly there must be some criteria for savings when in fact there is not any savings to be realized by the taxpayers of this country in the three cases that have been cited in this amendment. If it is not 6 years, should it be 8 or 10 or 12, or ever?

In other words, what I am saying, Mr. President, is that the Commission had some clear guidelines which they set down, not the Congress of the United States. The Congress just made sure the Commission was appointed. Those guidelines were seriously violated in several cases and, therefore, the fact that they were violated in my view is ample and sufficient reason why their decision should be reviewed by the General Accounting Office; which I think every Member of this body has the highest respect for.

If the General Accounting Office determines that there is substantial savings for the taxpayers over a reasonable length of time, then I will be the last person to support not closing the bases named in the amendment.

I have been told that one of the major reasons why the realignment in Fort Huachuca took place was so the Army would have a major defense installation on the east coast. Perhaps that is a sufficient reason, Mr. President, for the realignment that was determined as far as the Information Services Command is concerned at Fort Huachuca. But that is also clearly not in keeping with the charter that the Commission designed for itself.

Mr. President, one of the most serious problems we are grappling with in this body today is the deficit problem. If these decisions are not going to save money, as the Commission's charter dictated for them to find, then I see no reason why we should adhere to those decisions which do not carry out their charter.

I think it is important to recognize there is no point, in a moment when we face a crisis in defense outlays, in wasting money to save money. There is no point in rushing toward relocations and command changes based on yesterday's military needs and a force structure that will soon have to be changed. The end result is nothing more than the waste, fraud, and abuse of the taxpayers' dollars—claims with which we often attack the Department of Defense.

Let me remind my colleagues, if the numbers I have are correct, of the 86 base closings, there were 137 bases affected by the decision, and we are now talking about three decisions they made. I do not see how we can interpret that as being trivializing to the Commission's work. I do not see how this amendment can be interpreted as undermining the Commission's work, particularly when it calls for a GAO study to see if the charter and the announced guidelines that the Commission supposedly operated on were adhered to.

Mr. President, I strongly support the amendment before this body, and I am deeply appreciative of the Senator from Hawaii for his interest. I note in passing that there is no Hawaii base that is involved in this study. It is a State which is heavily dependent upon a military presence. I am grateful to the senior Senator from Hawaii for his involvement, and I appreciate his support, not only as far as saving the taxpayers' money is concerned, but because of his sympathy and his concern about the impact on the men and women who will have to be moved from one part of the country to the other for no apparent reason that can be justified in these three cases that we are discussing under this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Who seeks recognition?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, let me speak briefly. I am a member of the Defense Appropriations Subcommittee and generally support all of the provisions within our bill. I think that the chairman and the distinguished ranking member have done a superb job under very difficult circumstances. But, Mr. President, I must oppose the language that is in our bill respecting base closings and do support the pending amendment which would strike that language. I will give just some very brief reasons for it.

The entire base closing issue has been probably one of the most difficult, both for the last administration and this one, and for the Congress. We all know the record on base closings prior to this year. The record is very simple: There were none. Base closings have not occurred with any great regularity because we all know the political pressure that comes within the Congress to prevent that. If any base was proposed for closing, members of delegations could normally get enough support from other Members because, obviously, who knows whose base might be next.

I speak with some personal familiarity because I point out that New Hampshire's only active military installation, Strategic Air Command Base, Pease Air Force Base built back in the 1950's, is on the list. As a matter of fact, it will be one of the earliest to close. That did not come as any great pleasure to the Senator from New Hampshire and my colleagues, but we supported it because it became very apparent that you could not at once have a leaner defense force for a lower number of real dollars and yet maintain military bases which had lost their effectiveness.

There was no question that as the Strategic Air Command base located on the coastline, very very vulnerable to sea-launched missiles, it had lost that ability. We had hoped it could become a tactical airbase, MAC airbase, many suggestions, but the Air Force made it clear that within the limited constraints of the budget, there would be consolidations of those functions as well, so it was accepted.

One of the good things about this amendment, one of the bad things about the language in the bill, in my view, is that the language of the bill, if it became law would, I think, risk unhinging a very delicate balance that was struck on base closings.

That balance was that the board, which I respect and which was nonpartisan, which was thoughtful, did a job, and we said if they recommend it, we will close them all or close none of them.

There is a lot that has been said about this 6-year payback rule, and I want to make a couple of observations. In the first place, the 6-year payback criteria is not statutorily mandated. It is not in the statute at all. It is in the charter of the Commission, but as was pointed out by Secretary Carlucci, who provided them the charter, it was one of nine criteria.

When you talk about a 6-year payback and you talk about how you are going to study it, I am not sure anyone can do that with such definition to reach a conclusion which is fair or realistic. As a matter of fact, I dare say, by applying certain financial criteria you might be able to take a number of these bases and say that under all of the criteria, all of the costs, going across the board—my friend from Hawaii talked about human costs and Senator McCAIN spoke of human costs—you might be able to make a case for keeping them all open. But the purpose of the U.S. military, in the final analysis, is to provide security for the Nation. Providing jobs is secondary. That is something, in my view, Mr. President, in the coming decade, an age of declining defense budgets, to which we are going to have to pay very strict attention.

So I do not believe we should jeopardize unhinging this delicate balance.

The second point I make is simply this. I believe that the committee language as written is unconstitutional on its face. I will tell you why.

A case with which I am intimately familiar is entitled Synar versus Bowsher and then in the U.S. Supreme Court Bowsher versus Synar. That is the famous case in which part of Gramm-Rudman-Hollings was struck down by the U.S. Supreme Court on the basis that an officer of the Congress could not make a decision which would affect the enactment and implementation of a statute duly passed by the Congress.

In that case, the assessment of a number which would cause an across-the-board trigger called the sequester would be determined by the Comptroller General, albeit under strict guidelines. The Court said, no, you cannot do that. Under this language, a finding by the Comptroller General on a specified number of facts set forth by the Congress could—I emphasize could—result in certain bases not closing, thus rendering ineffective executive action previously authorized by the Congress.

That, Mr. President, is clearly unconstitutional on its face. I would think the drafters of that particular provision might have paid heed.

So let me conclude by saying I will support the Nunn amendment to strike this language, not because I do not have sympathy for those whose bases they believe are being unjustifiably closed but for several reasons. First, because I think we have to allow the U.S. military to decide which bases it can most effectively use. Secondly, the 6-year payback rule should not be a show stopper. It is only one of nine criteria. Third, the way this statute attempts to do that is unconstitutional on its face. I hope my colleagues will join me in supporting the amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BINGAMAN. Mr. President, I rise today in support of the amendment offered by Senator NUNN to strike a committee provision that would require the Comptroller General to certify that the savings over the next 6 years from any closure or realignment recommended by the Base Closure Commission will exceed the costs of the closure or realignment.

I oppose the committee provision on GAO certification for several reasons, not the least of which is the provision is bad public policy. We worked to develop a plan under which bases would be evaluated and a realignment would occur without undue politization of the process. After much negotiation between Congress and the Department of Defense we came up with such a plan last year, and the legislation that put that plan into practice was overwhelmingly supported by the Senate.

I do not think that we need to revisit this issue. The Senate had an opportunity earlier this year to vote up or down on the Base Closure Commission's recommendations, and did not choose to exercise that right. The Appropriations Committee's amendment appears to be a last-ditch effort to derail the process, despite the fact that both Houses of Congress have supported this action. Delaying or canceling the long overdue base closures recommended by the Commission would all but ensure a return to congressional micromanagement of military bases in which political considerations outweigh efficiency and cost effectiveness. It is this micromanagement that the Commission was set up to overcome, and which has blocked every previous base closure initiative since 1975.

The committee provision changes the thrust of the base closure plan from that originally enacted to focus entirely on 6-year savings. The 6-year payback was only one of nine criteria which Secretary Carlucci provided the Commission in its charter as the minimum criteria. Focusing on the 6-year savings, and ignoring the other factors the Commission was asked to consider, is not consistent with the purpose of the legislation that authorized both the Commission and congressional action with regard to the Commission's recommendations.

Furthermore, the GAO has stated that it would have to visit over 140 bases to complete the review envisioned by the Appropriations Committee, and that this work could not be completed until substantially after the March 30, 1989, deadline. This would delay and possibly derail the overall process of base closures and realignment as well as the attendant savings.

The savings from the 86 closures, 5 partial closures, and 54 realignments is estimated at $700 million annually, with a 20-year savings estimated at $5.6 billion. I feel that it is time we moved forward with this action, and halt attempts to revisit an action that Congress has already effectively agreed to.

I also oppose the committee provision for a concrete reason, one which is important to my State and my constituents and one that I believe illustrates some of the problems with the committee approach. In the third quarter of the 1990 fiscal year, Cannon Air Force Base will begin receiving FB-111's—to be redesignated F-111G's—from Pease Air Force Base as a part of the base realignment. The transfer out of Pease has not been contested, and the transfer into Cannon has been welcomed by the people of New Mexico. Delaying use of the base closure account until April 1990 would effectively prevent a transfer that all agree is a needed and responsible move.

It just is not possible for Cannon to make the preparations necessary to accommodate the 1,600 additional personnel and their families and 46 additional F-111's between the March 30 deadline set by the committee and when personnel and aircraft begin to arrive simultaneously. With the GAO's statement that this April 1, 1990, deadline is unrealistic, the committee provision would place an even greater strain on those bases receiving personnel and equipment as a result of the realignment.

The process we have gone through to identify and then close unneeded or obsolete bases appears to be the only one politically possible, and in any case is the best we were able to come up with. I hope that my colleagues will support the amendment offered by Senator NUNN and allow the base closures and realignments to move ahead as planned.

I yield the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the distinguished President pro tempore, Senator BYRD.

Mr. BYRD. I thank the Chair.

NO MILITARY INVOLVEMENT IN CAMBODIA

Mr. BYRD. Mr. President, I want to recall for Senators a short, but intense, debate held here on the Senate floor late on the night of July 20, 1989, when the Senate considered the amendment offered by the distinguished Senator from Virginia [Mr. ROBB] to the fiscal year 1990 State Department authorization bill, apparently supporting new lethal aid to the non-Communist Cambodian resistance. That amendment was adopted by the Senate by a vote of 59 to 39, at 10:30 at night after 30 minutes of debate, on rollcall vote No. 136 Legislative, July 20, 1989, page 15561 of the CONGRESSIONAL RECORD.

I felt very strongly at the time that many Senators did not clearly understand the nature of the amendment. They believed that the amendment would allow the administration to seek authority from the Intelligence Committee to provide that kind of aid. In reality, the administration has always had the right to seek covert assistance from the Intelligence Committee. What the amendment would do, however, if it were to be enacted into law, it would give the administration blanket authorization—a blank check—to devote all unearmarked funds in the foreign aid accounts, which could be hundreds of millions of dollars, to pour guns, mines, anything it likes, into Cambodia. The provision has not yet been enacted, and I hope the conferees will reconsider the wisdom of it.

The administration's rationale for wanting to provide the non-Communist resistance with lethal aid was that it would strengthen the bargaining position of Prince Sihanouk at the international conference which was held in Paris during August and that it would enhance the prospects for a negotiated settlement.

The Paris conference was, unfortunately, an abject failure. There was no agreement on a comprehensive settlement, and some of the parties refused to settle for anything less. The various Cambodian factions are now preparing and positioning for a civil war of indefinite duration when the Vietnamese pull out their troops this week. The administration attributes the failure of the conference to the intransigence of Vietnam and the Hanoi-backed regime in Phnom Penh. In a recent speech, Assistant Secretary of State Richard Solomon blamed Hanoi and the Hun Sen regime in Phnom Penh for their "unwillingness to compromise on a formula for power sharing * * *."

The Vietnamese and Hun Sen objected to including the murderous Khmer Rouge in a coalition government. But Senators should be aware that it is Prince Sihanouk and the United States who are insisting on the inclusion of the Khmer Rouge.

There are some who argue that the Senate's vote, seeming to support lethal aid to Sihanouk and the other non-Communist factions, contributed to the failure of the Paris conference. They maintain that the Senate vote gave Sihanouk an incentive not to reach agreement with the Hanoi-backed regime and the impression that we would support him—militarily—through a protected and bloody civil war—a civil war in which there is no guarantee that he will win without closely allying himself with the Khmer Rouge.

In a recent interview, Vietnam's Foreign Minister, Nguyen Co Thach, blamed the conference's failure on Khmer Rouge overconfidence and the U.S. Congress's passage of legislation expressing its willingness to provide military aid to the non-Communist resistance. He was quoted as saying that:

> They [Sihanouk and the Khmer Rouge] think they can drag on negotiations through the next dry season [of fighting] because they believe their position will be stronger. And they have the support of the U.S. Congress for that.

So where do we go from here? What's our policy now? Even some of the strongest proponents of lethal aid to the non-Communist resistance are rethinking the wisdom of that stance. In recent hearings on the situation, a Member from the other body, who is a strong backer of lethal aid, called on the administration to reconsider its plan to supply lethal aid to the non-Communist resistance. That Member said that his support for the aid had been based in part on the need to enhance the resistance's prospects in bargaining over a political settlement. With that increasingly unlikely, it is unclear what such aid would accomplish. "We have to rethink where we are," he said.

And so we must. Quickly. The clouds of new war and fresh killing are gathering over Cambodia. A report in the Washington Post on September 20 says that resistance fighters are pouring over the Thai border into Cambodia in preparation for Vietnam's withdrawal on September 26.

The Bush policy on Cambodia seems to be, or has been this: Let's enhance our favorite faction by giving it some guns and thereby increasing its leverage and America's leverage. But in Cambodia, there are only three candidates to give guns to: First, the Vietnamese client government, and that is rightly distasteful to us, given our experience in Vietnam; second, the Khmer Rouge, which is completely out of the question, for obvious reasons; and third, Prince Sihanouk and his associates, who are allied with the Khmer Rouge and are the weakest of the three factions.

But a better policy, Mr. President, is to cooperate with the French in their strategy to convince all outside parties to withhold military aid to all factions. Now, I note that the administration seems to be coming to its senses on this matter since Secretary Baker is reported to have discussed an arms moratorium in Cambodia with Soviet Foreign Minister Shevardnadze in Jackson Hole this past weekend.

It is fortunate therefore, that despite the confusion created by the vote on the Senate amendment, the administration has not provided any lethal aid to the non-Communist resistance. We have been saved a bad embarrassment. That action would plunge us right back to where we were from the early 1960's to the mid-1970's, involved in a civil war in Indochina. It would have associated us with the Khmer Rouge, and I do not believe any Senator seeks such a sinister association.

In a speech earlier this month, Assistant Secretary of State Solomon said that the United States is committed to a negotiating process and a political resolution of Cambodia's future. He called on the Soviet Union to cut off military assistance to the Hun Sen regime, and on China to end aid to the Khmer Rouge, but said nothing about whether the administration intends to supply the non-Communist resistance with lethal aid. It is time to end such inconsistencies in our policy toward Cambodia.

I oppose a major new military involvement in the wars of Southeast Asia. We need to do better than that. I would discourage the administration from pursuing that slippery slope. I think that because of the signal sent by the Senate's vote on the amendment, we already bear at least a portion of the responsibility for the failure of the Paris conference. Let us not also provide the fuel for a bloody civil war.

Mr. President, I ask unanimous consent that an article from the Washington Post dated September 9, 1989, an article from the Washington Post dated September 13, 1989, and also an article from the Washington Post dated September 20, 1989, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 9, 1989]

HILL CHAIRMEN URGING REVIEW OF CAMBODIA AID

(By Don Oberdorfer)

The chairmen of the Senate and House subcommittees on Asian affairs called on the Bush administration yesterday to reconsider its plan to supply lethal aid to the non-communist resistance in Cambodia in light of the failure of the recent Paris peace conference.

The statements by Sen. Alan Cranston (D-Calif.), who opposed lethal aid in congressional debates earlier this year, and Rep. Stephen J. Solarz (D-N.Y.), who heads a Foreign Affairs subcommittee and was a key backer of lethal aid, came as the State Department made its first full-scale policy statement on Cambodia since the Paris conference ended Aug. 30.

Cranston, who chairs a Foreign Relations subcommittee, said in an interview that "the administration seems to be on automatic pilot, which leads nowhere but to lethal aid" in its policy toward Cambodia, which is now facing the prospect of a lengthy civil war. Cranston questioned whether U.S. weapons should go to the weakest of the groups contending for power in Cambodia, especially one headed by Prince Norodom Sihanouk, "as erratic as he is" as shown in the recent Paris conference.

Solarz, in a separate interview, said his support for U.S. lethal aid had been based in part on the need to enhance the prospects of the non-communist resistance headed by Sihanouk in bargaining over a political settlement. With that settlement now increasingly unlikely, it is unclear what such aid would accomplish, Solarz said.

Solarz also said it is unclear to him whether Sihanouk's forces will now be allied with the Chinese-backed Khmer Rouge guerrillas, who are blamed for the deaths of more than 1 million Cambodians during their 1975–78 rule, or with the Vietnamese-backed Phnom Penh government. "We have to rethink where we are," Solarz said.

Assistant Secretary of State Richard H. Solomon referred only obliquely to the lethal aid issue in his policy speech last night in Los Angeles to a symposium on Indochina sponsored by the Los Angeles Times and the Asia Society. Referring to the House and Senate votes this summer to permit the first supply of U.S. lethal aid to the noncommunist resistance, Solomon said, "The objective of such expressions of support has been to strengthen Prince Sihanouk's hand in anticipation of a diplomatic resolution of the conflict." He did not elaborate.

In his address, Solomon called on the Soviet Union to "restrict its increasing flow of arms into Cambodia," a supply which administration sources said has been unusually large in recent months. In return for such Soviet restraint, Solomon said, China should "equally restrict the supply of arms to the Khmer Rouge."

The United States will continue to work with other major powers and with the noncommunist Southeast Asian countries in support of a political settlement in Cambodia. Solomon said he also declared that, despite criticism of Sihanouk's performance at the Paris conference, "we will sustain our support for the non-communist resistance and Prince Sihanouk as the political center of a process of national reconciliation."

"Vietnam's troop withdrawal by the end of this month will be a welcome step. But it is not enough," said Solomon. "After more than a decade of occupation, Hanoi has an obligation to do more than just walk away, leaving Cambodia in a state of civil war. Vietnam must participate constructively in efforts to bring about a settlement in Cambodia that combines an equitable and stable political reconciliation with national independence.

Solomon's speech and interviews with administration officials made it clear that the administration holds Hanoi and the Phnom Penh government—which the Vietnamese installed responsible for the breakdown of the Paris talks.

"I don't think there is any mystery about why the [Paris] conference failed," said a senior U.S. official who follows the issue closely. "It was not because of Sihanouk or even the Khmer Rouge, but because Hun Sen [premier of the Phnom Penh government] would not consider a real power-sharing arrangement."

The official said this posture appears to have been dictated by Vietnam, which he said is taking the same unyielding position with regard to Cambodian peace negotiations that it took with the United States in negotiations to end U.S. involvement in the Vietnam War of the 1960s and 1970s.

[From the Washington Post, Sept. 13, 1989]

Troops Won't Return to Cambodia, Vietnamese Foreign Minister Says

(By Elizabeth Becker)

Paris.—Vietnam's foreign minister, Nguyen Co Thach, said in an interview that Vietnam would not send its troops back into Cambodia after the scheduled completion of its withdrawal later this month.

With the last of Vietnam's troops in Cambodia due to leave Sept. 26, Thach, 67, said, "Our return would be a defeat, a reversal of everything we've done in Cambodia.

Vietnam invaded Cambodia in December 1978, ousted the Khmer Rouge and installed a friendly government in Phnom Penh. After years of fighting a tripartite Cambodian guerrilla coalition and under pressure from Asian and Western nations, Hanoi agreed earlier this year to the scheduled pullout.

A month-long international conference that was convened in Paris to produce a political solution to the Cambodian conflict ended last week in a deadlock. Many analysts said they now expect increased civil war among the four Cambodian factions the Phnom Penh government—and the three parties in a U.N.-recognized resistance coalition.

The coalition consists of two noncommunist groups, including one headed by former Cambodian ruler Prince Norodom Sihanouk, and the communist Khmer Rouge, which during its reign undertook a ruthless restructuring of society that left more than 1 million Cambodians dead and now has the most powerful resistance army. The conference deadlocked over several issues, including the role of the Khmer Rouge in a Cambodian coalition government.

Thach, when asked in the interview what Vietnam would do if the Cambodian capital becomes threatened by the Khmer Rouge, said, "If there is any threat . . . it will be the responsibility of the world community to deal with it—especially those countries who demanded the withdrawal of Vietnamese troops from Cambodia."

[In Washington, U.S. official said they do not take at face value Thach's statements that Vietnam will not return to Cambodia. In a U.S. policy statement Friday night in Los Angeles, Assistant Secretary of State Richard H. Solomon said, "Vietnam has expressed, as recently as Aug. 24, its willingness to reintervene in the conflict if Hun Sen requests Hanoi's assistance." A State Department official said Solomon's reference was to a public statement by Thach in Bangkok as he departed Southeast Asia for the final days of the Paris conference.]

As first vice minister, and foreign minister, Thach led his country's delegation at the Paris conference. Since Vietnam's invasion, Thach's statements and interviews have defined Vietnam's public position on Cambodia.

In the wide-ranging interview Wednesday at the ornate Vietnamese Embassy here, Thach made these other points:

"In 1979 to 1981, Prince Sihanouk declared many times that an alliance with the Pol Pot regime would be political suicide for him. . . . I think he was correct."

U.S.-Vietnamese relations will only improve when "the United States believes it is in American interests . . . . Vietnam has dropped all preconditions to normalization."

It will be more difficult for the United Nations to continue recognizing the resistance after "the results of the Paris conference."

Thach blamed Khmer Rouge overconfidence and the U.S. Congress's recent passage of legislation expressing its willingness to provide military aid to the noncommunist resistance for the conference's failure. Since the conference ended, however, some key U.S. legislators have said Congress should rethink its position on lethal aid.

"They [Sihanouk and the Khmer Rouge] think they can drag on negotiations through the next dry season [of fighting] because they believe their position will be stronger," he said. "And they think they have the support of the U.S. Congress for that."

Thach said the Khmer Rouge military strength is overestimated and there will be no need for Phnom Penh to call in foreign troops to aid Cambodian Prime Minister Hun Sen's government. Analysts have said it is not clear how the Cambodian army will perform on the battlefield without Vietnamese troops.

"They [the resistance] are taking advantage of our withdrawal, to make use of this vacuum for their last test." Thach said.

During the Paris conference, Thach met with Solomon and told him Vietnam prefers that all countries immediately suspend military aid to the Cambodian factions and force them to negotiate.

Failing that, Thach said, he is placing his hopes on the media, legislators from all nations and representatives from international organizations to give Vietnam a chance to prove that it has withdrawn all of its troops.

Since the Paris conference failed to arrive at a comprehensive political settlement, it could not send a force to monitor the withdrawal, according to its own rules.

Vietnam is eager for other countries to believe that it has honored its pledge to withdraw from Cambodia because a complete withdrawal is likely to lead to improve relations with a number of its noncommunist neighbors as well as with Western nations.

[From the Washington Post, Sept. 20, 1989]

Cambodia Seen Facing Rebel Influx

(By Keith B. Richburg)

Ho Chi Minh City, Vietnam, September 19.—At least 23,000 Cambodian resistance fighters have moved from their base camps in Thailand to the Cambodian interior in preparation for a major military offensive following next week's planned withdrawal of Vietnamese troops from Cambodia, a senior Vietnamese military official said today.

Gen. Nguyen Van Thai, a military spokesman and ranking official of the Vietnamese Defense Ministry, also pointed to "massive shipments of weapons to the opposition forces" in recent weeks.

Thai said that some 13,000 of the guerrilla fighters inside Cambodia were members of the widely hated Khmer Rouge communist faction, who are considered the best armed and most disciplined of the three resistance forces battling the Vietnamese-backed government in Phnom Penh.

Thai's estimates could not be independently confirmed. Vietnamese officials have urged international efforts to deal with any threat to Phnom Penh from Khmer Rouge.

Thai expressed confidence that government forces, backed by a strong militia network in villages, can hold their own without assistance from Vietnamese troops. But he said that if resistance forces "continue to receive aid and territorial assistance from the outside, then there might be trouble and the fighting might continue."

Other Vietnamese military officials have previously said that after the Vietnamese troop withdrawal, the resistance may be able to seize small, isolated towns in western Cambodia. Thai, however, is the first Vietnamese military official to provide a detailed assessment of the guerrillas' armed strength and their ability to infiltrate fighters into the country from across the border.

Thai placed the current troop strength of the noncommunist Khmer People's National Liberation Force at 10,000 men, including 3,000 now inside Cambodia. He said a guerrilla faction loyal to exiled Prince Norodom Sihanouk has 17,000 members, including 7,000 inside the country.

He estimated total Khmer Rouge strength at 23,000 men, including 17,000 armed fighters.

Despite the looming conflict, Thai said, Vietnam intends to complete its troop pullout as planned, with the last Vietnamese soldier scheduled to cross the border the morning of September 26. With withdrawals already under way, Thai said, only about 26,000 Vietnames troops remain in Cambodia. Western embassies have put the total slightly higher.

Gen. Thai disputed frequent claims by Sihanouk and other guerilla leaders that Vietnam plans to continue its military presence in Cambodia by leaving behind soldiers hiding in forests or disguised in Cambodian army uniforms. "There is not a single Vietnamese soldier wearing a Cambodian uniform," he said. "There will be no Vietnamese soldier remaining in Cambodia."

Thai took issue with resistance reports that hundreds of thousands of Vietnamese settlers are being left behind as part of a long-term scheme to "colonize" Cambodia. He said only 80,000 Vietnamese nationals now live in Cambodia, far fewer than the number who lived there in years before the 1975 Khmer Rouge takeover.

Thai said the Vietnamese military was concerned, however, about the safety of Vietnamese civilians remaining in Cambodia after the pullout. "For the reactionary forces, Vietnamese living in Cambodia might become victims," he said.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. Thurmond].

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of the Warner-Nunn second degree amendment to strike the portion of the Appropriations Committee amendment making the recommendations of the Defense Secretary's Commission on Base Realignment and Closure subject to review by the General Accounting Office. It appears the Appropriations Committee's proposed legislation is designed to overturn the recommendations of the Base Closure Commission and delay or cancel any base closing.

The Congress and the Department of Defense worked hand in hand in establishing a compromise position setting up the Base Closure Commission. The Senate supported the original base closure legislation by a vote of 83 to 13; the House also voted in favor of the legislation.

The recommendations of the Secretary of Defense's Commission of Base Realignment and Closure were the subject of numerous hearings. Although many of the issues that are the basis for the Appropriations Committee's amendment were surfaced, the Armed Services Committee voted to approve the Commission's report. The House supported the Commission's recommendations by a vote of 381 to 43; the Senate chose not to vote on the issue.

Mr. President, it seems that the amendment calling for a further review of the Commission's report is an attempt to overturn the expressed sense of the Congress. The legislation will also create a false sense of hope among the communities affected by the base closing.

Mr. President, the Congress has spoken on the matter of base closing, let us not delay the process any further. I urge my colleagues to support the Nunn-Warner amendment.

I yield the floor.

AMENDMENTS NUMBERED 845, 846, 847, 848 AND 849

Mr. INOUYE. Mr. President, I ask unanimous consent that the Nunn-Warner base closing amendment be temporarily set aside for the consideration of three technical amendments and two other amendments, which have been cleared by managers of this bill on both sides.

Mr. WARNER. Mr. President, reserving the right to object, and I do not intend to object, my understanding is this would be the pending business in the short period of time thereafter.

Mr. INOUYE. After this, Senator GORTON will speak on base closings. The leader will be here to announce that this base closing amendment will be taken up tomorrow.

Hopefully, a vote will be taken by noon, and after the recess for conferences, we can bring up the committee amendment consideration.

Mr. WARNER. Mr. President, then I presume that the Senator from Virginia would be able to speak on behalf of the amendment tomorrow; that is, the amendment by Mr. NUNN, the Senator from Georgia.

Mr. INOUYE. Yes, sir.

Mr. WARNER. Then I will forego my remarks tonight and state them tomorrow.

I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii?

If not, the pending amendments which would otherwise be before the Senate at this time, without objection, are set aside.

AMENDMENT NO. 845

Mr. INOUYE. The first amendment relates to a technical amendment. We have provided funding for 633 automobiles, but the text of the bill allows only the purchase of 250.

AMENDMENT NO. 846

The second technical amendment corrects a drafting error in one of the sections.

AMENDMENT NO. 847

The third technical amendment also corrects drafting errors in the reporting bill, and removes provisions which were objectionable to the Budget Committee.

AMENDMENT NO. 848

The fourth amendment has been submitted by Senator CONRAD and Senator BURDICK. This calls for the appropriation of $1 million for the maintenance and repair of equipment and facilities for tooling at the Government-owned William Longer Jewel Bearing plant.

AMENDMENT NO. 849

The last amendment is proposed by Senator PRYOR, and relates to consultant services.

These have all been cleared by the managers on both sides of the bill.

The PRESIDING OFFICER. If the Senator desires to have those reported, the clerk will report those amendments.

Mr. INOUYE. I desire that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 845

On page 32, line 23, strike "250" and insert "633," and on line 24, strike "194" and insert "586."

AMENDMENT No. 846

On page 52, line 17, insert "shall be available" following "Department of Defense."

AMENDMENT No. 847

Strike section 9094 and insert in lieu thereof the following:

SEC. 9094. USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES.

(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

(2) ACCOUNTS DESCRIBED.—The accounts refered to in subparagraph (B) are—

(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the "Cook Inlet Region, Incorporated property account"; and

(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

(1) tendered from an account described in subsection (b)(2);

(2) received by the agency as proceeds of such a sale; and

(3) used by the agency for that specific purpose.

(c) AVAILABILITY OF FUNDS.—The Secretary of the treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

(d) AGENCY DEFINED.—In this section the term "agency" includes—

(1) any instrumentality of the United States; and

(2) any element of an agency.

AMENDMENT No. 848

At the appropriate place, insert the following:

From any appropriations in this Act, $1,000,000 shall be made available for maintenance and repair of equipment and facilities and for tooling at the Government-owned William Langer Jewel Bearing Plant.

AMENDMENT No. 849

On page 79, line 17, before the "." insert: *Provided,* That (a) Not more than $1,564,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.

(b)(1) Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall (A) submit to Congress a report on the amounts obligated by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports

AMENDMENT NO. 847

Mr. INOUYE. Mr. President, this amendment corrects drafting errors in section 9094 in the reported bill and removes provisions which are objectionable to the Committee on the Budget.

Section 9094 permits agencies that sell Federal property to accept, in the same manner as cash, amounts tendered from two special accounts previously established by Congress. These accounts were established pursuant to section 12(b) of Public Law 94-204—for the Cook Inlet Region Native Corporation—and section 317 of Public Law 98-146—for certain landowners in Hawaii. Both accounts were established to satisfy obligations of the United States to these groups by allowing them to use the accounts to acquire surplus property from the General Services Administration at public sales.

However, recent events have severely curtailed the activities of the GSA surplus property disposal program, and the intent of Congress to fulfill these obligations has not been satisfied. Section 9094 will reinvigorate these accounts by specifically authorizing agencies other than GSA to accept, as cash receipts, amounts tendered from the two accounts.

Section 9094 is not intended to create significant new authority on this matter, but merely clarifies the operation of the various statutes.

AMENDMENT NO. 848

Mr. BURDICK. Mr. President, I understand that this amendment has been agreed to on both sides of the aisle. I thank the distinguished floor managers for their outstanding leadership on this funding bill.

This amendment invests American dollars in a unique manufacturing facility in my State of North Dakota. The William Langer Jewel Bearing Plant is the only facility of its kind in the United States. The plant has the capability of producing all types of jewel bearings from synthetic ruby or sapphire by abrasive-machining techniques. Jewel bearings are necessary components of military precision instruments and control mechanisms.

Prior to building the William Langer Jewel Bearing Plant, the United States was dependent on the Swiss for jewel bearings. During World War II, this presented real problems, as we had to smuggle finished bearings into the country to meet our great wartime demand.

This amendment funds much needed repairs at the facility and allows for the plant to expand operations to produce blanks. This investment will free us from relying exclusively on the Swiss for the basic materials used to produce jewel bearings.

I appreciate the support of my colleagues for this amendment.

AMENDMENT NO. 848

Mr. CONRAD. Mr. President, this amendment provides much needed funding for the Government-owned William Langer Jewel Bearing Plant, located in Rolla, ND.

The Langer plant, situated just outside the Turtle Mountain Indian Reservation, is our only domestic manufacturer of jewel bearings. These tiny bead-like objects are used in a variety of instruments, including gyroscopes, aircraft instruments, and other military precision equipment.

The plant is an essential part of our Defense mobilization base. However, it is in dire need of repair. In addition, on the recommendation of a joint committee with members from the departments of Defense and Commerce, GSA, and several other agencies, the facility was recently expanded to provide for the manufacture of blanks. Blanks are the basic material from which jewel bearings are produced, and until now have only been available through importation. This amendment will also enable the plant to tool-up its blanks operation.

I urge its adoption.

AMENDMENT NO. 849

Mr. PRYOR. Mr. President, I rise today to offer an amendment to the Defense appropriations bill to perfect a provision in the bill which reduces the amount of money which the Department can spend on consultant services. The Senate Appropriations Committee reduced the amount of money to be spent on consultants by $75 million. The House reduced the amount available by $150 million.

The amendment that I am offering is similar to amendments that I have successfully offered to previous appropriations bills. It uses the Agency's own figures to place a cap on the amount of money available for consultant services. In this case, I have taken the Defense Department's request of $1.639 billion and reduced it by $75 million to $1.564 billion to reflect the Senate's cut.

I have held three hearings on the Department of Defense and the problems that routinely occur when DOD turns to private contractors and consultants to carry out sensitive functions. In June, I chaired a hearing on the DOD's Office of Operational Test and Evaluation [OT&E]. One key issue raised at the hearing was the excessive use of private consultants to assist the OT&E in carrying out virtually all of its statutory tasks. For example, a critical component of OT&E's mission is to monitor the operational tests of weapons systems. If you assume that officials of OT&E are actually making trips to review all these tests, you are suffering under an illusion. Actually only 2 percent of the OT&E staff time is spent out in the field reviewing tests. This critical task has been delegated to private consultants. This should be of special concern to us because the Office of Operational Test and Evaluation is supposed to be independent of the contractors that develop the weapons.

Mr. President, what I have found at the Department of Defense reflects a Governmentwide trend. Over the past 20 to 30 years, Federal agencies have grown more and more dependent on contractors to perform the most basic work of the Government. This hidden bureaucracy writes reports to Congress, implements Government programs, evaluates Government programs, drafts regulations, and comments on GAO reports. At the Operation Test and Evaluation Office, consultants were used to review GAO studies on the Office and report back on what was said.

Mr. President, while I think that consultants and contractors may have a role to play in making our Government more efficient, this widespread delegation of much of the basic work is unhealthy. It creates a buddy system and oils the revolving door.

Last year, with the cooperation of the Appropriations Committee, I was successful in reducing DOD's spending on consultants by $150 million. As far as I know, this modest reduction has not had a negative impact on our national security. In fact, Mr. President, since it may have helped reduce our budget deficit, you might say it had a positive impact on our economic security.

This year we are still faced with a massive budget deficit. What I propose is to use DOD's budget request to figure the reduction in their consultant spending. Under current law, section 1114 of title 31, United States Code, each agency is required to include in its budget justification the amount of money which it requests for consulting services, as well as a list of appropriation accounts from which the money is to come and a description of the agency's need for consulting services. The Department of Defense entitles its budget submission for consultant services "PB 27." My amendment merely takes the amount the Department of Defense requested, $1.639 billion, and reduced it by $75 million, the same as the House. This means that DOD still has $1.564 billion to spend on consultants.

The definition of consultant services will be the same as the definition provided by the Office of Management and Budget's Circular A-120.

To give the Agency an accurate idea of what it is actually spending on consultant services, the amendment also requires the Secretary of Defense to submit a quarterly report to Congress and the Comptroller General on the funds obligated and expended by the Department during that quarter. This report will provide the Congress with information on the types of services we are buying. The Comptroller General is then requested to review the reports submitted by the Secretary and make any recommendations that he sees fit.

Mr. President, let me emphasize that this year I am using the figures on consulting services the agencies themselves sent up to the Congress. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this approach will enable us to assure the taxpayers that the Federal Government is carefully monitoring the way we are spending their money.

Finally, Mr. President, I ask unanimous consent to place in the RECORD following my remarks a memo from the Congressional Research Services' American Law Division on the Antideficiency Act. I requested from the American Law Division a memo on how the Antideficiency Act applies to the caps on consulting services I have placed on several appropriations bills. The memo makes it clear that any agency that spends more on consulting services than it had received in its appropriation will be violating the Antideficiency Act. For the employee who violates the act there are potential personnel sanctions and criminal penalties. While it is my hope that agencies will closely monitor spending on consultants and not exceed the appropriations amount, I trust that the threat of criminal penalties will provide some real motivation for them to enforce the dollar limits.

I urge my colleagues to support this amendment.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, August 18, 1989.

To: Senate Committee on Governmental Affairs, Subcommittee on Federal Services; attention: Kim Weaver.

From: American Law Division.

Subject: Whether the Antideficiency Act Applies to Appropriations Act Limitations on Advisory and Assistance (Consulting) Services.

This memorandum responds to some inquiries regarding floor amendments that have passed the Senate in several appropriations bills. *See, for example,* 135 *Cong. Rec.* S8786 (daily ed. July 26, 1989) (the Department of Interior), 135 *Cong. Rec.* S8890 and S8918 (daily ed. July 27, 1989) (the Departments of Agriculture and Energy, respectively) for the text of these amendments. Correspondence to us indicates that floor amendments to this effect are expected to be offered to all appropriations bills.

BACKGROUND

The purpose of these amendments is basically the same; only the amounts and departments differ. Each amendment says that not more than a certain amount of funds appropriated in each may be obligated or expended to procure advisory or assistance services by the relevant department. Advisory and assistance services are commonly referred to as consulting services. The amount for each department equals the amount that it had requested in its budget justification.

In addition to capping the amount that each department may obligate, each amendment would require the head of each department, not later than 20 days after the end of each quarter, to report to Congress the amounts obligated in that quarter for these services. This report, a copy of which would be transmitted to the Comptroller General, would list all contracts awarded for these services and the amount of each contract, the purpose of the contract, and the justification for awarding the contract, as well as the reason that the work could not be performed by civil servants. Finally, the amendment would require the Comptroller General to review the reports and transmit to Congress any comments and recommendations he considers appropriate regarding the matter contained in the reports.

Current law, 31 U.S.C. 1114, first enacted in 1980 and subsequently amended, requires the head of each agency to include in the budget justification amounts requested for consulting services, appropriation accounts from which the amounts are to be paid, and a description of the need for the consulting services, including a list of the major programs requiring those services.

Section 1114 also directs each agency's Inspector General or comparable official to submit to Congress each year, with the budget justification, an evaluation of the progress of the agency in establishing effective management controls and improving the accuracy and completeness of the information provided to the Federal Procurement Data System on contracts for consulting services.

In floor remarks when offering the amendment to H.R. 2788, 101st Cong., 1st Sess., the Department of the Interior and Related Agencies Appropriations bill, Fiscal Year 1990, the sponsor of the advisory and assistance services amendment, Senator Pryor, said that the amendment would take the disclosure requirement in 31 U.S.C. § 1114 one step further by camping agency spending for these services at the amount requested. 135 *Cong. Rec.* S8784 (daily ed. July 26, 1989).

He asserted that the amendment was needed to force agencies to be accurate and honest about their spending for consultants. *Id.* In remarks on the Interior Appropriations bill and H.R. 2696, 101st Cong., 1st Sess., the Department of Energy and Water Development Appropriations bill, Fiscal Year 1990, Senator Pryor cited examples of disparities between amounts requested and actually expended. He said that the Department of the Interior requested $26.5 million for Fiscal Year 1990, but spent $46.5 million in Fiscal Year 1987, a year for which the General Accounting Officer had compiled figures. "Even if we assume that the Interior Department has not increased its consultant use, the Department has underrequested by $19,984,000 their need for consultant service." *Id.* The disparity for the Department of Energy was greater. He said that the Fiscal Year 1990 budget request was $36 million; in Fiscal year 1988, it spent $151 million for consultants according to the General Accounting Office. 135 *Cong. Rec.* S8918 (July 27, 1989).

ANTIDEFICIENCY ACT

Would enacting limits make obligations and expenditures for this purpose subject to the Antideficiency Act? Before answering this question, it is instructive to define the scope of the Antideficiency Act. As its name implies, the Act is designed to prevent the need for supplemental or deficiency appropriations. It seeks to achieve this purpose by prohibiting an officer or employee of the United States government from making or authorizing an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation. 31 U.S.C. § 3141. The Act also prohibits involving the government in a contract or obligation to pay money before an appropriation is made unless authorized by law. *Id.*. In short, section 1341 bans spending or incurring obligations in excess of or in advance of appropriations.

In addition, the Act also requires that an appropriation available for obligation be apportioned, *i.e.,* proportionately divided, by time periods (*e.g.,* months or calendar quarters) or by activities, functions, projects, or objects, or a combination of these ways. The appropriation should be apportioned to prevent obligation or expenditure at a rate that would indicate the necessity for a deficiency or supplemental appropriation for the period. 31 U.S.C. § 1512. *See also* 31 U.S.C. §§ 1513–1516. An officer or employee may not make or authorize an expenditure or obligation exceeding an apportionment. 31 U.S.C. § 1517.

The working of the Antideficiency Act suggests that enacting a limit on the amounts that each department may obligate and expend for assistance and advisory services would appear to make it subject to the Act. Congress effectively would tell each department that it may spend no more than the designated amount. This amount would constitute the appropriation for this purpose. It appears that the Antideficiency Act would become applicable because sections 1341 and 1512 of title 31 are written in terms of appropriations. Section 1341 prohibits making or authorizing an obligation or expenditure exceeding "an amount available in an appropriation" or becoming involved in a contract or obligation for the payment of money "before an appropriation is made" unless authorized by law. Similarly, section 1512 states that "an appropriation available for obligation for a definite time period" shall be apportioned. Section 1517 of title 31 prohibits making or authorizing an expenditure or obligation exceeding an apportionment.

ENFORCING THE ANTIDEFICIENCY ACT

How are these provisions of the Antideficiency Act enforced? The Act establishes a rigid system designed to ensure compliance. Section 1513(b) directs the President to apportion appropriations available to executive agencies. This authority has been delegated to the Director of the Office of Management and Budget. Exec. Order No. 11,541, 35 *Fed. Reg.* 10737 (July 2, 1970). The Director makes apportionments according to information submitted by agency heads. Section 1514(a) requires the head of each executive agency, subject to approval of the Director, to prescribe by regulation a system of administrative control. The purpose of this system is to restrict obligations and expenditures from each appropriation to the amount of apportionments and enable the agency head to fix responsibility for an obligation or expenditure exceeding an apportionment. *Id. See also* Office of Management and Budget Circular No. A-34, Transmittal Memorandum No. 11 (Aug. 26, 1985)(the latest), for instructions on budget execution.

In addition to the system imposed by some sections of the Antideficiency Act, other provisions of title 31 of the United States Code also promote compliance. For example, section 3512 of title 31 requires the head of each executive agency to establish and maintain systems of accounting and internal controls that provide effective control over, and accountability for, assets, for which the agency is responsible, including internal audit, reasonably to ensure that obligations and costs comply with applicable law. Each account of an agency must be audited administratively before being submitted to the Comptroller General. 31 U.S.C. § 3521. Each disbursing official periodically must make an account of public money according to the appropriation from which the money was advanced. 31 U.S.C. § 3522.

In the first instance, each department's financial personnel acting under this administrative control system would be responsible for complying with the Act to ensure that obligations and expenditures for consulting services would not exceed the limit in its appropriations act. An officer or employee who violates 31 U.S.C. § 1341 by making or authorizing an expenditure or obligation exceeding that appropriation would be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office. 31 U.S.C. § 1349. A knowing and willful violator could be fined not more than $5,000, imprisoned not more than two years, or both. 31 U.S.C. § 1350. All relevant facts and agency actions taken in response to violations must be reported immediately to the President and Congress. 31 U.S.C. § 1351. The same administrative personnel sanctions and criminal penalties would apply to an officer or employee who makes or authorizes an expenditure or obligation exceeding an apportionment. 31 U.S.C. §§ 1518 and 1519, respectively. A certifying official who certifies a voucher would be responsible for repaying a payment prohibited by law. 31 U.S.C. § 3528.

It has been noted that the system of administrative control is designed to ensure internal compliance with the Antideficiency Act by officers and employees within each department. As a further check, offices of Inspectors General have been established in departments to create independent and objective units to conduct and supervise audits and investigations relating to programs and operations; to promote economy, efficiency, and effectiveness of administration of, and to prevent and detect fraud and abuse in, programs and operations; and to keep agency heads and Congress fully and currently informed about administration of programs and operations and the necessity for corrective action. 5 U.S.C. App. § 2. It was noted earlier that 31 U.S.C. § 1114 directs each agency's Inspector General to submit to Congress each year, with the budget justification, an evaluation of the agency's progress in establishing effective management controls and improving the accuracy and completeness of the information provided to the Federal Procurement Data System on contracts for consulting services.

From outside the departments, the Comptroller General would monitor compliance when exercising governmentwide accounting and auditing responsibilities. For example, he is required to prescribe accounting principles, standards, and requirements that agency heads must observe, 31 U.S.C. § 3511, and audit financial transactions of each agency. 31 U.S.C. § 3523. He is responsible for settling all accounts of the United States. 31 U.S.C. § 3526. The balance certified by the Comptroller General is conclusive on the executive branch. *Id.* Settling accounts in this context means administratively determining whether an appropriation is legally available for incurring an obligation or expending funds. Office of the General Counsel, General Accounting Office, Principles of Appropriations Law 11-7 (1st ed. 1982), citing 18 Comp. Gen. 285, 292 (1938).

In addition to his accounting and auditing duties, the Comptroller General also has investigative responsibilities. For example, he is required to investigate all matters related to the receipt, disbursement, and use of public money; make an investigation and report when ordered by either House of Congress or a committee having jurisdiction over revenue, appropriation, or expenditures; and give such committee the help and information it requests. 31 U.S.C. § 712. Each agency must give the Comptroller General information he requires about the duties, powers, activities, and financial transactions of the agency. 31 U.S.C. § 716. He may inspect an agency record to get the information. Id. The Comptroller General may evaluate the results of a program or activity that the government carries out under existing law on his own initiative, when either House orders an evaluation, or when a committee with jurisdiction over the program or activity requests the evaluation. 31 U.S.C. § 717(b). The Comptroller General must report to Congress specially on expenditures and contracts that an agency makes in violation of law (including the Antideficiency Act) and on the adequacy and effectiveness of administrative audits of accounts. 31 U.S.C. § 719(c).

The Senate Committee on Governmental Affairs and the House Committee on Government Operations are specifically mentioned in some provisions relating to investigative duties of the Comptroller General. For example, when the Comptroller General submits a report to Congress, he must deliver copies to these committees, as well as the Senate and House Committees on Appropriations, the committee that requested information in the report, and any other committee that requests a copy. 31 U.S.C. § 719(g). When the Comptroller General makes a report that includes a recommendation to the head of an agency, the agency head is required to submit a written statement on action taken on the recommendation to the Senate Committee on Governmental Affairs, the House Committee on Government Operations and the Committees on Appropriations.

CONCLUSION

This memorandum has addressed whether enacting a limitation on the amount each department may obligate or expend to procure advisory and assistance services would make the limitation subject to the Antideficiency Act, 31 U.S.C. §§ 1341, 1511-1519. The Act prohibits obligating or expending funds in excess of or in advance of an appropriation and requires that each appropriation must be apportioned, i.e., proportionally divided. It appears that enacting a limitation would subject it to the Antideficiency Act because the Act is written in terms of amounts appropriated. If Congress should enact such a limitation, each department would violate the Act's prohibitional if it should obligate or expend funds in excess of the amount appropriated for advisory and assistance services. The Act is enforced internally by departmental financial personnel who work under a system of administrative control designed to restrict obligations and expenditures to amounts apportioned and fix responsibility for violations. A violator could be subject to appropriate administrative discipline including suspension from duty without pay or removal from office. Criminal penalties such as a fine or imprisonment or both may be imposed for knowing and willful violations. Violations must be reported to the President and Congress. The Comptroller General is authorized to audit and settle agency accounts and report findings of investigations to Congress and agency heads.

THOMAS J. NICOLA,
Legislative Attorney.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, 845 through 849 were agreed to en bloc.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 844

Mr. GORTON. Mr. President, I thank the distinguished Senator from Hawaii for his courtesy in helping me gain recognition at this time to speak in favor of the Nunn-Warner amendment.

The Base Closure Commission, which is the subject of this amendment, and the section in this bill which it seeks to strike, in my view, Mr. President, was a council of genius born of despair. Every base closure initiative since 1975 foundered on the rocks of congressional opposition. No matter how effective, no matter how much money it saved, any single proposal to close a military base in the United States met with understandable, even though frequently unjustified, opposition on the part of Members of Congress and other organizations, which benefit from the presence of certain military stations.

As a consequence when Congressman ARMEY 1 year or 2 ago came up with the idea of the Base Closure Commission, his proposals met with a wide degree of acceptance. Much as we often are able to meet budgetary requirements only through reconciliation bills, when we package it together on a number of items of unpleasant medicine, so also did it become evident that only by having some objective outside organization make recommendations with respect to base closures, and then requiring votes in the Congress of the United States to take place only on the package as a whole, could we ever reach the efficiencies of the military logic which were behind the Base Closure Commission scheme. A commission of distinguished Americans was appointed, worked through on an objective basis, on the basis of a charter provided by the Congress of the United States and conducted an examination of bases all across the country.

Its report called for the closure of some 86 military bases and stations, 5 partial closures, and some 54 realignments. The estimated savings total for those changes was close to $700 million per year and the 20-year savings are in excess of some $5 billion.

During the course of this year to date only relatively minor and totally unsuccessful challenges to the report of that Base Closure Commission have been mounted. Votes directly or indirectly in both Houses seeking to undercut the Base Closure Commission report have received only a relative handful of votes.

This was the situation at least until this bill was reported to the floor with what can only be described as a killer provision which would undercut almost totally the report of the Base Closure Commission and put us back into the same situation in which we found ourselves between 1975 and 1988.

What is wrong with the provision which the Nunn-Warner amendment seeks to strike? Just for starters, the General Accounting Office certainly cannot go through a study of this sort by the March 30, 1990, date included in this bill and make the kind of recommendations or the kind of findings which are required of it. Because it cannot do so, we run the very real risk that no bases, no matter how justified their closing, will actually be closed in the next fiscal year.

There is however, a more profound objection to the present provision of the bill, which is the inability of the General Accounting Office to meet the requirements which are set out for it. This bill profoundly changes the philosophy which motivated the creation of the Base Closure Commission and which infused its work from the time at which it was created. There were some nine criteria for the closure of a base or its partial elimination which were given to the Base Closure Commission with which to conduct its work. The provision in this bill calls for the consideration of only one of them. If the General Accounting Office cannot establish that the amount of moneys saved within 6 years will cover the cost of the closure of the base, it cannot be closed.

I emphasize, Mr. President, that that ignores completely military desirability or necessary alternative uses for the land the bases require, the judgment of the objective people picked to be a part of this Base Closure Commission, and every other consideration which was a part of the careful negotiations between leaders in the Congress of the United States and the Department of Defense.

So we have first an impossibility created by this provision in the bill and secondly a profound and extremely shortsighted change in the philosophy of base closure itself.

If the bill is accepted in its present form, we will simply march back down the mountain which the Congress surmounted during the course of the last year. We will go back to business as usual and we will have the most aged, the most inefficient, the least useful of military bases continue in existence. We will cost the taxpayers of the United States untold hundreds of millions of dollars at a time when they are asking for a more efficient and a more effective use of our money for national defense. We will require our military services to spend money at a time of declining budgets for purposes they do not wish to spend them for and for purposes which have no positive impact whatsoever on our national security.

Mr. President, this Congress showed a great deal of courage, wisdom and foresight in passing the Base Closure Commission not much more than 1 year ago. It despaired of business as usual with respect to this most controversial subject and came up with a counsel of genius. Let us not abandon genius for despair once more. Let us not have entirely wasted what we have done during the course of the last year.

Mr. President, I strongly support the Nunn-Warner amendment to this bill and urge my colleagues to do likewise.

Mr. President, in concluding my remarks I ask unanimous consent that I be included as a cosponsor of the Nunn-Warner amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the senior Senator from Virginia [Mr. WARNER].

Mr. WARNER. I thank the Chair.

Mr. President, first the proponents of the amendment, Senator NUNN and I very much appreciate Senator GORTON coming over and supporting this amendment. He sat through the deliberations of it. He understands the legislative history of this piece of legislation and he has spoken in a most forceful way on it, and I express my appreciation.

Mr. GORTON. I thank my friend from Virginia.

Mr. WARNER. Mr. President, I wonder if I may draw the attention of the distinguished manager of the bill, the Senator from Hawaii, and ask him a question or two. I am about to make a speech tomorrow morning that I am going to work on a little more tonight depending on what my good friend advises me. As I look through the amendment in effect this amendment by the committee would repeal a law, Public Law 100-526, commonly referred to as the Base Closure Act which was adopted by both houses of the Congress and signed by the President. The one action that questioned this law was in the House of Representatives. At the time of the resolution of disapproval, as I understand it, less than 10 percent of the House objected to this base closure package.

As I look through the mechanics of the amendment I believe there is a case for the argument that this amendment in a sense repeals de facto this law.

May I, Mr. President, ask the indulgence of my good friend, the manager, while I walk through a hypothetical argument here?

As I understand, it, if the GAO fails to establish a credible case, in all probability they will be able to take one or more of these actions, and there were quite a few actions as the Senator will recall, there were 86 closures, 5 partial closures, and 54 realignments.

I do not doubt that the old traditional guidelines of a 6-year period in several instances cannot be established factually. So at that point, the amendment takes hold. Let us say for the purposes of our debate that some of these actions will require 6, 7, 8, 9 years before that turnaround point takes place. So the amendment refers to, let us take Fort Dix, which is highly controversial, that it cannot make a payout in 6 years; it will probably take 7 or 8. Clearly the amendment then protects Fort Dix.

But could not other jurisdictions engage their counsel to come in and challenge the actions of their bases being closed because they do fall within the 6-year period on the principle that it was Congress' clear intent, pursuant to the request of the President and the Secretary of Defense, that this action of closing bases was to be viewed as a package? It was an inviolate package, all or nothing. And now Congress, by virtue of this amendment, has reopened it, established a new criteria by which, say, three, four, six, seven of these cases fail to meet the 6-year rule and therefore the predicate upon which Public Law 100-526 was passed failed and the whole thing stops.

Mr. INOUYE. Mr. President, if I may, when the time came for the passage of the resolution of approval by this body, Senators had not received information necessary to voice their objections. However, since that time, Senators representing three States—Arizona, New Jersey, and Illinois—received word from their constituents resulting from research and studies that there were errors in the findings.

I think the following should be noted: No. 1, when the Department of Defense approved these recommendations—and this is in the testimony—they did not review the recommendations. They just gave it carte blanche approval. They said "The President's commission said so. That is good enough for us."

Second, the committee review and the hearings disclosed that there were errors made in the analysis.

Third, many communities are involved, many individuals are involved. The impact of these possibly erroneous decisions may cause an impact which is needless and unnecessary. Therefore, the subcommittee felt that, in the spirit of fairness, an opportunity should be presented to those who felt aggrieved.

There are only three—Chanute in Illinois, Fort Huachuca in Arizona, and

Fort Dix in New Jersey. If someone made an amendment to just limit the consideration of the Comptroller General to those three, it is fine with me, because no other States or Senators filed objections of questions. These are the three.

If it were not for this type of amendment, notwithstanding the provable errors, they would have no recourse, no redress, no appeal, because we had passed that moment when we passed the resolution of approval.

Therefore, I plead with the Members of this body that, in the spirit of fairness, these three military establishments should be given the opportunity, notwithstanding March 30 is the final day. All others will go through in a timely fashion and should be ready for implementation on the 1st of January. So it has been held up for 90 days for these three at the very most.

I hope that we would be able to approve this just to accommodate these three States.

As I indicated, DOD did testify that they did not thoroughly review the recommendations made by the commission. This is a very serious admission to make. So it is possible that the errors that were eventually located by citizens and constituents were brought to the attention of their Senators.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague. Indeed, Senator DIXON of Illinois, a distinguished member of the Committee on the Armed Services and a real fighter, articulated the case on behalf of his constituents very strongly. It was with some trepidation that those of us on the committee felt that we had to go forward and were not able to assist our distinguished member.

Nevertheless, my concern is that if we stop it for these three, if one of them is successful, we have opened up a series of law cases that will never stop. It is almost incumbent upon every single one of these States that is losing a base, or a community, to institute legal action to try and determine that Congress has resolved this and has abandoned the concept: it is all or nothing. That is my concern.

I will carefully review the record of the proceedings today on this amendment over the evening or early in the morning and then have further points to make in the morning. But that is my concern. I thank my friend.

Mr. INOUYE. I am pleased to advise my friend from Virginia that when the majority leader arrives to make announcements, I will urge that we resume consideration on this amendment, the Nunn-Warner base closure amendment, at 10:30 tomorrow morning and vote upon it not later than 12 noon. Then we will go into recess for our conferences and at 2 p.m. resume consideration of amendment 825, which is our committee amendment, and at that time amendments can be made to that. I think 1½ hours should be ample time for all those who are either for or against it.

Mr. WARNER. Mr. President, I have no problem with that whatsoever. I am just wondering about the allocation of time.

Would it be equally divided between the opponents and the proponents?

Mr. INOUYE. I will urge that the leader do so.

Mr. WARNER. I think you can express to our leader, should I not be here, that the Senator from Virginia is agreeable, and I would ask the staff of Senator NUNN to likewise check with Senator NUNN as to that formula being agreeable.

I thank the Chair and I thank the distinguished Senator.

SUPPLY OF STRATEGIC MINERALS

Mr. BAUCUS. Mr. President, I would like to bring to the attention of my good friend from Hawaii a matter of the utmost importance to the long-term security of the United States: we need to reduce America's dependence on unfriendly countries for our supply of strategic minerals.

Ferrochromium, used to make stainless steel, is one such strategic mineral. The United States is primarily dependent on South Africa and the Soviet Union for its supply of chromite ore, from which ferrochromium is refined. So long as we must rely on these countries for an ore vital to America's defense, we are compromising our ability to exercise our will in an increasingly dangerous world.

The Stillwater Mining Complex, in my home State of Montana, represents the first vital step in helping the United States overcome its dependence on foreign sources of chromite. The Stillwater complex is on the verge of becoming the first mine in the United States to produce this metal.

Pursuant to the Defense Production Act of 1950, the Secretary of Defense currently has the authority under title III of that act to provide financial incentives for the domestic production of minerals such as ferrochromium. According to that act, the Secretary of Defense can provide price guarantees, loan guarantees, or purchase commitments to expedite production and delivery of these essential minerals. These financial incentives may also be used for the development of technological processes essential to the production of these strategic minerals.

I ask my friend from Hawaii, who has so ably led the Appropriations Subcommittee on Defense, does he think it is in our national interest to use these existing provisions to minimize our foreign dependency on ferrochromium?

Mr. INOUYE. Mr. President, I want to assure my good friend, the senior Senator from Montana, that I too share his concern regarding America's dependence on foreign sources for our supply of strategic minerals. Clearly, ferrochromium is an important commodity, and it is indeed wise that we explore the realm of domestic sources for its production.

As chairman of the Appropriations Subcommittee on Defense, I am extremely interested in all aspects of our national security. I thank the Senator from Montana for bringing this very important issue to our attention. I believe that the Secretary of Defense should be investigating the relevant provisions of title III of the Defense Production Act to ensure that adequate quantities of ferrochromium are procured from domestic, American, sources. I assure the Senator from Montana that we will bring this to the attention of the appropriate officials within the Department of Defense and will investigate this matter fully as we begin hearings in January on the fiscal year 1991 budget submission.

ORDER FOR RECESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate stand in recess after the conclusion of remarks made by the Senator from South Carolina, subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from South Carolina.

HURRICANE HUGO

Mr. THURMOND. Mr. President, I rise today to ask my distinguished colleagues and their constituents from across the country to join in the national effort to provide assistance to the needy and homeless victims of Hurricane Hugo in South Carolina. I returned from South Carolina this afternoon after touring the area extensively for 4 days and surveying the damage. The devastation that I saw there, left in the wake of Hugo, is unprecedented in South Carolina history.

Early damage estimates are running in the billions of dollars. Throughout South Carolina, homes and businesses were destroyed and hundreds of thousands of people were displaced. Electricity is not expected to be restored for several weeks, and drinkable water is in low supply. We must be thankful that the loss of human lives was minimal. Our cities can be rebuilt, but it will take years, even decades, to restore the damaged areas to their former state.

The American people are traditionally compassionate and giving individuals, and at times such as these our instinct is to pull together and lend a hand to others. For instance, in our State today the Anderson, SC, County Council appropriated $10,000 of their resources to be distributed for disaster relief programs. I commend the people of Anderson County for their fine sense of civic duty in making this generous contribution to their fellow South Carolinians.

With this particular act of compassion in mind, I appeal to Americans across our Nation to respond to our pleas for emergency help. At the top of the priority list for the 12 South Carolina counties that have been declared a disaster area or have requested a disaster declaration are the following provisions: Canned goods, nonperishable food, baby food and diapers, and building materials.

Anyone interested in donating any of these items should contact the following organizations: The Red Cross in Columbia, (803) 853-4200; S.C. Emergency Preparedness Division, (803) 734-8020; Governor's Office of Emergency Management, (803) 734-0728; Charleston County Emergency Preparedness, (803) 720-3838. In addition, food can be sent to the Salvation Army at 3816 North Main Street, Columbia, SC 29202.

I am now working with public and private organizations and corporations throughout the country to help procure these badly needed resources. I will continue these efforts and would encourage all Americans to join us in this task.

I have also been in contact with the Social Security Administration and the U.S. Postal Service to ensure the delivery of supplemental security checks and Social Security checks. Checks earmarked for delivery September 29 and October 3 will be mailed on time. All post offices will attempt home delivery. However, if this is not possible, the checks will be held at the local post office where individual recipients with proper identification can pick them up. Any questions regarding this matter can be directed to the Social Security hotline at 1-800-234-5772.

The people of South Carolina are meeting this crisis with determination and fortitude, yet they are in dire need of aid as they face this daunting task. I am confident that with the help of our fellow Americans, we will be able to coordinate an effective assistance effort with contributions from many sectors of society.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess subject to the call of the Chair.

Thereupon, at 5:15 p.m., the Senate recessed until 5:48 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. Adams].

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

CAMBODIA

Mr. ROBB. Mr. President, I happened to be sitting in the chair a few moments ago when the distinguished President pro tempore rose to discuss an amendment that was passed by this body as well as the House several weeks ago. I did not have an opportunity to respond. I do not wish to reopen that particular debate.

I just thought it appropriate at this time to indicate that, after checking with both the author of the amendment on the House side as well as the State Department, and myself as the author of the amendment on this side, I wanted to make clear that no positions have changed.

The State Department and the author of the amendment on the House side would respectfully disagree with the interpretation of the remarks that were made at that particular time.

We all are very much concerned about the progress or lack of progress in peace talks and the developments that have taken place in Cambodia, but the basic situation has not changed. The amendment simply authorized the appropriate committees of the Congress to consider requests for aid if they should be put forward.

The President pro tempore indicated that no such request had been made at this time, and to my knowledge no such request is put forward. But the basic position of all of the parties involved has not changed. I would not want to have the absence of a response from this Senator or others to reflect a contrary conclusion on the part of the conferees. We think that the will, as expressed by the Senate and the House on that occasion, and as still supported by the State Department, is the appropriate course for the United States to take at this particular time.

Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may proceed as though in morning business for 3 minutes.

The PRESIDING OFFICER (Mr. Wirth). Without objection, it is so ordered.

The Senator from Alaska is recognized for 3 minutes.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. Stevens pertaining to the introduction of S. 1666 and S. 1667 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 4:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1659. An act to improve aviation security by providing for the acquisition, and requiring the use, of certain explosive detection equipment at certain airports located outside the United States, and for other purposes;

H.R. 1759. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; and

H.R. 2835. An act to provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, New Jersey, and for other purposes.

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3014) making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Fazio, Mr. Yates, Mr. Obey, Mr. Murtha, Mr. Traxler, Mrs. Boggs, Mr. Whitten, Mr. Lewis of California, Mr. Conte, Mr. Myers of Indiana, and Mr. Porter as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, without amendment:

S. 85. An act to authorize the acceptance of certain land for addition to Harpers Ferry National Historical Park, West Virginia.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 59. Concurrent resolution correcting the enrollment of S. 85.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1659. An act to improve aviation security by providing for the acquisition, and requiring the use, of certain explosive detection equipment at certain airports located outside the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1759. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute;

S. 1364. A bill to establish a Joint Federal Commission on Policies and Programs Affecting Alaska Natives (Rept. No. 101-139).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1663. A bill entitled the "National Oceanic and Atmospheric Administration Fleet Modernization Act of 1989"; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ:

S. 1664. A bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 1665. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the submersible vessel PC-1501; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 1666. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on Governmental Affairs.

S. 1667. A bill to restore lose compensation and establish the procedure for adjusting future compensation of justices and judges of the United States; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 1668. A bill to improve enforcement of the Mail Order Drug Paraphernalia Control Act; to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. Robb, Mr. Pell, Mr. Boren, Mr. Thurmond, Mr. Inouye, Mr. Matsunaga, Mr. D'Amato, Mr. Gorton, Mr. Shelby, Mr. Warner, Mr. Lugar, Mr. Murkowski, Mr. Sasser, Mr. Gramm, Mr. Reid, Mr. Sarbanes, Mr. Jeffords, Mr. Chafee, Mr. Cohen, Mr. Gore, Mr. Burdick, Mr. Graham, Mr. Levin, Mr. Dixon, Mr. Fowler, Mr. Exon and Mr. Cochran):

S.J. Res. 204. Joint resolution designating October 28, 1989, as "National Women Veterans of World War II Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself and Mr. Danforth):

S. Res. 183. Resolution to amend the Standing Rules of the Senate to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution or other measure; to the Committee on Rules and Administration.

S. Res. 184. Resolution to amend the Standing Rules of the Senate; to the Committee on Rules and Administration.

S. Res. 185. Resolution relative to reading of a measure for the third time; to the Committee on Rules and Administration.

By Mr. MITCHELL (for Mr. Kennedy):

S. Con. Res. 72. Concurrent resolution to recognize the historic significance of the International ladies' Garment Workers' Union (ILGWU) Health Center, on the 75th anniversary of the Center, and to commend the ILGWU for establishing and maintaining the Center; considered and agreed to.

By Mr. MOYNIHAN:

S. Con. Res. 73. Concurrent resolution to express the support of the Congress for the Courageous people of Colombia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1663. A bill entitled the "National Oceanic and Atmospheric and Administration Fleet Modernization Act"; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FLEET MODERNIZATION ACT

● Mr. KERRY. Mr. President, the fleet of the National Oceanic and Atmospheric Administration [NOAA] serves the Nation by charting our exclusive economic zone, conducting inventories of our fisheries, providing vital support of our weather and satellite programs, conducting experimental work, and collecting scientific data for research and management of our ocean resources. Yet the condition of the fleet's vessels is deteriorating. Today I am introducing legislation that will restore and improve the NOAA fleet to meet the needs of the Nation for the next 20 years.

The NOAA fleet consists of 23 ships and comprises about one-third of the Federal oceanographic fleet. In 1990 the average age of the fleet will be 25 years, the age considered by the industry to be the service life of most ships. Twenty-two of the ships are more than 20 years old. Two ships, including the *Albatross IV* based in Massachusetts, were recenty taken out of service. Three additional ships have experienced significant down time due to aging. Instrumentation and support equipment require increasing repair and have not kept pace with the dramatic technological advances that have occurred in the past 25 years.

As the condition of the fleet is declining, its role is expanding as new waters are charted and research needs increase. Data are required for new NOAA programs such as global climate change and the coastal ocean initiative. NOAA vessels have been monitoring the environmental impact of the *Exxon Valdez* oilspill since it occurred.

NOAA recently developed a 10-year modernization plan to increase the size of the fleet from 23 to 30 vessels, meeting the Nation's needs into the 21st century. The plan incorporates the findings and recommendations of the "Assessment and Plan to Extend the Life of Vessels of the NOAA fleet," a study by an independent contractor.

The plan calls for the replacement of four ships of the existing fleet, while 19 ships will be upgraded. The first 3 years of the plan attend to high priority needs, at a cost of $83 million. The remaining 7 years are flexible and depend on the results of the first 3 years. In addition to increasing the size of the fleet, the plan calls for upgrading scientific, navigation, communication, and support equipment. This equipment is critical for operating a modern scientific fleet.

As vice chairman of the National Ocean Policy Study, I have a special responsibility for overseeing our oceanographic research fleet. The legislation that I am introducting would direct NOAA to begin its 10-year fleet expansion and upgrade. It would authorize $83 million to modernize one vessel and construct or otherwise acquire five additional vessels in the first 3 years. This legislation was already favorably reported by the House Subcommittee on Oceanography and Great Lakes.

Mr. President, I ask my colleagues to support this very important bill to improve the NOAA fleet. Delaying action will result in further deterioration and increase the cost of future modernization. The condition of the fleet is vital to the future of our marine resources.

Mr. President, I ask unanimous consent that the text of this vital legislation be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Fleet Modernization Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the vessels of the National Oceanic and Atmospheric Administration (hereafter in this Act referred to as "NOAA") support important fisheries, oceanographic, mapping and surveying, global climate assessment, and meteorological programs and projects;

(2) the NOAA fleet represents approximately one-third of the total Federal ocean research fleet;

(3) the NOAA fleet is rapidly approaching obsolescence since the average age of the vessels in the NOAA fleet is 24 years, which is nearly the average industry-accepted service life for vessels;

(4) a recent engineering study of the NOAA fleet, based solely on its current usage, has concluded that 4 vessels of the fleet need to be replaced and the remaining vessels need to be modernized;

(5) NOAA has new responsibilities for surveying and mapping the Exclusive Economic Zone of the United States and its offshore territories and possessions, for monitoring global climate change, and for fisheries research, that require the addition of 7 new vessels to the fleet;

(6) NOAA's overall responsibilities require a 30-vessel fleet;

(7) recent advances in technology have led to the development of modern scientific equipment for research vessels which would enable NOAA to perform its functions more efficiently; and

(8) unless NOAA implements a modernization and replacement program at this time, NOAA's ability to carry out its assigned missions will be significantly impaired, and its role as the lead civilian ocean agency will be threatened.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct NOAA to develop and implement a fleet modernization and expansion program over a 10-year period;

(2) to authorize NOAA to acquire modern scientific instrumentation for its fleet;

(3) to authorize NOAA to increase its personnel to the extent necessary to develop specifications for, and provide for the construction, lease, or other acquisition of, the improved and expanded NOAA fleet;

(4) to authorize NOAA to enter into multiyear contracts for the construction, lease, or other acquisition of vessels;

(5) to direct NOAA to modernize, construct, and convert vessels under this Act in private shipyards in the United States; and

(6) to authorize appropriations necessary to carry out this Act for 3 years.

SEC. 4. FLEET MODERNIZATION AND EXPANSION.

(a) IN GENERAL.—NOAA shall develop a fleet modernization and expansion program, and implement that program over a 10-year period beginning in fiscal year 1990. Such program shall include—

(1) the modernization or replacement of 23 vessels;

(2) the construction, lease, or other acquisition of 7 new vessels; and

(3) the acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems.

(b) SPECIFIC SCHEDULE.—(1) The Under Secretary shall, in fiscal year 1990—

(A) modernize and extend the service life of one Class I vessel to be used for oceanographic research;

(B) develop specifications for a coastal class vessel to be used for fisheries research; and

(C) develop specifications for an inshore class vessel to be used for hydrographic survey and research.

(2) The Under Secretary shall, in fiscal year 1991—

(A) construct or otherwise acquire one coastal class vessel to be used for fisheries research;

(B) construct or otherwise acquire 2 inshore class vessels to be used for hydrographic survey and research; and

(C) develop specifications for an offshore class vessel to be used for fisheries research.

(3) The Under Secretary shall, in fiscal year 1992—

(A) construct or otherwise acquire one coastal class vessel to be used for fisheries research;

(B) construct or otherwise acquire one offshore class vessel to be used for fisheries research; and

(C) develop specifications for an offshore class vessel to be used for oceanographic research.

(4) The Under Secretary shall continue to implement the fleet modernization and expansion program developed pursuant to subsection (a) in fiscal years after fiscal year 1992.

SEC. 5. PERSONNEL.

NOAA is authorized to fill 10 additional personnel positions to develop specifications for and provide for the construction, lease, or other acquisition of the modernized and expanded NOAA fleet.

SEC. 6. REPORT.

Within 3 months after the date of the enactment of this Act, the Under Secretary shall submit to the Congress a detailed plan for the implementation of this Act, including a schedule of anticipated modernizations, acquisitions of vessels, acquisitions of scientific instruments, hiring of additional personnel, and annual funding requirements for carrying out the fleet modernization and expansion program pursuant to section 4.

SEC. 7. CONTRACT AUTHORITY.

The Act of August 6, 1947 (33 U.S.C. 883a-i), is amended—

(1) by redesignating sections 9 and 10 as sections 10 and 11, respectively; and

(2) by inserting after section 8 the following:

"SEC. 9. (a)(1) Notwithstanding the provisions of section 1341 of title 31, United States Code, and section 10 of the Act of March 2, 1861 (41 U.S.C. 11), the Under Secretary may enter into multiyear contracts and lease agreements described in paragraph (2) if the Under Secretary finds—

"(A) that there is a reasonable expectation that throughout the contemplated contract or lease agreement period the Under Secretary will request funding from the Congress for the contract or lease agreement at the level required to avoid contract or lease agreement cancellation; and

"(B) that the use of such contract or lease agreement will promote the best interests of the United States by encouraging competition and promoting economic efficiency in the operation of the National Oceanic and Atmospheric Administration fleet.

"(2) The contracts and lease agreements referred to in paragraph (1) are the following:

"(A) Multiyear contracts and leases for the construction or purchase or property (including vessels and equipment) and services necessary to carry out this Act.

"(B) Multiyear contracts for the lease of property (except vessels), incluidng equipment, and services necessary to carry out this Act.

"(b) The Under Secretary may make appropriate provision in each contract or lease agreement entered into under this section that in the event of termination of the contract or lease agreement before the expiration of the stated term, the United States shall be liable for a specified amount to the contractor or lease agreement party, which shall be a valid obligation of the United States. In the event of any such termination, the amount may be paid from—

"(1) amounts originally appropriated for the performance of the contract or lease agreement;

"(2) amounts then available from appropriations for procurement of the type of acquisition concerned, and not otherwise obligated; or

"(3) amounts specifically appropriated for such payment.

"(c) Except in case of emergency, all modernization, construction, conversion, and repair work performed after the date of the enactment of this section on vessels owned, leased, chartered, or operated by the National Oceanic and Atmospheric Administration shall be carried out in private shipyards in the United States, and no vessel shall be purchased, leased, chartered, or otherwise acquired by the National Oceanic and Atmospheric Administration after that date unless the vessel was constructed in those shipyards, as follows:

"(1) All major components of the hull and superstructure of the vessel shall be fabricated in the United States.

"(2) The vessel shall be assembled entirely in the United States.

"(3) At least 50 percent of the cost of all machinery (including propulsion) and components which are not an integral part of the hull or superstructure of the vessel, except for scientific equipment which cannot reasonably be purchased in the United States, shall be attributable to items procured in the United States.

"(d) In this section—

"(1) the term 'lease' includes a lease with an option to purchase and the purchase of a vessel pursuant to that option;

"(2) the term 'multiyear' means more than one year, but not more than 10 years; and

"(3) the term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for carrying out this Act $20,000,000 for fiscal year 1990, $29,000,000 for fiscal year 1991, and $34,000,000 for fiscal year 1992. Any amounts authorized but not appropriated for a specific fiscal year shall be available for appropriation in subsequent fiscal years.

SEC. 9. CONSIDERATION OF GOVERNMENT-ACQUIRED VESSELS.

Before acquiring a vessel for use by the National Oceanic and Atmospheric Administration, the Under Secretary shall review the inventory of vessels acquired by the United States Government as a result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vesssels are suitable for use by the National Oceanic and Atmospheric Administration.

SEC. 10. DEFINITIONS.

In this Act—

(1) the term "Class I vessel" means a vessel with respect to which the sum of its shaft horsepower and gross tonnage is greater than 5,501 but does not exceed 9,000;

(2) the term "coastal class vessel" means a vessel approximately 175 feet overall in length capable of operating in coastal waters;

(3) the term "gross tonnage" means the tonnage of a vessel under chapter 143 of title 46, United States Code;

(4) the term "inshore class vessel" means a vessel approximately 100 feet overall in length capable of operating in nearshore waters;

(5) the term "lease" includes a lease with an option to purchase and the purchase of a vessel pursuant to such option;

(6) the term "multiyear" means more than one year, but not more than 10 years;

(7) the term "offshore class vessel" means a vessel at least 200 feet overall in length capable of operating in the open ocean;

(8) the term "shaft horsepower" means the total horsepower produced by a vessel's main propulsion engines; and

(9) the term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.●

By Mr. HEINZ:

S. 1664. A bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941; to the Committee on Banking, Housing, and Urban Affairs.

MEDAL TO COMMEMORATE PEARL HARBOR VETERANS

● Mr. HEINZ. Mr. President, December 7, 1991, marks the 50th anniversary of the attack on Pearl Harbor. After 50 years, the memory of that infamous day remains in the hearts and minds of millions of Americans. Indeed, it is a day which must be remembered by all Americans; remembered by our children; remembered by our children's children.

This Nation owes a great debt to the veterans who defended Pearl Harbor and other military installations in the Hawaiian Islands against the Japanese attack. Their heroic actions, often performed in the face of enemy fire, helped stave off total disaster. The sacrifices made by those individuals set an example to which all Americans could turn in the years of war which followed. Our debt is great, and it is imperative that America give those courageous individuals the recognition they so rightly deserve.

I take great pleasure in introducing companion legislation with Representative GUARINI sponsored in the House that would achieve this objective. This bill would establish a congressional medal commemorating the sacrifices made and services rendered to the United States by those veterans of the Armed Forces who defended Pearl Harbor and other military installations in Hawaii against the Japanese on December 7, 1941.

This medal would be made of bronze and inscribed with emblems and devices deemed suitable by the Secretary of the Treasury. It would be available to any individual who was a member of the Armed Forces, was present in Hawaii on December 7, 1941, and who participated in combat operations against the Japanese military forces attacking Hawaii.

Furthermore, we can establish this commemorative medal at no cost to the taxpayer. The Secretary of the Treasury may authorize the medal to be sold at a price sufficient to cover all cost of manufacturing and distribution.

The 50th anniversary of that fateful attack will soon be upon us. Let us take this opportunity to properly thank those veterans with a medal both expressing our gratitude and also acknowledging the contributions those individuals made in a time of national crisis. Individuals who gave so much deserve nothing less.

I also want to take this opportunity to thank Stephen P. Yorden of Brookhaven, PA, for bringing this legislation to my attention. Mr. Yorden is the Pennsylvania State chairman of the Pearl Harbor Survivors Association. I ask unanimous consent that a letter from Yorden and the bill be included in the RECORD following my remarks.

I urge my distinguished colleagues to join me in this effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to—

(1) commemorate the sacrifices made and service rendered to the United States by those veterans of the Armed Forces who defended Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; and

(2) honor those veterans on the 50th anniversary of that attack.

SEC. 2. CONGRESSIONAL MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of Congress, to the individuals certified by the Secretary of Defense pursuant to section 3 a bronze medal commemorating their service to the United States. The presentation shall be made as close as feasible to the 50th anniversary of the attack on Pearl Harbor. The medal may be accepted by the next of kin of any such individual who was killed in action during that attack or who died thereafter.

(b) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike the medal established by subsection (a) in bronze with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) SALE.—The Secretary of the Treasury may cause miniature duplicates of the medal established in subsection (a) to be coined in bronze and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost of such medal (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 3. ELIGIBILITY TO RECEIVE MEDAL.

(a) IN GENERAL.—To be eligible to be presented the medal referred to in section 2(a), an individual must have been a member of the Armed Forces who was present in Hawaii on December 7, 1941, and who participated in combat operations that day against Japanese military forces attacking Hawaii. An individual who was killed or wounded in that attack shall be deemed to have participated in the combat operations.

(b) DOCUMENTATION.—To establish the eligibility required by subsection (a), an individual must present to the Secretary of Defense an application with such supporting documentation as the individual may have to support his or her eligibility or the eligibility of a next of kin. The Secretary shall determine, through the documentation provided and, if necessary, independent investigation whether an individual meets the criteria established in subsection (a).

(c) CERTIFICATION.—The Secretary shall, within 6 months after the date of enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of the individuals eligible to receive the medal.

(d) NEXT OF KIN.—If applications for a medal are filed by more than one next of kin of an individual who is eligible to receive a medal, the Secretary of Defense shall determine which next of kin will receive the medal.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Effective October 1, 1989, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to implement this Act shall be reimbursed out of the proceeds of sales under subsection 2(c).

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

PEARL HARBOR SURVIVORS ASSOCIATION,
Brookhaven, PA.

DEAR SENATOR HEINZ: It was so nice of you to take time to hold your meeting in Media, and I enjoyed it very much.

As per my request to you regarding your introduction of a Senate Bill to establish a Commemorative Medal for members of the Armed Forces who were present during the attack on Pearl Harbor, Dec. 7, 1941.

Congressman Guarini of New Jersey has introduced a bill in the House. The bill is H.R. 2575.

We Pennsylvania Pearl Harbor Survivors, 350 of us, would be so happy to have our Pennsylvania U.S. Senator, John Heinz, introduce a bill in the U.S. Senate.

I remain very respectfully yours,

STEPHEN P. YORDEN,
State Chairman.●

By Mr. STEVENS:

S. 1666. A bill to increase the annual salaries of Justices and judges of the United States; to the Committee on Governmental Affairs.

S. 1667. A bill to restore lost compensation and establish the procedure for adjusting future compensation of Justices and judges of the United States; to the Committee on Governmental Affairs.

JUDICIAL SALARIES

Mr. STEVENS. Mr. President, today I am introducing the President's bill that provides for a straight 25 percent pay adjustment for Justices and judges of the United States.

Judges who would receive pay adjustments under this bill are the Chief Justice of the United States, Associate Justices of the Supreme Court, U.S. circuit judges, U.S. district judges, and judges of the U.S. Court of International Trade. In addition, this legislation would impact the pay of U.S. Claims Court judges, U.S. Bankruptcy judges, and full time U.S. magistrates.

Over the course of my years in the Senate, the issue of adjusting Federal pay has been unpopular, as we all know. However, we have a serious morale problem in the judicial branch of government. In a survey conducted in 1988 by the administrative office of the U.S. courts, many judges commented that they are being "pressed to the limit of sacrifice" they can make in order to remain in public service.

In the 15 years from 1958 to 1973, six judges resigned from the Federal bench. However, in the 14 years from 1974 to 1988, there have been 57 resignations. Since the beginning of the 1970's, the rate of Federal judicial resignations has increased by nearly 250 percent. This mass exodus of our best Federal judges cannot continue.

In a majority of the cases, financial considerations were cited as a principal factor in the decision to resign. Twenty percent of the judges surveyed in 1988 said that they would advise their friends not to seek judicial appointment due to the low pay. Federal judges are no longer able to avoid the financial realities of inadequate salaries. Our younger judges should be able to give their children the educational opportunities that they themselves had which led to their own success.

Our Founding Fathers proclaimed in our Constitution that compensation for Federal judges shall not be diminished during their time of service. However, the purchasing power of a circuit court judge is presently 70 percent of what it was in 1969—a 30-percent decline in effect—while prices have risen more than 200 percent according to the consumer price index. Moreover, it has been reported that, since 1969, the caseload of an average district court has increased by 53 percent—and that appeals courts caseloads have increased more than 100 percent.

It is common for a law clerk for a Federal judge, upon completion of his or her clerkship, to enter private practice and soon surpass the salary of that judge. First year attorneys fresh out of law school are presently beginning work this fall at top law firms in Washington, DC at starting salaries of $82,000 and higher.

As an alternative proposal for pay adjustments for the judiciary, I am also introducing legislation that provides for an immediate, one time 30 percent adjustment in the compensation of Justices of the Supreme Court and of Federal judges. This bill additionally amends title 28 of the United States Code to provide an improved mechanism for regular cost-of-living adjustments of judicial salaries in the future—judicial salaries would be adjusted automatically on an annual basis in the same amount by which annuities payable under the Civil Service Retirement System are adjusted for cost-of-living purposes, based upon changes in the consumer price index.

I believe that both of these bills are steps toward maintaining a quality judicial system made up of seasoned judges in a democratic government composed of people who give their dedication and service to this country in exchange for equitable pay.

Mr. President, I ask unanimous consent that the text of both bills and their accompanying documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Salary Act of 1989".

SEC. 2. The annual salary rates of the Chief Justice of the United States, Associate Justices of the Supreme Court of the United States, United States Circuit Judges, United States District Judges, and Judges of the United States Court of International Trade are hereby increased in the amount of 25 percent of their respective existing rates, rounded to the nearest $100, effective the first day of the first pay period that begins after the date of enactment of this Act.

SEC. 3. Section 140 of Public Law 97-92, 95 Stat. 120, is repealed.

SEC. 4. There are authorized to be appropriated such sums as necessary to carry out the purposes of this Act.

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREAMBLE.

The Congress hereby finds and declares—

1. The salaries of judges of the United States have fallen substantially in real income terms during the last 20 years, declining in purchasing power by more than 30 percent since 1969.

2. Periodic pay adjustment legislation, although raising salaries in absolute amounts, has proved inadequate, in an age of unparalleled economic growth and inflation, to maintain a rational relationship between private sector compensation and federal salaries for officials of all three branches.

3. The Constitution of the United States provides that judges of courts established under Article III shall hold their offices "during good behavior" for life.

4. The failure to provide immediate relief by enacting substantially improved judicial salary rates will imperil the ability of the courts of the United States to function as an effective independent judiciary by—

(a) deterring sitting judges from continuing in office, an ominous trend that has already been manifested by the unprecedented number of judicial resignations since 1970; and

(b) impeding well-qualified candidates from aspiring to federal judicial office and accepting nomination by the President thereto.

This will dilute the quality of the judiciary and frustrate the congressional purpose to broaden the base of the judiciary, as expressed in the last two acts creating new federal judgeships, both of which require that the President, in selecting individuals for nomination to judicial office, shall "give due consideration to qualified individuals without regard to race, color, sex, religion, or national origin."

5. The foregoing conditions mandate legislative action that will begin to restore real income lost over the past two decades and ensure that future erosion does not occur.

SEC. 2. RESTORATION AND ADJUSTMENT OF COMPENSATION.

The justices and judges of the United States referred to in paragraph (a) below shall receive a compensation that consists of the salary of the respective judicial offices provided by title 28, United States Code, adjusted as provided in paragraphs (a) and (b) of this section.

(a) Notwithstanding sections 5, 44(d), 135, and 252 of title 28, United States Code, the annual salary rates of the Chief Justice of the United States, Associate Justices of the Supreme Court of the United States, United States Circuit Judges, United States District Judges, and Judges of the United States Court of International Trade, are hereby increased in the amount of 30 percent of their respective existing rates, effective October 1, 1989.

(b) Section 461 of title 28, United States Code, is amended by striking paragraph (a) and inserting in lieu thereof the following:

"(a) Effective on the same date that civil service retirement annuities payable under chapter 83 of title 5 are increased as provided by section 8340 of that title, each salary rate which is subject to adjustment under this section shall be adjusted by the same percentage amount as the annuity adjustment under section 8340 of title 5, rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).".

(c) Section 140 of Public Law No. 97-92, 95 Stat. 1200, is hereby repealed.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as necessary to carry out the purposes of this Act.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, April 12, 1989.

To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Judicial Salary Act of 1989". This legislation would increase the pay of Justices and judges of the United

States by 25 percent, thus responding to the recommendation of the Chief Justice and the Judicial Conference that immediate salary increases be enacted for the judiciary.

Present pay schedules have failed to maintain a rational relationship between private sector compensation and salaries for Federal officials. The failure to enact substantially improved judicial salary rates will imperil the tradition of lifetime judicial service and the ability of the courts of the United States to function as an effective, independent judiciary.

Current salary rates deter sitting judges from continuing in office. Moreover, more and more well-qualified judicial candidates do not aspire to Federal judicial office because of the existing salary structure. Continuation of this trend will dilute the quality of the judiciary and frustrate the congressional purpose of broadening the base of the judiciary, as expressed in the last two acts creating new Federal judgeships.

These conditions call for prompt legislative action to help restore the real income loss in judicial salaries over the past two decades.

GEORGE BUSH.

SECTION-BY-SECTION ANALYSIS OF S. 1667

This is a bill to provide an immediate one-time 30 percent adjustment in the compensation of justices of the Supreme Court and of Federal judges. It would further amend title 28, United States Code, to provide an improved mechanism for regular cost-of-living adjustment of judicial salaries in the future.

SECTION 1. PREAMBLE

The first section is a comprehensive preamble setting forth congressional findings relevant to the purpose of this legislation.

Specifically the preamble recites that the pay of Federal judges has declined precipitously in real income terms over the last two decades. In the case of the Supreme Court justices, this rate of decline is about 43 percent; the decline in the purchasing power of circuit and district judge salaries over this period has been approximately 30 percent of their value.

The preamble further recites the constitutional provision that Article III judges serve during good behavior and states that the failure to provide immediate improvement in their compensation will imperil their tradition of lifetime service, accelerating judicial resignations and deterring potential judgeship candidates from aspiring to judicial office. The latter trend is especially ominous since it threatens both the quality of the Judiciary and the ability to realize the mandate that the President shall give due consideration to representation among Federal judicial appointments without regard to race, color, sex, religion or national origin.

Finally, the conditions enunciated are stated to mandate immediate legislative action to address the compensation needs of the Federal Judiciary, although this bill would go only part of the way to restoring judicial salaries to their 1969 real worth.

SECTION 2. JUDICIAL PAY

Subsection (a) of this section enacts a 30 percent increase in the salaries of all Supreme Court justices and Federal judges appointed under Article III of the Constitution. It does so without alteration to the respective provisions of title 28, United States Code, permanently defining their salary rates, which shall remain subject to adjustment under the Federal Salary Act of 1967, as amended, as further adjusted to reflect the cost-of-living. This 30 percent adjustment would be effective October 1, 1989. Judges are paid monthly under the provisions of 5 U.S.C. § 5505.

The judicial offices enumerated in this section to receive the 30 percent pay increase are the Chief Justice of the United States, associate justices of the Supreme Court, United States circuit judges, United States district judges, and judges of the United States Court of International Trade. In addition, this section would have the effect of increasing salaries of the United States Claims Court judges by the same 30 percent factor applied to district judge pay, because the salary of Claims Court judges is fixed by 28 U.S.C. § 172(b) (as amended by Public Law No. 100-702, § 1023, 102 Stat. 4673) as equivalent to the rate of pay of United States district judges. Further, United States bankruptcy judges and full-time United States magistrates have their salaries fixed by independent statutory provisions (28 U.S.C. §§ 153(a) and 634(a)) to be equivalent to 92 percent of the salary of a United States district judge. In the case of magistrates, this rate is a maximum, subject to administrative adjustment by the Judicial Conference of the United States.

Thus the overall effect of section 2(a) of this bill is to adjust the salaries of the following judicial offices from the current amounts shown to the revised amounts indicated:

Judicial office	Current salary	Revised salary
Chief Justice	$115,000	$149,500
Associate Justice	110,000	143,000
U.S. Circuit Judge	95,000	123,500
U.S. District Judge	89,500	116,350
Court of International Trade	89,500	116,350
U.S. Claims Court	89,500	116,350
U.S. Bankruptcy Judge	82,340	107,042
Full-time U.S. magistrate (maximum)	82,340	107,042

Subsection (b) of section 2 would amend section 461(a) of title, 28, United States Code, with respect to the mechanism for regular cost-of-living adjustment of judicial salaries. It is evident that an improved mechanism is needed for the future to avoid a recurrence of the present circumstances necessitating a major "catch up" adjustment of judicial pay to compensate for the many years in which judges' salaries did not by any means keep pace with inflation.

At present section 416(a), as enacted by the Executive Salary Cost-of-Living Adjustment Act of 1975, provides that judicial salaries shall be increased in the same percentage amount applied to General Schedule pay rates for rank-and-file Federal employees under the Federal Pay Comparability Act of 1970, 5 U.S.C. § 5305. In practice, this mechanism has not worked effectively to keep judicial compensation current with economic trends and maintain judges' purchasing power. First, the President has regularly exercised his authority under section 5305(c) to recommended an "alternative plan" under which the percentage factor applied to the General Schedule is considerably lower than actual Consumer Price Index data would support. Over the years this trend has resulted in annual inflation adjustments which have simply been inadequate to maintain judicial salaries at any level approaching their 1969 real worth. Second, Congress has been historically reluctant to grant to judges and other executive level officials even the very minimal percentage increases proposed by the President under this mechanism. In many of the years in question Congress has either frozen appropriations to pay increased salaries above a certain level or has specifically provided that the annual increases will not apply to Federal salaries exceeding a certain amount (typically, Level V of the Executive Schedule).

The amendment made by section 2(b) of this bill would replace the existing adjustment mechanism with a system in which judicial salaries would be adjusted automatically on an annual basis (assuming economic developments so justified) in the same amount by which annuities payable under the Civil Service Retirement Systems are adjusted for cost-of-living purposes. This formula is set forth in section 8340 of title 5 and is based upon annual changes in the Consumer Price Index. It is normally applied to Civil Service Retirement annuities as of December 1 in each year to reflect the changed cost-of-living experienced in that year.

Section 3(c) would repeal section 140 of Public Law No. 97-92, a provision of a 1981 continuing appropriations resolution which has been interpreted by the Computer General as cutting off any statutory "automatic" increases in judicial pay unless specifically authorized by distinct statutory enactment. This section would no longer have any application if 28 U.S.C. § 461(a) were to be amended in the manner proposed by section (2)(b) of this bill.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

This section explicitly authorizes the appropriation of funds necessary to implement the increases in judicial salaries enacted by section 2 of the bill.

By Mr. MOYNIHAN:

S. 1668. A bill to improve enforcement of the Mail Order Drug Paraphernalia Control Act; to the Committee on the Judiciary.

IMPROVED ENFORCEMENT OF THE MAIL ORDER DRUG PARAPHERNALIA CONTROL ACT

● Mr. MOYNIHAN. Mr. President, I rise to introduce legislation which would strengthen the effectiveness of the Mail Order Drug Paraphernalia Control Act of 1986 which prohibits the importation of drug paraphernalia. The bill would provide for identification of products used exclusively as drug paraphernalia, amend the tariff schedules to more easily detect imports of drug paraphernalia, and empower the drug czar to enforce the Mail Order Act. The overall purpose of the bill is to improve our ability to seize drug paraphernalia, and to take the current profit out of such trade.

At present, drug paraphernalia is flooding into the United States. And otherwise legitimate business enterprises make huge profits on it. This is no longer a phenomenon associated only with cannabis—the real money is now crack cocaine paraphernalia. The 1986 act and the tariff schedules are not keeping it out.

For example, crack vials now enter the United States legally, classified with carboys, bottles, flasks, and similar items. Yet on the streets of New York City the same crack vials are liable to be seized as drug paraphernalialia, and the individual possessing them is liable to be arrested. Similarly, plastic reclosable bags, especially small ones, under two inches in width, are admitted by Customs since they are classified in a general tariff category with other, larger bags. The primary use of the smallest bags is to package rocks of crack cocaine. Why should we admit such imports?

The holder of the patent on the reclosable ziplock bag, ITW Minigrip of Orangeburg, NY, no longer manufactures the smallest size bags because of their use as packaging for illegal drugs. Yet a Taiwanese supplier ships—not smuggles—this paraphernalia into the United States under a tariff classification including reclosable bags intended for legitimate use. I would point out that the trade in such paraphernalia is immensely profitable. In this case, measured by weight, there is more profit in selling the plastic bags than the crack packaged inside.

To investigate ways to bar imported drug paraphernalia, at my suggestion, the chairman of the Finance Committee wrote to the International Trade Commission in May 1989 to request an investigation under section 332 of the Tariff Act of 1930. The Commission was asked to assess the effectiveness of the Mail Order Act in restricting drug paraphernalia, imports, and to determine how the Harmonized Tariff Schedule might be amended to better identify such products. The report, released this morning, points out three weaknesses in the act which permit the continued importation of illegal paraphernalia. The bill I introduce today would seek to correct the failings described by the ITC.

First, to clarify which products are used in the drug trade, a list of illegal paraphernalia would be specified. The bill would direct the Commissioner of Customs to prescribe a list of drug paraphernalia subject to seizure. Such a list could include items such as kits containing products to prepare or process drugs, pipes used exclusively to smoke crack, and such like.

Second, because certain items are themselves innocuous, for example certain vials, plastic bags, pipes, razor blades, and mirrors, flexibility in the law's definition of paraphernalia would be permitted. The Harmonized Tariff Schedule would be amended to more easily identify goods which are likely to be used as drug paraphernalia. The burden of proof would then be on the importer of products in this special classification to demonstrate that the imports are intended for legitimate purposes.

Finally, the act would be strengthened by designating one Federal agency to be responsible for enforcement. The bill would designate the Director of National Drug Control Policy, currently William Bennett, to assume responsibility for the enforcement of the Mail Order Act.

The bill would increase the risks for those trading in drug paraphernalia by strengthening the law against the trade in such products, and increasing the likelihood they will be caught. By targeting products used exclusively as paraphernalia, amending the Harmonized Tariff Schedule to identify imports of dual-use items possibly intended for an illegal use, and centralizing enforcement of the Mail Order Act in the hands of the drug czar, the bill would bolster the ability of the Mail Order Act to stem the flood of drug paraphernalia into the United States. I urge rapid consideration of this bill by my colleagues.

Mr. President, I ask unanimous consent that the full text of the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Administration.

(a) In General.—Section 1822 of the Mail Order Drug Paraphernalia Control Act (21 U.S.C. 857) is amended by adding at the end thereof the following new subsections:

"(g) The Director of National Drug Control Policy shall be responsible for the enforcement of this section.

"(h) The Commissioner of Customs shall prescribe and maintain a comprehensive list of articles that are drug paraphernalia. Prior to prescribing such list, and periodically thereafter, the Commissioner of Customs shall hold public hearings regarding such list.".

(b) Time Limitation.—The list of drug paraphernalia that the Commissioner of Customs is required to prescribe under section 1822(h) of the Mail Order Drug Paraphernalia Control Act, as amended by subsection (a), shall be prescribed by no later than the date that is 1 year after the date of enactment of this Act.

SEC. 2. STATISTICAL ANNOTATIONS.

The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission shall take actions under section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to implement the recommendations of the Commission regarding additional statistical annotations that were made in the report of the Commission on Investigation 332-277, which was submitted to the Committee on Finance of the Senate in September 1989.●

ADDITIONAL COSPONSORS

S. 135

At the request of Mr. Glenn, the names of the Senator from Massachusetts [Mr. Kerry] and the Senator from Colorado [Mr. Wirth] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 478

At the request of Mr. Dodd, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 640

At the request of Mrs. Kassebaum, the name of the Senator from Washington [Mr. Gorton] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 849

At the request of Mr. Daschle, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 993

At the request of Mr. Kohl, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 997

At the request of Mr. Mitchell, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 997, a bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy.

S. 1058

At the request of Mr. Bingaman, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 1058, a bill requiring the use of the Federal Government of certain vehicles capable of operating on alcohol or natural gas fuels or on electricity in areas not in compliance with the Clean Air Act, and for other purposes.

S. 1384

At the request of Mr. Daschle, the name of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1444

At the request of Mr. Wilson, the names of the Senator from Connecticut [Mr. Lieberman], the Senator from

New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. DANFORTH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1444, a bill to amend the Public Health Service Act to establish model projects concerning the effect of substance abuse on pregnant females, postpartum females, and infants, and for other purposes.

S. 1458

At the request of Mr. WALLOP, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1458, a bill to amend chapter 6 of title 5, United States Code, relating to regulatory flexibility analysis.

SENATE JOINT RESOLUTION 106

At the request of Mr. DANFORTH, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 106, a joint resolution to authorize a commemorative stamp to be issued on January 18, 1991, to honor Doctor Thomas Anthony Dooley III, and commemorate the 30th anniversary of his death.

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from Tennessee [Mr. GORE], the Senator from Wyoming [Mr. WALLOP], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Connecticut [Mr. LIEBERMAN], were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 177

At the request of Mr. BOND, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oklahoma [Mr. BOREN], the Senator from Virginia [Mr. WARNER], the Senator from Georgia [Mr. FOWLER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Delaware [Mr. BIDEN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 177, a joint resolution designating October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day."

SENATE JOINT RESOLUTION 194

At the request of Mr. LAUTENBERG, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Mississippi [Mr. LOTT], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 194, a joint resolution designating November 12-18, 1989 as "National Glaucoma Awareness Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE RESOLUTION 180

At the request of Mr. SANFORD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Resolution 180, a resolution to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989.

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO INTERNATIONAL LADIES' GARMENT WORKERS' UNION HEALTH CENTER

Mr. MITCHELL (for Mr. KENNEDY) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 72

Whereas, in 1914, the International Ladies' Garment Workers Union (ILGWU) established the first health care facility in the United States operated by a trade union and dedicated to the health and welfare of working men and women;

Whereas on November 20, 1963, an Act of Congress was signed by President John F. Kennedy that authorized that a silver medal be struck in recognition of the 50th Anniversary of the ILGWU Union Health Center;

Whereas on June 6, 1964, President Lyndon B. Johnson presented the Medal to the Union Health Center in honor of the trade union crusaders who were in the vanguard of the battles against sweatshops and disease; and

Whereas the ILGWU Union Health Center has often been referred to as "the granddaddy of third-party medicine in the United States": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, on the 75th anniversary of the International Ladies' Garment Workers' Union (ILGWU) Health Center, Congress—

(1) recognizes the historic significance of this first Union Health Center as a visionary example to the United States of how advanced health, safety, and welfare services can be provided to American workers; and

(2) commends the ILGWU for establishing and maintaining the Center.

SENATE CONCURRENT RESOLUTION 73—IN SUPPORT OF THE PEOPLE OF COLOMBIA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 73

Whereas President Virgilio Barco and the people of Colombia have shown tremendous courage and fortitude in opposing Colombian drug traffickers;

Whereas Colombian drug traffickers have assassinated a popular Presidential candidate, Senator Juan Carlos Galan; a Minister of Justice, Rodrigo Lara Bonilla; and Attorney General, Carolos Mauro Hoyos; an effective antinarcotics police chief, Colonel Jaime Ramirez Gomez; and as influential newspaper editor, Guillermo Gano Isaza;

Whereas Colombian drug traffickers have executed nearly 200 Colombian judges, 11 Supreme Court justices, and 4 Counsels of State;

Whereas Colombian drug traffickers have killed thousands of individuals, including majors, law enforcement officers, public officials, journalists, lawyers, and doctors who conducted antidrug activities, as well as innocent family members and bystanders;

Whereas Colombian drug traffickers have been conducting a reign of terror which has effectively disrupted drug prosecutions in Colombia and prevented extraditions of drug traffickers;

Whereas in August, 1989, following the brutal assassination of Presidential candidate Juan Carlos Galan, President Barco utilized his state of siege powers to legislate by decree the extradition of drug kingpins and the seizure of their assets;

Whereas since the assassination of Juan Carlos Galan, the Government of Colombia has seized millions of dollars of drug assets and has arrested between 11,000 and 12,000 individuals suspected of drug trafficking;

Whereas on September 6, 1989, the Government of Colombia extradited Eduardo Martinez Romero, a high level drug conspirator, to the United States;

Whereas Colombian drug traffickers have responded to the bold action of President Virgilio Barco with a campaign of extreme violence against the Government, the judiciary, and the press of Colombia, and the family members of individuals associated with individuals employed by such entities;

Whereas such drug traffickers have vowed to kill 10 judges for every drug trafficker extradited and have targeted for assassination a judge in New York City;

Whereas such drug traffickers have commenced bombing public places and offices, as demonstrated by the recent brutal attack on the office of the respected newspaper, El Espectador;

Whereas such drug traffickers have dramatically escalated such campaign of violence and intimidation against Colombian society;

Whereas such drug traffickers have financed the training and operation of paramilitary death squads that have been implicated in the assassination of hundreds of political and labor activists in Colombia;

Whereas such drug traffickers are exporting terror by smuggling the illegal, deadly drug cocaine into the United States, Latin America, the Caribbean, and Europe; and

Whereas such cocaine traffic has resulted in an overwhelming increase of drug abuse and drug-related violence in the United States and elsewhere: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends President Virgilio Barco of Colombia and the Government and people of Colombia for their courage and strength in standing up to the drug traffickers;

(2) expresses to the Government and people of Colombia the support, respect, and empathy of the Congress and the people of the United States in this most difficult time; and

(3) commends the cooperation of the President of the United States with the Government of Colombia and urges the President to continue to make available appropriate equipment, training, intelligence, and financial aid to help the Government of Colombia to overcome successfully the heinous activities of such drug traffickers.

● **Mr. MOYNIHAN.** Mr. President, I rise today to submit a concurrent resolution commending the government and the people of Colombia for their courage in attempting to rid their nation of the scourge of drug trafficking. The phrase "a war on drugs" is no mere metaphor when applied to Colombia. The nearly daily bomb blasts attest to its literal meaning. The Colombian people are indeed in the midst of a war. It is a war to recover that measure of their national sovereignty and democracy which has been lost to drug barons. It is a war in which the Colombian people deserve the support of other democracies.

Victory in this struggle is much of interest to us. Indeed. If the rule of law ceases to govern large parts of Colombia, if drug lords can stroll from their jail cells with ease and if judges cannot fulfill their oaths of office without seriously jeopardizing their own lives and the lives of their loved ones, then the flood of cocaine pouring over the United States today will continue unimpeded.

Mr. President, the Colombian people are to be congratulated for the courage they have shown. This resolution will say to them that we recognize their bravery and support them in their struggle. I urge my colleagues to support it.●

SENATE RESOLUTION 183—AMENDING THE STANDING RULES OF THE SENATE

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 183

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) Each bill, resolution, or other measure, subject to amendment, considered by the Senate shall be open for amendment in the order that sections (or paragraphs, in the case of an appropriation bill or resolution) appear in the bill, resolution, or other measure.

"(b)(1) On a point of order made by any Senator, no amendment shall be received to a bill, resolution, or other measure, or a committee reported substitute treated as original text, unless the amendment—

"(A) amends the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered; and

"(B) relates to the subject matter of the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered.

"(2) It shall not be in order to consider any amendment to a section (or paragraph in the case of an appropriation bill or resolution) to a bill, resolution, or other measure if more than 20 minutes has lapsed following the final disposition of an amendment to the section (or paragraph in the case of an appropriation bill or resolution) under consideration.

"(c)(1) The provisions of subparagraph (a) of this paragraph shall not apply to any amendment which is a technical, clerical, or conforming amendment.

"(2) The provisions of this paragraph may be modified by an order of the Senate."

SENATE RESOLUTION 184—AMENDING THE STANDING RULES OF THE SENATE

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 184

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. No amendment may be offered by a Senator to any measure if fifteen or more minutes have passed since the disposition of an amendment to, or conclusion of debate on, such measure, and after the expiration of such time period, the Chair shall direct the Clerk to read any pending bill or joint resolution for the third time, or in the case of a simple or concurrent resolution, shall declare such resolution no longer amendable.".

SENATE RESOLUTION 185—RELATIVE TO READING OF MEASURES

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 185

Resolved, That no amendment may be offered by a Senator to any measure if fifteen or more minutes have passed since the disposition of an amendment to, or conclusion of debate on, such measure, and after the expiration of such time period, the Chair shall direct the Clerk to read any pending bill or joint resolution for the third time, or in the case of a simple or concurrent resolution, shall declare such resolution no longer amendable.

SEC. 2. The foregoing provisions shall cease to be effective at the conclusion of the first session of the 101st Congress.

● **Mr. PRYOR.** Mr. President, I rise today to submit with Senator DANFORTH three resolutions to reform Senate rules. As I stated last Thursday, I believe the time has come for us to act to break the gridlock on the Senate floor.

All too often over the past month, we have heard the floor managers pleading with Senators to come to the floor to offer their amendments so the managers can pass the bills and get them into conference. At this point, we can't afford to let this situation continue. We will be facing further appropriations bills; legislation regarding the long-term debt extension, Oliver North's pension; and a constitutional amendment regarding the American flag. These are not easy issues to decide and we do ourselves a disservice by making it even harder to move these bills on the floor.

Therefore, we are submitting three resolutions to address this growing problem. The first would require Senators to offer their amendments to bills in order, section by section or paragraph by paragraph. If 20 minutes lapses after the disposition of an amendment, the section is closed and the next section is open for amendment. Once a section is closed, unanimous consent would be required to revisit it. This amendment is identical to Senate Resolution 277 which I introduced in the 100th Congress.

The second resolution is a proposal to reform the Standing Orders of the Senate for the remainder of the 1st session of the 101st Congress. The proposal states that once a bill is brought up and the managers have made their opening remarks, if 15 minutes elapses without discussion on the bill or amendment to the bill, then third reading would be automatic. A temporary change would allow us to test this idea for the rest of this year. If we find that further refinements are necessary, we would be able to institute any changes at the beginning of the next session.

My third resolution is an identical proposal to the second except that it amends the Standing Rules of the Senate. It also has a sunset provision, meaning that the rule change would only last until the end of this year.

I urge my colleagues to review these ideas. I believe that something must be done to ensure a more orderly, efficient working of the Senate. We have too much to do and too little time to do it to waste time in endless quorum calls waiting for Senators to come to the floor and offer their amendments. These proposals are not intended to limit debate nor do they mandate germane or relevant amendments. They simply require Senators to be aware of floor action and be ready to offer their amendments when the legislation is called up.●

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

D'AMATO AMENDMENT NO. 843

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. —. It is the sense of Congress that—

(1) the recommendations of the National Space Council, as approved by the President in July of 1989, for the development of the National Aerospace Plane represents an improved and more affordable strategy for the United States;

(2) the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program should be continued; and

(3) subject to funding of the National Aerospace Plane program for fiscal year 1990, the National Space Council should submit to Congress, not later than January 31, 1990, a report assessing the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program and should include in that report recommendations for such changes in the management arrangement as the Council considers necessary to increase the effectiveness of the National Aerospace Plane program and ensure the achievement of the goals established for such program.

NUNN (AND OTHERS) AMENDMENT NO. 844

Mr. NUNN (for himself, Mr. WARNER, Mr. THURMOND, Mr. WIRTH, Mr. BINGAMAN, Mr. GRAMM, Mr. RUDMAN, Mr. MCCLURE, Mr. ROTH, Mr. GORTON, and Mr. BOSCHWITZ) proposed and amendment to the bill H.R. 3072, supra, as follows:

On page 18, beginning with the colon in line 15, strike out all down through line 11 on page 19 and insert in lieu thereof a period.

INOUYE AMENDMENT NOS. 845 THROUGH 847

Mr. INOUYE proposed three amendments to the bill H.R. 3072 supra, as follows:

AMENDMENT No. 845

On page 32, line 23, strike "250" and insert "633", and on line 24, strike "194" and insert "586".

AMENDMENT No. 846

On page 52, line 17, insert "shall be available" following "Department of Defense".

AMENDMENT No. 847

Strike section 9094 and insert in lieu thereof the following:

SEC. 9094. USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES.

(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

(2) ACCOUNTS DESCRIBED.—The accounts referred to in subparagraph (B) are—

(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the "Cook Inlet Region, Incorporated property account"; and

(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

(1) tendered from an account described in subsection (b)(2);

(2) received by the agency as proceeds of such a sale; and

(3) used by the agency for that specific purpose.

(c) AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

(d) AGENCY DEFINED.—In this section the term "agency" includes—

(1) any instrumentality of the United States; and

(2) any element of an agency.

CONRAD (AND BURDICK) AMENDMENT NO. 848

Mr. INOUYE (for Mr. CONRAD, for himself and Mr. BURDICK) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the appropriate place, insert the following:

From any appropriations in this Act, $1,000,000 shall be made available for maintenance and repair of equipment and facilities and for tooling at the government owned William Langer Jewel Bearing Plant.

PRYOR AMENDMENT NO. 849

Mr. INOUYE (for Mr. PRYOR) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 79, line 17 before the "." insert:

: *Provided*, That (a) Not more than $1,564,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.

(b)(1) Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall (A) submit to Congress a report on the amounts obligated by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM AND FEDERAL CRIME INSURANCE PROGRAM

RIEGLE AMENDMENT NO. 850

Mr. MITCHELL (for Mr. RIEGLE) proposed an amendment to the bill (H.R. 2771) to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(b) "EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(C) STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE.—Section 1306(c)(7) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(7)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(d) LIMITATION ON PREMIUMS.—Section 541(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 4015 note) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

SEC. 2. FLOOD ZONE DATA.

Section 1360(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(a)) is amended by striking paragraph (2) and inserting the following:

"(2) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each of these areas until the date specified in section 1319.".

SEC. 3. REPORT ON FEDERAL ASSUMPTION OF FLOOD INSURANCE PROGRAM.

Section 1340(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4071(b)) is amended to read as follows:

"(b) Upon making the determination referred to in subsection (a), the Director shall make a report to the Congress and, at the same time, to private insurance companies participating in the National Flood Insurance Program pursuant to section 1310 of this Act. Such report shall—

"(1) state the reason for such determinations,

"(2) be supported by pertinent findings,

"(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

"(4) contain such recommendations as the Director deems advisable.

The Director shall not implement the program of flood insurance authorized under chapter I through the facilities of the Federal Government until 9 months after the date of submission of the report under this subsection unless it would be impossible to continue to effectively carry out the National Flood Insurance Program operations during this time.".

SEC. 4. AUTHORIZATION FOR STUDIES.

Section 1376(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated for studies under this title not to exceed $36,283,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991".

SEC. 5. SEA LEVEL RISE STUDY.

The Director of the Federal Emergency Management Agency shall conduct a study to determine the impact of relative sea level rise on the flood insurance rate maps. This study shall also project the economic losses associated with estimated sea level rise and aggregate such data for the United States as a whole and by region. The Director shall report the results of this study to the Congress not later than one year after the date of enactment of this Act. Funds for such study shall be made available from amounts appropriated under section 1376(c) of the National Flood Insurance Act of 1968.

SEC. 6. EXTENSION OF RURAL HOUSING AUTHORITIES.

(a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

(b) RURAL AREA CLASSIFICATION.—Section 520 of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof September 30, 1991".

(c) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof" September 30, 1991".

(d) RURAL RENTAL REHABILITATION DEMONSTRATION.—Section 311(d) of the Housing and Community Development Act of 1987 is amended by striking "September 30, 1989" and inserting "September 30, 1991".

NOTICES OF HEARINGS

SENATE SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing to examine proposals to make the Social Security Administration [SSA] an independent agency and other administrative issues.

The hearing will take place on Tuesday, October 3, 1989, beginning at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on pending nominations. The hearing will be held on October 3, 1989, at 9:30 a.m., in room 332, Russell Senate Office Building.

For further information please contact Christine Sarcone of the committee staff at 224-2035.

ADDITIONAL STATEMENTS

SUPPORT OF H.R. 2835

● Mr. BRADLEY. Mr. President, I rise today in support of H.R. 2835 which provides for an exchange of land between the National Park Service and the U.S. Coast Guard at the Sandy Hook Unit of Gateway National Recreation Area in New Jersey.

I would also like to take this opportunity to commend my colleague in the House, Congressman FRANK PALLONE. It was through his dilligent efforts that this bill passed the House and was sent over to the Senate in such a timely fashion.

The 100th Congress passed legislation authorizing and directing the construction of a National Marine Fisheries Service Laboratory to be located within Sandy Hook, NJ. This facility will be used jointly by the National Oceanic and Atmospheric Administration [NOAA] and the State of New Jersey. This new construction became necessary when a tragic fire destroyed the lab in 1985. After years of planning for a new facility, the National Park Service, NOAA, and the State of New Jersey have agreed to a site. All that remains to proceed with this important project is a mutually beneficial exchange of land between the National Park Service and the U.S. Coast Guard.

H.R. 2835 authorizes the Secretary of the Interior and the Secretary of Transportation to exchange approximately 7 acres. The Coast Guard parcel that is to be turned over to the National Park Service is separate from the other Coast Guard lands. The seven acres that the Coast Guard will receive in exchange are adjacent to its other holdings, and would allow the Guard to consolidate its property at Sandy Hook. This transfer would also make possible the relocation of the park's road which is a priority of the National Park Service's general management plan for Sandy Hook. Construction of the Marine Science Lab cannot begin until an adequate amount of contiguous land is put under the control of the National Park Service. This amendment would transfer the necessary two acres so that plans for the lab can move forward.

The National Marine Fisheries Laboratory is very important to New Jersey. The shore is one of New Jersey's most precious resources. The laboratory helps us better understand and protect the ocean and its marine life. Work done at the Sandy Hook facility has been instrumental in assessing the impact of dumping sewage sludge and dredged material in our coastal waters. Many commercial fishermen also depend on the lab's research to help manage fisheries resources.

Mr. President, H.R. 2835 clearly serves the needs of both the National Park Service and the U.S. Coast Guard. I am hopeful that with the passage of this legislation NOAA and the State of New Jersey can soon begin construction of the James J. Howard Marine Fisheries Laboratory, whose work is so crucial to the safety of our coastal environment.●

VISUAL PHONICS: CONQUERING ILLITERACY

● Mr. DURENBERGER. Mr. President, I rise today to pay a tribute to an exciting program that is tackling the problem of illiteracy head on and helping thousands of individuals with learning disabilities, deafness, or other symptoms that impair one's ability to learn, to read, speak, spell, and communicate effectively. The program is visual phonics.

Visual phonics is a system of 46 hand signs and written symbols that start at the root of language. By focusing on sound, hand signs, and symbols it encourages students and gives them a sense of understanding and a love for language, rather than simply teaching a set of formulas which are often confusing and seem to have more exceptions than rules.

Visual phonics was developed by Carol Hill and is sponsored by the International Communication Learning Institute, a nonprofit educational organization. Millie Snow, president of ICLI, has spent the last 7 years of her life sharing the program with others and teaching over 60,000 children to read, write, and communicate. Millie knows the difficulties some face when trying to learn to read or write. She herself had learning disabilities in school and has a mother who is deaf. For her the visual phonics program opened up a whole new would that put into perspective not just the written form of language, but the real power of language—which is sound.

Visual phonics offers a new and exciting way to combat the problem of illiteracy in this country. It is estimated that 20-30 million adults in this country lack basic skills to read, write, and solve simple mathematical equations. We are too well aware of the fact that the United States cannot maintain a healthy economy, compete globally, and increase productivity unless everyone in America can read and write. As a democratic nation, we are weakened substantially when large segments of our society are not participating fully in public life.

Because the basis of visual phonics is sound, not rules, it is especially useful in teaching individuals with learning disabilities, deafness, and other communicative disorders. Visual phonics actually started out as a program for the deaf, but has also been found to be extremely useful in helping autistic children, Downs syndrome children, teaching English as a second language, as well as nonhandicapped individuals.

Visual phonics offers hope to so many that might not have otherwise been given a chance. I was heartened to learn of Samantha, an 8-year-old girl who has been hearing impaired since birth, and for whom learning to read and speak was a struggle. Her hearing aids help by amplifying sound, but they don't clarify anything. The time others spent learning rules and formulas, Samantha spent learning visual phonics. With this program, Samantha is now in the top half of her class with goals and aspirations for the future.

Mr. President, as we continue to struggle against the problem of illiteracy, it is encouraging to come across a program lilke visual phonics and people like Millie Snow who have given so much in order to share with others the gift of reading.●

SHARED GOALS: SHARED RESOURCES

● Mr. SIMON. Mr. President, one of the above average State Senators in my State is Senator Penny Severns from Decatur, IL.

I am pleased to say that Senator Severns worked in my first campaign for the U.S. House of Representatives, when she was a student at Southern Illinois University, and later worked for my distinguished colleague, Senator ALAN DIXON.

She also worked at the U.S. Agency for International Development.

Recently, she wrote an article for the International Agriculture Newsletter put out by the University of Illinois, that summarizes as well as anything I have seen recently where we are and where we have to go in the area of helping the developing nations.

I ask that this article be printed in the RECORD at this point.

The article follows:

THE CHALLENGE OF WORLD HUNGER

(By Penny Severns)

"If a free society cannot help the many who are poor, it cannot save the few who are rich."—President John F. Kennedy, inaugural speech, January 20, 1961.

From 1977 to 1979, I served as special assistant to John J. Gilligan, administrator of the United States Agency for International Development (USAID). A part of the U.S. Department of State, USAID is responsible for distributing food and other forms of assistance from the United States.

In my travels, I found that each nation has different goals and different obstacles to development that were shaped by the vagaries of history and experience. Yet as I talked to people around the world, I was impressed not by the diversity but by the closeness of our goals, desires, concerns, and hopes for the future.

Much of my time overseas was spent in poverty-stricken countries in Asia. I left those countries with some clear images in my mind. Outside of the stark examples of poverty and human suffering, the clearest picture is that of the people in the field. Most often I saw women, rarely men, planting the seed, hauling the water, tilling the soil, harvesting the crops, marketing the produce, tending the animals, and raising their families.

My experiences with USAID have led me to three conclusions. First, the economic and social development of people in Third World countries depends on us all. Second, technology and education are the keys to unlocking the cycle of poverty in developing countries. Third, the success or failure of development in Third World countries significantly affects the well-being of the United States and other countries around the world.

Once upon a time, the people of the United States might have supported that, grim as life is in the Third World, the problems were theirs, not ours. But if that belief was ever true, it is no longer so. What happens beyond our borders now has a direct impact on our lives and on our future. We would do well to remember the following points when considering how the situation in less developed countries (LDCs) affects the stability of the world:

In the next 25 years, the population of the world will increase from four billion to six billion people. Most of the increase will be in developing countries. By the year 2000, 87 percent of the world's population will be living in LDCs.

In many LDCs, the rate of unemployment ranges between 25 and 45 percent. This trend is increasing, and by the year 2000 an estimated 800 million people will lack a means of making a living.

At current projections for population growth, the work force will double in less than twenty years in Algeria, Colombia, Mexico, Syria, and some other countries. At the present rate of economic growth, however, the number of jobs will not double. The United States has felt the impact of lagging economic development in neighboring countries. In the United States today there are six million to eight million undocumented workers from Mexico and Latin America—laborers who seek the jobs provided by a more dynamic and prosperous economy than their own.

By the year 2000, Third World countries will experience a food deficit of 100 million tonnes.

Malnutrition and disease are facts of life for most people living in developing countries, making their lives miserable and limiting their abilities to be productive members of society. Major components of disease are inadequate nutrition and poor sanitation.

Every day, 100 million children under the age of five go to bed hungry. Every year, 15 million children die from a combination of disease and malnutrition.

Worldwide, 800 million people are illiterate.

FOOD DEFICITS: Beginning in late 1972 and continuing to early 1974, drought and other factors combined to produce major food shortages, particularly in developing countries. In 1985, we again saw famine and drought ravage developing countries, especially in Africa. Today, the world is still dealing with the aftermath of low food production.

We must face the prospect that there will be other famines and food shortages in developing countries. Some of these shortages can be directly attributed to drought, some to civil strife and war, and some to population growth outstripping agricultural production. It is most unlikely that the food-producing countries of the West will be able to make up this deficit.

One possible solution to this food deficit is for the less developed countries to increase agricultural production by three to five times their present levels. The people who will have to do this job are the millions of subsistence farmers who scratch out precarious livings on small plots of arid and barren land. In many cases, a pointed stick represents their most advanced technology.

TECHNOLOGY AND EDUCATION: Indeed, the lack of technology and education plays a key role in the problems facing developing countries. In some cases, because of the depth of poverty in a country, education cannot do much to improve nutrition. But in some cases, malnutrition is the result of ignorance. Without any changes in food supplies, simple changes of dietary habits can bring about miracles.

For example, when I was working with USAID, public health workers in Malaysia noticed that children in Chinese families were surviving while Malaysian children were dying, even though the same food was available to all of them. The public health workers discovered that the Chinese parents understood the importance of protein in the diet but the Malaysians did not.

The critical word in all the foregoing is education. If population growth rates are to be reduced, if food production is to be increased, if the health and nutrition of the world's people are to be improved, the people of developing countries must be educated.

ROLE OF EDUCATION: The University of Illinois at Urbana-Champaign (UIUC), with firm support from the Illinois General Assembly and the governor, is taking an active part in changing the agricultural outlook in less developed countries. Education is the key in the battle against world hunger and UIUC is making marked progress. Currently, the College of Agriculture at UIUC educates hundreds of foreign students each year so that they can use their new knowledge and experience to improve agriculture and food production in their home countries.

Another contribution to the on-going fight against ignorance is the recent establishment of a gateway of collaboration between UIUC and Egerton University in Njoro, Kenya. The IDAT project (Institutional Development for Agricultural Training) was developed to help create a strong national university that will provide agricultural training to Kenyans and students from other African nations and to establish a long-term, collaborative relationship between UIUC and Egerton. Under IDAT, comprehensive four-year programs were implemented at Egerton in agricultural education, extension, home economics, and other agricultural disciplines—all valuable programs for fighting hunger.

The activities of the International Soybean Program (INTSOY), another UIUC program, include developing medium-scale equipment for extracting oil from soybeans. Edible oil is an important source of calories in developing countries. Supplies are critically short in many parts of the world, and an inexpensive oil extraction method would help greatly in the fight against hunger. At present, a multimillion-dollar facility is required to extract soybean oil. Traditional methods using a mechanical oil press have proved ineffective because of the relatively low oil content of soybeans. The oil extraction equipment developed by INTSOY is specifically designed for the needs of developing countries and costs only a few thousand dollars. It produces a stable, natural oil and a high-protein meal that can be used as animal feed or milled into flour for direct human consumption.

UIUC is playing a dramatic role in the battle against world hunger. Through the program I have described and numerous other programs, projects, activities, and research, Illinois helps alleviate malnutrition, hunger, and illiteracy worldwide.

Setting priorities: According the 1983 edition of World Military and Social Expenditures, the world spends US $1.3 million on arms every minute, and every minute 30 children die for want of food and inexpensive vaccines. The book also cites this statistic: The cost of a single nuclear submarine equals the annual education budget of 23 developing countries with 160 million school-age children. We all know that it is important for governments to maintain their defenses. What we do not always remember is that much of the conflict and political instability in the world is a direct result of food shortages. By helping to eliminate hunger and poverty, we contribute to world peace. We also help millions of people improve their lives and become productive members of the world society.●

TELEPHONE OPERATOR CONSUMER SERVICES IMPROVEMENT ACT OF 1989

● Mr. SIMON. Mr. President, I am pleased to join my colleague, John Breaux, in introducing S. 1660, the "Telephone Operator Consumer Services Improvement Act of 1989." I commend Senator Breaux, as a member of the Commerce, Science and Transportation Committee, which has oversight of this bill, for taking a lead in the Senate. I also wish to recognize the leadership of Representative Jim Cooper of Tennessee. It is due to his persistence in pursuing a comprehensive solution to this consumer nightmare that we have this bill to introduce today.

For those who have been fortunate enough not to run into this problem, let me provide a little background. AOS companies are resellers that pay "commissions" or "rebates" to supply communications services to hotels, motels, hospitals, airports, universities, and private pay-phone firms. The commissions are paid for the right to provide the transient customers of these institutions and pay-phone firms with operator services for long-distance calls. The result of providing these services is higher than necessary costs for the consumer.

The reason we have not heard of this problem before is that these AOS companies are relatively new to the communications field. Previously, AT&T provided these services but now faces competition as a result of the breakup ordered by Judge Green. While competition in the marketplace is a desirable goal, AOS works against the free market system. Since the owners of the pay phones do not use these phones, they have no incentive to keep the costs down. Instead, the incentive is to increase the costs, as the owners can get a percentage of the profits. So rather than competition to benefit the consumer, there is competition to find the most expensive service.

I believe the bill we are introducing today provides a commonsense approach to an increasingly widespread problem. The bill would direct the FCC to issue regulations that would require alternative operators to identify themselves to callers, to disclose rates upon request, and to permit the consumer to terminate the call at no charge. The bill would also prevent the billing of uncompleted calls, and would require that a notice identifying the operator and a toll-free number by which the company can be reached must be posted by the phone.

These provisions are but a few of the many protections for consumers which will be established through this bill. I am in favor of market innovation, but not at the expense of the consumer. I am, therefore, pleased to participate in the introduction of this bill and am confident that my colleagues will recognize its merit and act quickly to enact these consumer safeguards.●

QUALITY RURAL HEALTH CARE FACES OBSTACLES

● Mr. DURENBERGER. Mr. President, the Canby News of Canby, MN, recently did a four-part series on the difficulties that Medicare has had in providing quality health care in rural Minnesota.

A major obstacle is the financial squeeze faced by many rural hospitals and physicians because the reimbursements from Medicaid and Medicare are often much less than the cost of the specific medical procedures. Studies indicate that rural Minnesotan doctors receive 40 percent less reimbursement than urban physicians on the east and west coasts, while rural hospitals are reimbursed 36.8 percent less than hospitals in large cities.

These inequities are what my colleagues and I are trying to resolve in the upcoming reconciliation bill and other comprehensive reforms. Our current Federal health programs are not meeting the needs of our rural citizens, and we need to act before there is further damage done to the infrastructure of rural health care.

Mr. President, I ask that the Canby News series be printed in the Congressional Record so that all my colleagues can have a clearer picture of the magnitude and urgency of the challenge we face.

The series follows:

QUALITY RURAL HEALTH CARE FACES OBSTACLES

(By Brent and Ellen Beck)

Editors note: This is the first in a series of articles concerning rural health care, physicians and rising health care costs affecting Canby and southwestern Minnesota.

Quality rural health care is of vital importance to Canby and all of southwestern Minnesota.

Rural health care is at a crisis in many areas of the nation, and southwestern Minnesota has some tremendous obstacles to overcome if quality health care is to continue.

Dennis Peterson, the local Canby intern, recently graduated from the University of Minnesota School of Medicine. Out of a total of those 250 graduates, 12 percent will go to rural communities to practice medicine according to Peterson.

"The only reason the number is as high as 12 percent is because the University of Minnesota has a rural physicians program that Dennis participated in that exposes medical students to rural practice," stated Dr. Christopher Tashjian, local physician.

"In other medical schools it's much lower than this because they don't offer rural physicians programs," continued Dr. Tashjian.

Peterson himself would eventually like to practice medicine in a rural community. "It takes a special physician to make rural health care stable and productive in a small community," he said. He and his wife, Denise, and their two children will be moving to Duluth shortly, where Dennis will become a family practitioner at the Duluth Family Practice Center which is affiliated with St. Mary's and St. Luke's Hospitals.

"This year, 27 percent of my class went into family practice," Dennis explained. "Family practitioners are the physicians trained to practice out here. Of those 60 or so graduates, approximately 50 percent will stay in Minnesota to do residency training."

According to Peterson, Southwest Minnesota has the poorest reimbursement for Medicare in the nation. Also, the average charge for normal medical services is much lower than in other parts of the nation.

The reimbursement for Medicaid (welfare) and Medicare patients is often much less than the cost of the specific medical procedure. Therefore, the hospital or clinic is left to make up the difference.

Another problem in rural health care is the shortage of physicians. "I don't know of one community within 50 miles that isn't looking for a physician. These towns are short already," Peters explained.

"It's hard to attract a physician when you tell him he will work longer hours, take more calls, but yet get reimbursed less because of Medicare and Medicaid," reported Dr. Tashjian.

Tremendous competition also exists between towns as far as patient services.

Many people wonder why small rural communities would have trouble recruiting doctors. Madison is currently searching for a doctor and facing these problems. Doctors often choose not to come to rural communities simply because compensation is inequitable in comparison with larger communities.

Southwest Minnesota is reimbursed by the federal government less than any other area of the country for hospital and clinic services.

Medicare patients pay the same premiums nationwide, but the discrepancy exists with reimbursement for the physicians and medical services. Because of this the seniors seen at the clinic have to pay an added fee.

Canby medical facilities and doctors depend on this reimbursement for services rendered, but if other facilities and doctors are receiving a better share of patients not covered by Medicare or Medicaid, they often fare better, too.

In 1976 the federal government froze payments under the Medicare program, however the medical costs continued to soar. Overhead increases year by year, but Medicare payments to the clinic or hospital do not. Expenditures for new equipment are often limited due to the costs a hospital or clinic must absorb if Medicare does not cover the entire amount.

Medicaid reimbursements to the medical facility are often worse than reimbursements under Medicare. Because of this, some hospitals and clinics in the region have already begun to refuse new Medicaid patients. One example is the Granite Falls Clinic which gives the explanation that they simply cannot afford to take on any new Medicaid patients because of inadequate reimbursements.

Canby Community Health Services accepts all patients, regardless of Medicare or Medicaid reimbursements.

"Currently the federal government is looking at restructuring the payment schedule to make it more equitable for rural physicians," concluded Dr. Tashjian.

Dr. Tashjian feels that this is no longer just a physician's dilemma but it should be a community concern as well. He believes that if people will write to their senators and representatives and let them know their concerns, rural medical care will receive the attention it deserves.

Rural Doctors Disagree With Medicare

(By Brent and Ellen Beck)

Editors note: This is the second article in a four part series featuring concerns of rural health care, physicians and rising health care costs affecting Canby and southwestern Minnesota.

John Myers, M.D. and Robert Olson, M.D., Canby family physicians, have watched definite inequities develop within the Medicare system in their years as physicians to Canby and the surrounding area. Myers has been a family physician in Canby since 1955 and Olson since 1957.

According to a study performed by the Minnesota Medical Association, rural health care has received an unfair disadvantage in an insurance system set up the federal government and many rural physicians in Minnesota are vocalizing their disapproval.

Another study done by Richard Mulder, M.D., a family physician from Ivanhoe, found that rural Minnesota doctors receive 40 percent less reimbursement from Medicare than urban physicians on the east and west coasts. Not only that, but rural hospitals are reimbursed 36.8 percent less than hospitals in large cities.

Mulder, who used a Bush Fellowship to study Medicare reimbursement in rural Minnesota, is chairman of the Minnesota Academy of Family Practice's Rural Health Subcommittee.

He found that the reimbursement figure for Part B services, those for outpatient and physicians services under Medicare, vary greatly across districts and specifically between rural and urban areas. Average reimbursement for Part B under an adjusted community rate for Meeker County is $44 per patient per month. That compares to $80 in the Twin Cities and a national average of $97.

According to Barb Anderson, Medical Records personnel at the Canby Medical Clinic, Canby charges only $15, the maximum allowable, for a routine office visit by a Medicare patient. The out-of-pocket expenses or difference the patient must make up is a total of $4.20 because Medicare does not reimburse them for the entire $15. This, of course, is after they meet the $75 deductible for the calendar year.

The Minnesota Medical Association conducted a study on the state of rural health in Minnesota nearly three years ago and learned that many physicians are dissatisfied with Medicare.

They surveyed rural physicians across the state about problems in rural health care.

Seventy-six percent of those surveyed responded that they considered Medicare to be a major problem, specifically that rural physicians received inadequate reimbursement for services.

"When Dr. Olson and I were practicing in those first years, we started raising our charges because we knew they weren't compatible with surrounding communities," John Myers, M.D. explained.

"If I charged $14 in 1976, I can only charge that much today under Medicare," he continued.

Dr. Myers explained that his basic concern was not with their income as doctors, but rather with the prospect of bringing new doctors to Canby.

"If we don't get new doctors into town, the community will really suffer," he commented. "Many times the wives of physicians are also professionals and a town must be large enough for the spouse to find employment as well."

"Small towns face the task of convincing a new doctor that rural communities are an excellent place to practice medicine. We are extremely pleased and fortunate to have Dr. Tashjian working with us," he continued. Dr. Tashjian has been with Canby Community Health Services since 1988.

"The community needs to realize that the hospital serves a very vital function for the economic viability of the community," he stressed.

He discussed the economic loss to a town when people choose to go to larger medical facilities elsewhere. "They also do their shopping out of town, and business is taken away from Canby."

Many people are unaware that Medicare patients are paying the same premiums nationwide, but the federal government's insurance program is not reimbursing the medical facilities or physicians on an even scale. Many physicians are beginning to question why urban areas should be receiving more dollars under Medicare.

It was argued in the 1960's that rural care was not as costly as urban care and that the technology of rural hospitals and clinics was not as advanced as that in urban medical centers.

Dr. Myers believes that has changed significantly in the last 20 years or so. "Twenty years ago, we didn't have the technology we have today. The cost of medical care has risen in rural areas with advances in technology."

According to Dr. Richard Mulder, Ivanhoe, high-tech medicine did not exist in rural America in 1965. "We got by with a microscope, stethoscope, and blood pressure cuff. If any fancy tests were needed, we would send them in," he said.

All of that has changed. Today, many rural hospitals do major medical surgery and most all perform lab tests and use hi-tech equipment. However, the federal government under Medicare continues to reimburse medical facilities based on figures from 1965.

Every eligible senior citizen pays the same $31.90 each month for Medicare post B coverage and every senior citizen deserves the same quality services, yet as Dr. Mulder learned in his study, the state of Minnesota has already lost two to three billion dollars a year for the last twenty years. Rural America is losing over 54 billion dollars a year under Medicare.

If there is not a change in this policy, Dr. Mulder says that all citizens in rural America will have less access to quality health care in their communities. All U.S. citizens pay exactly the same Social Security or F.I.C.A. tax which entitles them to Medicare Part A hospital insurance benefits. Every U.S. citizen also pays the same monthly Part B premium of $24.80 to qualify for outpatient medical care and in-hospital medical services by a physician, but urban hospitals are receiving far more of those tax dollars.

Concerned rural citizens can voice their opinion about Medicare by contacting Representative Vin Weber, or Senators Rudy Boschwitz and Dave Durenberger. Citizens can also write to the Minnesota Academy of Family Physicians, 2221 University Avenue S.E., Minneapolis, MN 55414.

Rural Hospitals Fighting To Stay Alive

(By Brent and Ellen Beck)

Editors' note: This is the third in a series of articles featuring concerns of rural health care, physicians and rising health care costs affecting Canby and southwestern Minnesota.

Rural health care clinics and hospitals face a perplexing problem as they enter the 1990's. Hospital administrators continually ask themselves if their hospital will be able to survive the 90's.

As the rural economy tightens its strings on spending, many rural communities might be in for a rude awakening when they find the doors to their hospitals slammed shut and hospitals closed down.

According to a study performed by the American Hospital Association in the hospital closures statistical profile, 448 community hospitals have closed since 1980. In 1988 alone there were 83 community hospitals that closed. This figure alone far outweighed the number of community hospitals that opened that year, which were ten.

The hospitals represented in this study did not represent "excess capacity" in the health care system. Many were sole hospitals in rural communities or inner cities. Another factor to consider in these closings is the number of hospitals that are struggling simply to keep their heads above water.

According to Hospital Administrator Robert Salmon of Canby Community Health Services, the hospital has made great improvements in their services.

"One of the biggest areas in which the hospital has improved over the nineteen years that I've been here is improved care through outreach programs," stated Salmon.

"However, the sad antidote to this is that all of these special services are all going to go unnoticed because of the problems we have been facing with reimbursement on medicare and medicaid."

"We've done a lot in bringing new programs into the hospital, programs like CT Scanning Service and Nuclear Medicine," reported Salmon.

The sad thing is that all of this hard work and the luxuries these services provide will have to be discontinued because of these continuing problems.

These services provide the doctors in rural communities access to higher technology and decision making at the local level. With the new equipment, doctors have been able to determine what is best for the patient and whether they need to send the patient to a specialist at a larger hospital.

"An example," stated Salmon, "is when we have the CT Scanning Service come to town to do C.A.T. scans. The smaller rural hospitals are affected the most as we are discriminated against (on costs)," reported Salmon.

"An example is the abdominal scan. If we had a medicare patient receive an abominal scan we would pay $340.00 and be reimbursed under the medicare plan for less than 10 percent at $30.60," added Salmon. "We're coming to a point were we won't be able to afford this service and other services like it to the public because the government deprives rural America the same services that are offered in urban hospitals, forcing the patient to seek health care in the larger urban hospitals."

One has to look at the total cost the investors put into these units. "When you consider the amount of money it costs to put one of these labs on the road, it costs a lot of money," he explained. "You have to look at the cost that is involved in operating a semi truck trailer, tractor and staff which includes the technicians, driver and insurance. They are all added expenses."

"This problem not only exists here in Canby, but statewide and even nationwide," stated Salmon.

The only two hospitals in the area that offer this service are Willmar and Worthington which both use fixed scanners. If the mobile units did not exist, people would have to travel to these two hospitals for this service.

Another area of discrepancy is in Nuclear Medicine. Canby Community Health Service pays $155.00 for a nuclear bone scan and medicare reimburses them $71.50.

"Services like these are financially impossible to operate," continued Salmon. "They will continue to be this way until the public writes or calls their legislators and asks for changes to occur."

Another striking difference is that urban hospitals receive a greater amount of medicare and medicaid reimbursement than rural hospitals do.

"On a state level Minnesota rural hospitals receive 13 percent less than urban hospitals do for in-patient services. Add the wage adjustment figure to this because of the higher cost of living and it amounts to 20 percent," continued Salmon.

"With out-patient services, utilization has dropped throughout America. This means that most of our business is primary care as opposed to urban hospitals that provide tertiary care which requires longer stays for specialized care," explained Salmon.

Medicare pays rural hospitals 40 cents to the dollar on lab fees according to the radiology fee schedules. Overall they are reimbursed by 65 cents on the dollar for outpatient services.

According to Salmon these payment schedules will worsen since Congress recently passed a bill which will allow hospitals to be paid on the same fee schedule as clinics for out-patient work.

"This will go into effect on October 1, 1990," stated Salmon. "In essence, this will cause us to eliminate the special services that we offer."

With medicaid, area hospitals are also being penalized. In 1984 the government put a fee schedule freeze into effect which makes it diffcult for rural hospitals to take on new medicaid patients because of inadequate reimbursements.

According to Salmon, hospital planning must be done on a short term basis. Planning can't be accomplished for ten years ahead or even five years down the road because rural hospitals can shut down within a year's time if they have continually been operating in the red, Salmon reported.

Canby Community Health Services has not yet experienced a net loss like many neighboring hospitals.

According to a report by the Minnesota Hospital Association, more than half of Minnesota's hospitals have less than 50 beds. In 1987, these small hospitals suffered the most dramatic decline in operating margin, and had the lowest operating and net margins.

A total of 51 hospitals, the largest number in ten years, suffered net losses, and more than 40 percent of the hosptial in the 0-49 bed size group lost money.

Nearly 20 percent of Minnesota's hospitals met the criteria to be classified as "financially troubled" and ten percent are classified as "financially distressed". Most of these hospitals are small and are located in rural areas, particularly southern Minnesota the report stated.

The Canby hospital, a 27-bed facility, has not been classified as either financially troubled or financially distressed despite the report's findings that facilities with attached nursing homes appear to be more prone to suffer net losses than hospital-only facilities.

Negative cash flow has been the best screen to identify hospitals that are in imminent danger of closing.

Salmon mentioned that many people do not want to sympathize with the problems of medical facilities simply because the costs of health care to them as individuals are so high.

Canby Community Hospital opened in 1963. Since that time the function of the hospital has changed drastically. Surgical procedures have become more advanced with technology eliminating many steps and resulting in improved care.

Even with advanced technology, it is very difficult to attract new physicians who are indebted to their education $40-$150,000 and who know that urban areas offer a better income, Salmon explained. This topic will be covered in the last of a series of articles about rural health care.

Concerned citizens may contact their Senators or representatives at the following addresses: Senator David Durenberger, 1020 Plymouth Building, 12 South 6th St., Minneapolis, 55402; Senator Rudy Boschwitz, 210 Bremer Building, 419 N. Robert St., St. Paul, 55101; or Representative Vin Weber, 106 Cannon House Office building, Washington, DC 20515.

RURAL MEDICINE SUFFERS DOCTOR SHORTAGE

(By Brent and Ellen Beck)

Editors note: This is the fourth and final article featuring concerns of rural health care, physicians and rising health care costs affecting Canby and southwestern Minnesota.

The shortage of medical doctors in rural Minnesota is not only a Minnesota problem. The problem extends to other states as well.

According to a recent article in Medical Economics by Joel H. Goldberg there has been a steady exodus of doctors from private practice in Massachusetts.

The doctors either end up moving to another state, taking a different job in the medical field, or retiring early.

Likewise, with the problem of doctor shortages there has also been a shortage of applicants to medical schools.

According to Dr. Robert Olson, Family Practitioner at the Canby Health Clinic and Canby Community Health Services, the number of medical school applicants has dropped considerably nationwide over the past several years.

"Not too many years ago, there were 42,000 applicants for medical school and now there are only 24,000 nationwide," reported Dr. Olson. Most physicians agree that the quality of the student has continued to remain high.

The reasons why so many are choosing not to attend medical school are important reasons. Some want to avoid legal malpractice suits; others just can't afford the costs of medical school which put the students in debt anywhere from $40,000-$150,000.

Other reasons include a lack of respect for physicians in general. Some people believe that the medical profession is losing its respectful place in the nation.

Besides all of these reasons, eligible students know that there are large amounts of paperwork that are now involved with medicare and medicaid. Students also realize that it takes a great many hours to finally become a physician. These same reasons have caused a drop in enrollment figures at the local level.

The University of Minnesota has had a drop in the number of applicants in recent years and the number of applicants to medical schools across the nation is falling off. Nationwide there are 16,000 open places in medical schools. Not too many years ago, there were 42,000 applicants to medical schools and now there are only 24,000.

"Small rural communities are having a tough time attracting physicians because of the high debt they accumulate with their education," commented Olson. "They are naturally going to go to the larger hospitals in the metropolitan areas because they're going to get a larger reimbursement," added Olson.

The working conditions in the smaller rural communities have also worsened, making it necessary for the rural physicians to be on call more. The rural physician faces a higher level of stress than the urban doctors do because there are more physicians in the larger hospitals, which often lessens the workload.

However, the state governments have also played an important role in hindering the delivery of rural medical services.

At one time, according to Olson, the government introduced a bill to increase the reimbursements to 50 percent of the 1982 rates. "The economy then was doing poorly and rural areas were suffering, so the medical community said little," stated Olson.

"What happened was that the legislators voted in a pay raise for themselves which included a pension increase," Olson explained. This all occurred during economic stressful times in the state.

"If the state was so short of money, why were they voting for pay raises?," asked Olson.

"New York recently passed a law limiting the number of hours a physician could work. The law states that they had to limit their hours to 80 hours over a two week period," explained Dr. Olson. "The hospitals tried to repeal it because it required them to hire more physician assistants and extra staff. It ended up costing them more money."

"In Massachusetts they thought they could solve the problem by forcing doctors to accept medicare reimbursements in outstate Massachusetts, 30 percent of the physicians made an exodus from the state. Could the same thing happen in Minnesota?" Olson wondered.

In 1984, over 113 neurosurgeons practiced in Massachusetts. Today there are only 78 and most are over the age of 50. They have gone to other states.

"When I came there were five physicians in town and now we're lucky to have three," Dr. Olson commented.

Olson reported that Gary, SD has only one physican, Madison now has only one physician, and Clarkfield no longer has a physician since their hospital closed.

Granite Falls spent over $20,000 trying to recruit new physicians. According to Olson, Canby Community Health Services spent nearly that amount trying to recruit new physicians several years ago. "It didn't work. We ended up doing it on our own," he reflected.

Canby Community Health Services has benefitted from having a Rural Physicians Associate Program (RPAP) for third-year medical students. So far ten students have come to Canby and most of them chose family practice following their work in Canby.●

TRIBUTE TO BERNADETTE PARDO, CARLOS CORRALES, AND JOURNALISTS IN COLOMBIA

● Mr. GRAHAM. Mr. President, today I commend the bravery of journalists covering the drug war in Colombia.

Print and broadcast journalists—who risk life and limb to inform the world about events in Colombia—have been threatened, bombed and shot. Along with judges, police, and public officials, journalists have become targets of the narcoterrorists.

On September 16, at night, veteran reporter Guillermo Gomez Murillo was shot dead by three gunmen as he went to visit his parents. He had reported for the newspaper El Espectador from the Pacific coastal city of Buenaventura, Colombia.

More than a dozen journalists have been killed in recent years in Colombia. The death toll includes the editor of El Espectador, a publication that has investigated cocaine trafficking and attacked it editorially.

Colombian journalists are not the only victims of this insidious campaign of terror—this effort to kill the messengers of information about cocaine in Colombia. Two brave journalists from Miami, reporter Bernadette Pardo and cameraman Carlos Corrales of channel 23, were injured in a bomb blast at a Medellin restaurant on September 5. Ms. Pardo suffered injuries to her back, arms and face. Mr. Corrales needed 12 stitches in his forehead, and his ankle was injured.

Thankfully, the Miami-based journalists have returned home, and Ms. Pardo has been released from the hospital. They will go on reporting the news in Florida and elsewhere—living symbols of bravery in the search for the truth. Ms. Pardo and Mr. Corrales are the modern-day personification of a great tradition in journalism of covering tough stories overseas. They are the Bob Considine's, Edward R. Murrow's, and Robert Capa's of today.

The war correspondents of yesterday and foreign correspondents today are profiles in courage. The men and women who are covering Colombia today face no less peril than did the correspondents in World War II.

The August 24 communique from the Extraditables in Colombia vowed "absolute war against the Government, the industrial and political oligarchy, the journalists who have attacked us. We shall not respect the families of those who have not respected our families."

Days later, on September 2, a powerful car bomb exploded in front of the El Espectador newspaper building. Eighty people were injured, walls were blown out, and presses were damaged. Despite the $2.5 million in damage to its building, the newspaper was back in operation within hours. With help of other newspapers, El Espectador published a 12-page edition and sold half a million copies.

"If anything, our position has grown tougher since the bombing," said Managing Editor Pablo Augusto Torres," because drug trafficking is a curse on humanity, destroying our country, and causing tears and death."

May the words of this editor be an inspiration for all those on this Earth who are fighting drugs.●

SOVEREIGNTY THREATENED

● Mr. LIEBERMAN. Mr. President, today in Colombia, the Medellin cartel has seriously undermined the Colombian government's ability to exercise its sovereignty. It is becoming increasingly clear that the Colombians' power to enforce the laws of its lands has been seriously compromised by this group of narcoterrorists. We have seen this phenomenon occur before in the 1970's in Mexico and Bolivia.

The sovereignty of the United States is also at stake by these recent developments in Colombia. We are now seeing that widespread crack and cocaine usage poses a grave challenge to the ability of State and Federal law enforcement efforts. It is crucial that U.S. policy in this area takes these facts into account.

Many of these ideas were highlighted in a recent article written by Neil Proto that appeared in the Christian Science Monitor. I ask that the entire text of this article appear in the RECORD and I urge my colleagues to look at it.

The article follows:

ILLICIT PLANTS: THREATENING SOVEREIGNTY AT HOME AND ABROAD

(By Neil T. Proto)

"Sovereignty," Supreme Court Justice Oliver Wendell Holmes wrote, "is a question of power and pure fact."

The real test of sovereignty is not whether a legislature can enact law or a judiciary can interpret it, but whether the executive can, in fact, enforce the law within the confines of the nation.

We are witnessing in the United States a rare phenomenon in our history: a serious, methodical threat to the ability of government to exercise its sovereignty. The base of the threat is clear. Illicit plants—opium poppies, coca leaves, and marijuana—have come to the US with a geographic pervasiveness and severe violence that raise fundamental questions about the ability of state and federal law enforcement.

The source of the threat today is the Medellín region of Colombia. But such a threat is not new: It was Mexico in the 1970s and Bolivia earlier this decade.

US's foreign policy for dealing with it remains disjointed. It has no agreed-upon conceptual framework or guiding principles. We formulate our approach to illicit plants as we do our foreign aid: nation by nation. We view those responsible for formulating international drug policy as engaged in fighting crime, rather than conducting diplomacy.

Congress created the office of assistant secretary of state for international narcotics matters in 1978. But in the war on drugs, the US still lacks a lucid foreign policy.

In the '70s, the western rim of Mexico, from Oaxaca to Sonora, through the Sierra Madre Occidental and bounded by the Gulf of California, had become a conduit for illegal traffic in two directions: guns into Mexico and South America, illicit plants into the US.

By 1975, the corruption of government officials in the rim's isolated villages and the city of Culiacán was no longer subtle. The killing in the Sinaloa region had grown wanton and vicious. Campesinos were growing and using illicit plants.

Most troublesome, campesinos were being organized around a new set of economic and cultural values. International trade routes had been established and the authority of those living off the profits of illicit plants had taken hold.

The Mexican government assigned 10,000 army troops to the Sierra Madre to interdict drug traffic and to inhibit planting with herbicide spraying. The US Drug Enforcement Administration provided sophisticated weather and detection equipment, and planes and helicopters were supplied by the U.S.

At stake for the Mexican government was whether it could regain control of a significant portion of its country. The war in Mexico was about sovereignty.

Unfortunately, despite the US aid, many American officals missed the lesson of Mexico: When sporadic criminal activity turns into methodical, pervasive violence that threatens the fundamental authority to enforce law, the sovereignty of the nation is at stake.

When that line is crossed more than just crime is involved. Sitting in Medellin, a politically secure drug dealer views the US's southern border—from southern California to northern Florida—as an immense, multilane thoroughfare for commerce with Chicago, New York, or Los Angeles.

Effective distribution of drugs requires strategic thinking and a knowledge of world geography, intelligence networks, and foreign affairs. It also intersects with a range of human values—greed, power, family life, and violence—that raises political questions about the motivation of those involved and the capacity of the state to conduct internal and external relations.

The Drug traffickers are no longer mere criminals. Indigenous political movements in Bolivia and Peru have financed their activities with illicit-plant proceeds.

The Cuban government has supported drug commerce. The Panamanian government's internal oppression is sustained by it. And there is evidence that Colombia's illicit-plant lords have hired mercenaries to further undermine the legitimate government.

In 1981, Sen. Sam Nunn stated that "international drug trafficking . . . [is] as real a threat to our national security as the threats we face abroad from hostile powers. Until America faces [this problem], the poor . . . and many of our older citizens will live in fear and despair, unable to escape the high crime areas. Wealthy and middle-income Americans . . . will become increasingly isolated. . . ." Such fear and isolation have started to capture America.

The "pure fact" of sovereignty is in jeopardy in Colombia today, as it was in Mexico in the 1970s. Under such circumstances, the range of responses narrows considerably and the ultimate objective of government is as indivisible as sovereignty must be: All nations, including our own, must be assured that within their geographic borders the exercise of sovereign authority is nowhere held in suspense.

Our foreign policy must recognize that the threat to sovereignty abroad caused by illicit plants poses an insidious threat to sovereignty here at home.

(Neil T. Proto, a lawyer, has served in the US Department of Justice litigating foreign policy matters. In 1978 he toured the Sierra Madre with the Mexican Army to observe its anti-illicit plant program at the request of the State Department.)●

HISPANIC HERITAGE MONTH

● Mr. BINGAMAN. Mr. President, Friday, September 15 marked the beginning of "Hispanic Heritage Month." It is totally fitting that the Congress has chosen to extend President Lyndon Johnson's proclamation from 1 week to 1 month. Our country's history has been richly enhanced by the contributions Hispanic-Americans have given us. I am happy to take part in the recognition of these contributions. In my home State of New Mexico we are proud of the blending of our multicultural heritage.

New Mexico's history was in part shaped by the Hispanic culture but unfortunately that rich contribution is often overlooked. The former Secretary of Interior, Stuart Udall, once wrote that we have a "lost century in our history books." Americans should be aware that when the English colonists were first settling in Jamestown and Plymouth, Spain had already established a permanent settlement in San Juna de los Caballeros, NM. In fact Juan de Onate y Salazar was appointed as the first Governor of New Mexico in 1598, over two decades before the pilgrims arrived at Plymouth Rock. New Mexicans are very proud to be able to say that Santa Fe is the oldest State capital in the United States. It was founded by Don Pedro de Peralta in 1610.

New Mexico boasts the largest percentage Hispanic population in the Nation and we have a long tradition of Hispanic contribution to the community as a whole. The political leadership of our State reflects very well this cultural blending. In fact, New Mexico ranks second nationally with the most Hispanic elected officials at 647. Hispanics have held and continue to hold many of the high elected offices in the State. Hispanics are officers in the New Mexico State Legislature, the State administration and the New Mexico Supreme Court. I am proud to say that the only Hispanics ever to be elected to the U.S. Senate were from my home State, Dennis Chavez and Joseph Montoya.

New Mexico's Hispanic community has made contributions not only in the political arena but in all aspects of life. It is impossible to do justice to the many New Mexicans of Hispanic origin who have strived for and achieved excellence in their fields. We are especially proud of the first American Hispanic to be made an archbishop, Archbishop Robert Sanchez of the Archdiocese of Santa Fe. I would like to take the opportunity of Hispanic Heritage Month to congratulate the many other Hispanics who have contributed their talents to the arts, sciences, culture and defense of this country and the State of New Mexico.

Our Nation has been built on the unification of different peoples and diverse cultures. We have proudly called ourselves a great melting pot, or, as some prefer, a salad bowl. Mr. President, as we are all aware, Hispanics are the fastest growing population in the United States and as we welcome new immigrants from the Hispanic countries of the Americas, let us also remember that Hispanic-Americans have roots in this great land that are as deep as those of the descendants of the *Mayflower.* We should remember, too, that the term Hispanic applies to a diverse demographic community which encompasses all Americans whose roots originated in Latin America and Spain.

Let us also look to the future during this time of celebration. As opportunities grow in the technological and related fields, we must assure that Hispanics are afforded the proper education and training necessary to continue to become major contributors to our society and New Mexico.

New Mexico can be proud of its representation of Hispanic heritage and can serve as a fine role model for all America. New Mexico is proof that people from different backgrounds can work together for a common goal. I speak from experience, the experience of a New Mexican, that our Nation has been undeniably enriched by the Hispanic community. I join my colleagues in celebrating not only the Hispanic heritage of New Mexico but of all the United States from September 15 to October 15 during Hispanic Heritage Month.●

BICENTENNIAL OF THE BILL OF RIGHTS

● Mr. BOSCHWITZ. Mr. President, I rise today to join my colleagues in recognizing September 25, 1989, as the bicentennial of the adoption of the Bill of Rights.

During the battle to win ratification of the Constitution, the Federalists gained support from several States by promising to add a bill of rights.

Following ratification of the Constitution, the First Congress met and the Federalists kept their promise by drafting a bill of rights. Finally, on September 25, 1789, the Congress approved a bill that included 12 amendments and sent them out to the States for ratification. Two amendments were dropped by the States and the ten that won approval are our Bill of Rights.

Though we may not be able to imagine our Constitution without the Bill of Rights—in fact many people think of it as the most important part of the Constitution—the amendments affected no real changes in Federal power and took no substantial powers from Congress. Merely enumerating many of the rights the framers assumed to be already protected by the new Constitution, the first 10 amendments gave formal recognition to traditionally accepted natural rights that had been incorporated in English charters, colonial grants, State bills of rights, and the Declaration of Independence.

Until the 1920's the Bill of Rights had been interpreted to only protect the rights of citizens by limiting Federal action and could not be used to limit the activity of the States. However, in a 1925 case involving a New York publisher named Gitlow, the Supreme Court decided that the freedom of speech and press were "fundamental personal rights" that are protected from State encroachment. The High Court, for the first time, applied the due process clause of the 14th amendment, which states that no individual will be denied the right of life, liberty, and property without due process of law.

The Bill of Rights also guarantees freedom of religion. It protects the right to keep and bear arms, as well as to assemble peaceably and to petition the Government for redress of grievances. In the years following the Gitlow decision, the balance of the Bill of Rights have been applied to the States making possible many of the landmark civil rights rulings, including the Brown versus the Board of Education case which prohibited segregation, as well as several rulings that altered the way law enforcement officials go about their business.

Our Constitution created the foundation and structure of our national political system, but it is the Bill of Rights that gave our system its soul.●

COMMEMORATING THE 75TH ANNIVERSARY OF THE INTERNATIONAL LADIES' GARMENT WORKERS' UNION HEALTH CENTER

Mr. MITCHELL. Mr. President, on behalf of Senator KENNEDY, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) to recognize the historic significance of the International Ladies' Garment Workers' Union (ILGWU) Health Center, on the 75th anniversary of the Center, and to commend the ILGWU for establishing and maintaining the Center.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, today I am submitting a concurrent resolution to commemorate the 75th anniversary of the founding of the International Ladies' Garment Workers' Union Health Center. This facility was the first health care facility operated by a trade union. Founded in 1914, the union health center provided medical care for the disease and illness caused by sweatshop conditions in the garment industry. Because factories were located in basements, cellars, and other dangerous conditions, disease was widespread. Workers constantly breathed dust, steam, and gases, but they were condemned to face these deadly conditions with no health care. Untreated tuberculosis was rampant.

But with courage and sacrifice, the workers of the International Ladies' Garment Workers' Union established its health care facility to provide the medical treatment that was tragically missing. The union health center developed pioneer programs in health care, benefits and sickness prevention. Workers were removed from the sweatshops and given care in sanatoriums paid for by the union health center. Within a few years of its establishment, the union health center had profoundly improved the health of thousands of workers. Today, the ILGWU's health facilities remains a model of health care for workers.

The concurrent resolution I am submitting honors those who founded the ILGWU union health facility and those who carry on its work today. I urge all my colleagues to join in supporting this concurrent resolution, and in commending the ILGWU for 75 years of quality health care and concern.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas, in 1914, the International Ladies' Garment Workers' Union (ILGWU) established the first health care facility in the United states operated by a trade union and dedicated to the health and welfare of working men and women;

Whereas on November 20, 1963, an Act of Congress was signed by President John F. Kennedy that authorized that a silver medal be struck in recognition of the 50th Anniversary of the ILGWU Union Health Center;

Whereas on June 6, 1964, President Lyndon B. Johnson presented the Medal to the Union Health Center in honor of the trade union crusaders who were in the vanguard of the battle against sweatshops and disease; and

Whereas the ILGWU Union Health Center has often been referred to as "the granddaddy of third-party medicine in the United States": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, on the 75th anniversary of the International Ladies' Garment Workers' Union (ILGWU) Health Center, Congress—

(1) recognize the historic significance of this first Union Health Center as a visionary example to the United States of how advanced health, safety, and welfare services can be provided to American workers; and

(2) commends the ILGWU for establishing and maintaining the Center.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REAUTHORIZING THE NATIONAL FLOOD INSURANCE PROGRAM AND THE FEDERAL CRIME INSURANCE PROGRAM THROUGH SEPTEMBER 30, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2771, a bill to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2771) to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 850

(Purpose: To provide a complete substitute)

Mr. MITCHELL. Mr. President, on behalf of the Senator from Michigan [Mr. RIEGLE], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. RIEGLE, proposes an amendment numbered 850.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(b) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(c) STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE.—Section 1306(c)(7) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(7)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(d) LIMITATION ON PREMIUMS.—Section 541(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 4015 note) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

SEC. 2. FLOOD ZONE DATA.

Section 1360(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(a)) is amended by striking paragraph (2) and inserting the following:

"(2) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each of these areas until the date specified in section 1319.".

SEC. 3. REPORT ON FEDERAL ASSUMPTION OF FLOOD INSURANCE PROGRAM.

Section 1340(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4071(b)) is amended to read as follows:

"(b) Upon making the determination referred to in subsection (a), the Director shall make a report to the Congress and, at the same time, to the private insurance companies participating in the National Flood Insurance Program pursuant to section 1310 of this Act. Such report shall—

"(1) state the reason for such determinations,

"(2) be supported by pertinent findings,

"(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

"(4) contain such recommendations as the Director deems advisable.

The Director shall not implement the program of flood insurance authorized under Chapter I through the facilities of the Federal Government until 9 months after the date of submission of the report under this subsection unless it would be impossible to continue to effectively carry out the National Flood Insurance Program its operations during this time.".

SEC. 4. AUTHORIZATION FOR STUDIES.

Section 1376(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated for studies under this title not to exceed $36,283,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991".

SEC. 5. SEA LEVEL RISE STUDY.

The Director of the Federal Emergency Management Agency shall conduct a study to determine the impact of relative sea level rise on the flood insurance rate maps. This study shall also project the economic losses associated with estimated sea level rise and aggregate such data for the United States as a whole and by region. The Director shall report the results of this study to the Congress not later than one year after the date of enactment of this Act. Funds for such study shall be made available from amounts appropriated under section 1376(c) of the National Flood Insurance Act of 1968.

SEC. 6. EXTENSION OF RURAL HOUSING AUTHORITIES.

(a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

(b) RURAL AREA CLASSIFICATION.—Section 520 of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

(c) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

(d) RURAL RENTAL REHABILITATION DEMONSTRATION.—Section 311(d) of the Housing and Community Development Act of 1987 is amended by striking "September 30, 1989" and inserting "September 30, 1991".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 850) was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the bill, as, amended be advanced to third reading, passed, and the title be appropriately amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2771), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, SEPTEMBER 26, 1989

RECESS UNTIL 10 A.M.; MORNING BUSINESS; RESUME CONSIDERATION OF PENDING BUSINESS; RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow, Tuesday, September 26, and that following the time for the two leaders there be a period for morning business until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 10:30 a.m. the Senate resume consideration of H.R. 3072, the Department of Defense appropriations bill, and that there be 2 hours of debate equally divided remaining on the Nunn amendment No. 844 which strikes the committee language on base closings with a vote occurring relative to that amendment at 2 p.m.

I further ask unanimous consent that upon completion of the debate on the Nunn amendment, the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, is the time equally divided?

Mr. MITCHELL. Yes, I said equally divided.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. For the information of Senators, tomorrow's session will extend well into the evening with votes occurring throughout the day and into the evening. I urge my colleagues to plan their schedules accordingly.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent the Senate stand in in recess under the previous order until 10 a.m. tomorrow, Tuesday, September 26, 1989.

There being no objection, the Senate, at 6:18 p.m., recessed until Tuesday, September 26, 1989, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, September 25, 1989*

The House met at 12 noon.

His Holiness Pope Shenouda the Third, Pope of the Coptic Orthodox Christian Church of Egypt, offered the following prayer:

O Lord God, who created man in Thy image and likeness, let him return to that divine image. When we become in Thy likeness we prove that we are Thy children and thus we glorify Thee.

O Lord God, who sanctified us and made us temples for Thy spirit, let us remain holy forever. Having Thy Holy Spirit abiding in us, guiding us to Thy ways.

Our Savior and Redeemer, Thou hast said to Thy disciples, "You shall be witnesses to me," and You are the truth and light—let us always witness to Thee and witness to the truth.

We ask for the world to live in peace and justice. Bestow Thy blessings and guidance upon our world leaders.

We ask Thee for the Congress and the Senate, give them Thy wisdom and Thy strength. Let Thy spirit speak in them. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GLICKMAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GLICKMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and three were—yeas 230, nays 80, not voting 122, as follows:

[Roll No. 239]

YEAS—230

Akaka
Andrews
Annunzio
Applegate
Archer
Aspin
Atkins
Barnard
Bateman
Bates
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clarke
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Costello
Cox
Coyne
Darden
DeFazio
Derrick
Dicks
Dixon
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fazio
Fish
Flippo
Foglietta
Frank
Frost
Gallo
Gaydos
Gephardt
Geren
Gillmor
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
LaFalce
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Luken, Thomas
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Montgomery
Morella
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nielson
Obey
Olin
Ortiz
Owens (UT)
Packard
Pallone
Panetta
Patterson
Pelosi
Penny
Perkins
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ray
Rinaldo
Ritter
Roberts
Robinson
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Saxton
Schneider
Schulze
Sharp
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (VT)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Thomas (GA)
Torricelli
Traficant
Traxler
Udall
Unsoeld
Vento
Volkmer
Walsh
Watkins
Waxman
Wheat
Whitten
Wise
Wyden
Wylie
Yates

NAYS—80

Armey
Baker
Barton
Bentley
Bilirakis
Bliley
Brown (CO)
Buechner
Bunning
Chandler
Coble
Coleman (MO)
Craig
Crane
Dannemeyer
DeWine
Dickinson
Douglas
Fawell
Frenzel
Gallegly
Gekas
Goss
Grandy
Hancock
Hansen
Hastert
Hawkins
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (FL)
Lightfoot
Lukens, Donald
Machtley
Martin (IL)
McCandless
McGrath
McMillan (NC)
Miller (OH)
Moorhead
Pashayan
Paxon
Regula
Rhodes
Ridge
Rohrabacher
Ros-Lehtinen
Rowland (CT)
Schiff
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stearns
Tauke
Thomas (WY)
Upton
Walker
Weber
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—122

Ackerman
Alexander
Anderson
Anthony
AuCoin
Ballenger
Bartlett
Beilenson
Bereuter
Boehlert
Borski
Browder
Burton
Campbell (CO)
Clay
Clement
Clinger
Condit
Coughlin
Courter
Crockett
Davis
de la Garza
DeLay
Dellums
Dingell
Donnelly
Dornan (CA)
Dymally
Dyson
Edwards (CA)
Engel
Espy
Evans
Feighan
Fields
Flake
Florio
Ford (MI)
Ford (TN)
Garcia
Gejdenson
Gibbons
Gilman
Goodling
Grant
Guarini
Hatcher
Jacobs
Jenkins
Kaptur
Kolter
Kostmayer
Lancaster
Lantos
Leath (TX)
Lent
Lewis (CA)
Lloyd
Lowery (CA)
Lowey (NY)
Madigan
Manton
Marlenee
Mavroules
McCollum
McCrery
McDade
McEwen
McNulty
Molinari
Mollohan
Moody
Morrison (CT)
Murphy
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Owens (NY)
Oxley
Parker
Parris
Payne (NJ)
Payne (VA)
Pease
Pickle
Rangel
Ravenel
Richardson
Roe
Rogers
Roukema
Sawyer
Schaefer
Scheuer
Schumer
Shaw
Smith (FL)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Stangeland
Stump
Sundquist
Tallon
Tauzin
Thomas (CA)
Torres
Towns
Valentine
Vander Jagt
Visclosky
Vucanovich
Walgren
Weiss
Weldon
Williams
Wilson
Wolpe
Yatron

□ 1226

Mr. PASHAYAN changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

Mr. SPEAKER pro tempore. Will the gentlewoman from Florida [Ms. ROS-LEHTINEN] lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1486. An act to authorize appropriations for fiscal year 1990 for the Maritime Administration, and for other purposes.

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2712) "An act to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. SIMON, and Mr. SIMPSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 974. An act to designate certain lands in the State of Nevada as wilderness, and for other purposes; and

S.J. Res. 86. Joint resolution designating November 17, 1989, as "National Philanthropy Day."

REPORT ON HOUSE JOINT RESOLUTION 407, CONTINUING RESOLUTION, 1990

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 101-249) on the joint resolution (H.J. Res. 407) making continuing appropriations for the fiscal year 1990, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

REQUEST TO MAKE IN ORDER ON TUESDAY, SEPTEMBER 26, 1989, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 407, CONTINUING RESOLUTION, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order tomorrow, or any day thereafter, to consider in the House, any rule of the House to the contrary notwithstanding, House Joint Resolution 407, a joint resolution making continuing appropriations for the fiscal year 1990, and for other purposes, and that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Massachusetts [Mr. CONTE], and that the previous question shall be considered as ordered on the resolution to final passage without intervening motion.

The SPEAKER pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from Mississippi?

Mr. RITTER. Reserving the right to object, Mr. Speaker, I reserve the right to object on two counts. One count is that we, the Members of the House, were instructed that there would be an important vote directly following the Journal vote on the exchange of franked money for drug war money.

□ 1230

Many of us totally changed our schedules this morning to be here, not that this is such a different occasion in the House, but I think we need to bring some kind of scheduling order to this place and not totally upset definitive schedules that have been made by Members.

Mr. Speaker, I further reserve the right to object in that for some time now the leadership has been asked by the minority to bring up the authorization of the Nuclear Regulatory Commission, it containing extremely important legislation, and that has been in spite of light schedules throughout since our return from the Labor Day recess, and Members may recall it was pulled from the floor during a light week the second week prior to our parting from the legislative process in August.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I am happy to yield to the gentleman from Mississippi

Mr. WHITTEN. Mr. Speaker, I can appreciate the gentleman's point, but may I say for the Record, our House of Representatives has done its job.

The report accompanying this joint resolution points out that the House, some weeks ago, passed all 13 appropriations bills.

This joint resolution addresses the question of whether we are going to let the Government cease to operate due to a lack of spending authority since these appropriations acts will probably not become law by October 1. The Senate has passed seven bills. Only the Energy and Water Development Appropriations Act is awaiting the signature of the President.

The report lays all of this out. The provisions of this resolution for the various acts would be in effect through October 25 or until individual acts are signed into law. The resolution provides three rates: for bills passed by the House, the House or current rate, whichever is lower, under terms and conditions in effect in fiscal year 1989; for bills passed by both the House and Senate; the House or Senate rate, whichever is lower under terms and conditions in effect in fiscal year 1989; and for the Energy and Water Development Act, the conference rate. We have a bare-bones continuing resolution that is needed to make up for the fact that our colleagues on the other side have been unable to reach a conclusion before the fiscal year expires.

I want the Record to show that, and I appreciate the gentleman yielding to me.

May I add that the two full-year continuing resolutions that we had in recent years were not the fault of the U.S. House of Representatives. Yet, the press, the news media, and everyone, refers to the Congress when it talks about who caused these problems. It was not our fault then and it is not our fault now. After conferring with the Republican and Democratic leadership this resolution fixes it so that we can keep the Government going while the Senate completes its work and we try to work out our differences with the Senate.

Mr. RITTER. Further reserving the right to object, I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I would tell the gentleman that I have here the RECORD of the House of September 21 in which the gentleman from Georgia [Mr. GINGRICH] asks the gentleman from Missouri [Mr. GEPHARDT], "So if a Member arrived after noon, they would have missed one vote, that is, the vote on the Journal, but might well get here around 3:30 or 4 before there will be a series of votes?" Mr. GEPHARDT responds that that is correct.

Based on that, I asked the Speaker and the minority leader if they would postpone the vote on the appointment of conferees on the legislative appropriation and the subsequent motion to instruct the conferees, because I felt there were many Members outside of the city who were going to return later in the thought that no substantive vote would occur before approximately 3:30.

I was with a large congressional delegation in Los Angeles which is timing its return, because that is the information it got from the Speaker's office. With the cooperation of the gentleman from California [Mr. FAZIO] and the gentleman from California [Mr. LEWIS], the Speaker was nice enough to postpone that so that our Members would not be inconvenienced.

I really regret that I have spoiled the gentleman's plans, but I have to say the gentleman knew something that was not in the RECORD in that case.

Mr. RITTER. Mr. Speaker, further reserving the right to object, it turns out that that was what all of our impressions were upon leaving late Thursday, but our conference received information from the Democratic leadership that there would be this vote, received this information on Friday, and so we operated on that information until this very moment, ½ hour ago.

Mr. FRENZEL. If the gentleman will yield further, I was gone, of course, on Friday.

Mr. RITTER. So the gentleman did not get the message.

Mr. FRENZEL. I did not receive that important information. I was relying on the discussion that took place on the floor here, and I do not want to be responsible for an objection to a motion that I think is very important, and I will be glad to rescind whatever I have done which I did in the name of Members who thought they were operating under good advice.

Mr. RITTER. Further reserving the right to object, I have no disagreement with what the gentleman's impression was, but I really believe that the gentleman was not privy to a further change in the planning for today that occurred on Friday that the rest of us were privy to.

Mr. FRENZEL. If the gentleman will yield further, we in this congressional delegation in Los Angeles asked one of our members to call the Speaker's office, and they were informed that there would be the vote on the Journal and substantive votes later in the day on suspensions.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. RITTER. Mr. Speaker, I am happy to yield to the chairman of the House Republican Conference, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding.

On Thursday evening, the conference made significant effort, contacting both sides of the aisle, to get a clear understanding of what was likely to happen in terms of a vote today. To say the least, the messages were mixed, but the strongest message indicated that we were likely to have a motion by the gentleman from Massachusetts [Mr. CONTE] to instruct conferees relative to legislative branch, and at that point in time, the most direct information that was available is that a motion would be made and a vote would likely take place sometime shortly after 12:30 on Monday. As a result of that, the conference sent that information to the members, so they had it early on Friday in their offices here in the Capitol.

As a result of that and other messages, there are at least three or four of our members who had the lovely experience of taking the redeye to arrive today to be able to be here on the floor participating in the debate on the motion to instruct and to vote.

Indeed, to say the least, we have a problem for all Members who have tried to be responsive to a lack of clarity from the schedule.

Mr. RITTER. Further reserving the right to object, I appreciate that. I might add that our office made a lot of significant effort to try and verify what the gentleman from California and the Republican Conference had sent us earlier in the day, and from every signal that we received, we received information that it was highly likely that there would be this vote directly following a vote on the Journal, so some of us who do not live that far and do not catch redeyes canceled what we believed to be extremely important meetings with our constituents.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, we must not let the Government come to a close, and particularly do I not want the Government to come to a close because of actions on the other side of the Capitol. Certainly I do not want the House of Representatives to let that happen.

I have pointed out that we have done our share on this side some weeks ago. It is evident that unless we pass a continuing resolution we may get closed down. This situation has happened 2 years in the last 4. It was not our fault on this side, but all of the press and everyone says, "the Congress" is to blame.

I want the Members to adopt this resolution. It is bare-bones, and anytime we get together on any bill, it comes out from under the resolution's provisions. In the meantime all programs operate at a constrained figure.

I want to make it plain to the Members, my colleagues, and to the country that it is not the fault of the U.S. House of Representatives or our Committee on Appropriations. We have held the line and done our work on time.

Ever since 1945, our committee bills have been $187 billion below the recommendations of the Presidents. Not only that, but under President Reagan we were $16 billion under his requests.

I want to make it plain here that our committee is doing its share to keep the country from coming to a close when it is the fault of the other side of the Capitol. I do not criticize them. They have got their business to do, but that is where the fault is. I want the RECORD to show it. I appreciate my colleague letting me show this in the RECORD.

The House has passed all 13 bills.

The Senate has passed seven bills.

Energy and Water is awaiting signature of the President.

The resolution goes through October 25.

The resolution provide three rates:

For bills passed by the House—House or current rate, whichever is lower, with terms and conditions in effect in fiscal year 1989.

For bills passed by House and Senate—House or Senate rate, whichever is lower, with terms and conditions in effect in fiscal year 1989.

For Energy and Water—the conference rate.

Once again, a continuing resolution is offered as it appears that it may become necessary.

The House Committee on Appropriations began hearings on the fiscal year 1990 appropriations bills on January 24, 1989, took testimony from over 5,300 witnesses on 275 hearing days, which was printed in 91 hearing volumes—over 98,500 pages—and passed all 13 bills by August 4 as follows:

Energy and Water Development.	June 28.
Interior	July 12.
Rural Development/Agriculture.	July 18.
VA-HUD-Independent Agencies.	July 20.
Foreign Operations	July 21.
Treasury-Postal Service	July 28.
Legislative	July 31.
Military Construction	July 31.
Commerce-Justice-State	August 1.
Labor-HHS-Education	August 2.
District of Columbia	August 3.
Transportation	August 3.
Defense	August 4.

Because of other business the Senate has been delayed. Senate action to date follows:

Interior	July 26.
Energy and Water Development.	July 27.
Rural Development/Agriculture.	July 27.
Treausry-Postal Service	August 4.
Legislative	September 7.
District of Columbia	September 14.
Military Construction	September 15.
Commerce-Justice-State	
Defense	
Foreign Operations	
Labor-HHS-Education	
Transportation	
VA-HUD-Independent Agenices.	

This resolution provides for the continued operations of the Government until October 25, if necessary.

It provides for the operations of every Department or agency where the regular appropriations act for fiscal year 1990 has not become law, at the lower of the following rates.

Those at the House or current rate: Commerce-Justice-State, Defense, foreign operation, Labor-HHS-Education, Transportation, VA-HUD-independent agencies.

Those at the House or Senate rate: District of Columbia, Interior, legislative, military construction, rural development/agriculture, Treasury-Postal Service.

While this resolution covers the entire Government, each Department or agency comes out from under its operation, upon the regular appropriations act becoming law.

□ 1240

The SPEAKER pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from Mississippi?

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. RITTER. Reserving the right to object, I want to just comment I think the gentleman from Mississippi is a serious, hardworking Member of the Congress. He is a leader and he wants to do his job. So does the gentleman from Massachusetts [Mr. CONTE], the ranking member.

But I have to say this: We have to do a better job of putting our own house in order, and we are really fouling up the lives of a lot of Members with the way the scheduling is running in this House. And we can do a better job. That is my first grounds for objection.

The second, as I will repeat, is the continued, the continued reticence on the part, and I use that word in an effort to not use a firmer word, a continued reticence on the part of the House leadership to bring up the NRC authorization.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, as Members know, my State has probably suffered the greatest natural disaster in its history, and we are very concerned. We have people in food lines, we have people that do not have water, do not have electricity, do not have telephones in the coastal areas of South Carolina.

I wonder if the chairman of the Appropriations Committee can tell us what is going on with the disaster fund?

Mr. WHITTEN. If the gentleman will yield, I would say to my colleague that I am very concerned about the damage Hugo caused in his area and to many areas of this country. I would like for the gentleman from Pennsylvania to yield to the gentleman from Michigan [Mr. TRAXLER] who is the chairman of the subcommittee.

Mr. DERRICK. I would direct my remark to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. RITTER. Reserving the right to object, I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, in answer to the question of the gentleman from South Carolina, let me say I appreciate his concern. I do not know of any Member of this House, certainly not the chairman of the full Appropriations Committee and the members of the Appropriations Committee, who do not realize the seriousness of the situation in South Carolina. That area has been struck by a hurricane with a force and velocity that caused tremendous devastation and hardship.

We are now in the process of bringing in some numbers from FEMA to get a preliminary estimate of the damage in South Carolina and how much of that the Federal Government will have some responsibility for. The information is slowly coming in on South Carolina, but I can tell the gentleman that it will take several days to pull together figures we can have any confidence in. But I can tell the gentleman some preliminary numbers.

I want all Members to understand the devastating impact this could have on our budget and the budget process. I have discussed this with the chairman and the ranking member of the Budget Committee, and they are going to have something to say about this. The fact is that the preliminary Federal cost estimates just for Puerto Rico and the Virgin Islands have gone up in the last 3 hours from $250 to $750 million, and that does not include South Carolina, North Carolina, and other States experiencing damages.

Mr. DERRICK. It is estimated that the total damage in that area could run as high as $3 billion. I mean it is like a war zone down there. It is just unbelievable.

Mr. RITTER. Mr. Speaker, once again reserving the right to object, this objection has nothing to do with Hurricane Hugo but everything to do with the way this House is conducting its business.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SUPPORT URGED FOR DEMOCRATIC ALTERNATIVE ON CAPITAL GAINS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the quick-fix Bush capital gains tax reduction will increase our deficit by over $21 billion dollars over the next decade. At the same time, this proposal allows the wealthiest segment of our society, those making over $155,000, to pay a 28-percent marginal tax rate while those making less between $74,000 and $155,000—pay a 33-percent tax rate. Let us be clear about what the Democratic alternative really does: It closes tax loopholes for the wealthy and at the same time, actually reduces taxes for the middle class.

Proponents of the Bush proposal claim that reducing the capital gains tax will lead to investment and savings. But the temporary, 2-year proposal could ultimately devastate our economy, particularly real estate. A recent article by syndicated columnist Kenneth Harney, points out that we are only encouraging an enormous glut on the real estate market:

> By limiting the tax discount period to just 27 months, the new tax bill will attract a bumper crop of properties onto the sales block at precisely the wrong time for many regional markets. Markets that already are sluggish, like those in the Northeastern States, could become even more so. Markets that have been trying to crawl out of recession, such as Texas and Colorado, may slip back again. Even States with relatively hot real estate markets like California and the Pacific Northwest, could feel the chill.

Mr. Speaker, people focused on increasing investment in real estate and home building should support the Democratic leadership plan to stimulate first-time homebuyers through IRA's after than the Bush plan that could flood the real estate market and depress prices.

THE PRESIDENT'S ARMS CONTROL BREAKTHROUGH

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, President Bush and Secretary of State Baker deserve our congratulations for making such real progress toward achieving a strategic arms reduction treaty.

In the face of partisan criticism, the President has stuck to his guns, and he's come up a winner. This weekend's talks resulted in two major Soviet concessions: They have agreed to tear down their huge radar station in Siberia, and they have dropped their insistence on linking the start Treaty to an accord on SDI.

The President has been criticized for being timid. But one man's timidity is another man's prudence. And if there is a virtue that is crucial to diplomatic success, it is prudence.

These agreements are one more example why the President's foreign policy is supported by so many Americans. He deserves our support Congress as well.

CAPITAL GAINS PROPOSAL

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, one would think—after the HUD scandal and assorted other examples of outright raids on the Federal treasury by Republicans to benefit their wealthy friends—we might see a little hesitation, at least, before they try it again.

But that is, apparently, too much for which to hope.

For now the Republicans are proposing a 1-year giant national fire sale of tax breaks for the rich.

Their capital gains plan promises no new real growth, would swell the deficit, and requires cuts in programs which help average Americans, to pay for it. In other words: It's little more than the old discredited Reaganomics plan with a fresh coat of paint.

The Democratic alternative takes us down another road, toward genuine reform and toward a real tax break for middle-income Americans.

You know, the Republicans say that what this country needs is a new tax loophole for the rich. We say we need to plug loopholes which benefit only the wealthy, not make new ones.

The Republicans say that what this country needs is a new tax break which gives 80 percent of the savings to that tiny fraction of American earning $200,000 or more annually.

We say it is time the average American got a tax break, and that is exactly what the Democratic alternative delivers.

TRIBUTE TO IRVING BERLIN

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, more than a year ago I had the privilege of paying tribute to composer Irving Berlin by singing a few of his songs on the steps of the Capitol with other Members to celebrate his 100th birthday.

We couldn't know then that we would be called upon so soon to pay final tribute, because we could not imagine an America without Irving Berlin.

When Irving Berlin wrote his thousand songs, America listened. His God-given musical talents were employed in a celebration of everything positive and decent in life, including a love of country.

He was a success in everything he did, whether it was tin pan alley and broadway, popular standards, or marching songs.

If he had only given us his popular songs like "Alexander's Ragtime Band," "Blue Skies," "Easter Parade," "White Christmas," and "There's No Business Like Show Business," his immortiality would be guaranteed. But that was not all.

Irving Berlin loved his country with a love as "Deep as the Ocean" to borrow the words from one of his songs.

This love of country flowed into his pen and gave us the classic, "God Bless America."

Mr. Speaker, the consensus is that one of Ronald Reagan's lasting accomplishments is instilling a sense of patriotism we thought we had lost.

We can be sure that one of the influences on Ronald Reagan was working in the unabashedly patriotic Irving Berlin musical, "This is the Army" in 1943.

Mr. Speaker, God had indeed blessed America, by giving us Irving Berlin.

He is no longer with us, but his legacy will survive as long as there is an America, and as long as her people can express themselves in his songs.

I ask all Members to join me in a last salute to Irving Berlin, composer, and patriot.

□ 1250

THE BEST CONGRESS THAT MONEY AND INFLUENCE CAN BUY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1981 Ronald Reagan instituted massive tax cuts. Here is how they worked: On one hand a family of four that earned $25,000 a year got a tax break about big enough to take their family out for a good dinner. Now on the other hand a family of four that earned $250,000 per year, they got a tax break that was big enough to go out and buy a brandnew Mercedes Benz and then take the brandnew Mercedes Benz and take the family to dinner.

Since then we have had record deficits. This week we take up a debate on another tax cut, this time the capital gains tax cut. I say here today that if Congress passes another tax cut for the wealthy, then America has the best Congress that money and influence can buy.

RELIGIOUS FREEDOM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, 200 years ago on this day, our predecessors in the First Congress of the United States proposed something totally revolutionary—a bill of rights. Think of it. A set of amendments to the Constitution guaranteeing a citizen certain rights upon which there can be no infringement.

Incorporated within the Bill of Rights was the first amendment—freedom of speech, press, and religion. Within these 200 years, we have maintained this compact between our Government and the people of our country.

This week we continue to commemorate this precious right by celebrating "Religious Freedom Week." It is hoped that this will become an annual remembrance of our history and an occasion for inculcating respect for religious freedom.

At 1 o'clock today, all across America, from Washington to Hawaii, church bells will ring in remembrance of the great gift our Founding Fathers left us in making religious freedom so natural to our society.

Let us not be careless with our heritage. Religious freedom is one reason why America is America. And with this 200th anniversary of the proposed Bill of Rights—we the people—must seek to define, how those precious amendments affect our lives today and in the future.

ARE MEMBERS SERIOUS ABOUT PROVIDING INCENTIVES FOR LONG-TERM INVESTMENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the proposed capital gains tax issue raises some interesting questions. Should we really be voting for a measure which will over time increase the deficit by some $21 billion, which could lead to a sequestration and ironically could lead to forcing this House to raise other taxes to pay for it? I do not think so.

If Members are serious about providing incentives for long-term investment should there be any question as to how they will vote on a measure that will simply stimulate immediate-term, churning sales of capital assets, risking a severely depressed real estate and stock market?

If Members are serious about tax equity and fairness, should there be any question about how to vote on a proposal which will generously provide tax favors granted to certain high-income taxpayers who historically pay little or no income taxes?

Make no mistake about it, one of the interesting twists of this capital gains proposal will be high-paid executives of major public corporations getting their compensation in stock options and stock bonuses and not in salary and will be taxed at a lower rate than 95 percent of all Americans will be taxed.

If Members are serious about the tax equity and fairness question, now is the time to support measures like the IRA, the individual retirement account, which the Democratic package provides which will help average middle-income working Americans, who incidentally will bear the brunt of future tax increases in Social Security. Now is the time to support average middle-income Americans, the individual retirement account, the Democratic package.

THE WYOMING MINISTERIAL

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, this past weekend marked substantial breakthroughs for our country and the Soviet Union.

The success of the Wyoming ministerial between our Secretary of State and the Soviet Foreign Minister is a source of great pride and hope for the people of Wyoming, as well as the world. We hope these successes will come to be known as the Wyoming accords.

Indeed there are those who credit the beauty of Wyoming and the hospitality of its residents for facilitating the strides made in world peace.

There is an interesting point to note in the Wyoming ministerial. Besides its beauty and pristine environment, Wyoming is the home of the MX and the Peacekeeper missiles. I believe it is our strong defense that is one of the factors that helped us this far in negotiating world peace. Wyoming is indeed a special place with special people. I hope, as do the people throughout the world, that the barriers between the Soviet Union and the United States will be taken down in the open scenic beauty of our State and that this will last from this time on.

PRESERVE AND PROTECT THE AMERICAN DREAM—VOTE FOR THE DEMOCRATIC ALTERNATIVE

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, my grandparents came to this country almost 100 years ago with everything they owned in what they would call in Slovenian a kufer, a trunk.

In that trunk were a few meager belongings, their hopes for a better world and a brighter tomorrow for themselves, their children and their grandchildren. What they hoped to gain from America was an honest wage, a good education for their kids, a decent home, and maybe, yes, even to save a few dollars for a rainy day.

In the next few days this Chamber will vote on preserving and protecting that American dream, making money available for good education, the ladder after all by which young people can improve themselves; to have a decent home, knowing full well that now they can save some of their own money for their future; and, yes, to protect themselves for that rainy day in the days and years to come.

The Democratic tax alternative stands for preserving and protecting that American dream.

For the grandchildren of those grandparents we know that when we vote this week we will vote for the Democratic alternative for because of it, we can save for a rainy day, we can provide for a good education, and we can build that decent home.

Help preserve the American dream.

ENTIRE SOVIET POPULATION FACE SEVERE HEALTH RISKS

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the Soviet Government's total disregard for their own environment is now affecting our globe. Millions of Soviet citizens are now in a position where they cannot drink their water because it is not safe to drink and the air is not safe to breathe. One-fifth of the entire Soviet population face severe health risks because of the horrendous quality of the Soviet environment.

The Soviet Union had 25,000 cases of typhus, mostly in Moscow, because their untreated water, sewage water, was allowed to mix with their drinking water.

Lake Aral, one of the world's largest and most beautiful freshwater lakes, is now one-sixth the size it was 30 years ago.

Air pollution levels in 104 cities in the Soviet Union are 10 times above the acceptable levels established by their own government. In fact, in one city in the Ukraine, the Soviet military has issued gas masks to thousands of citizens because of unhealthy air.

While the Soviets continue to spend billions of rubles on their various military ventures worldwide, Nicaragua, Afghanistan, Ethiopia, Angola, it appears that the very environment and well-being of the Soviet people and particularly the next generation of Soviet citizens is being chronically ignored.

VOTE FOR THE DEMOCRATIC ALTERNATIVE WITH IRA'S

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, if the history of our generation of Americans was being written today, the appropriate first lines to enter into that text might have been that there was no problem so big that they could not avoid it, no challenge so large that it could not be missed, no truth so apparent it could not be ignored.

And the first evidence that might have been cited in that text of our generation could be this week's vote on capital gains. We are preparing to leave our children an inheritance of nearly $3 trillion in debt and the response of our administration, indeed of many of our colleagues has been not only to further reduce revenues but to do so by providing tax breaks 80 percent of which will go to those citizens who earn over $200,000 a year in income and to make up the difference in the future by taxing the middle-class and working Americans.

Fortunately, there is an alternative. It is the Democratic alternative to use the proven method of IRA's. I ask my colleagues to join in that alternative. There is still time to be serious, to challenge Americans to save, to reduce the deficit and to do so responsibly.

□ 1300

HERE WE GO AGAIN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the full Appropriations Committee today reported a continuing resolution to run through October 25. Here we go again.

Last year President Reagan told us he wouldn't stand for a continuing resolution. So, we did our work, putting all 13 conference reports on spending on the President's desk by September 30. This year, with no pressure from the White House we are back to our old ways.

Yes, the House did pass all of our spending bills before the summer district work period. And the Senate has failed to follow up on our good work, blaming the President for coming in with a request for $2 billion for drugs at the last minute. But, the bottom line is that the Congress has failed. Again.

Mr. Speaker, the difficulty is that there isn't enough commitment in the Congress or the White House to the process. There is too much commitment to getting what we want out of it.

This is the heart of the problem with our ongoing huge deficits, and therefore, with our high interest rates, high dollar, making our exports difficult to market overseas, and with our lack of vision for the future of our country.

Once we are into continuing resolution it is inevitable that it will turn into an omnibus continuing resolution. With a huge reconciliation bill on its way, containing almost every significant authorization, we are fast approaching a system of two votes a year: One on authorizations, one on every dollar of appropriations. This is no way to conduct a democracy.

I'm going to work and vote against this continuing resolution—in frustration with our failure to meet our deadlines and do our work on time. Perhaps the only way to discipline ourselves is to defeat it, shut down the Government, and force attention to the process.

MIDDLE-INCOME PEOPLE LOSE IN PROPOSED TAX CHANGES

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, when is a deal a deal? Middle-income persons should know that the sacrifices they made in 1986 for the tax reform bill are just about to be traded in.

As we recall, the agreement was that everyone—and I mean everyone—would give up certain tax deductions in favor of lower rates. Middle-income persons gave up consumer interest, education, and other deductions that were important to them. Similarly, upper income persons saw their top rate cut from 50 to 28 percent, the same lower rate, in exchange for giving up the capital gains deduction.

Three years later, what is happening? The President is proposing to lower the capital gains rate while keeping the same low rate. Now, I say, "You've got the picture. The upper income people now get both the same low rate and the capital gains cut; the middle-income people keep the lower rate but still lose their deductions. Eighty percent of the capital gains cuts go to 3 percent of the taxpayers."

Apparently the handshake on the 1986 tax reform deal was done with one side winking. If Congress is redoing the agreement, how about including the other 97 percent of taxpayers who stand to gain by the Democratic package that restores IRA's with incentives for education and homebuilding?

Mr. Speaker, I would ask, if you are middle income, which deal do you want?

TAX POLICY—NOT TAX POLITICS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the dictionary definition of the word, "reconcile," is "to restore harmony." But the majority's policies on budget reconciliation do not restore harmony, they invite chaos.

President Bush, the Republicans of the House, and some Democrats, offer a bipartisan approach to economic growth and job-building through capital gains tax reform, but the majority leadership, more intent on opposing the President than in proposing sound policy, says that IRA's are the answer. They don't want to talk about the huge tax increase they're proposing.

Our approach to reconciliation is sound. We should keep in it only that which belongs in it and create policies through it which benefit the economy.

The bipartisan coalition led by President Bush cuts taxes; the Democratic leadership's approach raises taxes. And they wonder why the Democratic Party is undergoing one of its periodic identity crises. They still believe that tax code tinkering, the rhetoric of class warfare, and magic incantation of the word, "tax," will solve all our economic problems.

Mr. Speaker, I heartily disagree.

READ OUR LIPS—NO MORE TAX CUTS TO THE RICH

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, to an administration that seems increasingly interested in governing by opinion poll, I have a suggestion for a question on their next opinion poll. With a country that is nearly $3 trillion in debt and a budget deficit that in real money is nearly $200 billion a year out of balance, the question for the American people in the next opinion poll should be this: Do you think we should give an average tax cut of $25,000 a year to those with incomes over $200,000 a year?

That is what the President wants to do. I would ask the President this: Mr. President, if you put that question in your poll, I will bet on the answer; I will bet that the American people will tell you, "Read our lips—no more tax cuts to the rich. We are tired of it, and this country can't afford it."

THE TAX-INCREASE DEMOCRATS VERSUS THE TAX-REDUCTION REPUBLICANS

(Mr. WALKER. asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard a number of interesting things out here this morning. We have heard from one speaker on the other side earlier that Reaganomics has been a big failure. That must come as a big shock to the American people who have experienced the longest peacetime expansion of the economy in history as a result of Reaganomics supply-side economics.

We have heard a lot of figures thrown around out here, and it seems to me they are ignoring one which is basic, and that is that from the last time we have records, we know that 70 percent of the people who claimed capital gains on their tax forms were people who make under $50,000 a year. It is surprising to me to hear our Democratic colleagues call those people rich.

Now there is another thing we must realize as we enter this debate. One side is going to offer a tax increase, and the other side is going to offer a tax reduction. We are offering a tax reduction on our side of the aisle because it raises money ultimately for the Government. On the other side they are offering a tax increase.

Mr. Speaker, it is the tax-increase Democrats versus the tax-reduction Republicans. That is what the issue is all about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McDERMOTT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

AUTHORIZING ACCEPTANCE OF CERTAIN LANDS FOR ADDITION TO HARPER'S FERRY NATIONAL HISTORIC PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 85) to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV.

The Clerk read as follows:

S. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to provide for the establishment of the Harpers Ferry National Monument", approved June 30, 1944 (58 Stat. 645; 16 U.S.C. 450bb), is amended by—

(1) striking "two thousand four hundred and seventy-five acres" in the first sentence and inserting "two thousand five hundred and forty acres"; and

(2) inserting after the first sentence the following: "The Secretary is authorized to acquire, by donation only, approximately twenty-seven acres of land or interests therein which are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on a map entitled 'Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park,' dated April 1, 1989, and numbered 385-80056. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. When acquired, such lands or interests therein shall become a part of the park, subject to the laws and regulations applicable thereto.".

(b) Nothing in this Act shall be deemed to prohibit the Secretary from using such measures as may be necessary to acquire a clear and marketable title, free of any and all encumbrances, to the lands identified for acquisition in paragraph (a)(2) of this Act.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an opportunity today to benefit Harpers Ferry National Historical Park by authorizing the donation of some land to it. Harpers Ferry National Historical Park has significance for three intertwined reasons: Its Federal armory and arsenal once located there, its infamous 1859 raid by John Brown, and its role in the Civil War.

For the past few years, Mr. and Mrs. Nash of Harpers Ferry have sought to donate some 27 acres of their property to the park, thereby adding historically significant lands on Bolivar Heights to Harpers Ferry National Historical Park. S. 85 authorizes the park to add these acres to the park that saw several kinds of action during the Civil War. The bill also incorporates the addition into the park and provides a mechanism to assure clear title.

Mr. Speaker, I endorse this bill and recommend that it be passed.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 85, which would authorize the acceptance of 27 acres of land by Harpers Ferry National Historical Park in West Virginia. This legislation, which was introduced by Senators BYRD and ROCKEFELLER, has been approved unanimously by both the Senate Committee on Energy and Natural Resources and the House Interior Committee. It is also supported by the administration.

The lands to be donated under this bill, currently owned by the former mayor of Harpers Ferry, Bradley Nash, are located on the Bolivar Heights. The Bolivar Heights is the site where Union forces surrendered to Stonewall Jackson. Moreover, the Nash property was used as a training ground by Stonewall Jackson to prepare for the First Battle of Manassas.

During the hearing by the Subcommittee on National Parks and Public Lands, the Park Service expressed concern that difficulties might arise with the title to the donated land because it was acquired at tax sales. As a result, this legislation contains a provision to provide for a clear title for this property if any problems arise.

Mr. Speaker, I commend the efforts of Chairman VENTO and the West Virginia congressional delegation in moving this bill. I urge my colleagues to approve S. 85.

□ 1210

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 85.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF S. 85, AUTHORIZING ACCEPTANCE OF CERTAIN LANDS FOR ADDITION TO HARPERS FERRY NATIONAL HISTORIC PARK

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 59) correcting the enrollment of the Senate bill (S. 85) to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO] to explain the Senate concurrent resolution.

Mr. VENTO. Mr. Speaker, this concurrent resolution is a resolution from the Senate that is necessary because the Senate made an inadvertent printing error in the acreage authorized for Harper's Ferry Park. As printed, it changes the authorization for the park to 2,540 acres. The correct authorization for the park should be 2,505 acres. Senate Concurrent Resolution 59 corrects that acreage statement.

Mr. Speaker, of course I endorse the work of the Senate, and I am pleased that they are correcting the printing error that has occurred here.

Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for yielding.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of Senate Concurrent Resolution 59, which would correct an enrolling error in S. 85, which deals with a land donation to Harpers Ferry National Historical Park in West Virginia. This enrolling error was made in the other body and this resolution has already been approved over there.

I urge my colleagues to approve this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 85) to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely, in subsection (a)(1) strike "two thousand five hundred and forty acres" and insert in lieu therof "two thousand five hundred and five acres".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ESTABLISHING AMISTAD NATIONAL RECREATION AREA IN TEXAS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 967) to establish the Amistad National Recreation Area in the State of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) In order to—

(1) provide for public outdoor recreation use and enjoyment of the lands and waters associated with the United States portion of the reservoir known as Lake Amistad, located on the boundary between the State of Texas and Mexico, and

(2) protect the scenic, scientific, cultural, and other values contributing to the public enjoyment of such lands and waters,

there is hereby established the Amistad National Recreation Area (hereafter in this Act referred to as the "recreation area").

(b) The recreation area shall consist of the Federal lands, waters, and interests therein within the area generally depicted on the map entitled, "Boundary Map, Proposed Amistad National Recreation Area", numbered 621/20,013-B, and dated July 1969. The map shall be on file and available for public inspection in the offices of the

National Park Service, Department of the Interior. The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") may from time to time make minor revisions in the boundary of the recreation area, but the total acreage of the recreation area may not exceed 58,500 acres. Within the boundary of the recreation area, the Secretary may acquire lands and interests in lands by purchase with donated or appropriated funds, exchange, or transfer without reimbursement from any Federal agency.

SEC. 2. ADMINISTRATION.

(a) The Secretary shall administer the recreation area in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 7, 1946 (60 Stat. 885). In the administration of such recreation area, the Secretary may utilize such statutory authority as may be available to him for the protection of natural and cultural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to amend or alter the responsibilities of the International Boundary and Water Commission, United States and Mexico, under any applicable treaty.

(b) The administration of the recreation area by the Secretary shall be subject to and in accordance with all applicable treaties, including the treaty between the United States and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, entered into force November 8, 1945 (59 Stat. 1219), and in accordance with the Act of July 7, 1960 (Public Law 86-605; 74 Stat. 360), and any commitment or agreement entered into pursuant to such treaty or Act, including (but not limited to) commitments or agreements relating to—

(1) the demarcation and maintenance of boundaries;

(2) the use, storage, and furnishing of water;

(3) control of floods;

(4) investigations relative to the operation of the Amistad Dam; and

(5) the production of hydroelectric energy.

(c) The Secretary shall conduct a survey of the cultural resources in the immediate vicinity of the recreation area. The Secretary is authorized to enter into cooperative agreements with public or private entities, including landowners, for the purpose of conducting the survey required by this subsection. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the results of the survey required by this subsection.

(d)(1) The Secretary shall permit hunting and fishing on lands and waters under the Secretary's jurisdiction within the recreation area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, hunting or fishing will not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

(2) Except in emergencies any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(e) For purposes of administering the recreation area, the Secretary may enter into cooperative agreements with any Federal agency, the State of Texas, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 967, a bill introduced by our colleague ALBERT BUSTAMANTE, establishes the Amistad National Recreation Area. In recent years, the cultural resources of Amistad Recreation Area—especially the archeological ones—have been increasingly recognized for their significance. At the same time, they have been more and more threatened by looting and vandalism. H.R. 967 improves the National Park Service's ability to manage this area and its resources.

For the past 20 years, Amistad has been amicably managed under a cooperative agreement between the National Park Service and the International Boundary and Water Commission. We fully expect that relationship to continue. The Commission maintains and operates the dam. The National Park Service manages the recreation area and protects the natural and cultural resources there.

The committee amended the bill establishing the Amistad National Recreation Area, referencing a map for its boundaries and providing for its administration. Because Mexico is a signatory to the world heritage convention, the National Park Service is authorized under the National Historic Preservation Act to cooperate with Mexico to assist in the protection of archeological sites. Such cooperation is strongly supported.

The amendment also directs the Secretary to survey the area's cultural resources. It allows hunting and fishing—but not trapping—provides for cooperative agreements with the State and authorizes appropriations. These changes will provide the National Park Service with greater authority while still maintaining the particular authority that the International Boundary and Water Commission has in the area.

I believe this will go far in providing greater protection for the resources located there. Mr. Speaker, I endorse this bill, and support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 967, which would establish the Amistad National Recreation Area in Texas as a unit of the National Park System. This legislation also requires the National Park Service to conduct a survey of the cultural resources in the area surrounding the National Recreation Area.

I commend the Chairman, Mr. VENTO, and Mr. BUSTAMANTE for their work on the legislation.

There is currently no other specific legislation dealing with the existing Amistad Recreation Area, which is a large reservoir of over 50,000 acres on the Texas-Mexico border. The significant cultural resources of this area currently are not adequately recognized and there is no specific guidance for resource protection, visitor services, operations, or development. By making this area a full-fledged unit of the National Park System, the Amistad National Recreation Area will have the same opportunity to enjoy the benefits afforded other units of the National Park System.

The legislation before us today has been changed to meet several concerns expressed by the Administration. First, a provision in the original bill allowing the Park Service to acquire up to 1,000 acres of additional lands has been deleted. Also, today's bill clearly specifies that the International Boundary Waters Commission is to continue with its responsibilities under the treaties and laws that established the reservoir. The State Department supports the approach taken by this legislation regarding international treaty related issues.

I commend the efforts of my colleague, AL BUSTAMANTE who sponsored H.R. 967 and Chairman VENTO who moved it quickly through his subcommittee. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE] who is the chief sponsor of the legislation and who has worked diligently to see this bill to fruition and to the House floor today.

Mr. BUSTAMANTE. Mr. Speaker, I commend the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and ranking minority member, Mr. LAGOMARSINO, for their leadership on this bill. It is largely by their actions that this measure is being considered today.

For 17 years, the citizens of Val Verde County, TX, have sought congressional authorization and national designation of the Amistad Recreation Area. Today's action is an important step toward the realization of that goal. H.R. 967 makes Amistad Recreation Area a full-fledged member of the National Park System. The lands around Lake Amistad are traditionally known for their recreational resources.

As the gentleman from Minnesota correctly pointed out, it is only recently that the cultural resources of the Amistad area have been properly recognized. Amistad Recreation Area houses some of the oldest cultural and archaeological resources in the State of Texas and in North America.

The committee report notes the "cultural resources include the highest concentration of prehistoric dry cave sites in the State with the evidence of some 10,000 years of continuous human habitation. These sites include extensive rock art examples, particularly pictographs, as well as other cultural artifacts."

This bill authorizes the National Park Service to manage, and protect the cultural resources of the area with the same attention and care it gives to maintaining the recreational resources.

I am also pleased to note that report language encourages the National Park Service to cooperate with the Republic of Mexico in the protection of the cultural resources on its side of the international border. The rock paintings and archaeological sites within the area are endangered by acts of vandalism and looting. Our efforts to protect these resources from such acts are limited unless and until we have active participation of the Government of Mexico.

In addition to commending Mr. VENTO and Mr. LAGOMARSINO, I would also like to thank the subcommittee staff, particularly Ms. Heather Hucyk who worked diligently to perfect the original draft of this bill.

Thanks also go to the Society for American Archaeology and the National Parks and Conservation Association for their support. Governor William P. Clements and the Texas Historical Commission who were instrumental for the important roles they played in shaping this legislative effort.

And I wish to acknowledge the efforts of another Texan, a former colleague of ours, Representative O.C. Fisher. It was Representative Fisher who first introduced legislation similar to this one in the early 1970's.

Finally, I wish to give particular recognition to Mr. Ed Rodriguez, former superintendent of Amistad Recreation Area. Mr. Rodriguez is the prime mover and shaker of this bill. For as long as I've known Ed, it was his wish to see Amistad Recreation Area designated as a "national" recreation area and an authorized unit of the National Park Service.

Ed Rodriguez is now retired from the Park Service; and while I'm a little bit late with this bill, I hope he won't hold it against me.

Again, I thank the gentleman for his efforts and for yielding me his time.

□ 1320

Mr. VENTO. Mr. Speaker, if the gentleman will yield, I had met Mr. Rodriguez on one visit when I was speaking before the Superintendents' Organization in Colorado.

I commend the gentleman from Texas [Mr. BUSTAMANTE] and Mr. Rodriguez again. Mr. Rodriguez obviously managed this in such a manner under an administrative declaration that obviously in the end it ended up qualifying and receiving the attention of a full designation by the Congress; so I commend him. I know it has been a lot of work. There is still much to do ahead in working with our neighbor to the south, the great nation of Mexico, to accomplish the objectives and goals that have been set out in this legislation and the basic organic acts in creating it, and I commend the gentleman.

Mr. BUSTAMANTE. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 967, as amended.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADJUSTING THE BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1606) to adjust the boundary of Rocky Mountain National Park, as amended.

The Clerk read as follows:

H.R. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, or by exchange, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled "Proposed Park Additions, Rocky Mountain National Park", numbered 121-80, 106-A and dated May, 1989, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

(b) BOUNDARY ADJUSTMENT FOR ROOSEVELT NATIONAL FOREST.—Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1606, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1606, introduced by our colleague HANK BROWN, would authorize the addition of certain lands to Rocky Mountain National Park.

The three parcels of land identified for addition to the park, the Bald Pate, Reichardt, and Circle C properties are contiguous to the existing park boundary and are located in an area that has been experiencing considerable developmental pressure. The three properties total approximately 515 acres.

The Bald Pate property is part of a large subdivision proposed for the area. The proposed development would completely encircle Lily Lake, which provides scenic views into the park as well as wetlands habitat. The Bald Pate property also provides an important elk migration route along Aspen Brook to Winter Range in the adjoining Roosevelt National Forest. The conservation fund, a nonprofit organization has entered into an agreement with the developer to purchase that portion of the Bald Pate property west of State Highway 7 and donate it to the National Park Service for addition to Rocky Mountain National Park. In addition, the organization is negotiating to purchase an adjoining parcel known as the Reichardt property, also with the intention of donating this property for addition to the park.

The Circle C property is currently being offered for sale by the United Church of Christ. The acquisition of the Circle C property will alleviate overcrowding in the Longs Peak Campground, eliminate an access problem and maintain a meadow which is an important winter range for elk and deer.

Mr. Speaker, in testimony before the committee, the National Park Service testified as to the resource values of the properties and how their inclusion within the park would facilitate management of the area and protect resource values. In addition to the support of the National Park Service, the committee has received correspondence from local governmental officials and members of the local community expressing their support for this legislation. I believe H.R. 1606, as amended, is a good conservation proposal and I urge its favorable consideration by the House.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 1606, which would allow the National Park Service to acquire by donation, purchase or exchange approximately 515 acres to expand the boundaries of Rocky Mountain National Park in Colorado.

Rocky Mountain National Park is truly one of the crown jewels of our national park system. Encompassing over 265,000 acres of snow-capped peaks and high alpine meadows, the park is only 65 miles from the city of Denver. Approximately 3 million people visit the park annually.

Several private conservation groups are in the process of acquiring the lands that would be added to Rocky Mountain National Park by this legislation. When this process is completed, they plan to donate these lands to the National Park Service. These additional lands would protect beautiful Lily Lake, which is threatened by commercial development. Moreover, they would provide visitors with needed access to the park.

I commend the gentleman from Colorado [Mr. Brown] for introducing this legislation, which will further improve Rocky Mountain National Park. I also salute the efforts of Mr. Skaggs, Mr. Campbell, and others in the Colorado congressional delegation for their work on this bill.

Mr. Speaker, I urge my colleagues to support H.R. 1606.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. Skaggs].

Mr. SKAGGS. Mr. Speaker, I want to thank the distinguished chairman of the committee for yielding this time and for his excellent work on this bill. I would like to engage in a brief colloquy on a matter of particular importance to me.

As the chairman knows, two of my constituents, Howard and Gayle Harms, have been concerned for some time about possible condemnation of their property within the borders of Rocky Mountain National Park. The Park Service has not made any attempt to acquire the property, but Mr. and Mrs. Harms are concerned that this could change. It is my understanding that this particular situation is discussed in the committee report accompanying H.R. 1606. I want to make sure the record is clear that the report language expresses the comittee's understanding that the National Park Service has stated it will not in the future move to acquire that property except on a willing-seller basis—unless the owners made a change in its use as a single family home that was detrimental to the value of the park. Am I right in my interpretation of the committee's report language?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, yes, that is the understanding of the report language.

Mr. SKAGGS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Minnesota.

Mr. Speaker, at this point I will insert in the Record letters I have received from the National Park Service restating its commitment that if the Harms' do not wish to sell their property and do continue its present use, the National Park Service will make no effort to acquire it:

U.S. Department of the Interior,
National Park Service,
Denver, CO.

Hon. David E. Skaggs,
House of Representatives, Washington, DC.

Dear Mr. Skaggs: Subject to your most recent telephone inquiry concerning property in Rocky Mountain National Park owned by Mr. and Mrs. Howard Harms, we hereby reaffirm the National Park Service previously stated position regarding the exclusion or acquisition of their property.

The National Park Service remains very strongly opposed to any modification of the park boundary in this area. The park boundary follows the west side of the old road in the immediate vicinity of the Harms' lot which makes a logical, easily administrable boundary.

If the Harms do not wish to sell their property and continue present use, we will make no effort to acquire it. The Land Protection Plan for the park states with respect to the Wild Basin entrance area: "The recommended short-term option on improved property is to take no action as long as the owners continue present compatible use and do not elect to sell voluntarily."

We appreciate this opportunity to reaffirm our position with regards to this matter. Should you require further information, please contact either Superintendent Thompson or myself at any time.

Sincerely,

Howard Rouse,
Regional Director,
Rocky Mountain Region.

U.S. Department of the Interior,
National Park Service,
Washington, DC, September 25, 1989.

Hon. David E. Skaggs,
House of Representatives, Washington, DC.

Dear Mr. Skaggs: This is in response to your recent informal request for the position of the National Park Service concerning acquisition of the property owned by Mr. and Mrs. Howard Harms in Rocky Mountain National Park.

As Acting Regional Director Rouse stated in his letter to you of September 21, if the Harms do not wish to sell their property and continue present use, we will make no effort to acquire it.

I hope this information is helpful.

Sincerely,

James M. Ridenour,
Director.

Mr. Speaker, I rise in strong support of H.R. 1606, a bill to expand the boundaries of Rocky Mountain National Park to allow the National Park Service to accept property donated by the Nature Conservancy. The acquisition will protect this beautiful land from development and, in doing so, will also protect an important elk migration route in this area.

During consideration of this legislation, I raised a tangential issue in behalf of two of my constituents, Howard and Gayle Harms, who own property within the borders of Rocky Mountain National Park. This small controversy started when the Harmses originally bought their property not knowing it was slated for incorporation into the park. As agreed to by the previous owner, the boundary of RMNP was expanded in 1980 to include the property in question. However, because the Harmses did not wish to sell the land the Park Service agreed not to move to acquire it.

The Harmses have been concerned that their property would not be protected if a future park supervisor chose to ignore previous park policy with regard to their property. It is for that reason that I have asked the distinguished chairman to include language in the report that accompanies this bill which would give some guidance for future park supervisors. In addition, I have had numerous conversations with park officials who have all assured me both in word and writing of their good intentions on this matter. The Harmses are good people with solid environmental records. They are interested only in ensuring the future integrity of their land, their home, and their descendants' rights to enjoy both. I think we have done that here today.

Mr. BROWN of Colorado. Mr. Speaker, I rise today in support of H.R. 1606, which would expand the boundaries of Rocky Mountain National Park located in Colorado. I would like to take this opportunity to thank the gentleman from Minnesota, Mr. VENTO, the gentleman from Montana, Mr. MARLENEE, and the gentleman from Arizona, Chairman UDALL, for their assistance in bringing this measure to the House floor.

The legislation, at no cost to the Federal Government, would add approximately 400 acres to the park's eastern boundary. The Conservation Fund has purchased the land to donate to the National Park Service for its inclusion into Rocky Mountain National Park.

An environmental report last year listed Rocky Mountain National Park as one of the top 10 national parks most threatened by development at its borders.

The proposed addition, would protect Lily Lake, a scenic resource originally targeted for development, and maintain the natural wildlife migration of the area. The additional acreage would also provide visitors needed access to the park.

Rocky Mountain National brings enjoyment to millions every year, and it exemplifies the scenic beauty that makes Coloradoans take pride in their State. H.R. 1606 will expand and protect the beauty of Rocky Mountain National Park so that future generations may also enjoy this national treasure.

I urge my colleauges to support the passage of H.R. 1606.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rule and pass the bill, H.R. 1606, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, and I shall not object, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman's yielding to me.

This simply will substitute the language of the bill we just passed for the Senate measure, and we will pass the Senate bill. The bills crossed during the process of our deliberations, and this obviously would facilitate the enactment of the measure that we seek to have approved.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire, by donation, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled, "Proposed Park Additions, Rocky Mountain National Park", numbered 121-80, 106-A and dated May 1989 which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

(b) Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

(c) Notwithstanding the provisions of 16 U.S.C. 192b, the Secretary shall not have the authority to acquire the lands identified in Tract 1127 and 1127B4, Section 23, Township 3 North, Range 73, by the County of Boulder in the State of Colorado, except with the willing consent of the owner thereof, unless said property is being developed or is officially proposed to be developed in a manner which would substantially change its use as a single family residence.

MOTION OFFERED BY MR. VENTO

Mr. VENTO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. VENTO moves to strike out all after the enacting clause of the Senate bill, S. 737, and to insert in lieu thereof the provisions of H.R. 1606, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to adjust the boundary of Rocky Mountain National Park."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1606) was laid on the table.

☐ 1330

TELEPHONE OPERATOR SERVICE CONSUMER PROTECTION ACT OF 1989

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 971) to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 971

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Operator Service Consumer Protection Act of 1989".

SEC. 2. FINDINGS.

The Congress hereby finds that—

(1) the divestiture of AT&T and decisions allowing open entry for competitors in the telephone marketplace produced a variety of new services and many new providers of existing telephone services;

(2) the growth of competition in the telecommunications market makes it essential to ensure that safeguards are in place to assure fairness for consumers and service providers alike;

(3) a variety of providers of operator services now compete to win contracts to provide operator services to hotels, hospitals, airports, and other aggregators of telephone business from consumers;

(4) the mere existence of a variety of service providers in the operator services marketplace is significant in making that market competitive only when consumers are able to make informed choices from among those service providers;

(5) however, often customers have no choices in selecting a provider of operator services, and often customers' attempts to reach their preferred long distance carrier by a telephone billing card, credit card, or prearranged access code number are blocked;

(6) a number of State regulatory authorities have taken action to protect consumers using intrastate operator services;

(7) from January 1988 through February 1989, the Federal Communications Commission received over 2,000 consumer complaints about operator services;

(8) these consumers have complained that they are denied access to the interexchange carrier of their choice, that they are deceived about the identity of the company servicing their calls and the rates being charged, that they lack information on what they can do to complain about unfair treatment by an operator service provider, and that they are, accordingly, being deprived of the free choice essential to the operation of a competitive market; and

(9) a combination of industry self-regulation and government regulation is required

to ensure that competitive operator services are provided in a fair and reasonable manner.

SEC. 3. RULEMAKING REQUIRED.

(a) Initiation of Proceedings.—The Commission shall, within 30 days after the date of the enactment of this Act, initiate a proceeding pursuant to title II of the Act to establish regulations to protect consumers who use operator services to place interstate telephone calls from unfair and deceptive practices and to ensure that consumers have the opportunity to make informed choices in making such calls.

(b) Timing and Contents and Regulation.—The regulation required by subsection (a) shall—

(1) be prescribed not later than 120 days after the date of enactment of this Act;

(2) contain provisions to implement each of the requirements of section 4(a);

(3) for purposes of administration and enforcement, be treated as regulations prescribed by the Commission pursuant to title II of the Act; and

(4) take effect not later than 90 days after the date of issuance of such regulations.

SEC. 4. MINIMUM REQUIREMENTS.

(a) Regulation Requirements.—The regulations required by section 3 shall, at a minimum—

(1) require that the provider of the operator services—

(A) identify itself, audibly and distinctly, to the consumer prior to the consumer incurring any charges; and

(B) permit the consumer to terminate the telephone call at no charge;

(2) require that the provider of operator services ensure, by contract or tariff, that each aggregator post on or near the telephone instrument, in plain view of consumers—

(A) the name, address, and toll-free telephone number of the provider; and

(B) a written disclosure that consumers have right to obtain access to the interstate common carrier of their choice and may contact their preferred interstate common carriers for information on accessing that carrier's service using that telephone;

(3) require that the provider of operator services disclose immediately to the consumer, upon request—

(A) a quote of its rates or charges for the call;

(B) the methods by which such rates or charges will be collected; and

(C) the methods by which complaints concerning such rates, charges, or collection practices will be resolved;

(4) require that the provider of operator services—

(A) neither require nor participate in the blocking of any consumer's access to the interstate common carrier of the consumer's choice; and

(B) assure, by contract or tariff, that its aggregators neither require nor participate in the blocking of access to such interstate common carriers, except that the Commission may grant limited, temporary waivers to particular providers of operator services for a particular access code upon a showing that such waiver is necessary to prevent fraud;

(5) require—

(A) that any equipment manufactured or imported more than 18 months after the date of enactment of this Act and installed by any aggregator shall be technologically capable of providing consumers with access to interstate interexchange carriers through the use of access codes approved by the Commission;

(B) that existing equipment used by aggregators be upgraded to comply with the requirements imposed pursuant to subparagraph (A) of this paragraph, except that the Commission may waive such requirements by rule or order with respect to any class or category of equipment if the Commission determines that the benefits of applying such requirements to such equipment do not justify the cost; and

(C) any others actions or measures that the Commission considers necessary to ensure that aggregators are not exposed to undue risk of fraud;

(6) establish requirements that—

(A) prohibit the provider of operator services from knowingly charging for uncompleted telephone calls;

(B) prevent, after consideration of the advice of the carrier liaison committee convened by the Commission by its order of February 27, 1989, consumers from being charged for a distance that is more than the distance, in a straight line, between the calling party's points of origination and termination of the telephone call; and

(C) require that any consumer billing an interexchange telephone call on a billing card which (i) is provided by an interstate interexchange common carrier, and (ii) permits the identification of that carrier, is billed at a rate not greater than the rate of that common carrier for that call, unless the calling party requests a special service that is not available under tariff from that common carrier or consent to a different change;

(7) establish minimum standards for providers of operators services to use in the routing and handling of emergency telephone calls; and

(8) establish a policy for requiring common carriers to make public information about recent changes in operator services and choices available to consumers in that market.

(b) Consideration of Compensation.—In conducting the rulemaking required by section 3, the Commission shall consider the need to prescribe compensation (other than advance payment by consumers) for owners of competitive public pay telephones for calls routed to carriers other than the designated provider of operator services for such telephones.

SEC. 5. DETERMINATIONS OF RATE COMPLIANCE.

(a) Filing of Informational Tariff.—The Commission shall require each provider of operator service to file, within 30 days after the date of enactment of this Act, and to maintain and keep open for public inspection, an informational tariff specifying rates, terms, and conditions, and including commissions, surcharges, or other fees which are collected from consumers, with respect to calls for which operator services are provided.

(b) Review of Informational Tariffs—If the rates and charges filed by any provider of operator services under subsection (a) appear upon review by the Commission to be unjust or unreasonable, the Commission shall require such provider of operator services to demonstrate that its rates and charges are just and reasonable and reflect the reasonable costs of providing service, plus a reasonable profit.

(c) Proceeding Required.—(1) Within 30 days after the date of enactment of this Act, the Commission shall initiate a proceeding—

(A) to monitor operator services rates;

(B) to determine the extent to which offerings made by operator service providers are improvements, in terms of services quality, price, innovation, and other factors, over those available before the entry of new operator service providers into the market;

(C) to assess, both in the aggregate/and by individual providers of operator services, operator service rates, costs of services, incidences of service complaints, and service offerings; and

(D) to consider the effect that commissions and surcharges have on the overall rates charged to consumers.

(2) Not later than 9 months after the commencement of such proceeding, the Commission shall report to Congress on findings and conclusions of such proceeding. The Commission shall, during the pendency of such proceeding, provide the Congress with quarterly interim reports on the activities and progress to date.

(3) The requirement of subsection (d) shall not apply if, on the basis of the proceeding under paragraph (1) of this subsection, the Commission makes (and includes in the report required by paragraph (2)) a factual determination that market forces are securing rates and charges that are just and reasonable, as evidenced by rate levels, costs, complaints, service quality, and other relevant factors.

(d) Implementing Regulations.—Unless the Commission makes the determination described in subsection (c)(3), the Commission shall, within 90 days after submission of the report required by subsection (c)(2), complete a proceeding pursuant to title II of the Act to establish regulations for implementing the requirements of such title (and subsections (a) and (b) of this section) that rates and charges for operator services be just and reasonable.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Federal Communications Commission.

(2) The term "the Act" means the Communications Act of 1934.

(3) The term "consumer" means a person initiating any interstate telephone call using operator services.

(4) The term "operator services" means any interstate telecommunications service that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an interstate telephone call through a method other than—

(A) automatic completion with billing to the telephone from which the call originated; or

(B) completion through a carrier-specific access code number used by the consumer, with billing to an account previously established with the carrier by the consumer.

(5) The term "aggregator" means any person, that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for interstate telephone calls using a provider of operator services.

The SPEAKER pro tempore (Mr. Skaggs). Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. Markey] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. Rinaldo] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 971, the Telephone Operator Services Consumer Protection Act of 1989.

H.R. 971, which was introduced by the gentleman from Tennessee [Mr. COOPER], is important legislation that addresses consumer abuses that have occurred in some segments of the operator services industry. I think we can all agree that the breakup of AT&T has produced mixed results, although it has stimulated competition and led to lower prices in some telecommunications markets, but it has also caused consumer confusion and frustration.

The operator services industry is a case in point. The subcommittee's investigation of the newly competitive operator services providers industry has revealed a litany of consumers' complaints.

In response to those concerns, the Subcommittee on Telecommunications and Finance and the Committee on Energy and Commerce have unanimously passed a substitute to H.R. 971. This legislation establishes regulation through which the Federal Communications Commission can protect consumers from price gouging and other unfair business practices perpetrated by a few of the industry's fast-buck artists without jeopardizing the investments and legitimate business interests of other providers in this nascent industry.

First, this legislation ensures that consumers have sufficient information to make knowledgeable decisions about operator services providers. Under this legislation, all operator service providers will be required to clearly identify themselves at the start of every call, and upon request, will provide information regarding their prices, billing practices, and complaint procedures.

In addition, the bill prohibits blocking which denies a caller access to the long-distance company of their choice and, second, for the first time, each operator service provider will be required to file an information tariff containing rates, charges, and terms and conditions with the FCC. If after review by the FCC the rates appear to be unjust and unreasonable, the Commission will require each OSP to demonstrate that its prices reflect the reasonable cost of providing the service plus a reasonable profit and, third, the legislation requires the FCC to begin a proceeding to monitor the operator service industry and, after a 9-month study, determine whether additional regulation is necessary.

The industry and competition will be given a chance to rid itself of the existing abuses, but if it fails, regulation will be imposed.

H.R. 971 applies to all providers of interstate operator services including AT&T, competitive interexchange carriers and all other who provide such services. Since the legislation encompasses all of these providers, the FCC will be able to develop policies that protect the interests of consumers while promoting competition.

Mr. Speaker, I thank and applaud the representatives of TRAC, the Telecommunications Research Action Council, the National Association of State Regulatory Utility Commissions, the Communications Workers of America, and the operator provider service industry for their cooperation in developing this compromise. These parties assisted the subcommittee in shaping legislation that will eliminate the bad apples from the industry before they spoil the entire barrel.

I also commend once again the gentleman from Tennessee [Mr. COOPER] for his leadership in bringing this issue to the Nation's attention, and I applaud the constructive efforts of the gentleman from Texas [Mr. BRYANT], the gentleman from Texas [Mr. FIELDS], and other subcommittee colleagues who have worked with the gentleman from Tennessee [Mr. COOPER] in drafting the legislation.

Mr. Speaker, I also have to point out the work of the gentleman from Michigan [Mr. DINGELL] and especially the gentleman from New Jersey [Mr. RINALDO], the ranking minority member of our subcommittee, who has made it possible for us to construct a resolution of this issue at this time on a bipartisan basis.

Mr. Speaker, this is a good bill. It ensures that consumers are protected from unfair practices while, at the same time, allowing those same consumers to enjoy the benefits of the breakup of AT&T through the divestiture. It will help to ensure that there are lower prices that are provided in a truly competitive marketplace, and this bill is again the product of a bipartisan effort in our committee to ensure that we do move forward in this nonideological arena in a fashion that does in fact ensure that we have a competitive consumer-oriented telecommunications marketplace.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the principal Republican cosponsor of H.R. 971, I am especially pleased that the House is considering this needed legislation on telephone operator services.

Telecommunications is one of the fastest growing parts of our economy. Therefore, it is important that any legislation in this area must balance two important goals: encouraging competition and protecting consumers. This bill is another product of the telecommunications subcommittee's ongoing efforts to accomplish both of those goals.

I am sure every Member of the House has a horror story about being unable to use his long-distance calling card from a payphone, or being billed at an astronomical rate for a relatively inexpensive call. This is due to the development of the operator services industry, which has just become competitive since the 1984 breakup of the Bell system. Many of these new companies offer valuable services at competitive prices. However, the industry has been plagued by a few bad apples that have taken advantage of consumers by charging outrageously expensive rates. Usually, you do not find out about them until it is too late—in next month's phone bill.

Of course, the FCC has jurisdiction over the telephone industry, including operator services. The FCC assured the committee that it was informally monitoring operator services rates. But, despite an incredible 2,000 complaints about operator services just last year, the Commission did not even formally investigate the causes of higher A.O.S. rates.

After its own investigation, the committee concluded that the Commission's actions were wholly inadequate, and that passage of H.R. 971 was necessary. Through this bill, Congress will direct the Commission to evaluate operator services rates and to assure that consumers have an informed choice when they are using these services. The bill ensures that operator services users will be fully informed about their rates before they make the call—not a month later in their telephone bill.

The legislation also will correct a variety of technological problems in the industry that now prevent consumers from having a full and fair choice of long distance services. The legislation ensures that the difficult problems of call blocking and call splashing will be resolved. It ensures that the FCC will collect all the information necessary to monitor operator services rates. The committee intends that competitive incentives, not intrusive regulation, will be the primary force that keeps operator services prices down.

I commend the bill's principal sponsor, the gentleman from Tennessee Mr. COOPER, and the subcommittee chairman, Mr. MARKEY, for their willingness to work out solutions on a bipartisan basis to the problems in this infant industry. This bill is carefully crafted to be both a boon to competition in the operator services industry and a benefit to consumers who use these services.

I urge the House to support H.R. 971, as amended.

Mr. Speaker, I reserve the balance of my time.

□ 1340

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Tennessee [Mr. COOPER], the principal sponsor of this legislation.

Mr. COOPER. Mr. Speaker, last February, I introduced legislation that would, for the first time, place controls on a new breed of telephone company called operator service providers or alternative operator service [AOS] companies. This industry targets public pay telephones and hotel room telephones to switch to their service. They offer operator assistance in routing and billing long-distance calls. But their emergence brought a plague of consumer complaints and technical problems. My bill, which is now before the House, sets standards to protect consumers from abuses.

The legislation is needed because the FCC has not begun a rulemaking to set standards for the industry, and it has done nothing to ensure that consumers are charged fair rates. While this bill isn't as tough as I would like, it should give the Commission appropriate policy direction to bring stability to this struggling market.

The bill before us today is a compromise. It gives consumers proper warnings and posted notices to see before they use operator services. It also gives them the freedom and information needed to make their own choices among providers from any public phone.

With passage of this bill, the FCC will have broad authority to ensure that providers charge just and reasonable rates. In the short term, providers will file their rates for FCC review for the first time ever. If any individual provider's rates appear to be unjust or unreasonable, the Commission is directed to order that carrier to come in and justify its rate. There will be no excuse for the FCC to allow any carrier to charge outrageous rates.

In the near term, we will require the Commission to take a hard look at the rates and practices of providers to see whether competition in the market is protecting consumers. If overall industry rates and practices do not improve over the next 9 months, the legislation directs the Commission to conduct an expedited 90-day rulemaking on how to regulate the entire industry's rates.

This compromise gives the industry flexibility to voluntarily remedy its problems of high rates before industrywide rate regulation is implemented. It takes them up on the assurance that they can and will eliminate abuses themselves. If they don't live up to that promise, and if the problems of high rates turn out to be chronic, it gives consumers the protection of knowing that the FCC will impose industrywide rate protections by a date certain.

It has been quite a challenge over the past few months to sort through the details of these problems. We made great progress under the leadership of Chairman ED MARKEY and ranking member MATTY RINALDO. I thank them for their support and for the time and expertise of their staff members, Gerry Salemme and Terry Haines, who did an outstanding job in helping the committee learn about the problems and find their solutions. Additionally, we all owe a great debt of gratitude to Steve Cope in the Office of the Legislative Counsel for his diligent work in drafting these provisions.

I appreciate the strong support of my colleagues on the Telecommunications and Finance Subcommittee. I want to thank the original cosponsors of the bill, Mr. SWIFT and the late Mr. Leland, as well as our other cosponsors, Mr. SLATTERY, Mr. BOUCHER, and Mrs. COLLINS. I also want to thank Chairman JOHN DINGELL, who saw the importance of this issue before many of the rest of us were aware that alternative operator services existed. In a letter a year and a half ago, he admonished the FCC to get more active in protecting consumers from abuses by unscrupulous operator services. His leadership and the expertise of David Leach were an invaluable resource in achieving such a strong bill.

I appreciate, in particular, the help of another cosponsor, Mr. WISE, who helped bring needed attention to this issue by convening hearings before the House Government Operations Subcommittee on Government Information, Justice, and Agriculture, which he chairs.

Finally, I appreciate the ideas of Caroline Chambers at the National Association of Regulatory Utility Commissioners, David Waggonhauser of the Telecommunications Research and Action Council and John Morgan and Barbara Easterling at the Communications Workers of America. They gave me early guidance in crafting the original bill, and they helped set priorities for the compromise bill now before us. Danny Adams, Dan Dutko, Al Kramer, Brad Mutschelknaus, Steve Perry, and Paul Smith spent long hours helping us understand the inner workings of a very complicated business.

As a final word, Mr. Speaker, I want to admonish this industry to cooperate with the goals of this bill. Our efforts to clean up this industry are limited compared with the opportunities your companies face every day to bring simple, affordable, efficient telephone service to consumers. I'm convinced that there are many ways providers can voluntarily improve their performance far beyond the requirements of this bill. In particular, I was disappointed recently to hear that AT&T, which controls well over 80 percent of the operator service market, declined to offer an 800 number as a backup form of access for its customers. In my mind, that solution would have immediately solved a common problem for millions of customers, a problem that will take much longer for this legislation to cure. This sort of policy contributes to the frustration and confusion consumers are facing, and I believe our telephone companies should do better than that.

I am proud of this legislation. It marks the start of a year-long remedy that will yield many long-term benefits for consumers. I urge my colleagues to support it today.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time to me. It is my pleasure to rise in support of this legislation.

I commend the gentleman from Tennessee for his excellent work in drafting legislation which remedies a clear abuse in the provision of operator services for long-distance calls.

I first became aware of the existence of alternate operator services when I was contacted by a constituent who had been charged excessive rates by a telephone service he had never heard of. Under the current practice, a long-distance customer, typically using a pay phone or a phone in a hotel room, is connected to an alternative operator service which charges for its service an amount that may exceed the cost of the long-distance call.

Where charges may be quite large in the example brought to me by my constituent, the total of operator and long distance carrier charges was $40 for a call of less than 12 minutes.

Not all special operator services are good. Some useful innovations such as multilingual services, enhanced emergency services, and the ability to use major credit cards for telephone calls have resulted.

But consumers today are being connected to special operators without their knowledge. They are being required to pay for the overhead costs of a special service they will never use.

The gentleman from Tennessee will solve that problem by making sure that the consumer knows when he has been connected to a special operator service, knows the rates he will be charged, and have the ability to do business with the operator employed by his regular long distance carrier if he chooses to do so.

By passing this legislation, we can assure the continuation of alternative operator services and the innovations they will continue to bring to the long distance market. But we will make sure that people are not charged for services they don't want and are not using.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. Wise].

□ 1350

Mr. WISE. Mr. Speaker, I thank the gentleman from Massachusetts whose subcommittee and leadership have made this bill possible.

Mr. Speaker, I also want to thank very much the gentleman from Tennessee [Mr. Cooper] and the gentleman from New Jersey [Mr. Rinaldo] for what they have done to move this legislation forward.

Mr. Speaker, our subcommittee, the Subcommittee on Government Information, Justice, and Agriculture, conducted hearings on the abuse of the AOS system and it has been well documented already as to what some of those problems were.

I think it is significant what this legislation does. The most important thing I think is it simply requires operators to identify themselves as AOS operators so when you are sitting in a hotel room or that hospital room, that airport, wherever, and you are using a phone that has a contract with an AOS service, that you are being protected, that you know that that service is there and that you have a right to request your ordinary operator, whatever that company might be.

Also the fact that certain practices are now prohibited. Finally, I think most significant is that this will mandate some form of regulation if the situation does not improve, if the FCC does not provide the oversight necessary.

One of the most important areas is the area of blocking and splashing. Now to sports enthusiasts that may sound like a water polo match. To telephone users and consumers it means abusive consumer practices. This legislation by eliminating blocking and splashing will save I think countless and untold dollars to those telephone consumers.

Mr. Speaker, this is an important piece of legislation. It protects those in the most vulnerable situations, when you are in a situation where you cannot bargain; most of the time you do not know you have the right to bargain, you are in a hotel room using a public phone of some type and you did not know you had the right to bargain. Indeed you did not know that you were being charged an amount over and above the regular long-distance rate.

Mr. Speaker, I want to thank very much all of those on the Committee on Energy and Commerce who have made this possible, and I look forward to getting this bill finally enacted because I think it is an important form of rate relief.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I do so only so that I may conclude comment on this particular piece of legislation.

In addition to the names of the staff people whom Mr. Cooper referred to, Mr. Haines, Mr. Leach, and Mr. Salemme, I think we also have to add the name of Mr. Forrester, the staff person on Mr. Cooper's staff who worked long and ably to construct this legislation.

We have, we believe, working as well with Mr. Wise over in the Committee on Government Operations, constructed a piece of legislation which is going to seriously reform the way in which this industry conducts itself.

We think that there is need for legislation at this point. We hope that we can avoid the need for additional regulation or for legislation, although we reserve the right to monitor this situation next year and the year thereafter and to revisit the subject.

Once again I think the minority, led by Mr. Rinaldo, and Mr. Lent, have been able to work together with the majority in constructing this legislation. We are quite proud of it. We hope that the House accepts it today.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 971, the Telephone Operator Service Consumer Protection Act. I would like to take this opportunity to commend the author of this legislation, Representative Jim Cooper, and the chairman of the Telecommunications and Finance Subcommittee, Representative Ed Markey, for the tremendous amount of effort they have put into developing this measure and for bringing it to the full House on such a rapid schedule. With enactment of this measure, Congress will have moved quickly and effectively to nip in the bud the problems presented by unregulated alternative operator services before they become a widespread aggravation for the consuming public. As a member of the Telecommunications and Finance Subcommittee, these problems have been of great concern to me and, for this reason, I am cosponsoring H.R. 971.

In my home State of Kansas, a recent example has demonstrated the need for enactment of H.R. 971. The Kansas Corporation Commission [KCC] recently issued a warning to the owners of public pay telephones against marketing agents for NTS. Complaints filed with the KCC allege that marketing agents enter businesses that own pay phones and identify themselves as being from the phone company, phrasing that leads phoneowners to believe NTS representatives are from Southwestern Bell or AT&T. According to KCC staff, the representatives then check the phones and ask store personnel to sign a document that they say will certify the phone has been inspected. The document, however, is actually a contract that allows the firm to switch long-distance service from the one being used by the phoneowner to NTS.

As a result of the court-ordered divestiture of AT&T, the telephone operator service long-distance market has been opened to competition, so that new telephone companies are providing services to businesses, institutions, and owners of pay telephones. This has not necessarily resulted in better, less expensive phone service, however. Between January 1988 and February 1989, the Federal Communications Commission received more than 2,000 complaints regarding alternative operator services and numerous others have been received by State utility regulators and State and Federal legislators. Complaints center on the fact that consumers are unaware of the existence of the numerous new phone companies, their functions and methods of doing business. In many cases, consumers have complained that they were not informed by either the telephone owner or the telephone operator that their call was not handled by traditional providers, like AT&T, and that additional costs were to be incurred. Adding to the confusion is that fact that credit cards, yet they bill the calls at their own, significantly higher rates. In addition, consumer attempts to reach their preferred long-distance carrier by prearranged access numbers often are blocked by the telephone equipment.

H.R. 971 would require that each operator service file, maintain and keep open for public inspection informational tariffs which specify the rates, terms, and conditions for their services. The Federal Communications Commission would be granted the power to force the operator services to demonstrate that any excessive rates reflect a reasonable cost of service plus a reasonable profit.

In addition, H.R. 971 would require operator services to:

First, audibly identify themselves to the consumer prior to the consumer incurring any charges and permit the consumer to terminate the call at no charge;

Second, ensure that the operator service post on or near the telephone, in plain view of customers, the name, address, and toll-free number of the operator service, and a disclosure that the caller has the right to access their preferred interstate phone company;

Third, disclose, on request, its rates, collection methods, and complaint resolution practices to the consumer;

Fourth, refrain from blocking access to the consumer's preferred phone company; and

Fifth, charge rates that are just and reasonable, as required by Federal telecommunications statutes.

I urge my colleagues to join with me in supporting H.R. 971.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Skaggs). The question is on the motion offered by the gentleman from Massachusetts [Mr. Markey] that the House suspend the rules and pass the bill, H.R. 971, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 971 just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTERNATIONAL SECURITIES ENFORCEMENT COOPERATION ACT OF 1989

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1396) to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement, as amended.

The Clerk read as follows:

H.R. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "International Securities Enforcement Cooperation Act of 1989".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Release of records by the Commission.
Sec. 3. Sanctions against broker or dealer, associated person, or persons seeking association.
Sec. 4. Definition of foreign financial regulatory authority.
Sec. 5. Sanctions against investment advisers or persons associated or seeking association with a registered investment adviser or investment company.
Sec. 6. Definitions of foreign securities authority and foreign financial regulatory authority.
Sec. 7. Reimbursement of expenses incurred in an investigation undertaken at the request of a foreign securities authority.

SEC. 2. RELEASE OF RECORDS BY THE COMMISSION.

(a) Amendment.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) in subsection (b) by striking "Nothing in this subsection shall authorize the Commission to withhold information from the Congress."; and

(2) by adding at the end thereof the following new subsections:

"(c) The Commission may, in its discretion and upon a showing that such information is needed, provide all 'records' (as defined in subsection (a)) and other information in its possession to such persons, both domestic and foreign, as the Commission by rule deems appropriate if the person receiving such records or information provides such assurances of confidentiality as the Commission deems appropriate.

"(d) Except as provided in subsection (e), the Commission shall not be compelled to disclose records obtained from a foreign securities authority if (1) the foreign securities authority has in good faith determined and represented to the Commission that public disclosure of such records would violate the laws applicable to that foreign securities authority, and (2) the Commission obtains such records pursuant to (A) such procedure as the Commission may authorize for use in connection with the administration or enforcement of the securities laws, or (B) a memorandum of understanding. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(e) Nothing in this section shall—

"(1) alter the Commission's responsibilities under the Right to Finance Privacy Act (12 U.S.C. 3401 et seq.), as limited by section 21(h) of the Securities Exchange Act (15 U.S.C. 78u(h)), with respect to transfers of records covered by such statutes, or

"(2) authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.".

(b) Conforming Amendments.—

(1) Investment company act of 1940.—Section 45(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-44) is amended by striking "It shall be unlawful" and inserting "Except as provided in section 24(c) of the Securities Exchange Act of 1934, it shall be unlawful".

(2) Investment advisers act of 1940.—Section 210(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10(b)) is amended by striking "subsections (c) and (e) of section 209" and inserting "subsections (c) and (d) of section 209 of this Act and section 24(c) of the Securities Exchange Act of 1934".

SEC. 3. SANCTIONS AGAINST BROKER OR DEALER, ASSOCIATED PERSONS, OR PERSONS SEEKING ASSOCIATION.

(a) Authority of the Commission To Sanction Brokers and Dealers for Foreign Violations.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) in paragraph (4)(B), by inserting after "misdemeanor" the following: "or has been convicted within 10 years of a substantially equivalent crime by a foreign court of competent jurisdiction";

(2) in paragraph (4)(B)(i), by inserting after "burglary," the following: "any substantially equivalent activity however denominated by the laws of the relevant foreign government";

(3) in paragraph (4)(B)(ii)—

(A) by inserting after "transfer agent," the following: "foreign person performing a function substantially equivalent to any of the above,";

(B) by inserting after "(7 U.S.C. 1 et seq.)" the following: "or any substantially equivalent foreign statute or regulation";

(4) in paragraph (4)(B)(iii), by inserting after "securities" the following: ", or substantially equivalent activity however denominated by the laws of the relevant foreign government";

(5) in paragraph (4)(B)(iv), by inserting after "United States Code" the following: ", or a violation of a substantially equivalent foreign statute";

(6) in paragraph (4)(C)—

(A) by inserting after "transfer agent," the following: "foreign person performing a function substantially equivalent to any of the above,";

(B) by inserting after "Commodity Exchange Act" each place it appears the following: "or any substantially equivalent foreign statute or regulation"; and

(C) by inserting after "insurance company," the following: "foreign entity substantially equivalent to any of the above,"; and

(7) by inserting after subparagraph (F) of paragraph (4) the following:

"(G) has been found by a foreign financial regulatory authority to have—

"(i) made or caused to be made in any application for registration or report required to be filed with a foreign financial regulatory authority, or in any proceeding before a foreign financial regulatory authority with respect to registration, any statement that was made at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign financial regulatory authority any material fact that is required to be stated therein;

"(ii) violated any foreign statute or regulation regarding transactions in securities, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade;

"(iii) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign financial regulatory authority regarding transactions in securities, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign financial regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.".

(b) Extension of Definition of Statutory Disqualification To Include Foreign Violations.—Section 3(a)(39) of such Act (15 U.S.C. 78c(a)(39)) is amended—

(1) in subparagraph (A)—

(A) by inserting after "self-regulatory organization," the following: "foreign equivalent of a self-regulatory organization, foreign or international securities exchange,";

(B) by inserting after both "(7 U.S.C. 7)," and "(7 U.S.C. 21),", the following: "or any substantially equivalent foreign statute or regulation,";

(C) by inserting after "such contract market", the following: "or foreign equivalent";

(2) in subparagraph (B)—

(A) by striking "Commission or other appropriate regulatory agency" and inserting "Commission, other appropriate regulatory agency, or foreign financial regulatory authority";

(B) by inserting after "government securities dealer," the first place it appears the following: "or limiting his activities as a foreign person performing a function substantially equivalent to any of the above,";

(C) by inserting after "government securities dealer," the second place it appears the following: ", or foreign person performing a function substantially equivalent to any of the above,";

(D) by striking "(7 U.S.C. 1 et seq.);" and inserting the following: "(7 U.S.C. 1 et seq.); or is subject to an order by a foreign financial regulatory authority denying, suspending, or revoking the person's authority to engage in transactions in contracts of sale of a commodity for future delivery or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent thereof;";

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(4) by inserting after subparagraph (C) the following:

(D) by his conduct while associated with any broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or any other entity engaged in transactions in securities, or while associated with an entity engaged in transactions in contracts of sale of a commodity for future delivery or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent thereof, has been found to be a cause of any effective suspension, expulsion, or order by a foreign or international securities exchange or foreign financial regulatory authority empowered by a foreign government to administer or enforce its laws relating to financial transactions as described in subparagraph (A) or (B) of this paragraph;";

(5) in subparagraph (E) (as redesignated by paragraph (3) of this subsection) by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (D)"; and

(6) in subparagraph (F) (as redesignated)—

(A) by striking "(D) or (E)" and inserting "(D), (E), or (G)"; and

(B) by inserting after "such paragraph (4)" the first place it appears the following: "or any other felony".

(c) Conforming Amendments.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in sections 15(b)(6), 15B(c)(2), 15B(c)(4), 15C(c)(1)(A), 15C(c)(1)(C), 17A(c)(3)(A), and 17A(c)(4)(C), by striking "(A), (D), or (E)" and inserting "(A), (D), (E), or (G)"; and

(2) in section 15C(f)(2), by striking "or the rules or regulations under any such other provision" and inserting "the rules or regulations under any such other provision, or investigations pursuant to section 21(a)(2) of this title to assist a foreign securities authority".

SEC. 4. DEFINITION OF FOREIGN FINANCIAL REGULATORY AUTHORITY.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraph:

"(51) The term 'foreign financial regulatory authority' means any (A) foreign securities authority, (B) other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of fiduciaries, trusts, commercial lending, insurance, trading in contracts of sale of a commodity for future delivery, or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent, or other financial activities, or (C) membership organization a function of which is to regulate participation of its members in activities listed above.".

SEC. 5. SANCTIONS AGAINST INVESTMENT ADVISERS OR PERSONS ASSOCIATED OR SEEKING ASSOCIATION WITH A REGISTERED INVESTMENT ADVISER OR INVESTMENT COMPANY.

(a) Investment Company Act of 1940.—Section 9(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(b)) is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following:

"(4) has been found by a foreign financial regulatory authority to have—

"(A) made or caused to be made in any application for registration or report required to be filed with a foreign securities authority, or in any proceeding before a foreign securities authority with respect to registration, any statement that was at the time and in light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to a foreign securities authority any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding transactions in securities or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade;

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of a foreign statute or regulation regarding transactions in securities or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade;

"(5) within 10 years has been convicted by a foreign court of competent jurisdiction of a crime, however denominated by the laws of the relevant foreign government, that is substantially equivalent to an offense set forth in paragraph (1) of subsection (a); or

"(6) by reason of any misconduct, is temporarily or permanently enjoined by any foreign court of competent jurisdiction from acting in any of the capacities, set forth in paragraph (2) of subsection (a), or a substantially equivalent foreign capacity, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security.".

(b) Investment Advisers Act of 1940.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is amended—

(1) in paragraph (2), by inserting after "misdemeanor" the following: "or has been convicted within 10 years of a substantially equivalent crime by a foreign court of competent jurisdiction";

(2) in paragraph (2)(A), by inserting after "burglary," the following: "any substantially equivalent activity however denominated by the laws of the relevant foreign government,";

(3) in paragraphs (2)(B) and (3)—

"(A) by inserting after "transfer agent," the following: "foreign person performing a function substantially equivalent to any of the above,"; and

(B) by inserting after "Commodity Exchange Act" each place it appears the following: "or any substantially equivalent statute or regulation";

(4) in paragraph (2)(C), by inserting after "securities" the following: "or substantially equivalent activity however denominated by the laws of the relevant foreign government";

(5) in paragraph (2)(D), by inserting after "United States Code" the following: ", or a violation of a substantially equivalent foreign statute";

(6) in paragraph (3)—

(A) by inserting after "court of competent jurisdiction" the following: ", including any foreign court of competent jurisdiction"; and

"(B) by inserting after "insurance company," the following: "foreign entity substantially equivalent to any of the above,";

(7) in paragraph (5), by inserting after "this title," the following: "the Commodity Exchange Act,";

(8) by inserting after paragraph (6) the following new paragraph:

"(7) has been found by a foreign financial regulatory authority to have—

"(A) made or caused to be made in any application for registration or report required to be filed with a foreign securities authority, or in any proceeding before a foreign securities authority with respect to registration, any statement that was made at the time and in light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to a foreign securities authority any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding transactions in securities or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade; on

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any foreign statute or regulation regarding transactions in securities or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or has been found, by the foreign financial regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of statutory provisions, and rules and regulations promulgated thereunder, another person who commits such a violation, if such other person is subject to his supervision.".

(c) Conforming Amendment.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(f)) is amended by striking "paragraph (1), (4), or (5)" and inserting "paragraph (1), (4), (5), or (7)".

SEC. 6. DEFINITIONS OF FOREIGN SECURITIES AUTHORITY AND FOREIGN FINANCIAL REGULATORY AUTHORITY.

(a) Investment Company Act of 1940.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by inserting after paragraph (48) the following:

"(49) 'Foreign securities authority' means any foreign government or any governmental body or regulatory organization empowered by a foreign government to administer or enforce its laws as they relate to securities matters.

"(50) 'Foreign financial regulatory authority' means any (A) foreign securities authority, (B) other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of fiduciaries, trusts, commercial lending, insurance, trading in contracts of sale of a commodity for future delivery, or other instruments traded on or subject to the rules of a contract market, board of trade or foreign equivalent, or other financial activities, or (C) membership organization a function of which is to regulate the participation of its members in activities listed above.".

(b) Investment Advisers Act of 1940.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by inserting after paragraph (22) the following:

"(23) 'Foreign securities authority' means any foreign government, or any governmental body or regulatory organization empowered by a foreign government to administer or enforce its laws as they relate to securities matters.

"(24) 'Foreign financial regulatory authority' means any (A) foreign securities authority, (B) other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of fiduciaries, trusts, commercial lending, insurance, trading in contracts of sale of a commodity for future delivery, or other instruments traded on or subject to the rules of a contract market, board of trade or foreign equivalent, or other financial activities, or (C) membership organization a function of which is to regulate participation of its members in activities listed above.".

SEC. 7. REIMBURSEMENT OF EXPENSES INCURRED IN AN INVESTIGATION UNDERTAKEN AT THE REQUEST OF A FOREIGN SECURITIES AUTHORITY.

Section 4 of the Securities Exhange Act of 1934 (15 U.S.C. 78d(c)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign securities authority, or made on behalf of such authority, for necessary expenses incurred by the Commission, its members, and employees in carrying out any investigation pursuant to section 21(a)(2) of this title or in providing any other assistance to a foreign securities authority. Any payment or reimbursement accepted shall be considered a reimbursement to the appropriated funds of the Commission.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1396, the International Securities Enforcement Cooperation Act of 1989. I introduced this legislation in March upon request of the Securities and Exchange Commission, and am pleased at the bipartisan support for the proposal, which includes the distinguished chairman of the full committee, Mr. DINGELL; the ranking minority member of the subcommittee, Mr. RINALDO; the ranking minority member of the full committee, Mr. LENT; as well as numerous other members of the subcommittee and full committee. H.R. 1396 has also been endorsed by the Departments of State and Justice. I want to particularly thank Mr. RINALDO for his extraordinary cooperation in assuring that this legislation moves swiftly through the House.

This legislation, the first major securities bill before the House in this Congress, is a natural followup to the Insider Trading and Securities Fraud Enforcement Act of 1988. That bill originated in the Telecommunications and Finance Subcommittee in the last Congress, and expanded the SEC's range of preventive and punitive measures for combating insider trading domestically and internationally. Today's consideration of H.R. 1396 makes clear that the fight against insider trading and other securities fraud did not end with the passage of that important legislation. This bill recognizes that as the financial world grows ever smaller through the process of globalization, the reach of enforcement of securities laws must grow larger, extending across national boundaries and requiring the greatest possible international cooperation.

H.R. 1396 contains the following elements. First, it grants the SEC an exemption from the Freedom of Information Act for records provided to the Commission by foreign securities authorities under certain specified circumstances. Second, it grants the Commission greater authority to permit access to its enforcement files by domestic and foreign law enforcement officials. Third, it permits the SEC to sanction securities professionals for violations of foreign securities laws. Fourth, it expands the authority of self-regulatory organizations to exclude convicted felons from membership based on violations of foreign laws. Finally, it authorizes the SEC to accept reimbursement for expenses incurred on behalf of foreign governmental authorities in their investigations.

The one substantive change in the legislation from its original draft by the SEC was in the FOIA provision. With the assistance of Mr. RINALDO, staff on both sides, and representatives in the FOIA community, we were able to construct an amendment which I introduced at the subcommittee markup that strikes the critical balance between assuring the Commission's access to key foreign documents and preserving the integrity of the FOIA statute. I include a letter from the American Newspaper Publishers Association concerning this amendment for insertion in the record at the conclusion of my remarks.

Mr. Speaker, the challenges and opportunities presented by internationalization are numerous and powerful. I am fully cognizant of the tremendous obstacles the United States faces in the next century as we endeavor to compete with Japan, the European Community and other nations, particularly in the field of financial services. At the same time, the potential for fraudulent activity that flows easily across international boundaries dictates that the watchword for international securities enforcement must not be competition, but cooperation. We cannot afford to let economic warfare drive us into a race to the bottom in which we sacrifice safety and stability in the marketplace in an effort to attract more business.

The news reports from France and Japan in the last year dramatically demonstrate that when it comes to fraud in the financial markets, to paraphrase John Dunne, no nation is an island. The allegations of insider trading in the Triangle Industries case in France and of the improper use of the stock market for purposes of political bribery in the Recruit scandal in Japan have sent shockwaves through those nations in ways that dwarf even Wall Street's turmoil of the last few years.

In France, Japan, the United Kindom and other nations in recent years, we have seen a convergence of thought on the need for prudent regulation and vigorous enforcement to ensure a fair and honest financial marketplace. Both the business communities and governments in these nations have come to recognize the importance of this approach in attracting investors and raising capital in the marketplace.

Despite the swift pace of globalization in recent years, international regulation has not fully kept pace. There is today no global institutionalized, coordinated international effort, much less a global regulatory agency, responsible for assuring harmonization of laws and regulations to protect market participants. I hope that the legislation we are considering today serves as a first step on the road to even greater international cooperation.

In closing, Mr. Speaker, I want to express again my appreciation to the gentleman from New Jersey, [Mr. RINALDO] for all of his assistance in helping to bring H.R. 1396 to the floor today. I urge my colleagues to support this legislation.

AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION,
Reston, VA, August 15, 1989.
Hon. EDWARD MARKEY,
Chairman.
Hon. MATTHEW J. RINALDO,
Ranking Minority Member,
Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MARKEY AND CONGRESSMAN RINALDO: On behalf of the American Newspaper Publishers Association (ANPA) and the American Society of Newspaper Editors (ASNE), we are writing to you concerning H.R. 1396, the International Securities Enforcement Act of 1989.

That bill as originally proposed by the Securities and Exchange Commission and introduced in Congress would have given the Commission broad authority to withhold from public disclosure documents obtained by the Commission from foreign securities authorities.

We understand that the Commission is seeking this legislation because some foreign authorities are concerned that the Commission cannot protect certain documents from public disclosure under the Freedom of Information Act (FOIA) even where such disclosure would violate the domestic law of the foreign country providing the documents. As a result, the Commission is having difficulty in obtaining agreements from these foreign authorities to provide the Commission with documents relevant to ongoing securities investigations.

At the time your Subcommittee was considering this bill, ANPA and ASNE, as well as other organizations dedicated to preserving a strong FOIA, objected to the language of the bill as originally drafted. We believed the original bill was drafted in such a way as to permit withholding of documents beyond the scope of the problem identified by the Commission. The language also could have been interpreted to deny adequate judicial review of whether the standards permitting the withholding of relevant documents had been met.

The amendment which you offered to the bill in Subcommittee addressed these concerns and preserve the important principles embodied in the FOIA. We therefore no longer have any objections to this legislation.

We want to thank you for your efforts in resolving these questions by amending the bill. We very much appreciate your help and the help of your staff who worked with our representatives and representatives of the SEC to find an acceptable solution which protects the interests of the SEC while preserving a strong FOIA.

Sincerely,

CRAIG KLUGMAN,
Chair, FOIA Committee, ASNE.
W. TERRY MAGUIRE,
Senior Vice President, ANPA.

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Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my enthusiastic support for the International Securities Enforcement Cooperation Act of 1989. I am proud to be one of the original sponsors of this legislation.

Congress has worked diligently to curtail insider trading and other securities frauds wherever they orginate. Last year, we enacted the Insider Trading and Securities Fraud Enforcement Act, which is proving to be a tough, but fair, addition to the securities laws. It created strong incentives against, and workable mechanisms to detect, insider trading. One provision in that act allows the SEC to subpoena records in the United States to assist foreign governments with their investigations of foreign securities law violations. This provision is designed to encourage reciprocal cooperation for the SEC. I am pleased that this provision had its origins in the Lent-Rinaldo Securities reform bill, H.R. 2668, introduced during the 100th Congress.

Today we are continuing Congress's efforts to crack down on international securities fraud. The International Securities Enforcement Cooperation Act furthers the law enforcement coordination between the SEC and its counterparts abroad. It is critical that the SEC be allowed to share information with its fellow securities authorities in other countries. Similarly, the SEC should be able to receive information from abroad and be able to offer the assurances of confidentiality that other countries require under their laws. This bill facilitates this two-way sharing of information.

The bill includes two amendments that the Telecommunications and Finance Subcommittee approved. The first amendment, which I offered, makes a clarifying technical change to the bill.

Section 2 of the bill would amend section 24 of the Securities Exchange Act of 1934 to permit the Commission to release information to other authorities. This provision would improve the SEC's ability to cooperate with foreign and state securities authorities. My amendment would not alter the purpose of this provision.

However, as introduced, the bill would grant this authority "notwithstanding any other provision of law." In the SEC's memorandum supporting this bill, it notes that this phrase would supersede provisions of the Investment Company Act and the Investment Advisers Act.

In my opinion, if the Congress is going to modify a law, it should do so clearly and directly. Accordingly, the amendment that I offered in the Finance Subcommittee eliminates this "notwithstanding" language and makes appropriate changes to the 1940 act and the Advisers Act.

The second amendment, offered by Chairman MARKEY, narrows slightly and improves the Freedom of Information Act exemption. Both of these amendments have been crafted carefully, and eliminate small difficulties in the legislation.

In addition to these provisions, the bill would allow the SEC and the self-regulatory authorities to exclude persons who had committed certain crimes in foreign jurisdictions. People who break the laws of foreign countries should not be any more welcome in our securities industry than people who break U.S. laws. At the same time, I am confident that there are appropriate safeguards and review mechanisms to avoid unfair and inequitable exclusions.

Mr. Chairman, this legislation enjoys wide support and backs the SEC's international attack on fraud. It makes no changes to the substantive law or insider trading. I urge my colleagues to support the bill.

I want to commend the chairmen of the Committee on Energy and Commerce, and the Subcommittee on Telecommunications and Finance for their leadership on this issue and for their bipartisan approach to this legislation.

I especially want to extend my appreciation to the gentleman from Massachusetts for his cooperation and leadership as well as his foresight on the globalization of Securities markets. I also appreciate his cooperation on a series of questions I propounded to the SEC. I also want to commend the ranking Republican of the full committee for his leadership and support.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. LENT] the ranking minority member of the full committee.

Mr. LENT. As an original cosponsor of the International Securities Enforcement Cooperation Act of 1989, I want to express my strong support for this important legislation. The world's capital markets have changed in recent years. At one time, nations' securities markets operated with relative independence from one another. Those days are long gone. Today, markets operate around the world, with computer links that make it nearly as easy to execute a trade around the world, as it is to trade across the street. The trend to 24 hour trading further demonstrates the increasing ability of any investor anywhere in the world to trade any security at any time. In addition, corporations can float securities in one of many markets, not just their domestic capital markets.

The benefits of this system have been manifold. The capacity to issue and trade securities around the world conveys benefits for all. To an increasing extent, capital is employed for its most efficient use around the world. The end result of this process is greater economic efficiency and a higher standard of living for all.

Yet this progress has had its price. The international dimension of securities markets has not been lost on criminals. The Dennis Levines, and the others of their ilk, have routed their trading across international borders to reduce the chances of detection and prosecution. These insider traders know all too well that the SEC's subpoena power stops at the water's edge. To a great extent, the statutory provisions designed to exclude wrongdoers from our markets were written long before there was a significant amount of international trading.

Today we are taking an important step forward by amending the securities laws to further accommodate this trend toward internationalization. The legislation eliminates legal anomalies. For example, under current law, if you are convicted of embezzling funds in New York, you may be excluded from the securities business in the United States; but if you commit the same crime in Canada, you can still enter the United States securities business. It is time that our laws recognized that people move from country to country, and that Americans need to be protected from financial fraud, whether domestic or imported.

Another important aspect of this bill allows the SEC to cooperate with its counterparts around the world. It is increasingly apparent that securities enforcement requires the sharing of information among responsible agencies around the world. More and more securities agencies in other countries are adopting and enforcing strict antifraud restrictions and have become enthusiastic partners with the SEC. This bill facilitates that cooperative process in several important respects.

This bill has been a truly bipartisan effort. Chairman MARKEY introduced this bill at the request of the SEC. There are a wealth of Democratic and Republican cosponsors, and at last count, I think that Republicans outnumbered Democrats on the list of cosponsors. Mr. RINALDO and Chairman MARKEY offered useful clarifying amendments at the Finance Subcommittee's markup. The bill makes no changes to the substantive law of insider trading. I think that this broad basis of support and bipartisan cooperation speaks well for this legislation.

I want to commend Chairmen DINGELL and MARKEY and Mr. RINALDO for their leadership on this legislation.

I urge my colleagues to support this legislation, and look forward to enactment of this important bill.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to conclude comments from this side on this piece of legislation.

It is a very important piece of weaponry which is going to be needed in this battle to control the illegal and improper use of this insider information that is detrimental to the overall confidence which individual and corporate investors must have in the financial marketplace of our country and the world.

□ 1410

Mr. Speaker, it is my hope that we will have an overwhelming response to this legislation here today by the House. I think that it will go a long way toward sending the correct signal internationally that this country is very interested in building a network of cooperation that will serve as an effective deterrent against the improper use of proprietary information regardless of the international boundary that that information may be crossing.

I would also like to note in closing that without the work of Howard Homonoff from the majority side, working with Consuela Washington and with Stuart Kaswell from the minority it would not have been possible for this legislation to have been produced in such an expeditious and bipartisan fashion. So I would just like to note their work at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. SKAGGS). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 1396, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Reauthorization and Improvement Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(F) not to exceed $630,000,000 for the fiscal year ending September 30, 1989;

"(G) not to exceed $656,000,000 for the fiscal year ending September 30, 1990;

"(H) not to exceed $684,000,000 for the fiscal year ending September 30, 1991; and

"(I) not to exceed $712,000,000 for the fiscal year ending September 30, 1992.".

SEC. 3. RESIDENCE OF EMPLOYEES.

(a) Section 11504(a) of title 49, United States Code, is amended to read as follows:

"(a) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title to an employee who performs regularly assigned duties on a railroad in more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.".

(b) Section 11504(d) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the existing text as paragraph (2);

(3) by inserting before such paragraph (2) the following new paragraph:

"(d)(1) A rail, express, or sleeping car carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee."; and

(4) in paragraph (2), as so designated by this subsection—

(A) by striking "rail, express, sleeping car,";

(B) by striking "(a) or" both places it appears.

SEC. 4. INCENTIVES FOR PASSENGER SERVICE AGREEMENTS.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 810. INCENTIVES FOR PASSENGER SERVICE AGREEMENTS.

"Notwithstanding any other provision of law, in instances where a publicly funded commuter transportation authority established under Virginia law contracts to indemnify the Corporation for liability for operations conducted by or on behalf of the publicly funded commuter transportation authority or to indemnify a railroad over whose tracks such operations are conducted, liability for all claims, whether for compensatory or punitive damages, arising from any accident or incident occurring in the District of Columbia against the Corporation or the publicly funded commuter transportation authority in connection with operations conducted by or on behalf of such publicly funded commuter transportation authority, or against a railroad over whose tracks such operations were conducted at the time of the accident or incident, shall not be in an amount greater than the limits of the liability coverage maintained by the publicly funded commuter transportation authority to indemnify the Corporation or the railroad. In no event shall the publicly funded commuter transportation authority maintain an aggregate limit of liability coverage less than $200,000,000.".

SEC. 5. AUTHORIZATION TO USE FUNDS FOR SIMILAR PURPOSES.

Proceeds from the sale of all or part of the railroad line for which funds were provided, for acquisition and rehabilitation, under section 511 of the Rail Safety and Service Improvement Act of 1982 may be used for similar purposes with respect to any railroad line connecting with such line, for the purpose of continued rail service on such lines.

SEC. 6. COOPERATION WITH STUDY.

The National Railroad Passenger Corporation shall cooperate with the efforts of the Washington State Department of Transportation in designing and carrying out a study of the feasibility of reestablishing rail service between Seattle, Washington, and Vancouver, British Columbia.

SEC. 7. REROUTING FEASIBILITY STUDY.

The National Railroad Passenger Corporation shall study the short-term and long-term consequences on passenger revenues and operating costs of rerouting the California Zephyr through northern Illinois and central Iowa over the tracks of the Chicago and North Western Railroad, and shall submit a detailed report on the findings of such study to the Congress within 6 months after the date of the enactment of this Act.

SEC. 8. JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER ACQUISITION OF CONTROL OF CERTAIN RAIL CARRIERS.

(a)(1) Section 11348 of title 49, United States Code, is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) the following new subsection:

"(a)(1) Acquisition of control of a class I rail carrier by a person that is not a carrier and, through direct or indirect ownership, does not control, and is not controlled by, a carrier may be carried out only with the approval and authorization of the Commission.

"(2) The Commission may begin a proceeding to approve and authorize a transaction referred to in paragraph (1) on application of the person seeking that authority. When an application is filed with the Commission, the Commission shall notify the chief executive officer of each State in which property of the carrier involved in the proposed transaction is located, and shall notify that carrier.

"(3) In a proceeding under this subsection, the Commission shall consider the following:

"(A) The effect of the proposed transaction on the adequacy of transportation to the public.

"(B) The total fixed charges that result from the proposed transactions.

"(C) The interest of carrier employees affected by the proposed transaction.

"(4) The Commission shall approve and authorize a transaction under this subsection when it finds the transaction is consistent with the public interest. The Commission may impose conditions governing the transaction, including the subordination of all or any portion of any new debt created as part of the proposed transaction to any pre-existing debt owed to the United States sufficient to provide reasonable protection to the United States. When the transaction contemplates a guarantee or assumption of payment of dividends or of fixed charges or will result in an increase of total fixed charges, the Commission may approve and authorize the transaction only if it finds that the guarantee, assumption, or increase is consistent with the public interest.

"(5) The Commission shall publish notice of an application under this subsection in the Federal Register by the 10th day after the application is filed with the Commission and after a certified copy of it is furnished to the Secretary of Transportation. However, if the application is incomplete, the Commission shall reject it by the end of that period. The order of rejection is a final action of the Commission under section 10327 of this title. The published notice shall indicate that the application involves the acquisition of control of a class I rail carrier, to be decided within the time limits specified in paragraph (6).

"(6) Commission procedures with respect to an application filed under this subsection shall be as follows:

"(A) Written comments about an application may be filed with the Commission within 20 days after notice of the application is published under paragraph (5). Copies of such comments shall be served on the Secretary of Transportation, who may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Commission by the 15th day after the date of receipt of the written comments.

"(B) The Commission must conclude evidentiary proceedings by the 75th day after the date of publication of notice under paragraph (5). The Commission must issue a final decision by the 15th day after the date on which it concludes the evidentiary proceedings.

"(7) The final decision of the Commission under paragraph (6)(B) is a final action of the Commission under section 10327 of this title. If the Commission does not issue a final decision within the time limits provided under this subsection, it shall send a written notice to Congress that a decision was not issued and the reasons why it was not issued, and shall thereafter on a weekly basis report to Congress on the steps that have been taken toward the issuance of such final decision.

"(8) Nothing in this subsection shall preclude the Commission from approving more than one application filed under this subsection with respect to the acquisition of control of the same rail carrier.".

(2) The amendment made by paragraph (1) and the Interstate Commerce Commission's jurisdiction to review proposed acquisitions of control of a class I rail carrier by a person that is not a carrier and, through direct or indirect ownership, does not control, is not controlled by, a carrier, shall apply to all such proposed acquisitions not finally consummated before June 1, 1989.

(b) Within 10 days after the date of enactment of this Act, the Commission shall issue interim regulations implementing the provisions of the amendment made by subsection (a)(1).

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. Thomas A. Luken] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. Whittaker] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. Thomas A. Luken].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to offer a few brief remarks with respect to H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1989.

On May 16, 1989, I introduced H.R. 2364. Following a hearing which the Subcommittee on Transportation and Hazardous Materials held on May 17, 1989, our subcommittee marked up and reported this bill by voice vote to the full Committee on Energy and Commerce. The full committee marked up the bill on June 6 and reported the bill by voice vote to the House.

The bill represents the combined bipartisan efforts of many members of both the subcommittee and the full committee. I commend the chairman and ranking member of the full committee, Mr. Dingell and Mr. Lent, for their leadership in crafting this measure, as well as Mr. Whittaker, the ranking member of our subcommittee, Mr. Boucher, Mr. Bliley, Mr. Swift, Mr. Madigan, Mr. Tauke, Mr. Eckart, and others who have played an active role in producing the bill which comes before the House today.

Amtrak was created in 1970 when Congress passed the Rail Passenger Service Act.

By piecing together operations from private companies—which no longer found passenger service profitable—Amtrak gradually put together the framework for a national rail passenger system. Today, Amtrak operates about 220 intercity trains each day over 24,000 miles of track in nearly every State of the Union. It provides service to over 480 communities across the United States. It is the only intercity rail passenger carrier in the continental United States.

Over the years, Amtrak has taken great strides in providing a cost-effective national railroad passenger system. Particularly during the past decade, Amtrak has made sure and steady progress in reducing its costs and increasing its revenues. In 1981, its revenue-to-cost ratio was 48 percent. In each of the next 7 years, Amtrak improved its ability to generate revenues and hold the line on its costs. Last year—the first year that Amtrak earned more than $1 billion in revenues—its revenue-to-cost ratio had increased to 69 percent, with a projected ratio of 71 percent for this year. During the same time, Federal assistance for Amtrak has steadily decreased. In 1981, Amtrak's appropriation amounted to $896 million.

In 1989, Amtrak's appropriation amounted to $584 million—a reduction of $312 million in 8 years. In other words, Federal funding for Amtrak has declined nearly 35 percent in nominal terms, and more than 50 percent in real terms, since the beginning of this decade. The bottom line is that Amtrak is paying more and more of its own way.

These accomplishments have not been attained without difficulty. During the past administration, proposals to eliminate funding for Amtrak, or to sell it, were made year in and year out. Members from both sides of the aisle and both sides of the Hill recognized the folly of these misguided and counterproductive proposals from the Reagan camp. Simply put, Congress had to fight President Reagan every step of the way to keep Amtrak on track. Despite the strong objections from the President, Congress has continued to recognize the important role Amtrak plays in our country's overall transportation system.

The simple fact of the matter is that some level of Government assistance is required to sustain a national rail passenger operation.

Other countries, such as Germany, Great Britain, France, and Japan, have made a much greater financial commitment to rail passenger service than we have in the United States. For example, the 12 members of the European Community have recently embarked upon a $50 billion capital improvement program to improve their rail passenger service over the next 6 years. Our financial commitment to Amtrak pales by comparison.

H.R. 2364 will keep Amtrak on track. It provides an authorization level of $630 million for the current fiscal year—the same level provided for in fiscal year 1988 with inflationary increases through fiscal year 1992. With the modest levels of funding in this bill, Amtrak will be able to continue to provide—and even enhance—the safe and effective service it provides to millions of Americans each year.

While Amtrak continues to set records—last year, ridership and passenger miles reached all-time highs—the system is straining to keep up with its increased demands. At our subcommittee's hearing this year, witnesses indicated serious concerns about Amtrak's ability to meet its current and future needs—particularly in the area of capital improvements.

Amtrak's president, Graham Claytor, told us that Amtrak needs to replace and augment its current fleet of passenger cars in order to meet the growing demands on Amtrak's passenger operations. About 31 percent of Amtrak's existing inventory of passenger cars belongs to the so-called Heritage fleet, consisting of cars acquired from freight railroads and constructed before 1971. These older cars are expensive to maintain and operate. To upgrade and replace a portion of its aging fleet of cars, Amtrak estimates it will need to acquire about 450 cars during the next 5 years. Our bill will allow Amtrak to make these needed investments.

Without these improvements, Amtrak's ability to generate revenues through increased ridership will be jeopardized. For example, Amtrak's systemwide on-time performance has fallen off steadily during this decade. A major reason for this is the company's strategy of conserving funds by deferring maintenance on its locomotives, which in turn results in more enroute breakdowns. If left unchecked, this shortage of capital funds ultimately will threaten safety on the railroad.

At hearings we held during the last Congress, the former Administrator of the Federal Railroad Administration recognized the vicious cycle which results when capital improvements are deferred. As one advertisement says, "You can pay me now or pay me later." This bill will stop the vicious cycle. By making modest short-term investments now, we can help make Amtrak more self-sufficient over the long haul.

Transportation Secretary Skinner has announced that one of his major priorities is to formulate and implement a national transportation policy. Today, we can send an unequivocal signal to Mr. Skinner and President Bush that such a policy must include Amtrak. We need to invest in the future of our Nation's transportation needs by making prudent decisions now. When you look at the billions and billions of dollars we regularly pour into our Nation's highways and airports, one must wonder at the relatively modest investment we are making in Amtrak. With increasing highway and airport congestion, Amtrak's role in our transportation system is even more important. H.R. 2364 provides enough assistance to Amtrak to keep the trains rolling while recognizing the fiscal constraints we face.

Other provisions of the bill address other significant concerns. The bill assures that railroad employees who work in more than one State will only be taxed in their home State. The bill provides the authority to use previously allocated Federal railroad rehabilitation funds for similar purposes. It also requires Amtrak to look at expansions and modifications of its current system. In a similar vein, I urge Amtrak to consider the recent report of the States participating in the high-speed rail compact and to give timely and thorough consideration to the specific proposals raised in that report.

Another provision of the bill is designed to provide incentives for extending rail passenger operations in northern Virginia and the District of Columbia. We have reached an accommodation with Mr. Brooks, the distinguished chairman of the Judiciary Committee, as reflected in the report on this bill, regarding this provision. As we all know, growing traffic congestion and limited highway capacity in northern Virginia have combined to make these proposed rail passenger operations more attractive and cost-effective.

With this bill, as reflected in the agreement reached between the Judiciary Committee and the Committee on Energy and Commerce, major obstacles will be removed in providing these needed rail passenger operations.

Finally, the bill gives the Interstate Commerce commission jurisdiction to approve proposals to buy major railroads by noncarriers. We all recognize the great public interest which exists in continuing operations of the major railroads. Our shippers, employees, and communities located on Main Street, U.S.A. understand the need for a healthy railroad system. We cannot let Wall Street, in a fit of merger mania, to ignore the public interest and use major railroad companies as cash cows that can be milked at the public's expense. Our bill recognizes this fact and merely provides an expedited and limited administrative fitness review of proposals by nonrailroads to buy major railroad companies.

Mr. Speaker, I urge my colleagues to join me and the members of our committee and subcommittee in supporting this bill.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reauthorization of Amtrak we are considering today will extend the legislative charter of this vital national rail passenger service for the next 3 fiscal years. Having cut its Federal subsidy in half over the last decade, Amtrak has been concentrating recently on achieving greater efficiency and maintaining the quality of its equipment.

It is not widely known, Mr. Speaker, that Amtrak is often sold out in advance, sometimes weeks in advance. Its existing fleet is stretched to the limit, and some older cars inherited from the private railroads when Amtrak was created simply must be replaced. Amtrak has done a stellar job of generating ever-higher revenues and making its Federal money go farther. But at some point, to underfund Amtrak is to guarantee the advent of even greater costs in the future. This is clearly true of the equipment needed by Amtrak.

To its credit, Amtrak under its outstanding president, Mr. Graham Claytor, has managed to bring in some new equipment, and most encouraging, to tap the private financial and capital market to help finance some of these equipment purchases. But Amtrak needs adequate seed money to continue these efforts. Today's reauthorization not only provides Amtrak with the needed authority to continue its programs, but it represents an assurance to the financial community that Amtrak is a key part of our national transportation network, one that will not be abandoned by the Congress. This is an extremely important message for us to communicate, if Amtrak is to succeed in fashioning a public-private financial partnership to keep its fleet up to date.

Finally, Mr. Speaker, I want to note that among its 35 million annual passengers, almost half of those on its long-haul routes are people over the age of 55. And when you add in the many communities—and I can attest to there being a number of them in Kansas—that see Amtrak as their main hope when they have no air service and little or no bus service, Amtrak is obviously an indispensable part of a balanced national transportation system. I urge my colleagues to give it their strong support, so that its outstandingly successful efforts may continue.

□ 1420

Mr. Speaker, I urge my colleagues to give it their strong support so that these outstanding efforts may continue.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BOUCHER] who has participated very assiduously in crafting this legislation.

Mr. BOUCHER. Mr. Speaker, with the passage of this legislation, the way will now be clear for the establishment of commuter rail service in northern Virginia. Traffic congestion today on Interstate 395, those who commute to and from the District of Columbia, they will certainly attest it has reached intolerable levels. An hour or more is now often required in rush hour traffic to take a trip that would only encompass minutes during the off-peak hours. The advent of commuter rail service will actually be the equivalent of adding an entire additional lane of travel on Interstate 395, and that will greatly relieve the congestion that now exists.

Mr. Speaker, our commuter service in northern Virginia will be known as the Virginia Rail express. Four thousand passengers daily will utilize that service on trains that will operate between Fredericksburg, VA, and Union Station in the District of Columbia. Those trains, of course, will be making stops along the way.

The legislation before the House today resolves the liability questions that Conrail has raised with regard to accidents that may occur in connection with the operation of the commuter service. The bill limits Conrail's ability to an amount not to exceed the limits of liability insurance in effect at the time that the accident occurs. The bill also requires that the northern Virginia commuter authority maintain in effect liability insurance of at least the amount of $200 million, and that, Mr. Speaker, is an amount that is roughly twice the estimated total liability of the worst accident in rail history so that we can be assured that there will be insurance coverage adequate to pay the claims of all persons who may be injured in an accident.

I would like to express my sincere appreciation to a number of individuals and groups who have assisted in the construction of this measure: the chairman of the Committee on the Judiciary, the chairman of the Committee on Energy and Commerce, the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], representatives of the railroads, the Trial Lawyers Association, the Northern Virginia Transportation Commission, and a variety of consumer organizations. All of them have worked actively with my office in an effort to structure a measure that meets various needs.

Mr. Speaker, I am very pleased to urge the passage of this legislation which will mean much for transportation in northern Virginia.

Mr. WHITTAKER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. LENT], the ranking minority member of the full committee.

Mr. LENT. Mr. Speaker, today we are considering the reauthorization of Amtrak, a vital link in our national transportation network. In the 18 years since its inception, Amtrak has gone from an operation using hand-me-down equipment and covering well below half its costs from earned revenues, to one of the Nation's premier passenger carriers, well-equipped and covering 70 percent of its total costs through earned revenues.

This kind of progress alone would warrant our extending the authorization for Amtrak. But there are other compelling reasons as well. As congestion increases in the skies, particularly along the Eastern coast of the United States, Amtrak provides a highly efficient, energy-conserving alternative. Even now, and many people do not realize this, Amtrak carriers more passengers along the Eastern corridor between New York, and Philadelphia, and Washington, and Baltimore than all other air service combined, more than Trump and more than PanAm air shuttle.

Second, Amtrak relieves a substantial part of the burden on our urban and interstate highways. As we continue to focus on the deterioration of the Nation's infrastructure and the need to rehabilitate it, Amtrak provides one of the most cost-effective ways of accommodating the traveling public without shortening the already deminishing life-expectancy of our roads and highways. The 35 million passengers carried by Amtrak each year are ample testimony to this fact.

It has been fashionable in some circles in recent years, Mr. Speaker, to focus on Amtrak as a target of budgetary opportunity—to propose that it be denied all Federal funding, and that the millions of Americans who travel on Amtrak each year be left to fend for themselves. The last such attempt was made this summer, when an amendment to delete Amtrak entirely from the transportation appropriations bill failed by a rollcall vote of 372 to 43. This demonstrated that 90 percent of the Members of the House recognized—on a bipartisan basis—that Amtrak has a vital role to play in our national transportation system. The authorization we are considering today gives Amtrak the charter it needs to continue its efforts to reduce the need for Federal subsidy and to provide higher quality service for the American public. A lot has changed in the last 15 years. Today we can all regard Amtrak with pride. All we have to do is walk a few blocks to Union Station to see the kind of changes that have been made.

I strongly support this reauthorization measure, and I urge my colleagues to do so as well.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, Amtrak has traveled down some rusty rails in its brief history. At its inception, it inherited aging tools with which to take on a seemingly impossible task; by an act of Congress, it was told to provide viable passenger rail service in a nation where highways and airports had taken over as the principal means of moving people.

In 17 years, I think it is fair to say that Amtrak has known the difficulty of competition in the transportation industry. It has weathered financial losses, cutbacks in capital and personnel, dwindling service areas, and efforts by successive administrations to eliminate service altogether. But one need only look at the present state of rail service in America to know how well Amtrak has persevered.

There is not a passenger rail service in the world that can exist without some public subsidy. Under the leadership of Graham Claytor, however, Amtrak has become a management model for service providers worldwide. Its revenues have progressively increased in recent years, while its subsidy has decreased. It is now covering 70 percent of total operating costs—an unprecedented achievement in the passenger railroad business.

Today, Amtrak is established as a viable transportation alternative, with revenue routes thriving along the Northeast corridor. Cross-country trains like the Empire Builder are equally well traveled. The embodiment of our cultural heritage, cross-country trains continue to capture the imagination—and reflect the support—of the American people.

I'm sure my colleagues are aware of the increasing demands being placed on the transportation infrastructure in this country. In my part of the country, for example, we've experienced a tremendous growth surge in recent years. The airport in Bellingham, WA, is in the process of extending its runway, and two major airlines have announced their intent to begin service there this year. Ferries of the Alaska Marine Highway System will terminate their voyages in the Port of Bellingham starting in October. Trucks, cars, and buses jam Interstate 5 from one end of my district to the other, and road maintenance crews are hard pressed to keep pace.

As our highways and airports become even more crowded, Amtrak will be in a position to offer relief. Perhaps more than any other organization, Amtrak has the ability to increase the amount of people moving from place to place via the existing infrastructure—without the incredible costs and time lag associated with starting up brand new construction projects. Amtrak has proved that it can—if charged with such an important goal—accomplish the task of moving people in the most efficient means possible.

Should the Congress enact the legislation pending before us, a number of positive things will happen. Amtrak will enter a new partnership with my State, Washington. Out of this partnership should grow an innovative approach to solving some of the transportation dilemmas posed by burgeoning economic and population expansion in the Pacific Northwest. We will create new passenger rail opportunities in municipalities around the country by adjusting legal machinery related to such activity. And, we will authorize for Amtrak the resources it needs to continue investing in America's perpetual motion.

The logical first step toward meeting transportation challenges as we enter the 21st century must be the maximum, efficient utilization of the facilities already at our disposal. To that end, I urge my colleagues to support H.R. 2364, the national railroad passenger corporation authorization.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker I think that my colleagues must be reading a different report or looking at different information than what this gentleman has with regard to this bill. First of all, it has not been mentioned yet, but the President is going to veto this bill if we pass it. The President says flatly that this bill is unacceptable.

Mr. Speaker, why would the bill described by these gentlemen be unacceptable to a President? For one thing, it is $72 million above the spending for this year, and it goes up another $72 million over the next several years. So, we are going to end up without Amtrak being reduced. We are ending up with an expanding program of significant numbers. It is a 12.3-percent increase over this year's spending reflected in the bill for next year, so there is a real problem with this bill.

□ 1430

Plus we have a rather checkered history of this bill's authorization process. In 1982 and 1983, it was authorized in budget reconciliation. In 1984 and 1985, it had no authorization. In 1986, 1987, and 1988, it was a part of budget reconciliation, and last year the money was appropriated with no authorization.

What that means is that we have not had a chance to really act on this program in the better part of a decade, and so we bring it out here today under a Suspension Calendar where once again Congress has no chance at all to work its will on the program.

But there is another thing that bothers me about this bill. This bill represents $2.7 billion in spending. We are not supposed to have on the floor any bill under the Suspension Calendar over $100 million. How did this bill get out to the floor? I would ask the gentleman from Ohio, can the gentleman from Ohio tell me the date that the waiver was granted by the Democratic Steering and Policy Committee to bring this bill to the floor?

Mr. THOMAS A. LUKEN. Mr. Speaker, if the gentleman will yield, I think it was last Thursday.

Mr. WALKER. It was last Thursday?

Mr. THOMAS A. LUKEN. Yes.

Mr. WALKER. Can the gentleman supply the House with a copy of that waiver?

Mr. THOMAS A. LUKEN. We can.

Mr. WALKER. I would appreciate if the gentleman would put that in the Record, because I think it is important for the House to know that the Democratic Steering and Policy Committee violated its own rules about $100 million in spending by about 270 percent or something like that.

Now, it is ridiculous if we are going to have rules that tell Members that we are not going to act on big spending bills on the Suspension Calendar, only to have those rules broken and bring a bill of this magnitude, which the President of the United States has said very flatly that he will veto.

We ought to be acting on this bill in the regular processes of the House. We ought to have a chance to amend this bill. There are several things about the Amtrak program that raises questions. The House ought to be able to address them.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. Eckart], who is from the other part of the State, and he wants to represent an extension of service to Cleveland, whereas we want to get more service in Cincinnati, but we will yield the gentleman 2 minutes not to weight the odds any more.

Mr. ECKART. Mr. Speaker, representing Brownstown, I thank my colleague, the gentleman from Cincinnati, OH, home of the Bengals, for his generous extension of time to me. Hopefully, my 2-minute drill will be more successful than my colleague's 2-minute drill will later this evening.

Mr. Speaker, and to my colleagues, I join many others who have preceded me in speaking in support of this legislation, simply because I know that for many important segments of this country, passenger rail service is an important part of their economic development and an opportunity as well for their citizens to travel in a cost-effective means.

I would like to momentarily comment, however, about an additional provision of this bill which my colleague from Cincinnati was gracious in helping to secure inclusion in this package.

I had a provision added to the bill which would provide for additional review of acquisitions and extension of authority to the Interstate Commerce Commission to include oversight responsibility for the acquisitions of class 1 carriers by noncarriers. My colleague from Cincinnati, and indeed my colleague from the State of Ohio all provided important assistance in ensuring that where these kinds of takeovers would occur or potentially could occur, that the Interstate Commerce Commission would have the appropriate review authority. This legislation closes a loophole that we did not know would be potentially available for a potential takeover. The health of railroads is important to many aspects of our economy, including businesses, passengers, employees, and communities. This provision which extends the authority of the Interstate Commerce Commission is necessary.

I would like to thank my colleague from Cincinnati for bringing this bill forward. As the gentleman mentioned in his yielding of time to me, I, too, am concerned about the extension of service to the home neighborhoods of northeastern Ohio, which are in dire need of additional rail service, particularly extending service currently terminating in the city of Cincinnati would be helpful to the economic development of my region. I urge the adoption of this bill and urge Amtrak to extend its service to this important area.

Mr. ECKART. Mr. Speaker, I rise today to pledge my full support for H.R. 2364, Amtrak Reauthorization and Improvement Act of 1989. I urge my colleagues to join me in passing this bill.

When Congress created the National Rail Passenger Corp. in 1970, most commonly referred to as Amtrak, it provided a way of preserving the bare bones, the core rail passenger system for the Nation. Since that time, Amtrak has grown in leaps and bounds, covering over 24,000 miles of track in almost every State in the Union, and providing an essential means of transportation for millions of commuters and travelers. In addition, Amtrak is currently relying less on Government subsidies and paying more of its own way. It is believed that if Amtrak continues on this track, it soon will carry its own weight monetarily.

This bill contains many important provisions in addition to the authorized funding levels. One of the elements included in this piece of legislation would expand the acquisition review authority of the Interstate Commerce Commission [ICC] to include oversight responsibility over the acquisitions of class I carriers by noncarriers. This provision was inserted into the bill to close the loophole found in the current statute. The health of a railroad affects many sectors of our country including businesses, passengers, employees, and communities—therefore, any dramatic changes in our Nation's railroad structure should be examined with an eye toward public interest. We need an expert agency to review the impact of a railroad restructuring upon these recipients to ferret out what potential risks might exist in the future if railroad service is abandoned or adversely affected.

In conclusion, I would also like to encourage Amtrak to investigate the possibility of extending its service into Cleveland, OH on two of its lines: The New York-Philadelphia-Pittsburgh line, and its Chicago-Detroit line. These vital links could open up the avenue between Pennsylvania, Ohio, Michigan, and Illinois with very little expense or effort. Tracks currently exist between Cleveland and Pittsburgh and between Cleveland and Detroit—service would only need to be extended. According to State sources, the ridership in Cleveland is there, waiting to be tapped. The northeast corridor has been an enormous success for Amtrak over the years, and this success could be duplicated in the Midwest by opening up abandoned lines.

Again, I urge my colleagues to support this necessary piece of legislation.

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I rise in support of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1989, and I commend the gentleman from Ohio [Mr. THOMAS A. LUKEN] and the gentleman from Kansas [Mr. WHITTAKER] for their leadership on this issue, and I want to thank the members of the staff on both sides of the aisle for their efforts to make this a good piece of legislation.

Created in 1970 in order to continue railroad passenger service, Amtrak has become a vital component in our Nation's transportation system. Although Amtrak continues to require Federal subsidies, I am pleased to report that these subsidies have been cut by more than 50 percent since 1981. During the past several years, Amtrak has made impressive strides in increasing its revenue-to-cost ration with record-setting ridership figures.

I believe that the authorization levels set forth in this bill are reasonable and will help keep Amtrak on the right track.

In addition to reauthorizing funding for Amtrack, H.R. 2364 addresses an important issue of concern relating to the Interstate Commerce Commission's ability to review the sale of major class I railroads to nonrailroads. Earlier this year, many of us discovered a glaring loophole in the ability of the ICC to ensure that the public interest is served when a nonrailroad attempts to acquire an operating class I railroad. This loophole became apparent when a New York investment firm attempted a hostile leveraged takeover of the Chicago and Northwestern Railroad [CNW].

The CNW is by far the most dominant railroad in my home State of Iowa with 40 percent of the current operating rail lines. The hostile takeover would have placed enormous new debt on the railroad and would have likely required a drastic restructuring of the current CNW system. This restructuring would have negatively affected over 2,300 Iowans who now work for the railroad. Despite the magnitude of this proposed takeover, the ICC was prevented from conducting a thorough investigation into the financial feasibility of the deal because it did not fall under the statutory guidelines requiring ICC approval.

Although the attempted CNW takeover was the first major effort by a nonrailroad to take control of a class I railroad, it appears that other major railroads may also become leveraged takeover targets. The Federal Government has traditionally recognized the unique role railroads play in the transportation infrastructure of the United States and through the ICC has exercised its authority to review railroad transactions. The legislation we are considering today will enable the ICC to protect the interest of the American people.

H.R. 2364 sets up an expedited procedure where by the ICC will have the authority to review leveraged railroad takeovers to make sure that the adequacy of transportation to the public and the interest of the affected carrier's employees are considered before a transaction is allowed to be completed.

I believe that H.R. 2364 develops sound public policy and I urge my colleagues to support its passage.

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I am pleased to rise in strong support of this bipartisan bill designed to strengthen a very important component of our transportation system, passenger rail service.

Today, Amtrak spans the country with a 24,000-mile route system which operates through 43 States. It serves over 500 stations and carries approximately 22 million passengers annually.

Just as important is the fact that Amtrak is providing this service in a more self-reliant manner. In fiscal year 1981 Amtrak relied on the Federal Government to cover over half of their expenses. In fiscal year 1988 Amtrak needed help to cover only 30 percent of their expenses.

These positive trends will continue as automobile traffic gridlock and environmental pressures cause our communities to rely more heavily on passenger rail transportation. And this bill correctly addressed the need to make rail service a more viable option to our communities by resolving an inhibiting liability question. I am proud to say that the language in section 4 lays the tracks, so to speak, for the operation of the Virginia commuter rail from Fredericksburg and Manassas to Washington.

I want to recognize the efforts of my Virginia colleague, Mr. BOUCHER for introducing this language on the subcommittee level. I also want to express my appreciation to the chairman of the full committee, my esteemed colleague from Michigan, Mr. DINGELL, for his unyielding support. Finally, I would be remiss if I did not recognize the persistent commitment of my other colleagues from Virginia, Mr. PARRIS and Mr. SLAUGHTER, who have been a driving force behind commuter rail for many years. Finally, I'd like to recognize the efforts of the chairman of the subcommittee, Mr. LUKEN, and the ranking minority member, Mr. WHITTAKER, for their efforts in putting together a bipartisan bill that the House can give its overwhelming support to.

Mr. Speaker, just a few short years ago, we took the important step of returning Conrail to the private sector as a profitable and growing railroad. Many of us would like to do the same thing at some point in the near future with Amtrak. To do that we must be willing to make the necessary capital investments to allow Amtrak to be a profitable operation. This bill is an important step in that process. I urge my colleagues to support this important legislation.

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Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise in support of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1989, which includes a provision critical to the operation of the Virginia Railway Express, a commuter rail service that will relieve mounting traffic congestion in the northern Virginia area.

The ability of the Virginia Railway Express to provide passenger services is essential to meeting the growing demand for relief from congestion in the Washington metropolitan area. Toward this end, the Virginia Railway Express will provide passenger service over two routes from Fredericksburg and Manassas, VA into Union Station in Washington, DC. The estimated 4,000 to 6,000 passengers that will ride this system each day could significantly ease the burden of traffic on our highways and improve the quality of living of residents in this area.

The bill we have before us today, H.R. 2364, provides incentives for the development and operation of a Virginia commuter rail operation by allowing the commuter transportation authority to indemnify Amtrak and freight railroads against punitive damages and limiting their punitive damages liability to $200 million. This provision is central to the successful operation of the Virginia Railway Express because we have witnessed a reluctance on the part of the railroads to negotiate with proposed commuter rail authorities because of the escalating cost of punitive damages.

With the inclusion of this limitation on punitive damages liability, I believe the Virginia Railway Express will be able to effectively negotiate with freight railroads to secure agreements for their operation. I therefore urge my colleagues to join me in supporting the Amtrak Reauthorization and Improvement Act of 1989.

Mr. WHITTAKER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I hope that every member of the committee gets the Amtrak service that he or she desires for their own district. A number of Members have demanded, or at least petitioned, here today that they get special service for their commuters. My only complaint is that I would prefer not to have them get this service at the expense of the general taxpayers of the United States.

If the services can pay its own way, then I think it is wonderful, and I hope they get lots of it. If not, I believe less of it is in order.

Mr. Speaker, I have a problem, however, with the amount of this authorization. As I score the 4 years, it looks like about $2.7 billion that we are going to approve on suspension process. That is contrary, at least, to the traditions of the House, if not the rules.

Finally, I notice there is a controversial portion of the bill relating to State taxes. This interesting provision requires more discussion than has occurred on this item, there having been none up to this point.

Mr. Speaker, for the reason that H.R. 2364 should not be handled under the pension process, I am going to vote against the bill. I suggest that in the future we handle such bills as this under the normal routine.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in strong support of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1989. The principal reasons for my support are twofold.

There can be no question that Amtrak, America's railroad, represents a vital component of our Nation's transportation infrastructure. Nor can there be any question that Amtrak's management has vastly improved the efficiency of its operation in recent years; thereby significantly reducing the amount of funds required from the American taxpayers. As a matter of fact, it is the efficiency with which Amtrak has been operated that has led to the near miraculous resurgence of passenger rail travel as a viable alternative to the automobile.

There is serious doubt that that viability can be sustained without the critically important infusion of capital for the replacement of Amtrak's aging rolling stock which would be authorized by passenge of this bill.

My other reason for supporting H.R. 2364, while admittedly somewhat more parochial, is not less important. One provision, included during subcommittee consideration, would effectively deal with the punitive liability problem which has been the one remaining hurdle preventing the initiation of a commuter rail service in northern Virginia.

Mr. Speaker, in the early 1960's I first advocated the establishment of such a service more than 25 years ago, as a member of the Fairfax County Board of Supervisors. Then, in 1973, as a first-term Member of Congress, I ran a demonstration train from Manassas to Washington to show the viability of such a service. Then in May 1985, I took another concentrated shot at it, and we have been planning ever since.

In December 1985, I established the Congressional Task Force on Commuter Rail which was made up of the locally elected officials from all seven political jurisdictions to be impacted by commuter rail. I asked the committees of my task force to concentrate on finding solutions to specific problems which we had to overcome before our goal could be realized.

Specifically, we had to negotiate access and right-of-way agreements with five different railroads; draft a regional compact to be agreed upon by the seven impacted political jurisdictions on funding of the service's operating deficit; negotiate for use of privately owned property for rail stations and commuter parking lots; and secure a section 3 capital demonstration grant from the Federal Urban Mass Transportation Administration. All of these tasks have now been accomplished.

The one problem whose solution has eluded us for nearly 4 years, however, is that of insurance. The problem has been the procurement of an insurance portfolio which satisfies the indemnification requirements of the various railroads granting the service access to its track, but which is also affordable. The local quasi-governmental authority coordinating the planning for this service has put together a $200 million per occurrence insurance portfolio.

The legislation before us would place a $200 million cap on punitive damages against Amtrak and other commuter authorities—effectively solving our insurance crisis. Passage of this legislation will finally allow the Nothern Virginia Commuter Rail service to become a reality. The reality of a successful commuter rail is that it would carry as many commuters as would the construction of an additional lane on I-95/I-395 between Fredericksburg and Washington.

I would like to thank the chairman of the committee, Mr. DINGELL, and Mr. LUKEN and Mr. WHITTAKER for all of their support and assistance in this matter. I would also thank and commend the efforts of my two colleagues from Virginia, Mr. BLILEY and Mr. BOUCHER, in this matter. Finally, I am very hopeful that the Senate will act with great speed in passing similar legislation which would give Amtrak the support it so deserves and needs, but also would help northern Virginia to solve its transportation dilemma.

Mr. GLICKMAN. Mr. Speaker, I rise today to express my support for the Amtrak Reauthorization and Improvement Act, because it provides important funding that enables Amtrak to continue to serve this Nation. However, I also rise to express my concern about Amtrak's continued elimination of routes, which is having a critical impact in my State of Kansas and in other States around the Nation.

I have long been a supporter of Amtrak and other rail passenger service lines, and believe we have too much invested to ensure the quality and safety of this system to give up on it at this point. However, I want to make sure that this Chamber sends a clear message to Amtrak; that passage of this legislation does not give Amtrak blanket permission to eliminate certain service presently provided. Let there be no mistake about it. Reauthorizing Amtrak for another 4 years does not mean we will unequivocally support and give blessing to future reduction in passenger rail service.

With drastic reductions in bus service and the Essential Air Service Program, rural Americans are finding themselves more and more isolated from other parts of this country. Residents of small communities must continue to have access to urban centers in this country if they, as communities, are to survive. Our constitution guarantees the right of interstate travel to all our citizens, regardless of whether they live in a large city or a small town.

I am aware that Amtrak does not make a profit. That is why Congress provides assistance to subsidize its operation. But we must remember the money we provide comes from the tax dollars of citizens from around the entire Nation. Therefore, it is Amtrak's responsibility to use that funding to make service available to as many of those citizens as possible, not just the selected few who happen to live on the eastern seaboard, where Amtrak is most profitable. Amtrak's ridership reached an all-time high last year, but that happened as a result of increased ridership from all areas of the country, including States like Kansas. I encourage Amtrak to remember this prior to making any future cuts in service.

Ms. LONG. Mr. Speaker, I rise in support of H.R. 2364, the Amtrak Reauthorization Act. The primary provision in this legislation is the reauthorization language. However, there is another provision which I want to discuss today.

Contained in H.R. 2364 is a provision which requires Amtrak to conduct certain studies with respect to extending or altering Amtrak's current rail passenger service. I look forward to this study. In particular, I am eager to see the results of the study as it relates to the Amtrak passenger service which runs through Fort Wayne in my congressional district of Indiana.

Several months ago, Amtrak officials contacted me about their ability to continue service between Fort Wayne and Chicago over trackage owned by Conrail. Conrail has discontinued freight trains on a segment of the Fort Wayne line and Amtrak has been left with nearly the entire cost of maintenance for that segment of track.

As a result of the concern expressed to me by Amtrak officials and many of my constituents, I wrote to the chairman of Conrail urging that every consideration be given to continuing some use of the line in order that Amtrak not have to bear the entire cost of maintenance. A continuation of line usage by Conrail would assist Amtrak in ensuring service on the line. Mr. Speaker, I ask unanimous consent that my letter, and the Conrail response to my letter be included in the RECORD following my remarks.

Mr. Speaker, while I am a strong advocate of reductions in deficit spending, I think money spent on our Nation's passenger rail service is a good investment. Many people in my congressional district want to see Amtrak continue to serve our area of Indiana. I am hopeful that the Amtrak studies required by H.R. 2364 will justify the continuation of Amtrak passenger service on the Fort Wayne line.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1989.

Mr. STANLEY CRANE,
Chairman and CEO, Conrail, Philadelphia, PA.

DEAR MR. CRANE: Recently, Amtrak officials expressed to me concern about their ability to continue Amtrak service between Fort Wayne and Chicago over trackage owned by Conrail. As you know, Conrail has discontinued freight trains on a segment of the Fort Wayne line, leaving Amtrak to bear the total cost of maintenance for that segment of track. I am concerned that these costs and/or further discontinuance of freight service on the line will force Amtrak to abandon passenger rail service to Fort Wayne.

Amtrak ridership on the Fort Wayne-Chicago line has increased in the past four years. In the last fiscal year, approximately 30,000 people boarded or disembarked Amtrak trains at the Fort Wayne Station. The growth in ridership and large number of "on-off's" at Fort Wayne emphasize the importance of continued Amtrak service for Fort Wayne and the rest of the northeastern Indiana community.

I understand that the future of the Fort Wayne line will be determined by a business decision, but I urge you to give every consideration to continuing your use of the line. I would appreciate any information from you concerning Conrail's plans for the line.

Thank you for your attention to this matter. I look forward to hearing from you. With best wishes.

Sincerely,

JILL LONG,
Member of Congress.

CONRAIL,
July 21, 1989.

Hon. JILL LONG,
House of Representatives, Longworth House Office Building, Washington, DC

DEAR CONGRESSWOMAN LONG: This refers to your letter of June 29 to former Chairman L. Stanley Crane, regarding Amtrak's concern about their ability to continue service on Conrail's Fort Wayne Line between Fort Wayne and Chicago.

The operation of Amtrak passenger trains on Conrail's "Fort Wayne Line" is governed by the "Off-Corridor Operating Agreement" between Amtrak and Conrail dated April 1, 1976. The terms of that agreement are virtually identical with the agreements which Amtrak has with other U.S. railroads. Among other provisions, this agreement specifies that all expenses which are incurred solely for the benefit of Amtrak Intercity Passenger Service shall be designated for reimbursement by Amtrak.

As you may know, there are no freight users and no demand for rail freight service on the Valparaiso-Gary segment of the Fort Wayne Line. Consequently, Conrail operates no freight trains on that segment. The only use of that segment, and therefore the source of its expenses, is for the operation of six Amtrak passenger trains daily. Conrail must continue to maintain this trackage, according to the agreement, at Amtrak expense. The amounts billed to Amtrak by Conrail reflect the actual out-of-pocket costs incurred by Conrail within this segment, for the Amtrak operations.

Sincerely,

J.A. HAGEN.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 2364, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIRPORT SECURITY TECHNOLOGY AND RESEARCH ACT OF 1989

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2365) to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment, as amended.

The Clerk read as follows:

H.R. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Airport Technology and Research Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Worldwide acts of terrorism directed at civilian aviation evidence a growing sophistication by terrorists groups in the use of explosives technology.

(2) Conventional metal detectors and x-ray devices used by air carriers to screen passengers, baggage, and cargo *are insufficiently reliable* in detecting concealed plastic explosives.

(3) Existing state-of-the-art aviation explosives detection equipment is expensive and designed primarily for screening checked baggage.

(4) There is a need for research into technologies for detecting liquid and nonnitrogen based explosives as well as for screening air carrier cargo, carry-on baggage, and passengers.

(5) There are multiple claims and proposals for alternative aviation explosives detection systems which need to be evaluated for effectiveness and operational feasibility.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To support cost-effectiveness and operational feasibility evaluations of alternative explosives detection systems for possible implementation at airports.

(2) To promote accelerated research and development of future explosives detection technologies for use in airports.

SEC. 3. RESEARCH AND DEVELOPMENT.

Section 506 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205) is amended—

(1) by striking "section 312" each place it appears and inserting "sections 312 and 316";

(2) in subsection (a) by striking "such section" and inserting "such sections"; and

(3) in subsection (b)(2)(C) by striking "and" at the end of clause (i) and by striking clause (ii) and inserting the following:

"(ii) $16,000,000 solely for research on, and evaluation of aviation and airport security projects and activities;

"(iii) $213,530,000 for all other research projects and activities;".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 2365, the Airport Security Technology and Research Act of 1989. This is an extemely important piece of legislation that responds to the reasonable expectations and demands of all civilized men and women that they be protected from the horrors of random, politically motivated acts of aviation terrorism.

Last week's tragic explosion of a French airliner over Africa—the result of sabotage by an extremist Shiite Moslem organization—to protest the actions of a country other than France—reminds us of the outrage we all felt following that same type of cowardly act perpetrated against the innocent passengers aboard Pan Am Flight 103 less than 1 year ago. It also vividly demonstrates the critical need for this legislation.

I would like to recognize the efforts of Mr. WALKER of Pennsylvania, ranking minority member of the full committee, for the valuable work he has done on this bill. I would also like to recognize my colleagues: Mr. VALENTINE of North Carolina, chairman of the Subcommittee on Transportation, Aviation, and Materials; Mr. LEWIS of Florida, ranking Republican of that subcommittee; and Mr. MCCURDY of Oklahoma, for their efforts in crafting this legislation.

All of us in the Chamber have a real life and death interest in seeing that the airways are secure. Each week we all have the experience of stepping on an airliner and wondering if a terrorist has managed to slip a bomb into the food service or the cargo compartment.

Last week we passed legislation that will go a long way toward correcting one of today's weak links in security—checked baggage. But much remains to be done. The devices envisioned by the legislation—the so-called thermal neutron analysis machines—are expensive and there are some questions of reliability. We have to do better.

Our bipartisan efforts have resulted in a piece of legislation that will help this country not only to respond to the current terrorist threat, but also to get ahead of the growing sophistication of these terrorists, so that this madness will stop.

Mr. Speaker, H.R. 2365 acknowledges the growing use of sophisticated technology by terrorist groups and the corresponding inadequacy of existing technologies, such as metal detectors and x-ray devices, to detect a variety of advanced weapons and explosives, in both checked baggage and carried by passengers.

H.R. 2365 states that:

There is a need to evaluate alternative technologies for screening checked baggage,

There is a need to develop and evaluate technologies for screening passengers, carry-on bags, and cargo,

There is a need to research technologies for detecting liquid and nonnitrogen based explosives.

To achieve this end, H.R. 2365 increases the Federal Aviation Administration's research, engineering, and development budget authorization for fiscal year 1990 by $8 million and stipulates that $16 million is authorized solely for research on, and evaluation of, aviation and airport security projects and activities.

Mr. Speaker, H.R. 2365 is a clear statement to terrorist organizations everywhere that the United States of America is committed to stopping this absurd and terrible war in which the only casualties are innocent and peaceful men, women, and children. I strongly urge my colleagues to support this legislation.

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Mr. WALKER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, unlike the bill just previous to this one, the administration has no objection to the passage of this bill and regards this bill as a good bill. This bill also stays under the $100 million limitation. There is only $8 million of additional money in this bill. So, Mr. Speaker, I would say to the House that this is the kind of bill that ought to be out here under the suspension calendar.

It is, as the gentleman from New Jersey has described it, a bill aimed at additional research and development on security measures. It is apparent that even with some of the new upgrades in equipment that are presently coming on line and which we authorized last week with the bill that passed this House, there is need for even additional research. Some of that equipment is said to be somewhere in the vicinity of 60 percent to 70 percent effective. Obviously we would like even more effective equipment in the future.

That is what this money is all about. We are upgrading and improving the kind of equipment that is available to detect bombs that terrorists might put aboard aircraft.

I am hopeful, along with the gentleman from New Jersey, that this bill will be passed by the House of Representatives. I think it is a good bill, and I congratulate the gentleman from New Jersey, the gentleman from North Carolina, and the gentleman from Florida who worked so hard to make certain that this bill was before the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE], chairman of the Transportation, Aviation and Materials Subcommittee.

Mr. VALENTINE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in enthusiastic support of H.R. 2365. The bill will authorize additional funding and direct the Federal Aviation Administration to continue an aggressive level of research into advanced explosive detection technologies so that future terrorist atrocities, such as the one inflicted upon the United States through the bombing of Pan Am Flight 103, can be prevented.

The current state-of-the-art technology is the "thermal neutron analysis" or TNA device. It is a promising system, but it is not perfect and it does not address the full range of the terrorist threat. Additional research must be conducted to improve the TNA technology; to make it smaller, lighter, and more sensitive. At the same time, alternative approaches to screening checked baggage must be further developed and evaluated for their technical feasibility and operational effectiveness.

At the same time, as our capability to detect explosives in checked baggage gets better, other points of entry will become more attractive to terrorists. Therefore, if we as a nation are to be protected from cowardly acts of terrorist violence, research must also be continued on new technologies for screening passengers, carry-on baggage, and cargo.

Mr. Speaker, the war against terrorism is not over, it is still early in the fry. That war will continue as long as there are nations on the Earth that despise the United States and everything we stand for. We cannot be satisfied with just responding to changes in the terrorist threat; our goal must be to get ahead of and defeat advances in terrorist technology before they can be used against us so that Americans can continue to confidently exercise their right to travel the world in safety.

I feel that H.R. 2365 is consistent with and promotes that goal and I urge my colleagues to support final passage.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS], vice chairman of the subcommittee.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong support of H.R. 2365, the Airport Security Technology and Research Act of 1989.

Last week, this House passed legislation (H.R. 1659) to place explosive detection devices in strategic airports. That bill addressed the problem of improving airport security so that another crash like that of Pan Am Flight 103, will not occur again.

H.R. 2365, introduced by my good friend, Mr. MCCURDY, places emphasis on the need for long-range research into improving all aspects of airport security. Unfortunately, terrorists are improving their technologies to kill innocent Americans. Therefore, we have an obligation to improve our explosive detection and airport security measures at an even faster pace. In fact, the flying public demands and deserves this type of action.

Funding for this research comes from the aviation trust fund. Every person who buys a ticket contributes to the trust fund, which means that the users pay for this research.

H.R. 2365 will increase the research funding so that human factors and other topics will be studied by FAA. If we are to prevent acts of terrorism, such as the bombing of Pan Am flight 103, the agency research program must be enhanced. This legislation does just that.

I want to congratulate the committee chairman, Mr. Roe, and the ranking member, Mr. Walker, for their leadership in bringing this legislation to the floor in a timely manner. I also want to congratulate the subcommittee chairman, Mr. Valentine, who held a hearing on this topic, his first one as chairman, and moved the legislation through the subcommittee, committee, and to the floor.

Finally, I would like to commend the author of H.R. 2365, my good friend, Mr. McCurdy, who has provided this House with valuable leadership on this issue.

As an original cosponsor, and a strong supporter of the Aviation Security Research Act, I urge my colleagues to support this important legislation.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. McCurdy], the principal sponsor of this legislation.

Mr. McCURDY. Mr. Speaker, we are witnessing an attack by international terrorists on innocent air travelers and commercial aviation as a whole. Terrorist attack with no warning and no rationale. Their weapon of choice is a pliable, odorless substance that is twice as powerful as TNT and is virtually invisible to conventional security devices. It can be hidden in a briefcase or a small cassette recorder. We were reminded of the deadly nature of plastic explosives like SEMTEX when Pan Am flight 103 exploded over Lockerbie, Scotland last December. A total of 270 people died that day.

Unfortunately, we cannot change the tragedy of the Lockerbie incident. We can, however, fight back against the use of plastic explosives. Last week, a very important piece of legislation offered by Congressman Oberstar, chairman of the Aviation Subcommittee of the Public Works and Transportation Committee, was passed by this body. The Aviation Security Act of 1989, H.R. 1659, sets important deadlines for the FAA and air carriers for the installation of explosives detection equipment. I fully support that legislation and commend Congressman Oberstar for his effort on this critical legislation.

However, we are far from finished with the task of combating the insidious act of terrorism that has been threatening commercial aviation and American lives.

The legislation passed last week focuses on one type of detection technology, the thermal neutron analysis or TNA device. Although this is the most mature technology to date, it is certainly not a perfect technology, and should not be considered the answer to terrorist threats.

The TNA device weighs 10 tons, which will require substantial structural reinforcement of airports that must house this machine.

It costs almost $1 million per copy.

It can only screen checked baggage, not passengers or carry-on baggage.

The TNA device cannot detect small amounts of an explosive, nor can it detect nonnitrogen or liquid-based explosives.

The Federal Aviation Administration is the agency charged with the research and development of explosives detection equipment for airports. Most of the agency's efforts thus far have been directed to the TNA technology. My bill will ensure that the FAA continue to perform adequate research on potentially beneficial technologies that address the complete terrorist threat.

I urge the House to approve this legislation which will require the FAA to spend a portion of its research and development funding specifically for research on airport security technology. We must not rest as long as the threat of terrorism against commercial aviation and America exists.

□ 1500

Mr. Speaker, I commend the chairman of the full committee, the gentleman from New Jersey [Mr. Roe] and the gentleman from Pennsylvania [Mr. Walker] and I certainly commend the chairman of the Subcommittee on Transportation, Aviation and Materials of the Committee on Science, Space, and Technology the gentleman from North Carolina [Mr. Valentine] for his efforts.

As always, Mr. Speaker, I would like to point out the strong support and cooperation from my good friend, the gentleman from Florida [Mr. Lewis], the ranking member of that subcommittee, for their tireless efforts in making commercial aviation what it is today and how we can make it safer in the future.

Mr. GREEN. Mr. Speaker, for the same reason I voted present on H.R. 1659 last week, I shall vote present on H.R. 2365 today.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 2365, the Airport Security Technology and Research Act of 1989. Last week, during consideration of H.R. 1659, the Aviation Security Act, many of my colleagues express my concern that we were focusing only on thermal neutron analysis equipment—the system used to detect plastic explosives in luggage. While we need additional research and development for TNA systems, we cannot afford to ignore other airport security matters such as screening of passengers, carry-on-baggage and cargo; detecting liquid and non-nitrogen-based explosives; and nonmetallic handguns.

This bill provides for further progress in all fields of airport security. We must remember that terrorists and other potential threats try to find and exploit the weakest link in our security chain. In order to keep one step ahead of these threats and detect them before any crimes are committed and before public safety and security is compromised, we need to continue designing and developing new technologies. This bill, which doubles the amount already authorized for fiscal year 1990, is an important step towards making our airports safer. Fortunately, we have been spared, thus far, in the United States from the rash of terrorist bombings of civilian airliners that have given more meaning to the fear of flying. We need to keep it that way. Providing the FAA with these resources—$16 million—will significantly help in that goal.

Clearly, the end products and programs derived from this technology will have applications abroad at foreign airports. Using these new systems at airports around the globe will help protect Americans and others traveling on international flights. Already too many of these travelers have become innocent victims.

I urge my colleagues to join me in supporting this worthy legislation.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDermott). The question is on the motion offered by the gentleman from New Jersey [Mr. Roe] that the House suspend the rules and pass the bill, H.R. 2365, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2365, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3014, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1990

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3014) making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3014 be instructed to agree to Senate amendment numbered 41.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to instruct asks one simple question: Are you willing to give up a congressional "perk" and use the savings to combat drug addiction in newborn babies? If you are, you will vote for my motion. If you are not, shame on you.

This motion instructs the House conferees on the legislative branch appropriations bill to agree to Senate amendment numbered 41—the Wilson amendment. That amendment which was adopted in the Senate by a recorded vote of 83 to 8, does two things.

First, the amendment prohibits the use of the frank for unsolicited mass mailings. That's the sacrifice you make. That means no postal patron newsletters, questionnaires or town meeting notices.

Second, the amendment appropriates $45 million which would have been available for mass mailings, to attack the tragedy of 400,000 crack babies born in the United States every year. That is the reason for the sacrifice.

This is not a difficult vote; even the U.S. Senate could figure it out. That vote over there was more than 10 to 1, and I will bet the eight who did not get in right would like to have that vote back. My motion says let us give them a chance.

I have heard it said by skeptics around here that the Senate may not have been completely sincere on that vote for the Wilson amendment. The theory is that they were pulling another pay raise vote on us. I cannot believe that the U.S. Senators would think of such a thing, and it would violate House rules if I said I did believe it.

In any event, we all know how the pay resolution fared over here, and now we have a chance to agree, once again, with the other body.

I am not going to stand here and claim to be Simon Pure when it comes to using the frank. I know that will shock some of you, but it is true. I send out newsletters and questionnaires as much as any Member. I happen to have a literate district, and I benefit from the give and take of those mailings.

But I also recognize that the frank can be and has been abused. None of us really wants to send out materials that make us look bad. There are some who even suggest that mass mailings may have political motivations.

I don't know about that, but it is interesting to look at the mailing patterns of the House and Senate in fiscal 1988, which was an election year. For third-class bulk rate mail, and that means newsletters, the House spent $5.9 million in the first quarter, that went up to $9.6 million in the second quarter, then to $11.1 million in the third quarter, and then in the fourth quarter—that is July, August and September—it went up to $16 million.

The growth over the fiscal year was similar in the Senate, where the quarterly numbers increased from $3.8 million, to $4.1 million, to $5 million, to $10 million.

In total, the House and Senate spent over $65 million for newsletters that year. At 10 cents per piece for third-class bulk rate, that paid for more than 650 million newsletters. That's nearly 3 congressional newsletters for every man, woman and child in this Nation in one year. I hope they read them and enjoyed them. They paid for them.

The $65 million for newsletters compares with one-third as much, $21 million, for first-class letters at 25 cents per piece. That's what Congress spent to actually answer their mail. That means that 84 million solicited letters compared to 650 million unsolicited newsletters. We created a frankingstein.

The only way we are going to free ourselves from this selfcreated monster is to cut its head off. Go cold turkey. Give mass mailings a rest for a year. Spend the money for something worthwhile.

And that is exactly what my motion will do. Instead of sending out millions of newsletters that some people might not want and might not always read, we can provide a tenfold increase for a program which all of us can support.

The Anti-Drug Abuse Act of 1988 authorized the Office of Substance Abuse Prevention in HHS to fund demonstration projects aimed at the problem of more than 1,000 babies born in the country every day with drug addictions and other substance abuse symptoms. Our Nation is woefully lacking in treatment opportunities for drug abuse, and the situation is far worse for pregnant women due to their complex needs.

Of the 130 applications received from universities, community based groups and nonprofit groups to establish model projects for these women and their infants, 65 were approved. However, with only $4.5 million available, only 15 projects were funded.

One thousand babies are being born every day into a world not of their own making, into a world of unspeakable pain and fear and physical and mental handicaps. Many are abandoned by their mothers, who continue to abuse drugs and alcohol, and who, in many cases get pregnant again.

We have to address this problem. We need much more outreach into the streets where these girls and young women are. We need prevention, education and dissemination of information about what they are doing to themselves and their babies. And we desperately need treatment opportunities.

My motion to instruct conferees to agree to the Wilson amendment will at least increase the funding for this program to $45 million, or 10 times what is now available. It is not enough, and we will be paying for these hundreds of thousands of individual tiny tragedies for years to come.

You can live without your beloved newsletters to get this critical program off the ground. I know I can.

I vote for the motion to instruct.

□ 1510

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the motion to instruct, but I will make my remarks very brief. I would hope we would not have an extended debate.

I think the inclination of the Members would be to err on the side of showing their concern, as I would want to, for the 400,000 crack babies who are a terrible tragedy. But, at the same time, I think that there are many, many reasons why this so-called Wilson amendment is flawed. Not the least of which, of course, is the fact that there is no budget ceiling for this drug appropriation available in our bill. However, we all know the drug war legislation is being dealt with by the appropriate committees and subcommittees. They will sort out the priorities and funding decisions—and the legislative budget will be available if an across-the-board reduction is necessary. Further, while the Wilson amendment rescinds many, in fact there are no funds available for rescission.

However, we are not talking about substance here today. This is a very emotional and very political decision that the Senate made, and, of course, it appears that the House would be inclined to go along. Therefore, I will simply say that the House and Senate do not really operate from the same level playing field as it relates to mail. It might be of some instance for my colleagues to know in 1988 the House did mail 3.5 pieces of mail for every pieces of incoming mail, but the Senate, which seems to be suddenly very guilt-ridden about their direct mail program, sent 4.8 piece per incoming piece of mail. Over the past 10 years, outgoing Senate mail has grown at a larger rate than House mail. And, of course, the other body has their loopholes so that they can avoid the real restriction of the Wilson amendment.

However, I think at this point it would be best for me to conclude my concerns about this amendment, and move to conference so we can resolve the difficulties.

Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to my good friend the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I will heed the admonition of the distinguished chairman of the legislative appropriation subcommittee and not get into the extended debate that I thought might be helpful on this particular item.

I do simply want to invite the Members' attention to our franking costs, and to note that they continue to grow.

The bill that the House passed called for over 100 million dollars' worth of expenses. Only 20 short years ago it was less than $10 million of expenses, so that represents a fair amount of growth in the last two decades, and a doubling in the last decade. There is a continuing and overwhelming desire by Members to send letters to their constituents, which their constituents do not solicit, at least not directly.

The distinguished gentleman from Massachusetts made the point of the first-class letter being sent out in response to letters from constituents. But, of course, not all of those, in fact a minority of those, are sent in direct response to telephone calls or to letters that come into Members' offices.

If one uses the very sketchy data that is available from the post office, one finds that it is very difficult to measure what is coming into the office. Obviously, we are not going to respond to most "Dear Colleague" letters or to catalogs or to newsletters that come from various interest groups which make up the bulk of our mail.

It has been clear for sometime that we have exercised insufficient control over our own mailing expenses. It is now time for the $2 billion Congress to begin to make the first tiny retraction in the belt, to do a little tightening. In this case, we will be able to do so for the laudable purpose of funding the model projects program for pregnant and postpartum women and their infants. Helping crack babies, is, I think, a wonderful way to start.

I hope the House will take advantage of the opportunity afforded to it by the distinguished gentleman from Massachusetts, and pass this motion to instruct, by a substantial majority.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on the motion to instruct conferees.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I likewise will reserve most of my comments for the conference itself.

I would simply point out that I think the Wilson amendment would be a whole lot more balanced if it recognized the fact that we can save some $14 million if Members of the Senate were to limit the salaries which they pay to their press secretaries, to their administrative assistants, and to their legislative assistants, to the same dollar amounts that we pay to ours. I would also point out that I think that if one House is going to get into the business of amending the rules of the other, that a defect in the Wilson amendment lies in the fact that the Senate has resurrected the old ability to provide unofficial office accounts, what used to be known in the Nixon era as "slush funds" in order to take contributions from your favorite political contributor and slide it right into your office account, to pay for official duties. I think that is an ethical abomination. If the Wilson amendment were to finance a laudable goal by correcting some of those problems in the other body, I think it would be a much more balanced amendment, and then would be worthy of support.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I think it is also important, to briefly place on the Record the fact that, unlike the House, Senators have their mail subsidized from funds and paper supplied by their Sergeant at Arms to pay for the printing that benefits all of them, and, of course, the Government Printing Office provides them with the paper. All of that in the House of Representatives, of course, is paid for directly out of our office accounts.

So there is a very inequitable situation. Nonetheless, I appreciate the gentleman's comments, and I urge all Members to allow us to quickly move to conference.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, there is absolutely no worse way to come into this world than coming by way of a cocaine-addicted mother. We have found, over the years in the research, and looking and going to the neonatal units at Broward General Hospital, and looking at some of the statistics around the House, that there is no more sure-fire way for an infant to have his life destroyed at the very outset.

Let me share for a minute with my colleagues what I observed about 2 years ago at the neonatal unit at Broward General Hospital in Fort Lauderdale, and our neonatal unit is no more different from any others, running 10 to 25 percent of the babies in that unit are being born cocaine-addicted. I would invite my colleagues that are considering their vote, to think for a moment at their convenience, or when they can, to visit the neonatal units in their particular districts. Members will find babies that are that big. They are so premature, and Members will see babies that are shaking. I was told of an instance where the mother had a tattoo on her arm saying "cocaine" that was bigger than the baby that I was looking at. I was at a neonatal unit several years ago and experienced a child dying, and in fact, the child did die right in front of me.

□ 1520

The doctor said to me:

> That was one of the lucky ones. That was one of the lucky ones, because so many of those that are born cocaine-addicted go into a life where they are mentally deranged, and if they do manage to live, they go home to an environment that is almost unbelievable.

We are talking about priorities here. Let us not have any mistake about it, we are talking about priorities. We are talking about congressional mail that is unsolicited, and we are talking about doing something about cocaine babies and about cocaine-addicted mothers in this country today.

Mr. Speaker, there is no choice. This vote has to be almost 100 percent, if not a 100 percent, to express the outrage of this body over the situation we have with cocaine-addicted mothers, and it is important that we finally tell the American people, yes, we do have our priorities here in the Congress of the United States, and we are voting to stop the terrible cocaine addiction of the unborn.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we have the opportunity today to take a modest, yet a real step toward addressing the problem of cocaine abuse, the problem of cocaine-addicted mothers and the children they bring into the world.

The Senate, in the legislative appropriations bill which it passed earlier this month, included a provision that would allow us to substantially increase funding for demonstration projects, administered through the Office of Substance Abuse Prevention at HHS, to treat drug-addicted mothers and infants.

The provision, as sponsored by Senator WILSON of California, would ban all unsolicited congressional mass mailings, newsletters for the most part, and earmark the savings for the treatment of pregnant and post-partum women and infants through the program grants. To date, 135 applications have been submitted for the program grants. HHS estimates that with available funds, about $4.5 million, only 20 grants will be awarded. The adoption of the Senate language could increase available funding by a factor of 10.

Anyone who has ever read a congressional newsletter will understand immediately that we are asking for the sacrifice of no great medium of intellectual or informational exchange. If we want to be blunt, too often newsletters may be little more than taxpayer-funded political advertisements for sitting Members.

So Senator WILSON placed before the Senate, and now we have placed before us, a simple and straightforward question of priorities: Do we choose our political self-interest—and I have that, too—or do we choose the public interest.

I think we should remember what the problem is that we might be helping to solve. A recent survey suggests that as many as 10 percent of all babies are exposed to cocaine prior to birth. Among many of these babies, especially those whose mothers were heavy and regular users, the impact is severe and often permanent. Fetal drug exposure can result in babies being born with deformed hearts, lungs, and limbs. Drug-induced fetal strokes result in permanent mental impairment.

Even the lucky survivors of fetal drug exposure suffer agonizing withdrawal. In many cases these babies are so sensitive to the touch of other humans that they cannot be held or fed properly. Their first experience of life is of pain and isolation. Not surprisingly, these children carry the psychological scars from this early trauma into childhood. Apathy, antisocial behavior, and learning disabilities often mark the childhood years of children born to drug-abusing mothers. The cost is real, both in dollars and in the waste of human life.

It is my belief that the American people are far more interested in fighting the war on drugs than they are in receiving unsolicited mail from their Congressmen, even this one, and Senators. I am confident they would rather see us do something with tax dollars to help people rather than to aggrandize ourselves. I believe, in short, that the choice is clear.

Mr. Speaker, I urge all of my colleagues, Republicans and Democrats, to support the pending motion to instruct.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEWIS], ranking member of the subcommittee.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, I rise in strong support of the motion to instruct our conferees to recede to to the Senate amendment known as the Wilson amendment.

Our citizens, without any question, warmly welcomed the President's speech and his comprehensive strategy to fight the war on drugs.

The main criticism comes from some in the Congress. While signing off on the overall strategy, they express concern that what the President proposes is not enough.

More than a few state flatly:

> We can't pay for it. There is not enough money. We have to raise taxes.

Like all my colleagues, I hear the outcry of Americans on the matter of drug abuse. They want action.

I have yet to hear a similar outcry to raise taxes.

Fortunately, one fine Member in the other body has devised a plan that fights one plague—drugs—without encouraging another—new taxes.

By voting for this motion to support the Wilson amendment, my colleagues, you will be declaring that:

> Yes, we are willing to make a sacrifice—yes, we want to make a direct, visible contribution to the War on Drugs.

The Wilson amendment, which received overwhelming support in the other body, suggests that we eliminate newsletters, as well as unsolicited mass mailings—and then reallocate the savings to the war against drugs.

I know our constituents would view this contribution to the war on drugs as more worthwhile than our contribution to the war on their mailboxes.

As others have noted, this amendment in no way jeopardizes our ability to respond to our constituents. I seriously doubt that anyone will write in to complain when they don't get one of our newsletters. But, if someone does, we can simply respond by addressing their concerns about specific issues.

The drug plague is sundering families, polluting neighborhoods and depriving children of their health, safety and future.

Perhaps the most heart-rending element is the question of drug babies—children born to drug-addicted mothers.

Everyone in a room becomes silent when drug czar Bill Bennett shares his firsthand moments with these newborn drug-war casualties. Their afflictions include mental retardation, external and internal physical deformities, emotional disabiltiies, and other dysfunctions.

And we are not just talking about a handful of children.

Over 1,000 babies a day, or more than 400,000 children last year, were born addicted.

I was told by a doctor that a dosage of drugs in a mother magnifies 10 times when it transfers through the placenta into the blood of her unborn child. That's right—the child is being subjected to 10 times the damage.

No one would benefit more from new victories in the war on drugs than these infants whose frail bodies shake violently from addiction seizures as they experience withdrawals. Often they cry, literally, 24 hours a day—relief for which medical science cannot provide.

So again, I commend Senator WILSON for his initiative, his creativity, and his compassion. His proposal tells the American people that we in Congress are not going to be hypocrites on the drug issue. Your affirmative vote on this motion will give this House an added element of institutional credibility.

If the critics truly want a down payment on the war on drugs, vote for this motion.

Declarations, Mr. Speaker, do not win wars. But resources and commitments do.

Mr. UDALL. Mr. Speaker, today I join with the overwhelming majority of my colleagues in supporting the Conte amendment to instruct the legislative branch appropriations conferees to support the Senate Wilson amendment restricting the use of the congressional frank.

Let me state for the record, I find the Wilson amendment to be overreaching, potentially damaging, and politically motivated. If the Wilson amendment were to become permanent it could cause the elimination of what has been one of Congress' most effective means of communicating with its constituents.

Unfortunately, the congressional frank has also become one of Congress' most effective tools for getting itself reelected and has been badly abused. As Chairman of the Commission on Congressional Mailing Standards I have often been appalled by the way some Members have perverted the frank. There can be no doubt that by the use of slick, highly targeted mailings many Members have greatley enhanced their chances for reelection. They have also lost sight of the original intent of the congressional frank, a concept that is actually older than Congress itself—that our elected officials owe it to the people to communicate their views on a regular basis.

So reform is needed. And while this amendment is far from perfect, it will send a much-needed shot across the bow to those frank abusers amongst us.

Let me further add that there are some Members who still use the frank to provide much-needed information to their constituents—Gerry Studds, Dave Bonior, Bill Frenzel, Pat Moynihan, and many others still use the frank as it was originally intended—as an honest document to relay information to their constituents.

I fully expect that this is an issue that we will be forced to revisit in the near future. I am hopeful that we will be able to retain the use of the congressional frank, but we need to find a way to do so which allows it to be useful to our constituents and not just useful as a tool for reelection.

Mr. WEISS. Mr. Speaker, as one who has consistently supported and advocated increases in funding for drug treatment and education, I am reluctant to speak against any measure that would provide financing for these severely underfunded programs. However, I find the approach taken today in the form of a motion to instruct conferees on the legislative appropriations bill not only ironic, but somewhat disheartening.

Many of the same persons who support the Senate-passed measure to transfer money from the fund for unsolicited mailings to a treatment program for drug-addicted pregnant women are the same persons who have protested that "money is not the answer" to the drug problem. The same persons who have vociferously criticized funding much more comprehensive plans that address the treatment and education demand now want to take $45 million from the legislative appropriations bill on the grounds of a dire need for such programs. Why the sudden change of heart?

The inconsistentency of these actions calls into question their motivation. As the drug crisis continues to plague this country, it is increasingly clear that we need a carefully planned program to improve drug treatment—with funding at levels significantly higher than the $45 million offered by today's maneuvering. We have had opportunities to vote for such programs. I only hope that those who flip-flopped their position with today's vote will continue their support of drug treatment and demonstrate genuine commitment to the problem in the future.

If the program for drug addicted pregnant women is as important as the proponents of the motion to instruct say it is, then it deserves to be funded in its own right. It ought not to be used as a cynical political ploy.

It is important for Members of Congress to communicate with their constituents. While abuses of the mailing privileges are inexcusable, this type of transparent political gamesmanship is clearly not a solution to that problem. I urge a no vote.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDermott). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts [Mr. Conte].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 137, not voting 50, as follows:

[Roll No. 240]

YEAS—245

Andrews
Applegate
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Brennan
Broomfield
Browder
Brown (CO)
Bryant
Buechner
Bunning
Callahan
Campbell (CA)
Chandler
Clarke
Clinger
Coble
Coleman (MO)
Combest
Condit
Conte
Costello
Coughlin
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Derrick
DeWine
Dickinson
Dicks
Dornan (CA)
Douglas
Dreier
Duncan
Early
Eckart
Emerson
English
Erdreich
Evans
Fawell
Fields
Fish
Flippo
Frank
Frenzel
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hiler
Hoagland
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Kasich
Kennedy
Kennelly
Kildee
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mavroules
McCandless
McCollum
McCrery
McDade
McDermott
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Murphy
Neal (MA)
Nielson
Nowak
Olin
Oxley
Packard
Pallone
Panetta
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Tanner
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Wise
Wolf
Wyden
Wylie
Young (FL)

NAYS—137

Akaka
Alexander
Annunzio
Aspin
Atkins
Bates
Bentley
Berman
Bonior
Boxer
Brooks
Brown (CA)
Bruce
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins
Cooper
Davis
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dyson
Edwards (CA)
Edwards (OK)
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gray
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Johnston
Jontz
Kanjorski
Kaptur
Kastenmeier
Kleczka
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Mrazek
Myers
Nagle
Natcher
Neal (NC)
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Payne (NJ)
Pelosi
Perkins
Rangel
Richardson
Roe
Rose
Roukema
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Sensenbrenner
Sikorski
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Torricelli
Towns
Traxler
Unsoeld
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Yates
Young (AK)

NOT VOTING—50

Ackerman
Anderson
Anthony
Beilenson
Boucher
Burton
Campbell (CO)
Clement
Conyers
Courter
Crockett
de la Garza
DeLay
Dingell
Donnelly
Dymally
Engel
Espy
Feighan
Florio
Ford (TN)
Garcia
Gordon
Grant
Hatcher
Hefner
Jacobs
Kolter
LaFalce
Leath (TX)
Manton
McEwen
Molinari
Morrison (CT)
Murtha
Nelson
Parker
Pease
Scheuer
Schumer
Smith (FL)
Smith, Denny (OR)
Stangeland
Stump
Sundquist
Tauzin
Torres
Visclosky
Wolpe
Yatron

☐ 1548

The Clerk announced the following pairs:

On this vote:

Mr. Nelson for, with Mr. Dingell against.

Mr. Jacobs for, with Mr. LaFalce against.

Messrs. MOODY, MINETA, and SMITH of Iowa changed their vote from "yea" to "nay."

Messrs. RITTER, FRANK, DERRICK, PORTER, SKAGGS, and McMILLEN of Maryland changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

□ 1550

The SPEAKER. The Chair appoints the following conferees: Messrs. FAZIO, YATES, OBEY, MURTHA, and TRAXLER, Mrs. BOGGS, and Messrs. WHITTEN, LEWIS of California, CONTE, MYERS of Indiana, and PORTER.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, due to official business I was unavoidably absent on September 25 for rollcall No. 239, to approve the journal, and rollcall No. 240, motion to instruct conferees on the legislative branch appropriations for fiscal year 1990. Had I been here, I would have cast the following votes: "aye," and "aye."

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3014, LEGISLATIVE BRANCH APPROPRIATIONS ACT 1990

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 25, 1989 to file a conference report on the bill (H.R. 3014), making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2364, by the yeas and nays; and H.R. 2365, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1989

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 2364, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 2364, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 296, nays 93, not voting 43, as follows:

[Roll No. 241]

YEAS—296

Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carr
Chandler
Chapman
Clarke
Clay
Clinger
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Cooper
Costello
Coughlin
Coyne
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
Erdreich
Evans
Fascell
Fazio
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schulze
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Volkmer
Walgren
Walsh
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yates
Young (FL)

NAYS—93

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bilirakis
Broomfield
Brown (CO)
Buechner
Bunning
Campbell (CA)
Coble
Combest
Cox
Craig
Crane
Dannemeyer
DeLay
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
English
Fawell
Fields
Frenzel
Gillmor
Gingrich
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
James
Kasich
Kolbe
Kyl
Laughlin
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Lukens, Donald
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McDade
Michel
Miller (OH)
Moorhead
Neal (NC)
Nielson
Packard
Porter
Quillen
Rhodes
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Skeen
Smith (TX)
Smith, Robert (NH)
Stearns
Tauzin
Thomas (CA)
Thomas (WY)
Udall
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Young (AK)

NOT VOTING—43

Ackerman
Anderson
Beilenson
Bonior
Burton
Campbell (CO)
Carper
Clement
Conyers
Courter
Crockett
Donnelly
Dymally
Engel
Espy
Feighan
Florio
Ford (TN)
Garcia
Grant
Hatcher
Hefner
Jacobs
Kolter
LaFalce
Leath (TX)
Manton
McEwen
Molinari
Murtha
Nelson
Parker
Rose
Schumer
Smith (FL)
Smith, Denny (OR)
Stangeland
Stump
Sundquist
Torres
Visclosky
Wolpe
Yatron

□ 1609

The Clerk announced the following pair:

On the vote:

Mr. Manton and Mr. Ford of Tennessee for, with Mr. Denny Smith of Oregon against.

Mr. HAMMERSCHMIDT changed his vote from "yea" to "nay".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1610

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I the Chair announces that he will reduce to a minimum the 5 minutes the period of time in which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AIRPORT SECURITY TECHNOLOGY AND RESEARCH ACT OF 1989

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 2365, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. Roe] that the House suspend the rules and pass the bill, H.R. 2365, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 390, nays 0, answered "present" 1, not voting 41, as follows:

[Roll No. 242]

YEAS—390

Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Green

NOT VOTING—41

Ackerman
Anderson
Beilenson
Bonior
Burton
Campbell (CO)
Clement
Conyers
Courter
Crockett
Donnelly
Dymally
Engel
Espy
Feighan
Florio
Ford (TN)
Garcia
Grant
Hefner
Jacobs
Kolter
LaFalce
Leath (TX)
Manton
McEwen
Molinari
Murtha
Nelson
Parker
Schumer
Slaughter (NY)
Smith (FL)
Smith, Denny (OR)
Stangeland
Stump
Sundquist
Torres
Visclosky
Wolpe
Yatron

□ 1619

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1620

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I would like to inquire of the distinguished majority leader what the amended program will be for the coming week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding. It is our intention to not go forward with the general debate on the reconciliation bill. Tomorrow we will take up the continuing resolution beginning at noon rather than at 9 a.m. After that, we would do the rule on the general debate only, and to consider the general debate which will be probably 6 hours on the reconciliation bill. Then on Wednesday, to take up the rule for the actual consideration of the reconciliation bill which will obviously take Members through Wednesday and Thursday. We will not meet, of course, on Friday. Then we will finish the rest of the bill next week.

Mr. MICHEL. Earlier we were given to understand we would probably have child care up tomorrow, and maybe capital gains Wednesday or Thursday, or catastrophic, or some such thing like that. I think we will probably all agree there will be some spillover until next week, but appears as though we are going to be starting from scratch here on Wednesday.

I guess Members would like to have a little bit better idea of what will unfold during the course of this rule. Would the gentleman be able to give Members better insight into that?

Mr. GEPHARDT. If the gentleman will continue to yield, I wish that I could tell Members with exactitude when each feature of the bill will come up. I cannot do that at this time.

The rule will be considered tomorrow, and final decision will be made on which parts of it will come up this week, and which parts of it will be left for next week. I just do not know the answer to that at this point.

Mr. MICHEL. Will the gentleman know that tomorrow?

Mr. GEPHARDT. If the gentleman will continue to yield, the gentleman surely will know tomorrow, because the rule will be worked on in the committee tomorrow.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to ask the distinguished majority leader, last Thursday I inquired whether or not by this Monday we would know what the exact language of the Democratic leadership tax proposal was. I think the gentleman assured Members at that time, in order for Members to be debating and operating with some knowledge, that we would have the text of the Democratic tax increase proposal available by today. I just wonder, is that language available yet?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. I do not know whether the legislative language is available. We have been describing the proposal for sometime now, to the public and the media. The reason it is not available in legislative language, of course, is because we are not going forward with the writing of the rule. It will be available, I am sure, by tomorrow.

Mr. GINGRICH. If I might inquire further of the gentleman from Illinois, we may assume, then, that your side will have a substitute for the Archer-Jenkins language which will essentially be the tax increase to 33 percent?

Mr. GEPHARDT. Closing the loophole that now exists.

Mr. GINGRICH. The language the gentleman describes in the Post today is essentially what we will see tomorrow?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I do not know if the gentleman from Illinois has the same sense I do, but I gather there are an awful lot of Members on both sides of the aisle who are concerned about the fact that the schedule continues to change here almost hourly. Now we find out that Members who may not have come back to town today for a variety of reasons, will find out that the House is not going to meet at 9 o'clock tomorrow, it will meet at noon tomorrow, supposedly.

I just heard a few minutes ago that the Committee on Rules is supposed to meet here later this afternoon, and now will not meet until tomorrow afternoon when that meeting is scheduled. It leads me to believe we are moving quickly to a sequester because we cannot get our act together in the Congress. I think that the Members can be genuinely concerned about the fact that many programs are likely to find themselves in a position of being sequestered, largely because Congress could not do their work and do it on schedule.

The continuing resolution, that I gather now is up tomorrow, do we have any knowledge of whether or not the Senate is going to act on a clean resolution, or is that likely to come back on Thursday, when we now have scheduled the capital gains, which in the gentleman's opinion, would take most of the day? What is the plan to handle the continuing resolution, if the Senate should happen to do a resolution which is not a clean resolution? Would we be in on Friday to handle the continuing resolution?

Mr. GEPHARDT. Will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, we have made it clear that we will not meet on Friday, and we have made that commitment to the membership. We will not. I cannot answer for the other body. I do not know when they will act, but when they do, we will act appropriately thereafter.

Mr. MICHEL. Mr. Speaker, I ask, since the gentleman mentioned no session definitely on Friday, several Members asked me what would the gentleman have to say about the time we would leave on Thursday or adjourn on Thursday?

Mr. GEPHARDT. If the gentleman continues to yield, we would hope to leave here at a reasonable hour. The hope is not to go into the evening. We would hope to be able to finish at a reasonable hour so that Members could make appropriate travel plans on that day.

Mr. WALKER. Earlier today the chairman of the Committee on Appropriations was out here also, blaming our problems on the other body. I am wondering if there is any kind of communication taking place between the two leaderships, to try to resolve some of the differences, so we can get the schedule more firmly fixed?

Mr. GEPHARDT. We have communicated with them and told them our plans. They understand that the continuing resolution will be coming. We told them it would come on Tuesday. I am sure they are aware of it. Perhaps they can deal with it quickly, and we can have it out of the way before we leave on Thursday.

Mr. MICHEL. I want to say I share the concern of the gentleman from Pennsylviana, that we are tending to drift here, and if, for example, it would be helpful if some Members would help craft the rule or something either late tonight, or we are not meeting now at 9, until noon, will that be good productive time to craft a rule, or do we anticipate another delay? We do not want to stand in the way of progress here, but it seems to me someplace along the line we have to fish or cut bait and get down to what we have to do around here.

Mr. GEPHARDT. If the gentleman will yield, we are well aware of the need for speed, but we also need to craft a rule that everyone thinks is a good rule. This is a big bill, and it has a lot of different sections and parts to it. It is not as easy as it might appear, to put that rule together. We are doing our very best to get it done as quickly as possible, but with the kinds of quality that the Members would expect and want.

Mr. MICHEL. I give the gentleman my best wishes, because we are anxious to do business here and get things moving along on time.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at noon tomorrow, Tuesday, September 26, 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. (Mr. McDermott). Objection is heard.

□ 1630

Mr. GEPHARDT. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. McDermott). The question is on the motion offered by the gentleman from Missouri [Mr. Gephardt].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 163, not voting 49, as follows:

[Roll No. 243]

YEAS—220

Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bennett
Berman
Bevill
Bilbray
Boggs
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)

Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clarke
Coleman (TX)
Collins
Condit
Cooper
Costello
Coyne
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Flake
Flippo
Foglietta
Ford (MI)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Ray
Richardson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NAYS—163

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stearns
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (FL)

NOT VOTING—49

Ackerman
Anderson
Bateman
Beilenson
Bonior
Burton
Carr
Clay
Clement
Conyers
Coughlin
Courter
Crockett
Donnelly
Dymally
Engel
Espy
Feighan
Florio
Ford (TN)
Frank
Garcia
Geren
Grant
Hefner
Hertel
Jacobs
Kolter
LaFalce
Leath (TX)
Luken, Thomas
Manton
McEwen
Molinari
Nelson
Parker
Rangel
Schumer
Slaughter (NY)
Smith (FL)
Stangeland
Stump
Sundquist
Torres
Torricelli
Vander Jagt
Visclosky
Williams
Yatron

☐ 1648

Mr. ASPIN changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, earlier today, along with a number of other Members who are delegates to the European Parliament, I was unavoidably detained in return travel from Los Angeles. As a result, I was not able to cast my vote on rollcall No. 239, the motion to approve the Journal of September 22, 1989. Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 407, CONTINUING RESOLUTION, 1990

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 101-253) on the resolution (H. Res. 246) providing for the consideration of the joint resolution (H.J. Res. 407) making continuing appropriations for the fiscal year 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CAPITAL GAINS TAX CUT SEEN AS BENEFICIAL

(Mr. DREIER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and to include extraneous material.)

Mr. DREIER of California. Mr. Speaker, it seems to me that we are bringing about a great insult to the working people in this country with the plan which has emanated from the leadership on the other side of the aisle to prevent a capital gains cut and instead impose a tax increase.

We hear talk that people just want to help those who are carrying the lunch bucket. I cannot help but remember back to my sophomore year in college when George McGovern was running for President. One of the proposals he had, as we may recall, called for anyone who was earning over $30,000 to be charged $1,000 and they figured they would have broad-based support for that because over 60 percent of the people fell in the category of earning under $30,000.

What happened, Mr. Speaker, was that we found the people in this country did not support it because those earning under $30,000 wanted to be earning over $30,000, so they opposed the tax. In the same way Americans recognize that a capital gains differential will broaden the tax base and create more job opportunities.

Mr. Speaker, I believe we have got to do everything we can to broaden the base, increase revenues to the Government. This proposal is a meaningful first step. These views were outlined by an article written by our colleague, Mr. JENKINS, and I include it in the RECORD with my remarks at this point:

CAPITAL GAINS TAX CUT WILL BENEFIT ALL OF US

(By Ed Jenkins)

WASHINGTON.—A cut in the tax rate on capital gains makes good economic sense and is fair for the middle class.

As recently as two years ago, a majority of Democrats supported differential tax treatment of capital gains, yet today some would have the Democratic Party oppose any measure which is beneficial to middle-income taxpayers and promotes business development. That's a mistake, My proposal, unlike the original submitted by the Bush administration, would directly benefit middle-income taxpayers by extending the lower rate to gains from sales of real estate and timber, assets widely held by the middle class.

By reducing the multiple taxation of savings, lower capital gains taxes will help raise our abysmally low savings rate and contribute to lower interest rates. Lower interest rates, coupled with the reduced tax burden on business investment implicit in a capital gains tax cut, will help reduce our cost of capital, already the highest in the industrialized world. Lower capital costs abroad are due in significant degree to the fact that most of those nations, including our allies and major trading partners, tax long-term gains lightly or not at all.

The taxation of gains attributable solely to increases in inflation is blatantly unfair, so my proposal would exclude from taxation after 1991 that portion of the gain attributable to increases in inflation.

Finally, lower capital gains taxes will have a positive impact on those entrepreneurs who seek to finance projects of high risk but great promise.

Yes, high-income Americans will benefit by a cut in the capital gains tax; however, the fact is that there are millions more taxpayers of moderate income who realize capital gains than there are in the higher brackets. And in 1985, nearly half of all capital gains went to people with wage and salary income of less than $50,000.

Further, a capital gains tax cut raises much-needed revenue. There is no question of our need to reduce the deficit. In the 27 months the capital gains cut will be effective under my proposal, it's estimated asset sales will raise $9.4 billion in new revenues that may be applied to deficit reduction as well as to financing other pressing concerns such as child care or the war on drugs.

Interestingly, and with some degree of irony, the capital gains tax debate has turned into a partisan wrangle. Historically, a tax differential for capital gains has not been a partisan issue. It was a part of the tax system for 64 years, 1922-1986, through both Democratic and Republican administrations. President John F. Kennedy stated that the existing tax treatment of capital gains was "a barrier to economic growth" at a time when the maximum rate on such gains was lower than today.

I encourage debate based on the facts and with respect to economic policy, not on partisan terms. Enactment of my proposal is an important first step toward restoring sound and fair tax policy vital to our nation's economic future.

NO GLIMMER OF HOPE ON PRESIDENT BUSH'S DRUG STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to address the very important issue of our Nation's drug war. As we all know, President Bush's drug strategy has been receiving a tremendous amount of press lately—positive and negative alike. While his strategy has been commended by some for being "the" crusade on antidrug initiatives, there is absolutely no glimmer of a hope, that I can see, that Bush's offensive will be any more successful than President Reagan's, which was quickly dismissed.

Quite frankly—Bush's national drug strategy just can't cut the mustard. While the new program does give a sense of advancement in the right direction—with a few baby steps—the so-called increased appropriations are laughably inadequate. Simply put, the strategy is "too timid, too little, and too late." Bush's rhetoric hype over his crusade is just that—hype used to cover up a typical Bush mixture of timidity and bureaucratic modesty.

The antidrug plan professes to increase grants-in-aid to State and local governments by $509 million. But, since President Bush wishes to expand his efforts without increasing Federal revenue, his plan demands for offsetting the funding with reductions elsewhere. Unfortunately, four-fifths of these reductions will come out of State programs which currently provide direct financial support.

More to the point, Bush's cuts will exceed the alleged increase by $95 million! Twenty-one States will lose more in cuts than they would gain in the "new" allocation. Ironically, the States with the most severe drug problems are hit the hardest by Bush's offsetting cuts.

For example, California would lose $150 million over what it is estimated to gain; Texas would lose $22 million and Florida $7 million. Mr. President, is this your idea of help. It certainly is not mine.

I also find it interesting to note the programs which have been chosen to be cut. Mr. Bush has proposed to cut $40 million from juvenile justice assistance grants, which among other things are used for antidrug programs. He has also chosen to cut $320 million in funds which assist newly legalized immigrants by providing health, welfare, and educational services.

Even further, Mr. Bush wants to eliminate the Economic Development Administration, which provides grants to promote development and reduce unemployment. It is exactly the people who benefit from these grants that are prone to falling victim to drugs. I find it ludicrous that Mr. Bush wants to doom these people and cut off a prime source of aid.

As my good friend Ron Brown said:

> The American people are ready to wage real war. We need a commander-in-chief Now on the frontline—not in the headlines. * * * We need action, not speeches.

While I may be harsh in my criticisms, I am not doubting Mr. Bush's resolve. I am simply calling for it to be strengthened—strengthened enough to meet the crisis head on and win! This is the 11th hour and it is imperative that we react immediately with all our might.

This war is crippling a generation of our young and infecting our economic future with its poisonous venom. The drug war is so encompassing that the ramifications of drug abuse are being felt by everyone, everywhere across the Nation. Mr. Bush, we are crying to you for real help—we must start now!

No one wants to lose this violent, crippling war. But, given the depth and breadth of the problem, it is not likely to be defeated anytime soon with Bush's pansy strategy. Our children—our leaders of tomorrow—are undoubtedly our Nation's most valuable resource; and yet, Mr. Bush is too busy sorting out his "budgetary priorities" to give the needed attention to the problem.

I find it painfully ironic that the administration is eager and willing to spend approximately $270 billion a year to prepare for a war we hope we will never have to fight and only roughly $8 billion on a war we are already fighting—and losing dreadfully.

Mr. Bush, I am asking you to step out from behind your cloak of timidity and produce a workable, well-funded plan. Dismiss the idea of trying to fight a war on a "cheap ticket." We know what we have to do, and we have the power. Let us use it.

Do not act overly cautious and make excuses to cut our existing needed State programs. Beef up your proposals and back your rhetoric with funding that will support it. Let our children know that you care enough to educate them and protect them from further unnecessary tragedy.

As I speak, our Democratic colleagues in the Senate are furiously working to increase Mr. Bush's funding by $1 billion. This would entail a 0.425 percent cut across all domestic, international, and defense discreationary programs to offset the increased proposals, rather than Mr. Bush's proposed cuts from just State grants.

It is not unreasonable to ask for and expect an end to this war. I am asking all my colleagues to join me in requesting President Bush to fully support our attack. Let us follow suit from our colleagues in the Senate and demand that a workable program be implemented immediately. Give us the necessary funding, Mr. Bush, and show us you are a true hero.

□ 1700

CONFERENCE REPORT ON H.R. 3014

Mr. FAZIO submitted the following conference report and statement on the bill (H.R. 3014) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1990 and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

CONFERENCE REPORT (H. REPT. 101-254)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3014) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 1990 and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 9, 14, 20, 22, 23, 26, 27, 28, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 13, 16, 17, 29, 30, 31, and 32, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,345,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$18,900,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$16,122,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$46,895,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$164,186,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert:

SEC. 310. There is established, as a joint office of Congress, the Special Services Office, which (under the supervision and control of a board, to be known as the Special Services Board, comprised of the Clerk of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, and the Librarian of Congress) shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.

And the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of Section number proposed by said amendment insert: *314*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 6, 8, 12, 18, 24, 34, 35, 36, 37, 38, 39, and 40.

Vic Fazio,
Sidney R. Yates,
David R. Obey,
Except amendment
No. 1,
John P. Murtha,
Bob Traxler,
Lindy Boggs,
Jamie L. Whitten,
Jerry Lewis,
Except amendment
No. 41,
John T. Myers,
Managers on the Part of the House.

Harry Reid,
Brock Adams,
Robert C. Byrd,
Mark O. Hatfield,
Ted Stevens,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3014) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1990, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—CONGRESSIONAL OPERATIONS SENATE

Amendment No. 1: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SENATE

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $55,019,000 which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,216,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $296,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Office of the Majority and Minority Leaders, $1,474,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Office of the Majority and Minority Whips, $458,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $661,500 for each such committee; in all, $1,323,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $290,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $147,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $8,852,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $28,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $983,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $11,980,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $2,079,000: Provided, That $100,000 of the amount appropriated to the Office of the Legislative Counsel of the Senate for fiscal year 1989 shall remain available until September 30, 1990.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $676,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000, which shall remain available until September 30, 1991: Provided, That at the end of the paragraph preceding the heading "Contingent Expenses of the Senate" in subtitle A of the Congressional Operations Appropriations Act, 1989, strike the period and insert the following: ", which shall remain available until September 30, 1991."

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEE

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,101,500 for each such committee; in all, $2,203,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $69,442,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $325,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $727,200.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,389,000 of which $6,000,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,506,000: Provided, That effective in the case of fiscal years beginning after September 30, 1989, section 120 of Public Law 97-51 is amended by striking out "$40,000" and inserting in lieu thereof "$50,000".

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $161,124,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. The Chairman of the Majority or Minority Conference Committee of the Senate may, during the fiscal year ending September 30, 1990, at his election, transfer not more than $50,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6). Any transfer of funds under authority of the preceding sentence shall be made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6).

SEC. 2. Funds appropriated to the Conference of the Majority and funds appropriated to the Conference of the Minority for the fiscal year ending September 30, 1990, may be utilized in such amounts as the Chairman of each Conference deems appropriate for the specialized training of professional staff, subject to such limitations, insofar as they are applicable, as are imposed by the Committee on Rules and Administration with respect to such training when provided to professional staff of standing committee of the Senate.

SEC. 3. Subsection (d) of section 2 of Public Law 100-123 (2 U.S.C. 58a-1), is amended by inserting immediately after "by the Sergeant at Arms)," the following: "and all other moneys received by the Sergeant at Arms as charges or commissions for telephone services,".

SEC. 4. (a) The Sergeant at Arms and Doorkeeper of the Senate is authorized to establish an Office of Senate Health Promotion.

(b)(1) In carrying out his section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to establish, or provide for the establishment of, exercise classes and other health services and activities on a continuing and regular basis. In providing for such classes, services, and activities, the Sergeant at Arms and Doorkeeper of the Senate is authorized to impose and collect fees, assessments, and other charges to defray the costs involved in promoting the health of Members, officers, and employees of the Senate. For purposes of this section, the term "employees of the Senate" shall have such meaning as the Segeant at Arms, by regulation, may prescribe.

(2) All fees, assessments, and charges imposed and collected by the Sergeant at Arms pursuant to paragraph (1) shall be deposited in the revolving fund established pursuant to subsection (c) and shall be available for purposes of this section.

(c) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Health Promotion Revolving Fund (hereinafter referred to in this section as the "fund"). The fund shall consist of all amounts collected or received by the Sergeant at Arms and Doorkeeper of the Senate as fees, assessments, and other charges for activities and services to carry out the provisions of this section. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for promoting the health of Members, officers, and employees of the Senate.

(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

(e) The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d) shall not be applicable to any class, service, or other activity carried out pursuant to the provisions of this section.

(f) The provisions of this section shall be carried out in accordance with regulations which shall be promulgated by the Sergeant at Arms and Doorkeeper of the Senate and subject to approval at the beginning of each Congress by the Committee on Rules and Administration of the Senate.

SEC. 5. (a) Paragraph (3) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows:

"(3)(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration, (B) postage on, and fees and charges in connection with official mail matter sent through the mail other than the franking privilege upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration, and (C) reimbursement to each Senator for costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;".

(b) Receipts paid to the Sergeant at Arms from sales of postage on, and fees and charges in connection with mail matter sent through the mail by Senators, Senate committees, or other Senate offices (including joint committees and commissions funded from the contingent fund of the Senate), other than under the franking privilege, as cash or check payments directly from such Senators, committees, or offices, or as reimbursement from the Financial Clerk of the Senate pursuant to certification by the Sergeant at Arms of charges to be made to such funds available to such Senators, committees, or offices for such postage, fees and charges shall be used by the Sergeant at Arms for payment to the United States Postal Service for such postage, fees, and charges.

SEC. 6. On and after the date this Act becomes law, the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to provide up to $1,000,000 for capitalization purposes to the revolving fund established by the last paragraph under the heading "Contingent Expenses of the Senate" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a-1), by transferring to such revolving fund any funds available from any Senate appropriation account, with respect to which he has disbursement authority, for the fiscal year in which the transfer is made (or for any preceding fiscal year) or which have been made available until expended; and any moneys so transferred shall be available for use in like manner and to the same extent as the moneys in such revolving fund which were not transferred thereto pursuant to this section.

SEC. 7. The Secretary of the Senate may enter into an agreement with the Secretary of Education to provide closed captioning of the Senate floor proceedings, subject to the approval of the Senate Committee on Rules and Administration. The Senate authorizes the Secretary of Education to have access to the audio and video broadcast of the Senate floor proceedings for the purpose of captioning. Such funds as may be necessary to carry out the purposes of this section are authorized to be paid from the appropriation account for "Miscellaneous Items" within the contingent fund of the Senate.

SEC. 8. (1) The Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate are authorized to acquire goods, services, or space from government agencies and units by agreement under the provisions of the Economy Act, 31 U.S.C. 1535, and to make advance payments in conjunction therewith, if required by the providing agency or establishment.

(2) No advance payment may be made under paragraph (1) unless specifically provided for in the agreement. No agreement providing for advance payment may be entered into unless it contains a provision requiring the refund of any unobligated balance of the advances.

(3) No agreement may be entered into under paragraph (1) without the approval of the Senate Committee on Rules and Administration and the Senate Committee on Appropriations.

SEC. 9. The provisions of Senate Resolution 89, of the One Hundredth Congress, agreed to January 28, 1987, are hereby enacted into law, effective on the date such Senate Resolution 89 was agreed to.

SEC. 10. The second proviso, under the headings "SENATE" and OFFICE OF THE CHAPLAIN", of the Legislative Branch Appropriation Act, 1970 (Public Law 91-145) is amended by striking out "a secretary" and inserting in lieu thereof "such employees as he deems appropriate, except that the amount which may be paid for any fiscal year as gross compensation for personnel in such Office for any fiscal year shall not exceed $147,000".

SEC. 11. (a) For purposes of subchapters I and II of chapter 37 of title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of *the Senate shall be deemed to be the head of such legislative agency.*

(b) Regulations prescribed by the Secretary of the Senate pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate which deletes an account under the Senate heading and amends two other Senate account provisions.

Amendment No. 2: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will move to recede and concur in the Senate amendment.

Amendment No. 3: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will move to recede and concur in the Senate amendment.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Amendment No. 4: Appropriates $56,253,000 for Salaries, Capitol Police, as proposed by the House instead of $56,298,000 as proposed by the Senate.

Amendment No. 5: Appropriates $28,105,000 to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate, as proposed by the House instead of $28,150,000 as proposed by the Senate. The conferees agree that an additional procurement clerk and computer programmer may be hired, but from available funds. Since these jobs were requested for civilian employees in order to reduce uniform details to administrative jobs, the number of uniform jobs can be reduced by two, thus releasing the necessary funds.

The conferees agree with the thrust of the Senate report with respect to achieving a practicable consolidation of the elements of the Capitol Police. The General Accounting Office study will be helpful in this regard, and should provide additional information to the authorizing committees who are considering this matter. Since consolidation is a desirable objective and has been stimulated in part by changing to a joint item appropriation, the Committees on Appropriations will continue to expect the usual prompt and complete cooperation from the Capitol Police Board and the Capitol Police in regard to inquiries and other information the committees may need. In that connection, the conferees direct the Capitol Police Board to submit a report to the Committees on Appropriations regarding the new position of fitness director on the Capitol Police rolls. Specifically, the report should include the following: Will this be an additional position in the force, or will another position be abolished? What is the salary level for the position, the partial year funding, including component detail, and what are the full year costs? Finally, describe the duties of this position, the duty hours, and the scope and hours of operation of the fitness facility.

OFFICIAL MAIL COSTS

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following:

"$115,661,000, of which $29,379,000 is available only for Senate official mail costs, to be disbursed by the Secretary of the Senate, $54,561,000 is available only for House official mail costs, to be disbursed by the Clerk of the House, and $31,721,000 is an additional amount for fiscal year 1989"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to appropriate $115,661,000 for official mail costs, of which $29,379,000 is available for only Senate mail costs, to be disbursed by the Secretary of the Senate, $54,561,000 is available for only House mail costs, to be disbursed by the Clerk of the House, and $31,721,000 is an additional sum for fiscal year 1989, instead of $124,532,000 as proposed by the House and $48,000,000 as proposed by the Senate. The conferees have agreed to maintain a joint item account for Congressional mail, but have earmarked specific amounts for the House and the Senate. Thus, the longstanding tradition of a fungible joint item appropriation has been broken, and the conferees intend that henceforth there will be separate amounts specified for each body, which will allow each to control its own franked mail expenditures. Section 317 of this Act establishes a procedure whereby the U.S. Postal Service will track franked mail costs against the respective earmarks for the House and Senate to ensure that the total postage costs will not exceed the amounts available for the fiscal year.

CAPITOL GUIDE SERVICE

Amendment No. 7: Appropriates $1,345,000 for salaries and expenses, Capitol Guide Service, instead of $1,335,000 as proposed by the House and $1,397,000 as proposed by the Senate.

SPECIAL SERVICES OFFICE

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

"SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $237,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be obligated until the Sergeant at Arms and Doorkeeper of the Senate and the Clerk of the House jointly report to the Appropriations Committees of both Houses their recommendation for the establishment, funding, staffing, support, and administration of a Congressional Special Services Office, or December 1, 1989, whichever first occurs."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate which funds a special services office which will begin operation upon a joint report being issued, or December 1, 1989, whichever occurs earliest.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Amendment No. 9: Authorizes $2,000 for representation and reception allowances of the Office of Technology Assessment as proposed by the House instead of $3,000 as proposed by the Senate.

Amendment No. 10: Authorizes $1,800 for the employee incentive awards program as proposed by the Senate instead of $900 as proposed by the House. The OTA is encouraged to consult with the Library of Congress on this matter. That agency has been able to conduct an awards program with minimal ceremonial expense.

Amendment No. 11: Appropriates $18,900,000 for salaries and expenses instead of $18,705,000 as proposed by the House and $19,000,000 as proposed by the Senate. The additional funds are provided for general assessment activities as approved by the OTA Board, and are not earmarked for any specific study.

BIOMEDICAL ETHICS BOARD AND BIOMEDICAL ETHICS ADVISORY COMMITTEE

SALARIES AND EXPENSES

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that provides that no funds may be obligated or expended by the Biomedical Ethics Board until the Board has selected a chairman and vice chairman and all members of the advisory committee.

Amendment No. 13: Adds "further" to a provision, as proposed by the Senate.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT

SALARIES

The conferees agree that a reprogramming request will be considered by the Committees on Appropriations concerning the additional data processing positions for the Office of the Architect. The conferees also agree with the language in the House report regarding the fiscal year 1991 budget presentation.

CONTINGENT EXPENSES

Amendment No. 14: Restores House language which was stricken by the Senate allowing contingent expenses funds to remain available until expended. The Architect is reminded to keep the Committees apprised of these planned expenditures.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

Amendment No. 15: Appropriates $16,122,000 for Capitol Buildings instead of $15,938,000 as proposed by the House and $16,190,000 as proposed by the Senate. Additional funds above the House bill are provided for conservation of wall paintings ($100,000) and a dishwashing machine ($84,000).

Amendment No. 16: Provides that $625,000 shall remain available until expended for Capitol Buildings as proposed by the Senate instead of $525,000 as proposed by the House.

CAPITOL GROUNDS

Amendment No. 17: Appropriates $4,331,000 for Capitol grounds as proposed by the Senate instead of $4,049,000 as proposed by the House.

SENATE OFFICE BUILDINGS

Amendment No. 18: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will move to recede and concur in the Senate amendment.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Amendment No. 19: Appropriates $46,895,000 for salaries and expenses, Congressional Research Service, instead of $46,670,000 as proposed by the House and $47,518,000 as proposed by the Senate. Additional funds above the House allowance consist of $225,000 for vacant positions. The CRS is directed to develop a recommendation for the Japan Task Force that will integrate its own capabilities and the capabilities and needs of other sources of expertise and resources throughout the Library of Congress. The conferees would expect that, if a task force or similar activity is recommended, CRS will be the lead component at the Library of Congress in directing and integrating the effort, and the Committees will consider a reprogramming request to accomplish that purpose.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Amendment No. 20: Appropriates $77,830,000 for Congressional Printing and Binding as proposed by the House instead of $79,230,000 as proposed by the Senate. The conferees direct that the funds required for the Senate Sergeant at Arms be derived from available funds.

TITLE II—OTHER AGENCIES

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Amendment No. 21: Provides $164,186,000 for salaries and expenses, Library of Congress, instead of $164,075,000 as proposed by the House and $166,046,00 as proposed by the Senate. The conferees have added $111,000 above the House bill for one-half year funding of seven research services positions which are currently authorized, but vacant due to the lack of funds.

The conferees want to emphasize the language contained in the House report regarding the arrearages in the general and special collections maintained by the Library of Congress. Those collections are the primary resource of the great institution and it is absolutely essential that they be cataloged, shelved, and accessible for reader use as soon as practicable after receipt. Moreover, thousands of libraries throughout the country rely on the Library to perform these functions so that their own collections are more complete and accessible to the entire population of the United States. Thus, there is a large ripple effect when the collections fall into serious arrearage, as is the case currently with certain components of the collections. The conferees have provided significantly more resources for this task, primarily funds to fill many of the vacant positions that are necessary to bring this problem under control. Outreach programs will fall short of their goals and their promise if the collections are allowed to deteriorate in the meantime. The conferees expect the specifics, as well as the spirit of the House language will be adhered to and especially urge the Librarian of Congress and his management team to make this their highest priority.

The conferees direct that the current personnel reduction taking place in the Federal Research Division be suspended until a conference agreement is reached on the Defense Appropriations bill for fiscal year 1990.

Funds necessary for the three months operation of a Mexico City field office and one new position in the Hispanic Division are provided within the resources available. These funds may not be obligated unless and until a plan of operation has been developed for the new field office and the relevant questions concerning acquisition policies and the existing acquisition infrastructure have been reviewed by the Committees on Appropriations.

Finally, the conferees share the concerns of the Library of Congress regarding the preservation requirements of the Lincoln Gettysburg Address drafts which, for the past 10 years, have been loaned to the National Park Service for display during peak visitor season at the Gettysburg National Military Park. However, the conferees do not agree that this loan should be abruptly terminated and direct that the Library of Congress enter into a negotiation for a multi-year renewal so that the Lincoln drafts may continue to be exhibited at this very appropriate location. Thousands of school children and other Americans have viewed and been inspired by these documents over the years while being given a rare opportunity to experience part of their heritage. Regarding the preservation aspects, the Library may want to set more stringent conditions on the care and maintenance provided at the display site, although by all accounts the Park Service has fully complied with the terms set out for protecting these irreplaceable papers. With respect to the question of the appropriateness of more or less permanent and exclusive loans of such unique treasures, the conferees believe the Library of Congress should refer that matter to the Joint Committee on the Library for policy guidance.

The Library is directed to review the Asian collections, particularly from Japan, to determine any deficiency in those collections. The conferees direct the Library to use available funds to bring those collections up to the level necessary to keep the Congress informed. Additional funds, if necessary, may be requested for these purposes.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Amendment No. 22: Provides $20,373,000 for salaries and expenses, Copyright Office, as proposed by the House instead of $20,556,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Amendment No. 23: Appropriates $7,167,000 for structural and mechanical care, Library buildings and grounds, as proposed by the House instead of $7,287,000 as proposed by the Senate. Resources necessary for the renovations at the Senate library repository in the Adams Building should be derived from available funds.

TITLE III—GENERAL PROVISIONS

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment that inserts the words "and for the Senate issued by the Committee on Rules and Administration".

Amendment No. 25: Restores House language stricken by the Senate which established a Special Services Office to assist handicapped individuals, under the supervision and control of a board. The conferees have dropped the House language regarding oversight, without prejudice, and have removed the six employee limitation.

Amendments Nos. 26-28: Restore section numbers proposed by the House.

Amendment No. 29. Deletes language proposed by the House and stricken by the Senate relating to Sec. 506(a)(3) of the Supplemental Appropriations Act, 1973.

Amendment No. 30: Deletes language proposed by the House and stricken by the Senate which reduced postal patron mailings from six per calendar year to four.

Amendment No. 31: Deletes language proposed by the House and stricken by the Senate regarding the 60-day-before-election mass mailing limitation.

Amendment No. 32: Deletes language proposed by the House and stricken by the Senate regarding offices in the Capitol.

Amendment No. 33: Changes section number.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 315. Effective in the case of this Act and any subsequent Act making appropriations for the Legislative Branch, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, or any other Act which requires a uniform percentage reduction in accounts in this Act and any subsequent Act making appropriations for the Legislative Branch, the accounts under the general heading "Senate", and the accounts under the general heading "House of Representatives", shall each be considered to be one appropriation account and one "program, project, and activity".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement establishes a permanent rule for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and for across-the-board reductions of House and Senate accounts.

Amendments No. 35: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of this matter proposed by said amendment, insert the following:

Sec. 316. (a)(A) Effective January 1, 1990, the total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Senator entitled to mail franked mail may not exceed an amount equal to three multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected (as determined on the basis of the most recent statistics, from the United States Postal Service, available prior to such calendar year). Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Senator in the State from which such Senator was elected shall not count against the limitation set forth in the preceding sentence.

(B) Effective January 1, 1990, the total number of pieces of mail which may be

mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Member of the House of Representatives entitled to mail franked mail may not exceed an amount equal to three multiplied by the number of addresses to which such mail may be delivered in the area from which the Member was elected (as determined on the basis of the most recent statistics, from the United States Postal Service, available prior to such calendar year). Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which such Member was elected shall not count against the limitation set forth in the preceding sentence.

(b) Effective January 1, 1990, a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senator or a Member of the House of Representatives shall be limited to 2 sheets of paper (or their equivalent), including any enclosure that—

(i) is prepared by or for the Senator or Member who makes the mailing; or

(ii) contains information concerning, expresses the views of, or otherwise relates to the Senator or Member who makes the mailing.

(c) Effective October 1, 1989, section 3216 of title 39, United States Code, is amended by striking out "by a lump sum appropriation to the legislative branch" and inserting in lieu thereof "by appropriations for the official mail costs of the Senate and the House of Representatives".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate which reduces by 50 percent the amount of postal patron newsletter mailings authorized under the frank, establishes a two sheet limit for mass mailings, and authorizes separate accounts for House and Senate official mail.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 317. At the end of Section 3216 of title 39, United States Code, add the following new subsection:

(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Clerk of the House, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this Title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Clerk of the House, the House Commission on Congressional Mailing Standards, the Committee on House Administration, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in subsection (1) of this section for the preceding two quarters together with an estimate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Administration, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in subsection (1) of this section, will not exceed the amounts available for the fiscal year.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment that amends the 60-day-before-election mail limitation (Sec. 3210(a)(6) of Title 39, United States Code) by utilizing the postmark, or the date certain mail matter would have been postmarked, to determine the cut-off date for such mailings, with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *"318"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 319. (a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the Office of Architect of the Capitol. The Commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,

(C) the majority and minority leaders of the House of Representatives and the Senate, and

(D) the chairman and the ranking minority member of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) shall be effective in the case of appointments made to fill vacancies in the Office of Architect of the Capitol which occur on or after the date of the enactment of this Act. If no such vacancy occurs within the six-year period which begins on the date of the enactment of this Act, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate which establishes a term certain for future appointments to the Architect of the Capitol position by and with the advice and consent of the Senate, and provides for a bicameral commission to recommend at least three individuals to the President.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment that provides for official reception and representation expenses for the John C. Stennis Center, with an amendment as follows:

In lieu of the first section number named by said amendment, insert: *"320"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment that provides the traditional gratuities for the widows of deceased Members of Congress, with an amendment as follows:

In lieu of the section number named by said amendment, insert: *"321"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 41: Deletes language proposed by the Senate regarding mass mailings, a rescission, the "war on drugs", a model projects program, and Senate Rule 16.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1990 recommended by the Committee of Conference, with comparisons to the fiscal year 1989 amount, the 1990 budget estimates, and the House and Senate bills for 1990 follows:

Budget estimates of new (obligational) authority, fiscal year 1990	$2,209,883,200
House bill, fiscal year 1990	1,582,476,500
Senate bill, fiscal year 1990	1,997,425,700
Conference agreement, fiscal year 1990	1,952,151,700
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1899	+143,347,000
Budget estimates of new (obligational) authority, fiscal year 1990	−257,731,500
House bill, fiscal year 1990	+369,675,200
Senate bill, fiscal year 1990	−45,274,000

Vic Fazio,
Sidney R. Yates,
David R. Obey,
Except amendment No. 1.
John P. Murtha,
Bob Traxler,
Lindy Boggs,
Jamie L. Whitten,
Jerry Lewis,
Except amendment No. 41,
John T. Myers,
Managers on the Part of the House.

Harry Reid,
Brock Adams,
Robert C. Byrd,
Mark O. Hatfield,
Ted Stevens,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, due to business that kept me in the State of Florida, I was not present during House floor proceedings on September 25, 1989. Had I been present I would have voted "aye" on the following rollcall numbers:

Rollcall No. 239.
Rollcall No. 240.
Rollcall No. 241.
Rollcall No. 242.
Rollcall No. 243.

PERSONAL EXPLANATION

Mr. PARKER. Mr. Speaker, I was unable to attend the session of the House of Representatives held on Monday, September 25, 1989, due to a hearing conducted in my district on the effects of the drug problems on rural areas. The information gained at the hearing will provide me with valuable resources as Congress considers the different options available in the war on drugs.

However, had I been able to attend the session of the House of Representatives held on Monday, September 25, 1989, I would have voted as follows:

Roll No. 239: On approving the Journal, "yes."

Roll No. 240: To instruct House conferees to agree to Senate amendment No. 41 which appropriates $35 million for mass mailings and transfers $45 million to drug abuse prevention programs, "yes."

Roll No. 241: On motion to suspend the rules and pass the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, "yes."

Roll No. 242: On motion to suspend the rules and pass the bill to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment, "yes."

Roll No. 243: On motion that when the House adjourns today, it adjourn to meet at noon tomorrow, "yes."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. JACOBS (at the request of Mr. GEPHARDT), for today, on account of family matters.

Mr. YATRON (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

Mr. PARRIS, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. DORNAN of California, for 60 minutes, each day on October 4 and 11.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FUSTER, for 60 minutes, on September 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. FIELDS.
Mrs. MORELLA.
Mr. RINALDO.
Mr. CAMPBELL of California.
Mr. LENT.
Ms. SNOWE.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. TRAFICANT in two instances.
Mr. RICHARDSON.
Mr. AUCOIN.
Mr. BILBRAY.
Mr. LEVINE of California.
Mrs. SCHROEDER.
Mr. ROE in two instances.
Mr. SLATTERY.
Mr. STALLINGS.
Mr. CARDIN.
Mr. STARK.
Mr. PICKLE.
Mr. HALL of Ohio.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 86. Joint resolution designating November 17, 1989, as "National Philanthropy Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. LIPINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 26, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1730. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's annual report for calendar year 1988, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking, Finance and Urban Affairs.

1731. A letter from the Chairman, Council on Environmental Quality, transmitting a report on activities under the Freedom of Information Act for the calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1732. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1987 and 1988 for Onshore and Outer Continental Shelf Oil and Gas Leases," pursuant to 30 U.S.C. 237; to the Committee on Interior and Insular Affairs.

1733. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1734. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1735. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1736. A letter from the Comptroller General, General Accounting Office, transmitting the results of the review of the independent certified public accountant's audit of the Federal Home Loan Mortgage Corporation's consolidated financial statements for the year ended December 31, 1988 (GAO/AFMD-89-102), pursuant to 12 U.S.C. 1456(b); jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

1737. A letter from the Comptroller of the Currency, transmitting a report on the adopted changes to its existing pay schedules under the provisions of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; jointly, to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. H.J. Res. 407. Joint resolution making continuing appropriations for the fiscal year 1990, and for other purposes (Rept. 101-

249). Referred to the Committee of the Whole House on the State of the Union.

Mr. Udall: Committee on Interior and Insular Affairs. S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia (Rept. 101-250). Referred to the Committee of the Whole House on the State of the Union.

Mr. Udall: Committee on Interior and Insular Affairs. H.R. 967. A bill to establish the Amistad National Recreation Area in the State of Texas, and for other purposes; with an amendment (Rept. 101-251). Referred to the Committee of the Whole House on the State of the Union.

Mr. Udall: Committee on Interior and Insular Affairs. H.R. 1606. A bill to adjust the boundary of Rocky Mountain National Park; with an amendment (Rept. 101-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. Moakley: Committee on Rules. H. Res. 246. Resolution providing for the consideration of House Joint Resolution 407, making continuing appropriations for the fiscal year 1990, and for other purposes (Rept. 101-253). Referred to the House Calendar.

Mr. FAZIO: Committee of conference. Conference report on H.R. 3014 (Rept. 101-254). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 3331. A bill to amend chapter 171 of title 28, United States Code, with respect to tort claims against the United States on account of acts or omissions by employees of the House of Representatives; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself and Mr. Davis):

H.R. 3332. A bill to provide for development of a national global change research plan to coordinate oceanographic, atmospheric, terrestrial, and polar research programs; to direct the Council on Environmental Quality to advise the President on policies relating to global change; and for other purposes; jointly, to the Committees on Science, Space, and Technology and Merchant Marine and Fisheries.

By Mr. SMITH of Texas:

H.R. 3333. A bill to amend the Immigration and Nationality Act to expand the arrest authority of officers and employees of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. CAMPBELL of California:

H.R. 3334. A bill to amend the Internal Revenue Code of 1986 to encourage the construction and improvement of child care facilities by providing a credit for investments in such facilities; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 3335. A bill to help save the U.S. maritime industry by increasing the amount of Government cargo carried on American flag ships; to the Committee on Merchant Marine and Fisheries.

By Mr. FOGLIETTA:

H.R. 3336. A bill to establish a grant program to assist community and neighborhood groups in ridding their communities and neighborhoods of illegal drugs; jointly, to the Committees on the Judiciary, Education and Labor, and Energy and Commerce.

BY Mr. FRENZEL (for himself and Mrs. Martin of Illinois):

H.R. 3337. A bill to ban the use of the franking privilege for unsolicited mass mailings, to establish separate appropriation accounts for the Senate and the House of Representatives for the payment of official mail costs, and for other purposes; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. SPRATT:

H.R. 3338. A bill to direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself and Mr. Rhodes):

H.R. 3339. A bill to encourage Indian economic development; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.J. Res. 407. Joint resolution making continuing appropriations for the fiscal year 1990, and for other purposes.

By Mr. HAYES of Louisiana (for himself, Mr. Bustamante, Mr. Tauzin, and Mr. Campbell of Colorado):

H.J. Res. 408. Joint resolution proposing an amendment to the Constitution of the United States to protect cultural and linguistic rights; to the Committee on the Judiciary.

By Mr. NEAL of North Carolina:

H.J. Res. 409. Joint resolution directing the Federal Open Market Committee of the Federal Reserve System to adopt and pursue monetary policies leading to, and then maintaining, zero inflation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PAXON (for himself, Mr. Armey, Mr. Barton of Texas, Mr. Ballenger, Mr. Campbell of California, Mr. Cox, Mr. Dannemeyer, Mr. Dornan of California, Mr. Douglas, Mr. Duncan, Mr. Edwards of Oklahoma, Mr. Gillmor, Mr. Gingrich, Mr. Goss, Mr. Gunderson, Mr. Hancock, Mr. Hunter, Mr. James, Mr. Lewis of California, Mr. Lagomarsino, Mr. McCrery, Mr. McEwen, Mr. Machtley, Mr. Ritter, Mr. Rohrabacher, Mr. Schiff, Mr. Smith of Vermont, Mr. Solomon, Mr. Stearns, Mr. Thomas of Wyoming, Mr. Walsh, and Mr. Weber):

H. Res. 247. Resolution to amend the Rules of the House of Representatives to establish the Committee on Narcotics Abuse and Control; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 3340. A bill for the relief of Gregory E. Walters; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

252. By the SPEAKER: Memorials of the Legislature of the State of California, relative to Federal income taxation; to the Committee on Ways and Means.

253. Also, memorial of the Legislature of the State of California, relative to social security trust funds; jointly, to the Committees on Ways and Means and Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 30: Mr. Traficant.

H.R. 45: Mr. Wolpe, Mr. Miller of California, Mr. Bruce, and Mr. Andrews.

H.R. 71: Mr. Lewis of Florida.

H.R. 101: Mr. Fazio and Mr. Sikorski.

H.R. 150: Mr. Applegate, Mr. Jacobs, Mr. McNulty, Mr. Nielson of Utah, and Ms. Ros-Lehtinen.

H.R. 303: Mr. McCollum, Ms. Long, Mr. Torricelli, Mr. Studds, Mr. Sawyer, Mr. Smith of New Hampshire, and Mr. Bliley.

H.R. 332: Mr. Barnard.

H.R. 446: Mr. Parker, Mr. Cox, Mr. Boehlert, Mrs. Schroeder, and Mr. Robert F. Smith.

H.R. 560: Mr. DeFazio, Mr. Stark, and Mr. Thomas A. Luken.

H.R. 586: Mr. Boucher.

H.R. 589: Mr. LaFalce and Mr. Savage.

H.R. 614: Mr. Evans.

H.R. 675: Mr. Bryant and Mr. Bates.

H.R. 1044: Mr. Poshard.

H.R. 1083: Mr. Johnson of South Dakota, Mr. Panetta, Mr. Courter, Mr. Paxon, Mr. Hyde, Mr. Goss, Mr. Lewis of Georgia, Mr. Martin of New York, Mr. Quillen, Mr. Dornan of California, Mr. Lewis of California, Mr. Torres, Mr. Nagle, and Mr. Dellums.

H.R. 1109: Mrs. Smith of Nebraska.

H.R. 1155: Mr. Ravenel.

H.R. 1190: Mr. Hubbard.

H.R. 1237: Mr. Livingston, Mr. Courter, Mr. Owens of New York, Mr. Bilbray, and Mr. Atkins.

H.R. 1250: Mr. Crockett.

H.R. 1383: Mr. Akaka.

H.R. 1470: Mr. Faleomavaega.

H.R. 1515: Mr. Rowland of Connecticut, Mr. Engel, and Mr. Bruce.

H.R. 1530: Mrs. Morella and Mr. Boehlert.

H.R. 1582: Mr. Nielson of Utah.

H.R. 1602: Mr. Sawyer and Mr. Jontz.

H.R. 1693: Mr. Bennett.

H.R. 1733: Mr. Price.

H.R. 1775: Mrs. Roukema, Mr. McMillan of North Carolina, Mr. Durbin, Mr. Erdreich, Mr. Fawell, Mr. Fuster, Mr. Hawkins, Mr. Horton, Mrs. Johnson of Connecticut, Mr. Mavroules, Mr. Robinson, Mr. Stallings, Mr. Walsh, Mrs. Collins, Mrs. Patterson, Mr. Green, Mr. Atkins, Mr. Faleomavaega, Mr. Frost, Mr. Madigan, Mr. Rinaldo, Mr. Lewis of Florida, Mr. Bereuter, Mr. Skeen, Mr. Kanjorski, Mr. Fish, Mr. Bateman, Mr. Young of Florida, and Mr. Gallo.

H.R. 2114: Mr. Schaefer.

H.R. 2228: Mr. Oberstar, Mr. Sikorski, and Mrs. Martin of Illinois.

H.R. 2285: Mr. Bosco, Mr. Penny, and Mr. Herger.

H.R. 2437: Mr. Stallings and Mr. Petri.

H.R. 2561: Mr. Gillmor.

H.R. 2584: Mr. Coleman of Texas, Mr. Coble, Mr. Sikorski, Mr. Price, and Mr. English.

H.R. 2674: Mr. Dreier of California and Mr. Bates.

H.R. 2699: Ms. Kaptur, Mr. Skaggs, and Mr. Glickman.

H.R. 2700: Mr. Miller of Ohio.

H.R. 2876: Mr. Towns.

H.R. 2911: Mr. Bereuter.

H.R. 2936: Mr. Pursell.

H.R. 2945: Mr. McCollum, Mr. Bilirakis, Mr. Penny, Mr. Frank, Mrs. Ros-Lehtinen, Mr. Neal of North Carolina, and Mr. Nagle.

H.R. 3004: Mr. Dorgan of North Dakota, Mr. Gejdenson, and Mr. McNulty.

H.R. 3066: Mr. Bates and Mr. Tauzin.

H.R. 3071: Mr. Gunderson and Mr. Roberts.

H.R. 3145: Mr. Lewis of Georgia, Mr. Neal of North Carolina, and Mr. Campbell of Colorado.

H.R. 3146: Mr. Kolbe.

H.R. 3161: Mr. Wheat, Mrs. Boxer, and Mr. Chapman.

H.R. 3165: Mr. Fields, Mr. Stearns, and Mr. Holloway.

H.R. 3220: Mr. Garcia, Mr. Lent, Mr. Hansen, Mr. Penny, Mr. Payne of New Jersey, Mr. Courter, Mr. Machtley, Mr. Wolf, Mr. Rinaldo, Mr. Whittaker, Mr. Schuette, Mr. Derrick, Mr. Inhofe, Mr. McGrath, Mr. Paxon, Mr. Towns, Mr. Pallone, Mrs. Meyers of Kansas, Mr. Owens of New York, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Chapman, Mr. Oxley, Mrs. Lloyd, Mr. Gunderson, Mr. Kolter, Mr. Roe, Mrs. Boxer, Mr. McCandless, Mr. Atkins, and Mr. Combest.

H.R. 3267: Mr. Gejdenson.

H.J. Res. 126: Mr. Emerson, Mr. Evans, Mr. Brown of California, Mr. Wheat, Mr. Frenzel, Mr. Bennett, Mr. Bilirakis, Mr. Young of Florida, Mr. Hubbard, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Ireland, Mr. Conyers, Mr. Alexander, and Mr. Young of Alaska.

H.J. Res. 195: Mrs. Martin of Illinois, Mr. Cardin, Mr. Cooper, Mr. Darden, Mr. Gaydos, Mr. Derrick, Mrs. Lowey of New York, Mr. Mrazek, Mr. Synar, Mr. Wheat, and Mr. Obey.

H.J. Res. 206: Mr. Evans.

H.J. Res. 242: Mr. Oberstar, Mr. Atkins, and Mr. Wyden.

H.J. Res. 267: Ms. Pelosi, Mr. Livingston, Mr. Matsui, Mr. Smith of New Hampshire, Mr. Green, Mr. Bennett, Mr. Madigan, and Mr. McCandless.

H.J. Res. 278: Mr. Young of Florida, Mr. Dellums, Mr. Owens of Utah, Mr. Inhofe, Mr. Smith of Florida, Ms. Pelosi, and Mr. Chapman.

H.J. Res. 291: Mr. Packard, Mr. Scheuer, Mr. Walgren, Mr. Synar, Mr. Miller of California, and Mr. Gejdenson.

H.J. Res. 372: Mr. Traficant.

H.J. Res. 380: Mr. Scheuer and Mr. Walgren.

H.J. Res. 381: Mrs. Saiki, Mr. Tallon, Mr. Schaefer, Mr. Kolbe, Mr. Rowland of Georgia, Mr. Conte, Mr. Rose, Mr. Atkins, Mr. McNulty, Mr. Gejdenson, Mr. Mrazek, Mr. Ritter, Mr. Smith of Florida, Mr. Young of Alaska, Mr. Oxley, Mr. Crockett, Mr. Parker, Mr. Tauke, Mr. Jones of North Carolina, Mrs. Byron, Mr. Gonzalez, Mr. Ravenel, Mr. Staggers, and Mr. Clement.

H.J. Res. 389: Mr. AuCoin, Mr. Ballenger, Mr. Brown of Colorado, Mr. Buechner, Mr. Dicks, Mr. Erdreich, Mr. Eckart, Mr. Gallegly, Mr. Hall of Ohio, Mr. Ireland, Mr. Johnson of South Dakota, Mr. Kasich, Mr. Lehman of Florida, Mr. Lipinski, Mr. Martin of New York, Mr. McCrery, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Owens of New York, Mr. Solomon, and Mr. Weber.

H.J. Res. 394: Mr. Robert F. Smith, Mrs. Boggs, and Mr. Bilbray.

H.J. Res. 400: Mr. Courter.

H. Con. Res. 140: Mr. Espy.

H. Con. Res. 149: Mr. Slattery.

H. Con. Res. 177: Mr. Wolf, Mr. Pickett, and Mr. Boucher.

PETITIONS, ETC.

Under clause 1 of rule XXII,

96. The SPEAKER presented a petition of the Air Transport Association of America, Washington, DC, relative to a response to the FAA's report to Congress on the Civil Penalty Assessment Demonstration Program; which was referred to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

REMEMBERING A TIME OF HOPE AND OPTIMISM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. RICHARDSON. Mr. Speaker, I recently had the opportunity to read a short speech which made me sit back and think about what we, the Congress, are working on this year. Earlier this month Jack Valenti, former Special Assistant to President Johnson, gave a speech before the National Association of Community Action Agencies entitled "LBJ's War on Poverty 'The Heart Has Its Reasons Which Reason Knows Not'."

As we face controversial issues such as catastrophic health care, section 89, the pay raise, honoraria, ethics, flag burning, drugs, and changes in the tax law and our insurmountable budget deficit it may help to remember a different time only 25 years ago when we looked forward with hope and optimism in our efforts to help society. For this reason, I commend Jack Valenti's speech to my colleagues:

LBJ's WAR ON POVERTY "THE HEART HAS ITS REASONS WHICH REASON KNOWS NOT

(Remarks by Jack Valenti)

It is a curious fact, as Paul Johnson wrote, that the most important debate in political history may have taken place not in the Congress, or in our Constitutional Convention or the House of Commons but in the fifteenth-century parish church of St. Mary in Putney, England. There, on 28 October 1647, some forty men gathered. These men were the commanders of the New Model Army, led by Oliver Cromwell. They were in civil war against an intractable King. Cromwell's son-in-law attempted to impose on the group the notion that only men of property should have the right to rule over a democratic England. And then there rose to his feet, a tall gaunt man, a peasant farmer, by name of Rainborough, who had risen to the rank of Colonel because of his valor and ability on the field of battle.

Colonel Rainborough looked squarely at Cromwell and his son-in-law, General Henry Ireton, and he said: "I think the poorest he that is in England has as much a life to live as the richest he in England." And so it was three hundred and forty two years ago that cry for opportunity was writ in stone by the living Grace of a free people, the title deeds of freedom which we so value today. Martin Luther King said much those same words, over and again, the poorest he in America has as much a lift to live as the richest he, the same words which Lyndon Johnson, by God, determined to make real and true in the brief time he would govern.

We celebrate today the first Great Society shot to be fired and heard 'round the land, LBJ's war on poverty, injustice, and ignorance, when he took up arms on behalf of the old and the sick and the black, the uneducated young and the powerless poor, when he dared to summon the nation to help all those who were pressed against the wall because of circumstances over which they had no control. It was a call that ricocheted through the countryside, stirring a nation, beckoning them to action. It was the beginning of a social, political and economic revolution and what was begun at that time and that place can never be forgotten or ignored. If over the years, the trumpet has been stilled, if the resolve has weakened, if the commitment has been frayed, lose not heart. For like the roots of an enduring tree, it will one day again be resurgent and nourished, and it will grow again. What is right can never be wronged.

I remember, oh how well I remember, for I was present at the creation. I was riding in the motorcade in Dallas on Friday, November 22, 1963 when the world was stunned by a senseless act of mindless malice, when the nation gasped and held its breath, teetering in a kind of mystical collapse. But while the light in the White House may flicker, the light in the White House can never go out. The nation must go on. I flew back on Air Force One with the newly sworn 36th President of the United States. And I was there with two other newly minted members of the White House staff, in the bedroom of his home in Spring Valley that evening until well into the morning of the next day, while LBJ told us what he intended to do now he was President. Out of his melancholy there came an invincibility of spirit. He was going to take his passions to the people, and so infect the Congress and the country that they would follow him to the mountaintop.

I remember his voice. I remember his words. He said: "Now that I got the power, I aim to use it. We're going to pass the Civil Rights bill, we will not compromise, we will not cavil. We have the moral high ground, and so long as we don't retreat we will win. I'm going to make it possible for every boy and girl in this country, no matter how poor, no matter where they come from, or the color of their skin, to get all the education they can take, and the federal government is going to help them do it. I'm going to see to it that Harry Truman's dream comes true, that old people will not have to worry how they will pay their medical bills when they get sick. We're going to eradicate poverty in this country. We're going to do it, because it has to be done."

Though none of we three who listened in rapt attention that night realized it, Lyndon Johnson was defining for us the design of his Great Society.

No piece of that Great Society was more valuable to LBJ than the War on Poverty. I remember during the Christmas holidays in 1963, Johnson's presidency only a few weeks old, he gathered Kermit Gordon, Director of the Budget, Walter Heller, Chairman of the Council of Economic Advisers, Bill Moyers and me and put us in the guest quarters some hundred yards or so from the main house of his ranch in Texas. "I don't want you guys to leave this room until we have a battle plan for ending poverty in America." When we finally emerged, we had a plan and we had a name: The War on Poverty. On January 4, 1964, in his first State of the Union message, President Johnson clanged the bell for all to hear, and the battle was joined.

President Johnson now had to find his field commander, and he didn't have to look too far. Sargent Shriver was, as LBJ liked to say, his first, second and third choice. On February 1, 1964, General Shriver went to war, with his commander-in-chief urging him on, supporting him every bit of the way. This charismatic man, this happy warrior, loyal, warmhearted, affectionate to friend and foe alike, Sargent Shriver deserves the jubilant gratitude of all those who live in this free and loving land for a brand of effective leadership which is seldom seen in Washington.

With LBJ's customary zeal for the parliamentary unexpected and the politically suitable, he asked Congressman Phil Landrum, of Georgia, to introduce the War on Poverty legislation. It was Johnson at his incandescent best, enlisting a conservative southern Congressman to lock arms with Sarge Shriver, brother-in-law of a slain President, backed by a Texas-born President, marching into unmapped territory, seeking the support of the people as they began to do radical, untried, adventuresome things.

It isn't important how many tongues buzzed around LBJ while he was President. What does count is whether after twenty five years it mattered that what he did when he was in power was in the long term best interests of the people he had by solemn oath sworn to serve.

By that measure, he was eminently successful.

The seedbed he planted in the War on Poverty nourished the land and gave heart to those who were enfeebled. What sprung from that planting was Community Action, an adventure that was both racial and simple, which is to say it proffered to citizens the role of a caring leadership in their own neighborhoods. Precisely what Tom Jefferson would have been proud to have authored. Out of Community Action came Head Start, Narcotics addiction programs, Neighborhood Health Centers, Legal Service, Upward Bound, Foster Grandparents. And from other departments of the Government there was more: Vista, Job Corps, Neighborhood Youth Corps including in-school, out-of-school and summer programs, rural loans. The War on Poverty attacked the ancient enemies of our society across a broad front. It was the first time the might of the government had ever been focused in one huge strike on the ills and the frustrations which had besieged too many communities in too much of the country for too long.

Was it worth it?

The War on Poverty has been inspected, assaulted, spit on, kicked around, mauled and vilified. Its critics, resplendent in their retrospecitve wisdom, brandishing their selective data, are eager to issue the last rites. We must admit that in some instances, we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

went too fast, spent too much, wasted too much. We were, unhappily, too often ambushed in political quarreling.

But the War on Poverty opened the eyes of the nation to the maladies afflicting this society. More importantly it invaded the heart of the nation. That is why the War on Poverty will go on. It has to. What drove LBJ to impassion the public and exhort the Congress was not merely an ornament that a leader wears and then discards casually. What President Johnson could have said if he had ever read Pascal, which he hadn't was that 'the heart has its reasons that reason knows not.' This magnificent adventure was not of the head. Few people are animated by fables of the intellect. LBJ's crusade was of the heart, where all great causes are stored. If those who succeeded to power after LBJ had felt in their heart the same passions that inhabited him, we would be farther up the mountain than we are now.

That was what LBJ was speaking of at Howard University in June, 1965, when he uttered the greatest affirmation yet of the cause of human justice. There President Johnson said the objective of the Great Society was 'not only freedom but opportunity, not just legal equity but human ability, to fulfill the fair expectations of man.' We are failing in that, and the virus of that failure will, in time, contaminate the whole society.

But I am optimistic that the years in front of us will be better than the years recently passed. I believe that President Bush before his first term is over will be hailed as a great captain in the cause of those who are mostly forgotten and dispossessed, those who can see no light at the end of the tunnel, because there is no tunnel. I say that because the champion who will lead this charge must care, care so very much so very deep in his gut, about the vacancy of hope and opportunity. President Johnson used to say he wanted people around him who would weep real tears when they saw a little old lady fall down in the street. Caring, really caring about others, is the prime passion that inflames a leader to do what is just though the way is hard. I know President Bush cares, and when the leader cares he has enough craving in his belly to command the future.

I once wrote in a speech that I had prepared for LBJ a line that he didn't use, but I wish he had. I was trying to sum up what he stood for and I remembered something that a long ago King of England once said: "So long as I have lived I have striven to live worthily. I desire to leave men who come after me a remembrance of good works."

Lyndon Johnson had every right to this sentiment for his achievements are there, for all to see, in the War on Poverty, in the Civil Rights Act of 1964, the Voting Rights Act of 1965, in the Fair Housing Act of 1968, in Medicare, in the Elementary and Secondary Education Act and a hundred other pieces of legislation. It is there and it is truly a worthy claim to greatness. However, as Ralph Ellison once wrote, "because of Vietnam, Lyndon Johnson will just have to settle for being the greatest American President we have ever had for the poor, the old, the sick and the black, but," said Ellison, "that's not a bad epitaph at all."

CONGRESSIONAL TRIBUTE TO PATERSON DETECTIVE GINE A. RODRIGUEZ ON HIS RETIREMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to pay tribute to a truly outstanding individual from my Eighth Congressional District of New Jersey who has rendered great service to his community, both as an outstanding police officer and as a private citizen who has given unselfishly of his time and effort.

I am speaking of Detective Gine A. Rodriguez of the Paterson Police Department, who is retiring this year after a quarter century of truly outstanding service. For all that he has contributed to his community, both personally and professionally, Detective Rodriguez will be honored with a special dinner on September 30, 1989, at the Passaic Valley Elks Lodge in Totowa Boro, NJ.

Mr. Speaker, I know this event will be a source of great pride, not just to Gine Rodriguez himself, but to his loving wife, Elizabeth, and to his son, Gine Rodriguez III. And I know that the noted civic, government, and church leaders who will be attending, including the Honorable Frank X. Graves, mayor of Paterson, and Monsignor Mark Giordano of the Paterson Catholic Diocese, are just as proud of all that Gine Rodriguez has accomplished during his quarter century with the Paterson Police Department.

Mr. Speaker, Gine Rodriguez joined the Paterson Police Department as a patrolman in April of 1964 after serving as a manager with the Felsway Shoe Corp., and as a truant officer with the Paterson Board of Education. He was appointed detective in 1976 and since that time he has initiated and taken part in scores of programs that have become a vital part of the public safety and crime prevention efforts of the city of Paterson.

He as served as director of Paterson's Crime Prevention Unity Program, and his crime prevention training efforts have reached more than 10,000 residents of Paterson and Passaic County. From 1983 until the present, Detective Rodriguez has served as Commissioner of the Passaic County Board of Social Services, holding the posts of personnel chairman, fraud committee chairman, and community relations chairman, overseeing a $70 million annual budget.

Mr. Speaker, Detective Rodriguez has also contributed to the betterment of his community through his work as executive director of Project Pride, a privately funded agency set up to attract business into Passaic County. In this capacity he served as liaison to the neighborhood association and he reorganized the noted Silk City Boxing Club. Among Detective Rodriguez's many outstanding training and education credentials, he has trained Paterson municipal employees in home and personal safety, and he has run employee assistance programs and personnel and security training for the Passaic County Board of Social Services.

For his myriad of efforts on behalf of his city and his community, Detective Gine A. Rodriguez has received numerous awards recognizing all that he has done. He was named "Policeman of the Year" in 1988 by the Paterson Interfaith Community Organization; he was honored for "Outstanding Service" by the Greater Paterson Chamber of Commerce in 1986; he was named "Man of the Year" by the Municipal Youth Guidance Council of Paterson, for his outstanding contribution to the Passaic County Private Industry Council and honored as "A Man Who Has Time For Everyone" in 1983.

Detective Rodriguez was also honored as "Policeman of the Year" by the DECA Clubs of Paterson Eastside and Kennedy High Schools in 1979, and has received certificates of appreciation from John F. Kennedy High School, the city of Paterson, the National Secretaries Association, the Paterson Kiwanis and Paterson Public School No. 27.

Mr. Speaker, along with his numerous professional accomplishments, Gine A. Rodriguez has contributed to his community through his memberships in a wide range of civil and fraternal organizations. He has served as president of the Paterson Police Holy Name Society; as a life member of the Paterson Amvets; also as a member of the board of directors of the Paterson Boys Club, Paterson Local No. 1 PBA, Paterson Elks Lodge No. 60, the Adam Reiser Social Club, the Italian Circle, the National United Council on Weflare Fraud, the National Child Support Enforcement Association, and the New Jersey and National Crime Prevention Associations.

Mr. Speaker, I invite you and our colleagues to join me in paying tribute to a truly special and outstanding citizen, police officer, community servant, and family man whose dedicated efforts have made his community, State, and our Nation a better place to live, Detective Gine A. Rodriquez of the Paterson, NJ Police Department.

TRIBUTE TO ROBERT H. DONAHUGH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Robert H. Donahugh, the director of the public library of Youngstown and Mahoning County, who is retiring October 1, 1989, after 27 years of service in the Mahoning system.

A native of Minnesota, Robert received his bachelor's degree from the College of St. Thomas in 1952 and his master's degree in library science from the University of Minnesota. Robert began his library career in Canton, Ohio in 1957 when he accepted a position as technical services director at the Public Library of Youngstown and Mahoning County in 1962. He was appointed assistant library director in 1965 and became director in 1979.

Robert has been active in both State and National library organizations. He has distinguished himself as a highly respected book reviewer for the Library Journal for over 30 years. His membership in other organizations include president of the Ohio Library Association in 1975, president of the Midwest Federation of Library Associations from 1979-1983, and editor of the Ohio Library Association Bulletin for 5 years.

In 1983, Robert was awarded Ohio Librarian of the Year, recognized for his outstanding service to the library profession. For the past several years, he has entertained and enlightened area listeners with "Books, Etc." which is broadcasted on WYSU-FM. Robert is currently an active member of the Elks Club, Rotary Club, and the Youngstown Club. He is a well-rounded individual, not only through his having read extensively, but through his short trips all over the world. Robert used these literary and travel experiences to help stress to others the importance of being aware of current events and the impact these have on the world as a whole.

Mr. Speaker, I would like to take this opportunity to congratulate Robert Donahugh for his impeccable service to his community. The reason for Robert's success stems from his knowledge, understanding, and compassion for other people. We are deeply indebted to him for his dedication and the contributions he has made to our area. I am honored to represent this outstanding individual.

MONTGOMERY COUNTY FIGHTING WAR ON POVERTY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mrs. MORELLA. Mr. Speaker, I rise to recognize the 25th anniversary of the Montgomery County Community Action Agency.

Congress passed the Economic Opportunity Act of 1964, which initiated a war on poverty. Title II of that law provided for urban and rural community action programs to stimulate "* * * communities to mobilize their resources to combat poverty through community action programs."

The most innovative provision of the Economic Opportunity Act of 1964 was the requirement that the community action program be "* * * developed, conducted and administered with the maximum feasible participation of residents of the areas."

In response to the Economic Opportunity Act, the Montgomery County Council passed Resolutions 5-1764, April 1, 1965, and 5-1846, May 15, 1965. These resolutions empowered an already established group, the rehabilitation and redevelopment commission, to apply to the Office of Economic Opportunity for funding, to initiate a coordinated community action program to respond to the needs of interests of low-income people.

On October 19, 1965, the Montgomery County Council passed Resolution 5-2213 creating the Montgomery County Community Action Committee which would have the authority and responsibility of developing and coordinating community action programs.

The Economic Opportunity Act of 1964 was amended in 1966. Council Resolution 6-242, February 21, 1967, reflects the changes incorporated in the Economic Opportunity Act of 1966, which affected community action committee membership. While retaining the mix of members from various civic organizations and private associations having a concern for poverty, the 1966 act required that members include representatives from communities with concentrations of low-income families "selected in a democratic manner as approved by the community action committee." Another significant change was that the executive director had to be selected by the community action committee, subject to the ratification and appointment by the county manager and personnel board. The director would, in turn, select staff to administer programs developed by the community action committee.

In 1967, Congress again amended the Economic Community Act. The 1967 amendments, which were reflected in council Resolution 6-1332, June 16, 1968, strengthened the role of the low-income residents in the administration of community action programs. The community action committee, increased to 51 members, was divided into three equal groups: public officials; representatives of the poor; and officials or members of business, industry, religious and private welfare and minority groups.

In 1968, the resolution remained unchanged until after the county charter was adopted. In July of 1975, the council enacted bill 13-75 which created a new community action agency within the executive branch to engage in community action programs. The community action board was retained as an advisory board reduced in size from 51 to 39 members. Bill 13-75 was codified as article IV of chapter 27 of the Montgomery County Code, as amended.

Mr. Speaker, the Montgomery County Community Action Agency reduces the adverse effects of social and economic conditions on low-income families and individuals and seeks to increase low-income families' and individuals' self-sufficiency, self-esteem, and control over their lives. It does this by identifying various conditions that lead a person or family to becoming economically disadvantaged and by recommending policies and programs to remedy or significantly reduce these conditions.

I am proud, Mr. Speaker, to point out some of the services provided by this valuable agency.

Since 1977 the community action agency has administered the federally funded, State supervised Maryland Energy Assistance Program. From 1977 to 1989, the division of community action provided fuel assistance to 23,749 low-income households.

The summer lunch program for low-income children is administered by the Montgomery County Public School's Food Service and monitored by the community action agency. From 1964 to 1989, 62,500 low-income children have been served, totaling 1,875,000 meals served.

The community action agency is the grantee and monitor of the Montgomery County Head Start Program. Since 1965, the inception of the program, Head Start served 18,297 low-income children and their families.

The communtiy action agency/Manna food distribution program provides emergency food to families and individuals. Manna has distributed 2½ million pounds of surplus food since its inception in 1984, and 30,000 food boxes to 80,000 Montgomery County low-income families.

The community action agency holiday food basket project provides Thanksgiving and Christmas baskets to the low-income families. Since the program began in 1987, 6,250 families have been served.

From 1986 to 1989, CAA has served the unemployed and the underemployed. About 4,000 persons have been helped with employment and training needs.

Mr. Speaker, the "war on poverty" has not been won. The paradox of poverty in the midst of plenty continues today. In Montgomery County, 73,000 individuals who are elderly, handicapped, single parents, unskilled, unemployed or underemployed, live in poverty and 28,000 are identified as very, very poor.

I am proud to salute the individuals of the community action agency, the board of directors, and the able staff whose dedicated and committed efforts have made the difference for so many people in Montgomery County.

ABBY COWAN RETURNS TO SANTA MONICA'S FRANKLIN SCHOOL OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to bring to the attention of my colleagues an important essay written on one of my constituents. Abby Cowan, as the article makes clear, exemplifies the kind of powerful national commitment our country must make to educating our children. In pursuit of her lifelong dream and passion, teaching first graders, Abby is now returning to the elementary school where 18 years ago she began her education as a kindergartner.

If children are our Nation's most precious resource, then we must also remember that teachers like Abby are our Nation's greatest hope. As America's Governors and President head off to this month's education summit, I hope they stop to read about the Abby Cowans in their communities and are inspired to greatness.

WELCOME BACK, COWAN: FRANKLIN PUPIL RETURNS AS TEACHER

(By Rich Seeley)

After completing her studies at Dartmouth and Harvard, Abby Cowan is finally ready to go back to elementary school.

When classes start Tuesday in the Santa Monica-Malibu Unified School District, she will be back where here distinguished student career began. At age 22, Abby will start her first full-time teaching job at Franklin School in Santa Monica, where on a September day 18 years ago she began her education as a kindergartner.

This time, with her bachelor's in liberal arts from Dartmouth College and her master's in education from Harvard University, Abby will be starting at the first grade. And, of course, this time she'll be a teacher.

In may seem surprising that someone would come back from the Ivy League to teach in the little league, but Abby says it was always her dream to return to Franklin.

Some of her friends thought that since she had gone off to college in the East, she would stay in the East, but Abby says, "Actually, Franklin was my first choice."

Of course, rookie teachers do not get the multi-million-dollar signing bonuses that football players receive out of college, but Abby was, in her own say, a holdout this summer.

She was offered two different jobs in the Los Angeles Unified School District, but she turned them down, while waiting and hoping for a job offer from Franklin.

Abby had been talking to Franklin principal Dale Petrulis since February about career possibilities there. And what she learned at first might have discouraged less dedicated job seekers.

It is not easy to find a position in the Santa Monica-Malibu school system. The district is small, in comparison to neighboring Los Angeles, and teachers rarely leave. So there are not a whole lot of openings.

But Abby held out anyway without so much as a second job to fall back on.

"I didn't really have a backup plan," she admits.

Finally after six months of talking and waiting and hoping, last Tuesday Abby received a call from Petrulis.

"Welcome to Franklin," the principal said. An opening had occurred and Abby was offered the job a week before the start of the fall term.

Abby is not the first Franklin student to return there as a teacher—others have gone before her—but she must be one of the happiest.

As if to prove the truth in that old saying that everything comes to those who wait, Abby got the exact teaching assignment she was looking for at the school where she had always wanted to be.

She had concentrated on the reading instruction in her studies at the Harvard School of Education and wanted to teach first grade because that's where many children first get hooked on books.

So when she enters that first-grade classroom Tuesday morning, it will be like a lifetime dream come true.

While many young people don't make a career choice until high school or college—some middle-aged adults are still wondering what they are going to do with their lives—Abby always knew she wanted to teach.

She made that decision way back when she was a student at Franklin.

"I wanted to be a teacher since forever," she says.

When other children played out their comic book fantasies, Abby and her best friend used to play school.

And now not even the traditional low pay in the teaching profession can dampen her enthusiasm for her new job. She says she always knew that she would not get rich in her chosen field and she accepted it. But while her fellow Ivy League grads may be looking forward to the good life of investment banking, Abby believes her career will be the most rewarding.

"I'd rather be doing something I really want to do than to be getting paid well doing something I didn't care about," she says. "And I don't think the rewards of teaching can be equaled in any other profession. To have a child walk into your classroom not knowing how to read and learn to read, which is the key to all future learning, how could anything be more rewarding than that?"

When she was growing up, Franklin, was Abby's neighborhood school. She lived two blocks away and walked there every day from kindergarten through the sixth grade. She has fond memories of the Halloween festivals the school held to raise money each fall. And she remembers the dedicated teachers, several of whom are still there, who encouraged and inspired her as a child.

Franklin is the school where Abby Cowan first dreamed of teaching, and talking to her you can't help but feel that there is a future for American education, and for dreams.

If America is to boldly enter the 21st century, it shall only be classroom by classroom, for there, under the wise guidance of teachers like Abby, is born the creativity and curiosity that have made this country great. Abby, I salute you and your new students, and wish you all the best in the coming year.

CONGRESSIONAL SALUTE TO FORMER COUNCILWOMAN DOLORES (BOBBY) ROBERSON-REILLY OF MONTCLAIR, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. ROE. Mr. Speaker, it is with the greatest admiration that I rise today to salute an outstanding public servant from my Eighth Congressional District of New Jersey who, during the past 11 years, has truly established herself as a pioneer and a gifted government leader.

I am speaking of former Montclair Councilwoman Dolores (Bobby) Roberson-Reilly, the first black woman elected to political office in Montclair, NJ, and whose great contributions to her community are deeply respected by those who have come to know her.

Mr. Speaker, for all of Bobby Roberson-Reilly's achievements, and all that she has done for her community, her multitude of family, friends, colleagues, and noted government officials will honor this outstanding leader on September 30, 1989, with a testimonial dinner at the Essex Manor in Bloomfield, NJ.

Mr. Speaker, I know this event will be a great success, for those charged with its planning have dedicated themselves to that end. This fine group includes Councilwoman Audrey Fletcher, the general chairperson; Ruth C. Taylor, chairperson, and the dinner committee members, Alonzo Brandon, Daniel DiPrenda, Jefferson Foster, Frank Green, Joseph Greene, James Harris, Bernice Killian, Theresa Nance, Lawrence Richardson, Jahadi Sharif, Barbara Smith, John Sterling, Antoinette Stoute, Lincoln Turner, and Michael Zazzarino.

I know, too, this testimonial dinner will be a great source of pride to Bobby Roberson-Reilly's sons, Vincent and Earl, and her daughter, Pamela.

Mr. Speaker, Bobby Roberson-Reilly truly blazed a trail in 1978 when she became the first black woman elected to political office in Montclair, being voted to a seat on the Montclair Charter Study Commission. She followed up this victory in 1980 by being elected to represent Montclair's Fourth Ward on the Township Council. Because of her outstanding work on the council, she was reelected to another 4-year term in 1984.

Mr. Speaker, along with her work in helping to govern the fine municipality of Montclair, Bobby Roberson-Reilly, who has been highly active in her community for many years, has been involved in numerous other civic endeavors. She has served as president of the Nishuane School PTA, as secretary of the YWCA Board of Directors, as vice chairperson of the Montclair Housing Coalition, as secretary of the Montclair Community Action Team, and as a member of the Citizens Concerned About Urban Renewal.

Currently, Bobby Roberson-Reilly serves as a member of the Glenfield Community School Task Force, the New Jersey Association of Black Educators, the Montclair Chapter of the National Political Congress of Black Women, the Montclair Chapter of the National Council of Negro Women, and the Montclair Branch of the NAACP.

Along with being an outstanding government leader, Bobby Roberson-Reilly has also been deeply involved in the arts, having studied theater in New York. She is the founder and director of the Montclair African-American Cultural and Historical Association, and the Montclair African Violets Theatrical Production Co. She has performed with The Family, Inc., of New York, New Jersey, France and Italy, with the Amiri Baraka UHURU Freedom Players and with numerous other noted theater companies.

Mr. Speaker, I appreciate this opportunity to present a brief portrait of a woman who is a true pioneer, an outstanding leader and a treasured citizen who has made her community, her State, and our Nation a better place to live, former Councilwoman Dolores (Bobby) Roberson-Reilly of Montclair, NJ.

REGARDING HOUSE CONCURRENT RESOLUTION 47, THE ABROGATION OF THE PANAMA CANAL TREATIES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today in support of House Concurrent Resolution 47, calling for the abrogation of the 1977 Panama Canal Treaties which would transfer responsibility for both the operation and defense of the Panama Canal to Panama by the end of the century.

The United States can make no greater mistake than transferring control of our canal to a country run by Gen. Manuel Noriega, a drug-running military dictator. The canal should not be in the hands of a self-appointed leader that makes a mockery of democratic elections. Last May, despite reports that the opposition coalition won the Panamanian national elections, Noriega continued to exercise behind-the-scenes control of the government. The election was Noriega's chance to prove to the United States that Panama could responsibly operate and defend the canal, but all Noriega managed to demonstrate was that he led a corruptive regime marked by massive fraud and violence. We cannot trust a man so lacking in values of democracy and liberty with control of a canal that Americans suffered and died to construct. In addition, the instability of Panama itself jeopardizes the canal's security.

Therefore, Mr. Speaker, today on the 10th anniversary of the signing of the Panama Canal Act of 1979, I rise in support of House Concurrent Resolution 47, introduced by my colleague, PHILIP CRANE. The United States must maintain control of the strategically important Panama Canal. The leadership in Panama has proven itself incapable of taking on such an important responsibility.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. ENGEL. Mr. Speaker, I was unavoidably detained for rollcall votes 240, 241, 242, and 243. Had I been present, I would have voted "aye" on all four votes.

SHELTON "SPIKE" LEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to salute the achievements on one of Brooklyn's adopted sons.

Spike Lee is a writer, director, actor and possibly a prophet. Mr. Lee's movies portray the life of a dispossessed people without becoming moribund in their agony or overcome with their oppression. He proclaims and confirms their beauty and determination in every frame of footage and in every line of dialogue. His movies are eloquent statements about the lives of black people, which transcend the experience of one people and emerge as statements of the universality of experience of all people in the common pursuit of love and logic in an irrational and loveless world.

Born in Atlanta, GA, Lee grew up in Brooklyn. He graduated from Morehouse College and began his film career at New York University's film school. His NYU thesis project "Joe's Bed-Stuy Barbership: We Cut Heads" won the Academy of Motion Pictures Arts and Sciences Student Academy Award.

Lee surged to the forefront of the independent film movement with "She's Gotta Have It" in 1986. A box-office smash as well as critical success, this film told a story of the relationships and romantic liaisons and conquests of an independent young black woman. This cinematic jewel, shot in black and white, won Mr. Lee the Best New Director award at the Cannes Film Festival.

He followed the success of "She's Gotta Have It" with "School Daze", a controversial look at intraracial prejudice on a black campus. "School Daze" became Columbia Pictures most profitable film of 1988. In 1989, Mr. Lee released "Do The Right Thing", a portrait of racial conflict in contemporary America.

Mr. Lee uses Brooklyn as the location for many of his movies. He is a young man who richly deserves our support and admiration.

AN ANNIVERSARY OF THE BILL OF RIGHTS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. BROOMFIELD. Mr. Speaker, 200 years ago today, Congress completed work on what may have been the most important piece of legislation in its history. On September 25, 1789, Congress submitted to the States 12 amendments to clarify a number of rights pertaining to individuals and States that were not specified in the Constitution.

Of the 12 amendments, 10 were eventually ratified by the States and came to be known as the Bill of Rights.

There will probably be no fireworks to celebrate the anniversary, no marching bands or television spectaculars. But I think it is safe to say that more attention has been paid to the Bill of Rights than to any other document in American history, including the Declaration of Independence and the rest of the Constitution itself.

In retrospect it is hard to believe that the Bill of Rights was originally opposed by so many. Even James Madison, the man who is regarded as the principal framer of these amendments, was initially lukewarm about the need for specifying all of the rights that needed protection.

If many opposed making such rights a part of the Constitution, it was only because they knew that individual rights were already a part of the American fiber—brought to the shores of America by colonists familiar with the great struggles in England that produced the Magna Carta and other documents guaranteeing English liberties, and written down in America in colonial charters and later in State constitutions.

Madison knew that when it came to guaranteeing individual liberties, what was done in practice was more important than what was written on paper. Judging from the experience the Russian people have had with the Soviet Constitution of 1936 and its successor constitutions, it is clear that Madison had a point. No amount of guarantees of freedom of religion, speech, press, or assembly were able to save the Russian people from the last 50 years of Soviet history.

Yet even in America, by comparison to the Soviet Union a bastion of human decency, people were still working out the meaning of their commitment to liberties 70 years after the Bill of Rights was ratified.

It took the bloodiest war in America's history to ensure that civil liberties extended to all Americans, to establish that there are certain fundamental rights which all men and women possess, not just those in power or those in a majority, because each human being has a free will and, within reason, the God-given right to exercise it.

This Nation continues to debate the meaning of the Bill of Rights. Americans most often read about this document when it is being stretched to the breaking point. Indeed, it often seems that some Americans are more jealous of their liberties than attentive to their responsibilities.

Yet Thomas Jefferson was undoubtedly right when he observed to a friend that he "would rather be exposed to the inconveniences attending to too much liberty than those attending too small a degree of it."

There have been suggestions in recent years to celebrate a "Bill of Rights Day." They have some merit. But I would like to think that the most appropriate way to show our continuing reverence for the Bill of Rights is to make sure that it is not only celebrated but that its principles are observed in court rooms, in churches, in news rooms, and throughout the American Nation every day of the year.

TRIBUTE TO CORYDON PALMER DENTAL SOCIETY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Corydon Palmer Dental Society of Mahoning, Trumball, and Columbiana Counties on the occasion of their 75th anniversary. The Corydon Palmer Dental Society has engaged for 75 years in public service programs to benefit its community and families.

The Corydon Palmer Dental Society is an organization which provides excellent public service to its community. Since 1915, it has offered continuous service to the families in Mahoning, Trumball, and Columbiana Counties. Not only are the members dedicated to public service, but they also provide superior professional dental care to their clients.

Over 90 percent of all dental practitioners in the Youngstown, Warren, and Columbiana area are members of the Corydon Palmer Dental Society. The members all maintain membership in the American Dental Association and the Ohio Dental Association. The practitioners have performed dental services for 75 years to area families and they continue to receive continuing education in order to offer the latest advances in dentistry to their patients.

Mr. Speaker, I would like to take this opportunity to congratulate Corydon Palmer Dental Society for their impeccable service to their communities. The reason for the society's success stems from its understanding and compassion for other people's problems. We are deeply indebted to these members for their dedication and the contributions they have made to our area's causes. I am honored to represent these outstanding individuals.

RICHARD J. ANEIRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, on this day I want to salute the fine and noble accomplishments of Mr. Richard J. Aneiro.

Richard J. Aneiro is president and chief executive officer of the Brooklyn Navy Yard Development Corp. Under his mantle of leadership the corporation has successfully reactivated a once-dormant shipyard into a thriving commercial complex. Over 150 small businesses have established operations within the yard's 4.3 million square feet of existing space. Creating opportunities for people to realize dreams of starting a business is easy compared with maintaining an atmosphere where businesses flourish. Under Dick Aneiro's able leadership the yard's business failure rate has been significantly reduced from 28 percent to under 2 percent despite the inclusion of 85 new businesses. At the current rate of growth, the yard is projected to double its business population over the next 2 years. This sorely needed infusion of capital and commerce has concomitantly benefited the people of East New York by providing employment and the spark of commercial activity in East New York.

Prior to assuming his position at the yard, Mr. Aneiro served as the director of the Mayor's Office of Model Cities and held many managerial posts with the city of New York.

In addition to a demanding professional life, Mr. Aneiro recognizes his responsibility to be involved in the community. He is a member of many clubs and organizations including the Brooklyn Economic Development Corp., the Kings County Overall Economic Development Programs, the Brooklyn Chamber of Commerce, the New York Chamber of Commerce and Industry, the National Alliance of Business and the Harvard Alumni Association.

He has been recognized by numerous organizations for his public service including National Society of Handicapped, New York State Assembly Commendation for Public Service, Brooklyn Borough President Citation, and the National Alliance of Business Distinguished Performance Award.

In sum, Mr. Aneiro has admirably served the State of New York and the Brooklyn community. We have benefited from his entreprenuerial spirit and continued belief in East New York.

BEDFORD PARK CONGREGATIONAL CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. ENGEL. Mr. Speaker, 100 years ago this week, the Bedford Park Congregational Church was founded in the Bronx. Many residents of my district have been touched by the fine work of the Bedford Park Congregational Church, and today they are rightfully celebrating the 100th anniversary of their church. I congratulate the church on reaching this milestone and wish its members continued success in the future.

During its 100 years, the church has been located at the same site on the corner of East 201st Street and Bainbridge Avenue. Twelve pastors have served during that time—including the Reverend William Kalaidjan, who has led the congregation for the past 36 years.

In addition to providing spiritual guidance, the church has contributed greatly to the community. For more than 35 years, chapters of Alcoholics Anonymous and Alanon have met in the church hall to assist alcoholics and their families. The church sponsors art classes twice a week and also hosts weekly meetings of a local Girl Scout troop. For many years, the Bronx Historical Society met in the church hall. Since 1957, Reverend Kalaidjan has also had the honor of serving as a Protestant chaplain for the New York City Police Department.

The Bedford Park Congregational Church has been called a uniting church because it has welcomed members from all walks of life. Today, I am united with the residents of my district in wishing the church members a happy and healthy 100th anniversary.

IT'S TIME TO FOLLOW JAMES MADISON'S LEAD

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. AuCOIN. Mr. Speaker, the House Task Force on Ethics is proposing, as part of a commendable package of reforms, a pay increase that would be phased in in this manner—some next year, and the rest in 1991.

The task force almost got it right. Phasing in is fine. But the right way to do it is to delay the effective date entirely until voters have had their say in the 1990 general election.

That's the idea first proposed by James Madison 200 years ago. And that's the wisest course for us to follow today. Anything else is thumbing our noses at the people who pay us.

As Madison put it: "There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming indecorum in such power, which leads me to propose a change."

His vehicle for change was a constitutional amendment, which was submitted to the States without a ratification deadline.

Lest it escape the attention of my colleagues, 32 States have now ratified James Madison's amendment. Between 1789 and 1873, it was ratified by seven States. Twenty-five other States have ratified since 1978, including 14 in the last 2 years.

I'm delighted that at my request the 65th Legislative Assembly of the State of Oregon ratified the amendment during its 1989 session.

I have absolutely no doubt that unless we fold Madison's idea into the new package, two things will happen: First, we will fail to pass a pay raise this year or anytime soon; and second, the Madison amendment will pick up six additional ratifications—enough to make it a part of the Constitution.

The biggest problem in setting congressional pay is the belief on the part of the public that we're feathering our own nest. And who can blame them? By following Madison's lead, we place our responsibility for setting congressional pay in full view of the American people, and can never again be accused of lining our own pockets.

The ratification history of the salary amendment includes passage by 32 States, as follows:

1. Maryland—Dec. 19, 1789.
2. N. Carolina—Dec. 22, 1789.
3. S. Carolina—Jan. 19, 1790.
4. Delaware—Jan. 28, 1790.
5. Vermont—Nov. 3, 1791.
6. Virginia—Dec. 15, 1791.
7. Ohio—May 6, 1873.
8. Wyoming—March 3, 1978.
9. Maine—April 27, 1983.
10. Colorado—April 18, 1984.
11. S. Dakota—Feb. 21, 1985.
12. New Hampshire—March 7, 1985.
13. Arizona—April 3, 1985.
14. Tennessee—May 23, 1985.
15. Oklahoma—July 10, 1985.
16. New Mexico—Feb. 14, 1986.
17. Indiana—Feb. 24, 1986.
18. Utah—Feb. 26, 1986.
19. Arkansas—March 5, 1987.
20. Montana—March 17, 1987.
21. Connecticut—May 13, 1987.
22. Wisconsin—June 30, 1987.
23. Georgia—Feb. 2, 1988.
24. West Virginia—March 10, 1988.
25. Louisiana—July 6, 1988.
26. Iowa—Feb. 7, 1989.
27. Idaho—March 23, 1989.
28. Nevada—April 26, 1989.
29. Alaska—May 5, 1989.
30. Oregon—May 19, 1989.
31. Minnesota—May 22, 1989.
32. Texas—May 25, 1989.

For the interest of my colleagues, I submit for the RECORD the enrolled Senate Joint Resolution 26 from the 65th Oregon Legislative Assembly.

SENATE JOINT RESOLUTION 26

Whereas the Legislative Assembly of the State of Oregon pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following (Article) be proposed to the Legislatures of the several States, . . . which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"(An ARTICLE) in addition to, and Amendment to the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the Fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 (70 Ohio Laws 409-10); Wyoming on March 3, 1978 (124 Cong. Rec. 7910; 133 Cong. Rec. S12949); Maine on April 27, 1983 (130 Cong. Rec. H9097, S11017); Colorado on April 18, 1984 (131 Cong. Rec. S17687; 132 Cong. Rec. H6446); South Dakota on February 21, 1985 (131 Cong. Rec. H971, S3306); New Hampshire on March 7, 1985 (131 Cong. Rec. H1378, S3597); Arizona on April 3, 1985 (131 Cong. Rec. H2060, S4750); Tennessee on May 23, 1985 (131 Cong. Rec. H6672, S10797, S13504); Oklahoma on July 10, 1985) (131 Cong. Rec. H7263, S13504); New Mexico on February 13, 1986 (132 Cong. Rec. H827, S2207-8, S2300); Indiana on February 19, 1986 (132 Cong. Rec. H1634, S4663); Utah on February 25, 1986 (132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866); Arkansas on March 5, 1987 (134 Cong. Rec. H3721, S7518); Montana on March 11, 1987 (133 Cong. Rec. H1715, S6155); Connecticut on May 13, 1987 (133 Cong. Rec. H7406, S11891); Wisconsin on June 30, 1987 (133 Cong. Rec. H7406, S12948, S13359); Georgia on February 2, 1988 (134 Cong. Rec. H2638, S5239); West Virginia on March 10, 1988 (134 Cong. Rec. H2492, S4784); Louisiana on July 6, 1988 (134 Cong. Rec. H5783, S9939); Iowa on February 7, 1989; and Idaho on March 23, 1989; as well as by the House of Representatives of the State of North Dakota on January 26, 1987, and on February 3, 1989; the House of Representatives of the State of Texas on April 23, 1987; the House of Representatives of the State of Illinois on June 22, 1988; and the Assembly of the State of Nevada on March 28, 1989; and

Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution may still be ratified by states' legislatures as a result of the ruling by the United States Supreme Court in the landmark case of *Coleman* vs. *Miller*, (307 U.S. 433 (1939)) in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the amendment's consideration; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That the Secretary of State shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b; 1 U.S.C. 112; as amended by P.L. 98-497, 98 Stat. 2291) of the action of the Sixty-fifth Legislative Assembly by sending to the archivist one copy of this resolution.

(2) That the Secretary of State shall also send one copy of this resolution to each member of the Oregon Congressional Delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the CONGRESSIONAL RECORD.

MARTIN MALAVE DILAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to salute a dedicated and noble citizen of east New York, Mr. Martin Malave Dilan.

Martin Malave Dilan is a native of Brooklyn. He was elected in 1988 as a Democratic district leader from the 54th Assembly District in Brooklyn. Prior to holding office as a district leader, Mr. Dilan served on Community School Board 32 for 13 years. For over half of that time, he served as chairman of the board. He continued as a school board member until elected to the Democratic State Committee.

As a driving force promoting change in the schools, Mr. Dilan has expended effort and energy toward the goal of achieving educational equity and funding parity for the children of Bushwick.

In addition to his untiring efforts on behalf of the education of our children, Mr. Dilan has also served as member of Community Board No. 4 and area Policy Board No. 4

A TRIBUTE TO THE NATIONAL COMMITTEE FOR JOE DOHERTY AND TO ATTORNEYS MARY PIKE AND STEVEN SOMERSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. ENGEL. Mr. Speaker, I rise to pay tribute to the National Committee to Free Joe Doherty and to Joe's attorneys Mary Pike and Steve Somerstein. On the occasion of this tribute, I am proud to raise my voice in the U.S. House of Representatives on this important issue.

I would especially like to express my admiration and respect to my good friend Mary Pike who I have come to know well from my involvement in promoting justice for Joe Doherty. Mary's tenacious pursuit of this case, through virtually every possible legal channel available, evokes a feeling of warmth and gratitude from all of us in this country who believe that due process and the integrity of the U.S. Constitution have been breached in Joe's case.

As the National Committee to Free Joe Doherty and its supporters well know, Joe has faced an unprecedented level of opposition from the highest places within the U.S. Government. Yet, there is no hint among the national committee, from Mary Pike or Steve Somerstein, that they will permit an unjust U.S. Government policy to prevail.

The tribute for Mary Pike and Steve Somerstein on September 29 demonstrates that despite the long duration of this case, the supporters of justice for Joe Doherty will not permit a hostile U.S. Government to defeat us without a vigorous battle for what we know is right. Just as Joe Doherty has demonstrated his personal strength by continuing to fight for asylum in the United States, his supporters have been unyielding in their struggle.

The National Committee to Free Joe Doherty can be proud that House Concurrent Resolution 62, of which I am an original cosponsor, has nearly 80 cosponsors with new support for the resolution growing each day. This is a tribute to Joe and to the thousands of his advocates who believe that he deserves a fair shake in the United States. Building support for this resolution demonstrates the importance of each individual getting involved and doing whatever possible to advance this cause.

As a member of the executive board of the Ad Hoc Committee on Irish Affairs, I am proud to raise my voice in the House of Representatives to pay tribute to Joe Doherty, to the National Committee to Free Joe Doherty, to the thousands of activists working for the cause, and to Steve Somerstein and Mary Pike. It is difficult to find words to describe the combination of energy, dedication, and sense of moral purpose which this group represents. This is a cause, like the struggle for a unified Ireland, which requires perseverance and inner strength. Joe Doherty could ask for no greater source of strength than the supporters who gather on September 29 to pay tribute to Steve Somerstein and Mary Pike. I am pleased to lend my voice to this tribute.

H.R. 1759, THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1989

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. PERKINS. Mr. Speaker, I rise today to voice my support for H.R. 1759, the National Aeronautics and Space Administration Multiyear Authorization Act of 1989. I want to congratulate both Chairman ROE and Subcommittee Chairman NELSON for the fine bill they were able to shepherd through the committee and to the House floor.

This bill is the culmination of many hours of hearings and staff meetings with all portions of the industry and space community. We all have been given the opportunity to contribute to the formation of this Multiyear Authorization. The openness and bipartisanship that was exhibited during this process gives witness to the importance this legislation holds for all of us today.

I hope that this legislation can produce the needed stability and forethought that the civilian space program needs to properly address the changing needs of our Nation. We are faced with budget constraints but the need to push to the outer boundaries is just as important and is a goal that is shared by the vast majority of Americans.

If the House is truly intended to be the voice of the people of this Nation, it is time we sat up and listened a little closer to what they are saying. They are telling us in every poll and every meeting that we need to continue pressing onward to the stars. We must not look for every excuse and see every obstacle and the one that will defeat us. For far too long our attitudes have been one of pessimism and not one of high expectations that will spur us toward specific goals.

This legislation has many goals contained in it and to reach these goals I feel that we must come together as one body to support items such as the space station, the mission to planet Earth, the planet-based missions to Mars, Venus and others, and the continued development of new and exciting modes of transportation to space such as shuttle C and the space plane.

Each of these missions are important to the effort that NASA is putting forth on our behalf. But I feel that it is imperative that we do a better job of explaining to the American people the need for these programs. We need to show them how the station can lead to further developments that will benefit us here on Earth; how the knowledge gained from exploring Venus and Mars will enlighten us about our own planet's history; how the mission to planet Earth can increase our understanding about the fragile state of our own atmosphere and ecosystem. All of these are important and will impact on the daily lives of all people on this Earth.

We witnessed the excitement of a Nation when we recently had the fly-by of the *Voyager* spacecraft. This excitement must be transformed into a national mission, goals shared by all Americans.

Once again I congratulate my fellow members of the committee for putting together a fine bill that does challenge us in this body to forge ahead with the leadership that is so desperately needed if we are to remain leaders in space exploration. If we do not heed this challenge we will become just like the second-rate sea-faring nations of the 1500's. The rest of the world passed them by and they were never able to catch up. Today we stand on the threshold that will impact on generations to come. We cannot simply rely on natural resources any longer. Resting in our historic laurels and military strength is a sure way to be relegated to a seat on the sideline. I say we should set our sights on Mars and beyond that the permanent presence of man in space. The spinoffs and technological advances will provide the incentives and energy to grow into the responsibilities.

DEBORAH A. WRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to one of the frontline warriors in the war against drugs.

Deborah A. Wright is the vice president of administrative services with the Urban Resource Institute Addiction Research and Treatment Corp. Ms. Wright is an integral part of the central office management for 15 human services programs, including a substance abuse treatment program serving 2,100 patients, two drug prevention programs for children of substance abusers, a comprehensive alcohol treatment program, an emergency shelter and transitional housing for victims of domestic violence, and their dependent children, vocational and transportation services for the developmentally disabled, and intermediate care facilities for the mentally retarded.

She has conducted workshops and conference presentations on substance abuse and related topics throughout the United States.

In addition to working to achieve respect and recognition as a professional, she has found time to become involved in civic and community organizations, including Brooklyn Women's Political Caucus, Executive Board, National Organization for Women, National Association of Female Executives, and Alumni Committee of Bucknell University.

Ms. Wright is on the frontlines of combating one of the Nation's toughest problems. Our continued survival as a nation depends on the success of Ms. Wright and her colleagues.

CELEBRATING 50 YEARS OF DEDICATED SERVICE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. LENT. Mr. Speaker, we often rise to commemorate the deeds of those whose service distinguishes them from others in the community. On many occasions the recipient has made contributions on a grand scale: a cure for a deadly disease, heroism that has saved lives, or beneficence to a worthy charity. But there are many others, who often go unrecognized, making their mark on society in quieter, yet by no means less important ways, and over a period of years instead of through a single action.

Such a man is Eugene Torborg, of my hometown of East Rockaway, NY. Gene is a dear friend and neighbor, a man who decided to remain in the town in which he was raised so that he in turn could rear his children in a community of wholesomeness and security. In determining to remain in East Rockaway, Gene decided to devote his efforts to maintaining and enhancing the quality of life that he had himself enjoyed as a child.

Upon the completion of his service in the U.S. Navy during the Second World War, Gene returned to East Rockaway and immediately involved himself in all aspects of the community. He opened his own business, and for what is now generations residents have come to look upon Torborg & Sons garage with confidence and trust. Gene also resumed his activities with the East Rockaway Volunteer Fire Department, and was selected by his colleagues to serve as chief of the department. He was a charter member of the East Rockaway Kiwanis Club, and in 1963 was elected to serve his neighbors as a trustee on the East Rockaway Village Board. He is currently a member of the board of directors of the East Rockaway Action Party, and serves with distinction as superintendent of the East Rockaway Department of Public Works.

Mr. Speaker, on October 1, 1989, the East Rockaway Fire Department will honor Gene Torborg for 50 years of outstanding service to his neighbors. Joining his wife, Flo, will be scores of East Rockaway residents whose lives have been touched by his presence. I will be joining my neighbors in congratulating Gene for his dedication and devotion to the community and I believe that no finer tribute could be made than to have his accomplishments listed in this journal.

Years from now, when the disputes and debates of the 1980's appear as nothing more than mists from the past, future generations of Americans will be able to read about men and women—like Gene Torborg—whose contributions have indeed made a difference. Gene Torborg is a true American hero, one who cannot and will not be forgotten.

LOCAL 696 CELEBRATES 50TH ANNIVERSARY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. HALL of Ohio. Mr. Speaker, on November 17, 1939, workers at Delco Brake, in Dayton, OH, were granted a charter from the United Auto Workers for local 696. It was a difficult time for American labor. The United Auto Workers had only been established 4 years earlier, and local 696 was one of the first UAW locals in the State of Ohio.

Some of my constituents still remember those days. Workers were housed in unheated buildings. There were no paid vacations, no cost-of-living raises, and no vacations. Women were paid less than men. Job security was nonexistent.

A half century later, workers' rights that were unheard of when local 696 was founded are now widely accepted. This is primarily the result of the hard work and dedication of the men and women of local 696. Their spirit still lives on among the leaders of the local who continue to protect the rights of workers.

Today, local 696 serves about 3,500 active members who work for Delco Moraine NDH division of General Motors Corp., and about 1,400 retirees. I salute local 696 president Joe Hasenjager, the local's leaders, and its members on the golden anniversary of its founding.

PAT PRESCOTT-ALLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to a multitalented woman.

Pat Prescott-Allen is a native of Hampton, VA. She is a graduate of Thomas Jefferson High School in Brooklyn and Northwestern University in Illinois.

She began her professional career as a junior high school teacher. However, she soon realized that her desire to communicate and encourage others should not be limited to a classroom. She began her career in entertainment and communications by working for a New Orleans, LA, radio station. Since that time, her voice has been heard over many New York television and radio stations. In addition to a regular program on CD101.9, Pat's voice can be heard on many TV and radio commercials and programs. In addition to working over the airways, she has appeared for 4 years in the off-Broadway production of "Mama, I Want to Sing." Despite the demands of her varied and multidimensional professional career, Mrs. Prescott-Allen devotes much of her time to civic and community organizations.

AN EQUAL MARKET FOR AMERICAN LOBSTERMEN

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Ms. SNOWE. Mr. Speaker, on Friday, September 22, 1989, I introduced legislation that will make it possible for American lobstermen to compete on an even level with foreign competitors. In response to resource management concerns, the State of Maine, other New England States, and the Federal Government have implemented minimum size limitations for the harvest of lobster. Unfortunately, the largest importer of lobster into the United States, Canada, has adopted size limits that are below the United States standard.

My bill will make it illegal to sell in interstate commerce any lobsters which are smaller than the minimum possession size limit established under the American lobster fishery management plan. This will ensure that American lobstermen will be able to compete in a fair and equal marketplace.

For too long the Canadians and others have been selling lobster in the United States that are smaller than American lobstermen are even allowed to catch. This places our competitors at a distinct advantage in the market place and creates an even larger harvestable resource available to the Canadians.

This situation is felt most heavily in my own State of Maine since much of the Canadian lobster comes into or through the State. This has resulted in large price fluctuations and, most recently, lobster prices have fallen to the lowest level in a number of years. This is due to the actions of Canadian lobstermen who have dumped large numbers of undersized lobster on the American market.

I am proud of the Maine lobstermen and their commitment to sound management of the lobster fishery. I feel that it is vital that we do all that we can to assure the lobstermen of Maine and the rest of the United States are rewarded for this commitment, not penalized. My bill takes that step and I urge my colleagues to join me as cosponsors.

COMMEMORATING HAL OBER AS B'NAI B'RITH'S MAN OF THE YEAR

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Las Vegas, Mr. Hal Ober. On Sunday, October 29, Mr. Ober will be honored as the "1989 Las Vegas Nate Mack B'nai B'rith Distinguished Man of the Year." He is truly deserving of this honor.

Hal, the eldest of three children, was born in Pittsburgh, PA. Coming from a musically talented family, he performed professionally as a child, both in Pittsburgh and New York, with such noted performers as Dick Powell, Kate Smith, Gene Kelly, and others.

Upon graduation from high school, he joined the U.S. Navy, and served in the Pacific Theater during World War II. After his discharge, he enrolled in Duquesne University in Pittsburgh, where he majored in voice and musical composition. While there he wrote the score and performed in two musicals which were produced by the university.

In 1958, Hal left his home furnishing business in Johnstown, PA, and moved to Tucson, AZ with his wife, D'Vorre, and family. For the next 20 years most of his time was spent in the automobile industry, however, he continued to keep up with his musical interest, and served as president of the Playbox Community Theater for many years. As a culmination of this involvement, in 1970, Hal was invited by the University of Arizona to play the lead role in "Fiddler on the Roof."

While growing up, all five of the Ober children were deeply involved in the B'nai B'rith Youth Organization. Their involvement extended to their father, who served as president of the B'nai B'rith Youth Advisory Council for many years. Hal has been a member of B'nai B'rith for almost 30 years.

In 1977 Hal was sent to Las Vegas by U.S. Home Corp. to start up a home division. Eventually, he started his own company, RA Homes, where two of this children joined him and are currently working in the business also.

Hal has always felt that his involvement in the community was a way to emulate the role model by his father, and provide a role model for his five children and nine grandchildren. Wherever Hal has lived, he has always been actively involved in community and charitable activities, serving on various committees and boards. He is currently serving as a director of Continental National Bank and president of the Jewish Federation of Las Vegas. He is a past president of Southern Nevada Home Builders Association, past State representative for Nevada to the National HomeBuilders Association, a national director of NAHB, and was appointed by the Governor of Nevada to serve as a member of the St. Judes Ranch for Children.

Mr. Speaker, by any standard—be it community service, civic leadership, or professional contributions—Hal Ober represents the finest southern Nevada has to offer. I ask my colleagues to join me today in commending Mr. Hal Ober for his well-deserved recognition as "B'nai B'rith's Man of the Year."

ANNETTE YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to a longtime community leader and activist.

Annette Young has served the community as president of the Council of Block Associations, Urban League voter registration drive volunteer, president and founder of her own block association, Democratic district leader and founder of the Vanguard Political Club.

She has received numerous awards for her innovative proposals including the Chase Manhattan Bank Chase Ideabank cash award; Self-Help Neighborhood Awards Program; a Whitty Lane Tri-Block Association award; and a community service award from the Brownsville Community Credit Union.

Although formally in retirement, Mrs. Young has used this opportunity to begin her second career as a film promoter. As president of the Black International Cinema, she has spearheaded the drive to sponsor a 10-day Black International Film Festival.

Mrs. Young has used her talent as an organizer and a writer to serve her community in a direct and hands-on manner.

THE 200-YEAR-OLD CAMPAIGN FOR A CONSTITUTIONAL AMENDMENT ON CONGRESSIONAL PAY RAISES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. PICKLE. Mr. Speaker, 200 years ago today James Madison proposed an amendment to the U.S. Constitution as part of the original Bill of Rights. It dealt with raising the salaries of Members of Congress, and I believe it would have prevented much of the controversy and contention which has surrounded recent pay raise proposals, had it been ratified.

Mr. Madison's proposed amendment is startling in its simplicity—"No law varying the compensation for the service of the senators and representatives shall take effect until an election of representatives shall have intervened."

Although two centuries have intervened since this amendment was first proposed, the campaign for its ratification continues. In fact, the legislature of my State of Texas voted to ratify this amendment on May 25, 1989, becoming the 32d State to endorse the proposal and leaving it only 6 States short of ratification.

In recent years, one of my constituents from Austin, TX has championed the effort to ratify the Madison amendment. Gregory Watson's story is an illustration of how one person can have a major influence on our system of government. Only eight States had ratified this amendment in 190 years, but since Gregory Watson began his campaign in 1982 another 24 States have voted their endorsement.

I have supported Gregory Watson's efforts and the proposed constitutional amendment. As my colleagues ponder the recommendation of the bipartisan task force on ethics regarding a plan to raise Members' salaries by 35 percent over the next 2 years, it seems particularly appropriate to remind them of the wisdom of Madison's proposal.

To mark the 200th anniversary of this campaign, I want to share with my colleagues and the Nation an article from the Washington Post of March 29, 1989, as well as a list compiled by Mr. Watson of those States which have ratified this amendment, and ask that the material be printed following my remarks. I strongly urge those States which have not endorsed this proposal to do so.

[From The Washington Post, Mar. 29, 1989]

PROPOSED AMENDMENT, AGE 200, SHOWING LIFE—CONSTITUTIONAL SCHOLARS, CONGRESS TROUBLED

(By Don Phillips)

A constitutional amendment proposed in 1789 by James Madison, but never ratified, has been gaining the approval of state legislatures in the last few years on the strength of a one-man crusade by a Texas legislative aide, and now is only 11 states short of the number necessary for ratification.

The problem this poses for Congress goes beyond the untested question of whether a 200-year-old amendment can be ratified. It also touches on a current Washington political controversy: congressional pay.

The amendment, which Congress sent to the states on Sept. 25, 1789, reads: "No law varying the compensation for the service of the senators and representatives shall take effect until an election of representatives shall have intervened."

In other words, the voters get one crack at their legislators before they collect their new paychecks, an idea that was widely discussed during this year's battle over whether to give members of Congress, federal judges and the senior bureaucracy a 51 percent pay raise.

The amendment gained the approval of only six states in Madison's lifetime. But in the last six years, with almost no publicity, a steady stream of states has voted to ratify the amendment, and several states are considering it. Members of Congress and constitutional scholars are beginning to pay attention to the possible consequences.

The proposed amendment was one of a package of 12 amendments sent to the states. Ten were ratified and became the Bill of Rights. But an amendment to regulate the apportionment process and the congressional pay raise amendment were never ratified, with some scholars suggesting that the states probably felt that those amendments did not deal with basic rights.

Maryland, North and South Carolina, Delaware, Vermont and Madison's native Virginia voted for ratification by the end of 1791, but those six were the end of it until Ohio ratified it 82 years later in 1873. The amendment then lay dormant until Wyoming ratified it in 1978.

But beginning in 1983, starting slowly and gaining speed, states began voting for ratification. Maine began the march on April 27, 1983, Colorado joined in 1984, then five states voted to ratify in 1985, three in 1986, four in 1987 and three in 1988. This year, two states have voted to ratify—Iowa on Feb. 9 and Idaho on March 23.

That brought the number of states to 27, with 38 needed to ratify. In Madison's time, only 11 states would have been required, three-fourths of the total number of states in the Union.

Members of Congress now have begun to take notice, and the amendment is drawing attention from a broad political spectrum.

More significantly, the amendment has the blessing of Rep. Don Edwards (D-Calif.), the chairman of the House Judiciary subcommittee on civil and constitutional rights, which would likely be the panel to grapple with whether the amendment is in fact ratified after the 38th state acts.

"I think we'd all welcome it," Edwards said. "Congress would still have to bite the bullet on giving themselves a pay raise. But it would be an added incentive and maybe give Congress a little more guts."

The major engine behind the amendment's revival seems to be Gregory D. Watson, a 26-year-old aide to Texas state Rep. Richard Williamson of Weatherford.

Working on an IBM Selectric at home at night and on weekends, Watson has papered state legislatures around the country with letters urging them to take up the amendment.

"It's just little old me," Watson said. "There's no national organization behind me. It's just me."

Watson said he first ran across the amendment in March 1982 when doing a paper at the University of Texas in Austin on whether Congress could extend the ratification deadline for the Equal Rights Amendment. Something clicked, and he started writing letters. He hasn't stopped.

"It's practically my life's work at this time," he said, taking up almost all his spare time and making the question of a social life academic. "I'm frequently up to 2 o'clock in the morning," he added.

Watson estimated that he has spent about $5,000 of his own money on stationery and postage over the last 7 years, and has received no outside help.

Watson said he can't predict when the 38th state will ratify the amendment. "It's so unpredictable," he said. Politics, he said, is "slow, tedious, cumbersome." When a state legislature considers the amendment, it usually votes for it overwhelmingly, he said, but the amendment sometimes gets shuffled to the bottom of some committee's pile of work and dies.

"There's never any active dissent," he said. "It's just something like dying in committee. It's like withering on the vine."

Others are not so enthusiastic about the amendment, and there is widespread opinion whether it could be ratified.

"There's a concern of some folks that when you ratify a 200-year-old amendment, you're basically throwing 200 years of . . . law out the window; what kind of precedent does it set?" said Linda Rogers-Kingsbury, head of Citizens to Protect the Constitution.

Nevertheless, she said, "it's a very benign amendment. I'm not sure why it wasn't ratified in the first place."

"I think it's clearly dead," said Walter Dellinger, a professor of law at Duke University. "It was proposed without any time deadline. . . . There's no rule in the Constitution saying an amendment proposed by Congress expires if not ratified by a certain time. But the Supreme Court has held that the adoption of an amendment is to reflect a 'contemporary consensus.' Therefore, an amendment dormant for 200 years is no longer viable."

However, apparently Congress, not the Supreme Court, will decide whether the amendment is ratified. The high court's only guidance came in 1939 when it ruled in *Coleman* v. *Miller* that Congress must make the final determination whether an amendment is timely. That makes the decision as much a political decision as a constitutional decision.

Edwards acknowledged that there would be a problem in providing a "contemporary consensus," but that if 38 states were to ratify the amendment now, not counting the original six, "that would be some indication of widespread approval."

"Nobody knows, basically," said a House aide. "There is no answer." Congress will have to decide, and whatever they decide there'll be a law suit.

STATES THAT HAVE RATIFIED THE CONSTITUTIONAL AMENDMENT TO REFORM THE CONGRESSIONAL SALARY PROCESS

1. Maryland on December 19, 1789;
2. North Carolina on December 22, 1789;
3. South Carolina on January 19, 1790;
4. Delaware on January 28, 1790;
5. Vermont on November 3, 1791;
6. Virginia on December 15, 1791;
7. Ohio on May 6, 1873;
8. Wyoming on March 3, 1978;
9. Maine on April 27, 1983;
10. Colorado on April 18, 1984;
11. South Dakota on February 21, 1985;
12. New Hampshire on March 7, 1985;
13. Arizona on April 3, 1985;
14. Tennessee on May 23, 1985;
15. Oklahoma on July 10, 1985;
16. New Mexico on February 13, 1986;
17. Indiana on February 19, 1986;
18. Utah on February 25, 1986;
19. Arkansas on March 5, 1987;
20. Montana on March 11, 1987;
21. Connecticut on May 13, 1987;
22. Wisconsin on June 30, 1987;
23. Georgia on February 2, 1988;
24. West Virginia on March 10, 1988;
25. Louisiana on July 6, 1988;
26. Iowa on February 7, 1989;
27. Idaho on March 23, 1989;
28. Nevada on April 26, 1989;
29. Alaska on May 5, 1989;
30. Oregon on May 19. 1989;
31. Minnesota on May 22, 1989; and
32. Texas on May 25, 1989;

In the following states, ratifying resolutions passed on (1) chamber of the legislature:

1. California (passed Senate on June 30, 1989);
2. Illinois (passed House of Representatives on June 22, 1988 and again on May 24, 1989);
3. Michigan (passed Senate on March 15, 1989); and
4. North Dakota (passed House of Representatives on January 26, 1987 and again on February 3, 1989).

CHILD CARE OPPORTUNITY ACT OF 1989

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. CAMPBELL of California. Mr. Speaker, today, I introduced a bill that I believe strikes at the heart of the child care crisis. We are all acutely aware of the lack of quality child care in portions of our country: My bill will encourage an increase in the supply of child care by offering an incentive to groups to provide child care without increasing the Federal budget deficit.

This bill, referred to as the Child Care Opportunity Act of 1989, will provide companies and nonprofit organizations a tax credit of up to 33 percent of their costs to build new onsite or near site child care facilities or to rehabilitate their existing facilities to allow for child care.

At this time only 750 companies in this country offer onsite child care for their employees and yet companies that do praise its positive benefit time and time again. The average cost to build a new child care facility lies somewhere between $150,000 to $300,000. This bill would help companies who would like to undertake this effort to defray this cost.

When major industry leaders were asked what they believed the role of the Government should be with regard to the question of child care, many of them reply "don't mandate us, but rather offer incentives."

This bill makes sense for the Federal Government: it gives assistance to firms that are willing to risk their own money, a concept that surely would have averted the savings and loan crisis. In addition, this bill does not add to the deficit because it offsets the cost of these tax credits by increasing the corporate income tax. The Secretary of the Treasury will determine, at the end of each fiscal year, how much the corporate income tax should be increased to pay for these tax credits.

I think this bill strikes at the heart of the child care problem—a lack of affordable supply, while at the same time not adding to our tremendous deficit.

DARRYL GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, on this day, I rise to salute the achievements of a proud Brooklynite, Mr. Darryl Greene.

Darryl E. Greene is president and founder of Darryl E. Greene and Associates, PC, a business specializing in construction and real estate development.

Prior to establishing the firm, Mr. Greene completed several years of distinguished public service in the area of affirmative action and minority business development. He has been in the forefront of affirmative action projects for major construction projects in New York City and New York State.

Mr. Greene has held positions as vice president for affirmative action for the New York State Urban Development Corp. While in this position, Mr. Greene developed the legal underpinning for the affirmative action programs utilized in the development and construction of projects valued in excess of $2.5 billion including the New York Convention Center, Marriot Marquis Hotel in the Battery Park city commercial and residential development. He has been in the forefront of affirmative action programs for major construction projects in New York City and New York State.

Mr. Greene has received numerous honorees and acknowledgements from various civic, political and community organizations for his contributions to the construction industry including the Brooklyn Borough Presidents Outstanding Business Award, the Alliance of the Minority Business Community and the New York State Association of Black and Puerto Rican Legislators.

A TRIBUTE TO THE EDEN COUNCIL FOR HOPE AND OPPORTUNITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. STARK. Mr. Speaker, this year the Eden Council for Hope and Opportunity [ECHO] Housing is celebrating the 25th year of service to the citizens of Alameda County in the Ninth Congressional District of California. Today, I am proud to rise and pay tribute to this outstanding example of community service.

ECHO Housing was founded in 1964 and incorporated in 1965. ECHO Housing was established as a fair housing organization and has since expanded to a full service housing counseling agency; 1989 marks the 25th year of ECHO's work as a private nonprofit agency established to serve the needs of low to moderate residents of Alameda County.

ECHO Housing provides clients with free assistance in maintaining and securing affordable housing with the following counseling services: discrimination investigation, fair housing education and training, tenant/landlord advice and mediation services, general counseling and placement services—including shared housing referrals—mortgage counseling and payment assistance, home equity conversion counseling and loan packaging for senior homeowners, and, financial assistance for move-in deposit and delinquent rent situations.

The accomplishments of Echo Housing have been numerous over the years. In this year alone, they received the Community Service Award from Pacific Gas and Electric, the Governor's Award for outstanding service in fair housing, and, became the regional training center for rental assistance programs.

The philosophy of ECHO Housing is to help people meet their full potential by increasing and improving housing opportunities. I want to congratulate the board of directors and the ECHO staff for their commitment to promoting affordable and equal opportunity housing for minorities, senior citizens, families with children, and people with low to moderate incomes.

PERSONAL EXPLANATION

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to clarify my position on an issue the House of Representatives voted on just prior to the start of the August district work period last month.

On August 3, as a part of House consideration of the transportation appropriations bill, a vote was taken on an amendment to strike funding for Amtrak. I was recorded as having voted in favor of this amendment.

I would like to assure everyone, especially residents of my district in Idaho, in the strongest possible terms, that I do not support eliminating funding for Amtrak and know in my own mind that I opposed this amendment when I cast my vote August 3. I have always been a strong supporter of Amtrak. I'm not sure what happened when this vote was taken, but I want to make my opposition to this amendment part of the CONGRESSIONAL RECORD.

I recognize the important role the Amtrak system plays in my congressional district and throughout the Nation. I view this rail service as an important alternative in our nationwide transportation system. I would certainly never support action to completely eliminate funding for this program.

While budget constraints make it necessary for us to look closely at everything Congress funds, I will continue to support funding for Amtrak and I would like my constituents and colleagues to know that.

FRANK N. MICKENS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to salute a noble and honorable man. Frank N. Mickens has dedicated his life to the education of young people. He began his career as an educator over 20 years ago at the Boys High School. He served as a teacher of social studies, dean of students, coordinator of the College Bound Program and acting assistant principal. In addition he coached a highly successful basketball team for 10 years.

In 1979, he left the classroom to serve as an assistant principal at Queen's Village Junior High School. In 1982, he returned to the Bedford Stuyvesant Community to serve as the principal of Junior High School No. 324. In 1985, Frank was appointed principal of Martin Luther King, Jr. High School. After serving with distinction for a year in this position, he was selected as principal of Boys and Girls High School. Mr. Mickens has recently been granted tenure as a high school principal in the New York City school system.

HONORING THE 75TH ANNIVERSARY OF THE BUCKS COUNTY BRANCH OF THE AMERICAN RED CROSS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. KOSTMAYER. Mr. Speaker, I'd like to take a minute to bring your attention to one of the most outstanding social service organizations in Bucks County, the southeastern Pennsylvania chapter of the American Red Cross. A reception on September 29, 1989 will celebrate the 75th anniversary of the Red Cross in central and upper Bucks County.

The Bucks County Branch of the American Red Cross was founded in September of 1914. Mrs. William R. Mercer, wife of the Doylestown sculptor who built Albie Mansion, called on the women of the community to set up an organization to help in the war effort. These women felt compelled to roll up their sleeves and volunteer in this period of great duress. In these early days, they worked as seamstresses repairing old uniforms and assembling new ones, while others rolled bandages or cultivated vegetable gardens. This group of concerned citizens also worked to raise funds to aid in the war effort.

After the war, the organization continued making items for the Doylestown Hospital which was jointly founded by the Red Cross and the Village Improvement Association. Although Red Cross activities changed focus from the war effort to health services, service to the military was maintained.

From these beginnings, the Bucks County Branch of the Red Cross has developed into the dynamic service organization we all recognize and appreciate. It currently runs various health and safety programs, a blood program, and military, disaster and community services.

Mr. Speaker, service organizations like the Red Cross are a necessary and integral part of our society. It is my pleasure to call on my colleagues in the House of Representatives to congratulate the Bucks County Branch of the American Red Cross on its 75th anniversary and wish the organization continued success in the future.

ROSA SAWYER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to Mrs. Rosa Sawyer, one of this Nation's unsung heroines.

In addition to her vocation of wife and mother, she is a business woman and a community activist.

Mrs. Sawyer's began her career as a realtor. After gaining experience in the business world, Mrs. Sawyer soon determined that she should be an entrepreneur. Today she operates her own office supply store.

In addition to serving in the Concerned Women of Brooklyn, Mrs. Sawyer is a lifetime member of the National Association for the Advancement of Colored People and is a century member of the Twelve Towns YMCA.

BENJAMIN L. CARDIN HONORING IMMANUEL LUTHERAN CHURCH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. CARDIN. Mr. Speaker, on October 1, 1989, Immanuel Lutheran Church of Baltimore, MD, will celebrate its 125th anniversary. The church and the Immanuel Lutheran School were founded in 1864.

The church building was begun shortly after the assassination of President Abraham Lincoln, in 1866. Through many decades, the church and the school have grown and prospered.

Hundreds of church members and friends will be celebrating at the 125th anniversary service on October 1. Some of the families present have belonged to the church for five generations.

I want to offer my best wishes to Pastor Otto Reinbacher, who has been interim pastor for the last year, and to Pastor Herbert D. Mitchell who has spent 5 years in service to the Immanuel Lutheran Church. They have had the opportunity to serve a congregation which has remained steadfast through the years.

I urge my colleagues to join me in honoring the Immanuel Lutheran Church of Baltimore on its 125th anniversary.

INTRODUCTION OF THE CARGO SURVIVAL ACT OF 1989

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. FIELDS. Mr. Speaker, I am today introducing a bill, the Cargo Survival Act of 1989, which will go a long way toward revitalizing our struggling U.S. maritime industry.

Since coming to Congress in 1981, I have served on the House Merchant Marine and Fisheries Committee. While we have been successful in passing several important maritime promotional measures, unfortunately, the industry continues to seriously decline.

In fact, the President's Commission on Merchant Marine and Defense has concluded that there is a "clear and growing danger to the Nation's security in the deteriorating condition of America's maritime industries."

Mr. Speaker, I would ask our colleagues to consider these troubling facts:

First, during the past 40 years, our merchant fleet, once the largest in the world, has declined from more than 1,300 ships to fewer than 450 today. By contrast, the Soviet Union's merchant marine totals more than 2,500 vessels.

Second, despite the fact that the United States is the largest trading nation in the world, our market share of international trade transported by U.S.-flag vessels has declined dramatically—from over 50 percent in 1945 to less than 5 percent today.

Third, this decline can also be demonstrated by the fact that the Soviet Union carries more of our Nation's cargo overseas than we do. In fact, Soviet ships carry nearly 50 percent of all mail postmarked in the United States, while our domestic carriers transport a mere 12 percent of it.

Fourth, in 1982, 110 privately owned shipyards operated in this country and they employed 112,000 people. By the end of 1988, the number of active yards had fallen to 69 and employment had dropped more than 28 percent to 80,000 workers.

Fifth, in 1970, there were 18 major U.S. shipping companies. Today, there are 4.

And finally, the number of shipboard jobs in the U.S. fleet has dropped from over 99,000 at the end of World War II to fewer than 13,000 today. Without trained seafarers, this Nation is in serious peril for the future.

While the volume of U.S. overseas trade has grown, the U.S.-flag share of that trade has declined to the point that today it threatens the well-being of all Americans.

Counting both Government owned and privately-owned vessels, our ships average 23 years of age. That compares unfavorably with the worldwide average of 13 years. In fact, no country's government-owned vessels are older, and only three countries, none of them major maritime powers—the People's Republic of China, Lebanon, and Cyprus—surpass the United States in the average age of their privately owned fleets.

In simple terms, we have inadequate tonnage to support our global economic and military commitments. And this inadequacy threatens our Nation's ability to maintain its commercial trade in times of hostilities.

In fact, the Presidentially-appointed Commission on Merchant Marine and Defense has calculated that a global war in the year 2000 would require 440 cargo ships, 351 tanks, and at least 27,500 seafarers to crew them. And those are just the military requirements; essential commercial trade would demand an additional 344 cargo ships, 244 tanks, and 7,100 sailors.

Mr. Speaker, while there has been no shortage of ideas, the only way Congress is going to help save the U.S. maritime industry is to increase the amount of cargo carried on U.S.-flag vessels.

Cargo is the lifeblood of any maritime industry and without new cargo our U.S.-flag fleet will simply not survive. It has been estimated that every $1 billion of exports creates, 35,000 maritime jobs.

During the past 9 years, I've heard a number of eloquent speeches about the problems facing our merchant marine and how we must reverse the industry's precipitous decline. Unfortunately, these statements have not produced either consensus or a compromise solution to the myriad of problems facing the industry. In fact, it seems that every time the House considers maritime promotional legislation, one special interest group or another opposes that legislation because it may affect the shipment of their commodities.

Mr. Speaker, as a result of this confrontation, we have seen legislative paralysis and inaction caused by one vital U.S. industry being pitted against another.

It is time we ended this stalemate. We can no longer ignore or postpone finding solutions to the difficulties facing the U.S. maritime industry. There is no more time for speeches, studies, or in-depth analysis. If we are going to have a U.S. flag fleet in the 21st century, than we must start to rebuild this industry now.

Mr. Speaker, the fundamental purpose of the Cargo Survival Act is to require that all Government and Government-impelled cargo be carried on U.S.-flag vessels. While this legislation will not affect the transportation of private commercial cargoes, it will impact a number of Government programs. For instance, it will amend title IX of the Merchant Marine Act of 1936, to require that the share of cargo carried on U.S.-flag vessels be increased to 100 percent in each of the following cases:

Agency for International Development loans and grants;

Public Law 480, title II and section 416 cargoes;

Department of Agriculture Public Law 480, title I and title III cargoes;

Department of Commerce agency cargoes;

Department of Defense foreign military sales credit and MAP merger program cargoes;

Department of Energy strategic petroleum reserve and other cargo generating programs; and

All oceangoing cargoes generated by other Government agencies.

In addition, the bill will amend section 901(b)(1) the Merchant Marine Act to prohibit the granting of general waivers under Public Resolution 17. This law, which was passed in 1934, provides that whenever our Government finances a program which has as its principal purpose the exporting of commodities, U.S.-flag vessels must be used to carry 100 percent of these cargoes.

Mr. Speaker, in recent years, there has been an increasing attempt by various nations to seek a waiver from these requirements. Unfortunately, a number of these general waivers have been granted and there is no question that it has been to the detriment of our U.S. maritime industry.

I believe it is time we told all foreign nations that the benefit of our cargo preference laws are not negotiable and will not be waived or given away. This provision will help accomplish that goal

Finally, the Cargo Survival Act will amend title IX of the Merchant Marine Act of 1936 to provide for 100 percent reservation of oceanborne cargo for U.S.-flag vessels for cement and clinker cargo, for outbound oceanborne U.S. mail, and for United States cargoes generated as a result of the foreign aid cash transfer program.

While I am not suggesting that this measure will solve all of the problems facing the industry, it seems to me that this legislation is a good place to start.

After all, the concept of increasing the amount of cargo carried on U.S.-flag ships is neither a new nor a radical idea. In fact, the reservation of Government cargo has been a feature of U.S. law since the Congress enacted the Military Transportation Act of 1904. This law requires that 100 percent of all U.S. military cargo be carried on U.S.-flag vessels.

More recently, the idea of expanding the amount of Government cargo carried on U.S.-flag vessels emerged as one of the major recommendations of the President's Commission on Merchant Marine and Defense. In fact, the legislation I am introducing today implements that recommendation.

Mr. Speaker, while some of these changes may generate controversy, it's my firm belief that this legislation will have a very positive impact on our U.S. maritime industry.

In these days of instability and international tensions, we must not allow our cargo to be held hostage by vessels flying the flags of foreign nations. As Theodore Roosevelt once said:

> From every standpoint it is unwise for the United States to continue to rely upon ships of competing nations for the distribution of our goods. It should be made advantageous to carry Americans goods in American-built ships.

Mr. Speaker, in the final analysis, what I am simply suggesting is that the United States treat its merchant marine in exactly the same manner as our foreign trading partners have treated theirs for many years. These nations have traditionally reserved the shipment of their government cargoes for their flag vessels. It is time we did the same for ours.

As my colleagues well know, the U.S. maritime industry has played a vital role in all of our Nation's overseas conflicts. Unless immediate steps are taken to reverse the current decline, there will be no industry to call upon in the future.

It is cargo for U.S.-flag ships that will save our maritime industry. America's merchant marine must be restored to its rightful place of prominence in the world and the enactment of the Cargo Survival Act will certainly be an important step in that direction.

I ask my colleagues to join with me in this effort to require that all Government cargo be carried on U.S.-flag vessels. I urge the adoption of the Cargo Survival Act of 1989.

WALTER HOWARD CAMPBELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1989

Mr. TOWNS. Mr. Speaker, on this day, I rise to salute the achievements of one of Brooklyn's finest citizens, Walter Howard Campbell.

Mr. Campbell is a native of South Carolina. He moved to Brooklyn in 1963 and has resided in the Brownsville section of Brooklyn for over 20 years.

Mr. Campbell's dedication to work has made him a valuable employee of long tenure with the New York Telephone Co. and Consolidated Edison Co. of New York. Because of his committment to his community and church, his fellow citizens have afforded him the honor of requesting that he serve in leadership positions on numerous boards and civic associations. Among positions Mr. Campbell has held include president of Patrick E. Gorman Board of Directors, chairman of the Brownsville Heritage House, chairman of the Salvation Army Brownsville Advisory Council and founder and chairman of the Pauline New Campbell Memorial Scholarship Organization. He currently serves as vice president of the Patrick E. Gorman Board of Directors. Since 1980 he has been the district manager of Community Board No. 5 in Brooklyn.

His devoted and unselfish public service has caused him to receive honors and awards including the James Thomas Memorial Award, the Salvation Army "Others" Award, the Brooklyn Rugby Lions Club Service Award and the Leadership Council Pacesetter.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 26, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 27

9:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on the nonattainment of existing clean air standards.

SH-216

Labor and Human Resources

Business meeting, to consider S. 1391, to establish a Foundation for Biomedical Research, S. 1392, the Biomedical Research Act, and recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and pending nominations.

SD-430

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider S. 724, to modify the boundaries of the Everglades National Park, S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, and other pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

Rules and Administration

Business meeting, to consider H.R. 2358, authorizing funds for fiscal years 1990 and 1991 for the Speaker of the House of Representatives Civic Achievement Award Program, S. Res. 99, requiring the Architect of the Capitol to establish and implement a voluntary Senate program of recycling paper, S. Con. Res. 68, authorizing a concert by the American Soviet Youth Orchestra on Capitol grounds, pending nominations, and other legislative and administrative business.

SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of James E. Cason, of Virginia, to be Assistant Secretary of Agriculture for Natural Resources and the Environment.

SR-332

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume oversight hearings to assess General Accounting Office audits of the Federal Housing Administration.

SD-538

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on the current state of the tourism industry.

SR-253

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To hold hearings to examine law enforcement and foreign policy as related to international money laundering.

SD-419

Joint Economic

To hold hearings to examine the international adjustment process to reduce imbalances among the major surplus and deficit nations.

SD-138

10:30 a.m.

Labor and Human Resources

Labor Subcommittee

To hold joint hearings with the Special Committee on Aging on S. 1511 and S. 1293, bills to clarify the protections given to older individuals in regard to employee benefit plans.

SD-628

Special on Aging

To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Labor on S. 1511 and S. 1293, bills to clarify the protections given to older individuals in regard to employee benefit plans.

SD-628

2:00 p.m.

Agriculture, Nutrition, and Forestry

To continue hearings on the nomination of James E. Cason, of Virginia, to be Assistant Secretary of Agriculture for Natural Resources and the Environment.

SR-332

Foreign Relations

To hold hearings on the nominations of Stephen R. Hanmer, Jr., of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency, Gordon K. Durnil, of Indiana, to be a Commissioner on the part of the U.S. on the International Joint Commission, United States and Canada, Nicolas M. Salgo, of Florida, to the rank of Ambassador in his capacity as the Special Negotiator for Property Issues, and Elizabeth M. Tamposi, of New Hampshire, to be Assistant Secretary of State for Consular Affairs.

SD-419

Judiciary

To resume hearings on the imposition of the sentence of death.

SD-226

Conferees

On H.R. 2989, making appropriations for fiscal year 1990 for the Department of the Treasury, U.S. Postal Service, Executive Office of the President, and certain independent agencies.

H-164, Capitol

SEPTEMBER 28

9:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To continue hearings on nonattainment of existing clean air standards.

SD-216

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings to review the implementation of HUD's Section 8 Moderate Rehabilitation Program, to provide affordable housing for low-income families and to rehabilitate deteriorating properties and revitalize neighborhoods.

SD-538

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on national science and technology policy.

SR-253

Governmental Affairs

To hold oversight hearings on the implementation of the Inspector Generals Act.

SD-342

10:00 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on hydroelectric regulation under the Federal Power Act.

SD-366

Judiciary

Business meeting, to consider pending calendar business.

SD-226

10:30 a.m.

Foreign Relations

To hold hearings on S. 195, to require the imposition of specified sanctions against any foreign country which uses chemical or biological weapons in violation of international law or against its own citizens.

SD-419

2:00 p.m.

Energy and Natural Resources

To hold hearings on the nominations of Dennis B. Underwood, of California, to be Commissioner of the Bureau of Reclamation, Department of the Interior, John M. Sayre, of Colorado, to be Assistant Secretary of the Interior for Water and Science, David C. O'Neal, of Illinois, to be Assistant Secretary of the Interior for Land and Mineral Management, and Curtis V. McVee, of Alaska, to be Federal Cochairman of the Alaska Land Use Council.

SD-366

Foreign Relations

To hold hearings on the nominations of Glen A. Holden, of California, to be Ambassador to Jamaica, and Joy A. Silverman, of New York, to be Ambassador to Barbados, and to serve concurrently as Ambassador to the Commonweath of Dominica, Ambassador to Saint Lucia, and Ambassador to Saint Vincent and the Grenadines.

SD-419

Select on Indian Affairs

To hold hearings on S. 1124, to provide a means to ensure that the management of Federal lands does not undermine and frustrate traditional Native American religious practices.

SR-485

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

4:00 p.m.

Foreign Relations

To hold hearings on the nominations of James D. Berg, of Kentucky, to be Executive Vice President of the Overseas Private Investment Corporation, and Reginald J. Brown, of Virginia, to be an Assistant Administrator for Program and Policy Coordination, Robert R. Randlett, of New Jersey, to be an Assistant Administrator for Legislative Affairs, both of the Agency for International Development, and Ronald J. Sorini, of the District of Columbia, for the rank of Ambassador during his tenure of service as the U.S. Negotiator on Textile Matters.

SD-419

SEPTEMBER 29

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine U.S. Government anti-narcotic activities in the Andean region of South America.

SD-342

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on the national science and technology policy.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings to review the Department of Interior report to Congress concerning the Coastal Barrier Resources System.

SD-406

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue oversight hearings to review the implementation of HUD's Section 8 Moderate Rehabilitation Program, to provide affordable housing for low-income families and to re-

habilitate deteriorating properties and revitalize neighborhoods.
SD-538

Foreign Relations
Business meeting, to consider the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Treaty Doc. 101-4).
SD-419

Labor and Human Resources
To hold hearings on the homeless situation in America.
SD-430

Veterans' Affairs
To hold hearings on the nominations of Ronald E. Ray, of Florida, to be an Assistant Secretary of Veterans' Affairs for Human Resources and Administration, and Joanne K. Webb, of Virginia, to be Director of the National Cemetary Service, Department of Veterans Affairs.
SR-418

OCTOBER 2

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 11, to provide for the protection of public lands in the California desert.
SD-366

Foreign Relations
To hold hearings on the nominations of Marion V. Creekmore, Jr., of Virginia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently as Ambassador to the Republic of Maldives, Chas. W. Freeman, Jr., of Rhode Island, to be Ambassador to the Kingdom of Saudi Arabia, Charles W. Hostler, of California, to be Ambassador to the State of Bahrain, and Michael Ussery, of Virginia, to be Ambassador to the Kingdom of Morocco.
SD-419

2:30 p.m.
Judiciary
To resume hearings on the imposition of the sentence of death.
SD-226

OCTOBER 3

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on international investment in the U.S. airline industry.
SR-253

10:00 a.m.
Foreign Relations
To hold hearings on U.S. policy options toward South Africa.
SD-419

Judiciary
To hold hearings on the impact of drugs on children and their families.
SD-226

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Charles E. Cobb, Jr., of Florida, to be Ambassador to the Republic of Iceland, Alan Green, Jr., of Oregon, to be Ambassador to the Socialist Republic of Romania, Sally J. Novetzke, of Iowa, to be Ambassador to the Republic of Malta, and John G. Weinmann, of Louisiana, to be Ambassador to the Republic of Finland.
SD-419

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 583, to establish national water efficiency standards for the manufacture and labeling of plumbing products sold in interstate commerce.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on the Japanese space industry.
SD-562

Finance
To hold hearings on changes in economic relationships between the U.S. and U.S.S.R.
SD-215

Foreign Relations
To continue hearings on U.S. policy options toward South Africa.
SD-419

Judiciary
To continue hearings on the impact of drugs on children and their families.
SD-226

OCTOBER 5

9:30 a.m.
Energy and Natural Resources
To hold hearings on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner, and on S. 972, S. 1304, and other related measures with respect to the environment, safety, and health aspects of operation of the Department of Energy's nuclear facilities.
SD-366

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to review the National Acid Precipitation Assessment Program and the scientific understanding of acid precipitation.
SD-406

OCTOBER 17

9:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on S. 1007, to examine the reduction in apportionment of Federal-aid highway funds to certain states, relating to highway fatality and injury reduction.
SD-406

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on advanced transportation systems, focusing on magnetic levitation and high-speed rail.
SD-253

Energy and Natural Resources
To hold oversight hearings on the appropriate role of methanol as a potential alternative fuel in our future energy policy.
SD-366

OCTOBER 18

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 952, to stimulate the design, development, and manufacture of high definition television technology.
SR-253

10:00 a.m.
Foreign Relations
To hold hearings on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Treaty Doc. 100-20).
SD-419

OCTOBER 19

9:30 a.m.
Energy and Natural Resources
To hold hearings on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner, and on S. 972, S. 1304, and other related measures with respect to the environment, safety, and health aspects of operation of the Department of Energy's nuclear facilities.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian land.
SR-485

OCTOBER 24

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on the protection of water quality.
SR-332

OCTOBER 25

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on cable carriage of local broadcast signals.
SR-253

OCTOBER 26

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. Agricultural programs, focusing on cotton.
SR-332

2:00 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation to promote and encourage travel in the U.S., and to review the National Tourism Policy Act (P.L. 97-63).
SR-253

NOVEMBER 1

10:00 a.m.

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on programs administered by the U.S. and Foreign Commerce Service.
SR-253

NOVEMBER 2

2:00 p.m.

Select on Indian Affairs
To hold oversight hearings on Indian health facilities.
SR-485

POSTPONEMENTS

SEPTEMBER 26

10:00 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Jerry R. Curry, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation.
SR-253

OCTOBER 17

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strenthen and improve U.S. agricultural programs, focusing on wheat.
SR-332

OCTOBER 18

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the international decade of natural disaster reduction.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, September 26, 1989*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we are aware of the liberties of a free people, we remember, gracious God, the hostages and all who are separated from the freedoms we enjoy. We pray for them, their families, and those they love, committing them to Your care and protection. As Your spirit, O God, touches people without regard to barriers or boundaries, so may Your spirit of peace touch the hearts of people everywhere. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOUGHTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOUGHTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 295, nays 119, not voting 18, as follows:

[Roll No. 244]

YEAS—295

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McEwen
McGrath
McMillen (MD)
McNulty
Meyers
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Weiss
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie

NAYS—119

Armey
Baker
Ballenger
Barton
Bentley
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox
Craig
Crane
Dannemeyer
DeWine
Dickinson
Dornan (CA)
Douglas
Duncan
Fawell
Fields
Gallegly
Gekas
Gingrich
Goodling
Goss
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McMillan (NC)
Mfume
Michel
Miller (OH)
Moorhead
Morella
Murphy
Oxley
Parris
Pashayan
Paxon
Pursell
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Schaefer
Schiff
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Aspin
Bustamante
Courter
DeLay
Espy
Florio
Ford (MI)
Garcia
Manton
McHugh
Molinari
Obey
Rahall
Regula
Robinson
Waxman
Yates
Yatron

☐ 1224

Mr. ANDERSON changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. DURBIN). Will the gentleman from Massachusetts [Mr. ATKINS] come forward to lead the House in the Pledge of Allegiance?

Mr. ATKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 488. An act to prov[illegible]deral assistance and leadership to [illegible]gram of research, development, and [illegible]onstration of renewable energy and energy efficiency technologies, and for other purposes.

S. Con. Res. 72. Concurrent resolution to recognize the historic significance of the International Ladies' Garment Workers' Union [ILGWU] Health Center, on the 75th anniversary of the Center, and to commend the ILGWU for establishing and maintaining the Center.

TROUBLING ASPECTS OF CAPITAL GAINS CUT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, if there is one aspect of the capital gains debate on which there is a consensus in this House, it is that we need to have more long-term investment.

For me, one of the most troubling aspects of the Bush temporary capital gains tax cut is that it runs absolutely counter to that goal. In fact, the most powerful incentive in the Bush proposal would actually encourage investors to sell their assets before the end of 1991.

What the cut will do is trigger a rash of sales by people who want to take advantage of the temporary discount. If it should happen to induce them to reinvest their gains in other ventures, it will be only for the short term, since the discount ends after 1991.

Those who are already disturbed by the short-time horizons guiding current investment should be alarmed at the prospect of this latest incentive for short-sighted investment.

By slashing taxes, the Tax Reform Act of 1986 built the best kind of investment incentive into the Tax Code. Low marginal rates freed taxpayers to make investments wherever the opportunities for gain were greatest—not where the tax system could be most easily manipulated.

Experience, since tax reform has borne out Congress' judgment in 1986. The national economy's overall performance since tax reform certainly does not suggest any need for untargeted tax incentives in order to stimulate capital investment and growth.

CONGRESS NEEDS TO STAY IN SESSION AND COMPLETE WORK ON BUDGET ISSUES

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I am not the only Member of the House thoroughly frustrated with the budget process. But I grow more and more concerned about the message we will be sending back home to the Nation's taxpayers in the coming days and weeks as budget deadlines go unmet.

It is now obvious that the new fiscal year will begin without completion of the 13 regular appropriations bills. In fact, today we must consider a continuing resolution to keep the Federal Government running when October 1 comes and goes and our work is not done.

Having to resort to a CR is not the fault of the House or our Appropriations Committee. My good friends, Chairman WHITTEN and Ranking Republican SIL CONTE, once again expertly led us through our paces, and all 13 had cleared the House before we recessed in August.

However, the Senate had cleared as of yesterday evening only seven.

But more disturbing than the failure to enact the appropriations bills on time is the likelihood of a sequestration order October 16 because we have not enacted the budget reconciliation bill and brought the deficit within the Gramm-Rudman-Hollings limit.

We must also address the issue of the public debt limit before October 31 or the Federal Government may be forced into default.

The House plans to be in session throughout October working on these critical and urgent issues. And I hope you, Mr. Speaker, will get us on a steady course with a firm and definite schedule we stick to.

But on the other side of the Capitol, if the Senate adheres to its current schedule, our colleagues will be in recess from October 6 until October 16.

I have written a letter to the Senate leadership urging them to keep the Senate in session in order that we can resolve our pressing budget issues.

This letter will be at the minority desk today, and I hope my colleagues will sign it.

We will miss deadlines but we can at least send the message back home that Congress is at work and trying to do the job we were elected to.

TELL RICHARD RAMIREZ "GOOD NIGHT, SWEET PRINCE"

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a California jury has convicted Richard Ramirez as the infamous night stalker. You will recall, this is a serial killer who raped and sodomized his victims. He then forced them to swear allegiance to Satan and then he proceeded methodically to simply slash their throats. He was so brutal and sick that California parents literally locked themselves in with their children. That is the fear that he evoked.

□ 1230

Mr. Speaker, the shoe is now on the other foot. A California jury will decide whether or not Richard Ramirez gets the death penalty or life imprisonment. Think about it.

I say why should California taxpayers who are forced to lock themselves in with their kids pay to feed and keep this bum? I think it is time to tell Richard Ramirez, "Goodnight, sweet prince." He earned it. He swore allegiance to Satan, and now is the time to send him down there for the one-on-one visit.

CUTTING CAPITAL GAINS IS A WIN-WIN SITUATION

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, Congress will later this week consider the Jenkins-Archer proposal to cut the capital gains tax rate. I support this effort to lower taxes for those Americans who invest in America's future.

Cutting capital gains taxes is a win-win situation. It will increase investment in productive assets which will, in turn, increase tax revenues for the Federal Government. A cut in the capital gains tax rate will help small-business people, family farmers, and small investors.

Almost every American family has some investment whether it is their home, their stock, or perhaps their family business. The majority of capital gains taxes are paid by American taxpayers with less than $50,000 in taxable income other than the capital gain itself.

John F. Kennedy cut capital gains taxes in the 1960's. Economic growth resulted. Ronald Reagan cut capital gains taxes in the 1980's. Economic growth resulted.

Let us help another American President, George Bush, cut capital gains taxes for the 1990's, and I predict economic growth will result.

BETTER FOREIGN POLICY FOR CAMBODIA NEEDED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I went to Cambodia during the Vietnam war and I also have been there during the occupation by the Vietnamese.

The Cambodians are wonderful people. The people themselves like the United States of America, despite our wait and see foreign policy toward their country. Pol Pot and his Khmer Rouge killed millions of their countrymen.

Now the Vietnamese have left and the Khmer Rouge is moving back in to kill more Cambodians. I hope we can come up with a better foreign policy to deal with this situation.

A new wind is blowing across Europe, bringing freedom and pushing out communism. Cambodia is entitled to enjoy this fresh new wind in their part of the world.

I hope the State Department will put its best people to work to bring about this goal.

SUPPORT FOR PRESIDENT BUSH'S ARMS CONTROL PROPOSALS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, as a congressional observer to the Geneva arms control talks and a member of the Foreign Affairs Committee, I want to congratulate President Bush on his new, forward looking chemical weapons ban proposal and the other recent progress his administration has in arms control negotiations.

President Bush's proposal for significant bilateral reductions in chemical weapons stocks of both the United States and the Union of Soviet Socialist Republics is realistic and fair. I support it. The President said the United States would reduce its chemical arsenal by 80 percent if the Soviets would also reduce its stock to the same residual 20-percent level. Verification of this agreement is paramount for its success and I am encouraged by President Bush's confidence in achieving the level of verification to make this agreement a good one benefiting American national security.

I also endorse the President's challenge to other countries to join in a global chemical weapons ban treaty. President Bush's offer to reduce our stocks to zero within 10 years if all other chemical weapons potential states joined this global ban shows our seriousness and good faith to rid the world of these toxic agents of mass destruction.

Some have wrongly criticized President Bush for being timid on arms control. As recent actions show, he is not timid, he is bold in a responsible and prudent way. Some have been trying, unsuccessfully, to unilaterally mandate arms control. That only ties our own hands giving the Soviets everything they want at our own expense. Through serious, realistic negotiations, the Bush administration got the Soviets to agree to tear down their huge radar station in Siberia Krasnoyarsk—built in open violation of the ABM Treaty—and to drop their insistence on linking the START Treaty, designed to reduce offensive weapons, to an accord on SDI, a defensive system. Clearly, President Bush is making real progress toward achieving meaningful arms control. I strongly support his efforts and urge my colleagues to do the same.

RESTORE FAIRNESS TO THE MIDDLE CLASS TAX BILL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, for 8 years the Republican smoke machine has been verbally wooing the middle class while sticking them with more and more of the Nation's tax liability and their unfair debt share. One more time that smoke machine is running. This time it is proposing something called the Jenkins proposal, the capital gains tax cut. What a great idea.

Mr. Speaker, they are going to cut most of the taxes of people who make over $200,000 a year, and one more time the middle class is left holding the bag. I think it is time to stop. It is people who make less than $100,000 a year who need some tax relief, not those who make more than $200,000.

I hope this body, in its wisdom today, says enough; it is time for a little tax fairness, and it is a time that the middle class stops getting the bill while getting nice words.

BRUTAL MURDERS IN THE PHILIPPINES

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, two brave Americans have been brutally murdered in the Philippines. Both men were employees of Ford Aerospace, working on contract with the U.S. Air Force.

They were not on a battlefield; they did not wear a uniform. Yet they died in America's service. They were very much a part of America's effort to help the Philippine people build a nation based on political liberties and economic freedom.

The murders occurred just 1 hour before Vice President QUAYLE arrived in Manila. Those who plotted these murders clearly wanted to weaken America's resolve.

Yet I hope it will serve to strengthen our determination to help the Philippines eliminate the conditions that give rise to terrorism. If we stay the course, these men will not have died in vain.

MINE WORKERS NEED OUR HELP

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the time has come for the Pittston Coal Co. and the United Mine Workers dispute to be settled. It is time that Rich Trumka, president of the United Mine Workers, and Paul Douglas, president of the Pittston Coal Co., sat down face to face in a room and talked to each other, instead of this charade that is going on now.

There are 2,000 miners who went out on strike on April 5 after 14 months of working without a contract, and they are prepared to stay, but they are hurting. Their families are hurting. Their communities are hurting. The merchants are hurting.

Yes, there has been some violence, but for the most part it has been peaceable, and there has been some nonviolent civil disobedience. They only want a quality of life that they are entitled to including health and pension benefits which they were promised.

How many in this Congress, how many of us sitting here if our health and pension benefits or any other kind of benefits were threatened, what would we do? We would be up screaming loud and long. That is how they feel. They want our help. They want it now. We could give it to them.

CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989

(Mr. GOODLING asked and was given permission to address the House for 1 minute.)

Mr. GOODLING Mr. Speaker, earlier this year, a Pennsylvania family came to me and asked that I introduce a campus security bill to increase the safety of our college and university campuses. In 1986, the daughter of Howard and Constance Clery was murdered in her unlocked dormitory room—beaten and tortured, sexually assaulted, and strangled to death. Their goal, as is the goal of the bill which I am introducing, is to prevent the reoccurrence of such avoidable tragedies.

Today Mr. Speaker, I introduced the Crime Awareness and Campus Security Act of 1989 insuring that students and employees of institutions of higher education are aware of crimes committed on campus and familiar with security policies and procedures to increase their safety.

We know that 80 percent of campus crimes are committed by a student against another student, and that 95 percent of violent crimes are alcohol or drug related. Unfortunately, no comprehensive data on campus crimes are available. Less than 4 percent of our institutions of higher education voluntarily provide campus crime statistics through the FBI's Uniform Crime Report—352 out of roughly

8,000 institutions participating in Federal financial aid programs.

Several State legislatures, including Pennsylvania have adopted or are considering legislation to require reporting of campus crime statistics and the dissemination of security practices, but the bills are not uniform in their requirements and standards.

The Crime Awareness and Campus Security Act of 1989 will insure the uniformity and consistency of reporting crimes on campus by requiring all colleges and universities which participate in Federal student assistance programs to provide annual information to the Uniform Crime Report of the Federal Bureau of Investigation.

The bill requires timely reporting of campus crime and an annual report which outlines campus security policies and procedures and campus crime statistics for the most recent 3 academic years. This annual report is to be distributed to all students, employees, and applicants for enrollment and their parents.

Importantly, provisions of the bill also require a statement of policy regarding the possession, use, and sale of alcoholic beverages and illegal drugs on campus, and the enforcement of State and Federal laws regarding these violations.

This legislation, as well as the Pennsylvania campus security bill, owes its inception to the efforts of Constance and Howard Clery. There can be no more fitting memorial to their daughter, Jeanne, who was slain on campus than a bill which seeks to prevent the reoccurrence of such tragic losses.

Ultimately, Congress cannot legislate the safety of young people at our institutions of higher education, nor can it legislate sanctuaries, free of the violence of the larger society. Congress can, however, encourage those colleges and universities that benefit from Federal student aid programs to establish effective security policies and to provide timely information about campus crime. Then students and other members of the campus community can make informed decisions about their own safety. This is exactly what this bill does.

SUPPORT DEMOCRATIC ALTERNATIVE TO CAPITAL GAINS REDUCTION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the deficit for fiscal year 1987 was $149 billion. The deficit for 1988 was $155 billion. The projected deficit for fiscal year 1989 is $161 billion. We cannot allow this upward trend to continue.

Mr. Speaker, we must act to reduce the budget deficit. What we in Congress have to do is to start making sound choices and not opting out for quick fixes. We must choose policies that make long-term economic sense.

For this reason I urge my colleagues to support the Democratic alternative to capital gains reduction. It is the major proposal in reconciliation that will actually lead to a real long-term reduction in the deficit.

□ 1240

It will encourage savings and the benefits are targeted to the Nation's middle-income families who can no longer pick up the tab for the wealthy.

I strongly urge my colleagues to support the IRA alternative.

UNDERSTANDING THE BUBBLE

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I say to my Democratic colleagues, come on, I am sure you understand the bubble.

Read my lips: No one pays more than 28 percent.

Those couples having taxable income of less than $30,000 pay a rate of 15 percent.

Those couples having a taxable income of $72,000 pay a combination rate: 15 percent on the first $30,000 of their income and 28 percent on the rest.

Those couples who have taxable income over $155,000 pay the highest rate of all: 28 percent on all of their income, with no portion receiving the benefit of the lower 15-percent rate.

And those in between, those supposedly in the "bubble," do have a portion of their income taxed at the lower rate of 15 percent and that portion is gradually phased out as their income rises.

The bottom line is: No one pays more than 28 percent. And those in the bubble pay less than 28 percent.

COMMENDING THE LOUISVILLE CHAMBER OF COMMERCE ON ENDORSING A BAN ON ASSAULT WEAPONS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on September 14 the city of Louisville suffered a terrible tragedy. A disturbed former employee of Standard Gravure went on a shooting rampage at the plant during which he killed 8 of his former coworkers and wounded 14 more before turning his weapon—a military style AK-47 semiautomatic rifle—on himself.

The city is still in shock, Mr. Speaker, and the families still grieve.

If there is a redeeming factor in this horrible tragedy it is that my hometown and its residents seem to be coming together in support of legislation, I have long supported, to ban the domestic manufacture and sale of semiautomatic assault weapons except for law enforcement and military use.

Several local and State elected officials have recently announced their support for a ban on these killing machines, and, just last Friday the Louisville Chamber of Commerce adopted a resolution opposing the continued presence of such weapons in our community. I commend the chamber for its actions.

Though last year I was in the minority when the House defeated the Brady, 7-day waiting period amendment, I feel public opinion is turning to favor both a uniform national waiting period and an assault weapon ban.

I hope Congress acts upon these worthy pieces of legislation before any other Member's hometown is visited with a gun-related tragedy such as we experienced in Louisville.

THE EFFECT OF CATASTROPHIC ON IRA'S

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, some folks with a sense of humor are suggesting that the IRA could be a replacement for capital gains. The problem with that is that they overlook what catastrophic has done to IRA's.

Part of the theory of the IRA was that you would pay a lower rate of tax if you set money aside as nontaxable during your working years and paid tax on it when you retired. Presumably you would enjoy a lower rate of tax during your retirement years. But catastrophic has changed that for many Americans.

An astounding 28-percent surtax on income in your senior years has pushed many people into a circumstance where IRA's would work against them, not for them. Suggesting the IRA as a substitute for capital gains shortchanges all Americans. We would ill-serve the elderly as well as ignore our desperate need to encourage savings in this country.

THE SO-CALLED TAX SIMPLIFICATION REFORM ACT OF 1986

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, with much fanfare Congress passed and Ronald Reagan gleefully signed a so-called Tax Simplification Reform Act of 1986. That cat is out of the bag now. Everyone in America who pays taxes knows it was not simplification, and now it is becoming clear that it was not reform either.

It is nothing new. The rich have always had loopholes to escape taxes and the middle class have to pay and pay and pay again. The so-called reform of 1986 was even worse, and now that dirty little secret is out.

This so-called reform not only lowered taxes nearly 50 percent for those privileged few in the $200,000 a year plus bracket, but they were given a hidden rate, a tax rate lower than that paid by many hardworking middle-class families, the so-called bubble.

Now the President and the Republicans want to keep this systėm and heap insult on injury under the guise of capital gains, lower the taxes another 35 percent on those over $200,000 a year, increase the deficit by $21 billion, cause massive dumping of productive investments, and heap more burden on the middle class.

Vote for the Democratic alternative. Restore IRA's and help young families buy their first house and educate their children.

SOUTH CAROLINIANS GIVE THANKS TO A COMPASSIONATE AMERICA

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, not since the tragic war between the States has South Carolina suffered a disaster even approaching the destruction wrought in just hours by the hurricane called Hugo. Winds, sometimes approaching 200 miles an hour, rain horizontally driven like missiles, tidal waves exceeding 20 feet at the time of high tide, and an apparent line of vicious tornadoes have all left our dear city of Charleston and a vast area of South Carolina in a condition of almost unbelievable destruction.

Only the superb actions by local, State, and Federal officials, collectively preparing our people to survive this killer hurricane, minimized the loss of life. These preparations included an order of mandatory evacuation of the barrier islands and low areas. Resolutely, South Carolinians, further battered by driven rains, have begun the task of renewal, cheered by the massive assistance flowing to us from all over a compassionate America. From all of us to all of you, we send a heartfelt thank you.

THE SITUATION IN CAMBODIA

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, today the Vietnamese occupation forces are quitting Cambodia; and thus, tomorrow the civil war begins. Cambodian will kill Cambodian, perpetuating one of the bloodiest quests for power known to modern history.

The situation in Cambodia is complex. But the complexity should not obscure the starkly tragic dilemma facing the United States. There are two sides to this civil war. One is the Hun Sen government presently in power in Cambodia but tainted by years of trafficking with their benefactors, the Vietnamese. The other is the barbaric Khmer Rouge which, sadly, now has as its principal apologist, Prince Sihanouk.

Mr. Speaker, even though our influence in the region may be limited, it must be our mission to do all that we can to deliver the Cambodian people from the haunting fear of a return to power of the Khmer Rouge. If this means breaking with our erstwhile ally Sihanouk, then so be it. And, if this means making common cause with Hun Sen as he struggles for legitimacy in a post-Vietnam era in Cambodia, then, so be it. Let us not be a party to tearing apart this very fragile nation because we are still fighting a war that ended 15 years ago.

CONSOLIDATING OUR EFFORTS ON THE DRUG WAR

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, last August my colleague and friend, Larkin Smith, passed away. One of the things that Larkin had done was to take 1 minute each week to speak about the drug problem in the United States, and we, his colleagues in the freshman class on the Republican side have pledged to continue to do that. So it is in that spirit that I address the House today.

Larkin had always emphasized the importance of consolidating our drug effort. We have over 80 committees, subcommittees, and select committees dealing with this problem. How much more efficient it would be if we had one committee devoted to the drug problem that could spend all of its time on it, and I urge the House to consider that proposal of Larkin's and to give it its favorable consideration.

I also have one other point of my own. When we deal with foreign countries who supply drugs to the United States, consider that we should be offering them an alternative. We should be saying to them if you grow some other crop it can come in without tariff. Yet we are not willing to say that, because the interests representing citrus and sugar favor direct barriers to imports. I think that is a mistake, and I think we ought to do away with those for those countries who substitute these crops for the production of drugs.

Mr. Speaker, I ask the House to consider both of these in the memory of my colleague, Larkin Smith.

□ 1250

A FAIRER ALTERNATIVE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I support the Democratic proposal to provide millions of working Americans with a chance to realize their most fundamental American dreams—the right to retire in dignity, to provide a decent education for their children, and to own their own home.

The President would rather give that money to the wealthy—even though that will increase the deficit by $21 billion without producing any substantial economic growth. That sound you hear emanating from the White House these days is just the steady drumbeat of voodoo budgeting at work once again.

Eighty percent of the people who will benefit from the President's proposal are making more than $100,000 a year. Many of them are also benefiting from a perverse loophole in our tax law that actually lowers the tax rate for the wealthiest taxpayers. If we are going to revise the Tax Code, we should be closing these unfair loopholes, not expanding them. We should be helping middle America, not pandering to the wealthy elite. And we should be reducing the deficit, not increasing it.

The Democratic alternative is a better and fairer bill that will reduce the deficit by some $24 billion, and I urge my colleagues to support it.

A FIRST STEP IN CAMBODIA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, yesterday we witnessed another historic development; after more than a decade of struggle, we have seen Vietnamese troops take a retrograde step out of Cambodia and into Vietnam.

Mr. Speaker, this happened in large part because of the consistent and strong support which this Congress has provided to the non-Communist Cambodian resistance. But, while that first step has been achieved, Mr. Speaker, we have the very, very difficult struggle of dealing with the threat of the Khmer Rouge.

Everyone can clearly remember the Killing Fields and the repressive policies of Pol Pot. The United States must do everything that we possibly can to insure that we do not see a return to those kinds of inhumane policies by the Cambodian Government.

MERCENARIES IN COLOMBIA

Parenthetically, Mr. Speaker, I would like to take one moment to say that I was irate last night when I saw the NBC film footage of mercenaries—from many of our allied nations—involved in training Colombian drug lords and perpetuating acts of violence there. We need to redouble our efforts to prevent such atrocities.

INDIVIDUAL RETIREMENT ACCOUNTS FOR ALL AMERICANS

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I would like today to speak in support of reinstating individual retirement accounts for all Americans. Individual retirement accounts worked very well in the early 1980's when their tax benefits were fully in effect.

One of the major economic problems faced by our Nation is our unusually low savings rate. Individual savings have been as low during this recent period as ever before in our Nation's history. Reinstating the tax deductibility individual retirement accounts would promote substantially more genuine authentic, long-term savings, I believe, than would a cut in the capital gains tax.

My wife Barbara and I took out IRA's when they were available, and we made our tax-free contribution regularly, as often as we could, and we continue to save those funds today. Millions of Americans were just getting used to IRA's when the tax benefits were removed. Now, of course, usage has fallen way off. IRA's are a win-win situation. Middle class Americans are rewarded for saving for their retirement. They achieve a little more financial security with each investment. That benefits all of us by taking pressure off of our social programs, by allowing more security in retirement.

And the frosting on the cake, of course, is that the Nation's savings rate goes up, making more private capital available for investment in our economy.

I am here to urge my colleagues to support the reinstatement of IRA's as a more sensible alternative to cutting the capital gains tax.

SONY OFFERS BUYOUT OF COLUMBIA PICTURES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the announcement in the morning news that Sony Corp. is offering to buy Columbia Pictures, Inc., for $3 billion cash disturbs me. Having spent most of my life in the media—as a newspaper reporter and editor and a television producer—I am all too aware of the value of each word, whether printed or spoken. The meaning of a movie script subjected to a few insertions can undergo a major change in intent.

If I seem to be particularly sensitive to a Japanese company buying a vehicle which can be used for propaganda, it is because we here in Washington have had a super exposure over the last few years to the lobbying efforts of the Japanese to gain whatever national advantage they desire. Millions were expended to protect Toshiba from a congressional ban incurred by its sale of the silent submarine technology to the Russians. Daily Japanese lobbyists work to blunt the effect of "Buy America" restrictions in United States legislation. And if you think the Japanese don't believe in the effect of public persuasion through the media, start counting the numbers of paid advertising pages in magazines designed to look and read as though they were straight news stories—legitimate reporting.

Movies offer the most powerful means of persuasion of all media forms. I do not believe such an influential instrument should be in the hands of a foreign corporation which represents a value system so alien to the West.

CAPITAL GAINS TAX CUT IS POOR ECONOMIC POLICY

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, the Bush-Jenkins capital gains tax cut is terrible economic policy and a terrible injustice to average Americans. Congress has already slashed income taxes on the very wealthy from 75 percent to 28 percent—cuts that have worsened our budget deficit and worsened the tax load on the middle class.

But that huge gift to the very rich was not enough for President Bush and his allies. Now they want to cut the tax rates on income for people who sell stocks and bonds and other capital assets to 19.6 percent, without doing anything to help ordinary working and middle-class people who income comes mainly from wages and salaries.

The people I represent wonder why the last so-called tax reform bill left them paying more than ever. Some of them believed that law was about fairness and simplification. I told them they would be hurt by the loss of the middle-class deductions the 1986 law eliminated, and I voted against it.

But no one is going to fool them this time. They don't need my help to know that a bill that gives 80 percent of its benefits to people making more than $100,000 a year isn't going to help them. And that's just what the Bush-Jenkins tax cut for the rich is going to do.

The top 1 percent of taxpayers—the people in our country who need help the least—will get 66 percent of the benefits from this tax cut. That isn't just unfair. It is criminal. The top 4 percent will get 80 percent of the benefits.

How can any Member of this Congress justify taking billions of dollars from 96 percent of the American people and giving them to the wealthiest 4 percent? That is precisely what this bill is going to do. Someone has to pay for the costs of Government, for national defense and Medicaid and cancer research and NASA and veterans programs. If we cut $5 billion a year in taxes on the wealthy, who is going to pay for it?

I will tell you who. It will be my constituents, with a median family income of about $25,000. Ironically, the average tax cut for people making $200,000 a year or more will be $24,906—a whole year's income for the average family in my district.

We have had a lot of experience with tax cuts for the wealthy in the last 9 years. No one can argue seriously that this tax cut will benefit everyone through a trickle down effect. We know better now.

When the effective tax rate on the top 1 percent of families fell 25 percent between 1980 and 1985, their share of after-tax income jumped 37 percent. The share of after-tax income going to the bottom 50 percent of families fell 9 percent during the same period. The rich got a lot richer. Everyone else was poorer. I hope my party will keep that kind of ripoff from happening again. No issue divides Republicans from Democrats and the middle-class Americans we represent more sharply than this one. We owe it to our constituents to block this blatant ripoff. The President promised this gift to the very wealthy—we did not.

LET US PASS THE JENKINS/ ARCHER PLAN

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, over the past several weeks, I have heard and read many misguided arguments intended to derail the capital gains tax reduction recently approved by the House Ways and Means Committee. The majority leadership in the House has said that the bipartisan Jenkins-Archer plan is a windfall for the rich. Some of my colleagues on the other side of the aisle claim that this is class warfare—the rich versus the poor.

Mr. Speaker, this is ridiculous. During last year's Presidential campaign, George Bush clearly articulated his desire to have the capital gains tax rate reduced. The American people knew this, and they recorded their feelings on November 8, 1988. George Bush won the Presidency. It was not only the rich who voted that day.

Mr. Speaker, let us do what the President, the American people, and a bipartisan coalition in this House want us to do. Let's pass the Jenkins-Archer plan and give the American taxpayers a break.

THE CHILDREN'S TRUST FUND ACT OF 1989

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, I rise today to urge my colleagues to join me in addressing the need for improving services for children throughout the Nation.

I have introduced the Children's Trust Fund Act of 1989, H.R. 3082, which will establish a trust fund for the purpose of providing grants and low-interest loans to innovative children's services programs including child nutrition, child health care, foster care, and services for neglected or abused children.

The children's trust fund bill will not add to the deficit because it will be funded by contributions donated by taxpayers from their Federal income tax refund. They will have the option of checking off a small designated amount or the option of specifying any amount of their refund to the trust fund.

Several States, including my own, South Carolina, have already created similar funds with this financing mechanism. Our children's trust fund received $230,453 from 30,138 returns last year.

While this legislation will not provide a complete solution to the many challenges facing us in dealing with the problem of funding children's services, it will create an additional source of available funds.

I hope my colleagues will consider cosponsoring this bill for the sake of this Nation's children. The time for helping our children, our future, is now.

□ 1300

PLAY IT AGAIN (AND AGAIN), SAM

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, as the fiscal year draws to a close, the House leadership is handing us a continuing resolution. It marks failure for the Congress, still another failure to do our work on time, still another failure to honestly and truly address the deficit problem. Tempers are getting short, talk of rules reform is in the air, Members are promising that next year this won't happen. But, Mr. Speaker, we've seen all this before.

Not last year. Last year was different. The President told us last year he wouldn't tolerate a continuing resolution. Thus warned, we buckled down and reported 13 appropriations conference reports before the start of the year. We did our work on time.

But President Bush failed to follow this good example this year, so we went back to our old ways. The continuing resolution is here, and make no mistake, it will end up being an omnibus continuing resolution, with one up or down vote on $700 billion of discretionary spending, before we're finished.

We should oppose it. We should defeat it. We should send a message back to the appropriators in both the House and Senate that they have failed us and we won't tolerate it.

Sure we can blame the Senate and they can blame the President, but at the bottom line the fault lies, not in our stars, not in the other body or in the White House, but in ourselves.

THE NEED TO END THE PITTSTON COAL STRIKE

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, I rise today to encourage the Pittston Coal Co. and the United Mine Workers Association to renew their face-to-face dialog and work to end the strike in Virginia. For the sake of the company, its employees, and the health of the American mining industry, both parties must continue to work in good faith to end the dispute.

The strike has been a financial drain for both the company and the miners. I remain concerned that a delayed settlement will permanently damage chances for economic development in the area. Families today are facing difficult decisions of how to provide for their children. Merchants in the area are threatening to close their doors because of a steep drop in sales.

As many of the elected officials from the area have already said, earnest deliberations must begin without delay. Any threat of violence will only serve to lengthen the time before western Virginia can begin to create economic stability for its workers and restore the timely delivery of its rich coal to buyers.

The time to come to the table is now. I hope that both President Richard Trumka and President Paul Douglas will agree to appear in person at the negotiations. Their presence would ensure that thoughtful negotiations can begin without delay.

THE PROPOSED MARGINAL TAX RATE INCREASE

(Mr. FAWELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, the Wall Street Journal had an editorial this morning, and in it they talked about the majority leadership reported to be sponsoring a new income tax, a marginal tax rate increase, to remove some kind of a soap bubble. One member of the leadership is quoted in the Washington Post as saying in fact, "half of those who pay the tax won't miss it, and the other half, they don't vote for us anyway." The majority refers to this transitional 33-percent marginal tax rate as a bubble. They, in fact, want to make this bubble a new permanent tax rate of 33 percent.

As it is now, no one pays more than a 28-percent income tax rate in toto. The majority party insists this must change, but middle income people and upper middle income people have to phase out, that is, give up their lower 15-percent rate, and to do this everyone pays a temporary 33-percent marginal income tax rate until the 15-percent rate is phased out.

For individuals this phaseout starts at $43,151. For couples filing joint returns the phaseout of the 15-percent rate starts at $71,901. The good news the majority party is talking about is that when one is done phasing out the 15-percent rate, using the transitional 33-percent marginal tax rate to do so, he will be rewarded with a permanent 33-percent tax rate.

Mr. Speaker, who cares about this? I think almost all America cares about it. Interestingly, the majority leadership justifies this new tax rate because the suggested reduction in the capital gains tax is deemed to be a breach of the 1986 Tax Reform Act. This same group never complained when a new 28-percent surtax was levied on our Nation's middle-income seniors under the Medicare Catastrophic Coverage Act of 1988.

CAPITAL GAINS TAX REDUCTION WOULD RESULT IN LONG-TERM LOSSES

(Mr. WISE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, let us talk about business and capital gains.

What business tell me it wants most is lower Federal deficits and lower interest rates. So let us talk straight. The capital gains reduction gains money for the Treasury for the first 3 years and then loses $21 billion over 10 years.

How many businesses that are running in the red would cut prices to pick up a short-term gain, knowing that it only results in greater losses? And in 2 years, who will be asked to pay more taxes to make up for lost revenues? Yes, I say, "You've got it. Business will be."

Second, what does this gain for business? Eighty-five percent of the new firms gain capital from tax-exempt pension funds. There is no benefit there. The capital gains reduction only lasts 2 years. That means more speculating and some happy stock brokers but no long-term gains. That means short-term gains, long-term losses, and higher interest rates.

Mr. Speaker, legislatively speaking, the best business gains come from a capital gains loss.

NEPAL BLOCKADE CONTINUES

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, in June, the House urged India to respect the human rights of all its citizens as well as to end its tragic economic blockade against the tiny nation of Nepal.

Unfortunately, the blockade continues. I have contacted the Nepalese Ambassador to the United States and was informed that 13 of 15 customary border crossings remain closed. Critical supplies of coal and kerosene have been stopped at the border, forcing the Nepalese people to harvest their rapidly depleting timber resources at great cost to the environment, which the United States is spending millions to preserve. In spite of Nepal's continued calls for negotiations to end the dispute, India has refused to back down.

Mr. Speaker, while I agree that it is important to have a positive relationship with India, we do need to emphasize that as a recipient of more than $110 million in direct United States aid, India should make every possible effort to respect the rights of other sovereign nations, or realize that it runs the risk of losing this aid.

NO SUBSTANCE TO REPORT THAT U.S. SUGAR QUOTAS STIMULATE COCAINE PRODUCTION

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, the drug crisis is a problem of monumental proportions. All the creative attention and enlightened thought that Americans can muster will be necessary to fight this menace.

Drugs are a real problem that demands real solutions. That is why I was distressed to see the views of one of my House colleagues, printed in the New York Times, which suggest that South American cocaine production is being stimulated by the United States sugar program. As anyone who understands this situation can tell you, nothing can be further from the truth.

The letter printed in the Times suggests that the United States sugar program should be revamped because the steady flow of cocaine from the largest producing countries, Bolivia, Colombia, and Peru, is attributed to United States sugar quotas and the domestic sugar program. My colleague from New York suggests that because these countries have been cut off from our sugar market, sugar production has lagged and farmers are turning to alternative crops, namely coca.

One need only look at the agricultural reports from these countries to soundly debunk this theory. Since the United States sugar quota was adopted in 1982, Colombia's sugar acreage has increased by more than 10 percent. Our USDA agricultural attaché reports that sugar acreage in Colombia continues stable while cane yields are improving.

In Peru, sugar acreage has increased 40 percent, and while Peru has a United States quota, their farmers can produce only 75 percent of its sugar needs. Despite the access provided to the United States market under our quota system, Peru failed to fill almost one-third of its quota last year.

Bolivia is not even a player when it comes to sugar exports. Despite an acreage increase of more than 10 percent, Bolivia will not produce enough sugar to both satisfy its domestic needs and fill its United States quota.

Mr. Speaker, no amount of sweet talking will make people believe that the domestic sugar program is the cause of our Nation's drug problem. The U.S. sugar program can hardly be responsible for the agricultural woes of these cocaine producing nations when they fail to produce enough sugar to satisfy internal demand or fill their U.S. quota.

As we search for proper solutions to the vexing problem of drugs in America, I think we should just say no to misguided proposals which disguise themselves as solutions to the drug crisis. As any street corner addict will tell you, you get nowhere if you hide behind excuses and fail to confront your problem with serious solutions.

CLARIFYING THE FACTS ON THE TAX SITUATION

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I guess it is inevitable that if we do not have the facts on our side when we are discussing the economy, we simply make up our arguments out of nonsense. We have heard a lot of that on the floor today with regard to the tax situation as it affects the average family.

We heard a lot about middle-income families paying a higher tax rate than other families pay. Let us get the facts on the table.

If you make $20,000 a year, the average tax rate you pay is 15 percent; if you make $30,000 a year, the average tax rate you pay is 15.1 percent; if you make $70,000 a year, the average tax rate is 22.5 percent; if you make $80,000 a year, it is 23.7 percent; at $100,000, it is 25.5 percent; at $125,000 a year, it is 26.8 percent; at $140,000, it is 27.7 percent; and at $150,000 it is 28 percent, and it remains at 28 percent from $150,000 up.

Mr. Speaker, those are the facts. That is average tax rate today. The nonsense we have heard on the floor today just has no basis in fact.

□ 1310

THE FARM PROGRESS SHOW IN INDIANA

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, I rise today to pay tribute to the 37th annual Farm Progress Show which is being held in Fulton County, IN, beginning today and continuing through Thursday.

Mr. Speaker, the Farm Progress Show is the largest outdoor farm show in North America. This annual 3-day show will attract approximately 300,000 people, including visitors from foreign lands, to witness field demonstrations of future agricultural practices, technology, and equipment. Above all else it is a working showcase for American agriculture.

The Farm Progress Show is truly a community event, and I want to pay tribute in particular to the residents of the Rochester area who have volunteered their services to make this year's show successful, as well as recognizing the host farmers: Tom Weaver, Lloyd Weaver, George Krom

III, George Krom, Jr., Jim Doud, and Ross Fear.

Mr. Speaker, the Farm Progress Show demonstrates in many ways what makes American agriculture the most productive in the world.

CONTINUING RESOLUTION, 1990

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 407) making continuing appropriations for the fiscal year 1990, and for other purposes. All points of order against the joint resolution and against its consideration are hereby waived. Debate on the joint resolution shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 246 is the rule providing for the consideration in the House of House Joint Resolution 407, the joint resolution making continuing appropriations for the fiscal year 1990. All points of order against the joint resolution and against its consideration are waived.

The rule provides for 1 hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on Appropriations, and provides for one motion to recommit.

Mr. Speaker, House Joint Resolution 407, is a short-term continuing resolution providing for temporary spending from October 1 to 25 for programs that are covered under the 13 regular appropriations bills. If any additional appropriations bills are enacted before October 25, those programs would be removed from the continuing resolution.

Currently, the Senate is moving appropriations bills from committee to the Senate floor. However, it is not expected that action on the appropriations bills can be completed and cleared for the President by October 1.

This short-term resolution would simply provide the necessary time for the appropriations process to be completed and avoid unnecessary delays in Government programs.

Mr. Speaker, I am aware that some Members are opposed to the consideration of continuing resolutions, but I would like to point out to my colleagues that this is a clean resolution, worked out with bipartisan cooperation.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret that it is even necessary to bring this rule to the House floor on a short term, continuing appropriations resolution, even though this is a clean continuing resolution. But the fact is, we are up against the fiscal wall this week with only 1 of the 13 regular appropriations bills through both Houses.

As my colleagues are well aware, this House did itself proud this year by sending all 13 bills to the Senate before the August recess. The Senate has already passed seven of those measures and is expected to clear four others this week. That would leave only the Defense and State-Justice-Commerce bills. As I am sure my colleagues know, the Justice appropriations bill is hung up in the Senate over the issue of upping the ante on the President's request for additional antidrug moneys. All this despite the President's call last September 5 for a "national effort, not a partisan bidding war."

So, here we are today, slip sliding our way toward the Saturday night's fiscal New Year's Eve with not so much as a noisemaker or party hat to greet the new year.

Mr. Speaker, the rule before us is admittedly tight to permit us to expedite this 1-month financial reprieve for the Government. The rule waives all points of order against the consideration of the continuing resolution, House Joint Resolution 407, and calls for consideration in the House, rather than in the Committee of the Whole. That means that the continuing resolution will not be subject to amendment under the 5-minute rule. The rule does provide for 1-hour of general debate, divided equally between the chairman and ranking minority member of the Appropriations Committee. And finally, the rule calls for one motion to recommit.

Mr. Speaker, House Joint Resolution 407 is a clean continuing resolution that would terminate on October 25. It provides for funding at the lower of the House or Senate passed levels for fiscal 1990, or, if only one House has acted, at the lower of that bill or the fiscal 1989 level.

Mr. Speaker, while I may support this rule and understand why the short term should be made in order, let me advise the leadership now, in no uncertain terms, that today's vote should in no way be construed as a test vote on a future omnibus continuing resolution. We swore those off last year for good reason after being burned in past years by those bloated, omnibus money bills or bombs, as they have come to be called. Let us not drop that bomb on ourselves again.

I want to commend our Republican leader, Mr. MICHEL, on holding firm with the majority leadership in keeping this a truly short-term continuing resolution. The original version would have taken this through November 10. This version, fortunately, terminates on October 25. That is well short of Halloween when Congress might be tempted to play tricks on the taxpayers by dispensing treats we cannot afford. I trust by October 25 we can have all 13 appropriations bills separately enacted and thereby avoid stirring up all those ghosts and goblins of continuing resolutions past. Support this rule. Let us finish our work.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the Congress is a repeat offender. It passes a law which says that the fiscal year must end successfully by October 1 of every year. This is our own law, and then we proceed to violate that law year after year. The continuing resolution every year becomes a parole matter for a temporary parole from the strength of the law which Congress itself passed.

Mr. Speaker, it is time to end all of that. I have introduced legislation which will not pass, will not even get consideration, because it makes common sense that, if by October 1 any one of the appropriations bills, or all of them, have failed to pass the Congress of the United States, that automatically the last year's appropriations will go into effect.

☐ 1320

Then the Congress can go about its business without the messy messing around of the continuing resolution and produce a final bill if it wants to in appropriations, but in the meantime we will not have to go into this crazy Christmas Eve packaging of 3 a.m. types of votes that we have seen in the past. It is time to end this circus that we call the continuing resolution.

I know that this is going to pass. The gentlewoman from Illinois makes an excellent point that there is no other way, but there is another way. When the Rules Committee meets on the next continuing resolution, I am going to present myself in front of it and ask and beg it on hands and knees, if necessary, to allow me to present a bill on the floor that would allow for next year's continuing resolution substitute; namely, an automatic repose back to the previous year's appropriations, if indeed we have not passed an appropriations bill by October 1.

Mrs. MARTIN of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WHITTEN. Mr. Speaker, pursuant to the rule just adopted, I call up House Joint Resolution 407, making continuing appropriations for the fiscal year 1990, and for other purposes, and ask for its immediate consideration.

The text of the joint resolution is as follows:

H.J. RES. 407

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1990, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1989 and for which appropriations, funds or other authority would be available in the following appropriations Acts:

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended;

The Department of Defense Appropriations Act, 1990, notwithstanding section 502(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1990;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1990;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations, 1990;

The Legislative Branch Appropriations Act, 1990;

The Military Construction Appropriations Act, 1990;

The Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990;

The Department of Transportation and Related Agencies Appropriations Act, 1990;

The Treasury, Postal Service, and General Government Appropriations Act, 1990; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990.

(b) Appropriations made by this section shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

(c) No appropriation or funds made available or authority granted pursuant to this section shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1989.

(d) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1989, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1989, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed with both Houses as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989: *Provided further,* That congressional operations—Senate shall be continued under the appropriation, fund, or authority granted by the Act passed by the Senate, at a rate for operations not exceeding the rate permitted by the action of the Senate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1989.

(e) Whenever an Act listed in this section has been passed by only the House as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989: *Provided,* That where an item is funded in applicable appropriations Acts for the fiscal year 1989 and not included in the version passed by the House as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1989, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989.

(f) No provision which is included in an appropriations Act enumerated in this section but which was not included in the applicable appropriations Act for fiscal year 1989, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

(g) No appropriation or funds made available or authority granted pursuant to this section for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1989 or prior years, for the increase in production rates above those sustained with fiscal year 1989 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1989: *Provided,* That no appropriation or funds made available or authority granted pursuant to this section for the Department of Defense shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

(h) Such amounts as may be necessary for projects or activities provided for in the Energy and Water Development Appropriations Act, 1990, at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 101-235) adopted in the House of Representatives on September 12, 1989, and in the Senate on September 14, 1989.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 25, 1989, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. No provision in any appropriations Act for the fiscal year 1990 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 106. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 407, making continuing appropriations for the fiscal year 1990, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I have listened to the points made earlier by some of our colleagues from time to time. May I say, as all of us know, we have two branches of the Congress, our side and the other side. We had full-year continuing resolutions to cover the universe, you might say, in fiscal year 1987 and fiscal year 1988, but these came about because of the inability of our colleagues on the other side of the Capitol to complete their business in time to prevent that. Here we have a very short resolution because despite the efforts that may be made on the other side of the Capitol, we cannot tell at this time just what the situation will be.

I think it would destroy a whole lot of credibility and cost a lot of money if the Government should come to a close and have to be reinstated, which could happen in the event that our friends on the other side are unable to complete their work, including a conference with the House, if we don't have a continuing resolution in place before October 1.

Historically, under the Constitution and by custom, money bills have to be originated in the House. While we completed our business for the 13 bills by August 4, our friends on the other side, due to other business, have not been able to keep up with that pace, though they seem to be trying at this time. The Senate has passed only 7 of the 13 bills, though they are in the process of passing others.

The energy and water bill is awaiting the signature of the President. The committee report accompanying the resolution lays all this out. May I say to my friends, the chairman and the ranking member on the Rules Committee have described the situation as it is.

May I say further that this is a short resolution, that all bills that are passed and signed by the President will come out from under it, and that it goes only until October 25—which is in agreement with the Speaker and the leadership on the Republican side.

The resolution provides three rates: For bills passed by the House—House or current rate, whichever is lower, with terms and conditions in effect in fiscal year 1989; for bills passed by House and Senate—House or Senate rate, whichever is lower, with terms and conditions in effect in fiscal year 1989; and for energy and water—the conference rate.

Each bill comes out from under the continuing resolution when the regular Appropriation Act becomes law.

May I say again, and I say this for my own purposes, your Committee on Appropriations has done its job. Historically, since 1945 our appropriation bills have been $187 billion below the recommendations of the various Presidents. May I point out further that under President Reagan the appropriation bills were $16.7 billion below the recommendations of President Reagan.

Despite any impression that may have been made when the President had fun with the Congress by slamming down the 1988 continuing resolution on the rostrum, that represented months of hearings by the Appropriations Committee. We had followed all the rules. I do not know but whether he was just having fun at our expense or whether he had not been advised as to the facts, but it appears, while he was having fun at our expense, some in the press and public took him seriously.

Hearings began on the fiscal year 1988 budget on February 3, 1987. Testimony, taken from over 4,500 witnesses on 237 days of hearings, was printed on 92,600 pages in over 90 volumes of hearings. That was just the beginning of action which led to the completion of conferences on 13 separate appropriations bills that were packaged into 1 bill at the request of those representing the President in the so-called economic summit. Mr. Speaker, I was proud of our committee then, and I am proud of it now.

Again, this resolution is necessary in view of the practices that prevail on the other side. It is short. It takes the lesser figure of the things that have happened, and most importantly, it keeps the Government operating until action is completed on the regular 13 Appropriations Acts.

Mr. Speaker, the House Committee on Appropriations began hearings on the fiscal year 1990 appropriations bills on January 24, 1989, took testimony from over 5,300 witnesses on 275 hearing days, which was printed in 91 hearing volumes—over 98,500 pages—and passed all 13 bills by August 4 as follows:

Energy and Water Development.	June 28.
Interior	July 12.
Rural Development/Agriculture.	July 18.
VA-HUD-Independent Agencies.	July 20.
Foreign Operations	July 21.
Treasury-Postal Service	July 28.
Legislative	July 31.
Military Construction	July 31.
Commerce-Justice-State	August 1.
Labor-HHS-Education	August 2.
District of Columbia	August 3.
Transportation	August 3.
Defense	August 4.

Because of other business the Senate has been delayed. Senate action to date follows:

Interior	July 26.
Energy and Water Development.	July 27.
Rural Development/Agriculture.	July 27.
Treasury-Postal Service	August 4.
Legislative	September 7.
District of Columbia	September 14.
Military Construction	September 15.
Commerce-Justice-State	
Defense	
Foreign Operations	
Labor-HHS-Education	
Transportation	
VA-HUD-Independent Agencies.	

This resolution provides for the continued operations of the Government until October 25, if necessary.

It provides for the operations of every Department or agency where the regular Appropriations Act for fiscal year 1990 has not become law, at the lower of the following rates:

Those at the House or current rate: Commerce-Justice-State, Defense, foreign operation, Labor-HHS-Education, Transportation, VA-HUD-independent agencies.

Those at the House or Senate rate: District of Columbia, Interior, legislative military construction, rural development/Agriculture, Treasury-Postal Service.

While this resolution covers the entire Government, each Department or agency comes out from under its operation, upon the regular Appropriations Act becoming law.

For fiscal year 1987, hearings began on January 31, 1986. Testimony from over 4,100 witnesses on 222 days of hearings was printed on 94,200 pages of hearings. Action on 13 separate bills, packaged in one vehicle, was completed by the Congress on October 16, 1986—just 16 days after the beginning of fiscal year 1987.

For fiscal year 1989, hearings began on February 1, 1988. Testimony from over 5,100 witnesses on 275 days of hearings was printed on 88,319 pages of hearings. Action on the 13 bills was completed by the Congress September 30, 1988, and the last bills were signed into law by the President on October 1—the first day of fiscal year 1989.

Mr. Speaker, we have done our work, and if I do say so myself, we have done it well.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Well, Mr. Speaker, here we are with another continuing resolution, another failure for the Congress to do its work on time and to present the President with the appropriation bills separately and within the beginning of the fiscal year.

Mr. Speaker, there is enough blame to go around, but the very bottom line is that it is our fault. We have insufficient commitment to the process and too much commitment, Mr. Speaker, to what each of us wants to get out of the process.

The gentleman from Pennsylvania [Mr. GEKAS] was right. We need a penalty for failing to do our work. There is no penalty. The one he suggests, a freeze of the previous year's level, is a good suggestion if it is not passed.

Sure, Mr. Speaker, it is easy to say that the House did its work. We did our work and sent it over to the Senate before the August district work period, but we did, Mr. Speaker, 5 weeks late.

And yes, the Senate has failed to keep up that pace and they can blame the White House for coming in with a proposal regarding the drug war; but the bottom line is that here we are, another continuing resolution. It seems to me that the only way that we are able to discipline ourselves is when the President, as President Reagan did last year, said to the Congress that he would not tolerate a continuing resolution and last year we did our job on time. President Bush should have said the same thing to the Congress this year, and perhaps we would have seen the light.

Mr. Speaker, the gentleman from Michigan [Mr. UPTON] and the gentleman from Oklahoma [Mr. EDWARDS] and I gathered signatures on a letter to President Bush earlier this year. There were 147 Members of the House who said they would not support another continuing resolution, and I would remind those Members that now is the time to vote no. This is another continuing resolution. Sure, it is supposedly short term, October 25. Sure, it is supposedly clean, but I suggest that is the way we always start out, with a short-term clean continuing resolution and then we end up, Mr. Speaker, with an omnibus continuing resolution, with things that have never been considered on the floor of either House, with things swept in that should not be there, things that the Members do not know they are voting on, with every dollar of our discretionary spending put into one single bill in a yes or no up or down vote, and we call this democracy.

Well, Mr. Speaker, this is another travesty, another failure, another blame the other guy; but the bottom line is that we have to blame ourselves. We are not doing the job that we were elected to do. We are not addressing the fiscal problems of this country, but sometime soon we are going to have to do so or we are going to regret it, and regret it for the entire future of hour history.

□ 1330

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, before yielding to the gentleman from Montana [Mr. WILLIAMS], I would like to state to the Members of the House that all down through the years since my friend, the gentleman from Massachusetts [Mr. CONTE] and I have brought out the bill that appropriates the money for the Department of Labor, the Department of Health and Human Services, and the Department of Education, our friend, the gentleman from Montana [Mr. WILLIAMS], has always worked with us on our bill. There is no Member of the House who is more concerned about education than the gentleman.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Kentucky for his generous, perhaps over generous but accepted, remarks.

When the House passed the gentleman's bill, H.R. 2990, it contained a section 103 which said:

> No funds appropriated by this act may be used to execute or carry out any contract with a nongovernmental entity to administer or manage a civilian conservation center of the Job Corps which was not under such contract as of September 1, 1984.

This is the identical language that has appeared in the prior-year appropriation bills. Recently there have been funded six new centers including one located in Mount Laguna in the Cleveland National Forest. Is it not the committee's intent to apply the language of section 103 of H.R. 2990 to the new centers on public lands?

Mr. NATCHER. Mr. Speaker, as one member of the subcommittee, I would like to state to the gentleman that that would be my preference, as one member of our subcommittee. I hope that when this matter is brought to the attention of the Department of Labor that they will keep this in mind.

Mr. CONTE. Mr. Speaker, I yield myself such time as I many consume.

Mr. CONTE. Mr. Speaker, I rise in support of House Joint Resolution 407 to provide for continuing appropriations for fiscal year 1990 through October 25.

Mr. Speaker, the new fiscal year is upon us. On Sunday, October 1, we celebrate Federal new year. It will not be like the real New Year on January 1. There will be no parties; there will be no popping of champagne corks, no furtive kisses at midnight.

There will not even be any singing of "Auld Lang Syne":

> Should all the deadlines be forgot
> And never met on time
> Should all the deadlines be forgot
> In days of Auld Lang Syne.

If no provision is made for funding as of that time, Federal new year starts out as fiscal no year.

Our committee has been doing its job. In June and July, once the budget summit and the budget resolution were in place, once we had completed a divisive battle over the supplemental, and once the House had surmounted its leadership struggles, we churned out our Appropriations bills at a record pace. And we finished them by passing the Defense bill, the last one, on August 4.

The Senate is close to finishing its 13 bills. So it is simply a question of moving 12 remaining bills through conference. It can be done. And if I have anything to do with it, it will be done.

My goal, which I believe is shared by everyone involved in the process, is to pass 13 individual Appropriations bills.

This continuing resolution, which is a short-term, stop-gap clean and noncontroversial bill, should provide us the time we need to pass the individual bills.

This bill makes several accommodations to this side of the aisle.

Informally, the Office of Management and Budget does not object to it. It is a clean bill. And it will fulfill our constitutional duty to provide the funding necessary to keep the Government running.

Having said all that, I am sure that there are people who will not resist the opportunity to demagog on this issue. Let me say a few words about that.

If we did not have this continuing resolution and we brought Government to its knees after October 1 and the people, the senior citizens out there across the country, did not get their Social Security checks and they started calling their Congressmen, the ones who are beating us on the head will be the first ones to condemn us for depriving the seniors, the veterans, and others from getting their checks on time.

Do the Members think this is an easy task to manage this continuing resolution? I hate continuing resolutions, but we have no alternative. And then to have Members blame this House, blame this committee which has done an honorable job and passed every bill through the House by August 4? If Members want to take it out, take it out on reconciliation, take it out on the Committee on the Budget, take it out on the Senate, but do not take it out on our Committee on Appropriations.

Our committee has been doing its job—maybe not an A-plus, but a pretty good grade, particularly if you compare it with what else is happening around here.

We operate off the same instructions as everybody else. Once the budget resolution passes, we go to work. So, supposedly, do all the other committees to draft legislation to comply with the reconciliation instructions to reduce the deficit. Our time table is the same as reconciliation. Our 13 bills were through the House on August 4. Reconciliation might come to the floor today, 2 months later.

I believe we will avoid a massive omnibus continuing resolution. But not reconciliation. Have you seen that bill? Two volumes, 1,900 pages. You can not even carry it, without getting a hernia, it is so heavy.

If you are looking for abuse of process, you need look no further than the table of contents of the reconciliation bill. Everything under the Sun plus the kitchen sink is in that bill.

And what is the result of the delay on reconciliation? Simple. Sequestration. Not many people realize it, but sequestration does not start on October 15. It starts on October first, on October 1, 4.3 percent must be withheld from obligation from defense programs, and 5.3 percent must be withheld from domestic programs, pending the final sequestration order on October 15. And after the sequestration order on October 15, that money gets permanently withheld.

Now I have got to ask you: Why has our committee been killing itself? We get our work done. The other committees do not get their work done. And who gets hit with the sequestration? All the appropriations programs, all of the ones at Health, Human Services and Education and in Labor. Not most of the entitlement programs. They are protected. It is all the discretionary spending provided in the appropriations bills.

Thanks a lot. We are doing our job. I just wish the rest of the committees were doing theirs in as timely a fashion.

Let us do what we have to do and get out of here. One of the things we have to do is pass this continuing resolution. I urge your support.

For the RECORD, I wish to emphasize that the continuing resolution requires that the Navy continue to provide services-in-kind for the Coast Guard at the same level as provided in fiscal year 1989. Any delay in providing the services-in-kind will make it more difficult for the Coast Guard to receive the full $140,000,000 value which is contained in both the House and Senate defense appropriations bills.

Mr. WHITTEN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, may I say to my colleagues that I appreciate the cooperation we have had from the gentleman from Massachusetts [Mr. CONTE] and all of the members of the committee.

Our committee through the years has tried to cooperate with the Committee on the Budget, but we are the ones who are always held in line, and as the members of the committee know, we are doing so again. What we have to do today is, because of the rules of our colleagues on the other side, and apparently, while they are doing everything they can, we are familiar with their rule.

Mr. Speaker, I wish to thank the staff of the Committee on Appropriations for the assistance they provide to the committee and the members.

I hope our colleagues, when we deal with reconciliation, will remember what the facts are and what our record has been. For those who have not had a chance to know what we have done, I hope the House will do as well on reconciliation as we have done on appropriations. I hope the folks will read the RECORD and see just how well we have done.

Mr. BUECHNER. Mr. Speaker, in high school, I am sure we all remember being assigned reports which were to be a certain number of pages and were due on a specific date. Sure enough, when that date came around there were always some students who managed to get sick. Others would find the typewriter with the largest possible type, and then allow the most generous margins on all sides in order to meet the length requirement. In most cases, however, high school teachers saw through such tactics and disciplined the offending students. If the shaping of the Federal budget is any barometer, it seems the majority in Congress had the sort of gullible teachers who allowed students to become masters of the subtle art of gamesmanship.

The assignment at hand, in fact, Congress' primary responsibility, is the budget process. It is to be completed by a certain date and it must meet certain parameters. It seems, however, that some of my colleagues believe that there are certain games that can be played little ways of circumventing the deadlines and restraint mechanisms surrounding the budget process. It seems that many of my colleagues are privy to a certain form of financial geometry where the shortest distance between two points is a rather large circle.

We are now faced with an impending continuing resolution, reconciliation tinkering, and juggling of appropriation bills to avoid sequester. There has even been much discussion of restructuring the order with which bills and amendments are brought to the House floor for political reasons. The only thing we don't seem concerned with is exercising all available expediency in crafting a spending plan within the Gramm-Rudman limits.

We must remind ourselves that this is not a board game we are playing, and that we are not spending monopoly money. We owe it to the taxpayers to produce a viable budget free of political gamesmanship.

Perhaps someday we'll see "FY-90, the Board Game" on a shelf in our local toy store, and those who enjoy Gramm-Rudman dodging and appropriation shuffling will be able to tinker to their hearts content. For now, however, our task is clear: We must dispense with gamesmanship and fulfill our responsibility.

Mr. CONTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

☐ 1340

The SPEAKER pro tempore (Mr. McDERMOTT). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PORTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 274, nays 152, not voting 6, as follows:

[Roll No. 245]

YEAS—274

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes

Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickle
Price
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Sabo
Saiki
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schneider
Schulze
Schumer
Sharp
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Yates
Russo
Sangmeister
Schaefer
Schiff
Schroeder
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vucanovich
Walker
Walsh
Whittaker
Wyden
Wylie
Young (AK)
Young (FL)

NAYS—152

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Costello
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Goss
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hubbard
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lukens, Donald
Machtley
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (WA)
Molinari
Moody
Moorhead
Morrison (WA)
Neal (NC)
Nielson
Oxley
Packard
Parris
Paxon
Pease
Petri
Pickett
Porter
Poshard
Pursell
Ridge
Ritter
Roberts
Robinson
Rohrabacher
Ros-Lehtinen
Roth
Rowland (CT)

NOT VOTING—6

Courter
Espy
Florio
Garcia
Rahall
Yatron

□ 1401

Mr. TALLON changed his vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 1312, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1312) to revise and extend the programs of the Domestic Volunteer Service Act of 1973, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Will the gentleman from New York please withdraw his request?

Mr. OWENS of New York. I withdraw my request, Madam Speaker.

OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee of the Whole shall rise without motion. No amendment to the bill shall be in order except as subsequently determined by the House.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 245 provides for general debate in the consideration of H.R. 3299, the Budget Reconciliation Act of 1989. The rule does not provide for full consideration of H.R. 3299, for the Rules Committee is in the process of finalizing a second rule on this bill making provisions for the terms of consideration. The rule waives all points of order against consideration of the bill and provides for 6 hours of general debate, with the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After general debate, the rule provides that the Committee of the Whole shall rise without motion. Finally, Mr. Speaker, the rule provides that no amendment shall be in order except as subsequently determined by the House.

Mr. Speaker, as my colleagues are well aware, the Reconciliation Act of 1989 is a large and complex bill. The bill contains submissions from 10 House committees on topics as diverse and controversial as child care, the capital gains tax rate, and catastrophic health care. This rule will facilitate consideration of H.R. 3299 by allowing the House to proceed with general debate on this reconciliation measure while the Rules Committee is in the process of finalizing the terms of consideration for the entire bill. I urge my colleagues to adopt House Resolution 245.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just wanted to ask the Democratic leadership, we are, of course, hearing a lot of rumors, and we are trying to figure out what we may vote on before the week is out. Can the gentleman tell us what time we are likely to be able to see the gentleman from Missouri, Mr. GEPHARDT's tax bill or tax amendment?

I yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I know there is a Democratic meeting at 3 o'clock, and we are to have a Committee on Rules meeting at 3:30. I assume we will know fairly soon.

Mr. GINGRICH. Is it fair to say we should see it by 3:30?

Mr. DERRICK. If the gentleman will continue yielding, I did not say that.

Mr. GINGRICH. Mr. Speaker, I am not trying to put my friend from South Carolina on the spot, and we will not come back and litigate if it turns out the gentleman is more optimistic and the hopes are not met. It has been very difficult.

Mr. DERRICK. If the gentleman will continue to yield, I will come down on the side of optimism and say I feel reasonably sure the gentleman will see it this week.

Mr. GINGRICH. As the gentleman can imagine, it is reasonably difficult for Members to get people to analyze the details of what the bill would mean, or what the amendment would mean if we cannot get the amendment.

Second, there is a rumor, which I just heard a minute ago, which I am sure cannot quite be correct, there are circumstances under which the House might not choose between the Downey version of child care and the Hawkins version of child care, and we might end up sending both bills to conference to let the conferees choose.

□ 1410

Mr. Speaker, does the gentleman have any knowledge of whether or not that is possible?

Mr. DERRICK. First, Mr. Speaker, let me say to the gentleman from Georgia that as he well knows, this bill probably has more substantial legislation in it than any other reconciliation act that I have dealt with since I have been here. I mean these are major issues, and, quite frankly, we are having a hard time working out some of the fine points.

I do not know anything about the rumors the gentleman has suggested he heard, but I feel very sure that the Rules Committee, as I think it does most of the time, will give everyone a fair shot at providing input to the decisions it comes to.

Mr. GINGRICH. Mr. Speaker, if I may complement the discussion, I think it is very important as we go toward what may be the final Rules Committee meeting, whenever it does finally meet, at which time we would get a rule, I think it is very important that the House face up to these issues, and that the House be prepared to make a choice and to send that choice to conference. We would be very concerned if there were some sort of Rube Goldberg contraption by which the House would sidestep choosing and two different committees would each send their version of the bill to a conference where the conferees might have to choose and basically do the work of the House.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

On that issue, I think it is not unheard of that there be conflicting versions that would then go to conference. As a matter of fact, in this reconciliation bill there are different versions with regard to Medicaid discussions or Medicare discussions that are likely to make their way to conference.

I do not know the situation in particular with regard to child care. That is something that is being worked on at the present time. But I just did not want the gentleman to think that there is no having conflicting versions going to conference.

Mr. GINGRICH. Mr. Speaker, if I might reclaim my time for 1 minute, I would say to my friend, the gentleman from California, first of all, that it is a little dubious to take a program as big as child care and handle it within this context and then to further say that there may be a plan to avoid having to choose, so we are now going to handle a program this decisive by sending it to a conference. That strikes me to be a dereliction of duty on the part of the House, and I cannot imagine that our side would be comfortable with that lack of clarity in terms of procedures.

Mr. DERRICK. Mr. Speaker, if the gentleman will yield further, I know of no plan to deny the House the opportunity to make those decisions in this area.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, just so I am clear on this as a member of the nonmeeting Rules Committee, as I understand it, the chairman of the Budget Committee and the ranking member of that committee still wish it to be a clean continuing resolution, and by the gentleman's comment, the chairman was not suggesting that he suddenly favors having all these additional extraneous matters in the bill; I am assuming that still remains true.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, it has always been my position that extraneous issues on reconciliation such as catastrophic, child care, and, for that matter, capital gains, because it adds to the deficit and it does not reduce the deficit, should not be included. I would be willing to strike all of those from reconciliation, but, unfortunately, my understanding is that that offer has not been accepted.

Mr. GINGRICH. Mr. Speaker, let me say in closing that I appreciate the generosity of the gentleman from Tennessee [Mr. QUILLEN] for yielding time to me.

We were supposed to come in at 9 today, we were supposed to come in at 9 tomorrow, and we are supposed to be dealing with what is clearly the largest and most consequential bill of the year, and we are in a muddle. I would just hope that the Democratic leadership could unmuddle itself a little bit and could bring some clarity to the situation, and maybe by the end of today we can know exactly what the tax increase package is that we are supposed to look at by this Thursday.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this budget reconciliation bill has become a Christmas tree with such a hodgepodge of ornaments that the limbs are about to break.

At the time the Budget Act was passed, budget reconciliation was intended to be the means by which the House would cut spending or raise revenues in order to comply with the levels set forth in the budget resolution each year.

But what is happening this year, Mr. Speaker, bears very little resemblance to what was originally intended. This bill has been loaded up with a large number of ornaments which have nothing to do with reducing the budget deficit.

We are being asked to consider as part of this package issues as diverse as pensions, child care, Medicaid expansion, fairness doctrine, dial-a-porn, capital gains, catastrophic health care, Medicare expenditure targets, section 89, and funding the aviation trust fund.

Mr. Speaker, these and many other items in this bill constitute major changes in the way we run this Nation. While some of them are actually related to deficit reduction, many are not. In some cases, they are issues I believe this House should consider. But they should be considered as separate legislation, not lumped into one catch-all package where Members are going to find their ability to offer amendments severely restricted.

Mr. Speaker, this bill has turned into one of the biggest Christmas trees of all time. And because it is such a huge package, we will have a very difficult time finishing it in time to prevent automatic across-the-board spending cuts under the Gramm-Rudman law. If that occurs, budget reconciliation will have failed to do what it was supposed to do. And because the package is so diverse and complicated we could end up spending part of the Christmas season with this Christmas tree rather than the ones in our homes in our districts.

Mr. Speaker, I would hope that in the future we would restrict budget reconciliation bills to what they were originally intended to be; that is, a deficit reduction mechanism. All the extraneous items, many of which may be fine ideas, could then be considered as separate pieces of legislation.

Mr. Speaker, I support the rule because this rule provides merely for consideration and general debate. Another rule will be issued by the Rules Committee. We are scheduled to meet at 3:30 today.

Mr. Speaker, I want to thank the gentleman from South Carolina [Mr. DERRICK] for ably explaining the provisions of the rule and for sharing his time with me.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I appreciate the gentleman's yielding me this time.

I have chosen to come up today to discuss something with regard to this package that maybe is not being discussed on the floor too often. It is concerning a new category of American citizens called the working poor. I know a great deal about them because I have an awful lot of them in my district. I would like to define them for the Members because Leona Helmsley should have taught Congress a while ago in that trial, because what she said was "rich people don't pay taxes, poor people pay taxes."

Now, that is not actually the total truth, but it is partially true. The new American who really pays the taxes is the working poor. They do not have enough money to buy a home; that is too expensive. They cannot own a home. They usually have two and sometimes three jobs. They average $4 to $5 to $6 an hour, without any benefits, because they have no medical insurance. They cannot afford that.

We talk about college education, but the thing they hope for is that their son or daughter may be a good athlete and maybe they will get a scholarship. That is the only shot at education they are going to have.

Meanwhile, Congress keeps going through all these changes with all these tax bills, supposedly producing intended positive results for everybody.

Mr. Speaker, I look back at what we have done in the last 8 years, and here is what I see. In 1981 Ronald Reagan brought forward a tax bill, and this is how that worked: If you are a family of four and you earned $25,000 a year, you got about as much of a tax break to take your family out for a nice dinner. There have been a lot of statistics read on this floor, but this is now a fact. If you are a family of four that earned a quarter of a million dollars, you got enough of a tax break to go out and buy a brand new Mercedes Benz, and then you had enough to take your family to dinner in the new car.

Now, in this package that we are discussing today, there is a capital gains cut proposal being bandied around. Here are the statistics I have, and if I am wrong, I would be glad to be corrected. If you are a family of four and you earn $25,000 your tax break will be $15.

PARLIAMENTARY INQUIRY

Mr. STEARNS. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Florida is recognized to state his parliamentary inquiry.

Mr. STEARNS. My question, Mr. Speaker, is this: Is this debate relative to the rule?

The SPEAKER pro tempore. The House is presently debating the resolution from the Committee on Rules.

Mr. STEARNS. And, Mr. Speaker, this particular debate by this distinguished gentleman is relevant to the rule?

The SPEAKER pro tempore. The debate on the rule can go beyond the language of the resolution and the rule proposed to the merits of the legislation which will be considered by the rule.

Mr. STEARNS. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Ohio may proceed.

Mr. TRAFICANT. Mr. Speaker, I would hope that this time would not be taken out of my allotment of time.

The SPEAKER pro tempore. The gentleman's time is protected. The gentleman may proceed.

□ 1420

Mr. TRAFICANT. Mr. Speaker, if I can get back to that, I say to my colleagues, if I am not wrong here, "If you're a family of four, and you earn $25,000 under this capital gains cut tax, the family of four would get a $15 tax break. But if you're a family of four, and you earn $200,000, your tax break would be about $25,000." Now that is about usually what the mathematics turns out to be. I am not so sure.

My colleagues, I am going to vote for the rule. I am not so sure we even know what we are going to be voting on eventually, but I am going to say this: "America is getting the finest Congress that money can buy with all this tax business. These cuts are so beautiful that people out there making money just can't wait to see Congress reconvene after every break."

All I am going to say today is, "Why don't we take a good look at the working poor and the poor? Maybe their kids will have an opportunity to get an education with a little bit of programs. Maybe with some of this misintended money spent all over the world to protect Western Europe and NATO we might be able to provide education and some health care. And maybe we shouldn't be so quick to cut taxes as we should be to maintain a reasonable revenue base and start planning some programs for that new group of Americans called 'the working poor.' "

Mr. Speaker, I am going to vote for the rule. That is my statement on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DURBIN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 316, nays 109, not voting 7, as follows:

[Roll No. 246]

YEAS—316

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Barnard
Barton
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Clinger
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe

Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Robinson
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates

NAYS—109

Armey
Ballenger
Bartlett
Bateman
Bates
Bentley
Bilirakis
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Chandler
Coble
Coleman (MO)
Coughlin
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Early
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gekas
Gillmor
Goss
Green
Gunderson
Hancock
Hansen
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McMillan (NC)
Michel
Molinari
Moorhead
Morrison (WA)
Myers
Neal (NC)
Nielson
Olin
Oxley
Packard
Parris
Paxon
Petri
Ridge
Ritter
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Schiff
Schuette
Schulze
Sensenbrenner
Shays
Shumway
Shuster
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Stangeland
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Young (AK)
Young (FL)

NOT VOTING—7

Brown (CA)
Courter
Espy
Florio
Garcia
Rahall
Yatron

□ 1442

Mr. GREEN changed his vote from "yea" to "nay."

Mr. SKELTON and Mr. SCHAEFER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DURBIN). Pursuant to House Resolution 245 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3299.

□ 1443

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, with Mr. MAVROULES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. PANETTA] will be recognized for 3 hours and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 3 hours.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3299, the Omnibus Budget Reconciliation Act of 1989, is one of the most critical and far-reaching measures that the House will consider in this session. It is the product of months of work by 10 House committees. We will spend a number of days debating the bill, and it obviously deserves that kind of thoughtful consideration by all of the Members.

The reconciliation process is the primary means by which Congress implements the deficit reductions agreed to by the Congress and assumed in the budget resolution. Under the Congressional Budget Act, the budget resolution may contain reconciliation instructions which direct committees to recommend legislation to achieve certain amounts of savings or revenues. The instructions do not mandate specific program reductions or specific tax measures. These decisions are left to the individual committees.

What we do direct the committees to do is to come up with a specific number in terms of savings or revenues. The discretion then rests with the committees as to how they will achieve that saving. The efforts of the 10 House committees represented in this bill were in response to the reconciliation instructions contained in House Concurrent Resolution 106, the concurrent resolution of the budget for fiscal year 1990 which was adopted May 18, 1989. Completion of reconciliation in conjunction with the savings that should be achieved in the appropriations process should result in the amount of deficit reduction required for fiscal year 1990 in order to avoid the deeper across-the-board reductions provided for under the Gramm-Rudman-Hollings law. The reconciliation directive contained in the fiscal year 1990 budget resolution totaled $5.3 billion in revenue increases and $7.75 billion in fiscal year 1990 outlay reductions as well as another $400 million in unspecified deficit reduction for a total deficit reduction for fiscal year 1990 of $13.45 billion. The instructions also called for deficit reduction of $10.46 billion in fiscal year 1991.

Based on CBO estimates, the reconciliation measures submitted by all of the committees would reduce the fiscal year 1990 deficit by $16.6 billion, approximately $3 billion over the target. The total deficit reduction for fiscal years 1990 and 1991 would be close to $30 billion.

Mr. Chairman, as we debate this bill and the various amendments that will be offered, it is very important to remember that the amount of savings already in the bill should be preserved even though the total deficit reduction is higher than the target contained in the budget resolution. If we start chipping away at the savings bit by bit, it would be very easy to end up with less savings than is necessary to comply with the budget resolution and avoid sequestration, especially after differences are worked out in conference with the Senate.

I think it would be helpful to review this year's budget process to this point and discuss why this bill is so critical and where we go from here. The budget we have been working on is essentially the product of the bipartisan budget agreement reached between the President and the bipartisan leadership of the House and Senate on April 14 of this year. That agreement was the result of meetings between the bipartisan congressional negotiating group and representatives of the administration. It represented substantially different priorities from those included in the proposed budgets of both President Reagan and President Bush. It did not, however, represent the bold approach to deficit reduction which many of us believe is necessary if we truly are going to confront this issue.

The concurrent resolution on the budget for fiscal year 1990, in accordance with the bipartisan budget agreement, proposed to meet the Gramm-Rudman-Hollings target for fiscal year 1990 by keeping close limits on domestic and defense appropriations, and by enacting some $13.4 billion in this reconciliation package. The resolution contained instructions to the 10 standing committees of the House to report out specific amounts of savings and revenues. Let me say that every one of those committees is to be commended for reporting, often under very difficult circumstances, a recommendation to the House. There are a number of controversial issues associated with these recommendations. All of us understand that. The rule for debate of this measure will permit amendments on many of those issues and will enable the House to work its will.

But with regard to the savings that were asked for by each of these committees, they have responded.

Agriculture—the committee recommendation would repeal an amendment relating to the farm credit system and includes additional farm program changes. The savings there for the 2-year total comes to $4.2 billion.

The Committee on Banking, Finance and Urban Affairs—the committee recommendation there would reauthorize the national flood insurance and Federal crime insurance programs which are scheduled to expire at the end of fiscal year 1989. The savings there over a 2-year period would total $213 million.

The Committee on Education and Labor—the committee recommendation includes savings in the guaranteed student loan program as well as the committee's proposed child care legislation and ERISA pension reform. With regards to the savings, the total savings are $746 million over a 2-year period.

The Committee on Energy and Commerce—the committee recommendation includes savings in the Medicare Program, increases in user fees for the Nuclear Regulatory Commission, the Federal Communications Commission, and the Securities and Exchange Commission. It also includes provisions for expanding the Medicaid Program and others relating to the fairness doctrine and the so-called dial-a-porn issue. The savings, however, for a 2-year total amounts to $6.8 billion.

The Committee on Government Operations—the committee recommended putting the Post Office off budget as part of the reforms to be achieved under the Post Office area.

The Committee on Interior and Insular Affairs—the committee recommended increased fees for the Nuclear Regulatory Commission as well as the Tongass Timber Reform Act and oil shale claims legislation, both of which have already been passed by the House. The savings there for a 2-year total amounts to $701 million.

The Committee on Merchant Marine and Fisheries—the committee recommends new fees for cruise ships and Outer Continental Shelf leases as well as savings relating to the Panama Canal Commission expenses. There the total amounts to $379 million over 2 years.

The Committee on Post Office and Civil Service—their recommendation includes a 50-50 lump sum retirement benefit for Federal employees, a provision taking the Post Office off budget, acceleration of FECA payments on behalf of employees, and several other small provisions. The total savings there for 2 years is $2.3 billion.

The Committee on Veterans' Affairs—the committee recommendation includes vendee loan sales fees, extension of housing loan organization fees, the latter of which has passed the House, for a total of $1.4 billion.

Finally, the Committee on Ways and Means—the recommendation there includes a basic package of revenue increases designed to meet the basic revenue requirements in reconciliation, and in addition includes reforms in the Medicare State catastrophic insurance law, extension of a number of expiring tax provisions, the child care initiative, the expansion of title XX grants, a temporary reduction in the tax rate on capital gains, as well as an indexing for inflation of that area. The savings there total $9.7 billion for a 2-year total. If we include both revenues and savings in that legislation, a 2-year total of almost $19.6 billion would be achieved.

Let me address some of the concerns that have been raised with regard to reconciliation. First, let me say from the start that in the time that I have worked the reconciliation process, beginning almost a decade ago, I have been deeply concerned about the tendency to continue to include extraneous legislation in this measure which does not help achieve deficit reduction. We have examples of that obviously in this measure, child care, significant expansion of Medicaid, pension reform provisions relating to the fairness doctrine, dial-a-porn, and the catastrophic insurance reform. These measures not only deserve to be considered on their own merits, but also have very little to do with reconciliation.

There is a lot of rhetoric about who is to blame about this problem. But very frankly, I think both parties, Republicans and Democrats alike are equally at fault. Unless all provisions adding spending or losing revenues, including capital gains are stricken from the bill, then obviously our only alternative is to proceed as we have to proceed, which is to allow each issue to be addressed within reconciliation.

In the future I believe it is essential that we adopt rules to discourage the use of reconciliation as a legislative freight train. When a bill like this leaves the station, the committees and individuals sponsors of legislation like their packages added on board. But if the train is too ladened with baggage, it does not reach its destination, and that would be obviously a concern in terms of our ability to avoid the sequestration target that is established for October 15.

Let me just state briefly, and I know there will be a great deal of debate with regards to the capital gains issue, that very frankly it has been my view from the beginning that this is not the place to debate the issue of tax reform. The Committee on Ways and Means had achieved their reconciliation instructions without the capital gains proposal. They had achieved $5.3 billion in revenues. They had achieved $2.3 billion in Medicare savings, and indeed they had also paid for the extenders that people are concerned about. We did not have to fight this battle at this time.

Second, it has always been my view that if we developed a bolder package for deficit reduction, that that would be the time to debate this issue, because we are going to have to look at revenues as a part of that bigger package. That would be the place to engage in the tradeoffs between capital gains versus the rates versus other concerns that could then be bargained as part of a larger revenue package. That, it seemed to me, was in the spirit of the agreement worked out with the White House, because that agreement basically said we ought to proceed with what both the President and the Congress can agree on what this package looks like. Obviously that has not turned out to be the case.

The lines have now been drawn with regard to the capital gains issue. Once that happened, it basically unwound the rest of the tax reform, and that is why we have the issues that now confront the Members.

So I guess I would just ask the Members as they consider that issue to please look at the basic reason why we have reconciliation, which is to reduce the deficit, not to add to the deficit, but to reduce it. In that light I believe the leadership amendment goes further in terms of achieving real deficit reduction over the period of the next 5 years.

Let me in conclusion state that despite all of the battles that I know will take place over this bill, when all is said and done we must recognize that reconciliation is a critical piece of legislation. If we fail to enact this package in some form by October 16, then in all likelihood we will face sequestration under the Gramm-Rudman-Hollings law. That could mean an across-the-board cut of $8.1 billion in defense and $8.1 billion in domestic programs.

Sequestation is a sequence that should be unacceptable to every member of this committee and to the entire Congress. It is critical that we retain the heart and soul, the deficit savings now contained in the reconciliation bill and pass it as quickly as possible. It is not going to be easy, obviously, to meet the October 16, deadline. We all know that. But if the House and the Senate can complete their work quickly, we can move to conference, and at least have a chance.

Again, it is not easy. But with the cooperation between the House and Senate, between Democrats and Republicans, and between the Congress and the White House, I believe it can be done.

□ 1450

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. HAYES of Illinois). The gentleman from California [Mr. PANETTA] has consumed 14 minutes.

Mr. FRENZEL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Budget Committee chairman has presented one vision of the reconciliation bill, and some of the conditions surrounding it. Because of his emphasis on the capital gains portion, I thought I would simply read to the Members part of the bipartisan budget agreement which those of us who worked at the summit signed, both Republican and Democrat and the President.

It says:

> Agreements reached between the administration and the congressional tax-writing committees on revenue legislation reconciled pursuant to this agreement will be advanced legislatively when supported by the President of the United States.

□ 1500

And, as I understand that part of the agreement, it was the Democrats in Congress who were very anxious to accept the $5.3 billion of new revenues in the President's budget, knowing at the time that more than half of those revenues came from a capital gains tax proposal because they were secure in the knowledge that they could defeat the President's captial gains plan.

So confident they were that they could replace his captial gains proposed, that they said they would not advance other tax proposals unless approved by the President. Well, now it is apparent they will advance at least one proposed not approved by the President. It is time for those Democrat leaders to utter the politician's prayer: "O Lord, make my words both tender and sweet for tomorrow I may have to eat them." There will be consumption of those words from the bipartisan budget agreement because The Democrat leadership will propose a tax increase of which the President severely does not approve.

The capital gains tax consideration does not abrogate the bipartisan budget agreement, but the changing of the tax rates does abrogate the bipartisan budget agreement because that is not to be advanced until approved by the President.

It has not been approved by the President.

Mr. Chairman, this is a big bill, only 2,000 pages. The good news is there is only 1,550 pages in the committee report that accompanies the 2,000-page reconciliation bill.

We do need some kind of a reconciliation bill to avoid sequester. This is one of which I am not very proud, and yet as constructed it would do the job of avoiding sequester. It will, however, because it increases spending monumentally in the outyears, make it virtually impossible for us to achieve Gramm-Rudman targets in the future without additional taxes, and perhaps that is the intent of the bill.

It is one that each Member will have to be careful about, make up his or her own mind on. But as the chairman said, it is so full of irrelevancies, so full of hitchhikers on the crowded bus because it may be the last vehicle out of town, that it is hardly recognizable as a reconciliation bill.

As a result, we will spend about 2 weeks on it on something we should spend 2 or 3 days. In any case, let the games begin.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman from California [Mr. PANETTA] and the gentleman from Minnesota [Mr. FRENZEL] on the difficult task that they have accomplished in bringing this reconciliation bill to the floor.

Mr. Chairman, I support the reconciliation bill as I have in the past. It is a necessary element and responsive to the Congressional Budget Act.

Overall the Budget Act has been useful.

But the people should know that the deficit numbers that are included in the Gramm-Rudman-Hollings plan, especially those with reference to the deficit are arbitrary. That is to say they are a fiction.

The American people are suffering from deficit information malnutrition. In order to correct this condition, their budget diet must be enriched with a healthy dose of deficit truth—information on the Federal funds deficit.

It will be a jolt, but unless we drag the Federal funds deficit out of the shadows of accounting gimmickry and into the sunlight of public scrutiny, the people are not likely to chose the healthy fiscal menu crucial to deficit management.

In the year 1992, when Gramm-Rudman-Hollings is to balance the budget, the real deficit for that year, instead of being zero, is $291 billion. For the year 1993, the real deficit is $304 billion. And so on in the outyears.

The popular budget figure being used is reached by subtracting from the Federal funds deficit the surplus receipts of Federal trust funds, including those for Social Security and Medicare.

It deceives and confuses the American people. It means a lack of public support for the measures we must take to deal with this fiscal nightmare.

The end result is that we cannot come to grips with the serious financial situation facing us.

What do I plan to do about it? I propose to offer an amendment to redefine the meaning of deficit. It will not affect the Gramm-Rudman-Hollings law but it will affect the Budget Act requiring the reporting of the Federal funds deficit—a more accurate picture of the situation as it exists.

This will give Congress and the American people a better understanding of what we are dealing with, and an opportunity to come to grips with the question of the true state of the deficit and its associated problems.

I am inserting a chart in the RECORD which shows Gramm-Rudman-Hollings deficit reduction targets compared to the actual state of the Federal funds deficit for the same time periods.

[Dollars in billions]

Fiscal year	G-R-H maximum amounts	Federal funds deficit
1985	$171.9	$266.4
1986	144.0	282.99
1987	144.0	222.3
1988	136.0	252.9
1989	100.0	[1] 283.0
1990	64.0	[1] 276.0
1991	28.0	[1] 287.0
1992	0	[1] 291.0

[1] Estimates from table II-6, "The Economic and Budget Outlook: An Update", Congressional Budget Office, August 1989.

Data sources: Paragraph 7, section 622, title 2, United States Code; "Historical Tables, Budget of the United States Government, Fiscal Year 1990", submitted to the 101st Congress by the President; "The Economic and Budget Outlook: An Update", Congressional Budget Office, August 1989.

Mr. CONYERS. Mr. Chairman, my colleague from Arkansas, Representative BILL ALEXANDER, has raised important concerns with his truth in budgeting proposal. It is highly likely that in our consideration of the extension of the debt ceiling limit at the end of October this body will be considering his proposal, or others similar to it.

There is a growing clamor for honesty in budgeting. Proponents say the first step should be to take the $60 billion plus Social Security trust fund surplus out of the Gramm-Rudman-Hollings deficit measurement. In effect it would increase the deficit from around $140 billion to $200 billion—where we were when Gramm-Rudman was first enacted.

There are many good reasons to do this. Congress will be honest for a change and not continue to hide the costs of Government. It will provide some protection from the temptation to rob the Social Security surpluses of the current generation which would only harm later generations. Most important, it will provide some assurance to the elderly who've made their contribution to our society that they will not be the scapegoat of budget politics each year.

On the other hand there are real concerns about the impact of such a change in budgeting. First, removal of the trust fund is also a budgeting gimmick because the Treasury would borrow the same amount as it always has. Second, removal could unravel the entire process controlling Federal receipts and expenditures.

Finally, an expanded deficit would put domestic programs a great risk. With Social Security out of the budget and with a resulting expansion in the budget deficit the pressure for domestic cuts will be fierce. This Congress cannot preside over the further dismantlement of our human needs budget. The country cannot tolerate it and we cannot permit it.

The Congress should not be stampeded on this issue. A careful and cautious approach is required. The Government Operations Committee plans to look at Mr. ALEXANDER'S truth in budgeting bill, and other similar measures, at hearings in the coming weeks. We shall take a fair and reasoned look at the proposals and make our best recommendations to this body.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS], a member of the Committee on the Budget.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman from Minnesota [Mr. FRENZEL], the ranking minority member, and of course our chairman, the gentleman from California [Mr. PANETTA], for their persistence in seeing this monster through. This is not an easy task for either one of them nor for any Member of this body, for that matter, but these two gentlemen have continued to show dedication and good humor throughout this very torturous process.

Shackled by the Gramm-Rudman deficit targets, Congress has resorted to unimaginable gimmicks; complex baseline projections, payday shifts, off-budget accounting tricks, rosy economic forecasts, trust fund surpluses used to mask the real deficit, and so on.

Despite this elaborate game that consumes most of the budget cycle and of the Congress' time, a fundamental question remains. And the chairman earlier said it, Are we really serious about reducing the deficit? Are we going to do what is best for the economy? Are we encouraging investments to expand our productive capacity? Are our tax politics stimulating domestic savings? And how can the United States possibly maintain world leadership when we remain dependent on foreign savings to finance our overspending?

This year has been particularly frustrating because the goals have been so minimal. Tryng to reach them has become so difficult.

For example, the Budget Committee directed 10 House committees to achieve $13.5 billion in deficit reduction. And the bill contains a total of $16.8 billion savings but there are at least $3 billion of that in highly questionable savings.

In addition, this bill contains program changes whose costs have been carefully crafted to avoid budget impact in 1990 but will balloon in the out years. This action will make it impossible for us to meet Gramm-Rudman targets next year and in the years to come. But look at this reconciliation bill: As the chairman says, a bill that should be reducing the deficit, not adding to it, yet we are increasing spending in this bill.

For example, the budget resolution contemplated a Medicaid expansion amounting to $200 million in fiscal 1990. According to CBO, the Medicaid expansions in this bill begins with $183 million in the last 4 months of fiscal 1990 and quickly expands to $4.2 billion over fiscal years 1990 through 1994.

OMB says it is double that amount, nearly, $8.9 billion over the next 5 fiscal years. That is deficit reduction?

The entitlement expansions under child care, the budget resolution included $1.8 billion in new budget authority for child care. That is controversial legislation but it has been rolled into this budget reconciliation bill.

While the earned income tax credit approach is preferable for this Member of Congress, I object to these provisions being placed in a bill that was designed to achieve deficit reductions. There are questionable savings in this bill.

About a quarter of the total deficit reduction in this bill is by shifting the paydays within the fiscal years.

For example, Medicare payments to hospitals and health providers are delayed by 2 days in fiscal year 1990 to produce a claimed savings of $500 million. Payments are suspended for 5 days at the end of fiscal 1990 for an additional savings of $2 billion.

What normally would have been fiscal 1990 agriculture deficiency payments in fiscal 1990 are moved back to fiscal 1989. Payments made by the off-budget Postal Service to the Department of Labor for the workers' compensation fund are speeded up a few days so they fall in fiscal 1990 rather than fiscal 1991.

□ 1510

Finally, the bill includes an onerous user fee on employers who maintain pension and health plans for their employees. User fee represents new taxes. It does not belong in this bill.

Mr. Chairman, further steps must be taken to reach a long-term policy of reducing budget deficits, and the associated claims on the Nation's savings. One of the biggest problems with the Gramm-Rudman law is that it was focused on the 1-year target. We no longer focus on the cumulative impact of running large budget deficits year in and year out, but rather on the art of budget scorekeeping just for 1 year. We are fooling no one except ourselves.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I want to briefly discuss the reconciliation items that my committee recommended for inclusion in H.R. 3299, the Omnibus Budget Reconciliation Act of 1989.

Subtitle A of title VI of the bill—NRC user fees—directs the Nuclear Regulatory Commission to collect 100 percent of its budget from user fees and charges.

Under this provision, in fiscal year 1990 NRC would collect $299 million more from user fees and charges, and in the period from fiscal year 1990 to 1994, over $1.6 billion more would be collected to pay for the operation of the NRC.

The NRC user fees provision was previously enacted as section 7601 of the Consolidated Omnibus Budget Reconciliation Act of 1985, and as section 5601 of the Omnibus Budget Reconciliation Act of 1987.

Subtitle B of title VI—Tongass Timber Reform—repeals the permanent appropriation for the Tongass Timber Supply Fund provided under section 705(a) of the Alaska National Interest Lands Conservation Act. Under current law, as enacted in section 5202 of the Omnibus Budget Reconciliation Act of 1987, the Forest Service is required to make available 4.5 billion board feet of public timber from the Tongass National Forest each decade, and the Secretary of Agriculture is required to fund Tongass timber operations with at least $40 million annually. Our provision, by repealing section 705(a), would result in over $40 million of permanent appropriations savings.

In addition, the provision would terminate noncompetitive long-term timber sale contracts in the Tongass

National Forest, and substitute competitive short-term timber sales to meet actual market demand for Tongass timber. Moreover, additional wilderness areas would be designated as components of the National Wilderness Preservation System.

Subtitle C of title VI—Oil Shale Claims Reform—amends the Mineral Leasing Act with respect to the transfer of public land under claim for oil shale for $2.50 an acre, while preserving the possessory rights of the claims holders, and promoting diligent development of oil shale.

This provision will result in $20 million of increased receipts in fiscal year 1990.

One final and very important matter of interest to the Interior Committee, Mr. Chairman, concerns a provision reported by the Merchant Marine and Fisheries Committee to amend the Outer Continental Shelf Lands Act to assess an additional rental fee on all Federal offshore oil and gas leases. We believe this provision should be stricken from the reconciliation bill because it violates the rules of the House and relates to a matter exclusively within the jurisdiction of our committee. It is possible to do so because the Interior Committee has exceeded its reconciliation targets by more than the amount raised by the merchant marine fee.

Mr. **FRENZEL.** Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], a member of the Committee on the Budget, and ask unanimous consent that he may be allowed to yield time as he desires.

The **CHAIRMAN** pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **GOODLING.** Mr. Chairman, I yield myself 3 minutes.

Mr. **GOODLING.** Mr. Chairman, for reconciliation purposes, the Education and Labor Committee was instructed to come up with $40 million in entitlement savings from student loans—which we did.

The Education and Labor Committee, in a party-line vote, included excess asset reversions, the Visclosky Amendment, and users' fees in our reconciliation package. The chairman of the Subcommittee on Labor-Management Relations—the subcommittee having jurisdiction over pension matters—stated in committee, and I quote:

> * * * [O]nce again we find ourselves responding to the action of the Ways and Means Committee in order to preserve our own jurisdiction * * *. My preference would have been to address this issue in a separate piece of legislation that would stand or fall on its own merits * * *. The Committee on Ways and Means has addressed a question of excess assets in their budget reconciliation package * * *. To ensure this committee a seat at the table when this important issue is addressed, we, too, must act in reconciliation. It deserves separate careful consideration, it doesn't belong in a budget reconciliation bill * * *. I'm not pleased with the proposal I am laying before you today.

That same day, the committee marked up H.R. 1661, a bill dealing with excess asset reversions.

Mr. Chairman, the Ways and Means Committee did not include these provisions in their reconciliation package. If these provisions are there only to protect Education and Labor Committee jurisdiciton, that point is now moot. In addition, the chairman of the subcommittee indicated that, but for the matter of jurisdiction, he would have preferred this legislation to be considered standing on its own. Let us grant him that opportunity. Our committee has already reported legislation, and it could be considered by the House at any time on excess asset reversions. Furthermore, these items are not germane to reconciliation in that they will cost money, not save money. As a matter of fact, the administration estimates that this provision would mean $1.6 billion in lost revenues over the 5-year budget period. The Visclosky amendment revises our Nation's pension policy and will discourage the continuation of voluntary private pension plans. Yet the Education and Labor Committee has never held any hearings on this massive pension reform provision.

Mr. **PANETTA.** Mr. Chairman, I yield 4 minutes to the distinguished chairman of the subcommittee that was referred to, the gentleman from Missouri [Mr. CLAY].

Mr. **CLAY.** Mr Chairman, I rise in support of title III of H.R. 3299, containing the budget reconciliation recommendations passed by the Committee on Education and Labor. As chairman of the Subcommittee on Labor-Management Relations, I strongly endorse the provisions in title III that relate to pension and health plans.

These provisions address the serious threat to benefit security posed when employers prematurely terminate pension plans to recover so-called excess assets. Both Congress and our committee has been struggling with this issue for years. The longer we delay in removing the strong financial incentives for employers to terminate their pension plans, the more money is removed from them. Since 1981, $20 billion of workers deferred wages has been recovered from pension plans and converted by employers to other corporate uses.

Despite what business and the Republican Bush administration says, this is not the employer's money. It belongs to the workers and retirees. And this House should vote to keep the money where it belongs—in the pension plans, not in the pockets of corporate raiders or green-eyeshade corporate financial types who treat pension plans as corporate profit centers. Pension funds are not their to benefit corporations. They provide the necessary supplement to Social Security to assure that our senior citizens have the ability to retire with dignity and have an adequate income when they do.

In a nation like ours, where the savings rate is shamefully low, we should not continue to permit employers to eliminate the only real savings mechanism that exists and the only source of new capital for America's growth and investment. The $20 billion removed from pension plans so far by terminations for reversions has compromised workers' and retirees' retirement security. It also has depleted our savings and capital pool by that amount. This pension raiding must end. Enactment of title III of this bill will assure that goal.

Since 1981, we have witnessed a phenomenon virtually unheard of when ERISA was enacted—employers prematurely and arbitrarily terminating pension plans to get their hands on so-called excess assets. Under the law, an employer can only recover residual assets when the plan terminates if all liabilities are satisfied and the plan specifically permits it. For many years, however, the IRS imposed another condition: These residual assets must have resulted from actuarial error.

During the Reagan administration, however, the IRA has appeared to soften its position and today permits employers to convert all assets in the plan above bare termination liability to corporate use—not just those that were contributed to the plan because the actuary genuinely made a mistake.

What has been the result? In 1987, when the subcommittee held hearings on this problem, nearly $12 billion had been removed from pension plans because of results of premature plan terminations. In just 2 years, that total has ballooned to $20 billion—$8 billion more. Although Congress has made several attempts to curb this obvious threat to benefit security, the fundamental problem remains.

Employers are clearly the recipients of a tremendous windfall under the current law—and you can be sure that they have a strong interest in retaining the present system. Many of you have heard from them. They like current law. They don't believe we ought to change it. That should surprise no one.

Where do these so-called excess assets come from? According to testimony in April before Senator HOWARD METZENBAUM's Labor Subcommittee by a major actuarial firm, 40 percent of what today employers claim is surplus is actually the result of the normal operation of the minimum funding rules and the choice of an actuarial funding method that encourages employers to fund their plans on a level basis. In the early years, employers contribute more than is necessary to fund their current liabilities so that later on, when the liabilities grow, they will not face escalating contributions.

In addition, another 20 percent of the surplus results from the change in actuarial assumptions that is permitted under the law when an employer chooses to terminate prematurely its ongoing plan.

Only 10 percent of the surplus is attributable to anything for which the employer can legitimately claim credit—investment performance. The final 20 percent results from a series of miscellaneous causes.

Thus at least 60 percent of what today employers have converted to their own use is actually not a surplus at all—but rather the result of the timing of the termination—an act totally within the control of the employer. By prematurely terminating the plan, employers create a gigantic windfall for themselves—a windfall that comes at the expense of the workers, the retirees, and the taxpayers.

In the current climate of corporate takeovers and leveraged buyouts, the problem has become even worse. Pension plans are increasingly viewed as a ready source of cash—"corporate profit centers" as one corporate raider termed them on last year's NBC special on reversions, "The Pension Cookie Jar." this is a serious threat to benefit security as well as terrible pension policy. ERISA should not permit or encourage employers to strip out of a plan money set aside to fund retirement benefits. Once contributed, the money should stay in the plan. The pension plan is not a corporate piggy bank.

The provisions of title III are designed to discourage employers from terminating their plans solely to recover excess assets. Moreover, by eliminating any reversion to an employer when the plan is terminated, the incentive to use pension assets to finance a merger or takeover is clearly removed.

Mr. Chairman, we have been working on these reversion issues for years and have a separate bill, H.R. 1661, awaiting floor action to close the loopholes in current law. Yet we find ourselves once more in a reactive posture. The primary reason that this issue is part of the education and labor title is because our colleagues on the Committee on Ways and Means have addressed the reversion issue in their title of the reconciliation bill.

As part of their revenue raising provisions, Ways and Means has adopted a proposal that permits employers to transfer so-called surplus assets—amounts above a certain level defined under their proposal—from a pension plan to fund retiree health benefits without requiring that the pension plan be terminated. In essence, the Ways and Means proposals give employers two ways to recover pension assets: They can still terminate the plan and use the money for other corporate purposes or they can continue the plan and strip down the assets to a certain level and use the surplus to pay for retiree health benefits.

To assure that the Committee on Education and Labor is able to claim its rightful place in the conference on this issue that we have been working on for years, we were forced to add our provisions to the reconciliation bill.

Mr. Chairman, the issue of funding retiree health benefits is a serious and complicated one. It deserves separate, careful consideration. I'm not sure that proposals to address this issue belong in a reconciliation bill. But the way the provision is structured under the Ways and Means approach results in a substantial short-term revenue increase for the Federal Government. Although the proposal does not raise as much as those in the business community that have been pushing it say it does, it does raise a substantial amount of revenue and as Congress struggles to meet Gramm-Rudman targets, every penny counts.

As a policy matter, I am strongly opposed to giving employers greater flexibility to use the deferred wages of workers covered under the pension plan to satisfy other corporate obligations, even those related to retiree health benefits. If transfers to pay retiree health benefits from ongoing pension plans are allowed, however, reversions upon plan termination must stop. In addition, some appropriate safeguards under the health plan must be adopted for retirees as part of any such proposal.

For the information of Members, the committee's pension provisions are described briefly as follows:

1. PENSION PLAN REVERSIONS AND HEALTH BENEFITS

Effective with respect to distributions from terminated pension plans on or after July 13, 1989, the bill would amend the fiduciary rules of title I of ERISA to preclude an employer from recovering plan assets when a single-employer defined benefit plan terminates.

It would, however, permit an employer to transfer amounts above 150 percent of the amount necessary to pay currently accrued benefits from an ongoing pension plan to a special retiree health benefit account within the pension plan—a so-called 401(h) account—without violating ERISA's fiduciary rules. These transferred funds could be used only to pay health benefits of former employees—and their spouses and dependents—who had retired as of the date of the transfer.

The bill would require advance notice of the transfer to the Secretary of Labor, the union representing employees covered under the plan—if any, and each plan participant. In addition, participants under the plan would be automatically vested in their accrued benefits after the transfer.

Certain protections for retirees would be required as a condition of the transfer. For instance, employers would not be permitted to reduce health benefits in the future for the group of retirees whose benefits would be paid out of the 401(h) account. In addition, in order to avoid anticipatory reductions in benefits prior to the transfer, the bill provides for a 3-year lookback with respect to retiree cost-sharing provisions, that is, premium sharing, copayments and deductibles. Of course, this rule precluding reductions in benefits would not prevent an employer from instituting genuine costs containment measures. It would merely prevent cost-shifting to retirees.

The provisions permitting transfer of pension assets from an ongoing plan to pay retiree health benefits would take effect 6 months from the date on which the Secretary of Labor issued regulations necessary to carry out the transfer.

2. MISCELLANEOUS ERISA AMENDMENTS.

This subtitle contains substantially the same provisions as those of H.R. 2794, the Miscellaneous ERISA Amendments Act of 1989, introduced June 29, 1989. This bipartisan bill—nearly identical to the bill—H.R. 4845—marked up by the Committee on Education and Labor last year—contains primarily technical, conforming, correcting, and clarifying changes to several recent tax and budget bills and ERISA itself. Several of the provisions included in H.R. 2794—and also in the committee's reconciliation package—are substantive in nature, including broadening the definition of "qualifying employer security" under title I of ERISA, making it a requirement under ERISA for a plan that holds itself out as a tax-qualified pension plan to comply with the specific requirements of the Internal Revenue Code, thus providing another enforcement tool—that is, a private right of action to plan participants—to enforce certain provisions of the Internal Revenue Code, and imposing a $200 per participant termination fee on single-employer plans terminated in a standard termination.

3. CERTAIN USERS FEES

This subtitle imposes users fees on certain filings required under title I of ERISA that are processed by or filed with the Department of Labor. The money collected from these fees would be earmarked in a separate account under the control of the Secretary of Labor to be used solely to enforce the rights of participants and beneficiaries under title I of ERISA. The fees would be imposed with respect to the following ERISA filings: The annual report for pension and welfare plans—5500 form—summary plan descriptions, summaries of material modifications and changes in the plan, and the notice of a qualified asset transfer to retiree health accounts. The fees would be imposed on a sliding scale based on plan size.

The Department of Labor's current enforcement efforts are inadequate, in large part because of lack of resources. Recently, the Department's own Inspector General called attention to this problem and recommended a massive infusion of funds to strengthen the Department's enforcement program.

4. JOINT TRUSTEESHIP OF SINGLE-EMPLOYER PENSION PLANS

In an amendment adopted in committee, Congressman PETER VISCLOSKY of Indiana added the provisions of his bill, H.R. 2664, requiring that single-employer pension plans be administered by a joint board of trustees. This is similar to the way that multiemployer plans have been governed for decades. These provisions arose from 3 days of hearings held this spring by the Subcommittee on Labor-Management Relations on pension plan investments, particularly the role of pension plans in corporate takeovers and leveraged buyouts. In adopting the Visclosky provision, the members of the committee endorsed the principle that workers should have a strong voice in the way their pension funds, that represent their deferred wages, are invested.

The provision would generally provide for a joint board of trustees consisting of equal numbers of participant and employer trustees—that is, one or more trustees representing employers and one or more trustees representing the participants in the plan. The provision would require that, to the extent that the plan covers employees represented by a union, the union would be able to select the employee representative. To the extent that the plan covers nonunion employees or if the union declines to select the participant-trustee, the participants in the plan would, by written secret ballot, select their own trustee. Thus, in the case of a plan covering both union and nonunion workers, each group of workers would be separately represented. A similar approach would be followed in the case of a plan covering multiple unions.

No change in the basic ERISA fiduciary standards is made, thus regardless of whether trustees are selected by employers or plan participants, all are responsible for acting for the exclusive benefit of participants and beneficiaries of the plan and not in their own self-interest.

In summary, Mr. Chairman, I believe that title III of H.R. 3299 represents a comprehensive and much-needed package of provisions that will enhance the benefit security of workers and retirees by: First, eliminating the financial incentives for employers to terminate their so-called overfunded pension plans; second, by permitting limited transfers of certain assets from ongoing pension plans to fund retiree health benefits; third, by making much-needed and long-delayed miscellaneous changes in ERISA, and various tax and budget bills; fourth, by strengthening ERISA enforcement by the Department of Labor through additional funding resulting from the imposition of filing and processing fees; and fifth, by giving workers an equal voice with employers in how their hard-earned pension assets are invested. I urge support of the education and labor provisions contained in title III of H.R. 3299.

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Mr. GOODLING. Mr. Chairman, I yield 6 minutes to the distinguished gentlewomen from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, as ranking minority member of the Labor-Management Relations Subcommittee of the Committee on Education and Labor, I want to alert this Chamber to three pension provisions included in budget reconciliation which in combination present a serious threat to our capital markets and the continuation of the voluntary private pension system.

Mr. Chairman, I cannot overdramatize or overstate the significance of these amendments or the disruptions and pension plan terminations these three changes in ERISA law would precipitate. These major revisions also violate the long traditions of bipartisanship which have characterized the nature of pension law over its long history. And the reason that ERISA private pensions have been so successful.

Now, what are these three linked amendments added to reconciliation by the Committee on Education and Labor over the opposition of the minority?

I call them the gang of three and they are the reason your offices have been inundated with calls from the pension and business communities.

And I might add you would be receiving calls and letters from pensioners and covered workers if they knew about it.

And well they should be alarmed because if these amendments all of which are nongermane to reconciliation, are passed, they would cause irreparable harm to our private pension system and in combination present a threat to our capital markets.

Now more specifically they are first, the Visclosky amendment requiring every pension plan in the land to elect a joint employee-employer board of trustees; an absolute prohibition on the reversion to employers of excess assets upon plan termination; and ERISA report filing fees ranging from $100 to $500 per plan and $200 per participant upon plan termination. These new "taxes" would be levied annually on the Nation's 5.4 million pension and health benefit plans.

I oppose the inclusion of these provisions because they are not germane to budget reconciliation, because they were adopted by circumventing the normal hearing process, and because their substance is contrary to the purpose of ERISA to encourage the establishment and continuation of defined benefit and other pension plans.

On behalf of the administration, the Secretary of Labor, Elizabeth Dole, and the Secretary of the Treasury, Nicholas Brady, have written a letter in strong opposition to these provisions and to urge the Congress to retain current law.

Of particular concern is the Visclosky amendment, which alone would trigger an overnight change in the trustee-management of this Nation's $2 trillion pension system. This misguided provision was adopted without advance notice or hearings and would bring about fundamental changes in ERISA fiduciary and investment practices.

Talk about disruption. Within 180 days of its proposed enactment, every pension plan in the Nation will have to hold trustee elections for employees and retirees. This is true for defined benefit plans, defined contribution plans, for plans covering hundreds of thousands of participants or the smallest of plans covering one single, solitary worker. From megacorporations to mom-and-pop operations. The enormity of this undertaking could lead one to dismiss this amendment as unworkable, untenable, and unbelievable—a mere bargaining chip for other items in the pension agenda.

To the contrary, the sponsors of this amendment are serious, even though from every point of analysis the provisions seem to be glaringly misguided. They would send labor-management relations into chaos and totally disrupt ongoing pension plan operations. And that's just for starters.

In several instances the Visclosky provision could be found in conflict with the labor policies and precedents under the National Labor Relations Act and the Labor-Management Relations Act—Taft-Hartley. By legislating mandated elections in a nonunion setting and, in certain cases, mandating union representation of nonunion employees, the amendment could be interpreted as overriding the current statutory rights of such employees. Conflicts will also arise among unions when a single plan covers employees under different collective-bargaining agreements. Pension plan participants, employees and retirees often have competing interests. How would these conflicts be resolved? This legislation does not tell us and indeed raises more questions than its answers. What is perfectly clear is that mandated elections and trustee representation will create new tensions in labor-management relations.

Even if plans and their participants and plan sponsors could resolve these contentious election issues, the representation and composition of the resulting joint boards of trustees may subject investment decisions and other plan operations to political and social objectives contrary to longstanding ERISA policy and Department of Labor investment guidelines. In fact, the amendment's supporters state that it will provide a needed safeguard against the pressures and effects of corporate mergers, acquisitions, and LBO's. But on what basis? Clearly, the current ERISA fiduciary law has provided plan participants with comprehensive and adequate protection.

There has been no evidence offered as to abuses or other conditions which would necessitate such a radical change in ERISA's fiduciary standards. Not only is there no evidence under single-employer plans of systemic fiduciary problems, to the contrary, there is no need to require employees to become fiduciaries because ERISA already requires trustees to exercise independent fiduciary judgment solely in the interest of participants and beneficiaries. Other than organized labor, what groups of employees are asking for this change? None that I know of. Among these millions of employees, yet to be heard from, who among them would consider themselves expert in plan fiduciary matters and how many, if any, would be willing to accept exposure to millions of dollars in personal liability under ERISA? If adopted, under the amendment, banks and other expert fiduciaries would be displaced by a board of trustees, many of whom would lack the necessary fiduciary skills.

It is not hard to imagine the chaotic situation that would likely result in the Nation's financial institutions and markets from such a precipitous change in ERISA investment law. While under defined benefit pension plans the employer sponsor would continue to bear the full risk of investment losses, the amendment would undermine the prerogative of such sponsors to select and discharge trustees solely on the quality of their performance. In the long run the Nation's equity markets could be affected as joint trustees avoid common stock purchase in favor of fixed investments. One constituent company has told me that if only a small percentage of the estimated $600 billion in pension fund equity investments were shifted, the negative effect on the equity markets could be severe. This potential, but likely, result is in marked contrast to the policies that the Bush administration has announced in the last few days to encourage savings and lessen the disadvantage of raising capital through equity means.

Given these weighty concerns with the amendment, is it possible that there is more to its intended effect than first meets the eye? It may be so. In the statement of introduction, the amendment's sponsor expresses concern over pension plan terminations that may accompany various changes in corporate structure. The committee's majority views also state that "there is no reason why participants in single-employer pension plans should not be governed by the same principles as multiemployer plans" which, by the way of definition only, involve plans subject to collective-bargaining agreements.

The American Law Division of the Library of Congress is of the opinion that the mandate for participant trustee representation would, in fact, cause single-employer plans to be subject to section 302 of the Taft-Hartley Act, just as are negotiated multiemployer plans. This could also mean that single-employer plans would be prevented from allowing reversions to employers of excess pension assets upon plan termination.

If so, then the Visclosky amendment would appear to make redundant the specific provision prohibiting excess asset reversions in the Education and Labor reconciliation instructions. Unlike the original Clay-Metzenbaum reversion legislation which specifically mandates COLA's, the prohibition approach would indirectly require excess assets in some indeterminate way to be distributed to participants and beneficiaries upon plan termination.

In fact this specific provision prohibiting pension reversions will not only increase the budget deficit—$1.6 billion over 5 years—but will lead to the demise and underfunding of defined benefit plans while also impairing the equity markets as companies turn to fixed investments to limit their exposure to investment risk. To employers relying on current law regarding over $300 billion of excess assets, the provision would be confiscatory and the retroactive effective date punitive. Employees would also face a greater risk of loss of pension accruals or plan coverage as plans become underfunded or are terminated at the point of asset sufficiency. With fewer employees covered under defined benefit plans, employee retirement income security will be greatly impaired for future generations. And this just at the time we should be encouraging retirement savings for baby boomers and postboomers.

The filing fees on pension and health plans were included only to pay for the revenue reductions of the other provisions, but are insidious on their own, represent new taxes, and will discourage pension and health plan coverage.

In conclusion, I would think it quite apparent that the Visclosky and related amendments raise more questions and could create more serious problems than their proponents say they want to solve. They would disrupt operations of defined-benefit and defined-contribution plans, large as well as small plans—whether covering one or hundreds of thousands of participants—and nonnegotiated as well as union negotiated plans. Many employers, especially small employers including Keogh and IRA plan sponsors, would terminate their plans rather than incur the expense and labor-management problems inherent in these proposals. Neither would they create new plans. For the reasons I have stated, and many others, I strongly elicit the support of my colleagues in this body to remove these issues from contention and save the private pension system from a behind-the-scenes deal which could be devastating to fiduciary protections and the future expansion of pension coverage for this Nation's employees and retirees.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. FORD], chairman of the Committee on Post Office and Civil Service.

Mr. FORD of Michigan. Mr. Chairman, I first want to compliment the chairman and the ranking member of the Budget Committee for the way in which they have tried to work with those of us who have the responsibility as chairmen and ranking members of the committee's of jurisdiction on the legislative side. It has been very, very difficult because they have asked us to do things that are very difficult for us to do in light of the constituencies of our committees. But they have worked with us in this whole process, and we have tried to do as good a job as we could and come out with some rational solution to the problem of trying to make policy fit numbers.

I personally feel that after many years here as a Member who at least from his point of view is a conscientious legislator, that I resent this whole process that has us running real quick and making all kinds of policy matter decisions, some of them long term, in a hurry, simply because they have to make policy fit a predetermined set of numbers. My committee has a particularly difficult time because we have been asked to save large amounts of money on the books in each budget that has come up since the first budget submitted by President Reagan.

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Mr. Chairman, over the years since President Reagan's first budget, the savings have come primarily from Federal employees and their families and now totals well over $103 billion. I am here to tell the Members of this House that, "We gave already. The Federal employees have given already, and their families have given already, and don't come back again next year and think we can take more from them because there is just no more blood in the stone. We have squeezed the stone until there is not a drop of human blood left from these people we have to deal with."

Mr. Chairman, why is it we have to deal so directly with people and people's rights? Because our committee does not deal with big spending programs. Our committee does not preside over programs that reach into the Treasury and spend money on all kinds of programs going out to the States, localities, or people. Our people deal with the population of the Federal work force at all levels, wherever they are in the world, who perform public service for the government and through the government for the people. We have come up with savings that are dictated to us in the way that we do not think is the best way to run the government necessarily, but it is the only way we can do it and minimize the damage we were doing. It is the least worst way that we might reconcile.

I suggested to the chairman to call this process reconciliation is akin to referring to the filing of a divorce complaint as a reconciliation. That starts a process that may lead to a reconciliation, and that is what we are doing today is starting a process that may lead to a reconciliation.

Mr. Chairman, we are taking the Post Office off budget, saving $1 billion seven on next year's deficit, something that should have been done some time ago. We are increasing the debt ceiling so that the Postal Service can complete its capital improvement program by borrowing money and not affecting the outlays that go through Treasury. In addition, we are speeding up the Postal Service payment of worker's compensation. We are also continuing to divide the employees' right to a lump sum withdrawal at the time of retirement into two parts. We did that before as a budget saving device, and that will run out this weekend, I guess, and we may have to do something on a temporary basis because the people who retire before this law becomes effective and after September 30 will be eligible to withdraw all of their money at one time, and it would seriously affect the outlays for this year.

Mr. Chairman, when we did this 2 years ago, the employees at first were very much alarmed because we were changing something, and they have not had any reason to believe that we change much around here to their advantage. It turned out to work out well. We are extending it for another year, and we think the employees will accept it.

Mr. Chairman, it was a most difficult task for the Committee on Post Office and Civil Service to complete action on its part of the budget. This committee has limited jurisdiction over direct spending programs. We were further frustrated by moving budget targets, multiple budget baselines, and midstream corrections of our course. Despite all of these pressures, the Committee on Post Office and Civil Service did its job, and by a 23-to-0 vote, delivered its share of Federal budget cuts.

We have reached our goal by taking the U.S. Postal Service off budget. We are phasing out indirect subsidies from the U.S. Treasury to the Postal Service. We are increasing the debt ceiling of the Postal Service so they may complete their capital investment program without further contribution from the Federal budget. We are speeding up the Postal Service's payment of workers compensation, and we are continuing the lump benefit provisions for retiring Federal employees.

This hodgepodge of patchwork savings here and there indicates just how deeply the committee had to look to come with its share of the reconciliation package.

At this point I think Federal employees and their families have given enough. They have been the target of administration budget cutters for 9 years, and over that period of time, they have seen their hard-earned benefits cut in excess of $103 billion. I believe further cuts will result in an immediate and far-reaching cut in service to the public.

It is time to change our focus from one of short-term budget savings to the compelling national interest of maintaiing a Federal work force to serve the American people and meet the challenges of American's future.

Summary and Analysis of the Reconciliation Recommendations of the Committee on Post Office and Civil Service

SECTION 8001—BUDGETARY TREATMENT OF THE POSTAL SERVICE FUND; CONGRESSIONAL OVERSIGHT

Section 8001(a) of the bill amends title 39, United States Code, to add a new section 2009a, relating to the budgetary treatment of the Postal Service Fund (Fund). The Fund is a revolving fund established by law in the Treasury of the United States which is available to the Postal Service without fiscal year limitation to carry out its operations (39 U.S.C. 2003(a)). The purpose of new section 2009a is to provide that receipts and disbursements of the Fund shall not be considered elements of the congressional and executive budget process and shall not be taken into account in making calculations under the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). This will ensure that the receipts and disbursements from the Fund cannot be used for purposes of artifically affecting computations of the Federal budget deficit as was done in the Omnibus Budget Reconciliation Act of 1987.

Paragraph (1) of the new section provides that receipts and disbursements of the Postal Service Fund shall not be included in the totals of the budget of the United States Government as submitted by the President, or the congressional budget (including allocations of budget authority and outlays provided therein). It is the committee's intent that, by operation of this paragraph, receipts and disbursements of the Postal Service Fund will not be included in either aggregates or functional displays included in the respective budget documents. In addition, Postal Service Fund receipts and disbursements will not be reflected in allocations accompanying congressional budget resolutions required by sections 301 and 302 of the Congressional Budget and Impoundment Control Act of 1974, as amended, for any purpose, including scorekeeping and enforcement.

Paragraph (2) provides that receipts and disbursements of the Fund shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government. The committee recognizes the fact that section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) presently exempted the Postal Service Fund from reduction under a sequestration order issued under the terms of that Act. It is the committee's intent, in paragraph (2), to state in the broadest possible terms that all receipts and disbursements of the Fund, including disbursements for administrative expenses incurred in connection with the Fund, shall be exempt from any general budget limitations imposed by or under authority of law, including Gramm-Rudman-Hollings.

Paragraph (3) provides that receipts and disbursements of the Postal Service Fund shall not be counted for purposes of calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985, nor counted in calculating the excess deficit for purposes of sections 251 and 252 of Gramm-Rudman-Hollings for any fiscal year. Receipts and disbursements of the Fund would not be counted in calculations of the deficit included in the President's budget or the congressional budget nor would they be counted in sequestration "snapshots" under Gramm-Rudman-Hollings. Under the terms of paragraph (3), changes in the level of receipts and disbursements of the Fund would have no impact on Gramm-Rudman-Hollings deficit calculations.

Section 8001(b) of the bill provides that nothing in subsection (a) of the bill shall be considered to diminish the oversight responsibilities of the Congress under section 2401(g) of title 39, United States Code, or any other provision of law, or any rule or regulation of the House or Senate, with respect to the budget or operations of the Postal Service.

Section 8001(c) of the bill provides that the amendments made by section 8001 shall apply with respect to budgets for fiscal years beginning after September 30, 1989. Thus, upon enactment of the bill the Postal Service would be "off budget" for fiscal year 1990 and thereafter.

SECTION 8002—FUNDING OF COST-OF-LIVING ADJUSTMENTS FOR CERTAIN POSTAL SERVICE ANNUITANTS AND SURVIVOR ANNUITANTS

Section 8002 of the bill amends section 8348 of title 5, United States Code, by adding a new subsection (m) at the end of that section. New subsection (m) sets forth the liability of the United States Postal

Service for cost-of-living adjustments under the Civil Service Retirement System for certain Postal Service annuitants and survivor annuitants.

Paragraph (1) of new section 8348(m) provides that notwithstanding any other provision of law the Postal Service shall be liable for that portion of any increase in the unfunded liability of the Civil Service Retirement and Disability Fund (Fund) which is attributable to any benefits payable from the Fund to former employees of the Postal Service who first become annuitants by reason of separation from the Postal Service on or after October 1, 1989, or to their survivors, or to the survivors of individuals who die on or after October 1, 1989, while employed by the Postal Service, when the increase in the unfunded liability results from a cost-of-living adjustment under section 8340 of title 5, United States Code. Thus, new section 8348(m) charges the Postal Service with the cost of Civil Service Retirement COLAs for individuals who separate from the Postal Service on or after October 1, 1989, and who first become annuitants by virtue of that separation from the Postal Service. For example, in the following instances the Postal Service would incur a liability for an individual's Civil Service Retirement COLA:

Case 1. An individual separates from the Postal Service on October 1, 1989, at age 60 with 30 years of service under the Civil Service Retirement System.

Case 2. An individual separates from the Postal Service on October 1, 1989, at age 53 with ten years of service under the Civil Service Retirement System. At age 62 that individual receives a deferred civil service annuity.

Case 3. An individual separates from the Postal Service on October 1, 1989, at age 43 with twenty years of service and receives a civil service retirement disability annuity.

Similarly, in the following instances the Postal Service would not incur a liability for an individual's Civil Service Retirement COLA:

Case 1. An individual separates from the Postal Service on September 30, 1989, at age 60 with 30 years of service.

Case 2. An individual separates from the Postal Service on October 1, 1989, at age 45 with 20 years of service, is employed by the Department of Agriculture and works there until age 55 with total service under the Civil Service Retirement System of 30 years.

Case 3. An individual separates from the Postal Service on October 1, 1989, at age 45 with ten years of service, subsequently works ten years for the Department of the Army, separates from that Department at age 55, and subsequently begins drawing a deferred civil service annuity at age 62.

In a case where the Postal Service is liable for the COLA of an individual, it will also be liable for any COLA paid to a survivor of that individual. Finally, the Postal Service will be liable for COLAs paid to the survivor, or survivors, of any Postal Service employee who dies on or after October 1, 1989.

Paragraph (2) of new section 8348(m) provides that the estimated increase in the unfunded liability described above shall be determined by the Office of Personnel Management after consultation with the Postal Service. The Postal Service is required to pay the amount so determined in fifteen equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System. The first payment is due at the end of the fiscal year in which the cost-of-living adjustment with respect to which the payment relates becomes effective. For example, the first COLA for which the Postal Service will be liable will occur in January, 1990, and the first of fifteen annual payments for that COLA will be due September 30, 1990, the end of the fiscal year involved.

Paragraph (3) of new section 8348(m) sets forth a rule for determining the amount of the Postal Service's COLA liability. Paragraph (3) provides that in determining the amount for which the Postal Service is liable in cases in which the benefits involved are based on the service of an individual who performed one or more forms of service besides employment with the Postal Service, the amount of the Postal Service's liability shall be prorated to reflect only that portion of total service which is attributable to employment with the Postal Service. For example, if an individual retires from the Postal Service in 1990 at age 60 with thirty years of service creditable under the Civil Service Retirement System, and of that thirty years' service, five years was with the Post Office Department, two years was military service, three years was with the Department of the Interior, and twenty years was with the Postal Service, the Postal Service would be liable for two-thirds of liability resulting from COLAs. In determining the Postal Service's liability the Office of Personnel Management shall compute the ratio of Postal Service service and non-Postal Service service.

SECTION 8003—FUNDING OF HEALTH BENEFIT PREMIUMS FOR SURVIVORS OF EMPLOYEES AND FORMER EMPLOYEES OF THE POSTAL SERVICE

Section 8003(a) amends section 8906(g)(2) of title 5, United States Code, by inserting "or for a survivor of such an individual or of an individual who died on or after October 1, 1986, while employed by the United States Postal Service," after "1986". The effect of this amendment is to require the Postal Service to pay the employer's share of health insurance premiums for survivors of postal employees who retired on or after October 1, 1986, and survivors of postal employees who died on or after that date. Pursuant to the amendments made by section 15202(b) of the Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272) the Postal Service is required to pay the employer's share of health insurance premiums for postal employees who retire on or after October 1, 1986. To the committee's knowledge, the Postal Service is the only governmental entity that makes any payment for the health insurance premiums of its retirees or their survivors. The committee understands the cost to the Postal Service for retiree and survivor health insurance premiums will exceed $190 million in fiscal year 1990, and will exceed $2 billion over the period fiscal year 1990 through 1994.

Subsection (b) of section 8003 provides that the amendment made by subsection (a) described above shall take effect on October 1, 1989, and shall apply with respect to amounts payable for periods beginning on or after the date.

SECTION 8004—AMENDMENTS RELATING TO LIMITATIONS ON BORROWING AUTHORITY

Section 8004 of the bill amends section 2005(a) of title 39, United States Code, relating to limitations on borrowing authority of the Postal Service. Existing section 2005(a) authorizes the Postal Service to borrow funds to finance capital projects and to defray operating expenses. Total obligations outstanding at any one time may not exceed $10 billion, and the annual net increase in obligations outstanding may not exceed $1.5 billion for capital needs or $500 million for operating purposes. Under the Service's pending Capital Investment Plan, the $10 billion borrowing ceiling will be reached in fiscal year 1991.

Paragraph (1) of section 8004(a) amends section 2005(a) of title 39, by redesignating it as section 2005(a)(1). Paragraph (2) amends section 2005(a)(1), as redesignated, by striking out "10,000,000,000" and inserting in lieu thereof "the maximum amount then allowable under paragraph (2) of this subsection." Paragraph (3) of section 8004(a) further amends section 2005(a)(1), as redesignated, by striking out "$1,500,000,000" and inserting in lieu thereof "$3,000,000,000". Paragraph (4) of section 8004(a) further amends section 2005(a)(1), as redesignated, by striking out "$500,000,000" and inserting in lieu thereof "$1,000,000,000. Paragraph (5) of section 8004(a) amends section 2005(a) of title 39, by adding at the end thereof a new paragraph (2). The new paragraph sets forth the maximum amount of aggregate debt outstanding allowable for fiscal year 1990 and thereafter. The maximum amounts allowable are: for each of fiscal years 1990 and 1991, $15,000,000,000; for each of fiscal years 1992 and 1993, $20,000,000,000; for each of fiscal years 1994 and 1995, $25,000,000,000; and for fiscal year 1996 and each fiscal year thereafter, $30,000,000,000.

Section 8004(b) of the bill provides that the amendment made by section 8004(a), relating to the Postal Service's borrowing authority, shall take effect on October 1, 1989.

SECTION 8005—REDIRECTION OF POSTAL SERVICE BORROWING, INVESTMENTS AND DEPOSITS

Section 8005 of the bill addresses the relationship between the Postal Service and the Department of Treasury by prohibiting the Postal Service from borrowing from the Federal Financing Bank and permitting it to borrow from private credit markets, invest its funds in government securities, and deposit its funds in private sector institutions.

Paragraph (1) of section 8005(a) makes several amendments to section 2005(d) of title 39, United States Code. Paragraph (1)(A) makes a conforming amendment to paragraph (1) of section 2005(d) by striking out "and bearer or". Under the Tax Reform Act of 1986, obligations such as those issued by the Postal Service must be registered. They cannot be issued in bearer form.

Paragraphs (1)(B) and (1)(C) make technical amendments to section 2005(d)(4) and 2005(d)(5), respectively.

Paragraph (1)(D) further amends section 2005(d) by adding two new paragraphs (6) and (7). New paragraph (6) provides that obligations issued by the Postal Service may not be sold to the Federal Financing Bank created by section 4 of the Federal Financing Bank Act of 1973. New paragraph (7) provides that obligations issued by the Postal Service shall be deemed "exempt securities" within the meaning of section 3(a) of the Securities Act of 1933, section 3(a)(12) of the Securities Act of 1934, and section 304(a)(4) of the Trust Indenture Act of 1939. These statutes by their terms exclude Federal and Federally sponsored securities from the registration requirements administered by the Securities and Exchange Commission (SEC). The Postal Service has sold only one bond issue to the public, a 1972 bond issue. The SEC ruled that issue was exempt from the registration requirements. These registration requirements and procedures of the SEC would be wasteful and duplicative in the case of entities, such as the Postal Service, which are otherwise subject to financial controls and disclosure requirements under Federal law.

Under the Postal Reorganization Act of 1970, the Postal Service is required to publish independently audited annual financial statements and to furnish comprehensive financial and operating reports to Congress (see, 39 U.S.C. 2008(e), 2401(g), and 2402).

Paragraph (2) of section 8005(a) provides that the Postal Service may prepay any existing loan notes with the Federal Financing Bank.

Paragraph (3) of section 8005(a) amends section 2006(a) of title 39 to require the Postal Service to consult with the Secretary of the Treasury on the timing and terms of sale of any obligations issued by the Postal Service under section 2005 of title 39. Existing section 2006(a) places certain requirements on the Postal Service such as the requirements to give 15 days' advanced notice to the Treasury of a Postal Service issuance and to give the Treasury the right to first refusal. These requirements will be inappropriate when the Postal Service is required to redirect its borrowing from the Federal Financing Bank to the private credit markets.

Subsection (b) of section 8005 amends section 2003 of title 39 to eliminate the Department of the Treasury's control over Postal Service deposits and investments.

Paragraph (1)(A) amends section 2003(a) to eliminate a requirement that the Postal Service Fund be held in the Treasury of the United States. Paragraph (1)(B) amends section 2003(d) of title 39 to eliminate the requirement for Treasury Secretary approval for deposit of Postal Service funds anywhere but in the Treasury, thereby enabling the Postal Service to deposit its funds as it deems appropriate.

Paragraph (2) of section 8005(b) amends section 2003(c) of title 39 to remove Treasury control over investment of excess Postal Service funds, thereby enabling the Postal Service to invest its funds as it deems advisable in United States Government obligations. Section 2003(c), as amended, provides that if the Postal Service determines that the moneys of the Fund are in excess of current needs, it may invest such amounts as it deems advisable in obligations of, or obligations guaranteed by, the Government of the United States.

Subsection (c) of section 8005 provides that the amendments made by section 8005 shall take effect at the end of the six-month period beginning on the date of enactment of the Act.

SECTION 8006—POSTAL SERVICE PAYMENTS TO THE EMPLOYEES' COMPENSATION FUND

Section 8006 provides that the Postal Service shall make the payments required by subsections (b) and (c) of section 8147 of title 5, United States Code, no later than 30 days following the date on which the Secretary of Labor notifies the Postmaster General of the amount of the liability.

SECTION 8007—AMENDMENTS RELATING TO PARTIAL DEFERRED PAYMENT OF LUMP-SUM CREDIT

Section 8007 of the bill continues for two years, with some modification, section 6001 of the Omnibus Budget Reconciliation Act of 1987 which provides for deferred payments of the lump-sum credit that certain employees elect upon retirement.

Under the terms of section 8007, an employee whose eligibility for an annuity commences after September 30, 1989, and before October 1, 1991, would receive 50 percent of the amount of the lump-sum credit which such employee elects at the time of retirement, and the remaining 50 percent of the amount of the lump-sum credit, plus interest, on the date 12 months after the date on which the lump-sum credit would otherwise have been paid.

Section 8007 further amends section 6001 of the Omnibus Budget Reconciliation Act of 1987 to permit election of the deferred payment schedule by employees who are involuntarily separated for reasons other than cause and individuals to whom the application of the deferred payment schedule would be against equity and good conscience, due to a life-threatening affliction or other critical medical condition affecting them. The 1987 Act strictly excepted these individuals from application of the deferred payment schedule.

SECTION 8008—COORDINATION

Although the committee does not believe that section 8008 is necessary, it has been included to ensure proper scorekeeping of the savings provisions of title VIII.

Mr. GOODLING. Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, Mr. Speaker, the pension provisions included by the Committee on Education and Labor in the reconciliation package may well spell doom for the Nation's private voluntary pension system. Over the past several years Congress indeed has taken actions to tighten the criteria for terminating pension plans. Not surprisingly there is growing evidence that employers are leaving the defined benefits system—a system which employees are guaranteed certain defined benefits upon their retirement regardless of the economic conditions of the company—in favor of defined contribution plans, in which the only guaranteed benefits are those directly accumulated by employees' contributions to their own pension plans, matched by employer contributions.

Obviously, inflation and ever-increasing health costs mean that defined benefit pension plans are far preferable in guaranteeing the security of pension benefits for employees. Defined benefit plans, however, are becoming extinct thanks to the incessant tampering by Congress with something which just "ain't broke."

Who can blame employers for opting out of defined benefit plans? A prohibition on excess asset reversions would require employers to assume all of the investment risks associated with defined benefit plans, while eliminating the opportunity for employers to recover the excess assets resulting from sound management and wise investment.

If an employer makes a bad investment decision, the employer is responsible for meeting all of the financial obligations with other company funds. If an employer makes a good investment, and more funds are accumulated than are needed to pay for all pension obligations, the employer loses also because we would prohibit the employer from recovering any of the superfluous funds.

Of course we all know who will eventually be harmed by such an exodus: current employees whose pension plans become dangerously underfunded as employers try to avoid the accumulation of excess assets, and future employees who will never have the opportunity, the security, of a defined benefit plan at all, because employers no longer find it in their interest to offer such plans to employees.

Because the legislation prohibiting excess asset reversion included in reconciliation would result in the loss of revenues collected from excise taxes on reverted assets, offsetting revenue-raisers had to be created by the majority members of the committee. This gave birth to what I call another section 89 type of fiasco, the so-called user fees, which have already ignited the outrage of small and large employers across the Nation. If these user fees stay in reconciliation, my friends, we are going to spend a lot of time, as we are doing this session in fixing it, trying to get rid of it, and so forth, just as we are trying to get rid of the Medicare Catastrophic Coverage Act and section 89.

In reality, these fees are taxes imposed upon employers who choose to offer pension bills to their employees. Employers are required to file financial information forms with the Department of Labor, and these user fees would be levied each time a form must be filed.

Finally, there is the infamous Visclosky amendment. If the other two pension provisions do not cause the employers to abandon the private voluntary pension system in droves, be assured this amendment will finish it off. The Visclosky amendment requires that all private, single employer pension and 401(k) plans have representatives from labor on their trustee boards. For companies that do not have union representation, the Department of Labor will have to create a whole new bureaucratic jungle to oversee secret-ballot elections for each company. You can imagine what a costly and complicated affair that would be. These employee representatives would have all the fiduciary responsibilities of management-appointed trustees, regardless of the financial and investment experience the employee may have.

Now this was an attempt to guarantee that asset reversions would no longer be possible, but it is the pension plan sponsors, the employers, not the trustees, who make these business decisions and termination decisions, and since the employers are the ones who are going to have to pay the bill if the investments do not work out, it is their risk, not the risk of the employee representative. The proposal leaves many important issues unresolved: how are trustees to be selected when pension plan participants are represented by more than one union; how will it be done when both unionized and nonunionized employees participate in the same plan? Even with all of the unresolved questions with enormous implications for American business, not one hearing was held by the Education and Labor Committee on this subject, and no advance notice was given that the Visclosky amendment would be included in the reconciliation package. Now all three of these pension proposals deserve separate consideration by the whole House. If they remain a part of the reconciliation package, I urge Members to consider the implications carefully before casting the vote. I would hope that we could have separate amendment votes on this, but I suppose that will not be the case. I hope somewhere in the process this "gang of three" goes down.

Mr. PANETTA. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, over the next few days, the Members of this House must make a number of important and difficult decisions. I will join the debate about those decisions when the various amendments to this legislation are offered. But today, rather than talk about what we face in the next week, I want to talk about what we will face next year.

In just 4 months, the President must submit a budget to this Congress for fiscal year 1991. His budget for 1991 can have a deficit no greater than $64 billion. The Congressional Budget Office estimates that the reconciliation bill we are considering, if passed unamended, will result in a deficit in fiscal year 1991 of $130 billion. That's if it passes unamended. So, in 4 months, the President must unveil his plan for reducing the deficit by at least $66 billion. Just for comparison's sake, this reconciliation bill reduces the deficit by a little less than $17 billion.

At the beginning of this year, we had a tremendous opportunity to face up to the deficit. We had a new President, a new Congress, and a growing public awareness of the need to put our fiscal house in order. How we took advantage of this opportunity is expressed in the Omnibus Budget Reconciliation Act of 1989.

I am not up here to criticize the hard work that has gone into this legislation. But ladies and gentlemen, in just 4 months we are going to look back on this year with great regret. Regret at having done so little to address the fundamental economic problem facing the Nation.

This is quite a piece of legislation. It is a vehicle for meeting important social needs such as child care. It is also a vehicle for some very alarming legislative retreats, from catastrophic health insurance and section 89. It has even become a battleground to determine which political party is the better friend of the middle class. It is all of these things and more. These issues are terribly important. How they are resolved will determine in large measure the worth of this bill. But they have nothing to do with real deficit reduction.

Our inability to enact a larger deficit reduction package is disappointing enough. We compound this failure by signalling our willingness to bow to any special interest group that is aggressive and single-minded enough to hound us into submission. Real deficit reduction is going to require a measure of sacrifice from all sectors of our economy. What kind of lesson do you think the special interests have learned this year?

But my disappointment with this bill, and the legislative process, is minor when compared to my disappointment with the President. The President has squandered the first year of his presidency on symbolic victories. History has shown that Presidents enjoy their greatest power and influence in their first year in office. George Bush is no exception. What will he have to show for it at the end of this year? Legislation to protect the flag from a handful of misguided exhibitionists, the blueprint for a drug war that is doomed to failure because he refuses to pay for it, a plan to sail to Mars, and, if he gets his way, a tax cut for the wealthiest 5 percent of our population in a year when our deficit exceed $130 billion.

I am particularly distressed with the cynicism of the President's economic advisors in their approach to this year's budget debate. The Director of the Office of Management and Budget has taken great pleasure in decrying now-nowism: The pursuit of immediate gratification rather than planning for the future. Yet this year has been one example after another of the administration's pursuit of short-term political victories at the expense of sound budget policy. From slide-by budget plans, to blue smoke and mirrors, to off-budget financing, the budget policy of the administration has been shown to be bankrupt.

What kind of record is that when the national debt is approaching $3 trillion? What kind of record is that when there are 37 million Americans without health insurance? What kind of record is that when we have one of the highest child poverty rates in the industrialized world? What kind of record is that when the scourge of drugs is devastating entire communities?

I'm not suggesting that there should be a Federal solution to all of these problems. My concern is that we won't even acknowledge them. In a year when we should have been engaged in a serious debate about national priorities, the deficit provided a wonderful fog to obscure the hard decisions we should be making. This year, we have done absolutely nothing to lift that fog. And in fact, we may have made it even thicker. Well, all of those issues are going to be with us next year.

A great deal of political energy is going to be expended in the next few days. It is a shame it could not have been channeled into solving the real problems facing this country. I don't know who is going to win the various battles we are about to fight on the amendments to this bill. But I have some advice for the victors. You might as well drink all the champagne you can, because next year you are going to have quite a hangover anyway.

□ 1540

Mr. GOODLING. Mr. Chairman, I yield my last 1½ minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, if I may, I would like to reiterate what the gentleman from Illinois [Mr. FAWELL] said previously. I speak from the viewpoint of the person who had set up a pension plan in his own company, mainly because I felt my employees deserved something when they retired aside from Social Security. These pension amendments that we have here right now I think will prove something that has already been done in the past. They are going to destroy the formation of future pension plans and force underfunding of present plans.

Let me give you a fast example. To me, Congress is a great deal like an overprotective mother who wants to crush pensions with love and regulations.

First of all, in 1976, they began with ERISA and maybe the best business decision I ever made in my life was to get rid of my pension plan at that time and go to an ESOP; but thousands of pensions were liquidated or ended at that time. My own company went to an ESOP, and I hope that Congress is kind enough not to destroy ESOP's in the manner that they are going about these others.

But take pension reversions alone. If this amendment passes, it means that you cannot get out any excess funds in your pension plan. Well, if that is true, any good businessperson would know that you do not want to put any excess money in there. So what do you do? You underfund the plan, and this I think means Congress will dump it all on the PBGC.

Mr. Speaker, Congress is getting ready to weave a very tangled web and display once again that it possesses little capacity to manage its responsibilities.

We face budget fiascos, savings and loans nightmares, section 89 terrors, and catastrophic health woes. You can soon add to this list pension destruction.

As the House considers the budget reconciliation bill, I wanted to point out that the bill contains numerous pension problems. But let me just outline three. I've dubbed these the terrible threesome.

First, we have a proposal to require every pension plan in the land to elect a joint employee-employer board-of-trustees. This provision was adopted by the committee without hearings, under limited debate and without an established need for the amendment. There is no evidence to show that changes are needed in current law.

Second, the pension package bans asset reversions to employers on plan terminations. This will hurt employees, retirees, and pension plans in general. This proposal deters sound funding, reduces employees' retirement security, discourages the formation and expansion of defined benefit plans, and imposes additional risks on the PBGC.

To top it off, filing fees ranging from $100 to $500 per plan were included to pay for the revenue reduction that results from the other provisions. These so-called user fees are really new taxes.

Responsible employers design and fund pension plans to provide financial security for their employees and retirees. The terrible threesome will discourage employers from setting up define benefit plans, or for that matter, any plans at all. Employees and retirees end up the victims.

Don't wreck our private pension system by supporting the terrible three-some in reconciliation.

Mr. PANETTA. Mr. Chairman, I yield 6 minutes to the gentleman from West Virginia [Mr. WISE], a member of the Budget Committee.

Mr. WISE. Mr. Chairman, what drove me out of the practice of domestic relations law was the impossibility of trying to reconcile extremely bitter interests. I want to say that watching what the chairman of our Budget Committee has had to go through, it apparently is not any easier in the legislative sector either, but I want to compliment the gentleman for the job he has done and every effort the gentleman has made to give every Member, Republican and Democrat, of our committee an opportunity to be fully involved.

There are two issues I would like to talk about. The first is budgeting and budgeting honesty. The fact is that in this reconciliation issue, as well as the budget itself, it is difficult to get compromise, and we know that, but we also know that you have to talk straight with one another. You have to be willing to look at the figures. You cannot hide behind the proverbial smoke and mirrors. Unfortunately, that is what has been going on.

What is going to happen, particularly if the capital gains provision that is presently in this reconciliation measure is upheld, is that the deficit only grows. It does not shrink, as Gramm-Rudman mandates and what we all avow that we want to happen, but the deficit grows.

I would like to go on the record right now, Mr. Chairman, as saying that I wish there could be candy, not only at Christmas, but every day of the year, all that people could have, just candy, candy, candy; but doggone it, you know what happens with too much candy. You get sick. That is what is happening on this. Give this capital gains break, give this over here, it is nice. I wish we could all do it, but the fact is that it is a deficit and it is only growing. It is $3 trillion according to the chairman of the Ways and Means Committee who just spoke.

There is another problem with this measure, the capital gains issue, is that it takes the grounds for future compromise, the "dare to be great" measure that we have been talking about, not the slide-by budget of this year, where the White House and Mr. Darman and our budget leaders, Republican and Democrat congressional leaders, all sit down and work out the grand compromise, we all give up something. That goes by the board with this measure. It goes by the board with the capital gains measure.

You cannot add $21 billion over 10 years to the deficit and then say that you want to compromise. It makes it that much more difficult to fund some of the short-term measures. It might be able to be included next year or the year after in this effort to try to reach accommodation, but it will not be included now. That becomes an impossibility now.

So now to those of you concerned about the deficit and concerned about high interest rates, there is just more deficit coming. It is not shrinking, but growing.

So then you have got to ask why is it that we have such high interest rates, that I hear businesses complaining about. Why is it that we have gone in 8 years from being the largest creditor nation to the largest debtor nation, and why is it finally what concerns me so much that our country increasingly no longer has the ability to respond?

□ 1550

President Bush goes to Poland, and they ask for $10 billion, and the most apparently we can respond with is $100 million.

We all know the problems of homelessness, people sleeping on grates, people in homeless shelters that did not exist 10 years ago. This country cannot fully fund the programs that are so necessary for homelessness.

I am concerned about infrastructure, the water, the sewer, the highways that are falling apart, the bridges that are falling down, the airports that are not being built, and yet we cannot respond to that, and the mightiest nation in the world that spent $300 billion a year on defending its shores cannot defend its own children from drugs.

Our country simply cannot respond, and once again, measures such as capital gains reduction only exacerbate the problem.

There is one hopeful note, and that is the Democratic alternative. I would like to pick a piece out of that, and that is the deficit reduction account that is in there. I introduced this legislation at the beginning of this session, and others joined with me, to set up a DRA, or deficit reduction account, in which we said that any new tax dollars generated would go into this account and would not be spent for new programs, would not be spent on anything but deficit reduction. I am encouraged, because I see the statistics that say that with the combined IRA and the deficit reduction account that over a 5-year period there would be a $24 billion buildup in that fund, not a deficit increase. That is money that can go in future years to public works, to education, to infrastructure, to NASA, to being able to plan and do some long-term forward thinking as we plan super colliders and space stations and educational initiatives and public works.

I would like to make a couple of brief suggestions. I would like to suggest that just like the Social Security fund the conferees on this bill appoint administrators to the deficit reduction account. Let them be the public's representatives to testify every year that, indeed, the money is going for deficit reduction. So I would ask the conferees to consider adding to the deficit reduction account administrators who could truly represent the public trust, that just as the Social Security fund has administrators appointed to make a report to Congress, so could this fund.

Finally, I point out that with the deficit reduction account, the taxpayer gets two bangs for the buck. First of all, they get definite deficit reduction now, immediate, and it is there. The second thing is they have an investment fund building up, and that is an investment in the future, whether it be education, public works, space, or whatever we need.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished vice chairman of the Committee on Post Office and Civil Service, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, as the ranking minority member on the Post Office and Civil Service Committee I want to take this opportunity to join with my colleagues and urge your support of title VIII of H.R. 3299, the Budget Reconciliation Act of 1989.

The language contained in this title is almost precisely the language our committee, on July 12, voted unanimously 23 to 0 to recommend to the Budget Committee. It is not perfect; no legislation is, but, it is as fair as we could draft it. It manages to produce viable savings while balancing the needs of our civil service employees, retirees and survivors. It does not add, substantially, to the financial burden of our U.S. Postal Service which is facing a deficit of nearly $2 billion in fiscal year 1990. By any calculations that is a severe deficit.

This is not the place nor the time to debate the causes for such a financial crisis. That debate should take place in our committee and I intend that it will be. However, the issue before us charges us with the responsibility of producing savings from the Postal Service and we accomplished it. This title includes language that places the Postal Service back into the "off-budget" status it was in prior to the enactment of the Gramm-Rudman law in 1986. It directs the Postal Service to take responsibility for the payment of the cost-of-living costs of its employees, retirees and survivors as well as the employer costs to postal participants for their coverage in the Federal employee health benefits program. Our committee also recommended and the Budget Committee adopted our suggestion that the borrowing authority of the Postal Service which has been limited to $10 billion for the last 20 years be increased incrementally to $30 billion by fiscal year 1996.

We were further able to achieve savings by moving up the date by which the Postal Service must make their payment to the employee compensation fund of the Department of Labor. Each year within the first 15 days of October agencies must reimburse this fund for their employees who received benefits from it. To achieve savings of about $330 million we provide that the Postal Service makes its payment a month earlier than the law calls for. It may seem like we are simply playing with dates, but, if we can achieve actual savings by doing so, then why should we not?

As I stated earlier we were charged with the responsibility of producing savings from the Postal Service which is facing one of the severest financial crises in its existence. I believe we achieved that goal. The Postmaster General of the United States has already announced his intention to seek a general postage rate increase that would become effective in the spring of 1991. Due to the fact that the Postal Service is facing a deficit during fiscal year 1990, any additions to that deficit would force it to request a rate increase a good deal sooner, perhaps immediately. This situation is not just a problem for the Postal Service. It affects us all. Everyone who mails a letter or sends a postcard feels the affect of such a crisis and that is why we have chosen to take the steps we have.

In addition, Mr. Chairman, I strongly urge you and this distinguished committee to protect the amendments as offered in title VIII relating not only to the above but also to the partial deferred payment of the lump-sum retirement credit. Under the Omnibus Reconciliation Act of 1987, employees, upon retirement, were restricted in electing the lump-sum distribution. Payments were limited to 60 percent of the credits the year of retirement and the balance of 40 percent was payable 12 months later. In an effort to further meet our budget goals, the committee recommends that the current payment schedule, which expires shortly, be replaced by scheduling payments at 50 percent the year of retirement and 50 percent 12 months later. This has been a very popular feature of the Federal retirement system and most retirees elect this option upon retirement. Federal employees already earn, upon average, 28 percent less than their private sector counterparts, let's not further erode the Federal compensation package. Accordingly, I urge my colleagues to join me and support these amendments.

Mrs. BOXER. Mr. Chairman, I yield 12 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I am frankly very happy to have an opportunity to speak about some of the issues in this bill. Many of us on this floor over the past 9 months or so have not had much of an opportunity to shape what is in the bill, and so those who have sat on the relevant committees who have had the input have yet to hear from a majority of the Members who sit on this floor. This is not unusual, and that is not something that does not happen here. It happens here quite often, because our work is, to some degree, compartmentalized.

The difference is that the ramifications of the particular issues that are involved in reconciliation and the ramifications of the way these solutions are presented in this bill are enormous, much greater than simple other pieces of legislation that may from time to time come out of other various committees on which we do not sit and on which we have not had an impact.

The time that I am taking today is to review for the purposes of hopefully edifying the general public and some of the other colleagues in the House who, like me, do not serve on Budget or on Ways and Means or a number of other committees, some of the positions that a large number of Democrats have with reference to basically the thrust of some of the things which are in the reconciliation bill.

There are a number of issues, and there are many issues, and it is much too involved as someone indicated between the bill and the committee print accompanying the bill, where there are about 3,500 pages. Obviously that is much too complicated, especially for a Member who had not had the opportunity to sit on the Committee on Ways and Means or the Committee on the Budget. But since the impact of the bill will, in fact, fall on my constituents and, in some cases, the constituents that I have will be significantly impacted, I feel it is important to let people know how some of us, and myself included, feel about some of the issues.

In this bill which reconciles spending and revenue in order to avoid deficits and, in the case of the last few years, to avoid the Gramm-Rudman sequestration process, there are many significant issues. People have talked back and forth about their value or merit. In the end, we have to trust to the good graces of the people and the good intelligent use of the experience of the people on the Committee on Ways and Means and on the Committee on the Budget to believe that things like tax extenders and other issues of concern in the education and labor field have, in fact, been addressed.

There are some issues that we are very concerned about. There are some issues which cut across the board. There are some issues with which our constituents want us to deal all the time, and those are the issues I am going to confine myself to.

□ 1600

The first issue is one that I am very happy is in this package. It is something that has been a problem in this country for a number of years, and frankly has grown much greater than it should have grown, and the proportion of the problem has increased, and that is problems with Federal funds being diverted in vocational schools. In fact, in many schools, but in the vocational area as well.

There are rules, new laws and new rules in this reconciliation package which I think are excellent, which will go a long way to curbing the abuses that have been documented in many of the areas in this country by virtue of unscrupulous operators who are using nonexistent students or people off the streets who sign up for student loans, then taking that money, these kids or people never know they have signed them for school, are never told they are signing up for student loans, never go to the school, but the school is funded thousands of dollars on each one of these loans, and ultimately these people, if they can even be found, owe the Government collectively hundreds of millions of dollars for which they never had any intention of asking for, returning, because they did not know they were taking out a loan, and certainly had no intention of getting any education for the money that was given by the Federal Government. Unfortunately, what it does is bleed the system of significant amounts of money that would be available for legitimate students who want to go to places of higher education and cannot because they do not have the money, and the system has been drained dry.

The Committee on Education and Labor has made a significant package of changes which will help the Department of Education and the commissioners in various States provide better control. I had a hand in writing some of this. A number of us introduced what we called the SLAP Act, the Student Loan Abuse Prevention Act of 1989, some of which is incorporated into this bill. I think it is terrific, and the Education and Labor Committee ought to be commended for having done that.

Mr. Chairman, Federal student aid programs in this country provide opportunity for determined students. However, with increasing frequency, unscrupulous postsecondary school officials have been able to successfully manipulate Federal financial aid funds and, in the process, defraud the Federal Government of millions of dollars for their own personal gain. Their unscrupulous tactics exploit our Nation's students, deplete student aid coffers, contribute to a $1.4 billion student aid default cost, and force American taxpayers to pay millions to foot the bill.

One of the tragic consequences of these financial aid scandals is that they erode the reputation of the vast majority of private institutions which have honest, capable, and law-abiding owners. As incidents of corruption continue to appear in front page news exposes, legitimate schools are victimized along with many unfortunate students.

I want to make sure that, in the future, Federal student aid dollars go only to the students and schools that deserve them. With that goal in mind, I introduced the Student Loan Abuse Prevention Act, the SLAP Act, in an effort to prevent further fraud and abuse of Federal student aid programs.

The SLAP Act—H.R. 2487—authorizes the Department of Education to take specific actions against a school official once the Secretary of Education receives reliable information indicating that a misuse of Federal funds is about to occur, or is occurring, and that the potential loss is so great that normal proceedings should be suspended. These actions include taking emergency action and immediately shutting off the flow of Federal funds to schools strongly suspected of violating loan regulations.

Under the Department of Education's current limitation, suspension, and termination proceedings, institutions continue to receive Federal funds throughout the course of a protracted legal process, even when the Department has compiled substantial evidence that the school is abusing its student loan program. As long as these schools continue to receive money, they have little incentive to resolve the proceedings quickly.

Use of emergency action will force these schools to promptly confront the allegations against them. During the designated suspension, schools will either prove that the suspension is unwarranted, or, in the vast majority of cases, realize that their illegal profit scam is over.

I commend the House Education and Labor Committee for including emergency action provisions in the budget reconciliation package. Enactment of this cost-saving measure to protect students and taxpayers is long overdue.

Yet, Congress must continue to push forward to wipe out student loan abuse. Legislation must be enacted to empower the Secretary of Education to conduct a program review of any affiliated or successor institution of a terminated institution. If violations are discovered at these affiliates or successors, they too must be subject to emergency action. Also, we should authorize the Department to deny eligibility for student aid funds to the new owner of an institution if that owner was previously cited for a serious financial aid violation at another school.

These and other additional student loan provisions are included in the SLAP Act. They are necessary tools in the fight against further student loan abuse.

Once fraud and abuse of student aid programs are eliminated, we will see dramatic improvements in many different areas of the educational system: students will no longer be held in financial and emotional bondage; the default rate will be reduced; taxpayers money will be spent more wisely; the reputation of the private school industry will be restored; and student aid funds will again be used as originally intended—to provide students with the opportunity to pursue the education of their choice.

Education is the key to open the door of opportunity for America's less privileged. We must work together to serve the needs of our students without allowing a few corrupt school officials to steal our education dollars and, with them, the future of our Nation.

There are other items in this bill. One of those items is the catastrophic illness question. Right now, currently in the bill is the provision for changing, modifying the catastrophic illness provision to reduce the supplemental or surtax premiums on some of the seniors, reduce some of the benefits, and in other ways jiggle with the whole question of catastrophic to make it more palatable.

I will admit right now that I have a significant interest in this in addition to the fact that my parents and my inlaws, both sets are on Social Security, and in addition to that we have the notch, and they are heading for that all of the time. The gentleman from New York knows all about the notch.

In addition to that, however, we are also talking about people who have a concern about the catastrophic illness provision that was passed last year. My own opinion is, and the opinion of most of the people that I have heard from, the 28 percent or so of my district that is on Social Security, is that this is a lousy bill. It was lousy when we passed it. It has not gotten any better. The numbers are now far in excess, that is the projected outlay spending numbers are far in excess of where we were told they would be, and the duplication of benefits, for which many of my constituents were already paying, and the imposition of significant additional costs is not justified by the added benefits to which they are entitled.

In addition, when one looks at the bill as it stands, one finds that 100 percent of the people are going to pay for the majority of the benefits which are going to return to about 4 percent of the people that were really needy in this country, and we should have tailored a program more. But instead we tailored a program to hit everybody, and most of the people are only going to pay for it and receive little or none of the benefits. We also got overly optimistic and added benefits in there, frankly, we should not have.

The bottom line is that I believe, and I believe we will have the capability to change what is in this bill, is that we should not tinker with it, we should not modify it, we should not amend it, we should stand up and admit that it was a lousy thing when we passed it. It was not appropriate. It really did not answer the questions and raised more objections than it laid to rest, and we ought to just repeal it.

If we repeal it, we will to some degree remove the poison from the well. We will get a lot of people back to believing that we should go in and look again at long-term care with catastrophic care as an adjunct. Both are important, but long-term care, in my estimation at least, in my district is the single most important issue. We can then begin to go down the road to do the right thing for the majority of the seniors without punishing some seniors for their participation in the program.

I believe we will have an opportunity and I would urge all of my colleagues when that opportunity arises to vote for the substitute, or basically to strike it and to repeal the fix that is in this bill on catastrophic.

There is another issue, and that is repeal of section 89. Yes, we were divided significantly, and yes, it was basically a good idea. The whole thrust of doing the original work on section 89 was to bring fairness into the benefits program and to make sure there was no innate unfairness between levels and classes of employees receiving perk benefits, side benefits, health benefits.

But now as it turned out, we did not do such a great job. It is not wrong to admit that. We are pretty good at what we do, but we are not that good on every issue, and sometimes we make mistakes.

I do not think there is anything wrong with standing up and saying we ought to go back, and if we are going to do something let us do it so that it does not hurt people.

In this case we made section 89 and the change so difficult to understand and so onerous for people that we did not accomplish anything more than making it worse than it was before. We have changed codes before, and we are doing it now, and I am glad that this is going to happen in this bill.

Now we get to an issue of significant importance then in this bill, and I think one that has been on the front pages of many newspapers, certainly in the editorial columns. The reality is that the program proposed by the President of the United States to reduce capital gains was and is calculated to reward only 5 percent of the population with the biggest benefits, 80 percent of the benefits from the deduction going to the wealthiest 5 percent in this country. That is not a program that comports with any agreement ever made by Democrats with the President or with Republicans on the issue of this budget. It does not comport with what is fair. It does not comport with what is right, and it will do nothing to spur the economy. What it will do is spur selloffs by people who have been holding long-term capital gains assets, and throw the market into a tizzy downward.

What we need to do, and what is in the bill is wrong, but what we need to do is what the Democratic alternative has proposed. We need to get rid of the internal bubble, that which was a political decision, not a monetary decision years back, make IRA's reinstated with the deductions for the first-time home buyers and the educational process which gives the middle class, the broad consensus of people in this country, a significant advantage. We should pay for it with the bubble and with the excess and overage be able to open up a deficit reduction account which takes money and in fact reduces the deficit. If we are going to give the broad middle class of this country, from the young to the old this part of the spectrum of wealth over into this part, not the polls, but almost all in between a benefit, this is the way to go. This is the right thing to do, and I hope we have the opportunity and that we will vote on this Democratic alternative.

I thank my colleague for yielding this time to me.

Mr. FRENZEL. Mr. Chairman, I yield 13 minutes to the gentleman from Texas [Mr. ARCHER], the vice chairman of the Ways and Means Committee.

□ 1610

Mr. ARCHER. Mr. Chairman, the process of budget reconciliation is not purely a dollars and cents exercise designed to meet mandated deficit reduction targets. There is an equally important measure of accountability which must always be in the forefront of our minds, that of maintaining responsible public policy.

By that test, the reconciliation actions of the Committee on Ways and Means succeed in some areas and fall considerably short in others.

On the positive side the committee's decision to stimulate national savings and job-creating investment through improvements in the tax treatment of capital gains is an important economic victory for the American people.

A bipartisan majority made the right choice—creating, rather than squandering, an opportunity for Americans to find better jobs and reap more of the rewards that our society has to offer.

To his credit, the chairman of the committee allowed a bipartisan majority to work its will on this important economic issue. It's unfortunate, however, that those who have attempted to make capital gains a partisan political issue were able to delay its consideration for so long that budget reconciliation has been endangered needlessly.

This is an economic issue that crosses party lines.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Wisconsin.

Mr. MOODY. I thank the gentleman for yielding.

Mr. Chairman, I admire the gentleman tremendously. I just wanted to say that when John Kennedy made that statement, that suggestion, remember the marginal tax rate was 70 percent. I think everybody in this body would agree there needed to be a differential. Now the rate is 28 percent. That is a very important point.

Mr. ARCHER. Mr. Chairman, a reduction in the capital gains rate was supported by President Kennedy, President Johnson, and President Carter. It has never before been made into the dramatic partisan issue that the House leadership is today putting it in.

Mr. Chairman, it was a commonsense coalition that formed the majority committee and properly resisted efforts to politicize it.

We currently tax investments many times. Multiple potential taxes at each level of corporate ownership, taxes on distributions to shareholders, and taxes on capital gains caused to a large extent by inflation. The rewards of saving are insufficient to counterbalance the immediate gratification of spending.

This capital gains provision is an important step in reducing those disincentives for savings and toward reducing a tax on capital that ranks as the highest among our international competitors.

It's a positive step in restoring our competitiveness in the international marketplace and in reducing our dependence on foreign investment in U.S. industry.

If we're going to keep our economy growing and providing more and better jobs for our people a necessary first step is the preservation of the hard-earned nest eggs of middle income taxpayers.

Unfortunately, not all of the tax provisions in the committee's reconciliation package can be viewed as having that same kind of positive impact on savings and investment. New restrictions on like-kind exchanges will have an adverse impact on investment in real estate and other areas of the economy.

Capital gains taxes on investments by foreigners—long-standing treaties to the contrary notwithstanding—will prematurely erode that source of investment before the changes in capital gains treatment for American taxpayers can sufficiently fill that void.

Earnings of many corporations will be artificially inflated for tax purposes through the disallowance of legitimate interest deductions making it more difficult for them to attract investors.

Similarly, from the perspectives of both the budget deficit and sound social policy the Ways and Means Committee's actions on human resources spending and on child care missed the mark.

At a time when we face annual budget deficits in the $100 billion range, the committee is attempting to put new, permanent provisions in the law that will cost some $22.5 billion over the next 5 years. In fact, the child care provisions alone will cost $46 billion over the next 10 years.

While most Republican members of the committee indeed are willing to provide additional Federal support for child care, we have serious objections to the unnecessarily expensive provisions adopted by the committee.

The human resource and child care proposals are cleverly crafted to spend some $650 million in the first year and $1.9 billion in the second year of the 2 years covered by reconciliation instructions. In the third year, however, spending explodes to $6.4 billion, then rises gradually to $6.9 billion in the fifth year.

This is bacteria budgeting—put a little bacteria in the right place and watch it explode into a raging disease. The budget problems associated with these new spending programs are serious. The new programs are also quite difficult to justify in terms of social policy.

This is a particularly appropriate time for our Nation to invest in human capital spending money in such a way that returns to society exceed the original outlay.

By this criterion, the increased social spending in the committee's bill fails utterly. We have no evidence that the $2.7 billion we currently send to the States annually in the title 20 block grant program is really achieving its intended results.

Yet the committee increased title 20 funding by nearly $3.6 billion over 5 years. It's important to note that by 1993 the increased title 20 spending will amount to $1 billion per year.

The committee made another significant change, beyond the funding increase in title 20. Without hearings or significant debate, the committee proposes to change the fundamental nature of the title 20 block grant program by earmarking over 40 percent of the new spending for day care.

It doesn't matter that some States may feel that they don't have a need to spend additional title 20 funds for that purpose.

It doesn't matter that they may have a far greater need for assistance in dealing with adolescent drug problems or the needs of their elderly citizens.

The committee would also dictate changes in State day care regulation. All States currently have regulations that apply to child care centers and all but four States have regulations that apply to family day care homes.

The Ways and Means Committee has decided that these State regulations are not adequate even though the record of witnesses before our committee contains little systematic evidence that children in day care are at risk for injuries, abuse, or other conditions that would be addressed by regulations.

We heard a number of anecdotes regarding children in bad day care programs but anecdotes alone are not an adequate basis for formulating national policy.

Nor are they a valid basis for Federal interference in policy decisions already made, as they should be, by parents and State and local governments.

The committee would cut off title 20 funding to any State that reduces its day care standards—even if the State's revised standards still met all the other requirements of the committee bill and were the highest standards in the Nation. That goes beyond all boundaries of reason.

According to studies by the Census Bureau, Labor Department and reputable outside groups, when the committee day care provisions are fully implemented by 1992, the Federal Government will pay for more than half of all day care used by American families.

That ought to give Members reason to question the actions of the committee on this expensive issue.

The Ways and Means Committee also squandered a great opportunity in budget reconciliation to restructure the unfair and controversial financing of the Medicare Catastrophic Coverage Act.

In fact, its proposed changes in the program may well have created a whole new set of policy and political problems. The new financing scheme is guaranteed to exacerbate the unfairness of current law and anger even larger numbers of the Nation's elderly.

Under current law, two-thirds of the dollars financing the new catastrophic benefits come from an income surtax, euphemistically called a "supplemental premium," which is levied on those who are eligible for part A Medicare benefits.

The surtax singles out 40 percent of the elderly to be penalized. In effect, the surtax requires taxpaying beneficiaries who saved during their working lives to subsidize up to six of their fellow Medicare recipients.

While the committee's amendment reduces the rates for the surtax, the cost of the reduction is shifted to all Medicare beneficiaries through an increase in the part B flat premium and to those beneficiaries who would use the outpatient prescription drug coverage by increasing the deductible for that benefit.

In other words, those less well off and the sick are expected in this refinement of the Act to pay the price for the flawed supplemental premium.

Despite the fact that the amendment reduces the rates for the surtax, it leaves the surtax in the law and continues to penalize those who have saved for their retirement years. In failing to repeal this surtax, we have retained in our Tax Code a tremendous disincentive for savings, a disincentive that only compounds the effect of other savings disincentives.

And, just as importantly, the law provides for regular annual surtax increases in the future on that same group of the elderly who have saved to finance expanded benefits for those who have not.

The committee's provision further creates new concerns by purporting to make the Medicare catastrophic benefits voluntary. This is truly misleading.

Through the amendment, Medicare catastrophic benefits are linked to all part B benefits. "Voluntary," in this case, means that beneficiaries must "throw the baby out with the bath water," and give up all coverage under part B of Medicare if they choose to opt out of the catastrophic benefit.

For 25 years, since the inception of the Medicare Program, the elderly and disabled have had the option to buy outpatient and physician coverage through Medicare part B. Now, those existing benefits, for which premiums are prepaid, would be denied to beneficiaries who do not need the catastrophic coverage or do not think the surtax is affordable.

That's wrong. Those less well off may very well be seduced into dropping needed part B benefits by the prospect of avoiding the flat part B premium and surtax.

Many other millions of beneficiaries, who have supplemental Medigap coverage through their former employers, might mistakenly think they can opt out of Medicare part B and have total coverage through their retiree health insurance.

In fact, for most of those retirees, their retiree health coverage is dependent upon their acceptance of Medicare, so that to withdraw from part B would threaten even the private coverage they earned during their working lives.

For these people, the so-called voluntary option is no option at all. For them to withdraw from part B would mean losing not only Medicare but also eligibility for their private coverage. That constitutes pure coercion on the part of the committee to force people to remain in the catastrophic program.

The provision also removes the hospital trust fund from the catastrophic financing while retaining the catastrophic benefits under part A. The trust fund will therefore pay for hospital, home health, and skilled nursing facility benefits for which it receives no additional funding.

This sets a process in place which allows as much as $2 billion to be spent annually from the trust fund without a mechanism for replacement. This dollar drain could well be the nail in the coffin of fiscal balance of the trust fund.

The elderly and disabled should get an even break under Medicare. They should expect no less than they have been promised by the Congress. This provision breaks that promise. Both the reduction in the surtax and its voluntary approach to the catastrophic benefits are disingenuous, and our constituents will see this bad deal for what it is.

It's also one of the provisions which makes this mixed bag of capital gains, child care, and other major issues in reconciliation remind me so much of the last lines of an old Longfellow poem. As he wrote about his little daughter one morning when she was being particularly difficult to control:

> And when she was good, she was very, very good, but when she was bad she was horrid.

□ 1620

Mrs. BOXER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we, in Congress, will have an opportunity on Thursday to clearly show why the American people kept the Democrats in charge of the House and the Senate and ultimately why the Democrats will regain the White House.

The choices we have often aren't as stark as this one and for that reason I think it's healthy.

What are our choices? Plan 1—the Bush/Jenkins capital gains package that will add billions to the deficit; that allows a small window for the super wealthy in America to cash in their profits of the last 2 years; that does nothing for the economy in the long run, and that is a tax plan pushed by George Bush to give to those that have—more to have—more to those that have more.

Now, I do not have any problem with that if the program helps the economy in general, but this particular proposal will hurt our economy. The 2-year package will cause a $21 billion deficit over 10 years, according to the Wall Street Journal. I think it is important to note this. It could well cause the stock market to decline. As a former stock broker, I have seen it when Americans are given the special incentives to cash in, people unload their stocks. Do Members know who that hurts? The people who are investing for the long run, the average American. That proposal does nothing to increase long-term investment in job creation, and the deficit will again fall for the middle-income taxpayers and to our children who will eventually pay the bill. Our majority leader, the gentleman from Missouri [Mr. GEPHARDT] today handed out a button that says "Bush tax plan, you're going to pay." Believe me, average American, you are going to pay.

This plan is a quick fix for a quick profit for those who earn over $200,000. It is bad for the economy, to boot.

I want to be clear, I support a capital gains differential, but not this proposal. I talked to the gentleman from Georgia [Mr. JENKINS] about that quite a while ago. A capital gains proposal that I would be part of, a larger package which gives benefits to all Americans, and one which would help solve the deficit problem. Now, remember when this capital gains rate was fixed in 1986, it was part of a give and take, part of a larger tax reform proposal? It is the reason that the rates were set so low. Therefore, to unravel this plan in this fashion is clearly irresponsible. I particularly do not understand it coming from people who worked so hard on that package, how they could unravel it themselves.

Now, I want to talk about the Democratic plan: It helps reduce the deficit; it is fiscally responsible; it helps the housing industry; and it helps educate our kids.

By restoring the tax-deductibility of IRA's and allowing them to be used for housing and education without penalty, we are creating a responsible plan.

In this plan we encourage and reward long-term savings for all Americans—the benefits particularly help middle America—those who are forgotten in the Bush plan.

Our plan is also fair in that it makes for a better tax system.

Why should income over $155,320 be taxed at a rate lower than income below $155,320?

It shouldn't.

Our plan merely corrects this unfair irregularity.

Let me tell you that I represent one of the highest income areas in the country. But they are enlightened people.

They know that any plan that adds to the deficit is bad for America.

They know that long-term investment should be rewarded—not the pocketing of stock market profits which could disturb the market.

Sure they would love the extra cash but they don't posture with me and say that just because they profit—it's the right policy.

I believe in the intelligence and spirit of the American people regardless of their income and I believe it is time for us to pull together for our country.

The Democratic plan to benefit all Americans by restoring IRA's, to make the Tax Code more fair; to reduce the deficit by $20 billion over 5 years; to help housing and education; and to encourage long-term savings.

That's the plan that is good for America. That's the plan that is good for all Americans. That's the plan that will indicate where each of us stands, be we Democrat or Republican.

The IRA plan makes the reconciliation bill a strong deficit reduction, economic growth bill. The Republican plan hurts America's economy by adding to the deficit and hurts the average American.

I trust the Congress will act responsibly.

Mr. FRENZEL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. SCHULZE], a member of the Committee on Ways and Means.

□ 1630

Mr. SCHULZE. Mr. Chairman, when Franklin Roosevelt first proposed a cut in the capital gains tax rate, I doubt that Americans were deluged with propaganda about a hand-out to the rich. When John F. Kennedy initiated another capital gains cut, it was championed as farsighted economic policy. FDR and JFK were right—cutting capital gains taxes spurs investment, economic growth, and the creation of jobs for American workers. I support our bipartisan Ways and Means Committee initiative.

While not perfect, our reconciliation package does address key concerns confronting the American public. It essentially repeals section 89, a myriad of confusing employee benefit laws aimed at ensuring nondiscrimination, yet probably hastening employers toward curtailing benefits. Our package moves toward repealing, or at least, minimizing, the economic impact of huge surtaxes on senior citizens.

As ranking member of the Oversight Subcommittee, I am particularly pleased with provisions in this bill simplifying and minimizing the impact of penalties imposed on taxpayers by the IRS. I commend our subcommittee chairman, the gentleman from Texas, Mr. PICKLE, on his fine work and cooperation on penalty reform.

On the other hand, while simplifying the alternative minimum tax, we did not go far enough to alleviate its unintended impact on our basic industries. More work on the AMT must be done.

Key tax provisions essential for our competitiveness are extended by this bill. The R&D credit is greatly improved and made available for small business. Mortgage revenue bonds and industrial development bonds, helpful housing and economic development tools, are extended for 2 years. Health insurance for the self-employed, and employee educational assistance, tools for small business, are extended. Finally, the low-income housing and historic rehabilitation credits are greatly improved.

With all these good things, then, why is there division on this measure. First, the bill offers a band-aid approach to consistent tax policy. Capital gains reduction should be permanent with immediate indexing. Many of the so-called loophole closers in this measure are ducks. In other words, tax increases on vulnerable industries or businesses.

Section 1031 like kind exchanges are repealed. Make no mistake, this provision is a $400 million tax increase on legitimate real estate transactions. It will repeal long-standing policy and attempts to tax transactions where no income exists. In particular, repeal of section 1031 will hinder efforts to preserve and protect sensitive open lands and ecosystems.

Section 1031 exchanges are a key tool in transferring open lands to the Federal Government, including the 10,000 acre Coachella Desert spring system in California and the 50,000 acre Niobrara preserve in Nebraska. The other body should reject repeal of section 1031 exchanges.

Other examples of ducks include new taxes on CFCS, employee stock ownership plans, and foreign shareholders in U.S. corporations. OMB Director Darman indicated that if it quacks like a duck, then its probably a duck. The $400 million repeal of section 1031, quacks from here to Pennsylvania, to California.

All-in-all, this is probably the best we could do in bipartisan fashion. To those members on the Ways and Means Committee from the other side of the aisle—those who stuck by your guns—I salute you. You are the JFK's and FDR's of your party. To those who would pit us against each other in an unfounded class struggle, I condemn you. Capital gains reduction is essential to keeping our record economic growth on track—82 months of growth and 20 million jobs. We must be doing something right.

I cannot say this is the ideal tax bill for moving us into the 21st century, but we do much to alleviate unequitable tax burdens on seniors and families. We simplify key rules for small business. And, finally, we provide American innovators and the middle class with protection against the ravages of inflation and we reward investment.

Let us not pit class against class, young against the old, or families with children against those without. Let us support this budget measure in bipartisan fashion because, frankly, it is the best we are going to get. I urge my colleagues on the other side of the aisle to follow the examples of John F. Kennedy and Franklin Roosevelt, and support the economic reality of the benefits brought to America from a cut in capital gains taxes.

It is the right thing to do. It raises revenue to reduce the deficit. And it will help create and retain jobs for American workers. I support this measure and urge you to join me.

Mr. PANETTA. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. Moody], a member of the Ways and Means Committee.

Mr. MOODY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, from all we hear on the floor and elsewhere, it appears that this body is seriously going to consider repealing the entire catastrophic health care bill, and I would like to point out to my colleagues some of the downsides of doing that before they make their decision.

If we repeal catastrophic, we will lose the spousal impoverishment feature of the bill which prevents spouses from becoming impoverished as a result of a long, serious illness. That is a major step forward that we have accomplished in this bill, but that will be wiped out.

We will lose the prescription drug benefits that help many people. We will lose respite care, an important feature for many people who are protecting and taking care of sick loved ones at home.

We will lose important gains in nursing home care. Catastrophic went from the old requirement of 100 days in the hospital to 150, and it used to be $67 per day. Now it could drop to $25. Once we hit the limit, it could go to any point.

So we will lose the ability to not be wiped out from hospital stays. We will lose important gains in hospice care, where the current limit had been 210 days and now it exceeds that. We will wipe that out if we repeal it.

We will lose the limit on out-of-pocket costs for senior citizens for doctor bills. It is easy for those to mount to enormous numbers. We will lose the Medicaid buy-in for low income seniors into the catastrophic health care, which has been saving States many millions of dollars.

We will reimpose, if we repeal catastrophic, the 100-day limit. On hospitals, we will reimpose a 3-day requirement that people go to a hospital for 3 days before they can go to a skilled nursing home. That is a major obstacle for getting into a skilled nursing home. That obstacle has been removed, but we will be reimposing that obstacle.

We will reimpose multiple deductibles for hospital stays. Under catastrophic, you have one deductible. Now you can have as many deductibles as there are visits to the hospital. That will be very expensive.

In sum, if we repeal catastrophic, we are about to wipe out the protection against being wiped out due to 40-day or 50-day serious illnesses. It is very easy to run up a medical bill of $60,000 to $90,000 in today's medical markets. That will wipe the entire life savings of many senior citizens. We are now about to just do away with that important protection that protects not just those who get ill this year or next year but all 35 million senior citizens who are covered.

Previous speakers have stood in the well and said that only a few will benefit from catastrophic. Everybody who is covered benefits from catastrophic. You do not benefit if you get sick; you benefit because you have the peace of mind of knowing that you will not be wiped out, just as you do not get benefited from your fire insurance; it is only if you have a fire. You benefit from your fire insurance because you are covered. You benefit from insurance because you are covered against being wiped out whether you have the fire or not. We are seriously considering wiping all that out. It will be a very serious day when we do that to the senior citizens of this Nation, just because a few—and let me repeat this—just because a few would be disadvantaged or because a few feel they might be disadvantaged by the catastrophic health care financing system.

Let me give the Members 4 brief points about the catastrophic health care that should be considered. All of these benefits I have been describing that we are about to lose are provided to 35 million senior citizens in a deficit neutral way. Not one additional penny on the deficit is run up as a result of these important new benefits.

No. 2, very few senior citizens in fact pay the top premiums that so many Members have spoken about and have used to criticize the bill. Sixty percent of senior citizens pay no income-related premium whatsoever; 40 percent pay some income-related premium, but those 40 percent receive more benefit because they have more assets to protect. That is why the premium is scaled to their ability to pay, because this is not really a health care program as such. In many ways, it is an asset protection program. We are protecting people's assets from being wiped out. So in that sense it is fitting that the premium be scaled to the ability to pay.

So, No. 1, it is deficit neutral; No. 2, the income premium is scaled to ability to pay, but that it is a fitting feature of the bill because people's ability to pay indicates how many assets are being protected by the bill. This is an assets protection bill. We are putting those assets in jeopardy by removing this feature from the bill.

Only 5 percent of the beneficiaries or the senior citizens would actually pay the top premium of $800 that has been mentioned so often. The misleading mailings have given the impression that virtually everyone will pay that. It is only 5 percent. The other 95 percent will pay quite a bit less, and in 60 percent of the cases they will pay zero in terms of income-related premiums.

Under the new formulation that the Ways and Means Committee produced, a married couple would have to have a retirement income of over $80,000 to pay that top $800 premium. For someone who has that kind of premium and presumably those kinds of assets, that is a very good bargain indeed.

Finally, let me mention what many Members have called for—instead of catastrophic, long-term care. I have heard Members say that what we do not need is this but long-term care. Let me say to my friends that long-term care would be 5 to 9 times more expensive than catastrophic health care. Most estimates for long-term health care start at $50 billion and go up to $80 billion or $90 billion. It is not realistic and it is not being honest with the Members or with the citizens to say that we will simply switch one for the other. If we are not going to pay for catastrophic at $10 billion to $12 billion, we are certainly not going to pay for long-term care at $50 billion or $80 billion or $90 billion. So it is important to put to rest some of the myths about this bill, about who actually pays, and about the fact that it is not so much a health care program but an asset protection program, and that, therefore, a scaled premium is appropriate, and that only a very few will ever pay that top dollar.

Mr. Chairman, I think it is a very serious step that we are about to take if we are seriously considering wiping away all these very important benefits.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. MICHEL was allowed to proceed out of order.)

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to speak out of order in order that I might inquire of the distinguished majority leader about the program for the balance of the day and for tomorrow.

Mr. CHAIRMAN. Without objection, the gentleman from Illinois may proceed.

Mr. MICHEL. Mr. Chairman, I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it would be our intention to come back tomorrow at 12 o'clock noon to consider the rule for reconciliation and to take up a few of the initial matters on reconciliation, probably including the amendment to repeal section 89 of the income tax code and a number of other more minor matters.

We would then come back on Thursday, probably at 9:00. On the day we would probably be taking up the capital gains proposal, and we would add the alternative to it. I would suspect that Members could expect that we would be finished on Thursday at 3 or 4 o'clock in the afternoon, perhaps even earlier, with the admonition that we still have a continuing resolution that we would like to finish before the end of the fiscal year. The Senate has that under consideration. It may be that they will put an amendment on it, and we would have to consider that. So that may happen sometime on Thursday.

There is also the matter of a legislative appropriations conference, which does need to be done, and that could come either on tomorrow or on Thursday. As the gentleman knows, our plan is to come in for votes probably on Monday around 4:30 in the afternoon.

Mr. MICHEL. And might I inquire of the distinguished majority leader if that scenario suggests, then, taking up catastrophic and child care next week under reconciliation?

□ 1640

Mr. GEPHARDT. That is my understanding.

Mr. MICHEL. And whatever is left, obviously, in the overall package?

Mr. GEPHARDT. The gentleman from Illinois [Mr. MICHEL] is correct.

Mr. MICHEL. And would it be wise to admonish the Members that while we would not expect a vote until 4 or 4:30 late Monday, that if, perchance, we were in a snag on the continuing resolution, being then already into the new fiscal year, the first day, but being able to make some accommodation before the day is over, that we could conceivably have a vote before that hour if it meant shutting down the Government or not shutting down the Government the following day on the continuing resolution?

Mr. GEPHARDT. It is a possibility, but obviously we hope to dispose of that matter this week if we can.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to make two points about the rule as I understand it. One is that it does strike me as very bad policy for the House, as I understand the rule, should the Stenholm-Shaw child care substitute fail and should the Edwards, the Republican, child care substitute fail, we would not decide then between Downey and Hawkins, but would, in fact, send both of them to conference where the conference would apparently be rather free, and we had an example yesterday of just how free conferees can feel on an issue. Could the majority leader, the gentleman from Missouri [Mr. GEPHARDT] enlighten us as to why we would not have an opportunity to decide between these two rather different ways of approaching child care and why the Democratic leadership is choosing to send two bills to conference in effect?

Mr. GEPHARDT. Mr. Chairman, I think the gentleman from Georgia [Mr. GINGRICH] realizes that there will be multiple opportunities to define the question with Stenholm substitute and the Edwards substitute, and Members will have a clear choice between what is done in the approach of the Committee on Ways and Means and the Committee on Labor and Education approach in very different alternatives. So I do not think Members will be denied the ability to make some very important decisions in the area of child care.

Mr. GINGRICH. Mr. Chairman, I think it is clear we are going to have some important decisions, but unless I misunderstand the rule, as it is currently rumored there will be both the Hawkins provision and the Downey provision still in reconciliation without having any of the overlap or disagreements between them having been clarified by the House.

Mr. GEPHARDT. Mr. Chairman, I would just say to the gentleman that the overlap in difference is not very great. There is mostly agreement between those two alternatives. The only place where there is any disagreement whatsoever is in the area of title III, and that has to do with how the moneys are actually used through title XX or through other organizations. I am told that in most States title XX today is the place where child care is actually administered.

So, Mr. Chairman, I do not think it is a very great difference.

Mr. GINGRICH. Mr. Chairman, it was our impression that the Education and Labor version offered about 6 million more than the version of the Committee on Ways and Means. At least it seemed that was a significant amount of money.

However, Mr. Chairman, let me ask one other question.

Mr. MICHEL. Mr. Chairman, before the gentleman from Georgia [Mr. GINGRICH] goes on, there is a way to craft that rule, however, in which either one of those alternatives, either Edwards, as supposedly the Republican substitute, or a marriage between Stenholm and Shaw would prevail over either of the two other appropriations, and it was my understanding that was probably the way that really was to be constructed.

Mr. GEPHARDT. Mr. Chairman, that is my understanding. I think perhaps the gentleman demonstrates a little bit of a lack of confidence in his own proposal.

Mr. GINGRICH. Mr. Chairman, I am just trying to understand the process by which the House ends up sending a variety of things to conference.

One other question was: Will we have, once we finally have a rule, which I assume will come late this evening, and I assume that there will be a request for late filing, which will truly be late on this occasion, will we have any time tomorrow for general debate, or what is the understanding?

Mr. GEPHARDT. Mr. Chairman, I think our intention is to try to finish general debate this evening, however there will be time tomorrow on the matters that we do take up for ample debate, and there will be ample time on Thursday for debate on the capital gains question. I think we will not be without adequate time to get our views in front of the Congress.

Mr. GINGRICH. Good.

Mr. Chairman, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

Mr. MICHEL. Mr. Chairman, I thank the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], and I yield back the balance of my time.

The CHAIRMAN. The Chair will notify the managers of the debate that the gentleman from California [Mr. PANETTA] has 1 hour and 55 minutes remaining, and the gentleman from Minnesota [Mr. FRENZEL] has 2 hours and 19½ minutes remaining.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the gentleman from Minnesota [Mr. FRENZEL] for yielding to me.

Mr Chairman, as a Member of Congress with a large number of housing cooperatives in my district I should like to take this opportunity to thank the Committee on Ways and Means for dealing with one issue concerning housing cooperatives. However, while I appreciate the committee's dealing with the issue of housing cooperative conversions, I would like to make it clear that adoption of the committee's language should not be construed to mean that the Congress generally is in agreement with the IRS effort to apply section 277 of the general revenue code to housing cooperatives.

Mr Chairman, section 277 was enacted in 1969 and was generally assumed at the time to apply to such institutions as country clubs and hunting lodges. There is certainly nothing in the legislative history of section 277 which indicates that Congress intended to apply it to housing cooperatives, and the effort of the Internal Revenue Service subsequently to apply that section in that manner seems to be most inappropriate. When Congress wanted to deal with the question of housing cooperatives, it did so very specifically in section 216 of the Internal Revenue Code, so I think that Congress has plainly shown that when it wanted to deal with housing cooperatives it knew how to do so.

Mr. Chairman, for that reason I think the legislative history of the present provision dealing with housing cooperatives should make it clear that this body is not accepting the decision of the Internal Revenue Service to try to force section 277 on housing cooperatives, and my reason for rising today is to voice that view.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. BUECHNER], a member of the Committee on the Budget.

Mr. BUECHNER. Mr. Chairman, a few weeks ago I thought about what to do on reconciliation, and probably the best thing might have been to dust off some remarks I made on continuing resolutions and bring them out because we are doing the same thing we did under continuing resolutions. We are putting before this body so many different issues in what should not contain so many different issues. We are on the verge of not being the world's greatest deliberative body, but rather the world's greatest amalgamative body.

Mr. Chairman, I think, if one were to carry this ridiculous trend to the extreme, we could visualize having only one or two great votes a year. We could spend the rest of the time having debate, and the debate would be, oh, statistics, and we could point fingers. It would be Republicans versus Democrats, liberals versus conservatives, labor versus management, city versus country, agriculture versus free traders. Oh, we could imagine a tremendous amount of speech making, all of which would mean nothing because at the very end we would have these one or two votes, and I would defy anyone, a political opponent or an editorial writer, to tell where we were on an issue.

Mr. Chairman, we could be asked, "Were you for child care?"

"Oh, yes, I was for child care, but I was opposed to capital gains."

"Are you for IRA's?"

"Oh, no, I'm not for IRAs. What I am for is this."

Mr. Chairman, this mix and match is almost boggling to one's mind. This is not the way we should do our business. There should be votes on important issues.

Remember when there was the circus coming to town? Three rings would take place, three separate acts. Everybody could take a look at an act and say, "Well, I like the jugglers, but I think I'll look at the clowns," or, "I like the trained dogs," but then they take out the three rings, and the main ring would be for the three acts that everybody could look for.

Mr. Chairman, what we have here is not three, not four, not five. We have 9 or 10 acts all going on in the center ring, and I would suggest that that does not do justice to the import of these issues. We could engage in political rhetoric, but we are losing sight of what we are doing, and that is unresponsive to the people of this country.

This circus has a crowd, a crowd of taxpayers. I would say to the taxpayers that the price of admission is about to go up, and that is because the ringmasters, the Democratic leadership, are running every act into the center ring that they can put in.

□ 1650

That is not fair to anyone, whether they be the sponsors or the opponents of these monumental pieces of legislation. We owe a better, better show, and more and more substance to the American people.

I would say that 200 years ago the amount of time that was spent in debating the Bill of Rights pales in comparison to the amount of time we have played around in trying to jam as many issues into one reconciliation bill.

Mr. PANETTA. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I want to take a few moments during general debate to talk about capital gains, the history of capital gains, and really what has transpired over the past few weeks that has ended this week in the great debate here on the House floor.

First of all, I want to say that as we look at this reconciliation bill, I want to pay special tribute to the chairman of the Ways and Means Committee who has the responsibility of every major decision which is evidenced in this reconciliation bill, catastrophic health care, section 89, capital gains, the bubble, all these issues that are on this floor this week come first before the Ways and Means Committee and there the chairman of the committee has the responsibility of trying to work out a bipartisan solution, if that be possible, and if not, let the committee work its will.

Now, I happen to be one who has always believed in a capital gains differential. I do not want anyone to misunderstand my position on that issue. I appreciate those from the more liberal wing of my party who are totally opposed to any differential, because they sincerely believe it. That is all right. That is a legitimate position to take.

I happen to believe that the liberal wing is wrong and that past history ought to be looked at before we go down the road as a Democratic Party in saying we prefer tax increases to a differential in capital gains. That is the decision that we shall make on this floor this week.

For over 50 years, under Republican and Democratic Presidents, neither conservative nor liberal, we have had a capital gains differential until 1986. In 1986, this body maintained the differential and then we raised it by 60 percent in one year, and we are to tell our colleagues wherever we see them that that does not make any difference to the cost of capital, that does not make any difference with our competitive situation.

I tell you, we are going down the wrong road. We are attempting to frame this debate in a class warfare that we are against as a party, anything that may flow to the high or middle income, to use the words they so often use in this rhetoric, to the very wealthy.

Well, let me tell you, 75 percent of the capital gains on tax returns that were filed in the last year that we have statistics came from people with $50,000 or less in earned income. You try to tell that person with a farm who has farmed for 40 years, and that is their only asset, they are ready to sell it and to use that profit, inflation-driven, whether it be $100,000 or $200,000, and you tell those people that have no Government pension, that have no fancy retirement plans, that they are the rich, that they ought to pay 40 percent, the Federal plus the State, capital gains tax.

You tell that small businessperson that has worked in a business for 40 years and has now reached the age of retirement and wants to sell the business, and they have $150,000 or $200,000, you tell them that they are the very rich and that they should not have any consideration.

How can we as an institution justify to our constituents or to one another that a citizen of Germany or the Netherlands or Korea or a variety of all our trading partners that have a zero capital gains rate, under our tax treaties can buy assets in America, properties here and make a profit on these assets, and never pay one single nickel of capital gains taxes here.

How can we justify this position of the liberal wing of my party that says it is better to raise taxes of $38 billion?

You know, we use catch words now. It used to be revenue enhancement. Now it is elimination of the bubble; but whatever term you use, $38 billion in new taxes is what it amounts to.

The bottom line of this ultimate decision that this body must make is only two things, and only two things that shall be remembered when it is all over a year from now. Did you vote for higher taxes, or did you vote against higher taxes?

The second question: Did you vote for capital gains reduction or did you vote against it? Those are the only two questions that shall survive this debate.

Mr. Chairman, I look forward to the debate on Thursday. I know that people have strong opinions. Someone was trying to answer a few minutes ago what John Kennedy recommended to the Congress in 1963. Well, he recommended that individual capital gains rates be taken down to 19.5 percent is what he recommended in his message to the Congress. This proposal does not take capital gains rates down to 19.5 percent.

This is not a Republican-Democrat issue. This should not be really a liberal-conservative issue. It should be an issue that each individual Member who represents the same number of people thinks is best for the Nation and best for their constituents.

I happen to believe that for my 600,000 people and for this Nation that it is better to have a lower capital gains rate, because I believe that it creates investment, that it creates jobs, that it is good for the economy and that it is good for our people.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. Fawell].

Mr. BARTLETT. Mr. Chairman, as the House is debating the remaining controversies within budget reconciliation, one significant item has been agreed to by both sides of the aisle. I rise to call your attention to an obscure but powerful and positive section of the Budget Reconciliation Act, the Social Security Work Incentives Act. This section represents a bipartisan compromise based on H.R. 8. This compromise removes an essential disincentive to work by allowing Social Security disability insurance [SSDI] recipients to return to work and earn above the substantial gainful activity level without losing their health care benefits.

The 99th Congress enacted Public Law 99-643, the Employment Opportunities for Disabled Americans Act. This legislation eliminated work disincentives for SSI recipients who want to accept a job without losing their health care benefits. Data from the Social Security Administration shows that this law is having its intended effect. Since enactment of Public Law 99-643, SSI recipients with earnings has increased by 20,000 nationwide. Since enactment, participation in 1619(a), those with earnings who receive some cash benefits and Medicaid has increased 1,387 percent and participation in 1619(b), those with earnings who receive only Medicaid benefits has increased by 25 percent. But Public Law 99-643 only dealt with SSI. Legislation is needed to extend work incentives to the SSDI population.

Last year Congressman Levin, Congressman Archer, Congressman Matsui, Congressman Gradison and I, along with 94 original cosponsors introduced the Social Security Work Incentives Act which removed these same work disincentives in the SSDI program. In January 1989, this legislation was reintroduced in the House as H.R. 8, and currently has 190 cosponsors. In working with four House subcommittees—the Subcommittee on Health, the Subcommittee on Social Security, and the Subcommittee on Human Resources under the House Ways and Means Committee and the Subcommittee on Health and the Environment under the House Energy and Commerce Committee, a compromise was developed, the H.R. 8 compromise. The H.R. 8 compromise is included in H.R. 3299.

The reasons for the compromise is to reduce the cost estimate of the original bill. These cost estimates were, in my opinion, inflated; nevertheless, they had to be considered.

In essence, H.R. 8 provided two basic benefits to SSDI recipients: First, a cash benefit offset of $1 reduction in benefits for every $2 earned, and second, a Medicare buy-in for health insurance if the disabled employed adult was unable to secure health insurance through his employer.

Most of the cost estimate was contained in the case benefit offset, and most of the work disincentives are based on access to health insurance. The H.R. 8 compromise retains the essential health insurance provisions, while substantially limiting who is eligible for the cash benefit offset. The compromise includes:

First, access to a Medicare buy-in as a health insurer of last resort for all SSDI recipients;

Second, a cash benefit offset to a small group of SSDI beneficiaries known as disabled adult children; and,

Third, permits SSDI individuals to opt into SSI and the section 1619 Work Incentive Program established under Public Law 99-643 if they are otherwise eligible for SSI.

I have attached an outline of the details of this compromise which I ask to be included in the Record at the end of my statement.

Today there are 2.8 million disabled recipients who receive SSDI benefits and only one-half of 1 percent of these workers, or 14,000 people per year are returning to the work force. Thirty-three percent of disabled SSDI recipients are under age 45 and in the prime of their work years. These people want to try to go back to work, but the potential loss of Medicare after 48 months is a enormous disincentive.

The impact of this legislation will be dramatic. The average SSDI benefit is $550 per month or approximately $7,000 per year. If 1,000 SSDI recipients return to the work force, the Government will save $7 million in annual benefit payments; if 10,000 SSDI recipients return to the work force, $70 million will be saved in annual benefit payments, and if 100,000 SSDI recipients return to work, $700 million will be saved. In addition, this legislation will result in more working disabled persons paying income taxes to the Government and contributing to our economy, rather than remaining dependent on Federal SSDI benefits.

Enactment of the H.R. 8 compromise will result in removing major work disincentives so that thousands of SSDI recipients will have the opportunity to return to work. The H.R. 8 compromise will provide disabled persons with the security they need to accept a job and lead independent lives.

Senator RIEGLE and Senator DOLE have introduced similar legislation, S. 1358, and are working to include it in the Senate budget reconciliation bill. Barriers to work must be removed from Federal programs so that disabled people who want to work will have that opportunity.

Regardless of the outcome of the other items in reconciliation, H.R. 8 with its removal of barriers to work for disabled people must be retained and signed into law. Disabled people will return to work and improve their lives. American productivity will increase with a larger labor force, and the taxpayers will benefit with lower costs.

H.R. 8 COMPROMISE

1. Medicare Buy-In—All SSDI beneficiaries who return to work and retain their disability would be able to buy into the Medicare system after the person has exhausted the normal Medicare coverage. This will occur after the person has exhausted the trial work period and the extended period of eligibility (48 months). For disabled adult children, this will occur at the end of 48 months in the "disabled and working" status. The trial work period and extended period of eligibility will be eliminated for disabled adult children.

The rules for buying into Medicare are similar to those in the orignal H.R. 8 bill: Medicaid will pay the entire premium for those earning less than 200% of poverty ($11,960 in 1989); for those earning between 150% and 200% of poverty States could, at their option, require the disabled worker to pay part of the premium based on his income; and for those earning over 200% of poverty, the individual would pay the entire premium.

2. Disabled Adult Children—The H.R. 8 compromise clarifies and streamlines the law for SSDI beneficiaries who may otherwise be eligible for SSI. Disabled adult children are individuals whose onset of disability occurred before age 21 and who receive SSDI as a result of the death, retirement or disability of their parents. These individuals will be eligible for the Medicare buy-in and the cash benefit offset as contained in the original H.R. 8 legislation. Once they earn over the SGA level, these individuals will be in a special category entitled "disabled and working."

3. Option for SSDI recipients to participate in SSI and the Section 1619 Work Incentive Program—The H.R. 8 compromise will allow SSDI recipients the option to come under the SSI program after completion of the nine month trial work period when the recipient is no longer receiving SSDI cash benefits. These SSDI recipients could move into SSDI and the Section 1619 work incentive program without first having a month of regular SSI benefits. This option would only apply to those individuals who meet the SSI income and resource test under current law. This option will allow SSI eligible SSDI recipients the opportunity to work under the Section 1619 work incentive program.

4. Cost—CBO has estimated that the Medicare buy-in will be less than $500,000 for FY90 and $5 million for FY91. The CBO estimate for the disabled adult child offset is less than $500,000 in FY90 and $1 million in FY91. The CBO estimate for the SSI option is $2 million in FY90 and $6 million in FY91.

5. Potential Impact—Today, only one-half of one percent of SSDI beneficiaries return to work, approximately 14,000 people. By giving SSDI recipients the opportunity to buy into the Medicare system, a major work disincentive is eliminated and more SSDI recipients will return to work. The average SSDI benefit is $550 per month or approximately $7,000 per year. If 1,000 SSDI recipients return to the work force, the government will save $7 million in annual benefit payments; if 10,000 SSDI recipients return to the work force, the government will save $70 million in annual benefit payments; and, if 100,000 SSDI recipients return to the work force, the government will save $700 million in annual benefit payments. In addition, these workers will become taxpayers and contribute to the economy.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the member of the Committee on Ways and Means, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, let me spend my 5 minutes on the capital gains issue.

The proposal is going to increase the deficit. The latest estimate is a $21 billion, in this next decade, increase in the deficit. It is unfair. I am not at all for class warfare. I am very much opposed to it. I am for equity among income groups in America, and these data are unrefuted.

Eighty percent of the benefit of the gain, the benefit of the capital gains tax proposal, would go to income groupings of $100,000 and above, and 60 percent of the benefit would go to families with incomes of $200,000 and more.

Mr. Chairman, it is not class warfare to criticize that. Equity among income groups in America is the opposite of class warfare, the opposite of class warfare.

True, Germany does not have a tax on capital gains. It has one on wealth. Japan has just instituted a tax on capital gains.

I want to spend most of my 5 minutes, and there will be more time on Thursday, talking about the issue of growth, because some try to portray the capital gains cut as a progrowth measure, and I for one, if it were such, could stand a little bit of diversity in terms of taxation impact, but the evidence does not support this argument that capital gains tax cuts are progrowth.

The head of the Budget Bureau says it is his intuition. But what is the hard evidence?

We have the 1985 Treasury Department study, the only comprehensive study ever undertaken by the U.S. Government, and it showed that the result of the previous tax cuts in capital gains would increase national income one quarter of 1 percent over 50 years, one quarter of 1 percent over 50 years. Is that progrowth? Not at all.

I have just received an analysis from the Congressional Research Service, and this is what Jane Cravelle says, and I will be glad to give a copy of this memo to my colleagues. It says that:

> Our calculations suggest the capital gains tax cuts will actually reduce, reduce, the overall capital stock in investment by about 0.6 percent.
>
> This reduction in savings arises out of what is termed an income effect. A capital gains tax cut provides the largest reductions to those who have already accumulated savings and have a lesser tendency to save.

□ 1710

So what is used besides intuition to support the progrowth argument? The name of John Kennedy. It is said in the early 1960's he proposed a cut in the capital gains.

First of all, it should be remembered the ultimate proposal did not have such a tax cut, and also what is not said is that in the proposal of John F. Kennedy, along with a cut in the capital gains was a proposal to tax capital gains at death, and that is not included in the proposal before us, not at all.

So what do we have here? I agree this is not or should not be a partisan issue, and it should not be a liberal or a conservative issue. We have a proposal that claims it is progrowth when it really has no hard evidence at all to support that. It increases the deficit and it is unfair among income groups in America.

I cannot think of a more inappropriate proposal at this time. I look at the chairman of the Budget Committee. He is leading efforts within this Congress to confront at long last realistically the budget deficit in this country. He is saying to us, and others are saying the same thing, it is time to face reality. To do that we are going to have to do it together, the Senate and the House, Democrats and Republicans, and yes, Congress and the President of the United States.

But instead of that kind of coalescing, at this critical moment we are dividing ourselves over this proposal of the President for a differential in capital gains. It is a bad policy, Members of this House. It is also going to turn out, if it were victorious, as bad politics. I urge when we come to it that we defeat this proposal and adopt the Democratic alternative.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT] the vice chairman of the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Chairman, the reconciliation bill before us now is a large and complex one. It involves many different issues. I would like to speak about one small, but very important, issue in it. The issue involves the aviation trust fund.

The aviation trust fund was created in 1970. It was designed to fund aviation capital improvements. This includes airport construction as well as air traffic control modernization. But it does not include the operations of the FAA or the salaries of its workers. That is supposed to be funded out of the general fund.

In recent years, the trust fund has been modified to allow limited trust fund spending on FAA's operations and salaries. But still, the basic purpose of the trust fund—to pay for capital improvements—has not changed.

Now, under the guise of spending more on FAA's salaries and operations, the Appropriations Committee has convinced the Ways and Means Committee to divert almost $1 billion in aviation user fees into the general fund. This diversion is wrong. It is wrong for several reasons:

First, it will not even assure that more money is spent on FAA salaries. When the money is diverted to the general fund, it is there to be spent on anything, not necessarily reserved for the FAA or any aviation program.

Second, diverting money intended for the trust fund into the general fund would not help the deficit or affect the Federal Government's total budget receipts in any way. We have letters supporting this from both the chairman of the Budget Committee and the Director of CBO. Therefore, there is no reason for the diversion provision in this bill.

Finally, and most importantly, this diversion violates the trust people place in trust funds. Aviation users have been led to believe that the taxes they pay will be used to improve and modernize the aviation system, not diverted into the general fund. And, as we all know, the aviation system has billions of dollars in capital spending needs out there.

Later, during consideration of this bill, an amendment will be offered that will strike this diversion. This amendment will ensure that aviation taxes and user fees continue to be placed in the aviation trust fund rather than diverted into the general fund. When this amendment is offered, I urge my colleagues to support it.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PICKLE], a member of the Committee on Ways and Means.

Mr. PICKLE. Mr. Chairman, I have always supported capital gains tax cuts because of the beneficial impact a lower rate has on investment and jobs creation. Certainly, a proposal that will spur the economy in those terms would help my district in central Texas, which has suffered from a prolonged downturn in the economy.

I regret that the capital gains issue has been couched by some as a party issue. It was not so long ago that a majority of Democrats supported differential tax treatment of capital gains, but to listen to some of the comments made during this debate you might conclude that a measure which is beneficial to middle-income taxpayers and promotes business development has no place in our party's agenda. Well, I don't agree. When Congressman ED JENKINS first put together his proposal to provide a maximum regular tax rate of 19.6 percent on capital gains, I joined in to suport his efforts for a number of reasons. First, I believe a capital gains tax cut will help lower the cost of capital, which in turn will help business attract investors and create new job opportunities. A capital gains initiative also helps encourage investment in riskier startup companies such as the high-technology firms that have settled in and around Austin, TX. I feel this type of investment could be helpful to our economy to give it a much-needed shot in the arm.

Furthermore, unlike the President's plan and other proposals, the Jenkins amendment inludes depreciable real estate and makes the tax reduction applicable to assets that were already held. These are features of a capital gains proposal that I urged be included. The Jenkins amendment is not perfect and I recognize that. For example, I would have preferred a permanent cut rather than the temporary exclusion followed by indexing. But this is a foundation on which we can build support for other changes.

I also found the Jenkins capital gains proposal attractive because it raised revenue that could be used to fund expiring provisions such as the mortgage credit certificates, the research and development tax credit, educational assistance tax incentives, and the targeted jobs tax credit. All of these incentives have been given a strong show of support in my 10th Congressional District of Texas.

Capital gains tax cuts have been criticized as providing benefits only for the wealthy. However, upper income folks are not the only people who will benefit from a reduction in the rate. In fact, the last available information from the Department of the Treasury showed that three-fourths of all tax returns with capital gains were reported by taxpayers with wage and salary income of less than $50,000. I know from the response that I have had from my district, that many taxpayers with potential capital gains do not consider themselves rich.

Finally, I would like to briefly comment on the proposal to expand the use of individual retirement accounts as an alternative to capital gains. I was one of the authors of the legislation that extended IRA's to all workers, so I would be happy to see an expanded IRA incentive that would restore my proposal from its 1986 cutback. But I do not want to see the IRA proposal used as a tool to kill capital gains tax cuts. Each provides a different type of incentive and both, in my view, are good for the United States, and would hope we will have the opportunity to consider them independently.

Mr. Chairman, I believe enactment of this capital gains proposal will be an important first step toward restoring the sound and fair tax policy vital to our country's economic future. I urge my colleagues to consider this measure on its merits and not on a partisan basis.

☐ 1720

Mr. Chairman, included within budget reconciliation is a tremendously important, bipartisan, and widely-supported protaxpayer reform package which will eliminate unnecessary complexity and improve the fairness and effectiveness of our civil tax penalty system.

This reform legislation was recommended by my subcommittee on oversight following an 18-month comprehensive review of the current penalty system. The penalty package was originally set forth in H.R. 2528, the Improved Penalty Administration and Compliance Tax Act [IMPACT], and is accompanied by a detailed set of recommendations for improved penalty administration by the Internal Revenue Service.

In a nutshell, IMPACT will make our civil tax penalty system simpler and fairer for all taxpayers. It will ensure that the IRS treats taxpayers in an honest and impartial manner. And importantly, this reform package will maintain the trust of honest taxpayers by ensuring that there are proper penalties for those who fail to comply with our Federal tax laws.

Since first proposed, this reform package has received widespread and enthusiastic support from all segments of the tax community including the White House, American Bar Association, and American Institute of Certified Public Accountants, the American Banking Association. Support for IMPACT is not limited to Government agencies and professional tax organizations. Individual taxpayers and businesses have written letters to indicate their approval. I want to strongly urge my colleagues to join in enacting this crucial reform legislation.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the gentleman from

New York [Mr. LENT], the vice chairman of the Committee on Energy and Commerce.

Mr. LENT. Mr. Chairman, the first concurrent budget resolution instructed the Committee on Energy and Commerce to achieve $2.7 billion in reconciliation savings. Title IV of H.R. 3299, the Omnibus Budget Reconciliation Act of 1989, reflects the committee's action pursuant to those instructions.

Savings are achieved through user fees for, first, the Nuclear Regulatory Commission; second; the Securities and Exchange Commission; and third, the Federal Communications Commission. In addition, title IV reflects savings in the Medicare Program, which were achieved in conjunction with the Committee on Ways and Means. Finally, title IV provides for a significant expansion of the Medicaid Program.

I would like to take a few minutes to address each of these programs. Some of them I support wholeheartedly. Others, I have reservations about.

NUCLEAR REGULATORY COMMISSION USER FEES

Title IV authorizes the Nuclear Regulatory Commission to recover 100 percent of its budget through user fees. This 100-percent user fee has been advocated by both the Bush and Reagan administrations, and has been approved by the Committee on Energy and Commerce repeatedly in the past in both reconciliation and NRC reauthorization legislation. In fact, the language in title IV is comparable to the language contained in H.R. 1549, the NRC fiscal year 1990-91 authorization bill, which received a rule in July and is currently awaiting scheduling by the Democratic leadership.

The annual charges required in this bill are applicable only to large commercial power reactors, as is the case under current NRC legislation implementing the Consolidated Budget Reorganization Act of 1987, which requires the NRC to recover 45 percent of its budget through user fees. Unless new legislation is enacted, the amount of these user fees will decrease to 33 percent in fiscal year 1990.

I urge my colleagues to support the NRC user fee provision.

SECURITIES AND EXCHANGE COMMISSION USER FEES

In recent years, it has become apparent that the SEC lacks the resources necessary to carry out fully its statutory mandates. To that end, the Committee on Energy and Commerce has labored to give the SEC the enforcement tools that it needs to protect the integrity of the securities markets. But the SEC has lacked the personnel to employ all of the tools at its disposal.

Today we are able to provide the means for raising the Commission's funding. Title IV provides for modest increases in a range of fees, including stock transaction fees, proxy and tender offer fees, and registration fees for equity offerings. For the first time, the stock transaction fee will apply to the NASDAQ ["Naz-dak"] national market system stocks. This change levels the playing field between competing marketplaces.

The amounts of the user fees required in this bill are very modest and are spread evenly so that no one segment is overly burdened. I am confident that the amount of these fees will satisfy the needs of the Commission without discouraging investment and trading. They will also enable the SEC to offer greater protection to the securities markets, investors, and the public. I urge my colleagues to support this provision.

FEDERAL COMMUNICATIONS COMMISSION USER FEES

The budget reconciliation agreement required this committee to recover $50 million from the FCC in "user fees." As we examined the alternatives, it became clear that there was only one way to reach that figure in an equitable way: by increasing the amount of application filing fees which the FCC requires to be paid by communications companies, and by eliminating present exemptions from those fees.

I realize that this filing fee increase is not universally popular among some segments of the industry, but I would remind those that oppose it, that the alternatives, such as spectrum auctions, could be worse.

I also want to comment briefly on two other matters contained in this portion of the FCC user fee provisions. First, it includes language to codify the fairness doctrine. The fairness doctrine has overwhelming support in the committee and in Congress. Legislation to write the doctrine into law has passed the Energy and Commerce Committee twice, most recently by voice vote in April. Attaching the fairness doctrine to reconciliation is the quickest way to assure that it will be enacted. Only then will the controversy over whether the doctrine is constitutional finally be decided in the courts.

Second, the committee adopted language to correct problems with the dial-porn statute that were identified by the Supreme Court in the Sable case decided in June 1989. The Court approved Congress' action to ban "obscene" dial-porn, but ruled that "indecent" dial-porn should not have been completely banned. This amendment bans all obscene dial-porn and indecent dial-porn to minors, not just dial-porn transmitted interstate. This provision also imposes strict "blocking" requirements. Adults would receive indecent dial-porn only if they requested access to it from the phone company. This is the toughest action Congress can take consistent with the Supreme Court's decision. This dial-porn language should be the last piece of the puzzle that results in an end to this—once and for all.

I urge my colleagues to support the FCC user fee provisions in their current form.

MEDICAID RECONCILIATION PROVISIONS

Having addressed those portions of the bill that I support, unfortunately I must now turn to those portions which cause me great concern.

I am compelled to register my strong opposition to the Medicaid Budget Reconciliation Amendments of 1989 contained in title IV. The five Medicaid provisions contained therein will greatly increase Federal spending in the Medicaid Program, as well as place a financial burden on States which pay 45 percent of the total Medicaid bill.

What makes it worse, this financial earthquake is accomplished by means of a reconciliation bill which is supposed to be a budget-cutting vehicle. By slipping effective dates on some of the pending provisions so that only one calendar quarter's worth of spending occurs in fiscal year 1990, the provisions technically meet the budget target. But in the outyears, these Medicaid provisions will cost additional billions of dollars. The administration estimates that, taken together, these measures will increase Federal spending in the Medicaid Program by approximately $8.6 billion over a 5-year period.

We must also be aware that the Federal costs of these Medicaid provisions, while great, are only half of the story. The States face equally large expenditures if these measures are enacted. The Governors have recently registered their strong opposition to the Medicaid budget reconciliation amendments. Under the auspices of the National Governors' Association, 49 Governors last month sent a letter to Congress urging a 2-year moratorium from any more federally mandated Medicaid expansions. the Governors stated that Medicaid is one of the fastest growing parts of their budgets, and they urged us to give them time to adjust to the increasing demands on their budgets.

At the appropriate time I will insert this letter from the National Governors' Association in the RECORD.

Mr. Chairman, we must not look at just 1 year. We must consider Federal spending in the context of the years ahead, if we are truly serious about cutting our budget deficit. The administration is the official scorekeeper, and to the extent that the Medicaid provisions in title IV match the administration's estimates, the fiscal year 1991 budget deficit will be increased by $1.2 billion. We must not, and should not, let this happen.

MEDICARE RECONCILIATION PROVISIONS

Last, but certainly not least, let me address the issue of the Medicare Catastrophic Program. This is an issue of great concern not only to me, but to many of my colleagues.

The Energy and Commerce Committee did not take action to address the very significant problems that have resulted from passage of the Medicare Catastrophic Coverage Act because the committee does not have jurisdiction over its main financing component, the surtax. However, while the House Ways and Means Committee did take action to revise the program, I believe, along with many of my colleagues, that this program cannot be fixed. Therefore, should the rule allow this amendment, it is my intention to support the amendment to be offered by Mr. DONNELLY and Mr. ARCHER to repeal this program so that Congress can start afresh.

I take this step with a great deal of regret. When President Reagan proposed to expand Medicare coverage to include catastrophic health care coverage, I thought it was a wonderful idea. I still do. However, the version signed into law bears virtually no resemblance to the President's original program. The Medicare Catastrophic Coverage Act represents a good idea that was taken too far. Instead of just providing for truly catastrophic benefits such as extended hospital stays at a modest and equitable cost, the Congress added in array of benefits that go far beyond the notion of catastrophic coverage. While all of the benefits, such as the drug program, are certainly meritorious, they are benefits that the elderly do not want and do not want to pay for with a surtax.

Moreover, it has become very clear in recent weeks that the costs of the Medicare Catastrophic Coverage Act were grossly underestimated. The Congressional Budget Office recently informed us that the 5-year cost of the bill had been underestimated by $17 billion; the program is projected to cost $48.2 billion over 5 years instead of the original estimate of $31 billion. The elderly do not want this program and the country can ill afford to finance a program that costs so much and provides so little in substantive benefits. I urge my colleagues to join me in supporting the Donnelly-Archer repeal amendment

The letter referred to is as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, August 1, 1989.

DEAR MEMBER OF CONGRESS: Today the nation's Governors took action calling on Congress and the White House to adopt a two year freeze on the enactment of further Medicaid mandates. Our Resolution was based on our increasing concern with the impact of the last three years of Medicaid mandates on our budgets, and consequently, on our ability to properly fund education and other important services.

The Governors continue to support state options to assure Medicaid eligibility to our most vulnerable populations. Moreover, we are keenly aware that 37 million Americans remain uninsured. Consequently, we believe now is the time to debate solutions to our national health care crisis that accommodate both access to quality health care for all Americans and the need to control spiraling health care costs.

The Governors proposed to use the two-year freeze to work with Congress and the White House on a bipartisan basis, as we did on welfare reform, to find the best solutions to the health care crisis that confronts this nation.

Sincerely,

TERRY E. BRANSTED,
Chairman,
Governor of Iowa.
BOOTH GARDNER,
Vice Chairman,
Governor of Washington.
(And 47 other Governors).

RESOLUTION ON HEALTH CARE

(Proposed by the Committee on Human Resources)

Be it resolved, that the nation's Governors call on Congress and the White House not to enact any Medicaid mandates for a period of two years. Recent Medicaid mandates have put great stress on state budgets and undermined the states' ability to properly fund education and other important services.

Governors recognize that there is an urgent need to ensure the availability and quality of health care for all of our citizens, as well as to control health care costs. There are currently more than 3 million Americans—most of them working families and children—without access to basic health care.

The accelerating costs of Medicaid, Medicare, and other health programs argue for a new look at health care financing options, including federalization of Medicaid or an aggressive effort to restructure the system.

Therefore, the Governors propose to use the two-year freeze to work with Congress and the White House on a bipartisan basis, as we did on welfare reform, to find the best solutions to stem escalating costs while ensuring access to needed health care services for all Americans.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, the 1990 budget resolution instructed the Committee on Merchant Marine and Fisheries to generate $200 million in savings for each of fiscal years 1990 and 1991. The assumption was that we would meet this target by proposing Coast Guard user fees. Our committee has always complied with reconciliation instructions and it has complied again this year.

We reported three items that together generate the required $200 million in savings:

First, a fee on cruise ship operators for Coast Guard services and harbor maintenance;

Second, an ocean protection fee on holders of offshore oil leases to offset the costs of Outer Continental Shelf environmental programs; and

Third, a transfer of interest from the Panama Canal Escrow Fund.

Section 7001 imposes a fee on the operators of cruise and gambling vessels, equal to $20 per passenger. Much of the funding required by the Coast Guard for port safety and security and antiterrorism plus a substantial percentage of the amounts necessary for navigation, such as channel marking and maintenance, is attributable to the growing cruise and gambling ship trade. Publicly owned vessels are exempt, as are domestic voyages of less than 12 hours.

The cruise ship fee is a fee for Coast Guard services. Since there are fewer than a half-dozen, U.S.-owned cruise ships, the overwhelming majority of this fee will be paid by foreign ship owners. It generates $128 million in savings for fiscal 1990 and $144 million for fiscal 1991. However, since we were instructed to generate $200 million, the committee added two additional items.

Section 7002 levies an ocean protection fee of $1 per acre on holders of offshore oil leases. This fee offsets the costs of Federal environmental programs which support OCS leasing and development. The funds collected are divided equally between the ocean environmental programs of the National Oceanic and Atmospheric Administration and the Interior Department. It generates $31 million in fiscal 1990 and $32 million in fiscal 1991.

Finally, under Executive order, all United States payments to the Republic of Panama are currently being held in escrow. Amounts related to the Panama Canal will generate $32 million in interest by the end of fiscal year 1990. Section 7004 of this bill authorizes up to $5 million per fiscal year to pay for the extraordinary canal expenses caused by the Noriega regime. Remaining interest is deposited into the U.S. Treasury. This provision generates $23 million in fiscal year 1990 and $21 million in fiscal year 1991.

Clearly, we have complied with the letter and spirit of reconciliation. We got our savings from three sources: first, foreign-owned cruise ships; second, oil companies; and third, the Noriega regime.

Apparently, the Committee on Ways and Means is arguing that the cruise ship fee and the ocean protection fee are really taxes. The Interior Committee argues that the ocean protection fee is not our jurisdiction. These other committees want to strike our fees from the bill.

I suppose we will argue this point later in the week. Right now, I would just say that these matters are well within my committee's jurisdiction. My committee worked hard, and on a bipartisan basis, to achieve these savings and was faced with choosing among unpopular options.

If other committees do not like our choices, I hope they are prepared to suggest better ways to generate $335 million. Maybe they would prefer to charge American boaters rather than foreign cruise ship owners. Perhaps they would hit middle America with higher taxes to support ocean protection rather than oil companies. Maybe they would ask their own constituents to pay rather than General Noriega.

I hope our sister committees will not press these points further. If they do, I will be anxious to hear their responses to these questions later in the week.

Mr. DAVIS. Mr. Chairman, I rise today to congratulate the Budget Committee for bringing this important legislation to the floor and the Merchant Marine and Fisheries Committee for its outstanding work included in this omnibus reconciliation bill.

Included within the Merchant Marine and Fisheries Committee's package are several provisions dealing with the Panama Canal Commission which deserve special notice. The first of these provisions is the annual authorization legislation. The second is a bill to grant temporary commissary privileges to certain American employees of the Panama Canal Commission who must live off the economy during these dangerous times in Panama. The House had already shown its support for this by passing similar legislation in the last Congress.

The final Panama Canal Commission provision included in this package deals with the escrow account which the United States Government has established to collect any funds owned to the Republic of Panama by any American agency or company. This fund will be maintained by the United States Government until a democratically elected government is in place in Panama. This escrow account is made up almost entirely of funds due to the Republic of Panama by the Panama Canal Commission because of treaty obligations. This provisions would allow the Panama Canal Commission to use up to $5 million of the interest from this account to cover extraordinary and unexpected costs due directly to the harassment of Canal Commission employees by the Noriega regime.

The Panama Canal Commission has continued to honor their treaty obligations and maintain the operations of the canal even during times of extreme civil disturbances and unrest. Unfortunately, the Noriega regime has continued to make life difficult for American and Panamanian employees of the Canal Commission.

Mr. Chairman, my committee was given the task of coming up with $200 million in budget savings for fiscal year 1990. We have complied with the Budget Committee's mandate once again this year in a timely and appropriate manner. The Merchant Marine and Fisheries Committee has once again rejected the so-called Coast Guard user fees on recreational boaters because we feel they are a tax not a fee. We have, however included within our package a new fee on cruise ship operators, a new OCS ocean protection fee, and new fees associated with our comprehensive oil spill package which will be coming to the floor in the near future. As you all may know, the Coast Guard has responsibility in each of these areas. I understand that there may be objection to these provisions because they are not fees but taxes. If this is true, I wish the same voices would speak up and be listened to each time the recreational fees are proposed.

Mr. Chairman, the Merchant Marine and Fisheries Committee's provisions within the omnibus reconciliation legislation are a realistic and serious means of helping us reach our budget targets and should be adopted.

□ 1730

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. ANTHONY) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

□ 1732

The SPEAKER pro tempore. The Committee will resume its sitting.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, on September 26 I was unavoidably absent and missed two votes due to a longstanding commitment in my State. Had I been present, I would have voted "yea" on rollcall No. 245, on passage of the short-term continuing appropriations for fiscal year 1990 and "yea" on rollcall No. 246, on the rule agreeing to a 6-hour debate on the omnibus budget reconciliation.

OMNIBUS BUDGET RECONCILIATION ACT OF 1989

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. BILIRAKIS], a member of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Chairman, I appreciate the opportunity to express some of my concerns about the budget reconciliation package for fiscal year 1990 with regard to the Medicare fee schedule based on the resource-based relative value scale system [RBRVS]. While I agree that changes are needed within the current reasonable charge methodology for paying physicians, I am of the opinion that Congress needs to evaluate the serious repercussions the RBRVS fee schedule may create for doctors and their patients.

Both the House Energy and Commerce and House Ways and Means Committees approved new Medicare fee schedule proposals for doctors which may create serious problems for patients and physicians from specific geographic regions of the country such as Florida, California, and Texas. According to the Health Care Financing Administration, RBRVS will create reductions in Medicare reimbursment of well over 30% for some physicians in Florida.

In addition, these reductions could drastically affect services to both Medicare and nonMedicare patients. It is possible that all patients would bear the burden of the reductions in several ways, including less incentives for physicians to accept Medicare patients and higher medical bills for nonMedicare patients.

Due to my concerns about the effects this could have on a State like Florida, which has a high percentage of seniors, I offered an amendment to improve the proposal while it was being considered by the Energy and Commerce Health and Environment Subcommittee. My amendment would have delayed the implementation of the energy and commerce RBRVS proposal unitl 1991.

In this way, our medical community would have been given more time to evaluate the RBRVS proposal. Unfortunately, my amendment was not included in the reconciliation package and I did not offer it at the full committee level. In my opinion, extending the RBRVS phase-in period from 4 to 6 years would also be in order.

Mr. Chairman, I argue for a delay in adopting the new fee schedule so the methodologies for determining Medicare reimbursement to physicians for a particular service can be evaluated appropriately. In fact, it now appears that 8 of the 18 medical specialties reviewed in the Harvard study conducted by Dr. Hsiao may be reanalyzed.

Additionally, I am particularly disturbed about the effects this proposal will have on Medicare beneficiaries and physicians from the State of Florida. As you can well imagine, there are many specialized doctors in my State, a State fourth in population, and I am receiving letters and calls from them expressing their opposition to this new fee schedule.

One general surgeon in my district, who has a Medicare patient load of approximately 85 percent, believes that this decrease will make it difficult to maintain the quality of care which has been available to all patients in the past. Another physician, who is a family practitioner, called to express his disapproval with the proposal and told my staff that he has decided to find another profession.

For these reasons, I continue to believe that the RBRVS proposal is one which requires more thought before it is implemented. Congress also must decide if the RBRVS fee schedule would actually lead to improvements in the Medicare Program.

It is my fear that a new fee schedule is just as likely to create difficulties in the Medicare reimbursement process as the current system. A new reimbursement system will have inconsistencies and inadequacies that will need to be resolved. Therefore, we must proceed with great caution when implementing a new Medicare reimbursement fee schedule so the adverse impacts of its proposal will be minimized. Can we afford another catastrophy like the Catastrophic Health Act?

I thank the gentleman from Minnesota, Mr. FRENZEL, concerns with you on the reconciliation package. Hopefully, we will be able to work toward making changes that are helpful to Medicare and non-Medicare patients and not implement a plan which will almost certainly have an adverse affect on the quality of medical care in this country.

The CHAIRMAN. The Chair will notify the managers of the debate that the gentleman from California [Mr. PANETTA] has 1 hour and 30 minutes remaining and the gentleman from Minnesota [Mr. FRENZEL] has 1 hour and 57 minutes remaining.

Mr. SLATTERY. Mr. Chairman, I yield 11 minutes to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, we will hear a lot of numbers tossed around, and we will hear a lot of strategy played out today, and especially tomorrow when we debate the issue, after we know exactly what the Committee on Rules does.

I happen to be a strong supporter of the Jenkins-Archer approach. I voted for it in the committee, and I would like to try to quickly analyze some of the points. The weakest point, in my personal opinion, of the Jenkins-Archer capital gains proposals is that it is only temporary. If it passes and is signed into law, it is effective for only 9-14 and goes through December 31 of 1991. That is the weak point. I would like to see it made permanent. This is a legislative body, Members do what is possible. What was possible was to get a 2-year compromise. What is as important, and Members must understand if Members are supporters of capital gains, and if Members believe that we should not be paying taxes on an inflated rate or an inflated growth rate, Members should support Jenkins-Archer, because after the 2-year moratorium goes by, then all gains are indexed for inflation. That means Americans will only be paying taxes on the real rate of growth. Americans will not be paying taxes on inflation. I think that is very important.

What is the weak point of what we think will be the substitute? The weak point is that it is going to force the Members to take a choice between individual retirement accounts, which I also support, which I tried to defend during the 1986 tax reform markup. Also, raising taxes versus capital gains. I do not think that is very good legislative strategy. I think it is much better to let the membership vote straight up or down on whether they like capital gains, and straight up or down on whether they like individual retirement accounts. We do not have it the way we like it. We get it the way it is handed to Members. So let Members try quickly now to take a look at capital gains.

Members will have people in this well saying, over the next 21 years it will cost x number of dollars. Maybe it does, maybe it does not. What I can say is over the next 5 years, based on Treasury studies that have been submitted to any Member that wants to read them and made part of the markup in the Committee on Ways and Means, is that capital gains will only cost $1.6 billion over the next 5 years. Members can say what they want to over the next 21 years. Most Members will not even be here in the 21st year from today. We will be here debating the budget this year and next year. And the next 2 years raises $2.8, $3.8, and raised $2.7 billion in 1992. In the fourth and fifth year it loses a total of $10.9 billion. We subtract the $9.3 and Members see that it only loses $1.6 billion over 5 years.

Does a Member want to vote for IRA's? What does IRA's cost over 5 years? The latest number that just came from Treasury says that it will cost $15.4 billion in order to give an IRA break to the rich. What I find very fascinating about the position that we are going to be placed in, is that people will come to this floor and say that capital gains will only benefit the rich. Members will hear the number of 80 percent of the benefits go to people earning over $100,000 or more. What they might fail to tell Members is that 76.1 percent of people earning $100,000 in adjusted gross income are the people who have IRA's. In other words, the studies showed that prior to the 1986 Tax Reform Act, that the people with the most money were the people that were able to save.

□ 1740

So we are going to be faced with this dilemma this week. We are asked to vote against an evil capital gains because it helps the rich, but then vote for the IRA because it helps the rich.

Let us take a look at the charts. They are irrefutable. Let us take a look at our little green book from the Ways and Means Committee. It is a public record. It is a document that can be relied upon. It was put together by a very competent staff. Here is what they say:

> As is the case with all exclusions, upper income taxpayers with high marginal tax rates receive more benefit per dollar of IRA contribution than lower income taxpayers with low marginal tax rates. In addition, table 5 documents that the percentage of participation prior to the Tax Reform Act was greatest among upper income taxpayers. Upper income taxpayers made larger contributions as well. Taxpayers with adjusted gross incomes in excess of $50,000 constituted approximately 29 percent of all IRA contributors, but accounted for more than 35 percent of 1985 IRA contributions.

Mr. Chairman, it can be argued whether or not we have new net savings or whether or not we have just a transfer from one savings account to the other to get the tax break. I do not know which is right or which is wrong. I know this: That the rich have more money to save. They have marginal tax rates. Therefore, they are going to benefit more from an IRA. The benefits themselves obviously go to the people who have the most income. They happen to have invested the most money, they have created the most jobs, and they have created the most wealth. But we do have to understand this: When they pay the tax, they also fund the Government, and if we take a look at the net revenues of the Federal Treasury, we find that those people with the highest incomes pay more money than anybody else in any other category.

Why is that? Because they have more taxes to pay, because they have more income, and they earn more. So we have to take a hard look at that.

Why have I come down on the side of the Jenkins proposal? It is principally for one reason. The Bush proposal was flawed because it did not include timber. Bush would say, "I will give you a tax break if you go and buy a piece of paper and slap a little ink on it and put any name on it you want and hold it for a little period of time and sell it, and I will give you a tax break then." But then if you have to plant a seedling and watch that tree grow for 50 years and then cut it down, turn it into pulp, and turn the pulp into paper, you get no break. I said, "That makes no sense at all, because I've got to worry about insects, I've got to worry about fire, I've got to worry about natural disasters, and I've got to nuture this little bitty old seedling for 50 years before I get the full potential out of it, and I get no special break."

Then I said, "But you can go out and buy a piece of paper and get a special break just for that."

Well, the administration finally came to its senses, and they said, "We'll join forces with you. Let us put timber in it."

Why am I interested in timber? I am interested in timber because it happens to be the largest employer in my congressional district. So in this case I am not voting a party issue; I am voting a constituency interest. I want them to keep growing the trees, keep cutting the trees, and keep employing the people and giving them a paycheck, and I hope they save a lot of money and I hope they buy a lot of goods and keep this economy going.

I also happen to represent a lot of farmers. We have farmers who sometimes want to get out of business. They make a one lifetime sale of a valuable asset, and they have to pay taxes on an inflated value. I do not think that is fair. The Jenkins-Archer proposal will say, "You make that sale after the 2-year period is over with, and you still get it adjusted for inflation." I think that is fair. I do not think that is unfair.

If you vote to kill capital gains, you vote to eliminate the ability not to pay taxes on inflation, and I think you are going to have a hard time explaining that if you represent any farmers who would like to sell and put their money in a savings account, draw their Social Security, and move to Florida and have a good life.

What about the elderly who would like to sell their home? Again, this is a one-time life sale. We know what happens. When we look at the chart, the chart calculates that couple as wealthy if that happens to be in a category of selling for between $75,000 and $175,000. That is the 33-percent marginal rate, not an effective rate but a marginal rate, and they all want to eliminate that on the bubble.

So I say to the elderly out there, "If you are going to make a house sale, all of a sudden you are rich and wealthy by the opponents of capital gains and by the supporters of the substitute." I say that is not advisable because those people are not wealthy. They may be wealthy for that one time life sale.

Again let us look at inflation and see what it has done to homeownership in this country. You could go out and buy a little old house 50 years ago, and it might cost you $10,000. It is probably not worth more than $10,000 today, but in many locations today you could sell that house for $300,000. The year you sell that, you are wealthy. They say you are wealthy, you ought to get stuck, and you ought to pay a high tax. I do not agree with that. I think you ought to get a break, and you should not pay taxes on the inflated value of that house. And I think you also ought to get a differential.

That is the position of Jenkins-Archer. Those who vote for the substitute are saying to them, "you should pay the high effective tax rate."

What about the young people? What about the young people who are out of college? They are out there trying to start a business, they are trying to employ some people, they are investing a little bit of their money, and they are investing an awful lot of their talent and their blood, sweat, and tears to try to nurture a business. They would like to see a business grow from one employee to thousands of employees. Would we not like to encourage that person and say, "Put your money in, make it grow, and we are going to give you a little bit of a break if you do that."

We must understand this: We do not get a break on capital gains if we do not do something positive. We have to make a contribution. We have to invest. When we invest, we are helping the economy.

I think we ought to be encouraging these types of entrepreneurs out there to get this economy going and keep it going. We should tell them that we are going to recognize that they should get some type of a break if they get out there and do this.

The bottom line is this: If we vote for the substitute, we are going to vote for $38.8 billion of new revenue into the Government over the next 5 years, and we are going to give it back to the wealthiest people in this country to the tune of $15.4 billion in the next 5 years, and we are going to create a $23.4 billion slush fund for somebody to come and tap into for future spending.

I do not think that is wise. I think what we should do is amend the individual retirement account legislation to allow education and first-time homebuyers to tap into what is already there, and I think we ought to vote for capital gains and vote down the substitute.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, today we begin our annual exercise called budget reconciliation. Following in the rich tradition this body has established for reconciliation bills, this year's bill contains significant amount of gimmickery to arrive at the numbers needed to reach our Gramm-Rudman targets. This bill also contains many controversial provisions, which ensure we will have several days of lively debate.

I'd like to get in my 2 cents' worth on the several matters of particular concern to me in this legislation—capital gains, section 89, and catastrophic repeal—and some items that are in the bill which frankly have no place there, like the fairness doctrine.

First, I'd like to weigh in on the debate surrounding the proposal to reduce tax rates for capital gains. I'm disheartened that the leadership has attempted to couch this debate in terms of partisan loyalty, and to make this an issue that divides along party and income level lines. This is simply not an accurate characterization of this issue.

Since the proposal to reinstate a preferential capital gains rate first surfaced, I have consistently heard from my constituents urging me to support this proposal. The people I have heard from supporting this position certainly couldn't be classified as the "Who's Who of Rich Republicans in southern Arizona." Rather they are average Americans who are concerned with their future and the future of this country. And contrary to the belief of those who say otherwise, they understand that the debate on capital gains is not about who will benefit. They understand that a preferential capital gains rate is about adopting policies to make the United States more competitive in the world; it's about adopting policies to encourage greater private investment; it's about adopting policies that will create an environment for risk taking and new ventures that will provide the jobs and creative new technology to propel us into the 21st century.

The reinstatement of preferential capital gains rates will benefit all taxpayers who realize capital gains, including small business owners, family farmers, and small investors. A reduction in the rate will eliminate the current disincentive to invest, and attract would-be investors to today's most promising new investment opportunities that carry a higher risk.

A capital gains reduction, by attracting new investment and making this investment more competitive, will help make the United States more competitive with other countries with higher levels of savings and investment. Compared with other countries, our tax treatment of investment places American investors at a competitive disadvantage with our major trading partners. A recent study conducted by Spicer & Oppenheim for the Securities Industry Association revealed just how disparate our tax treatment of investment is compared to our major competitors. To quote the study, "The United States has among the hardest tax treatment of investment income. Across-the-board, the United States falls behind this international competitors in the tax treatment of the return from savings—capital gains, dividends, and interest."

In addition, a reduction in the capital gains rate, if enacted, will make us less reliant on foreign investment. If capital gains are made more attractive, Americans will invest in more venture capital whose major investors now are foreigners who pay little or no tax on capital gains.

The proposal to reduce the capital gains tax is not about who wins or who loses. This proposal is about making all Americans better prepared to compete in a world economy. I hope my colleagues will see through the fog that has been spread on this issue and vote to support the Jenkins-Archer capital gains proposal.

While I support the work of the committee on the capital gains issue, I strongly oppose the so-called repeal of section 89 that was adopted by the committee. To call this provision a repeal is at best semantics.

Mr. Chairman, when at the beginning of this Congress the impact of section 89 was felt, a great furor erupted in the business community, and rightly so. Section 89 is an unwarranted Government intrusion into an area that belongs to negotiation between an employer and employee. But to add insult to injustice, section 89, because of its complexity, was effectively forcing employers who did not discriminate in providing benefits, to drop all benefits because of the cost associated with proving there is no discrimination.

At the same time, a furor has brewed here in Congress over this provision which, when enacted, was virtually unknown except to a few, privileged Members. This is not how this body should conduct business.

Since the beginning of this year, forces for repealing section 89 have mounted. An overwhelming majority of this body has cosponsored legislation to repeal section 89. Before recess we passed a provision in the Treasury Postal appropriations bill to delay implementation for a year.

But all along, we have argued for the opportunity for a straight up or down vote on outright repeal of section 89. The provision included in this bill isn't repeal. What it is, is an outrage. Under the guise of "repeal" the committee has maintained many of the onerous provisions in the original law. Mr. Chairman, when we say "repeal," that's what we mean, not partial repeal, or "virtual" repeal. Let's just have a plain and simple repeal.

Today the Rules Committee will meet to decide what amendments will be in order for the remainder of debate on the reconciliation. I'm optimistic they will hear our concerns and allow a vote on repeal. I hope my colleagues will continue to demand the opportunity to vote—once and for all, in the open—on whether to keep, reform, or repeal section 89.

With the seeds of repeal in the air, let's not forget the No. 1 candidate for repeal: the Medicare catastrophic law we passed last year. I have heard from over 1,500 seniors from my district about the Catastrophic Act, twice as many as wrote concerning the congressional pay raise. This issue has also been raised at every townhall I have held since the first of the year. Out of all this outcry, I can count on one hand the voices that have spoken in favor of the Catastrophic Act. This is not a few displeased constituents; this is the public yelling its outrage.

The defenders of the act suggest that all seniors care about is the surtax or don't understand the benefits of the act. Sure they are upset about the surtax, but they are upset because it doesn't cover the care, the cost of which can truly lead to financial catastrophe—long-term nursing home or custodial care. It has been estimated by the Congressional Research Service that only 4 percent of Medicare beneficiaries will fully utilize the provisions and benefits of the Catastrophic Act.

Many of my senior constituents have told me they wouldn't mind the surtax if their real needs were being met. Senior citizens are willing to pay their fair share of taxes, but if we make them pay for something we have to deliver services to match. In this act we missed the mark. We are making them pay megabucks, but they are not getting the services they need or want.

The House Ways and Means Committee has struggled over how to respond to this unexpected revolt of seniors. Their proposal that should be rejected right away is shifting the cost to current employees. Any attempts to raise deductibles, modify benefits, or shift costs only illustrates the lack of understanding of seniors complaints. Shifting costs and juggling benefits levels is not the answer.

Millions of seniors have exercised their most basic right: They've petitioned their Government to protest a law that they feel is unjust. Millions have written or called their Congressman and Senators, many for the first time ever. They've signed petitions. They've attended townhalls. They've waited long enough. It is time for an up or down vote on repealing the Medicare Catastrophic Coverage Act. Mr. DONNELLY and Mr. ARCHER will be offering that option to the House. I urge the House to adopt the Donnelly-Archer amendment so we can get on with addressing the true needs of seniors.

While making catastrophic decisions affecting all manner of issues this bill also includes a relatively small, but important nonbudgetary issue. Why on earth is a provision included to codify the fairness doctrine? Putting the substantial arguments against the fairness doctrine aside for the moment, including this provision in a comprehensive budget bill is truly bad form and an act of bad faith.

This is the result of a feud that took place between the chairman of the Energy and Commerce Committee and the FCC under the Reagan administration. I have a bulletin. George Bush is now President, and we have a new set of FCC Commissioners. Why is it now necessary to force the fairness doctrine on this administration, without giving the President the opportunity to deal with this issue individually on its merits?

It that were to occur, I am confident that the fairness doctrine would again be revealed for what it truly is—an anachronism totally out of sync with today's media communications system. The simple fact is, the fairness doctrine is not needed.

In 1949, when the fairness doctrine was first developed, there were 2,600 radio stations and 51 television stations. Today, we have more than 10,000 radio stations, more than 13,000 television stations, and even 7,300 cable systems. In addition, we now have satellite dishes, VCR's and home computers with on line access to major news and information services. The free marketplace of ideas, promoting all sides of public debate, has never been more extensive.

While some of our colleagues work behind closed doors to prevent inordinate Government jurisdiction over the content of federally funded art works, let us remember what the Wall Street Journal said about the fairness doctrine over 2 years ago: "Support for the fairness doctrine is support for a Government's deciding what the public should be watching or hearing."

I don't think we should be asserting here that the Government has the right to intrude in this area, especially when the conditions that prompted the fairness doctrine are no longer operative.

Finally, with all of the attention being focused on the so-called big issues, it is easy to overlook some of the provisions in the reconciliation. One provision would eliminate the Supplemental Loan for Students Program [SLS] for first-year students. This provision hurts those students who need it most.

While some first-year students at 4-year colleges will be affected, most institutions have the resources of offset this loss. For students at trade and career schools, they will be left out in the cold. Not everyone can or should go to a 4-year institution. In fact, 55 percent decide not to. Thus, trade and career schools play a greater role in developing our work force. By adopting this provision, Congress is stating that a 4-year education is more important than technical education.

There has been much made of the default rate among trade schools. However, rather than sweep that issue under the rug, these schools have tackled the issue head on. The Department of Education recently reported a dramatic reduction in the default rate for trade schools. The same can not be said for 4-year colleges.

Seventy-one percent of all first time students attending career schools are female. Fifty percent of those are minority females. In addition, 28 percent of all female career school students have children at home. The loss of SLS will have a negative impact upon low- and middle-income students. Many are supporting children as they go to school.

This is one of many provisions that will be overlooked by the House during consideration of the budget reconciliation. I urge my colleagues to closely examine this package before voting. I know other issues will ultimately decide each Member's vote, but we should all know now what provisions will come back to haunt us.

□ 1750

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, earlier today I spoke about what I believe are the general shortcomings of this budget effort and our reluctance to make any changes serious enough to have a real impact on the dificit.

In the following discussion, I would like to review some of my specific criticisms on elements of this budget proposal. I will not go through a long description of the Committee on Ways and Means recommendations. Instead, I want to describe the major portions of titles X and XI and the policy issues involved.

I want to say at the outset that my goals in this year's reconciliation bill were simply to meet the deficit reduction requirement placed upon the committee, to avoid making the job of deficit reduction more difficult in the future, and to avoid undoing the significant legislative achievements of the Congress during the last 4 years. While the committee has more than met its deficit reduction goals—over the target by $1.5 billion in fiscal year 1990 and $2.6 billion for fiscal year 1991—those other goals, to my regret, were not achieved. Unfortunately, we have made deficit reduction more difficult in the future and have undone many legislative achievements that were made over the last few years.

CAPTIAL GAINS

First, I strongly believe that the Bush-Archer-Jenkins capital gains proposal is bad fiscal policy, bad tax policy, and bad budgetary policy. It is bad fiscal policy because it gives huge windfalls to economic activities that have already taken place. There is little evidence that this proposal will create new jobs, stimulate savings, and investment or enhance economic growth. It is bad tax policy because it further reduces the progressivity of the Tax Code and reestablishes tax shelters. Under the Bush-Archer-Jenkins proposal, the wealthiest Americans will receive a 1-year $9.4 billion tax cut which the rest of the population ultimately will pay for in the future. It has no logic to its design. Why should assets bought 1, 5, or 10 years ago and sold today receive a 30-percent tax exclusion, but assets sold 3 years from now receive no exclusion? It will encourage wasteful and inefficient economic activity such as harvesting timber prematurely, selling stock or a home prematurely just to receive a tax advantage. The stock market, real estate market, and the timber market will be flooded over the next 2 years, thus depressing prices and values. It is bad budgetary policy because it increases the deficit by $5 billion a year and contradicts the ostensible commitment to deficit reduction. I voted against this proposal in committee, and I will continue to oppose such a shortsighted policy.

I want to emphasize that the capital gains proposal was not necessary to pay for the extensions of expiring tax breaks or child care proposals. During markup, I laid before the committee proposals which would have paid for both child care and the expiring tax provisions without inclusion of the capital gains differential or the elimination of the bubble.

I do support the leadership amendment. Demonstrating a commitment to long-term deficit reduction, the leadership amendment would strike all the capital gains provisions contained in the bill as approved by the Committee on Ways and Means. Under the leadership amendment, there would be an additional $10 billion for deficit reduction in 1994. The Bush-Archer-Jenkins amendment loses $5 billion a year after 1992. The proposed leadership amendment would eliminate the 33-percent bubble beginning in 1990 and create a third tax bracket with an explicit 33-percent rate on incomes in excess of the bubble. The amendment would also create a 28-percent maximum tax rate on capital gains and expand IRA's with the revenues generated from the elimination of the bubble. The 10-percent tax on early withdrawals would be waived if a taxpayer uses his IRA to purchase or construct his first principal residence or for higher education expenses. Finally, the proposed amendment would create the deficit reduction trust fund where revenues are specifically and exclusively earmarked for deficit reduction. Deficit reduction transfers into the trust fund would equal over $1 billion in each of 1990 and 1991, almost $4 billion in 1992 and in excess of $8.5 billion in each year thereafter. Eliminating the bubble will increase taxes on 600,000 wealthy families while the leadership amendment provisions will benefit approximately 7.4 million middle-income families.

I strongly support the leadership amendment and will work to defeat the capital gains proposal. Much to my regret, the historic Tax Reform Act of 1986 is being undercut. Given the deficit, we really cannot afford tax cuts for any group of Americans, particularly the wealthy. Under the Bush-Archer-Jenkins proposal, taxes are reduced by $15.6 billion for one year. Because of increased realizations in the first years, the staff of the Joint Committee on Taxation believes the short-term budgetary effect will be positive for a short time. But that is a gamble and the capital gains advocates run the real risk of losing money in all years as a result of the proposal.

EXTENSION OF EXPIRING TAX PROVISIONS

The committee made permanent the low-income housing credit and the research and development tax credit and the 861 allocation rules for research and development expenses. Also, it extended through calendar year 1992 the targeted jobs tax credit, the authority to issue qualified mortgage bonds and small issue bonds for manufacturing facilities, the energy tax credit for geothermal energy property, the 25-percent deduction for health insurance of self-employed individuals, and the exclusion from income of employer provided educational assistance.

SECTION 89

In addition, the committee has addressed the legitimate concerns of employers, both large and small, regarding the complexity of section 89. In fact, the committee has proposed the repeal of section 89 as amended by the Tax Reform Act of 1986. The antidiscrimination rules contained in the bill for health plans would apply only to executive-only plans and abusive plans of lawyers, doctors, and other personal service organizations. Any further weakening of the committee position would only result in tax-sanctioned discrimination of employer provided health insurance benefits.

MEDICARE

The committee produced significant Medicare reforms, particularly in the area of physician reimbursement. The committee met its reconciliation instruction on Medicare, and proposed a new three-part payment reform for physicians. The reform package includes a resource based relative value scale [RBRVS], expenditure targets for overall payments to physicians, and limits on physician extra billing.

Real, adjusted for inflation, Medicare outlays per enrollee for physician services have increased at an annual growth rate of almost 9 percent per year from 1980 to 1989. There is also substantial evidence that current payments are distorted and need to be adjusted. Fees for some services need to be increased; fees for other services are too high and should be reduced. Also, fees are too high in some geographic areas, and too low in others.

This reform package has been recommended to Congress by the Physician Payment Review Commission [PhysPRC], an independent commission established to provide Congress with recommendations regarding physician payments under the Medicare Program. These proposals are strongly endorsed by the Bush administration. The RBRVS has also received wide support from the physician community. Based upon work at Harvard University, these recommendations will insure that physicians are fairly compensated for the effort and cost of providing services. Variations in fees will be based on differences in the effort, time, and resources required in providing each service. Fees would be set to reflect differences in practice costs between geographic areas.

Coupled with expenditure targets and the limitations on extra billing, the provision will provide a fair and equitable system of reimbursement to both providers and beneficiaries. In addition, it also has the potential of significantly reducing outlays in the future.

CATASTROPHIC HEALTH INSURANCE

Despite my experiences in Chicago over the recess, I oppose repeal of the program and still personally favor current law. The committee labored hard and long on amendments to this program. We had votes on all possible options: on repeal; on nonelderly financing; on repeal of the drug program; on a truly voluntary option and on significantly reduced benefit packages. None of those alternatives received a majority of votes in the committee. The only option that a bare majority of the Members supported was a proposal for a 50-percent reduction in the supplemental premium rates. This loss of revenues was compensated for by scaling benefits back modestly and increasing the flat part B premium.

CHILD CARE

The committee, agreed to a significant increase in the amount of the earned income tax credit [EITC], adjusting the credit for family size, and to a supplemental credit for families with any children under the age of 6. The committee's action also permanently increases funds for title XX of the Social Security Act by $200 million for fiscal year 1991, and $400 million in fiscal year 1992 and subsequent fiscal years. These funds would be earmarked for child care services and child care related administration and training, as well as for the enforcement of State child care standards.

The committee is well aware of recent evidence that families with children have experienced economic hardship. Between 1973 and 1987, families with children, which account for two-thirds of all working-poor Americans, experienced an average real income growth of 13 percent—slower growth than among the overall population. Further, and even more significantly, the poorest 20 percent of families with children suffered an income loss of 22 percent between 1973 and 1987. This loss is significant—over $2,300 per year for families that are clearly disadvantaged.

Americans who work hard and yet remain in poverty are among the most vulnerable of the poor. Government benefits that provide a safety net are rarely available to them. As a result, these working poor families are often worse off than welfare families in which no one is working. The ranks of the working poor are growing substantially, primarily as a result of growing wage inequality and an increase in low-wage jobs. In 1970, less than half of all mothers with a child under age 18 participated in the labor force. By 1987, however, a significant majority of mothers were labor force participants. This phenomenal increase in the number of working mothers means that more and more parents are relying on others to care for their children for a portion of the work day. As the demand for child care has increased, child care has become a national concern. While many families are able to rely on relatives to provide free care, a large percentage of families in which a mother works—including low-income families—must rely, at least in part, on paid care. The cost of child care is a burden borne disproportionately by low-income families.

The committee's provisions would assist low-income families in financing their child care needs. But the proposal's other great achievement would be to help make work a more appealing alternative for single-parent families on welfare—who often do worse by going to work than remaining on welfare.

Mr. Chairman, these are all important issues. We need to keep our focus on long-run deficit reduction. The committee labored long and hard to meet our deficit reduction targets and we operated under a rule of budget neutrality. I would hope that all amendments to reconciliation follow that same rule as required by the Budget Act. Accordingly, I urge support for the leadership amendment providing IRA's and significant deficit reduction in lieu of capital gains, and urge support for the other portions of titles X and XI of the reconciliation bill.

Mr. FRENZEL. Mr. Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, much of the debate this afternoon has dealt with capital gains provisions in the measure before us. It has taken some partisan lines. Notwithstanding, however, our political differences on that particular tax question, I would venture to say that Republicans and Democrats alike support the general notion that, when properly managed and properly applied, the tax system serves as a very useful tool in encouraging more economic and social conduct which advances the best interests of this Nation. And I do not think this administration or this Congress is any exception to that rule.

Whether it is tax breaks to those who invest in our economy, and create jobs and provide the skills of the underemployed or unemployed or tax relief to those who provide services to the poor, the American public has long held that tax incentives can make a difference in the positive possibilities and opportunities that this society can generate.

That is why, Mr. Chairman, it is both puzzling and frustrating to me that enterprise zones, which would provide Federal tax incentives to those who would bring economic opportunity and essential jobs to the most distressed urban and rural areas have failed to become a reality at the Federal level. In more than three-fifths of the States, despite the lack of Federal incentives, enterprise zone programs have proven that economic incentives and regulatory relief can indeed spawn new life within some of the more stagnant areas in our country and economy.

Mr. Chairman, in New Jersey's program alone studies show that economic activity produced within enterprise zones without Federal supporting legislation have resulted in every single dollar of tax incentives generating between $2 and $5 in new State revenue. In talking to my colleague, the gentleman from Kentucky [Mr. BUNNING] earlier this afternoon, he pointed out that Kentucky has a freestanding piece of enterprise zone legislation, and the results within those areas of tax revenue dollars generating economic progress which further generated more tax revenue is a story that should be heard and told, and I am sure that among all the States it would have proved to be some of our most successful economic laboratories in this country that enterprise zones have worked.

We already know at the Federal level what a powerful economic foundation can be built from tax relief. In 1981 and 1986 tax rate reductions, for example, brought this Nation from double-digit inflation and soaring interest rates to rapidly rising productivity, more than 4 percent economic growth per year, and the longest peacetime economic expansion in history. Just imagine what similar tax incentives can mean to those less fortunate Americans who yearn for economic hope and economic opportunity from the Sun Belt to the Rust Belt, from the Middle Atlantic to the Middle West.

Mr. Chairman, I say it is long time that we opened that door for those who seek the way out of poverty and a step on the road to recovery. Tax relief to those urban and rural areas in the form of enterprise zone legislation has historically enjoyed broad bipartisan support on both sides of the aisle. In this Congress and previous Congresses we have spent billions of dollars on programs designed to meet the human needs of the poor, but we have been woefully unproductive and inadequate in doing anything other than subsidizing their condition. These people do not want handouts. They would welcome a handup, and I say to my Democratic friends who resist the capital gains initiative because they believe strongly that it is disproportionately affecting the very few and wealthy in this country that I do not think there is any dispute that enterprise zone legislation's impact is disproportionately helpful to the unemployed and to the underemployed in both rural and urban America. This is a tax incentive whose beneficiaries are thousands of poor and unemployed people all across this country.

Mr. Chairman, this matter has been discussed on the floor of the House of Representatives in various forms in the 7 years that I have been privileged to serve in this Chamber. We have had many hearings in both Chambers. We have had a lot of talk about it on the floor. We do not need more hearings, and we do not need more rhetoric about shared concerns. Government cannot create the jobs that provide the income, and the training, and the skills, and the opportunity that the private sector can do in these areas in urban and rural America. There is broad bipartisan support enterprise zone legislation. It is not a Republican alternative. It is a Republican and Democratic idea whose time has come, and I hope the Committee on Rules gives us an opportunity to vote on it during this measure.

□ 1800

Mr. SLATTERY. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. ANDERSON], and pending that, I ask unanimous consent that the gentleman from California be allowed to yield time.

The CHAIRMAN pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as we debate the Omnibus Reconciliation Act of 1989, I want to call Members' attention to a provision in the bill which I believe threatens the future of our Nation's aviation system.

The Ways and Means' title of H.R. 3299, the Omnibus Reconciliation Act of 1989, includes two provisions on aviation taxes: one to suspend the so-called tax trigger; the other to place the resulting revenues in the general fund instead of the aviation trust fund.

While the Committee on Public Works and Transportation does not agree with the decision to suspend the trigger tax, it is the latter—the diversion of aviation user taxes from the trust fund to the general fund—that we oppose. In doing so, we have requested that the Rules Committee make in order an amendment to the bill to delete that section.

We are hopeful that the Rules Committee will do so, and should that occur, we urge an aye vote on the amendment.

We believe there are a number of factors which strongly support our effort.

First, the diversion is not necessary for the Ways and Means Committee to meet its reconciliation revenue requirements. The added revenues from suspending the tax trigger will be credited towards the committee's target whether these added revenues are placed in the trust fund or the general fund. That has been confirmed by both the Budget Committee and the Congressional Budget Office.

In a letter dated August 14, 1989, the distinguished chairman of the Budget Committee wrote that "There would be no effect in the Federal Government's total budget receipts whether the airport and airway taxes are in the airport and airway trust fund or in the general fund."

Furthermore, on August 3, 1989, the Director of the Congressional Budget Office stated in a letter that "the effect on the deficit is the same regardless of where the revenues are deposited."

Thus, we would argue that the diversion section is extraneous to the bill, and based upon past precedents, should be deleted from reconciliation.

Second, placing aviation user taxes in the general fund is a violation of the fundamental principle underlying these dedicated user fees. When the aviation trust fund was established in 1970, it was a basic principle of the trust fund program that the user fees collected would be spent only for the aviation programs funded out of the trust fund. The user fees were not to go into the general fund where they could be spent for any Government program. The Ways and Means' proposal to place user fees in the general fund is a breach of faith with aviation users.

Third, placing user fee proceeds in the general fund raises the same issues as proposals to increase highway gasoline taxes and use the proceeds for general deficit reduction purposes. In this regard, I have introduced House Resolution 41 which opposes an increase in the gas tax for deficit reduction purposes. To date, 249 Members have joined in cosponsoring that measure. The same principle which underlies that legislation is the cornerstone of my amendment today. In fact, if this diversion is allowed to occur, it could be a very unfortunate precedent not only for the highway trust fund, but for other user fee financed funds as well.

Fourth, these aviation tax moneys are urgently needed to meet the capital development projects funded by the airport and airway trust fund. For example, to continue the FAA's air traffic control modernization program $2 billion a year will be required annually for the balance of the century. In the near term the FAA will need $3 to $4.5 billion per year just to sustain modernization projects already committed to and in the delivery pipeline. Also, the FAA estimates that approximately $25 billion will be needed for airport development over the next 10 years to ensure safety, to increase capacity, and to expand the system to meet passenger and air traffic demands.

In its recent report, "Fragile Foundations: A Report on America's Public Works," the National Council on Public Works Improvement noted the following problems and future weaknesses of our aviation system: congestion, declining service, and substantial upgrading needs.

Carrying out the capital development needs required to give the Nation the safe and efficient aviation system it deserves is important both because it affects the overall quality of our Nation's infrastructure and because it is a critical index of our economic vitality.

I believe that the failure to keep aviation revenues in the trust fund would be a major obstacle to growth and competitiveness.

Fifth, deletion of this provision is supported by numerous Federal, State and local aviation and highway organizations.

Mr. Chairman, for the foregoing reasons, I urge support for my amendment.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], a distinguished extortionist.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to subtitles B and C of title 5 of the Budget Reconciliation Act—the Interior Committee title.

Subtitle A meets all of the Interior Committee's budget savings instructions by requiring 100 percent recovery of NRC costs from users of their services.

That means that subtitles B and C are extra credit for the committee. I'm not against extra credit work, so long as it is intellectually honest. These provisions are not.

Subtitle C changes the rules for patent of oil shale claims in Western

States. It is unfair and the willingness of claimants to patent or maintain claims at these increased levels of $2,000 and $5,000 is highly questionable. Oil shale is currently uneconomic. It makes no sense to make maintaining those claims even more costly, when they are currently unprofitable. It just drives up costs and puts off the day when oil shale will become a contributor to our national energy supply system. We will not receive additional money from these projects, and therefore any savings are just smoke and mirrors.

The worst part of this package is subtitle B, dealing with the Tongass National Forest in Alaska. This is nothing more than a land grab hiding behind a budget savings disputed by our own Congressional Budget Office. The only true budget item is the repeal of an automatic $40 million fund from nationwide forest receipts which go for road building, fish and wildlife improvement, and similar projects which increase Forest Service access and enjoyment for the general public. I support this because it would simply put the Tongass in the appropriations process like every other National forest. It is the only true savings in the package.

But the Interior title also takes on two items which have passed the House but have nothing to do with budget savings. First, the title would break two long-term legal contracts. The CBO estimates that breaking these contracts will cost the Federal Government between $20 and $250 million or more. The Constitution of this country holds contracts to be private property of the parties. If one side breaks its part of the deal, it is liable for damages. You simply can't break Federal contracts without paying damages. The taxpayers will end up paying through the nose on this one if it ever becomes law, and the authors know it. Any estimate which denies the basic principles of contract law is not worth the paper it is written on.

Finally, the Interior title adds 1.8 million acres of wilderness on the Tongass, which already has more wilderness than most States. Many of these areas were not reviewed by the committee for possible conflicts with native corporations, communities, or State transportation and utility development plans. Since passage on the floor, I have received word from the State of Alaska Department of Transportation detailing the massive disruption of transportation plans for the region caused by wilderness designation—something we did not know when considering the Tongass legislation.

Further, Goldbelt, Inc., southeast Alaska's largest Native village corporation, has come out strongly against the legislation, as it would surround their lands with wilderness, gutting the economic viability of the lands for 2,700 Alaska Natives. This, too, was not considered by the committee. Other impacts of these designations are being discovered weekly as communities or groups find out just what could be done to them by the Tongass legislation. The community of Craig, AK, reversed its support for the legislation when it discovered that 65 percent of its population was directly affected by the timber industry. Others are reviewing their positions.

Including almost 2 million acres of wilderness in a budget bill is a gross violation of the budget bill. We might as well sell off a park or two to raise cash—I'm sure the Japanese would line up to support such a so-called budget item. This is a blatant violation of the budget process and the agreements with the President on reconciliation.

I have been here 16 years and I plan to be here for many more. If this goes forward, it has implications not only for Alaska, but other States as well. Members would do well to remember that fact.

I am a member of three committees. On two of these, we have bipartisan cooperation and work for consensus. Respect and cooperation are the ruling principles. This results in many bills being signed into law. Many of the same issues are dealt with in the Interior Committee, but without cooperation, no new laws result. Tongass is an example—we nearly reached an agreement last year. If we would have carried that bill forward, there would be a new law on the Tongass and we would not have to carry on this budget ruse.

I recognize the position of the House, and must therefore continue my constructive dialog with the administration. I am informed that the Tongass section is one which would lead to a veto. If the Congress is not responsible—if we don't seek to rein in some of our more flamboyant and irresponsible proposals, laws will continue to be made by the other body and the administration, and we will continue to be considered "wackoes" by many in the governmental process. This is a "wackoe" proposal.

Mr. PANETTA. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in support of the motion to be offered by the Committee on Public Works and Transportation, which will be offered by the chairman, the gentleman from California [Mr. ANDERSON] to strike the language in the Ways and Means Committee portion of the reconciliation dealing with the ticket tax on aviation fares that deposits its money in the aviation trust fund.

The way the Ways and Means Committee dealt with their instructions under reconciliation was to leave the tax in place, which was to terminate next year, but take those revenues and deposit them in the general revenues of the Federal Government and then to do some additional actions that in some ways would spend that money.

□ 1810

We feel that the proferential way is to leave the current law in place that says because certain moneys were not spent by the FAA and the administration and by the Congress in support of current law that the tax would kick back to 50 percent of its current level. However, given the realities of reconciliation and the need to raise this money, we have no objection to the approach of leaving the tax in place, but we think that the revenues ought to go into the aviation trust fund for the purposes for which they were intended, build airports and put the technology needed by the FAA to administer aviation in place as it is needed.

Leaving the revenues in the trust fund will accomplish the instructions to Ways and Means and accomplish its purpose of raising additional revenues in the total amount directed, and to inquire about the budgetary soundness of our approach on behalf of our committee, I wrote to the chairman, the gentleman from California [Mr. PANETTA] of the Committee on the Budget asking about the budgetary effects of leaving aviation-related revenues in the airport and airway trust fund. Chairman PANETTA responded:

> There would be no effect on the Federal Government's total receipts for their airport and airway taxes in the trust fund or in the general fund. A related avaiation question is whether an amendment to the Ways and Means proposal to provide that all aviation user taxes would go into the trust fund would reduce budget receipts or in any way increase the budget deficit for fiscal year 1990. Such an amendment would not reduce budget receipts or in any way increase the fiscal year 1990 budget deficit.

In fact, the amendment of the chairman of our committee would accomplish the purpose of raising funds for reconciliation purposes, but it would also accomplish the purpose of keeping sacred the trust established between aviation users and the Federal Government by putting those moneys in the aviation trust fund, and we will be reducing the deficit.

Mr. Chairman, that is the message, and that is why, if we care about the future of aviation, about extending runways, about increasing capacity on the ground, meeting the $20 billion infrastructure needs of our airport system by the year 2000, support the position of the Committee on Public Works and support, thereby, the local aviation authority and the FAA.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the vice chairman of the Aviation Subcommittee of the Committee on Public Works and Transportation, the distinguished gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I want to associate myself with the remarks of my chairman, the gentleman from Minnesota [Mr. OBERSTAR], in discussing this aberration really which is presently in the reconciliation bill and which will do, I think, incalculable damage to the whole concept of trust funds which we have, and it will certainly limit our ability to respond to the very real and critical needs we have in this country for airport development.

Mr. Chairman, very simply what this does is divert approximately $1 billion which would otherwise be available for aviation purposes, for lengthening of runways, new airports, extending taxiways, all of the capacity problems which are pressing in on us daily.

We hear everyday about new needs from every Member, so I want to stress, this is not a little spat, a little intramural spat between the Committee on Public Works and the Committee on Appropriations. This is an issue that really is going to affect every Member's district that is involved with aviation and that has an airport, because we are robbing Peter to pay Paul. We are taking money which has historically, up until now, never been diverted for purposes other than enhancing aviation capacity, and we are going to be diverting that to another purpose. I think it would be an extraordinarily bad precedent for us to adopt at this time, particularly as we have known and as we have discovered since we deregulated the commercial aviation industry some 10 years ago, the need for increased capacity has grown enormously.

Mr. Chairman, we have not built a new airport since 1974. We are now contemplating one in Denver.

The needs are enormous. They are not going to get any less. We are going to see an increase in the demands upon our aviation system grow year by year. We cannot allow money to be taken out of that trust fund and used for purposes other than that for which it was directed.

The reconciliation really violates the whole concept of the trust fund, and I would point out that if the aviation trust fund is going to be subject to this kind of diversion, then nobody is going to be immune. Members can have this happen as well in the highway trust fund, and they are making a raid, and I think that it would also, I think, be fair to say that the Social Security system and the trust fund under Social Security would likewise not be immune.

We presently have unobligated balances in the aviation trust fund of approximately $7 billion, in the highway trust fund of approximately $16 billion.

According to GAO, the Social Security trust fund had an unobligated trust fund balance of $58 billion at the end of 1987, and by the end of 1989 they estimate the balance will be $139 billion.

If Ways and Means is allowed to divert the aviation trust fund this year, I think it clearly would imperil other funds where there is a ready and inviting pocket of money that could be used for other purposes. As it is now, we have not been spending out of these trust funds what we should be spending.

We are undermining the credibility frankly of the user-fee concept to fund our infrastructure of this country by not keeping faith with the people who are paying in the user fees for these purposes.

People are not going to be willing to support, I think, in the future the user-fee concept if they find that the money which they are paying in is not being used for those purposes.

In September of 1988 the General Accounting Office stated that for fiscal year 1987 the $150 billion deficit ostensibly meeting Gramm-Rudman goals was in fact a sham. The real operating deficit, GAO said at that time, was $223 billion, because at that time $72 billion of trust fund surpluses were used to offset the deficit.

We have been playing games with the trust funds to make our deficit look better. We have got to keep trust in the trust funds.

To allow further manipulation of these accounts does even greater violence to the budget process.

Mr. Chairman, I would urge the members to listen carefully when the amendment is offered tomorrow which will be simply to keep that faith and will say that the money which will be engendered by virtue of the fact that we are keeping the tax at its present level and not reducing it as we had asked before to be done, that the additional money that will be engendered by keeping that tax at that rate not be allowed to be siphoned off and taken into other purposes, but will be retained for the purposes for which that money was paid by the passengers using commercial aviation and by the airlines, that it be used for the purpose for which it was collected, and that is increasing airport capacity.

Mr. FRENZEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise not in objection to the overall need for the reconciliation bill, but both to the manner in which we will consider it as well as the programs that do not belong in that piece of legislation. Yesterday morning, I was finally able to secure a copy of it. But to expect Members of Congress to read and understand this monster before voting on it is unrealistic. The two-volume bill covers well over 1,900 pages.

And this was not written by Ernest Hemingway. To say that it is difficult to read is a gross understatement. Even the most diligent readers will find it impossible to understand the ramification of this important legislation. Congressional attempts to avoid across-the-board cuts depend on Members making critical decisions about a bill that very few will ever read.

What Members do examine is the report which accompanies the reconciliation bill. Written by the committee staff, this document helps simplify the convoluted jargon of the actual bill. It is a comprehensive analysis of reconciliation. Unfortunately, it was only made available this morning. Weighing in at 1,555 pages, this report is only marginally more readable than the bill itself.

I would also like to mention some of the unrelated provisions which have been stuffed into this bill. Along with the needed revenue enhancers, such as the capital gains tax, the Ways and Means Committee has crammed this bill so full of pet provisions, that it is difficult to separate the fat from the trimmings.

From what I have been able to glean, the Ways and Means section of the bill includes significant child care expenditures, limitations on physician referral schemes, and a major overhaul of part B of Medicare. The bill also repeals section 89 of the Tax Code, while implementing new, less cumbersome, nondiscrimination rules. Having seen the storm of protest over the first section 89, I would like to see House hearings on any alternative provisions before a vote on final passage.

Not to be outdone, other House committees followed suit. The Education and Labor Committee, for example, loaded its section of the bill with such revenue losers as a prohibition on pension asset reversion, trusteeship of single employer pension plans, and its own child-care package. While these may be important legislative initiatives, they are not revenue enhancers. In fact, the Joint Committee on Taxation has estimated that a prohibition on pension asset reversion will cost the Government $400 million in fiscal year 1990. If this issue is important enough then it ought to be considered by the House on its own.

Ultimately, budget reconciliation is supposed to be about balancing the budget. Instead, this must-pass bill is treated as a freight train onto which House Democrats can hitch their favorite bills. Members of Congress ought to be provided with a clean, up or down vote on dozens of authorizing provisions in this bill. Rather than risk defeat, or worse yet, committee mark up, the House leadership has tucked them into legislation which must pass in order to prevent across-the-board spending cuts. This is not right. While I support several of these new initiatives, this procedure smacks of closed-door bargaining and smoke filled rooms. It is a procedure which reflects poorly on this Congress.

Mr. Chairman, when we finally get to vote on final passage of this legislation, I hope to make an informed, rational choice about the manner in which Congress fights the deficit, and I hope my colleagues will do likewise. We will not be able to do this, however, until we are provided with timely and accurate information about a budget reconciliation bill, not uninformed acceptance of a workhorse pulling a sled of special interest legislation.

Mr. PANETTA. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise to support H.R. 3299, particularly those provisions reported by the Committee on Energy and Commerce.

The committee has met its obligations under the budget resolution. It has reported a good bill. The bill should not be tampered with.

Specifically, the committee reduces budget authority by $399 million and budget outlays by $2.7 billion in fiscal years 1990 and 1991. A total of nearly $400 million is raised from Nuclear Regulatory Commission, Securities and Exchange Commission, and Federal Communications Commission user fees. Together with the Ways and Means Committee, we will save the required $2.3 billion in Medicare outlays; at the same time, the bill institutes significant reforms in reimbursement and medical research. Finally, as directed, the committee has begun Medicaid initiatives to combat infant mortality, improve child health, provide hospice care, and expand community-based services for the frail elderly and mentally retarded.

The legislation enjoyed strong bipartisan support in committee. I urge Members to respect the wisdom of those actions.

The Rules Committee will make in order an amendment to strike the codification of the fairness doctrine from the legislation. I regret that my colleagues will have to vote yet again on this issue, made necessary by the untimely and unfortunate repeal of the doctrine by the FCC in 1987. The House has voted twice to codify the fairness doctrine, each time by an overwhelming and bipartisan majority. During the committee's consideration of fairness, the committee voted 35 to 8 to retain this provision. Despite this history of repeated, bipartisan, and substantial support for the codification of the fairness doctrine, one of our colleagues will move to strike this provision. I urge my colleagues to reject this effort, and leave the fairness doctrine in the reconciliation bill.

The fairness doctrine is a minimal obligation on broadcasters, which merely recognizes that they address controversial issues of public importance. It asks broadcasters to practice what most concede to be good journalism.

Mr. Chairman, the Committee on Energy and Commerce has reported a good bill, and has discharged its responsibilities under the Budget Act. I urge my colleagues to support the committee's effort, and reject the amendment to strip the fairness doctrine from the bill.

□ 1820

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Massachusetts, chairman of the Subcommittee on Telecommunications and Finance.

Mr. MARKEY. Mr. Chairman, I thank the chairman of the full committee for yielding and rise to just basically reinforce what he has said.

This particular section, in fact, ensures that we have $100 million in SEC, Securities and Exchange Commission fees which are built in. We are now going for the long-term help guarantee that this perilous condition which we have now allowed the SEC to exist in over the years, which has not had a guaranteed source of revenues, will be rectified as a result of this legislation. We are making a very significant step forward while generating the incoming fees which are going to help in this reconciliation process.

In addition, we are also going to generate new fees from the Federal Communications Commission levying on the activities which go on in and are in fact provided by the Federal Communications Commission. It will generate $50 million a year for 1990 and 1991 which are going to go a long way toward helping to cure the deficit problems which we have.

In addition, as the chairman of the full committee pointed out, we are going to codify dial-a-porn legislation. We are going to take the cable communications case and eventually codify it, put it on the books and ensure that there is a situation that if fairly analogous to what goes on with cable television. That is, that all families in America have the Playboy channel blocked out of their home. If they want it to come in they actually have to affirmatively call to get it opened up and to be delivered into their living room if they want it to be viewed by their family. Except for that, all other families in America have it blocked out. That is how dial-a-porn will be in fact regulated in this country once this reconciliation package goes through. It will be blocked out of all homes unless there is an affirmative request.

Mr. DINGELL. If the gentleman will permit, this is in full conformity with the opinion recently adopted by the Supreme Court on this matter.

Mr. MARKEY. The gentleman is absolutely correct. In addition, as the gentleman from Michigan pointed out, what we do as well is to recodify the fairness doctrine, a doctrine which has been on the books and served our country well since 1948, a doctrine which was taken arbitrarily off the books by the Federal Communications Commission several years ago. Through the leadership of the chairman of the full committee it has now been passed through the House of Representatives several times since. There is overwhelming bipartisan support for a concept which ensures that radio and television stations in this country have to cover issues of importance to the community, and they have to do so in a balanced way.

It is really an issue of common sense, and one which is supported by the overwhelming majority of our committee and has passed the House several times, and we believe using this vehicle will become the law of this Nation before the end of the year. The chairman of the full committee I think deserves credit for having made this fight consistently over the years. I think now we are on the verge and will see the final victory.

Mr. DINGELL. I thank the gentleman for his part in this.

Mr. PANETTA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PEASE] having assumed the chair, Mr. MAVROULES, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for fiscal year 1990, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3299, OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to have until midnight tonight, Tuesday, September 26, 1989, to file a privileged report providing for the consideration of H.R. 3299, the Omnibus Budget Reconciliation Act of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OMNIBUS BUDGET RECONCILIATION ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 245 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3299.

□ 1828

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for fiscal year 1990, with Mr. MAVROULES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from California [Mr. PANETTA] had 1 hour and 3½ minutes remaining and the gentleman from Minnesota [Mr. FRENZEL] had 1 hour and 40 minutes remaining.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to point out, Mr. Chairman, that it has been interesting to note that almost every speaker who has participated in this debate has talked about a subject different from what the last speaker may have spoken about. I think that anyone who has been watching this debate from the outside may have lost track of the fact that we have been debating all along just one bill, and that is because, Mr. Chairman, this one bill contains dozens of issues, often not related to each other, and often not related to the budget, which they are supposed to be related to be in the Budget Reconciliation Act.

Mr. Chairman, this bill should not be called the Budget Reconciliation Act. This bill should be called the Melting Pot Act. That is because every possible issue we have been debating in the 101st Congress seems to have melted into this act. But this means obviously that the Congress has had no opportunity to study the issues presented very closely and very carefully, even though they may make significant changes in the laws in the areas which they affect.

Mr. Chairman, a melting pot may be a good way to build a country, but it is not a good way to build legislation. I respectfully urge the defeat of the entire Budget Reconciliation Act, and I urge individual and separate votes on the separate policy issues and provisions contained herein.

Mr. Chairman, this would give the Congress the opportunity to study carefully each of the very serious proposals that are before it, now contained within one act, and Mr. Chairman, it would make us individually responsible for our votes on those issues.

□ 1830

Mr PANETTA. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas, one of the distinguished members of our Committee on the Budget.

Mr. SLATTERY. Mr. Chairman, the two most serious fiscal problems our country faces are the huge deficit which in my opinion continues to keep interest rates high, and the price of capital in the United States at one of the highest levels in the world, certainly higher than most of our competing countries.

The second major problem we have is a miserable savings rate. We have one of the lowest savings rates in the world and certainly among industrialized nations of the free world, our savings rate is at the very bottom.

One of the reasons for this is because our Tax Code provides very few incentives for American taxpayers to save money. On the other hand there are many incentives to spend money.

With this in mind, in the past I have taken the position that we should have a preferential tax rate for capital gains but it should be permanent and it should be paid for.

We should not compound the deficit problem by changing the capital gains rate and cutting the capital gains rate.

The capital gains proposal contained in the the legislation before us at this time fails on both counts. It will do little or nothing to improve the national savings rate but it will increase the deficit by more than $20 billion over the next few years. And much more, if the capital gains cut is extended beyond December 31, 1991.

The more I study the Jenkins-Bush capital gains proposal the more convinced I become that that proposal is not only bad fiscal policy, it is bad tax policy, it is bad news for American business, it is bad news for American taxpayers and American workers.

Giving taxpayers the opportunity to sell capital gain investments between September 14, 1989, and December 31, 1991, a tax cut will do absolutely nothing to encourage long-term investments.

The capital gains proposal before us will merely encourage owners of capital assets to sell these assets before December 31, 1991. There is little doubt in my mind that this measure will reward and encourage the quick-buck artists on Wall Street who are already making millions and millions of dollars. Secretary Brady, to his credit, has expressed grave concern about this activity and expressed the need and recognized the need for us to discourage this activity.

So I am absolutely amazed that he would be supporting this legislation which will in fact encourage this kind of activity.

I also have serious concerns about how this measure will affect the value of farmland and real estate and timber.

Let us just think for a minute: If we give a tax break to owners of these assets who sell before December 31, 1991, we will certainly artificially glut the market and force prices down. This is especially true where prices are already soft because of a number of other conditions, perhaps in markets that have been exposed to serious S&L failure. There may be a number of office buildings already on the market that people have difficulty selling. Now we turn around and give an artifical tax break to people to encourage them to put even more on the market.

And how about those timber producers who are now going to be encouraged to sell timber between now and 1991? It may not be ready to market. As far as I am concerned, this could depress prices and those taxpayers who think they are going to get a tax break might end up losing more when the price comes down than they will gain with the tax break.

The bottom line, Mr. Chairman, is we should defeat this capital gains proposal, not because it is a tax break for the wealthy but because it is bad fiscal policy and bad tax policy.

Now let us look at the alternative. The IRA deficit reduction alternative will reduce the deficit by more than $22 billion over the next 5 years.

It does this by changing the tax law to provide that the wealthiest 600,000 taxpayers in the United States will pay the same tax rate on their highest amount of income as middle-income Americans.

As far as I am concerned, that is basically very fair.

In addition, it will encourage Americans to save by providing all taxpayers in this country with an IRA deduction.

Now, in conclusion, let me make an observation: As we struggle with this issue this evening, you might be interested to know that in Tokyo today the prime interest rate is not 9 percent or 10 percent or 8 percent or 7 percent or 6 percent; it is 4.875 percent.

In the United States the prime rate is 10.5 percent.

And if we think American business can compete successfully in a global economy where our competitors can buy capital for one-half the price that their American counterparts have to pay, we are badly mistaken.

So as we make our decision on this very difficult issue, I hope we keep one basic question in mind: Which proposal will improve our national savings rate, reduce the deficit, and help lower interest rates? That is what we should be focused on.

I am convinced if we do that, our decision is very easy. The IRA deficit reduction proposal will reduce the deficit by more than $22 billion in the next 5 years and the IRA will encourage every American to help us solve this terrible problem that we have as a country with our national savings rate.

So I urge all my colleagues to support this proposal.

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there are a few items in this bill that come from the Committee on Ways and Means jurisdiction that I would like to discuss for a moment or two.

Earlier on, we heard from members of the Committee on Education and Labor about the pension items in the bill. There are three that give principal offense and have engendered widespread criticism in the pension industry and particularly with companies that have very large pensions, particularly the guaranteed benefit plan.

Those are the asset reversion provisions, the very large fees associated with the filing of pension reports.

Actually, those complaints come rather from the smaller pension plans who object to the very large overhead costs associated with those fees.

The third provision, the Visclosky provision, provides that the employees covered within the plan share pension trustees with the company that contributes to those plans.

I think that Members are beginning to understand the widespread criticism occurring among people who contribute to these plans and for whom contributions are made with these three provisions.

I used to be a pension trustee of a multi-employer plan and used to have a pension plan within the company that I worked, and my guess is that I would have recommended that we desist from all plans if these provisions had then existed. And I can readily understand the outcry that has followed these particular proposals.

I can more readily understand the complaint against the Visclosky amendment, since there were no hearings and it was literally tucked into the bill in the dead of night.

□ 1840

It is like many of the irrelevancies that we have discussed, a hitchhiker that does not belong on this particular bus. We will have an opportunity to remove this particular offensive element of the bill. The other two items should be removed later. I expect they will be by the other body.

However, Members should be aware that these could be deal breakers for the entire bill.

Going forward, Mr. Chairman, into the subject of capital gains, the most recent speaker decided that capital gains would be bad for the economy because lesser savings than the IRA proposal, and generally cause acne, gout, and all other terrible diseases. I think that that point of view is an interesting one. However, in fact, it is dead wrong. The capital gains proposal is one that is calculated to increase savings, investments, and capital stimulation in the United States. We are the lowest savings rated industrialized country in the world. We will continue to be even after the passage of the capital gains differential. However, we will do better and our savers will have more stimulus, more incentive to invest after the passage.

Economists, not of one mind on the subject, but in general a good deal more of them support the savings incentive of a capital gains differential than the IRA. As we lived with the IRA in previous years, it was quite clear that the IRA represented no increase in savings, but rather in many cases represented a diversion from savings already accumulated, into a tax-deferred savings plan with no net increase in savings. That is what I expect for the future with the Democrat plan.

With respect to whose oxen are going to be gored or advantaged, the Treasury has done a study and found that under the capital gains proposal, 74 percent of the advantage goes to people with incomes under $50,000, that is ordinary income, and only 26 percent to those above $50,000. With the IRA, the figures are 16 percent under $50,000, because indeed, most of the people under $50,000 now have the advantage. Eighty-four percent of the benefits go to those people over $50,000 of income. So if we want to have class warfare, it would be a good idea to check the statistics, first, to see who, in fact, is being benefited by this particular program.

It is my belief that capital gains is the strongest single capital and savings incentive that we can put into the Tax Code. I think we made an extraordinary blunder in 1986 when we made capital gains ordinary income, went back to tax on capital, began to tax inflation again, after we had gotten away from that a bit in previous years. Therefore, it is my hope that the captial gains amendment will remain in the bill, that the IRA amendment, as it richly deserves, will be defeated.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Pease], a member of the Committee on Ways and Means.

Mr. PEASE. Mr. Chairman, much of this debate on capital gains today has resolved around who gets the benefits from the tax cut under capital gains. That debate smacks somewhat of either soaking the rich or pandering the rich, and not many Members are very comfortable with a debate framed in that way. We certainly do not want to make this decision based solely on the issue of who benefits and who does not. We should not do that.

There are other reasons, many other reasons, why the lower capital gains rate proposal from President Bush and our colleague, the gentleman from Georgia [Mr. Jenkins], is a misguided proposal. Let me cite just three.

First, the proposal is economically inefficient. Whenever we enact a new tax provision and lose revenue on that provision, we hopefully affect behavior in a positive way. We have to look at the cost-benefit ratio. In the case of a lower capital gains rate, we will have a future revenue loss with very little provable benefit in investment.

Venture capital is frequently cited as the reason why we should have a lower capital gains rate. In fact, venture capital represents less than 1 percent of all the asset transactions in this country. That would be akin to a desire to give a dollar to a child in a schoolyard, and scattering dollar bills all over the schoolyard in the hope that the child might pick up one of those dollar bills.

Second, the lower capital gains rate proposal serves to torpedo tax reform that we worked so hard to get in 1986. Lower capital gains rate was a key element in the tax shelters, which lead to citizen disgust about the unfairness of our Tax Code prior to 1986. The lower capital gains rate as proposed by President Bush would get Members back into the tax shelter business. The ink will not be dry on this bill if capital gains is included, before smart lawyers and smart CPA's are figuring out a way to reinstitute tax shelters. Purely and simply, instituting a lower capital gains rate is terrible tax policy.

A third reason why we should not do this is because of the fiscal impact. I will not dwell on that as others have made the point, that after a short-term gain in revenue, as people rush to realize their gains, we will suffer a $21 billion revenue loss in the outyears. We are enduring and have endured huge Federal deficits. We have to endure more. We are trying to meet Gramm-Rudman targets. It is insane for Members to build in $21 billion of revenue loss.

For any of the three reasons I have cited, we ought not to vote for the capital gains provision. Putting all three together, they make a compelling argument. However, what about the argument about who benefits, whether the rich benefit or do not? As I say, no Member feels very comfortable. We are not a class society. Ninety percent of the Members would say that we are in the middle class. Having said that, let Members face the truth. Every tax bill we pass adds to the tax burden of some people and reduces the tax burden of other people. A lower capital gains rate very distinctly benefits Americans earning over $100,000, who make up less than 1 percent of the American population. A lower capital gains rate will produce, on 80 of those benefits to those earning over $100,000 a year. "CBS News" last evening had a chart which showed that those earning over $200,000 a year would get a $24,000 cut average in their taxes in 1990 alone—this is CBS—while those earning under $50,000 would get a tax cut on an average of $15. Our constituents do not understand everything about tax policy, but they understand what CBS says.

In contrast, the IRA alternative which we will offer tomorrow is economically more efficient, not perfect, but more efficient in encouraging investment, and it does not torpedo tax reform by encouraging tax shelters, and it does not worsen the fiscal deficit, and it directs the bulk of the benefits to those earning under $100,000. Let Members do the sane and intelligent thing tomorrow.

Let Members kill capital gains.

□ 1850

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, tomorrow as we craft this reconciliation bill, we will have before us an opportunity to reverse a grave error in H.R. 3299.

My good friend, Mr. ANDERSON of California, chairman of the Committee on Public Works and Transportation, will offer an amendment which will keep the user fees paid by those who use the air travel system in the aviation trust fund.

Two of our most important responsibilities as Members of Congress are to help ensure the health and safety of our Nation's infrastructure and to keep the promises we make to the American people.

In 1987, I fought for the aviation trigger tax to help improve the safety and efficiency of our airports and airways. This is why I rise today to support the Anderson amendment so that the moneys intended for the aviation trust fund are spent, in fact, for their intended purpose.

The American people need and deserve an aviation network which is ready, willing and able to meet the demands of the 1990's. Today, our air travel system is in dire need of increased capacity and modernization. The moneys in the aviation trust fund are collected to help meet these capacity and modernization needs.

If the Anderson amendment is defeated, the money for these necessities will be siphoned off for other uses. Without the Anderson amendment, H.R. 3299 would threaten the future health and well-being of our air transportation network.

Many Americans complain—and rightly so—about problems such as flight delays which these funds were specifically collected to address. The FAA estimates that we will need to spend $25 billion during the balance of this century for safety and capacity improvements.

A vote against the Anderson amendment is a vote against improved air travel and a vote against the safety of the air traveler.

We have a responsibility to keep faith with the American people. Unamended, H.R. 3299 would break that faith.

Trust fund revenues come solely from those who use our aviation system. Since 1970, we have promised passengers, pilots and proprietors alike that the taxes they pay for using the air travel network would be dedicated wholly toward an improved aviation system.

In 1987, I fought to institute a trigger tax because the Federal Government was not keeping its part of the bargain. Moneys were being collected, but not spent. Today, the law holds that if the aviation trust fund moneys continued to be unspent. The tax feeding the fund would be rolled back.

This trigger is set to begin on October 1 of this year. H.R. 3299 would not only continue to collect these user fees unabated, it would break a second faith with the American people: It would divert nearly $1 billion from the trust fund to the general fund.

Mr. Chairman, were the House to go along with this raid on the trust fund, we will have violated the trust of the American people. I cannot imagine that the House will go along with this scheme.

I urge my colleagues to join me in voting for the Anderson amendment.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Alabama [Mr. FLIPPO], a member of the Committee on Ways and Means.

Mr. FLIPPO. Mr. Chairman, I want to commend the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA] and the ranking minority leader for having this debate.

Mr. Chairman, I wanted to point out what we faced in the Committee on Ways and Means in regard to this issue. We were asked by the Committee on the Budget and the Committee on Ways and Means to provide some $5.3 billion in net revenues to help go forward with the program this year. After we concluded our work on the $5.3 billion, we found in the Committee on Ways and Means that we had many programs that were needed programs and very useful programs that needed to be extended. Those programs were set to expire at the end of this calendar year.

Among those programs that were set to expire were the IDB's, or the industrial revenue bonds, that are used by most cities and counties in the State of Alabama, and they are used extensively throughout the country for building small manufacturing plants to provide jobs for our people. In addition to that, the mortgage revenue bonds that are used extensively by first-time home buyers were set to expire, and in addition to that the research and development costs that were used extensively by our small entrepreneurial firms was set to expire.

Mr. Chairman, our dilemma was how to set these programs, as well as the very important child care provisions, without raising taxes or without increasing the deficit that this Nation faces, and we found that we could use the rate reduction in capital gains to encourage those who held capital assets to sell those, and the revenues produced from those capital gains rate reductions would enable us to fund those extender programs in the child care provisions that were very important.

Mr. Chairman, many people who say that this is a tax grab for the rich ignore certain elements. I would like to point out that in 1985, nearly three quarters of all tax returns with capital gains were reported by taxpayers with wage and salary income of less than $50,000. These middle-class Americans seem to be forgotten by those who label any tax cut a give away to the rich.

Small businesses are the foundation of the American economy. Each year hundreds of thousands of Americans start new small enterprises, with the dream of becoming their own boss. Small businesses in America offer the most potential for job growth but are often overlooked by the Federal Government. The new jobs created in the American economy have been in firms of less than 20 employees.

For these entrepreneurs, access to capital means life or death. Reducing the capital gains tax encourages investors to sell low yielding investments and seek out opportunities with new growth companies. Those who talk about rigid class lines in the fight over capital gains forget the American dream of individual initiative and upward mobility.

Currently, United States capital costs are the highest in the world, and are twice as high as in Japan. The United States has one of the highest capital gains taxes of any major industrial power, and some of our competitors choose not to place any tax on capital gains at all. In fact, the United States is almost alone in not providing a tax differential on capital gains, and failing to recognize the negative effect a high capital gains tax has on access to capital and economic growth.

We need to invest more in our future. We can encourage more investment in American plants and industries by reducing the tax rate on capital gains. I want to encourage new investment in America's future so that every American can benefit from a growing U.S. economy.

The House Committee on Ways and Means, on which I serve, has now reported its budget reconciliation measure for the next fiscal year. The committee's recommendations encourage first-time homeownership through mortgage revenue bonds, promote job training through the targeted jobs tax credit, and provide local communities with access to tax-exempt financing for industrial development. The committee is expanding the earned income tax credit and social services block grants for child care programs. These activities would serve the vast majority of Americans and would help provide new jobs and economic growth.

Each of these activities also cost money, which is currently in short supply. A short-term capital gains reduction provides this revenue in a way that is acceptable to the administration and which serves the broad economic interest of the United States. I welcome proposals to restore IRA's, but we should consider this issue separately from capital gains.

The Jenkins-Flippo-Archer capital gains proposal provides a clear opportunity to promote economic growth and social mobility, and at the same time provide a prudent fiscal policy that reduces the deficit without raising taxes. I encourage my colleagues to support the capital gains reduction as reported by the Ways and Means Committee.

Mr. Chairman, I want to make a few comments about the civil tax penalty reform package contained in budget reconciliation. This important protaxpayer legislation is commonly referred to as Impact—the Improved Penalty Administration and Compliance Tax Act. I believe this legislation, if enacted in its present form, will have a positive impact on the way Americans are treated by their Government and will restore a high degree of fairness to what is, in many respects, a very unfair civil tax penalty system.

To see how important penalty reform is, consider this: We have gone from 13 penalties in 1954 to 25 in 1967 to 150 today. Every time Congress passes a substantive tax law we pass another penalty. This piecemeal approach fails to consider the interrelationship between different penalties.

With nearly 150 penalties currently in the code, the IRS, taxpayers, and tax practitioners are currently faced with substantial compliance and administrative burdens resulting from the complexities involved with these provisions. There are just too many penalties. Many penalty provisions are too complex for the IRS to effectively administer and, for many taxpayers, too complex to comprehend. And, under our current structure, there are a number of instances where the same taxpayer behavior can be subject to more than one tax penalty. In other words, a number of the penalties overlap and stack, increasing the possibility that enormous penalties may be imposed on relatively small tax deficiencies. Furthermore, we have Americans being charged automatically for negligence when in fact they are doing everything they can to comply with the tax laws.

The oversight subcommittee took an unique approach to bring order out of what is absolute chaos: We called in people from all over the country who had an interest in having a fairer Tax Code that was easier to administer. We held a series of roundtable discussions with tax practitioners, various professional organizations, former IRS Commissioner, and Government representatives. We all rolled up our sleeves and identified areas of agreement and ironed out many of our differences. It was a highly productive way of going about a very massive, complex task. Over a period of months, these very knowledgeable individuals, who have expertise in various sections of the Code, sat together and explored every aspect of the current penalty system and hammered out a consensus on penalty reform.

Impact embodies a strong consensus that was developed after much hard work. Everyone who contributed to this process should be commended for their outstanding efforts and contributions. This excellent legislation is the product of this unique process, and one of which we all can be proud. I want to strongly urge my colleagues to join in enacting this crucial reform legislation.

Mr. PANETTA. Mr. Chairman, we are approaching the end of the debate, and I yield myself such time as I may consume.

Mr. Chairman, I also am concerned by a provision in the bill that directs CBO and OMB, in the future, to create a Medicare baseline that is inconsistent with the Medicare law as amended by the bill. In my view, the baseline should reflect actual spending mandated by law; the baseline should not reflect assumed, but not enacted, possible future amendments. Otherwise we could find that cost estimates of future Medicare bills bear little or no relationship to the actual effects of such legislation. I believe that this provision should be dropped in conference.

Mr. FRENZEL and I join in opposing a provision in this bill that, to put it briefly, directs CBO and OMB to use an erroneous baseline. We believe that this provision should be dropped in conference.

Here is the situation. The Medicare provisions in title X of this bill include a number of reforms. One reform would set rather stringent outlay caps on payments for physician services, though these caps won't begin to bite hard for a few years. Unfortunately, the bill also contains a provision that basically directs CBO and OMB to ignore the caps when they compute their baselines. As a result, their Gramm-Rudman estimates will be too high, their budget baselines will be too high, and the scoring of subsequent Medicare legislation will be misleading.

There are a number of consequences of mandating a baseline that is inconsistent with the law as it would exist after enactment of this bill:

First, the Medicare baseline will build in more growth than the Medicare law allows. You will all remember that OMB promoted an overinflated baseline for defense earlier this decade: Mr. Stockman defined his defense baseline to include 7-percent real growth. The natural consequence of that overstatement of the defense baseline was to promote excessive defense growth. It was not until Gramm-Rudman defined a statutory baseline that defense growth began to moderate.

Second, entitlement and revenue baseline are the base level against which budget legislation is scored. The baseline must equal what the existing law says. With baseline properly defined, any bill that liberalizes the program will be scored as a cost while any bill that cuts the program will be scored as a savings. This principle is fundamental to scorekeeping. Yet the erroneous baseline mandated by this pending bill would cause future scoring of Medicare legislation to be seriously misleading. For example, Congress would probably find that future legislation liberalizing Medicare expenditures—relative to the physician expenditure targets mandated by this bill—would be scored not as a cost but as a saving. This is simply wrong.

Finally, scorekeeping and baseline matters are already too complicated. There are too many different estimates by too many different institutions; the estimates change too frequently; there are different rules for Gramm-Rudman than there are for the President's budget or for the congressional budget; and the different methods to finance Federal programs are themselves so complex that even experts get confused. It would be a sad mistake to make this situation even more confusing by having the very concept of an existing law baseline mean different things for different programs.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from California [Mr. PANETTA] for yielding. I am grateful to him for bringing up what I think is a most important point.

Mr. Chairman, as most of the people in this House know, I have a minimum high regard for the strength of the budget process or the restraints that it lays on the House or its Members. Nevertheless, we should not get rid of what are very modest restraints that exist now.

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The provision in the Ways and Means section of the bill certainly is going to have to be ferreted out if we expect to maintain discipline in the future, because if it is allowed to go into effect where it contains language directing the CBO and the OMB to construct all budget baseline as if there were no ET's beyond the one explicitly set for 1990, it of course will ignore the outlay impact of the expenditure targets that will be established in the future. It will establish an artificially high baseline and give the Ways and Means Committee the opportunity to see Medicare costs go higher and yet be scored as savings. This is obviously not what was intended by the baseline definition nor the budget process.

I join the committee chairman in suggesting that before this bill gets anywhere near to a safe harbor this feature must be eliminated.

I would ask the chairman further, we have another problem in the veterans section with the scoring of loans with recourse. This is a matter that extends to bills beyond the reconciliation bill, but again it is a direction to the scorekeepers as to how to keep score.

I believe, and I believe the chairman joins me in this, that there ought to be only one standard and it ought to be an irrevocable standard, not any one invented from time to time by various committees of the House.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for his comments and indeed do join him in opposing that scorekeeping provision as well.

The problem is as resources get tighter and tighter, the imagination of the various committees and those that deal with various programs becomes even more inventive. Whether it is pay shifts or whether it is scorekeeping changes, it is understandable why that is happening, but every one of those steps undermines the basic budget process. It is for that reason that the gentleman from Minnesota and I will oppose those provisions in conference and really in fairness want to alert the committee chairmen that will be the case.

Mr. Chairman, we have reached the end of the debate here, I believe. Let me just in conclusion say that tomorrow we will begin the debate on the various amendments. I understand those amendments, we will take up tomorrow amendments that would eliminate the so-called Visclosky amendment with regard to pensions. We will take up section 89 repeal and we will take up the issue of the aviation trust fund. Those would be the three amendments that I would anticipate taking up tomorrow.

On Thursday, we would take up the capital gains issue, as well as the fairness amendments.

Next week we would deal with catastrophic health care and child care. Obviously, the House will be given the opportunity to work its will on all those issues.

I hope that completing the action on all those issues we get back to the basic principle of what reconciliation is all about, which is to achieve savings and deficit reduction, sufficient savings to meet the agreement that was arrived at between the White House and the bipartisan leadership of the Congress and sufficient savings to avoid sequestration. If we fail to do that, then I think the Congress will have failed in its responsibility to the budget process.

So the ultimate judgment of our success or failure on reconciliation will rest on our ability to pass a bill which achieves real savings and avoids sequestration. I hope we can do that at the conclusion of this debate.

Mr. Chairman, I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been asked whether this 1,935 page bill is worth passing. The answer depends on what yardstick you use.

The most obvious test of the bill's merit is, "Does it reduce the deficit?" The answer to that question is not so obvious, however.

In 15 years' experience with the Budget Act and 5 fiscal years with Gramm-Rudman, committees have achieved high levels of budgetary sophistication. Members and staffs now know how to hitch rides on the reconciliation freight train, poke new loopholes in the rules, open back doors for spending add-ons, and measure the results with a slippery yardstick. The outcome is deficit reduction that is not all it appears to be.

This bill reduces the Federal deficit by more than $16 billion in fiscal year 1990 and $12 billion in fiscal year 1991, according to the Congressional Budget Office and the Budget Committee. However, using the commonsense standard of whether the legislation produces a permanent reduction in the deficit compared to what it otherwise would be, I believe the bill measures up quite differently.

H.R. 3299 includes spending and revenue items that increase the deficit by about $6.8 billion. It also contains another $7.3 billion of deficit reduction that can charitably be termed "disingenuous" at best. These purported savings move programs off budget, speed up payments to the Government, slow down payments by the Government, and utilize quirks in the "baseline" to claim savings that do no exist in the real world.

Let me list just a few of these disingenuous savings:

Telling CBO and OMB to change the way transactions are scored—look at the VA loan sales and outyear Medicare physician expenditure targets for examples;

Moving fiscal year 1990 agricultural deficiency payments into fiscal year 1989;

Speeding up payments by the off-budget U.S. Postal Service to the on-budget Labor Department so that two payments are made in fiscal year 1990 instead of one;

Slowing down permanently by 2 days the schedule for making Medicare payments to hospitals and health providers, plus suspending payments for 5 days payments at the end of fiscal year 1990, for a combined fiscal year 1990 savings of $2.5 billion;

Renewing expiring provisions, and treating these continuations of existing policy as deficit reduction; and

Moving the Postal Service and the Financial Assistance Corporation off budget for a savings of $2.2 billion.

The bill includes major policy changes that either do not reduce the deficit or increase it significantly. They should not be part of this debate.

The enactment of a sweeping new child care policy will cost over $15 billion between now and 1994. Both its contents and its cost are highly controversial. This legislation certainly does not reduce the deficit and ought not be tangled up in the deficit reduction effort.

A major Medicaid Program expansion is also included in this bill. By fiscal year 1994, the 5-year total deficit increase from this measure alone is projected by CBO to be $4.2 billion while OMB predicts that it will cost double that amount.

The highly charged catastrophic health insurance controversy has also hitched a ride on the reconciliation debate. Budget estimates for this program have changed dramatically since its enactment and new, usually upward, estimates seem to arrive almost every month. Therefore, it now appears that repealing or modifying this new program possibly could result in an overall long-term savings compared to letting it continue in its present form. However, it is clear that for fiscal year 1990, repealing the program would increase the deficit. Later in this debate, the House will probably have to decide whether to waive the Gramm-Rudman accounting procedures in order to deal with this issue. In any event, as complex and important an issue as catastrophic should be taken up separately rather than as part of the budget reconciliation effort.

Over the weekend, the Washington Post mentioned in a front-page article that CBO projects that by fiscal year 1993, the reconciliation bill will actually increase the deficit. I not only agree with that estimate but believe that over the long run, the reconciliation bill probably will cost more than it will save.

Therefore, on the first test, whether the bill reduces the deficit, I would given it a grade somewhere between a low D for the near term, and an F for the long term.

Another test is whether the reconciliation bill will prevent the sequester—the approximately 5-percent across-the-board cut which is scheduled to occur in 3 weeks on October 16. Here the answer is, "yes, the bill could prevent the sequester, but no, we won't get it finished on time." The deficit reduction scoreable under the the Gramm-Rudman rules is more than enough to bring the deficit below the G-R-H trigger. However, the House will not complete action on the bill until early in October and the other body will not even debate the bill until after the sequester has occurred. This will make it difficult to complete a House-Senate conference on the reconciliation bill until well into the month of November. So for this test, put the grade down as "incomplete."

Finally, there is the test of whether this legislation is good public policy. On this test, Republicans and Democrats often give different grades.

For Republicans, the provisions creating a capital gains differential stand out as bright exceptions in this otherwise dismal budget package. The Jenkins-Archer-Flippo capital gains plan, adopted with a bipartisan vote by the Committee on Ways and Means, provides a 2-year 30-percent capital gains exclusion followed by indexation of assets basis for post-1991 inflation. This capital gains differential will help to encourage investment, expand the economy and create jobs for all economic groups. For this part of the bill, the grade is an "A."

Here and there throughout the bill are policies that achieve real and long-term deficit reduction. A few of these involve reducing program outlays—guaranteed student loan reforms, agriculture deficiency payment recalculations and other reforms. They too should receive a high grade.

However, most of the remaining long-term deficit reduction in this bill is achieved through increased revenues and user fees—on pension terminations, pension filing fees, FCC and SEC fees, oil shale and cruise ship fees, and VA loan origination fees, to name some of them. These fees all reduce the deficit, but they do so by requiring programs users to offset program costs, not by cutting those costs.

If the reconciliation bill appears to lack an overall theme, it is because it is a mixture—a little honest spending reduction, a lot of spending increases, a couple of major new programs whose costs will balloon in years to come, some increased revenues, user fees, spending and payment shifts, baseline gimmicks and moving programs off budget.

Each Member will have to judge the final package at the end of the debate to determine for himself or herself whether the reconciliation bill should receive a passing grade.

[In millions of dollars]

	1990	1991	1992	1993	1994	Total
REAL DEFICIT REDUCTION						
Program Changes:						
Ag—CRF. 0/92, deficiency recal., TEA	−280	−1,507	1,026	6	0	−755
Banking—insurance premiums	−190	−23	205	38	7	37
F&L—GSL reforms	−35	−120	−160	−50	−35	−410
Interior—Tongass	−27	−41	−41	−41	−41	−191
MM—Panama escrow interest	−23	−21	−29	−36	−44	−153
POCS—USPS COLAs and health	−6	−13	−26	−39	−57	−141
VA—nonrecourse loan sales	−496	−553	−134	−98	−78	−1,359
W&M and E&C—catastrophic	−1,065	−2,365	−3,520	−4,095	−4,140	−15,185
W&M and E&C—medicare (current law)	−3,290	−3,975	−4,160	−5,676	−6,571	−23,672
W&M—Social Security	−174	−291	−258	−229	−161	−1,113
Subtotal	−5,586	−8,909	−7,097	−10,230	−11,120	−42,942
User Fees:						
E&L—PBGC termination	−66	−66	−66	−66	−66	−330
E&L—PBGC termination	−93	−112	−20	9	38	−178
E&C—SEC and FCC	−299	−313	−326	−340	−355	−1,633
Interior—Oil Shale	−20	−1	−1	−1	−1	−24
MM—Cruise ship and ocean protection	−159	−176	−195	−218	−243	−991
VA—Housing loan organization	−197	−206	−213	−219	−220	−1,055
Subtotal	−834	−874	−821	−835	−847	−4,211
Revenues:						
E&L—pension plan fees	−580	−580	−580	−580	−580	−2,900
W&M—SS (deferred compensation)	−401	−1,101	−1,101	−1,101	−1,101	−4,805
W&M—all other	−5,006	−7,551	−8,520	−9,302	−10,083	−40,462
Subtotal	−5,987	−9,232	−10,201	−10,983	−11,764	−48,167
Total real deficit reduction	−12,407	−19,015	−18,119	−22,048	−23,731	−95,320
Capital gains	−2,871	−3,813	−2,697	−5,723	−5,177	−1,519
DISINGENUOUS DEFICIT REDUCTION						
Time-shifts—Spending:						
Ag—adv. deficiency repayments	−54	0	0	0	0	−54
E&C—SEC fees	−63	−3	−3	−3	−3	−75
POCS—lump sum payment	−700	−40	850	0	0	110
POCS—FECA shift	−330	−35	−40	−45	−50	−500
W&M and E&C—catastrophic	−2,000	−700	−1,200	940	560	0
W&M and E&C—medicare (current law)	−470	−70	−80	−80	−90	−790
Subtotal	−3,617	−848	1,927	812	417	−1,309
Time-shifts—Revenues: W&M—airlines, telephone, employers	−158	147	−2	−2	−1,777	−1,792
Off-Budget:						
Ag—Bumpers-Pryor	−420	−483	−383	−420	0	−1,706
Gov. Op. and POCS—USPS off budget	−1,770	570	−780	670	720	−590
Subtotal	−2,190	87	−1,163	250	720	−2,296
Paper Savings:						
Ag—mandate oilseed program	−116	−123	0	0	0	−239
Ag—reduce EEP	−194	17	0	0	0	−177

[In millions of dollars]

	1990	1991	1992	1993	1994	Total
Ag—barley and oat targets	−1,070	0	0	0	0	−1,070
Subtotal	−1,380	−106	0	0	0	−1,486
Total disingenuous deficit reduction	−7,345	−720	762	1,060	−640	−6,853
DEFICIT INCREASES						
Program changes:						
E&C—medicaid	188	660	800	1,108	1,446	4,202
FOCS—redirect borrowing	5	10	10	9	9	43
W&M—Child Care	120	644	4,079	4,380	4,666	13,589
W&M—low income	316	1,006	1,451	1,323	1,295	5,391
W&M and E&C—medicare (current law)	860	1,324	1,509	1,679	1,844	7,216
W&M—Social Security	183	371	367	407	460	1,738
Subtotal	1,672	3,965	8,216	8,906	9,720	32,479
Asset Sales and Loan Repayments:						
Ag—RDIF loan sales	1	3	3	3	3	13
E&L—loan forgiveness	1	0	0	0	0	1
Subtotal	2	3	3	3	3	14
User Fees: W&M—customs service	154	−773	8	12	4	−595
Revenues:						
E&L—asset reversion	400	300	300	300	300	1,000
W&M and E&C—catastrophic tax	2,182	2,475	2,758	3,089	3,475	13,979
W&M—CBI and tariffs	151	186	217	70	16	640
W&M—Child Care	0	37	355	380	407	1,179
W&M—expiring provisions	1,605	2,757	2,967	3,201	3,744	14,274
W&M—Sec. 89 miscellaneous	168	179	200	217	234	995
W&M—subcommittee items	432	748	809	781	802	3,572
W&M—technical changes	5	12	11	7	7	42
Subtotal	4,943	6,694	7,617	8,045	8,985	36,284
Total deficit increases	6,771	9,889	15,844	16,966	18,712	68,182
ENACTED LEGISLATION						
Ag—adjusted dairy prices (Public Law 101-7)	−25	−10	−8	0	0	−43
Banking and W&M—FSLIC (Public Law 101-72)	−568	−31	−351	−310	−213	−1,473
Total enacted legislation	−593	−41	−359	−310	−213	−1,516
Reconciliation impact on deficit	[1] −16,445	−13,700	−4,569	1,391	−695	−34,018

[1] 1990 Medicaid expansion included, excluded on HBC-Majority Tables.

Source: HBC-Republican Staff, September 25, 1989.

Mr. DE LA GARZA. Mr. Chairman, in 1989 we find that most of the economic vital signs of American agriculture are improving. Farm debt is being reduced. We are regaining our export markets. Farmer income is up. Our surpluses of most major commodities are under control.

This turnaround from the situation we had in the early and mid-eighties has been made possible by the programs and policies we put in place with the Food Security Act of 1985 and the Agricultural Credit Act of 1987. In fact, the funds needed for the credit act have been reduced because of the policies of the 1985 farm bill.

It must be stressed how delicate this recovery is and how budgetary pressures threaten to derail the recovery. I need not remind my colleagues of the fact that our farmers have had to cope with the devastating and widespread drought of 1988 and the more localized drought of 1989.

In recent years I have often come to the House floor to set the record straight on agriculture spending. Critics here in Congress, the previous administration and in the media have taken issue with the amount of money we spend on farm programs. Both the Reagan administration and now the Bush administration budget requests have unfairly targeted agriculture for deep cuts.

Yet, if you abolish the entire Department of Agriculture—and that would include food stamps, nutrition programs, research, and extension—you would reduce the Federal budget by only 4 percent. All of the money we spend on farm price support programs—what is often characterized in the press as the subsidy for farmers—will amount to less than 1 percent of the total trillion-dollar-plus fiscal 1990 Federal budget. And this even includes disaster assistance for farmers.

What we seem to forget is that farm programs have enabled us to be the best fed people in the history of the world, and for the least amount of disposable income of any major industrialized country.

Today, we are faced with the task of reconciling our budget expenditures with expected revenues.

Members of the Committee on Agriculture worked very diligently, in a bipartisan and timely manner, to reach the deficit reduction required in areas under our jurisdiction for fiscal year 1990. I greatly appreciate the work and cooperation exhibited by every member of the committee in this joint effort.

I also want to thank the members and staff of the Budget Committee, especially its distinguished chairman and a colleague on the Agriculture Committee, Mr. PANETTA. Their cooperation and assistance has been very much appreciated.

None of the changes we recommend in our agricultural and farm credit programs as part of reconciliation were made easily. We were faced with many hard choices compounded by the fact that since 1981 we have been required to reduce agriculture spending by some $30 billion.

In the package before us today, we have again tried to meet our budget obligations in a way that is as fair as possible to farmers. We have tried to do so without disrupting program objectives and, where possible, we try to improve program operations in ways that save the taxpayer money. It was not an easy task.

I ask that a brief summary and explanation of the Committee on Agriculture's reconciliation package be included in the RECORD at this point:

SUMMARY OF HOUSE COMMITTEE ON AGRICULTURE'S RECONCILIATION RECOMMENDATIONS

The Committee on Agriculture's recommendations, as scored by the Congressional Budget Office (CBO), result in savings of $2.159 billion in fiscal 1990 and $2.103 billion in fiscal 1991. This is well above the budget-reduction instructions of $1.088 billion in 1990 and $1.151 billion in 1991 called for in the budget resolution.

SECTION 1001. SOYBEAN, SUNFLOWER, AND SAFFLOWER PLANTING PROGRAM AND FEED GRAIN ACREAGE LIMITATION PROGRAM

Allow producers to plant soybeans, sunflowers or safflowers on a portion specified by the producer (not to exceed 25 percent) of the producer's 1990 wheat, feed grain, cotton, and rice permitted acreage.

Require the Secretary of Agriculture to estimate the quantity of corn on hand not later than September 30, 1989; if the corn on hand for the 1990 crop is between 1.8 billion and 2 billion bushels, the acreage limitation program for feed grains must be between 10 and 12.5 percent.

Spending reductions occur from the reduction in price support program crop acreage that is projected to be planted to oilseed crops rather than to crops which are eligible for deficiency payments. Savings: $116 million in FY 1990; $123 million in FY 1991.

SECTION 1002. DEFICIENCY PAYMENT CALCULATIONS

Change basis for calculation of deficiency payments of 1990 program crops from first 5 months of the marketing year to the entire marketing year.

Require the Secretary of Agriculture to make an interim deficiency payment before the end of the first 6 months of the marketing year, if necessary, so that together with any advance payment, producers have at least 80 percent of their total deficiency payment in hand (excluding emergency compensation payments).

This proposal was included in the Food Security Act of 1985 for emergency compensation payments when the Secretary used his discretionary authority to reduce commodity loan rates up to 20 percent to maintain a competitive U.S. position in world markets. This provision results in a change in the timing of nearly $1 billion in deficiency payments because the final payment to corn and sorghum producers would occur after September 30. This change in timing is a necessary, but secondary, effect from the new calculation provision. Savings: $203 million in FY 1990; $1.289 billion in FY 1991.

SECTION 1003. RICE AND UPLAND COTTON OPTIONAL ACREAGE DIVERSION

Replace current rice and cotton 50/92 program with a 0/92 program identical to wheat and feed grains.

This provision would not require producers to grow a crop in order to be eligible for deficiency payments. Savings: $14 million in FY 1990; $104 million in FY 1991.

SECTION 1004. REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS

Allow producers suffering 1988 or 1989 crop losses from a natural disaster in 1988 or 1989 to delay paying refunds of 1988 advance deficiency payments until December 31, 1989. Savings: $54 million in FY 1990; [$0] in FY 1991.

SECTION 1005. MORATORIUM ON CONSERVATION RESERVE PROGRAM

Prohibit the Secretary of Agriculture from entering into any Conservation Reserve Program (CRP) contracts between October 1, 1989 and December 31, 1990.

Reduce the CRP enrollment target for the 1989 crop year from 35 million acres to 30 million acres.

Extend CRP program authority through 1992 crop year.

A moratorium will permit Congress to examine the CRP objectives and performance during the 1990 farm bill debate. The extension of CRP program authority would provide additional time to reach the 40 million acre enrollment goal. Savings: $13 million in FY 1990; $73 million in FY 1991.

SECTION 1006. REDUCTION OF EXPENDITURES UNDER THE EXPORT ENHANCEMENT PROGRAM AND FOR TARGETED EXPORT ASSISTANCE

Cap the Export Enhancement Program (EEP) expenditures in FY 1990 at $523 million.

Require the EEP be used to promote the export of U.S. meat and poultry products to U.S. military commissaries in the European Community, if the U.S. Department of Defense pays transportation costs; EEP expenditures under this provision shall be at least $14 million in FY 1990; at least $9.3 million in FY 1991, and at least $4.6 million in FY 1992.

Reduce Targeted Export Assistance (TEA) expenditures to $200 million for FY 1990.

Excluded from the EEP cap is the "triggered" EEP provision contained in the 1988 trade bill which must be used if significant progress is not made in the current General Agreement on Tariffs and Trade (GATT) talks. This maintains negotiating leverage on GATT contracting parties. Savings: $244 million in FY 1990; $22 million in FY 1991.

SECTION 1007. EXTENSION ON SALE OF RURAL DEVELOPMENT LOANS.

Allow borrowers who made a good faith deposit under the Farmers Home Administration's 1989 discount purchase program by March 9, 1989, and were eligible as of May 9, 1989, 150 days to complete the purchase. Savings: [−$2 million] in FY 1990; [−$3 million] in FY 1991.

SECTION 1008. FARM CREDIT.

Exempt from sequestration the interest payments by the U.S. Treasury to the Financial Assistance Corporation (FAC).

Repeal section 646 of P.L. 100-460.

Section 646 (the so-called Bumpers-Pryor amendment) of P.L. 100-460 would, effective October 1, 1989, allow certain member institutions of the Farm Credit System to be refunded nearly half of their self-help contributions to the FAC, and require new purchases of FAC stock, beginning in 1990, only in proportion to the amount of debt actually issued by the FAC; repeal of section 646 would maintain the FAC's off-budget status. Savings: $420 million in FY 1990; $483 million in FY 1991.

SECTION 1009. SENSE OF CONGRESS REGARDING THE NATIONAL FINANCE CENTER.

A sense of Congress that the Secretary of Agriculture should carefully examine the U.S. Department of Agriculture's working capital fund as it relates to the National Finance Center.

SECTION 1010. LIMITATION ON OUTLAYS OF THE DISASTER ASSISTANCE ACT OF 1989.

Reduce advance deficiency payments for 1990 crops by a total $1.070 billion if the 1989 planted acreage levels for barley and oats exceed 9.29 million acres and 12.5 million acres, respectively.

This provision is a technical correction that offsets the cost of the Disaster Assistance Act of 1989 (P.L. 101-82) under the Budget Resolution and Mid-session Review baselines when barley and oat planted acreage is projected to be above the specified levels. Current crop reports indicate that commodity spending is expected to decline sufficiently to offset disaster expenditures and planted acreage falls below the specified levels, thus removing the need for a reduction in 1990 deficiency payments.

Mr. MADIGAN. Mr. Chairman, I rise in support of title I, the Agriculture title that complies with the reconciliation instructions contained in House Concurrent Resolution 106, the concurrent resolution on the budget for fiscal year 1990 as agreed to in conference by the House and the Senate.

The Budget Committee instructed the Agriculture Committee to achieve outlay savings of $1.1 billion in fiscal year 1990 and $1.2 billion in fiscal year 1991. This committee has more than met its mark.

Title I provisions reduce projected farm program spending over the next 2 years in general terms as follows:

Oilseed Planting Program: This measure permits a producer to plant 10 to 25 percent of permitted acreage in soybeans, sunflowers, or safflower without the loss of base if the price of soybeans is expected to exceed 115 percent of the 1989 price. Savings resulting from fewer deficiency payments and commodity loans are estimated at $116 million in fiscal year 1990 and $123 million in fiscal year 1991.

Export Enhancement Program [EEP] and the Targeted Export Assistance Program [TEA]: A reduction in EEP funding is not expected to significantly affect U.S. agricultural trade since the 1989 wheat crop is smaller and wheat consumption is expected to increase while production decreases. The bill is estimated to save $244 million in fiscal year 1990 and $24 million in fiscal year 1991.

Unearned deficiency payments: Repayment of most unearned deficiency payments is expected to be made after harvest. Under this provision, repayment for winter-planted crops would not be required until 1990, shifting repayments from fiscal year 1989 to fiscal year 1990. Savings resulting from this provision are estimated to be $54 million in fiscal year 1990.

Conservation Reserve Program [CRP] moratorium: The bill imposes a moratorium on additional CRP enrollments until January 1991 and extends enrollment authority to 1992, permitting Congress to examine the objectives and performance of the CRP during the markup of the 1990 farm bill. Savings from this provision are estimated at $13 million in fiscal year 1990 and $73 million in fiscal year 1991.

Butter/nonfat dry milk CCC purchases: The measure includes savings resulting from S. 552—Public Law 101-7—altering the way USDA allocates butter and the dry milk purchases between April 1, 1989 and July 1, 1989. Savings are computed at $25 million in fiscal year 1990 and $10 million in fiscal year 1991.

Cotton and rice crops: The bill replaces the existing 50/92 provision for cotton and rice with the 0/92 provision in effect for wheat and feed grains, savings are estimated at $14 million fiscal year 1990 and $104 million in fiscal year 1991. Under the 0/92, if a producer plants between 0 and 92 percent of their permitted cotton or rice acreage and devotes the remaining acreage to a conserving use, they are eligible to receive deficiency payments on 92 percent of the permitted acreage.

Deficiency payments calculations: Deficiency payments for wheat feed grains, and rice would be calculated on the average market price for the full marketing year rather than the current method which bases that payment on the first 5 months of the marketing year. This change results in an estimated 10-cent reduction in the deficiency payment rate, saving $203 million in fiscal year 1990 and $1.3 billion in fiscal year 1991.

Financial Assistance Corporation: The 1987 Agriculture Credit Act, Public Law 100-460) required Farm Credit System institutions to purchase stock in a new Financial Assistance Corporation (FAC) in exchange for the $4-billion debt issued by FAC and guaranteed by the U.S. Treasury. The Bumpers-Pryor amendment allowed the refund of half FAC stock purchases and provided that new stock purchases, beginning in 1990, be only in proportion to the amount of debt actually issued. Repealing the Bumpers-Pryor section of Public Law 100-460 would return FAC to its off-budget status, resulting in estimated savings of $420 million in fiscal year 1990 and $483 million in fiscal year 1991.

Extension of prepayment period for rural development loans: The measure extends for 150 days beyond the date of enactment of the reconciliation bill the period allowing borrowers of FmHA rural development loans to make prepayments. This would result in nearly $75 million in loan prepayments; however, Gramm-Rudman-Hollings does not permit proceeds from these sales to count as reconciliation savings even though the sales would reduce the deficit in fiscal year 1990. This measure would result in an estimated cost of $1 million in fiscal year 1990 and $3 million in fiscal year 1991 due to decreased interest payments.

Outlay limitation for the disaster assistance act of 1989: The measure amends the Disaster Assistance Act of 1989—Public Law 101-82—to ensure that disaster payments for the 1989 crop year do not exceed the estimated reduction in price support spending, as originally intended by the Agriculture Committee, reductions in deficiency payments for wheat, feed grains, cotton, and rice are mandated if the 1989 area planted in barley is greater than 9.29 million acres and oats is greater than 12.5 million acres. Estimated savings in fiscal year 1990 are $1.1 billion.

The Senate's reconciliation package is considerably different than the House provision and the House-Senate conference on this measure should work to the advantage of both the House, the Senate and the administration.

As I understand it, there is some divergence of opinion on cost estimates attached to both the House and Senate provisions as viewed by the Congressional Budget Office on the one hand and the Office of Management on the other.

I believe we are all aware that while we generally utilize the CBO estimates of costs in the legislation we report, such as H.R. 3299, we cannot be unmindful in dealing with this legislation that the date of October 15 is fast approaching and that a sequestration order on that date is quite probable. Accordingly, we may wish to refine our consideration with respect to these savings provisions in the House-Senate conference that will soon ensue to arrive at the best possible provisions that will serve our farmers and producers, our constituents and the Nation as a whole. After all the OMB cost estimates prevail with respect to savings estimates as they relate to sequestration.

Having said the foregoing, I should emphasize that there seems to be a certain fluidity to the cost estimating in our budgets, and I trust that OMB and CBO will do their utmost to resolve their differences so that an agreement can be reached that will get the most savings out of a reconciliation conference report while minimizing the effect of sequestration on a farm economy that only recently is showing signs of recovery from falling real estate values, loss of markets in foreign trade, and low farm commodity prices.

Another factor now impacting agriculture is a 1989 crop disaster that occurred basically in the Southwest. However, we amend the Disaster Assistance Act of 1989 in this bill that limits the outlays for that legislation to a figure agreed upon with the administration that will not exceed payments that might otherwise have been made to producers in the form of farm program price support payments.

I commend the chairman and the other members of the committee for reporting what is now title I of H.R. 3299 and I urge your support of those provisions.

Mr. LAGOMARSINO. Mr. Chairman, the budget reconciliation bill is the place to make the hard choices. With the enormous Federal budget deficit facing America, now is the time to make the hard choices.

The Budget Reconciliation Act of 1989 does not make the hard choices. As a vehicle of fiscal restraint, H.R. 3299 is disappointing. As a sign to the American people that Congress is sticking to the deficit reduction measures to which it agreed, H.R. 3299 is dishonest. The mathematics of the budget reconciliation may work to meet the deficit deadlines, but the methods used to get the numbers will not work toward permanent deficit reduction.

Delaying payments and shifting spending into the next fiscal year is not honest spending reduction. In some cases, payments are being put off for as little as 30 days so as to count on next year's budget rather than this year's. Several billion dollars are being counted as savings, when, in fact, it just means an extra several billion dollars will have to be spent next year. No American family can run a healthy budget using these kind of calculations, and no Government can, either. If the Government is spending more money than it has, then that spending has got to be stopped, not just delayed on credit. That's what helped get America into this mess in the first place.

The sole purpose of the Budget Reconciliation Act should be deficit reduction. However, time and time again legislation is attached to the coattails of a reconciliation bill in the hopes that it will slip through without notice. Is this how Congress wants to address the critical need for child care in the United States? I know that my constituents are very interested in addressing the issues surrounding the options for child care legislation. I also know that they do not want to see a vote on child care proposals be affected by completely unrelated proposals contained in an omnibus bill like H.R. 3299. Working families and their children need Congress to give its full and careful attention to proposals regarding child care and other proposals in the budget reconciliation that deserve a debate and a vote based on their own merits.

Though I applaud several of the spending reductions and revenue proposals in the Budget Reconciliation Act of 1989, I am opposed to nongermane legislation and entitlement expansions included in H.R. 3299 that serve as an obstacle to the bill's purpose of deficit reduction. I am also opposed to the repeated appearance of savings throughout the bill without real spending reductions. I ask my colleagues to remember the reconciliation bill's purpose of deficit reduction, and to address that purpose honestly in the coming week.

□ 1910

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time, and I wish the Members a good evening.

Mr. PANETTA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. MILLER of California) having assumed the chair, Mr. Mavroules, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, had come to no resolution thereon.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3299, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-96)

The SPEAKER pro tempore. laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on House Administration, the Committee on Post Office and Civil Service, and the Committee on the Judiciary, and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, September 26, 1989.)

HON. GERALD SOLOMON HONORED BY NCOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY], is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, Wednesday night I will have the honor of joining with the Non-Commissioned Officers Association in hosting a reception for our colleague, GERALD SOLOMON. GERRY will be awarded the NCOA's L. Mendel Rivers Award for Legislative Action.

NCOA's 160,000 members have made a wise choice in selecting GERRY for this honor, which is given annually to a legislator for support of military personnel and veterans. As many of you know, GERRY has distinguished himself as an advocate for veterans with his efforts to upgrade the Veterans' Administration to a Cabinet department, his steadfast support for military personnel and more recently, his outstanding defense of the U.S. flag.

As a past recipient of NCOA's L. Mendel Rivers Award, I know just what an honor this is and I congratulate GERRY on this achievement. I would also note that among past recipients of the award are our distinguished colleagues, CHARLIE BENNETT of Florida and BILL HEFNER of North Carolina.

A NEW ERA BEGINS FOR AMERICA'S SPACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, America's space program entered a new era yesterday, when the last NASA-launched unmanned rocket cleared its gantry at Cape Canaveral. From now on, free enterprise will run the commercial launch business, leaving NASA free to concentrate on its proper role of research and development.

The expendable launch vehicle industry has matured. Corporations can now build, launch and maintain communication satellites using their own skilled work force. Just as airlines emerged from Government-sponsored programs, the launch industry is becoming a commercial enterprise.

Government also benefits from this change. Government agencies can now buy a ride to space for their payloads in much the same way that they buy other transportation services, streamlining their operations.

The ELV industry now is aggressively competing on the world market, seeking to continue the historic dominance the United States has shown in launch of satellities. The result of this international competition will be reduced launch costs and increased access to space.

The Federal Government has done much to reduce the bureaucracy associated with unmanned launches, including amendments last year to the Commercial Space Launch Act. And in the 1990 NASA bill, there is authorization for a new research program to develop more cost-effective technology for unmanned rockets. This R&D Program, while costing a modest amount, will help keep U.S. launch companies at the forefront of new technology.

In closing, I want to thank the tremendous launch teams of NASA for decades of outstanding performance and safety.

DESOLATION IN PUERTO RICO AND THE VIRGIN ISLANDS AFTER PASSAGE OF HURRICANE HUGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico [Mr. FUSTER] is recognized for 60 minutes.

Mr. FUSTER. Mr. Speaker, I have just returned from a very painful inspection tour of some of the ravaged areas of my island, Puerto Rico, and the Virgin Islands, some almost totally devastated in the wake of Hurricane Hugo.

The myth of Sisyphus comes to my mind when thinking about the dismal situation of my island today. Puerto Rico had been on a clear path of economic progress during the last 5 years substantially recovering from the grave recession suffered during most of the 1970's and the early years of this decade. But now the wrath of this hurricane has dealt us a serious setback and, like Sisyphus, we will have to begin our uphill struggle all over again to restore some measure of stability and well being to the island. The 3.5 million people of Puerto Rico will work hard toward that goal as we have done in the past, but they will need some assistance in order to return to their normal lives.

Five of my colleagues of the House, as well as the U.S. Secretary of Interior, Manuel Lujan, visited Puerto Rico with me 2 days ago. From their onsite inspection from helicopters and on land, they were able to see why many municipalities of Puerto Rico have been declared major disaster areas. The plight of the inhabitants of Puerto Rico in those areas is severe and calls for immediate as well as long term steps to alleviate the suffering they are now experiencing.

During our trip we visited the town of Ceiba and the islands of Culebra and Vieques in Puerto Rico and found that the basic necessities of life can scarcely be fulfilled more than a week after Hugo hit: there is no water, no electricity and only limited shelter available to a significant percentage of the population.

Fortunately, however, there was no loss of life due to the extraordinary and timely measure taken by the Government of Puerto Rico to evacuate vulnerable areas. But other losses are very high and severe.

Preliminary figures indicate at least $1,100 million in property damages. This includes extensive damages to housing. At least 60,000 families stand homeless right now; very serious is the damage to the island's infrastructure. Great efforts and resources will be needed to repair schools, roads, power plants and other utilities. There is also great damage to agriculture particularly to crops such as coffee, and to our milk, produce, poultry and cattle raising industries; there is damage to manufacturing plants; and damage to our tourism which is an important revenue source for us as well as for the Virgin Islands. The Island's economic production has been nearly paralyzed for over a week and that alone has caused production losses valued at over $250 million.

Another incalculable loss is the effect the devastation has had on our collective psyche. People face an uncertain future, they are frustrated by conditions over which they have no control and which they had not faced for a half century. More than 1.5 million residents have been without water for over 9 days. Our "Isla bonita" no longer has the lush and splendor of its trees and flowers. But nature will, in time, take care of that. What we must take care of is giving some sense of comfort and hope to our people so that they can once again lift themselves by their bootstraps.

Mr. Speaker, I hope we can count on your support as we map out a strategy and effective plan of action for our immediate and long term recovery. We appreciate the calls and efforts so many of you have already given and pledged on our behalf as well as the efforts of the Armed Forces to assist in the recovery effort. The Federal Emergency Management Agency is now fully operational in Puerto Rico, after some delays, and many Governors, such as Cuomo of New York and Schaeffer of Maryland, have sent us assistance in the rebuilding effort. I am very grateful to my colleagues that responded immediately and went down with me to be eyewitnesses to the tragedy of major proportions of this century—Congressmen GEORGE MILLER, CHARLES RANGEL, FRANK GUARINI, ENI FALEOMAVAEGA and Congresswoman BEVERLY BYRON. I am sure they share my view that the generosity this Nation has displayed in recent disasters abroad needs to be matched or surpassed to help the American citizens of Puerto Rico get back on their feet.

The Governor of Puerto Rico has provided a list of essential items and actions we need in the short and longer term. We will also need your commitment and advice as we craft emergency legislation that can help us promote a sound long range recovery plan so that we can build houses not prone to flying and enable people and businesses to patch up the disruptions they have suffered. The people of Puerto Rico are ready for the harsh task of Sisyphus of pushing again to try to get to predisaster conditions. I hope you hear and heed my plea for the Puerto Rico which many of you had known before this disaster. I hope you can help us to help ourselves in this moment of need. I have called for this special order today so that you can hear from our first-hand knowledge witnesses today.

Before that, Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and I also ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of this special order.

□ 1920

I yield to my colleague, the gentleman from California [Mr. MILLER], ranking Democratic member of the Interior and Insular Affairs Committee who accompanied us on the trip to Puerto Rico.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Puerto Rico for yielding to me at this time.

Mr. Speaker, we had an opportunity this past weekend to observe firsthand the devastation that has been suffered on the island of Puerto Rico and in the Virgin Islands specifically with respect to St. Croix from Hurricane Hugo. This has been, as people are so well aware of now throughout the United States, one of the most devastating natural disasters to strike our country, and clearly has rained devastation upon the site of Charleston in the State of South Carolina beyond our wildest expectations, and it did the same for the island of Puerto Rico and for the island of St. Croix.

Our efforts in going down to Puerto Rico with our colleagues and with the Secretary of the Interior, Manuel Lujan, was an effort to try to get an immediate assessment of how we might put together a plan for recovery for these islands so that the people can start to rebuild their lives, to rebuild their businesses, their places of employment, the schools for their children, and the homes in which they house their families, because all of these were destroyed by the hurricane. All of the infrastructure for the island of St. Croix was destroyed by the hurricane. We were able to visit areas on the island of Puerto Rico that received devastation beyond what we could comprehend after even watching TV for several days, devastation to almost the entire housing stock in some of these cities and some of the coastal areas and of the businesses.

But I must tell my colleagues it was rewarding to be able to travel with the gentleman from Puerto Rico [Mr. FUSTER], and the Governor of Puerto Rico and to see how they were able to project a calming impact on the people whose lives had literally been turned upside down, and to see the Governor visit these cities without regard to whether the mayor was of the same party or of a different party, but to zero in on the needs of the people in these cities, the economy of those cities and how they might get that rebuilt; to see our colleague, Mr. FUSTER, talk to people that he knew and to calm them about the tragedy that had beset their families, and to give a presence to our Federal Government to these citizens of our country made one proud to participate in that effort.

Our colleague, RON DE LUGO, had been on the island of St. Croix for serveral days by the time we got there and had been dealing with his constituents, with the citizens of St. Croix, again whose lives had been devastated beyond anything any of us had believed prior to getting off of that airplane and taking a tour of these areas.

What we come back to say to our colleagues and to say to the President of the United States, and it is a statement that we were joined in by Secretary of the Interior, Manuel Lujan, is that we must fully comprehend the extent of the devastation that has taken place in the islands and in Charleston and elsewhere, and this is not simply a matter of bringing in and moving in temporary shelter or a few mobile homes. In many areas this is the entire reconstruction of an economy so that people can go back to work.

I had the opportunity to visit one of my constituents who was working as a chef in a restaurant in a hotel complex. I visited her on the site of that complex that was devastated by the damage. But they were not hurt as much as the hotels and condominium complexes on either side of their property, and they can probably be up and running within a month or so and be back to some semblance of business. If they are not, there are a hundred people who they employ on the Island of St. Croix who will be unemployed.

So we have to think about those people and their families and see whether or not we can direct this aid at rebuilding the businesses so that they can once again attract the tourist trade.

Also, we were very saddened to learn that not only had the hurricane provided damage, but we also saw that some of the beaches in St. Croix had suffered some oil spills, almost adding insult to injury there. But I am delighted to hear that the effort is already being made to clean up the oil spill from the water and power site on the beaches, and hopefully that will be done quickly so again these people's businesses can be started up.

I guess the one pleasant news I heard was that my constituent, Kathy Plav, has a brand new baby named Austin, and somehow apparently Austin slept through the entire hurricane as they were all huddled together seeking shelter through a frightening night. Somehow Baby Austin was able to sleep through the entire hurricane and is now safe with his relatives in Texas.

Mr. Speaker, we have an unbelievable task before us if in fact we are going to provide the kind of assistance that these people need from their Federal Government, not that they just want it, but they need it. And we must understand the obligations that we incur when we have acts of God like this that devastate our citizens.

I felt honored to be able to go to Puerto Rico and to St. Croix and to have people tell me how much they welcomed the Federal assistance that was there, how thankful they were for the decision by the Coast Guard to put a shore party onto St. Croix and eventually to have the President move the military police from Ft. Bragg onto that island, and the outstanding job that the Army has done to restore civil order, to make sure that people were not taken advantage of by looters, and they are now policing more and more of the island, and I think in fact restoring civil order.

□ 1930

That was not necessary in Puerto Rico. Tragically so, it was necessary in St. Croix. But I think that situation has stabilized.

I must tell you that the citizens and tourists and people who were trapped there during that hurricane were very thankful for the role the Federal Government played in that.

There will be those who will carp back and forth about how everything was not as smooth as it should be between the Federal agencies and local entities. This was a disaster, this was a disaster of almost unprecedented proportions in the history of this country. It is not easy, but I think overall until proven otherwise the Federal agencies did a rather remarkable job and continue to do that even tonight as we speak, as the supplies, relief materials continue to flow both to Puerto Rico and to St. Croix and to Charleston.

But it will be the obligation of our committee and our subcommittee under the leadership of the gentleman from the Virgin Islands [Mr. DE LUGO] when things calm down a little bit, to reexamine the situation so that hopefully we can do better should we be visited by a tragedy such as this in some other part of the country.

I think we saw the difference in Puerto Rico where the government made a very real effort to evacuate people, to move people to safe shelters. I thank God we did not have the loss of life that was possible.

But there we saw the Governor and his government go out and ask the people to leave the coastal areas and move to shelters. Tragically that did not take place on St. Croix. I think there are issues that have been raised by the citizens of St. Croix and by others about the actions of the local government prior to and immediately following the hurricane.

I think we have an obligation to take a look at those in the Committee on Interior and Insular Affairs.

So let me just again thank my colleague, the gentleman who is the Resident Commissioner from Puerto Rico, Mr. FUSTER, for all of their help and support that he and his office provided to our delegation. I also want to thank those other Members, our colleagues Mr. FALEOMAVAEGA, Mr. GUARINI, Mr. RANGEL, Mrs. BYRON, and others, and Secretary Lujan and his staff, because I think we were able to cover an incredible amount of area on both islands, to talk to the citizens, talk to government officials, talk to our Federal agencies. They are in the process now of continuing to make sure that the pipeline remains full with the necessary items that we need to rebuild these islands over the long term so that once again they can provide not only for the employment and the well-being of their citizens but also these islands which provide enjoyment to many, many Americans.

I would expect that even in the current season, the tourist season, that Americans will find that Puerto Rico survived the hurricane in those areas where tourists can continue to enjoy and they should plan on enjoying the benefits of that island even after Hurricane Hugo.

To my colleague, the gentleman from Puerto Rico [Mr. FUSTER], I would hope that he would realize that those of us on the Committee on Interior and Insular Affairs, along with the Committee on Appropriations, and others, will do all we can so that we can relieve his constituents and others in the Caribbean from this devastation.

I thank the gentleman for taking this special order so that we may have an opportunity to impart to our colleagues how extensive in total this devastation was to the communities that were hit directly by Hurricane Hugo.

Mr. Speaker, Chairman UDALL, who facilitated our trip to Puerto Rico and to St. Croix this last weekend by moving even before we were prepared and requesting of the leadership and the administration an airplane, and the participation by the Secretary of the Interior, has asked that we include a statement in this special order expressing his concerns and also some actions that we might take in the Committee on Interior and Insular Affairs.

Mr. Speaker, on September 23 and 24, I led a congressional delegation inspection of damage to Puerto Rico and the Virgin Islands from Hurricane Hugo. Our delegation, which was accompanied by Secretary of the Interior Manuel Lujan, Jr., was composed of members from the Interior and Insular Affairs, Armed Services, and Ways and Means Committees.

Our delegation witnessed first hand the incredible devastation caused by Hurricane Hugo. Mr. Speaker, the complete and total destruction we saw is nearly indescribable.

Hugo was the worst natural disaster I have ever witnessed.

We already know that Hugo is the most costly natural disaster in our history. Property losses alone are already at a record high—ranging in the billions of dollars. And, those damage estimates will surely go up.

But, much more than property was lost.

Hugo's devastation to human lives—to the very structure, the livelihood, and core of the communities the storm struck—is catastrophic.

Every disaster takes a toll. Recovery sometimes takes years. Hugo's toll, unfortunately, is going to be the highest we have ever experienced, not, amazingly, in the numbers of dead, which were low, but in physically rebuilding the lives and livelihood that Hugo's winds swept away.

Because of that, we are going to have to respond to Hugo and its victims in a different way. All of the normal disaster programs are being put in place and this is extremely important. But, this extraordinary tragedy calls for an extraordinary, creative, and different response if these areas are to ever recover and become economically healthy again.

Our delegation visited Puerto Rico and the Virgin Islands to assess the damages, determine what assistance is needed, and learn if the aid available to those communities is sufficient and, if not, to find out what more can be done.

We went to Puerto Rico and the Virgin Islands knowing the damage was substantial. We expected the worst. But what we saw went far beyond what we had anticipated. We were all quite shaken by the extent and totality of the destruction.

In Puerto Rico and the Virgin Islands, many tens of thousands of people are without homes, potable water, and power. Hospitals and schools have been destroyed. Emergency airlifts are bringing in food, medicine, and water—all of which will help during the emergency phase.

On the island of Culebra in Puerto Rico, virtually every structure was damaged. Houses were ripped off their foundations. Boats and fishing vessels were lifted from the water and smashed on the beaches. Powerlines are still down. The water supply was damaged and there is no potable water. There is no fuel for cooking and no way to refrigerate and preserve food.

Culebra has to completely rebuild—from the bottom up. And the community doesn't have the resources to do it alone.

Sadly, this was not the only community so completely and totally affected. There are others in the same situation needing a massive infusion of long-term help.

Overall in Puerto Rico, the most pressing need is for housing. Nearly 15,000 homes have been destroyed. Nearly 40,000 homes suffered substantial damage. There are 25,000 to 30,000 homeless people. Some 12,000 people were in shelters this past weekend. The others found shelter elsewhere. Before these areas can begin to function again in any normal sense, The housing needs must be met—in the short term and, more importantly, in the long term.

Mr. Speaker, the efforts already undertaken by Governor Hernandez Colon and local officials in Puerto Rico was most encouraging. The Governor, the local leaders, the individual citizen have already accomplished a great deal. The homeless were in shelters. Power was being restored in the major cities. Potable water was being made available for drinking. Most streets have been cleared and are passable. The military and the Federal agencies were airlifting supplies—water, generators, food, and other necessities. Immediate needs are now being met.

Let me now turn to St. Croix in the Virgin Islands. While the damage in eastern Puerto Rico and in St. Thomas and St. John in the Virgin Islands is severe, it is very substantial in St. Croix. There are no words that describe the destruction on St. Croix.

Ninety percent of the structures—homes, schools, businesses, hospitals—have been affected and 40 percent destroyed or severely damaged.

Nearly all powerlines are down; there is no power.

The trees and other vegetation have been stripped of their leaves—as if invaded by a giant vacuum cleaner. Trees are splintered and ripped from the earth.

Glass, boards, roofing materials, and personal possessions are scattered throughout the island.

Try to put yourself in the position of the people who live on St. Croix. No power. No food except for what the military flies in. No water—for drinking, sanitation, personal hygiene. No communications—on the island or to the outside world. While the emergency needs are being met—and great credit is due the U.S. military forces and Coast Guard for this—the long-term recovery of St. Croix is very problematic.

Businesses have been destroyed or badly damaged. It will be a long time before many people can go back to work. Schools are severely damaged. It will be months before the children can return to classes. The physical rebuilding of the island will take a long, long time—because everything has to be brought in by air or by ship.

The economic rebuilding will take even longer, because the mainstay of the local economy—tourism and manufacturing—has taken devastating blows. Hotels are destroyed or damaged. The looting that occurred after the storm will make people fearful to travel there. And, to make matters worse, there is an oilspill. A leak from the fuel tanks of the territory's power authority has soiled one of the most beautiful beaches on the island with crude oil.

Mr. Speaker, the long-term recovery of Puerto Rico and the Virgin Islands will take time and money. In order for both jurisdictions to get back on their feet, it is going to take a great deal of Federal support—and it is going to have to be long-term support. I believe we need to consider a long-term, sustained aid program for both jurisdictions. If we can authorize and fund a Marshall Plan to rebuild Europe, we can do the same for Puerto Rico and the Virgin Islands.

I am pleased that Secretary Lujan agrees. He has announced that he will propose a program for the economic recovery of St. Croix and support other measures which need to be taken for the Virgin Islands and Puerto Rico. The Secretary has also announced plans for an environmental assessment of the areas damaged by the storm. We haven't seen the details of his plans yet; but I would like to applaud and encourage Secretary Lujan in this effort.

We have a great deal of work cut out for us to help Puerto Rico and the Virgin Islands recover. Those of us who visited there areas this past weekend will be communicating our concerns to the President.

Let me stress again that the recovery efforts for Hugo are going to have to be different than the usual disaster assistance response. This is not to say that the Federal officials on the scene are not doing their job. In fact, I thought their initial efforts were proceeding well and they deserve credit for the good work they are doing. I simply don't think that the traditional disaster programs—which are geared toward rebuilding the physical structures—are sufficient. The entire infrastructure—and economies—of some communities are gone. It has been wiped out and life will not be able to return to normal there for a long time. We need to look for means to rebuild the communities so they are not just physically whole again, but so they are economically and socially whole as well.

Mr. Speaker, a special thanks is due to the military forces who have been so critical in assisting these islands. They have been essential in opening up transportation and communications with the islands. In fact, aside from a few shortwave radios, the military is still the only communications link St. Croix has with the outside world. They have brought in tons upon tons of supplies to the islands and they have evacuated people. They have provided security where necessary. They have played an essential role in getting the emergency relief to the people of these islands.

A special thanks is also due to our colleague RON DE LUGO whom we met in St. Croix and who, with our colleague JAIME FUSTER of Puerto Rico, asked for our delegation to see the disaster areas. RON has been working night and day since Hugo hit the island to get emergency systems up and running and to make sure that the full range of available assistance is brought to the area—to the extent that he is even sleeping in the National Guard command post. This is an extraordinarily difficult job—since communications to the mainland are virtually nonexistent. He has done a great deal to help the Hugo victims on St. Croix. He deserves our help and support as he and the island prepare for the long-term job ahead of them.

Mr. Speaker, Hugo was an unprecedented disaster. We are going to be called upon in the days, weeks, and years ahead to take unprecedented steps to restore Puerto Rico and the Virgin Islands. We have a special responsibility to these areas and we must do all that is necessary to help in the wake of this massive tragedy.

Mr. FUSTER. Mr. Speaker, I thank the gentleman from California for his very kind and eloquent remarks.

Mr. Speaker, at this time I yield to the ranking minority member from California, the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, this past week Hurricane Hugo blasted through parts of the United States, leaving millions of Americans without shelter, food, water, and basic services. The entire infrastructure and economic base of several large communities were wiped out, with little prospect for near-term reemployment.

The 3½ million U.S. citizens of Puerto Rico and the Virgin Islands were the first to experience the destructive force of Hugo. Over half of the entire population were directly affected with the loss of some type of essential services. A substantial number of the people lost their homes, possessions, and places of employment. On St. Croix even plant life was shaken to the very root, with nearly every plant and tree losing all leaves and millions of trees uprooted or severely damaged. The once green tropical forests now look like some dead foreboding desert. And yet, in spite of the desolation spewed out by Hugo, the loss of life and injuries were minimal. The initiative and preparedness of the people themselves are a major reason why they survived the awesome force of the hurricane. The local governmental leaders were also key to the safety of the people.

Although some may complain regarding the slow response by the Federal Government, and the timing should be as quick as possible, there was a Federal presence on island assessing the situation the morning after the hurricane. In fact, the measured and progressive steps taken in St. Croix by the Federal Government to ensure law and order were probably implemented in the optimum timeframe.

The FBI, Coast Guard, National Guard, U.S. Marshals, and Federal troops were deployed in St. Croix to assist the local police in restoring civil order in a measured and reasonable manner. No lives were lost by the swift action of Federal forces due to the well-planned and integrated approach with the local government.

The Federal Emergency Management Agency established control of the recovery effort after the requests were received from the local governments. There remains some question as to the need for precise documentary language from an affected community before FEMA takes action. Perhaps the law should be reexamined to permit an immediate response through a simplified request mechanism.

President Bush and Attorney General Thornburgh are to be commended for their sensitivity and concern for the people of the islands by directing the appropriate assistance in a timely manner. The President has previously demonstrated his concern for the people of Puerto Rico and the Virgin Islands, who are U.S. citizens deserving the same attention as those elsewhere in the 50 States.

Secretary Manuel Lujan, having recently returned from an inspection trip to Puerto Rico and the Virgin Islands, has proposed a special reconstruction effort for the communities which suffered near-total loss in the Virgin Islands and Puerto Rico. He is also recommending that the President establish a multidisciplinary team to assess the environmental impact in the Caribbean.

I support both of these initiatives and the efforts of the delegate from the Virgin Islands and the Resident Commissioner of Puerto Rico to enact implementing legislation. I urge my colleagues to also support the efforts to revitalize the lives, environment, and economy of our fellow citizens in Puerto Rico and the Virgin Islands.

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Mr. FUSTER. Mr. Speaker, I would like to thank the gentleman from California for his very generous words, and I yield to the gentleman from Texas, the chairman of the Committee on Agriculture and the chairman of the Hispanic caucus, Mr. DE LA GARZA.

Mr. DE LA GARZA. Mr. Speaker, I thank my colleague for yielding, and appreciate his having the special order this evening. To my colleagues in the Committee on the Interior and Insular Affairs, I extend my appreciation for the assistance that they have rendered our colleague.

Let me say, Mr. Speaker, that I can sympathize with the problems of our colleague from Puerto Rico, from our colleagues in the Carolinas, and the Virgin Islands, and our hearts and our sympathy goes out to the people of South Carolina, Charleston and that area, to the people of the Virgin Islands, and certainly to those of Puerto Rico that we will address here.

I would like to say that even 20 years after we had Hurricane Beulah in my area on the Mexican border and on the coast, and when the hurricanes come, sometimes in Mexico, sometimes on our side of the border. However, Hurricance Beulah was one of the worst we have had in 20 years since, from 1967 until now. There are still areas rebuilding. I think this is important because it was mentioned by our colleague from California. I remember during Hurricane Beulah the confusion as to who was to ask for emergency declaration, when it was to be made, whether it was to be retroactive or not, and there was tremendous confusion.

Apparently with all commendation that the Federal Emergency Management Agency deserves or how Members solicit that assistance, I remember that program vividily then. The devastation, of course, is something that is very difficult for people to comprehend. From the experience that I have had, I join with the gentleman, and I assure the gentleman of the cooperation in the area of jurisdiction of the Committee on Agriculture with feeding, and commodities in all of the areas that the Department of Agriculture manages. Also, as chairman of the Hispanic Caucus, my heart goes out to our brethren, the Spanish-speaking island of Puerto Rico.

Now, I assure the gentleman that we will cooperate and work with him because there has to be a long-term involvement of the Federal Government. No State can handle, by themselves, devastation of this nature, nor Puerto Rico or the Virgin Islands. So our commitment to the gentleman, working with him, with the other committees in the Congress and in this House, is that we need to see the needs of the people, the reconstruction, the long-term reconstruction, the infrastructure which has been destroyed in many of the small cities and villages in Puerto Rico, and I am sure in the Virgin Islands, and in the Carolinas. We will work with the gentleman to see that the Federal response does not terminate when the situation is off the front pages or off the 6 o'clock news. We will work with the gentleman, and we will stand behind him and do everything we can to help our brethren in all the areas of desolation, but tonight my commitment is to my distinguished colleague from Puerto Rico.

Mr. FUSTER. Mr. Speaker, I thank the gentleman form Texas [Mr. DE LA GARZA] for his remarks.

I yield to the gentlewoman from Maryland, a member of the Committee on Interior and Insular Affairs, who accompanied Members on the trips [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, once again as my colleagues have done, I thank the gentleman for taking this special order. It is one that is very much a part of those Members that accompanied the Secretary of the Interior last weekend to Puerto Rico, and also on to St. Croix, on Saturday and Sunday.

I think many Members, as least I know all the Members on that trip, were absolutely struck with the enormous amount of damage and terror that had been placed in havoc by Hugo going through those two areas. It is my understanding, talking to our colleague, the gentleman from South Carolina [Mr. RAVENEL], the same thing is true in Charleston, and those individuals are there trying to rebuild.

I think the thing that has struck me so much was that in the Virgin Islands, on St. Croix, there is nothing left that is green. A week ago it was lush, green vegetation. Today there is nothing green. Two hundred mile-an-hour winds are very hard for Americans to fathom. They throw everything out of their path.

As we moved from the southern coast of Puerto Rico over to Vieques and Culebra, we had an opportunity to see the people and to watch the people begin to put things back in perspective. I Vieques we watched food distribution start, and we watched the input that the community had with massive water trucks, 6 or 7 days later of no water, no electricity. And it struck me as interesting, as I noticed an individual washing his car in St. Croix. I noticed as we went along, the people that are going to make it are the ones that are out cleaning up their yard. In several instances, I saw people that had put their plants back out on their porch, their dog was sitting, once again, in the front yard. To the best of their ability they had patched up a roof that was down, with a piece of tarp, and at the end of the day, were seated on their porch, greeting their neighbors.

We noticed the airport, which was so terribly damaged at St. Croix, the use of the Coast Guard who went in very quickly and assessed the situation that needed to be addressed, and addressed that situation. The use of our U.S. marshals, keeping law and order in the area. The over 1,000 MP's that General Moore has at his command, that came in from Fort Bragg. In Puerto Rico, the use of the National Guard, which has everything under control. It was difficult for me to realize how quickly the community, with the Guard and the involvement, have begun to clean up roads which were impassable 3 days earlier, and yet when we were there on Saturday and Sunday, a person could move in the community.

The people in the shelters that had been fed, and had been taken care of. The only complaint, at one shelter, was there were not enough mattresses. The question was asked of a gentleman, "How about meals?" "Oh, I am getting three meals a day." "How about water?" "Yes, they have trucked in water." If the only problem in the shelter was there were not enough mattresses, I think our emergency, and in your area in Puerto Rico, the emergency facilities that were there had worked and were working.

We have seen use of our military troops. A young Navy physician that I ran into, working with the local community in St. Croix, Medivacing out patients. It always seems when there is a disaster and a tragedy, those women that are about 7 and 8 months pregnant seem to decide at that time to have their children early. That adds another dimension to the problem. Those people were being taken care of. They were being medivaced out. The births were going on. I think they probably will have a record number of births on Vieques and Culebra, and also on St. Croix in the last several weeks.

However, I think when we look at the tragedy and the ones that stuck in my mind, again and again, were many of the people who had so little to start with, and what little they had was all gone. We got sidetracked looking at someone's large yacht within a yard, someone that probably has insurance and can replace that. Then you look across the street at what had been a small home, not much of a home by many of our standards, but to the person that lived there, really all that they owned in this world, and it was gone. It was scattered by the wind.

Those are the people that our hearts go out to. Those are the people that are going to need enormous amount of effort and help to rebuild. Many of the businesses in the small communities, people that may have a little bit of insurance to get restarted, but do not have the long time in depth of the funds to rebuild, to be able to hold on until the public comes back and the population comes back and the schools get opened and operational again.

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Mr. Speaker, we have had a tragedy in Puerto Rico, the Virgin Islands, and here on the mainland in South Carolina, but we have a very resilient population, and we have already seen that resilience of those individuals who were terribly damaged because these individuals have started to rebuild. I think that is what makes this country so really great. They need help, but they are also going to help themselves, and I think we saw all of that firsthand. We came back with a much stronger understanding of the problems that weather can do to us, but also with a renewed faith in many of our constituents that have begun to move forward.

So, Mr. Speaker, I want to once again thank the gentleman from Puerto Rico [Mr. FUSTER] for taking this special order. I think the people that are listening really will get an understanding firsthand from some of us that had an opportunity to see tragedy, but also out of that tragedy see the people come back, and they will come back.

Mr. FUSTER. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BYRON] for her compassion, and her remarks and for her support.

Mr. Speaker, I would like to yield now to another person who is well versed with disasters which have affected his own land, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Puerto Rico [Mr. FUSTER] for setting up this special order especially as it relates to the catastrophic affecting the Virgin Islands and Puerto Rico.

I rise today to report on the status of the Virgin Islands and Puerto Rico in the aftermath of Hurricane Hugo.

I have just returned from the Virgin Islands and Puerto Rico as a member of the delegation from the House Interior Committee. Mr. Speaker, I am saddened to see the complete devastation on the Island of St. Croix, and the amount of damage to the other islands we inspected. Hurricane Hugo has destroyed the economy of the Virgin Islands and created much hardship for the residents of the islands. I hope that we as a Nation are able to assist our fellow Americans who live in the Caribbean.

I want to extend my appreciation to our Secretary of the Interior Mr.

Manuel Lujan; assistant secretary for territorial and international affairs, Stella Guerra, and assistant secretary for policy, budget and administration, Lou Gallegos, for their efforts at this critical time. Secretary Lujan's presence in Puerto Rico and the Virgin Islands shows real leadership and sensitivity to this crisis—and I applaud his initiative to inspect our insular areas in the Caribbean.

Secretary Lujan has announced a comprehensive proposal for the Virgin Islands and Puerto Rico, and I want to go on record as supporting that proposal in principle. As the details of the proposal are worked out I look forward to providing assistance to the Department of the Interior for its implementation.

I want to acknowledge the leadership demonstrated by Governor Alexander Farrelly of the Virgin Islands, and Governor Rafael Hernandez Colon of Puerto Rico. Their actions during the period have been beneficial to the people of both areas and I know they will continue to reduce this present hardship to the residents of the islands.

Mr. Speaker, our colleague, Ron de Lugo, chairman of the House Interior Subcommittee on Insular and International Affairs, from the Virgin Islands, flew to his district on the first available plane and has been doing an outstanding job of coordination with the various local and Federal agencies involved between the Virgin Islands and here in Washington.

I also want to commend my colleague, the distinguished gentleman from Puerto Rico Resident Commissioner Jaime Fuster from Puerto Rico who went to his district immediately after the hurricane struck, and the work he and his staff are doing is also commendable and deserves recognition.

The Red Cross is also on the scene and it is doing an outstanding job by providing assistance in the form of shelter and food.

I also want to acknowledge the leadership President Bush demonstrated after the hurricane struck, by sending military police, U.S. marshals, and FBI agents to assist the Territorial Government of the Virgin Islands in its efforts to restore order on the island.

The Federal Emergency Management Administration was also among the first to arrive in the Virgin Islands and brought to the islands their expertise in beginning the reconstruction effort.

Mr. Speaker, this is also true with Puerto Rico. Other Federal agencies which deserve special recognition are the FAA, Department of Defense, the U.S. Coast Guard, and the Justice Department.

Mr. Speaker, in the spirit of bipartisanship this is the only way that we are going to proceed and move forward in providing some kind of economic recovery program for these two insular areas. I note also with interest the fact that 1.7 million Americans in Puerto Rico are without adequate water supply. I recall a great sense of appreciation in an area such as this that we have experienced with Hurricane Hugo, and that was only 3 years ago that my district also experienced Cyclone Tusi with winds which exceeded in excess of 170 miles per hour. It totally destroyed one of the islands in American Samoa. Thank God, no lives were lost in that catastrophe.

Mr. Speaker, whether we call it a hurricane, a typhoon, or a cyclone, I can only think of terrible terms to describe what has happened to these two areas: total destruction, complete disaster, tremendous loss of property, and even fatalities that potentially could have resulted from these catastrophes. I am pleased with the recovery effort today, and I look forward to working with any assistance that I can provide in the future.

Mr. FUSTER. Mr. Speaker, I would like to thank again all of my colleagues for their eloquent words and for their great interest in what has happened in Puerto Rico and the Virgin Islands. I think that they have been giving eloquent testimony of what I mentioned before.

Hugo was an unprecedented disaster, and the people, the American citizens of Puerto Rico and the Virgin Islands, are in great need of assistance. We are going to be called upon in the days, weeks, and years ahead to take steps to restore Puerto Rico and the Virgin Islands. We have a special responsibility to these areas, and we must do all that is necessary to help them in the wake of this massive tragedy.

Mr. Speaker, I am confident that the Congress of the United States will respond to this plea in the way it has done with similar disasters in the past.

Mr. UDALL. Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I directed last week that a congressional delegation be assembled to assess the damage inflicted by Hurricane Hugo in the U.S. Caribbean insular areas of Puerto Rico and the Virgin Islands at the request of our colleagues from these insular areas, Ron de Lugo and Jaime B. Fuster. The delegation returned to Washington Sunday night.

They report that these insular areas were extraordinarily hard hit and face a long and hard road to recovery. The devastation of some communities, I am told, is so great that is is difficult to imagine.

The delegation was led by the Honorable George Miller, chairman of the Subcommittee on Water, Power, and Offshore Energy Resources. He provided it with strong effective, perceptive and tireless guidance. It included our colleague Ron de Lugo of the Virgin Islands, who is chairman of the Subcommittee on Insular and International Affairs, which has jurisdiction regarding all insular issues. Chairman de Lugo has been on the ground in St. Croix since the day after the storm hit the Virgin Islands.

The other Members of the delegation were Congressman Fuster, Congresswoman Beverly Byron, Congressman Eni F.H. Faleomavaega—all members of the Interior and Insular Affairs Committee—and Congressman Charles Rangle and Congressman Frank Guarini, members of the Committee on Ways and Means.

The dedication of all delegation members should be appreciated.

Interior Secretary Manuel Lujan, Jr., and two of his assistant secretaries, Lou Gallegos and Stella Guerra, were also part of the delegation.

It should be said, Mr. Speaker, that those in Puerto Rico and in the Virgin Islands who had the least to lose, unfortunately lost what little they had. Many could not afford insurance of any kind. Poor neighborhoods were transformed into devastated neighborhoods. Where Hugo passed, it took almost everything. In the worst areas in eastern Puerto Rico and the Virgin Islands, there literally are not leaves on any vegetation. Rather than the lush green vegetation of 10 days ago, there are blown down trees barren of any green. What economic infrastructure existed before has been virtually erased.

Recent rough estimates from the Federal Emergency Management Agency are that some 9,000 homes in Puerto Rico and over 33,000 homes in the Virgin Islands have been lost. This, of course, does not include the many public facilities or other private buildings destroyed or seriously damaged nor other destruction.

Elements of the Army and Navy and Air Force as well as the Coast Guard deserve our commendation and appreciation for their efforts to deal with situations where the most fundamental services were destroyed. Theirs has been and remains a herculean task. Their work, coordinated by the Federal Emergency Management Agency and aided by other Federal and private agencies, is well underway and increasing. We owe them a debt of gratitude.

Our colleague, Chairman de Lugo, has played a pivotal role in the case of the Virgin Islands to help coordinate necessary action between the territorial government and the Federal Government. His efforts have truly made him one of the heroes of the relief effort.

Puerto Rico's Resident Commissioner Jaime Fuster has, since the storm hit his island, worked from Washington, DC, to ensure that all that could be done was being done and, when problems were identified, to help resolve them.

The immediate efforts, however, represent only the tip of the iceberg. Secretary Lujan plans to assemble a task force from within the administration to assess the environmental impact on the affected areas of Puerto Rico and the Virgin Islands.

He also has announced that he plans to recommend a major recovery program for the economy and society of St. Croix in the Virgin Islands.

This island of about 55,000 people was the hardest hit of the U.S. insular areas affected by the storm. Some three-quarters of its people are still homeless and a like amount of its public and private buildings and facilities were devastated.

The destruction led to wide-scale panic and further destruction from looting.

The island's government is having a hard time coping with the situation—both in terms of keeping law and order and providing emergency relief. It is receiving—and will for a long time need—Federal assistance and presence in these areas.

Because Hugo—and its unfortunate aftermath—virtually obliterated the thriving tourism and manufacturing economy of St. Croix, the major economic recovery program that Secretary Lujan has proposed after consulting with Chairman DE LUGO and the Miller delegation will be vitally needed to really rebuild St. Croix and prevent further suffering in the future. Normal relief efforts alone will not suffice.

The emergency assistance that is finally on its way may be able to repair buildings and provide other critical relief, but the additional program of the Lujan plan will be needed to re-establish an economy that may be wiped out for years to come. The disaster in all of the areas will require a major rebuilding effort, but the devastation on St. Croix is so complete to an entire community that it is imperative that the disaster there be handled with efforts that go beyond those already authorized.

The Interior Department will need to take the lead in organizing this program; but other agencies such as the Small Business Administration, the Department of Commerce, the Departments of Housing, Education, Defense and many others will have to be involved. Many of these initiatives should involve creative measures to enable economic activity to take place and homes and infrastructure to be rebuilt.

I understand that Secretary Lujan also intends to recommend appropriate steps to the President for recovery efforts within Puerto Rico, particularly in the area of housing.

I want to express my full support for the Secretary's efforts. I look forward to working with former colleague and longtime friend, Secretary Lujan, and his staff. I pledge the full cooperation of the Interior and Insular Affairs Committee to this most important work. It must get underway without delay if our fellow citizens in the islands are to have hope for long-term recovery.

Apart from the human suffering, which promises to be with us for a long period of time, there are equally serious environmental problems that are in need of immediate evaluation. If the trees and shrubs that have been stripped of their leaves are uprooted, do not survive, do we face massive erosion? Does that mean we need to implement a reforestation program?

American citizens and American property have been severely damaged. People are stunned and dazed. Nothing less than our very best and most concerted efforts are required to help these people restore their lives and their local economies.

Mr. Speaker, I look forward to Secretary Lujan's recommendations, and hope that my colleagues will help us act on them at the earliest possible time.

Mr. ORTIZ. Mr. Speaker, I rise today to express my strong support for the people of Puerto Rico as they begin the long, arduous process of reassembling their lives in the wake of one of nature's worst disasters—a hurricane.

As a Member of Congress from the coastal area of south Texas, I am very familiar with the destruction caused by the force of a hurricane. If you have never lived through a hurricane, it is difficult to imagine the devastating impact that the sudden loss of lives and property has on a people. But if you have survived the fury of a hurricane, you know, like myself and hundreds of other families from coastal areas, that it is a terrible thing to watch every thing you have worked for be washed away in just a moment. It is a humbling experience that no individual or family should have to experience.

The economic state in Puerto Rico, or anywhere else for that matter, cannot support the destruction and devastation remaining from this crisis. At this point, there is $1.1 billion in damage. Fifty-five out of seventy-eight municipalities have been affected and are in need of Federal assistance. More than 1.5 million residents are still without water, 9 days after the hurricane. Fifty percent of industry in Puerto Rico is not fully operational—37,000 families have been left homeless through no fault of their own. They have no home to return to, no shelter to live in while they attempt to survive in the debris. They need our attention and support to secure adequate food and shelter.

The people in Puerto Rico must turn to us for their needs. We must respond to those who are afflicted when natural disaster strikes in a manner that is swift and efficient. We must hear and respond to their pleas for assistance through our financial resources, generous donations and disaster-recovery plans with the necessary human resources.

Our friends and neighbors in Puerto Rico need our help. We cannot ignore their pleas.

Mr. GREEN. Mr. Speaker, the tragedies arising out of the Hurricane Hugo's devastation of Puerto Rico may be many miles away physically, but are not far from our minds and hearts. The loss of lives, the injuries, the loss of homes and services are terrible to behold.

Many individual Americans as well as Federal, State, and city agencies from the mainland are trying to help ease the pain for the residents of Puerto Rico. Yet we all acknowledge not only the pain suffered by the people there, but the strength and dignity they have shown during this trying period.

I know, firsthand, what such a storm can do. I served as a regional administrator for the Department of Housing and Urban Development when it oversaw the Federal Disaster Assistance Administration, forerunner of the Federal Emergency Management Agency. Thus I went to Puerto Rico immediately after the destructive 1975 tropical storm, Eloise. Traveling in the heavy poststorm rains, I saw the swollen rivers, the flooding, the mud slides, the crushed homes, the blockaded streets, and downed power lines.

In that case, I was part of the team helping to provide some emergency aid and housing through FEMA. Today, as ranking minority member of the Appropriations Subcommittee that funds FEMA, I know that $83 million in fiscal year 1989 funds is available for emergency assistance to Puerto Rico and other areas swept by Hugo. Furthermore, the subcommittee provided another $100 million in fiscal year 1990 funding, a sum approved by the full House.

I expect additional requests for funds will be made so that we can provide the Federal share of the costs of rebuilding damaged and destroyed Commonwealth buildings. I promise the people of Puerto Rico and the Members of this House that I will do everything I can to see to it that additional funding will be made available as needed to help those who have suffered from the storm.

Mr. RANGEL. Mr. Speaker, I rise to offer my heartfelt regrets to the suffering people of Puerto Rico and the Virgin Islands, as well as their families living on the mainland. The devastation wrought by hurricane Hugo on those islands, those in the Eastern Caribbean and to the Carolinas on our own shores reminds us once again of the power of nature and the frailty of man and his creations.

While the suffering of one human being can never in fairness be viewed as more important than that of any others, I direct my attention at the moment to the destruction of the islands of Puerto Rico and the Virgin Islands because I visited those two locations this past weekend at the invitation of Governor Rafael Hernandez-Colon of Puerto Rico and Governor Alexander Farrelly of the Virgin Islands.

I was in the company of several other Members of this body as well as members of the Cabinet, and we were all moved. On the first day Governor Hernandez-Colon and his disaster team escorted us to witness first-hand the damage experienced by the citizens of San Juan, the capital, and the surrounding areas. Even a week after the storm had passed, thousands of trees still blocked the streets, pieces of houses were strewn on the landscape, and fallen power lines crisscrossed the damaged roadways. Governor Hernandez-Colon estimated that more than 20,000 families on the main big island had been left homeless. Other areas, such as the island of Culebra, were struck even worse, with 80 to 90 percent of the inhabitants homeless and living in shelters provided by the Red Cross. It was devastation of a kind I have never seen before, save for the destruction of wartime.

The following day the delegation traveled to St. Croix, where we were met at the airport by Governor Farrelly. On a helicopter tour we were most saddened by the devastation we could only witness from above the ground. But even from there it was easy to see that barely a leaf was left on the trees, bare shells replaced what had been small but comfortable homes, electrical power lines were down everywhere, and dead animal carcasses rotted in the streets. At least 80 percent of the buildings were destroyed, and 40,000 of the island's 55,000 people were homeless, according to Governor Farrelly. In short, the island of St. Croix in places looked like it had been picked clean by ravaging demons of destruction.

As bad as was the destruction to property, nothing compared to the suffering of the people on both Puerto Rico and the Virgin Islands. A few—no one is certain how many—

had lost their lives. Thousands had been left homeless. Many of those with families on the mainland had been cut off from telephone contact with their loved ones far away. On St. Croix 90 percent of the poles were down, leaving the island totally without electrical power or telephone communications. That made for worry and distress at both ends.

But in the midst of such tragedies as this there are always great, if untold, stories of heroism and charity. To me, the millions of people of Puerto Rico and the Virgin Islands who have lived through this cataclysm are an entire community of heroes. They embraced their homeless neighbors by sharing their small homes and rooms, and willingly shared their food. Through all of it they have suffered without major complaints. These are the forgotten people that we have heard very little about. These are the stories we should be focusing on.

Putting Puerto Rico, the Virgin Islands and the Carolinas back together again is going to be a big and difficult job—sadly, but particularly, in this time of budget constraints. In order to succeed in restoring our beloved islands and Carolinas, the representatives of these areas will have to work selflessly along with the administration to devise and carry out a feasible plan that deals honestly with the real scope of damage. In the Carolinas alone, we've already heard estimates in the billions of dollars. The figures will be at least as high in Puerto Rico and the Virgin Islands.

If we mean to do the kind of job that will truly make us and our island brothers proud, we will likely need a mini-Marshall Plan approach to the effort. Undoubtedly, the rebuilding will not be done overnight, but it must be done well and completely.

Only this kind of action will give substance to our grief, meaning to the suffering that the islanders and Carolinians have endured so far. Once again, God has tested us. In our belief, we accept the challenge, and in our faith, we shall prevail.

THE CAPITAL GAINS TAX CUT VERSUS THE SON OF MONDALE TAX INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk tonight about a capital gains tax cut versus the Son of Mondale tax increase, and I want to walk through where we find ourselves as we look at the vote which is coming up in just 2 days.

Mr. Speaker, there is a very long tradition of suggesting that we want to compete with Japan, that we want to compete in the world market, that we want to be a more productive country. Many Members of Congress say they favor competitiveness, that they are in favor of taking the steps which would in fact make America more able to compete and more productive. At the same time many Members say they want to help small business. They want to help the family farmer. They want to help young people develop new jobs and new opportunities, and they want to help entrepreneurs create jobs of the future.

Mr. Speaker, virtually every economist agrees that, if we were to lower the capital gains rate that increase investments, that increases the number of new jobs, that helps people live a better life. In fact I will presently introduce into the RECORD this evening a study which just came out today which was a projection of the Jenkins-Archer impact on the American economy, the increased size of the gross national product, increased jobs, larger investment and more savings.

However, Mr. Speaker, before I do that, I think we have to also clarify what the alternative is. The alternative is a liberal Democratic tax increase that is massive. The alternative suggests that the taxes raised by the proposed Gephardt tax increase will be significantly more than the cost of IRA's [individual retirement accounts], that in fact there will be a surplus of money being raised through the tax increase, and in fact they proudly suggest that they want to put that money into some other purpose.

So, what we are talking about on the other side is not just raising taxes barely enough to pay for the IRA's; quite the contrary. What we are talking about on the other side is raising the tax more than that is necessary to pay for the IRA's and in effect having a significant net tax increase.

Now what does that mean? It means that just as McGovern, and Mondale and Dukakis campaigned on the premise that Americans should pay more, the liberal Democratic leadership is proposing that Americans should pay more.

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In fact, it is ironic that in the very reconciliation bill which is going to allow us to repeal section 89, a tax provision which small business does not like and which is going to allow us to repeal the catastrophic Medicare tax which most of our senior citizens do not like, that the liberal Democrats are proposing a brand new tax increase as if there were no lessons to be learned from the catastrophic Medicare provision or from section 89 or from the defeats of McGovern and Mondale and Dukakis.

Now, let me draw the line very clearly. The fact is that under the Jenkins-Archer bipartisan proposal, by reducing capital gains and thereby increasing the desirability of investing, increasing the desirability of savings, America will be stronger.

An economic projection was developed by the National Association of Manufacturers on their econometric model and it suggests the following things, that the peak change in gross national product will occur after 11 quarters, that is about 3¾ years, when the gross national product is $79 billion bigger than it would be without the Jenkins-Archer proposal. Over an 8-year period, the average increase in gross national product over 8 years will be 1.1 percent, or $56 billion bigger, and that is in constant 1982 dollars, so it actually would be slightly larger in 1989 dollars.

In other words, if we reduce the capital gains rate and we encourage saving and we encourage investment and we create new jobs and we create better jobs, we will have on the average over the next 8 years $56 billion a year in constant 1982 dollars in additional economic activity, in additional prosperity, $56 billion a year just by lowering the capital gains rate.

Well, let us talk about it in different terms. Our liberal friends say they truly care about the poor, they truly want to help the poor get jobs. Well, according to this econometric projection, the peak change in employment will occur after 13 quarters, that is 3 years and one quarter, when 527,000 jobs will have been created.

Now, if the question is, would you like to vote for the Jenkins-Archer provision to create 527,000 jobs and increase the size of the economy and increase the amount of money flowing to the Federal Government, you would think that our liberal friends would be excited by this opportunity, but the problem is these are not government jobs. These are not bureaucratic jobs. These are not welfare state jobs. These are just jobs in the private sector and private business, producing real goods and services; but I think most Americans would suggest and most of the commonsense Democrats who are joining in the bipartisan coalition understand, that 527,000 jobs is a big step in the right direction, that that is a stronger America and a healthier America.

In addition, because a cut in the capital gains rate encourages the development of new factories, the purchase of new tools, the development of new computers, so that Americans will be more productive, the capital gains rate reduction under Jenkins-Archer will lead to, according to this econometric projection, to about a 5-percent increase in nonresidential, that is nonhome fixed income; in other words, factories and offices will have about a 5-percent increase in investment, or about $25 billion in 1982 dollars. At the end of 8 years, they estimate the increase will be about 3½ percent, and that is because the capital gains cut tapers off, but at its peak in the very near future we would have $25 billion more spent to invest to make America more productive and more competitive with Japan, Korea, or Germany.

So the question is very simple. If you want to have a larger gross national product with more prosperity, $79 billion in 11 quarters, you ought to vote for the Jenkins-Archer provision to cut capital gains.

If you want to create more jobs, 527,000 more jobs, you ought to vote for the Jenkins-Archer proposal to cut capital gains, and if you want to see more investment in new machinery, new computers and new factories so that Americans can compete with Japan, and Korea, and Germany, then you ought to vote for the Jenkins-

Archer capital gains cut, because it will lead to about $25 billion more in fixed business investment.

Now, the President understands that, and the President understands that a lot of those new jobs and a lot of those new opportunities relate directly to working Americans, to minority Americans, to people of all walks of life who want to develop their own small businesses.

Today President Bush met with small business representatives in the Oval Office and he said the following:

> As we meet with these small business owners and representatives of small business owners, it gives me an opportunity to make another appeal for the capital gains differential. It is not, as these folks know, a tax break for the rich. It is a job-creating tax measure that will put more Americans to work.

So I think we have to stand up to the understable political rhetoric on the other side, the rhetoric that we have heard all last year and are now hearing once again and fight for this principle that will be good for the American people.

When I look back at some of the statistics that in 1987 over 14 million people reported capital gains and 70 percent of the tax returns had incomes of less than $50,000; so this argument that we hear from the political opponents that this is a tax break for the rich, they simply are wrong about it.

The American people had a chance to hear this debate in last year's political process and now I am trying to follow through and do what I said I would do. It is a tough fight, but I obviously would welcome all your support, which I hope I have.

Now, think about what President Bush said in this particular statement. Fourteen million people reported a capital gain in 1987. Now, when you hear our friends on the left stand up and tell us, why, this is all for the rich, ask yourself, if 14 million people took a capital gain, and a capital gain can be on their farms, it can be on their timber, it can be on an investment they made, it can be on a small business they developed, there are many ways to get a capital gain. In fact, one economist told me tonight that it is his estimate that at least 91 percent of the American people at some point in their lives will take a capital gain. That is true for a reason that relates to frankly the demise of the McGovern demograph program way back in 1972. It relates I think to what is wrong with the son of Mondale of tax increase proposal in 1989.

It was stated pretty well by Lou Cannon in a column in the Washington Post entitled: "Capital Gains: The Little Secret."

I want to quote from Mr. Cannon. He said:

> In the 1988 election campaign, otherwise more celebrated for flag-waving and demagoguery, both presidential candidates confronted the capital gains issue squarely. Bush favored restoration of a lower capital gains rate, which he believes will create risk capital and enable the United States to compete more successfully with Japan and other countries that tax capital gains lightly or not at all. Michael Dukakis presented the orthodox liberal view that a capital gains tax would provide an unneeded windfall for the rich.

Well, as all of you know, Mr. Dukakis' left-wing views failed and the country agreed with President Bush that we had to have a way to compete with Japan.

Then Mr. Cannon goes on to say:

> The little secret that the House leadership does not want to acknowledge is that a separate and lower tax for capital gains is highly popular with many middle-class voters, as the results of the 1988 election suggest.
>
> The Democratic leadership has statistics on its side when it argues that the wealthiest taxpayers benefit most from restoration of the capital gains tax. But what the leadership has ignored is the emotional variable that has cost the Democrats so dearly in national elections. Clearly, striking it rich remains the American dream. Middle-class and working-class Americans who bought a home or a stock years ago with pre-inflated dollars feel they ought to be able to sell their investments without having the proceeds gobbled up by taxes. They favor a capital gains tax.
>
> This emotional attitude was a key to the "Reagan revolution," which appealed to the hopes and ambitions of Americans, particularly young Americans, rather than to their concerns and fears.

Now, notice the key thing here. We believe in our coalition in an opportunity society where every American has a chance to do better. We believe in a country where people can start small businesses, where they can pursue their dreams, where they can save for the future, and we want to encourage those dreams. We want to encourage that saving. We want to encourage those small businesses.

Our friends on the left think in a static world where there are only the ultrarich and the rest of us, and so they do not really understand that they are going to be taxing the widow who inherited a family farm, they are going to be taxing the pensioner who has some timber, they are going to be taxing that young couple who worked for 10 years to build a small business and finally had a chance to sell it, that all of these people who worked hard and did right are going to be taxed, because a capital gains tax is a tax on opportunity. It is a tax which makes it harder to have a prosperous, successful country.

□ 2010

The other thing our friends on the left do not understand is that there are 14 million people who in 1987, according to President Bush, took advantage of a capital gain to have a lower tax, 14 million people in 1 year alone, and so the Gephardt tax increase proposal is a proposal which would stop these 14 million Americans and the next 14 million and the 14 million after that to have their opportunity when they sold their home or they sold their farm or they sold their business or they cashed in on their savings and investment to have that opportunity to have a slightly better life and to keep some of that capital gain.

A number of people are beginning to understand just how powerful capital gain can be and just how important it is. In particular, they are understanding that if we are going to compete with Japan, we have to be willing to make American investments, that the real choice is simple: Do we want to encourage Americans to invest in America, or do we want to keep a capital gain rate so high that Americans will not invest, and then our only choice is a recession that kills jobs or allowing other countries to invest in America?

I think those of us who support the Jenkins-Archer plan want to see it made easier for Americans to invest in America. When we look at that figure in that econometric study that I quoted that 527,000 jobs will be created over the next 3 years by the Jenkins-Archer proposal, then we know that we want to help Americans invest in America to create jobs for Americans.

Let us listen to what some other people have said. George Will, the national columnist, said,

> Some Democrats for whom rich is a four-letter word, believe that life is a zero-sum game in which anything that helps the rich hurts the rest. Republicans should say in a soothing tone of voice this, "A cut would be in the short run progressive." The word progressive in the context of taxes especially causes Democratic pulses to race. The rich would rush to take a lot of gains they otherwise would not take. Thus, there would be a gusher of revenues, billions to the Treasury, easing restraints on domestic spending for the nonrich, and the gusher will help the next evasion of what are amusingly called the Gramm-Rudman deficit reduction requirements. Cutting the capital gains rate would turn the economy. It would impart a general acceleration to the velocity of capital surging hither and yon in pursuit of the most productive investment.

That is George Will. He is saying in effect that if we want to avoid a recession, if we want to increase investment and as a result of that if we want to get more money out of the rich by getting them to invest more often, we ought to cut the capital gains rate and vote for the Jenkins-Archer proposal.

Jeff Dickerson in the Atlanta Journal,

> When Rich's and Macys' reduce their price for 1-day sale, do they earn more money or less? More even though their prices are lower. So it is with reducing the tax on capital gains. The rush to sell off

> assets would swell Federal cash registers by $5 billion. That is money the Government would not have collected otherwise. The real benefit comes in what Congress could do for the poor with the extra cash. It could subsidize the child care of working mothers, expand Head Start, bring more of the uninsured into Medicaid or bolster the earned income tax credit for the working poor. In order to do this though, lawmakers must overcome the knee-jerk opposition to cutting the taxes of the rich. Unfortunately in capitalism, helping the rich is often the surest way of helping the poor. That is why Ed Jenkins and his Democrats support a cut in the capital gains tax. They have overcome their envy, and knowing that helping the rich can help the poor, too.

When we talk about helping the poor, is there any help more powerful than a job? If we had tonight a welfare state proposal for 527,000 jobs that would not cost the Treasury a dime, that we could pass and would actually increase the Treasury's income, people would be excited to vote for it. Yet, the fact is according to the only economic study we have seen so far, the Jenkins-Archer proposal will increase the number of jobs over the next 3 years by 527,000 jobs, 527,000 more Americans at work. Is that not precisely the best war on poverty we could have, helping Americans work their way out of poverty by making available real jobs in the real economy?

But, again, it is not just helping Americans directly. It is also helping America in competition with Japan and Germany and Korea.

Warren Brooks said it well,

> The real issue is U.S. global competitiveness. At the moment, the United States has by far the highest effective capital gains tax in the free industrial world and the highest cost of capital in the capitalist world. The sad truth is that American industry pays from 55 percent to as much as 90 percent more for their capital investment in equipment, factories and research than either Japan or Germany which, until recently, have not even taxed capital gains at all.

Warren Brooks goes on to quote Champion Papers' president John Georges,

> The impact of a higher cost of capital means the German companies can invest more capital for machinery that will improve productivity or expand capacity. It means the Japanese companies can invest more for research and development, and because of lower cost of funds, both German and Japanese companies can operate with lower margins which equate to lower prices for their products. Today we are in a different ball game, a game whose boundary lines are global and whose rules are truly international. We cannot play this game competitively with the civic and business cultures at each other's throats.

What does that mean? It repeats the points made by the economic projection which said that with a capital gains tax cut such as the Jenkins-Archer proposal, we would have $25 billion more invested in new factories, new machinery, new computers and new equipment, and that is a major reason why we would have 527,000 more American jobs. Those two factors are a major reason why our gross national product would be $79 billion higher which means more prosperity for Americans.

The Chicago Tribune understood this and wrote in a recent editorial,

> Six conservative Democrats on the tax-writing panel ignored their party leaders and are supporting a cut in the capital-gains tax. They apparently value a healthy economy more than partisan ideology. In fact, a lower capital gains tax will boost Federal revenues at least in the early years as people sell securities or real estate to take advantage of the reduced rates. More important, a consistent favorable treatment of capital gains will stimulate investment at a time when the economy is slowing and will help make America more competitive in world markets. Instead of addressing the critical long-term issues of competitiveness and productivity, the Democratic leadership rails about benefits for the rich. To be sure, some of the people who will come out ahead if the capital gains tax is cut are among the wealthiest in the Nation, but they are not the only ones who will benefit. Anyone who sells a family residence to finance a new business venture or sells securities to pay for a child's education or to help provide retirement income will gain, and those are not transactions reserved for multimillionaires. The middle class and the elderly also will be helped by a lower capital gains tax.

The Chicago Tribune puts its finger on a very important fact that our liberal friends are forgetting. Among those 14 million people who took a capital gain in 1987 were many retired citizens. The people who will gain the most from a capital gains cut in many cases are retired Americans who have worked and saved and invested all of their lives, and they want a chance, an opportunity to cash in that investment for their retirement years. They want a chance to live a little better on their retirement pension; and yet keeping the capital gains tax up leaves less money for senior citizens.

I think it is important to recognize that in the Jenkins-Archer capital gains cut is a major step toward helping precisely the senior citizens who have worked hard and saved all of their lives, and I think that is a very important fact as we look at what is happening.

Let me also point out that President Bush has taken an unequivocal position on the Gephardt tax increase. He wrote a letter to the Speaker of the House distributed to all Members, and I want to read that letter into the RECORD, because it states President Bush's position, I think, in a very eloquent way:

> The House of Representatives will soon have the opportunity to vote on legislation that will ensure continued economic prosperity and provide powerful incentives for investment and jobs.
>
> I firmly believe a capital gains reduction is the right policy for all Americans. This is an opportunity to restore an incentive for saving and investment, to create new jobs and build a better future. All Americans will benefit.
>
> Middle-income Americans who invest wisely, farmers selling off a piece of the family farm, the elderly widow who is living off the assets she and here husband struggled to accumulate, the couple who planned ahead and saved so their children could go to college, the small business entrepreneur who sank his savings in an idea he alone believed would work—these are not wealthy Americans. Over 70 percent of the taxpayers who report capital gains have other income less than $50,000.
>
> In this intensely competitive world, almost all major industrial nations tax capital gains lightly or not at all. This is important to the American factory worker whose job may be on the line unless his company can bring down its capital costs.
>
> Reestablishing a capital gains differential, which was part of our tax laws for over six decades, provides the needed incentives for those willing to take a risk on new products and research that are the result of American ingenuity.
>
> Reducing the capital gains tax means Americans who have capital gains at some time in their lives—about half of our population—will be able to keep more of their savings to invest for the future.
>
> You will be offered an alternative to the Jenkins-Archer capital gains proposal. No matter how you dress it up, that alternative is a tax increase—plain and simple. That's no alternative, and my response will be equally plain and simple—veto.
>
> The timing for this vote is excellent. The Nation is enjoying its 82d consecutive month of economic expansion—the longest in peacetime history. Support for a capital gains differential is a vote to continue that prosperity, and I ask for your support when the Jenkins-Archer proposal comes to a vote.
>
> Sincerely,
>
> GEORGE BUSH.

□ 2020

Now notice the President makes the point that we are now in the 82d month of our prosperity, the longest period of prosperity, almost 7 years in peacetime history.

The Jenkins-Archer proposal, as I noted earlier, by creating 527,000 jobs in the private sector will continue that prosperity. It will give us the longest period of job increase in American history.

But there is a real danger that the Gephardt tax increase will, in fact, lead directly to a recession. So one of the things we will be voting on on Thursday is a choice between continuing the growth in jobs or having in fact a recession.

I think that it is very important to recognize that we are at a point now where we have an opportunity to truly increase the productivty of America, to make America more competitive with Japan and Korea and West Germany, and to give ourselves an opportunity to help the poor by creating over 500,000 jobs, while helping the middle class by giving them a chance to start a small business, to sell a piece of property, to cash in an investment, and by helping our senior citizens who have saved and worked all of their lives.

So let me just say in closing I hope that Members will look at this carefully. I hope they will consider it as a nonpartisan issue, as an issue which has Democrats and Republicans alike voting for a capital gains reduction. I hope they will look at it on the facts. I hope that they will ignore the emotionalism and instead say to themselves: Do I want America to be more competitive with Japan? Then I should vote yes.

Do I want America to encourage small business and family farmers? Then I should vote yes.

Do I want Americans to be in position that we have the kind of opportunties for our senior citizens to cash in on their savings and on their investments? Then I should vote for Jenkins-Archer.

I think on Thursday we have a real chance to avoid a recession and continue the recovery to create even more jobs to help the poor even more, and I hope every Member of this House will look at those facts before they decide how to vote.

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on September 27.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

Mr. TORRICELLI, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. PENNY, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mrs. BOXER, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on September 27, 28, October 2, 3, 4, 5, and 6.

Mr. JONTZ, for 5 minutes, on September 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. MACHTLEY.

Mr. LAGOMARSINO in two instances.

Mr. PORTER in two instances.

Mrs. JOHNSON of Connecticut.

Mr. BROOMFIELD.

Mr. EMERSON.

Mr. GOODLING.

Mr. HUNTER.

Mr. LENT.

Mr. ROWLAND of Connecticut.

Mr. HENRY.

Mr. CONTE in two instances.

Mr. GEKAS.

Mr. KOLBE.

Mr. DREIER of California.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. CROCKETT.

Mr. JACOBS.

Mr. SOLARZ.

Mr. MCMILLEN of Maryland.

Mr. BRYANT.

Mr. STARK.

Mr. BORSKI.

Mr. HAYES of Illinois.

Mr. BROWN of California.

Mr. TOWNS.

Mr. BOSCO.

Mr. KOLTER.

Mr. WYDEN.

Mr. HUBBARD.

SENATE BILLS REFERRED

A bill and current resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1036. An act to improve the economic, community, and educational well-being of rural America, and for other purposes; to the Committees on Agriculture, Education and Labor, Government Operations, the Judiciary, Public Works and Transportation, and Small Business.

S. Con. Res. 72. Concurrent resolution to recognize the historic significance of the International Ladies' Garment Workers' Union [ILGWU] Health Center, on the 75th anniversary of the Center, and to commend the ILGWU for establishing and maintaining the Center; to the Committees on Education and Labor and Post Office and Civil Service.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV.

A BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval a bill and joint resolution of the House of the following title:

On September 22, 1989:

H.J. Res. 204. Joint resolution to designate October 1989, as "National Quality Month;" and

H.R. 2136. An act to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 27, 1989 at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1738. A letter from the Acting Assistant Secretary of State (Legislative Affairs), transmitting determination that it is in the national interest to grant assistance to the Dominican Republic, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

1739. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1740. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Government Losses in Shipment Act to provide a permanent indefinite appropriation for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment; to the Committee on Government Operations.

1741. A letter from the Director, U.S. Office of Personnel Management, transmitting his review of the recommendations included in the GAO report entitled, "Managing Human Resources: Greater OPM Leadership Needed to Address Critical Challenges" (GAO/GGD-89-19); to the Committee on Post Office and Civil Service.

1742. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to expand the class of airports covered by the Airport Certification Program; to the Committee on Public Works and Transportation.

1743. A letter from the Acting Comptroller General of the United States, transmitting a review of the Panama Canal Commission's financial statements for the year ended September 30, 1988, pursuant to 22 U.S.C. 3723(b); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 1358. A bill to amend title 38, United States Code, with respect to the Montgomery GI bill, and for other purposes; with an amendment (Rept. 101-68, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 88. A bill to direct the Secretary of the Army to set aside an appropriate area within Arlington National Cemetery for the unmarked burial of cremated remains (Rept. 101-255). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2594. A bill to name the Department of Veterans Affairs outpatient clinic located at 1900 Mason Avenue, Daytona Beach, FL, as the "William V. Chappell, Jr., Veterans' Outpatient Clinic" (Rept. 101-256). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2807. A bill to provide for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II, and to express the sense of Congress concerning the United States' participation in that conflict (Rept. 101-257, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2983. A bill to name the new Department of Veterans Affairs outpatient clinic in Mount Vernon, MO, as the "Gene Taylor Veterans' Outpatient Clinic" (Rept. 101-258). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2987. A bill to name the Department of Veterans Affairs medical center in Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center" (Rept. 101-259). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. H. Res. 249. Resolution providing for the further consideration of H.R. 3299, to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990 (Rept. 101-261). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 2710. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; with an amendment; referred to the Committee on House Administration for a period ending not later than September 27, 1989, for consideration of such provisions of section 8 of the amendment recommended by the Committee on Education and Labor as fall within the jurisdiction of the Committee on House Administration pursuant to clause 1(k), rule X (Rept. 101-260, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself and Mr. Fish):

H.R. 3341. A bill to amend the Sherman Act to increase the fines that may be imposed for a violation of such Act; to the Committee on the Judiciary.

By Mr. GALLO:

H.R. 3342. A bill to amend the Controlled Substance Act to provide a mandatory death penalty for the killing of law enforcement officers in connection with certain drug-related offenses; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. EDWARDS of California:

H.R. 3343. A bill to amend title 38, United States Code, to improve procedural rights of persons whose claims for benefits from the Department of Veterans Affairs are denied in whole or in part; to the Committee on Veterans' Affairs.

By Mr. GOODLING:

H.R. 3344. A bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes; to the Committee on Education and Labor.

By Mr. PALLONE (for himself, Mr. Saxton, Mr. Hughes, Mr. Florio, and Mr. Courter);

H.R. 3345. A bill to amend section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit any person from burning wood on ocean waters after December 31, 1991; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHULZE:

H.R. 3346. A bill to provide for Federal monetary awards payable to persons who provide information leading to the arrest and conviction of individuals for the unlawful sale, or possession for sale, of a controlled substance or controlled substance analogue; and to provide for incentive awards to States payable from certain funds arising from forfeitures under Federal drug laws; to the Committee on the Judiciary.

By Mr. SMITH of Vermont (for himself, Mr. Poshard, Mr. Gunderson, Mr. Fawell, Mr. Henry, Mr. Grandy, and Mr. Hayes of Illinois):

H.R. 3347. A bill to establish a National Demonstration Program for Educational Performance Agreements for School Restructuring; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 3348. A bill to amend title XI of the Social Security Act to exclude, from participation in the Medicare Program and State health care programs, physicians who have been found to have violated regulations governing the investigational use of new drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WAXMAN:

H.R. 3349. A bill to amend the Public Health Service Act to provide for the protection of certain health facilities from illegal activities and to support regional centers for research on primates; to the Committee on Energy and Commerce.

By Mr. MICHEL (for himself, Mr. Shaw, Mr. Coughlin, and Mr. McCollum):

H.R. 3350. A bill to implement the President's 1989 national drug control strategy; jointly, to the Committees on the Judiciary, Energy and Commerce, Education and Labor, and Foreign Affairs.

By Mr. NELSON of Florida:

H. Con. Res. 201. Concurrent resolution commending NASA and the Jet Propulsion Laboratory for the continuing successes of the Voyager space missions to the outer solar system; jointly, to the Committees on Post Office and Civil Service; and Science, Space, and Technology.

By Mr. SAXTON:

H. Con. Res. 202. Concurrent resolution expressing the sense of the Congress that a National Environmental Institute should be established; jointly, to the Committees on Science, Space, and Technology; and Education and Labor.

By Mr. DREIER of California:

H. Res. 248. Resolution to amend the Rules of the House of Representatives to restore the role of continuing resolutions as short-term funding measures; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

254. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to ratifying an amendment to the Constitution of the United States; to the Committee on the Judiciary.

255. Also, memorial of the Legislature of the State of California, relative to fishing by foreign vessels; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Yatron.

H.R. 76: Mr. Johnston of Florida, Mr. McCollum, and Mrs. Ros-Lehtinen.

H.R. 83: Mr. Young of Florida.

H.R. 88: Mr. Montgomery, Mr. Stump, Mr. Edwards of California, Mr. Hammerschmidt, Mr. Applegate, Mr. Wylie, Mr. Evans, Mr. Smith of New Jersey, Mr. Penny, Mr. Rowland of Connecticut, Mr. Rowland of Georgia, Mr. James, Mr. Stenholm, Mr. Stearns, Mr. Kennedy, Mrs. Patterson, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Sangmeister, Mr. Jones of Georgia, Ms. Long, Mr. Morrison of Connecticut, Mr. Leath of Texas, Mr. Hefner, Mr. Jenkins, Mr. Richardson, and Mr. Browder.

H.R. 90: Mr. Combest.

H.R. 145: Mr. Ortiz, Mr. Lancaster, Mrs. Morella, Ms. Slaughter of New York, Mr. Hoyer, and Mr. Aspin.

H.R. 311: Mr. Barnard and Mr. Nelson of Florida.

H.R. 557: Mr. Stearns, Mr. Rhodes, and Mr. Hopkins.

H.R. 634: Mr. Visclosky and Mr. Morrison of Connecticut.

H.R. 638: Mr. Stark, Mr. Yates, and Mr. Olin.

H.R. 720: Mr. Espy.

H.R. 1124: Mr. Bilbray.

H.R. 1150: Mr. Lipinski.

H.R. 1197: Mr. Leath of Texas, Mr. Chapman, Mr. Jones of Georgia, Mr. Young of Florida, Mr. Smith of Texas, and Mr. Gilman.

H.R. 1205: Mr. LIGHTFOOT, Mr. INHOFE, Mr. YATRON, and Mr. STALLINGS.

H.R. 1377: Mr. EMERSON, Mr. SLAUGHTER of Virginia, Mr. JOHNSTON of Florida, Mr. BURTON of Indiana, and Mr. THOMAS A. LUKEN.

H.R. 1381: Mr. BILBRAY.

H.R. 1456: Mr. BRYANT.

H.R. 1457: Mr. UDALL, Mr. LANCASTER, Ms. KAPTUR, Mr. FAZIO, Mr. DE LUGO, Ms. SLAUGHTER of New York, Mr. FALEOMAVAEGA, Mr. McGRATH, Mr. LIVINGSTON, Mr. COURTER, Mrs. SAIKI, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. GILLMOR, and Mr. BENNETT.

H.R. 1515: Mr. MOORHEAD, Mr. BOSCO, Mr. SKEEN, Mr. GRANT, and Mr. WYDEN.

H.R. 1593: Mr. BILBRAY, Mr. PAXON, Mr. TAUZIN, Mr. McDADE, Mr. COLEMAN of Texas, Mr. GALLO, and Mr. COSTELLO.

H.R. 1615: Mr. PAYNE of New Jersey.

H.R. 1690: Ms. SLAUGHTER of New York, Ms. OAKAR, and Mr. GILLMOR.

H.R. 1699: Mr. BILIRAKIS, Ms. SLAUGHTER of New York, Mr. SABO, Mr. DOWNEY, Mr. JOHNSTON of Florida, Mr. BUSTAMANTE, Mr. OWENS of Utah, Mr. DUNCAN, Mr. FIELDS, Mr. HALL of Texas, Mr. WATKINS, Mr. McCURDY, Mr. SYNAR, Mr. ENGLISH, Mr. ROBERTS, Mr. HALL of Ohio, Mr. HUNTER, Mr. McMILLEN of Maryland, Mr. RHODES, Mr. LENT, Mr. BOEHLERT, Mr. MARTIN of New York, Mr. STALLINGS, Mr. THOMAS of Georgia, Mr. OLIN, Mr. PAYNE of Virginia, Mr. BOUCHER, Ms. KAPTUR, Mr. MURPHY, Mr. JONES of North Carolina, Mr. TRAFICANT, Mr. McHUGH, Mr. RAVENEL, Mr. COOPER, Mr. MARKEY, Mr. STAGGERS, Mr. GILMAN, Mr. LEHMAN of Florida, Mr. PICKLE, Mr. ANDREWS, Mr. STENHOLM, Mr. HAYES of Illinois, Mr. McCLOSKEY, Mr. SOLOMON, Mr. MAZZOLI, and Mr. DONALD E. LUKENS.

H.R. 1730: Mr. POSHARD, Mr. CARR, Mr. SANGMEISTER, Mr. PERKINS, Mr. TAUZIN, Mr. STALLINGS, and Mr. JAMES.

H.R. 1746: Mr. VALENTINE and Mr. KOLTER.

H.R. 2096: Mr. LEWIS of Georgia.

H.R. 2121: Mr. RITTER.

H.R. 2202: Mr. YOUNG of Florida.

H.R. 2209: Mr. RITTER.

H.R. 2265: Mr. BROWN of Colorado.

H.R. 2267: Mr. GLICKMAN, Ms. KAPTUR, Mr. NAGLE, and Mr. WOLPE.

H.R. 2345: Mr. FAUNTROY.

H.R. 2380: Mr. DWYER of New Jersey.

H.R. 2418: Mr. DARDEN.

H.R. 2489: Mr. OWENS of New York, Mr. JOHNSON, of South Dakota, Mrs. UNSOELD, and Mr. CHAPMAN.

H.R. 2547: Mr. DYMALLY and Mr. ENGEL.

H.R. 2584: Mr. ATKINS and Mr. HOUGHTON.

H.R. 2587: Mr. HUGHES, Mr. STANGELAND, Ms. SCHNEIDER, and Mr. MILLER of Washington.

H.R. 2594: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. EVANS, Mr. McEWEN, Mr. PENNY, Mr. SMITH of New Jersey, Mr. STAGGERS, Mr. BURTON of Indiana, Mr. ROWLAND of Georgia, Mr. RIDGE, Mr. STENHOLM, Mr. ROWLAND of Connecticut, Mr. HARRIS, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. PAXON, Mrs. PATTERSON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. MORRISON of Connecticut, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. BROWDER.

H.R. 2664: Mr. KOLTER, Mr. DINGELL, and Mr. ENGEL.

H.R. 2665: Mr. HOYER, Mr. WHEAT, Mr. SIKORSKI, Mr. COLEMAN of Texas, and Ms. SLAUGHTER of New York.

H.R. 2700: Mr. COX.

H.R. 2706: Mr. JONTZ.

H.R. 2723: Mr. FUSTER and Mr. RANGEL.

H.R. 2775: Mr. COSTELLO, Mr. MACHTLEY, Mr. PALLONE, Mrs. BOXER, Mr. FAUNTROY, Mr. DYMALLY, Mr. SCHEUER, Mr. GILMAN, Mr. BRYANT, Mr. UPTON, Mr. OWENS of New York, Mr. TOWNS, Mr. WALSH, Mrs. SAIKI, Mrs. COLLINS, Mr. FROST, Mr. FEIGHAN, Mr. FAZIO, Mr. LEVIN of Michigan, Mr. SMITH of Florida, Mr. ARMEY, Mr. WAXMAN, Mr. LIVINGSTON, Mr. ATKINS, Mr. RITTER, Mr. DE LUGO, Ms. PELOSI, and Mr. BERMAN.

H.R. 2787: Mr. TAUZIN, Mrs. COLLINS, and Mr. UPTON.

H.R. 2807: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. PENNY, Mr. SMITH of New Jersey, Mr. ROWLAND of Georgia, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. RIDGE, Mr. KENNEDY, Mr. JAMES, Mrs. PATTERSON, Mr. STEARNS, Mr. JOHNSON of South Dakota, Mr. SANGMEISTER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. JENKINS, Mr. RICHARDSON, Mr. BROWDER, and Mr. BRENNAN.

H.R. 2974: Mr. ORTIZ, Mr. COSTELLO, Mr. BARTON of Texas, Mr. FAUNTROY, Mr. WHITTAKER, Mr. THOMAS A. LUKEN, Mr. ERDREICH, Mrs. COLLINS, Mr. McEWEN, Mr. GUARINI, Mr. SMITH of Florida, Mr. WALSH, Mr. LANCASTER, Mr. LAGOMARSINO, Mr. GARCIA, Mr. DWYER of New Jersey, Mr. CHAPMAN, Mr. McNULTY, Mr. TOWNS, Mr. ECKART, Mr. OWENS of New York, Mr. FROST, Mrs. MORELLA, Mr. DE LUGO, Mr. PAYNE of New Jersey, Ms. SLAUGHTER of New York, Mr. FORD of Tennessee, Mr. GILMAN, Mr. FOGLIETTA, Mr. BRUCE, Mr. KOLTER, Mr. HANSEN, Mr. BATES, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. WOLF, Mr. WYDEN, Mr. LIPINSKI, Mr. MADIGAN, Mr. HENRY, Mr. INHOFE, Mr. RINALDO, Mr. BENNETT, Mr. PALLONE, Mr. PAXON, Mr. McGRATH, Mr. RAHALL, Mr. FASCELL, Mrs. LOWEY of New York, Mr. GINGRICH, and Mr. ROE.

H.R. 2980: Mr. CROCKETT, Mrs. COLLINS, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mr. DeFAZIO, Mr. KASTENMEIER, Mr. EDWARDS of California, and Ms. PELOSI.

H.R. 2983: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. WYLIE, Mr. APPLEGATE, Mr. McEWEN, Mr. EVANS, Mr. SMITH of New Jersey, Mr. PENNY, Mr. BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND of Georgia, Mr. RIDGE, Mr. STENHOLM, Mr. ROWLAND of Connecticut, Mr. HARRIS, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. JAMES, Mrs. PATTERSON, Mr. STEARNS, Mr. JOHNSON of South Dakota, Mr. PAXON, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. BROWDER.

H.R. 2987: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. EVANS, Mr. McEWEN, Mr. PENNY, Mr. SMITH of New Jersey, Mr. STAGGERS, Mr. BURTON of Indiana, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. STENHOLM, Mr. RIDGE, Mr. HARRIS, Mr. ROWLAND of Connecticut, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mrs. PATTERSON, Mr. JAMES, Mr. JOHNSON of South Dakota, Mr. STEARNS, Mr. JONTZ, Mr. PAXON, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. BROWDER.

H.R. 3053: Mr. LEWIS of Georgia and Ms. KAPTUR.

H.R. 3099: Mr. DWYER of New Jersey and Mr. MORRISON of Connecticut.

H.R. 3123: Mr. NEAL of North Carolina, Mr. KILDEE, Mr. VISCLOSKY, Mr. RANGEL, Mr. GLICKMAN, Mr. DWYER of New Jersey, Mr. McDERMOTT, Mr. TRAXLER, Mr. INHOFE, Mr. LANCASTER, Mr. ROYBAL, Mr. DE LUGO, Mr. FAUNTROY, Mr. RAHALL, Mr. REGULA, Mr. PERKINS, Mr. FAZIO, Mr. KOLTER, Mr. BILBRAY, Mr. GOODLING, Mr. BRENNAN, Mrs. COLLINS, Mr. ACKERMAN, and Mr. CLAY.

H.R. 3147: Mr. DWYER of New Jersey, Mr. FROST, and Mr. TORRES.

H.R. 3157: Mr. HORTON.

H.R. 3160: Mr. TOWNS, Mr. BATEMAN, Mr. ROE, Mr. PENNY, and Mr. McNULTY.

H.R. 3167: Mr. POSHARD.

H.R. 3239: Mr. KILDEE, Mr. CONYERS, Mr. ATKINS, Mr. DONALD E. LUKENS, Mr. ROWLAND of Connecticut, Mr. DELLUMS, Mr. LANTOS, Mr. SAWYER, Mr. HORTON, Mr. OWENS of New York, Mr. McNULTY, Mr. ROE, and Mr. RAHALL.

H.R. 3267: Mr. ROE.

H.R. 3268: Mr. FUSTER, Mr. DWYER of New Jersey, Mr. ERDREICH, Mr. PAYNE of Virginia, and Mr. BEVILL.

H.R. 3275: Mr. GUARINI and Mr. GAYDOS.

H.R. 3305: Ms. KAPTUR, Mr. DONALD E. LUKENS, Mr. HAMILTON, Mr. ROE, Mr. PAYNE of New Jersey, Mr. RICHARDSON, and Mr. THOMAS A. LUKEN.

H.R. 3319: Mrs. ROUKEMA, Mrs. COLLINS, and Mr. PAYNE of New Jersey.

H.J. Res. 82: Mrs. BOGGS and Mr. WYDEN.

H.J. Res. 214: Mr. LIVINGSTON, Mr. TALLON, Mr. KANJORSKI, Mr. TAUKE, Mr. RAVENEL, Mr. YATRON, Mr. HOCHBRUECKNER, Mr. TRAFICANT, Ms. KAPTUR, Mr. GUARINI, Mr. BATES, Mr. MRAZEK, Mr. GREEN, and Mr. MILLER of Washington.

H.J. Res. 267: Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mr. GOODLING, Mrs. MEYERS of Kansas, Mr. PICKLE, Mr. TORRICELLI, Mr. CRANE, Mr. ANNUNZIO, Mr. CARR, Mr. NATCHER, Mr. BONIOR, Mr. THOMAS A. LUKEN, Mr. DENNY SMITH, Mr. McMILLEN of Maryland, Mr. MAVROULES, Mr. DURBIN, Mr. BEILENSON, Mr. MICHEL, and Mr. NELSON of Florida.

H.J. Res. 275: Mr. HILER, Mr. WHITTEN, Mr. HEFNER, Mr. DeWINE, Mr. HUCKABY, Mr. BORSKI, Mr. JACOBS, Mr. ANTHONY, Mr. SCHUETTE, Mr. PAYNE of Virginia, Mr. SPRATT, Mr. SHARP, Mr. MILLER of Ohio, Mr. FRENZEL, Mr. CLARKE, Mr. DE LA GARZA, Mr. SYNAR, Ms. LONG, Mr. DARDEN, Mr. JONES of North Carolina, Mr. ROGERS, Mr. DONALD E. LUKENS, Mr. OWENS of New York, Mr. HALL of Texas, Mr. CARPER, Mr. PETRI, Mr. STAGGERS, Mr. McMILLEN of Maryland, Mr. PARRIS, Mr. McDADE, Mr. HOPKINS, Mr. SMITH of Texas, Mr. McNULTY, Mr. DUNCAN, Mr. PORTER, Mr. TAUZIN, Mr. ERDREICH, Mr. CHANDLER, Mr. COURTER, Mr. GUNDERSON, Mr. WELDON, and Mr. BATEMAN.

H.J. Res. 286: Mr. MRAZEK, Mr. KLECZKA, Ms. PELOSI, Mr. McNULTY, Mr. OWENS of New York, Mr. WEBER, Mr. MOLINARI, Mr. HAYES of Louisiana, Mr. ANDERSON, Mr. NEAL of North Carolina, Mr. ROE, and Mrs. ROUKEMA.

H.J. Res. 338: Mr. CROCKETT, Mr. HARRIS, Mr. McGRATH, Mr. OBERSTAR, Mr. MOODY, Mr. NAGLE, Mr. COUGHLIN, Mr. McNULTY, Mrs. LOWEY of New York, Mr. FASCELL, Mr. BERMAN, Mr. PASHAYAN, Mr. DIXON, Mr. STUDDS, Mr. PETRI, Mr. PORTER, and Mr. DOUGLAS.

H.J. Res. 345: Mr. GORDON, Mr. QUILLEN, Mr. SCHAEFER, Mr. WYLIE, Ms. SNOWE, Mr. BROWN of Colorado, Mr. SCHUETTE, Mr. HEFNER, Mr. McCRERY, Mr. YOUNG of Alaska, Mr. POSHARD, Mr. HOYER, Mr. GEJDENSON, Mr. PETRI, Mr. GALLO, Mrs. VUCANOVICH, Mr. ORTIZ, Mr. SABO, Mr. TRAFICANT, Mr. BRENNAN, and Mr. CARDIN.

H.J. Res. 373: Mr. Chapman, Mr. Espy, Mr. Gingrich, Mr. Jones of Georgia, Mr. Ackerman, Mr. Stump, and Mr. Dellums.

H.J. Res. 386: Mr. Ackerman and Mr. Atkins.

H.J. Res. 389: Mr. Bruce, Mr. Douglas, Mr. Emerson, Mr. Jontz, Mr. Neal of North Carolina, Mr. Savage, Mr. Skelton, and Mr. Walgren.

H.J. Res. 401: Mr. Anderson, Mr. Bateman, Mr. Barnard, Mr. Fields, Mr. McDade, Mr. McDermott, Mr. McEwen, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Owens of New York, Mr. Hamilton, Mr. McNulty, Mr. Ravenel, Mr. Lehman of California, Mr. Young of Alaska, Mr. Vander Jagt, Mr. Skaggs, Mr. Roe, Mr. Atkins, Mr. Traxler, Mr. Nelson of Florida, Mr. Blaz, Mr. Ackerman, Mr. Applegate, Mr. Bennett, Mr. Bevill, Mr. Brooks, Mr. Carr, Mr. Conyers, Mr. Darden, Mr. Dingell, Mr. Downey, Mr. Dyson, Mr. Emerson, Mr. Espy, Mr. Grant, Mr. Hall of Texas, Mr. Herger, Mr. Hertel, Mr. Hubbard, Mr. Huckaby, Mr. Jenkins, Mr. Kennedy, Mr. Kildee, Mr. Thomas A. Luken, Mr. McCollum, Mr. McMillen of Maryland, Mr. Miller of California, Mr. Mineta, Mr. Natcher, Mr. Oberstar, Mr. Panetta, Mr. Paxon, Mr. Payne of New Jersey, Mr. Payne of Virginia, Mr. Pickle, Mr. Rahall, Mr. Rangel, Mr. Richardson, Mr. Rose, Mr. Rowland of Georgia, Mr. Synar, Mr. Traficant, Mr. Udall, Mr. Valentine, Mr. Watkins, and Mr. Wise.

H. Con. Res. 85: Mr. Poshard, Mr. Waxman, Mr. Wise, Mr. Walgren, Mr. Schiff, Mr. Ravenel, Mr. Skeen, Mrs. Unsoeld, and Mr. Richardson.

H. Con. Res. 88: Mr. Kolbe.

H. Con. Res. 186: Mr. Emerson, Mrs. Smith of Nebraska, Mr. Grant, Mr. Dannemeyer, and Mr. Eckart.

H. Con. Res. 200: Mr. Conyers, Mr. Dellums, Mr. Bates, Mr. Bonior, Mr. Applegate, and Mr. Brown of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

97. By the SPEAKER: Petition of the board of aldermen of the town of Brusly, LA, relative to the Cable Communications Policy Act of 1984; to the Committee on Energy and Commerce.

98. Also, petition of the council of the city of New York, NY, relative to memorializing the passing of Representative Claude D. Pepper; to the Committee on Post Office and Civil Service.

SENATE—*Tuesday, September 26, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Very Rev. Peter C. Chrisafideis, of the Greek Orthodox Church of the Holy Trinity, Lewiston, ME.

PRAYER

The Very Rev. Peter C. Chrisafideis offered the following prayer:

As we begin this morning's legislative session, let us raise our hearts and minds to God for prayer.

O Almighty God of the universe and of all space, we pray that You be with us this day, as we gather in Your name. How dependent we are upon You for our very being and mere existence.

Man's temporal systems and civil parties have appeared and vanished, but Your emanant wisdom was and is forever.

Truly, nothing has sustained our planet and world more than our sternest belief in Your omnipotent protection, love, and compassion. Continue, O Lord, to sustain and direct our great Nation in Your way, for we are truly a genuinely God-fearing people.

We pray for our President, for Senator WILLIAM S. COHEN, Senator GEORGE MITCHELL, and our Congresswoman OLYMPIA SNOWE and for the Members of this respected body of Congress, the Senate. Grant them health first and then the strength to continue programs, initiatives, and directives in the interest and well-being of their fellow men, notwithstanding their age, color, creed, or religious espousal.

Assist those in great need, who suffer bodily from malnutrition and live in unhealthy and inhuman surroundings of the world.

Preserve, O Lord, the cornerstone of democracy and freedom that flourishes in our Nation so that we may continue and remain the land of the free and the home of the brave, the torch and example of all peoples of the world.

Let all people from the rising and dawning of the Sun cry aloud and praise Your holy and sublime name. We ask this in Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

The Senate, Mr. President, will then resume consideration of the DOD appropriations bill at 10:30 this morning, at which time there will be 2 hours of debate remaining on the Nunn amendment, No. 844, the time to be equally divided with a vote occurring relative to that amendment at 2 p.m. today.

The Senate will then recess upon completion of the debate on the Nunn amendment, reconvening at 2 p.m.

Mr. President, the majority leader has asked me to state for the record—I hate to make this announcement, Mr. President—that he expects the Senate to be in very late tonight, with votes occurring throughout today's session and well into the evening. Senators are on notice of the likelihood of a long legislative day today.

RESERVATION OF LEADER TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine.

FATHER CHRISAFIDEIS—RESPECTED MEMBER OF THE LEWISTON-AUBURN COMMUNITY

Mr. COHEN. Mr. President, it is my pleasure to introduce this morning Father Chrisafideis, who is the pastor of the Greek Orthodox Church of the Holy Trinity in Lewiston, ME.

Father Chrisafideis has served parishes in Pittsburgh, Baltimore, and Marlboro, MA. He had the privilege of delivering the invocation at the homecoming ceremony for Dwight Eisenhower at the completion of his Presidency and more recently, he performed the marriage of Maine's Governor, John McKernan, to its senior Member of the House of Representatives, OLYMPIA SNOWE.

Father Chrisafideis is a respected member of the Lewiston-Auburn community and an admired spiritual leader throughout our State. During his years in Maine, he has blessed many of us with his wise counsel, his warm friendship and his abundant generosity.

I am honored today to welcome this distinguished guest to our Chamber. I am sure my colleagues will enjoy Father Chrisafideis' special invocation.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of Senate Joint Resolution 206 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SELF-PROMOTION OR TREATMENT?

Mr. WILSON. Mr. President, yesterday two things happened of importance to the American people that were perhaps little noted. The first and the far more important is that once again, as occurs day after day, more than 1,000 children were born addicted. These are the so-called crack babies, Mr. President, who experience child abuse through the umbilical cord and who, as a result, can look forward to a life of diminished capacities. They can look forward to mental retardation, physical deformity, susceptibility to emotional disability so severe that it prevents learning and normal human functioning.

That happens day after day, Mr. President, because pregnant women abuse alcohol and abuse drugs and most typically, giving rise to the term "crack babies" in a way that is producing an incredible burden, an incalculable burden to taxpayers and a far more acute burden in terms of innocent suffering to those innocent addicted infants.

The other thing that happened yesterday, Mr. President, was that the House of Representatives voted 2 to 1 to instruct conferees to accept the verdict of the Senate at the time it comes to put behind us self-serving congressional newsletters, which are all too often thinly veiled campaign literature sent at the taxpayers' expense, and to instead reallocate those tax dollars that we have spent on self-promotion to try to expand the treatment for those mothers who are in such need of rehabilitation in order to come clean and to avoid the kind of substance abuse that can mean a lifetime of misery to their children.

The Senate voted 83 to 8 to divert that money that we had not already obligated in terms of what had been sent, and to take the unallocated and unobligated portion and redirect it into the rehabilitation and the treatment of substance-abusing pregnant women.

Mr. President, can there be any doubt in anyone's mind that it is more important to serve that need than to send self-serving congressional newsletters?

Evidently there is doubt in the minds of the House of Representatives, doubt in the minds of the House conferees, who, in this morning's Washington Post, are quoted as being unable to accept two other conditions of the Senate's reform on the mailing of congressional newsletters. They do not want it known what the House spends. They do not want reporting by individual Members of how much tax money is being spent by each Member to send out these newsletters.

We do that in the Senate. It is a matter of public record. It should be. The way to get rid of that problem, if the House finds it embarrassing, is to quit sending those newsletters and spend the money instead for something that will achieve real good.

Mr. President, the other thing that they are unhappy about is that they do not want the post office to quit sending those newsletters even when the cost of doing so to the post office exceeds what Congress has allocated for that purpose to reimburse the post office.

In other words, they want the public to go on footing the bill far beyond what we have appropriated for that purpose.

Mr. President, there is no doubt how our taxpayers, citizens, and voters would feel. They would feel that this body, the Congress, elected by the citizens to set and keep priorities in the spending of their tax money has decided that our first priority is ourselves, getting reelected with their tax dollars. And unhappily they would be right in that conclusion.

They would have to conclude that because there is no other inference we think it is so terribly important to send out multicolored, multiphotographed newsletters that we are willing to say, as indeed the chief of the House conferees did, that the money is now allocated for the purpose of treating crack babies is sufficient. It is not sufficient. It is not remotely sufficient. It does not come close.

We spend $4.5 million, which by these standards, congressional standards, is a paltry sum, and in comparison with the need it is supposed to address it is grossly insufficient, and grossly inadequate.

By contrast, the compromise agreed on by the conferees, stuffed down the throat of the Senate by the House conferees, was to allocate a total of about $80 million in the 1990 election year for the purpose of sending congressional newsletters.

Mr. President, that is a disgrace. Young people today, who do not remember Watergate and could not tell you what it is all about, young people to whom Vietnam means little or nothing, will read about this if it comes to their notice and decide that their first priority of Congress is congressional avarice.

Mr. President, I hope that Congress will give the public reason to think otherwise, but we have not to date. This is a disgrace.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR].

SENATE RULES

Mr. PRYOR. Mr. President, last week on two separate appropriation bills, the managers of the legislation, the majority leader, and the minority leader stood on this floor begging and urging Members of the Senate to come and offer their amendments.

On one particular bill, Mr. President, the manager begged his colleagues to come and offer amendments for over 3 hours.

Senator DANFORTH and myself, in August 1987, offered a change to the rules of the Senate which would have required bills to be amended by section. Once this section was closed, it would have then been impossible, except by unanimous consent, to revisit that section.

Mr. President, that was Senate Resolution 277. Mr. President, yesterday Senator DANFORTH and myself resubmitted that particular resolution. I call the attention of my colleagues to the CONGRESSIONAL RECORD at page S11767, where last session's Senate Resolution 277 is now Senate Resolution 184.

Mr. President, there is no question. We have the finest group of men and women in the world in the Senate, all of them well-meaning people. But if I might observe as a layman about the rules, the process, the procedure, and the precedents—and certainly there is no greater layman than myself; I am not an authority, Mr. President, on the rules—in fact the whole process that we operate under, I would have to say that the theory or the philosophy underlying the Senate procedure might be summarized in one word: accommodation, accommodation to individual Members of the Senate without individual responsibility on the part of those Senators.

Mr. President, yesterday I met with several people who are wise in the area of parliamentary procedure and the rules of the Senate. After discussions with these sage individuals, I am offering another approach to how we might make the operations of the Senate more efficient.

Mr. President, I urge my colleagues to look at Senate Resolution 184 placed in the RECORD yesterday, submitted by the Senator from Missouri [Mr. DANFORTH] and myself. This resolution is simple. It does not address amending legislation by section. It does not affect germaneness which some Senators have questioned saying we have no right to restrict upon this privilege.

This proposed rule change is so simple, and so direct. But I think it will cause discipline. Here is what it would do.

A bill is laid down before the Senate. It becomes the pending business of the Senate. Both managers complete their opening statements relative to the pending legislative business. At the time both managers complete their opening statements, either the managers or the clerk would say the bill is now open for amendment. At that time the clerk or the Parliamentarian would press a button on a clock and if no Senator came to this floor to offer his or her amendment to that particular bill within 15 minutes, the clerk would automatically announce that the bill is up for third reading and final passage. It would automatically go to third reading and final passage.

What would this do to the operation of the Senate?

First, Senators would be here to offer their amendments. Second, the staffs of the Senators who want to offer amendments to particular pieces of legislation would have to keep their Senator informed as to the general timeframe when their amendment might be in order. Staffs would have to come here, consult with the managers and their staffs to see when their Senator might come to the floor and offer their amendment. However, if no one comes in that 15-minute window and time had run out, then the bill goes to third reading and final passage.

Let us say I walk in that door after 16 minutes, 1 minute after the 15 minutes had expired, do I get to offer my amendment? No. The bill will have moved to third reading.

If I get there after 13 minutes and walk in that door, presumably during a quorum call, we would call off the quorum call, and I could offer the amendment. After we vote on an amendment and the manager gets up and says, "I move to reconsider," and the other manager says, "I move to lay that motion on the table," the clerk will then say, "The bill is open to further amendments," and the 15-minute clock starts ticking. I think this would create some discipline in the Senate.

We are getting ready to go into one of the greatest legislative gridlocks the U.S. Senate has ever seen—budget reconciliation, a decision on Ollie North's pension, desecration of the American flag, capital gains, catastrophic health insurance, section 89, a continuing resolution, and extending the debt ceiling. All of this is going to be done in a matter of a few short weeks, and currently there is absolutely no leverage to get a Senator to come over here in a disciplined fashion and offer an amendment. So what can we expect? We will see managers wasting more time sitting on this floor waiting, waiting, and waiting. While a lot of people say this relates to the quality of life, I believe it has nothing to do with the quality of life.

Mr. President, it is the quality of work, the work that this Senate must produce before we adjourn sine die, some time before Christmas. Mr. President, my proposal—and Senator DANFORTH and I will be discussing this in the Rules Committee tomorrow—would expire at the end of this session of this Congress. And then in January we can come back, and ask, did that change work or did it not work? Did it cause more problems than it attempted to solve? Do we need to go back to the old system, or can we move to this system and adopt this process of the 15-minute tolling?

Mr. President, I submit to you that this is a worthwhile change that I hope the Senate will look at during the next 2 or 3 days, because we are going to try to bring this to the floor and make a decision on this matter. We are getting ready to see if our fellow Senators are interested in change, interested in efficiency, or just want to continue talking about it.

Mr. President, I thank the chair, and I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator DOLE.

Mr. DOLE. Was the leader's time reserved?

The PRESIDING OFFICER. The leaders' time was reserved.

Mr. DOLE. I yield 5 minutes to the Senator from Kansas [Mrs. KASSEBAUM].

The PRESIDING OFFICER. The Chair recognizes Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I certainly thank the Republican leader very much for yielding me some time.

I would like to speak for just a moment in response to some comments made by the majority leader last week on the floor, which I thought were extremely interesting, in that he addressed some important foreign policy issues.

CRITICISM OF PRESIDENT BUSH'S SOVIET BLOC POLICY

Mrs. KASSEBAUM. Mr. President, the majority leader's recent criticism of President Bush's policy toward the Soviet bloc has sparked a new round of debate on how the United States should respond to the dramatic changes taking place. It is an important debate. Such a debate at this turning point in our postwar foreign policy is absolutely essential, and I am sure that I am joined by many of my colleagues in welcoming Senator MITCHELL's review.

One of the strongest tenets of our democratic system is that open debate is necessary for developing a foreign policy that will have broad-based support. As we have learned at both triumphant and sad points in our history, no foreign policy is ultimately successful, unless its goals are clearly understood and widely supported by the American people.

While I share Senator MITCHELL's enthusiasm for the changes taking place, I do not agree that the president's policy has been timid, passive or ambivalent. On the contrary, I think he has thoughtfully confronted the dynamic foreign policy challenges before us. The President has presented economic and arms control proposals which are tailored to manage the dynamic change in a stable, peaceful and prosperous direction. I believe the President has effectively demonstrated confident leadership here at home and abroad.

No one can deny that the election of a non-Communist government in Poland, the opening of Hungary's borders and the reform efforts in the Soviet Union, are significant changes. They present important demands for the rethinking of our postwar foreign policy away from one of containment. But the pace of change in Europe and the Soviet Union in 1989 is very different from the pace of change we faced in 1949.

Forty years ago, the Soviet Union had emerged from World War II as a rival superpower with tight economic, political and military control over Eastern Europe. The threat was broadsweeping and our response was a wholesale containment policy. We funneled massive financial support and military aid into Western Europe. The high priority we place on freedom and democracy in Europe is clearly evident in the defense appropriations bill that we will be debating later today. Over 60 percent of that bill continues to be dedicated to the defense of Western Europe.

Today, the pace of change in Eastern Europe and the Soviet Union is much slower and not happening across the board. Poland and Hungary are outpacing reforms in countries such as East Germany for example. Consequently, these changes demand not a wholesale response but a retail, or case by case, response. Formulating such a policy is much more difficult because unlike 40 years ago, the evolving change today does not lend itself to broadstroke solutions and slogans such as declaring a cold war.

An important responsibility in fashioning a foreign policy responsive to the changing dynamics in Europe, is to ensure that we do not raise false expectations either at home or abroad. A difficult task lies ahead before economic prosperity and political freedom can ever be fully implemented in Eastern Europe and the Soviet Union and its Republics. The challenge before us is to help encourage and manage this change without bloodshed and without prematurely declaring the world safe for democracy.

So far, I believe our response has been timely and tailored to encourage the concrete transformation of Europe away from the split of the cold war. Last May, President Bush unveiled new proposals for conventional force reduction in Europe which have given those arms talks an important boost. They have demonstrated to the Europeans and the Soviets that we are willing to move forward to shape a new world order.

On the economic front, there have been calls for a Marshall plan for Eastern Europe similar to the aid we provided Western Europe at the end of World War II. To proceed with a massive infusion of aid into Eastern Europe at this time would be a grave error. Unlike the Western Europe of the 1940's, we would not be infusing aid into economic systems based on free market principles. As we have seen just recently with the massive infusion of food aid into Poland from around the world, we need to structure our aid carefully and coordinate with our allies so that it does not create bottlenecks and corruption.

The purpose of our aid must be to encourage the economic and political reform which those economies badly need. It has become clear from our experience with our foreign aid program over the years, that simply throwing money at a problem does not solve it. It may actually make it worse. With our own resources diminishing and with the growth of other economic power centers, it is essential that our efforts in Eastern Europe be coordinated, creative, and paced to the evolution of reform. They must look at the broad range of options including debt relief, trade and aid. I believe this is precisely what President Bush is doing.

I am also supportive of the President's policies toward the Soviet Union. The President has continued to build on the progress in the superpower relationship begun under President Reagan, while also continuing to hammer away at the still unresolved problems. Over the past 9 months of the Bush administration, we have seen concrete progress not only in the conventional arms talks but also on the tough issues which were blocking progress on START.

I also believe that President Bush's offer yesterday to eliminate 80 percent of our chemical weapons stockpiles before the completion of the multination accord if the Soviets join us, will also enhance the chances of an agreement on limiting this dreaded technology. Furthermore, even before President Bush's first year is over, there has been an announcement of a superpower summit. Mr. President, I would argue that we have not seen this type of positive movement in the United States-Soviet relationship during the first term of a new Presidency in many years, if ever.

Mr. President, I believe that the challenges we face today, equal, if not exceed the challenges we faced after World War II. Dramatic changes are happening. What the future will hold is far less clear than it was in 1949 as the world was breaking into two hostile blocs. But, it is also much more promising. As President Bush has stated, it is incumbent upon us to help steer Europe beyond containment. I believe we can only achieve this goal with thoughtful and tailored policies to specific challenges. This is precisely the policy I believe President Bush is following.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Senator Dole is recognized.

CONFERENCE ON THE FISCAL YEAR 1990 LEGISLATIVE BRANCH APPROPRIATIONS BILL

Mr. DOLE. Mr. President, I am outraged at so-called compromise that emerged from the conference on the fiscal year 1990 legislative branch appropriations bill yesterday. How can the conferees ignore an 83-to-8 Senate vote in favor of the Wilson amendment, and a 245-to-137 House vote on a motion to instruct conferees to support the Wilson amendment?

This agreement continues the accounting gimmicks that hide the real cost of franked mail. A privilege that we all know is abused by incumbents in election years.

The conference chairman claims that the reduction in the number of unsolicited franked mass mailings and the significant reduction in the money appropriated for congressional franked mail is a real reform. I disagree.

Without three key reforms that are included in Senate Joint Resolution 98—introduced by the distinguished chairman of the Senate Rules Committee—and contained in the Senate-passed version of the fiscal year 1990 legislative branch appropriations bill, these so-called reforms are nothing more than empty gestures.

The first essential provision prevents the U.S. Postal Service from absorbing the cost of franked mail in excess of the amount appropriated for a given fiscal year. Members abuse this privilege, year in and year out, and no one really knows how much the taxpayers spend on franked mail in a given year because of this loophole.

In the 1989 fiscal year, Congress appropriated $53.9 million for franked mail, but that was not enough. The fiscal year 1990 appropriations bill earmarks $31.7 million to pay the U.S. Postal Service for franked mail Congress spent beyond that appropriation. It is time we settled our accounts with the Postal Service and the American taxpayers on this issue.

A second requirement would establish disclosure requirements for the mail costs of each individual Senator and Representative. Public disclosure is essential if we are serious about limiting the abuse of this privilege.

And to make sure that this situation does not resurface, I support a requirement that would charge a Member's official office expense account for the costs of official mail in excess of his or her individual allocation.

Mr. President, it seems to me one way we might want to resolve this indirectly. Since 245 House Members voted to instruct the conferees and I assume they all voted to instruct the conferees in good faith, perhaps they could abide by the Wilson amendment and the Senate could abide by the Wilson amendment and put enough pressure on the other 137 on the House side to produce some reform. So I would call on the 245 House Members who voted to instruct the conferees, to abide by the Wilson amendment.

It seems to me that this would be one way to set an example and to underscore the commitment we made with this vote.

I ask unanimous consent that the names of those Members who voted in favor of the Wilson amendment be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Yeas—245

Andrews, Applegate, Archer, Armey, AuCoin, Baker, Ballenger, Barnard, Bartlett, Barton, Bateman, Bennett, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Boehlert, Boggs, Borski, Bosco, Brennan, Broomfield, Browder, Brown (CO), Bryant, Buechner, Bunning, Callahan, Campbell (CA), Chandler, Clarke, Clinger, Coble, Coleman (MO), Combest, Condit, Conte, Costello, Coughlin, Cox, Coyne, Craig, Crane, Dannemeyer, Darden, Derrick, DeWine, Dickinson, Dicks, Dornan (CA), Douglas, Dreier, Duncan, Early, Eckart, Emerson, English, Erdreich, Evans, Fawell, Fields, Fish, Flippo, Frank, Frenzel, Gallegly, Gallo, Gekas, Geren, Gillmor, Gilman, Gingrich, Glickman, Goodling, Goss, Gradison, Grandy, Green, Gunderson, Hall (TX), Hammerschmidt, Hancock, Hansen, Hastert, Hayes (LA), Hefley, Henry, Herger, Hiler, Hoagland, Holloway, Hopkins, Houghton, Hunter, Hutto, Hyde, Inhofe, Ireland, James, Jenkins, Johnson (CT), Johnson (SD), Jones (GA), Jones (NC), Kasich, Kennedy, Kennelly, Kildee, Kolbe, Kyl, Lagomarsino, Lancaster, Laughlin, Leach (IA), Lent, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lloyd, Long, Lowery (CA), Lowey (NY), Luken, Thomas, Lukens, Donald, Machtley, Madigan, Marlenee, Martin (IL), Martin (NY), Mavroules, McCandless, McCollum, McCrery, McDade, McDermott, McMillan (NC), McMillen (MD), McNulty, Meyers, Michel, Miller (OH), Miller (WA), Montgomery, Moorhead, Morrison (WA), Murphy, Neal (MA), Nielson, Nowak, Olin, Oxley, Packard, Pallone, Panetta, Parris, Pashayan, Patterson, Paxon, Payne (VA), Penny, Petri, Pickett, Pickle, Porter, Poshard, Price, Pursell, Quillen, Rahall, Ravenel, Ray, Regula, Rhodes, Ridge, Rinaldo, Ritter, Roberts, Robinson, Rogers, Rohrabacher, Ros-Lehtinen, Rostenkowski, Roth, Rowland (CT), Rowland (GA), Sangmeister, Sarpalius, Saxton, Schaefer, Schiff, Schneider, Schroeder, Schuette, Schulze, Sharp, Shaw, Shays, Shumway, Shuster, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter (NY), Slaughter (VA), Smith (NE), Smith (NJ), Smith (TX), Smith (VT), Smith, Robert (NH), Smith, Robert (OR), Snowe, Solomon, Spence, Spratt, Stallings, Stearns, Stenholm, Tanner, Tauke, Thomas (CA), Thomas (GA), Thomas (WY), Traficant, Udall, Upton, Valentine, Vander Jagt, Vento, Volkmer, Vucanovich, Walker, Walsh, Watkins, Weber, Weldon, Whittaker, Wise, Wolf, Wyden, Wylie, Young (FL).

DRUG NEGOTIATIONS

Mr. DOLE. Mr. President, for the past 1½ weeks, 18 of our colleagues have been meeting for hours on end, well into several nights, in an effort to negotiate an acceptable level of spending on antidrug abuse programs, as well as determining a method to finance that spending and to explore a workable framework for the Senate to consider further legislation to combat illicit drug use in our Nation.

I want to first state very clearly that these negotiations were undertaken following the initiative of President George Bush and his Drug Control Director Bill Bennett by the submission of the President's drug control strategy. As I have stated previously, the President's strategy is sound, will be effective, and deserves bipartisan support.

The President, Bill Bennett, OMB Director Dick Darman, Chief of Staff John Sununu, Defense Secretary Dick Cheney and others in the Cabinet including Attorney General Dick Thornburg and Treasury Secretary Nick Brady deserve our highest respect and admiration for the countless hours they spent in preparing the strategy as well as assisting with the successful negotiations here in the Senate.

THE AGREEMENT

The President called for increasing antidrug and crime activities by the Federal Government by $2.7 billion over last year's level, to a total of about $8.4 billion. The agreement adds another $410 million in outlays to the President's coordinated effort against drugs and crime. This additional increase will be paid for by taking an across-the-board reduction in all discretionary domestic and international accounts by three-tenths of 1 percent. A further cut of thirteen-hundredths of 1 percent would also be charged to these accounts, with the appropriations subcommittees given discretion to apply this further reduction as they best determine.

An identical cut of point 3 and point 13 would apply to defense accounts, for a total of forty-three hundredths of 1 percent. This would result in a transfer of $1,318 million from defense to the war on drugs, a significant reduction for defense and increase in anti-drug funding.

Additionally, three matters contained in the President's drug strategy would be offered to the Transportation appropriations bill—increased accountability and data assimilation by treatment providers, requiring drug-free school plans in all elementary, secondary, and higher education institutions as well as a waiver of two provisions of current law to permit the Andean cocaine reduction initiative to go forward.

While the negotiators were unable to agree that the final two requests of the President—a transfer of $136 million to the Drug Control Director's Office for use primarily for high-intensity drug areas and a requirement that all State and local arrestees, prisoners, and those on probation and parole be drug tested—the agreement contemplates a future drug bill for consideration of those and other anti-drug amendments. I believe it is essential to, at the very least, provide the funding for high-intensity drug areas.

Mr. President, the tentative agreement also calls for consideration of the President's crime bill this year. We simply cannot adjourn for the year without addressing the fact that the drug problem in our country is also a crime problem, that violent crime increases are directly attributable to drug activity, and that it's well past time to get tough on drug manufacturers, traffickers, dealers, and users. We should also insist that the House also take action on the crime bill. We can offer no hope to those being terrorized by drug dealers and users, unless both Houses act on this overdue legislation. The Senate is funding the crime bill, it's now time to give police, prosecutors and the courts the additional tools contained in the crime bill which do not require money.

As I said, the agreement is tentative, several items remain to be worked out. These include timing for consideration of the drug bill and the crime bill, as well as determining what amendments will be offered to those measures. We should also come to some agreement on future supplemental appropriations, so we do not experience similar "policy-on" amendments in later supplementals.

However, I remain hopeful that the majority leader and I can follow the lead of our negotiators in coming to an agreement.

I would like to pay tribute to the Republican negotiators—Senator MARK HATFIELD, who served as the Republican chairman, Senators STROM THURMOND, TED STEVENS, JOHN WARNER, PHIL GRAMM, WARREN RUDMAN, PETE DOMENICI, ORRIN HATCH, and AL D'AMATO along with their Democratic counterparts, led by Appropriations Committee Chairman ROBERT BYRD. They did a remarkable job on a very difficult and wide ranging set of issues which are of paramount importance to the American people. The Senate has been well served, but more importantly, so have the citizens of our country.

A TRIBUTE TO WILBUR WALKER BY HOWARD H. BAKER, JR.

Mr. DOLE. Mr. President, I am pleased to ask unanimous consent that a statement prepared by our distinguished former majority leader, Howard H. Baker, Jr., be printed in the RECORD concerning the passing of Wilbur Lee Walker. Forty years of service to the U.S. Senate, with an unblemished record, is indeed worthy of high commendation. I, too, wish to extend my sympathy to his wife, Edwina, and to his sons Wilbur and Welford.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO WILBUR WALKER

(By Howard H. Baker, Jr.)

A good man has died, and attention must be paid.

Wilbur Walker was a long-time employee of the Senate who drove important people around Washington, heard forty years worth of state secrets and grade-A gossip, and never considered betraying a confidence.

Such a man is remarkable in our time, and so are the other qualities which distinguished Wilbur Walker; a steady dependability, a devotion to duty, a mastery of his profession, and a personal modesty almost unknown in this city today.

Wilbur Walker was helping make Washington work when even retired politicians like me were very young men and women in the far corners of America.

When Senator Alben Barkley of Kentucky was leader of the Senate in 1947, just before becoming Harry Truman's vice president, Wilbur Walker was his driver.

When "Mr. Republican," Robert Taft, Sr., of Ohio, made what can only be described as a royal progress around the nation's capital, Wilbur Walker was his fine coachman.

On the day William Knowland of California left office as Republican Majority Leader of the Senate in 1955, Wilbur Walker drove him home. When I became the next Republican Leader of the Senate—twenty-six later—Wilbur Walker drove me to work.

And in the intervening years, he squired the likes of Everett Dirksen of Illinois and Bob Griffin of Michigan around the capital city and into the annals of history.

Wilbur Walker left the Senate on the same day I did, after serving the institution nearly twice as long as I did. He became an institution himself, and with his passing, we have lost an important link with our own past—not only the political past, but an era in which courtliness, which Wilbur Walker raised to a fine art, was the most cherished of personal characteristics.

I extend my deepest sympathy to his wonderful wife Edwina, to his sons Wilbur and Welford, and their families. Their loss is truly the nation's loss, but we are thankful, as they surely are, for the 72 years of Wilbur Lee Walker.

TERRY ANDERSON'S 1,655TH DAY OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise once again to remind my colleagues that today is the 1,655th day that Terry Anderson has been held in captivity in Beirut.

Charles Glass, a journalist who became a hostage in Lebanon in June of 1987, had written an editorial for the Spectator earlier that year. This editorial, later reprinted in the Los Angeles Times, discussed the hostage situation and particularly Terry Waite's predicament. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, June 19, 1987]

Hostages and Kidnapers Are Pawns—The Real Game Is the Great Struggle Between U.S. and Iran

(By Charles Glass)

(Charles Glass became the 9th American being held hostage in Lebanon when he was kidnaped Wednesday in Beirut along with Ali Osseiran, son of Lebanon's defense minister. A veteran Middle East journalist now on leave from ABC News to write a book, Glass became familiar to tens of millions of television viewers when he covered the June, 1985, hijacking of a TWA airliner held at Beirut airport. It was Glass who interviewed the TWA crew while a Shia gunman put a pistol to the pilot's head. This article is adapted from a piece that appeared in a British publication, The Spectator, in February.)

A day may come when the full story of the hostage affair in Lebanon will be told. Historians will dispute the events that led to the release of some hostages and, possibly, the kidnaping of others. When the day for dispassionate reflection comes, the most poignant aspect to the tale can only be that Terry Waite and his fellow hostages will be remembered as minor players in a dramatic struggle between two nations, Iran and the United States. The two countries are united at this moment in history by their mutual dependence in political and strategic terms and their mutual hostility for domestic propaganda reasons. Between them, as pawns in a game of chess whose rules prohibit checkmate, stand not only the foreign hostages but the Lebanese kidnapers as well.

Since the autumn of 1984, the focus of attention has been on Terry Waite, a good man who began to play his role as Hostage mediator on behalf of the Archbishop of Canterbury before most of those now being held had been kidnaped. Waite revealed himself at a press conference at the Inter-Church Center in New York on Sept. 24, 1984, 10 days after the release of the Rev. Benjamin Weir in Muslim West Beirut. It was Weir's American Presbyterian Church that had called on Waite's good offices, already amply demonstrated by the release of British nationals held in Iran in 1981.

"When Mr. Weir was released several days ago," Waite told reporters, "it was decided to go public in the hope that a new breakthrough might be experienced in the situation." Waite revealed that he had "established through an intermediary a contact with the captors in Beirut and (I) have been in communication with them on a regular basis for the past six months." He then appealed to Islamic Jihad (Islamic Holy War), a fundamentalist pro-Iranian group that had held Weir and was still holding three other Americans: "I asked them to let me meet with them face-to-face and hear clearly their requests for myself."

This call to the kidnapers was the beginning of the road to, as now seems certain, his own detention. The public demand of Islamic Jihad was for the release of 17 men convicted of complicity in the December, 1983, suicide truck bombing of the American and French embassies in Kuwait, in which five people died. Two Iraqis and a Lebanese had been sentenced to death, while the other 14 received sentences ranging from five years to life. Neither the United States, which had suffered great loss of life through earlier bombings of the American Embassy and Marine headquarters in Beirut, nor Kuwait was willing to consider freeing convicted murderers.

It was at this time, according to Robert C. McFarlane, then President Reagan's national-security adviser, that Israel approached the United States with the idea of selling arms to Iran. According to McFarlane, Reagan came to share the Israeli view "that we try, over time, to move away from hostility with Iran and back toward some condition of normalcy, if we could find anybody that was normal."

While the United States began to deal with Iran, Waite, who in his earlier negotiations had never entered Lebanon, flew to Beirut on Nov. 13, 1985. There were several journalists, including myself, on the plane with him. He told us that the Druze (a secretive, independent and militant Muslim sect) would protect him, and their militia were at the airport on Beirut's southern edge when we landed.

Typically, all was confusion when Waite arrived, a harbinger for much that was to follow. Militiamen belonging to the Shia Amal (a sometime Druze ally known for their anti-Palestinian fervor) picked him up and drove him away, much to the fury of the Druze. I learned the next morning that Amal had moved him to the Bristol Hotel but then the Druze found him during the night and took him, much to the fury of the Amal, to the vacant apartment of one of the hostages whose freedom he was seeking, Terry Anderson.

Within a short time, Waite appeared to make contact with the kidnapers. Later he told journalists at the Commodore Hotel. "They are taking a risk in meeting me, just as I am taking a risk in meeting them. That's why I say, please, everyone, give me a chance to do that. A wrong move and people could lose their lives, including myself."

(Between December, 1985, and September, 1986, while the U.S.-Israeli initiative toward Iran was proceeding, Waite did not return to Beirut. On Nov. 2, 1986, another American hostage, David Jacobsen, was released, and immediately thereafter what has become known as the Iran-contra affair began to unravel.)

Waite refused to abandon what was from the beginning a humanitarian effort to set innocent men free. He planned to travel to Beirut to be with the hostages at Christmas, but Druze leader Walid Jumblatt, who would guarantee his security, was out of Lebanon. When he returned, Waite arranged to make his first trip to West Beirut ("a place that gives anarchy a bad name") in more than a year, arriving on Jan. 12, 1987. For a week Waite held public meetings with individual Sunni and Shia Muslim politicians and occasional press conferences. He looked as optimistic and confident as ever, strolling with his Druze bodyguards along the corniche in front of the Riveria Hotel, where he was staying. He revealed that he'd had two short meetings with his "secret contacts," presumably the captors or their representatives. Then, at 7:30 on the evening of Jan. 20, he set out for more secret meetings, asking his Druze security men, as always, to leave him while he met with Islamic Jihad.

Meanwhile, the pace of kidnaping foreigners escalated, with Americans, West Germans and Saudis being dropped down with David Hirst, the Manchester Guardian correspondent who narrowly avoided the same fate, called "that black hole." Rumors flourished that Waite had been kidnaped, that he was held in the Bekaa Valley, that he was imprisoned in the Shia slums of southern Beirut. A senior PLO official, Abu Iyad, told reporters in Tunis that Waite had delivered $2 million for the release of David Jacobsen. A diplomat warned me, "If Waite's negotiating for anyone at this stage, its probably for himself."

No one knows where it will all lead, any more than we know for certain where Terry Waite and all the hostages he had hoped to set free are. What we do know is that the whole affair has been badly handled and that the countries whose nationals are held in Lebanon—the United States, France, Italy, West Germany—have all busily engaged in pursuing secret, separate arrangements with kidnapers who now have every reason to want to go on kidnaping.

CRISIS LOOMS IN SCIENCE

Mr. KENNEDY. Mr. President, because of my continuing interest in science and engineering education, I ask unanimous consent that this pertinent article be inserted in the Record. It addresses not only issues of the teaching of science and math in the classroom but also the increasing involvement of private industry in the education arena. Furthermore, it sounds a well balanced warning, regarding a crisis in science education which will effect our country's future competitiveness in the global marketplace.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Time magazine, Sept. 11, 1989]

A Crisis Looms in Science

(By Susan Tifft)

Moon landings. The computer chip. Genetic engineering. The artificial heart. The achievements of American scientists are known and admired throughout the world. But whether American supremacy in research and technology will continue into the 21st century is far from certain. Thirty-two years after the Soviets launched Sputnik, setting off a frantic race to produce more and better U.S. physicists, chemists, mathematicians, aeronautical engineers and medical researchers, the scientific pipeline is drying up. The reason for this crisis: American science education is a shambles. Items:

In an Educational Testing Service study of five countries and four Canadian provinces, American 13-year-olds ranked last in math and nearly last in science.

In a survey of 17 countries published last year by the International Association for the Evaluation of Educational Achievement, U.S. ninth-graders tied with Singapore and Thailand for 14th place in science.

In 1988 fewer than 1% of college freshmen said they intended to major in math, compared with 4% two decades ago. Physics and chemistry concentrators fell from 3% to

1.5%; 1 out of 3 Ph.D.s awarded in the natural sciences and engineering last year went to foreigners, compared with 1 in 4 a decade ago.

Beyond these grim statistics lurks a web of equally disquieting trends: the imminent retirement of aging scientists, a shortage of new students because of the "baby bust," the homeward migration of many U.S.-educated foreigners and the burgeoning numbers of minorities and college-educated women—two groups that have generally shown less interest in science than white males. The result could be a critical shortfall of American scientists and mathematicians as the world becomes more reliant on technology. By the year 2000, the U.S. will need between 450,000 and 750,000 more chemists, biologists, physicists and engineers than it expected to produce.

The science deficit threatens America's prosperity and possibly even its national security. Economically, the nation will be unable to compete with rising technological giants like Japan, South Korea and West Germany. "After the war and Sputnik, we were the pre-eminent economic power in the world," says John Fowler, executive director of the Triangle Coalition for Science and Technology Education. "We aren't any longer." The U.S. may also be in grave danger if its scientists cannot match those of the Communist world in developing advanced weaponry and intelligence-gathering devices.

How did America—birthplace of Thomas Edison, the Wright brothers, Jonas Salk and Sally Ride—come to such a pass? One reason is lack of consistent financial support for science education. After Sputnik, funding for the National Science Foundation, the leading federal sponsor of scientific research, shot up from $18 million to $130 million in 1968. By 1982 financing for NSF's education division had plummeted to zero, and Congress had to fight to revive it over the protests of the Reagan Administration.

Even now, federal support for the NSF has yet to match the level of the go-go '60s when measured in constant dollars. For fiscal 1990 the NSF is expected to get $210 million, of which $147 million will go for science and engineering education from kindergarten through high school. The amount does not begin to approach the magnitude of the problem. "We are devoting less than half the resources today to precollege educational support that we did at the post-Sputnik peak," says Bassam Shakhashiri, he NSF's assistant director for science education. "Yet the crisis is fully as great, if not greater."

Some experts—through probably a minority—argue that funding is not the critical problem. "Much of the needed investment has already been made," says U.S. Secretary of Energy James D. Watkins, one of the most active education advocates in the Bush Administration. "We have the technology. We have the teachers, and we have the organizations that know what works."

Fickle funding, to be sure, is only one reason why U.S. scientists are becoming a scarce commodity. Telegenic Carl Sagan aside, the image of scientists today is less lustrous than it was in the '50s and '60s, when men and women in lab coats were seen as national heroes helping the U.S. beat the Soviets to the moon. In the money-mad, me-first '80s, the country's best and brightest aspire to be bankers and lawyers, not chemists or rocket designers.

Elementary and secondary schools reflect these trends. In inner cities and rural areas, dilapidated or out-of-date equipment is the norm. Last year, for example, chemistry students in Chicago's DuSable High School had to make do with a 1962 periodic table that contained only 103 elements, although six more had been discovered in the intervening 26 years.

Capable science teachers are also difficult to find, in part because public school salaries are no match for the incomes to be made at Monsanto, Procter & Gamble, and Exxon. As a result, the men and women who do choose the classroom over the corporate lab are often poor role models for potential young scientists. According to the landmark 1983 study A Nation at Risk, half of the country's newly employed math and science teachers are not qualified to teach their subjects.

Many worried educators and business executives have concluded that America's shrinking scientific capital is too important a problem to be left to state legislatures and local communities. "In most other countries, this is a national issue and dealt with at a national level," says Bryn Mawr physics professor Peter Beckmann.

The American Association for the Advancement of Science agrees. In 1985 it launched Project 2061, named for the year that Halley's Comet will next come close to the earth, and assigned it the task of designing models for a national science curriculum. With the help of working scientists and 150 teachers, principals and curriculum specialists in six locations across the country, the A.A.A.S. and other scientific organizations hope to develop an approach that will blur the boundaries between traditional subjects such as geography and math.

A basic premise of this campaign is that schools could teach science better if they emphasized concepts rather than rote memory. Today most children are subjected to unimaginative, mind-numbing approaches that cause them to decide by the fourth grade that science is not for them. "It's one of the earliest decisions they make in school," says Michael Minch, a chemistry professor at the University of the Pacific.

In the absence of adequate federal funding or a national curriculum, private industry has been working with educators and scientists to boost the level of teaching. Companies have become increasingly alarmed at the number of workers, many of them high school graduates, who are unable even to add or subtract. "I have kids in ninth grade who can't read a ruler," says Rick Ivik, a middle and high school teacher in McFarland, Wis.

Across the country, private businesses are involved in some 100 projects to improve the level of science and math instruction. In Pennsylvania, the Philadelphia Renaissance in Science and Mathematics program, supported by firms such as ARCO Chemical Co. and SmithKline Beckman Corp., provides elementary school teachers with prepackaged science kits—small bags of familiar items, like a flashlight and a ball—to demonstrate heat, gravity and other concepts. Such hands-on experiences whet youngsters' appetites for learning. "Kids have a lot of natural curiosity," says Denis Doyle, a senior fellow at the Hudson Institute. "But somehow it gets squelched. That's a failure of instruction."

For women and minorities, the failure has been acute. Although female science majors represent 15% of undergraduates on U.S. college campuses, women constitute only 11% of all employed scientists and engineers. Minorities, especially blacks and Hispanics, are less visible. In 1987 blacks earned only 2.6% of the bachelor of science degrees awarded in the U.S. and 1.8% of the science and engineering doctorates; Hispanics earned 2% and 1%, respectively. With white males expected to become a minority of the work force by the turn of the century, more women and minorities must be persuaded to enter these fields if the nation is to sharpen its competitive edge.

Too often, however, women are discouraged from pursuing math and science before they even dissect their first frog. Many teachers and parents tell them, in ways subtle or direct, that they simply "can't do" physics or calculus. Women's colleges offer a striking exception to this trend. Nearly 27% of the undergraduates at Smith and 30% of those at Bryn Mawr major in science, compared with Dartmouth, where only 14.2% of the women elect to concentrate in the field. Some coed schools, however, are actively grooming female scientists. More than 35% of M.I.T.'s freshmen class is now female; at Cal-Tech the figure is 30%.

Minorities, like women, are handicapped by low expectations. But they also suffer from declining federal student aid, a scarcity of minority faculty and inadequate academic preparation. In Houston, where 82% of the public-school students are black or Hispanic, Baylor College of Medicine has worked hard to bolster early science instruction. The school now offers 16 science programs for teachers and students. It also helps operate the country's first comprehensive high school for health professionals.

Baylor's programs, and hundreds like them around the country, give some modicum of hope to those who fear for the nation's scientific competitiveness. But there are other reasons for cautious optimism. Since 1980, 42 states have toughened math requirements for high school graduation, and 36 states have raised science requirements. At least twelve states have established special science and math schools for gifted students.

Washington too seems to be getting the message. Earlier this year lawmakers in the House and Senate introduced resolutions calling for a high priority to be placed on science and math education. Later this month President Bush will convene an "education summit," intended to open a national dialogue on ways to improve education. Science instruction is sure to be a major topic of discussion.

However, such tokens of high-level concern will mean little unless they are backed up with concrete programs and hard cash. If decisions are not made soon to replenish the country's scientific stock, America may one day find that it is a caboose being pulled behind an international economy led by such countries as Japan and West Germany. "Science and math are the substance of this age, just as exploration and warfare were the substance of other ages," says William Baker, former chairman of AT&T Bell Telephone Laboratories. "Science is the way to prepare Americans for the 21st century."

DEATH OF MRS. TESS ALEXANDER

Mr. THURMOND. Mr. President, Mrs. Theresa (Tess) Alexander, the founder of the Society of Military Widows, was the epitome of the military widow. Her husband, Lt. Cmdr.

Hugh Alexander, died December 7, 1941, aboard the U.S.S. *Oklahoma* at Pearl Harbor. Mrs. Alexander passed away on March 23, 1989, at her home in California.

Mrs. Alexander was a champion in behalf of military widows for more than 40 years. She led the way to help forgotten widows through her tireless and relentless efforts to provide a nominal annuity for widows, whose husbands had 20 to 40 years of service, but who died before there was a reasonable survivor benefit plan [SBP] for widows.

After her husband's death, Mrs. Alexander received a $38 monthly pension for herself and an additional $10 monthly payment for her 7-year-old daughter, Gloria. To make ends meet, Mrs. Alexander took a job with the Federal civil service. She was struck by the gross and inequitable difference between civil service survivor benefits and the military service benefits.

In 1948, she began her efforts to improve the plight of military widows across America. Mrs. Alexander was the first president of the Society of Military Widows, created in 1968. The group has grown from the original 32 charter members to 6,154 members today.

Mr. President, with the help of Francis Nelson, Theresa Alexander petitioned Representative Clinton McKinnon of the House of Representatives to introduce a bill in Congress that would base a military widow's pension on the spouse's pay grade. Although Congress never took action on this particular bill, a Select Committee on Survivor Benefits was formed in 1954, headed by Congressman Porter Hardy, a Representative from Virginia.

Two years later in 1956, President Eisenhower signed into law the Dependency and Indemnity Compensation [DIC] Act to provide a nominal annuity for widows whose husbands died on active duty, or as a result of a service-connected disability. This first official act increased a survivor's DIC benefits to $112 a month, plus 12 percent of the husband's pay. In addition, a War Orphans' Educational Assistance Act was created through contributions to Social Security. Mrs. Alexander played an important role in this successful effort, including her testimony before the House Armed Services Committee.

In the years that followed, Mrs. Alexander worked continuously to help those widows known as forgotten-widows to receive a small SBP annuity. Mrs. Alexander brought this problem to my attention over 10 years ago. My legislative efforts the past 10 years to help achieve Mrs. Alexander's goal have not yet been totally successful. I believe it is appropriate that we pay tribute to her compassion and tenacity.

Mr. President, we are grateful for her insight and contribution to the Society of Military Widows and to all military widows. I urge my distinguished colleagues to help carry on the legacy she left for us in behalf of our forgotten widows.

TRIBUTE TO CHALLENGER SCHOOL

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the Challenger schools which will be dedicated in Huntsville, AL, on October 1, 1989. Both Challenger Elementary and Challenger Middle School opened at the start of this school year and offer state-of-the-art facilities for this rapidly growing part of southeast Huntsville.

As most of you know, the NASA facilities at the Marshall Space Flight Center have placed Huntsville on the cutting edge of our space program. The entire community has a great amount of pride in the many accomplishments which have come through Huntsville's involvement in the space program. People from the community had an opportunity to submit suggestions for naming the school and many suggested the name Challenger. It was this pride combined with the Huntsville Board of Education's desire to honor the seven astronauts who died in the space shuttle disaster on January 28, 1986, that led them to name the schools after the *Challenger*.

The Challenger schools follow the precedent set by the naming of Chaffee Elementary School, Ed White Middle School, and Grissom High School. I am confident that the Challenger schools will live up to the standards set by these outstanding schools.

The Challenger school will relieve the burden from the Mountain Gap and Farley Elementary schools and the Mountain Gap Middle School. The 230,000 square-foot school has ample space for the 350 middle students and 630 elementary students. It was designed with room to teach about 700 middle school students and about 900 elementary students.

This spacious school offers many amenities including computer rooms, two computerized libraries, an audiovisual room seating 250, and two gymnasiums.

Mr. President, the students at the school have already had the opportunity to shape the school's image. This past summer, students who would be attending the new school submitted suggestions for the school mascot and colors. The two principals, Mr. John Calvarese for the middle school and Mrs. Ellen Marks for the elementary school, selected from these suggestions the eagle as mascot and the school colors—red, white, blue, and silver.

I am confident that Mr. Calvarese and Mrs. Marks will provide these schools with the leadership that will enable these schools to produce well-educated children far into the 21st century. One day this school may well produce an astronaut to carry on our exploration of space and the many opportunities it offers.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, H.R. 3072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Inouye amendment No. 825, to provide funds for conventional force improvements; and

(2) Nunn amendment No. 844 (to committee amendment on page 18, beginning on line 10), to strike certain restrictions on the obligation of funds from the Defense Closure Account.

Mr. INOUYE. Mr. President, am I correct there are 2 hours of debate set aside?

AMENDMENT NO. 844

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled on Nunn amendment 844, with the vote to occur in relation thereto at 2 p.m.

Mr. INOUYE. Mr. President, may I yield myself 3 minutes?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, as we begin in earnest our debate and consideration of the fiscal year 1990 Defense appropriations bill, I take this time to recognize the staff member sitting on my left, Mr. Richard L. Collins. Mr. Collins is the staff director for the Subcommittee on Defense, and he has put in tireless hours working on this bill and the committee report, and in assisting with our committee's 31 hearings this year.

Mr. Collins has been a trusted assistant at my side for many years, having joined the Appropriations Committee staff in 1974. Prior to taking over the Defense Subcommittee, he served as my staff director for the Appropriations Subcommittee on Foreign Operations.

Richard Collins earned his position as staff director of this subcommittee through hard work—and through a long association with national security programs and the Department of Defense. He was born in Connecticut, nearby the U.S. naval submarine base. He worked in the shipyard there. He served in the Army in Germany.

Richard Collins is an example of the positive impact that our Defense education programs can have on our soldiers. He completed his high school education while serving in the Army. After leaving the Army, Richard went on to become a Phi Beta Kappa graduate of the University of Connecticut, once again with Army assistance, and then he completed extensive course work at the Johns Hopkins University School of International Studies.

Through our years on Foreign Operations, I have come to know Richard Collins as a dedicated professional who truly cares about people. Accordingly, he spends a lot of time viewing first hand the implementation of the programs we discuss in committee and here in the Senate. It was common to find Richard at a refugee camp on the Cambodian border investigating medical and educational assistance to Cambodian and Vietnamese children. Or to find him in the remote provinces of the Philippines discussing economic development with community leaders.

Now that he is working with the Defense Subcommittee, I have noticed this same attention to people programs. Mr. Collins can be found sharing lunch with the troops at the Fulda gap or visiting a B-52 maintenance crew at Minot, ND, in January.

I also think it is appropriate to recognize his lovely wife, Sheridan, and his two daughters, Elizabeth and Julia. It takes a very special family to understand the long hours and late nights that are required in the Senate.

The executive branch has many programs to recognize excellent performance. Unfortunately, we in the Senate do not. Since today is Richard Collins' birthday—and I have been asked not to mention his age—I thought it appropriate to recognize his outstanding contributions to the Senate, the Committee on Appropriations, to the Subcommittee on Defense Appropriations, and to me personally.

Mr. President, I have been asked to yield 15 minutes to the distinguished Senator from Illinois.

Mr. DIXON. Mr. President, I thank my colleague and friend, the distinguished senior Senator from Hawaii, for yielding me time on this amendment concerning base closures in the Department of Defense appropriation bill. I thank my friend from Hawaii and the members of the Appropriations Committee for recognizing that mistakes can be made in the Government and that when a mistake is made you ought not to persist in the mistake. You ought to try to correct your errors.

Mr. President, what is being done in the Department of Defense appropriation bill is that the members of the Appropriations Committee, some of the finest and most senior Members of this Senate, are saying let us look at some mistakes that were made in the base closure report concerning 86 bases in the country to see whether mistakes and errors clearly made ought to be rectified.

This Senator led the fight against the Base Closing Commission. I made a major speech on the floor of the Senate against it. I fought it in the committee. I fought it in the conference. I said then that faceless, nameless members of a commission would be dealt this authority that ought to be exercised by the Congress and I said, beyond that, when we look at domestic bases we ought to also close some foreign bases that cost the taxpayers of America $30 billion last year.

As we stand here now, Mr. President, talking about correcting errors impacting upon domestic bases in this country, this Senator receives long-distance telephone calls from all over the world every day to try to build a new base at Crotone, Italy, that would cost the American taxpayers billions of dollars.

So while we are talking about closing domestic bases, people in this administration, many of them still, are committed to expanding the expenditure of American taxpayers' hard-earned dollars for foreign bases.

As a member of the Armed Services Committee, I attended all five hearings on the results of the Base Closure Commission's efforts—two in the full committee, three that I chaired, Mr. President, in my Subcommittee on Readiness, Sustainability and Support. We spent a month trying to take the classified top secret label off of what that Base Commission had done so that the American public could at least know what happened. We finally were successful in that. Incidentally, there was considerable opposition to that. And when we were ultimately able to look at the report, the report made it clear that a great many errors had taken place.

Mr. President, the evidence is beyond contradiction that Chanute Air Force Base at Rantoul, IL, which was ranked fifth among Air Force technical training bases, should have been second, at the worst third. The evidence is beyond dispute that Fort Dix in New Jersey, ranked seventh, should have been not seventh, not sixth, not fifth, not fourth, not third, not second; it should have been first.

Now, why would the Government insist on embracing those errors? Some say that if you do something here, you unravel the whole thing. Mr. President, by correcting mistakes and errors you do not unravel a conscientious result.

Of the 86 bases intended for closure, a case can be made concerning 4 or 5. Should not the Government do the right thing as all of us as individuals are expected to do the right thing?

Do you realize that there is language in that report where the staff are talking with one of the Commission members and the Commission member says to staff, "Chanute does not meet the criteria for closing" and one of the staff then says, "we will alter the arrays." That is political language for saying, we will cook the numbers. And they cooked the numbers.

Mr. President, it is beyond dispute that bases will be closed, if we persist, out of human error or out of intentional distortion of the record.

Mr. President, while I receive calls as the chairman of a subcommittee—right now in conference, as I am talking here, my friend, the Senator from Colorado, TIM WIRTH, is chairing the subcommittee I chair in the conference with the House where one of the issues is Crotone, Italy. And yet they would close a base in my State next to a little town called Rantoul with 22,000 people.

Mr. President, everybody in Rantoul works at Chanute or depend on their income on people that work at Chanute. There are 3,300 houses in the town. A fourth of them are occupied by people at Chanute. The Base Closure Commission said they did not have adequate hospital facilities. I took all the media in America, the Secretary of Veterans Affairs Ed Derwinski and others to Chanute, with Congressman ED MADIGAN, Congressman TERRY BRUCE, and Senator PAUL SIMON. The third floor of the hospital is empty. They have a whole floor to expand. They said not adequate housing—more than enough; not adequate recreational facilities. The General Accounting Office found more than enough. Not adequate bachelor officers quarters. I appropriated the money and authorized it for the building they are building there now that will cost $4½ million that opens next month.

Here is the report from the General Accounting Office. I ask unanimous consent, Mr. President, that this report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHANUTE AIR BASE REPORT

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 7, 1989.

Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: This is in response to your request that we report on the accuracy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analysis of two categories of training bases. As agreed with your office, this letter summarizes our work on Air Force technical training bases, and we will provide a separate letter covering Army basic training bases in mid-August. This work is part of a larger effort requested by the Chairmen and Ranking Minority Members of the Senate and House Committees on Armed Services to evaluate the work of the Commission on Base Realignment and Closure.

Before discussing our observations, let me briefly describe the Commission's process. It used a two-phased approach to evaluate bases for realignment and closure. The phase I analysis grouped bases into a number of categories, and then focused on determining the military value of bases within each category and each base's capacity to absorb additional missions and forces. The Commission then worked with the services to identify and rank bases warranting further review. The base or bases at or near the bottom of the ranking in each category were generally then moved into phase II. The phase II analysis focused on assessing the cost and savings of base realignment and closure options.

The key points concerning the Air Force's technical training bases are summarized below. Details are provided in the enclosure.

There were five bases in this category. The Commission's phase I analysis resulted in Chanute, AFB being ranked number five. It was then selected for phase II analysis. Service data shows that another base that was ranked higher in this category was also selected for phase II analysis. Chanute AFB was ultimately selected for closure.

We found data errors that significantly affected the ranking of the five bases in the phase I analysis. For example, certain facilities requirements data were overstated. When this error was corrected, the ranking of four of the five bases changed.

We also found that the initial scoring of the bases did not adequately account for deficiencies in facilities at the bases. For example, a base with a 4-percent deficiency in its requirement for bachelor housing was given the same score as a base with an 18-percent deficiency in its requirement for bachelor housing. We believe it is more accurate to use the actual percent of facilities deficiencies as a basis for scoring. Using this approach and corrected data changed the ranking of all five Air Force technical training bases.

Other factors, such as the number of missions at a base, were considered by the Commission in selecting base closure candidates during the phase I analysis. Therefore, it is uncertain what effect the corrected data may have had on the Commission's deliberations.

We will continue to keep you advised as our work progresses. If you have any additional questions, please contact Donna Heivilin, Director, Logistics Issues, on 275-8430; or Dave Warren, Assistant Director, Logistics Issues, on 275-8431.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

OBSERVATIONS ON THE COMMISSION'S RANKING OF AIR FORCE TECHNICAL TRAINING BASES

This enclosure provides more details on our observations on the Commission's ranking of Air Force technical training bases during its phase I analysis.

COMMISSION METHODOLOGY AND RESULTS

The Secretary of Defense's Commission on Base Realignment and Closure used a two-step process to select bases for realignment or closure. The first step (phase I) was to calculate a numerical military value score for each base. The second step (phase II) was to calculate the cost of various realignment or closure options for candidate bases. To calculate the military value for the Air Force's technical training bases, the Commission defined important military value attributes in five major categories. It assigned relative weights to each military value attribute and devised a method of rating each attribute.

In evaluating Air Force technical training bases, the Commission considered on-hand facilities at a base plus validated military construction projects for the base as requirements. According to the Commission staff, if the on-hand facilities met the requirement, a green rating (four points) was given. However, if military construction projects were needed in addition to the on-hand facilities to meet requirements, we were told that a yellow rating (two points) was given, regardless of the size of the deficiency. Table 1 shows the various weights.

TABLE 1.—*Weights used to evaluate Air Force technical training bases*

Category and attribute:	*Weight*
Mission suitability:	
Training facilities	30
Administrative facilities	20
Bachelor housing	20
Recreation facilities	15
Medical and dental facilities	15
Availability of facilities:	
Buildings	1
Maintenance	1
Liquid fuels storage	1
Explosive storage	1
Warehousing	1
Vehicle pavement	1
Utilities	1
Land area	1
Quality of facilities:	
Condition	1
Technology	1
Configuration	1
Quality of life:	
Family housing	1
Community support:	
Work force	1
Distance to airport	1
Distance to train	1
Distance to interstate	1
Infrastructure	1
Industry	1
Total weights	118

The Commission's military value ranking of the five Air Force technical training bases, with number one having the highest value, is shown in table 2.

TABLE 2: COMMISSION RANKING OF BASES

	Commission ranking
Rank order:	
1	Lowry, AFB.
2	Goodfellow, AFB.
3	Keesler, AFB.
4	Lackland, AFB.
5	Chanute, AFB.

RESULTS OF REVIEWING AIR FORCE TECHNICAL TRAINING BASE RANKINGS

During our April 12, 1989, testimony[1] before the Subcommittee on Readiness, Sustainability and Support, Senate Committee on Armed Services, we stated that we had two concerns with the Commission's methodology for ranking bases. First, we were concerned that the ranking included several projects that were to replace existing facilities. As replacement facilities rather than new facilities, they should not have been counted in requirements computations since this overstated the requirements. Second, the ranking did not adequately account for facilities deficiencies because it used a broad range measure instead of actual data.

We reranked the Air Force's technical training bases by eliminating double-counting of facilities. Because of the large amount of data and the limited amount of time, we only considered data in the mission suitability category to rank bases after eliminating double-counting of facilities. This accounted for 100 of the possible 118 points, or about 85 percent. We then used this refined data to score the bases by considering actual data on facilities deficiencies. These adjustments resulted in significant changes to the Commission's ranking.

RERANKING BY ELIMINATING DOUBLE-COUNTING

We found that the Commission had double-counted facilities in establishing unmet facility requirements at the five Air Force technical training bases. For example, at one base the Commission included military construction projects to build 23,300 square feet of replacement bachelor housing when the 23,300 square feet had already been counted in the on-hand facilities. This overstated the requirement and made the unmet facility requirements appear larger than it actually was. Table 3 shows that when double-counting is eliminated the relative position of four of the five bases changes.

TABLE 3: RANKING AFTER ELIMINATING DOUBLE-COUNTING

	Commission ranking	Revised ranking
Rank order:		
1	Lowry, AFB	Lowry, AFB.
2	Goodfellow, AFB	Chanute, AFB.
3	Keesler, AFB	Goodfellow, AFB.
4	Lackland, AFB	Keesler, AFB.
5	Chanute, AFB	Lackland, AFB.

RERANKING CONSIDERING THE SIZE OF THE DEFICIENCY IN FACILITIES

The Commission gave a yellow rating to an attribute if it failed to meet the requirement, regardless of the relative size of the deficiency. We believe that it is more precise to use actual data since relatively small deficiencies would have less of a negative impact on military value than relatively large ones. For example, one base had a 4-percent deficiency in its requirement for bachelor housing. However, it was given the same score for this attribute as a base that had an 18-percent deficiency in its requirement for bachelor housing. We reranked the five Air Force technical training bases by computing a score based on the percentage of the facility deficiency, after eliminating double-counting projects and the attribute's assigned weight. Table 4 shows that when these changes are made the relative position of all five bases changes.

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[1] Base Realignments and Closures," (GAO/T-NSIAD-89-24, Apr. 12, 1989).

TABLE 4: RANKING BASED ON FACILITIES DEFICIENCIES

	Commission ranking	Revised ranking
Rank order:		
1	Lowry, AFB	Lackland, AFB.
2	Goodfellow, AFB	Keesler, AFB.
3	Keesler, AFB	Chanute, AFB.
4	Lackland, AFB	Lowry, AFB.
5	Chanute, AFB	Goodfellow, AFB.

OTHER CONSIDERATIONS

Other factors, such as the number of missions at a base, were also considered by the Commission in selecting base closure candidates. Therefore, it is uncertain what effect this revised data may have had on the Commission's deliberations.

Agency officials stated that even if corrected data changes the relative ranking of the Air Force's technical training bases, Chanute, AFB is still the most logical base closure candidate because it is a single mission base and the other bases have missions that would be more difficult to move. The Commission estimated that closing Chanute would save $68.7 million annually and have a 3-year payback period. Our latest estimate indicates annual savings of $60.3 million and a 5-year payback period.

FORT DIX REPORT

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, August 17, 1989.

Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: This letter completes our response to your request that we report on the accuracy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analyses of two categories of training bases. As agreed with your office, this letter summarizes our work on Army basic training bases. We provided you with a separate letter covering Air Force technical training bases on July 7, 1989. This work is part of a larger effort requested by the Chairmen and Ranking Minority Members of the Senate and House Committees on Armed Services to evaluate the work of the Commission on Base Realignment and Closure.

Before discussing our observations, let me briefly describe the Commission's process. It used a two-phased approach to evaluate bases for realignment and closure. The phase I analysis grouped bases into a number of categories, and then focused on determining the military value of bases within each category and each base's capacity to absorb additional missions and forces. The Commission then worked with the services to identify and rank bases warranting further review. The base or bases at or near the bottom of the ranking in each category were generally then moved into phase II. the phase II analysis focused on assessing the cost and savings of base realignment and closure options.

The key points concerning our review of the Army basic training bases are summarized below. Details are provided in the enclosure.

The eight bases in the Army's basic training base grouping were Forts' Benning, Bliss, Dix, Jackson, Knox, Leonardwood, McClellan, and Sill. The Army's Training and Doctrine Command (TRADOC) had primary responsibility for assisting in the phase I analysis of the eight bases.

During phase I, the bases were assessed and scored for their mission-related military value for each of 22 physical attributes. This analysis resulted in Forts' Dix and Jackson being ranked lowest of the eight bases. The Commission subsequently selected both bases for phase II analysis. It ultimately recommended a realignment of Fort Dix's training functions and that Fort Dix be placed in a semi-active status.

Inaccurate data was used by TRADOC in assessing military value and scoring errors were made by the Commission. Specifically, we found that five of the eight bases would have been ranked differently if data used by the Commission had been accurate and properly calculated. For example, Fort Dix would have ranked second if (1) TRADOC had used accurate data to assess the condition of Fort Dix's facilities; and (2) the Commission had properly calculated data measuring Fort Dix's support to reserve component training.

The Commission's phase I analysis considered other factors, such as base capacity and opportunity for more efficient operations, in selecting base closure candidates. Therefore, it is uncertain what effect the corrected data may have had on the Commission's deliberations. However, Commission and Army officials stated that the Commission's selection of phase II candidates would probably have been the same regardless of the rankings because of the limited size and mission of Forts' Dix and Jackson compared to the other six bases in the category. The Assistant Secretary of Defense (Production and Logistics) has supported this position.

We will continue to keep you advised as our work progresses. If you have any additional questions, please contact Donna Heivilin, Director, Logistics Issues, on 275-8412; or Dave Warren, Assistant Director, Logistics Issues, on 275-8431.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

OBSERVATIONS OF THE COMMISSION'S RANKING OF ARMY BASIC TRAINING BASES

This enclosure provides more detailed observations related to the Commission on Base Realignment and Closure ranking of Army basic training bases during its phase I analysis.

COMMISSION METHODOLOGY AND RESULTS

The Commission used a two-phased approach to determine which bases have the potential to be realigned or closed. The first step (phase I) established a complete inventory of military installations for each military service and assigned them to categories of bases havings similar missions. The bases were then evaluated to measure their military value and their ability to absorb additional activities. At the completion of these evaluations, a number of bases were selected for more detailed review. These were usually the bases that ranked lowest in military value. In the phase II process, the Commission evaluated various alternatives for relocating the activities of bases identified as candidates for closure or realignment. This evaluation used a cost-estimating model to determine costs and savings associated with each relocation option.

In evaluating the eight Army basic training bases, the Commission established five major categories that relate to military value and the key attributes of each category. It then judgmentally assigned weights that reflected the attribute's relative importance to the missions of the basic training bases. To calculate the military value of these bases, the Commission devised a method of scoring each attribute. This method used criteria developed by the Army to assign rating codes to each attribute. The measurement of each attribute was characterized by one of three ratings—green if the attribute was judged fully satisfactory to accomplish the base's missions, yellow to indicate the attribute was acceptable for accomplishing the base's mission, and red to denote marginal capabilities. These ratings were then converted to numeric scores for the ranking process. Table 1 shows the major categories, military value attribute, and the various weights assigned to each attribute.

TABLE 1: *Attributes assessed for Army basic training bases and weights assigned*

Category and attribute:	
Mission Suitability:	*Weight*
Unique location or mission	149
Encroachment (commercial or residential)	67
Land for training maneuvers	41
Firing ranges	33
Support to reserve component training	30
Water availability	7
Mobilization capacity	3
Availability of facilities:	
Training and instructional facilities	119
Vehicle maintenance facilities	22
Administration facilities	12
Paved roads	8
Utility systems	7
Quality of facilities:	
Real property maintenance backlogs and costs	67
Military construction backlog	28
Percent of facilities that are temporary	24
Quality of life:	
Unaccompanied personnel housing	53
Family housing	39
Community facilities	9
Medical facilities	6
Community support:	
Population density	3
Transportation network	3
Utility systems	3
Total	733

The Commission's military value ranking of the eight Army basic training bases is shown in table 2. Forts' Dix and Jackson ranked lowest and were selected by the Commission for phase II analysis. Ultimately, the Commission recommended a realignment of Fort Dix's training functions and that Fort Dix be placed in a semi-active status. The Commission's decision was endorsed by the Secretary of Defense.

TABLE 2: COMMISSION RANKING OF BASIC TRAINING BASES

	Base
Ranking order:	
1	Fort Sill.
2	Fort Knox.
3	Fort Leonardwood.
3 [1]	Fort Bliss.
4	Fort Benning.
4 [1]	Fort McClellan.
5	Fort Dix.
6	Fort Jackson.

[1] Tie.

RESULTS OF REVIEWING ARMY BASIC TRAINING BASES

During our April 12, 1989, testimony[1] before the Subcommittee on Readiness, Sustainability, and Support, Senate Committee on Armed Services, we expressed our concern that the Commission may have used incomplete and inaccurate data. We cited the category of training bases as one area where we identified problems.

We rescored and reranked the eight bases in the Army basic training bases category by reviewing selected military value attributes within the five major assessment categories. We reviewed 12 of the 22 attributes shown in table 1 and these attributes account for about 92 percent of the total weight points. We performed our work at (1) the eight Army training bases, (2) the Army Training and Doctrine Command (TRADOC) in Fort Monroe, Virginia, and (3) the Commission.

Our analysis shows that (1) TRADOC used inaccurate data in assessing military value; and (2) the Commission made errors during the scoring process. Our review of the Commission's assessment of 12 attributes for each of the 8 bases showed that every base had at least one attribute that required adjustment. Specifically, we found that five of the bases are ranked differently when the errors are corrected. Table 3 shows these rerankings.

TABLE 3.—*Reranking of bases*

Commission ranking:

Base:	*Rank order*
Fort Sill	1
Fort Knox	2
Fort Leonardwood	3
Fort Bliss	[1] 3
Fort Benning	4
Fort McClellan	[1] 4
Fort Dix	5
Fort Jackson	6

Corrected ranking:

Base:	*Reranking*
Fort McClellan	1
Fort Dix	2
Fort Leonardwood	3
Fort Bliss	3
Fort Sill	[1] 3
Fort Benning	4
Fort Jackson	5
Fort Knox	[1] 5

[1] Tie.

Some of the problems we found in reranking the Army's basic training bases are discussed in the following examples.

Fort Benning's original ranking was incorrect because they sent inaccurate data on support of reserve training to TRADOC.

Fort Bliss sent erroneous data to TRADOC concerning the amount of temporary facilities at the base.

Fort Dix provided TRADOC with inaccurate data concerning the backlog of real property maintenance and repair at the base. Fort Dix's revision to the data several days later was not considered by TRADOC and, as a result, Fort Dix's score for this attribute was lower than it should have been. In another example, Fort Dix was assessed based on accurate reserve component training data, but the Commission made a computational mistake and scored the attribute too low.

Fort Jackson inappropriately counted firing range acres in data submitted to TRADOC by also listing its maneuver land acreage. Only maneuver land acres should have been considered.

Fort McClellan's on-hand assets for training and instructional facilities are higher than the figure used by the Commission.

OTHER CONSIDERATIONS

The Commission also considered other factors, such as base capacity and opportunity for more efficient operations, in selecting bases for possible closure or realignment. Therefore, it is uncertain what effect the corrected data would have had on the Commission's deliberations.

Commission and Army officials stated that the Commission's selection of closure candidates would probably have been the same regardless of the rankings because of the limited size and mission of Forts' Dix and Jackson compared to the other six bases in the category. The Assistant Secretary of Defense (Production and Logistics) has supported this position. He also stated that the decision to place Fort Dix rather than Fort Jackson in a semi-active status was logical and endorsed by the Secretary of Defense. The Commission estimated that putting Fort Dix in semi-active status would save $84.5 million annually and have a 3-year payback period. Our latest estimate indicates annual savings of $65.7 million and a 4-year payback period.

Mr. DIXON. "Dear Senator DIXON: This is in response to your request that we report on the accuracy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analyses of two categories of training bases."

Now I skip a good deal of this.

The key points concerning the Air Force's technical training bases are summarized below. Details are provided in the enclosure.

There were five bases in this category. The Commission's phase I analysis resulted in Chanute, AFB being ranked number five. It was then selected for phase II analysis. Service data shows that another base that was ranked higher in this category was also selected for phase II analysis. Chanute, AFB was ultimately selected for closure.

We found data errors that significantly affected the ranking of the five bases in the phase I analysis. For example, certain facilities requirements data were overstated. When this error was corrected, the ranking of four of the five bases changed.

We also found that the initial scoring of the bases did not adequately account for deficiencies in facilities at the bases.

Then they talk for a couple of pages about the methodology and the results.

Here is a whole page, Mr. President, on the way they did this: "Mission suitability", five categories; "availability of facilities," one; "community support," six.

OK, the total weight. Here is the whole review by the General Accounting Office, the GAO, of what was done in connection with these five bases where Chanute was rated fifth. What is the finding? "Ranking, after eliminating double counting: Table 3 shows that when double counting is eliminated the relative position of four of the five bases change."

They double counted, Mr. President. They double counted.

Now, when we correct it, Lowry Air Force Base is still No. 1, Chanute Air Force Base, Mr. President, jumps from five to two; not fifth, second.

Here is a reranking, considering the size of the deficiency in facilities. They tell about how, for example, one base had a 4-percent deficiency in its requirement for bachelor housing. However, it was given the same score for this attribute as a base that had an 18-percent deficiency in its requirement for bachelor housing. They rank them based on facility deficiencies. The Commission ranked Chanute fifth, the revised ranking is third.

Mr. President, this General Accounting Office report and five hearings of the Armed Services Committee in its jurisdictional Subcommittee on Military Bases found that by every fair criteria employed, Chanute Air Force Base is no worse than third and most probably second and not dead last fifth, and should not be closed.

I only want to say this in conclusion, Mr. President. I am going to make a Xerox of this. The ruling has been it can be printed in the RECORD. I am going to print it in the RECORD.

Many of my colleagues persist in saying: Do not unravel this thing. I would say in conclusion, to my colleagues in the Senate: Never stick with a mistake, in your indiviudal life, or anything you do. Here we have a mistake. Here we have a clear case of where the Commission on Base Closing has erred, seriously erred, and we ought to correct that.

All this langauge does, all my friend from Hawaii is saying, all the Appropriations Committee people are saying is this: Let us look at the mistake. We are only saying let us review it. Let us give the Secretary of Defense and people in authority a chance to see whether an error can be corrected.

I think it would be an outrage if a fine community of 20,000 people in my State were torn asunder because of mistakes made by the Government, by faceless, nameless people who have nothing to answer to. They go home at night and forget about it. They are not like Members of the Senate or the House who have to go home and answer to their constituent groups.

This is a serious matter, affecting some of us very deeply. I would ask my colleagues to seriously consider this question and to support the committee result. The chairman of the Appropriations Committee and the Committee on Appropriations have done a decent job here and I ask we reject the amendment that has been offered by my colleague from Georgia.

I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). Who yields time?

Mr. INOUYE. I yield such time as is necessary to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

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[1] "Base Realignments and Closures" (GAO/T-NSIAD-89-24, Apr. 12, 1989).

Mr. ROTH. Mr. President, I rise in support of the Nunn-Warner amendment. Let me just point out at the beginning that the Commission that made these recommendations for base closures was not a faceless group. It included some of the most distinguished Americans who have dedicated so much of their lives to public service. I can think of no two individuals more distinguished or better qualified than the Honorable Abraham Ribicoff and the Honorable Jack Edwards. I know everyone in this Senate who had the privilege of serving with Senator Ribicoff would agree that he was one of the most thoughtful, intellectual, public spirited Senators who has ever graced these Halls.

Likewise, Jack Edwards, who served so many years on the House side, was known and recognized as a leader on military affairs. Mr. President, I could go through the whole list becuase it is, indeed, a distinguished group, including retired generals, who are certainly experts on defense matters. We also had on the Commission a very distinguished environmental expert, Russell Train, who one time served as chairman on the Council of Environmental Quality.

I want to repeat, the Commission was made up of distinguished Americans, Americans who have served this country well. There is no reason at this late date to repudiate their good work.

Mr. President, is it any wonder why this distinguished body has been unable to solve the deficit when it can't even bring itself to cut the most blatant examples of waste in its spending practices?

If an American family discovers that its spending exceeds its income, it economizes. And, of course, it first looks to cut the most obvious waste in the family budget—those things which can be cut without causing adverse impact upon the health and well-being of the family. Such logic is fundamental to good economy. It's fundamental to financial recovery.

And it should be a fundamental tool for this body to put its own financial house in order. But it's not. Instead, Congress resorts to smoke and mirrors—to forecasts and formulas and sequestrations—completely unable to follow this most obvious and commonly practiced financial strategy.

For example, last year, several Members of the House and Senate, including myself—managed to persuade both Houses to consider an equitable plan for realigning and closing some of the excessive number of obsolete military bases the U.S. taxpayer has been obliged to keep open. In a rational world, all of these unnecessary facilities—like waste in the family budget—would have been closed long ago.

However, as Congress is extremely fond of telling the military how to spend its budget, every time the Pentagon attempted to close unnecessary bases, it found the task difficult, if not impossible. The path to sound military spending—responsible financial management—was strewn with artificial barriers crafted here on the floor of this Senate and over in the House of Representatives.

Fortunately, last year, we finally managed to persuade the majority of our colleagues that this situation was simply intolerable. Senators NUNN and WARNER took up the provisions of the Roth-Armey base consolidation bill and incorporated it into the fiscal year 1989 DOD authorization bill.

The debate on the Senate floor was extended and vigorous, to say the least but, ultimately, the majority of the House and Senate was able to work its will. The Base Consolidation Commission was empowered to make its recommendations to the Secretary of Defense, who was empowered to act upon those recommendations, absent passage of a joint resolution of disapproval by the Congress.

The House of Representatives did consider passage of such a resolution, but the proponents of that resolution were soundly defeated. The majority had once again made its will clear.

Nonetheless, despite that fact that the majority has made its will so clear so often, we once again witness attempts to strew new road blocks in the path of the base closing procedure. The Appropriations Committee now wishes to draw the General Accounting Office into the process, requiring the Comptroller General to report that the costs of closing any base will be amortized within 6 years of any closure.

The most obvious question is why? The GAO already is heavily burdened. Does anyone in this body seriously wish to suggest that this Nation does not suffer from a ridiculous excess of military bases? Why do we need to require the GAO to confirm something which is patently obvious—that we need to shed the burden of unnecessary military facilities from the backs of the already overtired American taxpayer.

Perhaps, Mr. President, this attempt to bring the Comptroller General into the base closing process smacks of the old requirement for environmental impact statements prior to base closings, a requirement which so complicated the consolidation process as to make it worthless. This new wrinkle in the base consolidation process is unnecessary and it should not be supported by the Senate.

I should also point out that, as was stated on the House floor, the Secretary of Defense, the Attorney General, and Director of OMB would recommend to the President that he veto this bill in the event of the presence of a provision that would prohibit proceeding with any base closure or realignment pending GAO studies.

The Appropriations Committee amendment also raises a very, very serious constitutional problem. Making base closures subject to GAO review infringes on the constitutional separation of powers because it would make the executive branch action legally dependent on decisions by the Comptroller General. This provision is unconstitutional and directly contrary to the Supreme Court decision in Bowsher versus Synar which held that the Comptroller General is an officer of the legislative branch and cannot perform executive functions.

The Base Realignment Commission has done its work fairly and the Congress should step aside and allow the Nation's military to implement the budget savings which it has so often demanded. Mr. President, I respectfully request that my colleagues support the Nunn-Warner substitute and defeat the committee amendment.

I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I am pleased to yield 10 minutes to the Senator from Illinois [Mr. SIMON] who will speak against the Nunn amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. I thank the Chair. Mr. President, I rise in strong support of the committee provision that was brought to the floor by the senior Senator from Hawaii in opposition to the Nunn-Warner amendment.

We had a meeting this morning in my office—Senator DIXON, Congressman MADIGAN, Congressman BRUCE, Senator LAUTENBERG, Senator DECONCINI, Senator MCCAIN—with the Secretary of Defense. We made a very basic point about what we ought to be considering here and that is, there ought to be a way of correcting mistakes that we make. The GAO report says—and obviously I have a provincial interest in Chanute Air Force Base; there are five training bases reviewed—the GAO report says that Chanute should not be fifth in terms of ranking. But if you were to do it correctly, it should be second in terms of ranking.

Do we just ignore the GAO report? Do we ignore the mistakes? The report of the commission says there would be minimal impact on the community. This is a community of 20,000 people in central Illinois. The University of Illinois study shows that community will lose 59 percent of its income. We already have from the Corps of Engineers a study showing that 800 of the 3,300 houses in this community are base personnel, not counting the indirect. Already, according to the Corps of Engineers, there has been a drop of

20 percent in real estate values in that community. Incidentally, under the law, the Defense Department would have to make up for those kinds of losses.

The report of the commission says recreational facilities are inadequate. It is very interesting because they have a brand new recreational building, probably the finest recreational building on any military base outside the military academies. They just had the international handball championships for the Armed Forces of the United States at Chanute base where they are not supposed to have adequate recreational facilities, according to the report.

The report says housing is inadequate. Obviously, it is based on a decade-old report. Housing is very fine on that base now and while we talk, they are finishing some new housing on that base right now.

They said the hospital has inadequate number of square feet. There is a whole third floor of that hospital that is not even being used. The report just does not make sense.

At Chanute, in the last 8 years, the U.S. Government has spent $160 million to fix up that base. If we go along and do not correct this mistake, we are just going to be wasting all of that money. It does not make sense.

I would like to quote—and to the credit of my colleague from Illinois, and a few others, Senator DIXON and some others, who finally got the Commission discussions that were classified secret unclassified, though they whited out the names of who the Commissioners were as they said various things. Let me quote from three different Commissioners during the course of this. One says:

> I think anybody that would look at this exercise and say this is the way to manage your base structure is out of his gourd. I think its terrible public policy.

Another says:

> Our ability to operate will circumscribe and that illustrates if this is at best a jury rigged and temporary procedure.

And another says:

> And I hope my colleagues as they weigh how they are going to vote on this say, let's do not admit we have done a lousy job.

And my friends, they did a lousy job.

Here is another Commissioner:

> We did no independent assessment of these cost figures, and we ended up making decisions based on numbers that I am convinced were contrived to build a case.

That is one of the Commissioners who was appointed.

At another point in the discussion, there is a referral to Chanute Air Force Base as an empty air base. The reality is there are 51 training programs there. Twenty-four thousand students a year graduate from this particular military base that is described by one Commissioner as an empty air base. Something is wrong with the process.

I am not here, none of us is here saying, "Do not close any bases," though I agree completely we ought to be reviewing foreign bases first. The reality is we have Armed Forces personnel stationed about 1,500 places overseas and we have the same number of obligations overseas when we are now 20 percent of the world's economy as when we had 40 percent of the world's economy. We ought to be reviewing what we do overseas. But let us not say that we do not correct a mistake. If we reject the recommendation of the Appropriations Committee, that is basically what we are saying. Clearly, in the case of Chanute, and I think this is the case of three other bases, a massive mistake was made. Let us not proceed with massive mistakes that the GAO says clearly is a massive mistake.

My hope is that my colleagues will not say let us just ignore, let us just throw this under the rug, nor do I hope you will listen to the argument that will be made that this is going to unravel the whole thing. No one is suggesting this. What we are saying is where major errors have been made by the Commission, and the Commission itself—and I see my distinguished colleague from Nebraska just came on the floor from the Armed Services Committee—when one of the Commissioners says in the meeting, "Let us do not admit we have done a lousy job," I think we ought to say at least let us let the GAO take a look at this thing where we have made significant errors, and in the case of four bases apparently significant errors have been made, let us correct the mistakes.

Let us go ahead and close bases where we can save money, where we can proceed in a sensible way, but let us not—and this is true for anything. Any time we make some mistakes in some procedure, let us correct the mistakes. That is all this amendment says. I hope we will support the Appropriations Committee in their endeavor. I yield back my time.

The **PRESIDING OFFICER.** Who yields time.

Mr. **INOUYE.** Mr. President, I am pleased to yield 5 minutes to the Senator from Nebraska [Mr. EXON] and the time will come from the proponents of the Nunn amendment.

The **PRESIDING OFFICER.** The Senator from Nebraska controls time on the other side.

Mr. **EXON.** I yield myself what time I need from the opponents' side.

The **PRESIDING OFFICER.** The Senator from Nebraska is recognized.

Mr. **EXON.** Mr. President, I thank my friend from Hawaii, who is managing this bill. I have listened now for some time with keen interest to the arguments pro and con on this amendment. I rise only to try to put this in proper perspective.

The General Accounting Office and their reports I hope do not control the ultimate decision made by this body.

I simply point out what other Senators have addressed themselves to once again, that this issue has been debated on the floor of the Senate previously. The changes suggested by the Appropriations Committee were rejected. Likewise, a similar situation exists in the House of Representatives where the arguments have been made and the decision made to close the bases along the lines recommended by the committee.

I think it is rather interesting in that, as far as I know, the GAO found some possible shortcomings with the recommendations, but the GAO did not come forth with offsets in bases that should be closed if the bases specifically alluded to as passed by the Senate and House of Representatives are not forthcoming.

Therefore, I recognize and realize that if we accept the recommendation by the Appropriations Committee, we do not necessarily in and of that fact itself unravel the whole package. I simply say that unraveling has begun.

If we are making a mistake, which I suggest is not the case, in closing four of these bases, then let us err for once on the side of what is constructive, what is conservative, and what makes sense with regard to the dollars invested in our very important national security program.

Mr. President, the facts are we have far too many military bases to meet current needs. We have developed over a period of years a set of circumstances where it is impossible to knock out the broad scope of defense welfare, but military bases in and of themselves are an important part of defense welfare that may well be good when you look at it from the social impact of the areas that would lose their bases.

I do not mean that I am glad that has happened. I am only saying that is a necessary step if we are going to streamline our overall national defense policy and have a reduction in the total amount of taxpayer money going to that end.

I think it is rather interesting, Mr. President, right at this time when the authorizing committees and the House and the Senate have previously spoken in support of the proposition of closing these bases as recommended by the Commission and endorsed by two Secretaries of Defense and two Presidents of the United States, here we are worrying about this when we are trying to find some money principally out of the military budget to finance the all-out war on drugs.

As a strong supporter of national defense, which my record indicates, Mr.

President, I still feel that if we are going to continue to spend about $300 billion per year on national security, somehow, somewhere we could take one-half of 1 percent or 2 or 3 percent of that $300 billion annual appropriation for national defense and transfer it to the war on drugs. I think that kind of cut in national security policy and shifting it to the war on drugs is not only legitimate but is demanded under the circumstances.

Therefore, I think it is very proper that the defense budget take the hit, if you will, the very small hit in comparison to all of the other programs that we finance to eliminate these unnecessary military bases which can be justified only from the standpoint of defense welfare or social assistance to an individual community and not from the overall standpoint of what is best for the national defense of the United States of America.

Mr. President, I yield back the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I am pleased to yield 5 minutes to the Senator from Indiana [Mr. COATS].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. COATS. I thank the chair.

Mr. President, I stand here as one who has strongly advocated and supported the base-closing measure when it came through the House of Representatives as a Member of the House. It was an idea that made a lot of sense. I still think it does. I still support the idea of giving the Department of Defense the flexibility needed to bring about effeciency and savings in our expenditure of Federal tax dollars. It makes a great deal of sense and it is something we should have done a long time ago. Nevertheless, we are here today; we are moving forward; and we are making some tough choices. Tough choices have been faced and made. Many of us have to live with those consequences.

Having said that, I want to bring to the attention of the Senate and to my colleagues a fact that I think also ought to be examined and that is the case that not all of the decisions that were made are perfect decisions. I think the Commission has mentioned that. Statements have been made on the floor of the Senate to that effect. It is clear that in a few selected instances the criteria that were established by the Commission were not either correctly laid out or correctly applied to specific situations.

In one particular base closing announced for Jefferson Proving Ground in southern Indiana, we clearly face a dilemma. I am frustrated in my attempt to get the Department of Defense to directly address the dilemma that not only I face as a Senator representing my State and the people of the community who are affected but the Department of Defense faces because they have a problem on their hands that I think they would certainly privately acknowledge but are fearful of publicly acknowledging because they are afraid that the Base Closure Act might come unraveled and any deviation from the proposed plan will be seen as a chink in the armor, perhaps a political favor to someone, which is not the case at all, or some beginning of a process of unraveling the whole concept of base closure.

Mr. President, I want to tell you that the people of Madison, IN, in southern Indiana, do not object to the decision of the Department of Defense to bring about more efficiency, and if that means closing the base, they will accept that. What they are concerned about—and what they have every right to be concerned about—is the fact that we face a unique situation with Jefferson Proving Grounds. Since World War II it has been used as an area for testing of munitions. More than 23 million rounds of ammunition have been fired on this proving ground and the Department of Defense estimates that at a minimum 900,000 of those are unaccounted for, unexploded. We do not know exactly where they are.

Clearly, in an area of 55,000 acres of prime land in southern Indiana, littered with buried munitions approaching 1 million shells, you cannot turn it over to farmers and say go ahead, plant soybeans, plant corn, plant wheat; go ahead, use it as a nature preserve, use it as a hunting area, use it to develop industry. We have to close this base for efficiency purposes in the Department of Defense, and that may be true, but it is of no value to the community or for the State left in its current state. Nor are there funds available for cleanup of this facility. The funds available through the Department of Defense will not even begin to touch the cost necessary to address the cleanup of these 900,000 shells and make this land habitable.

So the community and the State are presented with a dilemma. Yes, they want to support good government, efficiency, and serve our tax dollars but they would also like the land back or like to do something with it. Simply throwing a fence around it, and posting a sign saying "no trespassing" is hardly a way of assuring the community that this closing of the base which is going to cost several hundred jobs in the community and devastates a rural area is an acceptable solution.

So we have been pleading with the Department of Defense and others to give us some relief, some basic program or formula in which we can move forward and address this.

I wonder if the chairman would allow me 3 additional minutes?

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized for 3 additional minutes.

Mr. COATS. So we are today faced with a situation where there is a way to address clear mistakes that have been made by the Commission, by the Department of Defense in terms of a few selected bases that do not meet the criteria. In the case of Jefferson Proving Ground the 6-year payback period is ludicrous. It is based on the assumption that the land will be sold for farming. I have yet to find a farmer in the State of Indiana that is willing to run his plow over ground that has 900,000 unexploded shells. I doubt that we will. Therefore, the criteria that are established for a determination that this makes sense to close this base because we can get a payback in 6 years is criteria that just simply does not match the facts.

So I reluctantly come forward today to vote for the committee amendment and against the amendment of my chairman who I deeply respect because I think the overall purpose of what the Base Closing Act attempts to do and what the chairman's amendment attempts to do is the right purpose. It is the one that I wish I could support. I have gotten no answer from the Department of Defense. The General Accounting Office has given us an estimate that the payback period is more like 100 years, not 6 years. We have had no answers to what we can do with this land and what availability it will have for the community and for the State.

Until I get the answer, it is impossible for me to oppose a provision in the committee bill that says, look if the Commission made a mistake, if it is an egregious error, if it is clear that it does not fit the criteria, let us at least pull out these few exceptions and put them back on the drawing board.

I would be happy to accept the provision that said we can go ahead and close them as long as we can come up with an acceptable way to do it. I do not necessarily demand that this base be kept open if it does not meet the needs of the taxpayer and the needs of the military. Neither do the people of the community.

But they are saying at least give us something that makes sense in terms of our ability to close it and utilize the land for other purposes. We are a rural community. We need to be able to use it. It is devastating what is going to happen. We will accept it as good Americans, but at least give us the opportunity to take that asset and do something with it instead of having this albatross sitting at our hands for the next century.

So reluctantly I am going to go forward and support an amendment because that amendment is the only way that I can express my frustration and my indignation over the fact that I just cannot get anybody to give me any answer as to what to do with this. As I said privately, they will tell you, you are right. You are exactly right. We blew this one. But we cannot remedy it because it will send the wrong signal, and other people will come along and say, "You gave them a special favor, what about my base?"

Well, when you make a mistake, let us admit you made a mistake. Let us take the necessary steps to correct the mistake. Let us sit down and work together. Let us honestly lay the problem on the table, and let us find the solution. That is what I want to do. That is what the community wants to do. That is what the State of Indiana wants to do, and that ought to be what DOD wants to do. Until they are ready to do that and admit that, I am going to support the amendment. I thank the chairman for the time.

Mr. President, I yield.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii controls the time on one side.

Mr. WARNER. Mr. President, at such time as it is convenient, the Senator from Virginia would like to have further time, but I want to consult with the chairman of the committee so that our remarks are coordinated. As yet, we have not had that opportunity.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum, and I ask the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, while we are waiting for another speaker, may I just comment on the measure before us?

Mr. President, there are 145 bases involved in this base closure; 86 are for closing and 54 for realignment. Of the 145, this U.S. Senate is discussing the possibility that this distinguished panel of American citizens made mistakes in four of them. The action suggested by the Appropriations Committee is not inconsistent with the action taken by the Armed Services Committee, the authorizing committee. The authorizing committee in action 331, because they had doubts about this Commission, directed the Comptroller General to analyze the findings of this Commission.

If the Armed Services Committee was so certain about the Commission's findings, why would they have the Comptroller General analyze it? We just went one step further. Under the Armed Services Committee bill, if the GAO analysis indicates that errors have been made—and GAO has already indicated that errors have been made—we do nothing about it. We just tell the folks in Chanute, in Huachuca, and Dix, "Sorry, folks, we made an error, but we are closing up the place anyways and you are all going to lose your work." What we are saying, if errors were made, let us rectify these errors. I think the taxpayers and the citizens of the United States would expect that much, that little bit from us.

And to listen to the Armed Services Committee, one may get the impression that the Congress has never acted against the Commission.

I would suggest that we inspect the bills that were passed by the Armed Services Committee this year and in past years. This year they have prevented the Secretary of Defense from reducing any Army brigades at Fort Carson. In 1988, they prevented the closure of an Air Force wing at Nellis Air Force Base in Nevada.

So it has been done before. We are not taking such site specific action. We are just asking that the Comptroller General analyze the Commission's recommendations and tell us about them. If the errors were made, we can have another look at it. Otherwise, Mr. President, these communities and bases have no appeal open to them. There is no supreme court. This is the supreme court for these bases.

Mr. President, I yield 20 minutes to my colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. DECONCINI. Mr. President, I want to thank the distinguished chairman of the Subcommittee on Appropriations on Defense for his work in this area, and many others. We have had many, many chairman of this subcommittee since I have been here, and, I have not seen anybody put more time into it—taking away nothing from the other distinguished chairman of this subcommittee—than the Senator from Hawaii.

He has worked so closely with the authorizing committees, that just the other day—a little anecdote—in a meeting we were having regarding additional drug money, he offered at that meeting to include the ranking member and the chairman of the authorizing committee to sit in the meeting, in the event there was any agreement where there would be any reductions in defense over and above what had already been agreed to.

So I thank him sincerely, not because he has just taken the lead in the area of this amendment, but for what he has done to bring about a working relationship, second to none, between the authorizing committee and the Appropriations Subcommittee. I hope that those on the authorizing committee, and others who oppose the language in the bill, would take a strong look at it and then look at the whole picture.

What the chairman and the Appropriations Committee have done is not reverse in any manner whatsoever the Base Closing Commission report. We merely provide merely an opportunity to review those very few particular cases that may cost the Government a lot of money, if they go through, out of the total 140 bases to be closed or realigned. So this is not trying to undo what has been done.

I rise in strong opposition to the amendment offered by the Senator from Georgia. I supported the base closing bill passed by the Senate last year. I did so because of the recognition that many bases in the United States have clearly outlived their value as assets. I might add, parenthetically, that I think we should review and close some overseas bases as well, but those were not included for one reason or another. Some of these bases are obsolete, underutilized, or inefficient. They just do not operate well.

I believe most of my Senate colleagues felt that substantial money could be saved if such bases were to be closed or realigned. The condition we agreed on, however, was an important one. There were nine specific points in the Commission's charter I understand, but the one that sticks out so strongly was the goal of saving money. The conditions for this base closing were specific. History shows that the Secretary of Defense for years, under Democratic and Republican administrations, has tried to close bases in order to save money and transfer bases and unite bases to save money.

As we know, history showed that closing bases was impossible to achieve. We could not get through Congress a single, solitary base closing. So instead, the Commission route was appointed. We focused for a long time on how to put this toegether. What was important was that there be a reasonable payback period in which to recover the costs of consolidating a base or closing a base.

We accepted—everybody accepted, the Commission accepted, the charter accepted, Defense Department accepted—6 years as a reasonable criteria for a cost savings. This was not cast in concrete. As the distinguished Senator from Georgia has pointed out, it was a guideline for the Commission, and it is one which they used in their analysis.

Maybe the numbers should have been 7 years; I do not know. The exact number really does not matter. I do not believe it was a critical factor in most of the cases they considered. A guideline was needed, and the time period was set at 6 years. That seemed reasonable, and it does today. If it were 7 or more or less, I would not argue.

The problem we are faced with is not that of accepting or rejecting the Commission's report. It is a situation of what to do with specific cases if it is found that mistakes were made in the analysis, and in the determination of what bases should be closed or consolidated, due to incomplete or inaccurate data.

This is not an indictment of the work or the integrity of the Commission. They did an incredible job, considering the complexity of the problem and the short time they had to work at it. The issue is one of review and what happens if some few mistakes are uncovered as a result of that review.

The Office of the Secretary of Defense had only a few days to read the report and has admitted accepting it without any serious evaluation. Those affected by the outcome clearly studied it in detail, and did their best to find fault with it.

In all of the 140 bases recommended for closure or realignment, three particular grievances have been identified: Fort Huachuca, AZ, Fort Dix, and Chanute Air Force Base. This is an extraordinary achievement from a Commission, if only 3 facilities out of 140 feel that they were incorrectly evaluated.

The question now is what to do about these particular facilities. In the case of Fort Huachuca, the citizens of the nearby community, Sierra Vista, studied the Commission's report and sent a delegation here to Washington, DC, to report on its findings.

They maintain that the commission did not have all the facts needed to evaluate completely the costs involved in moving the Army's Information System Command from Fort Huachuca to Fort Devens, MA. They present a very strong case, a case which paints a very different picture of the cost of this move.

Even using the same analysis method used by the Commission. Are these citizens correct? What forum do they have to present their findings and seek some redress? We do not know if they are correct. We do know that there is a fallacy as it relates to saving at this fort.

The intent of the bill language is to offer some form of redress if a mistake was made. We are not predetermining that they must reverse anything within the Base Commission's recommendations. It does not overturn the Commission's findings, nor does it destroy the ability of the Department of Defense to implement base closings or realignments as they are set and scheduled to occur. It asks the GAO to investigate particular cases where it appears that a costly mistake might be made in closing or realigning a base.

In the case of Fort Huachuca, the cost not only involves the uprooting of almost 2,000 families, most of whom are civilians, and moving them across country, but at a cost to the American taxpayer, who may find that no savings are going to be realized by this action.

While the GAO cannot measure the human costs of the move, they can review all available data, including some which the Commission did not have before it, and make a judgment on the economics of this particular realignment. I believe we owe this to the American taxpayer, to the dedicated personnel in the Army Information Systems Command, and to the citizens of Sierra Vista, AZ.

I ask my colleagues in the Senate to reject the proposed amendment and sustain the language that has been put together carefully and competently. This is a fair way to approach a difficult situation without uprooting and changing in any way whatsoever the entire Base Closing Commission.

Yesterday there was discussion on the floor about the nine points examined by the Commission. Charges were raised by opponents of the bill that committee is only focusing on one of the criteria examined by the Commission, mainly saving money.

At the Defense Subcommittee hearing April 6, Sandy Morris, a Sierra Vista council person, detailed each of the nine points examined by the Commission and refuted each point. Her testimony was placed in the RECORD on May 2, 1989, and the Defense Department has not refuted her statements to date.

One point was the impact on readiness. General Rogers, the commander of the Information System Command at Fort Huachuca, conducted a survey which indicated that between 50 and 75 percent of the senior engineers and scientists will retire early rather than move to Fort Devens. This will have a negative effect on readiness because replacements will have to be hired from the Fort Devens area where wages are, on the average, 65 percent higher than those in similar positions in Fort Huachuca. So readiness is going to be affected by such a move if you lost 50 percent of your people who are already part of this.

Another point is the availability of land and facilities. Fort Devens is located in Ayers, MA, near the high-cost Boston, MA, area. It is a landlocked facility with no room for growth whatsoever.

I welcome people to come to southern Arizona to see Fort Huachuca. There are hundreds and hundreds of acres and ample land in which to expand.

Another point was the potential to accommodate contingency mobilization. Again Fort Huachuca has plenty of area in which to expand. It is one of the largest bases and has hundreds of acres that can be utilized very easily.

Another point was cost and manpower implications. At the end of 1988, the Commission originally estimated the realignment of the ISC to be approximately $218 million. This cost estimate, as of April of this year, has now risen to at least $500 million to realign this one base.

There is only $300 million proposed to be appropriated in the bill for the entire closure activities next year.

Six years saving payback is the key one, I believe, but just one of the nine criteria. Earlier this year, the Army itself stated that there would never be a payback for the alignment of this base. Should we move ahead? I do not think it is wise. In fact, the Army stated there would be recurring costs of an estimated $18 million per year. These costs could be revised upward to nearly $30 million a year. Based on the Army's data. this is the military saying that this is not a wise move.

Economic impact on the community. Because it was originally assumed that Fort Devens would be closed, there was not a study done on the economic impact to Sierra Vista, AZ. There was, however, one done at Ayers, MA, and the impact of closing the base was found to be minimal.

I am not suggesting they close Fort Devens. There may be ample reason to keep it open, but certainly not at the expense of closing another base which has a negative economic impact as well as these other problems.

I can assure you the realignment at Fort Huachuca will be more than just minimal.

The seventh point was the community support. Commission members traveled to Fort Devens to assess the community support for the base. They did not, however, travel to Fort Huachuca and give the residents there an opportunity to explain to the Commission the depth of community support.

Eight is the environmental impact, what an important subject for us to be discussing today. A study was done at Fort Devens because it was assumed that the fort would be closed. The EPA announced in July of this year that there are at least 24 sites at Fort Devens which are possible for listing on the national priority cleanup list. No study has been done at Fort Huachuca and I have seen no indications that there would be any dramatic effect environmentally.

And No. 9 is the implementation process of making the move. The ISC will be moving thousands of people across the country. Yet the commanders at Fort Huachuca were not asked by the Commission for their input on the implementation process. Obviously a rational reading of the nine criteria has the affect Fort Huachuca demonstrates that none of the nine fit the needs established by the Commission charter. It even appears as though the decision, as they affect Fort Huachuca, were made during the Commission's final week of deliberations.

During an earlier hearing before the Defense Subcommittee I asked the chairmen of the Commission, Representative Edwards and Senator Ribicoff, if errors could have been made. They agreed that errors could have been made.

Clearly, if the Defense Department had only 2 days to examine the Commission's findings, and the Commission has this much material on only 1 of the 140 bases to be closed or realigned, perhaps mistakes were made. If we have sold the base closure procedure and process to the American taxpayer as a money saver—and, believe me, I think every Member has done so—then we must ensure that savings will be realized and will be real.

As the amendment adopted by the committee states, these bases that meet the monetary saving criteria should be closed. They will be closed. If errors have been made, let us correct the errors before we waste taxpayers' dollars in order to save taxpayers' dollars.

Those actions that are questionable should be reexamined by an independent source. That is all that is proposed by the committee amendment.

It seems so clear to me, Mr. President, that the chairman and the Appropriations Committee have done a thorough job in reviewing this issue. When we had the Defense Department before the subcommittee, the chairman permitted all of us to question the witnesses. The Assistant Secretary of Defense for Installations, Mr. Stone, was there. I would like to just go over a little bit of his testimony. I asked Mr. Stone:

"Now, given the case, when the Commission report was referred back to the Department of Defense, within a limited period of time, 3, 4, 5 days, or a week, it had to review the Commission's recommendations, is it possible the situation that I am discussing with you today was not reviewed carefully to see whether or not it really made sense economically as well as strategically?"

Mr. Stone said:

It is possible that the Commission reached a conclusion that is not called for, I suppose. Judging from the people who worked on the Commission, it is hard for me to accept that they did that, but it does seem possible.

Senator DECONCINI. Going a step further, when it came back to the Department of Defense for its certification and review process, with the short period of time that was given for this, is it possible that the Defense Department did not have enough time to review carefully that particular realignment?

Mr. STONE. My own review, Senator, consisted of reading the report and talking to some people who had worked on the staff, and judging that the package was sensible.

So even the Army says, even the Defense Department says, they did not do much to review the report. All they did is read the report. They did not go back and look at the statistical data. They did not check on point 9, or point 5, or point anything, on whether or not they had complied with the Commission's Charter.

I think it is important, Mr. President, to conclude here today that nobody is asking us, by the committee amendment being debated here, to reverse what the Base Closing Commission has recommended. What we have are 140 bases that are going to be modified, realigned or closed. I support that. As a matter of fact, in Arizona, just to demonstrate how much I support it, there is a base there called Davis Monthan Air Force Base. One unit there is recommended to be phased out; affecting about 750 military personnel and civilian personnel. This Senator is not objecting to that because it makes sense and because the Base Closure Commission looked at it carefully, reviewed all the aspects, all nine of then, and came to a conclusion with which I cannot disagree.

But that is not the case as it concerns these other three bases and I speak particularly of Fort Huachuca in Arizona.

It is time, Mr. President, for us not to just accept everything as cast in concrete and as being absolute and irreversible. We debate in this Senate today what the Appropriations Committee has carefully constructed. The chairman of the subcommittee has said on a number of times, we are not trying to play God. We are not trying to reverse the Commission's recommendations at all. What we are doing is asking the Defense Department and the GAO to look at these few cases where there is a strong discrepancy between the nine points that have been established and the reality of the statistical data supporting it.

Is that asking too much? It seems to me that it is not. It would be very unwise for us not to go ahead and adopt the committee amendment and merely ask the GAO to review this; to make a determination whether or not the costs are recovered. If it is paid back, then this base that I am talking about, as well as the others, will be closed and properly so. It is not the intent of this Senator to forestall closing of a base that makes sense. In all but three or so of these cases, there is no question any longer about those bases.

It is agreed that they must be closed. But here we have a base that I have talked about at some length that does not make a lot of sense to realign.

I ask unanimous consent to have printed in the RECORD a number of memorandums from the Department of Defense and the Department of the Army that go into the rationale behind my statement and why the Army itself cannot support the modification and realignment and the change of this particular base.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Fort Huachuca, AZ, September 22, 1989.

MEMORANDUM FOR DIRECTOR OF INFORMATION SYSTEMS FOR COMMAND, CONTROL, COMMUNICATIONS, AND COMPUTERS

Subject: PBC, Council of Colonels (COC) Follow Up.

1. Reference memorandum DISC4, SAIS-PPP, 22 Sep 89, SAB, received by facsimile at 221150T Sep 89.

2. Your request in referenced memorandum is overwhelming. We feel that we have been tasked to select a club with which we will be beaten and then asked to reveal all the benefits that we will derive from the beating. We are further advised that we will probably have to pay for the beating and the resulting medical bills.

3. The consolidation of HQ, USAISC and its engineering and project management activities is a good idea; but, we can offer no justification for the move specifically to Fort Devens, other than that it is one of the Army's available alternatives for keeping Fort Devens open. The question of benefits of the move have been evaluated in depth, without success, ever since the surprise announcement of the move on 29 Dec. 88. The cost of consolidating the USAISC activities at Fort Devens is not cost-effective in and of itself. The move was justified by the DOD Base Realignment and Closure Commission by including it in a package that relies on the sale of 9,000 acres of land at Fort Meade, MD to offset USAISC's realignment costs. The move to Fort Devens will put the command in the same time zone with HQDA and its major operations and maintenance subordinate command (the 7th Signal Command), but it will also move it farther away from some of its other subcommands in other time zones.

4. Answers to the questions posed in paragraph 2 of referenced memorandum will be submitted separately. Most of the research required to answer your questions has been done as part of the Base Realignment implementation planning and costing.

5. USAISC POC is Mr. G.R. King, ASTT, AV 879-8840.

JACK B. AVANT,
Colonel, GS,
Director, USAISC Transiton Team.

DEPARTMENT OF THE ARMY, OFFICE OF THE SECRETARY OF THE ARMY,
Washington, DC, September 22, 1989.

MEMORANDUM FOR USAISC, BASE CLOSURE AND REALIGNMENT OFFICE, FT. HUACHUCA, AZ 85613.

Subject: PBC, Council of Colonels (CoC) Follow Up.

1. Request your organization prepare by COB today, a short explanation on why the consolidation of ISC activities at Fort Devens is a good idea. This input will be used by the SECDEF Mr. Cheney when he meets with interested members of Congress to discuss the rationale for this move, which does not seem to be cost effective.

2. Also, provide the following, by 8:00 AM EST on 25 September 1989:

a. Make adjustments to costs for the Fort Devens move, caused by improved efficiency of operations in administration functions such as, personnel, public affairs, EEO, etc. These separate functions performed at ISMA/ISSC/ISEC should be consolidated at Fort Devens.

b. Identify the hire lag that ISC organizations have experienced historically. Was this factor considered in ISC's 1 September submission? If not, then adjust costs of dual staffing to account for the historically experienced hire lag.

c. Identify the current baseline skills for ISC. Specifically, your training and education costs for new people need to be adjusted to those baseline skills within your current organizations.

d. Critically evaluate all IMA equipment costs (identified separately or as part of the MCA project). Examine opportunities to meet minimum essential levels of service.

e. The perception of the PBC CoC was that the Army will be forced to constrain its budget submission to the HAC data call. If we exceed this number, then DOD most likely will tell the Army to fund the cost out of Army TOA. Therefore, ISC most likely will be told to absorb the cost differential between the HAC data call and MACOM scrubbed figures.

3. The POC for this headquarters is Helen Letmanyi, Autovon 224-5005.

JEREMIAH C. MOLL,
Colonel, GS, Chief, Plans Division.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, September 20, 1989.

MEMORANDUM FOR DIRECTOR OF THE ARMY BUDGET

Subject: Base Realignment and Closure (BRAC) Costs and Savings.

Reference the BRAC cost and savings data recently submitted by MACOMs for inclusion in the special exhibit due to OSD on 29 September.

Although we have not had the time or the expertise to validate the O&M costs and savings, following are areas which could generate additional "savings" and permit us to come closer to the estimate we previously provided (HAC data call). This should be consolidated with other FM input and given to the BRACO:

a. Environmental:

Remove all environmental clean-up costs from the O&M line and identify separately as a non-add entry. These costs were not included in the Commission estimate.

Eliminate USACE support-related costs for environmental clean-up projects.

b. Manpower Costs:

Eliminate all dual staffing. If we determine later that some dual staffing is required, it should be addressed as an Army problem and not a BRAC requirement.

Check FYSS for MACOM civilian personnel reductions done in anticipation of base closures; garner any such spaces as savings for BRAC.

Staff at current MACOM level of effort, not Installation of Excellence standards.

c. Construction:

Eliminate new commissaries, PX's in the National Capital Region.

Eliminate increase for barracks construction for BT due to Dix phase-out.

Identify MCA Army took in ABS in anticipation of base closure actions.

Eliminate dual funding (OMA/MCA), if any, for Bldg. 1 at Fort Ben Harrison.

d. IMA Costs: DISC4 should further scrub and validate IMA and equipment upgrade costs.

e. Huachuca-Devens BASOPS Costs: Eliminate recurring costs in excess of savings—should net to zero.

JOSUE ROBLES, Jr.,
Brigadier General, GS,
Director for Operations.

FORT HUACHUCA/FORT DEVENS

Macom measures to prevent degradation of mission are costly and cannot be validated by BRACO:

Transition costs (overhires, TDY, interns, etc.)

Recruiting/retention costs.

Dual staffing requirements.

Premium pay (recurring).

Contract support costs (recurring).

IMA recurring costs.

Recurring costs exceed savings at both Devens and Huachuca.

PERSONNEL ELIMINATIONS

	Commission		Macom		Delta		HQDA Scrub		Delta	
	Military	Civilian	Military	Civilian	Military	Civilian	Military	Civilian	Military	Civilian
AMC	3	1,082	6	591	+3	−491				
Forscom	280	1,658	947	1,361	+667	−297				
ISC	0	0	0	0						
MDW	0	189	2	114	+2	−75				
MTMC	0	6	0	6						
Tradoc	1,306	861	607	−69	−669	−930				
Westcom	0	0	0	0						
Total	1,589	3,796	1,562	2,003	−27	−1,793				

Notes.—Commission total for Forscom includes 200 military and 112 civilians at Fort Devens; Commission total for MDW includes 81 NAF spaces; Forscom total includes 211 military at Fort Devens; MDW total does not include 61 NAF spaces eliminated.

COMMENTS ON BASE REALIGNMENT AND CLOSURE [BRAC] COSTS AND SAVINGS MEMORANDUM, UNSIGNED, DATED 20, SEPTEMBER 1989

1. Re second paragraph, basic document, HQDA appears to have imposed an absolute requirement for current BRAC estimates to-match the estimated submitted to the HAC in May, Why? Those estimates were clearly caveated by the MACOMs as being incomplete when they are submitted. The BRAC plans had not been finalized in May consequently estimates made without plans to base them on had to be inaccurate. Both DA and the HAC knew this. Why should the Army now force numbers to meet an erroneous estimate?

2. Re environmental costs, basic document. It is true that the Commission was not to consider environmental costs in their decision process. This was to preclude sites being eliminated due to major environmental problems. Nevertheless, it is still incumbunt upon the federal government to clean up what it has contaminated. To delete these costs from current estimates is an attempt to hide from Congress the true costs.

3. Re dual staffing basic document. Dual staffing is a technique used to begin hiring at the gaining site while drawing down at the losing site. It's intent is to provide continuity of operations at all times. That is, if an organization is necessary to the Army, it is assumed that it cannot be brought to a halt during the months required to make a major move and then brought to life again without endangering national readiness. Dual staffing is non-optional to delete it from the cost estimates is again an attempt to hide from Congress the true costs of the BRAC.

4. Re FY 88 Manpower savings, basic document. To utilize savings from years prior to BRAC to offset BRAC costs speaks for itself.

5. Re MCA cuts, basic document. See paragraph 4.

6. Re Huachuca-Devens BASOPS costs, basic document. The suggetion that these costs be zeroed out is in blatent disregard for the truth as validated by a separate DA element, USAFISA.

7. Re degradation of mission, Forst Huachuca/Fort Devens chart. BRACO is unable to validate these costs but neither does it deny them. The cost analysis contained in the USAISC Transition Plan contains clear discussions of each of these costs. BRACO has chosen to ignore that analysis.

Transition costs: Touched on earlier as part of the dual hire issue.

Recruiting/retention costs: These are based on a study by the Boston area Federal Executive Board. BRACO's refusal to use these figures can only be explained by their wish to hide from Congress the true costs of the swap.

Dual staffing requirements: Discussed earlier.

Premium pay: Premiun pay is an existing authorization at Devens for GS-8s and below. The only premium pay in the analysis is the authorized preimum pay for scientists and engineers. To claim that these cannot be validated is a distortion of reality.

Contract support costs: Massachusetts is a high cost area. It will cost more to hire contractors in a high cost area, due to their overhead, than it does to hire them in a low cost area like Arizona.

IMA recurring costs: See contract support costs.

8. Money to make the swap. It is our understanding that money for the Huachuca/Devens swap would come from the sale of

Fort Meade. FORSCOM has made a strong pitch to retain Meade. If they are successful, where will the money come from for the move?

Mr. INOUYE. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes and 46 seconds remaining. The Senator from Georgia has 45 minutes.

Who yields time?

Mr. WARNER. Mr. President, may I speak on behalf of the Senator from Georgia since we are cosponsors of the amendment?

The PRESIDING OFFICER. Without objection, the Senator may proceed. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the Senator from Georgia and myself, we yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Virginia. I wholeheartedly support the amendment that he and the Senator from Georgia have offered. I think anybody would have to believe in the tooth fairy to think that this provision in the appropriations bill does not really derail the base closing measure.

There was a measure that the Congress stepped up to the plate and said we are going to face up to base closing. We are going to do something about it. Year after year, the Congress had fought about any base closing. Everybody with a parochial interest rose on the floor and valiantly defended a base in his or her State. No bases were closed. Indeed there was legislation on the books that said no base could be closed.

So we set up a Commission with 12 individuals. They came back with a report that I must say I thought was rather modest. What did the report do? It affected 145 defense installations. A defense installation does not mean a base. A defense installation can be really a very small entity. I suppose in the Nation there are something like several thousand, probably as much as 10,000, installations, if you take them under that category.

Of these 145 defense installations affected, 86 were to be closed. What a modest number. Five were to be closed in part and 54 were to be either reduced or increased when units were relocated. So 54 does not mean all went down. Some of those went up. So of the 145, it does not mean 145 were closed or nearly closed or even 144 or reduced. Some of those 145 went up.

After that modest effort that was agreed to by both Houses of Congress in setting up the Commission—and really I think it was one of the great steps by this Congress since I have been here, to face up to these parochial concerns and try to get a handle on military spending. As a result of that, we demonstrated the will to save this Nation, it is estimated, some $5.6 billion over the next 20 years. So that was successful and so it seemed.

Now comes this step in the Defense appropriation bill that would delay it. It would delay it 3 months and set up a series of hoops that would have to be gone through. So I sincerely hope that our colleagues here on the floor will support the Nunn-Warner amendment, which would revoke that provision of the Defense appropriations bill and get on with the closing of these bases as was originally expected when we gave approval to the Base Closing Commission.

And I might say this: All of us recognize that this was not all solved when we set up the Base Closing Commission. Everybody said, "Now, we have got to stick to it because there will be attempts to undermine this at different stages of the proceedings." So I hope we can stick by our guns and see that this modest step is followed through. The Nation will achieve greater efficiency and save some money.

I thank the Chair, and I thank the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Before my distinguished colleague leaves the floor, I would like to revisit a little bit of history at the time he was Secretary of the Navy and I had the privilege of serving as his chief deputy. We, too, as members of the executive branch were then faced with decisions to close bases. I recall so vividly that after the departure from the post of Secretary of the Navy of the distinguished Senator from Rhode Island, when I had the opportunity and did succeed him, I was given the tough choice of closing the destroyer base in Rhode Island. The Senator remembers that chapter, does he not?

Mr. CHAFEE. I have borne those scars for many years. I clearly remember. The Senator did not stop there. It seemed to me he laid into the job with a vengeance. He not only closed the destroyer base, he closed the Quonset Naval Aircraft Overhaul Facility with 1,500 jobs. He was not to be dissuaded. And I must say at that time I was unenthusiastic, to put it mildly, about that base closure.

Mr. WARNER. Mr. President, I did not mean to pull the cork in the bottle. But the Senator is correct. And I also closed the Boston Naval Shipyard.

Mr. CHAFEE. Yes, that is right. I wish you would not use the word "we" closed it. I was gone by that time. I do not want anybody in Rhode Island to believe that I had any part in the closure of those bases, because I did not.

Mr. WARNER. Mr. President, I simply bring up this chapter of history——

Mr. CHAFEE. Painful chapter.

Mr. WARNER. Yes. To indicate how difficult it is to make these decisions and to get them to stick.

Following those decisions, I was then brought before the Senate of the United States and indeed the Congress as a whole in the caucus room. I remember it very well. I faced a formidable array of Members of Congress from those States that were affected. I think today there remains my distinguished colleague, the senior Senator from Massachusetts [Mr. KENNEDY] who stared at me across the table at that time. But finally, the decision stuck. Hearing after hearing, but the decision stuck because Members of Congress recognized that once you take a base closure package and you reopen it, every Member is then really saddled with the responsibility to open that decision up for his or her State. And that really in general is what we are faced with here today.

The Secretary of Defense, when he gave directions to this Commission, cited nine criteria to be followed in making the determination as to whether or not to include a base or installation. I think it is important that we pause a minute to review these nine criteria, because this particular measure in the appropriation bill singles out but one of the nine criteria.

1. The current and future mission requirements and the impact on operational readiness of the military departments concerned.
2. The availability and condition of land and facilities at both existing and potential receiving locations.
3. The potential to accommodate contingency, mobilization, and future force requirements at receiving locations.
4. The cost and manpower implications.
5. The extent and timing of potential cost savings, including whether the total cost savings realized from the closure or realignment of the base will, by the end of the 6-year period beginning with the date of the completion of the closure or realignment of the base, exceed the amount expended to close or realign the base.

Fifth is the one we are discussing here, the 6-year period, and I will return to that.

6. The economic impact on the community in which the base to be closed or realigned is located.
7. The community support at the receiving locations.
8. The environmental impact.

And very little has been said as to whether or not environmental costs should be considered here.

9. The implementation process involved.

Mr. President, the provision in this bill which Chairman NUNN and I seek to amend comes down to the 6 years. If I could gain the attention of the distinguished manager of the bill, the Senator from Hawaii, I would like to propound a question.

Mr. President, I thank the distinguished manager.

In drawing up this particular provision my colleague seized upon the 6 years that was but one of the nine criteria. Supposing a GAO report came back and said: Within 6 years there is not a cost saving, but in the seventh year there will be a significant saving? As we here in the Congress constantly seek to remove the waste, fraud and abuse from the Department of Defense and to challenge the decisions of the Secretary of Defense, be it on this provision of base closure or the V-22 or the Grumman aircraft program, all of these decisions that have taken a measure of courage and determination to make, I come back to this one: Supposing in the seventh year the GAO said there will be significant savings? What do we say to our colleagues then, that just one more year beyond this rigid 6 would have made the difference?

Mr. INOUYE. Mr. President, if I may respond, the committee amendment speaks of cost savings. We are also cognizant of the fact that in each of three cases: Chanute, Huachuca, and Dix, points included in the nine criteria were not fully followed.

For example, in the case of Chanute, if I recall, they were rated No. 7 in priority as being necessary for training areas, but then a reassessment by the GAO together with the Air Force concluded that they should have been number 1. Not based upon savings.

It was the same thing with Huachuca. Huachuca was given the lowest category in priorities but then, after reassessment by the Army—and it should be noted that the U.S. Army appealed and was opposed to the Huachuca decision. We are not doing this to undermine the Commission process. Out of 145 bases we are suggesting that the Commission, a very distinguished panel, may have made errors in three of them.

Our question is, Should we, knowing that errors were made, disregard these errors and tell the folks in Chanute, Dix, and Huachuca: "Sorry folks, you are out of work, you cannot pay your mortgages". Is that the American way?

I do not think, I say to my colleague, that is the American way. The American way should be one that provides redress and relief. And that is all we are trying to provide.

Mr. WARNER. Mr. President, again, supposing in the 7th year there was a cost saving?

Mr. INOUYE. If the Comptroller General so indicated that the 7th year savings would be a massive one, I would say that follows the spirit of the requirement.

Mr. WARNER. So the distinguished Senator is indicating, Mr. President, that six is not rigid? Is that correct?

Mr. INOUYE. Of course, that is not current law. It is an administrative standard that was set to follow as a guideline.

Mr. WARNER. I realize it is not the law.

Mr. President, I would address one more question to my distinguished colleague and indeed he, for many years, participated in defense decisions in the appropriation cycle where I think there is a very special obligation on that committee. They pursued that obligation each year to determine wherein there is some waste or inefficiency in the defense budget and then make a reallocation of priorities.

Would my colleague indicate his thoughts on whether or not there still remain in the defense structure, bases which are inefficient and could possibly meet this criteria? Maybe today or tomorrow, in the future?

Mr. INOUYE. If I may respond, Mr. President, I have been advised that the Department of Defense is prepared to have another commission or a committee look into base closures. So I think the U.S. Senate should be prepared to consider another report.

Mr. WARNER. Mr. President, that is precisely the point I wish to make. I, likewise, have heard that. We will, again, as a legislative body, be faced with the challenge of trying to devise the charter by which that Commission works. It we set a precedent now that we can reopen these packages after they are put together by a commission, I am fearful that a future commission cannot be as successful as the one we are now examining.

Mr. INOUYE. Mr. President, may I ask my distinguished friend from Virginia a question? Will my colleague yield to a question?

Mr. WARNER. Yes, of course.

Mr. President, that should be on this Senator's time.

Mr. INOUYE. The Senator's bill has a provision that calls for an assessment and analysis of the Commission's findings after the decision has been implemented. Did my colleague come across with this provision because he was not quite certain as to the validity of the Commission's recommendations?

Mr. WARNER. Mr. President, the question is well taken. Our committees was faced with several of its members who were acutely affected by the decisions of this Commission. As I stated yesterday, they fought vigorously and hard to try to reverse the very decision we are thinking about today. The committee, however, did not support them.

But, as a means to assure that future actions—basically we are looking to the future—future actions by a future commission can learn from the experience of this one. We wanted the benefit of the GAO review. That is the reason for it.

Mr. INOUYE. One of the GAO reviews indicated that massive errors had been made. Shall we just tell the folks "too bad"?

Mr. WARNER. That is a subject the distinguished Senator from Michigan and I were talking about a few moments ago. If there were an egregious, massive error made, it seems to me it would be incumbent on this institution, the Congress, to get the Secretary of Defense to redress that and restore that decision. It seems to me that would be by separate legislation, rather than by tinkering with this bill which has passed both Houses, which has now gone to almost finality.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Rhode Island.

Mr. WARNER. I yield to the Senator from Rhode Island on my time.

Mr. CHAFEE. Mr. President, this is the point I would like to make. At some point, we have to say enough is enough. We set up the Commission. Everybody in this U.S. Senate clearly recognized there is an excess number of military installations in this country.

We recognized we were desperate to try to save some money. We set up a Commission of as wise people as could be gathered. Did everybody agree with every decision that that group made? No.

I do not know why suddenly GAO is considered gods, that their bolts from on high, from Mount Olympus will determine what is right and what is wrong, but that seems to be the sentiment on the floor here: If GAO says that money will not be saved in the first 6 years, therefore the entire process should be reversed as far as base A, B, or C goes. To me that is just turning over our responsibility to another group.

We have made the decision. We have backed it up so far. We have come a long distance. It had to pass the House; it had to pass the Senate originally; the Commission had to be set up.

I believe this measure has passed the House already. Am I correct on that? Has this measure passed the House, the DOD appropriations bill?

Mr. INOUYE. The Senator is correct.

Mr. CHAFEE. Without a provision such as this on it?

Mr. INOUYE. The Senator is correct.

Mr. CHAFEE. We are coming up to the 1-yard line with a chance to make a significant achievement that this Congress has not been able to do certainly since the end of the Korean war. Well, I will backtrack on that; in 1973 there were some base closures, and I am painfully aware of those. That was 15 years ago.

So I think it would be a tremendous damage to the Military Establishment, to the credibility of this Senate, to the credibilty of any further effort to further close bases, to reverse gears now. So I hope the amendment of the Senator from Virginia and the Senator from Georgia will be supported in this body.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish again to draw something to the attention of the distinguished manager of the bill, and then I would be happy to yield such time as may be required by the distinguished Senator from Texas.

Mr. President, I say to my good friend from Hawaii, we entered into a little colloquy here on the hypothetical: Supposing in the seventh year, the GAO indicated there could be a savings. I understood the Senator to say in that case there would be some flexibility.

I draw to the attention of the Senator page 18, line 16. I shall read from that point:

> That none of the funds made available in this act shall be obligated or expended to implement any base realignment or closure recommended by the Defense Secretary's Commission on Base Realignment and Closure in his report of December 29, 1988, unless the Comptroller General of the United States has certified to the Congress that, in accordance with generally accepted Government auditing standards, he estimates that the total cost savings for that base realignment or closure will, within 6 years after each base or installation has been closed or realigned, exceed the amount expended to close or realign the installation.

I do not see the flexibility in there.

Mr. INOUYE. Mr. President, if I may respond, I would be pleased to accept an amendment for 7 years.

Mr. WARNER. Mr. President, we will take that under advisement. I yield such time as the Senator from Texas requires.

The PRESIDING OFFICER. The Senator from Texas is recognized for such time he may need, with the 24 minutes remaining.

Mr. GRAMM. Mr. President, there are a lot of issues involved here. Senator RUDMAN yesterday outlined the fact that by giving these unilateral powers to GAO, we get into exactly the problem we were in on the Gramm-Rudman-Hollings law and the court ruled in Bowsher versus Synar that that was unconstitutional, to give a legislative branch agency control over the decisions of the executive branch.

Second, Mr. President, I think that we have gone beyond the limit of what GAO is capable of doing. I think in doing so, we force GAO more and more every day into the political sphere. I think we have lost sight of what this audit agency is basically capable of doing. If you find barrels in a warehouse and you want to know if whiskey is in them, you can send GAO out there, they can break one open, stick their finger in, taste it and come back and tell you. But to try and get GAO to come in and do a study as to whether the warehouse is run efficiently is, I believe, in many ways beyond the scope of their capabilities. I think giving them the mandate to go in and try to second-guess a distinguished bipartisan Commission that had tremendous resources to undertake a very difficult study is a misuse of GAO. But these two reasons I have outlined are not the real telling reasons I am against this amendment.

For 15 years, we have been trying to close military bases. We know we have too many military bases. We know that many of our military bases were established when we faced the threat of the War of 1812. It is unlikely the Canadians are going to become belligerent again, and yet we continue to operate all these military bases at a time when defense is being cut, when Ivan is at the gate, when the wolf is at the door, in terms of budget problems. We continue to operate all these military bases because almost any Senator or any House Member, if they feel very strongly about it, and when the rest of the Congress is not terribly concerned about it, has been able to stop base closings.

So we came up with an idea after 15 years of frustration to have a bipartisan Commission, let them go in and pick out bases that could and should be closed. We all knew when we voted for it that we faced danger in our own State. We basically concluded that the only way to do it was to have an assessment and then make a decision based on that assessment.

Mr. President, if we come in now and start to second-guess that Commission, if we establish a political principle that we are going to override their decision, then this whole process, which is moving to close 86 military bases, is going to come to a screeching halt.

Basically, what this allows us to do is to create a political situation where any House or Senate Member can go out and say, "Do not close this base." He can lie down in front of the main gate as the bulldozer is churning, the dust is flying, and the TV camera is rolling and, he can have his trusty aide come in, drag him out, dust on his face, and tears running down his cheeks. Yet we must get on with the business of the Nation. I think it is vitally important that having undertaken this process, which was a new idea that was tried out of frustration, that we not come in and upset it.

Do I believe every decision made by the Commission was right? No, and not surprisingly the ones made in my State are the ones I am most convinced were not right. But, on the other hand, there was a problem. We had to come up with a practical way to deal with it. I think it is vitally important in this era of tight budgets that we not now come in and inject political decision back into the process and inject the GAO into an activity that they do not have the real capacity to perform.

I am not saying that the Commission was perfect in all of its decisions. I do not agree with all of them. But we set up the procedure; it is a reasonable procedure. There is excess capacity in military bases. Everybody agrees in the aggregate that we need to close bases. We came up with a rational way—not perfect—but rational way of picking the bases to be closed. The decision has been made, and I think it is vitally important, in terms of an orderly governmental process, that we allow that decision to stand. That is why I intend to vote for the pending Nunn amendment, and I urge my colleagues to do the same.

I yield back the remainder of my time.

Mr. LEVIN. Will the Senator from Virginia yield to me for a moment?

Mr. WARNER. Mr. President, I will be happy to yield for a minute and a half.

Mr. LEVIN. Mr. President, it is really asking him to comment on something that troubles me. I, like the Senator from Virginia and the Senator from Georgia, am troubled by the breadth of the committee language. It is overly broad, but I am also troubled by the rigidity, the inflexibility of the current process.

If there is a clear mistake which has been made, the way to remedy it seems very, very difficult. So we are caught in a dilemma where we want to process this as clean and clear. The proposal of the Appropriations Committee to build in some flexibility, I think, is overly broad. But I must say the current situation is overly rigid.

My question of my good friend from Virginia is, where there is a clear mistake, should there not be authority to the Secretary of Defense, if he is satisfied following the receipt of the Comptroller General's report or other, if he is satisfied that there has been a clear mistake which was likely to have affected the recommendation of the body that made the recommendation, should the Secretary of Defense not be authorized in that case at least to withhold obligation of funds for the closing of such a facility?

Mr. WARNER. Mr. President, I yield to myself such time as I may require.

My good friend who serves on the Armed Services Committee brings up a valid point. It touches on what we call the two law and what people view as equity and fairness. If these decisions result in a set of facts that are clearly on their face established that the Commission erred, in good faith, but erred nevertheless, perhaps facts that were not available at that time, change of circumstances or whatever the case may be, if there arises a body of fact with respect to one of these actions which justifies a correction for equitable reasons, then there is nothing to prevent the Secretary of Defense, on his own initiative, to come forward and petition the Congress for such relief as he deems appropriate in a timely way.

That is the avenue in the judgment of the Senator from Virginia that should be followed because if we fracture this law, which has been passed by both Houses, I daresay we will never again be able to try to structure a base closure package that will pass this body.

We looked at that very question of equity exhaustively at the time this package was devised and brought to the Congress.

I yield to my colleague.

Mr. LEVIN. I wonder if my friend will yield for one more question?

Mr. WARNER. Yes.

Mr. LEVIN. The problem, as he pointed out to me before, cuts the other way as well. If we put together a process which results in a clear mistake and a clear injustice where a base is closed because of a mistake—I think both of us realize there is that possibility for mistake—we may have grave difficulty in putting together a process in the future because it would lack credibility and fairness.

Somewhere in this process I believe we should allow and authorize the Secretary of Defense not to obligate funds to close a base if he becomes satisfied following the receipt of the Comptroller General's report or otherwise that there was a mistake which affected the outcome. Somehow or other in a process which had no possibility for input from people on the ground, at these bases, no opportunity for them to have a voice, to be heard, and where there was no personal visit to the base on the part of the Commission or its staff, and therefore you have that lack of the usual process that we cherish in this country, it seems to me there is nothing which would weaken this package if we at some point authorize the Secretary not to proceed to obligate funds if he reaches the conclusion there has been a substantial mistake that was the basis of the Commission's recommendation.

So again I agree with my friend that the language in this bill is overly broad because there is a delegation to the GAO. I would like that to be possible but we lost that case in the Supreme Court. On the other hand, there has to be some way to correct mistakes and to authorize the Secretary not to proceed if he reaches the conclusion there is a mistake.

Mr. WARNER. Mr. President, first, a parliamentary inquiry as to the schedule of the Senate.

The PRESIDING OFFICER. The Senator from Virginia has 14½ minutes.

Mr. WARNER. Mr. President, by pure coincidence, less that an hour ago I was with the Secretary of Defense. The President had convened a group of Senators and Members of the House to discuss his progress in the arms control arena, which I might say is a very favorable report.

The Secretary of Defense, when called upon to make comments, indicated that just this morning he was on Capitol Hill at the request of six Members of Congress, each of whom is affected in their States by this base closure package. He was petitioned to reconsider, withhold, abstain, or take anything to prevent the decisions from taking effect.

He just mentioned that to the President and the group assembled as an indication of the difficulty of getting finality of action. If he is to get the waste, fraud, and abuse out of the Department of Defense, and if Congress gives him the legislative authority to do so, and he takes those actions, then it seems to me we have an obligation to support him. It would be a never-ending process of personal appeal to a Secretary of Defense. As I mentioned to Senator CHAFEE, recalling on our own modest experience some 15 years ago, I know this is difficult for Members of the Senate and indeed the House and for their constituents, but it is that type of tough decision he has to make.

I will come back to the Senator's point. The Senator is saying, should there not be a Supreme Court somewhere.

Mr. LEVIN. Should he at least be authorized not to proceed if he thinks there is a mistake.

Mr. WARNER. I say to the Senator he has right now the authority to come to the Congress at any point in time and say to us——

Mr. LEVIN. Of course.

Mr. WARNER. Where there has been a mistake or change of circumstances, I as Secretary of Defense say in our national interests the decision should be reversed.

Mr. LEVIN. There is nothing in this bill, though, in the processes which we establish which would encourage him to do that because everything we put in place says it is an unbreakable package, it is all or nothing. There is nothing in that process which allows for any flexibility even if the Secretary himself reaches a conclusion there has been a mistake.

Let me reiterate a key point. We have had no possibility for people who are at these bases to be heard, and we have had no personal visits. In that situation—and I am not trying to unravel the package, and I understand what my friend is after, and I think he is basically right—I think we have to make some tough decisions. But somewhere there should be just a modicum of flexibility, a statement to the Secretary of Defense that if you reach the conclusion there is a mistake which was the basis of a recommendation, we would authorize you not to proceed. I do not think that unravels anything. We want some finality, yes. We also want some fairness, at least the potential of some fairness, and I think we can achieve both.

I thank my friend. I have used too much of his time already.

Mr. WARNER. No. Mr. President, my good colleague from Michigan knows we have been here together for 11 years. Since we came, we have worked together on many common problems. He stands as a man of courage to fight for those who could be trampled on, and I respect the judgment of the Senator. I say in response if we in this Senate twist the screwdriver one fraction to make it a provision for a court of appeals to the Secretary of Defense, there will be an endless stream of petitions to his office.

Mr. LEVIN. Did not my friend say he is always open to petitions anyway, that he always has the authority to come to Congress?

Mr. WARNER. Which friend is the Senator talking about?

Mr. LEVIN. The Senator from Virginia.

Mr. WARNER. I am always open.

Mr. LEVIN. Did not the Senator say the Secretary could, of course, come to the Congress?

Mr. WARNER. Absolutely.

Mr. LEVIN. And therefore, he is, under your process, open to be petitioned to do just that?

Mr. WARNER. That gives him that delicate measure of his taking the initiative as opposed to the Congress directing him. And you have to assume that the Secretary of Defense, irrespective of the politics, the administration, the President, is a man or women of good and fair conscience.

Mr. LEVIN. He is open to appeal.

Mr. WARNER. He is open to appeal. So on his own initiative he can come forward.

Mr. LEVIN. And we would encourage him, indeed, if he reached a conclusion that there was a mistake which affected the outcome, to come forward?

Mr. WARNER. I dare say the colloquy we are now having would provide a legislative history to the effect that while the Senator from Michigan and I may have a difference of weight to our language, I would not want to put in anything to encourage him there because I want to see finality. He clearly has the right to come forward if there is brought to his attention a body of fact.

Mr. LEVIN. Would the Senator, as the kind person we know he is, encourage him in those circumstances to come forward if he knew there was a mistake?

Mr. WARNER. I would simply say we are fortunate our country has men and women of good conscience in those positions and let it go at that.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Mr. President, I thank the Senator from Michigan.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I suggest the absence of a quorum with the time not being taken away from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the Senator from Virginia yields such time as the Senator from Minnesota may require.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I rise in support of amendment 844, which strikes the language enabling the Comptroller General to review the findings of the Commission on Base Realignment and Closure. I have spoken several times on this floor of the role of Congress in managing the Department of Defense and about military base closures.

Last year at about this time I rose in support of the measure that authorized a nonpartisan panel of experts to prepare a list of truly obsolete bases that could be closed. That legislation passed, and I am happy to say that the Commission on Base Realignment and Closure was created. After surveying 3,500 bases, the Commission came up with a list of 86 unneeded bases. Closing these bases could save American taxpayers hundreds of millions of dollars a year.

At least that is the way it is supposed to happen. The Congress voted on it. We passed it. The panel of experts prepared the list. The President and the Pentagon supported the idea, and certainly the American people have also been in favor.

Not much has changed since then. The arguments for closing these bases are just as strong now as they were when we passed the initial legislation. However, now we have a different voice arising. A loophole has been proposed that provides for the Comptroller General to review this Commission's findings to reopen the possibility that some of these bases remain open.

This loophole should not be permitted, and of course this amendment deals with closing that loophole. I rise, as I say, in support of that amendment.

We all know how such things work around here. When we are dealing with a sensitive issue such as base closings and we allow a few exceptions, pretty soon everyone will have an exception to the base in their State. That is why we brought in a nonpartisan panel in the first place, and that is why we accepted the Commission's list as a whole—to prevent Congress from picking and choosing.

These experts choose the most unneeded bases in the country. Congress has enough trouble closing military bases to begin with, and I forget how many years it has been, but 15 or 17 years have gone by without our closing a base. As a matter of fact, I think the last one that was closed was in my State of Minnesota.

I understand the concern of some of my colleagues about the economic impact of base closings in their States. As I have done in the past, let me again cite a very interesting study of the economic impact of base closings made by the Pentagon's Economic Adjustment Committee.

This committee reviewed 100 major base closings that occurred before 1976. The study reported that 94,000 Defense Department civilian jobs were eliminated, but that nearly 140,000 new civilian jobs in the private sector were created in their place.

This is because those bases were converted into private facilities such as industrial parks and airports. I might say that the same thing has happened on the Duluth Air Base. The Duluth Air Base was closed, and we tried to reopen it. It was closed before I got here, despite the fact that we had a Vice President in office, and I tried to get it reopened and tried to interest the Air Force in having a base that is in a little northern climate, inasmuch as they perceive their principal opponent to be the Russians who have a lot of northern climate. But they were not interested.

We put a lot of jobs onto that air base. We have done pretty well in finding other things to do up there. So we are an example of that kind of success.

So, Mr. President, today we have a chance to see that obsolete bases are closed for the first time in more than a decade, and that billions of dollars will be saved over a period of years. The closing of these bases initially had and continues to have strong bipartisan support. Now once again we must rise above politics and summon the fortitude to reject these exceptions, and close this loophole.

Mr. President, I urge the adoption of the amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator for his remarks. I wish to inquire, does the Senator from Minnesota desire to be listed as a cosponsor?

Mr. BOSCHWITZ. I believe I am a cosponsor.

Mr. WARNER. Let the record reflect that I believe I made that request yesterday, but I reaffirm it today. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, parliamentary inquiry as to the time remaining.

The PRESIDING OFFICER. The Senator from Virginia has 4 minutes, 15 seconds; and the Senator from Hawaii has 2 minutes, 37 seconds.

Mr. WARNER. Mr. President, the chairman of the Armed Services Committee indicated he might wish to have a few additional remarks. But others duties have detained him.

The Senator from Virginia has made the basic point that he wishes to make on behalf of the chairman and others supporting this amendment.

I would simply close by expressing my admiration for the distinguished Senator from Hawaii for valiantly fighting a tough issue with his customary fairness, and all the other characteristics for which we admire him greatly.

I have not as yet heard from the Senator from Alaska who is the comanager. But I presume the Senator has reflected his sentiments in one way or another on this measure.

Mr. President, I yield.

Mr. INOUYE. Mr. President, I would like to remind my colleagues that at the conclusion of this debate we will stand in recess, and we will return at 2 o'clock at which time we will have a vote on the Nunn-Warner amendment.

Mr. President, I listened to the colloquy between my friend from Virginia and the distinguished Senator from Michigan.

I would like to advise my colleagues that next year the Department of Defense will be submitting a new list of base closures. Keep in mind that the law that we have today which was passed by the authorizing committee will be the law if this amendment does not pass, will be the law to control the destinies of other bases.

And the colloquy indicated very definitely that errors have been made, and the GAO will disclose these errors. The question arises, what do we do with those?

We have no answer forthcoming. I would like to believe that we in the U.S. Senate are big enough to admit errors when errors are made and to assure the people of the United States, those people who live in villages and townships near these bases, that their rights and their futures are protected. I am sorry to say that the Nunn-Warner amendment does not do that.

Mr. President, I am prepared to yield the remainder of my time.

Mr. WARNER. Mr. President, before we conclude and we will momentarily, I ask my good friend once again to revisit his statement to the effect that this law would apply to a subsequent base closure package recommended by the Secretary of Defense.

Mr. INOUYE. It may not, but it will be the model I am certain.

Mr. WARNER. Let us make that clear. This law establishes a precedent but only a precedent and Congress will consider such vehicle as they deem necessary for any future action instituted by this Secretary or a subsequent Secretary of Defense.

Mr. McCAIN. Mr. President, I know that base closings and realignments are a troubling issue. I know that many other members of this body have been affected by the work of the Base Closing and Realignments Commission, and I know that many have accepted its recommendations even though they mean cutbacks in their States.

In some cases, there is good reason to support the work of the Commisison. It undoubtedly did identify many bases that should be closed. Like my colleagues, I believe that the Congress should do its best to stick to its bargains with the executive branch.

The problem in this case, however, is that the Commission's work has severe flaws in several individual cases that effectively mean that the executive branch did not keep its bargain with Congress. The transcripts of its meetings clearly show that the Commission rushed to judgment for political reasons and because of the biases of a few members of the Commission. Consequently, the Commission overruled its staff experts, ignored its own cost criteria and cost models, and took sudden and arbitrary actions in its final days.

One of these cases was Fort Huachuca in my State of Arizona. In fact, I invite every Member of this body to read through the full Commission record on this issue, and particularly those of my colleagues who have praised the Commission's operations without examining the specific cases at issue.

The transcript of the Commission's treatment of the Army's Information Systems Command [ISC], the personnel of Fort Huachuca, and indirectly of the people of Sierra Vista is grim reading indeed. Even allowing for the pressure the members of the committee were under, I do not believe there is a single Member of this body who would defend the Commission's decisions relating to Fort Huachuca after reading the full record of what the members of the Commission said and did.

I do not say this lightly. I helped lead our delegation's effort to require a GAO investigation of the Commisison's recommendations relating to the move of the U.S. Army's Information System Command from Fort Huachuca to Fort Devens, and I only did so after I satisfied myself that the Commission broke its own rules and failed to meet its own criteria.

I had my staff meet at length with the staff of the Commission. I examined the transcript of the Commission's work, the materials it used, and materials provided by the command—which as strongly opposed the move.

As a result, I believe that the Commission on Base Realignments and Closures has done a serious injustice to the U.S. Army Information Systems Command and the people of Arizona.

In calling for the move of the Information systems Command from fort Huachuca to Fort Devens, the Commission made recommendations relating to the transfer of the Army Information Systems Command from Fort Huachuca to Fort Devens that neither the Commission's staff nor the command supported at the time.

Let me repeat information that I have already provided to this body on a previous occasion. My office met on March 4, 1989, with members of the Commission staff. The most senior member of the Commission staff then made it clear that members of the Commission twice overruled the staff's recommendations to close Fort Devens, and did so in total disregard for cost and impact on the taxpayer. The rationale was that a few commissioners believed that the Army's only major east coast base with large scale training facilities should not be closed as a matter of national priority.

Rather than use the kind of integrated model and systematic approach to analysis presented in the Commission's reports and testimony, the Commission made its judgments as part of a package that was justified largely on the basis that the consolidation of command functions was a proper end in itself. Further, these decisions were made during the last days of the Commission's activity, and as part of a large package of decisions.

The GAO is already investigating whether any of the Commission's conclusions relating to cost-benefits were accurate. It has long been clear, however, that the U.S. Army Information Systems Command has concluded that the move will not benefit the U.S. Government.

General Rogers, the former commander of ISC, told my office that executing the Commission's recommendations will disrupt the operations of ISC for years because they failed to take into consideration a host of operational and cost factors.

For example, the staff of ISC put the true cost of military construction for moving the intelligence school and ISC at $92.15 million for Fort Devens and $162 million for Fort Huachuca. This compares with cost estimates by the Commission of $45 million for Fort Devens and $56 million for Fort Huachuca.

The Army officers in charge of the move, which are based at Fort Huachuca, told my staff that the Commission ignored many of the real-world support and infrastructure costs necessary to make such a move feasible, and that these costs include changes in medical facilities, roads, service facilities, Corps of Engineers costs, and a number of other areas where the Army does not yet have even preliminary cost estimates. Further, the Commission seems to have used a wrong area factor for Fort Devens, using a factor of 0.9 rather than 1.3. This sharply understated the true cost of relocating in the Fort Devens area.

General Rogers told my office that neither he or the Commander at Fort Devens were ever explicitly consulted about the merits of moving ISC to Fort Devens, and that if he had been consulted, he would have stated that Fort Devens would be the least desirable facility for the consolidation of ISC on the east coast.

These cost issues may stem in part from the Commission's use of the dated and inaccurate information in a study called the Facilities Vision Study. In any case, the working data provided to me by the Office of the Secretary of Defense indicate that the Commission seems to have rushed this particular recommendation through without adequate validation of its cost estimates.

Further, I believe that the GAO will find that the Commission used a much longer payback period in this case than for other closings and realignments. In fact, I believe the GAO will find the Commission used a paycheck period that seems to have been designed to find a cost justification, no matter how forced and artificial, and used manpower numbers that are internally inconsistent and disagree with those that would have been provided by ISC.

ISC also indicates that at least 80 percent of its best trained and most skilled personnel will not make the move to Fort Devens, and that the end result will disrupt ISC's operations for years. It has concluded that it cannot hope to attract the skills and quality of personnel it needs with existing salaries and grade structures because of the higher costs in the Fort Devens area.

The Commission even called for the relocation of people at Fort McPherson that do not even belong to ISC, and for the move of personnel at Fort Belvoir that perform vital service functions in the Washington area—a move that will cost ISC virtually all of the software writers now in the area because they will not move.

Finally, my office found that there are a wide range of important costs that the Commission chose not to examine. These include the community impact costs, retraining costs, infrastructure costs, and the true costs of obtaining and maintaining a suitable technical staff in an area with much higher living costs and housing costs that are two to three times higher than in the area around Fort Huachuca.

These findings were the reason I previously joined Senator DECONCINI and Congressman KOLBE in asking for an investigation of all these issues and of the merits of the Commission's recommendations relating to the realignments affecting Fort Huachuca and Fort Devens.

These findings are why I supported the amendment to the Department of Defense appropriations bill that will limit the actions taken in response to the Commission's recommendations to those which actually do produce a saving to the taxpayer. The last thing on Earth we need is to waste money on closings and relocations when we face major cuts in readiness and force structure. The last thing we need to do is blindly accept the recommendations of a Commission who's mission was to save money, but which failed to carry out that mission in at least one important instance.

As I have stated before, there simply is no point at a moment when we face a crisis in defense outlays in wasting money to "save" money. There is no point in rushing toward relocations and command changes based on yesterday's military needs, and a force structure that will soon have to be changed. The end result will be nothing more than the waste, fraud, and abuse of the taxpayers' dollars.

Mr. LAUTENBERG. Mr. President, I rise to point out a grave injustice that is being done to Fort Dix in New Jersey.

The Base Closing Commission decided that Fort Dix should be reduced to semiactive status. However, the GAO has informed me that two errors were made in deciding to reduce Fort Dix to semiactive status.

During phase I of the analysis, when bases were rated on military value to determine candidates for base closure, the Commission failed to incorporate corrected information from the Army reflecting the conditions of facilities at Fort Dix. The information showed that Fort Dix facilities are in better shape and require less maintenance than the Commission believed in making its analysis. We have spent over $160 million to modernize basic training at Fort Dix in the last 8 years.

Again during phase I, the Commission made a clerical error indicating that Dix received only a marginal rating on the base's relationship to reserve forces, when in fact, it had received an acceptable rating, the highest rating available. The error was made during transcription of Dix's rating from one set of documents to another.

Those errors resulted in Fort Dix being ranked seventh in military value out of eight bases considered for possible closure under the training function. Had the analysis been done correctly, Fort Dix would have been ranked No. 1 or 2 in military value. That puts Fort Dix higher than five bases not slated for closure or realignment.

Since the Commissioners stressed in their testimony before the Defense Subcommittee that military value was the prime consideration in deciding which bases to close, Fort Dix probably would not have been a candidate had these mistakes not been made. Only Fort Dix and Fort Jackson in South Carolina, the bases rated seven and eight in military value, were considered and analyzed during phase II of the Commission's analysis, when the options were analyzed to see if they would pay for themselves within 6 years.

If mistakes were made in the Commission process, as they were at Fort Dix, constituents should not have to suffer. More importantly, we hurt the Armed Forces by closing valuable bases.

When the Congress approved the law setting up the Base Closing Commission, it said that Congress could either accept or reject the findings of that Commission in total. It did so to try to insulate Members of Congress from the political pressures they have always faced when Congress attempted to close military bases.

But, Congress assumed that the Commission would do its work accurately and base its decisions on correct information.

Assuming that, the law made no provision for rejecting the recommendation to close a particular base where real mistakes were made in analyzing the data that led to that decision.

No one in Congress, no matter how ardent an advocate of base closures can wish to have bases closed where those decisions were made on the basis of significant and inaccurate information. I believe that Congress never meant to empower the Base Closing Commission to close down bases like Fort Dix, which is among the most militarily valuable basic training base of all the eight basic training bases in our Nation.

I am sure that it did not mean to close down bases when such closure was based on inaccurate information and clerical errors. However, that is what the Commission has done.

Mr. President, this morning I met with Secretary Cheney to bring these errors to his attention again and to seek reconsideration of the decision to realign Fort Dix. I cannot say that I was encouraged by the Secretary's reaction. He is under pressure to reduce spending. But, closing or downgrading a facility based on erroneous information doesn't make sense. My colleagues should not allow it.

Because of the mistakes I have addressed, I sought report language directing the Secretary to review the errors and to justify any base closings or realignments on the basis of accurate information.

Mr. President, I would like to address a question to the distinguished chairman of the Defense Appropriations Subcommittee. It is my understanding that the amendment that is before us refers only to the language requiring the GAO to certify that bases slated for closure or realignment will pay for themselves in 6 years. Is that correct?

Mr. INOUYE. Yes it is.

Mr. LAUTENBERG. So the amendment does not cover the report language on page 77 of the committee report on military value.

Mr. INOUYE. That is correct. Regardless of the disposition of the amendment by Senator NUNN, we still expect the Secretary of Defense to comply with the report language and report to Congress as to whether he agrees or disagrees with the decision to close or realign certain bases where significant errors were made in the Commission's phase one determination of Air Force and Army training bases. In cases where the Secretary agrees that significant errors were made, we still expect him to provide a justification as to why the bases should still be closed. In cases where he disagrees that significant errors were made, we still expect him to report the bases for his disagreement.

Mr. LAUTENBERG. I thank the Senator.

Mr. McCLURE. I rise in strong support for the amendment to the committee provision on base closures.

Mr. President, I think it is useful at this time to reflect on the history of this base closing issue and how we got to where we are today. We have known for years—the Congress has known, the Defense Department has known—that we have more military bases than we need. Some of them were built more than 100 years ago for the Indian wars. Some of them were built even before that, to fight the British. Some of them are a little more modern but simply no longer make sense, either because the mission has changed, or because of limited air space, or urban congestion, or some other reason. But the net result is, we are spending more money than we need to, and we are not defending ourselves as efficiently as we could be.

The trouble has always been, that whenever the Defense Department tried to close a base in a particular State, that State's congressional delegation stepped in, with a variety of ingenious devices, to keep the bases open.

This state of affairs continued for a long time, at great expense to the taxpayers, to the point where Congress had shown itself pretty well incapable of closing a military base in anybody's State or district. However, the need to close some bases did not go away, and in fact, as a result of budgetary pressures, became more acute.

Finally, through the dogged efforts of Congressman DICK ARMEY, and with the strong support of the Reagan administration, the Congress came up with a solution. The Congress voted to create a Commission to study the problem, and to report to the Congress and the Secretary of Defense which bases should be closed. Let me emphasize, the Congress voted, both House and Senate, to create this Commission. The Congress also gave itself the option of rejecting the Commission's recommendation with a joint resolution of disapproval. But the way the law was written, the Congress could not nibble away here and there at the Commission's recommendation. It was all or nothing. We had to either abide by the report, or reject it in its entirety. And the Congress, the House and the Senate, voted for this formula too.

Then the Commission went out and did its report, and came back, and said here's your report, here's what to close and what to realign. And the Congress has a chance to review the results, and to reject them. The House voted on whether to accept or reject the report, and it ended up accepting the report, by a rather overwhelming margin. A margin of about 9 to 1, in fact.

And what did the Senate do? The Senate did nothing. The Senate had the opportunity to express its disapproval of the base closing report, and it did nothing. Maybe the opponents of the Commission's recommendations looked at the size of the House vote in favor of the recommendations, and decided they didn't have the votes. Anyway, we need to make it clear here, that when base closings opponents had the chance to vote on this issue through the front door, they ducked.

And here they are coming in through the back door. Make no mistake about it. The language in this bill isn't a good government exercise in accounting. It's an attempt to unravel the whole base closing procedure. It's an attempt to shut the whole thing down, and go back to the days when individual Members of Congress held individual veto power over what should have been military and budgetary decisions.

Mr. President, I don't intend to denigrate my colleagues who want to save their bases. I know the political pressures they are under, and I sympathize with them. But the fact is, the Congress has already voted on this issue, not once but several times. The House and Senate voted the Base Closing Commission into law. And they voted, once through an actual vote and once through inaction. to abide by the results of the base closing report.

I've lost a few fights here on the floor of the U.S. Senate, probably more than I care to think about. I lost them because I didn't have the votes. And that's the democratic way. A lot of them I'd like to revisit, but I think we all learn very soon that sometimes you have to live with the will of the Congress. And despite our individual frustrations when we lose on an issue, I think that's the way we all want it to be.

Finally, I would like to commend my friend and colleague on the committee, the Senator from New Hampshire [Mr. RUDMAN], for his statesmanship on this issue. He took a reasoned look at the situation, came to the conclusion that the only military base in his State was no longer needed, and then took a lead in helping the affected area to manage the transition. That took political courage, and I applaud him for it.

Mr. President, I urge the adoption of the amendment and the defeat of the committee provision.

Mr. DIXON. Mr. President, the DOD appropriations bill's provision on base closure verification is essential to protect the integrity of the base closure process. It provides for the GAO to evaluate the Commission on Base Realignment and Closure recommendations and to certify to the Congress that total cost savings for such actions will exceed the expenditures within a 6-year period. The GAO must transmit each base evaluation as soon as it is completed and all review must be submitted to Congress by March 30, 1990. Since the GAO already has the Commission's recommendations under review at the request of the chairmen and ranking members of the Senate and House Armed Services Committees, the required GAO certifications will be transmitted to Congress quickly. Therefore, most realignment and closure actions would be delayed by fewer than 3 months. Only where the GAO disagrees with the Commission's recommendations, will the Senate provisions deny funding of the realignment or closure.

The Senate provision is crafted specifically to avoid undercutting the work of the Commission on Base Realignment and Closure which conducted an objective, independent process for streamlining U.S. military installations. The Commission's formation broke a decade-long stalemate between Congress and the administration and acknowledged that an independent evaluation of bases would prevent political and geographic concerns from interfering with the streamlining of U.S. military installations. The bipartisan support for such an evaluation process is now at risk, however. The GAO has found significant errors and omissions in the Commission staff's data evaluations. The Senate provision will serve to verify and protect the integrity of the base closure process. This will be critically important to any future efforts to close additional bases if we continue to reduce the size and configuration of our force structure overseas and at home. If the Senate provision is not enacted, the premise of the Base Closure Commission—objective evaluation—will not be verified. Consequently, the validity of base evaluation will always be subject to challenge, and Congress will be unable to rely on the base closure process now or in the future.

Although the Commission performed its responsibilities in exemplary fashion and drew little criticism on most of its decisions, there is substantial doubt about the methodology used by the Commission as a basis to recommend closure or realignment of a few bases. The preliminary findings of the GAO, requested by the Armed Services Committees, demonstrate that validation of the Commission's methodology is both necessary and valuable.

Thus far, for example, the GAO found that the Commission may have made several critical errors in its data evaluation and method of ranking the technical training center at Chanute Air Force Base in central Illinois:

The Commission relied on outdated information which failed to fully reflect new construction and other improvements to its facilities;

The Commission double-counted the requirements for maintaining Chanute as a technical training center, and thereby greatly overstated those requirements while understating Chanute's military value;

The Commission weighed all deficiencies in facilities at technical training centers identically regardless of the actual size of the deficiency. Thus a 4-percent deficiency in one criterion at one base was evaluated as equal to an 18-percent deficiency in the same criterion at another base;

The Commission found that closing Chanute would have only a moderate adverse economic impact even though, as the GAO notes, a recent University of Illinois study concludes there will be a significant decline in population, employment, sales, income, and property values.

The GAO's preliminary review discovered similar flaws in the evaluation of the Army training center at Fort Dix, NJ. Specifically, the Commission employed inaccurate data in scoring Fort Dix on the criteria of condition of facilities and amount of reserve training accomplished.

The GAO has concluded tentatively that had the Commission employed the correct data and methodology, Chanute and Fort Dix would have received substantially higher rankings among the bases in their respective categories. The GAO is reviewing additional bases, but preliminary findings indicate that only a few additional bases may have undergone significantly flawed evaluations.

To avoid unraveling the base closure process, the Senate provision would allow realignment and closure decisions to stand if they meet the 6-year pay back requirement. Funding for a realignment or closure will be denied only if savings will not be realized in 6 years.

Mr. WARNER. Mr. President, the Senator from Virginia yields the remainder of the time remaining on this side.

Mr. INOUYE. Mr. President, before yielding back the time, I would like to ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate at 12:46 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on amendment No. 844. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 86, nays 14, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—86

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Breaux
Bryan
Bumpers
Burdick
Burns
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lott
Mack
McClure
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—14

Bradley
Byrd
Coats
DeConcini
Dixon
Inouye
Lautenberg
Lugar
Matsunaga
McCain
McConnell
Simon
Stevens
Wilson

So the amendment (No. 844) was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 18, LINE 10, THROUGH PAGE 19, LINE 11, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to the first excepted committee amendment, as amended.

So the excepted committee amendment beginning on page 18, line 10, through page 19, line 11, as amended, was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. The next order of business is amendment No. 825.

Mr. INOUYE. Mr. President, this amendment allocates $8,791,650,000 for conventional forces and for other initiatives.

Mr. President, the committee has endorsed this amendment and we offer it today, instead of including these items in the bill as reported, because they are not specifically authorized for fiscal year 1990. I believe this is the best allocation of funding which can be made in light of the severe constraints placed on the Appropriations Committee by the overall budget process.

Let me take a few moments to discuss the reasons for this amendment, before I describe the individual items involved.

The Appropriations Committee was provided unrealistic targets for national defense by the summit agreement. The President submitted an amended budget, which the Office of Management and Budget contended complied with the summit agreement of $305.5 billion in budget authority and $299.2 billion in outlays. However, the Congressional Budget Office and the Senate Budget Committee disagreed with calculations made by the OMB. CBO says the President's budget exceeds the outlay target by $3.8 billion.

Mr. President, the Appropriations Committee is bound by the Budget Act to follow the scorekeeping established by the Budget Committee regardless of the position of OMB. Therefore, the committee was faced with an untenable position of reducing outlays by $3.8 billion, without reducing budget authority—in accordance with the summit agreement.

Mr. President, this is my first year as chairman of the Defense Subcommittee, but I have learned this is not the first time the subcommittee has been faced with this situation. In fact, it is very unfortunate but true that this procedure has become the norm rather than exception. Nearly every year, the amounts included in the President's budget and the congressional budget resolution produce a mismatch in budget authority and outlays. The executive branch wants to increase the budget authority for defense, and Congress wants to cut outlays, to minimize the deficit. The outcome is a compromise which promises high budget authority, but sets unrealistically low outlay levels.

The amendment offered is how the committee believes it can best serve this process. An amendment would not have been necessary under the rules of the Senate, but the Appropriations Committee believed it is important to maintain comity with the Armed Services Committee. Therefore, we left it to the Senate to decide this matter, rather than incorporate all these items within the appropriations bill as reported.

There may be some who question why a $9 billion package of items not specifically authorized is necessary. Why did the Appropriations Committee deviate by so great a margin from the Defense authorization bill passed by the Senate last July? The answer is twofold. First and primarily, the reason is outlays. The Senate-passed authorization bill did not have to comply with the outlay targets. The Defense Appropriations Subcommittee had to reduce defense outlays by $2.3 billion from the bill as passed by the Senate. This mandated that wholesale changes had to be made in the authorization bill. Second, the committee is bound to comply with the summit agreement. That is, it had to cut spending to comply with the outlay limit, but $9 billion had to be added to reach the summit level for budget authority.

The Appropriations Committee needs flexibility restored to this process. It should not be saddled annually with unrealistic outlay targets, and it should not be subject to summit agreements which require allocating funds to reach a ceiling. My friend Senator NUNN, argues that his Defense authorization bill should be a ceiling, and I agree with that view. However, for us the summit agreement has taken on the characteristics of both a ceiling and a floor. It has perverted the process of Government spending.

This is not good for the Senate. The Senate needs to be able to review appropriations bills on merits; it should decide how much to spend for national defense, and not because of a summit agreement. The Armed Services Committee should provide policy guidance on defense requirements and the Appropriations Committee allocate funds consistent with that policy. We are far from that process. The fact that the committee is offering an amendment here to provide $9 billion of additional budget authority is a sign that we need to reconsider the congressional budget process. Mr. President, this is a good amendment, we have made the best of a bad situation, but it is a very bad way for the Senate to conduct its business.

In this amendment, the committee has attempted to provide funds that, while not considered by the Senate Armed Services Committee, are in the spirit of the authorization bill. For example, the Senate voted overwhelmingly to support conventional improvements. This amendment provides an additional $1.7 billion to buyout the Apache Program. The language specifically provides that this will be the final purchase of Apache helicopters. In this manner, the committee is not violating the termination of the Apache Program approved by the Senate after fiscal year 1991, and it may be of interest to all of us here that by this procedure we will save the taxpayers $900 million.

The committee is recommending a $1-billion purchase of sealift ships. The Defense authorization bill took the lead in directing the Navy to redress this Nation's shortfall, by authorizing funds for research and development and advance procurement for sealift. The committee's allocation exceeds the amount authorized, but it is clear that both committees recognize the need to improve sealift. The Appropriations Committee was able to provide the funding necessary to carry out the policy of the authorization bill. Virtually every field commander as well as the Army Secretary and Chief of Staff testified to the committee that additional dedicated sealift ships are required to meet the Nation's requirements to support its forces in the event of hostilities. Further, we recognize that in order to reestablish the country as a viable commercial shipbuilding industry, it needs Government intervention to pump business into the sector. Mr. President, we see the funding for sealift as a way to help out an ailing shipbuilding industry.

However, industry must respond with a creative approach to sealift. If these funds are used only to build ships of current design, we will have done little for the industry. The shipbuilders seeking to build sealift ships must offer new designs which are capable of moving large cargo at high speeds. The committee believes the Navy should consider allocating these funds to purchase ships of entirely new design, ships that can reinvigorate the domestic shipbuilders, ships that will lead to designs which are commercially viable, and become the envy of the world. The Navy should place considerable emphasis on incorporating new technologies into these sealift ships to increase speed and hold down operating costs. If these twin objectives can be obtained, the shipbuilding industry could be given that boost it needs to regain its commercial viability.

It might be interesting to note, Mr. President, at this juncture, that it was not too long ago, after the end of World War II, we, the people of the United States, controlled the seven seas. The navies and commercial shipping of all other countries rested on the various ocean floors. We were the only ones with ships. We were No. 1. If you wanted to do business anywhere in the world and wanted to ship goods, the chances are you shipped them on American ships.

Today we rank No. 14—No. 14. There are 13 countries ahead of us. Obviously, the Soviets are ahead of us. In fact, American ships carry less than 5 percent of our foreign cargo. Even our foreign aid is carried by foreign ships, and if that does not embarrass American taxpayers, I do not know what will.

Mr. President, the third item in this amendment is also in the spirit of the authorization bill. That bill consolidated funding from several appropriations accounts for the Enterprise refueling and modification into the Navy shipbuilding and conversion appropriation.

The committee supports this effort. However, the amounts consolidated only represent a partial funding of the Enterprise cost. The defense budget incrementally funded the Enterprise. Traditionally, the committee has opposed incremental funding of ship conversion programs. Therefore, it has included funding of nearly $1.3 billion to fully finance the cost of the Enterprise Program.

In similar fashion, the authorization bill proposed a change in financing the installation of modifications. Previously, modifications have been budgeted in procurement accounts, and the cost of installing the modifications have been funded in the operating accounts.

The authorization bill directs that the installation charges be funded in procurement accounts. The amount authorized provides the funding for those items which were bought 1 or more years ago which are planned for installation in fiscal 1990.

The Appropriations Committee supports the intent of the authorization bill but believes the cost of installing the kits purchased in fiscal year 1990, as well as all other previously funded kits, should be fully funded in this coming fiscal year. Therefore, the committee recommends adding $3.4 billion to fully fund the cost of this change in modification financing.

The committee amendment includes $33.6 million to procure trucks, vehicles, and other support equipment for the national training center. This equipment is currently shipped by rail to Fort Irwin, CA, for each rotating unit costing over $14 million per year in operation and maintenance.

This committee initiative simply makes good sense. It allows annual training costs to be reduced. If we were to strike this initiative, operation and maintenance costs will increase by $70 million during the 5-year defense plan.

The amendment also provides funding proposed for reimbursing space shuttle operations. The committee proposed to add $485 million to offset these costs. This would then allow for other necessary civilian space programs to be funded instead of forcing NASA to pick up the additional cost associated with DOD payloads.

So, Mr. President, I urge the Senate to support this committee amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WALLOP. Mr. President, I believe the Senator from New York has an amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 854

(Purpose: To express the sense of Congress regarding the joint DOD/NASA management of the National Aerospace Plane program)

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendment and other committee amendments be temporarily laid aside for consideration of an amendment which I now send to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'Amato], (for himself, Mr. Bond, Mr. Dodd, Mr. Garn, Mr. Graham, Mr. Gramm, Mr. Harkin, Mr. McClure, Mr. Lieberman, and Mr. Stevens) proposes an amendment numbered 854.

Mr. D'AMATO. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 108, between lines 4 and 5, insert the following new section:

Sec. . It is the sense of Congress that—

(1) the recommendations of the National Space Council, as approved by the President in July of 1989, for the development of the

National Aerospace Plane represent an improved and more affordable strategy for the United States; and

(2) if funds are made available for the National Aerospace Plane program for fiscal year 1990, the National Space Council should submit to Congress, not later than January 31, 1990, a report assessing the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program and should include in that report recommendations for such changes in the management arrangement as the Council considers necessary to increase the effectiveness of the National Aerospace Plane program and ensure the achievement of the goals established for such program.

Mr. D'AMATO. Mr. President, this amendment expresses the sense of the Congress that the recommendations of the President's National Space Council regarding the development of the national aerospace plane represent an improved and more affordable strategy. In addition, this amendment directs the National Space Council to report to Congress on changes to the NASP management structure which may be needed to ensure the achievement of the program goals.

Mr. President, I offer this amendment on behalf of Senators Dodd, Graham of Florida, Gramm of Texas, Harkin, McClure, Lieberman and Stevens.

Mr. President, this amendment has been agreed to by the floor managers on both sides.

Mr. President, I ask for unanimous consent that the National Space Council memorandum regarding the National Aerospace Plane Program, dated July 20, 1989, be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

National Space Council,
Executive Office of the President,
Washington, DC, July 20, 1989.

Memorandum for: Ms. Emily L. Walker, Executive Secretary, Department of Treasury; Mr. J. Stapleton Roy, Executive Secretary, Department of State; Col. George P. Cole, Jr., Executive Secretary, Department of Defense; Mr. Craig R. Helsing, Chief of Staff, Department of Commerce; Ms. Ruth Knouse, Director, Executive Secretariat, Department of Transportation; Capt. Anthony Maness, Executive Assistant to the Chairman, Joint Chiefs of Staff; Mr. Frank Hodsoll, Associate Director, Office of Management and Budget; Mr. G. Philip Hughes, Executive Secretary, National Security Council; Dr. Thomas Rona, Acting Director, Office of Science and Technology Policy; Mr. H. Lawrence Sandall, Executive Secretary, Central Intelligence Agency; Mr. Henry E. Clements, Executive Officer, National Aeronautics and Space Administration.

From: Mark J. Abbrecht.

Subject; Presidential Decision on the National Aero-Space Plane.

The President has approved the following policy with regard to the National Aero-Space Plane (NASP) program.

"The United States will continue the NASP program as a high priority national effort to develop and demonstrate hypersonic technologies with the ultimate goal of single-stage-to-orbit. The government will complete the Phase II technology development program and plan to develop an experimental flight vehicle after completion of Phase II, if technically feasible. Performance of the experimental flight vehicle will be constrained to the minimum necessary to meet the highest priority research, as opposed to operational, objectives. Unmanned as well as manned designs will be considered and the program will be conducted in such a way as to minimize technical and cost uncertainty associated with the experimental vehicle."

The President also approved the following actions to implement the policy decision.

Retain an appropriate joint DOD/NASA management structure.

Restructure the NASP technology program to focus only on research and technology objectives.

Extend the technology development phase of the program approximately 2½ years and plan to begin experimental flight vehicle development in early 1993. The Space Council will review the program prior to initiation of vehicle development.

Within currently approved DOD budget levels, increase NASP funding by $27 million in FY 1990, $158 million in FY 1991, $233 in FY 1992 and by appropriate amounts in FY 1993 and FY 1994.

Mr. D'AMATO. Mr. President, the goal of the National Aerospace Plane Program is to explore a region of high-speed flight never before attempted by mankind. Two test vehicles will be built which will use supersonic ramjets to power them up to 25 times the speed of sound. At this velocity, the NASP will be able to escape Earth's gravitation and go into orbit.

This research cannot be accomplished in laboratories or wind tunnels. The NASP goal is like that of going to the Moon—it defies simulation—it simply has to be done. The payoff we can expect from the NASP Program also defines prediction. The data derived from the NASP Program will be the foundation for all future high-speed civilian and military airplanes and space-launch vehicles. The technological leap into hypersonic flight will be more monumental than the leap from propeller driven airplanes to jets.

Mr. President, the most unique characteristic of the national aerospace plane is that it will be a cross between an airplane and a rocket. Using supersonic ramjet technology, the NASP will be able to take off from an ordinary airport runway, accelerate to 25 times the speed of sound, and achieve low Earth orbit. It will have the flexibility to return to any location on the globe, land on a normal runway, and be ready in a matter of hours for another flight.

Why would this kind of flexibility be important to the United States? Because it would give private industry and the military the ability to launch satellites with only days or hours of preparation time thus cutting the costs to an estimated 1 1/100 of what they are today.

In addition, the 33-month hiatus in the Space Shuttle Program, following the *Challenger* disaster, demonstrated America's disturbing dependency for space launch on an incredibly complex and fragile infrastructure, geographically limited to one vulnerable launch site on the east coast and one on the west coast.

The U.S. civil sector will also benefit greatly from NASP technology. Hypersonic passenger and cargo planes will revolutionize global travel and trade. Affordable access to space will stimulate the commercialization of space in ways we cannot even imagine.

It should be noted that several foreign countries are mounting very serious efforts designed to take the lead in hypersonics away from the United States. These countries include the United Kingdom, West Germany, Japan, France, and the Soviet Union. The country that prevails in pioneering the application of this technology will be the key to the future—to business opportunities around the globe and in our solar system.

Mr. President, I urge the appropriations conferees to provide the level of funding required to keep the NASP Program on track, as recommended by the National Space Council.

Mr. President, I ask unanimous consent to add Senator Bond as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am willing to accept this amendment from my colleague from New York [Mr. D'Amato], who has been outspoken in his support of the National Aerospace Plane [NASP]. I must stress, however, that in the present climate of severely constrained defense budgets, the NASP Program was deemed a lower priority by the committee.

The NASP Program is intended to develop a hypersonic—mach 25—manned aircraft/rocket booster to launch payloads into orbit from conventional runways. The Air Force and the National Aeronautics and Space Administration [NASA] are developing the NASP in a jointly funded and managed program. As originally proposed, the NASP Program was to spend more than $3,400 million between fiscal years 1986-94 to develop and fly two experimental flight test vehicles.

The program is considered to contain high technological risk, and to have limited military applications. In recognition of these concerns, and in view of the need to fund much higher priority programs with more demonstrated military benefits, the Air Force proposed reducing NASP funding by

50 percent in both the fiscal year 1989 and fiscal year 1990 budgets.

The high technical risk and costs, and marginal military utility of the NASP Program prompted the Defense Department early this year to recommend that Air Force funding be reduced to only $100 million in fiscal year 1990, with NASA assuming full program responsibility in fiscal year 1991. A review by the National Space Council resulted in this position being modified to maintain a joint program at somewhat reduced funding levels. However, the program now would be delayed by at least 2½ years and be much reduced in scope and direct military applicability.

While the committee commends the executive branch's attempt to create a more affordable NASP Program, it remains concerned that the program still is projected to cost at least $2,500 million during the next 5 years. Since total funds available for the fiscal year 1991-95 5-year defense programs are expected to decline significantly, even the revised NASP Program is unaffordable. In addition, the Defense Department has not yet even identified which other programs it will have to reduce in the near future to fund the National Space Council's NASP Program.

The likely budget environment for NASA seems no more promising in the future. The need to fund more important military space launch and science and technology programs remains and will become more pressing.

I am pleased to advise the Senate, I have had the opportunity to review the sense-of-the-Congress amendment that Senator D'Amato proposed. We are in support of it. We will be very happy to accept it.

Mr. D'AMATO. Mr. President, I urge the adoption of this amendment I thank the chairman for his support.

Mr. GRAHAM. Mr. President, I am pleased to be a sponsor of this amendment expressing congressional support for the National Aerospace Plane Program [NASP] and the recommendations of the National Space Council in this regard.

The United States holds a strong competitive position in many technological fields. We can be particularly proud of our leadership in the field of aviation technology. We enjoy a 75-percent share of the international jet transport market. The $18.7 billion trade surplus in this industry is the largest surplus for any U.S. business sector.

Since the 1940's the United States has aggressively embarked on long-term aerospace research programs. Cooperative ventures in research and development between the private and public sector have put us in the forefront of aviation technology.

The development of the national aerospace plane is one of today's most challenging and exciting ventures. The Air Force, the National Aeronautics and Space Administration and private contractors are cooperating to develop a hypersonic vehicle with significant commercial and national security benefits.

In order to realize these benefits and keep the competitive edge in aerospace technology, this joint public-private venture should be encouraged. I urge my colleagues to join me in expressing support for NASP through this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 854) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

Mr. WALLOP. Mr. President, on behalf of myself and Senators Warner, Dole, Wilson, Thurmond, Gorton, Coats, Lott, Armstrong, and Simpson, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. Wallop], for Mr. Warner, Mr. Dole, Mr. Wilson, Mr. Thurmond, Mr. Gorton, Mr. Coats, Mr. Lott, Mr. Armstrong and Mr. Simpson, proposes an amendment numbered 855 to the amendment number 825.

Mr. WALLOP. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the words "Title X", and insert in lieu thereof the following:

For expenses not otherwise provided for, necessary for certain program improvements, and for other purposes; $8,358,853,000, of which $1,293,000,000 shall be transferred to and merged with "ENTERPRISE refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; $290,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new sub-account "Icebreaker", to remain available for obligation until September 30, 1994; $959,900,000 shall be transferred to and merged with "LHD-1 Amphibious Assault Ship" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $20,000,000 shall be transferred to and merged with "Sealift Ship Program" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $279,600,000 shall be transferred to and merged with "Missile Procurement, Army", to remain available for obligation until September 30, 1992, of which $89,000,000 shall be available only for the Stinger missile program, $93,500,000 shall be available only for the Laser Hellfire program, $51,100,000 shall be available only for the TOW II program, and $46,000,000 shall be available only for the Advanced Tactical Missile System; $45,300,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $70,000,000 shall be transferred to and merged with "Missile Procurement, Air Force", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $775,771,000 shall be transferred to and merged with "Aircraft Procurement, Army", to remain available for obligation until September 30, 1991, for the purchase of 66 Apache helicopters after which the Apache program will be terminated: *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change; $910,000,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available until September 30, 1992, for the Trident II/D-5 missile program: *Provided*, That none of these funds may be obligated until the Secretary of the Navy has notified Congress in writing that he has approved modifications or redesign of the D-5 missile needed to correct recent test deficiencies; $298,358,000 shall be transferred to and merged with "Research, Development, Test, and Evaluation, Defense Agencies" to remain available until September 30, 1991: *Provided*, That not less than $4,000,000,000 of the funds under the heading of "Research, Development, Test, and Evaluation, Defense Agencies" shall be available only for the Strategic Defense Initiative program; and for the Space-Based Wide Area Surveillance Radar, $1,956,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Navy", to remain available until September 30, 1991, for the Tactical Space Operations program, $4,968,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Air Force", to remain available until September 30, 1991, for the Space Surveillance Technology program, and $10,000,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Defense Agencies", to remain available for obligation until September 30, 1991, for the Strategic Technology program.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $300,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to respond to natural or man-made disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts, and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

REDUCTIONS TO AUTHORIZED LEVEL

Notwithstanding any other provision of the Act, the amount on page 20, line 2, is reduced by $68,100,000 from the UH-60 Blackhawk helicopter program; the amount on page 32, line 14, is reduced by $49,000,000 from the F-15/F-16 engine upgrade program; and the amount on page 36, line 3, is reduced by $50,000,000 from the B-1B program.

Mr. WALLOP. Mr. President, the Senator from Virginia, the chief sponsor of the amendment, is at this moment introducing the first female judge for the State of Virginia. He intends to be on the floor in a few minutes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I send my apologies to those Senators present and others for the delay in the appearance of the Senator from Virginia. I thank my distinguished colleague from Wyoming for sending up the amendment which has been outlined in terms of the sponsors. This Senator, if I may say, was proudly detained in the Senate Judiciary Committee where I had the privilege of introducing Mrs. Smith, the nominee for a Federal district court appointment which I made some months ago to the President in the formal recommendation, and if confirmed by the Senate Mrs. Smith will be the first woman to be appointed to the Federal judiciary in the history of the Commonwealth of Virginia. So it was an important occasion for both myself and my colleague, Senator ROBB.

Mr. President, the proposed substitute to the Appropriations Committee amendment adopts several of the initiatives suggested by the Appropriations Committee—not several, indeed in my judgment many—and provides funding for several defense programs which the sponsors believe have a higher priority than some of the programs funded by the committee amendment.

The committee amendment is made necessary by the mismatch in budget authority and budget outlays agreed to in the budget summit agreement. The sponsors of the substitute do not fault—and I reiterate, do not fault—in any way the Appropriations Committee in its attempt to meet this mismatch targets in the committee amendment.

In the several years that I have had leadership responsibility on the Armed Services Committee I have not known a year in which the chairman of the Armed Services Committee, the ranking member and others have had a higher degree of cooperation, a spirit of togetherness, so to speak, with the members of the Appropriations Committee than this fiscal year. That is owing to the distinguished chairman, the Senator from Hawaii, and the distinguished ranking member, the Senator from Alaska. It has been a very harmonious working partnership.

With that background I raise this amendment to point out only that we feel strongly about several priorities stated in the amendment. It in no way is a criticism of the work performed by the Appropriations Committee.

The sponsors believe they are suggesting a different mix of programs that will be better in both the short-term and the long-term, for the health of our national defense, and in controlling the budget deficit.

The proposed substitute provides full funding of the *Enterprise* overhaul and full funding in the various accounts of costs associated with modification of weapons systems. These two initiatives contained in both the committee amendment and the substitute account for $4.7 billion of the $8.5 billion funding in the substitute. That is, the substitute in these two initiatives adopts more than 55 percent of the committee's recommended funding.

In the same vein, the sponsors of the substitute amendment agree with the concept of a revolving emergency response fund to cover the cost of DOD responding to emergencies such as forest fires, oilspills, and other natural disasters—indeed, the one that our country has most recently witnessed, primarily the damage in South Carolina. However, the sponsors believe that such a fund should initially be established at a level of $300 million, rather than the $100 million contained in the committee amendment.

In the ship building area, the substitute will fund one icebreaker for the Coast Guard, rather than the two, as recommended by the committee amendment. One icebreaker was authorized in the DOD authorization bill. The Appropriations Committee amendment would provide $1 billion for fast sealift ships. While this program is authorized in both the House and Senate defense authorization bills, it is authorized only at the level of $20 million. The sponsors of the substitute believe modest funding for this program is more appropriate at this time while it is being examined by the appropriate authorities.

The substitute amendment would, therefore, provide an appropriated level of $40 million, representing an additional $20 million.

Next, a substitute amendment fully funding the munitions enhancement program initiated by the Armed Services Committee and adopted by the Senate during debate on the defense authorization bill during this summer. That program enhanced the number of Smart munitions programs by authorizing funding for them at efficient rates. The substitute amendment provides $395 million in appropriations at those authorized rates for the Stinger, Laser Hellfire, TOW II, ATACMS, and HARM programs.

In the strategic area, the substitute funds an additional $298 million for SDI, bringing the total appropriations for that program to $4 billion, more in line with the previously approved Senate authorization of $4.3 billion. Additionally, the substitute provides $17 million for R&D for the space-based, wide area surveillance radar, a small but very important research effort.

Finally, the substitute rejects the Appropriations Committee approach of totally deleting funds for procurement of the Trident II D-5 missile. The request of $1.8 billion for the procurement of the missile in the fiscal year 1990 budget was zeroed by the committee because, presumably, a recent test failed.

While the sponsors of the substitute share the committee's concern about these failures, the sponsors believe a better approach is to fund a major portion of the procurement request with fencing language limiting its obligation pending resolution of the technical problems. This approach provides the opportunity to go forward with this extremely important program in fiscal 1990, if the problems can be resolved. As the Chief of Naval Operations and others in the Department of Defense have stated, it will be likely that the problems will be resolved.

Finally, in order for the amendment to be fiscally sound, minor reductions have been made in the UH-60 Blackhawk, an unrequested add on for F-15/16 engine upgrade programs and in an unrequested increase involving the B-1B R&D. These reductions result in appropriations for each of these programs equaling the Senate authorized level.

Mr. President, I will have further to say on this amendment.

At this time I yield the floor. I wish to acknowledge again the very important support the Senator from Wyoming has given this Senator and others in the preparation of this package.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank our able ranking member. I thank him and his staff for being flexible, as we tried to fashion an amendment which we feel is a more responsible reflection of the priorities of the authorizing committee.

I would say again that with Senator WARNER we do not have a quarrel. We have a complete understanding of what the Senate appropriations subcommittee has done here, and I could not agree more with the Senator from Hawaii, that the budget process is out of whack when outlays and authorizations cannot be matched in any kind of a responsible way because of the agreements of the budget summit.

I would also quote my friend from Hawaii, in which he said in his opening remarks a little while ago—and I am paraphrasing. I tried to write them down but I was not fast enough. He said that the Senate Armed Services Committee should allocate policy requirements and priorities. And the Senate Appropriations Committee should direct itself toward as much support of the SASC's policy requirements as they can. So this amendment is not a quarrel with what they sought to do, but rather it seeks more to prioritize the actual defense requirements of the United States in a real world in which dangers, despite the soothing rhetoric of the Soviet Union, still confront us; in the real world where, despite the soothing rhetoric, Third World threats exist; a real world in which tight dollars, potential sequesters, and automatic blanket reductions confront the best judgment of those whose responsibility it is to defend this Nation. And often, Mr. President, they are faced with choices that they know to be outside the needs and requirements of the defense of the United States.

For example, in the area of the AH-64 helicopter, the Apache, I understand the hometown requirement to vote for that. But I do not understand how we can supersede the judgment of the Army, which has not only tailored its new force to the requested number of the President, but which has said, in effect, that it cannot use the Apache helicopter and that this priority would deny it some things that it needs for flexibility in the future.

So I believe that what we need to do in this time of tight budgets and a fourth consecutive real reduction in defense spending, is to set aside the hometown projects which are over and above the services' judgment, to set aside national pet rocks, and to try and address, to the best of our ability, the defense needs of the United States, both in the near term and in the long term.

The Senate Appropriations Committee, Armed Services appropriations, has said that their proposal gives them flexibility. I have no quarrel with the argument that it gives them flexibility, but there are phantom fundings in here which do not necessarily reflect the judgment of the authorizing committee and would therefore seem to run contrary to the suggestion and statement of the distinguished Senator from Hawaii, as to what the two appropriate roles are. This amendment restores money to SDI, as it should. However, it is still well below the request of the President, well below the request of the Secretary of Defense, well below the stated needs, and is a real reduction from current efforts.

As we approach the possibility of a START Agreement, it may be the only verification tool that is of genuine value to the United States—a defense against any potential violations. In an op-ed piece in the Washington Times this morning, I suggested that where the House was going with SDI was an astonishing act of dissembling with the public of the United States.

Not wishing to be blamed for the demise of SDI, the House funds SDI, but to the extent that it cannot function, cannot sustain its scientific research, and cannot allow us to make a deployment decision. But they can always argue that, "Oh, I voted for SDI. I always have voted for SDI." What they are doing to the American people is essentially lying. We cannot have it and they know we cannot have it at the level that they have suggested we fund it.

As in the past, the conference figure will be somewhere between the figure of the Senate Appropriations Committee and the House. And that, too, requires the dismantlement of scientific staffs. That, too, requires the postponement of any possibility of a deployment decision in the President's first term, which he promised both in his campaign and in his inaugural address.

What we are suggesting is barely a minimum to sustain competence on the road to a deployment decision. And it is barely the minimum to sustain the accomplishments that has been achieved over the last few years.

We restore money to the space-based wise area surveillance radar, something that is necessary for all three services.

But I must say, Mr. President, that what we have tried to do is not to second guess the Appropriations Committee, but to offer the best judgment that we, the cosponsors in the Armed Services Committee and others, have as to what the near-term and the long-term defense spending priorities in these areas ought to be. It retains the same level of outlays and the same level of authority which the Appropriations Committee has been saddled with. We understand that. We would like it differently, as would the Senator from Hawaii, as he so eloquently stated.

But this is a result of a budget summit and a budget process gone haywire. We cannot change that at this moment in time. So our purpose is primarily to address what was in the Appropriations Committee's recommendation with a reprioritization and not with a challenge to their figures of both outlays and authority.

Mr. President, I, too, will have more to say on individual portions of this as the debate wages this afternoon. But suffice to say that this was not meant to second guess, but rather to reflect what the Senator from Hawaii meant when he said that the Senate Armed Services Committee should allocate policy requirements and the Appropriations Committee should, to the best of their ability, appropriate to those allocated priorities.

Mr. President, I yield the floor.

(Mr. BRYAN assumed the chair.)

Mr. JOHNSTON. Mr. President, it is rare that an amendment is put in on the floor to a major committee's work that so completely rewrites the bill. This amendment takes what the Appropriations Committee has done, indeed what the Senate Armed Services Committee had done in many respects, and completely rewrites it, which is not to say that on that role alone is it necessarily bad. It happens to be necessarily bad, what this amendment does, because it changes so many programs.

It changes the Emergency Response Fund; the funds for Icebreaker; the funds for amphibious assault ships; for the AH-64 Apache helicopter, cutting that about in two; conventional munitions; Trident II, D-5 missile; SDI, space-based wide area surveillance radar; Fast Sealift; National Training Center; Space Shuttle Operations; reductions to requested/authorized level in the UH-60 Blackhawk helicopter, the F-15, F-16 engine upgrade, and the B-1B R&D.

Mr. President, this amendment rewrites the whole bill. As I say, that does not necessarily mean it is bad, but it does mean that Senators should be on the alert for something that is hashed out in some offices somewhere, no matter how well-intended the Senators or able the staff. The point is this amendment was not offered in—I do not know whether it was offered in the Senate Armed Services Committee and rejected there, but it certainly was not offered in the Appropriations Committee.

The Appropriations Committee, Mr. President, has 29 members. You would think an amendment that had merit, that you would be able to find at least 1 out of 29 members willing to put in such an amendment to be considered in the Appropriations Committee, who has responsibility for this area. You would think that they could find 1 of the 29 members.

It may well have been, of course, that they could have found one member but that it was such a clearly losing proposition that they did not want to risk it and have to come to the Senate floor after it has been examined carefully there, where our excellent staff on defense appropriations could take a look at it and where all of the various technical arguments could be considered and debated in the Senate Appropriations Committee. It may well have been that they figured they would get 2 or 3 or 5 to 1, which would be a very bad thing for an amendment if you tried to get it passed on this floor.

So I say to my colleagues, be on the alert because this amendment has not had that kind of debate.

I would like to focus in on just one of the changes here in an area I have been involved with a good bit, and that is SDI.

Mr. President, when the armed services bill, the authorization bill, was here on the floor, I put in an amendment to provide for a level of funding of $3.7 billion, which happened to be last year's level plus inflation. We lost on that amendment, as I recall, 50 to 47.

During the debate, however, Mr. President, many of the opponents of this amendment, time after time, would come forward and say:

> Well, we think you are right on the funding level. That is the appropriate funding level, but we want more money so when we go into conference with the House of Representatives on the armed services bill that we will have some bargaining room.

That was probably the most cogent argument they had to support it because it seemed to me, at least from listening to the debate on the floor, that they had no other cogent arguments to make.

Nevertheless, Mr. President, that is the level that the Senate Appropriations Committee came out with, which is last year's level plus inflation.

Mr. President, this is much better than most areas of the defense budget get treated. Most areas of the defense budget are not faring so well. There are cutbacks across the board. Our committee has, not by choice but by necessity, cut back in a whole range of weapons systems: The F-14, the F-15; the F-16 has received some cuts; the M-1 tanks are not being funded at the level that they should be funded at. Weapons systems across the board are being canceled, cut back, slowed down, but not SDI. SDI gets last year's level plus inflation.

Mr. President, in case there are those who are concerned that SDI has not gotten sufficient money over recent years, let me tell my colleagues that with this year's funding already in the bill, SDI will have received appropriations of $20 billion.

You would think that the program would have gotten some form and substance at this point. $20 billion later, you would think they would be able to define a purpose of SDI or an architecture.

What is it you are trying to build and what is it that that is supposed to accomplish? Mr. President, they cannot to this day tell us what the purpose of SDI is nor what it will look like.

Mr. President, initially we were told by President Reagan that SDI would give us a leak-proof system, an astrodome across the country which, in turn, inspired wonderful speeches and cartoons and school drawings by kids. My colleagues saw, probably, the television ad which had the crayon and sort of a circus tent across the country, and the little girl saying: "My daddy thinks there is a better answer than getting blown up by nuclear bombs, and that is SDI."

Of course, Mr. President, we know that the dream of an astrodome is no longer. There are some who still cling to that vaporous dream, but very few of those. The Vice President, who was one of the very strongest proponents of SDI, just recently made a statement to say that that statement about the astrodome was political jargon. We have another word for that down in Louisiana. But let us accept his word of political jargon.

The point is, it is unrealistic. If it is not to be an astrodome, what is it, Mr. President?

We are told it might have several purposes. It might be an accidental launch system, to protect against the nuclear weapons of Brazil or India. That was just given in a news article on Sunday, I believe, in this last week. The administration said we might use it for an accidental launch.

Mr. President, I am concerned about India's nuclear program and about Brazil's nuclear program and about the ability of some of these countries to deliver such a weapon in a ICBM. We all should be concerned about that. But, Mr. President, to build a human architecture, costing hundreds of billions of dollars, to defend against that I think is hardly the right use of our scarce resources in this country. I personally am not worried about either India or Brazil at this time, at least compared to some other things we have to worry about. That is the least of our worries.

An accidental launch system protection, I submit, Mr. President, ought to be well down the list of priorities in our defense budget as well as in our whole budget.

We are told it might also be used to protect our missile silos, either our MX missiles or our Minuteman missiles. That is the way the Russians use it. They use it both to protect Moscow, their system, as well as some of the weapons in the area.

Mr. President, I think it is ridiculous to even think about doing such a thing in this democracy of ours. If we were to tell the American people that we were going to spend billions of dollars to protect nuclear weapons and not to protect people, I think the reaction would be not a good one and it would reflect the innate good sense of the American public, when and if they had such a reaction. Obviously, to say we are going to protect some cities, we are going to protect the Congress in Washington and not the people in Peoria, would have the same kind of reaction. That is out of the question.

The one thought that they do come up with, Mr. President, as a use for SDI, is to interfere with the timing of the Soviet's attack. SDI is thought to be, or has been described as being, in three phases. Phase I has been defined by the Joint Chiefs of Staff and phase I would involve weapons in space, the current version of which would be Brilliant Pebbles. I say "the current version" because they have not picked a version. They have not picked an architecture. Indeed, Brilliant Pebbles may not pass muster at all. There will be a report out on that in November, as to whether they think it will work, whether it is cost-effective, whether it can be defended, all of those vast questions as we have looked, seriatim, at a whole series of weapons systems to make up phase I.

However, phase I is designed to intercept 16 percent of total Soviet weapons. That is the goal; 16 percent.

The cost, Mr. President, of phase I, if it worked, Brilliant Pebbles, if it worked, is a very difficult thing to calculate. At one time they put out a figure of $69 billion for phase I. Then, in questioning General Monahan about that, he said that does not count that which would have been spent up to the time the deployment decision was made. Keep in mind that there has been $20 billion spent. It also would not include that which would have to be spent on phase II, while we are spending money on phase I. In other words, phase II, which would involve the beam weapons, the so-called directed energy weapons, and which would have a greater capability than 16 percent of total Soviet warheads, would have to be, if not in place, in terms of research and development, we would have to have a high enough degree of confidence in phase II in order to make the deployment decision for phase I, because as General

Monahan has stated, phase I degrades rapidly. Well, to take my question to him from the hearing on May 11, 1989, I asked him this:

> General Monahan, because there is all the testimony from people like General Abrahamson, General Herres, and others, that it would not be feasible or proper to deploy Phase I without some degree of confidence in Phase II and Phase III because of the degradation that everyone predicts for Phase I; isn't that correct?
>
> General MONAHAN: I agree. Yes, sir. That is true.

I go on to ask him, in lieu of that, what we would have to spend simultaneously on phase II, in order to bring phase I along? And the figure is also very sketchy but somewhere in the neighborhood of in excess of $25 billion.

So what we are talking about is, in order to deploy a phase I, we are talking about a figure, using the very soft figures, well in excess of $100 billion. That is, if it works, again it gets 16 percent of total Soviet warheads.

The implications of that, Mr. President, are very stark. In the first place you do not have to be much of a mathematician to know that that violates the so-called Nitze rule. The Nitze rule is that in order to deploy SDI, it must be cost effective at the margin.

What that means, of course, is that we cannot be spending more to intercept a warhead than they spend to build a new one. That is only common sense because if it cost us twice as much to intercept one, then they just keep building and we spend ourselves into bankruptcy while they deploy more warheads at half the cost.

As I say, we do not have to be geniuses to figure out that over $100 billion, if it worked, in order to get 16 percent of their warheads, they can build another 16 percent much cheaper than $100 billion. The actual figure is classified but suffice it to say that my own estimate is it would fail the Nitze test by a factor of about 10 to 1. In other words, it costs us 10 times as much to build this SDI system.

Mr. President, there are a whole lot of arguments about the deployment of phase I of SDI that go to the question of whether we should or should not deploy an SDI system. But what we ought to do is get together on what the purpose of SDI is. And we have started that as a Congress. The Armed Services Committee has stated it. The virtual same language has been used by the Senate Appropriations Committee and it has been adopted as a resolution.

What that language says is this, Mr. President, and I am quoting now from the resolution which was adopted last year and also adopted the previous year. We have adopted this statement of policy each year, which states as follows:

> In matching research priorities against available resources, the primary emphasis of SDI should be to explore promising new technologies such as directed energy technologies, which might have long-term potential to defend against a responsive Soviet offensive threat.

In effect, Mr. President, what we have said is that we need to think long term about SDI and not deal with trying to meet the artificial goal of a deployment by 1994 of phase I: Brilliant Pebbles.

Again, Mr. President, Brilliant Pebbles, which is a whole series of thousands of small independently targeted vehicles which are designed to crash into these ICBM's, that is a different version that we were talking about a couple of years ago. A couple of years ago we had the so-called SBI, or space-based interceptor, which involved what they called a garage which—it was like a big revolver with a lot of bullets in it and the big garage would handle the targeting, for the most part, and communication and the individual interceptors would be fired from the so-called SBI.

That proved to be too expensive in estimates, Mr. President. So they said, "Look, this is not going to work; we have to come up with something new." So they came up with this idea of Brilliant Pebbles. The idea—I guess if you do not look at it too strong—is good because it uses a lot of off-the-shelf technology, existing technologies, and puts them together in small interceptors which are thought to—I forget the number of thousands that would be necessary in phase I; somewhere on the order, I believe, of 10,000 of these things—8,000 to 10,000 would have to be orbiting the Earth at all times independently targeted. It is a new idea, though, Mr. President. After $20 billion of expenditure, it is still a new idea.

What does all this have to do with the funding level?

Mr. President, it has to do with the fact that what we ought to be doing with SDI is a robust research and development program designed to be able to respond to the Soviet Union. To take the sense-of-the Senate resolution that I referred to earlier, I think this states it well:

> Therefore, it is the sense of the Congress that in order to maintain the basis for strong deterrent, the strategic defense initiative, SDI, should be a long-term and robust research program to provide the United States with expanded options for responding to a Soviet breakout from the 1972 Antiballistic Missile Treaty and to respond to other future Soviet arms initiatives that might pose a grave threat to United States national security.

Mr. President, that language adopted by this Congress endorsed by the Armed Services Committee, endorsed by the Appropriations Committee says it all.

What is the purpose of SDI? It should not be to rush toward deployment, which is exactly the direction that General Monahan has stated we are doing. He said he wants to be ready for deployment decision by 1994, rush to make that decision for deployment of phase I, I guess, Brilliant Pebbles, if it passes the test, which it has not yet, by 1994.

That is a fundamentally different purpose than that stated by this Congress. This Congress has stated that the purpose is for a long-term, robust research program to provide for a response to a Soviet breakout from the 1972 ABM Treaty. Mr. President, it is fundamental—fundamental. The next amendment will have to do with beam weapons as well. Fundamental.

We hear that we are trying to micromanage this program. We are trying to manage the program, you bet, Mr. President, to bring it into line with the statement policy which this Congress has adopted. This Congress has stated its long-term research to guard against a breakout by the Soviets. The Soviets are not so concerned about SDI any more. I think they realize, frankly, the scientific difficulties of deploying at any kind of reasonable cost on the SDI Program. So, in Wyoming last week they said we will withdraw our objection, keeping always the option of withdrawing from any treaty if you violate the ABM Treaty, but they said they would go ahead with START without a promise on our part to agree not to develop SDI.

In effect, they are saying we will go ahead with the START Treaty, but if you violate the ABM Treaty by testing or deploying or going into production on any SDI system, then we will withdraw from START. I think that is a recognition of the fact that they are not so concerned about the progress we are making.

However, Mr. President, there is real reason for either party in this two-power face-off, either the Soviet Union or the United States, to be concerned about the other party having an SDI. The reason is that SDI enhances a first strike. President Reagan said that about our own program, if you will remember, back when he made his speech. He said, of course, when we develop SDI we will give it to the Soviet Union. Mr. President, he said that. I do not know whether my colleagues recall that or not. He actually said it. It was greeted with big laughs all around this Capitol, all around this town. The idea that we develop something at a cost of hundreds of billions of dollars and turn it over to our adversary, the Soviet Union, was absurd on its face.

Nevertheless, the President was responding to a very real problem, which was the question, Mr. President, does not SDI enhance a first strike? And the answer is, of course, it does. This 16 percent of total warhead goal for phase I may not be, as I said earlier, may not pass the Nitze test of cost-effectiveness at the margin. It obviously does not. But, Mr. President, if we put a first strike on the Soviet Union and took out most of their response ability, then the ability to take out, say, 1,600 to 2,000 warheads would be tremendous advantage because that might be all that they would have left to respond with. The so-called ragged response would be very much put in danger by a phase I architecture.

So, Mr. President, the idea of us in a glasnost situation or, indeed, in any situation, save one in which we fear the Soviet Union breaking out of the ABM Treaty by developing their own effective SDI system, I think is misplacing priorities, misjudging science and misperceiving what the dangers are that affect this country.

What we did in this bill, $3.7 billion for SDI last year plus inflation, first, treats the program better than most programs are being treated, because most programs are getting cut, some are getting terminated.

Second, it is consistent with what we have adopted over and over again. I say over and over again. We adopted 2 years ago congressional policy which is, it is the sense of the Congress there should be a long-term and robust research program to guard against the Soviets breaking out of the ABM Treaty. That is what our level will do, Mr. President. That is what we ought to stick with in this Congress. I yield the floor.

Mr. WILSON. Mr. President, will my friend yield for a question.

Mr. JOHNSTON. Certainly.

Mr. WILSON. I do not intend to delay this long because I know the distinguished manager has an amendment he wishes to bring and set this aside for the moment. I had several points that I wanted to raise with my friend from Louisiana.

Let me ask him first of all, he says that what he is proposing by way of funding for the SDI will impose some slight delay in a research progrm, if permitted, to be robust. At what point does my friend think the program as he has envisioned it under this level of funding that he is proposing would permit the decision to be made as to whether or not there should be deployment? Can he give a date?

Mr. JOHNSTON. The first question you have to ask is, when you say deployment, deployment of what? You should not, as General Monahan himself says, go over the deployment of phase I which is the kinetic kill vehicles, unless you have well developed a phase II, which is directed energy weapons, because, as General Monahan himself says, the kinetic kill weapons degrade so quickly. They degrade because they are slow-moving, relatively speaking, so you have to have the directed energy weapons ready to go, and that means it is probably a long way out. It is well beyond 1994.

The second answer is, nobody knows when and if these directed energy weapons can be made to work. I think they can, but it is probably sometime in the next century.

Mr. WILSON. Let me rephrase my question. It is clear that General Monahan has in mind a research program to permit the President of the United States to make a decision about deployment. If you take the program that is being offered by General Monahan and the Strategic Defense Initiative Office and apply to it not the funding levels he has sought for it but those instead which my friend from Louisiana proposes, at what date in the future would that same decision be possible with the delays on the same research program?

Mr. JOHNSTON. The answer is that you cannot tell and we should not have a schedule-driven R&D program. It ought to develop when it is ready. This will not be ready by that time.

In order to reach the ability to deploy by 1994, you would have to have funding of $9 billion, according to their estimates, in 1994. If anybody thinks that this Congress is going to go from $3.7 billion or even $4 billion, if we adopt this amendment, up to $9 billion by 1994, they have been talking to different Members of this Senate than I have.

So what I am saying is the Monahan schedule of appropriations is unrealistic to begin with. The assumptions on technology are unrealistic after that.

Mr. WILSON. Let us leave SDI alone. Let me ask a different question of my friend. As he has noticed from the amendment that is being offered by the Senator from Wyoming, it has many parts and seeks to restore, or to increase the level of funding for conventional munitions, specifically for the Stinger, for the Hellfire, for the TOW II, for the ATACMS, for the HARM missile.

Let me ask my friend who has had long experience, many hours spent trying to decide how defense dollars ought to be spent, would he not agree that we have experienced over the recent years, if we are speaking of real dollars, those adjusted for inflation, a deficit reduction dribble, a decrease in actual defense spending?

Mr. JOHNSTON. The Senator says does our amendment or does his amendment?

Mr. WILSON. I say is it not an accurate statement that we have in terms of real spending, with dollars adjusted for inflation, over the past 3 years seen a decline in the growth of spending for defense?

Mr. JOHNSTON. The Senator is correct.

Mr. WILSON. Is it not, in the Senator's judgment, also reasonable to anticipate that those pressures will continue and that we will be driven as a result to make decisions that require us to cut back on the request from the services, from the administration?

Mr. JOHNSTON. The Senator is correct, and that was, in fact, the very point I was making, which is one reason why you should not increase SDI more than inflation, because to do so takes from these other weapons systems.

Mr. WILSON. Let me ask the Senator if agreeing as he has with those points, he would agree with General Powell, the newly appointed Chairman of the Joint Chiefs of Staff, who at his confirmation hearing, responding to a similar inquiry was asked where he thought we should come down on these very difficult questions.

When he was asked, if we are compelled by deficit reduction pressures to choose among the lesser of evils, which is to say to choose the less unwise of options that we would not choose but for those pressures, is my friend aware that he said "I would have to advocate end strength reduction, force structure reduction"?

In other words, in lay language, what he was saying, which I think is extraordinary and for which I commend him, is that we need to reduce the number of people in uniform lest we repeat the tragic era of the seventies, when we had what was termed a hollow Army, and I might add, a hollow Air Force, Navy, and Marine Corps.

What he was saying was that we should come to grips with reality and understand that our choice is to have more people in uniform than we can adequately train or equip, or provide the kind of ancillary services that provide them and their dependents decent compensation, decent benefits, decent morale.

Would my friend agree with that?

Mr. JOHNSTON. Mr. President, I very much agree with the general, General Powell, and with Senator WILSON. I think we have to look at force structure. Beyond that, I think we need to look at our overseas deployments, which I have been harping on for a long time, and later on in the consideration of this bill we will have a modest beginning in bringing some troops home from Korea.

Mr. WILSON. Let me just say to my friend that we can bring troops home, but that will not cut the manpower account. In some cases, it may result in lessening costs of operation and maintenance. In other cases, it will increase it. But it will not do anything about the numbers in uniform just to bring them home. All that does is move the players to a different point on the table.

What General Powell was saying is that we are confronted with a much more fundamental question, and we have to come to grips with the reality that the most expensive thing we do in defense, as in everything else virtually, is to pay people, pay them compensation, pay them benefits, and the only significant way that we can really expect, in the short-term and the long, to reduce outlays, not just budget authority but outlays, is by cutting the number of people that we have in uniform.

That is not something that many of us think wise, but it is less unwise than keeping them in uniform without adequate training, without adequate compensation, without adequate equipment.

Mr. JOHNSTON. Mr. President, the Senator makes a good point. I agree with him. I hope he would add to that the number of dependents and civilians overseas as well. We have 350,000 of those in NATO alone—350,000.

Mr. WILSON. I say to my friend the general was thinking not only of the dependents, but he was thinking even about the operation and maintenance costs that necessarily would increase as a result of having a smaller force. He was thinking of all of those things.

He was also thinking, Mr. President, of the fact that we are compelled to make a choice, and that if you are compelled to make a choice between accounts in the defense budget, it is a much wiser thing, as unwise as it may be, to cut the number of people in uniform, because if the balloon were to go up in some unpleasant fashion, we can mobilize and train manpower a great deal more rapidly than we can conduct research and development.

You cannot buy back the time. Once it is lost, it is gone. If you want to test a wing or an airplane engine, you cannot do it in one-fifth the time by putting the wing into five different wind tunnels. That does not work. You simply cannot foreshorten research and development beyond a certain period of time.

What General Powell was saying is that he has no eagerness to cut the strength levels in the Army or the Navy or the Air Force or the Marine Corps that he thinks unwise, but if he is compelled to cut then what he is saying very simply is that we can afford that cut far better by reducing to a smaller number of troops who will be adequately trained, adequately equipped, and that we should not savage the research and development accounts.

What we are doing in this amendment being offered by my friend from Wyoming is to try to restructure to meet the target levels for both budget authorization and outlay that will permit us to do so in the wisest possible way, in the way consistent with the wise counsel of the Chairman of the Joint Chiefs of Staff, General Powell, and in a way that does not savage research and development so that we lose time, precious time, that we cannot buy back.

Mr. President, I thank my friend from Louisiana for his courtesy.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I yield to the distinguished chairman of the subcommittee.

Mr. INOUYE. Mr. President, I ask unanimous consent that we temporarily set aside the pending amendment in order that we may consider a special amendment requested by the President.

The PRESIDING OFFICER. Is their objection? Without objection, it is so ordered.

AMENDMENT NO. 856

Mr. INOUYE. Mr. President, on behalf of myself and Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] for himself and Mr. STEVENS, proposes an amendment numbered 856.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

SEC. . Up to $20 million of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of Section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding Section 10 of Public Law 91-672 or any other provision of law; *Provided,* That funds transferred pursuant to this section shall be made available only for Jordan to maintain previously purchased U.S.-origin defense articles; *Provided further,* That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment; *Provided further,* That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred; and *Provided further,* That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

Mr. INOUYE. Mr. President, this amendment was requested by the President of the United States in direct conversation with many of us. Although it would technically violate the budget summit agreement in that it shifts funds from the 050 budget function, the national defense, to the function 150, international affairs, I will support this amendment at the specific request of our President.

This amendment has been reviewed by the Director of OMB, Mr. Darman, and it has been approved by the chairman and ranking minority member of the Foreign Operations Subcommittee. It has been cleared on both sides of the aisle.

Mr. President, this amendment provides special appropriations for a good friend and ally of ours, the Hashemite Kingdom of Jordan.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the——

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that all the matters pending be temporarily set aside so to accommodate a special request made by my dear friend from South Carolina, Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

AMENDMENT NO. 857

Mr. HOLLINGS. I thank the distinguished manager, Mr. President, and the ranking member.

We have prepared language which allows the Secretary of Defense to replace and repair the facilities lost in Hurricane Hugo, in my State of South Carolina and other areas where military bases were damaged. I offer the amendment at this time.

Let me give a huge word of thanks and admiration for the tremendous cooperation and coordination they have had at the local level in my State, from Governor Campbell through our Mayor Riley in Charleston, and to a young lady named Linda Lombard, working at the emergency coordination center.

We had some roadblocks here in Washington. But thanks to the Marines and General Gray, the Commandant, and to Gen. Colin Powell and the Army out of Fort McPherson, we now have teams in the State helping clear the roads. They are supplying much needed generators. They are even providing a quartermaster group to help in the distribution of supplies which we are receiving in the State.

Sam Walton of Walmart is providing 14 tractor trailers of supplies. The city of Wilmington has sent supplies; and we thank the AMOCO Corp., for their employees providing food. So it is a tremendous coordination job, and everyone has been doing an outstanding job.

We have also had the help of the Coast Guard, and Secretary Sam Skinner of the Department of Transportation is adding the move forward on a bridge to connect the barrier islands to the mainland. I have nothing but admiration and thanks for all of this cooperation, and particularly for our Defense Subcommittee under Chairman INOUYE, and Senator STEVENS, as ranking member, in accommodating me on this particular amendment. This is a significant step in addressing the problems caused by Hugo.

Senator THURMOND and I visited the Navy yard where damage may total at least $50 million and the Charleston Air Force Base, where damage may exceed $25 million.

I appreciate my chairman for yielding and accepting this amendment at this time.

The PRESIDING OFFICER. The Chair might inquire, has the Senator sent an amendment to the desk?

Mr. HOLLINGS. I send the amendment to the Chair at this time. And, I might also point out that Senators INOUYE, STEVENS, BYRD, and THURMOND join me in cosponsoring the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself, Mr. INOUYE, Mr. STEVENS, Mr. BYRD, and Mr. THURMOND proposes an amendment numbered 857.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. . Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by hurricane Hugo in September 1989: *Provided*, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further*, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I strongly support this amendment which was just proposed by my dear friend from South Carolina. As we are all aware, many States and local communities were tragically devastated by the recent Hurricane Hugo. As a result, DOD installations in Puerto Rico, South Carolina, and North Carolina were severely damaged.

While the full cost of repairing facilities, equipment, aircraft, vehicles and ships will not be known accurately for some time, we do know that the damage was most significant. In fact, the total damages now exceed $2 billion I believe.

For example, in Charleston, SC, damage to family housing, medical facilities, shipyard, piers, cranes, and buildings at the Naval Shipyard is extensive. That I believe is an understatement.

So this amendment will assist the Department of Defense in recovering from this tragic storm. It will enable our Secretary of Defense to repair family housing, at least to begin the process, and our immediate facilities. It will also help to ease the burden on our military personnel and families. It will enable our military installations to return quickly to full operating capacity. I commend my colleague from South Carolina for his initiative in this area, and I hope that the Senate will accept it.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I, too, commend the Senators from South Carolina for moving quickly in this area. I represent a State that has been very disaster-prone, and I know that in the terrible disasters that we have had, the military bases have been the key to recovery, and they certainly should be one of the first areas to get Federal attention, and I think the Senator's amendment is well taken. I am pleased to support it.

Mr. INOUYE. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 857) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 856

The PRESIDING OFFICER. The pending question is on amendment 856 offered by the Senator from Hawaii, Mr. INOUYE, and the Senator from Alaska, Mr. STEVENS, respectively. Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I join the Senator from Hawaii and commend him for his prompt response to the request of the President. We now have the request not only from the President, but details provided by the Director of the Office of Management and Budget from the Executive Office of the President. I am confident that it does carry out the essence of the communication that the President had with the Senator from Hawaii on a personal basis, and I think it is essential that we act on this matter to assure that the commitments made by our President are promptly kept by the Congress. I commend the Senator for his action and support it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask the distinguished manager of the bill, the procedure that we are following here appears to be somewhat unusual. Does the authorizing committee have any voice in this matter? I notice that the last paragraph simply states that we should be notified of any reprogramming or something. I am just wondering at what point—we are receiving amendment after amendment——

Mr. STEVENS. Mr. President, this is a reprogramming on the floor of the Senate, and the information we have received from the Office of Management and Budget states that the Speaker of the House of Representatives; the President of the Senate and Committee on Foreign Affairs, House of Representatives; Committee on Foreign Relations, Senate; and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through the regular reprogramming procedure prior to the transfer of the funds covered by this amendment.

Mr. INOUYE. Mr. President, if the Senator will yield, this amendment is budget neutral, deficit neutral.

Mr. WARNER. Are the Senators at liberty to advise the Senate as to what the funds are for? Are the Senators at liberty and able to advise the Senate of the purpose of the funds?

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 856) was agreed to.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is No. 855, which is the Wallop amendment to the amendment offered by Senator INOUYE, amendment No. 825.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I reluctantly correct the Chair. It is the Warner amendment to which Senator WALLOP is a cosponsor. It is in fact the leadership amendment.

Mr. WARNER. Mr. President, I think it is clear that we are comanaging, as it should be, and let the record remain as it is.

Mr. WALLOP. Mr. President, one hardly knows where to begin to confront the arguments of my friend from Louisiana. He has made it out to be basically an SDI amendment, which it is not in its entirety. But in the beginning he characterized the amendment as though the Senate Armed Services Committee had completely rewritten what the Senate Appropriations Armed Services Committee has done.

I say, from the standpoint of the authorizing committee, that we might have the same complaint. We recognized very little out of what was brought back to us. What we did recognize was the problem, which you confronted, that was created by the budget summit and the budget process. We have stayed within those figures.

I also want to stress that this is not a Senate Armed Services Committee amendment but a leadership amendment. Let me also reflect that the Senator's committee did not respond to several letters from the Senate Armed Services Committee—particularly with regard to the $400 million addition that was requested for munitions which is now in our amendment. We received no response to our specific requests, on the subject of munitions initiatives, most specifically, the Stinger, Hellfire, TOW II, ATACMS, the HARM for the Air Force.

We received no response to that, and we are still responding to what the able chairman has suggested is our responsibility—that being to allocate priorities.

Mr. President, let me talk on a couple of other things that are in here. One is the emergency response fund, which we move from $100 million to $300 million. Let me suggest that this amendment takes care of one of the concerns that was recently addressed on the floor. This is in response to Hugo. We increased by $200 million the military's ability to respond to emergencies such as oilspills, floods, hurricanes, plane crashes, et cetera.

The fund is intended to reimburse DOD for the costs associated with military assistance during crises. The fund provides a short-term reimbursement to avoid situations where any one of the services might be required to reduce current operations while awaiting reimbursement from outside agencies. That is just good responsible military planning. It should have been considered already, and it was not. I think to characterize this as some sort of devious assault on the judgment of the Appropriations Committee is just a mischaracterization.

(Mr. ROBB assumed the chair.)

Mr. WALLOP. We have tried to set down some priorities. Let me speak to the issue of the Apache helicopter, because I think it is important.

The Secretary of Defense recommended termination of the Apache following 1991 procurement. In other words, this allows for 66 aircraft in each of fiscal years 1990 and 1991. There were originally 72 per year in the Reagan budget. The Senate appropriators agreed with the requested levels and planned to offer a floor amendment which will add 174 aircraft, bringing the total fiscal year 1990 procurement to 240, and then would terminate it.

Mr. President, in an era when we are trying to get the greatest effect from our defense dollars, it is 108 helicopters more than was requested in 1990 and 1991. The Army already has adjusted its force structure for 807 helicopters. There are 645 fielded plus the requested 66 in 1990 and 1991.

Our action brings the funding for the requested 66 aircraft forward to buy out the total request, 142 of them, and yields a slight economy of scale—saving over $1 billion in procurement which the Army has elected as unnecessary.

Is this a responsible action on the part of those who offer this amendment, or is it not? How can we begin putting things on the military which are inconsistent with its stated plans, and then say that we are responsible spenders of the taxpayers' hard-earned dollar, that we are trying to achieve the best buy for the dollar?

Getting to the issue of SDI, I would say the Senator from Louisiana makes his own argument on SDI.

The Senate rejected the figure that the Senator from Louisiana offered during the authorization process. We sought to put it back at $100 million less than what we passed in the authorization process.

He may have been hearing some people saying some things to him that he wished to hear, but in fact the argument on the floor was made that we needed the money to carry on a robust program, and in fact that was the position of the Senate. It was not a position that it would make us better in conference. It was a necessary position for sustaining the research program.

The Senator from Louisiana lost that fight, and now he brings it back through the appropriations process and in effect denies the will of the Senate. I think the Senate spoke for itself. I think it spoke for the President.

Let me read a letter that I received from the President yesterday. It said:

> DEAR SENATOR WALLOP: Last July, you and several of your colleagues wrote to me highlighting a DOD pamphlet on the Strategic Defense Initiative which concluded that:
>
> "The combination of Soviet offensive and defensive developments, if unanswered, may provide the Soviet Union with a decisive military advantage in the near future."
>
> You also pledged your full support for proposals to address this grave danger to American national security, and raised several questions regarding the Soviet threat.
>
> I agree completely with the essence of your concerns. If unanswered, Soviet military developments pose the threat of a decisive Soviet military advantage. Our answer is in the Defense Authorization Bill currently under consideration by Congress.
>
> I need your help to ensure that Congress meets my request for SDI funding, modernization of our ICBM forces, and continuation of the B-2 program.

We are responding to the President. We are responding also to what the Senate has already said it wished as a funding level.

I would say to my friend that perhaps he has read only the newspaper accounts of what the Vice President said in Los Angeles. But if that is all he read, I can assure him that the newspapers distorted it for their own purpose. I can give him, if he wishes, a copy of the Vice President's remarks and transcript, but suffice it to say it was not as the newspapers characterized it, and it did not represent a retreat from the previously held position of the Vice President of the United States that this program has been an evolutionary program, that phases I, II, and III were part of the achievements of our research and that these achievements were necessary to the defense of the United States.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. WALLOP. I yield for a question.

Mr. JOHNSTON. Did the Vice President say that the Astrodome was political jargon? Did he use these words "political jargon?"

Mr. WALLOP. In fact, he may have. I used that way back early on and it was one of my very specific criticisms of President Reagan. I did not have many, but I did have one on that issue because it carried with it the seeds of its own ridicule which the Senator from Louisiana has used many times.

But the fact of it is, I say to my friend, that we have long since parted from that concept. That was the very purpose of the robust research and development program. If with each new technological breakthrough and discovery, the SDI program is accused of being unfocused, there is no point in our doing the research. If you are going to characterize it as it was first conceived, and there has been no benefit to us from the research we have received, then there is no argument, and this is a silly exercise in historical semantics.

Because of how far the SDI has come we now have from the the Joint Chiefs of Staff a military requirement.

Mr. JOHNSTON. Will the Senator further yield at that point?

Mr. WALLOP. For a question.

Mr. JOHNSTON. Yes, for a question.

If the Senator will listen closely to what I said, I was putting that in historical context. I was quoting, I think, the Vice President correctly on political jargon and pointing out that which was the initial goal of SDI, the Astrodome concept, has been relinquished or has been departed from long ago.

But I also made the point that there is not a requirement now or a purpose now that has been decided upon among the various purposes like interfering with the timing of Soviet attacks and ballistic missile accidental launch system or protecting cities or protecting other missiles. They have not really defined what the purpose of SDI is. Does it know?

Mr. WALLOP. My friend once again has failed to read the requirements of the Joint Chiefs of Staff. There is a military requirement now which provides—I do not have the precise language here—for an initial phase of defense.

Mr. JOHNSTON. Phase I, 16 percent total.

Mr. WALLOP. Sixteen percent is the figure the Senator from Louisiana dangles about but has nothing to do with the achievements and potential of phase I. I am sorry, but that is something that the Senator pulled from the sky.

Mr. JOHNSTON. No; I pulled it from phase I requirements.

Mr. WALLOP. The requirements are to intercept 50 percent of the SS-18's and 30 percent of all the other intercontinental ballistic missiles in a first-strike attack.

Mr. JOHNSTON. How many does that total? I would suggest to the Senator that is 16 percent of the Soviet warheads?

Mr. WALLOP. No. It cannot be that few. But the fact of the matter is that even if it were to be 16 percent of all Soviet warheads, would the Senator not agree that 16 percent denied access to the United States is of some benefit to us?

Mr. JOHNSTON. Not if you have to spend more money to stop 16 percent. I mean you have to spend 10 times as much to stop 16 percent as it would take them to replicate the 16 percent you lose. That is the whole purpose of the conference.

Mr. WALLOP. The Senator is once again mixing apples and oranges in an attempt to defeat something he has not liked since the beginning.

I am saying, Mr. President, if you are asking value for dollars, phase I gives us greater sure reductions in Soviet ICBM capability than B-1 or B-2 or both B-1 and B-2 together. The fact of it is that all our forces work synergistically with one another. Each additional one makes this country less susceptible to a Soviet first strike, makes deterrence more secure.

The Defense Intelligence Agency suggested there would be 8,000 incoming warheads in a Soviet first strike. If we stop 50 percent of the SS-18's and 30 percent of all the rest, it denies the initial objectives of a Soviet first strike. It makes it unwise and unwarranted.

The fact that we must keep in mind at this point is that the Soviet Union has spent $90 billion more than the United States has on strategic defenses. The Senator quite correctly said we will have spent $20 billion, and I would say that the research program does have form and does have substance and does have a defined purpose and that defined purpose is the military requirement of the Joint Chiefs.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. WALLOP. Not at this moment. No. I would like to finish my argument.

The Senator suggested we will not protect people. Again, one of the reasons this program is not as robust is because of the kind of activities going on on this floor right now, which have denied the United States the ability to develop fully the capabilities it has. It has been suggested that if the United States has such a capability it would be tempted to engage in a first strike. But has there ever been an indication that the United States had a desire to go to the first strike? No. The important fact is that such a capability would deter most effectively the Soviets from considering a first strike.

And that is the fundamental objective of the strategic defense initiative, is to deter that first strike. I have to tell you that it is far more likely that this country receives a first strike from the Soviet Union than we would ever initiate one on our own. We have had the opportunity, we have had the capability, and we have never once exercised that muscle or threat.

Mr. JOHNSTON. Will the Senator yield? I do not mean to interrupt his statement.

Mr. WALLOP. I am happy to yield for a question.

Mr. JOHNSTON. Is the Senator aware of the fact that the Joint Chiefs have urged restraint on SDI? Quoting from a June 1, New York Times story, which is headlined "Joint Chiefs Urge U.S. Constraint on 'Star Wars' in Strategic Talks." The article reads as follows:

> Recommending an important change in the American position in the Geneva talks on strategic arms, the Joint Chiefs of Staff have proposed that the United States no longer insist on the right to eventually deploy extensive anti-missile defenses.
>
> The position taken by the Joint Chiefs is a fresh indication that top United States military leaders are skeptical about the prospects of the "Star Wars" program begun in the Reagan Administration.

Mr. WALLOP. Mr. President, I suggest to my friend that nobody is identified in that story and nobody has been since. The most recent word from the Joint Chiefs is the words of the new Chairman, Colin Powell, when he was questioned at his confirmation hearing but this past week, in which he strongly endorsed the concept of moving forward with a robust effort on SDI. And I might say that the decision to deploy made a significant difference to his ability to plan for the military security of the United States.

And the Secretary of Defense, I hope you know, not only supports it but has endorsed this concept of raising this figure. I think it is unwise to teach the American people that somehow or another there is an argument within the defense leadership of this country. We have the Chairman of the Joint Chiefs, the Secretary of Defense, and the President of the United States within the last week give us each of their endorsements.

But the problem that we get with the level of funding suggested in the Appropriations Committee is it denies us the ability to get to the phase II that the Senator says is important before you make the decision on phase I. You postpone the decision forever, the ability to make a decision, making it impossible for us to get to the decisionmaking point.

He speaks of degradation. There is no such thing as degradation to phase I in this century, were we to get in the early stage of this decade. No such thing. It requires a great deal of effort, both financial and technologically, on the part of the Soviet Union to get to the point where it degrades even slightly.

It is cost effective at the margin. Let me suggest to you that the American people, knowing that we could defend them, would think that is a pretty good buy at almost any level, especially if their ability to deter a Soviet strike is within our reach and not within our will. And that is basically where we have been with SDI from the very beginning. It has been within reach but not within our will.

We have been less technologically limited than we have been courage limited in the whole process. Brilliant Pebbles is a different concept of defense because it is the result of research. To deny us research and then tell us when we find something new and more effective it somehow or another is at cross-purposes you are going to destroy it altogether. You cannot argue that we should not evolve and should research. The whole point of research is to evolve. And we have gone through the point where we have in hand the means to provide the American people significantly new and powerful capabilities in their defense designed to respond to the Soviet Union and yet you decry each advance. Every time we respond to the Soviet Union, you decry that advance.

I am suggesting that the Senate has spoken on that. I am suggesting that that is not the meat and potatoes of this amendment anyway. We have a whole lot of other proposals that are in it. Some of these are plussed up; some of them are adjusted. But they represent a defense prioritization in a time of severe budget constraints, a time when we are undergoing the fourth consecutive real decline in defense spending, a time when this Senate and this Congress have removed money for drugs and for education and for a number of other things and now have proposed that there be yet more money taken out of here for drugs.

We are trying to say that there is a better way to prioritize and we ought to direct it to the things which the military services most declare are in their need. The judgment that we are reflecting is a military judgment. It is not a political judgment. It is an attempt to get something for the poor American taxpayers' dollar that is really defense money and not hometown projects.

We do not need to buy more helicopters than the Army suggested it can use. We do not need to buy things that cost us more money simply because they are built in a certain part of the country but do not add to our defense capabilities.

That is what this amendment seeks to address. It does not, again I say, it does not confront the hard work and the cooperation that the Senate Armed Services Committee has had with the Appropriations Committee on this issue.

I agree once again with the statement of the Senator from Hawaii, that we are in an impossible situation with regard to the budget process, especially when that is contorted by a budget summit. But we have stayed within their outlay requirements and their authority requirements—not theirs. These were laid on them, as they were on us. And we understand what they have tried to do.

We think that we have ordered the priorities more in the interest of the defense of the United States, both in the near term and in the long term. We think we have allocated more appropriately to research and development. We think that the only way the United States can continue to stay secure is by being able to develop the kind of weapons systems and the kind of capability that keep us on an even keel with a vastly more numerous and vastly more powerfully equipped Soviet military.

We sit here today with the Soviet Union building a nuclear submarine every 7 weeks. They are building 4,000 tanks a year, as opposed to those that we build. They are building SS-18's. They are building SS-24's and SS-25's unabated. And we sit here putting in hometown projects, which diminish the capability of the United States to deal with the objectives that are most necessary to us militarily.

I do not think that is what the American people sent us here for, not hometown projects. It is important that we use defense dollars to buy the most productive defense that they can buy for us and that we rely on the judgment of the military. And our amendment reflects that more closely than does the list of priorities given by the Appropriations Committee.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that we may consider an amendment by Senator JOHNSTON.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 858

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 858.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities," to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided,* That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

Mr. JOHNSTON. Mr. President, what this amendment does—and it is submitted at the request of the Secretary of Energy, the Director of OMB, and the Secretary of Defense—is to transfer $135 million from the Department of Defense to the Department of Energy which, together with $98 million which is being reprogrammed, will give to the Department of Energy the ability to restart the three tritium reactors at Savannah River. As my colleagues know, those reactors have been shut down.

Tritium is a relatively quickly degrading substance which is essential in all of our nuclear weapons, having a halflife, I think, of 8 years, if I recall correctly. So it is essential that we get this started and started now. For that reason, I have offered the amendment.

Mr. INOUYE. Mr. President, this amendment has been presented to both managers. We have reviewed it and we approve it, sir.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, as I understand this amendment, it will transfer funds within the 050 account within our national defense from the bill we are managing now, in effect, to the energy bill that the Senator from Louisiana managed. It is a transfer within function and, therefore, I understand because it is urgently needed for defense and is defense related, we support the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a letter from Mr. Darman be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 19, 1989.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: The maintenance of our Nation's nuclear weapons stockpile depends upon tritium produced by the Department of Energy (DOE) in three nuclear reactors at the Savannah River Site near Aiken, South Carolina. The three reactors have been shut down since April 1988 while DOE has addressed a number of safety problems. Major progress has been made in addressing those problems. On September 6th, President Bush approved DOE's plan for correcting the remaining problems and restarting the reactors.

The plan calls for low-power testing of the first reactor in the third quarter of FY 1990 and powering up of that reactor in the fourth quarter. Startup of the other two reactors will follow at three-month intervals. It is vital for the integrity of our nuclear weapons stockpile that every effort be made to meet that schedule.

In order to do so, DOE will have to spend at Savannah River $233 million above the amount appropriated in the FY 1990 Energy and Water Appropriations Bill, which was passed by Congress and is awaiting the President's signature. Once that bill becomes law, the Administration plans to reprogram $98 million for Savannah River restart activities from other DOE Atomic Energy Defense activities. No additional funds can be made available from DOE's Defense activities without jeopardizing other vital nuclear weapons research, development, or production projects.

Under the Bipartisan Budget Agreement, any additional funds must come from within the National Defense Budget Function (050). I am therefore writing to request your support for an amendment to the Department of Defense Appropriations Bill to authorize the transfer of $135 million from the Department of Defense to the Department of Energy for Atomic Energy Defense Activities. Enclosed is the proposed language for the amendment.

The two Departments will provide by separate letters the details of their amounts.

I would greatly appreciate your prompt attention to this matter.

With best regards,

RICHARD G. DARMAN,
Director.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 858) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

The PRESIDING OFFICER. The question occurs on amendment 855 to the amendment offered by the Senator from Hawaii, No. 825.

The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I have great fondness for my friends from Virginia and from Wyoming. I am sad to be compelled to oppose the amendment that they have offered as a substitute to the committee amendment.

This amendment was brought out to the floor by our committee in order to comply with the summit agreement on budget outlays and budget authority. We had no possibility of doing otherwise, since we had made an agreement with the Armed Services Committee that we would not seek to fund unauthorized accounts except here on the floor. This was a commitment made by the Senator from Hawaii, with which I concurred. The amendment that we have presented, the committee amendment, achieves the goal of taking to conference the full amount of budget authority consistent with the budget summit while at the same time complying with the outlay limitations that are imposed upon our committee.

These outlay limitations were not met by the Senate Armed Services Committee. Indeed, they do not have to meet them under the Budget Act. It is our committee that has to meet the outlay limitations, and our bill does so.

The amendment that has been proposed would restore $1.4 billion in programs that will be in conference because they are items that are in the House bill. We need the flexibility to go to the House with the amendment as proposed by the Appropriations Committee because we seek to achieve the goals of the Senate with regard to the expenditure of defense funds for the year 1990.

We want to have the opportunity to deal with the advanced tactical fighter, B-2, rail garrison MX, and other items. In order to do that we have to have the flexibility that we proposed.

I, too, would support increased funding for the strategic defense initiative. I believe it is really the keystone of the whole approach that we have to the Soviets in our negotiations; indeed, in the overall negotiations in arms control that this country is now pursuing.

We have been, I think, initially successful in that pursuit. However, the level of funding in the bill before the Senate today is $3.7 billion. That compares to the $2.8 billion that is in both the House Armed Services Committee and the House appropriations bills.

We have no indication that the conference between the House and Senate Armed Services Committees will yield an authorization level higher than the $3.7 that is in this bill.

I might state to the Senate that, should the authorization be completed before we get to conference on the appropriations bill, and the level authorized be higher than $3.7 billion, this Senator will do everything in his power to see to it that we fully fund the amount that is authorized.

We believe the amount in this bill before the Senate more than funds the amount that will come out of the authorization conference and, therefore, I hope that SDI will not be a contentious issue here. Although, as I say, I do believe it still is the most significant item in our budget so far as negotiations with the Soviets are concerned.

We believe the committee amendment has two great advantages. It lowers future outlays, because we transfer budget authority to NASA.

We did that previously, Mr. President. It was very successful. Without the transfer of authority from defense funds to NASA, we would not have had the replacement to the space shuttle *Challenger*.

We now have also proposed we buy out the Apache helicopter line. If we do that now, we will save $1 billion and we will avoid future budget problems, particularly in outlays in that area.

Let me point out that the substitute that has been offered will require greater outlays in 1991. We have a terrible problem with outlays, in terms of the appropriations process now, because of the bow wave that is coming at us due to the large systems that were authorized in the past that have to be funded in the future. Among those are, in particular, some of the naval vessels that we authorized. They are cruisers, aircraft carriers, and frigates. They, I think, are very essential to our defense, but they cost very little in initial years, and they rapidly increase in terms of outlays during the term of their construction.

The impact of the substitute that has been offered would cause an additional outlay for 1991 of $492.8 million as compared to the provisions that are in the committee amendment that is before us as part of this bill.

For instance, the conventional munitions package will require $106 million more in 1991 than our proposal.

The elimination of the NASA transfer, I think is regrettable, as proposed in the substitute that is before us. And I would oppose the substitute, if for no other reason than that. I firmly believe those of us who support the efforts of the Department of Defense and try to maintain the readiness of our defense forces must support NASA and must support the activities they are engaged in because of the spinoff effects on the defense efforts of the United States.

Again, Mr. President, I cannot support this amendment. I hope that the Members of the Senate who might consider this will also deal with the basic problem that the substitute gives us. That is, it destroys the flexibility of the Senate in dealing with items that we have deleted that are in the House bill. We know full well we must restore a portion of those funds in order to achieve the objectives of both the Senate and the House in conference. But, if they are restored now, they are no longer in conference.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mr. STEVENS. I will once I finish this one statement, Mr. President.

That $1.4 billion in this substitute that the committee amendment would restore would not be in conference. These are items in the House bill. If the Senate agrees to them, we no longer confer on them. They are not subject to our change. They will be in the bill.

Therefore, it removes from us, from the Senator from Hawaii and this Senator in particular, the ability to deal with those items in the sense of the trades and comparisons that must be made in terms of objectives of the House on any one program, and those of the Senate.

We know some of the items we have reduced we will restore partially. But we cannot go along with the high levels that the House has on those items.

On the other hand, they have completely omitted several of the programs that are of high priority to the Senate, even to the Senate Armed Services Committee, in the House appropriations bill. Therefore, we have added those, and we know we must come down a little bit in meeting the House in terms of their objectives.

We need the flexibility in the appropriations process even more than the Armed Services Committee does in their negotiations.

I am happy to yield to my friend.

Mr. WARNER. Mr. President, the Senator needs this flexibility, and that is a good point. But let us take $1 billion in here for this fast sealift. Where is the flexibility in that program? There is $1 billion in the Senate and $1 billion in the House. It is not a conferenceable item, and we do not even know what it is for.

Mr. STEVENS. Mr. President, I might answer the Senator from Virginia in this manner. Three times, now, the Senate has passed this bill to restore the sealift capability of the United States for defense purposes. On three occasions the money has either been reprogrammed or completely ignored.

Today we have no sealift at all. In terms of flexibility, the sense is not in terms of negotiating with the House. It is trying to achieve the objectives of the Senate. It was the House that killed the Senate's program on three previous occasions. This time the House has put it in, and we are asking the Senate to once again seek to accomplish that objective. I know it was not an objective of the Armed Services Committee, but it has been an objective of three previous appropriations bills. We believe that this is a matter of flexibility, as far as the appropriations process is concerned.

Mr. WARNER. What are you going to buy with a billion dollars? Will you tell the Senate? Would you tell the American people what you are going to buy with a billion dollars? We are giving you $40 million in this amendment to study it and come back with a precise program.

Mr. INOUYE. If the Senator will yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. INOUYE. As the report will indicate, four cargo ships and two tanks. If I may further respond, as my dear friend from Alaska pointed out, there was a time when we ruled the high seas. We were No. 1, numero uno. Today we are No. 14. We carry less than 5 percent of our international cargo. You can ask every commander in chief—European commander in chief, central command—and they will tell you that this is a concern of major proportions. How do we ship our men and supplies overseas?

I recall there was a war not too long ago in the Middle East called the Yom Kippur war. At that time, when the Israelis were taken by sudden surprise and they called upon the United States to resupply their requirements, we called upon ships in American registry. None were available because they were all on the high seas. We called upon American citizens with ships in foreign registry, but then we were told that to do so would constitute a hostile act against the Middle Eastern countries. We had none available. We had to use the C-5's, and two of the C-5's got buzzed by Egyptian Mig's. We nearly got involved in this because we did not have American bottoms.

At the present time, as the former Secretary of the Navy, you would be the first one to tell us that we do not have the ships necessary to keep Americans in Europe adequately and appropriately supplied.

Mr. STEVENS. Mr. President, if I might finish up on my item here since I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I do want to make this last point on flexibility, and then I will yield the floor. When I spoke of flexibility, I spoke of flexibility within the $1.4 billion in programs that is in the House bill and is in the substitute. Those items will no longer be flexible at all. It is true that we did have the amount for sealift in the House and in the Senate. That is the only item I know that is in that category in terms of this amendment.

We had $7.8 billion of flexibility in this amendment. If we did not have this amendment and went according to the directions of the authorization committee, we would lose the flexibility on those accounts that are really critical to our negotiations with the House. They are similar negotiations, Mr. President, to the negotiations that are going on in the Armed Services Committee. But we have to be prepared to meet the House in conference on this bill, and we believe this bill will go to conference and come out of conference before the authorization bill. If the authorizers want us to live up to the authorization bill, they should get a bill to the President before we bring this bill to the floor.

Every year we face this problem, and it is a difficult problem. We have given our commitment that if we have an authorization bill that complies with the Budget Act that is enacted before we bring an appropriation bill to the floor of the Senate for Defense, we will abide by that authorization bill. But we cannot do that. What the authorizers want us to do is to take their projection of what is going to survive the authorization conference and then take that projection to the House Appropriations Committee and tell them, this is what our authorizers tell us is going to come out of that conference and this is what you want to achieve, we want you to agree to.

That is no way to confer with the House appropriators, and I will just make that as a flat statement because we have to deal with them in relationship with the bill they have sent to the Senate, not the bill that may come to the House and Senate out of conference from Armed Services.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I could get the attention of the managers again on this billion dollar item, I have had some modest experience in previous assignments with the U.S. merchant marine. I share fully the statements of the Senator from Hawaii that this Nation is in a deplorable state, and if someone could bring forward a legislative program showing how we are going to treat this thing in terms of the manning capabilities, in terms of the taxation, this would be one of the first Senators to leap to his feet and support it.

The merchant marine program. I think it is one the Congress should consider as a separate entity and, indeed, fund it. But this mechanism I totally disagree with—a billion dollars under the guise of flexibility which no longer exists now acknowledged by the Senator from Alaska since it is in the figures in the House and the Senate.

Here is the report, page 156:

> The committee intends to offer an amendment on the floor of the Senate to increase funding for sealift by $1 billion.

Neat round figure.

> The committee believes this amount should be used to build four cargo ships and two tankers. However, the committee is convinced that in order to reinvigorate the shipbuilding industry, emphasis must be placed on designing high-speed vessels with low operating costs.

My question to the Senator from Alaska: Are these to be naval ships, part of the Department of Defense? Is this money being expended for a Department of Defense obligation, or is it, in effect, a transfer to the Maritime Administration?

Mr. STEVENS. Mr. President, it is the same program we brought to the floor before. It is the old Eisenhower concept of building ships that we will lease out and operate during peacetime to the extent that is possible. It is the mariner program, as we have known it. Its concept is to build these ships through the Defense Department. They will be defense ships, and we hope that we will find a way to utilize them partially in our economy. I really believe that once we have them, the Department of Defense will use them. Today we just do not have this capability.

I have to state with great respect for my friend from Virginia, I am surprised that this item has attracted the attention it has because when I was chairman of the subcommittee, three times we sent this item to the House and the House would not go along with it. This year they send it to us, and we try to agree with it and it becomes an issue, as far as the Armed Services Committee is concerned.

I do believe that it is a program that is of great urgency, as far as the defense of our country is concerned, and the two tankers are absolutely necessary.

Mr. WARNER. Mr. President, if it is a program of great urgency, can the Senator from Alaska point to one single piece of documentation from the Secretary of Defense asking that this action be taken by the Congress?

Mr. STEVENS. No; I cannot, Mr. President. We have had, I might say, meeting after meeting after meeting after meeting with the Department of Defense over the years gone by, particularly the people who are involved with shipping and with sealift, and they all recognize the need. But in terms of priority, as the bill is presented to us, there is no room for this. Once reductions in the bill are made, from items such as the SDI—and again, as I said, I do not agree with the reduction—but once the reduction is made, there then becomes available the budget authority for programs such as this. Particularly programs that have a long lead time and do not impact the current year's outlays. That is why this program fits so well into the prioritization of defense funds this year.

Mr. JOHNSTON. Will the Senator from Alaska yield for a question on that point?

Mr. WARNER. Mr. President, I have the floor, and I will be delighted to yield in just a minute.

Let me read one other point.

"The committee is convinced that in order to reinvigorate the shipbuilding industry"—and it is really difficult for the Senator from Virginia to speak to this point because Virginia is privileged to have one of the largest shipyards, several shipyards, for that matter, in our State. Needless to say, my constituents would be in favor of this action. It is with some trepidation that I oppose it, but I have to preserve as best I can the Department of Defense budget from this constant raid. But I go back to the question, "The committee is convinced that in order to reinvigorate the shipbuilding industry, emphasis must be placed on designing high-speed vessels."

Question. Is there a single design out there to which the committee can look for a high-speed vessel? Has pen been put to paper to start this design for which we are allocating $1 billion, I ask the Senator from Alaska?

Mr. STEVENS. Mr. President, I cannot say that there is a design of that ready at this time. As a matter of fact, that is why there are so few outlays in 1990 under this amendment. It will take some time for this budget authority to be used, and the outlays for the first year are estimated so that roughly 6 percent of the money would be spent in 1990.

When the Senate looks at this budget authority—we have agreed we will hold the budget authority up—and then looks at the fact we have to fund the ships and other systems that are coming to us as far as bills are concerned from past years' budget authority, I think they have to realize we have to take some of this authority and stretch out the outlays.

That is what this amendment does. It says that we have a very vital need for sealift; start it, initiate it. We commit to you $1 billion over a period of years. We will fund that over a period of about 7 to 8 years.

Mr. WARNER. Mr. President, then I ask the next question to my distinguished colleague. "Emphasis must be placed on not only the design, but low operating costs."

What is the plan by which you intend to have low operating costs?

Mr. STEVENS. Mr. President, I am glad the Senator asked this question because obviously once the money is in place, the Armed Services Committee next year or the year thereafter will tell us how to spend it.

If we look at the people who want this money, want this type of sealift, the commander in chief of Europe, commander in chief of transportation for Defense, commander in chief for the Central Command, the commander in chief of the Pacific, all of them set very high priority on getting sealift restored.

I do not know the answers to that question. Obviously, the 6 percent that we spend of this $1 billion in the first year will achieve very little, other than answer the question the Senator from Virginia has just posed, and that is the proper design and the period for acquisition of the new vessels.

The tanker design I think is pretty well known. On the tanker design, probably tankers could go to bid by the end of fiscal 1990. But as far as the sealift ships, I am not sure we could do it that fast.

Mr. WARNER. Mr. President, I suggest that the $40 million which is allocated under the amendment opposed by this Senator would be more than adequate to fund the necessary design work that can be done between now and the next fiscal year.

Mr. STEVENS. Will the Senator yield for a question on that?

Mr. WARNER. Certainly, I yield.

Mr. STEVENS. I wonder, if it is necessary to have $40 million to design this sealift, why did we not then design the aircraft carriers or design the cruisers or design the frigates? We put the money up front when we started those ships. That is why we have them.

The House in the past has refused to put up the money in advance, to commit the money for sealift, and that is why we do not have any. We have no sealift, I repeat. The Senator from Hawaii has said it.

We had to go to the British to try to borrow a troopship. The former Secretary of the Navy, Mr. President, knows that. We have no sealift. We either get it through this process or get the money up front or we will never have it.

Mr. WARNER. Mr. President, I momentarily will yield to the Senator from Louisiana, but I think this $1 billion bogey is an example of what the amendment is by the Appropriations Committee. To me it exemplifies the whole amendment. I have selected that one, and the Senate has had the benefit of the debate and now can render its own judgment.

I yield to the Senator from Louisiana for a question.

Mr. JOHNSTON. Mr. President, I thank my friend from Virginia for yielding.

We held hearings with General Galvin, who is the CINC-EUR, Commander in Chief-Europe, and he talked about this requirements for bringing 10 divisions to Europe in 10 days. We said he could not do it. He said they were six divisions short. In other words, only four—and I think he has all four of those right now.

If I may state—and this was in testimony earlier this year—I asked him this:

> Sealift is your biggest requirement, is it?
>
> Answer. Yes. It is the biggest single one, but it does not mean it is the only one by any means. When I go and talk to the JCS and the Department of Defense, I lay out about 10 areas that really need work. But of these 10 areas, the one that needs the most work right now is sealift. * * *
>
> My priorities as I would state them would say that I have a requirement for more sealift right now. That is my top priority in order to get a better situation from what we have now.

Mr. WARNER. Mr. President, could the Senator state the document from which he is reading?

Mr. JOHNSTON. Yes. These are hearings of the Defense Appropriations Committee on February 21, 1989. The statement of Gen. John R. Galvin, commander in chief, U.S. European Command. He spoke, as I say, about his requirement to get 10 divisions or actually 93,000 troops to Europe in 10 days. And he says we just cannot do it, he would be six divisions short. That is why sealift is his biggest requirement. Not only his biggest requirement but his most immediate. He says he needs that right now. Our provision is in response to that.

Mr. WARNER. Mr. President, my reply to my distinguished colleague is simply the following. First, the testimony to which he has referred is from the committee hearings, is that the understanding of the Senator from Virginia?

Then why did not the precis, the condensation of that find its way into the report accompanying the bill if it is so vital and so important? Was there not a necessity to recite some of that in the document that is before the Senate today?

Mr. JOHNSTON. I say to my friend we do not need to repeat things. We read them once and that is enough.

Mr. WARNER. I beg the Senator's pardon. I was thinking if that program is of such high priority to the CINC's, why there is not a mention of it in the report on the Senators' desk.

Mr. JOHNSTON. It is in our hearings and these are printed documents. We do not print these for nothing.

Mr. WARNER. Mr. President, I think, if it is that high a priority to justify $1 billion, there should be some reference. If we are going to initiate a merchant marine program with three or four sentences at the bottom of a paragraph simply entitled "sealift," that to me is a very inconsequential way to start a program. We should have hearings. We should develop the concept. We should develop designs. We should develop a means by which we can economically operate these ships. Are they to be American crews, foreign crews? What are the tax benefits? What are the tax incentives?

There are a great many considerations that go into a merchant marine program. I am prepared to participate with any of the Senators, with any of the committees in starting the rejustification of America's merchant marine program but I am dead set against doing it in this matter.

Mr. JOHNSTON. Mr. President, if the Senator will yield, if I may refer to Admiral Hardisty's testimony—he is CINC-PAC, Commander in Chief of the Pacific—he says:

> I do not have sufficient lift for a continuing scenario of global conflict or sustained conflict. If we had conflict on the Korean peninsula, after a certain amount of time that reinforcement is going to depend upon sealift that I would not have. There is still a shortage of sealift.
>
> My integrated priority list which is submitted to the Secretary of Defense does include sealift as a high priority, one of my top 5 priorities. I think it is the same with General Galvin.

Admiral Hardisty, in the Pacific, General Galvin, in Europe, both put sealift as a very high priority. It is in the hearings and it was certainly very public. I do not know what we did in the report.

Mr. WARNER. Mr. President, if the Senators wishes to rely heavily on that testimony, would the Senator from Louisiana advise the Senate as to whether or not that is by law taxed with the transportation; namely, the head of the transportation command. What is the testimony from that commander in chief on this point?

Mr. JOHNSTON. The commander of the transportation command?

Mr. WARNER. That is correct.

Mr. JOHNSTON. I do not know that we had his testimony.

Mr. WARNER. I do not think that testimony will be found. I am advised that he is not in favor of the program that is in the Appropriations Committee amendment.

Mr. JOHNSTON. I do not know. We did not try to avoid him. We wanted to get the military commanders with responsibility for fulfilling the defense requirements.

Mr. WARNER. Mr. President, this Senator, as well as others on the Armed Services Committee, have the benefit annually of their advice, and some will not come before a congressional committee and plead for additional lift. They all want it. Indeed, it is our responsibility, if we are going to, as the committee report says, reinvigorate the shipbuilding industry and the American merchant marine. Let us do it in a logical way and lay a foundation, chart a course, and do it. But not simply as a blind bogey.

Mr. JOHNSTON. If the Senator will yield, that is what this $1 billion will achieve. It is a start. It is not all that big a start. It will cost more than $1 billion.

Mr. WARNER. To me, Mr. President, $1 billion is a significant sum.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. I have further comments on this bill.

Mr. STEVENS. Will the Senator yield for a question?

Mr. WARNER. I yield.

Mr. STEVENS. My question to the Senator would be this. The Senator constantly refers to this as a blind bogey. I believe the Senator voted in 1982, in 1984, and in 1986 for the amendment that this Senator brought to the floor of the Senate to do just this same program. I believe those were the years. I am sure they are the three Congresses involved. It was for $1 billion. This is not blind.

We did not include in the report, I might say to the Senator from Virginia, the full delineation of the amount that is in this amendment because, under the agreement with the Armed Services Committee, it is brought to the floor as a committee amendment, not as part of the report itself, not as something that has already been recommended. We are offering it to the Senate to carry out our agreement with the Senate Armed Services Committee with the full approval, I might add, of every Member of the Senate Appropriations Committee. This is an Appropriations Committee amendment. It is not an individual amendment of the Senator from Hawaii.

Mr. WARNER. Mr. President, I would like to close out the Senator from Virginia's portion of their debate. I ask unanimous consent that the paragraph entitled "Fast Sealift Ship Procurement," page 54 of the authorization act be printed in the RECORD as stated in full. It outlines the views our committee has on the need for America's merchant marine and the direction and the proceedings by which we achieve those goals.

There being no objection, the material was ordered to be printed in the RECORD as follows:

FAST SEALIFT SHIP PROCUREMENT

> The committee believes authorization of long lead funding for a sealift ship is warranted given the current state of military sealift and the likely needs for an increase in this capability in the future strategic lift equation.
>
> To ensure maximum utility in the fleet, the committee directs the Navy to enhance the multi-mission capabilities of fast sealift ships for the amphibious lift mission as well as other missions, if possible. To assist with this effort, a companion research and development program which contains additional guidance has been created.
>
> The committee anticipates the five-year profile for this program will include long lead funding for one ship in fiscal year 1990, full funding for the first ship in fiscal year 1991, skipping one year, and funding for ships in fiscal years 1993 and 1994. The committee intends to identify funding for this program from within contract savings in strategic lift and from the annual shipbuilding program. The Department is encouraged to include the fast sealift procurement in its revised budget requests and five year plan.
>
> The committee recommends authorization of $20 million for long lead funding of a sealift ship in fiscal year 1990. Authorization of $240 million is included in fiscal year 1991 for full funding.

Mr. WARNER. Mr. President, I would like now to proceed to another aspect of this amendment: I see a Senator seeking recognition. I intend to stay here for some long period. I would be happy to yield.

Mr. DECONCINI. If the Senator will yield to me for about 5 or 7 minutes.

Mr. WARNER. Mr. President, I am glad to yield.

Mr. DECONCINI. Mr. President, I thank the Senator from Virginia. I appreciate his interest in the subject matter.

I first want to say the Defense Subcommittee on Appropriations did not willy-nilly come up with the amendment that is here. The Defense Subcommittee looked at this very carefully as has been explained by other Members. They examined issues including sealift, including the icebreaker, as well as the need for expansion in these areas, including possibly in SDI. We had a vote on that; and this includes the Apache helicopter.

I want to talk about that subject matter. The amendment agreed to by the full Appropriations Committee meets the requirement of the budget agreement as well as our national defense needs.

Specifically, it completes the buyout of the AH-64 Apache helicopter called for by the Congress in the fiscal year 1989 defense bill.

It would add $1,692 billion to buy an additional 174 Apaches. This is in addition to procuring the 66 Apaches presently contained in the bill before us today. The total number of Apaches that would be bought by the amendment is 240. That brings the total buy of the Apache program to 915 planes. This is still short of the Defense Department's stated goal of 975 Apaches.

I remind my colleagues how valuable this helicopter is to our national defense. The Apache is the world's finest attack helicopter. It has unparalleled ability to kill Soviet tanks—even those tanks which are equipped with the newest Soviet armor. It operates in daylight, at night, in poor weather. It carries a maximum load of 16 highly effective Hellfire tank-killing missiles. It has a 30 millimeter cannon effective against enemy air defenses as well, and softer ground targets. It has a very low infrared signature which makes it difficult to detect at night and difficult to be targeted by heat-seeking air defense missiles.

It can be rapidly deployed in the event of Soviet breakthrough in Europe and can quickly deploy tank killing power in low-intensity combat.

This quick deployment capability is important to our National Guard and Reserve forces. These forces are slated to receive the bulk of the Apaches funded by the committee amendment. It would outfit nearly seven National Guard battalions with Apache helicopters.

One of the arguments being offered by the opponents of the committee amendment is that their amendment helps address the issue of readiness. In reality, it helps readiness in one area by harming it in another. It takes Apaches away from the National Guard and the Reserve and puts money into a different readiness pot. The amendment offered by the Senator from Virginia does not meet the readiness needs that it says it will.

Another reason we need to support the Appropriations Committee amendment and complete the buyout of the Apache authorized by Congress is that we are facing a change in thinking on the issue of how we will fight future wars—God forbid that we have to.

In the changed atmosphere resulting from Mr. Gorbachev's "peace offensive" under glasnost and perestroika, the emphasis has moved from one completely focused on strategic weapons to one with greater reliance on conventional weapons. The Apache helicopter strongly meets our national conventional weaponry needs. If future conflict occurs, it will more than likely take place in the desert or in other terrains where the capability of the Apache has already been proven.

I realize Secretary Cheney had to make hard choices when he revised the defense budget in April. I understand the constraints he was under and the pressure he faced from many Members of Congress including this Senator. He ultimately decided to terminate the Apache program after fiscal 1991.

I understand that decision and feel the committee amendment meets the requirements of ending the program after 1991, while at the same time meeting the Army's defense needs. It seems to me the committee amendment does what the Secretary wants and does what the Department of the Army wants.

Adoption of the committee amendment will meet the goals set forth by President Bush, by the Secretary of Defense, by ending this program in 1991, while at the same time saving the Government approximately $900 million by avoiding a single year procurement of Apache each year for the next few years.

I urge my colleagues to oppose the substitute amendment of the Senator from Virginia. I urge my colleagues to support the amendment offered by Senator INOUYE, the chairman of the Subcommittee on Appropriations.

And I must also say that we have put a lot of money into SDI. I think it is important to note other consequences of the Warner amendemnt. The committee has funded SDI at last year's level plus inflation.

Mr. WARNER. Mr. President, will the Senator entertain a question on helicopters before we rattle down those rails and that is forgotten?

Mr. DeCONCINI. Yes.

Mr. WARNER. I thank the Chair. I thank the Senator. I listened carefully to this helicopter debate. The Senator from Alaska said the figure that represents the Senate appropriations number, 240 helo's, is a buyout, and I quote him, "of the program." I cannot find any program for that number of helicopters. To the contrary, the substitute offered by the Senator from Virginia of 132 helo's equals the 66 program for 90 and the 66 program for 915, leaving, according to this Senator's calculation, an add-on of 100-plus helicopters over and above any request by any President at any time. May I ask the Senator where these numbers come from?

Mr. DeCONCINI. I will respond to the Senator that the Reagan budget for 1990 proposed 72 helicopters with multiyear contract for a buyout over a period of years for a total purchase of 974 helicopters. That is in essence what this amendment does. And it does so in compliance with Secretary Cheney's desire to terminate this program in 1991.

Mr. WARNER. Well, Mr. President, I am going to ask for further analysis of that. I may return to this point. I thank the Senator.

Mr. DeCONCINI. I will be glad to discuss this with the Senator. Let me end by discussing SDI briefly. We have spent a lot of money on this program, and this Senator has generally supported the strategic defense initiative, particularly the research part of it, and will continue to do so.

The committee funded SDI at last year's level plus inflation. Most priority programs today do not even get increases for inflation, we are going to see additional reductions for drugs, perhaps under the sequester which will affect defense. SDI does quite well at the figure, in the Senate bill, of $3.7 billion. That is not a small piece of change by any means.

This level of funding is adequate for what, in this Senator's judgment, has been proposed for SDI in 1990. We are not sure however, what exactly is proposed for SDI. We are not even advised, and will not be advised until December, I am told, about where and what parts of SDI under brilliant pebbles are even feasible. It seems to me to now want to add, as the Senator from Virginia wants, an additional $298 million to SDI, to a program, which we will not know until December if parts of it are even feasible, does not make a lot of sense.

We have funded this program very generously in this bill this year and in past years. This Senator has been one of those supporters on a number of occasions in the Senate Appropriations Committee, to keep the funding closer to the administration's requests. I think to now come back when this Senate Appropriations Committee has generously funded SDI at $3.7 billion—almost $1 billion more than the House, and not that much less than the Senate authorization, which is still in conference with the House—seems to be going a bit too far.

Mr. WARNER. Mr. President, may I return to the question earlier posed on the helicopters?

I once again ask, in my calculation, this figure of 240 represents 108 helicopters over and above any official request by any President. The figures to which the Senator from Arizona refer, as I understand it, are figures of the request of the Department of Army to the Secretary of Defense, which in turn were rejected. Is not the figure of 240 helicopters 100 over any Presidential request?

Mr. DeCONCINI. I am advised that last year's multiyear procurement agreement put forth by the Reagan administration, and approved by this Senate and the House last year, called for a multiyear procurement of 974 helicopters.

Mr. WARNER. Will the Senator yield for a question?

Mr. DECONCINI. I will yield for a question to the Senator from Virginia, without losing my right to the floor.

Mr. WARNER. Mr. President, I will simply advise the Senators that I must go upstairs. The Secretary of Defense is here, and he is meeting with Chairman NUNN and myself. I simply have to leave the floor. I will insert into the RECORD my understanding of these helicopter numbers, and I will be happy to submit to the Senator from Arizona our findings, which he may dispute, and we will let that go for the time being.

Mr. JOHNSTON. Will the Senator yield?

Mr. DECONCINI. Does the Senator have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. Let me say in response to the Senator from Virginia, I will be glad to also include in the RECORD the question submitted to General Vuono on this subject matter, which points out very clearly the initial agreement for 975. I missed it by one. I apologize. I said 974, as to the number of helicopters that was requested.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AH-64 APACHE HELICOPTERS

Question. General Vuono, what is the priority the Army places on the AH-64 helicopter? If additional funds need to be cut would the Army recommend terminating the Apache before 1991?

Answer. The AH-64 is vital to the Army aviation modernization effort. In this important mission area we have already accepted a reduced production rate of 72 to 66 in both FY90 and FY91 with a termination of the Apache buy at 807. This is a reduction of 168 Apaches from the previous buy of 975 (a reduction of 17% in AH-64 inventory). Other reductions have completely eliminated seven attack battalions which were scheduled to be equipped with the Apache. We also need to keep in mind that the termination of the AHIP program in FY89 has significantly impacted our warfighting capability. At this point further reductions in the Apache procurement is not desired, however, the Apache procurement cannot be "fenced" until the magnitude of any future budget cuts are known and analyzed in terms of total force warfighting capability.

Mr. JOHNSTON. Will the Senator yield.

Mr. DECONCINI. Without losing my right to the floor, I will yield.

Mr. JOHNSTON. Is it not correct that what the Senate Appropriations Committee did with respect to the 864 is to fully fund the President's request for fiscal year 1990 and 1991, and what we did is put them all in 1 year in order to get the advantages of multiyear procurement, so we gave no more than the President requested. We gave it a little sooner, in order that we get the advantages of the multiyear procurement.

Mr. DECONCINI. The Senator is absolutely correct. The committee amendment also complies with the Secretary's request that the program terminate in 1991. So we save money, we also comply with the Secretary's request, and we also comply with the original's request for 975 helicopters.

I yield the floor.

The PRESIDING OFFICER. Who yield time?

Mr. WARNER. I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as I stated, I must depart the floor, but before doing so, I wish to address another point, and that is the question of the Trident II Program. I ask unanimous consent that my remarks may be expanded to include a letter addressed to me from Chief of Naval Operations and a letter addressed to me from the Honorable Antony Acland, Ambassador from the United Kingdom.

Mr. President, I want to amplify on the effect of canceling the Trident missile procurement. The CNO states strongly in a letter to me dated September 21, that the technical problems are understood and the solutions are at hand, and that canceling the fiscal year 1990 procurement will add half a billion dollars to the program. I will submit his letter for the RECORD.

Also, Mr. President, if we agree to the Appropriations Committee amendment, it is certain that new submarine, will have to go to sea part empty, for there is no way to recover the lost production in time. Mr. President, this affects not only our deterrent, but the British deterrent as well. The British Ambassador advises me that the cancellation will have time and cost penalties that the British cannot afford. Mr. President, I ask unanimous consent that his letter and the CNO letter be printed in the RECORD.

There being on objection, the letters were ordered to be printed in the RECORD, as follows:

CHIEF OF NAVAL OPERATIONS,

Washington, DC, Sepetember 21, 1989.

Hon. JOHN W. WARNER,

U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Last week the Senate Appropriations Committee deleted all FY 90 Weapon Procurement funds for the Trident II (D-5) weapon system. The rationale for this deletion was given as "two of three Operational Test and Evaluation (OT&E) flights failed . . . and that a major redesign effort may be required." If this action is sustained there will be a catastrophic impact on the Trident II program in increased program costs, significant schedule delays, a loss of national strategic deterrent capability for many years, and a significant potential for strained relations with the United Kingdom.

As I believe the deletion of all the FY 90 funds was made without a complete understanding of the current status of the Trident II program or the potential impacts, I would like to briefly summarize them for you.

The two submarine launched failures occurred in the submerged launch portion of the planned twenty-eight research and development flights. The tests were the first of a planned nine submerged launches following the successful ground based launches which started in January of 1987.

The Operational Test and Evaluation phase of the Trident II (D-5) flight test program will commence with the Demonstration and Shakedown test flights, when the twenty-eight research and development flight tests are completed.

On 21 March the first underwater launch resulted in a failure of the missile. The only valid method available to flight test a missile with at sea submerged launch environments is to launch it from a submerged submarine. There are no adequate models or ground test simulations to properly evaluate these conditions.

Immediately following the first failure the program manager promptly, and correctly, ceased further testing until the cause was understood. Within a few days it was determined that certain mechanical components on the nozzle and the thrust vector control (TVC) system, the components which move the nozzel to provide directional control, had failed. The cause of the failure was mechanical loading on the missile, which was much higher than anticipated. The hardware itself met all design and specification requirements. The cause of the high loading could not be conclusively determined from the available data. Design modifications were incorporated to greatly strengthen the structural elements that had failed. Two remaining elements under review were the hydraulic actuators in the TVC system and the flexible seal which allows the nozzle to move. Changes to these components were being evaluated, but were more time consuming, were not then considered the cause of the failure, and therefore were not included before flight testing was restarted.

We anticipated the mechanical changes to the nozzle would be sufficient to fix the problem but needed more flight data to confirm our position and planned for the second shot with the redesigned (strengthened) nozzle. In parallel, additional corrective actions to the nozzle were pursued. We were also beginning to suspect that a large amount of water in the nozzle at the time of first stage ignition was the primary cause of the failure and started to seek a design solution to keep water out of the nozzle. Four months after the first failure the extensive redesign to the nozzle was completed, tested and installed. The second launch was conducted on 2 August with the new nozzle and with additional instrumentation to add understanding of the launch environment.

The second launch was completely successful and provided valuable data concerning the forces at the time of first stage ignition. Given this success and the added data we proceeded with the third test on 15 August which failed. In this instance the redesigned components worked fine but the hydraulic actuator and the nozzle flexible seal failed. The added instrumentation did show what was occurring in the nozzle and provided convincing evidence that the fixes to mitigate or eliminate the water/ignition interaction in the nozzle were required.

The additional fixes, which have been in design since March, should completely solve the problem. These fixes are undergoing test and evaluation as separate components and are planned to be incorporated into the missiles at Kings Bay, GA to support continuation of development flight tests in November and December. These additional fixes do not require the return of any hardware to the manufacturer and are on a path which will support the March 1990 deployment date. Although this is a success oriented program, we have high confidence in meeting the schedule. The deletion of the FY 90 procurement funds provides no relief and is of no benefit to the current situation. In fact it severely exacerbates the problem for the management team and distracts them from their current efforts.

We are in production with the FY 87, FY 88 and FY 89 missile buys for 153 missiles. The 63 FY 90 missiles deleted by the Senate were scheduled for delivery to the Navy in FY 92 and FY 93 to support the outloads of TRIDENT submarines currently under construction. If the FY 90 missiles are not restored we will not be able to outload Trident submarines with a full complement of 24 missiles until near the end of the next decade. To preclude shutting down the production line and avoid the costs of restarting and requalifying the hardware, it will be necessary to stretch out the present production lines at a cost of about $500M. The deleted funds were also to be used for certain planning efforts for upgrading the Bangor, Washington submarine base for its D-5 capability and for long lead materials for the FY 91 missile procurement.

The problems we will have with meeting United States's missile needs will be equally applicable to the United Kingdom's TRIDENT II program and will cause significant schedule and cost impacts to their nuclear deterrent program.

This is a rather lengthy letter but the subject cannot be readily covered in a sentence or two. My program manager, RADM Ken Malley, is prepared to provide you with a comprehensive briefing and answer any questions you may have concerning this issue.

In summary, we understand the flight test problem. Solutions are in hand which will support our early CY 90 deployment. Deletion of the FY 90 funds provides no relief for the present situation. Instead, it causes significant cost increases and schedule impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom. I would appreciate any help you can provide in maintaining the viability of this most critical element of the Nuclear Triad.

Sincerely,

C.A.H. TROST,
Admiral, U.S. Navy.

BRITISH EMBASSY,
Washington, DC, September 20, 1989.

Hon. JOHN WARNER,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR WARNER: I am writing to express the British Government's strong interest in a satisfactory resolution of the difficulties which have arisen in the Trident D5 missile testing programme, and in the possible implications of the action taken by the Senate Appropriations Committee to zero fund this programme for FY 90.

The Trident submarine and D5 missile are not only a major element in the strategic forces of the United States, but will also form the strategic component of Britain's own independent deterrent. A continuing commitment to the schedule for the funding and planned entry into service of the missile is therefore of great importance.

The British Government fully appreciates the concern shown by the Senate Appropriations Committee to ensure that the current development problems associated with the missile are fully overcome as soon as possible. We have received full assurances from the contractor and the US Navy that this will indeed be the case. But they have also informed us of their concern—which we share—that any withholding of production funding, as envisaged by the Committee, would have a knock-on effect which could delay the arrival of the first missiles for the Royal Navy and continue to impose time and cost penalties on the British Trident programme.

I therefore hope that you will feel able to support the reinstatement of the D5 production funding, when the subject reaches the floor of the Senate or in subsequent Conference, in the interests not only of the United States' own strategic programme, but also of the British deterrent and the close bilateral relationship which it represents.

Yours sincerely,

ANTONY ACLAND,
Ambassador.

Mr. STEVENS. Mr. President, we have a time agreement that has been approved by the majority leader, and on behalf of the Senator from Hawaii, who is in another meeting, I wish to ask unanimous consent that the vote on the amendment occur at 6:15, and the time between now and that time be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, this is a very serious problem, that of the Trident II. The amendment put forth by myself and Mr. WALLOP corrects this problem. Unless the Senate goes along with our amendment, I can show a scenario by which we are going to send brand new Trident submarines into an operation status without an adequate load of the missiles. I think that is just a very bad situation and one which I hope we can correct by accepting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield such time as the Senator from California may wish.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank my friend from Alaska. Let me just speak on the amendment. There are several points that have been discussed already that I think could use some clarification.

First, this is a second-degree amendment. It is one that embraces a number of different line items. I do not agree with all of them. I agree with the major intent of the amendment. I find myself in disagreement, really, with the effort to try to move from the fast sealift column $9 billion. If I were crafting this amendment, I would have done it differently, and it makes it difficult for me to support it with the same enthusiasm that I support the rest of it. There is no question that throughout pages of every authorization hearing that has dealt with the subject of sealifts, one signing after another one, commanders in chief of unified specified commands have testified quite clearly and eloquently that we need more. The distinguished Air Force officer who has responsibility for military transportation of all kinds, has given eloquent testimony in favor of enhancing our sealift capability. There is not one who is in disagreement.

I wish that we were not dealing with this particular element in the way that it is proposed. So, in that respect, I find myself supporting the arguments of the Senator from Alaska. There are many parts to this amendment. This afternoon, as I listened to my friend from Louisiana—and he was most courteous, most generous, in responding to my questions. Before he did so, I heard him make a number of statements with which I must take issue. He made the comment that the purpose of SDI is to enhance first-strike capability. I think that statement standing alone requires much more specific clarifying definition than he has given it. It depends in whose hands a strategic defense capability exists, whether it enhances the first-strike capability or the ability to make irrational the notion of first strike.

And in fact there is a race on between the two superpowers to gain that capability, and it makes all the difference in the world who it is that wins that race. In the hands of the United States, the strategic defense capability means that we could make irrational the notion of a successful decapitating first strike by any rational Soviet war planner, because what it would assure is that there could not be success in that effort and therefore that it would be suicidal to even attempt it.

The reason that we have for several years persisted with great hope and optimism in seeking to bring about that point in which we are capable of making an informed decision about the kind of the tempo of a deployed strategic defense has been the precise hope that we should not continue with anything which both morally and militarily is so inferior, something that requires us instead to continue depending exclusively upon a very precarious balance of nuclear terror.

So when I asked my friend this afternoon about what the effect of the delay would be, what date in the future we could look to if not 1994 when the President of the United States could make the decision to which this research and development rationally must lead as to whether we will or will not deploy, he could not answer the question. It depended upon too many things.

Rephrasing the question, I asked him if it would take the same program that is now envisioned by the director, General Monahan, to have the strategic defense initiative with the delays that would be occasioned by this cut in funding the project into the future the time at which we will perform all of the elements that will then permit the President to make that decision, when will it be? He still was unable to answer the question.

The answer, Mr. President, is that we are talking about time. We are talking about a Soviet effort to develop a capability of this kind, and we know without getting into detail or breaching security classifications that it is well known that the Soviet Union has for many years put at least as much effort into their defensive capability in terms of strategic weaponry as they have with regard to the ongoing buildup of their offensive arsenal. We also know that they have moved increasingly to a mobile capability, and recently the United States announced our intention in terms of negotiating stands to abandon the position of seeking a ban upon mobile nuclear weapons.

I think that is unfortunate, but it is probably realistic. The Soviet Union most likely would never agree to such a ban.

Theirs is a nation 11 times as wide with infinite capacity for concealment. What that means in practical terms is that the targeting of their missiles in that vast nation with its infinite capacity for concealment is itself almost infinite. It makes it very difficult indeed, if not impossible, for us to have much confidence about our ability to target those mobile missiles.

That in itself makes all the more compelling all of the arguments in favor of developing a defensive capability, because if you are going to rely exclusively upon the strength of your offense and suddenly you determine that you have a tremendous problem, perhaps an insuperable one, in targeting it, makes all the more necessary having the kind of defensive capability that would assure the rational Soviet war planner that he should never undertake a first strike.

Additionally, Mr. President, let me just say there is much more at stake here than what is a proper level of funding for SDI as important as that is. What is here at stake is the question of how much we will cut back on research and development in order to continue with manpower levels that are unrealistic in this climate when we are faced with the necessity to make defense cuts in terms of the actual dollars involved, real dollars, adjusted for inflation, which my friend from Louisiana conceded has meant over the last 3 years, real cuts in defense spending.

What we should do, as we were told by the Chairman of the Joint Chiefs, newly appointed by the President, General Powell, is take the least unwise of the unwise options forced on us by the deficit reductions pressures. We should choose the lesser of evils instead of resorting to the tactics of the 1970's when we had a hollow army, too many people in uniform who we could not adequately equip, train, and compensate, provide benefits to, with the result that we had quite predictably a deficit in morale as well as in training and equipment.

We should, instead, have a smaller force that we can adequately train, adequately equips and provide the kind of compensation and benefits that will provide not a hollow army, but a smaller, superbly capable fighting force, whether we are talking about the Army, Navy, Marine Corps, or the Air Force.

And in addition, this amendment seeks to restore levels of conventional weaponry. I have already touched upon that with my friend from Louisiana. But what we are talking about is bringing back adequate funding for the Stinger, for the Laser, Hellfire missile, for the TOW II, for ATACMS, for the HARM missile. These are necessary restorations to avoid the kind of dip that would occur otherwise, an interruption, a hiatus in production that would lead to not just delays but much higher cost because of the interruption in the rate of production.

So there is a great deal at stake, and it is my hope that between what the House Appropriations Committee has provided, the kind of money that I think does make sense for this long-neglected fast sealift capability.

And the other changes that would be made by this amendment it seems to me that what we can do, Mr. President, without in any way reflecting upon the very good job that the appropriations have done in meeting the target levels for both budget authorization and outlay, is to provide a reallocation among the accounts that brings us down in terms of the most expensive thing we do which is paying people; compensation and benefits to the number of people in uniform, so that we do not have to salvage the research and development accounts because here we are again talking about time, time you cannot buy back.

If it were necessary we would be able to recruit, to mobilize and train manpower far faster than we can ever conduct research and development.

Mr. President, I hope that this amendment will be adopted and that in the conference that results thereafter, the billion dollar mark for sealift, supported by the House appropriators, will find its way into a funding program that in fact gives confidence that the schedule outlined at page 54 of the authorization bill report will in fact be met and perhaps even expedited.

Mr. President, if we continue to engage in the fantasy that we can have force levels at the present level and we can do it by not adequately funding research and developoment, we are playing a very perilous game because we will lose time that we cannot regain at any point. So I hope, with all respect to the hard-working appropriators, that they will take this amendment as it was intended and allow us in the short- and, more importantly, in the long-term to make basic changes of the kind that are forced upon us by the pressures of deficit reduction. That is what this amendment is all about.

I thank my friend from Alaska and I yield the floor.

Mr. STEVENS. Mr. President, I yield 7 minutes to our friend from South Carolina, our distinguished senior Senator.

Mr. THURMOND. Mr. President I thank the able ranking member of the committee.

Mr. President, I am pleased to be a cosponsor of the amendment proposed by Senator WARNER and the distinguished minority leader, Senator DOLE. I want to point out that the total funds proposed in the substitute amendment are the same as those in the amendment introduced by my colleagues on the Appropriations Committee. I also want to emphasize that approximately 65 percent of the programs in the Appropriations Committee amendment are retained in the substitute amendment.

Mr. President, I cosponsored this amendment because it includes funding for the preferred munitions initiative, the D-5 missile, and increased funding for SDI. I believe that these programs are essential if we are to provide a strong defense program for the coming years.

The munitions package, which is included in the Defense Authorization Act, provides appropriations for four preferred munition systems—Stinger, Hellfire, TOW II, and the High Speed Anti-Radiation Missile. In hearings held by the Armed Services Committee, the Deputy Commander in Chief of the U.S. European Command testified that "all the services—Army, Navy, Air Force, Marine Corps—all have shortages, severe shortages of preferred munitions." Vice Admiral Dunn, the former Assistant Chief of Naval Operations (Air Warfare), recently noted that the "CINC's (Commanders-in-Chiefs) No. 1 concern is the shortage of weapons required to carry out their missions," including the HARM, Maverick, Phoenix, and Harpoon missiles. This amendment will go a long way to correct these shortages in preferred ammunitions.

Mr. President, the Appropriations Committee deleted all fiscal year 1990 weapon procurement funds for the Trident II (D-5) weapon system. The rationale for this deletion was given as "two of three Operational Test and Evaluation flights failed * * * and that a major redesign effort may be required." Mr. President, the Navy has learned a great deal from the two failures and has initiated fixes that should completely solve the problem. In a letter to Members of the Senate, Admiral Trost, the Chief of Naval Operations, stated: "Solutions are in hand which will support our early calendar year 1990 deployment. Deletion of the fiscal year 1990 funds provides no relief for the present situation. Instead, it causes significant cost increases and schedule impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom." Our amendment, which delays availability of the funds until problems are corrected, would restore $910 million to continue the procurement of the D-5 missile and allow our Nation to continue its modernization of the sea-based leg of the strategic triad.

My third reason for cosponsoring this amendment is that it provides an additional $298 million in appropriations for the strategic defense initiative. This amount will increase funding for the program to $4 billion, which is $600 million below the President's request, but approximately $1.2 billion above the House funding level for SDI. Although $4 billion in appropriations may delay the deployment of an SDI system, it will allow the continued robust research program. I believe this research is essential in order to provide President Bush with the necessary information to make a decision regarding deployment of a strategic defense by the end of his first term. Mr. President, I also believe that the additional appropriations will assist the conferees on the defense authorization bill in reaching a favorable compromise with the House on SDI funding.

Mr. President, this amendment is a good compromise to the amendment offered by the Appropriations Committee. It keeps in place a majority of the programs recommended by the committee and at the same time strengthens both the conventional and strategic programs of our Nation. I urge my colleagues to vote for the substitute amendment proposed by Senator WARNER and Senator DOLE.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, I wonder if the distinguished manager would yield some time to me in connection with this amendment.

Mr. INOUYE. Mr. President, how much time does the Senator need?

Mr. DIXON. Five minutes.

Mr. INOUYE. I yield 5 minutes to the Senator from Illinois.

Mr. DIXON. Mr. President, this whole question of the appropriating and authorizing process, quite frankly, in the expression of back home folks, is getting as clear as mud. It is pretty hard to figure out exactly what one ought to do. I am a member of the Armed Services Committee, the authorizing committee, and obviously there are considerable differences between what the authorizing committees and the appropriating committee have done. All of this is impacted by the fact that we have a BA and outlay problem that has to be resolved.

We have had meetings with the Appropriations Committee about that. In the war on drugs, certain moneys are being taken out of defense. There has been an action by the Foreign Relations Committee to take substantial money out of defense for aid to Poland. The whole thing is getting quite confusing. I am not so sure that anybody understands exactly what the final result will be by now.

What we see here is an argument between some of our friends on the Republican side with what the appropriating committee has done. I might say, as I look at what the appropriating committee has done, I am not entirely in support of that. On the other hand, when I see what my friends on the Republican side want to do by their amendment here, I have trouble with that again.

But I guess simplistically I come down to this final thought: when my friends from Louisiana had earlier attempted to reduce the authorized amount on SDI, I voted with the committee to maintain the committee's figures. I was willing to fight that out in conference as long as was necessary.

But I say to my colleagues in the Senate, I think it is now clear that the House is not about to accept the SDI number that we authorizers had in our bill. So that I said in the Armed Services Committee the other day, when the distinguished Senator from Hawaii was there and the distinguished Senator from Alaska was there, who are now the managers for the appropriators, frankly, when you look at the whole thing, I am about as satisfied with what they have done as anything because it looks about the best we can do. And that boils down to the fact, if my memory serves me, that they appropriate $3.7 billion for SDI in their bill.

Mr. President, let me tell you something. The House is not going to go that high probably, but they are sure not going to go higher. So now I am faced, as a member of the authorizing committee, with the choice of whether to stick to the appropriating committee's position or vote for an amendment by some of my friends on the other side, some of which has some appeal to me, frankly. But the bottom line is that it is as much driven by this number for SDI as anything else; an additional roughly $300 million for SDI, that if we put it in is not going to matter a whit. Not a whit. Because when we go to the conference it is the first thing that falls on the floor.

I am going to tell my colleagues, I have never seen anything so confusing as this whole process. We have differences between authorizing and appropriating, we have problems with BA, and we have problems with outlay. We have another committee working to take money out for the war on drugs and foreign relations has voted to give aid to Poland out of defense. Now we are arguing back here again between some members of the minority, including their leader, and the appropriating committee about what we ought to do on these numbers, most of which I do not agree with on either side. It is getting pretty difficult to figure out how to vote and make sense around here, Mr. President.

About the only thing I can figure out is, simplistically, this: I agree a little on both sides of this. But if I vote with the minority that wants to put on this amendment, I am absolutely wasting my time because the House is not going to take this SDI number and it is a complete waste of time. So I guess what I am going to do, Mr. President, is cast my own little lonesome vote here to stick with the appropriating committee which I think is going to get closer in the end to what the authorizing committee will agree to and what the House will come to than anybody else.

That may be a fairly feeble reason why I am going to vote with the appropriating committee and against this amendment, Mr. President, but I guess it is as good as any.

My final statement is this. When I used to be an old trial lawyer they would say: When things get so confusing nobody understands it, make it as simple as you can for the jury. I am going to say it as simply as I can for my colleagues here. The reason I am voting with the appropriating committee and against the amendment is voting to put this extra SDI money in here is a complete waste of time; it cannot possibly happen, and we might as well not waste our votes if that is what is driving us today.

I thank the Presiding Officer for letting me confuse things even further.

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, this amendment adopts several of the items approved by the Appropriations Committee, but makes significant changes. Most notably, the amendment adds funds for several programs which were considered by the committee and rejected on merit.

First, the amendment adds $298 million for the strategic defense initiative.

The committee recommends $3.7 billion, or zero real growth, for SDI in fiscal 1990. The committee believes that additional funding above this level is premature and unwise in view of overall fiscal constraints and SDI's current major uncertainties.

SDI faces a major decision in the near future—whether to abandon its current mix of systems and architecture in favor of the risky brilliant pebbles concept. Adoption of Brilliant Pebbles would have major implications for the cost, schedule, and complexity of SDI.

Brilliant Pebbles has major cost and technological uncertainties. It still is being evaluated within DOD and by outside experts. Congress should carefully evaluate these uncertainties during the fiscal 1991 budget review. Until Congress and DOD have a more precise direction for SDI, additional funds above the committee recommendation are unjustified and an imprudent use of scarce defense dollars.

Second, the amendment provides $910 million for the Trident II missile.

As I stated in my opening remarks, the committee fully supports the development and the deployment of the Trident D-5 Missile Program. However, the committee, as well as the whole Nation, watched as two of the three submarine-launched flight test missiles exploded as soon as they were launched. The Navy informed the committee that they knew what the problem was after the first test failure. They also have stated they took what they believed to be corrective action to fix the problem, only to find out that it was not sufficient to correct the design problem.

In a meeting with the program manager on September 6, the committee was informed that Navy and the contractor have identified what they now believe to be the extent of the problem and they are developing several potential design solutions which may prevent future flight failures. The program manager also informed the committee that these design fixes would have to be fully tested prior to the next flight test. All this design, development, and testing of the potential solution will take time and the program will be delayed.

The committee recommendation recognizes the program delays caused by the faulty design and the time it is going to take to correct the problem. The committee also notes that since fiscal year 1987, Congress has already appropriated $5.9 billion for 153 production missiles. This is in addition to the $9.2 billion the Navy has spent in research and development on this new missile system. In all, the American taxpayer has spent over $15.1 billion for a missile system which does not fly. We believe that the Navy will eventually find and fix the problems with the D-5 missile system, the committee recommends the Navy fix and prove out the basic design before we appropriate another $900 million in this bill. I would also point out that the committee reported bill increases funding for Trident research and development by $70 million to aid in finding a solution to this problem.

Mr. President, I would like to emphasize that by the action taken by the committee we are not slowing down the program. For example, in fiscal 1987, we approved the expenditure for 21 missiles; 8 of them were supposed to have been delivered by July 1 of this year. None have been delivered, none have been accepted.

Thirteen missiles were to be delivered by the first of October; that is a few days from now. The Navy does not plan to accept any missiles until the fix is completed. And, as I have indicated, it will be some time before the fix is completed.

We have already provided all these funds and we have our great doubts that the contract will be carried out and deliveries made.

This amendment under consideration reduces funding for sealift by $960 million and replaces this with funding for an additional LHD-1 amphibious assault ship. Now, I support the procurement of amphibious assault ships for our Marines, but this matter can wait until fiscal year 1991. We have provided $35 million for the advance procurement requirements on this ship. The Navy intends to request the remainder in fiscal year 1991. This plan is consistent with current ongoing construction on other LHD amphibious ships.

Sealift cannot wait. Today, only 5 percent of U.S. cargo is transported on U.S. vessels.

Virtually every witness appearing before our committee noted that sealift is a serious problem. General Galvin, the commander in chief of our European Forces testified that our sealift shortfall is his greatest problem.

General Schwarzkopf, the commander in chief of the U.S. Central Command, also testified on the need to improve our sealift capability. He welcomed the addition of funds to buy sealift vessels. The amount we have set-aside is for the purchase of four cargo vessels and two tankers.

The Secretary and Chief of Staff of the Army, the commander of the transportation command, the commander in chief of Pacific Forces, and the commander in chief of Atlantic Forces all noted the serious sealift problems facing our country. Only the witnesses from Navy headquarters balked at providing more funds for sealift.

I believe it is critical that we take action at this moment to redress this problem. I believe it is clear that this action cannot be left to the internal workings of the Navy budget if we expect to resolve this problem.

Mr. President, this amendment has funding for a number of munitions programs. In each of these programs set forth in the amendment under consideration, the committee-reported bill has funded the number of missiles requested by the President of the United States. The question before us is: Should we add to the President's request?

The authorization bill increased the funding for these programs to exceed the requests submitted by the President. We reviewed this issue very carefully. What we discovered convinced me that things have changed since the authorization bill was passed and completed here, and the factors that were noted by the authorization committee no longer make it appropriate to increase the funding for these programs.

Second, as noted by my colleague from Alaska, each of these increases can be found in the House bill. Mr. President, all of us in this body recognize the importance of negoiating leverage on our bills. This amendment would remove the leverage that is necessary for the forthcoming conference. I do not believe that it is in the interest of the Senate to remove all of these items from conference.

Furthermore, I cannot support the increases for missiles here because of several substantive reasons. The amendment would increase funding for Stinger missiles by $89 million. All of us are aware of the importance of the Stinger missile, and we recognize how effective it has been. However, I understand the Stinger missile is currently experiencing some technical problems associated with the reprogrammable microprocessor. I realize this is a quite technical matter but involves software design which is not yet resolved.

In fact, as of today, there are 4,581 missiles that are in bunkers at the contractor facility which the Army has not accepted because they failed to meet the design specifications, and here the amendment wants to add more money to add to this bunker facility.

Mr. President, I want to repeat, again, I support the Stinger missile, but I do not think it would be appropriate at this moment to increase production. In other words, should we reward a contractor when the product they have provided is experiencing problems?

The amendment also would increase the production of TOW missiles by $51.1 million. Again, I share the view of my colleague in the need for acquiring antitank missiles. However, I understand the Army is currently developing a new generation of TOW missiles, a so-called TOW IIB. This amendment would increase the production of the TOW IIA missile, and I do not believe it is appropriate to increase this program this year when a new version is just around the corner.

Second, there is currently only one source for the TOW missile, and the Army is hoping to establish a second source in order to compete for the program in 1992. The rationale for creating a second source, obviously, is to lower the overall cost. It should be cheaper to buy missiles when there are two active producers. If we increase production today, we will most likely have to pay a higher price than we will if we waited until there was a qualified second source to increase production.

Third, any missiles we buy today would limit the number of missiles we will buy under a competitive strategy, and when the decision is made to establish a second source, the total number of missiles to be produced is factored into a cost-benefit analysis to determine if it makes sense to bring in a second manufacturer. It costs money to establish a second source manufacturing facility. If we increase production this year, we will bring down the total number and replace the advantage of establishing a second source.

The amendment under consideration also provides an increase of $46 million for a new Army tactical missile program. Mr. President, it should be noted that the U.S. Army has decided to slow the production of this program because of technical problems in the missile's development. We support this program, but we concur with the Army that it simply is not ready for an increase in production. The Army says slow it down and the amendment says let us make more.

The amendment also increases production of Hellfire missiles by 2,800 missiles above the President's request. Mr. President, for the past several years, the Congress has suggested that the Army request 6,000 Hellfire missiles, but each time the Army has declined. The Army simply does not want to increase its production to that level and this amendment would, once again, force them to do so and, once again, you may be assured they will turn it down.

The substitute amendment also proposes to increase funding for the HARM missile and this missile is funded at the President's requested level in the committee-reported bill.

Recently, questions have arisen with regard to the reliability of the wiring boards in this missile that the Navy has concluded were not manufactured or tested in accordance with contract specifications. These printed wiring boards are used in stator switchers in safe and arm devices for the HARM missile.

I think it is very important to note while this amendment is requesting increased funding to increase the production of these missiles, the U.S. Navy has recommended that the manufacturer be suspended due to its alleged fraudulent actions, and the Defense Criminal Investigative Service is actively pursuing a criminal investigation. Are we trying to reward someone we allege to be a criminal? I hope we will not do that.

Until these potential safety and reliability problems have been resolved with regard to this HARM component, the committee just cannot support adding funds to produce more missiles than requested by the President.

Mr. President, the amendment under consideration would pay for these increases by reducing the funding recommended by the committee in this proposed amendment. For example, the amendment that we provided includes $33.6 million to procure trucks, vehicles and other support equipment for the National Training Center. This is not a large item, but it is an important item.

Currently, when any unit goes to urban California for training, they ship their equipment there—the tanks, the cannons and such—and just the shipping is costing us over $14 million per year in operation and maintenance. So we believe that our initiative makes sense. Why not have the equipment there and we just ship bodies, personnel instead of going through that massive transport cost of shipping tanks and planes and guns. I think this is just common sense. If we agree to the committee's amendment, we will be saving $70 million in the 5-year defense plan.

As noted by my distinguished colleague from Alaska, the substitute amendment also eliminates all funding proposed for reimbursing space shuttle operations. The committee proposes to add $485 million to offset these costs. We are using NASA facilities, NASA space ships for defense purposes. I think it is only fair that DOD pays for it. This would then allow for other necessary civilian space programs to be funded instead of forcing NASA to pick up the additional costs associated with DOD payloads. By eliminating these funds, other NASA programs that a few weeks ago we were extolling would have to be cut. Voyager programs would have to be cut.

It was the "in" thing in this Chamber to be praising Voyager. We for the first time saw Neptune and the new moons. If it were not for moneys for NASA, we would not have seen those things.

The proposed substitute would also reduce the funding we recommend for Apache helicopters. The amendment provides nearly $1.7 billion to complete and wipe out the Apache helicopter program. Last year, the Congress authorized a multiyear program to buy 240 Apache helicopters.

By doing this under the committee bill, we will be saving our taxpayers $900 million. $900 million, Mr. President, is a lot of money. If by an amendment such as this we can save $900 million, we should take advantage of that.

In the revised President's request, the Defense Department lowered the overall quantity to buy from 240 to 132 helicopters. Army and Defense witnesses testified that the only reason for this action was to save money. Our amendment provides the funds to achieve this goal in fiscal year 1990. In that way, we could get the helicopters that are needed for our Active and National Guard and Reserve Forces, but not add to the burden of additional funding requirements in future years. This amendment would defeat this initiative.

The proposed substitute provides only $775 million for the Apache helicopter, enough to buy about 66 additional helicopters. However, there is a requirement that none of these funds can be spent until 1991. The Defense Department already intends to budget this amount in fiscal year 1991. Because of the delay in spending, this substitute proposal would merely replace the funding requirement for Apache helicopters in the fiscal year 1991 budget. It would not provide any additional Apache helicopters for National Guard and Reserve units. In essence, this substitute does nothing for the Army's Apache program, and would eliminate the potential to buyout the Apache program in fiscal year 1990.

The amendment also reduces several items included in the committee-reported bill.

The committee-reported bill adds $50 million to finish cruise missile integration testing on the B-1B bomber. Under current Air Force plans, such testing would be delayed and would cost much more to accomplish after the delay.

Despite Air Force assurances, the B-1B's viability as a penetrating bomber is highly questionable in the mid to late 1990's. The Air Force has yet to demonstrate that the aircraft's basic electronic countermeasures systems can be fixed. We need to keep open all options for deploying cruise missiles on the B-1B as early as possible.

The recommended funding preserves the options to maintain the effectiveness of the B-1B. Delaying cruise missile integration testing is militarily and fiscally unwise. The $50 million recommended by the committee should be retained in the bill.

The substitute reduces funding we provided for Guard and Reserve equipment to improve F-15 and F-16 aircraft. Mr. President, it is not clear what item is being reduced by this amendment. However, the committee-reported bill provides $49 million to continue the multistage improvement program on National Guard F-15 fighter aircraft. This program was accelerated by the Congress last year. The committee recommends continuing this effort.

The substitute also reduces funding for Blackhawk helicopter procurement by $68.1 million. This reduction would cut Blackhawk procurement by an estimated 16 helicopters and could breach our current multiyear procurement contract.

Finally, the amendment makes other adjustments, which do not appear to be well thought out, which would eliminate funding for needed programs provided in the committee-reported bill.

In closing, let me reiterate my concerns about this amendment.

We have funded SDI at zero real growth. This is a prudent position considering the current status of that program.

We have already provided all of the missiles requested by the President; this amendment is an unrequested add-on.

The amendment reduces the leverage I need in conference on several items.

The amendment would eliminate funding which is critically needed to enhance our sealift capabilities.

The amendment would eliminate $485 million proposed for space shuttle costs.

The substitute would defeat the initiative to buy out the final 240 Apache helicopters.

Mr. BREAUX. Mr. President, the measure before this body provides for the funding of many programs which can be fairly characterized as essential to our national defense. I would like to express my strong support for one of these which, while funded very modestly, promises to contribute greatly to our national security posture.

As chairman of the Merchant Marine Subcommittee, I am very pleased that the Defense Appropriations Committee has seen fit to provide $15 million for research and development in the field of fast sealift technologies, including the semiplaning monohull. The need for such R&D is recognized in the report by the Commerce Committee on the Maritime Administration reauthorization measure and by the Armed Services Committee in the report on the Defense authorization bill.

The objective of fast sealift is a fleet of vessels that can achieve speeds far in excess of those currently attainable with conventional hull designs and propulsion systems, and which is able to meet multiple military missions. Such a fleet would reduce or eliminate our substantial deficit in strategic sealift.

The development of new technologies has always been essential to our national security, and we cannot afford to ignore the potential of new designs, such as the semiplaning monohull, to improve our defense posture. Modernization of our merchant marine by the production of fast cargo vessels would serve our national interest in a strong defense, as well as restore our competitiveness in the carriage of cargo in international trade. The small investment represented by this $15 million appropriation may truly produce very large returns for both our national security and our economy.

Mr. DOLE. Mr. President, last week I placed in the RECORD a letter I received from Secretary of Defense Cheney. In that letter, the Secretary stated his deep concern about some of the actions taken by the Appropriations Committee on the Defense bill.

One of the issues he raised was the committee's amendment to restore $8.5 billion in budget authority to meet the levels agreed to in the bipartisan budget agreement.

Now, the Secretary supports the effort to raise the budget authority to the budget agreement levels, but he is seriously concerned about some of the programs included in the amendment—most of them are low priority defense or nondefense items.

This amendment is a substitute for the Appropriations Committee amendment. It would accomplish the same objective of meeting the budget authority and outlay levels agreed to in the bipartisan budget agreement. The difference is that it would meet those targets by including funding and adding funding for some of the President's higher priority programs.

However, this amendment also includes funding for some of the programs included in the committee's amendment, such as the overhaul of the U.S.S. *Enterprise*, the emergency response fund, and the modification of existing weapons systems.

This amendment would also provide appropriations for the munitions initiative that received broad support from this body a few weeks ago during the consideration of the fiscal year 1990 Defense authorization bill.

In addition, this amendment increases funding for SDI and the Trident II/D-5 missile. The President has stated that both programs are among his highest priorities.

The reduction in funding for these two programs was also cited by the Secretary of Defense as cause for delays in both programs, and possible cancellation—in the case of the SDI program—of experiments crucial to demonstrating the feasibility of defense against ballistic missiles. Both the SDI and the D-5 program are critical to the future of our nuclear deterrent.

In summary, I think that this amendment strikes the appropriate balance between the Appropriations Committee priorities and those of the President.

As I have said before, the Congress asked the President to make some tough choices and he did. He recognized that money was tight and that he could not have all of the programs he wanted. So, he set his priorities and sent the Congress a budget which meets the targets set in the bipartisan budget agreement. This was not an easy job.

Our job is not easy either. We have a responsibility to be responsive to the budgetary realities and to choose programs which are in the long-term interests of this country. It is not easy for some of us to support the program terminations in this bill. However, it is essential that we take a long-term view.

Mr. President, I believe that the Senate has been supportive of most of the President's priorities in the area of defense.

With this amendment, I think we can go a necessary step further in providing for the country's current and future defense needs. I urge my colleagues to support this amendment.

Mr. McCAIN. Mr. President, the AH-64 Apache is made in my State, and I am proud of that fact. My concern for this program, however, goes far beyond support for a "pet rock" or a special interest of my State.

Unless the current amendment is defeated, it would fund a production rate of 66 AH-64 aircraft per year in fiscal year 1990 and fiscal year 1991, and then shut down the production line after those 132 aircraft are delivered. This would deliver a total of 807 Apaches, well short of the Army's stated requirement of 1,031 aircraft or for the Defense Department's previously approved production program of 975 aircraft.

The reduced program would leave the Army with a force structure shortfall of 7 attack helicopter battalions from the 47 required; 2 from the active forces, 3 from the Army National Guard, and 2 from the Reserves. This required force structure was defined in the Army's aviation modernization plan [AMP], a well-executed study of the overall aviation force structure and attendant modernization program that was presented to Congress in 1988. No supporting rationale has been presented for undoing the goals of the AMP.

The Apache is widely recognized to be the best attack helicopter in the world. It operates in daylight, at night, in poor weather, carries a maximum load of 16 highly effective Hellfire tank-killing missiles, has a 30mm cannon effective against enemy air defenses and softer ground targets, can carry an alternate weapons load of 2.76-inch rockets for use against personnel or lightly armored ground targets, and has a very low infra-red signature making it difficult to detect at night and difficult to acquire by heat-seeking air defense missiles.

The AH-64 is one of the few systems that can rapidly redeploy to deal with a Soviet breakthrough and can quickly deploy tank-killing power in low-intensity combat. AH-64's routinely perform night attack missions in training scenarios against enemy targets up to 70 miles behind the front lines of the battlefield and usually are undetected by the opposing forces until they perform their lethal attacks on their targets. In NATO Reforger exercises the Apache has proved to be a uniquely effective weapon in the NATO battle environment. Opposing forces in those military exercises have lauded the Apache as a truly unique and unsurpassed weapons system.

If we need further testimony to the combat effectiveness of attack helicopters, consider how our potential adversaries are utilizing them. The U.S.S.R.'s HIND-E is the closest single rival to the AH-64. Available information indicates that the Warsaw Pact deployed 993 Hind helicopters at the end of 1987. At that time, the United States deployed only 430 attack helicopters of any kind, and our allies 442. The U.S.S.R. has since maintained a production rate of approximately 400 military helicopters per year and this level of production is expected to continue. Furthermore, the U.S.S.R. is expected to introduce two new attack helicopters, the HAVOC and the HOKUM, into their force structure over the next several years.

With this in mind, the decision to curtail attack helicopter production appears extremely questionable. The continued buildup of U.S.S.R. attack helicopters clearly offsets any proposed reduction in tank forces and in terms of mobility and firepower actually increases their conventional capability.

This is why I believe we need to reconsider closing down the production lines of a weapons system that has proven to be extraordinarily cost effective, and where a basic shortfall in force structure exists that no other system can fill. We in Congress have focused on the issue of maintaining an effective national defense production and mobilization base for the last several years.

The reasons for such a production base also have not changed because of the current budget deficit. Indeed, the freak storm at Ft. Hood, TX on May 13 of this year, emphasizes the need to keep a warm production base for such a vital combat system. In addition to damaging 60 to 80 other helicopters, the storm damaged 101 Apache attack helicopters out of a total of 158. The full extent of the damage is not yet known, but early estimates suggest that the total repair costs may be in excess of $500 million. Whatever the total cost turns out to be, it certainly will be less than if there had been no ongoing production line for Apaches, which lends emphasis to the rationale for maintaining the warm production base.

The current force goals for the Apache also ignore both the needs being creating by the prospects of conventional force reductions in Europe, and the fact that Britain, France, and West Germany are falling far behind in their advanced attack helicopter programs. We now know no such programs will be deployed until late in the 1990's or early 2000's—if then.

We must also consider the fact that if the Apache line is shut down, there will be at least a 3-year hiatus before LHX production begins. In practice, the LHX still faces considerable technical and scheduling risks and cost factors. Furthermore, the LHX will never be a full replacement for the AH-64. The Apache is the only true day-night capable attack helicopter production line in existence in the free world today and will remain even when the LHX is in production. Even before the storm, there was a force structure shortfall in the U.S. Army that required production of at least 300 more Apaches, not just 132 as proposed.

I realize the problems that continuing the production of the AH-64 could present in terms of future defense budgets. I believe, however, that there is a cost-effective way to solve this Apache production problem. As you know, in May last year the Army recommended to the Congress a 4-year multiyear procurement [MYP] program for Apache at a production rate of 60 aircraft per year and forwarded supporting documentation that indicated the MYP would save $420 million—13.2 percent—compared to single-year buys.

All four cognizant committees of the Congress endorsed the Apache MYP and a $40-million increase in advance procurement funds was authorized and appropriated to support this MYP. In August 1988, an OSD program decision approved a 5-year procurement of Apaches at 60 per year, officially increasing the procurement objective to 975 aircraft. A subsequent Pentagon budget decision endorsed an MYP and increased the MYP production rate to 72 aircraft per year over 4 years, but with total procurement still at 33.

It seems to me that the best way to procure this vitally needed attack helicopter is by means of the program recommended by the House Armed Services Committee: A multiyear program at a rate of 60 per year. This MYP would allow a reduction of funds required by $27.5 million in fiscal year 1990 and by $61.1 million in fiscal year 1991. It will have several other important benefits:

First, it will procure the minimum-needed remaining quantity of 300 Apaches at the least cost;

Second, it will reduce the near-term budget requirements for Apache in fiscal year 1990 and fiscal year 1991;

Third, it will maintain a warm base for our only existing attack helicopter production line for at least 5 years;.

Fourth, it will provide a production base for potential foreign sales of Apache to our allies; and

Fifth, it will integrate the existing Apache production line into the future Apache MSIP remanufacture line in an optimum fashion.

These reasons for supporting a 5-year MYP of Apaches at a production rate of 60 per year make what I believe to be a compelling case for proceeding with the AH-64 program in that fashion. I believe the Senate Appropriations Committee is correct in recognizing this fact, and I reluctantly must differ with my distinguished colleagues in the Senate Armed Services Committee.

The PRESIDING OFFICER. The Chair informs the Senator all time on the majority side has expired.

Mr. INOUYE. I thank the Chair.

Mr. WALLOP. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The time remaining on the minority side is 10 minues 23 seconds.

Mr. WALLOP. Did the Senator from Maine wish a portion?

Mr. COHEN. Two minutes.

Mr. WALLOP. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I have listened to the debate with great interest. I have enormous respect for my colleagues from Hawaii and from Alaska and I respect their judgment. I also have some concerns because, obviously, I come from a shipbuilding State, and this action taken by the Appropriations Committee is designed to stimulate shipbuilding certainly in the commercial sector, and hopefully these ships could be used by the Navy in a time of war.

But there are certain things that trouble me about what has happened in the appropriations process. As I understand it, the House Appropriations Committee has already included $1 billion for the fast sealift program. Is that correct, may I ask my colleague from Wyoming?

Mr. WALLOP. Mr. President, the Senator is correct.

Mr. COHEN. We have $1 billion in the House version of the bill. So if the Wallop-Warner amendment were to pass, we are going to go to conference on that measure, and undoubtedly there will be some compromise achieved in that process. So we already have a conferenceable item assuming that the Warner-Wallop amendment were to pass.

Second, with respect to the so-called fast sealift: as I understand it, there have been no designs completed at this particular point for a fast sealift ship.

Mr. WALLOP. The Senator is correct; there is no design and no definition.

Mr. COHEN. So we have a rather amorphous, almost an amoeba-like situation that could shift and change its shape depending on what pressure is exerted at any given time. So what we are talking about is including a substantial amount of money for a ship that has yet to be defined, yet to be developed, and yet to be articulated in a coherent fashion. Am I correct in that?

Mr. WALLOP. The Senator is absolutely correct.

Mr. COHEN. I am the former chairman of the Sea Powers Subcommittee, now ranking member on that committee. I agree with virtually everything that has been said by the distinguished Senators from Hawaii and Alaska, that we need more sealift. Now, as they have designated it here, it says fast sealift. There is no fast sealift at this particular point. The fact is that if you had this $1 billion and we were to go out and buy some ships, you would have sealift, period—no fast sealift, just sealift. That certainly in itself is supportable; we need more sealift. But it seems to me based on the arguments I have heard that, if you include this $1 billion and you take only 5 percent that could be spent out in the initial years, we are talking about $50 million that could be spent in the coming year for fast sealift design. Is that not correct?

Mr. WALLOP. The Senator is correct.

Mr. COHEN. We have included $20 million in our budget. We have added through this amendment another $20 million. That brings us to $40 million. We only need to pick up in the House-Senate conference another $10 million, and there, lo and behold, will be the 5 percent we could have for that fast sealift design. This could be done in the coming year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. The Senator is correct.

Mr. COHEN. Based on that, Mr. President, I intend to support the amendment as offered by the Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself such time as remains.

Mr. President, I listened to this Alice in Wonderland debate: The Senator from Hawaii has said that if we build the Apache at the number suggested by the Appropriations Committee, we will save $900 million. We will save $90 million if we buy 108 more helicopters which the Army wants. If you do it the way our amendment says, you save approximately $1 billion.

Second, we come to the question of munitions. All of a sudden there is concern as to what the Army wants. They criticize us for asking for more of these munitions than the Army has suggested. The Senator also said we should add to the President's request.

Where is the concern for the President's request when we come to SDI? The problem is that we are dealing with formulas and not the defense needs of America. That is what was sought to be addressed by the amendment that was offered by Senator WARNER, myself, and others.

Let me turn for a minute to an area which I consider to be pretty serious; that is, the Appropriations Committee treatment of the Trident II missile.

While we are talking about saving money, we have a letter from Admiral Crowe who says that if we go the way the Appropriations Committee suggests, it will cost us approximately 5 years and $500 million.

The admiral says, in summary, that they understand the flight test problem. Solutions are in hand, and deletion of the fiscal year 1990 funds provides no relief for the present situation. Instead it causes significant cost increases and scheduled impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom.

Also I have a letter from the Ambassador from the United Kingdom, Ambassador Acland, in which he says that:

> In this form it will comprise time and cost penalties on the British Trident. In the interest not only of the United States' own strategic program but also of the British deterrent and the close bilateral relationship which it represents, I hope that you will reject the position of the Appropriations Committee.

Mr. President, what we are trying to do once again is get something for the American taxpayers' dollar when trying to buy a costly defense in short budget times. The time to reject hometown economics is today, and on this amendment. We cannot afford pet rocks on a national scale, or on a local scale. It is critical to the American taxpayer that he get something for this dollar that he spends.

Mr. President, it is my understanding that the Senator from Virginia would like to conclude this debate. But let me just make one last statement. The Department of Defense subsidizes NASA. I have no quarrel with the statements of the Senator from Hawaii about where NASA goes and what benefits it brings us, but it should not be at the cost of America's defense.

I yield.

Mr. WARNER. Mr. President, I thank my colleague. I wish to express my appreciation to him for his valiant efforts on this amendment which the two of us have sponsored.

Mr. President, first, I ask unanimous consent that I may insert in the RECORD a statement regarding three points. I will endeavor to cover them briefly, 2 seconds on each, and then amplify for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AH–64 APACHE PROCUREMENT

[In millions of dollars]

Fiscal year	Presidential request		SASC		SAC	
	Amount	Number	Amount	Number	Amount	Number
1990	788	(66)	738	(66)	741	(66)
1991	786	(66)	776	(66)	1,692	(174)
Total	1,574	(132)	1,514	(132)	2,433	(240)

COMPARISON OF COMMITTEE AMENDMENT AND SUBSTITUTE

[In millions of dollars]

Program	SAC reported	Substitute	HAC
Fully fund MOD kits	3,400.0	3,400.0	0
Fully fund Enterprise overhaul	1,293.0	1,293.0	0
Emergency response fund (increases level of funds available for emergency relief)	100.0	300.0	0
Icebreaker (funds 1 ship authorized in DOT authorization)	[1] 488.0	[2] 290.0	0
LHD–1 Amphibious assault ship (moves forward from fiscal year 1991 column of FYDP)	0	959.9	0
AH–64 (Apache) helicopter (funds President's full request for fiscal year 1990–91)	[3] 1,692.0	[4] 775.8	788.6
Conventional munitions (Stinger, Laser Hellfire, TOW II, ATACMS, Harm)	0	394.9	434.6
Trident II/D–5 missile (zeroed in SAC mark)	0	910.0	1,805.0
SDI (restore to $4,000,000,000 versus $3,700,000,000)	0	298.4	2,844.5
Space-based wide area surveillance radar	0	17.0	12.0
Fast sealift (funds at appropriate level for undeveloped program)	1,000.0	20.0	1,000.0
National training Center, Fort Irwin, CA	33.7	0	0
Space shuttle operations	485.0	0	0
Reductions to requested/authorized level:			
UH–60 Blackhawk		−68.1	
F–15/16 engine upgrade		−49.0	
B–1B R&D		−50.0	
Total	8,491.7	8,491.8	

[1] 2 ships. [2] 1 ship. [3] 240 helos. [4] 132 helos.

Mr. WARNER. Mr. President, I have gone back through the Apache helicopter issue very carefully. I am putting in the RECORD a clear documentation which will establish that unequivocally the committee amendment asks for 108 additional aircraft over and above any request by any President at any time, period.

Sealift—the Senator from Maine came in and expressed his views very clearly on that. Again, I am perfectly willing to join at any time with any Member of the Senate in trying to work out a program providing for our merchant marine. But it is clear that the senior officer with the responsibility for the military transportation, namely, the commander in chief of the U.S. Military Transportation Command, has said we need a stronger merchant marine. But he does not—and I repeat, does not—support direct expenditures by the Government for civilian ship construction at this time.

Last, the famous flexibility issue. I have gone through carefully, for purposes of insertion in the RECORD, each of the items, and I can point to the fact that there is more than adequate flexibility left in this amendment offered by myself and Mr. WALLOP for the committee to exercise its judgment in the terms of the conference report.

I am hopeful that the Members of the Senate, having had the benefit of this debate, will now accord, basically, the two authorizers speaking for the committee, and I know the authorizers on the other side are going to join and support our amendment.

I thank the Chair.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the hour of 6:15 having arrived, the question occurs on amendment No. 855.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 202]

YEAS—34

Armstrong
Bingaman
Boren
Boschwitz
Bradley
Burns
Coats
Cohen
Dole
Domenici
Durenberger
Exon
Gorton
Hatch
Heinz
Helms
Humphrey
Lott
Lugar
McClure
McConnell
Nickles
Nunn
Packwood
Robb
Roth
Shelby
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wilson

NAYS—66

Adams
Baucus
Bentsen
Biden
Bond
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cochran
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Matsunaga
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Stevens
Wirth

So the amendment (No. 855) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. The question occurs on amendment No. 825.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I urge adoption of amendment 825.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 825) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

TIME LIMITATION AGREEMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendments be set aside, and that Senator LEAHY be recognized to offer a first-degree amendment on B-2 R&D limitation, that the amendment be considered under a time limitation of 1½ hours with time equally divided and controlled between Senator LEAHY and Senator INOUYE, or their designees, and that no other amendments be in order to the Leahy amendment; and that upon the use or yielding back of time that the Senate proceed to vote on or in relation to the Leahy amendment.

The PRESIDING OFFICER. Is there objection to this request?

Without objection, it is so ordered.

Who yields time?

The Senator from Vermont is recognized.

AMENDMENT NO. 859

(Purpose: To limit the use of funds for the B-2 advanced technology bomber aircraft program)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Senators HATFIELD, LIEBERMAN, ROCKEFELLER, SASSER, and WIRTH, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. HATFIELD, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. SASSER, and Mr. WIRTH, proposes an amendment numbered 859.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 108, between lines 4 and 5, insert the following:

SEC. 9100. Notwithstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development for the B-2 aircraft; and

(C) flight testing of B-2 aircraft.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

First, Mr. President, I wish to have the attention of the manager of the bill.

I wish to thank the distinguished senior Senator from Hawaii for his usual courtesy, and even though he is not a supporter of this amendment, I wish to note that the distinguished Senator from Hawaii, who is managing the bill, makes sure that the rights of all, whether they agree or disagree with him, are protected, and I appreciate Senator INOUYE's help in that regard.

Mr. President, my amendment as stated, and as my colleagues know, is on the B-2 or Stealth bomber.

In July, the Secretary of Defense, Secretary Cheney, gave the Congress some very good advice on the Stealth bomber program. He said we should either fully fund the $70 billion project or kill it outright. He pleaded with the Congress not to nickel and dime the B-2 to death.

In this regard, I agree with Secretary Cheney. Today, I am offering an amendment to do just that, to end the Stealth bomber program effort after completion of the 13 aircraft that are now in production.

My amendment would do two things:

First, it cuts off funding for the production of B-2 once we finish the 13 aircraft already in production. It saves $2 billion this year and $40 billion over the life of the program.

Second, it permits continuation of necessary research and development work. There is a lot of technology that has been developed in this program and we should not lose it.

So I am offering this amendment because in this time of huge Federal deficits and declining defense budgets we cannot afford the B-2 bomber. Aside from the fact we cannot afford it, I do not believe it is needed for our national security. There are much more affordable alternatives.

Mr. President, the Gramm-Rudman-Hollings budget deficit target this year is $100 billion. Only by some fancy budget smoke and mirrors are we going to reach that target. Two years from now we are expected to have the deficit down to $28 billion. Any Member of this body who actually believes that is going to happen, I would love to have a chance to chat with him. I have not met anyone on either side of the aisle who would agree with this.

Smoke and mirrors are not going to get us to that $28 billion deficit. We are only going to reach that goal with real cuts in programs, including the $300 billion defense budget.

Think of what our budget realities are, Mr. President. Despite these realities, Congress is about to commit this country to one of the most expensive weapons not only in the history of this Nation but in the history of the world. Each B-2 bomber will cost the American taxpayer an estimated $532 million. Incidentally, that $532 million is about the size of the State budget for my own State of Vermont.

Now, just to give some perspective to what this program means, to buy 132 B-2's, we are going to have to spend the entire Vermont State budget every year for the next 132 years.

In the Defense authorization bill, Congress ignored Secretary Cheney's advice not to nickel and dime the B-2. The House passed an amendment to cut B-2 spending by $1 billion in fiscal year 1990. Air Force officials inform my office that the House's action will drive up overall program cost by another $3.3 billion. In other words, the cost of this program is going nowhere but up.

Growing B-2 costs will compound another problem facing the Department of Defense—long-term budgeting. The Pentagon has a spending plan for the next 5 years. If you look at that spending plan, it far exceeds the money it is likely to get from Congress while we are cutting the deficit. It is an unrealistic spending plan. The money is just not going to be there.

In fact, this year, the General Accounting Office testified the gap between what the Pentagon plans to spend and what it is likely to get could be as high as $150 billion.

Mr. President, I have a chart over here and I think we might take a look at that. That shows the actual spending gap, which is around $147 billion.

The defense spending plan, is already $45 billion above the President's budget. It is based on a very unrealistic inflation rate. If we were to use the more accurate inflation rates, the spending plan is underfunded by another $48 billion. And, if the Defense Department budget reflects only real growth over the next 5 years, there will be a $54 billion shortfall. This totals $147 billion that needs to be cut from the defense budget before that Department even begins to share its part of the burden to reduce the deficit.

I might say to the distinguished occupant of the Chair, one of his predecessors from Illinois once said that a billion dollars here and a billion dollars there adds up to real money. One hundred forty-seven billion dollars here and one hundred forty-seven billion dollars there certainly adds up to real money.

Congress should help the Department of Defense live within its means.

Mr. President, in the past, I supported the development of the Stealth bomber and opposed the B-1. My view was that we did not need and could not afford two brand new U.S. strategic bombers within 10 years. I thought we should cancel the B-1 and concentrate on the B-2. But I never intended to write a blank check for the B-2. And the completion of the 100 B-1B's ended my support for the Stealth.

I oppose the B-2 not only because we cannot afford it, but also because we do not need it for deterrence. I think there are better alternatives.

We have the B-52H and B-1B force on alert right now. That is more than 170 bombers.

These aircraft can launch thousands of cruise missiles without having to penetrate Soviet air defenses. Cruise missiles can strike with pinpoint accuracy any targets which our thousands of ballistic missile warheads might have missed.

And, we have under development right now the advanced cruise missile, which itself will use stealth technology. In fact, I am convinced that Soviet air defenses will have no means to stop it.

Back in the mid-1980's when the B-2 was being sold to Congress in the development stage, we were told its main mission was going to be to attack strategic relocatable targets in the Soviet Union. That means attacking Soviet mobile missiles. The Air Force faced a logical question: What could carry on this mission that the cruise missiles cannot do? Everyone knows cruise missiles cannot locate mobile missiles. That is what we wanted the B-2 for.

The slight flaw in that argument is that the B-2 cannot locate and destory mobile missiles, either. In fact, an Air Force briefing paper released in July reluctantly admits:

> Attacking highly mobile targets is neither the reason for the B-2 nor is it likely to be accomplished with great efficiency in the near to mid-term future.

Of all of the arguments being made for the B-2, the one that angers me the most is to say that if we get rid of this we doom any future START agreement. It cynically exploits the deep longing of the American people and nearly every Member of Congress for deep cuts in nuclear weapons and a reversal of the arms race.

I get tired of the arguments that we hear on any strategic system around here, Mr. President. If our arms control talks are going badly or if there are no arms control talks, we are told we cannot cancel anything because that is the only way we are going to get the Soviets to the bargaining table. On the other hand, if the Soviets are at the bargaining table and the talks are going well, we are told we cannot cancel anything because that is all that keeps them there and we need it to bargain.

In effect, there is never, ever an instance where we might be able to cancel anything, no matter how much cost it is going to incur, no matter whether it is going to work, and no matter whether we need it.

Well, Mr. President, what we are saying is if the Pentagon ever says they want it, there is no reason under God's green Earth that we can ever say no. I am not sure that is the way democracy works and I am not sure that is the way checks and balances work. I am not sure that is the way the American taxpayers want it when they see that airplanes cost a half-billion dollars.

I recently attended the START negotiations as a representative of the distinguished majority leader. I am convinced there has been a profound change in the negotiating posture over there. During SALT, both sides were concerned with managing an arms race. Now, the atmosphere has changed. Under START both sides are sincerely attempting to make deep cuts in our strategic forces.

United States negotiating leverage in the START talks comes from the Soviet desire to reduce the defense burden on its staggering economy. The B-2 is irrelevant from a bargaining point of view.

I do not think the Soviets are really concerned about the B-2 as a special threat to the Soviet Union. If anything, the Soviets appear more worried about cruise missiles than about the B-2.

Mr. President, I have never bought the idea that we should simply build something as a bargaining chip. If something is necessary to the security of the United States, no matter what it costs, we ought to build it. If it is not necessary, then let us save the money and put it in those things that are necessary. That is not what we are doing with the B-2.

The recent talks in Wyoming between Secretary James Baker and Foreign Minister Shevardnadze indicate the Soviet desire to reach agreement in a START Treaty. The Soviets agree to delink the START agreement from the talks on space weapons. They proposed to set aside the contentious sea-launched cruise missile issue and they agreed to test verification procedures in advance of a final START treaty.

Now, this is further than we see the Soviets going for years and years. What more signals do we need that they are actually, at this time, serious about negotiating something?

The fact of the matter is the B-2 is largely irrelevant to the Soviet's interest in a START agreement. If we cancel it, they are not going to stop negotiating a START agreement. If we go forward with it, they are not going to be more eager to negotiate a START agreement. They are going to go forward with negotiations. They are going to agree with what they feel is in their best interests, just as we will agree to what we think is in our best interests, with or without the B-2.

If that is the case, Mr. President, why in Heaven's name do we want to have this kind of bankruptcy? We should be preparing for the battleground, not for the bankruptcy court.

In this instance, it seems we are far more interested in setting up for bankruptcy rather than a strategic bomber that might actually be used in a future war.

Mr. President, another claim is that the United States needs the B-2 to preserve nuclear deterrence under a START agreement that slashes U.S. ballistic missile warhead numbers.

Under the outlines of START right now, each side would keep 6,000 ballistic and cruise missiles warheads. In addition, under the counting rules, the United States could actually deploy even more air-launched cruise missiles if it wished, as well as an unlimited number of short-range attack missiles and bombs. There may be no limits at all or sea-launched cruise missiles. Even under START, we will have a nuclear arsenal of 7,000 to 8,000 or more warheads of all types.

This Senator is utterly convinced that when each side has 7,000 to 8,000 nuclear warheads, each far bigger than the Hiroshima bomb, deterrence is secure. A tenth of those weapons delivered on either the United States or the Soviet Union would cause death and devastation on a scale never before seen in human history.

We should build weapons systems because we need them to deter war—not for bargaining leverage in Geneva.

Mr. President, this plane is not worth its cost. We should end this program. I urge all Senators to support my amendment.

Mr. President, I know there are other Senators who wish to speak on this on both sides. I would advise the distinguished managers it is my intent, provided it is precipitated on the other side, if there is time left over when the proponents have finished speaking, I would simply yield back whatever time is left because I know the distinguished manager wishes to complete this bill tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I am pleased to yield to the Senator from Nebraska [Mr. EXON] all the time he needs.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I rise in strong opposition to this amendment to delete procurement funding for the B-2 bomber program. As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Strategic Forces and Nuclear Deterrence, I have followed this program very carefully for a decade and believe that we should pursue its continued development.

My reasons for supporting the B-2 program are essentially threefold. First, bombers are the most stabilizing nuclear system in that they hold significant targets at risk but cannot be regarded as a first-strike system. This argues strongly for a modernized bomber force. The 97 B-1B's and aging B-52 force alone would be inadequate to meet the stated strategic goal of approximately 230 modern, heavy bombers.

I think it very important that we design our future nuclear forces with stability in mind and that we move away from those which have a hair trigger on them. Bombers meet the ticket like none of the other weapons or proposed weapons or weapon systems that we have.

Second, the stability offered by bombers is clearly recognized in our START proposal, agreed to by the Soviets, which counts penetrating bombers and their entire load of weapons as only one strategic nuclear delivery vehicle and one warhead against the START ceilings of 1,600 delivery vehicles and 6,000 warheads.

This counting rule was deliberately pursued with the B-2 bomber in mind. If the B-2 bomber proves unsuccessful or the Congress, for whatever reason, terminates this program, our entire START proposal becomes unglued. The Joint Chiefs have repeatedly testified that they could not support START as currently configured without a modernized bomber force including B-2's.

A responsible President could not agree to such a treaty without the B-2 nor should a responsible Senate approve such a treaty under this circumstance. Without the B-2, we would need to completely renegotiate our START proposal. And that will set back any chances, in my opinion, Mr. President, of any such agreement, which we all hope can be entered into, confirmed by the U.S. Senate, and made effective.

Third, the B-2 represents a revolutionary system which will render obsolete the huge Soviet investment in air defenses. Unlike our Nation which emphasizes deterrence, the Soviets worry a great deal about defending against a nuclear attack. They invest almost equally between strategic offensive and defensive capabilities. The B-2 will force the Soviets to continue this and will plague their defense planners for decades. This can only strengthen deterrence.

For these reasons, it is very shortsighted to view the B-2 as "just another strategic weapon" for which there are less expensive alternatives or no compelling requirement. Given its revolutionary design, we have had to design and build the B-2 like no other aircraft in history. Due to the complexity of the aircraft and the need to safeguard its stealthy secrets, we must have a reliable, trained work force with the necessary security clearances.

This amendment would deny production funds next year. That means that we would have to lay off trained and security-cleared personnel. Then, if we later decide to build the B-2, we would have to rehire these people—if they are still available. We would have to essentially retrain and recertify the work force. Delays in production would also upset the certification of subcontractors and vendors.

In addition, changing the planned production rate could disrupt advantageous fixed-price contracts which have minimum production rates. Denying production funding would be very ineffective and would no doubt add substantially to the program cost—the exact opposite of what we all want to see in defense spending.

Mr. President, I understand the concern of the sponsors of this bill. They want to ensure that the B-2 is successful before we build it. I wholeheartedly share this concern. But I disagree strongly with their response.

The Strategic Forces Subcommittee and the full Armed Services Committee debated this issue very thoroughly before it reported out the defense authorization bill. The committee members likewise were concerned that the B-2 prove successful before we buy it. But the committee took a different course of action to protect the taxpayers' investment.

Rather than deny production funding which will only be disruptive and ultimately more costly, the committee elected to adopt my subcommittee's proposal and fence B-2 funds pending the successful outcome of its tests. What this means is that production money cannot be spent until the plane's development proves successful.

Mr. President, the Armed Services Committee has held countless hearings on this and everything to do with our national defense, calling in the real experts in this field, having a broad understanding and a staff that works relentlessly in this area. We simply said that the B-2 program had to jump through several hoops, if you will, to prove itself before we went forward with all-out procurement.

With the first flight and several subsequent flights of the B-2, the first of these fences, or hoops, has been successfully passed, but that is just for starters. To ensure that the B-2 works, the remaining fences include successful completion of block one aircraft flight characteristics and an independent review by the Defense Science Board before we proceed.

Successful completion must be met for additional performance milestones, cost reduction initiatives, contractor and quality assurance practices, and successful completion of the Stealth characteristics, with yet another report required by the Defense Science Board.

To ensure the affordability of the B-2 program, other fences require adequate funding for the B-2 in the defense 5-year plan and annual certification from the Secretary of Defense that the unit flyaway costs of 132 bombers, as envisioned in the program, measured in constant dollars as of 1990, shall not exceed $295 million per plane. Additionally, despite the fact the Armed Services Committee prepares a 2-year authorization bill, no funding for the B-2 was authorized in fiscal year 1991. These are hardly the actions taken by someone blindly committed to bettering an aircraft before it is fully tested for, if the B-2 fails to meet these fences, funding is simply denied.

Furthermore, in a 92-to-7 vote during debate on the authorization bill, the Senate stated that it had not made a decision on the ultimate number of B-2 bombers to be bought, and I think everyone should understand that. I submit that the approach taken by the Strategic Subcommittee and subsequently approved by the full Senate in the defense authorization bill is the better route, the wiser route, if you will, and is a course of action that we should maintain.

It shares the identical concerns and accomplishes the very same goal of protecting the taxpayers expense by the sponsors of this bill, but it does so in a way that will not add to the ultimate program costs. Accepting this amendment will unquestionably increase costs by disrupting the work force, the vendors and existing contractors. Taking the approach previously adopted by the Armed Services Committee and by the Senate as a whole, safeguards the taxpayer every bit as much without increasing the program costs.

If we are trying to objectively review the B-2 and give it a fair test, why do so in a disruptive manner that is proposed by this amendment? Mr. President, this approach is unwise and predisposed to terminate the B-2 program. I think that strategically this would be an extremely unwise move.

I urge my colleagues to defeat this amendment for a number of reasons. Foremost is the fact that those of us who have studied this program for a long, long time, have raised questions about it, those of us who have been involved from the very beginning on this program still are insisting that the B-2 prove itself before we go through any expensive buys.

The bottom line on all of this, Mr. President, is that any of us who are concerned about the ongoing negotiations with the Soviet Union that are progressing right now, all of us who are concerned about finally getting to a START agreement that would essentially cut the number of warheads on each side in half, we are all for that. I must emphasize once again, Mr. President, that if an amendment, like the one that has just been offered, ever comes to pass, there is not going to be a START agreement with the Soviet Union, as far as we can see into the future.

No less than Gen. Jack Chain, the commander of the Strategic Air Command, came in in open session and testified that when we went into the START treaty, when we went into the negotiations of that following Reykjavik, it was clearly understood by those of us on this side, as I cited in my remarks, that Stealth was a key ingredient to make us equal with the Soviet Union in the whole area of deterrence. Therefore, anyone voting in support of this amendment is, in a sense, saying, notwithstanding that, I want to kill this program. Those who vote that way are simply saying that we do not need the B-2 to properly have the deterrent that the strategic triad has given us for all of these years.

Not for a moment is the Armed Services Committee or this Senator saying that the B-2 is an assured plane that will do exactly what it is supposed to do. I cited in some detail, Mr. President, the hoops, the safeguards, the fence, call it what you will, that we have insisted upon before we make a large buy of this aircraft.

I can only hope and pray, Mr. President, that the B-2 does pass through those hoops, that it does pass through those fences because, as not only Jack Chain, the commander of the Strategic Air Command said, incidentally, also, in hearings last week on General Powell, the new chairman of the Joint Chiefs of Staff, he repeated the same statement, if we do not have Stealth, for whatever reason, whether the plane does not perform up to standards and we later decide to cancel it, or in the heat of a moment, the House or the Senate kills the program, then we are going to have to start all over again on our START negotiations, which will make it very difficult.

Last but not least in this area, Mr. President, let me cite the fact that if we adopt this amendment, now or in the foreseeable future, we would be tying the hands of the President of the United States in such a manner that it would not be possible for him to continue serious negotiations with the Soviet Union because gone—gone, Mr. President—would be that deterrent that we need that all of our military commanders at every level agree on, and that is that we need the B-2 operational in some reasonable number, or they would recommend to the U.S. Senate that we not confirm a START agreement even if it were signed.

I am confident, Mr. President, that that agreement would never be signed because the President of the United States himself knows that, without the deterrence that the B-2 has in our overall deterrence factors, we could not in good conscience move forward with a START agreement.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. INOUYE. Will the Senator yield for a few questions?

Mr. EXON. I will be happy to yield.

Mr. INOUYE. Mr. President, we are well aware of the work the Senator has done in this area, and we look upon the Senator as one of the foremost experts. Can the B-2 bomber be recalled from its mission?

Mr. EXON. Can it be what?

Mr. INOUYE. Can the B-2 be recalled from its mission?

Mr. EXON. Certainly. The B-2 bomber, like any bomber, has that inherent built-in safeguard where it is not a hair trigger system, and it can be recalled.

Mr. INOUYE. In other words, if after sending the B-2 out on a mission we learn that it was a mistake, it can be brought back?

Mr. EXON. Exactly.

Mr. INOUYE. Can we do the same thing with an intercontinental ballistic missile?

Mr. EXON. We cannot.

Mr. INOUYE. Can we do that with an air-launched or submarine-launched cruise missile?

Mr. EXON. We cannot.

Mr. INOUYE. Can we do this with the Trident II missile?

Mr. EXON. We cannot.

Mr. INOUYE. And so in this insane world the only stable strategic weapons system we have is the B-2?

Mr. EXON. It is the only one that will be effective in the future as a penetrator through the Soviet radar defenses. There are other systems that we have that can make partial penetration, but it is the only one, according to the experts, that would be able to make the penetration through Soviet air defenses.

Mr. INOUYE. Is it not also true that in the development of new generations of systems there is always a huge R&D cost, such as when we progressed from propeller-driven aircraft to jets?

Mr. EXON. The Senator is correct.

Mr. INOUYE. And now we are entering into a new generation of aircraft, the Stealth. Is it correct that we have already spent $22.5 billion in this endeavor?

Mr. EXON. The Senator is absolutely correct. If I might expand on that for just a moment, you will remember that I told the Senate in my remarks a few moments ago that this is not just another bomber. This is a whole new system, and because it is a whole new system and new technique, it requires that we develop the production facilities, the production tooling, if you will, to run a line of bombers.

To try to clarify that a little bit, I might add that all of our other bombers we have made, going back as far as we can remember, were built up "by hand," to use an oversimplified phrase. We did not build up the production runs and the tooling which we had to do in this particular instance because of unique and new characteristics of the aircraft.

Mr. INOUYE. I realize that this can be very confusing for citizens. We have had many numbers mentioned in our debates. My friend from Vermont mentioned $532 million a copy for each B-2? That is the "program acquisition cost" which includes the research and development money; am I correct?

Mr. EXON. The Senator is absolutely correct. That would be total cost if you want to allocate the money that we have spent thus far to the end product, the eventual finished aircraft. And I might add, that is based on the full 132 production.

Mr. INOUYE. Today, if we were to purchase a B-2 bomber, the cost to the taxpayer we would calculate for the aircraft coming off the production line would be $315 million, would it not? This is the "flyaway cost?"

Mr. EXON. Flyaway costs of the bomber, yes, the Senator is approximately accurate. That sets aside the $22 billion that we have already spent.

Mr. INOUYE. That is gone.

Mr. EXON. That is gone. We are never going to get it back. We are never going to be able to have a chance for a return on that investment if the amendment before us is accepted by the Senate.

Mr. INOUYE. So now if we are to purchase additional B-2's, we will be paying $315 million a copy?

Mr. EXON. The Senator is correct.

Mr. INOUYE. Does the Senator have any information to suggest that the Soviets are working on a Stealth weapons system?

Mr. EXON. Much of that is classified information. I believe I could best respond to the Senator by saying there is not a system that we have ever talked about building or built that the Soviets have not come up with their answer. The Soviets, as much as anyone else, know how important that is. I simply remind the Senator what I said a few monents ago. The Soviets do not need a B-2 Stealth bomber as we need a B-2 Stealth bomber. They have an estimated $300 billion already invested in an extensive radar system, and they are building and adding to it all the time.

The reason for that, of course, is the fact that the Soviets, throughout their history, have been extremely defense minded as far as the motherland is concerned. We are essentially naked in that area. We do not have that extensive array and we are vulnerable today. I would say to my friend from Hawaii, if the Soviets decided to launch an attack with the non-Stealth bombers that they now have.

We have certain ways we could compensate for that, but that is all tied up in a very complicated matter of deterrence. Deterrence comes down to the fact that one side is not likely to do this because they know if they did that the other side would do that. Therein lies the reason that the Soviet Union has not been forced to develop a Stealth bomber, because they do not need it, because we do not have the array of radar around the United States that they would have to get through. The opposite is true with us.

Mr. INOUYE. Is it true that, in the present strategic arms reduction treaty talks, the START talks, in calculating nuclear weapons we count each warhead on an ICBM as one unit?

Mr. EXON. Correct. If there are 10, for example, on an MX missile, then those are 10 under START.

Mr. INOUYE. That becomes 10 bombs.

Mr. EXON. Yes.

Mr. INOUYE. Is the same method used with counting submarine-launched missiles.

Mr. EXON. Yes.

Mr. INOUYE. However, with the B-2 bomber, if the bomber carries 10 bombs, it is still counted as one weapon?

Mr. EXON. The Senator is correct, and that is a very key point that I addressed. I am pleased that he has emphasized that.

Mr. INOUYE. It is not true that the negotiators decided to take this stance to encourage, if we are to arm ourselves, that we arm ourselves with bombers instead of these nonrecallable ICBM's?

Mr. EXON. The Senator is very accurate. I would just emphasize that a point a little bit more if I might in response to the very point the Senator from Hawaii is now making. That is why, if we would accept this amendment, we would for all intents and purposes kill any chances of coming to a START agreement with the Soviet Union, because, as the Senator from Hawaii has so well pointed out, that is an integral part of the agreement we are working on now, and without that the United States would not be fairly treated in any give-and-take proposition as regards the deterrent if we eliminated the B-2.

Mr. INOUYE. So what the Senator is suggesting is that this amendment goes beyond just the budget constraints; it involves the START talks?

Mr. EXON. Again, the Senator is correct.

Mr. INOUYE. I thank my distinguished friend from Nebraska.

Mr. EXON. The Senator from Hawaii, if I might just respond a little bit further, indicated a $315 million a plane cost. The Armed Services Committee has that set at $295 million. I do not know where the $20 million difference is.

Mr. INOUYE. The difference of the $20 million could come from our having slightly different program information from the Air Force.

Mr. EXON. Came from where?

Mr. INOUYE. Perhaps it is slightly different information from the Air Force.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont controls 30 minutes 47 seconds; the Senator from Hawaii controls 17 minutes and 17 seconds.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. LEAHY. Does the Senator from Maine wish to take time from the proponents or the opponents?

Mr. COHEN. Actually, I would like half from each.

Mr. LEAHY. How much time does the Senator from Maine want?

Mr. COHEN. I would perhaps need 3 or 4 minutes total.

Mr. LEAHY. I ask unanimous consent that each side be able to yield 1½ minutes each of their time.

Mr. EXON. I thought he said 3 or 4. Can we make that 2 minutes each?

Mr. LEAHY. Fine.

The **PRESIDING OFFICER.** The unanimous-consent request is 2 minutes from each side for the Senator from Maine. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

Mr. **COHEN.** Mr. President, I asked each of the leaders to yield me time because I was not sure whether I should speak against or for the amendment because I think there have been some overstatements made on both sides.

On the one hand, a great deal has been made with the statement that without the B-2 there will never be a START agreement signed. That presumes that the B-2 is going to fly, technically speaking, not to mention fiscally speaking.

So if the B-2 were to miss some of the hoops and we decide we really should not build a plane that does not meet the specifications, we would never have a START agreement? That simply is not the case nor is that the testimony before the Armed Services Committee.

The START agreement is not doomed without B-2. It may be delayed without the B-2, but it is not doomed. I say that, and I also want to challenge the statement that the Pentagon is simply teasing the Soviet economy with enormous costs for a new system. I do not think that is the motivation. We have had a strategic triad over the years. This is an attempt to modernize one leg of that triad. And there are those individuals who have always been opposed to systems we have available or those in development and always in favor of a system in the distant future.

I think the B-2 technology is revolutionary. I do not think there is any question about that. The real issue is whether or not the mission still retains viability in view of the costs involved.

B-2 is held out as being slow flying. Indeed it is. Recallable, indeed, it is. Stabilizing, indeed, it is. But so is the B-1 bomber. That is also slow flying, recallable, stabilizing. And what we have to do is reach a judgment as to whether or not the B-1 bomber outfitted with air-launched cruise missiles, stealthy air-launched cruise missiles, would not pose just as severe a threat to the Soviet Union as the B-2. That is a judgment that may have to wait for further evidence but is one that I am inclined to believe is more and more supportable.

Second point is this: The B-2 bomber—and I have heard all of the discussion here today—is more attractive because of the so-called counting rules. The counting rules have been preliminarily established by agreement, but the rule for the bomber was actually proposed by the Soviets. They proposed the counting rule which gives the B-2 a count of one, even though it may have 20 gravity bombs on board. It gets a count of one.

It seems to me that you could change the counting rule and have a B-1 carrying 20 ALCM's, for example, and have that count as one. So the real key is whether or not we can or should change the counting rule. It seems to me we have to weigh the technology involved with air-launched cruise missiles, stealthy air-launched cruise missiles on a B-1 against the B-2 technology. I think that is a very close call.

I await the further deliberations that will come before the Senate tonight. But I am leaning more and more toward the conclusion that the mission for the B-2 bomber, a penetrating bomber, no longer has the viability that I once or we once thought it did, that we can accomplish virtually the same thing by having a standoff capability with the B-1 with air-launched cruise missiles.

We could alter the counting rules so as to favor the B-1 without the necessity of going to a B-2. We ought to send at least a signal to the Pentagon. I have heard rumors that there is sentiment among the Joint Chiefs to eliminate the current counting rule proposed by the United States which gives a favorable discount to bombers deployed with air-launched cruise missiles.

If I may have 1 additional minute from the Senator from Vermont.

Right now—and I would just take a bit of issue with what the Senator from Hawaii mentioned a moment ago—the B-2 counts as one under the Reykjavik counting rules. But the B-1 outfitted with ALCM's would count only as 10, assuming they even had 20, it would count as 10.

So there is a discount rule for the B-1 with ALCM's as well as the B-2. There has been some sentiment expressed that the members of Joint Chiefs might be inclined to change that counting ruling to eliminate any discount in favor of an ALCM-carrying bomber. I think that would be a very, very serious mistake at this point in time.

We may not have a B-2. If we were to have a counting rule which counted the B-1 with ALCM's on board as one for one; namely, 20, we would lock ourselves into a position where you might not have the B-2 and you have negotiated away the benefits of having a B-1 with ALCM's.

So I think we ought to send that signal at the very least to the Pentagon not to change that rule. I hope we could even go back and reconfigure the counting rule to favor the B-1 outfitted with ALCM's.

I thank the Chair for its patience and my time.

Mr. **EXON.** Mr. President, I yield 1 minute to myself as the proponent of the measure.

I thought the Senator from Nebraska and I also thought the Senator from Hawaii made it very clear that if we do not proceed with the B-2, and if the B-2 is never in our inventory, the START agreement is essentially dead in the water as of now.

I did not mean to indicate—and I do not think we did in our remarks—that it would be dead forever. What I am saying is—and I think we should agree on one point—if the B-2 for whatever reason never enters our inventory, then the START agreement has been put off for months, more likely many, many years because we would have to renegotiate the whole proposition. That might be possible in the long term.

I simply say that the head of the Strategic Air Command has testified publicly before the Armed Services Committee that by the year 1992 or 1993, the effectiveness of the bomber leg, the air-breathing leg of our triad, would be cut in half because of the combination of aging aircraft, basically the B-52, and the increased Soviet defenses against the B-52, and our inventory of B-1's.

So I think that point should be made very, very clear. Regardless, we might disagree on the time but there can be no argument that if the B-2, for whatever reason, fails to be part of our third leg of our triad, then the START agreement is going to be delayed at best, and there is a possibility that it might not ever come to pass.

I reserve the remainder of our time.

Mr. **LEAHY** addressed the Chair.

The **PRESIDING OFFICER.** Who yields time?

Mr. **LEAHY.** Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. **WIRTH.** I thank the Senator for yielding.

I was delighted by the discussion by the Senator from Maine which sounded to me like a pretty good analysis as to why we ought to support this amendment.

I would like to, first of all, before getting into some of the budget implications, to go further on the discussion by the Senator from Maine about the mission of this bomber.

We talk about this bomber as being absolutely essential for the triad. What we are really talking about is one leg of the Triad where we already have a redundant capability, making the leg of the triad a multi, tens and tens of billions dollars, just a little bit safer. Does that make sense? Probably not.

Second, in talking about the mission of this, the original justification of the Air Force was that this was to go after mobile targets. They gave that up about the same time they came in with the other justification that we had to build a B-2 because of START.

When we had that discussion in the Armed Services Committee, General Chain and others came up and said they had to have the B-2 in order to get START. When pushed by some of us at the bottom of the committee, we began to see them backing off that a bit. You get into how you recount if that is the appropriate thing we can do. We also already have 8,000 warheads. The START ceiling is 6,000. Do we not have enough on that front? Of course, we do.

There is a bit if, I say, hyperbole in the relationship of the B-2 and having to do START.

Fourth, they came in this mission and began to say to us that they had to have the B-2 because of all of the brushfire warfare that we were getting into. Seriously, are we going to use a bomber that costs hundreds of millions of dollars to attack a tent out in the African desert? I seriously do not think that we are going to. But leaving aside the mission, everybody got very confused up one side and down the other with the mission and counting and START Treaty, and so on. This is a bomber in search of a mission; we have seen its changed mission now four times. More important, we ought to talk about the priorities as to what we are here to debate and to think about. What is going on in this country today?

Mr. President, I suggest and remind my fellow Senators that we have a deficit of at least $100 billion by OMB's numbers, $130 billion by CBO's numbers, and any honest counting, putting in the real numbers, which include Social Security, as the Senator from Nebraska has said very clearly, we have no $130 billion deficit, but a $230 billion deficit, and growing.

Not only do we have that deficit, which is a cancer on the economy of this country, a cancer on our foreign trade situation, and a cancer on our ability to do anything in the future, we cannot invest in bridges, highways, tunnels, railroads, and education, just at a time when the capability of our young people is declining. We cannot even go about taking on the drug issue.

We have been debating for 2 weeks $1 billion in drugs, two B-2 bombers. We have been debating an enormous clash over that $1 billion, taking up a tremendous amount more interest and concern in this body, as it should, than this bomber program, which is a $70 billion program.

Our priorities are truly out of whack. They are truly out of whack within the military at a time when military has to cut its budget, Mr. President.

The Senator from Vermont was very clear. Look at the red ink, look at how much the military already has to cut its budget. They are trying to add to it with the B-2 bomber. We do not have that kind of money within the Department of Defense, and we do not have that kind of capability to spend within the overall budget program.

I know very few Senators on this floor who will come out here and be 100-percent advocates for the B-2. Almost everybody is uneasy about the B-2, and getting increasingly uneasy as the mission gets a little bit more slippery to get a handle on, as the Defense Department numbers get tighter, and as our overall budget picture gets worse and worse.

Everybody, I think, or almost everybody, is uncomfortable. We are going to get more uncomfortable when the cost goes from 550 to 650 to 750.

Mr. President, if we follow the same pattern that the B-1 program followed in terms of cost overruns, if we follow that same trendline the B-1 had, this bomber is going to cost $1 billion a copy. Let us get serious. Are we or do we really believe that we are prepared and want to spend $1 billion for a single airplane?

I suggest that not only within the Department of Defense are our priorities wrong, but overall our priorities are wrong, and we are going to have to make this decision. Let us do it now. Let us not nickel and dime it to death. Do it now by supporting the amendment which is in front of the Senate today.

Mr. President, at the time the B-2 was put on the drawing boards in the late 1970's, it may well have seemed an appropriate response to the pressing challenges facing America. But as we enter the last decade of this century, the B-2 seems a glaring symbol of misplaced priorities. The world has changed dramatically around us, and we must have the wisdom and the ability to keep pace with the change. It is in that spirit that Senators LEAHY, HATFIELD, SASSER, ROCKEFELLER, LIEBERMAN, and I offer this amendment.

In the late 1970's, the Nation was embroiled in debt over the need to strengthen America's defense in light of Soviet adventurism, our emergence from the post-Vietnam syndrome, and the perceived need to bolster American leadership of our security alliances. As we enter the 1990's, we face the twin trade and budget deficits which threaten to undermine the very foundations of our national strength. We face a worldwide environmental crisis, with untold implications for economic and political stability in the next century. Our national infrastructure is crumbling, our education system is failing—eroding our ability to be competitive in the global market of the 1990's. The cancer of drug abuse is destroying untold numbers of our countrymen. These are the challenges we as a nation must stand up to in the 1990's.

In light of these challenges, the Air Force is laying claim to $50 billion of national treasure to procure 132 Stealth bombers to add further redundancy to our overwhelming strategic nuclear arsenal—to "make the rubble bounce" in Churchill's phrase. The national security challenges we face are not in this arena, Mr. President. Those challenges are far more subtle and intractable—which perhaps explains why we focus so easily on weapons systems.

Mr. President, as we debate the B-2 on the Senate floor this week, we are all aware that next month we may face the specter of a Gramm-Rudman-Hollings sequester for fiscal year 1990. The Congressional Budget Office claims that the projected Federal deficit for fiscal year 1990 is likely to be $24 billion above the fiscal year 1990 Gramm-Rudman target of $100 billion. A sequester of that magnitude will mean cuts of $12 billion in the Department of Defense for fiscal year 1990—and if the President chooses to exempt military pay from that sequester, the entire $12 billion will be cut from procurement, research and development, and operations and maintenance.

The impact of that notional sequester for fiscal year 1990 should be at the front of every Senator's mind as we debate the fate of the B-2. The budget pressures are only going to increase, and with it, the competition for a shrinking pool of resources for national defense. Under Gramm-Rudman, we are expected to further reduce the Federal deficit from $124 billion in fiscal year 1990 to zero by fiscal year 1993. During this same time, the administration's projection for B-2 funding goes from $4.7 billion to $8.4 billion in 1993.

The pressure on the budget is not likely to let up. If you remove trust fund revenues from the Federal budget our current deficit is close to $240 billion. To this we must add all unforeseen yet urgent needs, such as: Environmental cleanup at our nuclear weapons complex, estimated at over $100 billion; the savings & loan bailout at $160 billion; and capital improvements in our Nation's infrastructure of highways, bridges, and other public services. The Economic Policy Institute suggests, for example, that we will need to spend at least $30 billion to address our infrastructure problems—or face declining productivity.

In addition to these macrobudget pressures, the Pentagon's own 5-year defense plan [FYDP] is counting on resources that are not likely going to be there. The Comptroller General of the United States told the Senate Armed Services Committee this year that planned defense spending over the next 5 years may outpace actual funding by $150 billion. The current 5-year plan assumes unrealistically low inflation, and a commitment to real increases in defense spending over that period; it is also over the President's budget by $48 billion. All of these factors suggest that additional program cuts of $150 billion will have to be made at DOD—roughly a $30 billion annual cut in the administration's request.

During the defense spend-up of the first Reagan term, the opportunity costs of new programs were not felt because the entire budget was growing at such a dramatic rate. The opposite will be true in the coming years: In a shrinking budget, programs like the B-2 will increasingly be seen in terms of what we must give up to fund them. This will force upon us some very tough choices about the amount of additional security by investing in a given program. I do not think the B-2 can stand that test.

Mr. President, I would pose two very simple questions: "Do we need the B-2?" and "Can we afford it?" The answer in both cases, in my view, is a clear no.

The Air Force argues that we need the B-2 to maintain the strategic triad of land-based ballistic missiles, submarine-launched missiles, and strategic bombers. Yet our strategic forces have today and will have in the foreseeable future an awesome destructive capacity—more than adequate to deter Soviet aggression.

In the land-based leg of our strategic triad we deploy 1,000 missiles carrying a total of 2,450 warheads. More than half of these warheads, carried on MX and Minuteman III missiles armed with new Mk-12 warheads, have sufficient accuracy to destroy such critical hardened targets as ballistic missile silos. The remaining warheads, deployed on Minuteman II missiles, are huge 1-2 megaton warheads—each one capable of completely leveling even the largest Soviet city with a single blast.

In our sea-based leg, we have 34 highly survivable submarines carrying an astounding total of 5,312 warheads. Again, well over half of these warheads are deployed on the modern C-4 Trident I missile that has increased range and explosive yield over older C-3 Poseidon missiles. Furthermore, with the addition in the near future of the Trident II D-5 missile, our submarine fleet will not only gain added destructive power and range, but also the accuracy to threaten time-urgent hardened targets. In fact, the D-5 will nearly double American hard target kill capability. Mr. President, this deterrent force alone could inflict such horrible destruction on the Soviet homeland that even if a Soviet planner could be assured of destroying the other two legs of our triad, the destructive force contained in our sea-based leg would surely deter him from any aggressive action.

Last, in the air-based leg of our triad we have 372 aircraft—including 100 B-1B bombers—carrying approximately 5,500 warheads. Some 3,400 of these warheads are carried on highly accurate cruise missiles, which have the same capability to destroy Soviet command centers and hardened targets as do the weapons to be carried on the B-2. These weapons are, of course, in addition to the many short-range attack missiles [SRAM's] and gravity bombs that both the B-52, the B-1, and the FB-111 are designed to carry.

This Nation possesses over 13,000 strategic nuclear warheads—3,000 more than the Soviet Union. The total explosive yield in the U.S. strategic force structure is equal to approximately 2,500 megatons. In Europe, even after the implementation of the INF Treaty, we have 250 nuclear missiles, 4,000 nuclear capable artillery tubes, and 1,600 strike aircraft capable of reaching Soviet territory with nuclear weapons. Today, the President of the United States has the authority to release more explosive power in a half an hour than has been released in every previous war in the history humankind combined.

B-2 proponents argue that without the new Stealth bomber, our bomber force will be rendered impotent in the 1990's—that if we kill the B-2 we will be effectively forefeiting the bomber leg of our strategic triad. Mr. President, we are led by rhetoric from the need for a triad to the need for a penetrating bomber to the need for B-2. But what are we really talking about?

In the simplest terms, we require sufficient retaliatory nuclear weapons to hold key Soviet targets at risk and thereby deter the Soviets. Obviously, the B-2 provides additional capability to strike Soviet targets—and therefore can be said to provide greater options to the President. But it is a redundant capability—virtually all the targets we need to hold at risk can be covered by other means: Minuteman, MX, Trident D-5, and air- and sea-launched cruise missiles. Can we afford an additional $50 billion to provide greater redundancy and cross targeting options? Would such an expenditure buy the United States 50 billion dollars worth of national security? I do not think so.

Does the B-2 perform a unique strategic mission which justifies its procurement? The Air Force originally based its case for the B-2 on its ability to carry out a unique mission—to locate and destroy mobile targets, such as the SS-24 ballistic missile deployed on Soviet railcars. But there is a contradiction between hiding and seeing in this case, because to see mobile targets the B-2 would have to emit radar signals which would give away its location. Alternative methods, such as bistatic radar, are far in the future. The Air Force no longer justifies procurement of the B-2 on this mission.

The only unique strategic mission for the B-2, combining the great accuracy and high yield of B-2 weapons, appears to be the destruction of Soviet underground command bunkers many hours after the commencement of nuclear war. But does that make sense? Without Soviet leaders to talk to and to control their forces, how can a nuclear war ever be stopped?

Recently, the B-2 has taken on the additional mission of selective conventional strikes. This new mission was not part of the original requirement for B-2, and it is of course true that B-2 could be used in a conventional mode. But do we really need such an aircraft to strike targets in places like Libya? Would we really use it for such a mission? Even if one accepts that we would, as Senator COHEN put it, send a Rolls Royce into a combat zone to pick up the groceries, it is hard to justify purchasing 132 B-2 bombers for that purpose. The pending amendment would leave 13 B-2 in the inventory, a more than sufficient force to deal with most conventional missions.

Mr. President, much has been said recently about another B-2 mission—its role in the strategic arms control talks. At a hearing before the Armed Services Committee on July 21, senior Air Force officials stated that without the B-2 they would not be able to support the current U.S. Strategic Arms Reduction Treaty [START] proposal. The linkage between B-2 and START is in part an attempt to shore up support for the B-2 by holding START hostage to production of the new bomber.

But this linkage is also based in the START counting rules which allow us to build penetrating bombers by heavily discounting those weapons. That is an advantage—some would call it a loophole—we built into the treaty at the Reykjavik summit, arguing that bombers don't have the same probability of reaching targets as missiles and should therefore be discounted.

Thus, under START each bomber counts as only one warhead, although they may carry many nuclear weapons aboard. The 132 B-2's are programmed to carry 20 nuclear weapons internally, making them capable of delivering 2,640 nuclear weapons. For this reason, the advertised START warheard limit of 6,000 per side would translate into closer to 9,000 on our side because of the B-2 advantage. The bomber discount was considered a major Soviet concession, because in the long run, few believe the Soviet side will maintain as large a bomber force as ours. As Senator COHEN pointed out in debate on the defense authorization bill, it is difficult to understand why the Soviets agreed to this counting rule if they are so concerned about the threat posed by manned bombers.

The Air Force seems to be suggesting that without the 2,600 weapons the B-2 could ultimately carry, the United States will not have enough nuclear weapons to ensure deterrence. Even without the B-2, under START the United States will have some 5,000 ballistic missile warheads, most of which carry the explosive power of dozens of Hiroshimas—and some 3,000 bomber weapons and air-launched cruise missiles of similarly ferocious power. Are 8,000 weapons not enough to convince Soviet leaders that a nuclear war would cause their country unacceptable damage? On the contrary, recent studies indicate that current United States strategic doctrine could be maintained after START I and even after a second treaty reducing United States and Soviet forces to some 3,000 weapons.

Mr. President, perhaps the cost of B-2 would not be so controversial had we not just completed B-1 production. President Carter canceled the B-1 program in favor of reliance on cruise missile-equipped B-52's and a new Stealth bomber. But rather than adhering to this decision, the Weinberger Pentagon sought and received funds to proceed with B-1, while researching B-2 and outfitting B-52's with air-launched cruise missiles. The result is that in the 1980's, nearly half of the budget for strategic forces has been consumed by the bomber force. We have spent a staggering $100 billion on our strategic bomber force in the last decade. And now we are told this is not enough. Now we are told that we need to spend an additional $50 billion for B-2.

Secretary Cheney asked the Congress not to "nickel and dime" the B-2 program because that will inevitably drive its cost to patently absurd levels. At $550 million per aircraft, we have already stepped into the realm of the absurd. And the $550 million figure assumes a buy of 132 aircraft, which few honestly believe will take place. We must add the costs, estimated at $5 billion, of the Levin warranty provision, and the additional costs incurred as we slow the rate of production: the Air Force claims that the Aspin-Synar B-2 amendment cutting $1 billion in fiscal year 1990 will add $3.5 billion in additional costs to the B-2 program. The B-2 will end up being the first aircraft to break the $1 billion barrier.

The Senate voted almost unanimously for an amendment to the DOD authorization bill that placed performance fences around the B-2 program funding. The unassailable notion that we should not buy the B-2 if it does not work was supported overwhelmingly. But what we did not address is whether we should buy the B-2 even if it does perform as advertised: Do we need it? Can we afford it? The pending amendment offers that opportunity. If Senators believe that we will not end up buying an operational force of B-2's, they should vote now to stop production.

Many Senators might feel that it is too early to kill this program, but the costs of indecision are high. CRS estimates that the cost of program termination would be approximately $1 billion. This amendment would cut $2.5 billion in fiscal year 1990 production moneys—from which $1 billion in program termination would have to be added back for a net savings of $1.5 billion. The cost of proceeding through fiscal year 1991 will be an additional $3.8 billion; through fiscal year 1992, an additional $6.8 billion. Our former colleague, Senator Dirksen, would appreciate that delaying B-2 program termination runs into real money.

America faces enormous challenges in the 1990's. Rebuilding our economic strength, adapting to a changing international political order, addressing global environmental degradation will all demand our attention and resources. Managing national security in a world of increasing demands on scarce resources will require that we choose between the desirable and the necessary.

B-2 is not necessary. I am convinced that we will see that to be the case, and hope that we will not allow our indecision and delay to squander scarce resources.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield the distinguished Senator from West Virginia 7 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Senator from Vermont for yielding to the junior Senator from West Virginia.

I am pleased to be a cosponsor of this amendment that will terminate procurement funding for the B-2 bomber after the 13 planes currently in production have been completed.

To put it bluntly, I have become more and more outraged as the story of the development of this plane has emerged. I deeply regret that the project was included in the so-called black portion of the Defense Department budget for so long and that over $22 billion of taxpayers' money has been spent without adequate congressional and public oversight. I am not sure what benefit there was from a decade and a half of secrecy on this project. Sometimes I think that the purpose was not to keep information from the Soviet Union but to keep the Congress and the American taxpayer in the dark.

I had hoped that the B-2 bomber would improve our Nation's defense, but I must object to it on two grounds—need and cost.

The B-2 is technology in search of a mission. Originally the purpose of the B-2 was said to be to destroy Soviet mobile missiles. Yet now the Air Force admits that the B-2 cannot do this on its own. It will need a costly new satellite system to locate these targets. But no one knows if those satellites would be able to find the mobile targets or if, in the middle of a nuclear war, the satellites would even be operating. In any case, even the Air Force won't defend the B-2 on the basis of its original mission.

Now we hear that the B-2 will be used against fixed targets. An advanced cruise missile can do the job just as effectively at a fraction of the cost.

The B-2 was originally supposed to be used for high altitude flight. Now it has been redesigned to fly at treetop level, the reason evidently being that this will help in avoiding detection. But this will reduce the distance it can fly and will require in-flight refueling which increase the possibility of detection. Besides, if the stealth technology works so well, why does the B-2 need to be operated in this inefficient manner to avoid detection?

Consider Soviet air defenses. Is the huge expenditure for the B-2 necessary when a German youngster was able to fly a small plane from Finland, penetrate Soviet airspace, and land in Red Square without detection? Is it necessary when Warsaw Pact radar was unable to detect the flight of a MIG-23 without a pilot from Poland to Belgium? These events raise serious questions about the Air Force's evaluation of present and future Soviet air defense capabilities.

Another claim is that the B-2 can be used for specific antiterrorist missions. We need new ways to fight terrorism, but the B-2 does not provide us with an additional alternative. The B-2 was designed to be a high-tech nuclear delivery system. It hardly seems wise to risk a $550 million bomber to take out a $10 million bridge. A cheap, highly accurate, pilotless weapon would certainly be a better alternative.

It this is not enough of a reason to question seriously the need for the B-2 bomber, the cost certainly is.

The cost estimates of the 132 planes in the B-2 program are truly outrageous. Two years ago, the total estimated cost was $58 billion. Today, the Pentagon says it will cost $70 billion, or more than half a billion dollars per plane. Others estimate that the ultimate cost could be as much as $750 million to $1 billion per plane. The total budget for the B-2 bomber program has increased by almost $17 billion over the last 2 years. And these figures don't even include lifetime maintenance costs, which will increase it dramatically.

As we all know, this is an era of limited Federal resources. We cannot fund everything we want to fund, or even everything that we clearly need to maintain a secure, humane nation. We are fighting and struggling to figure out how to pay for the drug war. We are desperately looking for antidrug funds while we are throwing over half a billion dollars into each B-2 bomber. This is a major reason why I cannot support the B-2 program.

We in the Senate have a responsibilty to watch how we spend every dollar, in both domestic programs and on defense. Yet the General Accounting Office recently concluded that President Bush's 5-year defense plan would require as much as $125 billion more than is budgeted in the plan. The B-2 makes up a significant part of this irresponsible plan. We are going to cripple our conventional forces in order to fund huge, strategic programs with very limited application. That is just plain dumb.

Let me put the cost of a single B-2 bomber into perspective. For the cost of three B-2 bombers, we could complete the Appalachian Regional Commission highway system in West Virginia, a project that is vital to the economic development of the entire region and the Nation. Two-thirds of one single B-2 bomber would fund the total Federal budget for community health centers. These centers provide primary care services to the millions of Americans who are medically underserved and unserved. A single B-2 bomber would finance the Federal Government's block grant for maternal and child health. The National Institute of Aging could be financed for less than we would spend on half of a single B-2 bomber.

Now, I am not suggesting, by these examples, that cancellation of the B-2 program would provide us with a so-called "dividend" that could be used in other vital areas. My point is that the cost of the B-2 bomber is totally out of proportion to the benefits gained, to the rest of the Federal budget, and to our national priorities.

As a final point, I recognize that technology can change quickly and that strategic requirements change as well. For that reason, this amendment provides for the completion of the 13 B-2 bombers currently under production. It also provides funding for test flights and continued research and development. In this way, we can build on the technology already developed, but we don't have to put the technology into this incredibly expensive bomber. I do not oppose the concept of stealth. I do oppose, however, the way in which the technology has been allowed to run amok in this program. I urge all my colleagues to support this amendment and terminate the B-2 program.

I thank the Chair and I especially thank the Senator from Vermont for his patience.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont controls 13 minutes and 2 seconds.

Mr. LEAHY. The Senator from Hawaii?

The PRESIDING OFFICER. The Senator from Hawaii controls 13 minutes and 8 seconds.

Mr. LEAHY. Mr. President, I do not know if we have other Senators on my side who wish to speak. I see the distinguished Senator from Oregon. Does he wish to speak? I will yield shortly to the distinguished senior Senator from Oregon. Let me just say a couple things, Mr. President, while waiting.

I will inform Senators on this side that if they wish to speak in favor of my amendment we have about 10 or 11 minutes remaining. We will probably go to a vote before 8 o'clock.

Mr. President, I wish to respond to some of the more astounding arguments against my amendment that I have heard here tonight. First, it has been claimed that without the B-2 there will not be a START agreement. That is simply not so. In fact, it saddens me that the proponents of the B-2 will hang their arguments on a threat that somehow the B-2 is necessary for arms control.

I cannot believe for one moment that the President of the United States and the President of the Soviet Union, who have made commitments to their own countries and to the world that they are going to cut the number of nuclear weapons by 50 percent, are going to walk away from that commitment dependent upon what we do on the Leahy amendment here tonight. It makes no sense whatsoever.

Do Senators really believe the commitment made by President Bush and President Gorbachev hangs on whether we build the B-2 or not? I do not believe it does. I can tell you right now I cannot imagine any negotiator in Geneva on either side who really believes President Bush's or President Gorbachev's commitment will be affected based on what we do here tonight.

Second, it was said that the B-2 only costs $315 million apiece. That figure ignores the fact that we have already spent $23 billion on the B-2 program and somehow that $23 billion does not count. Well, it does count to the American taxpayers. Twenty-three billion dollars is twenty-three billion dollars. That is an awful lot of money.

Third, the opponents said the B-2 is essential for strategic stability and deterrence.

Mr. President, the United States and the Soviets even under START will have 7,000 to 8,000 warheads on 170 strategic bombers, 1,500 ballistic missiles and 2,000 cruise missiles. With that awesome power no sane leader in the world is going to attack the United States. Deterrence is going to be secure with or without the B-2.

I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following consultation with the distinguished Republican leader I ask unanimous consent that immediately following the vote on the disposition of the pending Leahy amendment, the defense appropriations bill be temporarily laid aside and the Senate proceed without any intervening action or debate to third reading and vote on final passage of two appropriations bills in sequence: First, H.R. 2939, the foreign operations appropriations bill, and then H.R. 2990, the Labor-HHS appropriations bill. I further ask unanimous consent that the rollcall votes on these bills be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent to request the yeas and nays with one show of seconds.

The PRESIDING OFFICER. Is there objection to the single show of seconds? Without objection it is so ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays on each item is ordered on a 10-minute rollcall vote for each.

Mr. MITCHELL. Mr. President, so Senators will understand what is to occur, a vote on the pending Leahy amendment is scheduled to commence at approximately 8:10 p.m. That will be a regular 15-minute vote. It will then be followed immediately by two 10-minute rollcall votes each on the two listed appropriations bills.

Mr. DOLE. Mr. President, if the majority leader will yield, will it be his intention to have other amendments after those votes tonight?

Mr. MITCHELL. Yes, it is my understanding that Senator Bumpers has an amendment dealing with Korea troop levels and that should take about an hour, and I anticipate that will be the final rollcall vote tonight, following which we will attempt to obtain consent on the broad agreement affecting the drug program which the distinguished Republican leader and I have been discussing during the day.

Mr. DOLE. I understand Senator Stevens may have a substitute to the Bumpers amendment which may take 30 minutes.

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. JOHNSTON. I thought I understood that the committee amendments would be the first order of business after the Leahy amendment. Is that not correct?

Mr. MITCHELL. I regret that I was not informed in that regard. But I will ask the distinguished manager.

Mr. INOUYE. We could take up the SDI amendment before the Bumpers amendment.

Mr. JOHNSTON. I believe that is the regular order.

Mr. INOUYE. Yes, we intend to set that aside to take up this Bumpers Korea amendment that the Senator is involved in.

Mr. JOHNSTON. The Senator would set the SDI aside?

Mr. INOUYE. Yes.

Mr. JOHNSTON. I think if we could do that. We really had most of the debate I think on SDI.

Mr. MITCHELL. It was not my intention to have the discussion between the distinguished Republican leader and myself intrude upon the specific order in which the managers would take up the amendment. I leave that to them, which way.

If I could ask the Senator from Louisiana, how much time would he need on SDI?

Mr. JOHNSTON. I think SDI could be handled in 30 minutes or less.

Mr. INOUYE. May I inquire of Senator Bumpers how much time he would need?

Mr. BUMPERS. I would anticipate—Senator Johnston and Senator Bentsen are both chief cosponsors. I would want to clear it with them—but I would anticipate it should not take over an hour.

Mr. INOUYE. An hour equally divided?

Mr. BUMPERS. Yes.

Mr. DOLE. I think Senator Stevens has a substitute.

Mr. BUMPERS. I am not aware of that.

Mr. INOUYE. The substitute will take 30 minutes, equally divided. So it is an hour and a half, equally divided.

Mr. BUMPERS. We are looking at the hour of midnight then?

Mr. INOUYE. No.

Mr. BUMPERS. That is fine with me.

Mr. INOUYE. We will be out of here by 10:30.

Mr. MITCHELL. I will leave that to the manager.

Mr. BUMPERS. If the distinguished floor manager and the distinguished majority leader will yield, just to clarify this, following these votes, we are going to SDI amendment and then the Korea amendment?

Mr. INOUYE. Yes.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. LEAHY. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, let me first thank my colleague from Vermont for initiating this amendment. He and I have been on this floor many times over the years trying to inject a little sanity into the Federal budget. I am pleased to join him again, this time as a cosponsor of his amendment.

This debate, Mr. President, is about more than just the B-2 bomber. This bomber is about how much is enough. And it is high time—indeed, past time—that we admit that we have enough in our military arsenals. More than enough.

How I wish that we could say that about other parts of the budget. How I wish we could say that we have enough health care—or enough food for elderly shut-ins—or enough shelter for this Nation's 3 million homeless people—or enough treatment programs for pregnant women who are addicted to drugs.

But we do have enough in our arsenals, Mr. President. More than enough.

I have spent the last week in lengthy negotiations to develop a payment plan for our Nation's war against drugs. The plan we have developed is desperately needed—but it will take $9 billion to execute. That is for the first year. I do not need to tell my colleagues that it was tough to find that money. Very tough. Many worthy programs will suffer reductions—some more than others. In looking for offsets, we were forced to go line by line. Too often, we were forced to rob Peter to pay Paul.

But now the supporters of the Stealth bomber want us to play by different rules—no close scrutiny, no tough choices. Just a blank check.

Mr. President, I do not buy it.

First, take a look at the history of the Stealth's mission. In the early 1980's, we all waited with breathless anticipation as the Pentagon supplied us with tantalizing bits of information about a superplane which would fly into enemy territory without detection and take out mobile targets.

But now we are told that the Stealth will fly at subsonic speed and is designed to hit empty Soviet silos and military command posts.

Why the shift? Do the officials at the Pentagon know something about the Stealth that we do not? Maybe, just maybe, they are not so sure that the technology works. They want us to write a blank check for 132 planes, but it is entirely possible that the Stealth simply does not work.

Even if I were convinced that the plane worked, Mr. President, I do not believe that it will contribute to our security. I certainly do not believe that spending $550 million per plane while children in this country go hungry—while millions of elderly Americans live in poverty—while families walk our streets because they do not have a home—contributes to our security.

I know that some of my colleagues think I am missing the point. After all, we are not supposed to use this bomber anyway.

This is supposed to help us avoid nuclear war—just like the MX and the Midgetman, and the Trident II.

But to those who think I am missing the point, I say: I understand precisely. I understand the logic of deterrence—and I believe it is flawed.

There are those who argue that the Stealth is critical to our negotiating position with the Soviet Union—that each $550 million plane is a bargaining chip.

As one observer recently asked, Mr. President, how many chips can we pile on the bargaining table before it collapses under the weight? And how many people can we turn away from shelters—how many children can we turn away from Head Start—before the moral fibers of this Nation collapses too?

Mr. President, my arguments are nothing new to this body. My position is clear. I only wish that just this once, my colleagues will agree that enough is enough.

I thank the Senator from Vermont for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Nebraska [Mr. Exon].

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Hawaii.

Let me respond, if I might, to some of the statements that have been made that I think are not entirely accurate.

First, during the debate tonight in support of this amendment, I heard that the Stealth bomber had been redesigned as a low-flying aircraft, therefore requiring more fuel and that standard that if an airplane flies at a low altitude it burns more fuel than the higher or medium-flight aircraft. Somehow it was implied that that change was made because characteristically the airplane did not do the stealthy job that it was designed to do.

Well, that is not accurate. This plane has not been redesigned and directed as a low-flying aircraft. This is a medium- to high-flying aircraft basically. There may be some runs that would require the B-2 to be at low level, and it would perform there as it has been built and thought out. But it is basically a high-flying, medium-flying aircraft that evades radar because of its stealthy characteristics without having to rely on the usual characteristics of a low-flying aircraft.

If I thought for a moment that the Stealth had been redesigned and was programmed to be only a low-flying aircraft, then this would be the time to kill it right now. That simply is not the case.

There were some statements made by the supporters of this amendment that after General Chain testified early in his open testimony that some of the people down at the end of the table, whatever that means, questioned him and he backed off. I challenge that statement. I think there was no backing off whatsoever from Gen. Jack Chain. He said very firmly, as have all of the other military experts and leaders, including the new Chairman of the Joint Chiefs, that if the B-2, for whatever reason, is not in our inventory, then they would be required, under their conscience, and they use various phrases—I remember particularly that Gen. Jack Chain, the Strategic Air Command commander, said he would not only support Stealth, but he would not support START without Stealth; he would openly recommend against the START Treaty as now envisioned.

We also heard that this plane should not have a legitimate target as a tent in the desert. Well, obviously not. Those that are making those kinds of statements do not take into consideration the deterrent value of Stealth. Stealth would be an airplane that would cause the Soviet planners more trouble than anything else that was currently developed. Because if this aircraft performed as we think it will and as it is designed to perform—and I mention again that we have required in the Armed Services Committee that this system has to go through a lot of hoops—but if it performs as it is designed to perform, it could penetrate, it could be recalled, as the Senator from Hawaii has made a point of in our exchange. It could also be directed to certain targets that, when it got there, if that target had been destroyed by some of our other system, it would have secondary and third targets that it would be directed to attack.

The man in the loop as far as the third and very important leg of our triad, the air breathing leg, the man in the loop is tremendously important.

We have heard a great deal about the costs of this bomber. It certainly is a very expensive aircraft. But I think it should be properly pointed out, Mr. President, that as a percentage of the total defense budget—let us put this in proper terms so it is not misunderstood—as a total of the total defense budget the B-2 bomber is no larger a portion of the defense budget than was the B-1, when we introduced and built that, or was the old workhorse B-52, way back when that was built. We have to put these things in perspective, otherwise we get sticker shock.

I would add, Mr. President, if, for example, we could replace the Stealth with a giant jet, and go to Lockheed or Boeing or any place else and purchase it, it would be well over $200 million, without any of the expenses obviously built into this system.

Therefore, Mr. President, I sincerely hope the Senate will vote down this amendment. It is the wrong step in the wrong time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 7 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am proud to join as a cosponsor of this amendment with my friend and colleague, the Senator from Vermont.

The Stealth bomber was designed to avoid foreign radar, but it seems to do nothing but attract domestic controversy, as doubts grow about its costs, and its value in the age of glasnost and cruise missiles.

The Air Force originally asserted that the Stealth's main purpose was to penetrate Soviet air defense to seek out and destroy mobile missiles and hardened command centers after an initial United States-Soviet nuclear exchange. Critics, however, pointed out that after such a catastrophe the least of our problems would be hunting down mobile missiles and the remnants of the Soviet leadership. U.S. leaders would want to negotiate an immediate halt in the exchange with the Soviet leadership rather than kill them. In any case, the Pentagon now acknowledges that the B-2 will not be able to find and attack mobile targets because it is beyond the technical capabilities of our satellites.

A more serious argument is that without the Stealth the Soviets would be able to move their air defenses closer to their borders. This in turn, it is said, would force United States bombers, armed with cruise missiles, to stay far away from Soviet airspace, thereby making targeting more difficult. This scenario, however, minimizes our ability to increase the range of our cruise missiles in order to avoid Soviet air defenses aircraft. Nor does it take into consideration the unlikelihood of the Soviets making the massive investments that would be needed to move their air defenses closer to their enormously longer borders.

The START counting rules have also been cited by supporters of the Stealth. The counting rules, which were agreed upon at Reykjavik in 1986, posit that bombers carrying gravity bombs will count as only one warhead against the 6,000 warhead ceiling. Thus, if we purchase 132 Stealth bombers, which can carry up to 20 nuclear bombs, we would be deploying in effect 9,000 warheads instead of 6,000.

But the Reykjavik counting rules are not set in stone. If this counting rule, which was devised by a small number of negotiators who are no longer on the scene, obligates the Government to embark on a major defense program, then it should be changed. We have all heard of Defense Department widgets costing several thousand dollars, but a counting rule that requires a $70 billion program is a mistake and should be modified. New counting rules can be devised that would favor bombers with cruise missiles. In fact, if the present United States position on counting cruise missiles is accepted by the Soviets, we would be able to deploy more than 1,000 warheads on cruise missiles that would not count against the 6,000 ceiling.

Stealth proponents have also tended to gloss over the technical difficulties that it would face in penetrating Soviet air space after an initial nuclear exchange. The Soviets, for example, could deploy space-based and multiple frequency radars to detect and destroy the Stealth. Moreover, if the Stealth used its radar to find targets, it would expose itself to enemy attack. There are other technical obstacles to a successful attack, but the main point is clear: every weapon system, no matter how new and sophisticated, is vulnerable to countermeasures and the Stealth will be no exception.

Given the alternative of the standoff bomber and the technical difficulties facing the Stealth, it is not surprising that the Pentagon has begun to emphasize the bomber's potential conventional role. In an era of declining alliances, it is said, the Stealth can attack Third World states anywhere in the world without requiring access to foreign military bases. This argument, however, underrates the capability of our fleet of 97 B-1's and 262 B-52's. These aircraft can also attack targets anywhere. While they need more tanker refuelings than the Stealth, we already have a large tanker fleet. Purchasing the Stealth, in fact, would require additional tanker purchases.

Senator COHEN has pointed out that sending the Stealth bomber against Third World targets would be like sending a Rolls-Royce into a combat zone to pick up groceries. In other words, the United States would be more likely to use a $30 million fighter aircraft or cruise missiles costing several million dollars each rather than risk a $500 million aircraft. These alternatives would also avoid the risk of having a Stealth bomber shot down and being examined by a hostile intelligence service. But even if we do decide to use the Stealth for a Third World mission, we could use the 13 Stealth bombers that this amendment would authorize for production. And if we need heavy bombers for a sustained bombing campaign, we could use our B-1's and B-52's from high altitudes.

A final problem with the Stealth is that if a major production program goes forward, it will become another cash-cow like SDI. Stealth opponents will try to raid the Stealth program every year to fund other military programs. The inevitable disruptions will cause problems with long-term planning. This will raise the unit-prices for the various weapons systems that are being fought over.

Some may agree with these reservations but argue that we should go forward with the Stealth on the grounds that we have already spent $22 billion on development costs and that this money would otherwise be wasted. But Stealth research has yielded some useful applications for our next generation of fighter aircraft and for an eventual new bomber. Moreover, the 13 bombers authorized by this amendment would be put to use.

Retrospectively, it might have been better not to have built the B-1 and to have opted for the Stealth. But the B-1 was built and while it probably makes sense to manufacture a new bomber every two or three decades, it makes no sense to buy two new bombers within a single decade.

The $50 billion that cancellation would save would make an important financial contribution to solving various domestic problems, such as the budget deficit and the drug war. It would also take pressure off other areas of the defense budget that would probably be underfunded because of the Stealth. It is unwise to embark on a major weapons system just when the military budget is coming under enormous pressure.

Ending a major new weapons system is never easy. But an era of shifting priorities and new technological developments, such as the cruise missile, calls for tough decisions. Canceling the Stealth is one of those decisions. It is a difficult but wise step. It will stengthen our national security.

Mr. JOHNSTON. Will the Senator yield to me 1 minute?

The PRESIDING OFFICER. Senator from Hawaii.

Mr. INOUYE. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, if the question at issue was whether we build 136 B-2 bombers originally contemplated, I think the answer of this Senate would be no. Because I do not think we are ready to get into a program 136 airplanes in scope, considering what the cost of that program would be.

What we are involved with here though, Mr. President, is 13 bombers. Which is an amount sufficient to test out the program, to determine the capabilities of the B-2 bomber, to suggest any further modifications, if any, in the B-2 bomber, to determine its real worth as a combat—not only penetrator but as a standoff bomber—and in all the various uses that it can be employed for.

I hope in the meantime, Mr. President, glasnost and perestroika go so far and so fast that not only will we be able to say that we will pull down on the B-2 bomber, but with much of our other expense in national defense as well.

What this does in the meantime will give us the confidence in this system to know whether or not we can go forward with the program to make the choice for the future of the B-2 a meaningful choice.

I hope we will go with these 13 bombers which is a small buy, but an important one in making the decisions for the future.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 2 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, I know most of the arguments have been made. I am not going to try to recount the arguments. But I would like to strongly support the position of the Senator from Hawaii and the Senator from Nebraska and the Senator from Louisiana in opposing the Leahy amendment. It is enormously important that we give this airplane a chance to prove itself.

The Leahy amendment basically takes out all new production money. Some might ask, what will that do?

Anyone who thinks we have a price tag that is a little too high now, and I happen to think it is high, maybe I will strike the word little—it is a concern to all of us, the price tag. If we take out the production money on this aircraft and then you test it and it works and decide you go forward with it, you make darned sure then the per-unit cost is so high that nobody would dare buy it.

Really, if a Senator is against the B-2, period, if he does not want it no matter what it does, no matter how good an aircraft it is, no matter what the tests prove, then of course the Leahy amendment makes sense.

But, if my colleagues want to see if the airplane works, see if the stealthy characteristics are as advertised and as hoped, then the Leahy amendment makes no sense whatsoever because we will have prejudiced the case so badly with the increase in costs that this amendment will bring about, that it will not be able to be bought, even if it works.

This is a test of the B-2. I think it is a legitimate test. I do not question anyone's position on this one. It is a difficult decision to make.

I happen to believe because of the strategic arms talks, because of the hopes for moving to stability, because of the relative stability of the bomber compared to fast flying missiles, because of the Soviets very thick air defenses where we have none, that we should go forward with the manned bomber. This is the best option we have.

The question to me is really clear. Do we want to kill the B-2? If we want to kill the B-2, this amendment will give us a chance to do so. If my colleagues want to see if it works, this bill, the appropriation bill is the way to go because it tracks exactly what we did in authorization and it will make sure that every hurdle has to be taken on and that plane flies, before we spend the production money. That is the way we ought to be proceeding in my view.

The PRESIDING OFFICER. Who yield time?

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes and 42 seconds remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent a number of editorials and articles regarding the B-2 bomber be printed in the RECORD. They are "Nine is Enough: Let's Bag This $70 Billion Bird," August 1989, Armed Forces Journal; "Ground the B-2," July 19, 1989, the Burlington, VT, Free Press; "The B-2's A Bomb," July 24, 1989, Montpelier, VT, the Times Argus.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Armed Forces Journal, August 1989]

NINE IS ENOUGH: LET'S BAG THIS $70 BILLION BIRD

Fuller Brush men make a more convincing case for selling combs to bald men than the case the US Air Force has made for the B-2 stealth bomber.

It's time to amputate the program.

We've spent about $23-billion, apparently, and will have about nine stealth bombers (or 11, or 13, or 15, depending on whom you talk to in the Air Force or in Congress) to show for it. If the plane is really invisible, maybe that's enough. How will the Russians or Gadhafi know we really don't have 16 of them—or 32, or 132?

The B-2's last straw, in our view, was when Sen. Sam Nunn (D-GA), Chairman of the Senate Armed Services Committee, made his case for it after meeting with President Bush at the White house on July 24th. Nunn said that canceling the B-2 "would mean the United States would go into the 1990s without any bomber."

What happened to the $27.4-billion we spent on the B-1B? Is it that much of a turkey? A year or so ago, the Air Force told us it was "the world's best bomber." And what happened to the billions spent upgrading B-52s (old though they may be) to carry stand-off cruise missiles—and now, advanced (or superstealth) cruise missiles? If they don't work, why are we so confident the B-2 will?

The B-2 has become an invisible airplane with a phantom mission. The arguments for spending $70-billion—"only $50-billion more"—keep changing; they have begun to sound a little strained. Now we're told it really won't handle relocatable targets (mobile intercontinental ballistic missiles), which clearly was once the B-2 raison dêtre, recent Air Force protestations to the contrary notwithstanding. Thus, the latest sales pitches suggest:

We need the B-2 to bargain away in the strategic arms reduction talks. Did the agreement the Administration told us last fall was so close at hand suddenly collapse? Just how much do we need to bargain away, in any case—M-Xs, Midgetmen, the Strategic Defense Initiative, B-1Bs, and now the B-2? The negotiating tables are going to collapse under the weight of all these bargaining chips. Maybe we should give Gorbachev half the B-2 ante to alleviate his hard-currency problems—$25-billion, say (bribe him, frankly)—and pocket the change. Or use it to buy sealift and airlift for the Army divisions we can't get to war on time.

We need the B-2 to bomb Gadhafi. Won't nine B-2s handle the job? If one of them won't, what the hell are we getting for $530-million an airplane? We missed Gadhafi last time, not because the F-111 didn't work, but because Pentagon war planners failed to tell their logisticians to ship Paveway III low-level laser-guided bombs to England in time. Thus, the F-111 crews had to use medium-altitude Paveway IIs on a low-level strike—and missed. We may need better war planning more than we need better bombers.

There are no real test data yet, but Northrop has done a remarkable job of building an airplane with 1/xth the radar cross-section of the B-1B, which has 1/10th the radar cross-section of the B-1A, which has 1/10th the radar signature of the B-52. Have the Soviets invented new laws of physics? How invisible does a bomber need to be to be a deterrent? Have Soviet air defenses really improved that much since the 100th B-1B was delivered last fall? Or did the Air Force oversell it, promising far more than $27-billion could deliver?

How many billions do we need to spend buying a bomber to search out targets our ICBMs and Trident missiles missed? Why bother, if the B-2 can't really find mobile ICBMs—the targets that count most?

Arguments by the Air Force that the cost of the B-2 is actually only a tiny percentage of the GNP or the overall defense budget, or that it really isn't much more than we paid for the B-52 or the B-1, just don't hold water. The fact is, the B-2 is a very, very expensive weapon system, the value of which must be weighed against other priorities, both civil and military.

If there's a case left for the B-2, we haven't heard it. And for $70-billion, there ought to be something more persuasive than Sam Nunn's argument that the last $27-billion didn't buy us much.—Benjamin F. Schemmer.

[From the Burlington (VT) Free Press, July 19, 1989]

Ground the B-2

The B-2 stealth bomber finally got itself into the air. The Air Force, which desperately wants 132 of the $530 million bombers, has yet to prove that the plane should fly again.

At any cost, the B-2's purpose is questionable. Its ability to carry out its primary mission—to attack mobile missiles inside the Soviet Union—is dubious. Even if the plane's radar-evading technology works, the B-2's pilots need satellite guidance to find the moving targets. Those satellites would be among the first things destroyed by the Soviets in the opening minutes of a nuclear war. Without the satellites, the B-2's pilots would be flying blind.

Desperate to expand the rationale for spending at least $70 billion on a fleet of B-2s, the Air Force has also claimed that the plane could attack fixed targets in the Soviet Union or bomb terrorist camps elsewhere. That puts a high price on unneeded redundancy. America's aging, but still able, B-52s and new B-1 bombers can fire cruise missiles at stationary objectives from outside Soviet airspace. Much less expensive planes would surely be used if the United States again strikes a terrorist camp.

The Air Force is groping for reasons to build a fleet of planes the United States does not need and cannot afford. Even some cost-conscious congressmen are willing to go along. The most serious congressional threat to the program would still allow the Air Force to buy *only* 13 B-2s, for about $7 billion, before closing down production.

It has already cost $22 billion to get the first B-2 into the air just once. The plane should be permanently grounded. America would be more greatly strengthened if the money for the B-2 were spent to bring down the nation's $2 trillion national debt than to purposely expand the military's reach.

[From the Times Argus (Barre-Montpelier, VT) July 24, 1989]

The B-2's a Bomb

It flies! Of course, for $500 million apiece, the bat-winged Stealth bomber should at least become airborne. But if you believe the hype generated by the plane's backers, the bomber's maiden flight last week is something akin to the miracle wrought by Orville and Wilbur Wright.

Actually, what's amazing is that the radar-evading Stealth—also called the B-2—even got to the runway. In an era of trillion dollar budget deficits and warming relations with the Soviet Union, a plane which may not work and almost certainly is not needed should have been first in line for the budgetary ax.

Unfortunately, that is not the case. The B-2 for years was protected in the Pentagon's "black budget"—super secret accounts designed to evade the prying eyes of Congress and the Soviet Union. And now that the B-2 is public, President George Bush is personally lobbying for full production, telling Republican congressional leaders that he will not accept a plan to build 13 of the planes while testing continues. Instead, Bush wants to proceed with plans to buy 132 B-2s at a cost of about $70 billion. That's billion with a B.

Bush—who presumably does not see the need to raise taxes to pay for this profligacy—is joined in his B-2 boosterism by the companies that would build it. In an orgy of self-promotion, Northrop Corp., Boeing and LTV have purchased full-page ads in Washington newspapers extolling the Stealth's strategic virtues.

Bush insists the plane is essential to the nation's ability to defend itself and to give the U.S. a strong negotiating position in the upcoming Geneva arms talks.

But there are serious questions about the plane's mission and its effectiveness. Designed to penetrate deep into Soviet airspace, the plane's rounded contours and nonmetallic construction supposedly makes it invisible on Soviet radar screens.

The trouble is, nobody knows if it really works. The Air Force has said it needs two more years to test its ability to evade radar. And while the plane did fly in last week's test flights, its ability to remain airborne depends on a sophisticated computer system. Because the plane lacks a tail and other features of air-worthier craft, it stays aloft by hundreds of minute adjustments to its controls—adjustments that must be made by computer since no human is fast enough to work the control. Thus, an onboard computer crash could also crash the B-2.

There is also doubt about the plane's basic rationale. The job of sneaking by Soviet radar is easily accomplished by terrain-hugging cruise missiles, which are far less expensive—and far more expendable—than the Stealth. The Air Force has further admitted that the B-2 is probably incapable of attacking Soviet mobile nuclear missiles, one of the primary tasks for which it was designed.

The B-2's only function at this point is to enrich some defense contractors and to appease the Air Force, which wants to keep the nation's bomber fleet alive into the 21st century. Like the Star Wars defense system, the B-2 is an untested technological curio and it should be shelved.

Mr. LEAHY. Mr. President, I note one of the arguments made here on the floor tonight is that somehow all of this money is going to be lost if we stop with the B-2. In other words we spent so much money, to help the taxpayers out we have to spend enormous amounts yet again.

Not only is that argument fallacious on its face, I remind Senators much of what we spend will be used.

Certainly the Stealth technology that we have learned here is available to whatever applications it might be usable in the B-1B.

We have talked to the press and others and in open testimony talked about Stealth technology being available for cruise missiles. That type of construction will also be used in other weapons systems. Everything we have learned about Stealth technology in this is available to systems. The difference in the systems that it is available for is that those will work; they can be paid for. The Stealth bomber cannot really be paid for. We would be hard pressed to understand even a circumstance in which any commander is going to risk a half a billion dollar airplane.

Mr. President, the distinguished Senator from Hawaii is here. If he would like, I will be willing to yield back my time if he wishes to and go to a vote.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. I yield the remainder of my time to the Senator from Nebraska.

Mr. LEAHY. I withhold my time.

Mr. EXON. I thank my friend from Hawaii, and I understand there are only about 2 minutes left. I will wind up debate on my side. If there are no further requests for anyone to talk on this, I think we will be prepared to go to a vote at that time.

Let me sum up, Mr. President, by saying that I heard a statement made on the floor of the Senate tonight that there was increasing uneasiness—I believe that was the phrase that one Senator used—about the B-2. I think what he was saying was that people are becoming queasy about the B-2. I think what he was saying was that the pressure was on and if we want to cut down the military budget, then it looks like the B-2 would be a good place to do it.

I want to confess, Mr. President, that I am uneasy about the B-2. I am uneasy about the B-2, though, for a different reason. I am uneasy that the aircraft as yet have not proven up to the hoops that I have mentioned on several occasions that that aircraft must jump through before the Armed Services Committee would proceed.

I simply want to tell you, Mr. President, and assure all of my colleagues, that the members of the Armed Services Committee would be the first ones who would come to the floor of the Senate and say, "Cancel this program; cut it out; eliminate it," unless we were vitally committed to the fact that we need the B-2 in the third leg of our triad for all the reasons stated, notwithstanding the fact that if we do not have it, we are going to do great harm for the chances of a workable START agreement.

Mr. ADAMS. Mr. President, tonight the Senate is considering an amendment to prohibit the use of funds in the fiscal year 1990 Defense appropriations bill for the procurement of any additional B-2 Stealth bombers. Construction of the 13 B-2 aircraft in the pipeline would be continued as would R&D on the B-2 and the flight testing program. I intend to support this amendment and I want to briefly explain why.

First, I continue to have serious doubts about the mission of the B-2 bomber. While I have received a classified briefing from the Air Force on the B-2 at my request, it is clear from public statements that one of the principal arguments for the B-2—its ability to find and destroy relocatable targets—is simply not achievable in the forseeable future. There is not, of course, agreement that there is strategic utility to attacking any remaining mobile ICMS launchers hours and hours after exchange of land and submarine based ballistic missiles.

Second, we should learn the lesson of the B-1 bomber and not commit ourselves to the procurement of billions of dollars worth of aircraft that have not been proven to perform as intended. It is now apparent that the B-1 is likely to never fulfill the capability originally intended and advertised.

We simply cannot ask the taxpayers to spend money on colossally expensive weapons like the B-1 or the B-2 when we cannot certify to them that they will work and that they have a mission that reflects a valid, understood national security strategy. When these programs cost tens of billions of dollars, when there are numerous domestic and defense needs that must be met within a limited Federal budget, we cannot just say to the public "trust us."

Third, we are at a crossroads in our relationship with the Soviet Union at which the B-2 would be targeted. With each passing day, that relationship is changing and evolving. While none of us can predict the outcome of these changes, we certainly can conclude that essentially all strategic and conventional defense requirements are subject to dramatic change and should be. Do we need to proceed full speed ahead with every single strategic weapons system, including the MX, Trident II, B-2, and Midgetman? I do not think so.

Some of my colleagues will argue that this amendment would simply kill the B-2 program because it would be too expensive to resume production. I am sorry, but I simply cannot accept the argument we should keep spending billions and billions of dollars on construction of aircraft because it would be to expensive to prove that they work and that they are needed beforehand. I also want to point out that this language is effective for only one fiscal year and the amendment would not cut any B-2 funding provided in the bill. The amendment would only restrict the use of that funding for fiscal year 1990 and if the need and capability of the B-2 can be proven, these fiscal year 1990 funds would be available for procurement.

Under this amendment, we will continue to develop the B-2. We will continue to develop the stealth technology not only in this bomber program, but also in the advanced tactic fighter program and the advanced cruise missile program. And we will continue to develop the capability to field advanced aircraft technology and to defend ourselves. There should be no mistake, restricting the procurement of B-2's does not mean that we will not continue to work on stealth technology.

Earlier this year I voted for an amendment to the Defense authorization bill, which included provisions authored by Senator GLENN, to require certification of performance of the B-2. At that time, I stated that I believed that amendment moved in the right direction toward assuring that the B-2 would perform its mission before we made a major commitment to procurement or "fly-before-buy, but that I had serious reservations as to whether these restrictions were stringent enough. This amendment would set a more stringent requirement. It would require the Air Force to prove that the B-2 works; that it has a logical, valid mission; and that the need for the B-2 justifies the additional $40 billion it will cost. It would place the burden of proof where it ought to be, on the advocates for this costly new aircraft, and not on the public who has to pay for it.

It is obvious that annual defense spending is going to continue to decline in real terms and we must make our investments in defense more cost-effective and not just more costly. When we are forced to make countless tradeoffs among critical domestic programs such as housing, the war on drugs, health care, education, research and development, we cannot ask the American people to believe that the B-2 program is sacrosanct. This amendment will help assure that we do not begin a $40-billion procurement program for the B-2 without subjecting it to the greatest scrutiny.

I reserve the remainder of the time and yield it back to the manager of the bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to announce at this time that at the conclusion of the three votes, the back-to-back votes, the pending business will be the Bumpers amendment. I will ask unanimous consent at the appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield back the remainder of my time for the vote.

Mr. INOUYE. I yield back the remainder of my time.

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 29, nays 71, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—29

Adams
Baucus
Biden
Bradley
Bumpers
Burdick
Cohen
Daschle
Harkin
Hatfield
Hollings
Kennedy
Kerrey
Kerry
Kohl
Leahy
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Pell
Pryor
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wirth

NAYS—71

Armstrong
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Conrad
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon

Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Lautenberg
Levin
Lott
Lugar
Mack
McCain
McClure
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Rudman
Sanford
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

So the amendment (No. 859) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2939.

The Senate resumed consideration of the bill.

● Mr. DURENBERGER. Mr. President, as we complete debate and passage of fiscal year 1990 foreign operations appropriations bill, and as we witness remarkable changes taking place throughout the world, I believe that the time is ripe for us to reconsider the objectives and goals of U.S. foreign assistance.

As some of you know, I have just returned from an extensive trip to 18 Third World countries, most of which are part of the nonaligned movement. During the 3 weeks we spent visiting with leaders of these countries, we witnessed much poverty and deprivation, and often inhumane living conditions. It was devastating to see such human suffering.

But the truly amazing aspect of the situations that we observed in so many different countries is that the people were all hopeful for their futures—notwithstanding their current state of being—hopeful that change and improvement are possible.

Ever more so after this trip, I believe it is essential that this country reflect on the purpose and objectives of our foreign assistance funding. In the past, much of our aid has been related in some way to the East-West struggle—the political, military, ideological, and philosophical conflict between the United States and the Soviet Union. In the past, and still to a certain degree, there has been reasonable justification for this motivation in U.S. foreign assistance.

But the justification is no longer as certain or valid as it once was. We are witnessing dramatic changes in the Soviet Union and Eastern Europe. Poland has just installed its first non-Communist government since World War II. Hungary is tearing down its portion of the Iron Curtain separating it from Austria and the West. Some 15,000 or more East Germans—the best and brightest among them—have fled to the West through Hungary. And in the Soviet Union itself, the republics are demanding and receiving ever increasing amounts of freedoms and independence from Moscow.

And in the Third World, we are also witnessing dramatic changes. Many of the countries I visited have had friendly relations with the Soviet Union during the past several decades. Even though they may be officially nonaligned, they nevertheless have been closer to the Soviet Union and its style of government and society.

But I want to report to this body today, that I saw no affection for the socialism, Marxism-Leninism, or anything to do with the Soviet system of government and society. They are no longer so enamored of the Soviet Union. I do not know whatever fascinated them to begin with.

These countries, like an increasing number of countries in Eastern Europe and the Soviet Union itself, recognize that this system has nothing to offer them. It is a failed system, utterly and totally failed.

Throughout my travels, encouragingly but not surprisingly, I observed countries and citizens that have a great deal of affection for the United States, for the American style of political and economic participation, for our commitment to the rights and role of the individual citizen. They praise and admire our values and traditions, and our constitutional form of democracy.

They are seeking to emulate our economic strategy of real growth and opportunity to increase the prosperity of the people. And they were all in various stages of rewriting their constitutions, or restructuring their forms of government. These are very encouraging developments.

We have a remarkable opportunity to reflect on what we want to achieve with our foreign assistance. There are so many countries around the world that desperately need and deserve our assistance. We have it within our means, in real and demonstrable ways, to assist these countries to lift themselves out of the vicious circle of poverty and deprivation. I believe we must seize the opportunity to help these countries in resoundingly positive ways, to influence the changes that they themselves are initiating.

And these countries are looking to us for guidance, not for handouts. As President Bush has said, let us give those in need a hand up, not a hand out. They get from us our values and ideals, our love for liberty and individual freedoms.

In this foreign assistance appropriations bill, we have debated and will soon approve aid totaling some $14 billion. That's an impressive sum of money. Approximately 40 percent of that will be set aside for military aid. And then, let us consider the staggering sums that are being considered by Congress to aid Poland and Hungary, two causes I very strongly support, I'll add. The Senate Foreign Relations Committee, on September 20, approved $1.2 billion of aid in various forms. $1.2 billion.

The two recipients of the most United States economic assistance—Israel and Egypt—receive $1.2 billion and $815 million, respectively. The grand total of U.S. nonmilitary assistance last year for all of the countries I visited totals less than $800 million. Yet these countries have 22 percent of the world's population—20 times as much as Israel and Egypt combined. They also are temporary home to approximately 30 percent of the political refugees in this world.

I do not question that the assistance we will provide around the globe this year will serve good and noble causes—though I may not support each and every one of them. But given global circumstance, I can only conclude that the old paradigms that have guided U.S. foreign aid over the decades just do not apply any longer.

We should take the opportunity over the coming year to reevaluate and rethink the goals and objectives of U.S. foreign assistance. Let us return to this debate next year with enlightened views and perspectives on the matter. Let us reflect and deliberate on what this country is really trying to achieve, and what we should and can achieve. This country should make a difference in areas of the world where even a small effort can make an enormous difference.

● Mr. LAUTENBERG. Mr. President, since administration announced its plans to shift Soviet refugee processing from Vienna and Rome to Moscow, a number of concerns have been raised about facilitating a smooth transition. One of those concerns is that private volunteer organizations, which have been providing important counseling services for Soviet refugees who are in the process of emigrating to the United States, are not yet able to operate in Moscow. Although the State Department has raised the issue of voluntary agency presence with the Soviet Union, the Soviets have not provided assurances that private voluntary agencies will be able to operate in Moscow. I would hope that the State Department would continue negotiating with the Soviet Union until it agrees to permit United States private voluntary agencies to operate in the Soviet Union.

I would like to ask the distinguished chairman and ranking minority member of the Foreign Operations Subcommittee if they share my concern about the presence of private voluntary organizations in Moscow and if they agree that the State Department should continue to vigorously press this issue with the Soviets?

Mr. LEAHY. Yes I do.

Mr. KASTEN. I do as well.

Mr. LAUTENBERG. Another concern is that since the Moscow/Washington Processing Center is a new concept in visa processing, we need to closely monitor it to ensure that the transition is processing, will be efficient and effective. For example, we need to make sure that we have adequate staff in place and that an appeals process for those denied refugee status is established. An amendment that Senator KASTEN, Senator KENNEDY, and I offered to the Senate fiscal year 1990 foreign operations appropriations bill addresses these and other concerns and would require the GAO to do a study on the implementation of the new processing plan. I would like to ask the distinguished chairman and ranking minority member if they share these concerns as well?

Mr. LEAHY. Yes I do.

Mr. KASTEN. I do.

Mr. LAUTENBERG. Since that is the case, I would ask the distinguised subcommittee chairman and ranking minority member if they would be agreeable to try to include language in the statement of the managers to highlight the concerns we have just discussed.

Mr. LEAHY. I will.

Mr. KASTEN. I will as well.●

The PRESIDING OFFICER. Under the previous order, the clerk will now read the bill, H.R. 2939, for the third time.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 11, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—89

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wilson
Wirth

NAYS—11

Armstrong
Byrd
Dixon
Garn
Helms
Hollings
Humphrey
McClure
Roth
Symms
Wallop

So, the bill (H.R. 2939), as amended, was passed.

Mr. INOUYE. I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. With respect to the foreign operations bill, Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS, conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1990

The PRESIDING OFFICER. Under the previous order, we will now resume consideration of H.R. 2990.

The Senate resumed consideration of the bill.

● Mr. WILSON. Mr. President, last Thursday evening, the Senate engaged in a debate regarding SLIAG funding and the Federal Government's responsibility for immigration. But while I think those of us engaged in that debate underlined that the Federal Government and the Congress set immigration and refugee policy, those listening quickly surmised that when it comes to funding necessary legalization and refugee resettlement programs, State and local governments are left holding the bag. The Federal Government backs out of its commitments, shifting to local communities the financial responsibility of making these programs work.

During consideration of the Labor-HHS appropriations measure, the Senate dipped into the State legalization impact assistance grants [SLIAG] fund. Before the feeding frenzy ended, fiscal year 1990 SLIAG funds had been gutted by over $555 million which represents a cut of more than 50 percent.

And let me be clear in stating, Mr. President, that these cuts ignore the entire purpose of the SLIAG Program and the bipartisan compromise that brought this program together during final debate on the Immigration Reform and Control Act of 1986. The Senate's action is irresponsible. It unfairly penalizes California and other States for having large populations of persons legalized under IRCA.

In this same light, Mr. President, I would like to comment on the funding provisions in this appropriations measure for domestic refugee resettlement issues within the Office of Refugee Resettlement at HHS.

The Refugee Act of 1980 forged a partnership between the Federal Government and State and local governments. In essence, that agreement stated that the Federal Government would be responsible for decisions surrounding issues of eligibility, overseas processing, admissions levels, and the initial placement and costs associated with domestic resettlement. Moreover, the act was intended to hold States harmless for the cash and medical programs that they provide to refugees during the first 36 months of resettlement. In turn, States agreed to administer resettlement programs and accept the long-term responsibility for the integration of these refugees into their communities.

Unfortunately, Mr. President, we are finding that the Federal Government is shifting the burden of domestic resettlement onto the shoulders of the States and local governments who have been forced to absorb cuts in these programs despite a steady increase in the number of new refugee admissions. Already, funds for cash and medical assistance programs have been cut by one-third.

I am pleased to note that the bill before us would, at the very least, fund these resettlement programs at last year's level. While at first blush this may be seen as a positive step given our fiscal constraints, Senators may not be aware that this same amount of funds must be spread among a larger refugee population. It is particularly interesting to note that while the administration's fiscal year

1990 budget request was predicated on an admissions level of 84,000 refugees, its recent consultation with the appropriate congressional committees reveals an admissions figure of 125,000 new arrivals. We all agree that the U.S. Government should work toward the most open and undiscriminating refugee admission policies. However, there must be a recognition that actual refugee admissions should be linked with domestic resettlement costs. This action signals that added costs will be shifted onto the shoulders of local governments.

I want to commend the subcommittee for including report language pointing out this discrepancy and urging the administration to seek additional funds.

There is one aspect of the committee report that I find especially troubling and that is the report language on page 208 of the committee report. As I understand, this language to read, the Office of Refugee Resettlement [ORR] would reserve up to 20 percent of the targeted assistance account for grants to localities most heavily impacted by the influx of refugees, including secondary migrants for local schools, hospitals, employment services, and other institutions. The report language further indicates, in part, that the most heavily impacted localities would be those with populations of 75,000 or more, of which no less than 20 percent of the population is made up of refugees, including secondary migrants who entered the United States after October 1, 1979.

Under current law, targeted assistance funds are made available to communities where there are high concentrations of refugees who require increased levels of resettlement assistance to promote economic self-sufficiency and to eliminate dependency on public assistance programs. Because California is home to almost 50 percent of the Nation's refugee population whose welfare dependency rate exceeds 75 percent, one might ask why I am raising an objection. Well, Mr. President, the reason quite simply is that no California community meets the report's eligibility requirements.

In fact, California and other State coordinators inform me that the actual number of eligible communities is so few that this language is essentially an earmark. This means that of the $34 million appropriated for targeted assistance, 20 percent can be set-aside for one or two communities. Coupled with other targeted assistance funding commitments in the bill, this amounts to a fencing off of one-half of the targeted assistance fund for, in part, schools and hospitals, which are nonemployment related activities.

I agree that such institutions are heavily impacted by refugee resettlement. But if it is the intent of Congress that such a large amount of targeted assistance is to be used for such services in only a few areas, then I believe that this decision should be the result of appropriate hearings and review in the authorizing committees so that all impacted communities can compete for the funds.

Given the original intent of the Targeted Assistance Program, which is to address high refugee welfare dependency rates and to facilitate employment and self-sufficiency, I urge the distinguished managers of the bill to review this matter in conference to ensure a more equitable distribution of targeted assistance funds. In closing, Mr. President, I ask that a letter I and 16 other Senators sent to the distinguished subcommittee chairman, Senator HARKIN, regarding fiscal year 1990 refugee resettlement funding levels be inserted in the RECORD at this time. I thank the Chair.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 3, 1989.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Subcommittee considers fiscal year 1990 appropriations for the Department of Health and Human Services, we are writing to urge your strong support for full funding for refugee resettlement programs at a level that is consistent with current programs and projected FY90 refugee admissions.

While it is clear that you are working within severe budget limitations, it is equally clear that any further reductions in federal refugee resettlement assistance only increase the resettlement costs that are being shifted to and imposed on state and local governments. Assuming that 116,500 refugees will be admitted to the U.S. during FY90, at least $579.6 million would be necessary to ensure a continuation of FY89 program levels.

In order for the federal government to maintain its commitment to reimburse states for their costs relative to providing various resettlement services to refugees, federal assistance for refugee programs should not be reduced from FY89 levels. Specifically, federal support for cash and medical assistance should not be reduced from the current 24 month reimbursement period to 15 months.

Given the number of people currently seeking refugee status in the United States, it is reasonable to base the Subcommittee's appropriation on 116,500 refugee admissions as opposed to the 88,000 refugee admissions under the State Department ceiling. Appropriating funds now for the actual expected level of admissions—at least 116,500—will prevent future cuts in these essential refugee resettlement programs and save state and local governments from additional fiscal hardship.

We know you share our concern that refugees receive the services and training they need to become productive members of our society.

As always, we appreciate your attention in this matter of critical concern to our states.

Sincerely,

Pete Wilson, Slade Gorton, Bill Bradley, Herb Kohl, Rudy Boschwitz, Alfonse D'Amato, Robert Kasten, Chuck Grassley, Connie Mack, Alan Cranston, Bob Graham, Daniel Moynihan, Claiborne Pell, Dave Durenberger, Bob Packwood, John H. Chafee, Paul Simon.●

● Mr. DURENBERGER. Mr. President, I would like to take the opportunity to compliment the chairman and other members of the Subcommittee on the Departments of Labor, Health, and Human Services, and Education and related agencies appropriation bill. While I have some grave concerns about the bill, basically, I am pleased with the subcommittee's work. It is only the unfortunate mandate to expand Medicaid funding of abortions which causes my negative vote on final passage.

In particular, I am pleased with the subcommittee's recognition of the importance of postsecondary education programs for the handicapped. This program was first authorized in 1974 to expand Federal support for postsecondary programs for the hearing impaired. Today, this program funds four regional programs across the country, including the St. Paul Technical Institute in my home State of Minnesota. Because this program is the only program focusing on trade and vocational training for the deaf, it draws students from across the United States. I visited this institute earlier this year, and was very impressed with the training and services provided for their students. It enables the students to become contributing members of society that benefits us all. So, I again thank the members of the subcommittee for continuing to fund this program.

Also, I am pleased with the subcommittee's "Action Plan for Rural America." The subcommittee recognized the difficulties rural areas face in getting quality health care and education but the plan and its Senate funding levels are an important step toward overcoming these difficulties.

Of the 12 health initiatives funded by the subcommittee in the Action Plan, the increased funding for rural health care transition grants is very important to me. The grant program was authorized by legislation that I first introduced in 1987. Under this program, rural transition grants of up to $50,000 a year for 2 years are awarded to small rural hospitals to help them develop and implement transition strategies that modify the type and extent of services such hospitals provide. The grants assist rural hospitals and their communities adjust to changes such as declining demand for acute-care hospital capacity, increasing demand for ambulatory and emergency services, declining ability to provide appropriate staffing for inpatient services, and changes in service populations. In my home State of Minnesota, eight rural hospitals have received grants under the first round of this program. The increased funding means more hospitals will be able to get these very important grants.

I am concerned about several issues in the appropriations bill. One concern I have is the amount appropriated to conduct outcomes research. The subcommittee agreed during floor action to add $25 million to the original $10 million appropriation. This additional funding is essential to expand the mission of the patient outcomes assessment research program. The mission of this program is to ultimately provide health care professionals, consumers, and practitioners with sound information on effective medical practice. This research is also important in helping to control our escalating health care costs by identifying outmoded and ineffective medical care practice and is an essential component of the Rockefeller-Durenberger physician payment reform bill. As the subcommittee goes to conference with the House, I urge the Senate conferees to preserve the Senate funding level for outcomes research.

Another concern is the amount appropriated in operating funds for Medicare carriers and fiscal intermediaries. The amount recommended by the subcommittee is inadequate for the carriers and intermediaries to maintain their current level of payment safeguard activities. Payment safeguard activities include medical and utilization review, provider audits, and identification of Medicare secondary payer cases. Historically, every dollar spent for payment safeguard activities has resulted in a return of $8. The carriers and intermediaries argue, with good cause, that an additional $200 million is needed to conduct an adequate level of safeguard activities. The subcommittee agreed with my concern, but noted that the funding level is consistent with the administration's budget request. However, because of the subcommittee's concern, it agreed to support a sense-of-the-Senate resolution urging more funding for payment safeguard activities. As the subcommittee goes to conference with the House, I urge the Senate conferees to address and attempt to resolve this difficult problem.

As I have said, I support many of the steps taken and priorities set in this Labor, HHH appropriations bill. However, this contains a serious error in my judgment, namely expansion of the Hyde amendment to expand potential Federal funding of abortion. Throughout my career I have voted to prohibit Federal funding of abortions except to save the life of the mother.

For 11 years now I have waited on the Senate Finance Health Subcommittee to expand financial dollars to required medical sources for America's poor—especially her mothers and children. Mr. President, abortion is not such a medical service except where the mother's life is involved. I am hopeful that this matter can be resolved in conference and current law restored so that we can vote on a final appropriation that a large majority of the Senate can support enthusiastically.

Mr. BYRD. Mr. President, today we are considering H.R. 2990, the Departments of Labor, Health and Human Services, and Education and related agencies appropriation bill for fiscal year 1990. This measure provides necessary funding for: Education, AIDS; disease research, prevention and control; assistance to the homeless; safety and health programs, including black lung; maternal and child health; unemployment compensation and employment services, and assistance for the disadvantaged.

With respect to the subcommittee's 302(b) allocation, the bill as recommended is within both the budget authority and outlay ceilings.

I wish to commend Mr. HARKIN, chairman of the subcommittee and Mr. SPECTER, the ranking member, for their excellent work in accommodating the priorities of the Senate within the constraints of the budget agreement. Their work was greatly assisted by the cooperation of their colleagues on the subcommittee and on the full Committee on Appropriations.

I also wish to commend the staff of the subcommittee, Mike Hall, Jim Sourwine, Peter Rogoff, Carol Mitchell, Amy Schultz, Nancy Anderson, Sandra Kruhm, Maureen Byrnes, Craig Higgins, and Marva Bickle. These professionals have worked tirelessly to get this measure before us today.

The managers have explained in much greater detail the contents of the measure as recommended. The bill as reported by the Appropriations Committee deserves the support of the Senate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—81

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Exon
Ford
Fowler
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Heinz
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Matsunaga
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wilson
Wirth

NAYS—19

Armstrong
Boschwitz
Conrad
Dixon
Durenberger
Garn
Gorton
Hatch
Heflin
Helms
Humphrey
Lugar
McCain
McClure
Nickles
Roth
Symms
Wallop
Warner

So the bill (H.R. 2990), as amended, was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I move the Senate insist on its amendments to the bill H.R. 2990 and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. DASCHLE) appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. MCCLURE, Mr. COCHRAN, and Mr. GRAMM conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS-CONSENT AGREEMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendments be temporarily set aside for a Bumpers amendment on Korean troop strength reduction on which there shall be 1 hour equally divided to which Senator STEVENS may offer a substitute, at any time, on which there shall be 30 minutes equally divided and that upon disposition of the Stevens amendment the Senate, without any intervening action or debate, will vote on the Bumpers amendment, as amended, if amended.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 860

(Purpose: To require a reduction in the number of U.S. military personnel assigned to permanent duty ashore in the Republic of Korea and for other purposes)

Mr. **BUMPERS.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 860.

Mr. **BUMPERS.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended after August 30, 1990, to support or maintain members of the Armed Forces of the United States assigned to permanent duty ashore in the Republic of Korea in a number greater than 40,872 or to support or maintain members of the United States Army assigned to permanent duty ashore in such country in a number greater than 28,406.

(b) It is the sense of Congress that the President should, at the earliest practical date after the date of the enactment of this Act, initiate discussions with the Republic of Korea regarding—

(1) mutually satisfactory arrangements for achieving the limitations provided for in subsection (a);

(2) the desirability of making a phased reduction, in addition to the reduction made as the result of subsection (a), of 7,000 members of the United States Army assigned to permanent duty ashore in the Republic of Korea and of completing such reduction not later than September 30, 1992; and

(3) the kinds and quantities of military equipment and other material that will be needed by the Republic of Korea as a consequence of the limitation provided for in subsection (a).

(c) It is further the sense of Congress that the President should submit to Congress, not later than May 1, 1990, a report in both classified and unclassified versions on the reduction of United States military personnel assigned to permanent duty ashore in the Republic of Korea. The President should include in such report a discussion of the following matters:

(1) The feasibility of making reductions, in addition to the reduction made as a result of subsection (a), in the number of United States Army personnel assigned to permanent duty in the Republic of Korea.

(2) The type of technical and planning assistance that the United States should offer to the Republic of South Korea as that country assumes a greater burden for its own defense.

(3) The options available, and the President's recommendations, with respect to the reassignment or other disposition of United States military personnel withdrawn from the Republic of Korea.

(4) The purpose and function of the presence of a substantial number of civilian personnel of the Department of Defense in the Republic of Korea.

(d) Congress reaffirms the commitment of the United States to the security and territorial integrity of the Republic of Korea.

Mr. **BUMPERS.** Mr. President, this amendment I think is a very important one, but it should not take very long to debate it because the facts are not in dispute. Once the facts are given to the body, then you reach a conclusion.

In my opinion and the opinion of my two principal cosponsors, Senator JOHNSTON and Senator BENTSEN, the facts are overwhelmingly in support of the amendment. We first introduced a bill in the Senate to withdraw 10,000 of the 43,800 troops we had in Korea as of June of this year.

The **PRESIDING OFFICER.** The Senator will suspend. The Senate is not in order. We cannot proceed with the noise in the Chamber at this time. Senators will cease audible conversation. The Senator deserves to be heard.

Mr. **BUMPERS.** Mr. President, as I was saying, we have 43,800 troops in Korea. Broken down, it is roughly 31,400 Army, 11,500 Air Force, and about 1,000 Navy and Marines; all told, 43,800. We wanted to withdraw 10,000 troops over the next 3 years. But bear in mind this is an appropriations bill and you can only operate for 1 year on an appropriations bill, so what we did, instead of asking for the phased withdrawal of 10,000 troops over a 3-year period, we are asking for roughly one-third of that amount in 1990, by August 30. No big deal, in one sense of the word, out of 43,800 troops.

Listen to this. Listen to the history of our presence in Korea. We went there in the late 1940's. The war broke out in 1950. And of course our presence accelerated dramatically. Then it started dropping off.

But if you adopt this amendment tonight to withdraw 3,000 troops in 1990, we will still have over 2,000 more troops than we had in 1981.

When Korea was a poor country and could not defend itself, our presence there made some sense, because they were threatened by the North Koreans. Mr. President, we are talking about 40 long years later. We are still there. The taxpayers of America are paying $2.6 to $3 billion a year. We are closing bases all over the United States to the chagrin and dismay of many of my colleagues, but you name one base overseas that has been closed.

Where do you get the most applause, Republicans and Democrats alike, when you go home and you speak to the Rotary Club? When do they applaud the loudest? When you talk about burden sharing. Why do our allies not help themselves? Why is the United States, with a $160 to $170 billion deficit this year, spending $2.6 billion for that kind of presence in Korea when South Korea has twice as many people as North Korea?

Bear in mind the only threat to South Korea is from North Korea. They have twice as many people, 41 million to 21 million. The North Korean economy is a basket case, stagnant, zero growth. And the South Koreans have an eight times bigger gross national product.

Think of this. This is like asking Korea to come defend us against Mexico. It would be laughable if such a proposal were made. But here is South Korea, with twice as many people, eight times bigger GNP, and a $10 billion trade deficit against the United States.

I can walk outside this building and within 2 minutes see a Hyundai. They flood the American market with Korean products. They have one of the most vibrant economies of any nation on Earth. And they have one of the finest armies and navies of any nation on Earth.

What in the name of all that is good and holy are we doing? It is outrageous.

Mr. President, here is the real clincher. The real clincher is that in 1982 Korea was spending, when we had over 2,000 less troops there than we have now, they were committing 6.1 percent of their gross national product to their own defense; 6.1 percent of their GNP went to defend themselves. What do you think it is going to be in 1990? Twenty-two percent less; 4.75 percent of their GNP.

While Korea is reducing its commitment to its own defense, we stay and stay and stay, and spend the poor, hapless American taxpayer's dollar to defend people who absolutely refuse to defend themselves.

How many speeches have I heard on this floor about the trade deficit and who is causing it. How many times have I heard speeches on this floor about we have got to demand a greater share from our allies. We cannot be the policemen of the world.

Mr. President, we are not going to renege on our commitment. I am not suggesting that. I would not vote tonight nor in the foreseeable future to remove our Air Force, intelligence and communications systems from there. But with one little simple amendment tonight, you can save $220 million annually.

Do you believe that if we have 40,800 troops in Korea instead of 43,800, do you believe North Korea is going to attack? Why of course you do not believe it.

I told the Korean Ambassador, who came to see me when we first introduced the bill, "Mr. Ambassador, our commitment to the freedom of South Korea is total. We are not going to renege ever on our commitment to you until you tell us to."

You will hear argument tonight: "This is not the time." Well, we have been hearing that now for about 30 years. This is not the time. The Korean Defense Minister was in the United States recently. They said, "Well, when is the time, Mr. Minister?" He said "Well, sometime after the turn of the century, around 2004 to 2006," He thought that would be a good time.

You will hear the argument tonight that Congress is usurping the prerogatives of the President or the Defense Department or the State Department. Do you know what that argument means? They say we do not want to unilaterally withdraw. We have to negotiate this with the South Koreans. Do you know what that means? That means we are hostage. If we cannot leave on our own initiative, then we can only leave with the permission of the South Koreans. And that means you will never leave, and you certainly will not leave, according to them, before the year 2004, 2006.

At some point, people have to defend themselves, and South Korea has a burgeoning democracy, and we want to nurture it and help them. But our presence there is just a lightning rod.

My colleagues know what happened at the 18-hole golf course, do they not? Every Korean who worked in Seoul going to work every morning went by this most beautiful and precious piece of real estate in all of Seoul, an American golf course.

My colleagues will hear people say that it is not true that the South Koreans resent us; they love us. If they love us, why did they have riots over our having that golf course downtown? Riots to the point that South Korea itself had to give us land outside the city for a new golf course and base?

I think we are respected in South Korea. But I will tell my colleagues something else. Talk about burning American flags, that is a favorite pastime in South Korea. Every time anything goes wrong, they blame the Americans, the dissidents do. And I think we foster democracy, there if we start diminishing our presence so they at least cannot blame everything that goes wrong on us.

Mr. President, I want to honor our commitments. Our commitment to South Korea has long since expired. The Armed Services Committee the other day in the authorization bill said: We want to study this. And we want the President to report back to us.

I will tell my colleagues something, the President cannot tell them one thing in his report that I have not told them in the last 5 minutes. And when the report comes back it will say we have it under study and we want to negotiate with our good friends and allies in South Korea.

So, Mr. President, I say the time has come not to put up with the arguments any longer that this is not the right time, that it ought to be studied, that we need to negotiate this with South Korea. We inherited those arguments.

We have heard those arguments for 30 long years. The time has come to fish or cut bait.

Mr. President, my distinguished colleague, Senator JOHNSTON, has some graphic charts that show the statistics I just described. At this time I will yield the floor. I think in order to keep the time more even it would be well for the other side to go.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I yield myself 10 minutes. If I need additional time, I will then yield additional time.

The PRESIDING OFFICER. The Chair will inform all Senators the Senator from New Hampshire controls time in opposition.

Mr. RUDMAN. I thank the Chair and I thank my distinguished colleague from Hawaii, for that courtesy.

Mr. President, this is really not a matter of numbers or graphs. It is not even a matter of relative strength, although that is important. It is a matter of how we regulate our foreign policy.

I say to my friend from Arkansas there is no question but that U.S. troop commitments worldwide are presently under review for a variety of reasons. First, because it would appear that in many parts of the world the tension level is changing; and, second, because of the fiscal realities that we face here in this country.

But I would say to my friend from Arkansas that the tension level in the Far East, and particularly along the 38th parallel in Korea, has not changed. Unquestionably, there well may be a time, and this well may be the time, for a reduction in forces. But to suggest that here in the U.S. Senate we will make this kind of foreign military policy by a vote of the Senate, followed, I am sure, by a vote sometime tomorrow on changing our troop strength in NATO, for which this may also be the time, I submit is shortsighted. This may be the time, but this is not the place.

Senator STEVENS will offer a substitute amendment which will, set forth the manner in which we ought to approach this.

Let me give my colleagues a little history, because there are people currently in this Chamber who do not remember that war very well. In early February 1950, the then Secretary of State, Dean Acheson, gave a speech at the National Press Club. In that speech he drew the defense perimeter of the United States, its worldwide commitments.

Any historian who has written on this subject will say that was probably the worst mistake a modern American Secretary of State has made, because 4½ months later, Kim Il-song, the irrational, and irresponsible, leader of North Korea, launched the attack across the parallel.

In interviews with Chinese diplomats and military officers, as well as Koreans, that was interpreted as a clear signal the United States did not consider South Korea as being within our defense perimeter.

The rest, of course, is history. We have a memorial to Vietnam veterans, a beautiful memorial, to the 55,000 Americans killed in Vietnam. America invested nearly that, 54,000 Americans killed, with total U.N. casualties of a half million between 1950 and 1953. On July 27, 1953, after a great deal of negotiation, an armistice was signed and a demilitarized zone established.

That armistice still exists. There is no peace agreement between the North and the South. North Korea is still ruled by the same irresponsible leader, and in my trip to South Korea in August, returning there for the first time since 1952-53, I found the tension level around that parallel something that anyone would find disquieting.

In my discussions with the Koreans, they agreed that a reassessment must be made and they would like to be part of that reassessment. They do not say that American troops will stay there indefinitely, and I believe we should look forward to some restructuring of forces. But that should not be decided here in the U.S. Senate. In the White House, in the National Security Council, in the State Department, yes. In consultation with the Congress, yes. But not by a unilateral action on the floor of the U.S. Senate.

Let me just deal in a few facts and figures. North Korea has a GNP of only $20 billion, but they devote 25 percent of it to the military. With their abnormally low wage rates and their police state, they get enormous clout for those defense dollars. The numbers are rather interesting.

Although we do have 40,000-plus forces there, the forces of North Korea are certainly superior quantitatively, and very few who fought against the North Koreans, and I did, would say that they were inferior qualitatively, as we found out to our surprise, given our superior attitude about Western arms and Western soldiers.

Presently, North Korea has 1,040,000 troops under arms; the South, 650,000 and building. Total reserve divisions stand about 25 to 23 in the South. Infantry divisions, 25 to 21.

Tanks, 3,500 to 1,500. Multiple rocket launchers, 25,000 to 37. And I should not have to tell my friend from Arkansas the value of those kinds of systems which he has supported for the U.S. Army many times on the floor of the Senate, the MLRS system, which I support as well.

They also have an air force that has 80 bombers, to zero in the South; 614 jet fighters, to 480 in the South, and an enormous surplus in antiaircraft artillery, field artillery, and armored personnel carriers.

In my conversations with people in Korea, they simply said that if the United States wishes to start reducing its troops and its commitment, it should be done in a phased and a careful way. We understand that the United States will not stay here forever, and we are building our forces and modernizing our structure.

As a matter of fact, Mr. President, the South Koreans presently are spending at a rate of about 6 percent in terms of their own GNP. But, I would add, they are totally modernizing their field forces, bringing in 1980's artillery rather than 1960's vintage, or 1950's vintage. They are likewise modernizing their air force, their navy, and all of their forces.

The point they make to me is that U.S. forces there in the current numbers essentially act as a strong message to Kim Il-song that the United States maintains its commitment along a tense border that has existed for 36 years.

Before I yield the floor, and I might take some more time after my friend from Louisiana speaks, let me say this. We are not dealing with a rational government. Let me just tell you a little bit about North Korea, which I referred to in committee the other day as the Albania of the Far East.

Everyone in North Korea has a radio. It has one frequency, and it is not tunable. Everyone in North Korea has one television set. It has one frequency, and it is not tunable. And Kim Il-song, who has been known for many years as the great and beloved leader, lectures the people of North Korea. There is thought control beyond belief. Bicycles are not allowed in North Korea. I ask my friends why? Simply because Kim Il-song and his son and heir apparent as well as the military that controls that country do not want civilians to have any mobility whatsoever because that could lead possibly to knowledge and dissension and discontent.

So here we have a country that essentially is unchanged since the cold war period of the fifties; a truly doctrinaire state ruled by the ironfisted Communist Party which still preaches the reunification by any means of the two Koreas.

Let me say to my friends from Arkansas and Louisiana that 250,000 Americans were killed, wounded or missing, and a half a million people on the allied side lost their lives and fought with great valor to give the Western World its only victory militarily over communism in the postwar world. In Korea, the purpose that President Truman courageously set forth was to establish and reestablish South Korea. What happened with General MacArthur is more history, but the fact is we are now exactly where we were on June 25, 1950, and to give any signal whatsoever without careful and thoughtful deliberation is a terrible mistake.

I do not believe United States forces should stay at their present levels indefinitely in Korea, and I will support reductions, but I do not want it done on the basis of debate on the floor of the United States Senate. I would like it done thoughtfully by people who understand the issues and all of their complexity.

There is no question in my mind that by 1990 or 1992, we will reduce forces in Korea. I have little doubt about that. Let us do it with consultation; let us do it with our allies, the South Koreans; let us make sure that their burden sharing, which is at a high level, and I have those figures if anyone is interested, will continue and increase. Let us eventually step down to a smaller force, but let us do it the way it ought to be done. And let us understand that when you are dealing with Kim Il-Song and North Korea, you are not dealing with Gorbachev or the Polish leadership or the Hungarian leadership or the East German leadership. You are dealing with an erratic, unstable dictator who, with the snap of his fingers, could unleash another attack against South Korea which would then cause the committal of major United States forces.

Mr. President, this is not a good amendment. It is offered in good faith. I understand the reasons. I do not necessarily disagree with them. This may be the time, Mr. President, but surely the United States Senate is not the place to signal the North Koreans that America is starting to reduce its commitment unilaterally to the Republic of South Korea. I yield the floor.

Mr. JOHNSTON. Will the Senator yield me 10 minutes?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. JOHNSTON. Mr. President, I have now been in the Senate for 17 years. Some things have changed dramatically in that 17 years. The first is the limits that are placed on us by the budget. Seventeen years ago, Mr. President, we had much more money, it seems, to do all of those things we wanted to do. We had war in Vietnam which we were able to sustain, and we had a deficit which was much less. Today, Mr. President, we struggle to find money for the war against drugs. President Bush wants to be the education President, and there is no money for an increase in education. Our infrastructure is crumbling in this country. Our highways are deteriorating, our bridges are falling in. We do not have money for AIDS research; we do not have money for catastrophic health care; and we are facing a sequestration, and no one has quite the solution to it.

Mr. President, in this very bill, we are seeing all of our military systems, most of them, cut back, and we are told that we ought to have some money. Mr. President, just what is the solution? Surely the country needs money. Surely we have high priorities here. How do we solve it? Is it taxes? Well, you can read my lips as I read President Bush's: Taxes are not going to happen. I am against taxes. I think my colleagues are against taxes. I know the President is against taxes. So what is the solution, Mr. President? The solution has to come from this body. We just cannot continue to do business and wait for somebody in the Pentagon to come give us a plan to cut troops in Korea. That is never going to happen. Mr. President, if we cannot cut troops in Korea now, then we cannot solve our problems, and if the U.S. Senate is not the place, the elected body where the people of the country send their representatives to do this job, then I say we better quit.

Mr. President, some things have not changed since I have been here. One of those things that has not changed is the fact that we have been talking all that time about cutting troops in Korea, and it is always the same story. I remember when the late great Hubert Humphrey was here in 1976. He had an amendment to cut back troops in Korea. Here is what he said, and I quote him in part: I am insisting that the executive branch begin to plan in specific terms for the day that the defense of Korea can be turned over to the Koreans, said Senator Humphrey. And he continued: "The report"—that is the Ford administration report—"states that the earlier Korea modernization plan had been completed. This was supposed to have been the time when U.S. reductions could begin. If we leave things as they are, the Koreans will never prepare themselves militarily or psychologically to stand on their own." So sayeth Hubert Humphrey back in 1976.

Just what happened since that time? Mr. President, there were some reports. There was a report out of the House Appropriations Committee 2 years ago on the status of and prospects for troops reductions in South Korea. Guess what they said? Yes, we ought to do it, but now is not the time. They always say that, Mr. President. If you look at this chart which shows over here starting at about 1971, which is about the time I came to the Senate—actually 1972—going up through the present time, it shows what our troop levels have been in Korea. They have actually been rising. All this time we have been talking about when is the right time to cut troops in Korea, and the numbers have gone up. What has happened to the Koreans? This is annual defense spending as a percentage of GNP. South Korea is here in red, and the United States is in blue. We are spending more as a percentage of GNP; they are spending less.

Mr. President, the figures I have are that they are spending, and this comes from Seoul, Korea, 4.75 percent of their GNP, considerabley less than we are spending.

Mr. President, there are some other things that have changed since 1976. The PRC is not a hostile enemy to us. They may not be a model of democracy, but they are not a hostile enemy to this country as they were in 1976 when Hubert Humphrey wanted to cut those troops and certainly in 1950 when they were part of the invading force in the latter stages of the war. Or certainly the Soviet Union with perestroika and glasnost, a vast change from the 1950 Soviet Union under Stalin or the 1976 Soviet Union under Brezhnev, I guess it was at that time.

Mr. President, things have changed dramatically. The trade surplus of this country with South Korea is now $10 billion. While we spend our money to support troops in Korea, they spend their money on R&D on Hyundai automobiles. Why should we do that, Mr. President? Why are we paying for a country that is relatively richer than us in terms of trade? Just why do we do that?

We are told, well, maybe sometime but now is not the place. Unless you make that crowd at Pentagon do it, they are not going to do it.

Mr. President, a year ago in this very bill we put in language that required the appointment of an Ambassador for burdensharing. We all made great speeches and that is now the law of the land.

Do you know, Mr. President, in a year they have not appointed that Ambassador. As high a priority as that ought to be, they will not even appoint somebody to go talk about it. They just ignore the law of the land.

Mr. President, if we wait for them to act on this thing rather than us to act on it, it is going to be like talking to somebody about quiting smoking. They ought to do it and they will do it from time to time but they just never get around to it.

And how about all those civilians over there, Mr. President? It is virtually scandulous. According to the report that we have received, they say that the tooth-to-tail ratio in South Korea is virtually scandulous in terms of the number of people that are there to support these Armed Forces.

This is 1989. All our amendment does is cut the first 3,300 troops from Korea and give us a report on how you would cut 10,000 over a period of 3 years. It is a very modest first step, Mr. President very modest. But for the first time we would be sending a signal that it is time for Korea, which has eight times the GNP of North Korea, twice the population, to do their share; otherwise, they are going to depend on Uncle Sugar forever. As Hubert Humphrey said, they will never be prepared psychologically to share the burden of their own defense. We need to get started and get started now.

With respect to all of these scare stories about how strong Kim Il-song is, I can tell you that General Menetrey, who is the commander in Korea, says that considering the air power of the United States, which is the key of the United States forces—it is not those 44,000 ground troops. If that is a problem, we ought to have a lot more than that, if we are going to defend against an invasion from over 1 million. Our key is the Air Force.

General Menetrey says, sure, we can defeat an invasion from the North using our air forces, but what we ought to do is bring home, at least begin to bring home, those doughboys that are not necessary in Korea. We are supporting their economy when they ought to be either phased out or stationed somewhere in the United States so that they can support the complete——

Mr. RUDMAN. Will the Senator yield? Is he still quoting General Menetrey? I just want to make sure that the record is clear because that sentence continued and I now have a report of what General Menetrey believes. I just want to be sure what the Senator is saying. Could he restate for us what General Menetrey believes because he went into his own statement and I was afraid people might be confused.

Mr. JOHNSTON. Mr. President, on the Senator's time, I will be glad to do this. I spoke to General Menetrey, and what General Menetrey told me is that with our Air Force we can defeat an invasion from the North. Now, if he is saying something different from that, that is exactly what he told me.

Mr. RUDMAN. I thank the Senator.

Mr. JOHNSTON. That is exactly what he told me. He also told me that he thought there was a very good chance they would begin to bring home troops now on their own without this amendment.

But, Mr. President, we keep hearing that every year. Oh, we are going to do it.

Mr. SYMMS. Will the Senator yield for a question?

Mr. JOHNSTON. But now is not the time.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Time is very limited.

Mr. SYMMS. Is General Menetrey an Air Force officer or Army officer?

Mr. JOHNSTON. He is an Army commander.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. RUDMAN. Mr. President, I would like to yield a couple of minutes to Senator BOND and then I will yield some time to the Senator from Pennsylvania [Mr. HEINZ].

The PRESIDING OFFICER. The Chair would inform all Senators the Senator from New Hampshire has 18 minutes remaining; the Senator from Arkansas has 7 minutes, 53 seconds remaining.

The Chair would seek clarification. Did the Senator from New Hampshire yield to the Senator from Missouri?

Mr. RUDMAN. I am yielding 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. BOND. Mr. President, there are so many points that the sponsors of this amendment have raised that must be addressed. Let me begin by quoting from Congressional Quarterly, page 2262, the statements of General Menetrey talking about Kim Il-song. "This rather formidable offensive power is in the hands of this unpredictable leader who has certainly exhibited his capability for irrational acts."

That is a quote from U.S. Army Gen. Louis Menetrey.

Later on that same page, General Menetrey is quoted again, "There is a Korean saying which says that the air and naval forces are like geese. They just honk and fly away. The commitment of ground forces is the greatest single deterrent we can have."

Mr. President, there are many other points that we ought to straighten out.

First, South Korea does provide about one-third of its governmental budget for defense—5.5 percent of its gross national product. South Korea faces the seventh largest army in the world, approximately 1 million men amassed on its border—troops who are under the control of a leader who for four decades has managed to keep his country outside the community of responsible nations.

The Kim Il-song regime clearly is one of the most militant and hostile in the world. Time and time again Kim has shown his willingness to use force against the South. From his 1950 invasion, through more recent acts such as the 1983 assasination attempt against President Chun Doo Hwan and his cabinet, to the recent bombing of a Korean Air flight, Kim has shown that his is a terrorist regime.

Against this massive hostile regime, the South has deployed impressive—but clearly outgunned—forces, outnumbered almost two to one by the North.

The United States troops deployed in Korea play a critical role not only in helping the South to address the imbalance from the North but, more importantly, they play an important phsycological role—sending a clear message to the North that an attack on the South will not be ignored by the United States.

The sponsors make a number of arguments in favor of this amendment, and I would like to take a few minutes to address those.

First, they argue that South Korea is much stronger economically than is North Korea—having a Gross National Product eight times as large. This is irrelevant at best. A nation's overall GNP gives no indication as to the size of its military forces or the threat it poses. The United States, for example, has a much larger GNP than the Soviet Union. Yet the Soviets have forces that are in many ways equal or superior to those of the United States. The fact that the Soviet economy has suffered because of this tremendous military buildup does not make its military any less lethal or any less of a threat to the West.

A second argument raised by the sponsors is that South Korea has a $10 billion trade surplus with the United States. This truly is a specious argument.

I believe as strongly as anyone in this chamber that we must work to eliminate our trade imbalance with Korea. It would be a great mistake, however, to allow our distress over this imbalance to drive our military decisions. Yes we should be tough in talks with the Korean Government to get them to eliminate unfair trade barriers. Yes, we should keep pressure on them to eliminate improper currency manipulation and to bring their currency into proper valuation. And yes we should do everything possible to encourage and aid United States companies to sell their products in the Korean market. But it would be a great mistake to ignore our own security needs and withdraw troops in frustration over this trade imbalance.

Mr. President, I am not unaware of the fact that South Korea has a successful economy. South Korea is, in fact, one of the world's true great economic miracles. Yet we must remember that Korea's success is recent.

As few as 10 years ago, South Korea was an economic questionmark, and 20 years ago it was an economic basket case. On the political front, just last year South Korea took the historic steps of peacefully and democratically removing an authoritarian government and electing a new leader. I would argue that this is a country that we should encourage and nurture, not beat into the ground. The United States—and particularly the United States defense budget—benefits from strong, stable, democratic allies such as South Korea is becoming.

This is not to say that we should be the saps that we sometimes are and allow our allies to take advantage of us. I believe we should work hard to push our allies to pay a greater share of our mutual defense costs. However, we should do this in a way that meets—rather than defeats—our defense interests.

In Korea this means making it clear to the Koreans that they need to pay a larger and growing share of the cost of United States troop deployments.

Mr. President, one last point worth noting is that the sponsors of this amendment argue that it would result in a savings to our defense budget. That is not the case unless the troops are deactivated. Because of the large amount that South Korea pays to support United States trade deployments in that country, withdrawing our troops to the United States would result in an increase, rather than a decrease in expense.

Mr. President, I would simply conclude by urging my colleagues to oppose this amendment. If Senators are concerned that we are over extended in Korea, the way to address that is by working with Korea to pay a larger share of the bill, not by withdrawing our troops.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. HEINZ. Mr. President, South Korea has the ability and the obligation to bear a larger portion of the burden of deterring North Korean aggression. We should strive to elicit this enhanced contribution from South Korea in a way that does not undermine our strategic interests in the Korean Peninsula or squander the investment in blood and treasure we have made there since 1950. The debate on the Bumpers amendment is not about ends—it is about the means to an end.

There are key differences between the Korean Peninsula and other parts of the world. While glasnost and perestroika roar like a political hurricane through Eastern Europe and the U.S.S.R., and at least a breeze of reform lives on in China, the Democratic People's Republic of Korea lies isolated and any forces of reform utterly becalmed. While Solidarity blazes a new path for Poland, and Hungary opens its borders for East Germans traveling the freedom road, the policies of North Korea are a walk down a totalitarian memory lane.

The amendment now under consideration, while it aims at the desirable objective of boosting South Korea's defense contribution, risks precisely the sort of political fallout we cannot afford. For this reason I must oppose the amendment.

There is a group of countries that have long been branded pariah states—and North Korea still merits that description. The list of particulars against Pyongyang is long and grisly, and includes recent flagrant acts of international territories against civil aviation. It has been only 6 years since North Korean agents assassinated half the South Korean Cabinet with a bomb at an official ceremony in Burma.

The brutal, broad-daylight ax murders of two American servicemen at Panmunjom in 1976 seem distant, but that barbaric act serves as accurate symbol of the unrepentant perversity of the regime in Pyongyang.

North Korea's military might remains all out of proportion to legitimate defense needs. Modern systems including the latest Soviet fighter aircraft are in North Korea's arsenal.

And despite the struggle for democratic change in South Korea, which has made some progress, the North has not altered its hostile policies that prevent any moves toward reducing tensions on the peninsula.

In this context, Mr. President, a unilateral cut in American troops deployed in South Korea, whatever its motivation, would only put off the day that North Korea must come to terms with reality and with its southern neighbor. American troop reductions in South Korea must come some day—but they must be part of an integrated plan that coordinates the efforts of the United States and South Korea. Such reductions must come as a result of consultations with our allies in Seoul, and ideally in the context of a relaxed atmosphere in which North Korea is usefully engaged in negotiations to reduce the chances of war.

Mr. President, this past July, as an amendment to the Defense Authorization Act, the Senate adopted a provision offered by Senators NUNN and WARNER. This amendment required a report from the administration on the kinds of changes we would like to see in the United States-South Korean defense relationship.

The Nunn-Warner amendment, while calling for a general reassessment of American security arrangements in East Asia, pointed to specific measures to reduce the burden of protecting American interests in the region. Most importantly, the amendment mentioned increased South Korean contributions to offset direct costs of United States forces deployed in South Korea.

The annual cost of maintaining United States forces in South Korea is $1.9 billion. At present, Seoul claims to provide, through both direct budget outlays and indirect methods such as free rent and discounted utility rates, about that same amount of support to U.S. forces. The South Korean figure can be disputed, but whatever the merits of their calculations, there is no doubt that the South Koreans could easily provide much greater support for United States forces deployed on their soil.

Over a billion dollars of the total cost of maintaining United States troops in South Korea are accounted for by operations and maintenance expenditures. In 1988 South Korea ran a national budget surplus of over $2 billion in addition to enjoying a $10 billion bilateral trade surplus with the United States. I see no reason the two sides cannot work out an arrangement whereby some of this budget surplus can be turned to offsetting the direct costs of American military deployments in South Korea.

The last two meetings of the security consultative meeting, the United States-South Korean bilateral security forum, have seen United States requests that South Korea increase its support of direct costs of the American presence. The administration is on the right track. I would urge them to look at the example of Japan, which pays for virtually all recurring costs of United States forces in Japan save their actual salaries. We should seek the same level of support from South Korea as many years of negotiating have yielded in Japan.

Instead of unilateral troops cuts, I believe the Senate should put its full weight behind the ideas approved in July—intense bilateral consultations leading to cost reduction, greater Korean contribution to United States deployment costs, and a more efficient regional strategy. In Europe, we all hope to see historic troop reduction through the CFR negotiations. In Korea, we should take the same approach—adopting considered, allied positions for bargaining with the adversary.

Mr. President, South Korea's contribution to its own defense must increase. We cannot care more than the people of South Korea about deterring their rival to the north. South Korea must assume the responsibilities appropriate to its economic stature. But America has responsibilities as well. We cannot afford actions that may encourage the unrepentant North Korean Government to deepen its intransigence or expand its troublemaking.

There are ways, some of which I have outlined, to reduce our burden in the Far East without endangering our vital interests there. Unfortunately, I believe this amendment is not among them, and I urge my colleagues to oppose it.

Further, Mr. President, I would like to speak in opposition to the Bumpers amendment but from a slightly different point of view than has been expressed so far. It is not that I disagree with the Senator from New Hampshire or the Senator from Missouri about the troop levels and strengths.

It seems to me that we are really arguing about is in the broadest sense burden sharing. It is an area we are often talking about when we are talking about Europe. It seems to me what we really are talking about is a means to an end. The amendment of the Senator from Arkansas seeks a particular means, namely, a unilateral troop cut toward an end that I think we all agree upon, at least if I have heard my colleagues today.

I think that when you have a country like South Korea which has a bilateral trade surplus with the United States of $10 billion, which has a budget surplus of $2 billion—would we not like to have a budget that was neutral let alone in surplus?—they clearly have a capacity to engage in enhanced burdensharing. They are a long way from it, and I think we should use every opportunity that we have to negotiate a much stronger amount of support and offsets in the normal sense of that word to reduce the cost of our taxpayers of having troops there.

But this Senator believes, for reasons said by others, that simply going about a unilateral troop reduction is the wrong way to do it.

Senator STEVENS is going to have an amendment tracking the Nunn-Warner amendment, as I understand it, later on that deserves our support. I will certainly be supporting that. I urge my colleagues to do so as well as an alternative to the Bumpers amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, we did generally think we would alternate. I see no one seeking recognition from the other side, so I will yield 3 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Mr. COHEN. First of all, it has been represented by this chart and the argument of the Senator from Louisiana that his amendment is going to save some money. He talked about the need for highway repair, drug education, drug interdiction, AIDS, and all the problems that afflict us. This amendment will not save you a single penny, not a dollar. This amendment does not save any money because it does not require the inactivation of these troops. It will cost more money to bring those troops back home unless we intend to inactivate them. But the amendment does not do that.

The second point is this: The Senator from Louisiana supported $1 billion about an hour ago for fast sealift. What are we going to spend $1 billion for fast sealift for? To move troops and equipment—to where? I assume to Korea, and to other flashpoints in the world.

So on the one hand, we want to cut troops out of South Korea tonight and elsewhere—Germany tomorrow—and then use $1 billion to build a fast sealift. It does not make any dollars and sense.

Second, he says that the PRC is not an enemy. Maybe not, but who wants to bet the troops on the future? How friendly will they be at any given time in our relationship?

Let us not consult with our allies. Let us just do it. Let us just show the South Koreans for a change. Let us do it. Do not consult them.

Let me suggest to you that if the President of the United States just did it without consulting with our allies, the Senator from Louisiana and the Senator from Arkansas would lead, and I do not mean this in any partisan way, a mule train right into the Senate criticizing him, demanding to know what he's doing treating our allies that way? Why did he not consult with them?

I would like to go back to the point that they are rioting in South Korea; therefore, let us get out. When they riot in the Philippines, will we want to get out? If we want to get out of South Korea now, today, 3,000, 10,000, or whatever the amount will be, shall we get out of the Philippines, too because we're a lightning rod?

Let Japan defend that region of the world. The Soviet Union is not a threat. After all, their economy is a basket case just like North Korea's is. What is the problem? Why are we worried about the Soviet Union's presence?

There is not a more unstable, dangerous flashpoint in the world than North Korea today. Is our presence there a lightning rod?

I would suggest our presence is a stabilizing factor. We had a commitment. The Senator from Arkansas said our commitment has long since expired to South Korea. Our commitment remains to South Korea, to treat them as an ally. I think we have an obligation to deal with them frankly, and in a tough-minded way, and negotiate those troops down. But we should not treat them as if they are some sort of an employee and say, "We are going to do it," and, "See you later."

I hope we reject the Bumpers amendment, and overwhelmingly.

Mr. JOHNSTON. Mr. President, will the Senator yield 1 minute?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. Mr. President, my friend from Maine states that this amendment would not save any money. According to CBO reducing the U.S. military forces by 11,044 troops—that number came from a previous iteration of our amendment. In any event, by that number, over the years 1990 to 1992, it would save $2.67 billion in total if the troops were brought home and demobilized, or $131 million in total by 1994 if the troops were stationed in the United States, which, of course, would give us a more rapid deployment capability.

Frankly, General Powell, as others, has talked about needing a four-structure reduction. So if these forces were used as part of the reduction, then the number for 11,044 troops would be $2.67 billion according to CBO. Not only that, according to the inspector general's office, they review the United States military in South Korea. In an issue in February 1988, a report known as the Vandershaft Report, states as follows:

> Summary. There are more Army administrative headquarters support and administrative personnel in Korea than there are war-fighting personnel, in a country where the number of dependents is relatively low. While there is no intent to reduce the number of people who are necessary to deliver support in services, the numbers appear excessive. Also excessive are the numbers of different organizations delivering support.

It goes on to point out that it is just ridiculous that there is that number of support personnel which we have, and if those came down to the fighting troops—and they ought to—then the numbers would be even greater than the $2.67 billion identified by CBO.

It makes common sense, Mr. President, and I do not know what the actual figure is. But you save money when you bring troops home from Korea. Anybody knows that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, how much time does the Senator from New Hampshire have and the Senator from Arkansas have?

The PRESIDING OFFICER. The Senator from Arkansas has 5½ minutes; the Senator from New Hampshire has 11 minutes.

Mr. RUDMAN. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, what this amendment does is it asks that we in this body act as military strategists. That is something we all ought to do. I am not sure we are qualified along those lines. Indeed, it seems to me that it is the very type of action that we should avoid on this floor. Perhaps we believe that the number of troops in Korea should be reduced. But that is not our proper role.

It seems to me our role is not to take charge of every deployment of the United States forces throughout the world to say you are to have 80,000 in this place, so many in Korea, so many in the Philippines, so many in Okinawa, and so many in Japan. That is not the duty of the Senate.

What we should do, it seems to me, is to tell the armed services that this is the number of total troops you can have. Then we expect those who are skilled in these matters to determine where in the world they are to be deployed, and where they can be most effectively used. Perhaps the decision will be in South Korea. Perhaps it will be in Western Europe. But let us leave those type of decisions to those who we hire to do the job; namely, the military chiefs of the United States.

I think this amendment, with no criticism of those who honestly put it forward, to me is a meddler, and meddling in the deployment of the forces of the United States throughout the world.

I think it is an unfortunate amendment. I hope it will be defeated.

I thank the Chair.

Mr. BUMPERS. Mr. President, I wonder if the Senator from New Hampshire and the Senator from Rhode Island would be surprised to know exactly 1 year ago they both voted for precisely what we are talking about—a cap on the number of troops we can have in every single country in the world. It was in the appropriations bill last year, and they both voted for it.

Tonight everybody comes here saying we are going to renege on our commitment. Nobody said that.

Let me remind the Senator from Maine that in my opening sentence I said we are not reneging on our commitment to South Korea. I am for defending South Korea. I am not for keeping 43,000 troops there as long as they say we must keep 43,000 troops there. What is this body? We cannot do this. We cannot do that. What can we do? We can appropriate $2.6 billion every year to keep them there. The Senators voted for a cap on every single nation last year. And tonight they come in saying we are meddling.

The fact is that North Korea has more men under arms than South Korea. That is South Korea's decision. They have twice as many people, eight times the GNP, and any time they want to defend themselves they have the resources. Why should they? I do not blame them for taking our money, and using it for technological advancement so they can send goods to the United States, and take $10 billion out of this country every year.

Do you know something else? There are 18,000 American citizens, civilians, in Korea supporting those 43,000 troops. What do you think that does to our balance of payments?

If we do not save a dime, we could at least bring 18,000 jobs back to America.

I must say with all deftness, and I have the utmost respect for anybody who opposes this amendment. That is their privilege. There is nothing unique or original about it. It hurts all departments. But now is not the time. You cannot do it. We cannot set a cap and say:

> General, you tell us how many troops you want to send over there, and you just go ahead and take them. We will have you decide how many troops we are going to have in every corner on Earth. We will have you decide how many troops we are going to have in every corner of the Earth. It is your prerogative, not ours. The people elected us to come up here and rubberstamp everything you want.

I will tell you that not many people watch C-Span, but I will tell you that the American people would be sick to death to know that we are spending this kind of money for a country, one of the most modern economies in the world, and that we have made a conscious decision that they are not going to defend themselves fully. On the contrary, according to the charts, and according to everything you have seen, they are reducing their own commitment to their defense. They are depending on us to do it. "Uncle Sucker."

Well, we may not prevail on this amendment tonight. But it is a debate worth having.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I yield 2 minutes to my friend, the Senator from Arizona.

Mr. McCAIN. Mr. President, listening to the inspired thoughts of my friend from Arkansas, I am reminded of the immortal words of the great Yogi Berra, who says, "It is deja vu all over again."

I remember in 1972, the Presidential campaign slogan was "Come Home America." Back in 1978, we had a President who felt that we ought to withdraw 10,000 troops from Korea. At that point he was willing to consult with Congress rather than agree to a unilateral movement or decision, such as is being attempted here on the floor of the Senate.

Mr. President, surely my friend from Arkansas understands the difference between a cap on numbers of troops and a unilateral withdrawal. Certainly that semantical difference does not escape his attention. It is one thing for the Members of this body to vote for a cap on the number of troops that we may have stationed overseas, but then to announce a unilateral withdrawal no matter how big or small in the presence of an unstable and erratic and indeed insane dictator, who not only has all of the qualities which were so eloquently described by my friend from New Hampshire in what I believe is one of the finest statements I have heard in the short time I have been a Member of this body. He neglected to mention the very disturbing development in the realm of biological, chemical, and atomic warfare.

We hear reports about events taking place in North Korea. It is the wrong time for a decision such as this to be made. I would like to remind my colleagues that we have an authorizing committee, we have a Senate Armed Services Committee, of which I am proud to be a member, as is my friend from Maine.

Under the chairmanship of Senator NUNN, along with Senator WARNER, we, the Senate Armed Services Committee, unanimously approved a burden-sharing package, which I am very frank to tell you I think is one of the most forward and important statements made by the Senate Armed Services Committee since I have been observing that committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RUDMAN. I yield an additional 30 seconds.

Mr. McCAIN. In that package is a clear outline for which the administration is in agreement that we can approach this issue of United States presence in Korea in a measured and mature and deliberative fashion, from which I believe we will see some reductions, we will see some changes in command structure, and indeed send the right kind of message at the right time, which this amendment clearly does not do.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Hampshire has 6 minutes remaining. The Senator from Arkansas has 2.

Mr. BINGAMAN. Will the Senator yield. Would the Senator from Arkansas be willing to add me as a cosponsor?

Mr. BUMPERS. Yes. I ask unanimous consent that the Senator from New Mexico be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. RUDMAN. I yield 2 minutes to the distinguished chairman of the subcommittee, the Senator from Hawaii.

Mr. INOUYE. Mr. President, the issue before us is military. It is also budgetary. Are they equally as important? It is a foreign policy issue.

I believe it is well for all of us here to pause a moment to realize that in the Pacific Rim are located 7 of the top 10 largest military units in the world. North Korea is No. 5. The second set of statistics, Mr. President, is we do more business in the Pacific area than the Atlantic area. In fact, our volume of business in terms of dollars doubles that of the Atlantic or European. For each jumbo jet that flies over the Atlantic, four jumbo jets fly over the Pacific.

Our presence in Korea has brought stability in that part of the world for 40 years. All of us who cherish democracy should know that we flourish in a stable world. Democracy has great difficulty flourishing in an unstable world.

It is true that 3,000 troops out of 43,000 should not make much of a difference, but in that part of the world a signal means something. Three thousand troops will be a loud signal. The signal that was issued in June 25, 1950 was less than that. As a result of that signal which was just a statement, we ended up with 500,000 casualties.

So, Mr. President, I hope that we will look upon the next substitute with favor, because that substitute will place us on record saying that Korea is our ally, that if any decision is going to be made, it will be made jointly, and that is the way it should be.

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining. Who yields time?

Mr. RUDMAN. Does the Senator from Arkansas have any time remaining at all?

The PRESIDING OFFICER. A minute and a half.

Mr. RUDMAN. Would the Senator like to use his time?

Mr. BUMPERS. I will save it until the Senator from New Hampshire has run down.

Mr. RUDMAN. The Senator from New Hampshire will use about 2½ minutes. It has been a very spirited and, I think, a very sincere debate. I understand precisely what my friends from Arkansas and Louisiana are saying. We understand the issue. But I think there is just a little bit a rebuttal on a couple of points, in fairness to our friends in South Korea—and make no mistake, they are our friends.

That country was devastated during 1950 to 1954. It took a long time to rebuild. It is now young and thriving, emerging into a democracy—I would not say it is yet a democracy. It is becoming economically powerful.

But let me just make an observation that their GNP is growing at a very rapid rate. They are maintaining defense spending at a level of about 5.3 percent of GNP. I know the Senator from Louisiana thinks differently, but I think it is about 5.3 percent. Assuming it was 5 percent, the fact is that the dollars are increasing. They spent about $9 billion on defense in fiscal year 1989, and they have an enormous commitment to reserve forces, and to the modernization of artillery and tanks and so forth.

That is the first point, that they are not shirking their duty and are contributing an enormous amount of money to burden sharing, in billions of dollars.

It is unfair to characterize that nation as a nation of American flag burners. Granted, there are some very leftist students and others in that country who are sympathetic to the north and who are unhappy with their government and who demonstrate and do burn the flag. But the overwhelming number of South Koreans are truly friends of the United States, as well they ought to be, inasmuch as we lost 54,000 of our finest young people in that war.

Finally, on that point, let me simply say that in a luncheon I had with the six members of six parties, including the leading opposition party, the unified message from the ruling party and all of the opposition parties was this: We understand the United States must reassess its commitment with us, work it out with us, and if you must reduce your forces, let us do it in a phased way. Let us not send a unilateral message from the floor of the Senate to an ally and friend and emerging democracy in the Far East. That would be a very bad signal to send. How much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Senator from Arkansas.

Mr. BUMPERS. Mr. President, there is one argument that I did not review. That is that Kim Il-song is a lunatic. Nobody doubts that. He has been for 40 years. He led North Korea when the war started in 1950. The argument that we cannot leave now because Kim Il-song is a nut means that as long as he lives, he is going to remain a nut and we cannot ever leave.

It means if he is succeeded by a nut, his son, who is also a nut, that we will not be able to leave as long as he lives, and the Senator has just talked about that.

Here is what the Foreign Broadcast Information Service says, and the Pentagon, and I am not using this for this year. In 1982 the South Koreans paid 6.1 percent of GNP on their own defense; this year, 5.1; and next year, according to this figure from the State Department which they take from a Korean broadcast, it is 4.75 percent.

I have never seen such a bunch of suckers. Here is a nation that is one of the wealthiest nations on Earth, with twice as many people as its adversary, and by 1995 10 times bigger GNP, and cutting their commitment to their own defense, and we are picking it up when they send us $10 billion more in goods every year than we send them.

As far as democracy, I will tell the story of the three men, the Korean, Englishman, and Frenchman. Each came home and found their wife in bed with another man. For example, the Englishman quietly excusing himself, closes the door; the Frenchman grabs the guy, beats him up and throws him out of the house; and the Korean goes down and starts a demonstration in front of the American Embassy to protest.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. RUDMAN. As usual, the Senator from Arkansas has excellent timing.

Mr. President, let me say I did not realize that my friend from Arkansas was a long-distance psychoanalyst, but I would say there was no question that there was a great instability in both the ruler and ruler's heir apparent.

But more importantly than that there is a feeling in North Korea that if the South continues to get stronger and spends more dollars each year on defense, although in a dynamic, growing GNP the percentage might drop, then the time to move against it would be soon. I do not think that will happen. We need not send a signal it will.

Finally, Mr. President, let me appeal to my colleagues. The Senate Armed Services Committee has a first-rate amendment as part of their bill which we hope becomes law. In the event it does not, the Senator from Alaska will soon be introducing an amendment very, very similar to it.

I believe we ought to consult with the administration. I think they have the message we all believe we should not have U.S. troops where we do not need them.

I simply say to my friends from Arkansas and Louisiana that this is not the time or the place to make a unilateral reduction to an ally that has been valiant and stood beside us and would stand beside us again if the need came.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Mr. President, I will vote for the Bumpers-Johnston Korea amendment because I believe that the Senate must send a signal to the administration on the burdensharing issue. The United States currently has over 43,000 troops in Korea and this overseas deployment costs the United States taxpayer about $2.6 billion annually. At the same time, Korea has a $10 billion trade surplus with the United States.

I would prefer that the President present to the Congress, by the end of fiscal year 1990, a plan that was mutually derived with the Republic of Korea for a partial, gradual reduction of United States troops stationed in that country. This reduction would exclude our intelligence and air assets. If an adequate mutually derived plan were not submitted then it would be the intention of Congress to intitiate a partial, gradual reduction of United States military personnel from South Korea in fiscal year 1991. However, I doubt that the President would be willing to take that step and I believe that taking the action directed by the Bumpers-Johnston amendment is better than no action.

The simple fact is that today our national security depends on our economic strength. The American people and the Members of the Congress have made it clear that we can no longer afford to pay more for the defense of our allies than they do—especially when they use their resources in the economic arena.

The time has come for the United States to begin to seriously plan for the withdrawl of some troops from South Korea. The simple fact is that South Korea has grown strong since the end of the Korean War. It is much stronger than North Korea because it has twice the population, three times the GNP, and a larger defense budget than North Korea. At the same time the South Korean population has grown increasingly restless with our military presence.

AMENDMENT NO. 861 TO AMENDMENT NO. 860

(Purpose: To express the sense of Congress on the common defense relationship between the United States and the Republic of Korea)

Mr. STEVENS. Mr. President, I have an amendment at the desk for myself and the Senator from Hawaii.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator form Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 861 to amendment 860.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted insert in lieu thereof:

SEC. . (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea.

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Alaska has 15 minutes.

The Chair is presuming that the Senator from Arkansas will control the time in opposition.

Mr. BUMPERS. I think that was the agreement.

The PRESIDING OFFICER. The Senator from Arkansas has 15 minutes.

Mr. BUMPERS. Thirty minutes equally divided.

Mr. STEVENS. I yield myself 5 minutes.

We live in a period of great change. You think those who look at Western Europe and see the great changes there in terms of the movement in the Soviet Union and the Warsaw Pact, yearning apparently in many of the satellite countries for peace, and we hope and pray the same thing will take place in Asia.

Those of us who have visited Korea on many occasions and examined our deployments there have come away with the question as to whether the continued presence of so many troops is really necessary. I have no argument with the Senators from Arkansas and Louisiana about their questioning of the continued presence there.

I think everyone ought to question our deployment of forces abroad, but we ought to recognize that under our Constitution the President is the Commander in Chief of the Armed Forces. We have a series of treaties which we must keep. The troops that we have in Korea are the only United States troops on the Asian continent. They represent the defense of the United States and they represent the decision of a series of administrations that this presence is necessary to defend our interests throughout the world.

The amendment that I have called up is an amendment that is similar to the one that is contained in the armed services bill which is in conference. It is not totally the same because this is a sense-of-the-Senate resolution.

It calls on the President to prepare and send to us the same type of report on April 1 of next year reviewing the necessity for our presence in Korea, assessing the contributions made by our ally Korea, recognizing that Korea has been a good ally.

It asks the President to tell us what in his judgment should be the continued deployment there and whether there is a way to maintain our presence to the extent that it is necessary, at a lower cost.

I deem this to be the best way to handle this subject again tonight as it was handled in the armed services bill, and the amendment is offered as a means of proceeding cautiously because that bill is still in conference. It might not become law by the time this bill becomes law, and we ought not to leave this hanging in the sense of not requiring a similar report if this vehicle becomes the only vehicle to represent the views of the Congress in terms of dealing with the deployment of troops in Korea.

Mr. President, I am one who believes that we ought to recognize, as the Senator from New Hampshire has said, that North Korea is still a formidable military force; it is not only a military force, it is one of the sponsors of worldwide terrorism, as we know from the Rangoon bombing.

The Senator from New Hampshire spent a portion of his youth in Korea. I spent a portion of mine in China. I think those of us who have served overseas ought to use the experiences we have had to guide our judgments here and to try to convince the Congress to be careful about what we do. We should not have a destabilizing incident as far as our presence in Asia at this time, in my opinion.

If there is to be a change in the deployment of our forces in that area, it should be based upon military recommendations to the Commander in Chief, one that would be reviewed by and I hope endorsed by the Congress. It ought not to be initiated here.

That is my difference with the Senators from Arkansas and Louisiana.

It is not the fact that we ought to seriously question whether we should maintain these forces there and how long we should maintain them there. That question is obviously heard down Pennsylvania Avenue.

The question is in view of our treaty responsibilities and in view of our relationships to this gallant ally of ours, and they have been an ally, how should we initiate any sense of change in our relationship to them from a military point of view?

This Senator believes it ought to be based on military judgment, reviewed by the Commander in Chief and endorsed here. It should not start here. If it starts here it will be a political judgment, a political judgment I think which would be ill-conceived at this time in our history.

I long for the time that we can read about similar changes going on in North Korea, similar changes that will bring a different relationship between the nations of the Asian area and this country. I think I will live to see them. I hope I will. But I assure the Senator I will not support a mandatory withdrawal of troops until it is endorsed by the Commander in Chief.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield to the Senator from California 1 minute.

Mr. WILSON. Mr. President, I rise in support of the amendment of the Senator from Alaska and in opposition to the underlying amendment.

Mr. President, there are many reasons for doing so. This amendment, as I understand it, was offered and then withdrawn in the Appropriations Committee because it ran into strong opposition. It should have.

What the Senator from Alaska is doing is calling for an assessment.

Mr. BUMPERS. If the Senator will yield, I challenge that statement. That was not the reason the amendment was withdrawn. It was a hotly debated issue. I fully expected that. It was not withdrawn because of nonopposition.

Mr. WILSON. My friend from Alaska tells me it was simply withdrawn. I will be happy to accept that.

The PRESIDING OFFICER (Mr. GORE). The time is controlled by the Senator from California.

Mr. WILSON. I ask my friend for additional time.

Mr. President, the important thing is not only are we dealing with a gallant ally but a friendly ally. There has been no real change in the demeanor of the collosus of the North, in this case a terrorist and military force with whom we must reckon: If we are talking about saving money, I will have to say that we are not likely to save money simply by bringing these troops home because of the host nation support.

Because of the host nation's support, we are in fact probably able to quarter them and train them in Korea more cheaply than were they in the United States. And if we are asking about comparative commitment, the Republic of Korea is now devoting a third of its national budget to defense.

Mr. President, when they have begun to move in the way of democratization, it would be spectacularly ill-advised at this point to reward that effort and the steadfastness they have shown by going forward with a withdrawal that cannot help but be interpreted as the beginning of the end of a United States commitment to the mutual security of the Republic of Korea and, for that matter, a withdrawal of United States commitment to the security of our other allies in northeast Asia. That is particularly true, I might point out when recent events in China have indicated a great instability in that country.

So I think that the proper way to proceed is that which has been suggested by the Senator from Alaska. He is asking that there be an objective assessment of what is necessary for the United States to continue responsibly as the not sole defender of the security of freedom in northeast Asia, but as one whose presence is inevitably essential to maintain that security.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. BUMPERS. I yield the Senator 2 minutes.

Mr. JOHNSTON. Mr. President, there are some who oppose the Bumpers-Johnston amendment. But one should not be deluded by thinking there is anything to the Stevens substitute amendment.

Mr. President, if you think this is going to be the very vehicle for bringing the troops home, I ask you to read it. It starts off in the first paragraph by saying:

> It is the sense of Congress that—
>
> (1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers * * * the United States

> military presence in the Republic of Korea will continue to be vital * * *.

That is the tone of this far-reaching amendment that has already concluded that it is vital that American troops stay. Now, in the face of all of the evidence, Mr. President, we are supposed to go along with this and say that we have already decided we ought to stay.

Mr. President, we are told we should not make this decision. This Congress, which is given the right and authority and the sole responsibility to declare war, is told it cannot deal with troop amendments.

Mr. President, we ought to be cutting these troops. What we spend in Korea is half what it would cost to fund the whole catastrophic health care bill, half what it cost for 44,000 troops. And what do they achieve in a country with a $10 billion trade surplus with the United States?

Mr. President, this chart says it all. While the United States' annual spending as a percentage of GNP in South Korea is going up, Korea's is coming down. Mr. President that ought to tell us something. Are we chumps? Are we suckers? Let us not pass this substitute amendment that does nothing except say we have already decided, you know, to make some more studies. We have been doing this virtually every year for 20 years.

We have had enough studies, Mr. President. We know what the GNP of Korea is. We know what the population is, and we know that it is time to reduce the troops.

The PRESIDING OFFICER. Who yields time?

The Senator form Arkansas has 13 minutes remaining.

Mr. BUMPERS. Mr. President, the Senator from Louisiana has made a point that I will try to build on ever so slightly. And that is that this study, the Stevens amendment, is something similar to what is already in the Defense authorization bill. And you know, if you do not want to do anything, that is fine. But this amendment means you are not going to do anything. You are going to study it. Once again we are going to study it.

You can make all of these philosophical arguments about what our role is compared to what the Commander in Chief's role is. You can make a philosophical argument about where the defense perimeter ought to be in the East. You can make a philosophical argument about the fact that North Korea has a lunatic for a leader. That is not philosophical. That really is a fact.

But as the Senator from Louisiana said, these are the irrefutable facts. Before I recite that, I was thinking, I hesitate to say this, but it seems that we are almost emulating North Korea with our military spending and they are bankrupt. They have a stagnant economy trying to maintain a military apparatus far beyond their ability. And the South Koreans are emulating Japan. As long as they can get us to pick up the tab and they can spend their money on technological advancements so that they can outcompete us in world trade, would you not do it? Why, of course, you would do it. It makes sense.

If you were the defense minister of South Korea, would you not come here and say:

> We know that you want out, and we understand that. And we are agreeable to that in the year 2004 to 2006.

And then these arguments about how we ought not to be setting caps, we ought not to be unilaterally withdrawing troops. That is another way of saying, we ain't ever going to get out of South Korea. But the facts are very simple. Here you have a nation with twice as many people, 41 million to 20 million, and if they choose to have a smaller army than North Korea, that is their decision. And I would make the same decision they did if I had Uncle Sugar there backing me up.

I said in the opening, and I will repeat again, our commitment to the defense of Korea is total. If 43,800 troops is what it takes to deter the North Koreans; in other words, if we have to have a physical presence there, does it have to be 43,800 troops? Would 5,000 deter North Korea? No? 10,000? No? Twenty? Let us settle on 20. If it only takes a physical presence by the U.S. Army, Navy, Air Force, and Marine Corps, what is the magic number? I defy anybody in this body to tell me what that magic number is.

All I am telling you is the magic number, so far as I am concerned, is $3 billion by a country that this year, in about less than one week, will have incurred a $160 to $170 billion deficit, as Will Rogers said, spending our way into the poorhouse. And yet, one argument after another, specious arguments in my opinion, as to why we cannot do anything.

And that is the reason we have $160 to $170 billion deficit because we cannot do anything. Excuses, excuses, excuses.

There is not one single person here tonight who is going to vote against the Bumpers-Johnston amendment who believes that the withdrawal of 3,000 troops is going to entice North Korea to attack. Contrary to what the Senator from Maine said, you save $220 million if you bring those troops home. You save $10 million a year, according to CBO, even if you do not muster them out. It is just crazy—I cannot believe this debate tonight; absolutely crazy—to say that we ought to be propping up a country that has a much more viable economy than we have.

I yield the floor.

Mr. STEVENS. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes 39 seconds remaining; the Senator from Arkansas has 7 minutes 52 seconds remaining.

Mr. STEVENS. Let me take just 2 minutes and I will see what my friend from Arkansas wishes to do, Mr. President.

I think that the great difficulty we have is to adjust our sights here. This Senator, when I was chairman of the subcommittee that the Senator from Hawaii is now chairman of, our Defense Subcommittee recommended a limit on further deployment of troops to Europe. We stopped the further deployment of troops to Europe after consultation with the Department of Defense. We drew a line and said that is it. Do not go any further. I believe we can do that. But to say that we ought to start now and exercise the judgment of the Commander in Chief and order him to bring troops from Korea at this time, I believe is wrong.

We have already had the statistics concerning the number of forces that North Korea has. One of the things that has not been brought up, they have over 1 million men under arms. Sixty-five percent of those North Korean forces are within 100 miles of the DMZ.

It is the most heavily militarized area in the world today. Why? This nation of North Korea has treaties with Iran and Libya made just to prove that they were contrary to the interests of the United States.

South Korea still sits there. It is a very vibrant society. I have enjoyed going to see how it is developing and I marvel at their capacity to develop. But they still sit there totally alone if we are not with them. To send a message now from the floor of the United States Senate that we are starting to withdraw from Korea without the consultation of the Defense Department, and their consent, and that of the President of the United States, I still believe is wrong.

That is why I offer this amendment which reaffirms, again, what the Armed Services Committee did and what was supported here on the floor of the Senate by everyone who voted for the defense bill this year and made this statement. We reaffirm it again tonight in this amendment.

It is the sense of the Senate that the amendment which was reviewed by the Armed Services Committee be sent to us even if that does not become law before the appropriations bill is signed by the President. And it says:

> Send us a report and tell us what do you, Mr. President, believe we should do.

I call the specific attention of my colleagues to this last paragraph of my amendment that Senator Inouye and I have presented. It says the President should submit to Congress a report that contains:

> * * * a discussion of the plans for long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

I believe that is the kind of information we should have. I believe on the basis of such a review that this President may well tell us after consultation with our allies that we might bring some of these troops home. I hope and pray that is the case, but I want it to be because of the President's judgment and not because of the unilateral action by the Senate.

If we had started this unilateral withdrawal from Europe at the time it was suggested, we would not have glasnost, we would not have perestroika, we would not have the changing world that we live in today. And the Senate ought to consider that.

What is our role? Our role is to give advice to the President, but not to initiate action that is his power under the Constitution.

I ask unanimous consent that Senator RUDMAN be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. STEVENS. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes 30 seconds remaining.

Mr. STEVENS. I will let my friend from Arkansas decide what he wants to do with the time. I will let him use some of mine.

Mr. BUMPERS. How much time have we?

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Mr. BUMPERS. Let me yield to the Senator from Louisiana for such time as he uses to engage in conversation.

Mr. JOHNSTON. The Senator from Alaska is surely aware as ranking minority member of this subcommittee that this subcommittee, over the objections of the Pentagon, has recommended a reduction to Army, Air Force, and military personnel appropriations of $121 million associated with the reduction of Pershing and ground-launched cruise missiles, that is GLCM personnel in Europe, resulting from implementation of the INF Treaty?

Surely the Senator is aware of that in the four corners of this very bill. Our committee has, I think properly, said over the objections of the Pentagon that we ought to reduce these troops and yet when we do it in order to bring some home from Korea, somehow that violates some principle.

Would the Senator explain to me briefly why it is right to do it in Europe and not right to do it in Korea?

Mr. STEVENS. Mr. President, I am pleased to respond to that. At the time the Pershings were sent to Europe, the amendment I previously mentioned that set a ceiling on deployments to Europe was increased in order to accommodate that new system which was thought to be necessary to offset the SS-20's the Soviets had deployed in the Warsaw Pact.

Now that they have come down, our committee has said: Bring back those people that we allowed to go over in excess of the ceiling we previously set. It is entirely consistent with what we have worked out with the Department of Defense in the past. We see no reason for those troops to stay there after their mission has been performed.

Mr. JOHNSTON. I would tell the Senator the point is very clear that this committee and this bill reduce troop strengths, and the Pentagon did not request it.

The Senator from Alaska may believe that that is consistent with what the Pentagon wants or should ask or feels in their heart is correct. But I can tell the Senator it is not what they requested. They objected to it, and we did it in this bill because it was the right thing to do.

Mr. STEVENS. Mr. President, on my own time, we did it because we set the policy in the past which the President and the Department of Defense agreed with, in terms of ceilings. We yielded those ceilings, and now we are saying come back to them, which I think is consistent with the role of the Congress in advising the President in military affairs.

I am prepared to yield back the remainder of my time.

I yield to my friend if he wants the last word.

Mr. BUMPERS. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 5 minutes and 48 seconds remaining.

Mr. BUMPERS. I want to just make a short statement.

First of all, the authorization bill last year—I want to reiterate this just to show my colleagues the folly of this argument—set caps on how many troops we could have in every nation on Earth. We did that. And then we come here tonight and say: But we cannot do this. We cannot order a unilateral withdrawal of troops from South Korea. And we just got through setting the cap last year.

Somebody said, well, that is a cap. What if we set the cap in South Korea at 20,000? The Commander in Chief has no choice but to bring them home. Call it by any other name.

But when we point out we have already established caps here, we have already set a precedent, if we needed one—we did not—but we set a precedent last year to say the U.S. Congress has the right to decide precisely how many troops we are going to have in every nation on Earth.

But tonight, I do not know what it is. O, Lord, I used to be a trial lawyer. How I would love to take this to 12 good citizens, true and honest. It would take about 15 minutes to get a unanimous verdict.

I know something about the trial law. I know the native intelligence of people in this country. I do not know very much about it in the U.S. Senate.

So, Mr. President, I suppose the die is cast on this. This is foolish. The United States is being foolish in the extreme to allow the situation to continue. This is not South Korea bashing. This is simply talking sense about the budget. It is talking sense about our commitment to Korea, which is total. We are not suggesting we renege on the commitments to Korea.

But, when a nation with the tremendous resources they have, and twice as many people—I would ask the Senator from Alaska this one question. Why would the Senator from Alaska think, what would be his rationale for the South Koreans to have 400,000 fewer troops than North Korea, when they have twice the people and a 10 times more viable economy? What is the rationale for them having 400,000 fewer troops under on arms?

Mr. STEVENS. I am sorry. I did not hear the Senator's question.

Mr. BUMPERS. What would the Senator from Alaska guess is the rationale for South Korea, which professes to be deathly afraid of North Korea, for those people to have 400,000 fewer troops with double the people and 10 times the economy? What would be the rationale for them, all alone, to do that?

Mr. STEVENS. That is simple. I asked the question when I was there. The cost of Korean troops approaches the cost of ours, with their GNP. North Korea has a devastated economy, and their cost is just the cost of simply food. They literally can strip their people and keep them in poverty, and that is their military force. But it is a very formidable military force, nonetheless.

Mr. BUMPERS. So a nation that runs a $10 billion trade surplus against the United States, flooding the country with Hyundais and television sets and everything else, a country that has that kind of resources and economy cannot afford to keep up with a country whose economy is absolutely stagnant; who is bankrupt? And they want us to?

Mr. STEVENS. If the Senator will let me answer, the Republic of Korea spends somewhere near 35 to 40 percent of its government budget on defense today. We spend about 26 percent. John F. Kennedy spent 52 percent.

I think when we get into these figures, it is all relative. They have a defense force that is probably the highest cost per capita in the world. And the Senator from Arkansas criticized them for not spending enough money? They are spending a lot more percentage for their army then we are on ours.

Mr. BUMPERS. How does the Senator account for the fact they pay us $6,000 for each troop we have there and the Japanese pay us $40,000 for each one we have.

Mr. STEVENS. That is not the same comparison at all because the Senator is talking about families. Most of the troops in Korea are unaccompanied and those in Japan are accompanied. I have a study on that, Mr. President. That is not a fair comparision.

I again state to the Senate, the Koreans do more to assist us. They have kept more of their pledges militarily than any other nation we have dealt with since World War II.

Mr. BUMPERS. You and I both agree the United States ought to be strong enough, strong enough that no nation on Earth would dare tinker with us. If 25 percent is enough, I am for it. But if South Korea is terrified of North Korea, why are they not willing to spend more to have another 400,000 troops under arms? I certainly would if I were in South Korea and I was afraid of them as they profess to be. No, I would not either, if I had Uncle Sugar backing me up.

Mr. STEVENS. Is there any time left, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute 40 seconds.

Mr. STEVENS. I yield back the remainder of my time.

Mr. BUMPERS. I yield back the remainder of my time.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Stevens amendment No. 861 to the Bumpers amendment No. 860.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—65

Armstrong
Biden
Bond
Boren
Boschwitz
Bradley
Burns
Byrd
Chafee
Coats
Cochran
Cohen
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Kassebaum
Kasten
Kerrey
Kerry
Kohl
Lugar
Mack
Matsunaga
McCain
McClure
McConnell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Robb
Rockefeller
Roth
Rudman
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—34

Adams
Baucus
Bentsen
Bingaman
Breaux
Bryan
Bumpers
Burdick
Conrad
Cranston
DeConcini
Dixon
Exon
Ford
Harkin
Jeffords
Johnston
Kennedy
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Packwood
Pell
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Simon

NOT VOTING—1

Lott

So the amendment (No. 861) to amendment No. 860 was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the Bumpers amendment, as amended.

The amendment (No. 860), as amended, was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINE 22, THROUGH PAGE 37, LINE 2, RELATING TO SDI

The PRESIDING OFFICER. The question now recurs on the second excepted committee amendment.

Mr. INOUYE. Mr. President, I ask unanimous consent that we temporarily set aside the pending amendment in order that we may consider five amendments: One by Senator KENNEDY, one by Senator GRAHAM of Florida, one by Senator LAUTENBERG, another by Senator REID, and Senator BRYAN, and one by Senator HELMS.

All of these amendments have been cleared by both managers, and by both leadership.

Mr. STEVENS. Reserving the right to object, I would like to move to reconsider the vote by which the Bumpers amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Now the question is: Is there objection to the unanimous-consent request of the Senator from Hawaii?

Mr. JOHNSTON. Mr. President, reserving the right to object, I shall not object, I simply want to find out if the floor manager has plans tomorrow as to when he would like to bring up the excepted amendment, and if he wants to get a time agreement.

Mr. INOUYE. Mr. President, if the Senator will bear with me for a moment I have been advised by the leader that he plans to request that we return at 9:30 tomorrow morning, and that at 10 o'clock the Transportation appropriations bill will be pending. Am I correct?

Mr. MITCHELL. As I indicated earlier, and I believe both Cloakrooms have hotlines to Senators of both parties, I am going to subsequently this evening seek agreement to resolve the drug matter that Senator DOLE, several other, and I have worked out. That contemplates going to the Transportation appropriations bill tomorrow morning, disposing of Senator BYRD's pending amendment, and then there will be several amendments incorporated into the agreement completing action on those, and then proceed to return to the Defense appropriations bill.

So it is not possible to predict how long those other amendments will take, but I anticipate that it will not be until the afternoon that we will be back to the Defense bill.

Mr. JOHNSTON. Mr. President, does the distinguished floor manager anticipate going to the excepted amendment as soon as we return to the bill?

Mr. INOUYE. The Senator is correct.

Mr. JOHNSTON. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii that the second excepted committee amendment be temporarily laid aside, and that the Senate be allowed to consider the five named amendments? Hearing none, it is so ordered.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, would it be appropriate to take these en bloc?

The PRESIDING OFFICER. It would require unanimous consent.

Mr. STEVENS. Mr. President, I state for this side of the aisle that we have reviewed these amendments, none are controversial, they have been cleared by both sides, and we would be perfectly willing to consider them en bloc if the Senate would permit us.

Mr. INOUYE. I so request.

The PRESIDING OFFICER. Without objection, the five amendments will be considered en bloc.

AMENDMENTS NOS. 862 THROUGH 866 EN BLOC

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments Nos. 862 through 866 en bloc, as follows:

AMENDMENT NO. 862

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing——

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs;

(B) total program costs;

(C) 20-year life cycle costs; and

(D) unit and flyaway costs.

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities; and

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services and Appropriations of both the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

Mr. KENNEDY. Mr. President, this amendment is essentially identical to one I offered on the Defense authorization bill, and which was accepted by voice vote.

It would direct the Department of Defense to report to Congress by next January on the implications of a reduction in the planned procurement of 132 B-2 bombers.

Specifically, the amendment would require the Department to detail the cost and military implications of two alternative B-2 force structures: The first consisting of 90 to 100 bombers, and the second consisting of 60 to 70 bombers.

In my view, this information is indispensable for sensible congressional decisions on the future of the Stealth bomber.

The B-2 has been in development for more than a decade. I supported it at the beginning, because it was a better answer than the B-2—both militarily and economically—to the problem posed by the obsolescence of our B-52 bombers. But, with the double vision that characterized the Weinberger Pentagon, we pursued both the B-1 and the B-2.

The issue now is whether we need or can afford two strategic bombers, on top of the force of B-52's armed with cruise missiles.

The idea of a Stealth bomber, invisible to radar, is appealing. But so far, the most invisible part of the B-2 program has been the plane's mission.

Originally, we were told that the plane was needed to attack Soviet mobile missiles. But the Pentagon now acknowledges that no weapon—including the B-2—will be able to find and attack mobile targets.

Then, we were told that the B-2 was needed to strike bunkers, silos, and other hardened targets. But for this role, we have a multitude of other weapons: The MX missile, the DS-5 missile, and the new advanced cruise missile.

Most recently, the Pentagon has argued that the B-2 is needed to ensure we have enough nuclear weapons in the event that a START agreement leads to significant reductions. But even without the B-2, the United States would retain 7,000 nuclear weapons under a START regime—more than enough for a massive nuclear deterrent.

What is clear from these rapidly changing rationales is that there is nothing magic about the so-called requirement for 132 B-2 bombers.

The contribution of the B-2 to deterrence would result not from the number of weapons that it delivers, but from the diversification that it provides to our nuclear deterrent. Any force of B-2's—32, 62, or 132—provides a new threat to Soviet defenses that bolsters our deterrent.

The prospect of a continuing squeeze on the Defense budget makes it imperative to examine options to buy fewer than 132 bombers. Some say that we have to buy 132 to maintain a reasonable unit cost. But the same is true if a family buys two or three cars from a dealer.

It will get a better unit price than if it only buys one car. But no one buys more cars than they need. The bargain derived from a lower unit price is outweighed by the fact that buying too many cars can bankrupt the family.

We should not buy more B-2's than we need. If we need only 50 to 70 aircraft—and I strongly believe that this number will be sufficient to meet our military needs—then it makes no sense to buy another 50 to 70 B-2's just because they have a lower price.

The number 132 is not written in stone. The purpose of the study required by this amendment is to ensure that Congress has sufficient data to make judgments on the size and cost of the B-2 program before we begin full-scale production in the next few years. I urge adoption of the amendment.

AMENDMENT NO. 863

(Purpose: To require the Secretary of Defense to design a comprehensive strategy to involve civilian and military employees of the Department in partnership programs with elementary and secondary schools)

At the appropriate place in the bill, insert the following:

PARTNERSHIPS WITH SCHOOLS

SEC. . (a) DEFINITIONS.—For the purposes of this part—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with civilian and military elementary schools and secondary schools. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

Mr. GRAHAM. Mr. President, I rise today to offer an amendment to H.R. 3072, the fiscal year 1990 Department of Defense appropriations bill. This amendment would require the Secretary of Defense to design a comprehensive strategy to involve civilian and military employees of the Department in partnership programs with elementary and secondary schools throughout the Nation.

Educators today fulfill many rules in our children's lives. In addition to teaching, they befriend, coach, and counsel their students, many of whom are disadvantaged and at risk. This difficult task is being made easier in Florida where some 140,000 school volunteers are helping teachers and schools meet this difficult challenge.

Many of these volunteers come from military installations throughout the State.

The Navy has lead the Nation in the formation of partnerships between schools and the military. Naval volunteers have gained firsthand knowledge of the spirit and power of volunteerism through active involvement in schools.

There are 275 partnerships nationwide between schools and the Navy. Seventy-five of those are in Florida where such partnerships continue to expand as enlisted personnel learn of the valuable contributions they can make in their neighborhood schools, and the personal satisfaction gained through volunteerism.

Partnerships with the military, such as Florida's Adopt-a-School Program, Saturday Scholars Program, and the math-science initiative greatly benefit their participants. Naval squadrons in Jacksonville adopt local schools by tutoring students, organizing sporting events, and other outreach activities.

In the Saturday Scholars Program, students and Naval volunteers give up six Saturday mornings for tutoring sessions. The program culminates in a ceremony on base where graduates receive and cherish the white Dixie cups, or hats, of their tutors. Schools have had to turn away students for this popular program.

The math-science initiative allows Naval officers with technical expertise to volunteer in schools by tutoring students in math, science, and computer skills. At a time when math and science teachers are in short supply, this program has been a valuable resource to participating schools and students.

Mr. President, Florida has an effective network of partnerships between its schools and local military installations which I believe can be replicated elsewhere to the benefit of students, schools, and the military. This amendment will encourage the growth of military partnerships in each branch of the armed services and in every State. It requires the Secretary of Defense to designate a senior official in each branch to coordinate and encourage the formation of such partnerships, and to encourage civilian and military employees of the Department to participate in them.

Through a coordinated Department of Defense effort such as this, military partnerships will continue to flourish and provide valuable services and role models for our Nation's young people. I urge my colleagues to support this amendment.

AMENDMENT NO. 864

(Purpose: To release certain reversionary rights of the United States on certain lands previously conveyed within the Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority)

On page 108, between lines 4 and 5, insert the following new section:

Sec. . The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in subsection (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

AMENDMENT NO. 865

(Purpose: It is the sense of the Senate that the Secretary of Defense should halt continued land and airspace withdrawals in the State of Nevada pending submission of the Special Nevada Report)

At the appropriate place insert the following:

The Senate of the United States finds that:

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November, 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

Therefore, it is the sense of the Senate that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

MILITARY AIRSPACE AMENDMENT

Mr. REID. Mr. President, this amendment is on behalf of myself and Senator BRYAN.

I am proposing this sense-of-the-Senate resolution in the form of an amendment which states that the Secretary of Defense should halt continued land and airspace withdrawals in the State of Nevada pending the completion of the Special Nevada Report.

This report is mandated in section 6 of Public Law 99-606. The law requires that no later than 5 years after the date of enactment, which was 1986, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior shall submit to Congress a joint report, which shall include an analysis and an evaluation of the effects on public health and safety throughout Nevada of:

First, the operation and uses of aircraft at subsonic and supersonic speeds;

Second, the use of aerial and other gunnery, rockets, and missiles; and

Third, will include an evaluation of the cumulative effects of continued or renewed withdrawal on the environment and population of Nevada.

Most important is this last consideration: the cumulative impacts on public and private property in Nevada and on the fish and wildlife, cultural, historic, scientific, recreational, wilderness, and other values of the public lands of Nevada resulting from military and defense related uses of the lands withdrawn.

The intent of this section of public law, and its straightforward language, has been the basis of numerous conversations between myself, the Secretary of the Air Force and other top-ranking military officials, and Congressman, MOE UDALL, chairman of Interior, John Seiberling, former chairman of the House Public Lands Subcommittee.

These discussions resulted in what was an understanding that no further action would be taken with regard to military airspace in Nevada until the Special Nevada Report was completed.

Recent events, however, have triggered grave concerns about the strength of our agreement.

I ask unanimous consent to submit, for the RECORD, two newspaper articles describing actions taken by the military that clearly run counter to the intentions of our agreement, and run counter to Public Law.

One of the articles explains the military's plans to expand the airspace of Saylor Creek Bombing Range, which straddles the Idaho/Nevada border, significantly into Nevada. This space would be used for testing live bombs and missiles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Reno Gazette Journal, Aug. 19, 1989]

Bryan, Reid Say Navy's Plan to Fire Cruise Missiles Across State Illegal

(By Mike Henderson)

Nevada's two U.S. senators said Friday the Navy should halt plans to fire unarmed Tomahawk cruise missiles at an imaginary target 32 miles east of Fallon.

U.S. Sens. Richard Bryan and Harry Reid, both Democrats, say they will write letters to the secretary of the Navy asking him to cancel plans for the two or three missile firings per year—the first aimed toward Fallon.

The senators argue that it is illegal for the military to begin any new programs in the state until a congressionally mandated Special Nevada Report is completed in 1991 and approved by Congress. The report will detail all current and proposed military uses of Nevada land.

Reid said the military already controls 40 percent of Nevada's air space—and wants more.

Citizen Alert, a statewide public watchdog group, joined in opposing the missile program.

But the Navy contends the training program is safe and crucial to the nation's defense because the unmanned missiles save airplanes and pilots. A Navy spokesman would not comment on the senators' challenge.

As planned, the Navy would coordinate the simulated nuclear-missile launchings with flights of 80 to 85 airplanes in mock combat. In the test firings, seven airplanes would chase the missile and monitor its 456-mph flight.

A missile would be launched from an undersea platform off Point Mugu, about 50 miles north of Los Angeles, fly just north of Tonopah, then turn northwest toward the Bravo 17 landing site near Fallon. There, parachutes would be triggered and the $2 million missile would make a soft landing so it could be used again.

The Navy announced Thursday it has found the flights will have no significant impact on the state. Navy officials said that was the last obstacle to conducting the tests. Test dates are classified information but the launchings can begin at any time, the Navy said, assuring that the tests will be safe.

But at least two cruise missile accidents have occurred in Nevada since 1983. Neither resulted in injury or great damage. The Navy has been flying Tomahawk cruise missiles into southern Nevada and over Nevada into Utah since 1978.

In 1985, an unarmed cruise missile was deliberately ditched in the Nevada desert near Cherry Creek in a remote area of northwestern Nevada about 45 miles north of Ely. Its target had been Dugway Proving Grounds in Utah.

The planned Fallon flights will not go over populous areas, the Navy said.

But the senators disagree.

"I think there are considerable safety risks," Bryan said. "I was a fairly decent geography student and if they're going to launch these things off the coast of California and they're coming into Nevada, there are people in between.

"My concern is not if things go well, but if things go wrong."

And while the Navy says the program faces no further obstacles, "There is a congressional obstacle that they need to be aware of," Bryan said. "When they say there is no significant impact, I don't think that would be the response of the man on the street who is told that missiles are going to be overflying his street."

Reid echoed Bryan's concerns and added that the Navy's announcement is another unwarranted military encroachment on Nevada airspace and land.

"I think they ought to halt the cruise missile overflights until we get this matter resolved," he said.

Both senators said they are concerned not only about the missile project but about the cumulative impact of all military operations on the state.

Bob Fulkerson, head of Citizen Alert, said that below the missile's flight patch, the Army National Guard wants to deploy 300 tanks and 12,000 troops. The Navy also want to use a Hawthorne-Fallon-Walker River Reservation route to fly up to 112 aircraft a day, 24 hours a day, he said.

"The cruise missile flying through there presents no profound hazard, but when you consider the cumulative layers of military encroachment on the air and on the ground, it's very significant," Fulkerson said.

The senators said they were not briefed on the missile plan, in the works for three or four years. But a spokesman for Fallon Naval Air Station said the senators, the governor and the Legislature had been briefed.

Rep. Barbara Vucanovich, R-Nev., who said she does not oppose the plan "at this moment," also said the briefings had occurred.

"We may not all have been briefed at the same time, but we were all briefed," Vucanovich said, adding that she believes the Navy has acted very responsibly.

Another Navy spokesman said there were briefings in 1978 about overflights of southern Nevada. That was before Reid and Bryan became senators.

Scott Craigie, Gov. Miller's chief of staff, said Miller agrees the Navy should abide by terms of the Special Nevada Report legislation and "he is philosophically opposed to their (the Navy) going forward."

In event of a mishap on the Fallon route, one of the chase planes would take over radio control of the missile, guide it to a remote spot, then trigger its parachute, said Olin Briggs, spokesman for Fallon Naval Air Station. The missile would descend at 15 foot per second, he said.

Bob Holsapple, director of public affairs for the cruise missile project in Washington, DC., said he does not know how the secretary of the Navy will react to the senator's request that the program be stopped.

"I can only say that because of the world situation that exists, cruise missile training missions in coordination with manned aircraft is in the best interest of the national defense at this time," he said

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Land Withdrawal Key to Bomb Range Expansion

(By N.S. Norkkentved)

Twin Falls.—If Congress approves a land withdrawal for the Saylor Creek Bombing Range expansion, the Air Force can do what it wants with the land, warned a Nevada activist.

Once the land is withdrawn, it's their land, and there's nothing you can do about it. They can do whatever they want," said Grace Bukowsky, military projects director for Nevada's Citizens Alert.

During the last six months, two major highways near Nevada bombing ranges had to be closed to detonate 500-pound bombs next to the highways, she said.

Bukowsky spoke to nearly 100 Magic Valley residents gathered to hear about Nevada's experience with military bombing and training ranges and to learn what they can do about the proposed expansion of the Saylor Creek Bombing Range.

The meeting was sponsored by the Committee for Idaho's High Desert. Capt. Carlos Roque from Mountain Home Air Force Base attended the meeting but did not speak.

The Air Force wants to increase the bombing range to about 1.5 million acres but has said the entire area will not be closed to current uses. Though expansion plans are not definite, four areas with the expanded range would be closed and used for live bombs and missiles.

"We're definitely opposed to this expansion of the Saylor Creek range," and Tom Biessinger, member of the Owynee Cattle Association steering committee.

Sixty-four stockmen use the area within the Air Force's proposed expansion, he said. Each one will be affected differently, but they all will be affected.

The expansion also will eliminate about 15,000 acres of private land from Owyhee County's tax base. The Air Force says it will compensate the county by building and maintaining roads on the range, Blessinger said. "But if you can't get out there, what good are roads," he said.

What's to keep the missiles inside a live-wire fence, one member of the audience asked.

Ranchers in the audience feared they would be reimbursed only for the value of the land they lose to the expansion, not for the impact that loss would have on their operation.

"Most operations are well-balanced," said Bert Brackett, president-elect of the Idaho Cattleman's Association. "It's taken most of them years to get that way, but if you take out part of the range, its not balanced any more and probably not economical."

The association has not taken a position yet, he said, but it supports multiple uses and the expansion doesn't seem like multiple use to the ranchers.

"Some people have worked for a lifetime to develop their operations," said Three Creek rancher Randall Brewer. The expansion will "take the heart out of it."

Once those grazing allotments are gone, they're gone forever, Brackett said.

"We've got everything to lose everybody else does, plus a living," Brewer said.

Though Air Force officials compare the expansion with the present range, the difference in size and the fact that live bombs will be used on the new range makes a realistic comparison impossible.

"The live bombs are the most objectionable to me," Brackett said.

But Idahoans are faced with more than just the land withdrawal, Bukowsky said.

The land withdrawal must be approved by Congress. But the Air Force's proposed Supersonic Operations Area over Owyhee County must be approved by the Federal Aviation Administration. The change can be implemented in 90 days without public hearings and without public notice, she said.

The Environmental Protection Agency has no jurisdiction over airspace, and the FAA only considers aeronautical issues. If the affected population wants a hearing on the proposed Supersonic Operations Area, they have to request a hearing, Bukowsky said.

"If you don't do it, you won't have one," she said.

The FAA can be contacted at 800 Independence Ave. S.W., Washington, D.C., or the Northwest Mountain Region, 17900 Pacific Highway, Seattle, WA, 96168-0966.

Mr. REID. Mr. President, already, in the last 6 months, two major highways in Nevada have had to be closed so that 500-pound bombs could be detonated nearby.

Nobody in Nevada—neither the congressional delegation, nor the Governor, nor the people of the State—were consulted on this proposed plan.

I also ask unanimous consent to print in the RECORD a letter dated August 31 that I wrote to the Secretary of the Air Force about this proposed expansion.

The letter reiterates my understanding that no new withdrawal plans be implemented until the special report is published in 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 31, 1989.

Hon. DONALD B. RICE,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR SECRETARY RICE: The present plans to withdraw airspace for the Saylor Creek Bombing Range concerns me greatly, especially the expansion of Paradise MOA to the southwest, which encroaches on Nevada.

Over the years, the military has taken control of 40 percent of Nevada airspace, and no impact study of this withdrawal has ever been done to my satisfaction. I refer you to Section 6 of Public Law 99-606 requiring a Special Nevada Report on the cumulative effects of continued or renewed withdrawal of airspace. It is my understanding that no new programs such as you are planning would be undertaken until this Special Report is published in 1991.

I, therefore, make three requests: 1) that all withdrawal of military airspace be halted until the Nevada Special Report is completed; 2) that public hearings be held in the effected areas of Nevada; and 3) that the Nevada delegation and the governor of Nevada be briefed on these proposed plans.

I thank you in advance for your cooperation, and I look forward to your reply on this matter.

Sincerely,

HARRY REID,
U.S. Senator.

Mr. REID. Mr. President, I have requested that the Air Force halt its pending new operations and expansion plans; hold public hearings in Nevada; and brief Nevada's congressional delegation and the Governor on any proposed plans for airspace withdrawal or new operations.

I have not yet received a response.

The second newspaper article submitted for the RECORD details the Navy's plans to fire Tomahawk cruise missiles from off the coast of California at an imaginary target 32 miles east of the town of Fallon, NV.

These plans also involve maneuvers by more than 80 airplanes in mock combat.

The Navy says these activities will have no significant impact on Nevada. How could they draw such a conclusion?

In 1983, a crippled missile crashed into Pilot Peak, not 10 miles from the town of Montello, NV; and in 1985, another cruise missile was ditched just north of Ely, NV, on its way to Utah.

Yet, the military says there will be no impact on Nevada.

At this time, nearly 40 percent of Nevada's airspace is controlled in some way by the military. The Navy and Air Force are given virtually free rein to use the skies of Nevada.

It is only fair that they are accountable to the people of our State—that they hear our concerns and ensure that their operations do not jeopardize the quality of our environment and the livelihood and safety of our citizens.

It is only fair that they keep their word and follow the spirit of the law.

Clearly, no further action to withdraw airspace or initiate new operations in existing airspace should be considered until the special Nevada report is completed.

Therefore, I ask that the Senate go on record—once again—to reaffirm that military airspace withdrawal be halted until the Nevada special report is submitted to Congress. We would only be following the law.

Mr. BRYAN. Mr. President, this amendment expresses the sense of the Senate that proposed withdrawals of military land and airspace in Nevada be suspended until the Special Nevada Report required under Public Law 99-606 has been completed.

The State of Nevada is home to a variety of military activities and the State has always been proud of the role it plays in protecting our national security. We are host to the Nation's only nuclear weapons testing site, the Fallon Naval Air Station, the Hawthorne Army Ammunition Depot, Nellis Air Force Base, and many other military facilities.

In conjunction with these facilities, Nevada's land and air is used for various military operations areas [MOA's], military training routes [MTR's], supersonic operations areas [SOA's], and for other purposes such as cruise missile testing runs.

As the training needs of the military operations have grown over time, a piecemeal approach has been adopted by the various branches of the Department of Defense to Nevada's air and land resources. As a result, a patchwork quilt has grown over the State with over 40 percent of Nevada's airspace restricted for Department of Defense uses.

The Nevada Report mandated by Public Law 99-606 is intended to be a comprehensive review of the current and planned future uses of Nevada's open space resources by the military, and a planning document to help mitigate the impact on our citizens of military activities. Because little or no coordination existed among the disparate DOD activities within the State previously, there was no effort made to consolidate training facilities and each new military need saw a further—and often overlapping—encroachment upon Nevada's resources.

With much of Nevada's population located in isolated rural areas that are affected by military overflight operations—including jets flying as low as 100 feet above ground levels—the specific impacts of these activities is significant. Noise can be more than a nuisance for people and wildlife. It can be a hazard when coming as a surprise, it may pose health and stress risks, and it can cause hearing loss. Sonic booms can cause structural damage.

Some examples of the problems Nevada has faced are illustrative:

As Governor, I encouraged the military users of Nevada's airspace to consolidate and mitigate the effects of their activities in the State. For instance, Bravo-16 is a training range located between two rapidly growing residential areas—Fernley and Fallon, NV—and it should be closed.

I made that request as Governor and I am renewing that request to the Secretary of the Navy. It is sensible public policy that military activities that encroach upon populated areas should be conducted, if possible, in more remote, less populated areas.

Also the Fallon facility has separately proposed both a 181,000-acre land withdrawal and a 230,000-acre withdrawal to accommodate closely related activities. I am requesting that these proposals be consolidated, and that one environmental impact statement be prepared so that the cumulative effect of this proposal can be considered in its entirety.

The Navy has proposed eliminating a safe corridor for private pilots flying between Fallon and Austin, NV, and replacing it with a radar system to vector private aviators through the area. I am requesting that the Navy establish this system and prove its feasibility before the corridor is eliminated.

The Navy has proposed a low-level route in which up to 112 jet flights per night would fly 300 feet above ground level from the Fallon NAS directly over the Walker Indian Reservation. I am requesting the Navy route such flights over unpopulated areas instead.

Recently I learned that the proposed expansion of the Saylor Creek bombing range associated with Mountain Home Air Force Base in Idaho from 100,000 acres to 1,500,000 acres would encroach upon areas of Humboldt and Elko Counties in northern Nevada. I have requested that the Secretary of the Air Force conduct public hearings to solicit the views of Nevada citizens who may be affected by this expansion.

One persistent problem Nevada faces is the lack of continuity by the branches of the military about Nevadans concerns. The turnover at each facility is rapid due to military officers' periodic reassignments, and maintaining an institutional and historical perspective about the concerns of Nevadans has been difficult for the branches of the military using Nevada's resources.

To combat that I am requesting through the Secretary of Defense that the Secretary of the Navy and the Secretary of the Air Force establish a permanent Nevada Military Office [NMO] staffed by senior staff to serve as civilian liaisons between the military and Nevada's citizens, and between the branches of the services and Nevada's State and local governments.

With proper planning, mitigation, and cooperation, the military needs and the needs of the citizens can both be accommodated. This amendment will serve to facilitate that planning and mitigation process by allowing a timely completion of the Nevada Report before further military withdrawals in Nevada are considered.

AMENDMENT NO. 866

At the end of the bill, add the following new section:

SEC. . (a) Congress makes the following findings:

(1) As of July 18, 1989, the Federal prison population reached an all time high of 49,418 inmates.

(2) The design capacity of Federal prisons is only 31,091 beds.

(3) The overcrowding rate at Federal prisons is 159 percent of capacity.

(4) The Bureau of Prisons projects that the Federal prison population will exceed 83,500 by 1995.

(5) The President declared a war on drugs and has endorsed the idea of using old military facilities as prisons.

(6) The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost-efficient method to obtain more space to house minimum security offenders.

(b) It is the sense of Congress that—

(1) in selecting an agency or instrumentality for receipt of property or a facility scheduled for closure under the Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687), the Secretary of Defense should give priority to the Bureau of Prisons; and

(2) the Commission on Alternative Utilization of Military Facilities should give priority consideration to utilizing the military facilities that are scheduled for closure as minimum security prisons; and

(3) before making any decision about transferring any real property or facility pursuant to the Base Closure and Realignment Act, the Secretary of Defense should consult with the Governor of the State and the heads of the local governments in which the real property or facility is located and should consider any plan by the local government concerned for the use of such property.

Mr. HELMS. Mr. President, the pending sense-of-the-Senate resolution states that the Federal Bureau of Prisons should be given priority to acquire some of the military bases that are scheduled to be closed under the Base Closure and Realignment Act.

Under existing law, the Bureau of Prisons must wait in line with all other agencies in order to acquire such a military facility. There is a rapidly growing feeling across America that top priority should be placed on locking up drug users and drug dealers, thereby solving at least a part of the drug problem.

Mr. President, more prison space is desperately needed. As of July 18, 1989, the Federal prison population reached an alltime high of 49,418 inmates. The design capacity of Federal prisons is only 31,091 beds. This is an overcrowding rate of 159 percent of capacity.

Several weeks ago, the President declared a war on drugs. I applaud the President for his initiative. He proposed a tough and comprehensive program to fight the drug problem. We must get tough on drug dealers and drug users. In order to get tough, we must put these criminals in jail. But Mr. President, at the present time we do not have enough prison space to house these criminals.

Furthermore, the prison overcrowding problem will only get worse as we crack down on drug dealers and drug users. The Bureau of Prisons projects that the Federal prison population will exceed 83,500 by 1995. The U.S. Sentencing Commission projects the number of Federal prisoners could be as high as 125,000 by 1995.

The States have similar problems with prison overcrowding. The State prison population hit an alltime high this summer of 577,474. State prisons can only hold 481,430. Many States are under court order to reduce the number of prisoners in their prison systems. As a result of prison overcrowding, States are releasing prisoners from jail before their terms are completed.

Mr. President, this is equivalent to giving criminals a "Get Out of Jail Free Card" because of lack of prison space. These criminals go back on the street, and many go back to robbing, raping, and killing innocent Americans.

The National Institute of Justice estimates that the crimes committed by released prisoners cost society as much as $430,000 a year per prisoner.

President Bush recognizes the need for more prison space and he has request an additional $1 billion for new prisons. In his drug plan, the President endorses the idea of using old military bases as prisons.

It is just common sense to convert at least some of the military bases that are scheduled for closure into prisons. It will cost a lot less than building new prisons. The costs could be as low as $4,000 per bed compared to the $40,000 to $100,000 it costs for new prisons. The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost efficient method to obtain more space to house minimum security offenders.

Mr. President, by using old military bases, we can increase prison capacity in a cost-efficient manner. This will enable us to lock up more drug dealers and drug users and to keep them behind bars where they belong.

If we are really serious about fighting a war on drugs, more prison space is imperative. We must ensure that there are enough prisons to lock up the drug dealers, and keep them locked up. Otherwise, any declaration of war is nothing but an empty threat.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 862 through 866) were agreed to, en bloc.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINE 22, THRU PAGE 37, LINE 2, RELATING TO SDI

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question occurs on the second excepted committee amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

ORDER OF PROCEDURE

Mr. INOUYE. Mr. President, I request that the pending business when we return tomorrow to consider the DOD bill be the second excepted committee amendment.

The PRESIDING OFFICER. That is the regular order.

Mr. INOUYE. I thank the Chair.

COMPUTERIZED JOB CENTERS

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with the chairman regarding the report language accompanying the Defense appropriations bill for fiscal year 1990. On page 39 of Senate Report 101-132, there is a paragraph entitled "Job Centers." I understand that the intent of this language is to save money at military bases in the United States by using existing, state-based career guidance computer software packages, instead of commercial software packages intended for nationwide use.

Mr. INOUYE. Yes, in many States, computer software packages have been developed under section 422 of the Carl D. Perkins Vocational Education Act of 1963 and section 464 of the Job Training Partnership Act. These programs provide career and job guidance that may be useful for our men and women in uniform. Whenever possible and appropriate, military installations should take advantage of these existing programs, which are low-cost or free.

Mr. HARKIN. I understand that the Department of Defense has also qualified two software programs under a competitively bid pilot program. These data packages provide educational and career guidance for our military personnel around the world. They include information from across the United States, so that our military personnel can select the best possible educational and career information. Some of the state-based career or job guidance packages may focus on specific training and job data for a given State.

Am I correct that this report language was not intended to preclude the use of these educational guidance programs that have been qualified by the Department of Defense?

Mr. INOUYE. Our intention is simply to keep the Department of Defense from duplicating existing capabilities. Evidence is that state-based systems are considerably cheaper than some of the commercial systems that the department is considering. However, where state-based systems are unavailable or are inappropriate, we recognize that the Department of Defense will have need to provide the desired capability. Our intention is not to deprive Department of Defense personnel of access to systems which will enable them to advance their careers but rather to provide adequate information systems at the lowest possible price.

AMENDMENT TO AUTHORIZE THE RELEASE OF CERTAIN REVERSIONARY RIGHTS ON CERTAIN LANDS PREVIOUSLY CONVEYED WITHIN CAVEN POINT TERMINAL AND AMMUNITION LOADING PIER, NJ, TO THE NEW JERSEY TURNPIKE AUTHORITY

Mr. LAUTENBERG. Mr. President, this amendment would relieve the New Jersey Turnpike Authority from certain restrictive covenants of a deed on property within the former Caven Point Army facility in New Jersey.

Let me say at the outset that I understand this amendment has been cleared by the authorizing committee—the Committee on Armed Services, and that the Army has no objection to it.

In 1957, certain property in the vicinity of Jersey City, NJ, was transferred at fair market value from the United States to the New Jersey Turnpike Authority, to be used for the Hudson County extension of the turnpike, and for related service areas. At the time, the Caven Point facility was already being phased out of operation. It now has, for many years, been out of operation.

This area is now undergoing considerable economic development. The city of Jersey City has entered into agreements with major development companies to improve the area and expand the region's economic base. A total of approximately 8 to 9 acres of the property previously transferred to the Turnpike Authority is needed for this development.

I am pleased to note that many areas of New Jersey are undergoing an economic resurgence. The Hudson Riverfront area is at the center of much of this growth. Transfer of the property now under control of the Turnpike Authority would allow further commercial and residential development to occur in this important region of New Jersey.

When the property was transferred in 1957, it was then common practice to include a reverter clause in the deed. Such a clause stipulated that the property in question would revert back to the United States if it ceased to be used for the purposes intended at the time of the transfer.

Today, this 8- to 9-acre parcel is no longer needed by the Turnpike Authority. Nor is it needed by the Army, as made clear by a July 24, 1989 memo from the director of Housing and Engineering of the New York Area Command/US Army to the Commander of the New York District Army Corps of Engineers. In that memo, it is stated that—

> It is the opinion of this office that there is no reason that this restrictive convenant should remain. However, in conferring with New York District and First Army, there appears to be no easy way of negating the restrictive covenant, short of Congressional action.

Mr. President, that brings us to the amendment being offered today. It would simply negate the restrictive covenant of the 1957 deed, allowing the Turnpike Authority to transfer the property for economic development under contract with the city of Jersey City, NJ.

This amendment is supported by State and local officials, and will enable private developers to infuse significant funds into the local economy. It has been cleared by the appropriate committees, and the administration.

I greatly appreciate the cooperation of the distinguished manager of this bill, Senator INOUYE, and the ranking member, Senator STEVENS, in considering this amendment, and I urge its adoption.

THE FATEFUL CHOICE ON SDI

Mr. SYMMS. Mr. President, I ask unanimous consent that an excellent article by our distinguished colleague, Senator MALCOLM WALLOP, entitled "Showdown Hour for SDI" and published today in the Washington Times be printed in the RECORD at the end of my statement.

Mr. President, MALCOLM WALLOP argues persuasively that Congress faces a fateful choice on SDI—either to vote enough funds to allow President Bush to make a deployment decision by 1992, or scrap the program and leave America vulnerable to Soviet nuclear blackmail. I agree with Senator MALCOLM WALLOP that Congress should vote enough funds to enable a Presidential decision to deploy SDI as soon as possible. America can not afford to wait any longer for SDI deployment, and we can afford to fund a program that is truly a national defense.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOWDOWN HOUR FOR SDI

(By Malcolm Wallop)

For the first time in the history of the Strategic Defense Initiative program the Congress, the president, and indeed the nation, face a fundamental choice of direction.

We can no longer put off, in view of the maturity of the SDI program and the irresponsible cuts that the House of Representatives is attempting to foist on the administration, a decision on the future direction of the program.

The issue before the nation is whether we will have a defense against ballistic missiles in place before the end of the century, or instead have an interminable research program with no final purpose except to escape the political cost of terminating that capability.

Earlier, it was easy for the Reagan administraton and Congress to avoid tough choices about the program. The R&D effort recommended by the Fletcher Commission, after President Reagan had launched SDI in March 1983, was a broad and purposefully unfocused program to explore the feasibility of advanced defenses.

Predictably, this unfocused research program came under attack from Capitol Hill. It lacked direction by seeking a romantic dream. It was hard for representatives and senators to see how this research-only program—which planned to spend some $30 billion over five years—would provide the nation with its "impenetrable shield that would make nuclear weapons forever obsolete."

Reacting to this criticism, and budget cuts that ensued, the Reagan administration trimmed much of the fat in the program and restructured it into a more feasible, phased approach to defensive deployments.

The first phase of that approach—based on both ground- and space-based kinetic-energy weapons—was slated for deployment in the mid-1990s. It was designed to counter a threat validated by the Defense Department and a set of military requirements established by the Joint Chiefs of Staff.

Subsequent cuts in Mr. Reagan's requests were painful, but because they were more limited than these, they could be absorbed by the program by slipping deployment a year or two while retaining a sense of purpose.

The Bush administration, after reviewing Mr. Reagan's program, affirmed its direction and committed America to an informed deployment decision in the next four years. Even the much-publicized emphasis on Brilliant Pebbles was in reality the result of initiatives taken during the Reagan administration. In essence, then, Mr. Bush wisely decided to keep intact the phased deployment approach advocated by Mr. Reagan.

The difference in these two approaches cannot be clearer.

The SDI program of old was a shopping bag of sorts. There were a few basic things to keep in the bag—milk, vegetables and meat—but the unfocused approach allowed a mix and match of the bag's contents. Since there was no goal by which to justify the added expenditure of any part of the program, the bag was left half empty.

Today's program is more like a bicycle. One can eliminate the bell, or maybe put on a smaller reflector, but a bicycle needs two wheels, handlebars, a frame and a seat to make it work.

Likewise, the SDI program needs its central elements fully funded to move toward the late 1990s deployment, to make the program "work."

The choice before the congressional conferees, and then the president, is between a House version that does not even maintain basic research and will never provide any defense for the country, or the Senate's support for the president's more robust program to get us to that deployment decision before he leaves office.

To achieve this, the president requested $4.6 billion dollars this year. The Senate essentially supported the request with a mark of $4.3 billion, but the House savaged the program by allocating only $2.8 billion, almost a $1 billion reduction from last year's funding.

If the House number prevails, or even if the conference were to meet halfway, as in the past, the result would be to dismantle the president's plan completely. He could not possibly make an informed deployment decision in the next four years, or even in the four years after that. These cuts would also require him to terminate support for allied cooperative research programs, such as Israel's Arrow ATBM program, a missile designed to intercept ballistic missiles that have proliferated throughout the Middle East.

The national work force committed to SDI research would be reduced by more than 8,000 personnel, and defense contractors would be forced by fiscal constraints to take their best engineering teams off SDI projects and reassign them to other programs.

This is exactly what happened when we abandoned the Expendable Launch Vehicle business in the 1970s and focused exclusively on the NASA Shuttle. It is why we faced a series of ELV failures—Scout, Delta and Titan—when we tried to get back into the ELV business after the Challenger disaster in 1986.

Most important, the space- and ground-based kinetic-energy programs would have to be dismantled and restructured, eliminating any Phase I deployment in reality, if not in name. Any initial deployment would be delayed indefinitely, until well after the year 2000, with no provision for follow-on systems to offset any Soviet countermeasures.

As Secretary of Defense Dick Cheney rightly said: "The House and Senate have voted on SDI programs with fundamentally different objectives, and the differences cannot be solved simply by selecting a funding level to split the difference in the authorization values."

At the House funding level, as the SDI program's detractors are well aware, there is no point in continuing any research at all.

The history of our strategic defense program after signing the ABM Treaty in 1972 makes the point. Try as they might, proponents of strategic defense in the 1970s were not able to sustain a research program that was not headed toward some future deployment.

At the end of the day, dollars for programs that create real weapons will always win out over those that remain in perpetual research and development. Such a program would create nothing but a white-collar welfare program and congressional blind in which to hide from public judgment.

The time has now come to choose between two opposing visions of the future.

One has America endlessly vulnerable to Soviet and Third World ballistic-missile attack. It has us eschew the technology we have in hand today to defend ourselves, in favor of endless research that squanders the nation's technical resources and the taxpayer's wealth, but protects its advocates from the judgment of Americans.

The other commits America to the defense of her people and homeland as best we can by the end of this century. We will provide future generations with the promise of an America, in concert with her allies, defended against all types of ballistic missiles.

We should thank the House membership for so clearly framing this choice. Now Congress must choose. Let us hope we choose wisely.

THE WILD HORSES ON WHITE SANDS MISSILE RANGE

Mr. DOMENICI. Mr. President, I would like to say a few words in support of a particular provision of the Department of Defense appropriations bill that is essential to saving over 1,000 wild horses. These wild horses currently run free on the Army's White Sands Missile Range in southern New Mexico.

The desert Southwest was once a wide open space, where animals were free to roam. Those days are now history. Man has tamed the desert, and wild animals have been pushed off the land.

One area that remains relatively undeveloped is White Sands Missile Range. Currently, a wild horse herd of approximately 1,000 is roaming the missle range. It is believed that these animals are the descendants of horses set free by ranchers when their land was taken by the Government in 1942 to form the range.

Over the last several years, the herd has grown tremendously in size. In just the last 3 years, the horses have nearly doubled in number.

The Army feels that it is necessary to thin the herd to a size that can be adequately supported by the grazing resources of the range. It believes this number to be approximately 300.

One option the Army and the State of New Mexico have for the horses that are rounded up is to sell them at public auction. When such auctions occur, however, it is unlikely that these animals go home with caring citizens. In most instances, slaughterhouses purchase the horses and they are destroyed. This option is inhumane and unacceptable.

A provision in the Department of Defense Appropriations bill would provide the Army with a better option.

This provision would allow the Secretary of the Army to transfer any wild horses removed from White Sands Missile Range to the Secretary of Interior for their inclusion in the Bureau of Land Management's Adopt-a-Horse Program. The Department of the Interior's cost of processing these animals would be reimbursed by the Army, provided these costs do not exceed $200,000.

This provision is a humane response to the problem caused by the extraordinary growth of the wild horse population on White Sands Missile Range. It will allow us to maintain a viable herd of wild horses on the range, and will permit the Army and the BLM to find caring individuals to take the excess horses. It avoids the unacceptable option of allowing these creatures to be auctioned off and destroyed.

Mr. President, I am pleased that the committee has included this provision in the fiscal year 1990 Defense appropriations bill, and I urge all Senators to support it.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3015

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Transportation appropriations bill, H.R. 3015, that it be considered under the following limitations: That Senator BYRD be recognized to modify the pending amendment to reflect the bipartisan negotiators agreement; that immediately upon the disposition of the Byrd-Hatfield amendment, the Senate proceed without any intervening action or debate to vote on the underlying committee amendment; that upon the disposition of the committee amendment, the following legislative language amendments be the only first-degree amendments in order, and that they not be subject to points of order when offered, or if amended; amendments to be offered by the minority leader or his designee: One regarding drug treatment plans, one regarding drug-free school plans, one regarding waivers for international narcotics assistance, one regarding transfer to special forfeiture fund for the drug czar. Amendments to be offered by the majority leader or his designee: One regarding pregnant women, one regarding abused children, one regarding training professionals; that germane amendments to these amendments will be in order and not subject to point of order. That further amendments to the bill relative to the allocation of the increased $800 million in budget authority shall be in order only if agreed to by the chairman and ranking member of the Appropriations Committee; such amendments shall not be subject to further amendments or points of order; that no motions to recommit the transportation appropriations bill shall be in order.

I further ask unanimous consent that immediately following the passage of the final regular appropriations bill and the anticipated continuing resolution, the Senate shall proceed to the immediate consideration of a bill to be introduced by Senator DOLE that totally incorporates the remaining legislative initiatives of the President's drug strategy; that this bill will be opened solely to drug-related amendments; amendments dealing with the matters to be included in the following bill will not be in order to this bill; that the majority leader, acting in consultation with the minority leader, shall determine the method for consideration of a bill or a motion to proceed to such bill dealing with the death penalty, habeas corpus reforms, exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase; that this vehicle or motion to proceed to such vehicle shall be sent before the Senate no earlier than October 20, 1989, and no later than sine die adjournment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I want to commend the majority leader and chairman of the Appropriations Committee, Senator HATFIELD, and others. I think we have an agreement here that I hope will be approved. I make just one comment with reference to sine die adjournment, and we have had this conversation. I think the RECORD might reflect that there will be a reasonable time before sine die adjournment to take up the crime bill; is that correct?

Mr. MITCHELL. Yes. Mr. President, the distinguished Republican leader and I and several of the Senators who participated in these negotiations discussed this at some length earlier today. The original agreement provided no later than November 15, 1989. I objected to that on the grounds that I do not know when sine die adjournment is going to occur and did not want to tie up the Senate for such a period after November 15, were that necessary.

I also indicated to the distinguished Republican leader that, in my judgment, two factors will control my actions with respect to this latter matter. The first is that this agreement does not preclude the raising of these issues prior to the time when such vehicle will be presented to the Senate. If they are in fact presented to the Senate, all or some of them, and discussed at some length prior to them, obviously, what is or is not a reasonable time for their consideration under this agreement will be less than if there is no raising of these issues prior to them, and this is the first time between now and then. When I say this, I mean the time set forth in this agreement, that would be the first time that those issues would be raised.

In any event I told the Republican leader that I thought something in the order of 3 days is a reasonable time for consideration of this without attempting to define it precisely, just so there is no misunderstanding on anyone's part as to what my intention is and what we had in discussion today.

Mr. DOLE. There is no agreement to limit it, if there is a filibuster or motion to proceed. We understand. I thought for someone reading the RECORD, that it would be helpful to them to have an explanation.

Mr. WILSON. Mr. President, reserving the right to object, and I shall not object, I would be grateful if the majority leader would clarify the point here.

Mr. President, it is my understanding, if I heard the majority leader correctly, that certainly first-degree amendments, and he recited those, will be in order offered by both the minority leader and the majority leader and that second-degree amendments to those first-degree amendments will be in order if they are germane. Is that correct?

Mr. MITCHELL. That is correct.

Mr. WILSON. They shall not then be subject to points of order themselves?

Mr. MITCHELL. That is correct. The agreement explicitly states that immediately—and I am reading now from the agreement—immediately following the listing of the seven amendments, the sentence that I read reads, therefore, I repeat, "that germane amendments to these amendments will be in order and not subject to points of order."

Mr. WILSON. I thank the majority leader.

I wish as a matter of courtesy to let him know that I will be offering an amendment, a germane amendment in the second-degree, and I appreciate his comments.

Mr. DECONCINI. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. DECONCINI. I would like a clarification. In the next-to-last paragraph the majority leader refers to the "Majority leader and minority leader acting in consultation shall determine a method of floor consideration of a bill or a motion to proceed to a bill." He is talking about one legislative vehicle here that will permit the attachment or inclusion of all of these items spelled out in that paragraph? Is that what the Senator is talking about?

Mr. MITCHELL. Yes, but precisely because that matter has not been defined or resolved it was phrased in this manner. We discussed that specifically today and it may be that it will simply be a motion to proceed to a specific legislative vehicle which has not yet been identified or developed.

Mr. DECONCINI. If the majority leader will yield, I do not want to prolong this, but it is my understanding that if the majority leader and the minority leader find the death penalty bill to be the vehicle that comes to the floor, does this mean that all of these other bills could be offered as amendments, no prohibition against that but also no guarantee there will be a vote on them or any action on them? It would just be a vehicle to throw the stuff on if you wanted to try to amend it.

Mr. MITCHELL. That is exactly correct. Neither I nor the distinguished Republican leader, nor any other Senator, I believe can at this time assure a vote on any one of these matters.

What may occur from what we discussed as at least a possibility is developing a vehicle, making a motion to proceed, and if that encounters what might be opposition then filing a cloture motion and having a vote on cloture on the motion to proceed. That may occur. I do not mean to suggest either that will occur or that exhausts the possibilities of what might be occurring.

Mr. DECONCINI. I thank the majority leader.

What he is saying, he is going to put forth his best effort to get a vehicle that could be amended, including all of these under normal procedures of legislation brought to the floor.

Mr. DOLE. If the Senator will yield, it means the bill reported might have more than one of these provisions or all of these provisions and they could be stricken out. But we are going to try to make certain that everybody gets an opportunity to discuss it. Someone may have a particular interest in it. I am not certain where it finally ends up, but it may be a lengthy debate.

Mr. DECONCINI. I thank the majority leader and minority leader.

Mr. MITCHELL. I thank the Senator from Arizona for raising the question. It does clarify the point.

So no Senator is under any misunderstanding, I am not committing to or even undertaking to assure ultimate disposition or even a vote on any one of these matters. As you can just tell from the reading of them they are very controversial, and we will do our best to present a vehicle and take it from there.

Mr. KERRY. Mr. President, I would like to just clarify, also, if I can, one quick point which I think is understood among the parties, but I want to make sure the record reflects it. There is in the unanimous-consent agreement a prohibition regarding the raising of five matters, death penalty, habeas corpus reform, exclusionary rule, Justice Department reorganization, and international money laundering except in the form mentioned by the majority leader at a separate time, and in discussion today it was agreed among the parties, and I would simply like the record to reflect it, hopefully with the assent of the minority leader, that international money laundering within that context refers to the wire transfer amendments and to the actual overseas aspects of international money laundering, but that domestic actions, actions that can be taken within the confines of the United States by our authorities here with respect to U.S. currency or with respect to enforcement are permissible under the terms of the agreement.

Mr. MITCHELL. If I may interrupt the Senator, there is no prohibition in this agreement on any of these matters being brought up at any time prior to this.

Mr. KERRY. The prohibition is that international money laundering is cited as one of the items that would be brought up separately as a matter of floor consideration at the last moment as per the majority leader's last comments.

Mr. MITCHELL. That is correct.

Mr. KERRY. But that are within the legislation that will follow immediately after the appropriations bill. There is an agreement that therein there can be consideration of some international money laundering but domestic concerns, and I just wanted the record to reflect that.

Mr. DOLE. That is correct because I think it says matters included in the following bill will not be in order to this bill which means international money laundering will not be in order to the bill I intend to introduce.

Mr. MITCHELL. Is the Senator relating to the opportunity to present domestic matters to the bill?

Mr. KERRY. Yes. They are domestic matters but they pertain to money laundering. All I am trying to do is avoid confusion so someone does not raise points suggesting they are out of order as a consequence that they relate to money laundering.

Mr. MITCHELL. As I understand it, what the Senator is saying is that when we take up the bill that is referred to here to be introduced by Senator Dole to which drug-related amendments may be offered, he is saying that he wants it clear that he will be able to offer an amendment to that bill that deals with the subject he is just describing?

Mr. KERRY. That is correct. When we proceed to the consideration of the bill incorporating the remaining goals and strategy, that is accurate.

Mr. DOLE. My understanding is if there are sanctions on foreign banks or international agreement, they would not be in order?

Mr. KERRY. That is correct. That is accurate.

Mr. MITCHELL. But as described in more detail by the Senator earlier, he wants to make clear he does intend to offer an amendment.

Mr. KERRY. Within the context of domestic, right.

Mr. DOLE. Marcos on currency and things of that kind?

Mr. BIDEN. Reserving the right to object.

Mr. KERRY. I thank the distinguish leader and the minority leader.

Mr. BIDEN. Reserving the right to object, I know we are all in agreement. It would be nice to have in the Record so all the colleagues do not ask us all these questions tomorrow when the staffs can read the Record. In the further unanimous-consent agreement immediately following the passage of the regular appropriations bill, the continuing resolution, where Senator Dole is going to introduce a bill relating to legislative initiatives of the President, I want to make it clear to make sure we understand at that point the Senator from Delaware and others will introduce what is referred to as the Democratic strategy, goals, and initiatives.

The reason I raise that is that a number of my colleagues have asked that question, and they should know that that will be available and will take place at that time. I have no objection.

Mr. MITCHELL. Presumably, that will be offered as an amendment to the bill, as a substitute, but that will be offered as an amendment to the Dole proposal or not necessarily amending a particular provision, but adding a provision to the Dole proposal at that point.

I have no objection.

The **PRESIDING OFFICER.** Is there objection? Hearing none, the unanimous-consent agreement propounded by the majority leader is agreed to.

The text of the agreement is as follows:

Ordered, That when the Senate resumes consideration of H.R. 3015, the Transportation appropriations bill, Senator Byrd be recognized to modify his pending amendment to reflect the bipartisan negotiators agreement and that immediately following the disposition of the Byrd amendment, the Senate proceed, without intervening action or debate, to vote on the underlying committee amendment.

Ordered further, That upon the disposition of the committee amendment, the following legislative language amendments be the only first degree amendments in order, and that they not be subject to points of order when offered, or if amended:

Amendments to be offered by the minority leader, or his designee:

One on drug treatment plans;

One on drug-free school plans;

One on waivers for international narcotics assistance; and

One on transfer to special forfeiture fund for drug czar.

Amendments to be offered by the majority leader, or his designee:

One on pregnant women;

One on abused children; and

One on training professionals.

Ordered further, That germane amendments to these amendments be in order and not subject to points of order.

Ordered further, That amendments to the bill relative to the allocation of the increased $800 million in budget authority be in order only if agreed to by the chairman and ranking member of the Appropriations Committee, with such amendments not subject to further amendments or points of order.

Ordered further, That no motions to recommit the Transportation appropriations bill be in order. (Sept. 26, 1989.)

Ordered further, That immediately following the passage of the final regular appropriations bill and the anticipated continuing resolution, the Senate proceed to the immediate consideration of a bill by Senator Dole that solely incorporates the remaining legislative initiatives of the President's drug strategy.

Ordered further, That this bill be open solely to drug related amendments; amendments dealing with the matters to be included in the following bill will not be in order to this bill.

Ordered further, That the majority leader, acting in consultation with the minority leader, shall determine a method for floor consideration of a bill, or a motion to proceed to such bill, dealing with the death penalty, habeas corpus reform, exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase.

Ordered further, That this vehicle, or motion to proceed to such vehicle, be set before the Senate no earlier than October 20, 1989, and no later than sine die adjournment. (Sept. 26, 1989)

Mr. MITCHELL. Mr. President, I wish to thank all those who have been instrumental in bringing us to this point—the distinguished Republican leader; the chairman and ranking member of the Appropriations Committee, who led the negotiations on both sides; the Senator from Delaware, who is here; the Senator from Massachusetts; and others who participated, as well.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ERROR AND HOPE IN TODAY'S RELIGIOUS LIBERTY DECISION

Mr. ARMSTRONG. Mr. President, this morning the U.S. Court of Appeals for the District of Columbia Circuit issued its opinion in Clarke versus United States, the religious liberty case.

As Members of the Senate will remember, 2 years ago the D.C. Court of Appeals ordered a religiously affiliated university to give tangible benefits to homosexual student groups even though the university has moral and religious objections to homosexual practices. One year ago, Congress and the President enacted the Nation's Capital Religious Liberty and Academic Freedom Act which ordered the D.C. Council to change D.C.'s Human Rights Act so that a religiously affiliated school could decide for itself whether it would extend recognition or benefits to homosexual individuals or groups. A Federal district court found that the Religious Liberty Act unconstitutionally abridged the free speech rights of members of the city council, and today the court of appeals affirmed the lower court.

As Senators will also remember, just a few days ago, on September 14, the Senate adopted this year's version of the Nation's Capital Religious Liberty and Academic Freedom Act as an amendment to the D.C. Appropriations bill, H.R. 3026. This year's version amends the D.C. Code directly; last year's version ordered the council to make the amendment. Therefore, this year's amendment raises none of the constitutional issues in today's decision. When this year's version is enacted, therefore, Congress itself will have amended the laws of the District of Columbia to protect religious liberty.

The court proceedings have served to delay enactment of the Religious Liberty Act, and delay simply means that the D.C. Council has continued to sit as a board of 13 moral authorities who have power to compel religious institutions to violate their moral principals with respect to homosexuality. I hope Congress will soon enact this year's version of the Religious Liberty Act so that religious schools in the Nation's Capital can reclaim a portion of their autonomy and moral authority.

I might add that, since the first amendment reads, "Congress shall make no law respecting an establishment of religion * * *" and since the Constitution clearly establishes that Congress is the legislature for the District of Columbia, one wouldn't have thought that the Nation's Capital Religious Liberty and Academic Freedom Act would be necessary. Unfortunately, the D.C. Council, sustained by the District's highest court, made congressional action necessary.

The court of appeals did not seem to understand the need for the Religious Liberty Act. Writing for the court, Judge Harry T. Edwards said:

> Rather than seek review of the decision in the United States Supreme Court, Georgetown (University) agreed to a settlement based on the District of Columbia Court of Appeals' decision, indicating publicly through its President that it regarded the outcome of the case as an essentially fair one. Nonetheless, certain members of Congress disagreed. * * *" *Clarke* v. *United States*, slip op. at 7-8 (D.C. Cir. No. 88-5439, decided Sept. 26, 1989) (citation omitted).

Mr. President, the Religious Liberty Act did not come about because any Member of Congress believed Georgetown's settlement with the student groups was not a fair one. Indeed, under the Religious Liberty Act, Georgetown University or any other religiousy affiliated school in the District will be able to make an arrangment it deems appropriate with respect to homosexuals. The Court did not seem to realize that the Religious Liberty Act came about—and remains necessary—because Congress refuses to allow the D.C. Council to sit in judgment of religious schools and their policies with respect to homosexuals. I regret that the court of appeals did not understand that Congress's motivation for the Religious Liberty Act was nothing more than religious liberty.

In addition to the religious liberty aspects of this case, there is also the question of congressional power. Of course, the Constitution gives Congress "exclusive" legislative authority "in all cases whatsoever" that involve the District of Columbia. The court held that Congress couldn't compel the members of the council to vote in a certain way. This strikes me as allowing the D.C. Council, a subordinate institution with delegated powers, to use the first amendment to cancel the terms under which its powers were delegated.

The court's opinion has enormous implications within the District of Columbia and, perhaps, for congressional power wherever exercised. For example, in the fiscal year 1989 District of Columbia Appropriations Act alone, Congress made many decisions that can be said to affect someone's claim to free speech. For example:

In title I, under the heading "Government Direction and Support" Congress forbade funds being used for "lobbying to support or defeat legislation pending before Congress or any State legislature."

Section 111 forbade education funds being used "to permit, encourage, facilitate, or further partisan political activities."

Section 112 required the D.C. budget to be transmitted to Congress by a certain date.

Section 116 forbade any of the funds being used for "publicity or propaganda purposes. * * *"

Section 141 required the D.C. government to adopt a residency rule that allows the hiring of noncity residents.

Section 143 required the D.C. government repeal an act relating to nondiscrimination and insurance (the AIDS-insurance issue).

Section 144 required the District to report certain information with respect to abortion.

And, section 145, the religious liberty amendment, required the District to stop ordering religiously affiliated schools to support homosexual groups. This is the section that the court today held unconstitutional.

What congressional rule for the District will the courts strike down next? Will it be unconstitutional to tell council members they can't lobby or engage in propaganda? Will Congress be forbidden to tell the council to change its residency rules? Will it be unconstitutional for Congress to tell the Mayor and the council that they must speak, that is, issue their budget, by a certain date?

If this line of reasoning is to be extended to the States, the implications will be enormous. As we know, Congress regularly threatens the States with a loss of funds if the States don't change their speed limits or their educational policies or their environmental standards. If Congress cannot compel the D.C. City Council to act to protect religious liberty then presumably our powers with respect to the States also have been diminished. This would be a salutary result, in my opinion. Perhaps Clarke versus United States will have the beneficial effect of reinvigorating the idea and practice of federalism.

I wish to emphasize that in my judgment Clarke was wrongly decided because Congress has plenary legislative power over the District and the court should have upheld our exercise of that power. Congress does not have plenary power over the States, however. If the reasoning of Clarke is extended to the States I may often find myself in agreement with the results because the constitutional powers of the general government are limited and those "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const., Amend. 10. The District of Columbia, however, is not a State; it is the national Capital and it is governed by the national Congress. The Framers gave Congress "exclusive" powers over the "Seat of Government;" no such powers were given with respect to the States.

If the legal theory of Clarke versus United States were to be applied generally, much of the existing body of law by which Congress regulates certain kinds of activities would be overturned.

Judge James Buckley, in a concurring opinion that criticized the scope of the court's opinion, took note of some of these possibilities. He wrote:

> [O]ur decision today opens up enough new territory to potential judicial review to suggest the prudence of limiting its scope to essentials. As virtually no government or institution can act today except with the consent of its legislative or governing body, I suspect this court and others may be called upon to answer a number of questions as litigators explore the implications of our decision. At what point, for example, does a federal grant-in-aid program cross the line that separates the encouragement of state or municipal action from its coercion? Are the constitutional rights of corporate directors and university trustees comparable to those of state and municipal legislators? And when (if ever) is a particular government interest important enough to justify *any* burden on legislative speech? *Clarke v. United States, id.* at 3 (Buckley, J. concurring) (emphasis in original).

Mr. President, the court today erred greatly on the question of religious liberty. Fortunately, the Senate has already acted to address that problem and I am hopeful that the House will join the Senate (as it did last year) in protecting religious liberty in the Nation's Capital. On the question of congressional power over the District of Columbia the court erred again. However, if the logic of today's decision regarding congressional power is extended to the States and interpreted in light of our traditions of federalism and our Constitution of delegated powers, then perhaps we will yet see some good come of today's decision in Clarke versus United States.

I ask unanimous consent that the opinion be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[U.S. Court of Appeals for the District of Columbia Circuit]

(Argued April 20, 1989; Decided September 26, 1989)

No. 88-5439

DAVID A. CLARKE, ET AL. v. UNITED STATES OF AMERICA, APPELLANT

Appeal from the U.S. District Court for the District of Columbia

(D.C. Civil Action No. 88-03190)

John C. Harrison, Associate Deputy Attorney General, U.S. Department of Justice, for appellant. *John R. Bolton*, Assistant Attorney General at the time the brief was filed, and *Jay B. Stephens*, United States Attorney, and *Michael Jay Singer* and *Alfred Mollin*, Attorneys, U.S. Department of Justice, were on the brief for appellant.

I. Michael Greenberger, with whom *James R. Bird* and *Gregory E. Mize* were on the brief, for appellees.

Lincoln C. Oliphant was on the brief for *amici curiae* U.S. Senators and U.S. House of Representatives, *urging reversal.*

Michael Davidson, Senate Legal Counsel, and *Ken U. Benjamin, Jr.*, and *Morgan J. Frankel*, Assistant Senate Legal Counsel, were on the brief for *amicus curiae* United States Senate, *urging reversal.*

Rex E. Lee, Carter G. Phillips, and *Mark D. Hopson* were on the brief for *amici curiae* National Ass'n of Evangelicals, *et al., urging reversal.*

John Vanderstar, Nan D. Hunter, Arthur B. Spitzer, Elizabeth Symonds, and *Austin P. Frum* were on the brief for *amici curiae* American Civil Liberties Union, ACLU of the National Capital Area, and Unitarian Universalist Ass'n, *urging affirmance.*

Philip W. Horton entered an appearance for *amici curiae* Washington Council of Lawyers, *uring affirmance.*

Before EDWARDS and BUCKLEY, *Circuit Judges*, and ROBINSON, *Senior Circuit Judge.*

Opinion for the court filed by *Circuit Judge* EDWARDS.

Concurring opinion filed by *Circuit Judge* BUCKLEY.

EDWARDS, *Circuit Judge*: The issue in this case is whether Congress, consistent with the Constitution, can compel members of the Council of the District of Columbia ("the Council") to enact a particular piece of legislation. In response to a judicial decision construing District of Columbia law to bar Georgetown University from discriminating on the basis of sexual preference, Congress passed the Nation's Capital Religious Liberty and Academic Freedom Act, Pub. L. No. 100-462, § 145, 102 Stat. 2269-14 (1988), also known as the "Armstrong Amendment." The Armstrong Amendment makes expenditure of funds appropriated for the District in the current fiscal year contingent on the Council's adoption of the following measure:

> "[I]t shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—
>
> "(A) the use of any fund, service, facility, or benefit; or
>
> "(B) the granting of any endorsement, approval, or recognition,
>
> to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief." (*Id.* § 145(c).

Instead of enacting this measure into District law, however, all thirteen members of the City Council ("appellees" or "Council members") filed suit in federal court, attacking the constitutionality of the Armstrong Amendment on various grounds. The District Court held that the Armstrong Amendment, by compelling Council members to vote in favor of a particular piece of legislation, violated the Council members' right to free speech, *see Clarke v. United States*, 705 F. Supp. 605 (D.D.C. 1988), and appellant United States ("United States" or "the Government") appealed.

The Supreme Court long ago made it clear that "[t]he manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy." *Bond v. Floyd*, 385 U.S. 116, 135-36 (1966). Pursuant to this mandate, the First Circuit recently held that "the act of voting on public issues by a member of a public agency or board comes within the freedom of speech guarantee of the first amendment," and that "[t]here can be no more definite expression of opinion than by voting on a controversial public issue." *Miller v. Town of Hull*, 878 F.2d 523, 532 (1st Cir. 1989). We agree. Accordingly, we hold that the votes of each appellee, like the votes of any other legislator, constitute "speech" protected by the First Amendment. Because the Armstrong Amendment coerces the Council members' votes on a particular piece of legislation, and because none of the interests asserted to justify the Amendment is sufficient—under *any* standard of First Amendment review—to justify the abridgment of the Council members' free speech rights, we find the Armstrong Amendment unconstitutional. The judgment of the District Court is therefore affirmed.

I. BACKGROUND

A. *The Structure of District Government*

To understand the full dimensions of this case, it is necessary to examine the nature and background of local government in the District. Article I, section eight of the Constitution authorizes Congress "[t]o exercise exclusive Legislation in all Cases whatsoever, over . . . the Seat of the Government of the United States," a grant of power that has been construed to invest Congress with near-plenary authority over the structure of government in the District. *See, e.g., Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 76 (1982); *Palmore v. United States*, 411 U.S. 389, 397-98 (1973). Although Congress has provided for a variety of governmental frameworks since the District was incorporated in 1802, for most of the District's existence until 1973, its governors were selected without the electoral input of the District's residents. *See generally* H.R. Rep. No. 482, 93d Cong., 1st Sess. 47-49 (1973) [hereinafter H.R. Rep. No. 482], *reprinted in* 2 Staff of House Committee on the District of Columbia, 93d Cong., 2d Sess., Home Rule for the District of Columbia 1973-1974, Background and Legislative History of H.R. 9056 and H.R. 9682 and Related Bills Culminating in the District of Columbia Self-Government and Governmental Reorganization Act 1487-89 (Comm. Print 1974) [hereinafter Legislative History]. This long absense of democratic government in the nation's capital drew regular bipartisan objection,[1] and lead to repeated legislative efforts to provide for representative government in the District. *See* S. Rep. No. 219, 93d Cong., 1st Sess. 3 (1973), *reprinted in* 3 Legislative History at 2723 (noting that over 40 home rule bills were introduced in Congress between 1874 and 1972).

These efforts culminated successfully with the passage of the District of Columbia Self-Government and Governmental Reorganization Act ("Home Rule Act"), Pub. L. No. 93-d198, 87 Stat. 774 (1973). Intended to "grant the inhabitants of the District of Columbia powers of local self-government," *id.* § 102(a), the Home Rule Act provides for a popularly elected Council and a popularly elected Mayor, *id.* §§ 401(a), 421(a), charged with responsibility for superintending mu-

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Footnotes at end of article.

nicipal life in the District. The central aim of the Act, in short, was to provide the District "a System of municipal government similar to that provided in all other cities throughout the United States." H.R. Rep. No. 482 at 2, *reprinted in* 2 Legislative History at 1442. As House supporters of home rule explained:

> Restoration of an elected local government with powers of legislation and finance is, in the judgment of the committee, perhaps the most important step which this or any Congress can take for the Nation's Capital. Self-government is necessary to responsive and responsible government. *Id.* at 50, *reprinted in* Legislative History at 1490.

The Home Rule Act vests the District's legislative power in the Council. *See* Home Rule Act § 404(a). Under the legislative process established by the Act, the Council has the authority, subject to approval by the Mayor, to enact laws for the District by majority vote, and the power to override mayoral vetoes by a two-thirds vote. *See id.* §§ 404(e), 412(a). The legislative power conferred by the Act to the Council, with enumerated exceptions, "extend[s] to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act." *Id.* § 302.

The Home Rule Act's delegation of legislative power, however, is neither complete nor irrevocable. Congress provided several mechanisms to assure itself a supervisory role in District governance. Most significantly, under seciton 601 of the Act, Congress "reserve[d] the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject . . . including legislation to amend or repeal any law in force in the District . . . and any act passed by the Council." Home Rule Act § 601.[2] Moreover, although the Council and Mayor are obliged to prepare an annual budget for the District, *see id.* § 442, no expenditures may be made by the District—either of funds furnished to the District by the federal Government or of funds raised through the District's own means of revenue collection—unless approved by act of Congress, *see id.* § 446. Finally, of course, Congress retains its constitutional authority under article I, section eight to modify or even abolish the framework of local government established by the Home Rule Act.

B. The Armstrong Amendment

The Armstrong Amendment was passed by Congress in response to the District's Human Rights Act, D.C. CODE ANN. §§ 1-2501 to 1-2557 (1981). Enacted by the Council in 1977, the Act was intended to prohibit discrimination in employment, housing, public accommodations and education based on "race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business." *Id.* § 1-2501.

In 1987, two student, gay rights groups at Georgetown University ("Georgetown" or "the University") brought suit under the Human Rights Act, seeking to compel Georgetown to grant them official "University Recognition," as well as the campus privileges corresponding to that status. *See Gay Rights Coalition v. Georgetown University,* 536 A.2d 1 (D.C. 1987) (en banc). Georgetown, which is affiliated with the Catholic Church, defended on the grounds that the Human Rights Act did not apply to it and that, if it did, the Act violated the University's rights under the free exercise clause of the First Amendment. The District of Columbia Court of Appeals, hearing the case en banc, ruled that the Human Rights Act did not oblige Georgetown to "recognize" or otherwise endorse the gay student groups, but held that the Act did require Georgetown to afford the groups equal access to University facilities and services. *See id.* at 16-17. Rather than seek review of the decision in the United States Supreme Court, Georgetown agreed to a settlement based on the District of Columbia Court of Appeals' decision, indicating publicly through its President that it regarded the outcome of the case as an essentially fair one. *See* Letter from Timothy Healy, S.J., to faculty and alumni of Georgetown University (Mar. 28, 1988), *reprinted in* 134 CONG. REC. S9114-16 (daily ed. July 8, 1988).

Nonetheless, certain members of Congress disagreed, and decided that congressional consideration of the District's proposed 1989 budget presented an opportunity to initiate legislative action to overrule the *Georgetown* decision. On July 8, 1988, Senator Armstrong proposed the following amendment to the 1989 D.C. appropriations bill:

"Sec. .(a) this section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act."

"(b) None of the funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not adopted subsection (c) of this section.

"(c) Section 1-2520 of the District of Columbia Code (1981 edition) is now amended by adding after subsection (2) the following subsection:

" '(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

" '(A) the use of any fund, service, facility, or benefit; or

" '(B) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.' " 134 CONG. REC. S9108 (daily ed. July 8, 1988).

Debate over the Armstrong Amendment was dominated as much by considerations of parliamentary procedure as it was by concerns of policy. Senator Armstrong justified his Amendment as essential to protecting Georgetown's right not to subsidize activities it believed to be "sinful," 134 CONG. REC. S9104 (daily ed. July 8, 1988) (remarks of Sen. Armstrong), a religious conviction with which Senator Armstrong indicated his agreement, *see id.* at S9105 (same). Most of the discussion in the Senate, however, focused on whether the Armstrong Amendment comported with Senate Rule XVI,[3] which prohibits the enactment of substantive legislative through an appropriations bill. *See, e.g., id.* at S9125 (remarks of Sen. Byrd) (objecting to the Amendment as "a bad precedent" for "various and sundry amendments that constitute legislation on an appropriation bill"); *id.* at S9175 (daily ed. July 11, 1988) (remarks of Sen. Weicker). *See generally id.* at S9123-34 (daily ed. July 8, 1988). Supporters of the Armstrong Amendment in the House, like Senator Armstrong himself, based their defense on their perception that the Human Rights Act, as interpreted and applied by the District of Columbia Court of Appeals, violated the constitutional rights of religious institutions by requiring them to provide support for organizations advocating practices that were incompatible with the institutions' religious teachings. The Armstrong Amendment was finally passed as a part of the 1989 District of Columbia Appropriations Act, Pub. L. No. 100-462, 102 Stat. 2269 (1988) ("1989 D.C. Appropriations Act"), on October 1, 1988.

It is clear from the tremendous pressure the Armstrong Amendment brings to bear on the Council members that the Amendment was designed to compel the appellees to enact the specified amendment to the city's Human Rights Act. The 1989 District of Columbia Appropriations Act provided $3.743 billion to finance District expenses. *See id.* In the event that the Council failed to enact the amendment, the District would be legally barred from spending *any* of the appropriated funds, including the $3.206 billion—approximately 85% of the total—raised through the city's own means of revenue collection. *See id.* The price of refusing to vote "aye" when the amendment came to a vote in the Council, in other words, was to be the complete shut-down of municipal services in the District—from public hospitals and public schools, to garbage collection, law enforcement and virtually all other services essential to the health, safety and welfare of the District's residents. As the Government concedes, the severity of these consequences makes the Armstrong Amendment a "mandate" that the Council members "cannot . . . ignore [ ]." Brief for the Appellant at 23 n.13.

C. The Proceedings in the District Court

Rather than take action one way or the other on the specified amendment, the thirteen members of the Council, including Council Chairman David Clarke, filed suit in both their individual and official capacities, seeking to have the Armstrong Amendment declared unconstitutional and to have its enforcement preliminarily and permanently enjoined. *See Clark* v. *United States,* 705 F. Supp. 605 (D.D.C. 1988). The Council members challenged the Armstrong Amendment as a violation of their rights to free speech under the First Amendment; as an unconstitutional condition on a spending measure; as an unconstitutional taking; as an establishment of religion; and as a violation of the speech and associational rights of District residents who express a particular position on homosexuality. *See* 705 F. Supp. at 607. The United States moved for summary judgment, and the Council members countered with a cross motion for summary judgment.

Finding the Armstrong Amendment to be a violation of the Council members' rights to freedom of speech, the District Court granted the motion of the Council members and entered judgment in their favor. The trial court found the votes of the Council members to be sufficiently expressive to qualify as "speech," and that the severe consequences attendant to rejecting the amendment meant the Council members were effectively coerced into not opposing it. *See id.* at 609-10. The court also held that because Congress itself could have enacted the specified amendment to the Human Rights Act, the Government had no legitimate interest in the Armstrong Amendment sufficiently important to outweigh the Council members' speech rights. *See id.* at

609. The United States appealed, and we now affirm.[4]

II. ANALYSIS

A. The Constitutional Prerogatives of the Council and the Armstrong Amendment

Congress' authority over the structure of local government in the District of Columbia is indisputably broad, but it is not boundless. Congress has the discretion to create institutions of government for the District and to define their responsibilities only " 'so long as it does not contravene any provision of the Constitution.' " *Palmore* v. *United States*, 411 U.S. 389, 397 (1973) (quoting *Capital Traction Co.* v. *Hof*, 174 U.S. 1, 5 (1899)). This limitation on Congress' powers is merely an instance of the general principle that the Government may not disregard the strictures of the Constitution when conferring discretionary benefits. *See, e.g., Goldberg* v. *Kelly*, 397 U.S. 254, 262-63 (1970) (welfare benefits cannot be conditioned on waiver of procedural due process rights); *Sherbert* v. *Verner*, 374 U.S. 398, 403-06 (1963) (free exercise clause bars conditioning of unemployment benefits on agreement to work on Sabbath); *Speiser* v. *Randall*, 357 U.S. 513, 518-19 (1958) (First Amendment bars conditioning of tax exemption on showing that taxpayer had not engaged in subversive advocacy). *See generally* Epstein, *The Supreme Court, 1987 Term—Foreword: Unconstitutional Conditions, State Power, and the Limits of Consent*, 102 Harv. L. Rev. 4, 6-8, 73-102 (1988).[5]

Through the Home Rule Act, Congress has furnished the District with a democratic form of government and vested the legislative power of this government in the Council. Therefore, members of the Council are "legislators" in every traditional sense. As such, they enjoy broad First Amendment protections in discharging their responsibilities. *See, e.g., Bond v. Floyd*, 385 U.S. 116, 135-36 (1966). In *Bond*, the Supreme Court held that a state could not exclude an elected representative from its legislature because of his outspoken opposition to the Vietnam War:

> "The manifest function of the First Amendment in a representative government requires that legislators be given the *widest latitude* to express their views on issues of policy. . . . Legislators have an obligation to take positions on controversial political questions so that their constitutents can be fully informed by them, and be better able to assess their qualifications for office; also so they may be represented in governmental debates by the person they have elected to represent them."

Id. at 135-37 (emphasis added). Unless and until Congress restructures District government to divest the Council of its legislative functions, it must respect the broad First Amendment rights that the Council members enjoy by virtue of their status as legislators.

The issue in this case is whether the Armstrong Amendment is consistent with these rights. The United States concedes that the Armstrong Amendment does not alter the legislative process established by the Home Rule Act; the assent of a majority of the Council's members is necessary before the specified amendment to the Human Rights Act, or any other measure before the Council, can become law. Nonetheless, the United States contends that the Armstrong Amendment has effectively redefined the responsibilities of the Council members for the 1989 fiscal year imposing on them the "ministerial duty" of passing the specified amendment. *See* Brief for the Appellant at 22-23. Although we are skeptical that those members of Congress who supported the Armstrong Amendment conceived of the measure in these terms, we do feel constrained to confirm our intuitions through an extensive inquiry into the history and meaning of the Armstrong Amendment. For the United States' position merely poses, without by any means answering, the question we must decide: whether Congress *can* impose the duty to enact the amendment to the Human Rights Act consistent with the constitutional rights of the Council members as *legislators*. We hold that it cannot.

B. Voting as Protected "Speech"

The central issue in this case is whether the Armstrong Amendment is a regulation of speech for purposes of the First Amendment. The United States concedes that the condition that the Armstrong Amendment attaches to the District's funding exerts virtually irresistible pressure on the Council members to vote, and to vote in a particular way. *See* Brief for the Appellant at 23 n.13. Threats considerably less extreme than this one have been held to trigger the First Amendment's "exacting . . . scrutiny," *Riley v. National Federation of the Blind*, 108 S. Ct. 2667, 2678 (1988), when aimed at coercing affirmations of belief or conviction. *See, e.g., Speiser*, 357 U.S. at 518-19 (loss of tax exemption). The United States argues, however, that the Armstrong Amendment should be spared such scrutiny, because voting by the Council members is not protected speech. Like the First Circuit, "we have no difficulty" in concluding that "the right to vote freely on issues as they arise" falls within the broad First Amendment protections afforded legislators under *Bond*. *Miller v. Town of Hull*, 878 F.2d 523, 532, 532-33 (1st Cir. 1989).

A legislator's vote is inherently expressive. This is so, moreover, not simply because the act of voting requires a verbal utterance. Voting, as the Supreme Court has recognized, is the "individual and collective *expression of opinon*[] within the legislative process." *Hutchison v. Proxmire*, 443 U.S. 111, 133 (1978) (emphasis added). It serves the function not only of mechanically disposing of proposed legislation, but of registering the " 'will, preference, or choice' " of an individual legislator on an issue of concern to the political community. *Montero v. Meyer*, 861 F.2d 603, 607 (10th Cir. 1988) (quoting Black's Law Dictionary 1414 (5th ed. 1979)), *cert. denied*, 109 S. Ct. 3249 (1989). For this reason, a legislator's voting record is "the best indication of [his or her] position on specific issues and his or her ideological persuasions." M. Barone & G. Ujifusa, The Almanac of American Politics 1988 xviii (1988) ; *see also id.* at xvi-xviii (identifying and describing eleven ideological scales for rating congressional voting records).

The two federal courts that have directly considered the question of whether legislative voting is protected speech have both concluded that it is.[6] In *Miller v. Town of Hull*, 878 F.2d 523 (1st Cir. 1989), a municipal board of selectmen ordered the elected members of the town's redevelopment authority to vote to terminate the town's commitment to finance a public housing project. When the members of the redevelopment authority refused, they were suspended by the board. *See id.* at 527. Suggesting that the proposition was "unassailable," the First Circuit concluded:

> "[W]e have no difficulty finding that the act of voting on public issues by a member of a public agency or board comes within the freedom of speech guarantee of the first amendment. This is especially true when the agency members are elected officials. There can be no more definite expression of opinion than by voting on a controversial public issue."

Id. at 532 (footnote omitted); *see also id.* at 533-34 (finding protected status of voting sufficiently "apparent," and violation of First Amendment sufficiently "egregious," to overcome claim of qualified immunity).

The District Court for the Western District of Wisconsin also equated a legislator's vote with speech in *Wrzeski v. City of Madison*, 558 F. Supp. 664 (W.D. Wisc. 1983). In that case, the city council enacted a measure obliging individual council members to vote either in favor or against all pieces of legislation considered by the council. Noting that the plaintiff council member's "status as a legislator does not strip her of any rights she would otherwise enjoy under the First Amendment to speak freely or not to speak at all," and that the city council had failed to show that the requirement would further its effective operation, the court sustained the plaintiff's claim that the mandatory-vote provision violated her First Amendment right to abstain. *Id.* at 667.

The Supreme Court's recent decision in *Texas v. Johnson*, 109 S. Ct. 2533 (1989), lends further support to our conclusion that the votes of the Council members are protected by the First Amendment. Invalidating the respondent's conviction for burning an American flag, the Court in *Johnson* reaffirmed the test established in *Spence v. Washington*, 418 U.S. 405 (1974), for identifying conduct sufficiently expressive to merit First Amendment status. The relevant questions, the Court indicated, are "whether '[a]n intent to convey a particularized message [is] present, and [whether] the likelihood [is] great that the message will be understood by those who view[] it.' " *Johnson*, 109 S. Ct. at 2539 (quoting *Spence*, 418 U.S. at 410-11).

Under these criteria, there is no question that the votes of the Council members qualify as speech. Under the scheme of local government established by the Home Rule Act, the Council members perform the same functions that legislators perform in any other municipality. Like the votes of legislators elsewhere, the votes of the individual Council members are intended to express their positions on issues of public policy, and are understood to do so by the Council members' constituents and other observers.

The United States contends, however, that any vote by the Council on the *particular* issue of Congress' specified amendment to the Human Rights Act should be deemed conduct, not speech. The coercive effect that the Armstrong Amendment exerts on the Council members, the United States reasons, leaves them no real choice but to adopt the specified amendment. And because the Council members have no choice, their approval of the amendment is no longer an act of personal expression, but rather a "ministerial duty" that Congress may legitimately impose on the Council members pursuant to its near-plenary authority over the structure of the District's government. *See* Brief for the Appellant at 22-23. Pointing to the Supreme Court's decision in *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986), the United States concludes that the Armstrong Amendment should therefore be upheld as a valid regulation of the "noncommunicative" component of the

Council members' "conduct" in performing their official responsibilities. *See* Brief for the Appellant at 24–27.

We find this argument, including the United States' strained reliance on *Arcara*, to be wholly unconvincing. In *Arcara*, the Court held that a state law mandating the closure of any building used for prostitution or other forms of lewdness could be applied to a bookstore without raising First Amendment concerns. *See* 478 U.S. at 704–07. Cases applying First Amendment scrutiny to generally applicable laws that incidentally affect speech were inapposite, the Court explained, because unlike the expressive activities at issue in those cases, "the sexual activity carried on in this case manifests *absolutely no element of protected expression.*" *Id.* at 705 (emphasis added); *see also id.* at 706 n.3 ("Here . . . the 'non-speech' conduct subject to a general regulation bears *absolutely no connection to any expressive activity.*" (emphasis added)).

The same cannot be said of the Council members' votes. No matter how little choice the Council members have when considering the legislation contained within the Armstrong Amendment, their votes will retain their expressive character precisely because the Council members will be acting as *legislators.* As we have already concluded, and as the United States concedes, the Armstrong Amendment does not alter the legislative process established by the Home Rule Act. Before the specified amendment to the Human Rights Act can become law in the District, the amendment, like any other piece of legislation before the Council, must be enacted by majority vote of the Council's members. Thus, the Armstrong Amendment coerces an "individual and collective expression of opinion[]," *Proxmire,* 443 U.S. at 133, by the Council members on an issue of importance to the District as a political community.

Such coerced affirmation clearly violates the First Amendment. The right to free speech necessarily compris[es] the decision of both what to say and what *not* to say." *Riley,* 108 S. Ct. at 2677.[7] Thus, the coercive character of the Armstrong Amendment, far from converting an act of protected expression into one of unprotected conduct, is the very source of the Amendment's constitutional deficiency.

C. First Amendment Scrutiny

1. Conventional Standards

Because we find that the votes of the Council members merit First Amendment protection, we must now determine whether the Government's interest in enforcement of the Armstrong Amendment is sufficiently strong to outweigh the Amendment's infringement of the Council members' free speech rights. It is unnecessary to engage in an extended inquiry into whether the United States must show that the Armstrong Amendment advances "a compelling state interest and . . . is narrowly drawn to achieve that end," *Perry Educ. Ass'n v. Perry Local Educs.' Ass'n,* 460 U.S. 37, 45 (1983)—the appropriate standard of scrutiny for a content-based regulation of speech—or only that the Armstrong Amendment "furthers an important or substantial . . . interest" and imposes "no greater [a restriction of speech] than is essential to the furtherance of that interest," *United States v. O'Brien,* 391 U.S. 367, 277 (1968)—the standard appropriate to general regulations that only incidentally abridge speech. For we conclude that the interests asserted to justify the abridgment of the Council members' free speech rights are insufficient under either standard of First Amendment review.

It is undisputed that, under both article I, section 8 of the Constitution and section 601 of the Home Rule Act, Congress could have directly enacted the legislation that is the subject of the Armstrong Amendment. Doing so, moreover, would have avoided imposing *any* restriction on the Council members' speech. Thus, because the Armstrong Amendment " 'burden[s] substantially more speech than is necessary to further' " the Government's interest in simply having the specified amendment incorporated into the D.C. Code, *Board of Trusees v. Fox,* 109 S. Ct. 3028, 3034 (1989) (quoting *Ward v. Rock Against Racism,* 109 S. Ct. 2746, 2758 (1989)), that interest is insufficient to sustain the Amendment.[8]

The United States and amici identify two interests supposedly advanced by forcing Council members to enact the legislation here at issue. First, it is claimed that conditioning District funds on legislative action by the Council allowed the Senate to secure an amendment to the D.C. Code without violating Senate Rule XVI's prohibition on "general legislation" in an appropriations bill.[9] *See* Brief of the United States Senate as Amicus Curiae at 9–10 & 10 n.6. Second, the United States contends that the legislative procedure dictated by the Armstrong Amendment was aimed at facilitating future repeal of the specified amendment to the Human Rights Act. Since the Council generally has no authority to modify or override District laws passed by Congress, requiring the Council to enact the specified amendment preserved the Council's right to repeal the amendment at the end of the fiscal year, an objective harmonious with the principles of home rule. *See* Brief for the Appellant at 36–38.

Neither of these interests, however, is sufficient to redeem the Armstrong Amendment. The Senate's interest in protecting the integrity of its parliamentary procedures—the concern that dominated Senate debate over the Armstrong Amendment, *see* 134 Cong. Rec. S9123–34 (daily ed. July 8, 1988)—is a respectable one, but it is not sufficiently important to outweigh rights guaranteed the Council members under the Constitution. Indeed, Rule XVI was not viewed as sufficiently important to prevent the Senate from directly approving general legislation in other portions of the 1989 D.C. Appropriations Act. *See* 1989 D.C. Appropriations Act § 135 (amending D.C. Code Ann. § 11-1563(d) (1981) (judicial pension plan)). In any case, Congress could have secured the desired modification of the Human Rights Act consistent with Rule XVI by enacting the specified amendment independently of the 1989 D.C. Approprations Act. Thus, we conclude that in this respect also the Armstrong Amendment burdens substantially more speech than is necessary to further the Government's asserted interest.

Nor is the asserted interest in facilitating repeal of the specified amendment by the Council sufficient to allow the Armstrong Amendment to survive scrutiny under the First Amendment. Indeed, we find this interest to be specious. As the United States concedes, nothing in the legislative history of the Armstrong Amendment suggests that Congress was motivated by this end. *See* Brief for Appellant at 38. Furthermore, it borders on inconceivable that a piece of legislation defended as necessary to protect the First Amendment rights of religious institutions in the District of Columbia could simultaneously be defended as easy to repeal.[10] Courts face no obligation to credit "sham" interests asserted to justify restrictions of constitutional liberties. *See Wallace v. Jaffree,* 472 U.S. 38, 75 (1985) (O'Connor, J., concurring). But even if we accepted this interest at face value and deemed it to be substantial or important, the fact remains that Congress could have passed the specified amendment and affirmatively authorized its repeal by the Council after an indicated date.[11] Thus, under this theory, too, the Armstrong Amendment must be deemed to abridge substantially more speech than is essential to the furtherance of the Government's asserted interest, and hence to be invalid.[12]

2. The Pickering Test

The United States' final argument abandons all reliance on conventional standards of First Amendment review and suggests that even the relaxed degree of scrutiny under *O'Brien* is too strict in this case. Under this line of analysis, the United States contends that, for the purposes of the specified amendment to the Human Rights Act, the obligatory character of the Armstrong Amendment makes the relationship between Congress and the Council analogous to one between a superior and a subordinate. For that reason, the United States argues, we should assess whatever effect the Armstrong Amendment has on the speech of the Council members under the standard established in *Pickering v. Board of Education,* 391 U.S. 563 (1968), for evaluating restrictions of the speech of government employees. We reject this position as plainly untenable under existing First Amendment law.

Pickering examined the First Amendment claim of a public-school teacher who was dismissed for publishing a letter critical of the school administration. The Court determined that this claim and the claims of like-situated public employees should be decided by balancing the employee's "interests[,] . . . as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees." 391 U.S. at 568; *see also Rankin v. McPherson,* 483 U.S. 378, 388 (1987). Applying this test, the Court in *Pickering* upheld the teacher's claim on the ground that the school had failed to show that his letter caused actual disruption of the school's operations. *See* 391 U.S. at 570–71. Nonetheless, pointing to numerous lower court decisions that have sustained restrictions of the speech of different civil servants, the United States argues that application of the *Pickering* balancing test in this case would result in the vindication of the Armstrong Amendment.

The United States' suggestion that *Pickering* controls the outcome of this case is obviously wrong. The members of the Council are not Congress' *employees*; under the Home Rule Act, they are independent *legislators,* intended to be "responsible and accountable to the voters" of the District. H.R. Rep. No. 482 at 2, *reprinted in* Legislative History at 1442. Although Congress has the constitutional authority to change the character of the Council, it did not do so in the Armstrong Amendment.[13] As we have already discussed, so long as the Council members continue to occupy the status of legislators, Congress is obliged to respect the constitutional protections that attend that position.

The cases that the United States cites involving civil servants are therefore inapposite. As the Seventh Circuit explained in *Grossart* v. *Dinaso*, 758 F.2d 1221 (7th Cir. 1985)—the case on which the United States places primary reliance—"the conduct of a civil servant acting at the behest of an elected superior is not expressive; such conduct is not commonly attributed to the civil servant as a manifestation of her inner beliefs, but rather is attributed to her elected superior, for whom the civil servant acts as an agent." *Id.* at 1232. In contrast, the Council members, because they are legislators, are presumed to express their personal will when they vote, subject only to electoral control by their constituents.

Attempts by the United States to analogize the Council members to ambassadors and other governmental "ministers" are similarly unavailing. An ambassador is an agent of the Government, commissioned to represent the United States in the "transaction of its diplomatic business." *In re* Baiz, 135 U.S. 403, 419 (1890). When an ambassador performs official responsibilities, she is understood to be acting for the Government. Because speaking on behalf of the Government is an essential "requirement for the effective performance of" an ambassador's official responsibilities, removal of an ambassador who refused on political grounds to perform an assigned task would be justified by the Government's "vital interest in maintaining governmental effectiveness and efficiency." *Branti* v. *Finkel*, 445 U.S. 507, 518, 517 (1980); *see also Elrod* v. *Burns*, 427 U.S. 347, 367-68 (1976) (plurality). The Government has no similar interest, however, in controlling the political speech of popularly elected legislators. Consequently, Congress can no more demand partisan loyalty from the Council members than it can from the District's public defenders, *see Branti*, 445 U.S. at 519, or from the process servers and bailiffs of the District's courts, *see Elrod*, 427 U.S. at 360-73.

But even if *Pickering* did supply the appropriate line of analysis in this case, we would still hold the Armstrong Amendment to be unconstitutional. Insofar as we have already determined that the votes of the Council members constitute protected speech, we have little trouble reaching the further conclusion that any vote by the Council members on the specified amendment to the Human Rights Act would be speech dealing with a "matter of public concern." *See generally Rankin*, 483 U.S. at 384-87. It is also clear that the interest of the Council members in avoiding any restriction of their votes is extremely strong. First, as individual citizens, they possess the important right, recognized by the Court in *Barnette* and *Wooley*, *see* note 7, *supra*, not to be used as vehicles for a message with which they disagree.[14] Second, as legislators, they have an interest in being free to discharge their "obligation to take positions on controversial political questions," *Bond*, 385 U.S. at 136, and otherwise represent their constituents in accord with their best judgment of the public interest. The Government's interest in restricting the speech of the Council members, on the other hand, is very weak. Because, as we have already determined, any of the interests asserted to justify the Armstrong Amendment could easily be achieved by direct congressional action, the United States cannot credibly claim that the power to coerce the votes of the Council members advances the efficiency of governmental operations in any significant way.

III. CONCLUSION

Congress must observe the requirements of the Constitution when it exercises its broad discretion over the structure of government in the District. *See Palmore*, 411 U.S. at 397. Through the Home Rule Act, Congress has established a representative government for the District's residents, and has vested the legislative power of that government in the Council. So long as this form of government obtains, therefore, Congress must respect the "wide[] latitude" that the First Amendment guarantees the Council members *as legislators* "to express their views on issues of policy," *Bond*, 385 U.S. at 136, including their "right to vote freely on issues as they arise." *Miller*, 878 F.2d at 532-33. Because the Armstrong Amendment coerces the Council members' votes on a particular piece of legislation, and because none of the interests asserted to justify the Amendment is sufficient—under *any* standard of First Amendment review—to justify the abridgment of the Council members' free speech rights, we find the Armstrong Amendment unconstitutional. The judgment of the District Court is therefore affirmed.

Affirmed.

Buckley, *Circuit Judge, concurring:* The Supreme Court's teaching is clear: If a statute regulating conduct imposes an incidental burden on expressive conduct, it is subject to First Amendment scrutiny, *Arcara* v. *Cloud Books, Inc.*, 478 U.S. 697, 702 (1986) (citing *United States* v. *O'Brien*, 391 U.S. 367 (1968)), including the "important or substantial government interest"/"restriction . . . no greater than necessary" test set forth in *O'Brien*. 391 U.S. at 377. Although the Armstrong Amendment does not regulate conduct as such, it certainly falls within the *O'Brien* rationale.

As the affirmative vote required by the Armstrong Amendment of the D.C. Council members has "at least the semblance of expressive activity," *Arcara*, 478 U.S. at 702, I agree that the court's central analysis is compelled by Supreme Court precedent. Simply stated (and without burdening this summary with the citations to be found in the court's opinion), it is this: As the Armstrong Amendment would require members of the District of Columbia Council to enact a particular amendment to the D.C. Code, it implicates the First Amendment; and as Congress could have amended the Code on its own authority, the Armstrong Amendment fails any of the relevant Supreme Court tests because it places *some* burden on the members' speech whereas none is required. (Certainly none can be justified by the contrived reasons advanced by the government and the Senate *amicus* in support of Congress' decision to require the District of Columbia to enact the amendment to its Code rather than achieving that end by direct congressional action. *See* court op. at 20-23.)

This summary constitutes both the basis and the limits of my concurrence because I see no purpose in expanding the discussion (as the court's opinion does) beyond the limits required to resolve what is an important case of first impression. Thus, for example, I would delete the last paragraph of its discussion of the *Pickering* test. Court op. at 26-27. Having decided that *Pickering* is inapplicable because members of the District of Columbia Council are not employees of the United States Congress, there is no need to engage in a discussion of what we might hold were this case governed by *Pickering*.

I would also delete the final paragraph of Part B. and its accompanying footnote. Court op. at 18-19. The first sentence of that paragraph suggests that the Armstrong Amendment violates the Constitution just because it commands members of the Council to cast a distasteful vote. As I understand the relevant law, the command, standing alone, merely *implicates* the First Amendment. The Armstrong Amendment *violates* the Constitution because its command both burdens the Council members' speech and fails the tests set forth in both *Perry* and *O'Brien*. *See* court op. at 19.

I find footnote 7 equally inappropriate as neither of the cases discussed in it is apposite. In the case before us, the infringement on the members' speech is incidental to the Armstrong Amendment's objective, which is to bring about an amendment to the D.C. Human Rights Act. While this would require the members to participate in a one-time-only vote with which they fundamentally disagree, the measure's purpose is to amend the Act, not to require Council members to give voice to a particular message. In contrast, as the Supreme Court noted in *Wooley* v. *Maynard:*

"Here, as in *Barnette*, we are faced with a state measure which forces an individual, as part of his daily life—indeed constantly while his automobile is in public view—to be an instrument for fostering public adherence to an ideological point of view he finds unacceptable."

430 U.S. 705, 715 (1977).

The footnote is unfortunate not only because *Barnette* and *Wooley* are so clearly distinguishable, but because, in context, it implies a basis for finding the Armstrong Amendment unconstitutional that goes beyond the application of the standards described in Part C.1. of the court's opinion. Court op. at 19. As it is, our decision today opens up enough new territory to potential judicial review to suggest the prudence of limiting its scope to essentials. As virtually no government or institution can act today except with the consent of its legislative or governing body, I suspect this court and others may be called upon to answer a number of questions as litigators explore the implications of our decision. At what point, for example, does a federal grant-in-aid program cross the line that separates the encouragement of state or municipal action from its coercion? Are the constitutional rights of corporate directors and university trustees comparable to those of state and municipal legislators? And when (if ever) is a particular government interest important enough to justify *any* burden on legislative speech?

For better or worse, we may have opened the door to more litigation than we can now appreciate.

FOOTNOTES

[1] Presidents Eisenhower, Kennedy, Johnson and Nixon all strongly supported legislation aimed at establishing democratic government in the District. *See* H.R. Rep. No. 482, at 2-3, *reprinted in* 2 Legislative History at 1442-43.

[2] In addition, any law enacted according to the legislative procedure established by the Home Rule Act must be submitted to Congress, which then has 30 days to disapprove the law by concurrent resolution before the law becomes effective. *See* Home Rule Act § 602(c)(1).

[3] Rule XVI provides that "no amendment offered by any . . . Senator which proposes general legislation shall be received to any general appropriation bill . . . ." Rule XVI, ¶4, *reprinted in* S. Doc. No. 33, 100th Cong., 2d Sess, 11 (1988) [hereinafter S. Doc. No. 33]. The Rule also prohibits the Senate Committee on Appropriations from "report[ing] an ap-

propriation bill containing amendments to such bill proposing new or general legislation." *Id.*, ¶2, *reprinted in* S. Doc. No. 33 at 11.

[4] Because it ruled in the Council members' favor on their First Amendment claim, the District Court did not reach the other constitutional issues raised in their complaint. *See id.* at 607 & n.1. The Council members have raised these claims again on appeal, but because we agree with the District Court that the Armstrong Amendment violates the First Amendment, we also do not address them. In particular, we express no opinion on whether the specified amendment to the Human Rights Act would be constitutional if enacted by Congress directly.

[5] For this reason, the cases drawn to our attention by the United States in which the Supreme Court has acknowledged the broad authority of state legislatures over municipal institutions, *see, e.g., Hunter v. Pittsburgh*, 207 U.S. 161, 178–79 (1907), do not come close to settling this case. Just as Congress is obliged to observe the Constitution when it exercises its near-plenary authority over the affairs of the District, so the states are obliged to observe the Constitution when they exercise their power over the structure of municipal governments. *See, e.g., Gomillion v. Lightfoot*, 364 U.S. 339, 344–45 (1960) ("Legislative control of municipalities, no less than other state power, lies within the scope of relevant limitations imposed by the United States Constitution.").

[6] The Second Circuit expressly avoided this question in *United States v. City of Yonkers*, 856 F.2d 444 (2d Cir. 1988), *cert. granted in part sub nom. Spallone v. United States*, 109 S. Ct. 1337, *cert. denied*, 109 S. Ct. 1339 (1989), assuming for the purpose of analysis that "the act of voting has sufficient expressive content to be accorded some First Amendment protection . . . ." *Id.* at 457. That the Supreme Court may reach this issue when it reviews *Yonkers* does not prevent us from reaching the issue in this case. Moreover, as we explain below, *see* note 12 *infra*, we find *Yonkers* to be distinguishable on its facts from the case before us.

[7] The Armstrong Amendment's *directive* to vote in favor of the specified amendment is comparable to the compulsory flag salute law struck down in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), and the law mandating display of the license-plate motto, "Live Free or Die" struck down in *Wooley v. Maynard*, 430 U.S. 705 (1977). The Court invalidated those laws not simply because onlookers might mistakenly have concluded that those involuntarily compelled to assert the challenged messages agreed with them, but also because an individual has a right not to be made an "instrument [of] . . . an ideological point of view he finds unacceptable." *Id.* at 715.

[8] The United States points out that *O'Briens's* requirement that an incidental regulation of speech be "no greater than is essential," 391 U.S. at 371, has been construed by the Supreme Court to be less demanding than the "least-restrictive-means" test used to evaluate content-based restrictions of speech. *See, e.g., Fox*, 109 S. Ct. at 3034 n.3. In *Fox*, the Court explained that a regulation of conduct that incidentally affects speech is valid so long as it does "not 'burden substantially more speech than is necessary to further the government's legitimate interest.'" *Id.* at 3034 (quoting *Ward*, 109 S. Ct. at 2758). Because the Armstrong Amendment *does* burden substantially more speech than is necessary to further *any* of the asserted interests, it necessarily fails to satisfy either the less demanding *O'Brien* standard or the more demanding content-based-regulation standard.

[9] *See* note 3 *supra*.

[10] The United States' suggestion that Congress decided to compel the Council to enact the specified legislation in order to accommodate home rule, in addition to being paradoxical, is directly refuted by the Armstrong Amendment's legislative history. *See, e.g.*, 134 Cong. Rec. S9106 (daily ed. July 8, 1988) (remarks of Sen. Armstrong) ("I do not think home rule is the issue. We quite regularly make decisions which are contrary to our general presumption in favor of home rule."); *id.* at S9176 (daily ed. July 11, 1988) (remarks of Sen. Armstrong) ("There are some here today who want to dismiss this as a home rule issue, and it is not anything of the sort."); *Id.* at H9188 (daily ed. Sept. 30, 1988) (remarks of Rep. Dornan) (expressing "hope that [debate over the Armstrong Amendment] is not going to be couched in terms of home rule").

[11] The United States suggests that the Supreme Court's decision in *INS v. Chadha*, 462 U.S. 919 (1983), would have barred Congress from authorizing the Council to repeal the specified amendment if Congress had enacted the amendment directly. We read *Chadha* quite differently. In that case, the Court held that Congress could not reserve to itself the power unilaterally to disapprove regulations or orders issued by administrative agencies. This "legislative veto" mechanism, the Court reasoned, violated the presentment clause of article I, section 7, under which Congress is obliged to submit legislation to the President for this approval or disapproval. *See id.* at 944–59. Thus, *Chadha* plainly mandates that *Congress*, not *agencies created by Congress*, must comply with the presentment clause. Indeed, the decision presupposes that Congress may delegate to agencies broad legislative powers the exercise of which is not subject to the procedural mechanisms comprehended in article I. If Congress were to authorize the Council to repeal specified acts of Congress, we would analyze this grant of legislative power under the flexible dictates of the "nondelegation doctrine," *see generally Mistretta v. United States*, 109 S. Ct. 647, 654–55 (1989), not under *Chadha*.

[12] In *United States v. City of Yonkers*, 856 F.2d 444 (2d Cir. 1988), *cert. granted in part sub nom. Spallone v. United States*, 109 S. Ct. 1337, *cert. denied*, 109 S. Ct. 1339 (1989), the Second Circuit affirmed a finding of contempt issued against city council members who refused to comply with a court order directing them to authorize a public housing project. Because the court order was based on a consent decree in which the city agreed to construct public housing as a remedy for past acts of racial discrimination, the city's failure to provide the housing was itself an illegal act. Thus, the court held that even if the refusal of the council members to comply with the court order was speech, such speech, under *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (per curiam), would not be protected by the First Amendment. *See Yonkers*, 857 F.2d at 457. However, because the refusal of the appellees in this case to enact the legislation contained the Armstrong Amendment would not be illegal—or even subject to legal penalty *but for* the Armstrong Amendment—*Yonkers* clearly does not apply to this case. *Cf. Miller*, 878 F.2d at 533 n.14 (distinguishing *Yonkers*).

[13] That Congress provided that the District would lose its funding rather than that the Council members would be terminated—the ordinary penalty for insubordination—confirms that Congress did not intend the Armstrong Amendment to establish an employment relationship between Congress and the Council members.

[14] The United States suggests that because the Council members remain free to express their views on the specified amendment by means other than voting, we should discount the strength of their interest in avoiding the abridgment of speech imposed by the Armstrong Amendment. The Supreme Court rejected this argument in *Johnson, see* 109 S. Ct. at 2546 n.11, and we reject it here.

TRIBUTE TO TWO NEVADAN CHAMPIONS

Mr. REID. Mr. President, I rise today to pay tribute to two young Nevadans, Fernando Sanchez and Juan Carlos Canosa. They prove that champions start with hard work, determination, and a dream.

Fernando Sanchez started boxing at age 7 with the encouragement and support of his father. As the years passed, Fernando spent countless afternoons working out in the gym while other kids were out playing. There were times when he didn't feel like going to the gym and his father would tell him he could quit if he wanted. But the word "quit" just made Fernando more determined to train hard.

Those years of training and determination paid off. At age 15, Fernando Sanchez became Las Vegas' first-ever national amateur boxing champion. He earned this title at the U.S. Junior Olympic Boxing Championships in Davenport, IA. Fernando's success took him even farther. From Iowa, he went to Ireland where he won the International Junior Olympic Boxing Championships in his weight class.

Juan Carlos Canosa was born in Galicia, Spain, where he became interested in Tae Kwon Do at the young age of 6. Juan Carlos' uncle encouraged him to pursue his interest in this Korean art of self-defense.

Juan Carlos began to compete when he was 13 years old. Soon after that, his family left Spain and moved to Las Vegas where he continued his study of Tae Kwon Do. His teacher at Kim's World Tae Kwon Do, located at Commercial Center in Las Vegas, recognized his championship potential and started him in an intensive training program.

On May 13 of this year, Juan Carlos Canosa won the Junior Olympics Gold Medal for the State of Nevada. From there, he went to Rochester, NY, where he competed in the National Junior Olympic Tae Kwon Do Championship. Once again, Juan Carlos took home the gold—all the way back to Las Vegas.

For these young Hispanic adults, the world is just beginning to open up. Despite the long hours they devote to their sports, both Fernando and Juan Carlos are continuing their education at Las Vegas high schools. They know that success does not come from a stroke of luck. It comes from hard work and determination. In Nevada, these fine young men can share their secret for success with Nevadans of all ages, from all parts of our State.

Hispanic Americans across the country can take pride in the achievements of Fernando Sanchez and Juan Carlos Canosa. They set out to take home the gold and they did just that. Their stories are those of true to life champions. We can all learn from them.

BERTRAM TALLAMY

Mr. MOYNIHAN. Mr. President, I rise with sadness to report to my colleagues the death of a positively inspired civil engineer and dedicated public servant. Bertram Tallamy, Federal Highway Administrator under President Eisenhower and head of the Bureau of Public Roads from 1957 to 1961, died just last weekend. His work was no less than the supervision of the largest public works program in the history of the world—the building of the Nation's Interstate Highway System. The product of his work endures and remains unparalleled.

New York State was lucky enough to receive the benefits of his talents before he assumed his leadership position in Washington. After receiving his civil engineering degree from the Rensselaer Polytechnic Institute at

Troy, NY, he worked as a field engineer and later began a firm with friends.

The successful firm was reorganized and, in 1941, he personally directed the planning of what became the Buffalo-Niagara Falls section of the New York State thruway and also of a Buffalo-Lackawanna expressway. This was but the start.

After having served as Buffalo's director of city planning, Bert Tallamy was appointed deputy superintendent of the New York State Public Works Department by Gov. Thomas E. Dewey. In this capacity, he helped to coordinate all postwar construction development and to analyze the future needs of the State's highways.

He was soon appointed chief engineer of the public works department and, in the fall of 1948, Governor Dewey appointed Bert superintendent of public works. It was in this position that he began to bring to fruition the construction of a 427-mile high-speed highway running from the outskirts of New York City to Buffalo. Very wisely, Dewey appointed Tallamy chairman of the Thruway Authority and New York State is all the better for it.

Mr. President, in 1956 Congress authorized the Interstate and Defense Highway System—a 13-year, 42,500-mile, $33 billion venture which connected 42 State capitals. Who could possibly be better to accomplish the feat. President Eisenhower knew the answer and Bertram Tallamy was asked to fill the newly created position of Federal Highway Administrator. Mind, in later years President Eisenhower would cite this project as the most important domestic accomplishment of his administration.

Of course, Tallamy designed the Interstate Highway System by the model set in New York. It should be noted that this project could not help but affect the lives of a majority of the Nation's population. In New York, no less than 85 percent of our citizens live within 15 miles of the thruway. It is New York's lifestream. It is our Nation's lifestream.

We are indebted to Bert Tallamy. This Nation was indeed fortunate to have a model of capability and expertise at the helm of a project of this magnitude. His work endures, as does our respect for him.

I am certain my colleagues join me in sending our condolences to his wife and son and entire family.

Mr. President, I ask unanimous consent that an obituary from the Washington Post be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 17, 1989]

BERTRAM TALLAMY, DIRECTOR OF HIGHWAYS IN 1950'S, DIES

(By Richard Pearson)

Bertram D. Tallamy, 87, a former consulting engineer who was federal highway administrator and head of the Bureau of Public Roads from 1957 to 1961, died of renal failure Sept. 14 at Georgetown University Hospital. He lived in Washington.

As highway administrator under President Dwight D. Eisenhower, Mr. Tallamy directed the early years of the construction of the 41,000-mile interstate highway system. In the mid-1950s, it was estimated that the superhighways would connect 90 percent of all cities with populations over 50,000 and would carry 20 percent of all traffic.

During his four years in office, he directed the building of an unequaled road system with little fanfare and no scandal. He gained bipartisan support for his programs and steered his projects through the financial shoals of inflation.

When he took up his duties, a column in The Washington Post described him as a "tough engineer with a passion for esthetic design." Before coming to Washington, the New York Republican had gained a reputation as a highly competent state public works director and New York State Thruway Authority chairman.

Upon taking his post, his new boss, Secretary of Commerce Sinclair Weeks, described Mr. Tallamy as "one of the world's greatest builders of roads." His former boss, Thomas E. Dewey, said, "There are not enough superlatives to describe Bertie Tallamy."

An outdoorsman of note, Mr. Tallamy hiked nearly the entire 427-mile route of the New York Thruway, on separate occasions. He also became an ardent foe of highway billboards, saying they not only destroyed the view of a beautiful country, but by causing drivers to become bored, and thus fall asleep, they contributed to the highway death toll.

After leaving government employment, Mr. Tallamy was a consulting engineer in Washington until retiring in 1970.

He was a native of Plainfield, N.J., and received a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute in 1925. He was awarded an honorary doctorate by that institution in 1957.

From the late 1920's to mid-1930s, he was a consulting engineer in New York. In 1937, he became deputy engineer of the Niagara Frontier Planning Board in western New York state. He was superintendent of the New York Public Works Department from 1948 to 1954. In 1950, in addition to that post, he was named Thruway Authority chairman. In that job, he directed the construction of the Thruway, from New York City to Buffalo, and the upkeep of 14,000 miles of state roads.

Mr. Tallamy was president of the American Association of State Highway Officials from 1951 to 1952.

Survivors include his wife, Doris F., of Washington; a son, Bertram F., of Burgess, Va.; a sister, Louise Millward of Lakewood, N.J.; and three grandchildren.

SUDDEN INFANT DEATH SYNDROME

Mr. REID. Mr. President, sudden infant death syndrome [SIDS] is a tragic syndrome which is the No. 1 cause of infant mortality in infants under the age of 1 year. Although the cause is still unknown, a common theme runs through the discussion of all research areas. It is that some abnormality in development makes some infants between 1 and 12 months vulnerable to internal or external stresses which may trigger death. To prevent SIDS, we need to understand the way in which these infants are vulnerable, discover markers of this vulnerability, and determine the interaction of the vulnerability with stresses.

The Appropriations Subcommittee on Labor, Health, and Human Services and Education has included, for fiscal year 1990, funding for a 5-year SIDS research program at the National Institute of Child Health and Human Development. This project will hopefully shed some light on this syndrome. In response to the SIDS research initiative, I recently received the following letter from a constituent and friend. Her plea for funding says it best.

DEAR SENATOR REID: Eighteen years have passed since your wife Landra and I shared a hospital room following the birth of our babies—my first—somewhere in the middle of yours. I am writing now to you about another baby in my life.

Jim and I became foster parents in the spring of 1988 to a newborn baby named Darren. We quickly grew to love him and had thoughts of adopting him should that become possible. Our goal was to save a life from neglect and abuse—to save a child. This dream died on April 23rd, 1988 when Darren died from SIDS. That day will forever remain the worst day of our lives.

I have attended support group meetings for SIDS parents and I have witnessed the tragic effects the death of these babies has on the lives of these people and their surviving children. Jim and I and our three children are fortunate in that we have stable happy lives and have come through this experience intact. Perhaps because I did not carry the baby 9 months or perhaps because, as a registered nurse, I understand sudden infant death syndrome better, I have escaped most of the guilt and "why" questions most of these parents endure. It appears to have a devastating effect on their lives.

If you've read this far, I'm sure you realize by now, the point of this letter is to urge you to support the funding for fiscal year 1990 to implement the 5-year Sudden Infant Death Syndrome Research plan that was developed by the National Institute of Child Health and Human Development. As the No. one cause of infant death from 1 month to 1 year, it certainly merits further research.

Sincerely yours,

MARY KAYE CASHMAN.

THE WAR ON DRUGS

Mr. LIEBERMAN. Mr. President, last night Democrats and Republicans reached an agreement that will add $900 million to the funding proposed earlier by President Bush. Despite the difficult negotiations, this development adds substantial funding to the war on drugs—particularly for education, prevention, and treatment—and reflect a serious commitment to a national antidrug program.

It is my sincere hope that this compromise will mark the end of the recent trend in the Senate of scattershot budget cuts, rooted in politics, that make picayune contributions to the war on drugs.

In the past few weeks, we have labored mightily over one-time proposals that have added little to the antidrug effort. For example, we voted overwhelmingly to cut the appropriations for the District of Columbia by $150,000, and contribute that sum to the war on drugs. What is the logical extension of such proposals? Reduced hours at the Library of Congress? Closing museums at lunch time? Not cutting the grass on the Mall? Will the public really believe that such measures reflect a deep commitment to eradicating drug abuse? I think not.

We also voted to eliminate funding or mailings to our constituents and to contribute the money to the war on drugs. As expected, the provision did not survive intact in conference, in part because it did not reflect a real, long-term commitment. Does anyone believe that Congress will be willing each year to eliminate communications to our constituents? Nor should we be willing to do that—we must keep our constituents informed. They are entitled to that much from us for all they give to the Federal Government.

These measures are not meaningful battles in the war on drugs. We all know that a massive effort is necessary to wage a successful war on drugs. The President's $8 billion plan offers a sound starting point, and Senator **BYRD**'s modified proposal for adding $900 million is a significant improvement. These can be potent weapons, if we pass them, monitor their implementation, and follow through in subsequent years.

Let this be the day when we resolve not to occupy ourselves again with taking minor pot shots across the budget, to create the appearance that we are busy trying to fund the war on drugs. Let us fight the real war on drugs, not a phony, political war. We can begin today, by passing the additional funding proposed by Senator **BYRD**.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Rules and Administration:

To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Comprehensive Campaign Finance Reform Act of 1989." This legislative proposal would implement the reforms I announced earlier this summer. It represents comprehensive campaign finance reform legislation designed to reduce substantially the power of special economic interests while enhancing the role of individuals and political parties. The proposal also restores competition to congressional elections by reducing the advantages of incumbency.

I look forward to working with the Congress on these critical issues.

GEORGE BUSH.

THE WHITE HOUSE, *September 26, 1989.*

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 967. An act to establish the Amistad National Recreation Area in the State of Texas, and for other purposes;

H.R. 971. An act to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement;

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; and

H.R. 2365. An act to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia.

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 407. Joint resolution making continuing appropriations for the fiscal year 1990, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 967. An act to establish the Amistad National Recreation Area in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 971. An act to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services; to the Committee on Commerce, Science, and Transportation.

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2365. An act to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers reports, and documents, which were referred to as indicated:

EC-1704. A communication from the President of the United States, transmitting, pursuant to law, a request to consider an amendment to the request for appropriations for fiscal year 1990 for the Department of Defense Military; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. 874. A bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes (Rept. No. 101-140).

● Mr. FORD. Mr. President, today I am submitting the report of the Committee on Rules and Administration on S. 874, the National Voter Registration Act of 1989, as amended, which the committee has reported favorably.

This bill recognizes that it is the responsibility of the States to provide programs to assure that all who are eligible to vote have the opportunity to register. It will require motor-voter, mail and agency based registration programs in all States to increase voter registration of eligible citizens in elections for Federal office.

The issue of increasing voter turnout is obviously tied to the issue of increasing voter registration, yet one does not automatically follow the other. By placing the responsibility for increasing voter registration with the State officials, this legislation would free the parties and other organizations to put more of their efforts into voter education and get-out-the-vote drives.

So far, 18 Members have joined as cosponsors of this important legislation.

This substitute amendment was prepared with the cooperation of State election officials and representatives of organizations supportive of this legislation. I have continued to receive their comments and in response will offer the following amendments.

The first would exempt any State that permits registration for Federal elections on election day.

Another would permit each State to design its own mail registration form or use a model form prepared by the Federal Election Commission.

The third will permit each State broader discretion in the design of its agency registration program.

In preparing this bill, I have made every effort, consistent with its objectives, to give State election officials broad discretion in its implementation, and to keep costs as low as possible. This bill, therefore, will set standards for State voter list purges instead of mandating a biennial purge process, and will permit separate forms in the motor-voter program rather than require computerization of driver's license and voter lists. This will lower costs to the States. It is estimated that a biennial purge requirement would cost about $20 million, while the Congressional Budget Office estimates no additional costs to the States for this bill's purge standards. CBO puts a price tag of $60 to $70 million on motor-voter computerization, which is not required by S. 874, but may be necessary under the House bill.

Mr. President, S. 874 will improve the voter registration process, increase the rolls of registered voters, allow our State election officials broad discretion and keep the costs of implementation at a minimum.●

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 577. A bill to clarify the congressional intent concerning and to codify certain requirements of the Communications Act of 1934 that ensure that broadcasts afford reasonable opportunity for the discussion of conflicting views on issues of public importance (Rept. No. 101-141).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1672. An original bill to amend the Defense Production Act of 1950 (Rept. No. 101-142).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN (for himself and Mr. Bingaman):

S. 1669. A bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. Riegle):

S. 1670. A bill to amend title XVIII of the Social Security Act to clarify the medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

By Mr. COATS (for himself, Mr. Cochran, and Mr. Thurmond) (by request):

S. 1671. A bill to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

S. 1672. An original bill to amend the Defense Production Act of 1950; placed on the calendar.

By Mr. MOYNIHAN:

S. 1673. A bill to amend title XIX of the Social Security Act to provide for substance abuse treatment services on request for individuals desiring to rid themselves of substance abuse problems, and for other purposes; to the Committee on Finance.

By Mr. BOND:

S. 1674. A bill to amend title XVI of the Social Security Act to allow a recipient of supplemental security income benefits to receive contributions through a trust established by the State for the benefit of such individual without affecting the eligibility of such individual for such benefits, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Pell, Mr. Dodd, Mr. Domenici, Mr. Simon, Mr. Adams, Mr. Matsunaga, Mr. Metzenbaum, Mr. Jeffords, Mrs. Kassebaum, Ms. Mikulski, Mr. Inouye, Mr. Wirth, Mr. Burdick, Mr. Kerry, Mr. Rockefeller, Mr. Bingaman, Mr. Boren, Mr. Robb, Mr. Gore, and Mr. Riegle):

S. 1675. A bill to provide financial assistance for teacher recruitment and training, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Metzenbaum, Mr. Jeffords, Mr. Matsunaga, Mr. Dodd, Mr. Cochran, Mr. Simon, Mr. Robb, Mr. Burdick, Mr. Kerry, Mr. Boren, and Mr. Riegle):

S. 1676. A bill to strengthen the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. Warner, Mr. Cranston, Mr. Sanford, Mr. Adams, Mr. Kerry, Mr. Wirth, Mr. Baucus, Mr. D'Amato, and Mr. Dodd):

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative parties for the full protection of Antarctica as a global ecological commons; to the Committee on Foreign Relations.

By Mr. JOHNSTON (by request):

S.J. Res. 207. Joint resolution approving the location of the Memorial to the Women who served in Vietnam; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 186. Resolution relating to the protection of the Antarctic System; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself and Mr. Bingaman):

S. 1669. A bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment; to the Committee on Labor and Human Resources.

HISPANIC-SERVING INSTITUTIONS OF HIGHER EDUCATION ACT

● Mr. BENTSEN. Mr. President, I think it's fair to say that every Member of the Senate is deeply concerned about the state of our educational system today. At a time when technological advances and global competition put a premium on highly trained intelligence and advanced skills, our educational system is straining to meet these demands. Our role here in Congress is to help the system meet these demands.

Today I am introducing legislation that addresses one important aspect of this problem—the ability of our colleges and universities to provide quality education and training to our Nation's increasing, and increasingly important, Hispanic population. We are probably all aware of the fact that our Hispanic population is the youngest and fastest growing group in our country, expected to reach 30 million by the year 2000. But some Members of this body may not be aware of some of the startling statistics relating to Hispanic educational achievement.

According to the Hispanic Association of Colleges and Universities, out of every 1,000 Hispanic students who enter our educational system, only 70 graduate from college. In some areas of the country, the rate is even more dismal, dropping down to only 25 out of every 1,000. This had led to a gross underrepresentation of Hispanics in the medical and professional fields. For example, Hispanics comprise only 2 percent, or about 100,000 of the Nation's scientists and engineers although our total Hispanic population exceeds 18 million.

Clearly we need to do a better job of providing a college education and advanced training to our Hispanic population. To help accomplish that goal, today I am introducing legislation authored by my good friend and colleague in the House, ALBERT BUSTAMANTE. This legislation will provide special Federal assistance to colleges and universities that serve a large number of Hispanic students, in an effort to help broaden their educational horizons.

Under this bill, H.R. 1561 in the House, the Secretary of Education would be authorized to make grants to Hispanic-serving institutions across the country. Any college or university with a student enrollment that is at least 25 percent Hispanic would be eligible to apply. The Federal funds could be used to bolster student services at these Hispanic institutions, including student financial aid programs, recruitment and retention programs, tutoring and counseling programs. Authorized funding for this program would be $70 million for fiscal year 1990 and such sums as may be necessary for the succeeding 4 years.

Approximately 100 colleges and universities in the 50 States and Puerto Rico serving over 200,000 students stand to benefit from this program. But the reach of this bill is not limited to those schools and their students. One provision of this bill which I strongly support and feel is vitally needed is that which authorizes participating schools to enter into collaborative programs with local educational agencies to deal with the Hispanic dropout problem.

In my State of Texas and across the Nation, we have a terrible Hispanic dropout problem. The dropout rate for Hispanics nationwide is 36 percent, and it is higher in some parts of the country, such as south Texas. This bill recognizes that problem. It would allow colleges participating in this program to work with the local school districts, identify Hispanic students at risk of dropping out and implement programs to prevent that from happening. We must attack this problem, and I am pleased that this legislation will make a contribution toward solving it.

Mr. President, for our Nation's future to remain bright, we must do a better job of training and educating our Hispanic population. Hispanics are a proud, bright, and hard-working people, but they have been denied the opportunities so many of us take for granted. We need to expand their opportunities, and this legislation will help to do that.

I am pleased that my good friend from New Mexico, Senator BINGAMAN, joins me today in introducing this measure. As chairman of the Senate Democratic Task Force on Hispanic Issues, he is well aware of the need for this important legislation. I hope that the rest of our colleagues will join us in support of this measure as well.●

● Mr. BINGAMAN. Mr. President, I rise today to introduce with my good friend and distinguished colleague, Senator BENTSEN, the Hispanic-Serving Institutions of Higher Education Act of 1989. The intent of this legislation is simple. This bill would provide key Federal support to a nationwide network of college and universities enrolling large numbers of Hispanic students. In doing so, it would help ensure access to quality higher educational opportunities for a traditionally underrepresented, but vital segment of our population.

As we begin a renewed commitment to educational excellence and maintenance of our leadership role in the international marketplace, I believe that legislation such as this is crucial. According to U.S. Census Bureau statistics, little more than half—51 percent—of our Nation's total Hispanic population over the age of 25 had graduated from high school in 1988. Even more troubling, the Census Bureau reports that only 10 percent of Hispanics over age 25 had completed 4 or more years of college by 1988. Of those Hispanics who do pursue a higher education, most are likely to be enrolled in community colleges, rather than 4-year institutions. According to the National Council of La Raza, more than half of all Hispanic post-secondary students are enrolled in 2-year public institutions.

Although the educational attainment of our Hispanic youth is improving in many respects, the proportion of non-Hispanics completing high school—78 percent—and college—21 percent—remains continually higher than that of Hispanics. Nationally, for every 1,000 Hispanic children entering elementary school, only about 70 will graduate from college.

In my home State of New Mexico, this problem is especially evident. New Mexico, richly enhanced with 543,000 Hispanic residents, boasts the largest percentage Hispanic population in the Nation, and in terms of actual numbers, ranks eighth nationally. Of these residents, who have been so vital to our cultural heritage and who continue to be the key to our economic vitality, a high percentage—more than 50 percent of all adults—have completed 4 years of high school.

But according to New Mexico Commission on Higher Education statistics for the 1988 school year, Hispanic individuals comprised only 22 percent of the nearly 13,000 students enrolled in the State's 2-year institutions. They made up only 26 percent of the nearly 39,000 students enrolled in our 4-year institutions. And they comprised only 15 percent of the 7,860 graduate students statewide. Perhaps equally troubling, however, is the fact that if current trends continue, only a very small percentage of those Hispanic students currently enrolled in our colleges and universities will complete their degrees in a typical 4-year timeframe.

The legislation we are introducing today addresses all of these concerns by helping key colleges and universities strengthen important student-support efforts. These efforts include financial assistance programs, minority recruitment plans, counseling and tutorial services, and dropout prevention programs. Through this support, we can foster a truly effective pipeline for Hispanic higher education.

To keep that pipeline flowing, this legislation stipulates that participating 2-year institutions must reserve at least 25 percent of their funding to assist graduates in matriculating into 4-year schools, while 4-year schools must reserve an equal amount for recruiting graduates from 2-year schools. These measures, coupled with the bill's structured academic and student-life support systems, will go far in enhancing higher educational opportunities for this important segment of our population.

We estimate that nearly 100 institutions, located in 10 States and Puerto Rico, would be eligible to participate in the program our bill would develop. In New Mexico, institutions such as the University of New Mexico, New Mexico State University, New Mexico Highlands University, Western New Mexico University, and their satellite schools, would be eligible. Without question, the asssitance this legislation contemplates would improve the ability of these important schools to expand Hispanic educational attainment.

Mr. President, I will close by noting that there exists a widening gap in educational attainment of members of minority groups and the majority population. If we allow these disparities to continue, our country inevitably will suffer a compromised quality of life and a lower standard of living. Our ability to compete in world markets would suffer and our domestic economy would falter. In brief, we will find ourselves unable to fulfill the promise of equality for all Americans, and we will threaten our future as a strong, competitive force. I sincerely believe that now is the time for our Nation to renew its commitment to the advancement of all minority educational opportunities. I urge my colleagues to support this legislation.

HIGHLIGHTS OF THE BILL

Two and 4-year institutions with 25 percent or higher Hispanic enrollment would be eligible for financial assistance for recruiting, tutoring, counseling, support service, and dropout prevention programs.

Grants would be awarded by the Department of Education on a competitive basis.

Two-year institutions must retain 25 percent of their funds to assist graduates in continuing their studies at a 4-year institutions.

Four-year institutions must retain 25 percent of their funds to assist graduates in continuing graduate studies.

One hundred campuses in 10 States would be eligible.●

By Mr. LEVIN (for himself and Mr. Riegle):

S. 1670. An bill to amend title XVIII of the Social Security Act to clarify that medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

MEDICALLY NECESSARY JAW RECONSTRUCTION UNDER MEDICARE

● Mr. LEVIN. Mr. President, I am pleased to introduce today, along with my colleague from Michigan, Senator Riegle, legislation to provide Medicare reimbursement for medically necessary surgical jaw procedures. This legislation is necessary to guarantee patients access to care for acute jaw pain and dysfunction which poses a severe medical hazard.

Imagine if the simplest of processes, that of chewing food, was impossible due to pain and weakness in the jaw itself. The only alternative to total starvation would be a diet of liquids and purees of limited nutritional value that would only postpone eventual hospitalization. Imagine further that a surgical procedure existed that would effectively eliminate your medical problem, but that this life-saving treatment is beyond your reach.

Although it is logical that Medicare would cover the oral and maxillofacial surgery that holds out the prospects of reversing the vicious cycle of decay of some senior citizens, reimbursement for this procedure has been sporadically denied. On occasion, the Health Care Financing Administration [HCFA] has denied benefits for such treatment due to an ambiquity in the Dental Exclusionary Act. While HCFA has begun to view oral and maxillofacial surgery as dental in nature, the procedure in fact remains a surgical jaw reconstruction.

In fact, a HCFA Physicians Panel in 1986 agreed that the procedures "appear to be a medical rather than a dental procedure, the Panel believes, and the primary reason for doing it is to relieve pain * * *" Despite this finding by their own panel, HCFA continues to deny claims for these procedures.

Mr. President, to ensure that these procedures are not used for dental or cosmetic purposes—which they rarely would be due to the radical nature of the procedure—the legislation we are introducing contains criteria which ensure that the underlying medical condition demands surgical attention as a matter of medical necessity.

I thank my colleague, Senator Riegle, for joining me in sponsoring this humane legislation and I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE OF MEDICALLY NECESSARY PROCEDURES RELATED TO ATROPHIC AND WEAKENED JAWS.

(a) In General.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (12), by striking "where" and inserting "subject to the last sentence of this subsection, where"; and

(2) by adding at the end the following new sentence:

"Paragraph (12) shall not be construed to exclude payment under this title for those surgical and prosthodontic procedures following oral cancer, nor shall it be construed to exclude payment for jaw reconstruction performed with respect to an individual suffering from generalized atrophy (as evidenced by loss of maxillary or mandibular basal bone) or nerve dehiscence, or localized weakness of the jaw muscles or bone caused by tumor, trauma, infection, systemic disease, or congenital abnormality (as supported by specific x-ray or laboratory evidence or by a clinical examination)."

(b) Effective Date.—The amendments made by subsection (a) shall become effective on the date of enactment of this Act.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague from Michigan, Senator Levin, in sponsoring this bill S. 1670 to clarify that Medicare covers jaw reconstruction surgery in cases where it is medically necessary.

For seniors who need this surgery, it can reverse a vicious process of physical deterioration. Without surgery, the jawbone becomes almost entirely atrophied and subject to breaking on minimal force. The chewing of food becomes impossible due to pain and weakness in the jaw, ultimately leading to malnutrition and starvation. Typically, the raw nerve becomes exposed causing excruciating pain. Surgical reconstruction of the jaw can eliminate these problems, but without Medicare, this life-saving treatment is beyond the reach of many seniors.

The Health Care Financing Administration [HCFA] has been denying many claims for this surgery under a statutory provision which excludes services in connection with care or treatment of teeth or structures directly supporting teeth. Experts in the field dispute that jaw reconstruction is dental in nature. They point out that the teeth, and their entire supporting structure, have already been eroded before the underlying jaw bone becomes atrophied.

HCFA assigned an expert panel of physicians to study the question in 1986. The panel concluded: "It appears to be a medical rather than dental procedure * * *, and the primary reason for doing it is to relieve pain." Still, HCFA contends the procedure is dental in nature.

This legislation does not question the validity of the dental exclusion. It merely restates the intent of the Congress that jaw reconstruction surgery is not subject to that exclusion. The bill narrowly distinguishes that Medicare will only cover those procedures which are medically necessary due to significant loss of bone.

Mr. President, the HCFA is still denying claims for this medically necessary surgery. It is imperative that this bill be enacted as soon as possible. I will work with my colleague from Michigan to seek prompt passage of the bill.●

By Mr. COATS (for himself, Mr. Cochran, and Mr. Thurmond) (by request):

S. 1671. A bill to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning programs, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY PLANNING AMENDMENTS ACT

● Mr. COATS. Mr. President, I am pleased today to introduce legislation on behalf of the administration, myself, and Senators Cochran and Thurmond, making significant reforms in our Nation's Federal Family Planning Program. This legislation goes a long way in addressing some of the more troubling aspects of the title X, Family Planning Program. And it does so without creating an additional Federal bureaucracy.

The bill I am introducing would recast the current family planning project under title X of the Public Health Service Act into an authority for grants for State family planning programs and authorize appropriations for the State program for fiscal year 1990 and each of the following 2 fiscal years. States would be given the flexibility to shape their programs to best meet the needs of their residents. Within this framework, certain Federal requirements would be retained from current law, including the prohibition on funding programs where abortion is a method of family planning, the priority for serving low-income families, and the requirement that acceptance of services be voluntary.

Currently approximately 4 million low-income women age 15 to 44 receive family planning services at 4,000 clinic sites nationwide funded through 88 title X grantees. This bill builds upon the significant role States currently play in the administration and delivery of family planning services.

The proposed program of State administered grants would have many advantages over the present grant program. It would result in improved allocation of resources, improved services delivery and greater administrative flexibility. By providing States and territories with resources and appropriate control of those resources to deliver voluntary family planning services effectively, it would promote efficiency, responsiveness, and flexibility.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning Amendments Act of 1989".

SEC. 2. STATE FAMILY PLANNING PROGRAMS.

Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended to read as follows:

"TITLE X—STATE FAMILY PLANNING PROGRAMS

"SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of assisting States to carry out programs under which acceptable and effective family planning methods and services (including natural family planning methods, infertility services, services for adolescents, and adoption services) may be provided, and in connection with which family participation is encouraged, there are authorized to be appropriated $138,364,000 for fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 and 1992.

"SEC. 1002. ALLOTMENTS.

"(a) In General.—From the amounts appropriated under section 1001 for any fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such amounts appropriated as the amounts provided under this title (as such title existed before the date of enactment of the Family Planning Amendments Act of 1989) for fiscal year 1989 by the Secretary to the State and to entities in the State for family planning services bears to the amount provided for fiscal year 1989 to all States and to entities in all States for such services under such title.

"(b) Reallotments.—To the extent that all funds appropriated under section 1001 for a fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1007 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1008(b)(2);

such excess amount shall be reallotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c) Reservations for Indians.—

"(1) In general.—If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this title be provided directly by the Secretary to the tribe or organization; and

"(B) determines that the members of the tribe or organization would be better served by means of grants made directly by the Secretary under this title;

the Secretary shall reserve from amounts that would otherwise be allotted to the State under subsection (a) for such fiscal year the amount determined under paragraph (2).

"(2) Determination of amount.—The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to the State under subsection (a) an amount equal to the amount that bears the same ratio to the allotment of the State for the fiscal year involved as the total amount provided for fiscal year 1989 by the Secretary to such tribe or tribal organization to carry out this title bears to the total amount provided for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State to carry out this title.

"(3) Distribution.—The amount reserved by the Secretary on the basis of a determination under this subsection shall be made available to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) Plan.—An Indian tribe or tribal organization shall be eligible for a grant for a fiscal year under this subsection, if it submits to the Secretary a plan for such fiscal year that meets such criteria as the Secretary shall prescribe.

"(5) Definitions.—As used in this section, the terms 'Indian tribe' and 'tribal organization' have the same meaning given those terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"SEC. 1003. PAYMENT UNDER ALLOTMENTS TO STATES.

"(a) In General.—For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 1002 (other than any amount reserved under section 1002(c)) from amounts appropriated for that fiscal year.

"(b) Availability.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that fiscal year shall remain available for the next fiscal year to the State for the purposes for which it was paid.

"SEC. 1004. USE OF ALLOTMENTS.

"(a) Permissible Uses.—

"(1) In general.—A State may, consistent with the provisions of this title, use amounts paid to it under section 1003 as the State may find appropriate for—

"(A) acceptable and effective voluntary family planning methods or services;

"(B) training of family planning personnel;

"(C) developing and making available family planning and population growth information (including educational materials) for all individuals desiring such information (or materials); and

"(D) conducting or supporting research to improve the delivery of family planning services.

Amounts provided for the activities referred to in this paragraph may also be used for related planning, administrative, and educational activities.

"(2) Priority.—Priority shall be given, in any program in which funds provided under this title are used, to the furnishing of family planning services to individuals from low-income families (as defined by the State) to insure that economic status will not be a deterrent to participation in such program.

"(b) Limitations.—A State shall not use amounts paid to it under section 1003 to—

"(1) provide inpatient services;

"(2) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(3) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(c) Administration.—Of the amounts paid to any State under section 1003 for any fiscal year, not to exceed 10 percent of such amounts shall be used for administering the funds made available under that section. The State will pay from non-Federal sources any remaining costs of administering those funds.

"SEC. 1005. PROHIBITION ON ABORTION.

"None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

"SEC. 1006. VOLUNTARY PARTICIPATION.

"In any program in which funds provided under this title are used, the acceptance by any individual of family planning services or family planning or population growth information shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other services or assistance from, or participation in, any other program of the entity or individual that provided such service or information.

"SEC. 1007. APPLICATION AND DESCRIPTION OF ACTIVITIES.

"(a) Application.—To be eligible to receive an allotment for a fiscal year under section 1002 a State shall submit an application to the Secretary by such date as the Secretary shall require.

"(b) Public Comment.—After the expiration of the first fiscal year for which a State receives an allotment under section 1002, no funds shall be allotted under such section to the State for any fiscal year unless the State affords an opportunity for public comment on the proposed use and distribution of funds to be provided under section 1003 for such fiscal year.

"(c) Contents of Application.—As part of the annual application required under subsection (a), the State shall certify that it—

"(1) agrees to use the funds allotted to it under section 1002 in accordance with the requirements of this title;

"(2) agrees to establish, after providing reasonable notice and opportunity for the submission of comments, reasonable criteria to evaluate the effective performance of entities that receive funds from the allotment of the State under this title;

"(3) agrees to permit and cooperate with Federal investigations undertaken in accordance with section 1008;

"(4) has in effect a system to protect from inappropriate disclosure of client records maintained by the State in connection with a program receiving assistance under this title or by an entity that is receiving payments from the allotment to the State under this title; and

"(5) has the administrative capability to carry out section 1004, to determine the need for family planning services, and to evaluate the performance of entities that receive assistance from the allotment of the State under this title.

The Secretary shall not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) DESCRIPTION OF USE.—

"(1) IN GENERAL.—The State shall, as part of the application submitted under subsection (a), prepare and furnish to the Secretary a description of the intended use of the payments that the State will receive under section 1003 for such fiscal year, including a statement of goals and objectives, information on the types of programs to be supported, geographic areas to be served, and the categories or characteristics of individuals to be served and the criteria and method to be used for the distribution of the payments.

"(2) PUBLICATION.—The description required by paragraph (1) shall be made public within the States in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the description and after its transmittal. The description shall be revised throughout the year as may be necessary to reflect substantial changes in the programs assisted under this title, and any revision shall be subject to the requirements of this paragraph.

"(e) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall prescribe such requirements as the Secretary determines necessary to assure that payments made to a State under this title are not used in violation of the prohibition contained in section 1005. The State, as part the application required under subsection (a), shall certify that it will comply with all requirements imposed by the Secretary pursuant to this title to carry out section 1005, and shall describe the procedures it will follow, as required by the Secretary, to assure such compliance on a continuing basis.

"(2) OTHER INFORMATION.—In addition to the provisions of subsection (c), the State shall also certify, as part of the application required by subsection (a), that it will furnish, in its annual report to the Secretary or in such other form or at such other times as the Secretary may require, all information that the Secretary determines necessary to ascertain whether funds were spent in accordance with section 1005, or to conduct an investigation, or respond to a complaint, under section 1009(a)(2) or (3), respectively, concerning compliance by the State with section 1005.

"SEC. 1008. REPORTS.

"(a) REQUIREMENT.—Each State shall prepare and submit to the Secretary annual reports concerning its activities under this title. Subject to section 1007(e), report prepared under this section shall be in such form and contain such information as the State determines to be necessary—

"(1) to determining whether funds were expended in accordance with the provisions of this title;

"(2) to secure a description of the activities under this title;

"(3) to secure a record of—

"(A) the purposes for which funds were spend under this title;

"(B) the recipients of such funds; and

"(C) the progress made toward achieving the purposes for which such funds were provided; and

"(4) to determine how the State has met the goals and objectives previously stated.

Copies of reports submitted under this section shall be provided, on request, to any interested person (including any public agency).

"(b) ADMINISTRATIVE REQUIREMENTS.—

"(1) ACCOUNTING PROCEDURES.—Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 1003.

"(2) REPAYMENTS.—A State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the State, repay to the United States amounts found not to have been expended in accordance with the provisions of this title or the certification provided under section 1007. If such amounts are not repaid, the Secretary shall, after providing the State with adequate notice and opportunity for hearing, offset the amounts against the amount of any allotment to which the State is or may become entitled to under section 1002.

"(3) RESPONSE BY SECRETARY.—The Secretary shall respond in an expeditious manner to complaints, of a substantial or serious nature, that a State has failed to use funds in accordance with the requirements of this title or the certification required under section 1007.

"(4) LIMITATION.—The Secretary shall not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this title or the certification provided under section 1007.

"(b) RECORDS.—Each State, and each entity that has received assistance under an allotment made to a State under this title, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(c) UNREASONABLE REQUESTS FOR INFORMATION.—

"(1) IN GENERAL.—In conducting any investigation in a State, the Secretary shall not request any information not readily available to the State or to any entity that has received funds from an allotment made to the State under this title or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding or an investigation to determine compliance with section 1005.

"SEC. 1010. NONDISCRIMINATION.

"(a) PROHIBITION.—

"(1) IN GENERAL.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities that receive Federal financial assistance under this title shall be considered to be programs and activities receiving Federal financial assistance.

"(2) ON THE BASIS OF GENDER.—No individual shall on the basis of gender be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this title. This paragraph shall not be construed to prohibit any conduct or activities permitted under paragraphs (1) through (9) of section 901(a) of the Education Amendments of 1972.

"(b) ENFORCEMENT.—When the Secretary determines that a State, or an entity with respect to a program or activity that has received a payment from an allotment to a State under section 1002, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulations (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure such compliance, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(2) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, or title VI of the Civil Rights Act of 1964, as the case may be; or

"(3) take such other action as may be provided by law.

"(c) CIVIL ACTION.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1011. CRIMINAL PENALTY FOR FALSE STATEMENTS.

"Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from the funds allotted to the State under this title, or

"(2) having knowledge of the occurrence of any event affecting the initial or continued right of a person to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized;

shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.".

SEC. 3. TECHNICAL AMENDMENT.

Section 2(f) of the Public Health Service Act is amended by striking out "1002(c),".

SEC. 4. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS.

(a) EFFECTIVE DATE.—The amendments made by sections 2 and 3 shall become effective on the date of enactment of this Act, or October 1, 1989, whichever occurs later.

(b) TRANSITIONAL PROVISIONS.—

(1) IN GENERAL.—If any State (as defined in section 2(f) of the Public Health Service Act (42 U.S.C. 201(f))) has not, prior to 30 days before the beginning of any calendar quarter in fiscal year 1990, submitted an application under section 1007 of the Public Health Service Act (as amended by section 2) for an allotment for such fiscal year under such section, the Secretary of Health and Human Services may during that quarter, notwithstanding such section 1002(b), provide all or part of the funds allotted to such State to the State or to entities in the State in accordance with title X of the Public Health Service Act as in effect prior to the effective date of section 2.

(2) REDUCTION.—If the Secretary of Health and Human Services provides amounts to a State or to entities in a State under paragraph (1) and the State subsequently files an application under section 1007 of the Public Health Service Act (as amended by section 2) for an allotment for fiscal year 1990 under section 1002(a) of such Act (as amended by Section 1), the allotment shall be reduced by the amounts the Secretary has provided under paragraph (1).●

By Mr. BOND:

S. 1674. A bill to amend title XVI of the Social Security Act to allow a recipient of supplemental Social Security income benefits to receive contributions through a trust established by a State for the benefit of such individual without affecting the eligibility of such individual for such benefits; to the Committee on Finance.

TRUST FUND LEGISLATION

● Mr. BOND. Mr. President, families of disabled persons have long been concerned about who will care for their loved ones when they are no longer able to do so. Today I am introducing legislation which will assure that disabled loved ones continue to receive care long after their families are gone.

State and Federal governments provide basic services such as food, shelter, and medical care for the developmentally disabled, but it falls to the family to provide supplemental services, such as additional therapies or vocational education, dental care, eye glasses, and recreational activities. Several States, including Missouri, Illinois, Florida, Virginia, and Maine have established by law or are planning to establish family trust funds in the hope that these supplemental services will continue to be provided after the parent or guardian dies. The intent of these creative State laws is to enable families to continue to provide assistance to their developmentally disabled family members through their estates.

Under current law, a disabled individual can lose SSI and health insurance benefits if he or she receives an inheritance from his or her parents. The disabled person must spend down the inheritance before regaining eligibility for public assistance he or she depends upon for basic services such as food, shelter, and medical care.

A direct financial commitment or contribution to a disabled loved one would jeopardize the public assistance he or she depends upon for basic services such as food, shelter, and medical care. Similarly, there is now confusion as to whether current Federal law would permit the Federal Government to count contributions to a family trust fund as income for the purposes of determining eligibility for Social Security disability income or Medicaid. This legislation will clear up that confusion.

The legislation I am introducing simply provides that trust fund moneys provided on behalf of an individual pursuant to State law will be excluded from consideration as income for the purposes of determining eligibility for SSI or Medicaid.

Mr. President, this legislation is not an expansion of SSI or Medicaid benefits. I expect that the fiscal impact will be zero. It is simply an assurance by the Congress that the Federal Government will not, somewhere down the road, jeopardize the essential benefits provided by the Social Security disability system by penalizing private contributions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM CERTAIN INCOME TESTS OF CONTRIBUTIONS THROUGH TRUST FUNDS ESTABLISHED UNDER STATE LAW FOR THE BENEFIT OF AN SSI RECIPIENT.

(a) IN GENERAL.—Title XVI of the Social Security Act is amended by inserting after section 1613 the following new section:

"TRUST FUNDS EXCLUDED FROM INCOME AND RESOURCES

"SEC. 613A. (a) Notwithstanding any other provision under this title, all amounts contributed on behalf of an individual described under section 1602, to a trust fund established under any State law to supplement the care, support, and treatment of such individual shall be excluded from any determination of income or resource of such individual under sections 1612 and 1613.

"(b) As a condition of the eligibility of a State for Federal payments under section 1903, the State plan for medical assistance shall, notwithstanding section 1903(f), provide that, in determining the eligibility of an individual for medical assistance under the plan, there shall be excluded from the income of the individual the value of any contribution to, or amount received by the individual from, a trust fund described in subsection (a), to the extent excludible from the income of the individual under such subsection.".

(b) REGULATIONS.—

(1) PROPOSED REGULATIONS.—On or before February 1, 1990, the Secretary of Health and Human Services shall issue proposed regulations to carry out the amendments made by this section.

(2) FINAL REGULATIONS.—On or before March 1989, the Secretary of Health and Human Services shall issue final regulations to carry out the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to payments under titles XVI and XIX of the Social Security Act for calendar months beginning after December 31, 1989, without regard to whether regulations to carry out such amendments are promulgated by such date.●

By Mr. KENNEDY (for himself, Mr. PELL, Mr. DODD, Mr. DOMENICI, Mr. SIMON, Mr. ADAMS, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. JEFFORDS, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. INOUYE, Mr. WIRTH, Mr. BURDICK, Mr. KERRY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BOREN, Mr. ROBB, Mr. GORE, and Mr. RIEGLE):

S. 1675. A bill to provide financial assistance for teacher recruitment and training, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN TEACHING ACT

Mr. KENNEDY. Mr. President, last week, a number of us joined together to propose a series of education goals for the Nation. Senator PELL and I are here today to propose ways to implement one of those goals—to reduce teacher shortages, increase the number of qualified teachers, and enhance the status of the teaching profession in America.

Teaching today is a profession in crisis.

Teachers are faced with one of the most important, most difficult, and most thankless jobs in the Nation. They are the frontline in the battle where America's future may well be determined—in the education of the next generation of Americans.

Often today, in addition to their responsibilities as educators, teachers must also respond to the outside world that students bring into the classroom—crime in their neighborhoods, drugs in their hallways, the abuse and neglect in their homes.

In spite of these responsibilities, teachers endure unacceptably low salaries and low status, and the results are hardly surprising. It is becoming harder to recruit teachers, and harder to retain them.

There are 2.3 million public schoolteachers for grades kindergarten to 12 in the United States today. The Department of Education estimates that over the next decade, we must hire 1.6 million new teachers, or an average of 160,000 teachers a year. Yet our primary source of new teachers, college students majoring in education, has fallen 55 percent since 1972. Today, we are graduating only about half the teachers we will need to fill the gap in the years to come.

Retaining those who do enter teaching is also a problem—20 percent of new teachers quit during their first year of teaching. More than half leave before the sixth year.

Clearly we need to increase the attractiveness of the profession to young people, as well as look to other sources for potential teachers.

Historical and social factors are part of the acute shortage. In fact, teaching has historically been a woman's profession, which accounts in large part for low status and low pay. Now, as barriers of sex discrimination continue to fall, countless able women who might have gone into teaching a generation ago have the opportunity to choose other attractive careers.

States and localities have begun to accept the urgent task of raising teachers' salaries, but budgets are limited and competition among careers continues to be strong. Other professions spend millions of dollars on recruitment. The Armed Forces, for example, are spending $600 million for advertising and recruiting this year alone. We need to rely on these up-to-date techniques to enhance recruitment for teaching.

The Federal Government has a leadership role to play in this area which has been neglected too long. We have begun to take steps to address the teacher shortage through increased use of technology in the classroom. A new initiative called Star Schools is bringing the best teachers in math, science, and foreign languages to students in remote areas through the use of satellite communications and other advanced technology. These are important advances which we must continue to support. But they will only be successful if good teachers are available.

There is more we can and must do to attract people into the teaching profession. We can provide incentives for individuals to enter the profession. We can provide greater skills to help teachers meet the challenges that await them in the classroom. We can encourage them to continue their own education. We can provide greater recognition to those at the top of their profession.

The legislation we are introducing today is a comprehensive effort to address each of these challenges.

We place special emphasis on recruitment of minority teachers. In large cities across the country, 70 percent of the students are minorities, compared to only 30 percent of teachers.

We also emphasize the need to recruit qualified teachers in math and science. In 1986, nearly a third of high school students were enrolled in a course in these subjects taught by a teacher not qualified to do so.

Finally, we emphasize those who will teach in the inner cities, where shortages are most acute, and those who will teach in special categories of need—such as students with limited proficiency in English, the disabled, and preschool children.

The centerpiece of the legislation is the revival of the Teacher Corps—an idea that worked well from its creation in the 1960's until it was abruptly and unwisely terminated at the beginning of the Reagan years. Nearly a decade has passed, and it is time to rectify that mistake. In return for college scholarship aid of up to $8,000 a year, young men and women in the corps will agree to teach 4 years in inner cities or in the fields of math or science, or teach for 5 years in other areas with a shortage of teachers.

Able young men and women deserve help in completing their college education—and America needs their help in meeting the crisis in our schools.

The Teacher Corps holds great promise for each of these challenges. It complements other proposals we have made to encourage national and community service that have broad bipartisan support and that are awaiting action by the Senate. We hope that in the years to come, the Teacher Corps will come to enjoy as much prestige and accomplishment in America as the Peace Corps enjoys overseas.

For all of these programs, we authorized $300 million in the first year. In future years, as the programs prove their potential, we expect that larger sums will be made available.

The measure we are proposing is only a beginning. We stand ready to work with the administration and with leaders at every level across the country to deal with the challenge. We have set an ambitious national goal to enhance the quality of teaching in America—and it is time to start meeting it.

I ask unanimous consent that the full text of the bill be printed in the RECORD, along with the attached letters of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excellence in Teaching Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Statement of purpose.
Sec. 4. Definitions.
Sec. 5. Authorization of appropriations.
Sec. 6. Cost sharing.
Sec. 7. Evaluation.
Sec. 8. Coordination.
Sec. 9. Annual report.

TITLE I—TEACHER CORPS

Sec. 101. Short title.
Sec. 102. Findings.

PART A—TEACHER CORPS

Sec. 110. Teacher corps programs authorized.
Sec. 111. Secretary's use of funds.
Sec. 112. State use of funds.
Sec. 113. Local use of funds.
Sec. 114. Teacher corps.
Sec. 115. State application.
Sec. 116. Local application.
Sec. 117. Teacher corps scholarship program.
Sec. 118. Scholarship conditions.
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PART B—SENIOR TEACHER CORPS

Sec. 120. Senior teacher corps programs authorized.
Sec. 121. Secretary's use of funds.
Sec. 122. State use of funds.
Sec. 123. Senior teacher corps eligibility.
Sec. 124. State application.
Sec. 125. Scholarship program.
Sec. 126. Scholarship conditions.
Sec. 127. Publication and recruitment.

TITLE II—PROFESSIONAL DEVELOPMENT ACADEMIES

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Professional development academy.
Sec. 204. Allotment.
Sec. 205. Use of allotted funds.
Sec. 206. State application.
Sec. 207. Local use of funds.
Sec. 208. Local application.
Sec. 209. Payments; Federal share; non-Federal share.

TITLE III—MINORITY TEACHER RECRUITMENT

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Program authorized.
Sec. 304. Use of funds.
Sec. 305. Teaching programs at historically black colleges and universities.
Sec. 306. Summer institutes for future teachers.
Sec. 307. Teaching in magnet schools.
Sec. 308. Study of barriers to minority entry into the teaching profession.

TITLE IV—BILINGUAL TEACHER ENHANCEMENT ACT

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Program authorized.

TITLE V—EARLY CHILDHOOD DEVELOPMENT TEACHER ENHANCEMENT ACT

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Program authorized.
Sec. 504. Eligible recipient.
Sec. 505. Use of funds.
Sec. 506. Application.
Sec. 507. Child development associate.

TITLE VI—TEACHERS OF CHILDREN WITH HANDICAPS ENHANCEMENT

Sec. 601. Short title.
Sec. 602. Findings.

Sec. 603. Program authorized.
Sec. 604. Use of funds.
Sec. 605. Application required.

TITLE VII—MATHEMATICS AND SCIENCE TEACHER ENHANCEMENT

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Program authorized.
Sec. 705. Use of funds.
Sec. 706. Program requirements.
Sec. 707. Application required.
Sec. 708. Evaluations.

TITLE VIII—SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING INCENTIVE

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Program established.

TITLE IX—TEACHER RECOGNITION

Sec. 901. Short title.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to—

(1) improve teacher recruitment by identifying, supporting, and recruiting prospective teachers from junior high school through graduate school with incentives and financial support aimed at attracting highly qualified individuals;

(2) encourage access to the teaching profession for people currently in other professions, with intense training in a supported environment, and measures of full licensure readiness equal to traditional preparation requirements;

(3) alleviate shortages of teachers, including minority teachers, particularly in urban schools with high concentrations of disadvantaged students, and teachers specializing in certain subject areas or trained to work with certain populations;

(4) improve teacher training by encouraging new developments in teacher preparation which provide for greater integration of subject matter and pedagogical training;

(5) improve teacher retention by supporting new teachers' induction into the teaching profession;

(6) improve teacher skills by providing opportunity for in-service training in specialty areas, teaching and classroom management skills, and school based management; and

(7) improve teacher retention by providing opportunities for experienced teachers to take leadership roles in professional development academies, school based management efforts, and sabbatical programs.

SEC. 4. DEFINITIONS.

(a) In General.—Except as otherwise provided, for purposes of this Act—

(1) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(2) The term "handicapped child" has the same meaning given that term in section 602 of the Education of the Handicapped Act.

(3) The term "inner city school" means any school—

(A)(i) in a local educational agency with an enrollment of 30,000 or more students and which serves a central city of a metropolitan statistical area or primary metropolitan statistical area; or

(ii) in a local educational agency serving the largest city in a State; and

(B) which qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 for loan cancellation for Perkins loan recipients who teach in those schools.

(4) The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(5) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(6) The term "preschool age" means children below mandatory school attendance age, as determined by State law.

(7) The term "school-age population" means the population of individuals aged 5 to 17, as determined by the Bureau of the Census in the most recent decennial census.

(8) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" has the same meaning given that term in section 1471(22) of the Elementary and Secondary Education Act of 1965.

(11) The term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

(b) Special Rule.—For purposes of part A of title I, title III, and title IV—

(A) the term "teacher" includes a school psychologist, a school social worker and a school counselor, where appropriate; and

(B) the term "teaching" includes the professional services of a school psychologist, a school social worker, and a school counselor, where appropriate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated $215,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991, 1992, 1993, and 1994, of which—

(1) 56.5 percent shall be available for title I, of which 82 percent of the amount available for title I shall be available for purposes of awarding scholarships to teacher corps members under part A, 10 percent of the amount available for title I shall be available for the purpose of awarding scholarships to senior teacher corps members under part B of such title, and 8 percent of the amount available for title I shall be available for purposes of activities conducted by State educational agencies under such parts;

(2) 20 percent shall be available for title II;

(3) 12 percent shall be available for grants pursuant to section 303;

(4) 8 percent shall be available for title V, of which not more than $2,500,000 shall be available to carry out the provisions of section 507; and

(5) 3.5 percent shall be available for title VI.

SEC. 6. COST SHARING.

The Secretary is authorized to seek cost-sharing by State and local entities, institutions of higher education, and nonprofit organizations for any program assisted under this Act.

SEC. 7. EVALUATION.

The Secretary shall conduct an evaluation of the teacher corps program and the senior teacher corps program conducted pursuant to parts A and B of title I. Results of such evaluation shall be reported to the appropriate committees of Congress no later than 3 years following the date of the enactment of this Act.

SEC. 8. COORDINATION.

The Secretary shall designate an office within the Department of Education to coordinate activities under this Act.

SEC. 9. ANNUAL REPORT.

The Secretary shall prepare and submit to Congress annually a report on teachers and the teaching profession 1 year from the date of enactment of this Act and each year thereafter. Such report shall include such information as the Secretary may determine, including data regarding the numbers of teachers in each State with—

(A) certification in various subject areas; and

(B) baccalaureate and postbaccalaureate training and degrees in various subject areas.

TITLE I—TEACHER CORPS

SEC. 101. SHORT TITLE.

This title may be cited as the "Teacher Corps Recruitment and Induction Act of 1989".

SEC. 102. FINDINGS.

The Congress finds that—

(1) there are 2.3 million public school teachers for grades kindergarten through 12, and between 1988 and 1997 1,600,000 new teachers will be needed;

(2) the proportion of women interested in pursuing a career in teaching declined from 38 percent in 1968 to 13 percent in 1988;

(3) the proportion of college students majoring in education fell 55 percent between 1972 and 1986;

(4) in 1986, 87,000 bachelor's degrees in education were awarded;

(5) shortages in the number of minority teachers limit opportunities for both minority and non-minority students to benefit from minority teacher instruction;

(6) there are shortages in the number of teachers with specialized kinds of training, including early childhood education, bilingual education, and special education and related services;

(7) there are severe shortages of teachers trained to teach certain subjects, particularly mathematics and science;

(8) certain voluntary programs of scholarship and loan forgiveness in exchange for service in other professions have been effective in encouraging individuals to enter such professions;

(9) the national interest in promoting community service may enhance participation in the teaching profession through the teacher corps;

(10) the professionalism of experienced teachers must be enhanced in order to retain highly qualified individuals;

(11) the shortage of teachers in central city schools is approximately 2½ times greater than teacher shortages elsewhere; and

(12) 20 percent of new teachers leave during their first year of teaching, and over 50 percent leave before reaching their sixth year of teaching, however induction programs help reduce such turnover.

PART A—TEACHER CORPS

SEC. 110. TEACHER CORPS PROGRAMS AUTHORIZED.

(a) Program Authorized.—The Secretary is authorized—

(1) to make grants, in accordance with the provisions of this title, to State educational agencies to conduct teacher corps activities; and

(2) to award scholarships to teacher corps members in accordance with the provisions of this part.

(b) Amount of Grants.—The amount awarded to each State educational agency pursuant to subsection (a)(1) shall be an amount awarded on the basis of the school-age population in the State compared to the school-age population in all States.

SEC. 111. SECRETARY'S USE OF FUNDS.

(a) In General.—The Secretary shall use funds provided pursuant to this part to—

(1) establish criteria intended to attract highly qualified individuals to teaching, and to meet the needs of States in addressing teacher shortages, for States to use in selecting teacher corps members including—

(A) in the case of students or recent graduates, strong academic promise, as demonstrated by high grades and class standing;

(B) contributions which can be made by individuals working in other careers;

(C) recommendations;

(D) a demonstrated interest in teaching through participation in teaching related activities, such as an interview with, and recommendation from, a department of education in an institution of higher education;

(E) previous community service;

(F) demonstrated interest, skill, and professional experience in specialized substantive fields of expertise in which the State is experiencing teacher shortages; and

(G) interest in teaching in geographic areas experiencing teacher shortages, especially in inner city schools with minority enrollment in excess of the statewide average minority enrollment;

(2) disseminate information nationally about the availability of scholarships under this part, especially to institutions of higher education with large minority populations, to historically Black colleges and universities, to secondary schools with minority enrollment in excess of the statewide average, to individuals leaving the armed services, and to organizations and entities likely to reach individuals interested in entering teaching as a new career;

(3) award teacher corps scholarships to individuals who are recommended by State educational agencies under section 114;

(4) review and approve applications submitted by State educational agencies under section 115;

(5) make awards to State educational agencies having applications approved under section 115;

(6) designate an office within the Department of Education to serve as liaison to, and coordinate with, State educational agencies participating in the teacher corps;

(7) conduct activities which foster communication among, and bring together, members of the teacher corps including activities such as written communications, meetings, or training sessions; and

(8) collect scholarship repayments from individual teacher corps members, in accordance with the provisions of section 118.

SEC. 112. STATE USE OF FUNDS.

(a) In General.—Each State educational agency receiving a grant under this part may use such funds to—

(1) award grants to local educational agencies to establish or expand induction and mentor programs in accordance with this part;

(2) establish and operate in-service and mentoring programs for teacher corps members at the State and local levels;

(3) provide technical assistance to local educational agencies for establishing and operating teacher corps and induction programs;

(4) publicize the availability of scholarships pursuant to this part, particularly among students participating in teaching-related activities through summer teaching institutes, future teacher clubs, and others and among professionals in nonteaching fields;

(5) evaluate applications for teacher corps membership and recommend teacher corps members to the Secretary;

(6) ensure that teacher corps members understand the obligation to repay scholarship upon failure to comply with the conditions of the scholarship;

(7) ensure employment placement of teacher corps members; and

(8) conduct activities which foster communication among, and bring together, members of the teacher corps, including activities such as written communication, meetings, and training sessions.

(b) Special Rule.—(1) Any State educational agency receiving funds under this part shall conduct a needs and resources assessment to identify and locate local educational agencies with the greatest proportion of disadvantaged students.

(2) In carrying out the provisions of subsection (a)(1), the State educational agency—

(A) may award grants to any local educational agency; and

(B) shall give priority in awarding grants to local educational agencies which have been identified under paragraph (1).

(3) In carrying out the provisions of subsection (a)(7), the State educational agency shall place teacher corps members in local educational agencies which have been identified under paragraph (1).

SEC. 113. LOCAL USE OF FUNDS.

(a) Each local educational agency receiving a grant under this part may use such funds to—

(1) establish, operate, and expand induction programs for new teacher corps members and other new teachers, including—

(A) orientation;

(B) using mentor teachers to work with new teachers;

(C) curriculum guidance; and

(D) cultural and gender sensitivity;

(2) ensure that teacher corps members participate in an induction program for a minimum of one year, including working with a mentor teacher designated by the local educational agency.

(b) The induction programs described in subsection (a)(1) may be developed in cooperation with institutions of higher education.

SEC. 114. TEACHER CORPS.

(a) Selection.—(1) The State educational agency, in cooperation with the State higher education agency, shall select teacher corps members, in accordance with the criteria established by the Secretary under section 111(a)(1).

(2) Each State educational agency receiving assistance under this part shall submit to the Secretary for review the names of teacher corps members accompanied by such information as the Secretary may reasonably require.

(b) Special Consideration.—The State educational agency, in cooperation with the State higher education agency shall also give special consideration in the selection of teacher corps members to individuals who—

(1) intend to teach or provide related services to students who have handicaps;

(2) intend to teach limited English proficient students;

(3) intend to teach preschool age children; or

(4) intend to teach in an inner city school.

(c) Application.—Each individual wishing to participate in the teacher corps shall submit an application to the State educational agency for the State in which such individual wishes to be employed as a teacher, if such State has a teacher corps program. Each application shall contain such information as such State educational agency may reasonably require.

(d) Secretary's Review.—The Secretary shall review recommendations of the State educational agency for membership in the teacher corps in accordance with the provisions of this part.

(e) Special Rule.—Each individual enrolled in a program leading to an associate degree in a field other than early childhood education or early childhood development, when applying for assistance under this part, shall include in the application submitted pursuant to subsection (c) an assurance of such individual's intention to enroll in a baccalaureate degree program.

SEC. 115. STATE APPLICATION.

(a) In General.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe teacher shortages in the State;

(2) set forth the priorities to be employed in addressing teacher shortages within the State, including priorities to be employed in addressing teacher shortages in local educational agencies with minority enrollment in excess of the statewide average minority enrollment;

(3) describe where teacher corps members will be assigned and in which substantive fields of expertise;

(4) describe steps to be taken to place teacher corps members in areas experiencing teacher shortages;

(5) provide a description of teacher recruiting and training programs including existing induction and mentoring programs in place in the State which would be available to teacher corps members;

(6) establish a mechanism to identify local educational agencies willing to accept placement of teacher corps members, and ensure that such local educational agencies will meet the requirements of this part;

(7) provide assurances of the availability of employment placement within the State for teacher corps members in areas which have induction programs;

(8) provide assurances that the State educational agency, or its designee, in cooperation with local educational agencies, shall maintain accurate records regarding the location and activities of teacher corps members within the State to ensure that such members are meeting the conditions of the scholarships provided pursuant to this part, and shall notify the Secretary immediately upon a change in a teacher corps member's status rendering such teacher corps member in violation of the conditions of the scholarships; and

(9) provide assurances that the State educational agency has consulted with local educational agencies in designing and developing the Teacher Corps program.

(b) Special Rule.—Failure to comply with the provisions of subsection (a)(8) shall disqualify such State educational agency from receiving any future financial assistance pursuant to the provisions of this title.

SEC. 116. LOCAL APPLICATION.

(a) In General.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the Secretary or State educational agency may reasonably require. Each such application shall—

(1) describe teacher shortages in the local educational agency; and

(2) describe the induction program for new teacher corps members and other new teachers which will be established, expanded, or both, with funds made available under this part.

SEC. 117. TEACHER CORPS SCHOLARSHIP PROGRAM.

(a) Eligibility.—(1) Individuals are eligible to receive teacher corps scholarships for a maximum of 2 years during enrollment in any of the following programs of study, or a combination thereof:

(A) the last two years of a program of study leading to a baccalaureate degree;

(B) a 1- or 2-year post-baccalaureate program of study leading to a masters or specialist degree; or

(C) a 2-year program of study leading to an associate's degree in early childhood education or early childhood development, or a 1-year program of study leading to a child development associate credential.

(2) Individuals enrolled in programs in institutions of higher education leading to an associate degree in a field other than early childhood education or early childhood development are eligible to receive teacher corps scholarships upon enrollment in a program leading to a baccalaureate degree, during their third and fourth years in such program.

(3) Individuals in possession of a bachelor's degree, who wish to enter teaching from another profession, are eligible to receive teacher corps scholarships to receive instruction necessary to enter the teaching profession, as determined by the State in which individual wishes to teach. Such instruction may be provided while the individual is employed as a provisional teacher, at the discretion of the State educational agency and local educational agency.

(b) Amount.—Except as provided in subsection (c) the Secretary shall award to each individual selected to be a member of the teacher corps a scholarship in an amount equal to the lesser of—

(1) $8,000; or

(2) the cost of attendance, as defined under section 472 of the Higher Education Act of 1965, at the institution in which the student is enrolled per year for a maximum of two years.

(c) Title IV Eligibility.—Notwithstanding the provisions of title IV of the Higher Education Act of 1965, scholarship funds awarded pursuant to this part shall be considered in determining eligibility for student assistance under title IV of such Act.

(d) Special Rule.—In addition to amounts awarded under subsection (b), the Secretary shall award to teacher corps members, who do not possess a masters degree, a scholarship of up to $2,000 during any of the first three years of employment as a teacher, to defray the costs of pursuing post-baccalaureate instruction.

(e) Mathematics and Science Teacher Corps.—(1) Each State educational agency may recommend to the Secretary, in States experiencing a shortage of mathematics and science teachers, for special consideration in the award of teacher corps scholarships under this part, individuals who commit to teaching mathematics or science in elementary or secondary schools in accordance with the provisions of this part.

(2) Individuals shall be eligible for special consideration as set forth in paragraph (1) if such individual is—

(A) majoring in science or mathematics, and enrolled in an institution of higher education which is accredited by a nationally recognized accredited agency or association; or

(B) currently employed in the field of mathematics, science or engineering.

(3) The Secretary shall consult with the Director of the National Science Foundation in establishing criteria for the award of teacher corps scholarships under this subsection. Such criteria shall include—

(A) academic merit as demonstrated by high academic performance in science and mathematics courses for individuals described in paragraph (1)(A);

(B) job performance and knowledge of mathematics or science for individuals described in paragraph (1)(B); and

(C) promoting the participation of minorities, women, and individuals with disabilities in science and mathematics.

SEC. 118. SCHOLARSHIP CONDITIONS.

(a) Scholarship Agreement.—Each individual receiving a scholarship under this part shall enter into a written agreement with the Secretary. Each such agreement shall—

(1) provide assurances that teacher corps members will maintain satisfactory academic progress and participate in teaching-related activities while in undergraduate or post-baccalaureate programs;

(2) provide assurances that teacher corps members will work as teachers for—

(A) 5 years in a geographic area, or substantive field of expertise, of shortage, as determined by the State educational agency;

(B) 4 years in an inner city school; or

(C) for 4 years if such student received a scholarship pursuant to section 117(e);

except that teacher corps members may transfer to another local educational agency within the State or to another State with a teacher corps program upon approval of the sending and receiving local educational agency, or State;

(3) provide assurances that at least during the first year of employment teacher corps members will participate in an induction program which includes working with a mentor teacher selected by the local educational agency in which the teacher corps member is employed and who has the same substantive field of expertise as the teacher corps member;

(4) provide assurances that teacher corps members who are not enrolled in a program of study as set forth in section 117(a)(1)(c) will obtain full State teacher certification within 3 years of employment as a teacher or as soon as possible thereafter as State law requires;

(5) provide that, subject to approval of the local educational agency, teacher corps members shall participate in an induction program for new teachers during the—

(A) fifth year of employment,

(B) fourth year of employment in an inner city school, or

(C) fourth year of employment if such member received a scholarship pursuant to section 117(e),

by serving as a mentor to new teacher corps members, or to other new teachers, or by making some other contribution to the induction program; and

(6) provide that if the teacher corps member is found by the Secretary at any time to be in violation of the conditions of the agreement entered into pursuant to this section, repayment of scholarship funds received shall become due in accordance with the provisions of subsection (b) as implemented by the Secretary.

(b) Scholarship Repayment.—Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay a pro rata amount of the scholarship awards received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees, on a schedule to be prescribed by the Secretary by regulations issued pursuant to this part.

(c) Cancellation.—(1) The Secretary shall cancel the obligation to repay any scholarship provided pursuant to this part in accordance with the provisions of paragraph (2).

(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3) or 558(b) of the Higher Education Act of 1965, or if the individual dies.

(3)(A) The Secretary shall cancel the obligation to repay—

(i) 10 percent of the total amount of scholarships provided pursuant to this part for the first or second year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a);

(ii) 20 percent of the total amount of scholarships provided pursuant to this part for the third year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a); and

(iii) except as provided in subparagraph (B), 30 percent of the total amount of scholarships provided pursuant to this part for the fourth or fifth year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a).

(B) In the case of a teacher corps member who teaches for 4 years in an inner city school, or who received a scholarship pursuant to section 117(e), the Secretary shall cancel 60 percent of the total amount of scholarships provided pursuant to this part for the fourth year a teacher corps member teaches in such school pursuant to the agreement set forth in subsection (a).

(4) If a portion of scholarship is cancelled under this subsection in any year, the entire amount of interest on such portion of such scholarship which accrues for such year shall be cancelled.

SEC. 119. PUBLICATION AND RECRUITMENT.

(a) In General.—Each State educational agency receiving assistance under this Act shall—

(1) publicize the availability of, and procedure to apply for, teacher corps scholarships at institutions of higher education throughout the State, particularly in institutions of higher education with large minority enrollments, historically Black colleges and universities, secondary schools with minority enrollment in excess of the statewide average minority enrollment, and with agencies and entities likely to attract individuals interested in entering teaching from another career; and

(2) recruit minority students to participate in such program.

(b) SPECIAL RULE.—The publications required under subsection (a) shall describe substantive fields of expertise and geographic areas experiencing teacher shortages within the State.

PART B—SENIOR TEACHER CORPS

SEC. 120. SENIOR TEACHER CORPS PROGRAMS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized—

(1) to make grants, in accordance with the provisions of this title, to State educational agencies to conduct senior teacher corps activities; and

(2) to award scholarships to senior teacher corps members in accordance with the provisions of this title.

(b) AMOUNT OF GRANTS.—The amount awarded to each State educational agency pursuant to subsection (a)(1) shall be an amount awarded on the basis of the school-age population in the State compared to the school-age population in all States.

SEC. 121. SECRETARY'S USE OF FUNDS.

The Secretary may use funds provided pursuant to this part to—

(1) establish criteria for States to use in selecting senior teacher corps members, including—

(A) evaluations during employment as a teacher;

(B) demonstrated commitment to teaching in the future; and

(C) intended activities during the sabbatical period;

(2) disseminate information nationally about the availability of scholarships under this part, especially to local educational agencies in which the minority enrollment exceeds the statewide average minority enrollment;

(3) award senior teacher corps scholarships to individuals who are recommended by State educational agencies under section 123;

(4) review and approve applications submitted by State educational agencies;

(5) make awards to State educational agencies having applications approved under section 124;

(6) conduct activities which foster communication among and bring together members of the senior teacher corps including activities such as written communications, meetings, or training sessions; and

(7) collect scholarship repayments from individual senior teacher corps members, in accordance with the provisions of section 127.

SEC. 122. STATE USE OF FUNDS.

Each State educational agency awarded a grant under this part may use such funds to—

(1) establish, operate, and expand in-service programs and activities for senior teacher corps members at the State and local levels, through professional development academies if such entities exist, to improve knowledge of subject matter, and to increase skills and professional ability, in coordination with local educational agencies;

(2) award grants to local educational agencies to establish programs and activities described in paragraph (1) through professional development academies if such entities exist;

(3) publicize the availability of scholarships pursuant to this part;

(4) evaluate applications for senior teacher corps membership and recommend senior teacher corps members to the Secretary;

(5) conduct activities which foster communication among, and bring together, members of the senior teacher corps, including activities such as written communications, meetings, or training sessions; and

(6) ensure that senior teacher corps members understand the obligation to repay the scholarship upon failure to comply with the conditions of the scholarship.

SEC. 123. SENIOR TEACHER CORPS ELIGIBILITY.

(a) ELIGIBILITY.—Individuals who have been employed as teachers for 8 or more years with full professional State certification are eligible to apply to become members of the senior teacher corps.

(b) APPLICATION.—Each individual wishing to participate in the senior teacher corps shall submit an application to the State educational agency in the State in which they are employed, if such State has a senior teacher corps program. Each application shall contain such information as such State educational agency may reasonably require.

(c) SELECTION.—(1) The State educational agency, in cooperation with the State higher education agency, shall select candidates to be members of the senior teacher corps based on criteria established by the Secretary under section 121.

(2) Each State educational agency receiving assistance under this part shall submit to the Secretary for review the names of senior teacher corps candidates accompanied by such information as the Secretary may reasonably require.

(d) SPECIAL CONSIDERATION.—The State educational agency, in cooperation with the State higher education agency, shall give special consideration, in the selection of senior teacher corps members, to individuals who intend to—

(1) use a sabbatical period to improve or acquire skills—

(A) in the subject areas of science or mathematics; or

(B) in order to teach or provide related services to handicapped students, limited English proficient students or preschool age students; or

(2) teach students in inner city schools, following the sabbatical period.

(e) SECRETARY'S REVIEW.—The Secretary shall review recommendations of the State educational agency for membership in the senior teacher corps in accordance with the provisions of this part.

SEC. 124. STATE APPLICATION.

(a) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) provide a description of teacher retention programs currently in place in the State;

(2) provide assurances that senior teacher corps members will be released from teaching responsibilities for a one-half school year sabbatical in order to participate in programs and activities approved by the State and conducted through a professional development academy if such entity exists, or an approved institution of higher education or other approved entity, to—

(A)(i) improve such teacher's knowledge base in an area of expertise; or

(ii) learn a new area of expertise; and

(B) increase skills and professional ability;

(3) provide assurances that States or localities will pay any tuition incurred by the senior teacher corps member as part of their participation in this program;

(4) contain a description of programs and activities available to senior teacher corps members through professional development academies if such entities exist, institutions of higher education or other approved entities;

(5) provide assurances that the State educational agency, or its designee, in cooperation with local educational agencies, shall maintain accurate records regarding the activities of senior teacher corps members within the State to ensure that such members are meeting all conditions of the scholarships provided pursuant to this part, and shall notify the Secretary immediately upon a change in a senior teacher corps member's status rendering such senior teacher corps member in violation of the conditions of the scholarship; and

(6) provide assurances that the State educational agency has consulted with local educational agencies in designing and developing the senior teacher corps program.

(b) SPECIAL RULE.—Failure to comply with the provisions of subsection (a)(5) shall disqualify such State educational agency from receiving any future financial assistance pursuant to the provisions of this title.

SEC. 125. SCHOLARSHIP PROGRAM.

The Secretary shall, in accordance with the provisions of this Act, award to each individual selected to be a member of the senior teacher corps a scholarship in an amount equal to one-half the annual salary the individual would earn in the current place of employment, to participate in programs and activities described in section 124(a)(2) during a sabbatical period.

SEC. 126. SCHOLARSHIP CONDITIONS.

(a) SCHOLARSHIP AGREEMENT.—Each individual receiving a scholarship under this part shall enter into a written agreement with the Secretary. Each such agreement shall provide assurances that the senior teacher corps member will—

(1) spend a half-year sabbatical period during which the senior teacher corps member is released from teaching responsibilities to participate in programs and activities approved by the State educational agency, offered through a professional development academy, an institution of higher education, or other entity;

(2) work for—

(A) 5 years following the completion of a sabbatical period as a teacher in the State through which the loan was awarded; or

(B) 4 years in an inner city school following the completion of a sabbatical period as a teacher in the State through which the loan was awarded,

except that senior teacher corps members may work in another State with a senior teacher corps program upon approval by both the sending and receiving State;

(3) subject to the approval of the local educational agency, during the 5 years following the sabbatical period, or the 4 years following the sabbatical period in the case of a senior teacher corps member who works in an inner city school—

(A) participate in an induction program for new teachers by acting as a mentor to new teacher corps members or other new teachers with the same substantive field of expertise as the senior teacher corps member; or

(B) make some other contribution to the teacher corps programs conducted pursuant to parts A and B of this title;

(4) assist in the development of in-service training programs during the 5 years following completion of the sabbatical period or

the 4 years following the completion of the sabbatical period in the case of a teacher who works in an inner city school; and

(5) participate in activities developed by the Secretary and the State educational agency through which the individual was selected as a senior teacher corps member which are intended to foster communication among, and bring together, members of the senior teacher corps.

(b) Scholarship Repayment.—(1) Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay a pro rata amount of the scholarship awards received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees, on a schedule to be prescribed by the Secretary by regulations issued pursuant to this part.

(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3), or 558(b) of the Higher Education Act of 1965, or if the individual dies.

(c) Cancellation.—(1) The Secretary shall cancel the obligation to repay any scholarship provided pursuant to this part in accordance with the provisions of paragraph (2).

(2)(A) Except as provided in subparagraph (B), the Secretary shall cancel the obligation to repay—

(i) 10 percent of the total amount of scholarships provided pursuant to this part for the first or second year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a);

(ii) 20 percent of the total amount of scholarships provided pursuant to this part for the third year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a); and

(iii) 30 percent of the total amount of scholarships provided pursuant to this part for the fourth or fifth year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a).

(B) In the case of a senior teacher corps member who teaches for 4 years following the sabbatical period in an inner city school, the Secretary shall cancel 60 percent of the total amount of scholarships provided pursuant to this part for the fourth year a senior teacher corps member teaches in such school pursuant to the agreement in subsection (a).

(3) If a portion of scholarship is cancelled under this subsection in any year, the entire amount of interest on such portion of such scholarship which accrues for such year shall be cancelled.

SEC. 127. PUBLICATION AND RECRUITMENT.

Each State educational agency receiving assistance under this part shall publicize the availability of senior teacher corps scholarships in local educational agencies throughout the State, particularly in local educational agencies with minority enrollment in excess of the statewide average minority enrollment, and shall recruit minority teachers to participate in such program.

TITLE II—PROFESSIONAL DEVELOPMENT ACADEMIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Professional Development Academy Establishment Act of 1989".

SEC. 202. FINDINGS.

The Congress finds that—

(1) professional development academies can serve as forums for the coordination and provision of a variety of activities to meet the needs of school districts in the areas of teacher recruitment, development, and in-service training, such as programs in which—

(A) new teachers participate in induction programs;

(B) experienced teachers receive in-service training;

(C) all teachers may acquire skills in new substantive fields of expertise to meet the shortage needs of school districts;

(D) new teaching techniques are tested;

(E) secondary school students interested in teaching as a career participant in teaching related activities;

(F) teachers become sensitized to cultural and gender-based instructional needs, particularly in mathematics and the sciences;

(G) all in-service training activities are coordinated; and

(H) partnerships and joint activities are established with institutions of higher education and with the business community;

(2) in-service training during an induction period helps acclimate new teachers to the profession while giving such teachers an opportunity to complete their professional training;

(3) in-service training for experienced teachers enables such teachers to keep current in their substantive fields of expertise and in the practice of teaching;

(4) in-service training enables teachers to learn new substantive fields of expertise in order to alleviate teacher shortages;

(5) in-service training provides teachers an opportunity to enhance skills in classroom management;

(6) in-service training in school districts operating new school based management and shared decisionmaking programs assist teachers, principals, and administrators to assume new responsibilities; and

(7) providing experienced teachers with sabbaticals allows such teachers the opportunity to participate in professional programs and activities, and allows such teachers the opportunity to return to the classroom renewed.

SEC. 203. PROFESSIONAL DEVELOPMENT ACADEMY.

As used in this title the term "professional development academy" means an entity which—

(1) is operated by a partnership which includes one or more local educational agencies and one or more institutions of higher education that offer teacher training programs, and

(2) provides in-service training and other activities described in this title to teachers and administrators.

SEC. 204. ALLOTMENT.

(a) In General.—From amounts appropriated for this title pursuant to the authority of section 5, the Secretary shall allot to the State educational agency of each State having an application approved pursuant to section 206 an amount equal to the product of—

(1) the amount determined by dividing—

(A) the school-aged population of the State, by

(B) the school-age population of all States, multiplied by

(2) the total amount of such appropriated funds.

(b) Bypass Provision.—(1) In the event that a State educational agency does not receive an allotment under subsection (a), the Secretary is authorized to make grants directly to local educational agencies, or consortia thereof, in such State, in accordance with sections 207 and 208.

(2) The Secretary shall award grants pursuant to paragraph (1) on the basis of the school-age population of local educational agencies compared to the school-age population of the State.

(3) In applying the provisions of this title the Secretary shall have the same responsibilities under this subsection as the State has under this title.

SEC. 205. USE OF ALLOTTED FUNDS.

(a) Administrative Costs.—Each State educational agency receiving an allotment pursuant to section 204 may reserve not more than 2 percent of such funds for administrative costs.

(b) Remainder.—The remainder of the funds allotted to State educational agencies pursuant to section 204 shall be used to provide grants, on a competitive basis, to local educational agencies or consortia thereof in partnership with one or more institutions of higher education having an application approved under section 208.

(c) Special Rule.—Grants awarded pursuant to subsection (a) shall be used to pay the Federal share of the costs of planning, establishing, and operating professional development academies.

SEC. 206. STATE APPLICATION.

(a) Application Required.—Each State educational agency wishing to participate in the program assisted under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Review and Approval.—The Secretary shall review applications submitted pursuant to subsection (a) and approve applications which comply with the provisions of this title.

(c) Contents of Applicants.—Each application submitted pursuant to subsection (a) shall include a plan which—

(1) describes the partnerships to be formed between local educational agencies and institutions of higher education;

(2) contains assurances that the activities and services offered by the professional development academy or academies will be determined and designed by the teachers the academy will serve, in collaboration with the principals and the superintendents of the local educational agency or agencies to be served, the directors of other agencies to be served, institutions of higher education, and experts as may be necessary;

(3) contains a description of where the professional development academy or academies will be located, what local educational agency or agencies each academy will serve, and a justification for selecting the geographic area for each academy;

(4) contains a description of how the professional development academy or academies will operate;

(5) contains a description of activities to be conducted by each professional development academy, including activities that will focus on the recruitment and training of minority teachers and administrators, the improvement of teacher preparation, particu-

larly in the fields of mathematics and science, and activities that will be available for teachers and staff of community based programs;

(6) sets forth the number of individuals expected to be served by each professional development academy over what period of time;

(7) describes the provisions which will be made to allow individuals release time from their teaching or administrative responsibilities to participate in professional development academy activities;

(8) contains a description of how each academy's activities will be coordinated with other current in-service training activities in the State; and

(9) indicates the source of funds that will be used to pay the non-Federal share of the costs of establishing and operating the professional development academies.

SEC. 207. LOCAL USE OF FUNDS.

Grants provided pursuant to section 205 may be used to operate professional development academies which will—

(1) recruit teachers, particularly minority teachers;

(2) provide support and in-service training for new teachers, including clinical school based training, and post-baccalaureate programs for teachers who do not possess a master's degree;

(3) improve teacher preparation in the fields of mathematics and science;

(4) provide in-service training for experienced teachers to—

(A) teach new skills and upgrade skills in order to address teacher shortages in specific substantive fields of expertise such as math or science;

(B) teach new skills, and upgrade skills, in the teaching of particular populations of students, such as disadvantaged students, handicapped students, students who are limited English proficient, or individuals who are preschool age;

(C) improve teaching and classroom management skills;

(D) teach school based management techniques and methods and shared decision-making skills; and

(E) coordinate with institutions of higher education, where appropriate, to conduct in-service training activities, such as collaborative teaching between elementary and secondary school teachers and college faculty;

(5) develop curriculum materials for teacher in-service training activities;

(6) provide training for the staff of community-based and school based before-school and after-school programs;

(7) establish links with institutions of higher education, including community colleges, which have programs in early childhood education, early childhood development, or programs leading to a child development associate credential, to enable teachers to study such subject areas;

(8) coordinate in-service training and recruiting activities funded under this title with in-service training and recruiting activities funded from other sources, including activities funded by the Dwight D. Eisenhower Mathematics and Science Education Act, the Star Schools Program Assistance Act, the Education of the Handicapped Act, and the Bilingual Education Act;

(9) provide activities, such as summer institutes, after school programs, tutoring programs, and future teacher clubs, for middle and secondary school students, particularly students interested in mathematics or science, which might interest such students in teaching as a career;

(10) provide in-service summer institutes for teachers;

(11) provide training in new instructional techniques, methods, and practices supported by educational research findings, including instructional techniques, methods and practices supported by federally supported laboratories, centers, and other Federal agencies;

(12) provide instruction for teachers in instructional techniques for English as a second language, whether or not such teachers teach in bilingual classrooms;

(13) provide cultural and gender sensitivity instruction for teachers, particularly focused on diverse backgrounds of students in the local educational agency, and intended to interest minority and female students in mathematics and the sciences;

(14) provide instruction in techniques for regular education teachers to teach children with handicaps enrolled in their classes;

(15) provide instruction in parenting education, and in assisting parents and caregivers of children from nontraditional families;

(16) invite education faculty of institutions of higher education to construct and operate in-service training activities;

(17) form partnerships with businesses in the community for in-service training activities and for exchange programs; and

(18) conduct activities designed to increase the number of minority teachers, particularly in inner city schools.

SEC. 208. LOCAL APPLICATION.

(a) APPLICATION REQUIRED.—Each local educational agency or consortia thereof wishing to receive a grant under section 205 shall submit an application to the appropriate State at such time, in such manner, and containing such information as the State shall reasonably require. Such application shall indicate the institutions of higher education with which the local educational agency or agencies will form a partnership in order to carry out activities described in this title.

(b) APPROVAL OF APPLICATIONS.—Each State receiving an allotment under section 204(a) shall only approve applications which comply with the provisions of this title.

(c) PRIORITY.—Each State receiving an allotment pursuant to section 204(a) shall give priority to applications from local educational agencies which—

(1) demonstrate an intention to provide a comprehensive recruitment, development, and in-service training program for all teachers and administrators in the local educational agencies to be served by the professional development academy;

(2) strongly encourage teachers and administrators to participate in in-service training activities as part of their ongoing responsibilities; and

(3) will serve local educational agencies with minority enrollment in excess of the statewide average minority enrollment.

SEC. 209. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 206, the amount allotted under section 204 to pay the Federal share of the cost of planning, establishing, and operating professional development academies.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent.

(c) NON-FEDERAL SHARE.—Each State receiving assistance under this title shall pay 80 percent of the non-Federal share from non-Federal sources.

TITLE III—MINORITY TEACHER RECRUITMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Minority Teacher Recruitment Act of 1989".

SEC. 302. FINDINGS.

The Congress finds that—

(1) only 10 percent of the Nation's teaching force are Black, Hispanic, Native or Asian American, while more than 25 percent of the country's school children are Black, Hispanic, Native or Asian American;

(2) in 45 of the country's largest cities, 70 percent of the students in public schools are from minority groups, but only 30 percent of the teaching staff are from minority groups;

(3) between 1975 and 1982, the number of bachelor's degrees in education awarded to minorities declined by 50 percent, from 20,000 to 10,000;

(4) between 1979 and 1985, the number of ethnic minority teachers declined by 20,000, or 1 percent;

(5) if the current trend continues, by 1995, minorities will make up 30 percent of the student population nationally, but less than 5 percent of the teacher population;

(6) significant efforts must be made to increase the number of minority teachers, and to overcome additional barriers to that goal;

(7) the National Teachers Examination, used by 30 States for teacher certification, has pass rates of 79 percent among White students, 13 percent among Black students, and 2 percent among Hispanic students;

(8) in 1984, more than 50 percent of Hispanic Americans attending college and more than 40 percent of Black Americans attending college attended 2-year institutions; and

(9) in 1986, only 5 percent of the Nation's school psychologists were minorities, yet 41 percent of students in special education are minorities.

SEC. 303. PROGRAM AUTHORIZED.

The Secretary is authorized to make grants in accordance with the provisions of this title to carry out programs and activities designed to—

(1) improve recruitment and training opportunities for ethnic minority members in education;

(2) increase the number of minority teachers in elementary and secondary schools.

SEC. 304. USE OF FUNDS.

Funds provided pursuant to this title may be used—

(1) by 1 or more local educational agencies in partnership with 1 or more institutions of higher education, to identify students, particularly from minority backgrounds, in middle and secondary schools interested in teaching, and to provide such students with activities and services which support and encourage the pursuit of teaching as a career such as—

(A) remedial programs;

(B) teaching mentors;

(C) motivational activities;

(D) peer and cross-age tutoring;

(E) teaching skill development;

(F) future teachers clubs;

(G) guidance in curriculum selection;

(H) career exploration;

(I) test-taking skills; and

(J) college entry preparation;

(2) by 2- and 4-year institutions of higher education with large concentrations of minority students, to—

(A) identify students in their first and second years of enrollment in an institution of higher education who indicate an interest in entering the teaching profession, and provide such individuals with—

(i) scholarship funds to meet expenses;

(ii) remedial and tutoring programs;

(iii) counseling and support services;

(iv) teaching related activities;

(v) academic advice and guidance in course selection to prepare for teacher certification;

(vi) test taking skills; and

(vii) information and advice regarding eligibility for membership in the Teacher Corps program, and other assistive programs;

(B) establish preprofessional and other education courses;

(C) strengthen teacher training curriculum;

(D) recruit highly qualified minority students;

(E) establish or enhance early identification/articulation partnership programs with high schools and community colleges;

(F) establish or enhance student support programs; and

(G) establish or enhance test taking performance; and

(3) by 2- and 4-year institutions of higher education, consortia thereof, State educational agencies, or State higher education agencies, to—

(A) establish programs and activities which foster and facilitate the movement of students interested in pursuing teaching careers from 2-year institutions to 4-year institutions, focusing particular attention on facilitating the transfer of financial aid and academic credit;

(B) develop improved assessment mechanisms and practices to determine teacher competency or qualifications; and

(C) establish and enhance programs designed to help minority group professionals move from other careers into teaching.

(c) APPLICATION REQUIRED.—Each institution of higher education, State educational agency, State higher education agency, or local educational agency desiring a grant pursuant to this title, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) set forth the individuals to be served; and

(3) contain such assurances as the Secretary may reasonably require.

(d) STATE EDUCATIONAL AGENCY REVIEW.—Each application from a local educational agency for a grant under this title shall be forwarded to the appropriate State educational agency for review and comment if the State educational agency requests the opportunity for such review. The State educational agency must complete the review of the application and comment to the Secretary within 30 calendar days of receipt. Failure of the State educational agency to submit comments to the Secretary shall not prejudice the application.

SEC. 305. TEACHING PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Section 323(a) of the Higher Education Act of 1965 is amended by adding at the end thereof a new paragraph (7):

"(7) Establishing or enhancing a program of teacher education designed to qualify students to teach elementary or secondary education in public schools in the State, and, which includes as part of such program, preparation for teacher certification".

SEC. 306. SUMMER INSTITUTES FOR FUTURE TEACHERS.

(a) SUMMER INSTITUTES.—Subpart 4 of Part A of title IV of the Higher Education Act of 1965 is amended by adding the following new section 417G after section 417F:

"SEC. 417G. (a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to eligible recipients to establish and operate Summer Institutes for Future Teachers (hereinafter referred to as 'Institutes'). Such institutes shall be designed to encourage students to pursue teaching as a career and to provide students assistance in accomplishing this goal.

"(b) ELIGIBLE RECIPIENT.—As used in this section, the term 'eligible recipient' means an institution of higher education, a local educational agency, a State educational agency, a State higher educational agency, a public or private nonprofit agency or organization, or a professional association representing teachers, counselors or administrators.

"(c) USE OF FUNDS.—(1) Each eligible recipient receiving a grant under this section shall use such funds to establish and operate an institute which shall include—

"(A) a residential program of at least 6 weeks in duration during the summer months;

"(B) instruction in subjects necessary for success in higher education, such as writing, mathematics, science, and foreign languages;

"(C) projects in which students participate in compensated or uncompensated work experiences related to the teaching profession, such as working with youth groups, supervising recreational activities, and tutoring;

"(D) personal and career counseling;

"(E) academic advice and assistance in course selection;

"(F) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth; and

"(G) activities designed to assist students to secure admission to, financial assistance from, and enrollment in, postsecondary institutions with teacher education programs.

"(2) Each eligible recipient of a grant under this section may use such funds to provide information services such as lectures, seminars, and publications for staff and participants in other programs or projects within the state assisted under this section, and to provide support to future teachers clubs in programs or projects within the state funded under section 417B, 417C or 417E.

"(d) MAXIMUM STIPENDS.—Students participating in institutes funded under this section may be paid stipends not to exceed $60 per month during the months of June, July, and August, as well as transportation costs to and from the institute during the months of June, July, and August.

"(e) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) provide assurances that not less than two-thirds of the individuals participating in programs assisted under this title will be low-income individuals who are first generation college students;

"(2) provide assurances that the remaining one-third of the individuals participating in a program assisted under this title be underrepresented in the teaching profession;

"(3) provide assurances that individuals participating in programs assisted under this title be persons who have completed 6 years of elementary education, are at least 12 years of age, and are no more than 19 years of age; and

"(4) provide assurances that no individual will participate in the institute for more than two summers unless such individual participated in institute activities prior to completing the eighth grade, in which case such individual shall not participate for more than four summers.

"(f) APPROVAL.—The Secretary shall approve applications which comply with the provisions of this section.

"(g) SELECTION CRITERIA.—In making awards under this section, the Secretary shall—

"(1) ensure that no grant is awarded for less than $250,000;

"(2) ensure that not more than one institute is funded in each State, unless funds remain after all States having an application approved pursuant to subsection (f) have been awarded a grant;

"(3) consider the level of involvement of the State educational agency, local educational agencies, and professional associations representing teachers, counselors, and administrators in preparing the application and carrying out activities provided by the Institute; and

"(4) consider the applicant's plan for identifying and recruiting participants, including students participating in projects authorized under sections 417B, 417C, and 417E.".

(b) LIMITATION ON AUTHORIZATION.—Section 417A(c) of the Higher Education Act of 1965 is amended by—

(1) striking "For" and inserting "(1) For"; and

(2) inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall not use the funds appropriated for this subpart to carry out section 417G until the amount appropriated to carry out this subpart exceeds $228,000,000.

"(3) Not more than $9,000,000 of the funds appropriated to carry out this subpart may be used for the purposes of section 417G.

SEC. 307. TEACHING IN MAGNET SCHOOLS.

(a) USE OF FUNDS.—Section 3006 of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) inserting the following new paragraph (2) after paragraph 1:

"(2) the inclusion in each program of a component designed to—

"(A) present teaching as career option for students,

"(B) expose students to teaching activities, and

"(C) interest students in teaching;";

(3) striking "with respect to clauses (2) and (3)," and insert in lieu thereof "with respect to clauses (3) and (4),"; and

(4) inserting "teaching," after "foreign languages"; and

(5) inserting before the period at the end thereof the following: ", and in each program, including a component for attracting secondary school students into teaching".

(b) APPLICATIONS AND REQUIREMENTS.—Section 3007 of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (8) and (9) as paragraphs (11) and (12) respectively; and

(2) inserting the following new paragraphs after paragraph (7):

"(8) to provide assurances that teaching in secondary schools will be presented as a career option to students seeking advice or counseling regarding postsecondary education or careers;

"(9) to provide assurances that each magnet school program offers a component on teaching that will provide opportunities for, and encouragement of, students to participate in teaching activities;

"(10) to provide assurances that magnet schools that focus on teaching—

"(A) will serve as a model for experimentation with new instructional methods or best practice methods of teaching; and

"(B) will provide programs in conjunction with teacher education programs to individuals at the secondary school level.".

SEC. 308. STUDY OF ALTERNATIVE WAYS TO INCREASE MINORITY PARTICIPATION IN THE TEACHING PROFESSION.

The Secretary shall conduct a study of alternative ways to increase minority participation in the teaching profession. Such study shall focus on barriers to entry into the profession for qualified minority group members, possible options for addressing the minority teacher barriers present, the alternative assessment mechanisms, and the possibilities for increasing the supply of minority teachers. The results of such study shall be reported to the appropriate committees of Congress not later than 2 years after the date of enactment of this Act.

TITLE IV—BILINGUAL TEACHER ENHANCEMENT ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Bilingual Teacher Enhancement Act of 1989".

SEC. 402. FINDINGS.

(a) The Congress finds that—

(1) in 1986, language minority students constituted at least 20 percent of the student population in the United States;

(2) between the years 1985 and 2000, the language minority population will increase at 2½ times the rate of the general student population;

(3) 50 percent of all public school teachers interact with limited English proficient students, but only 6 percent have taken a course involving second language instruction;

(4) 504,000 teachers (25 percent of all teachers) have students with limited English proficiency in their classes, but 345,000 of such teachers have had no training in bilingual or English-as-a-Second-Language teaching methodology;

(5) 56,000 teachers use native language instruction, but only 40 percent of those are fully trained to do so;

(6) 103,000 teachers use English-as-a-Second-Language teaching methodologies, but only 39 percent of such teachers have received training and only 11 percent are fully trained to do so;

(7) only 2,000 to 2,600 trained bilingual teachers graduate from institutions of higher education annually;

(8) limited English proficient students have significantly less access to computer technology than their English speaking peers; and

(9) the dropout rate among Hispanic students is 45 percent over 4 years, almost twice the national dropout rate for all students.

SEC. 403. PROGRAM AUTHORIZED.

(a) In General.—Part C of title VII of the Elementary and Secondary Education Act of 1965 is amended by—

(1) renumbering sections 7042, 7043, 7044 and 7045 as sections 7043, 7044, 7045, and 7046 respectively; and

(2) inserting after section 7041 the following new section 7042:

"SEC. 7042. BILINGUAL TEACHER ENHANCEMENT.

"(a) Program Authorized.—The Secretary is authorized to make grants, in accordance with this section, to carry out activities designed to—

"(1) increase the number of teachers trained to teach limited English proficient students;

"(2) provide in-service training for teachers of limited English proficient students; and

"(3) train all teachers in techniques for educating language minority students.

"(b) Use of Funds.—Funds provided pursuant to this section may be used—

"(1) by institutions of higher education with existing teacher education programs to—

"(A) enhance instruction in bilingual teacher training with activities which emphasize—

"(i) proficiency in English and a non-English language;

"(ii) knowledge of bilingual and second language instructional methodologies, including methodologies which integrate non-language subject matter instruction with second language instruction;

"(iii) familiarity with specific cultural backgrounds of non-English native population of specialization; and

"(iv) minority language student assessment techniques;

"(B) develop an integrated approach to bilingual and English-as-a-Second-Language training, including courses from the Departments of English, foreign language, and education;

"(C) integrate bilingual, multicultural, and English-as-a-Second-Language instruction into mainstream teacher education instruction;

"(D) integrate new educational research regarding effective teaching of language minority students into teacher training programs; and

"(E) increase the availability of computer technology to teachers of limited English proficient students in teacher training programs, and for instruction on the integration of computer technology into bilingual education;

"(2) by State educational agencies to establish programs to train mainstream teachers in techniques to teach language minority students; and

"(3) by local educational agencies—

"(A) for programs in conjunction with, professional development academies, if such academies exist in the local educational agency or with institutions of higher education, to operate in-service training programs for bilingual teachers which include summer sessions, follow-up sessions during the school year, classroom observation, and peer coaching;

"(B) to identify or recruit speakers of non-English languages who have been trained as teachers in their home country to participate in programs similar to programs described in subparagraph (A) but which add English language training, and an orientation to United States schools;

"(C) to team classroom teachers with teachers trained to teach limited English proficient students for the development and implementation of instructional programs;

"(D) to establish programs at the elementary and secondary school level which encourage language minority students to choose teaching as a career, including programs involving partnerships between secondary schools and post-secondary schools; and

"(E) to increase the availability of computer technology to limited English proficient students.

"(c) Applications.—(1) Institutions of higher education, State educational agencies, or local educational agencies wishing to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

"(2) The Secretary shall solicit applications from institutions of higher education, State educational agencies, and local educational agencies.

"(3) Each such application shall include—

"(1) a description of the activities and services to be provided with funds provided pursuant to this section; and

"(2) a description of the individuals to be served with funds provided pursuant to this section.

"(d) Coordination.—Each recipient of a grant under this section shall coordinate programs funded under this section with other Federal, State and local programs which train teachers of limited English proficient students.

"(e) Professional Development Academy.—Each recipient of a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.".

(b) Authorization of Appropriations.—Section 7002(b) of the Bilingual Education Act is amended by inserting the following new paragraph at the end thereof:

"(8) There are further authorized to be appropriated $34,500,000 for each of the fiscal years 1990, 1991, 1992, and 1993, to carry out the provisions of section 7042.".

TITLE V—EARLY CHILDHOOD DEVELOPMENT TEACHER ENHANCEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Early Childhood Development Teacher Enhancement Act of 1989".

SEC. 502. FINDINGS.

(a) The Congress finds that—

(1) the average tenure for prekindergarten or kindergarten teachers in the field is 6.4 years;

(2) 44 percent of prekindergarten and kindergarten teachers have been on the job less than 2 years;

(3) between 1986 and 1987, 18 percent of prekindergarten and kindergarten teachers left the field;

(4) before the year 2000, the demand for preschool teachers will increase 36 percent; and

(5) currently less than 25 percent of post-baccalaureate education programs offer programs in early childhood education or early childhood development.

SEC. 503. PROGRAM AUTHORIZED.

(a) Program Authorized.—The Secretary is authorized to make grants in accordance with provisions of this title to carry out activities and design programs to increase the number of teachers trained to teach preschool age children in early childhood development and early childhood education programs.

(b) Special Rule.—Each eligible recipient receiving funds under this title shall include in their programs curriculum regarding young children with special needs.

(c) Professional Development Academy.—Each eligible recipient receiving a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 504. ELIGIBLE RECIPIENT.

As used in this title, the term "eligible recipient" means an institution of higher education, a State educational agency, a local educational agency, or a private nonprofit organization.

SEC. 505. USE OF FUNDS.

(a) Post-Baccalaureate Programs.—Funds provided pursuant to this title may be used by an eligible recipient which has a post-baccalaureate program leading to a degree in early childhood development or early childhood education for activities and programs which will increase the availability of early childhood programs and the number of qualified early childhood educators. Such activities and programs shall include—

(1) forming a partnership with an institution of higher education which does not have a training program in early childhood education or development, in order to provide the faculty of such institution with the expertise necessary to develop early childhood development or early childhood education teacher training programs;

(2) recruiting minority applicants to participate in early childhood education or early childhood development programs;

(3) providing grants to individuals for the cost of attendance while such individuals are enrolled in a part-time or full-time postbaccalaureate early childhood education or early childhood development program; and

(4) forming a partnership with a State educational agency, State social services agency, local educational agency, local social services agency, or head start agency to provide training in early childhood education in order to provide the staff of such agencies with the expertise necessary to develop their own early childhood development or early childhood education teacher training programs.

(b) Undergraduate Programs.—Funds provided pursuant to this title may be used by an eligible recipient which—

(1) has a baccalaureate program leading to a degree in early childhood development or early childhood education,

(2) has a training program designed to upgrade or enhance the skills of early childhood development specialists and teachers to—

(A) upgrade, create, or expand a high quality program of training for individuals wishing to become teachers in the field of early childhood education or early childhood development; or

(B) upgrade, create, or expand a high quality program of in-service training for individuals employed as teachers in school-based or community-based early childhood development or early childhood education programs; or

(3) has a nationally recognized program of training in early childhood education or early childhood development to form a partnership with a State educational agency, State social services agency, local educational agency, local social services agency, or head start agency to provide training in early childhood education in order to provide the staff of such agencies with the expertise necessary to develop their own early childhood development or early childhood education teacher training programs.

(c) Associate Degree and Child Development Associate Programs.—Funds provided pursuant to this title may be used by an eligible recipient to create, expand, or upgrade a high quality program of training leading to an associate's degree in early childhood development or early childhood education, or to a child development associate credential.

SEC. 506. APPLICATION.

(a) Application Required.—Each eligible recipient desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Contents of Application.—Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) provide assurances of compliance with section 505;

(3) in the case of an application from a State educational agency, demonstrate coordination with other programs for early childhood education teacher training; and

(4) contain such other assurances as the Secretary may reasonably require.

SEC. 507. CHILD DEVELOPMENT ASSOCIATE.

(a) Applications.—Section 603(b)(1)(C) of the Child Development Associate Scholarship Assistance Act of 1985 is amended by striking "and credentialing" and inserting "credentialling, and part of the costs of training".

(b) Authorization of Appropriations.—Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 is amended to read as follows:

"(a) In General.—There are authorized to be appropriated $4,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994 for carrying out this title.".

TITLE VI—TEACHERS OF CHILDREN WITH HANDICAPS ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Teachers of Children with Handicaps Enhancement Act of 1989".

SEC. 602. FINDINGS.

(a) The Congress finds that—

(1) 67 percent of children with handicaps are in regular education classrooms;

(2) the Congress is committed to placing children with special needs in the least restrictive environment appropriate to the needs of the individual; and

(3) as children with special needs are mainstreamed, it is critical that teachers of such children in regular classrooms have an understanding of the special needs of such children.

SEC. 603. PROGRAM AUTHORIZED.

(a) The Secretary is authorized to make grants in accordance with this title to carry out activities and programs designed to increase the preparedness of mainstream classroom teachers for the participation of children with handicaps in such classrooms through preservice and in-service training programs.

(b) Grants provided pursuant to this title shall be awarded on a competitive basis.

(c) Professional Development Academy.—Each recipient of a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 604. USE OF FUNDS.

Funds provided pursuant to this title may be used to make grants to institutions of higher education with teacher training programs, State educational agencies, or local educational agencies for the purpose of including in the preservice and in-service training programs of such institutions or agencies the preparation necessary for regular education teachers to teach children with handicaps.

SEC. 605. APPLICATION REQUIRED.

Each institution of higher education with teacher training programs, State educational agency or local educational agency desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall reasonably require.

TITLE VII—MATHEMATICS AND SCIENCE TEACHER ENHANCEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Mathematics and Science Teacher Enhancement Act of 1989".

SEC. 702. FINDINGS.

The Congress finds that—

(1) students in the United States are performing well below foreign students in international tests of mathematics and science;

(2) mastery of subjects in the mathematics and science fields are vital to the Nation's economic competitiveness;

(3) many students do not have either adequate or appropriate courses in math and science available to them;

(4) in 1986, nearly a third of the Nation's high school students were enrolled in a math or science course taught by a teacher not qualified to teach such a course;

(5) mathematics and science curriculum in elementary and secondary schools is currently undergoing substantial reform to enhance teaching effectiveness; and

(6) major investment in the in-service training of teachers will be necessary to implement math and science curricula reforms.

SEC. 703. DEFINITIONS.

(a) The term "Director" means the Director of the National Science Foundation.

(b) The term "Foundation" means the National Science Foundation.

SEC. 704. PROGRAM AUTHORIZED.

(a) Program Authorized.—The Director is authorized to make grants in accordance with the provision of this title to State educational agencies, local educational agencies, institutions of higher education, or other private not-for-profit organizations with appropriate expertise, or consortia thereof, to—

(1) establish or upgrade teacher in-service training for elementary, middle and second-

ary school teachers in the areas of mathematics and science, which teach the substance and teaching skills associated with curricula reform in these areas; and

(2) engage in other projects which improve student learning of mathematics and science.

(b) Award Basis.—The Director shall award grants under this title to applicants on the basis of the quality of the application submitted pursuant to section 707 and the degree to which the applicant will meet the needs of the school population to be served.

(c) Special Consideration.—In awarding grants under this title the Director shall give special consideration to applicants which will serve populations, including minority group members, which have been historically under-represented in the fields of mathematics and science.

(d) Professional Development Academy.—Each organization or agency receiving a grant under this title, which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 705. USE OF FUNDS.

Funds provided pursuant to this title may be used to—

(1) develop and implement teacher training programs in the areas of mathematics and science, including elementary school teacher training, which reflect the major curricula reforms in such areas;

(2) pay the costs of release time for full-time teachers to participate in in-service training programs during the school day;

(3) provide in-service training for new and existing teachers through after-school, weekend, and summer programs;

(4) support programs in elementary and secondary schools, adult education programs, community organizations and institutions of higher education to—

(A) provide mathematics and science-related education and programs;

(B) develop materials and methods;

(C) conduct pilot and demonstration projects; and

(D) disseminate the products of the activities described in subparagraphs (A), (B) and (C);

(5) involve mathematics and science related organizations, agencies, and personnel, such as mathematicians, scientists, and mathematics and science students in the provision of mathematics and science-related activities such as—

(A) team teaching programs in which graduate students or professionals in the fields of mathematics and science co-teach classes with classroom teachers; and

(B) youth internships for outside-the-classroom experiences with science and mathematics;

(6) establish summer programs for high school students which teach mathematics and science and which include activities to interest students in the teaching of mathematics and science as a profession;

(7) establish weekend and after-school programs for elementary school students in the areas of mathematics and science; and

(8) establish programs to instruct parents of elementary school aged and pre-school aged children in activities involving mathematics and science which may be conducted at home.

SEC. 706. PROGRAM REQUIREMENTS.

(a) In-Service Training.—Each organization or agency receiving a grant under this title shall include in teacher training programs assisted under this title in-service training for elementary school teachers.

(b) Cultural and Gender Sensitivity Training.—Each organization or agency receiving a grant under this title shall include in each program assisted under this Act, cultural and gender sensitivity in the teaching of mathematics and science.

(c) Star Schools Program.—Each organization or agency receiving a grant under this title, who also receives Federal financial assistance under the Star Schools Assistance program, shall make in-service training programs developed under this title available for dissemination through the Star Schools telecommunications network.

(d) Dwight D. Eisenhower Mathematics and Science Education Act.—Each organization or agency receiving a grant under this title shall coordinate programs developed under this title with activities and services funded by the Dwight D. Eisenhower Mathematics and Science Education Act.

(e) Sharing of Costs.—Each organization or agency receiving a grant under this title shall share the costs of programs established under this title in accordance with Foundation practice. The Director, at his discretion, may waive the requirement this subsection for any grantee unable to meet the requirements of this subsection.

(f) Coordination.—Each organization or entity receiving a grant under this title shall coordinate programs funded under this title with other mathematics and science teacher training programs in the State.

SEC. 707. APPLICATION REQUIRED.

Each organization or entity desiring a grant under this title shall submit an application to the Director, at such time and in such manner, and accompanied by such information as the Director may reasonably require. Such application shall contain a description of—

(1) existing in-service training programs;

(2) the in-service training program to be delivered through a grant under this title and a description of how such proposed program will be coordinated with existing programs; and

(3) how the applicant will meet the requirements of section 706.

SEC. 708. EVALUATION.

The Director shall conduct an independent evaluation of the effectiveness of curricular reforms in science and mathematics education and shall report the results of such evaluation to the appropriate committees of Congress within 4 years of the date of enactment of this Act.

SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

Section 101 of the National Science Foundation Authorization Act of 1988 is amended—

(1) in subsection (c) by striking "$2,388,000,000" and inserting "$2,424,500,000";

(2) in subsection (c)(2) by striking "$205,300,000" and inserting "$241,800,000";

(3) in subsection (d) by striking "$2,782,000,000" and inserting "$2,818,500,000";

(4) in subsection (d)(2) by striking "$240,200,000" and inserting "$276,700,000";

(5) in subsection (e) by striking "$3,245,000,000" and inserting "$3,281,500,000";

(6) in subsection (e)(2) by striking "$281,000,000" and inserting "$317,500,000";

(7) in subsection (f) by striking "$3,505,000,000" and inserting "$3,541,500,000";

(8) in subsection (f)(2) by striking "$308,000,000" and inserting "$344,500,000".

TITLE VIII—SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING INCENTIVE

SEC. 801. SHORT TITLE.

This title may be cited as the "School Based Management/Shared Decisionmaking Incentive Act".

SEC. 802. FINDINGS.

The Congress finds that—

(1) schools may be more effective when individuals who are held responsible for the outcomes of decisions are also responsible for making such decisions;

(2) the needs of students vary from one school building to the next and faculty and administrators of a school need sufficient flexibility to use resources in the way that will best meet students' needs;

(3) school based management/shared decisionmaking provides flexibility for teachers and school based administrators to create a school environment which meets the specific needs of students attending such school; and

(4) school based management/shared decisionmaking provides an opportunity for parents and the community to play a larger role in the operation of a school.

SEC. 803. PROGRAM ESTABLISHED.

(a) In General.—The Fund for the Improvement and Reform of Schools and Teaching Act is amended by—

(1) redesignating subparts 3 and 4 as subparts 4 and 5, respectively;

(2) redesignating sections 3231, 3232 and 3233 as sections 3241, 3242, and 3243, respectively;

(3) redesignating sections 3241, 3242 and 3243 as sections 3251, 3252 and 3253, respectively; and

(4) inserting the following new subpart after subpart 2:

"Subpart 3—School Based Management/Shared Decisionmaking

"SEC. 3231. PROGRAM AUTHORIZED.

"(a) General Authority.—The Secretary is authorized to make grants to local educational agencies whose applications are approved under this subpart, to provide incentives to test school based management/shared decisionmaking programs at school sites within the local educational agency, and to evaluate and disseminate results of such evaluation.

"(b) Professional Development Academy.—Each recipient of a grant under this subpart, who also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of the Teacher Recruitment, Training and Professionalism Act of 1989 shall either provide in-service training programs developed under this subpart through a professional development academy, or coordinate programs funded under this subpart with programs operated by such professional development academies.

"SEC. 3232. SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING.

"(a) In General.—As used in this subpart the term "school based management/shared decisionmaking" means a process by which a team of individuals is formed at a school site to make decisions regarding the management of the school. Such a team may include—

"(1) teachers, including representatives of professional teachers associations or organizations, where applicable;

"(2) the school principal;

"(3) school administrators;

"(4) parents;

"(5) community representatives;

"(6) school employees; and

"(7) students.

"(b) Responsibilities.—(1) The school based management/shared decisionmaking team is responsible for decisions, determined by the team, which affect the school and classroom environment. Such decisions may include decisions such as—

"(A) curriculum and instruction priorities which meet priorities and goals of the local educational agency, including materials and activities, organization, evaluation and assessment, while taking into account the special needs of students;

"(B) student grouping, promotion, and tracking;

"(C) school rules and discipline policies;

"(D) the scheduling, and structure of the school day;

"(E) the school environment;

"(F) the physical structure of school facilities;

"(G) the administrative structure of the school;

"(H) the use of funds available to the school;

"(I) establishing standards for the hiring and evaluation of teachers and administrators;

"(J) professional development programs which will meet faculty needs; and

"(K) relationships with parents and community.

"(2) The school superintendent and school board of each local educational agency receiving assistance under this title shall encourage school individuality while also ensuring sufficient coordination and linkages to allow student mobility.

"SEC. 3233. USES OF FUNDS.

"Funds provided pursuant to the provisions of this subpart may be used to—

"(1) establish training programs for teachers, principals, administrators, superintendents, school board members and members of the school based management/shared decisionmaking team regarding the implementation of school based management/shared decisionmaking, including—

"(A) use of decisionmaking skills, concensus building, creative problem solving, and group dynamics;

"(B) ways to establish a school mission which responds to the needs of students attending the school;

"(C) use of staff resources to implement school based management/shared decisionmaking; and

"(D) use of nonprofessional staff, including paraprofessionals, volunteers, peer tutors, and instructional technologies, so that an individual teachers' time can be used most productively; and

"(2) evaluate the effectiveness of school based management/shared decisionmaking in improving student performance, and teacher recruitment and retention.

"SEC. 3234. APPLICATION.

"(a) In General.—Each local educational agency desiring to receive a grant under this subpart shall submit an application to the Secretary, at such time and in such manner, and containing such additional information as the Secretary may reasonably require.

"(b) Contents of Application.—The Secretary shall only approve applications which meet the requirements of this subpart and contain—

"(1) a description of the school based management/shared decisionmaking program to be tested with funds provided under this subpart;

"(2) if available, a list of schools chosen to participate in school based management/shared decisionmaking, and a description of the school based management/shared decisionmaking teams established or to be established;

"(3) a description of the training programs to be established or expanded with funds provided under this subpart; and

"(4) assurances that the administrative and teaching staff of the local educational agency has participated in the development of the application.

"(c) Priority.—In approving applications under this title, the Secretary shall give priority to applications which seek to implement school based management/shared decisionmaking programs on a local educational agencywide basis within 5 years of application.

"SEC. 3235. EVALUATIONS.

"(a) Recipient Information.—(1) Each recipient of a grant under this subpart shall annually submit to the Secretary such information regarding the program as the Secretary may require. Such information shall include a description of—

"(A) how support was achieved for the program;

"(B) what decisions were transferred to the school based management/shared decisionmaking teams;

"(C) any resulting changes in teacher attitude and staff turnover; and

"(D) any resulting changes in student performance.

"(b) Evaluation by the Secretary.—The Secretary shall—

"(1) within 1 year of the date of enactment of this subpart, compile and analyze the information received pursuant to subsection (a) and submit such analysis to the appropriate committees of the Congress; and

"(2) within 2 years of the date of enactment of this subpart, conduct an evaluation of school based management/shared decisionmaking programs funded under this subpart as well as other school based management/shared decisionmaking programs to determine the effectiveness of such programs in improving school performance.".

(b) Authorization of Appropriations.—Section 3252 of the Fund for the Improvement and Reform of Schools and Teaching Act (as redesignated in subsection (a)(3)) is amended—

(1) in subsection (a) by striking "$30,000,000" and inserting "$35,100,000"; and

(2) in subsection (b) by inserting at the end thereof the following new paragraph (3):

"(3) The Secretary may reserve not more than $5,100,000 from funds appropriated for activities authorized in subpart 3.".

TITLE IX—TEACHER RECOGNITION

SEC. 901. SHORT TITLE.

This title may be cited as the "Teacher of the Year Recognition Act".

SEC. 902. STATEMENT OF PURPOSE.

It is the purpose of this title to provide special and extensive nationwide recognition and honor to elementary and secondary school teachers selected each year as the State teachers of the year and to provide additional recognition for the national teacher of the year.

SEC. 903. FINDINGS.

The Congress finds that—

(1) the quality of America's schools depends primarily on the men and women who teach in such schools;

(2) in order to attract academically talented young Americans into teaching, Americans must raise the status of teaching as a profession;

(3) in order to keep the best teachers in the classrooms, Americans must raise the status of teaching as a profession;

(4) at present, America's best school teachers receive too little recognition;

(5) Americans can raise the status of all teachers by recognizing and honoring those who are truly outstanding; and

(6) the time has come to reaffirm the centrality of teaching, to honor outstanding teachers, and give such teachers the nationwide recognition they deserve.

SEC. 904. DEFINITIONS.

As used in this title—

(1) The term "Secretary" means the Secretary of Education.

(2) The term "State teacher of the year" means an individual designated as teacher of the year in each of the several States by the Council of Chief State School Officers.

(3) The term "national teacher of the year" means the individual chosen as national teacher of the year by the Council of Chief State School Officers.

(4) The term "President" means the President of the United States.

SEC. 905. PROGRAM AUTHORIZED.

The Secretary is authorized and directed, in accordance with the provisions of this title, and in consultation with the relevant Committees of Congress, to design and implement a recognition program for teachers designated by the Council of Chief State Schools Officers as teachers of the year and the national teacher of the year.

SEC. 906. PROGRAM REQUIREMENTS.

(a) Location.—The ceremonies and briefings held pursuant to the recognition program authorized by this title shall take place in Washington, DC, and shall include at least one major event sponsored by the Congress.

(b) Ceremonies and Briefings.—The recognition program shall consist of ceremonies to honor the teachers and their accomplishments, and informational briefings on issues of interest to teachers.

(c) Consultation Required.—The Secretary shall consult with educational organizations in designing the recognition program authorized by this title.

(d) Expenses.—(1) The Secretary shall to pay the costs of travel, room and board, and expenses of the teachers participating in the program.

(2) Notwithstanding any other provision of law, the Secretary is authorized to accept gifts of money and contributions of goods and services to help defray the costs of this title.

SEC. 907. MEDAL AUTHORIZED.

(a) In General.—The Secretary shall designate and procure a medal to honor the State teachers of the year and the national teacher of the year.

(b) Presentation.—Such medals shall be presented to the teachers participating in the recognition program by the President or his designee.

SEC. 908. STATE AND LOCAL PROGRAMS.

The Secretary is authorized to work with State and local governments, State and local educational agencies, and other organizations to encourage the development of State and local recognition programs to honor outstanding teachers and other educators.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 22, 1989.
Hon. EDWARD M. KENNEDY,
Hart Building, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The National Education Association, representing nearly 2 million education professionals and support personnel nationwide, is proud to endorse your Excellence in Teaching Act of 1989. This insightful piece of legislation represents a significant step toward revitalizing our public education system by upgrading the teaching profession and addressing the pressing national problem of teacher shortages.

We commend you for your leadership in this key area of national policy and pledge our active support for the enactment of this important legislation.

Sincerely,
KENNETH F. MELLEY,
Director of Government Relations.

AFT ANNOUNCES SUPPORT FOR LEGISLATION DESIGNED TO SUPPORT TEACHER EDUCATION AND RECRUITMENT

WASHINGTON, DC.—Albert Shanker, president of the 710,000-member American Federation of Teachers (AFT), today announced his union's support of two bills designed to support teacher education and recruitment. The Excellence in Teaching Act, introduced by Senator Edward M. Kennedy (D-MA), and the National Teacher Act of 1989, introduced by Senator Claiborne Pell (D-RI), were introduced today in the Senate.

"Our country will need approximately 2.2 million teachers if it is going to meet the impending teacher shortage," Shanker explained. "We are facing a national crisis, and if the Federal government, particularly our elected officials, are seriously committed to strengthening our education system, they should support these bills."

Shanker explained the bills introduced by Senators Kennedy and Pell will place resources behind efforts to increase the number of minority teachers, including loan forgiveness, scholarships and aggressive recruitment. "If we are going to get the caliber of teachers we need—particularly minorities—we need to make a concerted effort. The time for rhetoric has past."

Shanker added these efforts should be supplemented by others, such as developing an incentive system for schools that will help encourage education reform at the local level. "Both of these bills recognize the need for change. They recognize that the same old thing isn't good enough anymore and place programs within the context of the broader movement for education reform. The AFT will do everything it can to see that the bills are enacted by this Congress."

THE NATIONAL PTA,
OFFICE OF GOVERNMENTAL RELATIONS,
Washington, DC, September 15, 1989.
Hon. EDWARD M. KENNEDY,
Chair, U.S. Senate Labor and Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National PTA, comprised of over 6.6 million parents, teachers and other child advocates, applauds the introduction of the "Excellence in Teaching Act." A major factor in school improvement is the nation's ability to attract, recruit and employ caring, competent and skilled teachers. Without these components, the educational reforms required for school improvement will quickly atrophy. The National PTA is especially concerned about the decrease in the number of minorities who are entering college. In addition, those who are entering college are not choosing teaching as a career. In order to reverse this trend, the National PTA is especially supportive of Title II, the Professional Development Academic provisions designed to establish a comprehensive professional development strategy including parenting education; Title IV, Bilingual Teacher enhancement designed to increase the number of teachers with knowledge of bilingual/ESL teaching techniques; Title V, Early Childhood Development Teacher Enhancement designed to increase the number of early childhood education teachers; and Title VI, Education of the Handicapped Teacher Enhancement designed to prepare regular classroom teachers to work with mainstreamed children.

Title VII, the Mathematical Sciences Teacher Enhancement provision is long overdue. The National PTA is concerned about the quality of science and mathematics teaching in addition to the underrepresentation of women and minorities who are not counseled math and science careers. In cooperation with the Carnegie Foundation and the Mathematical Sciences Education Board, the National PTA has distributed 30,000 multi-dimensional programs for parents called "Math Matters." This is to enhance home-school coordination of math activities, to encourage children at a young age to understand the importance of math and to pursue math courses during the school years.

The National PTA is prepared to work with you as Congress begins to schedule hearings and mark-up the bill. We are especially grateful for the efforts of two of your staff people, Amanda Broun and Shirley Sagawa in allowing our input during the development of the bill.

Sincerely,
ARLENE ZIELKE,
Vice President for Legislative Activity.

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, September 18, 1989.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Council of Chief State School Officers (CCSSO), I commend you for development and introduction of the Excellence in Teaching Act of 1989. The Council is pleased to support the bill with its combination of important provisions to strengthen recruitment and preparation for teaching.

The Federal government must assist directly with entry of highly qualified personnel to the teaching profession and continuing training of current staff. We support strongly the purposes of Titles I and II, the Teacher and Senior Corps, and the Professional Development Academies. These titles provide scholarships and incentives for employment which can attract high caliber candidates and professionals to service in places of most need.

The Council places a high priority on increasing the number of minority teachers. We commend the specific provisions within the Act aimed at increasing the number of minority teachers and teachers trained in bilingual education.

The Council commends also the provision for incentives to increase the number of teachers of early childhood education. CCSSO has committed to ensuring the universal of quality early childhood education for all three and four year old children. Title V is a step toward filling the need.

America's education renewal depends on major Federal action to recruit, prepare and retrain our professional teaching staff. We support the Excellence in Teaching Act of 1989 as part of such Federal Action.

Sincerely,
GORDON M. AMBACH.

HARVARD UNIVERSITY,
GRADUATE SCHOOL OF EDUCATION,
Cambridge, MA, September 25, 1989.
Senator EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to let you know how pleased I am with the bill that you plan to introduce, "The Excellence in Teaching Act." The thrust of the bill is in exactly the right direction. It will provide important benefits for the children of this country by enhancing the recruitment and retention of able teachers. Let me know if I can be of help to you as the bill makes its way through Congress and, I hope, to passage.

My congratulations to you and your staff, who I am sure have worked long and hard on this important legislation already.

With best wishes,
Sincerely,
PATRICIA ALBJERG GRAHAM,
Dean.

THE STATE EDUCATION DEPARTMENT,
THE UNIVERSITY OF THE STATE OF
NEW YORK,
Albany, NY, September 15, 1989.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Chairman, Labor and Human Resources Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I write in support of your bill soon to be introduced in the Senate, the Excellence in Teaching Act. The New York State Board of Regents have advocated the re-creation of the National Teachers Corps, which until 1982 was authorized under the Higher Education Act. We believe the next decade will require a renewed commitment on the part of the Federal government to attracting dedicated, motivated individuals into the teaching profession, especially in the urban and rural areas where teacher shortages will continue to be prevalent.

In New York State, it is projected that 89,000 vacant teaching positions will need to be filled between 1988 and 1992 and that 26,000 of this number are expected to be filled by new, first-time teachers. Approximately 13,300 of these new teachers will be needed in New York City, the state's largest urban area. Your proposal for Teacher

Corps and Senior Teacher programs, giving special emphasis to students who wish to teach in areas experiencing shortages, will help us to meet this need. The Minority Teacher Retirement program in your bill will be particularly important in New York City, where minority teachers make up only 27 percent of the teaching force, compared with a student population that is 79 percent minority.

I commend the comprehensive nature of your bill, focusing attention on other needs in the teaching field that must be addressed, such as bilingual, early childhood, and math and science teaching. I believe the administrative structure of the bill, allowing state education agencies to play a prominent role in most programs, is appropriate. State education agencies are generally in the most favorable position to have a broad understanding of the needs of the entire state in the area of teacher training and recruitment.

I look forward to working with you to ensure passage of this measure, and to securing the necessary funding to implement all programs contained in the Act. Please call upon me for assistance.

Sincerely,

THOMAS SOBOL.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, September 18, 1989.

Hon. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to you to express our support for the goals in the "Excellence in Teaching Act", to be introduced this month and to thank you for seeking our input.

As the highest education policymakers for states, state boards of education are in business to improve teaching and learning in public schools so any valid effort to help us achieve these goals is commendable. The members of the National Association of State Boards of Education believe that state boards need to create conditions to attract, motivate and retain high caliber teachers in our public schools. As this task grows more difficult and complex, we welcome a federal role in these efforts.

We support federal efforts that acknowledge the importance, the professionalism and the critical services teachers bring to the field of education. Many areas addressed in your legislation, such as minority recruitment, the professional development of established teachers and the enhanced training of teachers in specialized fields such as early childhood development, bilingual education and handicapped education are of critical importance to our states.

Thank you for your work in this important area. We look forward to continuing to work with you on this significant piece of legislation.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Deputy Director.

THE COUNCIL OF THE
GREAT CITY SCHOOLS,
Washington, DC, September 18, 1989.

Hon. EDWARD KENNEDY,
Chair, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Council of the Great City Schools, a coalition of the nation's largest urban public school systems, I am writing to express our enthusiastic suport for the "Excellence in Teaching Act" scheduled for introduction this week. Your leadership in improving and expanding our nation's teaching profession is greatly appreciated by our organization.

This new bill will provide many of the key components in a much needed federal strategy to improve our schools by enhancing teaching and teachers. It focuses on the recruitment, training, retraining and professionalization of teachers at a time when our educational system may be facing an unprecedented shortage.

We are particularly pleased with the bill's provisions that give an extra nod to our inner-cities, areas experiencing 2.5 times the projected teacher shortages of other locales. Incentives under the new Teacher Corps to teach in inner-city schools will help enormously in closing that gap. Your focus on minority teacher recruitment, bilingual, and early childhood teaching also holds enormous promise for our schools.

The Council is also excited that this bill evolved from our testimony presented before your Committee in January and a subsequent visit you made to the Dade County Public Schools to see their innovative teaching and school-based management efforts.

We are pleased to support this bill and will be happy to work for its passage. Please call on us should you need assistance in this or other educational areas. Thank you again for your leadership and support for our urban schools.

Sincerely,

MICHAEL CASSERLY,
Associate Director.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, September 20, 1989.

Re Support for the Teacher Recruitment, Training and Professionalism Act.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The National School Boards Association (NSBA), on behalf of the 97,000 local school board members across the country, welcomes the introduction of your bill, the Teacher Recruitment, Training, and Professionalism Act of 1989.

Local school board members are convinced that the key to improving the performance of students is the availability of top quality teachers for the public schools. Yet, at the very time when local school boards are struggling to raise academic standards and to serve adequately growing enrollments of children with serious barriers to learning, they are facing significant shortages of teachers in such key areas as mathematics and science, special education, and bilingual education. Moreover, in many schools with large miority enrollments, particulary in urban areas, they are experiencing an alarming scarcity of minority teachers.

Your multifacted bill attacks these problems through a laudable combination of scholarships, expanded oportunities for professional development, and incentives to teach in urban areas and in high priority subject areas. The inclusion of school board members in training opportunities under the incentive program for school-based management and shared decision-making is also commendable.

NSBA looks forward to continuing to work with you to refine the bill as it moves through the legislative process. Thank you for your dedication to the needs of public school children.

Very truly yours,

JAMES R. OGLESBY,
President.
THOMAS A. SHANNON,
Executive Director.

NATIONAL ASSOCIATION FOR
BILINGUAL EDUCATION,
Washington, DC, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the members and Executive Board of the National Association for Bilingual Education, I congratulate you and your staff for developing the "Excellence in Teaching Act," and pledge NABE's active support for this vital legislation. More than any other piece of education legislation in recent years, this bill focuses on the basic ingredient of quality education—quality teaching.

Research confirms reason: teachers hold the key to school improvement, and only by upgrading the quality of instruction will we succeed in raising student academic performance.

Each of the eight titles of the "Excellence in Teaching Act" addresses well-known problems in teacher recruitment and teacher preparation. Together they get out a comprehensive, thoughtful and integrated program to expand our teaching force and upgrade the quality of instruction in our Nation's schools.

The "Excellence in Teaching Act" addresses the demographic changes affecting our schools. The dynamic growth of our minority and immigrant student populations underscores the necessity of expanding recruitment and training programs for minority and immigrant teachers. The programs authorized in the bill, operating from high school through graduate school, will help overcome the worsening shortage of minority teachers and role-models for our children.

The "Excellence in Teaching Act" also addresses the technological and economic challenges confronting the Nation. The bill's emphasis on language development, clearly set forth in the title on "Bilingual Teacher Enhancement" helps erase the existing arbitrary and dysfunctional divisions between English instruction, foreign language development, and bilingual education. In so doing, the legislation promises to improve the communication skills of American students and their cognitive development. The legislation's emphasis on science and math teaching similarly responds to the current and future needs of our students and our society.

The programs authorized by the bill, including the Teacher Crops, Senior Teacher Corps, and Professional Development Academies, are structurally sound and coherent. And while we would like to see higher authorization levels for all the bill's titles, political realism suggests that the current authorization levels are well-chosen.

Through our 35 State affiliates and combined membership of nearly 10,000 parents, educators, and school administrators, we will vigorously promote the "Excellence in Teaching Act." We look forward to its early passage, and stand ready to assist you and the bill's co-sponsors in any way possible.

Sincerely,

JAMES J. LYONS,
Executive Director and Legislative & Policy Counsel.

[From the National Association for the Education of Young Children, Washington, DC, Sept. 26, 1989]

EXCELLENCE IN TEACHING ACT HAILED BY EARLY CHILDHOOD EDUCATORS

The National Association for the Education of Young Children, the nation's largest professional association of early childhood educators with more than 70,000 members, has announced its strong endorsement of the Excellence in Teaching Act, introduced by Senator Edward Kennedy today.

According to Ellen Galinsky, NAEYC president, "Research and practical experience have clearly documented that the most critical ingredient for quality in early childhood programs is assuring that there are sufficient numbers of well-trained staff with knowledge of child development and early education. Highly trained staff are the most likely to provide young children with the loving care and attention they need, while providing a stimulating learning environment."

"As more and more young children spend significant portions of their day outside the home—given labor force participation rates of mothers of preschool children that exceed 50% and are expected to continue to grow—the public responsibility for assuring that early childhood programs offer a high quality experience that promotes sound development and learning has also increased. This legislation stresses the importance of the early years by providing incentives for teaching preschool children. Our entire educational system will benefit by this bill's emphasis on recruiting qualified individuals into the teaching profession and increasing the professionalism and retention of teachers at all educational levels," Galinsky noted.

The bill includes a special focus on early childhood development and education, authorizing $17 million in FY 90 to increase the number of qualified early childhood education/child development teachers. Funded activities would include providing financial assistance for students to earn credentials and degrees, recruiting minority teachers, supporting the development of new training programs at the graduate and undergraduate levels, and supporting the expansion or upgrading of existing training programs. Funds would be used to provide both pre-service and in-service professional development opportunities.

The bill also amends the existing Child Development Associate scholarship program to allow scholarships to be used to pay part of the costs of training as well as credentialing and increases the yearly authorization from $1 million to $4 million. This scholarship program has assisted a number of practitioners in child care programs, federally funded Head Start programs, and other preschool programs to obtain the nationally recognized Child Development Associate (CDA) Credential. The increased authorization will significantly increase the accessibility of the credential and improve the educational qualifications of those working with young children.

[Note.—The National Association for the Education of Young Children, founded in 1926, seeks to improve the quality of care and education for children birth through age 8, the critical years of development.]

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
Reston, VA, September 15, 1989.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the members of The Council for Exceptional Children I wish to extend our support for the Excellence in Teaching Act of 1989 and our commendation for your work in developing and introducing this most important piece of legislation.

Recently in testimony before the Senate Subcommittee on the Handicapped, CEC and other national organizations expressed our deep concern about the present and projected shortages of qualified special education and related services professionals. We are extremely worried that federal mandates to educate children and youth with handicaps may become a hollow promise unless we can recruit, prepare and retain needed personnel. The Act you are about to introduce will be an important part of the tapestry of federal initiatives that hopefully will help address this critical problem. Further, we applaud the provision in the Excellence in Teaching Act that would provide assistance to improve the knowledge and skills of regular educators about the needs of children and youth with handicaps.

We look forward to working with you and the Committee as you consider this important legislation.

Sincerely,

FREDERICK J. WEINTRAUB,
Assistant Executive Director, Department of Governmental Relations.

NATIONAL ALLIANCE OF PUPIL SERVICES ORGANIZATIONS,
Bethesda, MD, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Alliance of Pupil Services Organizations, representing over 300,000 professionals in education is proud to convey its support of the Excellence in Teaching Act. The Act is comprehensive in scope, long range in its intended impact and effectively designed to deal with the significant shortage of educational professionals needed to teach our nation's children.

Sincerely,

KEVIN P. DWYER,
NCSP Co-Chair.

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS,
Washington, DC, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Who will teach our children? Who will teach our children science and math? Who will deal with the complex educational needs of our diverse population of children, with their multiple languages and ethnicity? If trends among our college-bound youth continue, the answer to these questions will be, "No one will teach our children."

The threat to public education of not having qualified teachers is approaching a crisis level. Piece-meal solutions and rhetoric will not solve this problem. The problem must be attacked comprehensively, as it is by the Excellence in Education Act.

The National Association of School Psychologists is pleased that the United States Senate is considering this significant legislative proposal to support bright and energetic people in the profession of teaching. This Act has so many sound components that members of our Association feel will enable it to become a landmark law—a law guaranteeing the continuation of free public education for all our nation's children.

The National Association of School Psychologists strongly supports this legislative proposal and urges its passage by the United States Senate.

Sincerely,

HOWARD M. KNOFF,
President.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, DC, September 19, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Association of State Colleges and Universities (AASCU), I am writing to give our support to the "Excellence in Teaching Act."

I want to commend you, Senator, for getting the federal government back into teacher education. Your bill will do much to revitalize teaching and teacher education. It contains elements that the education community will welcome, such as incentives to recruit minority students into teaching, students into teaching in underserved areas, and teachers into critical areas of math and science.

The re-establishment of the Teachers Corps will help professionalize teaching for current teachers as well as for future teachers. Your bill will assist in alleviating the teacher shortage by attracting new teachers into the field, for it supplements what many states and institutions of higher education are doing.

The member institutions of the American Association of State Colleges and Universities are committed to the improvement of teacher education with the recognition that the preparation of teachers able and willing to educate students for the demands of the 1990s and the 21st century is one of our top national priorities. Your bill will aid that commitment.

We hope for a warm acceptance of your initiative by members of your committee and the full Senate.

Sincerely,

ALLAN W. OSTAR,
President.

NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES,
Washington, DC, September 19, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the National Association of Independent Colleges and Universities, representing more than 800 independent institutions of higher education across the country, I would like to express support for the Excellence in Teaching Act that you are about to introduce.

The nation's independent colleges and universities are committed to recognizing the important work of the nation's teachers and to encouraging more individuals to enter the teaching profession. We applaud your leadership in proposing legislation that would provide such recognition and encouragement, with particular emphasis on minority teachers.

We stand ready to assist you in any way we can to ensure passage of this important legislation.

Sincerely,

Richard F. Rosser,
President.

ACCT-AACJC,
Joint Commission on
Federal Relations,
Washington, DC, September 18, 1989.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: The Excellence in Teaching Act that you are about to introduce could strengthen minority teacher recruitment and teacher development on every level of the profession. The bill deserves the Congress' earliest consideration.

The bill's recognition of community colleges as a primary source of talent is very much in tune with the sweeping demographic changes that will shape both the general workforce and teaching profession of tomorrow. Since more than half the Americans going to college now start in community colleges, we look forward to working with you to expand and strengthen this aspect of the bill. (You might be interested to know, for example, that 65 percent of the classroom teachers in Florida started their college work in community colleges.)

Consider this letter our request to offer testimony at your first hearing on the bill.

Sincerely,

Frank Mensel,
Vice President for Federal Relations, AACJC; Director of Federal Relations, ACCT.

National Council
of Educational
Opportunity Associations,
Washington, DC, September 15, 1989.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC

Dear Senator Kennedy: On behalf of the National Council of Educational Opportunity Associations (NCEOA), I am pleased to support the Excellence In Teaching Act which you are introducing in the Senate. You are to be congratulated for your efforts to develop this critical legislation.

The Council fully supports this bill, particularly its provision of Summer Institutes for Future Teachers. The NCEOA represents institutions of higher education, administrators, counselors and teachers who are committed to advancing equal educational opportunity in America's colleges and universities. NCEOA's principal concern is sustaining and improving educational opportunity program services. The majority of educational opportunity programs are the federally funded TRIO projects which currently operate in over 800 postsecondary institutions and more than sixty community agencies.

The Summer Institutes for Future Teachers would complement and enrich the six existing TRIO Programs. Like the other TRIO Programs, the Institutes would provide academic instruction, counseling, tutoring, encouragement and support. The Institutes would provide assistance with applications for admission to, financial assistance from, and enrollment in institutions with teacher education programs. The Institutes would also provide activities designed to acquaint students with teaching as a profession through their service as tutors assisting other students. While providing needed assistance to students, this program will also address the critical shortage in the number of qualified teachers from minority and other underrepresented groups by encouraging these students to consider careers as teachers.

Most of the recent reports on the condition of schooling in the United States have pointed out the importance of teachers in the reform of American education. The restructuring and professionalization of teaching, coupled with the decline prestige and public confidence in teaching has made teaching less attractive, particularly to minorities. As a result, while demographers are predicting that one of every three Americans will be nonwhite by the year 2000, the number of minority students choosing education as a profession has declined significantly in recent years.

In the fall of 1986, minority students were 29.6% of public elementary and secondary enrollment. In 1985-86, only 10.4% of the teaching force was minority. Black students constituted 16.1% of enrollment in 1986, while Black teachers made up only 6.9% of the teaching force (down from 8.0% a decade earlier).

The Summer Institutes for Future Teachers is a critically needed response to the shortage of teachers from under-represented groups. The NCEOA endorses this approach and pledges our support of the entire Excellence In Teaching Act.

Sincerely,

Arnold L. Mitchem,
Executive Director.

Mexican American
Legal Defense and Educational Fund,
Washington, DC, September 21, 1989.

Re: The Excellence in Teaching Act.

Hon. Edward M. Kennedy,
Chairman, Labor and Human Resources Committee, U.S. Senate, Washington, DC.

Dear Senator Kennedy: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I write in support of the Excellence in Teaching Act soon to be introduced. As you know, MALDEF has long championed the cause of equal educational opportunity at all levels of the American educational system. Through our court cases, past and present, we challenge the barriers that continue to make education, especially higher education, an unattainable goal. Yet, even as we approach the 21st century the barriers remain. The resources devoted to education continue to fall behind the needs of a growingly diverse ethnic and language minority student population.

Ironically, even as our population is growing, the number of Hispanic and other minority teachers in our schools is declining. Between 1979 and 1982, eleven of the seventeen states with the largest minority school age populations experienced declines in the minority teacher population (U.S. Dept. of Education). Furthermore, the 1987 Status Report on Minorities in Education estimates that Hispanics comprise only 2.5% of the teaching population. Consequently, MALDEF is particularly interested in the "Minority Teacher Recruitment" and "Bilingual Teacher Enhancement" portions of the Act. We applaud this effort which not only encourages and promotes greater opportunities for Hispanics to become involved in teaching, but recognizes the importance of providing a foundation for greater knowledge and sensitivity to language and cultural issues by all teachers in the classroom environment.

MINORITY TEACHER RECRUITMENT

Minority students benefit greatly by exposure to minority role models in the classroom. Unfortunately, the increased demand for teacher testing has had the dramatic and disproportionate effect of screening out a high number of Hispanic and other minority candidates from the field of education. Consequently, we urge that strong measures be incorporated in the Excellence in Teaching Act to offset the negative consequences of standardized tests. Such studies or measures to improve assessment should be geared to developing valid alternatives to standardized testing. At minimum, if testing must be used, test scores should be considered as one factor in a range of factors (e.g. experience, recommendations, academic record) which may be used to assess the whole person and his or her ability to succeed in the classroom. Furthermore, the evaluation of the competence of the teacher should include a measure of the ability to teach children of minority backgrounds.

BILINGUAL TEACHER ENHANCEMENT

The dearth of qualified bilingual and English-as-a-Second-Language teachers in the United States has reached crisis proportions. Although approximately half of all public school teachers interact with limited English proficient students, as little as six percent have any knowledge of second language instruction. The allocation of resources to train new bilingual instructors, reinvigorate existing bilingual teachers, and educate all teachers in techniques for educating language minority students, is vital to the continuing integrity and effectiveness of our educational system.

MALDEF looks forward to working with you and your staff to fulfill the promise of the Excellence in Teaching Act.

Sincerely,

Antonia Hernandez,
President and General Counsel.

National Association of State
Universities and Land-Grant
Colleges,
Washington, DC, September 14, 1989.

Hon. Edward M. Kennedy,
United States Senate, Washington, DC.

Dear Senator Kennedy: I write on behalf of the National Association of State Universities and Land-Grant Colleges to commend you for developing the significant legislative proposal, The Excellency in Teaching Act, and introducing it for Senate action.

To a major degree the contents of this bill address the various tribulations American education faces today—most especially teaching of the highest quality to confront the complex society we are.

It is especially noteworthy that you directed your staff to consult widely with the education community at all levels as the bill was being prepared. Our association happily participated in offering suggestions for improvement, and we were grateful that the final version of the bill reflects some of our suggestions.

As you are aware, one of our major concerns was the early proposal to fund the bill by taxing federal research and development funding. That, too, was changed, and we are grateful for that. We understand the difference of finding funds in the current fiscal environment, but question the prudence of shifting funds from one valued objective to another. Should this issue arise again we would welcome further discussion with the staff.

The process of moving this bill through the Senate and eventually to enactment by the Congress no doubt will encounter questions regarding the efficacy of different segments and ideas. That should create a fruitful debate on the entire range of issues in teaching education and result in a highly supported law.

We look forward to working with you and your staff toward that objective.

Sincerely,
ROBERT L. CLODIUS,
President.

STATEMENT OF THE NATIONAL ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS REGARDING THE EXCELLENCE IN TEACHING ACT

(By Dallas Martin, President)

The need for America to recruit and train more quality teachers has never been greater, and we therefore applaud Senator Kennedy's leadership in introducing the Excellence in Teaching Act.

This bill not only provides needed scholarships to enable upper classmen and women, and graduate students to obtain the prerequisite skills that will enable them to enter the teaching profession, but also provides the mechanisms and resources that will enable experienced teachers to improve their skills and expand their areas of expertise. Particular emphasis is also directed towards increasing the number of minorities who enter into teaching and enhancing the skills of more individuals who can effectively educate handicapped and bilingual students.

States, school districts, and institutions of higher education would be eligible to receive grants from the National Science Foundation to enhance mathematic and science education, thereby helping more citizens to become proficient in these critical areas of skill. As such, we see this important legislation as a needed complement to the many other critical educational programs that are being supported at the Federal level. The creation of a Teacher Corps, in cooperation with state and local school districts, is not unlike the highly successful Peace Corps which was launched by President Kennedy twenty-five years ago. However, this time the investment is at home, directed towards our most important commodity, and educated citizenry.

AMERICAN ASSOCIATION OF
COLLEGES FOR TEACHER EDUCATION,
Seattle, WA, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in my capacity as President of the American Association of Colleges for Teacher Education, to express our support for the Excellence in Teaching Act. We believe this visionary and far-reaching legislation will have a significant impact on the preparation of new teachers and the continuing professional development of individuals now in teaching careers. We are particularly pleased with the attention given minority teacher, recruitment, and the professional education of teachers who will work with limited English proficient and handicapped children and youth.

You and your colleagues are to be commended for your commitment to excellence in teaching and in teacher education. We look forward to working with you toward the successful passage and funding of this important legislation.

Sincerely,
JOHN I. GOODLAD,
President, AACTE.

WHEELOCK COLLEGE,
Boston, MA, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I want to commend you for drafting the proposed Excellence In Teaching Act of 1989, which we at Wheelock College believe could have a very positive effect on efforts to recruit, train, and retain highly qualified elementary and secondary school teachers in the next decade. The proposed legislation is comprehensive and bold. Its incentives for undergraduates should encourage more and more of our young people to enter the teaching profession particularly if the the scholarship forgiveness provisions are enacted. The National Teacher Corps provisions will provide badly needed assistance in those areas of the country which suffer severe shortages of qualified teachers, and the provisions for graduate study under the supervision of a mentor teacher will link full certification of teachers directly to promising practices in the schools. The legislation's provisions for professional development academies, a senior teacher corps, and school-based management also support the growing national consensus for reform in teacher training and education.

Having completed its Centennial, Wheelock College is one of the country's leading institutions preparing men and women for careers in elementary education and early childhood education. We strongly support the proposed Excellence in Teaching Act of 1989, because we believe it will have an immediate and positive effect on the quality and the supply of people entering the teaching profession, as well as provide encouragement to those outstanding teachers who wish to remain in the classroom.

We hope very much the proposed legislation receives the enthusiastic support of Congress.

Very truly yours,
DANIEL S. CHEEVER, Jr.,
President.

UNIVERSITY AT BUFFALO,
STATE UNIVERSITY OF NEW YORK,
Buffalo, NY, September 19, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am delighted to add my support for your proposed Excellence in Teaching Act. I write in support of this bill wearing at least four different hats.

As Vice-President and Northeast Regional Coordinator of the Holmes group, a consortium of nearly 100 of the major research universities in the country dedicated to the improvement of teaching and teacher preparation

As a member of the Board of Overseers of the Regional Laboratory for the Improvement of Education in the Northeast and Islands

As a member of the National Association of State Universities and Land Grant Colleges' Commission on Education for the Teaching professions

As Dean of the Graduate School of Education at the State University of New York at Buffalo

I can assure you that each of these perspectives, your bill is a major step forward. It clearly recognizes the critical role education must play in maintaining our country's research and development capacity.

I want especially to support the Teacher Corps, the Professional Development academies, and the Minority Teacher Recruitment titles. These are all areas which are absolutely crucial to the future of teaching in our country. I particularly applaud the stress on collaboration among various segments of our educational system and the emphasis given to the establishment of cooperative networks of educational professionals working together. This is as refreshing change from the more traditional heavy-handed, top-down proposals for educational reform.

If there is anything that I or any of the organizations to which I belong can do to help, please let me know. Best of luck in your efforts to bring this initiative to fruition.

Sincerely,
HUGH G. PETRIE,
Dean.

UNIVERSITY OF MISSOURI-
KANSAS CITY,
SCHOOL OF EDUCATION,
Kansas City, MO, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I write to express my strong support for the proposed Excellence in Teaching Act of 1989. It is an excellent piece of legislation which I believe will make a significant difference in the nation's ability to attract highly qualified and motivated individuals to the teaching profession and to assure their continuing professional development.

Title III of the Act, in particular, deserves the full support of all those concerned with the social ideals of the public schools in a racially and culturally diverse democracy such as ours. Evidence indicates a dramatic decline in the number of minorities entering teaching at a time when minority student enrollments are on the rise across the country. The U.S. must attack this problem not only with idealism, innovation, and initiative, but also with the kind of added resource this legislation proposes.

New federal initiatives regarding education are long overdue. I deeply appreciate your leadership in this critical area of national concern.

Sincerely,
DONALD W. MOCKER,
Dean.

Mr. DOMENICI. Mr. President, I am pleased to be a cosponsor of the Excellence in Teaching Act.

During this school year, the Nation will spend a record $353 billion on education. Over the fiscal year 1982—fiscal year 1989 period, funding for the Department of Education has increased from $14.5 billion to $22.8 billion, an increase of nearly 60 percent. Adjusted for inflation, this is an increase of more than 20 percent.

In spite of these funding levels, there are alarming problems in education and people are now talking about an education deficit: the ability of our educational system to keep pace with change—economic, technological, and social.

Over the past several years, we have heard a lot about what lies ahead for our Nation's work force. We have heard that new jobs in the economy will favor the most educated. That the fastest growing jobs will be in professional, technical, and sales fields, requiring postsecondary education and advanced skill levels.

We have also heard about children at risk of failing. Minorities, and those living in poverty. Pregnant and parenting teens and those whose academic achievement falls well below their grade level. SAT scores that have remained virtually the same for seven years. Dropout rates that average 25 percent.

This deficit is the difference between what we need to remain a competitive Nation and what we are producing in our educational system.

Mr. President, this education deficit is frightening. And if it's frightening for those of us looking on the outside in, I can only imagine what it is like being on the inside looking out. I refer specifically to teachers, Mr. President. Those in the trenches.

I am not surprised to learn that 20 percent of new teachers leave during their first year of teaching and that over half leave before reaching their sixth year. Nor am I surprised that the proportion of college students majoring in education fell from 21 percent in 1970 to 9 percent in 1986. Or that in 1986, the demand for new teachers exceeded the supply by 15,000 teachers. By 1992, the demand will exceed the supply by 74,000 teachers.

Mr. President, increasingly we are asking more and more from those involved in education. From students as well as teachers. It is time to acknowledge that our education deficit can not be cured without the help of those in the classroom—the teacher.

It is time for policy makers to pay attention to the more than 2 million school teachers in our public elementary and secondary schools. The Excellence in Teaching Act does just that.

This bill provides substantial incentives for both those looking to enter the teaching profession and those already in the field. As a great supporter of math and science education, I am pleased to see provisions included in the bill that may help alleviate the shortage of math-science teachers.

But I am also pleased with the provisions that enhance bilingual education, handicapped education, early childhood education and minority teacher recruitment. I am certain that the incentives in this bill will go a long way toward alleviating teacher shortages in many of these critical areas.

Mr. President, the scope of this bill is broad. It represents a sound first step to addressing many of the concerns of teachers and it is an excellent complement to all of our efforts for at-risk children. I am proud to be a cosponsor.

Mrs. KASSEBAUM. Mr. President, I am pleased to join today as a cosponsor of the teacher bills being introduced by Senators KENNEDY and PELL. Teachers play a critical role in our educational system, and it is not by accident that teaching has been identified as one of the six areas of special focus in the upcoming education summit as well as one of the educational priorities identified by congressional Democrats last week.

I can think of no profession deserving of more respect than that of teaching. As Henry Adams wisely observed, "A teacher affects eternity; no one can tell where his influence stops." We place our children in the hands of teachers 5 days a week for 9 months out of the year. Yet, we often fail to accord teachers the level of respect generally given to other professionals such as doctors and lawyers.

An estimated 1.3 million new teachers will enter our schools during the period between 1986 and 1992. The quality of those individuals will make an enormous difference in our ability to meet the high standards of excellence we need and expect for our educational system. In addition, the millions of teachers already in the system require our support in addressing increasingly more challenging classroom situations.

Although I am not tied to every particular of these two bills, I believe they touch upon a broad array of issues we need to confront if we want a quality teaching force capable of responding to new demands and challenges. They address the recruitment of talented individuals into the teaching profession, particularly members of minority groups and those with skills in shortage areas such as math and science. Unfortunately, the teaching profession is often not seen as the most attractive option for talented students. These measures also attempt to strengthen teacher training programs and to expand opportunities for inservice training of teachers already in the classroom.

The cumulative effect of these initiatives is to underscore the enormous importance of teachers and to help make teaching an attractive and highly respected profession. In sorting through these ideas, I do believe we need to be mindful of budget considerations and establish priorities accordingly.

I commend Senators KENNEDY and PELL for their leadership in developing these proposals, and I look forward to working with them in refining and melding these ideas.

Mr. KERRY. Mr. President, tomorrow, President Bush will convene an education summit to address one of the most serious issues facing our Nation and our future. We all hope that the administration will take this summit and the recommendations of our governors seriously, for our education system is in serious crisis and it needs serious attention. The governors are at the frontlines in the battle to improve our schools, to increase funding and the effectiveness of spending on education. They know what works, where improvements must be made, what our schools, teachers, and students need.

Again and again, we see articles and studies on our failures in educating our children. This week, the New York Times is running a series on how the skills learned by our students do not match the skills required by the workplace. Many of America's young people are simply not prepared to be productive members of the workforce. This is a tragedy for our young people; it means a life of deadend jobs with little security. It is a threat to our economic security and our society. American business is investing billions in educating its workers in basic skills, skills that should have been acquired in grade school, in high school.

To compete successfully in an increasingly competitive world marketplace, our workers must be educated and trained so that they are able to adapt to rapidly changing technologies. Before young people enter the workforce, they must be challenged in school to be the best. But for our students to be the best, they must be taught by teachers who are the best. Many of our teachers are and we should reward them. We also must work to ensure that all of our teachers are; we should increase inservice training and improve recruitment. We face a serious shortage of teachers, especially in the sciences. We must make teaching a more attractive career and we must make it clear that we all respect teachers as professionals.

Today, my colleagues from Massachusetts and Rhode Island are introducing very important legislation that will go a long way to address these issues. This legislation creates a new national teacher corps, and creates recruitment incentives, enhanced inservice training, and a senior teacher corps. All of these reforms are very much needed and will improve the quantity and quality of our teachers.

No single proposal, no set of actions by the private sector or by any unit of government will help us meet our goal—the best prepared work force in the world by the year 2000. Hundreds of decisions on contracts, on curricula, on budgets, on organization, particularly at the community level, are what really matter and what will ultimately make a difference.

One of the most important decisions individuals make is the decision to enter teaching. We must revalue teaching so that the decision to enter the profession is made more attractive. We simply cannot expect to teach an increasingly more difficult-to-teach student body and an increasingly sophisticated curriculum, unless we can attract many more of the highest quality and best trained graduates of our colleges and universities to teaching.

Over the last several months, I have been working on two pieces of legislation to authorize fellowships to encourage our best students to enter the teaching profession, at all levels. Financial incentives are absolutely necessary. When I ask a group of college students, "Who plans to enter teaching?," rarely do I see a hand raised in response. It is no surprise that we face a severe shortage of teachers. How, in today's society, can we ask math or science majors and graduate students to teach for a salary of $18,000 or $20,000 when within months they can earn two or three times that in the private sector? Financial incentives are one part of the solution, but an important one.

The Excellence in Teaching Act and the National Teacher Act of 1989, of which I am a cosponsor, are important pieces of a comprehensive effort to improve teaching and education. They should be considered quickly. The crisis in our schools requires quick action; our students and our teachers deserve nothing less.

Mr. ROCKEFELLER. Mr. President, today I am pleased to join my colleagues in support of the Excellence in Teaching Act. This bill responds to the expected shortage of teachers in our Nation's classrooms by establishing a National Teacher Corps.

Indeed, when we look back and think about our education, it probably is not a particular textbook, or classroom or computer that inspired us—it is usually an outstanding teacher that we remember as having the greatest influence on us.

Unfortunately, Federal education policy generally ignores that basic fact. We are doing very little to attract top students into the classroom and statistics seem to show that the natural course of events will not create a sufficient pool of new teachers. Women, who were once a dependable labor pool for the teaching market, now have far more opportunities and are entering other fields—like law, business, and medicine—in record numbers.

Furthermore, we are doing little to retain the high quality teachers that we have. Twenty percent of new teachers leave during their first years, and over half of all teachers leave before reaching their sixth year of teaching.

This Teacher Recruitment bill aims to attract new teachers to the profession, as well as give a boost to the stature and professionalism of those who are already in the field. The bill gives preferences to those areas of the country that are suffering from teacher shortages—rural areas and inner cities. It also targets subject matter which is most likely to see shortages in qualified professionals—math and science, preschool, and handicapped. New and experienced teachers would be eligible to participate in support programs to enhance their teaching skills.

I am proud to be cosponsoring a bill which establishes an incentive for college students, and people with other careers, to enter teaching. It sets up a National Teacher Corps which awards up to $8,000 per year in scholarships for 2 years of undergraduate or graduate education in exchange for a 5-year commitment to teach in a part of the country where there is a teacher shortage.

I am especially pleased that Senator KENNEDY has included key provisions of a measure I introduced in April—S. 843, the Math/Science Teacher Corps Act of 1989—in his omnibus teacher bill. Senator KENNEDY's bill provides special incentives to students to teach math and science—critical areas for Federal attention. It also includes training grants to aid efforts by schools to help teachers who are currently teaching math and science.

We need top quality math and science teachers in the classroom now more than ever. At a time when our economy is becoming increasingly dependent on technological competence, our high school students are scoring in the bottom ranks on international assessments of performance in science and mathematics.

Consider the statistics. A 1988 study by the International Association for the Evaluation of Educational Achievement found that our fifth graders ranked 8th in science achievement, while ninth graders placed 15th, ahead of only Hong Kong. Even those high school seniors considered the best in science did poorly, ranging from 9th place in physics to 13th place in biology.

More than half of the high school principals in a nationwide survey reported difficulty in hiring fully qualified science and math teachers. In a survey of my State of West Virginia last year, 23 counties—nearly half of the State—reported shortages of math teachers; 19 counties experienced shortages in chemistry and physics; and 13 counties reported the same with biology.

How can we expect our students to excel without qualified teachers?

The best way to inspire students in these areas is by providing an adequate supply of bright, motivated, and well-trained math and science teachers. A Math/Science Teacher Corps will attract qualified, committed people to the classroom. While some of these people will fulfill their teaching requirement and leave the profession, it's my hope that others will become committed to teaching.

My bill, S. 843, offers Federal scholarships of $7,500 to top juniors and seniors in college who agreed to teach at the precollege level for 2 years in return for each year of aid. The bill requires that these students major in math, science, or engineering so that they demonstrate a keen interest in the subject matter that they will be teaching. The National Science Foundation would run the program and select each year the 500 members of the Math/Science Teacher Corps.

Senator KENNEDY has incorporated some of the key provisions of my legislation, S. 843, in his omnibus bill. His measure recognizes the particular need for math and science teachers by establishing a special Math and Science Teacher Corps. To expand the pool of people teaching in these areas, Corps members must be majoring in math or science or currently employed in the areas of math, science or engineering. The National Science Foundation plays an important advisory role in establishing the criteria for Corps membership.

Neither my bill, S. 843, or Senator KENNEDY's bill will solve the teacher shortage problem in the math and science areas. A variety of steps are needed in these areas—including higher salaries and more professional treatment of teachers—in order to overcome the problems. However, a national teacher corps will go a long way toward increasing the supply of teachers and raising the status of the profession.

Mr. DODD. Mr. President, I rise today to voice my strong support and cosponsorship for the Teacher Recruitment, Training and Professional Act of 1989, sponsored by Senator KENNEDY, and the National Teacher Act of 1989, sponsored by Senator PELL. Months of effort have gone into the structure of programs included in the complementary bills being introduced this afternoon. I commend Senators KENNEDY and PELL and their staff on their work.

Just last week, the Democratic leaders in the Congress reconfirmed our commitment to education with a list of education priorities for the Nation. This week President Bush is meeting with Governors at an education summit to further define national education priorities. Among the priorities discussed by my colleagues was the need to tackle and prevent the impending teacher shortages. Within the next decade an estimated 1 million new teachers will be needed to replace retiring educators and meet increased needs for teachers qualified to meet the changing dynamics of the school environment.

For too long we have focused our Federal resources on needed elementary and secondary school programs and resources without considering the instrumental role of the educator. We cannot afford to continue on this course. Without an adequate supply of education professionals, all education programs will suffer, our youth will be cheated out of quality education and the Nation's security and economic competitiveness will be in jeopardy.

While the movie "Stand and Deliver" highlights the tremendous contributions of Jaime Escalante to the education of disadvantaged students, there are similar success stories in each of our States. These bills are designed to assure a continued supply of high quality teachers such as Mr. Escalante.

We have found that more and more schools are facing a shortage of educators in the areas of math, sciences, foreign languages, and special education. This is happening when the demands on teachers are increasing disproportionately. Those schools not facing shortages today will see the demand for teachers exceed the supply within the next 5 to 10 years.

The problems of teacher shortages, retention, and morale; student to teacher ratios; and the availability of specialized teacher training and retraining programs are the reasons we are introducing the teacher enhancement bills today.

There is no time to waste. To prevent a national crisis, we need to work with our youth, schools, local and State governments to raise the respectability of teachers and the attractiveness of the teaching profession. We need to give youth, from all ethnic backgrounds, incentives to serve as role models in their communities as teachers in the years to come.

We also need to improve teacher morale and to improve the retention of quality teachers already in the system. As the Nation increases its expectations of teachers, and looks to them to be educators, counselors, advisors, role models and sometimes family all in one, we need to simultaneously provide educators, support, and resources.

For the Nation's school systems and especially for children, our Federal Government needs to make a commitment to bolstering local and State efforts to assure a flow of quality individuals into the teaching profession. Finally, it is equally important that Federal efforts bolster the availability of services needed to retrain and retain experienced educators.

Mr. President, I strongly urge my colleagues to work with us to solve the teacher shortage problem.

Mr. BINGAMAN. Mr. President, I rise today as a proud cosponsor of the two important educational initiatives being introduce in the Senate today. The Teacher Recruitment, Training, and Professionalism Act and the National Teacher Act of 1989 herald the beginning of a renewed and reinvigorated commitment to the future of our children and our country. Both have my wholehearted support.

These initiatives direct our attention and resources toward the key to educational excellence: The professionals who teach our children.

For some time, I have been gravely concerned about reports of a future shortage of quality teachers in our Nation's classrooms. The reports urged us to take action then—3, 5, 6 years ago—but we did not. Instead, we talked about the problem. We conducted more studies. We issued more reports.

Well, the "future" is here, and the national teacher shortage is real. Despite a widespread awareness of the problem, in recent years we have taken precious few steps toward meeting the challenges posed by the Nation's teacher shortage. And despite this awareness, we have done little to assure our children of the quality education they deserve. Instead, we have spent years talking about these problems.

Now, we must take action. If we do not, all of the talk and debate about educational reform, all of our good intentions, will be meaningless. If we do not take action now, we threaten our children's future and our country's position as a leader in the competitive world of the 21st century.

Through this legislation, we begin to take action. We begin to turn our talk into a real and lasting commitment to our children—to their educational excellence. Through this legislation, we begin to rebuild our foundation of teachers—qualified teachers who can nuture the changes that must be made in our educational system so that all of our children can achieve excellence.

Mr. President, I say that this legislation will help us rebuild our foundation of teachers because, daily, that foundation is eroding, and we are rapidly slipping to the point where our schools will be besieged by a "teacher deficit."

This deficit comes at a particularly challenging time for us, at a time when the effects of our Nation's economic condition threaten our long-term ability to compete in the international marketplace. As the world's nations move toward a global economy, if America is to remain a leader, we must remain competitive. To do this, we must motivate and prepare our children well. We must do all we can to ensure that they receive a quality education. Without question, quality begins in the classroom—in their classroom and in the classroom of their teachers.

Unfortunately, strong demographic and social forces must be overcome if we are to take the steps necessary to assure our children of a quality education. Estimates are that nearly 1 million people will have to enter the teaching profession by 1993 if our children are to have enough teachers to fill their classrooms. That means we will need about 360,000 more teachers than are now expected to be available.

Two years ago, a school district in my home State of New Mexico conducted a survey of area colleges to determine the number of students who had chosen education as their profession. Of more than 95,000 undergraduates surveyed at selected universities in Colorado, New Mexico, and Arizona, only 5 percent were enrolled in teacher training. At the University of New Mexico, only 3 percent of those surveyed planned to become teachers. This helps explain why school districts in New Mexico are forced to go beyond our State's borders to fill 50 percent of their teacher demand.

Adding to the problem is the high attrition rate within the teaching force. Estimates are that 20 percent of all new teachers leave the profession during their first year and that more than half of all new teachers leave the profession within 6 years. This occurs at a time when the children of the "baby boomers" are swelling the enrollment in our schools.

School districts throughout the country are feeling the pinch. One of the largest school districts in my State, the Albuquerque Public School District, reported that for the 1987-1988 school year, it would need 600 new teachers. Recruiters planned to find 375 of those teachers outside of New Mexico. Annually, the district must replace about 600 teachers from turnover, growth, and retirements. Yet this district is one of the most desirable places in which to teach in New Mexico. School districts in the rural—some very remote—areas of the State often have even more difficulty attracting and keeping teachers.

Mr. President, these problems are not unique to New Mexico. School districts around the country often recruit teachers from Germany, Spain, and other nations because of the current United States deficit. Schools in New York reported recently that they had imported nearly 200 teachers from Spain between 1985 and 1987.

Because of the current shortage of trained educators, several States have begun issuing "emergency teaching certificates," thus putting less-qualified or inexperienced people into the classroom. Many of these new or reassigned educators are expected to teach subjects clearly outside of their field of competence. In 1981, the U.S. Department of Education found that 58 percent of the Nation's new mathematics teachers were either uncertified or ineligible for certification to teach math courses. The Department also found that 55 percent of our science teachers and 50 percent of our English teachers were unqualified or ineligible to teach the courses to which they were assigned.

As problematic as the teacher shortage is nationally, its effect unfortunately may be felt hardest by those in the greatest need of assistance—our minority children. This is because the proportion of minority teachers in our education work force is declining at a rate even sharper than that of the teacher population as a whole. And the changing composition of the student body is directly opposite to the changing composition of our teaching force. Senator KENNEDY noted earlier that in 45 of the country's largest cities, minority children make up 70 percent of the student population, while only 30 percent of the teaching force is minority. Without question, these students need role models and a teaching system that reflects the diversity of their unique racial and cultural heritage.

Mr. President, by no means is this legislation a panacea for all of the challenges that I and others have described today. But this legislation can serve as an excellent starting point. Its many provisions can help us reach the necessary goal of achieving excellence in our teaching force. It will enable us to:

Recruit highly qualified individuals into the teaching profession;

Improve the training opportunities for new and experienced teachers; and

Increase the status of the teaching profession.

Importantly, it places special emphasis on the shortage of minority teachers and the shortage of teachers for certain subject areas—math and science; and certain needs—bilingual, handicapped, and preschool.

I am particularly pleased that this measure incorporates a legislative idea I introduced earlier this year, S. 451, the Future Teacher Training Corps Act of 1989. That bill would establish a program through which States would award graduate fellowships to outstanding undergraduate students and midcareer people who are interested in the teaching profession. In return for the award, the recipient would agree to teach in geographical areas or in subject areas where a shortage exists. The bill names mathematics and the sciences as key subject areas, but would allow the States to identify three additional subject areas as being in need of teachers. States also would determine which districts suffer the greatest shortage of teachers, from remote rural areas to innercity schools.

Like the Future Teacher Training Corps, the bill we are presenting today will provide an incentive for individuals, both in college and working in other careers, to become teachers through a new National Teacher Corps.

Members of the Teacher Corps would receive scholarships for 2 years of undergraduate or graduate education and be placed in a teaching position in a shortage area upon graduation and participate in an induction program, which includes working with a mentor teacher during the beginning of their teaching careers. In addition, members could apply for funds to continue postgraduate education.

The bill provides an additional recruitment incentive through loan forgiveness of up to 100 percent of Stafford loans for 2 years of college for students who teach in poverty areas for 5 years. In addition, preservice training will be enhanced through model programs in teacher preparation and promising practices.

Other recruitment initiatives within the bill are geared toward increasing the number of minority professionals through summer institutes for high school students, establishing magnet schools for future teachers, and improving articulation between 2- and 4-year institutions.

Mr. President, I will conclude by reiterating that the time to act is now. We in the Congress have talked about the problems facing our educational system long enough. For our children's sake, the talking must end and serious action at the Federal level must begin.

Education will continue to belong to the State and local governments, but I believe there is room for the Federal Government to encourage capable individuals to consider teaching careers. This Nation must be prepared for the challenges of the future, and I believe this legislation is a step toward that preparation. I urge my colleagues to support the legislation introduced today. Thank you.

By Mr. PELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. MATSUNAGA, Mr. DODD, Mr. COCHRAN, Mr. SIMON, Mr. ROBB, Mr. BURDICK, Mr. KERRY, Mr. BOREN, and Mr. RIEGLE):

S. 1676. A bill to strengthen the teaching profession; to the Committee on Labor and Human Resources.

NATIONAL TEACHER ACT

Mr. PELL. Mr. President, I am pleased to join Senator KENNEDY in introducing two important bills to improve and enhance teaching. My own bill is the National Teacher Act of 1989.

This legislation is a modest, targeted approach to enhancing the teaching profession. For as I said recently at the Disney Salute to the American Teacher, our future rests upon the teachers of today. Far too often our society recognizes achievement in terms of material growth, and the accruement of wealth. True success depends, however, upon education, and that rests in turn upon the teacher.

It is the teacher that undertakes the uniquely American task of educating the youth of this country, who come from every background and level of academic achievement. Our future as a strong and competitive nation rests upon our commitment to quality education and especially on the commitment we make to our teachers. This legislation seeks simply to strengthen and build upon that commitment.

One of the most pressing problems we face is an impending teacher shortage. We must encourage more young people to enter the profession. Thus, the legislation I am introducing would provide loan forgiveness for a young person who becomes a teacher. The loans such persons received in their junior or senior years of college would be completely forgiven over a 5-year period of teaching in a school receiving Federal compensatory education assistance, a so-called chapter 1 school.

But increasing the numbers of teachers is not enough. We must attract more minorities into the profession. The National Teacher Act, therefore, would provide support for new programs of education and training to bring minorities who are already in school support or paraprofessional positions into teaching.

We must also ensure that the training teachers receive before they enter the profession is of the highest quality. We must invest in model teacher preparation programs that use the latest techniques available, and most of all, involve excellent senior teachers in the education of those who want to enter the profession.

But quality instruction does not stop when the teacher enters the profession. It is an ongoing process.

We must look, therefore, at the impact that class size has on the ability of the teacher to teach. A demonstration program in my bill would do just that.

We must also provide a series of national teacher academies to provide programs of assistance not unlike the National Science Foundation Summer Institutes. These would be available to select teachers from each congressional district, and there would be academies in several key disciplines: Math; English; civics and government; basic skills and literacy instruction; the arts; history and geography; economics; life sciences; physical sciences; foreign languages.

But national academies for a few teachers are not sufficient. Therefore we will involve those teachers who have participated in the national academies in an ongoing program of inservice training for their colleagues in the communities from which they come. Thus, we would provide for congressional district academies in each of the disciplines for which there is a national academy. These academies would function on a year-round basis and would provide an almost constant flow and exchange of information that would bring new excitement and challenges to the teacher already in the classroom.

My legislation is a beginning. A beginning of a much-needed and long-awaited Federal focus on the teaching profession. Since the earliest days of this country, our Nation has been known for its abundance of natural resources. Few would disagree with the National Government's responsibility to strengthen and protect those resources. I believe that of all the resources we share as a nation none is more important nor more precious than that of our teachers. Today let us make a commitment to cultivate this resource for the good of us all—in this day and the next.

By Mr. BIDEN:

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week"; to the Committee on the Judiciary.

NATIONAL CITIES FIGHT BACK AGAINST DRUGS WEEK

Mr. BIDEN. Mr. President, today, with the support of the National League of Cities, I am introducing a joint resolution which designates the week of December 3, 1989, through December 9, 1989, as "National Cities Fight Back Against Drugs Week."

To say that drugs pose a threat to American well-being and integrity is an understatement. Whether on the street or in the media, we have all been witnesses to the devastation they have wreaked on individuals and on our country's core societal institutions.

The magnitude of the drug problem is such that Americans now consider it the most urgent crisis facing our Nation—more pressing than ensuring a strong national defense and more immediate than providing shelter for the homeless.

To be sure, the drug problem is a national one, encompassing rural and urban areas alike. With this resolution, however, particular attention is given to our cities because of the disproportionate and overwhelming burden they bear. They are living in fear. Understandably, they have pleaded for help.

And what do they need this assistance for? Among so many other things, they need it to control soaring crime rates, to increase treatment center capacities, and to implement education programs. They need assistance because drugs have depleted their resources and their wills.

Both sides of the aisle have agreed that success at the local level is essential to solving the national drug problem. Now that we agree on this point, we must act. This resolution does just that, by calling for programs, ceremonies, and activities that will raise the awareness and morale of those in our cities.

My fellow Senators, where drugs induce chaos, this resolution seeks to restore order. It is a definite part of the total solution. Our cities have been tread upon; this resolution will help replenish their desire to fight.

I ask unanimous consent that the joint resolution be printed in the RECORD following this statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 205

Whereas the presence of drugs and narcotics in our society has resulted in innumerable problems of human, community, social and economic dimensions;

Whereas the dissolution of the family, inadequate education system, poverty, unemployment and greed all contribute to illegal drug use;

Whereas the consequences of drug-related problems are witnessed in the loss of human lives, the loss of economic productivity and the diversion of public resources to address these problems on all fronts;

Whereas the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people;

Whereas illegal drugs plague urban, suburban and rural communities of all sizes and regions;

Whereas illegal drugs constitute a problem in our community and lead to a host of problems such as homicide, robbery, burglary and other crimes and domestic violence;

Whereas a national response is needed to curtail the importation, trafficking, sale and abuse of drugs;

Whereas our nation's cities and towns carry the heaviest burden in confronting the nation's drug problem;

Whereas hundreds of America's dedicated public servants have died and thousands others risk their lives daily in our cities' individual battles against illegal drugs and in the criminal activities stemming from illegal drugs; and

Whereas the National League of Cities has called on the President and the Congress to join in a partnership in fighting drugs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 3 through 9, 1989, is designated as "National Cities Fight Back Against Drugs Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

By Mr. GORE (for himself, Mr. WARNER, Mr. CRANSTON, Mr. SANFORD, Mr. ADAMS, Mr. KERRY, Mr. WIRTH, Mr. BAUCUS, Mr. D'AMATO, and Mr. DODD):

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultive Parties, for the full protection of Antarctica as a global ecological commons; to the Committee on Foreign Relations.

PROTECTION OF ANTARCTICA AS A GLOBAL ECOLOGICAL COMMONS

Mr. GORE. Mr. President, last week I rose to address a subject not often addressed in the Chamber: Antarctica. A week earlier, I had an opportunity to chair some hearings on the subject. Earlier this year, I had several opportunities to discuss the terms of a new convention or treaty that could be submitted to the Senate soon.

I met in New Zealand late last year with the originators of that treaty process. And last year as well, along with Senator HOLLINGS, I traveled to Antarctica. During that visit, I looked quite closely at some of the provisions of the convention that we are told the President may soon submit to the U.S. Senate.

This morning I rise to introduce a joint resolution on behalf of myself, Senator WARNER, Senator CRANSTON, Senator SANFORD, Senator ADAMS, Senator KERRY, Senator WIRTH, Senator BAUCUS, Senator D'AMATO, and Senator DODD, calling for the negotiation of a new agreement to ban commercial mining or oil operations in Antarctica. I hope, Mr. President, that the President of the United States will not submit the convention, to which I referred earlier, to this body for ratification. I do not believe it is good enough, and I believe dramatic changes have taken place since its negotiation which should lead our Nation to speak out in the world community in behalf of a far more comprehensive measure to protect one of the most fragile parts of our Earth against commercial exploration.

The Antarctic is remote from our thinking on most occasions and, yet, as we become more concerned about global climate changes and begin to piece together the workings of the global ecosystem, we begin to understand Antarctica, far from being at the fringes of life on Earth, is near its core, a prime mover in the organic food chain, a principal cause of the pattern of wind and ocean currents which make up the system of weather as we know it.

Anyone who visits Antarctica cannot help but experience a sense that the place dwarfs all human scale, but Antarctica is, in fact, extremely fragile, vulnerable to the destructive effects of organized human activity. Up to this point, of course, the only kind of activity in Antarctica has been scientific, but that could change very quickly in the event that exploration was to uncover large-scale mineral deposits or offshore oil. From that point on, Antarctica would be vulnerable to environmental abuse of the sort that could cause irreparable damage not merely to that region but to ourselves.

Anticipating this, the Antarctica Treaty consultative parties began working 9 years ago on amendments to the treaty intended to regulate commercial exploitation by requiring that proposals for licenses and any operations pursuant to the issue of those licenses must be highly regulated.

The product of that labor, the so-called Wellington Convention, or more formally the Convention on the Regulation of Antarctic Mineral Resource Activities, marks for some an important step forward in the history of international effort to protect the environment. However, it would signal the opening gun of a rush to gain proprietary information for the first time about mineral deposits in Antarctica.

It would set up a series of measures which could ultimately lead to activities that would destroy that fragile ecosystem.

I have therefore come to the view that this convention is not good enough and even though it represents the results of a lot of hard work by people who had good intentions, it has been overtaken by the swiftly changing global political context in which the struggle to preserve the environment is taking place.

Rules to control commercial exploitation of Antarctica are all to the good but in the meantime we have come to realize that Antarctica is worth far more to humanity intact than it could ever be worth as a source of oil and other minerals.

Not everyone will see it that way, but for those who do this proposed convention has its dark side because it may well be conducive to a process of commercial exploration and development which, once begun, will outrace efforts to devise, impose and police restraints.

For that reason, my cosponsors and I, on this joint resolution believe that the convention in and of itself is inadequate to the task of providing the kind of complete protection needed in the Antarctic. We were told, after all, that the fragile ecosystem of the North Slope in Alaska was vulnerable to environmental damage and we were reassured that a system of careful protections against abuse could prevent that from taking place.

We have seen now with the oil that spilled out of the *Exxon Valdez* how empty those promises were and we have seen, though not as frequently on our television screens, in the newspapers the reports of the terrible oil spill that has already taken place in Antarctica. The *Bahia Paraiso*, though spilling a much smaller quantity of oil, has done grave damage to the ecosystem surrounding the American base called Palmer Station.

Ironically, one of the most important research efforts designed to uncover the damage being done by the so-called ozone hole was completely undone. Three years of work on the effects of extra ultraviolet radiation on the food chain were destroyed by that oil spill. It should serve as a reminder of how unwise it would be to begin exploitation of mineral resources in Antarctica. What would the oil be used for, after all, except to add further to the accumulation of greenhouse gases in our atmosphere at the time when the world is groping for ways to reduce such emissions.

In any event, we have reached the conclusion, my cosponsors and I, that the President ought not to submit this convention in its present form to the Senate for consent to ratification. Instead, we call upon the President to initiate a new round of negotiations, the objective of which ought to be a supplementary agreement banning proprietary exploration of the Antarctic and banning commercial mineral oil and drilling operations there.

I understand that this course of action will cause consternation to some, but I want to note that the Prime Minister of Australia has already declared that his government will not consent to ratification of the Wellington Convention and the Government of France has spoken out in ways which lead many to believe that they soon will join Australia in announcing their opposition to this convention as well. Under the terms of the convention, only one of the Antarctic Treaty consultative parties can object and stop that process dead in its tracks. Under these conditions, we must look at alternatives and the President should move forward.

Next month at the 15th Antarctic Treaty consultative meeting in Paris, we should suggest that agreements to supplement the Wellington Convention and modify its approach by banning commercial mineral development in Antarctica be placed high on the agenda of that meeting.

I believe that around the world public opinion is ready to support the treatment of Antarctica as a global ecological commons. It should be declared off limits to the commercial exploitation of oil and mineral resources, and I believe that public opinion in this country and elsewhere in the world is ready to support that kind of move.

Antarctica provides a major opportunity to put into effect a new emerging global consensus on the necessity of imaginative, bold measures to protect the world's ecological system.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 206

Whereas Antarctica, like the great oceans and the atmosphere, is a part of the global commons;

Whereas the Antarctic region, including the continent and the Southern Ocean, is a fragile ecosystem that supports an amazing abundance of life, and is, in turn, crucial to other life on Earth;

Whereas Antarctica is a critical area in the study and documentation of global change;

Whereas negotiations of the Antarctic Treaty Consultative Parties have resulted in the Convention on the Regulation of Antarctic Mineral Resource Activities;

Whereas the Convention on the Regulation of Antarctic Mineral Resource Activities, while requiring consideration of environmental impacts prior to allowing minerals development in Antarctica, does not guarantee preservation of the Antarctic environment;

Whereas the challenge to humankind is to ensure that Antarctica is stewarded in a manner that conserves its unique environment and preserves its value for scientific research. Now therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Antarctica is a global ecological commons, and should therefore be managed under a new agreement among the Antarctic Treaty Consultative Parties or a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities to the same effect, either of which shall be subject to periodic review, but should for an indefinite period establish Antarctica as a region closed to commercial minerals development and related activities;

That under such new agreement, information about mineral or other resources in Antarctica should be obtained under strictly controlled arrangements, and that such information should be openly shared in the international scientific community;

That the Convention on the Regulation of Antarctic Mineral Resource Activities, though a considerable step forward, is not adequate in and of itself to provide the necessary level of protection for the fragile environment of Antarctica and could actually stimulate movement toward commercial exploitation;

That pending the negotiation and entry into force of a new agreement among Antarctic Treaty Consultative Parties ensuring the full protection of Antarctica as a global ecological commons, or of a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities to the same effect, the President should not present the Convention on the Regulation of Antarctic Mineral Resource Activities to the Senate for advice and consent to ratification;

That, for the duration, the United States should support the interim restraint measures presently in force among nations signatory to the Convention on the Regulation of Antarctic Mineral Resource Activities; and

That the negotiation of a new agreement, or a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities, for the full protection of Antarctica as a global ecological commons should be a major item on the agenda of the pending XV Antarctic Treaty Consultative Meeting, opening in Paris on 9 October 1989.

Mr. KERRY. Mr. President, I am pleased to be an original cosponsor of the resolution being introduced today that provides greater protection for Antarctica. There is no doubt that the Antarctic plays an important and unique role in our global ecosystem. Ninety percent of the Earth's ice and 70 percent of the Earth's fresh water are found there, and it is an integral part of the Earth's climate system. In addition, the Antarctic seas support large populations of marine life from krill and plankton to whales, seals, and sea birds.

In recent years, demand for access and use of resources in Antarctica has grown. And as uses grow, so does the potential for environmental degradation. Oil spills and water pollution form toxic chemicals, raw sewage, and solid wastes have already been reported in this environmentally pristine area. Development is likely to warm temperatures with potentially disastrous effects. Some believe melting ice caps at this southern pole would raise sea levels worldwide by 15 to 20 feet. And the absorption capacity of the seas, which currently take up one-third to one-half of the world's carbon dioxide emissions, would be greatly reduced. These changes could add significantly to the global climate change that is already predicted as a result of the greenhouse effect.

The Antarctic Treaty, signed in 1959, was the first of many international agreements to provide for scientific investigation, prohibit military operations, and conserve living marine resources. Due to the unforeseen complexity of the issues, many of the Antarctic agreements have been approached in a piecemeal fashion. For example, conservation of living marine resources was addressed separately from development issues. In fact, a number of nations are questioning this individual approach. For example, France and Australia, concerned over the environmental future of the Antarctic, are refusing to support a convention on the regulation of Antarctic mineral resources activities. I believe the United States should follow suit.

I want to commend the French oceanographer Jacques Cousteau for bringing this issue to the forefront of the debate and for his life long efforts to protect our oceans and marine environment around the world.

Mr. President, I think it is time to take a strong stand to preserve the Antarctic environment as a whole and then develop responsible policies under this umbrella of preservation. This resolution that we are introducing today calls on the United States to begin immediate negotiations for a new agreement among Antarctic Treaty consultative parties that will recognize the ecological significance of and provide strong protection for the Antarctic.

In addition, Mr. President, we need to move forward to lessen our dependence on fossil fuels and reduce gas emissions that contribute to the greenhouse effect and destruction of the ozone layer. It is only logical that we also work to preserve the global environment through environmentally sound policies in Antarctica.

By Mr. JOHNSTON (by request):

S.J. Res. 207. Joint resolution approving the location of the Memorial to the Women Who Served in Vietnam; to the Committee on Energy and Natural Resources.

APPROVAL OF LOCATION OF MEMORIAL TO WOMEN WHO SERVED IN VIETNAM

Mr. JOHNSTON. Mr. President, at the request of the administration, I send to the desk for appropriate reference a joint resolution approving the location of the Memorial to the Women Who Served in Vietnam.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the joint resolution, and the executive communication which accompanied the proposal from the Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 207

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal Lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than one hundred fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era;

Whereas section 3 of the said Act of November 15, 1988, states the sense of the Congress that it would be most fitting and appropriate to place the memorial within the 2.2-acre site of the Vietnam Veterans Memorial in the District of Columbia which is within Area I; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act of November 15, 1988, should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era, authorized by the Act approved November 15, 1988 (102 Stat. 3922), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, September 8, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: The Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era.

Section 1(b) of the Act requires that the establishment of the memorial be in accordance with the Commemorative Works Act of November 14, 1986 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).

The Vietnam Women's Memorial Project, Inc., has proposed that the memorial be located in Area I, the area comprising the central monumental core of the District of Columbia and its environs. Section 6 of the Commemorative Works Act sets forth standards and procedures for locating a memorial in Area I. Military memorials may be established only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No memorial commemorating a lesser conflict or a unit of an Armed Force shall be permitted in either Area I or Area II. In addition, section 6(a) provides that the Secretary of the Interior may approve the location of a commemorative work in Area I only if he finds that the subject of the work is of preeminent historical and lasting significance to the Nation. That subsection directs the Secretary, after consultation with the National Capital Memorial Commission, to notify the Congress of his determination that a commemorative work should be located in Area I; and the location in Area I shall be deemed disapproved unless within 150 days of the notification it is approved by law.

On March 9, 1989, the National Capital Memorial Commission recommended to me that the memorial to honor women who served in the Armed Forces of the United States in Vietnam during the Vietnam era be located in Area I. This proposed memorial will complete the Nation's formal commemoration of our Armed Forces who fought in the Vietnam War, an event that profoundly affected the military, social, and political history of the United States. I therefore find the subject to be of preeminent historical and lasting significance to the Nation, and I have determined that the memorial authorized by the Act approved November 15, 1988 (102 Stat. 3922), should be located in Area I. This determination is consistent with the sense of Congress expressed in section 3 of that Act, that it would be most fitting and appropriate to place this memorial within the 2.2 acre site of the Vietnam Veterans Memorial. That site is within Area I.

In accordance with section 6(a) of the Act of November 14, 1986 (100 Stat. 3650, 3651), notice is hereby given that I have approved the location of this proposed memorial in Area I, that through my designee I have consulted with the National Capital Memorial Commission, and that I have determined that the memorial authorized by the Act of November 15, 1988, should be located in Area I. Under section 6(a) of the Act of November 14, 1986, the location in Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after this notification.

Enclosed is a draft of a joint resolution which, if enacted in 150 days, would have the effect of approving the location of this memorial in Area I. We recommend that it be introduced and referred to the appropriate Committee for consideration, and we recommend its timely enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the Administration's program.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. WILSON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the Enterprise Zone Development Program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprise zones, and for other purposes.

S. 511

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 543

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 543, a bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that act, and for other purposes.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 669

At the request of Mr. WILSON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 669, a bill to require the Secretary of Energy to convey to the State of California by quit-claim deed certain lands in a naval petroleum reserve and to provide that money received from a naval petroleum reserve shall be treated the same as money received from other public lands.

S. 747

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 747, a bill to amend chapter 44 of title 18, United States Code, regarding assault weapons.

S. 754

At the request of Mr. PACKWOOD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other purposes.

S. 755

At the request of Mr. PACKWOOD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 755, a bill to authorize the states to prohibit or restrict the export of unprocessed logs harvested from the lands owned or administered by States.

S. 813

At the request of Mr. WIRTH, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 813, a bill to establish the National Literacy Commission, and for other purposes.

S. 849

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 874

At the request of Mr. FORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 1245

At the request of Mr. MITCHELL, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1277

At the request of Mr. FORD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1277, a bill to amend the Federal Aviation Act of 1958 to prohibit the acquisition of a controlling interest in an air carrier unless the Secretary of Transportation has made certain determinations concerning the effect of such acquisition on aviation safety.

S. 1338

At the request of Mr. BIDEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1338, a bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States.

S. 1393

At the request of Mr. REID, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1393, a bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned.

S. 1405

At the request of Mr. PELL, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1405, a bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers.

S. 1411

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Indiana [Mr. LUGAR], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1411, a bill to amend the Food Security Act of 1985 to encourage the planting of trees on conservation reserve acreage, and for other purposes.

S. 1427

At the request of Mr. BOSCHWITZ, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1427, a bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such acts to charity and public agencies, and for other purposes.

S. 1618

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1618, a bill to amend the Internal Revenue Code of 1986 to allow less frequent deposits of payroll taxes for employers of certain lower paid employees.

S. 1619

At the request of Mr. BOSCHWITZ, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1619, a bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail liquor and beer dealers, and for other purposes.

S. 1631

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1631, a bill to make a technical amendment to title 11, United States Code, the Bankruptcy Code.

S. 1655

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1655, a bill to amend the enforcement provisions, to provide for the disclosure of independent expenditures, to make provisions regarding intermediaries and broadcast time, and for other purposes.

SENATE JOINT RESOLUTION 160

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate December 7, 1989, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from California [Mr. WILSON], the Senator from Indiana [Mr. LUGAR], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 176

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate September 29, 1989, as "National Siblings of Disabled Persons Day."

SENATE JOINT RESOLUTION 193

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

At the request of Mr. DECONCINI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Washington [Mr. GORTON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 193, supra.

SENATE JOINT RESOLUTION 194

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 194, a joint resolution designating November 12 to 18, 1989, as "National Glaucoma Awareness Week."

SENATE JOINT RESOLUTION 204

At the request of Mr. NUNN, the names of the Senator from California [Mr. CRANSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 204, a joint resolution designating October 28, 1989, as "National Women Veterans of World War II Day."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the U.S. Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE RESOLUTION 180

At the request of Mr. SANFORD, the names of the Senator from Washington [Mr. GORTON] and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Resolution 180, a resolution to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989.

AMENDMENT NO. 844

At the request of Mr. WARNER, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of amendment No. 844 proposed to H.R. 3072, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

SENATE RESOLUTION 186—RELATING TO THE PROTECTION OF THE ANTARCTIC SYSTEM

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 186

Whereas the Antarctic System is of fundamental importance to the global environment;

Whereas the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty;

Whereas the Antarctic System has unique ecological, scientific, and wilderness value: Now, therefore, be it

Resolved, That it is the sense of the Senate that the protection of the Antarctic System, including dependent and associated ecosystems, must be a basic consideration in decisions relating to all activities conducted in the Antarctic.

Mr. HELMS. Mr. President, this resolution expresses the sense of the Senate that the protection of the Antarctic System, including dependent and associated ecosystems, must be a basic consideration in decisions relating to all activities conducted in the Antarctic.

The resolution states that the Antarctic System is of fundamental importance to the global environment.

It states that the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty.

It states that the Antarctic System has unique ecological, scientific, and wilderness value.

The language of this resolution is drawn from the Preamble to the Convention on the Regulation of Antarctic Mineral Resource Activities which was adopted last year by 33 countries as a result of a meeting held at Wellington, New Zealand on June 2, 1988.

This resolution takes no position with respect to the Wellington Convention nor is it intended to.

The purpose of this resolution is to express the sense of the Senate about broad principles that should govern decisions relating to the future of Antarctica.

Mr. President, the University of North Carolina at Wilmington has a fine department of Marine Sciences and members of the faculty have been involved in scientific research relating to Antarctica and the marine environment there. I hope that future generations of explorers, scientific researchers, and students will be able to continue to advance man's knowledge about the Antarctic System.

In order to continue this scientific advancement as well as to promote the general well-being of the global environment it is fundamental that the Antarctic System be protected. I believe that this resolution is a constructive step forward to this objective.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT

FORD AMENDMENT NOS. 851 THROUGH 853

(Ordered to lie on the table.)

Mr. FORD submitted three amendments intended to be proposed by him to the bill (S. 874) to establish national voter registration procedures for Presidential and congressional elections, and for other purposes, as follows:

AMENDMENT NO. 851

Section 2(b) is amended by inserting before the period at the end thereof, the following, "or no requirement that voters register prior to the date of such election for Federal office to be eligible to vote in that election".

Amendment No. 852

Section 4(a) of the substitute amendment is amended by inserting before the period at the end of the first sentence "or shall develop a mail voter registration application form for such elections. Such form shall—

"(1) require only sufficient identifying information, including the signature of the applicant, to enable the appropriate State election official to assess the eligibility of the applicant; and

"(2) include a statement of penalties provided by law for submission of a false voter registration application.

A form under this section may not include any requirement for notarization or other formal authentication".

Amendment No. 853

Section 5(a) of the substitute is amended by striking out "Offices designated under this subsection shall include public libraries, public schools, offices providing public assistance, unemployment compensation, vocational rehabilitation, and related services, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, and government revenue offices" and inserting in lieu thereof "The State shall designate the locations that will provide services pursuant to the provisions of this subsection from locations such as public libraries, public schools, offices of city and county clerks, including marriage license bureaus), fishing and hunting license bureaus, and government revenue offices but shall include in such designation all offices in the State providing public assitance, unemployment compensation, vocational rehabilitation and related services".

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

D'AMATO (AND OTHERS) AMENDMENT NO. 854

Mr. D'AMATO (for himself, Mr. DODD, Mr. GARN, Mr. GRAHAM, Mr. GRAMM, Mr. HARKIN, Mr. MCCLURE, Mr. LIEBERMAN, Mr. STEVENS, Mr. BOND, and Mr. GORE) proposed an amendment to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . It is the sense of Congress that—

(1) the recommendations of the National Space Council, as approved by the President in July of 1989, for the development of the National Aerospace Plane represent an improved and more affordable strategy for the United States; and

(2) if funds are made available for the National Aerospace Plane program for fiscal year 1990, the National Space Council should submit to Congress, not later than January 31, 1990, a report assessing the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program and should include in that report recommendations for such changes in the management arrangement as the Council considers necessary to increase the effectiveness of the National Aerospace Plane program and ensure the achievement of the goals established for such program.

WARNER (AND OTHERS) AMENDMENT NO. 855

Mr. WALLOP (for Mr. WARNER) (for himself, Mr. DOLE, Mr. WILSON, Mr. THURMOND, Mr. GORTON, Mr. SIMPSON, Mr. COATS, Mr. LOTT, and Mr. ARMSTRONG) proposed an amendment to amendment No. 825 proposed by Mr. INOUYE to the bill H.R. 3072, supra, as follows:

Strike out all after the words "Title X", and insert in lieu thereof the following:

For expenses not otherwise provided for, necessary for certain program improvements, and for other purposes; $8,358,853,000, of which $1,293,000,000 shall be transferred to and merged with "Enterprise refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under Title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; $290,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new subaccount "Icebreaker", to remain available for obligation until September 30, 1994; $959,900,000 shall be transferred to and merged with "LHD-1 Amphibious Assault Ship" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $20,000,000 shall be transferred to and merged with "Sealift Ship Program" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $279,600,000 shall be transferred to and merged with "Missile Procurement, Army", to remain available for obligation until September 30, 1992, of which $89,000,000 shall be available only for the Stinger missile program, $93,500,000 shall be available only for the Laser Hellfire program, $51,100,000 shall be available only for the TOW II program, and $46,000,000 shall be available only for the Advanced Tactical Missile System; $45,300,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $70,000,000 shall be transferred to and merged with "Missile Procurement, Air Force", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $775,771,000 shall be transferred to and merged with "Aircraft Procurement, Army", to remain available for obligation until September 30, 1991, for the purchase of 66 Apache helicopters after which the Apache program will be terminated, *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change; $910,000,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available until September 30, 1992, for the Trident II/D-5 missile program, *Provided*, That none of these funds may be obligated until the Secretary of the Navy has notified Congress in writing that he has approved modifications or redesign of the D-5 missile needed to correct recent test deficiencies; $298,358,000 shall be transferred to and merged with "Research, Development, Test, and Evaluation, Defense Agencies" to remain available until September 30, 1991, *Provided*, That not less than $4,000,000,000 of the funds under the heading "Research, Development, Test, and Evaluation, Defense Agencies" shall be available only for the Strategic Defense Initiative program; and for the Space-Based Wide Area Surveillance Radar, $1,956,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Navy", to remain available until September 30, 1991, for the Tactical Space Operations program, $4,968,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Air Force", to remain available until September 30, 1991, for the Space Surveillance Technology program, and $10,000,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Defense Agencies", to remain available for obligation until September 30, 1991, for the Strategic Technology program.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $300,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts, and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

REDUCTIONS TO AUTHORIZED LEVEL

Notwithstanding any other provision of the Act, the amount on page 20, line 2, is reduced by $68,100,000 from the UH-60 Blackhawk helicopter program; the amount on page 32, line 14, is reduced by $49,000,000 from the F-15/F-16 engine upgrade program; and the amount on page 36, line 3, is reduced by $50,000,000 from the B-1B program.

INOUYE (AND STEVENS) AMENDMENT NO. 856

Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 3072, supra; as follows:

At the end of the bill, insert the following:

SEC. . Up to $20 million of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding section 10 of Pubilc Law 91-672 or any other provision of law: *Provided*, That funds transferred pursuant to this section shall be made available only for Jordan to maintain previously purchased United States-origin defense articles: *Provided further,* That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment: *Provided further,* That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred: *Provided further,* That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

HOLLINGS (AND OTHERS) AMENDMENT NO. 857

Mr. HOLLINGS (for himself, Mr. Inouye, Mr. Stevens, and Mr. Byrd) proposed an amendment to the bill H.R. 3072, supra; as follows:

At the appropriate place insert:

Sec. . Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by hurricane Hugo in September 1989: *Provided,* That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further,* That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

JOHNSTON (AND THURMOND) AMENDMENT NO. 858

Mr. JOHNSTON (for himself and Mr. Thurmond) proposed an amendment to the bill H.R. 3072, supra, as follows:

Sec. . During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities," to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided,* That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

LEAHY (AND OTHERS) AMENDMENT NO. 859

Mr. LEAHY (for himself, Mr. Hatfield, Mr. Lieberman, Mr. Rockefeller, Mr. Sasser, and Mr. Wirth) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following:

Sec. 9100. Notwithstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development for the B-2 aircraft; and

(C) flight testing of B-2 aircraft.

BUMPERS (AND BINGAMAN) AMENDMENT NO. 860

Mr. BUMPERS (for himself and Mr. Bingaman) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following new section:

Sec. . (a) None of the funds appropriated by this Act may be obligated or expended after August 30, 1990, to support or maintain members of the Armed Forces of the United States assigned to permanent duty ashore in the Republic of Korea in a number greater than 40,872 or to support or maintain members of the United States Army assigned to permanent duty ashore in such country in a number greater than 28,406.

(b) It is the sense of Congress that the President should, at the earliest practical date after the date of the enactment of this Act, initiate discussions with the Republic of Korea regarding—

(1) mutually satisfactory arrangements for achieving the limitations provided for in subsection (a);

(2) the desirability of making a phased reduction, in addition to the reduction made as the result of subsection (a), of 7,000 members of the United States Army assigned to permanent duty ashore in the Republic of Korea and of completing such reduction not later than September 30, 1992; and

(3) the kinds and quantities of military equipment and other materiel that will be needed by the Republic of Korea as a consequence of the limitation provided for in subsection (a).

(c) It is further the sense of Congress that the President should submit to Congress, not later than May 1, 1990, a report in both classified and unclassified versions on the reduction of United States military personnel assigned to permanent duty ashore in the Republic of Korea. The President should include in such report a discussion of the following matters:

(1) The feasibility of making reductions, in addition to the reduction made as a result of subsection (a), in the number of United States Army personnel assigned to permanent duty in the Republic of Korea.

(2) The type of technical and planning assistance that the United States should offer to the Republic of South Korea as that country assumes a greater burden for its own defense.

(3) The options available, and the President's recommendations with respect to the reassignment or other disposition of United States military personnel withdrawn from the Republic of Korea.

(4) The purpose and function of the presence of a substantial number of civilian personnel of the Department of Defense in the Republic of Korea.

(d) Congress reaffirms the commitment of the United States to the security and territorial integrity of the Republic of Korea.

STEVENS (AND INOUYE) AMENDMENT NO. 861

Mr. STEVENS (for himself, Mr. Inouye, and Mr. Rudman) proposed an amendment to amendment No. 860 proposed by Mr. Bumpers (and Mr. Bingaman) to the bill H.R. 3072, supra, as follows:

In lieu of the matter proposed to be inserted in lieu thereof:

Sec. . (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea;

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

KENNEDY (AND COHEN) AMENDMENT NO. 862

Mr. INOUYE (for Mr. KENNEDY) (for himself and Mr. COHEN) proposed an amendment to the bill H.R. 3072, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) Two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs,

(D) unit and flyaway costs;

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services and Appropriations of both the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

GRAHAM AMENDMENT NO. 863

Mr. INOUYE (for Mr. GRAHAM) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the appropriate place in the bill, insert the following:

PARTNERSHIPS WITH SCHOOLS

SEC. . (A) DEFINITIONS.—For the purposes of this part—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with civilian and military elementary schools and secondary schools. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

LAUTENBERG AMENDMENT NO. 864

Mr. INOUYE (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in section (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

REID (AND BRYAN) AMENDMENT NO. 865

Mr. INOUYE (for Mr. REID, for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the appropriate place insert the following:

The Senate of the United States finds that:

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November, 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

Therefore, it is the sense of the Senate that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

HELMS AMENDMENT NO. 866

Mr. INOUYE (for Mr. HELMS) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Congress makes the following findings:

(1) As of July 18, 1989, the Federal prison population reached an all time high of 49,418 inmates.

(2) the design capacity of Federal prisons is only 31,091 beds.

(3) The overcrowding rate at Federal prisons is 159 percent of capacity.

(4) The Bureau of Prisons projects that the federal prison population will exceed 83,500 by 1995.

(5) The President declared a war on drugs and has endorsed the idea of using old military facilities as prisons.

(6) The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost efficient method to obtain more space to house minimum security offenders.

(b) It is the sense of Congress that—

(1) in selecting an agency or instrumentality for receipt of property or a facility scheduled for closure under the Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687), the Secretary of Defense should give priority to the Bureau of Prisons; and

(2) the Commission on Alternative Utilization of Military Facilities should give priority consideration to utilizing the military facilities that are scheduled for closure as minimum security prisons; and

(3) before making any decision about transferring any real property or facility pursuant to the Base Closure and Realignment Act, the Secretary of Defense should consult with the Governor of the State and the heads of the local governments in which the real property or facility is located and

should consider any plan by the local government concerned for the use of such property.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Thursday, October 19, 1989, to consider the nomination of Kyo R. Jhin to be chief counsel for advocacy for the Small Business Administration. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call John Ball, staff director of the committee at 224-5175, or Tracy Crowley at 224-3099.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on the upper basin impacts of low-water levels in Missouri River Reservoirs.

The hearing will take place in the Pioneer Room of the State Capitol, 600 East Boulevard, Bismark, ND, on October 9, 1989, beginning at 9:30 a.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, at 2 p.m. to hold a hearing on ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 26, beginning at 9:30 a.m., to conduct a hearing to receive testimony from William Reilly, Administrator of the Environmental Protection Agency, concerning pending amendments to the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, at 10:30 a.m., to conduct a hearing on "The Drug Crisis: Prevention and Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate September 26, 1989, 9:30 a.m. for a hearing to receive testimony on House Joint Resolution 175, legislation to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 26, 1989, at 11 a.m. to resume consideration of legislation to restructure the Medicare Catastrophic Coverage Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, to hold hearings on the U.S. Government's antinarcotics activities in the Andean Region of South America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, at 2 p.m., to hold a hearing on the nomination of Conrad K. Cyr, to be U.S. circuit judge for the first circuit; Marvin J. Garbis, to be U.S. district judge for the District of Maryland; Rebecca Beach Smith, to be U.S. district judge for the Eastern District of Virginia; and Stuart M. Gerson, to be an assistant attorney general.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate September 26, 1989, 2:15 p.m. for an oversight hearing to receive testimony concerning natural gas supply and deliverability.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROBLEMS WITH SOVIET UNION FULBRIGHT PROGRAM

● **Mr. BAUCUS.** Mr. President, as many of my colleagues are aware, one of the most successful efforts for international cooperation over the years has been the Fulbright Academic Exchange Program. In this program, the United States sends its scholars to universities abroad, where they learn and make contributions to the advancement of learning. I have been particularly pleased and hopeful that this effort, combined with other cultural and intellectual exchange efforts, will continue to produce better understanding between the United States and the Soviet Union.

I am using this opportunity to ask the Soviet Union for help. Something is going wrong with this program, and it is creating hardships for our scholars, including some in my State, Montana.

Simply put, administrative problems within the Soviet Union have led to a point where the program is deadlocked. Academic exchanges for this year are grinding to a halt. At the moment, Americans who have been invited to be a part of this program, and who have undergone an exhaustive and long process of selection, are being told that the Soviet Union is unable to arrange their placement. Accordingly, these American academics are being left up in the air as their new school terms are about to begin: They do not know whether they will soon be leaving for the Soviet Union or whether they will be staying here and securing their contracts and teaching assignments for the forthcoming year.

This causes great hardship both for American scholars and for their universities. It is also frustrating and counterproductive to the kind of exchange that I believe is in the interest of both our countries and desired by both countries.

I understand that Chairman Yagodin of the Soviet State Committee for Public Education has been trying very hard to clear up the administrative problems within the Soviet Union. I want to thank him for his efforts. But the truth is, if these problems continue into the next academic year, I and others are going to have to rethink the entire effort. I cannot support the funding of the U.S. end of the program, which is channeled through the USIA, if it continues to create such hardships for my constituents and others.

This would be a sad loss of an important effort. I strongly support these exchanges; I know many of my colleagues do as well. I urge the Soviet Union to clear up these problems.●

HERBERT GOLDSMITH, LEADER IN WAR ON DRUGS

● Mr. D'AMATO. Mr. President, I rise to call my colleagues' attention to the leadership being provided by Herbert Goldsmith, president and CEO of Members Only, in the war on drugs.

Since 1986, Members Only has committed its advertising budget, worth some $18 million to date, to the war against drugs and, in the process, has persuaded the media to donate an additional $70 million in space and air time.

Mr. Goldsmith's antidrug efforts began in 1986 when New York's Gov. Mario Cuomo joined Mr. Goldsmith in unveiling an antidrug ad campaign, which featured Lou Piniella, Buck Williams, Boomer Esiason, and Payne Steward, wearing Members Only attire, and warning of the dangers of drugs.

The next year, a Members Only percent-of-sale program to help infants who are born addicted to drugs was announced by Larry Gatlin and Payne Steward. It raised $150,000 for a wing at Clara Hale House in New York and for the ICAN Program in Los Angeles.

Mr. Goldsmith is a public spirited citizen with an impressive track record. In 1988, an election year, he joined the League of Women Voters in tackling voter apathy. He launched a 3-week, $3 million campaign involving hardhitting commercials and a nationwide voter registration drive in department stores.

The campaign was awarded a Clio, the prestigious advertising honor, and a Spire for sales promotion excellence. This year, Herb Goldsmith was named an all-star of the year by Crain's New York Business.

Mr. Goldsmith is extending his antidrug campaign to include a focus on dangers to police officers. "Drugs don't just kill addicts" will be the theme, highlighted in a new national advertising and retail promotion campaign. In addition, Members Only is conducting a national grassroots basketball program with the Police Athletic League to foster positive relationships between young people and police and to keep young people off the streets and off drugs.

Mr. President, Herb Goldsmith is to be commended for channeling his business acumen toward public service. The war against drugs is not just the Government's war. It is a war most effectively waged by all Americans, corporate and individual alike. Herb's leadership in this regard stands as a challenge to the rest of corporate America to join in similarly dedicating their corporate resources to the national effort against drugs.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Andrew Jazwick, a member of the staff of Senator Symms, to participate in a program in Namibia, sponsored by the Foundation for Democracy, from August 19 to 30, 1989.

The committee has determined that participation by Mr. Andrew Jazwick in the program in Namibia, at the expense of the Foundation for Democracy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Kevin Monroe, a member of the staff of Senator Sanford, to participate in a program in Namibia, sponsored by the Foundation for Democracy, from August 19 to 30, 1989.

The committee has determined that participation by Mr. Monroe in the program in Namibia, at the expense of the Foundation for Democracy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Frances A. Zwenig, a member of the staff of Senator Kerry, to participate in a program in Taiwan, sponsored by Tunghai University, from August 7 to 13, 1989.

The committee has determined that participation by Ms. Zwenig in the program in Taiwan, at the expense of the Tunghai University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Kenneth Nelson, Dr. David Freshwater, Dr. David Podoff, and Mr. David Malpass, members of the Joint Economic Committee staff, to participate in a program in Canada, sponsored by the Centre for Legislative Exchange, from October 1 to 4, 1989.

The committee has determined that participation by Messrs. Nelson, Freshwater, Podiff, and Malpass in the program in Canada, at the expense of the Centre for Legislative Exchange, is in the interest of the Senate and the United States.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $16.2 billion in budget authority, and over the budget resolution by $11.3 billion in outlays. Current level is over the revenue floor by $0.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $146.2 billion, $10.2 billion above the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

Congressional Budget Office,
U.S. Congress,
Washington, DC, September 25, 1989.

Hon. Jim Sasser,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through September 22, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

Robert D. Rieschauer.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF SEPT. 22, 1989

[In billions of dollars]

	Current level[1]	Budget resolution H. Con. Res. 268[2]	Current level +/− resolution
Budget authority	1,248.2	1,232.1	16.2
Outlays	1,111.1	1,099.8	11.3
Revenues	964.9	964.7	.2
Debt subject to limit	2,815.0	[3] 2,824.7	−9.7
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	146.2	[4] 136.0	[5] 10.2

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with Sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for Catastrophic Health Care (P.L. 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion. Public Law 101–72 temporarily raised the debt limit by an additional $70 billion to $2,870.0 billion ending on October 31, 1989.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 22, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the bipartisan accord on Central America (Public Law 101–14)	−11		
Dire emergency and urgent supplemental appropriations, 1989 (Public Law 101–45)	3,493	1,023	
Financial Institutions Reform, Recovery, and Enforcement Act (Public Law 101–73)	12,400	10,300	455
Disaster Assistance Act of 1989 (Public Law 101–82)	17	17	
Total enacted this session	15,899	11,330	455
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	29		
Federal Crop Insurance Corporation fund	144		
Compact of Free Association	1	1	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to Hazardous Substance Superfund	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Sept. 22, 1989	1,248,245	1,111,068	964,889
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	16,195	11,318	189
Under budget resolution			

[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals. ●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(B) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $442.3 billion in budget authority, and under the budget resolution by $254.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through September 22, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF SEPT. 22, 1989

[In billions of dollars]

	Current level[1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	887.1	1,329.4	−442.3
Outlays	911.2	1,165.2	−254.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,815.0	[2] 3,122.7	−307.7
Direct loan obligations	10.0	19.3	−9.3
Guaranteed loan commitments	39.3	107.3	−68.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The permanent statutory debt limit is $2,800.0 billion. Public Law 101–72 temporarily raised the debt limit by an additional $70 billion to $2,870.0 billion ending on October 31, 1989.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 22, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,059,700
Permanent appropriations and trust funds	966,154	796,867	
Other appropriations		214,199	
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	773,048	817,960	1,059,700
II. Enacted this session:			
Adjust Purchase Price for Certain Dairy Products (Public Law 101–7)		−25	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	13	7	
Dire Emergency and Urgent Supplemental Appropriations (Public Law 101–45)	−22	802	
Apex Project, Nevada Land and Water Transfer Act (Public Law 101–67)	−2	−2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101–73)	2,200	1,400	594
Allow Planting of Alternative Crops on Permitted Acreage (Public Law 101–81)	−10	−10	
Disaster Assistance Act of 1989 (Public Law 101–82)	502	504	
Total enacted this session	2,681	2,676	594
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
Energy and Water Development Appropriations (H.R. 2696)	18,625	11,254	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment for Foreign Service retirement	(146)	(146)	
Fishermen's guaranty fund	2	2	
Salaries of judges:			
Supreme Court	1	1	
U.S. Court of International Trade	1	1	
U.S. Court of Appeals	1	1	
Courts of Appeals	95	82	
Payment to judicial officers retirement fund	(4)	(4)	
Fees and expenses of witnesses	54	38	
Justice assistance (public safety officers benefits)	21	21	
Payment to the Central Intelligence Agency	155	155	

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Housing and other credit guaranty programs	45	31	
Guarantee reserve fund	720	720	
Firefighting:			
Forest Service	133	116	
Bureau of Land Management	75	75	
Bureau of Indian Affairs	26	26	
National Park Service	11	11	
U.S. Fish and Wildlife	3	3	
Range improvements	8	5	
BLM, miscellaneous trust funds	(1)	(1)	
Administration of territories	34	29	
Compact of free association	13	13	
Guaranteed student loans	3,651	3,046	
College housing loans	2	2	
Federal unemployment benefits and allowances (worker readjustment)	80	48	
Social Services block grant	2,700	2,565	
Payments to States for foster care and adoption assistance	1,297	942	
Rehabilitation services and handicapped research	1,726	1,329	
Vaccine improvement program trust fund	137	136	
Retirement pay and medical benefits for commissioned officers	101	97	
Medicaid	29,230	29,230	
Medical facilities guarantee and loan fund	21	18	
Payments to health care trust funds	(36,663)	(36,663)	
Advances to the unemployment trust fund	(81)	(81)	
Department of Labor, special benefits	231	229	
Black lung disability trust fund	694	673	
Federal payments to railroad retirement	1	1	
Special benefits for disabled coal miners	670	618	
Federal unemployment benefits and allowances (unemployment compensation)	209	209	
Supplemental security income	8,272	8,272	
Family support payments to States	9,092	9,092	
Payments to States for AFDC work programs	345	345	
Payments to social security trust funds	(192)	(192)	
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification and telephone revolving fund	355	355	
Conservation reserve program	1,731	897	
Dairy indemnity program	(1)	(1)	
Temporary emergency food assistance program	120	120	
Federal Crop Insurance Corporation	163	22	
Agricultural credit insurance fund	4,462	0	
Commodity Credit Corporation	(4,800)	0	
Payments to the farm credit system	88	88	
Rural housing insurance fund	2,678	0	
Rural communication development fund	2	1	
Rural development insurance fund	1,474	0	
Special milk program	18	12	
Cash and commodities for selected groups	40	40	
Food stamp program	13,970	13,119	
Child nutrition programs	4,798	4,052	
Nutrition assistance for Puerto Rico	937	925	
WAMATA interest payments	52	52	
Aircraft purchase loan guarantee program	(1)	(1)	
Coast Guard, retired pay	404	360	
Government payment for annuitants	3,780	3,304	
Special benefits (Postal Service payment)	37	37	
Compensation of the President	(1)	(1)	
FSLIC Resolution Fund	1,800	1,500	
Payment to civil service retirement	(5,296)	(5,296)	
Federal Housing Administration fund	350	0	
Veterans Administration:			
Insurance and indemnities	14	14	
Compensation	11,690	10,720	
Pensions	3,927	3,609	
Burial benefits	149	149	
Readjustment benefits	439	422	
Loan guaranty revolving fund	620	620	
Total entitlement authority	113,956	98,600	
VI. Adjustment for Economic and Technical Assumptions	−21,185	−19,263	
Total current level as of Sept. 22, 1989	887,126	911,226	1,060,294
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution			
Under budget resolution	442,274	253,974	5,206

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

R.E.M. BENEFIT

● Mr. FOWLER. Mr. President, last night the members of the rock band R.E.M., from Athens, GA, took time off in the middle of their Green World Tour to do a benefit reception for Greenpeace, the Environmental Defense Fund, the Nature Conservancy and the Natural Resources Defense Council at the Botanical Gardens here in Washington.

I know that all people who care about protecting the environment are excited about the growing awareness of these issues in this country and around the world.

This is not the first time we have experienced a revival of popular concern for clean air and water, for our inheritance of pristine wilderness and our heritage of plant and animal wildlife. But the environmental movement has never been as broad-based as it is today.

More people than ever understand that this is not a narrow interest, but—from global warming to groundwater contamination—represents a basic health issue for all people, even an economic imperative. It involves our most basic responsibilities of stewardship.

While we all sense that the momentum in this struggle is shifting in favor of maintaining the natural balances of our planet, we also know that there is much, much more left to be done.

R.E.M. has worked to turn this general environmental awareness into activism at the most personal, grass roots level—reaching the most important audience of all: our young people, literally by the millions.

It is no secret, as we put the era of James Watt and Ann Burford Gorsuch behind us, that America's youth has been lured by many false goals of wasteful materialism and irresponsible personal gratification.

That is why it is so rewarding and refreshing that the members of R.E.M. measure their success not only in platinum albums, but in the positive influence of their music on our people. That testifies to their genuine commitment as artists, and their outstanding character as citizens.

I am impressed by the sense of honesty and urgency they bring to their music and to the environmental causes they have made their own. In that sense, R.E.M. is a valuable role model for us all.

I would be remiss if I didn't add, also, that Michael Stipe, Bill Berry, Mike Mills, and Peter Buck reflect great credit on our State—and I am proud to represent them as Georgians. The same holds true for those who work behind the scenes, including the band's attorney, Bert Downs, and manager, Jefferson Holt.

It was my pleasure to take part in the R.E.M. benefit, and I am pleased, also, on this occasion, to have the opportunity to congratulate these fine young men on their musical success, and to thank them for their public service.●

A MODEL U.S. SENATOR

● Mr. LOTT. Mr. President, our esteemed colleague, the distinguished senior Senator from North Carolina, has been called many things by many people during his Senate career.

A recent opinion column in the Bismarck, ND, Tribune described Senator JESSE HELMS as "one of the few men left in Congress capable of honest, gut-felt outrage" and a "continuing inspiration and delight."

As a new Senator, I agree completely with this description, and I therefore ask to insert the column in the RECORD. It is entitled, "Feisty North Carolinian a Model U.S. Senator."

The column follows:

[From the Bismarck (ND) Tribune, Aug. 30, 1989]

FEISTY NORTH CAROLINIAN A MODEL U.S. SENATOR

(By Frederic Smith)

I do enjoy and admire U.S. Sen. Jesse Helms. In counting the ways, I find this has less to do with his political positions—although I invariably like these, too—than with the style of the man.

Helms is one of the few men left in Congress capable of honest, gut-felt outrage—as opposed to the theatrical, self-righteous kind that plays to some special-interest group or other. Second, Jesse's guts and gut feelings are in remarkable agreement with Joe Sixpack and the rest of that unpretentious and much imposed upon citizenry that goes by the name of the 'the silent majority.'

If Jesse is mad, it's probably over something that a whole lot of other people are mad about as well.

Third, the senator has always shown an admirable indifference to what the liberal press has had to say about him. Perhaps this is because he used to be in journalism himself, and knows that the pretensions of that calling to prescience and objectivity are largely the bunk.

Recently, Helms has been a convenient whipping boy for editorial opinion inflamed over something he "made" the Senate do: vote some sensible restrictions, at last, on awards made by the National Endowment for the Arts. Presumably, he also bears responsibility for a whack taken at the NEA on the House side earlier this summer, although it is hard to figure how.

To review, the NEA stuck $45,000 of our money into two ostentatiously offensive "art" exhibits. One, the crucifix in urine, was in Helms' state of North Carolina, where the whiff could not escape his notice. The other consisted of homoerotic photographs.

The House action was to cut a symbolic $45,000 off the NEA's $171 million appropriation for next year. (At .00026 percent, that makes quite a statement.) The Senate, at Helms' urging, upped the ante by shutting off NEA support of the offending museums for five years.

Imagine it—in the North Carolina instance, Jesse was actually bringing home the bacon in reverse, a profile in courage that gives us another reason to revere the man.

Again at his instigation, the Senate took the further step of forbidding future NEA funding of "obscene and indecent (works), including but not limited to" the most obvious smut, of which it provided examples.

The Senate's action, especially, has inspired the predictable bleats about "censorship," as well as self-serving effusions from the affected museums that expose, better than words of mine ever could, the smug mindset of our selfappointed, but tax-supported, cultural "elite."

Whining that his museum had only been "doing our job," one weasel described that job as "challenging people's way of looking and seeing and thinking about critical issues of art, culture and society."

It has been my experience that people who talk like this are usually those least willing or able to handle challenges to their own ideas and presumptions. Instead of entering into debate, they grab for and start waving the bloody shirt of "censorship." This is supposed to end the discussion.

But what does "censorship" amount to in this case, beyond the strings or conditions attached to every other kind of federal aid?

With a highway contractor, for instance, it is not enough that he be bonded and have an exemplary record in his business of building roads. He must also satisfy the Office of Economic Opportunity that, in his hiring practices, he not only does not discriminate against minorities, but actively tries to recruit them.

That college is "censored" that must field a girls' as well as boys' sports team or find its kids ineligible for guaranteed student loans. And so on, with every distribution of federal tax dollars you can name.

One of many existing strings at the NEA itself is that individual (as opposed to institutional) grants may go only to the previously published writer or previously exhibited artist. In a case I remember, the NEA—surely carrying coals to Newcastle—lavished $6,000 on Erica Jong, the novelist wife of a rich New York psychiatrist, so she could afford to take time off from painting her toenails to give the world the forgettable "Fear of Flying."

"It helped," she noted laconically, in the book credits. Meanwhile, how many aspiring novelists, who would have killed for that kind of windfall, were prevented by its lack from "challenging people's way of looking and seeing and thinking"?

The surprising answer: not a one. Despite the "censorship" of poverty, as reinforced by the NEA, real writers continue to find a way to pen and publish the necessary books. Similarly, I think we may feel confident—the market for smut being what it is—that dabblers in urine and other excrementa will find their niche without the participation of the American taxpayer.

That involuntary participation is all that Jesse Helms would withdraw. Unlike the college or highway contractor, the "artist" can go on without it, free as a bird. But it took Jesse Helms to remind us of the obvious.

Way to go, Jesse—you are a continuing inspiration and delight. May your tribe increase.

P.S. For the record, and contrary to a recent piece on this page, the senator is neither 'little' nor 'shabby,' being physically as well as senatorially quite large and at least as well dressed as, say, Sam Donaldson.●

MOREHOUSE SCHOOL OF MEDICINE'S SERVICE TO RURAL AND MINORITY COMMUNITIES

● Mr. FOWLER. Mr. President, I rise today to bring the attention of my colleagues in the Senate to the exceptional service rendered to my State and to our Nation by the Morehouse School of Medicine.

The Morehouse School of Medicine was founded to address one of our Nation's most severe health care problems, the shortage of physicians for minority, poor and rural communities.

Many rural and inner city communities in this country continue to have horrifying doctor-to-patient ratios, as low as one to 25,000. In more affluent areas the ratio is more like 1 doctor for every 250 people.

The shortage of physicians is particularly acute among minorities. Although some 12 percent of American citizens are black, less than 3 percent of all U.S. physicians are black.

The Morehouse School of Medicine, in its short history, has already taken great strides toward addressing these problems. The school got its start in 1975 under the direction of Dr. Louis Sullivan, now the Secretary of Health and Human Services appointed by President Bush. I have had the good fortune of being a friend to Dr. Sullivan for a long time, and I know he has earned all the honor and respect he is being accorded in his new position.

One of the most important accomplishments of the Morehouse School of Medicine in its early years has been its record of placing physicians where they are needed the most. Of the 78 practicing physicians who are MSM graduates, 68 have remained in Georgia. All 78 are practicing either in inner cities or rural areas. Twenty-five practice in rural areas and 53 in inner cities.

On October 8, James A. Goodman, Ph.D., will officially be installed as the second president of MSM, to succeed Dr. Sullivan. Dr. Goodman also has a very distinguished record of service to the city of Atlanta and to the Morehouse School of Medicine, where he has held important administrative positions under Dr. Sullivan since 1980. I know that Dr. Goodman will carry on the fine tradition established at Morehouse School of Medicine, including the exemplary record of service to poor and minority communities. That is an example I would like to challenge all our medical schools to follow.

I would also like to offer Dr. Goodman and the Morehouse School of Medicine my sincerest wishes for the continued success of this important institution.●

WILL HILL TANKERSLEY

● Mr. SHELBY. Mr. President, I would like to draw my colleagues' attention to an articulate letter written by one of my constituents and friends, Will Hill Tankersley. He eloquently expresses the outrage we all feel when one American becomes the victim of such senseless brutality.

I ask that this article be printed in the RECORD at this time.

The article follows:

[From the Montgomery (AL) Advertiser, Aug. 6, 1989]

U.S. MUST AVENGE MURDER OF COL. HIGGINS

Letter to the Editor:

The murder of Marine Lt. Col. William R. Higgins by pro-Iranian terrorists is a crime so brutal and senseless that it defies the comprehension of civilized people. Higgins was killed because he was a member of the United Nations peacekeeping force and because he was an American.

This terrible crime against one of our citizens must not go unavenged. Because it was committed in a distant country by foreigners who claim they are motivated by religion and nationalism doesn't make it less heinous or more acceptable. We cannot embrace the rationale for inactivity that discretion should be the better part of valor. But what can we do?

First we must realize that Lebanon, the place where the crime occurred, is a Syrian vassal state and Hafez Assad, the president of Syria, can bring the murderers to justice and force the release of the other hostages being held in Lebanon. We should demand that he do this and if he refuses we should take every action short of war to make things as unpleasant as possible for him.

The argument that this will turn Moslems against us is no justification for inaction. The entire world will lose respect for our country if we do nothing. Our credibility will be nonexistent and we simply can't afford that.

We cannot tolerate the murder of Americans on official business for their country. This is compounded by the fact that Lieutenant Colonel Higgins was on a U.N. mission to protect the peace in a troubled area of the world.

Kipling wrote a poem about an action taken by a platoon of native troops in the British Army a century ago in response to a terrorist sniper who killed their platoon leader from ambush. It is called "The Grave of the Hundred Head." It begins:

There is a widow in sleepy Chester
Who weeps for her only son;
There is a grave on the Pabeng River,
A grave that the Burmans shun;
And there is Subadar Prag Tewarri,
Who tells how the work was done.

After the 20 soldiers of the First Shikaris avenged their lieutenant in a highly visible manner designed to deter recidivism, I am confident that terrorists in the area were less than enthusiastic about blowing out the back of another British officer's head.

Any empathy for the fecal slime who call themselves The Organization of the Oppressed on Earth is inappropriate. By their actions, torturing and hanging Bill Higgins, they have forfeited the right to treatment normally afforded human beings.

In the Armed Services and other agencies of our government we have the best trained and most able people on earth to deliver a prompt, appropriate response. Such an action would impart a blinding flash of understanding to terrorist groups that the United States of America will take whatever action is required to uphold our honor and protect our citizens.

Like the Israelis, we should refuse to give in to terrorists and an immediate, violent response should be the certain result they can expect whenever they murder innocent Americans. There comes a time when talk and negotiation are no longer reasonable or appropriate. That time has come.

We have no alternative. We cannot be perceived as craven and ineffectual and be respected by friend or foe. Without respect, we can do little to make the world a better place to live in peace and freedom. The United States would become a toothless tiger, a laughingstock in the world community.

I'm convinced that this President of ours is going to take appropriate action. He will certainly be criticized for it by some; but I'm confident this will not deter him from doing what he believes to be necessary with the overwhelming support of the greater majority of Americans.

President Bush is wise, principled, fair and tough. I feel sure that he will respond convincingly to this outrage. Lay on, George, and soon!

WILL HILL TANKERSLEY.
MONTGOMERY.●

TRIBUTE TO CHRISTOPHER COLUMBUS HIGH SCHOOL IN MIAMI

● Mr. GRAHAM. Mr. President, today I rise to offer a tribute to an outstanding educational institution, Christopher Columbus High School in Miami.

As we approach Columbus Day, we know that the memory of this great explorer is honored every day at the high school that bears his name. Just as Christopher Columbus expanded our knowledge of the world, Christopher Columbus' namesake school in Miami has a tradition of expanding the mental, physical, and spiritual potential of future leaders.

This year marks the 30th anniversary of the arrival in Miami of the Marist Brothers who have operated Christopher Columbus High School. Since 1959, nearly 6,000 students have graduated from Columbus. Graduates have excelled in collegiate sports and academics, and many of them quickly assumed positions of responsibility in our community and throughout the Nation.

When Columbus opened its doors in September 1958, 150 students attended classes in the first year. This year, the senior graduating class will be twice that size of the original total enrollment. Columbus has been accredited and reaccredited by the Southern Association of Schools and Colleges.

Columbus has produced top athletes—swimmers, wrestlers, runners, football players, basketball players, and baseball players—and top scholars. They've won debate tournaments and science fairs. Columbus students have received appointments to our military academies. And, in perhaps one of the highest tributes to the commitment of the Columbus faculty, some students have dedicated their lives to religious work.

So this year, as we remember Christopher Columbus' place in history—his curiosity, his courage, and his navigational skills five centuries ago—we know that his spirit is still alive at Christopher Columbus High School in Miami. May its students, who are recipients of the gift of knowledge, continue to explore the galaxy, and work to shape a world that will make their teachers and their parents proud.●

IMPACT OF DRUGS ON OUR SOCIETY

● Mr. SIMON. Mr. President, every day we all become more familiar with the devastating impact of drugs on our society. The President's plan of attack in launching the war on drugs in this country, particularly through increased law enforcement, is no doubt a step in the right direction.

But we cannot let ourselves forget, that this war goes far beyond the battle at our borders. It also must be waged in every American town, against all of the forces that lead our young people to drugs by depriving them of hope and opportunity.

It is a little known secret that the programs conducted under the Job Training Partnership Act [JTPA] are an important source of ammunition in our battle against drugs. By providing education and job training to our disadvantaged youth, who without such skills and opportunities turn to drugs, we offer them new hope of leading a productive life.

It is time we recognized that "In the War Against Drugs, the Toughest Enemy May Be the Alienated Youth." This is the title of an article recently printed in the Wall Street Journal that tells the remarkable story of Robert Penn—a 17-year-old high school dropout and gang member who was the "'brain' of Omaha's crack business." It describes the incentives he had to get involved and remain in the drug trade, the violence of his lifestyle, and the terrible impact of drugs on him and his family.

Robert was one of thousands of American youth who grow up without hope, amid the devastation and violence of drugs. But Robert has been lucky enough to be offered a second chance at a productive life.

Through the administrative structure of the JTPA Program in Omaha, and the initiative of Ben Gray, a television producer in that city, Robert was placed in a job—a job that is teaching him to write copy, type, report, and handle the technical aspects of television production. He is also enrolled in a GED program.

Robert is now earning one-tenth of what he was making on the street, but it's the first time he has earned money where he didn't have to "look over [his] shoulder." The boy who used to aspire to be a gangster now thinks he may want to become a television producer instead.

Spreading stories like Robert's is what JTPA is all about. Robert may not be out of the woods yet, but he's been offered for the first time what every American youth deserves—a fair chance at a bright future.

The Job Training and Basic Skills Act of 1989, S. 543, strengthens JTPA to encourage service to young people like Robert, who have been deprived of hope, and more importantly, of real opportunity to pursue their potential.

Robert's story illustrates the positive impact of the promise of a job and job training opportunities in turning around the lives of young people trapped by drugs. For many, it is their first real opportunity to escape the violence in the streets. JTPA programs offer alienated youth new hope—by offering them the basic skills and training they need to get a job.

This story also serves as an example of what can happen when the public and private sectors work together in serving our disadvantaged youth. These cooperative arrangements must be encouraged because resources are scarce. JTPA is founded on the strength of public/partnerships, because we know they can work. Robert Penn is proof.

It must be a national priority to give youth like Robert, and all who want to work, the hope and the skills they need to look forward to a lifetime of productive work. S. 543 moves us in that direction.

Mr. President, I therefore, ask that the article from the September 8, 1989, Wall Street Journal entitled "In the War on Drugs, The Toughest Foe May Be the Alienated Youth" be printed in its entirety following my remarks.

The article follows:

[From the Wall Street Journal, Sept. 8, 1989]

STREET DEALERS—IN THE WAR ON DRUGS, TOUGHEST FOE, MAY BE THE ALIENATED YOUTH

(By Jane Mayer)

OMAHA, NE.—When Ben Gray set out to fight the drug infestation of Omaha by reclaiming a youth from the local gangs, the television producer looked for "the baddest one I could find."

He found Robert Penn, an articulate 17-year-old who was a self-described "brain" of Omaha's crack business—a $10 million-a-year enterprise that has brought unprecedented grief and violence to this heartland city.

"When you said gang in Omaha," says Carl Washington, a community activist whose boxing club for inner-city boys is one of the most successful alternatives for gang members, "what you meant was Robert Penn."

Until he began working for Mr. Gray last summer, Mr. Penn was part of a nationwide network of drug distributors loosely tied to the two major street gangs in Los Angeles, the Crips and the Bloods. Authorities believe that the most powerful members of these gangs deal directly with the international drug cartels, which supply them with cocaine and other narcotics.

The gang members in turn distribute the drugs through affiliates, who have spread from coast to coast in search of new markets and recruits. Members of the Crips and Bloods have been arrested for selling crack in 47 cities, and a recent Justice Department report says organized gangs now sell narcotics in every state.

A TASTE OF BEING INSIDE

The Bush administration has declared war on this spread of drugs, concentrating on beefed-up law enforcement. But many people think the chances of victory are slight unless the alienation of youths like Mr. Penn can be overcome.

Mr. Gray believes that "institutional racism and double standards" are what created the gang and drug problems, and that the Bush plan's emphasis on more law and order "has nothing to do with the problem, so won't make any difference." Rather, he thinks the problem is that "these kids feel locked out of the system." His solution is "to give them a taste of being inside."

So far, he has succeeded with Mr. Penn, though neither is willing to proclaim victory. With funding from both his Omaha television station and a federal job-training program, the producer has taught Mr. Penn how to type, write copy, report and handle the technical aspects of television production.

"The biggest moment for me," says Mr. Gray, was the day Mr. Penn opened his first weekly pay check for $122—roughly a tenth of what the teen-ager could make on a good day in the drug trade. "He looked at me and said, 'This is the first time I have ever got money without having to look over my shoulder,'" Mr. Gray recalls.

A QUALIFIED SUCCESS

Mr. Penn, who dropped out of 10th grade last year, plans to enter a high-school equivalency program this fall while continuing to work part-time at the television station, KETV. He also has some new ambitions, far from his dream as an eight-year-old, growing up in Omaha, to emulate the gangsters of yesteryear. "I'd kind of like to do what he does," he says, looking over at Mr. Gray.

Still, neither is sure that can happen. "I'd say Robert's chances of staying out of trouble are about 70-30," says Mr. Gray. "If he can stay out of the gangs, I think he'll be successful, if only because he's intelligent."

Mr. Penn says: "I can't say I'm not going to do anything bad again. It's going to be hard." New pressures loom. His girl-friend, Antonia Valentine, just had their baby girl. "It's mostly the money," he says, explaining the difficulty he faces in resisting a return to the drug business. "Even the little money I have now, I feel broke."

Mr. Gray wants Mr. Penn to provide an example for others. "What I had hoped, and it seems to be working partly, is that by helping a leader, a guy with charisma like Robert, the others would want to follow what he's doing." Since hiring the gang leader, Mr. Gray says, he has been inundated by calls from other Crips members who also want to get out and get employed. Unable to hire them himself, he refers them to local community groups.

NOT IN TOUCH

His experience makes Mr. Gray believe the Bush administration is "definitely not in touch with what is going on. What they need to do is to understand who these kids are and why they do what they do. Most of them don't want to be in it, but they feel they have no choice."

While Omaha is largely a comfortable middle-class community, its inner city is a vivid example of the environment that has nurtured the spread of the drug trade throughout the nation. Much of the black community, which constitutes about 15% of the city's 350,000 residents, is stuck in what educator and community activist Robert Faulkner, who grew up here, calls a "dead-end street," with virtually no middle class and no upward mobility.

Many of the city's minorities originally came in the 1940s to work in meat-packing plants and railroads. But most of the packing plants have folded, and the railroads cut back on laborers. Currently, 30% of the population is unemployed in the three census tracts that form the heart of the city's largely black and impoverished north side. For those on welfare, the median income is $5,400 a year. With legitimate employment opportunities scarce, hopelessness plentiful and little local organized crime as competition, Omaha became the perfect environment for selling crack.

Ask Mr. Penn. "This is the best city for selling dope," he says. Moving back and forth between here and Los Angeles, where he has relatives in the Crips, he helped establish the local crack trade, recruiting younger children to act as his lookouts, sellers, and couriers and equipping them with cellular phones, walkie-talkies and digital pagers.

"It's a business," says Los Angeles County Police Sgt. Wes McBride. "What they're doing is setting up distributional networks. Think of it as franchises."

When Los Angeles gang members first appeared in Omaha two years ago, "It was almost as if they were doing a marketing study," says John Pankonin, supervisor of the Federal Bureau of Investigation's Omaha office, who admits that his agents are now "just barely holding their own."

Within some 16 months, the city was facing what Rep. Peter Hoagland calls "a crisis," a multimillion-dollar cocaine trade with gang-dominated violence to match. Omaha police say they keep no records of gang-related crimes—a situation that critics say is part of a pattern of denial that initially let the city's guard down. But on one recent weekend of gang-related mayhem, Mr. Hoagland asserts, "three people were shot dead, and six more were wounded. It is the most serious law-enforcement problem to face Omaha in my lifetime."

LUCRATIVE TRADE

Omaha is a lucrative crack market, Mr. Penn says, because the relative lack of competition creates the potential for huge price markups. "You can take a $20 rock [of crack] in L.A. and sell it here for $100," he says. By the time he dropped out of school last year, believing it was "a waste of time," he was earning as much as $1,200 a day.

The lure of such financial rewards is almost impossible to counter, concedes the FBI's Mr. Pankonin. "It's very frustrating," he says. "What alternative have I got for them? What job have I got for a high-school dropout that will allow him to get up at noon and make $300 in the afternoon? I don't like to admit it, but they're pretty good capitalists."

In fact, many who work closely with the local gangs believe that they are siphoning off some of the smartest and most ambitious teenagers in the ghetto by offering them entrepreneurial opportunities they simply see nowhere else. "What's open to me?" is the way Mr. Penn puts it. "McDonald's and Burger King? I can't deal with that," he says with disgust.

Such rationalizations infuriate some of those in the community who are working to counter the drug and gang problem. Mike Walsh, the chairman of Union Pacific Railroad, who has spearheaded a vigorous local business effort to raise $700,000 over the summer to provide positive employment and recreational alternatives to Omaha's inner-city kids, calls such reasoning "a complete cop-out. It's no different than a stockbroker saying he can make a whole lot more money if he cheats."

"Don't tell me society won't give you a chance if you play it straight," he says. "In every fast-food business in this town there is employment." But it is exactly this kind of employment that the gang members are rejecting.

ON-THE-JOB TRAINING

Robert Armstrong, executive director of the Omaha Housing Authority, who has won a national reputation for his hard line against drug dealers in the public housing projects he manages, asserts, "the gangs are offering opportunities to people who are being left out of the mainstream. These are young people whom society has decided are incorrigible, without the self-discipline or skills to work in a legitimate business.

"What the gangs have done is taken these same individuals, and shown them how to conduct business—how to buy wholesale, sell retail, do inventory and keep profit margins," Mr. Armstrong says. "They also teach discipline—how to pay your bills on time. The gangs are willing to do what no one else is: Train these kids."

Certainly Mr. Penn sounds quite businesslike about his former trade. "I like math," he relates. "I sure did use it hustling. We had to weigh the dope, and if you didn't round it out, but weighed it to the very last fraction, you could make a whole lot of money."

He is equally matter-of-fact about the violence he used to guard his market share. At his mother's home, he says, he kept "a lot of guns."

"The people in L.A. taught me how to shoot," he says. "You know, if you don't shoot them, they're going to shoot you, so when I did it, I really didn't care. I just wanted to make sure that I did it right. I wasn't trying to scare people, I was trying to hurt them."

Asked if he killed anyone, Mr. Penn says only, "No comment."

"It never was fun though, hurting people," he says quietly. "My Dad told me that it's either them or you—and I just didn't want it to be me.

THE WOES OF SUCCESS

Sounding like some executives, Mr. Penn complains that the more successful he got, the worse his life grew. "The more money I got, the more out-of-control my life got," he says. By the time he reached the age of 16, graffiti were appearing on Omaha walls with his name crossed out, a promise from enemies to kill him. The police also were hot on his trail. "People don't realize that hustling's hard work. You got your police, and your enemies, and kids trying to take your dope. You're tense every day.

What was fun, evidently, was having the cash. He frittered most of it away very quickly, though. Afraid that it might be seized if he put it in a bank account, he stashed most of it with his grandmother, who he says "didn't like what I was doing, but she knew what I was up to." He says his mother knew too. He spent much of his drug proceeds buying furniture and a television set for his mother and paying off the family bills, a situation experts say is typical of the way otherwise law-abiding families get corrupted.

He also spent much of his drug proceeds on legal fees for both himself and his buddies in the gang, a situation he believes "bought my way out of jail."

What comes through is a picture of a young man struggling to be a bid shot. "All I wanted," he says, "was respect." He says he liked it when the younger kids would look up to him. "They were all asking my advice."

SENSE OF EMPOWERMENT

Rev. Elizabeth Beamis, executive director of the Methodist Ministries here, who works closely with the city's disadvantaged, stresses that the gangs are not just about money, or just about belonging, though both are big draws. "What they are really about," she asserts, "is giving kids a sense of empowerment."

She believes that many of the youngsters she has seen feel excluded from the dominant culture. "They are sophisticated, they realize that there is a two-tier economy, and that the haves are getting more every day."

Mr. Penn reflects both this sense of exclusion and a deep cynicism about the country, a mindset that gives him a little stake in its laws. He believes that his teachers "don't give a damn" about him and that the local police are corrupt, a charge Omaha authorities deny. He also has no faith in the political system.

"Politicians," he says, "I think they're the real gang members. Everyone knows that in this country money talks, and that politics is a money thing. It's the politicians who allow the drugs to come here. I mean if I can find the drugs why can't they?"

He also believes that those with enough money and influence are able to buy their way out of trouble. "You just get yourself a good lawyer, and you don't have to serve time," he says. To a certain extent, Mr. Penn's sponsor, Mr. Gray, agrees "These kids aren't dumb," he says, "they see it" when the Department of Housing and Urban Development has a scandal, "and no one goes to jail. They see it when the Reagan administration has more officials indicted than any other in history," and almost no one goes to jail. "Believe me, they notice it when Oliver North just does community work,"

"What I want is to be happy," Mr. Penn says, dreaming for a moment, "a big house, a pool, horses, satellite television—to see China, and Mexico—the American dream."

But he still sees himself as an outcast, just a step away from being an outlaw. "Society is set up so that black people can't get ahead," he says bitterly, "I'm not supposed to have the American dream and all that. I'm supposed to be in jail."●

THE STRUCTURAL IMPEDIMENTS INITIATIVE AND SECTION 301

● Mr. BAUCUS. Mr. President, I rise today to discuss the structural impediments initiative—the United States new initiative to open the Japanese market.

On May 25, the administration announced its plan to implement the Super 301 provision of the 1988 Trade Act.

In addition to naming Japan, India, and Brazil as the countries that the United States planned to focus its resources on over the next several months, the administration also launched the structural impediments initiative [SII].

The administration billed SII as an effort to address structural economic problems in the United States and Japan that contribute to the bilateral trade imbalance.

The United States will work to eliminate or at least lower various structural trade barriers, like the Japanese distribution system, price fixing and bid rigging, and vertical integration, which have hindered the efforts of United States companies to export to Japan. The United States is also interested in addressing some underlying economic problems, like the high Japanese savings rate and Japanese land policy.

The Japanese rightly responded that there were some economic problems in the United States, such as the United States budget deficit, that should be addressed as well.

When it was first announced, I applauded the structural impediments initiative. I have for sometime urged the administration to begin discussions with Japan to address these broader structural problems.

As the President's Advisory Committee on Trade Policy and Negotiations [ACTPN] noted earlier this year, these structural barriers may be blocking as much as $30 billion in U.S. exports annually.

If we are ever to eliminate the bilateral deficit with Japan, these structual barriers must be eliminated or at least sharply reduced.

Further, international pressure could help the United States address some of its own economic problems that hinder United States competitiveness in the Japanese market.

The negotiations began on September 4 in Tokyo. Unfortunately, there have been disturbing reports that the Japanese are less than committed to these negotiations. There have also been reports of inter-agency squabbles in the U.S. holding up the negotiations.

The United States and Japan have reached an agreement to conclude the SII in the summer of 1990. A mid-term report is due in March 1990.

These negotiations must succeed. In my view, they are the most important trade negotiations that the United States has ever entered into. The United States cannot continue to tolerate—either politically or economically—a $50 billion bilateral trade deficit with Japan.

I do not mean to understate the importance of the ongoing Uruguay round of GATT negotiations. The Uruguay round is also critical. If new rules are not forged on trade in agricultural products, trade in services, and protection of intellectual property, the entire multilateral trading system could break down.

But the Uruguay round is not focused on our most important trade policy challenge: opening the Japanese market. The rules that might be negotiated in the Uruguay round could greatly benefit the United States in other markets, but probably will not boost United States exports to Japan. The major problems in Japan—the distribution system, savings rates, land policy, et cetera—are not even on the agenda in the Uruguay round.

And if the imbalance with Japan is not addressed, the political coalition in support of free trade that has shaped United States trade policy since WWII will eventually unravel.

If free trade is to survive in the United States, the Japanese market must be opened. Experience has demonstrated that this is most likely to be achieved through bilateral negotiations.

I am willing to give the administration the leeway to pursue the SII on its own schedule. But if it doesn't work, we must prepare for the next step.

The next step, in my view is to employ the tools of the 1988 Trade Act—primarily an expanded and strengthened section 301 provision—to open the Japanese market.

Obviously, the broad economic problems, such as the high Japanese savings rate and Japanese land policy, cannot realistically be addressed through section 301. They can only be addresssed through broader economic discussions with Japan or through internally driven reform in Japan.

But some issues, such as the Japanese distribution system and exclusionary business practices, can be addressed under section 301. In fact, many of my colleagues intended the Super 301 provision to be used to address exactly these problems. It is even rumored that some in the administration proposed initiating section 301 cases on these problems in this year's round of Super 301 cases.

It would be premature to move legislation to require the administration to use section 301 in this manner until the SII is given some chance to succeed.

But if SII appears to be lagging, I plan to introduce legislation to require section 301 to be used against Japanese structural barriers should the SII fail. If the SII is not demonstrating results by next summer, I am confident this legislation will pass Congress.

On November 6 and 7, the days that the next round of SII discussions are scheduled to be held in the United States, I will hold a hearing of the International Trade Subcommittee to consider the SII. At this hearing, we will take testimony from a wide array of private sector and nongovernmental groups on the SII. Both the objectives for SII and measures that should be taken if it fails will be explored.

I believe this hearing will demonstrate the deep consensus within the U.S. private sector that these negotiations must succeed.

Personally, I fully support the efforts of all capable negotiators—S. Linn Williams, David Mulford, and Richard McCormack—to make SII succeed.

I hope that the administration and the Congress can continue to work cooperatively toward a solution to these vexing trade problems.●

TRIBUTE TO CYRUS COLTER

● Mr. SIMON. Mr. President, allow me to take this opportunity to recognize one of Illinois' most distinguished authors; a man who, in his lengthy career of public service, has also been known as a lawyer and an educator—Cyrus Colter.

Mr. Colter served for 24 years as a commissioner of the Illinois Commerce Commission and is a professor emeritus of African-American Studies and English at Northwestern University. He has also served on numerous boards that illustrate his love and dedication to the advancement of culture. Among these are the Chicago Historical Society, the Great Books Foundation, the Chicago Reporter, and the Chicago Symphony Orchestra.

His first published work, "The Beach Umbrella" won the Iowa School of Letters Award for Short Fiction. Since that auspicious start at age 60, Colter has continued to write brilliant works of literature. His novels and short stories examine the intensity of isolation and emptiness that affects lower middle-class black life. His award-winning works have been translated into German, Danish, Hungarian, Italian, and Japanese.

Last year, at the age of 79, Colter published "The Amoralists," a collection of short stories as well as the novel, "A Chocolate Soldier," and he shows no signs of slowing down.

In 1975, Colter was selected as one of People magazine's 12 All-American Professors and was invited to become a member of the board of directors of the Illinois Humanities Council. In 1977, the University of Illinois at Chicago conferred on him the honorary degree of doctors of letters.

On October 20, 1989, the Illinois Humanities Council will honor Mr. Colter with the formal presentation of its Public Humanities Award for his contributions to the academic and cultural wealth of Illinois and the United States. I would like to join the Illinois Humanities Council in recognizing Cyrus Colter's contributions and brilliance. He has helped enrich our culture and for this we should all be thankful. I ask my colleagues to join me in honoring Cyrus Colter.●

MARLON STARLING'S TITLE DEFENSE

● Mr. DODD. Mr. President, Thomas Wolfe maintained that "you can't go home again." But then, Thomas Wolfe was not among the 7,300 in attendance at the Hartford Civic Center on Friday, September 15. By successfully defending his World Boxing Council welterweight title against Yungkill Chung, Hartford's own Marlon Starling not only returned home, but did so in style.

Prior to his defense against Yungkill Chung, Mr. Starling's last bout in Hartford had been in June 1987, when he was a top contender in the welterweight class. In the time since, Mr. Starling has busied himself putting away opponents, and putting Hartford on the boxing map. He won the World Boxing Association welterweight title in August 1987, with an 11th round knockout of then-champion Mark Breland, in Columbia, SC. While he subsequently lost that title the following July to Thomas Molinares, he later bounced back to beat Lloyd Honeyghan for the World Boxing Council title. Overall, Starling has amassed a 45-5-1 record, with 27 knockouts.

Marlon Starling's performance on the 15th demonstrated why many in the boxing press are concluding that he is one of the decade's best fighters. Starling would block punches, duck out of range, and then land a few blows of his own. Yungkill Chung would bend, but would not break. The young Korean had, as his manager put it, "a tiger heart." Only Mr. Starling's skill and consistency allowed him to outpoint Chung to win a unanimous decision from the judges in the 12-round bout.

Mr. President, a boxing champion must continually prove his mettle against opponents if he is to remain a champion. Marlon Starling must face more tough opponents in the future, including WBA welterweight champ Mark Breland, and IBF welterweight champ Simon Brown. Win, lose, or draw however, the people of Hartford, Connecticut, are proud to claim Marlon Starling as one of our own.●

CONTINUING MENACE OF HATE CRIMES

● Mr. SIMON. Mr. President, I rise today to bring your attention to two tragic hate-related deaths that occurred this summer and to once again urge my colleagues to support the Hate Crimes Statistics Act, S. 419. This simple measure directs the Attorney General to acquire data about crimes motivated by hatred. At the present time this country does not compile national records on crimes which manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

The tragic deaths of Yusef Hawkins in New York City and Ming Hai Loo in North Carolina this summer indicate that hate-related violence may well be on the rise. Sixteen-year-old Yusef Hawkins was a black teen who was chased, shot, and killed by a mob of whites claiming Yusef was in "their neighborhood." Likewise, Ming Hai Loo, a 24-year-old Chinese man, was murdered by white men who thought he was Vietnamese. After being struck in the face with a butt of a pistol, Loo landed face first into a pile of glass as his attackers proclaimed they didn't like Vietnamese because their brother didn't come back from the war.

Although several people have been formally charged in both killings, the communities still echo with fear. Not only do hate crimes have an impact on individual victims, but they terrorize the entire community as well. A Chinese friend of Loo's questioned, "Why are we here? We came all this way to be killed? It's just not right."

These two tragedies were not the only incidents of hate crimes this summer. As reported in the New York

Times, a Rutgers University Jewish Student Center was desecrated by anti-Semitic and antiblack graffiti August 26. In another hate-related crime, letters packed with bacon scraps arrived at the homes of Jewish residents in the San Francisco area during the first half of this year. This prompted the B'nai B'rith's Anti-Defamation League director, Richard Hirschhaut, to announce "(N)ationwide our offices through mid-1989 are showing a rise in anti-Semitic vandalism."

While these tragedies demonstrate that hate violence is clearly widespread, without a national data base there is no adequate means to measure the true extent of the problem. S. 419 would give us this base and help law enforcement to devise strategies to combat these crimes.

I am confident that each of us wants the elimination of all criminal acts based on prejudicial motivations. We have the opportunity now to work toward this common goal as we move into the closing days of the session. I urge Members to sign on as cosponsors and work for the passage of the Hate Crimes Statistics Act.●

AMERICANS WITH DISABILITIES ACT OF 1989

● Mr. **GARN.** Mr. President, the Senate, just a few weeks ago, voted 76 to 8 on final passage of S. 933, the Americans with Disabilities Act of 1989. I was one of the eight voting against this legislation for reasons I will only briefly explain.

I am concerned that this bill goes too far in its attempt to establish a clear and comprehensive prohibition of discrimination on the basis of disability. In particular, I feel its impact on small business in some cases could be devastating.

I agree a strong effort needs to be made to address the needs of the disabled and the issue of discrimination against disabled individuals. However, I feel in addressing those needs and concerns Congress must also take into strong consideration the impact of such legislation on those entities being required to comply with antidiscrimination laws, which S. 933 does not adequately do.

In today's Idaho Post Register an interesting article appears which is written by Mrs. Sheila Olsen, a disabled mother of four, which expresses her concerns about S. 933. Mrs. Olsen is the 1989 National Multiple Sclerosis Mother of the Year. Mr. President, I ask that the full text of her article appear in the RECORD.

The article follows:

OPPOSITION TO DISABILITIES ACT OK

(By Sheila Olsen)

Things aren't always what they seem. Recently the U.S. Senate overwhelmingly passed the "Americans with Disabilities Act of 1989." If you are sympathetic to the needs of the disabled you are for it, right?

Only eight Senators voted against the legislation. Idaho's two Senators were among the eight! How can it be! Are Senators Jim McClure and Steve Symms against the disabled?

As one who knows something about the subject, I have more than a passing interest in this legislation. At the same time, as one who is concerned about freedom, I have an even greater concern about the glaring intervention of government in private business which this all brings about.

Make no mistake. I deeply appreciate the stated intent of this bill. As an active participant in the mainstream, and one who lacks the ability to take even a single unassisted step, I require accessibility. As a single parent with four children still in the family home, equal and fair treatment is in fact imperative. However, omnibus laws designed to fix a particular problem by mandating government-imposed solutions generally do not work. In fact, they often cause unanticipated problems—as this bill is sure to do.

After studying the bill, I am concerned about the uncompromising position taken regarding employment regardless of type of handicap and regardless of expense to the employer. I question the mandated absolute accessibility for the disabled again, regardless of the type of handicap and regardless of the expense to the employer.

There is a disturbing vagueness in the bill, particularly as it applies to hiring the mentally ill. There is an element of unfairness as applied to the instigating and financing of lawsuits and a punitive factor in the imposed penalties which could easily close a small business. I find a chilling quality in the unalurshed stated purpose of the act, "to ensure that the federal government plays a central role in enforcing the standards as established in this act—and to invoke the sweep of congressional authority.

Symms stated it frankly and his sentiment is supported by McClure: "This is a bad bill. It will stick the federal government right in the middle of small business and it won't accomplish its goal."

How then, is the goal to eliminate discrimination against the disabled to be accomplished? The true answer is to be found within individuals—not their government.

Based on my own personal experience, I have seen a growing awareness of the needs of the disabled. Frankly, the mandated accessibility in public facilities has served a good purpose. (Government has a proper role in enforcing regulations in government facilities.) Increased handicapped accessibility has led to increased handicapped use which has led to increased handicapped awareness. I believe this trend will continue as more handicapped people put themselves into the mainstream where their needs are more obvious.

There is a second consideration, and that is the importance of the disabled person to take responsibility for himself or herself. I do not presume to represent others who are disabled, but speaking as one who cannot walk, I don't require an act of Congress in order to function. When I know I will be in a situation that will be physically challenging, I simply figure out a way to meet it. I have arranged for "curb service" for everything from insurance consultation to signing income tax forms. The local business community is unfailingly helpful to me. I try to do my part by paying my bills promptly, and by not taking undue advantage.

In my considerable traveling, I am treated with courtesy and consideration. Our trip to Washington, DC., to receive the national "MS Mother of the Year" award from President Bush, was wonderful, and a case in point. My two-week stay spanned a wide variety of activities. Virtually every place was accessible including the White House, and when it wasn't, we always figured out a way to accommodate ourselves to the situation. This meant allowing myself to be scooped up and carried onto the Old Town Trolley for an enjoyable tour, scooting up and down the stairs on my rear in my sister-in-law's home where we stayed, taking an interesting back tour to reach the rest room in the Willard Hotel when I couldn't get through the door with my cart in the place next door.

I call them "adventures" and so do my children, who have learned not to be embarrassed by the "interesting" situations we often find ourselves in as we function in the mainstream.

I realize I am singularly blessed, and not all have shared in the advantages that I have. I know, too, that there is still more to do to make the world more accessible for the handicapped. But in every instance where I have been faced with a need and made a personal request, the business owner has made an accommodation—without an act of Congress.

There are many lessons to be learned from the challenges of life which we face. The first one is that everyone has their challenges. That's why Congress will never be able to pass laws fast enough or wisely enought to meet all our needs. Besides that, the obvious physical challenges are often the easiest ones to bear.

A second lesson has to do with attitude. I often call upon my children and others for physical assistance. But I do not need to burden them with the responsibility for my own sense of happiness or well being. We each should assume control over that part of our lives we are able to. Our attitude toward the challenges we face is exclusively ours to manage.

I have many blessings in my life, not the least of which are Idaho's two U.S. Senators who stand by the courage of their convictions, even as they support me in the courage to stand by mine.●

RUTH ALLMAN, TRUE PIONEER

● Mr. **MURKOWSKI.** Mr. President, on Wednesday, in Juneau, Alaskans will pay their final respects to one of our true pioneers, Ruth Coffin Allman, who passed away last week at the age of 84.

Ruth Allman, who we nicknamed "The Caretaker of Alaska's History," was the niece of Judge James Wickersham, Alaska's famous statesman, historian, judge, and our State's first Delegate to Congress.

Ruth dedicated her life to preserving and sharing Alaska's early history and the memory of the Judge for future generations. Alaskans will forever associate Ruth Allman with the House of Wickersham, in which she maintained the largest and finest collection of Alaskana, historical books, diaries, and documents dating back to the era when Russia owned Alaska.

For more than 25 years, Ruth welcomed tens of thousands of visitors from all over the world, and she made history come alive with her authentic stories of Alaska's history. A gracious hostess, a wonderful story teller, she was also known for her famous flaming sourdough waffles, which she served to visitors to the House of Wickersham.

Anyone who had the privilege of meeting Ruth Allman knew that they were meeting someone very special. Ruth was a remarkable woman who gave much of herself to her community and her State. She gave endlessly of her time and energy to any worthy cause or group. Young people, especially, got her attention and encouragement.

Ruth's contributions to her community touched and changed the lives of many Alaskans, and we will miss her.●

ORDER TO CONCURRENTLY RE-REFER S. 712 TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Order No. 228, S. 712, a bill to provide for a referendum on the political status of Puerto Rico, be concurrently re-referred to the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry, for the consideration of matters within their respective jurisdictions.

I further ask unanimous consent that if either of these committees has not reported the legislation to the Senate by the close of business on November 1, that the majority leader, after consultation with the Republican leader, be authorized to order the bill discharged from either or both of the committees which have failed to report the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mr. WILSON. We have no objection.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement is agreed to.

ORDER TO PLACE H.R. 1396 ON THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 1396, the International Securities Enforcement Cooperation Act of 1989, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is ordered.

RELOCATION OF CERTAIN FACILITIES AT THE GATEWAY NATIONAL RECREATION AREA IN SANDY HOOK, NJ

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2835, a bill providing for the relocation of certain facilities at the Gateway National Recreation Area in Sandy Hook NJ.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2835) to provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, NJ., and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I rise in support of H.R. 2835, a bill to provide for the relocation and reconstruction of facilities at the Sandy Hook unit of Gateway National Recreation Area. It is important that H.R. 2835 be passed today to allow for the reconstruction of the National Oceanic and Atmospheric Administration's Marine Science Laboratory at Sandy Hook.

In September 1985, the Sandy Hook National Marine Fisheries Laboratory was destroyed by fire. Thereafter, the Department of Commerce actively dicussed moving the NOAA lab to another State. However, because of the facility's importance to New Jersey and the Mid-Atlantic region, I offered an amendment barring the relocation of the facility. The State of New Jersey was given time to develop a proposal to work with NOAA in rebuilding the facility.

The New Jersey NOAA lab conducts scientific research on pollution in the New York Bight area and monitors the effects of sewerage sludge disposal and dredge spoil disposal in the Atlantic Ocean.

Planning has been underway among the Department of the Interior, Department of Commerce, the U.S. Coast Guard, and the State of New Jersey to rebuild the lab. All parties are prepared to move ahead. This bill will allow for the initial transfer of lands between the Coast Guard and the Park Service for the immediate construction of the lab.

Mr. President, the Transportation appropriations bill contains the same provision as H.R. 2835. The transfer of land at Sandy Hook is beneficial to all parties involved. The NOAA facility is an asset to New Jersey and the Mid-Atlantic region. For these reasons, I urge my colleagues to support this bill.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time and passed.

So the bill (H.R. 2835) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE CLERK TO STRIKE CERTAIN LANGUAGE OF A SENATE AMENDMENT TO THE SENATE-REPORTED TRANSPORTATION APPROPRIATIONS BILL, H.R. 3015

Mr. MITCHELL. Mr. President, I ask unanimous consent that the clerk be authorized to strike the language of a Senate amendment to the Senate-reported transportation appropriations bill, H.R. 3015, on page 11, line 21 through page 12, line 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I believe it necessary to explain the action just taken. The language of H.R. 2835, which the Senate has just passed, is identical to the provision in the Transportation appropriations bill. The movers of the language wanted to eliminate the duplicate action of the Senate, thereby the need to strike the language in the appropriations bill.

CHILDREN WITH DISABILITIES TEMPORARY CARE REAUTHORIZATION ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 243, S. 1454, a bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1454) to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, S. 1454, the Children with Disabilities Temporary Care Reauthorization Act of 1989, provides important services to families with disabled children.

I am pleased to have both Senator COATS and Senator HARKIN as original cosponsors and to have the full support of the members of the Committee on Labor and Human Resources for this legislation.

Children with special, often unremitting, needs place exceptional demands upon even the best situated parents. As a consequence, it is reported that at least 25 percent of child abuse cases involve children with disabilities. Support services for parents with disabled children, including intermittent respite care, are both essential and cost-effective.

Federal funds were first authorized in 1986 to encourage the States to develop demonstration programs to provide temporary nursery care. Testimony before the House this year indicated that over 30 percent of families using these services would not have been able to cope had respite care been unavailable.

In the State of Connecticut, these funds have resulted in three such respite programs known as "Time Out for Parents" or TOPS. Together, with six other therapeutic child care programs, a total of 500 children receive care ranging from full-time to several hours per week. As valuable as these services are, the State administrator has told my staff that the current programs are able to reach only one-fourth of the children needing such assistance in Connecticut.

The current reauthorization extends the demonstration funds to provide nonmedical child care and referral and support services for disabled children and children at risk for abuse. The eligibility definitions are broadened and evaluations of existing programs are required, along with directives to improve State coordination of respite care services.

Respite care helps preserve families and prevent child abuse. In its absence the alternative is often institutionalization, which is less desirable for the child and more expensive for the State. The fiscal year 1988 Federal share of Medicaid payments to States for institutional care for the Mentally Retarded Program alone was $3.3 billion.

Clearly then, this legislation is as enlightened as it is cost-effective.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 246, H.R. 2088, the House-companion bill; that all after the enacting clause be stricken; that the text of S. 1454 be inserted in lieu thereof; that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2088) was passed.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1454 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow, Wednesday, September 27, 1989, and that following the time for the two leaders there be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. MITCHELL. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is H.R. 3015, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990.

The Senate resumed consideration of the bill.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m., Wednesday, September 27, 1989.

Mr. WILSON. Mr. President, I thank my friend. We have no further business.

There being no objection, the Senate, at 11:29 p.m., recessed until Wednesday, September 27, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1989:

UNITED NATIONS

PEARL BAILEY, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF THE TREASURY

CATALIN VASQUEZ VILLALPANDO, OF TEXAS, TO BE TREASURER OF THE UNITED STATES, VICE KATHERINE D. ORTEGA, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE TERM EXPIRING APRIL 27, 1995, VICE ELLIOT ROSS BUCKLEY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE [ANGUS] IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

MEDICAL CORPS

To be lieutenant colonel

JAMES O. ARMACOST, [redacted] 8/16/89.
WALTER F. ERSTON, [redacted] 2/5/89.
ANDREW NEWMAN, [redacted], 3-18-89.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RAY A. BOOSINGER, [redacted] 5/6/89.
MAJ. TIMOTHY R. CAMPBELL, [redacted] 5/6/89.
MAJ. ROSARIO J. CIRINCIONE, [redacted] 6/3/89.
MAJ. CRAIG L. JOHNSON, [redacted] 5/7/89.
MAJ. PAUL C. MERCREADY, [redacted] 6/2/89.
MAJ. JACK A. RYCHECKY, [redacted] 5/12/89.
MAJ. JOSEPH C. SMITH, [redacted] 6/3/89.
MAJ. WILLIAM M. WHITTAKER, JR., [redacted] 6/20/89.

CHAPLAIN CORPS

MAJ. DONALD D. REEVES, [redacted] 5/5/89.

MEDICAL CORPS

MAJ. MICHAEL E. FREEMAN, [redacted] 6/10/89.
MAJ. KENNETH D. WOODS, [redacted] 5/20/89.

DENTAL CORPS

MAJ. ERNEST C. FLETCHER, [redacted] 6/16/89.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

ROBERT E. APPLE, JR, [redacted]
ALFREDO J. ARGUEDAS, [redacted]
JAMES M. ASHLEY, [redacted]
JOHN B. ATKINSON, [redacted]
DENNIS R. BAIR, [redacted]
RICHARD A. BANDLOW, [redacted]
PAUL R. BARLOCK, [redacted]
PAUL E. BECKHART, [redacted]
RICHARD G. BEIL, JR, [redacted]
WAYNE T. BELL, [redacted]
MICHAEL A. BELLOVICH, [redacted]
CHARLES H. BENDIG, III, [redacted]
PETER W. BLOOM, [redacted]
HARVEY L. BORDEN, [redacted]
ROBERT W. BOREK, JR, [redacted]
WILLIAM H. BOWERS, [redacted]
FERGUS P. BRIGGS, [redacted]
DAVID G. BROWN, [redacted]
RANDALL V. BRUMBAUGH, [redacted]
WILLIAM H. BUCKLEY, [redacted]
MARK A. BULTEMEIER, [redacted]
WILLIAM Y. CADWALLADER, JR, [redacted]
JAMES K. CAMPBELL, JR, [redacted]
JOHN F. CAMPBELL, [redacted]
MARK F. CANCIAN, [redacted]
KINNEY W. CARDER, [redacted]
DAVID L. CARMICHAEL, [redacted]
LAWRENCE E. CARR, III, [redacted]
JERE J. CARROLL, [redacted]
LUTHER F. CARTER, [redacted]
LARRY L. CHAPMAN, [redacted]
JOHN G. CHASE, JR, [redacted]
BRUCE B. CHEEVER, II, [redacted]
THOMAS E. CHUCK, [redacted]
THOMAS M. CLARK, [redacted]
JAMES P. COLLERY, [redacted]
WILLIAM F. COLLOPY, [redacted]
MARTIN J. CONRAD, [redacted]
SUZAN A. COX, [redacted]
WALTER M. CREECH, [redacted]
REBER P. CRIBB, JR, [redacted]
VICTOR T. CRONAUER, [redacted]
JOHN A. CROSS, [redacted]

THOMAS J. CUMMINS, [redacted]
CHARLES H. CURETON, [redacted]
DAVID A. DEARBORN, [redacted]
RAYMOND J. DECKER, JR., [redacted]
WILLIAM F. DEGAN, JR., [redacted]
CARL W. DEGEN, JR., [redacted]
CLYDE D. DELOACH, [redacted]
PHILIP A. DETERESI, [redacted]
JOHN J. DICKS, [redacted]
PAUL E. DOHRING, [redacted]
ROBERT S. DONAGHUE, [redacted]
RUSSEL L. DRYLIE, [redacted]
STEVE A. EDDINGTON, [redacted]
JACK R. EVANS, [redacted]
DANIEL C. FARINA, [redacted]
STEPHEN T. FISHER, [redacted]
HENRY A. GALLOWAY, III, [redacted]
FREDERICK S. GALLUP, III, [redacted]
EDUARDO GALVAN, [redacted]
JOHN R. GAUMER, JR., [redacted]
THOMAS L. GHARST, [redacted]
MARK A. GISH, [redacted]
LAWRENCE D. GONZALES, [redacted]
LAWRENCE D. GOTT, [redacted]
CHADLEE C. GRABOW, [redacted]
GARY N. GRAVES, [redacted]
WILLIAM L. GRIGGS, [redacted]
RONALD G. GUILLIAMS, [redacted]
DARRELL F. HALSE, [redacted]
BARBARA E. HAMANN, [redacted]
KENNETH D. HANKINS, [redacted]
JACK L. HARELAND, [redacted]
JOHN A. HARP, [redacted]
DOUGLAS M. HARRISON, [redacted]
LOUETA S. HAUBER, [redacted]
DAVID P. HEIDENTHAL, [redacted]
RONALD L. HERDA, [redacted]
KENNETH F. HERRINGTON, III, [redacted]
MICHAEL J. HIRSH, [redacted]
MICHAEL J. HOBAN, [redacted]
COLLIS A. HOLLOWAY, [redacted]
STANLEY C. HORTON, [redacted]
ARTHUR J. HOWARD, JR., [redacted]
LEONARD M. HOWARD, [redacted]
JAMES A. HUMENIK, [redacted]
RALPH H. HUNSINGER, JR., [redacted]
PATRICIA M. HURST, [redacted]
ROBERT G. INGOLD, [redacted]
CHARLES H. JACKSON, [redacted]
MICHAEL G. JACKSON, [redacted]
JEFFREY D. JEFFRIES, [redacted]
ADAM G. JETT, JR., [redacted]
FRANCIS A. JOHNSON, III, [redacted]
LARRY W. JONES, [redacted]
ALICE M. JORALEMON, [redacted]
DARRYL F. KEANE, [redacted]
ROBERT E. KENNEY, [redacted]
JOSEPH KERKE, [redacted]
HERBERT R. KNOWLTON, JR., [redacted]
WILLIAM J. KOEHLE, [redacted]
RICHARD E. KREMER, JR., [redacted]
PAUL R. KROEGER, [redacted]
GEORGE C. LAKE, III, [redacted]
ALAN R. LAMB, [redacted]
JAMES M. LANAHAN, [redacted]
ROGER A. LANGE, [redacted]
CHARLES P. LATTIMORE, JR., [redacted]
ROBERT E. LEDEE, [redacted]
GAINES T. LEE, [redacted]
ROBERT B. LOUGHLIN, JR., [redacted]
FREDERIC A. MADENWALD, [redacted]
WESLEY F. MAY, III, [redacted]
JOHN M. MCAFEE, [redacted]
ROBERT F. MCCULLOUGH, [redacted]
FRANCIS L. MCDONALD, [redacted]
CRAIG A. MCDOUGALL, [redacted]
ALAN G. MCGUIRE, [redacted]
JAMES R. MCINTOSH, [redacted]
JOHN W. MCLEOD, [redacted]
BRIAN G. MCMULLEN, [redacted]
ALBERT J. MCNAMARA, [redacted]
DANIEL W. MCSPADDEN, [redacted]
JAMES M. MCWALTERS, [redacted]
MICHAEL W. MENEFEE, [redacted]
GENE MENKE, [redacted]
NORMAN J. MOLTER, [redacted]
ROBERT V. MONFORT, [redacted]
STEVEN C. MORGAN, [redacted]
MICHAEL H. MOSLEY, [redacted]
RAMON C. NUNEZ, [redacted]
DAVID W. ORR, [redacted]
JACK E. OWEN, JR., [redacted]
DALE M. PAPWORTH, [redacted]
JOSEPH E. PARSONS, [redacted]
THOMAS G. PAYNE, [redacted]
ROBERT C. PEITHMAN, [redacted]
STEPHEN F. PENNY, [redacted]
HIRAM M. PERKINS, [redacted]
FREDERICK A. PETERSON, III, [redacted]
JERROLD B. PETERSON, [redacted]
RICHARD F. PIASECKI, [redacted]
JAMES W. PIGGOTT, [redacted]
GARY L. POLITES, [redacted]
KATHLEEN J. POTTHOFF, [redacted]
ROBERT P. RACLAW, [redacted]
RONALD E. RANDOLPH, [redacted]
DAVID A. RAPER, [redacted]
CARL E. RATH, [redacted]
STEVEN B. RAY, [redacted]
LYNDA C. REARICK, [redacted]
DAVID R. REEVES, [redacted]
STEPHEN M. RICH, [redacted]
THEODORE RILEY, [redacted]
DAVID J. ROBERTS, [redacted]
SCOTT ROBERTSON, [redacted]
ROGER L. ROUSSEAU, [redacted]
CHARLES H. RUCKS, [redacted]
RONALD W. RUESCHER, [redacted]
FRANCIS X. RYAN, [redacted]
JOHN H. SANBORN, JR., [redacted]
JOHN T. SARGENT, [redacted]
CHARLES D. SAVAGE, [redacted]
SYLVIA M. SCHMITZ, [redacted]
STEPHEN K. SEIDL, [redacted]
JOHN N. SHARBEL, [redacted]
LARRY V. SHEPHERD, [redacted]
JOHN F. SHERMAN, [redacted]
THOMAS C. SHOGER, [redacted]
DON SMART, [redacted]
STEPHEN L. SMITH, [redacted]
TOM W. SMITH, JR., [redacted]
WALTER L. SMITH, [redacted]
HARRY J. STASZEWSKI, JR., [redacted]
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JOHN C. SWANSON, [redacted]
KENNETH W. TARRANT, JR., [redacted]
ROBERT J. THEUS, JR., [redacted]
JAMES L. TOMCZYK, [redacted]
STEPHEN P. TOTH, [redacted]
MELVIN O. TURNER, [redacted]
ELLEN J. UGUCCIONI, [redacted]
MICHAEL C. URENOVICH, [redacted]
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WILLIAM R. VICKERS, JR., [redacted]
JAMES C. WAGNER, [redacted]
THOMAS C. WAGNER, II, [redacted]
DAVID L. WARE, [redacted]
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CORNELL A. WILSON, JR., [redacted]
GARY E. WOLFE, [redacted]
JOHNITA C. WOOD, [redacted]
JOHN M. YOUNG, [redacted]

EXTENSIONS OF REMARKS

FREEDOM OF CONSCIENCE FOR ALL SOVIET CITIZENS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. PORTER. Mr. Speaker, on Wednesday, September 20, the Congressional Human Rights Caucus held a briefing to discuss the proposed Law of Conscience which the Supreme Soviet is scheduled to consider during their current session. Our purpose was to assess the current status of religious freedom for all believers in the Soviet Union and to determine how this new proposed law will affect that fundamental human right.

At this time, I would like to submit for the RECORD, testimony given by Pamela B. Cohen, national president of the Union of Councils for Soviet Jews. Ms. Cohen's remarks provide a good basis on which to judge this proposed law and gives an excellent update on the status of religious worship for Jews inside the Soviet Union.

THE STATE OF JEWISH RELIGION AND CULTURE IN THE SOVIET UNION

(Remarks of Pamela Braun Cohen, National President, Union of Councils for Soviet Jews)

Co-Chairs Porter and Lantos, and other distinguished Members of Congress: On behalf of the Union of Councils for Soviet Jews, I want to thank the Congressional Human Rights Caucus for holding this important briefing and shining the spotlight of Congressional scrutiny on this vital issue.

It is said that laws will be introduced and debated in the next session of the Supreme Soviet and the Congress of Peoples' Deputies that would reform and democratize basic human rights and freedoms in the Soviet Union, including emigration, expression, thought, press, and religious conscience. All of these have long been matters of priority concern to the United States Congress in general, and particularly to the members of the Congressional Human Rights Caucus. They are of paramount concern to Soviet Jews, Pentacostals, and other religious believers in the Soviet Union.

Today's briefing has focused on the draft of the proposed new Soviet law regarding religion and freedom of conscience. The threshold question, of course, is whether or not such a law will be enacted in today's Soviet Union. Equally important, however, is to understand the context for such legislation: the conditions of Soviet society that make institutional reform so vital, and its implementation the acid test of true reform.

I am therefore pleased to respond to your request for information on the state of Jewish religion and culture in the Soviet Union.

Like the more than half-million evangelical Pentacostals, and unlike most of the other 100 or so ethnic nationality groups in the USSR, Soviet Jews have been singled out for religious and cultural persecution since the Bolshevik Revolution. They have been the target of the government's virulent policy of anti-Semitism. And absent geographical and political representation, Jews do not have either resource as a unifying base to conduct an adequate defense.

Religious believers in the USSR share a history of religious persecution. They also share a common concern that only institutionalized reform of the laws on freedom of religion, conscience, and emigration will prevent anti-reform elements from reversing even the slight progress that has recently been observed.

The last 70 years of Soviet rule have been characterized by an unremitting governmental onslaught on Jewish culture and religion amounting to an attempted, and nearly successful, cultural genocide. A succession of hammer blows annihilated all but traces of Jewish life in the Soviet Union. Jewish religious activity was suppressed, institutions closed, religious and cultural leaders arrested, Jewish self-expression denied. That a spark of Jewish consciousness and tradition remains alive today in the Soviet Union is a near miracle.

Jewish tradition, education, self-definition and regularized institutional contact with the world Jewish community were ripped from Russian Jewry, leaving from defenseless against the government's anti-Semitic policy; defenseless to pass Jewish identity to succeeding generations; defenseless to form a community.

The current situation reflects some progress. The Soviet policy of "cultural autonomy" was adopted at the 19th All-Union Party Conference in the summer of 1988. It provided * * * "Ethnic groups that have no (national) territories should be granted their national cultural needs . . . and to satisfy their religious requirements * * *"

However, such "autonomy" has not been officially extended to Jews, and positive changes have affected only the surface of the Jewish community, i.e., those few Soviet Jews who have already developed Jewish consciousness.

Let me give you some examples:

1. Official persecution of Jewish Hebrew teachers and leaders of the religious movement has abated.

2. A slight move toward normalized relations between Western and Soviet Jews results from a greater toleration by Soviet authorities to permit some rabbis, Jewish educators, and Jewish organizations to travel to the Soviet Union.

As example, through the efforts of UCSJ Vice President David Waksberg, a cultural exchange provided Jewish folk singer Shlomo Carlebach the opportunity this month to reach nearly 50,000 Soviet Jews in concerts resulting in a staggeringly enthusiastic series of historic performances.

However, David Waksberg, its organizer, was denied a visa to the USSR to accompany the 25 person troupe.

3. There has been reduced interference with the delivery of Jewish cultural and religious books sent from abroad to individuals in the Soviet Union.

But, despite limited and superficial progress, Soviet Jewish activists report that full, independent religious and cultural expression for Jews remains distant at best. Many activists question whether the Soviet authorities will ever tolerate Jewish life to flourish on Soviet soil. Recent events do not seem to reflect fits and starts of a government trying to respond to the religious and cultural requirements of its Jewish national/ethnic minority. Rather, they reveal a complicated and convoluted effort to view Jewish life through the prism of Soviet objectives.

1. For the Soviet Union's two and a half to three million Jews, there are only about 85 active synagogues. For Moscow's 250,000 Jews, there exists only the Moscow Choral Synagogue and the Marina Roshad Synagogue. Rabbi Adolph Shayevitz of the Choral Synagogue is a member of the infamous Anti-Zionist Committee, the Soviet-appointed organization which is the mouthpiece of the government's anti-Semitic policy. For Leningrad's 120,000 Jews, there is one synagogue. To our knowledge, almost no new synagogues have opened in the USSR in the last quarter of a century.

2. Recent openings of showpiece institutions, such as the Mikhoels Jewish Cultural Center and the Steinsaltz Yeshiva in Moscow, were established as concessions to Western Jewish leaders, not the just demands of independent Soviet Jews. While the officially sanctioned Steinsaltz Yeshiva had made a fair start, authorities permit only 32 full time students. On September 14, 1989, a member of the Moscow City Council informed the Yeshiva's teachers and students that they had to vacate the building by October 1. They were told they had to find a new space, a difficult task since the government controls the assignment of all space in the Soviet Union. Vladimir Dashevsky, head of the Machanayim religious community, said that they had just begun a new semester, and with the High Holy Days imminent, their evacuation presented a major problem.

The Mikhoels Center has become the center of a political struggle between the authorities, it's director, the World Jewish Congress, and the independent and unofficial Jewish Cultural Association (JCA) representing Jewish cultural activists. It presently offers little resources to the Jewish population.

The ultra-orthodox Chabad Jewish movement has established Yeshivoth in Moscow and Leningrad, which are tolerated.

3. While authorities have made token concessions to high profile Western Jewish leaders for cultural and religious activity in the RSFSR, the Ukraine, and other Soviet republics, there has been virtually no movement to give official status to groups representing the independent Jewish cultural or religious movement in the USSR.

With one notable exception: this week we learned that the Leningrad Jewish Cultural Association has been officially recognized. Yet other groups such as Machanayim, the grassroots independent group representing the interests of religious or observant Jews, and the Moscow-based Jewish Cultural Association, the grassroots umbrella organization for the cultural movement throughout

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Soviet Union, have not been registered, despite repeated attempts for more than a year. Without registration, they cannot officially rent meeting halls, collect donations, hold bank accounts, or develop cultural joint ventures.

4. The issue of registration is the inevitable consequence of any discussion of objectives and strategy in the areas of Jewish culture and religion. Jewish culturalist Roman Spector, in an interview in "Strana i Mir" No. 5 (47) states:

". . . There is a general deficit of our cultural movement. After our * * * cultural elite were executed in 1952, we were deprived of all social forms of existence, of all cultural-educational institutes * * *. Our main goal today is to legalize ourselves, to receive a guarantee of the reestablishment of the cultural-educational institutes—so that Jews are raised to the same level as the other small nationalities in the USSR."

5. The registration requirement, provided by the 1929 Law on Religious Associations and its 1975 Amendment, confers legal status rather than a simple recognition of a religious community's right to exist. Without registration, official sanction of religious or cultural associations is non-existent, relegating their participants into the more shadowy category of government "tolerance," not authorization. It is important to note that neither the second nor third draft of the Freedom of Conscience document eliminates the registration requirement of 1929.

In the Baltics, where the movement toward greater independence from Moscow is strong, there has been greater freedom for the development of Jewish cultural activities. Independent cultural societies are being registered and are legally conducting Jewish cultural events, Hebrew classes, and seminars. Jewish religious communities, having been officially registered, are operating legally.

Throughout all the other provinces, however, the hunger for Jewish knowledge and national self-identity has led to the emergence of modest groups, often weak and terrified by rising popular anti-Semitism fueled with the toleration of the state. Many of these groups are afraid of having any connection with Israel, fearing official accusation of being represented as agents of the "international Zionist conspiracy," a modern equivalent of the old "cosmopolitanism" accusation of Stalin.

6. Authorities have created a policy of parallelism to control the development of Jewish cultural activity. Government support for groups led by Anti-Zionist Committee members or "official" Jews representing government interests reveals official attempts to control cultural and religious development. In an attempt to replace the JCA, for instance, authorities artificially created in Moscow, the group "Friends of Soviet Jewish Culture" under the direction of such personalities as Victor Magidson, a member of the Anti-Zionist Committee. Another government Jewish cultural creation was organized under the leadership of Lev Shapiro.

For example: In "Argumenti I Fakty" on February 11, 1989, just prior to the opening of the Mikhoel's Center, the chairman of the Anti-Zionist Committee, David Dragunsky, was quoted, as follows:

"There are two tendencies in the development of Jewish culture in the USSR. The first is characterized by the growing aspiration of the people to preserve the cultural individuality of its people * * *.

The other * * * is the attempt of some people pretending to be developing Jewish culture, but in fact, they are carrying ideological work among the Jewish population of our country orienting them to emigrate. * * * Thus, recently the groups of "Jewish activists" in Moscow and other cities who are being supported by foreign Zionist centers, are trying to use all the possible means for their legalization and pro-Zionist activities within the frame of Jewish cultural societies being opened in the USSR."

This article was published for the benefit of Soviet readers.

7. Contrary to published claims, the Anti-Zionist Committee, established under Yuri Andropov and known for its vicious attacks against the Jewish religion and State, has not been disbanded. The Soviets continue to use anti-Zionism as a convenient, less blatant, "cover" for anti-Semitism.

8. While Chabad did receive a one-time only permission to print a limited edition of the Tania, a religious text, there is no officially sanctioned printing, publishing or disseminating of Jewish books, religious materials, and ritual items.

9. The absence of sanctioned publishing enterprises for religious and cultural literature places more urgency on the independent cultural movement to produce unofficial or samizdat publications. The lack of official registration for these self-published publication enterprises relegates both to the status of government toleration at best, and maintains the vulnerability and potential danger inherent in samizdat activity across the board.

10. There is no systematic program for rabbinic training, nor for the training of mohelim (Jews who can perform ritual circumcision) and shochtim (ritual slaughters for the production of kosher meats), who are terribly limited. There is one shoichet in Moscow who is also a mohel. He is 77 years old. However, in relative terms there has been a quantum leap in requests for kosher food. The demand for ritual circumcision on the eighth day after birth, as required under Jewish law, is far greater than the ability to accommodate.

11. The state-sanctioned anti-Semitic discrimination policy in major universities and professions in the Soviet Union continues.

As we look to the future for Soviet Jews, it must be emphasized that the issues of religious and cultural freedom, and the history of state-sponsored and popular Russian anti-Semitism, merge into a single, inseparable problem. How Gorbachev deals with anti-Semitism and demands for the establishment of independent Jewish culture, or fails to do so, is central not only to resolving his nationalities problems, but also to the credibility of promised reforms in the area of freedom of conscience and religion.

In its depiction of the status of Soviet Jews, updated this past May, the Department of State has confirmed what the news media are only now beginning to report, and what the Union of Councils has been reporting for more than a year: As "government harassment of Jewish religious and cultural activities has abated" under Glasnost, "widespread anti-Semitic discrimination is still encountered at the lower levels of government bureaucracy throughout the Soviet Union, and in the general Russian populace. This type of anti-Semitism has increased markedly in the context of Glasnost * * *."

In addition, the State Department notes the irony that groups such as Pamyat "today appear to have picked up—but at a more intense level—the anti-Semitism that the Soviet government" policy seems lately to be down-playing. Thus, "many Jews in the USSR today have reason to fear not only that the fall of Gorbachev and the reformers allied with him would bring back the kind of official anti-Semitism that was in vogue prior to 1987, but also that this official, institutional anti-Semitism would now be exacerbated by the recent populist appeal of virulent Pamyat activity." The report goes on to document, as I have done earlier in these remarks, that "official discrimination against Jews has also continued and is widely reported."

Thus today, while Jews lack significant access to public means of self defense, Pamyat leaders enjoy printing and meeting and demonstration facilities and can appear on Moscow TV and in newspaper interviews. And in Leningrad, the level of anti-Jewish intimidation has graduated from the mere rhetorical, such as slogans inciting the public to "Save Russia, Kill the Jews," to the direct, block by block, canvassing of apartment house concierges to prepare lists of names and addresses of Jewish residents, a prerequisite for Pamyat membership.

Today, Jews are especially vulnerable to the broader instability of economic, interethnic and nationalist tensions in the Soviet Union. As we continue to await governmental action on reforms of emigration and freedom of conscience statutes, we also see a refusal by President Gorbachev to include the Jewish Problem in the Supreme Soviet or Communist Party debates concerning the nationalities crisis, despite the fact that nearly 200 Peoples Deputies have urged him to do so, and despite the fact that these deputies have joined the Jewish leaders in seeking a governmental commission to deal with mounting anti-Semitism. So while it is unclear whether there is either sufficient support or time for reformers to make substantive reforms, it is clear that the Soviet Union remains a profoundly anti-Semitic and officially atheistic nation.

Permit me to close with the observations of Vladimir Dashevsky, head of the Moscow Jewish organization "Machanayim", a leader of the Jewish religious community in the Soviet Union, and one of the Soviet Jewish leaders with whom I have discussed these remarks to assure accuracy. He has asked me to tell you:

"These are times of enormous instability in the Soviet Union. In terms of freedom of conscience and religious practice, there has been some partial progress, particularly in the reduction of official intimidation of religious believers. But this progress is given as a favor to demonstrate the "good will" of the authorities; it is not accorded as a matter of right to Soviet Jews and other religious communities. Therefore, we cannot perceive the progress as substantive or real until or unless it is based on rights guaranteed by institutionalization into law and then implemented."

I would like to thank the Congressional Human Rights Caucus again for holding this important briefing, and for allowing me to describe the current state of Jewish religion and culture in the Soviet Union. I have consulted closely with Soviet Jewish cultural and religious activities on these issues, and I believe and hope that my remarks reflect their greatest areas of concern. Our Soviet Jewish colleagues have also requested that I relay to you their deep appreciation of your continued efforts and support on their behalf. Thank you.

THE PARIS-HENRY COUNTY CIVIC LEAGUE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. TANNER. Mr. Speaker, 57 years ago a group of black leaders in Paris, TN, joined together to form the Paris-Henry County Civic League. It was an organization dedicated to the proposition contained in our Nation's Declaration of Independence: That all men are created equal.

Out of the roots of this organization began a continuous dialog with local city leaders that resulted in significant achievements for the black community in Paris. The league has devoted its energies to humanitarian uplifting. It has been involved in programs to assist the poor, to provide scholarships to deserving students, and to bringing about constructive changes in its community. It continues that work today.

Many circumstances have changed since 1932 when the league was formed. However, it has never wavered from its original mission, and that is to ensure that progress for some must mean progress for all. Its annual awards ceremony reflects a deep concern for all people and recognition of the contributions to the lives of the people of Henry County.

I salute the Paris-Henry County Civic League which was founded by courageous and dedicated people. It continues to be active today striving to achieve the same goals aspired to by its farsighted pioneers of 1932.

ST. JOHN'S SEMINARY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. LAGOMARSINO. Mr. Speaker, the year 1989 marks the 50th anniversary of the laying of the cornerstone of St. John's Seminary in Camarillo, CA. St. John's Seminary traces its origin back to 1927 when the late Juan A. Camarillo donated 100 acres of land near the town of Camarillo for the building of a senior seminary for the training of priests. Beginning with its first class of 67 students in 1939, St. John's Seminary and its faculty have over the years sent forth 662 priests—including 13 bishops and a mitred abbot—to 25 different ecclesiastical jurisdictions.

I commend St. John's Seminary in Camarillo in the occasion of its 50th jubilee and extend to it best wishes for the future.

INTRODUCTION OF ANTITRUST CRIMINAL PENALTIES AMENDMENTS OF 1989

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BROOKS. Mr. Speaker, today I am pleased to introduce legislation that will tell all who would violate our competition statutes that they will pay dearly for their economic misdeeds.

The Antitrust Criminal Penalties Amendments of 1989 would increase the criminal penalties for Sherman Act antitrust violations from $1 million to $10 million for corporations, and from $100,000 to $350,000 for individuals. The existing penalties have been in place for nearly 15 years. It is time to up the ante.

At a moment when America is struggling to put its fiscal and trade woes in order, there can be no justification for having criminal sanctions on the books that do not severely deter and punish conspiracies, whose pernicious effects are to decrease output and raise consumer prices. One needs only to read the newspaper to see that conspiracies to fix prices are flourishing—even in our public schools where children have been subject to overcharges in the price of milk because of the allocation of territories by supposed market rivals.

A dismal record of antitrust enforcement by the Federal antitrust agencies during the past 9 years has not helped the situation. Nevertheless, I sense that the executive branch is at last taking notice of mounting congressional concern with antitrust enforcement and the laudable efforts of State attorneys general to attempt to fill the void. I, herefore, intend to give the Department of Justice a bigger stick—if only they show the will to use it.

In the 100th Congress, we struck hard at the economic crime of insider trading by passing a law with increased criminal sanctions for market manipulation. It is my intention to see that the 101st Congress does the same thing with the economic crime of unfair competition in the marketplace. I look forward to swift movement of the bill through committee and the House, and ask my colleagues to join with me in this important effort.

THE RIGHT STUFF FOR POLAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BROOMFIELD. Mr. Speaker, I would like to bring the following letter, which was published in the Detroit News last summer, to the attention of my colleagues. I am aware that many Members are interested in assisting Poland in its transition to democracy. Along these lines, President Bush has proposed a package of assistance containing $100 million in food aid and $100 million in assistance for private sector development.

The natural temptation in Congress is to add more money to this package, but I caution my colleagues to pay close attention to the message in President Bush's strategy, which is reflected in the attached article. While Poland is in a very difficult economic position, simply throwing money at the problem could continue or even aggravate the current crisis. Just as with the political reforms in Poland, the best form of assistance the United States can provide to the Polish economy is the force of our ideas and principles. The Polish economy will not be saved by an influx of United States assistance, but by the adoption of free market principles.

Toward this end a constituent of mine, Mr. Reynold Hendrickson, suggested in a letter to the Detroit News a way that American businessmen, through a private initiative, can provide the Polish people with the tools of private enterprise. Mr. Hendrickson's idea is worthy of support from the U.S. private sector and I commend him for his efforts.

[From the Detroit News, July 16, 1989]

ULTIMATE WEAPON: INVENTORY CLEARANCE!

One predictable consequence of President Bush's foray into Eastern Europe is increased political pressure for direct U.S. economic assistance. Pleas for trade concessions and aid will prove ever harder to resist.

After all, Communist power is slackening its hold over impoverished peoples whose emigre relatives form a huge, vocal part of America's electorate.

Fortunately, Bush has the formula right: It's senseless to concede anything to the area's faltering regimes unless they tilt further westward. He's also talking smart about freedom and capitalism Reagan-style right over government heads straight to peoples' hearts and minds.

Nonetheless, when all is said and Bush has gone, negotiations between East Bloc and Bush administration bureaucrats will devolve to traditional minutiae surrounding this or that debt restructuring with the intent of bailing out this or that struggling state-owned coal mine, which will later be shown to have been doomed anyway by inept management.

While applauding Mr. Bush's public relations savvy in advance, I wish to suggest that he go' em all one further, and bestow an incalculable benefit on individual Poles and Hungarians at approximately zero American taxpayer cost. It's really quite simple: Call for every American company to donate its surplus outdated office equipment to non-governmental organizations in the East Bloc.

As any manager will tell you, America's warehouse lofts and basements are fairly bursting with quaint copiers, first-generation PCs, almost antique adding machines, rotary dial phones, you name it. No one wants to pitch it and an awful lot of this stuff works, though not well enough to satisfy increasingly sophisticated needs and tastes. So it's boxed and forgotten, often before it's written off the books, because there is just about zero demand for the stuff.

I've tried donating a perfectly good old copier (original cost: $52,000) to three different nonprofit organizations so far this year. All they have to do is come and get it. No takers. They don't even return my phone calls. So let's give it all away to people who would kill for it.

The political benefits of bringing thousands of copiers to Poland's Solidarity and church networks are staggering. And what better way to level the playing field for Hungary's reborn pro-West Smallholders Party than its receipt of hundreds of rebuilt Selectric typewriters? Economically, which group in society is likely to take fullest advantage of a sudden doubling or tripling in phones per capita: Demoralized Communist apparatchiks or fledgling entrepreneurs? Anyway, calculators work harder and faster under capitalist guidance.

To be sure, Jaruzelski won't like it one bit. But he literally has no choice. His party is in a shambles, as is his economy. Communist generals know there is only one way out, and that is to trust unshackled individuals to help his country leap fifty years—into the 1970s—to somehow try and stay ahead of nations like the Ivory Coast and Thailand. I think he'll have to accept our conditions.

Another source of probable opposition is our own Defense Department. These eternal guardians of national security are rightly concerned about the sale or theft of leading edge technologies like supercomputers and $40 million machine tools. I challenge them to immediately, enthusiastically assent to the open export of typewriters.

Two rules must be laid down: 1) Donated equipment should be in operating condition. After all, America's reputation is at stake! 2) And it should come with a modicum of supplies & spare parts.

Despite such terms, service and resupply problems will inevitably crop up almost immedicately. So let's have equipment manufacturers, all good corporate citizens looking for better public relations, train volunteer service workers and sponsor them overseas. IBM, AT&T, Xerox, Wang, Apple, GTE they should be asked to give a whole new mission to the Peace Corps.

Hopefully, this kind of Peace Corps program will require many years. (We want to insure a permanent move to freedom!)

Will the next strategic target be South Africa's blacks? China's urban centers? We have all along needed nothing more than simple clearance sale creativity to change the world permanently for the better. Let's get started now!

TRIBUTE TO THE BETH SHOLOM PEOPLE'S TEMPLE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. SOLARZ. Mr. Speaker, I take great pleasure in rising today to pay tribute to the Beth Sholom People's Temple, located in the Bensonhurst section of my district, which is celebrating its 85th anniversary this year.

The temple, located on several different sites during the early years, began as a religious sisterhood school in 1905. It was officially chartered as "Beth Sholom-House of Peace" under the religious incorporation law in 1908 and moved into its present edifice in 1922.

Beth Sholom People's Temple has been in the forefront of spiritual and community activities—in times of both war and peace, prosperity and despair—since its founding. For many years, I have witnessed with pride the devotion that the temple's leadership and membership have shown in preserving the ritual and traditional practices of Reform Judaism and in fostering the religious and cultural education of children and adults.

Everyone connected with the Beth Sholom People's Temple believes that the congregation is a community, a devoted spiritual community, and the temple has been a reservoir from which every community activity has benefited. Its membership has furnished United Jewish Appeal chairpersons and leadership in the Federation of Jewish Philanthropies, as well as leadership in wartime, peacetime, social, and scouting activities.

Through the years, the growth of Beth Sholom People's Temple appears to have been created through magic, but it has all come about through the determination and dedication of its members. The establishment of the Edith Reichler Memorial Hall: The purchase of the building on Benson Avenue and Bay 29th Street, adjacent to the temple; the accreditation of the religious school, affording the finest religious training for children; the changes made in the rituals of their faith to meet the desires of the temple's population are the legacies left by those who have served in the leadership of the temple.

Not content with merely providing for the spiritual needs of the congregation, the temple and its membership have reached out to a diverse, growing community and addressed the needs of its residents as few other religious institutions have done. One good example of this is the temple's "Know Your Neighbor" program, through which they have extended a hand to other religious and ethnic groups in the neighborhood in an attempt to promote understanding and harmony among them.

The temple's life continues, keeping pace with the changes that have resulted from the tempo of time and the attitudes of the people. With the continued devotion of its leadership, members, and affiliates, may it continue to thrive as an asset to the community and to Judaism.

Today I am proud to honor the Beth Sholom People's Temple as one of the finest religious and community organizations in my district.

A TRIBUTE TO PETER BORGHERO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mr. Peter Borghero, an outstanding citizen of northern California, who is retiring this month as president of the Oakland Scavenger Co.

Peter Borghero is a lifelong resident of Oakland. He still resides there with his wife, Mary, and his son, John. He attended local schools and joined the Oakland Scavenger Co. in 1937 as a helper on a collection truck. In the early 1940's he advanced to driver and route supervisor.

Peter enlisted at the outbreak of World War II and served the U.S. Army for 5 years as a platoon sergeant. He was awarded both a Silver Star and a Bronze Star for service to his country.

After the war, Peter returned to the Oakland Scavenger Co., and was promoted to district manager in 1957. He was first elected to Oakland Scavenger's board of directors in 1946. He was elected secretary in 1973, vice president in 1974, and president in 1975. He held that position until his retirement this month.

Peter is active in many community organizations including the Oakland Chamber of Commerce (director, 1976–81), the Chambers of Commerce of the cities of Alameda, San Leandro, Hayward, Castro Valley, Union City, Newark, and Livermore, and, the California Chamber of Commerce. He is also active in the Alameda County Sheriff's Department "Rangers", the New Oakland Committee (Crime Prevention Committee), the Athenian Nile Club (board of directors), the Lakeview Club (founding member), and the Festival of the Lake (past president).

As one of the State's leaders in solid waste management, Peter has served as past president of the California Refuse Removal Council-Northern District, and, past State president of the California Refuse Removal Council. He has also been a member of the National Solid Waste Management Association and a past chairperson of the Industrial Solid Waste and Hazardous Waste Committee of the San Leandro Chamber of Commerce.

The Oakland Scavenger/Waste Management Co. provides service to over 1 million people through franchise agreements with city and sanitary districts located in Alameda County.

I would like to commend Peter Borghero for over 50 years of service and dedication to both the Oakland Scavenger Co. and the people of the Ninth Congressional District.

THE COLD WAR OF DEFICIT REDUCTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. PORTER. Mr. Speaker, President Bush's speech at the United Nations yesterday and the recent arms control meeting between Secretary of State Baker and Eduard Shevardnadze in Wyoming signals a further slowing of the arms race. But a recent announcement out of the Kremlin should start a new type of East-West race.

Last week, Mikhail Gorbachev admitted that the Soviet Government is operating at a deficit in excess of $200 billion. Sound familiar? Rather than just talking about the deficit, however, Gorbachev directed the Supreme Soviet to cut the deficit in half, and he gave them exactly 1 year to accomplish this feat.

The Soviets have come to the correct conclusion that massive deficit spending is a very harmful course of action and they are apparently taking quick and decisive action to rectify their most serious economic problem.

Mr. Speaker, as the arms race grinds down, let's take on and win the deficit race.

Let's establish a beachhead this week by defeating the CR and insisting that the leadership expedite the appropriations bills.

TRIBUTE TO JIMMY M. EVANS, JR.

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. TANNER. Mr. Speaker, this summer I had the privilege of having Mr. Jimmy M. Evans, Jr., of Dyersburg, TN, serve on my staff as a Lyndon Baines Johnson intern. Jimmy is the son of Jimmy and Katherine Evans of Dyersburg, TN. He is a junior at the University of Mississippi.

I was very proud of the service that Jimmy rendered during his tenure on my staff. He is exactly the kind of young person that we should all hope will devote at least part of his life to public service. He is a leader in several organizations on the Ole Miss campus. He has been named to the chancellor's honor roll. He works hard at every endeavor he undertakes and he served the people of the Eighth Congressional District of Tennessee unselfishly during the 2 months of his internship.

I am confident that Jimmy Evans has a bright and rewarding future ahead of him. His hard work, mature judgment, and uncommon willingness to serve others will take him a long way in any career. I was pleased to have him serve on my staff and wish for him a successful and rewarding future.

RED RIBBON WEEK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. LAGOMARSINO. Mr. Speaker, I ask my colleagues to join me in recognizing the Network for Drug Free Youth and their involvement in Red Ribbon Week, October 22–29, 1989. This year will mark the network's third annual Red Ribbon Week celebration. This special week is designated to unite communities throughout the country in their efforts to eliminate the demand for drugs.

It is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs. The Network for Drug Free Youth, Inc. of the Santa Ynez Valley is coordinating this grassroots community prevention effort, offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles. Business, government, schools, service organizations, youth, senior citizens and individuals will demonstrate their commitment to drug free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign.

I encourage citizens to participate in drug prevention education activities, making a visible statement that we are firmly committed to a drug-free community, and I applaud those people who are currently fighting in the war against drugs.

CAPITAL PUNISHMENT FOR THE MURDER OF A POLICE OFFICER

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. GALLO. Mr. Speaker, today I am introducing a bill requiring a mandatory death sentence for the murder of a policeman or Federal agent involved in Federal investigations into violations of antidrug laws.

Last week, in the New Jersey State Capitol, Assemblyman Bob Franks announced that he and his colleagues in the New Jersey General Assembly will introduce a package of tough antidrug abuse bills that I believe will provide a model for State response to the Federal initiatives that we have enacted in the omnibus drug law last year, as well as those additional measures currently being debated in Congress.

My Federal proposal, contained in this bill, complements and strengthens the death penalty provision outlined by Assemblyman Franks, which proposes the toughest possible penalty for the murder of a policeman or drug agent taking part in a State or local investigation.

My bill proposes the same tough penalty in cases involving Federal investigations. Taken together, these bills would say to all drug dealers, "You kill a police officer and you will suffer the maximum penalty."

My bill is consistent with President Bush's call for a mandatory Federal death sentence in this very specific circumstance and is needed to protect not only State, but also Federal law enforcement officials.

When Federal Drug Enforcement Administration Agent Everett Hatcher was killed in February, his death really hit home to me, because Agent Hatcher lived in Boonton and his wife and family are my constituents.

After a review of U.S. Supreme Court cases addressing the mandatory death sentence issue and because the composition of the High Court has changed, I believe that a review of this issue by the current Justices would lead to a different ruling than an earlier Court provided in *Woodson* v. *North Carolina,* 428 U.S. 280 (1976) and *Roberts* v. *Louisiana,* 428 U.S. 325 (1976).

In addition, the attitude of the American people has also changed on this issue. The murder of any human being is a tragedy and all convicted murderers should be dealt with in a manner consistent with the severity of the crime.

My bill creates a clearly defined mandatory death sentence for the murder of a law enforcement officer in drug cases because these are the men and women who are sent to the front lines of the drug war on our behalf. I think the American people can appreciate the narrow definition provided in this bill, as well as the reason for that distinction.

Mr. Speaker, I offer this bill at a time when we are completing work on a bipartisan plan to further strengthen our antidrug abuse laws. I ask for due consideration for this important proposal as a part of that debate in the days and weeks ahead.

CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. GOODLING. Mr. Speaker, Congress, like the American people, is reminded daily of the skyrocketing incidence of violent crime. Fueled by drugs, violent crime statistics have multiplied in our Nation's Capital, as well as in other urban centers. Perhaps because we have become almost inured to the daily statistics of victimization in our violent cities, evidence of similar crimes, steadily increasing on some of our college campuses, is particularly shocking.

Earlier this year, a Pennsylvania family came to me and asked that I introduce a campus security bill to increase the safety of our college and university campuses. In 1986, the daughter of Howard and Constance Clery was murdered in her unlocked dormitory room—beaten and tortured, sexually assaulted, and strangled to death. Their goal, as is the goal of the bill which I am introducing, is to prevent the reoccurrence of such avoidable tragedies.

The bill I introduce today, the Crime Awareness and Campus Security Act of 1989 is based on a Pennsylvania law which went into effect last year. This legislation insures that students and employees of institutions of higher education are aware of crimes committed on campus and familiar with security policies and procedures to increase their safety.

We know that 80 percent of campus crimes are committed by a student against another student, and that 95 percent of violent crimes are alcohol or drug related. Unfortunately, no comprehensive data on campus crimes are available. Less than 4 percent of our institutions of higher education voluntarily provide campus crime statistics through the FBI's uniform crime report—352 out of roughly 8,000 instutitions participating in Federal financial aid programs.

While many institutions have established crime prevention measures to increase campus safety in recent years, there is evidence that some campuses are still reluctant to provide information regarding incidents of crime on campus, even when this information might prevent repeated occurrences.

Several State legislatures have adopted or are considering legislation to require reporting of campus crime statistics and the dissemination of security practices, but the bills are not uniform in their requirements and standards.

The Crime Awareness and Campus Security Act of 1989 will insure the uniformity and consistency of reporting crimes on campus by requiring all colleges and universities which participate in Federal student assistance programs to provide annual information to the uniform crime report of the Federal Bureau of Investigation.

The bill requires timely reporting of campus crime and an annual report which outlines campus security policies and procedures and campus crime statistics for the most recent 3 academic years. This annual report is to be distributed to all students, employees, and applicants for enrollment and their parents.

Provisions of the bill also require a statement of policy regarding:

The possession, use, and sale of alcoholic beverages and illegal drugs on campus, and the enforcement of State and Federal laws regarding these violations, and

The unauthorized possession and use of weapons.

In drafting this legislation, I have sought the participation of the higher education community and other groups interested in campus safety. This legislation, as well as a number of State campus security bills, owes its conception to the efforts of Constance and Howard Clery. There can be no more fitting memorial to their daughter, Jeanne, than a bill which seeks to prevent the reoccurrence of such tragic losses.

Ultimately, Congress cannot legislate the safety of young people at our institutions of higher education, nor can it legislate sancturaries, free of the violence of the larger society. Congress can, however, encourage those colleges and universities that benefit from Federal student aid programs to establish effective security policies and to provide timely information about campus crime. Then students and other members of the campus community can make informed decisions about their own safety. This is exactly what this bill does.

SGT. NEIL HORWITZ, DALLAS POLICE OFFICER OF THE MONTH

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BRYANT. Mr. Speaker, our local law enforcement agencies and their dedicated employees are our first line of defense against crime. It is always a great pleasure for me, as a member of the House Committee on the Judiciary and its Criminal Justice Subcommittee, as well as a Dallas resident, to join in paying tribute to some of our best local law enforcement officers.

Dallas Police Sgt. Neil Horwitz has been recognized as September Officer of the Month, and I take pride in calling his achievements, described in the Dallas Police News, to the attention of my colleagues and fellow citizens.

OFFICER OF THE MONTH—SERGEANT HORWITZ SELECTED FOR SEPTEMBER AWARD

North Central Sgt. Neil Horwitz, a seven-year veteran of the Dallas Police Department, has been selected as the September Officer of the Month by the Dallas Community Police Awards Committee. He will be honored Sept. 28 during a luncheon hosted by the High Noon Club of Dallas.

Since being promoted to a supervisory position, Sgt. Horwitz has distinguished himself by commanding several different task forces, which were highly effective in combating specific crime problems. For the past two years, he has supervised the mall task force which significantly reduced burglaries of vehicles at area shopping malls during the holiday season.

Perhaps the most important task force he commanded targeted gang activity and specifically the "skinhead" members responsible for desecrating area Jewish Temples. Sgt. Horwitz established an excellent rapport with local Jewish community leaders. During the course of the assignment, the task force made 23 arrests.

The recipient of 40 commendations, Sgt. Horwitz spends a great deal of his free time involved in community activities. He has been commended by the Boy Scouts of America for volunteering his time on several different projects. He also volunteers his time to work with troubled children at the St. Joseph Youth Center. Each Christmas, he is involved with the department's Santa Cop program which provides food and gifts to needy families.

REVERIE AND CENTENNIAL ISLANDS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. TANNER. Mr. Speaker, there are many special groups among the 500,000-plus constituents in the Eighth Congressional District of Tennessee. One of those special groups are the good people who live on two islands in the Mississippi River—Reverie and Centennial Islands.

At the dawn of history, these two islands were part and parcel of Tennessee. Over a century ago, the Mississippi River changed its course as it is wont to do. When it did, it left Reverie and Centennial Islands separated from their home State. To this day, getting to those islands requires either a boat trip from the Tennessee shore of the Mississippi River or a drive from Tennessee across the Mississippi at Memphis and up to Wilson, AR, where you cross a bridge onto the islands.

Despite the water that separates the island residents from their home State, residents on Reverie and Centennial maintain their allegiance to Tennessee. They have overcome numerous obstacles to maintaining that loyalty. Until the early 1950's, there was no bridge to the islands at all. Even today, Tennessee pays for the island children to go to Arkansas for school.

I have been pleased to call the people on Reverie and Centennial my friends. I am proud of their heartfelt feelings about Tennessee. I am sure that all Tennesseans feel as strongly about them as they do about Tennessee.

"TO ARMS! TO ARMS! THE DEFICITS ARE COMING!"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. JACOBS. Mr. Speaker, Sid Taylor of the National Taxpayers Union is both a scholar and a prophet.

The following is his latest Paul Revere effort:

"TO ARMS! TO ARMS! THE DEFICITS ARE COMING!"

(By Sid Taylor)

The other morning, I got up early, had a nice breakfast and proceeded to work on my "books." After about an hour of checking and rechecking, I found that I was about $400 million off.

This is almost half a billion. A discrepancy like this could ruin your day. This could only happen in Washington, D.C.

In my role as research director for the National Taxpayers Union here in our nation's capital, I keep several sets of books concerning our federal budget deficits over the past 43 fiscal years (1946-1988).

Looking at the history and recent trend of these red ink numbers could give an ordinary human being fiscal shock. At last count, our FY 1988 deficit was $155 billion. The high was $220.7 billion in FY 1986.

TAXPAYERS' LIABILITY INDEX

When portrayed on a large color chart, these red ink figures present a glaring indictment of four decades of federal misspending. They also tend to confirm that we Americans not only don't balance the books, we often don't even look at them anymore.

However, you don't get into the big money until we look at my second set of "books"—the Taxpayers' Liability Index (TLI). These figures are an aggregation of our national debt plus financial commitments, fiscal obligations and unfunded liabilities (actuarial or contingent) of the United States government.

We started tracking these figures back in 1972. At that time, the TLI totaled only around $2 trillion. As of 1989, the TLI has climbed to the all-time record high of $14 trillion.

Now we're talking big money. Our so-called national debt that you read about in the papers, around $2.8 trillion, is merely the bonded debt of the U.S. government. This is only the tip of the financial iceberg.

Here we are in 1989 a debtor nation (the last time was 1914) lending or giving away money to a dozen or more foreign countries. And at the same time, we are about to initiate a "forgiveness" policy on billions of dollars in Third World loans. This will be a windfall for many kings, emperors, dictators, and assorted free-spending foreign politicians.

On our present course, we may soon become a fiscal Third World nation ourselves. Maybe Japan or Germany will come to our rescue. History will record that we won World War II on the battlefield and then proceeded to give it all away at the cash register.

Since 1945, we Americans have expended over $2 trillion in foreign aid. Much of this tax money is now coming back in the hands of enriched foreigners who are buying up American real estate and corporations. And they are not doing this because they like us, but because they fear a devalued dollar due to our constantly increasing debts and deficits.

The final irony is that in 1989 we are still sending foreign aid money overseas.

SAVINGS AND LOAN FIASCO

On top of all this, we now face a Federal Savings and Loan Insurance Corporation (FSLIC) fiasco. An article in the May 27 issue of The Economist entitled "The Junkification of American T-Bonds" includes an estimate by Raymond DeVoe, a New York City market strategist, that the total cost of the FSLIC bailout may reach the awesome figure of $500 billion over the next 30 years.

This money will be needed to close out hundreds of failed S&L institutions. Guess who is holding the bill to pay off the depositors? You—Johnny Q. Taxpayer.

What we need is a "forgiveness" program for the American taxpayer. Over the years, our White House and Congress have committed, omitted and permitted the expenditure, guarantee and underwriting of trillions of dollars in federal funds. Somebody in the near future is going to have to pick up the tab.

MOST DEBT OFF THE BOOKS

Most of our real national debt is off the books. For example, in just two major federal pension systems, Civil Service and the Military Retirement System, the combined unfunded liabilities or actuarial deficits now total over $1 trillion. And there are about 30 other lesser unfunded federal pension systems.

Each new federal pay raise escalates the pension entitlements and unfunded liabilities in these systems. With a three-year salary baseline pension computation formula, it's easy to see why we have so many "pension millionaires" on the federal payroll.

Years ago I took a short college course in bookkeeping and accounting. I never dreamed that a simple-minded clerk like myself would end up years later as the unofficial and informal secretary of the Treasury. When some members of Congress and, on occasion, some analysts in the Treasury want to know what our real national debt is—they call me.

One year, an unidentified Treasury official called me overtly on the phone to ascertain our list TLI total. I wonder what Alexander Hamilton, our first secretary of the Treasury, would say to all of this.

COLONISTS OWE $14 TRILLION

If I told him that we colonists were now in hock for about $14 trillion, he would probably drop his quill pen. And this may be part of the problem. We should go back to quill pens. In bookkeeping they were slow and you had to think about what you were spending the money for.

Computers have changed all this. You can now dispense a billion dollars on a nonessential federal program in a matter of microseconds. The complexity of modern government plus the speed of today's digital computers creates an environment that defies good judgment.

That's why I enjoy keeping books on the TLI. The figures scare the hell out of me, but somebody's got to look periodically at the financial instrument panel in the cockpit of our high-flying federal 747.

Many of the panel lights are now glowing red. As an old Air Force type, I'm looking around for my parachute and slowly edging towards the cargo door. In the meantime, I intend to keep my green eyeshade on, my celluloid cuffs clean, and my quill pen at the ready.

WHAT WOULD GEORGE SAY?

George Washington's pulse would pound at the figures I see coming down the road. Like Paul Revere, I can only say "To arms, to arms! The deficits are coming!" Can you imagine the look on George's face if I told him that we are now in debt, liable or obligated for $14 trillion?

In his book "George Washington's Expense Account," Marvin Kitman, PFC (Ret.), makes an interesting observation: "Every penny he owned and every foot of land was set down over and over again, in the most orderly, meticulous way, in memorandum books he carried inside his tunic.

"Washington's spirit of inquiry knew no limits. He counted and listed 'the no. of Paynes' in each window at Mount Vernon. At one time when he was managing five plantations and seven hundred slaves he calculated laboriously the number of seed in a pound Troy weight of red clover (71,000)."

With this background, George would probably call for an immediate constitutional amendment to ensure a balanced federal budget from now on.

URGING RULES COMMITTEE TO ALLOW CONSIDERATION OF REPRESENTATIVE HASTERT'S AMENDMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. EMERSON. Mr. Speaker, as the Rules Committee is evaluating the numerous requests to offer amendments to the budget reconciliation bill, I would urge the members of the committee to pay special attention to an amendment proposed by Congressman HASTERT in support of raising the Social Security earnings limitation.

In the first place, the current Social Security earnings limit is plainly and simply unfair. The cap subjects elderly taxpayers to some of the highest marginal tax rates ever imposed on middle-income Americans. And if we retain the earnings cap, we are telling our senior citizens that we no longer want nor need their services and abilities. Senior citizens would benefit greatly from lifting the cap.

Moreover, raising the earnings limit makes good budget sense. A recent study from the National Center for Policy Analysis clearly shows that net Federal revenue would increase as the earnings limit increases, reaching revenue-maximizing limit of $39,360. According to the study, increasing the cap to this point would generate a net Federal revenue to $3.2 billion.

Mr. Speaker, we are faced with the rare opportunity to enact a law which would both help our senior citizens and generate revenue at the same time. I once again urge the members of the Rules Committee to allow this debate to be brought to the floor. This is an opportunity we cannot afford to miss.

TRIBUTE TO MAYOR GEORGE NUSSBAUM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. LENT. Mr. Speaker, on October 10, the Nassau County, NY, Village Officials Association [VOA] will be honoring a good friend and outstanding public servant, George Nussbaum. George has served as mayor of the village of Massapequa Park since 1985. During that time, he's done an outstanding job and earned the confidence and admiration of his Massapequa Park constituency.

Over the years, Long Island has grown by leaps and bounds from a sleepy suburbia to a pulsating center of culture, business, trade, and tourism. Today, local government officials face a difficult challenge: How can we nurture progress and, at the same time, preserve Long Island's small town atmosphere and protect our beautiful beaches and waterways? It takes leadership, the ability to make hard decisions, and planning ahead for future needs. No one has worked harder or is more committed to that goal than George Nussbaum, and in my opinion, Massapequa Park residents are reaping the benefits of his programs.

A resident of Massapequa Park for 31 years, George has been actively involved in a number of local organizations and community programs. These include his work as a village trustee, a member of the Village Planning Commission, Knights of Galilee, and the local American Legion Chapter, Post 1066, and as past president of the VOA.

The VOA's dinner honoring George Nussbaum is especially significant as a tribute by his peers. I'd like to offer my warmest congratulations on this important occasion, and express my deepest gratitude to George for his many years of loyal and dedicated service to the betterment of his fellow citizens. His tremendous contributions to the Massapequa Park community are greatly appreciated, and I wish him many years of continued success.

AMA SCREEN GRAPHICS GRAND OPENING

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, today is the grand opening of AMA Screen Graphics, Inc., in its new facility in Churchville, NY. This facility houses new printing equipment, improved layout and photography studios, and an expanded machine shop. The company also has plans for the construction of a community daycare facility. As a result of this investment, 66 jobs will be retained and 55 new manufacturing jobs will be created over the next 3 years.

The opening of this new facility reflects a firm commitment by AMA Screen Graphics to Churchville, NY. It serves as an excellent example of how government-assisted economic development projects can help businesses meet their needs while simultaneously providing great public benefits. In order to modernize and expand, the company secured financing assistance from local, county, and State governments. Federal Community Development Block Grant funds provided a low-interest interim loan and partially financed the extension of sewer and water lines.

I would like to commend all of the government agencies involved for the successful completion of this project. But even more, I would like to recognize AMA Screen Graphics for its investment in and commitment to the 30th Congressional District. I expect that both the company and the local community will benefit from the new manufacturing facility for many years to come.

THE HISTORY OF UKRAINIAN IMMIGRANTS IN RHODE ISLAND

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a group of immigrants who have brought their culture and wealth of experience to the State of Rhode Island and our Nation against the odds. As the 40th anniversary of the last mass Ukrainian immigration approaches, I would like to briefly recognize the history of Ukrainian immigrants in Rhode Island.

Ukrainian immigration to the United States began well over 100 years ago occurring in three major time periods: prior to World War I, during the interwar period and post World War II. During the post World War II period over 85,000 new emigrants settled in the United States. These people were mostly victims of German concentration and displaced persons camps.

The United Ukrainian American Relief Committee was founded in 1944 with the aim of providing assistance to the new immigrants arriving from Europe. This organization played a vital role in the settling of the new immigrants in Ukrainian communities which had already been established.

This group of immigrants has played a large role in the development of Ukrainian culture in Rhode Island as well as showing us all the true spirit of survival which is a testament to their courage. I would like to wish the Ukrainian immigrants the best on their 40th anniversary and thank them for their contributions as citizens of the United States of America.

SEYMOUR EISENBERG, GRAND CHANCELLOR OF THE PENNSYLVANIA KNIGHTS OF PYTHIAS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BORSKI. Mr. Speaker, I rise today to honor Seymour Eisenberg, who will soon become the grand chancellor of the Pennsylvania Knights of Pythias.

Mr. Speaker, the Order Knights of Pythias, to which Seymour gives his time and talent, was founded in Washington, DC, in 1864 by Justus H. Rathbone. Established during the Civil War, its founder hoped it might help to heal the wounds and allay the hatred of the war's conflict.

Seymour Eisenburg was born in Philadelphia on May 1, 1927. After graduating from Simon Gratz High School, he served in the U.S. Army during World War II.

In 1958, Seymour joined Ben Ort Lodge, No. 515, of the Order Knights of Pythias. He served on numerous committees and in 1966 became chancellor commander of Ben Ort. He also arranged many trips for the lodge, as well as serving as a judge in Ben Ort's public-speaking contest for the past 10 years.

In 1967, Seymour was instrumental in organizing the Ben Ort Credit Union, the Morris R. Schwartz Charity Foundation, and the Ben Ort monthly newsletter. All these committees are still active and successful today.

Seymour was elected Ben Ort's representative to Pennsylvania Grand Lodge in 1976. Later, in 1983, he was appointed chief deputy of area I which consists of all Pythian lodges in eastern Pennsylvania. In 1979, Seymour was honored by Ben Ort when they named him "Man of the Year."

Seymour Eisenberg has truly lived up to the philosophical triad that is the foundation of the Knights of Pythias: friendship, charity, and benevolence.

LITTLE LEAGUE BASEBALL VOLUNTEER OF THE YEAR AWARD WINNER HONORED

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mrs. JOHNSON. Mr. Speaker, I would like to take this opportunity to welcome Mr. Ed Janser of Terryville, CT, to our Nation's Capital. Mr. Janser is here in Washington to be recognized as the recipient of the Little League Baseball Volunteer of the Year Award.

For the past 50 springs and summers, millions of American youngsters have experienced the thrill of Little League Baseball. For the first time, we will honor the more than 750,000 volunteers who, through their example and companionship, make a difference in the lives of our Nation's youth and work to make the Little League experience possible.

Mr. Janser was selected from 41 State award winners from across the United States and presented this national public service award at the Little League World Series in Williamsport, PA, on August 26, 1989. It is especially exciting for Connecticut residents as our great team from Trumbull defeated Taiwan in the series final.

Ed Janser has spent more than 40 years of his life coaching, managing, and maintaining local fields, all in the name of Little League Baseball. In 1948, he founded the Plymouth, CT, Little League and was instrumental in obtaining the league charter in 1950. From 1950 to 1980, he served as the league's president.

I commend Mr. Ed Janser on the many years he has dedicated to our youth. He is a fine example to the people of Connecticut, both young and old, as well as those throughout our country. I am proud to have the first ever Little League Baseball Volunteer Award winner as my constituent in the Sixth District of Connecticut.

My heartiest congratulations and sincere thanks for the many years of good work.

TRIBUTE TO JUDGE ROBERT S. HEISE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who will soon be retiring from Anne Arundel County Circuit Court. Judge Robert S. Heise has been a judge in our county for over four decades, and a circuit court judge for most of this decade. On the bench since the 1950's, Judge Heise is the longest sitting judge in the State of Maryland.

Judge Heise is a lifelong resident of Anne Arundel County, a former president of the Anne Arundel County Bar Assocation, and a former president of the board of recreation and parks for the city of Annapolis. However, Judge Heise's judicial skills are not reserved only for the bench. For many years he served as a football and lacrosse official for local high school games.

We will sorely miss Judge Heise's skill and expertise on the bench, but we will also miss his easygoing manner and good sense of humor. In a time of rising crime rates and overcrowded dockets, it was blessing to Anne Arundel County to have such a man in the fifth circuit courts. I know my colleagues will join me in wishing Judge Heise all the best in his retirement.

THE HITLER-STALIN PACT: A 50TH ANNIVERSARY

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today because I am encouraged. I am encouraged by what is happening in the Republic of Lithuania, and indeed all over the Baltic republics. Today, many Lithuanians see their future in their past, a past filled with freedom, a past which existed before Stalin signed a pact with Hitler, signaling the end of Lithuanian independence and the beginning of World War II.

Mr. Speaker, on August 23, 1939, Hitler and Stalin reached their infamous agreement embodied in the so-called treaty of nonaggression, which was signed in Moscow by foreign policy henchman Molotov and his German counterpart, Ribbentrop. In this Nazi-Soviet pact, the two leaders vowed not to attack one another. This pact assured the outbreak of World War II.

The Nazi-Soviet pact contained provisions which partitioned Eastern Europe into "spheres of influence" between the Soviet Union and the German Reich. Initially, Lithuania was "assigned" to the German Reich. However, after the Nazi and Soviet invasions of Poland, the original pact was revised, and Lithuania was "reassigned" to the Soviet Union. In early August 1940 the Baltics were formally incorporated into the U.S.S.R. During this reign of terror, nearly 40,000 men and women and children were deported to the Siberian gulag.

The end of World War II did not bring freedom to the Baltic States. It merely brought a renewed totalitarian domination to the people of Lithuania. In fact, fewer persons were killed or displaced during the actual war than in the 8 years of Stalinist so-called peace following the German surrender. It is estimated that at least 10 percent of the Lithuanian population was lost due to Soviet purges.

The era of glasnost has ushered in a renewed movement for democracy and independence in Lithuania. The denunciation of the Molotov-Ribbentrop pact has become a focal point in the call for greater freedom from Moscow. In the past year, numerous political, cultural, and ecological organizations have been formed to express and develop this nationwide rebirth.

Many demand total independence from the Soviet Union. Others call for a more gradual approach. The largest Lithuanian movement, the Sajudis, has voiced unequivocally its demand for national self-determination. Even some members of the Lithuanian Communist Party have given their support to the new movements.

Today, Lithuania is witnessing the most dynamic independence movement in the history of the Soviet state. On August 23, 2 million people joined hands across the three Baltic republics in a 370-mile human chain to protest the 50th anniversary of the Nazi-Soviet pact.

What happens in the following months will be crucial. Lithuanians must press for reform in a steady fashion. Full independence may be eventually achieved. Many Lithuanians fear that because Gorbachev is under pressure from hard-line conservatives, the very reforms which he is attempting to allow may be crushed if he is pushed too far. Whatever happens, the clock cannot be turned back now. Now is the time for the Baltic peoples to continue their struggle.

As an old proverb once put it: "The only way to remove the idea of freedom from a Lithuanian's head is to remove his head." While the Soviet legislature has officially endorsed economic autonomy for Lithuania, it still remains to be seen whether or not greater freedoms will be achieved. For the people of Lithuania, it is my fervent hope that Mr. Gorbachev will reinstate Lithuania's legitimate independence from the Soviet Union.

DEVELOPMENTS IN THE NICARAGUAN ELECTORAL PROCESS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. CROCKETT. Mr. Speaker, this is another in a series of statements on the Nicaraguan electoral process, designed to provide my colleagues with objective information about Nicaragua's upcoming February 25 election.

In my last statement, I included a Library of Congress Hispanic Law Division analysis of Nicaragua's new electoral law. I also asked the Hispanic Law Division to compare this law with the electoral laws of a spectrum of other Latin American countries. I wish to share that comparison with my colleagues today. It shows that Nicaragua's electoral law compares favorably with those of other countries. There are, undoubtedly, improvements we would all like to see in Nicaragua's electoral law, but it is no worse than those of Nicaragua's neighbors. We should take that into account in passing judgment on Nicaragua's electoral arrangements.

The comparison follows:

A COMPARISON OF ELECTORAL LAWS: CHILE, COSTA RICA, GUATEMALA, NICARAGUA, PARAGUAY, AND VENEZUELA

The requester wants a comparison of the electoral laws of Chile, Costa Rica, Guatemala, Nicaragua, Paraguay and Venezuela. This sample of Latin American countries includes two stable countries, Costa Rica and Venezuela, in which elections have been held regularly and there has been alternation in power during the last 30 years, while all other countries selected are at various stages between military rule to civilian rule.

This comparison will center on the similarities, the differences and the peculiarities of the electoral systems of these countries. Similarities in electoral laws, however, should not be equated with similarities of electoral practice, and practice may not follow the letter of the law. Care also should be taken not to assume that similarly named bodies in different countries have a similar scope of powers.

Additionally, in each country, the dynamics of power and of the party system may make meaningless checks and balances which exist in the letter of the law.

The elements used in the comparison are the following: the highest court deciding on election matters and the structure of the electoral system, the rules governing the acquisition of legal status by political parties, the system to determine who wins an election or electoral system, the rules on registration of voters and access to balloting and ballot counting by poll watchers; access to the media during a campaign, availability of public financing of electoral expenses and finally, if the military are allowed to register and vote.

Individual country reports with detailed information on the elements used in the comparison are enclosed.

A. THE ELECTORAL COURT

With the exceptions of Chile and Paraguay, the electoral system in all countries of the sample is structured as a pyramid in which the top is occupied by the highest electoral body which serves as highest court in election matters and appoints and supervises the lower organizational structure. In Chile, the Tribunal Calificador de Elecciones decides on electoral matters and declares the winners, but the administrative aspects of the electoral system and registration are supervised by a different body, the Electoral Service. In Paraguay, both the Senate and the House of Representatives and the municipal councils validate the elections of their own members.

All electoral courts consist of panels of magistrates, however, some countries such as Costa Rica and Guatemala require political independence, meaning no political party affiliation of the magistrates, while Venezuela, Nicaragua and Chile allow party affiliation of the members. In Nicaragua and Venezuela the political parties have a direct input in the process by proposing the candidates to the court. Guatemala has a peculiar institution in the Nomination Commission in which the faculties of universities and law schools have an input in proposing the candidates to the Supreme Court on Election.

There are differences concerning the branch of government that appoints the judges: in Guatemala, Nicaragua and Venezuela they are elected by the Congress; in Costa Rica and Chile they are appointed by the Supreme Court. In Costa Rica the Constitution terms the Supreme Court on Elections an independent branch of government, and the Nicaraguan 1987 Constitution terms the electoral system a fourth branch of government.

B. THE LEGAL STATUS OF POLITICAL PARTIES

In all of the countries discussed, incorporation of a political party requires registration of the party by the agency in charge of the electoral process, except in Nicaragua, in which the approval or disapproval is to be given by the independent Council of Political Parties. The number of registered voters necessary to organize a national party varies in range in a decreasing continuum headed by Chile (33,500 voters), Costa Rica and Venezuela followed by Paraguay, Guatemala, and ending with Nicaragua, which requires only leadership in nine departmental divisions.

All countries involved include offenses against the internal order and security by the political parties or ideological restrictions as causes to lose legal status. They also establish thresholds in the number of votes obtained in the elections to continue enjoying legal status. Chile requires at least 5 percent of the electorate, Guatemala 4 percent, Costa Rica 1.5 percent. In Venezuela a party that does not present a candidate in two consecutive elections loses its legal status while Nicaragua does not have such a limitation.

C. THE ELECTORAL SYSTEM

All countries except Chile and Paraguay have a combination of a system of plurality for the election of President and Vice President and of proportional representation to elect congresses and municipal officers. Although there are certain minor variations, the basic system used is the Dhont system of proportional representation. Therefore, all electoral systems theoretically allow the development of political pluralism and the representation of the minority parties in legislative bodies.

In Paraguay, in the elections of congress and municipalities, the party obtaining a majority obtains two thirds of the seats, while the last third is divided among the minority by means of a quotient obtained by dividing the total of votes obtained by the minority parties and the number of seats to be filled.

In Chile, the law concerning the election of a parliament has not been passed.

D. REGISTRATION AND POLL WATCHERS

In all countries the legal age to register is 18 years, except in Nicaragua, where the legal age is 16.

Chile, Costa Rica, Guatemala, and Venezuela require a national identity card. In Costa Rica, the combination of the Civil Registry and the Electoral Registry under the supervision of the Supreme Court on Elections and the requirement to carry a national identity card provide a model of an efficient system to update the lists of voters.

All countries have the institution of poll watchers to observe the voter registration process, the balloting process and the tallying of votes.

E. CAMPAIGN AND THE MEDIA

As a general rule, although the freedom to conduct electoral activities and political advertising is stated or guaranteed in the laws, there are restrictions concerning the terms in which these activities are permitted. The general rule is that these activities are permitted from the moment elections are called. In Venezuela that means five months before the presidential election and two months before those for deputies, governors, state legislatures and municipalities, in Chile, one month before the election.

Access to television is also limited. In Nicaragua and Chile it is 30 minutes a day, 10 minutes a day in Costa Rica, 30 minutes a week in Guatemala. Information on the allotted time in Venezuela is not available, while the Paraguayan law does not address this issue.

F. CAMPAIGN FINANCING

Again, in the financing of electoral expenses, there is quite a variety of elected options in the sample, although public financing is available in all of the countries studied except Chile and Paraguay. The most restrictive law is the Chilean, which does not allow foreign financing nor government financing other than the access to the government channels and the channels owned by the universities. Venezuela finances the electoral propaganda of political parties in proportion to the votes obtained in the prior election of parties that have obtained at least 5 percent of the vote in that last election of deputies. Guatemala finances the political parties that have obtained 4 per cent of the vote, regardless of electoral campaign activities, at a rate of 2 Q (quetzal) per vote. Nicaragua has a global fund that is distributed one half to the political parties running in the election, and the other half is distributed to the political parties in proportion to the votes obtained in the 1984 election. Also in Nicaragua, the Fund for Democracy allows for foreign contributions that will be distributed half to the political party to which destined and half will be used to pay general election expenses. Costa Rica finances all campaign activities in proportion to the number of votes obtained in the prior election appropriating 2 per cent of the national budget to this effect.

G. VOTE BY THE MILITARY

Only in Chile, Costa Rica and Nicaragua are the military allowed to vote.

(Prepared by Gisela von Muhlenbrock, Senior Legal Specialist, Hispanic Law Division, Law Library, Library of Congress, May 1989)

THE 100TH ANNIVERSARY OF ST. MARY OF THE ASSUMPTION CHURCH IN HAYDENVILLE, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to congratulate St. Mary of the Assumption parish on the 100th anniversary of its inception.

The church is located in Haydenville, a village of Williamsburg, MA. Originally built in 1868 as a mission of Our Lady of the Assumption Church in Florence, St. Mary's parish was founded as the population north of Northampton grew prompting the need for a parish. St. Mary's first pastor was Rev. William J. Long who began a tradition of love and compassion there that has existed ever since.

Today, Rev. Francis X. Sullivan, the parish's 16th pastor, guides a flock of 700 families. Reverend Sullivan and his staff have carried on the parish's tradition of working hand-in-hand with the community to provide help to those in need. One of the notable services the church has provided to the community is a chapter of Alcoholics Anonymous. Nearly 200 people attend each weekly meeting in St. Mary's parish hall.

Reverend Sullivan has overseen the centennial celebration which began during Holy Week. Each night during Holy Week mass was celebrated by Leo E. O'Neil, auxiliary bishop of the diocese of Springfield. Bishop O'Neil was pastor of St. Mary's when he was ordained to his current position on August 22, 1980. Among the other highlights of St. Mary's festivities, Mr. Speaker, was an old fashioned ham and bean supper on June 17; a barbecue, block dance, and band concert on July 15; a feast day on August 15 celebrating St. Mary of the Assumption, the parish's patron saint; and a senior citizen dinner and jazz concert sing-along on September 10.

The culmination of the centennial will be a mass concelebrated on October 8 by Bishop Joseph F. Maguire, Bishop O'Neil, Reverend Sullivan, and Rev. Lionel E. Bonneville, a former pastor. The mass will be followed by a banquet at the Northampton Hilton Inn.

The parishioners of St. Mary of the Assumption can be proud of their heritage as they celebrate this special occasion. What was old is still new. As testament to this St. Mary's painted its exterior and restored the church's original gray color from the white that had replaced it 70 years ago.

Mr. Speaker, it is a distinct pleasure and a great honor for me to represent the people of this parish. I would like to extend my warmest and most sincere congratulations to the members of St. Mary of the Assumption Church on the 100th anniversary of its founding.

TRIBUTE TO PETER T. JONES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Ms. KAPTUR. Mr. Speaker, it is with deep sadness but with the gratitude of the Nation he so ably served, that I pay tribute to Peter T. Jones—lawyer, businessman, educator, and one of our Nation's foremost authorities on international trade.

Whether as Deputy Assistant Secretary of Commerce under Presidents John F. Kennedy and Lyndon B. Johnson, as an executive in Latin America with the International Telephone and Telegraph Co. and W.R. Grace & Co., or as senior vice president at Levi Strauss & Co., Peter Jones dedicated his efforts to enhancing our Nation's economic and competitive vision. He distinguished himself as a diplomat, philanthropist, and business leader who looked at the world as a tightly knit community. He further applied his special wealth of knowledge to the world of academia at the University of California's business school in the advanced management program. There he contributed his unique talents as part of a working team to develop a body of thought about America's economic competitiveness and what the Nation must do to meet the challenges of the world marketplace in the 21st century. He believed in being the best and doing the best. He said America's finest days were ahead. Not only has the University of California lost a champion, but believers in excellence in all walks of life have as well.

To his wife Elizabeth, his equal partner in all ventures, and his son Paul and daughters Katherine and Sara, the Nation owes you much gratitude for sharing with us the extraordinary talent and foresight which Peter Jones possessed and so generously applied in all he did.

TRIBUTE TO DR. LOUIS W. ROBERTS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. MAVROULES. Mr. Speaker, on July 16, 1989 Dr. Louis W. Roberts retired as Director of the Transportation Systems Center [TSC], Research and Special Programs Administration of the U.S. Department of Transportation. Dr. Roberts has done a great deal of research and has held many influential positions including serving as president of Elcon Labs in Peabody, MA—1962–1966—in the Sixth Congressional District of Massachusetts that I represent. Dr. Roberts is a distinguished Massachusetts resident who has received such awards as NASA's Appollo Achievement Award in 1969 and the Meritorious Achievement Award from the Secretary of Transportation in 1976. His retirement marks the end of an admirable and an exceptional career.

Mr. Speaker I would like to include a recent editorial from "Who's Who in America 1988–1989" which also highlights this honored career of public concern and dedication.

WHO'S WHO IN AMERICA 1988–1989

Roberts, Louis Wright, transportation executive; b. Jamestown, N.Y., Sept. 1, 1913; s. Louis Lorenzo and Dora (Wright) R.; m. Mercedes Pearl McGavock, June 8, 1938: children—Louis M., Lawrence E. B.A., Fisk U., 1935, LL.D. (hon.), 1985; M.S., U. Mich,., 1937, postgrad., 1941; postgrad., MIT, 1946. teaching asst. Fisk U., Nashville, 1935–36; instr. St. Augustine's Coll., Raleigh, N.C., 1937–40, assoc. prof., 1941–42; assoc. prof. Howard U., Washington, 1943–44; mgr. tube div. Sylvania Elec. Products Inc., Danvers, Salem and Boston, Mass., 1950; tube cons. research lab. for electronics MIT, Cambridge, 1950–51, vis. sr. lectr., 1979–80; founder, pres. Microwave Assocs., Inc., Boston, 1950–55; enging. specialist, cons. Bomac Labs., Inc., Beverly, Mass., 1955–59; founder. v.p., dir. METCOM, Inc., Salem, Mass., 1959–67; pres. Elcon Labs., Peabody, Mass., 1962–66: cons. Addison-Wesley Press, Reading, Mass., 1963–67; chief microwave lab. NASA Electronics Research Ctr., Cambridge, 1967–68, chief optics and microwave lab., 1968-70; dep. dir. Office Tech. Transp. Systems Ctr., Cambridge, 1970-72, dir. Office Tech., 1972-77, dir. Office Energy and Environ., 1977-79, dep. dir., 1979, dir. Office Data Systems and Tech., 1980-82, dir. Office Administrn., 1982-83, assoc. dir. Office Ops. Engring., 1983-84, acting dep. dir., 1984, acting dir., 1984-85, dir., 1985—; corporator Wakefield Savs. Bank, Mass., 1975—. Editor: Electronic Tubes, 1964; author, editor: Handbook of Microwave Measurements, 1966: contbr. articles of profl. jours. Mem. Mass. Gov.'s Commn. on Vocat. Rehab., 1966-68, Positive Progam for Boston, 1967—; pres. Wakefield Council Chs., 1967-70: mem. adv. bd. U. Mass., Amherst, 1972—. Bentley Coll., Waltham, Mass., 1974; trustee Univ. Hosp., Boston, 1973—; Recipient Appollo Achievement award NASA, 1969; Meritorious Achievement award Sec. Transp. 1976; Outstanding Achievement award U. Mich., 1978: Meritorious Exec. award Pres. U.S., 1984. Fellow IEEE; mem. AIAA, AAAS, Phi Beta Kappa Assocs. (life mem.), Sigma Pi Phi (treas. 1980—, pres. 1986—). Episcopalian. Club: Nat. Guardsmen (pres. 1986—). Lodge: Masons. Home: 5 Michael Rd Wakefield MA 01880 Office: Transp Systems Ctr Kendall Sq Cambridge MA 02142.

TRIBUTE TO MARY DeMUCCI

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to an individual who, through immeasurable devotion and hard work, has changed the lives of thousands.

In 1940, Mary DeMucci, a lifelong resident of Butler, PA, obtained employment as a secretary/receptionist with the Butler Office of Catholic Charities of the Diocese of Pittsburgh. Shortly thereafter Mary began to do the kind of casework that would earn her many accolades.

In 1971, Mary was named to Who's Who in American Women and in 1974 was named Woman of the Year for Women Helping Women by the Butler Business and Professional Womens' Club. Mary was honored by her church, St. Michael the Archangel, in 1981, and in 1985, received the Diocesan Caritas Award, a prestigious award given by the Diocese of Pittsburgh for outstanding service: In Mary's case, 49 years of constant and sincere dedication to helping people in need.

I extend a heartfelt thanks to Mary on behalf of the hundreds of adopted children and their families whose lives were given new meaning by being brought together through Mary's efforts: The many unwed mothers who were supported and consoled by Mary's understanding nature; the families in need of financial assistance and years of counseling and guidance who, because of Mary's faith and perseverance have become successful, contributing citizens; the many wayward teenagers who were placed in good foster homes and given a second chance in life because of Mary's unfailing concern for young people; and the sick, aged, blind, and lonely who have been comforted by Mary in so many ways. Her good works are legion.

I ask my colleagues in Congress today to join with me in honoring my good friend, Mary DeMucci. She is a special person in the eyes of the literally thousands of people who owe her a great debt of gratitude. I rise to honor the selflessness of this truly great American.

COMPOSER (FOR MICKEY LELAND)

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. HAYES of Illinois. Mr. Speaker, the history of this institution is replete with Members who have been able to distinguish themselves as leaders among leaders. History shows us that those ranks have included Members who have not only made their mark on the Halls of this Congress, but also on the well-being of our country and even on the well-being of the world.

I consider myself fortunate to have had the opportunity to serve in this august body and to have come to know many of those who history will record as leaders among leaders. Our fallen colleague, Mickey Leland, is one of those, who, I am certain will be remembered as having left his mark on world history.

Although Mickey formally represented the 18th Congressional District of Texas, his constituency numbered far in excess of the 500,000 plus that reside in the 18th Congressional District. In fact, I dare say, his constituency numbered in the millions and resided worldwide. One of those extended constitutents, Mr. Sterling D. Plumpp, happens to formally reside within the First Congressional District of Illinois, which I have the honor to represent.

Mr. Plumpp, along with all of us in this Chamber, shares the sorrow we feel over Mickey's passing. As one man's tribute to another, Mr. Plumpp has composed an eloquent poem in Mickey's honor, entitled "Composer." Mr. Speaker, I am certain you and the rest of our colleagues will find it well worth reading. The poem follows:

COMPOSER (FOR MICKEY LELAND)

1. He who prepares bread knows the soul. For daily hungers are genocides. Patches of desert spreading. Hunger. Inheritance of African children. Swollen bellies. Ribs on parade in mirrors of skins. Hunger. Inheritance of African children. Somebody stole fields of their time. Somebody raided Africa. Took her calendars. So stunted futures would prosper. It was not the Sahel but the sequel to imperialist's greed. Three out of ten babies died in: Ethiopia, Mozambique, and Sudan. African children: highlight films of horror, slow tempo mortality. Children of no flesh. Children of deep-set eyes. Children of Renamo. Children of war. Children of deep rivers gone dry. Children of nobody knows the troubles I see. Children of go down Moses in this century. African children. Hunger. Their inheritance.

2. Mickey. You walked trails of skeletons: families of children strewn by wind. Spirits restless because no grave marks the places. You counted steps to refugee camps where bloated bellies reached alone. You held red-haired black children as death gathered their faces from this continuing generation.

You rocked children in this rite of silence: a generation near your bosom. You healed its appetite. African children: nobody counts their deaths. Mickey. You, maker of loaves, copyrighted their suffering. For somebody needs to tell black lives as his own. But, you, sculptor of dough, copyrighted their suffering to deter this new art form from encroaching over their bones.

Mickey. You, legislator of touches, subpoenaed hunger: the inheritance of African children. Your fingers cross-examined time with music. I hear it calling dreams from brown eyes in a dark land. I hear it calling.

CAPITAL GAINS TAX CUT BENEFIT FOR ALL

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues an editorial entitled "Capital gains tax cut benefit for all" which appeared in the largest circulation daily newspaper, the Paducah Sun, in my western Kentucky congressional district this afternoon, Tuesday, September 26.

Don Gordon, who began his duties at the newspaper as editor of the editorial page only yesterday, elegantly conveys the Paducah Sun's views about a matter which we in the U.S. House of Representatives have before us today—whether a reduction in the capital gains tax is in the best interests of our Nation.

I wholeheartedly agree with Mr. Gordon's statement that ". . . Republicans, Democrats, administration, Congress should put aside political posturing and consider the general welfare as [we] deal with the complexities of the federal tax code."

I urge my colleagues to join me in supporting the proposal before us today which will reduce the capital gains tax rate, thus strengthening our Nation's economy.

I am hopeful that my colleagues in the House will look closely at the Paducah Sun's argument for a reduction in the capital gains tax rate.

The editorial follows:

CAPITAL GAINS TAX CUT BENEFIT FOR ALL

An opportunity to portray George Bush as a friend of the rich apparently is too good to pass up for some of the Democratic congressional leaders who should know as well as the president that a cut in the capital gains tax rate would strengthen the national economy.

Mr. Bush, with some key Democratic support, wants to lower the tax rate on income from sale of stocks, real estate and other investments.

That plan is being criticized as a tax break for the wealthy by congressional leaders who have offered an alternative package that includes expanded tax benefits for Individual Retirement Accounts and an increase in taxes at the upper end of the income scale.

House Majority Leader Richard Gephardt set the tone for the current debate with this remark:

"The Bush proposal gives a tax break for the rich, paid for by the middle class. Our proposal gives Individual Retirement Accounts to the middle class paid for by the super-wealthy."

That sounds great. The statement, in fact, ripples off the tongue so well that a little refinement could make it an effective political slogan.

The only problem is that it runs counter to reality.

Reducing the capital gains tax would, beyond doubt, lessen the tax obligation on some rich folks. But it would do the same for many more middle income citizens. The U.S. Treasury Department reports that 75 percent of the taxpayers who realize capital gains earn less than $50,000 per year, the very definition of the middle class.

But aside from the argument over which class of taxpayer benefits the most from this or any other tax law change, there is a more fundamental question: What is the effect on the national welfare as a whole? In this case, it is fairly apparent the national economy is hurting from a capital gains tax that is among the highest in the world. Capital costs more than it should and the savings rate is too low. Investment is stifled; jobs are not created and we stand at a disadvantage with respect to our trading partners.

So there are ample reasons to bring the capital gains tax rates down that have nothing to do with helping any particular class of taxpayer.

As for the Democratic proposal to restore tax benefits to the purchasers of IRAs, the idea has merit because it too would add to the investment pool by encouraging savings. Except for one thing: The 1966 tax reform effectively ruined the incentive to defer taxes on savings.

The particular proposal advanced by Sen. Lloyd Bentsen would allow IRA participants to cash in without penalty to buy a first home or send their kids to college, as well as to retire.

Typically a young family would buy its IRA while in the lower tax bracket and withdraw later when it more likely would have advanced to the 28 percent bracket. That is the exact reverse of the theory of the original IRA when it was assumed that the taxpayer would be in a higher bracket when he bought than when he withdrew at retirement.

To offset any loss in revenue from a more liberalized IRA plan—and this presumably would be the case also if the capital gains tax were lowered—the Democratic leadership wants to raise the top tax rate to 33 percent.

That, in our view, would be unjustified and unwise. No consideration should be given to increasing the taxes on any Americans until a legitimate attack is made on the excesses in federal spending.

And all sides, Republicans, Democrats, administration, Congress should put aside political posturing and consider the general welfare as they deal with the complexities of the federal tax code.

THE RETIREMENT OF ELIZABETH HOLLINGSWORTH AFTER 40 YEARS OF DEDICATED SERVICE TO THE SCHOOLS OF WESTERN MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Mrs. Elizabeth Hollingsworth who after 40 years as the Frontier Regional School's business manager is retiring. Her dedication toward the school has guided it with ease through four decades.

Betty's career began back in 1950 when she became the clerk for School Union 38. Now, in 1989, Betty can proudly look back on a career that has spanned over the tenure of six superintendents of schools. In her last 40 years of dedicated service Betty has been a stellar employee of the Frontier Regional School District which educates the children from the towns of Conway, Deerfield, Sunderland, and Whately, MA.

In 1957, Deerfield High was devastated by a severe fire. It was Betty Hollingsworth who was the guiding force in uniting the community during this stressful period. Thanks to her efforts the necessary repairs were made, books were replaced, and the school was open the next morning.

Betty, a graduate of Deerfield High School, went on to attend Northampton Community College. She returned to Franklin County where the next 40 years of her life were spent organizing the smooth operation of the Frontier Regional School.

Upon her retirement October 1, Betty will devote a great deal of her free time as the coordinator of the blind ski program at the Mt. Tom Ski Area in Holyoke, MA. For the last 19 years this has been her favorite pastime. When Betty is off the slopes she will be working on her second best loved project, gardening. Betty's bountiful garden which she has toiled over for so many years is sure to have its best crop ever in 1990. Betty is also a member of Catholic Charities Administration Volunteers, an organization which she has been a member of for 25 years, serving as treasurer for the last 20 years. And most notably, Betty is an honored member of the Massachusetts School Business Officials.

Elizabeth Hollingsworth's tireless efforts, Mr. Speaker, will never be forgotten. I am glad to have the opportunity to give my personal thanks to her. It is truly an honor to have this opportunity to speak on behalf of such a dedicated and loyal worker. An employee whose fast action and good brought stability to the school, Betty will be sorely missed.

Mr. Speaker, I am pleased to have had this opportunity to thank Elizabeth Hollingsworth for all of her years of dedicated service. She is truly an inspiration to us all. I wish Mrs. Hollingsworth the best of luck during her retirement and would like to take this opportunity to thank her for her loyalty to the people and schools of western Massachusetts.

A TRIBUTE TO THE HONORABLE MICKEY LELAND

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Ms. KAPTUR. Mr. Speaker, the tragic death of our colleague, the Honorable Mickey Leland, is an immeasurable loss to this great institution of the House of Representatives, to his fellow Texans, and most especially to his family and friends whose lives, because of his, were made better.

There have been countless tributes to Mickey as a man determined to enhance the lives of those less fortunate as he set out to eliminate hunger throughout the world. Clearly, none speak more eloquently of this effort than the countless Ethiopian men, women, and children who knew him as their friend. Through Mickey Leland's eyes we have seen a new dimension whereby our wealth as a nation is measured not merely by the prosperity of our own land but by our willingness to share with those, even across the globe, who have not.

While some have acclaimed him as a symbol of what is best in the party he loved and honored by his affiliation, such a characterization seems far too shortsighted. Mickey's life and determination to create a better world transcended party lines. Any who were a friend of the hungry masses in the far-away lands he frequently visited, were easily his friends as well. Through patient persistence and a contagious belief in his cause, Congressman Mickey Leland heightened our awareness in the Congress and in our Government as a whole that obstacles to creating a better world are only as great as our fear or unwillingness to overcome them.

Daniel Webster provided perhaps the only standard by which Congress and its Members can truly be measured when he admonished his colleagues to "develop the resources of our land, call forth it powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered."

Mickely Leland has provided much more than merely a cause to be remembered. His vision and unwavering determination must now be our own. If we know, as we do, that there are those who have no food, than food we must provide. If we know, as we do, that racial and economic inequality persist, than equality we must establish. There can be no greater tribute to the man we knew and loved as our own than the fulfillment of this, the vision he provided. I shall truly miss him.

CHOICE IN EDUCATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. DREIER of California. Mr. Speaker, on September 27, President Bush and the Governors of our 50 States will convene a summit. This is the third such summit in our Nation's history; and the topic could not be more important—the education of our children. President Bush, State Governors and all those who will be participating in this important meeting should make parental choice of schools for their children the primary topic of discussion at this summit.

Six years ago, the Department of Education declared that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our future as a nation and a people."

Today, the threat continues; the erosion advances.

It has become painfully obvious that our current system of public education has failed, though this country spends more money per student in the world. Perhaps our system of public education has not failed all students. But it has failed far too many. Most notably, we have failed the children trapped in the poverty of our inner cities; half of whom will never complete high school. These children benefit most from a good education. And we have failed them.

Education would empower these children with the chance to break out of a cycle of dependency on public assistance, and give them the choice to say "no" to the allure of drugs. Public education has failed in the United States because we have too often forgotten that our schools are for our children, not for teachers, administrators, social engineers, or special interest groups.

We have also failed many of the students who do not come from disadvantaged backgrounds, but who have not received an adequate preparation for life or responsible citizenship. One in nine of our high school graduates is functionally illiterate. In general, all graduates do astoundingly poorly on such standard measurements as scholastic aptitude tests and comparisons from other countries.

Those who defend the status quo have failed to address the real problem. Our schools graduate students who have fulfilled all of the necessary requirements, but these same students cannot complete a job application or find Japan on a map. We cannot forget that our schools are for our children; if they learn, we succeed; if not, we fail.

The President and his Education Secretary understand this. Mr. Bush has called for a second great wave of educational reform. Secretary Cavazos has demanded a fundamental restructuring of our system of education. Their solution is to expand the involvement of parents in the education of their children; to empower parents with choices about which schools their children will attend.

Their direction is the right one.

Have we forgotten that parents are the best arbitors of what is right for their children?

If we accept that parents are the best arbitors for their children, and I do, then the agenda for an education summit should be clear. To succeed in education, we must empower parents so that they can choose the learning environment in which their children will best succeed. This is an education summit which should have a single item on the agenda—expanding parental choice in our schools.

The inclusion of parents in the determinations about which schools their children will attend has contributed to higher levels of parental involvement and community support for schools and has improved the quality of education. The public school system has effectively usurped the power of the parent to make decisions which are the best for their children. We cannot argue that parents will not make the right decisions. The Government is simply not in the business of playing the role of a father, mother, or big brother. Having parents or legal guardians involved in their child's education is an essential truth. It is a truth that we have overlooked for too long, and we have suffered.

Choice works. We have seen that in east Harlem and Minnesota. We will see it in Iowa and Nebraska and Arkansas, all of which enacted choice plans this year. And we will see it in far more States if the President and the Governors showcase choice at the summit. I implore them to do so.

President Bush should challenge the Nation's Governors to advance educational choice in every State and should reward those States that overcome the entrenched bureaucracies and special interests opposed to choice. Parental choice, whether a little or a lot, whether restricted to individual school districts or offered statewide, will improve education by involving parents in the education of their children.

There are no quick-fix responses when dealing with problems in education. We cannot simply throw money at a situation because that is not the problem. Choice will take a few years to implement, but I am sure that we will benefit from the results. It is difficult to undo problems which have been decades in the making.

Mr. Speaker, it is my hope that parental choice will be embraced by all those who have a personal stake in the education of our children.

WHY ARE PEOPLE AFRAID OF HOUSE CONCURRENT RESOLUTION 147?

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. HUNTER. Mr. Speaker, last week my good friend and colleague DANA ROHRABACHER gave an excellent speech on a problem that many college bound Asian-Americans face—admissions ceilings. This is a problem that needs to be addressed and I encourage my colleagues to read DANA'S remarks.

REMARKS OF CONGRESSMAN DANA ROHRABACHER

I want to thank the Heritage Foundation, Margo Carlisle, Betsy Hart, and all of you in the audience for showing interest in this critical topic.

Over the past few years, charges have been made that some of our Nation's foremost colleges and universities are using quota systems to limit admissions of Asian-Americans.

When I was first alerted to the problem by leaders of the Asian-American community, I had my staff look into the allegations. The more they investigated the problem, the more information they uncovered that seems to suggest that there is a conscious effort by some of our finest institutions of higher learning to limit the number of their Asian students.

At the University of California at Los Angeles, an internal memo from the director of admissions said the campus—quote—will endeavor to curb the decline of caucasian students—unquote—. The memo went on to predict that Asian-Americans would begin to express concern as their numbers declined.

At Harvard University, 12 percent of Asian-American applicants are admitted contrasted with an overall admissions rate of 15.2 percent, despite the fact that Asian-Americans average higher grades and SAT scores than other students—112 points higher in 1982.

Amid complaints from Asian-Americans, the University of California at Berkeley initiated an internal study to determine whether bias against Asian applicants existed. Chancellor Heyman later admitted the school's policies caused a decline in Asian-American undergraduate enrollment stating, "It is clear that decisions made in the admissions process indisputably had a disproportionate impact on Asians." That's academic gobbledegook for: "We discriminated."

Brown and Stanford University have conducted internal studies showing the percentages of Asian-American students accepted have remained roughly the same, even though the number of highly qualified from Asian-American applicants has risen dramatically.

Soon after gathering this information, I introduced with several colleagues, House Concurrent Resolution 147, a bill that puts Congress on record as opposing discriminatory quotas. My resolution says (1) institutions of higher education should review their admission policies and, if necessary, revise them to ensure that applicants are not being illegally excluded; (2) the Attorney General should investigate allegations of illegal racial discrimination and pursue legal action when justified; and (3) the Secretary of Education should conclude, as soon as possible, the compliance reviews on admissions policies that were started over a year ago.

Earlier in this century, the Jews in this country were victimized by restrictive quotas in university admissions. It was a tragic situation. Hard-working students were being judged not by their work and abilities but by their religion.

Considering the similarities, I have been dumbfounded by the reaction of some members of the civil rights community, the Department of Justice, and some Members of Congress.

The initial response to the introduction of my resolution was positive. The B'nai B'rith, a leader in the fight against discrimination since 1913 sent a letter of endorsement. The Organization for Chinese Americans did as well. However, since that time their endorsements seem to have turned lukewarm. In fact, Senator SIMON's chief staff member on the Judiciary Committee attacked my resolution at the OCA's annual convention. Of course, he did not bother to propose any legislative alternative, let alone a better solution.

The Jewish-American committee also told a member of my staff that they would be sending a letter of endorsement. A few days later they called back and explained that some of their membership was concerned about the effects my resolution would have on affirmative action; despite the fact that House Concurrent Resolution 147 does not mention the topic. The Japanese-American Citizens League also refused to endorse for apparently similar reasons.

It makes me wonder; if affirmative action had been in place in the 1930's, would we still have quotas for Jewish students today?

I intend to keep pushing the bureaucracy and speaking out on this insidious form of discrimination even if the civil rights establishment won't.

The publicity on this issue seems to have created a halo effect.

When they know they are being watched, organizations polish their halos and make sure they are on straight. For example, since the beginning of major publicity on this issue in November 1988, Harvard has announced that its next freshman class, the one entering this month, will be 15 percent Asian—the highest rate in Harvard's history.

Stanford announced that their September 1989 entering class was over 18 percent Asian—their highest ever.

UCLA announced that an Asian-American professor who had published data critical of universities on Asian admission policies and who had to fight for 3 years has finally received tenure.

And University of California at Berkeley has apologized to the Asian community for their past admissions practices and has proposed a change in admission policies under which 50 percent of their student body—not 40 percent—will be admitted on academic merit. However, this policy hasn't been officially adopted by the university.

Many in the Asian community do not believe the proposed plan at Berkeley solves the problem. Others say that on a first reading the new plan may not meet Bakke standards for nondiscrimination and title 6 of the Civil Rights Act of 1964.

I personally plan to pursue this issue. I've been discovering that unless you're willing to make some noise, nobody will listen to you. This issue deserves some of our attention—there is a legitimate reason for concern.

Discrimination against Asian-American college applicants seems to take two forms: One is an upper limit quota—even though as a group they score higher than average, Asian-Americans are not admitted at the same rate as all other applicants.

The second form of discrimination appears to be a series of race specific tracks for admission. It looks as though all applicants at some schools are screened. If they are black, Hispanic, native American, and possibly some other racial categories, they are put on a special admit track. Some football players and cello players might have a separate track as well. Everybody else is put on a different track. Therefore, Asian-American students who have higher than average scores and grades are restricted to competing for less than 100 percent of the admission places—due solely to a race conscious track system. Some schools may be using both forms of discrimination.

At some schools this racial tracking system is blatantly racist and of no secret. One outrageous racist document was published on February 26, 1989 in the Los Angeles Times. It was a rejection/waiting list letter to an applicant to Boalt Hall, the University of California at Berkeley's law school. Yes—a law school.

The letter said to an Asian-American applicant—"however, we can tell you that you are in the bottom half of the [blank] waiting list." In the blank was typed the word "Asian."

If this isn't a race-only policy decision, something totally in violation of the constitutional rights of Asian-Americans, I don't know what is. Apparently Boalt Hall keeps waiting lists by racial categories not only specific to Asians but for other races as well. Otherwise why would they have a "fill-in-the-blank" fill-in-the-race form letter.

In the name of justice and equality, how can a law school even conceive of something so openly racist?

The reaction of some Members of Congress also leaves me wondering about the level of commitment in Washington to civil rights for all Americans in Washington. I have written to Chairman Edwards of the House Subcommittee on Constitutional and Civil Rights three times requesting a hearing on my resolution, concerning Asian quotas and the lack of action on specific complaints. Thus far, I have had little satisfaction from this champion of civil rights. The fact that my resolution has almost 60 cosponsors from both political parties doesn't seem to impress him.

The executive branch enforcement agencies have not taken reports or specific complaints of this type seriously either.

Close to 2 years ago an Asian student from San Jose, CA filed a complaint with the Department of Justice because he was denied admission to University of California at Berkeley. He graduated first in his class of 432. He took home prizes from nationwide science fairs. He lettered in cross country and track and was a justice in his school's supreme court. Thus far, his complaint has not been acted on by the Justice Department or formally referred to the Department of Education.

What sort of message does this send to other students who may be the victims of discrimination. I am convinced that this type of discrimination is occurring more often than anyone knows, because many of the Asian students, by heritage and culture, are unwilling to make formal or public complaints.

Can you imagine the outcry from civil rights groups if nothing had been done on a similar complaint of a student of another minority?

As I said before, the University of California at Berkeley law school has waiting lists for students based solely on their race. I have spoken to officials in the Justice Department and it appears that preliminary investigations into this report have yet to begin even though its been in the newspapers. The Justice Department, however, is pursuing a sex discrimination civil rights complaint against the all-male Virginia Military Institute—reportedly on the basis of one complaint.

Furthermore, the Education Department compliance reviews at UCLA and Harvard have dragged on for 20 months and 15 months with no results. Other reviews have not even been started.

Why hasn't the Justice Department filed suit against these universities?

Why isn't the Subcommittee on Constitutional and Civil Rights up in arms at the lack of attention given to a legitimate civil rights complaint.

Why hasn't the civil rights community been heard from in this matter?

Some Members of Congress have been sympathetic. The Labor-HHS Subcommittee of both the House and Senate, at my request, wrote language into the 1990 appropriation bill report that calls upon the Department of Education to quickly finish the ongoing compliance reviews on the subject of Asian-American admissions quotas.

However, we will not put an end to this situation unless the proper committees hold hearings.

I am renewing my call for congressional hearings on this subject. However, if Congressman EDWARDS, the chairman of the House Subcommittee on Constitutional and Civil Rights, still refuses, I will hold my own hearings to investigate.

At my request, the Republican Research Committee will hold hearings to investigate Asian quotas and discrimination before the year is out. The Heritage Foundation has already helped me in publicizing my resolution. Perhaps I could ask you for help getting to the bottom of this perplexing situation. Your aid in gathering witnesses, experts, and publicity would be appreciated.

Finally, I am concerned about what will happen if the Department of Education compliance reviews result in a "violation" letter of findings.

If a violation letter of finding is issued, it will be interesting to see whether the Justice Department takes any action and whether civil rights groups renew their support for House Concurrent Resolution 147, and whether the Congress holds hearings on the topic of Asian student quotas.

As a matter of fact, based upon the less-than-swift action the Justice Department has taken in pursuing the San Jose student's complaint, I am concerned that any finding of violation by the Department of Education in the area of Asian-American discrimination will not be pursued with vigor in the courts by the Justice Department.

Therefore, I call for Education Secretary Cavazos and acting assistant secretary for civil rights William Smith not to refer to the Justice Department any finding of violation found in this area.

Rather they should take immediate administrative enforcement action to cut off eligibility for all Education Department funds from any university found in violation of title 6. This is fully within the Department's authority under title 6 of the Civil Rights Act.

In the Bakke decision, the Supreme Court struck down a racial classification admissions policy where, in the absence of a finding of previous discrimination, race was the sole determinant for admission.

Speaking for the Court Justice Powell said, if the "purpose is to assure within its student body some specific percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids."

On the subject of setting up racially exclusive pools of applicants, Justice Powell wrote: "To the extent that there existed a pool of at least minimally qualified minority applicants to fill the 16 special admissions seats, white applicants could compete for 84 seats in the entering class, rather than the 100 open to minority applicants. Whether the limitation is described as quotas or a goal, it is a line drawn on the basis of race and ethnic status."

After stating that equal protection guarantees were personal rights, he concluded, "The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal."

Quotas and other racial discrimination have no place in our Nation's schools or for that matter anywhere else. Please join me in fighting this discrimination. It is unfair for Asian-Americans and unfair for America.

My resolution says that universities should follow the law of the land and that Federal civil rights enforcement agencies should vigorously enforce the law.

Why are civil rights and other ethnic culture groups scared of that?

What has this country come to when enthusiastic support for this basic principle is not forthcoming.

If America is to succeed and become competitive once again, we must allow all Americans to maximize their potential for their benefit and America's.

Thank you.

TRIBUTE TO J. NEWTON BLANCHARD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. LAGOMARSINO. Mr. Speaker, I ask my colleagues to join me in recognizing Mr. J. Newton Blanchard on his retirement after 28 years of service in the Santa Barbara County government. Mr. Blanchard was appointed to the position of county tax collector in 1968 and subsequently elected to this office for five succeeding terms. He served in the California Association of County Tax Collectors, holding the offices of president, vice president, and secretary over a period of 5 years. In addition, Mr. Blanchard served as chairman of the Committee on Reciprocal Tax Accounting in California [CORTAC], a committee which developed a statewide unified data processing system for handling tax payments from various financial institutions.

Mr. Blanchard is actively involved in his community and is a member of several local groups, namely: the Santa Ynez Valley Republican Club, the Santa Barbara Masonic Lodge No. 192, the Santa Barbara Scottish Rite, the Al Malaikah Shrine Temple-Los Angeles, the Santa Barbara Shrine Club, the Santa Ynez Valley Shrine Club, and the Santa Barbara County Genealogical Society. Mr. Blanchard is a retired captain in the U.S. Naval Reserve.

The tax collector's office underwent considerable modernization during his period in office, but Mr. Blanchard tempered this progress with fiscal constraints, always striving to provide taxpayers with the best solution at the least cost.

He has been instrumental in drafting much needed legislation to clarify State laws. His knowledge of tax laws and, more importantly, the original intent of the laws, was invaluable to the department.

One of Mr. Blanchard's most appreciated characteristics, especially by his staff, is his excellent judgment. His remarkable understanding of the issues, in their entirety, allowed him to foresee and address future ramifications of these issues. This has been one of his strongest contributions to the Santa Barbara County. Coupled with this was the consistency of his policies and his adherence to one set of standards; everyone was treated with the same consideration and respect.

His retirement, though well deserved, is a loss to the tax collecting department and the county as a whole.

WALTER HOWARD CAMPBELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. TOWNS. Mr. Speaker, on this day, I rise to salute the achievements of one of Brooklyn's finest citizens, Walter Howard Campbell.

Mr. Campbell is a native of South Carolina. He moved to Brooklyn in 1963 and has resided in the Brownsville section of Brooklyn for over 20 years.

Mr. Campbell's dedication to work has made him a valuable employee of long tenure with the New York Telephone Co. and Consolidated Edison Co. of New York. Because of his commitment to his community and church, his fellow citizens have afforded him the honor of requesting that he serve in leadership positions on numerous boards and civil associations. Among positions Mr. Campbell has held include president of Patrick E. Gorman Board of Directors, chairman of the Brownsville Heritage House, chairman of the Salvation Army Brownsville Advisory Council and founder and chairman of the Pauline New Campbell Memorial Scholarship Organization. He currently serves as vice president of the Patrick E. Gorman Board of Directors. Since 1980 he has been the district manager of Community Board No. 5 in Brooklyn.

His devoted and unselfish public service has caused him to receive honors and awards including the James Thomas Memorial Award, the Salvation Army "Others" Award, the Brooklyn Rugby Lions Club Service Award and the Leadership Council Pacesetter.

COMMUNITY CHILD WATCH WEEK

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. HENRY. Mr. Speaker, I rise today to proudly recognize October 8 through 14, 1989, as "Community Child Watch Week" in Michigan. This year's observance is especially significant because the Community Child Watch Program took root in my district 10 years ago—in Grand Rapids, MI.

The Community Child Watch Program was established in 1979 following the tragic murders of two young children in the Grand Rapids area. And recognizing that all too often individuals become involved only after a tragic incident, the architects of this program focused strictly on prevention and have maintained that focus ever since.

This program is centrally administered and receives input from several important segments of the community. Representatives from neighborhood associations, public and private schools, the police department, and senior citizens compose the central committee, which is cochaired by the director of security from the board of education, and a police officer from the crime prevention unit. The cochairmen continually promote this program and make the necessary adjustments to fit the needs of the community on a daily basis.

This 10th anniversary speaks volumes about the invaluable contributions that this program's unsung heroes have made toward the security of our Nation's most precious resource—its children. Their continued vision for striving to maintain the safety and protection of our children is second to none.

This program has never relied on State or Federal support to cover any of its operating expenses. I am pleased to report, however, that it has recently received significant legislative support from the State of Michigan in the form of Public Act 32. This act directs the Michigan Child Watch Association, in conjunction with the State police, the sheriff's association, the association of the chiefs of police, as well as the crime prevention association of Michigan, to develop guidelines for the permanent establishment and operation of child watch programs across the State.

The Greater Grand Rapids community is truly rich in leaders who operate with a commitment to much more than just a profit margin. They genuinely appreciate that an investment in our children is a claim to future success in our Nation. I am proud to represent the individuals involved in this program in the U.S. Congress. I ask you, Mr. Speaker, and all the Members of Congress to join me in thanking all of these individuals for sharing their talents, their energy, their leadership and their love for the sake of our children.

CONGRESSMAN DALE E. KILDEE HONORS THE OUTSTANDING COMMUNITY SERVICE OF HOWARD WRIGHT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the long and illustrious career of Howard Wright. Mr. Wright, who has retired from General Motors after a lifetime of service to the auto maker, will be honored in a retirement ceremony September 30, 1989, in Flint, MI.

During Mr. Wright's 41½ years with General Motors and the United Auto Workers [UAW] his dedication to his job, his union brothers and sisters, and his community has become a standard to which we all should hope to aspire. Mr. Wright has distinguished himself in many areas of his work, especially in his unceasing commitment to his union, UAW Local 581. In addition to his tireless years of service as a rank-and-file member of the UAW, he served the union in several capacities. The list of accomplishments and positions Mr. Wright has held are numerous. He has served on the district committee, the shop committee and the alternate committee. His leadership qualities quickly became evident to his fellow workers at the UAW Local 581. He was elected financial secretary in 1965 and served in that capacity until he was elected president in 1973. Reaching such lofty positions would be accomplishment enough for one lifetime, but not for Howard Wright. In 1978, he was appointed to the United Auto Workers region 1-C staff. For the past 11 years he has diligently fulfilled his duties and distinguished himself as an untiring champion of the labor movement.

Fortunately for the people of Genesee County, Mr. Wright also found time to engage his extraordinary leadership qualities in helping solve local problems. Currently, Mr. Wright is serving on the Genesee County Planning Commission, and the board of the Blue Care Network. It pleases me to know that although Mr. Wright is retiring from his position with the United Auto Workers, he is still serving the community and allowing the people of Flint, MI, to benefit from his years of experience.

Mr. Speaker, I have known Mr. Wright for many years and I know my life has been made better because of that. It is indeed an honor and a privilege for me to pay tribute to my friend and a great human being, Mr. Howard Wright.

TRIBUTE TO DR. MARJORIE LOWRANCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BROWN of California. Mr. Speaker, I have the honor today to share with my colleagues the story of a brave and dedicated woman, Dr. Marjorie Lowrance. Dr. Lowrance is the 79-year-old principal of the Fontana Christian School, which is located within the congressional district I represent.

Dr. Lowrance began her teaching career in a one-room schoolhouse in Spear Fish, SD. America entered World War II after Dr. Lowrance's first year of teaching, and she was not far behind. Dr. Lowrance joined the Red Cross, and her 7-year tour of duty included being with the first troops to land in Australia immediately after the Japanese attack on Pearl Harbor. She served there as field director in the psychiatric and prisoner of war division, ministering to American and German POW's.

After the war, Dr. Lowrance returned to the United States and her first love—teaching. Her teaching job in Little Rock, AR thrust her into the turbulent years of integration. She once taught with a national guardsman on each side of her desk.

Dr. Lowrance followed her 13-year stint in Little Rock with an assignment in Rio de Janeiro teaching the children of military, embassy, and attaché personnel in the Escola Americana. After 7 years she returned to the United States and eventually made her home in Rialto, CA. She has served as principal of the Fontana Christian School since 1987.

Dr. Lowrance still leads a busy life. She earned her doctorate 4 years ago at the still-young age of 75. Just this past summer, she spent part of her vacation rafting in a kayak on the White River. We are fortunate to enjoy Dr. Lowrance's energies and interests in our community. She continues to enrich our lives, and serves as an inspiration to many of us.

OPPOSITION TO PROPOSED RESTRICTIONS ON "LIKE-KIND" EXCHANGES

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BOSCO. Mr. Speaker, I want to take this opportunity to state my emphatic opposition to proposals for restrictions on like-kind exchanges included in the Committee on Ways and Means contribution to the budget reconciliation bill.

Let me also point up my opposition to the cumbersome and inefficient way in which Congress is approaching the budget process. In voting on this year's massive budget reconciliation bill, the members of the full House will not have the chance to address certain issues individually. The proposal to restrict like-kind exchanges is an issue whose controversial nature merits individual consideration.

I am concerned that the new restrictions on like-kind exchanges would constitute a significant disincentive to investment in real estate, particularly for the small-scale investor. The Internal Revenue Service has long recognized that exchanges of like-kind property, especially real estate, should not give rise to tax liability because no cash has been received to pay the tax. Narrowing the criteria for these exchanges represents a significant and undesirable shift in tax policy.

Moreover, it is my feeling that Congress should lay off the Tax Code for at least 5 years to give the financial community a chance to adapt to the game plan set out in 1986. There is something to be said for keeping the same rules, as the constant tinkering we've seen over the last decade has created confusion and a lack of confidence in long-term investment.

Mr. Speaker, I urge this body to approve a rule tomorrow stipulating that a vote on these proposed restrictions be in order. We need to bring this issue up for a vote, not embed it deep in the folds of a massive budget reconciliation bill.

RESTORATION OF HISTORICAL HARRISBURG BUILDING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. GEKAS. Mr. Speaker, I would like to draw the attention of my colleagues to a special spot in my congressional district. The St. Moritz in Harrisburg, PA, is a building steeped in local history. Once owned by Civil War Gen. John Forster, the building was home to a myriad of businesses that reflected what was important to Pennsylvanians at the time—businessmen who occupied the St. Moritz included a tin smith, a steam fitter and a tailor.

Now the St. Moritz, built before 1864, houses on the first floor a dining room, banquet room, lounge, and piano bar. The two upper levels have been converted into luxury apartments. Approximately 30 jobs have been created by the renovation.

Although an old building, this newest St. Moritz is a recent addition to Harrisburg. The St. Moritz recently celebrated its grand opening to showcase the art deco restoration of this Harrisburg landmark.

Work on the St. Moritz began when the Grandkott Corp. purchased it in 1988. The renovation and refurbishment is important not only to Harrisburg residents who benefit from the services of the restaurant and banquet rooms, but to the entire city as well. For Harrisburg is a city in the midst of a renaissance, and the elegant touch of the St. Moritz graces our efforts.

REPRESENTATIVE GERRY SOLOMON, A PATRIOT, RECEIVES NCOA AWARD

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. BENNETT. Mr. Speaker, on Wednesday evening the Non-Commissioned Officers Association, a federally chartered veterans service organization, will award the Honorable GERRY SOLOMON its coveted L. Mendel Rivers Award for Legislative Action. As a past recipient of this award I want to be among the first to congratulate GERRY on receiving this recognition.

GERRY truly deserves this award for the work he has done on behalf of veterans and service members. His efforts helped to create a Cabinet Department for Veterans' Affairs and his patriotism serves as a symbol of leadership to us all. Let me also compliment NCOA on their selection of GERRY SOLOMON to receive this award.

CENTENNIAL HIGH SCHOOL RECEIVES EXCELLENCE AWARD

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. WYDEN. Mr. Speaker, I am delighted to commend Centennial High School of Portland, OR, for its selection for the Secondary School Recognition Program awarded by the U.S. Secretary of Education.

This award is given to schools which demonstrate excellence throughout their curriculum. This year, 218 schools were recognized; Centennial High School, which lies in the Third Congressional District, is a shining example of which all Oregonians can be proud.

Thursday, President Bush will present the award to secondary school winners from around the Nation. Centennial will be represent by: Jeff Hansen, student body first vice president; Carl Odin, principal; Minnie Richards, personnel director; and Dr. Steve Hill, school psychologist.

The major activities honoring the 1989 Secondary School Recognition Program winners include a White House ceremony with the President and an awards banquet, at which Centennial will receive a Department flag from Education Secretary Lauro Cavazos.

In its 7th year, the Secondary School Recognition Program recoginzes schools for providing excellent learning environments. The Secretary of Education described the reasons Centennial was chosen in a 30-page letter. The major accomplishments are:

First. Strong leadership, especially in collegiate planning and strong input and parental support;

Second. Comprehensive academic programs to meet the diversity of the students;

Third. Outstanding learning environment: friendly, calm, quiet, controlled, and interactive;

Fourth. Teacher evaluations include growth plans and self-evaluations by the teachers themselves; and

Fifth. Students are expected to strive for excellence and a variety of opportunities are available for students to excel.

Mr. Speaker, I want to ask my colleagues to join in congratulating the students and faculty of Centennial High School, as well as the parents and the surrounding community, for their support in this effort. I am proud to represent this exemplary high school in the House.

RIGHT CHANGE FOR SMALL CHANGE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1989

Mr. KOLBE. Mr. Speaker, seldom does Congress consider legislation which would cut government spending while at the same time save consumers millions of dollars. Replacing the dollar bill with a gold-colored dollar coin would do both.

More importantly, the introduction of a new high-denomination coin would address the growing impracticality of our present currency system. The effects of periodic inflation over the last 30 years have thrown the U.S. currency system out of alignment.

Today's dollar is the quarter of the 1950's. In 1979, the United States recognized the dilemma. Our minting of the Susan B. Anthony dollar was a sensible acknowledgment of inflation. The "Susie" failed, not because the need didn't exist, but because it was an alternative dollar rather than a replacement dollar. The coin lacked public acceptance because it looked and felt like a quarter.

Since that time, learning from the U.S. experience, nations such as England, Japan, West Germany, Australia, Canada have successfully placed into circulation high-denomination coins.

The U.S. currency system is in desperate need of reform and the call for Congress to consider substantive coinage legislation is receiving mounting attention. I would like to direct my colleagues' attention to a New York Times editorial appearing Sunday, September 24, 1989.

The article follows:

RIGHT CHANGE FOR SMALL CHANGE

The 35th Congress had the good sense to abolish the half-penny in 1857. The 101st should do likewise with the penny. But that's not what Congress has in mind. A House subcommittee will vote this week on a bill the Senate has already passed, to make U.S. coins look more "patriotic." Why not make them more practical? Reform would abolish the penny and the half-dollar, and finally create a useful dollar coin.

The Senate coin design bill, promoted by dealers and collectors, would redraw the Presidential profiles on current coins and replace their reverse designs with motifs that commemorate the Constitution. Patriotism may be the stated motive, but there's profit in it, too. Sales to collectors could net the Government $250 million.

Representative Richard Lehman of California, chairman of the House subcommittee on coinage, has been impressed by critics of this fiddling. He proposes that the Mint redesign and produce only one coin now, and wait to see how people like it. The Lehman approach is less nonsensical but both put the cart ahead of the cartwheel.

Arizona Representatives Jim Kolbe and Morris Udall offer a far better plan: introduce a new dollar coin and phase out the dollar bill. Cautiously, their bill also tells the Treasury to "study the advisability" of phasing out pennies and 50-cent pieces.

A dollar buys little more than a quarter did 20 years ago, and a quarter now is worth less than a dime then. In effect, America's coinage stops at the quarter; the cumbersome 50-cent piece has never been widely used. Among major nations, only U.S. coinage is so limited.

PRACTICAL COINS

The highest common denomination coin in the United States is worth 25 cents. Other major countries provide much more useful coinage.

	Highest coin	U.S. Equivalent
Australia	$2 (Australian)	$1.55.
Britain	1 pound	$1.58.
Canada	$1 (Canadian)	85 cents.
West Germany	5 marks	$2.58.
Japan	500 yen	$3.44.

Memories of the failed attempt to introduce a Susan B. Anthony dollar coin 10 years ago discourage new experiments. But the mistakes could have been avoided. That coin bombed because it looked and felt too much like a quarter, and because the Government didn't withdraw the dollar bill. Learning from America's experience, 10 other countries have successfully introduced new high-denomination coins since 1979, simultaneously phasing out the paper money the coins replaced.

The utility of a dollar coin for vending machines, phones, laundries and turnstiles is obvious; those industries back the Kolbe-Udall bill, along with the American Council of the Blind. Consumers and taxpayers would benefit in convenience and savings. Paper dollars wear out in two years; coins cost a little more (3½ cents) but last two decades.

Supposedly patriotic coins are a dubious frivolity. Practical coins are an overdue necessity.